

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Third Regular Session

HOUSE BILL NO. 9845



Introduced by **HON. JOY MYRA S. TAMBUNTING**

EXPLANATORY NOTE

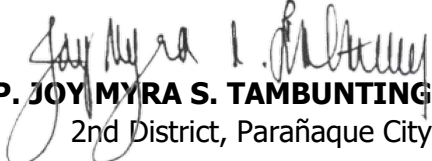
The Philippine archipelago is connected by the waters around and between the islands making it vulnerable to external maritime threats, pollution and exploitation. The 1987 Philippine Constitution defines national territory as "comprises the Philippine archipelago, with all the islands and waters embraced therein, and all other territories over which the Philippines has sovereignty or jurisdiction, consisting of its terrestrial, fluvial and aerial domains, including its territorial sea, the seabed, the subsoil, the insular shelves and other submarine areas. The waters around, between, and connecting the islands of the archipelago regardless of their breadth and dimensions, form part of the internal waters of the Philippines."

Likewise, our country being a state party to the United Nations Convention on the Law of the Sea (UNCLOS) is compelled to devote efforts in preserving its boundaries within or outside its maritime zones as a sign of support for the Convention in upholding the marine life.

Establishing archipelagic sea lanes will create further peace and order on all vessels travelling through the territorial seas of our country while exercising their right of innocent passage. These sea lanes will be designated by the Department of Foreign Affairs (DFA) and other agencies that may be tapped to facilitate the implementation, taking into consideration relevant provisions of the 1987 Constitution and other material laws.

The intention of this bill is to secure the routes of journeying foreign ships and aircrafts by appropriately establishing archipelagic sea lanes in the Philippine archipelagic waters and the adjacent territorial sea with concomitant rights and obligations to be followed and respected.

On behalf of the people of Parañaque City's Second District, and for the common good of the Filipino people, the approval of the said measure is earnestly sought.


REP. JOY MYRA S. TAMBUNTING
2nd District, Parañaque City

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Introduced by **HON. JOY MYRA S. TAMBUNTING**

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

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

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

SEC. 2. State Policy. – 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. 3. Scope of Application. – 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.

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

- 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) 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 economic zone (EEZ) and another part of the high seas or an EEZ;
- c) Archipelagic waters shall refer to the waters on the landward side of the archipelagic baselines except as defined as Internal Waters;
- 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;
- 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;
- 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;
- 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
- 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.

SEC. 5. Right of Archipelagic Sea Lanes Passage of Foreign Ships and Aircraft.

– 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.

SEC. 6. Obligations of Foreign Ships and Aircraft When Exercising the Right of Archipelagic Sea Lanes Passage. –

- 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.

- 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: Provided, 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.
- 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.
- 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.
- e) Except when rendered necessary by force majeure or by distress, an aircraft exercising the right of archipelagic sea lanes passage shall not land in the Philippine territory.
- f) No foreign ships exercising the right of archipelagic sea lanes passage shall stop, drop anchor or loiter, except when rendered necessary by force majeure or by distress in order to render assistance to a person or persons or a ship or ships experiencing a disaster.
- 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.

SEC. 7. Permit to Conduct Oceanographic or Hydrographic Surveys. – 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.

SEC. 8. Prohibition of Fishing, Loading, Unloading of Persons, Goods or Currency. –

- 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.

- 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.
- 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 force majeure or by distress.

SEC. 9. Compliance with Navigational Regulations, Procedures, and Traffic Scheme. –

- a) Foreign ships, while exercising the right of 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 collisions at sea.
- 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.
- 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.
- 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.

SEC. 10. Obligations of Foreign Aircraft. –

- 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 Organization (ICAO); and
 - 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.
- b) Foreign national aircraft exercising the right of archipelagic sea lanes passage shall:
 - 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,
 - 2) fulfill their obligations as detailed in Section 10 (A) (2) hereof.

SEC.11. Prevention of Marine Pollution and Nuclear Weapon. –

- 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 prevention, reduction and control of marine pollution that originates from ships.
- 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.

SEC. 12. Liability for Damage. –

- 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.
- 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.

SEC. 13. Power to Designate Archipelagic Sea Lanes. – 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:

- 1) Establish a mechanism for the designation of archipelagic sea lanes;
- 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
- 3) Coordinate with the Philippine Coast Guard (PCG), National Mapping and Resource Information Authority (NAMRIA), and other concerned agencies for the effective implementation of this Act.

SEC. 14. Implementing Rules and Regulations. – 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 ensure the efficient and effective implementation of this Act.

SEC. 15. Right of Innocent Passage. – The provisions of this Act shall not diminish the rights of foreign ships to exercise the right of innocent passage in archipelagic sea lanes.

SEC. 16. Separability Clause. – 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.

SEC. 17. Repealing Clause. – All laws inconsistent with or contrary to the provisions of this Act are deemed amended, modified or repealed accordingly.

SEC. 18. Effectivity. – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved,