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

The conservation and protection of our seas is no easy task considering the sheer length of our coasts. There is only so much that can be accomplished in enforcing coastal environmental laws even with the combined efforts of Department of Agriculture-Bureau of Fisheries and Aquatic Resources (DA-BFAR), Philippine National Police- Maritime Group, Philippine Coast Guard and Philippine Navy.

Because of the said difficulties, our national agencies and local government units rely on training, in partnership with non-governmental organizations, Bantay Dagat or sea rangers to guard and enforce fishery related laws and ordinances. Yet, our Bantay Dagat, do not receiver regular honoraria, insurance benefits despite their important service.

This measure honors and recognizes the importance of our Bantay Dagat by creating a system of registration, establishing qualifications and granting incentives and benefits.

In view of the foregoing, the immediate passage of this bill is earnestly sought.

LUIS RAYMUND "LRAY" F. VILLAFAUERTE, JR.
Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 8087

Introduced by HON. LUIS RAYMUND "LRAY" F. VILLAFUERTE, JR.

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:

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 volunteers 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 systemize 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 Dagats 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 BEAR and other government agencies and non-government organizations shall provide opportunities to accredited Bantay Dagat for the following.
i. Continuing education, study and exposure tour trainings, grants, field immersion, scholarships, and the like;
ii. 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
iii. 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. Preferential 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,