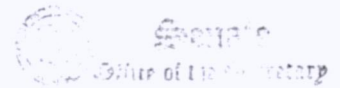


SENATE
P.S. Res 611



18 FEB -6 P3:52

Introduced by Senator Poe

RECEIVED BY: _____

RESOLUTION

URGING THE UNIVERSITY OF THE PHILIPPINES MARINE SCIENCE INSTITUTE (UP-MSI), THE DEPARTMENT OF SCIENCE AND TECHNOLOGY'S PHILIPPINE COUNCIL FOR AGRICULTURE, AQUATIC AND NATURAL RESOURCES RESEARCH AND DEVELOPMENT (DOST-PCAARRD) AND THE PHILIPPINE COUNCIL ON INDUSTRY, ENERGY AND EMERGING TECHNOLOGIES RESEARCH AND DEVELOPMENT (DOST-PCIEERD) TO CONDUCT EXPLORATION STUDIES ON THE BENHAM RISE AND THE WEST PHILIPPINE SEA OVER WHICH THE PHILIPPINES HAS SOVEREIGNTY AND JURISDICTION, WITH THE OBJECTIVES OF ACCOUNTING, IN FULL, THE EXTENT OF AQUATIC, MINERAL, OIL AND GAS DEPOSITS IN THE TERRITORIES AND STRENGTHENING THE CLAIM OF THE PHILIPPINES IN THE AREAS

WHEREAS, the 1987 Constitution is explicit in its provisions regarding the national territory and the territorial integrity of the Philippines:

- The national territory comprises the Philippine archipelago, with all the islands and waters embraced therein, and all other territories over which the Philippines has sovereignty or jurisdiction, consisting of its terrestrial, flu vial, and aerial domains, including its territorial sea, the seabed, the subsoil, the insular shelves, and other submarine areas. The waters around, between, and connecting the islands of the archipelago, regardless of their breadth and dimensions, form part of the internal waters of the Philippines (Article 1);
- The State shall pursue an independent foreign policy. In its relations with other states the paramount consideration shall be national sovereignty, territorial integrity, national interest, and the right to self-determination (Article II, Section 7);
- All lands of the public domain, waters, minerals, coal, petroleum, and other mineral oils, all forces of potential energy, fisheries, forests or timber, wildlife, flora and fauna, and other natural resources are owned by the State. With the exception of agricultural lands, all other natural resources shall not be alienated. The exploration, development, and utilization of natural resources shall be under the full control and supervision of the State. The State may directly undertake such activities, or it may enter into co-production, joint venture, or production-sharing agreements with

Filipino citizens, or corporations or associations at least sixty per centum of whose capital is owned by such citizens. Such agreements may be for a period not exceeding twenty-five years, renewable for not more than twenty-five years, and under such terms and conditions as may be provided by law. In cases of water rights for irrigation, water supply, fisheries, or industrial uses other than the development of water power, beneficial use may be the measure and limit of the grant. The State shall protect the nation's marine wealth in its archipelagic waters, territorial sea, and exclusive economic zone, and reserve its use and enjoyment exclusively to Filipino citizens.

The President may enter into agreements with foreign-owned corporations involving either technical or financial assistance for large-scale exploration, development, and utilization of minerals, petroleum, and other mineral oils according to the general terms and conditions provided by law, based on real contributions to the economic growth and general welfare of the country. In such agreements, the State shall promote the development and use of local scientific and technical resources.

