

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Third Regular Session

HOUSE BILL NO. 9847



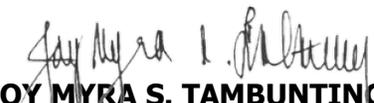
Introduced by **HON. JOY MYRA S. TAMBUNTING**

EXPLANATORY NOTE

There is a duty pursuant to international law for a ship to attempt the rescue of persons at danger at sea. This is based on a long-standing and strongly felt moral obligation among seafarers. The duty to render assistance to distressed persons in the sea is enshrined in both the United Nations Convention on the Law of the Sea (UNCLOS), and the International Convention for the Safety of Life at Sea, 1974 and its Protocols of 1978 and 1988 and Agreement of 1996. Considering that the Philippines is signatory to both international instruments, it is only appropriate that the State complies with its duties and obligations to the international community as a State Party.

In this regard, this measure proposes to hold the vessel's captain, crew and passengers liable for refusing or failing to render assistance to persons in distress at sea. In the case that a ship, under special circumstances, is unable to respond to a distress alert, the ship captain has to properly document the reason for their failure to render assistance. This measure also proposes to penalize violators with a fine ranging from Five Million Pesos (P5,000,000.00) to Twenty Million Pesos (P20,000,000.00). This measure is proposed with the goal of ensuring a safe maritime environment as well as safeguarding the lives of our Filipino seafarers.

On behalf of the people of Parañaque City's Second District, and for the common good of the Filipino people, the approval of the said measure is earnestly sought.


REP. JOY MYRA S. TAMBUNTING
2nd District, Parañaque City

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Introduced by **HON. JOY MYRA S. TAMBUNTING**

AN ACT
MANDATING 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

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 “Good Samaritan at Sea Law.”

Sec. 2. Declaration of Policy. – The following are hereby declared to be the policies of the State:

- a) The State shall provide for the full and effective implementation and enforcement of international maritime instruments ratified by the Philippine Government that cover safety of life at sea and comply with its duties and obligations to the international community as a State Party.
- b) The State shall ensure that unlawful acts committed in waters forming part of the national territory and those over which the country has sovereignty and jurisdiction are prevented, detected, and penalized to ensure a safe maritime environment as well as safeguard lives and properties.

Sec. 3. Scope of Application. – This Act applies to all vessels navigating in the territorial sea, archipelagic waters and internal waters of the Philippines, and all Philippine-flagged vessels navigating in the contiguous zone and exclusive economic zone of the Philippines and the high seas.

Sec. 4. Definition of Terms. – As used in this Act:

- a) Assistance may include, but not limited to, search, rescue, towage or medical treatment.

- b) Distress refers to a situation wherein there is a reasonable certainty that a person, a vessel, or other craft is threatened by grave and imminent danger and requires immediate assistance.
- c) Requisition refers to the temporary take over or command of the ship, with the consent of its master, by the master of a ship in distress, the search and rescue service concerned or the Philippine Coast Guard, solely for the purpose of rendering assistance to a ship in distress.

Sec. 5. Duty to Render Assistance. –

- a) The master of a ship, insofar as he or she can do so without serious danger to the ship, the crew, or the passengers has the duty to:
 - i. Render assistance to any person or persons found at sea in danger of being lost; or
 - ii. Proceed with all possible speed to the rescue of persons in distress, upon receiving a signal from any source that such persons are in distress or if otherwise informed of their need of assistance, insofar as such action may reasonably be expected of him or her.
- b) After a collision or other incidents of navigation, the master of ship that caused, or is involved in, the incident shall render assistance to the other ship, its crew and its passengers and, where possible, to inform the other ship of the name of his or her own ship, its port of registry and the nearest port at which it will call.

Sec. 6. Coordination in Rendering Assistance. – The master of the ship answering a distress signal shall, as much as possible, inform the ship in distress and the appropriate search and rescue service or the Philippine Coast Guard that his or her ship is proceeding with all speed to render assistance to the ship in distress. In case of collision or other incidents of navigation, the ship rendering assistance to the other ship involved in the incident shall, as much as possible, also inform the appropriate search and rescue service or the Philippine Coast Guard of the incident and the status of the assistance being provided by it.

Sec. 7. Inability or Failure to Render Assistance. –

- a) If the ship receiving the distress alert is unable or, in the special circumstances of the case, considers it unreasonable or unnecessary to proceed to their assistance, or the giving of assistance would cause serious danger to the ship, the crew or the passenger, the master must enter in the logbook the reason for failing to proceed to the assistance of the persons or ships in distress, and accordingly inform immediately the appropriate search and rescue service or the Philippine Coast Guard.
- b) The master of the ship shall be released from the obligation to render assistance provided in Section 5 upon compliance with the requirement of entering in the logbook the reason for the inability or failure to render assistance and informing the appropriate search and rescue service or the Philippine Coast Guard of his or her ship's inability or failure to render such assistance.

Sec. 8. Requisition. –

- a) The master of a ship in distress, the Philippine Coast Guard, or the search and rescue service concerned, after consultation, so far as may be possible, with the master or masters of the ship or ships which answer the distress alert, has the right to requisition one or more of those ships as they consider best able to render assistance, and it shall be the duty of the master or masters of the ship or ships requisitioned to comply with the requisition by continuing to proceed with all speed to the assistance of persons in distress.
- b) The master or masters of ship or ships shall be released from the obligation imposed by Section 4 on learning that their ship or ships have not been requisitioned and that one or more other ships have been requisitioned and are complying with the requisition. This decision shall, if possible, be communicated to the other requisitioned ships and to the concerned search and rescue service or the Philippine Coast Guard.
- c) The master of a ship shall be released from the obligation imposed by Section 5 and, if his or her ship has been requisitioned, from the obligation imposed by Section 8(a) on being informed by the person or persons in distress, the concerned search and rescue service; the Philippine Coast Guard or, the master of another ship which has reached such persons that assistance is no longer necessary.

Sec. 9. Penalties. – (a) Failure to comply with any of the obligations provided in Sections 5 and 8(a) shall be punishable by a fine of not less than One Hundred Thousand Pesos (PhP100,000.00) but not more than One Million Pesos (PhP1,000,000.00), depending on the size of the vessel or ship to be defined in the implementing rules and regulations of this Act. If the violator is the cause or part of the vessel or ship that caused the distress at sea, collision or any other incident of navigation, the fine shall be not less than One Million Pesos (PhP1,000,000.00) but not more than Five Million Pesos (PhP5,000,000.00), depending on the size of the vessel or ship to be defined in the implementing rules and regulations of this Act.

Sec. 10. Jurisdiction and Venue. – The criminal action for failure to render assistance as provided in Sections 5 and 8(a) in relation to Section 8 shall be instituted and tried in any of the following venues:

- a) The Regional Trial Courts of the city or municipality nearest to the place or maritime zone where the crime was committed;
- b) The Regional Trial Court of the city or municipality which is the first port of entry of the ship under the command of a master or officer of the ship who committed the crime; or
- c) The Regional Trial Court of Manila.

Sec. 11. Separability Clause. – If, for any reason, any section, subsection, clause or term of this Act is held to be illegal, invalid, or unconstitutional, such parts not affected by such declaration shall remain in full force and effect.

Sec. 12. Repealing Clause. – All existing laws, orders, decrees, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby amended, modified or repealed accordingly.

Sec. 13. Effectivity Clause. – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,