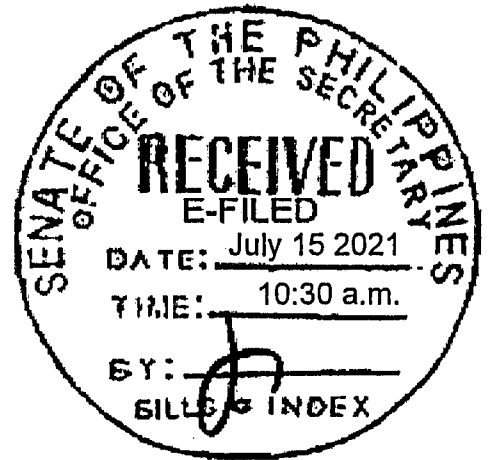


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Third Regular Session)



SENATE

P.S. Res. No. 778

Introduced by **SENATOR LEILA M. DE LIMA**

RESOLUTION

**DIRECTING THE APPROPRIATE SENATE COMMITTEE TO CONDUCT
AN INQUIRY, IN AID OF LEGISLATION, ON THE REPORTED DUMPING
OF HUMAN WASTE AND WASTEWATER BY CHINESE VESSELS IN THE
WEST PHILIPPINE SEA AND KALAYAAN GROUP OF ISLANDS,
DAMAGING OUR CORAL REEFS AND MARINE LIFE, AND
THREATENING OUR FOOD SECURITY**

1 WHEREAS, the 1987 Constitution, Art. II, Section 7 provides that “[t]he State
2 shall pursue an independent foreign policy. In its relations with other states, the
3 paramount consideration shall be national sovereignty, territorial integrity, national
4 interest, and the right to self-determination;”

5 WHEREAS, the same in Art. II, Section 16 provides that “[t]he State shall
6 protect and advance the right of the people to a balanced and healthful ecology in
7 accord with the rhythm and harmony of nature;”

8 WHEREAS, the same on Art. XIII, Section 7 provides that “[t]he State shall
9 protect the rights of subsistence fishermen, especially of local communities, to the
10 preferential use of the communal marine and fishing resources, both inland and
11 offshore. It shall provide support to such fishermen through appropriate technology
12 and research, adequate financial, production, and marketing assistance, and other
13 services. The State shall also protect, develop, and conserve such resources. The
14 protection shall extend to offshore fishing grounds of subsistence fishermen against
15 foreign intrusion. Fishworkers shall receive a just share from their labor in the
16 utilization of marine and fishing resources;”

17 WHEREAS, it is prohibited under Section 4 of P.D. No. 979 or the Marine
18 Pollution Decree of 1976, to discharge, dump or suffer, permit the discharge of oil,

1 noxious gaseous and liquid substances and other harmful substances from or out of
2 any ship, vessel, barge, or any other floating craft, or other man-made structures at
3 sea, by any method, means or manner, into or upon the territorial and inland
4 navigable waters of the Philippines;

5 WHEREAS, the Philippines is a state party to the International Convention for
6 the Prevention of Pollution from Ships (MARPOL). Annex IV of the same contains
7 requirements to control pollution of the sea by sewage; the discharge of sewage into
8 the sea is prohibited, except when the ship has in operation an approved sewage
9 treatment plant or when the ship is discharging comminuted and disinfected sewage
10 using an approved system at a distance of more than three nautical miles from the
11 nearest land; sewage which is not comminuted or disinfected has to be discharged at
12 a distance of more than 12 nautical miles from the nearest land;

13 WHEREAS, under E.O. No. 192, the Department of Environment and Natural
14 Resources is mandated to “[c]onserve specific terrestrial and marine areas
15 representative of the Philippine natural and cultural heritage for present and future
16 generations;”

17 WHEREAS, under Section 3 of R.A. No. 9993, otherwise known as the
18 Philippine Coast Guard Law of 2009, the Philippine Coast Guard is mandated to
19 “enforce regulations in accordance with all relevant maritime international
20 conventions, treaties or instruments and national laws for the promotion of safety of
21 life property at sea within the maritime jurisdiction of the Philippines and conduct
22 port state control implementation;”

