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MEMORANDUM

FOR : **The Undersecretaries**
Chief of Staff and Strategic Communications
Finance, Information Systems and Climate Change
Policy, Planning and International Affairs
Legal and Administration
Field Operations – Luzon, Visayas and Environment
Field Operations – Mindanao
Organizational Transformation and Human Resources

The Administrator
National Mapping and Resource Information Authority

The Assistant Secretary
Legal Affairs

The Directors
Legal Affairs Service
Policy and Planning Service

The Executive Director
Manila Bay Coordinating Office

The Bureau Directors
Environmental Management Bureau
Biodiversity Management Bureau
Land Management Bureau
Ecosystems Research and Development Bureau

The Regional Executive Directors
National Capital Region
Region IV-A

The Officer-in-Charge
Mines and Geosciences Bureau

The Regional Directors
Environmental Management Bureau National Capital Region
Environmental Management Bureau Region IV-A

FROM : **The Undersecretary**
Special Concerns and Legislative Affairs

SUBJECT : **INVITATION FROM THE SENATE COMMITTEE ON ENVIRONMENT, NATURAL RESOURCES AND CLIMATE CHANGE RE: CONTINUATION OF THE PUBLIC HEARING ON SENATE RESOLUTIONS ON RECLAMATION PROJECTS**

DATE : 17 OCT 2023

In reference to the invitation received by our Office on 16 October 2023, the Senate Committee on Environment, Natural Resources and Climate Change, chaired by Sen. Cynthia A. Villar, will continue its public hearing on the following Senate Resolutions:

- **PROPOSED SENATE RESOLUTION NO. 300** – Resolution Directing the Appropriate Senate committee to Conduct an inquiry, in Aid of Legislation, into the Reported Large-Scale Land Reclamation Projects Being Undertaken on a Nationwide Scale in the Philippines that Threaten Coastal and Marine Ecosystems Around the Country (Introduced by Senator Risa Hontiveros); and
- **PROPOSED SENATE RESOLUTION NO. 759** – Resolution Directing the Appropriate Senate Committee to Conduct an Inquiry, in Aid of Legislation, on the Ongoing and Proposed Reclamation Projects in Manila Bay and Their Latent Effects in the Environment, and on the Evaluation Process Conducted by the Philippine Reclamation Authority in the Approval of the Reclamation Projects (Introduced by Senator Aquilino “Koko” Pimentel III)

This shall be held on **Tuesday, October 24, 2023, 10:00 a.m. at the Senators Claro M. Recto and Jose P. Laurel Rooms, 2nd Floor, Senate of the Philippines.**

In this regard, we would like to invite you or your representative/s **as resource persons to the public hearing, as requested by the Committee.** Attached herewith are the Letter Invitation for your reference. Further, the copies of the Senate Resolutions may be accessed through this link: <https://tinyurl.com/37c5exxw>.


IGNATIUS LOYOLA A. RODRIGUEZ



Republic of the Philippines
SENATE

**COMMITTEE ON ENVIRONMENT, NATURAL RESOURCES
AND CLIMATE CHANGE**

October 16, 2023

HON. MARIA ANTONIA YULO LOYZAGA

Secretary
Department of Environment and Natural Resources
DENR Bldg. Visayas Avenue, Diliman,
Quezon City, Metro Manila
1100, Philippines

Dear **Secretary Loyzaga:**

The Senate Committee on Environment, Natural Resources and Climate Change would like to invite you again as a resource person to its public hearing on **Tuesday, October 24, 2023, 10:00 a.m. at the Senators Claro M. Recto and Jose P. Laurel Rooms**. The Committee will resume its deliberations on the following proposed Senate resolutions:

