

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila
TWENTIETH CONGRESS
First Regular Session
House Bill No. 4423



Introduced by Representative

BRIAN DANIEL POE LLAMANZARES, PhD, MNSA

**AN ACT CREATING A PHILIPPINE TRANSPORTATION SAFETY BOARD,
PRESCRIBING ITS POWERS AND FUNCTIONS, AND APPROPRIATING FUNDS
THEREOF**

EXPLANATORY NOTE

Car chases are a staple of 80's Pinoy action movies. One can recall scenes of action-star bida being chased by goons through the streets of old Manila. Usually, the bida would escape by making a sharp turn. This would cause the goons to crash into a conveniently located stack of crates or into a proverbial fruit stand.

Road accidents in real life are neither as high-octane nor as glamorous. And the costs, in human and financial terms, are often worse. According to a 2005 study by the UP National Center for Transportation Studies, a single road accident costs up to 3.47 million pesos. In Metro Manila alone, road accidents claimed the lives of 317 individuals and injured 11,378 others in 2017. Maritime accidents claimed the lives of 1,540 individuals in the same year.

In fact, accidents are the fifth leading cause of death, just behind pneumonia, malignant neoplasm, vascular diseases, and diseases of the heart. Yet road accidents are the most predictable and preventable of these causes of death. Better drivers, stronger enforcement of transport-related laws, and more responsive emergency care are a few simple steps that can—and should—be taken in this direction.

Institutional change is an important part of eliminating road accidents in the country. Currently, our transport sector is governed by a scattered hodgepodge of regulators, bureaus, and agencies. Transport safety is part of their respective mandates, but it is neither their primary focus nor their core specialization. Thus, this representation submits that we need a single dedicated agency that will not only investigate accidents but also look at predicting, reducing, and preventing them.

The present measure proposes to establish an independent and non-regulatory Philippine Transportation Safety Board (PTSB), which shall be mandated to investigate transportation-related accidents on land, sea, and air, including railway and pipeline systems. Among the functions of the proposed PTSB are conducting safety inspections on land, sea, and air transportation, and appraising or assessing existing practices and policies regarding the transportation sector.

However, the PTSB will not merely be a reactive government body, limited only to investigating accidents. It can also undertake and publish studies on making transportation as safe and free from risk of injury as possible. In this sense, the Board performs a proactive function, looking into the causes and determinants of transport accidents and helping to prevent them. After all, prevention is always better than investigation.

This bill was filed in the Senate by my mother, former Senator Grace Poe, who firmly believed in the urgent necessity of establishing a dedicated transportation safety body. This representation shares the same conviction and continues to advocate for the measure's immediate passage, mindful of the lives it can save and systemic reforms it can bring.

This measure is filed in hope that, one day, we may reach a point where the only transport accidents that occur are those onscreen—when the bida makes a sharp turn and the goons crash into a nearby stack of crates, an outdated legacy of a bygone, more hazardous era.

As such, approval of this measure is earnestly sought.

A handwritten signature in black ink that reads "Brian Poe". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

HON. BRIAN DANIEL POE LAMANZARES, PhD, MNSA

Representative

FPJ Panday Bayanihan Party-List

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

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 promote safety in the transportation of people and goods through cost-effective measures that either prevent, remedy or mitigate crashes, accidents and serious incidents involving any mode of transport, including pipelines and conveyors. Towards this end, the Government shall:

- (a) Conduct independent investigations on transportation accidents and incidents;
- (b) Support safety programs based on continuing and objective reviews of causes or reasons for unsafe acts and conditions; and
- (c) Appraise and assess operating practices and operational regulations of government agencies involved in the transportation sector, insofar as they relate to

safety measures, and when appropriate, shall initiate, coordinate, formulate and adopt additional safety standards consistent with international best practices for the observance and implementation by the concerned government agencies and/or private entities.

Sec. 3. *Creation of the Philippine Transportation Safety Board.* - There is hereby created a Philippine Transportation Safety Board, hereinafter referred to as the “Board”, which shall be attached to the Office of the President.

