

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL No. 0257



Introduced by
**BAYAN MUNA Party-List Representatives EUFEMIA C. CULLAMAT
CARLOS ISAGANI T. ZARATE and FERDINAND R. GAITE,
ACT TEACHERS Party-List Representative FRANCE L. CASTRO,
GABRIELA Women's Party Representative ARLENE D. BROSAS and
KABATAAN Party-List Representative SARAH JANE I. ELAGO**

**AN ACT
DECLARING MANILA BAY AS RECLAMATION-FREE ZONE
AND PROVIDING PENALTIES THEREFOR**

EXPLANATORY NOTE

The Manila Bay is a heritage asset for the Filipino people. It has contributed to the historical, political, economic and cultural development of the country; thus, it deserves the utmost mutual appreciation of the people as a whole. From how civilization in pre-Spanish Manila flourished, through the Spanish invasion and resistance of early Filipinos, the thriving of the city as trade capital, the mock "Battle of Manila Bay," the construction of the Cavite Boulevard under the American colonial period, the Japanese occupation, to the post-war and recent period, Manila Bay has been a fabric of society on an individual and broader scales. Aside from giving the Filipino people one of the most beautiful sunsets of the world, it also offers a natural ecosystem that is safe haven to biodiversity even as it sustains whole communities of fisherfolk and working people who subsisted on the bay's rich resources.

If anyone had rights over the Manila Bay, it is the Filipino people, and if it is to serve any purpose, it should be for the benefit of the general population, and not an elite few.

In September 2002, the people demanded for the preservation and protection of Manila Bay at a local court in Cavite against the government agencies. It was elevated in September 2005 to the Court of Appeals which issued an affirmative decision. Then in September 2008, the Supreme Court, conclusively decided that the government should clean-up, rehabilitate and preserve

Manila Bay, and restore and maintain its waters to make them fit for swimming, skin-diving, and other forms of contact recreation.

Aside from the legal path that the people had taken, various groups, especially the fisherfolk organization Pambansang Lakas ng Kilusang Mamamalakaya ng Pilipinas or Pamalakaya – Pilipinas, have been demanding the preservation of Manila Bay through legal and democratic actions and protests, opposing reclamation projects such as the expansion of the Manila Bay Freeport Zone, including the Central Business Park which is home to the SM Central Business Park and SM Mall of Asia. In 2004, the group opposed the construction of the Navotas dumpsite, which is actually a reclaimed fishpond, located exactly in the bay, citing that it would potentially pollute Manila Bay.

Past administrations attempted to carry out the Supreme Court decision, but their actions were limited to bay clean-ups. The government has also attempted to undermine the Supreme Court decision by considering the worst form of destroying Manila Bay, reclamation.

The government, by not declaring Manila Bay as “reclamation-free,” is essentially undermining the 2008 Supreme Court decision. That decision bears the most basic idea that the people, who appealed to the high court to command the executive branch to clean up Manila Bay, is aspiring for it to be swimmable and fit for other forms of recreation. With reclamation projects, which are subsequently managed by big businesses in the private sector, the people would be deprived of their supreme right to Manila Bay, that is public access.

This bill advances the nobility of the Supreme Court decision to rehabilitate Manila Bay, which is to restore it to its previous glory, and to endow it, like the heritage that it is, to the people. This is the main essence of the subject matter that is hounding us at present.

Under the present administration, the issue of Manila Bay Rehabilitation has polarized society. On one side is the executive branch, with all its machineries and resources, which is using rehabilitation as a vehicle for reclamation. On the other is the united people demanding for a genuine rehabilitation of Manila Bay and its preservation by banning reclamation. The government is trying to sow confusion among the people. It acts all noble by drumming up the recent clean-up drives, with the Department of Interior and Local Government (DILG) and Department of Environment and Natural Resources (DENR) assuring disapproval of any reclamation while the Philippine Reclamation Authority (PRA) has pending reclamation projects to consider and the Office of the President basically announcing its authorization.

The government has also identified the poor sectors as casualties of the rehabilitation, part of its social costs. It is sweepingly judging them as culprits to polluting Manila Bay and, worse, intends to displace them from their sources of subsistence and livelihood and relocate them to areas of uncertainty, separating them apart from the “people” who should enjoy and benefit from what the bay has to offer. Such will be the fate of more than a hundred poor families in Cavite City, dwelling on the site of the proposed international airport at Sangley Point. Their only sin is for being too poor to install their own septic tank, while commercial establishments in Manila are given fair warnings or grace period, though polluting the bay for many years. The Sangley Point international airport project and the LGU-endorsed 320-hectare Bacoar Reclamation and Development project could displace 26,000 poor families from Cavite City, Bacoar City,

Noveleta, Kawit and Rosario of the said province. In the name of "rehabilitation," the government is aiming to displace more than 260,000 poor families, on which the bulk 160,000 families will come from coastal communities of Cavite province. Thus, the social cost includes the dislocation of 1 to 1.5 million Filipinos.

"Development" along Manila Bay, in actual fact, wiped out the mangrove ecosystem, from as broad as 54,000 hectares at the turn of the 20th century, to a measly 794 hectares in 1995. The 4,600-hectare wetlands, coral reefs and seagrass beds are obviously threatened. Not by the communities who rely on them for subsistence, but by reclamation projects that see no profits from them. The Commercial Business District of the Bay City alone, or the reclaimed area of Okada Manila in Parañaque City to the SM Esplanade Seaside Terminal in Pasay City, has destroyed almost 4 kilometers of the bay's natural ecosystem.

