



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 3894



Introduced by **Representative Maria Rachel J. Arenas**

EXPLANATORY NOTE

The proposed legislation seeks to establish the archipelagic sea lanes of the Philippines consistent with the provisions of the United Nations Convention on the Law of the Sea (UNCLOS) to which the Philippines is a signatory.

The UNCLOS contains certain provisions related to archipelagic States. Article 46 (a) of the UNCLOS defines an “*archipelagic State*” as “*a State constituted wholly by one or more archipelagos and may include other islands.*” While Article 46 (b) defines an “*archipelago*” as “*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.*” The UNCLOS further provides the specific rights and duties given to archipelagic States over their land and water territory. Article 53 of the Convention allows the archipelagic State to “*designate sea lanes . . . suitable for the continuous and expeditious passage of foreign ships . . . through . . . its archipelagic waters and the adjacent territorial sea.*”

Archipelagic sea lane passage refers to the exercise by foreign vessels or aircraft, in accordance with the provisions of 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 sea or an exclusive economic zone (EEZ) and another part of the high sea or an EEZ through or over the Philippine archipelagic waters and its adjacent territorial sea.

This bill provides the parameters for the establishment of the archipelagic sea lanes (ASLs) in Philippine archipelagic waters and prevent arbitrary international passage in the Philippine archipelago. It prescribes the rights and obligations of foreign ships and aircraft passing through Philippine territorial waters and airspace.

Without any officially established ASLs, foreign vessels may pass through the country using any route within our internal waters and airspace normally used for international navigation. The designation of ASLs, therefore, will be an efficient way of protecting the country’s national interests. It will limit foreign ships and aircrafts to pass through passages

that our authorities have set forth. Hence, the government may concentrate its maritime assets as well as place protective measures in these areas with designated sea lanes to monitor the passage of ships and ensure security and safety of navigation.

Our esteemed colleagues in the 18th Congress, Representatives Ann K. Hofer, Manuel DG. Cabochan III, Rozzano Rufino B. Biazon, Rufus B. Rodriguez, Luis Raymund “Lray” F. Villafuerte, Jr., Joy Myra Salvador-Tambunting and Cyrille “Beng” F. Abueg-Zaldivar, led the detailed and comprehensive discussions on this matter, and steered the passage of this version on Third Reading.

In view of the foregoing, approval of this measure is earnestly sought.



MARIA RACHEL J. ARENAS
Representative
3rd District, Province of Pangasinan



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AN ACT
ESTABLISHING 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

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

CHAPTER I
GENERAL PROVISIONS

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.

It shall be the policy of the State to minimize the routes and areas that shall be utilized and accessed by foreign vessels and foreign registered aircraft for the exercise of archipelagic sea lanes passage.

SEC. 3. ***Definition of Terms.*** – As used in this Act.

(a) *Archipelagic sea lane* refers to the designated sea lanes in the archipelagic waters and air routes thereabove through which foreign vessels or aircraft may exercise the right of archipelagic sea lanes passage.

(b) *Archipelagic sea lane passage* refers to the exercise 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* refer to the waters on the landward side of the archipelagic baselines except those delineated as internal waters.

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

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

(d) *Associated protective measure* refers to a measure that a coastal State may adopt to regulate international maritime activities for the protection of the area at risk.

(e) *Hydrographic survey* refers to the determination of data relating to bodies of water. A hydrographic survey may consist of the determination of one or several of the following classes of data: depth of water; configuration and nature of the bottom; directions and force of currents; heights and times of tides and water stages; and location of topographic features and fixed objects for survey and navigation purposes.

(f) *Oceanographic survey* refers 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* refers to the right of continuous and expeditious passage of foreign vessels through the territorial sea that is not prejudicial to the peace, good

order or security of the coastal State. Passage includes stopping and anchoring, but only insofar as the same are incidental to ordinary navigation or are rendered necessary by *force majeure* or distress or for the purpose of rendering assistance to persons, ships or aircraft in danger or in distress. Passage shall be considered as prejudicial to the peace, good order or security of the coastal State if in the territorial sea, the vessel engages in any of the activities enumerated in Article 19 of the UNCLOS. This right of innocent passage applies to archipelagic waters outside of the archipelagic sea lanes, as provided for in Article 52 of the UNCLOS.

(h) *Territorial sea* refers to the adjacent belt of sea measured twelve (12) nautical miles from the baselines of the territorial sea as determined in accordance with the provisions of Part II or Part IV of the UNCLOS as appropriate.

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

CHAPTER II DESIGNATION OF THE ARCHIPELAGIC SEA LANES AND THEIR COORDINATES FOR THE RIGHT OF ARCHIPELAGIC SEA LANES PASSAGE AND INSTITUTION OF PROTECTIVE MEASURES THERETO

SEC. 4. *Designation of Archipelagic Sea Lanes and Their Coordinates.* – The System of the Archipelagic Sea Lanes in the Philippine Archipelagic Waters shall be defined by axis lines connecting the coordinates below:

(a) SEA LANE I: PHILIPPINE SEA – BALINTANG CHANNEL – WEST PHILIPPINE SEA

(I-1) 20° 06'.67 N; 122° 12'.90 E

(I-2) 20° 06'.67 N; 121° 28'.73 E

(b) SEA LANE II: WEST PHILIPPINE SEA – MINDORO STRAIT – CUYO EAST PASS – SULU SEA – SIBUTU PASSAGE – CELEBES SEA

(II-1) 13° 05'.77 N; 119° 52'.32 E

- (II-2) 11° 09'.20 N; 121° 27'.37 E
- (II-3) 10° 53'.88 N; 121° 27'.37 E
- (II-4) 10° 00'.77 N; 120° 55'.85 E
- (II-5) 08° 53'.60 N; 120° 55'.78 E
- (II-6) 05° 15'.72 N; 119° 37'.31 E
- (II-7) 04° 33'.60 N; 119° 37'.48 E

