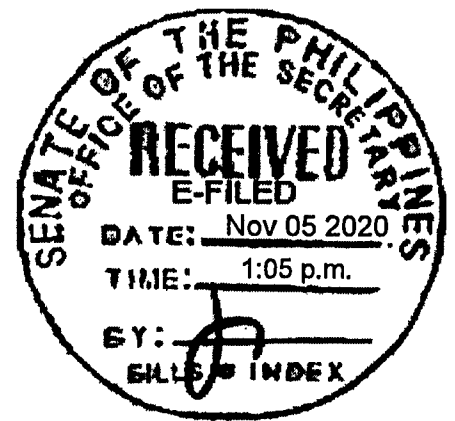


EIGHTEENTH CONGRESS OF THE  
REPUBLIC OF THE PHILIPPINES  
*Second Regular Session*



SENATE

Proposed Senate Resolution No. 565

---

Introduced by Senator FRANCIS N. PANGILINAN

---

RESOLUTION

DIRECTING THE APPROPRIATE SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE SUSTAINABILITY, LEGALITY, AND POSSIBLE ENVIRONMENTAL AND PUBLIC HEALTH HAZARDS OF THE PHP 389 MILLION MANILA BAY BEACH NOURISHMENT PROJECT OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES (DENR) AND THE POSSIBLE LIABILITY OF ERRING GOVERNMENT OFFICIALS

*WHEREAS*, the Supreme Court, in its landmark decision in “MMDA, et al. v. Concerned Citizens of Manila Bay” (G.R. No. 171947- 48, 18 December 2008), issued a Writ of Continuing Mandamus directing concerned government agencies, including the Department and Environment and Natural Resources (DENR), “to clean up, rehabilitate and preserve Manila Bay, and restore 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*, at the core of the case is the Manila Bay, once brimming with marine life and for many decades a spot for different contact recreation activities, but now a heavily polluted and slowly dying expanse which according to the Supreme Court was due to the “abject official indifference of people and institutions that could have otherwise made a difference”;

*WHEREAS*, pursuant to the Supreme Court decision, President Rodrigo Duterte, on 19 February 2019, issued Administrative Order No. 16 to expedite the rehabilitation and restoration of the Manila Bay and created the Manila Bay Task Force chaired by the DENR Secretary;

*WHEREAS*, the DENR’s functions as prescribed in the Supreme Court’s writ and in the Administrative Order, are: (1) the containment, removal and clean-up operations, supervision and control of all aspects of water quality management in the Manila Bay region; (2) in collaboration with other agencies, ensure installation by large scale enterprises, etc., of wastewater treatment plants or connect to available existing treatment facilities; (3) assist in the demolition, resettlement and prohibition against illegal structures along the esteros, riverbanks, shorelines and waterways in the Manila Bay Region, inspection of sanitary landfills affecting Manila Bay and impose sanctions in case of violations; and (4) monitor compliance with critical environmental laws, rules and regulations;

**WHEREAS**, on 12 November 2019, the DENR, allegedly to fast track compliance with said Administrative Order, executed a Memorandum of Agreement (MOA) with the Department of Public Works and Highways (DPWH) covering the Php 389 Million "Beach Nourishment Project" (Project), purportedly an important component of the DENR's "Manila Bay Rehabilitation Plan" (Plan);

**WHEREAS**, in accordance with the MOA, truckloads of crushed dolomite rocks transported from Alcoy, Cebu City were dumped in Manila Bay on 03 September 2020, amounting to Php 28 million of the Project Cost;

**WHEREAS**, lawmakers, government officials, health experts, environmental groups, et al., raised questions and concerns on the Project's sustainability, legality, environmental and public health hazards, alleged overpricing, violation of environmental laws and other related laws, and a deviation from or a violation, of the 2008 Supreme Court decision that mandates genuine rehabilitation of the Manila Bay;

**WHEREAS**, other critical defects of the Project, according to environmentalist groups, et al., are the absence of an Environmental Impact Assessment (EIA) required under DENR-Environmental Management Bureau's Memorandum Circular 2014-005 and its non-inclusion in the Manila Bay Sustainable Development Master Plan of the National Economic Development Authority (NEDA) and in the DENR's 2019 presentation of the Manila Bay Rehabilitation Plan;

**WHEREAS**, on 25 September 2020, DENR Secretary Roy Cimatu suspended the operations of the Philippine Mining Service Corporation (PMSC) and the Dolomite Mining Corporation (DMC), suppliers of the crushed dolomite rocks, pending the results of an investigation on their alleged destruction of Alcoy's coral reefs and unauthorized quarrying of dolomites in a critical area in Alcoy which is the natural habitat of the endangered and endemic "siloy" birds, or the Cebu's black shama. The Provincial Government of Cebu also complained of unpaid taxes under Sec. 124 of Provincial Ordinance No. 2008-10 in the amount of Php 726,923.077 for the 700,000 metric tons of dolomite shipped to Manila;

**WHEREAS**, the Project is wasteful and unnecessary especially in light of the COVID-19 pandemic, wherein public funds should instead be used to supplement the country's pandemic health response, distance learning gadgets and materials, or for economic aid/cash assistance for millions of Filipinos who lost their jobs due to the pandemic;

**WHEREAS**, there are recent reports that the Php 28 million worth of crushed dolomite rocks have been blown away, eroded, or washed away by rising waves at the Manila Bay. There are also concerns that strong waves and winds brought by storms that barrel through the country every year will wash away the crushed dolomite rocks. It was further reported that on top of the geo-engineering interventions or geo-tubes installed by the DENR, there is a proposal to build a breakwater to prevent the crushed dolomite rocks from being washed out;

**WHEREAS**, the Supreme Court, in its 2008 decision, declared that the right of the people to a balanced and healthful ecology, enshrined in Section 16, Article II of the 1987 Constitution, is an issue of "transcendental importance" with "intergenerational implications." The concerned government officials should, therefore, fulfill their respective mandates and the clear directives of the Supreme Court to keep the waters of

the Manila Bay clean and clear as humanly as possible. According to the Supreme Court, "Anything less would be a betrayal of the trust reposed in them";

**WHEREAS**, an investigation in aid of legislation should therefore be conducted to address the concerns and issues raised regarding its sustainability, legality, and possible environmental and public health hazards, among others and determine the possible liability of erring officials of the violation of laws including the Local Government Code, the Philippine Fisheries Code, the Wildlife Conservation Act, and Presidential Decree No. 1586 or the Environmental Impact Assessment System, the Code of Conduct and Ethical Standards for Public Officials and Employees, the Anti-Graft and Corrupt Practices Act, and other related laws;

**NOW, THEREFORE, BE IT RESOLVED**, as it is hereby resolved, to direct the appropriate Senate committee to conduct an inquiry, in aid of legislation, on the sustainability, legality, and possible environmental and public health hazards of the Php 389 million Manila Bay Beach Nourishment Project of the Department of Environment and Natural Resources (DENR) and the possible liability of erring government officials.

*Adopted,*



FRANCIS N. PANGILINAN