

SENATE

S. B. No. _____

Introduced by SENATOR EDGARDO J. ANGARA

EXPLANATORY NOTE

Article I of the Philippine Constitution provides that the “national territory comprises the Philippine archipelago, with all the islands and waters embraced therein, and all other territories over which the Philippines has sovereignty or jurisdiction consisting of its terrestrial, fluvial and aerial domains, including its territorial sea, the seabed, the subsoil, the insular shelves, and other submarine areas. The waters around, between, and connecting the islands of the archipelago, regardless of their breadth and dimensions, form part of the internal waters of the Philippines.”

While the provision provides for the composition of the Philippine territory, it failed however, to define the baselines of the territorial sea.

The 1982 *United Nations Convention on the Law of the Sea* (UNCLOS) which the Philippines ratified in 1984 provides that an archipelagic state is a “group of islands including parts of islands, interconnecting waters and other natural features which are so closely interrelated that such islands, waters and other natural features form an intrinsic geographical, economic and political entity or which historically have been regarded as such.” It then set the 12-mile nautical territorial sea, the 24-mile contiguous zone and the 200-mile Exclusive Economic Zone (EEZ) as the limits of the archipelagic jurisdiction

Further, the UNCLOS allows claims beyond the 200-mile baseline. However, any claimant State Party is required to submit particulars of the limits to the Commission on the Limits of the Continental Shelf along with the supporting scientific data within ten (10) years from May 13, 1999.

RA 3046 otherwise known as “An Act Defining Baselines of the Territorial Sea of the Philippines as amended by RA 5446, defines the baselines of the Philippine territory. However, the law does not include our claim by historic right on the Kalayaan Group of Islands over which the Philippines exercises sovereignty.

It is then the purpose of this bill to re-define the Philippine Archipelagic Baselines under RA 3046 as amended by RA 5446 to conform to the provisions of the UNCLOS and meet the deadline.

If the Philippines will not be able to meet this deadline, the extended continental shelf (ECS) areas which we are claiming can either be considered as part of the International Seabed Area, or the so called "Common Heritage of Mankind" or be awarded to a neighbor state which filed and was able to prove its claim over the area.

Losing our extended continental shelf claim will have disastrous effects as the same contains mineral resources such as nickel and gold as well as living organisms belonging to the sedentary species which are primarily raw materials for pharmaceutical products. The Reed Bank which is potential ECS for the Philippines is said to contain the following energy resources: 3.9 Cubic feet of gas, 35 million barrels of oil and 21 billion barrels of condensate. The Department of Energy puts the value of those resources at \$19.9 million, \$2.1 billion and \$1.2 billion respectively.

With the period to expire next year, the immediate passage of this bill is imperative.

EDGARDO J. ANGARA
Senator

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AN ACT
DEFINING THE ARCHIPELAGIC BASELINES OF THE PHILIPPINE
ARCHIPELAGO, AMENDING FOR THE PURPOSE REPUBLIC ACT NO.
3046, AS AMENDED BY REPUBLIC ACT NO. 5446

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

SECTION 1. *Short Title.* - This Act shall be known as the *Archipelagic Baselines Law of the Philippines*.

SECTION 2. *Declaration of Policy.* - The Philippines is an archipelagic state and its national territory comprises the Philippine archipelago, with all the islands and waters therein, and all other territories over which the Philippines has sovereignty or jurisdiction, consisting of its terrestrial, fluvial, and aerial domains, including its territorial sea, the seabed, the subsoil, the insular shelves and other submarine areas. The waters around, between and connecting the islands of the archipelago, regardless of their breadth and dimensions, form part of the internal waters of the Philippines.

