



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

23 NOV 21 P 4 :50

SENATE

RECEIVED BY:

COMMITTEE REPORT No. 172

Submitted by the Special Committee on Philippine Maritime and Admiralty Zones on
NOV 21 2023

Re: Senate Bill No. 2492

Recommending its approval in substitution of Senate Bill Nos. 852, 1089, 1353, 1649, 2294, 2394, 2411, and 2437.

Sponsor: Senator Francis "Tol" N. Tolentino

MR. PRESIDENT:

The Special Committee on Philippine Maritime and Admiralty Zones to which were referred, **Senate Bill No. 852**, introduced by Senator Ramon Bong Revilla, Jr., entitled:

**"AN ACT
DEFINING THE MARITIME ZONES UNDER THE JURISDICTION
OF THE REPUBLIC OF THE PHILIPPINES"**

Senate Bill No. 1089, introduced by Senator Jinggoy Ejercito Estrada, entitled:

**"AN ACT
DEFINING THE MARITIME ZONES UNDER THE JURISDICTION
OF THE REPUBLIC OF THE PHILIPPINES"**

Senate Bill No. 1353, introduced by Senator Risa Hontiveros, entitled:

**"AN ACT
DECLARING THE MARITIME ZONES UNDER THE
JURISDICTION OF THE REPUBLIC OF THE PHILIPPINES"**

Senate Bill No. 1649, introduced by Senator Loren Legarda, entitled:

**"AN ACT
DEFINING THE MARITIME ZONES UNDER THE JURISDICTION
OF THE REPUBLIC OF THE PHILIPPINES"**

Senate Bill No. 2294, introduced by Senators Francis N. Tolentino and Joel Villanueva, entitled:

**"AN ACT
DECLARING THE MARITIME ZONES UNDER THE
JURISDICTION OF THE REPUBLIC OF THE PHILIPPINES"**

Senate Bill No. 2394, introduced by Senator Win Gatchalian, entitled:

**"AN ACT
DECLARING THE MARITIME ZONES UNDER THE
JURISDICTION OF THE REPUBLIC OF THE PHILIPPINES"**

Senate Bill No. 2411, introduced by Senator Ronald "Bato" Dela Rosa, entitled:

**"AN ACT
DEFINING THE MARITIME ZONES UNDER THE JURISDICTION
OF THE REPUBLIC OF THE PHILIPPINES"**

Senate Bill No. 2437, introduced by Senator Raffy T. Tulfo, entitled:

**"AN ACT
DECLARING THE MARITIME ZONES UNDER THE
JURISDICTION OF THE REPUBLIC OF THE PHILIPPINES"**

have considered the same and have the honor to report it back to the Senate with the recommendation that the attached **Senate Bill No. 2492** prepared by the Committee, entitled:

**"AN ACT
DECLARING THE MARITIME ZONES UNDER THE JURISDICTION OF
THE REPUBLIC OF THE PHILIPPINES"**

be approved in substitution of Senate Bill Nos. 852, 1089, 1353, 1649, 2294, 2394, 2411, and 2437 with Senator Revilla, Ejercito Estrada, Hontiveros, Legarda, Tolentino, Villanueva, Gatchalian, Dela Rosa, and Tulfo as authors thereof.

Respectfully submitted:


