

'19 FEB -4 A10 :31

SENATE

S. NO. 2201

RECD. 

Introduced by **SENATOR LEILA M. DE LIMA**

AN ACT
DECLARING JULY 12 OF EVERY YEAR AS A SPECIAL WORKING
HOLIDAY IN THE ENTIRE COUNTRY TO COMMEMORATE THE
HISTORIC DECISION OF THE PERMANENT COURT OF ARBITRATION
(PCA) IN FAVOR OF PHILIPPINE SOVEREIGNTY
OVER THE WEST PHILIPPINE SEA

EXPLANATORY NOTE

The South China Sea has been one of the most popular territorial waterways in the world with decades-long history of maritime dispute among seven (7) countries, including the Philippines and the People's Republic of China.

One of the persistent issues over this disputed territory is China's controversial "historical" claim, outlined by a 9-dash line covering almost 90 percent of the contested waters. The said line runs as far as 2,000km from the Chinese mainland to within a few hundred kilometers from territories of other claimant countries, such as the Philippines, Malaysia, and Vietnam. The People's Republic of China maintains their stand that it owns any land or features contained within that line¹.

China's sabre-rattling in the disputed maritime territory aggravated the situation with reported harassments by Chinese patrol boats in 2011 and China's take-over of Scarborough Shoal which forms part of the Philippines' Exclusive Economic Zone in 2012². Amid the heightening conflict, the Philippines has resorted

¹ Zhen L. (12 July 2016) What's China's 'nine-dash line' and why has it created so much tension in the South China Sea?. Retrieved from: <https://www.scmp.com/news/china/diplomacy-defence/article/1988596/whats-chinas-nine-dash-line-and-why-has-it-created-so>

² Business Mirror (12 July 2016) *Timeline: The China-PHL sea dispute*. <https://businessmirror.com.ph/2016/07/12/timeline-the-china-phl-sea-dispute/>

to peaceful and legal means, including political and diplomatic remedies, with the end view of arriving at a just settlement of our maritime dispute with China. However, China continues its aggressiveness by building a military garrison in the Spratly Islands and Scarborough Shoal, positioning a missile frigate in one of the contested maritime territories and informing the Philippine Government that Chinese coast guard vessels will remain permanently in these islands³.

This prompted the Philippine Government under then President Benigno S. Aquino III to file an arbitration case with the United Nations-backed Permanent Court of Arbitration (PCA) to assert its sovereign rights and seek relief and ruling to settle the maritime dispute⁴. The basis for this arbitration is the 1982 United Nations Convention on the Law of the Sea (UNCLOS). Both the Philippines and China are parties to the UNCLOS, the Philippines having ratified it on May 8, 1984, and China on June 7, 1996. The UNCLOS was adopted as a “constitution for the oceans,” in order to “settle all issues relating to the law of the sea”, and has been ratified by 168 parties. UNCLOS seeks to solve the wide range of issues and includes a mechanism for peaceful settlement of disputes. The Philippines’ case in the PCA sought a ruling to declare that the rights and entitlements in the South China Sea must be based on the UNCLOS and not on any claim to the so-called “historic” right. It also aimed to challenge the lawfulness of China’s actions in the South China Sea, and resolve if China has encroached the sovereignty of the Philippines by engaging in the large-scale construction of artificial islands and land reclamation at seven reefs in the Spratly Islands⁵.

After the three-year process of tackling and hearing the case, the PCA finally promulgated on 12 July 2016 its decision with key rulings in favor of the Philippines. The tribunal held that the so-called “9-dash line” is invalid and has no legal basis to claim historic rights to resources. Further, the PCA ruled that China’s large-scale land reclamation has “caused severe harm to the coral reef environment and violated its obligation to preserve and protect fragile ecosystems,” adding with emphatic

³ Rappler Philippines (12 July 2016) *TIMELINE: The Philippines-China maritime dispute*. Retrieved from: <https://www.rappler.com/world/regions/asia-pacific/139392-timeline-west-philippine-sea-dispute>

⁴ *ibid*

⁵ Permanent Court of Arbitration (12 July 2016) Award Document- PCA Case N° 2013-19

clarity that China had definitely violated the Philippines' sovereign rights in its exclusive economic zone⁶.

In order to commemorate the momentous victory by the Philippines in the PCA, it is fitting and compelling that the 12 of July of each year be a Special Working Holiday dedicated to honoring this landmark decision favoring the Philippines, in the hope of instilling national pride among our people and motivating our government to constantly pursue and promote policies and programs consistent with the PCA ruling.

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


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⁶ Ibid

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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 “West Philippine
2 Sea Victory Day.”

3 Sec. 2. **West Philippine Sea Victory Day.** – July 12 of every year shall be
4 declared a special working holiday to commemorate the day when the historic
5 decision made by the Permanent Court of Arbitration in The Hague, the Netherlands
6 was issued.

7 Sec. 3. **Lead Agency.** – To ensure the meaningful observance of the holiday
8 as herein declared, the Department of Foreign Affairs (DFA) shall plan, design and
9 implement activities for the “West Philippine Sea Victory Day” and ensure that the
10 significance of this historic decision shall continue to inspire and instill a sense of
11 pride in every Filipino, as well as to constantly remind the government to continually
12 uphold our rights in the West Philippine Sea and emphasize that the policies that the
13 government will pursue is consistent with the said ruling.

14 Sec. 4. **Effectivity.** – This Act shall take effect fifteen (15) days following its
15 publication in the Official Gazette or in two (2) newspapers of general circulation in
16 the Philippines.

Approved,