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## MEMORANDUM

FOR : **The Regional Executive Director**  
Region IV-B

THRU : **The Regional Legislative Liaison Officer**  
Region IV-B

FROM : **The Director**  
Legislative Liaison Office

SUBJECT : **ENDORSEMENT OF THE PROPOSED DRAFTING OF A  
LEGISLATIVE BILL TO CLARIFY, DELIMIT AND DEFINE  
THE LAND AND MARITIME TERRITORIAL BOUNDARIES  
OF THE PROVINCE OF PALAWAN**

DATE : 22 August 2022

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This is to endorse to your office, thru the Regional Legislative Liaison Officer, the Proposed Drafting of a Legislative Bill to Clarify, Delimit and Define the Land and Maritime Territorial Boundaries of the Province of Palawan.

For your comments and recommendations, please.

ROMIROSE B. PADINA 



Republic of the Philippines  
Department of Environment and Natural Resources  
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Document No: DENRCO - AS RMD-2022-016654-A Print Date: Wednesday, July 06, 2022  
Sender: LILLIBETH MARY ELVISA S. ABI OG  
Address: DENR PENRO PALAWAN  
Subject: MEMO DTD 06/15/2022 PROPOSED DRAFTING OF A LEGISLATIVE BILL TO CLARIFY, DELIMIT AND DEFINE THE LAND AND MARITIME TERRITORIAL BOUNDARIES OF THE PROVINCE OF PALAWAN  
Addressee(s): Office of the Undersecretary for Legal, Administration, Human Resources and Legislative Affairs (OULAHRLA), Office of the Secretary (DENRCO - OSEC)  
CC Addressee(s):  
Date/Time Received: 07/04/2022 03:00:00 PM

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OULAHRLA 07/06/22 Office of  
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and Legislative  
Affairs

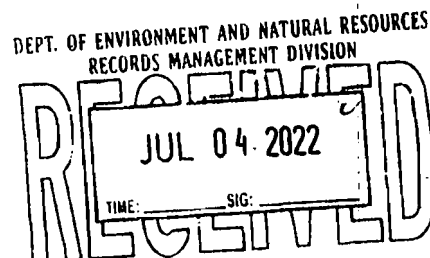
Ma'am:  
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Thank you po.

LLO Team

FOR a.a. please. Kindly inform DASALA on the action taken. Ty  
AHRLA 7/12/22  
9:30AM - Veran



Republic of the Philippines  
**MIMAROPA Region**  
**Department of Environment and Natural Resources**  
Provincial Environment and Natural Resources Office  
Sta. Monica, Puerto Princesa City



**MEMORANDUM:**

**FOR : THE ACTING SECRETARY**  
**DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES**  
**JIM O. SAMPULNA**  
**Visayas Avenue**  
**Diliman, Quezon City**

**THROUGH: THE UNDERSECRETARY FOR LEGAL, ADMINISTRATION, HUMAN RESOURCES AND**  
**LEGISLATIVE AFFAIRS**  
**ATTY. ERNESTO D. ADOBO, JR.**  
**CENTRAL OFFICE, VISAYAS AVENUE, DILIMAN, QUEZON CITY**

**COPY TO : THE REGIONAL EXECUTIVE DIRECTOR (RED)**  
**LORMELYN E. CLAUDIO, CESO IV**  
**1515 L&S BUILDING, ROXAS BOULEVARD, METRO MANILA**

**THE CHIEF, LEGAL DIVISION**  
**ATTY. GANDHI GAGNI-FLORES**  
**REGION-MIMAROPA,**  
**1515 L&S BUILDING, ROXAS BOULEVARD, METRO MANILA**

**THE PENRO-PALAWAN**  
**FELIZARDO B. CAYATOC**  
**PENRO COMPOUND, STA. MONICA, PUERTO PRINCESA CITY**

**THE PLANNING SECTION**  
**PENRO-PALAWAN**  
**STA. MONICA, PUERTO PRINCESA CITY**

**THE MONITORING AND ENFORCEMENT SECTION**  
**PENRO-PALAWAN**  
**STA. MONICA, PUERTO PRINCESA CITY**

**FROM : ATTY. LILLIBETH MARY ELVISA S. ABI OG, DENR-MIMAROPA @PENRO-PALAWAN**

**DATE : June 15, 2022**

**SUBJECT : PROPOSED DRAFTING OF A LEGISLATIVE BILL TO CLARIFY, DELIMIT, AND DEFINE THE**  
**LAND AND MARITIME TERRITORIAL BOUNDARIES OF THE PROVINCE OF PALAWAN**

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In 2018, the province of Palawan, in the decided cases of *Republic of the Philippines, Represented by Raphael P.M. Lotilla, Secretary, Department of Energy (DOE), Margarito B. Teves, Secretary, Department of Finance (DOF), and Romulo L. Neri, Secretary, Department of Budget and Management (DBM), Petitioners, v.*

*Provincial Government of Palawan, Represented by Governor Abraham Kahlil B. Mitra, Respondent (GR No. 170867, December 4, 2018, EN BANC, Tijam, J.), or Republic of the Philippines vs. Provincial Government of Palawan*, for brevity, and in *Bishop Pedro Dulay Arigo, Cesar N. Sarino, Dr. Jose Antonio N. Socrates, Prof. H. Harry L. Roque, Jr., Petitioners, v. Hon. Executive Secretary Eduardo R. Ermita, Hon. Energy Secretary Angelo T. Reyes, Hon. Finance Secretary Margarito B. Teves, Hon. Budget and Management Secretary Rolando D. Andaya, Jr., Hon. Palawan Governor Joel T. Reyes, Hon. Representative Antonio C. Alvarez (1<sup>st</sup> District), Hon. Representative Abraham Mitra (2<sup>nd</sup> District), Rafael E. del Pilar, President and CEO, PNOC Exploration Corporation, Respondents (GR No. 185941, December 4, 2018, EN BANC, Tijam, J.), or Bishop Arigo, et.al., vs. Hon. Executive Secretary, et.al.*, for brevity, was denied its claimed 40% share of the government's earnings derived from the Camago-Malampaya natural gas project since October 16, 2001, on the reasoning that: (1) the United Nations Convention of the Law of the Sea (UNCLOS) affects only the right of the Philippines vis-à-vis another sovereign State; (2) Even if the UNCLOS were to be considered to have been transformed to be part of the municipal law, after its ratification by the Batasang Pambansa through Resolution No. 121 on February 27, 1984, the UNCLOS did not automatically amend the Local Government Code and the charters of the local government units. The UNCLOS, transformed into our municipal laws, should be applied as it is worded; (3) an LGU's territorial jurisdiction refers to its territorial boundaries or to its territory. The territory of LGUs, in turn, refers to their land area, unless expanded by law to include the maritime area; and, (4) Section 6 of the Local Government Code empowers Congress to substantially alter their boundaries, subject to the plebiscite requirement (Section 10) where a majority of the votes cast in the directly affected area/s approves the boundary alteration, within 120 days from the date of effectivity of the law or on another date fixed. Stated otherwise, unless Congress, with the approval of the political units directly affected, clearly extends an LGU's

territorial boundaries beyond its land area, to include marine waters, the seabed and the subsoil, it cannot rightfully share in the proceeds of the utilization of national wealth found therein. Thus, Service Contract No. 38 was entered into between the Republic of the Philippines through the Department of Energy, with Shell Philippines Exploration B.V. (Shell) and Occidental Philippines, Inc. (Occidental) for the drilling of a natural gas reservoir in the Camago-Malampaya area,<sup>1</sup> located about 80 kilometers from the mainland of Palawan, situated not in the marine waters, but in the continental shelf, and specifically located 93.264 kilometers or 50.3585 nautical miles from the Kalayaan Island Group (KIG); 55.476 kilometers or 29.9546 nautical miles from Mainland Palawan, particularly from Nacpan Point, south of Patuyo Cove of the Municipality of El Nido; or 48.843 kilometers or 25.[3731] nautical miles from Tapiutan Island of the Municipality of El Nido.

While the baseline points of the Philippines have been laid down in Republic Act No. 9522 on March 12, 2009, amending Republic Act No. 3046, which originally defined the baselines of the territorial seas of the Republic of the Philippines, nothing was done to substantially alter the boundaries of the province of Palawan to conform to the historical basis that the province of then province of Paragua already anchored its borders on the bodies of water surrounding it. Particularly, Act No. 567, approved on December 22, 1902, amended Act 422, to provide the boundaries of then Paragua to include –

*"The Province of Paragua shall consist of all that portion of the Island of Paragua north of a line beginning in the middle of the channel at the mouth of the Ulugan River in the Ulugan Bay, thence following the main channel of the Ulugan River to the village of Bahile, thence along the*

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<sup>1</sup> It is said that the Camago-Malampaya area consists of two reservoirs connected via saddle, roughly 54 kilometers off El Nido in a water depth of 820 meters. Wells were drilled for another 3.5 to 4 kilometers deep to reach the producing sections.

There are 7 producing wells and according to the depletion curve, there are still extractable gas until 2027 to 2029, depending on the extraction rate. However, there are near infrastructure and near field reservoir which can be drilled and connected to the subsea distribution unit that can add to the extractable reserves in the Service Contract 38 Area, and in this regard, work needs to be undertaken to determine what these additional extractable reserves are.

*main trail leading from Bahile to the Tapul River, thence following the course of the Tapul River to its mouth in the Honda Bay; xxx xxx There shall be included in the Province of Paragua the small islands adjacent thereto, including Dumarán and the island forming the Calamianes group and the Cuyos group.” (Section 1, Act No. 567, An Act Amending Act Numbered Four and Twenty-Two, Providing For the Organization of A Provincial Government in the Province of Paragua and Defining the Limits of That Province, By Fixing New Boundaries For The Province of Paragua, Approved on December 22, 1902)*

While there were still subsequent laws that amended the definition of the boundaries of Paragua, Act No. 1363, which was approved on June 28, 1905, changed the name of the province of Paragua to Palawan.

Section 26(a) of Act No. 1396 provides that –

*“the Province of Palawan shall include: (1) the entire island of Palawan; (2) the Islands of Dumarán and Balabac; (3) the Calamianes Islands; (4) the Cuyos Islands; (5) the Cagayanes Islands; and (6) all other islands adjacent to these islands and not included within the limits of any other province. The capital of the Province of Palawan, which was the township of Cuyo, was changed to the township of Puerto Princesa on the island of Palawan.”*

Subsequently, on June 11, 1978, Presidential Decree No. 1596 was issued by then President Ferdinand E. Marcos, to create the municipality of Kalayaan in the province of Palawan. Thus,

*“From a point [on the Philippine Treaty Limits] at latitude 7°40’ North and longitude 116°00’ East of Greenwich, thence due West along the parallel of 7° 40’ N to its intersection with the meridian of longitude 112°10’ E, thence due north along the meridian of 112°10’ E to its intersection with the parallel of 9°00’ N, thence northeastward to the intersection of the parallel of 12°00’ N with the meridian of longitude 114° 30’ E, thence, due East along the parallel of 12°00’ N to its intersection with the meridian of 118°00’ E, thence, due South along the meridian of longitude 118° 00’ E to its intersection with the parallel of 10°00’ N, thence Southwestwards to the point of beginning at 7°40’ N, latitude and 116° 00’ E longitude;*

*including the sea-bed, sub-soil, continental margin and air space shall belong and be subject to the sovereignty of the Philippines. Such area is hereby constituted as a distinct and separate municipality of the Province of Palawan and shall be known as “Kalayaan.”*

As it now stands, the province of Palawan consists of the following municipalities:

(1) the MAIN ISLAND OF PALAWAN consisting of the municipalities of:

(1.1.) BATARAZA, which should be Batarasa according to Republic Act No. 3425 which created the municipality;

(1.2.) BROOKE’S POINT;

(1.3.) SOFRONIO ESPAÑOLA;

(1.4.) RIZAL;

(1.5.) QUEZON;

(1.6.) NARRA;

(1.7.) ABORLAN;

(1.8.) the CITY OF PUERTO PRINCESA, which was created a city under Republic Act No. 5906 on June 21, 1969, and was declared highly urbanized city on March 26, 2007, under Presidential Proclamation No. 1264 by then President Gloria Macapagal Arroyo;

(1.9.) ROXAS;

(1.10.) SAN VICENTE;

(1.11.) TAYTAY; and,

(1.12.) EL NIDO;

(2) the **TWELVE (12) ISLAND MUNICIPALITIES** of:

(2.1.) CALAMIANES GROUP of island-municipalities of:

(2.1.1.) CORON (13);

(2.1.2.) CULION (14);

(2.1.3.) LINAPACAN (15);

(2.1.4.) BUSUANGA (16);

(2.2.) the island-municipality of ARACELI (17), which was changed to its name on June 15, 1954 by Republic Act No. 1111 on June 15, 1954;

(2.3.) the island-municipality of DUMARAN (18), which was created on June 18, 1961 under Republic Act No. 3418;

(2.4.) the Cuyo island-municipalities of:

(2.4.1.) CUYO (19);

(2.4.2.) MAGSAYSAY (20);

(2.4.3.) AGUTAYA (21);

(2.5.) the island municipality of BALABAC (22);

(2.6.) the islands- municipality of CAGAYANCILLO (23); and,

(2.7.) the municipality of KALAYAAN (24), which is also known as the Kalayaan (Spratly Islands) Island Group (KIG) under Presidential Decree Number (PD) 1596.

In the municipality of Cagayancillo is the **Tubbataha Reef National Park**, pursuant to Republic Act (R.A.) No. 10067, known as the **Tubbataha Reefs Natural Park (TRNP)** Act of 2009, and it covers an approximate area of ninety-seven thousand thirty (97,030) hectares, including its islets, seabed and airspace, the Tubbataha Reefs and the Jessie Beazley Reef, and is declared as a protected area.

The **Local Government Code**, as explained by its main proponent, the former Senator Aquilino Pimentel, Jr., **was enacted to: (1) share power between the national government and local government; and (2) to share resources between the national government and local government.** It is on this belief, according to Senator Pimentel, Jr., that **countryside development will become a reality in the nation.**

The passage of the Local Government Code in 1991 thus provides a framework in support of increased local autonomy.<sup>2</sup> The LGUs assumed principal responsibility for the delivery of basic services and the operation of facilities in the areas of: agricultural extension and research, social forestry, environmental management and pollution

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<sup>2</sup> Manasan, Rosario. (2002). "Devolution of Environmental and Natural Resource Management in the Philippines: Analytical and Policy Issues." *Philippines Journal of Development*, Number 53, Volume XXIX, No. 1, First Semester 2002.



control, primary health care, hospital care, social welfare services, water supply, communal irrigation, land use planning, and repair and maintenance of local infrastructure facilities. The devolution is substantial in the functions shifted, in the number of personnel transferred and the corresponding reductions implied in the budgets of affected national government agencies. Most heavily affected by the devolution are the Department of Agriculture (DA), the Department of Health (DoH), and the Department of Social Welfare and Development (DSWD).<sup>3</sup>

On this basis alone, there is a significant disparity between the availability of public funds to defray the devolved functions to the local government units and the denial for Palawan to share in the proceeds of the Camago-Malampaya Service Contract No. 38 natural gas project.

Despite the obvious proximity of the Camago-Malampaya area to the municipalities of Kalayaan and El Nido, the Supreme Court ruled that "*the territory of LGUs, in turn, refers to their land area, unless expanded by law to include the maritime area (emphasis supplied).* Accordingly, only the utilization of natural resources found within the land area as delimited by law (which is RA 9522) is subject to the LGU's equitable share under Section 290 and 291 of the Local Government Code. xxx." Section 6 of the Local Government Code (RA 7160, approved on October 10, 1991) empowers Congress to create, divide, merge and abolish LGUs, and to *substantially alter their boundaries, subject to the plebiscite requirement* under Section 10 of the law which reads: "*Section 10. Plebiscite Requirement. – No creation, division, merger, abolition or **substantial alteration of boundaries of local government units shall take effect unless approved by a majority of the votes cast in a plebiscite called for the purpose in the political unit***

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<sup>3</sup> *Ibid.*

**or units directly affected. Such plebiscite shall be conducted by the Commission on Elections (COMELEC) within one hundred twenty (120) days from the date of effectivity of the law or ordinance effecting such action, unless said law or ordinance fixes another date."**

The inclusion of any land or water as part of any geographical place must be expressly provided by law and not merely inferred by vague and ambiguous construction. (G.R. No. 170867, December 4, 2018, En Banc, *Republic of the Philippines vs. Provincial Government of Palawan*; G.R. 185941, En Banc, *Bishop Pedro Arigo, et.al. vs. Hon. Executive Secretary, et.al.*, page 11). Thus, the boundaries of a province, Palawan in this instance, may be altered according to law, and subject to the plebiscite held for the purpose. **"No province, city, municipality, or barangay may be created, divided, merged, abolished, or its boundary substantially altered, except in accordance with the criteria established in the local government code and subject to approval by a majority of the votes cast in a plebiscite in the political units directly affected."** (Section 10, Article X, 1987 Constitution of the Philippines).

In addition, therefore, to the significant volume of devolved functions to local governments, the historical reference to bodies of water to define the boundaries of Palawan as early as 1902 and on the basis, too, of PD 1596, in keeping with the archipelagic principle, **there is sufficient basis for the Congress of the Philippines to justify the substantial alteration of the boundaries of the Province of Palawan to include the maritime area, in accordance with the decision in the cases of *Republic of the Philippines vs Government of Palawan*<sup>4</sup> and *Bishop Arigo, et.al. vs. Hon. Executive Secretary, et.al.*<sup>5</sup>**

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<sup>4</sup> GR No. 170867, December 4, 2018, EN BANC, *Republic of the Philippines, Represented by Raphael P.M. Lotilla, Secretary, Department of Energy (DOE), Margarito B. Teves, Secretary, Department of Finance (DOF), and Romulo L. Neri, Secretary, Department of Budget and Management (DBM), Petitioners, v. Provincial Government of Palawan, Represented by Governor Abraham Kahlil B. Mitra, Respondent*.

<sup>5</sup> GR No. 185941, December 4, 2018, EN BANC. *Bishop Pedro Dulay Arigo, Cesar N. Sarino, Dr. Jose Antonio N. Socrates, Prof. H. Harry L. Roque, Jr., Petitioners, v. Hon. Executive Secretary Eduardo R. Ermita, Hon. Energy*

Towards this end, it is recommended at this time for the Department to map out already the budgetary requirements and allocation for the delineation of the metes and bounds on ground of the entire province of Palawan, consisting of its terrestrial, fluvial, and aerial domain, including its territorial sea, the seabed, the subsoil, the insular shelves, and other submarine areas, and the waters, around, between, and connecting the islands of the Palawan islands. Such delimitation of land and maritime boundaries have been done already,<sup>6</sup> to illustrate, in 1997-1998 in the Saudi Arabia-Qatar border.

**FOR CONSIDERATION.**

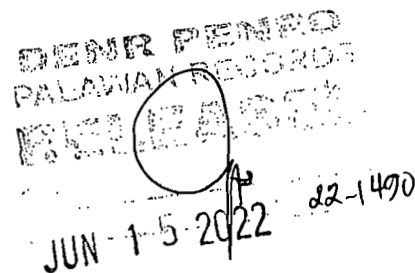


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LSA-2022-01

June 15, 2022

Memorandum for the Secretary Through The USEC for Lega and Legislative Affairs.doc



*Secretary Angelo T. Reyes, Hon. Finance Secretary Margarito B. Teves, Hon. Budget and Management Secretary Rolando D. Andaya, Jr., Hon. Palawan Governor Joel T. Reyes, Hon. Representative Antonio C. Alvarez (1<sup>st</sup> District), Hon. Representative Abraham Mitra (2<sup>nd</sup> District), Rafael E. del Pilar, President and CEO, PNOC Exploration Corporation, Respondents*

<sup>6</sup> Cosquer\_Hangouet%20DELIMITATION%20OF%20LAND%20AND%20MARITIME%20BOUNDARIES.pdf. Gérard COSQUER and Jean-François HANGOUËT, France. **Delimitation of Land and Maritime Boundaries: Geodetic and Geometric Bases** SUMMARY "State-of-the-art technology is beneficial to the construction of geographic lines and borders, both on the ground on land, and on the map at sea. The paper first explores the usefulness of real time kinematics GPS technique for the setting up of primary and particularly intermediate markers for land borders where the positions have to fulfill two conditions, viz. being lined up and inter-visible, a process which was experimented by IGN (French Institut Géographique National) in the demarcation of the Saudi Arabia – Qatar border in 1997-1998. The second section addresses what Computational Geometry calls Voronoï diagrams, and shows that such geometrical structures, computed on coastlines, provide an elegant computation tool for the delineation of geometric median lines and of maritime zone boundaries."

1 H.No. \_\_\_\_\_  
2 S. No. \_\_\_\_\_  
3

4 Republic of the Philippines  
5 Congress of the Philippines  
6 House of Representatives  
7 Metro Manila  
8 Nineteenth Congress  
9 First Regular Session  
10  
11

12  
13 HOUSE BILL NO. \_\_\_\_\_  
14

15  
16 Introduced by \_\_\_\_\_  
17  
18

19 AN ACT

20 TO CLARIFY THE BOUNDARIES OF THE PROVINCE OF PALAWAN AND  
21 PROVIDING FOR THEIR DELINEATION AND APPROPRIATING FUNDS  
22 THEREFOR, INCLUDING THE HOLDING OF THE PLEBISCITE TO DECLARE AND  
23 APPROVE PALAWAN'S BOUNDARIES

24  
25 *Be it enacted by the Senate and House of Representatives of the Philippines in*  
26 *Congress Assembled.*

27 EXPLANATORY NOTE

28 The territorial integrity of the country is the constitutional mandate of the AFP. The  
29 Armed Forces of the Philippines is the protector of the people and the State. Its goal is  
30 to secure the sovereignty of the State and the integrity of the national territory. (Article  
31 II, Section 3, 1987 Constitution of the Philippines).

32 Article I of the Philippine Constitution defines the national territory as:

33 *"The national territory<sup>1</sup> comprises the Philippine archipelago, with all the*  
34 *islands and waters embraced therein, and all other territories over which*

<sup>1</sup> Territory is defined as the fixed portion on the surface of the earth on which the State settles and over which it has supreme authority. The components of the territory of the state are the terrestrial, fluvial, maritime and aerial domains. The National Territory of the Philippines is defined in Article 1 of the 1987 Philippine Constitution. The territorial domain refers to the land mass, which may be integrated or be dismembered, or be partly bound by water or consist of one whole island. It may also be composed of several islands like the Philippines, which are also known as mid-ocean archipelagos as distinguished from the coastal archipelagos like Greece.

1        *the Philippines has sovereignty or jurisdiction, consisting of its terrestrial<sup>2</sup>,*  
2        *fluvial<sup>3</sup>, and aerial domain<sup>4</sup>s, including its territorial sea<sup>5</sup>, the seabed<sup>6</sup>, the*

The Philippines is an archipelagic (a country consisting of islands) state as defined by the United Nations Convention on the Law of the Sea; it is among the first five archipelagos (the four others being The Bahamas, Fiji, Indonesia, and Papua New Guinea), that obtained approval in the UN Convention on the Law of the Sea signed in Montego Bay, Jamaica on December 10, 1982 to qualify as archipelagic states. Archipelagic states are composed of groups of islands forming a state as a single unit, with the islands and the waters within the baselines as internal waters. Under this concept ("archipelagic doctrine"), an archipelago shall be regarded as a single unit, so that the waters around, between, and connecting the islands of the archipelago, irrespective of their breadth and dimensions, form part of the internal waters of the state, and are subject to its exclusive sovereignty. The baselines enclose the main islands of the archipelago, and the enclosed water to land ratio are "between 1:1 and 9:1". As an archipelagic state, the United Nations (UN) respects existing agreements with other countries; recognizes traditional fishing rights and other legitimate activities of the immediately adjacent neighboring countries in certain areas falling within archipelagic waters. The terms and conditions for the exercise of such rights and activities, including the nature, the extent and the areas to which they apply, shall, at the request of any of the countries concerned, be regulated by bilateral agreements between them. Such rights shall not be transferred to or shared with third countries or their nationals.

For the purposes of this [UNCLOS] Convention: ARCHIPELAGIC STATES

#### Article 46 Use of terms

- (a) "archipelagic State" means a State constituted wholly by one or more archipelagos and may include other islands;
  - (b) "archipelago" means 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.
- <sup>2</sup> Terrestrial means to live on or grow from land.
- <sup>3</sup> Fluvial means formed by the action of a river. Maritime Territory (Fluvial and Maritime Domain). Internal waters cover all water and waterways on the landward side of the baseline. The coastal state is free to set laws, regulate use, and use any resource. Foreign vessels have no right of passage within internal waters.
- <sup>4</sup> Aerial domain refers to the air space above the territorial lands and waters of the Philippines but excluding the outer space. Outer space is the expanse that exists beyond Earth and its atmosphere and between celestial bodies. Outer space does not begin at a definite altitude above the Earth's surface. The Karman line, an altitude of 100 kilometers (km) (62 miles) above sea level, is conventionally used as the start of outer space in space treaties and for aerospace records keeping.

The framework for international space law was established by the Outer Space Treaty, which entered into force on October 10, 1967. This treaty precludes any claims of national sovereignty and permits all states to freely explore outer space. Despite the drafting of UN resolutions for the peaceful uses of outer space, anti-satellite weapons have been tested in Earth orbit. Outer space, including the Moon and other celestial bodies, shall be free for exploration and use by all States without discrimination of any kind, on a basis of equality and in accordance with international law, and there shall be free access to all areas of celestial bodies. There is no claim for sovereignty in space; no nation can "own" space, the Moon, or any other body. Weapons of mass destruction are forbidden in orbit and beyond, and the Moon, the planets, and other celestial bodies can only be used for peaceful purposes. There are five international treaties that deal with issues such as the (1) non-appropriation of outer space by any one country, (2) arms control, (3) freedom of exploration, (4) liability for damage caused by space objects, (5) safety and rescue of spacecraft and astronauts, prevention of harmful interference with space activities and the environment, the notification and registration of space activities, scientific investigation and the exploration of natural resources in outer space and the settlement of disputes. The treaties commonly referred to as the "five United Nations treaties on outer space" are: (1) The "Outer Space Treaty," (2) The "Rescue Agreement," (3) The "Liability Convention," (4) The "Registration Convention," (5) The "Moon Agreement," *Space Law Treaties and Principles*, United Nations Office for Outer Space Affairs, *International Space Law: United Nations Instruments*.

- <sup>5</sup> Article 48, UNCLOS. Measurement of the breadth of the territorial sea, the contiguous zone, the exclusive economic zone and the continental shelf.

