

16th CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Second Regular Session)

Senate
Office of the Secretary

15 FEB -3 19:24

SENATE

S.B. No. 2624

RECEIVED BY: *J*

Introduced by Senator Ramon Bong Revilla, Jr.

EXPLANATORY NOTE

The transportation industry, be it land, sea, or air, has been beleaguered by tragic mishaps that have resulted in the loss of lives and damage to properties. What makes these unfortunate occurrences in the transportation industry more excruciating to our countrymen is that the government agencies concerned do not seem to learn from these. The bill seeks to provide a coordinated and streamlined response to the numerous accidents hounding the transportation industry.

The National Transportation Safety Board is to conduct independent accident investigation; support safety programs based on continuing and objective reviews of causes or reasons for unsafely; appraise and assess operating practices and regulations of government agencies involved in the transportation sector, insofar as they affect safety, and if appropriate, shall initiate, coordinate, formulate, or promulgate safety improvement standards for the observance and implementation by the concerned government agencies and/or private entities.

In view of the foregoing, to provide a coordinated and streamlined response to transport accidents and disasters and to ensure the improvement in the safety of the transportation sector in the Philippines, consequently, the passage of this bill is strongly recommended.


RAMON BONG REVILLA, JR.
Senator

16th CONGRESS OF THE REPUBLIC)
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15 FEB -3 A9:24

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SENATE

S.B. No. 2624

Introduced by Senator Ramon Bong Revilla, Jr.

AN ACT
CREATING A NATIONAL TRANSPORTATION SAFETY BOARD,
PRESCRIBING ITS POWERS AND FUNCTIONS, APPROPRIATING
FUNDS THEREFOR, AND FOR OTHERS PURPOSES

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

1 **SECTION 1.** *Short Title* - This Act shall be known and cited as the
2 "Transportation Safety Act of 2015". It shall hereinafter be referred to as the "Act".

3

4 **SECTION 2.** *Declaration of Policy* - It is hereby declared the policy of the State
5 to promote safety in the transportation of people and goods through cost-effective
6 measures that either prevent, remedy, or mitigate accidents involving any mode of
7 transportation, including pipelines and conveyors. Towards this end, the Government
8 shall:

9

(a) Conduct independent accident investigation;

10

11 (b) Support safety programs based on continuing and objective reviews of
12 causes or reasons for unsafely; and

13

14 (c) Appraise and assess operating practices and regulations of government
15 agencies involved in the transportation sector, insofar as they affect safety,
16 and if appropriate, shall initiate, coordinate, formulate, or promulgate
17 safety improvement standards for the observance and implementation by
18 the concerned government agencies and/or private entities.

19

20

SECTION 3. *Creation of the National Transportation Safety Board.*

21

1 (a) It is hereby created a National Transportation Safety Board, hereinafter
2 referred to as the "Board", which shall be attached solely for budgetary purposes and
3 administrative support to the Office of the President hereinafter referred to as the "OP".
4

5 (b) For this purpose, the President can motu proprio initiate and call the
6 attention of concerned transportation Agencies to promulgate necessary safety procedures
7 or otherwise take affirmative action on the basis of the findings and recommendations of
8 the Board: *Provided*, that the President finds the same procedures to be followed are
9 acceptable.
10

11 **SECTION 4. *Composition and Organization.***
12

13 (a) The Board shall consist of three (3) full-time Members, including a
14 Chairman, who shall be appointed by the President of the Philippines. A Member of the
15 Board must be a natural born citizen at the time of their appointment, holders of a college
16 degree, and must have at least five (5) years of actual experience as an employee or
17 officer of a transport utility firm or regulatory agency in either air, land or sea mode
18 transportation and preferably, with knowledge of accident reconstruction, safety
19 engineering on transportation and traffic safety. The Board shall be composed of five (5)
20 full-time members, including a Chairman and a Vice-chairman.
21

22 (b) The term of office of each Member shall be for five (5) years without
23 prejudice to one (1) non-extendible reappointment: *Provided*, That the terms of the initial
24 appointees shall be on staggered basis; the Chairman shall hold office for a term of five
25 (5) years; the next Member shall be for three (3) years; and the last member, for two (2)
26 years.
27

