

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

2273

House Bill No. _____



Introduced by **Pangasinan Fifth District Representative**
HON. RAMON V. GUICO III

EXPLANATORY NOTE

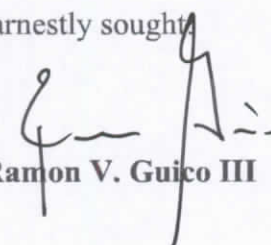
The country, being an archipelago composed of 7,641 islands, needs to have its rugged and distant territories connected via land, air, and sea in order to effectively transport people, goods, and services. This reality makes the transportation industry critical to the continued acceleration of our country's growth.

However, with the increased national importance of transportation, come the unfortunate mishaps on its very conduct. Latest figures show that the rates for road crash deaths have been increasing since 2006, with 2018 numbers reaching 10,012—a 45.76% increase since 2006. MARINA, meanwhile reported in 2018, that 64 maritime accidents occurred in the country compared to 32 during 2015 and 2016. For aviation watchdog Aviation Safety Network (ASN), there have been 15 fatal airliner accidents in 2018, which led to 556 deaths, globally.

Following these tragic events, investigations are normally undertaken to ensure the swift and effective deliverance of justice to the victims or, should such accidents prove fatal, their bereaved families. Questionable, however, is the objectiveness and truthfulness of these investigations when it is undertaken by the same government agencies who may have been at fault for their very own misgivings in the execution of their duties. To address this, an independent and non-regulatory investigative agency responsible for civil transportation accident investigation is required.

Thus, in furtherance of this representation's commitment to advanced transportation safety consciousness, this bill is proposed. It shall establish the Philippine Transportation Safety Board (PTSB), attached to the Office of the President, and exercising powers and functions over matters pertaining to civil transportation accident investigation.

In view of the foregoing, immediate approval of this measure is earnestly sought.


Rep. Ramon V. Guico III

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House Bill No. 2273

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HON. RAMON V. GUICO III

AN ACT
ESTABLISHING THE PHILIPPINE TRANSPORTATION SAFETY BOARD AND
APPROPRIATING FUNDS THEREFOR

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

CHAPTER I

GENERAL PROVISIONS

SECTION 1. **Short Title.** – This Act shall be known as the “*Philippine Transportation Safety Board Act.*”

SEC. 2. **Declaration of Policy.** – It is hereby declared the policy of the State to maintain a safe, viable, efficient and dependable transportation system as it plays an important role in nation-building and in promoting economic growth.

Consistent with this policy, the State recognizes the importance of preventing transportation accidents, thereby saving lives and property, by promoting transportation safety. Towards this end, there is a need to establish a government agency tasked with promoting safety and efficiency in the transportation of people, property and goods and conducting investigations to determine the probable cause of transportation accidents.

SEC. 3. **Definition of Terms.** – As used in this Act:

(a) *Accident reconstruction* refers to a systematic process of evaluating the evidence associated with a particular transportation accident sequence and applying accepted physical principles in order to ascertain how the transportation accident occurred;

17 (b) *Carrier* refers to a person or corporation who undertakes to transport or convey goods or
18 persons from one place to another, gratuitously or for hire;

19 (c) *Hazardous materials* refer to substances or objects which are toxic, poisonous, explosive,
20 corrosive, flammable, eco-toxic and infectious which are being disposed of, or are intended to be
21 disposed of or are required to be disposed of by law;

22 (d) *Pipeline or pipeline system* refers to all parts of a pipeline system connected together to
23 convey hazardous liquid or carbon dioxide between stations or plants that are not adjacent to each other,
24 including pipe, risers, pig taps, components, appurtenances, isolating valves, pipeline end manifolds
25 (PLEM) and sectionalising valves but excludes pipes and appurtenances that form part of a piping system
26 within the operation of a facility, particularly for product transfers;

27 (e) *Proximate cause* refers to that cause, from which an injury results as a natural, direct,
28 uninterrupted consequence and without which the injury would not have occurred, or the primary cause
29 of an injury, not necessarily the closest cause in time or space nor the first event that sets in motion a
30 sequence of events leading to an injury or any foreseeable consequences without the intervention of any
31 independent or unforeseeable cause, also known as legal cause, which results in injury due to negligence
32 or an intentional wrongful act;

33 (f) *Transportation accident* refers to the damage to or destruction of any means of transportation
34 in aerial, maritime, and surface transport device designed primarily for, or being used at the time
35 primarily for conveying persons or goods from one place to another regardless of whether the initiating
36 event is accidental or otherwise;

37 (g) *Transportation accident investigation* refers to a formal and official or systematic
38 examination, research, process, a searching inquiry or a detailed or careful examination of ascertaining
39 facts relating to transportation accident for the purpose of accident prevention which includes the
40 gathering and analysis of information, the drawing of conclusions, including the determination of causes
41 of transport accidents and, when appropriate, the making of safety recommendations;

42 (h) *Transportation safety* refers to protection of people and property through regulation,
43 management and technology development of all forms of transportation; and

44 (i) *Transportation system* refers to a system consisting of the means and the equipment necessary
45 for the movement of persons or goods.

CHAPTER II

CREATION AND ORGANIZATION

SEC. 4. ***Philippine Transportation Safety Board.*** – There is hereby created the Philippine Transportation Safety Board (PTSB).

The PTSB shall have the following objectives:

(a) To prevent future transportation accidents, save lives and reduce injuries and damage to property;

(b) To ensure implementation of safety procedures that have been identified by the government agencies responsible for transportation safety;

(c) To conduct objective, precise accident investigations and safety studies;

(d) To advocate and promote safety recommendations and related information to the public, safety managers, and to the transportation sector.

SEC. 5. ***Composition and Qualifications.*** – The PTSB is composed of five (5) full-time members, including a chairperson and a vice-chairperson. All the members of the PTSB shall have extensive training and experience in the respective fields of maritime, air, surface and rail transportation systems, and each must have adequate knowledge in investigation, analysis, and evaluation of transportation accidents, particularly in the field of accident reconstruction, safety engineering, or transportation safety.

Members must be Filipino citizens and residents of the Philippines, at least thirty-five (35) years of age, and persons of good moral character, unquestionable integrity, recognized probity and competence.

SEC. 6. ***Chairperson.*** – The chairperson of the PTSB is the chief executive officer. The chairperson shall exercise the executive and administrative functions with respect to the appointment and supervision of personnel, distribution of functions among any administrative units and the use and expenditure of funds.

The members shall choose from among themselves an acting chairperson in the absence or incapacity of the chairperson.

SEC. 7. ***Appointment of Members.*** – Within sixty (60) days from the effectivity of this Act, the President of the Philippines shall appoint the first members of the PTSB. Any vacancy shall also be filled within sixty (60) days from the date the vacancy first arises.

76 SEC. 8. ***Term of Office.*** – All members shall have a fixed term of six (6) years without
77 reappointment. Of those first appointed, the chairperson shall hold office for six (6) years, two (2)
78 members shall hold office for four (4) years and the remaining two (2) members shall hold office for two
79 (2) years, without reappointment. Upon the resignation or expiration of the term of a member, the said
80 member shall continue to serve until a successor is appointed and qualified. Appointment to any vacancy
81 is only for the unexpired term of the predecessor.

82 No member shall concurrently hold any other government office or position or be employed in
83 any government-owned or -controlled corporation or entity.

84 Members may be removed by the President for cause as provided for by law.

85 SEC. 9. ***Quorum.*** – The presence of at least three (3) members shall constitute a quorum and the
86 majority vote of two (2) members in a meeting where a quorum is present shall be necessary for the
87 adoption of any rule, ruling, order, resolution, decision or other act of the PTSB in the exercise of its
88 functions.

89 SEC. 10. ***Compensation.*** – The salary of the chairperson and the members of the PTSB is the
90 same as those of the chairperson and members of the different Constitutional Commissions. They are
91 entitled to representation and transportation allowances under existing laws.

92 SEC. 11. ***Offices of the PTSB; Functions.*** – For the proper management and effective
93 implementation of the objectives of the PTSB, the following offices are established and are mandated to
94 perform the following functions:

95 (a) *Office of the Executive Director.* – The PTSB shall have an executive director who
96 is appointed by the President of the Philippines upon recommendation of the PTSB. The
97 executive director must be at least thirty-five (35) years of age at the time of appointment, a
98 member of the Philippine bar, and engaged in the practice of law for at least ten (10) years
99 prior to the date of appointment. The appointee must not have been a candidate for any
100 elective position in the elections immediately preceding the appointment.

