



Republic of the Philippines  
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## MEMORANDUM

TO : **All Bureau Directors**

**The Administrator**  
National Mapping and Resource Information Authority

**The Directors**  
Legal Affairs Service  
Policy and Planning Service

FROM : **The Assistant Secretary**  
Field Operations- Mindanao and Legislative Affairs

SUBJECT : **INVITATION FROM THE COMMITTEE ON FOREIGN AFFAIRS**

DATE : 30 April 2021

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This pertains to the letter dated 29 April 2021, from Representative Cyrille F. Abueg-Zaldivar, Subcommittee Chairperson, Committee on Foreign Affairs, inviting DENR to a virtual meeting on **12 May 2021 (Wednesday) 1:30pm**, with **Meeting ID: 896 6411 1640 Passcode: CFASubC512**, to continue its deliberation on the following:

- bills defining the Philippine maritime zones (HBNs 808, 4195 & 6156), and
- bills providing for the establishment of the archipelagic sea lanes in Philippine waters (HBNs 809, 816, 4194, 4877 & 8018). See attached.

Kindly inform this Office of your attendance before the scheduled date of the meeting and submit presentation, comments and/or position paper in hard and soft **ON OR BEFORE 6 May 2021** at the Legislative Liaison Office at telephone number 8920-1761 and e-mail address [denrlegislative@yahoo.com](mailto:denrlegislative@yahoo.com), for consolidation.

  
JOANA A. LAGUNDA, D.M., D.P.A.

MEMO NO. 2021 - 331

Encls: As stated.

/juo052



Republic of the Philippines  
House of Representatives

**COMMITTEE ON FOREIGN AFFAIRS**

Governance Cluster, Committee Affairs Department  
3<sup>rd</sup> Floor RV Mitra Building, Batasan Complex, Constitution Hills 1126 Quezon City  
Tel Nos. 8931 7969 (telefax) 8931 5001 loc. 7127 (trunk line)

29 April 2021

**HONORABLE ROY A. CIMATU**

Secretary of Environment and Natural Resources

Dear **Secretary Cimatu**:

The Subcommittee on National Territory, Regional and International Peace and Security under the House Committee on Foreign Affairs will conduct a virtual meeting in **Executive Session via Zoom video conference facility on Wednesday, 12 May 2021 at 1:30 P.M.** to continue its deliberation on the following:

- 1) bills defining the Philippine maritime zones (HBNs 808, 4195 & 6156), and
- 2) bills providing for the establishment of the archipelagic sea lanes in Philippine waters (HBNs 809, 816, 4194, 4877 & 8018).

In this regard, we would like to invite Your Honor's representative/s to attend the said meeting.

We would appreciate the **confirmation of DENR attendees by Monday, 10 May 2021**, and the use of this format for the profile names when joining the meeting: Agency, Designation, Name. Kindly share with them the details below for access to the meeting:

<https://us02web.zoom.us/j/89664111640?pwd=K3Fvam1oTWRxcnAxbDcrNXo3YXd6Zz09>

Meeting ID: 896 6411 1640

Passcode: CFASubC512

Attached are the agenda, and the updated matrices of the bills for reference in the discussion.

For any concern, you may reach the undersigned at (0917) 8539244 or the committee staff, Ms. Ivy May Asuncion, at (0917) 5518521. Your office may likewise coordinate with us through our Committee email: [committee.foreignaffairs@house.gov.ph](mailto:committee.foreignaffairs@house.gov.ph).

Thank you very much.

Very truly yours,  
For Subcommittee Chairperson Cyrille F. Abueg-Zaldivar:

**IMELDA F. APOSTOL**  
Committee Secretary

## Invitation/Executive Meeting on 12 May 2021 at 1:30PM via Zoom re Deliberation of Philippine Maritime Zones and Archipelagic Sea lanes in the Philippines

From: legis lative (denrlegislative@yahoo.com)

To: od@emb.gov.ph; recordsco@emb.gov.ph; fatima\_millan@emb.gov.ph; director@bmb.gov.ph; adirector@bmb.gov.ph; t\_tenazas@yahoo.com; denrlmb@yahoo.com; lmb@denr.gov.ph; pimentelxandra26@gmail.com; fmb@denr.gov.ph; forestryrecords@gmail.com; central@mgb.gov.ph; mgb.lsd@gmail.com; odir.erdb@gmail.com; erdb.legal.office@gmail.com; admtr\_namria@yahoo.com; las.denr@gmail.com; odpps@yahoo.com; odpps@denr.gov.ph

Date: Friday, April 30, 2021, 02:23 PM GMT+8

Dear Sir/Mam,

Good Day!

Please find the attached letter invitation from the Committee on Foreign Relations for your perusal. Kindly acknowledge receipt of this email. Thank you.

Department of Environment and Natural Resources  
Legislative Liaison Office

Visayas Avenue, Diliman, 1100 Quezon City, Philippines  
[denr.gov.ph](http://denr.gov.ph)  
Tel: 9201761



Memo Invite HOR Foreign Affairs on Maritime Zones.docx  
82.4kB



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275.5kB



**18<sup>th</sup> Congress**  
**Second Regular Session**

**EXECUTIVE MEETING OF THE SUBCOMMITTEE ON NATIONAL TERRITORY,  
REGIONAL AND INTERNATIONAL PEACE AND SECURITY**

*Wednesday, 12 May 2021, 1:30 P.M. via Zoom video conference facility*

**AGENDA**

- I. CALL TO ORDER
  
- II. ROLL CALL / ACKNOWLEDGMENT OF GUESTS  
Officials/Representatives from:  
Department of Foreign Affairs (DFA)  
Department of Justice (DOJ)  
Department of National Defense (DND)  
Department of Environment and Natural Resources (DENR)  
Department of Energy (DOE)  
National Security Council (NSC)  
Armed Forces of the Philippines (AFP)  
National Coast Watch Council (NCWC)  
Bureau of Fisheries and Aquatic Resources (BFAR)  
National Mapping and Resource Information Authority (NAMRIA)  
Maritime Industry Authority (MARINA)  
Philippine Coast Guard (PCG)  
UP Institute for Maritime Affairs and Law of the Sea (UP IMLOS)
  
- III. OPENING REMARKS OF THE SUBCOMMITTEE CHAIRPERSON  
REP. CYRILLE "BENG" F. ABUEG-ZALDIVAR
  
- IV. CONTINUATION OF THE DELIBERATION ON BILLS DEFINING THE PHILIPPINE  
MARITIME ZONES  
HB 808- by Rep. Manuel DG. Cabochan III  
HB 4195- by Rep. Ann K. Hofer  
HB 6156- by Rep. Rufus B. Rodriguez

**V. DELIBERATION ON BILLS PROVIDING FOR THE ESTABLISHMENT OF  
ARCHIPELAGIC SEA LANES IN PHILIPPINE WATERS**

HB 809- by Rep. Manuel DG. Cabochan III

HB 816- by Rep. Rozzano Rufino B. Biazon

HB 4194- by Rep. Ann K. Hofer

HB 4877- by Rep. Rufus B. Rodriguez

HB 8018- by Rep. Luis Raymund "Lray" F. Villafuerte, Jr.

**VI. OTHER MATTERS**

**VII. ADJOURNMENT**

<p><b>HB 809</b> By Rep. Manuel DG. Cabochan III</p>	<p><b>HB 816</b> By Rep. Rozzano Rufino B. Biazon</p> <p><b>HB 4877</b> By Rep. Rufus B. Rodriguez</p>	<p><b>HB 4194</b> Rep. Ann K. Hofer</p>	<p><b>HB 8018</b> By Rep. Luis Raymund "Lray" F. Villafuerte, Jr.</p>	<p><b>RELEVANT UNCLOS PROVISIONS</b></p>	<p><b>COMMENTS &amp; RECOMMENDATIONS OF AGENCIES</b></p> <p>Aside from the statements of support for the bills, the agencies, in their position papers, recommend the following:</p>
<p><b>AN ACT TO ESTABLISH 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 THROUGH THE ESTABLISHED ARCHIPELAGIC SEA LANES AND PROVIDING FOR THE ASSOCIATED PROTECTED MEASURES THEREIN</b></p>	<p><b>AN ACT PROVIDING FOR THE ESTABLISHMENT OF 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</b></p>	<p><b>AN ACT PROVIDING FOR THE ESTABLISHMENT OF 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</b></p>	<p><b>AN ACT TO ESTABLISH THE ARCHIPELAGIC SEA LANES IN PHILIPPINE ARCHIPELAGIC WATERS, PRESCRIBING THE RIGHTS AND OBLIGATIONS OF FOREIGN SHIPS AND AIRCRAFT EXERCISING THE RIGHT OF ARCHIPELAGIC SEA LANES PASSAGE THROUGH THE DESIGNATED ARCHIPELAGIC SEA LANES, AND FOR OTHER PURPOSES</b></p>	<p><b>Article 53</b> <i>Right of archipelagic sea lanes passage</i> 1. An archipelagic State may designate sea lanes and air routes thereabove, suitable for the continuous and expeditious passage of foreign ships and aircraft through or over its archipelagic waters and the adjacent territorial sea.</p> <p>xxx</p> <p>12. If an archipelagic State does not designate sea lanes or air routes, the right of archipelagic sea lanes passage may be exercised through the routes normally used for international navigation.</p> <p><b>Article 54</b> <i>Duties of ships and aircraft during their passage, research and survey activities, duties of the archipelagic State and laws and regulations of the archipelagic State relating to archipelagic sea lanes passage</i></p> <p>Articles 39, 40, 42 and 44 apply <i>mutatis mutandis</i> to archipelagic sea lanes passage.</p> <p><i>(Article 39. Duties of ships and aircraft during transit passage</i></p>	

