

**NINETEENTH CONGRESS OF THE]
REPUBLIC OF THE PHILIPPINES]
Second Regular Session]**

24 MAY -2 P3 :35

RECEIVED BY: 

SENATE

S.B. No. 2650

Introduced by SEN. WIN GATCHALIAN

**AN ACT
PROVIDING FOR THE ADMINISTRATIVE REFORM AND REORGANIZATION
OF THE PHILIPPINE COAST GUARD, REPEALING FOR THE PURPOSE
REPUBLIC ACT NO. 9993, OTHERWISE KNOWN AS THE "PHILIPPINE
COAST GUARD LAW OF 2009"**

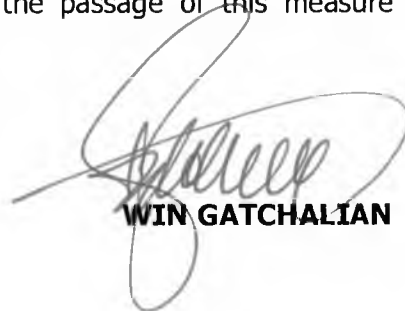
EXPLANATORY NOTE

The beginnings of the Philippine Coast Guard (PCG) can be traced as early as 1901 when the Philippine Commission passed a law creating the Bureau of Coast Guard and Transportation. It was later on abolished, and its functions were taken over by various bureaus until 1967 when the PCG was first established as a major unit of the Philippine Navy pursuant to Republic Act No. 5173. Its civilian nature led to the transfer of the PCG to the Office of the President on March 30, 1998 by virtue of Executive Order No. 475 then to the Department of Transportation and Communications on April 15, 1998 by virtue of Executive Order No. 477.

The organization, administration and welfare of the PCG personnel that were embodied in the aforementioned executive orders were institutionalized under Republic Act (RA) No. 9993 or the Philippine Coast Guard Act. However, gaps in the organizational structure, administration and welfare of personnel negatively impacted PCG's operations. For one, RA 9993 is silent on the personnel benefits of uniformed and non-uniformed personnel of PCG given the transfer from the Philippine Navy to the Department of Transportation.

Accordingly, this measure seeks to strengthen PCG's capability by enhancing its organizational structure and clarifying certain items related to its personnel benefits to enable it to attract qualified personnel and better perform its mandate considering the importance of having a well-manned coast guard that is responsive to the needs of the Filipino people and prepared to meet regional and international challenges related to the maritime jurisdiction of the Philippines.

With all these considerations, support for the passage of this measure is earnestly sought.



WIN GATCHALIAN

NINETEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
Second Regular Session

]]]

24 MAY -2 P 3 :35

RECEIVED BY



SENATE

S. B. No. 2650

Introduced by SEN. WIN GATCHALIAN

**AN ACT
PROVIDING FOR THE ADMINISTRATIVE REFORM AND
REORGANIZATION OF THE PHILIPPINE COAST GUARD, REPEALING
FOR THE PURPOSE REPUBLIC ACT NO. 9993, OTHERWISE KNOWN
AS THE "PHILIPPINE COAST GUARD LAW OF 2009"**

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

1 SECTION 1. *Short Title.* — This Act shall be known as the "Revised
2 Philippine Coast Guard Law."

3

4 SEC. 2. *Philippine Coast Guard.* - The Philippine Coast Guard (PCG),
5 established under Republic Act No. 9993 as an armed and uniformed service
6 attached to the Department of Transportation (DOTr), shall continue as such
7 upon the effectivity of this Act. In times of war, as declared by Congress, the
8 PCG or parts thereof, shall be attached to the Department of National Defense.

9

10

POWERS AND FUNCTIONS

11

12

SEC. 3. *Powers and Functions of the PCG.* - The PCG shall have the
following powers and functions:

13

14

15

16

a) Enforce regulations in accordance with all relevant maritime
international conventions, treaties or instruments and national laws for the
promotion of safety of life and property at sea within the maritime jurisdiction
of the Philippines and conduct port state control implementation;

- 1 b) Conduct random inspections on all merchant ships and vessels, prior to
2 departure, to ensure and enforce compliance with safety standards, rules and
3 regulations;
- 4 c) Detain, stop or prevent a ship or vessel which does not comply with
5 safety standards, rules and regulations from sailing or leaving port;
- 6 d) Conduct emergency readiness evaluation on merchant marine vessels;
- 7 e) Issue and enforce rules and regulations for the promotion of safety of
8 life and property at sea on all maritime-related activities, subject to the approval
9 of the Secretary of the DOTr;
- 10 f) Determine, fix or prescribe charges, rates, and penalties, as may be
11 necessary, to implement its provisions, as well as the provisions of laws,
12 issuances, decrees and orders related to the implementation of PCG functions,
13 subject to the approval of the Secretary of the DOTr;
- 14 g) Coordinate, develop, establish, maintain and operate aids to
15 navigation, vessel traffic system, maritime communications and search and
16 rescue facilities within the maritime jurisdiction of the Philippines;
- 17 h) Remove, destroy, or tow to port sunken or floating hazards to
18 navigation, including illegal fish traps and vessels, at or close to sea lanes which
19 may cause hazards to the marine environment;
- 20 i) Issue permits for the salvage of vessels and to supervise all marine
21 salvage operations and wreck removal, and to auction the abandoned vessels
22 or wrecks to defray the expenses of such removal, as well as prescribe and
23 enforce rules and regulations governing the same;
- 24 j) Render aid to persons and vessels in distress and conduct search and
25 rescue during maritime accidents within the maritime jurisdiction of the
26 Philippines, including the high seas, in accordance with applicable laws, rules,
27 regulations and international conventions. In the performance of this function,
28 the PCG may enlist the services of other government agencies and the
29 merchant marine fleet;
- 30 k) Investigate and inquire into the causes of all maritime accidents
31 involving death, casualties and damage to properties;
- 32 l) Enforce and maintain maritime security, prevent or suppress terrorism

1 at sea, and perform law enforcement functions in accordance with pertinent
2 laws, rules and regulations, in coordination with other relevant government
3 agencies;

4 m) Assist in the enforcement of laws on fisheries, immigration, tariff and
5 customs, forestry, firearms and explosives, human trafficking, dangerous drugs
6 and controlled chemicals, transnational crimes and other applicable laws within
7 the maritime jurisdiction of the Philippines;

