

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



24 MAY -8 P5 :49

SENATE

RECEIVED BY

S. B. No. 2665

(In substitution of Senate Bill Nos. 78, 462, 1490, 2395, 2438, and 2606
taking into consideration House Bill No. 9034)

Prepared by the Special Committee on Philippine Maritime and Admiralty Zones with
Senators Pimentel III, Ejercito Estrada, Revilla Jr., Gatchalian, Tulfo, Dela Rosa and
Tolentino, as authors thereof.

AN ACT
AUTHORIZING THE PRESIDENT OF THE PHILIPPINES TO ESTABLISH THE
ARCHIPELAGIC SEA LANES IN PHILIPPINE ARCHIPELAGIC WATERS,
PRESCRIBING THE OBLIGATIONS OF FOREIGN SHIPS AND AIRCRAFT
EXERCISING ARCHIPELAGIC SEA LANES PASSAGE THROUGH THE
DESIGNATED ARCHIPELAGIC SEA LANES, AND FOR OTHER PURPOSES

*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 Archipelagic Sea
2 Lanes Act".
- 3 Sec. 2. **Declaration of Policy.** - It is hereby the declared policy of the State to
4 ensure the protection of its maritime domain and to safeguard the sovereignty of the
5 State and the integrity of the national territory. Towards this end, the State shall
6 adhere to and implement the provisions of the 1982 United Nations Convention on the
7 Law of the Sea (UNCLOS) and other relevant conventions to which the Philippines is
8 a party.

1 Consistent with the national interest, the State likewise reiterates its policy of adopting
2 and pursuing freedom against nuclear weapons in its territories, as enunciated in
3 Article II Section 8 of the 1987 Constitution.

4 **Sec. 3. *Scope of Application.*** - This Act shall govern the exercise of archipelagic sea
5 lanes passage through established and designated archipelagic sea lanes by foreign
6 ships and aircraft: *Provided*, That pending the establishment and designation of the
7 said archipelagic sea lanes, ships and aircraft passing through routes normally used
8 for international navigation and overflight shall comply with the provisions of this Act.

9 **Sec. 4. *Definition of Terms.*** - For the purposes of this Act, the following terms shall
10 be defined as follows:

11 (a) ***Archipelagic sea lanes*** refer to the designated sea lanes in the
12 archipelagic waters and air routes thereabove through which foreign
13 vessels or aircraft may exercise the right of archipelagic sea lanes passage;

14 (b) ***Archipelagic sea lanes passage*** refers to the exercise of the rights of
15 navigation and overflight in the normal mode solely for the purpose of
16 continuous, expeditious, and unobstructed transit between one part of the
17 high seas or an exclusive economic zone (EEZ) and another part of the
18 high seas or an EEZ: *Provided*, That such passage is not prejudicial to the
19 peace, good order, and security of the Philippines;

20 (c) ***Archipelagic waters*** refer to the waters on the landward side of the
21 archipelagic baselines as defined in the Philippine Maritime Zones Act;

22 (d) ***Associated protective measures*** refer to measures that the Philippines
23 may adopt to regulate international maritime activities for the protection
24 of areas at risk from navigation and overflight. These shall include all
25 measures adopted or to be proposed for adoption in accordance with the
26 regulations of the International Maritime Organization (IMO);

27 (e) ***Bioprospecting*** refers to the research, collection, and utilization of
28 biological and genetic resources for purposes of applying the knowledge
29 derived therefrom for commercial purposes;

1 (f) **Hydrographic survey** refers to a survey having for its principal purpose
2 the determination of data relating to bodies of water. A hydrographic
3 survey may consist of the determination of one or several of the following
4 classes of data: depth of water; configuration and nature of the bottom;
5 directions and force of currents; heights and times of tides and water
6 stages; and location of topographic features and fixed objects for survey
7 and navigation purposes;

8 (g) **Oceanographic survey** refers to a study or examination of any physical,
9 chemical, biological, geological, or geophysical condition in the ocean or
10 any part of it. It is an expedition to gather data, samples, or information
11 to conduct such studies or examinations;

