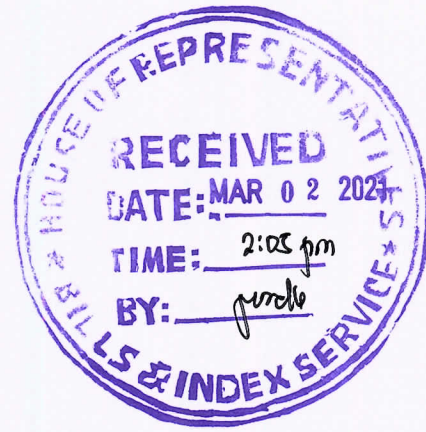


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Eighteenth Congress
Second Regular Session

House Bill No. **8855**

Introduced by HON. JUMEL ANTHONY I. ESPINO



EXPLANATORY NOTE

Coastal and marine environments of the Philippines are characterized by a variety of habitats including coral reefs, mangroves and seagrass beds that support one of the world's center of marine biodiversity, having one of the richest concentrations of marine life on the planet. More than 30 million Filipinos depend on these marine resources for their livelihood, income generation and simple subsistence. However, these same very seas are under serious threat. Human-induced pressures including pollution, over-fishing, encroachment of foreign unsustainable fishery activities, unmitigated coastal developments and use of illegal fishing methods are major challenges to the protection and conservation of our coastal and marine resources. As a result, the fragile marine ecosystems around the country are being destroyed at an alarming rate.

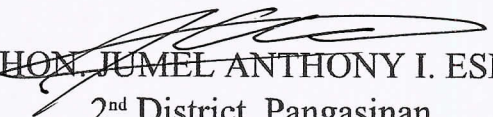
Over the years, the conservation, protection and management of these diverse marine wealth from further degradation, national government agencies such as the Department of Agriculture-Bureau of Fisheries and Aquatic Resources (DA-BFAR), Philippine National Police- Maritime Group, Philippine Coast Guard and Philippine Navy were mandated to enforce all coastal environmental laws. However, because of the Philippines is composed of more than 7,100 islands, and with a vast coastline that stretches approximately 36,289 kilometers, they are mandated to protect, they can only cover very few areas of the country's archipelagic coastlines. And so, these national agencies and coastal local government units in partnership with development partners and non-government organizations, train volunteer municipal fisherfolks and deputized them to become Deputy Fish Wardens or Sea Rangers, otherwise known as Bantay Dagat. The Bantay Dagat act as auxilliary forces who guard and

enforce fishery related laws and ordinances in the municipal waters of coastal municipalities and cities.

For several decades of their service however, these Bantay Dagat volunteers receive no regular honoraria and are rarely given insurance coverage and other benefits, despite the dangers they face, the time spent protecting the municipal waters, and the loss of income opportunities.

Despite their sorry situation however, they remain committed to serve and protect the nation's marine habitat and fishery resources from further abuse and destruction. Several of these brave Bantay Dagat volunteers have in fact lost their lives and limbs and have been sued criminally and for damages over the years.

It is for this reason that this bill seeks for them to be given the recognition, attention, and assistance that they so rightly deserve, and so the approval of this bill is earnestly sought.


HON. JUMEL ANTHONY I. ESPINO
2nd District, Pangasinan

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

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 “***Bantay Dagat Welfare and Benefits Act of 2021***”.

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

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

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

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

Section 5. Qualifications of Bantay Dagat — Any person seeking accreditation as Bantay Dagat must possess the following qualifications:

- a. A Filipino citizen;
- b. A registered and licensed fisherfolk in the municipality or city where he/she intends to be accredited;
- c. Not less than twenty-one (21) years but not more than sixty (60) years of age;
- d. Not have been convicted of any offense involving violation of the Fisheries Code and related environmental laws;
- e. Completed the Fishery Laws Enforcement Training for Bantay Dagat or Deputy Fish Wardens; and
- f. Involved in coastal and fisheries management activities for at least three (3) years.

Section 6. Number of Bantay Dagat — The BFAR shall determine the ideal ratio of Bantay Dagat to the number of fisherfolks and the area of the municipal waters or fisheries management area in every municipality or city.

