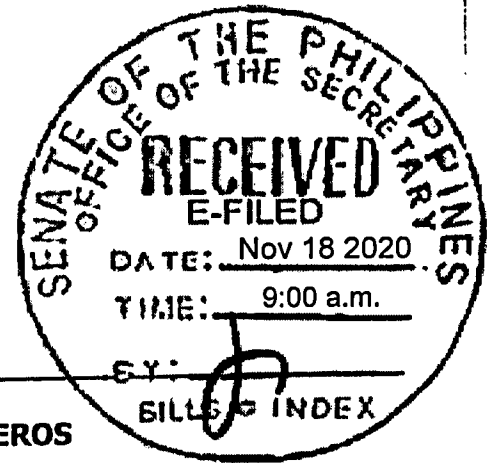


**EIGHTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES**
Second Regular Session

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SENATE

S.B. No. 1919



INTRODUCED BY SENATOR RISA HONTIVEROS

**AN ACT
GRANTING BENEFITS AND INCENTIVES TO ACCREDITED BANTAY DAGAT AND
FOR OTHER PURPOSES**

EXPLANATORY NOTE

The Philippines forms an ocean region that has long been recognized as one of the world's center of marine biodiversity, with one of the richest concentrations of marine life on the planet. It is composed of more than 7,100 islands with a coastline stretching over 36,289 kilometers. More than 30 million Filipinos depend on these marine resources for survival. But the very seas that provide them livelihood and subsistence are under serious threat. Important fragile marine ecosystems around the country are being destroyed at an alarming rate.

To conserve, protect and manage these diverse marine wealth from further degradation, for the present and future generation of Filipinos, national government agencies such as the Department of Agriculture-Bureau of Fisheries and Aquatic Resources (DA-BFAR), Philippine National Police- Maritime Group, Philippine Coast Guard and Philippine Navy are mandated to enforce all coastal environmental laws. However, given the vastness of the area they are mandated to protect, they can only cover a few stretches of the country's archipelagic coastlines. Thus, for several decades now, these national agencies and local government units, in partnership with development partners and non-government organizations, train volunteer municipal fisherfolks to become Deputy Fish Wardens or Sea Rangers, otherwise known as Bantay Dagat. The Bantay Dagat act as the multiplier forces who guard and enforce fishery related laws and ordinances in the municipal waters of coastal municipalities and cities.

Unfortunately, these Bantay Dagat volunteers receive no regular honoraria and are rarely given insurance coverage and other benefits, despite the hazards they face, the time spent protecting the municipal waters, and the loss of income opportunities.

Notwithstanding their marginalization however, they remain committed to serve and protect the nation's marine habitat and fishery resources from further abuse and destruction. Many of them have in fact lost their lives and limbs and have been sued criminally and for damages. They must thus, be given the recognition, attention, and assistance they so rightly deserve.

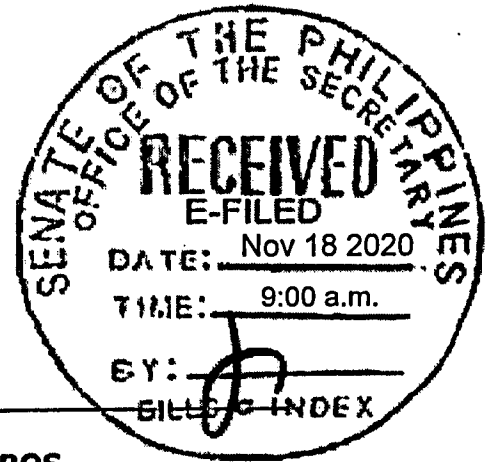
It is in this context that the approval of this bill is earnestly sought.


