Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

18th CONGRESS
Second Regular Session

House Bill No. 9835

Introduced by Representative ANN K. HOFER

EXPLANATORY NOTE

On July 12, 2021, the country marked the 5th year of the victory of the Republic of the Philippines against the People’s Republic of China (PRC) in the South China Sea (SCS) Arbitration. The Arbitral Award declared that PRC’s Nine-Dash Line claim violates the United Nations Convention on the Law of the Sea (UNCLOS). It declared that the Philippines has an Exclusive Economic Zone (EEZ) and Continental Shelf (CS) in the areas of Panganiban (Mischief) Reef, Ayungin (Second Thomas) Shoal and Recto (Reed) Bank, and that Filipino fishermen have traditional fishing rights, in common with Chinese and Vietnamese fishermen, in the Territorial Sea (TS) of Bajo de Masinloc (Scarborough Shoal).

The Philippines has not fully maximized and translated its victory into actual exercise of exclusive sovereign rights over fishing and resource exploitation in its recognized EEZ and CS and traditional fishing rights in the TS of Bajo de Masinloc. This proposed new baselines law seeks to give a more meaningful exercise and enjoyment of the gains of the Arbitral Award.

First, the proposed legislative measure identifies by name and coordinates some 100 plus features being claimed and occupied by the Philippines. This is an exercise of acts of sovereignty pertaining to each and every feature, consistent with the requirements of international law on the establishment and maintenance of territorial title.

Second, it adopts normal baselines around each feature that qualifies as a high-tide elevation. This is to delineate the TS of each of said feature.

Third, it reiterates continuing Philippine sovereignty, sovereign rights and jurisdiction, as appropriate, over these features.

The bill incorporates what we won in the 2016 South China Sea Arbitral Award.

Under international law, notably Nicaragua v. Colombia (Territorial and Maritime Dispute, Judgment, International Court of Justice [ICJ] Reports 2012, p. 624) and Burkina Faso v. Mali (Frontier Dispute, Judgment, ICJ Reports 1986, p.554), legislation is an act of sovereignty that establishes territorial title. However, such legislation must pertain to the disputed territory rather than to a general territorial or maritime area. Since the proposed
legislation names the individual features, it thus constitutes an act of sovereignty in relation to each of these features.

In paragraphs 573 through 575 of the Award in the South China Sea Arbitration between the Republic of the Philippines and the PRC, the Arbitral Tribunal declared that no littoral state, including the Philippines, can claim the Spratly Islands as an archipelago and enclose it in archipelagic or straight baselines. Thus, it is no longer enough to merely refer to the features as Kalayaan Island Group or Truong Sa or Nansha Qundao. Rather, the features in the Spratly Islands must be treated as individual rocks with individual territorial seas. The bill not only enforces the Award but also ensures that the Philippines is the first claimant to legislate the individual names and baselines of the claimed features.

The Award recognized the EEZ and CS of the Philippines up to the limit of 200 nm from the baselines but beyond the 12 nm TS of High Tide Elevations (HTE) or rocks. As some of these rocks and their TS are occupied by a foreign state, it is necessary to delineate where the contested TS ends and where our uncontested EEZ begins.

This is especially necessary in features such as Bajo de Masinloc and Pag-Asa where Chinese and Vietnamese vessels are always present. We cannot wait for China, Vietnam, or Malaysia to adopt baselines around the rocks that they are occupying. This bill draws baselines around the contested rocks precisely to enable the Philippines to exercise its rights in its uncontested EEZ.

In sum, this bill is the most inexpensive and yet most effective means of enforcing the Arbitral Award and strengthening our territorial and maritime rights in the WPS.

ANN K. HOFER
Second District, Zamboanga Sibugay
Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

18th CONGRESS
Second Regular Session

House Bill No. 9835

Introduced by Representative ANN K. HOFER

AN ACT IDENTIFYING THE PHILIPPINE MARITIME FEATURES OF THE
WEST PHILIPPINE SEA, DEFINING THEIR RESPECTIVE APPLICABLE
BASELINES, AND FOR OTHER PURPOSES

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

SECTION 1. This Act shall be known as the “Philippine Maritime Features of the West
Philippine Sea Act”.

