



MEMORANDUM

FOR : **The Directors**
Legal Affairs Service
Policy and Planning Service
Climate Change Service

The Bureau Directors
Forest Management Bureau
Biodiversity Management Bureau
Land Management Bureau
Environmental Management Bureau

The Officer-in-Charge
Mines and Geosciences Bureau

The Administrator
National Mapping and Resource Information Authority

The Executive Director
Palawan Council for Sustainable Development Staff

The Regional Executive Directors
Regions III, IV-A, IV-B, and VIII

FROM : **The Director**
Legislative Liaison Office

SUBJECT : **INVITATION TO CONSULTATIVE MEETING ON DRAFT
SUBSTITUTED BILL FOR THE KALAYAAN ISLAND GROUP AND
SCARBOROUGH SHOAL MARINE PROTECTED AREA BILLS AND
INQUIRIES IN AID OF LEGISLATION ON HOUSE RESOLUTIONS 778
AND 947 FROM THE COMMITTEE ON NATURAL RESOURCES OF
THE HOUSE OF REPRESENTATIVES**

DATE : 24 August 2023

In reference to the electronic letter dated 18 August 2023 received by our Office, the Committee on Natural Resources of the House of Representatives will hold a **face-to-face Committee Meeting on 06 September 2023 (Wednesday), 10:30 AM at Andaya Hall, House of Representatives** to discuss the following legislative measures:

PART I

- **Consideration of Draft Substitute Bill for the Kalayaan Island Group and Scarborough Shoal Marine Protected Area Bills:**
 1. **House Bill No. 6373** - "An Act Declaring The Three (3) Nautical Miles Surrounding The Kalayaan Island Group And Scarborough Shoal In The West Philippine Sea As Marine Protected Area Under Republic Act No. 7586 Or The National Integrated Protected Areas System Act Of 1992, As Amended By Republic Act No. 11038, Or The Expanded National Integrated Protected Areas System Act Of 2018", authored by Rep. Edward S. Hagedorn; and

2. **House Bill No. 8371** - ““An Act Declaring The Three (3) Nautical Miles Surrounding The Kalayaan Island Group And Scarborough Shoal In The West Philippine Sea As Marine Protected Area Under Republic Act No. 7586 Or The National Integrated Protected Areas System Act Of 1992, As Amended By Republic Act No. 11038, Or The Expanded National Integrated Protected Areas System Act Of 2018”, authored by Rep. Rufus B. Rodriguez.

PART II

- **Inquiries in Aid of Legislation**

1. **Continuation of the inquiry:**

House Resolution No. 778 - “A Resolution Urging The House Committee On Natural Resources To Conduct An Inquiry, In Aid Of Legislation, Into The Gaps And Inconsistencies Of Land Use And Environmental Management Laws And Subsequent Misuse And Abuse, Leading To Gross Soil, Water And Air Pollution In Forestlands, Watershed And Buffer Zones In The Municipality Of Palompon, Province of Leyte”, authored by Rep. Richard I. Gomez, DPA.

2. **Initial consideration:**

House Resolution No. 947 - “A Resolution Directing The Appropriate Committee/S Of The House Of Representatives To Conduct An Inquiry, In Aid Of Legislation And In The Exercise Of Its Legislative Powers And Oversight Functions, On The Implementation Of Executive Order No. 130 S. 2021 And Administrative Order No. 2021-25 Entitled “Amending Section 4 Of Executive Order No. 79, S. 2012, Institutionalizing And Implementing Reforms In The Philippine Mining Sector, Providing Policies And Guidelines To Ensure Environmental Protection And Responsible Mining In The Utilization Of Mineral Resources”, authored by Rep. Rodante D. Marcoleta.

In this regard, may we respectfully request for your participation in the upcoming **face-to-face Consultative Meeting on 05 September 2023 (Tuesday) 10:00 AM at the Office of the Assistant Secretary for Policy, Planning and Foreign Assisted and Special Projects Conference Room, 5th Floor DENR Main Building** and via **Zoom (Meeting ID: 912 3701 0432 Passcode: DENR2023)** in preparation for the abovementioned Committee Meeting in the House of Representatives. Further, kindly inform us of the name/s of the representative/s from your office who will participate in the consultative meeting so we may include him/her/them as resource person/s.

Attached herewith are the House bills for your reference.


ROMIROSE B. PADIN

cc: Undersecretary for Policy, Planning and International Affairs
Undersecretary for Organizational Transformation and Human Resources



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Committee on Natural Resources

✉ Committee Affairs Department, 3/F Speaker Ramon V. Mitra Building, Batasan Complex, Quezon City
☎ +63 (2) 8931-5001 local 7161; Telefax: +63(2) 8951-3003
committee.naturalresources@house.gov.ph, naturalresources.hrep@gmail.com

18 August 2023

ATTY. JONAS R. LEONES, CESO I

Undersecretary for Policy, Planning, and International Affairs
Department of Environment and Natural Resources
DENR Bldg. Visayas Avenue, Diliman,
Quezon City

Dear Undersecretary Leones:

The Committee on Natural Resources of the House of Representatives will be holding a face-to-face Committee Meeting on **6 September 2023 (Wednesday), 10:30 in the morning at Andaya Hall, House of Representatives.**

In light of this, we would like to invite you or your authorized representative to attend the said meeting and shed light on the following:

PART I

Consideration of Draft Substitute Bill for the Kalayaan Island Group and Scarborough Shoal Marine Protected Area Bills:

1. House Bill No. 6373, entitled "An Act Declaring The Three (3) Nautical Miles Surrounding The Kalayaan Island Group And Scarborough Shoal In The West Philippine Sea As Marine Protected Area Under Republic Act No. 7586 Or The National Integrated Protected Areas System Act Of 1992, As Amended By Republic Act No. 11038, Or The Expanded National Integrated Protected Areas System Act Of 2018", authored by Rep. Edward S. Hagedorn; and
2. House Bill No. 8371, entitled "An Act Declaring The Three (3) Nautical Miles Surrounding The Kalayaan Island Group And Scarborough Shoal In The West Philippine Sea As Marine Protected Area Under Republic Act No. 7586 Or The National Integrated Protected Areas System Act Of 1992, As Amended By Republic Act No. 11038, Or The Expanded National Integrated Protected Areas System Act Of 2018", authored by Rep. Rufus B. Rodriguez

PART II

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We would like to request the submission of your **position paper** on the aforementioned measures, or a draft thereof, on or before **1 September 2023**, in order to give the Committee Members enough time to read through the materials. Attached herewith are the subject measures, for your kind reference.

For confirmation of attendance or further inquiries, the Committee may be reached at committee.naturalresources@house.gov.ph. We are looking forward to having a fruitful discussion with you on the said measures. Thank you very much!

Very truly yours,



HON. ELPIDIO F. BARZAGA JR.

