

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

5 AUG 17 P5:31

SENATE

RECEIVED BY: \_\_\_\_\_

Senate Bill No. 2081

---

Introduced by **Senator Luisa "Loi" P. Ejercito Estrada**

---

**EXPLANATORY NOTE**

After more than two (2) decades, the laws governing the creation of the Philippine Coast Guard, defining its functions and powers and prescribing penal provisions for its violation are already worth revisiting.

Republic Act No. 5173, which was enacted on August 4, 1967, paved the way for the creation of the Coast Guard as a major unit of the Philippine Navy. After several years, it was deemed necessary to organizationally modify the Philippine Coast Guard to enable it to discharge its functions more efficiently and effectively by consolidating functionally related activities of the Coast Guard into an integrated system to best promote safety of life and property at sea. Thus, on December 9, 1974, former President Marcos passed Presidential Decree No. 601 to further improve the Philippine Coast Guard by placing it under the direct supervision and control of the Secretary of National Defense.

The present circumstances now necessitate the establishment of the Philippine Coast Guard as an attached agency of the Department of Transportation and Communications (DOTC) so as to promote maritime safety in order to obviate if not minimize marine accidents, to enhance maritime safety, to safeguard the marine environment and to maintain and ensure peace and order in the archipelagic waters, territorial seas and exclusive economic zone.

Moreover, under the proposed measure, the Philippine Coast Guard shall now adopt a new organizational, operational and command structure; define the personnel administration professionalism, welfare and benefits of its members; delineate the pay and allowances for uniformed personnel and define such other matters which will further improve the aforesaid agency.

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

  
**LUISA "LOI" P. EJERCITO ESTRADA**  
Senator

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

5 AUG 17 P5:31

RECEIVED BY: \_\_\_\_\_

SENATE

2081

Senate Bill No. \_\_\_\_\_

Introduced by **Senator Luisa "Loi" Ejercito Estrada**

**AN ACT  
ESTABLISHING THE PHILIPPINE COAST GUARD AS AN ATTACHED  
AGENCY TO THE DEPARTMENT OF TRANSPORTATION AND  
COMMUNICATIONS, FURTHER AMENDING REPUBLIC ACT NO. 5173  
AND PD 601, AND FOR OTHER PURPOSES**

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

**CHAPTER I**

**GENERAL PROVISIONS**

**SECTION 1. Title.** This Act shall be known and cited as the  
*"Philippine Coast Guard Act of 2005"*

**SEC. 2. Declaration of Policies.** The State recognizes its obligation  
to protect the marine wealth in its archipelagic waters, territorial seas, and  
exclusive economic zone, and therefore reserves the use and employment of  
the same to Filipino citizens.

The Philippines needs a balanced and healthful marine ecology, which  
shall (a) assure a sustainable growth and development of its bountiful  
marine wealth and other resources; (b) encourage the growth and  
development of sea transportation as a primary and vital link of the various  
islands of the archipelago; and (c) promote ecotourism by projecting  
internationally the pristine beauty of its natural sceneries such as white  
beaches, and other tourist spots.

To attain these objectives, the State reaffirms its obligation to protect  
the maritime environment and commits itself to the following: (a) promoting  
maritime safety in order to obviate if not minimize marine accidents; (b)

enhancing maritime security; (c) safeguarding the marine environment; and (d) maintaining and ensuring peace and order in the archipelagic waters, territorial seas and exclusive economic zone.

## **CHAPTER II**

### **PHILIPPINE COAST GUARD AS ATTACHED AGENCY**

**SEC. 3. Establishment.** – The Philippine Coast Guard (PCG) is hereby established as a distinct, armed, uniformed, and seagoing service attached to the Department of Transportation and Communications.

**SEC. 4. Powers and Functions.** – The PCG shall have the following functions:

- a) To enforce laws, promulgate and administer regulations for the promotion of safety of life and property within the maritime jurisdiction of the Philippines;
- b) To enforce laws, promulgate and administer rules and regulations for the promotion of the marine environment within the maritime jurisdiction of the Philippines;
- c) To render aid to distress persons and vessels and conduct search and rescue in case of marine accident or casualty within the maritime jurisdiction of the Philippines, including the high seas, in compliance with international maritime conventions;
- d) To enforce and assist in enforcement of fisheries laws, immigration law, tariff and customs laws, forestry laws, firearms and explosives laws, law on trafficking of women and children and all other applicable laws within the territorial waters of the Philippines;
- e) To enforce or assist in the maintenance of maritime security, prevent or suppress terrorism at sea and perform police function within the maritime jurisdiction of the Philippines.