28 (c) A Member shall continue to serve until his successor is appointed and
29 shall be qualified. Should a Member of the Board fail to complete his term, his successor
30 shall be appointed by the President, but only for the unexpired portion of the term of his
31 predecessor.
32

33 (d) Any Member of the Board may be removed by the President for cause,
34 including but not limited to inefficiency, incompetence, neglect of duty, or malfeasance,
35 and/or misfeasance of office.
36

37 (e) The Chairman shall be the Chief Executive Officer of the Board and shall
38 exercise its executive and administrative functions with respect to:

- 1
- 2 (1) The appointment and supervision of personnel employed by the
- 3 Board;
- 4
- 5 (2) The distribution of business among such personnel and among
- 6 any administrative units of the Board; and
- 7
- 8 (3) The use and expenditure of its fund.
- 9

10 (f) The Board shall establish and maintain a distinct and appropriately staffed

11 bureaus, divisions, or offices, to investigate and report on accidents involving each of the

12 following modes of transportation.

13

- 14 (1) Aviation;
- 15
- 16 (2) Highway and motor vehicle;
- 17
- 18 (3) Pipeline, railroad, and tracked vehicle; and
- 19
- 20 (4) Maritime transport carriers.
- 21

22 (g) The Board shall, in addition, in coordination with concerned transportation

23 Agencies, establish and maintain such capabilities as may be needed to investigate and

24 report on the safe transportation of hazardous and toxic materials.

25

26 **SECTION 5. *The Executive Director.***

27

28 (a) The Board shall have an executive Director who shall be appointed by the

29 President.

30

31 (b) No person shall be appointed Executive Director unless he is at least thirty

32 five (35) years of age at the time of his appointment, a Member of the Philippine Bar,

33 and who has practiced his position for at least ten (10) years prior to the date of his

34 appointment. He must not have been a candidate for any elective position in the elections

35 immediately preceding his appointment.

36

37 (c) The Executive Director shall;

38

- 1 a. Record and officially report on the proceedings of the Board and shall
2 have authority to administer oaths in all matters falling within the
3 jurisdiction of the Board;
4
5 b. Be responsible for running the day to day operations of the Board;
6
7 c. Act as the custodian of the records, maps, profiles, reports, and others
8 documents and papers filed in connection with any case or proceedings
9 before the Board;
10
11 d. Be responsible for the effective implementation of the policies, rules
12 and directives promulgated by the Board; and
13
14 e. Coordinate and supervise the activities of the different operating units
15 of the Board and shall perform such other functions as may be
16 assigned to him by the Chairman and /or the Board.
17

18 **SECTION 6. *Principal Office.***
19

20 The NTSB shall have its principal office in Metro Manila and may hold hearings
21 on any proceedings at such time and places within the Philippines, as it may provide by
22 order and writing.
23

24 **SECTION 7. *Prohibited Interests.***
25

26 All members of the Board or any of their relatives within the fourth (4th) civil
27 degree of consanguinity or affinity, legitimate or common law, shall be prohibited from
28 holding any interest whatsoever, either as investor, stockholder, officer or director, in any
29 company or entity engaged in transportation of persons or goods, or in any business
30 providing transportation of goods or persons (i.e. general sales agencies, travel agencies,
31 cargo forwarders, ground handling, catering, fuel servicing, maintenance of transport
32 equipments/accessories, etc., by air, maritime or land transport) and must therefore
33 divest, through sale or legal disposition, of any and all interests in such undertaking upon
34 the member's assumption of office. Any violation of this section shall subject the
35 member concerned to removal from the Board for cause, as well as administrative, civil
36 or criminal prosecution under applicable law.
37

38 **SECTION 8. *Organizational Structure of the NTSB.***

1
2 Within fifteen (15) days from the appointment and acceptance by all members of
3 the Board, the Board, in consultation with concerned Agencies and non-government
4 entities shall meet to draw up the NTSB final organizational structure not later than six
5 (6) months from the date of the effectivity of this Act.

6
7 *Provided,* that the Board may agree for the viability of for the creation of
8 additional offices and the finalization of the organizational structure not later than six (6)
9 months from the effectivity of this Act.

10
11
12
13 **SECTION 9. Compensation.**

14
15 (a) The Chairman and the Members of the Board shall have the rank of a
16 Department Secretary and Undersecretary, respectively. They shall receive the
17 compensation and other emoluments corresponding to those of a Department Secretary
18 and Undersecretary, respectively.

