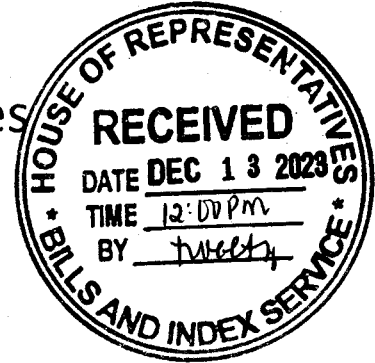




Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

Nineteenth Congress
Second Regular Session

HOUSE BILL NO. 9759



Introduced by Representative Khymer Adan T. Olaso

AN ACT
PROVIDING FOR MARITIME TRAFFIC AND ANTI-POLLUTION
REGULATIONS IN THE STRAITS OF BALABAG, BASILAN,
BONGGAO, LUZON, MINDORO, SAN BERNARDINO, SURIGAO,
AND VERDE PASSAGE ADOPTING FOR THE PURPOSE TRAFFIC
SEPARATION SCHEMES, PROVIDING PENALTIES FOR
VIOLATIONS, AND APPROPRIATING FUNDS THEREFOR

EXPLANATORY NOTE

This bill seeks to regulate maritime traffic in the Straits of Luzon, San Bernardino and Basilan, adopting for the purpose a traffic separation scheme.

The Philippines is an archipelagic nation surrounded by a 36,289-kilometer coastline. As such, the State recognizes that maritime sector is essential for the country's socioeconomic development and relies heavily on maritime transportation for the movement of its citizens and resources. Several factors, such as globalization and growth of the maritime industry, have caused a corresponding increase in congestion and complexity in maritime traffic. These factors have compromised navigational safety and security and put the protection of marine environment at risk.

The Straits of Luzon, San Bernardino, and Basilan are three of the busiest Straits in the country and serve as major nautical highways vital for

trade, communication, and security. There is a need to enhance navigational safety and security of vessels and their crew, reduce traffic congestion, and protect the marine environment within the Straits of Balabag, Basilan, Bonggao, Luzon, Mindoro, San Bernardino, Surigao, and Verde Passage. Hence, this bill aims to establish maritime traffic and anti-pollution regulations in the said straits in line with internationally accepted standards while addressing the need for sustainable funding and resources for effective implementation.

The bill further proposes collecting fees from local and foreign vessels 5,000 gross tons and above that pass through the traffic separation schemes. The fees will ensure sustainable funding for this proposed Act's implementation, improvement, and maintenance. Additionally, the bill provides penalties to ensure compliance with internationally accepted navigational standards and promotes adherence to the International Maritime Organization's regulations and guidelines.

This measure allocates a portion of the collected funds to the local government unit around the vicinity of the traffic separation schemes to ensure transparency and accountability and allow them to undertake local development initiatives related to maritime safety and environmental protection. Furthermore, a significant portion of the fund will be dedicated to an Anti-Pollution Control Fund, aimed at preventing, controlling, and mitigating marine pollution within the traffic separation scheme and its adjacent waters.

This bill also recognizes the need to equip the Philippine Coast Guard with patrol vessels and pollution control equipment. By allocating funds specifically for these purposes, the bill strengthens the capabilities of these agencies in managing pollution incidents and effectively enforcing the traffic separation scheme.

An organized and efficient maritime traffic and anti-pollution regulations that prioritize safety, pollution control, and the protection of the marine environment must be established to secure maritime travel and ensure secure passage. Also, by instituting fees and penalties and allocating funds for various purposes, the sustainable implementation and enforcement of the scheme is ensured, ultimately contributing to the overall maritime safety and environmental protection in the region.

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


KHYMER ADAN T. OLASO



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1 **AN ACT**
2 **PROVIDING FOR MARITIME TRAFFIC AND ANTI-POLLUTION**
3 **REGULATIONS IN THE STRAITS OF BALABAG, BASILAN,**
4 **BONGGAO, LUZON, MINDORO, SAN BERNARDINO, SURIGAO,**
5 **AND VERDE PASSAGE ADOPTING FOR THE PURPOSE TRAFFIC**
6 **SEPARATION SCHEMES, PROVIDING PENALTIES FOR**
7 **VIOLATIONS, AND APPROPRIATING FUNDS THEREFOR**

8
9 *Be it enacted by the Senate and House of Representatives of the Philippines in*
10 *Congress assembled:*

11
12 **CHAPTER I**

13 **GENERAL PROVISIONS**

14 **SECTION 1. *Short Title.*** – This Act shall be known as the “*Maritime*
15 *Traffic Regulations Act.*”

16 **SEC. 2. *Declaration of Principles.*** – It is the policy of the State to
17 ensure the safety of vessels and promote safe navigation within traffic
18 separation schemes to prevent accidents, collisions, and other maritime
19 incidents.

1 The State also recognizes the importance of balancing navigational
2 needs, economic viability, and environmental sustainability in establishing and
3 operating traffic separation schemes. It seeks to achieve harmonious
4 integration of these principles to ensure the long-term viability and
5 effectiveness of the traffic separation scheme.

6 For this purpose, the State shall enhance navigational efficiency by
7 managing vessel traffic, reducing congestion, and optimizing the use of
8 maritime resources within traffic separation schemes, and protect the marine
9 environment by implementing measures to minimize pollution, prevent damage
10 to underwater habitats, and mitigate the impacts of vessel operations within the
11 traffic separation scheme.

12 The State shall likewise adhere to internationally accepted navigational
13 standards, regulations, and guidelines, including those set by the International
14 Maritime Organization (IMO), to ensure harmonization and compatibility with
15 global maritime practices and norms and promote economic growth and
16 prosperity within the region by improving maritime connectivity, facilitating
17 trade and commerce, and attracting investments in ports and related
18 infrastructure through the efficient and safe operation of traffic separation
19 schemes.

