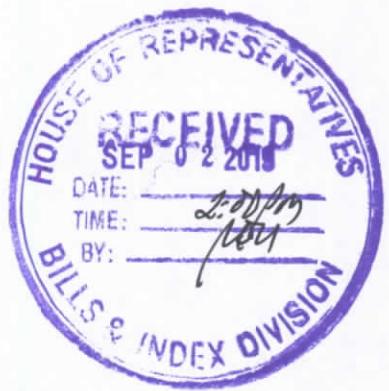


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Constitution Hills, Quezon City



EIGHTEENTH CONGRESS
First Regular Session

4286

Introduced by REP. JOHNNY T. PIMENTEL

EXPLANATORY NOTE

This bill seeks to carry out administrative reforms for the Philippine Coast Guard. In 2009, the Philippine Coast Guard Law was enacted through RA 9993. It established the Coast Guard as an armed and uniformed personnel separate from the Armed Forces. This placed the Coast Guard under Department of Transportation and Communications (now the Department of Transportation).

22 However, various administrative endowments and benefits to the active and
23 retired personnel of the Coast Guards are wanting, unlike their other
24 uniformed and military personnel counterparts. Among these are the recent
25 increase in base pay for the uniformed and military personnel was not given
26 effect to the members of the Philippine Coast Guard despite the intention of
27 the government to grant them with the same increase in compensation.
28

Furthermore, this bill seeks to give the Coast Guard the similar benefits given to other uniformed and military personnel.

32
33 For the aforementioned reasons, the undersigned submits this bill for the
34 consideration of this august body.

JOHNNY T. PIMENTEL

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Constitution Hills, Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 4285

Introduced by REP. JOHNNY T. PIMENTEL

**AN ACT PROVIDING FOR THE ADMINISTRATIVE REFORM AND
REORGANIZATION OF THE PHILIPPINE COAST GUARD AND FOR
OTHER PURPOSES, AMENDING CERTAIN PROVISIONS OF REPUBLIC
ACT NUMBERED NINETY-NINE HUNDRED AND NINETY-THREE
ENTITLED, "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"**

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

Sec. 1 of Republic Act No. 9993 is hereby amended to read as follows:

“SECTION 1. Title. – This act shall be known as the “Philippine Coast Guard Administration and Reorganization Act”.

Section 2 of Republic Act No. 9993 is hereby amended to read as follows:

34
35 "Sec. 2. Establishment. The Philippine Coast Guard, hereinafter
36 referred to as the PCG, is hereby established as an armed and uniformed
37 service attached to the Department of Transportation (DoTr): Provided, that
38 in times of war, as declared by Congress, the PCG or parts thereof, shall be
39 attached to the Department of National Defense."

Section 5 of Republic Act No. 9993 is hereby amended as section 6 hereof and read as follows:

1
2 **Sec. 6.** The PCG Commandant. – The PCG shall be headed by a
3 Commandant with the rank of Admiral which is equivalent to the rank and
4 pay grade of the Chief of Staff, AFP and Police Director General, PNP.
5 *Provided*, That he shall be appointed by the President from among the Flag
6 Officers in the Coast Guard service. He must hold a command-at-sea badge
7 and have served as a District Commander of the PCG. The Commandant shall
8 have a maximum term of three (3) years. A Commandant who has served for
9 three (3) years prior to his compulsory retirement shall be considered as
10 retired and entitled to all the benefits available to a Coast Guard officer as if
11 he is compulsorily retired.

12
13 **A new provision is hereby added and numbered as section 5 and**
14 **read as follows:**

15
16 **Sec. 6. Powers and Functions of the Commandant.** - The
17 Commandant shall have the power to:

- 18
19 (a) direct and control tactical as well as strategic movements,
20 deployment, placement, utilization of the PCG or any of its units and
21 personnel, including its equipment, facilities and other resources;
22 (b) under the authority and direction of the President through the
23 Secretary of Transportation, shall be responsible for the
24 development and execution of national maritime laws;
25 (c) prescribe, in accordance with the policies of the Secretary of
26 Transportation, the organization, powers, functions and duties of
27 the various staff, services, installations and other units of the PCG;
28 (d) also have the power to issue detailed implementing policies and
29 instructions regarding personnel, funds, properties, records,
30 correspondence and such other matters as may be necessary to
31 effectively carry out the functions, powers and duties of the PCG.

32
33 Such command and direction of the Commandant may be delegated to
34 subordinate officials with respect to the units under their respective
35 commands, in accordance with the rules and regulation prescribed under
36 existing laws. The Commandant shall also have the power to issue detailed
37 implementing policies and instructions regarding personnel, funds,
38 properties, records, correspondence and such other matters as may be
39 necessary to effectively carry out the functions, powers and duties of the PCG.

