



SEVENTEENTH CONGRESS OF THE)  
REPUBLIC OF THE PHILIPPINES )  
FIRST REGULAR SESSION )

'17 MAR -8 P6:15

RECEIVED BY:

SENATE

S.B. No. 1375

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Introduced by Senator JOSEPH VICTOR G. EJERCITO

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AN ACT  
CREATING A NATIONAL TRANSPORTATION SAFETY BOARD,  
APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

EXPLANATORY NOTE

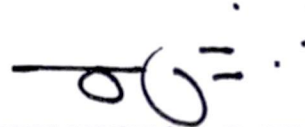
In the Philippines, the creation of an independent government agency to promote transportation safety has come of age. It is always visualized that an agency would promote impartiality and vigor in the conduct of investigation for major accidents involving all types of public utility vehicles or vessels that are regulated by appraisal and assessment of the operating practices and regulations of all appropriate agencies. It is also envisioned to call for the making of conclusions and recommendations that may be critical or adverse to any agency and officials.

This bill seeks to create a National Transportation and Safety Board (NTSB), which shall be an independent and non-regulatory agency to ensure comprehensive and impartial investigations of transportation accidents. It shall primarily be responsible for the analysis, evaluation and prevention of accidents on air, marine and land transportation including railways and pipeline systems, for the effective promotion of riders' safety and prevent loss of life and property.

The mission of the Board is to engage in the investigation and determination of probable cause of transportation accidents, the issuance of safety recommendations and special studies directed at preventing recurrence

of accidents and evaluating the effectiveness of concern government agencies as well as their policies in preventing transportation accidents.

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



JOSEPH VICTOR G. EJERCITO



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

1 SECTION 1. *Short Title.* - This act shall be known and cited as the  
2 "*National Transportation Safety Board Act of 2017.*"

3  
4 SEC. 2. *Declaration of Policy.* - It is the policy of the State to prevent  
5 accidents and save lives and property in transportation; promote safety in the  
6 transportation of people, property and goods by conducting independent  
7 accident investigations; by continuous and objective review, appraisal and  
8 assessment of operating practices and regulations of government agencies  
9 implementing transportation laws; and, by formulating and promulgating  
10 safety improvement standards for observance and implementation, by said  
11 agencies and concerned private sectors.

12  
13 SEC. 3. *Creation.*- There is hereby created a National Transportation  
14 Safety Board, a non-regulatory and independent agency hereinafter referred to  
15 as the Board, to implement the foregoing polices of the State. For administrative  
16 purposes, the Board shall be attached to the Office of the President.

1 **SEC. 4. Objectives.-** The Board shall have the following objectives:  
2

3 (a) To prevent future accidents, save lives and reduce injuries and  
4 property damages;  
5

6 (b) To ensure that survivors and families of victims of transportation  
7 accidents receive timely and compassionate assistance from the  
8 operators, other government agencies and community service  
9 organizations;  
10

11 (c) To ensure implementation of safety standards in the transportation  
12 industry and road safety, including road infrastructure, through a  
13 continuous learning and, with a comprehensive research and  
14 development process aim to strictly comply with the international  
15 road safety standards; and  
16

17 (d) To conduct thorough accident and incident investigations, determine  
18 the probable causes, and publish accident reports and safety studies.  
19

20 **SEC. 5. Structure and Organization.-** The Board shall be composed of  
21 five (5) full-time members, including a Chairman and a Vice-Chairman.  
22 All the members of the Board shall have extensive training and  
23 experience in the respective field of our marine, air, overland and train  
24 transportation systems, and each must have adequate knowledge in  
25 investigation, analysis, and evaluation of transportation accidents,  
26 particularly in the field of accident reconstruction, safety engineering, or  
27 transportation safety.  
28

29 Members of the Board shall be appointed by the President of the  
30 Philippines for a term of (6) six years. Of those first appointed, two  
31 members shall hold office for six (6) years, two members for four years  
32 and the last member for two years. Appointment to any vacancy shall  
33 only be for the unexpired term of the predecessor. In no case shall any  
34 Member be appointed or designated in a temporary or acting capacity.  
35 Any member of the Board may be removed by the President for  
36 inefficiency, neglect of duty, malfeasance in office or any other legal  
37 cause.  
38

39 No member of the Board shall concurrently hold any other  
40 government office or position, or be employed in any government-  
41 owned or controlled corporation or entity or any private, business

1 enterprise whose interest may be in conflict with the Board's function  
2 and duties.