				<p><i>Article 40. Research and survey activities</i>  <i>Article 42. Laws and regulations of States bordering straits relating to transit passage</i>  <i>Article 44. Duties of States bordering straits)</i></p>	
<b>ARTICLE 1. GENERAL PROVISIONS</b>		<b>CHAPTER I GENERAL PROVISIONS</b>			
<b>SECTION 1. Short Title.</b> - This Act shall be known as the "Philippine Archipelagic Sea Lanes Act".	SECTION 1. This Act shall be known as the "Philippine Archipelagic Sea Lanes Act".	SECTION 1. <b>Short Title.</b> - This Act shall be known as the " <i>Philippine Archipelagic Sea Lanes Act.</i> "	<b>SECTION 1. Short Title.</b> - This Act shall be known as the Philippine Archipelagic Sea Lanes Act."		
<b>SEC. 2. State Policy.</b> - The State in the exercise of its duty to protect its maritime domain shall implement and adhere to the provisions of the 1982 United Nations Convention on the Law of the Sea (UNCLOS) and relevant international conventions to which the Philippines is a party.	SEC. 2. The State, in the exercise of its duty to protect its maritime domain, shall implement and adhere to the provisions of the 1982 United Nations Convention on the Law of the Sea (UNCLOS) and relevant international conventions to which the Philippines is a party.	SEC. 2. <b>State Policy.</b> - The State in the exercise of its duty to protect its maritime domain shall implement and adhere to the provisions of the 1982 United Nations Convention on the Law of the Sea (UNCLOS) and relevant international conventions to which the Philippines is a party.	<b>SEC. 2. State Policy.</b> - The State in the exercise of its duty to protect its maritime domain shall implement and adhere to the provisions of the 1982 United Nations Convention on the Law of the Sea (UNCLOS) and relevant international conventions to which the Philippines is a party.		
			<b>SEC. 3. Scope of Application.</b> - This Act shall apply to foreign ships and aircraft exercising the right of archipelagic sea lanes passage through designated archipelagic sea lanes; Provided, pending the designation of said archipelagic sea lanes, ships and aircraft passing through routes		

			normally used for international navigation shall be subject to the prohibitions and obligations set out in this Act.		
	<b>DEFINITION OF TERMS</b>				
<b>SEC. 3. Definition of Terms.</b> - As used in this Act, the following terms are in accordance with the UNCLOS:	SEC. 3. As used in this Act, the following terms are defined in accordance with the UNCLOS:	<b>SEC. 3. Definition of Terms.</b> - As used in this Act, the following terms are defined in accordance with the UNCLOS:	<b>SEC. 4. Definition of Terms.</b> - As used in this Act, the following terms are defined in accordance with the UNCLOS:		
<b>(a) Archipelagic sea lane</b> shall refer to the designated sea lanes and air routes in the archipelagic waters through which foreign vessels or aircraft may exercise the right of archipelagic sea lanes passage;	<i>(a) Archipelagic sea lane</i> refers to the designated sea lanes and air routes in the archipelagic waters through which foreign vessels or aircraft may exercise the right of archipelagic sea lanes passage;	a) <i>Archipelagic sea lane</i> refers to the designated sea lanes and air routes in the archipelagic waters through which foreign vessels or aircraft may exercise the right of archipelagic sea lanes passage;	(a) Archipelagic sea lane shall refer to the designated sea lanes and air routes in the archipelagic waters through which foreign vessels or aircraft may exercise the right of archipelagic sea lanes passage;	<b>Article 53</b> <i>Right of archipelagic sea lanes passage</i> 1. An archipelagic State may designate sea lanes and air routes thereabove, suitable for the continuous and expeditious passage of foreign ships and aircraft through or over its archipelagic waters and the adjacent territorial sea.  2. All ships and aircraft enjoy the right of archipelagic sea lanes passage in such sea lanes and air routes.	
<b>(b) Archipelagic sea lane passage</b> shall refer to the exercise, in accordance with the UNCLOS, of the rights of navigation and overflight in the normal mode solely for the purpose of continuous, expeditious and unobstructed transit between one part of the high seas or an exclusive	<i>(b) Archipelagic sea lane passage</i> refers to the exercise in accordance with the UNCLOS of the rights of navigation and overflight in the normal mode solely for the purpose of continuous, expeditious and unobstructed transit between one part of the high seas or an exclusive	b) <i>Archipelagic sea lane passage</i> refers to the exercise in accordance with the UNCLOS of the rights of navigation and overflight in the normal mode solely for the purpose of continuous, expeditious and unobstructed transit between one part of the high seas or an exclusive	(b) Archipelagic sea lanes passage shall refer to the exercise, in accordance with the UNCLOS, of the rights of navigation and overflight in the normal mode solely for the purpose of continuous, expeditious, and unobstructed transit between one part of the high seas or an exclusive	<b>Article 53</b> <i>Right of archipelagic sea lanes passage</i> 3. Archipelagic sea lanes passage means the exercise in accordance with this Convention of the rights of navigation and overflight in the normal mode solely for the purpose of continuous, expeditious and unobstructed transit between one part of the	<b>DENR:</b> - define with certainty the words <i>continuous, expeditious</i> and <i>unobstructed</i> transit



<p>economic zone (EEZ) and another part of the high seas or an EEZ;</p>	<p>economic zone (EEZ) and another part of the high seas or an EEZ;</p>	<p>economic zone (EEZ) and another part of the high seas or an EEZ;</p>	<p>economic zone (EEZ) and another part of the high seas or an EEZ;</p>	<p>high seas or an exclusive economic zone and another part of the high seas or an exclusive economic zone.</p>	
<p><b>(c) Archipelagic waters</b> shall refer to the waters on the landward side of the archipelagic baselines except as defined as Internal Waters;</p>	<p><i>(c) Archipelagic waters</i> refer to the waters on the landward side of the archipelagic baselines except as defined as Internal Waters;</p>	<p><i>c) Archipelagic waters</i> refer to the waters on the landward side of the archipelagic baselines except as defined as Internal Waters;</p>	<p>(c) Archipelagic waters shall refer to the waters on the landward side of the archipelagic baselines except as defined as Internal Waters;</p>	<p><b>Article 49</b> <i>Legal status of archipelagic waters, of the air space over archipelagic waters and of their bed and subsoil</i> 1. The sovereignty of an archipelagic State extends to the waters enclosed by the archipelagic baselines drawn in accordance with article 47, described as archipelagic waters, regardless of their depth or distance from the coast.  <b>Article 47</b> <i>Archipelagic baselines</i> 1. An archipelagic State may draw straight archipelagic baselines joining the outermost points of the outermost islands and drying reefs of the archipelago provided that within such baselines are included the main islands and an area in which the ratio of the area of the water to the area of the land, including atolls, is between 1 to 1 and 9 to 1.  <b>Article 50</b> <i>Delimitation of internal waters</i> Within its archipelagic waters, the archipelagic State may draw closing lines for the delimitation of internal waters, in accordance with articles 9, 10 and 11.</p>	<p><b>DOJ:</b> "c) Archipelagic waters...except as THOSE defined as Internal Waters;"</p>

HB 809 Rep. Cabochan	HB 816 Rep. Biazon	HB 4194 Rep. Hofer	HB 8018 Rep. Villafuerte	UNCLOS Reference	Comments & Recommendations
<p><b>(d) Associated protective measure</b> shall refer to measure that a coastal State may adopt to regulate international maritime activities for the protection of the area at risk;</p>	<p><i>(d) Associated protective measure</i> refers to measure that a coastal State may adopt to regulate international maritime activities for the protection of the area at risk;</p>	<p>d) <i>Associated protective measure</i> refers to measure that a coastal State may adopt to regulate international maritime activities for the protection of the area at risk;</p>	<p>(d) Associated protective measure shall refer to the measure that a coastal State may adopt to regulate international maritime activities for the protection of the area at risk;</p>		<p><b>NCWC Secretariat:</b>  - change "area at risk" to "particularly sensitive areas (PSSAs)" to avoid confusion and ensure consistency with international law,</p> <p>The IMO issued UN Doc. A.982(24), Revised guidelines for the identification and designation of Particularly Sensitive Areas (PSSAs), which adopts "associated protective measures" for PSSAs.</p> <p>The IMO Assembly Resolution A.982(24) adopted the revised guidelines on the identification of PSSA and the adoption of APMs, even on archipelagic sea lanes. Such designation can be initiated through a separate application with the Marine Environment Protection Committee of the IMO.</p>
<p><b>(e) Hydrographic survey</b> shall refer to a survey measuring and describing the physical features of the navigable portion of the earth's surface (seas) and adjoining coastal areas, with special reference to their use for navigation;</p>	<p><i>(e) Hydrographic survey</i> refers to a survey measuring and describing the physical features of the navigable portion of the earth's surface (seas) and adjoining coastal areas, with special reference to their use for navigation;</p>	<p>e) <i>Hydrographic survey</i> refers to a survey measuring and describing the physical features of the navigable portion of the earth's surface (seas) and adjoining coastal areas, with special reference to their use for navigation;</p>	<p>(e) Hydrographic survey shall refer to a survey measuring and describing the physical features of the navigable portion of the earth's surface (seas) and adjoining coastal areas, with special reference to their use for navigation;</p>		
					<p><b>Ecosystems Research and Development Bureau (ERDB), DENR:</b></p> <p>- define <i>internal waters</i></p> <p>A constitutional issue may be raised. Archipelagic waters as defined under UNCLOS are considered as internal waters under the Philippine Constitution.</p> <p>The first issue is the reduction of internal waters where archipelagic sea lanes</p>

					<p>passage (ASLP) will be designated, and the second is the diminution of absolute sovereignty over internal waters because of ASLP. To avoid such conflict, <i>internal waters</i> should also be defined under the bills, as defined in the Maritime Zones bills and which definition is consistent with UNCLOS III.</p> <p><b>DOJ:</b> "INTERNAL WATERS SHALL REFER TO THE WATERS INSIDE THE ARCHIPELAGIC BASELINES WHICH ARE DELIMITED FROM THE ARCHIPELAGIC WATERS BASED ON ARTICLE 50, IN RELATION TO ARTICLES 9, 10, AND 11, OF UNCOS."</p>
<p><b>(f) Oceanographic survey</b> shall refer to a study or examination of any physical, chemical, biological, geological or geophysical condition on the ocean, or any part of it;</p>	<p><i>(f) Oceanographic survey</i> refers to a study or examination of any physical, chemical, biological, geological or geophysical condition in the ocean, or any part of it;</p>	<p><i>f) Oceanographic survey</i> refers to a study or examination of any physical, chemical, biological, geological or geophysical condition in the ocean, or any part of it;</p>	<p>(f) Oceanographic survey shall refer to a study or examination of any physical, chemical, biological, geological, or geophysical condition in the ocean, or any part of it;</p>		
<p><b>(g) Right of innocent passage</b> shall refer to the right of foreign vessels to navigate through the territorial seas of all States for the purpose of continuous and expeditious travel or for proceeding to or from internal waters. The passage is innocent when it is not prejudicial to the peace, good order or security of the coastal State; and</p>	<p><i>(g) Right of innocent passage</i> refers to the right of foreign vessels to navigate through the territorial seas of all States for the purpose of continuous and expeditious travel or for proceeding to or from internal waters. The passage is innocent when it is not prejudicial to the peace, good order or security of the coastal State; and</p>	<p><i>g) Right of innocent passage</i> refers to the right of foreign vessels to navigate through the territorial seas of all States for the purpose of continuous and expeditious travel or for proceeding to or from internal waters. The passage is innocent when it is not prejudicial to the peace, good order or security of the coastal State; and</p>	<p>(g) Right of innocent passage shall refer to the right of foreign vessels to navigate through the territorial seas of all States for the purpose of continuous and expeditious travel or for proceeding to or from internal waters. The passage is innocent when it is not prejudicial to the peace, good order, or security of the coastal State; and</p>	<p><b>Article 17</b> <i>Right of innocent passage</i> Subject to this Convention, ships of all States, whether coastal or land-locked, enjoy the right of innocent passage through the territorial sea.</p> <p><b>Article 18</b> <i>Meaning of passage</i> 1. Passage means navigation through the territorial sea for the purpose of: (a) traversing that sea without</p>	<p><b>NCWC Secretariat:</b> - definition is incomplete as it fails to incorporate:</p> <ol style="list-style-type: none"> <li>innocent passage through internal waters under Art. 8 &amp; 18 in relation to Art. 7, 9, 10 &amp; 11 of UNCLOS;</li> <li>innocent passage (not transit passage) through territorial waters that are considered part of straits used for international navigation in accordance w/ the Corfu Channel Case (1947), Art. 16(4), Geneva Convention on the Territorial Sea and Contiguous Zone and</li> </ol>

