



HOUSE OF REPRESENTATIVES

H. No. 5151

BY REPRESENTATIVES GOLEZ, BIAZON, JAAFAR, MITRA, MENDOZA,
MADRONA, ESCUDERO, PUENTEVELLA, LAGMAN, CODILLA AND
TEODORO, PER COMMITTEE REPORT NO. 1291

AN ACT TRANSFERRING THE PHILIPPINE COAST GUARD TO THE
DEPARTMENT OF TRANSPORTATION AND
COMMUNICATIONS AS AN ATTACHED AGENCY AND
REDEFINING ITS ORGANIZATION AND PERSONNEL
ADMINISTRATION, AMENDING REPUBLIC ACT NO. 5173, AND
FOR OTHER PURPOSES

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

1 SECTION 1. *Short Title.* – This Act shall be known as the “Philippine
2 Coast Guard Act of 2008”.

3 SEC. 2. *Establishment.* – The Philippine Coast Guard, hereinafter
4 referred to as the PCG, is hereby established as a distinct, armed and
5 uniformed service attached to the Department of Transportation and
6 Communications, hereinafter referred to as the DOTC: *Provided,* That in times
7 of war as declared by Congress, the PCG or parts thereof, shall be attached to
8 the Department of National Defense.

1 SEC. 3. *Powers and Functions.* – The PCG shall have the following
2 functions:

3 (a) To assist in the enforcement of the maritime rules and regulations
4 for the promotion of safety of life and property within the maritime jurisdiction
5 of the Philippines;

6 (b) To enforce laws and assist in the promulgation and administration
7 of the rules and regulations for the promotion of the marine environment
8 within the maritime jurisdiction of the Philippines;

9 (c) To render aid to persons and vessels in distress and conduct search
10 and rescue in case of marine accident or casualty within the maritime
11 jurisdiction of the Philippines including the high seas, in accordance with
12 international conventions;

13 (d) To assist in the enforcement of fisheries law, immigration law, tariff
14 and customs law, forestry law, firearms and explosives law, law on trafficking
15 of women and children and other applicable laws within the territorial waters
16 of the Philippines;

17 (e) To enforce or assist in the maintenance of maritime security,
18 prevent or suppress terrorism at sea and perform law enforcement functions
19 within the maritime jurisdiction of the Philippines; and

20 (f) To develop, establish, maintain, operate and coordinate with
21 concerned agencies, with due regard to the requirements of national defense,
22 aids to navigation and rescue facilities over the high seas and waters, subject to
23 the jurisdiction of the Philippines.

24 SEC. 4. *The PCG Commandant.* – (a) The PCG shall be headed by a
25 Commandant who shall carry the rank of Admiral; *Provided*, That he shall be
26 appointed by the President from among the Flag Officers in the Coast Guard
27 service who hold a command-at-sea badge and has served as a District
28 Commander of the PCG. The Commandant shall have a maximum term of

1 three (3) years. A Commandant who has served for three (3) years prior to his
2 compulsory retirement shall be considered as retired and entitled to all the
3 benefits available to a Coast Guard officer as if he is compulsorily retired.

4 (b) The PCG Commandant shall have the following functions:

5 (1) Advise the President of the Philippines or the Secretary of the
6 DOTC on the promulgation of executive orders, rules and regulations,
7 proclamations and other issuances relative to matters under the jurisdiction of
8 the PCG;

9 (2) Establish policies and standards for the efficient and effective
10 management and operation of the PCG;

11 (3) Promulgate rules and regulations necessary to carry out the
12 objectives, policies, plans, programs and projects of the PCG;

13 (4) Enter into contracts, to the extent as may be allowed by law, for the
14 acquisition of floating air and subsurface assets, real estate, communications
15 equipment and other necessities relative to the performance of its powers and
16 functions, subject to the limitations of existing laws, rules and regulations;

17 (5) Receive grants, donations and other forms of assistance from duly
18 constituted organizations and other countries in support of PCG continued
19 development and modernization projects, subject to existing laws; and

20 (6) Perform other functions as may be provided by law.

21 *SEC. 5. Organization of the PCG.* – The PCG shall consist of the
22 following categories of officers and employees:

23 (a) PCG officers;

24 (b) PCG enlisted personnel;

25 (c) PCG non-uniformed personnel;

26 (d) Probationary Ensign;

27 (e) Midshipmen/women; and

28 (f) Draftees/trainees.