1        *subsoil<sup>7</sup>, the insular shelves<sup>8</sup>, and other submarine areas<sup>9</sup>. The waters*  
2        *around, between, and connecting the islands of the archipelago,*

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The continental shelf is the area of seabed around a large landmass where the sea is relatively shallow compared with the open ocean. The term "continental shelf" is used by geologists generally to mean that part of the continental margin which is between the shoreline and the shelf break, or, where there is no noticeable slope, between the shoreline and the point where the depth of the superjacent water is approximately between 100 and 200 metres. The continental shelf is the submerged prolongation of a coastal nation's land territory. UNCLOS addresses the issue of jurisdiction over these resources by allocating sovereign rights to the coastal State for exploration and exploitation.

The breadth of the territorial sea, the contiguous zone, the exclusive economic zone and the continental shelf shall be measured from archipelagic baselines drawn in accordance with article 47.

**Republic Act (RA) No. 9522** defines the baseline points for the Philippines, and it is referred to as the **2009 Baselines Law of the Philippines**. The baselines of the territorial seas of the Republic of the Philippines have been defined in Republic Act No. 3046, and last amended by Republic Act No. 9522 on **March 12, 2009**.

Article 47, UNCLOS. Archipelagic baselines

1. An archipelagic State may draw straight archipelagic baselines joining the outermost points of the outermost islands and drying reefs of the archipelago provided that within such baselines are included the main islands and an area in which the ratio of the area of the water to the area of the land, including atolls, is between 1 to 1 and 9 to 1.
2. The length of such baselines shall not exceed 100 nautical miles, except that up to 3 per cent of the total number of baselines enclosing any archipelago may exceed that length, up to a maximum length of 125 nautical miles.
3. The drawing of such baselines shall not depart to any appreciable extent from the general configuration of the archipelago.
4. Such baselines shall not be drawn to and from low-tide elevations, unless lighthouses or similar installations which are permanently above sea level have been built on them or where a low-tide elevation is situated wholly or partly at a distance not exceeding the breadth of the territorial sea from the nearest island.
5. The system of such baselines shall not be applied by an archipelagic State in such a manner as to cut off from the high seas or the exclusive economic zone the territorial sea of another State.
6. If a part of the archipelagic waters of an archipelagic State lies between two parts of an immediately adjacent neighbouring State, existing rights and all other legitimate interests which the latter State has traditionally exercised in such waters and all rights stipulated by agreement between those States shall continue and be respected.
7. For the purpose of computing the ratio of water to land under paragraph 1, land areas may include waters lying within the fringing reefs of islands and atolls, including that part of a steep-sided oceanic plateau which is enclosed or nearly enclosed by a chain of limestone islands and drying reefs lying on the perimeter of the plateau.
8. The baselines drawn in accordance with this article shall be shown on charts of a scale or scales adequate for ascertaining their position. Alternatively, lists of geographical coordinates of points, specifying the geodetic datum, may be substituted.
9. The archipelagic State shall give due publicity to such charts or lists of geographical coordinates and shall deposit a copy of each such chart or list with the Secretary-General of the United Nations.

<sup>6</sup> Seabed (International seabed) means the seabed and ocean floor beyond the limits of national jurisdiction. The parts of the international seabed are believed to be rich in minerals. It is not subject to national appropriation.

<sup>7</sup> Subsoil means subsoil lying more than 1 meter beneath the level of the surface of the land and for this purpose "the level of the surface of the land" means – Sample 1. Subsoil means the "B" horizon in any natural soil profile.

1           *regardless of their breadth and dimensions, form part of the internal*  
2           *waters<sup>10</sup> of the Philippines."*

3   Thus, the Supreme Court, in the cases of *Republic of the Philippines vs. The Provincial*  
4   *Government of Palawan* (GR-170867, December 4, 2018) and *Bishop Arigo et.al. vs*  
5   *The Honorable Executive Secretary, et.al.* (GR-185941, December 4, 2018) held that it  
6   is the function of Congress to amend and alter substantially the boundaries of a local  
7   government unit according to the criteria established in the Local Government Code and  
8   subject to approval by a majority of the votes cast in a plebiscite in the political unit  
9   directly affected within 120 days from the effectivity of the law effecting such action,  
10   unless said law fixes another date. The Court ruled that "*an LGU's territorial jurisdiction*  
11   *refers to its territorial boundaries or to its territory. The territory of LGUs, in turn, refers*  
12   *to their land area, unless expanded by law to include the maritime area. (emphasis*  
13   *supplied)* Accordingly, *only the utilization of natural resources found within the land*  
14   *area as delimited by law<sup>11</sup> is subject to the LGU's equitable share under Sections 290*

8   Insular shelves refer to the zone surrounding an island extending from the line of permanent immersion to about 100 fathoms. They are underwater landmasses surrounding islands and are relatively shallow areas that extend from the low waterline, usually to a depth of about 100 fathoms (600 feet or 183 meters), where they end at the shelf break, a point of much steeper slope. ...because the water is shallow and receives abundant sunlight on insular shelves, they are usually much fuller of life than the deeper waters beyond.

9   Submarine Areas mean lands underlying the sea waters surrounding the coast of Liberia below high-water mark, including the seabed and subsoil situated beneath the territorial waters and the continental shelf of Liberia.

10   Internal Waters of the Philippines refer to the waters around, between, and connecting the islands of the archipelago, regardless of their breadth and dimensions.

11   **Republic Act (RA) No. 9522** defines the baseline points for the Philippines, and it is referred to as the 2009 Baselines Law of the Philippines. The baselines of the territorial seas of the Republic of the Philippines have been defined in Republic Act No. 3046, and last amended by Republic Act No. 9522 on March 12, 2009.

Base- point Number	Station Name	Location	World Geodetic (WGS84) Latitude (N)	System of 1984 Coordinates Longitude(E)	Distance to next basepoint (M)
1	PAB-01	Amianan Is.	21° 6' 57.73"	121° 57' 27.71"	70.03
2	PAB-02	Balintang Is.	19° 57' 38.19"	122° 9' 46.32"	99.17
3	PAB-04	Iligan Pt.	18° 18' 35.30"	122° 20' 19.07"	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	Spire 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"	30.94
11	PAB-08	Dijohan Pt.	16° 18' 44.33"	122° 14' 16.69"	116.26

12	PAB-10A	Tinaga Is.	14° 29' 54.43"	122° 57' 51.15"	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-14DNW	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-16AE	Sora Cay	12° 21' 41.64"	125° 23' 7.41"	5.68
22	PAB-16B	Panablíjon	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-16DN	Bunga Pt.	12° 11' 48.16"	125° 31' 30.88"	0.54
25	PAB-17AE	Bunga Pt.	12° 11' 20.67"	125° 31' 48.29"	5.71
26	PAB-18ASE	Tubabao Is.	12° 6' 7.00"	125° 34' 11.94"	83.84
27	PAB-19C	Suluan Is.	10° 45' 16.70"	125° 58' 8.78"	56.28
28	PAB-19DN	Tuason Pt.	9° 49' 59.58"	126° 10' 6.39"	57.44
29	PAB-20AA	Arangasa Is.	8° 53' 16.62"	126° 20' 48.81"	40.69
30	PAB-21B	Sanco Pt.	8° 13' 11.53"	126° 28' 53.25"	30.80
31	PAB-22	Bagoso Is.	7° 42' 45.02"	126° 34' 29.03"	12.95
32	PAB-22C	Languyan	7° 29' 49.47"	126° 35' 59.24"	0.54
33	PAB-23	Languyan	7° 29' 16.93"	126° 35' 59.50"	0.76
34	PAB-23B	Languyan	7° 28' 30.97"	126° 35' 57.30"	1.02
35	PAB-23CN	Baculin Pt.	7° 27' 29.42"	126° 35' 51.71"	10.12
36	PAB-24	Pusan Pt.	7° 17' 19.80"	126° 36' 18.16"	1.14
37	PAB-24AS	Pusan Pt.	7° 16' 14.43"	126° 35' 57.20"	63.28
38	PAB-25B	Cape San Agustin	6° 17' 14.73"	126° 12' 14.40"	1.28
39	PAB-25	Cape San Agustin	6° 16' 8.35"	126° 11' 35.06"	67.65
40	PAB-26	SE Sarangani Is.	5° 23' 34.20"	125° 28' 42.11"	0.43
41	PAB-27	Panguil Bato Pt.	5° 23' 21.80"	125° 28' 19.59"	3.44
42	PAB-28	Tapundo Pt.	5° 21' 55.66"	125° 25' 11.21"	3.31
43	PAB-29	W Calia Pt.	5° 21' 58.48"	125° 21' 52.03"	0.87
44	PAB-30	Manamil Is.	5° 22' 2.91"	125° 20' 59.73"	1.79
45	PAB-31	Marampog Pt.	5° 23' 20.18"	125° 19' 44.29"	78.42
46	PAB-32	Pola Pt.	6° 9' 8.44"	124° 15' 42.81"	122.88
47	PAB-33A	Kauluan Is.	6° 26' 47.22"	122° 13' 34.50"	29.44
48	PAB-34A	Tongquil Is.	6° 2' 33.77"	121° 56' 36.20"	2.38
49	PAB-35	Tongquil Is.	6° 1' 8.15"	121° 54' 41.45"	1.72
50	PAB-35A	Tongquil Is.	6° 0' 17.88"	121° 53' 11.17"	85.94
51	PAB-38A	Kinapusan Is.	5° 12' 8.70"	120° 41' 38.14"	55.24
52	PAB-39	Manuk Manka Is.	4° 47' 39.24"	119° 51' 58.08"	43.44
53	PAB-40	Frances Reef	4° 24' 53.84"	119° 14' 50.71"	0.61
54	PAB-40A	Frances Reef	4° 25' 3.83"	119° 14' 15.15"	15.48
55	PAB-41A	Bajapa Reef	4° 36' 9.01"	119° 3' 22.75"	6.88
56	PAB-42A	Paguan Is.	4° 42' 52.07"	119° 1' 44.04"	3.40
57	PAB-43	Alice Reef	4° 45' 55.25"	119° 3' 15.19"	2.28
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"	75.17
62	PAB-48	Baguan Is.	6° 5' 58.41"	118° 26' 57.30"	8.54
63	PAB-48A	Taganak Is.	6° 4' 14.08"	118° 18' 33.33"	13.46
64	PAB-49	Great Bakkungaan Is.	6° 11' 4.65"	118° 6' 54.15"	3.97
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"	41.60
67	PAB-52	Muligi Is.	6° 52' 14.53"	118° 23' 40.49"	75.06
68	PAB-53	South Mangsee Is.	7° 30' 26.05"	117° 18' 33.75"	26.00



1 and 291 of the Local Government Code. xxx" **Section 6** of the Local Government Code  
2 (RA 7160, approved on October 10, 1991) empowers Congress to create, divide, merge  
3 and abolish LGUs, and to *substantially alter their boundaries, subject to the plebiscite*  
4 *requirement* under Section 10 of the law which reads: "Section 10. *Plebiscite*  
5 *Requirement. – No creation, division, merger, abolition or substantial alteration of*  
6 *boundaries*<sup>12</sup> *of local government units shall take effect unless approved by a*

69	PAB-54 Balabac Is.	7° 48' 30.69"	116° 59' 39.18"	6.08
70	PAB-54A Balabac Great Reef	7° 51' 27.17"	116° 54' 17.19"	1.18
71	PAB-54B Balabac Great	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"	10.85
74	PAB-61 Secam Is.	8° 11' 18.36"	116° 59' 51.87"	30.88
75	PAB-62 Latud Pt.	8° 37' 56.37"	117° 15' 51.23"	7.91
76	PAB-63 SW Tatub Pt.	8° 44' 17.40"	117° 20' 39.37"	11.89
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"	0.63
91	PAB-75D Piedra Pt.	16° 20' 4.38"	119° 47' 20.48"	80.60
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 Is.	20° 43' 15.74"	121° 46' 57.80"	25.63
99	PAB-83 Amianan Is.	21° 7' 17.47"	121° 56' 43.85"	0.08
100	PAB-84 Amianan Is.	21° 7' 18.41"	121° 56' 48.79"	0.25
101	PAB-85 Amianan Is.	21° 7' 12.04"	121° 57' 3.65"	0.44"

<sup>12</sup> In reference to the "Le Petit Robert" dictionary, the frontier is the limit of a territory which determines its area, eg. the limit separating two states. This line may be natural or artificial. Natural borders (or segments of border) are composed by hydrographic or orographic features while artificial ones always are, according to "Le Petit Robert", conventional ideal lines arbitrarily drawn and marked by conventional signs (monuments, pillars, posts, buoys....). Natural frontiers can be watersheds, hilltops... which are stable and where monuments can be built or hydrographic lines (rivers, wadi...) which are submitted to potential changes and where monuments cannot be built. Some borders are composite of natural and artificial lines whose segments can be defined by particular and characteristic points of the relief (hillock, table land, confluence...).

1 **majority of the votes cast in a plebiscite called for the purpose in the political unit**  
2 **or units directly affected. Such plebiscite shall be conducted by the Commission**  
3 **on Elections (COMELEC) within one hundred twenty (120) days from the date of**  
4 **effectivity of the law or ordinance effecting such action, unless said law or**  
5 **ordinance fixes another date."**

6 The inclusion of any land or water as part of any geographical place must be expressly  
7 provided by law and not merely inferred by vague and ambiguous construction. (G.R.  
8 No. 170867, December 4, 2018, En Banc, *Republic of the Philippines vs. Provincial*  
9 *Government of Palawan*; G.R. 185941, En Banc, *Bishop Pedro Arigo, et.al. vs. Hon.*  
10 *Executive Secretary, et.al.*, page 11). Thus, the boundaries of a province, Palawan in  
11 this instance, may be altered according to law, and subject to the plebiscite held for the  
12 purpose. **"No province, city, municipality, or barangay may be created, divided,**  
13 **merged, abolished, or its boundary substantially altered, except in accordance with**  
14 **the criteria established in the local government code and subject to approval by a**  
15 **majority of the votes cast in a plebiscite in the political units directly affected."**  
16 (Section 10, Article X, 1987 Constitution of the Philippines).

