

THIRTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session

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SENATE

RECEIVED BY: *DLW*

S. No. 780

INTRODUCED BY HON. MANUEL B. VILLAR, JR.

EXPLANATORY NOTE

Millions of lives have been claimed by various sea and air mishaps. Despite this, the Philippines had failed to enact a measure to ensure the safety of passengers and crew in sea and air travel, and punish offenses of shipping companies and aircraft operators.

This bill prohibits sea vessels and aircrafts from traveling, when Storm Signal No. 1 is raised by the Philippine Atmospheric, Geophysical and Astronomical Services Administration (PAGASA) along the route of the vessel or aircraft. Continued travel despite a storm will result to a fine of P50,000.00 to P500,000.00 and a suspension or revocation of the Certificate of the Public Convenience of the shipping company or aircraft operator.

Concerned officers or representatives of government agencies, such as the Maritime Industry Authority (MARINA), the Philippine Coast Guard, the Maritime Group of the Philippine National Police (MARG-PNP), and the Air Transportation Office (ATO), shall also be held liable, if as a result of negligence or omission, have allowed sea and air travel despite PAGASA's issuance of Storm Signal No. 1.

The "Sea and Air Transport Safety Act" ensures the protection of all sea and air travelers.

Immediate approval of this bill is sought.


MANUEL B. VILLAR, JR.

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AN ACT
TO ENSURE SAFETY DURING SEA AND AIR TRAVEL, PROVIDING PENALTIES
FOR VIOLATION THEREOF AND FOR OTHER PURPOSES

Be it enacted by the Senate and the House of Representative of the Philippines in Congress assembled.

SECTION 1. *Short Title.* This law shall be shown as the " Sea and Air Transport Safety Act."

SECTION 2. *Declaration of Policy.* It is hereby declared to be the policy of the State to provide and ensure protection and safety for all passengers and crew members of all shipping vessels and other seacrafts and all commercial or private aircraft traveling within Philippine territory. Towards this end it is the primordial duty of the state to ensure the safety of all sea and air travelers.

SECTION 3. *Disallowed Acts.* All sea going vessels and other seacrafts, whether for cargo or for passenger, or for both, and all types of commercial or private aircraft shall not be allowed to travel or to go to sea or take to the skies or fly whenever the Philippine Atmospheric, Geophysical and Astronomical Services Administration (PAGASA) detects a storm and raises Storm Signal No. 1 along the routes of the vessel or aircraft, unless a clearance is given by the PAGASA. If PAGASA raises the Storm Signal to No. 2 or higher, absolutely no vessel or aircraft shall be allowed to travel.

SECTION 4. *Role of Government Agencies.* The Department of Transportation and Communication (DOTC) through the Maritime Industry Authority (MARINA) and the Philippine Coast Guard, and The Department of the Interior and Local Government through the Maritime Group of the Philippine National Police (MARG-PNP) in the case of sea travel and the Air Transportation Office (ATO) of the DOTC in case of air travel shall monitor the strict implementation of the provision of this act.

SECTION 5. *Penalties.* Any Shipping line or company or vessel owner and Any owner or operator of any commercial or private aircraft who violates the provision of Section 3 hereof shall be liable:

1. For the First Offense- A fine of not less than fifty thousand pesos (P50,000.00) but not more than one hundred thousand pesos (P 100,000.00) shall be imposed on the owner of the vessel or operator of the Shipping Lines or to the owner and operator of the commercial or private aircraft.

2. For the Second offense- Suspension of the Certificate of the Public Convenience for a period not exceeding sixty (60) days of the shipping line or vessels owner or commercial aircraft or in case of privately owned aircraft, their license, and a fine of not less than one hundred thousand pesos (100,00.00) but not more than two hundred pesos (200,00.00)

3. For the third offense- Revocation of the Certificate of the Public Convenience of the shipping lines or the commercial aircraft or in case of a privately owned aircraft, their license, and a fine of not less than two hundred thousand pesos (P200,000.00) but not more than five hundred thousand pesos (P500,000.00).

The additional penalty of Prison Mayor in its minimum period shall be imposed on the owner/operator of the shipping line or vessel, or on the owner/operator of the airline or aircraft, if the vessel or the aircraft sinks or crashes as a result of the storm. The Penalty of Prison Mayor in its maximum period shall however be imposed on the owner/operator of the shipping vessel or airline if death to any of the passengers of the vessels or aircraft occurs.

SECTION 6. *Liability of Government Agencies.* If as a result of the negligence or omission of the concerned officer or representatives of the above mentioned government agencies, sea vessel or an aircraft was authorized to travel despite the storm signal No.1 issued by PAGASA, or without a clearance from PAGASA, the said officer or representative shall be held liable and shall suffer as follows:

1. The penalty of Suspension without pay for a period not to exceed ninety (90) days if the officer/representatives authorized the travel without the clearance from PAGASA even if no untoward incident occurred to the vessel or aircraft.

2. The penalty of dismissal from the service and a fine of two hundred thousand pesos (200,00.00) shall be imposed if the vessel or aircraft sank or crashed, without causing death to any of the passengers or crew members of the vessel or aircraft.

SECTION 7. *Implementing Rules and Regulations.* The Department of Transportation and Communications in coordination with the Department of the Interior and Local Government shall within sixty (60) days from the approval of this

act, promulgate Rules and Regulations necessary to implement the provisions of this act.

SECTION 8. *Separability Clause.* If any provision of this act is declared to be unconstitutional or invalid, the other provisions not otherwise affected thereby shall remain in full force and effect.

SECTION 9. *Repealing Clause.* All laws, executive orders, rules and regulations inconsistent with or contrary to the provisions of this act are hereby deemed repealed or amended accordingly.

SECTION 10. *Effectivity.* This act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of national circulation.

Approved,