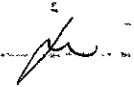


FOURTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

8 APR 88

SENATE

RECEIVED BY



P. S. Res. No. 341

Introduced by Senator JUAN MIGUEL F. ZUBIRI

RESOLUTION

DIRECTING THE SENATE COMMITTEES ON URBAN PLANNING, HOUSING AND RESETTLEMENT; ENVIRONMENT AND NATURAL RESOURCES; AND ECONOMIC AFFAIRS TO CONDUCT AN INVESTIGATION, IN AID OF LEGISLATION, ON THE ISSUANCE OF ZONING, HOUSING AND BUILDING PERMITS, AND ENVIRONMENTAL CLEARANCE CERTIFICATE (ECC) ON THE CONSTRUCTION OF HOUSING CONDOMINIUMS FOR OFFICIALS AND EMPLOYEES OF THE HANJIN HEAVY INDUSTRIES AND CONSTRUCTION LTD. INSIDE THE PROTECTED AREAS IN THE SUBIC BAY METROPOLITAN AUTHORITY

WHEREAS, Section 16, Article II of the Constitution provides 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, the Hanjin Group including the Hanjin Heavy Industries & Construction Ltd. built a multi-structure complex purportedly to house their workers and officials inside the Subic Bay Freeport and Special Economic Zone (SBFSEZ) in what used to be a part of the United States Naval Magazine complex which covered 200 permanent magazines and hardstands and two piers that served to provide storage for 46,000 tons of ammunition and processed 15,000 to 25,000 tons of ammunition per month;

WHEREAS, the Woodward-Clyde International's Environmental Baseline Study released in 1996 by the Subic Bay Metropolitan Authority (SBMA) found the area among 19 contaminated sites recommended for remediation, rehabilitation and restoration as declared in earlier reports, such as: the U. S. General Accounting Report "*Hazardous Waste: Management Problems Continue at Overseas Military Bases*" (392465) GAO/NSIAD-91-231, August 28, 1991, the U.S. General Accounting Report "*Military Base Closures: U.S. Financial Obligations in the Philippines*. (467361) GAO/NSIAD-92-51," January 22, 1992, the U.S. Navy's "*Potential Restoration Sites on Board the U.S. Facility, Subic Bay*," dated October 1992, which identified 28 potentially contaminated sites in Subic and 28 potentially contaminated training areas and ranges utilized by naval forces, "*Subic Bay Environmental Risk Assessment and Investigation*" conducted by the WHO on Subic; the "*Environmental and Health Impact Report on Known and Potentially Contaminated Sites at Former U.S. Military Bases in the Philippines*" by a team composed of Paul Bloom, Alex Carlos, Jorge Emmanuel, and Theodore Schettler;

WHEREAS, the SBMA and its Ecology Department should report on the status of SBFSEZ forest cover considering that upon the withdrawal of U. S.

Navy in 1991, the US Naval Facility under the effective control of the Americans in their Drawdown Report stated that they maintained 3,000 acres of virgin forest and 10,000 acres of protected forests in the Naval base;

WHEREAS, the said site where the multi-structure complex was built may not be suitable for human settlement due to the presence of hazardous and toxic wastes in the area;

WHEREAS, the said site is also mentioned as within the Subic Watershed Forest Reserve as specified under Proclamation 926 which prohibits the sale, entry, settlement, exploitation, exploration and other forms of disposition of the area;

WHEREAS, there have been allegations of anomalies and abuse of authority in the issuance of Environmental Clearance Certificate (ECC) for the construction of the multi-structure complex;

WHEREAS, Secretary Lito Atienza of the Department of Environment and Natural Resources (DENR) has admitted in newspaper interviews that the DENR under Secretary Mike Defensor has entered into a Memorandum of Agreement (MOA) with the SBMA giving back to the latter the responsibility of issuing ECCs;

WHEREAS, the SBMA is empowered to adopt and implement measures and standards for environmental pollution control as well as the formulation of zoning and development plans within its territory, however, with the recent incident and allegations of anomalies and possible abuse of authority, there is now a need to review the said MOA between DENR and SBMA on the issuance of ECC and the zoning and development plans of SBMA for the whole territory;

WHEREAS, the SBMA and in particular its Ecology Department should be tasked to report on the compliance of its policies, issuances and permits with the Clean Air Act (Republic Act 8749), Clean Water Act (RA 9275), Solid Waste Management Act (RA 9003), Toxic, Hazardous and Nuclear Wastes Management (RA 6969), and the SBMA's issuance in the year 2000 leading to the closure of several sites from investors having been found to be contaminated;

NOW THEREFORE BE IT RESOLVED, AS IT IS HEREBY RESOLVED, that the Senate Committees on Urban Planning, Housing and Resettlement; Environment and Natural Resources; and Economic Affairs to conduct an investigation, in aid of legislation, on the issuance of zoning, housing and building permits, and environmental clearance certificate (ECC) on the construction of housing condominiums for officials and employees of the Hanjin Heavy Industries and Construction Ltd. inside the protected areas in the Subic Bay Metropolitan Authority.

Adopted,



JUAN MIGUEL F. ZUBIRI