



HOUSE OF REPRESENTATIVES

H. No. 9034

---

BY REPRESENTATIVES VILLAFUERTE (L.R.), VILLAFUERTE (M.L.), HORIBATA, ENCISO, RODRIGUEZ (R.),  
TAMBUNTING, ARENAS, BAUTISTA-LIM, RIVERA, YAMSUAN, ACHARON, TANJUATCO, SILVERIO,  
ALBA, TOLENTINO, VELOSO-TUAZON, ABUNDA, VERGARA, VILLANUEVA AND DALIPE

---

AN ACT

ESTABLISHING THE ARCHIPELAGIC SEA LANES IN THE PHILIPPINE  
ARCHIPELAGIC WATERS, PRESCRIBING THE RIGHTS AND OBLIGATIONS  
OF FOREIGN SHIPS AND AIRCRAFT EXERCISING THE RIGHT OF  
ARCHIPELAGIC SEA LANES PASSAGE

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

1

CHAPTER I

2

GENERAL PROVISIONS

3

SECTION 1. *Short Title.* – This Act shall be known as the “Philippine Archipelagic

4

Sea Lanes Act”.

5

SEC. 2. *State Policy.* – The State in the exercise of its duty to protect its maritime

6

domain shall implement and adhere to the provisions of the 1982 United Nations Convention

7

on the Law of the Sea (UNCLOS) and relevant international conventions to which the

8

Philippines is a party.

1           It shall be the policy of the State to minimize the routes and areas that shall be utilized  
2 and accessed by foreign vessels and foreign registered aircraft for the exercise of archipelagic  
3 sea lanes passage.

4           **SEC. 3. *Definition of Terms.*** – As used in this Act:

5           (a) *Archipelagic sea lane* refers to the designated sea lanes in the archipelagic waters and  
6 air routes thereabove through which foreign vessels or aircraft may exercise the right of  
7 archipelagic sea lanes passage;

8           (b) *Archipelagic sea lane passage* refers to the exercise of the rights of navigation  
9 and overflight in the normal mode solely for the purpose of continuous, expeditious, and  
10 unobstructed transit between one part of the high seas or an exclusive economic zone (EEZ)  
11 and another part of the high seas or an EEZ;

12           (c) *Archipelagic waters* refer to the waters on the landward side of the archipelagic  
13 baselines except those delineated as internal waters.

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

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

19           (d) *Associated protective measure* refers to a measure that a coastal State may adopt  
20 to regulate international maritime activities for the protection of the area at risk;

21           (e) *Hydrographic survey* refers to the determination of data relating to bodies of  
22 water. A hydrographic survey may consist of the determination of one or several of the  
23 following classes of data: depth of water; configuration and nature of the bottom; directions  
24 and force of currents; heights and times of tides and water stages; and location of topographic  
25 features and fixed objects for survey and navigation purposes;

1 (f) *Oceanographic survey* refers to a study or examination of any physical,  
2 chemical, biological, geological, or geophysical condition in the ocean, or any part of it;

3 (g) *Right of innocent passage* refers to the right of continuous and expeditious  
4 passage of foreign vessels through the territorial sea that is not prejudicial to the peace, good  
5 order, or security of the coastal State. The passage includes stopping and anchoring, but only  
6 insofar as the same are incidental to ordinary navigation or are rendered necessary by *force*  
7 *majeure* or distress or for the purpose of rendering assistance to persons, ships, or aircraft in  
8 danger or distress. Passage shall be considered as prejudicial to the peace, good order, or  
9 security of the coastal State if in the territorial sea, the vessel engages in any of the activities  
10 enumerated in Article 19 of the UNCLOS. This right of innocent passage applies to  
11 archipelagic waters outside of the archipelagic sea lanes, as provided for in Article 52 of the  
12 UNCLOS; and

13 (h) *Territorial sea* refers to the adjacent belt of sea measured twelve (12) nautical  
14 miles from the baselines of the territorial sea as determined in accordance with the provisions  
15 of Part II or Part IV of the UNCLOS as appropriate.

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

## 19 CHAPTER II

### 20 DESIGNATION OF THE ARCHIPELAGIC SEA LANES FOR THE RIGHT OF 21 ARCHIPELAGIC SEA LANES PASSAGE AND INSTITUTION OF PROTECTIVE 22 MEASURES THERETO

23 SEC. 4. *Designation of Archipelagic Sea Lanes.* – The System of the Archipelagic  
24 Sea Lanes in the Philippine Archipelagic Waters shall be defined by connecting the  
25 coordinates of the following axis lines:



1 That the substituted or additional sea lanes shall only be effective during the continued  
2 existence of the said clear and compelling circumstances: *Provided, furthermore,* That upon  
3 the President's notification to Congress of the cessation of the said circumstances, the  
4 archipelagic sea lanes herein designated shall again become operative.

5 **SEC. 6. *Protective Measures.*** – All rules and regulations relating to the management  
6 and security of the archipelagic sea lanes and adjacent archipelagic waters shall be promulgated  
7 by the President of the Philippines, with the assistance of the relevant national agencies,  
8 through an appropriate executive issuance. Such issuances shall include the protective  
9 measures stipulated in international agreements, conventions, and regulations such as those  
10 established by the International Maritime Organization, as well as national measures enacted  
11 in accordance with existing laws and regulations.