8 n) Board and inspect all types of merchant ships and watercrafts in the
9 performance of these functions;

10 o) Promulgate, administer and enforce laws, rules and regulations for the
11 protection of marine environment and resources from offshore sources of
12 pollution within the maritime jurisdiction of the Philippines;

13 p) Develop oil spill response, containment and recovery capabilities
14 against ship-based pollution;

15 q) Grant, within the capabilities and consistent with its mandate, requests
16 for assistance of other government agencies in the performance of their
17 functions;

18 r) Organize, train and supervise the PCG Auxiliary (PCGA) for the purpose
19 of assisting the PCG in carrying out its mandated functions;

20 s) Recommend to the President the issuance of rules and regulations
21 pertaining to the assistance and support that the Armed Forces of the
22 Philippines (AFP) should extend to the PCG to enhance the latter's capability
23 during emergencies;

24 t) Conclude international agreements, specifically, for the purpose of
25 procuring its own materials and equipment through competitive bidding or
26 alternative modes of procurement; and

27 u) Perform such other functions that may be necessary in the attainment
28 of the objectives of this Act.

29

30

ORGANIZATION

31 **SEC. 4. *Organization.*** – The PCG organizational structure shall be headed
32 by a Commandant with the rank of Admiral assisted by the Deputy

1 Commandant for Operations and Deputy Commandant for Administration both
2 with the rank of Vice Admiral. It shall be organized into three (3) core functional
3 commands, namely: the Maritime Safety Command, the Marine Environmental
4 Protection Command and the Maritime Security Command. To enhance the core
5 functions of the PCG, it shall be reinforced by support commands and service
6 units categorized as follows:

7 a) Administrative support commands consist of the Education and
8 Training, Internal Affairs Service, Human Resource Management Service and
9 Logistics;

10 b) The operational support commands consist of the Fleet, Weapons,
11 Communications, Electronics and Information System Service, Special
12 Operations Force, Aviation Force, Civil Relations Service Command and Canine
13 Enforcement Force;

14 c) The technical services consist of the Coast Guard Legal Service, Medical
15 Service, Ecumenical Service, Dental Service, Veterinary Service, Medical
16 Administrative Corps, Nurse Corps, and other technical services that may or
17 hereinafter be created as needed;

18 d) Operating commands consist of the fifteen (15) districts located
19 nationwide covering specific areas of responsibilities composed of stations
20 which in turn have field offices called sub-stations down to detachments or
21 posts. These coast guard districts are: National Capital Region-Central Luzon
22 (CGD NCR-CL), Central Visayas (CGD CV), Southwestern Mindanao (CGD SWM),
23 Southeastern Mindanao (CGD SEM), Palawan (CGD PAL), Western Visayas
24 (CGD WV), Southern Tagalog (CGD STL), Northern Mindanao (CGD NM), Bicol
25 (CGD BCL), Northwestern Luzon (CGD NWL), Eastern Visayas (CGD EV),
26 Northeastern Luzon (CGD NEL), Southern Mindanao (CGD SM), Northeastern
27 Mindanao (CGD NEM) and Coast Guard district BARMM (CGD BARMM). The PCG
28 shall continue to study and recommend the creation of other new districts in
29 the expediency of service; and

30 e) The Special Services consist of the Legislative Liaison Affairs, Finance
31 Service, Internal Audit, Center for Strategic Studies, and Accounting Service.

1 In addition to the basic structure of the PCG mentioned above, the
2 Commandant may, in the interest of public service and expediency of service,
3 recommend to reorganize districts, commands, services or units under the PCG
4 which shall be forwarded to the Secretary of Transportation for adoption and
5 submission to the Secretary of Budget and Management for approval. The
6 minimum manning level of the PCG shall be computed based on the total
7 coastline of the Philippines with three (3) uniformed personnel per (1) kilometer
8 of coastline, which shall be filled in accordance with the enlistment schedule
9 approved by the DBM. The functional commands, administrative support units,
10 operational support units, operating units, technical services and special
11 services shall be authorized and designated to perform all duties and functions
12 of the PCG within their individual area of responsibility, including finance and
13 procurement.

14 To enhance the capability and field expertise of uniformed personnel, the
15 PCG shall implement functional service specialization on its three (3) core
16 functional areas.

17
18 SEC. 5. *The PCG Commandant.* – The PCG shall be headed by a
19 Commandant who shall have the rank of Admiral which shall be equivalent to
20 the rank and pay of the Chief of Staff of the Armed Forces of the Philippines
21 and the Chief of the Philippine National Police. The Commandant shall be
22 appointed by the President from among the Flag Officers in the Coast Guard
23 service. He shall have earned the command-at-sea badge and must have
24 served as District Commander. The Commandant shall have a maximum term
25 of (3) three years or upon reaching the age of 56 years old whichever comes
26 earlier. If the maximum term is served before reaching the age of 56, the
27 Commandant shall be compulsorily retired with all the benefits appertaining
28 thereto.

29
30 SEC. 6. *Powers and Functions of the Commandant.* - The Commandant
31 shall exercise the following powers and functions:

32 a) Under the authority and direction of the President, shall be responsible

1 for the elaboration and execution of national maritime laws relating to the
2 functions of the PCG;

3 b) Direct and control tactical as well as strategic movements, deployment,
4 placement, utilization of the PCG or any of its units and personnel, including its
5 equipment, facilities and other resources. The Commandant may delegate this
6 power to subordinate officials with respect to the units under the latter's
7 command, subject to the guidelines as the Commandant may prescribe in
8 accordance with existing laws, rules and regulations;

9 c) Prescribe, in accordance with existing laws the organization or re-
10 organization, powers, functions and duties of the various staff, services,
11 installation and other units of the PCG;

12 d) Issue policies and instructions regarding personnel, funds, properties,
13 records, correspondence and such other matters as may be necessary to
14 effectively carry out the functions, powers and duties of the PCG, in accordance
15 with existing laws, rules and regulations;

16 e) Approve the recommendation of the different promotion and/or
17 assignments boards and ensure observance of merit and fitness in the process
18 of promotion and assignment;

19 f) Exercise disciplinary authority over all uniformed personnel and non-
20 uniformed personnel of the PCG; and

21 g) Perform any task or directive issued by the President.

