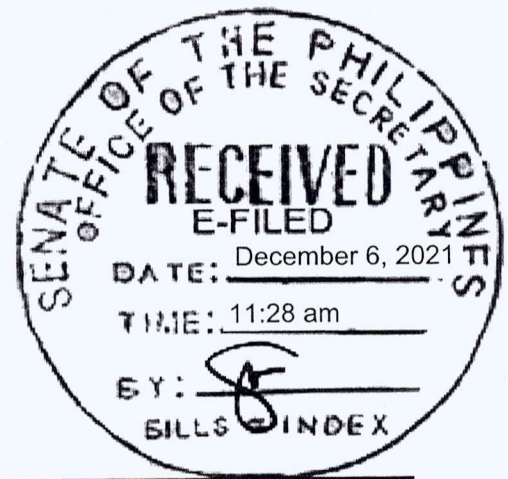


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Third Regular Session)



SENATE

P.S. Res. No. 956

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

RESOLUTION

DIRECTING THE APPROPRIATE SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, INTO THE REPORTED LARGE-SCALE LAND RECLAMATION PROJECTS BEING UNDERTAKEN ON A NATIONWIDE SCALE IN THE PHILIPPINES, THEREBY THREATENING COASTAL AND MARINE ECOSYSTEMS AROUND THE COUNTRY

WHEREAS, Section 16, Article II of the Constitution mandates that the State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature;

WHEREAS, in the landmark case of *Oposa v. Factoran*¹, the Supreme Court expounded that “rhythm and harmony of nature” alluded to in the Constitution necessarily entail “judicious disposition, utilization, management, renewal and conservation of the country's forest, mineral, land, waters, fisheries, wildlife, off-shore areas and other natural resources to the end that their exploration, development and utilization be equitably accessible to the present as well as future generations;”

WHEREAS, Title XIV, Book IV of the Administrative Code of 1987, specifically provides that the Department of Environment and Natural Resources “shall be the primary government agency responsible for the conservation, management, development and proper use of the country's environment and natural resources, specifically forest and grazing lands, mineral, resources, including those in reservation and watershed areas, and lands of the public domain, as well as the licensing and regulation of all natural resources as may be provided for by law in order to ensure

¹ G. R. No. 101083, 30 July 1993

equitable sharing of the benefits derived therefrom for the welfare of the present and future generations of Filipinos;"

WHEREAS, Presidential Decree No. 1084 or the Charter of Public Estates Authority, now called Philippine Reclamation Authority (PRA), declares that the State shall "provide for a coordinated, economical and efficient reclamation of lands, and the administration and operation of lands belonging to, managed and/or operated by the Government, with the object of maximizing their utilization and hastening their development consistent with the public interest." PRA is created "to reclaim land, including foreshore and submerged areas, by dredging, filling or other means, to acquire reclaimed land";

WHEREAS, under Section 17 of the Local Government Code (LGC), local government units shall endeavor to be self-reliant and shall continue exercising the powers and discharging the duties and functions currently vested upon them, devolved to them, and such other functions and responsibilities as are necessary, appropriate, or incidental to efficient and effective provisions of the basic services and facilities, including reclamation projects;

WHEREAS, Sections 26 of the LGC mandates that it shall be the duty of every national agency authorizing or involved in the planning and implementation of any project or program that may cause pollution, climatic change, depletion of non-renewable resources, loss of crop land, rangeland, or forest cover, and extinction of animal or plant species, to consult with the local government units, nongovernmental organizations, and other sectors concerned and explain the goals and objectives of the project or program, its impact upon the people and the community in terms of environmental or ecological balance, and the measures that will be undertaken to prevent or minimize the adverse effects thereof;

WHEREAS, Section 27 of the LGC further states that no project or program shall be implemented by government authorities unless the consultations are complied with, and prior approval of the *sanggunian* concerned is obtained: Provided, That occupants in areas where such projects are to be implemented shall not be evicted unless appropriate relocation sites have been provided, in accordance with the provisions of the Constitution;

WHEREAS, for 2021 alone, there are several ongoing reclamation projects in various stages of development, to wit: 174-hectare reclamation along Dumaguete City coastline², 230-hectare reclamation in Consolacion, Cebu³, 100-hectare reclamation in Minglanilla, Cebu⁴, 126-hectare reclamation project in Mandaue City, Cebu⁵ and various other reclamation projects in the Manila Bay⁶;

WHEREAS, in a July 2021 position paper submitted by the nonprofit ocean conservation organization Oceana and signed by at least 80 other environmental protection advocacy groups declared the Philippines as the center of marine biodiversity as it is found at the apex of the Coral Triangle. However, this reputation may soon be lost with the wholesale approval of large-scale reclamation projects. Similar massive projects in the past have destroyed thousands of hectares of mangroves, seagrasses and coral reefs and irreversibly destroyed fishing grounds, thereby displacing hundreds of thousands of fisherfolks and their families;

