

SIXTEENTH CONGRESS OF THE REPUBLIC }
OF THE PHILIPPINES }
Second Regular Session }

Seal of the Office of the Secretary

'15 JUN -9 P2:54

SENATE

RECEIVED BY: 

COMMITTEE REPORT NO. 180

Submitted by the Committee on Foreign Relations on JUN 09 2015.

Re : S. No. **2838**, prepared by the Committee

Recommending its approval in substitution of Senate Bill No. 159.

Sponsor : Senator Angara

MR. PRESIDENT:

The Committee on Foreign Relations, to which was referred **S. No. 159** introduced by Sen. Antonio "Sonny" F. Trillanes IV, entitled:

"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 PROTECTED MEASURES THEREIN"**

Taking into consideration House Bill No. 5487, introduced by Representatives Bichara, Acedillo, Biazon, Zubiri, Rodriguez (R.), Yap (S.), Señeres, Roman, Rodriguez (O.), Caminero, Arnaiz, Bataoil, Angping, Oaminal, Bello (W.), Cortuna, Pancho, Batocabe, Garcia (G.), Magsaysay, Belmonte (F.), Padilla, Dela Cruz and Primicias-Agabas, entitled:

"AN ACT

**PROVIDING FOR THE ESTABLISHMENT OF 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”**

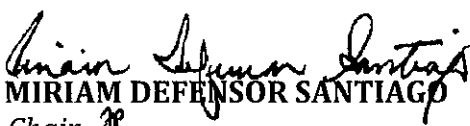
has considered the same and has the honor to report these bills back to the Senate with
the recommendation that the attached bill, S. No. 2838, entitled:

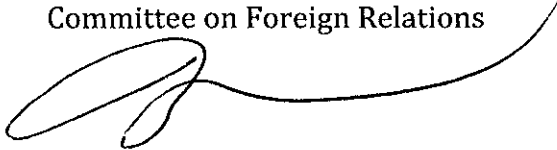
“AN ACT


**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 PROTECTED MEASURES THEREIN”**

be approved in substitution of S. No. 159 with Senators Trillanes IV, Angara and
Defensor Santiago as authors thereof.

Respectfully submitted:


MIRIAM DEFENSOR SANTIAGO
Chair
Committee on Foreign Relations


SONNY ANGARA
Chair
Subcommittee on Archipelagic Sea Lanes and
Maritime Zones



FERDINAND R. MARCOS JR.

Vice-Chair

Members:




AQUILINO "KOKO" L. PIMENTEL III

CYNTHIA A. VILLAR

PIA S. CAYETANO

TEOFISTO L. GUINGONA III



LOREN LEGARDA

MANUEL "LITO" M. LAPID

RAMON BONG REVILLA JR.

ANTONIO "SONNY" F. TRILLANES IV

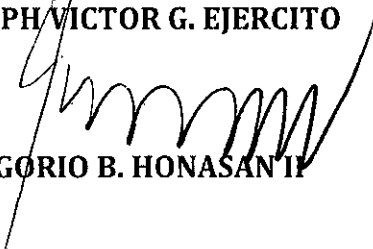


MARIA LOURDES NANCY S. BINAY



JOSEPH VICTOR G. EJERCITO

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GREGORIO B. HONASAN II

Ex-Officio Members:



RALPH G. RECTO
President Pro-Tempore

ALAN PETER S. CAYETANO
Majority Leader

JUAN PONCE ENRILE
Minority Leader




VICENTE C. SOTTO III
Acting Minority Leader

FRANKLIN M. DRILON
President

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SENATE

S. No. 2838

RECEIVED BY: 

Prepared by the Committee on Foreign Relations with Senators Trillanes IV, Angara
and Defensor Santiago as authors

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 PROTECTED MEASURES
THEREIN

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

I. GENERAL PROVISIONS

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SECTION 1. Short Title. - This Act shall be known as the "Philippine Archipelagic Sea Lanes Act".

SEC. 2. State Policy. - The State in the exercise of its duty to protect its maritime domain shall implement and adhere to the provisions of the 1982 United Nations Convention on the Law of the Sea (UNCLOS) and relevant international conventions to which the Philippines is a party.

SEC. 3. Definition of Terms. - As used in this Act, the following terms are defined in accordance with the UNCLOS:

(a) Archipelagic sea lane shall refer to the designated sea lanes and air routes in the archipelagic waters through which foreign vessels or aircraft may exercise the right of archipelagic sea lanes passage;

1 **(b) Archipelagic sea lane passage** shall refer to the exercise, in
2 accordance with the UNCLOS, of the rights of navigation and overflight in the normal
3 mode solely for the purpose of continuous, expeditious and unobstructed transit
4 between one part of the high seas or an exclusive economic zone (EEZ) and another
5 part of the high seas or an EEZ;

6
7 **(c) Archipelagic waters** shall refer to the waters on the landward side of
8 the archipelagic baselines except as defined as Internal Waters;

9
10 **(d) Associated protective measure** shall refer to measure that a coastal
11 State may adopt to regulate international maritime activities for the protection of the
12 area at risk;

13
14 **(e) Hydrographic survey** shall refer to a survey measuring and describing
15 the physical features of the navigable portion of the earth's surface (seas) and
16 adjoining coastal areas, with special reference to their use for navigation;

17
18 **(f) Oceanographic survey** shall refer to a study or examination of any
19 physical, chemical, biological, geological or geophysical condition in the ocean, or
20 any part of it;

21
22 **(g) Right of innocent passage** shall refer to the right of foreign vessels to
23 navigate through the territorial seas of all States for the purpose of continuous and
24 expeditious travel or for proceeding to or from internal waters. The passage is
25 innocent when it is not prejudicial to the peace, good order or security of the coastal
26 State; and

27
28 **(h) Territorial sea** shall refer to the belt of sea measured twelve (12)
29 nautical miles from the baselines or from the low-water line, as the case may be.

30
31 **II. RIGHTS AND OBLIGATIONS OF FOREIGN SHIPS AND AIRCRAFTS**
32 **WHEN EXERCISING THE RIGHT OF ARCHIPELAGIC SEA LANES**
33 **PASSAGE**

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35 **SEC. 4. Right of Archipelagic Sea Lanes Passage of Foreign Ships and**
36 **Aircrafts.** - Foreign ships and aircraft may exercise the right of archipelagic sea

1 lanes passage in accordance with the provisions of UNCLOS in order to navigate or
2 fly from one part of the high seas or an EEZ to another part of the high seas or an
3 EEZ through or over the Philippine archipelagic waters and its adjacent territorial
4 sea. Such sea lanes shall be defined by a series of continuous axis lines from the
5 entry points of passage routes to the exit points.

6
7 The exercise of the right of archipelagic sea lanes passage shall be through a
8 sea lane, or through the air above a sea lane, which has been determined to be an
9 archipelagic sea lane that may be used for exercising the right of archipelagic sea
10 lanes passage as described in Section 12 hereof.

11
12 **SEC. 5. Obligations of Foreign Ships and Aircrafts When Exercising the**
13 **Right of Archipelagic Sea Lanes Passage.** - (a) Foreign ships and aircraft
14 exercising the right of archipelagic sea lanes passage shall pass through or above
15 the archipelagic sea lane as quickly as possible without delay and in the normal
16 mode solely for the purpose of continuous, expeditious and unobstructed transit.

17
18 (b) Foreign ships and aircrafts that are conducting archipelagic sea lanes
19 passage shall not deviate more than twenty-five (25) nautical miles to either side of
20 the axis line of the sea lane: *Provided*, That such ships and aircraft shall not navigate
21 closer to the coast more than ten percent (10%) of the distance between the nearest
22 points on islands bordering the sea lane.

23
24 (c) Foreign ships and aircrafts, while exercising the right of archipelagic sea
25 lanes passage, shall refrain from any threat or use of force against the sovereignty,
26 territorial integrity, or political independence of the Republic of the Philippines, or in
27 any other manner in violation of the principles of international law embodied in the
28 Charter of the United Nations.

29
30 (d) Foreign ships and aircrafts, including military aircraft and warships, while
31 exercising the right of archipelagic sea lanes passage, shall refrain from any war
32 game exercises or exercises using any type of weapons, especially involving the use
33 of ordnance.

1 (e) Except when rendered necessary by *force majeure* or by distress, an
2 aircraft exercising the right of archipelagic sea lanes passage shall not land in
3 Philippine territory.

4
5 (f) All foreign ships exercising the right of archipelagic sea lanes passage
6 shall refrain from stopping, dropping anchor or loitering, except when rendered
7 necessary by *force majeure* or by distress in order to render assistance to a person
8 or persons or a ship or ships experiencing distress.

9
10 (g) Foreign ships or aircrafts exercising the right of archipelagic sea lanes
11 passage shall refrain from making covert transmissions, interfering with
12 telecommunications systems, and communicating directly with an unauthorized
13 person or group of persons in Philippine territory.

14
15 **SEC. 6. Permit to Conduct Oceanographic or Hydrographic Surveys. -**

16 Foreign ships or aircraft, including research or hydrographic survey ships of aircraft,
17 while exercising the right of archipelagic sea lanes passage, shall not conduct
18 oceanographic or hydrographic surveys, whether with the use of detection
19 equipment or sample gathering equipment, unless they have obtained prior
20 permission to do so from the appropriate agency of the Government of the Republic
21 of the Philippines.

22
23 **SEC. 7. Prohibition of Fishing, Loading, Unloading of Persons, Goods or**
24 **Currency. -** (a) Foreign ships, including fishing vessels, while exercising the right of
25 archipelagic sea lanes passage, shall not conduct any fishing operation or
26 exploitation of marine resources of the Philippines.

27
28 (b) Foreign fishing vessels, while exercising the right of archipelagic sea lanes
29 passage, besides fulfilling their obligations under paragraph (a), shall stow all fishing
30 equipment within the hold.

31
32 (c) Foreign ships and aircrafts, while exercising the right of archipelagic sea
33 lanes passage, shall not load to a ship or unload from a ship persons, goods or
34 currency in a manner that contravenes the laws and regulations concerning customs,
35 immigration, fiscal matters and health, except when rendered necessary by *force*
36 *majeure* or by distress.

1
2 **SEC. 8. Compliance with Navigational Regulations, Procedures, and**
3 **Traffic Scheme.** - (a) Foreign ships, while exercising the right of archipelagic sea
4 lanes passage, shall comply with the generally accepted international regulations,
5 procedures and practices concerning safety of navigation, including regulations
6 relating to the prevention of collisions at sea.

7
8 (b) Foreign ships, while exercising the right of archipelagic sea lanes
9 passage in a sea lane where a traffic separation scheme has been established for
10 the regulation of navigation, shall comply with the provisions of the traffic separation
11 scheme.

12
13 (c) Foreign ships, while exercising the right of archipelagic sea lanes passage,
14 shall not cause disturbance or damage to navigational facilities or submarine cables
15 or pipes.

16
17 (d) Foreign ships, while exercising the right of archipelagic sea lanes
18 passage, shall not sail too close to prohibited zones as determined by concerned
19 agencies.

20
21 **SEC. 9. Obligations of Foreign Civil Aircrafts.** - (a) Foreign civil aircrafts
22 exercising the right of archipelagic sea lanes passage shall:

23 (1) observe the Rules of the Air established by the International Civil
24 Aviation Organization (ICAO); and

25
26 (2) monitor the radio frequency assigned by the competent internationally
27 designated air traffic control authority or the appropriate international
28 distress radio frequency at all times.

29
30 (b) Foreign national aircrafts exercising the right of archipelagic sea lanes
31 passage shall:

32 (1) respect the regulations concerning flight safety as detailed in Section
33 9(a) hereof and at all times operate with due regard for the safety of
34 navigation; and

35
36 (2) fulfill their obligations as detailed in Section 9(a)(2) hereof.