17 **"Plebiscite Requirement. – No creation, division, merger, abolition or substantial**  
18 **alteration of boundaries of local government units shall take effect unless**  
19 **approved by a majority of the votes cast in a plebiscite called for the purpose in**  
20 **the political unit or units directly affected. Said plebiscite shall be conducted by**  
21 **the Commission on Elections (COMELEC) within one hundred and twenty (120)**  
22 **days from the date of effectivity<sup>13</sup> of the law or ordinance effecting such action,**  
23 **unless said law or ordinance fixes another date."** (Section 10, Local Government

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Four types of border lines are distinguished on their nature:

1. Hydrographic features (river, lake...)
2. Orographic features (watershed...)
3. Geometric features (meridian, parallel, segment, equidistant line...)
4. Other features (ethnic limit, railway...)

<sup>13</sup> Executive Order No. 200, June 18, 1987, Section 1. **Laws shall take effect after fifteen days following the completion of their publication either in the Official Gazette or in a newspaper of general circulation in the Philippines, unless it is otherwise provided.**

Code). Thus, the Supreme Court emphasized that “unless Congress, with the approval of the political units directly affected, clearly extends an LGU’s territorial boundaries beyond its land area, to include marine waters, the seabed and the subsoil, it cannot rightfully share in the proceeds of the utilization of national wealth found therein. ((G.R. No. 170867, December 4, 2018, En Banc, Republic of the Philippines vs. Provincial Government of Palawan; G.R. 185941, En Banc, Bishop Pedro Arigo, et.al. vs. Hon. Executive Secretary, et.al., pages 35-36).

As a general rule, the creation of a local government unit or its conversion from one level to another level shall be based on verifiable indicators of viability and projected capacity to provide services, to wit: (a) Income. xxx; (b) Population. xxx; (c) Land Area<sup>14</sup>. It must be contiguous, unless it comprises two or more islands or is separated by a local government unit independent of the others; properly identified by metes and bounds with technical descriptions; and sufficient to provide for such basic services and facilities to meet the requirements of its populace. (emphasis supplied) For that matter, Palawan consists of the long main island of Palawan which comprises the municipalities of Aborlan, Narra, Quezon, Rizal, Sofronio Española, Brooke’s Point, Bataraza in the south, the City of Puerto Princesa, the capital; Roxas, San Vicente, Dumaran, Taytay, and El Nido in the north; the Cuyo island municipalities of Cuyo, Magsaysay, and Agutaya; the island municipality of Cagayancillo; the island municipality of Araceli; the island municipalities of Coron, Busuanga, Culion, and Linapacan; the island municipality of Balabac; and, the group of islands of the municipality of Kalayaan. (24; 12:1:11)

The Local Government Code, as explained by its main proponent, the former Senator Aquilino Pimentel, Jr., was enacted to: (1) share power between the national government and local government; and (2) to share resources between the

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<sup>14</sup> Section 7, Local Government Code, Republic Act No. 7160. Palawan is the country’s last frontier with a total land area of 1,489,626 hectares, classified forest lands of 1,035,926 hectares and classified alienable and disposable lands of 453,700 hectares. There are 171,832 hectares of established timberland; 71,394 hectares of established forest reserve, 767,320 hectares of national parks and 25,380 hectares of civil reservation.

1 **national government and local government.** It is on this belief, according to Senator  
2 **Pimentel, Jr., that countryside development will become a reality in the nation.**

3 Local governance aims to provide democratic and accountable government for local  
4 communities; ensure the provision of services to communities in a sustainable manner;  
5 promote social and economic development; promote a safe and healthy environment;  
6 and to encourage the involvement of community organizations in the matter of local  
7 government. The passage of the Local Government Code in 1991 thus provides a  
8 framework in support of increased local autonomy.<sup>15</sup> The LGUs assumed principal  
9 responsibility for the delivery of basic services and the operation of facilities in the areas  
10 of: agricultural extension and research, social forestry, environmental management and  
11 pollution control, primary health care, hospital care, social welfare services, water  
12 supply, communal irrigation, land use planning, and repair and maintenance of local  
13 infrastructure facilities. The devolution is substantial in the functions shifted, in the  
14 number of personnel transferred and the corresponding reductions implied in the  
15 budgets of affected national government agencies. Most heavily affected by the  
16 devolution are the Department of Agriculture (DA), the Department of Health (DoH), and  
17 the Department of Social Welfare and Development (DSWD).<sup>16</sup>

18 As early as December 31, 1916, when the Administrative Code or Act No. 2657 was  
19 approved, the Province of Palawan<sup>17</sup>, in Section 43 of the said Code, already has the

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<sup>15</sup> Manasan, Rosario. (2002). "Devolution of Environmental and Natural Resource Management in the Philippines: Analytical and Policy Issues." *Philippines Journal of Development*, Number 53, Volume XXIX, No. 1, First Semester 2002.

<sup>16</sup> *Ibid.*

<sup>17</sup> Section 2 of Act No. 422 (June 23, 1902) provides no technical description for the originally named Province of Paragua, but simply states that "The Province of Paragua shall consist of all that portion of the **Island** of Paragua north of the tenth parallel of north latitude and the small islands adjacent thereto, including Dumarán, and of the **islands** forming the Calamianes Group and the Cuyos group. (Section 2, Act No. 422) The province's borders were anchored on the bodies of water surrounding it. Thus,

*"The Province of Paragua shall consist of all that portion of the Island of Paragua north of a line beginning in the middle of the channel at the mouth of the Ulugan River in the Ulugan Bay, thence following the main channel of the Ulugan River to the village of Bahile, thence along the main trail leading from Bahile to the Tapul River, thence following the course of the Tapul River to its mouth in the Honda Bay; xxx xxx There shall be included in the Province of Paragua the small islands adjacent thereto, including Dumarán and the island forming the Calamianes group and*

1 following major subdivisions: (1) the island of Palawan; (2) the islands of Dumarán and  
2 Balabac; (3) the Calamian Islands; (4) the Cuyo Islands; (5) the Cagayanes Islands;  
3 and, (6) all other islands<sup>18</sup> adjacent to any of them, not included in some other  
4 provinces. It contains the townships of Cagayancillo, Coron, Cuyo, Puerto Princesa  
5 (the capital of the province), and Taytay. Subsequently, the Administrative Code was

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*the Cuyos group." (Section 1, Act No. 567, An Act Amending Act Numbered Four and Twenty-Two, Providing For the Organization of A Provincial Government in the Province of Paragua and Defining the Limits of That Province, By Fixing New Boundaries For The Province of Paragua, Approved on December 22, 1902)*

From the approval on June 23, 1902 of **Act No. 422** defining the limits of the Province of Paragua, providing for the Organization of the Provincial Government of Paragua, to **Act No. 567** defining the new boundaries for the Province of Paragua on December 22, 1902, to **Act No. 747**, approved on May 14, 1903, defining new limits for the Province of Paragua, to **Act No. 1363**, which was approved on June 28, 1905 changing the name of the Province of Paragua to Palawan, Section 26(a) of **Act No. 1396** provides that the Province of Palawan shall include: (1) the entire island of Palawan; (2) the Islands of Dumarán and Balabac; (3) the Calamianes Islands; (4) the Cuyos Islands; (5) the Cagayanes Islands; and (6) all other islands adjacent to these islands and not included within the limits of any other province. The capital of the Province of Palawan, which was the township of Cuyo, was changed to the township of Puerto Princesa on the island of Palawan.

<sup>18</sup> As early as June 11, 1978, then President Ferdinand Marcos, in Presidential Decree (PD) No. 1596, now referred to as the special regime of islands along with the Scarborough Shoal, the Kalayaan Island Group (KIG), named the Kalayaan group of islands a municipality of the province of Palawan, with the following description:

"From a point [on the Philippine Treaty Limits] at latitude 7°40' North and longitude 116°00' East of Greenwich, thence due West along the parallel of 7° 40' N to its intersection with the meridian of longitude 112°10' E, thence due north along the meridian of 112°10' E to its intersection with the parallel of 9°00' N, thence northeastward to the inter-section of the parallel of 12°00' N with the meridian of longitude 114° 30' E, thence, due East along the parallel of 12°00' N to its intersection with the meridian of 118°00' E, thence, due South along the meridian of longitude 118° 00' E to its intersection with the parallel of 10°00' N, thence Southwestwards to the point of beginning at 7°40' N, latitude and 116° 00' E longitude;

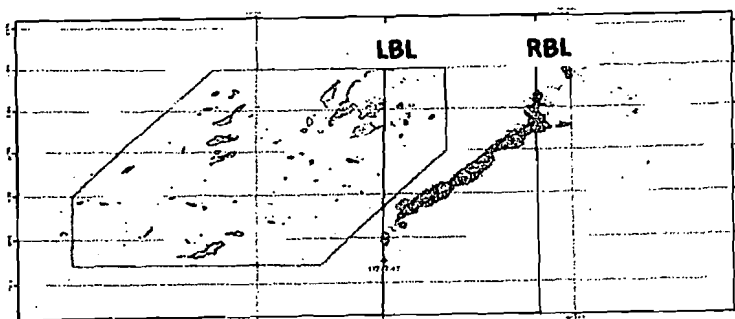
including the sea-bed, sub-soil, continental margin and air space shall belong and be subject to the sovereignty of the Philippines. Such area is hereby constituted as a distinct and separate municipality of the Province of Palawan and shall be known as "Kalayaan."

Kalayaan is a municipality in the province of Palawan. As early as June 11, 1978, then President Ferdinand Marcos, pursuant to Presidential Decree (PD) No. 1596, declared part of Palawan a cluster of islands and islets in the South China Sea, known as the Kalayaan Island Group (KIG), a special regime of islands, which form part of the continental margin of the Philippine archipelago, and which areas do not legally belong to any state or nation since previous claims have lapsed by abandonment and cannot prevail over that of the Philippines on legal, historical, and equitable grounds but, by reason of history, indispensable need, and effective occupation and control established in accordance with international law, such areas, being vital to the security and economic survival of the Philippines, are now deemed to belong and subject to the sovereignty of the Philippines.

1 amended by Act No. 2711, which was approved on March 10, 1917, and the Province of  
2 Palawan was defined, in Section 38, to consist of the: (1) Island of Palawan; (2) islands  
3 of Dumarán and Balabac; (3) Calamian Islands; (4) Cuyo Islands; (5) Cagayanes  
4 Islands; and, (6) all other islands adjacent to any of them, not included in, some other  
5 province, and comprises the following municipalities: Agutaya, Bacuit, Cagayancillo,  
6 Coron, Cuyo, Dumarán, Puerto Princesa (the capital of the province), and Taytay. The  
7 province also contains the following municipal districts: Aborlan, Balabac and Brooke's  
8 Point.

9 Executive Order No. 292, series of 1987, instituted the Administrative Code of the  
10 Philippines. EO 292, thus provides in Section 4 thereof "[t]hat the territorial and political  
11 subdivisions of the Philippines are the autonomous regions, provinces, sub-provinces,  
12 cities, municipalities and barangays. The country is divided into three geographical  
13 areas: Luzon, Visayas, and Mindanao. It has 18 regions, 81 provinces, 145 cities,  
14 1,489 municipalities, and 42,029 barangays. The smallest political unit into which cities  
15 and municipalities in the Philippines are divided are the barangays.

16 Republic Act (RA) No. 7611, in Section 3(1), contains a definition of Palawan as "those  
17 islands and islets located 7°47' north latitude and 117°00' and 119°51' east longitude,  
18 generally bound by the South China Sea to the northwest and by the Sulu Sea to the  
19 east." The two blue lines (left blue line (LBL) and right blue line (RBL)) reflect the  
20 plotted coordinates of the said values in the generated map hereinafter shown:



21  
22 To the left of the left blue line (LBL) lies the Kalayaan Island Group (KIG), as defined in  
23 PD 1596 above stated.

1 border), defined by coordinates, by some temporary mark, by a description or pointed  
2 on a map. The agreement defines also the border line between two main border points  
3 which can be a natural line, or a straight artificial line. The agreement terms being  
4 frequently unclear, the way is open to several interpretations by the parties: one  
5 difficulty is to fulfill the requirements of strictness and precision. A maritime border  
6 traditionally begins at a point located on the low tide line and extends up to 200 nautical  
7 miles (nm), sometimes up to the limit of the continental shelf inside 350 nm.

8 The Camago-Malampaya area is located offshore northwest of Palawan, in the  
9 continental shelf off the Municipality of El Nido in the province of Palawan. The  
10 exploration of the area led to the drilling of the Camago-Malampaya natural gas  
11 reservoir about 80 kilometers from the main island of Palawan and 30 kilometers from  
12 the platform. The quantity of natural gas contained in the Camago-Malampaya was  
13 estimated to be sufficient to justify the pursuit of gas-to-power projects, with an  
14 aggregate power-generating capacity of about 3,000 megawatts operating at baseload  
15 for 20 to 25 years, reckoned from October 16, 2001, when the natural gas project was  
16 inaugurated. Parenthetically, there's about a little over 4 years of operations left from  
17 April 2022, putting the life-span of the project at 25 years from 2001. The nearest point  
18 of the Camago-Malampaya production area is at 93.264 kms or 50.3585 nautical miles  
19 to the Kalayaan Island Group (Kalayaan); 55.476 kms or 29.9546 nm to mainland  
20 Palawan (Nacpan Point, south of Patuyo Cove, Municipality of El Nido); and 48.843 kms  
21 or 26.9546 nm to the Province of Palawan (northwest of Tapiutan Island, Municipality of  
22 El Nido).

