

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

THIRTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 2656

Introduced by HONORABLE ANTONIO R. FLOIRENDO JR.

EXPLANATORY NOTE

Republic Act No. 5173, entitled "An Act Creating a Philippine Coast Guard (PCG), Prescribing its Powers and Functions, Appropriating Funds Therefor, and for other Purposes" was enacted in 10 October 1967 in response to the need for a guardian of sea safety. The PCG is mandated to promote safety of life and property at sea, protect the marine environment, and enforce all applicable laws within the high seas and waters subject to the jurisdiction of the Republic of the Philippines.

Initially, the PCG was placed under the Philippine Navy to avoid heavy expenditures. It was envisioned to be established as a distinct civilian agency once it had developed its own resources and capability. The PCG was made a military unit under the Navy, where the members learned positive military values, discipline and professionalism, in preparation for their eventual "independence."

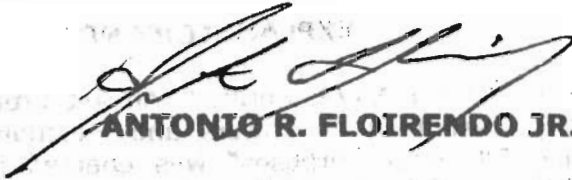
The PCG has been nurtured by the Philippine Navy for over 30 years now and the agency is ready to be transformed from a military set-up into a distinct service under the civilian department of the government. Through the years, the PCG has developed the expertise, organization and infrastructure necessary in the performance of its functions as an independent organization. A classic example of such experience and maturity is the PCG repair and maintenance teams, who have first and second echelons who can be tapped for minor repairs of vessels. The major repairs can be done by the private shipyards, and this partnership can greatly contribute to the development of the shipyard industry in the country.

With the coming into force of the United Nations Convention on the Law of the Seas (UNCLOS), the expansion of the country's Exclusive Economic Zone (EEZ) and other recent challenges in the maritime environment, the country will need the full professional development of the PCG. This need is again highlighted by compelling events and disasters that continue to plague the country's maritime industry. Costly accidents at sea, with thousands of lives and properties lost, the unabated destruction of the marine environment, the persistent red tide and fish kill occurrences at Manila Bay and Laguna lake- all these challenges must be addressed, and have made the "independence" of the Philippine Coast Guard more relevant and imperative.

The transfer of the PCG will entail the amendment of RA 5173. Under the DOTC, the PCG can concentrate on its functions on Maritime Safety Administration, Maritime Environmental Protection, Maritime Search and Rescue, and Maritime Law Enforcement.

The DOTC has proposed an integrated approach to the country's maritime safety and water transportation development program by placing all agencies with relevant functions under one (1) office. Coordination and unity command among the PCG, the Philippine Ports Authority (PPA), the Maritime Industry Authority (MARINA), and other agencies will be enhanced and will eventually make the Philippines a strong maritime country.

In view of the foregoing, early passage of this bill is earnestly sought.


ANTONIO R. FLORENDO JR.

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Introduced by **HONORABLE ANTONIO R. FLOIRENDO JR.**

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

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

1 SECTION 1. *Establishment.* – The Philippine Coast Guard (PCG) is
2 hereby established as a distinct, armed, uniformed and commissioned service
3 attached to the Department of Transportation and Communications,
4 hereinafter referred to as the "DOTC."

5 SEC. 2. *The PCG Commandant.* – (a) The PCG shall be headed by a
6 Commandant who shall carry the rank of Admiral: *Provided*, That he shall be
7 appointed by the President from among the Flag Officers in the Coast Guard
8 service who holds a command-at-sea badge and has served as a District
9 Commander of the PCG. He shall serve in good standing up to the
10 compulsory retirement age of fifty-six (56) or an accumulated government
11 service of thirty (30) years, whichever is earlier, unless sooner removed for a
12 cause: *Provided, further*, That in times of war or national emergency
13 declared by Congress, the President may extend such term of office.

14 (b) The PCG shall have the following functions:

- 15 (1) Advise the President or the Secretary of the DOTC on the
16 promulgation of executive orders, rules and regulations,
17 proclamations and other issuances relative to matters
18 under the jurisdiction of the PCG;
19 (2) Establish policies and standards for the efficient and
20 effective management and operation of the PCG;
21 (3) Promulgate rules and regulations necessary to carry out
22 objectives, policies, plans, programs and projects of the
23 PCG; and
24 (4) Perform other functions as may be provided by law or
25 appropriately assigned by the President or the Secretary of
26 the DOTC.

27 SEC. 3. *Organization of the PCG.* – The PCG shall consist of the
28 following categories of officers and employees:

- 29 (1) PCG officers;
30 (2) PCG enlisted personnel;

- (3) PCG non-uniformed personnel;
- (4) Probationary 2nd Lt./Ensign; and
- (5) Midshipmen/women

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

There shall be a PCG Technical Service to be composed of medical doctors, dentists, nurses, lawyers and chaplains. The appointment, functions and promotion of the members of the technical service shall be subject to rules and regulations to be issued by the DOTC Secretary, as recommended by the PCG Commandant. Their retirement and separation shall be subject to the same rules and regulations governing PCG uniformed personnel at the age of fifty-six (56) years or thirty (30) years of accumulated government service, whichever is earlier.