1 Finally, to share best practices, exchange information, and jointly
2 address common challenges in maritime safety, security, and environmental
3 protection within the traffic separation scheme, the State shall foster
4 collaboration and cooperation with neighboring countries and international
5 organizations.

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

7 (a) *Deep-draft vessel* refers to a vessel with a maximum draft of ten
8 (10) meters or more;

9 (b) *Nuclear-powered vessels or vessels carrying nuclear, noxious and*
10 *dangerous goods and wastes* refer to:

11 (1) Any nuclear-powered vessel or any vessel carrying nuclear,
12 noxious and dangerous goods, except for military vessels;

13 (2) Vessels carrying cargo classified by the IMO as dangerous,
14 and vessels constructed or used for the carriage of substances qualified in
15 the International Convention for the Prevention of Pollution from Ships
16 1973 as modified by the Protocol of 1978 (MARPOL 73/78) and its
17 annexes as pollutants and such vessels which have not affected the
18 necessary operations to eradicate the dangers of such cargo; and

19 (3) Vessels carrying nuclear, dangerous, and noxious wastes as
20 defined in international conventions and domestic legislation.

1 (c) *Straits* refer to the area within the boundaries of the Straits of
2 Balabag in Palawan, Basilan, Bonggao in Tawi-Tawi, Luzon, Mindoro, San
3 Bernardino in Samar, Surigao, and Verde Passage in Mindoro;

4 (d) *Total towing length* refers the distance between the fore of the
5 towing vessel and the aft of towed vessel or the distance between the aft of the
6 pushing vessel and the fore of the vessel being pushed when sailing at full
7 speed ahead;

8 (e) *Traffic Separation Schemes* refer to the areas within the Straits as
9 defined under Sec. 7 of this Act;

10 (f) *Vessel* refers to any vehicle that is able to navigate at sea except
11 crafts under oars;

12 (g) *Large vessel* refers to a vessel with five- thousand (5,000) gross
13 registered tonnage (GRT) or more;

14 (h) *Pilot* refers to duly licensed mariners who have been authorized
15 by the Maritime Industry Authority (MARINA) and the Philippine Ports
16 Authority (PPA) to provide pilotage services for local or international vessels:
17 Provided, that deep sea pilots shall have at least 3 years of seagoing experience
18 in the passage or strait where he will be allowed to pilot as determined by
19 MARINA.

20 (i) *A vessel interrupting its transit passage* refers to a vessel the

1 master or commander of which has notified the Philippine Coast Guard (PCG)
2 during its passage that the vessel has given up its transit passage;

3 (j) *Vessel in transit* refers to a vessel, the passage of which shall be
4 innocent, continuous, expeditious and without delay within the Straits;

5 (k) *Vessel whose transit passage has been interrupted* refers to a vessel
6 which, due to maritime accidents such as collision and grounding, or for other
7 reasons, is subject to investigations, legal proceedings and inquiries carried out
8 by the PCG or any government agency or instrumentality of the government of
9 the Republic of the Philippines;

10 CHAPTER II

11 TRAFFIC SEPARATION SCHEME

12 **SEC. 4. *Traffic Separation Scheme.*** – There is hereby established
13 traffic separation schemes for use of all vessels in the Straits of Balabag,
14 Basilan, Bonggao, Luzon, Mindoro, San Bernardino, Surigao, and Verde the
15 technical description of which are defined in this Act.

16 **SEC. 5. *Traffic Control Center and Stations.*** – There is hereby
17 established a Traffic Control Center (TCC) under the control and supervision
18 of the PCG and the Department of Transportation (DOTr), in accordance with
19 Republic Act No. 9993, otherwise known as the “*Philippine Coast Guard Law*
20 *of 2009.*”

Traffic Control Stations (TCS) shall also be established in various ports within the Philippines as may be determined by the PCG and DOTr which shall be in coordination with the TCC whenever required under this Act.

SEC. 6. *Security Services.* – Security services in the Straits shall be done by the PCG who may engage the services of the private sector in providing such service to transiting vessels within the scheme at such rates which shall be determined by it.

SEC. 7. *Routes and Boundaries.* – The areas of traffic separation schemes in the Straits shall have the following routes:

(a) The area of the Strait of Luzon shall have the following routes:

(1) From North to South *via* the Balintang Channel and *vice versa*:

21° 10.00' N 123° 50.00' E

19° 48.00' N 122° 54.00' E

19° 48.00' N 120° 43.00' E

18° 20.00' N 120° 00.00' E

(2) From North to South *via* the Bashi Channel and *vice versa*:

21° 30.00' N 122° 00.00' E

19° 48.00' N 120° 43.00' E

1 18° 20.00' N 120° 00.00' E

2 (3) From Southeast of Palaui Light House to Northwest of
3 Sabtang Island and *vice versa*:

4 17° 45.00' N 123° 15.00' E

5 19° 48.00' N 122° 54.00' E

6 19° 48.00' N 120° 43.00' E

7 18° 20.00' N 120° 00.00' E

8 (4) From Southeast of Palaui Light House to Taiwan Strait and
9 *vice versa*:

10 17° 45.00' N 123° 15.00' E

11 19° 48.00' N 122° 54.00' E

12 19° 48.00' N 120° 43.00' E

13 20° 30.00' N 119° 03.00' E

14 (5) From Southeast of Palaui Light House to North of Cape
15 Bohedor and *vice versa*:

