# File that case against China

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In October 2023, Justice Secretary Jesus Crispin Remulla bared plans by the Marcos administration to sue China before an international tribunal for what Remulla said was the “innumerable and immeasurable” damage Beijing had inflicted on the Philippines’ marine resources and environment in the West Philippine Sea (WPS).

The formal legal move, he added, would be “not only of the Filipino people but the rest of humanity,” and the evidence marshaled by the case would “show the abomination that China is doing to our waters.”

The timetable announced by Remulla for the case was early 2024, or by March “at the latest.”

It’s now July 2025, and that important suit appears nowhere to being filed, even as China has continued its unbridled depredations on marine territory that the Permanent Court of Arbitration in the Hague had ruled as indisputably belonging to the Philippines.

Because Beijing wants the world to conveniently ignore the damning fact, it needs to be reiterated time and again that the arbitral tribunal that upheld the Philippines’ case and invalidated China’s nine-dash-line claim over much of the South China Sea nine years ago was convened under the United Nations Convention on the Law of the Sea, to which Beijing is a signatory.

## Artificial concrete islands

By the time Manila, then under President Benigno Aquino III’s administration, courageously haled China before an international court, Beijing had already seized parts of the West Philippine Sea, most notably Scarborough Shoal or Bajo de Masinloc, a traditional fishing ground just off Zambales for generations of Filipinos as well as neighboring Asian countries.

In the succeeding years, it would grab more and more features in the area, turning reefs and atolls into artificial concrete islands bristling with military hardware in a bid to project its superpower influence way beyond its shorelines.

The damage that all that dredging, landfill, and construction has done to the marine environment has been immense, and one that directly affects the Filipino people’s patrimony for generations to come.

According to the University of the Philippines Marine Science Institute in 2019, the Philippines may be losing about P33.1 billion annually due to damage being inflicted on the reef ecosystem in the area. A December 2023 study by the Asia Maritime Transparency Initiative echoed that disturbing finding, noting that China has been responsible for as much as 75 percent of the devastation wrought on the area’s marine environment for about a decade now.

## Giant clam harvesting

Not only has it destroyed around 19 square km of coral reefs, but from the rampant giant clam harvesting alone done by Chinese fishermen, some 16,535 acres of coral reefs have been damaged, while coral reefs have shrunk by 16 percent over the last 10 years. In 2024, Filipino fishermen also complained that their Chinese counterparts were using cyanide in Scarborough Shoal, reportedly “to prevent Filipino fishing boats [from fishing] in the area.”

The latest outrage involves a Chinese vessel that, after running aground in waters near Pag-asa Island on June 7, deployed not the usual plain anchor but a parachute anchor that resulted in significant damage to 464.96 square meters of coral reefs worth over P11 million.

Since Pag-Asa Island is part of Palawan, the Palawan Council for Sustainable Development is pushing for penalties to be imposed on the Chinese vessel under the Philippine Fisheries Code of 1998 and the Wildlife Resource Conservation and Protection Act, with the Department of Foreign Affairs to press the case before Beijing.

But that move is unlikely to prosper, given China’s arrogant foreign-policy posture of ignoring all Philippine complaints and demands when it comes to the egregious conduct its Coast Guard and maritime militia has demonstrated in the WPS, from relentlessly harassing Filipino fishermen, research ships, and Navy personnel to destroying vast swaths of the marine environment with impunity.

## Wanton environmental destruction

A group of retired Philippine officials had tried in March 2019 to exact accountability from China by suing Chinese President Xi Jinping for his country’s wanton environmental destruction in the Philippines’ exclusive economic zone. But that suit by the late former foreign secretary Albert del Rosario and former ombudsman Conchita Carpio-Morales was rejected by the International Criminal Court for lack of jurisdiction, since China is not an ICC member.

If the Marcos administration is serious about gathering and building a strong dossier on China’s sustained misconduct in the WPS, it needs to study that earlier setback so it would have a more robust legal case before an international tribunal.

At any rate, a formal complaint that brings international attention to China’s brazen actions has become more and more imperative, as every day brings fresh news of yet another willful act of hostility and/or destruction by that country in our territory.

The world needs to see the truth. Time to confront Beijing in court—again.