**SEC. 5. Organization.** – The PCG shall remain a sea going, distinct, armed and uniformed commissioned service primarily responsible in enforcing this Act. Provided: That the PCG shall have the authority,

whenever appropriate, to utilize by agreement, the personnel, services and facilities of other departments, agencies and instrumentalities.

**SEC. 6. Composition.** -a) The PCG shall consist of the following categories of officers and employees:

- (1) PCG officers
- (2) PCG enlisted personnel
- (3) PCG non-uniformed personnel
- (4) Probationary 2<sup>nd</sup> LL/Ensign; and
- (5) Midshipmen/women

(b) There shall be a PCG Technical Service, herein established under Chapter III A, Section 9 (d).

**SEC. 7. Source of Uniformed Personnel.**- The PCG shall procure its uniformed personnel from the maritime schools, other colleges and universities to answer the peculiar needs of the organization until such time that the PCG Academy is established.

**SEC. 8. PCG Trust Receipt.** The PCG shall continue to collect fees, charges and fines, to include lighthouse dues, relevant to the exercise of its various regulatory functions. All income derived from collection of fees and charges and such other sources shall be retained and constituted as a Trust Receipt which shall be deposited in any authorized government depository bank, for the use of the PCG in the maintenance and repair of its assets such as but not limited to, vessels, aircrafts, navigational aids and lighthouses; *Provided*, That at least 30% will be used in the procurement and acquisition of communication and rescue equipment, armaments, ammunition, and as contingency fund for petroleum, oil and lubricants (POL) requirement during emergencies; *Provided Further*, That no amount of the said Trust Receipt shall be used for the payment of salaries and other allowances; *Provided Furthermore*, That the PCG and the Department Of Budget And Management shall jointly issue guidelines for the implementation of this Section and the Trust Receipt shall be subject to accounting and auditing rules and regulations.

## CHAPTER III

### A. ORGANIZATIONAL, OPERATIONAL AND COMMAND STRUCTURE

#### SEC. 9. Organizational, Operational and Command Structure. –

- a) The PCG shall consist of uniformed and non-uniformed personnel with defined Coast Guard Table of Organization and Equipment, specialties, ranks, ratings, and plantilla positions; *Provided*, That in times of war as declared by Congress, the PCG shall be attached to the Department of National Defense as a support agency of the Armed Forces of the Philippines.
- b) The PCG shall be headed by a commandant who shall carry the rank of Admiral. *Provided*, That the commandant shall be appointed by the President from among the Flag Officers in the Coast Guard active service. The commandant shall have a maximum term of three (3) years. A commandant who has served for three (3) years prior to his compulsory retirement shall be considered as retired entitled to all the benefits available to a coast guard officer as if he compulsorily retired. *Provided Further*, that in times of war or other national emergency declared by Congress, the President may extend his term of office.
- c) The PCG Commandant shall have the following functions:
  1. Advise the President or the Secretary of the DOTC on the promulgations of executive orders, rules and regulations, proclamations and other issuances relative to matters under the jurisdiction of the PCG;
  2. Establish policies and standards for the efficient and effective management and operation of the PCG;
  3. Promulgate rules and regulations necessary to carry out the objectives, policies, plans, programs and projects of the PCG;
  4. Enter into contracts for the acquisition of floating air and sub-surface assets, real estate, communications equipment and other necessities relative to the performance of its powers

and functions subject to the limitations of existing laws, rules and regulations;

5. Receive grants and other forms of assistance from other countries in support of PCG continued development and modernization projects subject to existing laws; and
6. Perform such other functions as may be provided by law or appropriately assigned by the President or the Secretary of the DOTC.

d) There shall be a PCG Technical Service to be composed of medical doctors, dentists, nurses, lawyers, veterinarians, chemists, marine biologists and chaplains, including personnel whose pre-entry required course are closely related/allied to the aforementioned professional group. Appointment of all PCG Technical Officers shall be in the initial rank of COAST GUARD ENSIGN except for the following field of occupational specialties: dentists and veterinarians whose initial appointment rank shall be COAST GUARD LIEUTENANT JUNIOR GRADE; and lawyers, medical doctors and chaplains whose initial appointment rank shall be COAST GUARD LIEUTENANT SENIOR GRADE.

