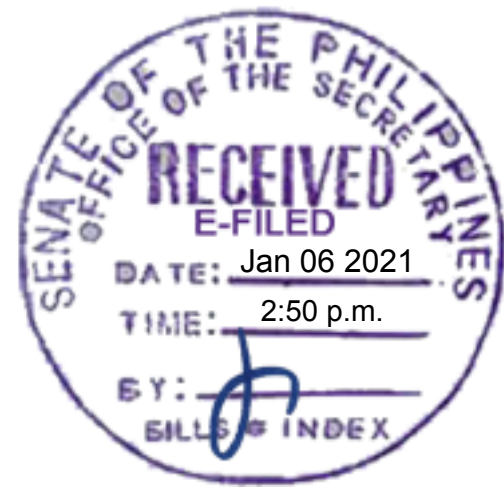


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)



SENATE
S. No. 1972

(in substitution of Senate Bill No. 209)

Prepared and submitted by the Committees on Foreign Relations, and Public Services with Senators Tolentino, Pimentel III and Poe as authors thereof

AN ACT

MANDATING THE DUTY TO RENDER ASSISTANCE AT SEA IN ACCORDANCE WITH RELEVANT INTERNATIONAL CONVENTIONS TO WHICH THE PHILIPPINES IS A STATE PARTY 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 "Good Samaritan
2 at Sea Law."

3 Sec. 2. *Declaration of Policy.* — The following are hereby declared to be
4 the policies of the State:

5 a) The State shall provide for the full and effective implementation and
6 enforcement of international maritime instruments ratified by the Philippine
7 Government that cover safety of life at sea and comply with its duties and
8 obligations to the international community as a State Party.

1 b) The State shall ensure that unlawful acts committed in waters forming
2 part of the national territory and those over which the country has sovereignty
3 and jurisdiction are prevented, detected, and penalized to ensure a safe
4 maritime environment as well as safeguard lives and properties.

5 *Sec. 3. Scope of Application.* — This Act applies to all vessels navigating
6 in the territorial sea, archipelagic waters and internal waters of the
7 Philippines, and all Philippine-flagged vessels navigating in the contiguous
8 zone and exclusive economic zone of the Philippines and the high seas.

9 *Sec. 4. Definition of Terms.* — As used in this Act:

10 a) *Assistance* may include, but not limited to, search, rescue, towage or
11 medical treatment.

12 b) *Distress* refers to a situation wherein there is a reasonable certainty
13 that a person, a vessel, or other craft is threatened by grave and imminent
14 danger and requires immediate assistance.

15 c) *Requisition* refers to the temporary take over or command of the ship,
16 with the consent of its master, by the master of a ship in distress, the search
17 and rescue service concerned or the Philippine Coast Guard, solely for the
18 purpose of rendering assistance to a ship in distress.

19 *Sec. 5. Duty to Render Assistance.* — (a) The master of a ship, insofar
20 as he or she can do so without serious danger to the ship, the crew, or the
21 passengers has the duty to:

22 i. Render assistance to any person or persons found at sea in danger of
23 being lost; or

24 ii. Proceed with all possible speed to the rescue of persons in distress,
25 upon receiving a signal from any source that such persons are in distress or
26 if otherwise informed of their need of assistance, insofar as such action may
27 reasonably be expected of him or her.

1 (b) After a collision or other incidents of navigation, the master of ship that
2 caused, or is involved in, the incident shall render assistance to the other ship,
3 its crew and its passengers and, where possible, to inform the other ship of
4 the name of his or her own ship, its port of registry and the nearest port at
5 which it will call.

6 *Sec. 6. Coordination in Rendering Assistance.* — The master of the ship
7 answering a distress signal shall, as much as possible, inform the ship in
8 distress and the appropriate search and rescue service or the Philippine Coast
9 Guard that his or her ship is proceeding with all speed to render assistance to
10 the ship in distress. In case of collision or other incidents of navigation, the
11 ship rendering assistance to the other ship involved in the incident shall, as
12 much as possible, also inform the appropriate search and rescue service or
13 the Philippine Coast Guard of the incident and the status of the assistance
14 being provided by it.

15 *Sec. 7. Inability or Failure to Render Assistance.* — (a) If the ship
16 receiving the distress alert is unable or, in the special circumstances of the
17 case, considers it unreasonable or unnecessary to proceed to their assistance,
18 or the giving of assistance would cause serious danger to the ship, the crew
19 or the passenger, the master must enter in the logbook the reason for failing
20 to proceed to the assistance of the persons or ships in distress, and
21 accordingly inform immediately the appropriate search and rescue service or
22 the Philippine Coast Guard.

23 (b) The master of the ship shall be released from the obligation to render
24 assistance provided in Section 5 upon compliance with the requirement of
25 entering in the logbook the reason for the inability or failure to render
26 assistance and informing the appropriate search and rescue service or the

1 Philippine Coast Guard of his or her ship's inability or failure to render such
2 assistance.

3 Sec. 8. *Requisition.* — (a) The master of a ship in distress, the Philippine
4 Coast Guard, or the search and rescue service concerned, after consultation,
5 so far as may be possible, with the master or masters of the ship or ships
6 which answer the distress alert, has the right to requisition one or more of
7 those ships as they consider best able to render assistance, and it shall be
8 the duty of the master or masters of the ship or ships requisitioned to comply
9 with the requisition by continuing to proceed with all speed to the assistance
10 of persons in distress.

11 (b) The master or masters of ship or ships shall be released from the
12 obligation imposed by Section 4 on learning that their ship or ships have not
13 been requisitioned and that one or more other ships have been requisitioned
14 and are complying with the requisition. This decision shall, if possible, be
15 communicated to the other requisitioned ships and to the concerned search
16 and rescue service or the Philippine Coast Guard.

17 (c) The master of a ship shall be released from the obligation imposed
18 by Section 5 and, if his or her ship has been requisitioned, from the obligation
19 imposed by Section 8(a) on being informed by the person or persons in
20 distress, the concerned search and rescue service; the Philippine Coast Guard
21 or, the master of another ship which has reached such persons that assistance
22 is no longer necessary.

23 Sec. 9. *Penalties.* — (a) Failure to comply with any of the obligations
24 provided in Sections 5 and 8(a) shall be punishable by a fine of not less than
25 One Hundred Thousand Pesos (PhP100,000.00) but not more than One Million
26 Pesos (PhP1,000,000.00), depending on the size of the vessel or ship to be
27 defined in the implementing rules and regulations of this Act. If the violator

1 is the cause or part of the vessel or ship that caused the distress at sea,
2 collision or any other incident of navigation, the fine shall be not less than
3 One Million Pesos (PhP1,000,000.00) but not more than Five Million Pesos
4 (PhP5,000,000.00), depending on the size of the vessel or ship to be defined
5 in the implementing rules and regulations of this Act.

6 (b) If the failure to render assistance as provided in Sections 5 and 8(a)
7 is committed within internal waters, archipelagic waters or territorial sea, an
8 additional penalty of imprisonment of not less than six (6) months but not
9 more than one (1) year shall be imposed. If the violator is the cause or part
10 of the ship that caused the distress at sea, collision or any other incident of
11 navigation, an additional penalty of imprisonment of not less than one (1)
12 year and one (1) day but not more than two (2) years shall be imposed.

13 (c) Repeat offenders or violators shall be dealt with the maximum
14 penalties provided herein.

15 (d) No foreign national shall be deported without the payment of the
16 fines and/or service of sentence imposed by the court provided herein.

17 (e) The penalties provided herein is without prejudice to the disciplinary
18 or administrative proceedings that may be conducted against the master of
19 the ship or any other person in the service of the ship, leading to either the
20 revocation or suspension of his or her license or certificate of competence,
21 pursuant to relevant laws and rules and regulations

22 Sec. 10. *Jurisdiction and Venue.* — The criminal action for failure to
23 render assistance as provided in Sections 5 and 8(a) in relation to Section 8
24 shall be instituted and tried in any of the following venues:

25 (a) the Regional Trial Courts of the city or municipality nearest to the
26 place or maritime zone where the crime was committed;

1 (b) the Regional Trial Court of the city or municipality which is the first
2 port of entry of the ship under the command of a master or officer of the ship
3 who committed the crime; or

4 (c) the Regional Trial Court of Manila.

5 Sec. 11. *Separability Clause.* — If, for any reason, any section,
6 subsection, clause or term of this Act is held to be illegal, invalid, or
7 unconstitutional, such parts not affected by such declaration shall remain in
8 full force and effect.

9 Sec. 12. *Repealing Clause.* — All existing laws, orders, decrees, rules
10 and regulations or parts thereof inconsistent with the provisions of this Act
11 are hereby amended, modified or repealed accordingly.

12 Sec. 13. *Effectivity Clause.* — This Act shall take effect fifteen (15) days
13 after its publication in the Official Gazette or in a newspaper of general
14 circulation.

15 *Approved,*