SECTION 2. The State in the exercise of its duty to protect its territorial and maritime
domains shall implement and adhere to the provisions of the 1982 United Nations Convention
on the Law of the Sea (UNCLOS), the relevant international conventions to which the
Philippines is a party, and the 12 July 2016 Arbitral Award in the South China Sea Arbitration
in In re Arbitration Between the Republic of the Philippines and the People's Republic of China,
PCA Case No. 2013-19.

SECTION 3. This Act applies to the maritime areas on the western side of the Philippine
archipelago collectively named as the “West Philippine Sea” under Administrative Order No.
29, Series of 2012. These areas include the Luzon Sea as well as the waters around, within and
adjacent to the Kalayaan Island Group and Bajo De Masinloc, also known as Scarborough
Shoal.

SECTION 4. The Philippines has sovereignty, sovereign rights and jurisdiction, as
appropriate, over the following identified maritime features in the West Philippine Sea, without
prejudice to other such features that will be discovered or established as part of Philippine
sovereignty or jurisdiction in the future:

<table>
<thead>
<tr>
<th>Name</th>
<th>Coordinates</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Abad Santos Shoal</td>
<td>9°26′N, 111°55′E</td>
</tr>
<tr>
<td>2. Aguinaldo Reef</td>
<td>To be supplied (TBS)</td>
</tr>
<tr>
<td>3. Alicia Annie Reef</td>
<td>9°22′N, 115°26′E</td>
</tr>
<tr>
<td>4. Alison Reef</td>
<td>8°51′N, 114°00′E</td>
</tr>
<tr>
<td>5. Amboyna Cay</td>
<td>7°51′N, 112°55′E</td>
</tr>
<tr>
<td>6. Ardasier (Antonio Luna) Reef</td>
<td>7°38′N, 113°56′E</td>
</tr>
<tr>
<td>7. Bajo De Masinloc (Scarborough Shoal)</td>
<td>TBS</td>
</tr>
</tbody>
</table>
8. Ban Than Jiao 10°24’N, 114°24’E
9. Barque Canada Reef 8°10’N, 113°18’E
10. Baybayin Dagat Bank TBS
11. Binago Island TBS
12. Bisugo Shoal 11°19’N, 114°35’E
13. Bombay Castle 7°56’N, 111°42’E
14. Bonifacio (Jacinto and Diego Silang) Reefs TBS
15. Brown TBS
16. Bulig Shoal 9°20’N, 115°56’E
17. Central Reef 8°55’N, 116°11’E
18. Collins Reef 9°45’N, 114°14’E
19. Commodore (Rizal) Reef 8°21’N, 115°17’E
20. Cornwallis South Reef 8°44’N, 114°11’E
21. Coronation Bank 9°21’N, 111°44’E
22. Cuarteron (Calderon) Reef 8°53’N, 112°51’E
23. Dalag Bank 11°01’N, 117°16’E
25. Dallas Reef TBS
26. Day Shoal 11°26’N, 114°23’E
27. Del Pilar Reef 10°48’N, 116°52’E
29. Discovery Great Reef 9°59’N, 113°51’E
30. Discovery Small Reef 10°01’N, 114°01’E
31. Dulong Shoal and Palma Reef TBS
32. East Reef 8°52’N, 112°46’E
33. Eldad Reef 10°21’N, 114°42’E
34. Erica Reef 8°6’N, 114°09’E
35. Fiery Cross Reef 9°37’N, 112°58’E
36. Flat (Patag) Island 10°50’N, 115°49’E