12 (h) **Right of innocent passage** refers to the continuous and expeditious
13 passage of foreign vessels through the territorial sea that is not prejudicial
14 to the peace, good order, or security of the Philippines. The passage
15 includes stopping and anchoring, but only insofar as the same are
16 incidental to ordinary navigation or are rendered necessary by *force*
17 *majeure* or distress or for the purpose of rendering assistance to persons,
18 ships, or aircraft in danger or in distress. Passage shall be considered as
19 prejudicial to the peace, good order, or security of the Philippines if, in the
20 territorial sea, the vessel engages in any of the activities enumerated in
21 Article 19 of the UNCLOS. Subject to Article 53 and without prejudice to
22 Article 50 of UNCLOS, ships of all States shall also enjoy the right of
23 innocent passage through archipelagic waters;

24 (i) **Traffic Separation Scheme** refers to a routeing measure aimed at the
25 separation of opposing streams of traffic by appropriate means and by the
26 establishment of traffic lanes; and

27 (j) **Territorial sea** refers to the adjacent belt of sea measured twelve (12)
28 nautical miles from the baselines as defined in the Maritime Zones Act.

29 Sec. 5. **Right of Archipelagic Sea Lanes Passage.** - Foreign ships and aircraft, in
30 accordance with the provisions of UNCLOS on archipelagic sea lanes passage, may
31 exercise the rights of navigation and overflight from one part of the high seas or an

1 EEZ to another part of the high seas or an EEZ through or over the Philippine
2 archipelagic waters and its adjacent territorial sea.

3 Archipelagic sea lanes shall be defined by a series of continuous axis lines and specific
4 coordinates from entry points of passage routes to the exit points, drawn over
5 archipelagic waters.

6 The right of archipelagic sea lanes passage shall be exercised through a sea lane or
7 the air route above a sea lane that has been established and designated to be an
8 archipelagic sea lane for that purpose.

9 **Sec. 6. *Archipelagic Sea Lanes.*** - The system of archipelagic sea lanes in the
10 Philippine Archipelagic Waters shall be defined by connecting the coordinates of the
11 following axis lines:

12 (a) Philippine Sea - Balintang Channel - West Philippine Sea.

13 (b) Celebes Sea - Sibutu Passage - Sulu Sea - Cuyo East Pass - Mindoro Strait -
14 West Philippine Sea.

15 (c) Celebes Sea - Basilan Strait - Sulu Sea - Nasubata Channel - Balabac Strait
16 - West Philippine Sea.

17 Passage through the said sea lanes and air routes may be undertaken in both
18 directions between the entry and exit points.

19 **Sec. 7. *Establishment of Archipelagic Sea Lanes.*** - In accordance with the
20 UNCLOS and the general guidelines and procedures of the IMO, a system of
21 archipelagic sea lanes, through which foreign vessels and aircraft shall exercise the
22 right of archipelagic sea lanes passage, shall be established and designated by the
23 President, with the assistance of competent government agencies following the routes,
24 and the factors and/or reasons outlined in the succeeding sections.

25 **Sec. 8. *Factors for Selection.***- The following factors shall be considered by the
26 President in the identification, proposal, and designation of the coordinates of the
27 archipelagic sea lanes specified in Section 6 hereof, as well as in the establishment
28 and designation of any additional or substitute sea lanes or air routes:

1 archipelagic sea lanes specified in Section 6 hereof, as well as in the establishment
2 and designation of any additional or substitute sea lanes or air routes:

- 3 (a) National security and public safety;
- 4 (b) Safety of navigation, particularly to safeguard life and property at sea,
5 both domestic and international;
- 6 (c) The presence of Particularly Sensitive Sea Areas designated, or to be
7 designated, in accordance with international law;
- 8 (d) Protection of fishing grounds and key biodiversity areas in Philippine
9 waters;
- 10 (e) Management of risks of pollution on account of ship operations and
11 accidents;
- 12 (f) Suitability for continuous, expeditious, and unobstructed transit from
13 one part of the EEZ or high seas to another part of the EEZ or high
14 seas; and
- 15 (g) Non-duplication of routes of similar convenience between the same
16 entry and exit points into archipelagic waters.

17 **Sec. 9. *Additional Archipelagic Sea Lanes.***- Additional archipelagic sea lanes may
18 be established and designated by the President upon clear and compelling reasons,
19 considering the factors enumerated in Section 8 above and UNCLOS.

