

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



EIGHTEENTH CONGRESS

First Regular Session

2947

HOUSE BILL NO. _____

**Introduced by Representatives Ria Christina G. Fariñas
and Rudys Caesar G. Fariñas**

EXPLANATORY NOTE

This bill seeks to establish a National Transportation Safety Board.

The Philippines relies heavily on the transportation industry to provide business opportunities and to increase the mobility of people and goods. The transportation industry plays a vital role in the development and in promoting economic growth in the country. The maintenance of a safe, viable, efficient, fast and dependable transportation system is therefore imperative. However, through time, the country witnessed transportation accidents of different magnitudes. These unfortunate accidents, which have caused much damage to persons, property and the environment, reveal the immediate need for the State to find concrete and permanent solutions to minimize if not totally prevent these accidents.

Public clamor for government action arises whenever transportation accidents occur, particularly those causing the loss of lives and damage to property. The public expects the government to conduct immediate investigation and demands full disclosure and the corresponding safety recommendations. However, transportation accidents still occur from time to time, even those which could have been prevented by proactive measures from different sectors. Thus, there is a need to effectively promote a higher degree of safety in the transportation sector of the country.

Currently, there are various government agencies tasked with the regulation of the transportation system which are attached to the Department of Transportation, namely: the Land Transportation Office, Land Transportation Franchising and Regulatory Board, Civil Aviation Authority of the Philippines, Maritime Industry Authority, and the Philippine Coast Guard. As regulatory agencies, they are mandated to promulgate transportation safety rules, regulations and policies. In order to have proper oversight over the safety, adequacy and efficiency of our transport system, an independent and non-regulatory agency is essential.

This measure proposes the establishment of the National Transportation Safety Board (NTSB) as the primary investigative agency of transportation accidents which resulted in a fatality or significant damage to property or the environment. The main objective of NTSB is to determine the cause or causes of accidents involving the various modes of transportation -- land, air, maritime and rail --, promote transportation safety, and to initiate or recommend measures aimed at preventing future accidents. In addition, NTSB carries out special studies concerning transportation safety and has the added responsibility of coordinating government assistance to victims and their families in cases of catastrophic transportation accidents which may cause the loss of lives or damage to property or the environment.

The NTSB is composed of a Chairperson and four full-time members who each have extensive training and experience in a specific mode of transportation and also have adequate knowledge in investigation, analysis and evaluation of transportation accidents, particularly in the field of accident reconstruction, evaluation of evidence and transportation safety.

The NTSB shall be charged with the conduct of independent accident investigations; continual and objective review, appraisal and assessment of operating practices and regulations of government agencies which implement transportation laws and policies. It is also tasked to formulate and promulgate safety improvement standards for observance and implementation by said agencies and the public.

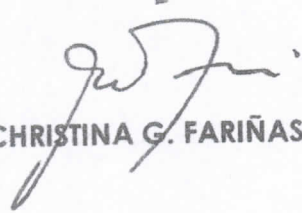
Establishing a National Transportation Safety Board will ensure that an impartial and thorough investigation of transportation accidents is conducted by an independent and non-regulatory agency.

This measure is a refiled bill from House Bill No. 6978, authored by former Representative Rodolfo C. Fariñas in the 17th Congress.

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



RUDYS CAÉSAR G. FARIÑAS I



RIA CHRISTINA G. FARIÑAS

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HOUSE BILL NO. 2947

Introduced by Representatives Ria Christina G. Fariñas
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**AN ACT ESTABLISHING THE NATIONAL TRANSPORTATION SAFETY BOARD AND
APPROPRIATING FUNDS THEREFOR**

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

CHAPTER I
GENERAL PROVISIONS

SECTION 1. *Short Title.* – This Act shall be known as the "*National 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 transportation safety and efficiency in the transportation of people, property and goods and conducting investigations to determine the probable cause of transportation accidents.

