

S. No. 3389
H. No. 5151

Republic of the Philippines
Congress of the Philippines
Metro Manila
Fourteenth Congress
Third Regular Session

Begun and held in Metro Manila, on Monday, the twenty-seventh day of July, two thousand nine.

[REPUBLIC ACT NO. 9993]

AN ACT ESTABLISHING THE PHILIPPINE COAST GUARD AS AN ARMED AND UNIFORMED SERVICE ATTACHED TO THE DEPARTMENT OF TRANSPORTATION AND COMMUNICATIONS, THEREBY REPEALING REPUBLIC ACT NO. 5173, AS AMENDED, AND FOR OTHER PURPOSES

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

SECTION 1. *Title.* — This Act shall be known as the “Philippine Coast Guard Law of 2009”.

SEC. 2. *Establishment.* — The Philippine Coast Guard, hereinafter referred to as the PCG, is hereby established as an armed and uniformed service attached to the Department of Transportation and Communications (DOTC): *Provided,* That in times of war, as declared by Congress, the PCG or parts thereof, shall be attached to the Department of National Defense.

SEC. 3. *Powers and Functions.* – The PCG shall have the following powers and functions:

(a) To 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) To conduct inspections on all merchant ships and vessels, including but shall not be limited to inspections prior to departure, to ensure and enforce compliance with safety standards, rules and regulations;

(c) To detain, stop or prevent a ship or vessel which does not comply with safety standards, rules and regulations from sailing or leaving port;

(d) To conduct emergency readiness evaluation on merchant marine vessels;

(e) Subject to the approval of the Secretary of the DOTC, to issue and enforce rules and regulations for the promotion of safety of life and property at sea on all maritime-related activities;

(f) To 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;

(g) To 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 hazard to the marine environment;

(h) To issue permits for the salvage of vessels and to supervise all marine salvage operations, as well as prescribe and enforce rules and regulations governing the same;

(i) To render aid to persons and vessels in distress and conduct search and rescue in marine 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;

(j) To investigate and inquire into the causes of all maritime accidents involving death, casualties and damage to properties;

(k) To assist in the enforcement and maintenance of maritime security, prevention or suppression of terrorism at sea, and performance of law enforcement functions in accordance with pertinent laws, rules and regulations;

(l) To 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;

(m) To board and inspect all types of merchant ships and watercrafts in the performance of its functions;

(n) To enforce laws and promulgate and administer rules and regulations for the protection of marine environment and resources from offshore sources of pollution within the maritime jurisdiction of the Philippines;

(o) To develop oil spill response, containment and recovery capabilities against ship-based pollution;

(p) To grant, within its capabilities and consistent with its mandate, requests for assistance of other government agencies in the performance of their functions;

(q) To organize, train and supervise the PCG Auxiliary (PCGA) for the purpose of assisting the PCG in carrying out its mandated functions; and

(r) To perform such other functions that may be necessary in the attainment of the objectives of this Act.

SEC. 4. *Gender Sensitivity Program.* – Gender concerns should be addressed in all planning activities, setting of priorities, allocating of resources and identifying actions and activities of the PCG. It should also incorporate a gender sensitive perspective in the implementation of such plans and programs.

Gender sensitivity shall also be employed in all its internal policies, strategies, budget, projects, structures and mechanisms, including but not limited to hiring, promotions, assignment, training opportunities, pay and benefits. A gender perspective should likewise be integrated in all its training programs, especially for maritime search and rescue.

SEC. 5. *The PCG Commandant.* – The PCG shall be headed by a Commandant who shall carry the rank of Coast Guard Admiral: *Provided*, That he shall be appointed by the President from among the Flag Officers in the Coast Guard service. He shall hold a command-at-sea badge and must have served as a District Commander of the PCG. The Commandant shall have a maximum term of three (3) years. A Commandant who has served for three (3) years prior to his compulsory retirement shall be considered as retired and entitled to all the benefits available to a Coast Guard officer as if he is compulsorily retired.

SEC. 6. *Organization.* – The PCG shall consist of the following categories of officers and employees:

- (a) PCG officers;
- (b) PCG non-officers;
- (c) PCG non-uniformed personnel;
- (d) Probationary ensign; and
- (e) Cadets and Cadettes.

SEC. 7. *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 Coast Guard Captain; twelve *per centum* (12%) in the rank

of Coast Guard Commander; eighteen *per centum* (18%) in the rank of Coast Guard Lieutenant Commander; twenty *per centum* (20%) in the rank of Coast Guard Lieutenant; and forty-two *per centum* (42%) in the ranks of Coast Guard Lieutenant Junior Grade and Coast Guard Ensign: *Provided*, That such distribution is based on the ratio between officer and non-officer which is one (1) officer to every seven (7) non-officer: *Provided, finally*, That if the actual number in a rank is less than the number prescribed, the difference may be applied as an increase to the number prescribed in a lower rank.

