



Republic of the Philippines
Department of Environment and Natural Resources
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MEMORANDUM

FOR : **The Undersecretary**
Policy, Planning and International Affairs

The Bureau Directors
Biodiversity Management Bureau
Environmental Management Bureau
Ecosystems Research and Development Bureau

The Director
Legal Affairs Service

The Administrator
National Mapping Resource and Information Authority

The Executive Director
Palawan Council for Sustainable Development

FROM : **The Director**
Legislative Liaison Office

SUBJECT : **REQUEST FOR COMMENTS AND RECOMMENDATIONS ON
THE LEGISLATIVE MEASURES ON PHILIPPINE
ARCHIPELAGIC SEA LANES IN PREPARATION FOR THE
PUBLIC HEARING OF THE SENATE COMMITTEE ON
FOREIGN RELATIONS**

DATE : 18 August 2022

The Committee on Foreign Relations will be holding an organizational meeting and public hearing on **30 August 2022, Tuesday, 1:00 PM at the Sen. G.T. Pecson Room, 2nd Floor, Senate of the Philippines, Pasay City** and will be attended by our Honorable Secretary Maria Antonia Yulo Loyzaga or her authorized representative, physically in the Senate, and three (3) representatives from other concerned DENR Offices, via Cisco Webex. The public hearing will deliberate on Senate Bills regarding Philippine Archipelagic Sea Lanes Act.

In this regard, the Office of the Secretary will be needing information to come-up with the official position of our Department. Thus, may we request your comments on the following bills:

1. SBN 78 by Sen. Aquilino "Koko" Pimentel III
2. SBN 462 by Sen. Jinggoy E. Estrada

Attached herewith are copies of the Senate Bills for your reference. Kindly submit your comments and recommendations on or before 24 August 2022, Wednesday, 3 PM.

For compliance, please.


ROMIROSE B. PADIN



Republic of the Philippines

Senate

Pasay City

COMMITTEE ON FOREIGN RELATIONS

August 17, 2022

SEC. MARIA ANTONIA YULO LOYZAGA
Department of Environment and Natural Resources
DENR Building, Visayas Avenue, Diliman
Quezon City 1100

Dear Secretary Yulo Loyzaga:

Greetings!

The Committee on Foreign Relations would like to invite you or your authorized and accountable representative, who could provide the Committee with the official position of your good office, to an organizational meeting and public hearing on **August 30, 2022, Tuesday, 1:00 p.m., at the Sen. G.T. Pecson Room, 2nd Floor, Senate of the Philippines, Pasay City.**

Joint with the Committee on Finance, the following legislative measures will be discussed during the public hearing:

Philippine Archipelagic Sea Lanes Act

1. SBN 78

"An Act Authorizing the President of the Philippines to Establish the Archipelagic Sea Lanes in Philippine Archipelagic Waters, Prescribing the Obligations of Foreign Ships and Aircraft Exercising Archipelagic Sea Lanes Passage Through Designated Archipelagic Sea Lanes, and for Other Purposes"

Introduced by Sen. Aquilino "Koko" Pimentel III

2. SBN 462

"An Act Establishing the Archipelagic Sea Lanes in the Philippine Archipelagic Waters, Prescribing the Rights and Obligations of Foreign Ships and Aircraft Exercising the Right of Archipelagic Sea Lanes Passage Through the Established Archipelagic Sea Lanes and Providing for the Associated Protected Measures Therein"

Introduced by Sen. Jinggoy E. Estrada

May we kindly request for a position paper and any other supporting information on the proposed measures. It would be of great help if such materials can be sent on or before **August 24, 2022, Wednesday.**

As part of the Senate health and safety protocols, only three (3) persons from your good office may be allowed entry. All other persons may attend online via our virtual meeting room platform, Cisco Webex.

Those who will physically attend will need to present proof of full vaccination (primary dose series with at least 1 booster dose), a negative RT-PCR test result with QR code (taken within 24 hours), or a negative antigen test result (taken within 12 hours) from any Department of Health-accredited facility. The Committee is required to submit the guest list to the Office of the Sergeant-at-Arms at least a day before the scheduled hearing. Those who are not on the list will be denied entry.

For those who will attend virtually, the Committee Secretariat will send the CISCO Webex link to the participants' provided email addresses at least an hour before the public hearing.

