

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila



EIGHTEENTH CONGRESS
Third Regular Session
3169

INTRODUCED BY REPRESENTATIVE ROSE MARIE BABY J. ARENAS

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. The concept of heritage is strongly, rooted in the legacy of those who went ahead of us, but what we do about their tangible and intangible legacies have strong implications for our future as well as the future of the succeeding generations. Millions of Filipinos embrace the heritage of Manila Bay Area, not only because of its historical significance and cultural importance, but also because of the environmental costs that come with massive reclamation.

The main geophysical hazards of reclamation, identified by Kelvin Rodolfo are: land subsidence; storm surge and storm waves caused by typhoons; and seismically induced liquefaction, causing epic disasters. coastal communities around Manila Bay are already exposed to numerous natural hazards, particularly those related to earthquakes (e.g. liquefaction, tsunamis) and hydro-meteorological phenomena (e.g. floods, storm surges). Reclaimed land are susceptible to liquefaction. Structures built on top of liquefied land are likely to collapse and kill people. The effects of these hazards are exacerbated by accelerated land subsidence due to over-extraction of groundwater.

The low cost of reclamation per square meter for developers, is a miniscule percentage of the exorbitant prices that these reclaimed lands are sold in the market, the profit of which goes directly into private hands. Urban expansion which is the main goal of the proposed land reclamation projects puts more people in areas susceptible to natural hazards, which translates to greater risk. The plan and its implementation are not transparent, grossly inadequate in terms of genuine consultation with the people, and are lacking of appropriate assessment of environmental risks and impacts.

The United Nations Environment under the UN Decade on Ecosystem Restoration declared the importance of protecting of the marine environment from land-based activities to assure food security by preserving the ecological balance of food chains. Reclamation will alter the coastline, the circulation of the water, leading to reduction in water quality and increased pollution. The destruction of Manila Bay's marine ecosystem threatens the stability of our food supply. Once a productive fishing area, destructive fishing practices, massive pollution, and unmitigated land conversion of wetlands and coastal areas have contributed to the marine ecosystem's deterioration.

On February 1, 2019, President Rodrigo Duterte signed Executive Order (EO) No. 74 which transferred the power to approve reclamation projects from the National Economic and Development Authority (NEDA) to the Philippine Reclamation Authority (PRA), which he placed directly under the Office of the President. Likewise, in January, as a response to the President Duterte's 7-year plan worth PhP47 Billion to clean up Manila Bay, the Supreme Court (SC) created an advisory committee to monitor and verify the compliance by government agencies in its 2008 writ of continuing mandamus ordering 13 government agencies to clean and protect Manila Bay. The committee is headed by the now retired Justice Presbitero J. Velasco Jr., the same justice who authored the writ in 2008. In this continuing mandamus, the SC states in unequivocal terms that these agencies should *"clean up, rehabilitate, and preserve Manila Bay, and restore and maintain its waters to SB level to make them fit for swimming, skin diving, and other forms of contact recreation."*

As early as 1954, or sixty five years ago, the goal to protect Manila bay has been enshrined in our laws as shown by **Proclamation No. 41** by President Ramon Magsaysay reserved Manila Bay as a national park for the people. However, it was **Republic Act 7586 of 1992**, enacted by President Fidel Ramos, which included Manila Bay in the National Integrated Protected Areas System Act of 1992. In 1993, **Manila City Ordinance 7777** passed by the City Council banned any form of reclamation along Manila Bay from the US embassy to the Cultural Center of the Philippines. In 2012, the National Historical Commission of the Philippines, by virtue of the **NCHP Resolution No. 19 S/ 2012**, as mandated by Republic Act 10066, the Cultural Heritage Act of 2009 and Republic Act 10086, the Philippine History Act, declared Manila Bay and its waterfront a **"National Historical Landmark."** In effect, this recognized Manila Bay as a "cultural property" which by law, must be protected by the government, making it unlawful to undertake reclamation projects which will alter or affect its appearance, among other considerations. The Department of Environment and Natural Resources (DENR) identified Manila Bay as a Key Biodiversity Area in 2006 recognizing Manila Bay as a critically important biodiversity area. Along with reclamation, DENR lists pollution, conversion to fishponds, salt pans, industrial and domestic wastes, and road construction as threats to Manila Bay's ecosystem. In September 2008, the SC issued the writ of continuing mandamus with a clear directive to rehabilitate and preserve Manila

However, it was the mere **City Ordinance 8233** of Manila passed on June 6, 2011, amending Ordinance 7777, prohibiting any form of reclamation along certain areas of Manila Bay, **that lifted the ban on reclamation**, making the City of Manila a party to the Contractual Consortium Agreement and owner of certain portions of the reclamation project.

Given the recent actions of President Duterte, as Chief Executive and of the SC, as the judiciary branch of government, to step up its drive to protect Manila Bay, it is imperative that the Congress, as the legislative branch of government does the same, and further empower these other branches to implement such mandate. It is high time for Congress to pass a law that will specifically ban, in no uncertain terms, and make it a serious criminal violation to allow, further reclamation in Manila Bay.


We have a constitutional right to a “a balanced and healthful ecology with the rhythm and harmony of nature” enshrined under Section 16 Article 2 of the Philippine Constitution, but neither this constitutional guarantee nor any of these prohibitions have been heeded. We have witnessed the unbridled destruction and unconscionable desecration of this “cultural property” at the cost of the physical safety, economic security and social development of communities affected.

As a matter of record, the Philippine Reclamation Authority (PRA) has already entered into some formal understanding or agreement with the cities of Manila, Pasay, Paranaque, Las Pinas and Bacoor to reclaim 1,440 hectares along Manila Bay covering the area between the Cultural Center Complex to Las Pinas-Paranaque coast. The alarming “National Reclamation Plan” of the PRA aims to reclaim about 38,000 hectares all over the country, involving 102 projects, seventy percent (70%) or about 26,234 hectares of water, which is along the coast of Manila Bay, thereby expanding Metro Manila by more than a third its size of about 63,843 hectares!

This Bill seeks to recognize and declare Manila Bay, in its entirety, not only a national historical landmark, but a heritage site that is protected, fully owned by the government, with management policies based on the preservation of an ecosystem and rights-based, people centered development framework.

Manila Bay Area belongs to the Filipino people and must remain in public hands.

The approval of this bill is both **critical and urgent**.


ROSE MARIE BABY J. ARENAS
Third District of Pangasinan

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EIGHTEENTH CONGRESS
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HOUSE BILL NO. 3169

INTRODUCED BY REPRESENTATIVE
ROSE MARIE BABY J. ARENAS

**AN ACT DECLARING MANILA BAY AS HERITAGE ASSET FREE FROM ANY AND
ALL FORMS OF FURTHER RECLAMATION AND PROVIDING PENALTIES
THEREFOR**

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

SECTION 1. Heritage Site. The entire Manila Bay area, covering its waterfront and sea waters are hereby declared as a **heritage site**. Any and all forms of further reclamation activities that will affect a portion or the entire Manila Bay Area, as delineated in the next section, are hereby prohibited.

SECTION 2. 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 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 8' 14" and 121 24' E and 13 58' and 16 8' N, including its waters located between 120 28' E and 121 15' and 14 16' N and 15 N.

SECTION 3. Coverage. The prohibited acts 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 overhand 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 4. Nullification of all planned reclamation projects. All projects approved and all plans for reclamation projects pending with the Office of the Philippine Reclamation Authority under the Office of the President or any government agency or local government units are hereby nullified and disapproved.

SECTION 5. Revocation of issued ECCs and reclamation related permits. All Environmental Clearance Certificates issued by the Department of Environment and Natural Resources and all other applications for Manila Bay Area reclamation related permits to any government agency or local government units are hereby revoked.

SECTION 6. Disapproval of pending applications for ECCs and reclamation related permits. All applications for Environmental Clearance Certificate pending with the DENR and all other Manila Bay Area reclamation related permits pending with any government agency or LGU are hereby disapproved by operation of this Act.

SECTION 7. 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 with accessory penalties.

If the violator 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 different location.

SECTION 8. Implementing Rules and Regulations.- Within sixty (60) days from the passage of this AT, the DENR with the participation of stakeholders shall promulgate the necessary rules and regulations for its effective implementation.

SECTION 9. Separability clause. If any provision of this Act is declared unconstitutional or invalid, other parts hereof not affected shall continue and effective.

SECTION 10. 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 11. Effectivity. This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved.