



## MEMORANDUM

**TO :** **The Directors**  
Biodiversity Management Bureau  
Forest Management Bureau  
Environmental Management Bureau  
Legal Affairs Service  
Policy and Planning Service

**The Executive Directors**  
National Water Resources Board  
River basin Control Office

**FROM :** **The Assistant Secretary**  
Field Operations-Mindanao and Legislative Affairs

**SUBJECT :** **REQUEST FOR COMMENTS AND /OR POSITION PAPER ON  
HOUSE RESOLUTION NO. 15 AND 309**

**DATE :** 26 February 2021

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This pertains to an email letter dated February 24, 2021, received by this Office on February 26, 2021 from the office of Chairman Allen Jesse C. Mangaoang, Committee on Indigenous Cultural Communities and Indigenous Peoples, House of Representative, requesting for comments/position on the following House Resolution:

**1. House Resolution No. 15**

Resolution Urging the Committee on Natural Resources *To Conduct An Investigation, In aid of Legislation of the Alleged Water Crisis and the Revival and Effects of the Construction of the Kaliwa Dam and Laiban Dam Projects* ( Introduced by Representatives Eufemia C. Cullamat, Carlos Isagani T. Zarate, Ferdinand R. Gaite, France L. Castro, Arlene D. Brosas, and Sarah Jane I. Elago)

**2. House Resolution No. 309**

A Resolution Urging the Proper Committee of the House of Representatives *To Conduct an Investigation In aid of Legislation on the New Centennial Water Sources- Kalliwa Dam Project ( NCWS-KDP) and Its Alleged Anomalous Award to China Energy Engineering Co. Limited.*  
(Introduced by Representative Fidel B. Nograles)

Kindly submit your comments and/ or position paper in hard and soft copy at the legislative Liaison Office at the telephone number 8920-1761 and e-mail address [denrlegislative@yahoo.com](mailto:denrlegislative@yahoo.com) for consolidation.

Here to attached are the invitation and copy of the subject House Bill for your ready reference.

  
JOAN A. LAGUNDA, D.M., D.P.A.



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**Request for Position Paper on House Resolutions No. 15 & 309**

1 message

**Indigenous peoples House of representatives** <katutubongpilipino@yahoo.com>

Wed, Feb 24, 2021 at 7:07 PM

To: "osec@denr.gov.ph" &lt;osec@denr.gov.ph&gt;

Cc: Adora Pueblos &lt;ethnicfilipino@yahoo.com&gt;, Sonny Mangaoang &lt;congajmkalinga@gmail.com&gt;

Your Honor,

The House Committee on Indigenous Cultural Communities and Indigenous Peoples respectfully solicits your position on the following House Resolutions referred thereto:

**House Resolution No. 15**

Resolution Urging The Committee On Natural Resources To Conduct An Investigation, In Aid Of Legislation, On The Alleged Water Crisis And The Revival And Effects Of The Construction Of The Kaliwa Dam And Laiban Dam Projects

*Introduced by Representatives Eufemia C. Cullamat, Carlos Isagani T. Zarate, Ferdinand R. Gaito, France L. Castro, Arlene D. Brosas, and Sarah Jane I. Elago*

**House Resolution No. 309**

A Resolution Urging The Proper Committee Of The House Of Representatives To Conduct An Investigation In Aid Of Legislation On The New Centennial Water Source – Kaliwa Dam Project (NCWS-KDP) And Its Alleged Anomalous Award To China Energy Engineering Co. Limited

*Introduced by Representative Fidel F. Nograles*

HR No. 15 contests the constitutionality of the loan agreement between China and the Philippines for the construction of Kaliwa Dam and warns of the adverse effects of the project to the environment and wildlife of the province, and ultimately to the lives of the Dumagat and Remontado indigenous peoples there. In the same light, HR No. 309 seeks to investigate the alleged anomalous vetting procedure for the project between three (3) Chinese contractors, which was won by China Energy Engineering Co. Limited. The same company, despite having been awarded the Notice of Award (NOA), is yet to be issued the Notice to Proceed (NTP) pending submission of requirements such as the Environmental Compliance Certificate (ECC) and the Free, Prior and Informed Consent (FPIC).

The Committee is set to investigate on the foregoing measures on Wednesday, 17 March 2021. In this regard, the Committee will greatly appreciate your submission of the requested Position Paper on or before **March 8, 2021**.

Attached are the foregoing House Resolutions for Your Honor's reference.

Thank you and warm regards.

