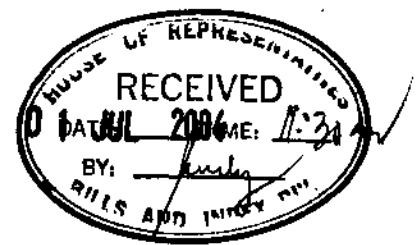


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

THIRTEENTH CONGRESS

First Regular Session

House Bill No. 222



Introduced by Hon. Rozzano Rufino B. Biazon

EXPLANATORY NOTE

In recognition for the need for a guardian of sea safety, Republic Act No. 5173 was enacted creating the Philippine Coast Guard (PCG) with the mandate 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.

The Coast Guard was a made military unit under the Philippine Navy. Cognizant of this intent, the Navy has taken steps to professionalize the Coast Guard in preparation for its eventual separation while inculcating in it positive military values and discipline. Through the years, the Navy has nurtured the Coast Guard but its full professional development still hinges primarily on its transformation into a distinct service under a civilian department of government. After thirty-one (31) years under the military set-up, the PCG has developed the expertise, organization and infrastructure, and has been able to attain the experience and maturity necessary in the performance of its function as an independent organization to adapt to rapidly changing developments in the maritime environment.

Pursuant to Executive Order No. 477, the PCG was separated from the Navy and transferred to the Department of Transportation and Communications in. Sections 3 and 4 thereof provides that the AFP law, rules and regulations shall govern matters pertaining to pay, allowances and other benefits until such time that the PCG is able to come up with its own system.

Consistent with the compensation policy enunciated under Sections 5 of Article IX-B of the Constitution, this bill, if enacted into law, would provide additional benefits to members of the PCG who are not covered under Republic Act No. 9166 (An Act Promoting the Welfare of the Armed Forces of the Philippines by Increasing the Rate of

Base Pay and Other Benefits of Its Officers and Enlisted Personnel, and For Other Purposes) in view of their transfer as an attached agency/Key Budgetary Item unit of the Department of Transportation and Communications. The PCG's transfer to the DOTC enhances the PCG's unique status as a uniformed commissioned service operating outside the military organization and working under the umbrella of a civilian department thereby making it *sui generis* i.e., in a category of its own. Hence, a system peculiar to the PCG is an imperative.

This Bill seeks to guarantee the well being and welfare of both the individual and the group of which he is part by integrating, increasing and rationalizing the base pay and other social welfare benefits of the Philippine Coast Guard (PCG) personnel.

In view of the importance of this bill, immediate passage is earnestly sought.


ROLANDO RUFINO B. BIAZON
Representative
Lone District of Muntinlupa

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AN ACT
PROMOTING THE WELFARE OF THE PHILIPPINE COAST GUARD BY
INCREASING, INTEGRATING AND RATIONALIZING THE BASE PAY AND
OTHER BENEFITS OF ITS OFFICERS AND ENLISTED PERSONNEL, AND FOR
OTHER PURPOSES

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

PRELIMINARY TITLE
CHAPTER I
GENERAL PROVISIONS

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

SECTION 2. *Declaration of Policy* – It is the policy of the State to insure the well-being and economic security of the individual and to promote the gratification and welfare of both the individual and the group of which he is a part, by enhancing professionalism in the Philippine Coast Guard (PCG).

SECTION 3. *Statement of Objectives* – It is the objective of this Act to ensure reforms in the organization of the PCG by bestowing to every personnel the enjoyment

1 of basic rights and privileges in his career in the Coast Guard service and upon
2 retirement thereof.

3
4 Thus, the State shall:

5
6 a. Promote and maintain a rationalized and professionalized Coast Guard
7 service through a highly standardized recruitment and selection process,
8 manpower and in-service training, moral values formulation with the grant and
9 prompt utilization of financial and equipment resources;

10 b. Facilitate administrative and financial support to every PCG personnel
11 and/or to his family facing any criminal or civil suit arising from service-related "acts
12 of omissions" and in the course of his duty by according him a considerable support
13 allowed within the limits set by law;

14
15 c. Promote and develop a rational system of career promotion and
16 advancement based on merit and a uniform criteria, applicable to every PCG
17 personnel regardless of mode of entry in the Coast Guard service;

18
19 d. Develop every Coast Guard personnel to be highly competent and
20 professional by institutionalizing the PCG as a strong cohesive and well-balanced
21 bureau of the government;

22
23 e. Assure the rights of every PCG personnel to security of tenure, just and
24 humane working condition and the exercise or expressions of legitimate
25 grievances done in good faith without fear of reprisal and retaliation from his
26 superior officers; and coordinative, cooperative and functional working relationship with
27 the community and other entities/offices whether public or private, in order to
28 encourage their participation in carrying out the PCG mandates and objectives.

29
30 **SECTION 4. Statutory Construction of Law in Favor of Coast Guard**
31 **Personnel.**- All doubts in the interpretation of the provisions of this Act shall be
32 construed in favor of Coast Guard personnel.

1
2 e. The right to join a legitimate and recognized organization or institution that
3 will truly enhance and promote the exercise of his duties and responsibilities; and
4

5 f. The right to undertake activities designed to enhance and develop his well-
6 being as a person with dignity and as an exemplar to society.
7

8 **SECTION 7. *Duties and Responsibilities.***- Every member of the PCG shall:
9

10 a. Either collectively or individually exert effort to carry out his duties and
11 responsibilities in the most professional manner and within the bounds of law;
12

13 b. Implement the missions set forth by the PCG without fear of physical or legal
14 reprisal, adverse criticism, expectation of monetary award, promotion in rank, and
15 receipt of merits and commendations;
16

17 c. Remain apolitical and give his loyalty and cooperation only to the duly
18 constituted authorities.
19

20 d. Develop his potentials by undergoing continuing educational training
21 relevant to his position in the service and/or occupational skill;
22

23 e. Uphold the dignity and prestige of the service;
24

25 f. Promote and maintain the stability of the service by observing the PCG
26 hierarchy, respecting the rank and position of every member, practicing the written and
27 unwritten customs and traditions pertaining to the mode of discipline and observing
28 harmonious and civil working relationship with fellow members of the Coast Guard
29 service and the other members of the government bureaucracy, as well as the civilian
30 populace.
31

1 g. Exercise his rights, duties and obligations with the knowledge that he shall
2 be responsible for any breach or violation of the public trust reposed upon him and
3 the rights of others dealing directly or indirectly with the Coast Guard; and
4

5 h. Observe and respect with fidelity the constitutional and human rights of the
6 people he ought to protect and serve to the best of his ability.
7

8 **SECTION 8. *Performance and Evaluation.***- A uniform and equitable
9 performance and evaluation system for all uniformed PCG personnel shall be
10 established and administered by the PCG. Such system shall be administered with the
11 aim of inculcating professionalism, efficiency and discipline to every member of the
12 Coast Guard service. The accomplishment of tasks and mission shall always be
13 subordinated to the constitutional and human rights of an individual.
14

15 **SECTION 9. *Appointment of PCG Officers.*** - All appointments of PCG
16 officers, except those on the Technical Service, shall be to the lowest rank of *Coast*
17 *Guard Ensign*, who must be a baccalaureate degree holder. The President shall
18 approve such initial appointments from a list submitted by the
19 Commandant, PCG upon the recommendation of the PCG Recruitment and
20 Selection Board for Officers. (The list shall contain the names of those who meet
21 the admissions criteria set by the Board.)
22