Chairperson

Committee on Natural Resources

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Constitution Hills, Quezon City
NINETEENTH CONGRESS
First Regular Session
HOUSE BILL NO. 6373



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Introduced by **REPRESENTATIVE EDWARD S. HAGEDORN**

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EXPLANATORY NOTE

The 1987 Constitution provides that "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." Likewise, the Constitution also 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. These provisions make it clear that it is the responsibility of the State to craft laws that will conserve and protect the country's natural habitat, biodiversity and flow of the ecosystem of natural resources and marine environment.

Additionally, the Constitution mandates that the Congress shall determine, by law, the specific limits of national parks, marking their boundaries on the ground and that such national parks shall be conserved and may not be increased nor diminished, except by law.

The West Philippine Sea (WPS) is part of the Philippines' Exclusive Economic Zone (EEZ) located within the bounds of the South China Sea. Panatag (Scarborough) Shoal, Kalayaan Island Group, and parts of Spratly Islands are found within the WPS. Republic Act No. 9522, or "An Act to Define the Baselines of the Territorial Sea of the Philippines", as amended by Section 1 of Republic Act No. 5446, specifically states, that:

"Sec. 2. The baseline in the following areas over which the Philippines likewise exercises sovereignty and jurisdiction shall be determined as "Regime of Islands" under the Republic of the Philippines consistent with Article 121 of the United Nations Convention on the Law of the Sea (UNCLOS):

- a) The Kalayaan Island Group as constituted under Presidential Decree No. 1596; and
- b) Bajo de Masinloc, also known as Scarborough Shoal.”

As early as 2002, several ASEAN countries signed the Declaration on the Conduct of Parties in the South China Sea (DOC) to “promote a peaceful, friendly and harmonious environment in the South China Sea for the enhancement of stability, economic growth and prosperity in the region.” It provided for various ways on how to amicably enforce the provisions of the UNCLOS and other treaties involving the South China Sea, as well as to move for amicable settlement with regard to jurisdictional disputes.

One such provision of the UNCLOS is Article 123, which requires coastal states in semi-enclosed seas to “cooperate with each other in the exercise of their rights and in the performance of their duties under this Convention... with respect to the protection and preservation of the marine environment.”

In 2017, various environmentalists filed a petition before the International Union for the Conservation of Nature (IUCN) World Conservation Congress to declare the WPS as a Marine Peace Park. This move is seen as a step forward in protecting the bio-diverse marine resources in the area. The Center for Environmental Legal Studies in New York led the filing of the petition, together with the Ecological Society of the Philippines, the Sierra Club and similar organizations from Australia, Bangladesh, Lebanon and Pakistan, among others.

According to de Groot et. al. (2012), coral reefs are the single most valuable ecosystem. A hectare, or about 2.5 acres, of reef can produce a potential value of approximately US \$350,000 a year. The coral reefs in the Spratlys, which serve as the breeding ground of fish in the South China Sea, comprise 34 percent of the world’s total coral reefs, despite the South China Sea occupying only 2.5 percent of world’s total ocean and sea surface. As such, the South China Sea is one of the richest marine areas in the world which is the home to diverse marine ecosystems with over 3,000 species of fish and 600 species of coral reef.

However, the activities and undertakings—borne out of territorial disputes among several Asian nations, including the Philippines—being done in the area have led to significant environmental degradation in the WPS. Said activities include overfishing; poaching; and large-scale ocean filling or reclamation, among others.

The Arbitral Tribunal found that the coral reef ecosystem of several reefs suffered “severe and irreparable harm” and were “permanently destroyed” due to land reclamation and construction of artificial islands, installations, and structures in the area. Among the affected reefs include Mischief Reef (Panganiban Reef), Cuarteron Reef (Calderon Reef), Fiery Cross Reef (Kagitingan Reef), Gaven Reef (North)

(Burgos Reef), Johnson Reef (Mabini Reef), Hughes Reef, and Subi Reef (Zamora Reef).⁵ This is the first time that an international tribunal applied the United Nations Convention on the Law of the Sea (UNCLOS) provision on the protection and preservation of the marine environment.

The record shows that from 2014 to 2016, China deployed dozens of dredgers in the Spratlys. The rotating cutters of these dredgers pulverize the coral reef and the hard sediment on the seabed. The pulverized materials are sucked through a nozzle and siphoned through a pipe into the ship. Then, they are pushed by pressure through a floating pipe and deposited on the rim of the reef (Watkins, 2016). This kills all the coral reefs in the atoll. It could take as long as 30 million years for the reefs of an atoll to form. Marine biologist Dr. John McManus, who studied marine life in the Spratlys, called China's reclamation projects in the WPS as the "most rapid permanent loss of coral reefs in human history." (Larson, 2015)

The fish consumption of certain countries surrounding the South China Sea has also increased over the past seven years. From 2010 to 2017, the fish and seafood consumption per capita in the South China Sea grew from 32.16 kg to 38.17 kg in China, 33.90 kg to 37.66 kg in Vietnam, 27.22 kg to 44.67 kg in Indonesia. The overfishing, both legal or illegal as well as unregulated fishing, also contributed to the depletion of the marine ecosystem in the South China Sea.

In 2018, a study⁶ recorded approximately two million fishing fleets operating in the South China Sea, both motorized and non-motorized. In the same year, approximately 27 million fishes were captured both inland and marine. These statistics are far from the numbers today, where marine equipment and technology are well researched and developed. The further constructions and on-going fishing within the area will greatly affect and compromise the capacity of the reefs to sustain and replenish local fisheries.

Dr. McManus has warned that if the areas discussed remain unprotected, "we are headed toward a major, major fisheries collapse in a part of the world where [that] will lead to mass starvation."

Republic Act No. 11038 or the "Expanded National Integrated Protected Areas System Act of 2018," as amended by Section 6 of Republic Act No. 7586, provides that:

"Sec. 5. Additional Areas to be Included into the System. - Upon the recommendation of the DENR, additional areas with unique physical features, anthropological significance and high biological diversity may be proposed for inclusion as part of the System. x x x"


As discussed above, the South China Sea, where the WPS is located, has high biological diversity and is unfortunately suffering significant environmental

degradation due to overfishing, poaching, and land-filling or reclamation. For this reason the establishment of a Marine Protected Area around the KIG and the Scarborough Shoal is needed to achieve the objective of environmental protection.

According to local marine experts of the University of the Philippines - Marine Science Institute, the bigger the Marine Protected Area (MPA), the more effective the protection of the marine ecosystem. Local studies have further shown that an MPA of at least ten (10) square kilometers is preferable. 10 sq/km is equivalent to roughly three (3) square nautical miles or roughly three (3) kilometer radius which should be declared as strict protected area but shall be subjected to the ruling of the Arbitral Tribunal. According to the said ruling, the right to engage in traditional fishing in the Scarborough Shoal is given regardless of who ultimately has sovereignty over the same. As such, it is proposed that the three (3) nautical miles radius surrounding the KIG and the Scarborough Shoal be declared as a Marine Protected Area with strict regulations as to activities therewith consistent with the Expanded National Integrated Protected Areas System Act of 2018. The said proposal shall likewise be subject and consistent to the ruling of the Arbitral Tribunal that allowed traditional fishing around the Scarborough Shoal.