37. Foulerton Reef TBS
38. Gaven Reef (North) 10°13’N, 114°12’E
39. Gitna Reef TBS
40. Gomes Reef 10°16’N, 113°37’E
41. Hirane Shoal TBS
42. Hopkins Reef 10°49’N, 116°06’E
43. Hubo (Handy) Reef TBS
44. Investigator Shoal 08°7’N, 114°29’E
45. Iroquis and Banker Reefs 10°37’N, 116°11’E
46. Irving Reef 10°53’N, 114°56’E
47. Iroquis Ridge TBS
48. Itu Aba (Ligaw Island) 10°23’N, 114°21’E
49. Johnson Patch TBS
50. Johnson Reef 9°43’N, 114°18’E
51. Kahoy Bank 10°35’N, 117°10’E
52. Kalantiyaw Cay 7°53’N, 112°55’E
53. Kanduli Shoal 9°03’N, 116°41’E
54. Kingstorm Shoal TBS
55. Kota Bank TBS
56. Kota (Loaita) Island 10°41’N, 114°25’E
57. Hasa Hasa Shoal 8°54’N, 116°16’E
<table>
<thead>
<tr>
<th>No.</th>
<th>Place Name</th>
<th>Latitude, Longitude</th>
</tr>
</thead>
<tbody>
<tr>
<td>58.</td>
<td>Hizon Reef</td>
<td>8°56’N, 113°40’E</td>
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<tr>
<td>59.</td>
<td>Jenkin Patches</td>
<td>TBS</td>
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<tr>
<td>60.</td>
<td>Jubilee Bank</td>
<td>8°30’N, 116°16’E</td>
</tr>
<tr>
<td>61.</td>
<td>Ladd Reef</td>
<td>8°38’N, 111°40’E</td>
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<tr>
<td>62.</td>
<td>Lagos (Spratley) Island</td>
<td>8°39’N, 111°29’E</td>
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<tr>
<td>63.</td>
<td>Lansdowne Reef</td>
<td>9°46’N, 114°22’E</td>
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<tr>
<td>64.</td>
<td>Lankiam Cay (Panata Island)</td>
<td>10°44’N, 114°31’E</td>
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<tr>
<td>65.</td>
<td>Lapu-Lapu Shoal</td>
<td>10°20’N, 117°22’E</td>
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<tr>
<td>66.</td>
<td>Lapu-Lapu Reef</td>
<td>TBS</td>
</tr>
<tr>
<td>67.</td>
<td>Lawak Island</td>
<td>10°44’N, 115°48’E</td>
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<tr>
<td>68.</td>
<td>Leslie Bank</td>
<td>11°04’N 117°28’E</td>
</tr>
<tr>
<td>69.</td>
<td>Little Patches</td>
<td>TBS</td>
</tr>
<tr>
<td>70.</td>
<td>Louisa Reef</td>
<td>6°20’N, 113°14’E</td>
</tr>
<tr>
<td>71.</td>
<td>Mabuhangin Shoal</td>
<td>11°02’N 117°39’E</td>
</tr>
<tr>
<td>72.</td>
<td>Mahiwagang Diwata</td>
<td>10°38’N 117°39’E</td>
</tr>
<tr>
<td>73.</td>
<td>Malvar Reef</td>
<td>10°21’N 114°42’E</td>
</tr>
<tr>
<td>74.</td>
<td>Maralie Reef</td>
<td>9°13’N 113°40’E</td>
</tr>
<tr>
<td>75.</td>
<td>Maria Louise Bank</td>
<td>11°55’N 116°47’E</td>
</tr>
<tr>
<td>76.</td>
<td>Mariano Cay</td>
<td>TBS</td>
</tr>
<tr>
<td>77.</td>
<td>Mariveles Reef</td>
<td>7°59’N, 113°50’E</td>
</tr>
<tr>
<td>78.</td>
<td>Mascardo Reef</td>
<td>8°04’N, 113°12’E</td>
