

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

EIGHTEENTH CONGRESS
First Regular Session

HOUSE RESOLUTION NO. 247



Introduced by Representative Elpidio F. Barzaga, Jr.

RESOLUTION

DIRECTING THE COMMITTEE ON NATURAL RESOURCES TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION ON THE STATUS OF THE MANILA BAY REHABILITATION AND THE CLEANUP OF WATER TRIBUTARIES LEADING TO IT, AS ORDERED BY PRESIDENT RODRIGO R. DUTERTE AND BY THE CONTINUING MANDAMUS OF THE SUPREME COURT

WHEREAS, on December 18, 2008 in the case "*MMDA versus Concerned Residents of Manila Bay* (G.R. Nos. 17147-48)", the Supreme Court categorically issued a Continuing Mandamus against different government agencies to cleanup, rehabilitate, and preserve Manila Bay, and to restore and maintain its waters to Class B Level that is fit for swimming, skin-diving and other forms of contact recreation;

WHEREAS, specifically, in the dispositive portion of the said Decision, the Supreme Court ordered the following:

- (1) For the **Department of Environment and Natural Resources (DENR)**:
 - (a) to fully implement its *Operational Plan for the Manila Bay Coastal Strategy* for the rehabilitation, restoration and conservation of Manila Bay at the earliest possible time; and,
 - (b) conduct regular coordination meetings with concerned government departments and agencies;
- (2) For the **Department of Interior and Local Government (DILG)** to direct all Local Government Units (LGUs) in Metro Manila, Rizal, Laguna, Cavite, Bulacan, Pampanga and Bataan to inspect all factories, commercial establishments and private homes along the banks of the major river systems in their respective areas of jurisdiction, such as but not limited to the Pasig-Marikina-San Juan Rivers, the NCR (Parañaque-Zapote, Las Piñas) Rivers, the

Navotas-Malabon-Tullahan-Tenejeros Rivers, the Meycauayan-Marilao-Obando (Bulacan) Rivers, the Talisay (Bataan) River, the Imus (Cavite) River, the Laguna De Bay, and other minor rivers and waterways that eventually discharge water into the Manila Bay; and the lands abutting the bay, to determine whether they have wastewater treatment facilities or hygienic septic tanks as prescribed by existing laws, ordinances, and rules and regulations. If none be found, these LGUs shall be ordered to require non-complying establishments and homes to set up said facilities or septic tanks within a reasonable time to prevent industrial wastes, sewage water, and human wastes from flowing into these rivers, waterways, *esteros*, and the Manila Bay, under pain of closure or imposition of fines and other sanctions;

- (3) For the **Metropolitan Waterworks and Sewerage System (MWSS)** to provide, install, operate, and maintain the necessary adequate waste water treatment facilities in Metro Manila, Rizal, and Cavite where needed at the earliest possible time;
- (4) For the **Local Water Utilities Administration (LWUA)**, through the local water districts, to provide, install, operate, and maintain sewerage and sanitation facilities and the efficient and safe collection, treatment, and disposal of sewage in the provinces of Laguna, Cavite, Bulacan, Pampanga, and Bataan where needed at the earliest possible time;
- (5) For the **Department of Agriculture (DA)**, through the Bureau of Fisheries and Aquatic Resources (BFAR) to improve and restore the marine life of the Manila Bay. It is also directed to assist the LGUs in Metro Manila, Rizal, Cavite, Laguna, Bulacan, Pampanga, and Bataan in developing, using recognized methods, the fisheries and aquatic resources in the Manila Bay;
- (6) For the **Philippine Coast Guard (PCG)** and the **PNP Maritime Group** to apprehend violators of PD 979 (Marine Pollution Decree of 1976), R.A. 8550 (Philippine Fisheries Code) and other existing laws and regulations designed to prevent marine pollution in the Manila Bay;
- (7) For the **Philippine Ports Authority (PPA)** to immediately adopt such measures to prevent the discharge and dumping of solid and liquid wastes and other ship-generated wastes into the Manila Bay waters from vessels docked at ports and apprehend the violators;
- (8) For the **Metropolitan Manila Development Authority (MMDA)** to dismantle and remove all structures, constructions, and other encroachments established or built in violation of RA 7279 (Urban Development and Housing Act), and other applicable laws along the Pasig-Marikina-San Juan Rivers, the NCR (Parañaque-Zapote, Las Piñas) Rivers, the Navotas-Malabon-Tullahan-Tenejeros Rivers, and connecting waterways and *esteros* in Metro Manila;

