



REPUBLIC OF THE PHILIPPINES  
HOUSE OF REPRESENTATIVES  
Quezon City

**EIGHTEENTH CONGRESS**  
**First Regular Session**

House Bill No. 809

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Introduced by **MAGDALO Party-List Representative**  
**HON. MANUEL DG. CABOCHAN III**

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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.

**MANUEL DG. CABOCHAN III**  
*Representative*  
Magdalo Para sa Pilipino Party-List

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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

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

ARTICLE 1. GENERAL PROVISIONS

1  
2  
3 SECTION 1. *Short Title.* - This Act shall be known as the "Philippine Archipelagic  
4 Sea Lanes Act".  
5

6 SEC. 2. *State Policy.* - The State in the exercise of its duty to protect its maritime  
7 domain shall implement and adhere to the provisions of the 1982 United Nations Convention  
8 on the Law of the Sea (UNCLOS) and relevant international conventions to which the  
9 Philippines is a party.  
10

11 SEC. 3. *Definition of Terms.* - As used in this Act, the following terms are in  
12 accordance with the UNCLOS:  
13

14 (a) **Archipelagic sea lane** shall refer to the designated sea lanes and air routes in  
15 the archipelagic waters through which foreign vessels or aircraft may exercise the right of  
16 archipelagic sea lanes passage;  
17

18 (b) **Archipelagic sea lane passage** shall refer to the exercise, in accordance with  
19 the UNCLOS, of the rights of navigation and overflight in the normal mode solely for the  
20 purpose of continuous, expeditious and unobstructed transit between one part of the high seas  
21 or an exclusive economic zone (EEZ) and another part of the high seas or an EEZ;  
22

23 (c) **Archipelagic waters** shall refer to the waters on the landward side of the  
24 archipelagic baselines except as defined as Internal Waters;  
25

1 (d) **Associated protective measure** shall refer to measure that a coastal State may  
2 adopt to regulate international maritime activities for the protection of the area at risk;

3  
4 (e) **Hydrographic survey** shall refer to a survey measuring and describing the  
5 physical features of the navigable portion of the earth's surface (seas) and adjoining coastal  
6 areas, with special reference to their use for navigation;

7  
8 (f) **Oceanographic survey** shall refer to a study or examination of any physical,  
9 chemical, biological, geological or geophysical condition on the ocean, or any part of it;

10  
11 (g) **Right of innocent passage** shall refer to the right of foreign vessels to  
12 navigate through the territorial seas of all States for the purpose of continuous and  
13 expeditious travel or for proceeding to or from internal waters. The passage is innocent when  
14 it is not prejudicial to the peace, good order or security of the coastal State; and

15  
16 (h) **Territorial sea** shall refer to the belt of sea measured twelve (12) nautical  
17 miles from the baselines or from the low-water line, as the case may be.

18  
19 **ARTICLE II. RIGHTS AND OBLIGATIONS OF FOREIGN SHIPS AND**  
20 **AIRCRAFTS WHEN EXERCISING THE RIGHT OF ARCHIPELAGIC SEA LANES**  
21 **PASSAGE**

22  
23 **SEC. 4. *Right of Archipelagic Sea Lanes Passage of Foreign Ships and Aircrafts.*** -  
24 Foreign ships and aircraft may exercise the right of archipelagic sea lanes passage in  
25 accordance with the provisions of UNCLOS in order to navigate or fly from one part of the  
26 high seas or an EEZ to another part of the high seas or an EEZ through or over the Philippine  
27 archipelagic waters and its adjacent territorial sea. Such sea lanes shall be defined by a series  
28 of continuous axis lines from the entry points of passage routes to the exit points.

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

34  
35 **SEC. 5. *Obligations of Foreign Ships and Aircrafts When Exercising the Right of***  
36 ***Archipelagic Sea Lanes Passage.*** - (a) Foreign ships and aircraft exercising the right of  
37 archipelagic sea lanes passage shall pass through or above the archipelagic sea lane as  
38 quickly as possible without delay and in the normal mode solely for the purpose of  
39 continuous, expeditious and unobstructed transit.

