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SENATE
P.S. Res No. 567

RECORDED BY: 

Introduced by Senator LOREN LEGARDA

RESOLUTION

DIRECTING THE APPROPRIATE SENATE COMMITTEES TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE ENVIRONMENTAL AND HEALTH IMPACTS OF THE REPORTED COLLAPSE OF A PORTION OF THE OPEN-PIT COAL MINE IN SEMIRARA ISLAND, ANTIQUE; THE POWER PLANT OIL LEAK IN CALAPAN CITY, ORIENTAL MINDORO; AND THE POWER PLANT ASH LEAK IN CONCEPCION, ILOILO WITH THE END VIEW OF ENCOURAGING OVERSIGHT FROM ALL GOVERNMENT AGENCIES.

WHEREAS, Article II, Section 15 of the 1987 Constitution provides that "the State shall protect and promote the right to health of the people and instill health consciousness among them";

WHEREAS, Article II, Section 16 of the 1987 Constitution provides 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," which right was further elucidated by judicial ruling as carrying "the correlative duty to refrain from impairing the environment"¹;

WHEREAS, Executive Order No. 192, dated 10 June 1987, which reorganized the former Department of Environment, Energy and Natural Resources into the Department of Environment and Natural Resources, affirms the role of the agency in the formulation and implementation of policies, guidelines, rules and regulations relating to environmental management and pollution prevention and control;

WHEREAS, Section 26 of the Local Government Code emphasizes the significant role played by LGUs in the maintenance of ecological balance in their respective communities by requiring national agencies and government-owned and controlled corporations to consult with them 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;

WHEREAS, in a landmark case, the Supreme Court once ruled that "in the light of the ongoing environmental degradation, the Court wishes to emphasize the extreme

¹ Oposa v. Factoran, Jr., G.R. No. 101083, July 30, 1993

necessity for all concerned executive departments and agencies to immediately act and discharge their respective official duties and obligations. Indeed, time is of the essence; hence, there is a need to set timetables for the performance and completion of the tasks, some of them as defined for them by law and the nature of their respective offices and mandates”²;

WHEREAS, Semirara Mining and Power Corporation is the biggest coal producer in the Philippines and the only power generator that owns and mines its fuel source (coal), with an installed generating capacity of 600 megawatts (MW) and an additional 1,200 MW in the pipeline³;

WHEREAS, on 17 July 2015, nine workers of Semirara Mining and Power Corporation were reportedly buried alive following the collapse of a portion of the Pamian open-pit mine site in Semirara Island, Antique⁴;

WHEREAS, on 06 October 2017 in Barangay Sta. Isabel, Oriental Mindoro, DMCI Power Plant, a 15-megawatt bunker-fired diesel plant operated by DMCI Power Corporation, reportedly leaked 800 liters of oil leaked from its tank yard due to a faulty sensor⁵;

WHEREAS, the leak was said to have been contained six hours later, although the sludge had already damaged around 10 hectares of farmland and a nearby creek, and allegedly to have caused several kilos of crabs in a nearby fishpond to die⁶;

WHEREAS, on 30 October 2017, residents of Barangay Nipa in Concepcion, Iloilo saw clouds of smoke—described to be dark and thick—rising and expanding above the Palm Concepcion Power Plant⁷;

WHEREAS, Palm Concepcion Power Corporation, operator of Palm Concepcion Power Plant which was built in Concepcion, Iloilo, disclosed that they encountered a mechanical problem while the power plant was undertaking maintenance evaluation, whereby the filtration device where the fly ash was treated for disposal encountered a problem, which led to the leak⁸;

WHEREAS, residents of Barangay Nipa in Concepcion, Iloilo were evacuated following the fly ash leak from the coal-fired power plant and upon returning home residents complained of chest pains, coughing and vomiting due to the ash residue from the said power plant⁹;

WHEREAS, coal-fired power plants emit a range of toxic substances that have been known to cause serious impacts on health and environment and their combustion wastes carry health jeopardies that lead to lung, heart and brain illnesses. The burning

² MMDA vs. Concerned Citizens of Manila Bay, G.R. Nos. 171947-48, December 18, 2008

³ <http://senate.gov.ph/lisdata/2185918578!.pdf>

⁴ <http://cnnphilippines.com/regional/2015/07/17/coal-mine-collapses-in-Semirara-Island-Antique.html>

⁵ Ibid.

⁶ Ibid.

⁷ <http://news.abs-cbn.com/news/11/02/17/residents-evacuated-after-fly-ash-leak-in-iloilo-power-plant>

⁸ Ibid.

⁹ Ibid.

of coal affects the environment, human health and wildlife, and is a major contributor to climate change¹⁰;

WHEREAS, there is a necessity for a fair and impartial investigation by concerned government agencies and local government units to protect the environment and health of all Filipinos;

NOW, THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED by the Senate, to direct the appropriate Senate committees to conduct an inquiry, in aid of legislation, on the environmental and health impacts of the reported collapse of a portion of the open-pit coal mine in Semirara Island, Antique; the power plant oil leak in Calapan City, Oriental Mindoro; and the power plant ash leak in Concepcion, Iloilo with the end view of encouraging oversight from all government agencies.

Approved,


LOREN LEGARDA
Senator

¹⁰ <http://www.greenpeace.org/seasia/ph/press/reports/Coal-A-Public-Health-Crisis/>