


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**SENATE**

S. No. 2838

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

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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 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;

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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.

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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.

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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.

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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.

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

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

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

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

**SEC. 11. Liability for Damage. - (a)**

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

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

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

**SEC. 12. Designation by the President of Archipelagic Sea Lanes. -**

In pursuit of Philippine National Policy, the President shall promulgate through 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.

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#### 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.

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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.

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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,