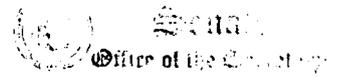


NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)



23 OCT 10 P2:43

SENATE
S. No. 2464

RECEIVED BY:

Introduced by Senator Jinggoy Ejercito Estrada

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

EXPLANATORY NOTE

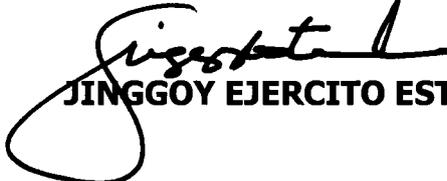
The Philippines is considered as the second largest archipelagic state in the world with a total maritime domain covering internal waters, territorial sea and exclusive economic zone of about 2,200,000 square kilometers. We also have more than 36,000 kilometers of coastline. Our marine territory is significantly larger than our land area. While its immensity equates to vast marine wealth and resources, the same also poses great challenges in enforcing environment and fishery laws. Even with the collective force of the Department of Agriculture-Bureau of Fisheries and Aquatic Resources (DA-BFAR), the Philippine Coast Guard, the Philippine National Police-Maritime Group (PNP-MG), and the Philippine Navy, many illegal acts across our waters remain unnoticed. Moreover, the limited number of our military and coast guard vessels restricts government capacity of monitoring and fully implementing our laws over such maritime expanse.

The *Bantay Dagat*, translated as sea warden, is a community-based volunteer group trained by the national government and coastal municipalities, together with non-government organizations, to protect the seas and marine sanctuaries. They augment the existing capacities of the civilian law enforcement agencies in watching over municipal waters and ensuring the strict implementation of state policies and

local ordinances. In many instances, *Bantay Dagat* volunteers brave risks and threats to their lives in the conduct of their operations and in the performance of their duties.

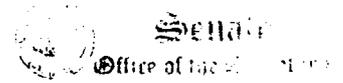
This proposed legislation seeks to honor the commitment and dedication of the *Bantay Dagat* and their crucial role in protecting our waters against illegal fishing and ecological degradation. This bill provides for the institutionalization of incentives and benefits for sea wardens, such as life insurance, PhilHealth coverage, hazard and subsistence allowance, legal assistance, preferential access to loans, training opportunities and career enrichment programs. Overall, this measure advocates the welfare of our *Bantay Dagat* in recognition of the important work that they do.

In view of further strengthening the *Bantay Dagat* as a force multiplier of our law enforcement agencies, ensuring the protection of our seas against unlawful and criminal activities, and expanding our capability of nautical patrol against foreign incursions, the immediate passage of this legislation is earnestly sought.



JINGGOY EJERCITO ESTRADA

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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*
2 *and Incentives Act*".

3 Sec. 2. *Declaration of Policy.* – The State shall protect the nation’s marine
4 wealth in its archipelagic waters, territorial sea, and exclusive economic zone, and
5 reserve its use and enjoyment exclusively to Filipino citizens.

6 The State shall protect the rights of subsistence fishermen and local
7 communities to the preferential use of the communal marine and fishing resources,
8 both inland and offshore. It shall provide support to such fishermen through
9 appropriate technology and research and other services. Towards this end, coastal
10 municipalities and cities are vested with jurisdiction over the municipal waters as
11 defined by Republic Act No. 8550, and upon consultation with the Fisheries and
12 Aquatic Resources Management Council (FARMC), shall be responsible for the
13 management, conservation, development, protection, utilization, and disposition of all
14 fish, fisheries and aquatic resources within their respective municipal waters. The local
15 government units shall also enforce all fishery laws, rules and regulations as well as
16 valid fishery ordinances enacted by the municipal or city council. In the enforcement
17 of said laws, the Bureau of Fisheries and Aquatic Resources (BFAR), in coordination

1 with the local government units, is authorized to train and deputize fisherfolks as
2 Deputy Fish Wardens, locally known as *Bantay Dagat*.

3 This Act shall provide benefits and incentives to the volunteer *Bantay Dagat*,
4 who are frontliners in the protection of coastal marine and fisheries resources.

5 The government and all its instrumentalities shall also recognize the rights of
6 accredited *Bantay Dagat* to organize themselves, to strengthen and systematize their
7 services for their community, and to make a venue for sharing their experiences and
8 for recommending policies and guidelines for the conservation, protection and
9 sustainable management of fisheries and aquatic resources.

