

Department of Transportation and Communications  
HEADQUARTERS PHILIPPINE COAST GUARD  
139 25<sup>TH</sup> Street, Port Area  
Manila

HPCG/CG2  
STANDING OPERATING PROCEDURE )  
:  
NUMBER 02-11 )

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**RULES OF ENGAGEMENT FOR MARITIME LAW ENFORCEMENT  
OPERATIONS**

1. PURPOSE: Provide authorization or lawful commands in the use of force whether for self defense or defense of organization or country including positioning of assets and employment and deployment thereof, for the operational units of the PCG as well as guidelines and procedures in all maritime law enforcement operations.

2. DEFINITIONS:

A. MARLEN Operations - generally defined as operations conducted by PCG personnel against violation of fishery, forestry, dangerous drugs, firearms, piracy, customs, trafficking in persons and smuggling of migrants laws as well as any other enforcement laws within the waters subject to the jurisdiction of the Philippines.

B. Probable Cause - reasonable ground to suspect that a person or vessel has committed or is committing a crime or that a vessel contains specific items connected with a crime.

C. Right of Visit - otherwise known as the right of search in international maritime law, is the right to stop, visit, and examine vessels on the high seas to discover whether they or the vessel is involved in a crime.

D. Self Defense - the use of force to protect oneself however based on changes in time categories of self-defense include individual self defense, defense of unit, defense of others and even national defense. The use of force in this case must just be reasonable in relation to the existing threat and that there should be imminent danger before one can exercise this right.

E. Hostile Act/Hostile Intent - threat of imminent danger or that acts that show the intent to use force by the suspect vessel against the law enforcer.

F. General Quarters - is an alert condition and all hands evolution wherein battle stations are manned and all preparations are made to place the unit in the highest state of readiness.

G. Board and Search - is an activity performed on the conduct of maritime law enforcement. Board and Search can be routine, which is done on

suspect vessels are not cooperating and or fires back, then the boarding team will conduct a Combat Board and Search procedure.

H. Right of Innocent Passage – This is the right of passage provided for under Article 19 and Article 52 of the UNCLOS and done in the Territorial Sea the peace, good order or security of the coastal State.

I. Right of Archipelagic Sea Lanes Passage – This is the right exercised by foreign vessels when transiting archipelagic waters. This is provided for under Article 53 of the UNCLOS.

J. Provocative Action- are aggressive actions undertaken by the suspect vessel that may endanger the safety and security of the law enforcement vessel and necessitates graduated and calculated response to such action.

### 3. LEGAL BASES:

A. Constitutional responsibility of the Government through its different cognizant agencies to secure the territory as well as any waters under the jurisdiction of the Philippines. Considering the PCG is the prime maritime law enforcement agency of the Philippines then it is duty bound to operate within waters under Philippine jurisdiction or even in the high seas for law enforcement and security purposes. This includes and embodies the principle of sovereign immunity.

B. International law especially Article 110 of the UNCLOS provides for right of visit for specifically listed crimes or activities.

C. The PCG Law of 2009 that provides the right to PCG personnel to board and visit vessels within waters under the jurisdiction of the Philippines.

### 4. RULES:

#### A. General

(1) Operations must always be under a legal order and/or covered by mission order. The mission order must also specify the arms used for a specific operation.

(2) If acting on a tip from a verifiable source (i.e. CGIF) or if vessel or its crew is acting in suspicious manner, make an actual determination of probable cause for right of visit.

(3) Upon receipt of a report of a foreign vessel engaged in illegal activities within Philippine waters, or upon sighting of foreign vessels entering Philippine waters under any of the following circumstances:

(a) Navigating with fishing gear deployed and/or not stowed, in case of fishing vessels;

(b) Navigating with an irregular track or route;

(c) Navigating through Philippine waters without prior notice to, clearance of or permission from the appropriate Philippine authority;

(d) Navigating in a manner that does not qualify as innocent passage or navigating outside traditional routes or identified fishing grounds;

(e) Navigating without flying its national flag;

(f) Lying-to or anchoring without any valid reasons or circumstance that may indicate the existence of force majeure, distress, or for the purpose of rendering assistance to persons, ships or any sea craft that is endangered or in distress;

(g) Lying-to, anchoring at, or anchoring near to or within known fishing grounds or marine protected areas;

(h) Transporting and/or dumping of hazardous materials, toxic wastes and other marine pollutants;

(i) Acts indicating unloading of human cargoes and contraband goods/articles and,

(j) Other acts violative of the provisions of the laws

(4) As much as practicable, communicate with suspect vessel to ask for its particulars or reason for its presence in a particular area through radio verification.

