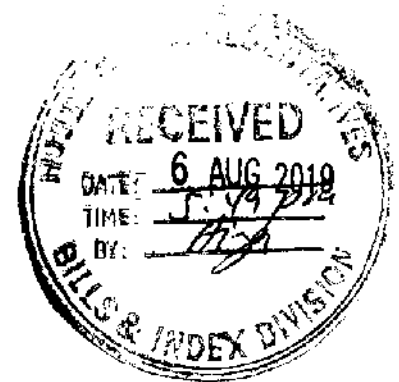


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Constitution Hills, Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 3565



Introduced by REP. EDGAR MARY S. SARMIENTO

EXPLANATORY NOTE


The World Health Organization, in its 2015 report on road safety, estimates that there are 10,379 individuals who have died in 2019 due to road crashes. Year in and out, we hear of reports and stories of horrific accidents which cause multiple deaths and injuries. Various bills were passed to serve as a remedy to the situation. However, what the country clearly lacks a primary agency which will be given the key duty of ensuring the safety of the various modes of transportation.

This bill seeks to create a Philippine Transportation and Safety Board, a non-regulatory and independent agency tasked to maintain a safe, viable, efficient and dependable transportation system. It is primarily tasked to investigate and evaluate accidents to improve transportation safety standards and prevent air, land and marine transportation mishaps. In addition to this, it is also assigned to create safety standards which shall be implemented for the appropriate mode of transportation.

Institution of the PTSB will allow the government to prevent the occurrence of accidents through the imposition of safety standards. It will also allow the government to continuously improve transportation safety policies. Once accidents do occur, our citizens would be assured that definite measures were taken to ensure that it will not happen again.

The issue on transportation safety is not one to be debated on. We should always strive to ensure that our motorists and commuters will be able to move from one place to another without any difficulties.

In view of the foregoing, passage of the bill is earnestly sought.


EDGAR MARY S. SARMIENTO
Representative, 1st District, Samar

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

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 3565

Introduced by REP. EDGAR MARY S. SARMIENTO

AN ACT
ESTABLISHING THE PHILIPPINE TRANSPORTATION SAFETY BOARD,
DEFINING ITS POWERS AND FUNCTIONS, AND APPROPRIATING FUNDS
THEREFOR

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

ARTICLE I

GENERAL PROVISIONS

1
2
3
4 SECTION 1. *Short Title.* -- This Act shall be known as the "*Philippine Transportation*
5 *Safety Board Act.*"

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

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

14
15 **ARTICLE II**

16 **CREATION**

17

1 SEC. 3. ***Philippine Transportation Safety Board.*** — There is hereby created a
2 Philippine Transportation Safety Board (PTSB), a non-regulatory and independent agency to
3 implement the foregoing policies of the State. The PTSB shall be an independent agency under
4 the Office of the President and shall develop appropriate safety standards to be followed and
5 implemented by concerned agencies.

6 It shall have the following objectives:

7 (a) Improve transportation safety measures in order to prevent transportation accidents
8 or mitigate dangers to human lives and property; and

9 (b) Ensure the implementation of transportation safety standards.

10 The PTSB shall be the primary government body that shall investigate and determine
11 the facts, conditions, circumstances and the causes of any major or fatal air, maritime and land
12 transportation accident, or threat of a major or fatal air, maritime or rail accident. Accidents
13 involving aircrafts, vessels and vehicles operated by the Armed Forces of the Philippines
14 (AFP), or occurring within military sites in the Philippines, or those involving solely aircrafts,
15 vessels and vehicles of the armed forces of any foreign country occurring in the Philippines
16 shall be the responsibility of the AFP.

17 SEC. 4. ***Jurisdiction.*** — The PTSB shall have jurisdiction over all major or fatal
18 transportation accidents or those of alarming nature resulting in serious physical injury or loss
19 of life or property or causing substantial damage to or destruction of property or surroundings.

20 A major or fatal transportation accident shall include:

21 (a) Capsizing or grounding of a ship or marine vessel;

22 (b) Collision of ships or vessels;

23 (c) Air crash or collision of aircrafts;

24 (d) Overshooting or emergency landing of an aircraft;

25 (e) Vehicular crash or collision of motor vehicles; and

26 (f) Derailment of trains.

27 The jurisdiction of the PTSB shall extend to similar accident or incident with alarming
28 magnitude such as, but not limited to:

29 (a) Contamination of air or water due to pipe leakage; and

30 (b) Failure or defect of transportation infrastructure facilities.