It is for this reason that this Bill aims to help Filipinos fulfill the Constitutionally mandated role to conserve and protect the country's environment, and preserve the mentioned coral reefs and atolls, by declaring all low-tide elevations and high-tide features, and an area of three (3) nautical miles around the KIG and the Scarborough Shoal as a Marine Protected Area consistent with the Expanded National Integrated Protected Areas System Act of 2018 and the ruling of the Arbitral Tribunal. In order to attain the objectives of this Bill, the creation of a PAMB and PAMO covering the Kalayaan Island Group and Scarborough Shoal pursuant to R.A. No. 7586, as amended, are necessary.

In view of the foregoing, approval of this bill is highly and earnestly sought.


EDWARD S. HAGEDORN
Representative
Third District, Province of Palawan

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 6373

Introduced by **REPRESENTATIVE EDWARD S. HAGEDORN**

AN ACT DECLARING THE THREE (3) NAUTICAL MILES SURROUNDING THE KALAYAAN ISLAND GROUP AND SCARBOROUGH SHOAL IN THE WEST PHILIPPINE SEA AS MARINE PROTECTED AREA UNDER REPUBLIC ACT NO. 7586 OR THE NATIONAL INTEGRATED PROTECTED AREAS SYSTEM ACT OF 1992, AS AMENDED BY REPUBLIC ACT NO. 11038, OR THE EXPANDED NATIONAL INTEGRATED PROTECTED AREAS SYSTEM ACT OF 2018

Be it enacted by the Senate and House of Representatives of the Philippines in Congress

1 ***Section 1. Short Title.*** - This act shall be known as the “*KIG and Scarborough Shoal Marine*
2 *Protected Area Act of 2022*”

3 ***Section 2. Declaration of Policy*** – Article II, Section 16 of the 1987 Constitution declares that
4 the State shall protect and advance the right of the people to a balanced and healthful ecology
5 in accord with the rhythm and harmony of nature.

6 Likewise, Republic Act No. 7586 or the *National Integrated Protected Areas System Act of*
7 *1992* (NIPAS), as amended by Republic Act No. 11038, or the *Expanded National Integrated*
8 *Protected Areas System Act of 2018* (E-NIPAS), mandates the State to secure for the Filipino
9 people of present for future generations, the perpetual existence of all native plants and animals

10 through the establishment of a comprehensive system of integrated protected areas within the
11 classification of national park as provided for in the Constitution.

12 Scientific studies¹ established that coral reefs in the Spratlys comprise 34 percent of the world's
13 total coral reefs. These serve as the breeding ground of fish in the South China Sea despite
14 occupying only 2.5 percent of the world's total ocean and sea surface making the South China
15 Sea as one of the richest marine areas in the world, which is home to diverse marine ecosystems
16 with over 3,000 species of fish and 600 species of coral reef. It is hereby declared the policy of
17 the State to protect the ecology of the areas surrounding the Kalayaan Island Group (KIG) and
18 the Scarborough Shoal.

19 Consistent with Article II, Section 2 of the 1987 Constitution to adopt the generally accepted
20 principles of international law as part of the law of the land and to adhere to the policy of peace,
21 equality, justice, freedom, cooperation and amity with all nations as key in attaining the
22 protection, conservation, preservation, and promotion of the biodiversity, ecosystem, and all
23 other natural resources, we adhere to Article 123 of the United Nations Convention on the Law
24 of the Seas (UNCLOS), which requires the Philippines and other coastal states in semi-
25 enclosed seas like the South China Sea to cooperate with each other in the exercise of their
26 rights and in the performance of their duties under the said Convention with respect to the
27 protection and preservation of the marine environment.

28 **Section 3. Definition of Terms** – For purposes of this Act, the following terms shall be defined
29 as follows:

30 a. **Arbitral Tribunal Ruling** – refers to the July 12, 2016 ruling rendered
31 by the arbitral tribunal of the Permanent Court of Arbitration in The Hague
32 adjudicating the Philippines' case against China in the West Philippine
33 Sea in accordance with the 1982 UNCLOS;

34

35 b. **Atolls** – refers to a reef with or without an island situated on it surrounded
36 by the open sea, that encloses or nearly encloses a lagoon;

37

¹ Rudolf de Groot, et al., *Global Estimates of the Value of Ecosystems and Their Services in Monetary Units*, 1 *Ecosystem Services* 50 (2012), <http://www.sciencedirect.com/science/article/pii/S2212041612000101>.

- 38 c. **Buffer Zones** - refers to identified areas outside the boundaries of and
39 immediately adjacent to designated protected areas that need special
40 development control in order to avoid or minimize harm to the protected
41 area;
- 42
- 43 d. **Kalayaan Island Group** – refers to the group of islands and islets located
44 in the West Philippine Sea including the seabed, sub-soil, continental
45 margin and airspace, declared to be subject to the sovereignty of the
46 Philippines under Presidential Decree No. 1596, and was likewise
47 declared as part of the Regime of Islands by Republic Act No. 9522, or
48 *An Act to Define the Baselines of the Territorial Sea of the Philippines*;
- 49
- 50 e. **Marine Protected Area** - refers to identified portions of water set aside
51 by reason of their unique physical and biological significance, managed
52 to enhance biological diversity and protected against destructive human
53 exploitation;
- 54
- 55 f. **National Park** - refers to the lands of the public domain classified as such
56 in the Constitution which include all areas under the NIPAS pursuant to
57 this Act, primarily designated for the conservation of native plants and
58 animals, their associated habitats and cultural diversity;
- 59
- 60 g. **Protected Area** - refers to identified portions of land and/or water set
61 aside by reason of their unique physical and biological diversity and
62 protected against destructive human exploitation;
- 63
- 64 h. **Reefs** - refers to a mass of rock or coral which either reaches close to the
65 sea surface or is exposed at low tide;
- 66
- 67 i. **Scarborough Shoal** - refers to an area located in the West Philippine Sea
68 which was declared part of the Regime of Islands under R.A. No. 9522;
- 69
- 70 j. **Strict Protection Zones (SPZs)** - refers to portions within protected areas
71 that are closed to human activities by virtue of their significant

72 biodiversity value, high susceptibility to geo-hazard, and identification as
73 permanently dangerous. These areas may also include habitats of
74 threatened species, or degraded areas that are designated for restoration
75 and subsequent protection, regardless of their stages of regeneration;

76
77 k. **UNCLOS** – refers to the 1982 United Nations Convention on the Law of
78 the Seas;

79
80 i. **West Philippine Sea** – refers to the maritime areas on the western side of
81 the Philippine archipelago within the Exclusive Economic Zones (EEZ)
82 over which the Philippines exercises sovereign jurisdiction including the
83 Luzon Sea as well as the waters around, within and adjacent to the
84 Kalayaan Island Group and Bajo De Masinloc, also known as
85 Scarborough Shoal.²

86 **Section 4. Scope** – The area covered by the Kalayaan Island Group and Scarborough Shoal
87 Marine Protected Area (KIGSS-MPA) subject of this Act shall be all the areas within three (3)
88 nautical miles from the baselines surrounding the KIG and Scarborough Shoal as established
89 by R.A. No. 9522.

