

FOURTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session

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SENATE
PSR No. 278

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Introduced by Senator Loren Legarda

A RESOLUTION

DIRECTING THE APPROPRIATE SENATE COMMITTEES TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, INTO THE ALLEGED ADVERSE EFFECTS OF THE OIL EXPLORATION AND DRILLING IN THE TANON STRAIT THAT MAY RESULT IN THE LOSSES OF SOURCES OF LIVELIHOOD OF FISHERFOLKS AS WELL AS THE IMMINENT COLLAPSE OF ECO-TOURISM IN THE SAID AREA WITH THE END IN VIEW OF DEVISING MEASURES TO COUNTER THE SAID LOSSES

Whereas, Section 16, Article II of the 1987 Constitution of the Republic of the Philippines declares 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, Section 7, Article XIII states that the State shall protect the rights of subsistence fishermen, especially of local communities, to the preferential use of the communal marine and fishing resources, both inland and offshore. It shall provide support to such fishermen through appropriate technology and research, adequate financial, production, and marketing assistance, and other services. The State shall also protect, develop, and conserve such resources;

Whereas, Section 16 from the same Article bestows the right of the people and their organizations to effective and reasonable participation at all levels of social, political, and economic decision-making shall not be abridged. The State shall, by law, facilitate the establishment of adequate consultation mechanisms;

Whereas, the Philippines was a signing party in the Convention on Biological Diversity adopted in Rio de Janeiro in June 1992, thereby compelling the country to promote the protection of ecosystems, natural habitats and the maintenance of viable populations of species in natural surroundings;

Whereas, the same treaty recognized that it is vital to anticipate, prevent and attack the causes of significant reduction or loss of biological diversity at source;

Whereas, the same treaty also noted that where there is a threat of significant reduction or loss of biological diversity, lack of full scientific certainty should not be used as a reason for postponing measures to avoid or minimize such a threat;

Whereas, the same treaty bestows the signing party the task to promote, on the basis of reciprocity, notification, exchange of information and consultation on activities

under their jurisdiction or control which are likely to significantly affect adversely the biological diversity of other States or areas beyond the limits of national jurisdiction, by encouraging the conclusion of bilateral, regional or multilateral arrangements, as appropriate;

Whereas, Tanon Strait straddles the islands of Negros and Cebu and is a distinct habitat of the chambered nautilus (local name, *taklong*), a migration route of Whale Sharks, and home to at least nine species of cetaceans;

Whereas, the Strait houses a relatively high marine biodiversity with the northern portion known for its cetacean populations, thus whale and dolphin-watching (eco-tourism) is also a major industry besides fishing that earns at least two million pesos a year, as identified by a study;

Whereas, Presidential Proclamation 1234 declaring the Strait as a protected seascape was signed by then President Fidel V. Ramos in 1998 due to the aforementioned characteristics;

Whereas, it was reported that on 21 December 2004, the Department of Energy (DoE) signed a contract with Japan Petroleum Exploration Co. (JAPEX) for oil exploration and drilling in a 2,850 kilometer area offshore of Tanon Strait;

Whereas, fact-finding studies undertaken by concerned people's organizations claimed that there were adverse effects such as environmental destruction and fish catch reduction after the first exploration activity through seismic surveys launched in the year 2005;

Whereas, the same group alleged that the first exploration activity was not preceded by an environmental impact assessment and that there were no consultations involving the fishing communities amid the dangers that the seismic surveys poised to the environment;

Whereas, the second oil exploration activity commenced on mid-November of 2007 along with a fishing ban of two months reportedly imposed by JAPEX; during this period, the said firm shall be conducting exploration activities covering seven square kilometers of Tanon Strait;

Whereas, a study pointed out that the economic losses of the 1,500 fisherfolks that may be brought about by the two-month ban will amount to an average of P16 million;

Whereas, experts in marine sciences asserted that the oil exploration activities might drive away marine organisms and species of dolphins, as well as affect the sexual behavior of the latter, thus greatly affect the eco-tourism and fishing that make up most of the livelihood of the communities within the area;

Whereas, numerous groups through their resolutions and positions coursed through media and other national agencies have called for investigations and review by appropriate government institutions, taking into account the inputs of the scientific community;

Whereas, there is a need to look into the alleged harmful effects in the environment brought by the activities in the course of finding out commercially viable quantities of oil and gas reserves in the Tanon Strait;

Whereas, the alleged threats to the livelihood of the communities necessitate an investigation with the end in view of formulating remedial measures to mitigate the adverse consequences of the said activities;

NOW BE IT RESOLVED, AS IT IS HEREBY RESOLVED, to direct the appropriate Senate Committees to conduct an inquiry, in aid of legislation, into the alleged adverse effects of the oil exploration and drilling in the Tanon Strait that may result in the losses of sources of livelihood of fisherfolks as well as the imminent collapse of eco-tourism in the said area with the end in view of devising measures to counter the said losses.

Adopted,



LOREN LEGARDA
Senator