


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

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SENATE
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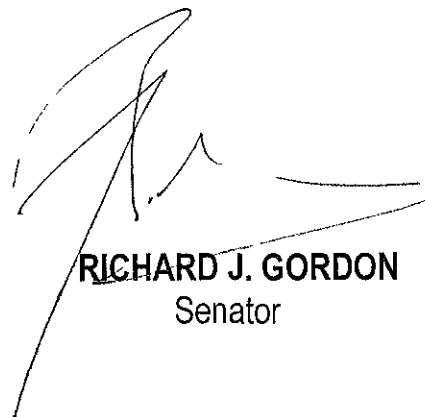
Introduced by **Senator Richard J. Gordon**

EXPLANATORY NOTE

The Philippine Coast Guard is the primary agency of the State in promoting maritime safety, enhancing maritime security, and protecting the marine environment. To enable the Philippine Coast Guard to competently perform these tasks, the Philippine Coast Guard needs to be strengthened as an institution.

Recognizing the vital importance of the Philippine Coast Guard in the maritime affairs of the Philippines as an archipelagic country, this bill seeks to define the structure and operations of the Philippine Coast Guard in order to enhance its capability to respond to the various challenges of the times in maritime safety, maritime security, and marine environmental protection in compliance with international conventions, particularly the United Nations Convention on the Law of the Sea (UNCLOS) and the various conventions of the International Maritime Organization (IMO).

As the effective and efficient delivery of public service related to maritime affairs by the Philippine Coast Guard will be achieved through this legislative measure, the passage of this bill is earnestly sought.



RICHARD J. GORDON
Senator

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**AN ACT TO PROMOTE MARITIME SAFETY, ENHANCE MARITIME SECURITY, AND
SAFEGUARD AND PROTECT THE MARINE ENVIRONMENT BY STRENGTHENING
THE PHILIPPINE COAST GUARD**

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

1 SECTION 1. *Short Title.* – This Act shall be known as the “Philippine Coast Guard
2 Act of 2005.”

3 Sec. 2. *Declaration of Policies.* – The State recognizes its obligation to protect the
4 marine wealth in its archipelagic waters, territorial seas, and exclusive economic zone, and
5 therefore reserves the use and enjoyment of the same to Filipino citizens.

6 The Philippines needs a balanced and healthful marine ecology, which shall (a)
7 assure a sustainable growth and development of its bountiful marine wealth and other
8 resources; (b) encourage the growth and development of sea transportation as a primary
9 and vital link of the various islands of the archipelago; and (c) promote ecotourism by
10 projecting the pristine beauty of its natural sceneries such as white beaches, and other
11 tourist spots.

12 To attain these objectives, the State reaffirms its obligation to protect the marine
13 environment and commits itself to the following: (a) promoting maritime safety in order to
14 obviate, if not minimize, marine accidents; (b) enhancing maritime security; (c)
15 safeguarding the marine environment; and (d) maintaining and ensuring peace and order in
16 the archipelagic waters, territorial seas and exclusive economic zone.

17 Sec. 3. *Maritime Safety.* – To promote maritime safety, the Philippine Coast Guard
18 shall have the following functions:

19 (1) To enforce laws, promulgate and administer regulations for the promotion of
20 safety of life and property within the maritime jurisdiction of the Philippines in accordance
21 with international conventions, particularly the United Nations Convention on the Law of the

1 Sea (UNCLOS) and the various conventions of the International Maritime Organization
2 (IMO); and

3 (2) To render aid to distressed persons and vessels and conduct search and rescue
4 operations in case of marine disasters and emergencies within the maritime jurisdiction of
5 the Philippines, including the high seas, in compliance with international conventions.

6 Sec. 4. *Navigational Lanes.* – The Philippine Coast Guard shall establish
7 navigational lanes interconnecting Luzon, Visayas, and Mindanao for convenient, cost-
8 efficient, and safe maritime transportation.

9 Sec. 5. *Aids and Systems to Navigation.* – The Philippine Coast Guard shall develop,
10 establish, maintain, and operate aids and systems to maritime navigation for the promotion
11 of maritime safety.

12 Sec. 6. *Search and Rescue.* – In all cases of maritime calamities, disasters and
13 emergencies, the Philippine Coast Guard shall undertake timely search and rescue
14 operations in coordination with relevant government and non-government agencies,
15 including the Philippine National Red Cross. The Philippine Coast Guard may request to
16 utilize any and all resources, such as, but not limited to, ships and aircrafts, including
17 helicopters and seaplanes, for search and rescue operations during maritime calamities,
18 disasters and emergencies.