90 **Section 5. Declaration of Protected Area and Strict Protection Zone** – It is hereby declared
91 that the area covering the KIGSS-MPA as specifically identified in the preceding section is
92 hereby declared as a protected area and shall enjoy the benefits and protection afforded by R.A.
93 No. 7586, as amended: *Provided*, That the Secretary of the Department of Environment and
94 Natural Resources (DENR Secretary), upon the recommendation of the Protected Area
95 Management Board (PAMB), shall designate Strict Protection Zones (SPZs) within the
96 KIGSS-MPA in areas with significant biodiversity values or habitats of threatened species,
97 based on a comprehensive biodiversity inventory and assessments: *Provided*, further, That any
98 and all international treaties or rulings, Philippine laws, rules, and regulations involving the
99 protection, conservation of KIGSS-MPA shall be strictly observed and implemented.

² Office of the President Administrative Order No. 29, Series of 2012.

100 The DENR Secretary, also upon recommendation of the PAMB, may designate areas
101 surrounding the KIGSS-MPA as Buffer Zones for the purpose of providing extra layer of
102 protection where restrictions may be applied.

103 **Section 6. Prohibited Acts** – The following are the prohibited acts within the KIGSS-MPA:

- 104 a. Using of any fishing or harvesting gear and practices or any of their
105 variations that destroys coral reefs, seagrass beds or other marine
106 life: *Provided*, that mere possession of such gears within the
107 protected areas shall be prima facie evidence of their use;
- 108 b. Dumping, throwing, using, or causing to be dumped into or placed
109 in the protected area of any toxic chemical, noxious or poisonous
110 substance or nonbiodegradable material, intreated sewage or animal
111 waste or productes whether in liquid, solid, or gas state, including
112 pesticides and other hazardous substances as defined under
113 Republic Act No. 6969 or the *Toxic Substances and Hazardous and*
114 *Nuclear Waste Control Act of 1990* detrimental to the protected area,
115 or the living things inhabiting in within the protected area;
- 116 c. Littering or depositing refuse or debris within the protected area;
- 117 d. Possessing or using blasting caps or explosives anywhere within the
118 protected area;
- 119 e. Undertaking mineral exploration or extraction within the protected
120 area;
- 121 f. Establishing or introducing exotic species including genetically
122 modified organisms or invasive alien species within the protected
123 area;
- 124 g. Constructing, installing, erecting, or maintaining any kind of
125 structure, fence, or enclosure whether temporary or permanent,
126 within the protected area: *Provided*, that structures and projects for
127 biosphere development shall be allowed: *Provided*, further, that
128 such activities shall be with prior coordination with DENR through
129 the PAMB;

130 h. Any other act that will tend to or actually result in the disturbance,
131 killing, destruction, endangerment, devastation, or annihilation of
132 the natural flora and fauna found within the protected area.

133 Any violation of this Act shall be prosecuted pursuant to R.A. No. 7586, as amended,
134 any existing environmental law, rule, or regulation.

135 ***Section 7. Creation of the Kalayaan Island Group and Scarborough Shoal Protected Area***
136 ***Management Board and Protected Area Management Office*** – The **Kalayaan Island Group**
137 **and Scarborough Shoal Protected Area Management Board** (KIGSS-PAMB) and the
138 **Kalayaan Island Group and Scarborough Shoal Protected Area Management Office**
139 (KIGSS-PAMO) are hereby created with the same composition, powers and functions as
140 defined in Sections 9 and 10 of RA 7586, as amended: *Provided*, That the Palawan Council for
141 Sustainable Development, which was created pursuant to Republic Act No. 7611, or the
142 *Strategic Environmental Plan (SEP) for Palawan Act*, shall be included as a member in the
143 KIGSS-PAMB.

144 ***Section 8. Management Plan and Engagement of Cooperation of Other Agencies*** - The
145 KIGSS-PAMB and KIGSS-PAMO shall craft a management plan for the protection of the
146 KIGSS-MPA within one (1) year from the effectivity of this Act, which shall be reviewed and
147 assessed every three (3) years for possible improvements or amendments, or whenever the need
148 arises. It shall include specific strategies and programs for the preservation and protection of
149 atolls, reefs, and corals within the KIGSS-MPA.

150 The KIGSS-PAMB and KIGSS-PAMO shall engage the cooperation of other Government
151 Agencies in the implementation of their management plan. The Department of Transportation
152 (DOTr), Department of Information and Communications Technology (DICT), Department of
153 Agriculture (DA), and Department of Interior and Local Government (DILG) shall provide
154 assistance in the monitoring of activities within the KIGSS-MPA, which may include, if
155 necessary, the installation of monitoring devices on vessels and establishment of needed
156 facilities within the area.

157

158 ***Section 9. Kalayaan Island Group and Scarborough Shoal Marine Protected Area Joint***
159 ***Oversight Committee*** – to oversee the effective implementation of this Act, a special

160 congressional oversight committee to be known as the **Kalayaan Island Group and**
161 **Scarborough Shoal Marine Protected Area Joint Oversight Committee** (KIGSS-MPA-
162 JOC) composed of the members from the Committees on Natural Resources and Committee
163 on the West Philippine Sea from both upper and lower houses of congress is hereby created.
164 The KIGSS-MPA-JOC, which shall be jointly headed by the Chairpersons of the Committees
165 on Natural Resources from both houses, shall convene biannually, or as often as may be
166 necessary in order to ensure the implementation of this Act.

167 The KIGSS-PAMB and KIGSS-PAMO shall submit an annual report to the KIGSS-MPA-JOC
168 on the status of the KIGSS-MPA and implementation of this Act.

169 **Section 10. Appropriation** – An annual operating budget of at least Ten Million Pesos
170 (Php10,000,000.00) shall be allocated for the implementation of this Act, which shall be
171 sourced from the DENR Biodiversity Management Bureau (BMB) annual appropriations. The
172 annual operation budget for the KIGSS-MPA shall be a separate item from the annual budget
173 proposal of the DENR BMB.

