



Senate  
Office of the Secretary

NINETEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
*First Regular Session* )

22 JUL -7 P2 :07

RECEIVED BY

SENATE  
Senate Bill No. 78

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Introduced by Senator Aquilino "Koko" Pimentel III

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**AN ACT**  
**AUTHORIZING THE PRESIDENT OF THE PHILIPPINES TO**  
**ESTABLISH THE ARCHIPELAGIC SEA LANES IN**  
**PHILIPPINE ARCHIPELAGIC WATERS, PRESCRIBING**  
**THE OBLIGATIONS OF FOREIGN SHIPS AND AIRCRAFT**  
**EXERCISING ARCHIPELAGIC SEA LANES PASSAGE**  
**THROUGH THE DESIGNATED ARCHIPELAGIC SEA**  
**LANES, AND FOR OTHER PURPOSES**

**EXPLANATORY NOTE**

Republic Act No. 9522, otherwise 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*, made the country's archipelagic baselines system conform with the 1982 United Nations Convention on the Law of the Sea (UNCLOS) to which the Philippines is a state party. R. A. No. 9522 attests to the continued commitment of the Philippines as an archipelagic State to harmonize its domestic legislation with UNCLOS.

Under UNCLOS, an archipelagic State has sovereignty over its archipelagic waters and the airspace above it, as well as its seabed and subsoil. All ships and aircraft, however, may exercise archipelagic sea lanes passage or the exercise of navigation and overflight solely for the

purpose of continuous, expeditious, and unobstructed transit between one part of the high seas or an exclusive economic zone and another part of the high seas or an exclusive economic zone. The archipelagic State may designate sea lanes and air routes suitable for the continuous and expeditious passage of ships and aircraft through or over its archipelagic waters and the adjacent territorial sea. In case the archipelagic State does not designate archipelagic sea lanes, the archipelagic sea lanes passage may be exercised through the routes normally used for international navigation pursuant to UNCLOS.

With its waters linked to important and busy navigational routes, it is imperative that the Philippines designate its archipelagic sea lanes in consideration of its own security, economic, and environmental interests. The exercise of archipelagic sea lanes passage within the country's archipelagic waters can be rationalized by pursuing a balance between international maritime navigation and overflight requirements and domestic considerations. Non-designation of archipelagic sea lanes has the effect of waiving the right to designate in favor of other states who could freely exercise archipelagic sea lanes passage through Philippine archipelagic waters that they think are "the routes normally used for international navigation." This obviously is detrimental to the Philippines' interest.

This bill seeks to establish archipelagic sea lanes in Philippine archipelagic waters and the adjacent territorial sea, prescribing the obligations of foreign ships and aircraft exercising archipelagic sea lanes passage through the established sea lanes and providing for the associated measures therein.

In view of the foregoing, the immediate passage of this measure is earnestly requested.

  
AQUILINO "KOKO" PIMENTEL III



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*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  
2           *“Philippine Archipelagic Sea Lanes Act.”*

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

9  
10           **SEC. 3. Scope of Application.** – This Act shall govern the exercise  
11 of archipelagic sea lanes passage through designated archipelagic sea  
12 lanes by foreign ships and aircraft; *Provided,* That pending designation  
13 of the said archipelagic sea lanes, ships and aircraft passing through

1 routes normally used for international navigation shall comply with the  
2 provisions of this Act.

