



Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

Seventeenth Congress
Second Regular Session



HOUSE BILL NO. 5844

Introduced By:
REP. FRANCISCO JOSE F. MATUGAS II
1ST District, Surigao del Norte (*Siargao Island*)

EXPLANATORY NOTE

The Philippines forms an ocean region that has long been recognized as one of the world's center of marine biodiversity, with one of the richest concentration of marine life on the planet. It is composed of more than 7,100 islands with a coastline stretching over 36,289 kilometers. More than 30 million Filipinos depend on these marine resources for survival. But the very seas that provide them livelihood and subsistence are under serious threat. Important fragile marine ecosystems around the country are being destroyed at an alarming rate.

To conserve, protect and manage these diverse marine wealth from further degradation, for the present and future generation of Filipinos, national government agencies such as the Department of Agriculture-Bureau of Fisheries and Aquatic Resources (DA-BFAR), Philippine National Police-Maritime Group, Philippine Coast Guard and Philippine Navy are mandated to enforce all coastal environmental laws. However, given the vastness of the area they are mandated to protect, they can only cover a few stretches of the country's archipelagic coastlines. Thus, for several decades now, these national agencies and local government units, in partnership with development partners and non-government organizations, train volunteer municipal fisherfolks to become Deputy Fish Wardens or Sea Rangers, otherwise known as *Bantay Dagat*. The *Bantay Dagat* act as the multiplier forces who guard and enforce fishery related laws and ordinances in the municipal waters of coastal municipalities and cities.

Unfortunately, these *Bantay Dagat* volunteers receive no regular honoraria and are rarely given insurance coverage and other benefits, despite the hazards they face, the time spent protecting the municipal waters, and the loss of income opportunities. Notwithstanding their marginalization however, they remain committed to serve and protect the nation's marine habitat and fishery resources from further abuse and destruction. Many of them have in fact lost their lives and limbs and have been sued criminally and for damages. They must thus, be given the recognition, attention and assistance they so rightly deserve.

It is in this context that the approval of this bill is earnestly sought.



FRANCISCO JOSE F. MATUGAS II



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HOUSE BILL NO. **5841**

INTRODUCED BY REPRESENTATIVE FRANCISCO JOSE F. MATUGAS II

**AN ACT GRANTING BENEFITS AND INCENTIVES TO ACCREDITED
BANTAY DAGAT AND FOR OTHER PURPOSES**

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

1 SECTION 1. *Short Title.* - This Act shall be known as the “*Bantay Dagat*
2 *Welfare and Incentives Act.*”

3
4 SEC. 2. *Statement of Policy.* - The State shall protect the rights of subsistence
5 fishermen and local communities to the preferential use of the communal marine
6 and fishing resources, both inland and offshore. It shall provide support to such
7 fishermen through appropriate technology and research and other services. Towards
8 this end, coastal municipalities and cities are vested with jurisdiction over the
9 municipal waters as defined by Republic Act No. 8558 and, upon consultation with
10 the Fisheries and Aquatic Resources Management Council (FARMC), be responsible
11 for the management, conservation, development, protection, utilization, and
12 disposition of all fish and fisheries and aquatic resources within their respective
13 municipal waters. The LGUs shall also enforce all fishery laws, rules and regulations
14 as well as valid fishery ordinances enacted by the municipal or city council. In the
15 enforcement of said laws, the Bureau of Fisheries and Aquatic Resources (BFAR), in
16 coordination with the local government units (LGUs), is authorized to train and
17 deputize fisherfolks as Deputy Fish Wardens, locally known as *Bantay Dagat*. This
18 Act shall provide benefits and incentives to these volunteer *Bantay Dagat* who are
19 frontliners in the protection of coastal marine and fisheries resources.
20

1 The government and all its instrumentalities shall also recognize the rights of
2 accredited *Bantay Dagat* to organize themselves, to strengthen and systemize their
3 services for their community, and to make a venue for sharing their experiences and
4 for recommending policies and guidelines for the conservation, protection and
5 sustainable management of fisheries and aquatic resources.

