Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Second Regular Session

HOUSE RESOLUTION No. 1169

Introduced by
BAYAN MUNA Representatives EUFEMIA C. CULLAMAT,
CARLOS ISAGANI T. ZARATE and FERDINAND R. GAITE,
GABRIELA Women’s Party Representative ARLENE D. BROSAS,
ACT TEACHERS Party-List Representative FRANCIS L. CASTRO,
and KABATAAN Party-List Representative SARAH JANE I. ELAGO

RESOLUTION
URGING THE HOUSE OF REPRESENTATIVES TO CONDUCT AN INQUIRY IN
AID OF LEGISLATION ON THE JUNE 27, 2020 COLLISION BETWEEN THE
HONG KONG-FLAGGED AND CHINESE-CREWED M/V VIENNA WOOD N
AND F/V LIBERTY 5 AND THE SUBSEQUENT ABANDONMENT OF 14 FISH
WORKER VICTIMS IN OPEN SEAS, FOR THE PROTECTION OF FILIPINO
FISHERMEN AND FISH WORKERS IN THE COUNTRY AGAINST RAMMING
BY FOREIGN VESSELS SAILING IN THE COUNTRY’S TERRITORIAL WATERS
AND EXCLUSIVE ECONOMIC ZONE

WHEREAS, on June 27, 2020, at 10:20 p.m., the Hong Kong-flagged and Chinese-crewed M/V
Vienna Wood N collided with the F/V Liberty 5, owned by Irma Fishing and Trading, Inc., aboard
with 14 fish workers, who remained missing after a week until the Philippine Coast Guard stopped
its search-and-rescue operations;

WHEREAS, the 190-meter long M/V Vienna Wood N, based on available data is a bulk carrier
built at the Yokohama Shipyard in February 2011, with International Maritime Organization
(IMO) number 9593713 and Maritime Mobile Service Identity (MMSI) 477051600, operated by a
Greece-based firm A.M. Nomikos, as part of its Supramax fleet of vessels;

WHEREAS, the complement of the 45-meter long F/V Liberty 5 includes the following:

1. Captain Jose Magnes Alfonso;
2. chief mate Renante Dahon;
3. chief engineer Reynil Magura;
4. assistant chief engineer Miguel Comaling;
5. oilers Joffrey Bantog; and
6. Jeerom Alaska;
7. master hatchman Michael Flores;
8. hatchmen Jayson Vigonte;
9. Adrian Robert Amogod;
10. Bartolome Oab, Jr.;
11. Herbert Dalabajan; and
12. Reynald Riparip; and
13. passengers Ariel Tabang; and

The ship’s captain hailed from Aklan, while the rest were from various towns of Palawan provinces.

WHEREAS, the complement of M/V Vienna Wood N includes the following Chinese nationals:

1. Captain Zhang Weiwei;
2. deck officers Yang Xifeng;
3. Yi Lei;
4. and Shi Bin; and
5. engineering officers Fan Quijin;
6. Xia Zhen; and
7. Wang Xingtu;

WHEREAS, on June 28, 2020, Sunday morning, officials of the Irma Fishing and Trading, Inc. expected the F/V Liberty 5 to arrive in Navotas fish port as its estimated time of arrival (ETA) is 10 a.m. Also, it failed to report on its whereabouts at the set time of 7 a.m. The firm was only able to confirm the incident when another of their vessel, F/B Wacky, arrived in a port, and its crews reported that they saw a broken piece of wood signed with “Liberty 5” and items written with “Irma;”

WHEREAS, on the evening of June 28, 2020, the Irma Fishing and Trading, Inc. General Manager Fermin Soto, during his interview on DZRH, announced that M/V Vienna Wood hit the F/V Liberty 5 at around 1 a.m. that day;

WHEREAS, also that day at around 10 a.m., the capsized hull of F/V Liberty 5 was spotted, without its crews. On early afternoon, PCG personnel boarded M/V Vienna Wood N and asked its crews, who were Chinese nationals. However, language barrier made it difficult for the PCG to communicate and ascertain facts. Despite of this, the Chinese claimed no knowledge of the capsized vessel or its crews;

WHEREAS, as disclosed by Soto, the PCG divers arrived to inspect the capsized vessel at around 4 p.m. and failed to locate the missing crews. He cited reports from the divers that there was a major damage on the middle section of the hull. The PCG noticed some damage on the M/V Vienna Wood N’s prow, which indicated the angle from which it hit the Liberty 5. The dive search was suspended at 5:30 p.m. on June 28, to be resumed on morning of the next day, June 29. The
other boats of the Irma trading remained at the site on the lookout and Soto requested other
fishermen in the area to help on the search. The M/V Vienna Wood N was escorted then by PCG
personnel towards Batangas port;

