

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

S E N A T E  
Senate Resolution No. 228 CIV

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Introduced by Senator Loren Legarda

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**RESOLUTION**

**DIRECTING THE SENATE COMMITTEE ON FOREIGN RELATIONS TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE REPORTED GROUNDING OF THE FOREIGN MILITARY VESSEL USS GUARDIAN IN THE COUNTRY'S PRIME MARINE PROTECTED AREA AND WORLD HERITAGE SITE, THE TUBBATAHA REEFS NATURAL PARK, WITH THE END VIEW OF ENSURING FULL DISCLOSURE AND ACCOUNTING OF THE TOTAL DAMAGES ARISING FROM THE INCIDENT AND STRENGTHENING EXISTING MECHANISMS TO PREVENT A FUTURE SIMILAR OCCURRENCE**

**WHEREAS**, Article II, Section 7 of the Philippine Constitution provides that in our country's relations with other states, "the paramount consideration shall be national sovereignty, territorial integrity, national interest, and the right to self-determination";

**WHEREAS**, Article II, Section 16 further mandates the State to "protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature";

**WHEREAS**, Section 19 of Republic Act No. 10067, or the Tubbataha Reefs Natural Park (TRNP) Act of 2009, declares that no person or entity shall enter, enjoy or utilize any portion of the TRNP and the resources therein for whatever purpose without prior permission from the Tubbataha Protected Area Management Board (TPAMB), including "navigation, except for activities that are sanctioned by the TPAMB such as, but not limited to, tourism and research";

**WHEREAS**, the same law provides that any damage to the reef shall subject the responsible person or entity to the payment of administrative fines set by the TPAMB based on current valuation standards, as well as the cost of restoration;

**WHEREAS**, the Tubbataha Reefs Natural Park--inscribed in the World Heritage List in 1993 by the United Nations Educational, Scientific, and Cultural Organization, is described as a "unique example of an atoll reef with a very high density of marine species with the North Islet serving as a nesting site for birds and marine turtles while its pristine coral reef with a spectacular 100-m perpendicular wall, extensive lagoons and two coral islands supporting over 350 coral species and almost 500 fish species and a host of whales, dolphins, sharks, and Napoleon wrasse";

**WHEREAS**, for demonstrating best practices in lawmaking in the field of ocean and coastal policies, the Philippines won Silver at the Future Policy Awards on 1 October 2012 with a citation of the Tubbataha Reef Natural Park Act as an "outstanding example of coral reef conservation" in empowering local-level institutions to tackle the challenges brought forth by illegal fishing, poaching, and the use of destructive fishing practices by foreign vessels;

**WHEREAS**, on 17 January 2013, after completing its port of call in Subic Bay, Olongapo City and while en route to its next port of call in Indonesia, the mine countermeasures ship USS Guardian reportedly ran aground on Tubbataha Reef;

**WHEREAS**, even as its ship remained aground within the protected area, the park rangers of the TPAMB were reportedly initially barred by the US Navy ship commander to assess the situation by deploying armed personnel on the dock of the ship;

**WHEREAS**, further reports indicate that the personnel of the US Navy ship failed to coordinate closely with the personnel of the protected area even as their ship had already destroyed an estimated 10 meters of corals;

**WHEREAS**, even as the Philippine government has reiterated that it will seek damages from the US over the incident, it is important that a full investigation be conducted by concerned agencies in order to strengthen existing mechanisms for protecting the World Heritage Site;

**WHEREAS**, the Presidential Commission on the Visiting Forces Agreement (VFA) is tasked to monitor, in coordination with appropriate government agencies, the activities of foreign military and civilian personnel, and to ensure respect for Philippine laws, state policies, public morals, customs and traditions and strict compliance with the provisions of the VFA and rules and regulations promulgated by departments and agencies;

**WHEREAS**, this incident highlights the need to ensure full protection of the Philippines' marine resources by all vessels, foreign or domestic, within territorial waters amidst geo-political developments in the region;

**NOW, THEREFORE, BE IT RESOLVED**, as it is hereby resolved, to direct the Senate Committee on Foreign Relations to conduct an inquiry, in aid of legislation, on the reported grounding of the foreign military vessel USS Guardian in the country's prime marine protected area and World Heritage Site, the Tubbataha Reefs Natural Park, with the end view of ensuring full disclosure and accounting of the total damages arising from the incident and strengthening existing mechanisms to prevent a future similar occurrence.

Adopted,

**LOREN LEGARDA**

Senator