**COMMITTEE ON INDIGENOUS CULTURAL COMMUNITIES AND INDIGENOUS PEOPLES**

*3/F R.V.Mitra Building, House of Representatives,*

*Batasang Pambansa Complex, Quezon City*

*katutubongpilipino@yahoo.com*

*(+632) 932 3909*

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**3 attachments**

**Request for Position Paper on HRs 15 and 309 - DENR.pdf**  
164K

**HR 309.pdf**  
575K

**HR 15.pdf**  
883K



Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**

Quezon City, Metro Manila  
**EIGHTEENTH CONGRESS**  
Second Regular Session

*Committee on Indigenous Cultural Communities and Indigenous Peoples*

24 February 2021

THE HONORABLE SECRETARY

**ROY A. CIMATU**

*Department of Environment and Natural Resources  
2F, DENR Building, Visayas Ave., Quezon City*

Dear Secretary Cimatú,

The House Committee on Indigenous Cultural Communities and Indigenous Peoples respectfully solicits your position on the following House Resolutions referred thereto:

**House Resolution No. 15**

Resolution Urging The Committee On Natural Resources To Conduct An Investigation, In Aid Of Legislation, On The Alleged Water Crisis And The Revival And Effects Of The Construction Of The Kaliwa Dam And Laiban Dam Projects  
*Introduced by Representatives Eufemia C. Cullamat, Carlos Isagani T. Zarate, Ferdinand R. Gaité, France L. Castro, Arlene D. Brosas, and Sarah Jane I. Elago*

**House Resolution No. 309**

A Resolution Urging The Proper Committee Of The House Of Representatives To Conduct An Investigation In Aid Of Legislation On The New Centennial Water Source – Kaliwa Dam Project (NCWS-KDP) And Its Alleged Anomalous Award To China Energy Engineering Co. Limited  
*Introduced by Representative Fidel F. Nograles*

HR No. 15 contests the constitutionality of the loan agreement between China and the Philippines for the construction of Kaliwa Dam and warns of the adverse effects of the project to the environment and wildlife of the province, and ultimately to the lives of the Dumagat and Remontado indigenous peoples there. In the same light, HR No. 309 seeks to investigate the alleged anomalous vetting procedure for the project between three (3) Chinese contractors, which was won by China Energy Engineering Co. Limited. The same company, despite having been awarded the Notice of Award (NOA), is yet to be issued the Notice to Proceed (NTP) pending submission of requirements such as the Environmental Compliance Certificate (ECC) and the Free, Prior and Informed Consent (FPIC).

Your Honor, the Committee is eager to resolve this issue at the soonest possible time, especially as it involves the welfare of our indigenous cultural communities and indigenous peoples (ICCs/IPs). For

this reason, Your Honor's position on this matter is earnestly requested. May we also request for pertinent documentary evidences which your good office may share with this Committee.

The Committee is set to investigate on the foregoing measures on Wednesday, 17 March 2021. In this regard, the Committee will greatly appreciate your submission of the requested Position Paper on or before **March 8, 2021**. Kindly submit the same via the email addresses indicated at the footer of this letter.

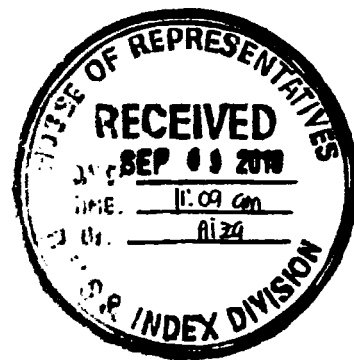
Attached hereto are the foregoing House Resolutions for Your Honor's reference.

Thank you and warm regards.

Yours truly,

  
**ALLEN JESSE C. MANGAOANG**  
*Chairperson*

Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City



**EIGHTEENTH CONGRESS**  
First Regular Session

**HOUSE RESOLUTION No. 309**

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**Introduced by Representatives Fidel F. Nograles**

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A RESOLUTION  
URGING THE PROPER COMMITTEE OF THE HOUSE OF  
REPRESENTATIVES TO CONDUCT AN INVESTIGATION IN AID OF  
LEGISLATION ON THE NEW CENTENNIAL WATER SOURCE-  
KALIWA DAM PROJECT (NCWS-KDP) AND ITS ALLEGED  
ANOMALOUS AWARD TO CHINA ENERGY ENGINEERING CO.  
LIMITED

**Whereas**, the New Centennial Water Source Project- Kaliwa Dam Project (NCWSP-KDP) ("the Project") is proposed to be developed in order to address the National Capital Region's need for adequate and reliable water supply;

