

17
NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



'22 JUL -7 P4:13

SENATE
S. No. 169

RECEIVED BY: _____

Introduced by SENATOR FRANCIS "TOL" N. TOLENTINO

AN ACT
AMENDING REPUBLIC ACT NO. 9522, TO FURTHER DEFINE THE
BASELINES OF THE PHILIPPINE TERRITORY, INCLUDING ITS
MARITIME FEATURES, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

Article II, Section 7 of the 1987 Constitution lays down the foreign policy of the country: "The State shall pursue an independent foreign policy. In its relations with other states the paramount consideration shall be national sovereignty, territorial integrity, national interest, and the right to self-determination."

This bill aims to amend Republic Act No. 9522, or the 2009 Baselines Law, to include the maritime areas over which the Philippines exercises sovereignty and jurisdiction, taking into account the Award of the Tribunal of the Permanent Court of Arbitration in *Republic of the Philippines v. People's Republic of China* (PCA Case No 2013-19), but maintaining our territorial, sovereign rights, and all other claims in the West Philippine Sea. The bill also mandates the National Mapping and Resource Information Authority (NAMRIA) to produce and publish official charts and maps of the appropriate scale clearly representing the delineation of the new basepoints and baselines over the said maritime features.

Last 9 May 2021, the National Task Force for the West Philippine Sea (NTF-WPS) reported that a total of 287 Chinese maritime militia vessels were in the WPS.

Foreign Affairs Secretary Teodoro Locsin Jr. ordered the filing of another diplomatic protest against China last 13 May 2021 as Chinese militia vessels refused to leave the different maritime features in the West Philippine Sea.¹ With tensions in the West Philippines Sea flaring up in the past two months over the illegal incursions of Chinese vessels despite repeated demands from Philippine officials to withdraw,² it is therefore imperative to bolster our stance and assert our rights in the West Philippine Sea through a legal framework consistent with the Constitution and international law.

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

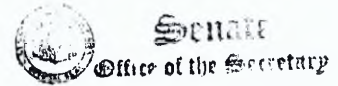


FRANCIS "TOL" N. TOLENTINO

¹ "Philippines flags 'incursions' by nearly 300 Chinese militia boats," retrieved from <https://www.reuters.com/world/asia-pacific/philippines-flags-incursions-by-nearly-300-chinese-militia-boats-2021-05-12/#:~:text=Philippines%20flags%20%27incursions%27%20by%20nearly%20300%20Chinese%20militia,in%20a%20relationship%20after%20a%20period%20of%20rapprochement.>

² "Locsin orders filing of diplomatic protest anew over presence of 287 Chinese vessels in WPS," retrieved from <https://www.cnnphilippines.com/news/2021/5/13/West-Philippine-Sea-China-vessels-Locsin-DFA.html>

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



'22 JUL -7 P4:13

SENATE
S. No. 169

RECEIVED BY:

Introduced by SENATOR FRANCIS "TOL" N. TOLENTINO

1
2
3
4

5
6
7
8

9
10
11
12
13

14
15

16

AN ACT
AMENDING REPUBLIC ACT NO. 9522, TO FURTHER DEFINE THE
BASELINES OF THE PHILIPPINE TERRITORY, INCLUDING ITS
MARITIME FEATURES, AND FOR OTHER PURPOSES

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

Section 1. Section 2 of Republic Act No. 9522, entitled "An Act to Amend Certain Provisions of Republic Act No. 3046, as amended by Republic Act No. 5446, to Define the Archipelagic Baseline of the Philippines and for Other Purposes," is hereby amended to read as follows:

~~"SECTION 2. [The baselines in the following areas over which the Philippines likewise exercises sovereignty and jurisdiction shall be determined as "Regime of Islands" under the Republic of the Philippines consistent with Article 121 of the United Nations Convention on the Law of the Sea (UNCLOS):~~

~~a) The Kalayaan Island Group as constituted under Presidential Decree No. 1596; and~~

~~b) Bajo de Masinloc, also known as Scarborough Shoal.]~~

1 **FOR PURPOSES OF DEFINING THE TERRITORY OF**
2 **THE MARITIME AREAS OVER WHICH THE REPUBLIC OF**
3 **THE PHILIPPINES EXERCISES SOVEREIGNTY AND**
4 **JURISDICTION, BASELINES SHALL BE DRAWN TO**
5 **DELINEATE THE MARITIME ZONES OF ISLANDS, ROCK**
6 **FORMATIONS, AND THE LOW-TIDE ELEVATIONS OF THE**
7 **FOLLOWING:**

