



S E N A T E

S. No. 2665

PREPARED BY THE SPECIAL COMMITTEE ON PHILIPPINE
MARITIME AND ADMIRALTY ZONES WITH SENATORS
PIMENTEL III, ESTRADA, REVILLA JR., GATCHALIAN,
TULFO, DELA ROSA, TOLENTINO, VILLANUEVA, AND
LAPID 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
2 the “Philippine Archipelagic Sea Lanes Act”.

3 SEC. 2. *Declaration of Policy.* – It is hereby declared
4 the policy of the State to ensure the protection of its
5 maritime domain and to safeguard the sovereignty of the

1 State and the integrity of the national territory. Towards
2 this end, the State shall adhere to and implement the
3 provisions of the 1982 United Nations Convention on the
4 Law of the Sea (UNCLOS) and other relevant conventions
5 to which the Philippines is a party.

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

10 SEC. 3. *Scope of Application.* – This Act shall govern
11 the exercise of archipelagic sea lanes passage through
12 established and designated archipelagic sea lanes by
13 foreign ships and aircraft: *Provided,* That pending the
14 establishment and designation of the archipelagic sea
15 lanes, ships and aircraft passing through routes normally
16 used for international navigation and overflight shall
17 comply with the provisions of this Act.

18 SEC. 4. *Definition of Terms.* – For purposes of this
19 Act:

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

5 (b) *Archipelagic sea lanes passage* refers to the
6 exercise of the rights of navigation and overflight in the
7 normal mode solely for the purpose of continuous,
8 expeditious, and unobstructed transit between one part of
9 the high seas or an exclusive economic zone (EEZ) and
10 another part of the high seas or an EEZ: *Provided*, That
11 such passage is not prejudicial to the peace, good order,
12 and security of the Philippines;

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

16 (d) *Associated protective measures* refer to measures
17 that the Philippines may adopt to regulate international
18 maritime activities for the protection of areas at risk from
19 navigation and overflight. These shall include all measures

1 adopted or proposed for adoption in accordance with the
2 regulations of the International Maritime Organization
3 (IMO);

4 (e) *Bioprospecting* refers to the research, collection,
5 and utilization of biological and genetic resources for
6 purposes of applying the knowledge derived therefrom for
7 commercial purposes;

8 (f) *Hydrographic survey* refers to a survey for the
9 determination of data relating to bodies of water. It may
10 consist of the determination of one or several of the
11 following classes of data: depth of water; configuration and
12 nature of the bottom; directions and force of currents;
13 heights and times of tides and water stages; and location of
14 topographic features and fixed objects for survey and
15 navigation purposes;

16 (g) *Oceanographic survey* refers to a study or
17 examination of any physical, chemical, biological,
18 geological, or geophysical condition in the ocean or any

1 part of it. It is an expedition to gather data, samples, or
2 information for such studies or examinations;

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

18 (i) *Traffic separation scheme* refers to a routeing
19 measure for the separation of opposing streams of traffic

1 by appropriate means and by the establishment of traffic
2 lanes; and

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

6 SEC. 5. *Right of Archipelagic Sea Lanes Passage.* – In
7 accordance with the provisions of the UNCLOS on
8 archipelagic sea lanes passage, foreign ships and aircraft
9 may exercise the rights of navigation and overflight from
10 one part of the high seas or an EEZ to another part of the
11 high seas or an EEZ through or over the Philippine
12 archipelagic waters and its adjacent territorial sea.

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

17 The right of archipelagic sea lanes passage shall be
18 exercised through a sea lane or the air route above a sea

1 lane that has been established and designated to be an
2 archipelagic sea lane for that purpose.

3 SEC. 6. *Archipelagic Sea Lanes.* – The system of
4 archipelagic sea lanes in the Philippine archipelagic waters
5 shall be defined by connecting the coordinates of the
6 following axis lines:

7 (a) Philippine Sea - Balintang Channel - West
8 Philippine Sea.

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

11 (c) Celebes Sea - Basilan Strait - Sulu Sea - Nasubata
12 Channel - Balabac Strait - West Philippine Sea.

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

16 SEC. 7. *Establishment of Archipelagic Sea Lanes.* –
17 In accordance with the UNCLOS and the general
18 guidelines and procedures of the IMO, a system of
19 archipelagic sea lanes, through which foreign vessels and

1 aircraft shall exercise the right of archipelagic sea lanes
2 passage, shall be established and designated by the
3 President, with the assistance of competent government
4 agencies following the routes, factors, and/or reasons
5 outlined in the succeeding sections.

6 SEC. 8. *Factors for Selection.* – The following factors
7 shall be considered by the President in the identification,
8 proposal, and designation of the coordinates of the
9 archipelagic sea lanes specified in Section 6 hereof, as well
10 as in the establishment and designation of substitute sea
11 lanes or air routes:

12 (a) National security and public safety;

13 (b) Safety of navigation, both domestic and
14 international, to safeguard life and property at sea,;

15 (c) The presence of Particularly Sensitive Sea Areas
16 designated, or to be designated, in accordance with
17 international law;

18 (d) Protection of fishing grounds and key biodiversity
19 areas in Philippine waters;

1 (e) Management of risks of pollution on account of
2 ship operations and accidents;

3 (f) Suitability for continuous, expeditious, and
4 unobstructed transit from one part of the EEZ or high seas
5 to another part of the EEZ or high seas; and

6 (g) Non-duplication of routes of similar convenience
7 between the same entry and exit points into archipelagic
8 waters.

9 SEC. 9. *Substitution of Archipelagic Sea Lanes.* – The
10 President, in the interests of national security, safety of
11 navigation, and the public interest, upon formal
12 notification to Congress and due publicity, may substitute
13 other archipelagic sea lanes for those previously
14 established and designated: *Provided*, That the factors for
15 selection have likewise been duly considered and adequate
16 measures for protection of Philippine interests have been
17 prepared: *Provided, further*, That the substitution is
18 likewise carried out in accordance with the guidelines and
19 procedures of the IMO.

1 SEC. 10. *Consultation with the Competent*
2 *International Organization.* – Consistent with Article 53 of
3 the UNCLOS and previous sections of this Act, the
4 President, upon consultation with appropriate agencies
5 and acting through the Department of Foreign Affairs
6 (DFA), shall, within one (1) year from the effectivity of this
7 Act, consult with the IMO with a view towards the
8 adoption of such sea lanes and air routes: *Provided, That*
9 the IMO may adopt only such sea lanes and air routes as
10 may be agreed with the Philippines.

11 SEC. 11. *Effectiveness of Designation.* – Upon the
12 IMO's adoption of the Philippines' proposal and due
13 publicity, the President shall issue a proclamation
14 establishing and designating the archipelagic sea lanes
15 containing the specific coordinates defining the axis lines
16 of all the archipelagic sea lanes, which shall take effect six
17 (6) months after such issuance.

18 The National Mapping and Resource Information
19 Authority (NAMRIA) shall cause the publication and

1 submission of the charts depicting the coordinates of the
2 sea lanes to the IMO after the establishment and
3 designation by the President. The coordinates of the air
4 routes above the archipelagic sea lanes shall likewise be
5 submitted to the IMO together with the charts of the sea
6 lanes.

7 SEC. 12. *Non-Diminution of Rights.* – The provisions
8 of this Act shall not diminish the rights of foreign ships to
9 exercise the right of innocent passage, in the archipelagic
10 waters outside of the archipelagic sea lanes: *Provided,*
11 That sea lanes, Traffic separation schemes, and other
12 associated protective measures for the safety of navigation
13 and life at sea may be prescribed for the exercise of the
14 right of innocent passage through such waters.

15 SEC. 13. *Obligations in the Exercise of the Right of*
16 *Archipelagic Sea Lanes Passage.* – In the exercise of the
17 right of archipelagic sea lanes passage, the following
18 obligations must be complied with:

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

6 (b) Foreign ships and aircraft shall not deviate more
7 than twenty-five (25) nautical miles on either side of such
8 axis lines during the passage: *Provided*, That such ships
9 and aircraft shall not navigate closer to the coasts than ten
10 percent (10%) of the distance between the nearest points
11 on islands bordering the sea lane: *Provided, further*, That
12 aircraft shall not traverse over or through the airspace of
13 any island or land territory of the Philippines, even if
14 located within twenty-five (25) nautical miles of the axis
15 lines;

16 (c) Foreign aircraft shall not land on Philippine
17 territory except when rendered necessary by *force majeure*
18 or distress;

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

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

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

1 (g) Foreign ships or aircraft shall keep their
2 automatic identification systems (AIS), transponders, or
3 other means of identification and communication turned on
4 throughout their passage through Philippine archipelagic
5 waters and shall duly respond to communications from the
6 Philippine Coast Guard (PCG), the Civil Aviation
7 Authority of the Philippines (CAAP), and other agencies of
8 the government of the Republic of the Philippines; and

9 (h) Foreign nuclear-powered ships and ships carrying
10 inherently dangerous or noxious substances shall carry
11 documents and observe special precautionary measures
12 established for such ships by applicable international
13 conventions or agreements when traversing the Philippine
14 archipelagic waters in the exercise of archipelagic sea
15 lanes passage or innocent passage; *Provided*, That in
16 exercise of said rights, the declared policy in the second
17 paragraph of Section 2 is observed and complied with.

