



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City



SIXTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 4888

Introduced by Representatives Al Francis C. Bichara, Francisco Ashley L. Acedillo,
Rodolfo G. Biazon and Jose F. Zubiri III

EXPLANATORY NOTE

Republic Act No. 9522 established and defined the archipelagic baselines of the Philippines, which are the territorial boundaries of the country. All waters inside the archipelagic baselines are considered archipelagic waters, which are subject to sea lane passages.

Under Article 53 of the 1982 United Nations Convention on the Law of the Sea (UNCLOS), an archipelagic State may designate sea lanes and air routes thereabove, suitable for the continuous and expeditious passage of foreign ships and aircraft through or over its archipelagic waters and the adjacent territorial sea.

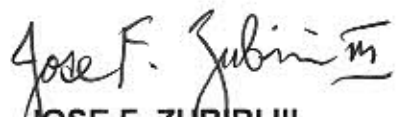
The bill seeks to establish archipelagic sea lanes in the Philippine archipelagic waters, prescribing the rights and obligations of foreign ships and aircraft exercising the right of archipelagic sea lanes passage through the established sea lanes and providing for the associated measures therein.

Archipelagic sea lanes passage means the exercise in accordance with UNCLOS of the rights of navigation and overflight of foreign ships solely for the purpose of continuous, expeditious and unobstructed transit in the normal mode of operation. The bill likewise sets out the rights and obligations of foreign ships and aircraft when exercising the right of archipelagic sea lanes passage over Philippine waters.

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


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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
PROTECTIVE MEASURES THEREIN

Be it enacted by the House of Representatives and the Senate 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

4 **RIGHTS AND OBLIGATIONS OF FOREIGN SHIPS AND AIRCRAFT WHEN**
5 **EXERCISING THE RIGHT OF ARCHIPELAGIC SEA LANES PASSAGE**
6

7 **SEC. 2.** Foreign ships and aircraft may exercise the right of archipelagic sea
8 lanes passage in accordance with the provisions of the United Nations Convention
9 on the Law of the Sea (UNCLOS) in order to navigate or fly from one part of the high
10 seas or an exclusive economic zone (EEZ) to another part of the high seas or an
11 EEZ through or over the Philippine archipelagic waters and its adjacent territorial

1 sea. Such sea lanes shall be defined by a series of continuous axis lines from the
2 entry points of passage routes to the exit points.

3
4 **SEC. 3.** The exercise of the right of archipelagic sea lanes passage as
5 described in Section 2 shall be through a sea lane, or through the air above a sea
6 lane, which has been determined to be an archipelagic sea lane that may be used
7 for exercising the right of archipelagic sea lanes passage as described in Section 11
8 hereof.

9
10 **SEC. 4.** (a) Foreign ships and aircraft exercising the right of archipelagic sea
11 lanes passage shall pass through or above the archipelagic sea lane as quickly as
12 possible without delay and in the normal mode solely for the purpose of continuous,
13 expeditious and unobstructed transit.

14
15 (b) Foreign ships and aircraft that are conducting archipelagic sea lanes
16 passage shall not deviate more than twenty-five (25) nautical miles to either side of
17 the axis line of the sea lane: *Provided*, That such ships and aircraft shall not navigate
18 closer to the coast more than ten percent (10%) of the distance between the nearest
19 points on islands bordering the sea lane.

20
21 (c) Foreign ships and aircraft, while exercising the right of archipelagic sea
22 lanes passage, shall refrain from any threat or use of force against the sovereignty,
23 territorial integrity, or political independence of the Republic of the Philippines, or in
24 any other manner in violation of the principles of international law embodied in the
25 Charter of the United Nations.

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

30
31 (e) Except when rendered necessary by *force majeure* or by distress, aircraft
32 exercising the right of archipelagic sea lanes passage shall not land in Philippine
33 territory.

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

5
6 (g) Foreign ships or aircraft exercising the right of archipelagic sea lanes
7 passage shall refrain from making covert transmissions, interfering with
8 telecommunications systems, and communicating directly with an unauthorized
9 person or group of persons in Philippine territory.

10
11 **SEC. 5.** Foreign ships or aircraft, including research or hydrographic survey
12 ships of aircraft, while exercising the right of archipelagic sea lanes passage, shall
13 not conduct oceanographic research or hydrographic surveys, whether with the use
14 of detection equipment or sample gathering equipment, unless they have obtained
15 prior permission to do so from the appropriate agency of the Government of the
16 Republic of the Philippines.

