



HOUSE OF REPRESENTATIVES

H. No. 4153

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AN ACT ESTABLISHING 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 THROUGH THE ESTABLISHED ARCHIPELAGIC SEA LANES AND PROVIDING FOR THE ASSOCIATED PROTECTIVE MEASURES THEREIN

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

- 1 SECTION 1. This Act shall be known as "The Philippine Archipelagic
2 Sea Lanes Act".

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

3 SEC. 2. Foreign ships and aircraft may exercise the right of
4 archipelagic sea lanes passage in accordance with the provisions of the United
5 Nations Convention on the Law of the Sea (UNCLOS) in order to sail or fly
6 from one part of the high seas or an exclusive economic zone to another part of
7 the high seas or an exclusive economic zone through or over the Philippine
8 territorial sea and its archipelagic waters.

9 SEC. 3. The exercise of the right of archipelagic sea lanes passage as
10 described in Section 2 hereof shall be through a sea lane, or through the air
11 above a sea lane, which has been determined to be an archipelagic sea lane that
12 may be used for exercising the right of archipelagic sea lanes passage as
13 described in Section 11 hereof.

14 SEC. 4. (a) Foreign ships and aircraft exercising the right of
15 archipelagic sea lanes passage shall pass through or above the archipelagic sea
16 lane as quickly as possible in the normal mode solely for the purpose of
17 *continuous, expeditious and unobstructed transit.*

18 (b) Foreign ships and aircraft that are conducting archipelagic sea lanes
19 passage shall not deviate more than twenty-five (25) nautical miles to either
20 side of the axis line of the sea lane: *Provided*, That such ships and aircraft
21 must not navigate closer to the coast than ten percent (10%) of the distance
22 between the nearest points on islands bordering the sea lane.

23 (c) Foreign ships and aircraft, while exercising the right of archipelagic
24 sea lanes passage, shall refrain from any threat or use of force against the
25 sovereignty, territorial integrity, or political independence of the Republic of
26 the Philippines, or in any other manner in violation of the principles of
27 international law embodied in the Charter of the United Nations.

1 (d) Foreign military aircraft and warships, while exercising the right of
2 archipelagic sea lanes passage, shall refrain from any war game exercises or
3 exercises using any type of weapons whatsoever and using ammunition.

4 (e) With the exception of a situation of *force majeure* or in the event of
5 a disaster, aircraft exercising the right of archipelagic sea lanes passage shall
6 refrain from landing in Philippine territory.

7 (f) All foreign ships exercising the right of archipelagic sea lanes
8 passage shall refrain from stopping, dropping anchor or loitering, with the
9 exception of a situation of *force majeure* or in the event of a disaster or in
10 order to render assistance to a person or persons or a ship or ships
11 experiencing a disaster.

12 (g) Foreign ships or aircraft exercising the right of archipelagic sea
13 lanes passage shall refrain from making covert transmissions, interfering with
14 telecommunications systems, and communicating directly with an unauthorized
15 person or group of persons in Philippine territory.

16 SEC. 5. Foreign ships or aircraft, including research or hydrographic
17 survey ships or aircraft, while exercising the right of archipelagic sea lanes
18 passage, shall refrain from conducting oceanographic research or hydrographic
19 surveys, whether with the use of detection equipment or sample gathering
20 equipment, unless they have obtained a permission to do so.

21 SEC. 6. (a) Foreign ships, including fishing ships, while exercising the
22 right of archipelagic sea lanes passage, shall refrain from conducting fishing
23 operations.

24 (b) Foreign fishing ships, while exercising the right of archipelagic sea
25 lanes passage, besides fulfilling their obligations under paragraph (a), shall
26 stow all their fishing equipment within the hold.

27 (c) Foreign ships and aircraft, while exercising the right of archipelagic
28 sea lanes passage, shall not load to a ship or unload from a ship persons, goods

1 or currency in a manner that contravenes the laws and regulations concerning
2 customs, immigration, fiscal matters and health, except when in a situation of
3 *force majeure* or in the event of a disaster.

4 SEC. 7. (a) Foreign ships, while exercising the right of archipelagic
5 sea lanes passage, shall comply with the generally accepted international
6 regulations, procedures and practices concerning shipping safety, including
7 regulations relating to the prevention of collisions at sea.

8 (b) Foreign ships, while exercising the right of archipelagic sea lanes
9 passage in a sea lane where a traffic separation scheme has been established for
10 the regulation of shipping safety, shall comply with the provisions of the traffic
11 *separation scheme*.

12 (c) Foreign ships, while exercising the right of archipelagic sea lanes
13 passage, shall not cause disturbance or damage to navigational facilities or
14 submarine cables or pipes.

15 (d) Foreign ships, while exercising the right of archipelagic sea lanes
16 passage in a sea lane where there are installations for the exploration or
17 exploitation of living or nonliving natural resources, shall not sail too close to
18 the prohibited zone, which is determined to be of a width of five hundred (500)
19 meters around such an installation.

20 SEC. 8. (a) Foreign civil aircraft exercising the right of archipelagic
21 sea lanes passage shall:

22 (1) Observe the Rules of the Air established by the International Civil
23 Aviation Organization (ICAO) concerning flight safety; and

24 (2) At all times monitor the radio frequency assigned by the competent
25 internationally designated air traffic control authority or the appropriate
26 international distress radio frequency.

27 (b) Foreign national aircraft exercising the right of archipelagic sea
28 lanes passage shall:

1 (1) Respect the regulations concerning flight safety as detailed in
2 Section 8(a) hereof; and

3 (2) Fulfill their obligations as detailed in Section (8)(a)(2) hereof.

4 SEC. 9. (a) Foreign ships exercising the right of archipelagic sea lanes
5 passage shall refrain from expelling oil, oily wastes or other noxious
6 substances into the marine environment, or conducting other activities in
7 contravention of international regulations and standards for the prevention,
8 reduction and control of marine pollution that originates from ships.

9 (b) Foreign ships exercising the right of archipelagic sea lanes passage
10 shall refrain from dumping waste in Philippine waters.

11 SEC. 10. (a) The person or legal body responsible for the operation or
12 cargo of foreign commercial ships or aircraft or foreign government ships or
13 aircraft operated for commercial purposes shall be liable for any loss or
14 damage suffered by the Philippines as a result of noncompliance with any of
15 the provisions of Sections 7, 8 and 9 while exercising the right of archipelagic
16 sea lanes passage in Philippine waters.

17 (b) The flag State shall bear international responsibility for any loss or
18 damage suffered by the Philippines as a result of noncompliance with any of
19 the provisions of Sections 7, 8 and 9 by a foreign warship or aircraft while
20 exercising the right of archipelagic sea lanes passage.

21 THE DETERMINATION OF ARCHIPELAGIC SEA LANES WHICH
22 MAY BE USED FOR THE RIGHT OF ARCHIPELAGIC SEA
23 LANES PASSAGE

24 SEC. 11. (a) The archipelagic sea lane that may be used for exercising
25 the right of archipelagic sea lanes passage for sailing from the Philippine Sea
26 to the South China Sea or vice versa through the Balintang Channel, is
27 Archipelagic Sea Lane I, the axis of which is the line that joins connecting
28 points I-1 through to I-2 as detailed in the Coordinates Tables as defined in
29 Section 12, paragraph (b) of this Act.

1 (b) The archipelagic sea lane that may be used for exercising the right
2 of archipelagic sea lanes passage for sailing from the Philippine Sea to the
3 South China Sea or vice versa through the Surigao Strait, Bohol Sea, Sulu Sea,
4 Nasubata Channel and Balabac Strait, is Archipelagic Sea Lane II, the axis of
5 which is the line that joins connecting points II-1 through to II-6 as detailed in
6 the Coordinates Tables as defined in Section 12, paragraph (b) of this Act.

7 (c) The archipelagic sea lane that may be used for exercising the right
8 of archipelagic sea lanes passage for sailing from the Celebes Sea to the South
9 China Sea or vice versa through the Basilan Strait, Eastern Sulu Sea and
10 Mindoro Strait, is Archipelagic Sea Lane III, the axis of which is the line that
11 joins connecting points III-1 through to III-8 as detailed in the Coordinates
12 Tables as defined in Section 12, paragraph (b) of this Act.

13 SEC. 12. (a) The archipelagic sea lane axes and connecting points
14 mentioned in Section 11 hereof shall be marked on navigation charts for
15 appropriate publication.

16 (b) The geographic coordinates for the archipelagic sea lane connecting
17 points mentioned in Section 11 hereof are as detailed in the Coordinates Tables
18 in Annexes I, II and III.

19 (c) If, as a result of a natural change, such outermost connecting points
20 are not in the geographic position as detailed in the Geographic Coordinates
21 Tables defined in Section 12(b) hereof then the geographic position of such
22 outermost connecting points is determined according to the actual situation in
23 the field.

24 (d) The illustrative chart displaying the axes and connecting points as
25 detailed in Section 11 hereof is attached as Annex IV.

26 SEC. 13. All rules and regulations relating to Associated Protective
27 Measures (APMs) to be prescribed in accordance with the Conventions and
28 Regulations of the International Maritime Organization (IMO) within areas

1 along the archipelagic sea lanes shall be promulgated separately through an
2 Executive Issuance.

3 OTHER PROVISIONS

4 SEC. 14. The provisions of this Act do not reduce the rights of foreign
5 ships to exercise the right of innocent passage in archipelagic sea lanes.

6 SEC. 15. All laws inconsistent with or contrary to the provisions of this
7 Act are deemed amended, modified or repealed accordingly.

8 SEC. 16. If any portion or provision of this Act is declared
9 unconstitutional or invalid, the other portions or provisions hereof which are
10 not affected thereby shall continue to be in full force and effect.

11 SEC. 17. This Act shall take effect fifteen (15) days following its
12 publication in the *Official Gazette* or in any two (2) newspapers of general
13 circulation.

Approved,

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