

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Constitution Hills, Quezon City

SEVENTEENTH CONGRESS
Third Regular Session



HOUSE BILL NO. 8969

Introduced by Hon. HARLIN NEIL J. ABAYON, III

EXPLANATORY NOTE

Underlying all the problems affecting the riding public that are rippling through the transport sector are archaic laws on public transportation, public services, road use, road safety, and traffic. Based on these largely obsolete laws are many current regulations and institutional paradigms.

We are no longer in the Commonwealth Era (when the Public Service Act became law) or in the 1960s (when the Land Transportation and Traffic Code and the Contractors' License Law were enacted) or in the Marcos Era (when the Accessibility Law came to be). These are but some of the major laws that need overhaul or updating to present-day situations and adjusting with built-in mechanisms for adapting to changes in the future.

This bill proposes that road and rail safety regulation of all land vehicles, including public utility vehicles, should be with a National Land Transportation Safety Board, not with the LTFRB or LTO. This bill gives the RRSB authority to set standards on road-worthiness of all land vehicles, cancel or suspend driver's licenses, and investigate road accidents, and resolve administrative cases arising from road mishaps.

It is imperative that we have better laws on traffic law enforcement nationwide. We have new laws on the wearing of helmets and riding on motorcycles, but these laws are not consistently and effectively implemented. There are also local ordinances that go against the national law on wearing helmets.

These times require us to promote and support automotive engineering, automotive technology development, civil engineering, and disaster adaption and mitigation of our transport systems with laws, policies, programs, and appropriations.

Add to all these concerns is the strong resistance to the phase out of old public utility jeepneys and the entry of the transport network vehicle services (TNVS) and Transport Network Companies because of the refusal to accept necessary change and refusal to admit obsolescence.

Lastly, we have unacceptably high rates of deadly mishaps involving motorcycles and old trucks and jeepneys because of unaddressed underlying economic reasons—some of which can be addressed with new laws and effective implementation.



HARLIN NEIL J. ABAYON, III
AANGAT TAYO Party-list, Representative

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AN ACT
ESTABLISHING THE NATIONAL ROADS AND RAILWAYS SAFETY
BOARD, PROVIDING FOR ITS POWERS AND COMPOSITION,
APPROPRIATIONS,
AND FOR OTHER PURPOSES

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

Section 1. **Short Title.** - This Act shall be known as the “*Charter of the Roads and Railways Safety Board*”.

Section 2. **Declaration of Policy.** - It is the declared policy of the State that:

1. the right to travel shall not be impaired except in the interest of national security, public safety, or public health, as may be provided by law;
2. the use of property bears a social function, and all economic agents shall contribute to the common good;
3. all persons shall have the right to a speedy disposition of their cases before all judicial, quasi-judicial, or administrative bodies; and
4. free access to the courts and quasi-judicial bodies and adequate legal assistance shall not be denied to any person by reason of poverty.

Section 3. Establishment of the *Roads and Railways Safety Board*. The Roads and Railways Safety Board, hereinafter referred to as the Board or by its acronym, RRSB, is hereby established.

Section 4. Powers. The Board shall collegially exercise quasi-judicial powers, including but not limited to the following:

1. Formulation, approval, implementation, and updating of the National Road and Rail Safety Strategy;
2. Setting national minimum standards, compliance systems, and protocols for:
 - a) land traffic regulation, pedestrian conduct, vehicle road-worthiness, driver fitness and behavior, and road safety for all types of vehicles for road travel regardless of number of wheels, locomotion power source, or any other mode of classification;
 - b) railway safety and rail vehicle fitness for operation, including the certification of rail vehicle service operators and drivers;
 - c) operation and use of bicycles and bicycle lanes and of local government-registered tricycles, whether for personal, business, cargo, or commuter purposes; and
 - d) local government-level traffic and road safety law enforcement, training of traffic enforcers, and parking traffic regulation on public roads and public property, and on private property, including malls, residential subdivisions and condominiums;
3. Suspension, revocation, or cancellation, after due notice and hearing, of any driver's license issued by the Land Transportation Office;
4. Suspension, revocation, or cancellation, after due notice and hearing, of any certificate of public convenience, provisional authority issued by the Land Transportation, Franchising, and Regulatory Board to any operator or franchisee of a land transport public utility vehicle, transport network company, transport network vehicle service (TNVS) units, or any other provider of transport services, whether commuter, cargo, or for-hire;
5. Suspension, revocation, or cancellation of any rail vehicle license or certification, or authorization issued by the Philippine National Railways, the Light Rail Transit Authority, and the management of the Metro Rail Transit;

6. Preventive suspension of: (a) any driver's license issued by the Land Transportation Office; (b) rail vehicle license or certification, or authorization issued by the Philippine National Railways, the Light Rail Transit Authority, and the management of the Metro Rail Transit; (c) any certificate of public convenience, provisional authority issued by the Land Transportation, Franchising, and Regulatory Board to any operator or franchisee of a land transport public utility vehicle, transport network company, transport network vehicle service (TNVS) units, or any other provider of transport services, whether commuter, cargo, or for-hire
7. Investigation, upon complaint and upon *motu proprio* assumption of jurisdiction, through its Accident Investigation Service, of any road crash or railway incident mishap involving death, physical injury, or significant damage to property;
8. Exercise of original and exclusive jurisdiction over and approve decisions on all cases and complaints involving administrative liability of any party directly or indirectly involved in any road crash or railway safety incident involving death, physical injury, or significant damage to property;
9. Recommendation to the Department of Justice on the filing and prosecution of criminal charges against any party directly or indirectly involved in any road crash or railway safety incident involving death, physical injury, or significant damage to property;
10. Notification of the proper and concerned Regional Trial Court or lower court on the findings of the Board as to civil liability of any party directly or indirectly involved in any road crash or railway safety incident involving death, physical injury, or significant damage to property;
11. Establishment, operation, and continual upgrading of a National Road Safety and Traffic Violations Database for a reliable and verifiable system to inform the board of the safety and traffic history of any driver, biker, pedestrian, and land transport vehicle;
12. Establishment, operation, and continual upgrading and updating of a National Registry of all out-of-court and amicable settlements between road safety and traffic incident offenders and victims;
13. Set timetables and deadlines for the investigation, hearing, adjudication, and resolution of all complaints and cases submitted to the Board, as well as those safety over which the Board has assumed *motu proprio* jurisdiction;