For The **Department of Public Works and Highways (DPWH)**, as lead implementor of flood control projects in Bulacan, Bataan, Pampanga, Cavite, and Laguna, in coordination with the DILG, affected LGUs, PNP Maritime Group, HUDCC, and other concerned government agencies, shall remove and demolish all structures, constructions, and other encroachments built in breach of RA 7279

and other applicable laws along the Meycauayan-Marilao-Obando (Bulacan) Rivers, the Talisay (Bataan) River, the Imus (Cavite) River, the Laguna De Bay, and other rivers, connecting waterways, and esteros that discharge wastewater into the Manila Bay;

In addition, the MMDA is ordered to establish, operate, and maintain a sanitary landfill, as prescribed by RA 9003 (Solid Waste Management), within a period of one (1) year from finality of the Decision. On matters within its territorial jurisdiction and in connection with the discharge of its duties on the maintenance of sanitary landfills and like undertakings, it is also ordered to cause the apprehension and filing of the appropriate criminal cases against violators of the respective penal provisions of RA 9003, RA 9275 (the Clean Water Act), and other existing laws on pollution;

- (9) For the **Department of Health (DOH)**, within one (1) year from finality of the Decision, determine if all licensed septic and sludge companies have the proper facilities for the treatment and disposal of fecal sludge and sewage coming from septic tanks. The DOH shall give the companies, if found to be non-complying, a reasonable time within which to set up the necessary facilities under pain of cancellation of its environmental sanitation clearance;
- (10) For the **Department of Education (DepEd)** to integrate lessons on pollution prevention, waste management, environmental protection, and like subjects in the school curricula of all levels to inculcate in the minds and hearts of students and, through them, their parents and friends, the importance of their duty toward achieving and maintaining a balanced and healthful ecosystem in the Manila Bay and the entire Philippine archipelago;
- (11) For the **Department of Budget and Management (DBM)** to consider incorporating an adequate budget in the General Appropriations Act of 2010 and succeeding years to cover the expenses relating to the cleanup, restoration, and preservation of the water quality of the Manila Bay, in line with the country's development objective to attain economic growth in a manner consistent with the protection, preservation, and revival of our marine waters;
- (12) For the heads of agencies MMDA, DENR, DepEd, DOH, DA, DPWH, DBM, PCG, PNP Maritime Group, DILG, and also of MWSS, LWUA, and PPA, in line with the principle of "*continuing mandamus*," shall, from finality of the Decision, each submit to the Court a quarterly progressive report of the activities undertaken in accordance with the Decision;

WHEREAS, on February 15, 2011, the Supreme Court issued anew a Resolution, in order to implement its *2008 Decision*, as recommended by the Manila Bay Advisory Committee and by providing time frames for the aforesaid agencies to comply:

- (1) For the **DENR** to submit the following on or before June 30, 2011:
 - (a) Updated Operational Plan for the Manila Bay Coastal Strategy;

- (b) Summarized Data on the overall quality of Manila Bay waters for all quarters of 2010; and,
 - (c) Names and Addresses of Persons and Companies in Metro Manila Rizal, Laguna, Cavite, Bulacan, Pampanga and Bataan that generate toxic and hazardous waste, on or before September 30, 2011;
- (2) **DILG, LGU officials** are given up to September 30, 2011 to finish the inspection of all factories, commercial establishments and private homes along the banks of the major river systems, such as but not limited to the Pasig-Marikina-San Juan Rivers, the National Capital Region (Paranaque-Zapote, Las Pinas) Rivers, the Navotas-Malabon-Tullahan-Tenejeros Rivers, the Meycauayan-Marilao-Obando (Bulacan) Rivers, the Talisay (Bataan) River, the Imus (Cavite) River, and the Laguna De Bay—and other minor rivers and waterways within their jurisdiction that eventually discharge water into the Manila Bay and the lands abutting it;

The governors and mayors shall submit to the DILG on or before December 31, 2011 their respective compliance reports which will contain the names and addresses or offices of the owners of all the non-complying factories, commercial establishments and private homes, copy furnished the concerned environmental agency, be it the local DENR office or the Laguna Lake Development Authority;

DILG is required to submit a five-year plan of action that will contain measures intended to ensure compliance of all non-complying factories, commercial establishments, and private homes.

