



Republic of the Philippines
DEPARTMENT OF TRANSPORTATION AND COMMUNICATIONS

**IMPLEMENTING RULES AND REGULATIONS OF REPUBLIC ACT NO. 9993,
OTHERWISE KNOWN AS THE “PHILIPPINE COAST GUARD LAW OF 2009”**

Pursuant to Section 21 of RA No. 9993, this Implementing Rules and Regulations (IRR) to implement the provisions of Republic Act No. 9993, otherwise known as the “Philippine Coast Guard Law of 2009”, is hereby promulgated:

Rule 1. Purpose. This IRR is promulgated to prescribe the procedures and guidelines for the implementation of the Philippine Coast Guard Law of 2009, to facilitate compliance therewith and achieve the objectives thereof.

Rule 2.1. 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 (DND).

Rule 2.2. The PCG shall continue to **develop and maintain inter-operability with other armed and uniformed services by including defense-related doctrines in regular PCG training programs or availing of schoolings and training courses offered by DND/AFP**, as well as participating in joint or combined training exercises.

Rule 3. Powers and Functions. The PCG shall have the following powers and functions:

Rule 3 (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.**

Rule 3 (a) 1. The PCG shall enforce **all pertinent rules and regulations on all vessels, ships, watercrafts and off-shore facilities or platforms or oil rigs** in accordance with applicable and relevant international maritime conventions, treaties or instruments, and national laws for the promotion of safety of life and property at sea, including but not limited to **ship safety and crew competence and welfare, marine environmental protection, maritime communications and distress monitoring systems and maritime security enforcement within the maritime jurisdiction of the Philippines.**

Rule 3 (a) 2. The PCG, as the sole port state control authority under the Asia-Pacific Memorandum of Understanding on Port State Control (Tokyo MOU), shall conduct **port state control inspections** on all foreign-registered vessels, ships, watercrafts and off-shore facilities or platforms or oil rigs in accordance with relevant international maritime conventions, protocols,

treaties, instruments, and agreements.

Rule 3 (a) 3. In the furtherance of regional cooperation and partnership for the promotion of safety of life and property at sea, and in order to effectively discharge its functions and promote national interest in international maritime issues and policies in furtherance of national development, the PCG shall participate in relevant international meetings, gatherings and other regional discussions.

Rule 3 (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.

Rule 3 (b) 1. Owners, operators, masters, crew and other responsible persons or juridical entities of all Philippine-registered merchant ships, vessels, watercrafts and off-shore structures or platforms or oil rigs, required by law to exercise extra-ordinary diligence in ensuring the safety of life and properties at sea, shall adhere and comply with safety standards, rules and regulations hereinafter specified and shall therefore subject their vessels or facilities including their documents to PCG enforcement inspection and verification at all times.

Rule 3 (b) 2. Enforcement Inspections. The PCG may, at anytime, conduct inspections or audits to verify compliance to certain aspects of vessel seaworthiness in accordance with applicable safety standards, rules and regulations including but not limited to the following:

- a. Plans for the safe construction, repair, modification or alteration of vessels;
- b. Compliance to standards of materials, equipment and appliances of vessels;
- c. Appropriate classification or categorization of vessels;
- d. Safe manning level of vessels;
- e. Compliance to loadline and stability requirements;
- f. Safety management and operation systems;
- g. Security plans and measures implemented by vessels;
- h. Observance of proper hull and machinery condition and maintenance; and
- i. Compliance to proper admeasurements of vessels, watercrafts and similar conveyances.

Rule 3 (b) 3. The PCG shall device checklists specifying therein aspects of vessel seaworthiness subject for compliance verification during different types or schedules of enforcement inspections.

Rule 3 (b) 4. In the course of conduct of enforcement inspections, where the PCG finds clear grounds to believe that the ship or vessel or its equipment or crew do not correspond substantially with the requirements of applicable safety standards, as provided for by relevant international maritime conventions, national laws, rules and regulations, and that non-conformity(ies) discovered, singly or together, are serious enough to merit holding or suspension of departure of vessels, the PCG shall issue certificates of non-compliance specifying therein the nature of such safety standard non-conformity(ies) subject for rectification.

Rule 3 (b) 5. All safety standard non-conformities discovered by the PCG shall be recorded in

the vessel's Inspection Record Book stating therein the allotted time or condition to correct said non-conformities.

Rule 3 (b) 6. Based on the Master's obligation and authority to ensure the seaworthiness of his vessel for its intended voyage, the PCG shall continue to require Masters of vessels to undertake and submit a Master's Declaration of Safe Departure prior to every voyage.

Rule 3 (b) 7. The Master's Declaration of Safe Departure shall contain a declaration of compliance to safety standards, rules and regulations, which includes the following:

- a. Completeness and validity of ship safety certificates and documents;
- b. Compliance with safe manning requirement and crew certification and qualification document validity;
- c. Officers and crew are in healthy and sound condition, not under the influence of alcohol or prohibited drugs and fit for the intended voyage;
- d. Carriage of cargo and passengers are within authorized limits, and properly documented;
- e. Required communications and navigational equipment are complete and in good operating condition;
- f. Main and auxiliary engines are in good operating condition;
- g. Fire-fighting and life-saving appliances are complete, in good operating condition, available and accessible to passengers;
- h. Proper ship stability and trim, cargo stowage, securing and lashings are strictly observed; and
- i. Prevailing weather conditions for intended voyage is safe and latest weather bulletin and advisory are available.

Rule 3 (b) 8. Pre-Departure Inspections. Upon submission of the Master's Declaration of Safe Departure, the PCG shall board the vessel to conduct pre-departure inspection and verification of entries or declarations therein in areas or ports where the PCG has established its presence.

Rule 3 (b) 9. Ship owners, operators, masters, crew, port authorities and terminal operators shall devise and implement a system for safe and orderly embarkation of passengers and loading of cargoes together with the appropriate security screening systems to ensure that the vessels carry only the authorized passenger and cargo capacity limit and proceed with its voyage safely.

Rule 3 (c). To detain, stop or prevent a ship or vessel which does not comply with safety standards, rules and regulations form sailing or leaving port.

Rule 3 (c) 1. The PCG may suspend, hold, stop or prevent the departure of a ship or vessel, or if underway, supervening events happen that would endanger continuous navigation, commence or direct a vessel to immediately proceed to the nearest possible port of refuge, when the condition of said vessel is discovered or ascertained not to correspond substantially with the applicable safety standards, rules and regulations to ensure its safe voyage without presenting danger to the vessel or persons on board or other vessels navigating along its route, or without presenting an unreasonable threat or harm to the marine environment.

Rule 3 (c) 2. In determining whether the deficiencies are serious as to necessitate suspension, stoppage of operation or detention, the PCG shall assess the ship and/or crew's ability to perform or comply, throughout its intended voyage, with the following:

- a. Navigate safely;
- b. Maintain adequate stability and trim condition;
- c. Safely handle, carry, secure and monitor the condition of the cargo;
- d. Maintain all propulsions and proper steering;
- e. Operate the ship's machineries safely;
- f. Fight fires and prevent flooding effectively in any part of the ship, if necessary;
- g. Prevent pollution of the environment;
- h. Maintain adequate watertight integrity;
- i. Communicate in distress situations, if necessary;
- j. Provide adequate life saving devices corresponding to its maximum authorized passenger and crew capacity;
- k. Provide safe and healthy conditions on board;
- l. Complete officer and adequate crew complement corresponding to the proper observance of appropriate periods of work and rest from work;
- m. Weather condition does not merit the suspension of the voyage;
- n. Required operational and emergency readiness standards of crew is met;
- o. Documentations and certificates are complete and valid;
- p. Sufficient training of the crew based on actual "Operational Readiness Evaluation"; and
- q. Other analogous circumstances.

Rule 3 (c) 3. Masters of vessels, whose voyages are voluntarily suspended or stopped due to non-conformity with the above requirements/conditions, shall submit a report to the PCG stating therein the reasons for the suspension of its scheduled voyage. Upon rectification of the same, a report thereon shall likewise be submitted to the PCG.

Rule 3 (d). To conduct emergency readiness evaluation on merchant marine vessels.

Rule 3 (d) 1. The PCG shall prescribe an appropriate operational and emergency readiness standard, procedures and guidelines for all Philippine-registered merchant marine vessels, watercrafts and all off-shore structures or platform or oil rigs.

Rule 3 (d) 2. The PCG shall conduct operational and emergency readiness evaluation on all merchant marine vessels, watercraft and all off-shore structures or platforms or oil rigs within the maritime jurisdiction of the Philippines. The evaluation may be conducted with or without schedule or at the request of the owner or operator.

Rule 3 (d) 3. The PCG and owners, operators, Masters or other responsible persons or entities of merchant ships or vessels shall suspend, hold or stop the operation of vessels whose officers and crew do not meet the prescribed standard operational and emergency readiness until such time that said standard of readiness has been satisfactorily met.

Rule 3 (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.

Rule 3 (e) 1. Maritime-related activities shall include, but shall not be limited to, the following:

a. Navigational rules of passage of vessels within Philippine maritime jurisdiction and navigable bays, rivers and inland waters to include, but not limited to, rules for lights, signals, speed, steering, sailing, passing, anchorage, movement and towlines of vessels, in accordance with the International Regulations for Preventing Collisions at Sea (COLREGS 1972) and other relevant laws and international conventions;

b. Designation of sea lanes, navigable routes, safe havens, Traffic Separation Schemes and Ship Reporting Systems through appropriate maritime communications system;

c. Berthing and piloting of vessels in restricted navigable waterways outside any port zone and harbor limits;

d. Offshore ship-salvaging, recycling and scrapping activities;

e. Aids to Navigation requirements in all government and privately owned and controlled ports and piers or wharves including those in bays and harbors, inland waters, rivers, lakes, floating establishments such as hotels, restaurants, casinos, etc.;

f. Construction, establishment, alteration or modification of road bridges and other structures over navigable inland waters, rivers and lakes;

g. Marine parades and regattas;

h. Operation of pleasure and recreational watercrafts and activities;

i. SCUBA diving and related underwater activities;

j. Offshore research, surveys and explorations to include operation of Mobile Off-shore Drilling Units or oil rigs;

k. Marine surface and underwater laying activities such as submarine cables, pipelines, power plants and other fixed or temporary structures;

l. Safety and security requirements of coastal and beach resorts, and vessels with pool facilities including qualification and requirements for lifeguards;

m. Enforcement of safety of navigation in identified marine-protected areas; and

n. Safety, security and environmental protection requirements for vessels in lay-up condition.

Rule 3 (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.

Rule 3 (f) 1. The PCG shall be responsible for the development, establishment, maintenance and operation of aids to navigation. As such, the PCG shall have authority over all lighthouses and marine buoyage systems, and other marine aids to navigation.

Rule 3 (f) 2. The PCG shall approve the establishment/installation of aids to navigation by private, government or non-government entities/organizations.

Rule 3 (f) 3. Private, government or non-government entities/organizations that establish/install Aids to Navigation (ATON) shall register said ATON with the PCG. Such entities shall be

responsible for the maintenance, repair and operation of the same.

Rule 3 (f) 4. Private owners of ATON shall not be allowed to alter the characteristics of ATON or transfer ownership of the same without approval of the PCG.

Rule 3 (f) 5. It shall be unlawful for any individual, group or organizations to destroy, cause damage, or remove ATON.

Rule 3 (f) 6. The PCG shall coordinate with port authorities and/or port owners its program of development, establishment, maintenance and operation of appropriate ATON in all government and private ports and harbors within the maritime jurisdiction of the Philippines in accordance with PCG and IALA standards.

Rule 3 (f) 7. The PCG shall be responsible for the establishment and management of vessel traffic system in the maritime jurisdiction of the Philippines.

Rule 3 (f) 8. The PCG may collect light/ATON dues for the efficient maintenance of aids to navigation that are being directly maintained and operated by the PCG.

Rule 3 (f) 9. The PCG may allow the adoption of lighthouses by private, government or non-government entities/organizations for purposes of preservation, restoration and promotion of tourism and national heritage, subject to certain conditions imposed by the PCG.

Rule 3 (f) 10. The PCG shall continue to develop its capability in maritime communications and shall ensure compatibility and interoperability of merchant marine communications systems by prescribing, in accordance with international standards, the appropriate minimum equipment and specifications to be used in the operation of vessels for the promotion of maritime safety, security and environmental protection.

Rule 3 (f) 11. The PCG shall establish, operate and maintain maritime communications system nationwide, in coordination with relevant agencies, if applicable, in compliance with the regulations of Global Maritime Distress and Safety System (GMDSS), Automatic Identification System (AIS), Long Range Identification and Tracking System (LRITS) and Ship Security and Alert System (SSAS) as provided for under the SOLAS Convention, as amended, and International Ship and Port Facility Security Code (ISPS Code) and other maritime communications system that may later be prescribed by the IMO or other relevant organizations.

Rule 3 (f) 12. The PCG shall continue to operate and maintain the Manila Central Coast Stations for the DSC and radio telephone distress monitoring and NAVTEX broadcast for the maritime safety information and dissemination of Notice to Mariners and for long range communications on MF and HF frequency and other communications system for nationwide coverage that may be established in the future.

Rule 3 (f) 13. The PCG shall establish, operate, regulate and maintain all vessel traffic and monitoring system (VTMS) nationwide both in-land waters or at open sea within the jurisdiction of the Philippines.

Rule 3 (f) 14. The PCG shall develop, establish, maintain, and operate maritime search and rescue coordination centers and sub-centers, and other search and rescue facilities and equipment for the purpose of monitoring and rendering aid to persons and vessels in distress within the maritime jurisdiction of the Philippines, including the high seas in accordance with applicable international conventions.

Rule 3 (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.

Rule 3 (g) 1. To ensure safe navigation, the PCG shall render all navigable waterways subject to the jurisdiction of the Philippines free from obstruction.

Rule 3 (g) 2. With respect to properties deemed hazardous to safe navigation, the PCG shall require immediate removal thereof by its owner. The owner shall shoulder the cost of removing such hazard.

Rule 3 (g) 3. The PCG shall exercise the rights and assume the obligations of the Philippines on wreck removal in accordance with applicable international conventions.

Rule 3 (g) 4. Construction of bridges and other structures over navigable waters shall have prior clearance from the PCG.

Rule 3 (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.

Rule 3 (h) 1. The PCG shall regulate, supervise and monitor the conduct of all maritime salvage operations, offshore ship breaking, or vessel scrapping within the waters subject to the jurisdiction of the Philippines.

Rule 3 (h) 2. The PCG shall issue the necessary permits or clearances for the proper conduct of marine salvage operations, offshore ship breaking or scrapping.

Rule 3 (h) 3. All marine research or surveys to be conducted within the waters subject to the jurisdiction of the Philippines shall be undertaken in coordination with the PCG.

Rule 3 (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.

Rule 3 (i) 1. The PCG shall render aid to distressed persons or vessels on the high seas and on waters subject to the jurisdiction of the Philippines, and shall perform all acts necessary to effect the same.

Rule 3 (i) 2. The PCG shall be the principal coordinator of maritime search and rescue operations and shall be the point of contact for foreign maritime rescue agencies. It shall promulgate a National Contingency Plan for Maritime Search and Rescue.

Rule 3 (i) 3. In the performance of its search and rescue functions, the PCG may enlist the services of other government agencies and the merchant marine fleet. All government and merchant vessels passing through or in the vicinity or in port nearest to vessel in distress or calling for assistance shall render necessary assistance to the distressed vessel.

Rule 3 (i) 4. All maritime incidents including, but not limited to engine derangements, steering casualty, man overboard, fire on board, collision, allision, grounding, capsizing, sinking, loss of stability, and other distress situations encountered by vessels at sea shall be reported without delay to PCG by any available means of communications.

Masters and ship owners shall immediately report to the PCG any incident involving their vessels such as, but not limited to, engine derangement, loss of stability or listing, man overboard, grounding, collision, allision, steering casualty, fire, flooding and other incidents or accidents on board.

Rule 3 (i) 5. Failure to render assistance to distressed vessels, and /or failure or delay in reporting maritime incidents shall be subject to sanctions as may be prescribed by appropriate agencies.

Rule 3 (j). **To investigate and inquire into the causes of all maritime accidents involving death, casualties and damage to properties.**

Rule 3 (j) 1. The PCG, through the Board of Marine Inquiry (BMI) and other offices with associated functions that may hereinafter be created by the PCG, shall be the country's maritime casualty investigating authority responsible for conducting investigations on maritime incidents involving death, casualties, and damage to properties occurring within waters subject to the jurisdiction of the Philippines and those involving vessels of Philippine registry. In the performance of this function, the PCG shall promulgate the necessary rules and regulations, subject to the approval of the DOTC Secretary.

Rule 3 (j) 2. The conduct of maritime casualty investigation shall conform to international standards as recommended by the "Code of the International Standards and Recommended Practices for Safety Investigations into a Marine Casualty or Marine Incident" of the International Maritime Organization (IMO).

Rule 3 (j) 3. To enhance cooperation with other international and national maritime safety agencies, the results of the investigation conducted shall be published in the proper forum and shall be submitted to the IMO or any substantially interested state.

Rule 3 (j) 4. The conduct of maritime casualty investigation by the PCG is separate and distinct from any other form of investigation involving civil, criminal and administrative proceedings. The primary purpose of such investigation shall be to: (i) identify the circumstances surrounding

the marine incident, (ii) determine the causes and contributing factors, and (iii) make appropriate recommendations and/or adopt measures to prevent the occurrence of similar incidents.

Rule 3 (j) 5. All maritime casualty investigation records in the possession of the PCG may be disclosed in criminal, civil, disciplinary proceedings upon orders of competent courts or upon written request duly approved by competent authority in accordance with existing rules and regulations.

Rule 3 (j) 6. The PCG shall conduct an investigation for every maritime casualty incident involving, but not limited to the following:

- a. The death of, or serious injury to, a person;
- b. The loss of a person from a ship;
- c. The loss, presumed loss or abandonment of a ship;
- d. Material damage to a ship;
- e. The stranding or disabling of a ship, or involvement of a ship in a collision;
- f. Material damage to marine infrastructure external to a ship that could seriously endanger the safety of a ship, another ship or an individual; or
- g. Severe damage to or the potential for severe damage to the environment.

Rule 3 (j) 7. The submission of marine protest shall be mandatory from any person/entity responsible for the vessel, watercrafts and other water conveyances, within twenty four (24) hours upon the occurrence of any maritime accidents, grounding, founding criminalities on board, and other unusual incidents or accidents involving risk on the safety and security of life and property at sea.

Rule 3 (j) 8. In the performance of the aforementioned function, PCG investigators are authorized to board a ship, interview the Master and crew and any other person involved, and if necessary, hold or suspend departure of the vessel to acquire evidentiary materials for use in the maritime casualty investigation.

Rule 3 (j) 9. In cases of hazardous incidents or when an accident nearly occurs in connection with the operation of a vessel (“near miss” incidents), the PCG shall formulate the necessary guidelines for the disposition of such cases.

Rule 3 (j) 10. The PCG shall, within ninety (90) days upon the approval of this IRR, promulgate and publish the appropriate guidelines and procedures covering maritime casualty investigation.