18 SEC. 14. *Prohibition of the Threat or Use of Force and*
19 *Passage Prejudicial to the Security of the Philippines.* –

1 Foreign ships and aircraft exercising the right of
2 archipelagic sea lanes passage shall not engage in threat or
3 use of force against the sovereignty, territorial integrity, or
4 political independence of the Republic of the Philippines or
5 in any other manner act in violation of the principles of
6 international law embodied in the Charter of the United
7 Nations.

8 SEC. 15. *Prohibition on War Games and Other*
9 *Military Exercises.* – Foreign ships and aircraft, including
10 military warships and military aircraft, shall not
11 undertake or engage in any war games or other military
12 exercises, especially those involving the use of any type of
13 weapons and/or ordnance, intelligence gathering,
14 surveillance, or reconnaissance assets or equipment. Such
15 foreign ships or aircraft shall pass without delay through
16 or over the sea lanes and air routes in the normal mode
17 solely for continuous, expeditious, and unobstructed
18 transit: *Provided,* That military exercises undertaken in
19 Philippine archipelagic waters by foreign warships and
20 military aircraft with the warships and military aircraft of

1 the Philippines, under applicable international defense
2 agreements, shall be exempt from this prohibition:
3 *Provided, further,* That the Philippines shall give publicity
4 to any danger to navigation or overflight within or over the
5 sea lanes in relation to such exercise: *Provided, finally,*
6 That the foregoing provisions shall not prejudice the right
7 of the Philippines to establish reasonable and appropriate
8 measures that protect its national security without unduly
9 hampering or denying the exercise of the rights of
10 archipelagic sea lanes passage and innocent passage.

11 SEC. 16. *Prohibition Against Marine Pollution.* –
12 Foreign ships and aircraft exercising archipelagic sea lanes
13 passage shall not:

14 (a) Discharge oil, oily wastes, solid waste, other
15 noxious substances, or ballast water in Philippine territory
16 and maritime zones;

17 (b) Discharge sewage, garbage, and air emissions in
18 violation of existing conventions on the prevention of

1 pollution from ships in Philippine territory and maritime
2 zones; or

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

7 SEC. 17. *Prohibition Against the Conduct of Research*
8 *and Survey Activities.* – Foreign ships or aircraft, including
9 marine scientific research or survey ships or aircraft, while
10 exercising the right of archipelagic sea lanes passage, shall
11 not conduct oceanographic or hydrographic surveys or any
12 other research or survey activities, whether with the use of
13 detection equipment or sample gathering equipment,
14 unless they have obtained prior permission from the
15 appropriate agency of the government of the Republic of
16 the Philippines. Foreign ships or aircraft shall not interfere
17 with the survey or marine scientific research activities
18 carried out by the Philippines in the sea lanes or air routes
19 thereabove.

1 SEC. 18. *Prohibition of Fishing, Marine*
2 *Bioprospecting, Loading, Unloading of Persons, Goods, or*
3 *Currency.* –

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

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

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

1 SEC. 19. *Compliance with Navigational Regulations,*
2 *Procedures, and Traffic Scheme.* – While exercising the
3 right of archipelagic sea lanes passage, foreign ships shall:

4 (a) Comply with the generally accepted international
5 regulations, procedures, and practices concerning the
6 safety of navigation, including regulations relating to the
7 prevention of collisions at sea;

8 (b) Comply with the provisions of traffic separation
9 schemes and associated protective measures established
10 for the safety of navigation through the archipelagic sea
11 lanes;

12 (c) Sail at a safe speed and maintain safe distances so
13 as not to cause disturbance to navigational aids, submarine
14 cables or pipelines, and other duly authorized floating
15 installations or devices; and

16 (d) Observe safety zones, areas to avoid, or no-sail
17 zones duly established and given due publicity by the
18 appropriate agencies.