19
20 (b) The Executive Director shall the have rank of Assistant Secretary and
21 shall be entitled to compensation and other emoluments corresponding to those of an
22 Assistant Secretary.

23
24 (c) The Chairman, the Members of the Board, and the Executive Director
25 shall be entitled to commutable representation and transportation allowances per month
26 in the amount not exceeding the monthly salary of the lowest-paid regular employee of
27 the Board.

28
29 **SECTION 10. Duties and Functions of the Board.** The Board shall;

30
31 (a) Investigate or cause to be investigated and determine the facts, conditions,
32 and circumstances and the cause or probable cause or causes of any:

- 33
34 (1) Aircraft incidents/accidents, in accordance with the regulations to be
35 prescribed jointly by the Board and the Director General of Civil
36 Aviation Authority of the Philippines (CAAP): *Provided,* that the
37 facts, conditions, and circumstances, and the cause or probable cause

1 determined therefrom shall be made available to the public by the
2 Board within sixty (60) days from the completion of its investigation;

3
4 (2) Highway accidents, including any railroad grade crossing accident, the
5 Board selects, in cooperation with the Local Government Unit (LGU)
6 where such accident or accidents occurred;

7
8 (3) A railroad accident in which there is a fatality, substantial property
9 damage, or which involved a passenger train;

10
11 (4) Pipelines accidents, in which there is fatality or substantial property
12 damage;

13
14 (5) Major maritime casualties, except one involving only military vessels,
15 occurring on the navigable waters or territorial seas of the Philippines,
16 in accordance with the rules and regulations to be jointly promulgated
17 by the Board and the Philippine Coast Guard (PCG);

18
19 *Provided*, that the facts, conditions, and circumstances, and the cause
20 or probable cause determined therefrom shall be made available to the
21 public by the Board within sixty (60) days from the completion of its
22 investigation; and

23
24 (6) Other accidents, which occur concerning the transportation of people,
25 and property, which, in the judgment of the Board, is catastrophic,
26 involve problems of a recurring character, or would otherwise carry
27 out the mandate of this Act.

28
29 (b) Report in writing to Congress and the President on the facts, conditions,
30 and circumstances of each incident/accident investigated pursuant to Section 7 (a) of this
31 Act, and cause such report to be made available to the public by the Board within sixty
32 (60) days from the completion of its investigation.

33
34 (c) Issue periodic reports to Congress, the President, and to government
35 agencies and instrumentalities, and non-government organizations concerned with
36 transportation safety, including owners of public transportation carriers who may be
37 concerned with the findings of the Board and to interested persons. Such reports:

1 (1) Should make recommendations advocating meaningful responses to
2 reduce the likelihood or recurrence of transportation
3 incidents/accidents similar thereto; and
4

5 (2) Shall contain proposals for corrective measures to make the
6 transportation of persons as safe and free from the risk of injury as
7 possible, including steps to minimize human injuries from
8 transportation incidents/accidents:
9

10 *Provided*, that said reports shall be made public within sixty (60)
11 days from its submission to the Congress or to the President , as the
12 case may be.
13

14 (d) Initiate and conduct specials studies and investigations on matters
15 pertaining to safety in transportation and avoiding injury to persons and damage to
16 property;
17

18 (e) Assess and re-assess techniques and methods of incident/accident
19 investigation and promulgate recommended procedures for accident investigation and
20 promulgate recommended procedures for incident/accident investigations for the
21 information and guidance of the concerned government agencies;
22

23 (f) Evaluate and assess the effectiveness of the concerned government
24 agencies in promoting transportation safety consciousness and in preventing
25 incidents/accidents;
26

27 (g) In coordination with other transportation Agencies and concerned
28 government entities, evaluate the adequacy of safeguards and procedures concerning the
29 transportation of hazardous and toxic materials and the performance of carriers and
30 government agencies charged with assuring the safe transportation of such materials;
31

32 (h) Gather, analyze, maintain, and publish from time to time data and statistics
33 on transportation incidents/accidents;
34

35 (i) Carry out special studies and investigations relative to transportation
36 safety, including personal injury;
37

1 (j) Examine techniques and methods of incident/accident investigation and
2 periodically publish recommended procedures for incidents/accidents investigations;

3
4 (k) Prescribe requirements for persons reporting transportation safety
5 incidents/accidents that;

6
7 (1) May be investigated by the Board pursuant to this Act; or

8
9 (2) Involve public aircraft, except aircraft of the Armed Forces of the
10 Philippines.