Sec. 4. *Composition and Organization.* -

(a) The Board shall be composed of seven (7) full-time Members, headed by a Chairman. The Chairman and all six (6) Members of the Board shall be appointed by the President and must:

(1) Be a Filipino citizen at the time of his/her appointment;

(2) Have at least three (3) years of actual experience in the administration, operation, and management of a transport utility firm or regulatory agency in transportation and traffic safety; and

(3) Be knowledgeable in crash and incident reconstruction, safety engineering or transportation and traffic safety.

Provided, That each transportation sector—land, rail, air, and sea—shall be represented by one Board Member each: *Provided, further,* That two (2) of the full-time Members must come from the commuting public, including organizations advocating for road safety.

(b) The Chairman shall have a term of five (5) years but may be renewed for a non-extendible period of one (1) year: *Provided,* That the term of the initial appointees shall be staggered, such that three (3) Members shall hold office for three (3) years and the other three (3) Members for two (2) years.

(c) Upon the expiration of their respective terms, the Members shall continue to serve until their successor is appointed and qualified. In case a Member fails to complete his term, his successor shall only serve the unexpired portion of the term of his predecessor.

(d) A Member may be removed from office by the President for cause in accordance with the Civil Service rules and regulations.

(e) The Chairman shall be the Chief Executive Officer of the Board. He shall exercise all the powers and discharge all functions of the Board. He shall exercise control over all personnel employed by the Board, including the following:

- (1) The appointment and supervision of personnel employed by the Board;
- (2) The distribution of business among such personnel and among any administrative units of the Board; and
- (3) The use and expenditure of the funds of the Board.

(f) The Board shall establish and maintain distinct appropriately staffed bureaus, divisions, or offices, to conduct research, investigate, and report on crashes, accidents, and serious incidents involving each of the following modes of transportation:

- (1) Aviation;
- (2) Motor vehicles;
- (3) Railroads and tracked vehicles;
- (4) Pipelines, and
- (5) Marine transport carriers.

(g) The Board shall, in addition, establish and maintain such capabilities as may be needed to investigate and report on the safe transportation of hazardous and toxic materials.

Sec. 5. *The Executive Director.* –

(a) The Board shall have an Executive Director, who shall be appointed by the Chairman.

(b) No person shall be appointed Executive Director unless he is at least thirty-five (35) years of age at the time of his appointment, a member of the Philippine bar, and who has practiced his profession for at least ten (10) years prior to the date of his appointment. He also must not have been a candidate for any elective position in the elections immediately preceding his appointment.

(c) The Executive Director shall:

- (1) Record and officially report on the proceedings of the Board;
- (2) Have authority to administer oaths in all matters falling within the jurisdiction of the Board;
- (3) Be responsible for running the day to day operation of the Board;

(4) Act as the custodian of the records, maps, profiles, reports, and other documents and papers filed in connection with any case or proceeding before the Board;

(5) Be responsible for the effective implementation of the policies, rules, and directives promulgated by the Board;

(6) Coordinate and supervise the activities of the different operating units of the Board; and

(7) Perform such other functions as may be assigned to him by the Chairman and/or the Board.

Sec. 6. Compensation. –

(a) The Chairman and the Members of the Board shall have the rank of a Department Secretary and Undersecretary, respectively. They shall receive the compensation and other emoluments corresponding to those of a Department Secretary and Undersecretary, respectively.

(b) The Executive Director shall have the rank of Assistant Secretary and shall be entitled to compensation and other emoluments corresponding to those of an Assistant Secretary.

(c) The Chairman, the Members of the Board, and the Executive Director shall be entitled to commutable representation and transportation allowances per month in the amount not exceeding the monthly salary of the lowest-paid regular employee of the Board.

