



## HOUSE OF REPRESENTATIVES

H. No. 9030

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**AN ACT ESTABLISHING THE PHILIPPINE TRANSPORTATION SAFETY BOARD,  
DEFINING ITS POWERS AND FUNCTIONS, AND APPROPRIATING FUNDS  
THEREFOR**

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

**ARTICLE I**

**GENERAL PROVISIONS**

SECTION 1. **Short 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 maintain a safe, viable, efficient, and dependable transportation system as it plays an important role in nation-building and in promoting economic growth.

Consistent with this policy, the State recognizes the importance of preventing transportation accidents thereby saving lives and property. Towards this end, there shall be established a government agency tasked with promoting safety and efficiency in the transportation of people, property, and goods, and conducting investigations to determine the cause of transportation accidents.

**ARTICLE II**

**THE PHILIPPINE TRANSPORTATION SAFETY BOARD**

SEC. 3. **Philippine Transportation Safety Board.** – There is hereby created a Philippine Transportation Safety Board (PTSB), an independent and a non-regulatory agency under the Office of the President. The PTSB shall develop appropriate safety standards to be followed and implemented by concerned agencies.

The PTSB shall be the primary government body that shall investigate and determine the facts, conditions, circumstances and the causes of any major or fatal air, maritime, and land transportation accident, or threat of a major or fatal air, maritime, or rail accident.

In the pursuit of its mandate, the PTSB shall attain the following objectives:

- (a) Ensure the maintenance of a safe, viable, efficient, and dependable transportation system in the country;
- (b) Improve transportation safety measures in order to prevent transportation accidents and mitigate dangers to human lives and property; and
- (c) Ensure the implementation of transportation safety standards.

SEC. 4. **Jurisdiction.** – The PTSB shall have jurisdiction over all major or fatal transportation accidents or those of alarming nature that result in serious physical injury or loss of life or property, or those that cause substantial damage to or destruction of property or surroundings.

To be considered major or fatal, a transportation accident shall be any of the following:

- (a) Capsizing or grounding of a ship or marine vessel;

- 1 (b) Collision of ships or vessels;
- 2 (c) Air crash or collision of aircrafts;
- 3 (d) Overshooting or emergency landing of an aircraft;
- 4 (e) Vehicular crash or collision of motor vehicles; and
- 5 (f) Derailment of trains.

6 The jurisdiction of the PTSB shall extend to any similar accident or incident with  
7 alarming magnitude such as:

- 8 (a) Contamination of air or water due to pipe leakage; and
- 9 (b) Failure or defect of transportation infrastructure facilities.

10 Accidents involving aircrafts, vessels, and vehicles operated by the Armed Forces of  
11 the Philippines (AFP), or occurring within military sites in the Philippines, or those involving  
12 solely aircrafts, vessels and vehicles of the armed forces of any foreign country occurring in  
13 the Philippines shall be the responsibility of the AFP, except in cases where there are civilian  
14 casualties involved: *Provided*, That the Secretary of the Department of National Defense shall  
15 be consulted prior to the release of the investigation report.

16 **SEC. 5. Powers and functions of the PTSB.** –The PTSB shall have the following  
17 powers and functions:

18 (a) Evaluate and harmonize transportation safety standards with international safety  
19 standards of applicable conventions, treaties, and best practices in transportation safety  
20 including those developed by transportation agencies, and recommend its implementation to  
21 all sectors of Philippine transportation;

22 (b) Conduct hearings and investigations concerning any major or fatal  
23 transportation accident, and conduct special studies on matters pertaining to safety in  
24 transportation: *Provided*, That the PTSB shall not be prevented from making further inquiries  
25 on accidents subject of past investigations and shall require the investigating bodies to submit  
26 the pertinent records, reports, findings and recommendations: *Provided further*, That other  
27 agencies mandated to investigate concurrently such accidents shall coordinate with, and  
28 cooperate with, and extend its full support to the PTSB during the conduct of investigation;

29 (c) Require the involvement or collaboration of the members of the academe and  
30 the appropriate non-government organizations in investigations that may benefit from requiring  
31 their expertise and knowledge;

32 (d) Recommend to the concerned government agencies and private organizations  
33 the adoption of transportation safety standards and measures that will improve transportation  
34 safety, and monitor its implementation accordingly;

1 (e) Prepare written reports regarding its investigations and special studies,  
2 including the findings and safety recommendations thereon and make such reports available to  
3 the public; AND

4 (f) Assess and evaluate the techniques and methods of accident investigation and  
5 prepare and publish from time to time the recommended procedures for accident investigations;

6 (g) Adopt and use a seal to denote its identity and authority.