20 **Sec. 10. *Substitution of Archipelagic Sea Lanes.***- The President, in the interests
21 of national security, safety of navigation, and the public interest, upon formal
22 notification to Congress and due publicity, may substitute other archipelagic sea lanes
23 for any archipelagic sea lanes previously established and designated: *Provided*, That
24 the factors for selection have likewise been duly considered and adequate measures
25 for protection of Philippine interests have been prepared: *Provided, Further*, That the
26 substitution is likewise carried out in accordance with the guidelines and procedures
27 of the IMO.

28 **Sec. 11. *Consultation with the Competent International Organization.*** -
29 Consistent with Article 53 of UNCLOS and previous Sections of this Act, the President,
30 upon consultation with appropriate agencies and acting through the Department of

1 Foreign Affairs (DFA), shall, within one (1) year from the effectivity of this Act, consult
2 with the IMO with a view towards the adoption of such sea lanes and air routes:
3 *Provided, That, the IMO may adopt only such sea lanes and air routes as may be agreed*
4 *with the Philippines.*

5 **Sec. 12. *Effectiveness of Designation.*** - Upon the IMO's adoption of the Philippines'
6 proposal and due publicity, the President shall issue a proclamation establishing and
7 designating the archipelagic sea lanes containing the specific coordinates defining the
8 axis lines of all the archipelagic sea lanes, which shall take effect six months after such
9 issuance.

10 The National Mapping and Resource Information Authority (NAMRIA) shall cause the
11 publication and submission of the charts depicting the coordinates of the sea lanes to
12 the IMO after the establishment and designation by the President. The information on
13 the coordinates of the air routes above the archipelagic sea lanes shall likewise be
14 submitted to the IMO together with the charts of the sea lanes.

15 **Sec. 13. *Non-Diminution of Rights.*** - The provisions of this Act shall not diminish
16 the rights of foreign ships to exercise, as defined under Section 4(h), the right of
17 innocent passage in the archipelagic waters outside of the archipelagic sea lanes:
18 *Provided, That sea lanes, traffic separation schemes, and other associated protective*
19 *measures for the safety of navigation and life at sea may be prescribed for the exercise*
20 *of the right of innocent passage through such waters.*

21 **Sec. 14. *Obligations in the Exercise of the Right of Archipelagic Sea Lanes***
22 ***Passage.*** - In the exercise of the right of archipelagic sea lanes passage, the following
23 obligations must be complied:

- 24 (a) Foreign ships and aircraft shall pass through or above the archipelagic sea
25 lane as quickly as possible without delay and in the normal mode solely for
26 the purpose of continuous, expeditious, and unobstructed transit;
- 27 (b) Foreign ships and aircraft shall not deviate more than 25 nautical miles on
28 either side of such axis lines during the passage: *Provided, That such ships*
29 *and aircraft shall not navigate closer to the coasts than ten percent (10%)*

1 of the distance between the nearest points on islands bordering the sea
2 lane: *Provided, Further,* That aircraft shall not traverse over or through the
3 airspace of any islands or land territories of the Philippines, even if located
4 within 25 nautical miles of the axis lines;

5 (c) Foreign aircraft shall not land in Philippine territory except when rendered
6 necessary by *force majeure* or distress;

7 (d) Foreign ships shall refrain from stopping, dropping anchor, or loitering,
8 except when rendered necessary by *force majeure* or distress or to render
9 assistance to persons, ships or aircraft in danger or distress: *Provided,* That
10 vessels anchoring on account of force majeure or to render assistance to
11 persons, ships or aircraft in danger or distress may be subject to boarding
12 and inspection by Philippine government vessels;

13 (e) Foreign ships or aircraft shall refrain from any activity other than those
14 incidental to continuous, expeditious, and unobstructed transit unless
15 rendered necessary by force majeure or by distress, in which case such shall
16 be subject to Philippine approval, when appropriate;

17 (f) Foreign ships or aircraft shall refrain from making covert transmissions,
18 interfering with telecommunications systems, and communicating directly
19 with unauthorized person or group of persons in Philippine territory;

20 (g) Foreign ships or aircraft shall keep their automatic identification systems
21 (AIS), transponders, or other means of identification and communication
22 turned on throughout their passage through Philippine archipelagic waters
23 and shall duly respond to communications from the Philippine Coast Guard
24 (PCG), Civil Aviation Authority of the Philippines (CAAP), and other agencies
25 of the government of the Republic of the Philippines; and

26 (h) Foreign nuclear-powered ships and ships carrying inherently dangerous or
27 noxious substances shall carry documents and observe special
28 precautionary measures established for such ships by applicable
29 international conventions or agreements when traversing the Philippine
30 archipelagic waters in the exercise of archipelagic sea lanes passage or
31 innocent passage; *Provided,* That in exercise of said rights, the declared
32 policy in the second paragraph of Section 2 is observed and complied with.

1 Sec. 15. **Prohibition of the Threat or Use of Force and Passage Prejudicial to**
2 **the Security of the Philippines.** - Foreign ships and aircraft exercising the right of
3 archipelagic sea lanes passage shall not engage in threat or use of force against the
4 sovereignty, territorial integrity, or political independence of the Republic of the
5 Philippines or in any other manner in violation of the principles of international law
6 embodied in the Charter of the United Nations.

7 Sec. 16. **Prohibition on War Games and Other Military Exercises.** - Foreign
8 ships and aircraft, including military warships and military aircraft, shall not undertake
9 or engage in any war games or other military exercises, especially those involving the
10 use of any type of weapons and/or ordnance, intelligence gathering, surveillance, or
11 reconnaissance assets or equipment. Such foreign ships or aircraft shall pass without
12 delay through or over the sea lanes and air routes in the normal mode solely for
13 continuous, expeditious, and unobstructed transit: *Provided*, That military exercises
14 undertaken by foreign warships and military aircraft together with the warships and
15 military aircraft of the Philippines, in Philippine archipelagic waters, under applicable
16 international defense agreements, shall be exempted from this prohibition: *Provided*,
17 *Further*, That the Philippines shall give publicity to any danger to navigation or
18 overflight within or over the sea lanes in relation to such exercise: *Provided, Finally*,
19 That the foregoing provisions shall not prejudice the right of the Philippines to
20 establish reasonable and appropriate measures that protect its national security
21 without unduly hampering or denying the exercise of the rights of archipelagic sea
22 lanes passage and innocent passage.

23 Sec. 17. **Prohibition Against Marine Pollution.** - Foreign ships and aircraft
24 exercising archipelagic sea lanes passage shall not:

- 25 (a) Discharge oil, oily wastes, solid waste, other noxious substances, or ballast
26 water in Philippine territory and maritime zones;
- 27 (b) Discharge sewage, garbage, and air emissions in violation of existing
28 conventions on the prevention of pollution from ships in Philippine territory
29 and maritime zones; and

1 (c) Conduct any other activities that violate Philippine laws and international
2 regulations and standards for the prevention, reduction, and control of
3 marine pollution.

4 Sec. 18. ***Prohibition Against the Conduct of Research and Survey Activities.***

5 - Foreign ships or aircraft, including marine scientific research or survey ships or
6 aircraft, while exercising the right of archipelagic sea lanes passage, shall not conduct
7 oceanographic or hydrographic surveys or any other research or survey activities,
8 whether with the use of detection equipment or sample gathering equipment, unless
9 they have obtained prior permission to do so from the appropriate agency of the
10 Government of the Republic of the Philippines. Foreign ships or aircraft shall not
11 interfere with the survey or marine scientific research activities carried out by the
12 Philippines in the sea lanes or air routes thereabove.

13 Sec. 19. ***Prohibition of Fishing, Marine Bioprospecting, Loading, Unloading***
14 ***of Persons, Goods, or Currency.*** -

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

19 (b) Foreign fishing vessels exercising the right of archipelagic sea lanes
20 passage shall stow all fishing equipment within the hold, in addition to
21 fulfilling their obligations under paragraph (a) herein.

22 (c) Foreign ships and aircraft, while exercising the right of archipelagic sea
23 lanes passage, shall not load to and unload from a ship persons, goods, or
24 currency in a manner that contravenes the laws and regulations
25 concerning customs, immigration, sanitation, and fiscal matters.

26 Sec. 20. ***Compliance with Navigational Regulations, Procedures, and Traffic***
27 ***Scheme.*** - While exercising the right of archipelagic sea lanes passage, foreign ships
28 shall:

- 1 (a) Comply with the generally accepted international regulations, procedures,
2 and practices concerning the safety of navigation, including regulations
3 relating to the prevention of collisions at sea;
- 4 (b) Comply with the provisions of the traffic separation schemes and associated
5 protective measures that have been established for the safety of navigation
6 through the archipelagic sea lanes;
- 7 (c) Sail at a safe speed and maintain safe distances so as not to cause
8 disturbance to aids to navigation, submarine cables or pipelines, and other
9 duly authorized floating installations or devices; and
- 10 (d) Observe safety zones, areas to avoid, or no-sail zones duly established and
11 given due publicity by the appropriate agencies.