16 19° 48.00' N 122° 50.00' E

17 19° 48.00' N 119° 03.00' E

18 (b) The area of the Verde Island Passage *via* Tablas Strait shall have
19 the following routes:

20 (1) From the Luzon Sea to Sulu Sea and *vice versa*:

1 14° 22.00' N 120° 14.00' E

2 13° 53.00' N 120° 47.00' E

3 13° 50.00' N 120° 51.00' E

4 13° 49.00' N 121° 08.00' E

5 13° 14.00' N 121° 56.00' E

6 11° 54.00' N 121° 52.00' E

7 (c) The area of the Strait of Mindoro shall have the following routes:

8 (1) From the Luzon Sea to Sulu Sea and *vice versa*:

9 13° 14.00' N 119° 50.00' E

10 12° 53.00' N 120° 55.00' E

11 11° 34.00' N 120° 56.00' E

12 10° 07.00' N 120° 56.00' E

13 (d) The area of the Strait of San Bernardino shall have the following
14 routes:

15 (1) From Northeast *via* Southwest *via* the Philippine Sea
16 through the Tañon Strait and *vice versa*:

17 13° 04.00' N 124° 20.00' E (Philippine Sea)

18 12° 55.00' N 124° 16.00' E (San Bernardino Strait)

19 11° 59.00' N 124° 20.00' E (Visayan Sea)

20 09° 55.00' N 123° 29.00' E (Tañon Strait)

1 09° 39.00' N 123° 29.00' E (Between Dumaguete and Siquijor)

2 08° 71.00' N 122° 76.00' E (Sulu Sea)

3 (2) From Northeast *via* Southwest *via* the Philippine Sea

4 through Bohol Strait and *vice versa*:

5 13° 04.00' N 124° 20.00' E (Philippine Sea)

6 12° 55.00' N 124° 16.00' E (San Bernardino Strait)

7 11° 79.00' N 124° 20.00' E (Visayan Sea)

8 09° 96.00' N 123° 71.00' E (Tañon Strait)

9 09° 18.00' N 123° 36.00' E (Between Dumaguete and Siquijor)

10 08° 71.00' N 122° 76.00' E (Sulu Sea)

11 (e) The area of the Strait of Surigao shall have the following routes:

12 (1) From the Philippine Sea to Sulu Sea and *vice versa*:

13 10° 83.00' N 126° 85.00' E

14 10° 60.00' N 125° 67.00' E

15 10° 57.00' N 125° 34.00' E

16 09° 85.00' N 125° 34.00' E

17 09° 41.00' N 124° 53.00' E

18 08° 92.00' N 123° 34.00' E

19 08° 68.00' N 122° 79.00' E

1 18° 20.00' N 120° 00.00' E

2 (f) The area of the Strait of Balabac shall have the following routes:

3 (1) From the West Philippine Sea to Sulu Sea and *vice versa*:

4 07° 50.00' N 116° 53.00' E

5 07° 63.00' N 117° 07.00' E

6 07° 63.00' N 117° 65.00' E

7 (g) The routes of the traffic separation in the Strait of Basilan shall be
8 delimited in the north by the lines joining the points:

9 (2) From the Southeast of Sibutu Light House to West of
10 Siocon

11 6° 40.00' N 122° 29.00' E

12 6° 55.00' N 121° 46.00' E

13 7° 43.00' N 121° 46.00' E

14 (3) From North of Laparan Island via Sibutu Passage to
15 Southeast of Sibutu Light House

16 5° 08.00' N 119° 52.00' E

17 5° 10.00' N 119° 39.00' E

18 4° 20.00' N 119° 39.00' E

19 6° 16.00' N 122° 24.00' E

20 The boundaries for the aforementioned routes shall be defined by the

1 PCG.

2 **SEC. 8. *Pilotage Services.*** – Pilotage and security services shall be
3 carried out by the PCG in the traffic separation schemes and pilots shall
4 embark and disembark transiting vessels at the nearest available port to the
5 vessels prior to its entry into the traffic separation scheme.

6 Vessels sailing from outside the port to a docking area in the port within
7 the traffic separation schemes shall take on board the port pilot from the pilot
8 boarding ground.

9 When the vessel is at anchor, it shall take on board the pilot from the
10 shore or the nearest port.

11 Vessels sailing from outside the port to a docking area in the port within
12 the traffic separation schemes shall take on board the port pilot from the pilot
13 boarding ground.

14 The locations for embarking or disembarking pilots may be changed due
15 to considerations of maritime traffic and navigational safety by the PCG. In
16 such case, the PCG shall notify the persons concerned.

17 In addition to the foregoing, the following shall be likewise be observed,
18 if applicable:

19 (a) For vessels transiting the Strait of Luzon, pilots shall embark and
20 disembark in transiting vessels in any of the following pilotage boarding

grounds:

Pilot Boarding Ground A: 21° 10.00' N 122° 30.00' E

Pilot Boarding Ground B: 18° 20.00' N 120° 00.00' E

Pilot Boarding Ground C: 19° 50.00' N 121° 15.00' E

(b) For vessels headed for the port coming from the San Bernardino Strait, it shall disembark the pilot and take on board the port pilot, at a distance that shall permit docking maneuvers; and

(c) For vessels coming from the Sulu Sea, it shall take on board the port pilot at the same location as transiting vessels.

CHAPTER III

TRANSITTING THROUGH THE STRAITS

SEC. 9. *Procedures for Passage.* – No unauthorized personnel shall enter the navigating bridge, chart room, and wings while navigating in the Straits, and that nothing may prevent the crew from commanding the vessel and keeping watch around the same.

Authorized personnel must remain on duty by the main engine room whether or not the engine controls are located therein.