On or before June 30, 2011, the DILG and the mayors of all cities in Metro Manila shall consider providing land for the wastewater facilities of the Metropolitan Waterworks and Sewerage System (MWSS) or its concessionaires (Maynilad and Manila Water, Inc.) within their respective jurisdictions.

- (3) **MWSS**, on or before June 30, 2011, submit the list of areas in Metro Manila, Rizal and Cavite that do not have the necessary wastewater treatment facilities. Within the same period, the concessionaires of the MWSS shall submit their plans and projects for the construction of wastewater treatment facilities in all the aforesaid areas and the completion period for said facilities, which shall not go beyond 2037. The MWSS is further required to have its two concessionaires submit a report on the amount collected as sewerage fees in their respective areas of operation as of December 31, 2010.
- (4) **LWUA** is ordered to submit on or before September 30, 2011 its plan to provide, install, operate and maintain sewerage and sanitation facilities in said cities and towns and the completion period for said works, which shall be fully implemented by December 31, 2020.
- (5) **DA**, through **BFAR**, is ordered to submit to the Court on or before June 30, 2011 a report on areas in Manila Bay where marine life has to be restored or improved and the assistance it has extended to the LGUs in Metro Manila, Rizal, Cavite, Laguna, Bulacan, Pampanga and Bataan in developing the fisheries and aquatic resources in Manila Bay. The report shall contain monitoring data on the marine life in said areas. Within the same period, it shall submit its five-year plan to restore and improve the marine life in Manila Bay, its future activities to assist

the aforementioned LGUs for that purpose, and the completion period for said undertakings.

The DA shall submit to the Court on or before September 30, 2011 the baseline data as of September 30, 2010 on the pollution loading into the Manila Bay system from agricultural and livestock sources.

- (6) **PPA** shall incorporate in its quarterly reports the list of violators it has apprehended and the status of their cases. The PPA is further ordered to include in its report the names, make and capacity of the ships that dock in PPA ports. The PPA shall submit to the Court on or before June 30, 2011 the measures it intends to undertake to implement its compliance with paragraph 7 of the dispositive portion of the *MMDA Decision* and the completion dates of such measures.

The PPA should include in its report the activities of its concessionaire that collects and disposes of the solid and liquid wastes and other ship-generated wastes, which shall state the names, make and capacity of the ships serviced by it since August 2003 up to the present date, the dates the ships docked at PPA ports, the number of days the ship was at sea with the corresponding number of passengers and crew per trip, the volume of solid, liquid and other wastes collected from said ships, the treatment undertaken and the disposal site for said wastes.

- (7) **PNP Maritime Group** shall submit on or before June 30, 2011 its five-year plan of action on the measures and activities it intends to undertake to apprehend the violators of Republic Act No. (RA) 8550 or the Philippine Fisheries Code of 1998 and other pertinent laws, ordinances and regulations to prevent marine pollution in Manila Bay and to ensure the successful prosecution of violators.

The **Philippine Coast Guard** shall likewise submit on or before June 30, 2011 its five-year plan of action on the measures and activities they intend to undertake to apprehend the violators of Presidential Decree No. 979 or the Marine Pollution Decree of 1976 and RA 9993 or the Philippine Coast Guard Law of 2009 and other pertinent laws and regulations to prevent marine pollution in Manila Bay and to ensure the successful prosecution of violators.

