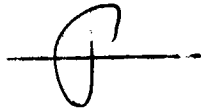


NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)

23 SEP 12 P 6:51

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SENATE
S. No. 2437

Introduced by **Senator Raffy T. Tulfo**

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

EXPLANATORY NOTE

The 1982 United Nations Convention on the Law of the Sea (UNCLOS), which is also referred to as "The Law of the Sea Convention," is an international convention that sets out the legal framework for the seas and the oceans by defining the rights and obligations of State Parties with respect to the maritime environment. Its main functions are to promote the peaceful use of the seas, regulate the use of marine resources and promote the conservation of living resources, and the preservation of the marine environment.

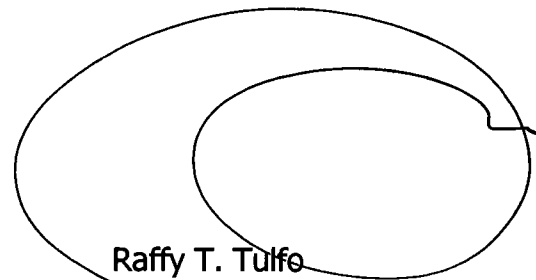
The Philippines is one of the original signatories of UNCLOS in 1982, and the Philippines subsequently ratified it two years later. However, this does not naturally transform UNCLOS as domestic law and the Congress has the obligation and commitment to harmonize local legislation with international law. Furthermore, Philippines, as a member, has the task to define the maritime zones and align them with measurements outlined by the UNCLOS. To address these concerns, the Philippine government already enacted necessary steps on this through the enactment of the Archipelagic Baselines of

the Philippines Act through Republic Act 9522, in 2009, and the adoption of the regime of islands under Article 121 of the UNCLOS, as constituted under Presidential Decree No. 1596 and for the Kalayaan Island Group and Bajo De Masinloc also known as Scarborough Shoal.

The bill's prime objective is to define such zones of the Philippines in order to establish the legal bases by which social, economic, commercial, and other activities may be conducted based on the standards of UNCLOS, and clarify the legal powers that the Philippines may exercise at the same time.

The Maritime Zones Law, by delineating and underscoring our maritime zones and boundaries, can act as foundational policy that (1) addresses various institutional roadblocks, (2) advances our national interest in terms of the protection, maximization, and sustainability of the marine resources, (3) provides guidance on the fights and entitlements of the Philippines on different maritime zones, and (4) can be utilized to further the goals of other relevant maritime laws of the Philippines.

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



Raffy T. Tulfo
Senator

NINETEENTH CONGRESS OF THE)
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SENATE
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AN ACT
DECLARING THE MARITIME ZONES UNDER THE JURISDICTION OF THE
REPUBLIC OF THE PHILIPPINES

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

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

3 Sec. 2. *Definition of Terms* - For the purposes of this Act, the following terms shall
4 defined as follows:

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

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

1 c. *Internal Waters.* - The internal waters of the Philippines, as appropriate,
2 refer to the following:

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

7 ii. waters on the landward side of the baselines of the territorial sea
8 of territories outside of the archipelagic baselines, drawn in
9 accordance with Article 8 of the UNCLOS.

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

13 d. *Archipelagic Waters.* - The archipelagic waters of the Philippines refer to
14 the waters on the landward side of the archipelagic baselines except as
15 provided for under Section 2 (c) of this Act.

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

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

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

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

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

8 In accordance with the UNCLOS, the Philippines exercises control over this
9 zone necessary to:

10 i. prevent infringement of its customs, fiscal, immigration, or sanitary
11 laws and regulations within its territory or territorial sea; and

12 ii. punish infringement of the above laws and regulations committed
13 within its territory or territorial sea.

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

21 In accordance with the UNCLOS, the Philippines exercises within the EEZ
22 the following rights:

23 i. sovereign rights over this area for the purpose of exploring and
24 exploiting, conserving and managing the natural resources, whether
25 living or non- living, of the waters superjacent to the seabed, and of
26 the seabed and its subsoil, and with regard to other activities for the

1 economic exploitation and exploration of the zone, such as the
2 production of energy from the water, tide, and wind; and

3 ii. jurisdiction with regard to: (a) the establishment and use of
4 artificial islands, installations and structures; (b) marine scientific
5 research; (c) the protection and preservation of the marine
6 environment; and (d) other rights and duties provided for the
7 UNCLOS.

8 h. *Continental Shelf*. - The continental shelf of the Philippines comprises the
9 seabed and subsoil of the submarine areas that extend beyond its territorial
10 sea throughout the natural prolongation of its land territory to the outer
11 edge of the continental margin, or to a distance of two hundred (200)
12 nautical miles from the baselines from which the breadth of the territorial
13 sea is measured, where the outer edge of the continental margin does not
14 extend up to that distance.

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

17 The Philippines exercises sovereign rights to explore and exploit the mineral,
18 petroleum and nonliving resources of the seabed and subsoil and living organisms
19 belonging to the sedentary species, as well as jurisdiction with regard to the
20 establishment and use of artificial islands, installations and structures on the seabed,
21 drilling and tunneling, and other rights as provided for in accordance with the UNCLOS,
22 Republic Act No. 7942, otherwise known as the "Philippine Mining Act of 1995" and other
23 existing laws and treaties.

24 Sec. 4. *Adherence to Existing Laws*. - Other rights of the Philippines relative to its
25 maritime zones and entitlements shall be exercised in accordance with the UNCLOS, the
26 awards rendered by the Arbitral Tribunal in Permanent Court of Arbitration (PCA) Case
27 No. 2013-19, in the matter of the South China Sea Arbitration between the Republic of

1 the Philippines and the People's Republic of China, handed down on July 12, 2016 at The
2 Hague, The Netherlands and other laws and regulations on maritime zones and
3 entitlements of the Philippines and international law.

4 *Sec. 5. Delimitations.* - Where the maritime zones defined in this Act overlap with
5 the maritime zones of a neighboring State, the common boundaries shall be determined
6 by agreement with that State in accordance with the relevant principles of delimitation
7 under international law, including the UNCLOS.

8 *Sec. 6. Reciprocity and Mutual Respect* - The rights and privileges of foreign vessels
9 and aircraft in the Philippine maritime zones declared herein are recognized under
10 conditions of reciprocity and mutual respect. Vessels and aircraft of foreign States that
11 do not abide by, or act inconsistently with, the UNCLOS and international law shall not
12 be entitled to exercise the rights, or be owed the obligations, relative to the Maritime
13 Zones declared herein.

14 *Sec. 7. Separability Clause.* - If any portion or provision of this Act is declared
15 unconstitutional or invalid, the other portions or provisions hereof not affected thereby
16 shall continue to be in full force and effect.

17 *Sec. 8. Repealing Clause.* - All laws inconsistent with or contrary to the provisions
18 of this Act are deemed amended or repealed accordingly.

19 *Sec. 9. Effectivity.* - This Act shall take effect fifteen (15) days after its publication
20 in the *Official Gazette* or in a newspaper of general circulation.

Approved,