1 When the phrase “PCG uniformed personnel” is used elsewhere in this
2 Act, it shall refer to both PCG officers and enlisted personnel, unless otherwise
3 indicated.

4 SEC. 6. *PCG Technical Service.* – There shall be a PCG Technical
5 Service to be composed of medical doctors, dentists, nurses, lawyers,
6 veterinarians, chemists, marine biologists and chaplains, including personnel
7 whose re-entry required course are closely related/allied to the aforementioned
8 professional group. Appointment of all PCG technical officers shall be in the
9 initial rank of Coast Guard Ensign, except for the following field of
10 occupational specialties: dentists and veterinarians whose initial appointment
11 rank shall be Coast Guard Lieutenant Junior Grade; and lawyers, medical
12 doctors and chaplains whose initial appointment rank shall be Coast Guard
13 Lieutenant. The appointment, functions and promotion of the members of the
14 technical service shall be subject to rules and regulations to be issued by the
15 DOTC Secretary, as recommended by the PCG Commandant. Their retirement
16 and separation, however, shall be subject to the same rules and regulations
17 governing PCG uniformed personnel.

18 SEC. 7. *Organization of a PCG Auxiliary.* – The PCG shall continue to
19 maintain, supervise and train a civilian volunteer organization known as the
20 PCG Auxiliary (PCGA), under the direct control and supervision of the
21 Commandant or any officer designated by him for the purpose of assisting in
22 the promotion of safety of life and property at sea, the preservation of the
23 marine environment and its resources, the conduct of maritime search and
24 rescue, and the maintenance of aids to navigation and such other activities that
25 enhance maritime community relations which include civic action, youth
26 development, recreational safety and other related activities.

27 SEC. 8. *Appointments.* – All appointments of PCG officers, except
28 those on the technical service shall be the lowest rank of Coast Guard Ensigns,

1 who must be baccalaureate degree holders. The President shall approve such
2 appointments upon recommendation of the Commandant. Appointments of all
3 PCG enlisted personnel shall be made by the Commandant of the PCG.
4 Appointments of all non-uniformed personnel shall be in accordance with the
5 civil service law, rules and regulations.

6 SEC. 9. *Promotions.* – The Commandant of the PCG shall recommend
7 to the President of the Philippines, through the DOTC Secretary, the promotion
8 of PCG officers to be submitted by the PCG Officers Selection and Promotion
9 Board: *Provided*, That said officers must have completed the required
10 schooling and training relevant to said grades/rank in position, and must have
11 complied with the prescribed minimum time in grade based on approved PCG
12 rules and regulations and other relevant laws: *Provided, further*, That special
13 meritorious promotion shall be extended to any PCG officer for acts of
14 inconspicuous courage and gallantry involving risk to his life above and
15 beyond the call of duty.

16 The Commandant shall approve the promotion of PCG enlisted
17 personnel to the next higher rank based on the recommendation of the PCG
18 Selection and Promotion Board for Enlisted Personnel: *Provided, further*, That
19 special or meritorious promotion shall be extended to any PCG enlisted
20 personnel for acts of inconspicuous courage and gallantry involving the risk to
21 his life above and beyond the call of duty and/or outstanding achievement in
22 the Coast Guard service as determined by the PCG Selection and Promotion
23 Board.

24 The promotion of non-uniformed employees shall be governed by civil
25 service law, rules and regulations.

26 SEC. 10. *Salaries and Other Benefits.* – The uniformed personnel of
27 the PCG shall receive the same base pay, longevity pay, hazard pay and other
28 benefits and allowances as are now or hereafter may be authorized for

1 corresponding salary grades and ranks in the Armed Forces of the Philippines
2 (AFP) until such time that a new law is enacted for the purpose. The salaries
3 and allowances of the non-uniformed employees of the PCG shall be in
4 accordance with the Revised Compensation and Position Classification Law.

5 SEC. 11. *Health Care System.* – The PCG shall establish its own health
6 care system.

7 SEC. 12. *Gender Sensitivity Program.* – The PCG shall formulate an
8 appropriate Gender Sensitivity Program within ninety (90) days from the
9 effectivity of this Act.

