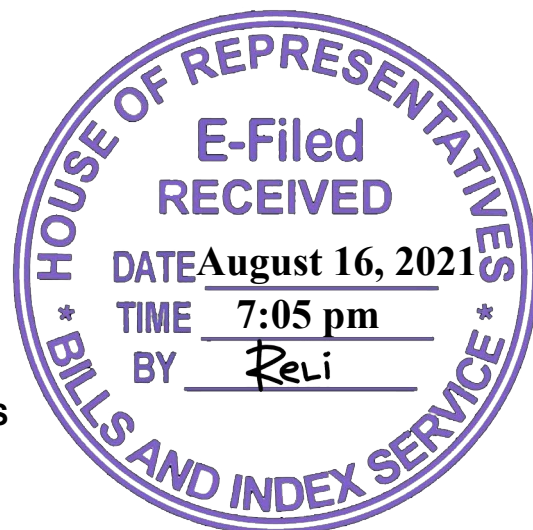




Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS

THIRD REGULAR SESSION



COMMITTEE REPORT NO. 1126

Submitted by the Committee on Foreign Affairs on August 16, 2021

Re: House Bill No. 9981

Recommending its approval in substitution of House Bills Numbered 808, 4195 and 6156

Sponsors: Representatives Ann K. Hofer, Rufus B. Rodriguez and
Cyrille "Beng" F. Abueg-Zaldivar

Mr. Speaker:

The Committee on Foreign Affairs to which was referred **House Bill No. 808**, introduced by Representative Manuel DG. Cabochan III, entitled:

"AN ACT DEFINING THE MARITIME ZONES OF THE REPUBLIC OF THE PHILIPPINES"

House Bill No. 4195, introduced by Representative Ann K. Hofer, entitled:

"AN ACT DECLARING AND DEFINING THE MARITIME ZONES UNDER THE JURISDICTION OF THE REPUBLIC OF THE PHILIPPINES"

and **House Bill No. 6156**, introduced by Representative Rufus B. Rodriguez, entitled:

"AN ACT DECLARING AND DEFINING THE MARITIME ZONES UNDER THE JURISDICTION OF THE REPUBLIC OF THE PHILIPPINES"

has considered the same and recommends that the attached Substitute Bill entitled: 9981

"AN ACT DECLARING THE MARITIME ZONES UNDER THE JURISDICTION OF THE REPUBLIC OF THE PHILIPPINES"

be approved in substitution of House Bills Numbered 808, 4195, and 6156 with Representatives Ann K. Hofer, Manuel DG. Cabochan III, Manuel T. Sagarbarria, Rufus B. Rodriguez, John Marvin "Yul Servo" C. Nieto, Domingo C. Rivera, Eduardo "Bro. Eddie" C. Villanueva, Cyrille "Beng" F. Abueg-Zaldivar, Antonio "Tony" T. Albano, Divina Grace C. Yu, Rozzano Rufino B. Biazon, Sandra Y. Eriguel, M.D., Samantha Louise Vargas Alfonso,

Ronnie L. Ong, Ed Christopher S. Go, Vincent Franco "Duke" D. Frasco, Ciriaco B. Gato, Jr., Ian Paul L. Dy, Rosanna "Ria" V. Vergara, Jocelyn P. Tulfo, Florida "Rida" P. Robes, Micaela S. Violago, Emmarie "Lolypop" M. Ouano-Dizon, Ma. Lucille L. Nava, M.D., Cheryl P. Deloso-Montalla, Henry S. Oaminal, Deogracias Victor "DV" B. Savellano, Jesus Crispin C. Remulla, Lianda B. Bolilia, Josepine Veronique R. Lacson-Noel, Ma. Theresa V. Collantes, Luisa Lloren Cuaresma and Jericho Jonas B. Nograles as authors thereof.