For confirmation and inquiries, your good office may contact the Secretariat through the following channels:

E-mail address: senate.electoralreforms@gmail.com

Trunk lines: 8552-6601 to 6670

Locals: 3317, 3318, 3321

Direct Line: 8552-6750

Telefax: 8552-6750

Kindly look for Mr. Mikee Angeles, Ms. Jona Perez, Mr. Jimmy Gaviola, or Ms. Sherry Garcia.

Thank you very much.

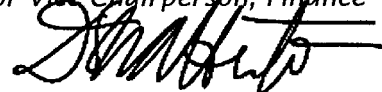
Very truly yours,

For the Chairperson:

SEN. IMEE R. MARCOS

Foreign Relations

Senior Vice Chairperson, Finance



ATTY. DANA PAULA M. ALBERTO

Legislative Committee Secretary



Senate
Office of the Secretary

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

22 JUL -7 P2 :07

RECEIVED BY

SENATE
Senate Bill No. 78

Introduced by Senator Aquilino "Koko" Pimentel III

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

EXPLANATORY NOTE

Republic Act No. 9522, otherwise known as *An Act to Amend Certain Provisions of Republic Act No. 3046, as Amended by Republic Act No. 5446, to Define the Archipelagic Baselines of the Philippines, and for Other Purposes*, made the country's archipelagic baselines system conform with the 1982 United Nations Convention on the Law of the Sea (UNCLOS) to which the Philippines is a state party. R. A. No. 9522 attests to the continued commitment of the Philippines as an archipelagic State to harmonize its domestic legislation with UNCLOS.

Under UNCLOS, an archipelagic State has sovereignty over its archipelagic waters and the airspace above it, as well as its seabed and subsoil. All ships and aircraft, however, may exercise archipelagic sea lanes passage or the exercise of navigation and overflight 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. The archipelagic State may designate sea lanes and air routes suitable for the continuous and expeditious passage of ships and aircraft through or over its archipelagic waters and the adjacent territorial sea. In case the archipelagic State does not designate archipelagic sea lanes, the archipelagic sea lanes passage may be exercised through the routes normally used for international navigation pursuant to UNCLOS.

With its waters linked to important and busy navigational routes, it is imperative that the Philippines designate its archipelagic sea lanes in consideration of its own security, economic, and environmental interests. The exercise of archipelagic sea lanes passage within the country's archipelagic waters can be rationalized by pursuing a balance between international maritime navigation and overflight requirements and domestic considerations. Non-designation of archipelagic sea lanes has the effect of waiving the right to designate in favor of other states who could freely exercise archipelagic sea lanes passage through Philippine archipelagic waters that they think are "the routes normally used for international navigation." This obviously is detrimental to the Philippines' interest.

This bill seeks to establish archipelagic sea lanes in Philippine archipelagic waters and the adjacent territorial sea, prescribing the obligations of foreign ships and aircraft exercising archipelagic sea lanes passage through the established sea lanes and providing for the associated measures therein.

In view of the foregoing, the immediate passage of this measure is earnestly requested.


AQUILINO "KOKO" PIMENTEL III




Senate
Office of the Secretary

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

22 JUL -7 P2 :07

SENATE
Senate Bill No. 78

RECEIVED BY: 

Introduced by Senator Aquilino "Koko" Pimentel III

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

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

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

3
4 **SEC. 2. State Policy.** – The State in the exercise of its duty to
5 protect its maritime domain shall implement and adhere to the
6 provisions of the 1982 United Nations Convention on the Law of the
7 Sea (UNCLOS) and relevant international conventions to which the
8 Philippines is a party.

9
10 **SEC. 3. Scope of Application.** – This Act shall govern the exercise
11 of archipelagic sea lanes passage through designated archipelagic sea
12 lanes by foreign ships and aircraft; *Provided*, That pending designation
13 of the said archipelagic sea lanes, ships and aircraft passing through

1 routes normally used for international navigation shall comply with the
2 provisions of this Act.