10 SEC. 13. *Active Service.* – For purposes of this Act, active service of
11 those enumerated in Section 5 hereof shall refer to services rendered as an
12 officer, enlisted personnel, probationary ensign, PCG cadet/midshipman,
13 trainee or draftee, or those rendered as a civilian official or employee in the
14 PCG prior to the date of separation or retirement from the PCG: *Provided,*
15 *That the term active service shall include services rendered as a civilian*
16 *employee in the Philippine government: Provided, further, That services*
17 *rendered as a PCG midshipman/woman, probationary officer, trainee or draftee*
18 *in the PCG or a cadet or trainee shall be credited for the purposes of longevity*
19 *pay.*

20 SEC. 14. *Disciplinary Action.* – In the investigation of administrative
21 cases against PCG officers and enlisted personnel, the applicable provisions of
22 the PCG Code of Discipline, Order and Justice for the PCG shall be strictly
23 observed. The applicable rules, regulations and guidelines promulgated by the
24 Civil Service Commission shall govern the investigation of administrative
25 cases against PCG non-uniformed employees.

26 SEC. 15. *Retirement.* – (a) Upon attaining fifty-six (56) years of age or
27 upon accumulation of thirty (30) years of satisfactory active service, whichever
28 comes later, an officer or enlisted man shall be compulsorily retired: *Provided,*

1 That such officer or enlisted man who shall have attained fifty-six (56) years of
2 age with at least twenty (20) years of active service shall be allowed to
3 complete thirty (30) years of active service, but not beyond his sixtieth (60th)
4 birthday: *Provided, further*, That the retirement of non-uniformed personnel
5 shall be governed by civil service rules and regulations.

6 SEC. 16. *Retirement Benefits.* – Monthly retirement pay of officers and
7 enlisted personnel shall be fifty percent (50%) of base pay and longevity pay of
8 the next higher grade last held in case of twenty (20) years of active service,
9 increasing by two and one-half percent (2½%) for every year of service
10 rendered beyond twenty (20) years to a maximum of ninety percent (90%) for
11 thirty-six (36) years of active service and over. Retirement benefits of
12 non-uniformed personnel shall be governed by Civil Service Law/Government
13 Security and Insurance System Law.

14 SEC. 17. *Separation from Service.* – Officers and enlisted personnel,
15 who voluntarily resigned or otherwise fail to comply with the standard of
16 competence and proficiency, shall be separated from the service under existing
17 laws, rules and regulations. The separation of non-uniformed personnel shall
18 be in accordance with civil service rules and regulations.

19 SEC. 18. *Collection of Revenues.* – The PCG shall collect fees, charges
20 and fines relevant to the exercise of its various regulatory functions to include
21 light dues.

22 SEC. 19. *Rules and Regulations.* – The PCG Commandant shall issue
23 such rules and regulations, determine, fix, and/or prescribe charges, rates,
24 penalties pertinent, as may be necessary, to implement the provisions of this
25 Act as well as the provision of acts, decrees and orders related to the
26 implementation of the Coast Guard functions.

27 SEC. 20. *Appropriations.* – The Secretary of the DOTC shall
28 immediately prepare the necessary guidelines to cover the establishment of the

1 Philippine Coast Guard as an agency attached to the DOTC, initial funding of
2 which shall be charged against the current year's appropriations of the PCG
3 and thereafter in the annual General Appropriations Act.

4 SEC. 21. *Transitory Provisions.* – All previous appointments and
5 promotions of PCG uniformed personnel made prior to the enactment of this
6 Act shall remain valid and subsisting.

7 SEC. 22. *Separability Clause.* – If for any reason, any provision of this
8 Act is declared unconstitutional or invalid, such parts not affected thereby shall
9 remain in full force and effect.

10 SEC. 23. *Repealing Clause.* – All laws, decrees, executive orders, rules
11 and regulations and other issuances or parts thereof which are inconsistent with
12 this Act are hereby repealed, amended or modified accordingly.

13 SEC. 24. *Effectivity.* – This Act shall take effect fifteen (15) days after
14 its publication in the *Official Gazette* or in any two (2) newspapers of general
15 circulation.

Approved,

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