CHAPTER II
CREATION AND ORGANIZATION

SEC. 3. *National Transportation Safety Board.* – There is hereby created the National Transportation Safety Board (NTSB) which shall be attached to the Office of the President. The NTSB 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 assist the victims of transportation accidents and their families and ensure that they receive timely and commensurate assistance from the transport operators, other government agencies, and community service organizations; and
- e) Advocate and promote safety recommendations and related information to the public, safety managers, and to the transportation sector.

SEC. 4. Board Members; Qualifications. –

- (a) The NTSB shall be composed of a Chairperson and four (4) full time members.
- (b) A member of the NTSB must be:
 - (1) A natural-born citizen and resident of the Philippines;
 - (2) At least thirty-five (35) years of age;
 - (3) A person of good moral character, unquestionable integrity, recognized probity, and competence.
- (c) The NTSB must be composed of experts in the following fields:
 - (1) One (1) member must have extensive training and experience of at least ten (10) years in air transportation;
 - (2) Two (2) members must have extensive training and experience of at least ten (10) years in maritime transportation;
 - (3) Two (2) members must have extensive training and experience of at least ten (10) years in land transportation; and
 - (4) One (1) member must have extensive training and experience in rail transportation.
- (d) The members of the NTSB must also have adequate knowledge in investigation, analysis and evaluation of transportation accidents, particularly in the field of accident reconstruction, evaluation of evidence and transportation safety.

SEC. 5. Chairperson. – The Chairperson of the NTSB shall be the chief executive officer and shall exercise the executive and administrative functions thereof with respect to the appointment and supervision of personnel employed by the NTSB, distribution of functions among any administrative units of the NTSB and the use and expenditure of funds.

The members of the NTSB will choose from among themselves an acting Chairperson in the event of absence or incapacity of the Chairperson.

SEC. 6. Appointment of NTSB Members. – The President of the Philippines shall appoint the first members of the NTSB within sixty (60) days from the effectivity of this Act. Any vacancy in the NTSB shall also be filled within sixty (60) days from the date the vacancy first arises.

SEC. 7. **Term of Office.** – All members of the NTSB shall have a fixed term of six (6) years without reappointment. Of those first appointed, the Chairperson shall hold office for six (6) years, two (2) members shall hold office for four (4) years and the remaining two (2) members shall hold office for two (2) years, without reappointment. Upon the expiration of the term of a member of the NTSB, the said member shall continue to serve until a successor is appointed and shall have qualified. Appointment to any vacancy shall only be for the unexpired term of the predecessor.

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

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

SEC. 8. **Prohibited Interests.** – The Chairperson and members of the NTSB or any of their relatives within the fourth civil degree of consanguinity or affinity, legitimate or common law, shall be prohibited from holding any interest whatsoever, either as investor, stockholder, officer or director, in any company or entity engaged in air, maritime, land and rail transportation, whether scheduled or unscheduled, passenger or cargo, domestic or international, or in any business providing support services to persons engaged in areas such as general sales agencies, travel agencies, cargo forwarders, ground handling, catering, fuel servicing, maintenance, and must divest, through sale or legal disposition, of any and all interests in such undertakings upon assumption of office. Any violation of this section shall subject the member concerned to removal from the NTSB for cause as well as administrative, civil or criminal prosecution under applicable laws.

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

SEC. 10. **Compensation.** – The salary of the Chairperson and the members of the NTSB shall be the same as those of the Chairperson and Members of the different Constitutional Commissions. They shall also be entitled to computable representation and transportation allowances in the amount of not less than Five thousand pesos (P5,000.00) each per month. The salary of the Chairperson and Members of the NTSB shall not be decreased during their tenure.

SEC. 11. **Offices of the NTSB.** – The NTSB shall establish and maintain distinct and appropriately staffed bureaus, divisions or offices to investigate and report on accidents in any of the following modes of transportation: a) air; b) maritime; c) land; and d) railroad or tracked vehicles.

The NTSB shall also establish and maintain any other office as is needed, including an office to investigate and report on the safe transportation of hazardous, toxic or waste materials.

SEC. 12. **Personnel.** – Subject to civil service laws, rules and regulations and the approval of the Department of Budget and Management, the NTSB is authorized to determine its own staffing pattern and the number of personnel of the organization. The NTSB is also authorized, in accordance with existing laws and policies, 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. 13. **Seal.** – The NTSB shall have a seal which shall be officially recognized.