While navigating on the Straits, steering shall be controlled manually and automatic pilot systems shall not be used. The emergency steering gear shall also be kept ready for immediate use by the personnel on duty.

1 **SEC. 10. *Technical Specification of Vessels.*** – All vessels which transit
2 through the Straits shall comply with the following conditions:

3 (a) Seaworthy in accordance with international rules and existing laws
4 of the State whose flag they fly;

5 (b) Before submitting the Sailing Plan II, the master of the vessel,
6 except those of military vessels, must determine that the vessel complies
7 technically with the following conditions and record this in the log book:

8 (1) Main and auxiliary machinery units are operational and
9 ready to maneuver at any time;

10 (2) Emergency generators are readily operational at all times;

11 (3) Main and auxiliary steering gear, gyro-compass and radar
12 are operational;

13 (4) Navigation bridge R.P.M, steering-wheel and pitch
14 indicators are operational and illuminated;

15 (5) Navigation lights and vessel's whistle are operational and
16 the equipment of the navigation bridge are complete;

17 (6) All communication systems, particularly those between the
18 navigating bridge and fore, aft, steering wheel, and engine control room,
19 and all alarm systems are operational;

20 (7) VHF radio-telephone equipment are operational;

1 (8) Projector and at least one (1) pair of binoculars are available
2 and ready for use day and night in the navigation bridge;

3 (9) Windlass and its running riggings are ready for use, and both
4 anchors prepared for lowering with crew standing by;

5 (c) Vessels carrying dangerous cargo must have an emergency fire
6 wire at the fore and aft. A towing hawser and hauling lines shall be available at
7 the fore and aft of vessels except those carrying dangerous cargo;

8 (d) Vessels shall not be with trim by the stern that would impair the
9 ability to maneuver and steer, and no vessel may enter the traffic separation
10 schemes with trim by the head;

11 (e) Vessels shall be trimmed so that the propeller will be totally
12 submerged in water and, in cases of necessity, the portion of the propeller's
13 blade that is above water level shall not exceed five percent (5%) of the
14 propeller's diameter;

15 (f) Vessels shall be trimmed and loaded such that the fore of the
16 vessels and the sea beyond shall be easily visible from the navigation bridge;

17 (g) All vessels must be equipped with an up-to-date version of the
18 nautical charts of the Strait's areas; and

19 (h) All crew employed on vessels must qualify in accordance with the
20 International Convention on Standards of Training, Certification and

1 Watchkeeping for Seafarers (STCW-78).

2 Masters of vessels that fail to conform with the above-mentioned
3 conditions must notify the TCC. The PCG shall take such measures prescribed
4 in this Act for vessels that do not conform with the conditions provided under
5 this Act.

6 **SEC. 11. *Large Vessels.*** – The owner or manager of large vessels which
7 plan to pass through the Straits shall, at the planning stage of passage, inform
8 the PCG of the vessel and its cargo. The PCG shall inform the applicants of
9 the outcome of its review after taking into consideration the morphological and
10 physical structure of the Straits, the vessel's dimensions and maneuver
11 capability, the safety of life, property and the environment, and maritime traffic
12 conditions.

13 **SEC. 12. *Sailing Plan I.*** – Masters, owners or agents of vessels
14 carrying dangerous cargo and large vessels shall, not later than twenty-four
15 (24) hours before passing through the entrance of the traffic separation
16 schemes, submit to the TCC its Sailing Plan I which shall contain the following
17 information:

18 (a) Name of the vessel;

19 (b) Flag of the vessel;

20 (c) Call sign;

- (d) Tonnage;
- (e) Port of departure and port of arrival;
- (f) Cargo;
- (g) Whether a pilot is requested;
- (h) Deficiencies of the vessel which affect navigation adversely; and
- (i) Any other information as may be required by the PCG.

Vessels carrying dangerous cargo and those weighing Five thousand (5,000) GRT or heavier which depart from ports within the Philippines shall submit their Sailing Plan I to the TCC not later than six (6) hours before departure.

SEC. 13. *Sailing Plan II.* – Masters who have submitted their Sailing Plan I and established that their vessel conforms with the conditions prescribed under Sailing Plan I shall submit their Sailing Plan II to the TCC not later than two (2) hours before arriving at the entrances of the traffic separation schemes or at a distance of twenty (20) Nautical Miles (NM) from the entrances of the traffic separation schemes, whichever comes first. The Sailing Plan II which shall be given by VHF to the TCC, shall contain the following information:

- (a) Name of the vessel;
- (b) Flag of the vessel;
- (c) Call sign;

- (d) Position of the vessel;
- (e) Estimated arrival time to the entrance of the Strait;
- (f) Whether a pilot is requested;
- (g) Inabilities of the vessel adversely affecting sailing adversely; and
- (h) Other information as may be required by the PCG.

After submitting their Sailing Plan II, vessels shall navigate according to the information to be given by the TCC. The information regarding the traffic in the traffic separation schemes, as well as the fact that the submission of Sailing Plan II has been submitted shall be recorded in the logbook.

SEC. 14. *Ballast Water Management Plan (BWMP).* – A Ballast Water Management Plan shall be adopted by all foreign vessels plying the waters of the Philippines. The BWMP shall be submitted to the Traffic Control Center. Vessels trading in the Brunei-Indonesia-Malaysia-Philippines East Asia Growth Area (BIMP-EAGA) shall be exempt from adopting such BWMP.

SEC. 15. *Position Report.* – All large vessels that are at a distance of twenty-five (25) NM from the entrance of the traffic separation schemes shall give, by VHF, to the TCC situated on the approaching side, the position report as determined by the PCG containing the necessary information for the identification of the vessel.

