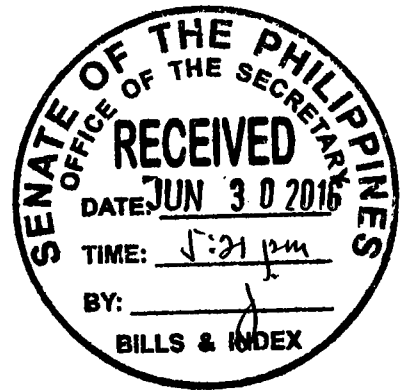


SEVENTEENTH CONGRESS OF THE REPUBLIC  
OF THE PHILIPPINES  
*First Regular Session*



SENATE  
S. B. 162

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Introduced by Senator Poe

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AN ACT  
TO PROMOTE COST-EFFECTIVE MEASURES FOR THE TRANSPORT SECTOR AND  
COMMUTING PUBLIC, PROVIDING FOR THE CREATION OF A NATIONAL  
TRANSPORTATION SAFETY BOARD, PRESCRIBING ITS POWERS AND FUNCTIONS,  
AND APPROPRIATING FUNDS THEREFOR

Explanatory Note

The list of transportation-related injuries and casualties grows longer day by day. According to the World Health Organization's "World Report on Road Traffic Injury Prevention," the human suffering for victims and their families of road traffic-related injuries is incalculable and there are endless repercussions which cause families to break up and high counselling costs for the bereaved relatives.

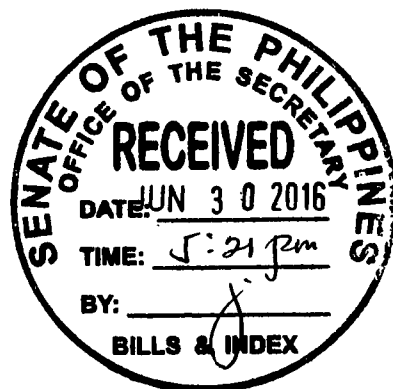
The proposed National Transportation Safety Board (NTSB) shall be an independent and non-regulatory agency mandated to determine the probable cause of transportation related accidents on land, sea and air including railway and pipeline systems. Among the functions of the proposed NTSB include conducting safety inspections on land, sea and air transportation and appraising or assessing existing practices and policies regarding the transportation sector.

This legislation is submitted to effectively investigate transportation-related incidents in the country and in line with the transfer of all communications units of the Department of Transportation and Communications to a newly-approved agency.

This measure is also inspired by the efforts of road safety advocate Ms. Elvira Medina of the National Commuter Safety and Protection that an agency is needed to create a master plan that will improve the country's transportation sector.

As such, approval of this measure is earnestly sought.

  
GRACE POE



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

1           **SECTION 1. Title** – This Act shall be known as the “*National Transportation Safety Board Act*  
2 *of 2016.*”  
3

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

- 9           (a) Conduct independent accident investigations;  
10  
11           (b) Support safety programs based on continuing and objective reviews of causes or reasons for  
12           unsafety acts and conditions; and  
13  
14           (c) Appraise and assess operating practices and regulations of government agencies involved in  
15           the transportation sector, insofar as they affect safety, and where appropriate, shall initiate,  
16           coordinate, formulate or promulgate safety improvement standards for the observance and  
17           implementation by the concerned government agencies and/or private entities.  
18

19           **SECTION 3. Creation of the National Transportation Safety Board.** – There is hereby  
20 created a National Transportation Safety Board, hereinafter referred to as the “Board” which shall be  
21 attached to the Office of the President.  
22

23           **SECTION 4. Composition and Organization.** –  
24

- 25           (a) The Board shall be composed of seven (7) full-time Members, headed by a Chairman, who  
26           shall be appointed by the President of the Philippines. A Member of the Board must be a  
27           natural born citizen at the time of his/her appointment, and must have at least three (3) years  
28           of actual experience in the administration, operation and management of a transport utility  
29           firm or regulatory agency in either air, land, sea and rail transportation and knowledgeable in  
30           accident reconstruction, safety engineering or transportation and traffic safety. Provided, that  
31           three (3) of the full-time members must come from the commuting public including a  
32           representative from the organizations advocating for road safety.  
33  
34           (b) The Chairman shall have a term of five (5) years but may be renewed for a non- extendible  
35           period of one (1) year. Provided, that the term of the initial appointees shall be staggered such