101 The executive director shall have the following functions:

102 (1) Record and report on the proceedings of the PTSB and administer oaths in all matters
103 falling within the jurisdiction of the PTSB;

104 (2) Manage the daily operations of the PTSB;

105 (3) Act as the custodian of the records, maps, profiles, reports, and other documents and
106 papers filed in connection with any case or proceedings before the PTSB;

107 (4) Exercise supervision over the PTSB laboratory created under this Act;

108 (5) Implement policies, rules, and directives promulgated by the PTSB; and

109 (6) Coordinate and supervise the activities of the different operating units of the PTSB
110 and perform such other functions as may be assigned by the Chairman or the PTSB.

111 (b) *Office of Public Affairs.* – The Office of the Public Affairs provides the general
112 public, including Congress and the national agencies, the transportation industry, and the
113 news media, with current and accurate information concerning the work, programs and
114 objectives of the PTSB.

115 (c) *Office of the General Counsel.* – The Office of the General Counsel shall have the
116 following functions:

117 (1) Provide legal advice and assistance to the PTSB and its staff components;

118 (2) Prepare rules, opinions and orders, and provide advice to all offices and bureaus on
119 matters of legal significance; and

120 (3) Represent the PTSB in court actions to which it is a party or to which it is interested.

121 (d) *Office of Aviation Safety.* – The Office of Aviation Safety shall have the following
122 functions:

123 (1) Conduct investigations of all aviation accidents within the PTSB's jurisdiction;

124 (2) Prepare reports for submission to the PTSB and release to the public stating the facts
125 and circumstances of such accidents, including a recommendation as to the proximate cause or
126 causes;

127 (3) Determine the proximate cause or causes of accidents when delegated to do so by the
128 PTSB;

129 (4) Initiate safety recommendations to prevent future aviation accidents; and

130 (5) Conduct special investigations into selected aviation accidents involving safety issues
131 of concern to the PTSB.

132 (e) *Office of Maritime Safety.* – The Office of Maritime Safety shall have the following
133 functions:

(1) Conduct investigations of all maritime accidents within the PTSB's jurisdiction;

(2) Prepare reports, for submission to the PTSB, stating the facts and circumstances of such accidents, including a recommendation as to the proximate cause or causes, and release the same to the public;

(3) Determine the proximate cause or causes of accidents when delegated to do so by the PTSB;

(4) Initiate safety recommendations to prevent future maritime accidents; and

(5) Conduct special investigations into selected maritime accidents involving safety issues of concern to the PTSB.

(f) *Office of Surface Transportation Safety.* – The Office of Surface Transportation Safety shall have the following functions:

(1) Conduct investigations of surface transportation, railroad, pipeline and hazardous materials accidents within the PTSB's jurisdiction;

(2) Prepare reports, for submission to the PTSB, stating the facts and circumstances of such accidents, including a recommendation as to the proximate cause or causes and release the same to the public;

(3) Determine the proximate cause or causes of accidents when delegated to do so by the PTSB;

(4) Initiate safety recommendations to prevent future surface transportation accidents; and

(5) Conduct special investigations into selected surface transportation accidents.

(g) *Office of Transportation Safety Standards.* – The Office of Transportation Safety Standards shall have the following functions:

(1) Prescribe safety standards in all transportation systems in accordance with existing laws, rules, regulations and international treaties and conventions;

(2) Establish and update the transportation safety standards through continuing research and in-depth studies; and

(3) Oversee the implementation of the safety recommendations program of the PTSB.

161 (h) *Office of Research and Engineering.* – The Office of Research and Engineering shall
162 have the following functions:

- 163 (1) Provide technical advice and services;
- 164 (2) Conduct research and carry out analytical studies and tests on all aspects of the PTSB's
165 transportation accident investigation, accident prevention and safety promotion activities;
- 166 (3) Conduct safety studies on specific safety issues;
- 167 (4) Perform statistical analyses of transportation accidents and incident data;
- 168 (5) Maintain archival records of the PTSB's accident investigation and safety promotion
169 activities and support public access to these records; and
- 170 (6) Support the PTSB's data processing, computing and information management
171 requirements.

172 (i) *Administration Office.* – The Administration Office is responsible for the custody
173 and control of all PTSB records required to be preserved and kept. It provides administrative
174 support to the PTSB in the following areas:

- 175 (1) Budget;
- 176 (2) Accounting and audit;
- 177 (3) Human resource management;
- 178 (4) Information management and automatic data processing;
- 179 (5) Property, space, communications, facilities and transportation management; and
- 180 (6) Printing, publications, mail, procurement, contracting, and accident inquiry services.