**Whereas**, it was revealed in a Commission on Audit (COA) Memorandum dated 10 June 2019 and released to the public on 18 July 2019, that the Metropolitan Waterworks and Sewerage System (MWSS) Technical Working Group (TWG) shortlisted three (3) Chinese contractors for the bidding of the Project even if all of them lacked prequalification requirements;

**Whereas**, contrary to MWSS protocol, the date of completion for past projects by the firms, including *China Energy Engineering Co. Limited*, the winning contractor, was not specified;

**Whereas**, *China Energy Engineering Co. Limited* and Consortium of *Guandong Foreign Construction Company Limited*, *Guandong Yuantian Engineering Company* did not indicate the completion date of construction projects they have undertaken;

**Whereas**, the Notice of Award (NOA) was already issued to *China Energy Engineering Co. Limited* last October 11, 2018, but the Notice to Proceed (NTP) is yet to be issued pending the submission of the required documents;

**Whereas**, *China Energy Engineering Co. Limited* already conducted preliminary project activities even if the loan agreement had not yet taken effect;

**Whereas**, aside from the alleged irregularities in the vetting procedure, there also exists various oppositions questioning the Project, including its potential damage to the environment and the displacement of indigenous peoples;

**Whereas**, the Department of Environment and Natural Resources (DENR) has earlier stated that the Environmental Compliance Certificate (ECC) has not been released due to the lack in documentation requirements, such as the Free, Prior and Informed Consent (FPIC) of Indigenous Peoples occupying the area;

**Whereas**, it is imperative that an investigation on the *vetting procedure* and the oppositions to the Project be conducted so that the legislature may enact the necessary measures to ensure the integrity of public bidding and faith in public works and infrastructures as respecting human rights and the environment;

**NOW THEREFORE, BE IT RESOLVED**, as it is hereby resolved by the House of Representatives to direct the proper Committee to conduct an

investigation in aid of legislation on the New Centennial Water Source-Kaliwa Dam Project and the alleged anomalous award to China Energy Engineering Co. Limited.

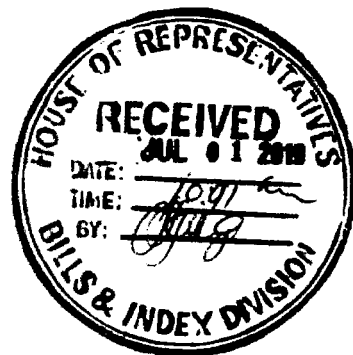
Adopted,

*F. F. Nograles*  
**FIDEL F. NOGRALES**

Representative, Rizal - Second  
District

Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City

EIGHTEENTH CONGRESS  
First Regular Session



HOUSE RESOLUTION No. 15

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Introduced by  
BAYAN MUNA Party-List Representatives EUFEMIA C. CULLAMAT  
CARLOS ISAGANI T. ZARATE and FERDINAND R. GAITE,  
ACT TEACHERS Party-List Representative FRANCE L. CASTRO,  
GABRIELA Women's Party Representative ARLENE D. BROSAS and  
KABATAAN Party-List Representative SARAH JANE I. ELAGO

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**RESOLUTION**  
**URGING THE COMMITTEE ON NATURAL RESOURCES TO CONDUCT AN**  
**INVESTIGATION, IN AID OF LEGISLATION, ON THE ALLEGED WATER CRISIS**  
**AND THE REVIVAL AND EFFECTS OF THE CONSTRUCTION OF THE KALIWA**  
**DAM AND LAIBAN DAM PROJECTS**

**WHEREAS**, in a media briefing on October 2016, Maynilad Water Services Inc. President and Chief Executive Officer Ramoncito Fernandez warned of an alleged approaching "water crisis" in Metro Manila, unless the government could find another source of water to supplement the Angat reservoir system. Maynilad is one of the private water service providers of the MWSS and whose 83.96% of shares are owned by a joint venture between Metro Pacific Investments Corporation (MPIC) and DMCI Holdings, Inc. (DMCI);

**WHEREAS**, the construction of the Kaliwa Dam was then floated as the solution to the alleged "looming water crisis" by the Maynilad CEO. The P12.2 billion Kaliwa Dam, dubbed as the New Centennial Water Source (NCWS), is a project to be funded by China through an Official Development Assistance (ODA). The Kaliwa Dam is projected to increase water supply to Metro Manila by 600 million-liters-a-day (MLD.) Still under the NCWS, the Kaliwa Dam will then be connected and expanded by the construction of a larger Laiban Dam Project, pegged to provide 1,800 more MLD to Metro Manila;



**WHEREAS**, the dam project and reservoir is located in the uplands of Quezon and Rizal. The construction site of the project is located within the zone of two active tectonics – the Philippine Fault Zone and the Valley Fault System.

