EXPLANATORY NOTE

The Philippines forms an ocean region that has long been recognized as one of the world’s center of marine biodiversity, with one of the richest concentration 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 these 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.

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Surigao del Norte, First District
(Siargao Island)
AN ACT GRANTING BENEFITS AND INCENTIVES TO ACCREDITED BANTAY DAGAT AND FOR OTHER PURPOSES

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 Welfare and Incentives Act."

SEC. 2. Statement of Policy. - The State shall protect the rights of subsistence fishermen and local communities to the preferential use of the communal marine and fishing resources, both inland and offshore. It shall provide support to such fishermen through appropriate technology and research and other services. Towards this end, coastal municipalities and cities are vested with jurisdiction over the municipal waters as defined by Republic Act No. 8558 and, upon consultation with the Fisheries and Aquatic Resources Management Council (FARMC), be responsible for the management, conservation, development, protection, utilization, and disposition of all fish and fisheries and aquatic resources within their respective municipal waters. The LGUs shall also enforce all fishery laws, rules and regulations as well as valid fishery ordinances enacted by the municipal or city council. In the enforcement of said laws, the Bureau of Fisheries and Aquatic Resources (BFAR), in coordination with the local
government units (LGUs), is authorized to train and deputize fisherfolks
as Deputy Fish Wardens, locally known as Bantay Dagat. This Act shall
provide benefits and incentives to these volunteer Bantay Dagat who are
frontliners in the protection of coastal marine and fisheries resources.

The government and all its instrumentalities shall also recognize the
rights of accredited Bantay Dagat to organize themselves, to strengthen
and systematize their services for their community, and to make a venue for
sharing their experiences and for recommending policies and guidelines for
the conservation, protection and sustainable management of fisheries and
aquatic resources.

SEC. 3. Definition. – Bantay Dagat, also known as the Deputy Fish
Wardens or Sea Wardens, shall refer to persons who have undergone
training programs on coastal and fisheries law enforcement under any
accredited government or non-government organization and who
voluntarily work as deputized fishery law enforcers. They 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. - In order for Bantay Dagat to be entitled to
benefits and incentives provided under this Act, said Bantay Dagat shall
register with the M/CFARMc in the municipality or city in which said
Bantay Dagat 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.

SEC. 5. Qualifications of Bantay Dagat - Any person seeking
accreditation as Bantay Dagat must possess the following qualifications:

a) a Filipino citizen;
b) a registered and licensed fisherfolk in the municipality or city where he/she intends to be accredited;

c) not less than twenty-one (21) years but not more than sixty (60) years of age;

d) not have been convicted of any offense involving violation of the Fisheries Code and related environmental laws;

e) completed the Fishery Laws Enforcement Training for Bantay Dagat or Deputy Fish Wardens; and

f) involved in coastal and fisheries management activities for at least three (3) years.

SEC. 6. 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. 7. 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 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 and evidence gathering and preservation, and operations of special gadgets or equipment for effective and efficient coastal and fisheries law enforcement;

e) **Civil Service Eligibility.** – A second grade eligibility shall be granted to accredited *Bantay Dagat* who have rendered five (5) years of continuous service as such: *Provided*, That should the *Bantay Dagat* volunteer become a regular employee of the government, the total number of years served as *Bantay Dagat* shall be credited to his/her service in computing retirement benefits;

f) **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
g)  *Preference 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. 8. *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. 9. *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. 10. *Agent 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.

SEC. 11. *Funding Requirement of Bantay Dagat Operation.* – Local
governments, 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. 12. *National Government Subsidy.* - The national government,
through the BFAR, shall provide annual subsidy to local governments that
are able to organize their own *Bantay Dagat* groups.
SEC. 13. Rules and Regulations. – The BFAR, in cooperation with the Department of the 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. 14. Separability Clause. – If any provision of this Act is declared invalid, the remainder or any provision hereof not affected thereby shall remain in force and effect.

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

SEC. 16. Effectivity – This Act shall take effect fifteen (15) days after its publication in at least two (2) national newspapers of general circulation.

Approved,