



Senate  
Office of the Secretary

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

23 AUG -7 P 6 :20

**SENATE**

RECEIVED BY: \_\_\_\_\_

**S.B. No. 2395**

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**Introduced by SEN. WIN GATCHALIAN**

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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**

**EXPLANATORY NOTE**

Republic Act No. 9522, also known as *An Act to Amend Certain Provisions of Republic Act No. 3046, as Amended by Republic Act No. 5446, to Define the Archipelagic Baselines of the Philippines, and for Other Purposes*, aligned the country's archipelagic baseline system with the 1982 United Nations Convention on the Law of the Sea (UNCLOS) to which the Philippines is a signatory.

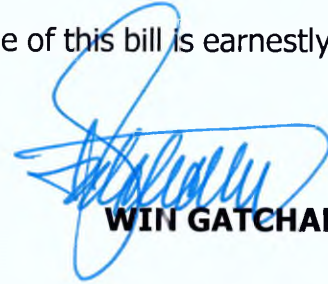
The UNCLOS recognizes the sovereignty of the archipelagic States over its archipelagic waters, the air space above them, the seabed and subsoil below them, and the resources contained therein. However, it affords all ships and aircraft archipelagic sea lanes passage which may be designated by the archipelagic State over its archipelagic waters.

Accordingly, it is imperative for the Philippines, as an archipelago lying at the crossroads of important and busy navigational routes, to designate its archipelagic sea lanes for its own national security, economic and environmental interests.

The proposed measure seeks to establish archipelagic sea lanes in Philippine archipelagic waters. It also prescribes the rights and obligations of foreign ships and aircrafts exercising the right of passage through the established sea lanes. It also

seeks to protect the ecological integrity by prohibiting fishing, marine bioprospecting, exploitation of marine resources, unauthorized research and survey activities, and dumping of wastes and other noxious substances.

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



**WIN GATCHALIAN**



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RIGHT OF ARCHIPELAGIC SEA LANES PASSAGE**

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

**CHAPTER I**

**GENERAL PROVISIONS**

1  
2  
3 SECTION 1. **Short Title.** – This Act shall be known as the "Philippine  
4 Archipelagic Sea Lanes Act".  
5

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

10 It shall be the policy of the State to minimize the routes and areas that  
11 shall be utilized and accessed by foreign vessels and foreign registered aircraft  
12 for the exercise of archipelagic sea lanes passage.  
13

14 SEC. 3. **Definition of Terms.** – As used in this Act, -

1 (a) *Archipelagic sea lane* refers to the designated sea lanes in the  
2 archipelagic waters and air routes thereabove through which foreign vessels or  
3 aircrafts may exercise the right of archipelagic sea lanes passage.

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

9 (c) *Archipelagic waters* refer to the waters on the landward side of the  
10 archipelagic baselines except those delineated as internal waters.

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

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

17 (d) *Associated protective measure* refers to a measure that a coastal  
18 State may adopt to regulate international maritime activities for the protection  
19 of the area at risk.

20 (e) *Hydrographic survey* refers to the determination of data relating to  
21 bodies of water. A hydrographic survey may consist of the determination of one  
22 or several of the following classes of data: depth of water; configuration and  
23 nature of the bottom; directions and force of currents; heights and times of  
24 tides and water stages; and location of topographic features and fixed objects  
25 for survey and navigation purposes.

26 (f) *Oceanographic survey* refers to a study or examination of any  
27 physical, chemical, biological, geological or geophysical condition in the ocean,  
28 or any part of it.

29 (g) *Right of innocent passage* refers to the right of continuous and  
30 expeditious passage of foreign vessels through the territorial sea that is not  
31 prejudicial to the peace, good order or security of the coastal State. Passage  
32 includes stopping and anchoring, but only insofar as the same are incidental to

1 ordinary navigation or are rendered necessary by force majeure or distress or  
2 for the purpose of rendering assistance to persons, ships or aircraft in danger  
3 or in distress. Passage shall be considered as prejudicial to the peace, good  
4 order or security of the coastal State if in the territorial sea, the vessel engages  
5 in any of the activities enumerated in Article 19 of the UNCLOS. This right of  
6 innocent passage applies to archipelagic waters outside of the archipelagic sea  
7 lanes, as provided for in Article 52 of the UNCLOS.

8 (h) *Territorial sea* refers to the adjacent belt of sea measured twelve  
9 (12) nautical miles from the baselines of the territorial sea as determined in  
10 accordance with the provisions of Part II or Part IV of the UNCLOS as  
11 appropriate.