				<p>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.</p> <p>2. Passage shall be continuous and expeditious. However, passage includes stopping and anchoring, but only in so far as the same are incidental to ordinary navigation or are rendered necessary by <i>force majeure</i> or distress or for the purpose of rendering assistance to persons, ships or aircraft in danger or distress.</p> <p><b>Article 19</b> <i>Meaning of innocent passage</i></p> <p>1. Passage is innocent so long as it is not prejudicial to the peace, good order or security of the coastal State. Such passage shall take place in conformity with this Convention and with other rules of international law.</p> <p>2. Passage of a foreign ship shall be considered to be prejudicial to the peace, good order or security of the coastal State if in the territorial sea it engages in any of the following activities: (a) any threat or use of force against the sovereignty, territorial integrity or political independence of the coastal</p>	<p>Art. 45 of UNCLOS;</p> <p>3. innocent passage through archipelagic waters under Art. 52 in relation to Art. 50 and Part II Sec. 3 of UNCLOS; and</p> <p>4. innocent passage in artificial waterways in accordance w/ S.S. Wimbledon Case (1923).</p> <p><b>DOJ:</b> (use exact wording of Arts 18 &amp; 19 of UNCLOS) "Right of innocent passage shall refer to the right of CONTINUOUS AND EXPEDITIOUS PASSAGE OF foreign vessels to navigate through the territorial seas of all States for the purpose of continuous and expeditious travel or for proceeding to or from internal waters. The passage is innocent when it THAT is not prejudicial to the peace, good order or security of the coastal State. PASSAGE INCLUDES STOPPING AND ANCHORING, BUT ONLY INSOFAR AS THE SAME ARE INCIDENTAL TO ORDINARY NAVIGATION OR ARE RENDERED NECESSARY BY <i>FORCE MAJEURE</i> OR DISTRESS OR FOR THE PURPOSE OF RENDERING ASSISTANCE TO PERSONS, SHIPS OR AIRCRAFT IN DANGER OR IN DISTRESS. PASSAGE SHALL BE CONSIDERED AS PREJUDICIAL TO THE PEACE, GOOD ORDER OR SECURITY OF THE COASTAL STATE IF IN THE TERRITORIAL SEA, THE VESSEL ENGAGES IN ANY OF THE ACTIVITIES ENUMERATED IN ARTICLE 19 OF UNCLOS. THIS RIGHT OF INNOCENT PASSAGE APPLIES TO</p>
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				<p>State, or in any other manner in violation of the principles of international law embodied in the Charter of the United Nations;</p> <p>xxx</p> <p>(l) any other activity not having a direct bearing on passage.</p> <p><b>Article 52</b> <i>Right of innocent passage</i> 1. Subject to article 53 and without prejudice to article 50, ships of all States enjoy the right of innocent passage through archipelagic waters, in accordance with Part II, section 3.</p> <p>2. The archipelagic State may, without discrimination in form or in fact among foreign ships, suspend temporarily in specified areas of its archipelagic waters the innocent passage of foreign ships if such suspension is essential for the protection of its security. Such suspension shall take effect only after having been duly published.</p>	<p>ARCHIPELAGIC WATERS OUTSIDE OF THE ARCHIPELAGIC SEA LANES, AS PROVIDED IN ARTICLE 52 OF UNCLOS.”</p>
<p><b>(h) Territorial sea</b> shall refer to the belt of sea measured twelve (12) nautical miles from the baselines or from the low-water line, as the case may be.</p>	<p><i>(h) Territorial sea</i> refers to the belt of sea measured twelve (12) nautical miles from the baselines or from the low-water line, as the case may be.</p>	<p>h) <i>Territorial sea</i> refers to the belt of sea measured twelve (12) nautical miles from the baselines or from the low-water line, as the case may be.</p>	<p>(h) Territorial sea shall refer to the belt of sea measured twelve (12) nautical miles from the baselines or from the low-water line, as the case may be.</p>	<p><b>Article 3</b> <i>Breadth of the territorial sea</i> Every State has the right to establish the breadth of its territorial sea up to a limit not exceeding 12 nautical miles, measured from baselines determined in accordance with this Convention.</p>	

				<p><b>Article 4</b> <i>Outer limit of the territorial sea</i> The outer limit of the territorial sea 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.</p> <p><b>Article 5</b> <i>Normal baseline</i> Except where otherwise provided in this Convention, the normal baseline for measuring the breadth of the territorial sea is the low-water line along the coast as marked on large-scale charts officially recognized by the coastal State.</p> <p><b>Article 48</b> <i>Measurement of the breadth of the territorial sea, the contiguous zone, the exclusive economic zone and the continental shelf</i> The breadth of the territorial sea, the contiguous zone, the exclusive economic zone and the continental shelf shall be measured from archipelagic baselines drawn in accordance with article 47.</p>	
<p><b>ARTICLE II. RIGHTS AND OBLIGATIONS OF FOREIGN SHIPS AND AIRCRAFTS WHEN EXERCISING THE RIGHT OF ARCHIPELAGIC SEA</b></p>	<p><b>RIGHTS AND OBLIGATIONS OF FOREIGN SHIPS AND AIRCRAFT WHEN EXERCISING THE RIGHT OF ARCHIPELAGIC SEA LANES PASSAGE</b></p>	<p><b>CHAPTER II RIGHTS AND OBLIGATIONS OF FOREIGN SHIPS AND AIRCRAFT WHEN EXERCISING THE RIGHT OF ARCHIPELAGIC SEA</b></p>			

LANES PASSAGE		LANES PASSAGE			
<p><b>SEC. 4. Right of Archipelagic Sea Lanes Passage of Foreign Ships and Aircrafts.</b> - Foreign ships and aircraft may exercise the right of archipelagic sea lanes passage in accordance with the provisions of UNCLOS in order to navigate or fly from one part of the high seas or an EEZ to another part of the high seas or an EEZ through or over the Philippine archipelagic waters and its adjacent territorial sea. Such sea lanes shall be defined by a series of continuous axis lines from the entry points of passage routes to the exit points.</p> <p>The exercise of the right of archipelagic sea lanes shall be through a sea lane, or through the air above a sea lane, which has been determined to be an archipelagic sea lane that may be used for exercising the right of archipelagic sea lanes passage as described in Section 12 hereof.</p>	<p>SEC. 4. Foreign ships and aircraft may exercise the right of archipelagic sea lanes passage in accordance with the provisions of UNCLOS in order to navigate or fly from one part of the high seas or an EEZ through or over the Philippine archipelagic waters and its adjacent territorial sea. Such sea lanes shall be defined by a series of continuous axis lines from the entry points of passage routes to the exit points.</p> <p>The exercise of the right of archipelagic sea lanes passage shall be through a sea lane, or through the air above a sea lane, which has been determined to be an archipelagic sea lane that may be used for exercising the right of archipelagic sea lanes passage as described in Section 12 hereof.</p>	<p><b>SEC. 4. Right of Archipelagic Sea Lanes Passage.</b> – Foreign ships and aircraft may exercise the right of archipelagic sea lanes passage in accordance with the provisions of UNCLOS in order to navigate or fly from one part of the high seas or an EEZ through or over the Philippine archipelagic waters and its adjacent territorial sea. Such sea lanes shall be defined by a series of continuous axis lines from the entry points of passage routes to the exit points.</p> <p>The exercise of the right of archipelagic sea lanes passage shall be through a sea lane, or through the air above a sea lane, which has been determined to be an archipelagic sea lane that may be used for exercising the right of archipelagic sea lanes passage as described in Section 12 hereof.</p>	<p><b>SEC. 5. Right of Archipelagic Sea Lanes Passage of Foreign Ships and Aircraft.</b> - Foreign ships and aircraft may exercise the right of archipelagic sea lanes passage in accordance with the provisions of UNCLOS in order to navigate or fly from one part of the high seas or an EEZ to another part of the high seas or an EEZ through or over the Philippine archipelagic waters and its adjacent territorial sea. Such sea lanes shall be defined by a series of continuous axis lines from the entry points of passage routes to the exit points. The exercise of the right of archipelagic sea lanes shall be through a sea lane, or through the air above a sea lane, which has been determined to be an archipelagic sea lane that may be used for exercising the right of archipelagic sea lanes passage as described in Section 13 hereof.</p>	<p><b>Article 53</b> <i>Right of archipelagic sea lanes passage</i></p> <ol style="list-style-type: none"> <li>1. An archipelagic State may designate sea lanes and air routes thereabove, suitable for the continuous and expeditious passage of foreign ships and aircraft through or over its archipelagic waters and the adjacent territorial sea.</li> <li>2. All ships and aircraft enjoy the right of archipelagic sea lanes passage in such sea lanes and air routes.</li> <li>3. Archipelagic sea lanes passage means the exercise in accordance with this Convention of the rights of navigation and overflight in the normal mode solely for the purpose of continuous, expeditious and unobstructed transit between one part of the high seas or an exclusive economic zone and another part of the high seas or an exclusive economic zone.</li> <li>4. Such sea lanes and air routes shall traverse the archipelagic waters and the adjacent territorial sea and shall include all normal passage routes used as routes for international navigation or overflight through or over archipelagic waters and, within</li> </ol>	<p><b>DND/AFP:</b></p> <ul style="list-style-type: none"> <li>- the exercise of the archipelagic sea lanes passage (ASLP) should be limited to a minimum number of sea lanes</li> </ul> <p>Pursuant to Article 52 of UNCLOS, the right of innocent passage will continue to be available for areas of the Philippine archipelagic waters not declared part of the archipelagic sea lanes system. It is in the interest of national defense and security that straits of strategic importance for defense operations should not be made part of any future ASL.</p> <p>Therefore, a definite policy statement to limit the designation of ASLs to the <u>bare minimum</u> required for the expeditious and unimpeded navigation of foreign ships, as may be agreed with the User States through the International Maritime Organization (IMO), be incorporated in the text of the bill in order to be a guide to future Chief Executives whose task will be to identify and designate the sea lanes after the passage of this Act.</p> <p><b>NCWC Secretariat:</b></p> <ul style="list-style-type: none"> <li>- for clarity the provision must distinguish rights, duties and authorities in relation to ASL passage during peacetime and during war</li> </ul> <p><b>DOJ:</b> (2<sup>nd</sup> paragraph) "The exercise of the right of archipelagic sea lanes passage shall be through a sea</p>