22 Further, such command and direction of the Commandant may be
23 delegated to subordinate officials with respect to the units under the latter's
24 respective commands, subject to the guidelines as the Commandant may
25 prescribe in accordance with the rules and regulation prescribed under existing
26 laws.

27

28

ADMINISTRATION AND PERSONNEL

29 *SEC. 7. Personnel.* – The PCG shall consist of the following categories of
30 personnel:

31 a) Officer – refers to uniformed members of the PCG who is
32 commissioned as officer by the President and belongs to the officers' corps;

1 b) Non-officers – general term for uniformed member of the PCG with
2 ranks below commissioned officers and performs jobs specific to their
3 occupational specialty. There are three classifications of non-officers, namely,
4 strikers for those in grades E-1 to E-3, junior non-commissioned officers for
5 those in grades E-4 to E6 and senior non-commissioned officers for ranks with
6 equivalent grades of E-7 to E-10;

7 c) Non-uniformed personnel – refers to the non-uniformed members of
8 the PCG who are appointed and employed under the Civil Service laws, rules
9 and regulations;

10 d) Probationary Ensign – refers to a person who is called to active duty
11 but awaiting commissionship into the PCG or awaiting training;

12 e) Draftee – refers to a person who has completed basic training and is
13 awaiting enlistment into the PCG active service;

14 f) Cadet- refers to a person who is enrolled in service academies under
15 the sponsorship of the PCG;

16 g) Candidate – refers to a person who is undergoing training for
17 commissionship; and

18 h) Trainee – refers to a person who is undergoing training to qualify as
19 member of non-officers’ corps of the PCG.

20 The ranks and grades of all uniformed personnel in the PCG, whether
21 officers or non-officers, shall be the same and equal as that used and observed
22 in the AFP and PNP.

23

24 SEC. 8. *Ranks and Grades of PCG Officers.* – The ranks and grades of PCG
25 Officers shall be as follows:

<u>RANK</u>	<u>ACRONYM</u>	<u>PAY GRADE</u>
Admiral	ADM	O-10
Vice Admiral	VADM	O-9
Rear Admiral	RADM	O-8
Commodore	COMMO	O-7
Captain	CAPT	O-6
Commander	CDR	O-5

Lieutenant Commander	LCDR	O-4
Lieutenant Senior Grade	LTSG	O-3
Lieutenant Junior Grade	LTJG	O-2
Ensign	ENS	O-1

1

2 SEC. 9. *Technical Officers.* – The following are the professionals that may
3 join the PCG service as technical officers:

- 4 a) Lawyers;
- 5 b) Doctors;
- 6 c) Priests, Pastors, Imam, and other certified clerics;
- 7 d) Dentists;
- 8 e) Veterinarians;
- 9 f) Engineers and naval architects;
- 10 g) Nurses;
- 11 h) Certified Public Accountants;
- 12 i) Clinical Psychologists;
- 13 j) Physical Therapists;
- 14 k) Chemists;
- 15 l) Medical Technologists; and
- 16 m) Midwives;

17 Any applicant holding the degree of any of the abovementioned
18 professions shall have qualified and passed the licensure examination, as
19 applicable, of the respective professions to be qualified for entry into the Coast
20 Guard service. Other board professions not listed may still be recruited as part
21 of the technical stream upon verification of the PCG of its need thereof.

22

23 SEC. 10. *Officer Rank Distribution.* - The officer rank distribution of the
24 PCG shall be as follows: two per centum (2%) in the Flag Officer rank; six per
25 centum (6%) in the rank of Coast Guard Captain; twelve per centum (12%) in
26 the rank of Coast Guard Commander; eighteen per centum (18%) in the rank
27 of Coast Guard Lieutenant Commander; Twenty per centum (20%) in the rank
28 of Coast Guard Lieutenant Senior Grade; and forty-two per centum (42%) in

1 the ranks of Coast Guard Lieutenant Junior Grade and Coast Guard Ensign.
2 Such distribution is based on the ratio between officers and non-officers which
3 is one (1) officer for every seven (7) non-officers. If the actual number in a
4 rank is less than the number prescribed in a lower rank, the difference may be
5 applied as an increase to the number prescribed in the lower rank.

6

7 SEC. 11. *Maximum Tenure in Rank.* – The maximum tenure of officers in
8 the ranks of Captain and Flag Officer in the PCG are hereby prescribed as
9 follows:

10	<u>RANK</u>	<u>MAXIMUM TENURE IN RANK</u>
11	Admiral	three (3) years
12	Vice Admiral	three (3) years
13	Rear Admiral	three (3) years
14	Commodore	five (5) years
15	Captain	ten (10) years

16 Unless earlier separated, retired or promoted to the next higher rank or
17 occupying a position calling for the higher rank in the PCG Table of
18 Organization, Captains and Flag Officers shall be retired upon the attainment
19 of the maximum tenure in rank herein prescribed, or upon reaching the age of
20 compulsory retirement whichever comes earlier. Captains or flag officers who
21 have not reached age of retirement shall be retired due to attrition if they have
22 at least twenty (20) years in service otherwise it shall be separation from
23 service.

24

25 SEC. 12. *Maximum Tenure in Position.* – Officers holding the following key
26 positions are hereby limited to a maximum tenure of three (3) years, unless
27 otherwise earlier relieved by competent authority or compulsory retired under
28 existing laws:

- 29 a) Commandant;
30 b) Deputy Commandant; and
31 c) Functional Service Commander.

1 Except for the Commandant, no other officer shall be assigned/designated
2 to the aforementioned key positions or promoted to the rank of Commodore or
3 higher if he has less than (1) year of active service remaining prior to
4 compulsory retirement.