3
4 **SEC. 4. *Definition of Terms.*** – As used in this Act, the following
5 terms are defined in accordance with the UNCLOS:

- 6
7 a) *Archipelagic sea lanes* shall refer to the designated sea
8 lanes and air routes in the archipelagic waters through
9 which foreign ships or aircraft may exercise
10 archipelagic sea lanes passage;
- 11
12 b) *Archipelagic sea lanes passage* shall refer to the
13 exercise of navigation and overflight in the normal
14 mode solely for the purpose of continuous, expeditious,
15 and unobstructed transit between one part of the high
16 seas or an exclusive economic zone (EEZ) and another
17 part of the high seas or an EEZ;
- 18
19 c) *Archipelagic waters* shall refer to the waters on the
20 landward side of the archipelagic baselines except those
21 delineated as internal waters;
- 22
23 d) *Hydrographic survey* shall refer to a survey having for
24 its principal purpose the determination of data relating
25 to bodies of water. A hydrographic survey may consist
26 of the determination of one or several of the following
27 classes of data: depth of water; configuration and nature
28 of bottom; directions and force of currents; heights and
29 times of tides and water stages; and location of
30 topographic features and fixed objects for survey and
31 navigation purposes;
- 32
33 e) *Internal waters* shall refer to the waters inside the
34 archipelagic baselines which are delineated from the
35 archipelagic waters based on Article 50, in relation to
36 Articles 9, 10, and 11 of the UNCLOS;

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

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

21
22 h) *Territorial sea* shall refer to the belt of sea measured
23 twelve (12) nautical miles from the baselines.
24

25 **SEC. 5. Archipelagic Sea Lanes Passage of Foreign Ships and**
26 ***Aircraft.*** – Foreign ships and aircraft may exercise archipelagic sea
27 lanes passage in accordance with the provisions of UNCLOS in order
28 to navigate or fly from one part of the high seas or an EEZ to another
29 part of the high seas or an EEZ through or over the Philippine
30 archipelagic waters and its adjacent territorial sea. Such sea lanes shall
31 be defined by a series of continuous axis lines from the entry points of
32 passage routes to the exit points.
33

34 The exercise of archipelagic sea lanes passage shall be through
35 these sea lanes, or through the air above these sea lanes, as designated
36 pursuant to this Act.
37

1 **SEC. 6. Designation of Archipelagic Sea Lanes.** – The President
2 of the Philippines is hereby authorized to designate the archipelagic sea
3 lanes of the Philippines and, if appropriate, establish traffic separation
4 schemes for the safe passage of ships through narrow channels in such
5 sea lanes; *Provided*, that no more than three (3) archipelagic sea lanes
6 shall be designated absent clear and compelling reasons to the contrary;
7 *Provided further*, that in the identification of archipelagic sea lanes, the
8 following factors shall be considered:

- 9
- 10 a) National interest;
 - 11 b) Particularly sensitive sea areas (PSSAs);
 - 12 c) Marine Protected Areas (MPAs);
 - 13 d) Key biodiversity areas (KBAs);
 - 14 e) Safety of navigation; and
 - 15 f) Risk of pollution.
- 16

17 *Provided furthermore*, that the requirements under UNCLOS in
18 the designation of archipelagic sea lanes shall be complied with;
19 *Provided finally*, that the designation of the archipelagic sea lanes shall
20 be given due publicity.

21

22 Ninety (90) days after the archipelagic sea lanes are designated
23 and, if appropriate, traffic separation schemes are prescribed in
24 accordance with this Section, foreign ships and aircraft can exercise
25 archipelagic sea lane passage only through the designated archipelagic
26 sea lanes and foreign ships must follow the prescribe traffic separation
27 schemes.

28

29 When circumstances require, the President may substitute other
30 sea lanes or traffic separation schemes for any sea lanes or traffic
31 separation schemes previously designated; *Provided*, that in the
32 designation of substitute sea lanes and traffic separation schemes, the
33 requirements under the preceding paragraphs of this section shall be
34 complied with.

35

1 **SEC. 7. Exercise of Archipelagic Sea Lanes Passage.** – Foreign
2 ships and aircraft exercising archipelagic sea lanes passage shall be
3 governed by the following rules:

- 4
- 5 a) Foreign ships and aircraft shall pass through or above
6 the archipelagic sea lane as quickly as possible without
7 delay and in the normal mode solely for the purpose of
8 continuous, expeditious and unobstructed transit.
- 9
- 10 b) Foreign ships and aircraft shall not deviate more than
11 twenty-five (25) nautical miles to either side of the axis
12 line of the sea lane; *Provided*, that such ships and
13 aircraft shall not navigate closer to the coast more than
14 ten percent (10%) of the distance between the nearest
15 points on islands bordering the sea lane.
- 16
- 17 c) Foreign ships and aircraft, including military warships
18 and aircraft, shall refrain from any threat or use of
19 force against the sovereignty, territorial integrity, or
20 political independence of the Republic of the
21 Philippines, and shall not engage in any activity in
22 violation of the principles of international law
23 embodied in the Charter of the United Nations,
24 including, but not limited to, the conduct of military
25 operations external to the vessel or aircraft, military
26 war game exercises or exercises using any kind of
27 weapons, and intelligence gathering, surveillance, or
28 reconnaissance.
- 29
- 30 d) Except when rendered necessary by *force majeure* or
31 by distress, foreign aircraft shall not land in Philippine
32 territory.
- 33
- 34 e) No foreign ship shall stop, drop anchor, loiter, or move
35 back and forth, except when rendered necessary by
36 *force majeure* or by distress in order to render
37 assistance to persons or ships experiencing a disaster.

