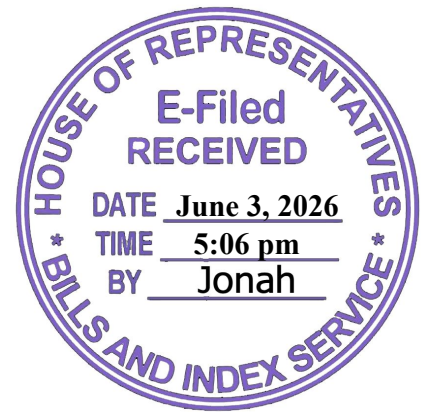


1 Republic of the Philippines
2 **HOUSE OF REPRESENTATIVES**
3 Batasan Hills, Quezon City

4
5
6 **TWENTIETH CONGRESS**
7 First Regular Session
8

9
10 **HOUSE BILL No. 9753**
11



12 -----
13 Introduced by
14 **ACT Teachers Party-List Rep. ANTONIO L. TINIO,**
15 **Gabriela Women's Party Rep. SARAH JANE I. ELAGO,**
16 **and KABATAAN Party-List Rep. RENEE LOUISE M. CO**
17 -----

18
19 **AN ACT**
20 **REPEALING REPUBLIC ACT 11506, OTHERWISE KNOWN AS “AN ACT**
21 **GRANTING SAN MIGUEL AEROCITY INC. A FRANCHISE TO**
22 **CONSTRUCT, DEVELOP, ESTABLISH, OPERATE, AND MAINTAIN A**
23 **DOMESTIC AND INTERNATIONAL AIRPORT IN THE MUNICIPALITY**
24 **OF BULAKAN, PROVINCE OF BULACAN, AND TO CONSTRUCT,**
25 **DEVELOP, ESTABLISH, OPERATE, AND MAINTAIN AN ADJACENT**
26 **AIRPORT CITY”**
27

28
29 **EXPLANATORY NOTE**
30

31 The New Manila International Airport Project or the “Aerotropolis” was an
32 unsolicited proposal of the San Miguel Aerocity, Inc presented by San Miguel
33 Corporation (SMC) President Ramon Ang to the Duterte administration in February
34 2017. It was never a public policy but a profit-oriented brainchild of the private sector,
35 particularly from one of the richest oligarchs in the country. The SMC is neither a
36 scientific institution, nor a champion of democratic governance in the country. In fact,
37 its history is tainted with its immoral involvement with the multi-billion-peso coconut
38 levy fund scam during the Marcos dictatorship.
39

40 The issue of additional airport for Greater Metro Manila was raised in May 2011
41 by the Japan International Cooperation Agency (JICA) to the Aquino administration. It
42 claimed that there is an urgent need for a new gateway airport as the Ninoy Aquino
43 International Airport (NAIA) was already almost saturated. In October 2013, it
44 identified Sangley Point in Cavite and Laguna Bay as potential sites based on cost and

1 viability. It excluded the Manila Bay area of Bulacan province.

2
3 In June 2014, the JICA recommended Sangley Point to be the project site and
4 began its feasibility study. In August 2015, the then-Department of Transportation and
5 Communication (DOTC) received the New Manila Sangley Airport feasibility study
6 report from JICA.

7
8 According to the report, the Obando site along Manila Bay has several
9 disadvantages such as risk of flooding, limited possibility of urban development and
10 expected high cost for stabilization of sub-surface soils. Furthermore, the development
11 of NMIA in this site could cause significant obstruction against discharge from the river
12 in case of heavy rain, resulting in a high risk of flooding. The JICA noted that there is
13 no significant advantage offsetting these disadvantages.

14
15 The SMC's Aerotropolis Project is just around 4 kilometers away from the JICA-
16 studied Obando site, and the marine environment and the geological characteristics are
17 comparable. As early as 2015, there were overwhelming literature and scientific studies
18 that demolished the feasibility of constructing an airport at the Manila Bay area of
19 Bulacan province

20
21 In August 2019, the Office of the Vice Chancellor for Research and Development
22 of the University of the Philippines Diliman campus (OVCRD UP Diliman) and
23 National Institute of Geological Science (NIGS) published its study entitled
24 *"Articulating geomorphology and geohazards in the coastal development issues of*
25 *communities along the northern coasts of Manila Bay, Philippines."* The study focused
26 on the impact on Barangay Taliptip, the ground zero of the Aerotropolis Project.