17
18 **SEC. 6.** (a) Foreign ships, including fishing vessels, while exercising the right
19 of archipelagic sea lanes passage, shall not conduct fishing operation or exploitation
20 of marine resources of the Philippines.

21
22 (b) Foreign fishing vessels, while exercising the right of archipelagic sea lanes
23 passage, besides fulfilling their obligations under paragraph (a), shall stow all their
24 fishing equipment within the hold.

25
26 (c) Foreign ships and aircraft, while exercising the right of archipelagic sea
27 lanes passage, shall not load to a ship or unload from a ship persons, goods or
28 currency in a manner that contravenes the laws and regulations concerning customs,
29 immigration, fiscal matters and health, except when rendered necessary by *force*
30 *majeure* or by distress.

31
32 **SEC. 7.** (a) Foreign ships, while exercising the right of archipelagic sea lanes
33 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
4 (b) Foreign ships, while exercising the right of archipelagic sea lanes
5 passage in a sea lane where a traffic separation scheme has been established for
6 the regulation of navigation, shall comply with the provisions of the traffic separation
7 scheme.

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

12
13 (d) Foreign ships, while exercising the right of archipelagic sea lanes
14 passage, shall not sail too close to prohibited zones as determined by concerned
15 agencies.

16
17 **SEC. 8.** (a) Foreign civil aircraft exercising the right of archipelagic sea lanes
18 passage shall:

19 (1) observe the Rules of the Air established by the International Civil
20 Aviation Organization (ICAO); and

21
22 (2) at all times monitor the radio frequency assigned by the competent
23 internationally designated air traffic control authority or the
24 appropriate international distress radio frequency.

25
26 (b) Foreign national aircraft exercising the right of archipelagic sea lanes
27 passage shall:

28 (1) respect the regulations concerning flight safety as detailed in Section
29 8(a) hereof and at all times operate with due regard for the safety of
30 navigation; and

31
32 (2) fulfill their obligations as detailed in Section 8(a)(2) hereof.

1 **SEC. 9.** (a) Foreign ships exercising the right of archipelagic sea lanes
2 passage shall not expel oil, oily wastes or other noxious substances into the marine
3 environment, or conduct other activities in contravention of international regulations
4 and standards for the prevention, reduction and control of marine pollution that
5 originates from ships.

6
7 (b) Foreign ships while exercising the right of archipelagic sea lanes passage
8 shall not dump waste in Philippine waters.

9
10 **SEC. 10.** (a) The person or legal body responsible for the operation or cargo
11 of foreign commercial ships or aircraft or foreign government ships or aircraft
12 operated for commercial purposes shall be liable for any loss or damage suffered by
13 the Philippines or any third party as a result of noncompliance with any of the
14 provisions of this Act while exercising the right of archipelagic sea lanes passage.

15
16 (b) The flag State shall bear international responsibility for any loss or damage
17 suffered by the Philippines or any third party as a result of noncompliance with any of
18 the provisions of this Act by a foreign warship or aircraft or other government ship
19 operated for non-commercial purposes while exercising the right of archipelagic sea
20 lanes passage in Philippine waters.

21
22
23 **EMPOWERING THE PRESIDENT TO DESIGNATE THE ARCHIPELAGIC SEA**
24 **LANES WHICH MAY BE USED FOR THE RIGHT OF ARCHIPELAGIC SEA**
25 **LANES PASSAGE AND THE ASSOCIATED PROTECTIVE MEASURES**

26
27 **SEC. 11.** The President shall promulgate through Executive Issuance the
28 archipelagic sea lanes which may be used for the right of archipelagic sea lanes
29 passage and the rules and regulations relating to associated protective measures to
30 be prescribed in accordance with the International Maritime Organization (IMO)
31 Conventions and Regulations within areas along the archipelagic sea lanes.

1 **OTHER PROVISIONS**

2

3 **SEC. 12.** The provisions of this Act do not reduce the rights of foreign ships to

4 exercise the right of innocent passage in archipelagic sea lanes.

5 **SEC. 13. *Separability Clause.*** – If any portion or provision of this Act is

6 declared unconstitutional or invalid, the other portions or provisions hereof which are

7 not affected thereby shall continue to be in full force and effect.

8

9 **SEC. 14. *Repealing Clause.*** – All laws inconsistent with or contrary to the

10 provisions of this Act are deemed amended, modified or repealed accordingly.

11

12 **SEC. 15. *Effectivity.*** – This Act shall take effect fifteen (15) days following its

13 publication in the *Official Gazette* or in any two (2) newspapers of general circulation.

Approved,