(d) The Board shall determine the schedule of salaries of the employees subject to the compliance with the existing compensation law: *Provided*, That the Board shall determine and fix the compensation and fringe benefits of employees holding technical positions that are not common to the agencies of the government which shall be specified in the implementing Rules and Regulations.

Sec. 7. Duties and Functions of the Board. – The Board shall:

(a) Investigate or cause to be investigated and determine the facts, conditions, circumstances, and cause of any of the following:

(1) Aircraft accidents and serious incidents, except those involving State aircrafts, in accordance with ANNEX 13 of the International Civil Aviation Organization regulations;

- (2) Motor vehicle crashes, including railroad grade crossing incidents;
 - (3) Railroad incidents and accidents, including those involving passenger trains, which resulted to death, injury, or substantial damage to property;
 - (4) Pipeline incident, in which there is fatality or substantial property damage;
 - (5) Major maritime transportation and aerial accidents or incidents occurring within Philippine maritime jurisdiction, except those involving domestic and foreign military vessels and ships, occurring within the national territory of the Philippines: *Provided*, That the Board may aid in any investigation concerning such exempted vehicles if it has secured prior consent from the proper government agency; and
 - (6) Other serious incidents involving the transportation of people and property, which, in the judgement of the Board, are catastrophic and of a recurring character.
- (b) Report in writing to Congress and the President on the facts, conditions, and circumstances of each incident investigated pursuant to Section 7 (a) of this Act, and make such report available to the public within sixty (60) days from the completion of the Board's investigation, except in certain cases enumerated in Section 12 of this Act;
 - (c) Initiate and conduct special studies and investigation on matters pertaining to safety in transportation and avoiding injury to persons and damage to property;
 - (d) Gather, analyze, maintain, and publish from time to time data and statistics on transportation crashes, accidents and incidents;
 - (e) Prescribe requirements for persons or agencies reporting transportation incidents, in accordance with their own mandates, except those which involve military vessels or aircrafts; and
 - (f) Perform such other functions as may be necessary to effectively implement the objectives and provisions of this Act.

Sec. 8. Powers of the Board. –

- (a) The Board or any Member so designated may conduct hearings, administer oaths, and require the attendance and testimony of witnesses and the production of papers, contracts, agreements and all other relevant documents deemed necessary in any inquiry or investigation pending before the Board.
- (b) Any representative authorized by the Board, upon presenting appropriate credentials, may enter any property wherein a transportation incident has occurred or wreckage from

such incident is located in order to investigate such incident. The representative may inspect at reasonable times, records, files processes, controls, and facilities relevant to the investigation of such incidents. Each inspection shall be commenced and completed with reasonable promptness.

(c) In investigating aircraft accidents or serious incidents, the Board may inspect and test, to the extent necessary, any civil aircraft engine, equipment, propeller, appliance, or property on an aircraft involved in an accident or serious incident in air commerce: *Provided*, however, That any civil aircraft engine, equipment, propeller, appliance, or property on an aircraft involved in air commerce shall be preserved, and may be moved, only as prescribed by regulations promulgated by the Board.

(d) An officer or employee of the Board may examine or test any motor vehicle, vessel, rolling stock, track, or pipeline component involved in an accident or incident. Such examination or test shall be conducted in a manner that:

(1) Does not unnecessarily, interfere with the transportation services provided by the owner or operator of the motor vehicle, vessel, rolling stock, or pipeline component; and

(2) To the maximum extent feasible, preserves evidence related to the accident, consistent with the needs of the investigation.

(e) The Board shall have the sole discretion to:

(1) Decide the manner of inspection and examination of evidence pursuant to this Act;

(2) Identify the person or persons who or entity that will conduct the inspection, examination or test; and

(3) Identify the type of examination or test to be conducted.

Provided, That a representative from concerned government agencies shall be present during the inspection, examination, or test conducted pursuant to this Act: *Provided, further*, That all examinations and tests shall be properly documented by photographs and videos.

(f) The Board may use a laboratory record made available to it under this Act to develop an evidentiary record in its investigation of an accident or incident 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.

