



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

'16 JUL 18 P5:54

RECEIVED BY: *J*

SENATE  
P.S. Res. No. 12

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Introduced by SENATOR LOREN LEGARDA

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**RESOLUTION**

**DIRECTING THE SENATE COMMITTEES ON CLIMATE CHANGE, ENERGY, AND JUSTICE AND HUMAN RIGHTS TO CONDUCT AN INQUIRY IN AID OF LEGISLATION ON THE ALLEGED DETRIMENTAL ENVIRONMENTAL AND HEALTH IMPACTS AND HUMAN RIGHTS INFRINGEMENTS ARISING FROM THE OPERATION OF COAL-FIRED POWER PLANTS, WITH THE END VIEW OF DETERMINING THE VIABILITY OF IMPOSING A MORATORIUM ON THE ISSUANCE OF ENVIRONMENTAL COMPLIANCE CERTIFICATES FOR THE CONSTRUCTION OF ADDITIONAL COAL-FIRED POWER PLANTS, AND THE DEVELOPMENT OF A CLEAR POLICY TOWARDS A LOW CARBON ECONOMY IN LIGHT OF OUR COUNTRY'S COMMITMENTS UNDER THE UN FRAMEWORK CONVENTION ON CLIMATE CHANGE**

**WHEREAS**, Article II Sections 15 and 16 guarantee the rights of the people to health and to a balanced and healthful ecology;

**WHEREAS**, Republic Act No. 9729 or the Climate Change Act of 2009 provides that the State shall aim for the stabilization of greenhouse gas concentrations in the atmosphere within a time frame as provided for under the United Nations Framework Convention on Climate Change (UNFCCC);

**WHEREAS**, the UNFCCC calls for the stabilization of greenhouse gas concentrations "at a level that would prevent dangerous anthropogenic (human induced) interference with the climate system." It further states that "such a level should be achieved within a time-frame sufficient to allow ecosystems to adapt naturally to climate change, to ensure that food production is not threatened, and to enable economic development to proceed in a sustainable manner";

**WHEREAS**, in December 2015 at the 21<sup>st</sup> Conference of the Parties to the UNFCCC (COP21), 195 countries adopted the first ever universal, legally binding global climate agreement which sets out a "a long-term goal of keeping the increase in global average temperature to well below 2°C above pre-industrial levels" and "to aim to limit the increase to 1.5°C, since this would significantly reduce risks and the impacts of climate change";

**WHEREAS**, under its Intended Nationally Determined Contributions (INDCs) submitted in 2015 to the UNFCCC, the Philippines committed to the reduction of its greenhouse gas (GHG) emissions by 70% relative to its business-as-usual scenario of 2000-2030, with the decline in emissions coming mostly from the energy, transport, waste, forestry and industry sectors;

**WHEREAS**, the Climate Change Commission, the government agency tasked to coordinate the country's commitments to the UNFCCC, has issued Resolution No. 2016-001 dated May 18,

2016 recommending the development of a clear policy on coal-fired power plants as they are “the biggest source of man-made carbon dioxide emissions, which is the primary GHG emitted through human activities accounting for about 35% of global GHG emissions”, and calling for the alignment and harmonization of policies of the Department of Environment and Natural Resources (DENR) and the Department of Energy (DOE) on new and existing coal-fired power plants;

**WHEREAS**, as of May 2015, the Philippines had 17 operating coal plants (30 boiler units), with 29 more (59 boiler units) approved by the DOE to begin commercial operations by 2020 as well as Coal Operating Contracts (COC) for exploration awarded to at least 39 companies in 2015;<sup>1</sup>

**WHEREAS**, in January 2016, the DENR reported that it had issued Environmental Compliance Certificates (ECCs) to 38 coal-fired power plants in various stages of completion: thirteen (13) in operation, twelve (12) under construction, thirteen (13) not yet constructed; additionally, three (3) plants had pending ECC applications;

**WHEREAS**, coal combustion is a major threat to public health because it releases particulate matter (PM), or a complex mixture of extremely small particles and liquid droplets, in the air, with particles 10 micrometers (µm) or smaller in diameter considered as more harmful because these can enter the lungs;

**WHEREAS**, a 2014 study by the Harvard University Atmospheric Chemistry Modeling Group shows that air pollutants from currently operating coal-fired power plants cause an estimated 960 premature deaths each year and if the new plants are to be developed, premature deaths may rise up to 2,410, or more than double the current number of Filipinos dying from coal-related pollution;