SEN. FRANCIS "TOL" N. TOLENTINO
Chairperson

Members


SEN. RONALD "BATO" DELA ROSA


SEN. WIN GATCHALIAN

SEN. ROBINHOOD C. PADILLA


SEN. CHRISTOPHER "BONG" GO

SEN. SONNY ANGARA

SEN. JOSEPH VICTOR G. EJERCITO


SEN. RISA HONTIVEROS


SEN. MARK VILLAR

*may interpellate
} propose amendments.*

Ex Officio Members

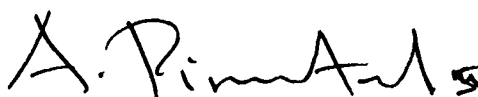


SEN. LOREN LEGARDA
President Pro Tempore



SEN. JOEL VILLANUEVA
Majority Leader

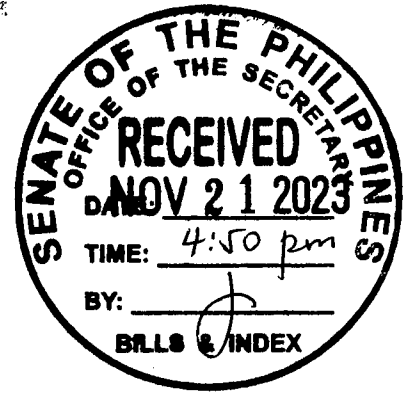
will interpellate



SEN. AQUILINO "KOKO" PIMENTEL III
Minority Leader

HON. JUAN MIGUEL F. ZUBIRI
Senate President

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



SENATE

S. B. No. 2492

(In substitution of Senate Bill Nos. 852, 1089, 1353, 1649, 2294, 2394,
2411, and 2437)

Prepared by the Special Committee on Philippine Maritime and Admiralty Zones with Senators Revilla, Ejercito Estrada, Hontiveros, Legarda, Tolentino, Villanueva, Gatchalian, Dela Rosa, and Tulfo as authors thereof.

AN ACT
DECLARING THE MARITIME ZONES UNDER THE JURISDICTION OF THE
REPUBLIC OF THE PHILIPPINES

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

- 1 **SECTION 1. Short Title.** – This Act shall be known as the “Philippine Maritime
2 Zones Act”.
- 3 **SEC. 2. Maritime Zones.** - In accordance with the 1987 Constitution and
4 international law, particularly, the 1982 United Nations Convention on the Law of the
5 Sea (UNCLOS) and the 2016 South China Sea arbitration (PCA case number 2013-19):
- 6 1) The maritime zones of the Philippine archipelago comprise of internal waters,
7 archipelagic waters, territorial sea, contiguous zone, Exclusive Economic Zone
8 (EEZ), and continental shelf; and
- 9 2) All other territories over which the Philippines has sovereignty or jurisdiction
10 likewise have their respective maritime zones, as appropriate.

1 **SEC. 3. *Baselines.*** - The baselines of the Philippines pursuant to Republic Act
2 No. 9522, entitled "An Act to Amend Certain Provisions of Republic Act No. 3046, as
3 Amended by Republic Act No. 5446, to define the Archipelagic Baselines of the
4 Philippines, and for Other Purposes," are the following:

5 (a) Archipelagic baselines for the Philippine archipelago, drawn in
6 accordance with Article 47 of UNCLOS; and

7 (b) Normal or straight baselines, as appropriate, for all other territories over
8 which the Philippines has sovereignty or jurisdiction, drawn in
9 accordance with article 5, 6, 7, 13 and 121 of UNCLOS.

10 **SEC. 4. *Internal Waters.*** – The internal waters of the Philippines, as
11 appropriate, shall refer to the following:

12 (a) Waters on the landward side of the archipelagic baselines not forming part of
13 archipelagic waters under Section 5 of this Act and delineated in accordance
14 with Article 50 of UNCLOS; and

15 (b) Waters on the landward side of the baselines of the territories outside of the
16 archipelagic baselines, drawn in accordance with Article 8 of UNCLOS.

17 The Philippines exercises sovereignty over its internal waters and the airspace
18 over it as well as its seabed and subsoil in accordance with UNCLOS and other existing
19 laws and treaties.

20 **SEC. 5. *Archipelagic Waters.*** – The archipelagic waters of the Philippines refer
21 to the waters on the landward side of the archipelagic baselines except as provided
22 for under Section 4 of this Act.

23 Within the archipelagic waters, closing lines for the delineation of internal
24 waters shall be drawn pursuant to Article 50 of UNCLOS and other existing laws and
25 treaties.

26 The Philippines exercises sovereignty and jurisdiction over its archipelagic
27 waters and the airspace over it as well as its seabed and subsoil in accordance with
28 UNCLOS and other existing laws and treaties, having due regard to the rights of other
29 states, including the right of innocent passage as provided in Articles 17-26, and 52,
30 and the right of archipelagic sea lanes passage in designated sea lanes as provided in
31 Articles 53 and 54, of UNCLOS.

