

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL No. 5042



INTRODUCED BY: DEPUTY SPEAKER GWENDOLYN F. GARCIA

EXPLANATORY NOTE

Transportation plays an essential role in the economic development of a country. An efficient, safe and reliable transport system is widely acknowledged as a necessary precondition for the full participation of remote communities in national development.

In the Philippines, transportation accidents are part of the daily menu of multimedia news reports. Every year, the records of the Land Transportation Office (LTO), Philippine National Police (PNP), Civil Aviation Authority of the Philippines (CAAP), Maritime Industry Authority (MARINA) and other instrumentalities of our government show that the number of accidents is skyrocketing. Collisions of ships at sea, aircraft accidents and plane crashes, railroad accidents, road mishaps involving trucks, public utility vehicles and private cars have cost thousands of lives and continue to put citizens lives at stake.

Developed countries, like the United States of America, Canada, Japan, the United Kingdom, Australia and other European countries, have created independent and separate bodies that handle civil transportation accident investigations in their respective countries. The most important output of these transportation bodies are the safety recommendations that did not only become instrumental in preventing future occurrences of

accidents but helped alleviate the plight of survivors and the families of the victims.

In the Philippines, there is a need to create an independent body that will take the lead in conducting an impartial investigation of transportation accidents for purposes of drawing up proposals to minimize if not altogether prevent future occurrences of these tragic accidents. While we have existing government instrumentalities that attend to the investigations of transportation accidents, more often than not, there arise conflicts of jurisdiction or even discordant outputs from such separate and distinct agencies. It is necessary to have an independent body that will provide safety measures and recommendations to ensure the safety of traveling public.

This bill seeks to create the Philippine National Transportation and Safety Board (PNTSB) that shall conduct thorough and impartial investigations of transportation related accidents, for purposes of drawing up recommendations to prevent future recurrences of such accidents. The PNTSB will be an independent and non-regulatory agency primarily responsible for the analysis, evaluation and prevention of air, overland and marine transportation accidents, to include railway and pipeline systems.

The passage of this bill is, therefore, earnestly sought.



GWENDOLYN F. GARCIA

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AN ACT
CREATING THE PHILIPPINE NATIONAL TRANSPORTATION SAFETY BOARD (PNTSB),
APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

Be enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

TITLE I
SHORT TITLE, DECLARATION OF POLICY,
AND DEFINITION

SEC. 1. *Short Title.* – This act shall be known and cited as the "Philippine National Transportation Safety Board Act of 2017."

SEC. 2. *Declaration of Policy.* – Section 5, Article II of the 1987 Constitution states that "The maintenance of peace and order, the protection of life, liberty, and property, and promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy." It is the policy of the State to protect and promote the right of all citizens to quality and safe transportation. The State shall take appropriate measure to protect lives and properties from transportation-related accidents.

SEC. 3. *Definition.* – For the purpose of this Act, the term "accident" will pertain to the damage to or destruction of vehicles in aerial, marine, and ground transportation regardless of whether the initiating event is accidental or otherwise.

TITLE II
THE BOARD

SEC 4. *Creation.* – There is hereby created a Philippine National Transportation Safety Board, a non-regulatory and independent agency

hereinafter referred to as the Board, to implement the foregoing policies of the State. The Philippine National Transportation Safety Board shall be an independent establishment of the Philippine Government and shall be directly under the Office of the President.

SEC. 5. Objectives – The Board shall have the following objectives:

- (1) Conduct of complete and effective accident investigations;
- (2) Recommend and advocate actions to improve transportation safety and mitigate dangers to human lives and property;
- (3) Draw up safety standards in the transportation industry and ensure the implementation thereof; and
- (4) Ensure timely and commensurate assistance to survivors and/or families of victims of transportation accidents; coordinate with the transport operators, concerned government agencies, and/or civil society groups;

SEC. 6. Composition and Qualifications. – The Board shall be composed of five members, a Chairperson and four (4) members, who shall possess the following qualifications:

- (1) Must be natural-born citizens of the Philippines;
- (2) Must be at least thirty-five (35) years of age at the time of their appointment, with proven integrity and competence;
- (3) At least 3 members shall be appointed on the basis of technical qualification, professional standing, and demonstrated knowledge in the investigation, analysis, and evaluation of transportation accidents, particularly in the field of accident reconstruction, safety engineering, human factors, transportation safety, or transportation regulation; and
- (4) Must not have been candidates, including party-list nominees, for any elective position in any national or local elections, excluding barangay elections, immediately preceding their appointment.

SEC. 7. Terms of Office and Removal. – The Members of the Board shall be appointed by the President of the Philippines for a term of six (6) years. Of those first appointed under this Act, the Chairperson shall hold office for six (6) years, two (2) members for four (4) years, and two (2) members for two (2) years. In no case shall any member be appointed, re-appointed or designated in a temporary or acting capacity. The term of the Chairperson

and Members of the Board shall start on the day immediately after the end of the previous term, regardless of the date of appointment. Appointment to any vacancy occurring during the term shall be only for the remaining portion of said term. Any member of the Board may be removed by the President at any given time as a result of inefficiency and neglect of duty.

