

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

Office of the Secretary

'21 DEC -1 P5:48

SENATE
S. No. 2459

REC'D _____

Introduced by Senator Aquilino "Koko" Pimentel III

**AN ACT TO ESTABLISH THE MARITIME ZONES OF THE
PHILIPPINES AND DEFINE THEIR LEGAL REGIMES,
HARMONIZE PHILIPPINE LAWS WITH THE UNITED
NATIONS CONVENTION ON THE LAW OF THE SEA, AND
FOR OTHER PURPOSES**

EXPLANATORY NOTE

The United Nations Convention on the Law of the Sea (UNCLOS)¹ was signed in 1982 and came into effect in 1994. It marked the culmination of a decade of complex multilateral negotiations, preceded by more than twenty years of legal development in which old customary norms were eroded by the pressure of new ocean technologies, increased maritime needs, and expanding coastal state claims, especially on the part of newly independent nations.

The UNCLOS provides a constitution for the oceans that forms the framework and substance of the rules-based order of maritime governance. It encompasses the allocation of maritime zones to coastal states², including archipelagic states³ whose status was formally recognized for the first time under international law; the

¹ United Nations Convention on the Law of the Sea, concluded on 10 December 1982, entered into force Nov. 1, 1994, 1833 U.N.T.S. 397.

² See UNCLOS, Parts II-VI.

³ See UNCLOS, Part IV.

protection of navigational and passage rights of the vessels of all states without discrimination⁴; the creation of a regime for the international seabed⁵; the establishment of cooperation regimes on the protection of the marine environment and on marine scientific research⁶; and the creation of conciliation-based and compulsory mechanisms for dispute settlement⁷.

As a party to UNCLOS and a law-abiding member of the community of nations, the Philippines is bound to perform its obligations in good faith⁸ and thus has the responsibility to harmonize its laws with the treaty. Therefore, in 2009, it enacted Republic Act No. 9522 to make the baselines of the territorial sea of the Philippine archipelago compliant with UNCLOS, the constitutionality of which was recognized by the Supreme Court in *Magallona v Ermita*⁹. It is from these baselines that the maritime zones seaward from Philippine territory are measured; and it is within these baselines that the Philippines has internal and archipelagic waters.

The indispensable next step in the harmonization of Philippine law with UNCLOS is the enactment of a comprehensive statute to establish the maritime zones of the Philippines in accordance with the treaty, which are mentioned and recognized in Article I and Article XII of the Constitution. Some of these maritime zones are already defined or governed in various statutes and statutory provisions¹⁰. However, these scattered statutes and provisions do not establish the complete set of maritime zone regimes that the Philippines, as a coastal state, may define under UNCLOS; and some of them do not yet govern the Philippines' maritime zones to the full geographical extent allowed under the treaty. For example, while the Philippines has already established the limits of its continental shelf beyond 200 nautical miles from the baselines of the territorial sea in the Philippine

⁴ See, *inter alia*, UNCLOS, Part II, Section 3; Part III, Section 2; arts. 52-54, 58.

⁵ See UNCLOS, Part XI.

⁶ See UNCLOS, Parts XII-XIII.

⁷ See UNCLOS, Part XV.

⁸ *Vienna Convention on the Law of Treaties*, 1155 U.N.T.S. 331, entered into force Jan. 27, 1980, art. 26.

⁹ *Magallona et.al. vs Ermita*; G.R. No. 187167; 16 Aug 2011; 655 SCRA 476.

¹⁰ Rep. Act No. 3046 (1961); Rep. Act No. 5446 (1968); Pres. Dec. No. 87 (1972); Pres. Dec. No. 1599 (1978); Rep. Act No. 7942 (1995); Rep. Act No. 8550 (1998); Rep. Act No. 9522 (2009).

Rise Region¹¹, the coverage of the Mining Act of 1995, which would govern mining in offshore areas, does not extend beyond 200 nautical miles, and the law equivocally measures this distance both from the mean low tide level and from the baselines of the Philippine archipelago.¹²

The necessity of comprehensive maritime zones law is further highlighted by the fact that many subsisting statutory provisions governing the maritime zones of the Philippines were enacted or issued before UNCLOS. As a consequence, they either reflect pre-UNCLOS international or domestic legal regimes¹³, or enshrine Philippine negotiating positions on the law of the sea¹⁴, which have been superseded by the entry into force of that treaty. Although these provisions have been impliedly repealed by subsequent UNCLOS-compliant laws like Republic Act No. 9522, it is necessary to remove all ambiguity by enacting a comprehensive maritime zones law that clearly establishes the legal regimes and geographical extent of these maritime zones in accordance with UNCLOS. This would not only demonstrate the adherence of the Philippines to international law, but would also remove any uncertainty on the part of its armed forces and civilian law enforcers as to which laws they may observe and over which area.

In conformity with the requirements of sound legal draftsmanship, the proposed Maritime Zones Law sets out as completely as possible the legal norms governing the maritime zones of the Philippines and includes the express amendment of the inconsistent provisions of prior statutes. This is necessary to ensure that provisions directly affecting substantive rights are contained in a legislated statute and not in administrative issuances whose scope and force is limited to the implementation and interpretation of laws. This is also done to make the maritime legal regimes of the Philippines immediately clear and accessible to the officers and judges tasked with implementing and applying Philippine law, without the need to

¹¹ See M.Z.N.88.2012.LOS, 17 July 2012 and M.Z.N.88.2012.LOS.Add.1, 8 March 2018.

¹² Rep. Act No. 7942, sec. 3 (o, ai) (1995).

¹³ See Pres. Dec. No. 1596 (1978).

¹⁴ See Rep, Act No. 3046, preamble (1961).

refer to other instruments beyond the law itself, and without the need for judicial construction to determine which statutory provisions have been impliedly amended.

For these reasons, the earnest passage of this measure is sought.



AQUILINO "KOKO" PIMENTEL III

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REGIMES, HARMONIZE PHILIPPINE LAWS WITH THE
UNITED NATIONS CONVENTION ON THE LAW OF
THE SEA, AND FOR OTHER PURPOSES**

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

**CHAPTER 1
GENERAL PROVISIONS**

1 **SECTION 1. Short Title.** — This Act shall be known as the “Philippine
2 Maritime Zones and Law of the Sea Act of 2021”.

3
4 **SEC. 2. Statement of Policy.** – The Philippines, being a sovereign state
5 within the international community and subject to the law of nature and of
6 nations, is bound to observe international law and the norms of the rules-based
7 international order in furtherance of its national interest and the global common
8 good. For this purpose, the Philippines shall exercise its rights and comply with
9 its obligations as a party to the 1982 United Nations Convention on the Law of
10 the Sea (UNCLOS), and shall harmonize its laws and regulations with that treaty.

