

RESOLUTION CREATING BARMM BOARD OF INQUIRY IN AID OF LEGISLATION TO REVIEW THE TERRITORIAL JURISDICTION ISSUES AND MARITIME TRANSIT RIGHTS OF BARMM GOVERNMENT OVER THE SIBUTU CHANNEL IN TAWI-TAWI, DETERMINING ITS GEOECONOMIC AND SECURITY IMPLICATIONS, AND FOR OTHER PURPOSE.

Explanatory Note

The Sibutu Strait is a regular maritime transit used as transshipment zone, cross border trade and maritime conduit for economic and cultural exchange since time immemorial. The channel links BARMM with the greater ASEAN and global market as it intersect with China's Belt and Road Initiative. It is also an important transit route for international trade between the Pacific and the Indian Ocean.

Described as maritime area within BARMM "Exclusive Economic Zone", the narrow strait is situated between the Island municipalities of Simunul, Sibutu and the province's capital town of Bongao. For many of the ASEAN countries, the Sibutu natural waterway is an essential maritime crossroad for trade. The deep draft vessels that cannot be accommodated by Malacca Strait pass through Lombok and Makkasar in Indonesia, then cross the Celebes Sea and enter the Sibutu passage. This vital passage links international shipping routes. The volume and amount of trade can be translated to an estimated average of two hundred (200) foreign vessels that pass through daily, carrying an estimated value of cargoes between \$50-80 billion. It is predicted that Tawi-Tawi is set to become the **"next Singapore owing to the volume of ships that pass through the waterway."** "That the estimated 50,000 foreign vessels from all over South East Asia that pass through the same sea lane annually would generate huge revenues in passage fees."

The goal of this Resolution is to set up the stage for the establishment of legal and regulatory regime of BARMM government over the channel to secure its geo-economic advantage in the following arena:

1. Introduction and promotion of Tawi-Tawi as potential area for investment on economic corridor development, such as:
2. Transshipment Port Development and Cross Border Value Chain Corridor Development.
3. Entrepot Trade Terminal Development and Halal Trade Corridor Development.

4. Provision of precondition for take-off for industries, expansion of overhead capital particularly transport and logistics, widening of the extent of market and expansion of internal and external trade.



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Enhanced

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Author: MP Ali B. Sangki

Co-authored by MPs _____, _____, and

RESOLUTION

RESOLUTION CREATING BARMM BOARD OF INQUIRY IN AID OF LEGISLATION TO REVIEW THE TERRITORIAL JURISDICTION ISSUES AND MARITIME TRANSIT RIGHTS OF BARMM GOVERNMENT OVER THE SIBUTU CHANNEL IN TAWI-TAWI, DETERMINING ITS GEOECONOMIC AND SECURITY IMPLICATIONS, AND FOR OTHER PURPOSE.

WHEREAS, pursuant to R.A. No. 3046 as amended by R.A. No. 5446, an Act defining the Baselines of the Territorial Sea of the Philippines, describes the national territory as comprising all the territory ceded to the United States by the Treaty of Paris concluded between the United States and Spain on December 10, 1898, the limits of which are set forth in Article III of the said Treaty concluded at Washington, between United States and Spain on November 7, 1900, and in the Treaty concluded between the United States and Great Britain on January 2, 1930, and all the territory over which the Government of the Philippine Islands exercised jurisdiction at the time of the adoption of the Constitution;

WHEREAS, all the waters within the limits set forth in the above-mentioned treaties have always been regarded as part of the territory of the Philippine Islands. That the waters around, between and connecting the various islands of the Philippines archipelago, irrespective of their width or dimension, have always been considered as necessary appurtenances of the land territory, forming part of the inland or internal waters of the Philippines;

WHEREAS, under Article III, section I of R.A. 11054 otherwise known as the Bangsamoro Organic Law further states, "that the territorial jurisdiction is the land mass as well as the