6
7 SEC. 3. *Definition.* - *Bantay Dagat*, also known as the Deputy Fish Wardens or
8 Sea Wardens shall refer to persons who have undergone training programs on
9 coastal and fisheries law enforcement under any accredited government or non-
10 government organization and who voluntarily work as deputized fishery law
11 enforcers. They shall be accredited to function as such by the Municipal/City
12 Fisheries and Aquatic Resources Management Council (M/CFMARC) and be
13 deputized in writing by the Local Chief Executive (LCE) in accordance with the
14 guidelines promulgated by the Bureau of Fisheries and Aquatic Resources (BFAR).

15
16 SEC. 4. *Registration.* - In order for *Bantay Dagat* to be entitled to benefits and
17 incentives provided under this Act, said *Bantay Dagat* shall register with the
18 M/CFARMC in the municipality or city in which said *Bantay Dagat* renders service.
19 The FARMC, through the concerned LCE, shall furnish a copy of such registry to the
20 BFAR through its Regional Offices, which is hereby mandated to maintain a national
21 register of accredited *Bantay Dagat* nationwide. The accredited *Bantay Dagat* shall be
22 given appropriate proof of said accreditation.

23
24 SEC. 5. *Qualifications of Bantay Dagat* - Any person seeking accreditation as
25 *Bantay Dagat* must possess the following qualifications:

- 26
27 a) a Filipino citizen;
28 b) a registered and licensed fisherfolk in the municipality or city where
29 he/she intends to be accredited;
30 c) not less than twenty-one (21) years but not more than sixty (60) years of
31 age;
32 d) not have been convicted of any offense involving violation of the
33 Fisheries Code and related environmental laws;
34 e) completed the Fishery Laws Enforcement Training for *Bantay Dagat* or
35 Deputy Fish Wardens; and
36 f) involved in coastal and fisheries management activities for at least three
37 (3) years.

38
39 SEC. 6. *Number of Bantay Dagat.* - The BFAR shall determine the ideal ratio of
40 *Bantay Dagat* to the number of fisherfolks and the area of the municipal waters or
41 fisheries management area in every municipality or city.

1
2 SEC. 7. *Benefits and Incentives.* – In recognition of their services, all accredited
3 *Bantay Dagat* who are actively and regularly performing their duties shall be entitled
4 to the following incentives and benefits:
5

- 6 a) *Insurance and PhilHealth Coverage* – Each *Bantay Dagat* shall be entitled to
7 life and accident insurance and PhilHealth coverage upon deputation as
8 such by the LCE;
9
- 10 b) *Hazard Allowance* – Each *Bantay Dagat* exposed to situations, conditions,
11 or factors where foreseeable but unavoidable danger or risks exist, and
12 which adversely endanger said *Bantay Dagat's* life and/or safety, shall
13 be entitled to hazard allowance in an amount to be determined by the
14 FARMC and the Peace and Order Council (POC) of the local
15 government unit concerned;
16
- 17 c) *Subsistence Allowance* – Each *Bantay Dagat* who renders seaborne
18 patrolling or rescue services for at least eight (8) hours a day shall be
19 entitled to subsistence allowance equivalent to the meals they take in
20 the course of their duty, which shall be computed in accordance with
21 prevailing circumstances as determined by the local government unit
22 concerned;
23
- 24 d) *Training, Education and Career Enrichment Programs* – The concerned
25 coastal municipality or city in coordination with BFAR and other
26 government agencies and non-government organizations shall provide
27 opportunities to accredited *Bantay Dagat* for the following:
28
- 29 1) Continuing education, study and exposure tour trainings,
30 grants, field immersion, scholarships, and the like;
31
- 32 2) Scholarships in the form of tuition fees in state colleges, to
33 be granted to one child of every *Bantay Dagat* who will not be able to
34 take advantage of the above programs; and
35
- 36 3) Special training programs such as those on paralegal
37 education, case documentation and evidence gathering and
38 preservation, and operations of special gadgets or equipment for
39 effective and efficient coastal and fisheries law enforcement;
40
41