Rule 3 (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.**

Rule 3 (k) 1. The PCG shall conduct surveillance and inspection on all suspected persons, vessels and watercrafts navigating within the waters subject to the jurisdiction of the Philippines, including offshore platforms or oil rigs, and enforce all applicable national and international

maritime security laws and regulations including but not limited to port state control implementation. The PCG shall organize, train, equip and maintain adequate personnel to effectively discharge this function.

Rule 3 (k) 2. The PCG shall control and monitor the flow of traffic of vessels within waters subject to the jurisdiction of the Philippines as part of its maritime security function. As such, it shall establish and operate vessel traffic monitoring systems in selected areas throughout the country and shall provide rules, regulation and guidelines for the effective control of the movement of vessels. For this purpose, the PCG shall apprehend, tow, detain and/or penalize vessels for violation of said traffic regulations.

Rule 3 (k) 3. The PCG, in coordination with MARINA, shall develop a unified numbering system for all Philippine-registered vessels, watercrafts and water conveyances that are not covered by the IMO numbering system for monitoring and accounting purposes and to prevent them from being used in any nefarious activities, act of terrorism, malfeasance, and other related illegal activities at sea. All vessels, watercrafts and water conveyances, prior to operation or renewal of their franchise or licenses, shall acquire a safety and security number system from the PCG which can be electronically linked in any other offices of the PCG nationwide.

Rule 3 (k) 4. The PCG, in the performance of its maritime security functions, shall arrest, subject to the provisions of Revised Rules of Court, investigate, and file corresponding charges on persons and juridical entities violating any applicable maritime laws, rules and regulations, provisions of Revised Penal Code, and other special laws, when such infraction of laws has been committed within maritime jurisdiction of the Philippines.

Rule 3 (k) 5. In coordination with the Bureau of Customs (BOC), the PCG shall seize, hold or prevent entry and transport of cargoes within waters subject to the jurisdiction of the Philippines that are illegal and/or deemed threat to the safety and security of life and property. Dangerous cargoes, as declared, may be allowed transport by the PCG as long as it complies with the requirements mandated by existing international and local regulations for the transport of dangerous goods, including, but not limited to, the International Maritime Dangerous Goods (IMDG) Code.

Rule 3 (k) 6. The PCG, in the performance of its maritime security functions, may coordinate, cooperate and enter into agreements with international and local agencies and organizations for the enhancement of its maritime security capabilities.

Rule 3 (k) 7. In compliance with the safety and security requirements of the International Convention for the Safety of Life at Sea or the SOLAS Convention, in particular, Chapter XI-2 or the ISPS Code, the PCG shall ensure that all security personnel in ports, harbors, vessels, watercrafts, and off-shore facilities or platforms operating within the country's maritime jurisdiction comply with the standards of the Code, all applicable national laws and transport security regulations as may be set by the designated authority. Likewise, the PCG shall ensure that all Recognized Security Organizations (RSO) duly accredited by the designated authority, comply with the provisions of the said Code.

The PCG shall also ensure that all maritime industry security guards that will be deployed on all

vessels, watercrafts and other water conveyances, piers and ports, offshore platforms and facilities or oil rigs, and other maritime-related infrastructures, have undertaken the necessary maritime safety and security related education, trainings and competence. Absence of training certification and accreditation on this matter may be a ground for the PCG to disallow their continued service until such time that they have complied with the said requirements.

Rule 3 (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.

Rule 3 (I) 1. The PCG shall assist in the prevention and suppression of illegal fishing or violation of fishery laws, illegal gathering of corals and other marine products, illegal entry, smuggling, other customs frauds, illegal transport of forest products, illegal transport of firearms and explosives, human trafficking, illegal transport of dangerous drugs and controlled chemicals, transnational crimes and violations of other applicable maritime laws that may be committed within the maritime jurisdiction of the Philippines. In the exercise of these functions, personnel of the Philippine Coast Guard shall be deemed enforcers of the law, provided, that any other law enforcement agencies may also be called upon by the Philippine Coast Guard to render assistance in the discharge of its functions.

Rule 3 (I) 2. The PCG, in the performance of its **law enforcement function**, shall apprehend, tow, hold or suspend departure and/or take custody of vessels and/or seize its cargoes that will be found in violation of the preceding provisions in accordance with existing laws, rules and regulations.

Rule 3 (I) 3. The PCG may enter into agreement and cooperation with other government agencies and receive grants, assistance and donation from local and international organization for this purpose.

Rule 3 (m). To board and inspect all types of merchant ships and watercrafts in the performance of its functions.

Rule 3 (m) 1. The PCG, in the performance of its enforcement functions, shall board, visit, and inspect all types of merchant ships, vessels, watercrafts, and off-shore structures or platforms or oil rigs, while underway, anchored, or moored within the maritime jurisdiction of the Philippines, or while in dry-dock.

Rule 3 (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.

Rule 3 (n) 1. The PCG shall enforce applicable international and national marine environmental laws including PCG-promulgated rules and regulations pertaining to marine pollution. The PCG shall organize, train, equip and maintain adequate personnel to effectively discharge this function.

Rule 3 (n) 2. The PCG shall prepare, formulate and promulgate rules and regulations in the prevention, abatement, control and mitigation of pollution within the maritime jurisdiction of the Philippines from offshore sources including, but not limited to, vessels, hydrofoil boats, air-cushion vehicles, submersibles, floating craft, fixed or floating platforms, or oil rigs.

Rule 3 (n) 3. The PCG shall issue Marine Environmental Protection (MEP)-related certification and documentation for vessels including, but not limited to, Oil Pollution Prevention Certificate, Sewage Pollution Prevention Certificates, Certificate of Compliance for Oily Waste Separator and Oily Waste Collector, Shipboard Oil Prevention Emergency Plan, Garbage Management Plan and Record Book, Oil Record Books and others that may be later required by relevant international conventions and national laws. Provided, that certificates or documents issued by classification societies which are recognized by the Philippine Government, through the PCG or other government agencies mandated by law, shall be deemed to have complied with this Section. The PCG shall likewise conduct type-approval of MARPOL prevention equipment and accreditation of companies engaged in MEP-related activities including but not limited to manufacturer or distributor of chemicals, oil waste collectors, oil tank cleaning contractors, MARPOL surveyors and Oil Spill Response Organizations.

Rule 3 (n) 4. The PCG may board and inspect vessels of any type whatsoever operating in the marine environment such as but not limited to hydrofoil boats, air-cushion vehicles, submersibles, floating craft, fixed or floating platforms or oil rigs to ensure compliance with applicable international and national marine environment laws.

Rule 3 (n) 5. The PCG shall investigate all oil and other hazardous noxious substances spill incidents and submit recommendations to the DOTC Secretary.