SEC. 16. *Notice Before Entering the Traffic Separation Schemes.* –

Vessels, which for whatever reason, lose their technical sufficiency or whose navigation equipment becomes inoperational before entering the traffic separation schemes, shall provide the pertinent information by means of telex, telephone, fax, or VHF to the relevant port authority or TCS.

The relevant port authority or TCS shall then indicate through the TCC the location of the vessel's waiting area or anchorage while repairs are being carried out. If, after repairs and survey, the breakdown of the navigation equipment continues, the PCG shall decide the manner of the vessel's passage through the traffic separation schemes taking into account safety of navigation.

SEC. 17. *Pilotage Sign.* – Vessels passing through the traffic separation schemes with a pilot shall hoist an (H) pennant during daytime.

SEC. 18. *Transit Sign.* – Vessels transiting through the traffic separation schemes while under way or at anchor during daytime shall hoist a (T) pennant. Such vessels shall likewise display a green light at night, visible over an arc of the horizon of three hundred sixty (360) degrees.

No transit sign shall be displayed by a vessel interrupting its transit passage or whose transit passage has already been interrupted.

SEC. 19. *Conditions of Anchorage for Vessels in Transit.* – Vessels transiting through the traffic separation schemes may stop for forty-eight (48) hours to obtain provisions in the nearest available port. In such case, the vessel

1 must first obtain clearance from the PPA and remain under the surveillance of
2 the concerned authorities without taking free pratique.

3 During their stay, the following activities may be allowed:

4 (a) If there is a breakdown in the vessel: to bring experts, mechanics,
5 and workers to the vessel in order to inspect and repair the breakdown;

6 (b) Visits by the vessel's agent;

7 (c) Disembarking of the master or a crew member to purchase
8 necessary supplies for the vessel;

9 (d) Disembark any ill crew; and

10 (e) Employ new crew to replace any hospitalized crew.

11 Vessels in transit that stay more than forty-eight (48) hours in port shall
12 anchor at the anchorage indicated and take free pratique. Vessels interrupting a
13 transit by anchoring shall be subject to all controls and procedures rendered
14 necessary by reason of security, customs, and existing laws.

15 **SEC. 20. *Steady Steering Light.*** – Vessels, the distance between whose
16 bridge and fore is one hundred fifty (150) meters or more, and vessels whose
17 bridge is very close to the fore, shall, at nighttime, carry at the fore a blue or
18 green steady steering light visible only from the bridge.

19 **SEC. 21. *Speed.*** – The normal speed in the traffic separation schemes
20 shall be ten (10) NM per hour relative to land. Vessels may exceed the speed

1 limit if steering way cannot be reached: *Provided*, That the master of the vessel
2 informs the relevant TCS beforehand and takes proper care to avoid collisions
3 and create waves that are harmful to the environment.

4 **SEC. 22. *Overtaking.*** – Vessels navigating in the traffic separation
5 schemes shall not overtake vessels proceeding before them except due to
6 necessity.

7 For this purpose, the following shall be observed:

8 (a) Vessels passing through the Strait shall maintain a distance of at
9 least eight (8) cables between each other;

10 (b) If for any reason a vessel is going to reduce speed while navigating
11 in the traffic separation schemes, the vessels proceeding behind such vessel
12 must first be informed;

13 (c) A vessel navigating under its power at low speed must stay to the
14 most starboard side of its traffic separation lane and permit faster vessels to
15 overtake it; and

16 (d) A vessel that needs to overtake another vessel in front must first
17 obtain a traffic report from the TCS. If the situation is clear, it must then notify
18 the vessel to be overtaken. If possible, the overtaking shall occur without
19 course alterations.

20 **SEC. 23. *Accidents And Breakdowns While Under Way.*** – Vessels

1 whose transit passage has been interrupted due to accidents, breakdowns or
2 compulsory anchoring shall immediately inform the TCS and request
3 recommendations and instructions from the PCG. The vessel shall carry out
4 the action required for the completion of the passage based on the measures
5 taken by the relevant port authority.

6 **SEC. 24. *Vessel Not Under Command.*** – The passage through the
7 Straits of a “*vessel not under command*” or “*a vessel restricted in its ability to*
8 *maneuver,*” as defined in the “*Collision Regulation (COLREG) 72,*” shall
9 depend on the special permission of the PCG.

10 If a vessel becomes “*not under command*” in the course of passage, the
11 master of the vessel shall immediately notify the appropriate TCS and follow
12 its instructions.

13 **SEC. 25. *Leaving the Port.*** – Before getting underway from ports,
14 piers, or anchorage positions in the Straits, all vessels must inform their
15 appropriate TCS and obtain necessary information concerning the traffic flow.

16 Such vessels must wait for clear traffic before entering the traffic flow in
17 the Straits.

18 **SEC. 26. *Leaving the Traffic Separation Scheme.*** – Vessels leaving
19 the traffic separation schemes to berth, moor to a buoy, drop anchor, turn back
20 or due to breakdowns or any other circumstances must inform the TCS and all

1 other vessels in the vicinity.

2 **SEC. 27. *Halting Traffic.*** – Maritime traffic in the traffic separation
3 schemes may be temporarily halted by the PCG due to construction work,
4 including underwater work, drilling, fire extinguishing, scientific and sports
5 activities, salvage and rescue operations, prevention and eradication of
6 maritime pollution, pursuing criminals, accidents and similar cases.

7 The halting and opening of traffic shall be announced by the relevant
8 port authority and TCS to the vessels and persons involved.

9 After reopening the traffic separation schemes to traffic following a
10 temporary closure, the order in which waiting vessels will enter the traffic
11 separation schemes shall be determined by the TCS and shall be announced to
12 the vessels.