3  
4 **SEC. 4. *Definition of Terms.*** – As used in this Act, the following  
5 terms are defined in accordance with the UNCLOS:

- 6  
7 a) *Archipelagic sea lanes* shall refer to the designated sea  
8 lanes and air routes in the archipelagic waters through  
9 which foreign ships or aircraft may exercise  
10 archipelagic sea lanes passage;  
11
- 12 b) *Archipelagic sea lanes passage* shall refer to the  
13 exercise of navigation and overflight in the normal  
14 mode solely for the purpose of continuous, expeditious,  
15 and unobstructed transit between one part of the high  
16 seas or an exclusive economic zone (EEZ) and another  
17 part of the high seas or an EEZ;  
18
- 19 c) *Archipelagic waters* shall refer to the waters on the  
20 landward side of the archipelagic baselines except those  
21 delineated as internal waters;  
22
- 23 d) *Hydrographic survey* shall refer to a survey having for  
24 its principal purpose the determination of data relating  
25 to bodies of water. A hydrographic survey may consist  
26 of the determination of one or several of the following  
27 classes of data: depth of water; configuration and nature  
28 of bottom; directions and force of currents; heights and  
29 times of tides and water stages; and location of  
30 topographic features and fixed objects for survey and  
31 navigation purposes;  
32
- 33 e) *Internal waters* shall refer to the waters inside the  
34 archipelagic baselines which are delineated from the  
35 archipelagic waters based on Article 50, in relation to  
36 Articles 9, 10, and 11 of the UNCLOS;

- 1 f) *Oceanographic survey* shall refer to a study or  
2 examination of any physical, chemical, biological,  
3 geological, or geophysical condition in the ocean, or  
4 any part of it;  
5
- 6 g) *Right of innocent passage* shall refer to the right of  
7 continuous and expeditious passage of foreign ships  
8 through the territorial seas that is not prejudicial to the  
9 peace, good order, or security of the coastal State.  
10 Passage includes stopping and anchoring, but only  
11 insofar as the same are incidental to ordinary navigation  
12 or are rendered necessary by *force majeure* or distress  
13 or for the purpose of rendering assistance to persons,  
14 ships or aircraft in danger or in distress. Passage shall  
15 be considered as prejudicial to the peace, good order,  
16 and security of the coastal State if in the territorial sea,  
17 the ship engages in any of the activities enumerated in  
18 Article 19 of the UNCLOS. This right of innocent  
19 passage applies to archipelagic waters as provided in  
20 Article 52 of the UNCLOS; and  
21
- 22 h) *Territorial sea* shall refer to the belt of sea measured  
23 twelve (12) nautical miles from the baselines.  
24

25 **SEC. 5. Archipelagic Sea Lanes Passage of Foreign Ships and**  
26 *Aircraft.* – Foreign ships and aircraft may exercise archipelagic sea  
27 lanes passage in accordance with the provisions of UNCLOS in order  
28 to navigate or fly from one part of the high seas or an EEZ to another  
29 part of the high seas or an EEZ through or over the Philippine  
30 archipelagic waters and its adjacent territorial sea. Such sea lanes shall  
31 be defined by a series of continuous axis lines from the entry points of  
32 passage routes to the exit points.  
33

34 The exercise of archipelagic sea lanes passage shall be through  
35 these sea lanes, or through the air above these sea lanes, as designated  
36 pursuant to this Act.  
37

1           **SEC. 6. Designation of Archipelagic Sea Lanes.** – The President  
2 of the Philippines is hereby authorized to designate the archipelagic sea  
3 lanes of the Philippines and, if appropriate, establish traffic separation  
4 schemes for the safe passage of ships through narrow channels in such  
5 sea lanes; *Provided*, that no more than three (3) archipelagic sea lanes  
6 shall be designated absent clear and compelling reasons to the contrary;  
7 *Provided further*, that in the identification of archipelagic sea lanes, the  
8 following factors shall be considered:

- 9
- 10           a) National interest;
  - 11           b) Particularly sensitive sea areas (PSSAs);
  - 12           c) Marine Protected Areas (MPAs);
  - 13           d) Key biodiversity areas (KBAs);
  - 14           e) Safety of navigation; and
  - 15           f) Risk of pollution.
- 16

17           *Provided furthermore*, that the requirements under UNCLOS in  
18 the designation of archipelagic sea lanes shall be complied with;  
19 *Provided finally*, that the designation of the archipelagic sea lanes shall  
20 be given due publicity.

