

REPUBLIC OF THE PHILIPPINES  
HOUSE OF REPRESENTATIVES  
Quezon City

SEVENTEENTH CONGRESS  
First Regular Session

House Bill No. 1117



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Introduced by **MAGDALO Party-List Representative**  
**HON. GARY C. ALEJANO**

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**Explanatory Note**

RA No. 9522 amended the provision of RA 3046, as amended by RA No. 5446, and effectively defined the archipelagic baselines of the Philippines thereby delineating the boundaries of the Philippine archipelago. It runs consistent with the provisions of Article 46 of the United Nations Convention on the Law of the Sea (UNCLOS).

The UNCLOS, which entered into force on November 14, 1994, recognizes that "an archipelagic state is a group of islands including parts of islands, interconnecting waters and other natural features which are closely interrelated that such islands, waters and other natural features form an intrinsic geographical, economic and political entity, or which historically have been regarded as such". Likewise, under the UNCLOS, an archipelagic state is allowed to draw straight baselines joining the outermost points of the outer islands and drying reefs.

Though RA No. 9522 provided the delineation of the archipelagic baselines of the Philippines, it failed, on the other hand, to provide and establish the archipelagic sea lanes of the Philippines as espoused in Article 53 of the UNCLOS. This proposed measure, therefore, seeks to establish archipelagic sea lanes in the Philippines' archipelagic waters, prescribing the rights and obligation of foreign ships and aircraft exercising the right of archipelagic sea lanes passage through the established archipelagic sea lanes and providing for the associated measures therein.

In view of the foregoing reasons, the immediate passage of this bill is urgently sought.

  
HON. GARY C. ALEJANO

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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

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

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

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

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

9           (a) *Archipelagic sea lane* refers to the designated sea lanes and air routes in  
10 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* refers to the exercise in accordance with  
13 the UNCLOS of the rights of navigation and overflight in the normal  
14 mode solely for the purpose of continuous, expeditious and unobstructed  
15 transit between one part of the high seas or an exclusive economic zone  
16 (EEZ) and another part of the high seas or an EEZ;

17           (c) *Archipelagic waters* refer to the waters on the landward side of the  
18 archipelagic baselines except as defined as Internal Waters

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

- 1 (e) *Hydrographic survey* refers to a survey measuring and describing the  
2 physical features of the navigable portion of the earth's surface (seas) and  
3 adjoining coastal areas, with special reference to their use for navigation;
- 4 (f) *Oceanographic survey* refers to a study or examination of any physical,  
5 chemical, biological, geological or geophysical condition in the ocean, or  
6 any part of it;
- 7 (g) *Right of innocent passage* refers to the right of foreign vessels to navigate  
8 through the territorial seas of all States for the purpose of continuous and  
9 expeditious travel or for proceeding to or from internal waters. The  
10 passage is innocent when it is not prejudicial to the peace, good order or  
11 security of the coastal State; and
- 12 (h) *Territorial sea* refers to the belt of the sea measured twelve (12) nautical  
13 miles from the baselines or from the low-water line, as the case may be.  
14

15 **ARTICLE I**  
16 **RIGHTS AND OBLIGATIONS OF FOREIGN SHIPS AND AIRCRAFT**  
17 **WHEN EXERCISING THE RIGHT OF ARCHIPELAGIC SEA LANES**  
18 **PASSAGE**  
19

20 **SECTION 4.** Foreign ships and aircraft may exercise the right of archipelagic  
21 sea lanes passage in accordance with the provisions of UNCLOS in order to navigate  
22 or fly from one part of the high seas or an EEZ to another part of the high seas or an  
23 EEZ through or over the Philippine archipelagic waters and its adjacent territorial sea.  
24 Such sea lanes shall be defined by a series of continuous axis lines from the entry  
25 points of passage routes to the exit points.

26 The exercise of the right of archipelagic sea lanes passage shall be through a  
27 sea lane, or through the air above a sea lane, which has been determined to be an  
28 archipelagic sea lane that may be used for exercising the right of archipelagic sea  
29 lanes passage as described in Section 12 thereof.

30 **SECTION 5.** (a) Foreign ships and aircraft exercising the right of archipelagic  
31 sea lanes passage shall pass through or above the archipelagic sea lane as quickly as  
32 possible without delay and in the normal mode solely for the purpose of continuous,  
33 expeditious and unobstructed transit.

34 (b) Foreign ships and aircraft that are conducting archipelagic sea lanes  
35 passage shall not deviate more than twenty-five (25) nautical miles to either side if  
36 the axis line of the sea lane: *Provided*, That such ships and aircraft shall not navigate  
37 closer to the coast more than ten percent (10%) of the distance between the nearest  
38 points on islands bordering the sea lane.

1 (c) Foreign ships and aircraft, while exercising the right of archipelagic sea  
2 lanes passage, shall refrain from any threat or use of force against the sovereignty,  
3 territorial integrity, or political independence of the Republic of the Philippines or in  
4 any other manner in violation of the principles of international law embodied in the  
5 Charter of the United Nations.

6 (d) Foreign ships and aircraft, including military aircraft and warships, while  
7 exercising the right of archipelagic sea lanes passage, shall refrain from any war game  
8 exercises using any type of weapons, especially involving the use of ordinance.