25 waters over which the Bangsamoro Autonomous Region has jurisdiction which shall
26 always be an integral, indivisible and inseparable part of the national territory of the
27 Republic of the Philippines as defined by the Constitution of the Philippine and existing
28 laws;

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30 WHEREAS, territorial jurisdiction of the Bangsamoro Autonomous Region as provided in
31 Section 3, Article XV of R.A. 11054, shall be composed of the present geographic area known
32 as the Autonomous Region in Muslim Mindanao created under R.A. No. 6734, as amended by
33 R.A. No. 9054. That the Bangsamoro Municipal and Regional waters shall extend up to fifteen
34 (15) kilometers and nineteen (19) kilometers, respectively from the low-water mark of the coast
35 that are part of the Bangsamoro territorial jurisdiction;

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37 WHEREAS, the inland water between the Island Municipalities of Sibutu, Simunul and Bongao
38 in Tawi-Tawi described as a deep channel some eighteen (18) miles or (29) kilometers wide that
39 separates Borneo from the Sulu Archipelago, located at latitude 4.8314 degrees or
40 49°52.9 north and longitude 119.8794 degrees or 40°45.8 east known as the Sibutu Passage is
41 within the Municipal territorial water and part of the exclusive economic zone pursuant to the
42 definition under the laws above-mentioned. "It has a deep sill allowing entry of deep water into
43 the Sulu basin while connecting the Sulu Sea that feeds from the Pacific current". (Philippine
44 Islands Sailing Directions, third edition of the Bulletin prepared in the office of U.S. Coast and
45 Geodetic Survey);

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47 WHEREAS, for many of ASEAN largest economies, the Sibutu natural waterway is an essential
48 maritime crossroad for trade. The deep draft vessel that cannot be accommodated by the Malacca
49 Strait pass through Lombok and Makassar Straits in Indonesia, then cross the Celebes Sea and
50 enter the Sibutu Passage. This vital Passage links international shipping routes, and the amount
51 of trade can be translated to an average of two hundred (200) foreign vessels that pass through
52 the channel daily, carrying an estimated value of cargoes between USD 50-80 billion. During
53 the historic groundbreaking ceremony of the proposed establishment of Tawi-Tawi
54 transshipment port, Senator Koko Pimentel, one of the event's Guests predicted that, "Tawi-
55 Tawi province is set to become the new Singapore owing to the volume of ships that pass
56 through that natural waterway". Another Guest, Senator Francis Tolentino, claimed "that
57 estimated 50,000 foreign vessels from all over South East Asia that pass through the same sea
58 lane annually would generate huge revenues in passage fees."

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60 WHEREAS, rapid economic development taking place in the ASEAN, China, India, is likely to
61 enhance the supreme importance of the Strait of Sibutu as potential dollar earner that can fuel
62 BARMM economy and secure the future of trade in the region. The most spectacular
63 development that are expected to emerge are the flourishing of strategic economic zones in
64 Tawi-Tawi, cross border trade corridor, transshipment port and increased flow of shipping traffic
65 and commerce. Soonest the Sibutu sea lane will be further developed not only as mere
66 thoroughfare of ASEAN and international shipping but also as an integrated cross-strait traffic
67 channel of culture, tourism and economic intercourse. The Strait is thus a major conduit as well
68 as chokepoint for international trade that can serve as major line of import-export point for goods
69 and products essentially those of Halal products that are most needed by the eleven (11) million
70 Bangsamoro people across the country;

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WHEREAS, Until recently, tensions between conflicting interests in the South China Sea have reignited debates on the vulnerability of the Sibutu channel as a strategic choke point, including military and security concerns. This brings to light the issue of our country's and BARMM's sovereignty and jurisdiction right over the it;

