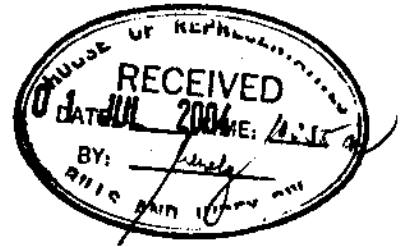


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

THIRTEENTH CONGRESS

First Regular Session

House Bill No. 203



Introduced by Hon. Rozzano Rufino B. Biazon

EXPLANATORY NOTE

The bill seeks to amend Republic Act No. 5173 which aim to establish the Philippine Coast Guard (PCG) as a separate and distinct armed service attached to the Department of Transportation and Communications (DOTC). The PCG, under the bill, shall have its own organizational set-up with uniformed and non-uniformed personnel and shall have the authority to establish Civilian Volunteer Organizations or the PCG Auxilliary who shall assist the PCG in the protection of the marine environment, promotion of safety of life at sea and other activities aimed to enhance maritime community relations.

If enacted into law, the following shall be the advantages of the transfer of PCG from the Department of National Defense to the DOTC:

- PCG will have the ability to pursue programs and projects in coordination with the private sector and foreign financing agencies and institutions for its development.
- The PCG would create a more effective policy and program coordination and implementation of concerns affecting the maritime industry and maritime safety.
- It would rationalize and enhance the efficiency of the Philippine Maritime Administration in compliance with the various conventions of the International Maritime Organization (IMO), more particularly the International Convention on the Standards of Training, Certification and Watchkeeping for Seafarers 1978 as amended in 1995 (STCW '95).
- It would enhance efficiency in the delivery of public service to the maritime sector.
- Promotion of PCG's acquisition of state-of-the-art assets, specialized training and professional growth of its personnel.
- It would spur economic growth in the maritime industry and the coastal areas.
- Develop and promulgate a coordinated and well-structured maritime program and eliminate fragmentation, overlapping and duplication of maritime safety functions.

The early passage of this bill is earnestly sought.


ROZZANO RUFINO B. BLAZON
Representative
Lone District of Muntinlupa

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HOUSE OF REPRESENTATIVES
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House Bill No. **203**

Introduced by Hon. Rozzano Rufino B. Biazon

AN ACT
ESTABLISHING THE PHILIPPINE COAST GUARD AS A SEPARATE AND
DISTINCT SERVICE ATTACHED TO THE DEPARTMENT OF
TRANSPORTATION AND COMMUNICATIONS, FURTHER AMENDING
REPUBLIC ACT NO. 5173, AS AMENDED AND FOR OTHER PURPOSES

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

SECTION 1. Title. This Act shall be known as the "Philippine Coast Guard Law of 2001".

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

SEC. 3. The PCG Commandant. (a) The PCG shall be headed by a Commandant who shall carry the rank of Vice Admiral. He shall be appointed by the President from among the Flag Officers in the Coast Guard active service who hold a command-at-sea badge and has Served as a District Commander of the PCG. He shall serve in good standing up to the Compulsory retirement age of fifty-six (56) years unless sooner removed for cause *Provided*, that in time of war or other national emergency declared by Congress, the President may extend such term of office *Provided further*, that the officer who has retired or is retirable within one (1) year from the compulsory retirement age shall not be appointed as PCG Commandant.

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

- (1) Advise the President or the Secretary of the DOTC on the promulgation of executive orders, rules and regulations, proclamations and other issuances relative to matters under the jurisdictions of the PCG;
- (2) Establish policies and standards for the efficient and effective management and operation of the PCG;
- (3) Promulgate rules and regulations necessary to carry out the objectives, policies, plans, programs and projects of the PCG; and
- (4) Perform other functions as may be provided by law or approximately assigned by the President or the Secretary of the DOTC.

SEC. 4. Organization of the PCG. – (a) The PCG shall consist of the following categories of officers and employees:

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

Provided, however, That 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.

- (b) there shall be a PCG Technical Service to be composed of medical doctors, dentists, nurses, lawyers, and a chaplain. 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, however, shall be subject to the same rules and regulations governing PCG uniformed personnel.