Rule 3 (n) 6. The PCG shall prescribe procedures for the proper disposal/dumping of wastes and other substances into the waters subject to the jurisdiction of the Philippines in accordance with relevant international conventions, treaties and national laws. The PCG shall by no means allow the dumping at sea of contaminated wastes and substances as defined in existing national laws.

Rule 3 (o). To develop oil spill response, containment and recovery capabilities against ship-based pollution.

Rule 3 (o) 1. The PCG shall conduct response operations in the abatement, containment, recovery and shoreline clean-up of oil spills, noxious substances or hazardous materials and other marine pollutants.

Rule 3 (o) 2. The PCG shall develop a national contingency plan of spillages of oil and other hazardous and noxious substances (HNS). It shall likewise ensure that a similar plan is available in vessels, oil refineries, terminals, depots, harbors, shipyards, platforms, oil rigs and other offshore facilities, and manufacturing industries using persistent oil and HNS. Said Plan shall be subjected to regular evaluation by the PCG. The PCG shall likewise ensure that the abovementioned

establishments have the necessary capability to respond to oil spill incidents.

Rule 3 (o) 3. The PCG shall organize, train, equip and maintain adequate personnel for the effective and efficient marine pollution monitoring and response operations. It shall likewise strategically establish and adequately equip Marine Pollution Response Centers with dedicated MARPOL vessels and laboratories.

Rule 3 (o) 4. The PCG may call upon any department, bureau, office, agency or instrumentality of the government for assistance in the response operations as may be necessary in the form of personnel, equipment and expertise.

Rule 3 (o) 5. The PCG, through the National Operations Center for Oil Pollution (NOCOP), may negotiate directly with local companies that have oil containment and recovery facilities for use of such equipment in combating oil pollution. The NOCOP shall likewise serve as the point of contact of similar Operations Center of other countries.

Rule 3 (o) 6. The PCG shall organize, train, equip and maintain specialized teams composed of experts in various aspects of oil and chemical pollution response and other marine environmental concerns. These specialized teams shall provide technical advisory assistance and trainings/lectures to PCG units, other government and non-government organizations, the academe and private companies/institutions.

Rule 3 (o) 7. The PCG shall establish and maintain a marine environmental database system composed of environmental baseline information and marine pollution related incidents. These data and information shall be analyzed and used in developing pollution response methodologies and other marine environmental protection policies.

Rule 3 (o) 8. The PCG shall conduct research, studies and scientific and special projects related to marine environmental protection and preservation with the aim of improving its oil and chemical pollution abatement, containment and response strategies.

Rule 3 (p). **To grant, within its capabilities and consistent with its mandate, requests for assistance of other government agencies in the performance of their functions.**

Rule 3 (p) 1. In the exercise of this function, 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 implementation and enforcement of the law.

Rule 3 (q). **To organize, train and supervise the PCG Auxiliary (PCGA) for the purpose of assisting the PCG in carrying out its mandated functions.**

Rule 3 (q) 1. The PCG shall organize, train and supervise the PCG Auxiliary (PCGA) in an appropriate manner it deems fit to best serve its intended purpose of assisting the PCG in carrying out its mandated functions as detailed in Rule 11.

Rule 3 (q) 2. The PCG shall have the sole authority to approve the membership of the Philippine Coast Guard Auxiliary (PCGA).

Rule 3 (r). To perform such other functions that may be necessary in the attainment of the objectives of this IRR.

Rule 4.1. The PCG shall mainstream gender sensitivity in all its planning activities, setting of priorities, allocating of resources, policy decision making, and identifying actions and activities in relation to all existing laws relative to Gender and Development (GAD). The PCG shall establish GAD focal point to plan, monitor, coordinate, assess and evaluate GAD related activities and programs.

Rule 4.2. Gender Sensitivity shall also be employed in all its internal policies, strategies, budget, projects, structure 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 and maritime law enforcement.

Rule 4.3. The Philippine Coast Guard, in accordance with existing law, shall provide appropriate funds to effectively implement Gender and Development Programs, activities and projects.

Rule 5.1. 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 District Commander of the PCG.

Rule 5.2. The Commandant shall have a maximum term of three (3) years. A Commandant who has served for three years prior to his compulsory retirement shall be considered as retired and shall be entitled to all the benefits available to a Coast Guard Officer as if he is compulsorily retired.

Rule 5.3. Six (6) months prior to his anticipated retirement, the sitting Commandant shall submit to the President through the DOTC Secretary, a short list of candidates from the pool of PCG Flag Officers who possess at least the required minimum qualifications for appointment as the new PCG Commandant.

Rule 5.4. The PCG Commandant shall have the following functions:

1. Advise the President of the Philippines or the Secretary of the DOTC on the promulgation of executive orders, rules and regulations, proclamations and other issuances on matters related to the PCG;
2. Establish policies and standards for the efficient and effective management and operations of the PCG;
3. Promulgate rules and regulations necessary to carry out the objectives, policies, plans, programs and projects of the PCG;
4. Enter into contracts, to the extent as may be allowed by law, for the acquisition of floating, air and subsurface assets, real estate, communications equipment and other necessities relative to

the performance of its powers and functions, subject to the limitations prescribed by law, rules and regulations;

5. Receive grants, donations and other forms of assistance from duly constituted organizations and other countries in support of PCG continued development and modernization projects, subject to existing laws; rules and regulations; and

6. Perform such other functions as may be provided by law.

Rule 6.1. Organization. The PCG shall consist of the following categories of officers and employees:

a. PCG Officers – The PCG Officers Corps are classified into General Line Offices (GLO) and Technical Line Officer (TLO). There shall be a separate seniority lineal list for the GLO and TLO.

b. General Line Officers (GLO) – are PCG Officers not appointed as TLO.

c. Technical Officers (TO) – are PCG Officers appointed by virtue of their technical and specialized training.

d. PCG Non-Officers – Enlisted Personnel performing jobs specific to their own ratings and specialization.

e. PCG Non-Uniformed Personnel – PCG personnel or civilian employees who are appointed and are subject to Civil Service Law, Rules and Regulations.

f. Probationary Ensign – a rank given to a candidate officer awaiting call to active duty and appointment as PCG Officer.

g. Cadet or Cadettes – a student undergoing training in government maritime or other service academies, to include service academies abroad, to become an officer in the PCG service.

