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SENATE
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RECEIVED BY: 

Introduced by **SENATOR LEILA M. DE LIMA**

RESOLUTION
DIRECTING THE APPROPRIATE SENATE COMMITTEES TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, INTO THE ONGOING WATER SHORTAGE IN METRO MANILA ALLEGEDLY STEMMING FROM THE DEPLETION OF THE LA MESA WATERSHED'S RESERVES, DETERMINE ITS ROOT CAUSES, DEVELOP STRATEGIC SHORT- AND LONG-TERM SOLUTIONS TO THESE WATER SHORTAGES, AND HOLD THE CONCERNED GOVERNMENT AGENCIES AND PRIVATE WATER CONCESSIONAIRES ACCOUNTABLE FOR DERELICTION IN THE PROVISION OF UNINTERRUPTED AND AFFORDABLE ACCESS TO POTABLE WATER FOR METRO MANILA'S RESIDENTS

1 WHEREAS, Section 9, Article II of the 1987 Constitution declares that, [t]he
2 State shall promote a just and dynamic social order that will ensure the prosperity
3 and independence of the nation and free the people from poverty through policies
4 that provide adequate social services, promote full employment, a rising standard of
5 living, and an improved quality of life for all”;

6 WHEREAS, Section 11, Article XIII of the same also states in part that, “[t]he
7 State shall adopt an integrated and comprehensive approach to health and
8 development which shall endeavour to make essential goods, health and other social
9 services available to all the people at affordable cost”;

10 WHEREAS, one such social service that the State is mandated to provide to its
11 citizens, as primary duty-bearer following a rights-based approach, is the basic
12 human right to water and sanitation;

13 WHEREAS, in November 2002, the Committee on Economic, Social and
14 Cultural Rights adopted General Comment No. 15 on the right to water. Article I.1

1 states that "[t]he human right to water is indispensable for leading a life in human
2 dignity. It is a prerequisite for the realization of other human rights". Comment No.
3 15 also defined the right to water as the right of everyone to "sufficient, safe,
4 acceptable and physically accessible and affordable water for personal and domestic
5 uses"¹;

6 WHEREAS, on 28 July 2010, through Resolution 64/292, the United Nations
7 General Assembly explicitly recognized the human right to water and sanitation and
8 acknowledged that clean drinking water and sanitation are essential to the
9 realisation of all human rights. The Resolution called upon States and international
10 organisations to provide financial resources, help capacity-building and technology
11 transfer to help countries, in particular, developing countries, to provide safe, clean,
12 accessible and affordable drinking water and sanitation for all²;

13 WHEREAS, the Philippines has abundant water resources. Aside from the
14 seas and oceans that surround the archipelago, the Philippines is also home to inland
15 water resources which include 216 lakes covering 200,000 hectares, 421 principal
16 rivers encompassing 31,000 hectares, swamps covering 246, 063 hectares, fishponds
17 at 253,854 hectares, and reservoirs at 19,000 hectares. Home to a multitude of living
18 organisms, the biodiversity associated within these inland water ecosystems is
19 critical to food security and livelihood through fisheries and other resources³;

20 WHEREAS, dams are one of the many types of infrastructures designed in
21 order to harness and utilize these resources for the Filipino people. Chief among its
22 multitude of uses is the expected steady and reliable provision of potable water
23 supply for millions of Filipinos nationwide;

24 WHEREAS, Metro Manila, for instance, draws approximately 96% of its water
25 supply from the Angat Dam in Norzagaray, Bulacan. It is able to hold approximately
26 4,000 million liters per day (MLD). Of this figure, 60% or 2,400 MLD is supplied to

¹ UN Committee on Economic, Social and Cultural Rights. (2002, November). *General Comment No. 15. The right to water*.

² United Nations General Assembly. (2010, July). *Resolution A/RES/64/292*.

³ Department of Environment and Natural Resources, Protected Areas and Wildlife Bureau. (2013). *The national wetlands action plan for the Philippines 2011-2016* (pp. 7-8). Retrieved September 5, 2018, from [http://www.bmb.gov.ph/downloads/ActionPlan/DENR-PAWB Wetlands Action Plan 3G_3feb14.pdf](http://www.bmb.gov.ph/downloads/ActionPlan/DENR-PAWB%20Wetlands%20Action%20Plan%203G_3feb14.pdf)

1 Maynilad and 40% or 1,600 MLD is supplied to Manila Water, both of which serve
2 Metro Manila's West and East zones, respectively⁴;

