

NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)

23 AUG 16 P 3:08

SENATE
S. No. 2410

RECEIVED BY: 

INTRODUCED BY SENATOR JOSEPH VICTOR G. EJERCITO

AN ACT
CREATING THE PHILIPPINE TRANSPORTATION SECURITY AUTHORITY,
DEFINING ITS POWERS AND FUNCTIONS, AND APPROPRIATING FUNDS
THEREFOR

EXPLANATORY NOTE

This proposed measure aims to create a comprehensive and unified framework for ensuring the security of all modes of transportation, including aviation, maritime, land, and rail systems. Since transportation plays a crucial role in the development of our nation, there is a need to establish a secure and efficient transportation systems. Aside from our unwavering position and support to develop a modern and efficient transport system, we also believe that there is an urgent need to address the evolving threats posed by terrorism, criminal activities, and emerging security challenges within our transportation networks.

By strengthening the mandate of the current Office of Transportation Security, this proposal seeks to enhance coordination, intelligence sharing, and technological innovation to safeguard our transportation infrastructure effectively. The Philippine Transportation Security Authority will be created and shall serve as the single regulatory oversight body for promoting security in the transportation industry in order to ensure public welfare and penalize violations of transportation security regulations. The Authority will be tasked with the formulation, implementation, and oversight of policies and regulations pertaining to transportation security.

In recognition of the global nature of modern security challenges, this bill aligns with international standards and best practices, promoting cooperation and information exchange with our international partners. By enhancing our transportation

security ecosystem, we aim to bolster public confidence in our transportation systems, encourage tourism, attract investments, and drive economic growth.

We are confident that through the enactment of this measure, we can pave the way for a safer, more resilient, and more vibrant transportation landscape.

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

A handwritten signature in black ink, appearing to read 'JVG', with a horizontal line extending to the left and a small flourish to the right.

JOSEPH VICTOR G. EJERCITO

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THEREFOR**

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

ARTICLE I

GENERAL PROVISIONS

1
2
3 Section 1. *Short Title.* – This Act shall be known and cited as the “Philippine
4 Transportation Security Act”.

5 Sec. 2. *Declaration of Policy.* – It is the policy of the State to recognize the
6 vital role of public transportation in nation-building, economic growth. In line with this,
7 the State recognizes the need to protect and promote the rights of its people to a
8 secure transportation system through the adoption and promulgation of transportation
9 security programs.

10 Towards this end, the State shall formulate and harmonize policies to prescribe
11 transportation security standards, policies, rules and regulations, and practices that
12 are in accordance with international agreements, conventions, and norms.

ARTICLE II

THE PHILIPPINE TRANSPORTATION SECURITY AUTHORITY

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15 Sec. 3. *Creation of the Philippine Transportation Security Authority.* – The Office
16 for Transportation Security (OTS), created by virtue of Executive Order No. 277 (s.
17 2004), as amended by Executive Order No. 311 (s. 2004), is hereby constituted as the
18 Philippine Transportation Security Authority, hereinafter referred to as the “Authority”,

1 attached to the Department of Transportation (DOTr). The Authority shall have
2 jurisdiction, supervision, and control over all security arrangements and standards
3 involving airports, aircrafts, ports, and maritime transport, including their respective
4 terminals; and, land and rail transport, including their respective terminals and
5 stations. It shall be the single regulatory oversight body for the security of
6 transportation systems, including:

7 (a) Civil Aviation, as the designated appropriate authority, by ensuring that
8 Annex 17 to the Chicago Convention, as amended, commonly referred to as the
9 Standards and Recommended Practices (SARPs) on Security is implemented, and the
10 National Civil Aviation Security Program is developed, implemented, and maintained;

11 (b) Sea Transport and Maritime Infrastructure, as the designated authority
12 and administration for security, by ensuring that the ISPS Code is implemented and
13 maintained and that a National Security Program for Sea Transport and Maritime
14 Infrastructure is developed, implemented, and maintained; and

15 (c) Land Transportation, Rail System and Infrastructure, as the designated
16 appropriate authority, by ensuring that a National Security Program for Land
17 Transportation, Rail System and Infrastructure is developed, implemented, and
18 maintained.

19 The Authority shall be headed by an Administrator with the rank of
20 Undersecretary, who must have at least five (5) years experience and of recognized
21 competence in transportation security or related fields of expertise.