11
12 (l) In coordination with concerned transportation Agencies under the DOTC,
13 through their regulatory arms, in order to ensure compliance on safety procedures for
14 their enforcement actions on those who might be found to be in violations of certain
15 regulatory and safety procedures, either to prosecute or file charges, or cause the filing
16 thereof, or move for the suspension, modification, or revocation of license, certificate of
17 public convenience and necessity or operating certificate, before the appropriate court
18 and/or administrative, or quasi-judicial body, against and person or persons who may be
19 guilty of or responsible for any safety procedures that lead to an incident/accident;

20
21 *Provided,* That no part of any report or reports of the Board relating to any
22 incident or accident, or the investigation thereof, shall be accepted as evidence or used in
23 any suit or action for damages arising out of any matter mentioned in such reports except
24 when the criminal liabilities/aspects of the incident/accident is put into issue; and

25
26 (m) Perform such other functions as may be necessary to effectively
27 implement the objectives and provisions of the Act.

28
29 **SECTION 11. *Powers of the Board.***

30
31 (a) The Board or any designated Member thereof may conduct such hearings,
32 administer oaths, and require by subpoena duces tecum and subpoena ad testificandum
33 the production of such evidence and testimony as the Board or such Member may deem
34 necessary.

35
36 Any person, natural or judicial, who refuses to obey a subpoena, order, or an
37 inspection notice of the Board or any duly designated employee thereof in the exercise of
38 his duties and functions under the provisions of this Act, may be required to comply

1 forthwith by the Regional Trial Court (RTC) where such person resides or conducts his
2 place of business, upon the request of the Board. Failure to obey such order shall be
3 punished by such court as contempt of court.

4
5 (b) Any employee authorized by the Board, upon presenting appropriate
6 credentials, may enter any property wherein a transportation accident has occurred or
7 wreckage from such accident is located in order to undertake the appropriate
8 investigation thereof. The employee may inspect at reasonable times, records, files,
9 processes, controls, and facilities relevant to the investigation of such incidents/accidents.
10 Each inspection shall be commenced and completed with reasonable promptness;

11
12 (c) In investigating and aircraft accident pursuant to his Section, the Board
13 may inspect and test, to the extent necessary, and civil aircraft engine, equipment,
14 propeller, appliance, or property on an aircraft involved in an accident in air commerce:

15
16 *Provided, however,* that any civil aircraft, aircraft engine, equipment,
17 propeller, appliance, or property on an aircraft involved in air commerce shall be
18 preserved, and may be moved, only as prescribed by regulations promulgated by the
19 Board:

20
21 (d) An officer or employee of the Board may examine or test any motor
22 vehicle, vessel, rolling stock, track, or pipeline component. Such examination or test shall
23 be conducted in a manner that:

24
25 (1) Does not unnecessarily interfere with the transportation services
26 provided by the owner or operator of the motor vehicle, vessel,
27 rolling stock, track, or pipeline component: and

28
29 (2) To the maximum extent feasible, preserves evidence related to the
30 accident, consistent with the needs of the investigation and with
31 the cooperation of that owner or operator.

32
33 (e) The Board shall have the sole discretion to:

34
35 (1) Decide on the manner by which the testing will be undertaken
36 pursuant to this Act;

37
38 (2) The person who will conduct the test:

1
2 (3) The type of test to be conducted; and

3
4 (4) Any individual or individuals who will witness the test;

5
6 *Provided,* That an inspection, examination, or test conducted pursuant to this Act
7 by an officer or employee of the Board shall be started and completed promptly:

8
9 *Provided, further,* That the results and findings of such inspection, examination,
10 or test shall be made public within thirty (30) days upon completion thereof.