- **PROPOSED SENATE RESOLUTION NO. 300** – Resolution Directing the Appropriate Senate committee to Conduct an inquiry, in Aid of Legislation, into the Reported Large-Scale Land Reclamation Projects Being Undertaken on a Nationwide Scale in the Philippines that Threaten Coastal and Marine Ecosystems Around the Country (*Introduced by Senator Risa Hontiveros*); and
- **PROPOSED SENATE RESOLUTION NO. 759** – Resolution Directing the Appropriate Senate Committee to Conduct an Inquiry, in Aid of Legislation, on the Ongoing and Proposed Reclamation Projects in Manila Bay and Their Latent Effects in the Environment, and on the Evaluation Process Conducted by the Philippine Reclamation Authority in the Approval of the Reclamation Projects (*Introduced by Senator Aquilino "Koko" Pimentel III*)

May we again request your office to provide the undersigned the names of your staff who will accompany you to the aforementioned public hearing. The undersigned is required to submit the names of the resource persons who will physically attend the public hearing to the Office of the Senate Sergeant-at-Arms at least a day before the scheduled hearing. Those who are not on the list will be denied entry in the Senate building.

Should you have queries or concerns, and for the submission of your presentations and position paper, kindly coordinate with the undersigned at 0945-750-5319 (Globe/viber), senateenviandnatres@gmail.com or at mcrmendoza@yahoo.com,

LEGISLATIVE COMMITTEE SUPPORT SERVICE FOR GOVERNANCE AND LEGAL CONCERNS

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The Committee again earnestly request your personal presence in the public hearing.
Thank you.

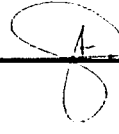
Sincerely,

**FOR THE CHAIRPERSON:
SEN. CYNTHIA A. VILLAR**

by: 
MARIA CLARINDA R. MENDOZA
Committee Secretary

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SENATE
P.S. Res. No. 300



INTRODUCED BY SENATOR RISA HONTIVEROS

RESOLUTION

DIRECTING THE APPROPRIATE SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, INTO THE REPORTED LARGE-SCALE LAND RECLAMATION PROJECTS BEING UNDERTAKEN ON A NATIONWIDE SCALE IN THE PHILIPPINES THAT THREATEN COASTAL AND MARINE ECOSYSTEMS AROUND THE COUNTRY

WHEREAS, Section 16, Article II of the Constitution mandates 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, in the landmark case of *Oposa v. Factoran*¹, the Supreme Court expounded that "rhythm and harmony of nature" alluded to in the Constitution necessarily entail "judicious disposition, utilization, management, renewal and conservation of the country's forest, mineral, land, waters, fisheries, wildlife, off-shore areas and other natural resources to the end that their exploration, development and utilization be equitably accessible to the present as well as future generations;"

WHEREAS, Title XIV, Book IV of the Administrative Code of 1987, specifically provides that the Department of Environment and Natural Resources "shall be the primary government agency responsible for the conservation, management, development and proper use of the country's environment and natural resources, specifically forest and grazing lands, mineral, resources, including those in reservation and watershed areas, and lands of the public domain, as well as the licensing and regulation of all natural resources as may be provided for by law in order to ensure equitable sharing of the benefits derived therefrom for the welfare of the present and future generations of Filipinos;"

WHEREAS, Presidential Decree No. 1084 or the Charter of Public Estates Authority, now called Philippine Reclamation Authority (PRA), declares that the State shall "provide for a coordinated, economical and efficient reclamation of lands, and the administration and operation of lands belonging to, managed and/or operated by the Government, with the object of maximizing their utilization and hastening their development consistent with the public interest." PRA is created "to reclaim land, including foreshore and submerged areas, by dredging, filling or other means, to acquire reclaimed land";

¹ G.R. No.101083, 30 July 1993

WHEREAS, under Section 17 of the Local Government Code (LGC), local government units shall endeavor to be self-reliant and shall continue exercising the powers and discharging the duties and functions currently vested upon them, devolved to them, and such other functions and responsibilities as are necessary, appropriate, or incidental to efficient and effective provisions of the basic services and facilities, including reclamation projects;