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<tr>
<td>79.</td>
<td>Menzies Reef</td>
<td>11°09’N, 114°48’E</td>
</tr>
<tr>
<td>80.</td>
<td>Mischief (Panganiban) Reef</td>
<td>9°55’N, 115°32’E</td>
</tr>
<tr>
<td>81.</td>
<td>Namyit</td>
<td>10°11’N, 114°22’E</td>
</tr>
<tr>
<td>82.</td>
<td>Nanshan (Lawak Island)</td>
<td>10°45’N, 115°49’E</td>
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<tr>
<td>83.</td>
<td>Nares Bank</td>
<td>11°16’N, 116°03’E</td>
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<tr>
<td>84.</td>
<td>North Danger Reef</td>
<td>11°N 114°21’E</td>
</tr>
<tr>
<td>85.</td>
<td>Northeast Shoal</td>
<td>TBS</td>
</tr>
<tr>
<td>86.</td>
<td>Northeast Cay (Parola island)</td>
<td>11°28’N, 114°21’E</td>
</tr>
<tr>
<td>87.</td>
<td>Orleana Shoal</td>
<td>TBS</td>
</tr>
<tr>
<td>88.</td>
<td>Osmeña Reef</td>
<td>8°57’N, 114°11’E</td>
</tr>
<tr>
<td>89.</td>
<td>Owen Shoal</td>
<td>TBS</td>
</tr>
<tr>
<td>90.</td>
<td>Pagkakaisa Banks and Reef</td>
<td>TBS</td>
</tr>
<tr>
<td>91.</td>
<td>Paredes Reef</td>
<td>10°01’N, 113°52’E</td>
</tr>
<tr>
<td>92.</td>
<td>Parola Island</td>
<td>11°27’N, 114°21’E</td>
</tr>
<tr>
<td>93.</td>
<td>Parola Island Light</td>
<td>11°27’N, 54°N, 114°21’26’E</td>
</tr>
<tr>
<td>94.</td>
<td>Pearson Reefs</td>
<td>8°58’N, 113°41’E</td>
</tr>
<tr>
<td>95.</td>
<td>Petley Reef</td>
<td>10°24’N, 114°34’E</td>
</tr>
<tr>
<td>96.</td>
<td>Pigeon Reef</td>
<td>8°52’N, 114°39’E</td>
</tr>
<tr>
<td>97.</td>
<td>Pugad Island</td>
<td>TBS</td>
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<tr>
<td>98.</td>
<td>Quezon Reefs</td>
<td>TBS</td>
</tr>
<tr>
<td>99.</td>
<td>Quirino Atoll</td>
<td>TBS</td>
</tr>
<tr>
<td>100.</td>
<td>Rajah Soliman Reef</td>
<td>9°36’N, 116°10’E</td>
</tr>
<tr>
<td>101.</td>
<td>Recto Bank</td>
<td>TBS</td>
</tr>
<tr>
<td>102.</td>
<td>Rifleman Bank</td>
<td>TBS</td>
</tr>
<tr>
<td>103.</td>
<td>Rizal Reef</td>
<td>8°21’N, 115°18’E</td>
</tr>
<tr>
<td>104.</td>
<td>Royal Charlotte Reef</td>
<td>6°56’N, 113°36’E</td>
</tr>
<tr>
<td>105.</td>
<td>Rurok Island</td>
<td>TBS</td>
</tr>
<tr>
<td>106.</td>
<td>Sabina Patches</td>
<td>9°53’N, 114°20’E</td>
</tr>
</tbody>
</table>
107. Sabina Shoal  
108. Sand Cay  
109. Sandy Cay  
110. Second Thomas Shoal (Ayungin Shoal)  
111. Shinko Shoal  
112. Sikatuna Shoal  
113. Silangan Reef  
114. Sin Cowe  
115. South Reef  
116. Southern Bank  
117. Southwest Cay  
118. Spratly  
119. Stag Shoal  
120. Subi Reef  
121. Swallow Reef  
122. Tatlong Tulis Shoal  
123. Tennent Reef  
124. Thitu (Pag-Asa Island)  
125. Tizard Bank  
126. West Reef  
127. West York (Likas Island)  
128. Whitson Reef (Julian Felipe Reef)  
129. Zamora Reef  

