

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



22 OCT 13 P3:18

SENATE
S. No. 1388

RECEIVED BY: _____

A handwritten signature in black ink, appearing to be "R. Tolentino", written over a horizontal line.

Introduced by SENATOR FRANCIS "TOL" N. TOLENTINO

AN ACT
PROVIDING FOR RULES ON THE DUTY TO RENDER ASSISTANCE AT SEA IN
ACCORDANCE WITH RELEVANT INTERNATIONAL CONVENTIONS TO
WHICH THE PHILIPPINES IS A STATE PARTY AND FOR OTHER PURPOSES

EXPLANATORY NOTE

Stirred by the June 2019 maritime incident concerning an allision on the West Philippine Sea that involved the lives of 22 Filipino fishermen, this bill was crafted to ensure that persons guilty of jeopardizing the lives of men at sea and those who unreasonably fail to render assistance to persons in distress at sea do not go unpunished.

This bill, which shall be known as the "Good Samaritan at Sea Law", aims to implement provisions in International Maritime instruments ratified by the Philippine Government concerning safety of life at sea and the duty to render assistance to persons in distress at sea to which the Philippines is a state party to including:

1. The International Convention for the Safety of Life at Sea, 1974 and its Protocols of 1978 and 1988 and Agreement of 1996;
2. United Nations Convention on the Law of the Sea of 1982

As a key player in the global maritime industry, it is but imperative for the country to stay true to its commitments to the international community to implement and enforce laws affecting maritime safety in order to protect not just the standing of the country in the international community but to protect the very lives of the thousands of Filipinos at sea.

Originally filed by this representation during the 18th Congress, I am presently refiling this not only to stay true to our international commitments but to maintain our international standing and in order to uphold the rights and dignity of our people and protect the nations' honor.

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



FRANCIS "TOL" N. TOLENTINO

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

1 **Section 1. Short Title.** - This Act shall be known as the "Good Samaritan at
2 Sea Law."

3 **Sec. 2. Declaration of Policy.** - The following are hereby declared to be the
4 policies of the State:

5 a) The State shall provide for the full and effective implementation and
6 enforcement of international maritime instruments ratified by the Philippine
7 Government that cover safety of life at sea and comply with its duties and
8 obligations to the international community as a State Party.

9 b) The State shall ensure that unlawful acts committed on waters forming
10 part of the national territory and those over which the country has sovereignty
11 and jurisdiction are prevented, detected, and penalized to ensure a safe

1 maritime environment as well as safeguard the lives and properties of its
2 citizens.

3 **Sec. 3. Duty to Render Assistance.** - The master of a ship, in so far as he
4 can do so without serious danger to the ship, the crew, or the passengers, has the
5 duty to:

6 a) To render assistance to any person or persons found at sea in danger of
7 being lost; and

8 b) After a collision, to render assistance to the other ship, its crew and its
9 passengers and, where possible, to inform the other ship of the name of his
10 own ship, its port of registry and the nearest port at which it will call.

11 **Sec. 4. Distress Signals.** – Upon receiving a signal from any source
12 that persons are in distress at sea or if informed of their need of assistance, the master
13 of a ship at sea which is in a position to be able to provide assistance, in so far as he
14 can do so without serious danger to the ship, the crew, or the passengers, is bound
15 to proceed with all speed to their assistance, if possible informing them that the ship
16 is doing so.

17 **Sec. 5. Unable to Assist** - If the ship receiving the distress alert is unable or,
18 in the special circumstances of the case, considers it unreasonable or unnecessary to
19 proceed to their assistance, the master must enter in the log-book the reason for
20 failing to proceed to the assistance of the persons in distress, and inform the
21 appropriate search and rescue service or Philippine Coast Guard.

22 **Sec. 6. Requisition.** - The master of a ship in distress, the Philippine Coast
23 Guard, or the search and rescue service concerned, after consultation, so far as may
24 be possible, with the master or masters of the ship or ships which answer the distress
25 alert, has the right to requisition one or more of those ships as they considers best
26 able to render assistance, and it shall be the duty of the master or masters of the ship
27 or ships requisitioned to comply with the requisition by continuing to proceed with all
28 speed to the assistance of persons in distress.

1 a) The master or masters of ship or ships shall be released from the
2 obligation imposed by this section upon learning that their ship or ships have
3 not been requisitioned and that one or more other ships have been
4 requisitioned and are complying with the requisition. This decision shall, if
5 possible, be communicated to the other requisitioned ships and to the search
6 and rescue service or Philippine Coast Guard.

7 b) The master of a ship shall be released from the obligation imposed by
8 this section and, if his ship has been requisitioned, from the obligation imposed
9 by Section 6 upon being informed by the person or persons in distress, or by
10 the search and rescue service, or by the Philippine Coast Guard or, by the
11 master of another ship which has reached such persons that assistance is no
12 longer necessary.

13 **Sec. 7. Penalties.** - Any violation or failure to perform any of the acts
14 enumerated herein shall be punishable by a fine of not less than Five million pesos
15 (P5,000,000.00) but not more than Ten million pesos (10,000,000.00). If the violator
16 is the cause or part of the ship that caused the distress at sea, the fine shall be not
17 less than Ten million pesos (P10,000,000.00) but not more than Twenty million pesos
18 (P20,000,000.00).

19 If the violation was committed within internal waters or within the territorial
20 sea, an additional penalty of imprisonment of not less than six (6) months but not
21 more than one (1) year shall be imposed. If the violator is the cause or part of the
22 ship that caused the distress at sea, an additional penalty of imprisonment of not less
23 than one (1) year and one (1) day but no more than two (2) years shall be imposed.
24 Repeat offenders or violators shall be dealt with the maximum penalties allowed. No
25 foreign person shall be deported without the payment of the imposed judicial and/or
26 administrative fines and service of sentence, if any.

27 **Sec. 8. Jurisdiction.** - The jurisdiction to determine violations and impose
28 the appropriate penalties thereto shall belong to any of the Regional Trial Courts in
29 the Province or City nearest to the place where the distress occurred.

1 **Sec. 9. Separability Clause.** – If any part or provision of this Act is held to
2 be illegal, invalid, or unconstitutional, such parts not affected by such declaration shall
3 remain in full force and effect.

4 **Sec. 10. Repealing Clause.** - All existing laws, orders, decrees, rules and
5 regulations, or parts thereof inconsistent with the provisions of this Act are hereby
6 amended, modified, or repealed accordingly.

7 **Sec. 11. Effectivity Clause.** - This Act shall take effect fifteen (15) days after
8 its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,