

[REPUBLIC ACT NO. 9993, February 12, 2010]

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 Representative 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 ration 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	

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
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