### 12 **CHAPTER III**

#### 13 **RIGHTS AND OBLIGATIONS OF FOREIGN SHIPS AND AIRCRAFT WHEN** 14 **EXERCISING THE RIGHT OF ARCHIPELAGIC SEA LANES PASSAGE**

15 **SEC. 7. *Right of Archipelagic Sea Lanes Passage.*** – Foreign ships and aircraft may  
16 exercise the right of archipelagic sea lanes passage in accordance with the provisions of the  
17 UNCLOS in order to navigate or fly from one part of the high seas or an EEZ to another part  
18 of the high seas or an EEZ through or over the Philippine archipelagic waters and its adjacent  
19 territorial sea. Such sea lanes shall be defined by a series of continuous axis lines from the entry  
20 points of passage routes to the exit points.

21 The exercise of the right of archipelagic sea lanes passage shall be through a sea lane,  
22 or through the air route above a sea lane, which has been determined and designated to be an  
23 archipelagic sea lane that may be used for exercising the right of archipelagic sea lanes passage  
24 under Section 4 hereof.

1           **SEC. 8. *Obligations in the Exercise of the Right of Archipelagic Sea Lanes Passage.***

2   – In the exercise of the right of archipelagic sea lanes passage, the following obligations must  
3 be observed:

4           (a) Foreign ships and aircraft shall pass through or above the archipelagic sea lane  
5 as quickly as possible without delay and in the normal mode solely for the purpose of  
6 continuous, expeditious, and unobstructed transit;

7           (b) Foreign ships and aircraft shall not deviate more than twenty-five (25) nautical  
8 miles to either side of the axis line of the sea lane: *Provided*, That such ships and aircraft shall  
9 not navigate closer to the coast more than ten percent (10%) of the distance between the nearest  
10 points on islands bordering the sea lane;

11           (c) Foreign ships and aircraft shall refrain from any threat or use of force against  
12 the sovereignty, territorial integrity, or political independence of the Republic of the  
13 Philippines, or in any other manner in violation of the principles of international law embodied  
14 in the Charter of the United Nations;

15           (d) Foreign ships and aircraft, including military aircraft and warships, shall refrain  
16 from any war game exercises or exercises using any type of weapons, especially involving the  
17 use of ordnance;

18           (e) Foreign aircraft shall not land in Philippine territory except when rendered  
19 necessary by *force majeure* or distress;

20           (f) Foreign ships shall refrain from stopping, dropping anchor, or loitering, except  
21 when rendered necessary by *force majeure* or distress or in order to render assistance to a  
22 person or persons or a ship or ships in danger or in distress;

23           (g) Foreign ships or aircraft shall refrain from making covert transmissions,  
24 interfering with telecommunications systems, and communicating directly with an  
25 unauthorized person or group of persons in Philippine territory; and

1 (h) Foreign ships or aircraft exercising the right of archipelagic sea lanes passage  
2 shall refrain from any activity other than those incidents to their normal modes of continuous  
3 and expeditious transit unless rendered necessary by *force majeure* or by distress.

4 SEC. 9. ***Prohibition Against the Conduct of Research and Survey Activities.*** – Foreign  
5 ships or aircraft, including marine scientific research or survey ships or aircraft, while  
6 exercising the right of archipelagic sea lanes passage, shall not conduct oceanographic or  
7 hydrographic surveys or any other research or survey activities, whether with the use of  
8 detection equipment or sample gathering equipment, unless they have obtained prior  
9 permission to do so from the appropriate agency of the Government of the Republic of the  
10 Philippines.

11 SEC. 10. ***Prohibition of Fishing, Marine Bioprospecting, Loading, Unloading of***  
12 ***Persons, Goods, or Currency.*** –

13 (a) Foreign ships, including fishing vessels, while exercising the right of  
14 archipelagic sea lanes passage, shall not conduct any fishing operation, marine bioprospecting,  
15 or exploitation of marine resources of the Philippines.

16 (b) Foreign fishing vessels, while exercising the right of archipelagic sea lanes  
17 passage, besides fulfilling their obligations under paragraph (a) herein shall stow all fishing  
18 equipment within the hold.

19 (c) Foreign ships and aircraft, while exercising the right of archipelagic sea lanes  
20 passage, shall not load to a ship or unload from a ship persons, goods, or currency in a  
21 manner that contravenes the laws and regulations concerning customs, immigration, fiscal  
22 matters, and sanitary rules, except when rendered necessary by *force majeure* or by distress.

23 SEC. 11. ***Compliance with Navigational Regulations, Procedures and Traffic***  
24 ***Scheme.*** – While exercising the right of archipelagic sea lanes passage, foreign ships shall:

1 (a) Comply with the generally accepted international regulations, procedures, and  
2 practices concerning the safety of navigation, including regulations relating to the prevention  
3 of collisions at sea;

4 (b) Comply with the provisions of the traffic separation scheme where a traffic  
5 separation scheme has been established for the regulation of navigation;

6 (c) Sail at a safe distance so as not to cause disturbance or damage to navigational  
7 facilities or submarine cables or pipes; and

8 (d) Observe prohibited zones as determined by concerned agencies.

