

[REPUBLIC ACT No. 5173]

AN ACT CREATING A PHILIPPINE COAST GUARD,
PRESCRIBING ITS POWERS AND FUNCTIONS,
APPROPRIATING THE NECESSARY FUNDS
THEREFOR, AND FOR OTHER PURPOSES.

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

SECTION 1. *Coast Guards; Objectives.*—There is hereby created in the Philippine Navy a major unit to be known as Philippine Coast Guard which shall have the following general objectives:

(a) To enforce or assist in the enforcement of all applicable laws upon the high seas and waters subject to the jurisdiction of the Republic of the Philippines;

(b) To enforce laws, promulgate and administer regulations for the promotion of safety of life and property within the maritime jurisdiction of the Philippines; and

(c) To develop, establish, maintain and operate, with

due regard to the requirements of national defense, aids to maritime navigation and rescue facilities for the promotion of safety on and over the high seas and waters, subject to the jurisdiction of the Philippines.

SEC. 2. Board of Visitors.—A Board of Visitors is created which shall have visitorial and policy-making powers to be composed of the Flag Officer-in-Command of the Philippine Navy, the Commissioner of the Bureau of Internal Revenue, the Commissioner of the Bureau of Customs, the Secretary of the Department of Foreign Affairs, the Commissioner of the Bureau of Immigration, the President of the Filipino Shipowners Association, and the Commandant of the Philippine Coast Guard who will act as *ex-officio* member.

SEC. 3. Specific Functions.—The Philippine Coast Guard shall perform the following functions:

(a) To prevent and suppress illegal entry, smuggling, other customs frauds and violations of other maritime laws that may be committed within the waters subject to the jurisdiction of the Republic of the Philippines, and for this purpose surveillance by the Philippine Coast Guard may be made on vessels entering and/or leaving Philippine territory;

(b) To assist in the suppression of fishing by means of dynamite, explosives or toxic substances or other methods as may be declared destructive by the proper authorities;

(c) To promulgate and enforce rules for lights, signals, speed, steering, sailing, passing, anchorage, movement and towlines of vessels and lights and signals on bridges;

(d) To approve plans for the construction, repair, or alteration of vessels; approve materials, equipment and appliances of vessels; approve the classification of vessels; inspect vessels and their equipment and appliances; register all types of motorized watercraft plying in Philippine waters; issue certificates of inspection and of permits indicating the approval of vessels for operation; issue certificates of Philippine registry of vessels; administer load line requirements; promulgate and enforce other provisions for the safety of life and property on vessels; and determine the numbering of undocumented vessels: *Provided*, That certification and approval of any plans, equipment and any vessel by internationally known classification societies which are recognized by the Philippine Government shall be deemed to have complied with this section;

(e) To issue licenses and certificates to officers, pilots, major and minor patrons and seamen, as well as suspend and revoke such licenses and certificates;

(f) To investigate marine casualties and disasters including those arising from marine protests filed with the Bureau of Customs relative to the liability of shipowners and officers;

(g) To enforce laws, rules and regulations governing manning, citizenship and mustering and drilling of crews requirements, control of logbooks, shipment, discharge, protection, and welfare of merchant seamen;

(h) To enforce laws requiring the performance of duties of shipowners and officers after accidents;

(i) To prescribe and enforce regulations for outfitting and operation of motorboats and the licensing of motorboat operators;

(j) To regulate regattas and marine parades;

(k) To render aid to distressed persons or vessels on the high seas and on waters subject to the jurisdiction of the Philippines, and, in this connection, the Philippine Coast Guard may perform any and all acts necessary to rescue and aid persons; furnish clothing, food, lodging, medicine and other necessary supplies and services to persons succored; protect, save, and take charge of all property saved from marine disasters until such property is delivered to persons authorized to receive it or is otherwise disposed of in accordance with law or applicable regulations; and collect and take charge of bodies of those who may perish in such disasters;

(l) To develop, establish, maintain, and operate aids to maritime navigation. In the performance of these functions, the Philippine Coast Guard is authorized to destroy or tow in port sunken or floating dangers to navigation;

(m) To supervise nautical schools with reference to activities relative to navigation, seamanship, marine engineering and other allied matters, in coordination with the Department of Education;