23 To the right of the RBL are the outlying municipalities of the province of Palawan,  
24 including the Calamianes group of island-municipalities of Coron, Culion, Busuanga,  
25 and Linapacan; Dumarán, Araceli, portions of Taytay municipality; the Cuyos Island-  
26 municipalities of Agutaya, Cuyo, and Magsaysay; the municipality of Cagayancillo at the  
27 eastern side of the main island of Palawan. The southernmost tip of Palawan is the  
28 municipality of Balabac. Section 2 of Act No. 422 (June 23, 1902) provides no technical

1 description for the originally named Province of Paragua, but simply states that "The  
2 Province of Paragua shall consist of all that portion of the *Island of Paragua* north of the  
3 *tenth parallel of north latitude* and the small islands adjacent thereto, including  
4 *Dumaran*, and of the *islands* forming the *Calamianes Group* and the *Cuyos group*.  
5 (Section 2, Act No. 422). The province's borders were anchored on the bodies of water  
6 surrounding it. Thus,

7 "The Province of Paragua shall consist of all that portion of the *Island of Paragua*  
8 north of a line beginning in the middle of the channel at the mouth of the *Ulugan River* in  
9 the *Ulugan Bay*, thence following the main channel of the *Ulugan River* to the village of  
10 *Bahile*, thence along the main trail leading from *Bahile* to the *Tapul River*, thence  
11 following the course of the *Tapul River* to its mouth in the *Honda Bay*; xxx xxx There  
12 shall be included in the Province of Paragua the small islands adjacent thereto, including  
13 *Dumaran* and the island forming the *Calamianes group* and the *Cuyos group*." (Section 1,  
14 Act No. 567, An Act Amending Act Numbered Four and Twenty-Two, Providing For the  
15 Organization of A Provincial Government in the Province of Paragua and Defining the  
16 Limits of That Province, By Fixing New Boundaries For The Province of Paragua,  
17 Approved on December 22, 1902)

18 Act No. 567, as approved on December 22, 1902, amended the original Act No. 422  
19 that formed the Province of Paragua.

20 The Province of Palawan and its political administrative subdivisions, consist of: twelve  
21 (12) mainland municipalities, namely: (1) Aborlan, (2) Narra, (3) Quezon, (4) Rizal, (5)  
22 Sofronio Española, (6) Brooke's Point, (7) Batarasa (located in the south), as the  
23 mainland municipalities; the capital of the Province of Palawan, which is (8) the City of  
24 Puerto Princesa, and, (9) Roxas, (10) San Vicente, (11) Taytay, and (12) El Nido  
25 (located in the north); and twelve (12) island municipalities, which include, the  
26 Calamianes group of island municipalities, namely: (13) Coron, (14) Linapacan,

MAP OF THE PROVINCE OF PALAWAN



FIGURE 1. Map of the Main Island of Palawan (12) and the 12 Island Municipalities



1 (15) Busuanga, and (16) Culion (found in the north); plus the outlying Cuyos island-  
2 municipalities of: (17) Cuyo, (18) Agutaya and (19) Magsaysay (the Cuyo group of islands);  
3 and, (20) Dumaran; (21) Araceli, and (22) Cagayancillo on the eastern side of Palawan.

4 The island municipality of (23) Balabac is in the southernmost tip of Palawan, and (24)  
5 the municipality of Kalayaan is also known as the Kalayaan (Spratly Islands) Island  
6 Group (KIG) under Presidential Decree Number (PD) 1596, which is referred to, with  
7 Scarborough Shoal in Bataan, as special regime of islands.

8 As a rule, all waters belong to the State, including seawaters. The inclusion of any land  
9 or water as part of any geographical place must be expressly provided by law and not  
10 merely inferred by vague and ambiguous construction. (G.R. No. 170867, December 4,  
11 2018, En Banc, *Republic of the Philippines vs. Provincial Government of Palawan*; G.R.  
12 185941, En Banc, *Bishop Pedro Arigo, et.al. vs. Hon. Executive Secretary, et.al.*, page  
13 11).

14 Thus, the **PROVINCE OF PALAWAN** shall consist of:

15 (1) the MAIN ISLAND OF PALAWAN consisting of the municipalities of (1.1.)  
16 BATARAZA; (1.2.) BROOKE'S POINT; (1.3.) SOFRONIO ESPAÑOLA; (1.4.) RIZAL;  
17 (1.5.) QUEZON; (1.6.) NARRA; (1.7.) ABORLAN; (1.8.) the CITY OF PUERTO  
18 PRINCESA, which is a declared highly urbanized city; (1.9.) ROXAS; (1.10.) SAN  
19 VICENTE; (1.11.) TAYTAY; and, (1.12.) EL NIDO;

20 (2) the TWELVE (12) ISLAND MUNICIPALITIES of:

21 (2.1.) CALAMIANES GROUP of island-municipalities of:

22 (2.1.1.) CORON (13);

23 (2.1.2.) CULION (14);

24 (2.1.3.) LINAPACAN (15);

25 (2.1.4.) BUSUANGA (16);

26 (2.2.) the island-municipality of ARACELI (17);

- 1 (2.3.) the island-municipality of DUMARAN (18);
- 2 (2.4.) the Cuyo island-municipalities of:
- 3 (2.4.1.) CUYO (19);
- 4 (2.4.2.) MAGSAYSAY (20);
- 5 (2.4.3.) AGUTAYA (21);
- 6 (2.5.) the island municipality of BALABAC (22);
- 7 (2.6.) the islands- municipality of CAGAYANCILLO (23);
- 8 and, (2.7) the municipality of KALAYAAN (24), which is also known as the Kalayaan (Spratly
- 9 Islands) Island Group (KIG) under Presidential Decree Number (PD) 1596.

10 In the municipality of Cagayancillo is the **Tubbataha Reef National Park**, pursuant to

11 Republic Act (R.A.) No. 10067, known as the **Tubbataha Reefs Natural Park (TRNP)**

12 Act of 2009, and it covers an approximate area of ninety-seven thousand thirty (97,030)

13 hectares, including its islets, seabed and airspace, the Tubbataha Reefs and the Jessie

14 Beazley Reef, and is declared as a protected area.

15 The division of Palawan into three separate provinces (*Palawan del Norte* to include El

16 Nido, Taytay, Coron, Linapacan, Culion, and Busuanga; *Palawan Oriental* to include

17 San Vicente, Roxas, Dumarán, Cuyo, Agutaya, Magsaysay, and Cagayancillo; and,

18 *Palawan del Sur* to include Kalayaan, Aborlan, Narra, Sofronio Española, Brooke's

19 Point, Rizal, Quezon, Bataraza, and Balabac) was voted down on March 13, 2021.

20 There is, therefore, only **ONE PROVINCE OF PALAWAN**.

21 **The territorial sea, the seabed, the subsoil, the insular shelves, and other**

22 **submarine areas, including the waters around, between, and connecting the**

23 **islands of the province of Palawan, shall form part of the internal waters of the**

24 **province and its territorial jurisdiction.**

- 1 According to Republic Act 9522, known as the 2009 Baselines<sup>20</sup> Law of the Philippines,
- 2 the following baseline points pertain to the province of Palawan, more or less:

Base-point Number	Station Name	Location	World Geodetic (WGS 84) Latitude (N)	System of 1984 Coordinates Longitude (E)	Distance to next basepoint (M)
68	PAB-53	South Mangsee Is.	7° 30' 26.05"	117° 18' 33.75"	26.00
69	PAB-54	Balabac Is.	7° 48' 30.69"	116° 59' 39.18"	6.08
70	PAB-54A	Balabac Great Reef	7° 51' 27.17"	116° 54' 17.19"	1.18
71	PAB-54B	Balabac Great	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"	10.85
74	PAB-61	Secam Is.	8° 11' 18.36"	116° 59' 51.87"	30.88
75	PAB-62	Latud Pt.	8° 37' 56.37"	117° 15' 51.23"	7.91
76	PAB-63	SW Tatub Pt.	8° 44' 17.40"	117° 20' 39.37"	11.89
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

<sup>20</sup> The Baseline boundaries of the Philippines have been laid down in Republic Act (RA) No. 9522. On the petitions assailing the constitutionality of RA 9522, the Supreme Court decided that: (1) Petitioners possess locus standi to bring the suit as citizens and (2) the writs of certiorari and prohibition are proper remedies to test the constitutionality of RA 9522. The Supreme Court found no basis to declare RA 9522 unconstitutional. The Supreme Court decided that:

*"UNCLOS III has nothing to do with the acquisition (or loss) of territory. It is a multilateral treaty regulating, among others, sea-use rights over maritime zones (i.e., the territorial waters [12 nautical miles from the baselines], contiguous zone [24 nautical miles from the baselines], exclusive economic zone [200 nautical miles from the baselines]), and continental shelves that UNCLOS III delimits.<sup>23</sup> UNCLOS III was the culmination of decades-long negotiations among United Nations members to codify norms regulating the conduct of States in the world's oceans and submarine areas, recognizing coastal and archipelagic States' graduated authority over a limited span of waters and submarine lands along their coasts.*

*"On the other hand, baselines laws such as RA 9522 are enacted by UNCLOS III States parties to mark-out specific basepoints along their coasts from which baselines are drawn, either straight or contoured, to serve as geographic starting points to measure the breadth of the maritime zones and continental shelf. Article 48 of UNCLOS III on archipelagic States like ours could not be any clearer:*

*"Article 48. Measurement of the breadth of the territorial sea, the contiguous zone, the exclusive economic zone and the continental shelf. – The breadth of the territorial sea, the contiguous zone, the exclusive economic zone and the continental shelf shall be measured from archipelagic baselines drawn in accordance with article 47. (Emphasis supplied)*

1 Accordingly, unless Congress, with the approval of the political units directly affected,  
2 clearly extends the LGU's territorial boundaries beyond its land area, **to include marine**  
3 **waters, the seabed and the subsoil**, it cannot rightfully share in the proceeds of the  
4 utilization of national wealth found therein.

5 Starting with the Baselines Law of the Philippines, particularly Republic Act No. 9522,  
6 this Act, therefore, clarifies the territorial boundaries of the Province of Palawan, and by  
7 express inclusion the waters (i.e. territorial waters, consisting of 12 nautical miles from  
8 the baselines, Article 2, UNCLOS); the contiguous zone (24 nautical miles from the  
9 baseline, Article 33, UNCLOS; the Exclusive Economic Zone (200 nautical miles from  
10 the baseline, Article 56, UNCLOS); and the continental shelf (Article 77, UNCLOS)  
11 existing in the political subdivisions of Palawan as part of the territory of the Province of  
12 Palawan, including the group of islands representing the municipality of Kalayaan in the  
13 province of Palawan.

14 On the basis of the foregoing, the territorial boundaries of the province of Palawan are  
15 now purposely and expressly being clarified by this law. This Act, therefore, clarifies the  
16 territorial boundaries of the Province of Palawan, and by express inclusion the waters (i.e.  
17 territorial waters, consisting of 12 nautical miles from the baselines, Article 2, UNCLOS); the  
18 contiguous zone (24 nautical miles from the baseline, Article 33, UNCLOS; the Exclusive  
19 Economic Zone (200 nautical miles from the baseline, Article 56, UNCLOS); and the  
20 continental shelf (Article 77, UNCLOS) existing in the political subdivisions of Palawan as part  
21 of the territory of the Province of Palawan. The baselines refer to The Baselines Law of the  
22 Philippines, embodied in RA 9522.

23 The law that created the Province of Palawan (recall that Act No. 422 (1902) created  
24 the Province of Paragua with no technical description, (see Footnote No. 16), and this  
25 law was amended by Act No. 567 (December, 1902), Act No. 747 (May 1903), and  
26 again amended by Act No. 1363 to change the name of Paragua to Palawan, hence,  
27 the creation of the Province of Palawan on June 28, 1905, with the historical  
28 background that it originally anchored the province's borders on the bodies of water

1 surrounding it. Since the province's metes and bounds are not technically described,  
2 reference must be made to other laws interpreting the province's borders.

3 This law thus clarifies and expressly consolidates the boundaries of the province of  
4 Palawan, in accordance with the previously enacted laws affecting the territorial  
5 jurisdiction of Palawan, including the territorial sea, the seabed, the subsoil, the insular  
6 shelves, and other submarine areas, including the waters around, between, and  
7 connecting the islands to form part of the territorial jurisdiction of the province of  
8 Palawan.

## 9 CHAPTER 1

### 10 INTRODUCTORY PROVISIONS

11

12 **SECTION 1. Title.** — This Act shall be known as the “**Palawan Boundaries Act of**  
13 **2022.**”

14 **SECTION 2. Declaration of Policies.** — In furtherance of the national policy to ensure  
15 the autonomy of local governments, the 1987 Constitution conferred on local  
16 government units the power to create its own sources of revenue and **the right to**  
17 **share not only in the national taxes, but also in the proceeds of the utilization of**  
18 **national wealth in their respective areas.** Thus, Section 7 of Article X of the 1987  
19 Constitution provides: “*Local governments shall be entitled to an **equitable share in the***  
20 ***proceeds of the utilization and development of the national wealth within their***  
21 ***respective areas, in the manner provided by law, including sharing the same with***  
22 ***the inhabitants by way of direct benefits.**”* The passage of the Local Government  
23 Code in 1991 provided a framework in support of increased local autonomy.<sup>21</sup> Thus, the  
24 LGUs assumed principal responsibility for the delivery of basic services and the  
25 operation of facilities in the areas of: agricultural extension and research, social forestry,  
26 environmental management and pollution control, primary health care, hospital care,

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<sup>21</sup> Manasan, Rosario (2002). “Devolution of Environmental and Natural Resource Management in the Philippines: Analytical and Policy Issues,” *Philippine Journal of Development*, Number 53, Volume XXIX, No. 1, First Semester 2002.

