


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



'22 NOV -9 P1 :24

**SENATE**  
**S. No. 1490**

RECEIVED BY: 

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**Introduced by SENATOR RAMON BONG REVILLA, JR.**

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**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 THROUGH THE ESTABLISHED ARCHIPELAGIC SEA LANES AND PROVIDING FOR THE ASSOCIATED PROTECTED MEASURES THEREIN**

**EXPLANATORY NOTE**

The Republic Act No. 9522 or "*Archipelagic Baselines Law*" was enacted in 2009, which defined the baselines and adjusted the technical details pertaining to the Philippine archipelago, to which it exercises sovereignty and jurisdiction as consistent with the United Nations Convention on the Law of the Sea (UNCLOS). It affirmed that the Republic of the Philippines has dominion, sovereignty and jurisdiction over all portions of the national territory as defined in the 1987 Constitution and by provisions of applicable laws.

But such law was only the first step in harmonizing domestic legislations in accordance with the UNCLOS. The passage of two more bills is needed to completely put the "archipelagic house" in order – the Maritime Zones Bill and the Archipelagic Sea Lanes Bill. In fact, the designation of Archipelagic Sea Lanes was included twice in the Common Legislative Agenda of the Legislative Executive Development Advisory Council (LEDAC), during the Fifteenth and Sixteenth Congresses. However, those bills languished in the legislative mill since then.

The Philippine Archipelagic Sea Lanes Act, along with the Philippine Maritime Zones Act, is also part of the legislative priorities identified under the updated Philippine Development Plan 2017-2022 as part of ensuring security, public order and safety, and ensuring ecological integrity, clean and healthy environment.

As stated in the PDP, the bill establishes archipelagic sea lanes in Philippine archipelagic waters and territorial sea and prescribes the rights and obligations of foreign ships and aircraft that exercise the right of passage through the established sea lanes. Also, it seeks to protect the ecological integrity such that "foreign ships will have to confine their navigation within these sea lanes to ensure that vessels will not pass through the marine protected areas and marine habitats are protected from shipping related activities."

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



**RAMON BONG REVILLA, JR.**

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**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 THROUGH THE ESTABLISHED**  
**ARCHIPELAGIC SEA LANES AND PROVIDING FOR THE ASSOCIATED**  
**PROTECTED MEASURES THEREIN**

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

**I. GENERAL PROVISIONS**

1  
2  
3 Section 1. *Short Title.* – This Act shall be known as the “*Philippine Archipelagic*  
4 *Sea Lanes Act.*”

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

9 Sec. 3. *Definition of Terms.* – As used in this Act, the following terms are defined  
10 in accordance with the UNCLOS:

- 11 a. *Archipelagic sea lane* – shall refer to the designated sea lanes and air routes in  
12 the archipelagic waters through which foreign vessels or aircraft may exercise  
13 the right of archipelagic sea lanes passage;

- 1 b. *Archipelagic sea lane passage* – shall refer to the exercise, in accordance with  
2 the UNCLOS, of the rights of navigation and overflight in the normal mode  
3 solely for the purpose of continuous, expeditious and unobstructed transit  
4 between one part of the high seas or an exclusive economic zone (EEZ) and  
5 another part of the high seas or an EEZ;
- 6 c. *Archipelagic waters* – shall refer to the waters on the landward side of the  
7 archipelagic baselines, except as defined as Internal Waters;
- 8 d. *Associated protective measure* – shall refer to a measure that a coastal State  
9 may adopt to regulate international maritime activities for the protection of the  
10 area at risk;
- 11 e. *Hydrographic survey* – shall refer to a survey measuring and describing the  
12 physical features of the navigable portion of the earth’s surface (seas) and  
13 adjoining coastal areas, with special reference to their use for navigation;
- 14 f. *Oceanographic survey* – shall refer to a study or examination of any physical,  
15 chemical, biological or geological or geophysical condition in the ocean, or any  
16 part of it;
- 17 g. *Right of Innocent passage* – shall refer to the right of foreign vessels to navigate  
18 through the territorial seas of all States for the purpose of continuous and  
19 expeditious travel or for proceeding to or from internal waters. The passage is  
20 innocent when it is not prejudicial to the peace, good order or security of the  
21 coastal State; and
- 22 h. *Territorial sea* – shall refer to the belt of sea measured twelve (12) nautical  
23 miles from the baselines or from the low-water line, as the case may be.

24  
25 **II. RIGHTS AND OBLIGATIONS OF FOREIGN SHIPS AND AIRCRAFTS**  
26 **WHEN EXERCISING THE RIGHT OF ARCHIPELAGIC SEA LANES**  
27 **PASSAGE**

28 *Sec. 4. Right of Archipelagic Sea Lanes Passage of Foreign Ships and Aircrafts.*  
29 – Foreign ships and aircraft may exercise the right of archipelagic sea lanes passage  
30 in accordance with the provisions of the UNCLOS, in order to navigate or fly from one  
31 part of the high seas or an EEZ to another part of the high seas or an EEZ, through or  
32 over the Philippine archipelagic waters and its adjacent territorial sea. Such sea lanes

1 shall be defined by a series of continuous axis lines from the entry points of passage  
2 routes to the exit points.