40
41 **Sec. 6 of Republic Act No. 9993 is hereby amended and renumbered to**
42 **read as follows:**

43
44 **Sec. 7.** Organization. – The PCG organization shall have a
45 Commandant as head, assisted by the Deputy Commandant for Operations
46 and Deputy Commandant for Administration. The PCG shall be composed by
47 functional service commands, administrative support commands, operational

1 support commands, operating commands, technical services and special
2 services. *Provided*, That the minimum manning level of the PCG shall be
3 computed based on the total coastline of the Philippines with one (1)
4 uniformed personnel per (1) kilometer of coastline.

5
6 **A new provision is hereby added and numbered as Section 8 hereof to**
7 **read as follows:**

8
9 **Sec. 8. Personnel.** – The PCG shall consist of the following categories
10 of personnel:

- 11
12 (a) Officer— refers to uniformed member of the PCG who is appointed
13 as officer by the Secretary or President as the case may be;
14 (b) Enlisted Personnel— refers to uniformed member of the PCG who is
15 not an officer but enlisted into the service by the Commandant of
16 the PCG;
17 (c) Civilian Employee – refers to the permanent non-uniformed member
18 of the PCG with plantilla position and salary grade as attested by the
19 Civil Service Commission;
20 (d) Probationary Ensign —refers to a person who has completed basic
21 training and is awaiting commissionship in the PCG;
22 (e) Draftee – refers to a person who has completed basic training and is
23 awaiting enlistment into the PCG active service;
24 (f) Cadet- refers to a person who is undergoing training for
25 commissionship or who is enrolled in service academies under the
26 sponsorship of the PCG;
27 (g) Trainee – refers to a person who is undergoing training to qualify as
28 member of the enlisted personnel's corps of the PCG;

29
30 **A new provision is hereby added and numbered as Section 9 hereof to**
31 **read as follows:**

32
33 **Sec. 9. Rank Classification.** – The ranks/grades of PCG Officers shall
34 be as follows:

35
36 ADMIRAL (ADM)
37 VICE ADMIRAL (VADM)
38 REAR ADMIRAL(RADM)
39 COMMODORE (COMMO)
40 CAPTAIN (CAPT)
41 COMMANDER (CDR)
42 LIEUTENANT COMMANDER (LCDR)
43 LIEUTENANT SENIOR GRADE (LTSG)
44 LIEUTENANT JUNIOR GRADE (LTJG)
45 ENSIGN (ENS)
46 PROBATIONARY ENSIGN (P/ENS)

1 **A new provision is hereby added and numbered as Section 10 hereof and**
2 **read as follows:**

3
4 **Sec. 10.** Technical Officers. – Following are the professionals that may
5 join the PCG service as technical officers:

- 6
7 (a) Lawyers
8 (b) Doctors
9 (c) Priests, Pastors, Imam, and other certified clerics
10 (d) Dentists
11 (e) Veterinarians
12 (f) Clinical Psychologists
13 (g) Physical Therapists
14 (h) Chemists
15 (i) Medical Technologists
16 (j) Nurses
17 (k) Marine biologists

18
19 Any applicant holding the degree of any of the abovementioned
20 professions shall have qualified and passed the licensure examination, as
21 applicable, of the respective professions to be qualified for entry into the Coast
22 Guard service. Other professions not listed may still be recruited as part of
23 the technical stream upon verification of the PCG of its need thereof.

24
25 **Sec. 7 of Republic Act No. 9993 is hereby amended and renumbered to**
26 **read as follows:**

27
28 **Sec. 11. Officer Rank Distribution.** - The officer rank distribution or the
29 PCG shall be as follows: two per centum (2%) in the Flag Officer rank; six per
30 centum (6%) in the rank of Coast Guard Captain; twelve per centum (12%) in
31 the rank of Coast Guard Commander; eighteen per centum (18%) in the rank
32 of Coast Guard Lieutenant Commander; Twenty per centum (20%) in the rank
33 of Coast Guard Lieutenant Senior Grade; and forty-two per centum (42%) in
34 the ranks of Coast Guard Lieutenant Junior Grade and Coast Guard Ensign;
35 Provided, That such distribution is based on the ratio between officer and
36 enlisted personnel which is one (1) officer to every seven (7) enlisted personnel:
37 Provided, finally, That if the actual number in a rank is less than the number
38 prescribed in a lower rank, the difference may be applied as an increase to
39 the number prescribed in the lower rank.

40
41 **Sec. 8 of Republic Act No. 9993 is hereby amended and renumbered to**
42 **read as follows:**

43
44 **Sec. 12.** Distribution of flag officers. – There shall be a Commandant
45 with the rank of Admiral. Provided, the total number of flag ranks shall not
46 exceed 2 per centum of the total population of officers and except for the

1 previously mentioned constant, shall be distributed observing the pyramidal
2 structure.