181 The PTSB shall also establish and maintain any other office as may be deemed necessary,
182 including an office to investigate and report on the safe transportation of hazardous, toxic or waste
183 materials.

184 SEC. 12. **Personnel.** – Subject to civil service laws, rules and regulations and the approval of
185 the Department of Budget and Management, the PTSB shall determine its own staffing pattern and the
186 number of personnel of the organization. The PTSB shall, in accordance with existing laws and policies,
187 select, appoint, employ, and fix the compensation of such officers and employees, including
188 investigators, and attorneys, as may be necessary to carry out its powers and duties

189 SEC. 13. **Prohibited Interests.** – The chairperson, members, the executive director, and
190 employees of the PTSB or any of their relatives within the fourth civil degree of consanguinity or affinity,
191 legitimate or common law, are prohibited from holding any interest whatsoever, either as investor,
192 stockholder, officer or director, in any company or entity engaged in air, maritime, land and rail
193 transportation, whether scheduled or unscheduled, passenger or cargo, domestic or international, or in
194 any business providing support services to persons engaged in areas such as general sales agencies, travel
195 agencies, cargo forwarders, ground handling, catering, fuel servicing, and maintenance, and must divest,
196 through sale or legal disposition, of any and all interests in such undertakings upon assumption of office.

197 No spouse or relative by consanguinity or affinity within the fourth civil degree and no law,
198 business or professional partner or associate of the chairperson or members may appear as counsel or
199 agent, or appear for or on behalf of the chairperson or members for pecuniary interest, on any matter
200 pending before the PTSB or transact business directly or indirectly therewith. The disqualification applies
201 during the tenure of the official concerned and one (1) year thereafter.

202 Any violation of this section is subject to removal from the PTSB for cause as well as
203 administrative, civil or criminal prosecution under applicable laws.

204 SEC. 14. **Seal.** – The PTSB shall have a seal which is officially recognized.

205 CHAPTER III

206 POWERS AND FUNCTIONS

207 SEC. 15. **Powers of the PTSB.** – The PTSB shall exercise the following powers:

208 (a) The PTSB, any member thereof, or any officer or qualified employee duly designated by the
209 chairperson, or upon authority of the PTSB, may conduct hearings, sit and act as such, administer oaths,
210 and require by *subpoena* or *subpoena duces tecum* through a qualified process server, the attendance and
211 testimony of such witnesses and the production of such evidence as the PTSB or its employee may deem
212 necessary. Subpoenas shall be issued under the signature of the chairperson, and may be served by the
213 person designated by the chairperson.

214 (b) Any employee of the PTSB, upon presenting appropriate credentials and a written notice of
215 inspection authority, is authorized to enter any property wherein a transportation accident has occurred
216 or wreckage of any such accident is located and do all things therein necessary for the proper conduct of
217 investigation. The employees may inspect, at reasonable times, records, files, processes, controls and
218 facilities relevant to the investigation of such accident. Each inspection shall commence and be
219 completed with promptness and the results of such inspection made available to the public within a
220 reasonable time;

221 (c) In case of contumacy or refusal to obey a *subpoena*, an order or an inspection notice of the
222 PTSB or any duly designated employee thereof, by any person who transacts business, resides or is found
223 within the jurisdiction of the Philippines, such person may be required to comply forthwith by a court of
224 competent jurisdiction, upon the petition of the PTSB. Failure to obey the order is punishable by such
225 court as contempt of court;

226 (d) The PTSB shall enter into contracts, leases, cooperative agreements, or other transactions as
227 may be necessary in the conduct of its functions and the duties under this section, with any government
228 entity or any person;

229 (e) The PTSB shall:

230 (1) Use or lease, when appropriate, available services, equipment, personnel and facilities
231 of the Department of Transportation (DOTr), the Department of National Defense (DND), the
232 Department of Public Works and Highways (DPWH), including their attached agencies, and other
233 agencies and instrumentalities of the government in the conduct of its investigation;

234 (2) Establish and maintain an adequately staffed laboratory and ancillary facilities for the
235 purpose of examining evidence obtained during the course of its investigation;