22 *Sec. 4. Structure of Transportation Security.* – The transportation security
23 structure shall be divided into three (3) sectors, namely: civil aviation; maritime; and,
24 land and rail transport.

25 In line with the policy declaration of the State, the following agencies shall be
26 subject to the oversight power of the Authority particularly on transportation security:
27 Civil Aviation Authority of the Philippines (CAAP); Civil Aeronautics Board (CAB); Land
28 Transportation Franchising Regulatory Board (LTFRB); Land Transportation Office
29 (LTO); Maritime Industry Authority (MARINA); Philippine Coast Guard (PCG);
30 Philippine Ports Authority (PPA); Philippine National Railways (PNR); Light Rail Transit
31 Authority (LRTA); and Toll Regulatory Board (TRB).

1 Transport operators, government agencies and/or instrumentalities, including
2 those with special charters and those located in freeport and special economic zones,
3 operating any public means of transport and/or public transport facilities, and all other
4 agencies regulating transportation systems and facilities shall also be subject to the
5 oversight power of the Authority on transportation security.

6 Sec. 5. *Powers and Functions of the Authority.* – The Authority shall serve as
7 the single regulatory oversight body for promoting security in the transportation
8 industry in order to ensure public welfare and penalize violations of transportation
9 security regulations. Towards this end, it shall be responsible for the following key
10 functions in the security of the transportation systems:

11 (a) Formulate, develop, implement, and maintain transportation security
12 policies, programs, rules and regulations, measures, and strategies to ably and
13 decisively deal with any threat to the security of the transportation systems and
14 continuously review, assess, and update such transportation security programs, rules
15 and regulations, and other issuances;

16 (b) Ensure compliance with international standards for transportation
17 security, especially for international conventions and treaties where the Philippines is
18 a state party, through promulgation of protocols, standards, and rules and regulations;

19 (c) Provide technical inputs to agreements being negotiated between the
20 Philippines and other countries and international organizations in relation to
21 transportation security concerns;

22 (d) Require transport operators covered by national transportation security
23 programs to integrate security measures in the design and construction of new
24 facilities and alterations to existing facilities at airports, ports, bus terminals, integrated
25 terminal exchanges, rail stations, and tollways;

26 (e) Review existing rules and regulations related to transportation security
27 undertaken by transportation industry stakeholders, and recommend or require impact
28 assessment or changes in policy;

29 (f) Oversee compliance of transport operators to security screening
30 standards for passengers and cargo of air carriers; maritime vessels, including fast-
31 craft, *bancas*, Roll-On/Roll-Off (RORO), and ferries; railways and light rails; and,
32 buses;

1 (g) Monitor the activities in the transportation industry with the end view of
2 promoting security; and consequently, enjoin the transportation sector to cooperate
3 and coordinate with the Authority;

4 (h) Conduct compliance monitoring activities, such as security audits,
5 inspections, and tests to ensure effective implementation of transportation security
6 measures and procedures and issue notices of deficiencies, non-conformities, and
7 recommendations, as appropriate, and require corrective actions, including
8 rectifications of such deficiencies;

9 (i) Exercise visitorial and inspection powers over all transportation systems
10 and facilities including: access to relevant security documents and records of
11 transportation stakeholders and conduct interview for the purpose of assessing the
12 standards of security for the implementation of security procedures; access the
13 premises of any transport operator in case of an act of unlawful interference, or when
14 it is necessary to prevent such interference, in coordination with law enforcement
15 agencies; and, access pursuant to the oversight functions of the Authority such as
16 monitoring activities and investigation of transportation security violations;

17 (j) Conduct and validate security risk assessments on the transportation
18 systems;

19 (k) Require concerned agencies and entities to timely submit documents
20 relative to transportation security incidents, risks, and threats;

21 (l) Issue security directives and advisories to transportation operators
22 covered by transportation security programs, law enforcement agencies, and other
23 entities charged with the security of the transportation systems;

24 (m) Certify transportation security personnel, as may be required by the
25 national transportation security programs, and accredit institutions, centers and
26 schools offering transportation security courses;

27 (n) Determine and fix reasonable fees for the transportation security training
28 courses being offered by such accredited institutions, centers and schools;

29 (o) Promote capacity building on transportation security;

30 (p) Prepare tools and technical guidance materials which shall provide
31 guidelines on the effective implementation of security measures and procedures of all
32 transportation systems;