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

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## CHAPTER II

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### DESIGNATION OF THE ARCHIPELAGIC SEA LANES AND THEIR

18

### COORDINATES FOR THE RIGHT OF ARCHIPELAGIC SEA LANES

19

### PASSAGE AND INSTITUTION OF PROTECTIVE MEASURES THERETO

20

#### SEC. 4. *Designation of Archipelagic Sea Lanes and Their*

21

*Coordinates.* – The System of the Archipelagic Sea Lanes in the Philippine

22

Archipelagic Waters shall be defined by axis lines connecting the coordinates

23

below:

24

(a) SEA LANE I: PHILIPPINE SEA – BALINTANG CHANNEL – WEST

25

PHILIPPINE SEA

26

(I-1) 20° 06'.67 N; 122° 12'.90 E

27

(I-2) 20° 06'.67 N; 121° 28'.73 E

28

(b) SEA LANE II: WEST PHILIPPINE SEA – MINDORO STRAIT – CUYO

29

EAST PASS – SULU SEA – SIBUTU PASSAGE – CELEBES SEA

30

(I-1) 13° 05'.77 N; 119° 52'.32 E

31

(I-2) 11° 09'.20 N; 121° 27'.37 E

32

(I-3) 10° 53'.88 N; 121° 27'.37 E



1 (I-4) 10° 00'.77 N; 120° 55'.85 E

2 (I-5) 08° 53'.60 N; 120° 55'.78 E

3 (I-6) 05° 15'.72 N; 119° 37'.31 E

4 (I-7) 04° 33'.60 N; 119° 37'.48 E

5 (c) SEA LANE III: CELEBES SEA – BASILAN STRAIT – SULU SEA –  
6 NASUBATA CHANNEL – BALACBAC STRAIT – WEST PHILIPPINE SEA

7 (I-1) 06° 18'.97 N; 122° 50'.70 E

8 (I-2) 06° 47'.12 N; 122° 15'.92 E

9 (I-3) 06° 49'.62 N; 121° 56'.82 E

10 (I-4) 06° 59'.45 N; 121° 42'.25 E

11 (I-5) 08° 07'.63 N; 118° 46'.97 E

12 (I-6) 08° 07'.63 N; 118° 19'.65 E

13 (I-7) 07° 57'.18 N; 117° 10'.20 E

14 (I-8) 07° 39'.37 N; 117° 02'.40 E

15 The map displaying the axes and connecting points as detailed in Section  
16 4 hereof is attached as Annex I.

17

18 SEC. 5. **Protective Measures.** – All rules and regulations relating to  
19 the management and security of the archipelagic sea lanes and adjacent  
20 archipelagic waters shall be promulgated by the President, with the assistance  
21 of the relevant national agencies, through an appropriate executive issuance.  
22 Such issuances shall include the protective measures stipulated in international  
23 agreements, conventions and regulations such as those established by the  
24 International Maritime Organization, as well as national measures enacted in  
25 accordance with existing laws and regulations.

26

27 **CHAPTER III**  
28 **RIGHTS AND OBLIGATIONS OF FOREIGN SHIPS AND AIRCRAFT**  
29 **WHEN EXERCISING THE RIGHT OF ARCHIPELAGIC SEA LANES**  
30 **PASSAGE**

31 SEC. 6. **Right of Archipelagic Sea Lanes Passage.** – Foreign ships  
32 and aircraft may exercise the right of archipelagic sea lanes passage in

1 accordance with the provisions of the UNCLOS in order to navigate or fly from  
2 one part of the high seas or an EEZ to another part of the high seas or an EEZ  
3 through or over the Philippine archipelagic waters and its adjacent territorial  
4 sea. Such sea lanes shall be defined by a series of continuous axis lines from  
5 the entry points of passage routes to the exit points.

6 The exercises of the right of archipelagic sea lanes passage shall be  
7 through a sea lane, or through the air route above a sea lane, which has been  
8 determined and designated to be an archipelagic sea lane that may be sued for  
9 exercising the right of archipelagic sea lanes passage under Section 4 hereof.

10

11 **SEC. 7. *Obligations in the Exercise of the Right of Archipelagic***  
12 ***Sea Lanes Passage.*** – In the exercise of the right of archipelagic sea lanes  
13 passage, the following obligations must be observed:

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

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

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

27 (d) Foreign ships and aircraft, including military aircraft and warships,  
28 shall refrain from any war game exercises or exercises using any type of  
29 weapons, especially involving the use of ordinance;

30 (e) Foreign aircraft shall not land in Philippine territory except when  
31 rendered by force majeure or distress;

1 (f) Foreign ships shall refrain from stopping, dropping anchor or  
2 loitering, except when rendered necessary by force majeure or distress or in  
3 order to render assistance to a person or persons or a ship or ships in danger  
4 or in distress;

5 (g) Foreign ships or aircraft shall refrain from making covert  
6 transmissions, interfering with telecommunications systems, and  
7 communicating directly with an unauthorized person or group of persons in  
8 Philippine territory; and

9 (h) Foreign ships or aircraft exercising the right of archipelagic sea  
10 lanes passage shall refrain from any activity other than those incident to their  
11 normal modes of continuous and expeditious transit, unless rendered necessary  
12 by force majeure or by distress.

