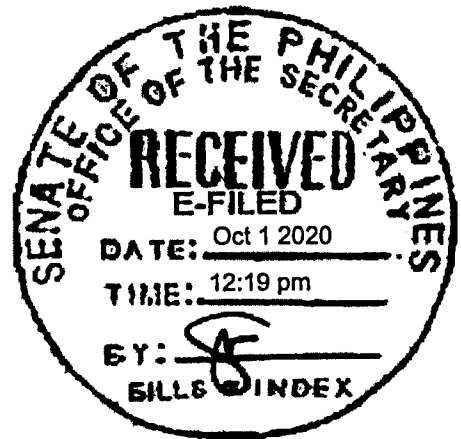


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)



SENATE

P.S. Res. No. 532

Introduced by SENATOR LEILA M. DE LIMA

RESOLUTION
DIRECTING THE APPROPRIATE SENATE COMMITTEE TO CONDUCT
AN INQUIRY, IN AID OF LEGISLATION, ON THE CONTROVERSIAL
P389 MILLION MANILA BAY BEACH “NOURISHMENT” PROJECT

1 WHEREAS, Section 16 of Article II of the Constitution mandates that “[t]he
2 State shall protect and advance the right of the people to a balanced and healthful
3 ecology in accord with the rhythm and harmony of nature”;

4 WHEREAS, in *MMDA v. Concerned Citizens of Manila Bay* (G.R. No. 171947-
5 48, 18 December 2008), the Supreme Court issued a writ of continuing mandamus to
6 compel government agencies to clean up, rehabilitate, and preserve Manila Bay, and
7 restore and maintain its waters;

8 WHEREAS, eleven years later, President Rodrigo Duterte issued
9 Administrative Order No. 16 s. 2019 which created a Manila Bay Task Force chaired
10 by the Secretary of Department of Environment and Natural Resources (DENR). One
11 of its main functions is to fast-track compliance with the Writ of Continuing
12 Mandamus issued by the Court in *MMDA v. Concerned Citizens of Manila Bay*;

13 WHEREAS, last January, Chief Justice Diosdado Peralta reconstituted the
14 Manila Bay Advisory Committee (MBAC) to ensure compliance of government
15 agencies with the 2008 Court ruling¹;

¹ San Juan, Joel R. *Chief Justice Peralta reconstitutes Manila Bay Advisory Committee : To ensure rehabilitation of Manila Bay.* (23 January 2020). Retrieved from <https://businessmirror.com.ph/2020/01/23/chief-justice-peralta-reconstitutes-manila-bay-advisory-committee/>

1 WHEREAS, most recently, DENR was under fire as it proceeded with a project
2 to fill a 500-meter stretch of Manila Bay with crushed dolomite from Cebu as part of
3 the bay's rehabilitation²;

4 WHEREAS, DENR admitted that the beach "nourishment" project was not in
5 the 22-year Master Plan of the National Economic and Development Authority
6 (NEDA) and that it was only undertaken by DENR and expedited when the President
7 issued A.O. No. 16 s. 2019;

8 WHEREAS, the Cebu Provincial Board's Environment Committee immediately
9 made a statement that no permits were secured from them for the extraction or
10 transport of the dolomite used³;

11 WHEREAS, it was later reported that it was the Mines and Geosciences Bureau-
12 Central Visayas under DENR that issued the permits to the mining firms;

13 WHEREAS, when asked about the source of funding of the project in this
14 pandemic, Presidential Spokesperson Harry Roque and DENR defended the project
15 stating that the P389 Million funding was sourced from the 2019 contingency fund of
16 President Duterte⁴, and not under the current year's budget;

17 WHEREAS, policy think tank Infrawatch PH pointed out that the project is
18 costly, roughly priced at around P795,000 per meter of the Manila Bay stretch⁵. In
19 fact, of the P389 Million total budget, around P28 Million was spent to mine and ship
20 the crushed dolomite alone⁶;

21 WHEREAS, fisherfolk group PAMALAKAYA criticized the project for being
22 "too much on aesthetic rehabilitation and [that it] did little to contribute to the
23 rehabilitation and restoration of the area";

² Pardia, Cleizi. *DENR to add white sand on Manila Bay as rehab continues*. PTV News. (03 September 2020). Retrieved from <https://ptvnews.ph/denr-to-add-white-sand-on-manila-bay-as-rehab-continues/>

³ Sitchon, John. *Cebu provincial board did not issue permit to extract synthetic sand for Manila Bay*. (04 September 2020). Retrieved <https://www.rappler.com/nation/cebu-provincial-board-did-not-issue-permit-to-extract-synthetic-sand-for-manila-bay>

⁴ Gascon, Melvin. *DENR won't stop 'Manila Beach' project despite criticisms*. (09 September 2020). Retrieved from <https://newsinfo.inquirer.net/1333022/denr-wont-stop-manila-beach-project-despite-criticisms>

⁵ Supra footnote # 3

⁶ Punongbayan, JC. *[ANALYSIS] The bad economics of dumping fake white sand along Manila Bay*. (11 September 2020). Retrieved from <https://www.rappler.com/voices/thought-leaders/analysis-bad-economics-dumping-fake-white-sand-manila-bay>

1 WHEREAS, Department of Health (DOH) Undersecretary Maria Vergeire
2 herself attested to dolomite's health risks – that when ingested, it can cause pain in
3 the stomach and result to diarrhea⁷. But DOH later softened its stance to qualify that
4 the process of crushing dolomite rocks – not the rocks themselves – was hazardous;⁸