31 SEC. 5. ***Powers and functions of the PTSB.*** The PTSB shall have the following
32 powers and functions:

33 (a) Evaluate and harmonize transportation safety standards with international safety
34 standards of applicable conventions, treaties and best practices in transportation safety

1 including those developed by transportation agencies, and recommend its implementation to
2 all sectors of Philippine transportation;

3 (b) Conduct hearings and investigations concerning any major or fatal
4 transportation accident, and conduct special studies on matters pertaining to safety in
5 transportation: *Provided*, That the Board shall not be prevented from making further inquiries
6 on accidents subject of past investigations and shall require the investigating bodies to submit
7 the pertinent records, reports, findings and recommendations: *Provided further*, That other
8 agencies mandated to investigate concurrently such accidents shall coordinate with, cooperate
9 with and extend its full support to the Board during the conduct of investigation;

10 (c) Require the involvement or collaboration of the members of the academe and
11 the non-government organizations in investigations requiring their expertise and knowledge;

12 (d) Recommend to the concerned government agencies and private organizations
13 the adoption of transportation safety standards and measures that will improve transportation
14 safety;

15 (e) Prepare a written reports regarding its investigations and special studies,
16 including the findings and safety recommendations thereon and make such reports available to
17 the public;

18 (f) Assess and evaluate the techniques and methods of accident investigation and
19 prepare and publish from time to time the recommended procedures for accident investigations;

20
21 **ARTICLE III**
22 **ORGANIZATION**
23

24 **SEC. 6. *Composition, Qualifications, and Appointment of the Members of the***
25 ***Governing Board.*** -- The governing Board, hereinafter referred to as the Board, shall be
26 composed of five (5) full-time members, including a Chairperson. All the members of the
27 Board shall have extensive training and experience in their respective transportation fields and
28 each must have adequate knowledge in investigation, analysis, and evaluation of transportation
29 accidents, particularly in the field of accident reconstruction, safety engineering, or
30 transportation safety

31 The members shall be Filipino citizens and residents of the Philippines, at least thirty-
32 five (35) years of age, and persons of good moral character, unquestionable integrity, and
33 recognized probity and competence.

1 Within sixty (60) days from the effectivity of this Act, the President of the Philippines
2 shall appoint the first members of the Board. Any member may be removed by the President
3 for cause as provided for by law.

4 In case of incapacity or absence of the Chairperson, the members shall choose from
5 among themselves an acting Chairperson.

6 **SEC. 7. *Term of Office.*** All members shall have a fixed term of six (6) years. Of
7 those first appointed, the Chairperson shall hold office for six (6) years, two (2) members shall
8 hold office for four (4) years and the remaining two (2) members shall hold office for two (2)
9 years. Upon the expiration of the term of office of a member, the said member shall continue
10 to serve until a successor is appointed and qualified. Appointment to any vacancy is only for
11 the unexpired term of the predecessor. Such vacancy shall be filled within sixty (60) days from
12 the date of its occurrence.

13 **SEC. 8. *Powers and Functions of the Governing Board.*** - The powers and functions
14 of the PTSB shall be vested in and exercised by the Board.

15 The Board shall have the following powers and functions.

16 (a) Cite for contempt any person in case of contumacy or refusal to obey subpoena,
17 an order, or an inspection notice of the Board;

18 (b) Authorize any of its employees to enter any property where a transportation
19 accident has occurred, or where wreckage is found, or where any such accident is located, and
20 do all things necessary for the proper conduct of investigation. The authorized employee may
21 inspect, at a reasonable time, records, files, processes, controls and facilities relevant to the
22 investigation of such accident. Each inspection shall be commenced and completed with
23 reasonable promptness and the results thereof shall be made available to the concerned parties;

24 (c) Enter into contracts or agreements with any person or entity as may be necessary
25 in the conduct of its powers and functions, including the employment of experts on accidents
26 under investigation;

27 (d) Use, when appropriate, available services, equipment, personnel and facilities
28 of the other agencies and instrumentalities of the government in the conduct of its investigation;

29 (e) Establish and maintain an adequately staffed laboratory and ancillary facilities
30 for the purpose of examining evidence obtained during the course of its investigation.

31 (f) Create advisory committees composed of qualified private citizens and
32 government officials as may be necessary or appropriate.

