

SENATE

PSR No. 896

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Introduced by Senator Aquilino "Koko" Martin L. Pimentel III

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**A RESOLUTION  
DIRECTING THE COMMITTEE ON FOREIGN RELATIONS AND OTHER  
APPROPRIATE SENATE COMMITTEES TO CONDUCT AN INQUIRY, IN AID  
OF LEGISLATION, ON THE REPORTED DUMPING OF HAZARDOUS  
WASTES IN OUR TERRITORIAL SEAS ABUTTING SUBIC BAY AND IF  
NECESSARY TO REVISIT THE PROVISIONS OF THE RP-USA VISITING  
FORCES AGREEMENT TO PREVENT A RECURRENCE OF THE INCIDENT  
SUBJECT OF THIS RESOLUTION**

**WHEREAS**, Glenn Defense Marine Asia ("GDMA"), a Malaysian company, is a contractor for the United States Navy in the Philippines;

**WHEREAS**, on 15 October 2012, during an inspection on the MT Glenn Guardian, a tanker owned by GDMA, the Subic Bay Metropolitan Authority ("SBMA") Ecology Center found 189,500 liters of domestic waste and 760 liters of bilge water (a combination of water, oil, and grease), hereafter called "Liquid Waste" aboard the said tanker;

**WHEREAS**, the Liquid Waste aboard MT Glenn Guardian was collected from American ships that joined the recently concluded joint military exercises in the country under the provisions of the Visiting Forces Agreement ("VFA"), a bilateral defense pact between the United States of America ("US") and the Republic of the Philippines;

**WHEREAS**, on 16 October 2012, a team composed of officials from the SBMA Ecology Center and the Philippine Coast Guard was scheduled to take water samples from MT Glenn Guardian to find out whether the Liquid Waste could be safely dumped into the sea;

**WHEREAS**, the captain of MT Glenn Guardian, Edilberto Acedilla, informed the team that the Liquid Waste had already been dumped into the sea some 37 kilometers, or 20 nautical miles, from Subic Bay but well within the territorial seas of the Philippines;

**WHEREAS**, the Liquid Waste was dumped into the sea adjoining the Subic Bay without the requisite permits from the Philippine Coast Guard and the SBMA Ecology Center;

**WHEREAS**, in flagrant breach of the standards set by international marine pollution conventions, the test results of the Liquid Waste taken from

MT Glenn Guardian showed high toxic levels, indicating the highly hazardous nature of the Liquid Waste dumped into Philippine waters;

**WHEREAS**, the SBMA Ecology Center issued a "show cause" letter to GDMA, asking the company to explain why it had dumped the Liquid Waste without securing the proper permits;

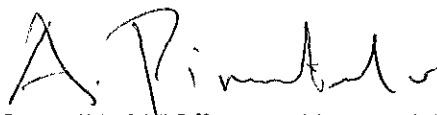
**WHEREAS**, the GDMA, invoking the applicability of the VFA, claimed that it is the Presidential Commission on the Visiting Forces Agreement ("VFACOM"), and not the SBMA, that has jurisdiction over it;

**WHEREAS**, the VFA cannot be used as a cloak to violate Philippine environmental laws and thereby allow any person or firm to deliberately contaminate our seas with impunity;

**WHEREAS**, there might be a need to revisit the VFA to ensure that under no circumstances may the US or any of its agents be allowed to freely dump their toxic, hazardous, and possibly radioactive wastes in any part of our territory, be it on land or in our seas, with impunity;

**NOW THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED BY THE SENATE TO DIRECT THE COMMITTEE ON FOREIGN RELATIONS AND OTHER APPROPRIATE SENATE COMMITTEES TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE REPORTED DUMPING OF HAZARDOUS WASTES IN THE SEA ADJACENT TO THE SUBIC BAY, IN ORDER TO PROTECT NOT ONLY OUR FISH AND OTHER MARINE RESOURCES FROM THE DELETERIOUS EFFECTS OF SUCH TOXIC WASTES, BUT ALSO OUR PEOPLE FROM AILMENTS THAT TOXIC WASTES CAUSE, AND TO DISCOURAGE UNSCRUPULOUS INDIVIDUALS AND FIRMS FROM USING OUR TERRITORIAL SEAS AS 'GARBAGE DUMPS', AND IF NECESSARY TO REVISIT THE PROVISIONS OF THE PHILIPPINE-US VISITING FORCES AGREEMENT TO PREVENT A RECURRENCE OF THE INCIDENT DESCRIBED IN THE BODY OF THIS RESOLUTION.**

*Adopted,*



**AQUILINO "KOKO" MARTIN L. PIMENTEL III**