S. No. 2665
H. No. 9034

Republic of the Philippines

Congress of the Philippines

Metro Manila

Nineteenth Congress

Third Regular Session

Begun and held in Metro Manila, on Monday, the twenty-second day of July, two thousand twenty-four.

[REPUBLIC ACT NO. 12065]

AN ACT PROVIDING FOR THE ESTABLISHMENT OF ARCHIPELAGIC SEA LANES IN THE PHILIPPINE ARCHIPELAGIC WATERS, PRESCRIBING THE OBLIGATIONS OF FOREIGN SHIPS AND AIRCRAFT EXERCISING THE RIGHT OF ARCHIPELAGIC SEA LANES PASSAGE THROUGH THE DESIGNATED ARCHIPELAGIC SEA LANES, AND FOR OTHER PURPOSES

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

SECTION. 1. *Short Title.* – This Act shall be known as the "Philippine Archipelagic Sea Lanes Act".

SEC. 2. *Declaration of Policy.* – It is hereby declared the policy of the State to ensure the protection of its maritime domain and to safeguard the sovereignty of the State and the

integrity of the national territory. Towards this end, the State shall adhere to and implement the provisions of the 1982 United Nations Convention on the Law of the Sea (UNCLOS) and other relevant conventions to which the Philippines is a party.

Consistent with the national interest, the State likewise reiterates its policy of adopting and pursuing freedom against nuclear weapons in its territories, as enunciated in Article II, Section 8 of the 1987 Philippine Constitution.

SEC. 3. *Scope of Application.* – This Act shall govern the exercise of archipelagic sea lanes passage by foreign ships and aircraft through established and designated archipelagic sea lanes and air routes: *Provided,* That pending the establishment and designation of the archipelagic sea lanes and air routes, ships and aircraft passing through routes normally used for international navigation and overflight shall comply with the provisions of this Act.

SEC. 4. *Definition of Terms.* – For purposes of this Act:

(a) *Archipelagic sea lanes* refer 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 lanes 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: *Provided,* That such passage is not prejudicial to the peace, good order, and security of the Philippines;

(c) *Archipelagic waters* refer to the waters on the landward side of the archipelagic baselines as defined in the Philippine Maritime Zones Act;

(d) *Associated protective measures* refer to measures that the Philippines may adopt to regulate international maritime activities for the protection of areas at risk from navigation and overflight. These shall include all measures adopted or

proposed for adoption in accordance with the regulations of the International Maritime Organization (IMO);

(e) *Bioprospecting* refers to the research, collection, and utilization of biological and genetic resources for purposes of applying the knowledge derived therefrom for commercial purposes;

(f) *Hydrographic survey* refers to a survey for the determination of data relating to bodies of water. It 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;

(g) *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. It is an expedition to gather data, samples, or information for such studies or examinations;

(h) *Right of innocent passage* refers to the continuous and expeditious passage of foreign vessels through the territorial sea that is not prejudicial to the peace, good order, or security of the Philippines. The passage includes stopping and anchoring, but only insofar as the same are incidental to ordinary navigation or are rendered necessary by *force majeure,* distress, or to render assistance to persons, ships, or aircraft in danger or distress. Passage shall be considered prejudicial to the peace, good order, or security of the Philippines if, in the territorial sea, the vessel engages in any of the activities enumerated in Article 19 of the UNCLOS. Subject to Article 53 and without prejudice to Article 50 of the UNCLOS, ships of all States shall also enjoy the right of innocent passage through archipelagic waters;

(i) *Traffic separation scheme* refers to a routeing measure for the separation of opposing streams of traffic by appropriate means and by the establishment of traffic lanes; and

(j) *Territorial sea* refers to the adjacent belt of sea measured twelve (12) nautical miles from the baselines as defined in the Philippine Maritime Zones Act.

SEC. 5. *Right of Archipelagic Sea Lanes Passage.* – In accordance with the provisions of the UNCLOS on archipelagic sea lanes passage, as well as the provisions of the Convention on International Civil Aviation, otherwise known as the Chicago Convention, foreign ships and aircraft may exercise the rights of navigation and overflight 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.

Archipelagic sea lanes shall be defined by a series of continuous axis lines and specific coordinates from entry points of passage routes to the exit points, drawn over archipelagic waters.

