



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

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DATE:	<u>24 AUG 2016</u>
TIME:	<u>4:30 PM</u>
BY:	<u>[Signature]</u>
REGISTRATION UNIT BILLS AND INDEX SERVICE	

SEVENTEENTH CONGRESS
First Regular Session
HOUSE BILL NO. 3285

Introduced by Honorable LINABELLE RUTH R. VILLARICA

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.

A similar bill, House Bill No. 4888, which was substituted by House Bill No. 5487 under Committee Report No. 574, authored by Honorable Al Francis C. Bichara was approved by the House of Representatives on Third Reading during the Sixteenth Congress.

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

A handwritten signature in cursive script, appearing to read "J. P. Villanueva".



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SEVENTEENTH CONGRESS
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HOUSE BILL NO. 3285

Introduced by Honorable LINABELLE RUTH R. VILLARICA

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

1
2 **SECTION 1. *Short Title.*** - This Act shall be known as the “*Philippine*
3 *Archipelagic Sea Lanes Act.*”

4 **SEC. 2. *State Policy.*** - The State, in the exercise of its duty to protect its
5 maritime domain, shall implement and adhere to the provisions of the 1982
6 United Nations Convention on the Law of the Sea (UNCLOS) and relevant
7 international conventions to which the Philippines is a party.

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

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

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

10 c) *Archipelagic waters* refer to the waters on the landward side of the
11 archipelagic baselines except as defined as internal waters;

12 d) *Associated protective measure* refers to a measure that a coastal state
13 may adopt to regulate international maritime activities for the protection of the
14 area at risk;

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

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

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

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

1 CHAPTER II

2 RIGHTS AND OBLIGATIONS OF FOREIGN SHIPS AND AIRCRAFT
3 WHEN EXERCISING THE RIGHT OF ARCHIPELAGIC SEA LANES
4 PASSAGE
5

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

13 The exercise of the right of archipelagic sea lanes passage shall be
14 through a sea lane, or through the air above a sea lane, which has been
15 determined to be an archipelagic sea lane that may be used for exercising the
16 right of archipelagic sea lanes passage as described in Section 12 hereof.

17 SEC. 5. *Obligations in the Exercise of the Right of Archipelagic Sea*
18 *Lanes Passage.* – In the exercise of the right of archipelagic sea lanes passage,
19 the following obligations must be observed:

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

23 b) Foreign ships and aircraft shall not deviate more than twenty-five (25)
24 nautical miles to either side of the axis line of the sea lane: *Provided*, That such
25 ships and aircraft shall not navigate closer to the coast more than ten percent
26 (10%) of the distance between the nearest points on islands bordering the sea
27 lane;

28 c) Foreign ships and aircraft shall refrain from any threat or use of force

1 against the sovereignty, territorial integrity, or political independence of the
2 Republic of the Philippines, or in any other manner in violation of the principles
3 of international law embodied in the Charter of the United Nations;

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

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

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

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

17 **SEC. 6. *Permit to Conduct Oceanographic or Hydrographic Surveys.*** –
18 Foreign ships or aircraft, including research or hydrographic survey ships or
19 aircraft, while exercising the right of archipelagic sea lanes passage, shall not
20 conduct oceanographic or hydrographic surveys, whether with the use of
21 detection equipment or sample gathering equipment, unless prior permission to
22 do so from the appropriate agency of the Government of the Republic of the
23 Philippines has been obtained.

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

25 a) Foreign ships, including fishing vessels, while exercising the right of
26 archipelagic sea lanes passage, shall not conduct any fishing operation or
27 exploitation of marine resources of the Philippines and shall stow all fishing

1 equipment within the hold; and

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

7 SEC. 8. ***Compliance with Navigational Regulations, Procedures and***
8 ***Traffic Scheme.*** – While exercising the right of archipelagic sea lanes passage,
9 foreign ships shall:

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

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

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

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

18 SEC. 9. ***Obligations of Foreign Civil Aircraft.*** – a) Foreign civil aircraft
19 exercising the right of archipelagic sea lanes passage shall:

20 i. Observe the Rules of the Air established by the International
21 Civil Aviation Organization (ICAO); and

22 ii. Monitor the radio frequency assigned by the competent
23 internationally designated air traffic control authority or the
24 appropriate international distress radio frequency at all times.

25 b) Foreign national aircraft exercising the right of archipelagic sea lanes
26 passage shall:

27 i. Respect the regulations concerning flight safety as detailed in

1 Section 9 (a) hereof and at all times operate with due regard for
2 the safety of navigation; and

3 ii. Fulfill their obligations as detailed in Section 9 (a)(ii) hereof.

4 SEC. 10. ***Prevention of Marine Pollution and Nuclear Weapons.*** –

5 Foreign ships exercising the right of archipelagic sea lanes passage shall not
6 expel oil, oily wastes or other noxious substances into the marine environment,
7 or conduct other activities in contravention of international regulations and
8 standards for the prevention, reduction and control of marine pollution that
9 originates from ships.

10 Foreign ships, while exercising the right of archipelagic sea lanes
11 passage, shall not dump waste in Philippine waters.

12 Consistent with the national interest, the exercise of the right of
13 archipelagic sea lanes passage by all foreign ships must be consistent with the
14 constitutional mandate of freedom from nuclear weapons in Philippine territory.

15 SEC. 11. ***Liability for Damage.*** – The person or legal body responsible
16 for the operation or cargo of foreign commercial ships or aircraft or foreign
17 government ships or aircraft operated for commercial purposes shall be liable
18 for any loss or damage suffered by the Philippines or any third party as a result
19 of noncompliance with any of the provisions of this Act while exercising the
20 right of archipelagic sea lanes passage.

21 The flag State shall bear international responsibility for any loss or
22 damage suffered by the Philippines or any third party as a result of
23 noncompliance with any of the provisions of this Act by a foreign warship or
24 aircraft or other government ship operated for noncommercial purposes while
25 exercising the right of archipelagic sea lanes passage in Philippine waters.

CHAPTER III
DESIGNATING THE ARCHIPELAGIC SEA LANES
FOR THE RIGHT OF ARCHIPELAGIC SEA LANES PASSAGE
AND INSTITUTING THE ASSOCIATED PROTECTIVE MEASURES

SEC. 12. *Designation by the President of Archipelagic Sea Lanes.* – In pursuit of Philippine national policy, the President shall promulgate through executive issuance the archipelagic sea lanes which may be used for the right of archipelagic sea lanes passage and the rules and regulations relating to associated protective measures to be prescribed, within areas along the archipelagic sea lanes in accordance with the International Maritime Organization (IMO) conventions and regulations and other relevant international agreements.

CHAPTER IV
FINAL PROVISIONS

SEC. 13. *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 archipelagic sea lanes.

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

In addition to its powers, functions, and duties, the National Coast Watch Council shall provide technical and advisory support to the President in designating the archipelagic sea lanes. Further, the National Coast Watch Center shall establish, monitor, and implement associated protective measures for the

1 designated archipelagic sea lanes.

2 SEC. 15. ***Separability Clause.*** – If any provision or part of this Act is
3 declared unconstitutional or invalid, the remaining parts or provisions not
4 affected shall remain in full force and effect.

5 SEC. 16. ***Repealing Clause.*** – All laws, executive orders, issuances,
6 decrees, rules and regulations inconsistent with or contrary to the provisions of
7 this Act are hereby repealed, amended or modified accordingly.

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

10 Approved,

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