- 1 e) *Civil Service Eligibility.* – A second grade eligibility shall be granted to
2 accredited *Bantay Dagat* who have rendered five (5) years of continuous
3 service as such: *Provided, That* should the *Bantay Dagat* volunteer
4 become a regular employee of the government, the total number of
5 years served as *Bantay Dagat* shall be credited to his/her service in
6 computing retirement benefits;
7
- 8 f) *Free Legal Services* - Legal representation and consultation services for
9 *Bantay Dagat* shall be immediately provided by the Municipal or City
10 Legal Officer and/or Public Attorney's Office in cases of coercion,
11 interference, and in other civil and criminal cases filed by or against
12 *Bantay Dagat* volunteers arising out of or in connection with the
13 performance of their duties; and
14
- 15 g) *Preferential Access to Loans* – The BFAR, in coordination with the
16 Department of Social Welfare Development and other concerned
17 government agencies, shall provide, within one hundred eighty (180)
18 days after the effectivity of this Act, a mechanism for access to loan
19 services by organized *Bantay Dagat* volunteers.
20

21 SEC. 8. *Review by the Municipal or City FARMC.* – Every incentive or benefit for
22 *Bantay Dagat* volunteers requiring the expenditure of local funds shall be reviewed
23 and recommended by the FARMC for the approval of the Local Chief Executive to
24 ensure that only deserving *Bantay Dagat* get the same.
25

26 SEC. 9. *Security of Tenure.* – All accredited *Bantay Dagat* shall enjoy security of
27 tenure and shall not be removed or terminated except for just and valid causes as
28 may be determined by BFAR. Said just or valid causes shall be included in the
29 implementing rules and regulations of this Act.
30

31 SEC. 10. *Agent of Person in Authority.* – The accredited *Bantay Dagat* shall be
32 considered as agents of persons in authority while in the performance of their duties
33 and responsibilities.
34

35 SEC. 11. *Funding Requirement of Bantay Dagat Operation.* – Local governments,
36 by virtue of this Act, are mandated to allocate regular funding for the benefits and
37 incentives of the *Bantay Dagat* and their operational requirements. Such operational
38 requirements shall include, but shall not be limited to: (a) the conduct of seaborne
39 operations such as regular patrol in the coastal areas; (b) maintenance of equipment,
40 gadgets, and supplies necessary for their functions; (c) vehicle, fuel and food

1 allowance for their operations; and (d) conduct of seminars or workshops for *Bantay*
2 *Dagat* members.

3
4 SEC. 12. *National Government Subsidy.* - The national government, through the
5 BFAR, shall provide annual subsidy to local governments that are able to organize
6 their own *Bantay Dagat* groups.

7
8 SEC. 13. *Rules and Regulations.* - The BFAR, in cooperation with the
9 Department of the Interior and Local Government, the Department of Justice, the
10 Civil Service Commission and other concerned government agencies and non-
11 government organizations, shall formulate, within one hundred eighty (180) days
12 from its effectivity, the rules and regulations necessary to implement this Act.

13
14 SEC. 14. *Separability Clause.* - If any provision of this Act is declared invalid,
15 the remainder or any provision hereof not affected thereby shall remain in force and
16 effect.

17
18 SEC. 15. *Repealing Clause.* - All laws, decrees, executive orders and other
19 presidential issuances which are inconsistent with this Act are hereby repealed,
20 amended or modified accordingly.

21
22 SEC. 16. *Effectivity* - This Act shall take effect fifteen (15) days after its
23 publication in at least two (2) national newspapers of general circulation.

24
25 *Approved,*