3
4 Vice Admiral 0.15%
5 Rear Admiral 0.35%
6 Commodore 1.50%
7 Total 2.00%

8
9 The percentage shall be based on the total officer population of the PCG
10 after using the 1 officer is to 7 enlisted personnel ratio and the total number
11 of flag officers is two (2) percent of the total officers' corps. *Provided*, That if
12 the actual number in a rank, except in the case of Coast Guard Admiral and
13 Coast Guard Vice Admiral, is less than the number herein prescribed, the
14 difference may be applied as an increase to the number prescribed in the
15 lower rank: *Provided, finally*, That no officer shall be promoted to the rank of
16 Coast Guard Commodore or higher unless there is an existing vacancy, and
17 the officer is occupying a position in the table of organization that requires
18 the rank of which he is being considered for promotion."

19
20 **Sec. 9. of Republic Act No. 9993 is hereby amended and renumbered as**
21 **section 13 hereof to read as follows:**

22
23 **Sec. 13.** Maximum Tenure in Position. - Officers holding the following
24 key positions are hereby limited to a maximum tenure of three (3) years,
25 unless otherwise earlier relieved by competent authority or compulsorily
26 retired under existing laws:

27
28 Commandant
29 Deputy Commandant

30
31 *Provided*, That except for the Commandant, no other officer shall be
32 assigned/designated to the aforementioned key positions or promoted to the
33 rank of Commodore or higher if he has less than one (1) year of active service
34 remaining prior to compulsory retirement."

35
36 **A new provision is hereby added and numbered as Section 14 hereof to**
37 **read as follows:**

38
39 **Sec. 14.** The ranks/grades of PCG enlisted personnel shall be as follows:

40
41 First Master Chief Petty Officer (FMCPO)
42 Master Chief Petty Officer (MCPO)
43 Senior Chief Petty Officer (SCPO)
44 Chief Petty Officer (CPO)
45 Petty Officer First Class (PO1)
46 Petty Officer Second Class (PO2)
47 Petty Officer Third Class (PO3)

1 Seaman/Seawoman First Class (SN1/SW1)
2 Seaman/Seawoman Second Class (SN2/SW2)
3 Apprentice Seaman/Seawoman (ASN/ASW)
4 Draftee (DFT)
5

6 **A new provision is hereby added and numbered as section 15 to read as**
7 **follows:**

8
9 **Sec. 15.** Maximum Tenure in Rank for Enlisted Personnel. - The
10 maximum tenure of senior enlisted personnel in the ranks of Chief Petty
11 Officer to First Master Chief Petty Officer in the PCG are as follows:
12

	Rank				Maximum Tenure in Rank
	First	Master	Chief	Petty	
Officer					Three (3) years
		Master Chief Petty Officer			Three (3) years
		Senior Chief Petty Officer			Five (5) years
		Chief Petty Officer			Seven (7) years

13 Any personnel holding lower ranks than the above who stays in a rank
14 for fifteen (15) years without being promoted to the next higher rank shall be
15 evaluated by the Re-enlistment Fitness Board who shall verify suitability to
16 continue in service and submit a recommendation for the approval of the
17 Commandant. *Provided*, That the enlistment term in the PCG shall be six (6)
18 years with the application for re-enlistment to be reviewed by the Re-
19 enlistment Fitness Board for recommendation to the Commandant for
20 approval.
21

22 **A new provision is hereby added and numbered as section 16 hereof to**
23 **read as follows:**

24
25 **Sec. 16.** Civilian Employee. - There shall be civilian positions within
26 every office of the PCG. The highest rank among the civilians who shall be the
27 head is Director IV. The civilian employees shall establish their own plantilla
28 positions to complement the strength of the PCG uniformed personnel.
29

30 **Sec. 11 of Republic Act No. 9993 is hereby renumbered as section 17**
31 **hereof.**

32 **Sec. 12 of Republic Act No. 9993 is hereby amended to read as follows:**

33
34 Sec. 18. Appointments. - Appointments of PCG officers, which shall be
35 in the initial rank of Coast Guard Ensign, shall be made by the Secretary of
36 the Transportation upon the recommendation of the PCG Commandant. The
37 initial entry ranks for technical officers like lawyers, medical doctors and
38 ecumenical shall be in the rank of Lieutenant Senior Grade, dentists and
39 veterinarians shall be Lieutenant Junior Grade, while nurses and chemists

1 shall be commissioned in the rank of Ensign. Appointments of other technical
2 professions that may be required later shall be based on the ranking of
3 licensure and courses issued by competent authority."