CHAPTER III POWERS AND FUNCTIONS

SEC. 14. **Powers of the NTSB.** – The NTSB shall exercise the following powers:

a) The NTSB, or upon authority of the NTSB, any member thereof, or any officer or employee duly designated by the chairperson, may conduct such hearings, sit and act as such times and places, administer such oaths and require by *subpoena* or *subpoena duces tecum* the attendance and testimony of such witnesses and the production of such evidence as the NTSB or such officer may deem necessary. Subpoenas shall be issued under the signature of the chairperson, and may be served by the person designated by the chairperson.

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

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

d) The NTSB is authorized to enter into such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of the functions and the duties of the NTSB under this Section, with any government entity or any person;

e) The NTSB is authorized to:

1) 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 Public Works and Highways, including their attached agencies, and other agencies and instrumentalities of the government in the conduct of its investigations;

2) Employ recognized experts and consultants on the accidents under investigation who shall be paid by compensation fixed by the NTSB: *Provided, That not more than two consultants shall be appointed for each incident being investigated;*

3) Create advisory committees composed of qualified private citizens and government officials as it deems necessary or appropriate;

4) Accept voluntary and uncompensated services notwithstanding any other provision of law; and

5) 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 NTSB may order any 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. With or without reimbursement, the NTSB may obtain a copy of an autopsy report performed by a State or local official on an individual who died because of a transportation accident investigated by the NTSB;

g) As soon as practicable after being notified of a transportation accident within the Philippines involving a domestic or foreign air carrier, domestic or foreign passenger or cargo ship, land based mass transit system which results in the loss of lives or significant damage to property or to the environment, the NTSB shall:

1) Designate and publicize the name and phone number of the Director of the Office for Public Affairs or Support Services, which shall be created pursuant to this Act, who shall be an employee of the NTSB 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 carrier and the families;

2) Designate the Department of Social Welfare and Development (DSWD) or an independent non-governmental organization (NGO), 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;

3) Meet with the families who have traveled to the location of the accident, to contact the families unable to travel to such location, and to contact all affected families periodically thereafter until such time as the NTSB, in consultation with the DSWD, determines that further assistance is no longer needed;

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

g) Evaluate, assess the effectiveness, and publish the findings of the NTSB with respect to the transportation safety consciousness and efficacy in preventing accidents of other government agencies, 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 carriers 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 shall include specific proposals for corrective legislation to the Department of Transportation, with copies simultaneously furnished to the appropriate committees of the Senate and the House of Representatives.

Other government agencies mandated to investigate concurrently the accidents mentioned in this section shall coordinate with the NTSB in the performance of its functions. In addition, it shall give full support to the actions and policies dictated by the NTSB during the conduct of investigations.

CHAPTER IV SPECIAL BOARD OF INQUIRY AND SAFETY RECOMMENDATIONS

SEC. 16. *Special Board of Inquiry.* –

(a) If an accident involves a substantial question about public safety, the NTSB may establish a special board of inquiry composed of the following:

i) One (1) member of the NTSB acting as chairperson;

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

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

- a) A statistical and analytical summary of the transportation accident investigations conducted and reviewed by the NTSB during the preceding calendar year;
- b) A survey and summary, in such detail as the NTSB deems advisable, of the recommendations made by the NTSB 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) Recommendations for legislative and administrative actions or changes with respect to transportation safety.

SEC. 21. **Fiscal Autonomy.** – The NTSB shall enjoy fiscal autonomy. Their approved annual appropriations shall be automatically and regularly released.

SEC. 22. **Appropriations.** – The NTSB shall receive an appropriation in the amount of Thirty Million Pesos (P30,000,000.00) to finance its operation for the first year to be appropriated 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.

CHAPTER VI FINAL PROVISIONS

SEC. 23. **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. 24. **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.

SEC. 25. **Effectivity.** – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in two (2) national newspapers of general circulation.

Approved,