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BY REPRESENTATIVES SARMIENTO, SALO, VARGAS, ROMUALDO, BIAZON, BARBA, GUICO, FARIÑAS (R.C.), FARIÑAS I (R.C.), RODRIGUEZ, SILVERIO, AGABAS, CELESTE, ROMERO, SY-ALVARADO, NIETO, SAVELLANO, PADIERNOS, ONG (R.), VELASCO, MARIÑO, YAP (E.), KHO (E.), GATO, UMALI (M.V.), MOMO, AMATONG, BABASA, CABREDO, PUNO, ONG (J.), TEJADA, LIM, PEÑA, DIMAPORO (M.K.), BELMONTE, ZUBIRI, DAGOOC, GO (M.), ALONTE, FLORES, DELOS SANTOS, ARENAS, HERNANDEZ, GARCIA (P.J.), ERMITA-BUHAIN, SALCEDA, CUA, VIOLAGO, GASATAYA, JALOSJOS, SUANSING (H.), MATUGAS, GARCIA (J.E.), GONZAGA, HARESCO, CUARESMA, UY (J.), DAZA, LIMKAICHONG, SAGARBARRIA, BAUTISTA-BANDIGAN, CALDERON, CAMPOS, SUAREZ (D.), GONZALEZ, FRASCO, ZAMORA (W.K.), TAMBUNTING, BALINDONG, BERNOS, BRAVO, BASCUG, CAMINERO, CARI, DALOG, DELOSO-MONTALLA, DIMAPORO (A.), ESPINO, FORTUNO, HOFER, JIMENEZ, LABADLABAD, NATIVIDAD-NAGAÑO, NAVA, ORTEGA, OUANO-DIZON, PLAZA, REVILLA, ROMAN, SANCHEZ, SINGSON-MEEHAN, TIANGCO, TUTOR, TY (D.), VERGARA, CO (E.), CABATBAT, GUYA, QUIMBO, FORTUN, CABOCHAN, ENVERGA, GATCHALIAN, MENDOZA, NOGRALES (J.J.), RAMIREZ-SATO, ROMULO, SANGCOPAN, SUNTAY, VILLAFUERTE AND DALIPE, PER COMMITTEE REPORT NO. 876

**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

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. Towards this end, there shall be established a government agency tasked with promoting safety and efficiency in the transportation of people, property, and goods, and conducting investigations to determine the cause of transportation accidents.

ARTICLE II

THE PHILIPPINE TRANSPORTATION SAFETY BOARD

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

The PTSB shall be the primary government body that shall investigate and determine the facts, conditions, circumstances and the causes of any major or fatal air, maritime, and land transportation accident, or threat of a major or fatal air, maritime, or rail accident.

In the pursuit of its mandate, the PTSB shall attain the following objectives:

- (a) Ensure the maintenance of a safe, viable, efficient, and dependable transportation system in the country;
- (b) Improve transportation safety measures in order to prevent transportation accidents and mitigate dangers to human lives and property; and
- (c) Ensure the implementation of transportation safety standards.

SEC. 4. **Jurisdiction.** – The PTSB shall have jurisdiction over all major or fatal transportation accidents or those of alarming nature that result in serious physical injury or loss of life or property, or those that cause substantial damage to or destruction of property or surroundings.

To be considered major or fatal, a transportation accident shall be any of the following:

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

- 1 (b) Collision of ships or vessels;
- 2 (c) Air crash or collision of aircrafts;
- 3 (d) Overshooting or emergency landing of an aircraft;
- 4 (e) Vehicular crash or collision of motor vehicles; and
- 5 (f) Derailment of trains.

6 The jurisdiction of the PTSB shall extend to any similar accident or incident with
7 alarming magnitude such as:

- 8 (a) Contamination of air or water due to pipe leakage; and
- 9 (b) Failure or defect of transportation infrastructure facilities.

10 Accidents involving aircrafts, vessels, and vehicles operated by the Armed Forces of
11 the Philippines (AFP), or occurring within military sites in the Philippines, or those involving
12 solely aircrafts, vessels and vehicles of the armed forces of any foreign country occurring in
13 the Philippines shall be the responsibility of the AFP, except in cases where there are civilian
14 casualties involved: *Provided*, That the Secretary of the Department of National Defense shall
15 be consulted prior to the release of the investigation report.