12 **Sec. 21. *Compliance with Applicable Air Rules and Regulations on Flight***
13 ***Safety.*** - Foreign aircraft exercising the right of archipelagic sea lanes passage shall:

- 14 (a) observe the Rules of the Air established by the Civil Aviation Authority of
15 the Philippines (CAAP), the International Civil Aviation Organization (ICAO),
16 and such other conventions or treaties to which the Philippines is a party
17 as they apply to civil aircraft, while state aircraft will normally comply with
18 such safety measures and at all times operate with due regard for the
19 safety of navigation; and
- 20 (b) monitor the radio frequency assigned by the competent internationally
21 designated air traffic control authority or the appropriate international
22 distress radio frequency at all times.

23 **Sec. 22. *Liability for Damage.*** -

- 24 (a) The person or legal entity responsible for the operation or cargo of foreign
25 commercial ships or aircraft or foreign government ships or aircraft operated
26 for commercial purposes shall be liable for any loss or damage suffered by the
27 Philippines or any third party as a result of noncompliance with any of the
28 provisions of this Act while exercising the right of archipelagic sea lanes
29 passage.

1 (b) The flag State or the State of Registry shall bear international responsibility
2 for any loss or damage suffered by the Philippines or any third party as a result
3 of noncompliance with any of the provisions of this Act by a foreign warship,
4 military aircraft, or other government ship or aircraft operated for
5 noncommercial purposes while exercising the right of archipelagic sea lanes
6 passage.

7 (c) If any foreign warship or military aircraft does not comply with the laws
8 and regulations of the Philippines concerning passage through or over the
9 archipelagic waters and disregards any request for compliance therewith which
10 is made to it, then it shall be required by the appropriate agency or agencies
11 of the government of the Republic of the Philippines to leave the Philippine
12 archipelagic waters or airspace immediately.

13 **Sec. 23. Immunities of Warships or Military Aircraft or Other Government**
14 **Ships or Aircraft Operated for Non-Commercial Purposes.** - The immunities of
15 warships or military aircraft or other government ships or aircraft operated for non-
16 commercial purposes shall not be affected notwithstanding Sections 22 (b) and (c)
17 and 24 of this Act and Section 32 of UNCLOS.

18 **Sec. 24. Reciprocity and Mutual Respect.** - The rights and privileges of foreign
19 ships and aircraft in Philippine archipelagic waters herein provided are recognized
20 under conditions of reciprocity and mutual respect. The ships and aircraft of foreign
21 States that do not abide by, or that act inconsistently with UNCLOS, in violation of
22 Philippine sovereignty, sovereign rights, or jurisdiction, or resulting in injury or
23 damage, shall not be entitled to exercise the rights, nor be owed the obligations,
24 relative to the regime of archipelagic waters and the right of archipelagic sea lanes
25 passage under Part IV of the Convention.

26 **Sec. 25. Penalties.** - Noncompliance by foreign civilian ships and aircraft with the
27 pertinent provisions of this Act, which constitutes a violation of existing fisheries,
28 environmental, customs, fiscal, immigration, sanitary, or other special laws, shall be
29 punishable under the provisions of such laws.

1 If the noncompliance does not constitute a violation of existing laws, the same shall
2 be punishable by imprisonment of six (6) months and one (1) day to two (2) years
3 and two (2) months or a fine of One million two hundred thousand US dollars
4 (US\$1,200,000.00) or its equivalent in Philippine currency, or both such imprisonment
5 and fine at the discretion of the court.

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

10 Sec. 26. **Appropriations.** - The amount necessary for the immediate implementation
11 of this Act shall be included in the annual General Appropriations Act.

12 Sec. 27. **Separability Clause.** - If any portion or provision of this Act is declared
13 unconstitutional or invalid, the other portions or provisions that are not affected
14 thereby shall continue to be in full force and effect.

15 Sec. 28. **Repealing Clause.** - All laws inconsistent with or contrary to the provisions
16 of this Act are deemed amended, modified, or repealed accordingly.

17 Sec. 29. **Effectivity.** - This Act shall take effect fifteen (15) days after its publication
18 in the Official Gazette or in a newspaper of general circulation.

19 *Approved,*