4 **A new provision is hereby added and numbered as Section 19 hereof and**
5 **read as follows:**

7 **Sec. 19.** Basic Qualification for Uniformed Personnel. – To qualify as
8 officer or enlisted personnel of the PCG, applicant shall possess the following
9 at the time of application:

- 10 (a) A citizen of the Philippines;
- 11 (b) A person of good moral conduct;
- 12 (c) Must have passed the psychiatric/ psychological, drug and
13 physical tests to be administered by the PCG Medical Service or by
14 any PCG accredited government hospital for the purpose of
15 determining physical and mental health;
- 16 (d) Must possess a formal baccalaureate degree with appropriate
17 license when applicable or professional civil service eligibility for
18 appointment as officer and must have finished at least third year
19 college with six (6) months TESDA skills course related to the
20 functions of PCG for appointment as enlisted personnel upon
21 effectivity of this act; and
- 22 (e) Must not have been dishonorably discharged from military
23 employment or dismissed for cause from any civilian position in
24 the Government.

25
26 Enlisted personnel shall be appointed into the service by the
27 Commandant. The appointments of all civilian employees shall be in
28 accordance with the Civil Service laws, rules and regulations.

29
30 **A new provision is hereby added and numbered as Section 20 hereof and**
31 **read as follows:**

32
33 **Sec. 20.** Lateral Entry. – Active members of other uniformed services
34 under the Armed Forces of the Philippines, Philippine National Police, Bureau
35 of Fire and Protection and Bureau of Jail Management and Penology may join
36 the PCG through lateral entry. The rank for officers eligible for such entry
37 must not be higher than Lieutenant Commander and Petty Officer Second
38 Class for enlisted personnel. Notwithstanding, the corps they wish to join, all
39 entrants shall only be accepted if on or before time of entry they are not under
40 investigation, on AWOL status, serving sentence, whether administrative or
41 criminal, been issued reprimand in the last two (2) years or has received an
42 unfavourable rating in the latest performance rating. No transfers may be
43 accepted when already holding ranks higher than those stated above and if
44 not properly cleared first by their respective services. *Provided*, That lateral
45 entry shall only be allowed when entrant have very specific skills that may
46 not be readily developed in new recruits. Provided further, that the new

1 entrant has a remaining of at least ten (10) years of service prior optional
2 retirement.

3

4 **Sec. 13 of Republic Act No. 9993 is hereby amended and numbered as**
5 **section 21 to read as follows:**

6

7 **Sec. 21.** Promotion for Officers and Enlisted Personnel. - The promotion
8 shall be based on merit and fitness and observe the following procedures:

9

10 (a) Officers shall only be promoted after undergoing deliberation before
11 promotion boards. *Provided*, that Promotion Boards shall submit the
12 results of their deliberation to the Commandant for consideration
13 and corresponding endorsement to the Secretary of Transportation
14 for approval. Except for the promotion to the flag ranks which shall
15 be submitted by the Board of Seniors to the Commandant's
16 consideration, and consequently submit the same to the Secretary
17 of Transportation for recommendation to the President for approval;

18

19 (b) There shall also be appropriate promotion board for enlisted
20 personnel whose recommendation shall be submitted to the
21 Commandant for approval;

22

23 *Provided, Further,* That both officer and enlisted personnel for
24 promotion shall possess all the qualifications and none of the disqualifications
25 provided under pertinent laws, rules and regulations, specifically on the
26 completion of the required schooling, training and minimum time-in-grade for
27 specific ranks.

28

29 **Sec. 14 of Republic Act No. 9993 is hereby renumbered as Section 22**
30 **hereof:**

31

32 **A new provision is hereby added and numbered as Section 23 and read**
33 **as follows:**

34

35 **Sec. 23.** Disciplinary System. The internal disciplinary system shall
36 cover all personnel in active service and for infractions committed internally
37 or in public except for crimes which shall fall under the jurisdiction of
38 appropriate regular courts.

39 **A new provision is hereby added and numbered as section 24 hereof and**
40 **read as follows:**

41

42 **Sec. 24.** Disciplinary Authority. The Commandant, PCG exercises
43 disciplinary authority at any time. The authority to discipline shall also be
44 exercised by unit commanders including sub-station commanders, station
45 commanders, morning report carrying sub-units' commander, commanding
46 officers, unit commanders and the Commandant.

1 Disciplinary authority shall be exercised duly observing the basic
2 requirements of due process. The PCG shall provide policy identifying the
3 scale of offenses and penalties with its counterpart jurisdictions provided
4 above further explained, to be imposed upon any member of the PCG under
5 this section.