RISA HONTIVEROS
Senator

EIGHTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
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AN ACT
GRANTING BENEFITS AND INCENTIVES TO ACCREDITED BANTAY DAGAT AND
FOR OTHER PURPOSES

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

1 Section 1. *Short Title.* – This Act shall be known as the "*Bantay Dagat Welfare and*
2 *Incentives Act.*"

3 *Sec. 2. Statement of Policy.* – The State shall protect the rights of subsistence
4 fishermen and local communities to the preferential use of the communal marine and
5 fishing resources, both inland and offshore. It shall provide support to such fishermen
6 through appropriate technology and research and other services. Towards this end,
7 coastal municipalities and cities are vested with jurisdiction over the municipal waters as
8 defined by Republic Act No. 8558 and, upon consultation with the Fisheries and Aquatic
9 Resources Management Council (FARMC), be responsible for the management,
10 conservation, development, protection, utilization, and disposition of all fish and fisheries
11 and aquatic resources within their respective municipal waters. The LGUs shall also
12 enforce all fishery laws, rules, and regulations as well as valid fishery ordinances enacted
13 by the municipal or city council. In the enforcement of said laws, the Bureau of Fisheries
14 and Aquatic Resources (BFAR), in coordination with the local government units (LGUs),
15 is authorized to train and deputize fisherfolks as Deputy Fish Wardens, locally known as
16 Bantay Dagat. This Act shall provide benefits and incentives to these volunteers Bantay
17 Dagat who are frontliners in the protection of coastal marine and fisheries resources.
18 The government and all its instrumentalities shall also recognize the rights of accredited
19 Bantay Dagat to organize themselves, to strengthen and systemize their services for their
20 community, and to make a venue for sharing their experiences and for recommending
21 policies and guidelines for the conservation, protection and sustainable management of
22 fisheries and aquatic resources.

1 **Sec. 3. *Definition.*** — Bantay Dagat, also known as the Deputy Fish Wardens or
2 Sea Wardens shall refer to persons who have undergone training programs on coastal
3 and fisheries law enforcement under any accredited government or non- government
4 organization and who voluntarily work as deputized fishery law enforcers. They shall be
5 accredited to function as such by the Municipal/City Fisheries and Aquatic Resources
6 Management Council (M/CFMARC) and be deputized in writing by the Local Chief
7 Executive (LCE) in accordance with the guidelines promulgated by the Bureau of Fisheries
8 and Aquatic Resources (BFAR).

9 **Sec. 4. *Registration.*** — In order for Bantay Dagat to be entitled to benefits and
10 incentives provided under this Act, said Bantay Dagat shall register with the M/CFARMC
11 in the municipality or city in which said Bantay Dagat renders service. The FARMC,
12 through the concerned LCE, shall furnish a copy of such registry to the BFAR through its
13 Regional Offices, which is hereby mandated to maintain a national register of accredited
14 Bantay Dagat nationwide. The accredited Bantay Dagat shall be given appropriate proof
15 of said accreditation.

16 **Sec. 5. *Qualifications of Bantay Dagat.*** — Any person seeking accreditation as
17 Bantay Dagat must possess the following qualifications:

- 18 a. A Filipino citizen;
- 19 b. A registered and licensed fisherfolk in the municipality or city where
20 he/she intends to be accredited;
- 21 c. Not less than twenty-one (21) years but not more than sixty (60) years of
22 age;
- 23 d. Not have been convicted of any offense involving violation of the Fisheries
24 Code and related environmental laws;
- 25 e. Completed the Fishery Laws Enforcement Training for Bantay Dagat or
26 Deputy Fish Wardens; and
- 27 f. Involved in coastal and fisheries management activities for at least three
28 (3) years.

29 **Sec. 6. *Number of Bantay Dagat.*** — The BFAR shall determine the ideal ratio of
30 Bantay Dagat to the number of fisherfolks and the area of the municipal waters or
31 fisheries management area in every municipality or city.

32 **Sec. 7. *Benefits and Incentives.*** — In recognition of their services, all accredited
33 Bantay Dagat who are actively and regularly performing their duties shall be entitled to
34 the following incentives and benefits:

