

EIGHTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
Second Regular Session


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Office of the Secretary

SENATE
S. B. No. 2266

'21 JUN -2 A9 :28

RECEIVED BY



Introduced by Senator Francis "Tol" N. Tolentino

AN ACT
INSTITUTIONALIZING THE MANDATORY USE OF THE NAMES "WEST PHILIPPINE SEA" OR "KANLURANG DAGAT NG PILIPINAS" TO REFER TO THE MARINE AREAS ON THE WESTERN SIDE OF THE PHILIPPINES, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

Pursuant to the archipelagic doctrine embodied in the United Nations Convention on the Law of the Sea (UNCLOS), the Philippines is granted a territorial sea of up to 12 nautical miles, a contiguous zone of up to 24 nautical miles, and an exclusive economic zone (EEZ) of up to 200 nautical miles which shall all be measured from the archipelagic baselines drawn in accordance with Article 47 of the UNCLOS.

The West Philippine Sea is teeming with various kinds of species of fish. According to Mr. Robert D. Kaplan, a geopolitical analyst, fish stocks in the West Philippine Sea could account for a tenth (1/10) of the global landed catch.¹ The Kalayaan Island Group and the area west of Palawan comprise about 10 percent of our EEZ and annually contribute some 20 percent of our total marine fish catch. Its coral reefs span an area almost as large as Mindanao, comprising 30% of the nation's total coral reefs, which serves as refuge for many marine species, including those threatened or endangered.²

As patriotic citizens, we should assert our sovereign rights over our EEZ for the purpose of exploring and exploiting, conserving and managing the natural resources,

¹ Kaplan, Robert D. *Asia's Cauldron: The South China Sea and the End of a Stable Pacific*. First edition. New York: Random House, 2014.

² Lucio Blanco Pitlo III, *The Philippines and the West Philippine Sea, The Diplomat*, retrieved from <https://thediplomat.com/2013/10/the-philippines-and-the-west-philippine-sea/>, 2013.

whether living or non-living, of the waters superjacent to the seabed and of the seabed and subsoil of our EEZ with the concomitant duty to protect and preserve the marine environment therein.

During the past decade, the actions of China in establishing control over the region for economic and military purposes intrude upon the sovereign rights of the Philippines over its EEZ. China's buildings and offshore harbor in Mischief Reef, which are well within our EEZ, required major excavation and destruction of significant coral reef areas.³

In a standoff with China, former President Benigno S. Aquino III issued Administrative Order No. 29, series of 2012,⁴ naming the western side of the Philippine Archipelago as "West Philippine Sea." The West Philippine Sea includes the Luzon Sea and the waters around, within, and adjacent to the Kalayaan Island Group and Bajo de Masinloc, also known as Scarborough Shoal, among others. Thereafter, the Philippines filed an arbitration case against China over the West Philippine Sea on January 22, 2013 before the Arbitral Tribunal of the Permanent Court of Arbitration (PCA) in The Hague, concerning the role of historic rights and the source of maritime entitlements in the West Philippine Sea, the status of certain maritime features in the West Philippine Sea, and the lawfulness of certain actions by China in the West Philippine Sea.⁵

In 2016, the PCA invalidated China's claim over the West Philippine Sea.⁶ However, the Hague ruling was rejected by China. On May 12, 2021, it was reported that 287 maritime militia vessels from China made illegal incursions into the Philippines' EEZ.⁷

This bill seeks to complement Administrative Order No. 29, Series of 2012, and to further reinforce the Philippine's claim to the disputed islands found on the western side of the Philippine Archipelago by exercising our inherent sovereign right to designate an appropriate nomenclature to our maritime area.

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



FRANCIS "TOL" N. TOLENTINO

³ Ronald O'Rourke, Maritime Territorial and Exclusive Economic Zone (EEZ) Disputes Involving China: Issues for Congress, Congressional Research Service, 2018.

⁴Administrative Order No. 29, s. 2012, Naming the West Philippine Sea of the Republic of the Philippines, and for other Purposes, retrieved from <https://www.officialgazette.gov.ph/2012/09/05/administrative-order-no-29-s-2012/>.

⁵ South China Sea Arbitration, Philippines v. China Award, PCA Case No 2013-19.

⁶ *Ibid.*

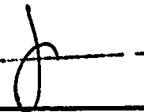
⁷ Philippines flags 'incursions' by nearly 300 Chinese militia boats, Reuters, retrieved from <https://www.reuters.com/world/asia-pacific/philippines-flags-incursions-by-nearly-300-chinese-militia-boats-2021-05-12/>.

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

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Section 1. In the exercise of the Philippine's inherent right to designate the names of its maritime areas, and consistent with the 2016 Award of the Arbitral Tribunal of the Permanent Court of Arbitration in *The Republic of the Philippines v. The People's Republic of China*, the maritime area, including the air space, seabed, and subsoil, on the western side of the Philippine archipelago is hereby named as the "West Philippine Sea" or the "*Kanlurang Dagat ng Pilipinas*." The West Philippine Sea or *Kanlurang Dagat ng Pilipinas* includes the Luzon Sea and the waters around, within, and adjacent to the Kalayaan Island Group and Bajo de Masinloc, also known as Scarborough Shoal, among others.

Section 2. Pursuant to this Act, the National Mapping and Resource Information Authority (NAMRIA) shall produce and publish charts and maps of the Philippines reflecting the West Philippine Sea or the *Kanlurang Dagat ng Pilipinas*.

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Section 3. The Philippine Government, through the Department of Foreign Affairs (DFA) in consultation with NAMRIA and other relevant government agencies, shall deposit a copy of this Act and other relevant documents with the Secretary-General of the United Nations and notify accordingly all relevant international and intergovernmental organizations, such as the United Nations Statistical Commission, the Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization (UNESCO), the United Nations Group of Experts on Geographical Names (UNGEGN), and the International Hydrographic Organization (IHO), among others.

Section 4. All departments, subdivisions, agencies, and instrumentalities of the Government are hereby directed to use and employ the name West Philippine Sea or *Kanlurang Dagat ng Pilipinas* in all communications, messages, and public documents, and to popularize the use of such name with the general public, both domestically and internationally.

All departments, subdivisions, agencies, and instrumentalities of the Government are enjoined to use the official Philippine maps produced by NAMRIA in accordance with this Act: *Provided that*, the Department of Education and the Commission on Higher Education shall cause the distribution of said official Philippine maps to all schools, colleges, and universities, both public and private, as reference material for teaching geography and other related disciplines.

Section 5. All private institutions, organizations, and establishments, whether organized under Philippine law or foreign law, operating within the Philippines or transiting in Philippine territory are hereby directed to use the name West Philippine Sea or *Kanlurang Dagat ng Pilipinas* in all communications, announcements, and messages, both domestically and internationally.

1 Section 6. Should any part or provision of this Act be held unconstitutional or
2 invalid, the other parts or provisions not affected thereby shall continue to be in full
3 force and effect.

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5 Section 7. All laws, decrees, executive orders, rules and regulations, issuances,
6 or any part thereof inconsistent with the provisions of this Act are hereby repealed,
7 amended, or modified accordingly.

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9 Section 8. This Act shall take effect fifteen (15) days following its complete
10 publication in the *Official Gazette* or in a newspaper of general circulation.

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12 Approved,