

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



'22 JUL 13 A10 :11

SENATE
S. No. 462

RECEIVED BY

Introduced by SENATOR JINGGOY EJERCITO ESTRADA

**AN ACT
ESTABLISHING 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**

EXPLANATORY NOTE

Republic Act No. 3046 or "An Act to Define the Baselines of the Territorial Sea of the Philippines" was approved on June 17, 1961. It was amended by Republic Act No. 5446 which was approved on September 18, 1968. On March 10, 2009, Republic Act No. 9522 was approved to define the archipelagic baseline of the Philippines. The said laws are consistent with the United Nations Convention on the Law of the Sea.

However, these laws need to be complemented by two (2) more bills namely, the Maritime Zones Bill and the Archipelagic Sea Lanes Bill. Together, these bills affirms the sovereignty and jurisdiction of the country over all portions of the national territory.

The "*Philippine Archipelagic Sea Lanes Act*" identifies the rights and obligations of foreign ships and aircrafts that exercise the right of archipelagic sea lanes passage. It also mandates the President to designate the archipelagic sea lanes for the right of archipelagic sea lanes passage and to institute the associated measures thereto.

In view of the foregoing, the approval of this bill is earnestly sought.



JINGGOY EJERCITO ESTRADA

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

I. GENERAL PROVISIONS

1 Section 1. *Short Title.* – This Act shall be known as the "*Philippine Archipelagic*
2 *Sea Lanes Act.*"

3 Sec. 2. *Declaration of Policy.* – The State in the exercise of its duty to protect
4 its maritime domain shall implement and adhere to the provisions of the 1982 United
5 Nations Convention on the Law of the Sea (UNCLOS) and relevant international
6 conventions to which the Philippines is a party.

7 Sec. 3. *Definition of Terms.* – As used in this Act, the following terms are defined
8 in accordance with the UNCLOS:

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

12 b) *Archipelagic sea lane passage* – shall refer to the exercise, in accordance
13 with the UNCLOS, of the rights of navigation and overflight in the normal
14 mode solely for the purpose of continuous, expeditious and unobstructed

1 transit between one part of the high seas or an exclusive economic zone
2 (EEZ) and another part of the high seas or an EEZ;

3 c) *Archipelagic waters* – shall refer to the waters on the landward side of the
4 archipelagic baselines except as defined as Internal Waters;

5 d) *Associated protective measure* – shall refer to measure that a coastal State
6 may adopt to regulate international maritime activities for the protection of
7 the area at risk

8 e) *Hydrographic survey* – shall refer to a survey measuring and describing the
9 physical features of the navigable portion of the earth’s surface (seas) and
10 adjoining coastal areas, with special reference to their use for navigation;

11 f) *Oceanographic survey* – shall refer to a study or examination of any
12 physical, chemical, biological or geological or geophysical condition in the
13 ocean, or any part of it;

14 g) *Right of Innocent passage* – shall refer to the right of foreign vessels to
15 navigate through the territorial seas of all States for the purpose of
16 continuous and expeditious travel or for proceeding to or from internal
17 waters. The passage is innocent when it is not prejudicial to the peace, good
18 order or security of the coastal State; and

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

21 **II. RIGHTS AND OBLIGATIONS OF FOREIGN SHIPS AND AIRCRAFTS**
22 **WHEN EXERCISING THE RIGHT OF ARCHIPELAGIC SEA LANES**
23 **PASSAGE**

24 *Sec. 4. Right of Archipelagic Sea Lanes Passage of Foreign Ships and Aircrafts.*

25 – Foreign ships and aircraft may exercise the right of archipelagic sea lanes passage
26 in accordance with the provisions of the UNCLOS in order to navigate or fly from one
27 part of the high seas or an EEZ to another part of the high seas or an EEZ through or
28 over the Philippine archipelagic waters and its adjacent territorial sea. Such sea lanes
29 shall be defined by a series of continuous axis lines from the entry points of passage
30 routes to the exit points.

1 The exercise of the right of archipelagic sea lanes passages shall be through a
2 sea lane, or through the air above a sea lane, which has been determines to be an
3 archipelagic sea lane that may be used for exercising the right of archipelagic sea
4 lanes passage as described in Section 12 hereof.

5 *Sec. 5. Obligations of Foreign Ships and Aircrafts When Exercising the Right of*
6 *Archipelagic Sea Lanes Passage. –*

- 7 a) Foreign ships and aircraft exercising the right of archipelagic sea lanes
8 passage shall pass through or above the archipelagic sea lane as quickly as
9 possible without delay and in the normal mode solely for the purpose of
10 continuous, expeditious and unobstructed transit.
- 11 b) Foreign ships and aircrafts that are conducting archipelagic sea lanes
12 passage shall not deviate more than twenty-five (25) nautical miles to either
13 side of the axis line of the sea lane: Provided, That such ships and aircraft
14 shall not navigate closer to the coast more than ten percent (10%) of the
15 distance between the nearest points on islands bordering the sea lane.
- 16 c) Foreign ships and aircrafts, while exercising the right of archipelagic sea
17 lanes passage, shall refrain from any threat or use of force against the
18 sovereignty, territorial integrity, or political independence of the Republic of
19 the Philippines, or in any other manger in violation of the principles of
20 international law embodied in the Charter of the United Nations.
- 21 d) Foreign ships and aircrafts, including military aircraft and warships, while
22 exercising the right of archipelagic sea lanes passage, shall refrain from any
23 war game exercises using any type of weapons, especially involving the use
24 of ordnance.
- 25 e) Except when rendered necessary by force majeure or by distress, an aircraft
26 exercising the right of archipelagic sea lanes passage shall not land in
27 Philippine territory.
- 28 f) All foreign ships exercising the right of archipelagic sea lanes passage shall
29 refrain from stopping, dropping anchor or loitering, except when rendered
30 necessary by force majeure or by distress in order to render assistance to a
31 person or persons or a ship or ships experiencing distress.

1 g) Foreign ships or aircrafts exercising the right of archipelagic sea lanes
2 passage shall refrain from making covert transmissions, interfering with
3 telecommunications systems, and communicating directly with an
4 unauthorized person or group of persons in Philippine territory.

5 *Sec. 6. Permit to Conduct Oceanographic or Hydrographic Surveys.* – Foreign
6 ships or aircraft, including research or hydrographic survey ships or aircraft, while
7 exercising the right of archipelagic sea lanes passage, shall not conduct oceanographic
8 or hydrographic surveys, whether with the use of detection equipment or sample
9 gathering equipment, unless they have obtained prior permission to do so from the
10 appropriate agency of the Government of the Republic of the Philippines.

11 *Sec. 7. Prohibition of Fishing, Loading, Unloading of Persons, Goods or*
12 *Currency.* –

13 a) Foreign ships, including fishing vessels, while exercising the right of
14 archipelagic sea lanes passage, shall not conduct any fishing operation or
15 exploitation of marine resources of the Philippines.

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

19 c) Foreign ships and aircrafts, while exercising the right of archipelagic sea
20 lanes passage, shall not load to a ship or unload from a ship persons, goods
21 or currency in a manner that contravenes the laws and regulations
22 concerning customs, immigration, fiscal matters and health, except when
23 rendered necessary by force majeure or by distress.

24 *Sec. 8. Compliance with Navigational Regulations, Procedures, and Traffic*
25 *Scheme.* –

26 a) Foreign ships, while exercising the right of archipelagic sea lanes passage,
27 shall comply with the generally accepted international regulations,
28 procedures and practices concerning safety of navigation, including
29 regulations relating to the prevention of collisions at sea.

30 b) Foreign ships, while exercising the right of archipelagic sea lanes passage
31 in a sea lane where a traffic separation scheme has been established for the

1 regulation of navigation, shall comply with the provisions of the traffic
2 separation scheme.

- 3 c) Foreign ships, while exercising the right of archipelagic sea lanes passage,
4 shall not cause disturbance or damage to navigational facilities or submarine
5 cables or pipes.
- 6 d) Foreign ships, while exercising the right of archipelagic sea lanes passage,
7 shall not sail too close to prohibited zones as determined by concerned
8 agencies.

9 *Sec. 9. Obligations of Foreign Civil Aircrafts. –*

10 a) Foreign civil aircrafts exercising the right of archipelagic sea lanes passage
11 shall:

12 1) Observe the Rules of the Air established by the International Civil
13 Aviation Organization (ICAO); and

14 2) Monitor the radio frequency assigned by the competent internationally
15 designated air traffic control authority or the appropriate international
16 distress radio frequency at all times.

17 b) Foreign national aircrafts exercising the right of archipelagic sea lanes
18 passage shall:

19 1) Respect the regulations concerning flight safely as detailed in Section 9
20 (a) hereof and at all times operate with due regard for the safety of
21 navigation; and

22 2) Fulfill their obligations as detailed in Section 9 (a)(2) hereof.

23 *Sec. 10. Prevention of Marine Pollution and Nuclear Weapons. –*

24 a) Foreign ships exercising the right of archipelagic sea lanes passage shall not
25 expel oil, oily wastes or other noxious substances into the marine
26 environment, or conduct other activities in contravention of international
27 regulations and standards for the prevention, reduction and control of
28 marine pollution that originates from ships.

29 b) Foreign ships while exercising the right of archipelagic sea lanes passage
30 shall not dump waste in Philippine waters.

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

4 **Sec. 11. *Liability for Damage.* –**

5 a) The person or legal body responsible for the operation or cargo of
6 commercial ships or aircraft or foreign government ships or aircraft operated
7 for commercial purposes shall be liable for any loss or damage suffered by
8 the Philippines or any third party as a result of noncompliance with any of
9 the provisions of this Act while exercising the right of archipelagic sea lanes
10 passage.

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

16 **III. THE PRESIDENT OF THE REPUBLIC OF THE PHILIPPINES TO**
17 **DESIGNATE THE ARCHIPELAGIC SEA LANES FOR THE RIGHT OF**
18 **ARCHIPELAGIC SEA LANES PASSAGE AND TO INSTITUTE THE**
19 **ASSOCIATED PROTECTIVE MEASURES THERETO**

20 *Sec. 12. Designation by the President of Archipelagic Sea Lanes.* – In pursuit of
21 Philippine National Policy, the President shall promulgate through Executive Issuance
22 the archipelagic sea lanes which may be used for the right of archipelagic sea lanes
23 passage and the rules and regulations relating to Associated Protective Measures to
24 be prescribed, within areas along the archipelagic sea lanes in accordance with the
25 International Maritime Organization (IMO) Conventions and Regulations and other
26 relevant international agreements.

27 **IV. FINAL PROVISIONS**

1 Sec. 13. *Right of Innocent Passage.* – The provisions of this Act shall not
2 diminish the rights of foreign ships to exercise the right of innocent passage in
3 archipelagic sea lanes.

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

9 In addition to its powers, functions, and duties, the National Coast Watch
10 Council (NCWC) shall provide technical and advisory support to the President in
11 designating the archipelagic sea lanes. Further, the National Coast Watch Center (NCW
12 Center) shall establish, monitor, and implement Associated Protective Measures for
13 the designated archipelagic sea lanes.

14 Sec. 15. *Separability Clause.* – If any provision or part hereof is held invalid or
15 unconstitutional, the remainder of the law or the provision or part not otherwise
16 affected shall remain valid and subsisting.

17 Sec. 16. *Repealing Clause.* – Any law, presidential decree or issuance, executive
18 order, letter of instruction, administrative order, rule, or regulation contrary to or
19 inconsistent with the provisions of this Act are hereby repealed, modified, or amended
20 accordingly.

21 Sec. 17. *Effectivity.* – This Act shall take effect fifteen (15) days after its
22 publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,