



**NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)**

'22 AUG 11 P5:13

RECEIVED BY:

SENATE

S. B. NO. 1136

Introduced by **SENATOR JOEL VILLANUEVA**

**AN ACT
MANDATING THE DUTY TO RENDER ASSISTANCE AT SEA IN
ACCORDANCE WITH RELEVANT INTERNATIONAL
CONVENTIONS AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

The parable of the Good Samaritan tells the story of a man travelling from Jerusalem to Jericho who was attacked by thieves who robbed him of his clothes and wounded him. While others merely passed by him, a Samaritan tended to his wounds with oil and wine, brought him to an inn, and took care of him.¹

In the maritime context, the United Nations Convention on the Law of the Sea provides for the duty "to render assistance to any person found at sea in danger of being lost," or "to proceed with all possible speed to the rescue of persons in distress."² Furthermore, in case of a collision, assistance should also be rendered to the other ship. Applicable in all these scenarios is the need to ensure that the rendering of assistance shall be done if there is a determination that the assistance shall not cause serious danger to the assisting ship, its crew, and passengers.

In the Philippines, the fishing boat Gem-Ver was rammed by a Chinese vessel near Recto Bank within the Philippines' exclusive economic zone, three years ago. This incident left twenty-two (22) Filipino boat crew members abandoned at sea for at least two (2) hours before being rescued by a passing

¹ Luke 10:25-37.

² Article 98, 1982 United Nations Convention on the Law of the Sea.

Vietnamese fishing boat.³ The Philippines, through the Department of Foreign Affairs, expressed its gratitude to Vietnam for the rescue of the Filipino fishermen at sea.⁴

It is in light of this and similar incidents that this bill seeks to provide for a domestic law that will provide the applicable rules of conduct in case of accidents at sea. Among others, this bill seeks to ensure that aid will come to distressed ships and its passengers by providing for the enabling law that will allow the execution and implementation of (i) the United Nations Convention on the Law of the Sea (UNCLOS), particularly Article 98, on the duty to render assistance, and (ii) the relevant provisions of the International Convention for the Safety of Life at Sea. Under this bill, all vessels, regardless of the Flag State, navigating the territorial sea, archipelagic waters, and internal waters of the Philippines, and all Philippine-flagged vessels navigating in the contiguous zone and exclusive economic zone of the Philippines, and the high seas, shall have the duty to render the necessary assistance to ships in distress or to proceed to the rescue of persons in distress. This bill also provides penalties for the failure to render assistance to distressed ships, when able.

With a total of 483 accidents or incidents investigated by the Maritime Industry Authority from 2016 to 2020, 81 of which were classified as “very serious accidents,”⁵ it becomes imperative to provide the enabling law giving life to the country’s international commitments and assure that assistance shall come to those that need it.

Thus, the immediate passage of this bill is earnestly sought.


SENATOR JOEL VILLANUEVA

³ April 28, 2022. Gem-Ver fishing boat crew rammed by Chinese vessel in Recto Bank to get P6 million. Inquirer. Accessible at <https://newsinfo.inquirer.net/1589449/filipinos-on-gem-ver-fishing-boat-rammed-by-chinese-vessel-to-get-p6-million> (last accessed August 7, 2022).

⁴ July 10, 2019. DFA Chief thanks Vietnam for rescue of 22 fishermen. PhilStar. Accessible at https://www.philstar.com/headlines/2019/07/10/1933571/dfa-chief-thanks-vietnam-rescue-22-fishermen?fbclid=IwAR0Df0UmPFxEIhQ0etMGM0V_5F-16Cu22aizBFYazycMoBBPjS_h2fAqshY (last accessed August 7, 2022).

⁵ MARINA Statistical Report 2016 – 2020. MARINA. Accessible at https://marina.gov.ph/wp-content/uploads/2021/11/2016-2020-MARINA-Statisticsl-Report_for-posting.pdf. (date last accessed: August 8, 2022).



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AN ACT

MANDATING THE DUTY TO RENDER ASSISTANCE AT SEA IN ACCORDANCE WITH RELEVANT INTERNATIONAL CONVENTIONS 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 at*
2 *Sea Law.*”
3

4 **SEC. 2. Declaration of Policy.** – The following are hereby declared to be the
5 policies of the State:
6

7 a) The State shall provide for the full and effective implementation and
8 enforcement of international maritime instruments ratified by the Philippine
9 Government, including, but not limited to, the United Nations Convention
10 on the Law of the Sea (UNCLOS) and the 1974 International Convention
11 for the Safety of Life at Sea (SOLAS), that cover safety of life at sea and
12 comply with its duties and obligations to the international community as a
13 State party; and
14

15 b) The State shall ensure that unlawful acts committed in waters forming part
16 of the national territory and those over which the country has sovereignty
17 and jurisdiction are prevented, detected, and penalized to ensure a safe
18 maritime environment as well as safeguard lives and properties.
19

20 **SEC. 3. Scope of Application.** – This Act shall apply to all vessels navigating
21 in the territorial sea, archipelagic waters and internal waters of the Philippines, and all
22 Philippine-flagged vessels navigating in the contiguous zone and exclusive economic
23 zone of the Philippines and the high seas.
24

25 **SEC. 4. Definition of Terms.** – As used in this Act:
26

- 1 a) **Assistance** may include, but not limited to, search, rescue, towage or
2 medical treatment, as may be applicable;
3
4 b) **Distress** refers to a situation wherein there is a reasonable certainty that
5 a person, a vessel, or other craft is threatened by grave and imminent
6 danger and requires immediate assistance;
7
8 c) **Master or Master of the Ship** refers to a person having command of a
9 ship; and
10
11 d) **Requisition** refers to the temporary takeover or command of the ship,
12 with the consent of the master of a ship in distress, and the search and
13 rescue service concerned of the Philippine Coast Guard, solely for the
14 purpose of rendering assistance to a ship in distress.
15

16 **SEC. 5. Duty to Render Assistance. –**
17

- 18 a) The master of a ship, insofar as he or she can do so without serious
19 danger to the ship, the crew, or the passengers onboard, has the duty to:
20
21 1) Render assistance to any person or persons found at sea in danger
22 of being lost; or
23
24 2) 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
26 distress, or if otherwise informed of their need of assistance, insofar
27 as such action may reasonably be expected of him or her;
28
29 b) After a collision or other incidents of navigation, the master of a ship that
30 caused, or is involved in, the incident shall render assistance to the other
31 ship, its crew and its passengers, and where possible, to inform the other
32 ship of the name of his or her own ship, its port of registry and the nearest
33 port at which it will call;
34
35 c) If applicable, the master of a ship, and the ship's crew and passengers
36 shall accommodate embarked persons in distress at sea within the
37 capabilities and limitations of the ship. The master of a ship shall
38 coordinate with relevant authorities and arrange for the disembarkation
39 to a place of safety of persons rescued as soon as reasonably
40 practicable.
41

42 **SEC. 6. Coordination in Rendering Assistance. –** The master of the ship
43 answering a distress signal shall, as far as possible, inform the ship in distress and
44 the appropriate search and rescue service of the Philippine Coast Guard that his or
45 her ship is proceeding with all possible speed to render assistance to the ship in
46 distress.
47

48 In case of collision or other incidents of navigation, the ship rendering
49 assistance to the other ship involved in the incident shall, as much as possible, also

1 inform the appropriate search and rescue service of the Philippine Coast Guard of the
2 incident and the status of the assistance being provided by it.

3
4 **SEC. 7. *Inability or Failure to Render Assistance.* –**

- 5
6 a) If the ship receiving the distress alert is unable, or in the special
7 circumstances of the case, considers it unreasonable or unnecessary to
8 proceed to their assistance, or the giving of assistance would cause
9 serious danger to the ship, the crew or the passenger, the master must
10 enter in the logbook the reason for failing to proceed to the assistance of
11 the persons or ships in distress, and accordingly inform immediately the
12 appropriate search and rescue service of the Philippine Coast Guard;
13
14 b) The master of the ship shall be released from the obligation to render
15 assistance provided in Section 5 of this Act upon compliance with the
16 requirement of entering in the logbook the reason for the inability or failure
17 to render assistance and informing the appropriate search and rescue
18 service of the Philippine Coast Guard of his or her ship's inability or failure
19 to render such assistance.
20