1
2 f) Foreign ships or aircraft shall refrain from activities
3 other than those incident to their normal modes of
4 continuous and expeditious transit, unless rendered
5 necessary by *force majeure* or by distress.
6

7 g) Foreign ships or aircraft shall not make covert
8 transmissions or carry out unauthorized broadcasting
9 or interfere with telecommunications systems and shall
10 not establish direct communications with unauthorized
11 persons or groups within Philippine territory.
12

13 h) Foreign ships or aircraft shall keep their automatic
14 identification systems turned on throughout their
15 passage through Philippine archipelagic waters and
16 shall duly respond to messages from the Philippine
17 Coast Guard (PCG) and other agencies of the
18 government of the Republic of the Philippines.
19

20 **SEC. 8. *Prohibition Against Unauthorized Research and Survey***
21 *Activities.* – Foreign ships or aircraft, including marine scientific
22 research or survey ships or aircraft, while exercising archipelagic sea
23 lanes passage, shall not conduct oceanographic or hydrographic
24 surveys or any other research or survey activities, whether with the use
25 of detection equipment or sample gathering equipment, unless they
26 have obtained prior permission to do so from the appropriate agency
27 of the government of the Republic of the Philippines.
28

29 **SEC. 9. *Prohibition Against Fishing and Loading, Unloading of***
30 *Persons, Goods or Currency.* – While exercising archipelagic sea lanes
31 passage, foreign ships, including fishing vessels, shall:
32

33 a) Not conduct any fishing operation or exploitation of
34 the marine resources of the Philippines;
35

36 b) Stow all their fishing equipment within the hold; and
37

- 1 c) Not load unto the ship or unload from the ship persons,
2 goods or currency in a manner that contravenes the
3 laws and regulations concerning customs,
4 immigration, fiscal matters and health, except when
5 rendered necessary by *force majeure* or by distress.
6

7 **SEC. 10. *Obligations of Foreign Ships.*** – While exercising
8 archipelagic sea lanes passage, foreign ships shall:
9

- 10 a) Comply with the generally accepted international
11 regulations, procedures and practices concerning
12 safety of navigation, including regulations relating to
13 the prevention of collisions at sea;
14
15 b) Comply with the provisions of the traffic separation
16 schemes in a sea lane where traffic separation schemes
17 have been prescribed and established in accordance
18 with this Act;
19
20 c) Not cause disturbance or damage to navigational
21 facilities or submarine cables or pipes; and
22
23 d) Not navigate within 500 meters of protected areas and
24 other prohibited zones as determined by concerned
25 agencies, and of facilities for the exploitation or
26 exploration of natural resources.
27

28 **SEC. 11. *Obligations of Foreign Aircraft.*** –
29

- 30 a) Foreign civil aircraft exercising archipelagic sea lanes passage
31 shall:
32

- 33 1) Observe the applicable rules and regulations
34 established by the Civil Aviation Authority of the
35 Philippines (CAAP) consistent with international
36 law;
37

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

4
5 3) Monitor the radio frequency assigned by the
6 competent internationally designated air traffic
7 control authority or the appropriate international
8 distress radio frequency at all times.

9
10 b) All other foreign aircraft, whether government or military,
11 exercising archipelagic sea lanes passage shall:

12
13 1) Observe and respect the rules and regulations
14 consistent with international law concerning flight
15 safety applicable to it;

16
17 2) Operate at all times with due regard for the safety
18 of navigation; and

19
20 3) Comply with the obligations detailed in Section
21 11(a)(3) hereof.

22
23 **SEC. 12. *Prohibition Against Marine Pollution.*** – Foreign ships
24 and aircraft exercising archipelagic sea lanes passage shall not:

25
26 a) Expel oil, oily wastes or other noxious substances
27 in Philippine territory and maritime zones;

28
29 b) Dump waste in Philippine territory and maritime
30 zones; and

31
32 c) Conduct other activities in contravention of
33 Philippine laws and international regulations and
34 standards for the prevention, reduction, and control
35 of marine pollution.

1 **SEC. 13. *Foreign Warships and Aircraft Carrying Nuclear***
2 *Weapons.* – Foreign warships and military aircraft may exercise
3 archipelagic sea lanes passage. However, such warships and aircraft
4 shall respect the constitutional policy of freedom from nuclear weapons
5 in any part of Philippine territory.

6
7 **SEC. 14. *Right of Innocent Passage Applicable to Archipelagic***
8 *Waters.* – The provisions of Section 3, Part II of the UNCLOS on
9 innocent passage in the territorial sea shall apply to innocent passage in
10 archipelagic waters. Outside sea lanes or normal routes, ships must
11 transit archipelagic waters in innocent passage subject to the provisions
12 of this Act.

13
14 **SEC. 15. *Penalties.***

15
16 a) Non-compliance with any provision of this Act
17 concerning the obligations of foreign ships and aircraft
18 while exercising archipelagic sea lanes passage, which
19 constitutes a crime or violation of national laws or
20 regulations of the Philippines, such as fisheries,
21 pollution, environment, customs, immigration, and
22 fiscal laws and regulations, committed by foreign
23 commercial ships or aircraft or foreign government
24 ships or aircraft operated for commercial purposes
25 shall be punishable by the corresponding penalties
26 provided in the relevant laws or regulations.

27
28 b) If the non-compliance does not constitute a crime or
29 violation of national laws or regulations of the
30 Philippines, such as but not limited to stopping,
31 dropping anchor, loitering, deviating from the
32 designated archipelagic sea lane and the prescribed
33 traffic separation schemes while exercising
34 archipelagic sea lanes passage, and exercising
35 archipelagic sea lanes passage outside the designated
36 sea lanes, the same shall be punishable by Six Hundred
37 Thousand US Dollars (US\$600,000.00) but not more

1 than One Million US Dollars (US\$1,000,000.00) or its
2 equivalent in Philippine currency.

- 3
4 c) The person or legal entity responsible for the actual
5 operation of the foreign commercial ship or aircraft or
6 foreign government ship or aircraft operated for
7 commercial purposes shall be the one liable under this
8 Section.
9

10 **Sec. 16. Immunities of Warships or Military Aircraft or Other**
11 ***Government Ships or Aircraft Operated for Non-Commercial***
12 ***Purposes.*** - Nothing in this Act shall affect the immunities of warships
13 or military aircraft or other government ships or aircraft operated for
14 non-commercial purposes; *Provided*, that:
15

- 16 a) If any warship or military aircraft or other government
17 ship or aircraft operated for non-commercial purposes
18 does not comply with the laws and regulations of the
19 Philippines concerning passage through or over the
20 archipelagic waters and disregards any request for
21 compliance therewith which is made to it, then it shall
22 be required by the appropriate agency or agencies of the
23 government of the Republic of the Philippines to
24 immediately leave its archipelagic waters.
25

- 26 b) The flag State shall bear the responsibility to
27 compensate the Philippines for any loss or damage
28 resulting from the non-compliance by a warship or
29 military aircraft or other government ship or aircraft
30 operated for non-commercial purposes with this Act or
31 with the provisions of the UNCLOS or other rules of
32 international law.
33

34 **SEC. 17. Appropriations.** – The amount necessary for the
35 immediate implementation of this Act shall be included in the annual
36 General Appropriations Act.
37

1 **SEC. 18. *Implementing Rules and Regulations.*** – Within three (3)
2 months from the effectivity of this Act, the Department of Foreign
3 Affairs (DFA) shall convene an inter-agency committee for
4 archipelagic sea lanes comprised of the Department of National
5 Defense (DND), PCG, National Mapping and Resource Information
6 Authority (NAMRIA), and other agencies concerned with maritime
7 security and law enforcement. The said inter-agency committee shall,
8 within six (6) months from the effectivity of this Act, promulgate the
9 implementing rules and regulations (IRR) necessary to ensure the
10 efficient and effective implementation of this Act. Such inter-agency
11 committee shall adhere strictly to the intent of this Act.

12
13 The IRR shall include associated protective measures to regulate
14 maritime activities for the protection of areas at risk.

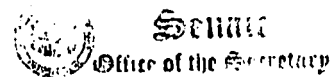
15
16 **SEC. 19. *Separability Clause.*** – Should any provision or part of
17 this Act be declared unconstitutional or invalid, the other provisions
18 and parts hereof, insofar as they are separable from the invalid ones,
19 shall remain in full force and effect.