**WHEREAS**, the Environmental Defense Fund in a 2009 study found that between roughly 6,000 and 10,700 annual deaths from heart ailments, respiratory disease and lung cancer could be attributed to the 88 coal-fired power plants and companies receiving international financing, mostly due to ambient concentration of PM (“soot”) less than 2.5 microns in diameter over hundreds of thousands of kilometers downwind of the plants, as well as of sulfur dioxide;

**WHEREAS**, each stage of the coal lifecycle—mining, transportation, washing, combustion, and disposing of post-combustion wastes—negatively affects health, with the heaviest burden of disease on children, women and the poor;

**WHEREAS**, a petition filed by Greenpeace at the Commission on Human Rights requests for an investigation on the responsibility of the “Carbon Majors”, referring to the largest multinational and state-owned *producers* of crude oil, natural gas, coal and cement<sup>2</sup> found to be the biggest carbon polluters in a ground-breaking study of Richard Heede of the *Climate Accountability Institute*, for human rights violations;

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<sup>1</sup>Department of Energy (2015) *List of Coal Operating Contract (COC) holders for exploration as of 2015*.

Retrieved from

[https://www.doe.gov.ph/doe\\_files/pdf/02\\_Energy\\_Statistics/list\\_of\\_coal\\_operating\\_contract\\_\(coc\)\\_holders\\_for\\_exploration\\_a.pdf](https://www.doe.gov.ph/doe_files/pdf/02_Energy_Statistics/list_of_coal_operating_contract_(coc)_holders_for_exploration_a.pdf)

<sup>2</sup> R. Heede, *Carbon Majors: Accounting for Carbon and Methane Emissions 1854-2010, Methods and Results Report* (Apr. 7, 2014), <http://climateaccountability.org/pdf/MRR%209.1%20Apr14R.pdf>, at 5 (last accessed June 15, 2015) at 5 [hereinafter *Methods and Results Report*]. Note that there are other reports concerning corporate GHG emissions. See J. Moorhead & T. Nixon, *Global 500 Greenhouse Gases Performance 2010-2013: 2014 Report on Trends* (Dec. 2014), <http://www.bsdconsulting.com/bsd-files/news-downloadable-pdfs/global-500-greenhouse-gases-performance-trends-2010-2013.pdf> (last accessed June 15, 2015).

**WHEREAS**, this novel Greenpeace petition is the first of its kind in the world, involving entities domiciled outside the country, and praying for a human rights mechanism, among others, to address the human rights implications of climate change;

**WHEREAS**, in the absence of interventions, the country's dependence on energy from coal-fired power plants is projected to increase to 70% from 2030 to 2050 from the current 35% in the present energy mix;

**WHEREAS**, on the other hand it has been estimated that renewable energy sources are sufficiently available and their energy potentials are estimated at 76,000 megawatts (MW) for wind power, hydropower at 10,500 MW, geothermal at 1,200 MW, ocean energy at 170,000 MW, biomass (bagasse) at 236 MW, solar energy at an average of 5 kilowatt-hour (kWh) per square meter per day, as well as the vast untapped potential of micro-hydro power, and that the US National Renewable Energy Laboratory indicated that the Philippines has 246,000 megawatts of untapped renewable energy capacity at thirteen times more than our current installed capacity;

**NOW THEREFORE BE IT RESOLVED**, to direct the Senate Committees on Climate Change and Energy, and Justice and Human Rights to conduct an inquiry in aid of legislation on the alleged detrimental environmental and health impacts and human rights infringements arising from the operation of coal-fired power plants, with the end view of determining the viability of imposing a moratorium on the issuance of Environmental Compliance Certificates for the construction of additional coal-fired power plants, and the development of a clear policy towards a low carbon economy in light of our country's commitments under the UN Framework Convention on Climate Change.

Adopted,

  
**LOREN LEGARDA**  
Senator

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accessed June 15, 2015) at 5 [hereinafter Methods and Results Report]. Note that there are other reports concerning corporate GHG emissions. See J. Moorhead & T. Nixon, *Global 500 Greenhouse Gases Performance 2010-2013: 2014 Report on Trends* (Dec. 2014), <http://www.bsdconsulting.com/bsd-files/news-downloadable-pdfs/global-500-greenhouse-gases-performance-trends-2010-2013.pdf> (last accessed June 15, 2015).