174 **Section 11. Repealing Clause** - All laws, rules, regulations, executive orders, presidential
175 decrees or any other issuance contrary to or inconsistent with any of the provisions of this Act
176 are hereby deemed repealed or modified accordingly.

177 **Section 12. Separability Clause** - If any provision or part of this Act shall be declared
178 unconstitutional, the remaining provisions which are not affected shall remain in full force and
179 effect.

180 **Section 13. Effectivity** - This Act shall take effect fifteen (15) days after its publication in the
181 Official Gazette or in a newspaper of general circulation.

182 *Approved.*

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



HOUSE OF REPRESENTATIVES

Introduced by Representative Rufus B. Rodriguez

House Bill No. 8371

EXPLANATORY NOTE


According to scientific research, the Kalayaan Island Group (KIG) and Scarborough Shoal have diverse marine ecosystem, including coral reefs and different fish species. This measure aims to abide with international law, notably the United Nations Convention on the Law of the Sea, and recognizes their ecological significance.

Hence this bill which designates the three nautical miles in the West Philippine Sea that surround the Kalayaan Island Group (KIG) and Scarborough Shoal as a marine protected area (MPA). This measure intends to safeguard the region's ecological balance and wellbeing and is consistent with existing law, such as the National Integrated Protected Areas System Act.

This bill covers the Kalayaan Island Group and Scarborough Shoal Marine Protected Area (KIGSS-MPA) and defines terms pertaining to its requirements. It prohibits dangerous activities like unsafe fishing methods, toxic waste disposal, and unlawful construction within the KIGSS-MPA. Additionally, it creates a management board and office to monitor the area's protection and management, which calls for the creation of a management plan and coordination with pertinent governmental organizations.

The Kalayaan Island Group and Scarborough Shoal Marine Protected Area Joint Oversight Committee (KIGSS-MPA-JOC) will be established to ensure efficient implementation.

In view of the foregoing, immediate passage of this measure is earnestly sought.


RUFUS B. RODRIGUEZ

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

HOUSE OF REPRESENTATIVES

Introduced by Representative Rufus B. Rodriguez

House Bill No. 8371

AN ACT

DECLARING THE THREE (3) NAUTICAL MILES SURROUNDING THE KALAYAAN ISLAND GROUP AND SCARBOROUGH SHOAL IN THE WEST PHILIPPINE SEA AS MARINE PROTECTED AREA UNDER REPUBLIC ACT NO. 7586 OR THE NATIONAL INTEGRATED PROTECTED AREAS SYSTEM ACT OF 1992, AS AMENDED BY REPUBLIC ACT NO. 11038, OR THE EXPANDED NATIONAL INTEGRATED PROTECTED AREAS SYSTEM ACT OF 2018

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

Section 1. Short Title. - This act shall be known as the "KIG and Scarborough Shoal Marine Protected Area Act."

Section 2. Declaration of Policy – Article II, Section 16 of the 1987 Constitution 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.

Section 3. Definition of Terms – For purposes of this Act, the following terms shall be defined as follows:

- a. **Arbitral Tribunal Ruling** – refers to the July 12, 2016 ruling rendered by the arbitral tribunal of the Permanent Court of Arbitration in The Hague adjudicating the Philippines' case against China in the West Philippine Sea in accordance with the 1982 UNCLOS;
- b. **Atolls** – refers to a reef with or without an island situated on it surrounded by the open sea, that encloses or nearly encloses a lagoon;
- c. **Buffer Zones** - refers to identified areas outside the boundaries of and immediately adjacent to designated protected areas that need special development control in order to avoid or minimize harm to the protected area;
- d. **Kalayaan Island Group** – refers to the group of islands and islets located in the West Philippine Sea including the seabed, sub-soil, continental margin and airspace, declared to be subject to the sovereignty of the Philippines under Presidential Decree No. 1596, and was likewise declared as part of the Regime of Islands by Republic Act No. 9522, or An Act to Define the Baselines of the Territorial Sea of the Philippines;
- e. **Marine Protected Area** - refers to identified portions of water set aside by reason of their unique physical and biological significance, managed to enhance biological diversity and protected against destructive human exploitation;

- f. **National Park** - refers to the lands of the public domain classified as such in the Constitution which include all areas under the NIPAS pursuant to this Act, primarily designated for the conservation of native plants and animals, their associated habitats and cultural diversity;
- g. **Protected Area** - refers to identified portions of land and/or water set aside by reason of their unique physical and biological diversity and protected against destructive human exploitation;
- h. **Reefs** - refers to a mass of rock or coral which either reaches close to the sea surface or is exposed at low tide;
- i. **Scarborough Shoal** - refers to an area located in the West Philippine Sea which was declared part of the Regime of Islands under R.A. No. 9522;
- j. **Strict Protection Zones (SPZs)** - refers to portions within protected areas that are closed to human activities by virtue of their significant biodiversity value, high susceptibility to geo-hazard, and identification as permanently dangerous. These areas may also include habitats of threatened species, or degraded areas that are designated for restoration and subsequent protection, regardless of their stages of regeneration;
- k. **UNCLOS** – refers to the 1982 United Nations Convention on the Law of the Seas;
- l. **West Philippine Sea** – refers to the maritime areas on the western side of the Philippine archipelago within the Exclusive Economic Zones (EEZ) over which the Philippines exercises sovereign jurisdiction including the Luzon Sea as well as the waters around, within and adjacent to the Kalayaan Island Group and Bajo De Masinloc, also known as Scarborough Shoal.

Section 4. Scope – The area covered by the Kalayaan Island Group and Scarborough Shoal Marine Protected Area (KIGSS-MPA) subject of this Act shall be all the areas within three (3) nautical miles from the baselines surrounding the KIG and Scarborough Shoal as established by R.A. No. 9522.

Section 5. Declaration of Protected Area and Strict Protection Zone – It is hereby declared that the area covering the KIGSS-MPA as specifically identified in the preceding section is hereby declared as a protected area and shall enjoy the benefits and protection afforded by R.A. No. 7586, as amended: Provided, That the Secretary of the Department of Environment and Natural Resources (DENR Secretary), upon the recommendation of the Protected Area Management Board (PAMB), shall designate Strict Protection Zones (SPZs) within the KIGSS-MPA in areas with significant biodiversity values or habitats of threatened species, based on a comprehensive biodiversity inventory and assessments: Provided, further, That any and all international treaties or rulings, Philippine laws, rules, and regulations involving the protection, conservation of KIGSS-MPA shall be strictly observed and implemented.

The DENR Secretary, also upon recommendation of the PAMB, may designate areas surrounding the KIGSS-MPA as Buffer Zones for the purpose of providing extra layer of protection where restrictions may be applied.