				<p>such routes, so far as ships are concerned, all normal navigational channels, provided that duplication of routes of similar convenience between the same entry and exit points shall not be necessary.</p> <p>5. Such sea lanes and air routes shall be defined by a series of continuous axis lines from the entry points of passage routes to the exit points. Ships and aircraft in archipelagic sea lanes passage shall not deviate more than 25 nautical miles to either side of such axis lines during passage, provided that such ships and aircraft shall not navigate closer to the coasts than 10 per cent of the distance between the nearest points on islands bordering the sea lane.</p> <p>6. An archipelagic State which designates sea lanes under this article may also prescribe traffic separation schemes for the safe passage of ships through narrow channels in such sea lanes.</p> <p>7. An archipelagic State may, when circumstances require, after giving due publicity thereto, substitute other sea lanes or traffic separation schemes for any sea lanes or traffic separation schemes previously designated or prescribed by it.</p>	<p>lane, or through the air ROUTE above a sea lane, which has been determined AND DESIGNATED to be an archipelagic sea lane that may be used for exercising the right of archipelagic sea lanes passage as described in UNDER Section 12 hereof.”</p>
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				<p>8. Such sea lanes and traffic separation schemes shall conform to generally accepted international regulations.</p> <p>9. In designating or substituting sea lanes or prescribing or substituting traffic separation schemes, an archipelagic State shall refer proposals to the competent international organization with a view to their adoption. The organization may adopt only such sea lanes and traffic separation schemes as may be agreed with the archipelagic State, after which the archipelagic State may designate, prescribe or substitute them.</p> <p>10. The archipelagic State shall clearly indicate the axis of the sea lanes and the traffic separation schemes designated or prescribed by it on charts to which due publicity shall be given.</p> <p>11. Ships in archipelagic sea lanes passage shall respect applicable sea lanes and traffic separation schemes established in accordance with this article.</p> <p>12. If an archipelagic State does not designate sea lanes or air routes, the right of archipelagic sea lanes passage may be exercised through the</p>	
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				routes normally used for international navigation.	
<p><b>SEC. 5. Obligations of Foreign Ships and Aircrafts When Exercising the Right of Archipelagic Sea Lanes Passage. –</b></p> <p>(a) Foreign ships and aircraft exercising the right of archipelagic sea lanes passage shall pass through or above the archipelagic sea lane as quickly as possible without delay and in the normal mode solely for the purpose of continuous, expeditious and unobstructed transit.</p>	<p>SEC. 5. (a) Foreign ships and aircraft exercising the right of archipelagic sea lanes passage shall pass through or above the archipelagic sea lane as quickly as possible without delay and in the normal mode solely for the purpose of continuous, expeditious and unobstructed transit.</p>	<p><b>SEC. 5. Obligations in the Exercise of the Right of Archipelagic Sea Lanes Passage. –</b> In the exercise of the right of archipelagic sea lanes passage, the following obligations must be observed:</p> <p>a) Foreign ships and aircraft shall pass through or above the archipelagic sea lane as quickly as possible without delay and in the normal mode solely for the purpose of continuous, expeditious and unobstructed transit;</p>	<p><b>SEC. 6. Obligations of Foreign Ships and Aircraft When Exercising the Right of Archipelagic Sea Lanes Passage. –</b></p> <p>(a) Foreign ships and aircraft exercising the right of archipelagic sea lanes passage shall pass through or above the archipelagic sea lane as quickly as possible without delay and in the normal mode solely for the purpose of continuous, expeditious and unobstructed transit.</p>	<p><b>Article 54</b> <i>Duties of ships and aircraft during their passage, research and survey activities, duties of the archipelagic State and laws and regulations of the archipelagic State relating to archipelagic sea lanes passage</i></p> <p>Articles 39, 40, 42 and 44 apply <i>mutatis mutandis</i> to archipelagic sea lanes passage.</p> <p><i>(Article 39. Duties of ships and aircraft during transit passage, Article 40. Research and survey activities, Article 42. Laws and regulations of States bordering straits relating to transit passage, Article 44. Duties of States bordering straits)</i></p>	<p><b>NCWC Secretariat:</b></p> <p>- Art. 53 of UNCLOS adopts the phrase "all ships" and requires them to exercise ASL passage rights in "normal mode," which is interpreted as a proscription on military vessels and aircrafts exercising ASL passage rights from engaging in military activities. However, this is a peacetime rule. (See <i>San Remo Manual on International Law Applicable to Armed Conflicts at Sea, June 12, 1994</i> and the US President's message in the transmittal of the UNCLOS to the US Senate, October 7, 1994)</p> <p>- while ASL passage is generally akin to transit passage, under Art. 45 ASL passage "in straits used for international navigation...between a part of the high seas or an EEZ and the territorial sea of a foreign State" should be innocent passage rather than mere transit passage</p>
<p>(b) Foreign ships and aircrafts that are conducting archipelagic sea lanes passage shall not deviate more than twenty-five (25) nautical miles to either side of the axis line of the sea lane: <i>Provided</i>, That such ships and aircraft shall not navigate closer to the coast more than ten percent (10%) of the distance between the nearest points on the islands bordering the sea</p>	<p>(b) Foreign ships and aircraft that are conducting archipelagic sea lanes passage shall not deviate more than twenty-five (25) nautical miles to either side of the axis line of the sea lane: <i>Provided</i>, That such ships and aircraft shall not navigate closer to the coast more than ten percent (10%) of the distance between the nearest points on islands bordering the sea lane.</p>	<p>b) Foreign ships and aircraft shall not deviate more than twenty-five (25) nautical miles to either side of the axis line of the sea lane: <i>Provided</i>, That such ships and aircraft shall not navigate closer to the coast more than ten percent (10%) of the distance between the nearest points on islands bordering the sea lane;</p>	<p>(b) Foreign ships and aircraft that are conducting archipelagic sea lanes passage shall not deviate more than twenty-five (25) nautical miles to either side of the axis line of the sea lane: <i>Provided</i>, That such ships and aircraft shall not navigate closer to the coast more than ten percent (10%) of the distance between the nearest points on islands bordering the sea lane.</p>	<p><b>Article 53</b> <i>Right of archipelagic sea lanes passage</i></p> <p>5. Such sea lanes and air routes shall be defined by a series of continuous axis lines from the entry points of passage routes to the exit points. Ships and aircraft in archipelagic sea lanes passage shall not deviate more than 25 nautical miles to either side of such axis lines during passage, provided that such ships and aircraft shall not navigate closer to the coasts</p>	

lane.				than 10 per cent of the distance between the nearest points on islands bordering the sea lane.	
<p>(c) Foreign ships and aircraft, while exercising the right of archipelagic sea lanes passage, shall refrain from any threat or use of force against the sovereignty, territorial integrity, or political independence of the Republic of the Philippines, or in any other manner in violation of the principles of international law embodied in the Charter of the United Nations.</p>	<p>(c) Foreign ships and aircraft, while exercising the right of archipelagic sea lanes passage, shall refrain from any threat or use of force against the sovereignty, territorial integrity, or political independence of the Republic of the Philippines, or in any other manner in violation of the principles of international law embodied in the Charter of the United Nations.</p>	<p>c) Foreign ships and aircraft shall refrain from any threat or use of force against the sovereignty, territorial integrity, or political independence of the Republic of the Philippines, or in any other manner in violation of the principles of international law embodied in the Charter of the United Nations;</p>	<p>(c) Foreign ships and aircraft, while exercising the right of archipelagic sea lanes passage, shall refrain from any threat or use of force against the sovereignty, territorial integrity, or political independence of the Republic of the Philippines, or in any other manner in violation of the principles of international law embodied in the Charter of the United Nations.</p>	<p><b>Article 39</b> <i>Duties of ships and aircraft during transit passage</i> 1. Ships and aircraft, while exercising the right of transit passage, shall: (b) refrain from any threat or use of force against the sovereignty, territorial integrity or political independence of States bordering the strait, or in any other manner in violation of the principles of international law embodied in the Charter of the United Nations;</p>	<p><b>NCWC Secretariat:</b> - incorporate the provisions of the San Remo Manual on the obligation of belligerent user-states to respect the neutrality of the archipelagic state: "24. The neutrality of a State bordering an international strait is not jeopardized by the transit passage of belligerent warships, auxiliary vessels, or military or auxiliary aircraft, nor by the innocent passage of belligerent warships or auxiliary vessels through that strait. 25. The neutrality of an archipelagic State is not jeopardized by the exercise of archipelagic sea lanes passage by belligerent warships, auxiliary vessels, or military or auxiliary aircraft."  - such a provision will forestall confusion in the event of a military conflict between China and the US and both make use of Philippine archipelagic waters</p>
<p>(d) Foreign ships and aircraft, including military aircraft and warships, while exercising the right of archipelagic sea lanes passage, shall refrain from any war game exercises or exercises using any type of weapons, especially involving the use of ordnance.</p>	<p>(d) Foreign ships and aircraft, including military aircraft and warships, while exercising the right of archipelagic sea lanes passage, shall refrain from any war game exercises or exercises using any type of weapons, especially involving the use of ordnance.</p>	<p>d) Foreign ships and aircraft, including military aircraft and warships, shall refrain from any war game exercises or exercises using any type of weapons, especially involving the use of ordnance;</p>	<p>(d) No foreign ships and aircraft, including military aircraft and warships, while exercising the right of archipelagic sea lanes passage, shall perform any war game exercises or exercises using any type of weapons, especially involving the use of ordnance.</p>	<p><b>Article 39</b> <i>Duties of ships and aircraft during transit passage</i> 1. Ships and aircraft, while exercising the right of transit passage, shall: (c) refrain from any activities other than those incident to their normal modes of continuous and expeditious transit unless rendered necessary by <i>force majeure</i> or by distress;</p>	<p><b>NCWC Secretariat:</b> - see comments in Sec. 5(a)</p>

