



**Republic of the Philippines
CITY COUNCIL
City of Manila**

REGULAR SESSION NO. 102

12TH CITY COUNCIL

**RESOLUTION NO. 658
Series of 2023**

RESOLUTION SUPPORTING THE PHILIPPINE GOVERNMENT TO ASSERT AND PROTECT THE SOVEREIGN RIGHTS OF THE COUNTRY OVER ITS EXCLUSIVE ECONOMIC ZONE AND CONTINENTAL SHELF IN ACCORDANCE WITH THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA AND THE 2016 RULING OF THE PERMANENT COURT OF ARBITRATION

PRINCIPAL AUTHORS:

HON. NIÑO M. DELA CRUZ

and

HON. JOEL "JTV" VILLANUEVA
Acting Majority Floor Leader



WHEREAS, the West Philippine Sea (WPS), being an Exclusive Economic Zone where the Philippines exercises sovereign rights and jurisdiction in accordance with international law, is subject to continued harassments and aggressive actions by the Chinese Coast Guard (CCG) and Militia Vessels against innocent Filipino fishermen and the Philippine Coast Guard (PCG);

WHEREAS, on 10 December 2023 incident where a Chinese Coast Guard (CCG) ship sails near a Philippine vessel that was part of a convoy of civilian boats planning to deliver provisions to Filipino fishermen and troops, the China Coast Guard rammed and fired water cannons at Philippine vessels during a resupply mission to BRP Sierra Madre at Ayungin Shoal causing severe engine damage and risking the lives of its crew members, causing the mission to be aborted;

WHEREAS, similar incidents have occurred throughout the year despite efforts by the Philippine government to appease the increasing tension, and despite the condemning of international communities;

WHEREAS, the Senate and House of Representatives have continued to express its commitment to protecting the territorial integrity of the Philippines in the West Philippine Sea (WPS), condemning the escalating intimidation tactics of the Chinese government, especially the illegal activities and incursions of China against Filipino fishermen and security forces patrolling the Exclusive Economic Zone (EEZ) of the country;

WHEREAS, in a landmark ruling in Permanent Court of Arbitration (PCA) Case No. 2013-19, also known as the Republic of the Philippines vs. People's Republic of China on 12 July 2016, the PCA stated that China has "no legal basis for claiming historic rights to resources within the areas falling in line within the nine-dash line", and that the claims to historic or other sovereign rights or jurisdiction, with respect to maritime areas in the West Philippine Sea encompassed by the supposed "nine-dash line", were contrary to the United Nations Convention on the Law of the Sea (UNCLOS);

WHEREAS, the Permanent Court of Arbitration (PCA) declared that the Chinese government had violated the Philippines' sovereign rights over its Exclusive Economic Zone (EEZ) and continental shelf, in violation of its obligations under international law;

WHEREAS, despite such a significant ruling, China has continued to encroach Philippine waters and damage vessels in the Philippine territory, including those of the country's fisherfolk, navy, and coast guard;

WHEREAS, China has constructed artificial islands in the West Philippine Sea, fortified with airstrips, military installations, hardware, and equipment, in flagrant violation of the Arbitral Award. At least three of those artificial islands have been militarized, with fighter jets, anti-ship and anti-aircraft missile systems, laser and jamming equipment, and other weapons;

WHEREAS, in order to assert Philippine sovereignty and jurisdiction over the WPS, prevent future harassment, and protect and preserve the freedom of navigation and overflight in the SCS, it is now imperative to take more decisive and tangible action;

WHEREAS, the Philippines has filed over 400 diplomatic protests against China, primarily regarding the illegal presence and activities of Chinese fishing, maritime militia, law enforcement, and military vessels in the West Philippine Sea; the Philippines, being a staunch supporter of the Rule of Law, has resorted to diplomatic tools to address Chinese aggression;

WHEREAS, these illicit activities consist of the following: (a) radio challenges, blocking, shadowing, hazardous maneuvers, and harassment; (b) unilaterally imposing a fishing moratorium; (c) conducting Marine Scientific Research activities without authorization; (d) persistently and illegally preventing Filipino fishermen from engaging in lawful fishing in Bajo de Masinloc; and (e) harassing Philippine boats in Ayungin Shoal;

WHEREAS, the Recto Bank and Scarborough Shoal, also known as Bajo de Masinloc, are eighty (80) and one hundred nineteen (119) nautical miles from the coasts of Palawan and Pangasinan, respectively, and are therefore unquestionably within the 200-nautical-mile limit that denotes the country's maritime borders. The Philippine Coast Guard (PCG) has observed an increase in the presence of Chinese vessels and maritime militia in these areas;