Respectfully submitted,



ANN K. HOFER
Chairperson
Committee on Foreign Affairs

The Honorable Speaker
House of Representatives
Quezon City



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Third Regular Session

HOUSE BILL NO. 9981

Introduced by Representatives Ann K. Hofer, Manuel DG. Cabochan III, Manuel T. Sagarbarria, Rufus B. Rodriguez, John Marvin “Yul Servo” C. Nieto, Domingo C. Rivera, Eduardo “Bro. Eddie” C. Villanueva, Cyrille “Beng” F. Abueg-Zaldivar, Antonio “Tonypet” T. Albano, Divina Grace C. Yu, Rozzano Rufino B. Biazon, Sandra Y. Eriguel, M.D., Samantha Louise Vargas Alfonso, Ronnie L. Ong, Ed Christopher S. Go, Vincent Franco “Duke” D. Frasco, Ciriaco B. Gato, Jr., Ian Paul L. Dy, Rosanna “Ria” V. Vergara, Jocelyn P. Tulfo, Florida “Rida” P. Robes, Micaela S. Violago, Emmarie “Lolypop” M. Ouano-Dizon, Ma. Lucille L. Nava, M.D., Cheryl P. Deloso-Montalla, Henry S. Oaminal, Deogracias Victor “DV” B. Savellano, Jesus Crispin C. Remulla, Lianda B. Bolilia, Josepine Veronique R. Lacson-Noel, Ma. Theresa V. Collantes, Luisa Lloren Cuaresma and Jericho Jonas BN. Nograles

AN ACT
DECLARING THE MARITIME ZONES UNDER THE JURISDICTION OF
THE REPUBLIC OF THE PHILIPPINES

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 Maritime*
2 *Zones Act*”.

3 SEC. 2. **Maritime Zones.** – The maritime zones of the Philippines comprise the
4 internal waters, archipelagic waters, territorial sea, contiguous zone, exclusive economic zone
5 (EEZ) and continental shelf. All territories of the Philippines shall generate their respective
6 maritime zones in accordance with international law.

1 SEC. 3. *Archipelagic Baselines.* – Archipelagic baselines, as used in this Act, refer
2 to the baselines as defined under Republic Act No. 9522, otherwise known as the “Philippine
3 Archipelagic Baselines Act of 2009”.

4 SEC. 4. *Internal Waters.* – The internal waters of the Philippines, as appropriate,
5 refer to the following:

6 (a) waters on the landward side of the archipelagic baselines not forming part of
7 archipelagic waters under Section 5 of this Act and delineated in accordance with Article 50
8 of the 1982 United Nations Convention on the Law of the Sea (UNCLOS); and

9 (b) waters on the landward side of the baselines of the territorial sea of territories
10 outside of the archipelagic baselines, drawn in accordance with Article 8 of the UNCLOS.

11 The Philippines exercises sovereignty over its internal waters and the airspace over it
12 as well as its seabed and subsoil in accordance with the UNCLOS and other existing laws and
13 treaties.

14 SEC. 5. *Archipelagic Waters.* – The archipelagic waters of the Philippines refer to
15 the waters on the landward side of the archipelagic baselines except as provided for under
16 Section 4 of this Act.

17 Within the archipelagic waters, closing lines for the delineation of internal waters
18 shall be drawn pursuant to Article 50 of the UNCLOS and other existing laws and treaties.

19 The Philippines exercises sovereignty and jurisdiction over its archipelagic waters and
20 the airspace over it as well as its seabed and subsoil in accordance with the UNCLOS and
21 other existing laws and treaties.

22 SEC. 6. *Territorial Sea.* – The territorial sea of the Philippines refers to the adjacent
23 belt of sea measured twelve (12) nautical miles from the baselines of the territorial sea as

1 determined in accordance with the provisions of Part II or Part IV of the UNCLOS as
2 appropriate.

3 The Philippines exercises sovereignty over its territorial sea and the airspace over it as
4 well as its seabed and subsoil in accordance with the UNCLOS and other existing laws and
5 treaties.

6 SEC. 7. **Contiguous Zone.** – The contiguous zone of the Philippines refers to the
7 waters beyond and adjacent to its territorial sea and up to the extent of twenty-four (24)
8 nautical miles from the baselines from which the breadth of the territorial sea is measured.

9 In accordance with the UNCLOS, the Philippines exercises control over this zone
10 necessary to:

11 (a) prevent infringement of its customs, fiscal, immigration, or sanitary laws and
12 regulations within its territory or territorial sea; and

13 (b) punish infringement of the above laws and regulations committed within its
14 territory or territorial sea.

15 SEC. 8. **Exclusive Economic Zone.** – The exclusive economic zone (EEZ) of the
16 Philippines refers to the waters beyond and adjacent to its territorial sea and up to the extent
17 of two hundred (200) nautical miles from the baselines from which the breadth of the
18 territorial sea is measured, as established by Presidential Decree No. 1599, otherwise known
19 as the “Philippine Exclusive Economic Zone of 1978”, and to the extent consistent with the
20 other provisions of this Act and with the provisions of the UNCLOS.

21 In accordance with the UNCLOS, the Philippines exercises within the EEZ the
22 following rights:

1 (a) sovereign rights over this area for the purpose of exploring and exploiting,
2 conserving and managing the natural resources, whether living or non-living, of the waters
3 superjacent to the seabed, and of the seabed and its subsoil, and with regard to other activities
4 for the economic exploitation and exploration of the zone, such as the production of energy
5 from the water, tide, and wind; and

6 (b) jurisdiction with regard to: (i) the establishment and use of artificial islands,
7 installations and structures; (ii) marine scientific research; (iii) the protection and
8 preservation of the marine environment; and (iv) other rights and duties provided for in the
9 UNCLOS.

10 SEC. 9. ***Continental Shelf***. – The continental shelf of the Philippines comprises the
11 seabed and subsoil of the submarine areas that extend beyond its territorial sea throughout the
12 natural prolongation of its land territory to the outer edge of the continental margin, or to a
13 distance of two hundred (200) nautical miles from the baselines from which the breadth of
14 the territorial sea is measured, where the outer edge of the continental margin does not extend
15 up to that distance.

16 Continental shelves extending beyond two hundred (200) nautical miles from the
17 baselines shall be delineated in accordance with Article 76 of the UNCLOS.

18 The Philippines exercises sovereign rights to explore and exploit the mineral,
19 petroleum and nonliving resources of the seabed and subsoil and living organisms belonging
20 to the sedentary species, as well as jurisdiction with regard to the establishment and use of
21 artificial islands, installations and structures on the seabed, drilling and tunneling, and other
22 rights as provided for in accordance with the UNCLOS, Republic Act No. 7942, otherwise
23 known as the “Philippine Mining Act of 1995”, and other existing laws and treaties.

1 SEC. 10. *Adherence to Existing Laws.* – Other rights of the Philippines relative to
2 its maritime zones and entitlements shall be exercised in accordance with the UNCLOS, the
3 awards rendered by the Arbitral Tribunal in Permanent Court of Arbitration (PCA) Case No.
4 2013-19, in the matter of the South China Sea Arbitration between the Republic of the
5 Philippines and the People’s Republic of China, handed down on July 12, 2016 at The Hague,
6 The Netherlands and other laws and regulations on maritime zones and entitlements of the
7 Philippines and international law.

8 SEC. 11. *Delimitations.* – Where the maritime zones defined in this Act overlap with
9 the maritime zones of a neighboring State, the common boundaries shall be determined by
10 agreement with that State in accordance with the relevant principles of delimitation under
11 international law, including the UNCLOS.

12 SEC. 12. *Separability Clause.* – If any portion or provision of this Act is declared
13 unconstitutional or invalid, the other portions or provisions hereof not affected thereby shall
14 continue to be in full force and effect.

15 SEC. 13. *Repealing Clause.* – All laws inconsistent with or contrary to the
16 provisions of this Act are deemed amended or repealed accordingly.

17 SEC. 14. *Effectivity.* – This Act shall take effect fifteen (15) days after its
18 publication in the *Official Gazette* or in a newspaper of general circulation.