16 **SEC. 5. Powers and functions of the PTSB.** –The PTSB shall have the following
17 powers and functions:

18 (a) Evaluate and harmonize transportation safety standards with international safety
19 standards of applicable conventions, treaties, and best practices in transportation safety
20 including those developed by transportation agencies, and recommend its implementation to
21 all sectors of Philippine transportation;

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

29 (c) Require the involvement or collaboration of the members of the academe and
30 the appropriate non-government organizations in investigations that may benefit from requiring
31 their expertise and knowledge;

32 (d) Recommend to the concerned government agencies and private organizations
33 the adoption of transportation safety standards and measures that will improve transportation
34 safety, and monitor its implementation accordingly;

1 (e) Prepare written reports regarding its investigations and special studies,
2 including the findings and safety recommendations thereon and make such reports available to
3 the public; AND

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

6 (g) Adopt and use a seal to denote its identity and authority.

7 **ARTICLE III**

8 **ORGANIZATION**

9 **SEC. 6. *Composition, Qualifications, and Appointment of the Members of the***
10 ***Governing Board.*** – The governing Board of the PTSB, hereinafter referred to as the Board,
11 shall be composed of a Chairperson and four (4) full time members. All the members of the
12 Board shall have extensive training and experience in their respective transportation fields and
13 each must have adequate knowledge in investigation, analysis, and evaluation of transportation
14 accidents, particularly in the field of accident reconstruction, safety engineering, or
15 transportation safety.

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

19 Within sixty (60) days from the effectivity of this Act, the President of the Philippines
20 shall appoint the Chairperson and members of the Board. Any member may be removed by
21 the President for cause as provided for by law.

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

24 **SEC. 7. *Term of Office.*** – All members shall have a fixed term of six (6) years. Of
25 those first appointed, the Chairperson shall hold office for six (6) years, two (2) members shall
26 hold office for four (4) years and the remaining two (2) members shall hold office for two (2)
27 years. Upon the expiration of one's term of office, the member shall continue to serve until a
28 successor is appointed and qualified. Appointment to any vacancy shall be only for the
29 unexpired term of the predecessor. Such vacancy shall be filled within sixty (60) days from
30 the date of its occurrence.

31 **SEC. 8. *Powers and Functions of the Governing Board.*** – The powers and functions
32 of the PTSB shall be vested in and exercised by the Board.

33 The Board shall have the following powers and functions:

34 (a) Cite for contempt any person for refusing to obey a subpoena, an order, or an
35 inspection notice of the Board;

1 (b) Authorize any of its officers or officials to enter any property where a
2 transportation accident has occurred, or where wreckage is found, or where any such accident
3 is located, and conduct a proper investigation thereon. The authorized officer or official may
4 inspect, at a reasonable time, records, files, processes, controls and facilities relevant to the
5 investigation of such accident. Each inspection shall be commenced and completed with
6 reasonable promptness and the results thereof shall be made available to the concerned parties;

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

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

12 (e) Establish and maintain an adequately staffed laboratory and ancillary facilities
13 for the purpose of examining evidence obtained during the course of its investigation;

14 (f) Create advisory committees composed of qualified private citizens and
15 government officials as may be necessary or appropriate;

16 (g) Authorize an autopsy to be performed and the conduct of other tests when
17 necessary to investigate an accident: *Provided*, That local or national laws protecting religious
18 beliefs related to autopsies shall be observed to the extent that will meet the requirements of a
19 proper investigation: *Provided, further*, That the Board shall be provided with a copy, free of
20 charge, of any autopsy report performed by a national or local authority;

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

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

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

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

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

33 SEC. 9. *Chairperson; Duties and Powers.* – The Chairperson shall be the chief
34 executive and administrative officer of the PTSB. The Chairperson shall:

1 (a) Administer oaths, sign and issue *subpoena duces tecum* or *subpoena ad*
2 *testificandum*. *Provided*, That subpoenas issued under the signature of the Chairperson may be
3 served by any officer, personnel or employee of the PTSB as designated by the Chairperson;