HB 809 Rep. Cabochan	HB 816 Rep. Biazon	HB 4194 Rep. Hofer	HB 8018 Rep. Villafuerte	UNCLOS Reference	Comments & Recommendations
(e) Except when rendered necessary by the <i>force majeure</i> or by distress, an aircraft exercising the right of archipelagic sea lanes passage shall not land in Philippine territory.	(e) Except when rendered necessary by <i>force majeure</i> or by distress, aircraft exercising the right of archipelagic sea lanes passage shall not land in Philippine territory.	e) Foreign aircraft shall not land in Philippine territory except when rendered necessary by <i>force majeure</i> or distress;	(e) Except when rendered necessary by <i>force majeure</i> or by distress, an aircraft exercising the right of archipelagic sea lanes passage shall not land in the Philippine territory.	<b>Article 39(1)(c)</b>	
(f) All foreign ships exercising the right of archipelagic sea lanes passage shall refrain from stopping, dropping anchor or loitering, except when rendered necessary by <i>force majeure</i> or by distress in order to render assistance to a person or persons or a ship or ships experiencing distress.	(f) All foreign ships exercising the right of archipelagic sea lanes passage shall refrain from stopping, dropping anchor or loitering, except when rendered necessary by <i>force majeure</i> or by distress in order to render assistance to a person or persons or a ship or ships experiencing distress.	f) Foreign ships shall refrain from stopping, dropping anchor or loitering, except when rendered necessary by <i>force majeure</i> or distress or in order to render assistance to a person or persons or a ship or ships experiencing distress; and	(f) No foreign ships exercising the right of archipelagic sea lanes passage shall stop, drop anchor or loiter, except when rendered necessary by <i>force majeure</i> or by distress in order to render assistance to a person or persons or a ship or ships experiencing a disaster.	<b>Article 39(1)(c)</b>	
(g) Foreign ships or aircrafts exercising the right of archipelagic sea lanes passage shall refrain from making covert transmissions, interfering with telecommunications systems, and communicating directly with an unauthorized person or group of persons in Philippine territory.	(g) Foreign ships or aircraft exercising the right of archipelagic sea lanes passage shall refrain from making covert transmissions, interfering with telecommunications systems, and communicating directly with an unauthorized person or group of persons in Philippine territory.	g) Foreign ships or aircraft shall refrain from making covert transmissions, interfering with telecommunications systems, and communicating directly with an unauthorized person or group of persons in Philippine territory.	(g) No foreign ships or aircraft exercising the right of archipelagic sea lanes passage shall make covert transmissions, interfere with telecommunications systems, and communicate directly with an unauthorized person or group of persons in Philippine territory.	<b>Article 39(1)(c)</b>	
					<p><b>DOJ:</b> -add a catch-all phrase</p> <p>"H) REFRAIN FROM ANY ACTIVITIES OTHER THAN THOSE INCIDENT TO THEIR NORMAL MODES OF CONTINUOUS AND EXPEDITIOUS TRANSIT, UNLESS RENDERED NECESSARY BY <i>FORCE MAJEURE</i> OR</p>

<p><b>SEC. 6. Permit to Conduct Oceanographic or Hydrographic Surveys.</b> - Foreign ships or aircraft, including research or hydrographic survey ships or aircraft, while exercising the right of archipelagic sea lanes passage, shall not conduct oceanographic or hydrographic surveys, whether with the use of detection equipment or sample gathering equipment, unless they have obtained prior permission to do so from the appropriate agency of the Government of the Republic of the Philippines.</p>	<p>SEC. 6. Foreign ships or aircraft, including research or hydrographic survey ships of aircraft, while exercising the right of archipelagic sea lanes passage, shall not conduct oceanographic or hydrographic surveys, whether with the use of detection equipment or sample gathering equipment, unless they have obtained prior permission to do so from the appropriate agency of the Government of the Republic of the Philippines.</p>	<p><b>SEC. 6. Permit to Conduct Oceanographic or Hydrographic Surveys.</b> – Foreign ships or aircraft, including research or hydrographic survey ships or aircraft, while exercising the right of archipelagic sea lanes passage, shall not conduct oceanographic or hydrographic surveys, whether with the use of detection equipment or sample gathering equipment, unless prior permission to do so from the appropriate agency of the Government of the Republic of the Philippines has been obtained.</p>	<p><b>SEC. 7. Permit to Conduct Oceanographic or Hydrographic Surveys.</b> - Foreign ships or aircraft, including research or hydrographic survey ships of aircraft, while exercising the right of archipelagic sea lanes passage, shall not conduct oceanographic or hydrographic surveys, whether with the use of detection equipment or sample gathering equipment, unless they have obtained prior permission to do so from the appropriate agency of the Government of the Republic of the Philippines.</p>	<p><b>Article 40</b> <i>Research and survey activities</i> During transit passage, foreign ships, including marine scientific research and hydrographic survey ships, may not carry out any research or survey activities without the prior authorization of the States bordering straits.</p>	<p>BY DISTRESS.” <b>MARINA:</b> -revise the title since the provision presupposes permission because of the word “Permit” as opposed to the real intention which is to prohibit the activity unless a permit to do so was first obtained.  <b>DOJ:</b> “SEC. 7. Permit to Conduct Oceanographic or Hydrographic RESEARCH AND Surveys ACTIVITIES. - Foreign ships or aircraft, including MARINE SCIENTIFIC research or hydrographic survey ships or aircraft, while exercising the right of archipelagic sea lanes passage, shall not conduct oceanographic or hydrographic surveys OR ANY OTHER RESEARCH OR SURVEY ACTIVITIES, whether with the use of detection equipment or sample gathering equipment, unless they have obtained prior permission to do so from the appropriate agency of the Government of the Republic of the Philippines.</p>
<p><b>SEC. 7. Prohibition of Fishing, Loading, Unloading of Persons, Goods or Currency.</b> -  (a) Foreign ships, including fishing vessels, while exercising the right of archipelagic sea lanes passage, shall not conduct any fishing operation or exploitation of marine resources of the Philippines.</p>	<p>SEC. 7. (a) Foreign ships, including fishing vessels, while exercising the right of archipelagic sea lanes passage, shall not conduct any fishing operation or exploitation of marine resources of the Philippines.</p>	<p><b>SEC. 7. Prohibited Acts.</b> – The following are prohibited acts:  a) Foreign ships, including fishing vessels, while exercising the right of archipelagic sea lanes passage, shall not conduct any fishing operation or exploitation of marine resources of the Philippines;</p>	<p><b>SEC. 8. Prohibition of Fishing, Loading, Unloading of Persons, Goods or Currency.</b> –  (a) Foreign ships, including fishing vessels, while exercising the right of archipelagic sea lanes passage, shall not conduct any fishing operation or exploitation of marine resources of the Philippines.</p>	<p><b>Article 42</b> <i>Laws and regulations of States bordering straits relating to transit passage</i> 1. Subject to the provisions of this section, States bordering straits may adopt laws and regulations relating to transit passage through straits, in respect of all or any of the following: (c) with respect to fishing vessels, the prevention of fishing, including the stowage</p>	<p><b>MARINA:</b> - adopt title of HB 809 for easy reference  <b>DENR:</b> - include strict compliance to the Wildlife Act or RA 9147 on its sanctions for bioprospecting on marine wildlife and the amended Fisheries Code RA 10654 on its provisions on the illegal fishing activities  <b>NCWC Secretariat:</b> - does not incorporate all the salient provisions of Art. 42, specifically on the adoption of non-discriminatory regulations</p>

HB 809 Rep. Cabochan	HB 816 Rep. Biazon HB 4877 Rep. Rodriguez	HB 4194 Rep. Hofer	HB 8018 Rep. Villafuerte	UNCLOS Reference	Comments & Recommendations
				of fishing gear;	and the publication thereof  - the general prohibition against fishing by vessel in transit through the ASL is subject to Art. 51 of UNCLOS on traditional fishing rights
(b) Foreign fishing vessels, while exercising the right of archipelagic sea lanes passage, besides fulfilling their obligations under paragraph (a), shall stow all fishing equipment within hold.	(b) Foreign fishing vessels, while exercising the right of archipelagic sea lanes passage, besides fulfilling their obligations under paragraph (a), shall stow all fishing equipment within the hold.	b) Foreign fishing vessels, while exercising the right of archipelagic sea lanes passage, besides fulfilling their obligations under paragraph (a) hereof, shall stow all fishing equipment within the hold; and	(b) Foreign fishing vessels, while exercising the right of archipelagic sea lanes passage, besides fulfilling their obligations under paragraph (a), shall stow all their fishing equipment within the hold.	<b>Article 42(1)(c)</b>	<b>NCWC Secretariat:</b> - see comments in Sec. 7(a)
Foreign ships and aircrafts, while exercising the right of archipelagic sea lanes passage, shall not load to a ship or unload from a ship persons, goods or currency in a manner that contravenes the laws and regulations concerning customs, immigration, fiscal matters and health, except when rendered necessary by <i>force majeure</i> or by distress.	(c) Foreign ships and aircraft, while exercising the right of archipelagic sea lanes passage, shall not load to a ship or unload from a ship persons, goods or currency in a manner that contravenes the laws and regulations concerning customs, immigration, fiscal matters and health, except when rendered necessary by <i>force majeure</i> or by distress.	c) Foreign ships and aircraft, while exercising the right of archipelagic sea lanes passage, shall not load to a ship or unload from a ship persons, goods or currency in a manner that contravenes the laws and regulations concerning customs, immigration, fiscal matters and health, except when rendered necessary by <i>force majeure</i> or by distress.	(c) Foreign ships and aircraft, while exercising the right of archipelagic sea lanes passage, shall not load to a ship or unload from a ship persons, goods or currency in a manner that contravenes the laws and regulations concerning customs, immigration, fiscal matters and health, except when rendered necessary by <i>force majeure</i> or by distress.	<b>Article 42</b> <i>Laws and regulations of States bordering straits relating to transit passage</i> 1. Subject to the provisions of this section, States bordering straits may adopt laws and regulations relating to transit passage through straits, in respect of all or any of the following: (d) the loading or unloading of any commodity, currency or person in contravention of the customs, fiscal, immigration or sanitary laws and regulations of States bordering straits.	
<b>SEC. 8. Compliance with Navigational Regulations, Procedures, and Traffic Scheme. –</b> (a) Foreign ships, while exercising the right of	SEC. 8. (a) Foreign ships, while exercising the right of archipelagic sea lanes	<b>SEC. 8. Compliance with Navigational Regulations, Procedures and Traffic Scheme. –</b> While exercising the right of archipelagic sea lanes	<b>SEC. 9. Compliance with Navigational Regulations, Procedures, and Traffic Scheme. –</b> (a) Foreign ships, while exercising the right of archipelagic sea lanes	<b>Article 39</b> <i>Duties of ships and aircraft during transit passage</i> 2. Ships in transit passage shall: (a) comply with generally	<b>MARINA:</b> - adopt title/heading of HB 4194 to avoid repeating all throughout the enumeration the phrase “Foreign ships, while exercising the right of archipelagic sea lanes passage, shall...”

