

EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



'19 SEP 26 P5:09

SENATE

RECEIVED BY: _____

COMMITTEE REPORT NO. 8

Submitted by the Committees on Public Services; Civil Service, Government Reorganization and Professional Regulation; *and* Finance on **SEP 26 2019**.

RE: Senate Bill No. 1077

Recommending its approval in substitution of Senate Bill Nos. 125 and 651.

Sponsor: Senator Grace Poe

MR. PRESIDENT:

The Senate Committees on Public Services; Civil Service, Government Reorganization and Professional Regulation; *and* Finance to which was referred **Senate Bill No. 125**, introduced by Senator Grace Poe, *entitled*:

"AN ACT

**TO ESTABLISH THE NATIONAL TRANSPORTATION SAFETY BOARD,
PRESCRIBING ITS POWERS AND FUNCTIONS, APPROPRIATING FUNDS
THEREFOR, AND FOR OTHER PURPOSES."**

Senate Bill no. 651, introduced by Senator Ramon "Bong Revilla Jr., *entitled*:

"AN ACT

**CREATING A NATIONAL TRANSPORTATION SAFETY BOARD,
APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES"**

have considered the same and have the honor to report it back to the Senate with the recommendation that the attached Senate Bill No. 1077 prepared by the Committee, entitled:

"AN ACT

**CREATING A NATIONAL TRANSPORTATION SAFETY BOARD, PRESCRIBING
ITS POWERS AND FUNCTIONS, AND APPROPRIATING FUNDS THEREOF"**

be approved in substitution of Senate Bills Nos. 125 and 651 with Senators Poe, Revilla and Angara as authors thereof.

Respectfully submitted:

Chairpersons:



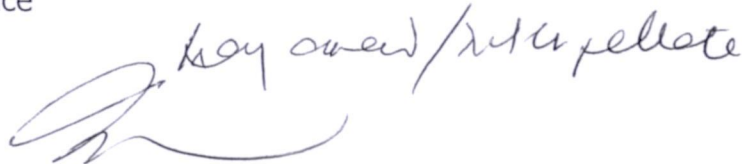
RAMON "Bong" REVILLA JR.
Chairperson

Committee on Civil Service, Government
Reorganization and Professional Regulation
Vice Chairperson, Committee on Public Services
Member, Committee on Finance



GRACE POE
Chairperson

Committee on Public Services
Member, Committee on Finance



SONNY ANGARA

Chairperson, Committee on Finance

Vice-Chairpersons:

PIA S. CAYETANO
Committee on Finance
Member, Committee on Civil Service,
Government Reorganization and
Professional Regulation



PANFILO M. LACSON
Committee on Public Services; and
on Finance

CYNTHIA A. VILLAR
Committee on Finance



EMMANUEL "Manny" D. PACQUIAO
Committee on Public Services
Member, Committee on Finance





JOEL VILLANUEVA
Committee on Finance
Member, Committees on Public Services;
and on Civil Service, Government
Reorganization and Professional Regulation

WIN GATCHALIAN
Committee on Public Services
Member, Committee on Finance

IMEE R. MARCOS
Committee on Finance

RICHARD J. GORDON
Committee on Finance
Member, Committee on Public Services


CHRISTOPHER LAWRENCE T. GO
Committee on Finance
Member, Committees on Public Services;
and Civil Service, Government
Reorganization and Professional
Regulation

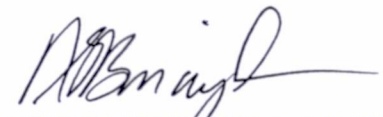

RISA HONTIVEROS
Committee on Finance
Member, Committees on Public Services;
and on Civil Service, Government
Reorganization and Professional
Regulation


Members:


*may interpellate / propose
amendments.*

may interpellate


AQUILINO "Koko" PIMENTEL III
Committee on Finance


MARIA LOURDES NANCY S. BINAY
Committees on Public Services;
and Finance


RONALD "Bato" DELA ROSA
Committees on Finance; and
Civil Service, Government
Reorganization and Professional
Regulation