SEC. 4. Personnel Administration. - The administration of personnel of the PCG shall be governed by the following:

- (a) Appointments and promotions of all PCG officers shall be approved by the President of the Republic of the Philippines through the Secretary of the DOTC;
- (b) Appointments and promotions of all PCG enlisted personnel shall be made by the Commandant of the PCG;
- (c) Appointments and promotions of all non-uniformed personnel shall be in accordance with the Civil Service Law, rules and regulations;
- (d) The uniformed personnel of the PCG shall receive the same base pay, longevity pay, hazard pay and other benefits and allowances as are now or hereafter may be authorized for corresponding salary grades and ranks in the Armed Forces of the Philippines (AFP) until such time that a new law is enacted for the purpose.

The salaries and allowances of the non-uniformed employees of the PCG shall be in accordance with the Revised Compensation and Position Classification Law; and

- (e) 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 earlier. 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 PCG Commandant, respectively, shall be optionally retired from the service and entitled to receive benefits provided for 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.

1 SEC. 5. *Disciplinary Actions.* – In the investigation of administrative
2 cases against PCG officers and enlisted personnel, the applicable provisions
3 of the PCG Code of Discipline, Order and Justice for the PCG shall be strictly
4 observed. The applicable rules, regulations and guidelines promulgated by
5 the Civil Service Commission shall govern the investigation of administrative
6 cases against PCG non-uniformed/civilian employees.

7 SEC. 6. *Active Service.* – For purposes of this Act active service of the
8 PCG officers and enlisted personnel, cadet/midshipman, trainee or draftee in
9 the PCG shall refer to services rendered as an officer/probationary second
10 lieutenant/ensign and enlisted personnel, cadet/midshipman, trainee or
11 draftee, or those rendered as a civilian official or employee in the PCG prior
12 to the date of separation or retirement from the PCG: *Provided*, That the
13 term active service shall include services rendered as a civilian employee in
14 the Philippine government: *Provided, further*, That services rendered as a
15 midshipman/woman, probationary officer, trainee or draftee in the PCG or a
16 cadet or trainee shall be credited for purposes of longevity pay.

17 SEC. 7. *Collection Revenues.* – The PCG shall collect fees, charges and
18 fines relevant to the exercise of its various regulatory functions to include
19 light dues.

20 SEC. 8. *Organization of a PCG Auxillary.* – The PCG may organize and
21 train a civilian volunteer organization known as the PCG Auxillary, under the
22 direct control and supervision of the Commandant or any officer designated
23 by him for the purpose of assisting in the promotion of safety of life at sea,
24 property at sea, the preservation of the marine environment and its
25 resources, the conduct of maritime research and rescue, and the
26 maintenance of aids to navigation and such other activities that enhance
27 maritime community relations which include civic action, youth development
28 and related activities.

29 SEC. 9. *Establishment of a PCG Reserve Force.* – There is hereby
30 created a PCG Reserve Force who may be called upon in times of war or
31 national emergencies arising from calamities, disasters and threats to peace,
32 order and security and stability in any locality, including the need to provide
33 support in relief and rescue operations and other activities requiring civil
34 assistance.

35 SEC. 10. *Rules and Regulations.* – The PCG Commandant shall issue
36 such rules and regulations, determine, fix and/or prescribe charges, rates
37 and penalties pertinent, as may be necessary, to implement the provisions of
38 this Act as well as the provisions of Acts, decrees and orders related to the
39 implementation of the Coast Guard functions.

40 SEC. 11. *Appropriations.* – The Secretary of the DOTC shall
41 immediately prepare the necessary guidelines to cover the establishment of
42 the Philippine Coast Guard as a separate maritime and safety agency
43 attached to the DOTC, the initial funding of which shall be charged against
44 the current year's appropriations of the PCG and thereafter in the annual
45 General Appropriations Act.

46 SEC. 12. *Transitory Provisions.* – All previous appointments and
47 promotions of PCG uniformed personnel made prior to the enactment of this
48 Act shall remain valid and subsisting.

49 SEC. 13. *Separability Clause.* – If for any reason any provision of this
50 Act is declared unconstitutional or invalid, such parts not affected thereby
51 shall remain in full force and effect.

1 **SEC. 14. Repealing Clause.** – Republic Act No. 5173, as amended, and
2 all other laws, presidential decrees, executive orders, letters of instructions,
3 and rules and regulations that are inconsistent with the provisions of this Act
4 are hereby repealed or modified accordingly.

5 **SEC. 15. Effectivity.** – This Act shall take effect fifteen (15) days after
6 its publications in the **Official Gazette** or in any two (2) newspapers of
7 general circulation.

8 **Approved,**