27
28 It concluded that:

29
30 *"Most sitios of Brgy. Taliptip are built upon shallow tidal flats of the tidal-*
31 *dominated Pampanga delta system. Four major geohazards were identified:*
32 *earthquake, tidal and fluvial flooding, storm surge, and subsidence. These*
33 *geohazards are commonly present and consistent with the geology,*
34 *geomorphology, and hydrometeorological setting of the area. The first three*
35 *hazards corroborated with anecdotes of residents while subsidence, though*
36 *unreported, remains a threat based on earlier studies."*

37
38 It also cited as potential impact of the aerotropolis project:

39
40 *"Construction of the Bulacan Aerotropolis will bring both permanent and*
41 *temporary changes to the immediate vicinity and nearby areas. Thus, it is*
42 *important to consider potential effects in all stages of development (i.e.,*
43 *construction and operational stage) to the social, physical, and environmental*
44 *resources of the area.*

45
46 *One of the immediate and obvious effects would be the alteration of the physical*

1 *environment. Loss and reclamation of land, changes in river and drainage*
2 *pathways, and removal of natural flora and fauna, consequently, influence the*
3 *sediment and water transport pathways. If the risk is unmitigated, these could*
4 *lead to flooding and siltation in nearby areas.”*

5
6 It added,

7
8 *“Pollution is another problem that should be taken into consideration. Air and*
9 *noise pollution are unavoidable during construction and operation. Air pollution*
10 *may come from the emissions of aircraft, ground service vehicles, and*
11 *transportation in and out of the airport. Noise pollution, on the other hand, may*
12 *be caused by construction, airborne activities (e.g., sonic booms, landing and*
13 *take-off noise, engine testing), ground operations, and road traffic noise. Water*
14 *and soil pollution near airports is also possible if waste is not properly managed.*
15 *Inadequate treatment of waste and leakage from waste storage may infiltrate the*
16 *soil and also flow into bodies of water, thus polluting them. Excessive pumping*
17 *of groundwater may also cause saltwater contamination in aquifers, and*
18 *subsidence from compaction.”*

19
20 Despite the impact of the project to the environment and the communities, the
21 Department of Environment and Natural Resources Environmental Management
22 Bureau–Region 3 (DENR-EMB Region 3) advanced the interest of the SMC.

23
24 In June 2019, it issued an Environmental Compliance Certificate (ECC) for a
25 “land development” project of the Silvertides Holdings, Corp., a contracted firm of San
26 Miguel Aerocity, Inc. Worse, it refuses to disclose the submitted Environmental Impact
27 Statement (EIS) that is supposedly the basis of approving Silvertides Holdings Corp.’s
28 ECC. The EIS remains concealed from the public, affected fisherfolk sector of
29 Barangay Taliptip and advocates of genuine Manila Bay rehabilitation. This immoral
30 cover-up by the DENR-EMB Region 3, an agency under the Duterte administration, is
31 outright admission of the baselessness of the Aerotropolis Project.

32
33 Moreover, Silvertides Holdings, Corp. is claiming ownership of the more than
34 2,000-hectare fishpond areas, which are supposedly administered by the Fishpond
35 Lease Agreement (FLA) provision of the Republic Act No. 8550 or Fisheries Code of
36 1998. This “land development” project involves fishpond and marine areas of Manila
37 Bay that are part of the Bulacan Fishing Reservation as declared by the Republic Act
38 No. 4701.

39
40 Based on the Fisheries Code:

41
42 *“Section 49. Reversion of All Abandoned, Undeveloped or Underutilized*
43 *Fishponds. - The DENR, in coordination with the Department, LGUs, other*
44 *concerned agencies and FARMCs shall determine which abandoned,*
45 *underdeveloped or underutilized fishponds covered by FLAs can be reverted to*
46 *their original mangrove state and after having made such determination shall*

1 *take all steps necessary to restore such areas in their original mangrove state.”*
2

3 Where was the process of determination that was supposed to facilitate the
4 reversion of the fishponds as mangrove forest? Worse, their classification was deemed
5 transformed into being alienable and disposable, with the claim of ownership of the
6 Silvertides Holdings Corp.
7

8 Briefly, the DENR-EMB Region 3:
9

- 10 • usurped the powers of the legislature to reclassify lands,
11 • recognized the questionable ownership of the Silvertides Holdings Corp.; and
12 • issued an ECC based on an EIS that remains hidden in a “vault,” refusing the
13 scrutiny of the affected sectors and the public.
14

15 Thus, the SMC’s Aerotropolis Project should be declared void, as its early stage
16 is plagued with irregularities and apparent violations of existing laws, on top of its
17 baselessness and contradiction to the scientific rationale of preserving the Manila Bay
18 area of Bulacan province from any reclamation project. By transitivity, the Republic
19 Act No. 11506, otherwise known as “Granting San Miguel Aerocity Inc. A Franchise
20 To Construct, Develop, Establish, Operate, And Maintain A Domestic And
21 International Airport In The Municipality Of Bulacan, Province Of Bulacan, And To
22 Construct, Develop, Establish, Operate, And Maintain An Adjacent Airport City” is
23 unscientific.
24

25 The displacement of the small fisherfolk community of Brgy. Taliptip has been
26 well-documented that even the University of the Philippines academic community
27 carried out its own study, and members of its faculty have visited the site numerous
28 times for participatory research activities on the plight of the affected sector.
29

30 On the joint position paper of Assistant Professor Devralin T. Lagos of the
31 College of Social Work and Community Development (UP CSWCD) and Pamalakaya
32 resident fisheries expert and Chairperson of AGHAM UP Diliman Jerwin Baure
33 supporting the House Bill No. 7524 or the Special Protection to Coastal Fishing
34 Communities, she cited that “[t]he displacement of communities from large-scale
35 reclamation of near-shore and coastal areas is a kind of Development-Induced
36 Displacement” and the impact concerns on small fisherfolk residents displaced by the
37 aerotropolis project.
38

39 Asst. Prof. Lagos, who is closely coordinating with the fisherfolk residents
40 displaced by the aerotropolis, documented their statements on various concerns:
41

- 42 1. On food insecurity: *“Ang buhay namin ngayon, malaki ang diperensya sa*
43 *paggastos, lalo ang gastos sa ulam. Doon (sa dati naming tirahan sa tabing-*
44 *dagat), ang mga anak ko, busog, 3 beses sa isang araw kumain, may ulam. Yun*
45 *ang pinagkaiba ngayon.”*
46

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 public domain;
- In February 2019, the supposedly SMC’s contractor Silvertides Holdings contracted another consultancy firm, Philkairos, Inc. to craft the “Environment Impact Assessment” that was presented to the affected residents for the “land development” project. The contractor announced that they will “back-fill” the

1 2,375 hectares of fishponds by at least 3 meters, which requires 205 million cubic
2 meters of fill materials that they may source from Pampanga;

- 3
- 4 ● In December 2019 to January 2020, elements of the Armed Forces of the
5 Philippines were deployed in Brgy. Taliptip, which the affected fisherfolk
6 residents at around 300 families remaining at the project site, reported to said
7 “itaboy ang taong-labas” or the term usually referring the New People’s Army
8 (NPA);
 - 9
 - 10 ● In June, with the continued militarization of the fishing community, some of the
11 fisherfolk residents were pressed to demolish their own houses; and
 - 12
 - 13 ● In August and September, legislative measures were filed at the House of
14 Representatives and senate, and until its approval, the affected fisherfolk
15 communities were not given the opportunities to be heard to express their
16 opinion or opposition of the project.
 - 17

18 Pamalakaya is firm that the Aerotropolis Project, as well as the law granting the
19 franchise to San Miguel Aerocity, Inc. is undemocratic.

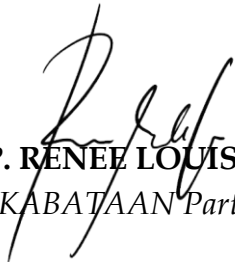
20

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

26


REP. ANTONIO L. TINIO
ACT Teachers Party-list


REP. SARAH JANE I. ELAGO
Gabriela Women’s Party


REP. RENEE LOUISE M. CO
KABATAAN Party-list

1 Republic of the Philippines
2 **HOUSE OF REPRESENTATIVES**
3 Batasan Hills, Quezon City
4

5
6 **TWENTIETH CONGRESS**
7 First Regular Session
8

9
10 **HOUSE BILL No. 9753**
11

12 -----
13 Introduced by
14 **ACT Teachers Party-List Rep. ANTONIO L. TINIO,**
15 **Gabriela Women’s Party Rep. SARAH JANE I. ELAGO,**
16 **and KABATAAN Party-List Rep. RENEE LOUISE M. CO**
17 -----

18
19 **AN ACT**
20 **REPEALING REPUBLIC ACT 11506 OTHERWISE KNOWN AS “AN ACT**
21 **GRANTING SAN MIGUEL AEROCITY INC. A FRANCHISE TO**
22 **CONSTRUCT, DEVELOP, ESTABLISH, OPERATE, AND MAINTAIN A**
23 **DOMESTIC AND INTERNATIONAL AIRPORT IN THE MUNICIPALITY**
24 **OF BULAKAN, PROVINCE OF BULACAN, AND TO CONSTRUCT,**
25 **DEVELOP, ESTABLISH, OPERATE, AND MAINTAIN AN ADJACENT**
26 **AIRPORT CITY”**
27

28
29 *Be it enacted by the Senate and the House of Representatives of the Philippines in this*
30 *Congress assembled that:*
31

32 **Section 1.** Republic Act 11506, otherwise known as “An Act Granting San Miguel
33 Aerocity Inc. a Franchise To Construct, Develop, Establish, Operate, and Maintain a
34 Domestic and International Airport in the Municipality of Bulakan, Province of
35 Bulacan, and to Construct, Develop, Establish, Operate, and Maintain an Adjacent
36 Airport City” is hereby repealed.
37

38 **Section 2. *Repealing Clause.*** – Existing laws or provisions of such, found contradictory
39 to this Act, are hereby amended or repealed, accordingly.
40

41 **Section 3. *Effectivity.*** - This Act shall take effect immediately upon publication
42
43

44 *Approved,*