FRANCIS "Tol" N. TOLENTINO
Committees on Public Services;
Finance; and Civil Service,
Government Reorganization and
Professional Regulation

FRANCIS "Kiko" PANGILINAN
Committees on Public Services;
and Finance


MANUEL "Lito" M. LAPID
Committees on Public Services; and
Finance

LEILA M. DE LIMA
Committee on Finance

Ex-Officio Members:

RALPH G. RECTO
President Pro-Tempore



JUAN MIGUEL F. ZUBIRI
Majority Floor Leader



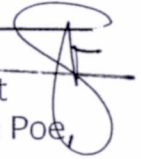
FRANKLIN M. DRILON
Minority Floor Leader
Will interpellate

HON. VICENTE C. SOTTO III
Senate President

SENATE
S. No. 1077

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Prepared by the Committees on Public Services; Civil Service, Government Reorganization and Professional Regulation; and Finance with Senators Grace Poe, Ramon "Bong" Revilla Jr. and Sonny Angara as authors thereof.

AN ACT
CREATING A NATIONAL TRANSPORTATION SAFETY BOARD, PRESCRIBING ITS POWERS AND FUNCTIONS, AND APPROPRIATING FUNDS THEREOF

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*
2 *Safety Board Act.*"

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

8 (a) Conduct independent investigations on transportation accidents and
9 incidents;

10 (b) Support safety programs based on continuing and objective reviews of
11 causes or reasons for unsafe acts and conditions; and

12 (c) Appraise and assess operating practices and operational regulations of
13 government agencies involved in the transportation sector, insofar as they
14 relate to safety measures, and when appropriate, shall initiate, coordinate,
15 formulate and adopt additional safety standards consistent with
16 international best practices for the observance and implementation by the
17 concerned government agencies and/or private entities.

1 **Sec. 3. Creation of the National Transportation Safety Board.** – There
2 is hereby created a National Transportation Safety Board, hereinafter referred to as
3 the "Board" which shall be attached to the Office of the President.

4 **Sec. 4. Composition and Organization. –**

5 (a) The Board shall be composed of seven (7) full-time Members, headed by a
6 Chairman. The Chairman and all six (6) Members of the Board, shall be
7 appointed by the President and must:

- 8 a. Be a Filipino citizen at the time of his/her appointment;
- 9 b. Have at least three (3) years of actual experience in the
10 administration, operation and management of a transport utility
11 firm or regulatory agency in transportation and traffic safety; and
- 12 c. Be knowledgeable in crash and incident reconstruction, safety
13 engineering or transportation and traffic safety.

14 *Provided,* that each transportation sector—land, rail, air, and sea—
15 shall be represented by one Board Member each; *Provided, further,* that
16 two (2) of the full-time Members must come from the commuting public,
17 including organizations advocating for road safety.

18 (b) The Chairman shall have a term of five (5) years but may be renewed for
19 a non-extendible period of one (1) year; *Provided,* that the term of the
20 initial appointees shall be staggered, such that three (3) Members shall
21 hold office for three (3) years and the other three (3) Members for two (2)
22 years.

23 (c) Upon the expiration of their respective terms, the Members shall continue
24 to serve until their successor is appointed and qualified. In case a Member
25 fails to complete his term, his successor shall only serve the unexpired
26 portion of the term of his predecessor.

27 (d) A Member may be removed from office by the President for cause in
28 accordance with the Civil Service rules and regulations.

29 (e) The Chairman shall be the Chief Executive Officer of the Board. He shall
30 exercise all the powers and discharge all functions of the Board. He shall
31 exercise control over all personnel employed by the Board, including the
32 following:

- 1 1. The appointment and supervision of personnel employed by the Board;
- 2 2. The distribution of business among such personnel and among any
- 3 administrative units of the Board; and
- 4 3. The use and expenditure of the funds of the Board.

