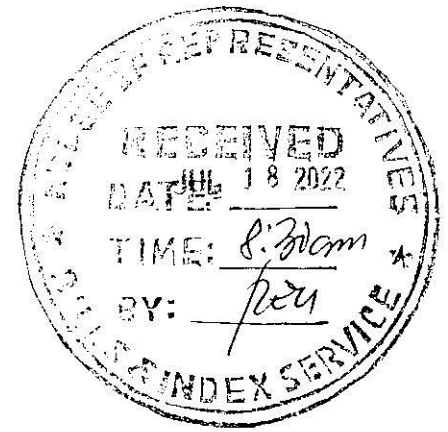


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Batasan Hills, Quezon City

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 2027



Introduced by Honorable Representatives
ARLENE D. BROSAS (Gabriela Women's Party),
FRANCE L. CASTRO (ACT Teachers Partylist),
and **RAOUL DANNIEL A. MANUEL (Kabataan Partylist)**

AN ACT REPEALING REPUBLIC ACT NO. 11506, OTHERWISE KNOWN AS "AN ACT GRANTING SAN MIGUEL AEROCITY INC. A FRANCHISE TO CONSTRUCT, DEVELOP, ESTABLISH, OPERATE, AND MAINTAIN A DOMESTIC AND INTERNATIONAL AIRPORT IN THE MUNICIPALITY OF BULAKAN, PROVINCE OF BULACAN, AND TO CONSTRUCT, DEVELOP, ESTABLISH, OPERATE, AND MAINTAIN AN ADJACENT AIRPORT CITY"

EXPLANATORY NOTE

The "aerotropolis" or New Manila International Airport project of the San Miguel Aerocity, Inc. was an "unsolicited proposal" from San Miguel Corporation (SMC) President Ramon Ang presented to the Duterte administration in February 2017. It was never a public policy but a profit-oriented brainchild of the private sector, particularly from one of the richest oligarchs in the country. SMC is neither a scientific institution nor a champion of democratic governance in the country when its history is tainted with its immoral involvement with the multi-billion-peso coconut levy fund scam during the Marcos dictatorship.

The issue of an additional airport for Greater Metro Manila was raised in May 2011 by the Japan International Cooperation Agency (JICA) when it submitted its report to the Aquino administration, citing an urgent need for a new gateway airport as the Ninoy Aquino International Airport (NAIA) was already almost saturated. After its meticulous studies, it concluded in October 2013 that the potential sites were Sangley Point in Cavite province and Laguna Bay, based on cost and viability. It excluded the Manila Bay area of Bulacan province.

Finally, in June 2014, it recommended Sangley Point as the site, and it commenced with its complete feasibility study with the year 2025 as the target opening. In August 2015 the then-Department of Transportation and Communication (DOTC) received the New Manila Sangley Airport feasibility study report from JICA.

Referring to the Obando site along Manila Bay, the JICA reported:

"This alternative site has several disadvantages such as risk of flooding, limited possibility of urban development and expected high cost for stabilization of sub-surface soils. There is no significant advantage offsetting these disadvantages."

Furthermore,

"Development of NMIA in this site could cause significant obstruction against discharge from the river in case of heavy rain, resulting in a high risk of flooding."

The SMC's aerotropolis project is just around 4 kilometers away from the JICA-studied Obando site, and the marine environment and geological characteristics are comparable. As early as 2015, there was overwhelming literature on the baselessness of constructing an airport in the Manila Bay area of Bulacan province.

Moreover, the Office of the Vice Chancellor for Research and Development of the University of the Philippines Diliman campus (OVCRD UP Diliman) and National Institute of Geological Science (NIGS) published their study *"Articulating geomorphology and geohazards in the coastal development issues of communities along the northern coasts of Manila Bay, Philippines"* in August 2019 that focused on Barangay Taliptip, the ground zero of the aerotropolis.

It concluded that:

"Most sitios of Brgy. Taliptip are built upon shallow tidal flats of the tidal-dominated Pampanga delta system. Four major geohazards were identified: earthquake, tidal and fluvial flooding, storm surge, and subsidence. These geohazards are commonly present and consistent with the geology, geomorphology, and hydrometeorological setting of the area. The first three hazards corroborated with anecdotes of residents while subsidence, though unreported, remains a threat based on earlier studies."

It also cited as potential impact of the aerotropolis project:

"Construction of the Bulacan Aerotropolis will bring both permanent and temporary changes to the immediate vicinity and nearby areas. Thus, it is important to consider potential effects in all stages of development (i.e., construction and operational stage) to the social, physical, and environmental resources of the area.

One of the immediate and obvious effects would be the alteration of the physical environment. Loss and reclamation of land, changes in river and drainage pathways, and removal of natural flora and fauna, consequently, influence the sediment and water transport pathways. If the risk is unmitigated, these could lead to flooding and siltation in nearby areas."

It added,

"Pollution is another problem that should be taken into consideration. Air and noise pollution are unavoidable during construction and operation. Air pollution may come from the emissions of aircraft, ground service vehicles, and transportation in and out of the airport. Noise pollution, on the other hand, may be caused by construction, airborne activities (e.g., sonic booms, landing and take-off noise, engine testing), ground operations, and road traffic noise. Water and soil pollution near airports is also possible if waste is not properly managed. Inadequate treatment of waste and leakage from waste storage may infiltrate the soil and also flow into bodies of water, thus polluting them. Excessive pumping of groundwater may also cause saltwater contamination in aquifers, and subsidence from compaction."

Aside from the adequate scientific studies that demolished the feasibility of constructing an airport in the Manila Bay area of Bulacan province, SMC's aerotropolis is implemented without an Environmental Compliance Certificate. The project stands on a measly Environmental Compliance Certificate (ECC) issued by the Department of Environment and Natural Resources Environmental Management Bureau – Region 3 (DENR-EMB Region 3), in June 2019 for a "land development" project of the Silvertides Holdings, Corp., a contracted firm of San Miguel Aerocity, Inc. The DENR-EMB Region 3 continues to refuse to disclose the submitted Environmental Impact Statement (EIS) that became the basis of approving Silvertides Holdings Corp.'s ECC, saying that the EIS is exempt from public disclosure. The EIS remains concealed from the public, affected fisherfolk sector of Barangay Taliptip, and advocates of genuine Manila Bay rehabilitation.

This immoral cover-up by the DENR-EMB Region 3, an agency under the Duterte administration, is outright admission of the baselessness of the aerotropolis project. The agency is self-contradiction when it clearly states on its national agency's mandate and functions webpage:

"The Environment Impact Assessment System was formally established in 1978 with the enactment of Presidential Decree no. 1586 to facilitate the attainment and maintenance of rational and orderly balance between socio-economic development and environmental protection. EIA is a planning and management tool that will help government, decision makers, the proponents and the affected community address the negative consequences or risks on the environment. The process assures implementation of environment-friendly projects."

Thus, the agency even violates its mandate to substantiate the scientific basis of the SMC's aerotropolis project or of a "land development" project involving fishpond and marine areas of Manila Bay that are part of the Bulacan Fishing Reservation as declared by the Republic Act No. 4701. This questionable act by the DENR-EMB Region 3 advanced the interest of Silvertides Holdings, Corp., claiming ownership of the more than 2,000-hectare fishpond areas, which are supposedly administered by the Fishpond Lease Agreement (FLA) provision of the Republic Act No. 8550 or Fisheries Code of 1998.

Based on the Fisheries Code:

"Section 49. Reversion of All Abandoned, Undeveloped or Underutilized Fishponds. - The DENR, in coordination with the Department, LGUs, other concerned agencies and FARMCs shall determine which abandoned, underdeveloped or underutilized fishponds covered by FLAs can be reverted to their original mangrove state and after having made such determination shall take all steps necessary to restore such areas in their original mangrove state."

Thus, the process of determination that was supposed to facilitate the reversion of the fishponds as mangrove forests is lacking. Worse, their classification was deemed transformed into being alienable and disposable, with the claim of ownership of the Silvertides Holdings Corp.

Briefly, the DENR-EMB Region 3:

- usurped the powers of the legislature to reclassify lands,
- recognized the questionable ownership of the Silvertides Holdings Corp.; and
- issued an ECC based on an EIS that remains hidden in a "vault," refusing the scrutiny of the affected sectors and the public.

Thus, the SMC's aerotropolis project should be declared void, as its early stage is plagued with irregularities and apparent violations of existing laws, on top of its baselessness and contradiction to the scientific rationale of preserving the Manila Bay area of Bulacan province from any reclamation project. By transitivity, the Republic Act No. 11506, otherwise known as "Granting San Miguel Aerocity Inc. A Franchise To Construct, Develop, Establish, Operate, And Maintain A Domestic And International Airport In The Municipality Of Bulacan, Province Of Bulacan, And To Construct, Develop, Establish, Operate, And Maintain An Adjacent Airport City" is unscientific.

The displacement of the small fisherfolk community of Brgy. Taliptip has been well-documented that even the University of the Philippines academic community carried out its study, and members of its faculty have visited the site numerous times for participatory research activities on the plight of the affected sector.

On the joint position paper of Assistant Professor Devralin T. Lagos of the College of Social Work and Community Development (UP CSWCD) and Pamalakaya resident fisheries expert and Chairperson of AGHAM UP Diliman Jerwin Baure supporting the House Bill No. 7524 or the Special Protection to Coastal Fishing Communities, she cited that "[t]he displacement of communities from large-scale reclamation of near-shore and coastal areas is a kind of Development-Induced Displacement" and the impact concerns on small fisherfolk residents displaced by the aerotropolis project.