5
6 SEC. 13. *Ranks and Grades of Non-officers.* – The ranks and pay grades
7 of PCG non-officers shall be as follows:

8	RANK	ACRONYM	PAY GRADE
9	First Master Chief Petty Officer	FMCPPO	E-10
10	Master Chief Petty Officer	MCPO	E-9
11	Senior Chief Petty Officer	SCPO	E-8
12	Chief Petty Officer	CPO	E-7
13	Petty Officer First Class	PO1	E-6
14	Petty Officer Second Class	PO2	E-5
15	Petty Officer Third Class	PO3	E-4
16	Seaman/Seawoman First Class	SN1/SW1	E-3
17	Seaman/Seawoman Second Class	SN2/SW2	E-2
18	Apprentice Seaman/Seawoman	ASN/ASW	E-1

19
20 SEC. 14. *Maximum Tenure in Rank for Non-officers.* – The maximum
21 tenure of senior non-officers in the ranks of Chief Petty Officer to First Master
22 Chief Petty Officer in the PCG are as follows:

23	<u>RANK</u>	<u>MAXIMUM TENURE IN RANK</u>
24	First Master Chief Petty Officer	Three (3) years
25	Master Chief Petty Officer	Three (3) years
26	Senior Chief Petty Officer	Five (5) years
27	Chief Petty Officer	Eight (8) years

28 Any non-officer holding lower ranks than the above who stays in a rank
29 for 10 years without being promoted to the next higher rank shall be evaluated
30 by the Re-enlistment Fitness Board who shall verify suitability to continue in
31 service and submit a recommendation for the approval of the Commandant.
32 The original enlistment term in the PCG shall be three (3) years and subsequent

1 re-enlistment shall be for the term of six (6) years, with the application for re-
2 enlistment to be reviewed by the Re-enlistment Fitness Board for
3 recommendation to the Commandant for approval. The uniform allowance shall
4 be payable every three (3) years after complying with the physical fitness test.
5

6 SEC. 15. *Non-uniformed Personnel.* – There shall be non-uniformed
7 personnel positions in the PCG. The head of the non-uniformed personnel shall
8 occupy a rank of Director III and shall be appointed by the President upon
9 recommendation of the Commandant. The non-uniformed personnel shall
10 establish their own plantilla positions to complement the strength of the PCG
11 uniformed personnel.
12

13 SEC. 16. *Appointments.* – The appointment of the PCG Commandant and
14 Flag Officers shall be approved by the President upon the recommendation of
15 the Secretary of the DOTr. Appointments of all PCG non-officers shall be made
16 by the PCG Commandant. Appointments of PCG officers, which shall be in the
17 initial rank of Coast Guard Ensign shall be through a commissionship into
18 service by the DOTr Secretary upon the recommendation of the Commandant.
19

20 The initial entry ranks for technical officers like lawyers, medical doctors
21 and ecumenical clerics shall be in the rank of Lieutenant Senior Grade, dentists
22 and veterinarians shall be Lieutenant Junior Grade, while nurses and chemists
23 shall be commissioned in the rank of Ensign. Appointment of other technical
24 professions that may be required later shall be based on the academic
25 attainment or ranking of licensure examinations results issued by competent
26 authority.

27 Appointments as well as the promotion of all non-uniformed personnel
28 shall be in accordance with the CSC laws, rules and regulations.

29 SEC. 17. *Basic Qualification for Uniformed Personnel.* – To qualify as
30 officer or non-officer of the PCG, the applicant shall possess the following at
31 the time of application:

32 a) Natural born citizen of the Philippines;

- 1 b) A person of good moral conduct;
- 2 c) Must have passed the psychiatric/ psychological, drug and physical
3 tests to be administered by the PCG Medical Service or by any PCG accredited
4 government hospital for the purpose of determining physical and mental health;
- 5 d) Must possess a formal baccalaureate degree, with appropriate license
6 when applicable or professional civil service eligibility for appointment as officer,
7 and must have finished at least 72 non-repetitive units of college education or
8 senior high school graduate with six (6) months TESDA skills course related to
9 the functions of PCG for appointment as non-officers upon effectivity of this
10 Act; and
- 11 e) Must not have been dishonorably discharged from military employment
12 or dismissed for cause from any non-uniformed personnel position in the
13 government.

14

15 SEC. 18. *Promotions of Officers and Non-officers.* – The promotion of
16 PCG officers and non-officers shall be based on merit and fitness in accordance
17 with the following procedures:

18 a) Officers shall only be promoted after undergoing deliberation before
19 the promotion boards. Promotion boards shall submit the results of their
20 deliberation to the Commandant for approval and corresponding endorsement
21 to the Secretary of Transportation for transmittal to the President for approval;
22 and

23 b) There shall also be appropriate promotion boards for non-officers
24 whose recommendation shall be submitted to the Commandant for approval.

25 At the time of promotion, the officer or non-officers concerned shall
26 possess all the qualifications and none of the disqualifications provided under
27 pertinent laws, rules and regulations, specifically on the completion of required
28 career course, training, examination and minimum time-in-grade as applicable
29 for specific ranks.

30

31 SEC. 19. *Gender Sensitivity Program.* – Gender concerns should be
32 addressed in all planning activities, setting of priorities, allocating of resources

1 and identifying actions and activities of the PCG. It should also incorporate a
2 gender sensitive perspective in the implementation of such plans and programs.

3 Gender sensitivity shall also be mainstreamed in all its internal policies,
4 strategies, budget, projects, structures and mechanisms, including hiring,
5 promotions, assignment, training opportunities, pay and benefits. A gender
6 perspective should likewise be integrated in all its training programs, especially
7 for maritime search and rescue.

8

9 SEC. 20. *PCG Insignia, Decorations and Awards.* – The PCG shall have its
10 own insignia and badges to denote rank, specialty and assignment including
11 uniforms, decorations and awards, all of which shall be submitted to the
12 National Historical Institute for registration in the flags and heraldic list. There
13 shall be an established awards system which shall be administered by the PCG
14 under such rules and regulations as may be promulgated with the approval of
15 the Secretary of Transportation.

16

17 SEC. 21. *Legal Assistance.* – The Secretary of Transportation or the
18 Commandant of the PCG may authorize lawyers of their respective agencies to
19 provide legal assistance to any member of the PCG charged with an offense or
20 crime resulting from the performance or on occasion of official duty. The
21 government lawyers so authorized shall have the power to administer oaths.

22

23 SEC. 22. *Power to Administer Oath.* – Officers of the PCG in the active
24 service with the grade of O-5 or when designated with appropriate orders as
25 administrative officer of a unit, shall have the power to administer oaths on
26 matters which are connected with the performance of their official duties.
27 Senior non-commissioned officers (grades E-7 to E10) who are designated
28 through appropriate orders, as Chief-Master-At-Arms (CMAA) or unit master
29 chief are also empowered to administer oaths.

30

31 SEC. 23. *Maritime and Coast Guard Attaché.* – The PCG shall have
32 maritime and coast guard attaché in the International Maritime Organization,

1 other international institution or as member of diplomatic missions or
2 embassies.

