

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS

First Regular Session

HOUSE BILL NO. 4032



Introduced by the **Honorable ANIELA BIANCA D. TOLENTINO**

EXPLANATORY NOTE

The Philippines is a party to several agreements relating to the international maritime matters. The Philippines is a party to the International Convention for the Safety of Life at Sea of 1974, including its protocols of 1978 and 1988, and agreement of 1996. The country is also part of the United Nations Convention of the Law of the Sea of 1982. Other international conventions like the Salvage Convention of 1989 and the International Convention on Maritime Search and Rescue of 1979 also calls for providing assistance to persons who are in distress at sea.

As a major party to the global maritime industry, the Philippines should highlight its commitments to international conventions relating to safety and rescue of persons who are in distress at sea by enacting a law that will concretize the provisions in said international agreements. As such, this representation filed the bill herein to require the rendering of assistance to persons who are in distress at sea.

This representation likewise seeks to make it a State policy that unlawful acts committed on waters forming part of the national territory and those over which the country has sovereignty and jurisdiction are prevented, detected, and penalized to ensure a safe maritime environment as well as safeguard the lives and properties of its citizens.

For the Filipino people, approval of the foregoing bill is earnestly sought.

A handwritten signature in black ink, consisting of a large, stylized 'C' followed by a vertical line and a small flourish.

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HOUSE BILL NO. 4032

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**AN ACT PROVIDING FOR RULES ON
THE DUTY TO RENDER ASSISTANCE AT SEA
IN ACCORDANCE WITH RELEVANT INTERNATIONAL
CONVENTIONS TO WHICH THE PHILIPPINES IS A
STATE PARTY 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 "Good Samaritan at Sea Law."

SECTION 2. DECLARATION OF POLICY. The following are hereby declared to be the policies of the State:

- a) The State shall provide for the full and effective implementation and enforcement of international maritime instruments ratified by the Philippine Government that cover safety of life at sea and comply with its duties and obligations to the international community as a State Party.
- b) The State shall ensure that unlawful acts committed on waters forming part of the national territory and those over which the country has sovereignty and jurisdiction are prevented, detected, and penalized to ensure a safe maritime environment as well as safeguard the lives and properties of its citizens.

SECTION 3. DUTY TO RENDER ASSISTANCE. The master of a ship, in so far as he can do so without serious danger to the ship, the crew, or the passengers has the duty to:

- a) To render assistance to any person or persons found at sea in danger of being lost;

- b) After a collision, to render assistance to the other ship, its crew and its passengers and, where possible, to inform the other ship of the name of his own ship, its port of registry and the nearest port at which it will call.

SECTION 4. DISTRESS SIGNALS. Upon receiving a signal from any source that persons are in distress at sea or if informed of their need of assistance, the master of a ship at sea which is in a position to be able to provide assistance, in so far as he can do so without serious danger to the ship, the crew, or the passengers, is bound to proceed with all speed to their assistance, if possible informing them that the ship is doing so.

SECTION 5. UNABLE TO ASSIST. If the ship receiving the distress alert is unable or, in the special circumstances of the case, considers it unreasonable or unnecessary to proceed to their assistance, the master must enter in the log-book the reason for failing to proceed to the assistance of the persons in distress, and inform the appropriate search and rescue service or Philippine Coast Guard.

SECTION 6. REQUISITION. The master of a ship in distress, the Philippine Coast Guard, or the search and rescue service concerned, after consultation, so far as may be possible, with the master or masters of the ship or ships which answer the distress alert, has the right to requisition one or more of those ships as they considers best able to render assistance, and it shall be the duty of the master or masters of the ship or ships requisitioned to comply with the requisition by continuing to proceed with all speed to the assistance of persons in distress.

SECTION 7. PENALTIES. Any violation or failure to perform any of the acts enumerated herein shall be punishable by a fine of not less Five million pesos (P5,000,000.00) but not more than Ten million pesos (10,000,000.00). If the violator is the cause or part of the ship that caused the distress at sea, the fine shall be not less than Ten million pesos (P10,000,000.00) but not more than Twenty million pesos (P20,000,000.00).

If the violation was committed within internal waters or within the territorial sea, an additional penalty of imprisonment of not less than six (6) months but not more than one (1) year shall be imposed. If the violator is the cause or part of the ship that caused the distress at sea, an additional penalty of imprisonment of not less than one (1) year and one (1) day but not more than two (2) years shall be imposed. Repeat offenders or violators shall be dealt with the maximum penalties allowed. No foreign person shall be deported without the payment of the imposed judicial and/or administrative fines and service of sentence, if any.

SECTION 8. JURISDICTION. The jurisdiction to determine violations and impose the appropriate penalties thereto shall belong to any of the Regional Trial Courts in the Province or City nearest to the place where the distress occurred.

SECTION 9. SEPARABILITY CLAUSE. If, for any reason, any section, subsection, clause or term of this Act is held to be illegal, invalid, or unconstitutional, such parts not affected by such declaration shall remain in full force and effect.

SECTION 10. REPEALING CLAUSE. All existing laws, orders, decrees, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby amended, modified or repealed accordingly.

SECTION 11. EFFECTIVITY CLAUSE. This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,