



Senate
Office of the Secretary

NINETEENTH CONGRESS OF THE PHILIPPINES
REPUBLIC OF THE PHILIPPINES
Second Regular Session

23 JUL 12 A9 :00

RECEIVED BY:

SENATE

S.B. NO 2294

Introduced by Senator Francis "Tol" N. Tolentino

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

EXPLANATORY NOTE

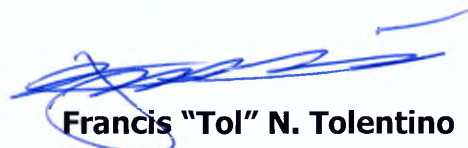
The 1982 United Convention on the Law of the Sea (UNCLOS), considered as the constitution for the oceans, promotes and highlights the importance of having rules-based order in maritime governance and allocates maritime zones to coastal and archipelagic states.

The Philippines signed UNCLOS in 1982 and ratified it 1984. This however, does not automatically transform UNCLOS as domestic law; the Congress has an obligation to harmonize local legislation with international law. As a law-abiding member of the international community, the Philippines has the task to define the maritime zones and align them with measurements outlined by the Convention. The Philippine government already made important steps on this by: (1) Adopting the regime of islands under Article 121 of that convention for the Kalayaan Island Group and Bajo De Masinloc; and (2) enacting the Archipelagic Baselines of the Philippines Act through Republic Act 9522, 14 years ago. Hence, the next logical step for us is to clearly define our maritime zones.

The Maritime Zones bill's primary objective is to declare the Philippines' maritime zones based on the standards set by UNCLOS, clarify the geographical extent of the Philippine maritime domain, and at the same time, clarify the legal powers that the Philippines may exercise over.

The Maritime Zones Law, by delineating and underscoring our maritime zones and boundaries, can act as foundational policy that (1) addresses various institutional roadblocks, (2) advances our national interest in terms of the protection, maximization, and sustainability of the marine resources, (3) provides guidance on the rights and entitlements of the Philippines on different maritime zones, and (4) can be utilized to further the goals of other relevant maritime laws of the Philippines.


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



Francis "Tol" N. Tolentino

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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 Maritime*
2 *Zones Act*".

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

7 SEC. 3. **Archipelagic Baselines.** – Archipelagic baselines, as used in this Act,
8 refer to the baselines as defined under Republic Act No. 9522, otherwise known as
9 the "Philippine Archipelagic Baselines Act of 2009".

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

12 (a) waters on the landward side of the archipelagic baselines not forming part
13 of archipelagic waters under Section 5 of this Act and delineated in accordance with

1 Article 50 of the 1982 United Nations Convention on the Law of the Sea (UNCLOS);
2 and

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

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

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

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

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

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

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

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

29 In accordance with the UNCLOS, the Philippines exercises control over this zone
30 necessary to:

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

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

1 SEC. 8. **Exclusive Economic Zone.** – The exclusive economic zone (EEZ) of
2 the Philippines refers to the waters beyond and adjacent to its territorial sea and up
3 to the extent of two hundred (200) nautical miles from the baselines from which the
4 breadth of the territorial sea is measured, as established by Presidential Decree No.
5 1599, otherwise known as the "Philippine Exclusive Economic Zone of 1978", and to
6 the extent consistent with the other provisions of this Act and with the provisions of
7 the UNCLOS.

8 In accordance with the UNCLOS, the Philippines exercises within the EEZ the
9 following rights:

10 (a) sovereign rights over this area for the purpose of exploring and
11 exploiting, conserving and managing the natural resources, whether living or non-
12 living, of the waters superjacent to the seabed, and of the seabed and its subsoil, and
13 with regard to other activities for the economic exploitation and exploration of the
14 zone, such as the production of energy from the water, tide, and wind; and

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

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

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

27 The Philippines exercises sovereign rights to explore and exploit the mineral,
28 petroleum and nonliving resources of the seabed and subsoil and living organisms
29 belonging to the sedentary species, as well as jurisdiction with regard to the
30 establishment and use of artificial islands, installations and structures on the seabed,
31 drilling and tunneling, and other rights as provided for in accordance with the UNCLOS,
32 Republic Act No. 7942, otherwise known as the "Philippine Mining Act of 1995", and
33 other existing laws and treaties.

34 SEC. 10. **Adherence to Existing Laws.** – Other rights of the Philippines
35 relative to its maritime zones and entitlements shall be exercised in accordance with
36 the UNCLOS, the awards rendered by the Arbitral Tribunal in Permanent Court of

1 Arbitration (PCA) Case No. 2013-19, in the matter of the South China Sea Arbitration
2 between the Republic of the Philippines and the People’s Republic of China, handed
3 down on July 12, 2016 at The Hague, The Netherlands and other laws and regulations
4 on maritime zones and entitlements of the Philippines and international law.

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

9 SEC. 12. **Reciprocity and Mutual Respect.** – The rights and privileges of
10 foreign vessels and aircraft in the Philippine maritime zones declared herein are
11 recognized under conditions of reciprocity and mutual respect. Vessels and aircraft of
12 foreign States that do not abide by, or act inconsistently with, the UNCLOS and
13 international law shall not be entitled to exercise the rights, or be owed the obligations,
14 relative to the Maritime Zones declared herein.

15 SEC. 13. **Separability Clause.** – If any portion or provision of this Act is
16 declared unconstitutional or invalid, the other portions or provisions hereof not
17 affected thereby shall continue to be in full force and effect.

18 SEC. 14. **Repealing Clause.** – All laws inconsistent with or contrary to the
19 provisions of this Act are deemed amended or repealed accordingly.

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

22 Adopted