1 social welfare services, water supply, communal irrigation, land use planning, and repair  
2 and maintenance of local infrastructure facilities. The devolution is substantial in the  
3 functions shifted, in the number of personnel transferred and the corresponding  
4 reductions implied in the budgets of affected national government agencies.<sup>22</sup> Most  
5 heavily affected by the devolution are the Department of Agriculture (DA), the  
6 Department of Health (DoH), and the Department of Social Welfare and Development  
7 (DSWD).<sup>23</sup>

8 However, the province of Palawan, in the decided cases of *Republic of the Philippines,*  
9 *Represented by Raphael P.M. Lotilla, Secretary, Department of Energy (DOE),*  
10 *Margarito B. Teves, Secretary, Department of Finance (DOF), and Romulo L. Neri,*  
11 *Secretary, Department of Budget and Management (DBM), Petitioners, v. Provincial*  
12 *Government of Palawan, Represented by Governor Abraham Kahlil B. Mitra,*  
13 *Respondent (GR No. 170867, December 4, 2018, EN BANC, Tijam, J.), or Republic*  
14 *of the Philippines vs. Provincial Government of Palawan,* for brevity, and in *Bishop*  
15 *Pedro Dulay Arigo, Cesar N. Sarino, Dr. Jose Antonio N. Socrates, Prof. H. Harry L.*  
16 *Roque, Jr., Petitioners, v. Hon. Executive Secretary Eduardo R. Ermita, Hon. Energy*  
17 *Secretary Angelo T. Reyes, Hon. Finance Secretary Margarito B. Teves, Hon. Budget*  
18 *and Management Secretary Rolando D. Andaya, Jr., Hon. Palawan Governor Joel T.*  
19 *Reyes, Hon. Representative Antonio C. Alvarez (1<sup>st</sup> District), Hon. Representative*  
20 *Abraham Mitra (2<sup>nd</sup> District), Rafael E. del Pilar, President and CEO, PNOC Exploration*  
21 *Corporation, Respondents (GR No. 185941, December 4, 2018, EN BANC, Tijam, J.),*  
22 *or Bishop Arigo, et.al., vs. Hon. Executive Secretary, et.al.,* for brevity, was denied  
23 its claimed 40% share of the government's earnings derived from the Camago-  
24 Malampaya natural gas project since October 16, 2001, on the reasoning that: (1) the  
25 United Nations Convention of the Law of the Sea (UNCLOS) affects only the right of the  
26 Philippines vis-à-vis another sovereign State; (2) Even if the UNCLOS were to be  
27 considered to have been transformed to be part of the municipal law, after its ratification

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<sup>22</sup> *Ibid.*

<sup>23</sup> *Ibid.*

1 by the Batasang Pambansa through Resolution No. 121 on February 27, 1984, the  
2 UNCLOS did not automatically amend the Local Government Code and the charters of  
3 the local government units. The UNCLOS, transformed into our municipal laws, should  
4 be applied as it is worded; (3) an LGU's territorial jurisdiction refers to its territorial  
5 boundaries or to its territory. The territory of LGUs, in turn, refers to their land area,  
6 unless expanded by law to include the maritime area; and, (4) Section 6 of the Local  
7 Government Code empowers Congress to substantially alter their boundaries, subject  
8 to the plebiscite requirement (Section 10) where a majority of the votes cast in the  
9 directly affected area/s approves the boundary alteration, within 120 days from the date  
10 of effectivity of the law or on another date fixed. Stated otherwise, unless Congress,  
11 with the approval of the political units directly affected, clearly extends an LGU's  
12 territorial boundaries beyond its land area, to include marine waters, the seabed and the  
13 subsoil, it cannot rightfully share in the proceeds of the utilization of national wealth  
14 found therein. Thus, Service Contract No. 38 was entered into between the Republic of  
15 the Philippines through the Department of Energy, with Shell Philippines Exploration  
16 B.V. (Shell) and Occidental Philippines, Inc. (Occidental) for the drilling of a natural gas  
17 reservoir in the Camago-Malampaya area, located about 80 kilometers from the  
18 mainland of Palawan, situated not in the marine waters, but in the continental shelf, and  
19 specifically located 93.264 kilometers or 50.3585 nautical miles from the Kalayaan  
20 Island Group (KIG); 55.476 kilometers or 29.9546 nautical miles from Mainland  
21 Palawan, particularly from Nacpan Point, south of Patuyo Cove of the Municipality of El  
22 Nido; or 48.843 kilometers or 25.[3731] nautical miles from Tapiutan Island of the  
23 Municipality of El Nido.<sup>24</sup>  
24 Section 26(a) of Act 1396<sup>25</sup>, known as "The Special Provincial Government Act,"  
25 provides that:

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<sup>24</sup> *Republic of the Philippines vs Provincial Government of Palawan; Bishop Arigo vs The Honorable Executive Secretary.*

<sup>25</sup> Act 1396 traces back to the approval on June 23, 1902 of Act No. 422 (*An Act Providing for the Organization of a Provincial Government in the Province of Paragua, and Defining the Limits of that Province*), which in Section 2 provides that "[t]he Province of Paragua shall consist of all that portion of the Island of Paragua north of the

1       ***"The Province of Palawan shall include the entire Island of Palawan, the***  
2       ***Islands of Dumarán and Balabac, the Calamianes Islands, the Cuyos***  
3       ***Islands, the Cagayanes Islands, and all other islands adjacent to***  
4       ***these islands and not included within the limits of any other***  
5       ***province.***

6       ***(b) The capital of the Province of Palawan shall be the township of Puerto***  
7       ***Princesa on the Island of Palawan: Provided however, That until cable***  
8       ***communications shall have been established between Puerto Princesa***  
9       ***and Manila, the provincial government shall have discretion to fix the***  
10       ***capital of that province either at Cuyo or at Puerto Princesa, and to***  
11       ***change the place of the capital from one place to the other, as the public***  
12       ***interests may require, the change of the capital, if made, to be effected by***  
13       ***a proclamation of the provincial governor, a copy of which shall be***  
14       ***forwarded to the Executive Secretary."***

15  
16       which traces back to its approval in 1902 the reference to bodies of water in providing  
17       for the province's boundaries. Thus, in this regard, there is sufficient historical basis to  
18       justify the qualifying clause in the Supreme Court Decisions in the cases of *Republic of*  
19       *the Philippines vs The Provincial Government of Palawan* (GR-170867, December 4,  
20       2018) and *Bishop Arigo et.al. vs The Honorable Executive Secretary. et.al.* (GR-  
21       185941, December 4, 2018), which held that it is the function of Congress to amend and

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***tenth parallel of north latitude and the small Islands adjacent thereto, including Dumarán, and of the islands forming the Calamianes Group and the Cuyos Group"***

to Act 567, enacted on December 22, 1902, (*An Act Amending Act Numbered Four Hundred and Twenty-Two, Providing For The Organization of a Provincial Government in the Province of Paragua and Defining the Limits of That Province, By Fixing New Boundaries for the Province of Paragua*), by stating that "Section two of Act Numbered Four hundred and twenty-two, entitled "An Act providing for the organization of a provincial government in the Province of Paragua, and defining the limits of that province," is hereby amended to read as follows:

***"SEC. 2. The province of Paragua shall consist of all that portion of the Island of Paragua north of a line beginning in the middle of the channel at the mouth of the Ulugan River in the Ulugan Bay, thence following the main channel of the Ulugan River to the village of Bahile, thence along the main trail leading from Bahile to the Tapul River, thence following the course of the Tapul River to its mouth in the Honda Bay; xxx xxx xxx. There shall be included in the Province of Paragua the small islands adjacent thereto, including Dumarán and the islands forming the Calamianes group and the Cuyos group."***

**which anchors the province's borders on the bodies of water surrounding it.**

to Act 747 (*An Act to Amend Act Numbered Four Hundred and Twenty-Two, As Amended, By Defining New Limits for the Province of Paragua, and For Other Purposes*), approved on May 14, 1903, defining in Section 2 thereof that "[t]he Province of Paragua shall consist of the entire Island of Paragua, the islands of Dumarán and Balabac, the Calamianes Islands, the Cuyos Islands, the Cagayanes Islands, and all other islands adjacent thereto and not included within the limits of any other province."

to Act No. 1363 (*An Act Changing The Name of the Province and Island of Paragua to that of Palawan*), enacted on June 28, 1905, Section 1 of which states that "[u]pon the recommendation of the Philippine Committee on Geographical Names the name of the Province and Island of Paragua is hereby changed to that of Palawan."



1 alter substantially the boundaries of a local government unit according to the criteria  
2 established in the Local Government Code and subject to approval by a majority of the  
3 votes cast in a plebiscite in the political unit directly affected within 120 days from the  
4 effectivity of the law effecting such action, unless said law fixes another date. The Court  
5 ruled that "*an LGU's territorial jurisdiction refers to its territorial boundaries or to its*  
6 *territory. The territory of LGUs, in turn, refers to their land area, unless expanded by*  
7 *law to include the maritime area (emphasis supplied)* Accordingly, only the  
8 utilization of natural resources found within the land area delimited by law is subject to  
9 the LGU's equitable share under Sections 290<sup>26</sup> and 291<sup>27</sup> of the Local Government  
10 Code. xxx" **Section 6** of the Local Government Code (RA 7160, approved on October  
11 10, 1991) empowers Congress to create, divide, merge and abolish LGUs, and to  
12 substantially alter their boundaries, subject to the plebiscite requirement under Section  
13 10 of the law which reads: "Section 10. Plebiscite Requirement. – No creation,  
14 division, merger, abolition, or substantial alteration of boundaries of local  
15 government units shall take effect unless approved by a majority of the votes  
16 cast in a plebiscite called for the purpose in the political unit or units directly  
17 affected. Such plebiscite shall be conducted by the Commission on Elections  
18 (COMELEC) within one hundred twenty (120) days from the date of effectivity of  
19 the law or ordinance effecting such action, unless said law or ordinance fixes  
20 another date."

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<sup>26</sup> Section 290 of the Local Government Code reads as: "Amount of Share of Local Government Units. -- Local government units shall, in addition to the internal revenue allotment, have a share of forty percent (40%) of the gross collection derived by the national government from the preceding year from mining taxes, royalties, forestry and fishery charges, and such other taxes, fees, or charges, including related surcharges, interests, or fines, and from its share in any co-production, joint venture or production sharing agreement in the utilization and development of the national wealth within their territorial jurisdiction."

<sup>27</sup> Section 291 of the Local Government Code reads as: "**Share of the Local Governments from any Government Agency or -Owned and -Controlled Corporation.** -- Local government units shall have a share based on the preceding fiscal year from the proceeds derived by any government agency or government-owned or -controlled corporation engaged in the utilization and development of the national wealth based on the following formula whichever will produce a higher share for the local government unit:

- (a) One percent (1%) of the gross sales or receipts of the preceding calendar year; or
- (b) Forty percent (40%) of the mining taxes, royalties, forestry and fishery charges and such other taxes, fees or charges, including related surcharges, interests or fines the government agency or government-owned or -controlled corporation would have paid if it were not otherwise exempt.

1 **SECTION 3. The Province of Palawan. -- The PROVINCE OF PALAWAN shall**  
2 **consist of:**  
3 **(1) the MAIN ISLAND OF PALAWAN consisting of the municipalities of (1.1.)**  
4 **BATARASA<sup>28</sup>; (1.2.) BROOKE'S POINT<sup>29</sup>; (1.3.) SOFRONIO ESPAÑOLA<sup>30</sup>; (1.4.)**  
5 **RIZAL<sup>31</sup>; (1.5.) QUEZON<sup>32</sup>; (1.6.) NARRA<sup>33</sup>; (1.7.) ABORLAN<sup>34</sup>; (1.8.) the CITY OF**  
6 **PUERTO PRINCESA<sup>35</sup>, which is a declared highly urbanized city<sup>36</sup>; (1.9.) ROXAS<sup>37</sup>;**  
7 **(1.10.) SAN VICENTE<sup>38</sup>; (1.11.) TAYTAY<sup>39</sup>; and, (1.12.) EL NIDO<sup>40</sup>;**

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<sup>28</sup> Republic Act (RA) No. 3425 (**AN ACT CREATING THE MUNICIPALITY OF BATARASA IN THE PROVINCE OF PALAWAN, June 18, 1961**) provides for the creation of the Municipality of Batarasa, Palawan.

<sup>29</sup> Act 2711 (**AN ACT AMENDING THE ADMINISTRATIVE CODE**, Article II Situs and Major Subdivisions of Provinces Other than such as are Contained in Department of Mindanao and Sulu. SECTION 38. Situs of provinces and major subdivisions. -- The general location of the provinces other than such as are contained in the Department of Mindanao and Sulu, together with the subprovinces, municipalities and (townships) municipal districts respectively contains in them is as follows: xxx xxx xxx Paragraph (Par.) 74. -- The Province of Palawan consists of the Island of Palawan, the islands of Dumarán and Balabac, the Calamian Islands, the Cuyo Islands, the Cagayanes Islands, and all other islands adjacent to any of them, not included in some other province, and comprises the following municipalities: Par. 75. Agutaya, Bacuit, Cagayancillo, Coron, Cuyo, Dumarán, Puerto Princesa (the capital of the province), and Taytay. Par. 76. This province also contains the following municipal districts: Aborlan, Balabac and **Brooke's Point**.