3 WHEREAS, the La Mesa reservoir, designed to be a reserve facility, is to be
4 utilized only once Angat falls short of supply. However, there were recent reports of a
5 shortage in the La Mesa Dam as its water reserves had dropped to 68.85 meters –
6 significantly below its normal high water level (NHWL) of 80.15 meters – as of
7 Tuesday, March 12. This shortage prompted Manila Water to ration their water
8 supply leading to sudden and unannounced water outages across many barangays in
9 the Metro Manila area where they operate. According to Manila Water, around
10 52,000 households relying on their supply currently do not have water. This number
11 does not include those households who are experiencing low water pressure⁵;

12 WHEREAS, Manila Water has stated that project delays and an ever
13 increasing demand for service connections – as they reportedly operate at a deficit of
14 140 MLD – prompted them to dip into its reserves in the La Mesa watershed. This
15 imbalance between supply and demand coupled with the inhibiting effects of El Niño
16 was reportedly the cause behind the drop to critical levels;

17 WHEREAS, data⁶ from both the Metropolitan Waterworks and Sewerage
18 System (MWSS) and Philippine Atmospheric, Geophysical, and Astronomical
19 Services Administration (PAGASA) does not support Manila Water's assertions as
20 they point out that the water level at Angat Dam which is at 200.28 meters as of
21 Tuesday, March 12, while below its NHWL of 210 meters, is still far from its critical
22 level of 180 meters and should have more than enough to supply Metro Manila with
23 its daily water needs during the dry season⁷;

24 WHEREAS, these conflicting statements have now sown confusion over the
25 veracity and accuracy of the statements coming from Manila Water. Lawmakers from

⁴ Sabillo, K. (2019, March 12). *EXPLAINER: Why is there a water shortage in Metro Manila?* Retrieved from <https://news.abs-cbn.com/news/03/12/19/explainer-why-is-there-a-water-shortage-in-metro-manila>

⁵ *Ibid.*

⁶ Rivas, R. (2019, March 11). *El Niño to blame for Manila Water woes? Data doesn't support it.* Retrieved from <https://www.rappler.com/business/225479-data-does-not-support-manila-water-service-interruptions-march-2019>

⁷ De Vera-Ruiz, E., Rosario, B. & Torregoza, H. (2019, March 12). *Water in Angat enough for Metro.* Retrieved from <https://news.mb.com.ph/2019/03/12/water-in-angat-enough-for-metro/>

1 both the Senate⁸ and House of Representatives⁹ have already urged for a probe into
2 the matter;

3 WHEREAS, these events have even prompted speculation that the shortage
4 was artificially manufactured by senior officials from this administration in order to
5 force public support for the construction of the highly controversial, Chinese-funded
6 New Centennial Water Source-Kaliwa Dam Project in Quezon Province. It is
7 designed to develop a new water source and is expected to provide up to 600 million
8 liters of water daily to augment the water needs of Metro Manila and its adjoining
9 areas;

10 WHEREAS, the construction of the Kaliwa Dam has been vehemently opposed
11 by various environmental groups, such as the Haribon Foundation, Alyansa Laban sa
12 Kaliwa Dam, Save Sierra Madre Network Alliance, Purisima, Task Force Sierra
13 Madre, Tribal Center for Development, Green Convergence and Alyansa Tigil Mina,
14 among others, due to the anticipated negative impacts it will have on the biodiversity
15 in the forests of the Sierra Madre¹⁰. Local Dumagats and Remontados have also been
16 expressing dissent against this measure for decades, claiming that more than 10,000
17 families would be displaced as their communities in seven villages of Tanay, Rizal
18 and two villages of General Nakar in the province of Quezon would be submerged
19 and their sources of livelihood destroyed¹¹. Several church leaders have also thrown
20 their support behind the people as they urged the government to look for alternative
21 sources of water or adopt new water treatment technology instead¹²;

22 WHEREAS, the Kaliwa Dam would cost ₱12.2 billion to build, with 85% set to
23 be funded by China through Official Development Assistance (ODA). The remaining
24 amount will be shouldered by the Philippine government through the MWSS. The

⁸ Galvez, D. (2019, March 13). *Sotto: Senate panel to probe water shortage next Tuesday*. Retrieved from https://newsinfo.inquirer.net/1095136/sotto-senate-panel-to-probe-water-shortage-next-tuesday?utm_expid=.XqNwTug2W6nwDVUSgFJXed.1

⁹ Marquez, C. (2019, March 9). *Probe unexpected water interruption in Metro Manila — Bayan Muna*. Retrieved from https://newsinfo.inquirer.net/1093835/probe-unexpected-water-interruption-in-metro-manila-bayan-muna?utm_expid=.XqNwTug2W6nwDVUSgFJXed.1