SEC. 8. *Distribution of Flag Officers.* – The number of Flag Officers herein authorized shall be distributed to the various Flag Officer ranks in accordance with the schedule as hereunder prescribed:

Coast Guard Admiral	1
Coast Guard Vice Admiral	1
Coast Guard Rear Admiral	5
Coast Guard Commodore	15
Total	22

Provided, That the herein prescribed Coast Guard ranks shall be distinct from those prescribed in the Philippine Navy: *Provided, further*, That the total number of Flag Officers prescribed under this section shall in no case be less than the number resulting from the implementation of Section 7 hereof, otherwise the latter shall apply.

The number corresponding to the ranks of Coast Guard Admiral, Coast Guard Vice Admiral, Coast Guard Rear Admiral, and Coast Guard Commodore, as provided for in this section, shall be the maximum: *Provided*, That if the actual number in a rank, except in the case of Coast Guard Admiral and Coast Guard 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, finally*, That no officer shall be promoted to the rank of Coast Guard Commodore or higher unless there is an existing vacancy, and the officer is occupying a position in the table of organization that requires the rank of which he is being considered for promotion.

SEC. 9. *Maximum Tenure in Rank.* – The maximum tenure of officers in the ranks of Captain and Flag Officer in the PCG are hereby prescribed as follows:

Rank	Maximum Tenure in Rank
Coast Guard Admiral	three (3) years
Coast Guard Vice Admiral	three (3) years
Coast Guard Rear Admiral	three (3) years
Coast Guard Commodore	five (5) years
Coast Guard Captain	seven (7) years

Unless earlier separated, retired or promoted to the next higher rank or occupying a position calling for the higher rank in the PCG table of organization, Captains and Flag Officers shall be compulsorily retired upon the attainment of the maximum tenure in rank herein prescribed, or upon reaching the age of compulsory retirement whichever comes earlier: *Provided*, That officers already holding these ranks upon the approval of this Act may be allowed one (1) year more of tenure in rank before the maximum tenure provided in this section shall be applied to them, unless they shall have already reached the compulsory retirement age under existing laws, in which case the compulsory retirement age shall prevail.

SEC. 10. *Maximum Tenure in Position.* – Officers holding the following key positions are hereby limited to a maximum tenure of three (3) years, unless otherwise earlier relieved by competent authority or compulsorily retired under existing laws:

Coast Guard Commandant;
Coast Guard Deputy Commandant; and
Coast Guard District Commander.

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

SEC. 11. *Organization of a PCG Auxiliary (PCGA).* – The PCG shall continue to maintain, supervise, develop and train the PCGA as a civilian 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.

SEC. 12. *Appointments.* – Appointments of PCG officers, which shall be in the initial rank of Coast Guard Ensign, shall be made by the Secretary of the DOTC upon the recommendation of the PCG Commandant. The initial appointment ranks of chaplains, dentists, lawyers, medical doctors and veterinarians shall be Coast Guard Lieutenant.

No person shall be appointed as an officer of the PCG unless he is a natural born citizen of the Philippines, at least twenty-one (21) years of age at the date of appointment, physically fit and is a baccalaureate degree holder. The appointment of the PCG Commandant and Flag Officers shall be approved by the President upon the recommendation of the Secretary of the DOTC. Appointments of all PCG non-officers shall be made by the PCG Commandant. Appointments of all non-uniformed personnel shall be in accordance with the Civil Service laws, rules and regulations.

SEC. 13. *Promotions.* – The promotion of PCG officers, as submitted by the PCG Officers Selection and Promotion Board, shall be recommended by the PCG Commandant for the approval of the Secretary of the DOTC: *Provided*, That the promotion to the rank of Flag Officers in the PCG shall be submitted by a Board of Senior Officers to the PCG Commandant for the approval of the President upon the recommendation of the Secretary of the DOTC: *Provided, further*, That said officers shall possess all the qualifications and none of the disqualification provided under pertinent laws, rules and regulations, specifically on the completion of the required schooling, training and minimum time and grade for said ranks.

