

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE RESOLUTION No. 8



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

RESOLUTION
URGING THE HOUSE OF REPRESENTATIVES TO CONDUCT AN INVESTIGATION, IN AID OF LEGISLATION, ON THE RAMMING AND SINKING OF A FILIPINO FISHING BOAT BY A CHINESE VESSEL AND THE CONSEQUENT ABANDONMENT OF THE HAPLESS TWENTY-TWO (22) FILIPINO FISHERMEN INSIDE THE PHILIPPINES' EXCLUSIVE ECONOMIC ZONE IN RECTO BANK

WHEREAS, on June 9, 2019, a Filipino fishing boat F/B Gem-Ver with its crew, was anchored in Recto Bank, part of the Philippines Exclusive Economic Zone (EEZ), located about 80 nautical miles off the coast of Palawan

WHEREAS, while the said FB Gem-Ver was anchored, a Chinese vessel, Yuemaobinyu 42212, which is also suspected as being a Chinese militia ship¹, rammed into the back of F/B Gem-Ver at around 11:30 PM, causing the significantly smaller and flimsier Filipino fishing boat to sink;

WHEREAS, according to the accounts of the F/B Gem-Ver crew, Yuemaobinyu 42212 returned to the wreckage, flashed its light on the wreckage. But, as soon as it came back, the Chinese vessel also turned off its lights immediately and sped off to an unknown direction, leaving behind 22 shipwrecked Filipino fishermen, who were left in the mercy of the open sea²;

WHEREAS, fortuitously, at around 1:00 AM, Vietnamese fishermen aboard the boat TGTG-90983-TS spotted the distress signal of the F/B Gem-Ver crew and came to their aid. They sailed for another two hours before reaching the sunken fishing boat. According to a Vietnamese news website, the "Vietnamese crew found a group of 20 Filipino fishermen wearing life jackets clinging on to plastic barrels and pieces of wood from a sunken boat. The victims were found to be hungry and quivering. We took them to their boat and fed them rice and instant noodles, and

¹ <https://www.rappler.com/nation/233096-demand-compensation-china-philippine-boat-sinking-carpio>

² <https://www.rappler.com/newsbreak/iq/233394-timeline-chinese-sinking-filipino-boat-gem-ver-west-philippine-sea>

helped them get warm after many hours of struggling in the sea for their lives³." The Vietnamese fishermen even rescued the Filipino's pet dog, who clung to the starboard of the sinking ship. At the time of the rescue, the fishermen have been treading water for about four (4) hours;

WHEREAS, rage and condemnation over the incident immediately followed after the same was made known to the public. Defense Secretary Delfin Lorenzana, in a statement, condemned the Recto Bank "collision", particularly the fact that the Chinese fishing vessel for abandoning the 22 Filipino fishermen. Foreign Affairs Secretary Teodoro Locsin also labeled the incident "contemptible and condemnable." Presidential Spokesperson Salvador Panelo claimed the incident "is uncivilized as it is outrageous", claiming that it is possible for the Philippines to cut ties with China over the boat-sinking incident;

WHEREAS, while the public condemnation of the Recto Bank incident rages, the officials of the Duterte administration suddenly changed their condemnatory and combative tones. A day after strongly condemning the incident, Sec. Lorenzana claimed he is already "unsure" if the boat that sank the F/B Gem-Ver was Chinese. Lorenzana's backtracking was followed by other statements from other cabinet members belittling the issue as a small incident that need not be blown out of proportion;

WHEREAS, the vacillating statements from the officials of the Duterte administration played well with the official downplaying of the incident by the Chinese government, with Chinese Foreign Ministry Spokesperson Geng Shuang calling the incident as "an ordinary maritime traffic incident." He also said it irresponsible for the Philippines to "politicize the incident without verification."⁴;

WHEREAS, it is becoming apparent thereafter that the Chinese government is bent on whitewashing the incident when its Manila embassy issued on June 14, 2019 a statement claiming that the Chinese vessel was in fact "besieged by 7 or 8 Filipino fishing boats," preventing it from rescuing the Filipino fishermen from their sunken boat⁵. However, satellite images belied that Filipino boats swarmed the Chinese vessel⁶;

WHEREAS, while the issue is raging publicly, President Duterte was conspicuously silent, contrary to his now all too familiar character of publicly shaming and berating just anybody who crossed his path. Then when he broke his silence on June 17, 2019, to the outrage of many, he also belittled the issue as a "little maritime incident" and a "banggaan lang ng barko yan⁷,"

WHEREAS, President Duterte's response to the Recto Bank incident and the plight of abandoned Filipinos betrays his government's apparent trepidation of directly confronting the Chinese government despite public outrage and clamor;

WHEREAS, apparently to assuage the public outrage, on June 22, President Duterte agreed to a joint Philippines-China investigation into the Recto Bank incident;

³ <https://en.thesaigontimes.vn/tinbaichitiet/69157/>

⁴ <https://www.rappler.com/nation/233003-china-sinking-philippine-boat-ordinary-maritime-accident>

⁵ <https://www.rappler.com/nation/233091-china-claims-ship-besieged-by-filipino-boats>

⁶ <https://news.abs-cbn.com/news/06/15/19/satellite-images-show-chinese-ship-not-swarmed-by-pinoy-boats-analyst>

⁷ <https://www.rappler.com/nation/233282-duterte-statement-chinese-sinking-filipino-boat-recto-bank>

WHEREAS, President Duterte even publicly obscures the issue of Chinese presence and fishing in our Exclusive Economic Zone (EEZ), claiming that he “will allow” them to fish in our waters “because we’re friends”;

WHEREAS, the defense of our maritime territory is enshrined in the 1987 Constitution. Article XII, Section 2 states: “The state shall protect the nation’s marine wealth in its archipelagic waters, territorial sea, and, **exclusive economic zone and reserve its use and enjoyment exclusively to Filipino citizens.**” Also, Article I of the 1987 Constitution states: “The national territory comprises the Philippine archipelago, with all the islands and waters embraced therein, and all other territories over which the Philippines has sovereignty or jurisdiction, consisting of its terrestrial, fluvial, and aerial domains, including its territorial sea, the seabed, the subsoil, the insular shelves, and other submarine areas;”

WHEREAS, in 2016, the Permanent Court of Arbitration at The Hague already nullified China’s claims over the West Philippine Sea. It also acknowledges the Philippines’ sovereign rights or entitlement to an exclusive economic zone of 200 nautical miles from the coast. Recto Bank is located only 82 miles from terrestrial territory; hence, it is clearly within the Philippines EEZ and China cannot assert rights over it;

WHEREAS, Article 56 of the UNCLOS provides that a coastal state has sovereign rights within the EEZ for: “Exploring and exploiting, conserving and managing the natural resources... of the waters superjacent to the seabed and of the seabed and its subsoil, and with regard to other activities for the economic exploitation and exploration of the zone, such as the production of energy from the water, currents and winds.”

WHEREAS, Republic Act 8550 or the Philippine Fisheries Code of 1998 also reinforces that the country has sovereign rights and jurisdiction in all Philippine waters. Section 2 of RA 8550 reads: “The protection of municipal fisherfolk against foreign intrusion shall extend to offshore fishing grounds. Fishworkers shall receive a just share for their labor in the utilization of marine and fishery resources.” Section 87 further specifies that “it is unlawful for any foreign person, corporation or entity to fish or operate any fishing vessel in Philippine waters. “The entry of any foreign fishing vessel in Philippine waters shall constitute a prima facie evidence that the vessel is engaged in fishing in Philippine waters.”

WHEREAS, both domestic and international laws clearly provide basis for the Philippines to strongly condemn and demand accountability from the Chinese government over the Recto Bank incident and the fate that befell the 22 fisher folk. Yet, the Duterte administration chose to look the other way; instead, it went to even appease China, rather than standing for the interest of our people and country;

WHEREAS, the Recto Bank incident is but another manifestation of China's increasing aggression and arrogance in claiming and annexing our waters and territories. These past years have witnessed how China converted our seas and fishing grounds into military installations, how China bullied and threatened our fisher folk out of our own fishing grounds, and, how China openly plundered or destroyed our maritime resources. The government's cowardly stance and failure to uphold our own claim in these waters has further emboldened China to conduct itself like an imperial hooligan in our own territory;

WHEREAS, President Duterte's claim that any condemnation of the incident and the defense of our fishermen will foment war is baseless and a sheer cop out. His "kneel or war" policy in dealing with China comes as a thin veil to cover-up his apparent servility to a rising imperialist power, like China. Countries like Hong Kong, Taiwan, Vietnam, Indonesia and other countries have steadfastly opposed China's expansionism without resulting to a real threat of invasion or war;

WHEREAS, it is the duty of Congress to ensure that our territorial integrity is intact, local and international laws be honored and recognized, and more importantly, the safety and economic rights of are people are protected and ensured. It is also the duty of Congress and all patriotic Filipinos to defend our territories from foreign dominance and intrusion;

NOW, THEREFORE BE IT RESOLVED, that the House of Representatives conduct an investigation, in aid of legislation, on the ramming and sinking of a Filipino fishing boat by a Chinese vessel and the consequent abandonment of the twenty-two (22) Filipino fishermen inside the exclusive economic zone of the Philippines in Recto Bank.

Adopted,

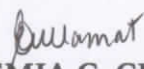
Adopted,



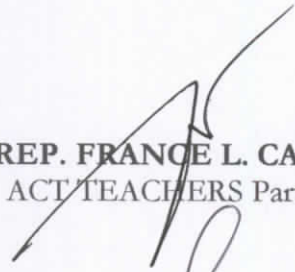
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