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SENATE

S. NO. 159

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Introduced by Senator Antonio "Sonny" F. Trillanes IV

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### EXPLANATORY NOTE

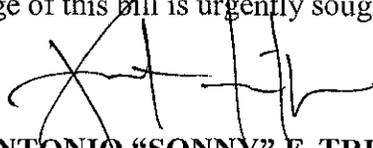
In 2007, this representation principally authored in the Senate a proposed measure entitled "An Act Defining the Archipelagic Baselines of the Philippine Archipelago, Amending for the Purpose Republic Act No. 3046, as Amended by Republic Act No. 5446" or SBN 1467. It was eventually substituted by SBN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

RA No. 9522 amended the provision 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 of 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 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.

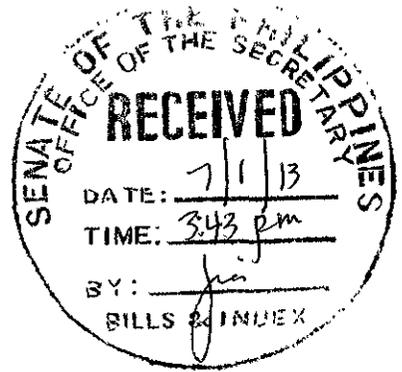
Though RA No. 9522 provided the delineation of the archipelagic baselines of the Philippines, it failed, on the other hand, to provide and establish the archipelagic sea lanes of the Philippines as espoused in Article 53 of the UNCLOS. This proposed measure, therefore, seeks to establish archipelagic sea lanes in the Philippines' 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

SENATE

S. NO. 159



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Introduced by Senator Antonio "Sonny" F. Trillanes IV

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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 the House of Representatives of the Philippines in Congress  
assembled:*

CHAPTER I

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

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

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

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

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

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

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

24 **SEC. 6. (a)** Foreign ships, including fishing ships, while exercising the right of  
25 archipelagic sea lanes passage, must refrain from conducting fishing operations.

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

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

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

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

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

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

7  
8 **SEC. 8.** (a) Foreign civil aircraft exercising the right of archipelagic sea lanes passage  
9 must:

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

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

15 (b) Foreign national aircraft exercising the right of archipelagic sea lanes passage must:

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

17 (2) fulfill their obligations as detailed in paragraph (a)(2).  
18

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

23 (b) Foreign ships exercising the right of archipelagic sea lanes passage must refrain from  
24 dumping waste in Philippine waters.  
25

26 **SEC. 10.** (a) The person or legal body responsible for the operation or cargo of foreign  
27 commercial ships or aircraft or foreign government ships or aircraft operated for commercial  
28 purposes must be liable for any loss or damage suffered by the Philippines as a result of non-  
29 compliance with any of the provisions of Sections 7, 8 and 9 while exercising the right of  
30 archipelagic sea lanes passage in Philippine waters.

31 b) The flag State shall bear international responsibility for any loss or damage suffered by  
32 the Philippines as a result of non-compliance with any of the provisions of Sections 7, 8 and 9 by  
33 a foreign warship or aircraft while exercising the right of archipelagic sea lanes passage.

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**CHAPTER III**

**THE DETERMINATION OF ARCHIPELAGIC SEA LANES WHICH MAY BE USED  
FOR THE RIGHT OF ARCHIPELAGIC SEA LANES PASSAGE**

**SEC. 11.** a) The archipelagic sea lane that may be used for exercising the right of archipelagic sea lanes passage for sailing from the Philippines Sea to the South China Sea or vice versa through the Balintang Channel, is Archipelagic Sea Lane I, the axis of which is the line that joins connecting points I-1 through to I-2 as detailed in the Coordinates Tables as defined in Section 12, paragraph (b).

b) The archipelagic sea lane that may be used for exercising the right of archipelagic sea lanes passage for sailing from the Philippine Sea to the South China Sea or vice versa through the Surigao Strait, Bohol Sea, Sulu Sea, Nasubata Channel and Balabac Strait, is Archipelagic Sea Lane II, the axis of which is the line that joins connecting points II-1 through to II-6 as detailed in the Coordinates Tables as defined in Section 12, paragraph (b).

c) The archipelagic sea lane that may be used for exercising the right of archipelagic sea lanes passage for sailing from the Celebes Sea to the South China Sea or vice versa through the Basilan Strait, Eastern Sulu Sea and Mindoro Strait, is Archipelagic Sea Lane III, the axis of which is the line that joins connecting points III-1 through III-8 as detailed in the Coordinates Tables as defined in Section 12, paragraph (b).

**SEC. 12.** a) The archipelagic sea lane axes and connecting points mentioned in Section 11 shall be marked on navigation charts for appropriate publication.

b) The geographic coordinates for the archipelagic sea lane connecting points mentioned in Section 11 are as detailed in the Coordinates Tables in Annexes I, II and III.

c) If, as a result of a natural change, such outermost connecting points are not in the geographic position as detailed in the Geographic Coordinates Tables as defined in Section 12(b) then the geographic position of such outermost connecting points is determined according to the actual situation in the field.

d) The illustrative chart displaying the axes and connecting points as detailed in Section 11 as Annex IV.

