

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

TWENTIETH (20th) CONGRESS
First Regular Session

House Bill No. 4758



Introduced by
Rep. ROBERT NAZAL

AN ACT
STRENGTHENING THE PHILIPPINE COAST GUARD BY INTRODUCING
POLICY AND ORGANIZATIONAL REFORMS, THEREBY REPEALING
REPUBLIC ACT NO. 9993, AS AMENDED

EXPLANATORY NOTE

The Philippine Coast Guard was established as an armed and uniformed service attached to the Department of Transportation, and in times of war, as declared by Congress, to the Department of National Defense, pursuant to Republic Act No. 9993, otherwise known as the “Philippine Coast Guard Law of 2009”.


PCG has since played a role as the country’s “Guardian of the Sea” confronting unprecedented challenges arising from increasing maritime illegal activities, such as smuggling, human trafficking, piracy, marine pollution, illegal fishing, among others. The heightened regional instability in the West Philippine Sea highlights the need to strengthen and modernize further the PCG.

PCG has historically lagged behind its foreign counterparts due to limited assets, personnel, and funding. This neglect was most evident during the 2012 Scarborough Shoal standoff, when the PCG could barely maintain a single-boat presence. While recent years have seen significant improvements in patrol capacity, maritime domain awareness, and international partnerships, the PCG continues to face significant gaps in capacity and resources.

This bill, therefore, seeks to repeal Republic Act No. 9993 and establish a more responsive legal for PCG. It introduces policy and organizational reforms to: (1) professionalize and improve the welfare of PCG officers and enlisted personnel; (2) modernize and expand its fleet and assets; (3) enhance maritime domain awareness

and operational capability; (4) streamline its structure for efficiency and accountability; and (5) strengthen interoperability with the Armed Forces of the Philippines, the Philippine National Police, and international partners.

In view of the foregoing, the passage of this bill is earnestly sought.



Rep. ROBERT NAZAL
Bagong Henerasyon Party-List

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

CHAPTER I
GENERAL PROVISIONS

SECTION 1. Short Title.

This Act shall be known as the “Revised Philippine Coast Guard

Law.” **SECTION 2. Philippine Coast Guard.**

The PCG, established under Republic Act No. 9993, otherwise known as the “Philippine Coast Guard Law of 2009”, and as an armed and uniformed service attached to the Department of Transportation (DOTr), shall continue as such upon the effectivity of this Act: Provided, That in times of war, as declared by Congress, the PCG or parts thereof, it shall be attached to the Department of National Defense (DND). Provided further, that upon the PCG’s attachment to the DND in times of war, the Philippine Military Academy (PMA) shall allocate 10% of its cadets to the PCG to maintain and enhance interoperability and relationship among the corps of officers of both agencies.

CHAPTER II ORGANIZATION

SECTION 3. Organization.

The PCG organizational structure shall be headed by a Commandant with the rank of Admiral and shall be assisted by the Deputy Commandant for Operations and Deputy Commandant for Administration, both with the rank of Vice Admiral. It shall be organized into three (3) core functional commands, namely: Maritime Safety Services Command, Marine Environmental Protection Command, and Maritime Security Law Enforcement Command. To enhance the core functions of the PCG, it shall be reinforced by support commands and service units categorized as follows:

- A. Administrative support commands shall consist of the Education and Training, Internal Affairs Service, Financial Management, Human Resource Management Service and Logistics;
- B. The operational support commands shall consist of the Fleet, Weapons, Communications, Electronics and Information System Service, Special Operations Force, Aviation Force, Civil Relations Service Command, Canine Force, Intelligence Force, and other operational commands as may thereafter be created as needed;
- C. The technical services shall consist of the Legal Service, Medical Service, Ecumenical Service, Dental Service, Veterinary Service, Medical Administrative Corps, Nurse Corps, and other technical services that may or hereinafter be created as needed;
- D. Operating commands shall consist of the sixteen (16) districts located nationwide covering specific areas of responsibilities composed of stations that shall have field offices called sub-stations down to detachments or posts. These coast guard districts are: National Capital Region-Central Luzon (CGD NCR-CL), Central Visayas (CGD CV), Southwestern Mindanao (CGD SWM), Southeastern Mindanao (CGD SEM), Palawan (CGD PAL), Western Visayas (CGD WV), Southern Visayas (CGD SV), Southern Tagalog (CGD STL), Northern Mindanao (CGD NM), Bicol (CGD BCL), Northwestern Luzon (CGD NWL), Eastern Visayas (CGD EV), Northeastern Luzon (CGD NEL), Southern Mindanao (CGD SM), Northeastern Mindanao (CGD NEM) and Coast Guard districts in Bangsamoro Administrative Region in Muslim Mindanao (CGDs BARMM): Provided, That the PCG may create other new districts subject to existing laws; and
- E. The Special Services consist of the Legislative Liaison Affairs, Internal Audit, and Center for Strategic Studies.

In addition to the aforementioned basic structure of the PCG, the Commandant of the PCG is authorized to reorganize, modify, or create districts, commands, services, or units to enhance operational efficiency and command structure. Such changes shall be subject to the recommendation of the Secretary of Transportation and the approval of the Department of Budget and Management (DBM), in accordance with applicable laws, rules and regulations: Provided, That the minimum manning level of the PCG shall be sufficient to support its mandate, which shall be filled in accordance with the enlistment schedule approved by the DBM: Provided, further, That the functional commands, administrative support units, operational support units, operating units, technical services and special services shall be authorized and designated to perform all duties and functions of the PCG within their individual areas of responsibility, including finance and procurement.

POWERS AND FUNCTIONS

SECTION 4. Powers and Functions of the PCG.

The PCG shall have the following powers and functions:

- A. Enforce regulations in accordance with all relevant maritime international conventions, treaties or instruments and national laws for the promotion of safety of life and property at sea within the maritime jurisdiction of the Philippines and conduct port state control implementation;
- B. Conduct random inspections on all merchant ships and vessels, including inspections prior to departure, to ensure and enforce compliance with safety standards, rules and regulations;
- C. Detain, stop, or prevent a ship or vessel which does not comply with safety standards, rules and regulations from sailing or leaving port;
- D. Conduct emergency readiness evaluation on merchant marine vessels;
- E. Issue and enforce rules and regulations for the promotion of safety of life and property at sea on all maritime-related activities, subject to the approval of the Secretary of the DOTr;
- F. Determine, fix or prescribe charges, rates, and penalties, as may be necessary, to implement its provisions, as well as the provisions of laws, issuances, decrees, and orders related to the implementation of PCG functions, subject to the approval of the Secretary of the DOTr;
- G. Coordinate, develop, establish, maintain, and operate aids to navigation, vessel traffic system, maritime communications, and search and rescue facilities within

the maritime jurisdiction of the Philippines;

- H. Remove, destroy, or tow to port sunken or floating hazards to navigation, including illegal fish traps and vessels, at or close to sea lanes which may cause hazards to the marine environment;
- I. Issue permits for the salvage of vessels and to supervise all marine salvage operations and wreck removal, and to auction the abandoned vessels or wrecks to defray the expenses of such removal, as well as prescribe and enforce rules and regulations governing the same;
- J. Render aid to persons and vessels in distress and conduct search and rescue during maritime accidents within the maritime jurisdiction of the Philippines, including the high seas, in accordance with applicable international conventions. In the performance of this function, the PCG may enlist the services of other government agencies and the merchant marine fleet;
- K. Investigate and inquire into the causes of all maritime accidents involving death, casualties and damage to properties;
- L. In coordination with other relevant government agencies, enforce and maintain maritime security, and prevent or suppress terrorism at sea, in accordance with pertinent laws, rules and regulations;
- M. Assist in the enforcement of laws on fisheries, immigration, tariff and customs, forestry, firearms and explosives, human trafficking, dangerous drugs and controlled chemicals, transnational crimes, and other applicable laws within the maritime jurisdiction of the Philippines;
- N. Board and inspect all types of merchant ships and watercrafts in the performance of these functions;
- O. Promulgate, administer, and enforce laws, rules and regulations for the protection of marine environment and resources from offshore sources of pollution within the maritime jurisdiction of the Philippines;
- P. Develop oil spill response, containment, and recovery capabilities against ship based pollution;
- Q. Grant, within the capabilities and consistent with its mandate, requests for assistance of other government agencies in the performance of their functions;
- R. Organize, train and supervise the PCG Auxiliary (PCGA) for the purpose of assisting the PCG in carrying out its mandated functions;

- S. Recommend to the President of the Philippines the issuance of rules and regulations pertaining to the assistance and support that the AFP should extend to the PCG to enhance the latter's capability during emergencies; and
- T. Perform such other functions that may be necessary in the attainment of the objectives of this Act.

Section 5. The PCG Commandant.

The PCG shall be headed by a Commandant who shall have the rank of Admiral: Provided, That the Commandant shall be appointed by the President of the Philippines from among the Flag Officers of the Coast Guard service. He or she shall hold a command-at-sea badge and must have served as District Commander and Functional Service Commander, as well as other major commands carrying the rank of Vice Admiral. The Commandant shall serve a maximum term of three (3) years, which shall commence on the date the appointment is signed, unless sooner terminated by the President. The PCG Commandant shall be compulsorily retired upon completion of the maximum term or upon relief by the President.

SECTION 6. Powers and Functions of the Commandant.

The Commandant shall exercise the following powers and functions:

- A. Elaborate and execute the national maritime laws relating to the functions of the PCG;
- B. Direct and control tactical as well as strategic movements, deployment, placement, or utilization of the PCG or any of its units and personnel, including its equipment, facilities and other resources: Provided, That the Commandant may delegate this power to subordinate officials with respect to the units under the latter's command, subject to the guidelines as the Commandant may prescribe in accordance with existing laws, rules and regulations;
- C. Prescribe, in accordance to existing laws, the organization or re-organization, powers, functions, and duties of the various staff, services, installation, and other units of the PCG;
- D. Issue policies and instructions regarding personnel, funds, properties, records, correspondence, and such other matters as may be necessary to effectively carry out the functions, powers and duties of the PCG, in accordance with existing laws, rules and regulations;
- E. Approve the recommendation of the different promotion or assignment boards and ensure observance of merit and fitness in the process of promotion and

assignment;

- F. Exercise disciplinary authority over all uniformed personnel and non-uniformed personnel of the PCG; and
- G. Perform any task or directive issued by the President of the Philippines: Provided, That such command and direction of the Commandant may be delegated to subordinate officials with respect to the units under the latter's respective commands, subject to the guidelines as the Commandant may prescribe in accordance with the rules and regulation prescribed under existing laws.

CHAPTER III ADMINISTRATION AND PERSONNEL

SECTION 7. Personnel.

The PCG shall consist of the following categories of personnel:

- A. Officer refers to a uniformed member of the PCG who is commissioned as officer by the President of the Philippines or the Secretary of Transportation, as the case may be, and belongs to the officers' corps;
- B. Non-Commissioned Officer (NCO) refers to the classification of uniformed member of the PCG with ranks below commissioned officers and performing jobs specific to their occupational specialty particularly those ranks with equivalent grades of E-4 to E-10;
- C. Enlisted Personnel refers to the classification of uniformed members of the PCG particularly those ranks with equivalent grades of E-1 to E-3;
- D. Non-uniformed personnel refers to permanent, temporary, contractual, coterminous and casual civilian employees of the PCG whose appointments are governed by the Civil Service laws, rules and regulations;
- E. Probationary ensign refers to a person who is called to active duty but awaiting commissionship into the PCG or awaiting training;
- F. Draftee refers to a person who has completed basic training and is awaiting enlistment into the PCG active service;
- G. Cadet refers to a person who is enrolled in service academies under the sponsorship of the PCG;
- H. Candidate refers to a person who is undergoing training for commissionship; and
- I. Trainee refers to a person who is undergoing training to qualify as member of the

non-commissioned officers/enlisted personnel's corps of the PCG.

Provided, That the ranks and grades of all uniformed personnel in the PCG, whether officers or non-commissioned officers/enlisted personnel, shall be the same and equal as that used and observed in the AFP and the PNP.

SECTION 8. Ranks and Grades of PCG Officers.

The ranks and grades of PCG Officers shall be as follows:

RANK ACRONYM PAY GRADE Admiral ADM O-10

Vice Admiral VADM O-9

Rear Admiral RADM O-8

Commodore COMMO O-7

Captain CAPT O-6

Commander CDR O-5

Lieutenant Commander LCDR O-4

Lieutenant Senior Grade LTSG O-3

Lieutenant Junior Grade LTJG O-2

Ensign ENS O-1

SECTION 9. Technical Officers.

Other professionals that may join the PCG service as technical officers are lawyers, doctors, priests, pastors, imam, and other certified clerics, dentists, veterinarians, and nurses: Provided, That any applicant holding the degree of any of the abovementioned professions shall have qualified and passed the appropriate licensure examination, when applicable, of the respective professions to be qualified for entry into the Coast Guard service: Provided further, That other board professions not listed above may still be recruited as part of the technical stream upon verification of the PCG of its need thereof.

SECTION 10. Officer Rank Distribution.

The officer rank distribution of the PCG shall be as follows: two per centum (2%) in the Flag Officer rank; six per centum (6%) in the rank of Captain; twelve per centum (12%) in the rank of Commander; eighteen per centum (18%) in the rank of Lieutenant Commander; twenty per centum (20%) in the rank of Lieutenant Senior Grade; and forty-two per centum (42%) in the ranks of Lieutenant Junior Grade and Ensign: Provided, That such distribution is based on the ratio between officers and non-commissioned officers/enlisted personnel, which is one (1) officer for every seven (7) non-commissioned officers/enlisted personnel: Provided, further, That if the actual number in a rank is less than the number prescribed in a lower rank, the difference may be applied as an increase to the number prescribed in the lower rank.

SECTION 11. Distribution of Flag Officers.

Other than the Commandant who occupies the rank of Admiral, the total number of flag ranks shall not exceed two (2) percent of the total population of officers distributed observing the pyramidal structure as hereunder prescribed:

Vice Admiral 0.15%
Rear Admiral 0.35%
Commodore 1.50%
Total 2.00%

Provided, That if the actual number in a given rank, except in the case of Coast Guard Admiral and Vice Admiral, is less than the number herein prescribed, the difference may be applied as an increase to the number prescribed in the lower rank: Provided, further, That no officer shall be promoted to the rank of Commodore or higher unless there exists a vacancy, and the officer is occupying a position in the table of organization that requires the rank which is being considered for promotion.

SECTION 12. Maximum Tenure in Rank.

The maximum tenure of officers in the ranks of Captain and Flag Officer in the PCG is hereby prescribed as follows:

Rank Maximum Tenure in Rank

Admiral three (3) years
Vice Admiral three (3) years
Rear Admiral three (3) years
Commodore five (5) years
Captain ten (10) years

Unless earlier separated, retired, or promoted to the next higher rank or occupying a position in the PCG Table of Organization calling for such higher rank, Captains and Flag Officers shall be compulsorily retired upon the completion of the maximum tenure in rank herein prescribed, or upon reaching the age of compulsory retirement whichever comes earlier: Provided, That Captains or Flag Officers who have not reached the compulsory retirement age shall be retired due to attrition if they have completed at least twenty (20) years of service, otherwise they shall be separated from the service.

SECTION 13. Maximum Tenure in Position of the Commandant.

The Commandant is hereby limited to a maximum tenure of three (3) years, unless otherwise earlier relieved by the President or competent authority.

SECTION 14. Ranks and Grades of Non-Commissioned Officers/Enlisted Personnel.

The ranks and pay grades of PCG non-commissioned officers/enlisted personnel shall be as follows:

RANK ACRONYM PAY GRADE

First Master Chief Petty Officer FMCP O E-10 Master Chief Petty Officer MCPO E-9 Senior Chief Petty Officer SCPO E-8 Chief Petty Officer CPO E-7 Petty Officer First Class PO1 E-6 Petty Officer Second Class PO2 E-5 Petty Officer Third Class PO3 E-4 Seaman/Seawoman First Class SN1/SW1 E-3 Seaman/Seawoman Second Class SN2/SW2 E-2 Apprentice Seaman/Seawoman ASN/ASW E-1

SECTION 15. Maximum Tenure in Rank for Non-Commissioned Officers.

The maximum tenure of non-commissioned officers in the ranks of Chief Petty Officer to First Master Chief Petty Officer in the PCG are as follows:

Rank Maximum Tenure in Rank

First Master Chief Petty Officer Three (3) years
Master Chief Petty Officer Five (5) years
Senior Chief Petty Officer Eight (8) years
Chief Petty Officer Ten (10) years

Any non-commissioned officers holding lower ranks than the above who stays in a rank for ten (10) years without being promoted to the next higher rank shall be evaluated by the Re-enlistment Fitness Board who shall verify suitability to continue in service and submit a recommendation for the approval of the Commandant: Provided, That the original enlistment term in the PCG shall be three (3) years and subsequent re-enlistment shall be for the term of six (6) years, with the application for re-enlistment to be reviewed by the Re-enlistment Fitness Board for recommendation to the Commandant for approval: Provided, further, That the uniform allowance shall be payable every three (3) years after complying with the physical fitness test.

SECTION 16. Non-uniformed Personnel.

There shall be non-uniformed personnel positions in the PCG. The head of the non-uniformed personnel shall occupy a rank of Director III and shall be appointed by the President of the Philippines upon recommendation of the Commandant. The Commandant shall determine the additional plantilla positions required for the purpose subject to the evaluation and approval of the DBM in accordance with the civil service and other pertinent laws, rules and regulations.