### 7 ARTICLE III

### 8 ORGANIZATION

9 SEC. 6. *Composition, Qualifications, and Appointment of the Members of the*  
10 *Governing Board.* – The governing Board of the PTSB, hereinafter referred to as the Board,  
11 shall be composed of a Chairperson and four (4) full time members. All the members of the  
12 Board shall have extensive training and experience in their respective transportation fields and  
13 each must have adequate knowledge in investigation, analysis, and evaluation of transportation  
14 accidents, particularly in the field of accident reconstruction, safety engineering, or  
15 transportation safety.

16 The members shall be Filipino citizens and residents of the Philippines, at least thirty-  
17 five (35) years of age, and persons of good moral character, unquestionable integrity, and  
18 recognized probity and competence.

19 Within sixty (60) days from the effectivity of this Act, the President of the Philippines  
20 shall appoint the Chairperson and members of the Board. Any member may be removed by  
21 the President for cause as provided for by law.

22 In case of incapacity or absence of the Chairperson, the members shall choose from  
23 among themselves an acting Chairperson.

24 SEC. 7. *Term of Office.* – All members shall have a fixed term of six (6) years. Of  
25 those first appointed, the Chairperson shall hold office for six (6) years, two (2) members shall  
26 hold office for four (4) years and the remaining two (2) members shall hold office for two (2)  
27 years. Upon the expiration of one's term of office, the member shall continue to serve until a  
28 successor is appointed and qualified. Appointment to any vacancy shall be only for the  
29 unexpired term of the predecessor. Such vacancy shall be filled within sixty (60) days from  
30 the date of its occurrence.

31 SEC. 8. *Powers and Functions of the Governing Board.* – The powers and functions  
32 of the PTSB shall be vested in and exercised by the Board.

33 The Board shall have the following powers and functions:

34 (a) Cite for contempt any person for refusing to obey a subpoena, an order, or an  
35 inspection notice of the Board;

1 (b) Authorize any of its officers or officials to enter any property where a  
2 transportation accident has occurred, or where wreckage is found, or where any such accident  
3 is located, and conduct a proper investigation thereon. The authorized officer or official may  
4 inspect, at a reasonable time, records, files, processes, controls and facilities relevant to the  
5 investigation of such accident. Each inspection shall be commenced and completed with  
6 reasonable promptness and the results thereof shall be made available to the concerned parties;

7 (c) Enter into contracts or agreements with any person or entity as may be necessary  
8 in the conduct of its powers and functions, including the employment of experts on accidents  
9 under investigation;

10 (d) Use, when appropriate, available services, equipment, personnel and facilities  
11 of the other agencies and instrumentalities of the government in the conduct of its investigation;

12 (e) Establish and maintain an adequately staffed laboratory and ancillary facilities  
13 for the purpose of examining evidence obtained during the course of its investigation;

14 (f) Create advisory committees composed of qualified private citizens and  
15 government officials as may be necessary or appropriate;

16 (g) Authorize an autopsy to be performed and the conduct of other tests when  
17 necessary to investigate an accident: *Provided*, That local or national laws protecting religious  
18 beliefs related to autopsies shall be observed to the extent that will meet the requirements of a  
19 proper investigation: *Provided, further*, That the Board shall be provided with a copy, free of  
20 charge, of any autopsy report performed by a national or local authority;

21 (h) Coordinate with the carrier involved in the accident so that resources of the  
22 carrier may be used to the greatest extent possible to carry out the responsibilities of the PTSB;

23 (i) Require government agencies and persons engaged in transportation services to  
24 submit a written report with respect to any matter pertinent to transportation safety, such report  
25 to be submitted within a reasonable period of time as may be determined by the PTSB;

26 (j) Promulgate, in coordination with the relevant law enforcement and  
27 investigating agencies, the necessary protocols in the conduct of its investigations;

28 (k) Delegate any of its powers and functions to the heads of the different bureaus,  
29 divisions or offices of the PTSB to further facilitate the implementation of the provisions of  
30 this Act; and

31 (l) Accept voluntary and uncompensated services, gifts or donations  
32 notwithstanding any other provision of law to the contrary.