- 8 **(a) BAJO DE MASINLOC**
- 9 **(b) SANDY CAY**
- 10 **(c) ALISON REEF**
- 11 **(d) AMBOYNA CAY**
- 12 **(e) ARDASIER REEF**
- 13 **(f) BAN THAN JIAO**
- 14 **(g) BARQUE CANADA REEF**
- 15 **(h) CENTRAL REEF**
- 16 **(i) COLLINS REEF**
- 17 **(j) COMMODORE REEF**
- 18 **(k) CORNWALLIS SOUTH REEF**
- 19 **(l) CUARTERON REEF**
- 20 **(m) DISCOVERY GREAT REEF**
- 21 **(n) EAST REEF**
- 22 **(o) ELDAD REEF**
- 23 **(p) FIERY CROSS REEF**
- 24 **(q) FLAT ISLAND**
- 25 **(r) GAVEN REEF**
- 26 **(s) IRVING REEF**
- 27 **(t) ITU ABA**
- 28 **(u) JOHNSON REEF**
- 29 **(v) KALAYAN ISLAND GROUP**
- 30 **(w) LANSDOWNE REEF**
- 31 **(x) LANKIAM CAY**

- 1 (y) LOAITA
- 2 (z) LOUISA REEF
- 3 (aa) MARIVELES REEF
- 4 (bb) MISCHIEF REEF
- 5 (cc) NAMYTT
- 6 (dd) NANSHAN
- 7 (ee) NORTHEAST CAY
- 8 (ff) PEARSON REEFS
- 9 (gg) PETLEY REEF
- 10 (hh) PIGEON REEF
- 11 (ii) SAND CAY
- 12 (jj) SECOND THOMAS SHOAL
- 13 (kk) SIN COWE
- 14 (ll) SOUTH REEF
- 15 (mm) SOUTHWEST CAY
- 16 (nn) SPRATLY
- 17 (oo) SUBIREEF
- 18 (pp) SWALLOW REEF
- 19 (qq) THITU
- 20 (rr) WEST REEF
- 21 (ss) WEST YORK
- 22 (tt) WHITSON REEF

23 **PROVIDED, THAT THIS SHALL NOT PRECLUDE FUTURE**
24 **DEMARCATIION OF BASELINES FOR OTHER MARITIME FEATURES OVER**
25 **WHICH THE PHILIPPINES EXERCISES SOVEREIGNTY AND**
26 **JURISDICTION."**

27 **Section 2.** A new section designated as Section 2-A of Republic Act No. 9522
28 is hereby inserted and shall read as follows:

29 **"SEC. 2-A. THE NATIONAL MAPPING AND RESOURCE**
30 **INFORMATION AUTHORITY (NAMRIA) SHALL PRODUCE AND**

1 PUBLISH OFFICIAL CHARTS AND MAPS OF THE APPROPRIATE
2 SCALE CLEARLY REPRESENTING THE DELINEATION OF THE NEW
3 BASEPOINTS AND BASELINES AS SET FORTH IN SECTION 2,
4 WITHIN THIRTY (30) DAYS FROM THE EFFECTIVITY OF THIS ACT.
5 THE NAMRIA SHALL SUBMIT THE FOREGOING TO CONGRESS AND
6 THE DEPARTMENT OF FOREIGN AFFAIRS (DFA); *PROVIDED*, THAT
7 THE PHILIPPINE GOVERNMENT, THROUGH THE DFA, SHALL
8 DEPOSIT A COPY OF THIS ACT, SUCH OFFICIAL CHARTS AND MAPS
9 PRODUCED BY NAMRIA, AND OTHER RELEVANT DOCUMENTS WITH
10 THE SECRETARY-GENERAL OF THE UNITED NATIONS AND NOTIFY
11 ACCORDINGLY ALL RELEVANT INTERNATIONAL AND
12 INTERGOVERNMENTAL ORGANIZATIONS, SUCH AS THE UNITED
13 NATIONS STATISTICAL COMMISSION, THE INTERGOVERNMENTAL
14 OCEANOGRAPHIC COMMISSION OF THE UNITED NATIONS
15 EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION
16 (UNESCO), THE UNITED NATIONS GROUP OF EXPERTS ON
17 GEOGRAPHICAL NAMES (UNGEGN), AND THE INTERNATIONAL
18 HYDROGRAPHIC ORGANIZATION (IHO), AMONG OTHERS."

19 **Section 3.** Such amounts necessary to finance the initial implementation of
20 this Act shall be sourced from the unprogrammed funds in the current General
21 Appropriations Act (GAA). Thereafter, such amounts necessary for its continued
22 implementation shall be included in the annual GAA.

23 **Section 4. *Separability Clause.*** Should any part or provision of this Act be
24 held unconstitutional or invalid, the other parts or provisions not affected thereby
25 shall continue to have full force and effect.

26 **Section 5. *Repealing Clause.*** All laws, decrees, executive orders, rules and
27 regulations, issuances, or any part thereof inconsistent with the provisions of this Act
28 are hereby repealed, amended, or modified accordingly.

1 **Section 6. *Effectivity Clause.*** This Act shall take effect fifteen (15) days
2 following its complete publication in the *Official Gazette* or in a newspaper of general
3 circulation.

Approved,