

SEVENTEENTH CONGRESS OF THE)  
REPUBLIC OF THE PHILIPPINES )  
First Regular Session )



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SENATE  
P.S. Resolution No. 398

RECEIVED BY: \_\_\_\_\_

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Introduced by **SENATOR CYNTHIA A. VILLAR**

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### RESOLUTION

**DIRECTING THE SENATE COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE STRATEGIES AND MEASURES BEING UNDERTAKEN BY THE CONCERNED GOVERNMENT AGENCIES MANDATED TO CLEAN-UP, REHABILITATE AND PRESERVE MANILA BAY, AND RESTORE ITS WATERS TO SB LEVEL TO MAKE IT FIT FOR SWIMMING, SKIN DIVING AND OTHER FORMS OF CONTACT RECREATION UNDER THE WRIT OF CONTINUING MANDAMUS ISSUED BY THE SUPREME COURT**

**WHEREAS**, it is the policy of the State, as enunciated in our 1987 Philippine Constitution, "*to protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature*"<sup>1</sup>;

**WHEREAS**, Presidential Decree No. 1152 or the Philippine Environmental Code provides, among others, for the establishment of Philippine water standards and the protection of the quality of Philippine water resources, with Sections 17 and 20 thereof providing as follows:

"Section 17. *Upgrading of Water Quality.* Where the quality of water has deteriorated to a degree where its state will adversely affect its best usage, the government agencies concerned shall take such measures as may be necessary to upgrade the quality of such water to meet the prescribed water quality standards."

"Section 20. *Clean-up Operations.* It shall be the responsibility of the polluter to contain, remove and clean up water pollution incidents at his own expense. In case of his failure to do so, the government agencies concerned shall

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<sup>1</sup> Article II, Section 16 of the 1987 Philippine Constitution.

undertake containment, removal and clean-up operations and expenses incurred in said operations shall be charged against the persons and/or entities responsible for such pollution.”

**WHEREAS**, commencing from a complaint filed in 1999 by a group of concerned residents to compel relevant government agencies and officials to clean-up and protect Manila Bay, the Supreme Court rendered in December 2008 its landmark decision and issued the writ of continuing mandamus in the case entitled “MMDA, et. al vs. Concerned Residents of Manila Bay”<sup>2</sup>, ordering thirteen (13) government agencies “to clean up, rehabilitate, and preserve Manila Bay, and restore and maintain its waters to SB level (Class B sea waters per Water Classification Tables under DENR Administrative Order No.34, 1990) to make them fit for swimming, skin diving, and other forms of contact recreation”;

**WHEREAS**, the following are the thirteen (13) government agencies mandated with their respective specific duties to clean up Manila Bay under the writ of continuing mandamus issued by the Supreme Court, namely: Metropolitan Manila Development Authority (MMDA); Department of Environment and Natural Resources (DENR); Department of Education (DepEd); Department of Health (DOH); Department of Agriculture – Bureau of Fisheries (DA - BFAR); Department of Public Works and Highways (DPWH); Department of Budget and Management (DBM); Philippine Coast Guard (PCG); Philippine National Police (PNP) – Maritime Group; Department of Interior and Local Government (DILG); Philippine Ports Authority (PPA); Metropolitan Waterworks and Sewerage System (MWSS); and Local Water Utilities Administration (LWUA);

**WHEREAS**, the DENR through its Manila Bay Coordinating Office (MBCO) and the above-mentioned mandamus agencies have adopted an Operational Plan for the Manila Bay Coastal Strategy (OPMBCS), which through the years has been periodically revised, to address the problems confronting the efforts to clean-up Manila Bay, such as improper solid waste management, water pollution, informal settlements along coastal areas and waterways, habitats and resources rehabilitation;

**WHEREAS**, despite the lapse of more than eight (8) years since the Supreme Court issued the said landmark decision and the adoption of an OPMBCS, the quality of the waters of Manila Bay has shown little and insignificant improvement;

**WHEREAS**, in the meantime, the Manila Bay and its diverse ecosystem are constantly exposed to the inimical effects of the various human activities, which include improper solid waste management, inefficient sewerage system, the lingering challenge of having informal settlements along coastal areas and other waterways, water pollution, thereby contributing to the continuing degradation of Manila Bay;

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<sup>2</sup> G.R.No. 171947-48 dated 18 December 2008



**WHEREAS**, there appears to be an urgent need to take more drastic actions and to involve more entities, other than the mandated government agencies, to effectively clean-up, rehabilitate and preserve Manila Bay and its ecosystem,

**WHEREFORE, BE IT RESOLVED**, as it is hereby resolved by the Senate of the Philippines, to direct the Senate Committee on Environment and Natural Resources to conduct an inquiry, in aid of legislation, on the strategies and measures being undertaken by the concerned government agencies mandated to clean-up, rehabilitate and preserve Manila Bay, and restore its waters to SB level to make it fit for swimming, skin diving and other forms of contact recreation under the Writ of Continuing Mandamus issued by the Supreme Court.

Adopted,



CYNTHIA A. VILLAR