10 *Sec. 3. Definition.* – *Bantay Dagat*, also known as Deputy Fish Wardens or Sea
11 Wardens, shall refer to persons who have undergone training programs on coastal
12 and fisheries law enforcement under any accredited government or non-government
13 organization and who voluntarily work as deputized fishery law enforcers. They shall
14 be accredited to function as such by the Municipal/City Fisheries and Aquatic
15 Resources Management Council (M/CFARMC).

16 *Sec. 4. 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 he/she
20 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 (3)
28 years.

29 *Sec. 5. Accreditation and Deputization.* – Those who meet the requirements
30 provided under Section 4 of this Act shall be accredited by the Municipal/City Fisheries
31 and Aquatic Resources Management Council (M/CFARMC), and shall be deputized in

1 writing by the local chief executive and/or the Department of Agriculture to function
2 as *Bantay Dagat* to enforce fishery and related environmental laws.

3 *Sec. 6. Registration.* – In order for *Bantay Dagat* to be entitled to benefits and
4 incentives provided under this Act, said *Bantay Dagat* shall register with the
5 M/CFARMC in the municipality or city in which said *Bantay Dagat* renders service. The
6 FARMC, through the local chief executive, shall furnish a copy of such registry to the
7 BFAR through its Regional Offices, which is hereby mandated to maintain a national
8 register of accredited *Bantay Dagat* nationwide.

9 The accredited *Bantay Dagat* shall be given appropriate proof of said
10 accreditation.

11 *Sec. 7. Number of Bantay Dagat.* – The BFAR shall determine the ideal ratio of
12 *Bantay Dagat* to the number of fisherfolks and the area of the municipal waters or
13 fisheries management area in every municipality or city, also taking into consideration
14 other factors such as the history of violations of fishery and environmental laws
15 committed in the area, prevailing threats to the protection and preservation of its
16 ecological health, among others.

17 *Sec. 8. Benefits and Incentives.* – In recognition of their services, all accredited
18 *Bantay Dagat* who are actively and regularly performing their duties shall be entitled
19 to the following incentives and benefits:

- 20 a) *Insurance and PhilHealth coverage.* – Each *Bantay Dagat* shall be entitled
21 to life and accident insurance and PhilHealth coverage upon deputation as
22 such;
- 23 b) *Hazard Allowance* – Each *Bantay Dagat* exposed to situations, conditions,
24 or factors where foreseeable but unavoidable danger or risks exist, and
25 which adversely endanger said *Bantay Dagat's* life and/or safety, shall be
26 entitled to hazard allowance in an amount to be determined by the FARMC
27 and the Peace and Order Council (POC) of the local government unit
28 concerned;
- 29 c) *Subsistence Allowance* – Each *Bantay Dagat* who renders seaborne
30 patrolling or rescue services for at least eight (8) hours a day shall be
31 entitled to subsistence allowance equivalent to the meals they take in the

1 course of their duty, which shall be computed in accordance with prevailing
2 circumstances as determined by the local government unit concerned;

3 d) *Night Shift Allowance* – In cases where *Bantay Dagat* performs sea patrols
4 or other related work between ten o'clock in the evening and six o'clock in
5 the morning, he/she shall be entitled to night shift allowance in an amount
6 to be determined by the FARMC.

7 e) *Training, Education and Career Enrichment Programs* – The concerned
8 coastal municipality or city in coordination with BFAR and other government
9 agencies and non-government organizations shall provide opportunities to
10 accredited *Bantay Dagat* for the following:

11 1) Continuing education, study, and exposure tour trainings, grants, field
12 immersion, scholarships, and the like;

13 2) Scholarships in the form of tuition fees in state colleges, to be granted
14 to one child of every *Bantay Dagat* who will not be able to take
15 advantage of the above programs; and

16 3) Special training programs such as those on paralegal education, case
17 documentation, and evidence gathering and preservation, and
18 operations of special gadgets or equipment for effective and efficient
19 coastal and fisheries law enforcement.