1 (q) Enlist the assistance of any department, bureau, office, instrumentality,
2 or government-owned or controlled corporation to carry out the Authority's mandate
3 including, but not limited to, the use of their respective personnel, facilities, and
4 resources, and sharing of data and information necessary and appropriate, as allowed
5 by law and existing rules;

6 (r) Enter into agreements, as may be necessary, with other national
7 government agencies to share or otherwise cross-check data on any individual or
8 group identified by such agencies as posing a risk to transportation security;

9 (s) Establish procedures for notifying the concerned government agencies
10 of the identity of any individual or group known to pose, or are suspected of posing a
11 threat to transportation security including acts of terrorism;

12 (t) In consultation with other agencies of the national government, require
13 the concerned transport operators:

14 (1) To use information from appropriate government agencies to
15 identify any individual and/or group on passenger lists who may be a threat to
16 transportation security; and if such an individual and/or group is identified, to
17 notify the appropriate law enforcement agencies to prevent them from boarding
18 an aircraft, maritime vessel, train, bus, or other vehicle, or take other
19 appropriate action with respect to that individual and/or group; and

20 (2) To share passenger lists with the appropriate national
21 government agencies for the purpose of identifying any individual and/or group
22 who may pose a threat to transportation security.

23 Nothing in this Act shall be construed as weakening the protections mandated
24 by Republic Act No. 10173, otherwise known as the *Data Privacy Act of 2012*.

25 (u) Issue *subpoena duces tecum* and/or *ad testificandum* in any
26 investigation or hearing conducted by the Authority;

27 (v) Cite persons for contempt;

28 (w) Adjudicate cases arising from non-compliance with transportation
29 security standards, rules and regulations, and violations of this Act;

30 (x) Impose fines and penalties for non-compliance with or breach of this Act
31 or its Implementing Rules and Regulations (IRR), and the standards, rules and
32 regulations, and other policies issued by the Authority, including recommending the

1 suspension or revocation of any license, permit or certificate which authorizes the
2 operation of public means of transport or public transport facilities;

3 (y) Submit to the DOTr and the Congress, an annual report containing such
4 matters or cases which have been filed before or referred to it during the preceding
5 year, the actions and proceedings undertaken, and its decision or resolution in each
6 case before the end of April of each year; and

7 (z) Perform such other functions as appropriate and necessary in order to
8 preserve and promote transportation security.

9 Sec. 6. *Field Offices.* – The Authority may establish field offices to enable it to
10 effectively perform its mandate as may be determined in the IRR.

11 Sec. 7. *Enhancement of Technical Competence.* – (a) The Authority shall
12 establish rigorous training programs for its staff for the purpose of enhancing the
13 technical competence of the Authority in the following areas: impact assessment,
14 evaluation and audit of technical performance and monitoring of compliance with
15 service and performance standards, transportation security standards, transportation
16 infrastructure standards, transportation education and training, and such other areas
17 as will enable the Authority to adequately perform its functions or exercise its powers.

18 (b) The Authority shall establish its own educational and training institute for
19 the enhancement of knowledge and skills of personnel performing transportation
20 security-related responsibilities within the transportation security industry: *Provided,*
21 That the Authority shall prioritize education and training programs not provided by
22 private entities: *Provided, further,* That education and training for the development
23 of core competencies necessary in the exercise of the regulatory power of the
24 Authority shall be given priority in its education and training budget.

25 Sec. 8. *National Transportation Security Committees.* – The following national
26 transportation security committees are hereby created to facilitate the allocation of
27 tasks and coordination of responsibilities and activities between or among various
28 stakeholders:

- 29 a. National Civil Aviation Security Committee (NCASC);
- 30 b. National Maritime Security Committee (NAMARSEC); and
- 31 c. National Land and Rail Security Committee (NALARSEC).

1 The Secretary of Transportation shall be the Chairperson of the Committees.
2 The membership shall consist of representatives from the concerned agencies and
3 entities for civil aviation, maritime, and land and rail sectors to be identified in the IRR
4 of this Act. The members of the Committees may designate a permanent alternate to
5 represent their respective agencies or organizations. *Provided*, That the rank of any
6 official serving as the permanent alternate shall not be lower than an Undersecretary
7 or its equivalent. The Committees, through its Chairperson, may invite resource
8 persons from other agencies of the government and the private sector, as may be
9 necessary.