The right of archipelagic sea lanes passage shall be exercised through a sea lane or the air route above a sea lane that has been established and designated to be an archipelagic sea lane for that purpose.

SEC. 6. *Establishment of Archipelagic Sea Lanes and Air Routes.* – In accordance with the UNCLOS, Chicago Convention, and the general guidelines and procedures of the IMO and the International Civil Aviation Organization (ICAO), a system of archipelagic sea lanes and air routes, through which foreign vessels and aircraft shall exercise the right of archipelagic sea lanes passage, shall be established and designated by the President, with the assistance of competent government agencies following the routes, factors, and/or reasons outlined in the succeeding sections.

SEC. 7. *Archipelagic Sea Lanes and Air Routes.* – The system of archipelagic sea lanes of the Philippines and the air routes thereabove shall be defined by connecting the coordinates of the following axis lines:

(a) Philippine Sea - Balintang Channel - West Philippine Sea.

(b) Celebes Sea - Sibutu Passage - Sulu Sea - Cuyo East Pass - Mindoro Strait - West Philippine Sea.

(c) Celebes Sea - Basilan Strait - Sulu Sea - Nasubata Channel - Balabac Strait - West Philippine Sea.

Passage through the said sea lanes and air routes may be undertaken in both directions between the entry and exit points.

SEC. 8. *Factors for Selection.* – The following factors shall be considered by the President in the identification, proposal, and designation of the coordinates of the archipelagic sea lanes specified in Section 7 hereof, as well as in the establishment and designation of substitute sea lanes or air routes:

(a) National security and public safety;

(b) Safety of navigation, both domestic and international, to safeguard life and property at sea;

(c) The presence of Particularly Sensitive Sea Areas designated, or to be designated, in accordance with international law;

(d) Protection of fishing grounds and key biodiversity areas in Philippine Maritime Zones;

(e) Management of risks of pollution on account of ship operations and accidents;

(f) Suitability for continuous, expeditious, and unobstructed transit from one part of the EEZ or high seas to another part of the EEZ or high seas; and

(g) Non-duplication of routes of similar convenience between the same entry and exit points into archipelagic waters.

SEC. 9. *Substitution of Archipelagic Sea Lanes.* – The President, in the interest of national security, safety of navigation, and the public interest, upon formal notification to Congress and due publicity, may substitute other archipelagic sea lanes for those previously established and designated: *Provided,* That the factors for selection have likewise been duly considered and adequate measures for protection of Philippine interests have been prepared: *Provided, further,* That the substitution is likewise carried out in accordance with the guidelines and procedures of the IMO.

SEC. 10. *Consultation with the Competent and Pertinent International Organization.* – Consistent with Article 53 of the UNCLOS and the pertinent sections of this Act, the President, upon consultation with the appropriate agencies of the government and acting through the Department of Foreign Affairs (DFA), shall, within one (1) year from the effectivity of this Act, consult with the IMO and ICAO with a view towards the adoption of such sea lanes and air routes: *Provided,* That the IMO and ICAO may adopt only such sea lanes and air routes as may be agreed with the Philippines.

SEC. 11. *Effectiveness of Designation.* – Upon the IMO's adoption of the Philippines' proposal and due publicity, the President shall issue a proclamation establishing and designating the archipelagic sea lanes containing the specific coordinates defining the axis lines of all the archipelagic sea lanes, which shall take effect six (6) months after such issuance.

The National Mapping and Resource Information Authority (NAMRIA) shall cause the publication and submission of the charts depicting the coordinates of the sea lanes to the IMO after the establishment and designation by the President. The coordinates of the air routes above the archipelagic sea lanes shall likewise be submitted to the IMO together with the charts of the sea lanes.

SEC. 12. *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: *Provided,* That sea lanes, traffic separation schemes, and other associated protective measures for the safety of navigation and life at sea may be prescribed for the exercise of the right of innocent passage through such waters.