1 SEC. 20. *Compliance with Applicable Air Rules and*
2 *Regulations on Flight Safety.* – Foreign aircraft exercising
3 the right of archipelagic sea lanes passage shall:

4 (a) Observe the Rules of the Air established by the
5 CAAP, the International Civil Aviation Organization
6 (ICAO), and such other conventions or treaties to which
7 the Philippines is a party, as they apply to civil aircraft.
8 State aircraft shall normally comply with such safety
9 measures and at all times operate with due regard for the
10 safety of navigation; and

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

15 SEC. 21. *Liability for Damage.* –

16 (a) The person or legal entity responsible for the
17 operation or cargo of foreign commercial ships or aircraft or
18 foreign government ships or aircraft operated for
19 commercial purposes shall be liable for any loss or damage

1 suffered by the Philippines or any third party as a result of
2 non-compliance with any of the provisions of this Act while
3 exercising the right of archipelagic sea lanes passage.

4 (b) The flag state or the state of registry shall bear
5 international responsibility for any loss or damage suffered
6 by the Philippines or any third party as a result of non-
7 compliance with any of the provisions of this Act by a
8 foreign warship, military aircraft, or other government
9 ship or aircraft operated for non-commercial purposes
10 while exercising the right of archipelagic sea lanes
11 passage.

12 (c) If any foreign warship or military aircraft does not
13 comply with the laws and regulations of the Philippines on
14 passage through or over the archipelagic waters and
15 disregards any request for compliance therewith, such
16 foreign warship or military aircraft shall be required by
17 the appropriate agency or agencies of the government of
18 the Republic of the Philippines to immediately leave the
19 Philippine archipelagic waters or airspace.

1 SEC. 22. *Immunities of Warships or Military Aircraft*
2 *or Other Government Ships or Aircraft Operated for Non-*
3 *Commercial Purposes.* – The immunities of warships or
4 military aircraft or other government ships or aircraft
5 operated for non-commercial purposes shall not be affected
6 notwithstanding Sections 21 (b) and (c) and 23 of this Act
7 and Section 32 of the UNCLOS.

8 SEC. 23. *Reciprocity and Mutual Respect.* – The rights
9 and privileges of foreign ships and aircraft in Philippine
10 archipelagic waters herein provided are recognized under
11 conditions of reciprocity and mutual respect. The ships and
12 aircraft of foreign States that do not abide by, or that act
13 inconsistently with the UNCLOS, in violation of Philippine
14 sovereignty, sovereign rights, or jurisdiction, or resulting
15 in injury or damage, shall not be entitled to exercise the
16 rights, nor be owed the obligations, relative to the regime
17 of archipelagic waters and the right of archipelagic sea
18 lanes passage under Part IV of the UNCLOS.

1 SEC. 24. *Penalties.* – Non-compliance by foreign
2 civilian ships and aircraft with the pertinent provisions of
3 this Act, which constitutes a violation of existing fisheries,
4 environmental, customs, fiscal, immigration, sanitary, or
5 other special laws, shall be punishable under the
6 provisions of such laws.

7 If the non-compliance does not constitute a violation
8 of existing laws, the same shall be punishable by
9 imprisonment of six (6) months and one (1) day to two (2)
10 years and two (2) months, or a fine of One million two
11 hundred thousand US dollars (US\$1,200,000.00) or its
12 equivalent in Philippine currency, or both imprisonment
13 and fine, at the discretion of the court.

14 The penalty shall be imposed upon the master of the
15 ship or the captain of the aircraft, or the owner or operator
16 of the ship or aircraft, as the case may be. If the owner or
17 operator is a corporation, partnership, or any other
18 juridical person, the penalty shall be imposed upon the
19 president or head thereof.

1 SEC. 25. *Appropriations.* – The amount necessary for
2 the immediate implementation of this Act shall be included
3 in the annual General Appropriations Act.

4 SEC. 26. *Separability Clause.* – If any portion or
5 provision of this Act is declared unconstitutional or invalid,
6 the other portions or provisions that are not affected
7 thereby shall continue to be in full force and effect.

8 SEC. 27. *Repealing Clause.* – All laws inconsistent
9 with or contrary to the provisions of this Act are deemed
10 amended, modified, or repealed accordingly.

11 SEC. 28. *Effectivity.* – This Act shall take effect fifteen
12 (15) days after its publication in the *Official Gazette* or in a
13 newspaper of general circulation.

Approved,