(5) Should the preceding be impracticable then challenge the vessel with the use of verbal warning, visual signals (hand signals, use of flags, search lights or flash lights), or noise signals (siren) to indicate intent to board or for the vessel to stop.

(6) When a vessel fails to respond or remains unresponsive despite efforts employed to establish communications, then team must prepare to either pursue, use reasonable force or both;

(7) Investigate and establish the exact location with grid coordinates of the foreign vessel and its distance from the nearest shore; nature or reason for the apprehension and, the description or condition of the foreign vessel with appropriate identifying features and marks. All these and all actions taken hereinafter shall be recorded in a logbook or notebook, the pages of which have been numbered consecutively. This must be done especially for unresponsive or hostile vessels.

(8) If the vessel stops, the team shall clearly identify themselves and the organization. Followed by a clear statement of the intention to conduct an inspection of the vessel on the ground that there is reason to suspect that the vessel may be engaged in illegal activity.

(9) Upon boarding the vessel, the enforcers shall ascertain the identity and nationality of the crew.

(10) If it is for illegal fishing, then the state of the fishing gear at the time of boarding, any visible catch or illegal item that may be on deck or in storage and other condition on board which may indicate that it has been engaged in illegal activity in Philippine waters, shall be recorded, the registration papers or other documents of identification of the vessel shall be seized and photos taken of the crew and the vessel.

(11) The status of the engine, all navigational and other instruments in the vessel, whether it is working and operational at the time of boarding shall be determined and recorded by a technician or engineer of the boarding vessel.

(12) Other information such as last port of call and the intended next port of call of the vessel shall be established. Print-outs of GPS equipment, navigational charts, the Seaman's Identification and Record Book of the crew

and other documents shall be inventoried and placed under the custody, with receipts duly signed or acknowledged by, and copies furnished the captain or master of the foreign vessel. In the absence of such documents, the law enforcement officer shall inquire from the captain/master of his years of sailing experience. The captain/master of the vessel shall be required to sign to conform to the plotted position of the vessel and be informed of the violation committed. His refusal to sign any of the abovementioned documents shall be noted in the deck logbook.

(13) If situation warrants arrest/apprehension, then the captain shall be informed of the reason for apprehension. For foreign registered vessel with foreign non-English speaking crew, upon towing of the vessel to the nearest port, endeavor to procure an interpreter to satisfy the international requirement of notice of the suspects rights and reason for detention or arrest/apprehension.

(14) Pictures and/or video footages of the vessel being challenged and/or boarded shall be taken for documentation or reference purposes.

#### B. Procedures for Unresponsive or hostile vessels

(1) Call a General Quarters and create a boarding team and designate a team leader in preparation for boarding.

(2) Fire warning shot, once over the bow. If vessel is in motion and do not stop even after firing of first shot then two more warning shots can be made.

(3) Ascertain existence of hostile intent by using best judgment, available intelligence, information, indicators and warnings. This will help in determining the number of boarding teams needed.

(4) Visually determine also if there are civilians or women and children aboard the suspect vessel. Warning shots must be carefully executed so no civilians/women/children present be harmed or placed in imminent danger.

(5) Assess visually presence of threat to safety of boarding team by determining presence of any form of fire power or carefully consider whether vessel takes an attack stance.

(6) If suspect is at anchor or lying-to then using public address system or any means of communications, ask all crew including every passenger to show themselves at the open deck in one side of the vessel to clear vessel for boarding and search.

(7) Boarding Team should follow boarding procedures in accordance with prescribed rules.

(8) If a moving vessel continues on its way despite all warnings then patrolling vessel shall institute pursuit. Pursuit must be in accordance with prescribed rules and law.

#### C. Intensification of Force

(1) Important thing to remember is that use of force must be justifiable in which case a graduation of force is necessary. The amount of force used must always be commensurate to the threat posed by the suspect to the person or property of the enforcer.

(2) If vessel fires then it can be fired back at as much as practicable, with the aim to disable the vessel to facilitate boarding. This shall

also be applicable when firing at persons. Enforcer should as much as practicable fire only to disarm and effect arrest.

(3) Deadly force can only be used in the existence of imminent threat to the lives and the patrolling ship.

(4) If suspect vessel is found in the following status:

(a) Anchored or lying to

(i) Any apprehending vessel shall approach anchored lying to vessels with utmost care while still in general quarters. Using a public address system or appropriate communication system, direct crew of suspect vessel to gather and show all persons aboard in the open deck before deploying a boarding team.