19 Sec. 7. *Maritime Security.* – To enhance maritime security, the Philippine Coast
20 Guard shall have the following functions:

21 (1) To enforce and assist in the enforcement of all maritime laws, including but not
22 limited to the anti-piracy law, fisheries law, immigration law, tariff and customs law, forestry
23 law, firearms and explosives law, dangerous drugs law, law on trafficking of women and
24 children, and all other applicable laws within the territorial waters of the Philippines; and

25 (2) To enforce or assist in the maintenance of maritime security, prevent or suppress
26 terrorism at sea, and perform police functions within the maritime jurisdiction of the
27 Philippines.

28 The Philippine Coast Guard may inspect vessels entering or leaving the Philippine
29 territory and may call upon other government agencies to render assistance in the
30 discharge of these functions.

31 Sec. 8. *Marine Environmental Protection.* – To safeguard and protect the marine
32 environment, the Philippine Coast Guard shall enforce laws, promulgate and administer
33 rules and regulations for the protection of the marine environment and prevention of marine

1 pollution within the maritime jurisdiction of the Philippines in coordination with the other
2 relevant government agencies concerned.

3 Sec. 9. *Organization.* – The Philippine Coast Guard shall remain a sea-going,
4 distinct, armed, and uniformed commissioned service. For purposes of supervision and
5 control by the President of the Republic of the Philippines, the Philippine Coast Guard shall
6 be attached to the Department of Transportation and Communications; Provided, that in
7 times of war or other national emergency declared by Congress, the Philippine Coast Guard
8 shall support the Philippine Navy and report to the Department of National Defense.

9 Sec. 10. *Composition.* – The Philippine Coast Guard shall consist of the following
10 categories of officers and employees:

- 11 (1) Philippine Coast Guard officers;
- 12 (2) Philippine Coast Guard enlisted personnel;
- 13 (3) Philippine Coast Guard non- uniformed personnel;
- 14 (4) Probationary 2nd Lt./Ensign; and
- 15 (5) Midshipmen/women

16 There shall be a Philippine Coast Guard Technical Service to be composed of
17 medical doctors, dentists, nurses, lawyers, chaplains, including personnel whose pre-entry
18 required courses are closely related or allied to the aforementioned professional groups.
19 Appointment of all Philippine Coast Guard officers shall be in the initial rank of COAST
20 GUARD ENSIGN, except for the following Field of Occupational Specialties (FOS): dentists
21 and veterinarians whose initial appointment rank shall be COAST GUARD LIEUTENANT
22 JUNIOR GRADE; and lawyers, medical doctors, and chaplains whose initial appointment
23 rank shall be COAST GUARD LIEUTENANT SENIOR GRADE.

24 Sec. 11. *Development Fund.* – The Philippine Coast Guard shall continue to collect
25 fees, dues, charges, and fines relevant to the exercise of its various regulatory functions.
26 All income derived from the collection of fees, dues, charges, and fines, and such other
27 income as may hereafter be derived, shall be retained and constituted as a Development
28 Fund, which shall be deposited in any authorized government depository bank, for the use
29 of the Philippine Coast Guard to finance the acquisition, maintenance and repair of its
30 equipment and facilities, including communication and rescue equipment, armaments, and
31 ammunitions. The Philippine Coast Guard and the Department of Budget and Management
32 shall jointly issue guidelines for the implementation of this Section. The Development Fund
33 shall be subject to the usual accounting and auditing rules and regulations.

1 Sec. 12. *Commandant.* – The Philippine Coast Guard shall be headed by a
2 Commandant who shall carry the rank of Admiral; Provided, that the Commandant shall be
3 appointed by the President of the Republic of the Philippines from among the Flag Officers
4 in the Philippine Coast Guard active service. The Commandant shall have a maximum term
5 of three (3) years; Provided, that in times of war or other national emergency declared by
6 Congress, the President of the Republic of the Philippines may extend the Commandant's
7 tenure. A Commandant who has served for three (3) years even prior to reaching his
8 compulsory retirement age shall be considered as retired and entitled to all the benefits
9 available as if he were compulsorily retired.

10 The Philippine Coast Guard Commandant shall have the following functions:

11 (1) Advise the President of the Republic of the Philippines or the Secretary of the
12 Department of Transportation and Communications on the promulgation of executive
13 orders, proclamations, rules and regulations, and other issuances relative to matters under
14 the jurisdiction of the Philippine Coast Guard;

15 (2) Establish policies and standards for the efficient and effective management and
16 operation of the Philippine Coast Guard;

17 (3) Promulgate rules and regulations necessary to carry out the objectives, policies,
18 plans, programs, and projects of the Philippine Coast Guard;

19 (4) Enter into contracts for the acquisition of floating air and sub-surface assets, real
20 estate, communications equipment and other necessities relative to the performance of the
21 powers and functions of the Philippine Coast Guard, subject to the limitations of existing
22 laws;

23 (5) Receive grants and other forms of assistance from other countries in support of
24 the continued development and modernization projects of the Philippine Coast Guard,
25 subject to the limitations of existing laws; and

26 (6) Perform such other functions as may be provided by law or appropriately
27 assigned by the President of the Republic of the Philippines or the Secretary of the
28 Department of Transportation and Communications.