11
12 **SEC. 3. Definitions.** –
13

- 1 1. 'Baselines of the territorial sea' shall mean the baselines from which
2 the territorial sea of the Philippines is measured, which are:
 - 3 a. The archipelagic straight baselines of the territorial sea of the
4 Philippine archipelago, as defined under Section 1 of
5 Republic Act No. 3046 as amended by Section 1 of Republic
6 Act No. 5466 and Republic Act No. 9522; and
 - 7 b. The normal or straight baselines of the territorial sea as
8 defined and drawn in accordance with the UNCLOS from the
9 land territories of the Philippines outside the Philippine
10 archipelago, including the Kalayaan Islands and Bajo De
11 Masinloc which are deemed subject to the Regime of Islands
12 under Article 121 of UNCLOS; provided that, where a low-
13 tide elevation is situated wholly or partly at a distance not
14 exceeding the breadth of the territorial sea from the mainland
15 or an island, the low-water line on that elevation may be used
16 as the baseline for measuring the breadth of the territorial sea;
17
- 18 2. 'Extended Continental Shelf' shall refer to that portion of the
19 continental shelf of the Philippines beyond the distance of 200
20 nautical miles from the baselines of the territorial sea; and
- 21 3. 'Island' is a naturally formed area of land, surrounded by water,
22 which is above water at high tide in its natural state;
- 23 4. 'Land territories of the Philippines' are those portions of the national
24 territory of the Philippines that are above water at high tide, under
25 the title and sovereignty of the Philippines;
- 26 5. 'Low-tide elevation' is a naturally formed area of land which is
27 surrounded by and above water at low tide but submerged at high
28 tide;
- 29 6. 'Rock', in accordance with the Regime of Islands under Article 121
30 of UNCLOS, is an island that, in its natural state, cannot sustain
31 human habitation or economic life of its own; and
- 32 7. 'Warship' means a ship belonging to the armed forces of a State or
33 Administrative Entity bearing the external marks distinguishing
34 such ships of its nationality, under the command of an officer duly
35 commissioned by the government of the State or Administrative
36 Entity and whose name appears in the appropriate service list or its
37 equivalent, and manned by a crew which is under regular armed
38 forces discipline.

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CHAPTER II
MARITIME ZONES UNDER PHILIPPINE SOVEREIGNTY

SEC. 4. *Maritime Zones under Philippine Sovereignty.* - The sovereignty of the Philippines extends beyond its land territory and its internal waters proper, to its archipelagic waters, and its territorial sea, including the airspace, seabed, and subsoil thereof.

The Maritime Zones of the Philippines shall be comprised of its internal waters, archipelagic waters, territorial sea, contiguous zone, Exclusive Economic Zone (EEZ) and the continental shelf. All land territories of the Philippines shall generate their respective maritime zones in accordance with international law. Rocks shall not generate an Exclusive Economic Zone or the continental shelf.

SEC. 5. *Internal Waters and Archipelagic Waters.* -

1. The internal waters of the Philippines in the general sense shall consist of its internal waters proper, hereinafter referred to simply as internal waters, and the archipelagic waters of the Philippines, as defined under the following paragraphs of this Section.
2. The internal waters of the Philippines shall refer to the:
 - a. Waters on the landward side of the baselines of the territorial sea of the Philippine archipelago not forming part of the archipelagic waters; and
 - b. Waters on the landward side of the baseline of the territorial sea of Philippine land territories outside the Philippine archipelago.
3. The archipelagic waters of the Philippines shall refer to the waters on the landward side of the archipelagic straight baselines of the territorial sea of the Philippine archipelago not constituting internal waters.
4. Within the archipelagic waters, closing lines for the delimitation of internal waters shall be drawn pursuant to relevant norms of the UNCLOS.

SEC. 6. *Exercise of Sovereignty in Archipelagic Waters.* - The Philippines shall exercise its sovereignty in its archipelagic waters in accordance with the rules of the UNCLOS, including the following:

1. The Philippines shall respect the right of ships of all States to exercise innocent passage, archipelagic sea lanes passage, and transit passage in accordance with Chapter III of this Act.
2. The Philippines shall respect existing submarine cables laid by other States and passing through its archipelagic waters without making a landfall, and shall permit the maintenance and replacement of such cables upon receiving due notice of their location and the intention to repair or replace them.

SEC. 7. Territorial Sea. -

1. The territorial sea of the Philippines shall refer to the adjacent belt of sea extending twelve (12) nautical miles outward from the baselines of the territorial sea. Its outer limit is the line every point of which is at a distance from the nearest point of the baseline equal to the breadth of the territorial sea.
2. Where the coast of the Philippines is opposite or adjacent to that of another State or Administrative Entity, and unless there is an agreement to the contrary with that State or Administrative Entity, the boundary of the territorial sea between the Philippines and said State or Administrative Entity shall be the median line every point of which is equidistant from the nearest points on the baselines of the territorial seas of the Philippines and that State or Administrative Entity.

SEC. 8. Exercise of Sovereignty in the Territorial Sea. — The Philippines shall exercise its sovereignty in its territorial sea in accordance with the rules of the UNCLOS, including the following:

1. The Philippines shall respect the right of ships of all States to exercise, within its territorial sea, innocent passage and transit passage through straits used for international navigation, in accordance with Chapter III of this Act.
2. No charge may be levied upon foreign ships by reason only of their passage through the territorial sea. Charges may be levied upon a foreign ship passing through the territorial sea as payment only for specific services rendered to the ship. These charges shall be levied without discrimination.

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**CHAPTER III
PASSAGE RIGHTS
IN MARITIME ZONES UNDER PHILIPPINE SOVEREIGNTY**

A. INNOCENT PASSAGE

SEC. 9. *Right of Innocent Passage.* -

1. The ships of all States, whether coastal or land-locked, enjoy the right of innocent passage in the archipelagic waters and the territorial sea of the Philippines.
2. The Philippines may, without discrimination in form or in fact among foreign ships, suspend temporarily in specified areas of its territorial sea or its archipelagic waters the innocent passage of foreign ships if such suspension is essential for the protection of its security, including weapons exercises. Such suspension shall take effect only after having been duly published.
3. The regime of innocent passage shall also apply in straits used for international navigation: (a) excluded from the application of the regime of transit passage; or (b) between a part of the high seas or an exclusive economic zone and the territorial sea of a foreign State. There shall be no suspension of innocent passage through such straits.
4. The Philippines shall take the necessary steps to prevent passage which is not innocent.
5. In the case of ships proceeding to internal waters or a call at a port facility outside internal waters, the Philippines also has the right to take the necessary steps to prevent any breach of the conditions to which admission of those ships to internal waters or such a call is subject.

SEC. 10. *Meaning of Passage.*

1. Passage means navigation through archipelagic waters, the territorial sea, and straits covered by this Act for the purpose of: (a) traversing those maritime areas without entering internal waters or calling at a roadstead or port facility outside internal waters; or (b) proceeding to or from internal waters or a call at such roadstead or port facility.

- 1 2. Passage shall be continuous and expeditious. However, passage
2 includes stopping and anchoring, but only in so far as the same are
3 incidental to ordinary navigation or are rendered necessary by
4 force majeure or distress or for the purpose of rendering assistance
5 to persons, ships or aircraft in danger or distress.
6

7 **SEC. 11. *Scope and Limitations of Innocent Passage.***
8

- 9 1. Passage is innocent so long as it is not prejudicial to the peace, good
10 order or security of the Philippines. Such passage shall take place in
11 conformity with UNCLOS and with other rules of international law.
12
- 13 2. Passage of a foreign ship shall be considered to be prejudicial to the
14 peace, good order or security of the Philippines if it engages in any
15 of the *following* activities within the areas under Section 9 of this
16 Act:
17
- 18 a. Any threat or use of force against the sovereignty, territorial
19 integrity or political independence of the Philippines, or in
20 any other manner in violation of the principles of
21 international law embodied in the Charter of the United
22 Nations;
 - 23 b. Any exercise or practice with weapons of any kind;
 - 24 c. Any act aimed at collecting information to the prejudice of
25 the defense or security of the Philippines;
 - 26 d. Any act of propaganda aimed at affecting the defense or
27 security of the Philippines;
 - 28 e. The launching, landing or taking on board of any aircraft,
29 including unmanned aerial vehicles;
 - 30 f. The launching, landing or taking on board of any military
31 device;
 - 32 g. The loading or unloading of any commodity, currency or
33 person contrary to the customs, fiscal, immigration or
34 sanitary laws and regulations of the Philippines;
 - 35 h. Any act of willful and serious pollution contrary to UNCLOS
36 and the laws of the Philippines;
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- i. Any fishing activities;
- j. The carrying out of research or survey activities;
- k. Any act aimed at interfering with any systems of communication or any other facilities or installations of the Philippines; and
- l. Any other activity not having a direct bearing on passage.