11
12 (f) The Board may require and shall be furnished a copy of the autopsy
13 reports by the officials concerned on any person who dies as a result of having been
14 involved in a transportation incident/accident. The board may order, if necessary, the
15 autopsy, or require other tests of such persons as may be needed for the investigation of
16 the accident;

17
18 (g) The Board may enter into such contract/s, lease/s, agreement/s, and other
19 transaction/s as may be necessary in the conduct of its functions and duties;

20
21 (h) The Board may call on the assistance of, and use any available services,
22 equipment, facilities, of the Department of Transportation and Communications (DOTC),
23 Civil Aviation Authority of the Philippines (CAAP), Land Transportation Office (LTO),
24 Philippine Coast Guard (PCG), Philippine National Railways Corporation (PNRC), Light
25 Rail Transport Authority (LRTA), Metro Rail Transport Authority (MRTA), Philippine
26 Nuclear Research Institute (PNRI), Department of National Defense (DND), Department
27 of Public Works and Highways (DPWH), Philippine National Police (PNP), Maritime
28 Industry Authority (MARINA), and other agencies and instrumentalities of the
29 government;

30
31 (i) The Board may create advisory committees composed of qualified private
32 citizens and government officials within which the Board may consult in the
33 implementation of its functions and duties, and to pay honoraria to these person/s for
34 meetings actually attended. Whenever necessary, the Board may likewise appoint or
35 retain the services of recognized experts as consultants on the incidents/accidents under
36 investigation. Such consultants shall be paid compensation as fixed by the Board:

1 *Provided*, That not more than three (3) consultants shall be appointed for
2 each accident being investigated:

3
4 *Provided, further*, That no officer, external auditor, or legal counsel of any
5 private company or enterprise primarily engaged in the transportation industry shall be
6 eligible for appointment as a consultant of the Board within three (3) years from his
7 retirement, resignation, or separation therefrom;

8
9 (j) Appoint advisory committee/s of qualified private citizens and officials of
10 the national government and LGUs as appropriate;

11
12 (k) Notwithstanding to the foregoing, any law to the contrary, accept
13 voluntary and uncompensated services, accept donations and monetary gifts and other
14 property for and in behalf of the NTSB;

15
16 (l) Enter into contract/s with nonprofit entities to carry out studies related to
17 the duties and powers of the Board for its operating expenses;

18
19 (m) Require that the departments, agencies, and instrumentalities of the
20 government, including LGUs and governments of foreign countries, provide appropriate
21 consideration for the reasonable costs of goods and services supplied by the Board:

22
23 *Provided*, That such amounts shall accrue exclusively to the Board for its
24 operating expenses;

25
26 (n) The Chairman of the Board may determine the number of committees that
27 are appropriate to maintain effective liaison with other departments, agencies and
28 instrumentalities of the national government and LGUs, non-government organizations
29 and independent standard-setting authorities that carry out programs and activities related
30 to transportation safety. The board shall designate representatives to serve on the
31 committees.

32
33 (o) The Board, or any officer or employee designated by the Chairman, may,
34 after due notice published in two (2) newspaper of general circulation, conduct an inquiry
35 to obtain information related to transportation safety;

36
37 (p) The Board, or its designated officer or employee, may require, by order, a
38 department agency, or instrumentality of the national government, LGU, or a person,

1 natural or juridical, who transports persons or goods, to submit to the Board a written
2 report and answers to requests and questions pursuant to the powers of the Board under
3 this Act. The Board shall prescribe the time within which the reports and the answers
4 thereto must be submitted to its designated officer or employee. Copies of the report and
5 the answers thereto shall be made public within sixty (60) days from submission to the
6 Board; and

7
8 (q) The Board shall, within sixty (60) days from the effectivity of this Act,
9 promulgate the rules of procedure to implement the provisions of this Section.

10
11 **SECTION 12.** *Relationship with other Government Agencies.*

12
13 (a) Nothing in this Act shall deprive other government agencies from performing
14 their intrinsic functions, including the investigation of incidents/accidents or making
15 inquiries thereon, when those functions existed prior to the effectivity of this Act:

16
17 *Provided, however,* That the Board, at its discretion, may:

18
19 (1) Direct the manner in which such investigations shall be conducted;
20 and

21
22 (3) Assume direct responsibility for the investigation or inquiry; or
23 accidents as prescribed in Section 7 (a) of this Act.

24
25 (b) The PNP or any other law enforcement agencies shall continue to
26 investigate and record accidents involving motor vehicles and/or pedestrians.

27
28 *Provided,* PNP and such other law enforcement agencies shall furnish the
29 Board copies of the records, findings and recommendations on the investigations or
30 inquiry for the continuous evaluation on safety aspects and as the need arises, formulate
31 safety procedures to minimize if not totally avoid recurrent of the same incident/accident.