40  
41 (b) Foreign ships and aircrafts that are conducting archipelagic sea lanes passage shall  
42 not deviate more than twenty-five (25) nautical miles to either side of the axis line of the sea  
43 lane: *Provided*, That such ships and aircraft shall not navigate closer to the coast more than  
44 ten percent (10%) of the distance between the nearest points on the islands bordering the sea  
45 lane.

46  
47 (c) Foreign ships and aircrafts, while exercising the right of archipelagic sea lanes  
48 passage, shall refrain from any threat or use of force against the sovereignty, territorial  
49 integrity, or political independence of the Republic of the Philippines, or in any other manner

1 in violation of the principles of international law embodied in the Charter of the United  
2 Nations.

3  
4 (d) Foreign ships and aircrafts, including military aircraft and warships, while  
5 exercising the right of archipelagic sea lanes passage, shall refrain from any war game  
6 exercises or exercises using any type of weapons, especially involving the use of ordnance.

7  
8 (e) Except when rendered necessary by the *force majeure* or by distress, an aircraft  
9 exercising the right of archipelagic sea lanes passage shall not land in Philippine territory.

10  
11 (f) All foreign ships exercising the right of archipelagic sea lanes passage shall refrain  
12 from stopping, dropping anchor or loitering, except when rendered necessary by *force*  
13 *majeure* or by distress in order to render assistance to a person or persons or a ship or ships  
14 experiencing distress.

15  
16 (g) Foreign ships or aircrafts exercising the right of archipelagic sea lanes passage  
17 shall refrain from making covert transmissions, interfering with telecommunications systems,  
18 and communicating directly with an unauthorized person or group of persons in Philippine  
19 territory.

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

27  
28 **SEC. 7. *Prohibition of Fishing, Loading, Unloading of Persons, Goods or***  
29 ***Currency.*** - (a) Foreign ships, including fishing vessels, while exercising the right of  
30 archipelagic sea lanes passage, shall not conduct any fishing operation or exploitation of  
31 marine resources of the Philippines.

32  
33 (b) Foreign fishing vessels, while exercising the right of archipelagic sea lanes  
34 passage, besides fulfilling their obligations under paragraph (a), shall stow all fishing  
35 equipment within hold.

36  
37 Foreign ships and aircrafts, while exercising the right of archipelagic sea lanes  
38 passage, shall not load t a ship or unload from a ship persons, goods or currency in a manner  
39 that contravenes the laws and regulations concerning customs, immigration, fiscal matters  
40 and health, except when rendered necessary by *force majeure* or by distress.

41  
42 **SEC. 8. *Compliance with Navigational Regulations, Procedures, and Traffic***  
43 ***Scheme.*** - (a) Foreign ships, while exercising the right of archipelagic sea lanes passage, shall  
44 comply with the generally accepted international regulations, procedures and practices  
45 concerning safety of navigation, including regulations relating to the prevention of the  
46 collisions at sea.

47  
48 (b) Foreign ships, while exercising the right of archipelagic sea lanes passage in a sea  
49 lane where a traffic separation scheme has been established for the regulation of navigation,  
50 shall comply with the provisions of the traffic separation scheme.

1  
2 (c) Foreign ships, while exercising the right of archipelagic sea lanes passage, shall  
3 not cause disturbance or damage to navigational facilities or submarine cables or pipes.  
4

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

8 **SEC. 9. Obligations of foreign Civil Aircrafts.--**  
9

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

12 (1) observe the Rules of the Air established by the International Civil Aviation  
13 Organization (ICAO); and  
14

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

19 (b) Foreign national aircrafts exercising the right of archipelagic sea lanes passage  
20 shall:  
21

22 (1) respect the regulations concerning flight safety as detailed in Section 9(a)  
23 hereof and at all times operate with due regard for the safety of navigation;  
24 and  
25

26 (2) fulfill their obligations as detailed in Section 9(a)(2) hereof.

