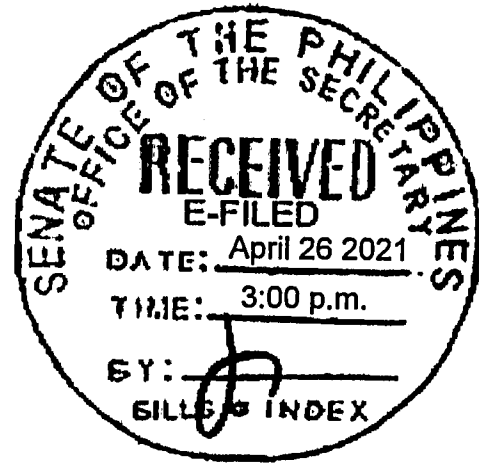


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)



SENATE

P.S. Res. No. 708

Introduced by Senators Franklin M. Drilon, Ralph G. Recto, Maria Lourdes Nancy S. Binay, Leila M. De Lima, Richard J. Gordon, Risa Hontiveros, Manuel "Lito" M. Lapid, Francis "Kiko" Pangilinan, Grace Poe, Ramon "Bong" Revilla, Jr., Joel Villanueva

RESOLUTION

CONDEMNING THE ILLEGAL ACTIVITIES OF THE PEOPLE'S REPUBLIC OF CHINA IN THE EXCLUSIVE ECONOMIC ZONE OF THE PHILIPPINES AND OTHER PARTS OF THE WEST PHILIPPINE SEA, IN VIOLATION OF THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA AND THE 2016 AWARD BY THE PERMANENT COURT OF ARBITRATION IN FAVOR OF THE PHILIPPINES

1 WHEREAS, on 12 July 2016, the Permanent Court of Arbitration (PCA) in the
2 Hague rendered a landmark Award that rejected the People's Republic of China's
3 expansive claims to historic, sovereign rights, and jurisdiction over the resources and
4 area covered by its Nine Dash Line that encompasses almost the entirety of the South
5 China Sea and encroaches on the maritime entitlements of other coastal states,
6 including the exclusive economic zone (EEZ) and extended continental shelf (ECS) of
7 the Republic of the Philippines, as being incompatible with the provisions of the United
8 Nations Convention on the Law of the Sea (UNCLOS);

9 WHEREAS, despite the PCA Award, China continues to assert its claim over and
10 build its presence in the Philippines' EEZ and ECS with its most recent incursion
11 reported on 20 March 2021, when the National Task Force for the West Philippine Sea
12 (NTF-WPS) reported the presence of a fleet of two hundred twenty (220) vessels,
13 believed to belong to the People's Liberation Army Navy, which were moored at the
14 Julian Felipe Reef in the Kalayaan Group of Islands in Palawan and various parts of the
15 Philippine EEZ in the West Philippine Sea;

16 WHEREAS, the Department of Foreign Affairs (DFA), through Secretary Teodoro
17 Locsin, Jr., has lodged a series of diplomatic protests over the continued presence of
18 the Chinese ships within the Philippine EEZ, demanding that "China promptly withdraw

1 its fishing vessels and maritime vessels in the vicinity and adjacent waters of relevant
2 features in the Kalayaan Group of Islands in the West Philippine Sea, and to direct its
3 fishing vessels to desist from environmentally destructive activities," further stating
4 that the "lingering presence and activities of Chinese vessels in the Philippine maritime
5 zones blatantly infringe upon Philippine sovereignty, sovereign rights, and jurisdiction";

6 WHEREAS, the Chinese embassy in Manila, while saying that the vessels are not
7 militia ships but fishing vessels merely taking shelter in the reef due to rough sea
8 conditions, asserted that Julian Felipe Reef which it calls *Niue Jiao*, is part of Nansha
9 Islands belonging to China and has been a "traditional fishing ground for Chinese
10 fishermen for many years";

11 WHEREAS, Department of National Defense Secretary Delfin Lorenzana publicly
12 cast doubt on the claim that the large number of Chinese vessels were fishing boats
13 seeking refuge from inclement weather, countering that the area is in open sea and
14 not conducive to shelter, further asserting that the Chinese vessels should promptly
15 leave, there being no reason for them to stay as the weather has been good;

16 WHEREAS, during the Commission on Appointments hearing on 24 March 2021,
17 Armed Forces of the Philippines Chief of Staff Cirilito Sobejana confirmed that based
18 on aerial photos, the vessels were in "phalanx" – a military formation used during
19 battle;