1
2 **SEC. 10. Prevention of Marine Pollution and Nuclear Weapons.** - (a)

3 Foreign ships exercising the right of archipelagic sea lanes passage shall not expel
4 oil, oily wastes or other noxious substances into the marine environment, or conduct
5 other activities in contravention of international regulations and standards for the
6 prevention, reduction and control of marine pollution that originates from ships.

7
8 (b) Foreign ships while exercising the right of archipelagic sea lanes passage
9 shall not dump waste in Philippine waters.

10
11 (c) Consistent with the national interest, the exercise of the right of
12 archipelagic sea lanes passage by all foreign ships must be consistent with the
13 constitutional mandate of freedom from nuclear weapons in Philippine territory.

14
15 **SEC. 11. Liability for Damage.** - (a) The person or legal body responsible for
16 the operation or cargo of foreign commercial ships or aircraft or foreign government
17 ships or aircraft operated for commercial purposes shall be liable for any loss or
18 damage suffered by the Philippines or any third party as a result of noncompliance
19 with any of the provisions of this Act while exercising the right of archipelagic sea
20 lanes passage.

21
22 (b) The flag State shall bear international responsibility for any loss or damage
23 suffered by the Philippines or any third party as a result of noncompliance with any of
24 the provisions of this Act by a foreign warship or aircraft or other government ship
25 operated for noncommercial purposes while exercising the right of archipelagic sea
26 lanes passage in Philippine waters.

27
28 **III. THE PRESIDENT OF THE REPUBLIC OF THE PHILIPPINES TO**
29 **DESIGNATE THE ARCHIPELAGIC SEA LANES FOR THE RIGHT OF**
30 **ARCHIPELAGIC SEA LANES PASSAGE AND TO INSTITUTE THE**
31 **ASSOCIATED PROTECTIVE MEASURES THERETO**

32
33 **SEC. 12. Designation by the President of Archipelagic Sea Lanes.** - In
34 pursuit of Philippine National Policy, the President shall promulgate through
35 Executive Issuance the archipelagic sea lanes which may be used for the right of

1 archipelagic sea lanes passage and the rules and regulations relating to Associated
2 Protective Measures to be prescribed, within areas along the archipelagic sea lanes
3 in accordance with the International Maritime Organization (IMO) Conventions and
4 Regulations and other relevant international agreements.

5 6 **IV. FINAL PROVISIONS**

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8 **SEC. 13. Right of Innocent Passage.** - The provisions of this Act shall not
9 diminish the rights of foreign ships to exercise the right of innocent passage in
10 archipelagic sea lanes.

11
12 **SEC. 14. National Coast Watch System (NCWS).** – The NCWS, created by
13 virtue of Executive Order 57, series of 2011, under the control and supervision of the
14 Office of the President, shall serve as the authority to institute coordinating
15 mechanisms for the implementation of this Act and shall continue to operate in
16 accordance with its present organizational structure.

17
18 In addition to its powers, functions, and duties, the National Coast Watch
19 Council (NCWC) shall provide technical and advisory support to the President in
20 designating the archipelagic sea lanes. Further, the National Coast Watch Center
21 (NCW Center) shall establish, monitor, and implement Associated Protective
22 Measures for the designated archipelagic sea lanes.

23
24 **SEC. 15. Separability Clause.** - If any portion or provision of this Act is
25 declared unconstitutional or invalid, the other portions or provisions hereof which are
26 not affected thereby shall continue to be in full force and effect.

27
28 **SEC. 16. Repealing Clause.** - All laws inconsistent with or contrary to the
29 provisions of this Act are deemed amended, modified or repealed accordingly.

30
31 **SEC. 17. Effectivity.** - This Act shall take effect fifteen (15) days after its
32 publication in the *Official Gazette* or in two (2) newspapers of general circulation.

Approved,