**SEC. 10. Major Units of the PCG.**- The PCG shall maintain its present organization, composed of a Headquarters and its Support Units, Coast Guard Districts, Coast Guard Stations, Detachments and Clearing Outposts, as well as the Coast Guard Operating Forces, Marine Environmental Protection Command, Coast Guard Education and Training Command, and Aids to Navigation Command. *Provided*, That it shall have the authority to reorganize, as it deems necessary to be responsive to the needs of the country and be able to carry out its mandate effectively and efficiently.

## **B. PERSONNEL ADMINISTRATION, PROFESSIONALISM, WELFARE AND BENEFITS**

**SEC. 11. Appointment.** - a) Appointment of all PCG officers shall be approved by the President of the Republic of the Philippines through the

Secretary of DOTC. No person shall be appointed as a PCG officer unless he/she is a holder of a baccalaureate degree, preferably a licensed professional, and/or a graduate of Service Academies.

b) Appointments and promotions of all PCG enlisted personnel shall be made by the Commandant of PCG.

c) Appointments and promotions of all non-uniformed personnel shall be in accordance with the Civil Service Law, rules and regulations.

**SEC. 12. Promotion of PCG Officers.** – a) The Commandant of PCG shall recommend to the President, through the DOTC Secretary the promotion of PCG Officers who are best qualified for appointment to be submitted by the PCG Officers Selection and Promotion Board. Provided: That he/she must have completed the required schooling and training relevant to said grades/rank “in position”, and must have complied with the prescribed minimum time in grade based on approved PCG rules and regulations and other relevant law. *Provided Furthermore*, That pendency of any administrative or criminal case before any court, body or tribunal shall be a bar for promotion. *Provided finally*, That special or meritorious promotion shall be extended to any PCG Officer for acts of inconspicuous courage and gallantry involving risk of his life above and beyond the call of duty.

b) Promotion of PCG Enlisted Personnel and Non-Uniformed Employees. The Commandant shall promote PCG enlisted personnel to the next higher rank based on the recommendation of the PCG Selection and Promotion Board for Enlisted Personnel. The promotion of non-uniformed employees shall be governed by Civil Service Law, rules and regulations. *Provided*, That no PCG Enlisted Personnel shall be eligible for promotion to the next higher rank position unless he had successfully passed a corresponding promotional examination. He must have completed the required schooling and training relevant to said position, and must have complied with the required minimum time in grade based on approved PCG rules and regulations and other relevant laws. *Provided Further*, that the pendency of any administrative, criminal or civil case before any court, body or tribunal shall be a bar for promotion or assignment. *Provided Finally*, that special or

meritorious promotion shall be extended only to any PCG Enlisted Personnel for acts of inconspicuous courage and gallantry involving the risk of his life above and beyond the call of duty and/or outstanding achievement in the Coast Guard service as determined by the PCG Selection and Promotion Board.

**SEC. 13. Retirement.** – Officers and enlisted personnel, who have attained the age of fifty-six (56) or has thirty (30) years of accumulated government service, whichever is later, shall be retired compulsorily from the service. *Provided*, That officers and enlisted personnel who has served at least twenty (20) years of satisfactory active service, shall be allowed to retire optionally, at his own request and with the approval of the President of the Philippines, and the Commandant, PCG, respectively, and shall be entitled to receive benefits provided by law. Their retirement benefits and pensions shall continue to be covered by the AFP Retirement Law until such time that the PCG is able to establish its own retirement system and develop health and welfare programs for its personnel.

**SEC. 14. Separation.** – Officers and enlisted personnel who voluntarily resigns or otherwise failed to comply with the standards of competence and proficiency, shall be separated from the service under existing laws, rules and regulations. *Provided*, That PCG personnel who has served continuously for at least five (5) years and who is separated through no fault of his own or voluntarily resigns shall be entitled to a separation pay equivalent to one (1) month salary for every year of service in addition to the commutation of all the accumulated leaves to his credit.

**SEC. 15. Retirement Benefits.** – Monthly retirement pay shall be sixty five percent (65%) of the base pay and longevity in case the retiree has rendered at least twenty (20) years of continuous active Coast Guard service increasing by two and one-half percent (2 ½) for every year of actual Coast Guard service rendered beyond the initial twenty (20) years of service and ninety percent (90%) for thirty six (36) years of active Coast Guard Service and over. *Provided*, That the retiree shall have the option to receive in advance the lump sum of his retirement equivalent to the first five (5) years of his retirement pay as it accrues: *Provided Further*, that the payment of the lump sum shall be made within six months from the effectivity date of



his retirement. Provided finally, that the retirement pay of all uniformed members shall be subject to the prevailing scale of base pay of members still in the active service.

