

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

Secretary
Office of the Secretary

SENATE
S. B. No. 2288

'21 JUN -3 P4 :50

RECEIVED

Introduced by Senator Francis "Tol" N. Tolentino

AN ACT
AMENDING REPUBLIC ACT NO. 9522, TO FURTHER DEFINE THE BASELINES
OF THE PHILIPPINE TERRITORY, INCLUDING ITS MARITIME FEATURES, AND
FOR OTHER PURPOSES

EXPLANATORY NOTE

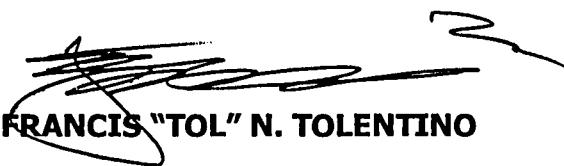
Article II, Section 7 of the 1987 Constitution lays down the foreign policy of the country: "The State shall pursue an independent foreign policy. In its relations with other states the paramount consideration shall be national sovereignty, territorial integrity, national interest, and the right to self-determination."

This bill aims to amend Republic Act No. 9522, or the 2009 Baselines Law, to include the maritime areas over which the Philippines exercises sovereignty and jurisdiction, taking into account the Award of the Tribunal of the Permanent Court of Arbitration in *Republic of the Philippines v. People's Republic of China* (PCA Case No 2013-19) but maintaining our territorial, sovereign rights, and all other claims in the West Philippine Sea. The bill also mandates the National Mapping and Resource Information Authority (NAMRIA) to produce and publish official charts and maps of the appropriate scale clearly representing the delineation of the new basepoints and baselines over the said maritime features.

Recently, the National Task Force for the West Philippine Sea (NTF-WPS) reported on 9 May 2021 that a total of 287 Chinese maritime militia vessels were in the WPS. Foreign Affairs Secretary Teodoro Locsin Jr. ordered the filing of another

diplomatic protest against China last 13 May 2021 as Chinese militia vessels refused to leave the different maritime features in the West Philippine Sea.¹ With tensions in the West Philippines Sea flaring up in the past two months over the illegal incursions of Chinese vessels despite repeated demands from Philippine officials to withdraw,² it is therefore imperative to bolster our stance and assert our rights in the West Philippines Sea through a legal framework consistent with the Constitution and international law.

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

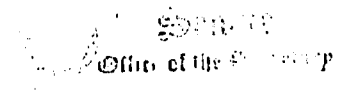


FRANCIS "TOL" N. TOLENTINO

¹ "Philippines flags 'incursions' by nearly 300 Chinese militia boats," Reuters, retrieved from <https://www.reuters.com/world/asia-pacific/philippines-flags-incursions-by-nearly-300-chinese-militia-boats-2021-05-12/>.

² "Locsin orders filing of diplomatic protest anew over presence of 287 Chinese vessels in WPS," CNN Philippines, retrieved from <https://cnnphilippines.com/news/2021/5/13/West-Philippine-Sea-China-vessels-Locsin-DFA.html>.

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



'21 JUN -3 P 4 :50

SENATE
S. B. No. 2288

RECEIVED BY *[Signature]*

Introduced by Senator Francis "Tol" N. Tolentino

AN ACT
AMENDING REPUBLIC ACT NO. 9522, TO FURTHER DEFINE THE BASELINES
OF THE PHILIPPINE TERRITORY, INCLUDING ITS MARITIME FEATURES, AND
FOR OTHER PURPOSES

Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

1 Section 1. Section 2 of Republic Act No. 9522, entitled "An Act to Amend Certain
2 Provisions of Republic Act No. 3046, as amended by Republic Act No. 5446, to Define the
3 Archipelagic Baseline of the Philippines and for Other Purposes", is hereby amended to
4 read as follows:

5
6 **"SECTION 2. FOR PURPOSES OF DEFINING THE TERRITORY OF THE**
7 **MARITIME AREAS OVER WHICH THE REPUBLIC OF THE PHILIPPINES**
8 **EXERCISES SOVEREIGNTY AND JURISDICTION, BASELINES SHALL BE DRAWN**
9 **TO DELINEATE THE MARITIME ZONES OF ISLANDS, ROCK FORMATIONS, AND**
10 **THE LOW-TIDE ELEVATIONS OF THE FOLLOWING:**

