

FOURTEENTH CONGRESS OF THE REPUBLIC )  
OF THE PHILIPPINES )  
First Regular Session )

SENATE  
OFFICE OF THE SECRETARY

7 JUN 30 P3:52

SENATE

S. No. 186

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Introduced by Senator Biazon  
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### Explanatory Note

The creation in 1967 of the Philippine Coast Guard under the Department of National Defense as the country's premier agency on maritime safety put into place the country's efforts in integrating the diverse functions of maritime safety administration including maritime safety, marine environmental protection, aids to navigation, maritime operations and maritime law enforcement. In particular, it was mandated to formulate, implement and enforce safety, regulatory and other functions, to wit:

1. Seaworthiness of vessels including hull and machinery and life-saving appliances;
2. Crew competence;
3. Provision of adequate aids to navigation equipment and facilities, and;
4. Provision of adequate search and rescue facilities.

In 1998, the President through Executive Order No. 477 attached the PCG to the Department of Transportation and Communications (DOTC).

To date, although it has been operating under the DOTC including its annual appropriations, yet the PCG is still governed by AFP rules and regulations. There are also questions raised on the validity of an EO amending a statute despite the wide recognition on the chief executive's power to continuously re-organize the national government.

This bill will serve as a curative measure by returning the Coast Guard to the DND where it rightfully belongs and where it shall be a separate unit under the Philippine Navy. It will also correct the anomalous situation where an armed unit with ranks and pay scale as that of the military, governed by the Articles of War and covered by the AFP Retirement Law is under a purely civilian department.



RODOLFO G. BIAZON  
Senator

FOURTEENTH CONGRESS OF THE REPUBLIC )  
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AN ACT  
TRANSFERRING THE PHILIPPINE COAST GUARD TO THE DEPARTMENT  
OF NATIONAL DEFENSE AS A SEPARATE AND DISTINCT SERVICE UNDER  
THE PHILIPPINE NAVY, FURTHER AMENDING REPUBLIC ACT NO. 5173, AS  
AMENDED, AND FOR OTHER PURPOSES.

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

SECTION ONE. *Title.* - This Act shall be known as the "Philippine Coast  
Guard Law of 2007."

SECTION. 2. *Establishment.* - The Philippine Coast Guard (PCG) is  
hereby established as a distinct, armed and uniformed commissioned service  
under the Department of National Defense. It shall be a separate unit under the  
Philippine Navy, Armed Forces of the Philippines (AFP).

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.

SECTION. 3. *The PCG Commandant.* - The PCG shall be headed by the  
Commandant who shall carry the rank of Rear Admiral. He shall be appointed by  
the President from among the Flag Officers in the Coast Guard active service.

The Commandant may establish policies and standards for the efficient  
and effective management and operation of PCG.

SECTION. 4. *Categories of Personnel.* - The PCG shall consist of the  
following categories of officers and employees.

- a) PCG officers;
- b) PCG enlisted personnel;
- c) PCG non-uniformed personnel;
- d) Probationary 2<sup>nd</sup> Lieutenant/Ensign;
- e) Draftees/trainees; and
- f) Midshipmen/women

The phrase "PCG uniformed personnel" as used in the Act shall refer to  
both "PCG officers" and "PCG enlisted personnel" unless otherwise indicated.

SECTION. 5. *Technical Service.* There shall be a PCG Technical Service  
to be composed of lawyers, medical doctors, dentists, nurses and chaplains,

including personnel whose pre-entry requires courses are closely related/ allied to the aforementioned professional groupings.

SECTION. 6. *Personnel Administration.*

a) Commissionship, appointments and promotions of all PCG Commissioned officers shall be approved by the President of the Republic of the Philippines through the Chief of Staff, AFP.

b) Appointments and promotions of all PCG non-commissioned personnel shall be made by the Chief of Staff, AFP.

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

SECTION. 7. *Disciplinary Actions.* - In the investigation of administrative cases against PCG officers and enlisted personnel, the PCG shall be governed by the Articles of War. The applicable rules, regulations and guidelines promulgated by the Civil Service Commission shall govern the investigation of administrative cases against its non-uniformed employees.

SECTION. 8. *Pay and Allowances.* - The PCG officers and enlisted personnel shall receive the same base pay, longevity pay, hazard pay, benefits and allowances and all other compensations as are presently or hereafter may be authorized for corresponding ranks or grades in the AFP: *Provided, however,* that such longevity pay, hazard pay, benefits, allowances and all other compensations referred to by this Act shall not be subject to attachment, levy or execution or any tax of whatever nature.

SECTION. 9. *Active Service.* - For purposes of this Act, active service of the PCG officers and enlisted personnel shall refer to services rendered as an officer/probationary second lieutenant/ensign and enlisted personnel, cadet/midshipman, trainee or draftee in the PCG or in the AFP prior to the separation of the PCG from the Philippine Navy: *Provided,* That services rendered as midshipman/woman, probationary officer, trainee or draftee in the PCG or as cadet or trainee in the all shall be credited for purposes of longevity pay.

SECTION. 10. *Retirement and Health Care System.* - The retirement system of PCG uniformed personnel shall be in accordance with P.D. No. 1638 as amended. Compulsory retirement for officers and enlisted personnel shall be upon attainment of age fifty-six (56) or thirty (30) years of accumulated government service, whichever is later. Upon accumulation of at least twenty (20) years of satisfactory active service, an officer or enlisted personnel, at his own request and with the approval of the President of the Philippines and the Chief of Staff, AFP, shall be optionally retired from the service and entitled to receive benefits provided for by law.

SECTION. 11. *Collection of Revenues.* - The PCG shall collect fees and charges and funds relevant to the exercise of its various regulatory and law enforcement functions.

SECTION. 12. *PCG Trust Fund.* - The collections mentioned in the preceding section shall constitute a Trust Fund which the PCG is authorized to use for its operations subject only to such rules and regulations as may be issued by the Commission on Audit.

SECTION. 13. *Organization of a PCG Auxiliary.* - 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 officer designated by him for the purpose of assisting in the promotion of safety of life and property at sea, the preservation of the marine environment and its resources, the conduct of maritime search and rescue, and maintaining aids to navigation and such other activities that enhance maritime community relations which include civic actions, youth development and related activities.

SECTION. 14. *Rules and Regulations.* - The PCG Commandant, with approval by the Secretary of National Defense, shall issue such rules and regulations, determine, fix and/or prescribe charges, rates and penalties pertinent, as may be necessary to implement the provisions of this Act as well as provisions of acts, presidential decrees and orders related to the implementation of Coast Guard functions.

SECTION. 15. *Transitory provisions.* - All previous appointments and promotions of PCG uniformed personnel made prior to the effectivity of this Act shall remain valid and subsisting.

Upon the effectivity of this Act, the current Commandant, PCG shall be deemed retired pursuant to the existing retirement rules and regulations.

SECTION. 16. *Appropriations.* - Such amount as may be necessary to carry out the provisions of this Act, which are appropriated for the PCG at the time of the approval of this Act, shall continue to be carried in subsequent annual General Appropriations Acts. Thereafter, the Philippine Coast Guard shall prepare its own budget as a unit under the Philippine Navy.

SECTION. 17. *Separability Clause.* - If for any reason, any provision of this Act is declared unconstitutional or invalid, such parts not affected thereby shall remain in full force and effect.

SECTION. 18. *Repealing Clause.* - All laws, presidential decrees, executive orders, letters of instructions, and rules and regulations that are inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION. 19. *Effectivity.* - This Act shall take effect fifteen (15) days following its complete publication in the official *Gazette* or in at least two (2) newspapers of general circulation.

Approved.