

FOURTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES)
^{3rd}
Second Regular Session)

10 JUN -4 P 176

SENATE

SENATE BILL NO. 3595

RECEIVED

Introduced by **Senator Richard J. Gordon and the Members of the Committee**
On Accountability of Public Officers and Investigations

EXPLANATORY NOTE

In the Philippines, December may not be a time for tropical storms, but the month holds the record of a number of maritime tragedies that reaped over 4,000 lives in the past 25 years. On December 20, 1987, MV Doña Paz collided with MT Vector. The disaster was considered the deadliest ferry disaster in maritime history with more than 4,000 people died. Recently, the country experienced a series of maritime tragedies with the sinking of MV Catalyn B on December 24, 2009, and MV Baleno 9 on December 26, 2009.

Other sea mishaps include the sinking of MV Doña Marilyn on October 24, 1988; MV Princess of the Orient on September 18, 1998; and MV Princess of the Stars on June 21, 2008. On May 23, 2009, a small passenger boat Commando 6 capsized.

Alarmed by the successive maritime tragedies, there is an immediate need to investigate these maritime accidents, determine the probable or root cause(s) thereof, issue recommendations for maritime safety measures, and a thorough evaluation of the effectiveness of government agencies involved in maritime transportation.

The Board of Marine Inquiry (BMI), an ad-hoc body created to investigate accidents seem *not to be serving as an efficient investigator: it is ad-hoc and it is manned by people from MARINA and PCG, who may themselves partly be at fault for failure to enforce properly the laws and regulations related to maritime safety, Quis custodiet ipsos custodiet?*

The bill therefore seeks for the creation of an independent National Marine Transportation Safety Board that would effectively address these maritime issues and prevent the recurrence of these sea tragedies.



RICHARD J. GORDON

10 JUN -4 1956

SENATE

SENATE BILL NO. 3595

RECEIVED

Introduced by Senator Richard J. Gordon and the Members of the Committee
On Accountability of Public Officers and Investigations

**AN ACT CREATING THE NATIONAL MARINE TRANSPORTATION SAFETY BOARD
(NMTSB) OF THE PHILIPPINES**

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

Section 1. Declaration of Policy – The State shall create an independent agency known as the National Marine Transportation Safety Board of the Philippines dedicated to promoting marine safety, investigating sea disasters and pointing responsibility where such is warranted.

Section 2. Objective – The Safety Board shall be mandated by Congress to investigate marine transportation accidents, determine the probable causes of the marine accidents, issue safety recommendations, study marine transportation safety issues, and evaluate the safety effectiveness of government agencies involved in marine transportation.

The Safety Board shall also be mandated to make public its actions and decisions through accident reports, safety studies, special investigation reports, safety recommendations, and statistical reviews.

Section 3. Coverage – The Safety Board shall determine the probable cause of:

- a. major marine accidents and any marine accident involving a public and a nonpublic vessel; and
- b. marine transportation accidents that involve problems of a recurring nature or are catastrophic.

Section 4. Jurisdiction and Authority – The Safety Board shall have the authority to:

- a. conduct special studies on marine safety problems;
- b. maintain official Philippine census of maritime accidents;
- c. review appeals from merchant seamen whose certificates have been revoked or suspended; and
- d. evaluate the effectiveness of emergency responses to maritime accidents.

Section 5. Subpoena Powers – The Safety Board shall have the power to:

- a. issue a subpoena requiring the attendance of any person before the Safety Board and for the production of any document or record relevant to the investigation; and
- b. to cause any person contemptuous of any such subpoena to be prosecuted before a competent Court.

Section 6. Composition – The Safety Board shall be composed of five (5) Members who are appointed for five-year terms by the President, from a list of recommendees to be submitted by the Department of Transportation and Communication (DOTC) and Department of Interior Local Government (DILG).

At least three (3) Members shall be appointed on the basis of *technical qualification*, professional standing, and demonstrated knowledge in accident reconstruction, safety engineering, human factors, marine transportation safety, or marine transportation regulation.

The President shall appoint, from the same list above, a Chairman of the Board. The President shall also designate a Vice Chairman of the Board. The terms of office of both the Chairman and Vice Chairman are two (2) years. When the Chairman is absent or unable to serve or when the position of Chairman is vacant, the Vice Chairman acts as Chairman.

Section 7. Implementing Rules and Regulations – The necessary rules and regulations needed to implement the provisions of this Act shall be promulgated within ninety (90) days after the approval of this Act.

Section 8. Repealing Clause -- All laws, decrees, executive orders, department or memorandum orders and other administrative issuances or parts thereof which are inconsistent with the provisions of this Act are hereby modified, superseded or repealed accordingly.

Section 9. Effectivity Clause – This Act shall take effect after fifteen (15) days following the completion of its publication in the Official Gazette or in at least two (2) newspapers of general circulation in the Philippines.

Approved,