The National Mapping and Resource Information Authority (NAMRIA) shall complete the coordinates for the aforementioned maritime features.

SECTION 5. The breadth of the territorial sea adjacent to the coast of each island shall extend to a distance of twelve nautical miles measured seaward from the baselines.

SECTION 6. The breadth of the contiguous zone shall extend to a distance of 24 nautical miles from the baselines from which the breadth of the territorial sea is measured.

SECTION 7. The NAMRIA shall identify the base points and baselines of the following offshore rocks or high tide features within the West Philippine Sea, without prejudice to the determination of the baselines of other such maritime features over which the Philippines has sovereignty and jurisdiction in the future:

Name  
1. Abad Santos Shoal  
2. Alicia Annie Reef  
3. Bajo De Masinloc  
4. Baybayin Dagat Bank  
5. Binago Island  
6. Commodore (Rizal) Reef  
7. Cuarteron (Calderon) Reef  
8. Flat (Patag) Island  
9. Fiery Cross (Kagitingan) Reef  
10. Gaven Reef (North)
11. Hasa Hasa Shoal
12. Investigator Shoal
13. Itu Aba (Ligaw Island)
14. Jacinto Reef
15. Johnson (Mabini) Reef
16. Kota Bank
17. Kota (Loaita) Island
18. Lagos (Spratley) Island
19. Lapu Lapu Shoal
20. Malvar Reef
21. Mckennan Reef
22. Nanshan (Lawak Island)
23. Northeast Cay (Parola Island)
24. Paredes Reef
25. Parola Island Light
26. Quirino Atoll
27. Royal Charlotte Reef
28. Rurok Island
29. Sabina Shoal
30. Sandy Cay
31. Sin Cowe Island
32. Swallow Reef
33. Tennent Reef
34. Thitu (Pag-Asa Island)
35. West York (Likas Island)

SECTION 8. The rights of the Philippines over the territorial sea and contiguous zone of each maritime feature identified in this Act, as may be applicable, shall be exercised in accordance with Philippine laws and international law, particularly the United Nations Charter and the United Nations Convention on the Law of the Sea (UNCLOS), as interpreted in the Award dated 12 July 2006 rendered by the Arbitral Tribunal in In re Arbitration Between the Republic of the Philippines and the People’s Republic of China, PCA Case No. 2013-19.

SECTION 9. The NAMRIA shall produce and publish charts and maps of the Philippines to implement this Act, within six (6) months from the effectivity thereof.

SECTION 10. All departments, agencies, and instrumentalities of the Government shall use and employ the designations of the maritime features named and identified in this Act in all communications, messages and public documents, to institutionalize the use of such designations by the general public, both domestically and internationally.

SECTION 11. All departments, agencies, and instrumentalities of the Government shall henceforth use the official Philippine maps and charts produced and published by NAMRIA in accordance with this Act.

For this purpose, the Department of Education (DepEd), the Commission on Higher Education (CHED), and state universities and colleges (SUCs) shall issue circulars requiring the use of said official Philippine maps in relevant subjects, researches and instructional materials, such as text books, instructional materials, electronic, web, social media, and audio-visual presentations, among others.
SECTION 12. The Government, through the Department of Foreign Affairs (DFA), and in consultation with NAMRIA and other appropriate government agencies, shall deposit, within six months of its effectivity, a copy of this Act, enclosing the official maps and charts of the Philippines reflecting the aforementioned maritime features, their coordinates, baselines, territorial seas and where applicable, their contiguous zones, with the Secretary-General of the United Nations and notify accordingly relevant international organizations, such as the International Hydrographic Organization and the United Nations Conference on the Standardization of Geographical Names.

SECTION 13. The Heads of Agencies concerned shall include in their programs the implementation of this Act, the funding of which shall be included in the Annual General Appropriations Act.

SECTION 14. Should any part or provision of this Act be held unconstitutional or invalid, the other parts or provisions not affected thereby shall continue to be in full force and effect.

SECTION 15. The provisions of Presidential Decree No. 1596, Republic Act No. 9522 and Republic Act No. 3046, as amended by Republic Act No. 5446, and all other laws, decrees, executive orders, rules, and issuances inconsistent with this Act are hereby amended or modified accordingly.

SECTION 16. This Act shall take effect fifteen (15) days following its publication in the Official Gazette or in any two (2) newspapers of general circulation.

Approved,