(c) SEA LANE III: CELEBES SEA – BASILAN STRAIT – SULU SEA – NASUBATA CHANNEL – BALABAC STRAIT – WEST PHILIPPINE SEA

- (III-1) 06° 18'.97 N; 122° 50'.70 E
- (III-2) 06° 47'.12 N; 122° 15'.92 E
- (III-3) 06° 49'.62 N; 121° 56'.82 E
- (III-4) 06° 59'.45 N; 121° 42'.25 E
- (III-5) 08° 07'.63 N; 118° 46'.97 E
- (III-6) 08° 07'.63 N; 118° 19'.65 E
- (III-7) 07° 57'.18 N; 117° 10'.20 E
- (III-8) 07° 39'.37 N; 117° 02'.40 E

The map displaying the axes and connecting points as detailed in Section 4 hereof is attached as Annex I.

SEC. 5. ***Protective Measures.*** – All rules and regulations relating to the management and security of the archipelagic sea lanes and adjacent archipelagic waters shall be promulgated by the President, with the assistance of the relevant national agencies, through an appropriate executive issuance. Such issuances shall include the protective measures stipulated in international agreements, conventions, and regulations such as those established by the International Maritime Organization, as well as national measures enacted in accordance with existing laws and regulations.

CHAPTER III

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

SEC. 6. ***Right of Archipelagic Sea Lanes Passage.*** – Foreign ships and aircraft may exercise the right of archipelagic sea lanes passage in accordance with the provisions of the 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 passage shall be through a sea lane, or through the air route above a sea lane, which has been determined and designated to be an archipelagic sea lane that may be used for exercising the right of archipelagic sea lanes passage under Section 4 hereof.

SEC. 7. *Obligations in the Exercise of the Right of Archipelagic Sea Lanes Passage.*

– In the exercise of the right of archipelagic sea lanes passage, the following obligations must be observed:

(a) Foreign ships and aircraft 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 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 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) Foreign ships and aircraft, including military aircraft and warships, shall refrain from any war game exercises or exercises using any type of weapons, especially involving the use of ordnance;

(e) Foreign aircraft shall not land in Philippine territory except when rendered necessary by *force majeure* or distress;

(f) Foreign ships shall refrain from stopping, dropping anchor or loitering, except when rendered necessary by *force majeure* or distress or in order to render assistance to a person or persons or a ship or ships in danger or in distress;

(g) Foreign ships or aircraft shall refrain from making covert transmissions, interfering with telecommunications systems, and communicating directly with an unauthorized person or group of persons in Philippine territory; and

(h) Foreign ships or aircraft exercising the right of archipelagic sea lanes passage shall refrain from any activity other than those incident to their normal modes of continuous and expeditious transit, unless rendered necessary by *force majeure* or by distress.

SEC. 8. ***Prohibition Against the Conduct of Research and Survey Activities.*** - Foreign ships or aircraft, including marine scientific research or survey ships or aircraft, while exercising the right of archipelagic sea lanes passage, shall not conduct oceanographic or hydrographic surveys or any other research or survey activities, 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. 9. ***Prohibition of Fishing, Marine Bioprospecting, 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, marine bioprospecting 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) hereof, shall stow all 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 sanitary rules, except when rendered necessary by *force majeure* or by distress.

SEC. 10. ***Compliance with Navigational Regulations, Procedures and Traffic Scheme.*** – While exercising the right of archipelagic sea lanes passage, foreign ships shall:

(a) 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) Comply with the provisions of the traffic separation scheme where a traffic separation scheme has been established for the regulation of navigation;

(c) Sail at a safe distance so as not to cause disturbance or damage to navigational facilities or submarine cables or pipes; and

(d) Observe prohibited zones as determined by concerned agencies.

SEC. 11. ***Obligations of Foreign Civil 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 State aircraft exercising the right of archipelagic sea lanes passage shall:

(1) Respect the regulations concerning flight safety as detailed in Section 11 (a) hereof and at all times operate with due regard for the safety of navigation; and

(2) Fulfill their obligations as detailed in Section 11 (a)(2) hereof.

SEC. 12. *Prevention of Marine Pollution.* –

(a) Foreign ships exercising the right of archipelagic sea lanes passage shall not expel oil, oily wastes, solid wastes, other noxious substances, or ballast water 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, while exercising the right of archipelagic sea lanes passage, shall not dump waste in Philippine waters.

SEC. 13. *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 noncompliance 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.

SEC. 14. *Penalties.* –

Non-compliance by foreign civilian ships and aircraft with the pertinent provisions of this Act which constitutes a violation of existing fisheries, environmental, customs, fiscal, immigration, sanitary and other pertinent laws shall be punishable by the provisions thereof.

If the non-compliance does not constitute a violation of existing laws, the same shall be punishable by imprisonment of six (6) months and one (1) day to two (2) years and two (2) months or a fine of One million two hundred thousand US dollars (US\$1,200,000.00) or its equivalent in Philippine currency, or both, such imprisonment and fine at the discretion of the court.

The penalty shall be imposed upon the master of the vessel or the captain of the aircraft or the owner or operator of the vessel or aircraft, as the case may be. If the owner or operator is a corporation, partnership or any other juridical person, the penalty shall be imposed upon the president or head thereof.

CHAPTER IV FINAL PROVISIONS

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 the archipelagic waters outside of the 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 a newspaper of general circulation.

Approved,