32
33 For this purpose, the Board shall prescribe a uniform and standard operating system for
34 the investigation of such accidents, which shall be mandatory on the part of the
35 investigating body or person;

36
37 (c) The Board's power shall take precedence over those of other government
38 agencies tasked with investigating land, air and maritime incidents/accidents which, in

1 the Board's judgment, requires its inquiry or attention and the latter shall turn over to the
2 Board any and/or all evidentiary matters they have in their custody;

3
4 (d) For the preservation, proper handling, conservation, and protection of
5 evidence, records, files, and/or specimens related to any incident/accident or possession
6 of the evidence, records, files, and/or specimens;

7
8 (e) The Board may require the submission of the records, findings, and/or
9 recommendations of previous incidents/accidents and/or investigations of such
10 incidents/accidents, from any government agency. For this purpose, the agency
11 concerned shall transmit to the Board, within fifteen (15) days from receipt thereof, said
12 records, findings, and/or recommendations;

13
14 (f) Upon the coordination of the Board, the concerned enforcement and
15 compliance bodies of other transportation shall institute enforcement and compliance
16 actions, proceedings, suits, or court action against any person, natural or juridical, who
17 may be guilty of negligence, or is instrumental in the occurrence of the
18 incidents/accidents, and when, in the their judgment, the report or findings of the Board
19 warrant such action; and

20
21 (g) In the exercise of its powers, the Board shall take into consideration the
22 provisions of any treaty entered into by the Republic of the Philippines with other
23 countries relative to the investigation of incidents/accidents over which the Board
24 assumed jurisdiction.

25
26 **SECTION 13. *Recall, Replacement, and Nullification of Defective conveyances.***

27
28 (a) The Board may recommend that the DOTC order the recall by the
29 manufacturer or its Philippines agent or representatives, of all locally sold units of a
30 particular type, make, or model of a motor vehicle or transport vessel, if a defect
31 attributable to the design or manufacture of any part or instrumentation of the vehicle,
32 had been reported within five (5) years starting from the date of introduction of the model
33 in to the local market and it is subsequently proven or substantiated to affect many units
34 of that model.

35
36 (b) The purpose of such recall shall be for the correction of said defect in all
37 affected units, either by replacement, or the redesign of the defective device in order to

1 render the particular model of the motor vehicle or vessel safe for public and commercial
2 use:

3
4 *Provided, That the DOTC shall instead order a full refund for all*
5 *surrendered vehicles in the event such defect cannot be technically corrected:*
6

7 *Provided further, That in the event that the manufacturer or its Philippine*
8 *agent or representatives, of all locally sold units of a particular type, make, or model of a*
9 *motor vehicle or transport vessel refuses to recall, replace, replace or correct the object of*
10 *the recall, the Board in coordination with other transportation Agencies enforcement and*
11 *compliance bodies and the DOTC, the latter shall motu proprio initiate the prosecution of*
12 *such manufacturer, its Philippine agent, or representatives.*
13

14 (c) Upon the report of such defect, the Board shall immediately notify the
15 public of the same.
16

17 (d) The cost for such remedial measures shall be for the account of the
18 manufacturer or its agents or representatives, and shall be without prejudice to any claims
19 for damages that the victims of incidents/accidents or their heirs that they ma be filed
20 with the proper courts.
21

22 **SECTION 14. *Aircraft Accident Investigation and Inquiry Board (AAIIB) on Air***
23 ***Transportation Safety.***
24

25 (a) If an accident involves a substantial question about public safety in air
26 transportation, the Board may establish a Special Board that shall be composed of:
27

28 (1) One (1) Member of the AAIIB, who shall be the Chairman; and
29

30 (2) Two (2) Members of the public and/or the private sector, who shall
31 be appointed by the President upon notification of the
32 establishment of the Special Board:
33

34 *Provided, That they shall be persons of known probity and integrity:*
35

36 *Provided further, That they shall not have any pecuniary interest in any*
37 *aviation enterprise involved in the accident to be investigated.*
38

1 (b) The AAIIB shall exercise the powers, duties, and functions of the Board.