5 (f) The Board shall establish and maintain distinct appropriately staffed
6 bureaus, division, or offices, to conduct research, investigate and report
7 on crashes, accidents, and serious incidents involving each of the following
8 modes of transportation:

- 9 1. Aviation;
- 10 2. Motor vehicles;
- 11 3. Railroads and tracked vehicles;
- 12 4. Pipelines, and
- 13 5. Marine transport carriers.

14 (g) The Board shall, in addition, establish and maintain such capabilities as
15 may be needed to investigate and report on the safe transportation of
16 hazardous and toxic materials.

17 **Sec. 5. *The Executive Director.* –**

18 (a) The Board shall have an Executive Director, who shall be appointed by the
19 Chairman.

20 (b) No person shall be appointed Executive Director unless he is at least thirty
21 five (35) years of age at the time of his appointment, a member of the
22 Philippine bar, and who has practiced his profession for at least ten (10)
23 years prior to the date of his appointment. He also must not have been a
24 candidate for any elective position in the elections immediately preceding
25 his appointment.

26 (c) The Executive Director shall:

- 27 1. Record and officially report on the proceedings of the Board;
- 28 2. Have authority to administer oaths in all matters falling within the
- 29 jurisdiction of the Board;
- 30 3. Be responsible for running the day to day operation of the Board;

- 1 4. Act as the custodian of the records, maps, profiles, reports, and other
2 documents and papers filed in connection with any case or proceeding
3 before the Board;
- 4 5. Be responsible for the effective implementation of the policies, rules,
5 and directives promulgated by the Board;
- 6 6. Coordinate and supervise the activities of the different operating units
7 of the Board; and
- 8 7. Perform such other functions as may be assigned to him by the
9 Chairman and/or the Board.

10 **Sec. 6. Compensation. –**

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

28 **Sec. 7. Duties and Functions of the Board. –** The Board shall:

- 29 (a) Investigate or cause to be investigated and determine the facts,
30 conditions, circumstances, and cause of any of the following:

- 1 1. Aircraft accidents and serious incidents, except those involving State
2 aircrafts, in accordance with ANNEX 13 of the International Civil
3 Aviation Organization regulations;
- 4 2. Motor vehicle crashes, including railroad grade crossing incidents;
- 5 3. Railroad incidents and accidents, including those involving passenger
6 trains, which resulted to death, injury, or substantial damage to
7 property;
- 8 4. Pipeline incident, in which there is fatality or substantial property
9 damage;
- 10 5. Major maritime transportation and aerial accidents or incidents
11 occurring within Philippine maritime jurisdiction, except those involving
12 domestic and foreign military vessels and ships, occurring within the
13 National territory of the Philippines: *Provided that*, the Board may aid
14 in any investigation concerning such exempted vehicles if it has
15 secured prior consent from the proper government agency; and
- 16 6. Other serious incidents involving the transportation of people and
17 property, which, in the judgement of the Board, are catastrophic and
18 of a recurring character.

19 (b) Report in writing to Congress and the President on the facts, conditions,
20 and circumstances of each incident investigated pursuant to Section 7 (a)
21 of this Act, and make such report available to the public within sixty (60)
22 days from the completion of the Board's investigation, except in certain
23 cases enumerated in Section 12 of this Act;

24 (c) Initiate and conduct special studies and investigation on matters
25 pertaining to safety in transportation and avoiding injury to persons and
26 damage to property;

27 (d) Gather, analyze, maintain, and publish from time to time data and
28 statistics on transportation crashes, accidents and incidents;

29 (e) Prescribe requirements for persons or agencies reporting transportation
30 incidents, in accordance with their own mandates, except those which
31 involve military vessels or aircrafts;

1 (f) Perform such other functions as may be necessary to effectively
2 implement the objectives and provisions of this Act.