SEC. 12. Rules for Specific Categories of Vessels. -

1. Submarines and other underwater vehicles, including underwater undersea vehicles, that are exercising innocent passage are required to navigate on the surface and to show their flag.
2. Foreign nuclear-powered ships shall, when exercising the right of innocent passage, carry documents and observe special precautionary measures established for such ships by international agreements, without prejudice to Section 58 of this Act.

SEC. 13. Duties of Ships Exercising Innocent Passage. -

1. Foreign ships exercising the right of innocent passage shall comply with all laws and regulations of the Philippines in respect of the following:
 - a. the safety of navigation and the regulation of maritime traffic;
 - b. the protection of navigational aids and facilities and other facilities or installations;
 - c. the protection of cables and pipelines;
 - d. the conservation of the living resources of the sea;
 - e. the prevention of infringement of the fisheries laws and regulations of the Philippines;
 - f. the preservation of the environment of the Philippines and the prevention, reduction and control of pollution thereof;
 - g. marine scientific research and hydrographic surveys; and

1 h. the prevention of infringement of the customs, fiscal,
2 immigration or sanitary laws and regulations of the
3 Philippines.
4

5 Provided that, such laws and regulations shall not apply to the design,
6 construction, manning or equipment of foreign ships unless they are giving effect
7 to generally accepted international rules or standards; Provided, further, That the
8 Philippines shall give due publicity to all such laws and regulations.
9

10 2. Foreign ships exercising the right of innocent passage shall comply
11 with all generally accepted international regulations relating to the
12 prevention of collisions at sea.
13

14 **SEC. 14. *Sea Lanes and Traffic Separation Schemes.* -**
15

16 1. The Philippines may, where necessary and having regard to the
17 safety of navigation, require foreign ships exercising the right of
18 innocent passage to use such sea lanes and traffic separation schemes
19 as it may designate or prescribe for the regulation of the passage of
20 ships.
21

22 2. In particular, tankers and nuclear-powered ships shall be required to
23 confine their passage to such sea lanes, without prejudice to Section
24 58 of this Act.
25

26 3. In the designation of sea lanes and the prescription of traffic
27 separation schemes under this Section, the Philippines shall take into
28 account:
29

30 a. The recommendations of the International Maritime
31 Organization (IMO) and other competent international
32 organizations;
33

34 b. Any channels customarily used for international navigation;
35

36 c. The special characteristics of particular ships and channels;
37 and
38

39 d. The density of traffic.
40

41 4. The Philippines shall clearly indicate such sea lanes and traffic
42 separation schemes on charts to which due publicity shall be given.
43
44

1 **SEC. 15. *Duties of the Philippines in Relation to Innocent Passage.* -**
2

3 1. The Philippines shall not hamper the innocent passage of foreign
4 ships except in accordance with the UNCLOS and, in particular,
5 shall not:

6
7 a. impose requirements on foreign ships which have the
8 practical effect of denying or impairing the right of innocent
9 passage; or

10
11 b. discriminate in form or in fact against the ships of any State
12 or against ships carrying cargoes to, from or on behalf of any
13 State.

14
15 2. The Philippines shall give appropriate publicity to any danger to
16 navigation, of which it has knowledge, within its territorial sea.
17

18 **SEC. 16. *Criminal Jurisdiction on Board a Foreign Ship.* -**
19

20 1. The Philippines shall not exercise criminal jurisdiction on board a
21 foreign ship passing through the territorial sea to arrest any person
22 or to conduct any investigation in connection with any crime
23 committed on board the ship during its passage, save only in the
24 following cases:

25
26 a. if the consequences of the crime extend to the Philippines;

27
28 b. if the crime is of a kind to disturb the peace of the Philippines
29 or the good order of its territorial sea;

30
31 c. if the assistance of the local authorities has been requested
32 by the master of the ship or by a diplomatic agent or consular
33 officer of the flag State; or

34
35 d. if such measures are necessary for the suppression of illicit
36 traffic in narcotic drugs or psychotropic substances.
37

38 2. This does not affect the right of the Philippine government to take
39 any steps authorized by law for the purpose of an arrest or
40 investigation on board a foreign ship passing through the territorial
41 sea after leaving internal waters.

42
43 3. In the cases provided for in the preceding paragraphs of this Section,
44 the Philippines shall, if the master so requests, notify a diplomatic

1 agent or consular officer of the flag State before taking any steps,
2 and shall facilitate contact between such agent or officer and the
3 ship's crew. In cases of emergency, this notification may be
4 communicated while the measures are being undertaken.
5

6 4. In considering whether or in what manner an arrest should be made,
7 Philippine authorities shall have due regard to the interests of
8 navigation.
9

10 5. Except with respect to laws for the protection of the maritime
11 environment or with respect to violations of laws and regulations
12 applicable to the exclusive economic zone, the Philippines shall not
13 take any steps on board a foreign ship passing through the territorial
14 sea to arrest any person or to conduct any investigation in connection
15 with any crime committed before the ship entered the territorial sea,
16 if the ship, proceeding from a foreign port, is only passing through
17 the territorial sea without entering internal waters.
18

19 **SEC. 17. *Civil Jurisdiction in Relation to Foreign Ships.* -**
20

21 1. The Philippines shall not stop or divert a foreign ship passing
22 through its territorial sea for the purpose of exercising civil
23 jurisdiction in relation to a person on board the ship.
24

25 2. The Philippines may not levy execution against or arrest the ship for
26 the purpose of any civil proceedings, save only in respect of
27 obligations or liabilities assumed or incurred by the ship itself in the
28 course or for the purpose of its voyage through the waters of the
29 Philippines. This shall be without prejudice to the right of the
30 Philippines to levy execution against or to arrest, for the purpose of
31 any civil proceedings, a foreign ship lying in its territorial sea, or
32 passing through the territorial sea after leaving internal waters.
33

34 **SEC. 18. *Norms Applicable to Warships and Other Government Ships***
35 ***Operated for Non-Commercial Purposes.* -**
36

37 1. Warships and other government ships operated for non-commercial
38 purposes exercising passage in the territorial sea shall be immune
39 from Philippine jurisdiction except where the provisions of
40 UNCLOS and the norms of international law provide otherwise.
41

42 2. If any warship does not comply with the laws and regulations of the
43 Philippines concerning passage through the territorial sea and

1 disregards any request for compliance therewith, the Philippines
2 shall require it to leave the territorial sea immediately.

- 3
4 3. The flag State shall bear international responsibility for any loss or
5 damage to the Philippines resulting from the non-compliance by a
6 warship or other government ship operated for non-commercial
7 purposes with the laws and regulations of the Philippines concerning
8 passage through the territorial sea or with the provisions of
9 UNCLOS or other rules of international law.