- 1 a. Insurance and PhilHealth Coverage. — Each Bantay Dagat shall be entitled
2 to life and accident insurance and PhilHealth coverage upon deputation as
3 such by the LCE;
- 4 b. Hazard Allowance. — Each Bantay Dagat exposed to situations, conditions,
5 or factors where foreseeable but unavoidable danger or risks exist, and
6 which adversely endanger said Bantay Dagat's life and/or safety, shall be
7 entitled to hazard allowance in an amount to be determined by the FARMC
8 and the Peace and Order Council (POC) of the local government unit
9 concerned;
- 10 c. Subsistence Allowance — Each Bantay Dagat who renders seaborne
11 patrolling or rescue services for at least eight (8) hours a day shall be
12 entitled to subsistence allowance equivalent to the meals they take in the
13 course of their duty, which shall be computed in accordance with prevailing
14 circumstances as determined by the local government unit concerned;
- 15 d. Training, Education and Career Enrichment Programs — The concerned
16 coastal municipality or city in coordination with BFAR and other
17 government agencies and non-government organizations shall provide
18 opportunities to accredited Bantay Dagat for the following:
- 19 i. Continuing education, study and exposure tour trainings, grants,
20 field immersion, scholarships, and the like;
- 21 ii. Scholarships in the form of tuition fees in state colleges, to be
22 granted to one child of every Bantay Dagat who will not be able to
23 take advantage of the above programs; and
- 24 iii. Special training programs such as those on paralegal education,
25 case documentation and evidence gathering and preservation, and
26 operations of special gadgets or equipment for effective and
27 efficient coastal and fisheries law enforcement;
- 28 e. Civil Service Eligibility. — A second grade eligibility shall be granted to
29 accredited Bantay Dagat who have rendered five (5) years of continuous
30 service as such: Provided, That should the Bantay Dagat volunteer become
31 a regular employee of the government, the total number of years served
32 as Bantay Dagat shall be credited to his/her service in computing
33 retirement benefits;
- 34 f. Free Legal Services. — Legal representation and consultation services for
35 Bantay Dagat shall be immediately provided by the Municipal or City Legal
36 Officer and/or Public Attorney's Office in cases of coercion, interference,

1 and in other civil and criminal cases filed by or against Bantay Dagat
2 volunteers arising out of or in connection with the performance of their
3 duties; and

4 g. **Preferential Access to Loans.** — The BFAR, in coordination with the
5 Department of Social Welfare Development and other concerned
6 government agencies, shall provide, within one hundred eighty (180) days
7 after the effectivity of this Act, a mechanism for access to loan services by
8 organized Bantay Dagat volunteers.

9 **Sec. 8. Review by the Municipal or City FARMC.** — Every incentive or benefit for
10 Bantay Dagat volunteers requiring the expenditure of local funds shall be reviewed and
11 recommended by the FARMC for the approval of the Local Chief Executive to ensure that
12 only deserving Bantay Dagat get the same.

13 **Sec. 9. Security of Tenure.** — All accredited Bantay Dagat shall enjoy security of
14 tenure and shall not be removed or terminated except for just and valid causes as may
15 be determined by BFAR. Said just or valid causes shall be included in the implementing
16 rules and regulations of this Act.

17 **Sec. 10. Agent of Person in Authority.** — The accredited Bantay Dagat shall be
18 considered as agents of persons in authority while in the performance of their duties and
19 responsibilities.

20 **Sec. 11. Funding Requirement of Bantay Dagat Operation.** — Local governments,
21 by virtue of this Act, are mandated to allocate regular funding for the benefits and
22 incentives of the Bantay Dagat and their operational requirements. Such operational
23 requirements shall include, but shall not be limited to: (a) the conduct of seaborne
24 operations such as regular patrol in the coastal areas; (b) maintenance of equipment,
25 gadgets, and supplies necessary for their functions; (c) vehicle, fuel and food allowance
26 for their operations; and (d) conduct of seminars or workshops for Bantay Dagat
27 members,

28 **Sec. 12. National Government Subsidy.** — The national government, through the
29 BFAR, shall provide annual subsidy to local governments that are able to organize their
30 own Bantay Dagat groups.

31 **Sec. 13. Rules and Regulations.** — The BFAR, in cooperation with the Department
32 of the Interior and Local Government, the Department of Justice, the Civil Service
33 Commission and other concerned government agencies and non-government
34 organizations, shall formulate, within one hundred eighty (180) days from its effectivity,
35 the rules and regulations necessary to implement this Act.

1 **Sec. 14. *Separability Clause.*** —If any provision of this Act is declared invalid, the
2 remainder or any provision hereof not affected thereby shall remain in force and effect.

3 **Sec. 15. *Repealing Clause.*** — All laws, decrees, executive orders, and other
4 presidential issuances which are inconsistent with this Act are hereby repealed, amended,
5 or modified accordingly.

6 **Sec. 16. *Effectivity.*** — This Act shall take effect fifteen (15) days after its publication
7 in at least two (2) national newspapers of general circulation.

Approved,