1 that the Chairman shall hold office for a term of five (5) years; the next three (3) members for  
2 three (3) years and the other three (3) members for two (2) years.  
3

- 4 (c) Upon the expiration of their respective terms, they shall continue to serve until their successor  
5 shall have been appointed and qualified. In case a member fails to complete his term, his  
6 successor shall only serve the unexpired portion of the term of his predecessor.  
7
- 8 (d) A member may be removed from office by the President for cause in accordance with the  
9 Civil Service rules and regulations.  
10
- 11 (e) The Chairman shall be the Chief Executive Officer of the Board. He shall exercise all the  
12 powers and discharge all functions of the Board. He shall control over all personnel employed  
13 by the Board, including, the following:  
14
- 15 1. The appointment and supervision of personnel employed by the Board;
  - 16 2. The distribution of business among such personnel and among any administrative units of  
17 the Board; and
  - 18 3. The use and expenditure of its funds.  
19
- 20 (f) The Board shall establish and maintain distinct appropriately staffed bureaus, division, or  
21 offices, to investigate and report on accidents involving each of the following modes of  
22 transportation:  
23
- 24 1. Aviation;
  - 25 2. Highway and motor vehicle;
  - 26 3. Pipeline, railroad, and tracked vehicle; and
  - 27 4. Marine transport carriers  
28
- 29 (g) The Board shall, in addition, establish and maintain such capabilities as may be needed to  
30 investigate and report on the safe transportation of hazardous and toxic materials.  
31  
32  
33

34 **SECTION 5. The Executive Director. –**  
35  
36

- 37 (a) The Board shall have an Executive Director who shall be appointed by the Chairman.  
38
- 39 (b) No person shall be appointed Executive Director unless he is at least thirty five (35) years of  
40 age at the time of his appointment, a Member of the Philippine bar, and who has practiced his  
41 profession for at least ten (10) years prior to the date of his appointment. He must not have  
42 been a candidate for any elective position in the elections immediately preceding his  
43 appointment.  
44
- 45 (c) The Executive Director shall;  
46
- 47 1. Record and officially report on the proceedings of the Board and shall have authority to  
48 administer oaths in all matters falling within the jurisdiction of the Board.
  - 49 2. Be responsible for running the day to day operation of the Board;
  - 50 3. Act as the custodian of the records, maps, profiles, reports, and other documents and  
51 papers filed in connection with any case or proceedings before the Board;
  - 52 4. Be responsible for the effective implementation of the policies, rules, and directives  
53 promulgated by the Board; and  
54  
55  
56  
57  
58  
59

- 1           5. Coordinate and supervise the activities of the different operating units of the Board and  
2           shall perform such other functions as may be assigned to him by the Chairman and/or the  
3           Board.  
4

5 **SECTION 6. Compensation. –**  
6

- 7           (a) The Chairman and the Members of the Board shall have the rank of a Department Secretary  
8           and Undersecretary, respectively. They shall receive the compensation and other emoluments  
9           corresponding to those of a Department Secretary and Undersecretary, respectively.  
10  
11           (b) The Executive Director shall have the rank of Assistant Secretary and shall be entitled to  
12           compensation and other emoluments corresponding to those of an Assistant Secretary.  
13  
14           (c) The Chairman. The Members of the Board, and the Executive Director shall be entitled to  
15           commutable representation and transportation allowances per month in the amount not  
16           exceeding the monthly salary of the lowest-paid regular employee of the Board.  
17  
18           (d) The Board shall determine the schedule of salaries of the employees subject to the  
19           compliance with the existing compensation law; Provided, that the Board shall determine and  
20           fix the compensation and fringe benefits of employees holding technical positions that are not  
21           common to the agencies of the government which shall be specified in the implementing  
22           Rules and Regulations.  
23