SEC. 8. Quorum. – Three (3) members of the Board shall constitute a quorum for the transaction of any function of the Board.

SEC. 9. Offices. – The Board shall establish offices necessary to investigate and report on accidents involving each of the following modes of transportation: (a) aviation; (b) maritime; and (c) overland including railroad and tracked vehicles.

SEC. 10. Salary. – The salary of the Chairman and the members of the Board shall be the same as those of the Chairman and Members of the different Constitutional Commissions. The salary of the Chairman and Members of the Board shall not be decreased during their tenure.

SEC. 11. Prohibition and Disqualification. – The Chairperson and Members of the Board shall not, during their tenure, hold any other office or employment. Neither shall they engage in the practice of any profession or in the active management or control of any business which in any way may be affected by the functions of their office, nor shall they be financially interested, directly or indirectly, in any contract with, or in any franchise or privilege, granted by the Government and its subdivisions, agencies or instrumentalities, including government-owned or controlled corporations or their subsidiaries. They shall directly avoid conflict of interest in the conduct of their office.

No spouse or relative by consanguinity or affinity within the fourth civil degree and no law, business or professional partner or associate of the Chairperson or Members may appear as counsel or agent, appearing for or on behalf of the Chairperson or Members for pecuniary interest, on any matter pending before the Board or transact business directly or indirectly therewith.

The disqualification shall apply during the tenure of the official concerned and one (1) year thereafter.

SEC. 12. Seal. – The Board shall have a seal which shall be officially recognized.

TITLE III DUTIES AND POWERS

SEC. 13. *Duties and Powers of the Board.* – The Board shall be the primary government body that shall investigate and determine the facts, conditions, and circumstances and the cause or probable cause or causes of any air, maritime and land transportation accidents.

(1) ***Duties of the Board.*** – The primary function of the Board is to promote safety in transportation. It shall, among others, perform the following duties:

(a) Initiate and conduct special studies and investigations on matters pertaining to safety in transportation;

(i) It shall not be prevented from making further inquiries on accidents already investigated by existing accident-investigating bodies which shall submit their records, reports, findings and recommendations of past investigations as may be required by the Board.

(ii) Other agencies mandated to investigate concurrently such accidents shall coordinate with the Board in the performance of their functions and shall give full support to the actions and policies dictated by the Board during the conduct of such investigations.

(b) Make recommendations to national agencies and private organizations on transportation safety that will prevent the recurrences of transportation accidents.

(c) Prepare a report on the facts, conditions, and circumstances of each accident investigated pursuant to subsection (a) and shall cause such reports available to the public.

(d) Assess and evaluate techniques and methods of accident investigation and prepare and publish from time to time recommended procedures for accident investigations.

(e) Evaluate and publish the findings of the Board with respect to the transportation safety consciousness and effectiveness in preventing accidents of other government agencies, as well as promote transportation safety consciousness in both the national and local government.

(f) Evaluate the adequacy of safeguards and procedures concerning the transportation of hazardous materials and the

performance of carriers and other government agencies charged with assuring the safe transportation of such materials.

(g) Prepare and submit annual reports to Congress and government agencies concerned with transportation safety on the second week of August of each year. The report shall include the following:

(i) a statistical and analytical summary of the transportation accident investigations conducted and reviewed by the Board during the preceding calendar year;

(ii) a survey and summary, in such detail as the Board deems advisable, of the recommendations made by the Board to reduce the likelihood of recurrence of such accidents together with the observed response to each recommendation;

(iii) an appraisal in detail of the accident investigation and accident prevention activities of other government agencies charged by law with responsibility in this field; and .

(iv) a biennial appraisal and review and recommendations for legislative and administrative action with respect to transportation safety.

(h) Facilitate the recovery and identification of fatally-injured passengers involved in an accident and immediately coordinate with transport operators, concerned government agencies, and/or civil society groups for the timely and commensurate assistance to survivors and/or families of victims of transportation accidents.

(2) Powers of the Board. – The Board shall have the following powers:

(a) Conduct hearings, administer oaths and issue *subpoena duces tecum* or *subpoena ad testificandum* to compel the attendance and testimony of witnesses and the production of such evidence as the Board or such officer may deem necessary: *Provided*, That subpoenas shall be issued under the signature of the Chairperson and may be served by any person designated by the Chairperson.

(b) Authorize any of its employees, upon presentation of appropriate credentials and a written notice of inspection authority, to enter any property where a transportation accident has occurred, or

where wreckage is found, or where any such accident is located, and do all things necessary for the proper conduct of investigation. The authorized employee may inspect, at a reasonable time, records, files, processes, controls and facilities relevant to the investigation of such accident. Each inspection shall be commenced and completed with reasonable promptness and the results of such inspection shall be made available to the concerned parties.