9 (e) Except when rendered necessary by *force majeure* or by distress, aircraft  
10 exercising the right of archipelagic sea lanes passage shall not land in Philippine  
11 territory.

12 (f) All foreign ships exercising the right of archipelagic sea lanes passage shall  
13 refrain from stopping, dropping anchor or loitering, except when rendered necessary  
14 by *force majeure* or by distress in order to render assistance to a person or persons or  
15 a ship or ships experiencing distress.

16 (g) Foreign ships or aircraft exercising the right of archipelagic sea lanes  
17 passage shall refrain from making covert transmissions, interfering with  
18 telecommunications systems, and communicating directly with an unauthorized  
19 person or group of persons in Philippine territory.

20 **SECTION 6.** Foreign ships or aircraft, including research or hydrographic  
21 survey ships or aircraft, while exercising the right of archipelagic sea lanes passage,  
22 shall not conduct oceanographic or hydrographic surveys, whether with the use of  
23 detection equipment or sample gathering equipment, unless they have obtained prior  
24 permission to do so from the appropriate agency of the Government of the Republic  
25 of the Philippines.

26 **SECTION 7.** (a) Foreign ships, including fishing vessels, while exercising the  
27 right of archipelagic sea lanes passage, shall not conduct any fishing operation or  
28 exploitation of marine resources of the Philippines.

29 (b) Foreign fishing vessels, while exercising the right of archipelagic sea lanes  
30 passage, besides fulfilling their obligation under paragraph  
31 (a) hereof, shall stow all fishing equipment within the hold.

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

37 **SECTION 8.** (a) Foreign ships, while exercising the right of archipelagic sea  
38 lanes passage, shall comply with the generally accepted international regulations,

1 procedures and practices concerning safety of navigation, including regulations  
2 relating to the prevention of collisions at sea.

3 (b) Foreign ships, while exercising the right of archipelagic sea lanes passage  
4 in a sea lane where a traffic separation scheme has been established for the regulation  
5 of navigation, shall comply with the provisions of the traffic separation scheme.

6 (c) Foreign ships, while exercising to the right of archipelagic sea lanes  
7 passage, shall not cause disturbance or damage to navigational facilities or submarine  
8 cables or pipes.

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

12 **SECTION 9.** (a) Foreign civil aircrafts exercising the right of archipelagic  
13 sea lanes passage shall:

14 (1) Observe the Rules of the Air established by the International Civil  
15 Aviation organization (ICAO); and

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

19 (b) Foreign national aircrafts exercising the right of archipelagic sea lanes  
20 passage shall:

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

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

25 **SECTION 10.** (a) Foreign ships exercising the right of archipelagic sea lanes  
26 passage shall not expel oil, oily wastes or other activities in contravention of  
27 international regulations and standards for the prevention, reduction and  
28 control of marine pollution that originates from ships.

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

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

35 **SECTION 11.** (a) The person or legal body responsible for the operation or  
36 cargo of foreign commercial ships or aircraft or foreign government ships or  
37 aircraft operated for commercial purposes shall be liable for any loss or  
38 damage suffered by the Philippines or any third party as a result of

1 noncompliance with any of the provisions of this Act while exercising the  
2 right of archipelagic sea lanes passage.

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

## 8 9 **ARTICLE II**

### 10 **EMPOWERING THE PRESIDENT OF THE REPUBLIC OF THE** 11 **PHILIPPINES TO DESIGNATE THE ARCHIPELAGIC SEA LANES WHICH** 12 **MAY BE USED FOR THE RIGHT OF ARCHIPELAGIC SEA LANES** 13 **PASSAGE AND THE ASSOCIATED PROTECTIVE MEASURES**

14  
15 *SECTION 12.* In pursuit of the Philippines National Policy, the President  
16 shall promulgate through Executive Issuance the archipelagic sea lanes which may be  
17 used for the right of archipelagic sea lanes passage and the rules and regulations  
18 relating to Associated Measures to be prescribed within areas along the archipelagic  
19 sea lanes in accordance with the International Maritime Organization (IMO)  
20 conventions and regulations and other relevant international agreements.

## 21 22 **ARTICLE III** 23 **FINAL PROVISIONS**

24  
25 *SECTION 13.* The provisions of this Act shall not diminish the rights of  
26 foreign ships to exercise the right of innocent passage in archipelagic sea lanes.

27 *SECTION 14.* The National Coast Watch System (NCWS), created by virtue  
28 of Executive Order No. 57, Series of 2011, under the control and supervision of the  
29 Office of the President, shall serve as the coordinating mechanism, for the  
30 implementation of this Act and shall continue to operate in accordance with its  
31 present organizational structure.

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

1           **SECTION 15.** If any portion or provision of this Act is declared  
2 unconstitutional or invalid, the other portions or provisions hereof which are not  
3 affected thereby shall continue to be in full force and effect.

4           **SECTION 16.** All laws inconsistent with or contrary to the provisions of this  
5 Act are deemed amended, modified or repealed accordingly.

6           **SECTION 17.** This Act shall take effect fifteen (15) days after its publication  
7 in the *Official Gazette* or in a newspaper of general circulation.

Approved,