29 Sec. 13. *Major Units.* – The Philippine Coast Guard shall maintain its present
30 organization, composed of a Headquarters and its Support Units, Coast Guard Districts,
31 Coast Guard Stations, Detachments and Clearing Outposts, as well as the Coast Guard
32 Operating Forces, Marine Environmental Protection Command, Coast Guard Education and

1 Training Command, and Aids to Navigation Command. The Philippine Coast Guard may
2 reorganize as necessary for its effective and efficient operations.

3 Sec. 14. *Appointment.* – Appointment of all Philippine Coast Guard officers shall be
4 made by the President of the Republic of the Philippines through the Secretary of the
5 Department of Transportation and Communications. No person shall be appointed as a
6 Philippine Coast Guard officer unless he or she is a holder of a baccalaureate degree,
7 preferably a licensed professional, and/or a graduate of a Service Academy.

8 Appointment of all Philippine Coast Guard enlisted personnel shall be made by the
9 Commandant of the Philippine Coast Guard.

10 Appointment of all Philippine Coast Guard non-uniformed personnel shall be in
11 accordance with the Civil Service law, rules and regulations.

12 Sec. 15. *Promotion.* – There shall be a Philippine Coast Guard Selection and
13 Promotion Board that shall recommend the best qualified officers and enlisted personnel of
14 the Philippine Coast Guard for promotion. Special or meritorious promotion shall be
15 extended to a Philippine Coast Guard officer or personnel for acts of inconspicuous courage
16 and gallantry involving the risk of life above and beyond the call of duty and/or outstanding
17 achievement in the Coast Guard service as may be determined by the Philippine Coast
18 Guard Selection and Promotion Board.

19 Sec. 16. *Remuneration and Benefits of Philippine Coast Guard Officers and Enlisted*
20 *Personnel.* – Insofar as not inconsistent with the provisions of this Act, Philippine Coast
21 Guard officers and enlisted personnel shall enjoy similar remuneration and benefits as the
22 members of the Armed Forces of the Philippines, especially with respect to longevity pay;
23 mandatory allowances, namely Cost of Living Allowance, Personnel Economic Relief
24 Allowance, and Hazardous Allowance; collateral pay, namely Specialist Pay, Combat Pay,
25 Flying Pay, Air Mechanic's Pay, Sea Duty Pay, Hazardous Duty Pay, Instructor's Duty Pay,
26 Parachutist's Pay, and Hardship Pay; collateral allowances, namely Special Clothing
27 Allowance, Cold Winter's Clothing Allowance and Cold Weather Clothing Maintenance
28 Allowance, Winter Clothing Allowance, Initial Enlistment and Reenlistment Allowance, and
29 Laundry Allowance; retirement benefits; pensions; death and disability benefits; and other
30 support, benefits and incentives provided by law for the members of the Armed Forces of
31 the Philippines.

32 Sec. 17. *Philippine Coast Guard Reserve Force.* – There is hereby created a
33 Philippine Coast Guard Reserve Force in support of the active component of the Philippine

1 Coast Guard to augment the same upon mobilization in times of war or other national
2 emergency declared by Congress as well as in times of calamities, disasters and
3 emergencies to perform search and rescue operations, relief, and other activities requiring
4 civil assistance. The authority to call upon the Philippine Coast Guard Reserve Force shall
5 be vested in the Secretary of the Department of Transportation and Communications and
6 the President of the Republic of the Philippines.

7 Sec. 18. *Philippine Coast Guard Auxiliary.* – The Philippine Coast Guard shall
8 organize and train a civilian volunteer organization known as the Philippine Coast Guard
9 Auxiliary under the direct control and supervision of the Commandant or any designated
10 officer for the purpose of assisting in the promotion of safety of life at sea, the preservation
11 of the marine environment and its resources, the conduct of maritime search and rescue
12 operations, the maintenance of aids and systems to navigation, and such other worthy
13 activities that enhance maritime community relations, civic action, and youth development.

14 Sec. 19. *Repealing Clause.* – All laws, decrees, orders, rules and regulations or
15 other issuances or parts thereof inconsistent with the provisions of this Act are hereby
16 repealed or modified accordingly.

17 Sec. 20. *Appropriation.* – The initial funding to carry out the provisions of this Act
18 shall be charged against the current year's appropriation. Thereafter, such sums as may be
19 necessary shall be included in the annual General Appropriations Act.

20 Sec. 21. *Separability Clause.* – If any portion or provision of this Act is declared
21 unconstitutional, the remainder of this Act or other provisions not affected thereby shall
22 remain in force and effect.

23 Sec. 22. *Effectivity.* – This Act shall take effect after fifteen (15) days following the
24 completion of its publication either in the Official Gazette or in a newspaper of general
25 circulation in the Philippines.

26 Approved,