10 *Sec. 9. Transportation Security Coordinating Committee.* – The Transportation
11 Security Coordinating Committee (TSCC) shall be formalized to serve as the
12 coordinating body for the sharing of information on transportation security, which may
13 be the basis for the issuance of transportation security alerts and advisories. The
14 Administrator shall be the Chairperson of the TSCC. The membership shall consist of
15 representatives from concerned agencies and stakeholders to be identified in the IRR
16 of this Act.

17 **ARTICLE III**

18 **NATIONAL TRANSPORTATION SECURITY PROGRAM**

19 *Sec. 10. National Transportation Security Programs.* – The Authority, through
20 its Administrator, shall continuously review, amend, revise, and approve the
21 prescribed security measures and procedures in the National Civil Aviation Security
22 Program (NCASP), the National Security Program for Sea Transport and Maritime
23 Infrastructure (NSPSTMI), and the National Land Transportation Security Program
24 (NLTSP), based on security risk assessments, to meet the changing security
25 environment and to conform with international standards.

26 Pursuant to the national transportation security programs, the Authority shall
27 also establish, approve, implement, and maintain for the three (3) modes of
28 transportation a National Transportation Security Training Program (NTSTP), setting
29 the standards for the recruitment, selection, training and certification of personnel
30 involved in or responsible for the implementation of transportation security measures,
31 and a National Transportation Security Quality Control Program (NTSQCP), setting

1 standards for measuring compliance with and validating the effectiveness of the
2 national transportation security programs.

3 The existing NCASP, NSPSTMI, and NLTSP are hereby adopted. Succeeding
4 amendments to or revisions of these programs shall be approved by the Authority, to
5 be reported to the DOTr.

6 **ARTICLE IV**

7 **ADMINISTRATIVE OFFENSES AND PENALTIES**

8 *Sec. 11. Administrative Offenses.* – Administrative liability shall attach to any
9 person or entity who, without reasonable justification:

10 (a) refuses or fails to provide information or to give access to transportation
11 facilities, documents, records, or reports necessary in the performance of the
12 regulatory and oversight functions of the Authority;

13 (b) refuses or fails to comply with the standards, rules and regulations, and
14 other policies issued by the Authority;

15 (c) refuses or fails to comply with the security directives issued by the
16 Authority; and/or

17 (d) refuses or fails to rectify deficiencies and submit corrective actions as
18 required by the Authority.

19 *Sec. 12. Administrative Penalties.* – The Authority shall have the power to
20 impose fines and penalties for violation of Section 13 of this Act, consisting of:

21 (a) a fine of not less than One Hundred Thousand Pesos (P 100,000.00) but
22 not exceeding One Million Pesos (P 1,000,000.00);

23 (b) recommendation for the suspension or revocation of any license, permit
24 or certificate to operate public transportation to the Civil Aviation Authority of the
25 Philippines, Civil Aeronautics Board, Land Transportation Office, Land Transportation
26 and Franchising Regulatory Board, Maritime Industry Administration, Philippine Coast
27 Guard, or any other concerned and appropriate agency, as the case may be; and/or

28 (c) suspension or revocation of certificates issued by the Authority.

29 **ARTICLE V**

30 **TRANSITORY PROVISIONS**

31 *Sec. 13. Transfer of Funds, Assets, Rights, and Liabilities.* – The Authority
32 shall, by virtue of this Act, be subrogated to all the rights and assume all the liabilities

1 of the OTS and all the funds, records, property, assets, equipment, and such personnel
2 as necessary, including unexpended appropriations or allocations. All contracts and
3 liabilities of the OTS are hereby transferred to and assumed by the Authority and shall
4 be acted upon in accordance with Presidential Decree No. 1445, otherwise known as
5 the "Government Auditing Code of the Philippines", as amended, and other pertinent
6 laws, rules, and regulations: *Provided*, That the officers and employees of the OTS
7 shall continue in a holdover capacity until such time as the new officials and employees
8 of the Authority shall have been duly appointed pursuant to the provisions of this Act.

9 Sec. 14. *Structure and Staffing Pattern.* – The Authority shall prescribe and
10 approve its organizational structure and staffing pattern within one hundred and
11 twenty (120) days after the approval of this Act. The organizational structure and
12 staffing pattern, which shall be subject to the approval of the Department of Budget
13 and Management (DBM), shall be filled by regular appointments by the President or
14 the Administrator, as the case may be: *Provided*, That, in the filling of positions
15 created, preference shall be given to the personnel of the OTS.

