

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

FIFTEENTH CONGRESS
First Regular Session

House Bill No. 4153



*Introduced by Representative Feliciano Belmonte, Jr. and
Representative Neptali M. Gonzales II*

EXPLANATORY NOTE

Article I of the 1987 Constitution declares that the Philippines is an Archipelagic state and defines our national territory as comprising "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." However, the said Constitution failed to delineate the boundaries of the Philippine archipelago.

The Kalayaan Island Group (KIG) consisting of about seventy-five islands, cays, shoals, and bank reefs with a total area of 68,807.85 nautical square miles, is considered as an integral part of the Philippines by historic right and legal title. Thus, the late President Marcos declared in 1978 through Presidential Decree No. 1596 that the Kalayaan Island Group (KIG) is part of the continental margin of the Philippine archipelago. The said declaration together with an accompanying technical description of the area was registered with the United Nations Secretariat on June 18, 1980. Likewise, the Kalayaan Island Group is considered an integral part of the Philippine archipelago by occupation and exercises of jurisdiction because Filipino citizens have peacefully established their domicile on the islands and is part of the political subdivision of the province of Palawan.

The United Nations Convention on the Law of the Sea (UNCLOS), which entered into force on November 14, 1994, recognized in Article 46 thereof that "an archipelagic state is a group of islands including parts of islands, interconnecting waters and other natural features which are so 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.

In 1961, Republic Act No. 3046, as amended by Republic Act No. 5446 in 1968, was enacted to establish the Philippine Baseline Law. Since it was enacted long before the effectivity of the UNCLOS and the recognition of the archipelagic doctrine, the Kalayaan Island Group was necessarily not included. P.D. No. 1596 likewise, failed to include and integrate the boundaries of the Kalayaan Island Group with those provided in R.A. No. 3046 as amended by R.A. 5446. In 2009, Republic Act No. 9522 was enacted to define the archipelagic baseline of the Philippine archipelago.

This proposed Bill seeks to expand and amend R.A. No. 9522 by establishing 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 measures therein.

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



FELICIANO BELMONTE, JR.



NEPTALI M. GONZALES II



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REPUBLIC OF THE PHILIPPINES
Quezon City, Manila

FIFTEENTH CONGRESS
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House Bill No. **4153**

Introduced by
REPS. FELICIANO BELMONTE, JR. and NEPTALI M. GONZALES II

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
PROTECTIVE MEASURES THEREIN

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

CHAPTER I

GENERAL PROVISIONS

SECTION 1. Title. - This Act shall be known as "The Philippine Archipelagic Sea
Lanes Act."

CHAPTER II

RIGHTS AND OBLIGATIONS OF FOREIGN SHIPS AND AIRCRAFT WHEN
EXERCISING THE RIGHT OF ARCHIPELAGIC SEA LANES PASSAGE

Section 2

Foreign ships and aircraft may exercise the right of archipelagic sea lanes
passage in accordance with the provisions of the United Nations Convention on the
Law of the Sea (UNCLOS) in order to sail or fly from one part of the high seas or an

exclusive economic zone to another part of the high seas or an exclusive economic zone through or over the Philippine territorial sea and its archipelagic waters.

Section 3

The exercise of the right of archipelagic sea lanes passage as described in Section 2 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 11.

Section 4

a. Foreign ships and aircraft exercising the right of archipelagic sea lanes passage must pass through or above the archipelagic sea lane as quickly as possible 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 must not deviate more than 25 (twenty five) nautical miles to either side of the axis line of the sea lane, provided that such ships and aircraft must not navigate closer to the coast than 10% (ten per cent) 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, must 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. Foreign military aircraft and warships, while exercising the right of archipelagic sea lanes passage, must refrain from any war game exercises or exercises using any type of weapons whatsoever and using ammunition.

e. With the exception of a situation of force majeure or in the event of a disaster, aircraft exercising the right of archipelagic sea lanes passage must refrain from landing in Philippine territory.

f. All foreign ships exercising the right of archipelagic sea lanes passage must refrain from stopping, dropping anchor or loitering, with the exception of a situation of force majeure or in the event of a disaster or in order to render assistance to a person or persons or a ship or ships experiencing a disaster.

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

Section 5

Foreign ships or aircraft, including research or hydrographic survey ships or aircraft, while exercising the right of archipelagic sea lanes passage, must refrain from conducting oceanographic research or hydrographic surveys, whether with the use of detection equipment or sample gathering equipment, unless they have obtained permission to do so.