- (8) **MMDA** shall submit to the Court on or before June 30, 2011 the names and addresses of the informal settlers in Metro Manila who, as of December 31, 2010, own and occupy houses, structures, constructions and other encroachments established or built along the Pasig-Marikina-San Juan Rivers, the NCR (Parañaque-Zapote, Las Piñas) Rivers, the Navotas-Malabon-Tullahan-Tenejeros Rivers, and connecting waterways and esteros, in violation of RA 7279 and other applicable laws. On or before June 30, 2011, the MMDA shall submit its plan for the removal of said informal settlers and the demolition of the aforesaid houses, structures, constructions and encroachments, as well as the completion dates for said activities, which shall be fully implemented not later than December 31, 2015.

The MMDA is ordered to submit a status report, within thirty (30) days from receipt of this Resolution, on the establishment of a sanitary landfill facility for

Metro Manila in compliance with the standards under RA 9003 or the Ecological Solid Waste Management Act.

On or before June 30, 2011, the MMDA shall submit a report of the location of open and controlled dumps in Metro Manila whose operations are illegal after February 21, 2006, pursuant to Secs. 36 and 37 of RA 9003, and its plan for the closure of these open and controlled dumps to be accomplished not later than December 31, 2012. Also, on or before June 30, 2011, the DENR Secretary, as Chairperson of the National Solid Waste Management Commission (NSWMC), shall submit a report on the location of all open and controlled dumps in Rizal, Cavite, Laguna, Bulacan, Pampanga and Bataan.

On or before June 30, 2011, the DENR Secretary, in his capacity as NSWMC Chairperson, shall submit a report on whether or not the following landfills strictly comply with Secs. 41 and 42 of RA 9003 on the establishment and operation of sanitary landfills, to wit:

National Capital Region

1. *Navotas SLF (PhilEco), Brgy. Tanza (New Site), Navotas City*
2. *Payatas Controlled Dumpsite, Barangay Payatas, Quezon City*

Region III

3. *Sitio Coral, Brgy. Matictic, Norzagaray, Bulacan*
4. *Sitio Tiakad, Brgy. San Mateo, Norzagaray, Bulacan*
5. *Brgy. Minuyan, San Jose del Monte City, Bulacan*
6. *Brgy. Mapalad, Santa Rosa, Nueva Ecija*
7. *Sub-zone Kalangitan, Clark Capas, Tarlac Special Economic Zone*

Region IV-A

8. *Kalayaan (Longos), Laguna*
9. *Brgy. Sto. Nino, San Pablo City, Laguna*
10. *Brgy. San Antonio (Pilotage SLF), San Pedro, Laguna*
11. *Morong, Rizal*
12. *Sitio Lukutan, Brgy. San Isidro, Rodriguez (Montalban), Rizal (ISWIMS)*
13. *Brgy. Pintong Bukawe, San Mateo, Rizal (SMSLFDC)*

On or before June 30, 2011, the MMDA and the seventeen (17) LGUs in Metro Manila are ordered to jointly submit a report on the average amount of garbage collected monthly per district in all the cities in Metro Manila from January 2009 up to December 31, 2010 vis-à-vis the average amount of garbage disposed monthly in landfills and dumpsites. In its quarterly report for the last quarter of 2010 and thereafter, MMDA shall report on the apprehensions for violations of the penal provisions of RA 9003, RA 9275 and other laws on pollution for the said period.

On or before June 30, 2011, the **DPWH** and the **LGUs** in Rizal, Laguna, Cavite, Bulacan, Pampanga, and Bataan shall submit the names and addresses of the informal settlers in their respective areas who, as of September 30, 2010, own or occupy houses, structures, constructions, and other encroachments built along the Meycauayan-Marilao-Obando (Bulacan) Rivers, the Talisay (Bataan) River, the Imus (Cavite) River, the Laguna de Bay, and other rivers, connecting waterways and *esteros* that discharge wastewater into the Manila Bay, in breach of RA 7279

and other applicable laws. On or before June 30, 2011, the DPWH and the aforesaid LGUs shall jointly submit their plan for the removal of said informal settlers and the demolition of the aforesaid structures, constructions and encroachments, as well as the completion dates for such activities which shall be implemented not later than December 31, 2012.

