

Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City

Seventeenth Congress  
First Regular Session

**HOUSE BILL NO. 5752**



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**Introduced by Honorable Deogracias Victor "DV" B. Savellano**

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**EXPLANATORY NOTE**

**AN ACT SAFEGUARDING THE MARITIME TERRITORIAL INTEGRITY OF THE PHILIPPINES THROUGH REINFORCEMENT OF ITS COAST GUARD BY EMPOWERING LOCAL GOVERNMENT UNITS IN THE ESTABLISHMENT OF THEIR RESPECTIVE LOCAL COASTGUARD COUNCIL, SPEAR-HEADED BY A SYSTEMATIZED MANAGEMENT PLAN, DEDICATED FUND AND EFFECTIVE PERSONNEL.**

The Archipelagic Doctrine as enshrined in Article 1 of the 1987 Constitution provides that an Archipelago shall be regarded as a single unit, so that the waters around, between, and connecting the islands of the archipelago, irrespective of their breadth and dimensions, form part of the internal waters of the state, subject to its exclusive sovereignty. With 7,100 islands and 18,000 km of shoreline, the Philippines is considered as an Archipelago. The extent and importance of coastal resources and coastal areas are highlighted with the following: 832 municipalities out of 1,541 or 53.9 percent are coastal; almost all major cities are coastal; 62% of the population lives in the coastal zone; there are about 27,000 km<sup>2</sup> of coral reef but less than 5 percent is in excellent condition; 120,000 ha of mangrove remains, only about 25 percent of the area in 1920; and more than 50 percent of the animal protein intake in the Philippines is derived from marine fisheries. Having territorial rights over the aforementioned coastal resources, the Philippine government is duty bound to protect the same.

The shores of the Philippines are havens that attract people to live, work and recreate. These coastal estuaries, wetlands, barrier islands, coral reefs, tidal flats and rocky shores are also vital to a myriad of fish and wildlife species, as well as, to the well-being of Filipinos who live and work in coastal communities. Many coastal areas have ports for the exchange of trade and economic activities with other countries. These coastal areas are potential rich source of alternative energy, marine resources and tourism destination.

Over the last 20 years, coastal areas in the Philippines have come under increasingly severe threats to human activities. There is rapid population growth due, in part, to migration

to coastal areas. There is widespread poverty in coastal areas. Fishermen, in particular, are among the poorest of the poor. There is decline in fisheries productivity due to overharvesting and loss of habitats. There is increasing environmental change. Overfishing, the use of destructive fishing practices, and habitat conversion resulted in alarming degradation of coastal areas (DENR 1997). There is low average production per unit area of fishponds and relatively low economic returns retarding needed investment to improve agricultural production. There is increased pollution from land-based activities, industrial and urban development, deforestation and agriculture, all of which contribute to declining productivity in the maritime environment as water quality is lowered. There are potentially great impacts from global climate change on coral reef ecosystems and the fisheries they support.

Current trends show foreign incursions into the shores that threaten Philippine national security and territorial integrity. Recently, there were reports that a Chinese ship has sailed and passed the waters of Benham Rise, a region that the Philippines have the right of claim (UN Convention of the Law of the Seas). The Benham Rise area definitely does not have any Chinese historical claim of any sort like they had been asserting they have at the West Philippine Sea just because it is part of the larger body of water bearing the name South China Sea (SCS). On the pretext that China was "looking for a place to put submarine" as the Department of National Defense put the information they received, "the most likely reason would be that they have chosen the area for oceanographic research because they just want to confirm if indeed the unimaginable wealth and extent of mineral resources and gas deposits found underneath Benham Rise truly exist.

There were also previous reports of unidentified foreign small vessels that have sailed and anchored unto small villages along the shorelines of the country without clearance from the Philippine Coastguard or other government authorities, their activities unmonitored and the security of the communities unguaranteed.

With these scenarios, there is a need to strengthen the Philippine national coastguard program to provide attention on high priority coastal ecosystems, to achieve our goals for recovery of endangered species and maintaining populations of at risk species, protect or restore coastal wetlands and support solve local natural resource problems, address the livelihood and well-being of fishermen and provide the security of many coastal areas by intensifying the presence of the Philippine state forces especially the Coast Guard.

The 1987 Constitution states the 'right to a balanced and healthy ecology' of the nation's marine wealth, and the Local Government Code stipulates the responsibility of local government units to 'manage and maintain ecological balance within their territorial jurisdiction. The Fisheries Code (Republic Act 8550) of 1997 institutionalizes the goals of maintaining a 'sound primordial ecological balance' and stipulates the details of autonomy and mandates of different users and management authorities. Also the ArcDev Framework for Sustainable Philippine Archipelagic Development, developed from the National Marine Policy with assistance from UNDP, departs from the assumption that Maximum Sustainable Yield (MSY) has been exceeded and argues that the state is obligated to ensure goals of poverty

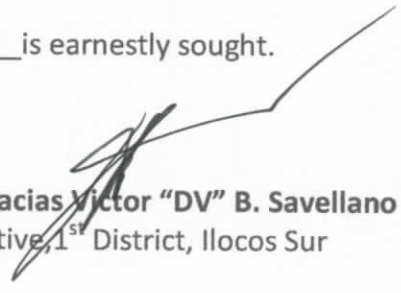
alleviation and livelihoods within 'ecological limits' and 'optimal utilization' (DENR et al., 2004, p. 163). The definition of what comprises the desirable, optimal and assumed stable state of the ecosystem is frequently dependent on the economic benefits which can be derived for the government or business partners.

