

EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Third Regular Session)

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Office of the Secretary

SENATE
S. B. NO. 2289

'21 JUN -7 P2 :21

RECEIVED

Introduced by Senator **VICENTE C. SOTTO III**

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

EXPLANATORY NOTE

The Philippines has been a party to the United Nations Convention on the Law of the Sea (UNCLOS) and signed the same on 10 December 1982. The UNCLOS was a result of the desire to settle all issues relating to the law of the sea; to establish a legal order for the seas and oceans; and strengthen peace, security, cooperation and friendly relations among all conforming nations, just to cite a few, as enshrined in the preamble of the said Convention. It has since become the legal framework for marine and maritime activities

Section 2, Article II of the Constitution provides for an "incorporation clause", which states that:

"The Philippines...adopts the generally accepted principles of international law as part of the law of the land..."

And this includes treaties, like the UNCLOS. While the UNCLOS is also considered as part of the law of the land, enacting a municipal law to this effect can further fortify the country's claims over its maritime zones.

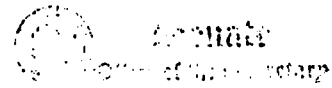
The proposed legislation seeks to declare and define the maritime zones under the jurisdiction of the Philippines. In this way, our country can further

preserve and protect our maritime rights. Likewise, just like the intention of the UNCLOS, this proposed bill may preclude any unwarranted and undesirable dispute with other nations involving our maritime areas. It also provides for the necessary flexibility in the passage of subsequent laws pertinent to the rights and obligations to which the Philippines is entitled and may exercise over its maritime zones.

In view of the foregoing, the immediate passage of this bill is earnestly sought.



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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 “*Philippine*
2 *Maritime Zones Act.*”

3 SEC. 2. **Maritime Zones.** – The maritime zones of the Philippines
4 comprise the internal waters, archipelagic waters, territorial sea, contiguous
5 zone, exclusive economic zone (EEZ) and continental shelf. All territories of
6 the Philippines shall generate their respective maritime zones in accordance
7 with international law.

8 SEC. 3. **Archipelagic Baselines.** – Archipelagic baselines, as used in
9 this Act, refer to the baselines as defined under Republic Act No. 9522,
10 entitled “*An Act to Amend Certain Provisions of Republic Act No. 3046, as*
11 *Amended by Republic Act No. 5446, To Define the Archipelagic Baselines of the*
12 *Philippines, and For Other Purposes.*”

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

1 (a) waters on the landward side of the archipelagic baselines not
2 forming part of archipelagic waters under Section 5 of this Act and delineated
3 in accordance with Article 50 of the 1982 United Nations Convention on the
4 Law of the Sea (UNCLOS); and

5 (b) waters on the landward side of the baselines of the territorial sea
6 of territories outside of the archipelagic baselines, drawn in accordance with
7 Article 8 of the UNCLOS.

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

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

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

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

20 **SEC. 6. Territorial Sea.** – The territorial sea of the Philippines refers
21 to the adjacent belt of sea measured twelve (12) nautical miles from the
22 baselines of the territorial sea as determined in accordance with the
23 provisions of Part II or Part IV of the UNCLOS as appropriate.

1 The Philippines exercises sovereignty over its territorial sea and the
2 airspace over it as well as its seabed and subsoil in accordance with the
3 UNCLOS and other existing laws and treaties.

4 **SEC. 7. *Contiguous Zone.*** – The contiguous zone of the Philippines
5 refers to the waters beyond and adjacent to its territorial sea and up to the
6 extent of twenty-four (24) nautical miles from the baselines from which the
7 breadth of the territorial sea is measured.

8 **In this zone** the Philippines exercises, in accordance with the UNCLOS,
9 control necessary to:

10 (a) prevent infringement of its customs, fiscal, immigration or sanitary
11 laws and regulations within its territory or territorial sea; and

12 (b) punish infringement of the above laws and regulations committed
13 within its territory or territorial sea.

14 **SEC. 8. *Exclusive Economic Zone.*** – The EEZ of the Philippines refers
15 to the waters beyond and adjacent to its territorial sea and up to the extent
16 of two hundred (200) nautical miles from the baselines from which the
17 breadth of the territorial sea is measured, as established by Presidential
18 Decree No. 1599 (1978), entitled “Establishing An Exclusive Economic Zone
19 And For Other Purposes” and to the extent consistent with the other
20 provisions of this Act and with the provisions of the UNCLOS.

21 **In this zone** the Philippines exercises, in accordance with the UNCLOS:

22 (a) sovereign rights over this area for the purpose of exploring and
23 exploiting, conserving and managing the natural resources, whether living or
24 nonliving, of the waters superjacent to the seabed and of the seabed and its
25 subsoil, and with regard to other activities for the economic exploitation and

1 exploration of the zone, such as the production of energy from the water,
2 currents and winds; and

3 (b) jurisdiction with regard to: (i) the establishment and use of artificial
4 islands, installations and structures; (ii) marine scientific research; (iii) the
5 protection and preservation of the marine environment; and (iv) other rights
6 and duties provided for in the UNCLOS.

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

14 Continental shelves extending beyond two hundred (200) nautical miles
15 from the baselines shall be delineated in accordance with Article 76 of the
16 UNCLOS.

17 The Philippines exercises sovereign rights to explore and exploit the
18 mineral, **petroleum** and nonliving resources of the seabed and subsoil and
19 living organisms belonging to the sedentary species, as well as jurisdiction
20 with regard to the establishment and use of artificial islands, installations
21 and structures on the seabed, **drilling and tunneling, and other rights as**
22 **provided for** in accordance with the UNCLOS, RA 7942, and other existing
23 laws and treaties.

24 SEC. 10. **Adherence to Existing Laws.** – Other rights of the
25 Philippines relative to its maritime zones and entitlements not stipulated in

1 this Act shall be exercised in accordance with the laws and regulations of the
2 Philippines and international law, primarily the UNCLOS, **and the awards in**
3 **the South China Sea Arbitration** (The Republic of the Philippines v. The
4 People's Republic of China, PCA Case No. 2013-19, The Hague, 12 July 2016).

5 SEC. 11. **Delimitations.** – Where the maritime zones defined in this
6 Act overlap with the maritime zones of a neighboring State, the common
7 boundaries shall be determined by agreement with that State in accordance
8 with the relevant principles of delimitation under international law, including
9 the UNCLOS.

10 SEC. 12. **Separability Clause.** – If any portion or provision of this Act
11 is declared unconstitutional or invalid, the other portions or provisions hereof
12 not affected thereby shall continue to be in full force and effect.

13 SEC. 13. **Repealing Clause.** – All laws inconsistent with or contrary
14 to the provisions of this Act **including RA 3046 as amended by RA 5446,**
15 **and PD 1596** are deemed amended, modified or repealed accordingly.

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

Approved,