Without the categorical admission of prohibiting reclamation in Manila Bay, the outrageous is in front of us. From the near 8-kilometer coastline from Okada Manila in Parañaque City to the Manila Ocean Park, the people could only "swim" as per mentioned on the Supreme Court decision, on a bantam 1.3-kilometer bay area in Malate, Manila, from the Manila Yacht club to near the United States Embassy compound. It is as clear as the blue sky of Manila Bay's horizon that reclamation has deprived the people of public access. Without public access, the Supreme Court decision falls pointless.

This bill was filed during the 17th Congress by the representatives of Anakpawis Party-list, Bayan Muna, ACT Teachers Party-list, Gabriela Women's Party and Kabataan Party-list as assertion of the broad clamor of the affected fisherfolk and other sectors.

May this bill act as the collective and decisive will of the Filipino people to refute any stratagem of any party, that worships profit at the cost of undermining the people's aspiration for a sincerely rehabilitated, restored and preserved Manila Bay. The approval of this bill is deemed critical and urgently sought.

Approved,



REP. EUFEMIA C. CULLAMAT
BAYAN MUNA Partylist



REP. FERDINAND R. GAITE
BAYAN MUNA Partylist



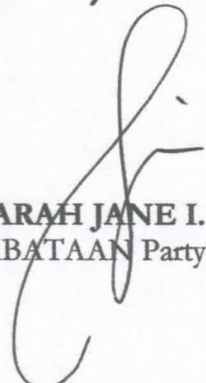
REP. CARLOS ISAGANI T. ZARATE
BAYAN MUNA Partylist



REP. FRANCIS L. CASTRO
ACT TEACHERS Party-List



REP. ARLENE D. BROSAS
GABRIELA Women's Party



REP. SARAH JANE I. ELAGO
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**AN ACT DECLARING MANILA BAY AS RECLAMATION-FREE ZONE
AND PROVIDING PENALTIES THEREFOR**

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. *Title.* - This Act shall be known as the "Manila Bay as Reclamation-Free Zone Act."

SECTION 2. *Declaration of Policy.* - It is hereby declared the policy of the State to declare the sea waters of the Manila Bay Area as a reclamation-free zone. All forms of reclamation activities that will affect a part of or the entire Manila Bay Area, as delineated in the next Section, are hereby prohibited.

SECTION 3. *Manila Bay Area delineated.* - The Manila Bay Area is the portion of the Luzon coast stretching One Hundred Ninety kilometers (190 kms) and covering a total area of One Thousand Nine Hundred Ninety-Four square kilometers (1,994 sq. km.), bounded in the east by the Sierra Madre, Caraballo in the north, Zambales in the northwest, Bataan in the west, Batangas in the south and the West Philippines Sea in the southwest, located between 120° 14' and 121° 24' E and 13° 58' N and 16° 8' N, including its waters located between 120° 28' E and 121° 15' E and 14° 16' N and 15° N.

SECTION 4. *Coverage.* - The prohibited act mentioned in Section 1 hereof includes all activities that seek to fill, cover or overlay the sea waters of the Manila Bay Area with soil, gravel, stones or other similar materials to create artificial land space beginning from the coast; or any activity that will construct artificial islands or floating structures, build overhang infrastructure above the sea waters or will result in the receding of the sea waters and the surfacing of the soil beneath the sea waters.

SECTION 5. *Disapproval of all planned reclamation projects* – All plans for reclamation projects pending with the office of the Philippine Reclamation Authority or any government agency or local government unit are hereby disapproved.

SECTION 6. *Revocation of issued ECCs and reclamation permits*. – All Environmental Clearance Certificates issued by the Department of Environment and Natural Resources and all permits issued by any government agency or LGU for the purpose of reclaiming a part of or the entire Manila Bay Area are hereby revoked.

SECTION 7. *Disapproval of pending applications for ECCs and reclamation permits*. – All applications for Environmental Clearance Certificate pending with the DENR and all applications for permits pending with any government agency or LGU for the purpose of reclaiming a part of or the entire Manila Bay Area are hereby disapproved by operation of this Act.

SECTION 8. *Penal provisions*. – Any person, natural or juridical, or any public officer who violates the provisions of this Act shall suffer the penalty of imprisonment of not less than six (6) years but not more than twelve (12) years and a fine of not less than Five Million Pesos (P5,000,000.00) but not more than Fifteen Million Pesos (P15,000,000.00).

Any public officer who violates this Act shall also be dismissed from public service and perpetually disqualified from holding public office.

If the offender is a juridical entity, the highest ranking official and the members of its board of directors or trustees who authorized the violation shall suffer the penalty imposed under this Act. The operator or owner thereof shall not be allowed to operate similar establishment or enterprise in a different name or style or in a different location.

SECTION 9. *Implementing Rules and Regulations*. – Within sixty (60) days from the passage of this Act, the DENR shall promulgate the necessary rules and regulations for its effective implementation.

SECTION 10. *Separability clause*. – If any provision of this Act is declared unconstitutional or invalid, other parts hereof not affected shall continue to in full force and effect.

SECTION 11. *Repealing clause*. – Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with any provision of this Act is hereby amended or modified accordingly.

SECTION 12. *Effectivity*. – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,