The PCG Commandant shall approve the promotion of PCG non-officers to the next higher rank based on the recommendation of the PCG Selection and Promotion Board for Non-Officers: *Provided*, That special or meritorious promotion shall be extended to any PCG non-officer for acts of inconspicuous courage or outstanding achievement in the Coast Guard service as determined by the PCG Selection and Promotion Board for Non-Officers. The promotion of non-uniformed employees shall be governed by Civil Service laws, rules and regulations.

SEC. 14. *Salaries and Other Benefits.* – The uniformed personnel of the PCG shall receive the same base pay, longevity pay, hazard pay and other benefits and allowances as are now or hereafter may be authorized for corresponding salary grades and ranks in the Armed Forces of the Philippines (AFP) until such time that a new law is enacted for the purpose. The salaries and allowances of the non-uniformed employees of the PCG shall be in accordance with Civil Service laws, rules and regulations.

SEC. 15. *Active Service.* – For purposes of this Act, the active service of PCG personnel hereof shall refer to services rendered as an officer, non-officer, probationary ensign, or those rendered as a civilian official or employee in the PCG prior to the date of separation or retirement from the PCG: *Provided*, That the term active service shall include confirmed services rendered as a civilian employee in the Philippine government.

SEC. 16. *Disciplinary Action.* – The applicable and pertinent provisions of the AFP Military Justice System shall be adopted in disciplinary cases against PCG officers and non-officers. The applicable rules, regulations and guidelines promulgated by the Civil Service Commission shall govern cases against PCG non-uniformed employees.

SEC. 17. *Retirement.* – Upon attaining fifty-six (56) years of age or upon accumulation of thirty (30) years of continuous satisfactory active service, whichever comes later, a PCG officer or non-officer shall be compulsorily retired: *Provided*, That said officer or non-officer shall have a minimum of twenty (20) years of active service. The retirement of non-uniformed personnel shall be governed by Civil Service laws, rules and regulations.

SEC. 18. *Retirement Benefits.* – Monthly retirement pay of officers and non-officers shall be fifty percent (50%) of base pay and longevity pay of the next higher grade last held 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 to a maximum of ninety percent (90%) for thirty-six (36) years of active service and over. The retirement benefits of non-uniformed personnel shall be governed by Civil Service/Government Service Insurance System Law.

SEC. 19. *Separation from Service.* – Officers and non-officers who voluntarily resign or otherwise fail to comply with the standards of competence and proficiency of the PCG, shall be separated from the service under existing laws, rules and regulations. The separation of non-uniformed personnel shall be in accordance with Civil Service laws, rules and regulations.

SEC. 20. *Collection of Revenues.* – The PCG shall collect fees, dues, charges and fines relevant to the exercise of its various functions.

SEC. 21. *Rules and Regulations.* – The Secretary of the DOTC shall issue rules and regulations, determine, fix, and/or prescribe charges, rates, penalties pertinent, as may be necessary, to implement the provisions of this Act, as well as the provision of acts, decrees and orders related to the implementation of the PCG functions.

SEC. 22. *PCG Properties and Lighthouse Reservations.* – The PCG shall continue to exercise exclusive ownership, possession, 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 estate and lighthouse reservations.

SEC. 23. *Establishment and Expansion of Coast Guard Bases 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.

SEC. 24. *Appropriations.* – The Secretary of the DOTC shall immediately prepare the necessary guidelines to cover the establishment of the PCG as an attached agency to the DOTC, the initial funding of which shall be charged against the current year's appropriations of the PCG and, thereafter, in the annual General Appropriations Act.

SEC. 25. *Transitory Provisions.* – All previous appointments and promotions of PCG uniformed personnel made prior to the enactment of this Act shall remain valid and subsisting.

SEC. 26. *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.

SEC. 27. *Repealing Clause.* – All laws, decrees, executive orders, rules and regulations and other issuances or parts thereof which are inconsistent with this Act are hereby repealed, amended or modified accordingly.

SEC. 28. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in any two (2) newspapers of general circulation.

Approved,

PROSPERO C. NOGRALES

*Speaker of the House
of Representatives*

JUAN PONCE ENRILE

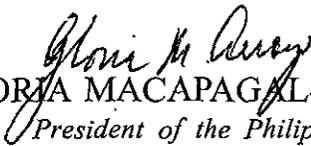
President of the Senate

This Act which is a consolidation of Senate Bill No. 3389 and House Bill No. 5151 was finally passed by the Senate and the House of Representatives on December 9, 2009 and December 8, 2009, respectively.


MARILYN B. BARUA YAP
Secretary General
House of Representatives


EMMA LIRIO REYES
Secretary of the Senate

Approved: FEB 12 2010


GLORIA MACAPAGAL-ARROYO
President of the Philippines



O



PGMA Hologram # 54441