Section 6. Prohibited Acts – The following are the prohibited acts within the KIGSS-MPA:

- a. Using of any fishing or harvesting gear and practices or any of their variations that destroys coral reefs, seagrass beds or other marine

- life: Provided, that mere possession of such gears within the protected areas shall be prima facie evidence of their use;
- b. Dumping, throwing, using, or causing to be dumped into or placed in the protected area of any toxic chemical, noxious or poisonous substance or nonbiodegradable material, intreated sewage or animal waste or products whether in liquid, solid, or gas state, including pesticides and other hazardous substances as defined under Republic Act No. 6969 or the Toxic Substances and Hazardous and Nuclear Waste Control Act of 1990 detrimental to the protected area, or the living things inhabiting in within the protected area;
 - c. Littering or depositing refuse or debris within the protected area;
 - d. Possessing or using blasting caps or explosives anywhere within the protected area;
 - e. Undertaking mineral exploration or extraction within the protected area;
 - f. Establishing or introducing exotic species including genetically modified organisms or invasive alien species within the protected area;
 - g. Constructing, installing, erecting, or maintaining any kind of structure, fence, or enclosure whether temporary or permanent, within the protected area: Provided, that structures and projects for biosphere development shall be allowed: Provided, further, that such activities shall be with prior coordination with DENR through the PAMB;
 - h. Any other act that will tend to or actually result in the disturbance, killing, destruction, endangerment, devastation, or annihilation of the natural flora and fauna found within the protected area.

Any violation of this Act shall be prosecuted pursuant to R.A. No. 7586, as amended, any existing environmental law, rule, or regulation.

Section 7. Creation of the Kalayaan Island Group and Scarborough Shoal Protected Area Management Board and Protected Area Management Office – The Kalayaan Island Group and Scarborough Shoal Protected Area Management Board (KIGGS-PAMB) and the Kalayaan Island Group and Scarborough Shoal Protected Area Management Office (KIGSS-PAMO) are hereby created with the same composition, powers and functions as defined in Sections 9 and 10 of RA 7586, as amended: Provided, That the Palawan Council for Sustainable Development, which was created pursuant to Republic Act No. 7611, or the Strategic Environmental Plan (SEP) for Palawan Act, shall be included as a member in the KIGSS-PAMB.

Section 8. Management Plan and Engagement of Cooperation of Other Agencies - The KIGSS-PAMB and KIGSS-PAMO shall craft a management plan for the protection of the KIGSS-MPA within one (1) year from the effectivity of this Act, which shall be reviewed and assessed every three (3) years for possible improvements or amendments, or whenever the need arises. It shall include specific strategies and programs for the preservation and protection of atolls, reefs, and corals within the KIGSS-MPA.

The KIGSS-PAMB and KIGSS-PAMO shall engage the cooperation of other Government Agencies in the implementation of their management plan. The Department of Transportation (DOTr), Department of Information and Communications Technology (DICT), Department of Agriculture (DA), and Department of Interior and Local Government (DILG) shall provide assistance in the monitoring of activities within the KIGSS-MPA, which may include, if necessary, the installation of monitoring devices on vessels and establishment of needed facilities within the area.

Section 9. Kalayaan Island Group and Scarborough Shoal Marine Protected Area Joint Oversight Committee – to oversee the effective implementation of this Act, a special congressional oversight committee to be known as the Kalayaan Island Group and Scarborough Shoal Marine Protected Area Joint Oversight Committee (KIGSS-MPA-JOC) composed of the members from the Committees on Natural Resources and Committee on the West Philippine Sea from both upper and lower houses of congress is hereby created. The KIGSS-MPA-JOC, which shall be jointly headed by the Chairpersons of the Committees on Natural Resources from both houses, shall convene biannually, or as often as may be necessary in order to ensure the implementation of this Act.

The KIGSS-PAMB and KIGSS-PAMO shall submit an annual report to the KIGSS-MPA-JOC on the status of the KIGSS-MPA and implementation of this Act.

Section 10. Appropriation – An annual operating budget of at least Ten Million Pesos (Php10,000,000.00) shall be allocated for the implementation of this Act, which shall be sourced from the DENR Biodiversity Management Bureau (BMB) annual appropriations. The annual operation budget for the KIGSS-MPA shall be a separate item from the annual budget proposal of the DENR BMB.

Section 11. Repealing Clause - All laws, rules, regulations, executive orders, presidential decrees or any other issuance contrary to or inconsistent with any of the provisions of this Act are hereby deemed repealed or modified accordingly.

Section 12. Separability Clause - If any provision or part of this Act shall be declared unconstitutional, the remaining provisions which are not affected shall remain in full force and effect.

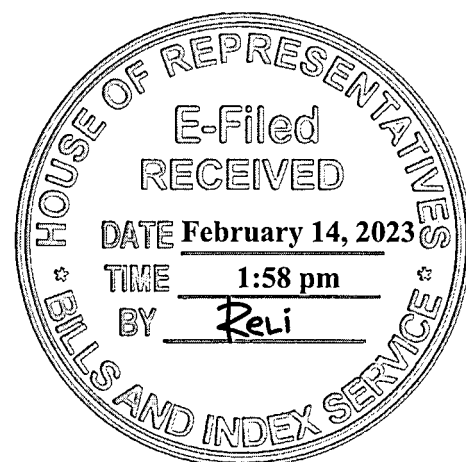
Section 13. Effectivity - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

NINETEENTH CONGRESS
First Regular Session

House Resolution No. 778



Introduced by Representative Richard I. Gomez

A RESOLUTION URGING THE HOUSE COMMITTEE ON NATURAL RESOURCES TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, INTO THE GAPS AND INCONSISTENCIES OF LAND USE AND ENVIRONMENTAL MANAGEMENT LAWS AND SUBSEQUENT MISUSE AND ABUSE, LEADING TO GROSS SOIL, WATER AND AIR POLLUTION IN FORESTLANDS, WATERSHED AND BUFFER ZONES IN THE MUNICIPALITY OF PALOMPON, PROVINCE OF LEYTE

WHEREAS, on January 29, 1988, President Corazon C. Aquino signed Proclamation No. 212, Establishing as Palompon Watershed Forest Reserve (PWFR) a Parcel of Land of the Public Domain Situated in the Municipalities of Palompon and Villaba, Province of Leyte, Philippines," which identified an area of 2,392 hectares, more or less, as a watershed forest reservation, to be administered and managed by the Department of Environment and Natural Resources, through the Forest Management Bureau, with the objective of maintaining its usefulness as a source of water for domestic use, agriculture and other forestry purposes;

WHEREAS, out of the total 2,392 hectares declared as PWFR, more or less 80% of the area is classified as Alienable and Disposable, and the balance is classified as Forestland and the PWFR provides the water needs of the Water Administration Services of Hinablayan, a public utility of Palompon that supplies the potable water of residents in more than 30 barangays, domestic water needs of the lowlands areas and other agricultural farms including that of the Mataka Irrigators Association and Agbanga Irrigators Association members and other farmers, for most of the major rivers and 43 natural springs in Palompon are within the PWFR;

