



HOUSE OF REPRESENTATIVES

H. No. 10814

BY REPRESENTATIVES HOFER, CABOCHAN, BIAZON, RODRIGUEZ, SAGARBARRIA, NIETO, SAVELLANO, FRASCO, VILLAFUERTE, SALVADOR-TAMBUNTING, ABUEG-ZALDIVAR, ERIGUEL, RIVERA, VARGAS ALFONSO, ONG (R.), GO (E.C.), FERRER (J.M.), GATO, DY (I.P.), SUANSING (E.), TUTOR, VERGARA, ALBANO (A.), TULFO, SILVERIO, ROBES, VIOLAGO, ACOSTA-ALBA, OUANO-DIZON, NAVA, DELOSO-MONTALLA, DAGOOC, YU, ARENAS, OAMINAL, BOLILIA, LACSON-NOEL, COLLANTES, CUARESMA AND NOGRALES (J.J.), PER COMMITTEE REPORT NO. 1459

**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**

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

CHAPTER I

GENERAL PROVISIONS

SECTION 1. *Short Title.* – This Act shall be known as the “*Philippine Archipelagic Sea Lanes Act*”.

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

5 It shall be the policy of the State to minimize the routes and areas that shall be utilized
6 and accessed by foreign vessels and foreign registered aircraft for the exercise of archipelagic
7 sea lanes passage.

8 SEC. 3. *Definition of Terms.* – As used in this Act.

9 (a) *Archipelagic sea lane* refers to the designated sea lanes in the archipelagic
10 waters and air routes thereabove through which foreign vessels or aircraft may exercise the
11 right of archipelagic sea lanes passage.

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

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

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

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

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

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

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

8 (g) *Right of innocent passage* refers to the right of continuous and expeditious
9 passage of foreign vessels through the territorial sea that is not prejudicial to the peace, good
10 order or security of the coastal State. Passage includes stopping and anchoring, but only insofar
11 as the same are incidental to ordinary navigation or are rendered necessary by *force majeure* or
12 distress or for the purpose of rendering assistance to persons, ships or aircraft in danger or in
13 distress. Passage shall be considered as prejudicial to the peace, good order or security of the
14 coastal State if in the territorial sea, the vessel engages in any of the activities enumerated in
15 Article 19 of the UNCLOS. This right of innocent passage applies to archipelagic waters
16 outside of the archipelagic sea lanes, as provided for in Article 52 of the UNCLOS.

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

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

1 **CHAPTER II**

2 **DESIGNATION OF THE ARCHIPELAGIC SEA LANES AND THEIR**
3 **COORDINATES FOR THE RIGHT OF ARCHIPELAGIC SEA LANES PASSAGE**
4 **AND INSTITUTION OF PROTECTIVE MEASURES THERETO**

5 **SEC. 4. *Designation of Archipelagic Sea Lanes and Their Coordinates.*** – The
6 System of the Archipelagic Sea Lanes in the Philippine Archipelagic Waters shall be defined
7 by axis lines connecting the coordinates below:

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

10
11 (I-1) 20° 06'.67 N; 122° 12'.90 E

12 (I-2) 20° 06'.67 N; 121° 28'.73 E

13 **(b) SEA LANE II: WEST PHILIPPINE SEA – MINDORO STRAIT –**
14 **CUYO EAST PASS – SULU SEA – SIBUTU PASSAGE – CELEBES**
15 **SEA**

16
17 (II-1) 13° 05'.77 N; 119° 52'.32 E

18 (II-2) 11° 09'.20 N; 121° 27'.37 E

19 (II-3) 10° 53'.88 N; 121° 27'.37 E

20 (II-4) 10° 00'.77 N; 120° 55'.85 E

21 (II-5) 08° 53'.60 N; 120° 55'.78 E

22 (II-6) 05° 15'.72 N; 119° 37'.31 E

23 (II-7) 04° 33'.60 N; 119° 37'.48 E

24
25 **(c) SEA LANE III: CELEBES SEA – BASILAN STRAIT – SULU SEA –**
26 **NASUBATA CHANNEL – BALABAC STRAIT – WEST PHILIPPINE**
27 **SEA**

28
29 (III-1) 06° 18'.97 N; 122° 50'.70 E

30 (III-2) 06° 47'.12 N; 122° 15'.92 E

1 (III-3) 06° 49'.62 N; 121° 56'.82 E

2 (III-4) 06° 59'.45 N; 121° 42'.25 E

3 (III-5) 08° 07'.63 N; 118° 46'.97 E

4 (III-6) 08° 07'.63 N; 118° 19'.65 E

5 (III-7) 07° 57'.18 N; 117° 10'.20 E

6 (III-8) 07° 39'.37 N; 117° 02'.40 E

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

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

16 **CHAPTER III**

17 **RIGHTS AND OBLIGATIONS OF FOREIGN SHIPS AND AIRCRAFT WHEN**
18 **EXERCISING THE RIGHT OF ARCHIPELAGIC SEA LANES PASSAGE**

19 **SEC. 6. *Right of Archipelagic Sea Lanes Passage.*** – Foreign ships and aircraft may
20 exercise the right of archipelagic sea lanes passage in accordance with the provisions of the
21 UNCLOS in order to navigate or fly from one part of the high seas or an EEZ to another part
22 of the high seas or an EEZ through or over the Philippine archipelagic waters and its adjacent
23 territorial sea. Such sea lanes shall be defined by a series of continuous axis lines from the entry
24 points of passage routes to the exit points.

1 The exercise of the right of archipelagic sea lanes passage shall be through a sea lane,
2 or through the air route above a sea lane, which has been determined and designated to be an
3 archipelagic sea lane that may be used for exercising the right of archipelagic sea lanes passage
4 under Section 4 hereof.

5 **SEC. 7. *Obligations in the Exercise of the Right of Archipelagic Sea Lanes Passage.***

6 – In the exercise of the right of archipelagic sea lanes passage, the following obligations must
7 be observed:

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

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

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

19 (d) Foreign ships and aircraft, including military aircraft and warships, shall refrain
20 from any war game exercises or exercises using any type of weapons, especially involving the
21 use of ordnance;

22 (e) Foreign aircraft shall not land in Philippine territory except when rendered
23 necessary by *force majeure* or distress;

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

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

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

10 SEC. 8. ***Prohibition Against the Conduct of Research and Survey Activities.*** - Foreign
11 ships or aircraft, including marine scientific research or survey ships or aircraft, while
12 exercising the right of archipelagic sea lanes passage, shall not conduct oceanographic or
13 hydrographic surveys or any other research or survey activities, whether with the use of
14 detection equipment or sample gathering equipment, unless they have obtained prior
15 permission to do so from the appropriate agency of the Government of the Republic of the
16 Philippines.

17 SEC. 9. ***Prohibition of Fishing, Marine Bioprospecting, Loading, Unloading of***
18 ***Persons, Goods or Currency.*** –

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

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

4 (c) Foreign ships and aircraft, while exercising the right of archipelagic sea lanes
5 passage, shall not load to a ship or unload from a ship persons, goods or currency in a manner
6 that contravenes the laws and regulations concerning customs, immigration, fiscal matters and
7 sanitary rules, except when rendered necessary by *force majeure* or by distress.

8 SEC. 10. *Compliance with Navigational Regulations, Procedures and Traffic*

9 *Scheme.* – While exercising the right of archipelagic sea lanes passage, foreign ships shall:

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

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

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

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

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

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

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

1 (2) Monitor the radio frequency assigned by the competent internationally
2 designated air traffic control authority or the appropriate international distress radio frequency
3 at all times.

4 (b) Foreign State aircraft exercising the right of archipelagic sea lanes passage shall:

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

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

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

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

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

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

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

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

5 SEC. 14. *Penalties.* –

6 Non-compliance by foreign civilian ships and aircraft with the pertinent provisions of
7 this Act which constitutes a violation of existing fisheries, environmental, customs, fiscal,
8 immigration, sanitary and other pertinent laws shall be punishable by the provisions thereof.

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

14 The penalty shall be imposed upon the master of the vessel or the captain of the aircraft
15 or the owner or operator of the vessel or aircraft, as the case may be. If the owner or operator
16 is a corporation, partnership or any other juridical person, the penalty shall be imposed upon
17 the president or head thereof.

18 CHAPTER IV

19 FINAL PROVISIONS

20 SEC. 15. *Right of Innocent Passage.* – The provisions of this Act shall not diminish
21 the rights of foreign ships to exercise the right of innocent passage in the archipelagic waters
22 outside of the archipelagic sea lanes.

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

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

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

Approved,