24 **SECTION 7. Duties and Functions of the Board. –** The Board shall:  
25

- 26           (a) Investigate or cause to be investigated and determine the facts, conditions, and circumstances  
27           and the cause of any of the following:  
28  
29               1. Aircraft accidents, in accordance with ANNEX 13 of the ICAO regulations. The result of  
30               the investigation shall be made available to the public by the Board within sixty (60) days  
31               from its completion.  
32  
33               2. Highway accidents, including railroad grade crossing accidents in coordination with the  
34               Local Government Unit (LGU) where the accident occurred.  
35  
36               3. Railroad accidents in which there is fatality, substantial property damage, or which  
37               involved a passenger train.  
38  
39               4. Pipelines accidents, in which there is fatality or substantial property damage;  
40  
41               5. Major marine accident, except those involving military vessels, occurring on the  
42               navigable waters or territorial seas of the Philippines. The result of the investigation shall  
43               be made available to the public by the Board within sixty (60) days from its completion.  
44  
45               6. Other accidents involving transportation of people and property, which, in the judgement  
46               of the Board, are catastrophic and of a recurring character.  
47  
48           (b) Report in writing to Congress and the President on the facts, conditions, and circumstances of  
49           each accident investigated pursuant to Section 7 (a) of this Act, and cause such report to be  
50           made available to the public by the Board within sixty (60) days from the completion of its  
51           investigation.  
52  
53           (c) Issue periodic reports to Congress, the President, and to make it available to government  
54           agencies and instrumentalities, and non-government organizations concerned with  
55           transportation safety upon request, including owners of public transportation carriers who  
56           may be concerned with the findings of the Board and to interested persons. Such reports shall  
57           contain proposals for corrective measures to make the transportation of persons as safe and  
58           free from the risk of injury as possible, including steps to minimize human injuries from  
59           transportation accident: Provided, the said reports shall be made public within sixty (60) days  
60           from its submission to the Congress or to the president, as the case may be;  
61

- 1 (d) Initiate and conduct special studies and investigation on matters pertaining to safety in  
2 transportation and avoiding injury to persons and damage to property;  
3  
4 (e) Gather, analyse, maintain, and publish from time to time data and statistics on transportation  
5 accidents;  
6  
7 (f) Carry out special studies and investigations relative to transportation safety;  
8  
9 (g) Prescribe requirement for persons reporting accidents and aviation incidents that:  
10  
11 1. May be investigated by the Board pursuant to this Act; or  
12  
13 2. Involve public aircraft, except aircraft of the Armed Forces of the Philippines.  
14  
15 (h) Perform such other functions as may be necessary to effectively implement the objectives and  
16 provisions of this Act.  
17

18 **SECTION 8. Powers of the Board. –**  
19

- 20 (a) The Board or any member so designated may conduct hearings, administer oaths, and require  
21 the attendance and testimony of witnesses as well as the production of papers, contracts,  
22 agreements and all other relevant documents deemed necessary in any inquiry or  
23 investigation pending before the Board.  
24  
25 (b) Any representative authorized by the Board, upon presenting appropriate credentials, may  
26 enter any property wherein a transportation accident has occurred or wreckage from such  
27 accident is located in order to undertake the appropriate investigation thereof. The  
28 representative may inspect at reasonable times, records, files processes, controls, and  
29 facilities relevant to the investigation of such accidents. Each inspection shall be commenced  
30 and completed with reasonable promptness;  
31  
32 (c) In investigating the aircraft accident pursuant to this Section, the Board may inspect and test,  
33 to the extent necessary, any civil aircraft engine, equipment, propeller, appliance, or property  
34 on an aircraft involved in an accident in air commerce: Provided, however, That any civil  
35 aircraft engine, equipment, propeller, appliance, or property on an aircraft involved in air  
36 commerce shall preserved, and may be moved, only as prescribed by regulations promulgated  
37 by the Board;  
38  
39 (d) And officer or employee of the Board may examine or test any motor vehicle, vessel, rolling  
40 stock, track, or pipeline component. Such examination or test shall be conducted in a manner  
41 that;  
42  
43 1. Does not unnecessarily, interfere with the transportation services provided by the owner  
44 or operator of the motor vehicle, vessel, rolling stock, or pipeline component; and  
45  
46 2. To the maximum extent feasible, preserves evidence related to the accident, consistent  
47 with the needs of the investigation and with the cooperation of that owner or operator.  
48  
49 (e) The Board shall have the sole discretion to:  
50  
51 1. Decide the manner by which the testing will be undertaken pursuant to this Act;  
52 2. The person who will conduct the test;  
53 3. The type of test to be conducted; and  
54 4. Any individual or individuals who will witness the test;  
55