Section 6

a. Foreign ships, including fishing ships, while exercising the right of archipelagic sea lanes passage, must refrain from conducting fishing operations.

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

c. Foreign ships and aircraft, while exercising the right of archipelagic sea lanes passage, must 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 in a situation of force majeure or in the event of a disaster.

Section 7

a. Foreign ships, while exercising the right of archipelagic sea lanes passage, must comply with the generally accepted international regulations, procedures and practices concerning shipping safety, 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 shipping safety, must comply with the provisions of the traffic separation scheme.

c. Foreign ships, while exercising the right of archipelagic sea lanes passage, must 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 in a sea lane where there are installations for the exploration or exploitation of living or non-living natural resources, must not sail too close to the prohibited zone, which is determined to be of a width of 500 (five hundred) meters around such an installation.

Section 8

a. Foreign civil aircraft exercising the right of archipelagic sea lanes passage must:

- (1) observe the Rules of the Air established by the International Civil Aviation Organisation concerning flight safety;
- (2) at all times monitor the radio frequency assigned by the competent internationally designated air traffic control authority or the appropriate international distress radio frequency.

b. Foreign national aircraft exercising the right of archipelagic sea lanes passage must:

- (1) respect the regulations concerning flight safety as detailed in paragraph (a);
- (2) fulfill their obligations as detailed in paragraph (b) 2.

Section 9

a. Foreign ships exercising the right of archipelagic sea lanes passage must refrain from expelling oil, oily wastes or other noxious substances into the marine environment, or conducting 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 must refrain from dumping waste in Philippine waters.

Section 10

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 as a result of non-compliance with any of the provisions of Sections 7, 8 and 9 while exercising the right of archipelagic sea lanes passage in Philippine waters.

b. The flag State shall bear international responsibility for any loss or damage suffered by the Philippines as a result of non-compliance with any of the provisions of Sections 7, 8 and 9 by a foreign warship or aircraft while exercising the right of archipelagic sea lanes passage.

CHAPTER III

THE DETERMINATION OF ARCHIPELAGIC SEA LANES WHICH MAY BE USED FOR THE RIGHT OF ARCHIPELAGIC SEA LANES PASSAGE

Section 11

a. The archipelagic sea lane that may be used for exercising the right of archipelagic sea lanes passage for sailing from the Philippine Sea to the South China Sea or vice versa through the Balintang Channel, is Archipelagic Sea Lane I, the axis of which is the line that joins connecting points I-1 through to I-2 as detailed in the Coordinates Tables as defined in Section 12, paragraph (b).

b. The archipelagic sea lane that may be used for exercising the right of archipelagic sea lanes passage for sailing from the Philippine Sea to the South China Sea or vice versa through the Surigao Strait, Bohol Sea, Sulu Sea, Nasubata Channel and Balabac Strait, is Archipelagic Sea Lane II, the axis of which is the line that joins connecting points II-1 through to II-6 as detailed in the Coordinates Tables as defined in Section 12, paragraph (b).

c. The archipelagic sea lane that may be used for exercising the right of archipelagic sea lanes passage for sailing from the Celebes Sea to the South China Sea or vice versa through the Basilan Strait, Eastern Sulu Sea and Mindoro Strait, is Archipelagic Sea Lane III, the axis of which is the line that joins connecting points III-1 through to III-8 as detailed in the Coordinates Tables as defined in Section 12, paragraph (b).

Section 12

a. The archipelagic sea lane axes and connecting points mentioned in Section 11 shall be marked on navigation charts for appropriate publication.

b. The geographic coordinates for the archipelagic sea lane connecting points mentioned in Section 11 are as detailed in the Coordinates Tables in Annexes I, II and III.

c. If, as a result of a natural change, such outermost connecting points are not in the geographic position as detailed in the Geographic Coordinates Tables defined in Section 12 (b) then the geographic position of such outermost connecting points is determined according to the actual situation in the field.

d. The illustrative chart displaying the axes and connecting points as detailed in Section 11 is attached as Annex IV.

Section 13

All rules and regulations relating to Associated Protective Measures (APMs) to be prescribed in accordance with International Maritime Organization (IMO) Conventions and Regulations within areas along the archipelagic sea lanes shall be promulgated separately through an Executive Issuance.

CHAPTER IV

OTHER PROVISIONS

Section 14

The provisions of this Act do not reduce the rights of foreign ships to exercise the right of innocent passage in archipelagic sea lanes.

Section 15

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

Section 16

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.

Section 17

This Act shall take effect fifteen days following its publication in the Official Gazette or in any two newspapers of general circulation.