21

22           Ninety (90) days after the archipelagic sea lanes are designated  
23 and, if appropriate, traffic separation schemes are prescribed in  
24 accordance with this Section, foreign ships and aircraft can exercise  
25 archipelagic sea lane passage only through the designated archipelagic  
26 sea lanes and foreign ships must follow the prescribe traffic separation  
27 schemes.

28

29           When circumstances require, the President may substitute other  
30 sea lanes or traffic separation schemes for any sea lanes or traffic  
31 separation schemes previously designated; *Provided*, that in the  
32 designation of substitute sea lanes and traffic separation schemes, the  
33 requirements under the preceding paragraphs of this section shall be  
34 complied with.

35

1           **SEC. 7. Exercise of Archipelagic Sea Lanes Passage.** – Foreign  
2 ships and aircraft exercising archipelagic sea lanes passage shall be  
3 governed by the following rules:

- 4
- 5           a) Foreign ships and aircraft shall pass through or above  
6           the archipelagic sea lane as quickly as possible without  
7           delay and in the normal mode solely for the purpose of  
8           continuous, expeditious and unobstructed transit.  
9
- 10          b) Foreign ships and aircraft shall not deviate more than  
11          twenty-five (25) nautical miles to either side of the axis  
12          line of the sea lane; *Provided*, that such ships and  
13          aircraft shall not navigate closer to the coast more than  
14          ten percent (10%) of the distance between the nearest  
15          points on islands bordering the sea lane.  
16
- 17          c) Foreign ships and aircraft, including military warships  
18          and aircraft, shall refrain from any threat or use of  
19          force against the sovereignty, territorial integrity, or  
20          political independence of the Republic of the  
21          Philippines, and shall not engage in any activity in  
22          violation of the principles of international law  
23          embodied in the Charter of the United Nations,  
24          including, but not limited to, the conduct of military  
25          operations external to the vessel or aircraft, military  
26          war game exercises or exercises using any kind of  
27          weapons, and intelligence gathering, surveillance, or  
28          reconnaissance.  
29
- 30          d) Except when rendered necessary by *force majeure* or  
31          by distress, foreign aircraft shall not land in Philippine  
32          territory.  
33
- 34          e) No foreign ship shall stop, drop anchor, loiter, or move  
35          back and forth, except when rendered necessary by  
36          *force majeure* or by distress in order to render  
37          assistance to persons or ships experiencing a disaster.

1  
2 f) Foreign ships or aircraft shall refrain from activities  
3 other than those incident to their normal modes of  
4 continuous and expeditious transit, unless rendered  
5 necessary by *force majeure* or by distress.  
6

7 g) Foreign ships or aircraft shall not make covert  
8 transmissions or carry out unauthorized broadcasting  
9 or interfere with telecommunications systems and shall  
10 not establish direct communications with unauthorized  
11 persons or groups within Philippine territory.  
12

13 h) Foreign ships or aircraft shall keep their automatic  
14 identification systems turned on throughout their  
15 passage through Philippine archipelagic waters and  
16 shall duly respond to messages from the Philippine  
17 Coast Guard (PCG) and other agencies of the  
18 government of the Republic of the Philippines.  
19

20 **SEC. 8. *Prohibition Against Unauthorized Research and Survey***  
21 *Activities.* – Foreign ships or aircraft, including marine scientific  
22 research or survey ships or aircraft, while exercising archipelagic sea  
23 lanes passage, shall not conduct oceanographic or hydrographic  
24 surveys or any other research or survey activities, whether with the use  
25 of detection equipment or sample gathering equipment, unless they  
26 have obtained prior permission to do so from the appropriate agency  
27 of the government of the Republic of the Philippines.  
28

29 **SEC. 9. *Prohibition Against Fishing and Loading, Unloading of***  
30 *Persons, Goods or Currency.* – While exercising archipelagic sea lanes  
31 passage, foreign ships, including fishing vessels, shall:  
32

