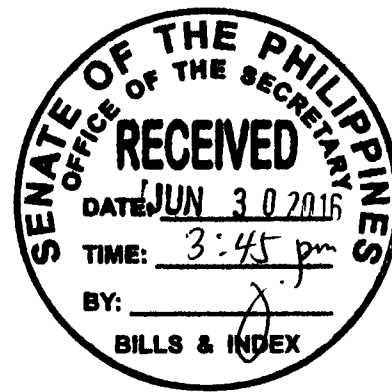


SEVENTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



SENATE

S. No. 92

Introduced by Senator Antonio "Sonny" Trillanes IV

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

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).

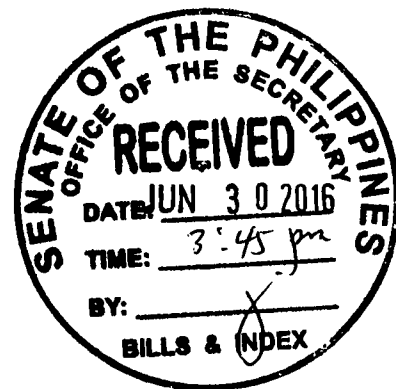
The UNCLOS, which entered into force on 14 November 1994, recognizes that "*an archipelagic state is a group of islands including parts of islands, interconnecting waters and other natural features which are closely interrelated that such islands, waters and other natural features form an intrinsic geographical, 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 earnestly sought.


ANTONIO "SONNY" F. TRILLANES IV
Senator

SEVENTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
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SENATE

S. No. 92

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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 Senate and House of Representatives of the Philippines in
Congress assembled:

ARTICLE 1. GENERAL PROVISIONS

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 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 accordance with
2 the UNCLOS, of the rights of navigation and overflight in the normal mode solely for the
3 purpose of continuous, expeditious and unobstructed transit between one part of the high seas
4 or an exclusive economic zone (EEZ) and another part of the high seas or an EEZ;

5
6 **(c) Archipelagic waters** shall refer to the waters on the landward side of the
7 archipelagic baselines except as defined as Internal Waters;

8
9 **(d) Associated protective measure** shall refer to measure that a coastal State may
10 adopt to regulate international maritime activities for the protection of the area at risk;

11
12 **(e) Hydrographic survey** shall refer to a survey measuring and describing the
13 physical features of the navigable portion of the earth's surface (seas) and adjoining coastal
14 areas, with special reference to their use for navigation;

15
16 **(f) Oceanographic survey** shall refer to a study or examination of any physical,
17 chemical, biological, geological or geophysical condition on the ocean, or any part of it;

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

23
24 **(h) Territorial sea** shall refer to the belt of sea measured twelve (12) nautical
25 miles from the baselines or from the low-water line, as the case may be.

26
27 **ARTICLE II. RIGHTS AND OBLIGATIONS OF FOREIGN SHIPS AND**
28 **AIRCRAFTS WHEN EXERCISING THE RIGHT OF ARCHIPELAGIC SEA LANES**
29 **PASSAGE**

30
31 **Sec. 4. Right of Archipelagic Sea Lanes Passage of Foreign Ships and Aircrafts. -**
32 Foreign ships and aircraft may exercise the right of archipelagic sea lanes passage in
33 accordance with the provisions of UNCLOS in order to navigate or fly from one part of the
34 high seas or an EEZ to another part of the high seas or an EEZ through or over the Philippine

1 archipelagic waters and its adjacent territorial sea. Such sea lanes shall be defined by a series
2 of continuous axis lines from the entry points of passage routes to the exit points.

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

8
9 **SEC. 5. Obligations of Foreign Ships and Aircrafts When Exercising the Right of**
10 **Archipelagic Sea Lanes Passage.** - (a) Foreign ships and aircraft exercising the right of
11 archipelagic sea lanes passage shall pass through or above the archipelagic sea lane as
12 quickly as possible without delay and in the normal mode solely for the purpose of
13 continuous, expeditious and unobstructed transit.

14
15 (b) Foreign ships and aircrafts that are conducting archipelagic sea lanes passage shall
16 not deviate more than twenty-five (25) nautical miles to either side of the axis line of the sea
17 lane: *Provided*, That such ships and aircraft shall not navigate closer to the coast more than
18 ten percent (10%) of the distance between the nearest points on the islands bordering the sea
19 lane.

20
21 (c) Foreign ships and aircrafts, while exercising the right of archipelagic sea lanes
22 passage, shall refrain from any threat or use of force against the sovereignty, territorial
23 integrity, or political independence of the Republic of the Philippines, or in any other manner
24 in violation of the principles of international law embodied in the Charter of the United
25 Nations.

26
27 (d) Foreign ships and aircrafts, including military aircraft and warships, while
28 exercising the right of archipelagic sea lanes passage, shall refrain from any war game
29 exercises or exercises using any type of weapons, especially involving the use of ordnance.

30
31 (e) Except when rendered necessary by the *force majeure* or by distress, an aircraft
32 exercising the right of archipelagic sea lanes passage shall not land in Philippine territory.

1 (f) All foreign ships exercising the right of archipelagic sea lanes passage shall refrain
2 from stopping, dropping anchor or loitering, except when rendered necessary by *force*
3 *majeure* or by distress in order to render assistance to a person or persons or a ship or ships
4 experiencing distress.