33 SEC. 9. ***Chairperson; Duties and Powers.*** – The Chairperson shall be the chief  
34 executive and administrative officer of the PTSB. The Chairperson shall:

1 (a) Administer oaths, sign and issue *subpoena duces tecum* or *subpoena ad*  
2 *testificandum*: *Provided*, That subpoenas issued under the signature of the Chairperson may be  
3 served by any officer, personnel or employee of the PTSB as designated by the Chairperson;

4 (b) Execute the policies, decisions, orders, and resolutions approved by the Board;

5 (c) Direct and supervise the operations and internal administration of the PTSB,  
6 including enforcement of disciplinary actions;

7 (d) Sign appointments, make temporary assignments, rotate and transfer of  
8 personnel in accordance with law;

9 (e) Prepare the annual budget of the PTSB for approval by the Board;

10 (f) Supervise the expenditures of the PTSB;

11 (g) Delegate the authority of the Chairperson, in whole or in part, to other officials  
12 of the PTSB in accordance with Executive Order No. 292, otherwise known as the  
13 Administrative Code of 1987, as amended, and the rules and regulations of the Board; and

14 (h) Perform such other functions as may be authorized by the Board.

15 SEC. 10. **Quorum.** – The presence of at least three (3) members shall constitute a  
16 quorum and the majority vote of members present shall be necessary for the adoption of any  
17 rule, ruling, order, resolution, decision or other acts of the Board.

18 SEC. 11. **Compensation.** – The salary of the Chairperson and the members of the  
19 Board shall be the same as those of the Chairperson and members of the different Constitutional  
20 Commissions. They shall be entitled to representation and transportation allowances under  
21 existing laws.

22 SEC. 12. **Offices of the PTSB.** – For the proper management and effective  
23 implementation of the objectives of the PTSB, the following offices are hereby established:

24 (a) **Office of the Executive Director.** – The PTSB shall have an Executive Director  
25 who shall be appointed by the President of the Philippines upon recommendation of the Board.  
26 The Executive Director must be at least thirty-five (35) years of age at the time of appointment,  
27 a member of the Philippine BAR and must have engaged in the practice of law for at least ten  
28 (10) years prior to the date of appointment. The appointee must not have been a candidate for  
29 any elective position in the elections immediately preceding the appointment.

30 The Executive Director shall assist the Chairperson in the discharge of the latter's  
31 functions as executive and administrative head of the Board, and be responsible for the day-to-  
32 day management of the PTSB; record and report the proceedings of the Board; have custody  
33 of records, maps, profiles, reports, and other documents filed in connection with any case or  
34 proceedings before the PTSB; supervise the PTSB laboratory; and, perform such other  
35 functions as may be assigned by the Chairperson or the Board.

1 (b) *Office of Aviation Safety.* – The Office of Aviation Safety shall conduct  
2 investigations of all aviation accidents and submit the corresponding reports and necessary  
3 transportation safety recommendations to the Board.

4 (c) *Office of Maritime Safety.* – The Office of Maritime Safety shall conduct  
5 investigations of all maritime accidents and submit the corresponding reports and necessary  
6 transportation safety recommendations to the Board

7 (d) *Office of Surface Transportation Safety.* – The Office of Surface Transportation  
8 Safety shall conduct investigations of road transportation, railroad, and pipeline accidents and  
9 submit the corresponding reports and necessary transportation safety recommendations to the  
10 Board.

11 (e) *Office of Transportation Safety Standards.* – The Office of Transportation  
12 Safety Standards shall prescribe safety standards in all transportation systems; establish and  
13 update transportation safety standards through continuing research and in-depth studies; and  
14 oversee the implementation of the safety recommendations program of the PTSB.

15 (f) *Office of Research and Engineering.* – The Office of Research and Engineering  
16 shall provide technical advice and services to the PTSB; conduct research and carry out  
17 analytical studies and tests on all aspects of the PTSB’s transportation accident investigation,  
18 accident prevention, and safety promotion activities; conduct studies on specific safety issues;  
19 perform statistical analyses of transportation accident and incident data; maintain archival  
20 records of the PTSB’s accident investigation and safety promotion activities; and, support the  
21 PTSB’s data processing, computing, and information management requirements.

22 (g) *Office of the General Counsel.* – The Office of the General Counsel shall  
23 provide legal advice and assistance to the PTSB and its officers, personnel and employees;  
24 prepare rules, opinions and orders; and represent the PTSB in court actions and other  
25 proceedings.

26 (h) *Office of Public Affairs.* – The Office of Public Affairs shall provide the general  
27 public, including Congress and national agencies, the transportation industry, and the media  
28 with current and accurate information concerning the activities, programs and objectives of the  
29 PTSB.

30 (i) *Administration Office.* – The Administration Office shall provide administrative  
31 support in the following aspects: budget; accounting and audit; human resource management;  
32 information and automatic data processing management; property, space, communications,  
33 facilities and transportation management; and, printing, publications, correspondence,  
34 procurement, contracting, and accident inquiry services.

