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Introduced by Senator Miriam Defensor Santiago

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RESOLUTION

DIRECTING THE PROPER SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE CONTINUING PREVALENCE OF FLOODS IN METRO MANILA ALLEGEDLY CAUSED BY GARBAGE THAT CLOGS DRAINAGE SYSTEMS, TO DETERMINE THE LIABILITY OF THE PUBLIC OFFICIALS INVOLVED, AND TO REFER THEM TO THE OMBUDSMAN FOR CRIMINAL PROSECUTION AND POSSIBLE SUSPENSION AND EVENTUAL REMOVAL FROM OFFICE

WHEREAS, the Constitution, Article 2, Section 5 provides: "The maintenance of peace and order, the protection of life, liberty, and property, and promotion of general welfare are essential for the enjoyment by all the people of the blessings of democracy";

WHEREAS, the Constitution, Article 11, Section 1 provides: "Public office is a public trust. Public officers and employees must at all times be accountable to the people, serve them with utmost responsibility, integrity, loyalty, and efficiency, act with patriotism and justice, and lead modest lives";

WHEREAS, Republic Act No. 7160, otherwise known as the Local Government Code of 1991, Section 16 provides: "*General Welfare.* – Every local government unit shall exercise the powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate, or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare. Within their respective territorial jurisdictions, local government units shall x x x promote health and safety x x x and preserve the comfort and convenience of their inhabitants";

WHEREAS, RA No. 7160, Sec. 17 (b) (2) (vi) and (4) mandates municipalities and cities to provide "solid waste disposal system or environmental management system and services or facilities related to general hygiene and sanitation";

WHEREAS, R.A. No. 7160, Sec. 17 (b) (2) (viii) and (4) also requires municipalities and cities to provide infrastructure facilities intended primarily to service the needs of the residents of the municipality or city and which are funded out of municipal or city funds including drainage and sewerage, and flood control;

WHEREAS, R.A. No. 7160, Sec. 455 and Sec. 444 provide that the city mayor and the municipal mayor are the chief executive of the city government and municipal government, respectively; the city mayor and the municipal mayor are mandated to exercise general supervision and control over all programs, projects, services, and activities in their respective jurisdictions;

WHEREAS, Republic Act No. 7924, the law which provides for the powers and functions of the Metropolitan Manila Development Authority (MMDA), Section 1 states: "It is hereby declared to be the policy of the State to treat Metropolitan Manila as a special development and administrative region and certain basic services affecting or involving Metro Manila as metro-wide services more efficiently and effectively planned, supervised and

coordinated by a development authority as created therein, without prejudice to the autonomy of the affected local government units;

“Pursuant to this policy, Metropolitan Manila, as a public corporation created under Presidential Decree No. 824, embracing the Cities of Caloocan, Manila, Mandaluyong, Pasay, and Quezon and the Municipalities of Las Piñas, Makati, Malabon, Marikina, Muntinlupa Navotas, Parañaque, Pasig, Pateros, San Juan, Taguig, and Valenzuela, is hereby constituted into a special development and administered region”;

WHEREAS, RA No. 7924, Section 3 further provides: “Metro-wide services under the jurisdiction of the MMDA are those services which have metro-wide impact and transcend legal political boundaries or entail huge expenditures such that it would not be viable for said services to be provided by the individual local government units (LGUs) comprising Metropolitan Manila. These services shall include:

“Solid waste disposal and management which include formulation, and implementation of policies, standards, programs and projects for proper and sanitary waste disposal. It shall likewise include the establishment and operation of sanitary landfill and related facilities and the implementation of other alternative programs intended to reduce, reuse and recycle solid waste;

“Flood control and sewerage management which includes the formulation and implementation of policies, standards, programs and projects for an integrated flood control, drainage and sewerage system; x x x

“Public safety which includes the formulation and implementation of programs and policies and procedures to achieve public safety, especially preparedness for preventive or rescue operations during times of calamities and disasters such as conflagrations, earthquake, flood and tidal waves; and coordination and mobilization of resources and the implementation for rehabilitation and relief operations in coordination with national agencies concerned;