Rule 6.2. The ranks of PCG Officers are:

CG Admiral

CG Vice Admiral

CG Rear Admiral

CG Commodore

CG Captain

CG Commander

CG Lieutenant Commander

CG Lieutenant Senior Grade

CG Lieutenant Junior Grade

CG Ensign

CG Probationary Ensign

CG Cadet or Cadette

Rule 6.3. The ranks of PCG Non-officers are:

CG First Master Chief Petty Officer

CG MCPO

CG SCPO

CG CPO

CG PO1
CG PO2
CG PO3
CG SN1/SW1
CG SN2/SW2
CG ASN/ASW
CG Candidate Coastguardsman
CG Draftee

Rule 6.4. The PCG Non-uniformed personnel shall conform to the Civil Service Law.

Rule 6.5. The PCG shall prepare an appropriate Table of Organization and Equipment (TOE) for submission to the Secretary of DOTC within three (3) months from the effectivity of this IRR, for approval of DBM.

Rule 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 ratio 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.

Rule 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 = 22

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 of Republic Act No. 9993, 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.

Rule 9. Maximum Tenure in Rank. The maximum tenure of officers in the ranks of Captain and Flag Officers in the PCG are hereby prescribed as follows:

Rank Maximum Tenure in Rank
Coast Guard Admiral - Three (3) years
Coast Guard Vice Admiral - Three (3) years
Coast Guard Rear Admiral - Three (3) years
Coast Guard Commodore - Five (5) years
Coast Guard Captain - Seven (7) years

Unless earlier separated, retired or promoted to the next higher rank or occupying a position calling for the higher rank in the PCG Table of Organization, Captains and Flag Officers shall be compulsorily retired upon the attainment of the maximum tenure in rank herein prescribed, or upon reaching the age of compulsory retirement whichever comes earlier.

Provided, That officers already holding these ranks upon the approval of Republic Act No. 9993 may be allowed one (1) year more of tenure in rank before the maximum tenure provided in this Section shall be applied to them, unless they shall have already reached the compulsory retirement age under existing laws, in which case the compulsory retirement age shall prevail.

Rule 10. Maximum Tenure in Position. Officer holding the following key positions are hereby limited to a maximum tenure of three (3) years, unless otherwise earlier relieved by competent authority or compulsorily retired under existing laws:

Coast Guard Commandant;
Coast Guard Deputy Commandant; and
Coast Guard District Commander.

Provided that, except for the Commandant, no other officer shall be assigned/designated to the aforementioned key positions or promoted to the rank of Commodore or higher if he has less than one (1) year of active service remaining prior to compulsory retirement.

The maximum tenure for the abovementioned positions as provided herein shall be reckoned from the date of effectivity of this IRR.

Rule 11.1. Organization of a PCG Auxiliary. The Philippine Coast Guard Auxiliary (PCGA) shall continue to exist as a civilian volunteer organization for the promotion of safety of life and property at sea, the preservation of the marine environment and its resources, the conduct of maritime search and rescue, the maintenance of aids to navigation and such other activities that enhance maritime community relations which include civic action, participation under the National Service Training Program, youth development, recreational safety and other related activities.

Rule 11.2. Control and Supervision. The Philippine Coast Guard through its Commandant and his duly authorized representatives, shall have the over-all control and supervision of the PCGA.

Rule 11.3. The PCG shall develop and formulate training courses for the PCGA in the pursuit of

its tasks.

Rule 11.4. Functions. The PCGA shall perform the following functions:

1. Assist the PCG in search and rescue operations and in responding to ship emergency situations;
2. Assist the PCG in promoting the safe operation of vessels and the conservation of the country's marine resources through information dissemination and training, and in responding to emergencies at sea that involve containment of marine pollution and the protection of marine resources;
3. Assist the PCG in the maintenance and development of aids to navigation and in the promotion of its significance;
4. Promote youth development to enhance their concern for sea safety and the protection of marine environment;
5. Promote goodwill and fellowship in the PCGA and with related domestic and international organizations; and
6. Assist the PCG in carrying out its plans and programs.

Rule 11.5. Preparation of PCGA Manual. The PCG shall, within six (6) months from the effectivity of this IRR, prepare and promulgate a PCGA Manual detailing the organization, administration, and operation of the PCGA down to its lowest units, to include the appointment of its volunteers, subject to the approval of the Commandant, PCG.

Rule 11.6. National Service Training Program. The PCG shall develop an NSTP curriculum in relation to PCG's functions in coordination with concerned agencies.

Rule 12.1. Appointments by the DOTC Secretary. The Secretary of DOTC shall, upon the recommendation of the PCG Commandant, appoint PCG officers with the initial rank of Coast Guard Ensign.

However, in the case of lawyers, medical doctors, chaplains, dentists, and veterinarians, their initial appointment ranks shall be Coast Guard Lieutenant.

Rule 12.2. Appointment to Rank. The following officers shall be appointed by the Secretary of the DOTC upon recommendation of the PCG Commandant:

- (i) Coast Guard Captain;
- (ii) Coast Guard Commander;
- (iii) Coast Guard Lieutenant Commander;
- (iv) Coast Guard Lieutenant;
- (v) Coast Guard Lieutenant Junior Grade; and
- (vi) Coast Guard Ensign.

Rule 12.3. Qualifications. No person shall be appointed as PCG officer unless he/she possesses the following qualifications:

- (i) Natural-born citizen of the Philippines;
- (ii) At least 21 years of age at the date of appointment;

- (iii) Physically fit; and
- (iv) A baccalaureate degree holder.

Rule 12.4. Appointments by the President. The President shall, upon recommendation of the Secretary of DOTC, appoint the PCG Commandant and Flag Officers enumerated in Rule 8.

Rule 12.5. Appointments by the PCG Commandant. The PCG Commandant shall appoint all PCG Non-officers and Non-Uniformed personnel. However, the appointment of non-uniformed personnel shall be in accordance with the Civil Service laws, rules and regulations.

Rule 12.6. Term. Appointment of PCG Non-Officers shall be for a term of three (3) years renewable for the same number of years until reaching the compulsory age of retirement or unless sooner terminated upon cause or resignation.

Rule 13.1. Promotions. The promotion of PCG officers shall be based on merit and fitness.

Rule 13.2. Creation of PCG Officers Selection and Promotion Board. There is hereby created a PCG Officers Selection and Promotion Board (OSPB) which shall have the following functions:

- a) The Board (OSPB) shall evaluate, deliberate and pass upon the records of the officers considered for promotion to the corresponding higher grades;
- b) The Board may summon any other officer or person to aid in considering the case of any officer classified as “not fully qualified for promotion or as deferred officer”, or otherwise to be excluded from the recommended list for promotion; and
- c) The Board shall render a report of recommendations to the President or to the Secretary of DOTC, through the PCG Commandant. A report to the President shall have the prior favorable endorsement of the Secretary of DOTC.