27 **SEC. 10. Prevention of Marine Pollution and Nuclear Weapons.** - (a) Foreign ships  
28 exercising the right of archipelagic sea lanes passage shall not expel oil, oily wastes or other  
29 noxious substances into the marine environment, or conduct other activities in contravention  
30 of international regulations and standards for the prevention reduction and control of marine  
31 pollution that originate from ships.  
32

33 (b) Foreign ships while exercising the right of archipelagic sea lanes passage shall not  
34 dump waste in Philippine waters.  
35

36 (c) Consistent with the national interest, the exercise of the right of archipelagic sea  
37 lanes passage by all foreign ships must be consistent with the constitutional mandate of  
38 freedom from nuclear weapons in Philippine territory.  
39

40 **SEC. 11. Liability for Damage.** - (a) The person or legal body responsible for the  
41 operation or cargo of foreign commercial ships or aircraft or foreign government ships or  
42 aircraft operated for commercial purposes shall be liable for any loss or damage suffered by  
43 the Philippines or any third party as a result of noncompliance with any of the provisions of  
44 this Act while exercising the right of archipelagic sea lanes passage.  
45

46 (b) The flag State shall bear international responsibility for any loss or damage  
47 suffered by the Philippines or any third party as a result of noncompliance with any of the  
48 provisions of this Act by a foreign warship or aircraft or other government ship operated for

1 noncommercial purposes while exercising the right of archipelagic sea lanes passage in the  
2 Philippine waters.

3  
4 **ARTICLE III. THE PRESIDENT OF THE REPUBLIC OF THE PHILIPPINES TO**  
5 **DESIGNATE THE ARCHIPELAGIC SEA LANES FOR THE RIGHT OF**  
6 **ARCHIPELAGIC SEA LANES PASSAGE AND TO INSTITUTE THE ASSOCIATED**  
7 **PROTECTIVE MEASURES THERETO**

8  
9 **SEC. 12. *Designation by the President of Archipelagic Sea Lanes.*** - In pursuit of the  
10 Philippine National Policy, the President shall promulgate, through an Executive Issuance,  
11 the archipelagic sea lanes which may be used for the right of archipelagic sea lanes passage  
12 and the rules and regulations relating to Associated Protective Measures to be prescribed  
13 within areas along the archipelagic sea lanes in accordance with the International Maritime  
14 Organization (IMO) Conventions and Regulations and other relevant international  
15 agreements.

16 **ARTICLE IV. FINAL PROVISIONS**

17  
18 **SEC. 13. *Right of Innocent Passage.*** - The provisions of this Act shall not diminish  
19 the rights of foreign ships to exercise the right of innocent passage in archipelagic sea lanes.

20  
21 **SEC.14. *National West Coast Watch System (NCWS).*** - The NCWS, created by the  
22 virtue of Executive Order 57, series of 2011, under the control and supervision of the Office  
23 of the President, shall serve as the authority to institute coordinating mechanisms for the  
24 implementation of this Act and shall continue to operate in accordance with its present  
25 organizational structure.

26  
27 In addition to its powers, functions, and duties, the National Coast Watch Council  
28 (NCWC) shall provide technical and advisory support to the President in designating the  
29 archipelagic sea lanes. Further, the National West Coast Watch Center (NCW Center) shall  
30 establish, monitor, and implement Associated Protective Measures for the designated  
31 archipelagic sea lanes.

32  
33 **SEC. 15. *Separability clause.***- If any portion or provision of this Act is declared  
34 unconstitutional or invalid, the other portions or provisions hereof which are not affected  
35 thereby shall continue to be in full force and effect.

36  
37 **SEC. 16. *Repealing Clause.*** - All laws inconsistent with or contrary to the provisions  
38 of this Act are deemed amended, modified or repealed accordingly.

39  
40 **SEC. 17. *Effectivity.*** - This Act shall take effect fifteen (15) days after its publication  
41 in the Official Gazette in two (2) newspapers of general circulation.

*Approved,*