WHEREAS, Sections 26 of the LGC mandates that it shall be the duty of every national agency authorizing or involved in the planning and implementation of any project or program that may cause pollution, climatic change, depletion of non-renewable resources, loss of crop land, rangeland, or forest cover, and extinction of animal or plant species, to consult with the local government units, non-governmental organizations, and other sectors concerned and explain the goals and objectives of the project or program, its impact upon the people and the community in terms of environmental or ecological balance, and the measures that will be undertaken to prevent or minimize the adverse effects thereof;

WHEREAS, Section 27 of the LGC further states that no project or program shall be implemented by government authorities unless the consultations are complied with, and prior approval of the *Sanggunian* concerned is obtained: Provided, that occupants in areas where such projects are to be implemented shall not be evicted unless appropriate relocation sites have been provided, in accordance with the provisions of the Constitution;

WHEREAS, for 2021 alone, there are several ongoing reclamation projects in various stages of development

WHEREAS, the Philippines is the center of marine biodiversity as it is found at the apex of the Coral Triangle -- a reputation that may soon be lost with the wholesale approval of large-scale reclamation projects as massive projects in the past have destroyed thousands of hectares of mangroves, seagrasses and coral reefs and irreversibly destroyed fishing grounds, thereby displacing hundreds of thousands of fisherfolks and their families;

WHEREAS, according to the position paper submitted by the non-profit ocean conservation organization Oceana and signed by at least 80 other environmental protection advocacy groups, reclamation projects "hide behind the promise of economic progress and infrastructure development at the expense of the environment, as well as the socio-economic welfare and livelihoods of many marginalized Filipinos, especially our fisherfolk";

WHEREAS, as early as 2014, scientist Dr. Giovanni Tapang was quoted in a Rappler article saying that the reclamation of more than 38,000 hectares covered by the National Reclamation Plan (26,232 of which are along the coast of Manila Bay) will translate to a loss of the same amount of sea grass, the spawning ground, and habitat of aquatic life, leading to an annual loss of 4-7 billion invertebrates and 3-78 trillion fish;²

WHEREAS, there is a growing body of evidence of the harmful effects and negative impacts that reclamation projects can have on not only the environment but

² Ranada, P. (3 March 2014). 'Abolish the PH Reclamation Authority'. Retrieved 1 December 2021, from <https://r3.rappler.com/nation/52033-abolish-ph-reclamation-authority>

also the affected communities and surrounding ecosystem. Yet the government is insistent on its widespread implementation under the promise of economic development;

WHEREAS, the widespread approval of reclamation projects is altogether alarming for our and future generations of Filipinos and the government should consider imposing a moratorium on the continuing approval of such projects, both large and small;

WHEREAS, there is a need to strictly implement our environmental laws to ensure that only those projects who are fully compliant with its environmental provisions and prepared to address its harmful impacts will be the only ones to be approved in order to enforce a more stringent application process;

WHEREAS, by local government units in approving these reclamation projects and determine their compliance with existing environmental laws and regulations;

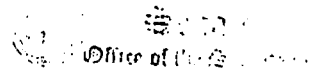
WHEREAS, there is also a need to review and strengthen our environmental laws to address any gaps they may have that enables the apparent unencumbered approval of reclamation projects in the Philippines;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE, to direct the appropriate Senate committee to conduct an inquiry, in aid of legislation, into the reported large-scale land reclamation projects being undertaken on a nationwide scale in the Philippines, thereby threatening coastal and marine ecosystems around the country.

Adopted,


RISA HONTIVEROS
Senator

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



23 AUG 24 P12:23

SENATE
Proposed Senate Resolution No. 759

RECEIVED BY: _____

Introduced by Senator Aquilino "Koko" Pimentel III

**A RESOLUTION
DIRECTING THE APPROPRIATE SENATE COMMITTEE TO
CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE
ONGOING AND PROPOSED RECLAMATION PROJECTS IN
MANILA BAY AND THEIR LATENT EFFECTS IN THE
ENVIRONMENT, AND ON THE EVALUATION PROCESS
CONDUCTED BY THE PHILIPPINE RECLAMATION
AUTHORITY IN THE APPROVAL OF THE RECLAMATION
PROJECTS**

