

SENATE

7 JUL 24 92:53

P.S. Res. No. 33

RECEIVED BY: 

Introduced by Senator Biazon

RESOLUTION

DIRECTING THE COMMITTEE ON NATIONAL DEFENSE AND SECURITY TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE STATUS OF THE PHILIPPINE COAST GUARD (PCG) TO DETERMINE APPLICABLE LAWS IN ITS ADMINISTRATION AND THE TREATMENT OF ITS OFFICERS AND PERSONNEL.

Whereas, On August 4, 1967 Republic Act No. 5173 was enacted creating the Philippine Coast Guard (PCG) as a major unit of the Philippine Navy to enforce maritime laws and safety of life and property at sea;

Whereas, Presidential Decree No. 601 was enacted on December 9, 1974 to give the PCG additional role of ensuring environmental protection and assistance to the development of the maritime industry. It placed the PCG under the direct control and supervision of the Secretary of National Defense;

Whereas, on March 30, 1998 then President Ramos issued Executive Order No. 475, transferring the Philippine Coast Guard to the Office of the President pursuant to the Administrative Code of 1987 where the President is granted continuing authority to organize the Office of the President by, among others, transferring any agency to the Office of the President;

Whereas, on April 15, 1998, President Ramos issued Executive Order No. 477, transferring further the PCG from the Office of the President to the Department of Transportation and Communications. It created a Transition and Liquidation Committee to cede the assets and appropriation of the PCG from DND to DOTC;

Whereas, the twin executive orders (EOs) prescribed that the uniformed personnel shall continue to receive the same base pay and other allowances and benefits as authorized for the corresponding grades in the ranks in the AFP. They will also remain under the retirement law of the AFP;

Whereas, PCG officials interpret the same EOs as merely transferring administrative control of the agency to a civilian department and the military character of PCG remains in force. Consequently, military justice system pursuant to Commonwealth Act No. 408 applies to the Coast Guard's uniformed personnel;

Whereas, the Third Division of the Supreme Court ruled on March 24, 2003 that flag officers and captains of the PCG are not subject to the confirmation of the Commission on Appointments as provided for in the Constitution;

Whereas, There is an urgent need to clarify the confusion brought about by the issuance of the twin EOs in order that administration and personnel management of the PCG will not be unduly affected. Now, therefore, be it

Resolved, As It Is Hereby Resolved, To Direct the Committee On National Defense To Conduct An Inquiry, In Aid of Legislation, On the Status Of The Philippine Coast Guard (PCG) To Determine Applicable Laws In The Treatment Of Its Officers And Personnel.

Adopted,


RODOLFO G. BIAZON
Senator