

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

23 AUG 16 P3:50

SENATE

S. No. 2411

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Introduced by **Senator Ronald "Bato" Dela Rosa**

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

EXPLANATORY NOTE

The issues regarding the West Philippine Sea started years ago. The incursions by Chinese Ships near Spratly Islands, the Army Douglas Bank, off the coast of Palawan Island in 2011 was the beginning wherein we were made aware of the possible danger that this concern might bring.¹ Since then, it was followed by many concerning events between the Philippines and China up to this day where recently an issue of Chinese Coast Guard vessel block and sprayed water cannons at the Philippine Coast Guard (PCG) vessels in the West Philippines Sea, creating further tension between the countries.²

Article II, Section 2 of the Philippine Constitution provides for an "incorporation clause," which states that: "The Philippines...adopts the generally accepted principles of international law as part of the law of the land."³

The Philippines, as a member of the United Nations Convention on the Law of the Sea (UNCLOS), joined this party to desire to settle all issues relating to the law of the sea; to establish a legal order for the seas and oceans; and strengthen peace, security, cooperation and friendly relations among all conforming nations, among others, according to the preamble of the said Convention. UNCLOS has since become the legal framework for marine and maritime activities.

¹ <https://www.cfr.org/timeline/chinas-maritime-disputes>

² <https://news.abs-cbn.com/news/08/06/23/china-blasts-water-cannons-at-filipino-boats-in-west-ph-sea-pcg>

³ <https://www.officialgazette.gov.ph/constitutions/1987-constitution/>

Thus, according to its constitution, the Philippines recognizes and upholds UNCLOS and other treaties it has membership in as part of the law of the land; enacting a municipal law to this effect can further fortify the country's claims over its maritime zones.

Hence, this proposed measure aims to declare and define the maritime zones under the Jurisdiction of the country in order to preserve and protect our maritime rights. In passing this measure, we also provide the necessary flexibility in the passage of pertinent laws to the rights and obligations of the Philippines over its maritime zones.

For the above reasons, the passage of this bill is earnestly sought.


RONALD "BATO" DELA ROSA

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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 Maritime
2 Zones Act".
3

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

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

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

- 16 a. Waters on the landward side of the archipelagic baselines not forming part
17 of the archipelagic waters under Section 5 of this Act and delineated in
18 accordance with Article 50 of the 1982 United Nations Convention on the
19 Law of the Sea (UNCLOS); and
20 b. Waters on the landward side of the baselines of the territorial sea of
21 territories outside of the archipelagic baselines, drawn in accordance with
22 Article 8 of the UNCLOS.
23

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

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

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

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

17 Sec. 6. *Territorial Sea.* - The territorial sea of the Philippines refers to the
18 adjacent belt of sea measured twelve (12) nautical miles from the baselines of the
19 territorial sea as determined in accordance with the provisions of Part II or Part IV of
20 the UNCLOS as appropriate.
21

22 The Philippines exercises sovereignty over its territorial sea and the airspace
23 over it as well as its seabed and subsoil in accordance with the UNCLOS and other
24 existing laws and treaties.
25

26 Sec. 7. *Contiguous Zone.* - The contiguous zone of the Philippines refers to the
27 waters beyond and adjacent to its territorial sea and up to the extent of twenty-four
28 (24) nautical miles from the baselines from which the breadth of the territorial sea is
29 measured.
30

31 In accordance with the UNCLOS, the Philippines exercises control over this zone
32 necessary to:
33

- 34 a) Prevent infringement of its customs, fiscal, immigration, or sanitary laws and
35 regulations within its territory or territorial sea; and
36
37 b) Punish infringement of the above laws and regulations committed within its
38 territory or territorial sea.
39

40 Sec. 8. *Exclusive Economic Zone.* - The exclusive economic zone (EEZ) of the
41 Philippines refers to the waters beyond and adjacent to its territorial sea and up to
42 the extent of two hundred (200) nautical miles from the baselines from which the
43 breadth of the territorial sea is measured, as established by Presidential Decree No.
44 1599, otherwise known as the "Philippine Exclusive Economic Zone of 1978", and to
45 the extent consistent with the other provisions of this Act and with the provisions of
46 the UNCLOS.
47

1 In accordance with the UNCLOS, the Philippines exercises within the EEZ the
2 following rights:

- 3
- 4 a) Sovereign rights over this area for the purpose of exploring and exploiting,
5 conserving and managing the natural resources, whether living or non-living,
6 of the waters superjacent to the seabed and of the seabed and its subsoil, and
7 with regard to other activities for the economic exploitation and exploration of
8 the zone, such as the production of energy from the water, tide, and wind; and
9
- 10 b) Jurisdiction with regard to: i) the establishment and use of artificial islands,
11 installations and structures; ii) marine scientific research; iii) the protection and
12 preservation of the marine environment; and iv) other rights and duties
13 provided for in the UNCLOS.
14

15 *Sec. 9. Continental Shelf.* - The continental shelf of the Philippines comprises
16 the seabed and subsoil of the submarine areas that extend beyond its territorial sea
17 throughout the natural prolongation of its land territory to the outer edge of the
18 continental margin, or to a distance of two hundred (200) nautical miles from the
19 baselines from which the breadth of the territorial sea is measured, where the outer
20 edge of the continental margin does not extend up to that distance.
21

22 Continental shelves extending beyond two hundred (200) nautical miles from
23 the baselines shall be delineated in accordance with Article 76 of the UNCLOS.
24

25 The Philippines exercises sovereign rights to explore and exploit the mineral,
26 petroleum and non-living resources of the seabed and subsoil and living organisms
27 belonging to the sedentary species, as well as jurisdiction with regard to the
28 establishment and use of artificial islands, installations and structures on the seabed,
29 drilling and tunneling, and other rights as provided for in accordance with the UNCLOS,
30 Republic Act No. 7942, otherwise known as the "Philippine Mining Act of 1995", and
31 other existing laws and treaties.
32

33 *Sec. 10. Adherence to Existing Laws.* - Other rights of the Philippines relative
34 to its maritime zones and entitlements shall be exercised in accordance with the
35 UNCLOS, the awards rendered by the Arbitral Tribunal in Permanent Court of
36 Arbitration (PCA) Case No. 2013-19, in the matter of the South China Sea Arbitration
37 between the Republic of the Philippines and the People's Republic of China, handed
38 down on July 12, 2016 at The Hague, The Netherlands and other laws and regulations
39 on maritime zones, and entitlements of the Philippines and international law.
40

41 *Sec. 11. Delimitations.* - Where the maritime zones defined in this Act overlap
42 with the maritime zones of a neighboring State, the common boundaries shall be
43 determined by agreement with that State in accordance with the relevant principles
44 of delimitation under international law, including the UNCLOS.
45

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

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Sec.13. *Separability Clause.* - If any section or part of this Act is held unconstitutional or invalid, the other sections or provisions not otherwise affected shall remain in full force and effect.

Sec. 14. *Repealing Clause.* - All laws, decrees, executive orders, rules and regulations, issuances or any part thereof inconsistent with the provisions of this Act, are deemed amended, modified or repealed accordingly.

Sec. 15. *Effectivity.* - This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in a newspapers of general circulation.

Approved,