4 (b) Execute the policies, decisions, orders, and resolutions approved by the Board;

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

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

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

10 (f) Supervise the expenditures of the PTSB;

11 (g) Delegate the authority of the Chairperson, in whole or in part, to other officials
12 of the PTSB in accordance with Executive Order No. 292, otherwise known as the
13 Administrative Code of 1987, as amended, and the rules and regulations of the Board; and

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

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

18 SEC. 11. **Compensation.** – The salary of the Chairperson and the members of the
19 Board shall be the same as those of the Chairperson and members of the different Constitutional
20 Commissions. They shall be entitled to representation and transportation allowances under
21 existing laws.

22 SEC. 12. **Offices of the PTSB.** – For the proper management and effective
23 implementation of the objectives of the PTSB, the following offices are hereby established:

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

30 The Executive Director shall assist the Chairperson in the discharge of the latter's
31 functions as executive and administrative head of the Board, and be responsible for the day-to-
32 day management of the PTSB; record and report the proceedings of the Board; have custody
33 of records, maps, profiles, reports, and other documents filed in connection with any case or
34 proceedings before the PTSB; supervise the PTSB laboratory; and, perform such other
35 functions as may be assigned by the Chairperson or the Board.

1 (b) *Office of Aviation Safety.* – The Office of Aviation Safety shall conduct
2 investigations of all aviation accidents and submit the corresponding reports and necessary
3 transportation safety recommendations to the Board.

4 (c) *Office of Maritime Safety.* – The Office of Maritime Safety shall conduct
5 investigations of all maritime accidents and submit the corresponding reports and necessary
6 transportation safety recommendations to the Board

7 (d) *Office of Surface Transportation Safety.* – The Office of Surface Transportation
8 Safety shall conduct investigations of road transportation, railroad, and pipeline accidents and
9 submit the corresponding reports and necessary transportation safety recommendations to the
10 Board.

11 (e) *Office of Transportation Safety Standards.* – The Office of Transportation
12 Safety Standards shall prescribe safety standards in all transportation systems; establish and
13 update transportation safety standards through continuing research and in-depth studies; and
14 oversee the implementation of the safety recommendations program of the PTSB.

15 (f) *Office of Research and Engineering.* – The Office of Research and Engineering
16 shall provide technical advice and services to the PTSB; conduct research and carry out
17 analytical studies and tests on all aspects of the PTSB's transportation accident investigation,
18 accident prevention, and safety promotion activities; conduct studies on specific safety issues;
19 perform statistical analyses of transportation accident and incident data; maintain archival
20 records of the PTSB's accident investigation and safety promotion activities; and, support the
21 PTSB's data processing, computing, and information management requirements.

22 (g) *Office of the General Counsel.* – The Office of the General Counsel shall
23 provide legal advice and assistance to the PTSB and its officers, personnel and employees;
24 prepare rules, opinions and orders; and represent the PTSB in court actions and other
25 proceedings.

26 (h) *Office of Public Affairs.* – The Office of Public Affairs shall provide the general
27 public, including Congress and national agencies, the transportation industry, and the media
28 with current and accurate information concerning the activities, programs and objectives of the
29 PTSB.

30 (i) *Administration Office.* – The Administration Office shall provide administrative
31 support in the following aspects: budget; accounting and audit; human resource management;
32 information and automatic data processing management; property, space, communications,
33 facilities and transportation management; and, printing, publications, correspondence,
34 procurement, contracting, and accident inquiry services.

35 SEC. 13. *Personnel.* – Subject to civil service laws, rules and regulations, and the
36 approval of the Department of Budget and Management, the Board shall determine its own

1 staffing pattern and the number of personnel of the organization. The Board shall, in
2 accordance with existing laws and policies, select, appoint, employ, and fix the compensation
3 of such officers and employees, including investigators and lawyers as may be necessary to
4 carry out its powers and duties.