3 The assignment or deployment of maritime or coast guard attaché shall
4 be with prior approval of the Secretary of Foreign Affairs.

5

6

PAYS, ALLOWANCES AND BENEFITS

7 SEC. 24. *Salaries and Other Benefits.* – The uniformed personnel of the
8 PCG shall receive the same base pay, hazard pay and other benefits and
9 allowances as are now or hereafter may be authorized for corresponding salary
10 grades and ranks in the AFP. The salaries and allowances of the non-uniformed
11 personnel of the PCG shall be in accordance with existing Civil Service laws,
12 rules and regulations.

13

14 SEC. 25. *Longevity Pay and Allowances.* – Uniformed personnel of the PCG
15 shall be entitled to a longevity pay of ten percent (10%) of their basic monthly
16 salaries for every five (5) years of continuous active service, which shall be
17 reckoned from the date of actual service in the PCG. The totality of such
18 longevity pay shall not exceed fifty percent (50%) of the basic pay. They shall
19 also continue to enjoy the subsistence allowance, quarters allowance, clothing
20 allowance, cost of living allowance, hazardous duty pay and other collateral
21 allowances including sea duty pay, flying pay, lawyers/legal incentive pay,
22 occupational specialty pay, health service incentive pay, specialization pay,
23 instructors duty pay, combat pay for officers and non-officers of the PCG
24 performing combat duties/activities or engaged in actual performance of duties
25 as defined in regulations to be issued by the Commandant and all other
26 applicable allowances as provided by existing laws. The PCG shall, subject to
27 approval of the President, issue a specific policy pertaining to collateral
28 allowances for specific duties actually performed. All collateral allowances shall
29 be reflected in the pay slip of qualified personnel.

30

31 SEC. 26. *Uniformed Personnel Missing in Action.* – The survivors of any
32 officer or non-officer who, while in the performance of duty, is officially

1 confirmed missing in action, kidnapped or captured by lawless elements shall
2 be entitled to receive the same pay and allowances to which such officer or
3 non-officer is entitled from the time of the latter's disappearance. The
4 compulsory retirement of an absentee, in applicable cases, shall be processed
5 to allow his/her survivors to enjoy the retirement benefits. Should the
6 Commandant, upon the recommendation of the proper authority or immediate
7 supervisor, subsequently rule that the officer or non-officer concerned has been
8 absent from duty without authority, such member or the latter's survivors shall
9 reimburse the PCG all such amount and allowances that have been received in
10 accordance with this section and other pertinent sections of this Act.

11

12 *SEC. 27. Emergency and Medical Assistance.* – The PCG shall have an
13 emergency medical assistance fund, sourced from the PCG's Annual Budget
14 Plan as reflected in the General Appropriations Act (GAA) for hospitalization,
15 operation, medication and rehabilitation of personnel arising from injuries
16 suffered on occasion of or in the performance of official functions

17

18

ACTIVE SERVICE AND SEPARATION

19 *SEC. 28. Active Service.* – For purposes of this Act, active service of the
20 uniformed personnel shall refer to services rendered as an officer and non-
21 officer, cadet, trainee or draftee in the PCG and services rendered as non-
22 uniformed personnel in the Philippine Government prior to the date of
23 separation or retirement from the PCG. For purposes of retirement, the
24 personnel shall have rendered at least ten (10) years of active service as officer
25 or non-officer in the PCG. No period of such non-uniformed personnel
26 government service be longer than the active coast guard service shall be
27 credited for purposes of retirement. Service rendered as cadet in any service
28 academy in the Philippines or abroad under sponsorship of the PCG such as the
29 Philippine Merchant Marine Academy, probationary officer, draftee or trainee
30 shall be included in computing the years in active service for retirement
31 purposes if such personnel joins the service right after graduation.

32

1 SEC. 29. *Retirement.* – Upon attaining fifty-six (56) years of age or
2 accumulation of thirty (30) years of continuous satisfactory active service,
3 whichever comes later, a PCG uniformed personnel shall be compulsorily
4 retired. Technical officers may extend their tenure of service up to sixty (60)
5 years or until having accumulated twenty (20) years of satisfactory active
6 service, whichever comes later.

7 Any officer or non-officer may choose to retire on their own option upon
8 accumulating at least twenty (20) years in active service.

9 For purposes of this Act, an officer or non-officer who dies after
10 accumulating at least twenty (20) years of satisfactory active service shall be
11 considered as retired.

12

13 SEC. 30. *Separation.* – Separation from the Coast Guard service may be
14 done through compulsory retirement, optional retirement upon reaching 20
15 years in service, disability discharge, expiration of enlistment term, voluntary
16 resignation, attrition, dismissal for cause, or death.

17 The separation of non-uniformed personnel of the PCG shall be governed
18 by the Civil Service law, rules and regulations.

19

20 SEC. 31. *Attrition.* – There shall be established a system of attrition within
21 the uniformed members of the PCG within one (1) year from the effectivity of
22 this Act to be submitted by the PCG to the President for approval.

23

24 SEC. 32. *Retirement Benefits.* – An officer or uniformed personnel who is
25 retired under Section 30 of this Act, or his/her qualified survivors, are entitled
26 to receive, and may choose from, any of the following benefits:

27 a. *Gratuity Pay.* – A lump sum payment of gratuity pay equivalent to one
28 (1) month of base and longevity pay computed based on one grade higher than
29 the permanent salary grade last held for every year of service; or

30 b. *Retirement Pay* – A monthly retirement pay equivalent to fifty percent
31 (50%) of monthly base and longevity pay computed based on one grade higher
32 than the permanent salary grade last held by the personnel in case of twenty

1 (20) years of active service, increasing by two and one-half percent (2½%) for
2 every year of service rendered beyond twenty (20) years up to a maximum of
3 ninety percent (90%) for thirty-six (36) years of active service and over.