SEC. 5. Appointment of PCG Officers.– All appointments of PCG officers, except those on the Technical Service, shall be to the lowest rank of Coast Guard Ensign, who must be a baccalaureate degree holder. The President shall approve such initial appointments from a list submitted by the PCG Recruitment and Selection Board for Officers. The list shall contain the names of those who meet the admissions criteria set by the Board.

SEC. 6. Appointment of PCG Enlisted and Non-Uniformed Personnel. – Upon the approval of the DOTC Secretary, the PCG Commandant shall appoint all PCG enlisted personnel in accordance with the rules and regulations to be promulgated by the PCG Recruitment and Selection Board for Enlisted Personnel: *Provided* that, he must have finished at least third year college or equivalent of one hundred twenty (120) collegiate units in a course related to Coast Guard functions. The PCG Commandant, on the other hand, shall appoint non-uniformed employees in accordance with Civil Service rules and regulations.

SEC. 7. Promotion of PCG Officers.– The Commandant shall recommend to the President through the DOTC Secretary the promotion of PCG officers who are best qualified for appointment by the PCG Officers Selection and Promotion Board.

SEC. 8. Promotion of PCG Enlisted Personnel and Non-Uniformed Employees. – The Commandant shall promote PCG enlisted personnel to the next higher rank based on the recommendation of the PCG Selection and Promotion Board for Personnel. The promotion of non-uniformed employees shall be governed by Civil Service laws, rules and regulations.

SEC. 9. Disciplinary Actions.– In the investigation of administrative cases against PCG officers and enlisted personnel, the applicable provisions of the PCG Code of Discipline, Order and Justice for PCG officers and enlisted personnel and uniformed personnel shall be strictly observed. The applicable rules, regulations and guidelines promulgated by the Civil Service Commission, on the other hand, shall govern the investigation of administrative cases against PCG non-uniformed employees.

SEC. 10. Pay and Allowances.– The PCG shall continue to receive the same base pay, longevity pay, hazard pay, benefits, allowances and all other compensations which they are now receiving comparable to the salary grades of the Armed Forces of the Philippines (AFP) for officers and enlisted personnel.

The salaries and allowances of the non-uniformed employees of the PCG shall be in accordance with the revised compensations and position classification law.

SEC. 11. 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/mid-shipman/woman, trainee or draftee in the PCG or from the Philippine Navy (PN), and services rendered as a civilian official or employee in the Philippine Government prior to the date of separation of retirement from the PCG: *Provided*, That services rendered as midshipman/woman, probationary officer, trainee or draftee in the PCG or as cadet or trainee shall be credited for purposes of longevity pay.

SEC. 12. Retirement System.- The retirement system of the PCG Officers and uniformed enlisted personnel shall be in accordance with PD No. 1638, as amended.

SEC. 13. Health Care System.-Until such time that the PCG is able to establish its own health care system, all PCG personnel shall continue to enjoy the medical/dental benefits provided by the AFP.

SEC. 14. Collection Revenues.- The PCG shall continue collecting fees, charges and fines relevant to the exercise of its various regulatory functions.

SEC. 15. Organization of a Civilian Volunteer Organization.- 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 at sea, marine environmental protection, maintaining aids to navigation and such other activities that enhance maritime community relations which include civic action, youth development and related activities.

SEC. 16. Rules and Regulations.- Subject to the approval of the Secretary of the DOTC, the PCG Commandant shall issue such rules and regulations as may be necessary to implement the provisions of this Act as well as the provisions of acts, decrees and orders that are not inconsistent with this Act.

SEC. 17. Appropriations.- The Secretary of the DOTC shall immediately prepare the necessary guidelines to cover the establishment of the Philippine Coast Guard as a separate and distinct service attached to the DOTC, the initial funding of which shall be charged against the current year's appropriations of the PCG and thereafter in the annual General Appropriations Act.

SEC. 18. Transitory Provisions.-All previous appointments and promotions of PCG uniformed personnel made prior to the enactment of this Act shall remain valid and subsisting.

SEC. 19. Separability Clause.- If any Section or any part of this Act is declared unconstitutional by component authority, the remaining Sections or parts of this Act which are not affected thereby shall continue to be in full force and effect.

SEC. 20. 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.

SEC. 21. Effectivity.- This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in any newspaper of general circulation.

Approved.