6 **A new provision is hereby added and numbered as Section 25 hereof and**
7 **read as follows:**

8
9 **Sec. 25.** Exclusive Jurisdiction. – A complaint or a charge filed against
10 a PCG member shall be heard and decided exclusively by the disciplining
11 authority who has acquired original jurisdiction over the case and
12 notwithstanding the existence of concurrent jurisdiction as regards the
13 offense: Provided, That offenses which carry higher penalties referred to a
14 disciplining authority shall be referred to the appropriate authority which has
15 jurisdiction over the offense.

16 **A new provision is hereby added and numbered as Section 26 hereof and**
17 **read as follows:**

18
19 **Sec. 26.** Legal Assistance. – The Secretary of the Department of Justice,
20 the Secretary of Transportation, or the Commandant of the PCG may
21 authorize lawyers of their respective agencies to provide legal assistance to
22 any member of the PCG who is facing before the prosecutor's office, the court
23 or any competent body, a charge or charges arising from any incident which
24 is related to the performance of official duty: Provided, that government
25 lawyers so authorized shall have the power to administer oaths. The Secretary
26 of Justice, the Secretary of Transportation, and the Commandant of the PCG
27 shall jointly promulgate rules and regulations to implement the provisions of
28 this section.

30 **A new provision is hereby added and numbered as Section 27 hereof and**
31 **read as follows:**

32
33 **Sec. 27.** Power to Administer Oaths. – Officers of the PCG in the active
34 service shall have the power to administer oaths on matters which are
35 connected with the performance of their official duties.

36
37 **A new provision is hereby added and numbered as Section 28 hereof and**
38 **read as follows:**

1 **Sec. 28.** For less serious and serious administrative offenses, the
2 jurisdiction shall be with the CGIAS and the Commandant. Less serious and
3 serious offenses are infractions that merit suspension or discharge from
4 service. However, the Commandant and major unit commanders after due
5 notice and summary hearing may immediately remove or dismiss any
6 respondent PCG personnel in any of the following cases:

- 7
- 8 (a) In cases of drug abuse where subsequent confirmation test
9 confirms the use of prohibited drugs by a coast guard personnel,
10 uniformed or civilian;
11 (b) When the charge is serious and the evidence of guilt is strong;
12 (c) When the respondent is a recidivist or has been repeatedly
13 charged and there are reasonable grounds to believe that he is
14 guilty of the charges; and
15 (d) When the respondent is guilty of a serious offense involving
16 conduct unbecoming of a coast guard personnel.
- 17

18 An officer or enlisted personnel who is continuously absent without
19 approved leave for at least thirty (30) calendar days shall be considered on
20 absence without official leave (AWOL) and shall be separated from the service
21 or dropped from the rolls without prior notice. He shall, however, be informed,
22 at his address appearing on his 201 files of his separation from the service,
23 not later than five (5) calendar days from its effectivity. *Provided*, That for
24 every disciplinary authority mentioned in the preceding sections, there shall
25 be a disciplinary action committee within their unit to conduct the
26 investigation and summary hearing for recommendation to the disciplining
27 authority for implementation. *Provided, Further*, That for the Commandant,
28 the CGIAS shall act as its disciplinary action committee.

29

30 **A new provision is hereby added and numbered as Section 29 hereof and**
31 **read as follows:**

32

33 **Sec. 29.** Coast Guard Internal Affairs Service Command. – To maintain
34 accountability in government service through discipline and efficiency, there
35 shall be an Internal Affairs Service Command. This service shall foster and
36 promote accountability in government service within the PCG and follow the
37 basic principles of integrity, objectivity, independence, confidentiality,
38 professionalism, competence, courage, trust, honesty, fairness,
39 forthrightness, public accountability and respect for others and themselves.
40 It shall have the power to investigate and inquire into any and all activities of
41 the PCG units and personnel, review processes, procedures and operations to
42 determine if such were conducted effectively and efficiently.

43

44 Personnel of the Internal Affairs Service in addition to other allowances
45 authorized under existing laws be granted occupational specialty pay which
46 shall not exceed fifty percent (50%) of their basic pay. This pay shall not be

1 considered a forfeiture of other remuneration and allowances which are
2 allowed under existing laws.

3

4 **Section 19 of Republic Act 9993 is hereby amended and renumbered as**
5 **section 30 to read as follows:**

6

7 **Sec. 30.** Separation. - Separation from the Coast Guard service may be
8 done through compulsory retirement, optional retirement upon reaching 20
9 years in service, disability discharge, expiration of enlistment term, voluntary
10 resignation, for cause, death or in the interest of the Government.

11

12 **A new provision is hereby added and numbered as Section 31 and read**
13 **as follows:**

14

15 **Sec. 31.** Attrition. - There shall be established a system of attrition
16 within the uniformed members of the PCG within one (1) year from the
17 effectivity of this Act to be submitted by the PCG to the Secretary of
Transportation for approval.