5 **SEC. 14. *Prohibited Interests.*** – The Chairperson, members of the Board, officers, and
6 employees shall not, during their tenure, hold any other office or employment. Neither shall
7 they engage in the practice of any profession or in the active management or control of any
8 business which, in any way, may be affected by the functions of their office, nor shall they be
9 financially interested, directly or indirectly, in any contract with, or in any franchise or
10 privilege granted by the government and its subdivisions, agencies or instrumentalities,
11 including government-owned or controlled corporations or their subsidiaries. They shall
12 directly avoid conflict of interest in the conduct of their office.

13 No spouse or relative by consanguinity or affinity within the fourth civil degree and no
14 law, business, or professional partner, or associate of the Chairperson or members may appear
15 as counsel or agent on any matter pending before the Board, or transact business directly or
16 indirectly therewith.

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

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

21 **SEC. 15. *Recommendations of the Board.*** – The Board shall submit its
22 recommendation regarding transportation safety to the appropriate government agencies which
23 shall respond to each recommendation formally and in writing not later than thirty (30) days
24 after receipt thereof. The failure on the part of the concerned agency to abide by the
25 recommendation of the Board without any justifiable reason can be a ground for the filing of
26 the appropriate charges against its head and other concerned officials, as well as the application
27 of sanctions as provided under existing laws.

28 The Board shall recommend to the appropriate government agencies the recall of
29 defective means of transportation, cause the installation of the required part or parts to make
30 these safe, and notify not only the distributor or purchaser but also the public of such defect. It
31 shall also recommend the grounding of any defective means of transportation pending the
32 investigation of the cause or nature of its defect. Moreover, the Board may also recommend
33 the denial, amendment, modification, suspension, or revocation of a certificate of public
34 convenience, registration or franchise if the means of transportation, including the activities of
35 a commercial carrier if negligence is established, as well as the suspension or revocation of
36 license, as the case may be.

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

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

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

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

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

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

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

18 4. In instances when such disclosure shall be for the protection of public health
19 and safety:

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

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

25 2. When the PTSB makes public its findings relative to the said accident or
26 incident.

27 (f) Except as provided for in this Section, the Board shall maintain the confidentiality
28 of, and exempt from disclosure:

29 1. Laboratory records provided to the Board; and

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

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

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36 **ARTICLE IV**

37 **MISCELLANEOUS PROVISIONS**

1 SEC. 17. **Relationship with Other Government Agencies.** – (a) Nothing, in this Act
2 shall deprive other government agencies from performing their intrinsic functions, including
3 the investigation of accidents or making inquiries thereon: *Provided, That* the PTSB, at its
4 discretion, may require the submission of the records, findings, and recommendations of the
5 investigation or inquiry. For this purpose, the agency concerned shall transmit to the PTSB,
6 within fifteen (15) days from receipt of the PTSB’s request, said records, findings, and
7 recommendations;

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

11 SEC. 18. **Annual Report.** – The PTSB shall submit at the end of each year, an annual
12 report on its findings and recommendations to both Houses of Congress and appropriate
13 government agencies relating to the implementation of this Act.

14 SEC. 19. **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 ARTICLE V

18 FINAL PROVISIONS

19 SEC. 20. **Appropriations.** - The amount necessary to carry out the provisions of this
20 Act shall be included in the annual General Appropriations Act.

21 SEC. 21. **Implementing Rules and Regulations.** – Within sixty (60) days from the
22 effectivity of this Act, the PTSB, in coordination with the Department of Justice, Department
23 of Transportation, Department of Public Works and Highways, Department of Energy,
24 Department of Trade and Industry, Philippine National Police, and the Presidential Legislative
25 Liaison Office shall promulgate the rules and regulations for the effective implementation of
26 this Act.

27 SEC. 22. **Separability Clause.** – If any provision or part of this Act is declared invalid
28 or unconstitutional, the remaining parts or provisions not affected thereby shall remain in full
29 force and effect.

30 SEC. 23. **Repealing Clause.** – All laws, decrees, orders, proclamation, rules and
31 regulations, or parts thereof, which are inconsistent with any provision of this Act are hereby
32 repealed, amended, or modified accordingly.

33 SEC. 24. **Effectivity.** – This Act shall take effect fifteen (15) days after its publication
34 in the *Official Gazette* or in a newspaper of general circulation.

35 Approved,