



Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City



**EIGHTEENTH CONGRESS**

**First Regular Session**

**4194**

**HOUSE BILL NO.** \_\_\_\_\_

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**Introduced by Representative ANN K. HOFER**

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**EXPLANATORY NOTE**

This bill 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 proposed measure provides for the rights and obligations of foreign ships and aircraft when exercising the right of archipelagic sea lanes passage and emphasizes that the exercise of said right must be consistent with the constitutional mandate of freedom from nuclear weapons in Philippine territory.

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





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**AN ACT**  
**PROVIDING FOR THE ESTABLISHMENT OF 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.

SEC. 3. *Definition of Terms.* - As used in this Act, the following terms are defined in accordance with the UNCLOS:

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



1 archipelagic sea lanes passage;

2 b) *Archipelagic sea lane passage* refers to the exercise in accordance with the  
3 UNCLOS of the rights of navigation and overflight in the normal mode solely for the purpose  
4 of continuous, expeditious and unobstructed transit between one part of the high seas or an  
5 exclusive economic zone (EEZ) and another part of the high seas or an EEZ;

6 c) *Archipelagic waters* refer to the waters on the landward side of the archipelagic  
7 baselines except as defined as Internal Waters;

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

10 e) *Hydrographic survey* refers to a survey measuring and describing the physical  
11 features of the navigable portion of the earth's surface (seas) and adjoining coastal areas, with  
12 special reference to their use for navigation;

13 f) *Oceanographic survey* refers to a study or examination of any physical, chemical,  
14 biological, geological or geophysical condition in the ocean, or any part of it;

15 g) *Right of innocent passage* refers to the right of foreign vessels to navigate through  
16 the territorial seas of all States for the purpose of continuous and expeditious travel or for  
17 proceeding to or from internal waters. The passage is innocent when it is not prejudicial to the  
18 peace, good order or security of the coastal State; and

19 h) *Territorial sea* refers to the belt of sea measured twelve (12) nautical miles from  
20 the baselines or from the low-water line, as the case may be.

## 22 CHAPTER II

### 23 RIGHTS AND OBLIGATIONS OF FOREIGN SHIPS AND AIRCRAFT 24 WHEN EXERCISING THE RIGHT OF ARCHIPELAGIC SEA LANES PASSAGE 25

26 SEC. 4. *Right of Archipelagic Sea Lanes Passage.* – Foreign ships and aircraft may  
27 exercise the right of archipelagic sea lanes passage in accordance with the provisions of  
28 UNCLOS in order to navigate or fly from one part of the high seas or an EEZ to another part  
29 of the high seas or an EEZ through or over the Philippine archipelagic waters and its adjacent  
30 territorial sea. Such sea lanes shall be defined by a series of continuous axis lines from the  
31 entry points of passage routes to the exit points.

32 The exercise of the right of archipelagic sea lanes passage shall be through a sea lane,



1 or through the air above a sea lane, which has been determined to be an archipelagic sea lane  
2 that may be used for exercising the right of archipelagic sea lanes passage as described in  
3 Section 12 hereof.

4 **SEC. 5. *Obligations in the Exercise of the Right of Archipelagic Sea Lanes Passage.***

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

7 a) Foreign ships and aircraft shall pass through or above the archipelagic sea lane as  
8 quickly as possible without delay and in the normal mode solely for the purpose of continuous,  
9 expeditious and unobstructed transit;

10 b) Foreign ships and aircraft shall not deviate more than twenty-five (25) nautical miles  
11 to either side of the axis line of the sea lane: *Provided*, That such ships and aircraft shall not  
12 navigate closer to the coast more than ten percent (10%) of the distance between the nearest  
13 points on islands bordering the sea lane;

14 c) Foreign ships and aircraft shall refrain from any threat or use of force against the  
15 sovereignty, territorial integrity, or political independence of the Republic of the Philippines,  
16 or in any other manner in violation of the principles of international law embodied in the  
17 Charter of the United Nations;

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

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

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

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

29 **SEC. 6. *Permit to Conduct Oceanographic or Hydrographic Surveys.*** – Foreign ships  
30 or aircraft, including research or hydrographic survey ships or aircraft, while exercising the  
31 right of archipelagic sea lanes passage, shall not conduct oceanographic or hydrographic



1 surveys, whether with the use of detection equipment or sample gathering equipment, unless  
2 prior permission to do so from the appropriate agency of the Government of the Republic of  
3 the Philippines has been obtained.

4 SEC. 7. ***Prohibited Acts.*** – The following are prohibited acts:

5 a) Foreign ships, including fishing vessels, while exercising the right of  
6 archipelagic sea lanes passage, shall not conduct any fishing operation or exploitation of  
7 marine resources of the Philippines;

8 b) Foreign fishing vessels, while exercising the right of archipelagic sea lanes passage,  
9 besides fulfilling their obligations under paragraph (a) hereof, shall stow all fishing equipment  
10 within the hold; and

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

15 SEC. 8. ***Compliance with Navigational Regulations, Procedures and Traffic Scheme.***

16 – While exercising the right of archipelagic sea lanes passage, foreign ships shall:

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

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

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

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

25 SEC. 9. ***Obligations of Foreign Civil Aircrafts.*** –

26 a) Foreign civil aircrafts exercising the right of archipelagic sea lanes passage shall:

27 (1) Observe the Rules of the Air established by the International Civil Aviation  
28 Organization (ICAO); and

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







1 Philippine National Policy, the President shall promulgate through Executive Issuance the  
2 archipelagic sea lanes which may be used for the right of archipelagic sea lanes passage and  
3 the rules and regulations relating to Associated Protective Measures to be prescribed, within  
4 areas along the archipelagic sea lanes in accordance with the International Maritime  
5 Organization (IMO) conventions and regulations and other relevant international agreements.

6  
7 **CHAPTER IV**  
8 **FINAL PROVISIONS**  
9

10 SEC. 13. ***Right of Innocent Passage.*** – The provisions of this Act shall not diminish  
11 the rights of foreign ships to exercise the right of innocent passage in archipelagic sea lanes.

12 SEC. 14. ***National Coast Watch System (NCWS).*** – The NCWS, created by virtue of  
13 Executive Order No. 57, Series of 2011, under the control and supervision of the Office of the  
14 President, shall serve as the coordinating mechanism for the implementation of this Act and  
15 shall continue to operate in accordance with its present organizational structure.

16 In addition to its powers, functions, and duties, the National Coast Watch Council  
17 (NCWC) shall provide technical and advisory support to the President in designating the  
18 archipelagic sea lanes. Further, the National Coast Watch Center (NCW Center) shall establish,  
19 monitor, and implement Associated Protective Measures for the designated archipelagic sea  
20 lanes.

21 SEC. 15. ***Separability Clause.*** – If any portion or provision of this Act is declared  
22 unconstitutional or invalid, the other portions or provisions hereof which are not affected  
23 thereby shall continue to be in full force and effect.

24 SEC. 16. ***Repealing Clause.*** – All laws inconsistent with or contrary to the provisions  
25 of this Act are deemed amended, modified or repealed accordingly.

26 SEC. 17. ***Effectivity.*** – This Act shall take effect fifteen (15) days after its publication  
27 in the *Official Gazette* or in a newspaper of general circulation.

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29 Approved,