- (9) **DOH** shall submit to the Court on or before June 30, 2011 the names and addresses of the owners of septic and sludge companies including those that do not have the proper facilities for the treatment and disposal of fecal sludge and sewage coming from septic tanks.

The DOH shall implement rules and regulations on Environmental Sanitation Clearances and shall require companies to procure a license to operate from the DOH.

The DOH and DENR-Environmental Management Bureau shall develop a toxic and hazardous waste management system by June 30, 2011 which will implement segregation of hospital/toxic/hazardous wastes and prevent mixing with municipal solid waste.

On or before June 30, 2011, the DOH shall submit a plan of action to ensure that the said companies have proper disposal facilities and the completion dates of compliance. *lavvphil*

- (10) **DepEd** shall submit to the Court on or before May 31, 2011 a report on the specific subjects on pollution prevention, waste management, environmental protection, environmental laws and the like that it has integrated into the school curricula in all levels for the school year 2011-2012.

On or before June 30, 2011, the DepEd shall also submit its plan of action to ensure compliance of all the schools under its supervision with respect to the integration of the aforementioned subjects in the school curricula which shall be fully implemented by June 30, 2012.

- (11) **All the agencies** are required to submit their quarterly reports electronically using the prescribed forms. The agencies may add other key performance indicators that they have identified.

WHEREAS, despite the Supreme Court Decision in 2008 and Resolution in 2011, Manila Bay continued to be the most polluted in the country, serving as a giant “waste-dump” for the metropolis and adjacent cities, where domestic sewage, toxic industrial effluents from factories, leachate from garbage dumps and other substances continue to pollute its waters;

WHEREAS, on January 8, 2019, President Rodrigo R. Duterte ordered the comprehensive cleanup and rehabilitation of Manila Bay, following the same cleanup drive with the six-month closure of Boracay Island in 2018;

WHEREAS, on January 27, 2019, the rehabilitation and cleanup of Manila Bay of the Current Administration was officially started led by DENR Secretary Roy Cimatu;

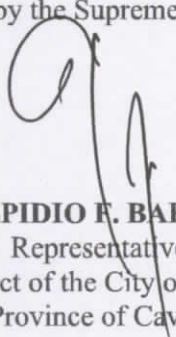
WHEREAS, the Manila Bay Inter-Agency Task Force was created on February 19, 2019 which was headed by the Secretary of the Department of Environment and Natural Resources (DENR). The vice chairpersons are the secretaries of the Department of Interior and Local Government (DILG) and Department of Tourism (DOT). Its members include the secretaries of the Department of Public Works and Highways, Department of Health, and Department of Agriculture; chairpersons of the Housing and Urban Development Coordinating Council and Metro Manila Development Authority; and executive director of the Pasig River Rehabilitation Commission. Administrators of the Local Water Utilities Administration and Manila Waterworks and Sewerage System, director of the Philippine National Police Maritime Group, commandant of the Philippine Coast Guard, general manager of the Philippine Ports Authority and representatives from the Manila Water Company, Inc. and Maynilad Water Services, Inc.

WHEREAS, in the 4th State of the Nation Address (SONA) of His Excellency, President Rodrigo R. Duterte, he underscored the positive results of the Manila Bay Rehabilitation as shown by the test results of waters collected near Padre Faura, which was considered as one of the dirtiest parts of the bay. He also ordered the relocation of informal settlers and immediate shut down of establishments that continue to pollute and poison the waters of Manila Bay including the tributaries leading to it;

WHEREAS, the continuous pollution of Manila Bay had impacted the health and livelihood of the coastal communities and produced deleterious effects on the marine life and resources in Manila Bay and contingent waters and tributaries leading to the said bay;

NOW THEREFORE, BE IT RESOLVED, as it is hereby resolved by the House of Representatives, directing the Committee on Natural Resources to conduct an inquiry, in aid of legislation, on the status of the Manila Bay Rehabilitation and the cleanup of water tributaries leading to Manila Bay, as ordered by President Rodrigo R. Duterte and by the continuing mandamus ordered by the Supreme Court.

Adopted,



ATTY. ELPIDIO F. BARZAGA, JR.
Representative
Lone District of the City of Dasmariñas
Province of Cavite