20 WHEREAS, notwithstanding the diplomatic protests filed and the strong public
21 statements made by Secretaries Locsin and Lorenzana, the sovereignty patrols
22 conducted by the NTF-WPS on 11 April 2021 revealed that an estimated two hundred
23 forty (240) vessels continue to linger in the Philippine EEZ, with one hundred thirty six
24 (136) Chinese vessels spotted at Burgos Reef, and various other vessels in the Ayungin
25 Shoal, Mischief, Chigua, Panganiban, and Zamora Reefs, Pag-Asa, Likas, and Kota
26 Islands, along with two Houbei class missile warships at Panganiban Reef, one
27 corvette-class warship at Kagitingan Reef, one navy tugboat at Zamora Reef, Chinese
28 Coast Guard vessels in Pag-Asa Islands, and Chinese maritime militia vessels in Bajo
29 De Masinloc (Scarborough Shoal);

30 WHEREAS, on 12 April 2021, the Department of Foreign Affairs summoned
31 Chinese Ambassador to the Philippines Huang Xilian to "express displeasure over the
32 illegal lingering presence of Chinese vessels in the Julian Felipe Reef," reiterating that

1 the same lies within the EEZ of the Philippines and that the continuing presence of
2 Chinese vessels therein is a "source of regional tension";

3 WHEREAS, China's actions in the West Philippine Sea and in the whole of South
4 China Sea are the very kind of conduct which the establishment of UNCLOS sought to
5 prevent and is in the nature of what Ambassador Arvid Pardo, considered the Father
6 of the Law of the Sea, has warned against when he urged the United Nations to take
7 action and advocated for a regime that would govern our oceans and seas, saying that
8 "considerations of security and defense impel the major powers to appropriate areas
9 of the ocean floor for their own exclusive use";

10 WHEREAS, the UNCLOS serves as the Constitution for the oceans and is an
11 international treaty codifying customary international law, which does not regard the
12 display of military might or strength as a valid means for appropriating or claiming
13 maritime areas and resources, the same having been ascribed to coastal states based
14 only on an established legal framework which was agreed upon when the Convention
15 was adopted on December 1982, entered into force in November 1994, and ratified by
16 One Hundred Sixty-Seven (167) States and the European Union;

17 WHEREAS, under Articles 56 and 57 of the UNCLOS, the exclusive economic
18 zone measures 200 nautical miles from the baselines of the coastal state, over which
19 the latter has "sovereign rights for the purpose of exploring, exploiting, conserving,
20 and managing the natural resources, whether living or non-living" and has jurisdiction
21 "with regard to the establishment and use of artificial islands, installations, and
22 structures", and as to those exclusive economic zones, other States "shall have due
23 regard to the rights and duties of the coastal state and shall comply with the laws and
24 regulations adopted by the coastal states," pursuant to Article 58 (3) of the UNCLOS;

25 WHEREAS, under Article 77 of the UNCLOS, the coastal State exercises
26 "sovereign rights over its continental shelf for the purpose of exploring and exploiting
27 its natural resources," to the exclusion of other States;

28 WHEREAS, under Article II, Section 7 of the Constitution, "The State shall
29 pursue an independent foreign policy. In its relations with other states, the paramount
30 consideration shall be national sovereignty, territorial integrity, national interest, and
31 the right to self-determination";

1 WHEREAS, Article XII, Section 2, paragraph 2 of the Constitution further
2 provides that "The State shall protect the nation's marine wealth in its archipelagic
3 waters, territorial sea, and exclusive economic zone, and reserve its use and enjoyment
4 exclusively to Filipino citizens."

5 WHEREAS, contrary to the cited provisions, China's Nine Dash Line Claim
6 "encroaches on 531,000 square kilometers of Philippine EEZ and ECS, including all the
7 oil, gas and mineral resources found in the vast area," as well as the Malampaya gas
8 field which supplies forty percent (40%) of Luzon's energy requirements, as explained
9 by Former Justice Antonio Carpio in his book entitled "South China Sea Dispute:
10 Philippine Sovereign Rights and Jurisdiction in the West Philippine Sea";

11 WHEREAS, since 1974, China has forcibly dislodged coastal states such as
12 Vietnam, Indonesia, Malaysia, and the Philippines from reefs and maritime features
13 within their jurisdiction, occupied various reefs within the region, including the
14 Philippine EEZ and ECS, in particular: seizing Kagitingan Reef in 1988 by "erecting a
15 radar structure and military facilities"; the Mischief Reef in 1995, by initially building
16 structures claimed to be shelters from fishermen; in 2014 and 2015, eventually
17 dredging the Mischief reef to make way for the creation of a 590-hectare artificial
18 island hosting an air-and-naval base; in 2011, preventing Philippine-commissioned
19 ships from undertaking oil and gas surveys in the Reed Bank; in 2012, "laying
20 sovereignty steel markers on the James Shoal and seizing Scarborough Shoal"; in
21 2013, "conducting air-sea military drills in the Bashi Channel between Taiwan and the
22 Philippines"; in 2020, began to operate two new research stations in the Kagitingan
23 and Zamora Reefs, with their research center base situated in the Panganiban Reef,
24 all located within the West Philippine Sea;

25 WHEREAS, the foregoing acts display a pattern which China has consistently
26 employed, leading to the creation of around twenty seven (27) major Chinese outposts
27 in the East and South China Seas, by first sending patrol boats disguised as fishing
28 boats and driving out vessels belonging to other coastal states, subsequently sending
29 dredgers that wreck fragile reefs to make way for foundations of rock and sand, and
30 finally constructing ports, roads, airstrips which are later manned by military personnel
31 equipped with sensors and weapons;

1 WHEREAS, the acts described are in clear violation of Article 60 of the UNCLOS
2 which states that "in the exclusive economic zone, the coastal State shall have the
3 exclusive right to construct and to authorize and regulate the construction, operation,
4 and use of artificial islands, installations and structures" and as such the reclamation
5 and construction undertaken by China within the Philippine EEZ are illegal, and no
6 legitimate claims may emanate from such illegally constructed artificial islands or
7 structures;

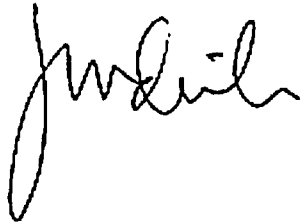
8 WHEREAS, while China's increasing dominance as regional and world power
9 cannot be denied, its open and serious contempt of the UNCLOS, as well as its
10 expansion of influence in the area at the expense of legitimate interests and legally-
11 recognized maritime entitlements of smaller nations like the Philippines, must be firmly
12 resisted and denounced and the 2016 PCA Award vigorously asserted;

13 WHEREAS, neither close diplomatic and political ties nor promise of donations,
14 aids or loans, whether they actually materialize or not, should be mistaken as
15 acceptance of China's creeping hegemony over our region and country, and no promise
16 of economic largesse often undelivered should soften our resolve against these illegal
17 and unwarranted incursions;


18 WHEREAS, China should not be allowed to rewrite or nullify the UNCLOS, which
19 was painstakingly negotiated and ratified by various States, as such blatant disregard
20 of established international law not only has serious ramifications on a rules-based
21 international order but likewise deprives Filipino fishermen of livelihood, prevents the
22 Philippines from fully taking advantage of the resources within its exclusive economic
23 zone, causes irreparable damage to the marine environment due to pollution and
24 destruction of coral reefs, and serves to militarize the South China Sea, thereby
25 threatening the peace and security in this region and the world: Now, therefore, be it

26 RESOLVED, That the Senate of the Philippines condemn in the strongest
27 possible terms the illegal activities of the People's Republic of China in the exclusive
28 economic zone of the Philippines and other parts of the West Philippine Sea, in violation
29 of the United Nations Convention on the Law of The Sea and the 2016 Award by the
30 Permanent Court of Arbitration in favor of the Philippines

31 *Adopted.*



FRANKLIN M. DRILON



RALPH G. RECTO



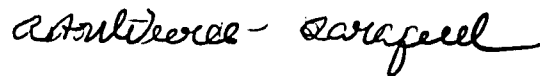
MARIA LOURDES NANCY S. BINAY



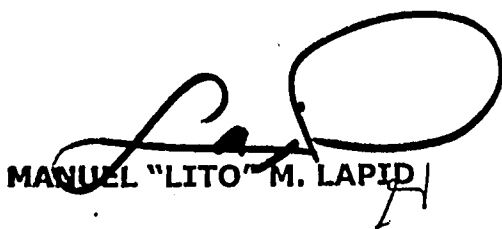
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FRANCIS "KIKO" RANGILINAN



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