(c) Cite for contempt any person in case of contumacy or refusal to obey a subpoena, an order, or an inspection notice of the Board or any duly designated employee thereof.

(d) Employ recognized experts and consultants on the accidents under investigation who shall be paid by compensation fixed by the Board: *Provided*, That no more than two consultants shall be appointed for each incident being investigated.

(e) Enter into such contracts, leases, cooperative agreements, or other transactions with any government entity or any person as may be necessary in the conduct of its functions and duties provided for under this Section.

(f) Use, on a reimbursable basis or otherwise, when appropriate, available services, equipment, personnel and facilities of the Department of Transportation, the Department of National Defense, the Department of Interior and Local Government, the Department of Public Works and Highways and other agencies and instrumentalities of the government in the conduct of its investigation.

(g) Accept voluntary and uncompensated services, gifts or donations of money or property notwithstanding any other provision of law.

(h) Establish such rules and regulations as may be necessary to the exercise of its powers and functions under this Act.

SEC. 14. Duties and Powers of the Chairperson. – The Chairperson shall be the chief executive and administrative officer of the Board. Subject to the general policies and decisions of the Board, the Chairperson shall:

(1) Execute and carry out the policies, decisions, orders and resolutions approved by the Board;

(2) Direct and supervise the operations and internal administration of the Board;

(3) Sign appointments and supervise subordinate officials and employees made by the Board and enforce disciplinary actions for any infractions committed;

(4) Make temporary assignments, rotate and transfer personnel in accordance with the provisions of the Civil Service Law and the policies involving them;

(5) Submit an annual budget to the Board for its approval and submission to the Department of Budget and Management and to the Congress of the Philippines;

(6) Fix the pay of subordinate officers, employees, and administrative units of the Board;

(7) Supervise the expenditures of the Board;

(8) Delegate his/her authority, in whole or in part, to other officials of the Board in accordance with Executive Order No. 292, otherwise known as the Administrative Code of 1987, and rules and regulations of the Board; and

(9) Perform such other functions as may be authorized by the Board.

SEC. 15. Duties and Powers of the Executive Director. – The Executive Director shall be appointed by the President of the Philippines upon recommendation of the Board and shall have the rank, salary and privileges of an Assistant Secretary. He/She shall be responsible for managing the day-to-day affairs, activities and operations of the Board, in accordance with the policies, standards, rules and regulations adopted and promulgated by the Board. In particular, the Executive Director shall:

(1) Provide direct supervision, control, coordination and monitoring of all activities, functions and operations of the units of the Board;

(2) Upon consultation with the Member/s of the Board concerned, recommend and/or implement administrative and management policies, rules and standard operating procedures to be established by the Board;

(3) Recommend and initiate programs, projects and policies which promote productivity, efficiency and effectiveness in the Board, with prior consultation with the Board and Member/s of the Board concerned;

(4) Coordinate with the Member/s of the Board concerned as well as the different organization units of the Board in the information and reporting requirement of the Board;

(5) Resolve operational issues in accordance with the levels of authority prescribed by the Board;

(6) Undertake appraisal on issues/problems and policy recommendations requiring decision/action by the Board;

(7) Conduct necessary representation with different branches and agencies of the government on vital issues/concerns involving the organization, operations and programs of the Board;

(8) Provide secretariat services to the Board; and

(9) Perform such other functions as may be assigned by the Board.

TITLE IV MISCELLANEOUS

SEC. 16. Assistance to Victims and/or Families of Victims involved in Accidents. – As soon as practicable after being notified of an accident within the country, the Board shall:

(1) Designate and publicize the name and phone number of a director of family support services who shall be an employee of the Board and shall be responsible for acting as a point of contact within the government for the families of passengers involved in the accident and a liaison between the transport operator and the families; and

(2) Designate an independent nonprofit organization, with experience in disasters and post-trauma communication with families, which shall have primary responsibility for coordinating the emotional care and support of the families of passengers involved in the accident.

SEC. 17. Personnel. – Subject to civil service laws, rules and regulations, the Board is authorized to select, appoint, employ, and fix the compensation of such officers and employees, including investigators and attorneys, as shall be necessary to carry out its powers and duties.

SEC. 18. Appropriations. – The Board shall have an initial appropriation in the amount of Thirty Million Pesos (PhP 30,000,000.00) to finance its operation for the first year to be appropriated out of the Contingent Fund of

the Office of the President. Thereafter, any such amount shall be incorporated in the annual General Appropriations Act.

SEC. 19. *Separability Clause.* – Any portion or provision of this Act which may be declared unconstitutional shall not have the effect of nullifying other portions or provisions hereof, as long as such remaining portions or provisions can still subsist and be given effect in their entirety.

SEC. 20. *Repealing Clause.* – All laws, decrees, orders, proclamation, rules and regulations, and issuances, or parts thereof inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SEC. 20. *Effectivity Clause.* – This Act shall take effect fifteen (15) days following its publication in the Official Gazette or in at least two (2) newspapers of general circulation in the Philippines.

Approved,