<sup>30</sup> Republic Act (RA) No. 7679 (**An Act Creating the Municipality of Sofronio Española**) provides for the creation of the Municipality of Sofronio Española.

<sup>31</sup> Batas Pambansa (BP) Bilang 386 provides for the creation of the Municipality of Rizal

<sup>32</sup> Republic Act (RA) No. 617 (**AN ACT TO CREATE THE MUNICIPALITY OF QUEZON IN THE PROVINCE OF PALAWAN, May 15, 1951**) provides for the creation of the Municipality of Quezon

<sup>33</sup> Republic Act (RA) No. 5642 (**AN ACT CREATING THE MUNICIPALITY OF NARRA, PROVINCE OF PALAWAN**) provides for the creation of the Municipality of Narra

<sup>34</sup> Act 2711 (See Footnote No. 9) The province also contains the following municipal districts: **Aborlan**, Balabac and **Brooke's Point**.

<sup>35</sup> Republic Act No. 5906 (**AN ACT CREATING THE CITY OF PUERTO PRINCESA**, June 21, 1969).

Act No. 2657 (**AN ACT CONSISTING AN ADMINISTRATIVE CODE, December 31, 1916**) BOOK 1 TITLE 1 CHAPTER 2. **POLITICAL GRAND DIVISIONS AND SUBDIVISIONS. SECTION 42.** Grand Divisions of Philippine Islands. The Philippine Islands comprise the thirty-six provinces named in the next succeeding paragraph hereof, the seven provinces of the Department of Mindanao and Sulu, and the territory of the City of Manila. The provinces, other than the provinces of the Department of Mindanao and Sulu, are these: [1] Albay, [2] Ambos Camarines, [3] Antique, [4] Bataan, [5] Batanes, [6] Batangas, [7] Bohol, [8] Bulacan, [9] Cagayan, [10] Capiiz, [11] Cavite, [12] Cebu, [13] Ilocos Norte, [14] Ilocos Sur, [15] Iloilo, [16] Isabela, [17] Laguna, [18] La Union, [19] Leyte, [20] Mindoro, [21] Misamis, [22] Mountain Province, [23] Nueva Ecija, [24] Nueva Vizcaya, [25] Occidental Negros, [26] Oriental Negros, [27] Palawan, [28] Pampanga, [29] Pangasinan, [30] Rizal, [31] Samar, [32] Sorsogon, [33] Surigao, [34] Tarlac, [35] Tayabas, and [36] Zambales.

The provinces of the Department of Mindanao and Sulu are these: Agusan, Bukidnon, Cotabato, Davao, Lanao, Sulu, and Zamboanga [7].

The city of Manila comprises a separate jurisdiction and is not included within the territory of any province; but, in the absence of special provision, the term "province" may be construed to include the city of Manila for the purpose of giving effect to laws of general application.

- 1 (2) the ISLAND MUNICIPALITIES of:
- 2 (2.1.) the CALAMIANES GROUP of island-municipalities of: (2.1.1.) CORON<sup>41</sup> (13);
- 3 (2.1.2.) CULION<sup>42</sup> (14); (2.1.3.) LINAPACAN<sup>43</sup> (15); (2.1.4.) BUSUANGA<sup>44</sup> (16);
- 4 (2.2.) the island-municipality of ARACELI<sup>45</sup> (17);

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Any small island of the Philippine Archipelago not hereinafter specifically assigned to a definite province shall belong to the province to which it is in closest proximity.

**SECTION 43.** Situs of Provinces and Major Subdivisions. – The general location of the provinces other than such as are contained in the Department of Mindanao and Sulu, together with the subprovinces, municipalities, and townships respectively contained in them is as follows:

Paragraph 59: The Province of Palawan consists of the island of Palawan, the islands of Dumarán and Balabac, the Calamian Islands, the Cuyo Islands, the Cagayanes Islands, and all other islands adjacent to any of them, not included in some other province. It contains the townships of Cagayancillo, Coron, Cuyo, Puerto Princesa (the capital of the province), and Taytay.

<sup>36</sup> Proclamation No. 1264 (**CONVERSION OF THE CITY OF PUERTO PRINCESA INTO A HIGHLY-URBANIZED CITY**) was signed by President Gloria Macapagal Arroyo on March 26, 2007, converting Puerto Princesa City into a highly urbanized city.

<sup>37</sup> Republic Act (RA) No. 615 (**AN ACT CREATING THE MUNICIPALITY OF ROXAS, PROVINCE OF PALAWAN**, December 31, 1969 provides for the creation of the Municipality of Roxas

<sup>38</sup> Republic Act (RA) No. 5821 (**AN ACT CREATING THE MUNICIPALITY OF SAN VICENTE IN THE PROVINCE OF PALAWAN**, June 21, 1969) provides for the creation of the Municipality of San Vicente

<sup>39</sup> Act No. 2657 The Province of Palawan consists of the island of Palawan, the islands of Dumarán and Balabac, the Calamian Islands, the Cuyo Islands, the Cagayanes Islands, and all other islands adjacent to any of them, not included in some other province. It contains the townships of Cagayancillo, Coron, Cuyo, Puerto Princesa (the capital of the province), and Taytay.

<sup>40</sup> **Act 2711**, stating that the Province of Palawan consists of the Island of Palawan, the islands of Dumarán and Balabac, the Calamian Islands, the Cuyo Islands, the Cagayanes Islands, and all other islands adjacent to any of them, not included in some other province, and comprises the following municipalities: Agutaya, Bacuit, Cagayancillo, Coron, Cuyo, Dumarán, Puerto Princesa (the capital of the province), and Taytay, in relation to **Republic Act (RA) No. 1140**, approved on June 17, 1954, entitled **AN ACT CHANGING THE NAME OF THE MUNICIPALITY OF BACUIT IN THE PROVINCE OF PALAWAN TO EL NIDO**.

<sup>41</sup> **Act No. 2657** The Province of Palawan consists of the island of Palawan, the islands of Dumarán and Balabac, the Calamian Islands, the Cuyo Islands, the Cagayanes Islands, and all other islands adjacent to any of them, not included in some other province. It contains the townships of Cagayancillo, Coron, Cuyo, Puerto Princesa (the capital of the province), and Taytay.

<sup>42</sup> **Republic Act (RA) No. 7193** (**An Act Creating the Municipality of Culion in the Province of Palawan** (**February 19, 1992**), as amended by **Republic Act (RA) No. 9032**, approved on March 12, 2001, (**An Act Expanding the Area of Jurisdiction of the Municipality of Culion, Province of Palawan, Amending for the Purpose Republic Act No. 7193**).

<sup>43</sup> **Republic Act (RA) No. 1020**, approved on June 12, 1954, (**AN ACT TO CREATE THE MUNICIPALITY OF LINAPACAN, IN THE PROVINCE OF PALAWAN**)

<sup>44</sup> **Republic Act (RA) No. 560**, approved on June 17, 1950 (**AN ACT TO CREATE THE MUNICIPALITY OF BUSUANGA IN THE PROVINCE OF PALAWAN**, as amended by **Republic Act (RA) No. 5943**, approved on June 21, 1969, (**AN ACT AMENDING SECTION ONE OF REPUBLIC ACT NUMBERED FIVE HUNDRED SIXTY, ENTITLED "AN ACT CREATING THE MUNICIPALITY OF BUSUANGA IN THE PROVINCE OF PALAWAN**).

<sup>45</sup> **Republic Act (RA) No. 1111**, approved on June 15, 1954 (**AN ACT CHANGING THE NAME OF THE MUNICIPALITY OF DUMARAN, PROVINCE OF PALAWAN, TO ARACELI**) changed the name of the Municipality of Dumarán to Araceli. However, under **RA 3418**, enacted on June 18, 1961, (**AN ACT CREATING THE MUNICIPALITY OF**

- 1 (2.3.) the island-municipality of DUMARAN<sup>46</sup> (18);
- 2 (2.4.) the Cuyo island-municipalities of: (2.4.1.) CUYO<sup>47</sup> (19); (2.4.2.) MAGSAYSAY<sup>48</sup>
- 3 (20); (2.4.3.) AGUTAYA<sup>49</sup> (21);
- 4 (2.5.) the island municipality of BALABAC<sup>50</sup> (22);
- 5 (2.6.) the islands- municipality of CAGAYANCILLO<sup>51</sup> (23);
- 6 and, (2.7) the municipality of KALAYAAN<sup>52</sup> (24), which is also known as the Kalayaan
- 7 (Spratly Islands) Island Group (KIG) under Presidential Decree Number (PD) 1596.

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**DUMARAN IN THE PROVINCE OF PALAWAN**), a distinct and independent municipality, to be known as the Municipality of Dumarán, was constituted from certain barrios of the municipalities of Araceli, Roxas and Taytay. Section 1 of RA 3418 provides: "The barrios of Dumarán, San Juan, Bacao, Calasag and Bohol in the Municipality of Araceli; the barrios of Ilian, Capayas, and Leguit in the Municipality of Roxas; and the barrios of Danleg and Pangolasian in the Municipality of Taytay, all in the province of Palawan, are separated from the said municipalities, and are constituted into a distinct and independent municipality, to be known as the **Municipality of Dumarán**, with the seat of government at the site of the barrio of Dumarán.

<sup>46</sup> See Footnote No. 22.

<sup>47</sup> **Act 2657** The Province of Palawan consists of the island of Palawan, the islands of Dumarán and Balabac, the Calamian Islands, the Cuyo Islands, the Cagayanes Islands, and all other islands adjacent to any of them, not included in some other province. It contains the townships of Cagayancillo, Coron, Cuyo, Puerto Princesa (the capital of the province), and Taytay.

**Act 2711**, stating that the Province of Palawan consists of the Island of Palawan, the islands of Dumarán and Balabac, the Calamian Islands, the Cuyo Islands, the Cagayanes Islands, and all other islands adjacent to any of them, not included in some other province, and comprises the following municipalities: Agutaya, Bacuit, Cagayancillo, Coron, Cuyo, Dumarán, Puerto Princesa (the capital of the province), and Taytay.

<sup>48</sup> **Republic Act (RA) No. 3426**, approved on June 18, 1961 (**AN ACT CREATING THE MUNICIPALITY OF MAGSAYSAY IN THE PROVINCE OF PALAWAN**)

<sup>49</sup> **Act 2711**, stating that the Province of Palawan consists of the Island of Palawan, the islands of Dumarán and Balabac, the Calamian Islands, the Cuyo Islands, the Cagayanes Islands, and all other islands adjacent to any of them, not included in some other province, and comprises the following municipalities: Agutaya, Bacuit, Cagayancillo, Coron, Cuyo, Dumarán, Puerto Princesa (the capital of the province), and Taytay.

<sup>50</sup> **Act 2711**, stating that the Province of Palawan consists of the Island of Palawan, the islands of Dumarán and Balabac, the Calamian Islands, the Cuyo Islands, the Cagayanes Islands, and all other islands adjacent to any of them, not included in some other province, and comprises the following municipalities: Agutaya, Bacuit, Cagayancillo, Coron, Cuyo, Dumarán, Puerto Princesa (the capital of the province), and Taytay.

<sup>51</sup> **Act 2657** The Province of Palawan consists of the island of Palawan, the islands of Dumarán and Balabac, the Calamian Islands, the Cuyo Islands, the Cagayanes Islands, and all other islands adjacent to any of them, not included in some other province. It contains the townships of Cagayancillo, Coron, Cuyo, Puerto Princesa (the capital of the province), and Taytay.

<sup>52</sup> **Presidential Decree (PD) No. 1596**. On June 11, 1978, then President Ferdinand Marcos named the Kalayaan Island Group (KIG) of islands a municipality of the province of Palawan, with the following description:

*"From a point [on the Philippine Treaty Limits] at latitude 7°40' North and longitude 116°00' East of Greenwich, thence due West along the parallel of 7° 40' N to its intersection with the meridian of longitude 112°10' E, thence due north along the meridian of 112°10' E to its intersection with the parallel of 9°00' N, thence northeastward to the inter-section of the parallel of 12°00' N with the meridian of longitude 114° 30' E, thence, due East along the parallel of 12°00' N to its intersection with the meridian of 118°00' E, thence, due South along the meridian*

1 In the municipality of Cagayancillo is the **Tubbataha Reef National Park**, pursuant to  
2 Republic Act (R.A.) No. 10067, known as the **Tubbataha Reefs Natural Park (TRNP)**  
3 Act of 2009, and it covers an approximate area of ninety-seven thousand thirty (97,030)  
4 hectares, including its islets, seabed and airspace, the Tubbataha Reefs and the Jessie  
5 Beazley Reef, and is declared as a protected area.

6 The territorial sea<sup>53</sup>, the seabed<sup>54</sup>, the subsoil<sup>55</sup>, the insular shelves<sup>56</sup>, and other  
7 submarine areas, including the waters around, between, and connecting the

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*of longitude 118° 00' E to its intersection with the parallel of 10°00' N, thence Southwestwards to the point of beginning at 7°40' N, latitude and 116° 00' E longitude;*

*including the sea-bed, sub-soil, continental margin and air space shall belong and be subject to the sovereignty of the Philippines. Such area is hereby constituted as a distinct and separate municipality of the Province of Palawan and shall be known as "Kalayaan."*

Kalayaan is a municipality in the province of Palawan. As early as June 11, 1978, then President Ferdinand Marcos, pursuant to Presidential Decree (PD) No. 1596, declared part of Palawan a cluster of islands and islets in the South China Sea, known as the Kalayaan Island Group (KIG), a special regime of islands, which form part of the continental margin of the Philippine archipelago, and which areas do not legally belong to any state or nation since previous claims have lapsed by abandonment and cannot prevail over that of the Philippines on legal, historical, and equitable grounds but, by reason of history, indispensable need, and effective occupation and control established in accordance with international law, such areas, being vital to the security and economic survival of the Philippines, are now deemed to belong and subject to the sovereignty of the Philippines.