Rule 13.3. Composition of OSPB. The OSPB shall be composed of the following members:

(a) Composition of Selection Board “A” for Promotion of O-4 and O-5. The Selection Board “A” shall be composed of nine (9) permanent members and three (3) alternate members. The board shall be chaired by a Coast Guard Commodore; seven (7) Coast Guard Captains and one (1) Senior Technical Officer as members; two (2) representatives from CG-1 to serve as Secretariat and; three (3) Coast Guard Captains as alternate members.

Any permanent member of a selection Board who is incapacitated or otherwise unable to perform his duties shall be replaced by the Chairman from among the alternate-members and shall sit as voting member.

The alternate member of the Selection Board shall sit with the permanent members in all Board meetings to enable them to be privy with the proceedings of the Board.

(b) Composition of Selection Board “B” for Promotion of O-2 and O-3. The selection Board “B” shall be composed of nine (9) permanent members and three (3) alternate members. The Board shall be composed of four (4) CG Captains and five (5) CG Commanders and; two (2) representatives from CG-1 to serve as Secretariat. The most senior CG Captain from among its

appointed members shall Chair the Board.

The tenure for the members of the above mentioned Selection Boards shall only be one (1) year unless otherwise re-appointed as member by competent authority.

Rule 13.4. Creation of Board of Senior Officers. There is hereby created a Board of Senior Officers (BOSO) which shall have the same functions as the OSPB in respect to the promotion of Flag Officers.

Rule 13.5. (a) Composition of BOSO for Promotion of O-7 to O-8. The Board shall be chaired by the Deputy Commandant for Operations and vice chaired by the Deputy Commandant for Administration; three (3) Coast Guard Rear Admirals will sit as members, and CCGS to serve as Secretariat.

(b) Composition of BOSO for Promotion of O-6 to O-7. The Board shall be composed of five (5) Rear Admirals with the Deputy Commandant for Administration as chairman; two (2) Coast Guard Commodores will sit as members and; CG-1 to serve as Secretariat.

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(c) Composition of BOSO for Promotion of O-5 to O-6. The Board shall be composed of six (6) Commodores with the Deputy Commandant for Administration as Chairman and CG-1 as Secretariat.

Rule 13.6. Procedure in Promotions. The OSPB and BOSO shall observe the following procedure:

- (i) Publication/ Send out of a Notice of Vacancy/Fill-up of Positions;
- (ii) Evaluation of the qualifications of all interested candidates for promotion;
- (iii) Make a short list of all those qualified for promotion;
- (iv) Deliberation of officers qualified for promotion to ensure that they possess all the qualifications and none of the disqualifications provided under pertinent laws, rules and regulations specifically on the required schooling, training and minimum time in grade for each rank to be filled-in;
- (v) Submission of the report of the Board to PCG Commandant for approval prior recommendation to the Secretary of DOTC and the President, as the case may be.

Rule 13.7. Recommendation by PCG Commandant. Upon receipt from the OSPB and BSO of the short-list of qualified candidates for vacant positions, the PCG Commandant shall make an independent evaluation of the qualifications of each of them and recommend the most qualified candidate or candidates to the DOTC Secretary.

Rule 13.8. Approval of Promotions. The promotion of PCG Officers other than Flag Officers shall be approved by the DOTC Secretary.

Based on the short-listed candidates submitted by the PCG Commandant, the DOTC Secretary shall recommend to the President the promotion of Flag Officers.

Rule 14.1. The salaries and other benefits of PCG uniformed and non-uniformed personnel as provided by applicable laws shall constitute the following:

- (i.) Base pay;
- (ii.) Longevity pay;
- (iii.) Hazard pay;
- (iv.) Other benefits and allowances.

Rule 14.2. Regular Pay and Allowances. The PCG uniformed personnel shall be entitled to salaries and other allowances corresponding to the salary grades and ranks in the Armed Forces of the Philippines (AFP).

The PCG non-uniformed personnel shall be entitled to salaries and other allowances in accordance with the Civil Service laws, rules and regulations.

Rule 14.3. Collateral Entitlements. The PCG uniformed personnel shall receive collateral entitlements as those granted to military personnel in the AFP.

Collateral Entitlements are emoluments or monetary benefits given apart from the regular pay and allowances. The following are the collateral benefits similar with that of the AFP:

a) **Sea Duty Pay** – Incentive granted to CG personnel who are assigned or on DS and actually performing CG duties aboard PCG commissioned vessels/small craft and other vessels/offshore platform.

b) **Hazardous Duty Pay** – Incentive granted to CG personnel who are actually performing any of the hazardous duties/activities.

c) **Flying Pay** – Incentive granted to CG personnel who holds an aeronautical rating and who as a result of holding such designation is placed on flying duty status.

d) **Instructor Duty Pay** – Incentive granted to CG personnel on instructor duty status or who have actually rendered instructor duties in any accredited PCG schools and training unit.

e) **Combat Duty Pay/High Risk Duty Pay** – CG personnel who are engaged or have participated in any of the combat duties/activities, shall in addition to their monthly base pay be paid high risk duty pay/combat duty pay.

f) **Magna Carta Benefits** – PCG health personnel, PCG medical administrative personnel, PCG uniformed health officers and civilian health workers are granted Laundry allowance, Subsistence allowance and Hazard allowance.

g) **Lawyer's Incentive Pay** - CG Lawyers who render professional legal service and/or appear as counsel before civilian courts, military courts or administrative boards shall be granted lawyer's incentive pay.

h) **Specialist Rating** – CG enlisted person who has demonstrated efficiency and effectiveness through skills, aptitudes, training, experience and knowledge of specific PCG duties or specialties will receive an additional monthly specialist pay corresponding to rates.

i) **Re-enlistment Pay** - Re enlistment clothing allowance is given to enlisted personnel who qualified for reenlistment by reason of the expiration of their three-year enlistment.

j) **Special Clothing and Maintenance Allowance** – The special clothing allowance is an authorized amount allotted to PCG personnel detailed or assigned as aides, escorts, band members, military police, and those on flying status.

k) **Cold Weather and Clothing Allowance** – CWCA are granted to CG personnel, who are assigned, or on detached service, or undergoing training at any of the station/units/sites in the Philippines that are considered cold places.

Rule 14.4. Benefits and Privileges. Active PCG personnel shall be entitled to commutation of leave, educational benefits, disability benefits, and other benefits and privileges as provided by law.

Retired PCG personnel shall be entitled to disability benefits, commutation of leave, refund of contributions, educational benefits and old-age pension as provided by law.

Separated PCG uniformed personnel shall be entitled to separation and reversion gratuities as provided by law.

Survivors, heirs of posthumously retired personnel shall be entitled to posthumous benefits, commutation of leave, educational benefits, cash assistance, old-age pension for surviving spouse, special financing assistance, burial allowance and others as may be provided by law, rules and regulations.

Rule 14.5. Special Privileges. PCG uniformed personnel shall be entitled to special privileges such as but not limited to positions held, benefits of awardees, interment privileges, officer commissionship, PCG Personnel of the Year, and acknowledgements.

Rule 14.6. Termination of Salaries, Allowances, Other Benefits and/or Privileges.

Termination of Salaries, Allowances, Other Benefits and/or Privileges of PCG personnel such as but not limited to Deserter and AWOL, detainee, hospitalized shall be in accordance with the PCG circulars which may issued accordingly.

Rule 15.1. Active Service. Active service shall refer to service rendered as an officer, non-officer, probationary ensign, or those rendered as a civilian official or employee in the PCG prior to the date of separation or retirement from the PCG: Provided, that the term active service shall include confirmed government service rendered as a civilian employee in the Philippine government.

Rule 15.2. The period covered by leave of absence without pay for due to any reason other than sickness shall not be counted as active service rendered for purposes of determining entitlement to leave with pay, retirement, longevity pay, and promotion in the PCG service.

Rule 16. Disciplinary Action. The applicable and pertinent provision of the Armed Forces of the Philippines (AFP) Military Justice System shall be adopted in disciplinary cases against PCG Officers and Non-Officers. The applicable rules, regulations and guidelines promulgated by the Civil Service Commission shall govern cases against PCG non-uniformed personnel.

Rule 17.1 Retirement. The compulsory retirement age of PCG uniformed officers and non-officers shall be fifty six (56) years of age. Upon attaining twenty years (20) years of active service, however, PCG Officers and Non-Officers may optionally retire, provided, however, that such officers or non-officers who shall have attained fifty six (56) years of age with at least twenty (20) years of active service shall be allowed to complete thirty (30) years of service but not beyond his sixtieth (60th) birthday, provided further, that such CG personnel compulsorily retiring by age shall have at least twenty (20) years of active service.

Rule 17.2. The retirement of non-uniformed personnel shall be governed by Civil Service laws,

rules and regulations.

Rule 18. Retirement Benefits. Monthly retirement pay of Officers and Non-Officers shall be fifty percent (50%) of base pay and longevity pay of the next higher grade last held in case of twenty (20) years of service rendered beyond twenty (20) years to a maximum of ninety percent (90%) for thirty-six (36) years of active service and over. The retirement benefits of non-uniformed personnel shall be governed by Civil Service Law/Government Security and Insurance System Law.

Rule 19.1. Separation from Service. Officers and Non-Officers who voluntarily resign or otherwise fail to comply with the standards of competence and proficiency of the PCG, shall be separated from the service under existing laws, rules and regulations. The separation of non-uniformed personnel shall be in accordance with Civil Service law, rules and regulations.

Rule 19.2. The PCG shall issue the necessary policy to evaluate performance, efficiency and fitness of PCG uniformed personnel in the service, and shall develop an appropriate mechanism to determine and evaluate PCG uniformed personnel not conforming to the standards of proficiency and competence.

Rule 20. Collection of Revenues. The PCG shall collect fees, dues, charges and fines relevant to the exercise of its various functions.

The PCG shall formulate policies, systems and procedures for the efficient collection of revenues which would include determination of the following:

- a) Collecting units/agents;
- b) Schedule of fees, dues, charges and fines.

Rule 21.1. Rules and Regulations. The Secretary of the DOTC shall issue rules and regulations, determine, fix, and/or prescribe charges, rates, penalties pertinent, as may be necessary, to implement the provisions of the Philippine Coast Guard Law and this IRR, as well as the provisions of acts, decrees, and orders related to the implementation of the PCG functions.

Rule 21.2. The PCG shall, after the conduct of public consultation and dissemination, recommend to the Secretary of DOTC the appropriate charges, rates and penalties to be imposed in the exercise of its functions as provided by applicable Acts, Decrees, and Orders.

Rule 22. PCG Properties and Lighthouse Reservations. The PCG shall continue to exercise exclusive ownership, possession, control and supervision over all properties transferred to it by virtue of Executive Order No. 475 dated 30 March 1998 and Executive Order No. 477 dated 15 April 1998, such as inter alia, vessels, watercrafts, firearms, armaments, ammunitions, communications and electronic equipment, vehicles, buildings, real estate and lighthouse reservations.

In this regard, the PCG shall conduct an inventory of properties and assets and ensure necessary transfer and documentation of the same.

Further, the PCG shall procure necessary equipment in order to effectively perform its mandated functions.

Rule 23. Establishment and Expansion of Coast Guard Bases and Facilities. The PCG, in coordination with the DOTC and other appropriate government agencies, shall identify, and implement a nationwide development plan for the PCG bases and other infrastructure facilities that include search and rescue, aids to navigation, maritime communications, marine pollution laboratories, medical facilities, and personnel barracks and quarters, among others so as to establish strategic presence in the promotion of maritime safety, security and environmental protection.

The PCG, in coordination with other government agencies, shall be responsible in the planning, development, construction, operation, maintenance or the expansion of PCG bases and facilities.

Rule 24. Appropriations. The Secretary of the DOTC shall prepare the necessary guidelines to cover the establishment of **the** PCG as an attached agency to the DOTC, the initial funding of which shall be charged against the current year appropriations of the PCG and, thereafter, in the **annual General Appropriations Act.**

Rule 25. Transitory Provisions. All previous appointments and promotions of PCG uniformed personnel made prior to the issuance and implementation of this IRR shall remain valid and subsisting.

Existing memorandum circulars, policies, SOPs, systems, rules and regulations issued by the PCG shall remain in full force and effect until amended or rescinded.

Rule 26. Separability Clause. If for any reason, any provision of this IRR is declared unconstitutional or invalid, such parts not affected thereby shall remain in full force and effect.

Rule 27. Repealing Clause. All laws, decrees, executive orders, rules and regulations and other issuances or parts thereof which are inconsistent with Republic Act No. 9993 are considered repealed, amended and modified accordingly by said Act.

All rules and regulations and other issuances or parts thereof which are inconsistent with this IRR are hereby repealed, amended, or modified accordingly.

Rule 28. Effectivity. This IRR shall take effect fifteen (15) days after its publication in the Official Gazette or in any two (2) newspapers of general circulation and upon filing of three (3) certified copies thereof with the University of the Philippines Law Center.

(Signed)

JOSE P. DE JESUS

Secretary

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