10
11 **B. ARCHIPELAGIC SEA LANES PASSAGE**
12 **AND TRANSIT PASSAGE**
13

14 **SEC. 19. *Right of Archipelagic Sea Lanes Passage.* -**

- 15 1. Foreign ships and aircraft may exercise the right of archipelagic sea
16 lanes passage for purposes of navigation and overflight from one part
17 of the high seas or an exclusive economic zone to another part of the
18 high seas or an exclusive economic zone through or over the
19 archipelagic waters of the Philippines and the adjacent territorial sea.
20
21 2. The right of archipelagic sea lanes passage shall be exercised
22 through the sea lanes and air routes designated by the Philippines or,
23 in default thereof, through the routes normally used for international
24 navigation.
25

26 **SEC. 20. *Sea Lanes and Air Routes for Archipelagic Sea Lanes Passage.***
27 -
28

- 29 1. The Philippines shall designate sea lanes and air routes suitable for
30 the exercise of archipelagic sea lanes passage, and shall define them
31 by a series of continuous axis lines from the entry points of passage
32 routes to the exit points.
33
34 2. The Philippines may also prescribe traffic separation schemes for the
35 safe passage of ships through narrow channels in designated sea
36 lanes.
37
38 3. When circumstances require, after giving due publicity thereto, the
39 Philippines may substitute other sea lanes or traffic separation
40 schemes for any sea lanes or traffic separation schemes previously
41 designated or prescribed by it.
42
43 4. The sea lanes and traffic separation schemes under this Section shall
44 conform to generally accepted international regulations.

- 1 5. The archipelagic State shall clearly indicate the axis of the sea lanes
2 and the traffic separation schemes designated or prescribed by it on
3 charts to which due publicity shall be given.
4
- 5 6. Before designating or substituting sea lanes or prescribing or
6 substituting traffic separation schemes, the Philippines shall first
7 refer proposals to the IMO with a view to their adoption. After the
8 IMO adopts such sea lanes and traffic separation schemes as may be
9 agreed with the Philippines, the latter shall proceed to designate,
10 prescribe or substitute them.
11

12 **SEC. 21. *Transit Passage through Straits Used for International***
13 ***Navigation.*** -
14

- 15 1. In straits that are used for international navigation between one part
16 of the high seas or an exclusive economic zone and another part of
17 the high seas or an exclusive economic zone, all ships and aircraft
18 enjoy the right of transit passage, which shall not be impeded:
19 Provided, That, if the strait is formed by an island of the Philippines
20 bordering the strait and its mainland, transit passage shall not apply
21 if there exists seaward of the island a route through the high seas or
22 through an exclusive economic zone of similar convenience with
23 respect to navigational and hydrographical characteristics.
24
- 25 2. Transit passage means the exercise of the freedom of navigation
26 and overflight solely for the purpose of continuous and expeditious
27 transit of the strait between one part of the high seas or an exclusive
28 economic zone and another part of the high seas or an exclusive
29 economic zone. However, the requirement of continuous and
30 expeditious transit does not preclude passage through the strait for
31 the purpose of entering, leaving or returning from a State bordering
32 the strait, subject to the conditions of entry to that State.
33
- 34 3. The provisions of this Section do not apply to a strait used for
35 international navigation if there exists through the strait a route
36 through the high seas or through an exclusive economic zone of
37 similar convenience with respect to navigational and
38 hydrographical characteristics.
39

40 **SEC. 22. *Duties of Ships and Aircraft during Archipelagic Sea Lanes***
41 ***Passage or Transit Passage.*** -
42

- 43 1. Ships and aircraft, while exercising the right of archipelagic sea lanes
44 passage or transit passage, shall:

- 1 a. Proceed without delay through or over the archipelagic sea
2 lane or strait;
- 3
- 4 b. Refrain from any threat or use of force against the
5 sovereignty, territorial integrity or political independence of
6 the Philippines, or in any other manner in violation of the
7 principles of international law embodied in the Charter of the
8 United Nations;
- 9
- 10 c. Refrain from any activities other than those incident to their
11 normal modes of continuous and expeditious transit unless
12 rendered necessary by force majeure or by distress; and
- 13
- 14 d. Comply with other relevant provisions of this Chapter.
- 15
- 16 2. Ships in archipelagic sea lanes passage or transit passage shall:
- 17
- 18 a. Comply with generally accepted international regulations,
19 procedures and practices for safety at sea, including the
20 International Regulations for Preventing Collisions at Sea;
21 and
- 22
- 23 b. Comply with generally accepted international regulations,
24 procedures and practices for the prevention, reduction and
25 control of pollution from ships.
- 26 3. Aircraft in archipelagic sea lanes passage or transit passage shall:
- 27
- 28 a. Observe the Rules of the Air established by the International
29 Civil Aviation Organization (ICAO) as they apply to civil
30 aircraft; Provided, further, That State aircraft will normally
31 comply with such safety measures and will at all times
32 operate with due regard for the safety of navigation; and
- 33
- 34 b. At all times monitor the radio frequency assigned by the
35 competent internationally designated air traffic control
36 authority or the appropriate international distress radio
37 frequency.
- 38
- 39 4. During archipelagic sea lanes passage or transit passage, foreign
40 ships, including marine scientific research and hydrographic survey
41 ships, may not carry out any research or survey activities without the
42 prior authorization of the Philippines.
- 43

1 **SEC. 23. *Laws and Regulations of States Bordering Straits Relating to***
2 ***Archipelagic Sea Lanes Passage or Transit Passage.*** -
3

- 4 1. Foreign ships exercising the right of archipelagic sea lanes passage
5 or transit passage shall comply with the laws and regulations of the
6 Philippines in respect of all or any of the following:
7
- 8 a. The safety of navigation and the regulation of maritime
9 traffic;
 - 10
 - 11 b. The prevention, reduction and control of pollution, by giving
12 effect to applicable international regulations regarding the
13 discharge of oil, oily wastes and other noxious substances in
14 the archipelagic sea lanes or straits;
 - 15
 - 16 c. The prevention of fishing, including the stowage of fishing
17 gear with respect to fishing vessels; and
 - 18
 - 19 d. The loading or unloading of any commodity, currency or
20 person in contravention of the customs, fiscal, immigration
21 or sanitary laws and regulations of the Philippines.
22
- 23 2. Such laws and regulations shall not discriminate in form or in fact
24 among foreign ships or in their application have the practical effect
25 of denying, hampering or impairing the right of transit passage as
26 defined in this section.
27
- 28 3. The Philippines shall give due publicity to all such laws and
29 regulations.
30
- 31 4. The flag State of a ship or the State of registry of an aircraft entitled
32 to sovereign immunity which acts in a manner contrary to such laws
33 and regulations shall bear international responsibility for any loss or
34 damage caused to the Philippines.
35

36 **SEC. 24. *Other Obligations of Ships and Aircraft in Archipelagic Sea***
37 ***Lanes Passage.*** - In addition to the obligations under the preceding Sections:
38

- 39 1. Ships and aircraft in archipelagic sea lanes passage shall not deviate
40 more than twenty-five (25) nautical miles to either side of the axis
41 lines during passage: Provided, That such ships and aircraft shall not
42 navigate closer to the coasts than 10 per cent of the distance between
43 the nearest points on islands bordering the sea lane.
44