<sup>53</sup> **Article 2, UNCLOS.** Legal status of the territorial sea, of the air space over the territorial sea and of its bed and subsoil

1. The sovereignty of a coastal State extends, beyond its land territory and internal waters and, in the case of an archipelagic State, its archipelagic waters, to an adjacent belt of sea, described as the territorial sea.

2. This sovereignty extends to the air space over the territorial sea as well as to its bed and subsoil.

3. The sovereignty over the territorial sea is exercised subject to this Convention and to other rules of international law.

**Article 3, UNCLOS.** Breadth of the territorial sea

Every State has the right to establish the breadth of its territorial sea up to a limit not exceeding 12 nautical miles, measured from baselines determined in accordance with this Convention.

**Article 4, UNCLOS.** Outer limit of the territorial sea

The outer limit of the territorial sea is the line every point of which is at a distance from the nearest point of the baseline equal to the breadth of the territorial sea.

**Article 5 Normal baseline, UNCLOS.**

Except where otherwise provided in this Convention, the normal baseline for measuring the breadth of the territorial sea is the low-water line along the coast as marked on large-scale charts officially recognized by the coastal State.

<sup>54</sup> The seabed is the floor of a sea or ocean: the seafloor.

- 1 which point the bottom slopes seaward at a considerable increase in slope until the
- 2 great ocean depths are reached. The **continental shelves**<sup>58</sup> refer to Article 77 of the

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<sup>58</sup> **CONTINENTAL SHELF. Article 76, UNCLOS. Definition of the continental shelf**

1. The continental shelf of a coastal State comprises the seabed and subsoil of the submarine areas that extend beyond its territorial sea throughout the natural prolongation of its land territory to the outer edge of the continental margin, or to a distance of 200 nautical miles from the baselines from which the breadth of the territorial sea is measured where the outer edge of the continental margin does not extend up to that distance.
2. The continental shelf of a coastal State shall not extend beyond the limits provided for in paragraphs 4 to 6.
3. The continental margin comprises the submerged prolongation of the land mass of the coastal State, and consists of the seabed and subsoil of the shelf, the slope and the rise. It does not include the deep ocean floor with its oceanic ridges or the subsoil thereof.
4. (a) For the purposes of this Convention, the coastal State shall establish the outer edge of the continental margin wherever the margin extends beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured, by either:
  - (i) a line delineated in accordance with paragraph 7 by reference to the outermost fixed points at each of which the thickness of sedimentary rocks is at least 1 per cent of the shortest distance from such point to the foot of the continental slope; or
  - (ii) a line delineated in accordance with paragraph 7 by reference to fixed points not more than 60 nautical miles from the foot of the continental slope.
- (b) In the absence of evidence to the contrary, the foot of the continental slope shall be determined as the point of maximum change in the gradient at its base.
5. The fixed points comprising the line of the outer limits of the continental shelf on the seabed, drawn in accordance with paragraph 4 (a)(i) and (ii), either shall not exceed 350 nautical miles from the baselines from which the breadth of the territorial sea is measured or shall not exceed 100 nautical miles from the 2,500 metre isobath, which is a line connecting the depth of 2,500 metres.
6. Notwithstanding the provisions of paragraph 5, on submarine ridges, the outer limit of the continental shelf shall not exceed 350 nautical miles from the baselines from which the breadth of the territorial sea is measured. This paragraph does not apply to submarine elevations that are natural components of the continental margin, such as its plateaux, rises, caps, banks and spurs.
7. The coastal State shall delineate the outer limits of its continental shelf, where that shelf extends beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured, by straight lines not exceeding 60 nautical miles in length, connecting fixed points, defined by coordinates of latitude and longitude.
8. Information on the limits of the continental shelf beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured shall be submitted by the coastal State to the Commission on the Limits of the Continental Shelf set up under Annex II on the basis of equitable geographical representation. The Commission shall make recommendations to coastal States on matters related to the establishment of the outer limits of their continental shelf. The limits of the shelf established by a coastal State on the basis of these recommendations shall be final and binding.
9. The coastal State shall deposit with the Secretary-General of the United Nations charts and relevant information, including geodetic data, permanently describing the outer limits of its continental shelf. The Secretary-General shall give due publicity thereto.
10. The provisions of this article are without prejudice to the question of delimitation of the continental shelf between States with opposite or adjacent coasts.

1 for the purpose of exploring it and exploiting its natural resources. These rights are  
2 exclusive in the sense that if the coastal State does not explore the continental shelf or  
3 exploit its natural resources, no one may undertake these activities without the express  
4 consent of the coastal State. The natural resources consist of the mineral and other  
5 non-living resources of the seabed and subsoil together with living organisms belonging  
6 to sedentary species, that is to say, organisms which, at the harvestable stage, either  
7 are immobile on or under the seabed or are unable to move except in constant physical  
8 contact with the seabed or the subsoil. The rights of the coastal State over the  
9 continental shelf do not depend on occupation, effective or notional, or on any express  
10 proclamation.<sup>59</sup>

11 The Baseline boundaries of the Philippines have been laid down in Republic Act (RA)  
12 No. 9522. On the petitions assailing the constitutionality of RA 9522, the Supreme  
13 Court decided that: (1) Petitioners possess locus standi to bring the suit as citizens and  
14 (2) the writs of certiorari and prohibition are proper remedies to test the constitutionality  
15 of RA 9522. The Supreme Court found no basis to declare RA 9522 unconstitutional.  
16 The Supreme Court decided that:

17 *"UNCLOS III has nothing to do with the acquisition (or loss) of territory. It is a*  
18 *multilateral treaty regulating, among others, sea-use rights over maritime zones*  
19 *(i.e., the territorial waters [12 nautical miles from the baselines], contiguous zone*  
20 *[24 nautical miles from the baselines], exclusive economic zone [200 nautical*  
21 *miles from the baselines]), and continental shelves that UNCLOS III delimits.<sup>23</sup>*  
22 *UNCLOS III was the culmination of decades-long negotiations among United*  
23 *Nations members to codify norms regulating the conduct of States in the world's*  
24 *oceans and submarine areas, recognizing coastal and archipelagic States'*  
25 *graduated authority over a limited span of waters and submarine lands along*  
26 *their coasts.*

27 *"On the other hand, baselines laws such as RA 9522 are enacted by UNCLOS III*  
28 *States parties to mark-out specific basepoints along their coasts from which*  
29 *baselines are drawn, either straight or contoured, to serve as geographic starting*  
30 *points to measure the breadth of the maritime zones and continental shelf. Article*  
31 *48 of UNCLOS III on archipelagic States like ours could not be any clearer:*

32 ***"Article 48. Measurement of the breadth of the territorial sea, the***  
33 ***contiguous zone, the exclusive economic zone and the continental shelf. –***  
34 ***The breadth of the territorial sea, the contiguous zone, the exclusive***  
35 ***economic zone and the continental shelf shall be measured from***  
36 ***archipelagic baselines drawn in accordance with article 47. (Emphasis***  
37 ***supplied)***

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<sup>59</sup> *Op Cit.*, Art. 77, UNCLOS.

1       *"Thus, baselines laws are nothing but statutory mechanisms for UNCLOS III*  
2       *States parties to delimit with precision the extent of their maritime zones and*  
3       *continental shelves. In turn, this gives notice to the rest of the international*  
4       *community of the scope of the maritime space and submarine areas within which*  
5       *States parties exercise treaty-based rights, namely, the exercise of sovereignty*  
6       *over territorial waters (Article 2), the jurisdiction to enforce customs, fiscal,*  
7       *immigration, and sanitation laws in the contiguous zone (Article 33), and the right*  
8       *to exploit the living and non-living resources in the exclusive economic zone*  
9       *(Article 56) and continental shelf (Article 77).*

10       *"Even under petitioners' theory that the Philippine territory embraces the islands*  
11       *and all the waters within the rectangular area delimited in the Treaty of Paris, the*  
12       *baselines of the Philippines would still have to be drawn in accordance with RA*  
13       *9522 because this is the only way to draw the baselines in conformity with*  
14       *UNCLOS III. The baselines cannot be drawn from the boundaries or other*  
15       *portions of the rectangular area delineated in the Treaty of Paris, but from the*  
16       *"outermost islands and drying reefs of the archipelago."*<sup>24</sup>

17       *"UNCLOS III and its ancillary baselines laws play no role in the acquisition,*  
18       *enlargement or, as petitioners claim, diminution of territory. Under traditional*  
19       *international law typology, States acquire (or conversely, lose) territory through*  
20       *occupation, accretion, cession and prescription,<sup>25</sup> not by executing multilateral*  
21       *treaties on the regulations of sea-use rights or enacting statutes to comply with*  
22       *the treaty's terms to delimit maritime zones and continental shelves. Territorial*  
23       *claims to land features are outside UNCLOS III, and are instead governed by the*  
24       *rules on general international law."*

25  
26  
27       Palawan is composed thus of islands and islets, including the seabed and  
28       subsoil comprising the continental shelf, located at 7°47' and 12°22' north  
29       latitude and 117°00' and 119°51 east longitude, generally bound by the  
30       South China Sea to the northwest and by the Sulu Sea to the east.

31       This definition should be incorporated into the technical coordinates of the  
32       territory of the municipality of Kalayaan.

	Extent of maritime area using RA 3046, as amended, taking into account the Treaty of Paris' delimitation (in square nautical miles)	Extent of maritime area using RA 9522, taking into account UNCLOS III (in square nautical miles)
Internal or archipelagic waters	166,858	171,435
Territorial Sea	274,136	32,106



Exclusive Economic Zone		382,669
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TOTAL	440,994	586,210
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(145,216)

1       *"Thus, as the map below shows, the reach of the exclusive economic zone*  
2       *drawn under RA 9522 even extends way beyond the waters covered by*  
3       *the rectangular demarcation under the Treaty of Paris. Of course, where*  
4       *there are overlapping exclusive economic zones of opposite or adjacent*  
5       *States, there will have to be a delineation of maritime boundaries in*  
6       *accordance with UNCLOS III.*

7       [https://www.un.org/Depts/los/convention\\_agreements/texts/unclos/part5.htm](https://www.un.org/Depts/los/convention_agreements/texts/unclos/part5.htm)

8       (Exclusive Economic Zone, Article 55 to 58 et seq.)

9       Accordingly, the province of Palawan, includes the seabed, sub-soil, continental margin  
10      and air space, all of which are subject to Philippine sovereignty.

11      **SECTION 4. Delimitation of Land and Maritime Boundaries.** -- The actual metes  
12      and bounds of the province of Palawan, as clarified and defined, shall be subject to  
13      actual land and maritime boundaries measurement starting the budget year immediately  
14      after the plebiscite approval of the substantial alteration of Palawan's boundaries,  
15      including the insular shelves and other submarine areas, the waters around, between,  
16      and connecting the islands of Palawan.

17      **SECTION 5. Public Consultations and Hearings.** -- For the purpose of the  
18      clarification and substantial alteration of the boundaries of the province of Palawan, the  
19      sovereign will of the people must be determined through a purposeful public  
20      consultation and hearing of the voice of the people.

21      **SECTION 6. Plebiscite to Approve the Substantial Alteration of Palawan**  
22      **Boundaries.** -- For the purpose of getting the approval of the people who are directly  
23      affected by the substantial alteration of the boundaries of the Province of Palawan, a  
24      plebiscite shall be held on November 27, 2023, a Monday, and is thus declared a

1 special non-working day in the province of Palawan, including the City of Puerto  
2 Princesa.

3 **SECTION 7. Funding.** – The amount necessary to implement the provisions of this  
4 Act shall be included in the General Appropriations Act. The delimitation of land and  
5 maritime boundaries, with technical description, of the Province of Palawan, including  
6 the City of Puerto Princesa and each of the municipalities, shall also be provided for in  
7 the General Appropriations Act.

8 **SECTION 8. Separability Clause.** – If any provision, section, or part of this Act shall be  
9 declared unconstitutional or invalid, such judgment shall not affect, invalidate or impair  
10 any other provisions, sections, or parts hereof.

11 **SECTION 9. Repealing Clause.** -- All laws, decrees, orders, rules and regulations,  
12 which are inconsistent with the provisions of this Act, are hereby repealed or modified  
13 accordingly.

14 **SECTION 10. Effectivity.** -- The substantial alteration of the boundaries of the  
15 Province of Palawan, approved by the votes of the directly affected areas of the  
16 province shall become effective beginning the year 2023, after its publication in the  
17 *Official Gazette*, with a copy of which is deposited with the Office of the National  
18 Administrative Register at the University of the Philippines' Law Center in Diliman,  
19 Quezon City.

20

21 Approved,

22

23 This Act, which is a consolidation of House Bill No. \_\_\_\_ and Senate Bill No. \_\_\_\_, was  
24 passed by the House of Representatives and the Senate on \_\_\_\_\_ and on  
25 \_\_\_\_\_, respectively.

26

27

28 Secretary of the Senate

29

Secretary-General  
House of Representatives

1    Approved,

2

3

4    **FERDINAND ROMUALDEZ MARCOS, JR.**

5       *President of the Philippines*