SEC. 13. *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 complied with:

(a) Foreign ships and aircraft shall pass through or above the archipelagic sea lanes 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 on either side of such axis lines during the passage: *Provided,* That such ships and aircraft shall not navigate closer to the coasts than ten percent (10%) of the distance between the nearest points on islands bordering the sea lane: *Provided, further,* That aircraft shall not traverse over or through the airspace of any island or land territory of the Philippines, even if located within twenty-five (25) nautical miles of the axis lines;

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

(d) Foreign ships shall refrain from stopping, dropping anchor, or loitering, except when rendered necessary by *force majeure,* distress, or to render assistance to persons, ships, or aircraft in danger or distress: *Provided,* That vessels anchoring on account of *force majeure* or to render assistance to persons, ships, or aircraft in danger or distress may be subject to boarding and inspection by Philippine government vessels;

(e) Foreign ships or aircraft shall refrain from any activity other than those incidental to continuous, expeditious, and unobstructed transit through the archipelagic sea lanes, nor shall they deviate more than twenty-five (25) nautical miles from the axis of the archipelagic sea lanes, unless rendered necessary by *force majeure* or distress, in which case such shall be subject to Philippine approval, when appropriate;

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

(g) Foreign ships or aircraft shall keep their automatic identification systems (AIS), transponders, or other means of identification and communication turned on throughout their passage through Philippine archipelagic waters and shall duly respond to communications from the Philippine Coast Guard (PCG), the Civil Aviation Authority of the Philippines (CAAP), and other agencies of the Government of the Republic of the Philippines; and

(h) Foreign nuclear-powered ships and ships carrying inherently dangerous or noxious substances shall carry documents and observe special precautionary measures established for such ships by applicable international conventions or agreements when traversing the Philippine archipelagic waters in the exercise of archipelagic sea lanes passage or innocent passage: *Provided,* That in the exercise of said rights, the declared policy in the second paragraph of Section 2 is observed and complied with.

SEC. 14. *Prohibition of the Threat or Use of Force and Passage Prejudicial to the Security of the Philippines.* – Foreign ships and aircraft exercising the right of archipelagic sea lanes passage shall not engage in threat or use of force against the sovereignty, territorial integrity, or political independence of the Republic of the Philippines, or in any other manner, act in violation of the principles of international law embodied in the Charter of the United Nations.

SEC. 15. *Prohibition on War Games and Other Military Exercises.* – Foreign ships and aircraft, including warships and military aircraft, shall not undertake or engage in any war games or other military exercises, especially those involving the use of any type of weapons and/or ordnance, intelligence gathering, surveillance, or reconnaissance assets or equipment. Such foreign ships or aircraft shall pass without delay through or over the sea lanes and air routes in the normal mode solely for continuous, expeditious, and unobstructed transit: *Provided,* That military exercises undertaken in Philippine archipelagic waters by foreign warships and military aircraft with the warships and military aircraft of the Philippines, under applicable international defense agreements, shall be exempt from this prohibition: *Provided, further,* That the Philippines shall give publicity to any danger to navigation or overflight within or over the sea lanes in relation to such exercise: *Provided, finally,* That the foregoing provisions shall not prejudice the right of the Philippines to establish reasonable and appropriate measures that protect its national security without unduly hampering or denying the exercise of the rights of archipelagic sea lanes passage and innocent passage.

SEC. 16. *Prohibition Against Marine Pollution.* – Foreign ships and aircraft exercising archipelagic sea lanes passage shall not:

(a) Discharge oil, oily wastes, solid waste, other noxious substances, or ballast water in Philippine territory and maritime zones;

(b) Discharge sewage, garbage, and air emissions from ships in Philippine territory and maritime zones in violation of existing conventions on the prevention of pollution; or

(c) Conduct any other activities that violate Philippine laws and international regulations and standards for the prevention, reduction, and control of marine pollution.

SEC. 17. *Prohibition Against the Conduct of Research and Survey Activities and Interference with Philippine 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 from the appropriate agency of the Government of the Republic of the Philippines. Foreign ships or aircraft shall not interfere with the survey or marine scientific research activities carried out by the Philippines in the sea lanes or air routes thereabove.

SEC. 18. *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 exercising the right of archipelagic sea lanes passage shall stow all fishing equipment within the hold, in addition to fulfilling their obligations under paragraph (a) herein.

(c) Foreign ships and aircraft, while exercising the right of archipelagic sea lanes passage, shall not load to and unload from a ship persons, goods, or currency in a manner that contravenes the laws and regulations concerning customs, immigration, sanitation, and fiscal matters.