33 a) Not conduct any fishing operation or exploitation of  
34 the marine resources of the Philippines;  
35

36 b) Stow all their fishing equipment within the hold; and  
37



- 1 c) Not load unto the ship or unload from the ship persons,  
2 goods or currency in a manner that contravenes the  
3 laws and regulations concerning customs,  
4 immigration, fiscal matters and health, except when  
5 rendered necessary by *force majeure* or by distress.  
6

7 **SEC. 10. *Obligations of Foreign Ships.*** – While exercising  
8 archipelagic sea lanes passage, foreign ships shall:  
9

- 10 a) Comply with the generally accepted international  
11 regulations, procedures and practices concerning  
12 safety of navigation, including regulations relating to  
13 the prevention of collisions at sea;  
14  
15 b) Comply with the provisions of the traffic separation  
16 schemes in a sea lane where traffic separation schemes  
17 have been prescribed and established in accordance  
18 with this Act;  
19  
20 c) Not cause disturbance or damage to navigational  
21 facilities or submarine cables or pipes; and  
22  
23 d) Not navigate within 500 meters of protected areas and  
24 other prohibited zones as determined by concerned  
25 agencies, and of facilities for the exploitation or  
26 exploration of natural resources.  
27

28 **SEC. 11. *Obligations of Foreign Aircraft.*** –  
29

30 a) Foreign civil aircraft exercising archipelagic sea lanes passage  
31 shall:  
32

- 33 1) Observe the applicable rules and regulations  
34 established by the Civil Aviation Authority of the  
35 Philippines (CAAP) consistent with international  
36 law;  
37

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

4  
5                   3) Monitor the radio frequency assigned by the  
6                   competent internationally designated air traffic  
7                   control authority or the appropriate international  
8                   distress radio frequency at all times.

9  
10                b) All other foreign aircraft, whether government or military,  
11                exercising archipelagic sea lanes passage shall:

12  
13                   1) Observe and respect the rules and regulations  
14                   consistent with international law concerning flight  
15                   safety applicable to it;

16  
17                   2) Operate at all times with due regard for the safety  
18                   of navigation; and

19  
20                   3) Comply with the obligations detailed in Section  
21                   11(a)(3) hereof.

22  
23                **SEC. 12. *Prohibition Against Marine Pollution.*** – Foreign ships  
24                and aircraft exercising archipelagic sea lanes passage shall not:

25  
26                   a) Expel oil, oily wastes or other noxious substances  
27                   in Philippine territory and maritime zones;

28  
29                   b) Dump waste in Philippine territory and maritime  
30                   zones; and

31  
32                   c) Conduct other activities in contravention of  
33                   Philippine laws and international regulations and  
34                   standards for the prevention, reduction, and control  
35                   of marine pollution.

1           **SEC. 13.** *Foreign Warships and Aircraft Carrying Nuclear*  
2 *Weapons.* – Foreign warships and military aircraft may exercise  
3 archipelagic sea lanes passage. However, such warships and aircraft  
4 shall respect the constitutional policy of freedom from nuclear weapons  
5 in any part of Philippine territory.

6  
7           **SEC. 14.** *Right of Innocent Passage Applicable to Archipelagic*  
8 *Waters.* – The provisions of Section 3, Part II of the UNCLOS on  
9 innocent passage in the territorial sea shall apply to innocent passage in  
10 archipelagic waters. Outside sea lanes or normal routes, ships must  
11 transit archipelagic waters in innocent passage subject to the provisions  
12 of this Act.

13  
14           **SEC. 15.** *Penalties.*

15  
16           a) Non-compliance with any provision of this Act  
17 concerning the obligations of foreign ships and aircraft  
18 while exercising archipelagic sea lanes passage, which  
19 constitutes a crime or violation of national laws or  
20 regulations of the Philippines, such as fisheries,  
21 pollution, environment, customs, immigration, and  
22 fiscal laws and regulations, committed by foreign  
23 commercial ships or aircraft or foreign government  
24 ships or aircraft operated for commercial purposes  
25 shall be punishable by the corresponding penalties  
26 provided in the relevant laws or regulations.