HB 809 Rep. Cabochan	HB 816 Rep. Biazon HB 4877 Rep. Rodriguez	HB 4194 Rep. Hofer	HB 8018 Rep. Villafuerte	UNCLOS Reference	Comments & Recommendations
<p>archipelagic sea lanes passage, shall comply with the generally accepted international regulations, procedures and practices concerning safety of navigation, including regulations relating to the prevention of the collisions at sea.</p>	<p>passage, shall comply with the generally accepted international regulations, procedures and practices concerning safety of navigation, including regulations relating to the prevention of collisions at sea.</p>	<p>passage, foreign ships shall:</p> <p>a) Comply with the generally accepted international regulations, procedures and practices concerning safety of navigation, including regulations relating to the prevention of collisions at sea;</p>	<p>passage, shall comply with the generally accepted international regulations, procedures and practices concerning safety of navigation, including regulations relating to the prevention of collisions at sea.</p>	<p>accepted international regulations, procedures and practices for safety at sea, including the International Regulations for Preventing Collisions at Sea;</p>	
<p>(b) Foreign ships, while exercising the right of archipelagic sea lanes passage in a sea lane where a traffic separation scheme has been established for the regulation of navigation, shall comply with the provisions of the traffic separation scheme.</p>	<p>(b) Foreign ships, while exercising the right of archipelagic sea lanes passage in a sea lane where a traffic separation scheme has been established for the regulation of navigation, shall comply with the provisions of the traffic separation scheme.</p>	<p>b) Comply with the provisions of the traffic separation scheme where a traffic separation scheme has been established for the regulation of navigation;</p>	<p>(b) Foreign ships, while exercising the right of archipelagic sea lanes passage in a sea lane where a traffic separation scheme has been established for the regulation of navigation, shall comply with the provisions of the traffic separation scheme.</p>	<p><b>Article 53</b> <i>Right of archipelagic sea lanes passage</i></p> <p>6. An archipelagic State which designates sea lanes under this article may also prescribe traffic separation schemes for the safe passage of ships through narrow channels in such sea lanes.</p> <p>11. Ships in archipelagic sea lanes passage shall respect applicable sea lanes and traffic separation schemes established in accordance with this article.</p> <p><b>Article 42</b> <i>Laws and regulations of States bordering straits relating to transit passage</i></p> <p>1. Subject to the provisions of this section, States bordering straits may adopt laws and regulations relating to transit passage through straits, in respect of all or any of the following:</p>	

HB 809 Rep. Cabochan	HB 816 Rep. Biazon HB 4877 Rep. Rodriguez	HB 4194 Rep. Hofer	HB 8018 Rep. Villafuerte	UNCLOS Reference	Comments & Recommendations
				(a) the safety of navigation and the regulation of maritime traffic, as provided in article 41( <i>Article 41. Sea lanes and traffic separation schemes in straits used for international navigation</i> );  4. Foreign ships exercising the right of transit passage shall comply with such laws and regulations.	
(c) Foreign ships, while exercising the right of archipelagic sea lanes passage, shall not cause disturbance or damage to navigational facilities or submarine cables or pipes.	(c) Foreign ships, while exercising the right of archipelagic sea lanes passage, shall not cause disturbance or damage to navigational facilities or submarine cables or pipes.	c) Sail at a safe distance so as not to cause disturbance or damage to navigational facilities or submarine cables or pipes; and	(c) Foreign ships, while exercising the right of archipelagic sea lanes passage, shall not cause disturbance or damage to navigational facilities or submarine cables or pipes.	<b>Article 42(1)(a)</b>	
(d) Foreign ships, while exercising the right of archipelagic sea lanes passage, shall not sail too close to prohibited zones as determined by concerned agencies.	(d) Foreign ships, while exercising the right of archipelagic sea lanes passage, shall not sail too close to prohibited zones as determined by concerned agencies.	d) Observe prohibited zones as determined by concerned agencies.	(d) Foreign ships, while exercising the right of archipelagic sea lane passage, shall not sail too close to prohibited zones as determined by concerned agencies.	<b>Article 42(1)(a)</b>	<b>NCWC Secretariat:</b> - not based on any UNCLOS provision, and is contrary to IMO Resolutions, where IMO declared that France and Italy may create an International Marine Park in the Strait of Bonifacio, a strait used for international navigation, but they may not prohibit certain ships from passage through said strait
<b>SEC. 9. Obligations of foreign Civil Aircrafts. –</b>  (a) Foreign civil aircrafts exercising the right of archipelagic sea lanes shall:  (1) observe the Rules of the Air established by the International Civil Aviation	SEC. 9. (a) Foreign civil aircrafts exercising the right of archipelagic sea lanes passage shall:  (1) observe the Rules of the Air established by the International Civil Aviation	<b>SEC. 9. Obligations of Foreign Civil Aircrafts. –</b>  a) Foreign civil aircrafts exercising the right of archipelagic sea lanes passage shall:  (1) Observe the Rules of the Air established by the International Civil Aviation	<b>SEC. 10. Obligations of Foreign Aircraft. –</b>  (A) Foreign civil aircraft exercising the right of archipelagic sea lanes passage shall:  (1) observe the Rules of the Air established by the International Civil Aviation	<b>Article 39</b> <i>Duties of ships and aircraft during transit passage</i> 3. Aircraft in transit passage shall: (a) observe the Rules of the Air established by the International Civil Aviation Organization as they apply to civil aircraft; state aircraft will normally comply with such safety measures and	



HB 809 Rep. Cabochan	HB 816 Rep. Biazon HB 4877 Rep. Rodriguez	HB 4194 Rep. Hofer	HB 8018 Rep. Villafuerte	UNCLOS Reference	Comments & Recommendations
<p>Organization (ICAO); and</p> <p>(2) monitor the radio frequency assigned by the competent internationally designated air traffic control authority or the appropriate international distress radio frequency at all times</p>	<p>Organization (ICAO); and</p> <p>(2) monitor the radio frequency assigned by the competent internationally designated air traffic control authority or the appropriate international distress radio frequency at all times.</p>	<p>Organization (ICAO); and</p> <p>(2) Monitor the radio frequency assigned by the competent internationally designated air traffic control authority or the appropriate international distress radio frequency at all times.</p>	<p>Organization (ICAO); and</p> <p>(2) monitor the radio frequency assigned by the competent internationally designated air traffic control authority or the appropriate international distress radio frequency at all times.</p>	<p>will at all times operate with due regard for the safety of navigation;</p> <p>(b) at all times monitor the radio frequency assigned by the competent internationally designated air traffic control authority or the appropriate international distress radio frequency.</p>	
<p>(b) Foreign national aircrafts exercising the right of archipelagic sea lanes passage shall:</p> <p>(1) respect the regulations concerning flight safety as detailed in Section 9(a) hereof and at all times operate with due regard for the safety of navigation; and</p> <p>(2) fulfill their obligations as detailed in Section 9(a)(2) hereof.</p>	<p>(b) Foreign national aircrafts exercising the right of archipelagic sea lanes passage shall:</p> <p>(1) respect the regulations concerning flight safety as detailed in Section 9(a) hereof and at all times operate with due regard for the safety of navigation; and</p> <p>(2) fulfill their obligations as detailed in Section 9(a)(2) hereof.</p>	<p>b) Foreign national aircrafts exercising the right of archipelagic sea lanes passage shall:</p> <p>(1) Respect the regulations concerning flight safety as detailed in Section 9 (a) hereof and at all times operate with due regard for the safety of navigation; and</p> <p>(2) Fulfill their obligations as detailed in Section 9 (a)(2) hereof.</p>	<p>(B) Foreign national aircraft exercising the right of archipelagic sea lanes passage shall:</p> <p>(1) respect the regulations concerning flight safety as detailed in Section 10(A) hereof and at all times operate with due regard for the safety of navigation; and,</p> <p>(2) fulfill their obligations as detailed in Section 10(A)(2) hereof.</p>	<p><b>Article 39(3)(a) and (b)</b></p>	<p><b>DOJ:</b></p> <p>- use "state aircraft" in lieu of "national aircraft"</p>
<p><b>SEC. 10. Prevention of Marine Pollution and Nuclear Weapons. –</b></p> <p>(a) Foreign ships exercising the right of archipelagic sea lanes passage shall not expel oil, oily wastes or other noxious substances into the marine environment, or conduct other activities in contravention of international regulations and standards for the</p>	<p>SEC. 10. (a) Foreign ships exercising the right of archipelagic sea lanes passage shall not expel oil, oily wastes or other noxious substances into the marine environment, or conduct other activities in contravention of international regulations and standards for the</p>	<p><b>SEC. 10. Prevention of Marine Pollution and Nuclear Weapons. –</b></p> <p>(a) Foreign ships exercising the right of archipelagic sea lanes passage shall not expel oil, oily wastes or other noxious substances into the marine environment, or conduct other activities in contravention of international regulations and standards for the</p>	<p><b>SEC. 11. Prevention of Marine Pollution and Nuclear Weapon. —</b></p> <p>(a) Foreign ships exercising the right of archipelagic sea lanes passage shall not expel oil, oily wastes or other noxious substances into the marine environment, or conduct other activities in contravention of international regulations and standards for the</p>	<p><b>Article 42</b> <i>Laws and regulations of States bordering straits relating to transit passage</i></p> <p>1. Subject to the provisions of this section, States bordering straits may adopt laws and regulations relating to transit passage through straits, in respect of all or any of the following:</p> <p>(b) the prevention, reduction and control of pollution, by giving effect to applicable international regulations</p>	<p><b>DENR:</b></p> <p>- include prohibition on the discharge of ballast water in Philippine waters</p> <p>When ships take on ballast water during cargo loading or unloading, or when a ship needs extra stability during foul weather, marine plants and organisms in the water are also picked up. Discharging these ballast water releases these organisms into new areas where they can become invasive alien species posing threat to the marine ecosystem.</p> <p><b>DOJ:</b></p>

