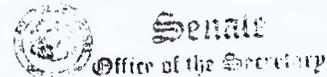


**NINETEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES**
First Regular Session

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'22 JUL -7 P3:15

SENATE

S.B. No. 142

RECEIVED BY

INTRODUCED BY SENATOR RISA HONTIVEROS

**AN ACT
GRANTING BENEFITS AND INCENTIVES TO ACCREDITED BANTAY DAGAT AND
FOR OTHER PURPOSES**

EXPLANATORY NOTE

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. It is composed of more than 7,100 islands with a coastline stretching over 36,289 kilometers. More than 30 million Filipinos depend on these marine resources for survival. But the very seas that provide them livelihood and subsistence are under serious threat. Important fragile marine ecosystems around the country are being destroyed at an alarming rate.

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. However, 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 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 of them have in fact lost their lives and limbs and have been sued criminally and for damages. They must thus, be given the recognition, attention and assistance they so rightly deserve.

It is in this context that the approval of this bill is earnestly sought.


RISA HONTIVEROS
Senator

22 JUL -7 P3:16

SENATE

S.B. No. 142

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INTRODUCED BY SENATOR RISA HONTIVEROS

AN ACT
**GRANTING BENEFITS AND INCENTIVES TO ACCREDITED BANTAY DAGAT AND
FOR OTHER PURPOSES**

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

- 1 SECTION 1. *Short Title.* - This Act shall be known as the "*Bantay Dagat Welfare*
2 *and Incentives Act.*"
- 3 Sec. 2. *Statement of Policy.* - The State shall protect the rights of subsistence
4 fisherfolk and local communities to the preferential use of the communal marine and
5 fishing resources, both inland and offshore. It shall provide support to such fisherfolk
6 through appropriate technology and research and other services. Towards this end,
7 coastal municipalities and cities are vested with jurisdiction over the municipal waters as
8 defined by Republic Act No. 8550, as amended by R.A. No. 10654, and, upon consultation
9 with the Fisheries and Aquatic Resources Management Council (FARMC), be responsible
10 for the management, conservation, development, protection, utilization, and disposition
11 of all fish and fisheries and aquatic resources within their respective municipal waters,
12 The LGUs shall also enforce all fishery laws, rules and regulations as well as valid fisheries
13 ordinances enacted by the municipal or city council. In the enforcement of said laws, the
14 Bureau of Fisheries and Aquatic Resources (BFAR), in coordination with the local
15 government units (LGUs), is mandated to provide technical assistance such as the training
16 and provision of law enforcement assets to fisherfolks as Deputy Fish Wardens, locally
17 known as Bantay Dagat. This Act shall provide benefits and incentives to these volunteer
18 law enforcers who are frontliners in the protection of coastal marine and fisheries
19 resources.
- 20 The government and all its instrumentalities shall also recognize the rights of accredited
21 Bantay Dagat to organize themselves, to strengthen and systemize their services for their
22 community, and to make a venue for sharing their experiences and for recommending

1 policies and guidelines for the conservation, protection and sustainable management of
2 fisheries and aquatic resources.

3 *Sec. 3. Definition.* — Bantay Dagat, also known as the Deputy Fish Wardens or Sea
4 Wardens shall refer to persons who have undergone training programs on coastal and
5 fisheries law enforcement under any accredited government or non- government
6 organization and who voluntarily work as deputized fishery law enforcers. This includes
7 Bantay Lawa, Bantay Ilog, Bantay Pampang, Bantay Pakatan/Bakawan, among others.
8 They shall be accredited to function as such by the Municipal/City Fisheries and Aquatic
9 Resources Management Council (M/CFMARC) and be deputized in writing by the Local
10 Chief Executive (LCE) in accordance with the guidelines promulgated by the Bureau of
11 Fisheries and Aquatic Resources (BFAR).