- 1 2. Ships in archipelagic sea lanes passage shall respect applicable sea
2 lanes and traffic separation schemes established in accordance with
3 this Chapter.
4

5 **SEC. 25. *Duties of the Philippines on Archipelagic Sea Lanes Passage***
6 ***or Transit Passage.*** -
7

- 8 1. The Philippines shall not hamper archipelagic sea lanes passage or
9 transit passage and shall give appropriate publicity to any danger to
10 navigation or overflight within or over the archipelagic sea lanes or
11 straits of which they have knowledge.
12
13 2. The Philippines shall not suspend archipelagic sea lanes passage or
14 transit passage.
15

16
17 **CHAPTER IV**
18 **OTHER MARITIME ZONES OF THE PHILIPPINES**
19

20 **A. CONTIGUOUS ZONE**
21

22 **SEC. 26. *Contiguous Zone.*** — The contiguous zone of the Philippines
23 shall refer to the waters beyond and adjacent to its territorial sea, extending
24 twenty-four (24) nautical miles from the baselines of the territorial sea.
25

26 In its contiguous zone, the Philippines shall exercise the control necessary
27 to prevent and punish violations of its customs, fiscal, immigration or sanitary
28 laws and regulations within its territory or territorial sea.
29

30 **B. EXCLUSIVE ECONOMIC ZONE**
31 **AND CONTINENTAL SHELF**
32

33 **SEC. 27. *Exclusive Economic Zone.*** — The exclusive economic zone
34 (EEZ) of the Philippines shall refer to the area beyond and adjacent to the
35 territorial sea and extending two hundred (200) nautical miles from the baselines
36 of the territorial sea.
37

38 **SEC. 28. *Continental Shelf.*** — The continental shelf of the Philippines
39 shall be comprised of the seabed and subsoil of submarine areas beyond the
40 territorial sea of the Philippines, which shall extend either:
41

- 42 1. Throughout the natural prolongation of its land territory to the outer
43 edge of the continental margin, in which case the outer limits of the

1 continental self shall be determined in accordance with Article 76 of
2 the UNCLOS; or

- 3 2. To a distance of two hundred (200) nautical miles from the baselines
4 from which the breadth of the territorial sea is measured, where the
5 outer edge of the continental margin does not extend up to that
6 distance.

7
8 **SEC. 29. *Delimitation of the Exclusive Economic Zone and the***
9 ***Continental Shelf in Relation to States with Opposite or Adjacent Coasts. -***

- 10
11 1. The delimitation of the exclusive economic zone or the continental
12 shelf between the Philippines and a State or Administrative Entity
13 with an opposite or adjacent coast shall be effected by agreement on
14 the basis of international law, as referred to in Article 38 of the
15 Statute of the International Court of Justice (ICJ), in order to achieve
16 an equitable solution.
- 17
18 2. If no agreement can be reached within a reasonable period of time,
19 the Philippines and the State or Administrative Entity concerned
20 shall resort to the procedures provided for in Part XV of the
21 UNCLOS.
- 22
23 3. Pending agreement as provided for in paragraph 1 of this Section,
24 the Philippines and the State or Administrative Entity concerned, in
25 a spirit of understanding and cooperation, shall make every effort to
26 enter into provisional arrangements of a practical nature and, during
27 this transitional period, not to jeopardize or hamper the reaching of
28 the final agreement. Such arrangements shall be without prejudice to
29 the final delimitation.
- 30
31 4. Where there is an agreement in force between the Philippines and
32 the State or Administrative Entity concerned, questions relating to
33 the delimitation of the exclusive economic zone and/or the
34 continental shelf shall be determined in accordance with the
35 provisions of that agreement.
- 36
37 5. Neither this Section, nor Articles 74 and 83 of the UNCLOS, shall
38 apply to alleged maritime disputes or overlaps arising from the
39 maritime claims of a foreign State or Administrative Entity that are
40 invalid under the UNCLOS.

41
42 **SEC. 30. *Sovereign Rights and Jurisdiction of the Philippines in the***
43 ***Exclusive Economic Zone. -*** Within the exclusive economic zone, the
44 Philippines has:

- 1 1. Sovereign rights for the purpose of exploring and exploiting,
2 conserving and managing the natural resources, whether living or
3 non-living, of the waters superjacent to the seabed and of the seabed
4 and its subsoil, and with regard to other activities for the economic
5 exploitation and exploration of the zone, such as the production of
6 energy from the water, currents and winds;
7
- 8 2. Jurisdiction with regard to the establishment and use of artificial
9 islands, installations and structures, namely:
 - 10 a. The exclusive right to construct and to authorize and regulate
11 the construction, operation and use of artificial islands;
12 installations and structures for the purposes provided for in
13 Article 56 of UNCLOS and other economic purposes; and
14 installations and structures which may interfere with the
15 exercise of the rights of the Philippines in the zone.
16
 - 17 b. Exclusive jurisdiction over such artificial islands,
18 installations and structures, including jurisdiction with
19 regard to customs, fiscal, health, safety and immigration laws
20 and regulations.
21
- 22
- 23 3. Jurisdiction with regard to marine scientific research;
- 24
- 25 4. Jurisdiction with regard to the protection and preservation of the
26 marine environment; and
27
- 28 5. Other rights and duties provided for in the UNCLOS.
29

30 **SEC. 31. *Rights of Foreign States in the Exclusive Economic Zone.* -**
31

- 32 1. In the exclusive economic zone, all States, whether coastal or land-
33 locked, enjoy, subject to the relevant provisions of the UNCLOS, the
34 freedoms of navigation and overflight, and other internationally
35 lawful uses of the sea related to these freedoms such as those
36 associated with the operation of ships and aircraft, as well as the
37 laying of submarine cables and pipelines subject to Section 34 of this
38 Act.
39
- 40 2. In exercising their rights and performing their duties under the
41 UNCLOS in the exclusive economic zone, States shall have due
42 regard to the rights and duties of the Philippines and shall comply
43 with the laws and regulations adopted by the Philippines in

1 accordance with the provisions of the UNCLOS and other rules of
2 international law in so far as they are not incompatible with this Act.
3

- 4 3. In cases where the UNCLOS does not attribute rights or jurisdiction
5 to the coastal State or to other States within the exclusive economic
6 zone, and a conflict arises between the interests of the Philippines as
7 a coastal State and any other State or States or Administrative
8 Entities, the conflict should be resolved on the basis of equity and in
9 the light of all the relevant circumstances, taking into account the
10 respective importance of the interests involved to the parties as well
11 as to the international community as a whole.
12

13 **SEC. 32. *Sovereign Rights and Jurisdiction of the Philippines over***
14 ***Natural Resources in the Continental Shelf.*** -
15

- 16 1. The Philippines exercises over the continental shelf sovereign rights
17 for the purpose of exploring it and exploiting its natural resources,
18 independent of occupation, effective or notional, or any express
19 proclamation.
20
21 2. If the Philippines does not explore the continental shelf or exploit its
22 natural resources, no one may undertake these activities without its
23 express consent.
24
25 3. The natural resources referred to in this Section consist of the
26 mineral and other non-living resources of the seabed and subsoil
27 together with living organisms belonging to sedentary species,
28 which shall mean organisms that, at the harvestable stage, either are
29 immobile on or under the seabed or are unable to move except in
30 constant physical contact with the seabed or the subsoil.
31

32 **SEC. 33. *Drilling in the Continental Shelf.*** - The Philippines shall have
33 the exclusive right to authorize and regulate drilling on the continental shelf for
34 all purposes.
35

36 **SEC. 34. *Submarine Cables and Pipelines on the Continental Shelf.*** -
37

- 38 1. All States are entitled to lay submarine cables and pipelines on the
39 continental shelf, in accordance with the UNCLOS. The Philippines
40 shall not impede the laying or maintenance of such cables or
41 pipelines, subject to its right to take reasonable measures for the
42 exploration of the continental shelf, the exploitation of its natural
43 resources and the prevention, reduction and control of pollution from
44 pipelines.