Section 7. Benefits and Incentives — In recognition of their services, all accredited Bantay Dagat who are actively and regularly performing their duties shall be entitled to the following incentives and benefits:

- a. **Insurance and PhilHealth Coverage**, — Each Bantay Dagat shall be entitled to life and accident insurance and PhilHealth coverage upon deputation as such by the LCE;

- b. **Hazard Allowance.** — Each Bantay Dagat exposed to situations, conditions, or factors where foreseeable but unavoidable danger or risks exist, and which adversely endanger said Bantay Dagat's life and/or safety, shall be entitled to hazard allowance in an amount to be determined by the FARMC and the Peace and Order Council (POC) of the local government unit concerned;
- c. **Subsistence Allowance** — Each Bantay Dagat who renders seaborne patrolling or rescue services for at least eight (8) hours a day shall be entitled to subsistence allowance equivalent to the meals they take in the course of their duty, which shall be computed in accordance with prevailing circumstances as determined by the local government unit concerned;
- d. **Training, Education and Career Enrichment Programs** — The concerned coastal municipality or city in coordination with BFAR and other government agencies and non-government organizations shall provide opportunities to accredited Bantay Dagat for the following:
 - i. Continuing education, study and exposure tour trainings, grants, field immersion, scholarships, and the like;
 - ii. Scholarships in the form of tuition fees and other school fees in state universities /colleges, to be granted to one child of every Bantay Dagat who will not be able to take advantage of the above programs; and
 - iii. Special training programs such as those on paralegal education, case documentation and evidence gathering and preservation, and operations of special gadgets or equipment for effective and efficient coastal and fisheries law enforcement;
- e. **Civil Service Eligibility.** — A second grade eligibility shall be granted to accredited Bantay Dagat who have rendered five (5) years of continuous service as such: Provided, That should the Bantay Dagat volunteer become a regular employee of the government, the total number of years served as Bantay Dagat shall be credited to his/her service in computing retirement benefits;
- f. **Free Legal Services.** — Legal representation and consultation services for Bantay Dagat shall be immediately provided by the Municipal or City Legal Officer and/or Public Attorney's Office in cases of coercion, interference, and in other civil and criminal cases filed by or against Bantay Dagat volunteers arising out of or in connection with the performance of their duties; and
- g. **Preferential Access to Loans,** — The BFAR, in coordination with the Department of Social Welfare Development and other concerned government agencies, shall provide, within one hundred eighty (180) days after the effectivity of this Act, a mechanism for access to loan services by organized Bantay Dagat volunteers.

Section 8. Review by the Municipal or City FARMC — Incentives or benefist for Bantay Dagat volunteers requiring the expenditure of local funds shall be reviewed and recommended by the FARMC for the approval of the Local Chief Executive to ensure that only deserving Bantay Dagat get the same.

Section 9. Security of Tenure. — All accredited Bantay Dagat shall enjoy security of tenure and shall not be removed or terminated except for just and valid causes as may be determined by BFAR. Said just or valid causes shall be included in the implementing rules and regulations of this Act.

Section 10. Agent of Person In Authority — The accredited Bantay Dagat shall be considered as agents of persons in authority while in the performance of their duties and responsibilities.

Section 11. Funding Requirement of Bantay Dagat Operation — Coastal Local governments, by virtue of this Act, are mandated to allocate regular funding for the benefits and incentives of the Bantay Dagat and their operational requirements. Such operational requirements shall include, but shall not be limited to: (a) the conduct of seaborne operations such as regular patrol in the coastal areas; (b) maintenance of equipment, gadgets, and supplies necessary for their functions; (c) vehicle, fuel and food allowance for their operations; and (d) conduct of seminars or workshops for Bantay Dagat members.

Section 12. National Government Subsidy — The national government, through the BFAR, shall provide annual subsidy to local government that are able to organize their own Bantay Dagat groups.

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

Section 14. Separability Clause —If any provision of this Act is declared invalid, the remainder or any provision hereof not affected thereby shall remain in force and effect.

Section 15. Repealing Clause — All laws, decrees, executive orders, and other presidential issuances which are inconsistent with this Act are hereby repealed, amended, or modified accordingly.

Section 16. Effectivity —This Act shall take effect fifteen (15) days after its publication in at least two (2) national newspapers of general circulation.

Approved,