

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



24 JUL 23 A10 :01

SENATE
S. No. 2739

RECEIVED BY

Introduced by Senator Manuel "Lito" M. Lapid

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

EXPLANATORY NOTE

The "Philippine Transportation Safety Board Act" aims to address a critical need in the country's transportation sector by establishing a dedicated body responsible for the thorough investigation of transportation-related incidents. This bill seeks to enhance the safety and accountability within the transportation system, ultimately safeguarding the lives and well-being of the Filipino people and protecting the nation's economic interests.

The primary intent of this bill is to create the Philippine Transportation Safety Board (PTSB); an independent agency tasked with investigating all transportation-related incidents. This board will be responsible for collecting and analyzing relevant data, identifying the root causes of incidents, and providing comprehensive reports of their findings. The goal is not only to hold those responsible accountable but also to use the insights gained from these investigations to inform and guide policymakers.

The ultimate goal of this bill is to improve transportation safety across the country. By learning from past incidents, the PTSB will contribute to the development of enhanced safety protocols and standards, reducing the risk of future accidents and their associated human and economic costs.

The "Philippine Transportation Safety Board Act" represents a proactive approach to transportation safety, emphasizing the importance of learning from past incidents to prevent future ones. By establishing the PTSB, this bill seeks to create a safer transportation environment for all Filipinos, ensuring that transportation-related incidents are meticulously investigated, responsible parties are held accountable, and valuable knowledge is provided to policymakers for the betterment of the nation.

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



MANUEL "LITO" M. LAPID
Senator



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

Section 1. *Title.* - This Act shall be known as the "Philippine Transportation Safety Board Act".

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

(a) Conduct Independent investigations on transportation accidents and incidents;

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

(c) Appraise and assess operating practices and operational regulations of government agencies involved in the transportation sector, insofar as they relate to safety measures, and when appropriate, shall initiate, coordinate, formulate and adopt additional safety standards consistent with

1 international best practices for the observance and implementation by the
2 concerned government agencies and/or private entities.

3 *Sec. 3. Creation of the Philippine Transportation Safety Board.* - There is hereby
4 created a Philippine Transportation Safety Board, hereinafter referred to as the
5 "Board" which shall be attached to the Office of the President.

6 *Sec. 4. Composition and Organization.* -

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

10 1) Be a Filipino citizen at the time of his/her appointment;

11 2) Have at least three (3) years of actual experience in the
12 administration, operation and management of a transport utility firm or
13 regulatory agency in transportation and traffic safety; and

14 3) Be knowledgeable in crash and incident reconstruction, safety
15 engineering or transportation and traffic safety.

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

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

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

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

3 (e) The Chairman shall be the Chief Executive Officer of the Board. He shall
4 exercise all the powers and discharge all functions of the Board. He shall
5 exercise control over all personnel employed by the Board, including the
6 following:

7 1) The appointment and supervision of personnel employed by the
8 Board;

9 2) The distribution of business among such personnel and among any
10 administrative units of the Board; and

11 3) The use and expenditure of the funds of the Board.

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

16 1) Aviation;

17 2) Motor vehicles;

18 3) Railroads and tracked vehicles;

19 4) Pipelines, and

20 5) Marine transport carriers.

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

24

25

1 Sec. 5. *The Executive Director.* –

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

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

10 (c) The Executive Director shall:

11 1) Record and officially report on the proceedings of the Board;

12 2) Have authority to administer oaths in ail matters falling within the
13 jurisdiction of the Board;

14 3) Be responsible for running the day-to-day operation of the Board;

15 4) Act as the custodian of the records, maps, profiles, reports, and other
16 documents and papers filed in connection with any case or proceeding
17 before the Board;

18 5) Be responsible for the effective implementation of the policies, rules,
19 and directives promulgated by the Board;

20 6) Coordinate and supervise the activities of the different operating units
21 of the Board; and

22 7) Perform such other functions as may be assigned to him by the
23 Chairman and/or the Board.

1 *Sec. 6. Compensation. –*

2 (a) The Chairman and the Members of the Board shall have the rank of a
3 Department Secretary and Undersecretary, respectively. They shall receive
4 the compensation and other emoluments corresponding to those of a
5 Department Secretary and Undersecretary, respectively.

6 (b) The Executive Director shall have the rank of Assistant Secretary and
7 shall be entitled to compensation and other emoluments corresponding to
8 those of an Assistant Secretary.

