

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

SIXTEENTH CONGRESS
Third Regular Session

HOUSE RESOLUTION NO. 2321



Introduced by **ANGKLA Partylist Representative Jesulito A. Manalo**

RESOLUTION

DIRECTING CONGRESS, THROUGH THE COMMITTEE ON TRANSPORTATION OR THE APPROPRIATE COMMITTEE, TO INVESTIGATE, IN AID OF LEGISLATION, THE VALIDITY AND PROPRIETY OF THE PROVINCIAL COAST WATCH SURVEILLANCE AND ENVIRONMENT MONITORING SYSTEM IMPLEMENTED BY THE PROVINCE OF ZAMBALES, DEMANDING FEES THEREFOR, WHICH VIOLATES CERTAIN PROVISIONS OF THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA (UNCLOS)

WHEREAS, the Philippines is an archipelago, with the right to declare, use, exercise territorial jurisdiction and sovereignty, regulate, monitor and control all activities in its internal waters, archipelagic waters, territorial seas, contiguous zone and exclusive economic zone, including the right to regulate archipelagic sea lanes passage through its archipelagic waters, innocent passage through its territorial seas, and freedom of navigation in its contiguous zone and exclusive economic zone, and set rules for vessels, including the rights and obligations of foreign vessels, which operate and traverse through these areas in accordance with the provisions of the United Nations Convention on the Law of the Sea (UNCLOS), other international maritime conventions and national laws;

WHEREAS, the Philippines discharges its rights and obligations as flag State, port State and coastal State through relevant government agencies mandated by law to implement international treaty obligations and fulfill the duties to ensure proper maritime administration, hence, the Maritime Industry Authority, the Philippine Coast Guard, and the Philippine Ports Authority, all of which are attached agencies of the Department of Transportation and Communication, have been designated, through their respective charters, their respective responsibilities to carry out the specific functions they have been delegated through legislative fiat;

WHEREAS, the Philippines Ports Authority (PPA) and the Philippine Coast Guard (PCG) are the designated government agencies provided with the authority to provide Vessel Traffic Services (VTS) Systems, implemented to ensure the safety of life and property at sea by requiring the proper conduct of vessels in the port, the approaches to the port, the coastal waters, whether as archipelagic waters, territorial seas, contiguous zone or exclusive economic zone, and all navigable sealanes within the jurisdiction of the Philippines;

WHEREAS, the VTS System which is provided by PPA, and the equipment manned by PCG, is primordially part of the maritime administration to promote maritime safety and to provide all pertinent aids to navigation of vessels in the different coasts, ports and harbors of the Philippines;

WHEREAS, on June 8, 2015, the Sangguniang Panlalawigan of the Province of Zambales issued Provincial Ordinance No. 28 Series of 2015 entitled "An Ordinance for the Provincial Coast Watch Surveillance and Environment Monitoring System in the Province of Zambales" with the alleged purpose of upgrading "the monitoring capacity and facilities of the Province of Zambales over its territorial waters to international standards for national and local security, prevention of maritime crime and transportation of illegal substance, the improvement of port operations, and the maintenance and improvement of the maritime air environment of the Province".

WHEREAS, in order to implement the system introduced by the local government of Zambales at no cost and capital on its part, the province entered into an agreement with a Canadian company called Xanatos Marine Ltd., engaging the latter's services for the acquisition and operation of a VTS system;

WHEREAS, pursuant to the said Ordinance, the provincial treasurer of the Province of Zambales has been sending invoices to foreign-flagged vessels demanding payment for coastal VTS services regardless of whether these vessels merely transit through Philippine coastal waters or enter the ports of Zambales, which is contrary to the provisions of the UNCLOS on the right of innocent passage and the principle of freedom of navigation;

WHEREAS, the local government's imposition of fees against transiting foreign vessels, also violates Article 26 of UNCLOS, which provides that no charge may be levied upon foreign ships by reason only of their passage through the territorial sea, and that charges may be levied upon a foreign ship passing through the territorial sea as payment only for specific services rendered to the ship;

WHEREAS, it is noted that there is nothing in the Local Government Code, Batas Pambansa Blg. 337, which indicates that the Sangguniang Panlalawigan of the Province of Zambales is authorized to act as maritime administration or provide VTS or port or other maritime services, or levy fees for such services, as these functions are clearly vested with the PPA and PCG;

WHEREAS, there is an urgent need to curb the unauthorized implementation of the VTS system as well as to strengthen the regulatory functions of the country's maritime agencies, modernize the manner by which its agencies carry out the functions as maritime administration, comply with its treaty obligations, meet its international obligations, and administer its maritime laws, so that the Philippines can have the most suitable regulatory framework for the maritime industry, aligned with existing international conventions and more responsive to the demands of international practices;

WHEREAS, the appropriate agencies of government, namely the Philippine Ports Authority, Philippine Coast Guard, Department of Transportation and Communication, Department of Foreign Affairs, and the Department of Interior and Local Government, among others, can help shed light to determine the necessary measures to ensure that the VTS System is properly implemented, compliant with international requirements and standards.

NOW, THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED, that Congress, through the appropriate committee, investigate, in aid of legislation, the validity and propriety of the Provincial Coast Watch Surveillance and Environment Monitoring System implemented by the Province of Zambales, demanding fees therefor, which violates certain provisions of the United Nations Convention on the Law of the Sea (UNCLOS).

Adopted,


CONG. JESULITO A. MANALO
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