Fishery is an economic sector of great importance for the Philippine state, corporations and the trade partners. In the ArcDev Framework this economic interest is coupled to interests of territorial integrity, national security and enforcement of UNCLOS (UN Convention Law of the Sea).

It is my position that the presence of state forces particularly the Philippine Coast Guard (PCG) or Hukbong Bantay Dagat ng Pilipinas be intensified. The PCG is the armed and uniformed service tasked primarily with enforcing laws within Philippine waters, conducting maritime security operations, safeguarding life and property at sea and protecting marine environment and resources. Its role must be in the forefront in order to sustain and eventually improve the benefits derived from coastal resources and to safeguard the security of the country.

Considering the vastness of the territorial waters that the Philippine government has to protect and defend, optimal deployment of the Coast Guard can be achieved through identification of critical locations where the presence of these units are capable of delivering responsive services. The Department of Interior and Local Government is needed to push for the institutionalization of Local Coastguard Management Councils in all levels. Alongside with the PCG, all local government units located along the coastlines must institutionalize their Provincial/Municipal/City/Barangay Coastguard Management Council Plan, provide funds therefore in order to address the abovementioned interests. It is also valuable to strengthen the role and mandate of other government agencies operating in these localities to manage the impact of development. Without integrated approaches, the environmental concerns, food security and national security will be further threatened.

In view of the foregoing, the passage of house bill \_\_\_\_\_ is earnestly sought.



**Hon. Deogracias Victor "DV" B. Savellano**  
Representative, 1<sup>st</sup> District, Ilocos Sur

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

**SECTION 1. Short Title.** - This Act shall be known as the "Coastguard Watch Act of 2017."

**SECTION 2. Declaration of Policy.** - The State recognizes the right to protect the nation's marine wealth in its archipelagic waters, territorial sea, and exclusive economic zone, and reserve its use and enjoyment exclusively to Filipino citizens.

**SECTION 3. Definition of Terms.** - As used in this Act:

- (a) **"Government Agency"** shall include the executive, legislative and judicial branches, as well as, the constitutional bodies of the Republic of the Philippines, including but not limited to, the national government and all its agencies, departments, bureaus, offices and instrumentalities, constitutional commissions and constitutionally mandated bodies, local governments and all their agencies, regulatory agencies, chartered institutions, government owned and/or controlled corporations, wholly-owned or controlled subsidiaries, government financial institutions, state universities and colleges.
- (b) **"Local Council"** shall refer to the local coastguards assigned by the Philippine Coastguard, subject to the approval of the Secretary of Defense, to respective local government units adjoining or neighboring maritime waters considered as strategic points or those disputed waters within the West Philippine Sea.

**SECTION 4. Government Agency Concerned** – the Philippine Coast Guard (PCG) is a uniformed armed service responsible and mandated to perform maritime search and rescue, maritime law enforcement, maritime safety, maritime environmental protection and maritime security.

**SECTION 5. Implementation** – There shall be established implementing rules and regulations, taking into account the capacity and capability of our local councils, to effectuate the objectives expressed herein.

**SECTION 6. Enforcement** – There shall be established local councils, in charge of enforcing the laws, rules and regulations set forth under this Act, for respective local government units concerned, which shall be under the supervision and control of the Philippine Coast Guard.

**SECTION 7. Funding** – The Secretary of Defense shall include in the Department's program the establishment and operationalization of local councils, with respect to the expenses incurred for conducting intelligence work or practical on duty training, the funding of which shall be included in the annual General Appropriations Act.

**SECTION 8. Coverage.** - This Act shall cover all government agencies as defined under section 3 of this Act.

**SECTION 9. Keeping of Records** – The day to day operations of local councils shall be recorded, including the comprehensive reports concerning the security status territorial waters subject of this Act.

**SECTION 10. Exemption from Compliance.** – Local government units situated in areas adjoining or neighboring maritime waters concerned not considered as strategic points nor those included among the disputed waters are exempted from this Act.

**SECTION 11. Administrative Liability.** – Refusal to respond to calls which require the protection and preservation of the territorial waters of the Philippines, as well as, the abuse of enforcement shall constitute grounds for administrative and disciplinary sanction against any public official or employee, without prejudice to criminal and civil prosecution.

**SECTION 12. Separability Clause** – If any section or part of this Act is held unconstitutional, no other section or provision shall be affected.

**SECTION 13. Repealing Clause** – All laws, decrees, executive orders, rules and regulations, issuances or any part thereof inconsistent with the provisions of this Act, are deemed repealed.

**SECTION 14. Effectivity** - This Act shall take effect fifteen (15) days after its publication in two (2) newspapers of general circulation.

Approved,