2
3 **SECTION 15. Disclosure, Availability, and Use of Information.**

4
5 (a) Except as provided in this Section, any copy of a record, information,
6 and/or investigation submitted or received by the Board or a Member or employee
7 thereof, shall be made available to the public on identifiable request and at reasonable
8 cost.

9
10 (b) The AAIIB shall not disclose any information related to a trade secret
11 except:

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

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

18
19 3) In a judicial proceeding under a court order that preserves the confidentiality of
20 the information without impairing the proceeding; and

21
22 4) To the public:

23
24 *Provided,* That such disclosure shall be for the protection of public health and
25 safety:

26
27 *Provided, further,* That such disclosure shall be to whom the information is
28 related:

29
30 *Provided, furthermore,* That the interested party is given the opportunity to
31 comment on the requested disclosure:

32
33 *Provided, moreover,* That the information so disclosed will not be detrimental
34 to public health and safety:

35
36 *Provided, finally,* That the disclosure shall be made in a manner designed to
37 protect and preserve its confidentiality.

38

1 (c) The Board shall not publicly disclose any part of a cockpit voice recording
2 or transcript on oral communications by and between flight crew Members and ground
3 stations related to an accident or incident investigated by the Board:
4

5 *Provided, however,* That the Board shall make public any part of the
6 transcript when the Board see to it that its use is relevant to the said accident or incident:
7

8 (1) When the Board holds a public hearing on the incident/accident; or
9

10 (2) When the Board makes public its findings relative to the said
11 incident/accident.
12

13 (d) Notwithstanding to the foregoing, any law to the contrary, the head of the
14 concerned agency shall, upon order or written request by the Board, provide the
15 following information to the Board:
16

17 (1) Any report or a confirmed positive toxicological test, verified as
18 positive by a medico-legal officer of the National Bureau of
19 investigation (NBI) or the Philippine National Police Crime
20 Laboratory (PNP Crime Lab), conducted on an officer or employee
21 of the concerned agency, when the officer or employee is
22 reasonably associated with the circumstances of an
23 incident/accident under the investigative jurisdiction of the Board;
24 and
25

26 (2) Any laboratory record documenting that test is confirmed as
27 positive.
28

29 (e) Except as provided in Section 12 (b) of this Act, the Board shall maintain
30 the confidentially and exempt from disclosure:
31

32 (1) Laboratory records provided to the Board under the provisions of
33 this Act that reveal medical use of a drug allowed under applicable
34 laws, and regulations; and
35

36 (2) Medical information related to the test or a review of the test
37 voluntary provided to the Board by the tested officer or employee.
38

1 (f) The board may use a laboratory record made available to it under this Act
2 to develop an evidentiary record in its investigation of an incident/accident if:

3
4 (1) The fitness of the tested officer or employee is at issue in the
5 investigation; and

6
7 (2) The use of that record is necessary to develop the evidentiary
8 record.

9
10
11 **SECTION 16. *Testimony.***

12
13 (a) Any party to an administrative proceeding may, make an offer to the
14 Board, conditionally or otherwise, for a consented decree, voluntary compliance or
15 desistance and other settlement of the case.

16
17 (b) Testimony, or the offer thereof, and any or all of the ultimate facts
18 upon which the offer is based, shall be considered for settlement purposes only, cannot be
19 used as evidence against any party for any other purpose and shall not constitute an
20 admission by the party making the offer of any violation of this Act, and the rules,
21 regulations, orders and resolution, orders and resolutions promulgated by the Board.

22
23 **SECTION 17. *Transportation Safety Fund.***

24
25 (a) There is hereby created a Transportation Safety Fund, hereinafter known
26 as the "Fund", to be deposited in a special trust fund to be administered by the Board.
27 The Fund shall be funded from:

28
29 (1) Savings from the Board's annual operating expense;

30
31 (2) Monetary donations and gifts received by the Board under Section
32 8 (I) of this Act; and

33
34 (3) Revenue generation project that the Board may formulate and
35 imposed in the future, to include but not limited to certification fee,
36 etc.