12 *Sec. 4. Registration.* - In order for a Bantay Dagat to be accredited and entitled to
13 benefits and incentives provided under this Act, said Bantay Dagat should be registered
14 with the M/CFARMC in the municipality or city in which said Bantay Dagat renders service.
15 The FARMC, through the concerned LCE, shall furnish a copy of such registry to the BFAR
16 through its Regional Offices, which is hereby mandated to maintain a national register of
17 accredited Bantay Dagat nationwide. The accredited Bantay Dagat shall be given
18 appropriate proof of said accreditation such as identification and deputization papers,
19 among others.

20 **Sec. 5. SEC. ACCREDITATION AND DEPUTIZATION. – FISHERS WHO**
21 **MEET THE REQUIREMENTS AS PROVIDED UNDER SECTION 6 OF THIS ACT**
22 [They] shall be accredited to function as such by the Municipal/City Fisheries and Aquatic
23 Resources Management Council (M/CFMARC). **ONLY ACCREDITED BANTAY DAGAT**
24 **CAN** [and] be deputized in writing by the Local Chief Executive (LCE) in accordance with
25 the guidelines promulgated by the Bureau of Fisheries and Aquatic Resources (BFAR).

26 *Sec 6. Qualifications of Bantay Dagat* - Any person seeking accreditation as Bantay
27 Dagat must possess the following qualifications:

- 28 a) a Filipino citizen;
- 29 b) a registered and licensed fisherfolk in the municipality or city where he/she intends
30 to be accredited;
- 31 c) not less than twenty-one (21) years ;
- 32 d) not have been convicted of any offense involving violation of the Fisheries Code and
33 related environmental laws;
- 34 e) completed the Fishery Laws Enforcement Training for Bantay Dagat or Deputy Fish
35 Wardens; and
- 36 f) involved in coastal and fisheries management activities for at least three

1 (3) years.

2 *Sec. 7. Number of Bantay Dagat.* – The BFAR shall determine the ideal ratio of Bantay
3 Dagat to the number of fisherfolks and the area of the municipal waters or fisheries
4 management area in every municipality or city.

5 *Sec. 8. Benefits and Incentives.* — In recognition of their services, all accredited
6 Bantay Dagat who are actively and regularly performing their duties shall be entitled to
7 the following incentives and benefits:

- 8 a. Insurance and PhilHealth Coverage — Each Bantay Dagat shall be entitled
9 to life and accident insurance and PhilHealth coverage upon deputation as
10 such by the LCE;
- 11 b. Hazard Allowance — Each Bantay Dagat exposed to situations, conditions,
12 or factors where foreseeable but unavoidable danger or risks exist, and
13 which adversely endanger said Bantay Dagat’s life and/or safety, shall be
14 entitled to hazard allowance in an amount to be determined by the FARMC
15 and the Peace and Order Council (POC) of the local government unit
16 concerned;
- 17 c. Subsistence Allowance – Each Bantay Dagat who renders seaborne
18 patrolling or rescue services for at least eight (8) hours a day shall be
19 entitled to subsistence allowance equivalent to the meals they take in the
20 course of their duty, which shall be computed in accordance with prevailing
21 circumstances as determined by the local government unit concerned;
- 22 d. Training, Education and Career Enrichment Programs — The concerned
23 coastal municipality or city in coordination with BFAR and other government
24 agencies and non-government organizations shall provide opportunities to
25 accredited Bantay Dagat for the following:
 - 26 1. Continuing education, study and exposure tour trainings, grants, field
27 immersion, scholarships, and the like;
 - 28 2. Scholarships in the form of tuition fees in state colleges, to be
29 granted to one child of every Bantay Dagat who will not be able to
30 take advantage of the above programs; and
 - 31 3. Special training programs such as those on paralegal education, case
32 documentation and evidence gathering and preservation, and
33 operations of special gadgets or equipment for effective and efficient
34 coastal and fisheries law enforcement;
- 35 e. Civil Service Eligibility. — A second grade eligibility shall be granted to
36 accredited Bantay Dagat who have rendered five (5) years of continuous