WHEREAS, Republic Act No. 3019, otherwise known as the Anti-Graft and Corrupt Practices Act, Section 3 (e) provides that causing any undue injury to any party, including the Government, through gross inexcusable negligence constitutes corrupt practice of a public officer and is unlawful;

WHEREAS, R.A. No. 7160, Sec. 60 provides that: “An elective local official may be disciplined, suspended, or removed from office on any of the following grounds: x x x (c) dishonesty, oppression, misconduct in office, gross negligence, or dereliction of duty”;

WHEREAS, according to news reports in the 16 August 2007 issue of the *Philippine Daily Inquirer*, typhoon “Egay” caused floods in Metro Manila the day before, with water in some parts of the metropolis rising waist-high;

WHEREAS, in Marikina, flooding was reported in Tumana, Malanday, Concepcion Uno, Barangay Sto. Niño, the Molave District in Marikina Heights, Barangay San Roque, and Fortune; there was also flooding at the corner of Shaw Boulevard and Kalentong, Barangay Salapan and Balon Bato, and the Maysilo Circle near the Mandaluyong City Hall; in Manila, the areas of España Avenue near the University of Sto. Tomas, Adriatico, Quirino, Sta. Ana, Pedro Gil, Taft, Padre Faura, and Pureza in Sta. Mesa were also flooded; in Makati City, the corner of Dela Rosa and Washington streets, near Sen. Gil Puyat Avenue was flooded; in Quezon City, flooding occurred along V. Luna, Anonas, Kamias, Betty Go-Belmonte, and Ilang-Ilang;

WHEREAS, while typhoon Egay provided relief to many provinces suffering from scorching heat brought on by a dry spell, the floods it brought about stranded thousands of commuters and paralyzed motorists in major parts of Metro Manila due to heavy traffic;

WHEREAS, in flooded areas, children were reportedly carried on their parents' shoulders to keep them above the water, while others used makeshift rafts made from timber and styrofoam;

WHEREAS, the *Inquirer* reported that even President Gloria Macapagal Arroyo was inconvenienced by the flood as her convoy was caught in a monstrous traffic jam, making her late for her appointments;

WHEREAS, according to weather specialists at the Philippine Atmospheric, Geophysical and Astronomical Services Administration (Pagasa), garbage clogging drainage systems is allegedly the cause of widespread flooding whenever it rains heavily in Metro Manila;

WHEREAS, Robert Rivera, a Pagasa weather specialist, urged residents of land-slide and flood-prone areas to observe precautions or move to higher ground during a typhoon onslaught;

WHEREAS, floods due to heavy rains and typhoons have been a perennial problem in Metro Manila; these floods cause safety hazards and inconvenience to commuters, motorists, and residents of flood-prone areas, and damage to property; during the rainy season, floodwaters become the breeding ground of diseases endangering the health of the public, especially children;

WHEREAS, in the 10 August 2007 Supreme Court decision in *Filinvest Land, Inc. v. Flood-Affected Homeowners of Meritville Alliance*, the Court ruled that it is the local government that has the duty to control the floods in a residential area;

WHEREAS, despite their mandate under the Local Government Code to provide efficient and effective programs and mechanisms for flood control, drainage and sewerage system management, and solid waste disposal and management, no visible and effective efforts have been taken by the mayors to solve the problem of flooding in Metro Manila;

WHEREAS, Metro Manila mayors, as well as MMDA officials, pursuant to R.A. No. 7924, must sufficiently explain to the general public what they have done and what they are doing to solve the problem of flooding in Metro Manila, in accordance with the principles of accountability of public officers and good governance;

WHEREFORE, be it resolved, as it is hereby resolved by the Philippine Senate, to direct the proper Senate committee to conduct an inquiry, in aid of legislation, on the continuing prevalence of floods in Metro Manila allegedly caused by garbage that clogs drainage systems, to determine the liability of the public officials involved, and to refer them to the Ombudsman for criminal prosecution and possible suspension and eventual removal from office.

Adopted,

  
MIRIAM DEFENSOR SANTIAGO

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