**SEC. 13.** All rules and regulations relating to the Associated Protective Measures (APMs) to be prescribed in accordance with International Maritime Organization (IMO) Conventions and Regulations within areas along the archipelagic sea lanes shall be promulgated separately through an Executive Issuance.

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**CHAPTER IV**  
**OTHER PROVISIONS**

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

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

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

**SEC. 17.** This Act shall take effect fifteen days following its publication in the Official 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, 3<sup>rd</sup> 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, 1<sup>st</sup> Edition, Dec 28/60, Corrected to NM (9) 2002, Scale 1:800,000, Luzon Datum**

**NAMRIA Chart No. 4708, 1<sup>st</sup> 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. 4706, 1<sup>st</sup> 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

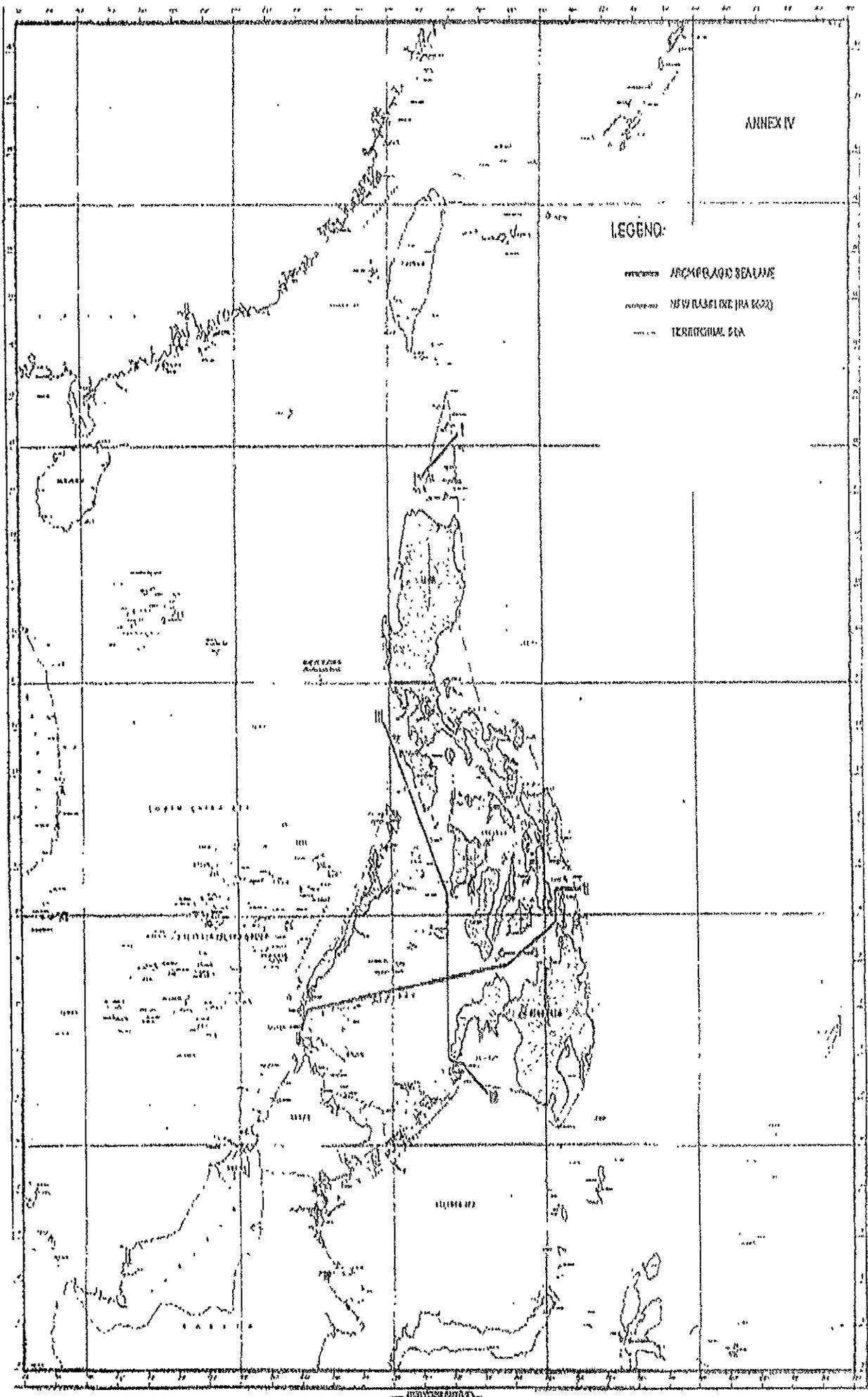
(III-6) 06°56'55" N; 121°47'25" E

(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



ANNEX IV

LEGEND:

- ASCENDING SEASIDE
- NEW BATHYMETRY (1940-50)
- TERRESTRIAL SEA