(g) The Board may require and shall be furnished a copy of the autopsy reports by the official concerned on any person who died as a result of having been involved in a transportation accident. The Board may order, if necessary, the autopsy of such other deceased, or require tests on such other person or persons as may be needed for the investigation of the accident.

(h) The Board may enter into such contracts, leases, agreements and other transactions as may be necessary in the conduct of its functions and duties.

(i) The Board may call the assistance, and use any available services, equipment, and facilities of the Department of Justice (DOJ), Department of Transportation (DOTr), Philippine Coast Guard (PCG), Department of National Defense (DND), Department of Health (DOH), Metropolitan Manila Development Authority (MMDA), Department of Public Works and Highways (DPWH), Philippine National Police (PNP), National Bureau of Investigation (NBI), Local Government Units (LGUs), and other agencies and instrumentalities of the government.

(j) The Board may create advisory committees composed of qualified private citizens and government officials with whom the Board may consult in the implementation of its functions and duties and to pay honoraria of these persons for meetings actually attended. Whenever necessary, the Board may likewise appoint or retain the services of recognized experts as consultants on the incidents under investigation. Such consultants shall be paid compensation as fixed by the Board: *Provided*, That not more than three (3) consultants shall be appointed for each incident being investigated: *Provided, further*, That no officer, external auditor, or legal counsel of any private company or enterprise primarily engaged in the transportation industry shall be eligible for appointment as a consultant of the Board;

(k) Any law to the contrary notwithstanding, the Board may accept voluntary and uncompensated services;

(l) The Chairman of the Board may determine the number of committees that are appropriate to maintain effective liaison with other departments, agencies and instrumentalities of the national government and LGUs, non-government organizations, and independent standard-setting authorities that carry out programs and activities related to transportation safety. The Board shall designate representatives to serve in the committees.

(m) The Board or any officer or employee designated by the Chairman, may conduct an inquiry to obtain information related to transportation safety;

(n) The Board may require the submission of records, findings, and/or recommendations of previous incidents and/or investigations of such incidents, from any government agency. For this purpose, the agency concerned shall transmit to the Board, within fifteen (15) days from receipt thereof, said records, findings, and/or recommendations.

(o) The Board, or its designated officer or employee, may issue Orders requiring a department; agency or instrumentality of the national government; LGU; or a person, natural or juridical, which transports persons or goods; to submit to the Board written answers or reports pertaining to questions the Board may propound in line with its current investigations. The Board shall prescribe a reasonable time within which the reports and the answers thereto must be submitted to its designated officer or employee.

Sec. 9. *Consideration of International Law.* – In the exercise of its powers, the Board shall take into consideration and abide by 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 Board assumes jurisdiction.

Sec. 10. *Use of Reports as Evidence.* – No part of any report or reports of the Board relating to any accident or incident, or investigation thereof, shall be admitted as evidence or used in any suit or action for damages arising out of any matter mentioned in such report or reports, except when the criminal aspect of the accident or incident is put into issue.

Sec. 11. *Relationship with Other Government Agencies.* –

(a) The Board shall have original jurisdiction over incidents enumerated in Section 7(a) of this Act; however, nothing in this Act shall deprive other government agencies from performing their intrinsic and mandated functions, including the investigation of accidents or making inquiries thereon, when those functions exist prior to the effectivity of this Act: *Provided*, however, That the Board, at its discretion, may require the submission of the records, findings, and recommendations of the investigation or inquiry, pursuant to its power under Section 8 of this Act;

(b) The PNP and other law enforcement agencies shall continue to investigate and record incidents involving motor vehicles and/or pedestrians in accordance to their operational procedures or protocols; and

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

(1) Any report or a confirmed positive toxicological test, verified as positive by the medico-legal officer of the PNP or the NBI, conducted on an officer or employee of

the concerned agency under post-accident, unsafe practice, or reasonable toxicological requirements of the concerned with the circumstances of an accident or incident under the investigative jurisdiction of the Board; and