32 **SEC. 6. *Territorial Sea.*** – The territorial sea of the Philippines refers to the

1 adjacent belt of sea measured twelve (12) nautical miles from the baselines of the
2 territorial sea as provided in Section 3 of this Act, and as determined in accordance
3 with the provisions of Part II "TERRITORIAL SEA AND CONTIGUOUS ZONE," Part IV
4 "ARCHIPELAGIC STATES," and Part VIII "REGIME OF ISLANDS" of UNCLOS, as
5 appropriate.

6 The Philippines exercises sovereignty over its territorial sea and the airspace
7 above it as well as its seabed and subsoil in accordance with UNCLOS and other
8 existing laws and treaties, having due regard to the rights of other States, including
9 the right of innocent passage as provided in Part II, Section 3 of UNCLOS.

10 **SEC. 7. *Contiguous Zone.*** – The contiguous zone of the Philippines refers to
11 the waters beyond and adjacent to its territorial sea up to twenty-four (24) nautical
12 miles from the baselines.

13 In accordance with UNCLOS, the Philippines exercises control over this zone
14 necessary to:

- 15 a. Prevent infringement of its customs, fiscal, immigration, or sanitary laws
16 and regulations within its territory or territorial sea;
- 17 b. Punish infringement of the above laws and regulations committed within
18 its territory or territorial sea; and
- 19 c. Regulate the removal of archaeological and historic objects from the
20 seabed.

21 **SEC. 8. *Exclusive Economic Zone.*** – The exclusive economic zone (EEZ) of the
22 Philippines refers to the waters beyond and adjacent to its territorial sea and up to the
23 extent of two hundred (200) nautical miles from the baselines, as established by
24 Presidential Decree No. 1599, otherwise known as the "Philippine Exclusive Economic
25 Zone of 1978", and to the extent consistent with the other provisions of this Act and
26 with the provisions of UNCLOS.

27 In accordance with UNCLOS, within the EEZ, the Philippines has:

- 28 a. Sovereign rights-for the purpose of exploring and exploiting, conserving
29 and managing the natural resources, whether living or nonliving, of the waters
30 superjacent to the seabed, and the seabed and its subsoil, and with regard to
31 other activities for the economic exploitation and exploration of the zone, such
32 as the production of energy from the sun, water, currents and winds; *Provided*

1 *That*, in the exercise of these rights, the Philippines shall enforce its laws and
2 regulations consistent with Article 73 of UNCLOS;

3 b. Jurisdiction with regard to: (i) the establishment and use of artificial
4 islands, installations and structures; (ii) marine scientific research; and (iii) the
5 protection and preservation of the marine environment; and

6 c. Other rights and duties provided for in UNCLOS.

7 **SEC. 9. *Continental Shelf.*** – The continental shelf of the Philippines comprises
8 the seabed and subsoil of the submarine areas that extend beyond its territorial sea
9 throughout the natural prolongation of its land territory to the outer edge of the
10 continental margin, or to a distance of two hundred (200) nautical miles from the
11 baselines, where the outer edge of the continental margin does not extend up to that
12 distance.

13 Where the continental shelf extends beyond two hundred (200) nautical miles
14 from the baselines, the outer limits shall be delineated in accordance with Article 76
15 of UNCLOS; *Provided That* the limits of the continental shelf beyond two hundred
16 (200) nautical miles in the Benham Rise Region, including the Philippine Rise, as
17 submitted to the Commission on the Limits of the Continental Shelf (CLCS) and
18 deposited to the United Nations Secretary General on July 02, 2012, are hereby
19 incorporated into this Act; *Provided Further, That* this is without prejudice to the
20 making of other submissions for other areas at a future time.

21 The Philippines exercises sovereign rights to explore and exploit the mineral,
22 petroleum and nonliving resources of the seabed and subsoil and living organisms
23 belonging to the sedentary species, as well as jurisdiction with regard to the
24 establishment and use of artificial islands, installations and structures on the seabed,
25 marine scientific research, drilling and tunneling, and other rights as provided for in
26 accordance with UNCLOS, Philippine mining and petroleum laws, and other existing
27 laws and treaties.

28 **SEC. 10. *Areas Beyond National Jurisdiction.*** – The Philippines has rights and
29 privileges in the high seas and the international seabed area as provided for in the
30 UNCLOS and other existing laws and treaties.

31 **SEC. 11. *Marine Scientific Research.*** – The Government shall adopt measures
32 in accordance with Part XIII “MARINE SCIENTIFIC RESEARCH” of UNCLOS, and other

1 laws and treaties, to ensure that marine scientific research, whether undertaken by
2 local or foreign entities, in the maritime zones declared herein shall redound to the
3 benefit of the Filipino people.

4 **SEC. 12. *Marine Environmental Protection.*** – All states have the obligation to
5 protect and preserve the marine environment. The Philippines shall enforce its laws
6 and regulations on the protection and preservation of the marine environment of the
7 maritime zones declared herein, taking into consideration the provisions of Part XII
8 “PROTECTION AND PRESERVATION OF THE MARINE ENVIRONMENT” of UNCLOS

9 **SEC.13. *Delimitations.*** – Where the maritime zones defined in this Act overlap
10 with the maritime zones of a neighboring State based on the UNCLOS, the common
11 boundaries shall be determined by agreement with that State in accordance with the
12 relevant principles of delimitation under international law; *Provided, That,* where no
13 agreement has been reached within a reasonable time, the Philippines may resort to
14 the procedures provided under Part XV “SETTLEMENT OF DISPUTES” of UNCLOS.

15 **SEC. 14. *Rights and Duties of Foreign States.*** – the Philippines shall give due
16 regard to the rights and duties of foreign states, and foreign states shall act with due
17 regard to the rights and duties of the Philippines, relative to the maritime zones as
18 provided under this Act, UNCLOS, and international law.

19 **SEC. 15. *Adherence to Existing Laws.*** – Other rights of the Philippines relative
20 to its maritime zones and entitlements shall be exercised in accordance with UNCLOS,
21 the awards rendered in the South China Sea Arbitration (PCA case no. 2013-19), and
22 other pertinent laws and regulations of the Philippines and international law.

23 **SEC. 16. *Penal Sanctions.*** – Any violation of this Act shall be addressed and
24 penalized through pertinent existing laws and regulations. In the absence thereof, any
25 violation of this Act shall be subject to an administrative fine of not less than six
26 hundred thousand US dollars (US\$ 600,000.00) but not more than one million US
27 dollars (US\$ 1,000,000.00), or the equivalent in Philippine currency.

28 **SEC. 17. *Separability Clause.*** – If any portion or provision of this Act is declared
29 unconstitutional or invalid, the other portions or provisions hereof not affected thereby
30 shall continue to be in full force and effect.

31 **SEC. 18. *Repealing Clause.*** – Except for section 1, the provisions of Republic

1 Act No. 3046, entitled "An Act to Define the Baselines of the Territorial Sea of the
2 Philippines", are hereby repealed.

3 The following laws or their specified provisions are hereby amended:

- 4 1. Section 1 of Presidential Decree No. 1596 "Declaring certain area part of the
5 Philippine territory and providing for their government and administration";
- 6 2. Presidential Decree No. 1599 "Establishing an Exclusive Economic Zone and for
7 Other Purposes"; and
- 8 3. Section 3(e) and 3(ai) of Republic Act No. 7942, also known as "the Philippine
9 Mining Act of 1995",

10 All other laws, presidential decrees, executive orders, rules and regulations,
11 proclamations, and other issuances inconsistent with or contrary to the provisions of
12 this Act are deemed amended or repealed accordingly.

13 **SEC. 19. Effectivity.** – This Act shall take effect fifteen (15) days after its
14 publication in the Official Gazette or in a newspaper of general circulation.

Approved,