

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



**SENATE**  
**S. No. 209**

'19 JUL -2 P6:10

RECEIVED \_\_\_\_\_

Introduced by Senator Francis "Tol" N. Tolentino

**AN ACT**  
**PROVIDING FOR RULES ON 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**

EXPLANATORY NOTE

Stirred by the recent maritime incident concerning an allision on the West Philippine Sea that involved the lives of 22 Filipino fishermen, this bill was crafted to ensure that persons guilty of jeopardizing the lives of men at sea and those who unreasonably fail to render assistance to persons in distress at sea do not go unpunished.

This bill which shall be known as the "Good Samaritan at Sea Law", aims to implement provisions in International Maritime instruments ratified by the Philippine Government concerning safety of life at sea and the duty to render assistance to persons in distress at sea to which the Philippines is a state party to including:

1. The International Convention for the Safety of Life at Sea, 1974 and its Protocols of 1978 and 1988 and Agreement of 1996;
2. United Nations Convention on the Law of the Sea of 1982

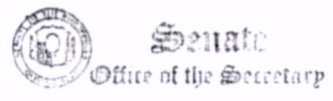
As a key player in the global maritime industry it is but imperative for the country to stay true to its commitments to the international community to implement

and enforce laws affecting maritime safety in order to protect not just the standing of the country in the international community but to protect the very lives of the thousands of Filipinos at sea.

In view of the foregoing, the passage of this bill is earnestly sought.



**FRANCIS "TOL" N. TOLENTINO**  
Senator



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**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 at  
2 Sea Law."

3 Sec. 2. *Declaration of Policy.* — The following are hereby declared to be the  
4 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  
7 Philippine Government that cover safety of life at sea and comply with  
8 its duties and obligations to the international community as a State  
9 Party.

10 b) The State shall ensure that unlawful acts committed on waters forming  
11 part of the national territory and those over which the country has  
12 sovereignty and jurisdiction are prevented, detected, and penalized to  
13 ensure a safe maritime environment as well as safeguard the lives and  
14 properties of its citizens.

15

1           *Sec. 3. Duty to Render Assistance.* — The master of a ship, in so far as he can  
2 do so without serious danger to the ship, the crew, or the passengers has the duty to:

- 3           i. To render assistance to any person or persons found at sea in  
4           danger of being lost;
- 5           ii. After a collision, to render assistance to the other ship, its crew  
6           and its passengers and, where possible, to inform the other ship  
7           of the name of his own ship, its port of registry and the nearest  
8           port at which it will call; and

9           *Sec. 4. Distress Signals.* — Upon receiving a signal from any source that persons  
10 are in distress at sea or if informed of their need of assistance, the master of a ship  
11 at sea which is in a position to be able to provide assistance, in so far as he can do so  
12 without serious danger to the ship, the crew, or the passengers, is bound to proceed  
13 with all speed to their assistance, if possible informing them that the ship is doing so.

14           *Sec. 5. Unable to Assist.* — If the ship receiving the distress alert is unable or,  
15 in the special circumstances of the case, considers it unreasonable or unnecessary to  
16 proceed to their assistance, the master must enter in the log-book the reason for  
17 failing to proceed to the assistance of the persons in distress, and inform the  
18 appropriate search and rescue service or Philippine Coast Guard.

19           *Sec. 6. Requisition.* — The master of a ship in distress, the Philippine Coast  
20 Guard, or the search and rescue service concerned, after consultation, so far as may  
21 be possible, with the master or masters of the ship or ships which answer the distress  
22 alert, has the right to requisition one or more of those ships as they considers best  
23 able to render assistance, and it shall be the duty of the master or masters of the ship  
24 or ships requisitioned to comply with the requisition by continuing to proceed with all  
25 speed to the assistance of persons in distress.

- 26           i. The Master or Masters of ship or ships shall be released from the  
27           obligation imposed by this section on learning that their ship or  
28           ships have not been requisitioned and that one or more other ships  
29           have been requisitioned and are complying with the requisition.  
30           This decision shall, if possible, be communicated to the other  
31           requisitioned ships and to the search and rescue service or  
32           Philippine Coast Guard.

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ii. The master of a ship shall be released from the obligation imposed by paragraph this section and, if his ship has been requisitioned, from the obligation imposed by paragraph (6)(i) on being informed by the person or persons in distress, or by the search and rescue service, or by the Philippine Coast Guard or, by the master of another ship which has reached such persons that assistance is no longer necessary.

Sec. 7. *Penalties.* — Any violation or failure to perform any of the acts enumerated herein shall be punishable by a fine of not less Five million pesos (P5,000,000.00) but not more than Ten million pesos (10,000,000.00). If the violator is the cause or part of the ship that caused the distress at sea, the fine shall be not less than Ten million pesos (P10,000,000.00) but not more than Twenty million pesos (P20,000,000.00).

If the violation was committed within internal waters or within the territorial sea, an additional penalty of imprisonment of not less than six (6) months but not more than one (1) year shall be imposed. If the violator is the cause or part of the ship that caused the distress at sea, an additional penalty of imprisonment of not less than one (1) year and one (1) day but not more than two (2) years shall be imposed. Repeat offenders or violators shall be dealt with the maximum penalties allowed. No foreign person shall be deported without the payment of the imposed judicial and/or administrative fines and service of sentence, if any.

Sec. 8. *Jurisdiction.* — The jurisdiction to determine violations and impose the appropriate penalties thereto shall belong to any of the Regional Trial Courts in the Province or City nearest to the place where the distress occurred.

Sec. 9. *Separability Clause.* — If, for any reason, any section, subsection, clause or term of this Act is held to be illegal, invalid, or unconstitutional, such parts not affected by such declaration shall remain in full force and effect.

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

1           Sec. 11. *Effectivity Clause.* — This Act shall take effect fifteen (15) days after  
2 its publication in the Official Gazette or in a newspaper of general circulation.

Approved,