SECTION 17. Appointments.

The appointment of the PCG Commandant and Flag Officers shall be approved by the

President of the Philippines upon the recommendation of the Secretary of the DOTr. Appointments of all PCG non-commissioned officers/enlisted personnel shall be made by the PCG Commandant. Appointments of PCG officers, which shall be in the initial rank of Coast Guard Ensign shall be through a commissioning into service by the DOTr Secretary upon the recommendation of the Commandant.

The initial entry ranks for technical officers like lawyers, medical doctors, and ecumenical clerics shall be Lieutenant Senior Grade; dentists and veterinarians shall be Lieutenant Junior Grade; while nurses shall be commissioned to the rank of Ensign. Appointment of other technical professions that may be required later shall be based on the academic attainment or ranking in licensure examination results issued by competent authority.

Appointments as well as the promotion of all non-uniformed personnel shall be in accordance with Civil Service Commission (CSC) laws, rules and regulations.

SECTION 18. Basic Qualification for Uniformed Personnel.

To qualify as officer or non-commissioned officer/enlisted personnel of the PCG, the applicant, at the time of application, must be a natural born citizen of the Philippines, a person of good moral conduct, have passed the psychiatric, psychological, drug, and physical tests to be administered by the PCG Medical Service or by any PCG accredited government hospital for the purpose of determining physical and mental health; possess a formal baccalaureate degree, with appropriate license when applicable or professional civil service eligibility for appointment as officer, and must have finished at least seventy-two (72) non-repetitive units of college education, or is a senior high school graduate with six (6) months Technical Education and Skills Development Authority skills course related to the functions of PCG for appointment as non-commissioned officers/enlisted personnel upon effectivity of this Act; and not have not been dishonorably discharged from military employment or dismissed for cause from any non-uniformed personnel position in the government.

SECTION 19. Promotions of Officers and Non-Commissioned Officers/enlisted Personnel.

The promotion of PCG officers and non-commissioned officers/enlisted personnel shall be based on merit and fitness in accordance with the following procedures:

- A. Officers shall only be promoted after undergoing deliberation before the promotion boards: Provided, That the promotion boards shall submit the results of their deliberation to the Commandant for approval and corresponding endorsement to the Secretary of the DOTr for transmittal to the President of the Philippines for approval; and
- B. There shall also be appropriate promotion boards for non-commissioned officers/enlisted personnel whose recommendation shall be submitted to the Commandant for approval.

Provided, further, That at the time of promotion, the officer or non-commissioned officer/enlisted personnel concerned shall possess all the qualifications and none of the disqualifications provided under pertinent laws, rules and regulations, specifically on the completion of required career course, training, examination and minimum time-in-grade as applicable for specific ranks.

Provided, finally, That except for the position of Commandant, no other officer shall be promoted, assigned or designated to the rank of Commodore or higher if he has less than one (1) year of active service remaining prior to compulsory retirement.

SECTION 20. Gender Sensitivity Program.

Gender concerns shall be integrated in all planning activities of the PCG, including the setting of priorities, allocation of resources, and identification of actions and activities. A gender-sensitive perspective shall likewise guide the implementation of all plans and programs.

Gender sensitivity shall also be mainstreamed in all its internal policies, strategies, budget, projects, structures, and mechanisms. This includes recruitment, promotions, assignments, training opportunities, compensation, and benefits. A gender perspective shall further be integrated in all its training programs, especially for maritime search and rescue operations.

SECTION 21. PCG Insignia, Decorations and Awards.

The PCG shall have its own insignia and badges to denote rank, specialty, and assignment including uniforms, decorations, and awards, all of which shall be submitted to the National Historical Institute for registration in the flags and heraldic list: Provided, That there shall be an established awards system which shall be administered by the PCG under such rules and regulations as may be promulgated with the approval of the Secretary of the DOTr.

SECTION 22. Legal Assistance.

The Secretary of the DOTr or the Commandant of the PCG may authorize lawyers of their respective agencies to provide legal assistance to any member of the PCG charged with an offense or crime resulting from the performance or on occasion of official duty. The government lawyers so authorized shall have the power to administer oaths.

The legal officers duly authorized to handle, litigate, and appear for the PCG personnel herein shall be entitled to receive a special counsel allowance (SCA) or lawyer's incentive pay (LIP) amounting to not more than fifty percent (50%) of their base pay which shall be included in the pay slip of said legal officer for the duration of the case in

court.

There shall be a prosecution and litigation unit to handle and monitor all cases filed for or against the PCG or its personnel in relation to the performance of PCG functions. Legal officers assigned therein shall automatically be entitled to SCA or LIP.

SECTION 23. Power to Administer Oath. – Officers in the active service with the grade of O-5 or when designated with appropriate orders as administrative officer of a unit, shall have the power to administer oaths on matters which are connected with the performance of their official duties. Senior non-commissioned officers, those with grades E-7 to E10, who are designated through appropriate orders, as Chief-Master-At Arms (CMAA) or unit master chief are also empowered to administer oaths.

SECTION 24. Maritime and Coast Guard Attaché. – Subject to existing laws, rules and regulations, the PCG may designate a maritime and coast guard attaché in the International Maritime Organization, other international institutions, or as member of diplomatic missions or embassies upon the recommendation of the Secretary of Transportation.

The assignment or deployment of the maritime or coast guard attaché shall be with the prior approval of the Secretary of Foreign Affairs.

CHAPTER IV PAYS, ALLOWANCES, AND BENEFITS

SECTION 25. Salaries and Other Benefits. – The uniformed personnel of the PCG shall receive the same base pay, hazard pay, and other benefits and allowances as are now or hereafter may be authorized for corresponding salary grades and ranks in the AFP. The salaries and allowances of the non-uniformed personnel of the PCG shall be in accordance with existing Salary Standardization Law and CSC laws, rules and regulations.