56 Provided, that an inspection, examination, or test conducted pursuant to this Act by an officer or  
57 employee of the Board shall be started and completed promptly: Provided, further, that the results and  
58 findings of such inspection, examination, or test shall made public within thirty (30) days upon  
59 completion thereof.  
60

- 1 (f) The Board may require and shall be furnished a copy of the autopsy reports by the official  
2 concerned on any person who dies as a result of having been involved in a transportation  
3 accident. The Board may order, if necessary, the autopsy, or require other tests of such  
4 persons as may be needed for the investigation of the accident;  
5
- 6 (g) The Board may enter into such contract, leases, agreements and other transactions as may be  
7 necessary in the conduct of its functions and duties;  
8
- 9 (h) The Board may call assistance of, and use any available services, equipment, facilities, of the  
10 DOJ, DOTC, PCG, Department of National Defense (DND), Department of Public Works  
11 and Highways (DPWH), Philippine National Police (PNP), and other agencies and  
12 instrumentalities of the government;  
13
- 14 (i) The Board may create advisory committees composed of qualified private citizens and  
15 government officials with whom the Board may consult in the implementation of its functions  
16 and duties. And to pay honoraria of these persons for meetings actually attended. Whenever  
17 necessary, the Board may likewise appoint or retain the services of recognized experts as  
18 consultants on the accidents under investigation. Such consultants shall be paid compensation  
19 as fixed by the Board: Provided, That not more than three (3) consultants shall be appointed  
20 for each accident being investigated: Provided, further, That no officer, external auditor, or  
21 legal counsel of any investigated: Provided, further, That no officer, External auditor, or legal  
22 counsel of any private company or enterprise primarily engaged in the transportation industry  
23 shall be eligible for appointment as a consultant of the Board within three (3) years from his  
24 retirement, resignation, or separation therefrom;  
25
- 26 (j) Appoint advisory committees composed of qualified private citizens and officials of the  
27 national government and LGUs as appropriate;  
28
- 29 (k) Any law to the contrary notwithstanding, accept voluntary and uncompensated services;  
30  
31
- 32 (l) Accept donations and gifts of money and other property;  
33
- 34 (m) Enter into contacts with non-profit entities to carry out studies related to the duties and  
35 powers of the Board for its operating expenses;  
36
- 37 (n) Require that departments, agencies, and instrumentalities of the government, including LGUs  
38 and government of foreign countries, provide appropriate consideration for the reasonable  
39 costs of goods and services supplied by the Board; Provided. That such amounts shall accrue  
40 exclusively to the Board for its operating expenses;  
41
- 42 (o) The Chairman of the Board may determine the number of committees that are appropriate to  
43 maintain effective liaison with other departments, agencies and instrumentalities of the  
44 national government and LGUs, non-government organizations, and independent standard-  
45 setting authorities that carry out program and activities related to transportation safety. The  
46 Board shall designate representative to serve in the committees;  
47  
48
- 49 (p) The Board or any officer, or employee designated by the Chairman, may conduct an inquiry  
50 to obtain information related to transportation safety;  
51
- 52 (q) The Board, or its designated officer or employee, may require by order, a department, agency,  
53 or instrumentality of the national government, LGU, or a person, natural or juridical, which  
54 transports persons or goods, to submit to the Board a written report and answers to request  
55 and questions pursuant to the powers of the Board under this Act. The Board shall prescribe  
56 the time within which the reports and the answers thereto must be submitted to its designated  
57 officer or employee. Copies of the report and the answers thereto shall be made public within  
58 sixty (60) days from submission to the Board; and  
59