13 **SEC. 28. *Obligation to Navigate Within the Lanes.*** – Vessels must
14 proceed within their designated traffic lanes. Vessels that cross the lanes may
15 be fined according to existing laws, rules and regulations, as well as be brought
16 to the attention of the International Maritime Organization and the flag State.

17 **SEC. 29. *Deep-Draft Vessels.*** – Deep-draft vessels navigating in the
18 Straits shall at night display three (3) lights in a vertical line visible over an arc
19 of the horizon of three hundred sixty degrees (360°) and in the daytime a
20 cylinder-shaped sign visible from all directions.

1 Other vessels in the traffic separation schemes shall keep clear of the
2 course of deep-draft vessels at crossing and turning points in the traffic
3 separation schemes, provide said deep-draft vessels sufficient space for
4 navigation, and must not obstruct the same during maneuvers.

5 CHAPTER IV

6 PRECAUTIONARY REGULATIONS CONCERNING THE TRAFFIC 7 SEPARATION SCHEME

8 **SEC. 30. *Nuclear-Powered Vessels.*** – To navigate through the traffic
9 separation schemes, nuclear-powered vessels or vessels carrying nuclear or
10 dangerous cargo or waste, which intend to pass through the Straits must obtain
11 permission prior to passage, in accordance with the existing rules and
12 regulations promulgated by the Department of Environment and Natural
13 Resources (DENR) and the Bureau of Fisheries and Aquatic Resources
14 (BFAR).

15 Vessels carrying dangerous cargo and nuclear-powered or nuclear cargo
16 carrying vessels, as well as vessels carrying nuclear, dangerous or noxious
17 waste, whose passage requires special permission, must comply with the
18 pertinent International Maritime Organization regulations and shall transport
19 their cargo according to these regulations. Such vessels will exhibit a (B)
20 pennant in the daytime and in the nighttime, a red light visible over an arc of

1 the horizon of three hundred sixty degrees (360°).

2 **SEC. 31. *Vessels which are Required to Take Pilot.*** – Local and
3 foreign large vessels, except foreign military vessels, that are transiting the
4 traffic separation schemes shall take a pilot for the safety of navigation, life,
5 property and the environment.

6 **SEC. 32. *Irregular Anchorage.*** – Vessels shall not anchor in the traffic
7 separation scheme except in emergency situations. Vessels which, while
8 navigating in the traffic separation scheme, anchor, berth at docks or quays, or
9 moor to buoys without providing notification and receiving permission, shall
10 be removed by pilots and tugboats provided by the PCG. The expenses for
11 such operations shall be paid by the vessel's owner, manager, or agent.

12 In case a vessel has to anchor due to an emergency, the TCS must be
13 immediately notified by the master of the vessel. The PCG shall then move the
14 vessel by using pilots and tugboats to a safer location to clear the traffic
15 separation scheme route. The expenses for such operations will be paid by the
16 owner, manager or agent of the vessel.

17 **SEC. 33. *Ban on Environmental Pollution.*** – No refuse, landfill, bilge
18 water, domestic and industrial waste, ecologically harmful or unsanitary
19 material, oil and other pollutants shall be dumped or discharged in the Straits.

20 Vessels in the Straits must take every measure not to create air pollution.

1 **SEC. 34. *Ban on Sailing Vessels and Vessels Under Oars.*** – Vessels
2 under sail or oars, swimming, or fishing in the traffic separation scheme is
3 forbidden. Sports activities such as sailing, rowing, and swimming shall require
4 prior permission from the PCG.

5 **SEC. 35. *Notification and Reporting Requirements.*** – Vessels
6 subjected to the traffic separation scheme under this Act shall comply with the
7 following notification and reporting requirements:

8 (a) The masters of vessels in the traffic separation scheme shall notify
9 the TCC of any incidents such as illness, disease, injury or death;

10 (b) Pilots, TCS personnel, masters and public officials who observe
11 vessels not complying with regulations or navigating improperly shall
12 immediately report the incident to the concerned port authority and shall
13 submit a written report within twenty-four (24) hours. The relevant port
14 authority shall take the necessary action at once and commence the legal
15 procedure concerning the vessel and her master; and

16 (c) Pilots shall inform their TCC of any maritime accident which
17 occurs on the vessels they are piloting as well as of any situation detrimental to
18 maritime safety which they may notice *en route*, and shall submit a written
19 report to the relevant port authority.

20 **SEC. 36. *Call Point Report.*** – Large vessels that enter the Strait shall

1 present a call point report *via* VHF. The contents and location of the report
2 shall be determined by the PCG.

3 **SEC. 37. *Air Draft.*** – Vessels navigating in the traffic separation
4 schemes in the Straits shall pay due attention to the navigational warning lights
5 of the bridges covering the Straits.

6 Vessels with air drafts between ten (10) meters or more shall be escorted
7 by as many tugboats as necessary to be determined by the PCG to ensure that
8 they keep on course.

9 **SEC. 38. *Local Maritime Traffic.*** – Vessels travelling between the
10 shores of the Straits, intra-city ferries, and other vessels shall cross the traffic
11 separation scheme routes as rapidly as possible and shall take care not to cause
12 evasive maneuvers. In case of the danger of collision, vessels shall take action
13 according to COLREG 72/79.

14 **SEC. 39. *Currents.*** – When the main surface current speed in the Strait
15 of Luzon exceeds four (4) NM per hour, then large vessels, deep-draft vessels
16 and hazardous-cargo-carrying vessels with a speed of ten (10) NM per hour or
17 less shall not enter the Strait and shall wait until current speeds are four (4) NM
18 per hour or less.