18 **Section 17 of Republic Act 9993 is hereby amended and renumbered as**
19 **Section 32 hereof to read as follows:**

20

21 **Sec. 32.** Retirement. - Upon attaining either 56 years of age or
22 accumulation of 30 years of continuous satisfactory active service, whichever
23 comes later, a PCG uniformed personnel shall be compulsorily retired;
24 *Provided*, That in case the disparity between length of service and age is more
25 than a year, then service may be extended for a maximum of four (4) years or
26 not to exceed 60 years of age. Nevertheless, if discrepancy in years of service
27 will cause the extension beyond the age of 60 but the uniformed personnel
28 already accumulated 20 years in service upon reaching the age of 56, then
29 such uniformed personnel shall be retired from service. *Provided, Further*,
30 That any officer or enlisted personnel may choose to retire on their own option
31 upon reaching 20 years in active service. In case questions arise regarding
32 retirement, the provisions of PD No. 1638, as amended shall be applicable to
33 all uniformed personnel of the PCG.

34

35 Civilian personnel are covered by the Civil Service law, rules and
36 regulations on retirement and separation.

37

38 **Section 18 of Republic Act 9993 is hereby amended and renumbered as**
39 **Section 33 hereof to read as follows:**

40

41 **Sec. 33.** Retirement Benefits. - Monthly retirement pay of officers and
42 enlisted personnel shall be fifty percent (50%) of base pay and longevity pay
43 of the next higher grade last held in case of twenty (20) years of active service,
44 increasing by two and one-half percent (2 ½ %) for every year of service
45 rendered beyond twenty (20) years to a maximum of ninety percent (90%) for

1 thirty-six (36) years of active service and over. *Provided*, That enlisted
2 personnel with the rank of Chief Petty Officer, Senior Chief Petty Officer, and
3 Master Chief Petty Officer shall retire in the rank of ENSIGN (0-1) and
4 corresponding pension rate computed based on Republic Act No. 8220, except
5 for the First Command Master Chief who shall be retired with the rank of
6 ENSIGN but with the retirement pay and benefits of a LIEUTENANT JUNIOR
7 GRADE (0-2) as provided for under R.A. No. 9365. The retirement pay of all
8 PCG retirees shall be subject to adjustment on the prevailing scale of base
9 pay of PCG personnel in the active service. For additional matters pertaining
10 to retirement and pension as provided in the foregoing, the uniformed
11 personnel of the PCG shall continue to be covered by P.D. No. 1638 as
12 amended until such time that a new law is enacted specifically for the
13 purpose.

14
15 The retirement benefits of civilian personnel shall be governed by Civil
16 Service law and the Government Service Insurance System Law.
17

18 **A new provision is hereby added and numbered as Section 34 and read
19 as follows:**
20

21 **Sec. 34.** Survivors. Family of the officer or enlisted personnel who are
22 alive and may claim benefits after such uniformed personnel dies in line of
23 duty or the pensioner dies. The following criteria shall apply:
24

- 25 (a) Surviving spouse if married to the deceased prior to the latter's
26 retirement/separation and not legally separated by judicial
27 decree from the deceased issued on grounds not attributable
28 to said spouse: *PROVIDED*, That entitlement to benefits shall
29 terminate upon the re-marriage of said spouse;
30
- 31 (b) Surviving children of an officer or enlisted personnel born of
32 his marriage contracted prior to his retirement/separation
33 from the service, legally adopted, acknowledged or recognized,
34 while the deceased parent was still on active military service:
35 Provided, That entitlement to benefits shall terminate when
36 such children attain twenty-one (21) years of age or upon
37 marriage; Provided further, that unmarried children who have
38 reached the age of majority and is physically or mentally
39 incapacitated to work for themselves shall still be entitled to
40 claim benefits;
41
- 42 (c) In default of those mentioned in paragraph (a) and (b), above,
43 surviving, legitimate, adopted or acknowledged or recognized
44 children, who have reached twenty one (21) years of age, or in
45 their absence, his surviving parent or parents, or in default
46 thereof, his surviving unmarried brothers and sisters.
47

(d) The rules on survivorship shall use the applicable laws relative to the religion or culture of the personnel or the retiree.

5 A new provision is hereby added and numbered as Section 35 and read
6 as follows:

Sec. 35. Permanent Physical Disability. – An officer or enlisted personnel who is permanently and totally disabled as a result of injuries suffered or sickness contracted in the performance of duty as duly certified by the PCG, upon finding and certification by the appropriate Government hospital like the Philippine General Hospital for those within Metro Manila, that the extent of the disability or sickness renders such member unfit or unable to further perform the duties of the position held, shall be entitled to one year's salary and to lifetime pension equivalent to forty percent (40%) of their last salary, in addition to other benefits as provided under existing laws.