20 f) *Civil Service Eligibility* – A second grade eligibility shall be granted to
21 accredited *Bantay Dagat* who have rendered five (5) years of continuous
22 services as such: *Provided*, That should the *Bantay Dagat* volunteer become
23 a regular employee of the government, the total number of years served as
24 *Bantay Dagat* shall be credited to his/her service in computing retirement
25 benefits;

26 g) *Free Legal Services* – Legal representation and consultation services for
27 *Bantay Dagat* shall be immediately provided by the Municipal or City Legal
28 Officer and/or Public Attorney's Office in cases of coercion, interference, and
29 in other civil and criminal cases filed by or against *Bantay Dagat* volunteers
30 arising out of or in connection with the performance of their duties; and

31 h) *Preferential Access to Loans* – The BFAR, in coordination with the
32 Department of Social Welfare and Development and other concerned

1 government agencies, shall provide, within one hundred eighty (180) days
2 after the effectivity of this Act, a mechanism for access to loan services by
3 organized *Bantay Dagat* volunteers.

4 *Sec. 9. Review by the Municipal or City FARMC.* – Every incentive or benefit for
5 *Bantay Dagat* volunteers requiring the expenditure of local funds shall be reviewed
6 and recommended by the FARMC for the approval of the local chief executive to ensure
7 that only deserving *Bantay Dagat* receives the same.

8 *Sec. 10. Security of Tenure.* – All accredited *Bantay Dagat* shall enjoy security
9 of tenure and shall not be removed or terminated except for just and valid causes as
10 may be determined by BFAR. Said just or valid causes shall be included in the
11 implementing rules and regulations of this Act.

12 *Sec. 11. Agent of Person in Authority.* – The accredited *Bantay Dagat* shall be
13 considered as agents of persons in authority while in the performance of their duties
14 and responsibilities.

15 As such, *Bantay Dagat* shall be authorized to apprehend and arrest those
16 caught engaged in illegal fishing, committing violations under fishery and
17 environmental laws, and confiscate illegal paraphernalia. As agents of person in
18 authority, *Bantay Dagat* shall be accorded the same protection and support given to
19 other law enforcement officers.

20 *Sec. 12. Obstruction to Bantay Dagat.* – Fishing vessel owner or operator, or
21 any other person acting on behalf of the any fishing vessel, or any maritime vessel
22 owner or operator who assaults, resists, intimidates, harasses, interferes with or
23 unduly obstructs or delays *Bantay Dagat* in the exercise of their duties shall be
24 penalized under existing laws, particularly Republic Act No. 8550, as amended. Any
25 person who does not allow *Bantay Dagat* to exercise any of their duties and functions
26 shall be deemed to be obstructing the *Bantay Dagat*.

27 *Sec. 13. Funding Requirement of Bantay Dagat Operations.* – Local government
28 units, by virtue of this Act, are mandated to allocate regular funding for the benefits
29 and incentives of the *Bantay Dagat* and their operational requirements. Such
30 operational requirements shall include, but shall not be limited to: a) the conduct of
31 seaborne operations such as regular patrol in the coastal areas; b) provision and
32 maintenance of vessels, equipment, gadgets, and supplies necessary for their

1 functions; c) vehicle, fuel, and food allowance for their operations; and d) conduct of
2 seminars or workshops for *Bantay Dagat* members.

3 Sec. 14. *National Government Subsidy.* – The national government, through
4 the BFAR, shall provide annual subsidy to local governments that are able to organize
5 their own *Bantay Dagat* groups: *Provided*, That lower income municipalities shall be
6 given priority in the provision of national government subsidy.

7 Sec. 15. *Implementing Rules and Regulations.* – The BFAR, in cooperation with
8 the Department of the Interior and Local Government, the Department of Justice, the
9 Civil Service Commission, and other concerned government agencies and non-
10 government organizations, shall formulate, within one hundred eighty (180) days from
11 its effectivity, the rules and regulations necessary to implement this Act.

12 Sec. 16. *Separability Clause.* – If any provision of this Act is declared
13 unconstitutional or invalid, such parts not affected thereby shall remain in full force
14 and effect.

15 Sec. 17. *Repealing Clause.* – All laws, decrees, executive orders, rules and
16 regulations and other issuances or parts thereof which are inconsistent with this Act
17 are hereby repealed, amended or modified accordingly.

18 Sec. 18. *Effectivity.* – This Act shall take effect fifteen (15) days after its
19 publication in the *Official Gazette* or in any two (2) newspapers of general circulation.

Approved,