WHEREAS, by virtue of Proclamation No 212, the land area identified as PWFR, is automatically considered an initial component of the National Integrated Protected Areas System (NIPAS), pursuant to R.A. 7586, as amended by R.A. 11038, which after specified studies and actions by the Department of Environment and Natural Resources may qualify for declaration as a protected area through an act of Congress;

WHEREAS, the land area identified as PWFR is not wholly public domain, and some portions were issued land titles, whether transfer certificate of title (TCT) or certificate of land ownership (CLOA) and tax declarations as well, as reflected in the cadastral map;

WHEREAS, Sections 16 and 37 of PD 705 provide that “forest lands where headwaters emanate” are areas needed for forest purposes and that “all measures shall be taken to protect the forest resources from destruction, impairment, and depletion and to sustain their capacity to serve as sources of water and maintain their natural functions;

WHEREAS, Section 6 of Commonwealth Act No. 141 of 1936, states that, “The President, upon the recommendation of the Secretary of Agriculture and Commerce, shall from time to time classify the lands of the public domain into — (a) Alienable or disposable; (b) Timber, and (c) Mineral lands, and may at any time and in a like manner transfer such lands from one class to another, for the purposes of their administration and disposition;”

WHEREAS, in May 2018, certain portions of the same land area identified as PWFR, including forest lands of the public domain located in Barangays San Joaquin and Cambacbac, their surrounding buffer zone areas, and lands distributed to agrarian reform beneficiaries pursuant to Republic Act No. 6657, were re-zoned as “agro-industrial”, though the color code consistently indicated it as “industrial,” as provided for in the comprehensive land use plan (CLUP) and its implementing instrument, the zoning ordinance (ZO) of the Municipality of Palompon covering the period 2018-2027;

WHEREAS, the preceding action violated the following laws and regulations:

- (a) Section 6 of Commonwealth Act No. 141 of 1936,
- (b) Sections 69, 71, 74, and 75 of Presidential Decree No 705 or the Revised Forestry Code of the Philippines,
- (c) Section 20 of Republic Act No 7586 as amended by Republic Act No 11038
- (d) Section 20, (a) and (c) of Republic Act No. 7160 or the Local Government Code of 1991,
- (e) DENR-DILG Joint Memorandum Circular 98-01, DENR-DILG Joint Memorandum Circular 2003-01,
- (f) DAO 2019-05, DENR Administrative Order No. 2013-21, DAO 2004-28,
- (g) Land re-classification and re-zoning of the protected area and forestlands without the duly legitimized and approved Forest Land Use Plan (FLUP) pursuant to Section 2.6.6 Executive Order No. 318 s., 2004 “Promoting Sustainable Forest Management in the Philippines,”
- (h) Section 27 (a) of Republic Act 9275, or the Clean Water Act,
- (i) Republic Act 8749, or the Clean Air Act,
- (j) Republic Act 9003, or the Ecological Solid Waste Management Act;

WHEREAS, in the same CLUP, the PWFR was not presented explicitly in any map, but the incorrectly-plotted shape and coverage as shown in the “Surface Drainage Map

(2017),” purportedly using data from the DENR and National Mapping and Resource Information Authority (NAMRIA) was instead made available to falsely illustrate the location and extent of the watershed forest reserve of Palompon, conveniently omitting the Barangays in the adjacent town of Matag-ob and Villaba, and the upland barangays of Mabini, Santiago, San Joaquin and Cambacbac;

WHEREAS, on August 29, 2018, the Office of the Municipal Planning and Development Coordinator of Palompon, issued a Locational Clearance to Lourdes A. Oñate, spouse of incumbent Mayor Ramon Oñate, and both owners of DBSN Farms Agriventures Corporation, for the construction of a large-scale 98,000-breeder hen farm on Lot No. 5143, in Barangay San Joaquin, a parcel of land located immediately adjacent to the PWFR and inside the newly reclassified “agro-industrial / industrial” zone;

WHEREAS, on October 17, 2018, Lot No. 5143, a parcel of land with an area of approximately 19.69 hectares, with a Certificate of Land Ownership under R.A. No. 6657, was acquired by DBSN Farms Agriventures Corporation, or DBSN Farms, through the issuance of Transfer Certificate of Title No. 115-2018002932;

WHEREAS, on July 19, 2018, just about two months after CLUP and ZO of Palompon were approved, the DENR Region VIII issued an Environmental Compliance Certificate (ECC) (ECC-OL-R08-2018-0098) to Ms. Lourdes A. Oñate of DBSN Farms;

WHEREAS, in 2020, some concerned residents of Albuera and Palompon, and later on joined by more than a hundred local residents of Barangay San Joaquin, filed a formal complaint against DBSN Farms, a sub-contractor of San Miguel Corporation, through ENVI Case No. R-PAL-20-0001-ENVI in Regional Trial Court No. 17, for illegally and indiscriminately dumping chicken sludge, infectious wastes, and sewage wastes allegedly from the dressing plant of DBSN Farms, located in Antipolo, Albuera and unlawfully transported to and buried in San Joaquin, particularly in the land adjacent to the breeding farm, that is, Lot No. 5150, classified as forestland area and located within the PWFR;

WHEREAS, the DBSN Farms-owned dressing plant started its operations sometime in 2015, and local residents of Antipolo, Albuera complained against the pollutive practices of the corporation, with several letters sent to and have been received by the Environmental Management Bureau (EMB) Regional Office VIII alleging that the dressing plant of DBSN Farms has been dumping wastes into their drainage canal, that offensive odor is emitted and the wastewater was discharged to the nearby river and into the sea waters;

WHEREAS, the DENR EMB VIII issued three (3) Notices of Violations (NOV) against DBSN, dated May 15, 2017, July 2, 2018, and July 14, 2020, respectively, for failing to comply with DENR standards pursuant to RA 9275 and RA 8749;

WHEREAS, on August 30, 2022, DBSN Farms was issued two (2) NOVs, by DENR VIII, containing a total of seven (7) violations including non-submission of compliance-monitoring reports for three (3) semesters, (b) failure to secure DENR I.D. as Hazardous Waste Generator and Wastewater Discharge Permit, among others;

WHEREAS, in January 2023, DENR VIII, issued a decision pertaining to the said seven (7) violations of DBSN Farms, which despite findings of hazardous waste and wastewater discharge within the PWFR and along its buffer zone, the report simply reiterated the violations and imposed a fine of eighty-five thousand pesos (**PHP 85,000.00**) for all seven violations;

WHEREAS, also on August 30, 2022, DBSN Farms was issued another notice of violation by the DENR Pollution Adjudication Board (PAB) pertaining to the operation of its facility without the required discharge permit resulting in water pollution since April 8, 2022;