SEC. 19. *Compliance with Navigational Regulations, Procedures, and Traffic Schemes.* – While exercising the right of archipelagic sea lanes passage, foreign ships shall:

(a) Comply with the generally accepted international regulations, procedures, and practices concerning the safety of navigation, including regulations relating to the prevention of collisions at sea;

(b) Comply with the provisions of traffic separation schemes and associated protective measures established for the safety of navigation through the archipelagic sea lanes;

(c) Sail at a safe speed and maintain safe distances so as not to cause disturbance to navigational aids, submarine cables or pipelines, and other duly authorized floating installations or devices; and

(d) Observe safety zones, areas to avoid, or no-sail zones duly established and given due publicity by the appropriate agencies.

SEC. 20. *Compliance with Applicable Air Rules and Regulations on Flight Safety.* – Foreign aircraft exercising the right of archipelagic sea lanes passage shall:

(a) Observe the Rules of the Air established by the CAAP, the ICAO, and such other conventions or treaties to which the Philippines is a party, as they apply to civil aircraft. State aircraft shall normally comply with such safety measures and at all times operate with due regard for the safety of navigation; and

(b) Monitor the radio frequency assigned by the competent internationally designated air traffic control authority or the appropriate international distress radio frequency at all times.

SEC. 21. *Liability for Damage.* –

(a) The person or legal entity 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 non-compliance with any of the provisions of this Act while exercising the right of archipelagic sea lanes passage.

(b) The flag state or the state of registry shall bear international responsibility for any loss or damage suffered by the Philippines or any third party as a result of non-compliance with any of the provisions of this Act by a foreign warship, military aircraft, or other government ship or aircraft operated for non-commercial purposes while exercising the right of archipelagic sea lanes passage.

(c) If any foreign warship or military aircraft does not comply with the laws and regulations of the Philippines on passage through or over the archipelagic waters and disregards any request for compliance therewith, such foreign warship or military aircraft shall be required by the appropriate agency or agencies of the Government of the Republic of the Philippines to immediately leave the Philippine archipelagic waters or airspace.

SEC. 22. *Immunities of Foreign Warships or Military Aircraft or Other Government Ships or Aircraft Operated for Non-Commercial Purposes.* – The immunities of foreign warships or military aircraft or other government ships or aircraft operated for non-commercial purposes shall be respected pursuant to the pertinent provisions of the UNCLOS and international law.

SEC. 23. *Reciprocity and Mutual Respect.* – The rights and privileges of foreign ships and aircraft in Philippine archipelagic waters herein provided are recognized under conditions of reciprocity and mutual respect. The ships and aircraft of foreign states that do not abide by, or that act inconsistently with, the UNCLOS, in violation of Philippine sovereignty, sovereign rights, or jurisdiction, or resulting in injury or damage, shall not be entitled to exercise the rights,

nor be owed the obligations, relative to the regime of archipelagic waters and the right of archipelagic sea lanes passage under Part IV of the UNCLOS.

SEC. 24. *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, or other special laws, shall be punishable under the provisions of such laws.

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) or its equivalent in Philippine currency, or both imprisonment and fine, at the discretion of the court.

The penalty shall be imposed upon the master of the ship or the captain of the aircraft, or the owner or operator of the ship 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.

SEC. 25. *Appropriations.* – The amount necessary for the immediate implementation of this Act shall be included in the annual General Appropriations Act.

SEC. 26. *Separability Clause.* – If any portion or provision of this Act is declared unconstitutional or invalid, the other portions or provisions that are not affected thereby shall continue to be in full force and effect.

SEC. 27. *Repealing Clause.* – All laws inconsistent with or contrary to the provisions of this Act are deemed amended, modified, or repealed accordingly.

SEC. 28. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,

FERDINAND MARTIN G. ROMUALDEZ
Speaker of the House of Representatives

FRANCIS "CHIZ" G. ESCUDERO
President of the Senate

This Act, which is a consolidation of Senate Bill No. 2665 and House Bill No. 9034, was passed by the Senate of the Philippines and the House of Representatives on September 4, 2024 and September 9, 2024, respectively.

REGINALD S. VELASCO
Secretary General
House of Representatives

RENATO N. BANTUG JR.
Secretary of the Senate

Approved: NOV 07 2024

FERDINAND ROMUALDEZ MARCOS JR.
President of the Philippines

O

REPUBLIC OF THE PHILIPPINES

PBBM006396