23 WHEREAS, under R.A. No. 8550, otherwise known as the Philippine Fisheries
24 Code of 1998, it is declared a policy of the state “to ensure the rational and
25 sustainable development, management and conservation of the fishery and aquatic
26 resources in Philippine waters including the Exclusive Economic Zone (EEZ) and in
27 the adjacent high seas, consistent with the primordial objective of maintaining a
28 sound ecological balance, protecting and enhancing the quality of the environment;”

29 WHEREAS, swarms of Chinese vessels have dumped human waste and
30 wastewater for years in the West Philippine Sea, causing algae blooms that have
31 damaged coral reefs and threatened fish in an unfolding catastrophe, according to

1 Similarity Inc., a software company creating artificial intelligence technologies for
2 satellite imagery analysis;¹

3 WHEREAS, they added that satellite images over the last five years show how
4 human waste, sewage and wastewater have accumulated and caused algae in a
5 cluster of reefs in the Spratlys region where hundreds of Chinese fishing ships have
6 anchored in batches;²

7 WHEREAS, Liz Derr of Similarity said that "[t]his is a catastrophe of epic
8 proportions and we are close to the point of no return." She warned that schools of
9 fish, including migratory tuna, breed in the reefs that are being damaged and could
10 cause fish stocks to considerably decline in an offshore area that is a key regional
11 food source;³

12 WHEREAS, Similarity further reported that sewage discharge led to increase
13 in chlorophyll-A pigment, as evidenced by satellite imagery taken in mid-June. This
14 was also seen in the Union Banks or Pagkakaisa Banks, a group of features in the
15 Kalayaan Island Group — which the Philippines considers part of Palawan province;⁴

16 WHEREAS, the report said chlorophyll-A concentration leads to excess
17 phytoplankton which cannot be consumed by the reef inhabitants, so they die and
18 sink to the sea floor to be consumed by bacteria. These bacteria consume oxygen that
19 would normally be available to the fish, creating a "dead zone" for marine life;⁵

20 WHEREAS, Derr added that "[t]he damage to the reefs in just the last five
21 years is visible from space. This time period is after and therefore in addition to the
22 well-documented reef destruction wrought by China's giant clam harvesting and
23 artificial island building;"⁶

24 WHEREAS, the Kalayaan Group of Islands form part of our territory as a
25 municipality of Palawan under R.A. No. 9522, which defined the Archipelagic

¹ Gomez, Jim. The Washington Post (12 July 2021). *US expert: Images show Chinese ship waste endangering reefs*. Retrived from: https://www.washingtonpost.com/world/us-expert-images-show-chinese-ship-waste-endangering-reefs/2021/07/12/9889c4ec-e306-11eb-88c5-4fd6382c47cb_story.html

² *Ibid.*

³ *Ibid.*

⁴ CNN Philippines. (13 July 2021). *Chinese ships destroying Spratly reefs by dumping human waste, sewage – report*. Retrieved from: <https://cnnphilippines.com/news/2021/7/13/Spratly-Reef-China-ship-damage-Similarity.html>

⁵ *Ibid.*

⁶ *Ibid.*

1 Baseline of the Philippines. As such, we have complete sovereign rights over the said
2 area, including the power to conserve and protect the marine resources;

3 WHEREAS, uncontrolled waste-dumping not only will damage our marine
4 resources, but will endanger our food security by destroying the breeding grounds of
5 many of our fishes;

6 WHEREAS, this unregulated dumping of waste in our waters constitutes a
7 direct affront to our sovereignty and an attack on our territory. If our government
8 fails or refuses to act, it will prejudice the interests of our country, now and for future
9 generations;

10 WHEREAS, it behooves the Senate to determine the extent of the damage
11 caused by waste-dumping in the Kalayaan Group of Islands and the action available
12 to our government to protect our marine resources within our territorial waters and
13 EEZ;

14 WHEREAS, there is also a need to review existing laws to cover vessels who
15 stay for extended periods of time in the waters over which our country exercises
16 sovereign rights;

17 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE, to direct the
18 appropriate Senate Committee to conduct an inquiry, in aid of legislation, on the
19 reported dumping of human waste and wastewater by Chinese vessels in the West
20 Philippine Sea and the Kalayaan Group of Islands, damaging our coral reefs and
21 marine life, and threatening our food security.

Adopted,


LEILA M. DE LIMA