20
21 **SEC. 20. *Repealing Clause.*** – All laws, decrees, orders,
22 issuances, rules and regulations or parts thereof which are inconsistent
23 with this Act are hereby repealed or modified accordingly.

24
25 **SEC. 21. *Effectivity.*** – This Act shall take effect fifteen (15) days
26 after its publication in the *Official Gazette* or in at least two (2)
27 newspapers of general circulation.

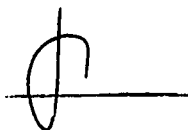
Approved,

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



'22 JUL 13 AIO :11

SENATE
S. No. 462

RECEIVED BY 

Introduced by SENATOR JINGGOY EJERCITO ESTRADA

**AN ACT
ESTABLISHING THE ARCHIPELAGIC SEA LANES IN THE PHILIPPINE
ARCHIPELAGIC WATERS, PRESCRIBING THE RIGHTS AND OBLIGATIONS
OF FOREIGN SHIPS AND AIRCRAFT EXERCISING THE RIGHT OF
ARCHIPELAGIC SEA LANES PASSAGE THROUGH THE ESTABLISHED
ARCHIPELAGIC SEA LANES AND PROVIDING FOR THE ASSOCIATED
PROTECTED MEASURES THEREIN**

EXPLANATORY NOTE

Republic Act No. 3046 or "An Act to Define the Baselines of the Territorial Sea of the Philippines" was approved on June 17, 1961. It was amended by Republic Act No. 5446 which was approved on September 18, 1968. On March 10, 2009, Republic Act No. 9522 was approved to define the archipelagic baseline of the Philippines. The said laws are consistent with the United Nations Convention on the Law of the Sea.

However, these laws need to be complemented by two (2) more bills namely, the Maritime Zones Bill and the Archipelagic Sea Lanes Bill. Together, these bills affirms the sovereignty and jurisdiction of the country over all portions of the national territory.

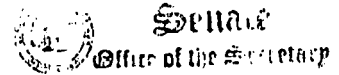
The "*Philippine Archipelagic Sea Lanes Act*" identifies the rights and obligations of foreign ships and aircrafts that exercise the right of archipelagic sea lanes passage. It also mandates the President to designate the archipelagic sea lanes for the right of archipelagic sea lanes passage and to institute the associated measures thereto.

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



JINGGOY EJERCITO ESTRADA

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



'22 JUL 13 A10 :11

SENATE
S. No. 462

RECEIVED BY: _____

Introduced by SENATOR JINGGOY EJERCITO ESTRADA

**AN ACT
ESTABLISHING THE ARCHIPELAGIC SEA LANES IN THE PHILIPPINE
ARCHIPELAGIC WATERS, PRESCRIBING THE RIGHTS AND OBLIGATIONS
OF FOREIGN SHIPS AND AIRCRAFT EXERCISING THE RIGHT OF
ARCHIPELAGIC SEA LANES PASSAGE THROUGH THE ESTABLISHED
ARCHIPELAGIC SEA LANES AND PROVIDING FOR THE ASSOCIATED
PROTECTED MEASURES THEREIN**

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

I. GENERAL PROVISIONS

1 Section 1. *Short Title.* – This Act shall be known as the "*Philippine Archipelagic*
2 *Sea Lanes Act.*"

3 Sec. 2. *Declaration of Policy.* – The State in the exercise of its duty to protect
4 its maritime domain shall implement and adhere to the provisions of the 1982 United
5 Nations Convention on the Law of the Sea (UNCLOS) and relevant international
6 conventions to which the Philippines is a party.

7 Sec. 3. *Definition of Terms.* – As used in this Act, the following terms are defined
8 in accordance with the UNCLOS:

9 a) *Archipelagic sea lane* – shall refer to the designated sea lanes and air routes
10 in the archipelagic waters through which foreign vessels or aircraft may
11 exercise the right of archipelagic sea lanes passage;

12 b) *Archipelagic sea lane passage* – shall refer to the exercise, in accordance
13 with the UNCLOS, of the rights of navigation and overflight in the normal
14 mode solely for the purpose of continuous, expeditious and unobstructed

1 transit between one part of the high seas or an exclusive economic zone
2 (EEZ) and another part of the high seas or an EEZ;