33 (g) Authorize an autopsy to be performed and have other tests made when necessary
34 to investigate an accident: *Provided, That* local or national laws protecting religious beliefs

1 related to autopsies shall be observed to the extent consistent with the needs of the accident
2 investigation: *Provided, further,* That the Board shall be provided with a copy, free of charge,
3 of any autopsy report performed by a national or local official;

4 (h) Coordinate with the carrier involved in the accident so that resources of the
5 carrier may be used to the greatest extent possible to carry out the responsibilities of the PTSB;

6 (i) Require government agencies and persons engaged in transportation to submit
7 written report with respect to any matter pertinent to transportation safety, such report to be
8 submitted within a reasonable period of time as determined by the PTSB;

9 (j) Promulgate, in coordination with the relevant law enforcement and
10 investigating agencies, the necessary protocols in the conduct of its investigations;

11 (k) Delegate any of its powers and functions to the heads of the different bureaus,
12 divisions or offices of the PTSB to further facilitate the implementation of the provisions of
13 this Act; and

14 (l) Accept voluntary and uncompensated services, gifts or donations
15 notwithstanding any other provision of law to the contrary.

16 **SEC. 8. *Chairperson; Duties and Powers.*** -- The Chairperson shall be the chief
17 executive and administrative officer of the PTSB. The Chairperson shall,

18 (a) Administer oaths and issue *subpoena duces tecum* or *subpoena ad*
19 *testificandum*: *Provided,* That subpoenas shall be issued under the signature of the Chairperson
20 and may be served by any officer, personnel or employee of the PTSB as designated by the
21 Chairperson;

22 (b) Execute and carry out the policies, decisions, orders, and resolutions approved
23 by the Board;

24 (c) Direct and supervise the operations and internal administration of the PTSB,
25 including enforcement of disciplinary actions;

26 (d) Sign appointments, make temporary assignments, rotate and transfer of
27 personnel in accordance with law;

28 (e) Prepare the annual budget of the PTSB for approval by the Board;

29 (f) Supervise the expenditures of the PTSB;

30 (g) Delegate his/her authority, in whole or in part, to other officials of the PTSB in
31 accordance with Executive Order No. 292, otherwise known as the Administrative Code of
32 1987, as amended, and the rules and regulations of the Board; and

33 (h) Perform such other functions as may be authorized by the Board.

1 SEC. 10. **Quorum.** -- The presence of at least three (3) members shall constitute a
2 quorum and the majority vote of members present shall be necessary for the adoption of any
3 rule, ruling, order, resolution, decision or other acts of the Board.

4 SEC. 11. **Compensation.** The salary of the Chairperson and the members of the
5 Board shall be the same as those of the Chairperson and members of the different Constitutional
6 Commissions. They shall be entitled to representation and transportation allowances under
7 existing laws.

8 SEC. 12. **Offices of the PTSB.** -- For the proper management and effective
9 implementation of the objectives of the PTSB, the following offices are hereby established:

10 (a) *Office of the Executive Director.* -- The PTSB shall have an Executive Director who
11 shall be appointed by the President of the Philippines upon recommendation of the Board. The
12 Executive Director must be at least thirty-five (35) years of age at the time of appointment, a
13 member of the Philippine bar, and engaged in the practice of law for at least ten (10) years prior
14 to the date of appointment. The appointee must not have been a candidate for any elective
15 position in the elections immediately preceding the appointment.

16 The Executive Director shall assist the Chairperson in the discharge of his functions
17 as executive and administrative head of the Board and be responsible for the day-to-day
18 management of the PTSB; record and report the proceedings of the Board; have custody of
19 records, maps, profiles, reports, and other documents filed in connection with any case or
20 proceedings before the PTSB; supervise the PTSB laboratory; and, perform such other
21 functions as may be assigned by the Chairperson or the Board.

22 (b) *Office of Aviation Safety.* -- The Office of Aviation Safety shall conduct investigations
23 of all aviation accidents and submit the corresponding reports and necessary transportation
24 safety recommendations to the Board.

25 (c) *Office of Maritime Safety.* -- The Office of Maritime Safety shall conduct
26 investigations of all maritime accidents and submit the corresponding reports and necessary
27 transportation safety recommendations to the Board.

28 (d) *Office of Surface Transportation Safety.* -- The Office of Surface Transportation
29 Safety shall conduct investigations of road transportation, railroad, and pipeline accidents and
30 submit the corresponding reports and necessary transportation safety recommendations to the
31 Board.

32 (e) *Office of Transportation Safety Standards.* -- The Office of Transportation Safety
33 Standards shall prescribe safety standards in all transportation systems; establish and update

1 transportation safety standards through continuing research and in-depth studies; and oversee
2 the implementation of the safety recommendations program of the PTSB.