21 **SEC. 8. *Requisition.* –** The master of a ship in distress, the Philippine Coast
22 Guard, or the search and rescue service concerned, after consultation, so far as may
23 be possible, with the master/s of the ship/s which answers the distress alert, has the
24 right to requisition one or more of those ships as they consider best able to render
25 assistance.
26

- 27 a) It shall be the duty of the master/s of the ship/s requisitioned to comply by
28 continuing to proceed with all speed to the assistance of persons in
29 distress in accordance with this Act;
30
31 b) The master/s of a requisitioned ship/s shall be released from the obligation
32 imposed by Section 5 of this Act upon learning that their ship or ships have
33 not been requisitioned and that one or more ships have been requisitioned
34 and are complying with the requisition. This decision shall, if possible, be
35 communicated to the other requisitioned ships and to the concerned
36 search and rescue service of the Philippine Coast Guard;
37
38 c) The master of a ship shall be released from the obligation imposed under
39 Section 5 of this Act, and, if his or her ship has been requisitioned, from
40 the obligation imposed by Section 8(a) on being informed that assistance
41 is no longer necessary by the person or persons in distress, the concerned
42 search and rescue service of the Philippine Coast Guard, or the master of
43 another ship which has reached such persons.
44

45 **SEC. 9. *Penalties.* –**

- 46
47 a) Failure to comply with any of the obligations provided in Sections 5 and
48 8(a) shall be punishable by a fine of not less than One Hundred Thousand
49 Pesos (Php100,000.00) but not more than One Million Pesos
50 (Php1,000,000.00), depending on the size of the vessel or ship as defined

1 in the implementing rules and regulations of this Act. If the violator is the
2 cause or part of the vessel or ship that caused the distress at sea, collision
3 or any other incident of navigation, the fine shall not be less than One
4 Million Pesos (Php1,000,000.00) but not more than Five Million Pesos
5 (Php5,000,000.00), depending on the size of the vessel or ship to be
6 defined in the implementing rules and regulations of this Act;
7

- 8 b) If the failure to render assistance as provided in Sections 5 and 8(a) is
9 committed within internal waters, archipelagic waters or territorial sea, an
10 additional penalty of imprisonment of not less than six (6) months but not
11 more than one (1) year shall be imposed solidarily on the shipowner,
12 master, and/or their representative/s. If the violator is the cause or part of
13 the ship that caused the distress at sea, collision or any other incident of
14 navigation, an additional penalty of imprisonment of not less than one (1)
15 year and one (1) day but not more than two (2) years shall be imposed;
16
- 17 c) Repeat offenders or violators shall be dealt with the maximum penalties
18 provided herein;
19
- 20 d) No foreign national shall be deported without the payment of the fines
21 and/or service of sentence imposed by the court provided herein; and
22
- 23 e) The penalties provided herein is without prejudice to the disciplinary or
24 administrative proceedings that may be conducted against the master of
25 the ship or any other person in the service of the ship, leading to either the
26 revocation or suspension of his or her license or certificate of competence,
27 pursuant to relevant laws, rules and regulations.
28

29 **SEC. 10. Jurisdiction and Venue.** – The criminal action for failure to render
30 assistance as provided in Sections 5 and 8(a) in relation to Section 8 shall be instituted
31 and tried in any of the following venues:
32

- 33 a) The Regional Trial Court of the city or municipality nearest to the place or
34 maritime zone where the crime was committed;
35
- 36 b) The Regional Trial Court of the city or municipality which is the first port of
37 entry of the ship under the command of a master or officer of the ship who
38 committed the crime; or
39
- 40 c) The Regional Trial Court of Manila.
41

42 **SEC. 11. Implementing Rules and Regulations.** – Within ninety (90) days
43 from the effectivity of this Act, the PCG, in coordination with concerned agencies, and
44 upon consultation with relevant stakeholders, shall formulate the rules and regulations
45 for the effective implementation of this Act.
46

47 **SEC. 12. Repealing Clause.** – All laws, presidential decrees, executive orders,
48 presidential proclamations, rules and regulations or parts thereof contrary to or
49 inconsistent with this Act are hereby repealed, superseded or modified accordingly.
50