SECTION 3. *Archipelagic Baselines.* - The geographical coordinates of the location basepoints of the archipelagic baselines of the Philippines are hereby defined and prescribed as follows:

BasePoint No.	Station Name	Location	WGS 84 Coordinates		Distance to next point (M)
			Latitude (N)	Longitude (E)	

1	PAB-01	Amianan Is.	21° 6' 57.73"	121° 57' 27.71"	69.99
2	PAB-02	Balintang Is.	19° 57' 41.14"	122° 9' 49.79"	99.21
3	PAB-04	Iligan Pt.	18° 18' 35.31"	122° 20' 18.67"	71.83
4	PAB-05A	Ditolong Pt.	17° 7' 16.30"	122° 31' 28.34"	1.05
5	PAB-05B	Ditolong Pt.	17° 6' 14.79"	122° 31' 43.84"	0.39
6	PAB-05	Ditolong Pt.	17° 5' 51.31"	122° 31' 42.66"	3.29
7	PAB-06	Spires Is.	17° 2' 36.91"	122° 31' 3.28"	9.74
8	PAB-06B	Digollorin Pt.	16° 53' 18.03"	122° 27' 56.61"	3.51
9	PAB-06C	Digollorin Rk	16° 49' 56.11"	122° 26' 50.78"	2.40
10	PAB-07	Diviuisa Pt.	16° 47' 38.86"	122° 26' 4.40"	31.13
11	PAB-08	Dijohan Pt.	16° 18' 36.82"	122° 14' 3.48"	116.54*
12	PAB-10A	Tinaga Is.	14° 29' 31.22"	122° 57' 43.86"	80.29
13	PAB-11	Horodaba Rk.	14° 6' 29.91"	124° 16' 59.21"	0.54
14	PAB-12	Matulin Rk.	14° 6' 10.40"	124° 17' 26.28"	96.04
15	PAB-13	Atalaya Pt.	12° 41' 6.37"	125° 3' 53.71"	6.79
16	PAB-13A	Bacan Is.	12° 36' 18.41"	125° 8' 50.19"	5.52
17	PAB-14	Finch Rk.	12° 32' 33.62"	125° 12' 59.70"	0.80
18	PAB-14A	Cube Rk.	12° 31' 57.45"	125° 13' 32.37"	4.90
19	PAB-14D	NW Manjud Pt.	12° 28' 36.42"	125° 17' 12.32"	1.30
20	PAB-15	SE Manjud Pt.	12° 27' 37.51"	125° 18' 5.23"	7.69
21	PAB-16A	Sora Cay (East)	12° 21' 41.64"	125° 23' 7.41"	5.68
22	PAB-16B	Panablijon	12° 17' 27.17"	125° 27' 0.12"	5.21
23	PAB-16C	Alugon	12° 13' 21.95"	125° 30' 19.47"	1.94
24	PAB-16D	N Bunga Pt.	12° 11' 48.16"	125° 31' 30.88"	0.54
25	PAB-17A	E Bunga Pt.	12° 11' 20.67"	125° 31' 48.29"	5.40
26	PAB-18A	Tubabao Is. (SE)	12° 6' 23.38"	125° 34' 2.29"	83.96
27	PAB-19C	Suluan Is.	10° 45' 27.37"	125° 58' 4.69"	56.32
28	PAB-19D	N Tuason Pt.	9° 50' 6.44"	126° 9' 55.25"	1.46