236 (3) Employ and compensate a recognized third party expert and consultant for its
237 transportation accident investigation: *Provided*, That not more than two (2) consultants are
238 appointed for each transportation accident being investigated: *Provided, further*, That no officer,
239 external auditor, or legal counsel of any entity under investigation shall serve as expert or
240 consultant: *Provided, finally*, That no officer, external auditor, or legal counsel of any private
241 company or enterprise primarily engaged in the transportation industry is eligible for appointment
242 as a consultant of the PTSB within three (3) years from retirement, resignation, or separation
243 therefrom;

244 (4) Create advisory committees composed of qualified private citizens and government
245 officials as may be necessary or appropriate;

246 (5) Accept voluntary and uncompensated services notwithstanding any other provision of
247 law; and

(6) Accept gifts or donations of money or property, including real, personal, mixed, tangible or intangible, and enter into contracts with public or private non-profit entities for the conduct of studies related to any of its functions.

(f) The PTSB may order an autopsy to be performed and have other tests made when necessary to investigate an accident. However, local or national laws protecting religious beliefs related to autopsies shall be observed to the extent consistent with the needs of the accident investigation. The PTSB shall be provided with a copy, free of charge, of any autopsy report performed by a national or local official on an individual who died because of a transportation accident investigated by the PTSB;

(g) After receipt of a notification and confirmation of a transportation accident within the Philippines involving a domestic or foreign air carrier, domestic or foreign passenger or cargo ship, or land-based mass transit system, which results in the loss of lives or significant damage to property or to the environment, the PTSB shall:

(1) Designate and publicize the name and contact information of the Director of the Office for Public Affairs or Support Services, which shall be created pursuant to this Act, who is an employee of the PTSB and is responsible for acting as a contact person within the government for the families of passengers involved in the accident and a liaison between the carrier involved in the accident and the families;

(2) Communicate with the families as to the roles of the PTSB, government agencies, and the carrier involved with respect to the accident and the post-accident activities; and

(3) Request, as soon as practicable, from the carrier involved in the accident and based on the best available information at the time of the request, a list of the names of all passengers that were aboard.

The foregoing process also applies in accidents involving pipelines which result in loss of lives or significant damage to property or to the environment.

(h) The PTSB shall coordinate its activities with the carrier involved in the accident so that resources of the carrier may be used to the greatest extent possible to carry out the responsibilities of the PTSB;

(i) Whenever the PTSB submits or transmits any budget estimate, budget request, supplemental budget estimate or other budget information, legislative recommendation, prepared testimony for congressional hearing, or comment on legislation to the President or the Department of Budget and

278 Management, it shall concurrently transmit a copy thereof to Congress. No officer or agency of the
279 government may require the PTSB to submit its budget request or estimate, legislative recommendation,
280 prepared testimony for congressional hearing, or comments on legislation, to any officer or agency of
281 the National Government for approval, comment, or review, prior to the submission of such
282 recommendation, testimony, or comment to Congress;

283 (j) The PTSB shall designate qualified employees to serve or assist on such committees as the
284 chairperson determines to be necessary or appropriate to maintain effective liaison with the Executive
285 Department, other government agencies, and with independent standard setting bodies carrying out
286 programs and activities related to transportation safety;

287 (k) The PTSB, or any qualified employee of the PTSB duly designated by the chairperson, may
288 conduct an inquiry to secure data with respect to any matter pertinent to transportation safety, upon
289 publication of notice of such inquiry electronically in the *Official Gazette* or newspaper of general
290 circulation; or require, by special or general order, government agencies and persons engaged in the
291 transportation of people or property to submit written report and answer to such requests or questions as
292 are propounded with respect to any matter pertinent to any function of the PTSB. Such report and answer
293 shall be submitted to the PTSB or to such employee within a reasonable period of time as the PTSB may
294 determine. Copies thereof shall be made available for inspection by the public;

295 (l) The PTSB shall, in coordination with the relevant law enforcement agencies, promulgate the
296 necessary protocols in the conduct of its investigations;

297 (m) The PTSB may delegate any of its power and function to the heads of the different bureaus,
298 divisions or offices of PTSB to further facilitate the implementation of the provisions of this Act; and

299 (n) The PTSB shall establish such rules and regulations as may be necessary to the exercise of
300 its powers and functions under this Act.

301 SEC. 16. **Functions of the PTSB.** – The PTSB shall be the primary government body to conduct
302 transportation accident investigation in accordance with the provisions of this Act. The PTSB shall have
303 the following primary functions:

304 (a) Investigate or cause to be investigated, in such details as it shall prescribe, and determine the
305 facts, conditions and circumstances, and the cause or probable cause or causes of the following accidents
306 resulting to a fatality or substantial property damage:

(1) Aviation accident, except those involving an aircraft operated by the Armed Forces of the Philippines (AFP) and law enforcement agencies, or occurring within military sites in the Philippines, or an accident involving solely an aircraft of the armed forces of any foreign country occurring in the Philippines, which shall be the responsibility of the AFP. For the purpose of this section, "military sites" refer to those areas within the Philippines which are under the control of the AFP or the military of another country;

(2) Surface transportation accident;

(3) Pipeline, rail, and track accidents;

(4) Maritime accidents, except those involving vessels used by the AFP, occurring on the navigable waters or territorial seas of the Philippines, or involving a vessel of the Philippines, in accordance with the regulations to be prescribed jointly by the PTSB and the Secretary of the DOTr in which the Philippine Coast Guard (PCG) is operating, including any maritime accident involving a government vessel and any other vessel; and

(5) Other accidents which occur in connection with the transportation of people or property, equipment or hazardous materials which, in the judgment of the PTSB, are catastrophic, or involve problems of a recurring character, or would otherwise carry out the above-stated policy of the State. Nothing herein shall prevent the PTSB from making further inquiries on accidents already being investigated by existing bodies. The PTSB may require the submission of their records, reports, findings and recommendations of previous investigations.

(b) Report in writing on the facts, conditions, and circumstances of each accident investigated pursuant to paragraph (a) of this section and cause such reports to be made available to the public, and cause the notice of the issuance and availability of such reports electronically when already published in the *Official Gazette* or in a newspaper of general circulation;

(c) Issue periodic reports to Congress and government agencies concerned with transportation safety, and other interested persons recommending and advocating meaningful responses to reduce the likelihood of recurrence of transportation accidents similar to those investigated by the PTSB, and proposing corrective steps to make the transportation of persons and goods safe and free from risk of injury or loss as possible;

(d) Recommend transportation safety measures to national agencies and private organizations to reduce the likelihood of recurrences of transportation accidents;

(e) Initiate and conduct special studies and special investigation on matters pertaining to transportation safety;

(f) Assess and reassess techniques and methods of accident investigation, prepare and publish from time to time recommended procedures for accident investigation;

(g) Evaluate, assess the effectiveness, and publish the findings of the PTSB with respect to the transportation safety consciousness and efficacy in preventing transportation accidents, as well as promote transportation safety consciousness in both the national and local governments;

(h) Evaluate the adequacy of safeguards and procedures concerning the transportation of hazardous materials and the performance of the transportation system and other government agencies charged with assuring the safe transportation of such materials;

(i) Gather, analyze and survey, and keep data and statistics related to transportation accidents; and

(j) Prepare and submit annual reports which include specific proposals for remedial legislation to the DOTr or the Department of Energy, in the case of pipelines, with copies simultaneously furnished to the appropriate committees of the Congress.

Other government agencies mandated to investigate concurrently the accidents mentioned in this section shall coordinate with the PTSB in the performance of their functions. In addition, they shall support the actions and policies adopted by the PTSB during the conduct of investigation.

CHAPTER IV

SPECIAL BOARD OF INQUIRY AND SAFETY RECOMMENDATION

SEC. 17. *Special Board of Inquiry.* – (a) If an accident involves a substantial question about public safety, the PTSB may establish a special board of inquiry composed of the following:

(1) One (1) member of the PTSB acting as chairperson;

(2) Two (2) members representing the public, appointed by the PTSB on notification of the creation of the special board of inquiry.

362 (b) The public members of a special board of inquiry must be qualified by training and experience
363 to participate in the inquiry and may not have a pecuniary interest in an enterprise related to the means
364 of transportation involved in the accident to be investigated.

365 (c) A special board of inquiry has the same authority as the PTSB, with respect to the conduct of
366 a transportation accident investigation, under this Act.

367 SEC. 18. *Recommendations of the PTSB.* – The PTSB shall recommend to the Secretary of the
368 Department of Trade and Industry (DTI) the recall of any defective means of transportation and to cause
369 the installation of the required part or parts to make it safe and notify not only the distributor or purchasers
370 but also the public of such defect. It shall also recommend the grounding of any defective means of
371 transportation pending the investigation of the cause or nature of its defect. Moreover, the PTSB may
372 also recommend the denial, amendment, modification, suspension, or revocation of a certificate of public
373 convenience, registration or franchise if the means of transportation, including the activities of a
374 commercial carrier, have been found negligent in ensuring transportation safety.