SECTION 26. Longevity Pay and Allowances. – Uniformed personnel of the PCG shall be entitled to a longevity pay of ten percent (10%) of their basic monthly salaries for every five (5) years of continuous active service, which shall be reckoned from the date of actual service in the PCG: Provided, That the totality of such longevity pay shall not exceed fifty percent (50%) of the basic pay. They shall also continue to enjoy the subsistence allowance, quarters allowance, clothing allowance, cost of living allowance, hazardous duty pay and other collateral allowances but not limited to sea duty pay, flying pay, special counsel allowance, occupational specialty pay, instructors duty pay, combat pay for officers and non-commissioned officers/enlisted personnel of the PCG performing combat duties or activities or engaged in actual performance of duties as defined in regulations to be issued by the Commandant and all other applicable allowances as provided by existing laws: Provided, further, That the PCG shall, subject to approval of the President of the Philippines, issue a specific policy pertaining to

collateral allowances for specific duties actually performed. All collateral allowances shall be reflected in the pay slip of qualified personnel.

SECTION 27. Uniformed Personnel Missing in Action. – The survivors of any officer or non-commissioned officer/enlisted personnel who, while in the performance of duty, is officially confirmed missing in action, kidnapped or captured by lawless elements shall be entitled to receive the same pay and allowances to which such officer or non commissioned officer/enlisted personnel is entitled from the time of the latter's disappearance: Provided, That the compulsory retirement of an absentee, in applicable cases, shall be processed to allow the survivors to enjoy the retirement benefits: Provided, further, That should the Commandant, upon the recommendation of the proper authority or immediate supervisor, subsequently rule that the officer or non commissioned officer/enlisted personnel concerned has been absent from duty without authority, such member or the latter's survivors shall reimburse the PCG all such amount and allowances that have been received in accordance with this section and other pertinent sections of this Act.

SECTION 28. Emergency and Medical Assistance. – The PCG shall have an emergency medical assistance fund, sourced from the PCG's Annual Budget Plan as reflected in the General Appropriations Act for hospitalization, operation, medication, and rehabilitation of personnel arising from injuries and illnesses suffered on occasion of or in the performance of official functions to be used exclusively in areas not serviceable by the PCG Hospital.

ACTIVE SERVICE AND SEPARATION

SECTION 29. Active Service.

For purposes of this Act, active service of the uniformed personnel shall refer to services rendered as an officer and non-commissioned officer/enlisted personnel, cadet, trainee, or draftee in the PCG and services rendered as a non-uniformed personnel in the Philippine Government prior to the date of separation or retirement from the PCG: Provided, That, for purposes of retirement, the personnel shall have rendered at least ten (10) years of active service as officer or non-commissioned officer/enlisted personnel in the PCG: Provided, further, That no period of such non-uniformed personnel's government service longer than the active coast guard service shall be credited for purposes of retirement. Service rendered as cadet in any service academy in the Philippines or abroad under the sponsorship of the PCG such as the Philippine Merchant Marine Academy, probationary officer, draftee, or trainee shall be included in computing the years in active service for retirement purposes if such personnel joins the service right after graduation.

SECTION 30. Retirement.

Upon attaining fifty-seven (57) years of age or accumulation of thirty (30) years of continuous satisfactory active service, whichever comes later, a PCG uniformed personnel shall be compulsorily retired: Provided, That technical officers may extend

their tenure of service up to sixty (60) years or until having accumulated twenty (20) years of satisfactory active service, whichever comes later: Provided, further, That the Commandant shall be compulsorily retired upon the completion of the tour of duty as provided under Section 13 of this Act or upon relief by the President.

Any officer or non-commissioned officer/enlisted personnel may choose to retire on their own option upon accumulating at least twenty (20) years in active service.

For purposes of this Act, an officer or non-commissioned officer/enlisted personnel who dies after having accumulated at least twenty (20) years of satisfactory active service shall be considered as retired.

The retirement of non-uniformed personnel of the PCG shall be governed by the Government Service Insurance System (GSIS) law, rules and regulations.

SECTION 31. Separation.

Separation from the Coast Guard service may be done through compulsory retirement, optional retirement upon reaching twenty (20) years in service, disability discharge, expiration of enlistment term, voluntary resignation, attrition, dismissal for cause, or death.

The separation of non-uniformed personnel of the PCG shall be governed by the Civil Service law, rules and regulations.

SECTION 32. Attrition.

There shall be established a system of attrition within the uniformed members of the PCG within one (1) year from the effectivity of this Act to be submitted by the PCG to the President of the Philippines for approval.

SECTION 33. Retirement Benefits.

An officer or uniformed personnel who is retired under Section 30 of this Act, or the retiree's qualified survivors, are entitled to receive, and may choose from, any of the following applicable benefits:

- A. Gratuity Pay. – A lump sum payment of gratuity pay equivalent to one (1) month of base and longevity pay computed based on one (1) grade higher than the permanent salary grade last held for every year of service; or
- B. Retirement Pay – A monthly retirement pay equivalent to fifty percent (50%) of monthly base and longevity pay computed based on one grade higher than the permanent salary grade last held by the personnel in case of twenty (20) years of active service, increasing by two and one-half percent (2½%) for every year of service rendered beyond twenty (20) years up to a maximum of ninety percent

(90%) for thirty-six (36) years of active service and over.

Provided, That non-commissioned officers who attain the rank of Chief Petty Officer, Senior Chief Petty Officer and of Master Chief Petty Officer shall, upon retirement, be entitled to the retirement pay and benefits of an Ensign: Provided, further, That a Master Chief Petty Officer shall receive a gratuity equivalent to that of an Ensign plus one-half (1/2) of the difference between the gratuity of an Ensign and a Chief Petty Officer; a Senior Chief Petty Officer shall receive a gratuity equivalent to that of an Ensign plus one-half (1/2) of the difference between the gratuity of a Master Chief Petty Officer and a Chief Petty Officer; while a First Master Chief Petty Officer shall be retired with the rank of Ensign but with the retirement pay and benefits of a Lieutenant Junior Grade (O 2), as provided for in existing laws: Provided, furthermore, That, upon retirement, officers and non-commissioned officers are entitled to receive monthly retirement pay upon retirement, or may opt to receive a lump sum equal to thirty-six (36) months of the monthly retirement pay and three years thereafter shall receive an annual retirement pay payable in equal monthly installment as they accrue.