17 Should such member who has been retired under permanent total
18 disability under this section die, within three (3) years from his retirement,
19 his surviving legal spouse or if there be none, the surviving dependent
20 legitimate children shall be entitled to the pension for the remainder of the
21 three (3) years guaranteed period.

23 A new provision is hereby added and numbered as Section 36 and read
24 as follows:

Sec. 36. Death and Disability Benefits. – A uniformed personnel and/or his heirs shall be entitled to all benefits relative to the death or permanent incapacity of said personnel, as provided for under this Act, and/or other existing laws.

**31 A new provision is hereby added and numbered as Section 37 and read
32 as follows:**

Sec. 37. – Old- Age Pension Eligibility. A retired PCG uniformed personnel who is at least 65 years of age shall be entitled to an old-age pension amounting to Five Thousand Pesos (Php5,000.00) monthly. This shall be available to any 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 death or disability arising or incurred in actual operations or performance of duties.

1 The surviving spouse of a retiree who died after having received old-age
2 pension shall be paid an old-age pension of Five Thousand Pesos
3 (Php5,000.00) monthly until she/he remarries or dies.
4

5 **A new provision is hereby added and numbered as Section 38 and read
6 as follows:**

8 **Sec. 38.** Exemption from Attachment and Taxes. – All benefits granted
9 by this Act, including benefits received from a duly instituted provident fund,
10 shall not be subject to attachment, levy, execution or any tax of whatever
11 nature.
12

13 **A new provision is hereby added and numbered as Section 39 and read
14 as follows:**

16 **Sec. 39.** Uniformed Personnel Missing in Action. – Any officer or
17 enlisted personnel who while in the performance of duty, is officially
18 confirmed missing in action, kidnapped or captured by lawless elements shall,
19 while so absent, be entitled to receive or to have credited to his account in
20 favor of his legal dependents as may be determined, the same pay and
21 allowances to which such officer or enlisted personnel was entitled at the time
22 of the incident: *PROVIDED*, That the compulsory retirement of a person
23 missing in action shall be processed to allow the members of the next of kin
24 to enjoy the retirement benefits: *PROVIDED, FURTHER*, That should the
25 Commandant of the PCG, as the same may be, upon the recommendation of
26 the proper authority and/or immediate supervisor, subsequently determine
27 that the officer or enlisted personnel concerned have been absent from duty
28 without authority, such member or his heirs shall reimburse the PCG all such
29 amount and allowances received in accordance with this section and the
30 following section.
31

32 **A new provision is hereby added and numbered as Section 40 and read
33 as follows:**

35 **Sec. 40.** Incentives and Awards. – There shall be established an
36 incentives and awards system which shall be administered by a board under
37 such rules, regulations and standards as may be promulgated by the
38 Department: *Provided*, That equivalent awards shall be given by the
39 Department for every award duly given by respectable civic organizations in a

1 nationwide selection for outstanding achievement and/or performance of any
2 member.

3

4 **A new provision is hereby added and numbered as Section 41 and read
5 as follows:**

6

7 **Sec. 41.** Emergency Medical Assistance. The PCG shall have an
8 emergency medical assistance fund, sourced from the PCG's annual budget
9 plan as reflected in the General Appropriations Act (GAA) for hospitalization,
10 operation, medication and rehabilitation for personnel arising from injuries
11 suffered on occasion or resulting from the performance of legitimate, official
12 and hazardous operations.

13

14 **A new provision is hereby added and numbered as Section 41 and read
15 as follows:**

16

17 **Sec. 42.** Longevity Pay and Allowances. – Uniformed personnel of the
18 PCG shall be entitled to a longevity pay of ten per centum (10%) of their basic
19 monthly salaries for every five (5) years of continuous active service, which
20 shall be reckoned from the date of the personnel's original appointment in the
21 PCG: *PROVIDED*, That the totality of such longevity pay shall not exceed fifty
22 per centum (50%) of the basic pay. They shall also continue to enjoy the
23 subsistence allowance, quarters allowance, clothing allowance, cost of living
24 allowance, hazard pay, and other allowances but not limited to sea duty pay,
25 flying pay, lawyers incentive pay, occupational specialty pay, magna carta for
26 medical workers, specialization pay, instructors duty pay, combat pay for
27 officers and enlisted personnel of the PCG performing combat
28 duties/activities or engaged in actual maritime law enforcement operations
29 as defined in regulations to be issued by the Secretary of Transportation and
30 all other allowances as provided by existing laws; *PROVIDED FURTHER*, there
31 shall be collateral allowances for specific assignments for which PCG shall
32 also issue specific policy for approval of the President or the Secretary of
33 Transportation.