375 In its report, the PTSB shall include the accountabilities of officials and employees from
376 regulatory transport agencies if these officials and employees are found to be liable due to their improper
377 implementation or failure to implement pertinent laws, rules and regulations regarding transportation
378 safety.

379 Wherever the PTSB submits a recommendation regarding transportation safety to the DOTr, the
380 Secretary of Transportation shall respond to each recommendation formally and in writing not later than
381 thirty (30) days after receipt thereof. The response to the PTSB by the Secretary shall indicate any
382 intention to:

383 (a) Initiate and conduct procedures for adopting such recommendation in full, pursuant to a
384 proposed timetable, a copy of which is included;

385 (b) Initiate and conduct procedures for adopting such recommendation in part, pursuant to a
386 proposed timetable, a copy of which is included. Such response shall set forth in detail the reasons for
387 the refusal to proceed as to the remainder of such recommendation; and

388 (c) Refuse to initiate or conduct procedures for adopting such recommendation. Such response
389 shall set forth in detail the reasons for such refusal.

390 SEC. 19. *Disclosure, Availability, and Use of Information.* –

391 (a) Except as provided in this section, any copy of record, information or report of transportation
392 accident investigation submitted to the PTSB shall be made available electronically and to the public,
393 and upon request at reasonable cost;

394 (b) The PTSB shall not make the records available for purposes other than accident transportation
395 investigation, unless the appropriate authority for the administration of justice determines that their
396 disclosure outweighs the adverse domestic and international impact;

397 (c) The PTSB shall not disclose any information related to a trade secret except:

398 (1) To another department, agency, or instrumentality of the National Government, when
399 requested for official use;

400 (2) To a committee of Congress having jurisdiction over the subject matter to which the
401 investigation is related, when requested by that committee;

402 (3) In a judicial proceeding under a court order that preserves the confidentiality of the
403 information without impairing the proceeding; and

404 (4) To the public: *Provided*, That such disclosure shall be for the protection of public
405 health and safety: *Provided, further*, That the information so disclosed is not detrimental to public
406 health and safety: *Provided, finally*, That the disclosure shall be made in a manner designed to
407 protect and preserve its confidentiality.

408 (d) The PTSB may not publicly disclose any part of a cockpit voice recording or transcript of oral
409 communications by and between flight crew members and ground station related to an aviation accident
410 investigated by the PTSB: *Provided, however*, That the PTSB shall make public any part of the transcript,
411 which the PTSB determines to be relevant to the transportation accident when the PSTB:

412 (1) Holds a public hearing on the accident; or

413 (2) Release its findings to the public relative to the said accident.

414 (e) Any law to the contrary notwithstanding, the head of the concerned agency shall, upon order
415 or written request by the PTSB, provide the following information to the PTSB:

416 (1) Any report or a confirmed positive toxicological test, verified by the medico-legal
417 officer of the National Bureau of Investigation (NBI), conducted on an officer or employee of the

agency concerned with the circumstances of an accident under the investigative jurisdiction of the PTSB, as a toxicological, post-accident and unsafe practice requirement; and

(2) Any laboratory record documenting that the test is confirmed as positive.

(f) Except as provided in this section, the PTSB shall maintain the confidentiality of, and exempt from disclosure:

(1) Laboratory records provided to the PTSB; or

(2) Medical information related to the test or a review of the test voluntarily provided to the PTSB by the tested officer or employee.

(g) The PTSB may use a laboratory record made available to it under this Act to develop an evidentiary record in its transportation accident investigation if:

(1) The fitness of the tested officer or employee is at issue in the investigation; and

(2) The use of that record is necessary to develop the evidentiary record.

SEC. 20. *Non-admissibility as Evidence.* – No part of a report of the PTSB related to a transportation accident investigation, may be admitted into evidence or used in a civil action for damages resulting from a matter mentioned in the report. Furthermore, the PTSB shall have immunity from suits arising from its investigation, pronouncements and findings.

