

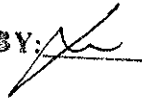
FIFTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



11 MAR 10 AIO :26

SENATE

S. No. 2738

RECEIVED BY: 

Introduced by Antonio "Sonny" F. Trillanes IV

EXPLANATORY NOTE

In 2007, this representation primarily authored in the Senate a proposed measure entitled "An Act Defining the Archipelagic Baselines of the Philippine Archipelago, Amending for the Purpose Republic Act No. 3046, as Amended by Republic Act No. 5446" or SBN 1467. It was eventually substituted by SBN-2699 and became Republic Act No. 9522 on 10 March 2009.

RA No. 9522 amended the provisions of RA 3046, as amended by RA No. 5446, and effectively defined the archipelagic baselines of the Philippines thereby delineating the boundaries of the Philippine archipelago. It runs consistent with the provisions in Article 46 of the United Nations Convention on the Law of the Sea (UNCLOS).

The UNCLOS, which entered into force on November 14, 1994, recognizes that "an archipelagic state is a group of islands including parts of islands, interconnecting waters and other natural features which are so closely interrelated that such islands, waters and other natural features form an intrinsic geographical, economic and political entity, or which historically have been regarded as such". Likewise, under the UNCLOS, an archipelagic state is allowed to draw straight baselines joining the outermost points of the outer islands and drying reefs.

Though RA No. 9522 provided the delineation of the archipelagic baselines of the Philippines, it failed, on the other hand, to provide and establish the archipelagic sea lanes of the Philippines as espoused in Article 53 of the UNCLOS. This proposed measure, therefore, seeks to establish archipelagic sea lanes in the Philippine archipelagic waters, prescribing the rights and obligation of foreign ships and aircraft exercising the right of archipelagic sea lanes passage through the established archipelagic sea lanes and providing for the associated measures therein.

In view of the foregoing reasons, the immediate passage of this bill is urgently sought.

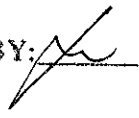
ANTONIO "SONNY" F. TRILLANES IV
Senator



FIFTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

11 MAR 10 AIO :26

SENATE

RECEIVED BY: 

S. No. 2738

Introduced by Introduced by Antonio "Sonny" F. Trillanes IV

AN ACT

TO ESTABLISH THE ARCHIPELAGIC SEA LANES IN THE PHILIPPINE ARCHIPELAGIC WATERS, PRESCRIBING THE RIGHTS AND OBLIGATIONS OF FOREIGN SHIPS AND AIRCRAFT EXERCISING THE RIGHT OF ARCHIPELAGIC SEA LANES PASSAGE THROUGH THE ESTABLISHED ARCHIPELAGIC SEA LANES AND PROVIDING FOR THE ASSOCIATED PROTECTIVE MEASURES THEREIN

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

GENERAL PROVISIONS

SECTION 1. *Title.* – This Act shall be known as “*The Philippine Archipelagic Sea Lanes Act.*”

CHAPTER II

RIGHTS AND OBLIGATIONS OF FOREIGN SHIPS AND AIRCRAFT WHEN EXERCISING THE RIGHT OF ARCHIPELAGIC SEA LANES PASSAGE

SEC. 2. Foreign ships and aircraft may exercise the right of archipelagic sea lanes passage in accordance with the provisions of the United Nations Convention on the Law of the Sea (UNCLOS) in order to sail or fly from one part of the high seas or an exclusive economic zone through or over the Philippine territorial sea and its archipelagic waters.

SEC. 3. The exercise of the right of archipelagic sea lanes passage as described in Section 2 shall be through a sea lane, or through the air above a sea lane, which has been determined to be an archipelagic sea lanes passage as described in Section 11.

SEC. 4. a) Foreign ships and aircraft exercising the right of archipelagic sea lanes passage must pass through or above the archipelagic sea lane as quickly as possible in the normal mode solely for the purpose of continuous, expeditious and unobstructed transit.

b) Foreign ships and aircraft that are conducting archipelagic sea lanes passage must not deviate more than twenty five (25) nautical miles to either side of the axis line of the sea

1 lane, provided that such ships and aircraft must not navigate closer to the coast than ten percent
2 (10%) of the distance between the nearest points on islands bordering the sea lane.

3 c) Foreign ships and aircraft, while exercising the right of archipelagic sea lanes
4 passage, must refrain from any threat or use of force against the sovereignty, territorial integrity,
5 or political independence of the Republic of the Philippines, or in any other manner in violation
6 of the principles of international law embodied in the Charter of the United Nations.

7 d) Foreign military aircraft and warships, while exercising the right of archipelagic
8 sea lanes passage, must refrain from any war game exercises or exercises using any type of
9 weapons whatsoever and ammunitions.

10 e) With the exception of a situation of force majeure or in the event of a disaster,
11 aircraft exercising the right of archipelagic sea lanes passage must refrain from landing in
12 Philippine territory.

13 f) All foreign ships exercising the right of archipelagic sea lanes passage must
14 refrain from stopping, dropping anchor or loitering, with the exception of a situation of force
15 majeure or in the event of a disaster or in order to render assistance to a person or persons or a
16 ship or ships experiencing a disaster.

17 g) Foreign ships or aircraft exercising the right of archipelagic sea lanes passage
18 must refrain from making covert transmissions, interfering with telecommunications systems,
19 and communicating directly with an unauthorized person or group of persons in Philippine
20 territory.

21
22 **Sec. 5.** Foreign ships or aircraft, including research or hydrographic survey ships of
23 aircraft, while exercising the right of archipelagic sea lanes passage, must refrain from
24 conducting oceanographic research or hydrographic surveys, whether with the use of detection
25 equipment or sample gathering equipment, unless they have obtained permission to do so.

26
27 **Sec. 6. a)** Foreign ships, including fishing ships, while exercising the right of
28 archipelagic sea lanes passage, must refrain from conducting fishing operations.

29 b) Foreign fishing ships, while exercising the right of archipelagic sea lanes passage,
30 besides fulfilling their obligations under paragraph (a), must stow all their fishing equipment
31 within the hold.

32 c) Foreign ships and aircraft, while exercising the right of archipelagic sea lanes
33 passage, must not load to a ship or unload from a ship persons, goods or currency in a manner
34 that contravenes the laws and regulations concerning customs, immigration, fiscal matters and
35 health, except when in a situation of force majeure or in the event of a disaster.

1 **SEC. 7. a)** Foreign ships, while exercising the right of archipelagic sea lanes passage,
2 must comply with the generally accepted international regulations, procedures and practices
3 concerning shipping safety, including regulations relating to the prevention of collisions at sea.

4 b) Foreign ships, while exercising the right of archipelagic sea lanes passage in a sea
5 lane where a traffic separation scheme has been established for the regulation of shipping safety,
6 must comply with the provisions of the traffic separation scheme.

7 c) Foreign ships, while exercising the right of archipelagic sea lanes passage, must
8 not cause disturbance or damage to navigational facilities or submarine cables or pipes.

9 d) Foreign ships, while exercising the right of archipelagic sea lanes passage in a sea
10 lane where there are installations for the exploration or exploitation of living or non-living
11 natural resources, must not sail too close to the prohibited zone, which is determined to be of a
12 width of five hundred (500) meters around such an installation.

13
14 **SEC. 8. a)** Foreign civil aircraft exercising the right of archipelagic sea lanes passage
15 must:

16 (1) observe the Rules of the Air established by the International Civil Aviation
17 Organization concerning flight safety;

18 (2) at all times monitor the radio frequency assigned by the competent internationally
19 designated air traffic control authority or the appropriate international distress radio
20 frequency.

21 b) Foreign national aircraft exercising the right of archipelagic sea lanes passage
22 must:

23 (1) respect the regulations concerning flight safety as detailed in paragraph (a);

24 (2) fulfill their obligations as detailed in paragraph (b) 2.

25
26 **SEC. 9. a)** Foreign ships exercising the right of archipelagic sea lanes passage must
27 refrain from expelling oil, oily wastes or other noxious substances into the marine environment,
28 or conducting other activities in contravention of international regulations and standards for the
29 prevention, reduction and control of marine pollution that originates from ships.

30 b) Foreign ships exercising the right of archipelagic sea lanes must refrain from
31 dumping waste in Philippine waters.

32
33 **SEC. 10. a)** The person or legal body responsible for the operation or cargo of foreign
34 commercial ships or aircraft or foreign government ships or aircraft operated for commercial
35 purposes shall be liable for any loss or damage suffered by the Philippines as a result of non-
36 compliance with any of the provisions of Sections 7, 8 and 9 while exercising the right of
37 archipelagic sea lanes passage in Philippine waters.

1 Regulations within areas along the archipelagic sea lanes shall be promulgated separately
2 through an Executive Issuance.

3
4 **CHAPTER IV**
5 **OTHER PROVISIONS**
6

7 **Sec. 14.** The provisions of this Act do not reduce the rights of foreign ships to exercise
8 the right of innocent passage in archipelagic sea lanes.

9
10 **Sec. 15.** All laws inconsistent with or contrary to the provisions of this Act are deemed
11 amended, modified or repealed accordingly.

12
13 **Sec. 16.** If any portion or provision of this Act is declared unconstitutional or invalid, the
14 other portions or provisions hereof which are not affected thereby shall continue to be in full
15 force and effect.