HB 809 Rep. Cabochan	HB 816 Rep. Biazon HB 4877 Rep. Rodriguez	HB 4194 Rep. Hofer	HB 8018 Rep. Villafuerte	UNCLOS Reference	Comments & Recommendations
prevention reduction and control of marine pollution that originate from ships.	prevention, reduction and control of marine pollution that originates from ships.	prevention, reduction and control of marine pollution that originates from ships.	prevention, reduction and control of marine pollution that originates from ships.	<p>regarding the discharge of oil, oily wastes and other noxious substances in the strait;</p> <p><b>Article 39</b> <i>Duties of ships and aircraft during transit passage</i> 2. Ships in transit passage shall:</p> <p>(b) comply with generally accepted international regulations, procedures and practices for the prevention, reduction and control of pollution from ships.</p>	<p>- there is a need to harmonize the Constitutional policy of freedom from nuclear weapons and our obligations under UNCLOS and relevant treaties on ASLP</p> <p>- delete "and Nuclear Weapons" from the title as well as paragraph (c), and add a new Section after this Section</p>
(b) Foreign ships while exercising the right of archipelagic sea lanes passage shall not dump waste in Philippine waters.	(b) Foreign ships while exercising the right of archipelagic sea lanes passage shall not dump waste in Philippine waters.	(b) Foreign ships, while exercising the right of archipelagic sea lanes passage, shall not dump waste in Philippine waters.	(b) Foreign ships exercising the right of archipelagic sea lanes passage shall not dump waste in Philippine waters.		
(c) Consistent with the national interest, the exercise of the right of archipelagic sea lanes passage by all foreign ships must be consistent with the constitutional mandate of freedom from nuclear weapons in Philippine territory.	(c) Consistent with the national interest, the exercise of the right of archipelagic sea lanes passage by all foreign ships must be consistent with the constitutional mandate of freedom from nuclear weapons in Philippine territory.	(c) Consistent with the national interest, the exercise of the right of archipelagic sea lanes passage by all foreign ships must be consistent with the constitutional mandate of freedom from nuclear weapons in Philippine territory.	(c) Consistent with the national interest, the exercise of the right of archipelagic sea lanes passage by all foreign ships must be consistent with the constitutional mandate of freedom from nuclear weapons in Philippine territory.		<p><b>NCWC Secretariat:</b></p> <p>- Art. 23 of UNCLOS recognizes the right to innocent passage of nuclear vessels in the territorial sea. Various states have adopted their respective regulation on the transit of nuclear ships.</p>
					<p><b>DOJ:</b></p> <p>"SEC. __. PASSAGE OF FOREIGN WARSHIPS AND MILITARY AIRCRAFT.— FOREIGN WARSHIPS AND MILITARY AIRCRAFT ENJOY THE RIGHT OF ARCHIPELAGIC SEA LANES PASSAGE. HOWEVER, IF THEY CARRY NUCLEAR WEAPONS, ADVANCE NOTIFICATION OF THEIR PASSAGE</p>

					<p>VIA DIPLOMATIC CHANNELS ARE REQUIRED PURSUANT TO THE CONSTITUTIONAL POLICY OF FREEDOM FROM NUCLEAR WEAPONS IN ANY PART OF THE PHILIPPINE TERRITORY.”</p>
<p><b>SEC. 11. Liability for Damage. –</b></p> <p>(a) The person or legal body responsible for the operation or cargo of foreign commercial ships or aircraft or foreign government ships or aircraft operated for commercial purposes shall be liable for any loss or damage suffered by the Philippines or any third party as a result of noncompliance with any of the provisions of this Act while exercising the right of archipelagic sea lanes passage.</p>	<p>SEC. 11. (a) The person or legal body responsible for the operation or cargo of foreign commercial ships or aircraft or foreign government ships or aircraft operated for commercial purposes shall be liable for any loss or damage suffered by the Philippines or any third party as a result of noncompliance with any of the provisions of this Act while exercising the right of archipelagic sea lanes passage.</p>	<p><b>SEC. 11. Liability for Damage. –</b></p> <p>(a) The person or legal body responsible for the operation or cargo of foreign commercial ships or aircraft or foreign government ships or aircraft operated for commercial purposes shall be liable for any loss or damage suffered by the Philippines or any third party as a result of noncompliance with any of the provisions of this Act while exercising the right of archipelagic sea lanes passage.</p>	<p><b>SEC. 12. Liability for Damage. –</b></p> <p>(a) The person or legal body responsible for the operation or cargo of foreign commercial ships or aircraft or foreign government ships or aircraft operated for commercial purposes shall be liable for any loss or damage suffered by the Philippines or any third party as a result of noncompliance with any of the provisions of this Act while exercising the right of archipelagic sea lanes passage.</p>		<p><b>NCWC Secretariat:</b> - it might be prudent to establish an indemnification fund</p> <p><b>DOJ:</b> - consider the imposition of the penalty of fine or imprisonment for violation of the pertinent provisions of the bill by civilian vessels and aircraft, especially with respect to acts that are destructive of the marine environment, such as dumping of waste or willful and serious pollution, considering that such is allowed because the Philippines has sovereignty over its archipelagic waters</p>
<p>(b) The flag State shall bear international responsibility for any loss or damage suffered by the Philippines or any third party as a result of noncompliance with any of the provisions of this Act by a foreign warship or aircraft or other government ship operated for noncommercial purposes while exercising the right of archipelagic sea lanes passage in the Philippine waters.</p>	<p>(b) The flag State shall bear international responsibility for any loss or damage suffered by the Philippines or any third party as a result of noncompliance with any of the provisions of this Act by a foreign warship or aircraft or other government ship operated for non-commercial purposes while exercising the right of archipelagic sea lanes passage in Philippine waters.</p>	<p>(b) The flag State shall bear international responsibility for any loss or damage suffered by the Philippines or any third party as a result of noncompliance with any of the provisions of this Act by a foreign warship or aircraft or other government ship operated for noncommercial purposes while exercising the right of archipelagic sea lanes passage in Philippine waters.</p>	<p>(b) The flag State shall bear international responsibility for any loss or damage suffered by the Philippines or any third party as a result of non-compliance with any of the provisions of this Act by a foreign warship or aircraft or other government ship operated for noncommercial purposes while exercising the right of archipelagic sea lanes passage in Philippine waters.</p>	<p><b>Article 42</b> <i>Laws and regulations of States bordering straits relating to transit passage</i> 5. The flag State of a ship or the State of registry of an aircraft entitled to sovereign immunity which acts in a manner contrary to such laws and regulations or other provisions of this Part shall bear international responsibility for any loss or damage which results to States bordering straits.</p>	

<p><b>ARTICLE III. THE PRESIDENT OF THE REPUBLIC OF THE PHILIPPINES TO DESIGNATE THE ARCHIPELAGIC SEA LANES FOR THE RIGHT OF ARCHIPELAGIC SEA LANES PASSAGE AND TO INSTITUTE THE ASSOCIATED PROTECTIVE MEASURES THERETO</b></p>	<p><b>EMPOWERING THE PRESIDENT OF THE REPUBLIC OF THE PHILIPPINES TO DESIGNATE THE ARCHIPELAGIC SEA LANES WHICH MAY BE USED FOR THE RIGHT OF ARCHIPELAGIC SEA LANES PASSAGE AND THE ASSOCIATED PROTECTIVE MEASURES</b></p>	<p><b>CHAPTER III EMPOWERING THE PRESIDENT OF THE REPUBLIC OF THE PHILIPPINES TO DESIGNATE THE ARCHIPELAGIC SEA LANES WHICH MAY BE USED FOR THE RIGHT OF ARCHIPELAGIC SEA LANES PASSAGE AND THE ASSOCIATED PROTECTIVE MEASURES</b></p>			<p><b>NCWC Secretariat:</b> - Congress may only recognize this power of the President rather than grant the same through law since the power to conduct foreign relations is inherent and constitutional in the President as head of state  - Congress is allowed to grant the power to the President, Congress may also withdraw the same and vest the designation of the ASL on another person/agency</p>
<p><b>SEC. 12. Designation by the President of Archipelagic Sea Lanes.</b> - In pursuit of the Philippine National Policy, the President shall promulgate, through an Executive Issuance, the archipelagic sea lanes which may be used for the right of archipelagic sea lanes passage and the rules and regulations relating to Associated Protective Measures to be prescribed within areas along the archipelagic sea lanes in accordance with the International Maritime Organization (IMO) Conventions and Regulations and other relevant international agreements.</p>	<p>SEC. 12. In pursuit of Philippine National Policy, the President shall promulgate through Executive Issuance the archipelagic sea lanes which may be used for the right of archipelagic sea lanes passage and the rules and regulations relating to Associated Protective Measures to be prescribed, within areas along the archipelagic sea lanes in accordance with the International Maritime Organization (IMO) Conventions and Regulations and other relevant international agreements.</p>	<p><b>SEC. 12. Designation by the President of Archipelagic Sea Lanes.</b> - In pursuit of Philippine National Policy, the President shall promulgate through Executive Issuance the archipelagic sea lanes which may be used for the right of archipelagic sea lanes passage and the rules and regulations relating to Associated Protective Measures to be prescribed, within areas along the archipelagic sea lanes in accordance with the International Maritime Organization (IMO) conventions and regulations and other relevant international agreements.</p>	<p><b>SEC. 13. Power to Designate Archipelagic Sea Lanes.</b> - The Department of Foreign Affairs (DFA), taking into account relevant provisions of the 1987 Constitution and existing laws, shall be the lead agency tasked to implement the provisions of this Act. For purposes of achieving the objectives of this Act, the DFA shall:</p> <ol style="list-style-type: none"> <li>1. Establish a mechanism for the designation of archipelagic sea lanes;</li> <li>2. Determine appropriate measures for the protection of areas along said sea lanes in accordance with international conventions and agreements to which the Philippines is a party; and</li> <li>3. Coordinate with the</li> </ol>	<p><b>Article 53</b> <i>Right of archipelagic sea lanes passage</i> 1. An archipelagic State may designate sea lanes and air routes thereabove, suitable for the continuous and expeditious passage of foreign ships and aircraft through or over its archipelagic waters and the adjacent territorial sea.  9. In designating or substituting sea lanes or prescribing or substituting traffic separation schemes, an archipelagic State shall refer proposals to the competent international organization with a view to their adoption. The organization may adopt only such sea lanes and traffic separation schemes as may be agreed with the archipelagic State, after which the archipelagic State may designate, prescribe or substitute them.</p>	<p><b>MARINA:</b> - it is more beneficial for the Philippines to designate the sea lanes through this legislation because otherwise the right of innocent passage may be exercised through routes normally used for international navigation for as long as there is no designation as provided for under (b) of Section 5 in consonance to Article 53 of the UNCLOS  <b>DOJ:</b> "SEC. 13. <i>Power to Designate Archipelagic Sea Lanes.</i> - The Department of Foreign Affairs (DFA), taking into account relevant provisions of the 1987 Constitution and existing laws, shall be the lead agency tasked to implement the provisions of this Act. For purposes of achieving the objectives of this Act, the DFA shall:</p> <ol style="list-style-type: none"> <li>1. Establish a mechanism... xxx</li> <li>2. Determine appropriate measures...this Act.</li> </ol> <p>IN THE DEISGNATION OF THE ARCHIPELAGIC SEA LANES, ARTICLE</p>