**WHEREAS**, Proclamation No. 573 s. 1968 has already declared the Kaliwa Watershed Forest Reserve, in which the Kaliwa dam is to be constructed. Moreover, Proclamation No. 1636 s. 1977 declared a portion of the watershed as National Park and Wildlife Sanctuary.

**WHEREAS**, the construction of Kaliwa dam will undoubtedly threaten wildlife such as the following endemic species: Endangered Northern Philippine Hawk-eagle, the Philippine Brown Deer, the Philippine Warty Pig, the Vulnerable Northern Rufous Hornbill, the Critically Endangered Philippine Eagle, and restricted-range birds of the Luzon Endemic Bird Area.

**WHEREAS**, the Kaliwa dam project will affect some 10,000 indigenous Dumagat and Remontado indigenous peoples and 11,000 farmers. The proposal of a mega dam project in the Sierra Madre Range goes as far back in the 1970s, but was consistently opposed by the Remontado and Dumagat indigenous peoples, peasants and environment activists. The decades-long opposition is a fight of land and life for the indigenous peoples, and was even defended by blood. In 2001, a prominent Remontado leader, Nicanor delos Santos, who was also the Vice Chairperson of Bigkis at Lakas ng Katutubo sa Timog Katagalugan or Balatik, was killed in cold blood in December 9, 2001. Delos Santos, who was then preparing for the Dumagat-Remontado contingent to the Human Rights Day commemoration in Manila, was gunned down in a marketplace in Antipolo City by alleged members of the Task Force Panther under the 2nd Infantry Division of the Philippine Army. The indigenous peoples viewed this brutal killing as an attempt to silence the indigenous peoples fiercely defending their lands;

**WHEREAS**, the Duamagat and Remontados leaders questioned the Free, Prior and Informed Consent process of the National Commission on Indigenous People (NCIP) for they didn't received any copies of the relevant documents from the MWSS.

**WHEREAS**, the indigenous peoples assert that their protest versus the dam project is not only an issue of ancestral land rights but resistance against the commercialization of water resources. The Water for the People Network (WPN), a campaign network promoting water-related struggles, supports the claim of the indigenous peoples resisting the Laiban Dam and Kaliwa Dam construction. According to the WPN, there is no need for the construction of additional large dams in Sierra Madre, citing data that 15% to 60% of water from current water sources, the Angat and Umiray dams, are lost to leakages. Maynilad alone loses 1,400 MLD of water in 2010;


**WHEREAS**, on May 9, 2019, Makabayan party-lists filed a petition before the Supreme Court questioning the constitutionality of the loan agreement between China and Philippines for the construction of Kaliwa dam. The Makabayan coalition, along with other organizations, coalition and advocates, such as STOP Kaliwa dam coalition and Supreme Court Senior Associate Justice Antonio Carpio, questioned the following provisions of the loan agreement:

- a) on Article 5.7, it is agreed upon that the Philippines or any of its assets, unless prohibited by the laws and public policies, are not entitled to any right of immunity on the grounds of sovereign or any legal process
- b) on Article 8.1, the Philippines waived any immunity on the grounds of sovereign
- c) on Article 8.4, it is agreed upon that the agreement shall be governed by and construed in accordance with the laws of China
- d) on Article 8.5, it is agreed upon that Hong Kong International Arbitration Centre will conduct the arbitration in case of dispute
- e) on Article 8.9, it is stated that the terms, conditions and the standard of fees of loan agreement will be confidential. The loan agreement was later on released by the Department of Finance to the public due to the public outcry for transparency and accountability.

**WHEREAS**, there is a clear issue of conflict of interest in the Maynilad's call for the immediate construction of these bulk water projects. The bogey of an unfounded "water crisis," should not be dangled to justify the massive dislocation of indigenous peoples and peasants and enormous environmental damage;

**NOW THEREFORE, BE IT RESOLVED** that the House of Representatives through the Committee on Natural Resources to conduct an investigation, in aid of legislation, on the alleged water crisis and the revival and effects of the construction of the Kaliwa Dam and Laiban Dam Projects.


*Adopted,*

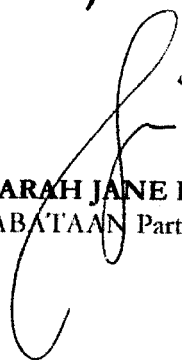
  
**REP. EUFEMIA C. CULLAMAT**  
BAYAN MUNA Partylist

  
**REP. FERDINAND R. GAITE**  
BAYAN MUNA Partylist

  
**REP. CARLOS ISAGANI T. ZARATE**  
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