29	PAB-20	Tuason Pt.	9° 48' 38.95"	126 °10' 6.46"	56.34
30	PAB-20A	Arangasa Is.	8°53' 2.78"	126 °20' 47.52"	40.30
31	PAB-21B	Sanco Pt.	8° 13' 23.18"	126 °28' 58.88"	30.85
32	PAB-22	Bagoso Is.	7° 42' 50.97"	126 °34' 20.22"	13.07
33	PAB-22C	Languyan	7° 29' 49.47"	126 °35' 59.24"	0.54
34	PAB-23	Languyan	7° 29' 16.85"	126 °35' 56.20"	0.76
35	PAB-23B	Languyan	7° 28' 30.95"	126 °35' 53.76"	1.02
36	PAB-23C	N Baculin Pt.	7° 27' 29.42"	126 °35' 51.71"	10.12
37	PAB-24	Pusan Pt.	7° 17' 19.80"	126 °36' 18.16"	64.41
38	PAB-25B	Cape San Agustin	6° 17' 14.73"	126 °12' 14.40"	1.28
39	PAB-25	Cape San Agustin	6° 16' .35"	126 °11' 35.06"	67.39
40	PAB-26	SE Tip Sarangani Is.	5° 23' 42.48"	125 °28' 47.45"	0.60
41	PAB-27	Panguil Bato Pt.	5° 23' 21.86"	125 °28' 17.45"	3.41
42	PAB-28	Tapundo Pt.	5° 21' 55.66"	125 °25' 11.21"	3.35
43	PAB-29	W Calia Pt.	5° 21' 59.21"	125 °21' 49.93"	0.85
44	PAB-30	Manamil Is.	5°22' 6.15"	125 °20' 59.07"	1.78
45	PAB-31	Marampog Pt.	5° 23' 21.92"	125 °19' 43.41"	78.60
46	PAB-32	NW Pola Pt.	6° 9' 18.41"	124 °15' 34.93"	122.73*
47	PAB-33A	Kauluan Is.	6° 26' 47.22"	122° 13' 34.50"	29.59
48	PAB-34A	Tongquil Is.	6° 2' 28.09"	121° 56' 28.35"	2.25
49	PAB-35	Tongquil Is.	6° 1' 7.36"	121° 54' 39.26"	1.48
50	PAB-35A	Tongquil Is.	6° 0' 24.86"	121° 53' 20.84"	0.77
51	PAB-36	Tongquil Is.	6° 0' 4.66"	121° 52' 39.05"	85.37
52	PAB-38A	Kinapusan Is.	5° 12' 8.70"	120° 41' 38.14"	55.13
53	PAB-39	Manuk Manka Is.	4° 47' 44.76"	119° 52' 2.46"	43.55
54	PAB-40	Frances Reef	4° 24' 53.84"	119° 14' 50.71"	15.78
55	PAB-41A	Bajapa Reef	4° 36' 1.24"	119° 3' 35.47"	6.85
56	PAB-42A	Paguan Is.	4° 42' 40.45"	119° 1' 49.71"	4.03

57	PAB-43	Alice Reef	4° 46' 12.43"	119° 3' 48.12"	1.66
58	PAB-44	Alice Reef	4° 47' 5.36"	119° 5' 12.94"	18.60
59	PAB-45	Omapoy Rk.	4° 55' 10.45"	119° 22' 1.30"	23.37
60	PAB-46	Bukut Lapis Pt.	5° 2' 23.73"	119° 44' 18.14"	44.20
61	PAB-47	Pearl Bank	5° 46' 35.15"	119° 39' 51.77"	75.18
62	PAB-48	Baguan Is.	6° 6' 1.19"	118° 26' 57.49"	8.56
63	PAB-48A	Taganak Is.	6° 4' 14.08"	118° 18' 33.33"	13.48
64	PAB-49	Great Bakkungaan Is.	6° 11' 6.07"	118° 6' 53.13"	3.94
65	PAB-50	Lihiman Is.	6° 13' 39.90"	118° 3' 52.09"	5.53
66	PAB-51	Sibaung Is.	6° 17' 43.99"	118° 0' 5.44"	41.68
67	PAB-52	Muligi Is.	6° 52' 22.98"	118° 23' 37.43"	74.83
68	PAB-53	South Mangsee Is.	7° 30' 25.13"	117° 18' 40.82"	25.95
69	PAB-54	Balabac Is.	7° 48' 36.82"	116° 59' 57.30"	2.34
70	PAB-54A	Gnat Reef	7° 49' 45.88"	116° 57' 53.58"	5.07
71	PAB-54B	Balabac Great Reef	7° 52' 19.86"	116° 53' 28.73"	2.27
72	PAB-55	Balabac Great Reef	7° 54' 36.35"	116° 53' 16.64"	7.42
73	PAB-60	Ada Reef	8° 2' 0.26"	116° 54' 10.04"	11.28
74	PAB-61	Secam Is.	8° 11' 6.45"	117° 0' 56.16"	30.52
75	PAB-62	Latud Pt.	8° 37' 56.37"	117° 15' 51.23"	8.86
76	PAB-63	Tatub Pt.	8° 44' 46.92"	117° 21' 34.89"	10.94
77	PAB-63A	W Sicud Pt.	8° 53' 32.20"	117° 28' 15.78"	13.20
78	PAB-64	Tarumpitao Pt.	9° 2' 57.47"	117° 37' 38.88"	81.12
79	PAB-64B	Dry Is.	9° 59' 22.54"	118° 36' 53.61"	82.76
80	PAB-65C	Binangcolan Pt.	11° 13' 19.82"	119° 15' 17.74"	74.65
81	PAB-67	Pinnacle Rk.	12° 19' 35.22"	119° 50' 56.00"	93.88
82	PAB-68	Cabra Is.	13° 53' 21.45"	120° 1' 5.86"	115.69*
83	PAB-71	Hermana Mayor Is.	15° 48' 43.61"	119° 46' 56.09"	9.30
84	PAB-72	Tambobo Pt.	15° 57' 51.67"	119° 44' 55.32"	12.06