Approved,

ANNEX I
Philippine Archipelagic Sea Lanes Act

**TABLE OF GEOGRAPHIC COORDINATES CONNECTING POINTS FOR THE
AXIS OF ARCHIPELAGIC SEA LANE I: PHILIPPINE SEA - BALINTANG
CHANNEL - SOUTH CHINA SEA**

(Reference Chart(s): Publisher, Chart number, date and scale, points reflected on chart)

**Reference Chart: NAMRIA Chart No. 4705, 3rd Edition, March 2009, Scale 1:800,000,
WGS-84 Datum**

Description of the archipelagic sea lane

The axis line connects the following geographic positions in WGS-84 Datum:

(I-1) 20°15'30" N; 122°19'30" E

(I-2) 19°18'00" N; 121°02'06" E

Notes for the use of this archipelagic sea lane

- (a) Geographic positions (I-1) to (I-2) define the axis line from Philippine Sea to South China Sea through the Balintang Channel.

ANNEX II
Philippine Archipelagic Sea Lanes Act

**TABLE OF GEOGRAPHIC COORDINATES CONNECTING POINTS FOR THE
AXIS OF ARCHIPELAGIC SEA LANE II: PHILIPPINE SEA - SURIGAO STRAIT -
BOHOL SEA - SULU SEA - NASUBATA CHANNEL - BALABAC STRAIT -
SOUTH CHINA SEA**

(Reference Chart(s): Publisher, Chart number, date and scale, points reflected on chart)

**Reference Charts: NAMRIA Chart No. 4707, 1st Edition, Dec 28/60, Corrected to
NM(9)2002, Scale 1:800,000, Luzon Datum**

**NAMRIA Chart No. 4708, 1st Edition, Mar 1958, Corrected to
NM(7)2002, Scale 1:809,000, Luzon Datum**

Description of the archipelagic sea lane

The axis line connects the following geographic positions in WGS-84 Datum:

(II-1) 10°32'26" N; 126°13'11" E

(II-2) 10°32'26" N; 125°22'35" E

(II-3) 09°51'25" N; 125°21'35" E

(II-4) 08°56'43" N; 123°46'35" E

(II-5) 07°56'56" N; 117°11'51" E

(II-6) 07°31'56" N; 117°00'06" E

Notes for the use of this archipelagic sea lane

- (a) Geographic positions (II-1) to (II-3) define the axis line from Philippine Sea to the Surigao Strait.
- (b) Geographic positions (II-3) to (II-5) define the axis line from Surigao Strait through the Bohol Sea and Sulu Sea into the Nasubata Channel
- (c) Geographic positions (II-5) to (II-6) define the axis line from Nasubata Channel through Balabac Strait to the South China Sea

ANNEX III
Philippine Archipelagic Sea Lanes Act

**TABLE OF GEOGRAPHIC COORDINATES CONNECTING POINTS FOR THE
AXIS OF ARCHIPELAGIC SEA LANE III: CELEBES SEA - BASILAN STRAIT -
SULU SEA - MINDORO STRAIT - SOUTH CHINA SEA**

(Reference Chart(s): Publisher, Chart number, date and scale, points reflected on chart)

**Reference Charts: NAMRIA Chart No. 4706, Revised 06-22-87, Corrected to
NM(11)2002, Scale 1:800,000, WGS-84 Datum**

**NAMRIA Chart No. 4708, 1st Edition, Mar 1958, Corrected to
NM(7)2002, Scale 1:809,000, Luzon Datum**

Description of the archipelagic sea lane

The axis line connects the following geographic positions in WGS-84 Datum:

(III-1) 06°06'55" N; 123°07'04" E

(III-2) 06°41'55" N; 122°20'34" E

(III-3) 06°47'55" N; 122°17'34" E

(III-4) 06°47'55" N; 122°05'04" E

(III-5) 06°50'55" N; 121°54'34" E

(III-6) 06°56'55" N; 121°47'25" E

(III-7) 10°27'00" N; 121°47'21" E

(III-8) 14°07'00" N; 119°47'18" E

Notes for the use of this archipelagic sea lane

- (a) Geographic positions (III-1) to (III-2) define the axis line from Celebes Sea to the Basilan Strait.
- (b) Geographic positions (III-2) to (III-6) define the axis line through the Basilan Strait into the Sulu Sea
- (c) Geographic positions (III-6) to (III-7) define the axis line through East Sulu Sea
- (d) Geographic positions (III-7) to (III-8) define the axis line through Mindoro Strait to the South China Sea