13

14 SEC. 8. ***Prohibition Against the Conduct of Research and Survey***

15 ***Activities.*** – Foreign ships or aircraft, including marine scientific research or  
16 survey ships or aircraft, while exercising the right of archipelagic sea lanes  
17 passage, shall not conduct oceanographic or hydrographic surveys or any other  
18 research or survey activities, whether with the use of detection equipment or  
19 sample gathering equipment, unless they have obtained prior permission to do  
20 so from the appropriate agency of the Government of the Republic of the  
21 Philippines.

22

23 SEC. 9. ***Prohibition of Fishing, Marine Bioprospecting, Loading,***  
24 ***Unloading of Persons, Good or Currency.*** –

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

28 (b) Foreign fishing vessels, while exercising the right of archipelagic sea  
29 lanes passage, besides fulfilling their obligations under paragraph (a) hereof,  
30 shall stow all fishing equipment within the hold.

31 (c) Foreign ships and aircraft, while exercising the right of archipelagic  
32 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 sanitary rules, except when rendered  
3 necessary by force majeure or by distress.

4

5 SEC. 10. ***Compliance with Navigational Regulations, Procedures***  
6 ***and Traffic Scheme.*** – While exercising the right of archipelagic sea lanes  
7 passage, foreign ships shall:

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

11 (b) Comply with the provisions of the traffic separation scheme where a  
12 traffic separation scheme has been established for the regulation or navigation;

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

15 (d) Observe prohibited zones as determined by concerned agencies.

16

17 SEC. 11. ***Obligations of Foreign Civil Aircraft.*** –

18 (a) Foreign civil aircraft exercising the right of archipelagic sea lanes  
19 passage shall:

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

22 (2) 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 State aircraft exercising the right of archipelagic sea lanes  
26 passage shall:

27 (1) Respect the regulations concerning flight safety as detailed in  
28 Section 11(a) hereof and at all times operate with due regard for  
29 the safety of navigation; and

30 (2) Fulfill their obligations as detailed in Section 11 (a)(2) hereof.

31

1           SEC. 12. ***Prevention of Marine Pollution.*** –

2           (a) Foreign ships exercising the right of archipelagic sea lanes passage  
3 shall not expel oil, oily wastes, solid wastes, other noxious substances, or ballast  
4 water into the marine environment, or conduct other activities in contravention  
5 of international regulations and standards for the prevention, reduction and  
6 control of marine pollution that originates from ships.

7           (b) Foreign ships, while exercising the right of archipelagic sea lanes  
8 passage, shall not dump waste in Philippine waters.

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10           SEC. 13. ***Liability for Damage.*** –

11           (a) The person or legal body responsible for the operation or cargo of foreign  
12 commercial ships or aircraft or foreign government ships or aircraft operated for  
13 commercial purposes shall be liable for any loss or damage suffered by the Philippines  
14 or any third party as a result of noncompliance with any of the provisions of this Act  
15 while exercising the right of archipelagic sea lanes passage.

16           (b) The flag State shall bear international responsibility for any loss or damage  
17 suffered by the Philippines or any third party as a result of noncompliance with any of  
18 the provisions of this Act by a foreign warship or aircraft or other government ship  
19 operated for noncommercial purposes while exercising the right of archipelagic sea  
20 lanes passage.

21  
22           SEC. 14. ***Penalties.*** – Non-compliance by foreign civilian ships and  
23 aircraft with the pertinent provisions of this Act which constitutes a violation of  
24 existing fisheries, environmental, customs, fiscal, immigration, sanitary and  
25 other pertinent laws shall be punishable by the provisions thereof.

26           If the non-compliance does not constitute a violation of existing laws,  
27 the same shall be punishable by imprisonment of six (6) months and one (1)  
28 day to two (2) years and two (2) months or a fine of One million two hundred  
29 thousand US dollars (US\$1,200,000.00) or its equivalent in Philippine currency,  
30 or both, such imprisonment and fine at the discretion of the court.

31           The penalty shall be imposed upon the master of the vessel or the  
32 captain of the aircraft or the owner or operator of the vessel or aircraft, as the  
33 case may be. If the owner or operator is a corporation, partnership or any other

1 juridical person, the penalty shall be imposed upon the president or head  
2 thereof.

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#### CHAPTER IV

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#### FINAL PROVISIONS

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SEC. 15. ***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 the archipelagic waters outside of the archipelagic sea lanes.

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SEC. 16. ***Separability Clause.*** – If any portion or provision of this Act is declared unconstitutional or invalid, the other portions or provisions hereof not affected thereby shall continue to be in full force and effect.

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SEC. 17. ***Repealing Clause.*** – All laws inconsistent with or contrary to the provisions of this Act are deemed amended or repealed accordingly.

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SEC. 18. ***Effectivity.*** – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

*Approved,*