27  
28           b) If the non-compliance does not constitute a crime or  
29 violation of national laws or regulations of the  
30 Philippines, such as but not limited to stopping,  
31 dropping anchor, loitering, deviating from the  
32 designated archipelagic sea lane and the prescribed  
33 traffic separation schemes while exercising  
34 archipelagic sea lanes passage, and exercising  
35 archipelagic sea lanes passage outside the designated  
36 sea lanes, the same shall be punishable by Six Hundred  
37 Thousand US Dollars (US\$600,000.00) but not more

1 than One Million US Dollars (US\$1,000,000.00) or its  
2 equivalent in Philippine currency.

- 3  
4 c) The person or legal entity responsible for the actual  
5 operation of the foreign commercial ship or aircraft or  
6 foreign government ship or aircraft operated for  
7 commercial purposes shall be the one liable under this  
8 Section.  
9

10 **Sec. 16. Immunities of Warships or Military Aircraft or Other**  
11 ***Government Ships or Aircraft Operated for Non-Commercial***  
12 ***Purposes.*** - Nothing in this Act shall affect the immunities of warships  
13 or military aircraft or other government ships or aircraft operated for  
14 non-commercial purposes; *Provided, that:*

- 15  
16 a) If any warship or military aircraft or other government  
17 ship or aircraft operated for non-commercial purposes  
18 does not comply with the laws and regulations of the  
19 Philippines concerning passage through or over the  
20 archipelagic waters and disregards any request for  
21 compliance therewith which is made to it, then it shall  
22 be required by the appropriate agency or agencies of the  
23 government of the Republic of the Philippines to  
24 immediately leave its archipelagic waters.  
25

- 26 b) The flag State shall bear the responsibility to  
27 compensate the Philippines for any loss or damage  
28 resulting from the non-compliance by a warship or  
29 military aircraft or other government ship or aircraft  
30 operated for non-commercial purposes with this Act or  
31 with the provisions of the UNCLOS or other rules of  
32 international law.  
33

34 **SEC. 17. Appropriations.** – The amount necessary for the  
35 immediate implementation of this Act shall be included in the annual  
36 General Appropriations Act.  
37

1           **SEC. 18. *Implementing Rules and Regulations.*** – Within three (3)  
2 months from the effectivity of this Act, the Department of Foreign  
3 Affairs (DFA) shall convene an inter-agency committee for  
4 archipelagic sea lanes comprised of the Department of National  
5 Defense (DND), PCG, National Mapping and Resource Information  
6 Authority (NAMRIA), and other agencies concerned with maritime  
7 security and law enforcement. The said inter-agency committee shall,  
8 within six (6) months from the effectivity of this Act, promulgate the  
9 implementing rules and regulations (IRR) necessary to ensure the  
10 efficient and effective implementation of this Act. Such inter-agency  
11 committee shall adhere strictly to the intent of this Act.

12  
13           The IRR shall include associated protective measures to regulate  
14 maritime activities for the protection of areas at risk.

15  
16           **SEC. 19. *Separability Clause.*** – Should any provision or part of  
17 this Act be declared unconstitutional or invalid, the other provisions  
18 and parts hereof, insofar as they are separable from the invalid ones,  
19 shall remain in full force and effect.

20  
21           **SEC. 20. *Repealing Clause.*** – All laws, decrees, orders,  
22 issuances, rules and regulations or parts thereof which are inconsistent  
23 with this Act are hereby repealed or modified accordingly.

24  
25           **SEC. 21. *Effectivity.*** – This Act shall take effect fifteen (15) days  
26 after its publication in the *Official Gazette* or in at least two (2)  
27 newspapers of general circulation.

*Approved,*