

NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



Senate

Office of the Secretary

23 JAN 11 P4 59

SENATE

S. No. ~~1649~~

RECEIVED BY:

Introduced by Senator Loren B. Legarda

AN ACT
DEFINING THE MARITIME ZONES UNDER THE JURISDICTION OF THE
REPUBLIC OF THE PHILIPPINES

EXPLANATORY NOTE

The United Nations Convention on the Law of the Sea (UNCLOS), also called the Law of the Sea Convention or Law of the Sea Treaty, was adopted in 1982 and came into force in 1994. The UNCLOS provides the framework and substance of the rules-based order of maritime governance, including the allocation of maritime zones to coastal states, as well as archipelagic states.

The Republic of the Philippines, as a signatory and party to the UNCLOS, asserts that the provisions of the Convention do not nullify or impair the sovereignty of the Philippines as an archipelagic state over the sea lanes and do not deprive it of authority to enact legislation to protect its sovereignty, independence, and security.

In 2009, Republic Act No. 9522, or the Philippine Archipelagic Baselines Law, came into effect and the same was upheld by the Supreme Court in a case questioning its constitutionality. The law affirms that the Republic of the Philippines has dominion, sovereignty, and jurisdiction over all portions of the national territory as defined in the Constitution and by provisions of applicable laws.

This bill aims to demonstrate the adherence of the Philippines to international law, as well as assert its management and enforcement of policies and laws which are appurtenant to its sovereignty and jurisdiction. It also provides for the requisite flexibility in enacting subsequent laws appropriate to the rights and obligations to which the Philippines is entitled and may enforce over its maritime zones.

In view of the foregoing, the prioritization and immediate passage of the current bill proposing a Maritime Zones Law is respectfully sought.

A handwritten signature in blue ink, consisting of several overlapping, horizontal strokes that form a stylized, elongated shape.

LOREN LEGARDA



NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

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SENATE

RECEIVED BY:

S. No. 1649

Introduced by Senator Loren B. Legarda

**AN ACT
DEFINING THE MARITIME ZONES UNDER THE JURISDICTION OF THE
REPUBLIC OF THE PHILIPPINES**

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

1 Section 1. *Short Title.* – This Act shall be known as the “*Philippine Maritime*
2 *Zones Act*”.

3 Sec. 2. *Maritime Zones.* – The maritime zones of the Philippines comprise the
4 internal waters, archipelagic waters, territorial sea, contiguous zone, exclusive
5 economic zone (EEZ) and continental shelf. All territories of the Philippines shall
6 generate their respective maritime zones in accordance with international law.

7 Sec. 3. *Archipelagic Baselines.* – Archipelagic baselines, as used in this Act, refer
8 to the baselines as defined under Republic Act No. 9522, otherwise known as the
9 “*Philippine Archipelagic Baselines Act of 2009*”.

10 Sec. 4. *Internal Waters.* – The internal waters of the Philippines, as appropriate,
11 refer to the following:

- 12 a) waters on the landward side of the archipelagic baselines not forming part of
- 13 archipelagic waters under Section 5 of this Act and delineated in accordance
- 14 with Article 50 of the 1982 United Nations Convention on the Law of the Sea
- 15 (UNCLOS); and

1 b) waters on the landward side of the baselines of the territorial sea of territories
2 outside of the archipelagic baselines, drawn in accordance with Article 8 of
3 the UNCLOS.

4 The Philippines exercises sovereignty over its internal waters and the airspace
5 over it as well as its seabed and subsoil in accordance with the UNCLOS and other
6 existing laws and treaties.

7 Sec. 5. *Archipelagic Waters.* – The archipelagic waters of the Philippines refer to
8 the waters on the landward side of the archipelagic baselines except as provided for
9 under Section 4 of this Act.

10 Within the archipelagic waters, closing lines for the delineation of internal
11 waters shall be drawn pursuant to Article 50 of the UNCLOS and other existing laws
12 and treaties.

13 The Philippines exercises sovereignty and jurisdiction over its archipelagic
14 waters and the airspace over it as well as its seabed and subsoil in accordance with
15 the UNCLOS and other existing laws and treaties.

16 Sec. 6. *Territorial Sea.* – The territorial sea of the Philippines refers to the
17 adjacent belt of sea measured twelve (12) nautical miles from the baselines of the
18 territorial sea as determined in accordance with the provisions of Part II or Part IV of
19 the UNCLOS as appropriate.

