

FIFTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Third Regular Session)

S E N A T E

Senate Resolution No. 894

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Introduced by Senator Loren Legarda

RESOLUTION

DIRECTING THE SENATE COMMITTEE ON FOREIGN RELATIONS AND THE COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES TO CONDUCT A JOINT INQUIRY, IN AID OF LEGISLATION, ON THE REPORTED DUMPING OF TOXIC WASTE IN PHILIPPINE WATERS BY A FOREIGN FIRM AND ITS ALLEGED CLAIM OF COVERAGE UNDER THE VISITING FORCES AGREEMENT WITH THE UNITED STATES TO AVOID INVESTIGATION AND POSSIBLE CRIMINAL LIABILITY, WITH THE END VIEW OF ENSURING THAT IMPLEMENTATION OF PHILIPPINE TREATIES AND AGREEMENTS WITH OTHER COUNTRIES WILL CONTINUE TO SERVE THE PARAMOUNT OBJECTIVE OF PROTECTING THE NATIONAL INTEREST

WHEREAS, Article II, Section 16 of the Constitution provides that the State shall protect and advance the right of the people to a balanced and healthful ecology;

WHEREAS, Section 27 of Republic Act 9275, otherwise known as the Philippine Clean Water Act of 2004, prohibits the unauthorized transport or dumping into sea waters of sewage sludge or solid waste as defined under RA 9003 or Ecological Solid Waste Management Act of 2000 and of the transport, dumping or discharge of prohibited chemicals, substances or pollutants listed under RA 6969 or the Toxic Substances and Hazardous and Nuclear Wastes Control Act of 1990;

WHEREAS, the same law provides that the Department of Environment and Natural Resources shall require owners or operators of facilities that discharge regulated effluents to secure a permit to discharge which shall serve as legal authorization granted by the Department to discharge wastewater provided it shall contain information, among others, the quantity and quality of effluent to be discharged into a particular water body;

WHEREAS, Section 13 of RA 7227 or the Bases Conversion and Development Act of 1992 provides that the Subic Bay Metropolitan Authority (SBMA) shall

create an Ecology Center as part of its efforts to implement measures and standards for environmental pollution control of all areas under its jurisdiction, including but not limited to all bodies of water;

WHEREAS, on October 15, 2012, the tanker MT Glenn Guardian, a vessel purportedly owned by a private contractor of the US Navy, was inspected by personnel from the SBMA Ecology Center which subsequently reported that the said tanker was carrying 189,500 liters of domestic waste and an estimated 760 liters of bilge water it had collected earlier from the United States Navy ship Emory Land;

WHEREAS, despite the absence of a discharge permit as required under the Clean Water Act of 2004, personnel of the said tanker reportedly discharged the untreated and toxic wastewater into the sea, about 37 kilometers away from Subic Bay;

WHEREAS, subsequent laboratory testing of the wastewater samples reportedly showed that the level of toxicity of the liquid wastes exceeded "the levels set by international marine pollution conventions";

WHEREAS, following receipt of an SBMA Ecology Center "show cause" letter regarding the incident, the owner of the tanker, Glenn Defense Marine Asia Philippines, Inc. raised a jurisdictional issue by claiming that the SBMA Ecology Center has no power nor authority to investigate the matter, invoking its claim that it is covered by the RP-US Visiting Forces Agreement as it was contracted by the US Navy to provide service to US ships participating in joint military exercises;

WHEREAS, there were reportedly other instances of toxic waste dumping by Glenn Defense Marine Asia Philippines, Inc. into the sea and that notwithstanding attempts by the DENR's Environmental Management Bureau to investigate these incidents, such efforts reportedly bore no fruition following the reported intervention by the VFA Commission;

WHEREAS, there is a need to establish how the VFA Commission ensures, in coordination with Philippine agencies, the enforcement of the VFA provisions guaranteeing respect for Philippine laws in connection with the implementation of the agreement and its related activities;

WHEREAS, if it is indeed established that the subject private contractor violated our environmental laws, they should be made to answer, and penalties need to be imposed to the fullest extent of the law;

WHEREAS, it is incumbent upon the Senate to ensure that the implementation of the said treaty continues to serve national interest;

NOW, THEREFORE, BE IT RESOLVED, as it is hereby resolved, to direct the Senate Committee on Foreign Relations and the Committee on Environment and Natural Resources to conduct a joint inquiry, in aid of legislation, on the reported dumping of toxic wastes in Philippine waters by a foreign firm and its alleged

claim of coverage under the Visiting Forces Agreement with the United States to avoid investigation and possible criminal liability, with the end view of ensuring that implementation of Philippine treaties and agreements with other countries will continue to serve the paramount objective of protecting the national interest.

Adopted,



LOREN LEGARDA

Senator