19 The PCG shall provide information on the state of the currents to the
20 vessels and others concerned.

1 When the current speed or direction has returned to normal, the
2 arrangement and order of entering the traffic separation schemes shall be
3 determined and notified to the waiting vessels and persons concerned by the
4 TCC.

5 **SEC. 40. *Visibility.*** – Information on reduced visibility shall be
6 provided by the TCC to vessels and others concerned.

7 (a) Whenever visibility is two (2) NM or less in any part of the traffic
8 separation schemes, vessels passing through the Straits shall keep their radar
9 turned on constantly to provide radar readings. On vessels with two (2) radars,
10 one (1) of them shall be assigned to the designated pilot's usage;

11 (b) When visibility is 1.5 NM or less in any part of the traffic
12 separation schemes, vessels whose radars do not provide complete display
13 abilities shall not enter the Straits;

14 (c) When visibility in the traffic separation schemes is one (1) NM or
15 less, vessels carrying hazardous cargo and large vessels shall not enter into the
16 traffic separation schemes;

17 (d) When visibility in any part of the traffic separation schemes is 0.5
18 NM, maritime traffic shall be open in the appropriate direction and closed in
19 the opposite. In such situations, only vessels less than 5,000 GRT and which do
20 not carry hazardous cargo may navigate in the direction open to traffic;

1 (e) When visibility in any part of the traffic separation schemes is less
2 than 0.5 NM, the traffic flow in the traffic separation schemes shall be closed in
3 both directions; and

4 (f) When visibility in the traffic separation schemes is suitable for
5 navigation, the arrangement and order of entering the Strait shall be determined
6 and notified to the waiting vessels and persons concerned by the TCC.

7 **SEC. 41. *Large Vessels with Hazardous Cargo.*** – When a vessel with
8 hazardous cargo enters the traffic separation schemes, a similar vessel may not
9 enter the same strait until the previous vessel has exited.

10 **SEC. 42. *Security and Customs Inspections.*** – Security and customs
11 inspections shall not take place in the traffic separation schemes. However,
12 when necessary, security and customs inspections can be carried out by
13 officials who board the vessels at pilot embarking positions, *en route* until
14 reaching port, at port, or at designated anchorage locations.

15 **SEC. 43. *Health Inspections.*** – Health inspections in the traffic
16 separation schemes may be carried out at pilot embarking positions and other
17 designated locations which will not affect navigational safety.

18 If due to compulsory circumstances health inspections cannot take place
19 at the location specified above, then they shall be carried out at positions to be
20 determined by the PCG.

SEC. 44. *Meeting Points with Agents.* – Vessels may hold contacts with agents for less than one (1) hour at the nearest available port to their location and to the far starboard side of their traffic separation lane.

For meetings longer than one (1) hour, anchorage locations shall be used.

CHAPTER V

FEES AND CHARGES

SEC. 45. *Pilotage and Other Fees.* – Pilotage shall be mandatory for all local and foreign large vessels entering or passing through the traffic separation schemes.

Foreign vessels under foreign flags shall be charged with a minimum amount of Five pesos (P5.00) per gross ton as pilotage fee. Foreign vessels under the Philippine flag shall be charged a minimum fee of Two pesos and fifty centavos (P2.50) per gross ton as pilotage fee.

The PCG and other relevant agencies, shall determine the appropriate fees to be charged for pilotage services within the traffic separation scheme. These fees shall be reasonable and based on international standards.

The PCG shall establish pilotage regulations for the traffic separation scheme to ensure safe, secure, and efficient navigation.

SEC. 46. *Anti-Piracy Fee.* – The PCG, in coordination with other relevant agencies, shall determine the appropriate fees to be charged for anti-

1 piracy services provided within the traffic separation scheme. These fees shall
2 aim to cover the costs of implementing effective anti-piracy measures.

3 **SEC. 47. *Pollution Control and Other Environmental Fees.*** – All
4 foreign large vessels entering the 200-nautical mile Exclusive Economic Zone
5 (EEZ) of the Philippines that pass through the schemes shall be charged with
6 pollution control and other environmental fees, the amount of which shall be
7 determined by the PCG but shall not be less than Five hundred thousand pesos
8 (P500,000.00) per vessel: *Provided*, that, all foreign flagged vessels entering
9 the EEZ and calling the Philippine ports shall also be charged with pollution
10 control and other environmental fees as stated above.

11 Local large vessels shall be charged with pollution control and other
12 environmental fees that shall be determined by the PCG but shall not be less
13 than Two hundred fifty thousand pesos (P250,000.00): *Provided*, that, local
14 vessels less than 300 GRT shall be exempt from such charges; *Provided*,
15 *further*, that tanker vessels 300 GRT or higher or vessels carrying nuclear
16 materials or package of at least 1 liter shall be charged at such rates as defined
17 above; *Provided, finally*, that foreign vessels with locally-registered flags shall
18 also be charged at such rates as herein defined except those which trade in the
19 BIMP-EAGA.

1 **SEC. 48. *Collaboration and Reporting.*** – The PCG and other relevant
2 agencies shall collaborate with international counterparts, neighboring
3 countries, and international organizations to enhance the effectiveness of
4 pilotage services and anti-piracy measures within the traffic separation
5 schemes.

6 **SEC. 49. *Compliance with Internationally Accepted Standards.*** – All
7 vessels, including foreign vessels, traversing the traffic separation scheme shall
8 adhere to internationally accepted navigational standards, including but not
9 limited to the IMO regulations and guidelines.

