

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



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SENATE

S.B. No. 1353

RECEIVED BY:

INTRODUCED BY SENATOR RISA HONTIVEROS

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

EXPLANATORY NOTE

The United Nations Convention on the Law of the Sea (UNCLOS) was signed in 1982 and came into effect in 1994. The UNCLOS provides a constitution for the oceans that forms the framework and substance of the rules-based order of maritime governance, including the allocation of maritime zones to coastal states, as well as archipelagic states.

As a party to UNCLOS and a law-abiding member of the international community, the Philippines is bound to perform its obligations in good faith, and thus has the responsibility to harmonize its laws with the treaty. Therefore, in 2009, it enacted Republic Act No. 9522 to make the baselines of the territorial sea of the Philippine archipelago compliant with UNCLOS. It is from these baselines that the maritime zones seaward from Philippine territory are measured; and it is within these baselines that the Philippines has internal and archipelagic waters.

The indispensable next step in the harmonization of Philippine law with UNCLOS is the enactment of a comprehensive statute to establish the maritime zones of the Philippines in accordance with the treaty, which are mentioned and recognized in Article I and Article XII of the Constitution.

While some of these maritime zones are already defined or governed in various statutes and statutory provisions, they are fragmented and incomprehensive. These statutes and provisions do not establish the complete set of maritime zone regimes that the Philippines, as a coastal state, may define under UNCLOS; and some of them do not yet govern the Philippines' maritime zones to the full geographical extent allowed under the treaty.

Further, many statutory provisions governing the maritime zones of the Philippines were enacted or issued before UNCLOS. As a consequence, they either reflect pre-UNCLOS international or domestic legal regimes or enshrine Philippine negotiating positions on the law of the sea, which have been superseded by the entry into force of that treaty.

Evidently, it is necessary to remove all ambiguity by enacting a comprehensive maritime zones law that clearly establishes the legal regimes and geographical extent of these maritime zones in accordance with UNCLOS. This would not only demonstrate the adherence of the Philippines to international law but would also remove any uncertainty on the part of its armed forces and civilian law enforcers as to which laws they may observe and over which area. It also provides for the requisite flexibility in enacting subsequent laws appropriate to the rights and obligations to which the Philippines is entitled in exercising jurisdiction over its maritime zones.

In view of the foregoing, the prioritization and immediate passage of the current bill proposing a Maritime Zones Law is respectfully sought.


RISA HONTIVEROS
Senator

SENATE

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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 "Philippine Maritime Zones
2 Act".

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

7 Sec. 3. *Archipelagic Baselines.* – Archipelagic baselines, as used in this Act, refer
8 to the baselines as defined under Republic Act No. 9522, otherwise known as the
9 "Philippine Archipelagic Baselines Act of 2009".

10 Sec. 4. *Internal Waters.* – The internal waters of the Philippines, as appropriate,
11 refer to the following:

12 (a) waters on the landward side of the archipelagic baselines not forming part of
13 archipelagic waters under Section 5 of this Act and delineated in accordance with Article
14 50 of the 1982 United Nations Convention on the Law of the Sea (UNCLOS); and

15 (b) waters on the landward side of the baselines of the territorial sea of territories
16 outside of the archipelagic baselines, drawn in accordance with Article 8 of the UNCLOS.

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

20 Sec. 5. *Archipelagic Waters.* – The archipelagic waters of the Philippines refer to
21 the waters on the landward side of the archipelagic baselines except as provided for under
22 Section 4 of this Act.

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

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

6 *Sec. 6. Territorial Sea.* – The territorial sea of the Philippines refers to the adjacent
7 belt of sea measured twelve (12) nautical miles from the baselines of the territorial sea
8 as determined in accordance with the provisions of Part II or Part IV of the UNCLOS as
9 appropriate.

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

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

16 In accordance with the UNCLOS, the Philippines exercises control over this zone
17 necessary to:

18 (a) prevent infringement of its customs, fiscal, immigration, or sanitary laws and
19 regulations within its territory or territorial sea; and

20 (b) punish infringement of the above laws and regulations committed within its
21 territory or territorial sea.

22 *Sec. 8. Exclusive Economic Zone.* – The exclusive economic zone (EEZ) of the
23 Philippines refers to the waters beyond and adjacent to its territorial sea and up to the
24 extent of two hundred (200) nautical miles from the baselines from which the breadth of
25 the territorial sea is measured, as established by Presidential Decree No. 1599, otherwise
26 known as the "Philippine Exclusive Economic Zone of 1978", and to the extent consistent
27 with the other provisions of this Act and with the provisions of the UNCLOS.

28 In accordance with the UNCLOS, the Philippines exercises within the EEZ the
29 following rights:

30 (a) sovereign rights over this area for the purpose of exploring and exploiting,
31 conserving and managing the natural resources, whether living or non-living, of the
32 waters superjacent to the seabed, and of the seabed and its subsoil, and with regard to
33 other activities for the economic exploitation and exploration of the zone, such as the
34 production of energy from the water, tide, and wind; and

35 (b) jurisdiction with regard to: (i) the establishment and use of artificial islands,
36 installations and structures; (ii) marine scientific research; (iii) the protection and

1 preservation of the marine environment; and (iv) other rights and duties provided for in
2 the UNCLOS.

3 *Sec. 9. Continental Shelf.* – The continental shelf of the Philippines comprises the
4 seabed and subsoil of the submarine areas that extend beyond its territorial sea
5 throughout the natural prolongation of its land territory to the outer edge of the
6 continental margin, or to a distance of two hundred (200) nautical miles from the
7 baselines from which the breadth of the territorial sea is measured, where the outer edge
8 of the continental margin does not extend up to that distance.

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

11 The Philippines exercises sovereign rights to explore and exploit the mineral,
12 petroleum and nonliving resources of the seabed and subsoil and living organisms
13 belonging to the sedentary species, as well as jurisdiction with regard to the establishment
14 and use of artificial islands, installations and structures on the seabed, drilling and
15 tunneling, and other rights as provided for in accordance with the UNCLOS, Republic Act
16 No. 7942, otherwise known as the “Philippine Mining Act of 1995”, and other existing laws
17 and treaties.

18 *Sec. 10. Adherence to Existing Laws.* – Other rights of the Philippines relative to
19 its maritime zones and entitlements shall be exercised in accordance with the UNCLOS,
20 the awards rendered by the Arbitral Tribunal in Permanent Court of Arbitration (PCA)
21 Case No. 2013-19, in the matter of the South China Sea Arbitration between the Republic
22 of the Philippines and the People’s Republic of China, handed down on July 12, 2016 at
23 The Hague, The Netherlands and other laws and regulations on maritime zones and
24 entitlements of the Philippines and international law.

25 *Sec. 11. Delimitations.* – Where the maritime zones defined in this Act overlap with
26 the maritime zones of a neighboring State, the common boundaries shall be determined
27 by agreement with that State in accordance with the relevant principles of delimitation
28 under international law, including the UNCLOS.

29 *Sec. 12. Reciprocity and Mutual Respect.* – The rights and privileges of foreign
30 vessels and aircraft in Philippines archipelagic waters here provided are recognized under
31 conditions of reciprocity and mutual respect. Foreign States that do not abide by, or that
32 act inconsistently with, the 1982 United Nations Convention on the Law of the Sea shall
33 not be entitled to exercise the rights, nor be owed the obligations, relative to the regime
34 of archipelagic waters and the right of archipelagic sea lanes passage under Part IV of
35 the Convention.

1 Sec. 13. *Separability Clause.* – If any portion or provision of this Act is declared
2 unconstitutional or invalid, the other portions or provisions hereof not affected thereby
3 shall continue to be in full force and effect.

4 Sec. 14. *Repealing Clause.* – All laws inconsistent with or contrary to the provisions
5 of this Act are deemed amended or repealed accordingly.

6 Sec. 15. *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,