- 1 2. The delineation of the course for the laying of such pipelines on the
2 continental shelf is subject to the consent of the Philippines.
3
- 4 3. Nothing in this Section affects the right of the Philippines to establish
5 conditions for cables or pipelines entering its territory or territorial
6 sea, or its jurisdiction over cables and pipelines constructed or used
7 in connection with the exploration of its continental shelf or
8 exploitation of its resources or the operations of artificial islands,
9 installations and structures under its jurisdiction.
10
- 11 4. When laying submarine cables or pipelines, States shall have due
12 regard to cables or pipelines already in position. In particular,
13 possibilities of repairing existing cables or pipelines shall not be
14 prejudiced.
15

16 **SEC. 35. *Artificial Islands, Installations and Structures in the Exclusive***
17 ***Economic Zone and the Continental Shelf.*** -
18

- 19 1. In the exclusive economic zone and the continental shelf, the
20 Philippines shall have the exclusive right to construct and to
21 authorize and regulate the construction, operation and use of:
22
 - 23 a. Artificial islands;
 - 24 b. Installations and structures for the purposes of exercising its
25 rights, jurisdiction and duties in the exclusive economic zone
26 and the continental shelf, and otherwise for economic
27 purposes; and
28
 - 29 c. Installations and structures that may interfere with the
30 exercise of the rights of the Philippines in the zone.
31
- 32
- 33 2. The Philippines shall have exclusive jurisdiction over such artificial
34 islands, installations and structures, including jurisdiction with
35 regard to customs, fiscal, health, safety and immigration laws and
36 regulations.
37
- 38 3. Due notice shall be given of the construction of such artificial
39 islands, installations or structures, and permanent means for giving
40 warning of their presence shall be maintained. Any installations or
41 structures which are abandoned or disused shall be removed to
42 ensure safety of navigation, taking into account any generally
43 accepted international standards established in this regard by the
44 competent international organization. Such removal shall also have

1 due regard to fishing, the protection of the marine environment and
2 the rights and duties of other States. Appropriate publicity shall be
3 given to the depth, position and dimensions of any installations or
4 structures not entirely removed.
5

- 6 4. Artificial islands, installations and structures do not possess the
7 status of islands. They have no territorial sea of their own, and their
8 presence does not affect the delimitation of the territorial sea, the
9 exclusive economic zone or the continental shelf.

10
11 **SEC. 36. *Safety Zones around Artificial islands, Installations and***
12 ***Structures in the Exclusive Economic Zone and the Continental Shelf. -***
13

- 14 1. The Philippines may, where necessary, establish reasonable safety
15 zones around such artificial islands, installations and structures in
16 which it may take appropriate measures to ensure the safety both of
17 navigation and of the artificial islands, installations and structures.
18 These zones shall be designed to ensure that they are reasonably
19 related to the nature and function of the artificial islands,
20 installations or structures.
21
22 2. The Philippines shall determine the breadth of the safety zones,
23 taking into account applicable international standards, and shall give
24 due notice of the extent of the safety zones; Provided, That their
25 breadth shall not exceed a distance of five hundred (500) meters
26 around them, measured from each point of their outer edge, except
27 as authorized by generally accepted international standards or as
28 recommended by the competent international organization.
29
30 3. All ships must respect these safety zones and shall comply with
31 generally accepted international standards regarding navigation in
32 the vicinity of artificial islands, installations, structures and safety
33 zones.
34
35 4. Artificial islands, installations and structures, and the safety zones
36 around them shall not be established where interference may be
37 caused to the use of recognized sea lanes essential to international
38 navigation.
39

40 **SEC. 37. *Payments and contributions with respect to the exploitation of***
41 ***the extended continental shelf. -*** The Philippines shall make payments or
42 contributions in kind through the International Seabed Authority (ISA) in respect
43 of the exploitation of the non-living resources in the extended continental shelf;

1 provided that, it shall make no payments or contributions in respect of a mineral
2 resource when it is a net importer of that mineral resource.

3
4 **SEC. 38. *Enforcement of Laws and Regulations in the Exclusive***
5 ***Economic Zone and the Continental Shelf.*** -
6

- 7 1. The Philippines may, in the exercise of its sovereign rights to
8 explore, exploit, conserve and manage the living resources in the
9 exclusive economic zone and the continental shelf, take such
10 measures, including boarding, inspection, arrest and judicial
11 proceedings, as may be necessary to ensure compliance with the laws
12 and regulations adopted by it in conformity with the UNCLOS.
13
- 14 2. Arrested vessels and their crews shall be promptly released upon the
15 posting of reasonable bond or other security.
16
- 17 3. The penalties under Philippine law for violations of fisheries laws
18 and regulations in the exclusive economic zone and the continental
19 shelf may not include imprisonment, in the absence of agreements to
20 the contrary with the State or Administrative Entity concerned, or
21 any other form of corporal punishment.
22
- 23 4. In cases of arrest or detention of foreign vessels, the Philippines shall
24 promptly notify the flag State, through appropriate channels, of the
25 action taken and of any penalties subsequently imposed.
26
27

28 **CHAPTER V**
29 **ARCHAEOLOGICAL AND HISTORICAL OBJECTS**
30 **AND MARINE SCIENTIFIC RESEARCH**
31

32 **SEC. 39. *Archaeological and Historical Objects Found at Sea.*** -
33

- 34 1. The Philippines shall protect objects of an archaeological and
35 historical nature found at sea.
36
- 37 2. No object of an archaeological and historical nature shall be removed
38 from the internal waters, archipelagic waters, and territorial sea of
39 the Philippines without the express written approval of the
40 Philippines.
41
- 42 3. This Section is without prejudice to other international agreements
43 and rules of international law regarding the protection of objects of
44 an archaeological and historical nature.