5
6 (g) Foreign ships or aircrafts exercising the right of archipelagic sea lanes passage
7 shall refrain from making covert transmissions, interfering with telecommunications systems,
8 and communicating directly with an unauthorized person or group of persons in Philippine
9 territory.

10
11 **SEC. 6. Permit to Conduct Oceanographic or Hydrographic Surveys.** - Foreign
12 ships or aircraft, including research or hydrographic survey ships or aircraft, while exercising
13 the right of archipelagic sea lanes passage, shall not conduct oceanographic or hydrographic
14 surveys, whether with the use of detection equipment or sample gathering equipment, unless
15 they have obtained prior permission to do so from the appropriate agency of the Government
16 of the Republic of the Philippines.

17
18 **SEC. 7. Prohibition of Fishing, Loading, Unloading of Persons, Goods or**
19 **Currency.** - (a) Foreign ships, including fishing vessels, while exercising the right of
20 archipelagic sea lanes passage, shall not conduct any fishing operation or exploitation of
21 marine resources of the Philippines.

22
23 (b) Foreign fishing vessels, while exercising the right of archipelagic sea lanes
24 passage, besides fulfilling their obligations under paragraph (a), shall stow all fishing
25 equipment within hold.

26
27 Foreign ships and aircrafts, while exercising the right of archipelagic sea lanes
28 passage, shall not load t a ship or unload from a ship persons, goods or currency in a manner
29 that contravenes the laws and regulations concerning customs, immigration, fiscal matters
30 and health, except when rendered necessary by *force majeure* or by distress.

31
32 **SEC. 8. Compliance with Navigational Regulations, Procedures, and Traffic**
33 **Scheme.** - (a) Foreign ships, while exercising the right of archipelagic sea lanes passage,
34 shall comply with the generally accepted international regulations, procedures and practices

1 concerning safety of navigation, including regulations relating to the prevention of the
2 collisions at sea.

3

4 (b) Foreign ships, while exercising the right of archipelagic sea lanes passage in a sea
5 lane where a traffic separation scheme has been established for the regulation of navigation,
6 shall comply with the provisions of the traffic separation scheme.

7

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

10

11 (d) Foreign ships, while exercising the right of archipelagic sea lanes passage, shall
12 not sail too close to prohibited zones as determined by concerned agencies.

13

14 **SEC. 9. Obligations of foreign Civil Aircrafts.** - (a) Foreign civil aircrafts
15 exercising the right of archipelagic sea lanes shall:

16 (1) observe the Rules of the Air established by the International Civil Aviation
17 Organization (ICAO); and

18

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

22

23 (b) Foreign national aircrafts exercising the right of archipelagic sea lanes passage
24 shall:

25 (1) respect the regulations concerning flight safety as detailed in Section 9(a)
26 hereof and at all times operate with due regard for the safety of navigation;
27 and

28

29 (2) fulfill their obligations as detailed in Section 9(a)(2) hereof.

30

31 **SEC. 10. Prevention of Marine Pollution and Nuclear Weapons.** - (a) Foreign
32 ships exercising the right of archipelagic sea lanes passage shall not expel oil, oily wastes or
33 other noxious substances into the marine environment, or conduct other activities in

1 contravention of international regulations and standards for the prevention reduction and
2 control of marine pollution that originate from ships.

3
4 (b) Foreign ships while exercising the right of archipelagic sea lanes passage shall not
5 dump waste in Philippine waters.

6
7 (c) Consistent with the national interest, the exercise of the right of archipelagic sea
8 lanes passage by all foreign ships must be consistent with the constitutional mandate of
9 freedom from nuclear weapons in Philippine territory.

10
11 **SEC. 11. Liability for Damage.** - (a) The person or legal body responsible for the
12 operation or cargo of foreign commercial ships or aircraft or foreign government ships or
13 aircraft operated for commercial purposes shall be liable for any loss or damage suffered by
14 the Philippines or any third party as a result of noncompliance with any of the provisions of
15 this Act while exercising the right of archipelagic sea lanes passage.

16
17 (b) The flag State shall bear international responsibility for any loss or damage
18 suffered by the Philippines or any third party as a result of noncompliance with any of the
19 provisions of this Act by a foreign warship or aircraft or other government ship operated for
20 noncommercial purposes while exercising the right of archipelagic sea lanes passage in the
21 Philippine waters.

22
23 **ARTICLE III. THE PRESIDENT OF THE REPUBLIC OF THE PHILIPPINES TO**
24 **DESIGNATE THE ARCHIPELAGIC SEA LANES FOR THE RIGHT OF**
25 **ARCHIPELAGIC SEA LANES PASSAGE AND TO INSTITUTE THE ASSOCIATED**
26 **PROTECTIVE MEASURES THERETO**

27
28 **SEC. 12. Designation by the President of Archipelagic Sea Lanes.** - In pursuit of
29 the Philippine National Policy, the President shall promulgate, through an Executive
30 Issuance, the archipelagic sea lanes which may be used for the right of archipelagic sea lanes
31 passage and the rules and regulations relating to Associated Protective Measures to be
32 prescribed within areas along the archipelagic sea lanes in accordance with the International
33 Maritime Organization (IMO) Conventions and Regulations and other relevant international
34 agreements.

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, 3rd 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, 1st Edition, Dec 28/60, Corrected to NM (9) 2002, Scale 1:800,000, Luzon Datum

NAMRIA Chart No. 4708, 1st 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. 4708, 1st 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

