



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

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 1032



Introduced by **Representative Francisco Jose F. Matugas II**

EXPLANATORY NOTE

The Philippines forms an ocean region that has long been recognized as one of the world's centers of marine biodiversity, with one of the richest concentrations 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 this 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



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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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**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 SEC. 2. *Statement of Policy.* - The State shall protect the rights of
4 subsistence fishermen and local communities to the preferential use of the
5 communal marine and fishing resources, both inland and offshore. It shall
6 provide support to such fishermen through appropriate technology and research
7 and other services. Towards this end, coastal municipalities and cities are vested
8 with jurisdiction over the municipal waters as defined by Republic Act No. 8550
9 and, upon consultation with the Fisheries and Aquatic Resources Management
10 Council (FARMC), be responsible for the management, conservation,
11 development, protection, utilization, and disposition of all fish and fisheries and
12 aquatic resources within their respective municipal waters. The LGUs shall also
13 enforce all fishery laws, rules and regulations as well as valid fishery ordinances
14 enacted by the municipal or city council. In the enforcement of said laws, the
15 Bureau of Fisheries and Aquatic Resources (BFAR), in coordination with the
16 local government units (LGUs), is authorized to train and deputize fisherfolks as
17 Deputy Fish Wardens, locally known as *Bantay Dagat*. This Act shall provide

1 benefits and incentives to these volunteer *Bantay Dagat* who are frontliners in
2 the protection of coastal marine and fisheries resources.

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

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

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

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

- 27 a) a Filipino citizen;
28 b) a registered and licensed fisherfolk in the municipality or city
29 where he/she intends to be accredited;
30 c) not less than twenty-one (21) years but not more than sixty (60)
31 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.

SEC. 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.

SEC. 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:

- 1) Continuing education, study and exposure tour trainings, grants, field immersion, scholarships, and the like;

1 2) Scholarships in the form of tuition fees in state colleges, to be
2 granted to one child of every *Bantay Dagat* who will not be able to take
3 advantage of the above programs; and

4 3) Special training programs such as those on paralegal
5 education, case documentation and evidence gathering and preservation.
6 and operations of special gadgets or equipment for effective and efficient
7 coastal and fisheries law enforcement;

8 e) *Civil Service Eligibility.* – A second grade eligibility shall be granted
9 to accredited *Bantay Dagat* who have rendered five (5) years of continuous
10 service as such: *Provided, That* should the *Bantay Dagat* volunteer become a
11 regular employee of the government, the total number of years served as *Bantay*
12 *Dagat* shall be credited to his/her service in computing retirement benefits;

13 f) *Free Legal Services* - Legal representation and consultation services
14 for *Bantay Dagat* shall be immediately provided by the Municipal or City Legal
15 Officer and/or Public Attorney's Office in cases of coercion, interference, and in
16 other civil and criminal cases filed by or against *Bantay Dagat* volunteers arising
17 out of or in connection with the performance of their duties; and

18 g) *Preferential Access to Loans* – The BFAR, in coordination with the
19 Department of Social Welfare Development and other concerned government
20 agencies, shall provide, within one hundred eighty (180) days after the effectivity
21 of this Act, a mechanism for access to loan services by organized *Bantay Dagat*
22 volunteers.

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

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

1 SEC. 10. *Agent of Person in Authority.* - The accredited *Bantay Dagat*
2 shall be considered as agents of persons in authority while in the performance of
3 their duties and responsibilities.

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

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

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

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

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

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

28 *Approved,*