85	PAB-73B	Rena Pt.	16° 9' 57.90"	119° 45' 15.76"	0.25
86	PAB-73	Rena Pt.	16° 10' 12.42"	119° 45' 11.95"	6.43
87	PAB-74	Rocky Ledge	16° 16' 34.46"	119° 46' 19.50"	0.65
88	PAB-74A	Piedra Pt.	16° 17' 12.70"	119° 46' 28.52"	1.30
89	PAB-75	Piedra Pt.	16° 18' 29.49"	119° 46' 44.94"	1.04
90	PAB-75C	Piedra Pt.	16° 19' 28.20"	119° 47' 7.69"	0.71
91	PAB-75D	Piedra Pt.	16° 20' 10.91"	119° 47' 10.76"	80.56
92	PAB-76	Dile Pt.	17° 34' 24.94"	120° 20' 33.36"	6.86
93	PAB-77	Pinget Is.	17° 41' 17.56"	120° 21' 2.02"	14.15
94	PAB-78	Badoc Is.	17° 55' 4.13"	120° 24' 40.56"	35.40
95	PAB-79	Cape Bojeador	18° 29' 32.42"	120° 33' 42.41"	1.77
96	PAB-79B	Bobon	18° 30' 52.88"	120° 34' 55.35"	53.23
97	PAB-80	Calagangan Pt.	19° 10' 14.78"	121° 12' 52.64"	98.07
98	PAB-82	Itbayat, Batanes	20° 43' 15.74"	121° 46' 57.80"	25.58
99	PAB-83	Amianan Is.	21° 7' 14.51"	121° 56' 44.22"	0.04
100	PAB-84	Amianan Is.	21° 7' 16.29"	121° 56' 46.17"	0.36
101	PAB-85	Amianan Is.	21° 7' .66"	121° 57' 7.58"	0.35

* - Long baseline (100 to 125 nm). Total is 3 which is less than 3% of the total number of basepoints/baselines.

SECTION 4. *Other Territories Beyond the Archipelagic Baselines.* - The Kalayaan Island Group as defined under Presidential Decree 1596 shall have a territorial sea and continuous exclusive zone measured from the normal baseline.

SECTION 5. *Without Prejudice Clause.* - The delineation of baselines as provided in this Act shall be without prejudice to any claim to any contested portions of the national territory or maritime zones and jurisdictions of the Philippines, in accordance with international law and under appropriate international dispute resolution mechanisms.

SECTION 6. *Vested Rights.* – The delineation of baselines as provided in this Act shall be without prejudice to vested rights existing or being claimed by virtue of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, as amended, and other laws which give rise to local government allotments and shares in the income generated from natural resources within the national territory as delineated prior to this Act.

SECTION 7. *Registration with the United Nations.* – This Act, together with the geographic coordinates and the charts and maps indicating the aforesaid baselines, shall be deposited and registered with the Secretary General of the United Nations.

SECTION 8. – *Issuance of Appropriate Charts and Maps.* – The National Mapping and Resources Information Authority (NAMRIA) shall forthwith produce and publish charts and maps, of the appropriate scale clearly representing the delineation of base points and baselines as set forth in this Act.

SECTION 9. *Repealing Clause.* – Republic Act 3046 as amended by Republic Act 5446 and all other laws, decrees, executive orders, rules and issuances inconsistent with this Act are hereby repealed, amended or modified.

SECTION 10. *Separability Clause.* – If any provision of this Act is declared invalid or unconstitutional, the provisions not affected thereby shall continue to be in full force and effect.

SECTION 11. *Effectivity Clause.* – This Act shall take effect fifteen (15) days from the date of publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved,