

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

19TH CONGRESS
First Regular Session

HOUSE BILL NO. 5004



Introduced by Representative Michael L. Romero

EXPLANATORY NOTE

In the Republic of the Philippines, **The Office for Transportation Security (OTS)** is hereby designated as the single authority responsible for the security of the transportation systems of the country, including, but not limited to:

1. Civil Aviation, by ensuring that Annex 17 to the Convention on International Civil Aviation, as amended, commonly referred to as the Standards and Recommended Practices on Security and as enumerated in the Security Manual for Safeguarding International Civil Aviation Against Acts of Unlawful Interference, as well as the National Civil Aviation Security Programme (NCASP) are implemented;
2. Sea Transport and Maritime Infrastructure, by ensuring that the International Maritime Organization International Ship and Port Facility Security Code (ISPS) is implemented, and that a National Security Programme for Sea Transport and Maritime Infrastructure is formulated, developed and implemented; and
3. Land Transportation, Rail System and Infrastructure, by ensuring that a National Security Programme for Land Transportation, Rail

System and Infrastructure is formulated, developed and implemented.

This House Bill seeks to provide additional **Developmental Funding** to the **(OTS)**, to ensure that the country fulfills its commitments to all transportation security programs, Mandates and agreements.

Thus, the early passage of this bill is earnestly requested.

A handwritten signature in black ink, appearing to read 'Michael L. Romero', with a long horizontal line extending to the right.

MICHAEL L. ROMERO

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

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HOUSE BILL NO. 5004

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AN ACT

PROVIDING FOR ADDITIONAL DEVELOPMENTAL FUNDING FOR
THE OFFICE FOR TRANSPORTATION SECURITY **(OTS)**,
STRENGTHENING ITS POWERS AND FUNCTIONS, AND FOR
OTHER PURPOSES

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

SECTION 1. DECLARATION OF POLICY – It shall hereby be a declared policy of the State to be committed to the maintenance of safe and dependable transportation systems as effective instruments for national recovery and economic progress.

Recent international and domestic events are stark reminders that the nation must constantly be vigilant to prevent weapons, explosives, other dangerous elements or devices, hazardous materials and cargoes, which may be used to commit an act of terrorism and the carriage or bearing of which is not authorized, from being introduced into and carried on board a public transport system.

SECTION 2. DEVELOPMENTAL FUNDING. – The amount of Five Hundred Million Pesos (**Php 500,000,000.00**) for the operation and administration of the **OTS** shall be chargeable against funds for the purpose and other sources recommended by the Department of Budget and Management (**DBM**). Thereafter, appropriations for the **OTS** shall be included in the budget proposals under the Department of Transportation (**DOTr**).

Thereafter, the amount needed for the continued implementation of the modernization program, shall be included in the annual General Appropriations Act (**GAA**).

SECTION 3. OTS DEVELOPMENTAL FUND – There is hereby created the *OTS Developmental Fund* to be used exclusively for the *OTS Developmental Program*.

The OTS Developmental Fund shall be administered by the Secretary of the **DOTr** in accordance with existing government budgeting, accounting and auditing rules and regulations.

SECTION 4. PROGRESS REPORT – The Secretary of the **DOTr** shall prepare an annual report on the status of the implementation of the OTS Developmental Programs which shall be submitted, to the Office of the President and to the Chairpersons of the Committee on Energy of the Senate and the House of Representatives.

SECTION 5. PERIOD OF IMPLEMENTATION – The modernization program under this Act shall be implemented for an initial period of two **(2)** years:

Provided, that payments for multi-year contract obligations incurred under this Act may extend beyond this period:

Provided, further, That **OTS** shall continue develop, modernize and constantly update its operational capabilities to keep pace with best global practices.

SECTION 6. POWERS AND FUNCTIONS. – The OTS shall continue to exercise and uphold the following powers and functions:

1. Assume the functions of the National Civil Aviation Security Committee (NCASC) enumerated in Section 4 of Executive Order No. 277 dated January 30, 2004 as well as all other powers and functions of the NCASC subject, however, to Section 3 of this Executive Order;
2. Exercise operational control and supervision over all units of law enforcement agencies and agency personnel providing security services in the transportation systems, except for motor vehicles in land transportation, jointly with the heads of the bureaus or agencies to which the units or personnel organically belong or are assigned;
3. Exercise responsibility for transportation security operations including, but not limited to, security screening of passengers, baggage and cargoes, and hiring, retention, training and testing of security screening personnel;
4. In coordination with the appropriate agencies and/or instrumentalities of the government, formulate, develop, promulgate and implement comprehensive security plans, policies, measures, strategies and programs to ably and decisively deal with any threat to the security of transportation systems, and continually review, assess and upgrade such security plans, policies, measures, strategies and programs, to improve and enhance transportation security and ensure the adequacy of these security measures;
5. Examine and audit the performance of transportation security personnel, equipment and facilities, and, thereafter, establish, on a continuing basis, performance standards for such personnel, equipment and facilities, including for the training of personnel;
6. Prepare a security manual/master plan or programme which shall prescribe the rules and regulations for the efficient and safe operation of all transportation systems, including standards for security screening procedures, prior screening or profiling of individuals for the issuance of security access passes, and determination of levels of security clearances for personnel of the OTS, the **DOTr** and its attached agencies, and other agencies of the government;

7. Prescribe security and safety standards for all transportation systems in accordance with existing laws, rules, regulations and international conventions;
8. Subject to the approval of the Secretary of the **DOTr**, issue Transportation Security Regulations/Rules and amend, rescind or revise such regulations or rules as may be necessary for the security of the transportation systems of the country;
9. Enlist the assistance of any department, bureau, office, instrumentality, or government-owned or controlled corporation, to carry out its functions and mandate including, but not limited to, the use of their respective personnel, facilities and resources;
10. Actively coordinate with law enforcement agencies in the investigation and prosecution of any illegal act or unlawful interference committed at or directed to any public transportation system;
11. Perform such other functions necessary to effectively carry out the provisions of this Executive Order or as may be directed by the Secretary of the **DOTr**.

SECTION 7. TRANSITORY PROVISION – Existing industries, businesses and offices affected by the implementation of this Act shall be given six **(6)** months transitory period from the effectivity of the IRR or such other period as may be determined, to comply with the requirements of this Act.

SECTION 8. IMPLEMENTING RULES AND REGULATIONS. – The departments and agencies charged with carrying out the provisions of this Act shall, within sixty **(60)** days after the effectivity of this Act, formulate the necessary rules and regulations for its effective implementation.

SECTION 9. REPEALING CLAUSE. – All laws, decrees, executive orders, rules and regulations, or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 10. SEPARABILITY CLAUSE. – If, for any reason, any section or provision of this Act is held unconstitutional or invalid, the other sections or provisions hereof shall not be affected thereby.

SECTION 11. EFFECTIVITY CLAUSE. – This Act shall take effect after fifteen (15) days from its publication in the Official Gazette or in at least two (2) national newspapers of general circulation whichever comes earlier.

Approved,