Asst. Prof. Lagos, who is closely coordinating with the fisherfolk residents displaced by the aerotropolis, documented their statements on various concerns:

1. On food insecurity: *"Ang buhay namin ngayon, malaki ang diperensya sa paggastos, lalo ang gastos sa ulam. Doon (sa dati naming tirahan sa tabing-dagat), ang mga anak ko, busog, 3 beses sa isang araw kumain, may ulam. Yun ang pinagkaiba ngayon."*
2. On livelihood displacement and economic losses: *"Dati ang gasolinang ginagamit sa isang linggo, Php.100. Ngayon po, pagpunta pa lang sa hanap-buhay, ay Php.200. Magkano na, isang araw pa lang, sobrang laki na. E kung wala pa pong mahuli, anong ibibili mo ng pabalik mong pang-gasolina?"*
3. On dislocation and loss of housing: *"Kada gabi, pag-iispan paano bubuuin ang bahay, kasi hindi pa buo. Hindi nila (SMC) binigay nang buo na."*
4. On privatization of communal areas: *"Yung dati naming pinaghanap-buhayan, ngayon, pinagbabawalan na kami ng mga sundalo. Bawal na raw po dun maghanap-buhay. May nakalagay na na "NO TRESPASSING". Nabili na raw ng San Miguel ang area na 'yun."*

She cited that the impact extends to concerns of Cultural Displacement; The Decline in Coastal Resources and Environmental Impacts; Gender Impacts and Threats to Health, Education, Personal and Community Security.

The Pambansang Lakas ng Kilusang Mamamalakaya ng Pilipinas or Pamalakaya, the national federation asserting the fishing rights of small fisherfolk in the country, chaired by former Anakpawis Party-list Representative Fernando "Ka Pando" Hicap, said in its online article "The undemocratic and unscientific SMC Aerotropolis project"

"Fisherfolk and residents of Brgy. Taliptip in Bulakan town, earliest heard of a project in 2008, around the same time Silvertides Holdings went on a buying spree of fishponds," and "In the past years, SMC never showed its face to the affected population, but local officials told them that would be soon relocated. Without any prior meetings or consultations or venues to present their opinions, they are deemed to be displaced from their homes and sources of livelihood."

Moreover, Pamalakaya cited the lack of consultation, intimidation, and militarization faced by fisherfolk residents in the affected area of the aerotropolis project:

- In April 2018, affected fisherfolk residents or around 700 families, tried to submit their petition opposing the project and protest peacefully in front of the municipal hall of Bulakan town but were violently dispersed by the local police;
- In August 2018, they sought a dialogue with the DENR Region III office, who bared that the subjected fishponds are classified as "non-alienable and non-disposable," or of the public domain;
- In February 2019, SMC's supposedly contractor Silvertides Holdings contracted another consultancy firm, Philkairos, Inc., to craft the "Environment Impact Assessment" presented to the affected residents for the "land development" project. The contractor announced that they will "back-fill" the 2,375 hectares of fishponds by at least 3 meters, which requires 205 million cubic meters of fill materials that they may source from Pampanga;
- From December 2019 to January 2020, elements of the Armed Forces of the Philippines were deployed in Brgy. Taliptip, which the affected fisherfolk residents at around 300 families remaining at the project site, reported to said "*itaboy ang taong-labas*" or the term usually referring to the New People's Army (NPA);
- In June, with the continued militarization of the fishing community, some of the fisherfolk residents were pressed to demolish their own houses;
- In August and September, legislative measures were filed in the House of Representatives and Senate. Until its approval, the affected fisherfolk communities were not given the opportunities to be heard to express their opinion or opposition to the project.

Thus, Pamalakaya is firm that the aerotropolis project, as well as the law granting the franchise to San Miguel Aerocity, Inc., is undemocratic.

To uphold the democratic rights of marginalized sectors, particularly for the small fisherfolk sector; for the genuine rehabilitation of Manila Bay and preservation and conservation of the marine environment and fisheries resources; and prevention of the geo-hazard that will affect the population of Bulacan province and nearby areas; the urgent passage of this bill is earnestly sought.


ARLENE D. BROSAS
Gabriela Women's Party



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AN ACT REPEALING REPUBLIC ACT NO. 11506 OTHERWISE KNOWN AS "AN ACT GRANTING SAN MIGUEL AEROCITY INC. A FRANCHISE TO CONSTRUCT, DEVELOP, ESTABLISH, OPERATE, AND MAINTAIN A DOMESTIC AND INTERNATIONAL AIRPORT IN THE MUNICIPALITY OF BULAKAN, PROVINCE OF BULACAN, AND TO CONSTRUCT, DEVELOP, ESTABLISH, OPERATE, AND MAINTAIN AN ADJACENT AIRPORT CITY"

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

Section 1. Republic Act 11506, otherwise known as "An Act Granting San Miguel Aerocity Inc. a Franchise to Construct, Develop, Establish, Operate, and Maintain a Domestic and International Airport in the Municipality of Bulakan, Province of Bulacan, and to Construct, Develop, Establish, Operate, and Maintain an Adjacent Airport City" is hereby repealed.

Section 2. *Repealing Clause.* – All laws, decrees, executive orders, rules and regulation and other issuances inconsistent with or contrary to the provisions of this Act are hereby deemed repealed, amended or modified accordingly.

Section 3. *Effectivity.* - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) national newspaper of general circulation.

Approved,