60 **SECTION 9. Relationship with Other Government Agencies. –**  
61

- 1 (a) Nothing in this Act shall deprive other government agencies from performing their intrinsic  
2 functions, including the investigation of accidents or making inquiries thereon, when those  
3 functions exist prior to the effectivity of this Act: Provided, however, That the Board, at its  
4 discretion, may require the submission of the records, findings, and recommendations of the  
5 investigation or inquiry;  
6
- 7 (b) The PNP or any other law enforcement agency shall continue to investigate and record  
8 accidents involving motor vehicles and/or pedestrians. For this purpose, the Board shall  
9 prescribe a uniform and standard operating system for investigation of such accidents, which  
10 shall be mandatory on the part of the investigating body or person;  
11
- 12 (c) The Board power shall take precedence over those of other government agencies tasked with  
13 investigating air and marine accidents which, in the Board's judgement, requires its inquiry or  
14 attention;  
15
- 16 (d) For the preservation, proper handling, conservation, and protection of evidence, records, files,  
17 and/or specimens related to any accident over which it assumes or has jurisdiction, the Board  
18 may assume control or possession of the evidence, records, files, and/or specimens;  
19
- 20 (e) The Board may require the submission of the records, findings, and/or recommendations of  
21 previous accidents and/or investigations of such accidents, from any government agency. For  
22 this purpose, the agency concerned shall transmit to the Board, within fifteen (15) days from  
23 receipt thereof, said records, findings, and/or recommendations;  
24
- 25 (f) In the exercise of its powers, the Board shall take into consideration the provisions of any  
26 treaty entered into by the Republic of the Philippines with other countries relative to the  
27 investigation of accidents over which the Board assumed jurisdiction.  
28

29 **SECTION 10. Disclosure, Availability, and Use of Information.**  
30

- 31 (a) Except as provided in this section, any copy of record, information or report of investigation  
32 submitted to the Board shall be made available to the public upon request and at reasonable  
33 cost;  
34
- 35 (b) The Board shall not make the records available for purpose other than accident or incident  
36 investigation, unless the appropriate authority for the administration of justice determines that  
37 their disclosure outweighs the adverse domestic and international impact;  
38
- 39 (c) The Board shall not disclose any information related to a trade secret except;  
40
- 41 1. To another department, agency, or instrumentality of the national government, when  
42 requested for official use;
  - 43
  - 44 2. To a committee of Congress having jurisdiction over the subject matter to which the  
45 investigation is related, when requested by that committee;  
46
  - 47 3. In a judicial proceeding under a court order that preserves the confidentiality of the  
48 information without impairing the proceeding; and  
49
  - 50 4. To the public: Provided, that such disclosure shall be for the protection of public health  
51 and safety. Provided, further, that the information so disclosed will not be detrimental to  
52 public health and safety: Provided finally, that the disclosure shall be made in a manner  
53 designed to protect and preserve its confidentiality;  
54
- 55 (d) The Board shall not publicly disclose any part of a cockpit voice recording or transcript of  
56 oral communications by and between flight crew Members and ground station related to an  
57 accident or incident investigated by the Board: Provided, however, That the Board shall make  
58 public any part of transcript the Board decides is relevant to the said accident or incident:  
59
- 60 1. When the Board holds a public hearing on the accident or incident; or  
61

- 1                   2. When the Board makes public its findings relative to the said accident or incident  
2  
3  
4                   (e) Any law to the contrary notwithstanding, the head of the concerned agency shall, upon order  
5                   or written request by the Board, provide the following information to the board:  
6  
7                   1. Any report or a confirmed positive toxicological test, verified as positive by the medico-  
8                   legal officer of the National Bureau of Investigation (NBI), conducted on an officer or  
9                   employee of the concerned agency under post-accident, unsafe practice, or reasonable  
10                  toxicological requirements of the concerned with the circumstances of an accident or  
11                  incident under the investigative jurisdiction of the Board; and  
12  
13                  2. Any laboratory record documenting that the test is confirmed as positive.  
14  
15                  (f) Expert as provided in Section 10 (b) of this Act, the Board shall maintain the confidentiality  
16                  of, and exempt from disclosure:  
17  
18                  1. Laboratory records provided to the board shall maintain the confidentiality of, and  
19                  exempt from disclosure; and  
20  
21                  2. Medical information related to the test or a review of the test voluntarily provided to the  
22                  Board by the tested officer or employee.  
23  
24                  (g) The Board may use a laboratory record made available to it under this Act to develop an  
25                  evidentiary record in its investigation of an accident or incident if:  
26  
27                  1. The fitness of the tested officer or employee is at issue in the investigation; and  
28  
29                  2. The use of that record is necessary to develop the evidentiary record.