**SEC. 16. Career Development (Education and Training).** - Commissioned Officers appointed to the COAST GUARD Service shall undergo the required career and professional courses to ensure that they are professionally competent and be qualified for the assignment following a certain career pattern.

**SEC. 17. Assignment.** - Immediately after they are commissioned to the service, they shall be assigned in a position appropriate for the initial entrants. Provided that, individuals who have met the standards of the organization and accepted on a probationary basis, shall be primarily assigned with an office, unit or position needing his professional training and experience. Provided further, that a skills inventory shall be undertaken in order to match the qualification, training and expertise of commissioned officer with their assignment, and to be made as a basis for the procurement of additional officers.

### **C. DISCIPLINE AND ORDER**

**SEC. 18. Disciplinary Actions.** - In dispensing discipline and order among PCG officers and enlisted personnel, the PCG shall continue to adopt the Military Justice System in accordance with the provisions of C.A. 408 as amended with Commandant of the PCG as the convening authority, until such time that the PCG has adopted an appropriate justice system that shall govern the organization.

## **CHAPTER IV**

### **PAY AND ALLOWANCES FOR UNIFORMED PERSONNEL**

**SEC. 19. Duty Hours.** - PCG personnel shall be on call 24-hours a day but are required to render minimum service of 8-hours a day except on scheduled duty or during red alert or national emergencies.

**SEC. 20. Salary Scale.** – The PCG shall have a salary scale separate and distinct from other agencies of the government to attract the best and the competent in the Coast Guard Service. The salary scale shall be reviewed every three (3) years or depending on economic fluctuations necessitating progressive adjustments thereof. *Provided,* That all PCG uniformed personnel shall receive the same base pay, and other benefits as are now, or hereafter may be authorized corresponding to the salary scale of the personnel of the Department of Education or at par with other government agencies performing law enforcement functions, whichever is higher.

**SEC. 21. Criteria for Salaries.** – PCG personnel's salaries shall correspond to the following criteria:

- a. Salary shall ensure that the lowest in rank and position receives an amount which will enable him and his family to afford a reasonable and decent standard of living; and
- b. Basic monthly salary shall exclude the subsistence allowance, cost of living allowance, quarters allowance, clothing allowance, hazard pay, amelioration pay, health care pay and all other allowances as may be provided by existing laws.

**SEC. 22. Cost of Living Allowance.** – PCG personnel's salaries shall keep pace with the rise in the cost of living which shall automatically follow changes in cost-of-living index as determined by appropriate government agencies.

**SEC. 23. Special Allowances.** – In areas wherein PCG personnel are exposed to hardship or other hazards usual to the performance of its mandated functions and established to be peculiar to any given area or place of assignment, as determined by the PCG, he shall be compensated with any of the following special allowances:

- a. Sea Duty Pay. PCG personnel performing actual duties on board PCG vessels shall be entitled to a sea duty of fifty percent (50%) of their basic monthly pay.

- b. Instructor's Duty Pay. PCG personnel performing duties, as an instructor shall be entitled to instructor duty pay of thirty-five percent (35%) of their basic monthly pay.
- c. Special Counsel Pay. PCG personnel performing duties that are within the definition of the term "Practice of Law" shall be entitled to Special Counsel Pay of Fifty Percent (50%) of their basic monthly pay.
- d. Aviation Duty Pay. PCG personnel performing actual duties with the Coast Guard Aviation Group shall be entitled to an Aviation Duty pay of fifty percent (50%) of their basic monthly pay.
- e. High Risk Duty Pay. PCG personnel performing actual duties which may be classified as high risk by his respective unit commanding officer and affirmed by the CPCG shall be entitled to a High Risk Duty pay of fifty percent (50%) of their basic monthly pay.
- f. Hazardous Duty Pay. PCG personnel performing duties which may be classified as hazardous by his respective unit commanding officer and affirmed by the CPCG shall be entitled to a Hazardous Duty Pay of fifty percent (50%) of their basic monthly pay.

**SEC. 24. Other Allowances.** - In addition to the basic monthly salary, PCG uniformed personnel shall be entitled to subsistence allowance, quarters allowance, clothing allowance, additional compensation allowance; personnel emergency relief allowance, health care allowance, hazard pay, laundry allowance and other allowances as may be provided for by law.

**SEC. 25. Longevity Pay.** - PCG personnel shall be entitled to a longevity pay of ten percent (10%) of their basic month pay for every five (5) years of service in the government, which shall be computed from the date of the member's first appointment in the government service, Provided: That the maximum longevity pay shall not exceed fifty percent (50%) of the basic monthly pay.