3 **Sec. 8. Powers of the Board. –**

4 (a) The Board or any Member so designated may conduct hearings,
5 administer oaths, and require the attendance and testimony of witnesses
6 and the production of papers, contracts, agreements and all other relevant
7 documents deemed necessary in any inquiry or investigation pending
8 before the Board.

9 (b) Any representative authorized by the Board, upon presenting appropriate
10 credentials, may enter any property wherein a transportation incident has
11 occurred or wreckage from such incident is located in order to investigate
12 such incident. The representative may inspect at reasonable times,
13 records, files processes, controls, and facilities relevant to the investigation
14 of such incidents. Each inspection shall be commenced and completed
15 with reasonable promptness.

16 (c) In investigating aircraft accidents or serious incidents, the Board may
17 inspect and test, to the extent necessary, any civil aircraft engine,
18 equipment, propeller, appliance, or property on an aircraft involved in an
19 accident or serious incident in air commerce: *Provided, however,* that any
20 civil aircraft engine, equipment, propeller, appliance, or property on an
21 aircraft involved in air commerce shall be preserved, and may be moved,
22 only as prescribed by regulations promulgated by the Board;

23 (d) An officer or employee of the Board may examine or test any motor
24 vehicle, vessel, rolling stock, track, or pipeline component involved in an
25 accident or incident. Such examination or test shall be conducted in a
26 manner that:

- 27 1. Does not unnecessarily, interfere with the transportation services
28 provided by the owner or operator of the motor vehicle, vessel, rolling
29 stock, or pipeline component; and
- 30 2. To the maximum extent feasible, preserves evidence related to the
31 accident, consistent with the needs of the investigation.

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

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1. Decide the manner of inspection and examination of evidence pursuant to this Act;
2. Identify the person or persons who or entity that will conduct the inspection, examination or test; and
3. Identify the type of examination or test to be conducted;

Provided, that a representative from concerned government agencies shall be present during the inspection, examination, or test conducted pursuant to this Act; *Provided, further*, that all examinations and tests shall be properly documented by photographs and videos.

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

- a. The fitness of the tested officer or employee is at issue in the investigation; and
- b. The use of that record is necessary to develop the evidentiary record.

(g) The Board may require and shall be furnished a copy of the autopsy reports by the official concerned on any person who died as a result of having been involved in a transportation accident. The Board may order, if necessary, the autopsy of such other deceased, or require tests on such other person or persons as may be needed for the investigation of the accident;

(h) The Board may enter into such contracts, leases, agreements and other transactions as may be necessary in the conduct of its functions and duties;

(i) The Board may call the assistance, and use any available services, equipment, and facilities of the Department of Justice (DOJ), Department of Transportation (DOTr), Philippine Coast Guard (PCG), Department of National Defense (DND), Department of Health (DOH), Metropolitan Manila Development Authority (MMDA), Department of Public Works and Highways (DPWH), Philippine National Police (PNP), National Bureau of

1 Investigation (NBI), Local Government Units (LGUs), and other agencies
2 and instrumentalities of the government;

3 (j) The Board may create advisory committees composed of qualified private
4 citizens and government officials with whom the Board may consult in the
5 implementation of its functions and duties and to pay honoraria of these
6 persons for meetings actually attended. Whenever necessary, the Board
7 may likewise appoint or retain the services of recognized experts as
8 consultants on the incidents under investigation. Such consultants shall be
9 paid compensation as fixed by the Board; *Provided*, that not more than
10 three (3) consultants shall be appointed for each incident being
11 investigated; *Provided, further*, that no officer, external auditor, or legal
12 counsel of any private company or enterprise primarily engaged in the
13 transportation industry shall be eligible for appointment as a consultant of
14 the Board;

15 (k) Any law to the contrary notwithstanding, the Board may accept voluntary
16 and uncompensated services;

17 (l) The Chairman of the Board may determine the number of committees that
18 are appropriate to maintain effective liaison with other departments,
19 agencies and instrumentalities of the national government and LGUs, non-
20 government organizations, and independent standard-setting authorities
21 that carry out programs and activities related to transportation safety. The
22 Board shall designate representatives to serve in the committees;

23 (m) The Board or any officer or employee designated by the Chairman,
24 may conduct an inquiry to obtain information related to transportation
25 safety;

26 (n) The Board may require the submission of records, findings, and/or
27 recommendations of previous incidents and/or investigations of such
28 incidents, from any government agency. For this purpose, the agency
29 concerned shall transmit to the Board, within fifteen (15) days from
30 receipt thereof, said records, findings, and/or recommendations; and

31 (o) The Board, or its designated officer or employee, may issue Orders
32 requiring a department; agency or instrumentality of the national

1 government; LGU; or a person, natural or juridical, which transports
2 persons or goods; to submit to the Board written answers or reports
3 pertaining to questions the Board may propound in line with its current
4 investigations. The Board shall prescribe a reasonable time within which
5 the reports and the answers thereto must be submitted to its designated
6 officer or employee.

7 **Sec. 9. *Consideration of International Law.*** – In the exercise of its
8 powers, the Board shall take into consideration and abide by the provisions of any
9 treaty entered into by the Republic of the Philippines with other countries relative to
10 the investigation of accidents over which the Board assumes jurisdiction.

11 **Sec. 10. *Use of Reports as Evidence.*** – No part of any report or reports of
12 the Board relating to any accident or incident, or investigation thereof, shall be
13 admitted as evidence or used in any suit or action for damages arising out of any
14 matter mentioned in such report or reports, except when the criminal aspect of the
15 accident or incident is put into issue.

16 **Sec. 11. *Relationship with Other Government Agencies.*** –

17 (a) The Board shall have original jurisdiction over incidents enumerated in
18 Section 7(a) of this Act; however, nothing in this Act shall deprive other
19 government agencies from performing their intrinsic and mandated
20 functions, including the investigation of accidents or making inquiries
21 thereon, when those functions exist prior to the effectivity of this Act;
22 *Provided, however,* that the Board, at its discretion, may require the
23 submission of the records, findings, and recommendations of the
24 investigation or inquiry, pursuant to its power under Section 8 of this Act;

25 (b) The PNP and other law enforcement agencies shall continue to investigate
26 and record incidents involving motor vehicles and/or pedestrians in
27 accordance to their operational procedures or protocols; and

28 (c) Any law to the contrary notwithstanding, the head of the concerned
29 agency shall, upon order or written request by the Board, provide the
30 following information to the Board:

- 31 1. Any report or a confirmed positive toxicological test, verified as positive
32 by the medico-legal officer of the PNP or the NBI, conducted on an

1 officer or employee of the concerned agency under post-accident,
2 unsafe practice, or reasonable toxicological requirements of the
3 concerned with the circumstances of an accident or incident under the
4 investigative jurisdiction of the Board; and

5 2. Any laboratory record documenting that the test is confirmed positive.

6 **Sec. 12. Disclosure, Availability, and Use of Information. –**

7 (a) Except as provided in this Section, any record, information or investigative
8 report submitted to the Board shall be made available to the public upon
9 request and at reasonable cost, unless the Board or the Department of
10 Justice prohibits such disclosure due its possible adverse domestic or
11 international impact;

12 (b) The Board shall not disclose any information related to a trade secret
13 except:

14 1. To another department, agency, or instrumentality of the national
15 government, when requested for official use;

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

19 3. To the public; *Provided*, that such disclosure shall be for the protection
20 of public health and safety; *Provided, further*, that the information
21 disclosed will not be detrimental to public health and safety; *Provided*
22 *finally*, that the disclosure shall be made in a manner designed to
23 protect and preserve its confidentiality:

24 (c) The Board shall not publicly disclose any part of a CCTV footage or voice
25 recording or transcript of oral communications relating to an incident
26 being investigated by the Board: *Provided*, however, that this provision
27 shall not apply:

28 1. When the Board holds a public hearing on the accident or incident; or

29 2. When the Board makes public its findings relative to the said accident
30 or incident.

31 (d) Except as provided in Section 12 (b) of this Act, the Board shall maintain
32 the confidentiality of, and exempt from disclosure:

- 1 1. Military secrets and findings used in the report, unless authorized by
2 the DND to do so;
- 3 2. Laboratory records provided to the Board;
- 4 3. Medical information related to the test or a review of the test
5 voluntarily provided to the Board by the tested officer or employee.

6 **Sec. 13. Immunity from Suits. –**

7 The member of the board and its employees shall have immunity from suit
8 arising from the performance of its functions conducted in good faith,
9 without fault and negligence, and without violation of any existing laws,
10 rules and regulations during the pendency of its investigation of a
11 transportation-related accident under its jurisdiction as provided under this
12 Act.

13 **Sec. 14. Transportation Safety Fund. –**

14 (a) There is hereby created a Transportation Safety Fund ("Fund") from the
15 Board's savings from its annual operating expense, which shall be
16 deposited in a special trust fund administered by the Board.

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

- 19 1. Operational expenses in investigating major accidents;
- 20 2. Studies and research in the causes and possible prevention of
21 accidents and other disasters, as provided in this act;
- 22 3. Reimbursement of extraordinary expenditures and expenses of
23 government and private agencies and/or persons mobilized by the
24 Board in investigating major accidents; and
- 25 4. Training and related conferences to further and enhance the expertise
26 of the officers and employees of the Board under the provisions of this
27 Act.

28 **Sec. 15. Annual Report.** – The Board shall submit to the President and
29 Congress an annual report at the end of every calendar year containing, among
30 others:

- 31 (a) Statistical and analytical information of accident or incident investigations
32 conducted and reviewed by the Board during the preceding year;

1 (b) A survey and summary of the recommendations made by the Board to
2 reduce the likelihood of the recurrence of those accidents, together with
3 the observed response to each recommendation;

4 (c) A detailed appraisal of each accident investigation and accident prevention
5 activity of other departments, agencies, other instrumentalities of the
6 national government and the LGUs.

7 **Sec. 16. Appropriations.** – The sum of Fifty Million Pesos (P
8 50,000,000.00) is hereby appropriated out of any funds in the National Treasury not
9 otherwise appropriated, for the initial organization and operations of the Board.
10 Thereafter, such sums, as may be necessary for the operations of the Board, shall
11 be included in the annual General Appropriations Act.

12 **Sec. 17. Implementing Rules and Regulations.** – Within sixty (60) days
13 from the effectivity of this Act, the Board, in consultation with the DOJ, DOTr,
14 Philippine Coast Guard, DND, DOH, MMDA, Civil Aviation Authority of the Philippines,
15 Maritime Industry Authority, DPWH, PNP, and NBI, shall promulgate the
16 implementing Rules and Regulations (IRR) for the effective implementation of this
17 Act. The IRR shall provide procedures geared towards streamlined processes and
18 swift justice by observing timelines or deadlines in rendering decisions and
19 issuances, plain writing or easy-to-understand instructions, and over-all
20 improvement of the industry.

21 **Sec. 18. Separability Clause.** – If any part or provision of this Act is
22 declared invalid or unconstitutional, the other parts not affected thereby shall remain
23 valid.

24 **Sec. 19. Repealing Clause.** – All laws, decrees, executive orders,
25 issuances, or rules and regulations, or portions thereof, that are inconsistent with
26 this Act or any provision or provisions, thereof, are repealed or modified accordingly.

27 **Sec. 20. Effectivity.** – This Act shall take effect fifteen (15) days after its
28 publication in two (2) newspapers of general circulation.

29 *Approved,*