WHEREAS, during the collision, the F/V Liberty 5 was en route to Navotas fish port, carrying
4,000 tons of fish from the waters of Mapun town or formerly known as Cagayan de Tawi-tawi in
the province of Tawi-tawi on June 26. On the other hand, the M/V Vienna Wood N, was from
Subic Bay, heading towards Australia, with no cargo in the vessel;

WHEREAS, on June 30, 2020, the PCG announced that the collision was at 10:20 p.m. of June
27, 2020. However, the M/V Vienna Wood N’s distress call to the PCG command center, via e-
mail, was three hours later. Distress calls are traditionally through VHF radio;

WHEREAS, based on the M/V Vienna Wood N’s captain’s account, they crossed path with F/V
Liberty 5 around 14 nautical miles off Mambruro town in Occidental Mindoro. The PCG stated
that it did not deploy its crews to assist the distressed mariners. The M/V Vienna Wood N is
detained at Batangas Bay;

WHEREAS, four days after the incident, July 2, 2020, PCG units continued the search-and-rescue
operations. Aerial and patrol operations were also carried out. Unfortunately, the victims were not
found;

WHEREAS, more than a week after the incident, the PCG filed criminal charges against the crews
of M/V Vienna Wood N and its operator Nomikos Transworld Maritime. The case file was
reckless imprudence resulting in multiple homicide and damage to property;

WHEREAS, since the incident’s reporting in the media, the Pambansang Lakas ng Kilusang
Mamalakaya ng Pilipinas (Pamalakaya) chaired by former Anakpawis Party-list Fernando “Ka
Pando” Hicap, immediately demanded the search and rescue of the missing fish workers and the
holding of the perpetrators accountable. Pamalakaya also highlighted that this is the second
incident, after the June 9, 2019 incident where a Chinese vessel rammed another Filipino vessel.

WHEREAS, Pamalakaya expressed support to the call for holding the crews and owner/s of
M/V Vienna Wood N accountable, and for justice to the 14 fish worker victims. The group urged
the PCG and other agencies to carry out salvage operations of F/V Liberty 5, with the company
of the perpetrators shouldering the operational costs, as closure to the fate of the 14 victims of the
incident;

WHEREAS, with the latest collision involving a foreign vessel and Filipino fishermen and fish
workers, Pamalakaya raised the following:

- the incident exposed the gross vulnerability of Filipino fishermen and fish workers to collision with foreign vessels. Response is apparently late. Based on news reports, the diving inspection was carried out 16 hours after the incident.

- foreign vessels sailing in the Philippine waters should put into supreme consideration the welfare and safety of Filipino fishermen and fish workers, and should strictly adhere to Article 98 of the United Nations Convention on the Law of the Sea (UNCLOS) regarding the "Duty to render assistance" to distressed mariners;

- the families of the victims should be fully assisted by the government, as the incident have caused them grave losses. The impact of consequential loss of income should also be alleviated, especially under the pandemic when the economic opportunities are virtually absent;

- incidents in the open seas such as this one put victims in a legal disadvantage on account of the fact that the eyewitnesses are only the perpetrators themselves. Thus, the House of Representatives should immediately and seriously consider crafting a legislative measure strengthening the provision of the Revised Penal Code on abandonment of person in danger and abandonment of one's own victim, particularly on maritime incidents in the country's territorial waters and exclusive economic zone, and institutionalizing policies protecting fishing vessels and smaller boats against being victims of collisions with large foreign vessels;

NOW, THEREFORE, BE IT RESOLVED AS IT IS HEREBY RESOLVED, that the House of Representatives conduct an inquiry on collision between M/V Vienna Wood N and F/V Liberty 5 and on the subsequent abandonment of the 14 fish worker victims in open seas, in aid of legislation for the protection of Filipino fishermen and fish workers in the country against ramming by foreign vessels sailing in the country's territorial waters and exclusive economic zone.
Adopted,

REP. EOFEMIA C. CULLAMAT
Bayan Muna Partylist

REP. CARLOS ISAGANI T. ZARATE
Bayan Muna Partylist

REP. ARLENE D. BROSAS
Gabriela Women’s Party

REP. SARAH JANE I. ELAGO
Kabataan Partylist

REP. FERDINAND R. GAITE
Bayan Muna Partylist

REP. FRANCE L. CASTRO
ACT Teachers Partylist