(ii) As much as practicable or when available, boarding team must use rubber boats or RHIB while the primary apprehending vessel monitors at a safe distance.

(iii) Execute board and search in accordance with prescribed procedures.

(iv) If suspect vessel has no violation, accomplish necessary documents including the inventory of everything found aboard at the time of boarding, asking the captain to counter sign the inventory and then release the vessel.

b. Attempt to escape or evade

(i) If after undertaking all procedures on notice and warnings, suspect vessel refuses to stop then apprehending vessel may give chase under the principle of *hot pursuit*. Any maritime *hot pursuit* shall be conducted in accordance to provisions of the UNCLOS.

(ii) If the need to fire arises, apprehending vessel shall only as much as practicable fire to disable, always taking into consideration the safety of civilians aboard the pursued vessel.

#### D. Miscellaneous Rules:

(1) Hostile Fire - Should the suspect vessel open fire then apprehending vessel may fire back for the purpose of neutralizing and disabling the suspect vessel. High consideration must be afforded to unarmed civilians/passengers aboard the suspect vessel.

(2) In case suspect vessel sinks, then search and rescue shall immediately be conducted to save as much survivors as possible.

(3) Medical attention shall also be given to any who requires it.

(4) Safety of the vessel and personnel is paramount at all times. No vessel or personnel shall be exposed to imminent threat unnecessarily.

## E. Special Situations

(1) In cases where duly identified warships or government owned vessels of other States are found within waters under the jurisdiction of the Philippines without prior authority and coordination and does not abide by the laws and policies implemented in the different maritime jurisdictions of the Philippines, then the law enforcement vessel shall establish contact/communication through verbal, or visual, or noise signal in a manner understandable to the warship or foreign government-owned vessel and require them to immediately leave the Philippine jurisdiction.

(2) When any other means of communication has been exhausted and still the warship or foreign government-owned vessel still defies and continue its navigation within the Philippine maritime jurisdiction, the patrol vessel may perform graduated response through maneuvers. Warning shots maybe fired as a final resort, as provided for under Para B and C of Rule 4 of this SOP.

(3) Consideration must always be given for the protection of civilians and the elements of self-defense before engaging any suspect vessel. As much as possible, guidance from higher headquarters must be requested before any aggressive action will be initiated against any warship or government-owned vessel from another sovereign country.

(4) In areas with conflicting claims or claimed by two or more sovereign countries, the patrol vessel shall observe and follow the Code of Conduct agreed upon by claimants of said area.

(5) When warships/government owned vessels of other States are found committing violations while transiting waters under the jurisdiction of the Philippines whether with the intent of calling in any of the Philippine ports or not, it can be required to leave Philippine jurisdiction immediately and be denied entry into any Philippine port.

(6) The exercise of sovereignty by the Philippines differs in the different maritime zones as provided for under UNLCOS:

- a. Internal waters – the Philippines has full sovereignty and can proceed against any person (whether natural or juridical) for any violation
- b. Archipelagic waters – the Philippines exercises the same authority with consideration on the exercise of right of archipelagic sea lanes passage and innocent passage by foreign ships/vessels
- c. Territorial Sea – same powers as in the Internal Waters and Archipelagic Waters but foreign ships and vessels have the Right of Innocent Passage. However, if passage

can no longer be considered innocent then the violating vessels can be apprehended and prosecuted under Philippine laws.

- d. Contiguous Zone – here the Philippines exercises control necessary for in the exercise of enforcement and legislative jurisdiction on customs, fiscal, immigration and sanitary laws and regulations.
- e. Exclusive Economic Zone (EEZ) – here the Philippines has sovereign rights to explore and exploit, conserve and manage the natural resources whether living or non-living including other activities for economic exploitation and exploration such as the production of energy from the water, current and winds.

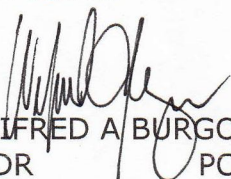
(7) A report must immediately be forwarded to higher headquarters in any situation arising from the presence of any warship/ government-owned vessel of another sovereign state within Philippine maritime jurisdiction area, detailing therein the identity of the vessel, actions taken and circumstances surrounding the situation.

5. Effectivity:

This Standard Operating Procedures shall take effect upon approval and publication and must be strictly followed by all operating units of the PCG.

**BY COMMAND OF ADMIRAL TAMAYO:**

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