30                  **SECTION 11. Testimony. –**

- 31  
32                  (a) Any party to an administrative proceeding may, at any time, make an offer to the Board,  
33                  conditionally or otherwise for a consented decree, voluntary compliance or desistance and  
34                  other settlement of the case.  
35  
36                  (b) Testimony, of the offer thereof, and any or all of the ultimate facts upon which the offer is  
37                  based, shall be considered for settlement purpose only and cannot be used as evidence against  
38                  any party for any other purposes and shall not constitute an admission by the party making  
39                  the offer of any violation of this Act, and the rules, regulations, orders, and resolutions  
40                  promulgated by the Board.  
41

42                  **SECTION 12. Transportation Safety Fund. –**

- 43  
44                  (a) There is hereby created a Transportation Safety Fund, hereinafter known as the "Fund" to be  
45                  deposited in a special trust fund to be administered by the Board. The Fund shall be funded  
46                  from:  
47  
48                  1. Savings from the Board's annual operating expenses; and  
49                  2. Monetary donations and gifts received by the Board under Section 8 (1) of this act.  
50  
51                  (b) Subject to the usual accounting and auditing rules and regulations, the Fund shall be used  
52                  exclusively for the following purposes:  
53  
54                  1. Operational expenses in investigating major accidents;  
55                  2. Initiate studies and research in the causes and possible prevention of accidents and other  
56                  disasters, as provided in this act;  
57                  3. Reimbursement of extraordinary expenditures and expenses of government and private  
58                  agencies and/or persons mobilized by the Board in investigating major accidents; and  
59                  4. Training and related conferences to further and enhance the expertise of the officers and  
60                  employees of the Board under the provisions of this Act.  
61



1           **SECTION 13. Appropriations.** – The sum of Fifty Million Pesos (P 50,000,000.00) is hereby  
2 appropriated out of any funds in the National Treasury not otherwise appropriated, for the initial  
3 organization and operations of the Board. Thereafter, such sums, as may be necessary for the operations  
4 of the Board, shall be included in the annual General Appropriations Act.  
5

6           **SECTION 14. Annual Report.** – The Board shall submit to the President and Congress an  
7 annual report at the end of every calendar year containing, among others:

- 8           (a) Statistical and analytical information of accident or incident investigations conducted and  
9           reviewed by the Board during the preceding year;  
10  
11           (b) A survey and summary of the recommendations made by the Board to reduce the likelihood  
12           of the recurrence of those accidents, together with the observed response to each  
13           recommendation;  
14  
15           (c) A detailed appraisal of each accident investigation and accident prevention activity of other  
16           departments, agencies, other instrumentalities of the national government and the LGUs; and  
17  
18           (d) The uses of, disbursement from, and receipt to the Fund created in accordance with this Act.  
19

20           **SECTION 15. Implementing Rules and Regulations.** – Within sixty (60) days from the  
21 effectivity of this Act, the Board, in consultation with the DOJ, DOTC, PCG, DND, DPWH, PNP, and  
22 NBI, shall promulgate the implementing Rules and Regulations (IRR) for the effective implementation of  
23 this Act. The IRR shall provide procedures geared towards streamlined processes and swift justice by  
24 observing timeline or deadline in rendering decisions and issuances, plain writing or easy-to-understand  
25 instructions, and over-all improvement of the industry.  
26

27           **SECTION 16. Separability Clause.** – If, for any reason, any provisions of this Act is declared  
28 invalid or unconstitutional, the other part or parts thereof which are not affected thereby shall continue to  
29 be in full force and effect.  
30

31           **SECTION 17. Repealing Clause.** – All laws, decrees, executive orders, issuances, or rules and  
32 regulations, or portions thereof, that are inconsistent with this Act or any provision or provisions, thereof,  
33 are repealed or modified accordingly.  
34

35           **SECTION 18. Effectivity.** – This Act shall take effect fifteen (15) days after its publication in  
36 two (2) newspapers of general circulation.  
37

38  
39           Approved,