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SENATE
P.S. Resolution No. 690

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Introduced by Senator Cynthia A. Villar

RESOLUTION

DIRECTING THE SENATE COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE MEASURES BEING DONE OR NEEDED TO BE DONE BY THE PHILIPPINE PORTS AUTHORITY TO HELP IN THE CLEAN-UP, REHABILITATION AND PRESERVATION OF MANILA BAY

1 **WHEREAS**, it is the policy of the State, as enunciated in our 1987 Philippine
2 Constitution, "*to protect and advance the right of the people to a balanced and*
3 *healthful ecology in accord with the rhythm and harmony of nature*^{1d};

4 **WHEREAS**, Presidential Decree No. 1152 or the Philippine Environmental
5 Code provides, among others, for the establishment of Philippine water standards
6 and the protection of the quality of Philippine water resources, with Sections 17 and
7 20 thereof providing as follows:

8 "*Section 17. Upgrading of Water Quality. Where the quality*
9 *of water has deteriorated to a degree where its state will*
10 *adversely affect its best usage, the government agencies*
11 *concerned shall take such measures as may be necessary to*
12 *upgrade the quality of such water to meet the prescribed*
13 *water quality standards.*"

¹ Article II, Section 16 of the 1987 Philippine Constitution

1 "Section 20. *Clean-up Operations*. It shall be the
2 responsibility of the polluter to contain, remove and clean up
3 water pollution incidents at his own expense. In case of his
4 failure to do so, the government agencies concerned shall
5 undertake containment, removal and clean-up operations
6 and expenses incurred in said operations shall be charged
7 against the persons and/or entities responsible for such
8 pollution."

9 **WHEREAS**, commencing from a complaint filed in 1999 by a group of
10 concerned residents to compel relevant government agencies and officials to clean-
11 up and protect Manila Bay, the Supreme Court rendered in December 2008 its
12 landmark decision and issued the writ of continuing mandamus in the case entitled
13 "*MMDA, et. al vs. Concerned Residents of Manila Bay*"², ordering thirteen (13)
14 government *agencies "to clean up, rehabilitate, and preserve Manila Bay, and restore*
15 *and maintain its waters to SB level (Class B sea waters per Water Classification*
16 *Tables under DENR Administrative Order No.34, 1990) to make them fit for*
17 *swimming, skin diving, and other forms of contact recreation"*;

18 **WHEREAS**, the Philippine Ports Authority (PPA) is one of the thirteen (13)
19 government agencies mandated to clean up Manila Bay under the writ of continuing
20 mandamus issued by the Supreme Court in the aforementioned case;

21 **WHEREAS**, the PPA is a government owned and controlled corporation
22 established by virtue of Presidential Decree No. 505 series of 1974, as amended³,
23 responsible for regulating and overseeing ports in the Philippines;

24 **WHEREAS**, under the Revised Charter of the Philippine Ports Authority⁴, the
25 duties and functions of PPA include, among others: (a) to supervise, control,
26 regulate, construct, maintain, operate, and provide such facilities or services as are

² G.R.No. 171947-48 dated 18 December 2008

³ By Presidential Decree No. 857 dated 23 December 1975; Executive Order No. 513 dated 16 November 1978 and Executive Order No. 159 dated 13 April 1987

⁴ Presidential Decree No. 857 dated 23 December 1975

1 necessary in the ports in the country; (b) to prescribe rules and regulations,
2 procedures, and guidelines governing the establishment, construction, maintenance,
3 and operation of all other ports, including private ports in the country; and (c) to
4 license, control, regulate, supervise any construction or structure within any Port
5 District;

6 **WHEREAS**, the PPA possesses the jurisdiction to manage and regulate the
7 maintenance and operation of the port of Manila facing Manila Bay, including the
8 port facilities at the Manila International Container Terminal;

9 **WHEREAS**, while the specific duty given to PPA under the writ of mandamus
10 for the clean-up of Manila Bay in the above-mentioned case was "to immediately
11 adopt such measures to prevent the discharge and dumping of solid and liquid
12 wastes and other ship-generated wastes into the Manila Bay waters from vessels
13 docked at ports and apprehend the violators", it is submitted that it is also
14 incumbent upon the PPA, given its duties, to ensure that the operation of the port of
15 Manila and the structures built within its environs, will be in consonance with the
16 clean-up, rehabilitation and preservation of Manila Bay and its ecosystem;

17 **WHEREAS**, the burgeoning informal settlement on the Manila Bay coastal
18 area at the port of Manila, particularly near the Manila International Container
19 Terminal, not just affect the efficacy of the operation of the port, but actually
20 hampers the efforts towards the clean-up and rehabilitation of Manila Bay;

21 **WHEREAS**, the PPA, given its extensive duties and functions in port
22 operation and maintenance, could do more in order to address inefficiency concerns
23 in port operation, including the burgeoning informal settlement, at the port of Manila
24 and in the process significantly contribute in the clean-up and rehabilitation of
25 Manila Bay;

26 **WHEREFORE, BE IT RESOLVED**, as it is hereby resolved by the Senate of
27 the Philippines, to direct the Senate Committee on Environment and Natural
28 Resources to conduct an inquiry, in aid of legislation, on the measures being done

1 and needed to be done by the Philippine Ports Authority, pursuant to its duties and
2 functions, to contribute to the clean-up, rehabilitation and preservation of Manila
3 Bay, and restore its waters to SB level to make it fit for swimming, skin diving and
4 other forms of contact recreation.

5 Adopted,


CYNTHIA A. VILLAR