1 SE C. 40. *Maritime Scientific Research in the Internal Waters,*
2 *Archipelagic Waters, and the Territorial Sea of the Philippines.* – No maritime
3 scientific research shall be conducted in the internal waters, archipelagic waters,
4 and the territorial sea of the Philippines without the express written approval of
5 the Philippine Government.
6

7 SEC. 41. *Marine Scientific Research in the Exclusive Economic Zone*
8 *and the Continental Shelf.* -
9

- 10 1. In the exercise of its jurisdiction, the Philippines has the right to
11 regulate, authorize and conduct marine scientific research in their
12 exclusive economic zone and on their continental shelf in
13 accordance with the relevant provisions of UNCLOS.
14
- 15 2. No marine scientific research shall be conducted in the exclusive
16 economic zone and on the continental shelf without the express
17 written consent of the Philippines.
18
- 19 3. The Philippines shall, in normal circumstances, and regardless of the
20 absence of diplomatic relations between the Philippines and the
21 researching State or Administrative Entity, consent to the conduct of
22 marine scientific research projects by other States or Administrative
23 Entities or competent international organizations in its exclusive
24 economic zone or continental shelf exclusively for peaceful purposes
25 and in order to increase scientific knowledge of the marine
26 environment for the benefit of all mankind.
27
- 28 4. Notwithstanding the preceding paragraph, the Philippines shall
29 withhold its consent to the conduct of a marine scientific research
30 project if that project:
31
 - 32 a. Is of direct significance for the exploration and exploitation
33 of natural resources, whether living or non-living; provided
34 that, the Philippines shall not withhold consent on this
35 ground to marine scientific research in the extended
36 continental shelf outside those specific areas which the
37 Philippines may publicly designate as areas in which
38 exploitation or detailed exploratory operations focused are
39 occurring or will occur within one hundred eighty (180)
40 days;
 - 41 b. Involves drilling into the continental shelf, the use of
42 explosives or the introduction of harmful substances into the
43 marine environment;
44

- 1 c. Involves the construction, operation or use of artificial
2 islands, installations and structures referred; or
3
4 d. Contains information communicated pursuant to the next
5 Section regarding the nature and objectives of the project
6 which is inaccurate or if the researching State or
7 Administrative Entity or competent international
8 organization has outstanding obligations to the Philippines
9 from a prior research project.
10

11 **SEC. 42. *Duty to provide information to the Philippines.*** - The State or
12 Administrative Entity or competent international organization which intends to
13 undertake marine scientific research in the exclusive economic zone or on the
14 continental shelf of the Philippines shall, in no less than six (6) months prior to
15 the commencement of the marine scientific research project, provide the
16 Philippines with a full description of the following:
17

- 18 1. The nature and objectives of the project;
19
20 2. The method and means to be used, including name, tonnage, type
21 and class of vessels and a description of scientific equipment;
22
23 3. The precise geographical areas in which the project is to be
24 conducted;
25
26 4. The expected date of first appearance and final departure of the
27 research vessels, or deployment of the equipment and its removal, as
28 appropriate;
29
30 5. The name of the sponsoring institution, its director, and the person
31 in charge of the project including the members of his team; and
32
33 6. The extent to which it is considered that the Philippines should be
34 able to participate or to be represented in the project.
35

36 **SEC. 43. *Implied consent.*** -
37

- 38 1. Where the marine scientific research project is to be undertaken in
39 the exclusive economic zone or the continental shelf of the
40 Philippines by or under the auspices of an international organization
41 of which the Philippines is a member, or with which the Philippines
42 has a bilateral agreement, the Philippines shall be deemed to have
43 authorized the project to be carried out in conformity with the agreed
44 specifications if the Philippines approved the detailed project when

1 the decision was made by the organization for the undertaking of the
2 project, or is willing to participate in it, and has not expressed any
3 objection within four (4) months of notification of the project by the
4 organization to the Philippines.
5

6 2. A State or Administrative Entity or competent international
7 organizations may proceed with a marine scientific research project
8 six months after the date upon which the information required
9 pursuant to Section 42 of this Act was provided to the Philippines
10 unless, within four (4) months of the receipt of the communication
11 containing such information, the Philippines has informed the State
12 or Administrative Entity or organization conducting the research
13 that:

- 14
- 15 a. It has withheld its consent;
 - 16
 - 17 b. The information given by that State or competent international
18 organization regarding the nature or objectives of the project
19 does not conform to the manifestly evident facts;
 - 20
 - 21 c. It requires supplementary information; or
 - 22
 - 23 d. Outstanding obligations exist with respect to a previous marine
24 scientific research project carried out by that State or
25 Administrative Entity or organization.
26

27 **SEC. 44. *Non-Recognition of Marine Scientific Research Activities as***
28 ***the Legal Basis for Claim.*** - Marine scientific research activities shall not
29 constitute the legal basis for any claim to any part of the marine environment or
30 its resources.
31

32 **SEC. 45. *Responsibility of the Department of Environment and Natural***
33 ***Resources.*** - The clearances or approvals required under this Chapter shall be
34 issued by the Department of Environment and Natural Resources, in consultation
35 with the relevant agencies of the Government, unless the President, by Executive
36 Order, vests that authority in another department or agency.
37

38

39 **CHAPTER VI**
40 **PROHIBITED ACTS AND THEIR PENALTIES**
41

42 **SEC. 46. *Prohibition of Unauthorized Activities.*** — Except in accordance
43 with the terms of any agreement entered into with the Philippines or of any license

1 granted by it or under authority by the Philippines, no person shall, in relation to
2 the maritime zones of the Philippines:

- 3
- 4 1. explore or exploit any resources;
- 5
- 6 2. carry out any search, excavation or drilling operations:
- 7
- 8 3. conduct any marine scientific research;
- 9
- 10 4. construct, maintain or operate any artificial island, off-shore
- 11 terminal, installation or other structure or device; or
- 12
- 13 5. perform any act or engage in any activity which is contrary to, or in
- 14 derogation of, the sovereign rights and jurisdiction herein provided.
- 15

16 Nothing herein shall be deemed a prohibition on a citizen of the
17 Philippines, whether natural or juridical, against the performance of any of the
18 foregoing acts, if allowed under existing laws.

19
20 **SEC. 47. *Prohibition of Unauthorized Removal of Objects of an***
21 ***Archaeological and Historical Nature.*** -

- 22
- 23 1. No person shall remove an object of an archaeological and historical
- 24 nature from the internal waters, archipelagic waters, and territorial
- 25 sea of the Philippines in violation of Section 39 of this Act.
- 26
- 27 2. The removal of any object of an archaeological and historical nature
- 28 from the contiguous zone without the express written approval under
- 29 Section 39 of this Act shall be an act in violation of this Section.
- 30
- 31 3. Nothing in this Section shall justify the punishment of identifiable
- 32 owners of the object of an archaeological and historical nature, or of
- 33 any person with right to remove it under the law of salvage or other
- 34 rules of admiralty, or under laws and practices with respect to
- 35 cultural exchanges.
- 36

37 **SEC. 48. *Penalty.*** - Unless a higher penalty is provided under other laws,
38 any person who violates the provisions of Sections 46 and 47 of this Act shall be
39 punished with imprisonment of not less than one (1) year but not more than three
40 (3) years, except where imprisonment or other corporal penalty is prohibited
41 under Section 38 of this Act, and/or a fine of not less than Two Million Pesos
42 (PhP2,000,000.00) but not more than Five Million Pesos (PhP5,000,000.00), as
43 may be determined by the court. Any acquittal or conviction under this law shall

1 bar any other criminal proceeding under other laws arising from the same act or
2 omission.