The President shall notify the Congress of every contract entered into in accordance with this provision, within thirty days from its execution (Article XII, Section 2);

WHEREAS, Congress passed in 2009 Republic Act No. 9522 or the Archipelagic Baselines Law that delineates the country's baselines or the territorial sea pursuant to the United Nations Convention on the Law of the Seas (UNCLOS);

WHEREAS, RA 9522 "affirms that the Republic of the Philippines has dominion, sovereignty and jurisdiction over all portions of the national territory as defined in the Constitution and by provisions of applicable laws..." including the disputed Kalayaan Island Group and Bajo de Masinloc, also known as Scarborough Shoal;

WHEREAS, RA 10654 or An Act To Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing was passed in 2015 "to ensure the rational and sustainable development, management and conservation of the fishery and aquatic resources in Philippine waters including the Exclusive Economic Zone (EEZ) and in the adjacent high seas";

WHEREAS, there have been increased interest by claimant countries—especially by China—on the islands covering the West Philippine Sea as these are said to have rich aquatic resources and mineral and gas deposits that remain largely untapped;

WHEREAS, there have been numerous incidents of poaching, patrolling¹, and "swarming presence"² of Chinese ships in the Spratlys located off the West Philippine Sea;

¹ Mangosing, Francis (2017, October 5). Presence of Chinese ships in West PH Sea 'natural,' officials say. Inquirer.net news site. Retrieved from <http://globalnation.inquirer.net/160689/china-west-philippine-sea-spratlys-pagasa-island-south-china-sea-fishing-presence-ships>

² Laude, Jaime (2017, August 18). Cayetano hit for downplaying Chinese ships near Spratlys. The Philippine Star website. Retrieved from <http://www.philstar.com/headlines/2017/08/18/1730316/cayetano-hit-downplaying-chinese-ships-near-spratlys>

WHEREAS, recent reports indicate that Beijing—which in fact exercises its claim in the West Philippine Sea through the “nine-dash line”—is almost finished transforming seven reefs claimed by the Philippines in the Spratly archipelago into island fortresses³

WHEREAS, Benham Rise—an undisputed territory that is said to have huge deposits of solid nodules of methane that could potentially turn the Philippines into a natural gas exporter—is a seismically active undersea region estimated to cover an area of about 13 million hectares located east of Luzon and is 35 meters underwater with the shallowest point located off the provinces of Aurora and Isabela;

WHEREAS, in April 2012, the UN recognized and officially approved the Philippines’ claim on Benham Rise as part of its continental shelf and territory;

WHEREAS, the Department of Foreign Affairs (DFA) has recently allowed the Institute of Oceanology of the Chinese Academy of Sciences to explore the Benham Rise;

WHEREAS, the purported agreement with China on the Benham Rise exploration was bereft of details and has not been made public, even as Malacañang has ordered to stop foreign research on Benham Rise⁴;

WHEREAS, the Philippine government should strengthen its claim on the islands located off the West Philippine Sea and on the Benham Rise and not surrender its claim into the disputed areas, in the same vein that it should obtain any data by foreign researchers who had conducted explorations in the areas;

WHEREAS, if studies to be conducted by Filipino scientists would prove that Benham Rise and the West Philippine Sea are rich in mineral and oil deposits, it could turn the Philippines into a gas exporter and could reduce the dependence of the country on imported oil;

BE IT RESOLVED, AS IT IS HEREBY RESOLVED, BY THE SENATE OF THE PHILIPPINES, to urge the University of the Philippines Marine Science Institute, the Department of Science and Technology’s Philippine Council for Agriculture, Aquatic and Natural Resources Research and Development (DOST-PCAARRD) and the Philippine Council for on Industry, Energy and Emerging Technologies Research and Development (DOST-PCIEERD) to conduct studies on the Benham Rise and the West Philippine Sea over which the Philippines has sovereignty and jurisdiction, with the objectives of accounting, in full, the extent of aquatic, mineral, oil and gas deposits in the territories and strengthening the claim of the Philippines in the areas.

Adopted,


GRACE POE

³ Mangosing, Francis (2018, February 5). EXCLUSIVE: New photos show China is nearly done with its militarization of South China Sea. Inquirer.net news site. Retrieved from <http://www.inquirer.net/specials/exclusive-china-militarization-south-china-sea>

⁴ Corrales, Nestor (2018, February 6). Duterte orders stop to all foreign research in Benham—Piñol. Inquirer.net news site. Retrieved from <http://globalnation.inquirer.net/163844/breaking-news-rodrido-duterte-philippine-rise-benham-rise-research-emmanuel-pinol>