			<p>Philippine Coast Guard (PCG), National Mapping and Resource Information Authority (NAMRIA), and other concerned agencies for the effective implementation of this Act.</p>		<p>53 OF UNCLOS SHALL BE OBSERVED, WITH A VIEW TO THE ADOPTION OF SUCH SEA LANES BY THE IMO.”</p> <p><b>DFA:</b> - DFA is consulting the IMO and relevant stakeholders on the sea lanes that are being considered to ensure the international community’s recognition of the designated sea lanes.</p> <p><b>DND/AFP:</b> - supports the action of the DFA to limit the submission to just 3 sea lanes. DFA already submitted a proposal to IMO for the designation of 2 east-west se lane, and 1 north-south se lane. Any further submission should be subjected to the most rigorous and extensive national interest analysis and inter-agency consultations as it will already significantly impact national defense and security plans and programs.</p> <p><b>ERDB, DENR:</b>  (In designating the sea lanes)</p> <p>- mark certain areas with rich and unique marine biodiversity to be applied and granted the status of a particularly sensitive sea area (PSSA) by the IMO</p> <p>For priority considerations are: a) <b>the Tubbataha Reef</b>, which has a very high density of marine species. It is considered a world heritage site and declared a national marine park by virtue of Presidential Proclamation</p>
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					<p>No. 306, s. 1988, and by RA No. 10067; and</p> <p>b) <b>Verde Island Passage Marine Corridor</b>, which is considered as the world's center of marine shorefish biodiversity, and declared part of the Integrated Conservation and Development Zone by virtue of Presidential Proclamation No. 1028, s. 1997.</p> <p>The suggested PSSAs should be excluded from ASLP or stricter control of maritime activities and more APMs should be exercised over these marine biodiversity-rich areas.</p>
					<p>(In designating the sea lanes)</p> <p><b>Biodiversity Management Bureau (BMB), DENR:</b></p> <p>- The following concerns should be considered:</p> <ul style="list-style-type: none"> <li>• The vulnerability of the Marine Protected Areas (MPA) and Key Biodiversity Areas (KBA) as such biodiversity-rich areas should not be included in the ASLs as it poses high risk of the disturbances and contamination on marine and aquatic organisms as well as the habitat present in the areas;</li> <li>• Traverse of shipping vessels may impose disturbances and collision of marine mammals brought about by the increased marine noise pollution and navigational traffic;</li> <li>• Occurrence and existence of poaching activities including bioprospecting while passing through ASLs; and</li> </ul>

					<ul style="list-style-type: none"> <li>The possibility of increase in ship grounding incidence to sensitive marine ecosystems.</li> </ul>
			<p><b>SEC. 14. <i>Implementing Rules and Regulations.</i></b> - Within one (1) year from the effectivity of this Act, the Department of Foreign Affairs (DFA) shall, in consultation with the Philippine Coast Guard (PCG), National Mapping and Resource Information Authority (NAMRIA), and other concerned agencies, promulgate the implementing rules and regulations necessary to implementation of this Act. ensure the efficient and effective</p>		
<b>ARTICLE IV. FINAL PROVISIONS</b>	<b>FINAL PROVISIONS</b>	<b>CHAPTER IV FINAL PROVISIONS</b>			
<p><b>SEC. 13. <i>Right of Innocent Passage.</i></b> - The provisions of this Act shall not diminish the rights of foreign ships to exercise the right of innocent passage in archipelagic sea lanes.</p>	<p>SEC. 13. The provisions of this Act shall not diminish the rights of foreign ships to exercise the right of innocent passage in archipelagic sea lanes.</p>	<p>SEC. 13. <b><i>Right of Innocent Passage.</i></b> – The provisions of this Act shall not diminish the rights of foreign ships to exercise the right of innocent passage in archipelagic sea lanes.</p>	<p><b>SEC. 15. <i>Right of Innocent Passage.</i></b> - The provisions of this Act shall not diminish the rights of foreign ships to exercise the right of innocent passage in archipelagic sea lanes.</p>	<p><b>Article 52</b> <i>Right of innocent passage</i> 1. Subject to article 53 and without prejudice to article 50, ships of all States enjoy the right of innocent passage through archipelagic waters, in accordance with Part II, section 3.  2. The archipelagic State may, without discrimination in form or in fact among foreign ships, suspend temporarily in specified areas of its archipelagic waters the innocent passage of foreign</p>	<p><b>DOJ:</b> “<b>SEC. 15. <i>Right of Innocent Passage.</i></b> - The provisions of this Act shall not diminish the rights of foreign ships to exercise the right of innocent passage in THE ARCHIPELAGIC WATERS OUTSIDE OF THE archipelagic sea lanes. THE PROVISIONS OF SECTION 3, PART II OF UNCLOS ON INNOCENT PASSAGE IN THE TERRITORIAL SEA SHALL APPLY TO INNOCENT PASSAGE IN ARCHIPELAGIC WATERS.”</p>

				<p>ships if such suspension is essential for the protection of its security. Such suspension shall take effect only after having been duly published.</p>	
<p><b>SEC.14. National West Coast Watch System (NCWS).</b> - The NCWS, created by the virtue of Executive Order 57, series of 2011, under the control and supervision of the Office of the President, shall serve as the authority to institute coordinating mechanisms for the implementation of this Act and shall continue to operate in accordance with its present organizational structure.</p> <p>In addition to its powers, functions, and duties, the National Coast Watch Council (NCWC) shall provide technical and advisory support to the President in designating the archipelagic sea lanes. Further, the National West Coast Watch Center (NCW Center) shall establish, monitor, and implement Associated Protective Measures for the designated archipelagic sea lanes.</p>	<p>SEC. 14. The National Coast Watch System (NCWS), created by virtue of Executive Order 57, series of 2011, under the control and supervision of the Office of the President, shall serve as the coordinating mechanism for the implementation of this Act and shall continue to operate in accordance with its present organizational structure.</p> <p>In addition to its powers, functions, and duties, the National Coast Watch Council (NCWC) shall provide technical and advisory support to the President in designating the archipelagic sea lanes. Further, the National Coast Watch Center (NCW Center) shall establish, monitor, and implement Associated Protective Measures for the designated archipelagic sea lanes.</p>	<p><b>SEC. 14. National Coast Watch System (NCWS).</b> – The NCWS, created by virtue of Executive Order No. 57, Series of 2011, under the control and supervision of the Office of the President, shall serve as the coordinating mechanism for the implementation of this Act and shall continue to operate in accordance with its present organizational structure.</p> <p>In addition to its powers, functions, and duties, the National Coast Watch Council (NCWC) shall provide technical and advisory support to the President in designating the archipelagic sea lanes. Further, the National Coast Watch Center (NCW Center) shall establish, monitor, and implement Associated Protective Measures for the designated archipelagic sea lanes.</p>			<p><b>MARINA:</b></p> <ul style="list-style-type: none"> <li>- consider involving other agencies which has under their mandate maritime security and protection of the marine environment such as the PCG, PNP-Maritime Group, NAMIRIA, and the Philippine Navy in providing technical and advisory support to the President in designating the archipelagic sea lanes.</li> </ul> <p><b>DND/AFP:</b></p> <ul style="list-style-type: none"> <li>- The current formulation under which the NCWC would establish APMs is inconsistent with Sec. 12, which otherwise prescribes that it is the President who shall promulgate rules and regulations relating to APMs.</li> <li>- The primary vessels of concern for ASLP are not commercial vessels but warships and military aircraft. The NCWC may never be sufficiently empowered and resourced to deal with the gargantuan task of monitoring the sea lanes and exacting compliance from foreign ships, more so for powerful military ships and aircraft. Allowing DND and AFP to deal with the passage of foreign warships and aircraft in the designated ASLs is in order. Likewise, since this is an operational function which may not fit the policy-making function of the OP, the NCWC may need to be reorganized. Determining the organization to monitor and manage the ASLs should be left to the sound discretion of the Executive Department</li> </ul>



					<p>based on the need and resources made available for this purpose. This will also afford flexibility to the President to reorganize agencies for this task as he deems necessary.</p> <p>- Unlike the right of innocent passage, ASLP cannot be suspended for any reason, not even for national security for temporary or extended period of time. Therefore, DND being the primary agency tasked with the defense of the Philippines should have a lead role in the identification of the sea lanes and the technical agencies should be represented in any inter-agency body to be tasked with this monumental endeavor.</p>
<p><b>SEC. 15. Separability clause.</b> - If any portion or provision of this Act is declared unconstitutional or invalid, the other portions or provisions hereof which are not affected thereby shall continue to be in full force and effect.</p>	<p>SEC. 15. If any portion or provision of this Act is declared unconstitutional or invalid, the other portions or provisions hereof which are not affected thereby shall continue to be in full force and effect.</p>	<p>SEC. 15. <b>Separability Clause.</b> – If any portion or provision of this Act is declared unconstitutional or invalid, the other portions or provisions hereof which are not affected thereby shall continue to be in full force and effect.</p>	<p><b>SEC. 16. Separability Clause.</b> - If any portion or provision of this Act is declared unconstitutional or invalid, the other portions or provisions hereof which are not affected thereby shall continue to be in full force and effect.</p>		
<p><b>SEC. 16. Repealing Clause.</b> - All laws inconsistent with or contrary to the provisions of this Act are deemed amended, modified or repealed accordingly.</p>	<p>SEC. 16. All laws inconsistent with or contrary to the provisions of this Act are deemed amended, modified or repealed accordingly.</p>	<p>SEC. 16. <b>Repealing Clause.</b> – All laws inconsistent with or contrary to the provisions of this Act are deemed amended, modified or repealed accordingly.</p>	<p><b>SEC. 17. Repealing Clause.</b> - All laws inconsistent with or contrary to the provisions of this Act are deemed amended, modified or repealed accordingly.</p>		
<p><b>SEC. 17. Effectivity.</b> - This Act shall take effect fifteen (15) days after its publication in the Official Gazette in two (2)</p>	<p>SEC. 17. This Act shall take effect fifteen (15) days after its publication in the <i>Official Gazette</i> or in a newspaper of general</p>	<p>SEC. 17. <b>Effectivity.</b> – This Act shall take effect fifteen (15) days after its publication in the <i>Official Gazette</i> or in a newspaper</p>	<p><b>SEC. 18. Effectivity.</b> - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in two (2)</p>		

HB 809 Rep. Cabochan

HB 816 Rep. Biazon

HB 4194 Rep. Hofer

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UNCLOS Reference

Comments & Recommendations

HB 4877 Rep. Rodriguez

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