3  
4 The Chairman shall be the chief executive officer of the Board  
5 Three (3) members of the Board shall constitute a quorum for the  
6 transaction of any function of the Board.

7  
8 The Board shall establish and maintain distinct and appropriate  
9 staffed bureaus, divisions, or offices to investigate and report on  
10 accidents involving each of the following modes of transportation: (a)  
11 aviation; (b) maritime; and (c) overland including railroad and tracked  
12 vehicles.

13  
14 **SEC. 6. *Office of the Executive Director.***- The Board shall have an  
15 Executive Director who shall be appointed by the President of the  
16 Philippines upon recommendation of the Board. The Managing Director  
17 shall have the following functions:

18  
19 (1) Assist the Chairman in the discharge of his functions as  
20 executive and administrative head of the Board;

21  
22 (2) Coordinate and direct the activities of the staff and is  
23 responsible for the day-to-day management of the affairs and  
24 activities of the Board.

25  
26 (3) Recommend and develop plans to achieve the Board's  
27 objectives; and

28  
29 (4) Provide secretariat services to the Board.  
30

31 **SEC. 7. *Compensation.***- The salary of the Chairman and the members of  
32 the Board shall be the same as those of the Chairman and Members of the  
33 different Constitutional Commissions. The salary of the Chairman and  
34 Members of the Board shall not be decreased during their tenure.

35  
36 **SEC. 8. *Personnel.***- Subject to civil service laws, rules and regulations, the  
37 Board is authorized to select, appoint, employ, and fix the compensation  
38 of such officers and employees, including investigators and attorneys, as  
39 shall be necessary to carry out its powers and duties.

1           **SEC. 9. Duties and Powers of the Board.**- The primary function of the  
2 Board is to promote safety in transportation.

3  
4           (A) Duties of the Board.- The Board shall:

5  
6           (1) Investigate and determine the facts, conditions, and  
7           circumstances and the cause or probable cause or causes of  
8           any air, overland and maritime accidents.

9  
10           Nothing herein shall prevent the Board from making further  
11           inquiries on accidents already investigated by existing accident  
12           investigating bodies.

13  
14           Furthermore, the Board may require the submission of their  
15           records, reports, findings and recommendation of past  
16           investigation.

17  
18           The Board shall be the primary government body to conduct  
19           accident investigations under its jurisdiction. Other agencies  
20           mandated to investigate concurrently such accidents shall  
21           coordinate with the Board in the performance of its functions.  
22           In addition, it shall give full support to the actions and policies  
23           dictated by the Board during the conduct of such investigations.

24  
25           (2) Report on the facts, conditions, and circumstances of each  
26           accident investigated pursuant to paragraph (1) of this  
27           subsection and cause such reports to be made available to  
28           the public;

29  
30           (3) Issue periodic reports to Congress and government agencies  
31           concerned with transportation safety;

32  
33           (4) Make transportation safety recommendations to national  
34           agencies and private organizations to reduce the likelihood  
35           of recurrences of transportation accidents;

36  
37           (5) Initiate and conduct special studies and investigations on  
38           matters pertaining to safety in transportation;

39  
40           (6) Assess and evaluate techniques and methods of accident  
41           investigation and prepare and publish from time to time  
42           recommended procedures for accident investigations;

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- (7) Evaluate and publish the findings of the Board with respect to the transportation safety consciousness and effectiveness in preventing accidents of other government agencies, as well as promote transportation safety consciousness in both the national and local government;
  
- (8) Evaluate the adequacy of safeguards and procedures concerning the transportation of hazardous materials and the performance of carriers and other government agencies charged with assuring the safe transportation of such materials;
  
- (9) Prepare and submit annual reports which shall include specific proposals for corrective legislation to the Department of Transportation and Communications, with copies simultaneously furnished to the appropriate committees of the Senate and House of Representatives;

