

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 5454



Introduced by: Hon. Keith Micah "Atty. Mike" D.L. Tan

AN ACT
ENCOURAGING THE PARTICIPATION OF COMMUNITIES IN THE
MANAGEMENT AND CONSERVATION OF THE FISHERIES AND AQUATIC
RESOURCES BY GRANTING BENEFITS AND INCENTIVES TO ACCREDITED
BANTAY DAGAT AND APPROPRIATING FUNDS THEREFOR

EXPLANATORY NOTE

This bill seeks to provide benefits and incentives to Bantay Dagat volunteers with the end in view of encouraging the participation of communities in the management and conservation of the fisheries and aquatic resources consistent with the Article XII, Section 2 of the Constitution and the pertinent provisions of Republic Act No. 8550, otherwise known as the "Philippine Fisheries Code of 1998".

Bantay Dagat (BD), the sea patrol, is a team of village-appointed volunteers who take turns staying up all night to guard their waters. They fend off any local people trying to illegally fish in the community marine sanctuaries, and any commercial fishers trying to trespass into municipal waters within 15km (nine miles) of the coastline.

The ocean surrounding the 7,641 islands of the Philippines is one of the world's most abundant in marine biodiversity. With a reef system that spans more than 22,000 sq km, it is the crown jewel of the Indo-Pacific Coral Triangle. But this underwater treasure has been steadily depleted due to warming and acidifying seas, chemical and plastic pollution and, crucially, intensive overfishing and destructive harvesting techniques. Throughout the decades, commercial fishers have trawled and scraped through entire coral beds with superfine-mesh nets destroying everything in their wake.

"Everybody has started understanding that we need to conserve and protect our marine environments because it's the last frontier, if we can't fish here anymore, we're going to die," says Mario Neil Montemar, the president of the local Fisherfolks Association and a former member of one of the Bantay Dagat chapters. "Fisherfolk are the poorest of the poor." But the issue of illegal fishing "will go on and on" if central government doesn't provide proper resources, says Montemar. "The Bantay Dagat also needs to eat, they are fishers who also need to give their family food on the table."

More than 20,000 commercial vessels entered Philippine municipal waters in 2023. When these ships encroach and rake in hundreds of thousands of kilos of fish –the second type of infraction Bantay Dagat need to look out for–a couple of volunteers sailing out on a small *bangka* (the boats used to fish and get around many Philippine islands) is not a very effective deterrent.¹ Indeed, the role of Bantay Dagat members is of utmost importance inasmuch as 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.

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. But 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 volunteers 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 Bantay Dagat have in fact lost their lives and limbs and have been sued criminally and for damages. Hence, they must be given the recognition, attention and assistance they so rightly deserve.

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



Keith Micah "Atty. Mike" D.L. Tan
4th District, Quezon

¹ <https://www.theguardian.com/environment/2024/mar/05/if-we-cant-fish-any-more-were-going-to-die-the-volunteer-sea-patrols-protecting-precious-philippine-waters>

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

SECTION 1. *Short Title.* - This Act shall be known as the "Bantay Dagat Benefits and Incentives Act."

SEC. 2. *Declaration of Policy.* - The State shall ensure the conservation, protection and sustainable management of the country's fishery and aquatic resources. Towards this end, it shall protect the rights of subsistence fisherfolk and local communities to the preferential use of the communal marine and fishing resources and provide support to the fishery sector, primarily to the municipal fisherfolk through adequate financial assistance and other services.

SEC. 3. *Definition of Term.* - Bantay Dagat, also known as Deputy Fish Wardens or Sea Wardens, shall refer to persons who have undergone training programs on coastal and fisheries law enforcement conducted by any accredited government or non- government organization and who voluntarily work as deputized fishery law enforcers.

It shall include among others, Bantay Lawa, Bantay Ilog, Bantay Pampang, Bantay Pakatan or Bakawan.

Bantay Dagat 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).

SEC. 4. *Registration.* - As a requirement for accreditation and entitlement

and to benefits and incentives provided under this Act, a Bantay Dagat shall be registered with the M/CFARMC in the municipality or city in which he or she 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 such as identification and deputization papers, among others.

SEC. 5. *Accreditation and Deputation.* – Fishers who meet the requirements as provided under Section 6 of this Act shall be accredited to function as such by the Municipal/City Fisheries and Aquatic Resources Management Council (M/CFMARC). Only accredited Bantay Dagat shall 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).

SEC. 6. *Qualifications of Bantay Dagat.* – Any person seeking accreditation as Bantay Dagat must be a Filipino citizen; a registered and licensed fisherfolk in the municipality or city where he/she intends to be accredited; not less than twenty-one (21) years old, not have been convicted of any offense involving violation of the Fisheries Code and related environmental laws, have completed the Fishery Laws Enforcement Training for Bantay Dagat or Deputy Fish Wardens; and involved in coastal and fisheries management activities for at least three (3) years.

SEC. 7. *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. 8. *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;

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

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

(e) 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

(f) 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.

SEC. 9. *Review by the Municipal or City FARMC.* - Every incentive or benefit 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.

SEC. 10. *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.

SEC. 11. *Agents 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. As such, the Bantay Dagat shall be authorized to

apprehend and arrest those who engage in illegal fishing, commit other violations under Republic Act No. 10654, and confiscate illegal fishing gears and paraphernalia as agents of person in authority. Duly accredited and authorized Bantay Dagat shall be accorded the same protection and support given to other law enforcement officers.

SEC. 12. *Funding Requirement of Bantay Dagat Operation.* - Local government units, 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,

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

SEC. 14. *Rules and Regulations.* - The BFAR, in consultation with the Department of 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 its effectivity, the rules and regulations necessary to implement this Act.

SEC. 15. *Separability Clause.* - Any portion or provision of this Act that is declared unconstitutional or invalid shall not have the effect of nullifying other portions or provisions hereof as long as such remaining portions can still subsist and be given effect in their entirety.

SEC. 16. *Repealing Clause.* - All laws, ordinances, rules, regulations, other issuances or parts thereof, which are inconsistent with this Act, are hereby repealed or modified accordingly.

SEC. 17. *Effectivity.* - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,