The retirement pay of officers and non-commissioned officers/enlisted personnel who are killed in action or wounded in action resulting in total permanent disability shall be computed at the rate of ninety percent (90%) of the monthly base and longevity pay based on one grade higher than the permanent salary grade last held by the personnel regardless of years in active service.

The retirement pay of all PCG uniformed personnel retirees shall be subject to adjustment on the prevailing scale of base pay of uniformed personnel in the active service.

The retirement benefits of non-uniformed personnel shall be governed by applicable Civil Service laws and regulations and the GSIS Law.

SECTION 34. Separation Pay.

Officers and non-commissioned officers/enlisted personnel separated from the PCG without having accumulated at least twenty (20) years of satisfactory active service, or their qualified survivors, shall receive a separation pay equivalent to one-month base plus longevity pay based on the permanent salary grade the officer and non commissioned officer/enlisted personnel holds at the time of separation for every year of active service: Provided, That in the case of an officer in the grade of Captain or higher who incurs physical disability in the line of duty, the basis of the separation pay shall be one grade higher than the salary grade held by such officer at the time of separation: Provided, further, That cadets, candidates, trainees, or draftees who voluntarily resign from service shall not be entitled to any separation pay.

The separation benefits of non-uniformed personnel shall be governed by applicable Civil Service laws and regulations and the GSIS Law.

SECTION 35. Benefits for Death and Total Permanent Disability in the Line of Duty or During Training.

Qualified survivors of officers and non-commissioned officers/enlisted personnel, including cadets, candidates, trainees and draftees who died in the line of duty without having accumulated at least twenty (20) years of satisfactory active service are entitled to a monthly life annuity, equivalent to fifty percent (50%) of the base and longevity pay computed based on one grade higher than the permanent salary grade last held by the deceased officer and non-commissioned officer/enlisted personnel at the time of death: Provided, That survivors of cadets, candidates, trainees, and draftees who died during training through their own fault or negligence shall not be entitled to this benefit.

Officers or non-commissioned officers/enlisted personnel, including cadets, candidates, trainees, and draftees who suffer total permanent physical disability in the line of duty or during training without having accumulated at least twenty (20) years of satisfactory active service shall be entitled to a monthly life annuity, equivalent to fifty percent (50%) of the base and longevity pay computed based on one grade higher than the permanent salary grade last held by the officer or non-commissioned officer/enlisted personnel when the disability occurred: Provided, That the extent of the disability or sickness which renders such member unfit or unable to further perform the duties of the position held shall be certified by the appropriate government hospital like the Philippine General Hospital: Provided, further, That cadets, candidates, trainees and draftees who suffer total permanent physical disability during training through their own fault or negligence shall not be entitled to this benefit.

The death and disability benefits of non-uniformed personnel shall be governed by applicable Civil Service laws and regulations and the GSIS Law.

SECTION 36. Survivors.

The family of deceased officers or non-commissioned officers/enlisted personnel who are alive may claim benefits after such uniformed personnel dies in line of duty or when the pensioner dies. The following criteria shall apply:

- A. Surviving spouse if married to the deceased prior to the latter's retirement or separation and not legally separated by judicial decree from the deceased issued on grounds not attributable to said spouse: Provided, That the spouse's entitlement of benefits shall terminate when the spouse dies, remarries, cohabits, or engages in a common-law relationship;
- B. Surviving children of officers or non-commissioned officers/enlisted personnel born of marriage contracted prior to retirement or separation from the service, surviving children adopted legally prior to retirement or separation, illegitimate children born while the deceased parent was still on active service: Provided, That entitlement to

benefits shall terminate when such children attain twenty-one (21) years of age or upon marriage: Provided, further, That those who have reached the age of twenty one (21) years but are incapacitated and incapable of self-support due to a mental or physical defect acquired prior to age of majority shall remain entitled to the benefits; and

C. In default of those mentioned in paragraph (a) and (b), the surviving parent or parents.

As regards question of filiation involving survivor-claimants, the same shall be submitted first by the claimants to a competent court for determination before benefits can be given.

SECTION 37. Survivorship Benefits.

The qualified survivors are entitled to a monthly annuity equivalent to seventy-five percent (75%) of the officer or non-commissioned officer and enlisted personnel's retirement or separation benefits, to be divided among them in equal shares and with the right of accretion.

Survivorship benefits for non-uniformed personnel shall be governed by the GSIS Law. **SECTION 38. Disability Pension.**

In addition to the other benefits under this Act, an officer or non-commissioned officers/enlisted personnel who is retired or separated by reason of disability, which is the proximate result of wounds or injuries sustained or sickness or disease acquired in the line of duty shall receive a monthly disability pension as follows:

- A. If and while the disability is rated twenty-five percent (25%) – Five thousand pesos (P5,000.00);
- B. If and while the disability is rated fifty percent (50%) – Ten thousand pesos (P10,000.00);
- C. If and while the disability is rated seventy-five percent (75%) – Fifteen thousand pesos (P15,000.00); and
- D. If and while the disability is rated one hundred percent (100%) – Twenty thousand pesos (P20,000.00).

The officer or non-commissioned officers/enlisted personnel receiving the benefits under this Section may be required to undergo periodic physical and medical examination to determine the extent of disability for purposes of adjusting the disability pension.

SECTION 39. Old-Age Pension.

