



**NINETEENTH CONGRESS OF THE ]  
REPUBLIC OF THE PHILIPPINES ]  
Second Regular Session ]**

23 AUG -7 P6 :19

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**SENATE**

**S.B. No. 2394**

**Introduced by SEN. WIN GATCHALIAN**

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

**EXPLANATORY NOTE**


As an archipelago, the Philippines has definite maritime interests for sitting at the crossroads of international shipping and for being surrounded by large vast of oceans and seas. Thus, when the Philippines signed and ratified the United Convention on the Law of the Sea (UNCLOS) in 1982 and 1984, respectively, it was intended as a step towards strengthening our legal and institutional framework for maritime governance and our claim for maritime zone allocations as an archipelagic state.

However, it does not stop with the country's adoption of the UNCLOS as there is a need to harmonize existing Philippine laws with the UNCLOS. Aside from establishing an archipelagic baselines law under Republic Act No. 9522 in 2009, Congress needs to pass a comprehensive maritime zones law that clearly establishes the legal regimes and geographical extent of these maritime zones in accordance with the UNCLOS.

Accordingly, the proposed measure seeks not only to update existing Philippine maritime laws but more importantly, delineates and emphasizes our maritime zones and boundaries. By declaring our maritime zone boundaries, the Philippines will be fortifying the geographical extent of the Philippine maritime domain, and consequently, guide our citizens, armed forces and civilian law enforcers on the rights and entitlements of the Philippines on different maritime zones, enable our maritime institutions to advance national interest in terms of protection, maximization and

sustainability of marine resources, address the roadblocks for our maritime institutions and raise the benefits and goals of other relevant maritime laws of the country.

In view of the foregoing, the immediate passage of this bill is earnestly sought.



**WIN GATCHALIAN**



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THE REPUBLIC OF THE PHILIPPINES**

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

1           SECTION 1. **Short Title.** – This Act shall be known as the "Philippine  
2 Maritime Zones Act".

3

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

9

10          SEC. 3. **Archipelagic Baselines.** – Archipelagic baselines, as used in  
11 this Act, refer to the baselines as defined under Republic Act No. 9522,  
12 otherwise known as the "Philippine Archipelagic Baselines Act of 2009".

13

14          SEC. 4. **Internal Waters.** – The internal waters of the Philippines, as  
15 appropriate, refer to the following:

1 (a) Waters on the landward side of the archipelagic baselines not  
2 forming part of archipelagic waters under Section 5 of this Act and delineated  
3 in accordance with Article 50 of the 1982 United Nations Convention on the  
4 Law of the Sea (UNCLOS); and

5 (b) Waters on the landward side of the baselines of the territorial sea of  
6 territories outside of the archipelagic baselines, drawn in accordance with  
7 Article 8 of the UNCLOS.

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

11

12 SEC. 5. **Archipelagic Waters.** – The archipelagic waters of the  
13 Philippines refer to the waters on the landward side of the archipelagic baselines  
14 except as provided for under Section 4 of this Act.

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

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

21

22 SEC. 6. **Territorial Sea.** – The territorial sea of the Philippines refers  
23 to the adjacent belt of sea measured twelve (12) nautical miles from the  
24 baselines of the territorial sea as determined in accordance with the provisions  
25 of Part II or Part IV of the UNCLOS as appropriate.

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

29

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

5           In accordance with the UNCLOS, the Philippines exercises control over  
6 this zone necessary to:

7           (a) Prevent infringement of its customs, fiscal, immigration, or  
8 sanitary laws and regulations within its territory or territorial sea; and

9           (b) Punish infringement of the above laws and regulations  
10 committed within its territory or territorial sea.

11

12           SEC. 8. **Exclusive Economic Zone.** – The exclusive economic zone  
13 (EEZ) of the Philippines refers to the waters beyond and adjacent to its  
14 territorial sea and up to the extent of two hundred (200) nautical miles from  
15 the baselines from which the breadth of the territorial sea is measured, as  
16 established by Presidential Decree No. 1599, otherwise known as the "Philippine  
17 Exclusive Economic Zone of 1978", and to the extent consistent with the other  
18 provisions of this Act and with the provisions of the UNCLOS.

19           In accordance with the UNCLOS, the Philippines exercises within its EEZ  
20 the following rights:

21           (a) Sovereign rights over this area for the purpose of exploring and  
22 exploiting, conserving and managing the natural resources, whether living or  
23 nonliving, of the waters superjacent to the seabed, and the seabed and its  
24 subsoil, and with regard to other activities for the economic exploitation and  
25 exploration of the zone, such as the production of energy from the sun, water,  
26 tide and wind; and

27           (b) Jurisdiction with regard to: (i) the establishment and use of  
28 artificial islands, installations and structures; (ii) marine scientific research; (iii)  
29 the protection and preservation of the marine environment; and (iv) other  
30 rights and duties provided for in the UNCLOS.

1           SEC. 9. **Continental Shelf.** – The continental shelf of the Philippines  
2 comprises the seabed and subsoil of the submarine areas that extend beyond  
3 its territorial sea throughout the natural prolongation of its land territory to the  
4 outer edge of the continental margin, or to a distance of two hundred (200)  
5 nautical miles from the baselines from which the breadth of the territorial sea  
6 is measured, where the outer edge of the continental margin does not extend  
7 up to that distance.

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

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

18

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

27

28           SEC. 11. **Delimitations.** – Where the maritime zones defined in this Act  
29 overlap with the maritime zones of a neighboring State, the common  
30 boundaries shall be determined by agreement with that State in accordance  
31 with the relevant principles of delimitation under international law, including the  
32 UNCLOS.

1           SEC. 12. **Reciprocity and Mutual Respect.** – The rights and privileges  
2 of foreign vessels and aircraft in the Philippine maritime zones declared herein  
3 are recognized under conditions of reciprocity and mutual respect. Vessels and  
4 aircraft of foreign States that do not abide by, or are inconsistently with, the  
5 UNCLOS and international law shall not be entitled to exercise the rights, or be  
6 owed the obligations, relative to the maritime zones declared herein.

7

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

11

12           SEC. 14. **Repealing Clause.** – All laws inconsistent with or contrary to  
13 the provisions of this Act are deemed amended or repealed accordingly.

14

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

*Approved,*