**SEC. 26. Educational Benefits.** - The PCG shall formulate plans to improve the educational qualifications of PCG personnel and their dependents in accordance with existing laws, rules and regulations and/or

in the absence of said laws, rules and regulations shall recommend to legislative bodies the enactment thereof.

**SEC. 27. Housing Assistance Program.**- The PCG, in coordination with appropriate government agencies shall establish a special housing assistance program for PCG personnel with the objective of ensuring that every personnel has a dwelling that is structurally sound, environmentally safe, affordable and located in a wholesome community. The PCG shall likewise be part of and be covered by any housing program of the National Housing Authority.

**SEC. 28. Compensation for Physical and Mental Disability Sustained in the Course Pay.**- PCG personnel shall be protected against the consequences of employment injuries. Physical and psychological stresses on the member's health are recognized as compensable occupational diseases, in accordance with existing laws.

**SEC. 29. Permanent Physical Disability.** - A uniformed member who incurs a total permanent disability in the line of duty and has rendered a total of twenty (20) years of continuous active duty in the Coast Guard service shall be compulsorily retired. *Provided*, That upon his compulsory retirement, he shall be entitled to a retirement pay pursuant to Section 15 of this Act.

**SEC. 30. Disability Benefits.** - Any member and his dependents shall be entitled to all benefits relative to the member's permanent incapacity, as may be provided for under this Act or existing laws.

**SEC. 31. Leaves.** - In addition to leave privileges enjoyed under existing laws, PCG personnel shall also be entitled to the following:

- a. Study leave, with pay not exceeding two (2) years, *Provided*, that no grantee shall be allowed to accumulate more than two (2) years of study leave except when he needs an extra semester to complete and defend his thesis for a graduate study in degree relevant to his being a member of the Coast Guard service.

- b. An indefinite leave of sick absence which shall be granted to an ailing member whose medical treatment requires more than one (1) year of continued treatment.

Leave with pay shall be chargeable against his leave credits. Leave without pay shall not be granted whenever the personnel has leave with pay to his credit.

Leave shall accumulate and any part thereof which may not be taken within the calendar year earned may be carried over the succeeding years. Whenever uniformed personnel retires, voluntarily resigns or is allowed to resign or is separated from the service through no fault of his own, he shall be entitled to the commutation of all the accumulated leaves to his credit.

**SEC. 32. Exemption from Attachment and Taxes.** – All benefits granted by this Act, including benefits received from any government insurance agencies/corporations, shall not be subject to attachment, levy, execution or any tax of whatever nature.

## **CHAPTER V**

### **TRANSITORY PROVISIONS**

**SEC. 33. PCG Reserve Force.** – There is hereby created a PCG Reserve Force in support of active component of the PCG to augment the same upon mobilization in times of war and national emergencies arising from calamities, disasters including relief and rescue operations and other activities requiring civil assistance. Recall authority is vested to the Secretary, DOTC and to the President of the Philippines.

**SEC. 34. Organization of PCG Authority.** – The PCG may organize and train a civilian volunteer organization known as the PCG Auxiliary, under the direct control and supervision of the Commandant or any other officer designated by him for the purpose of assisting in the promotion of safety of life at sea, the preservation of the marine environment and its resources, the conduct of maritime search and rescue, and the maintenance

of aids or navigation and such other activities that enhance maritime community relations which include civic action, youth development and related activities.

## **CHAPTER VI FINAL PROVISIONS**

**SEC. 35. Appropriations.** – The existing budget of the PCG provided for in the Annual General Appropriations Act shall remain as is without any additional amount. *Provided*, That the Philippine Coast Guard shall prepare its own budget as Key Budgetary Unit (KBU) being an attached agency of the Department of Transportation and Communications.

**SEC. 36. Implementing Rules and Regulations.** – Within ninety (90) days from the effectivity of this Act, the Secretary shall promulgate rules and regulations necessary to ensure the effective implementation of this Act.

**SEC. 37. Separability Clause.** – If any portion or provision of this Act is declared unconstitutional, the same shall not affect the validity and effectivity of the other provisions not affected thereby.

**SEC. 38. Repealing Clause.** – All laws, decrees, executive orders, rules and regulations and other issuances or parts thereof which are inconsistent with this Act are hereby repealed, amended, or modified accordingly.

**SEC. 39. Effectivity.** – This Act shall take effect fifteen (15) days following its publication in two (2) national newspapers of general circulation.

***Approved,***