14. Establish as many field offices as the Board may deem necessary for sufficient coverage of the country;
15. Promulgation of such rules and regulations and exercise such other powers and functions as may be necessary to carry out effectively the purpose and objectives of this Act; and
16. Performance of such other functions as may be necessary for its effective operations and for the continued enhancement, growth or development of land transportation safety, except those powers or authority expressly provided in this Act as vested upon the Chairman as chief executive officer.

Section 5. Composition, Qualifications, and Rank. The RRSB shall be a collegial body comprised of a Chairman and six (6) Commissioners, provided that the Chairman and two (2) of the six Commissioners must be practicing lawyers; provided further that two (2) of the six Commissioners are automotive or mechanical engineers, and the remaining two (2) Commissioners civil engineers; and provided even further that the Chairman and all the Commissioners have been practicing their respective professions for at least five (5) consecutive years and that each one of them is a current holder of a professional driver's license.

For compensation and civil service purposes, the Chairman shall have the rank, compensation and emoluments of undersecretary and each Commissioner shall have the rank, compensation and emoluments of an assistant secretary.

Section 6. Term of Office. - The President shall appoint the full-time Chairman and the Commissioners for a full term of four (4) years, without prejudice to one reappointment. The Chairman and Commissioners shall hold office until their successors shall have been appointed and qualified. Should the Chairman or any Commissioner resign or fail to serve the entire term, the successor shall be appointed by the President of the Philippines to a full term.

The President of the Philippines shall appoint the Chairman, all the Commissioners, and Executive Director of the Board within 120 days from the effectivity of this Act.

Section 7. The Chief Executive of the Board. The RRSB Chairman shall be the chief executive officer (CEO) of the Board. The Chairman, upon recommendation of the Executive Director, shall have the exclusive corporate executive power, without the need for concurrence or consent of the whole Board to:

1. appoint, subject to civil service laws and regulations, and upon recommendation of the Executive Director, all Secretariat personnel; and
2. approve the budget, administrative, and operational plans, programs, and projects of the RRSB.

Section 8. The RRSB Secretariat. The Board shall have a Secretariat headed by an Executive Director, who shall be the chief operations officer and head of the Board Secretariat. The Executive Director shall have the rank and emoluments of an assistant secretary.

The Board shall organize the Secretariat subject to the national compensation and position classification plan. The Board shall fix the secretariat's staffing pattern, determine the duties, qualifications, responsibilities and functions, as well as the compensation scheme for the positions to be created upon the recommendation of the Executive Director.

The Executive Director shall undertake the search, screening, and recruitment of regular staff and other personnel. The search for RRSB personnel shall include, but not be limited to:

1. Graduates and students of the Philippine Public Safety College;
2. Graduates and students of academic programs that meet the standards of the Commission on Higher Education, especially those programs related to transportation engineering, mechanical engineering, civil engineering, urban planning, and
3. Holders of Technical Education and Skills Development Authority (TESDA) Level II and Level III National Certifications pertaining to driving, automotive engineering, automotive electronic, and automotive maintenance.

The Secretariat shall have the following Divisions:

1. Accident Investigation Service
2. Legal Affairs
3. Policy Development, Programs, and Standards
4. Administration and Human Resources
5. Budget and Finance
6. Public Affairs and Integrated Communications
7. Information Systems and Technologies
8. Roads and Railways Safety Training and Research Institute
9. Special Programs and Projects

Section 9. Attached Agency. The RRSB shall, for administrative and budgeting purposes, be attached to the Department of Transportation.

Section 10. **Inter-Agency Matters.** The Secretary of Transportation shall approve guidelines and procedures consistent with this Act that will govern the inter-agency relationships of the RRSB with the Land Transportation Office, the Land Transportation Franchising and Regulatory Board, and other relevant government offices and external stakeholders.

Section 11. **Implementing Guidelines, Rules, and Regulations.** The Secretary of Transportation shall approve and issue, within ninety (90) days from the effectivity of this Act, the implementing guidelines, rules and regulations necessary for this Act.

Section 12. **Appropriations.** The annual budget of the RRSB shall be included in the regular or special appropriations.

Section 13. **Separability.** - If any provision or part of this Act is declared invalid or unconstitutional, the remaining parts or provisions not affected shall continue to be in full force and effect.

Section 14. **Repealing Clause.** - All laws, executive orders, and administrative orders or parts thereof inconsistent with any provision of this Act are hereby repealed or amended accordingly.

Section 15. **Effectivity Clause.** - This Act shall take effect fifteen (15) days after its publication in the online version of the *Official Gazette* or in two (2) newspapers of general circulation or with established internet website presence.

Approved.