3
4
5 **CHAPTER VII.**
6 **HARMONIZATION OF PHILIPPINE LAWS WITH THE UNCLOS**
7

8 **SEC. 49. *Incorporation of All Relevant UNCLOS Provisions.*** — All the
9 relevant provisions of the UNCLOS are hereby incorporated into this Act, to the
10 extent compatible with the Constitution of the Philippines and the provisions of
11 this Act, and shall govern all matters not expressly regulated by the provisions of
12 this Act.
13

14 **SEC. 50. *General Repealing Clause.*** —All provisions of laws, rules and
15 regulations that are inconsistent with the provisions of this Act and the provisions
16 of the UNCLOS incorporated herein in accordance with the preceding provision
17 are hereby repealed or modified accordingly.
18

19 **SEC. 51. *Amendment of Republic Act No. 3046.*** —The 2nd, 3rd, and 4th
20 paragraphs of the preamble of Republic Act No. 3046, and Section 2 of Republic
21 Act No. 3046, are hereby repealed.
22

23 **SEC. 52. *Amendment of Presidential Decree No. 87.*** — Section 10 of
24 Presidential Decree No. 87 is hereby amended to read as follows:
25

26 “SEC. 10. *Contract Areas.* Subject to Section eighteen hereof, a contractor
27 or its affiliate may enter into one or more contracts with the government.
28 Contracts for offshore areas may cover any portion beneath the Philippine
29 INTERNAL WATERS, ARCHIPELAGIC WATERS AND territorial
30 waters or IN its continental shelf [~~, or portion of continental slope, terrace~~
31 ~~or areas which are or may be subject to Philippine jurisdiction~~]: Provided,
32 That for offshore areas beyond water depths of 200 meters, the Petroleum
33 Board may provide for more liberal terms that provided for herein with
34 respect to contract area, exploration period and relinquishment.”
35

36 **SEC. 53. *Amendment of Presidential Decree No. 1596***— Section 1 of
37 Presidential Decree No. 1596 is hereby amended to read as follows:
38

39 “SECTION 1. The [~~area~~] ROCKS within the following
40 [~~boundaries~~] LINES:

41
42 **KALAYAAN [~~ISLAND GROUP~~] ISLANDS**

43 From a point at latitude 7°40' North and longitude
44 116°00' East of Greenwich, thence due West along the

1 parallel of 7° 40' N to its intersection with the meridian
2 of longitude 112°10' E, thence due north along the
3 meridian of 112°10' E to its intersection with the
4 parallel of 9°00' N, thence northeastward to the inter-
5 section of the parallel of 12°00' N with the meridian of
6 longitude 114° 30' E, thence, due East along the parallel
7 of 12°00' N to its intersection with the meridian of
8 118°00' E, thence, due South along the meridian of
9 longitude 118° 00' E to its intersection with the parallel
10 of 10°00' N, thence Southwestwards to the point of
11 beginning at 7°40' N, latitude and 116° 00' E longitude;

12 ~~[including the sea bed, sub-soil, continental margin and air space]~~
13 shall belong and be subject to the sovereignty of the Philippines.
14 ~~[Such area is]~~ THESE ROCKS ARE hereby constituted as a distinct
15 and separate municipality of the Province of Palawan and shall be
16 known as "Kalayaan."

17
18 **SEC. 54. Amendment of Presidential Decree No. 1599.** — Presidential
19 Decree No. 1599 is hereby amended to the extent that it is incompatible with this
20 Act.

21
22 **SEC. 55. Amendment of Republic Act No. 7942. -**

- 23
24 1. Section 3(e) of Republic Act No. 7942 is hereby repealed and
25 replaced with the term "Continental Shelf" as defined under this Act.
26
27 2. Section 3(ai) of Republic Act No. 7942 is hereby amended to read
28 as follows:

29
30 "ai. Offshore means the [~~water, sea bottom and subsurface from~~
31 ~~the shore or coastline reckoned from the mean low tide level up to]~~
32 MARITIME ZONES OF THE PHILIPPINES, [~~sea and contiguous~~
33 ~~zone]~~ INCLUDING THE INTERNAL WATERS, the archipelagic
34 WATERS, THE TERRITORIAL SEA, AND THE EXCLUSIVE
35 ECONOMIC ZONE, AS WELL AS THE SEABED AND
36 SUBSOIL OF THE CONTINENTAL SHELF."

- 37
38 3. All other references to the contiguous zone in Republic Act No.
39 7942 are hereby repealed.
40
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44

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CHAPTER VIII
MISCELLANEOUS PROVISIONS

SEC. 56. *General Non-Prejudice Clause on Maritime Delimitation Negotiations or Agreements.* - Unless the Philippines expressly affirms the contrary in accordance with the Constitution:

1. No negotiation or agreement between the Philippines and any State or Administrative Entity for the delimitation of any maritime zone shall affect, imply, or require the recognition or non-recognition by the Philippines of the State or Administrative Entity concerned or its claim to title or sovereignty over the land territory from which its maritime zone is drawn; and
2. Any such negotiation or agreement shall be without prejudice to the resolution of territorial or maritime disputes other than the maritime overlap subject of the negotiation or agreement.

SEC. 57. *Interpretation.* - The provisions of this Act shall be interpreted in accordance with the norms of international law.

SEC. 58. *Subsisting Prohibition of Hazardous and Nuclear Wastes.* - No provision of this Act shall be interpreted as repealing the prohibition under Republic Act No. 6969 against the storage, importation or bringing into Philippine territory and its maritime zones, even in transit, of any amount of hazardous and nuclear wastes.

SEC. 59. *Joint Congressional Oversight Committee on the Law of the Sea.* - There shall be a Joint Congressional Oversight Committee on the Law of the Sea (JCOCLS), which shall be composed of a total of twelve (12) members, to wit: the Chairpersons of the respective Committees on Foreign Relations/Affairs of the Senate of the Philippines and the House of Representatives of the Philippines, who shall serve as Co-Chairpersons of the JCOCLS; five (5) members selected by the Senate of the Philippines from among its members; and five (5) members selected by the House of Representatives of the Philippines from among its members.

The JCOCLS shall conduct a hearing at least once every quarter to review the implementation of this Act, and to identify other necessary legislation.

SEC. 60. *Implementing Rules and Regulations.* - Within one hundred twenty (120) calendar days from the effectivity of this Act, the Implementing Rules and Regulations (IRR) of this Act shall be issued by the Department of Foreign Affairs, after due consultation with the Department of National Defense,

1 Department of Transportation, Department of Agriculture, Department of
2 Environment and Natural Resources, Philippine Coast Guard, and other relevant
3 agencies of the Executive Branch. A copy of the IRR shall be submitted to the
4 JCOCLS.
5

6 **SEC. 61. *Due Publicity of Geographical Coordinates.* -**
7

- 8 1. The baselines of the territorial sea, the outer limits and metes and
9 bounds of the maritime zones under this Act, and the lines of
10 delimitation drawn under this Act, shall be shown on charts of a scale
11 or scales adequate for ascertaining their position. Alternatively, a list
12 of geographical coordinates of points, specifying the geodetic datum,
13 may be substituted.
14
- 15 2. The Philippines shall give due publicity to such charts or lists of
16 these geographical coordinates and shall deposit a copy of each such
17 chart or list with the Secretary General of the United Nations.
18
- 19 3. The National Mapping and Resource Administration Authority shall
20 be responsible for the preparation of charts or lists of these
21 geographical coordinates under this Section.
22
- 23 4. A copy of the geographical coordinates under this Section shall be
24 submitted to the JCOCLS.
25

26
27 **CHAPTER IX**
28 **FINAL PROVISIONS**
29

30 **SEC. 62. *Separability Clause.*** - Should any provision or part of this Act
31 be declared unconstitutional or invalid, the other provisions and parts hereof,
32 insofar as they are separable from the invalid ones, shall remain in full force and
33 effect.
34

35 **SEC. 63. *Effectivity.*** - This Act shall take effect fifteen (15) days after its
36 publication in the *Official Gazette* or in at least two (2) newspapers of general
37 circulation.
38

39 **SEC. 64. *Deposit.*** - Within sixty (60) days from its effectivity, a copy of
40 this Act shall be deposited with the Secretary General of the United Nations
41 Organization.

Approved,