REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

House Bill No. _____**1947**_____

Introduced by **MAGDALO Party-List Representative**
HON. MANUEL DG. CABOCHAN III

EXPLANATORY NOTE

The maritime dispute that exists between China and the Philippines has existed for decades. The aggressive stance of China is based on their "historical" claim outlined by a 9-dash line which has eaten up a large area of the Exclusive Economic Zones (EEZs) of the Philippines and other ASEAN claimant nations.

The 9-dash line started in 1947 after China marked its South China Sea territorial claims with a U-shaped line made up of 11 dashes covering most of the area. 2 of the 11 dashes were erased however after the Communist Party removed the Gulf of Tonkin portion in 1953. Through the years, the 9-dash line demarcation has been used by China to assert their rights in the disputed area.

In 1988, China seized Subi Reef by erecting a radar structure and military facilities in the reef. Subi Reef lies within the continental shelf of the Philippines. Further, in 1995 China takes control of disputed Mischief Reef, constructing octagonal huts on stilts that Chinese officials say will serve as shelters for fishermen. Mischief Reef is located 125 nautical miles from Palawan, a low-tide elevation (LTE) within the Philippines' EEZ. Again in 2012, the rift between China and the Philippines escalated after a tense standoff between the Chinese Coast Guard and the Philippine Navy in the Scarborough Shoal after the latter stopped a Chinese fishing boat to inspect it which China eventually took control of.

After exchanging views with China and exhausting almost all political and diplomatic remedies for a peaceful settlement of our maritime dispute with China, a tangible resolution still remains elusive. The conflict between China and the Philippines further intensified when China continued with their reclamation in the area reclaiming lands thru massive dredging operations, turning sandbars into islands equipped with airfields, ports, and lighthouses.

In 2013, an unprecedented move was initiated by the Philippine Government when it instituted arbitral proceedings against China at the Permanent Court of Arbitration in The Hague. Philippines asked the Arbitration Tribunal to invalidate China's "nine-dash line" claim because it does not conform to the United Nations Convention on the Law of the Sea (UNCLOS), an international treaty signed and ratified by both China and the Philippines, and

was regarded as the Constitution of the Seas. The UNCLOS defines the limits of a nation's maritime sovereignty claims. This convention was ratified by both the Philippines and China. Under its provisions, areas within 200 nm from the country's baselines would be part of the EEZ.

After conducting multiple proceedings on the arbitration case raised by the Philippines, the Permanent Court of Arbitration issued on July 12, 2016 a unanimous decision favoring the Philippines. The PCA declared that China's "nine-dash line" has no legal basis in international law. Moreover, the efforts exerted by the Philippine Government displayed our country's commitment to international law and due process. More importantly, the PCA ruling affirms the country's entitlements over the resources within the West Philippine Sea.

In order to commemorate the momentous victory by the Philippines in the PCA, there is a need to designate the 12th of July as a Special Working Holiday in order to preserve the significance and importance of the ruling, and to ensure that our rights and access over the resources in the West Philippine Sea are preserved as well as to endeavor the government to continually uphold our rights in the West Philippine Sea and ascertain that the policies that the government will pursue is consistent with this ruling.

In view of the national interest, approval of this bill is earnestly sought.

MANUEL DG. CABOCHAN III
Representative
Magdalo Para sa Pilipino Party-List

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HON. MANUEL DG. CABOCHAN III

AN ACT
DECLARING JULY 12 OF EVERY YEAR AS A SPECIAL WORKING HOLIDAY IN THE ENTIRE COUNTRY TO COMMEMMORATE THE HISTORIC DECISION OF THE PERMANENT COURT OF ARBITRATION (PCA) IN FAVOR OF THE PHILIPPINES OVER THE WEST PHILIPPINE SEA MARITIME DISPUTE

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

1   **SEC. 1.** This Act shall be known as the *"West Philippine Sea Victory Day."*
2

3   **SEC.2.** July 12 of every year shall be declared a special working holiday to
4 commemorate the day when the historic decision made by the Permanent Court of Arbitration
5 (PCA) in The Hague was issued.
6

7   **SEC.3.** To ensure the meaningful observance of the holiday as herein declared, the
8 Department of Foreign Affairs (DFA), shall plan and implement activities for the *"West*
9 *Philippine Sea Victory Day"* and ensure that the significance of this historic decision shall
10 continue to inspire and instill a sense of pride in every Filipino as well as to endeavor the
11 government to continually uphold our rights in the West Philippine Sea and ascertain that the
12 policies that the government will pursue is consistent with this ruling.
13

14   Likewise, the Department of Education (DepEd) and the Commission on Higher
15 Education (CHEd) is directed to include in their respective curriculum the background/
16 history of the West Philippine Sea and the events leading to the victory of the Philippines
17 before the PCA on July 12, 2016.
18

19   **SEC.4.** If any provision of this Act is declared unconstitutional, the same shall not
20 affect the validity and effectivity of the other provisions hereof.
21

22   **SEC.5.** All laws, decrees, orders, and issuances or portions thereof which are
23 inconsistent with the provisions of this Act are hereby repealed, amended, or modified
24 accordingly.
25

26   **SEC.6.** This Act shall take effect fifteen (15) days after its publication in the *Official*
27 *Gazette* or in a newspaper of general circulation.

Approved,

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