34

35 **Section 15 of Republic Act 9993 is hereby amended and renumbered as
36 Section 43 to read as follows:**

37

38 **Sec. 43.** Active Service. – For purposes of this Act, active service of the
39 uniformed personnel shall refer to services rendered as an officer and enlisted
40 personnel, cadet, trainee or draftee in the PCG and services rendered as a

1 civilian official or employee in the Philippine Government prior to the date of
2 separation or retirement from the PCG: Provided, That, for purposes of
3 retirement the personnel shall have rendered at least ten (10) years of active
4 service as officer or enlisted personnel in the PCG: Provided, further, That
5 services rendered as cadet, probationary officer, trainee or draftee in the PCG
6 shall be credited for purposes of longevity pay: Provided, finally, That, for
7 cadet services, the maximum number of service to be credited shall not exceed
8 the duration of the pre-commissionship course specified in the curriculum.

9 **Section 16 of Republic Act 9993 is hereby renumbered as Section**
10 **43 hereof.**

11 **A new provision is hereby added and numbered as Section 44 and read**
12 **as follows:**

13 **Sec. 44.** PCG Insignia, Decorations and Awards. - The PCG shall have
14 its own insignia and badges to denote rank, specialty and assignment
15 including uniforms, decorations and awards, all of which shall be submitted
16 to the National Historical Institute for registration in the flags and heraldic
17 list. *Provided*, That there shall be an established awards system which shall
18 be administered by the PCG under such rules and regulations as may be
19 promulgated with the approval of the Secretary of Transportation.

20 **A new provision is hereby added and numbered as Section 45 and read**
21 **as follows:**

22 **Sec. 45.** Special Account. - The PCG shall maintain a special account
23 under the General Fund, in which receivables from local or foreign entities
24 shall be credited including proceeds or excess of grants, fees or charges, dues,
25 fines and rentals generated in the regular conduct of service. Provided, that
26 PCG shall have the authority to use one hundred (100%) per centum of this
27 fund for capability enhancement.

28 **Section 20 of Republic 9993 is hereby amended and renumbered as**
29 **Section 46 hereof:**

30 **Sec. 46.** *Collection of Revenues.* - The PCG shall collect fees, dues,
31 charges, and fines relevant to the exercise of its various functions. Provided,
32 that the thirty (30%) per centum shall be credited to the special account.

33 **A new provision is hereby added and numbered as Section 47 and read**
34 **as follows:**

35 **Sec. 47.** Implementing Rules and Regulations. - Unless otherwise
36 provided in this Act, the Philippine Coast Guard and the Department of

1 Transportation, shall promulgate rules and regulations for the effective
2 implementation of this act. Such rules and regulations shall take effect upon
3 publication in three (3) newspapers of general circulation.

4

5 **Section 22 of Republic Act 9993 is hereby renumbered as section 48
6 hereof.**

7 **Section 23 of Republic Act 9993 is hereby renumbered as section 49
8 hereof.**

9 **Section 24 of Republic Act 9993 is hereby amended and renumbered as
10 Section 50 hereof to read as follows:**

11 **Sec. 50. Appropriations.** - The Secretary of the DOTr shall immediately
12 prepare the necessary guidelines to cover the establishment of the PCG as an
13 attached agency to the DOT, the subsequent funding of which shall be
14 charged against the current year's appropriations of the PCG and, thereafter,
15 in the annual General Appropriations Act.

16 **A new provision is hereby added and numbered as section 51 and read
17 as follows:**

18 **Sec. 51. Transitory Provisions.** – The provisions on retirement
19 specifically of senior enlisted personnel whose retirement were affected by the
20 implementation of R.A. No. 9993 in so far as the computation rate shall be
21 covered by herein provision retroactively and whatever amount deducted from
22 their pension shall be returned. The same shall also be retroactively
23 applicable to indexation of pension to base pay scale adjustments affected by
24 RA No. 9993.

25
26 **Section 27 of Republic Act 9993 is hereby renumbered as Section 52
27 hereof.**

28
29 **Sec. 52. Repealing Clause.** – All laws, presidential decrees, letters of
30 instructions, executive orders, rules and regulations insofar as they are
31 inconsistent with this Act are hereby repealed or amended as the case may
32 be.

33
34 **Section 28 of Republic Act 9993 is hereby renumbered as Section 53
35 hereof.**

36
37 **Sec. 53. Separability Clause.** – In case any provision of this Act or any
38 portion thereof is declared unconstitutional by a competent court, such as
39 parts not affected thereby shall remain in full force and effect.

40

1 **Section 29 of Republic Act 9993 is hereby renumbered as Section 54**
2 **hereof.**

3
4 **Sec. 54.** Effectivity Clause. – This Act shall take effect fifteen (15) days
5 after its publication in the Official Gazette or in any two (2) newspapers of
6 general circulations.
7

8 **Approved.**