A retired PCG uniformed personnel who is at least sixty-five (65) years of age shall be entitled to old-age pension amounting to Five thousand pesos (P5,000.00) monthly and an additional amount of One thousand seven hundred pesos (P1,700.00) monthly upon reaching the age of seventy (70): Provided, That only retired PCG uniformed personnel who shall have been honorably discharged or retired after at least twenty (20) years total PCG active service or sooner separated while in the active service in the PCG due to disability arising or incurred in actual operations or performance of duties are entitled to receive this monthly benefit.

SECTION 40. Application of Related Laws on Retirement and Separation of Uniformed Personnel.

The retirement system under Presidential Decree (PD) No. 1638, as amended, and the provisions of RA 8220, RA 9365, and other similar applicable laws, insofar as not inconsistent with applicable provisions of this Act, shall be given supplementary effect.

SECTION 41. Incentives and Awards.

There shall be established an incentives and awards system which shall be the same and equal as that used and observed in the AFP and the PNP, including the Medalya ng Kagitingan (Medal of Valor) to be administered by a board under such rules, regulations and standards as may be promulgated by the PCG: Provided, That equivalent awards shall be given by the PCG for every award duly given by respectable civic organizations in a nationwide selection for outstanding achievement or performance of any member: Provided, further, That in the case of non-uniformed personnel, the system of incentives and awards shall be approved and in accordance with CSC laws, rules and regulations.

CHAPTER V DISCIPLINARY SYSTEM

SECTION 42. Disciplinary System.

The PCG shall adopt the PCG Code of Conduct which shall be applicable to all its uniformed personnel while non-uniformed personnel shall be covered under the disciplinary rules of the Civil Service. The Commandant shall be assisted by the Coast Guard Internal Affairs in enforcing discipline and order within its ranks though for disciplinary issues depending on gravity, unit commanders shall exercise disciplinary powers over personnel under their command. The PCG shall, within six (6) months from the effectivity of this Act, issue policies, rules and procedures applying the PCG Code of Conduct based on the provisions of Commonwealth Act No. 408, as amended by RA 516, RA 242, PD 1968, and PD 1166: Provided, That for non-uniformed personnel, the PCG shall issue rules and procedures implementing Book VII of Executive Order No. 292 and applicable CSC laws, administrative rules, and issuances: Provided, further, That in times of war, during which the PCG or any of its offices is attached to the DND,

the military justice system of the AFP shall apply.

SECTION 43. Disciplinary Authority.

The Commandant shall exercise disciplinary authority at any time over all personnel of the PCG. The authority to discipline shall also be exercised by unit commanders and Commanding Officers including Station Commanders, Sub-Station Commanders, and head of Morning Report Carrying Units.

SECTION 44. Jurisdiction.

A complaint or a charge filed against a PCG member shall be heard and decided exclusively by the disciplining authority who has acquired original jurisdiction over the case, notwithstanding the existence of concurrent jurisdiction as regards the offense.

SECTION 45. Dismissal of PCG Personnel.

The Commandant, after due notice and summary hearing, may immediately remove or dismiss any respondent PCG personnel, and major unit commanders may recommend such in any of the following cases:

- A. In cases of drug abuse where subsequent confirmation test confirms the use of prohibited drugs;
- B. When the charge is serious and the evidence of guilt is strong;
- C. When the respondent is a recidivist or has been repeatedly charged and there are reasonable grounds to believe that the respondent is guilty of the charges; and
- D. When the respondent is guilty of a serious offense involving conduct unbecoming a PCG personnel.

An officer or non-commissioned officer and enlisted personnel who is continuously absent without approved leave for at least thirty (30) calendar days shall be considered on absence without official leave and shall be presumed voluntarily resigned: Provided, That such officer or non-commissioned officer/enlisted personnel shall be informed, by registered mail, at the address appearing on such officer's or non-commissioned officer and enlisted personnel's 201 file not later than five (5) calendar days from the effectivity thereof.

The dismissal of PCG non-uniformed personnel shall be governed by Civil Service laws, rules and regulations.

SECTION 46. Coast Guard Inspector General and Internal Affairs Service (CGIG IAS).

To maintain accountability in government service through discipline and efficiency, there shall be an Internal Affairs Service in the PCG. The CGIG-IAS shall foster and promote accountability in government service within the PCG and follow the basic principles of integrity, objectivity, independence, confidentiality, professionalism, competence, courage, trust, honesty, fairness, forthrightness, public accountability', and respect for others and themselves. It shall have the power to investigate and inquire into any and all activities of the PCG units and personnel, review processes, procedures and operations to determine if such were conducted effectively and efficiently.

The personnel of the CGIG-IAS, whether officer or non-commissioned officers/enlisted personnel who are performing actual investigative duties, including PCG personnel who perform investigative duties, shall be granted occupational specialty pay which shall not exceed fifty percent (50%) of their basic pay and shall be reflected in their pay slip for the work performed: Provided, That such personnel shall not be entitled to the occupational specialty pay under Section 26 hereof.

CHAPTER VI MISCELLANEOUS PROVISIONS

SECTION 47. Organization of the PCGA.

The PCG shall continue to maintain, supervise, develop, and train the PCGA as a non uniformed personnel volunteer organization under the direct control and supervision of the PCG Commandant. The PCGA shall assist the PCG in the promotion of safety of life and property at sea, the preservation of the marine environment and its resources, the conduct of maritime search and rescue, the maintenance of aids to navigation, and such other activities that enhance maritime community relations which include civic action, participation under the National Service Training Program, youth development, recreational safety, and other related activities.

SECTION 48. Coast Guard Reserve Force.

In accordance with existing laws, rules and regulations, and the exercise of its powers and functions under Section 4 of this Act, the PCG may establish a reserve force to augment the PCG force in the event of national emergency or disaster, consistent with existing laws, rules and regulations. The PCG reservist shall undergo regular training and shall be organized, trained, equipped, and administered by a PCG Reserve Command under the direction of the Commandant and whose members may be called to active duty in the exigency of the service. The PCG shall adopt pertinent policies and guidelines for the purpose subject to the approval of the President upon the recommendation of the Secretary of Transportation.

SECTION 49. Lateral Entry.

Active members of other uniformed services under the AFP, PNP, Bureau of Fire Protection, Bureau of Jail Management and Penology, and Bureau of Corrections may join the PCG through lateral entry. The rank for officers eligible for such entry must not be higher than Lieutenant Commander and Petty Officer Second Class for non commissioned officers/enlisted personnel. Notwithstanding the corps they wish to join, all entrants shall only be accepted if, on or before time of entry, they are: not under investigation; not on AWOL status; not serving sentence, whether administrative or criminal; have not been issued reprimand in the last two (2) years; or have not received an unfavorable rating in the latest performance rating.

However, if an entrant possesses specific skills that may not be readily developed in new recruits, lateral entry may be allowed for ranks higher than those mentioned above: Provided, That the new entrant can serve at least ten (10) years in PCG active service prior to reaching the mandatory retirement age.

SECTION 50. Exemption from Attachment, Taxes, Duties, Charges, and Fees.

Retirement benefits granted by this Act, including benefits received from a duly instituted provident fund and mutual benefit association, shall not be subject to attachment, levy, execution, or any tax of whatever nature, subject to the pertinent provisions of the National Internal Revenue Code of 1997, as amended.

In the establishment and operation of radar and radio stations and other communication facilities, the PCG shall not be subject to payment of charges and fees as imposed by the National Telecommunications Commission (NTC): Provided, That the PCG shall only use frequencies as may be allowed or assigned by the NTC consistent with international regulations and guidelines.

The PCG shall, in the performance of its functions, enjoy such rights and privileges enjoyed by other governmental and law enforcement agencies, instrumentalities, and government-owned and controlled corporations such as exemption from registration fees, application for license, and payment of fees as imposed by other governmental agencies or regulatory bodies.

The importation of instruments, equipment, machineries, spare parts, and apparatuses shall be exempt from customs duties and taxes in accordance with the provisions of Republic Act No. 10863, otherwise known as the "Customs Modernization and Tariff Act".

SECTION 51. Loans, Grants, Bequests and Donations.

The PCG may receive grants, bequests, and donations and enter into loan agreements, whether from local or foreign sources for purposes relevant to its functions, subject to the provisions on donations under the General Appropriations Act and other pertinent laws, rules and regulations.

The Secretary of the DOTr may enter into a loan agreement with foreign financial institutions, subject to the provisions on loan agreements under the General Appropriations Act and other pertinent laws, rules and regulations.

SECTION 52. PCG Properties and Lighthouse Reservations.

The PCG shall continue to exercise exclusive ownership, possession, management, control and supervision over all properties transferred to it by virtue of Executive Order No. 475, dated 30 March 1998, and Executive Order No. 477, dated 15 April 1998, such as, inter alia, vessels, watercrafts, firearms, armaments, munitions, communications and electronic equipment, vehicles, buildings, real state, lighthouse stations, and reservations.

SECTION 53. Establishment and Expansion of Coast Guard Bases, Equipment and Facilities.

In coordination with other appropriate government agencies, the PCG shall develop and enhance its capabilities in the performance of its mandated functions and establish its strategic presence. To this end, the PCG shall, through the guidance of Congress, draft its development plan that shall reflect its asset, equipment, and facility requirement that includes floating assets, laboratories, land-based support facilities, land mobility, arms and ammunition, rescue and hospital ship, maritime monitoring surveillance and communications system, port facilities, air assets, and air stations.

SECTION 54. Implementing Rules and Regulations.

For submission to the Secretary of the DOTr for approval, the PCG, not later than one hundred twenty (120) days from the effectivity of this Act, shall issue rules and regulations, determine, fix or prescribe charges, rates, and penalties, as may be necessary, to implement its provisions, as well as the provisions of laws, issuances, decrees and orders related to the implementation of PCG functions.

SECTION 55. Appropriations.

The amount necessary for the initial implementation of this Act shall be charged against the current year's appropriations of the PCG. Thereafter, such amount shall be included in the annual General Appropriations Act.

SECTION 56. Transitory Provisions.

All previous appointments and promotions of PCG uniformed personnel made prior to the enactment of this Act shall remain valid and subsisting.

SECTION 57. Adjustment of Retirement Benefits and Pension Indexation.

The retirement benefits of personnel affected by the implementation of Republic Act No. 9993, Joint Resolution No. 4, s. 2009, and Joint Resolution No. 1 s. 2018, shall be adjusted as follows:

- A. For non-commissioned officers whose retirement benefits were affected by the implementation of Republic Act No. 9993, any discrepancies resulting from the application of this Act and Republic Act No. 9993 shall be returned to the retiree. This adjustment shall also apply to the indexation of pensions to base pay scale adjustments affected by Republic Act No. 9993; and
- B. The retirement benefits of personnel holding the ranks of admiral and vice admiral, who were adversely affected by Joint Resolution No. 4, s. 2009, entitled: "Joint Resolution Authorizing the President of the Philippines to Modify the Compensation and Position Classification System of Civilian Personnel and the Base Pay Schedule of Military and Uniformed Personnel in the Government, and for Other Purposes," and Joint Resolution No. 1 s. 2018, entitled: "Joint Resolution Authorizing the Increase in Base Pay of Military and Uniformed Personnel in the Government, and for Other Purposes", shall be adjusted to align with the benefits of their contemporary ranks of General and Lieutenant General in the AFP and the PNP.

Furthermore, personnel affected by the aforementioned joint resolutions shall be paid the corresponding difference in pay and allowances resulting from these adjustments.

SECTION 58. Separability Clause. – If for any reason, any provision of this Act is declared unconstitutional or invalid, such parts not affected thereby shall remain in full force and effect.

SECTION 59. Repealing Clause. – Republic Act No. 9993 is hereby repealed and all laws, decrees, executive orders, rules and regulations and other issuances or parts thereof which are inconsistent with this Act are likewise hereby repealed, amended, or modified accordingly.

SECTION 60. Effectivity. – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,