3 (f) *Office of Research and Engineering.* - The Office of Research and Engineering shall
4 provide technical advice and services to the PTSB; conduct research and carry out analytical
5 studies and tests on all aspects of the PTSB's transportation accident investigation, accident
6 prevention and safety promotion activities; conduct safety studies on specific safety issues;
7 perform statistical analyses of transportation accidents and incident data; maintain archival
8 records of the PTSB's accident investigation and safety promotion activities; and, support the
9 PTSB's data processing, computing and information management requirements.

10 (g) *Office of the General Counsel.* - The Office of the General Counsel shall provide
11 legal advice and assistance to the PTSB and its officers, personnel and employees; prepare
12 rules, opinions and orders; and represent the PTSB in court actions and other proceedings.

13 (h) *Office of Public Affairs.* - The Office of Public Affairs shall provide the general
14 public, including Congress and the national agencies, the transportation industry, and the media
15 with current and accurate information concerning the activities, programs and objectives of the
16 PTSB

17 (i) *Administration Office.* - The Administration Office shall provide administrative
18 support in the following aspects: budget, accounting and audit; human resource management;
19 information and automatic data processing management; property, space, communications,
20 facilities and transportation management, and, printing, publications, correspondence,
21 procurement, contracting, and accident inquiry services.

22 SEC 13. **Personnel.** Subject to civil service laws, rules and regulations, and the
23 approval of the Department of Budget and Management, the Board shall determine its own
24 staffing pattern and the number of personnel of the organization. The Board shall,
25 in accordance with existing laws and policies, select, appoint, employ, and fix the
26 compensation of such officers and employees, including investigators, and attorneys, as may
27 be necessary to carry out its powers and duties.

28 SEC. 14. **Prohibited Interests.** - The Chairperson, members of the Board, officers, and
29 employees shall not, during their tenure, hold any other office or employment. Neither shall
30 they engage in the practice of any profession or in the active management or control of any
31 business which, in any way, may be affected by the functions of their office, nor shall they be
32 financially interested, directly or indirectly, in any contract with, or in any franchise or
33 privilege, granted by the government and its subdivisions, agencies or instrumentalities.

1 including government-owned or controlled corporations or their subsidiaries. They shall
2 directly avoid conflict of interest in the conduct of their office.

3 No spouse or relative by consanguinity or affinity within the fourth civil degree and no
4 law, business or professional partner or associate of the Chairperson or Members may appear
5 as counsel or agent on any matter pending before the Board or transact business directly or
6 indirectly therewith.

7 The disqualification shall apply during the tenure of the official concerned and one (1)
8 year thereafter.

9 Any violation of this section shall be a ground for removal from the PTSB as well as
10 administrative, civil or criminal prosecution under applicable laws.

11 SEC. 15. **Recommendations of the Board.** The Board shall submit a
12 recommendation regarding transportation safety to the appropriate government agencies of
13 which they shall respond to each recommendation formally and in writing not later than thirty
14 (30) days after receipt thereof. The failure on the part of the concerned agency to abide by the
15 recommendation of the Board without any justifiable reason shall be a ground for
16 administrative liability of the head of the agency or concerned official as well as other sanctions
17 as provided under existing laws.

18 The Board shall recommend to the appropriate government agencies the recall of any
19 defective means of transportation and to cause the installation of the required part or parts to
20 make it safe and notify not only the distributor or purchaser but also the public of such defect.
21 It shall also recommend the grounding of any defective means of transportation pending the
22 investigation of the cause or nature of its defect. Moreover, the Board may also recommend
23 the denial, amendment, modification, suspension, or revocation of a certificate of public
24 convenience, registration or franchise if the means of transportation, including the activities of
25 a commercial carrier, have been found negligent, as well as suspension or revocation of license,
26 as the case may be.

27 In its report, the Board shall include the accountabilities of officials and employees of
28 regulatory transport agencies who fail to properly implement the transportation safety standards
29 provided under pertinent or applicable conventions, treaties, laws, rules and regulations.

30 SEC. 16. **Disclosure, Availability, and Use of Information.** – (a) Except as provided
31 in this section, any copy of record, information or report of investigation submitted to the PTSB
32 shall be made available to the public upon request and payment of reasonable cost;

1 (b) The Board shall not make the records available for purposes other than accident or
2 incident investigation, unless the appropriate authority for the administration of justice
3 determines that their disclosure outweighs the adverse domestic and international impact;

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

5 1. To another department, agency, or instrumentality of the national government,
6 when requested for official use;

7 2. To a committee of Congress having jurisdiction over the subject matter to which
8 the investigation is related, when requested by that committee;

9 3. In a judicial proceeding under a court order that preserves the confidentiality of
10 the information without impairing the proceeding; and

11 4. To the public: *Provided*, That such disclosure shall be for the protection of
12 public health and safety: *Provided, further*, That the disclosure shall be made in a manner
13 designed to protect and preserve its confidentiality.