(B) Powers of the Board.-

- (1) The Board may conduct such hearings, sit and act as such times and places, administer oaths and subpoena such witness (*ad testificandum*) or subpoena (*duces tecum*) the production of such evidence as the Board or such officer may deem necessary. Subpoenas shall be issued under the signature of the Chairman and may be served by any person designated by the Chairman.
- (2) Any employee of the Board, upon presenting appropriate credentials and a written notice of inspection authority, is authorized to enter any property where a transportation accident has occurred, or where wreckage is found, or where any such accident is located, and do all things necessary for the proper conduct of investigation. The employees may inspect, at a reasonable time, records, files processes, controls and facilities relevant to the investigations of such accident. Each inspection shall commenced and completed with reasonable promptness and the results of such inspection be made available to concerned parties.

1 (3) The Board shall have the power to cite for contempt any  
2 person in case of contumacy or refusal to obey a subpoena,  
3 an order, or an inspection notice of the Board or any duly  
4 designated employee thereof.  
5

6 (4) The Board is authorizes to enter into such contracts, leases,  
7 cooperative agreements, or other transactions as may be  
8 necessary in the conduct of the functions and the duties of  
9 the Board under this Section, with any government entity or  
10 any person.  
11

12 (5) The Board is authorized to:

13  
14 (a) Use, on a reimbursable basis or otherwise, when  
15 appropriate, available services, equipment,  
16 personnel and facilities of the Department of  
17 Transportation, the Department of National  
18 Defense, the Department of Interior and Local  
19 Government, the Department of Public Works and  
20 Highways and other agencies and  
21 instrumentalities of the government in the conduct  
22 of its investigations.  
23

24 (b) Employ recognized experts and consultants on  
25 the accidents under investigation whom shall be  
26 paid by compensation fixed by the Board:  
27 Provided, That no more than two consultants  
28 shall be appointed for each incident being  
29 investigated.  
30

31 (c) Accept voluntary and uncompensated services  
32 notwithstanding any other provision of law; and  
33

34 (d) Accept gifts or donations of money or property,  
35 whether real or personal.  
36

37 (6) Establish such rules and regulations as may be necessary to  
38 the exercise of its powers and functions under this Act.  
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1           **SEC. 10. Seal.**- The Board shall have a seal which shall be officially  
2 recognized.

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5           **SEC. 11. Annual Report.**- The Board shall report to Congress on the  
6 second week of August of each year. Such report shall include, but not  
7 limited to-

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9           (1) a statistical and analytical summary of the transportation  
10 accident investigations conducted and reviewed by the Board  
11 to reduce the likelihood of recurrence of such accidents together  
12 with the observed response to each recommendation;

13  
14           (2) a survey and summary, in such detail as the Board deems  
15 advisable, of the recommendations made by the Board to  
16 reduce the likelihood of recurrence of such accidents together  
17 with the observed response to each recommendation;

18  
19           (3) an appraisal in detail of the accident investigation and accident  
20 prevention activities of other government agencies charged by  
21 law with responsibility in this field; and

22  
23           (4) a biennial appraisal and review and recommendations for  
24 legislative and administrative action with respect to  
25 transportation safety.  
26

27           **SEC. 12. Appropriations.**- The Board shall have an initial appropriation  
28 in the amount of Thirty Million Pesos (P 30,000,000.00) to finance its operation  
29 for the first year to be appropriated out of the Contingent Fund of the Office of  
30 the President and thereafter any such amount shall be incorporated in the  
31 annual General Appropriations Act.

32  
33           **SEC. 13. Separability Clause.**- Any portion or provision of this Act which  
34 may be declared unconstitutional **shall not** have the effect of nullifying other  
35 portions or provisions hereof, as long as such remaining portions or provisions  
36 can still subsist and be given effect in their entirety.

37  
38           **SEC. 14. Repealing Clause.**- All laws, decrees, orders, proclamation, rules  
39 and regulations, or parts thereof, which are inconsistent with any of this Act are  
40 hereby repealed, amended, or modified accordingly.  
41

1           **SEC. 15. Effectivity.**- This Act shall take effect fifteen (15) days after its  
2 publication in at least two (2) newspapers of general circulation.

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*Approved,*