WHEREAS, based on the report of the Armed Forces of the Philippines Western Mindanao Command, five Chinese warships had sneaked through the Sibutu Strait in the first week of July and August of 2019. In response to the reported passage, Secretary Teodoro Locsin of the Department of Foreign Affairs in his Tweeter account was quoted as saying "fire diplomatic protest over Chinese warships". Malacañang on the other hand ordered all foreign vessels through the country's water to acquire clearance from the Philippine Government;

WHEREAS, Philippine Ambassador to China, Jose Santiago Sta. Romana warned that "foreign vessels and warships will continue passing through Philippine waters in the absence of domestic law. He further explained, "That there seems to be a need for Archipelagic passage bill because under the law, the lack of it, unannounced passage will continue as what were done in the past";

WHEREAS, the primordial objective of this Resolution shall be the following:

1. To establish legal, policy and regulatory regime over the Sibutu Channel.
2. Provide precondition for take-off for industries, expansion of overhead capital particularly transport and logistics, widening of the extent of market and expansion of internal and external trade.
3. Introduce and promote Tawi-Tawi as potential area for investment on economic corridors development, such as: Transshipment Port, Cross-border Value Chain Corridor, Entrepot Trade Terminal, Halal Supply and Production Value Chain,
4. Expansion of maritime corridor infrastructures to satisfy requirements for BIMP-EAGA connectivity and the ASEAN Community as to advance the overall BARMM Geoeconomic objectives.

WHEREFORE, in light of backdrops and premises above, there is merit and reasonable justification for the BTA Parliament to conduct inquiry pursuant to Section 5(d) of Article VII, R.A. 11054, as prudent and plausible exercise to craft and establish legal, policy and regulatory framework as basis for the crafting of appropriate legislation and policies to strengthen the maritime passage and border-crossing control and management and exclusive economic right of BARMM over the Sibutu Channel;

116 **NOW, THEREFORE, IT IS HEREBY RESOLVED** by the BTA-PARLIAMENT to
117 constitute membership of the Board of Inquiry, its mandate, privileges and power.
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124 **The Board shall be under the purview of the Parliament Speaker, BARMM BTA, acting as**
125 **Chairman, and shall be composed of the following:**
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- 128 1. Committee on Trade, Investment and Tourism
 - 129 2. Committee on Local Government
 - 130 3. Committee on Transportation
 - 131 4. Committee on Environment, Natural Resources and Energy
 - 132 5. Committee on Public Works
 - 133 6. Representative from the Office of the Chief Minister
 - 134 7. Office of the Solicitor-General, BARMM
 - 135 8. Governor of Tawi-Tawi Province
 - 136 9. Mayors of the Municipalities of Sibutu, Bongao, Simunul
 - 137 10. Philippine Coast Guard
 - 138 11. Bureau of Immigration
 - 139 12. Bureau of Custom
 - 140 13. Bureau of Quarantine
 - 141 14. Concerned Regional Security Agencies
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145 **Mandates, Power and Privileges**

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- 147 1. Set timetable and provisions of funds for the conduct of inquiries, conferences, meetings,
148 and consultations on all matters relative to the subject of this Resolution in aid of
149 legislation, policy formulation and planning, subject further to the rules provided under
150 Section 5, letter (d), Article VII of RA 11054.
 - 151 2. Engage/invite resource persons, consultants, experts, specialists, and technical advisers
152 who can provide relevant information, insights, perspectives and expert opinions relative
153 to the subject of this Resolution.
 - 154 3. Formulate post-inquiry summary executive reports (findings, measures,
155 recommendations, feedback, challenges and opportunities) in aid of legislation, strategic
156 planning and policy formulation in the pursuit of the goal and objectives articulated in
157 this Resolution.
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162 **RESOLVED FINALLY**, in the interest of national security and economic policy
163 harmonization, the Board of Inquiry (BBOI) shall coordinate with the Bangsamoro Sustainable
164 Development Board and other development bodies through the Intergovernmental Relations
165 Mechanism as provided for under Article VI of RA 11054 and other existing laws.
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Member of Parliament

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175 **Co-Authors:**

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