23 **SECTION 10. *Appointment of PCG Enlisted and Non-uniformed***
24 ***Personnel.***- Upon the approval of the DOTC Secretary, the Commandant, PCG shall
25 appoint all PCG enlisted personnel in accordance with rules and regulations
26 to be promulgated by the PCG Recruitment and Selection Board for Enlisted
27 Personnel: *Provided* that, he must be a holder of Baccalaureate Degree or its
28 equivalent in a course related to Coast Guard functions. The Commandant,
29 PCG, on the other hand, shall appoint non-uniformed employees in accordance with
30 Civil Service Rules and Regulations.
31

32 **SECTION 11. *Promotion of PCG Officers.***- The Commandant, PCG shall
33 recommend to the President, through the DOTC Secretary the promotion

1 **SECTION 13. *Duty Hours.***- PCG personnel shall be on call 24 hours a day but
2 is required to render minimum service of 8 hours a day except on scheduled duty or
3 during red alert or national emergencies;
4

5 **SECTION 14. *Salary Scale.***- The PCG shall have a salary scale separate and
6 distinct from other agencies of the government to attract the best and the competent
7 in the Coast Guard service. The salary scale shall be reviewed every 3 years or
8 depending on economic fluctuations necessitating progressive adjustments thereof.
9

10 **SECTION 15. *Criteria for Salaries.***- PCG personnel's salaries shall
11 correspond to the following criteria:
12

13 a. Salary shall automatically increase with those in the service of the
14 government or those paid in other occupations or profession requiring equivalent or
15 similar qualifications, training and abilities regardless of position or rank;
16

17 b. Salary shall ensure that the lowest rank and position receives an amount which
18 will enable him and his family to afford a reasonable and decent standard of living; and
19

20 c. Basic monthly salary shall exclude the subsistence allowance, cost of living
21 allowance, quarters allowance, clothing allowance, hazard pay, amelioration pay, health
22 care pay and all other allowances as may be provided under existing laws.
23

24 **SECTION 16. *Cost of Living Allowance.***- PCG personnel's salaries shall keep
25 pace with the rise in the cost of living which shall automatically follow changes in
26 cost-of-living index as determined by competent government agencies.
27

28 **SECTION 17. *Peculiar Allowances*** - In areas wherein PCG personnel are
29 exposed to hardship or other hazards usual to the performance of its mandated
30 functions and established to be peculiar to any given area or place of assignment,
31 as determined by the PCG, he shall be compensated with sea duty, flying pay,
32 instructor's duty pay, hazardous pay and/or special hardship allowance.
33

1 are recognized as compensable occupational diseases, in accordance with existing
2 laws.

3
4 **SECTION 24. *Permanent Physical Disability.***- A uniformed member who
5 incurs a total permanent disability in line of duty and has rendered a total of twenty (20)
6 years of continuous active duty in the Coast Guard service shall be compulsorily
7 retired: Provided, that upon his compulsory retirement, he shall be entitled to a
8 retirement pay pursuant to Section 29 of this Act.

9
10 **SECTION 25. *Disability Benefits.***- Any member and his dependents shall be
11 entitled to all benefits relative to the member's permanent incapacity, as may be Provided
12 for under this Act or other existing laws.

13
14 **SECTION 26. *Leaves.***- In addition to leave privileges enjoyed under existing
15 laws, PCG personnel shall also be entitled to the following:

16
17 a. Study leave, with pay not exceeding two (2) years Provided, That no grantee
18 shall be allowed to accumulate more than two (2) years of study leave except when he
19 needs an extra semester to complete and defend his thesis for a graduate study in
20 a degree relevant to his being a member of the Coast Guard service.

21
22 b. An indefinite leave of sick absence which shall be granted to an ailing member
23 whose medical treatment requires more than one (1) year of continued treatment.

24
25 Leave with pay shall be chargeable against his leave credits. Leave
26 without pay shall not be granted whenever the personnel has leave with pay to his
27 credit.

28
29 Leaves shall be cumulative and any part thereof which may not be taken within
30 the calendar year in which earned may be carried over the succeeding years. Whenever a
31 uniformed personnel retires, voluntarily resigns or is allowed to resign or is separated
32 from the service through no fault of his own, he shall be entitled to the commutation of
33 all the accumulated leaves to his credit.