SEC. 21. *Assistance to Victims and Families of Victims Involved in Accidents.* – The Department of Social Welfare and Development (DSWD) or a duly-accredited and independent non-governmental organization (NGO), with experience in disasters and post-trauma communication with families, shall have primary responsibility for coordinating the emotional care and support of the families of passengers involved in the accident. The DSWD or the NGO shall be duly designated by the PSTB for the purpose.

The DSWD or accredited NGO shall meet with the families who have traveled to the location of the accident, contact the families unable to travel to such location, and contact all affected families periodically thereafter until such time as the PTSB, in consultation with the DSWD or the NGO so designated, determines that further assistance is no longer needed.

CHAPTER V

MISCELLANEOUS PROVISIONS

SEC. 22. *Relationship with Other Government Agencies.* – Nothing in this Act shall deprive other government agencies from performing their function of investigating transportation accidents as

required by existing laws or making inquiries thereon: *Provided*, That the PTSB is the primary investigator of any transportation accident enumerated under Section 16 of this Act and the PTSB may request assistance from other government agencies in conducting its investigation.

The PTSB, at its discretion, may require the submission of the records, findings and recommendations of the appropriate agency with regard to the investigation or inquiry conducted. For this purpose, the concerned agency shall submit to the PTSB, within fifteen (15) days from receipt of the order, said records, findings and recommendations.

In the exercise of its powers, the PTSB shall take into consideration the provisions of any treaty entered into by the Republic of the Philippines with other countries relative to the investigation of accidents over which the PTSB has assumed jurisdiction.

SEC. 23. *Annual Report.* – The PTSB shall submit to both Houses of Congress an annual report at the end of each year. Such report includes the following:

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

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

(c) 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

(d) Recommendation for legislative and administrative actions or changes with respect to transportation safety.

SEC. 24. *Privacy Protection.* – Nothing in this Act shall be construed as weakening the protections mandated under Republic Act No. 10173, otherwise known as the “*Data Privacy Act of 2012.*”

SEC. 25. *Fiscal Autonomy.* – The PTSB enjoys fiscal autonomy. Its approved annual appropriations shall be automatically and regularly released.

SEC. 26. *Appropriations.* – The amount of Thirty million pesos (P30,000,000.00) is appropriated to finance the operation of the PTSB for the first year out of the funds of the National Treasury not otherwise appropriated. Thereafter, such amounts as may be necessary and sufficient to finance its operations and activities shall be included in the annual General Appropriations Act.

SEC. 27. **Transportation Safety Fund.** – (a) There is hereby created a Transportation Safety Fund, hereinafter known as the Fund, to be deposited in a special trust fund to be administered by the PTSB. The Fund shall be funded from:

(1) Savings from the annual operating expenses of the PTSB; and

(2) Monetary donations and gifts received by the PTSB under Section 15 of this Act.

(b) Subject to the usual accounting and auditing rules and regulations, the Fund shall be used exclusively for the following purposes:

(1) Operation expenses in investigating major accidents;

(2) Initiate studies and research in the causes and possible prevention of accidents and other disasters as provided in this Act;

(3) Reimbursement of extraordinary expenditures and expenses of government and private agencies and persons mobilized by the PTSB in investigating major accidents; and

(4) Training and related conferences to further and enhance the expertise of the officers and employees of the PTSB under the provisions of this Act.

CHAPTER VI

FINAL PROVISIONS

SEC. 28. **Implementing Rules and Regulations.** – Within sixty (60) days from the effectivity of this Act, the PTSB, in coordination with the Department of Justice, Department of Transportation and Communications, Philippine Coast Guard, Department of National Defense, Department of Public Works and Highways, Philippine National Police, Department of Energy, and Department of Trade and Industry, shall promulgate the implementing rules and regulations for the effective implementation of this Act. The IRR shall provide procedures geared towards streamlined processes and swift justice by observing timeline or deadline in rendering decisions and issuances, plain writing or easy-to-understand instructions, and over-all safety and improvement of the transportation industry.

SEC. 29. **Separability Clause.** – If any provision or part of this Act is declared invalid or unconstitutional, the remaining parts or provisions not affected shall remain in full force and effect.

SEC. 30. **Repealing Clause.** – All laws, decrees, orders, proclamation, rules and regulations, or parts thereof, which are inconsistent with any of this Act are hereby repealed, amended, or modified accordingly.

507 SEC. 31. ***Effectivity.*** – This Act shall take effect fifteen (15) days after its publication in the
508 *Official Gazette* or in two (2) national newspapers of general circulation.

Approved,