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

Sec. 12. Disclosure, Availability, and Use of Information. –

(a) Except as provided in this Section, any record, information or investigative report submitted to the Board shall be made available to the public upon request and at reasonable cost, unless the Board or the Department of Justice prohibits such disclosure due its possible adverse domestic or international impact;

(b) The Board shall not disclose any information related to a trade secret except:

(1) To another department, agency, or instrumentality of the national government, when requested for official use;

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

(3) To the public: *Provided*, That such disclosure shall be for the protection of public health and safety: *Provided, further*; That the information disclosed will not be detrimental to public health and safety: *Provided* finally, That the disclosure shall be made in a manner designed to protect and preserve its confidentiality.

(c) The Board shall not publicly disclose any part of a CCTV footage or voice recording or transcript of oral communications relating to an incident being investigated by the Board: *Provided*, however, That this provision shall not apply:

(1) When the Board holds a public hearing on the accident or incident; or

(2) When the Board makes public its findings relative to the said accident or incident.

(d) Except as provided in Section 12 (b) of this Act, the Board shall maintain the confidentiality of, and exempt from disclosure:

(1) Military secrets and findings used in the report, unless authorized by the DND to do so;

(2) Laboratory records provided to the Board;

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

Sec. 13. *Immunity from Suits.* – The member of the board and its employees shall have immunity from suit arising from the performance of its functions conducted in good faith, without fault and negligence, and without violation of any existing laws, rules and regulations during the pendency of its investigation of a transportation-related accident under its jurisdiction as provided under this Act.

Sec. 14. *Transportation Safety Fund.* –

(a) There is hereby created a Transportation Safety Fund (“Fund”) from the Board’s savings from its annual operating expense, which shall be deposited in a special trust fund administered by the Board.

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

(1) Operational expenses in investigating major accidents;

(2) 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/or persons mobilized by the Board in investigating major accidents; and

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

Sec. 15. *Annual Report.* – The Board shall submit to the President and Congress an annual report at the end of every calendar year containing, among others:

(a) Statistical and analytical information of accident or incident investigations conducted and reviewed by the Board during the preceding year;

(b) A survey and summary of the recommendations made by the Board to reduce the likelihood of the recurrence of those accidents, together with the observed response to each recommendation; and

(c) A detailed appraisal of each accident investigation and accident prevention activity of other departments, agencies, other instrumentalities of the national government and the LGUs.

Sec. 16. Appropriations. – The sum of Fifty million pesos (P50,000,000.00) is hereby appropriated out of any funds in the National Treasury not otherwise appropriated, for the initial organization and operations of the Board. Thereafter, such sums, as may be necessary for the operations of the Board, shall be included in the annual General Appropriations Act.


Sec. 17. Implementing Rules and Regulations. – Within sixty (60) days from the effectivity of this Act, the Board, in consultation with the DOJ, DOTr, Philippine Coast Guard, DND, DOH, MMDA, Civil Aviation Authority of the Philippines, Maritime Industry Authority, DPWH, PNP, and NBI, shall promulgate the implementing rules and regulations (IRR) for the effective implementation of this Act. The IRR shall provide procedures geared towards streamlined processes and swift justice by observing timelines or deadlines in rendering decisions and issuances, plain writing or easy-to-understand instructions, and over-all improvement of the industry.

Sec. 18. Separability Clause. – If any part or provision of this Act is declared invalid or unconstitutional, the other parts not affected thereby shall remain valid.

Sec. 19. Repealing Clause. – All laws, decrees, executive orders, issuances, or rules and regulations, or portions thereof, that are inconsistent with this Act or any provision or provisions, thereof are repealed or modified accordingly.

Sec. 20. Effectivity. – This Act shall take effect fifteen (15) days after its publication in two (2) newspapers of general circulation.

Approved,


HON. BRIAN DANIEL POE LLAMANZARES, PhD, MNSA
Representative
FPJ Panday Bayanihan Party-List