3 The exercise of the right of archipelagic sea lanes passages shall be through a  
4 sea lane, or through the air above a sea lane, which has been determined to be an  
5 archipelagic sea lane that may be used for exercising the right of archipelagic sea  
6 lanes passage as described in Section 12 hereof.

7 *Sec. 5. Obligations of Foreign Ships and Aircrafts When Exercising the Right of*  
8 *Archipelagic Sea Lanes Passage. –*

- 9 a. Foreign ships and aircrafts exercising the right of archipelagic sea lanes passage  
10 shall pass through or above the archipelagic sea lanes as quickly as possible  
11 without delay and in the normal mode solely for the purpose of continuous,  
12 expeditious and unobstructed transit.
- 13 b. Foreign ships and aircrafts that are conducting archipelagic sea lanes passage  
14 shall not deviate more than twenty-five (25) nautical miles to either side of the  
15 axis line of the sea lanes: *Provided*, That such ships and aircrafts shall not  
16 navigate closer to the coast more than ten percent (10%) of the distance  
17 between the nearest points on islands bordering the sea lanes.
- 18 c. Foreign ships and aircrafts, while exercising the right of archipelagic sea lanes  
19 passage, shall refrain from any threat or use of force against the sovereignty,  
20 territorial integrity, or political independence of the Republic of the Philippines,  
21 or in any other manger in violation of the principles of international law  
22 embodied in the Charter of United Nations.
- 23 d. Foreign ships and aircrafts, including military aircrafts and warships, while  
24 exercising the right of archipelagic sea lanes passage, shall refrain from any  
25 war game exercises using any type of weapons, especially involving the use of  
26 ordnance.
- 27 e. Except when rendered necessary by force majeure or by distress, an aircraft  
28 exercising the right of archipelagic sea lanes passage shall not land in Philippine  
29 territory.
- 30 f. All foreign ships exercising the right of archipelagic sea lanes passage shall  
31 refrain from stopping, dropping anchor or loitering, except when rendered

1 necessary by force majeure or by distress, in order to render assistance to a  
2 person or persons or a ship or ships experiencing distress.

- 3 g. Foreign ships or aircrafts exercising the right of archipelagic sea lanes passage  
4 shall refrain from making covert transmissions, interfering with  
5 telecommunications systems, and communicating directly with an unauthorized  
6 person or group of persons in Philippine territory.

7 *Sec. 6. Permit to Conduct Oceanographic or Hydrographic Surveys.* – Foreign  
8 ships or aircrafts, including research or hydrographic survey ships or aircrafts, while  
9 exercising the right of archipelagic sea lanes passage, shall not conduct oceanographic  
10 or hydrographic surveys, whether with the use of detection equipment or sample  
11 gathering equipment, unless they have obtained prior permission to do so from the  
12 appropriate agency of the Government of the Republic of the Philippines.

13 *Sec. 7. Prohibition of Fishing, Loading, Unloading of Persons, Goods or*  
14 *Currency.* –

- 15 a. Foreign ships, including fishing vessels, while exercising the right of archipelagic  
16 sea lanes passage, shall not conduct any fishing operation or exploitation of  
17 marine resources in the Philippines.
- 18 b. Foreign fishing vessels, while exercising the right of archipelagic sea lanes  
19 passage, besides fulfilling their obligations under paragraph (a), shall stow all  
20 fishing equipment within the hold.
- 21 c. Foreign ships and aircrafts, while exercising the right of archipelagic sea lanes  
22 passage, shall not load to a ship or unload from a ship persons, goods or  
23 currency in a manner that contravenes the laws and regulations concerning  
24 customs, immigration, fiscal matters and health, except when rendered  
25 necessary by force majeure or by distress.

26 *Sec. 8. Compliance with Navigational Regulations, Procedures, and Traffic*  
27 *Scheme.* –

- 28 a. Foreign ships, while exercising the right of archipelagic sea lanes passage, shall  
29 comply with the generally accepted international regulations, procedures and  
30 practices concerning safety of navigation, including regulations relating to the  
31 prevention of collisions at sea.

- 1 b. Foreign ships, while exercising the right of archipelagic sea lanes passage in a  
2 sea lane, where a traffic separation scheme has been established for the  
3 regulation of navigation, shall comply with the provisions of the traffic  
4 separation scheme.
- 5 c. Foreign ships, while exercising the right of archipelagic sea lanes passage, shall  
6 not cause disturbance or damage to navigational facilities or submarine cables  
7 or pipes.
- 8 d. Foreign ships, while exercising the right of archipelagic sea lanes passage, shall  
9 not sail too close to prohibited zones as determined by concerned agencies.

10 *Sec. 9. Obligations of Foreign Civil Aircrafts. –*

- 11 a. Foreign civil aircrafts exercising the right of archipelagic sea lanes passage  
12 shall:
- 13 i. Observe the Rules of the Air established by the International Civil  
14 Aviation Organization (ICAO); and
- 15 ii. Monitor the radio frequency assigned by the competent internationally  
16 designated air traffic control authority or the appropriate international  
17 distress radio frequency at all times.
- 18 b. Foreign national aircrafts exercising the right of archipelagic sea lanes passage  
19 shall:
- 20 i. Respect the regulations concerning flight safely as detailed in Section 9  
21 (a) hereof and at all times operate with due regard for the safety of  
22 navigation; and
- 23 ii. Fulfill their obligations as detailed in Section 9 (a)(2) hereof.

24 *Sec. 10. Prevention of Marine Pollution and Nuclear Weapons. –*

- 25 a. Foreign ships exercising the right of archipelagic sea lanes passage shall not  
26 expel oil, oily wastes or other noxious substances into the marine environment,  
27 or conduct other activities in contravention of international regulations and  
28 standards for the prevention, reduction and control of marine pollution that  
29 originates from ships.
- 30 b. Foreign ships while exercising the right of archipelagic sea lanes passage shall  
31 not dump waste in Philippine waters.

- 1 c. Consistent with the national interest, the exercise of the right of archipelagic  
2 sea lanes passage by all foreign ships must be consistent with the constitutional  
3 mandate of freedom from nuclear weapons in Philippine territory.

4 *Sec. 11. Liability for Damage. –*

- 5 a. The person or legal body responsible for the operation or cargo of commercial  
6 ships or aircrafts, or foreign government ships or aircrafts operated for  
7 commercial purposes, shall be liable for any loss or damage suffered by the  
8 Philippines or any third party as a result of noncompliance with any of the  
9 provisions of this Act while exercising the right of archipelagic sea lanes  
10 passage.
- 11 b. The flag State shall bear international responsibility for any loss or damage  
12 suffered by the Philippines or any third party as a result of noncompliance with  
13 any of the provisions of this Act by a foreign warship or aircraft, or other  
14 government ship operated for noncommercial purposes, while exercising the  
15 right of archipelagic sea lanes passage in Philippine waters.

16  
17 **III. THE PRESIDENT OF THE REPUBLIC OF THE PHILIPPINES TO**  
18 **DESIGNATE THE ARCHIPELAGIC SEA LANES FOR THE RIGHT OF**  
19 **ARCHIPELAGIC SEA LANES PASSAGE AND TO INSTITUTE THE**  
20 **ASSOCIATED PROTECTIVE MEASURES THERETO**

21 *Sec. 12. Designation by the President of Archipelagic Sea Lanes. –* In pursuit of  
22 Philippine National Policy, the President shall promulgate through Executive Issuance  
23 the archipelagic sea lanes, which may be used for the right of archipelagic sea lanes  
24 passage, and the rules and regulations relating to Associated Protective Measures to  
25 be prescribed, within areas along the archipelagic sea lanes in accordance with the  
26 International Maritime Organization (IMO) Conventions and Regulations, and other  
27 relevant international agreements.

28  
29 **IV. FINAL PROVISIONS**

30 *Sec. 13. Right of Innocent Passage. –* The provisions of this Act shall not  
31 diminish the rights of foreign ships to exercise the right of innocent passage in  
32 archipelagic sea lanes.



1           Sec. 14. *National Coast Watch System (NCWS)*. – The NCWS, created by virtue  
2 of Executive Order 57, series of 2011, under the control and supervision of the Office  
3 of the President, shall serve as the authority to institute coordinating mechanisms for  
4 the implementation of this Act and shall continue to operate in accordance with its  
5 present organizational structure.

6           In addition to its powers, functions, and duties, the National Coast Watch  
7 Council (NCWC) shall provide technical and advisory support to the President in  
8 designating the archipelagic sea lanes. Further, the National Coast Watch Center (NCW  
9 Center) shall establish, monitor, and implement Associated Protective Measures for  
10 the designated archipelagic sea lanes.

11           Sec. 15. *Separability Clause*. – If any provision or part hereof is held invalid or  
12 unconstitutional, the remainder of the law or the provision or part not otherwise  
13 affected shall remain in full force and effect.

14           Sec. 16. *Repealing Clause*. – Any law, presidential decree or issuance, executive  
15 order, letter of instruction, administrative order, rule, or regulation contrary to, or  
16 inconsistent with, the provisions of this Act are hereby repealed, modified, or amended  
17 accordingly.

18           Sec. 17. *Effectivity*. – This Act shall take effect fifteen (15) days after its  
19 complete publication in the *Official Gazette* or in two (2) newspapers of general  
20 circulation in the Philippines.

21  
22           *Approved,*