16 Sec. 15. *Compensation and Other Emoluments.* – The compensation and other
17 emoluments for the official and personnel of the Authority shall be in accordance with
18 the provisions of Republic Act No. 6758, otherwise known as the "Salary
19 Standardization Act" and other applicable laws.

20 Sec. 16. *Separation Benefits of Officials and Employees of the **Office for***
21 ***Transportation Security.*** – Officials and employees of the OTS who opt to be
22 separated from the service as a result of the transformation of the OTS into the
23 Authority shall be entitled to their separation pay and other benefits in accordance
24 with the provisions of Republic Act No. 6656, and other existing laws, rules and
25 regulations: *Provided*: That officials and employees of the OTS who avail of the said
26 separation plan may not reapply and be reappointed to the Authority: *Provided*,
27 *further*, That in no case shall there be any diminution of benefits under the separation
28 plan until the full implementation of the transformation of the OTS into the Authority
29 shall have been completed.

30 **ARTICLE VI**
31 **FINAL PROVISIONS**

1 Sec. 17. *Statutory construction.* – The provisions of this Act shall be liberally
2 construed to achieve the preservation and promotion of transportation security.

3 Sec. 18. *Transportation Security Regulation Fund.* – (a) The Authority is
4 hereby authorized to set, adjust, collect, or levy Administrative Fees and Charges for
5 certificates issued and other services rendered to transportation security stakeholders,
6 which fees and charges shall form part of the Transportation Security Regulation Fund
7 hereinafter referred to as the Fund.

8 (b) The Aviation Security Fee mandated by Letter of Instruction No. 414 (s.
9 1976), as amended, shall form part of the Fund.

10 (c) Government agencies and/or instrumentalities, including those with special
11 charters and those located in freeport and special economic zones, and private
12 persons, natural or juridical, authorized to operate airports, ports, bus terminals,
13 integrated terminal exchanges, rail stations, tollways, and other public transportation
14 facilities in civil aviation, maritime, and land and rail, are hereby authorized and
15 directed to collect Transportation Security Fees which shall also form part of the Fund.
16 The amount of Transportation Security Fees to be collected by the said entities shall
17 be set and adjusted by the Authority after public consultation. Such fees collected shall
18 be remitted to the Bureau of Treasury. Collection reports and other pertinent
19 documents shall be submitted to the Authority.

20 (d) Such fees and charges shall become effective after publication in a
21 newspaper of general circulation or the *Official Gazette*.

22 (e) The Fund shall accrue to the Authority to support its oversight and
23 regulatory functions, subject to existing accounting and auditing rules and regulations.
24 The Fund shall be released annually to the Authority subject to the submission of the
25 special budget request to the DBM and a certification of the availability of funds from
26 the Bureau of Treasury.

27 Sec. 19. *Appropriations.* – The amount necessary for the initial
28 operationalization of the Authority shall be charged against the current year’s
29 appropriation of the OTS. Thereafter, the amount needed for the continued operation
30 and maintenance of the Authority shall be included in the annual General
31 Appropriations Act.

1 Subject to existing rules and regulations, the funds and monies collected or
2 which otherwise come into the possession of the Authority from fees, surcharges,
3 fines, and penalties that the Authority may impose and collect under this Act, may be
4 utilized to defray operating expenses in the performance of its mandate and functions.

5 Sec. 20. *Implementing Rules and Regulations (IRR)*. – Within one hundred
6 and twenty (120) days from the effectivity of this Act and after consultations with the
7 concerned stakeholders in hearings conducted nationwide, the Authority, the DOTr,
8 and other attached agencies shall formulate and issue the necessary IRR for the
9 effective implementation of this Act.

10 Sec. 21. *Separability Clause*. – If for any reason, any provision of this Act
11 is declared unconstitutional or invalid, the other parts or provisions hereof which are
12 not affected thereby shall continue to be in full force and effect.

13 Sec. 22. *Repealing Clause*. – All laws, decrees, orders, and issuances, or
14 portions thereof, which are inconsistent with the provisions of this Act are hereby
15 repealed, amended, or modified accordingly.

16 Sec. 23. *Effectivity*. - This Act shall take effect after fifteen (15) days following
17 its publication in the Official Gazette or a newspaper of general circulation.

Approved,