1 **WHEREAS**, the prime duty of the Government is to serve and
2 protect the people¹. In addition, the State shall protect and advance the
3 right of the people to a balanced and healthful ecology in accord with
4 the rhythm and harmony of nature²;

5

6 **WHEREAS**, pursuant to this duty, any project which may
7 introduce damage to a balanced and healthful ecology must be
8 thoroughly reviewed;

9

¹ Article II Section 4. 1987 Constitution

² Article II Section 16. 1987 Constitution

1 **WHEREAS**, there are a total number of twenty-two (22)
2 approved reclamation projects nationwide with thirteen (13) of them in
3 Manila Bay³;

4
5 **WHEREAS**, the United States Embassy in the Philippines raised
6 concerns that some of those involved in the reclamation projects have
7 ties to a firm, which was cited by the World Bank and the Asian
8 Development Bank for engaging in fraudulent business practices.⁴;

9
10 **WHEREAS**, while land reclamation may provide prospective
11 economic benefits, it also poses environmental concerns, such as the
12 change of coastal processes and the potential implications on water
13 quality and marine species;

14
15 **WHEREAS**, fishers' and scientists' groups allege that the
16 Philippine Reclamation Authority should not downplay the impacts of
17 reclamation projects on coastal ecosystems and communities, stressing
18 that the environmental and socio-economic costs of dump-and-fill
19 activities are significant. "The issue is not only about the total size of
20 the entire reclamation projects in Manila Bay, but the ongoing and
21 long-term impacts to the livelihood of fisherfolk, marine biodiversity,
22 and local fisheries production," quoting PAMALAKAYA vice
23 chairperson Ronnel Arambulo⁵;

24
25 **WHEREAS**, it is provided under Executive Order No. 74, s.
26 2019 that no reclamation project shall be approved by the Philippine
27 Reclamation Authority without the required Area Clearance and
28 Environmental Compliance Certificate to be issued by the DENR.
29 Moreover, Philippine Reclamation Authority shall evaluate all
30 proposals for reclamation projects based on their cumulative impacts
31 rather than on a specific project basis;

32

³ Gaea Katreena Cabico. *Only 13 reclamation projects OKd in Manila Bay — PRA*. Philstar.com. August 14, 2023. <<https://www.philstar.com/headlines/climate-and-environment/2023/08/14/2288634/only-13-reclamation-projects-okd-manila-bay-pra>>

⁴ Filane Mikee Cervantes. *House probe sought into Manila Bay reclamation*. Philippine News Agency. August 8, 2023. <<https://www.pna.gov.ph/articles/1207381>>

⁵ *Ibid.*

1 **WHEREAS**, on 07 August 2023, President Ferdinand Marcos,
2 Jr. said that all of the reclamation projects have been suspended and
3 under review, except for one which pushed through because it has
4 already been reviewed⁶;

5
6 **WHEREAS**, although these reclamation projects have been
7 suspended pending review, much environmental damage has been done
8 with the completion of these projects remaining contingent on the
9 results of the review ordered by the President.

10
11 **WHEREAS**, in order to avert the approval of the administration
12 and operation of reclamation projects which are non-compliant with the
13 environmental standards, there is a necessity to call for the review of
14 the evaluation process conducted by the Philippine Reclamation
15 Authority as well as the entire approval process for reclamation
16 projects.

17
18 **NOW, THEREFORE, BE IT RESOLVED** as it is hereby
19 resolved, to direct the appropriate Senate Committee to conduct an
20 inquiry, in aid of legislation, on the ongoing and proposed reclamation
21 projects in Manila Bay and their latent effects on the environment, and
22 on the evaluation process conducted by the Philippine Reclamation
23 Authority and/or other government agencies in the approval of the
24 reclamation projects.

Adopted,


AQUILINO "KOKO" PIMENTEL III

⁶ Jocelyn Montemayor. *PBBM suspends Manila Bay reclamation projects*. Malaya Business Insight. August 10, 2023. <https://malaya.com.ph/news_news/pbbm-suspends-manila-bay-reclamation-projects/>