1 service as such: Provided, That should the Bantay Dagat volunteer become
2 a regular employee of the government, the total number of years served as
3 Bantay Dagat shall be credited to his/her service in computing retirement
4 benefits;

5 f. Free Legal Services - Legal representation and consultation services for
6 Bantay Dagat shall be immediately provided by the Municipal or City Legal
7 Officer and/or Public Attorney's Office in cases of coercion, interference,
8 and in other civil and criminal cases filed by or against Bantay Dagat
9 volunteers arising out of or in connection with the performance of their
10 duties; and

11 g. Preferential Access to Loans —The BFAR, in coordination with the
12 Department of Social Welfare Development and other concerned
13 government agencies, shall provide, within one hundred eighty (180) days
14 after the effectivity of this Act, a mechanism for access to loan services by
15 organized Bantay Dagat volunteers.

16 *Sec. 9. Review by the Municipal or City FARMC.* - Every incentive or benefit for
17 Bantay Dagat volunteers requiring the expenditure of local funds shall be reviewed and
18 recommended by the FARMC for the approval of the Local Chief Executive to ensure that
19 only deserving Bantay Dagat get the same.

20 *Sec. 10. Security of Tenure.* — All accredited Bantay Dagat shall enjoy security of
21 tenure and shall not be removed or terminated except for just and valid causes as may
22 be determined by BFAR. Said just or valid causes shall be included in the implementing
23 rules and regulations of this Act.

24 *Sec. 11. Agent of Person in Authority.* — The accredited Bantay Dagat shall be
25 considered as agents of persons in authority while in the performance of their duties and
26 responsibilities. **AS SUCH, THE BANTAY DAGAT SHALL BE AUTHORIZED TO**
27 **APPREHEND AND ARREST THOSE CAUGHT ENGAGED IN ILLEGAL FISHING**
28 **AND OTHER VIOLATIONS UNDER REPUBLIC ACT NUMBER 10654, AND**
29 **CONFISCATE ILLEGAL FISHING GEARS AND PARAPHERNALIA. AS AGENTS OF**
30 **PERSON IN AUTHORITY, DULY ACCREDITED AND DEPUTIZED BANTAY DAGAT**
31 **SHALL BE ACCORDED THE SAME PROTECTION AND SUPPORT GIVEN TO**
32 **OTHER LAW ENFORCEMENT OFFICERS.**

33 *Sec. 12. Funding Requirement of Bantay Dagat Operation.* — Local governments,
34 by virtue of this Act, are mandated to allocate regular funding for the benefits and
35 incentives of the Bantay Dagat and their operational requirements. Such operational
36 requirements shall include, but shall not be limited to: (a) the conduct of seaborne

1 operations such as regular patrol in the coastal areas; (b) maintenance of equipment,
2 gadgets, and supplies necessary for their functions; (c) vehicle, fuel and food allowance
3 for their operations; and (d) conduct of seminars or workshops for Bantay Dagat
4 members,

5 *Sec. 13. National Government Subsidy.* – The national government, through the
6 BFAR, shall provide annual subsidy to local governments that are able to organize their
7 own Bantay Dagat groups.

8 *Sec. 14. Rules and Regulations.* – The BFAR, in cooperation with the Department
9 of the Interior and Local Government, the Department of Justice, the Civil Service
10 Commission and other concerned government agencies and non- government
11 organizations, shall formulate, within one hundred eighty (180) days from its effectivity,
12 the rules and regulations necessary to implement this Act.

13 *Sec. 15. Separability Clause.* – If any provision of this Act is declared invalid, the
14 remainder or any provision hereof not affected thereby shall remain in force and effect.

15 *Sec. 16. Repealing Clause.* – All laws, decrees, executive orders and other
16 presidential issuances which are inconsistent with this Act are hereby repealed, amended
17 or modified accordingly.

18 *Sec. 17. Effectivity.* – This Act shall take effect fifteen (15) days after its publication
19 in at least two (2) national newspapers of general circulation.

Approved,