16
17 **Sec. 17.** This Act shall take effect fifteen days following its publication in the Official
18 Gazette or in any two newspapers of general circulation.

Approved,

ANNEX I
Philippine Archipelagic Sea Lanes Act

TABLE OF GEOGRAPHIC COORDINATES CONNECTING POINTS FOR THE AXIS OF ARCHIPELAGIC SEA LANE I: PHILIPPINE SEA – BALINTANG CHANNEL – SOUTH CHINA SEA

(Reference Chart/s: Publisher, Chart number, date and scale, points reflected on chart)

Reference Chart: NAMRIA Chart No. 4705, 3rd Edition, March 2009, Scale 1:800,000, WGS-84 Datum

Description of the archipelagic sea lane

The axis line connects the following geographic positions in WGS-84 Datum:

(I-1) 20°15'30" N; 122°19'30" E

(I-2) 19°18'00" N; 121°02'06" E

Notes for the use of this archipelagic sea lane

- (a) Geographic positions (I-1) to (I-2) define the axis line from the Philippine Sea to South China Sea through the Balintang Channel.

ANNEX II
Philippine Archipelagic Sea Lanes Act

TABLE OF GEOGRAPHIC COORDINATES CONNECTING POINTS FOR THE AXIS OF ARCHIPELAGIC SEA LANE II: PHILIPPINE SEA – SURIGAO STRAIT – BOHOL SEA – SULU SEA – NASUBATA CHANNEL – BALABAC STRAIT – SOUTH CHINA SEA

(Reference Chart/s: Publisher, Chart number, date and scale, points reflected on chart)

Reference Charts: NAMRIA Chart No. 4707, 1st Edition, Dec 28/60, Corrected to NM (9) 2002, Scale 1:800,000, Luzon Datum

NAMRIA Chart No. 4708, 1st Edition, Mar 1958, Corrected to NM (7) 2002, Scale 1:809,000, Luzon Datum

Description of the archipelagic sea lane

The axis line connects the following geographic positions in WGS-84 Datum:

(II-1) 10°32'26" N; 126°13'11" E

(II-2) 10°32'26" N; 125°22'35" E

(II-3) 09°51'25" N; 125°21'35" E

(II-4) 08°56'43" N; 123°46'35" E

(II-5) 07°56'56" N; 117°11'51" E

(II-6) 07°31'56" N; 117°00'06" E

Notes for the use of this archipelagic sea lane

- (a) Geographic positions (II-1) to (II-3) define the axis line from Philippine Sea to the Surigao Strait.
- (b) Geographic positions (II-3) to (II-5) define the axis line from Surigao Strait through the Bohol Sea and Sulu Sea into the Nasubata Channel
- (c) Geographic positions (II-5) to (II-6) define the axis line from Nasubata Channel through Balabac Strait to the South China Sea

ANNEX III
Philippine Archipelagic Sea Lanes Act

TABLE OF GEOGRAPHIC COORDINATES CONNECTING POINTS FOR THE AXIS OF ARCHIPELAGIC SEA LANE III: CELEBES SEA – BASILAN STRAIT – SULU SEA – MINDORO STRAIT – SOUTH CHINA SEA

(Reference Chart/s: Publisher, Chart number, date and scale, points reflected on chart)

Reference Charts: NAMRIA Chart No. 4706, Revised 06-22-87, Corrected to NM(11)2002, Scale 1:800,000, WGS-84 Datum

NAMRIA Chart No. 4708, 1st Edition, Mar 1958, Corrected to NM(7)2002, Scale 1:809,000, Luzon Datum

Description of the archipelagic sea lane

The axis line connects the following geographic positions in WGS-84 Datum:

(III-1) 06°06'55" N; 123°07'04" E

(III-2) 06°41'55" N; 122°20'34" E

(III-3) 06°47'55" N; 122°17'34" E

(III-4) 06°47'55" N; 122°05'04" E

(III-5) 06°50'55" N; 121°54'34" E

(III-6) 06°56'55" N; 121°47'25" E

(III-7) 10°27'00" N; 121°47'21" E

(III-8) 14°07'00" N; 119°47'18" E

Notes for the use of this archipelagic sea lane

- (a) Geographic positions (III-1) to (III-2) define the axis line from Celebes Sea to the Basilan Strait
- (b) Geographic positions (III-2) to (III-6) define the axis line through the Basilan Strait into the Sulu Sea
- (c) Geographic positions (III-6) to (III-7) define the axis line through East Sulu Sea
- (d) Geographic positions (III-7) to (III-8) define the axis line through Mindoro Strait to the South China Sea