9 **SEC. 12. *Obligations of Foreign Civil Aircraft.* –**

10 (a) Foreign civil aircraft exercising the right of archipelagic sea lanes passage shall:

11 (1) Observe the Rules of the Air established by the International Civil Aviation  
12 Organization (ICAO); and

13 (2) Monitor the radio frequency assigned by the competent internationally  
14 designated air traffic control authority or the appropriate international distress radio frequency  
15 at all times.

16 (b) Foreign State aircraft exercising the right of archipelagic sea lanes passage shall:

17 (1) Respect the regulations concerning flight safety as detailed in Section 11(a)  
18 hereof and at all times operate with due regard for the safety of navigation; and

19 (2) Fulfill their obligations as detailed in Section 11 (a)(2) hereof.

20 **SEC. 13. *Prevention of Marine Pollution.* –**

21 (a) Foreign ships exercising the right of archipelagic sea lanes passage shall not  
22 expel oil, oily wastes, solid wastes, other noxious substances, or ballast water into the marine  
23 environment, or conduct other activities in contravention of international regulations and  
24 standards for the prevention, reduction, and control of marine pollution that originates from  
25 ships.



1 (b) Foreign ships, while exercising the right of archipelagic sea lanes passage, shall  
2 not dump waste in Philippine waters.

3 **SEC. 14. *Liability for Damage.*** –

4 (a) The person or legal body responsible for the operation or cargo of foreign  
5 commercial ships or aircraft or foreign government ships or aircraft operated for commercial  
6 purposes shall be liable for any loss or damage suffered by the Philippines or any third party  
7 as a result of noncompliance with any of the provisions of this Act while exercising the right  
8 of archipelagic sea lanes passage.

9 (b) The flag State shall bear international responsibility for any loss or damage suffered  
10 by the Philippines or any third party as a result of noncompliance with any of the provisions of  
11 this Act by a foreign warship or aircraft or other government ship operated for noncommercial  
12 purposes while exercising the right of archipelagic sea lanes passage.

13 **SEC. 15. *Implementing Rules and Regulations.*** – Within one (1) year from the  
14 effectivity of this Act, the President of the Philippines shall, in consultation with the  
15 Department of Foreign Affairs, Philippine Coast Guard, National Mapping and Resource  
16 Information Authority, and other concerned agencies, promulgate rules and regulations  
17 necessary to ensure the efficient and effective implementation of this Act.

18 The rules and regulations shall provide for the submission of charts depicting the  
19 coordinates of the sea lanes to the International Maritime Organization (IMO) at least six (6)  
20 months prior to the effectivity of the sea lanes.

21 **SEC. 16. *Penalties.*** –

22 Noncompliance by foreign civilian ships and aircraft with the pertinent provisions of  
23 this Act which constitutes a violation of existing fisheries, environmental, customs, fiscal,  
24 immigration, sanitary, and other pertinent laws shall be punishable by the provisions thereof.

25 If the noncompliance does not constitute a violation of existing laws, the same shall be  
26 punishable by imprisonment of six (6) months and one (1) day to two (2) years and two (2)

1 months or a fine of One million two hundred thousand US dollars (US\$1,200,000.00) or its  
2 equivalent in Philippine currency, or both such imprisonment and fine at the discretion of the  
3 court.

4 The penalty shall be imposed upon the master of the vessel or the captain of the aircraft  
5 or the owner or operator of the vessel or aircraft, as the case may be. If the owner or operator  
6 is a corporation, partnership, or any other juridical person, the penalty shall be imposed upon  
7 the president or head thereof.

## 8 CHAPTER IV

### 9 FINAL PROVISIONS

10 SEC. 17. *Right of Innocent Passage.* – The provisions of this Act shall not diminish  
11 the rights of foreign ships to exercise the right of innocent passage in the archipelagic waters  
12 outside of the archipelagic sea lanes.

13 SEC. 18. *Reciprocity and Mutual Respect.* – The rights and privileges of foreign  
14 vessels and aircraft in Philippine archipelagic waters herein provided are recognized under  
15 conditions of reciprocity and mutual respect. The vessels and aircraft of Foreign States that  
16 do not abide by, or that act inconsistently with, the 1982 United Nations Convention on the  
17 Law of the Sea shall not be entitled to exercise the rights, nor be owed the obligations,  
18 relative to the regime of archipelagic waters and the right of archipelagic sea lanes passage  
19 under Part IV of the Convention.

20 SEC. 19. *Separability Clause.* – If any portion or provision of this Act is declared  
21 unconstitutional or invalid, the other portions or provisions hereof which are not affected  
22 thereby shall continue to be in full force and effect.

23 SEC. 20. *Repealing Clause.* – All laws inconsistent with or contrary to the provisions  
24 of this Act are deemed amended, modified, or repealed accordingly.

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

Approved,