- 11
- 12 (a) **BAJO DE MASINLOC**
- 13 (b) **SANDY CAY**
- 14 (c) **ALISON REEF**

- 1 (d) AMBOYNA CAY
- 2 (e) ARDASIER REEF
- 3 (f) BAN THAN JIAO
- 4 (g) BARQUE CANADA REEF
- 5 (h) CENTRAL REEF
- 6 (i) COLLINS REEF
- 7 (j) COMMODORE REEF
- 8 (k) CORNWALLIS SOUTH REEF
- 9 (l) CUARTERON REEF
- 10 (m) DISCOVERY GREAT REEF
- 11 (n) EAST REEF
- 12 (o) ELDAD REEF
- 13 (p) FIERY CROSS REEF
- 14 (q) FLAT ISLAND
- 15 (r) GAVEN REEF
- 16 (s) IRVING REEF
- 17 (t) ITU ABA
- 18 (u) JOHNSON REEF
- 19 (v) LANSDOWNE REEF
- 20 (w) LANKIAM CAY
- 21 (x) LOAITA
- 22 (y) LOUISA REEF
- 23 (z) MARIVELES REEF
- 24 (aa) MISCHIEF REEF
- 25 (bb) NAMYIT
- 26 (cc) NANSHAN
- 27 (dd) NORTHEAST CAY
- 28 (ee) PEARSON REEFS
- 29 (ff) PETLEY REEF
- 30 (gg) PIGEON REEF
- 31 (hh) SAND CAY
- 32 (ii) SECOND THOMAS SHOAL
- 33 (jj) SIN COWE

- 1 (kk) SOUTH REEF
- 2 (ll) SOUTHWEST CAY
- 3 (mm) SPRATLY
- 4 (nn) SUBI REEF
- 5 (oo) SWALLOW REEF
- 6 (pp) THITU
- 7 (qq) WEST REEF
- 8 (rr) WEST YORK
- 9 (ss) WHITSON REEF

10
11 ***PROVIDED, THAT THIS SHALL NOT PRECLUDE FUTURE DEMARCATION***
12 **OF BASELINES FOR OTHER MARITIME FEATURES OVER WHICH THE**
13 **PHILIPPINES EXERCISES SOVEREIGNTY AND JURISDICTION."**
14

15 SEC. 2. A new section designated as Section 2-A of Republic Act No. 9522 is hereby
16 inserted and shall read as follows:

17
18 **"SEC. 2-A. THE NATIONAL MAPPING AND RESOURCE INFORMATION**
19 **AUTHORITY (NAMRIA) SHALL PRODUCE AND PUBLISH OFFICIAL CHARTS AND**
20 **MAPS OF THE APPROPRIATE SCALE CLEARLY REPRESENTING THE**
21 **DELINEATION OF THE NEW BASEPOINTS AND BASELINES AS SET FORTH IN**
22 **SECTION 2, WITHIN THIRTY (30) DAYS FROM THE EFFECTIVITY OF THIS ACT.**
23 **THE NAMRIA SHALL SUBMIT THE FOREGOING TO CONGRESS AND THE**
24 **DEPARTMENT OF FOREIGN AFFAIRS (DFA).**

25
26 ***PROVIDED, THAT THE PHILIPPINE GOVERNMENT, THROUGH THE DFA,***
27 **SHALL DEPOSIT A COPY OF THIS ACT, SUCH OFFICIAL CHARTS AND MAPS**
28 **PRODUCED BY NAMRIA, AND OTHER RELEVANT DOCUMENTS WITH THE**
29 **SECRETARY-GENERAL OF THE UNITED NATIONS AND NOTIFY ACCORDINGLY**
30 **ALL RELEVANT INTERNATIONAL AND INTERGOVERNMENTAL**
31 **ORGANIZATIONS, SUCH AS THE UNITED NATIONS STATISTICAL**
32 **COMMISSION, THE INTERGOVERNMENTAL OCEANOGRAPHIC COMMISSION**
33 **OF THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL**

1 **ORGANIZATION (UNESCO), THE UNITED NATIONS GROUP OF EXPERTS ON**
2 **GEOGRAPHICAL NAMES (UNEGN), AND THE INTERNATIONAL**
3 **HYDROGRAPHIC ORGANIZATION (IHO), AMONG OTHERS.”**
4

5 SEC 3. Such amounts necessary to finance the initial implementation of this Act
6 shall be sourced from the unprogrammed funds in the current General Appropriations Act
7 (GAA). Thereafter, such amounts necessary for its continued implementation shall be
8 included in the annual GAA.
9

10 SEC 4. Should any part or provision of this Act be held unconstitutional or invalid,
11 the other parts or provisions not affected thereby shall continue to be in full force and
12 effect.
13

14 SEC. 5. All laws, decrees, executive orders, rules and regulations, issuances, or any
15 part thereof inconsistent with the provisions of this Act are hereby repealed, amended, or
16 modified accordingly.
17

18 SEC. 6. This Act shall take effect fifteen (15) days following its complete publication
19 in the *Official Gazette* or in a newspaper of general circulation.
20

21 Approved,