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

- 3
- 4 (1) Operating expenses in investigating incidents/accidents;
- 5
- 6 (2) Initiate studies and research in the causes and possible prevention
7 of incidents/accidents and other disasters, as provided in this Act;
- 8
- 9 (3) Reimbursement of extraordinary expenditures and expenses of
10 government and private agencies and/or persons mobilized by the
11 Board in investigating incidents/accidents; and
- 12
- 13 (4) Training and related conferences to further and enhance the
14 expertise of the officers and employees of the Board to effectively
15 implement the mandate of the Board under the provisions of this
16 Act.
- 17
- 18

19 **SECTION 18** *Appropriations.*

20

21 The sum of Five Billion Pesos (P 5,000,000,000.00) is hereby appropriated out of
22 any funds in the national treasury not otherwise appropriated, for the initial organization
23 and operations of the Board shall be included in the annual General Appropriations Act.

24

25

26 **SECTION 19.** *Exemption from Taxes, Customs and Tariff Duties.*

27

28 (a) The importation of equipments, machineries, spare parts, accessories and
29 other materials including supplies and services used solely and exclusively in the
30 operations and conduct of its functions not obtainable locally shall be exempt from all
31 direct and indirect taxes, wharfage fees and other charges and restrictions, the existence
32 of pertinent laws to the contrary notwithstanding.

33

34 (b) All obligations entered into by the Board and any income derived
35 therefrom, including those contracted with other entities shall be exempt from all taxes,
36 both principal and interest. The Board is also exempt from the payment of capital gains
37 tax, documentary stamp tax, real property estate tax and all other local government-
38 imposed taxes and fees.

1
2 **SECTION 20. *Annual Reports.***
3

4 At the end of every fiscal year, the Board shall submit to the Office of the
5 President, President of the Senate and the Speaker of the House of Representative an
6 annual report containing, but not limited to:

7
8 (a) Statistical and analytical summary of incident/accident investigations
9 conducted and reviewed by the Board during the preceding year;

10
11 (b) A survey and summary of the recommendations made by the Board to
12 reduce the likelihood of the recurrence of those incidents/accidents, together with the
13 observed response to each recommendation;

14
15 (c) A detailed appraisal of each incident/accident investigation and
16 incident/accident prevention activity of other departments, agencies, other
17 instrumentalities of the national government and the LGUs; and

18
19 (d) The use, disbursements and receipts to the Fund created in accordance
20 with this Act.
21

22 **SECTION 21. *Compensation and Other Emoluments of the NTSB.***
23

24 Within six (6) months from the effectivity of this Act, the Board shall determine
25 the schedule of salaries of the employees of the NTSB and shall determine and fix the
26 compensation and fringe benefits of the employees holding technical positions that are
27 not common to the other agencies of the government which shall be specified in the
28 Implementing Rules and Regulations, exempted from the salary standardization law.
29

30 **SECTION 22. *Implementing Rules and regulations.***
31

32 Within sixty (60) days from the effectivity of this Act, the Board, in consultation
33 with the OP, DOTC, PCG, CAAP, PNP, MARINA, LRTA, MRTA, LTO, DND, DPWH
34 and other concerned agencies on transportation, shall promulgate the Implementing Rules
35 and Regulations (IRR) for the effective implementation of this Act.
36

37 **SECTION 23. *Transfer of Personnel of Aircraft Accident Investigation and***
38 *Inquiry Board.*

1
2 To ensure smooth transition, the incumbent Officer-In-Charge of the AAIIB of
3 CAAP shall continue to hold office and assume the powers of the Chairman of the Board
4 until his successor has been appointed by the President, inducted and assumed office in
5 accordance with this Act. However, affected officials and personnel, with appointments
6 attested by the Civil Service Commission, whether hired on permanent or temporary
7 basis, who will opt to join the NTSB shall be automatically absorbed, pending approval
8 of new organizational structure/staffing pattern and qualifications standards by the
9 Department of Budget and Management and Civil Service Commission, respectively.

10
11
12 **SECTION 24. *Separability Clause.***

13
14 If, for any reason, any provision or provisions of this Act is declared invalid or
15 unconstitutional, the other part or parts thereof which are not affected thereby shall
16 continue to be in full force and effect.

17
18 **SECTION 25. *Repealing Clause.***

19
20 All laws, decrees, executive orders, issuances, or rules and regulations, or portions
21 thereof, that are inconsistent with this Act or any provision or provisions thereof, are
22 hereby repealed or modified accordingly.

23
24 **SECTION 26. *Effectivity.***

25
26 This Act shall take effect fifteen (15) days after its complete publication in two
27 (2) newspapers of general circulation.

28
29
30 Approved,
31