10 The PCG, in coordination with other relevant agencies, shall enforce
11 compliance with these standards within the traffic separation schemes and may
12 impose penalties or sanctions for violations accordingly.

13 **SEC. 50. *Utilization of Funds.*** – Revenues from pilotage and pollution
14 control and environmental fees collected from local and foreign vessels passing
15 through the traffic separation schemes under this Act shall be allocated as
16 follows:

17 (a) Twenty percent (20%) shall be given as share which shall be
18 divided proportionately to the local government units within the vicinity of the
19 schemes, to support local development initiatives, particularly those related to
20 maritime safety and environmental protection;

1 (b) Twenty percent (20%) shall be allocated to the Anti-Pollution
2 Control Fund that shall be jointly managed by the BFAR and the DENR, which
3 shall be utilized for the prevention, control, and mitigation of marine pollution
4 within the Straits and its adjacent waters;

5 (c) Ten percent (10%) of the fund shall be earmarked for the purchase
6 of pollution control equipment for the PCG, with the aim of enhancing their
7 capabilities in responding to and managing pollution incidents within the traffic
8 separation schemes;

9 (d) Five percent (5%) of the collected fees shall be used to fund the
10 implementation, improvement, and maintenance of the traffic separation
11 schemes, as well as to support the enhancement of maritime safety and
12 protection of the marine environment in the region by the PCG; and

13 (e) Fifteen percent (15%) shall be used for health, educational and
14 other social services programs of the national government.

15 The taxes from fees collected for anti-piracy services shall be utilized by
16 the PCG to strengthen the security measures within the Straits, including the
17 purchase and deployment of patrol vessels, surveillance systems, and personnel
18 training.

19 **CHAPTER VI**

20 **PENALTIES**

SEC. 51. *Prohibited Acts.* – The following shall be prohibited under this Act:

(a) Irregular Anchorage as defined under Sec. 31 of this Act;

(b) Intentional discharge or dumping of refuse, landfill, bilge water, domestic and industrial waste or other material which are ecologically harmful in the Straits;

(c) Unauthorized navigation of vessels under sail or oars, swimming, or fishing in the traffic separation schemes; and

(d) Any other violation as provided in this Act.

SEC. 52. *Penalty Provisions.* – Any person who commits any of the unlawful acts enumerated in the next preceding section shall be punished with imprisonment of *arresto mayor* or a fine of not less than Five hundred thousand pesos (P500,000.00) or both, at the discretion of the court.

CHAPTER VII

FINAL PROVISIONS

SEC. 53. *Compliance with Internationally Accepted Standards.* – All vessels, including foreign vessels, traversing the traffic separation scheme shall adhere to internationally accepted navigational standards, including but not limited to the IMO regulations and guidelines.

1 The PCG, in coordination with other relevant agencies, shall enforce
2 compliance with these standards within the traffic separation schemes and may
3 impose penalties or sanctions for violations accordingly.

4 **SEC. 54. *Assistance of Law Enforcement Agencies.*** – Any law
5 enforcement agency shall, upon call or request of the PCG, render assistance in
6 enforcing the provisions of this Act including the rules and regulations
7 promulgated by it including the prosecution of violators of this Act in
8 accordance with law and the rules of court.

9 **SEC. 55. *Joint Congressional Overnight Committee on Maritime***
10 ***Traffic Regulation.*** – There is hereby created a joint congressional oversight
11 committee. The committee shall be co-chaired by chairpersons from the
12 Committees on Public Services and Transportation of the Senate and the House
13 of Representatives, respectively. The committee members shall be composed
14 of Chairpersons from the following committees of the Senate and House of
15 Representatives:

16 (a) Committee on National Defense of the House of Representatives;

17 (b) Committee on National Defense and Security, Peace, Unification
18 and Reconciliation of the Senate;

19 (c) Committee on Justice of the House of Representatives;

20 (d) Committee on Justice and Human Rights of the Senate;

- 1 (e) Committee on Foreign Affairs of the House of Representatives;
- 2 (f) Committee on Foreign Relations of the Senate;
- 3 (g) Committee on Environment and Natural Resources of the House
- 4 of Representatives; and
- 5 (h) Committee on Environment, Natural Resources and Climate
- 6 Change of the Senate.

7 The mandate given to the joint congressional oversight committee under

8 this Act shall be without prejudice to the performance of the duties and

9 functions by the respective existing oversight committees of the Senate and the

10 House of Representatives.

11 **SEC. 56. *Appropriations.*** – The sum of Five billion pesos

12 (P5,000,000.000.00) from the National Treasury not otherwise appropriated is

13 hereby appropriated for the initial implementation of this Act. Thereafter, such

14 sum as maybe necessary for its continued implementation shall be included in

15 the General Appropriations Act.

16 **SEC. 57. *Implementing Rules and Regulations.*** – Within ninety (90)

17 working days from the effectivity of this Act, the DOT shall, in cooperation

18 with the PCG, PPA, and other relevant government agencies, promulgate the

19 necessary rules and regulations for the effective implementation of this Act.

20 **SEC. 58. *Separability Clause.*** – If any portion or provision of this Act

1 is subsequently declared invalid or unconstitutional, other provisions hereof
2 which are not affected thereby shall remain in full force and effect.

3 **SEC. 59. *Repealing Clause.*** – All laws, acts, presidential decrees,
4 executive orders, presidential proclamations, issuances, rules and regulations,
5 or parts thereof which are contrary to or inconsistent with any of the provisions
6 of this Act are hereby repealed, amended, or modified accordingly.

7 **SEC. 60. *Effectivity.*** – This Act shall take effect fifteen (15) days after
8 its publication in the *Official Gazette* or in a newspaper of general circulation.

9 Approved,