WHEREAS, also in January 2023, DENR PAB issued a ruling that DBSN Farms indeed violated Section 27 (c) of Republic Act 9275 or “Philippine Clean Water Act of 2004,” and in fact, cited the penalty for such violation as “not less than Ten Thousand Pesos (Php 10,000.00) but not more than Two Hundred Thousand Pesos (Php 200,000.00) per day of violation, as stated in Section 28 of R.A. 9275;

WHEREAS, despite the gross finding in the same report, DENR PAB Order significantly departed from the administrative fines and penalties for polluters provided in Section 28 of R.A. 9275, and imposed an incongruously low fine of twenty-three thousand five hundred seventy-nine pesos and forty-eight centavos (**PHP 23,579.48**), which is the adjusted amount charged “to pay a discharge permit annually,” for every year of violation, which brought the effective and measly fine of roughly ninety pesos (**PHP 90.00**) per day of violation;

WHEREAS, on January 17, 2023, the National Bureau of Investigation (NBI) Environmental Crime Division and the DENR VIII Enforcement Division conducted an investigation of the operation of Zachary Farm, a poultry farm located in Lot No. 6580 in Barangay Lat-osan, Palompon, Province of Leyte, which was issued with Tax Declaration No. 08-31026-00161 R13 and was granted an agricultural free patent on September 14, 2005, by the Provincial Environment and Natural Resources Office (PENRO) Leyte and, barely four (4) days thereafter, was registered, approved and issued with Original Certificate of Title No. P-50882 on September 19, 2005, in the name of spouses incumbent Mayor Ramon Oñate and Lourdes A. Oñate, resulting in the arrest of seven (7) individuals for illegal occupation inside Palompon Forestland;

WHEREAS, Lot No. 6580, with an area of 3.451 hectares, is located inside the Palompon Forestlands, as shown in the Land Classification Map 647, part of public domain, and hence, the issuance of Original Certificate of Title (OCT) is illegal, void *ab initio*, and consequently, the construction of structures, occupation, and operation of a poultry farm are all likewise illegal, pursuant to Section 69 of P.D. 705, the Forestry Reform Code of the Philippines;

WHEREAS, Section 69 of P.D. 705 further states that, “ xxx In case the offender is a government official or employee, he shall, in addition to the above penalties, be deemed

automatically dismissed from office and permanently disqualified from holding any elective or appointive position;”

WHEREAS, the OCT for Lot No. 6580 bears a series of entries in the “Memorandum of Encumbrances” portion, noting an increasing trend of mortgage loan amounts from the Land Bank of the Philippines, as follows:

- (a) PHP 5,500,000.00 (2006), increased to
- (b) PHP 6,000,000.00 (2008), increased to
- (c) PHP 6,900,000.00 (2011) increased to
- (d) PHP 11,000,000.00 (2013) increased to
- (e) PHP 15,000,000.00 (May 2014) increased to
- (f) PHP 28,000,000.00 (June 2014), and finally increased to
- (g) PHP 50,000,000.00 (April 2019);

WHEREAS, Zachary Farm, a contract poultry grower of San Miguel Corporation, was issued an Environmental Compliance Certificate No. 08-010725-0155 on August 16, 2001 with a capacity of 20,000 chicken heads, which was amended to 50,000 heads in July 2005, further amended in March 2014 to 90,000 heads, and finally amended to transfer name from Lourdes A. Oñate to her own sibling, Zacarias A. Astillero Jr.;

WHEREAS, on January 18, 2023, DENR VIII certified that no Forest Landuse Agreement (FLaG) nor a Special Land Use Permit (SLUP) or any form of tenurial instruments was issued to Zachary Farm, located in Barangay Lat-osan, Palompon, Leyte;

WHEREAS, in the DENR EMB VIII Validation/Inspection Report dated January 23, 2023, indicated the following in its remarks, as follows:

“IV. Remarks

33. Upon perusal of the available Office records, the project had not applied for a wastewater discharge permit for its project operation but applied for a Permit to Operate Air Pollution Source and Control Installation on 06 September 2021, however the application was reverted to the project proponent for further action but was not complied with hence, the non-issuance of the valid permit to operate.

34. The poultry project has failed to register online for a DENR ID as a Hazardous Waste Generator for its used engine oil, oil-contaminated materials, busted bulbs, used batteries, containers previously containing toxic chemical substances, and waste electrical and electronic equipment (WEEE), which is a patent violation of RA 6969's Implementing Rules and Regulations.

35. The project personnel have yet to provide proof of compliance with ECC pre-operation condition no. 1. In relation to pre-operation condition number 2, a zoning map was presented in support of classification that the project site is an Agro-Industrial Area, proof of ownership in the form of an Original Certificate of Title issued by the Land Registration Authority on September 14, 2005 was likewise presented. xxx;”

WHEREAS, instead of issuing a cease-and-desist order (CDO), despite the gravity and glaring environmental violations committed by the farm operator, the same DENR EMB VIII Validation/Inspection Report, resorted to mere issuances of nine (9) notices of violation (NOV) indicated in its recommendations, with the following highlights:

- (a) Issuance of NOV for discharging water pollutants without the required wastewater discharge permit since July 2005,
- (b) Issuance of NOV for discharging untreated or partially treated wastewater into the nearby water bodies,
- (c) Issuance of NOV for the installation of a wastewater treatment facility without the required permit to operate the same;

WHEREAS, Section 8 of PAB Resolution No. 04, Series of 2021 states that “Where there is prima facie evidence that the emission or discharge of pollutants constitutes an immediate threat to life, public health, safety or welfare, or to animal or plant life, or greatly exceeds the allowable DENR Standards ... the Regional Director may immediately issue an Interim CDO pursuant to the provisions of the applicable law, which shall be effective for a period not longer than seven (7) days. The Interim CDO shall in all respect be considered as a regular CDO if it is subsequently confirmed by the Board or the Secretary, as the case may be...and pursuant to RA 9275 the PAB may, among others, recommend to the Secretary or its duly authorized representative the issuance of CDO for acts of omission prohibited under Section 27, or even the closure or cessation of operations...or filing of criminal charges for violations of acts prohibited by Section 28...or, revoke or suspend a discharge permit, or determine liability for clean up;”

NOW THEREFORE BE IT RESOLVED, by the House of Representatives through the Committee on Natural Resources to conduct an inquiry, in aid of legislation, into the gaps, and inconsistencies of land use and environmental management laws and subsequent misuse and abuse, leading to gross soil, water, and air pollution and causing grave environmental damage in the forestland, watershed, and buffer zones in the Municipality of Palompon and certain areas in the Municipality of Albueria, Province of Leyte, thus impairing the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature as enshrined in Article II of the Philippines Constitution.

Adopted,


RICHARD I. GOMEZ, DPA