3 c) *Archipelagic waters* – shall refer to the waters on the landward side of the
4 archipelagic baselines except as defined as Internal Waters;

5 d) *Associated protective measure* – shall refer to measure that a coastal State
6 may adopt to regulate international maritime activities for the protection of
7 the area at risk

8 e) *Hydrographic survey* – shall refer to a survey measuring and describing the
9 physical features of the navigable portion of the earth’s surface (seas) and
10 adjoining coastal areas, with special reference to their use for navigation;

11 f) *Oceanographic survey* – shall refer to a study or examination of any
12 physical, chemical, biological or geological or geophysical condition in the
13 ocean, or any part of it;

14 g) *Right of Innocent passage* – shall refer to the right of foreign vessels to
15 navigate through the territorial seas of all States for the purpose of
16 continuous and expeditious travel or for proceeding to or from internal
17 waters. The passage is innocent when it is not prejudicial to the peace, good
18 order or security of the coastal State; and

19 h) *Territorial sea* – shall refer to the belt of sea measured twelve (12) nautical
20 miles from the baselines or from the low-water line, as the case may be.

21 **II. RIGHTS AND OBLIGATIONS OF FOREIGN SHIPS AND AIRCRAFTS**
22 **WHEN EXERCISING THE RIGHT OF ARCHIPELAGIC SEA LANES**
23 **PASSAGE**

24 *Sec. 4. Right of Archipelagic Sea Lanes Passage of Foreign Ships and Aircrafts.*

25 – Foreign ships and aircraft may exercise the right of archipelagic sea lanes passage
26 in accordance with the provisions of the UNCLOS in order to navigate or fly from one
27 part of the high seas or an EEZ to another part of the high seas or an EEZ through or
28 over the Philippine archipelagic waters and its adjacent territorial sea. Such sea lanes
29 shall be defined by a series of continuous axis lines from the entry points of passage
30 routes to the exit points.

1 The exercise of the right of archipelagic sea lanes passages shall be through a
2 sea lane, or through the air above a sea lane, which has been determined to be an
3 archipelagic sea lane that may be used for exercising the right of archipelagic sea
4 lanes passage as described in Section 12 hereof.

5 *Sec. 5. Obligations of Foreign Ships and Aircrafts When Exercising the Right of*
6 *Archipelagic Sea Lanes Passage. –*

- 7 a) Foreign ships and aircraft exercising the right of archipelagic sea lanes
8 passage shall pass through or above the archipelagic sea lane as quickly as
9 possible without delay and in the normal mode solely for the purpose of
10 continuous, expeditious and unobstructed transit.
- 11 b) Foreign ships and aircrafts that are conducting archipelagic sea lanes
12 passage shall not deviate more than twenty-five (25) nautical miles to either
13 side of the axis line of the sea lane: Provided, That such ships and aircraft
14 shall not navigate closer to the coast more than ten percent (10%) of the
15 distance between the nearest points on islands bordering the sea lane.
- 16 c) Foreign ships and aircrafts, while exercising the right of archipelagic sea
17 lanes passage, shall refrain from any threat or use of force against the
18 sovereignty, territorial integrity, or political independence of the Republic of
19 the Philippines, or in any other manner in violation of the principles of
20 international law embodied in the Charter of the United Nations.
- 21 d) Foreign ships and aircrafts, including military aircraft and warships, while
22 exercising the right of archipelagic sea lanes passage, shall refrain from any
23 war game exercises using any type of weapons, especially involving the use
24 of ordnance.
- 25 e) Except when rendered necessary by force majeure or by distress, an aircraft
26 exercising the right of archipelagic sea lanes passage shall not land in
27 Philippine territory.
- 28 f) All foreign ships exercising the right of archipelagic sea lanes passage shall
29 refrain from stopping, dropping anchor or loitering, except when rendered
30 necessary by force majeure or by distress in order to render assistance to a
31 person or persons or a ship or ships experiencing distress.

1 g) Foreign ships or aircrafts exercising the right of archipelagic sea lanes
2 passage shall refrain from making covert transmissions, interfering with
3 telecommunications systems, and communicating directly with an
4 unauthorized person or group of persons in Philippine territory.

5 *Sec. 6. Permit to Conduct Oceanographic or Hydrographic Surveys.* – Foreign
6 ships or aircraft, including research or hydrographic survey ships or aircraft, while
7 exercising the right of archipelagic sea lanes passage, shall not conduct oceanographic
8 or hydrographic surveys, whether with the use of detection equipment or sample
9 gathering equipment, unless they have obtained prior permission to do so from the
10 appropriate agency of the Government of the Republic of the Philippines.