4 Non-officers who attain the rank of Chief Petty Officer, Senior Chief Petty
5 Officer and of Master Chief Petty Officer shall, upon retirement, be entitled to
6 the retirement pay and benefits of an Ensign. A Master Chief Petty Officer shall
7 receive a gratuity equivalent to that of an Ensign, plus one-half (1/2) of the
8 difference between the gratuity of an Ensign and a Chief Petty Officer, and a
9 Senior Chief Petty Officer shall receive a gratuity equivalent to that of an Ensign,
10 plus one-half (1/2) of the difference between the gratuity of a Master Chief
11 Petty Officer and a Chief Petty Officer, while a First Master Chief Petty Officer
12 shall be retired with the rank of Ensign but with the retirement pay and benefits
13 of a Lieutenant Junior Grade (O-2), as provided for in existing laws. Officers
14 and non-officers who availed of optional retirement are entitled to receive
15 monthly retirement pay upon retirement. Upon retirement, an officer or non-
16 officer is entitled to receive a lump sum equal to thirty-six (36) months of the
17 monthly retirement pay.

18 The retirement pay of officers and non-officers who are killed in action or
19 wounded in action resulting in total permanent disability shall be computed at
20 the rate of ninety percent (90%) of the monthly base and longevity pay based
21 on one grade higher than the permanent salary grade last held by the personnel
22 regardless of years in active service.

23 The retirement pay of all PCG retirees shall be subject to adjustment on
24 the prevailing scale of base pay of uniformed personnel in the active service.

25 The retirement benefits of non-uniformed personnel shall be governed by
26 applicable Civil Service laws and regulations and the Government Service
27 Insurance System Law.

28

29 SEC. 33. *Separation Pay.* – Officers and non-officers separated from the
30 PCG without having accumulated at least twenty (20) years of satisfactory
31 active service, or their qualified survivors, shall receive a separation pay
32 equivalent to one-month base plus longevity pay based on the permanent

1 salary grade the officer and non-officer holds at the time of separation for every
2 year of active service. In the case of an officer in the grade of Captain or higher,
3 who incurs physical disability in the line of duty, the basis of separation pay
4 shall be one grade higher than the salary grade held by such officer at the time
5 of separation. Cadets, candidates, trainees and draftees who voluntarily resign
6 from service shall not be entitled to any separation pay.

7 The separation benefits of non-uniformed personnel shall be governed by
8 applicable Civil Service laws and regulations and the Government Service
9 Insurance System Law.

10

11 *SEC. 34. Benefits for Death and Total Permanent Disability in the Line of*
12 *Duty or During Training.* – Qualified survivors of officers and non-officers,
13 including cadets, candidates, trainees and draftees, who died in the line of
14 duty without having accumulated at least twenty (20) years of satisfactory
15 active service are entitled to a monthly life annuity, equivalent to fifty percent
16 (50%) of the base and longevity pay computed based on one grade higher than
17 the permanent salary grade last held by the deceased officer and non-officer
18 at the time of death. Survivors of cadets, candidates, trainees and draftees who
19 died during training through their own fault or negligence shall not be entitled
20 to this benefit.

21 Officers or non-officers, including cadets, candidates, trainees and
22 draftees, who suffer total permanent physical disability in the line of duty or
23 during training without having accumulated at least twenty (20) years of
24 satisfactory active service shall be entitled to a monthly life annuity, equivalent
25 to fifty percent (50%) of the base and longevity pay computed based on one
26 grade higher than the permanent salary grade last held by the officer or non-
27 officer when the disability occurred. The extent of the disability or sickness
28 which renders such member unfit or unable to further perform the duties of the
29 position held shall be certified by the appropriate Government hospital like the
30 Philippine General Hospital. Cadets, candidates, trainees and draftees who
31 suffer total permanent physical disability during training through their own fault
32 or negligence shall not be entitled to this benefit.

1 The death and disability benefits of non-uniformed personnel shall be
2 governed by applicable Civil Service laws and regulations and the Government
3 Service Insurance System Law.

4
5 SEC. 35. *Survivors.* – The family of deceased officers or non-officers who
6 are alive and may claim benefits after such uniformed personnel dies in line of
7 duty or the pensioner dies. The following criteria shall apply:

8 a) Surviving spouse if married to the deceased prior to the latter's
9 retirement/separation and not legally separated by judicial decree from the
10 deceased issued on grounds not attributable to said spouse. The spouse's
11 entitlement of benefits shall terminate when the spouse dies, remarries,
12 cohabits or engages in a common-law relationship;

13 b) Surviving children of officers or non-officers born of marriage
14 contracted prior to his retirement/separation from the service, surviving
15 children adopted legally prior to his retirement/separation, illegitimate children
16 born while the deceased parent was still on active service. Entitlement to
17 benefits shall terminate when such children attain twenty-one (21) years of age
18 or upon marriage. Those who have reached the age of twenty-one (21) years
19 but are incapacitated and incapable of self-support due to a mental or physical
20 defect acquired prior to age of majority shall remain entitled to the benefits;
21 and

22 c) In default of those mentioned in paragraph (a) and (b), the surviving
23 parent or parents.

24 As regards question of filiation involving survivor-claimants, the same shall
25 be submitted first by the claimants to competent court for determination before
26 benefits can be given.

27
28 SEC. 36. *Survivorship Benefits.* – The qualified survivors are entitled to a
29 monthly annuity equivalent to seventy-five percent (75%) of the officer or non-
30 officer's retirement or separation benefits, to be divided among them in equal
31 shares and with the right of accretion.

1 Survivorship benefits for non-uniformed personnel shall be governed by
2 the GSIS Law.

3

4 *SEC. 37. Disability Pension.* – In addition to the other benefits under this
5 Act, an officer or non-officer who is retired or separated by reason of disability,
6 which is the proximate result of wounds or injuries sustained or sickness or
7 disease acquired in the line of duty shall receive a monthly disability pension as
8 follows:

9 a) If and while the disability is rated twenty-five percent (25%) – Five
10 thousand pesos (P5,000.00);

11 b) If and while the disability is rated fifty percent (50%) – Ten thousand
12 pesos (P10,000.00);

13 c) If and while the disability is rated seventy-five percent (75%) – Fifteen
14 thousand pesos (P15,000.00);

15 d) If and while the disability is rated one hundred percent (100%) –
16 Twenty thousand pesos (P20,000.00).

17 The officer or non-officer receiving the benefits under this Section may
18 be required to undergo periodic physical and medical examination to determine
19 the extent of disability for purposes of adjusting the disability pension.