35 SEC. 13. ***Personnel.*** – Subject to civil service laws, rules and regulations, and the  
36 approval of the Department of Budget and Management, the Board shall determine its own

1 staffing pattern and the number of personnel of the organization. The Board shall, in  
2 accordance with existing laws and policies, select, appoint, employ, and fix the compensation  
3 of such officers and employees, including investigators and lawyers as may be necessary to  
4 carry out its powers and duties.

5 **SEC. 14. *Prohibited Interests.*** – The Chairperson, members of the Board, officers, and  
6 employees shall not, during their tenure, hold any other office or employment. Neither shall  
7 they engage in the practice of any profession or in the active management or control of any  
8 business which, in any way, may be affected by the functions of their office, nor shall they be  
9 financially interested, directly or indirectly, in any contract with, or in any franchise or  
10 privilege granted by the government and its subdivisions, agencies or instrumentalities,  
11 including government-owned or controlled corporations or their subsidiaries. They shall  
12 directly avoid conflict of interest in the conduct of their office.

13 No spouse or relative by consanguinity or affinity within the fourth civil degree and no  
14 law, business, or professional partner, or associate of the Chairperson or members may appear  
15 as counsel or agent on any matter pending before the Board, or transact business directly or  
16 indirectly therewith.

17 The disqualification shall apply during the tenure of the official concerned and one (1)  
18 year thereafter.

19 Any violation of this section shall be a ground for removal from the PTSB as well as  
20 administrative, civil, or criminal prosecution under applicable laws.

21 **SEC. 15. *Recommendations of the Board.*** – The Board shall submit its  
22 recommendation regarding transportation safety to the appropriate government agencies which  
23 shall respond to each recommendation formally and in writing not later than thirty (30) days  
24 after receipt thereof. The failure on the part of the concerned agency to abide by the  
25 recommendation of the Board without any justifiable reason can be a ground for the filing of  
26 the appropriate charges against its head and other concerned officials, as well as the application  
27 of sanctions as provided under existing laws.

28 The Board shall recommend to the appropriate government agencies the recall of  
29 defective means of transportation, cause the installation of the required part or parts to make  
30 these safe, and notify not only the distributor or purchaser but also the public of such defect. It  
31 shall also recommend the grounding of any defective means of transportation pending the  
32 investigation of the cause or nature of its defect. Moreover, the Board may also recommend  
33 the denial, amendment, modification, suspension, or revocation of a certificate of public  
34 convenience, registration or franchise if the means of transportation, including the activities of  
35 a commercial carrier if negligence is established, as well as the suspension or revocation of  
36 license, as the case may be.



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2 In its report, the Board shall include the accountabilities of officials and employees of  
3 regulatory transport agencies who fail to properly implement the transportation safety standards  
4 provided under pertinent or applicable conventions, treaties, laws, rules and regulations.

5 SEC. 16. *Disclosure, Availability, and Use of Information.* – (a) Except as provided  
6 in this section, any copy of record, information or report of investigation submitted to the PTSB  
7 shall be made available to the public upon request and payment of reasonable cost;

8 (b) The Board shall not make the records available for purposes other than accident or  
9 incident investigation, unless the appropriate authority for the administration of justice  
10 determines that their disclosure outweighs the adverse domestic and international impact;

11 (c) The Board shall not disclose any information related to a trade secret except:

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

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

16 3. In a judicial proceeding under a court order that preserves the confidentiality of  
17 the information without impairing the proceeding; and

18 4. In instances when such disclosure shall be for the protection of public health  
19 and safety:

20 (d) The Board shall not publicly disclose any part of a cockpit voice recording or  
21 transcript of oral communications by and between flight crew members and ground station  
22 related to an accident or incident investigated by the PTSB: *Provided*, That the PTSB shall  
23 make public any part of the transcript that it deems relevant to the said accident or incident:

24 1. When the PTSB holds a public hearing on the accident or incident; or

25 2. When the PTSB makes public its findings relative to the said accident or  
26 incident.

27 (f) Except as provided for in this Section, the Board shall maintain the confidentiality  
28 of, and exempt from disclosure:

29 1. Laboratory records provided to the Board; and

30 2. Medical information related to the test or a review of the test voluntarily  
31 provided to the Board by the tested officer or employee.

32 (g) The Board may use a laboratory record of a person made available to it under this  
33 Act to develop an evidentiary record for its investigation of an accident or incident where the  
34 fitness of such person is at issue.

35  
36 **ARTICLE IV**  
37