20 The Philippines exercises sovereignty over its territorial sea and the airspace
21 over it as well as its seabed and subsoil in accordance with the UNCLOS and other
22 existing laws and treaties.

23 Sec. 7. *Contiguous Zone.* – The contiguous zone of the Philippines refers to the
24 waters beyond and adjacent to its territorial sea and up to the extent of twenty-four
25 (24) nautical miles from the baselines from which the breadth of the territorial sea is
26 measured.

27 In accordance with the UNCLOS, the Philippines exercises control over this
28 zone necessary to:

29 a) prevent infringement of its customs, fiscal, immigration, or sanitary laws and
30 regulations within its territory or territorial sea; and

1 b) punish infringement of the above laws and regulations committed within its
2 territory or territorial sea.

3 Sec. 8. *Exclusive Economic Zone.* – The exclusive economic zone (EEZ) of the
4 Philippines refers to the waters beyond and adjacent to its territorial sea and up to
5 the extent of two hundred (200) nautical miles from the baselines from which the
6 breadth of the territorial sea is measured, as established by Presidential Decree No.
7 1599, otherwise known as the “Philippine Exclusive Economic Zone of 1978”, and to
8 the extent consistent with the other provisions of this Act and with the provisions of
9 the UNCLOS.

10 In accordance with the UNCLOS, the Philippines exercises within the EEZ the
11 following rights:

- 12 a) sovereign rights over this area for the purpose of exploring and exploiting,
13 conserving and managing the natural resources, whether living or non-living,
14 of the waters superjacent to the seabed, and of the seabed and its subsoil, and
15 with regard to other activities for the economic exploitation and exploration
16 of the zone, such as the production of energy from the water, tide, and wind;
17 and
- 18 b) jurisdiction with regard to: (i) the establishment and use of artificial islands,
19 installations and structures; (ii) marine scientific research; (iii) the protection
20 and preservation of the marine environment; and (iv) other rights and duties
21 provided for in the UNCLOS.

22 Sec. 9. *Continental Shelf.* – The continental shelf of the Philippines comprises
23 the seabed and subsoil of the submarine areas that extend beyond its territorial
24 sea throughout the natural prolongation of its land territory to the outer edge of
25 the continental margin, or to a distance of two hundred (200) nautical miles from
26 the baselines from which the breadth of the territorial sea is measured, where the
27 outer edge of the continental margin does not extend up to that distance.

28 Continental shelves extending beyond two hundred (200) nautical miles from
29 the baselines shall be delineated in accordance with Article 76 of the UNCLOS.

1 The Philippines exercises sovereign rights to explore and exploit the mineral,
2 petroleum and nonliving resources of the seabed and subsoil and living organisms
3 belonging to the sedentary species, as well as jurisdiction with regard to the
4 establishment and use of artificial islands, installations, and structures on the
5 seabed, drilling and tunneling, and other rights as provided for in accordance with
6 the UNCLOS, Republic Act No. 7942, otherwise known as the “Philippine Mining
7 Act of 1995”, and other existing laws and treaties.

8 Sec. 10. *Adherence to Existing Laws.* – Other rights of the Philippines relative to
9 its maritime zones and entitlements shall be exercised in accordance with the
10 UNCLOS, the awards rendered by the Arbitral Tribunal in Permanent Court of
11 Arbitration (PCA) Case No. 2013-19, in the matter of the South China Sea Arbitration
12 between the Republic of the Philippines and the People’s Republic of China, handed
13 down on July 12, 2016 at The Hague, The Netherlands and other laws and
14 regulations on maritime zones and entitlements of the Philippines and international
15 law.

16 Sec. 11. *Delimitations.* – Where the maritime zones defined in this Act overlap
17 with the maritime zones of a neighboring State, the common boundaries shall be
18 determined by agreement with that State in accordance with the relevant principles
19 of delimitation under international law, including the UNCLOS.

20 Sec. 12. *Reciprocity and Mutual Respect.* – The rights and privileges of foreign
21 vessels and aircraft in Philippines archipelagic waters here provided are recognized
22 under conditions of reciprocity and mutual respect.

23 Sec. 13. *Separability Clause.* – If any portion or provision of this Act is declared
24 unconstitutional or invalid, the other portions or provisions hereof not affected
25 thereby shall continue to be in full force and effect.

26 Sec. 14. *Repealing Clause.* – All laws inconsistent with or contrary to the
27 provisions of this Act are deemed amended or repealed accordingly.

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

30 *Approved,*