20

21 *SEC. 38. Old-Age Pension.* – A retired PCG uniformed personnel who is
22 at least sixty-five (65) years of age shall be entitled to old-age pension
23 amounting to Five Thousand Pesos (P5,000.00) monthly and an additional
24 amount of One Thousand Seven Hundred Pesos (P1,700.00) monthly upon
25 reaching the age of seventy (70). Only retired PCG uniformed personnel who
26 shall have been honorably discharged or retired after at least twenty (20) years
27 total PCG active service or sooner separated while in the active service in the
28 PCG due to disability arising or incurred in actual operations or performance of
29 duties are entitled to receive this monthly benefit.

30

31 *SEC. 39. Application of Related Laws on Retirement and Separation of*
32 *Uniformed Personnel.* – The retirement system under Presidential Decree No.

1 1638, as amended, and the provisions of Republic Act No. 8220, Republic Act
2 No. 9365, and other similar applicable laws, insofar as not inconsistent with
3 applicable provisions of this Act, shall be given supplementary effect.

4
5 **SEC. 40. *Incentives and Awards.*** – There shall be established an incentives
6 and awards system which shall be administered by a board under such rules,
7 regulations and standards as may be promulgated by the PCG. Equivalent
8 awards shall be given by the PCG for every award duly given by respectable
9 civic organizations in a nationwide selection for outstanding achievement
10 and/or performance of any member. In the case of non-uniformed personnel,
11 the system of incentives and awards shall be approved and in accordance with
12 the CSC laws, rules and regulations.

13 14 **DISCIPLINARY SYSTEM**

15 **SEC. 41. *Disciplinary System.*** – The PCG shall adopt the PCG Code of
16 Conduct which shall be applicable to all its uniformed personnel. Non-
17 uniformed personnel shall be covered under the disciplinary rules of the Civil
18 Service. The Commandant shall be assisted by the Coast Guard Internal Affairs
19 in enforcing discipline and order within its ranks though for disciplinary issues
20 depending on gravity, unit commanders shall exercise disciplinary powers over
21 personnel under their command. The PCG shall within six (6) months from the
22 effectivity of this Act, issue policies, rules and procedures applying the PCG
23 Code of Conduct based on the provisions of Commonwealth Act No. 408, as
24 amended by RA No. 516, RA No. 242, PD No. 1968 and PD No.1166. For non-
25 uniformed personnel, the PCG shall issue rules and procedures implementing
26 Book VII of EO No. 292 and the Civil Service laws, and applicable CSC
27 administrative rules and issuances. In times of war, during which the PCG or
28 any of its offices is attached to the DND, the military justice system of the AFP
29 shall apply.

30
31 **SEC. 42. *Disciplinary Authority.*** – The Commandant exercises disciplinary
32 authority at any time over all personnel of the PCG. The authority to discipline

1 shall also be exercised by unit commanders and Commanding Officers including
2 Station Commanders, Sub-Station Commanders, head of Morning Report
3 Carrying Units.

4

5 SEC. 43. *Jurisdiction.* – A complaint or a charge filed against a PCG
6 member shall be heard and decided exclusively by the disciplining authority who
7 has acquired original jurisdiction over the case notwithstanding the existence of
8 concurrent jurisdiction as regards the offense.

9

10 SEC. 44. *Dismissal of PCG Personnel.* – The Commandant, after due notice
11 and summary hearing, may immediately remove or dismiss any respondent PCG
12 personnel and major unit commanders may recommend such in any of the
13 following cases:

14 a) In cases of drug abuse where subsequent confirmation test confirms
15 the use of prohibited drugs;

16 b) When the charge is serious and the evidence of guilt is strong;

17 c) When the respondent is a recidivist or has been repeatedly charged
18 and there are reasonable grounds to believe that he is guilty of the charges;
19 and

20 d) When the respondent is guilty of a serious offense involving conduct
21 unbecoming a PCG personnel.

22 An officer or non-officer who is continuously absent without approved
23 leave for at least thirty (30) calendar days shall be considered on absence
24 without official leave (AWOL) and shall be presumed separated from service or
25 dropped from the rolls without prior notice: Provided, That he shall be informed,
26 by registered mail, at his address appearing on his 201 file or its equivalent of
27 his separation from the service not later than five (5) calendar days from the
28 effectivity thereof.

29 The dismissal of PCG non-uniformed personnel shall be governed by Civil
30 Service laws, rules and regulations.

31

1 **SEC. 45. *Coast Guard Internal Affairs Service.*** – To maintain accountability
2 in government service through discipline and efficiency, there shall be an
3 Internal Affairs Service (IAS) in the PCG. The CGIAS shall foster and promote
4 accountability in government service within the PCG and follow the basic
5 principles of integrity, objectivity, independence, confidentiality,
6 professionalism, competence, courage, trust, honesty, fairness, forthrightness,
7 public accountability and respect for others and themselves. It shall have the
8 power to investigate and inquire into any and all activities of the PCG units and
9 personnel, review processes, procedures and operations to determine if such
10 were conducted effectively and efficiently.

11 The personnel of the CGIAS whether officer or non-officer, who are
12 performing actual investigative duties, shall be granted occupational specialty
13 pay which shall not exceed fifty percent (50%) of their basic pay and shall be
14 reflected in their pay slip for the work performed. Such personnel shall not be
15 entitled to the occupational specialty pay under Section 26 hereof.

16

17

MISCELLANEOUS PROVISIONS

18 **SEC. 46. *Organization of a PCG Auxiliary (PCGA).*** – The PCG shall
19 continue to maintain, supervise, develop and train the PCGA as a non-uniformed
20 personnel volunteer organization under the direct control and supervision of the
21 PCG Commandant. The PCGA shall assist the PCG in the promotion of safety of
22 life and property at sea, the preservation of the marine environment and its
23 resources, the conduct of maritime search and rescue, the maintenance of aids
24 to navigation and such other activities that enhance maritime community
25 relations which include civic action, participation under the National Service
26 Training Program, youth development, recreational safety and other related
27 activities.

28

29 **SEC. 47. *Coast Guard Reserve Force.*** – There is hereby created and
30 established a Philippine Coast Guard Reserve Force, the purpose of which is to
31 augment the PCG force in the event of national emergency or catastrophe as
32 declared by appropriate Government entity. The PCG reservist shall undergo

1 regular training and shall be organized, trained, equipped, and administered by
2 a PCG Reserve Command under the direction of the Commandant and whose
3 members may be called to active duty in the exigency of the service on
4 aforementioned circumstances duly declared by appropriate authority. The
5 PCG may also participate in the Reserve Officers' Training Course program as
6 an alternative offering focusing on maritime safety, marine environmental
7 protection and search and rescue. The PCG shall within six (6) months from the
8 effectivity of this Act, draft pertinent policies on the management and
9 particulars of the Coast Guard Reserve Force, subject to the approval of the
10 President.

11

12 SEC. 48. *Lateral Entry.* – Active members of other uniformed services
13 under the Armed Forces of the Philippines (AFP), Philippine National Police
14 (PNP), Bureau of Fire Protection (BFP) and Bureau of Jail Management and
15 Penology (BJMP) may join the PCG through lateral entry. The rank for officers
16 eligible for such entry must not be higher than Lieutenant Commander and
17 Petty Officer Second Class for non-officers. Notwithstanding the corps they wish
18 to join, all entrants shall only be accepted if, on or before time of entry, they:
19 a) are not under investigation, b) are not on absence without leave (AWOL)
20 status, c) are not serving sentence, whether administrative or criminal, d) have
21 not been issued reprimand in the last two (2) years, or e) have not received an
22 unfavorable rating in the latest performance rating.

23 However, if an entrant possesses specific skills that may not be readily
24 developed in new recruits, lateral entry may be allowed for ranks higher than
25 those mentioned above. The new entrant can serve at least ten (10) years in
26 PCG active service prior to reaching the mandatory retirement age.

27

28 SEC. 49. *Exemption from Attachment, Taxes, Charges and Fees.* –
29 Retirement benefits granted by this Act, including benefits received from a duly
30 instituted provident fund and mutual benefit association shall not be subject to
31 attachment, levy, execution or any tax of whatever nature.

1 In the establishment and operation of radar and radio stations and other
2 communication facilities, the PCG shall not be subject to payment of charges
3 and fees as imposed by the National Telecommunications Commission (NTC).
4 The PCG shall only use frequencies as may be allowed or assigned by the NTC
5 consistent with international regulations and guidelines.

6 Except as provided in the preceding paragraph, the PCG shall, in the
7 performance of its functions, enjoy such rights and privileges enjoyed by other
8 governmental and law enforcement agencies, instrumentalities, and
9 government-owned and controlled corporations such as exemption from
10 registration application for license, and payment of fees as imposed by other
11 governmental agencies or regulatory bodies. Should the PCG be required to
12 register or to file application, the fees to be charged shall only be in such
13 minimal amount corresponding to the actual administrative cost necessary for
14 the issuance of the permit, license or certificate.

15

16 SEC. 50. *Special Account.* – The PCG shall maintain a special account
17 under the General Fund, in which receivables from local or foreign entities shall
18 be credited including proceeds or excess of grants, fees or charges, dues, fines
19 and rentals generated in the regular conduct of service. PCG shall have the
20 authority to use one hundred percent (100%) of this fund for capability
21 enhancement and modernization of the organization.

22

23 SEC. 51. *Collection of Revenues.* – The PCG shall collect fees, dues,
24 charges, and fines relevant to the exercise of its various functions. The thirty
25 percent (30%) shall be credited to the special account.

26

27 SEC. 52. *PCG Properties and Lighthouse Reservations.* – The PCG shall
28 continue to exercise exclusive ownership, possession, management, control
29 and supervision over all properties transferred to it by virtue of Executive Order
30 No. 475 dated 30 March 1998 and Executive Order No. 477 dated 15 April 1998,
31 such as inter alia, vessels, watercrafts, firearms, armaments, munitions,

1 communications and electronic equipment, vehicles, buildings, real state,
2 lighthouse stations and reservations.

3

4 SEC. 53. *Establishment and Expansion of Coast Guard Bases, Equipment*
5 *and Facilities.* – In coordination with other appropriate government agencies,
6 the PCG shall develop and enhance its capabilities in the performance of its
7 mandated functions and establish its strategic presence. Towards this end, the
8 PCG shall, through the guidance of Congress, draft its development plan that
9 shall reflect its asset, equipment and facility requirement that includes floating
10 assets, laboratories, land-based support facilities, land mobility, arms and
11 ammunition, rescue and hospital ship, maritime monitoring surveillance and
12 communications system, port facilities, air assets and air stations.

13

14 SEC. 54. *Implementing Rules and Regulations.* – For submission to the
15 Secretary of Transportation for approval, the Philippine Coast Guard, not later
16 than one hundred twenty (120) days from the effectivity of this Act, shall issue
17 rules and regulations, determine, fix and/or prescribe charges, rates, and
18 penalties, as may be necessary, to implement its provisions, as well as the
19 provisions of laws, issuances, decrees and orders related to the implementation
20 of PCG functions.

21

22 SEC. 55. *Appropriations.* – The amount necessary to carry out the
23 provisions of this Act shall be included in the annual General Appropriations Act.

24

25 SEC. 56. *Transitory Provisions.* – The provisions of this Act, as far as the
26 computation of rate is concerned, shall have retroactive effect on the retirement
27 benefits of non-officers whose retirement were affected by the implementation
28 of Republic Act No. 9993, and the discrepancy as a result of applying this Act
29 and Republic Act No. 9993 shall be returned to the retiree. The same shall also
30 be retroactively applicable to indexation of pension to base pay scale
31 adjustments affected by Republic Act No. 9993. The retirement benefits of the
32 ranks of Admiral and Vice Admiral adversely affected by CJR No. 4 s. 2008 and

1 CJR No. 1 s. 2018 shall be adjusted in the same level as its contemporary ranks
2 of General and Lieutenant General in the AFP and the PNP, respectively. Those
3 affected by the above-mentioned Joint Resolutions shall be paid the difference
4 in pay and allowances by reason thereof.

5

6 SEC. 57. *Separability Clause.* – If for any reason, any provision of this Act
7 is declared unconstitutional or invalid, such parts not affected thereby shall
8 remain in full force and effect.

9

10 SEC. 58. *Repealing Clause.* – Republic Act No. 9993 is hereby repealed
11 and all laws, decrees, executive orders, rules and regulations and other
12 issuance's or parts thereof which are inconsistent with this Act are hereby
13 repealed, amended or modified accordingly.

14

15 SEC. 59. *Effectivity.* – This Act shall take effect fifteen (15) days after its
16 publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,