14 (d) The Board shall not publicly disclose any part of a cockpit voice recording or
15 transcript of oral communications by and between flight crew members and ground station
16 related to an accident or incident investigated by the PTSB: *Provided*, That the PTSB shall
17 make public any part of the transcript that it deems relevant to the said accident or incident.

18 1. When the PTSB holds a public hearing on the accident or incident; or

19 2. When the PTSB makes public its findings relative to the said accident or
20 incident.

21 (f) Except as provided in Section 15 (b) of this Act, the Board shall maintain the
22 confidentiality of, and exempt from disclosure:

23 1. Laboratory records provided to the Board; and

24 2. Medical information related to the test or a review of the test voluntarily
25 provided to the Board by the tested officer or employee.

26 (g) The Board may use a laboratory record of a person made available to it under this
27 Act to develop an evidentiary record in its investigation of an accident or incident where the
28 fitness of such person is at issue.

29 **SEC. 17. *Non-admissibility as Evidence.*** -- No part of a report of the PTSB related to
30 a transportation accident investigation may be admitted into evidence or used in a civil action
31 for damages resulting from a matter mentioned in the report. Furthermore, the PTSB shall have
32 immunity from suits arising from its investigation, pronouncements, and findings.

33
34 **ARTICLE IV**

1 MISCELLANEOUS PROVISIONS

2
3 SEC. 18. *Relationship with Other Government Agencies.* – (a) Nothing in this Act shall
4 deprive other government agencies from performing their intrinsic functions, including the
5 investigation of accidents or making inquiries thereon: *Provided,* That the PTSB, at its
6 discretion, may require the submission of the records, findings, and recommendations of the
7 investigation or inquiry. For this purpose, the agency concerned shall transmit to the PTSB,
8 within fifteen (15) days from receipt thereof, said records, findings, and/or recommendations;

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

12 SEC. 19. *Annual Report.* – The PTSB shall submit to both Houses of Congress an
13 annual report at the end of each year.

14 SEC. 20. *Privacy Protection.* – Nothing in this Act shall be construed as weakening
15 the protections mandated under Republic Act No. 10173, otherwise known as the “*Data*
16 *Privacy Act of 2012.*”

17 SEC. 21. *Seal.* – The PTSB shall have a seal which shall be officially recognized.

18
19 ARTICLE V

20 FINAL PROVISIONS

21
22 SEC. 22. *Transportation Safety Fund.* (a) There is hereby created a Transportation
23 Safety Fund, hereinafter known as the Fund, to be deposited in a special trust fund to be
24 administered by the PTSB. The Fund shall be sourced from:

- 25 1. Savings from the annual operating expenses of the PTSB; and
26 2. Monetary donations and gifts received by the PTSB under Section 7 of this Act.

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

- 29 1. Operational expenses in investigating transportation accidents;
30 2. Studies and research on transportation safety;
31 3. Reimbursement of extraordinary expenditures and expenses of government and
32 private agencies and persons mobilized by the Board in investigating transportation accidents,
33 and

1 4. Training and related conferences to enhance the expertise of the officers,
2 personnel and employees of the PTSB.

3 SEC. 23. **Appropriations.** – The amount of Thirty million pesos (P30,000,000.00) is
4 appropriated to finance the operation of the PTSB for the first year out of the funds of the
5 National Treasury not otherwise appropriated. Thereafter, such amounts as may be necessary
6 and sufficient to finance its operations and activities shall be included in the annual General
7 Appropriations Act.

8 SEC. 24. **Implementing Rules and Regulations.** – Within sixty (60) days from the
9 effectivity of this Act, the PTSB, in coordination with the Department of Justice, Department
10 of Transportation, Department of Public Works and Highways, Department of Energy,
11 Department of Trade and Industry and the Philippine National Police, shall promulgate the
12 implementing rules and regulations for the effective implementation of this Act.

13 SEC. 25. **Separability Clause.** – If any provision or part of this Act is declared invalid
14 or unconstitutional, the remaining parts or provisions not affected thereby shall remain in full
15 force and effect.

16 SEC. 26. **Repealing Clause.** – All laws, decrees, orders, proclamation, rules and
17 regulations, or parts thereof, which are inconsistent with any provision of this Act are hereby
18 repealed, amended, or modified accordingly.

19 SEC. 27. **Effectivity.** – This Act shall take effect fifteen (15) days after its publication
20 in the *Official Gazette* or in a newspaper of general circulation.

21 Approved,