1 CHAPTER IV

2
3 SEPARATION, RETIREMENT AND DEATH BENEFITS

4
5 SECTION 27. *Separation Benefits.*- PCG personnel who has served
6 continuously for at least five (5) years and who is separated through no fault of his own
7 or voluntarily resigns shall be entitled to a separation pay equivalent to one (1) month
8 salary for every year of service in addition to the commutation of all the accumulated
9 leaves to his credit.

10
11 SECTION 28. *Retirement in the Next Higher Rank.*- Uniformed members, for
12 the purpose of retirement pay, shall be retired one (1) rank higher than the last
13 permanent rank held.

14
15 SECTION 29. *Retirement Benefits.*- Monthly retirement pay shall be sixty five
16 percent (65%) of the base pay and longevity pay pursuant to Section 26 in case the
17 retiree has rendered at least twenty (20) years of continuous active Coast Guard
18 service, increasing by two and one-half percent (2 ½ %) for every year of actual
19 Coast Guard service pay rendered beyond the initial twenty (20) of ninety percent
20 (90%) for thirty-six (36) years of active Coast Guard service and over: Provided, That
21 the retiree shall have the option to receive in advance a lump sum of his retirement
22 equivalent to the first five (5) years of his retirement pay as it accrues: Provided, further,
23 that the payment of the lump sum shall be made within six (6) months from the
24 effectivity date of his retirement; Provided, finally, that the retirement pay of all
25 uniformed members shall be subject to adjustment to the prevailing scale of base pay of
26 members still in the active service.

27
28 SECTION 30. *Death Benefits.*- A uniformed member's heirs and
29 dependents shall be entitled to all benefits relative to the member's death, as
30 provided in this Act and other existing laws.

31
32 SECTION 31. *Additional Welfare Benefits.*- Subject to the provision of
33 existing laws, and other rules and regulations, the Commandant, PCG may

1 formulate and implement welfare schemes that are deemed beneficial to all
2 members of the PCG.

3 4 **CHAPTER V**

5 6 **AMENDATORY AND FINAL PROVISIONS**

7
8 **SECTION 32. *Implementation.***- The implementation of this Act shall be
9 undertaken in staggered phases, but not to exceed two (2) years, taking into
10 consideration the financial position of the national government: Provided, That any
11 partial implementation shall be uniform and proportionate for all ranks.

12
13 **SECTION 33. *Implementing Rules and Regulations.***- The PCG shall
14 formulate and prepare the rules and regulations necessary to implement the
15 provisions of this Act. All rules and regulations so formulated shall be liberally
16 construed in favor of the PCG personnel so as to give him the greatest degree of
17 benefits that can be derived from this Act. Implementing rules and regulations of
18 this Act shall take effect fifteen (15) days after its publication in the University of the
19 Philippines Law Center.

20
21 **SECTION 34. *Budgetary Estimates.***- The Commandant, PCG shall submit to
22 Congress, through the Secretary of Transportation and Communications, the annual
23 budgetary estimates to implement the provisions of this Act shall be included in
24 the General Appropriations Act. In no case shall the budget implementing this
25 Act allotted for a given fiscal year be less than that of the previous fiscal year.

26
27 **SECTION 35. *Separability Clause.***- If any Section or any part of
28 this Act is declared unconstitutional by competent authority, the remaining Sections
29 or parts of this Act which are not affected thereby shall continue to be in full force and
30 effect.

31

1 **SECTION 36. *Repealing Clause.***- All laws, presidential decrees, executive
2 orders, letters of instructions, and rules and regulations that are inconsistent with the
3 provisions of this Act are hereby repealed or modified accordingly.

4

5 **SECTION 37. *Effectivity.***- This Act shall take effect fifteen (15) days
6 after its publication in the Official Gazette or in any newspaper of general circulation.

7

8 Approved,