¹⁰ GMA News Online. (2018, November 20). *Kaliwa Dam to destroy Sierra Madre's biodiversity — Haribon*. Retrieved from <https://www.gmanetwork.com/news/news/regions/675489/kaliwa-dam-to-destroy-sierra-madre-s-biodiversity-haribon/story/>

¹¹ Salamat, M. (2018, March 15). *'Heed lessons of old dams' | Groups oppose China stakes in mega-dam projects*. Retrieved from <http://bulatlat.com/main/2018/03/14/heed-lessons-old-dams-china-dam-stakes-opposed/>

¹² Hermoso, C. (2018, August 11). *Bishops oppose Quezon dam project*. Retrieved from <https://news.mb.com.ph/2018/08/11/bishops-oppose-quezon-dam-project/>

1 contract with China was formalized during Chinese President Xi Jinping's visit to
2 Manila in 2018. The dam will be constructed by Beijing-run China Energy
3 Engineering Corporation. Should the construction push through this year, the dam is
4 expected to be done by 2023¹³;

5 WHEREAS, this is a far pivot from the previous administration's plan to
6 develop this plan through a Public-Private Partnership initiative with local investors;

7 WHEREAS, Finance Secretary Carlos Dominguez III recently opined that the
8 crisis could have been mitigated with the construction of the Kaliwa Dam¹⁴. MWSS
9 Administrator Reynaldo Velasco echoed this sentiment and has pushed for
10 expediting the China-funded dam project¹⁵;

11 WHEREAS, both statements conveniently feed into the narrative that the dam
12 is a foregone necessity, ignoring the fact that, firstly, it does nothing to solve the
13 water shortage at present; and secondly, it is not the only solution available;

14 WHEREAS, this drastic turn of events could further tighten China's grip on
15 Philippine socioeconomic affairs as some critics have declared the Chinese ODA for
16 the Kaliwa Dam as a 'debt trap' with relatively higher interest rates and unfavorable
17 conditions¹⁶. Such a move may cripple our financial flexibility in the long-run and
18 compromise the job security of Filipino workers in addition to undermining our
19 sovereignty and national security;

20 WHEREAS, these speculations will remain so long as our people continue to
21 be deprived of their basic human right to access clean water and sanitation. As the
22 dreaded El Niño season progresses, the last thing we Filipinos need is a water
23 shortage – be it artificial or not;

24 WHEREAS, access to water is a basic human right and not a privilege to be
25 enjoyed by the wealthy few. The concerned government agencies and private
26 concessionaires charged with the responsibility to provide access to clean, safe, and

¹³ Rivas, R. (2019, March 13). *Kaliwa Dam to solve Metro Manila water problems - Dominguez*. Retrieved from <https://www.rappler.com/business/225652-kaliwa-dam-solve-metro-manila-water-problems>

¹⁴ *Ibid.*

¹⁵ Rafales, A. (2019, March 13). *MWSS wants to fast-track China-funded dam project amid water shortage*. Retrieved from <https://news.abs-cbn.com/business/03/13/19/mwss-wants-to-fast-track-quezon-dam-project-amid-water-shortage>

¹⁶ Human Rights Online Philippines (2018, November 12). *Debt watchdog warns against signing Kaliwa Dam loan*. Retrieved from <https://hronlineph.com/2018/11/12/press-release-debt-watchdog-warns-against-signing-kaliwa-dam-loan-fdc/>

1 potable water should be held accountable for not only the shortage but even more so
2 the lack of providing ample warning for a crisis that could have easily been mitigated
3 or avoided altogether;

4 WHEREAS, there is need to look into the possible liabilities of MWSS and
5 Manila Water, in their failure to provide timely notice and properly develop pre-
6 emptive mitigating measures with regard to La Mesa dam which has led to the
7 current water crisis;

8 WHEREAS, there is also need to look into the general program of our
9 government, or lack thereof, with regard to maintaining the sufficiency of clean and
10 potable water supply for our country;

11 WHEREAS, there is need to ensure that all government actions will not lead to
12 long-term detriment of our indigenous peoples, our environment, and our
13 sovereignty;

14 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE, directing the
15 appropriate Senate committees to conduct an inquiry, in aid of legislation, into the
16 ongoing water shortage in Metro Manila allegedly stemming from the depletion of
17 the La Mesa watershed's reserves, determine its root causes, develop strategic short-
18 and long-term solutions to these water shortages, and hold the concerned
19 government agencies and private water concessionaires accountable for dereliction
20 in the provision of uninterrupted and affordable access to potable water for Metro
21 Manila's residents.

Adopted,


LILIA M. DE LIMA