(n) To perform functions pertaining to maritime communications which are not specifically delegated to some other office or department; and

(o) To assist, within its capabilities and upon request of the appropriate authorities, other Government agencies in the performance of their functions, within the waters subject to the jurisdiction of the Philippines, relating to matters and activities not specifically mentioned in this section: *Provided*, That in the exercise of these functions, personnel of the Philippine Coast Guard shall be deemed to be acting as agents of the particular department, bureau, office, agency or instrumentality charged with the enforcement and administration of the particular law. Members of the Philippine Coast Guard are peace officers for all purposes of this Act and shall be, and shall act, as law enforcement agents of the Bureau of Customs, and the Bureau of Immigration, the Bureau of Internal Revenue, the Fisheries Commission, and such other departments, bureaus or offices in the enforcement of pertinent laws, rules and regulations.

SEC. 4. Organization; Administration.—The Philippine Coast Guard shall be headed by a Commandant who shall be a Flag Officer. Subject to the approval of the Secretary of National Defense, the Flag Officer-in-Command, Philippine Navy, shall organize the Philippine Coast Guard into operational units or subordinate commands and equip the same as may be necessary for effective exercise of the functions and duties vested upon it by law, and shall promulgate rules and regulations necessary for its adminis-

tration. The Philippine Coast Guard shall be administered and maintained as a separate unit of the Philippine Navy, and it shall be specially trained and equipped for the effective discharge of police duties at sea.

The Marine Safety Division, including the Naval Architecture and Engineering Section, the Maritime Safety Inspection Section, the Registration and Licensing Section, and the functions of the Hulls and Boilers Division, the Marine Board of Inquiry as existing in the Bureau of Customs, and all other agencies or instrumentalities of the Government presently performing any of the functions provided for in subparagraphs (c) to (n), inclusive, of Section three of this Act, are hereby transferred with their personnel, records, files, supplies, equipment, furniture, funds and other properties to the Philippine Coast Guard: *Provided*, That no person shall be deprived of his office, employment or rank, or suffer any diminution of his salary by operation of this Act. The Lighthouse Service of the Philippine Navy is, likewise, transferred to the Philippine Coast Guard. Personnel transferred to the Philippine Coast Guard shall continue to be governed by the Civil Service Law and other existing laws relating to their individual status, rights, emoluments and benefits.

SEC. 5. *Unauthorized Aids to Maritime Navigation.*—No person, association or corporation shall establish, erect, or maintain any aid to maritime navigation without first obtaining authorization from the Philippine Coast Guard in accordance with applicable regulations.

SEC. 6. *Interference with Aids to Navigation.*—It shall be unlawful for any person, association or corporation, to remove, change the location of, obstruct, wilfully damage, make fast to, or interfere with any aid to maritime navigation.

SEC. 7. *Penal Provisions.*—Any person, association or corporation who violate any provision of this Act, or the rules and regulations made thereunder, shall upon conviction, be punished with a fine of not less than one hundred pesos nor more than five hundred pesos or by imprisonment of not less than thirty days nor more than six months, or both: *Provided*, That, in case the violation is committed by an association or corporation, the penalty herein prescribed shall be imposed on the responsible officers or directors thereof: *Provided, finally*, That nothing in this Act shall prevent the Philippine Coast Guard from providing administrative penalties for violation of any regulation that it promulgates.

SEC. 8. To carry out the purposes of this Act, there is hereby appropriated, out of any funds in the National Treasury not otherwise appropriated, the sum of fifteen million three hundred twenty-seven thousand five hundred pesos for the purchase of watercraft, personnel services, requirement for maintenance and other operating expenses: *Provided*, That sixty thousand pesos shall be used exclusively for the updating of the Philippine merchant marine regulations. To enable the Philippine Coast Guard to acquire the necessary vessel-requirement to accomplish effectively its mission, the sum of nine million pesos each year for the first two years after the passage of this Act

and thirteen million pesos each for the succeeding three years shall be included in the annual General Appropriations Act.

SEC. 9. All laws, executive orders, rules and regulations and parts thereof inconsistent with this Act are hereby repealed.

SEC. 10. This Act shall take effect upon its approval.

Approved, August 4, 1967.