9 (c) The Chairman, the Members of the Board, and the Executive Director
10 shall be entitled to commutable representation and transportation
11 allowances per month in the amount not exceeding the monthly salary of
12 the lowest-paid regular employee of the Board.

13 (d) The Board shall determine the schedule of salaries of the employees
14 subject to the compliance with the existing compensation law: Provided,
15 That the Board shall determine and fix the compensation and fringe
16 benefits of employees holding technical positions that are not common to
17 the agencies of the government which shall be specified in the
18 implementing Rules and Regulations.

19 *Sec. 7. Duties and Functions of the Board. - The Board shall:*

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

22 1) Aircraft accidents and serious incidents, except those involving State
23 aircrafts, in accordance with ANNEX 13 of the International Civil Aviation
24 Organization regulations;

25 2) Motor vehicle crashes, including railroad grade crossing incidents;

1 3) Railroad incidents and accidents, including those involving passenger
2 trains, which resulted to death, injury, or substantial damage to
3 property;

4 4) Pipeline incident, in which there is fatality or substantial property
5 damage;

6 5) Major maritime transportation and aerial accidents or incidents
7 occurring within Philippine maritime jurisdiction, except those involving
8 domestic and foreign military vessels and ships, occurring within the
9 national territory of the Philippines: Provided, That the Board may aid in
10 any investigation concerning such exempted vehicles if it has secured
11 prior consent from the proper government agency; and

12 6) Other serious incidents involving the transportation of people and
13 property, which, in the judgement of the Board, are catastrophic and of
14 a recurring character.

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

20 (c) Initiate and conduct special studies and investigation on matters
21 pertaining to safety in transportation and avoiding injury to persons and
22 damage to property;

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

25 (e) Prescribe requirements for persons or agencies reporting transportation
26 incidents, in accordance with their own mandates, except those which
27 involve military vessels or aircrafts; and (f) Perform such other functions as

1 may be necessary to effectively implement the objectives and provisions of
2 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
10 appropriate credentials, may enter any property wherein a transportation
11 incident has occurred or wreckage from such incident is located in order to
12 Investigate such incident. The representative may Inspect at reasonable
13 times, records, files processes, controls, and facilities relevant to the
14 investigation of such incidents.

15 Each inspection shall be commenced and completed with reasonable
16 promptness.

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

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

1 1) Does not unnecessarily, interfere with the transportation services
2 provided by the owner or operator of the motor vehicle, vessel, rolling
3 stock, or pipeline component; and

4 2) To the maximum extent feasible, preserves evidence related to the
5 accident, consistent with the needs of the investigation.

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

7 1) Decide the manner of inspection and examination of evidence
8 pursuant to this Act;

9 2) Identify the person or persons who or entity that will conduct the
10 inspection, examination or test; and

11 3) Identity the type of examination or test to be conducted.

12 Provided, That a representative from concerned government agencies shall
13 be present during the inspection, examination, or test conducted pursuant
14 to this Act: Provided, further, That all examinations and tests shall be
15 properly documented by photographs and videos.

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

19 1) The fitness of the tested officer or employee is at issue in the
20 investigation; and

21 2) The use of that record is necessary to develop the evidentiary record.

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

1 other person or persons as may be needed for the investigation of the
2 accident.

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

5 (i) The Board may call the assistance, and use any available services,
6 equipment, and facilities of the Department of Justice (DOJ), Department
7 of Transportation (DOTr), Philippine Coast Guard (PCG), Department of
8 National Defense (DND), Department of Health (DOH), Metropolitan Manila
9 Development Authority (MMDA), Department of Public Works and
10 Highways (DPWH), Philippine National Police (PNP), National Bureau of
11 Investigation (NBI), Local Government Units (LGUs), and other agencies
12 and instrumentalities of the government.

13 (j) The Board may create advisory committees composed of qualified
14 private citizens and government officials with whom the Board may consult
15 in the implementation of its functions and duties and to pay honoraria of
16 these persons for meetings actually attended. Whenever necessary, the
17 Board may likewise appoint or retain the services of recognized experts as
18 consultants on the incidents under investigation. Such consultants shall be
19 paid compensation as fixed by the Board: Provided, That not more than
20 three (3) consultants shall be appointed for each incident being
21 investigated: Provided, further. That no officer, external auditor, or legal
22 counsel of any private company or enterprise primarily engaged in the
23 transportation industry shall be eligible for appointment as a consultant of
24 the Board;

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

27 (l) The Chairman of the Board may determine the number of committees
28 that are appropriate to maintain effective liaison with other departments,
29 agencies and instrumentalities of the national government and LGUs, non-

1 government organizations, and independent standard-setting authorities
2 that carry out programs and activities related to transportation safety. The
3 Board shall designate representatives to serve in the committees.