19

20 Approved,

FACT SHEET

(As Approved by the Committee on 02 June 2021)

HOUSE BILL NO. 9981

(In substitution of House Bills Numbered 808, 4195 and 6156)

AN ACT

DECLARING THE MARITIME ZONES UNDER THE JURISDICTION OF THE REPUBLIC OF THE PHILIPPINES

Introduced by: REPRESENTATIVES ANN K. HOFER, MANUEL DG. CABOCHAN III, MANUEL T. SAGARBARRIA, RUFUS B. RODRIGUEZ, JOHN MARVIN "YUL SERVO" C. NIETO, DOMINGO C. RIVERA, EDUARDO "BRO. EDDIE" C. VILLANUEVA, CYRILLE "BENG" F. ABUEG-ZALDIVAR, ANTONIO "TONYPET" T. ALBANO, DIVINA GRACE C. YU, ROZZANO RUFINO B. BIAZON, SANDRA Y. ERIGUEL, M.D., SAMANTHA LOUISE VARGAS ALFONSO, RONNIE L. ONG, ED CHRISTOPHER S. GO, VINCENT FRANCO "DUKE" D. FRASCO, CIRIACO B. GATO, JR., IAN PAUL L. DY, ROSANNA "RIA" V. VERGARA, JOCELYN P. TULFO, FLORIDA "RIDA" P. ROBES, MICAELA S. VIOLAGO, EMMARIE "LOLYPOP" M. OUANO-DIZON, MA. LUCILLE L. NAVA, M.D., CHERYL P. DELOSO-MONTALLA, HENRY S. OAMINAL, DEOGRACIAS VICTOR "DV" B. SAVELLANO, JESUS CRISPIN C. REMULLA, LIANDA B. BOLILIA, JOSEFINE VERONIQUE R. LACSON-NOEL, MA. THERESA V. COLLANTES, LUISA LLOREN CUARESMA and JERICHO JONAS B. NOGRALES

Committee Referral: COMMITTEE ON FOREIGN AFFAIRS

Committee Chairperson: HON. ANN K. HOFER

OBJECTIVES:

- To declare the maritime zones of the Philippines in order to establish the legal bases by which social, economic, commercial, and other activities may be conducted thereat.
- To provide flexibility in enacting laws pertinent to the rights and obligations that the Philippines can exercise over its maritime zones.

KEY PROVISIONS:

- Provides for a general declaration of the maritime zones under the jurisdiction of the Philippines. The various maritime zones include internal waters, archipelagic waters, territorial sea, contiguous zone, exclusive economic zone (EEZ), and continental shelf;
- Claims the maximum extent of territorial sea (12 nautical miles), contiguous zone (24 nautical miles), EEZ (200 nautical miles), and continental shelf (200 nautical miles);
- Allows the delineation in accordance with Article 76 of the UNCLOS of continental shelves extending beyond 200 NM;
- Provides for the sovereign rights over these maritime zones, thus establishing the Philippines' exclusive rights to explore and exploit living and

nonliving resources found in these zones, in accordance with the UNCLOS and other existing laws and treaties;

- Provides for the exercise of jurisdiction over these zones with regard to rights and duties provided for in the UNCLOS.

RELATED LAWS AND JURISPRUDENCE:

- Arbitral Tribunal Awards in the South China Sea Arbitration (The Republic of the Philippines v. The People's Republic of China), PCA Case No. 2013-19, The Hague, 12 July 2016.
- RA No. 9522 of 2009, defining the archipelagic baselines of the Philippines
- RA No. 7942 of 1995, instituting a new system of mineral resources exploration, development, utilization, and conservation
- 1982 United Nations Convention on the Law of the Sea (UNCLOS), of which the Philippines is a signatory
- PD No. 1599 of 1978, establishing the Philippine exclusive economic zone
- RA No. 5446 of 1968, amending RA No. 3046 which defines the baselines of the territorial sea of the Philippines
- RA No. 3046 of 1961, defining the baselines of the territorial sea of the Philippines