11 *Sec. 7. Prohibition of Fishing, Loading, Unloading of Persons, Goods or*
12 *Currency.* –

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

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

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

24 *Sec. 8. Compliance with Navigational Regulations, Procedures, and Traffic*
25 *Scheme.* –

26 a) Foreign ships, while exercising the right of archipelagic sea lanes passage,
27 shall comply with the generally accepted international regulations,
28 procedures and practices concerning safety of navigation, including
29 regulations relating to the prevention of collisions at sea.

30 b) Foreign ships, while exercising the right of archipelagic sea lanes passage
31 in a sea lane where a traffic separation scheme has been established for the

1 regulation of navigation, shall comply with the provisions of the traffic
2 separation scheme.

3 c) Foreign ships, while exercising the right of archipelagic sea lanes passage,
4 shall not cause disturbance or damage to navigational facilities or submarine
5 cables or pipes.

6 d) Foreign ships, while exercising the right of archipelagic sea lanes passage,
7 shall not sail too close to prohibited zones as determined by concerned
8 agencies.

9 *Sec. 9. Obligations of Foreign Civil Aircrafts. –*

10 a) Foreign civil aircrafts exercising the right of archipelagic sea lanes passage
11 shall:

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

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

17 b) Foreign national aircrafts exercising the right of archipelagic sea lanes
18 passage shall:

19 1) Respect the regulations concerning flight safely as detailed in Section 9
20 (a) hereof and at all times operate with due regard for the safety of
21 navigation; and

22 2) Fulfill their obligations as detailed in Section 9 (a)(2) hereof.

23 *Sec. 10. Prevention of Marine Pollution and Nuclear Weapons. –*

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

29 b) Foreign ships while exercising the right of archipelagic sea lanes passage
30 shall not dump waste in Philippine waters.

1 c) Consistent with the national interest, the exercise of the right of archipelagic
2 sea lanes passage by all foreign ships must be consistent with constitutional
3 mandate of freedom from nuclear weapons in Philippine territory.

4 **Sec. 11. *Liability for Damage.* –**

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

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

16 **III. THE PRESIDENT OF THE REPUBLIC OF THE PHILIPPINES TO**
17 **DESIGNATE THE ARCHIPELAGIC SEA LANES FOR THE RIGHT OF**
18 **ARCHIPELAGIC SEA LANES PASSAGE AND TO INSTITUTE THE**
19 **ASSOCIATED PROTECTIVE MEASURES THERETO**

20 **Sec. 12. *Designation by the President of Archipelagic Sea Lanes.* –** In pursuit of
21 Philippine National Policy, the President shall promulgate through Executive Issuance
22 the archipelagic sea lanes which may be used for the right of archipelagic sea lanes
23 passage and the rules and regulations relating to Associated Protective Measures to
24 be prescribed, within areas along the archipelagic sea lanes in accordance with the
25 International Maritime Organization (IMO) Conventions and Regulations and other
26 relevant international agreements.

27 **IV. FINAL PROVISIONS**

1 Sec. 13. *Right of Innocent Passage.* – The provisions of this Act shall not
2 diminish the rights of foreign ships to exercise the right of innocent passage in
3 archipelagic sea lanes.

4 Sec. 14. *National Coast Watch System (NCWS).* – The NCWS, created by virtue
5 of Executive Order 57, series of 2011, under the control and supervision of the Office
6 of the President, shall serve as the authority to institute coordinating mechanisms for
7 the implementation of this Act and shall continue to operate in accordance with its
8 present organizational structure.

9 In addition to its powers, functions, and duties, the National Coast Watch
10 Council (NCWC) shall provide technical and advisory support to the President in
11 designating the archipelagic sea lanes. Further, the National Coast Watch Center (NCW
12 Center) shall establish, monitor, and implement Associated Protective Measures for
13 the designated archipelagic sea lanes.

14 Sec. 15. *Separability Clause.* – If any provision or part hereof is held invalid or
15 unconstitutional, the remainder of the law or the provision or part not otherwise
16 affected shall remain valid and subsisting.

17 Sec. 16. *Repealing Clause.* – Any law, presidential decree or issuance, executive
18 order, letter of instruction, administrative order, rule, or regulation contrary to or
19 inconsistent with the provisions of this Act are hereby repealed, modified, or amended
20 accordingly.

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

Approved,