WHEREAS, according to the position paper, reclamation projects “hide behind the promise of economic progress and infrastructure development at the expense of the environment, as well as the socio-economic welfare and livelihoods of many marginalized Filipinos, especially our fisherfolks. These projects cause irreversible damage to environmental, socio-economic, and cultural identities of the people. What are at direct risk in all these dump-and-fill projects are the food security and self-sufficiency of coastal residents, especially the municipal fisherfolk and other sectors whose livelihood are directly dependent on the fisheries and aquatic resources of their prime fishing grounds”;

WHEREAS, the position paper also claimed that these projects were introduced without adherence to requirements of regularity, transparency, accountability and

² Cabristante, Raffy. (11 September 2021). *Dumaguete mayor defers controversial reclamation project*. Retrieved 1 December 2021, from <https://newsinfo.inquirer.net/1486410/dumaguete-mayor-defers-controversial-reclamation-project>

³ Sitchon, J. (26 October 2021). *Cebu town mayor says ‘no turning back’ on controversial reclamation project*. Retrieved 1 December 2021, from <https://www.rappler.com/nation/consolacion-mayor-no-turning-back-cebu-reclamation-project/>

⁴ Lorenciana, C. (6 October 2021). *Cebu techno-business hub project gets PRA nod to proceed*. Retrieved 1 December 2021, from <https://www.pna.gov.ph/articles/1155794>

⁵ Erram, M. B. & Ruaya, R. A. (10 November 2021). *New Reclamation Project: Mandaue Harbor City designed after Aseana City in Paranaque*. Retrieved 1 December 2021, from <https://cebudailynews.inquirer.net/409962/new-reclamation-project-mandaue-harbor-city-designed-after-aseana-city-in-paranaque>

⁶ Mayuga, J. L. (9 August 2021). *5 land-reclamation projects in Manila Bay in the pipeline*. Retrieved 1 December 2021, from <https://businessmirror.com.ph/2021/08/09/5-land-reclamation-projects-in-manila-bay-in-the-pipeline/>

participation by public and private proponents, indicating propensity of local government units and their officials of railroading the approval process;

WHEREAS, as early as 2014, scientist Dr. Giovanni Tapang was quoted in a Rappler article saying that the reclamation of more than 38,000 hectares covered by the National Reclamation Plan (26,232 of which are along the coast of Manila Bay) will translate to a loss of the same amount of sea grass, the spawning ground, and habitat of aquatic life, leading to an annual loss of 4.7 billion invertebrates and 3.78 trillion fish;⁷

WHEREAS, in the same article, fisherman Pablo Rosales was also quoted saying that 37,000 fishermen were displaced by the Mall of Asia reclamation project alone;⁸

WHEREAS, a 2017 Inquirer column, entitled “Dangerous, damaging reclamation”, cited a peer-reviewed study on the Cordova Reclamation Project in 2005 which found that “a comparison of the costs arising from the CRP (including environmental costs) with projected economic benefits ... yields negative net present values, even for the most optimistic projections of benefit flows”. Economic loss was estimated to range from “US\$335 million to US\$404 million (net present value in a 30-year period at an 8-percent discount rate)” yet three years later, it was approved anyway;⁹

WHEREAS, there is a growing body of evidence of the harmful effects and negative impacts that reclamation projects can have on not only the environment but also the affected communities and surrounding ecosystem. Yet the government is insistent on its widespread implementation under the promise of economic development;

WHEREAS, the widespread approval of reclamation projects is altogether alarming for our and future generations of Filipinos and the government should consider imposing a moratorium on the continuing approval of such projects, both large and small;

⁷ Ranada, P. (3 March 2014). 'Abolish the PH Reclamation Authority'. Retrieved 1 December 2021, from <https://r3.rappler.com/nation/52033-abolish-ph-reclamation-authority>

⁸ *Ibid.*

⁹ Collas-Monsod, S. (18 February 2017). *Dangerous, damaging reclamation*. Retrieved 1 December 2021, from <https://opinion.inquirer.net/101770/dangerous-damaging-reclamation>

WHEREAS, there is a need to strictly implement our environmental laws to ensure that only those projects who are fully compliant with its environmental provisions and prepared to address its harmful impacts will be the only ones to be approved in order to enforce a more stringent application process;

WHEREAS, Congress, in exercise of its oversight powers, must immediately conduct an investigation on the processes undertaken by local government units in approving these reclamation projects and determine their compliance with existing environmental laws and regulations;

WHEREAS, there is also a need to review and strengthen our environmental laws to address any gaps they may have that enables the apparent unencumbered approval of reclamation projects in the Philippines;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE, to direct the appropriate Senate committee to conduct an inquiry, in aid of legislation, into the reported large-scale land reclamation projects being undertaken on a nationwide scale in the Philippines, thereby threatening coastal and marine ecosystems around the country.

Adopted,


LEILA M. DE LIMA