5 WHEREAS, according to a 2012 safety report by Texas distributor and builder
6 Lehigh Hanson Inc, dolomite has levels of crystalline silica, which can cause damage
7 to the lungs, cause irritation to the skin and eyes, or even cancer when it is breathed
8 in⁹;

9 WHEREAS, environmental group Oceana Philippines warned that dolomite
10 could actually destroy both the natural ecosystem and coastal integrity of Manila Bay
11 as the dolomite material is not the natural substrate of that portion of the bay;¹⁰

12 WHEREAS, according to marine scientist Diovanie de Jesus, sediments of
13 dolomite in the water can make it turbid or opaque, and it can also make it "stressful"
14 for bodies of sardines, mackerel, anchovies, and other fish.¹¹ Already, fishermen in the
15 area had expressed fear about the environmental impact of the artificial white sand to
16 the waters, concerned that "this would lead to more fish kill incidents in the area and
17 further limit [their] catch."¹²

18 WHEREAS, aside from affecting the ecosystem of the bay, the dolomite sand
19 can also damage the other features of the bay like the mangroves, beaches, and
20 mudflats where shellfish, crabs, and fish nurseries thrive;¹³

21 WHEREAS, it became apparent that there was also no continuing monitoring
22 of the mining companies' compliance with environmental laws and safeguards in
23 Alcoy, Cebu where the dolomite was sourced. DENR Secretary Roy Cimatu himself
24 suspended the operations of Dolomite Mining Corp. (DMC) and Philippine Mining

⁷ Abad, Michelle. *FAST FACTS: What is dolomite sand, and how will it affect Manila Bay?* (08 September 2020). Retrieved from <https://www.rappler.com/newsbreak/iq/things-to-know-dolomite-sand-affect-manila-bay>

⁸ Supra footnote #6

⁹ Supra footnote # 7

¹⁰ Gozum, Iya. *Groups hit DENR for filling Manila Baywalk with white sand.* (03 September 2020). Retrieved from <https://www.rappler.com/nation/groups-statements-manila-baywalk-white-sand-filling>

¹¹ Supra footnote # 7

¹² Diño, Nina and Mejico, 'We need food, not white sand': *Fishermen fear livelihood loss due to Manila Bay project* (26 September 2020). Retrieved from https://www.rappler.com/moveph/fishermen-fear-livelihood-loss-due-manila-bay-project?utm_medium=Social&utm_campaign=Echobox&utm_source=Facebook#Echobox=16011994

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¹³ Supra footnote # 7

1 Service Corp. (PMSC) which both provided the crushed dolomite dumped on Manila
2 Bay, after they allegedly destroyed corals in the waters near the mine site¹⁴;

3 WHEREAS, Cebu Governor Gwendolyn Garcia also feared that the quarrying
4 might have affected Alcoy, a critical area, as it is the natural habitat of the endangered
5 and endemic “siloy” birds, or the Cebu’s black shama¹⁵;

6 WHEREAS, Akbayan Partylist filed a petition before the Supreme Court to cite
7 DENR for contempt for violating the 2008 writ of *Continuing Mandamus* to clean up
8 and rehabilitate Manila Bay, saying that the dumping of crushed dolomite boulders on
9 the foreshore areas of Manila Bay contravenes the Court order¹⁶;

10 WHEREAS, contrary to Presidential Spokesperson Roque claims that “white
11 sand” makeover will give immeasurable benefit to Filipinos’ mental health¹⁷, this P389
12 Million band-aid project has indeed brought more harm than good;

13 WHEREAS, the DENR must be reminded of its primary responsibility to
14 conserve, manage, develop, and properly use the country’s environment and natural
15 resources for the welfare of the present and future generations of Filipinos;

16 WHEREAS, officials of DENR must be held accountable for non-compliance
17 with several laws like the Local Government Code, the Philippine Fisheries Code, the
18 Wildlife Conservation Act, and PD 1586 or the Environmental Impact Assessment
19 System, among others, in implementing this project;

20 WHEREAS, there is also an immediate need for Congress, in exercise of its
21 oversight functions, to investigate this multi-million project that could have been
22 spent to feed 5.2 Million hungry families because of the pandemic, for healthcare or
23 for COVID-19 government response;

24 WHEREAS, the makeover of Manila Bay shows that this administration’s
25 priorities lean towards cosmetic beautification rather than health, economic aid, or

¹⁴ Israel, Dale and Semilla, Nestle. DENR probes mining firms in Manila Bay white sand project (26 September 2020). Retrieved from <https://newsinfo.inquirer.net/1340351/denr-probes-mining-firms-in-manila-beach-project>

¹⁵ Ibid

¹⁶ Supra foot note #13

¹⁷ Aguilar, Krissy. ‘White-sand’ Manila Bay to benefit Filipinos’ mental health – Roque. (07 September 2020). Retrieved from <https://newsinfo.inquirer.net/1332269/white-sand-manila-bay-to-benefit-filipinos-mental-health-roque>

1 education. Now is the opportune time to conduct this investigation as we are nearing
2 fiscal year 2021 deliberations in Congress;

3 WHEREAS, government programs must be geared towards reviving the
4 economy or helping our marginalized Filipinos, and not pouring money on
5 unnecessary, costly, insensitive and hazardous projects like this;

6 NOW THEREFORE, BE IT RESOLVED AS IT IS HEREBY
7 RESOLVED, to direct the appropriate Senate Committee to conduct an inquiry, in
8 aid of legislation, into the controversial P389 Million Manila Bay beach "nourishment"
9 project.

Adopted,


BEILA M. DE LIMA