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

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

11 (o) The Board, or its designated officer or employee, may issue Orders
12 requiring a department; agency or instrumentality of the national
13 government; LGU; or a person, natural or juridical, which transports
14 persons or goods; to submit to the Board written answers or reports
15 pertaining to questions the Board may propound in line with its current
16 investigations. The Board shall prescribe a reasonable time within which
17 the reports and the answers thereto must be submitted to its designated
18 officer or employee.

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

23 Sec. 10. *Use of Reports as Evidence.* - No part of any report or reports of the
24 Board relating to any accident or incident, or investigation thereof, shall be admitted
25 as evidence or used in any suit or action for damages arising out of any matter
26 mentioned in such report or reports, except when the criminal aspect of the accident
27 or incident is put into issue.

28 Sec. 11. *Relationship with Other Government Agencies.* -

1 (a) The Board shall have original jurisdiction over incidents enumerated in
2 Section 7(a) of this Act; however, nothing in this Act shall deprive other
3 government agencies from performing their intrinsic and mandated
4 functions, including the investigation of accidents or making Inquiries
5 thereon, when those functions exist prior to the effectivity of this Act:
6 Provided, however, That the Board, at its discretion, may require the
7 submission of the records, findings, and recommendations of the
8 investigation or inquiry, pursuant to its power under Section 8 of this Act;

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

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

15 1) Any report or a confirmed positive toxicological test, verified as
16 positive by the medico-legal officer of the PNP or the NBI, conducted on
17 an officer or employee of the concerned agency under post-accident,
18 unsafe practice, or reasonable toxicological requirements of the
19 concerned with the circumstances of an accident or incident under the
20 investigative jurisdiction of the Board; and

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

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

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

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

3 1) To another department, agency, or instrumentality of the national
4 government, when requested for official use;

5 2) To a committee of Congress having jurisdiction over the subject
6 matter to which the investigation is related, when requested by that
7 committee; and

8 3) To the public: Provided, That such disclosure shall be for the
9 protection of public health and safety: Provided, further, That the
10 information disclosed will not be detrimental to public health and safety:
11 Provided finally. That the disclosure shall be made In a manner designed
12 to protect and preserve its confidentiality.

13 (c)The Board shall not publicly disclose any part of a CCTV footage or voice
14 recording or transcript of oral communications relating to an incident being
15 investigated by the Board: Provided, however. That this provision shall not
16 apply:

17 1) When the Board holds a public hearing on the accident or incident;
18 or

19 2) When the Board makes public its findings relative to the said accident
20 or incident.

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

23 1) Military secrets and findings used in the report, unless authorized by
24 the DND to do so;

25 2) Laboratory records provided to the Board;

1 3) Medical information related to the test or a review of the test
2 voluntarily provided to the Board by the tested officer or employee.

3 Sec. 13. *Immunity from Suits.* - The member of the board and its employees
4 shall have immunity from suit arising from the performance of its functions conducted
5 in good faith, without fault and negligence, and without violation of any existing laws,
6 rules and regulations during the pendency of its investigation of a transportation-
7 related accident under its jurisdiction as provided under this Act.

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

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

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

14 1) Operational expenses in investigating major accidents;

15 2) Studies and research in the causes and possible prevention of
16 accidents and other disasters, as provided In this act;

17 3) Reimbursement of extraordinary expenditures and expenses of
18 government and private agencies and/or persons mobilized by the Board
19 in investigating major accidents; and

20 4) Training and related conferences to further and enhance the expertise
21 of the officers and employees of the Board under the provisions of this
22 Act.

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

1 (a) Statistical and analytical information of accident or incident
2 investigations conducted and reviewed by the Board during the preceding
3 year;

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

7 (c) A detailed appraisal of each accident Investigation and accident
8 prevention activity of other departments, agencies, other instrumentalities
9 of the national government and the LCDs.

10 Sec. 16. *Appropriations.* - The sum of Fifty million pesos (P50,000,000.00) is
11 hereby appropriated out of any funds in the National Treasury not otherwise
12 appropriated, for the initial organization and operations of the Board. Thereafter, such
13 sums, as may be necessary for the operations of the Board, shall be included in the
14 annual General Appropriations Act.

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

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

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

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

3 Approved,