WHEREAS, the Philippines should continue to assert and fight for its rights in the West Philippine Sea, uphold and implement its most relevant and hard-earned victory at the Permanent Court of Arbitration, especially now that there is an imminent need to shift to a more critical and efficient measures to protect and preserve the freedom of navigation and overflight in the SCS, to assert the Philippines' sovereign rights and jurisdiction over the WPS, and to discourage additional harassments;

WHEREAS, on May 1, 2023, during the former's state visit to the US, His Excellency Presidents Ferdinand R. Marcos, Jr. and Joseph R. Biden, Jr., jointly released a statement stating that they "welcome cooperation with partners that share the United States' and the Philippines' commitment to international law and mutual respect" and that they "look forward to establishing trilateral modes of cooperation among the Philippines, Japan, and the United States, as well as the Philippines, Australia, and the United States." Additionally, they welcomed the Quad's commitment to support a peaceful and stable, rules-based region with ASEAN at its center, through its efforts to advance a free and open Indo-Pacific";

WHEREAS, US and Philippine officials have made it clear on multiple times that they intend to work together to maintain regional stability, safeguard the sovereign rights of the Philippines, and allow for the freedom of overflight and navigation in the SCS by conducting a joint maritime patrol in the WPS;

WHEREAS, joint maritime patrols are based on the principles of international law, such as UNCLOS and customary international law, and have been utilized globally as a mechanism to promote peace and security at sea;

WHEREAS, in accordance with Article 98 of the UNCLOS, party states, have a "duty to render assistance" to individuals who are found at sea and in danger of losing their way, as well as to rescue those who are in distress. This creates a basis for cooperation and a shared responsibility in promoting maritime safety and security for all individuals. Similarly, customary international law's "Principle of Cooperation" stipulates that states ought to cooperate in order to accomplish shared objectives, resolve problems, and advance shared interests;

WHEREAS, the 1987 Constitution indicates an established basis for cooperative maritime patrols to safeguard the State's interests through the following:

Article II, Section 2, states that the "Philippines renounces war as an instrument of national policy, adopts the generally accepted principles of international law as part of the law of the land and adheres to the policy of peace, equality, justice, freedom, cooperation, and amity with all nations."

Article II, Section 7 provides that the "State shall pursue an independent foreign policy. In its relations with other states, the paramount consideration shall be national sovereignty, territorial integrity, national interest, and the right to self-determination."

Article XII, Section 2 provides that the "State shall protect the nation's marine wealth in its archipelagic waters, territorial sea, and exclusive economic zone, and reserve its use and enjoyment exclusively to Filipino citizens."

Article XVI, Section 3 states that the "Armed Forces of the Philippines shall secure the sovereignty of the State and the integrity of the national territory."


WHEREAS, given the regional and multi-national significance and impact of the ongoing issues and interest in the WPS or SCS, a "joint multilateral maritime patrol" with several like-minded and allied States will be seen as a stronger and more resolute initiative in addition to a "joint maritime patrol" with the US. Thus, it is strongly encouraged that the Philippine government coordinate with a joint multilateral maritime patrol in the WPS area with as many countries willing and like-minded allied States as possible;

WHEREAS, it is fundamental to conduct a joint multilateral maritime patrol in the WPS with like-minded nations with the objective to uphold the 2016 Arbitral Award, assert the Philippines' sovereign rights, protect freedom of navigation and overflight, and deter unlawful aggression and harassment: NOW, THEREFORE, be it

RESOLVED, by the City Council of Manila to support, as it hereby supports the Philippine government to assert and protect the sovereign rights of the country over its Exclusive Economic Zone and Continental Shelf in accordance with the United Nations Convention on the Law of the Sea and the 2016 Ruling of the Permanent Court of Arbitration; and be it FURTHER

RESOLVED, that copies of this Resolution be furnished the Office of the President of the Republic of the Philippines, the Department of Foreign Affairs (DFA), Department of National Defense (DND), Armed Forces of the Philippines, Department of Environment and Natural Resources (DENR), and the Philippine Coast Guard, among other pertinent agencies.

PRESIDED BY:


| JOHN MARVIN C. "TUL SERVO" NIETO
Vice-Mayor and Presiding Officer
City Council, Manila

This Resolution was adopted by the City Council of Manila at its regular session on December 14, 2023.

ATTESTED:


LUCH R. GEMPIS, JR.
City Government Department Head III
(Secretary to the City Council)