



Office of the Sangguniang Panlungsod

DISTRICT I

*HON. CATHERINE SARINO-EVARISTO
City Councilor*

*HON. MICHAEL E. SOLIS
City Councilor*

*HON. ADRIELITO G. GAWARAN
City Councilor*

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City Councilor / President-Pro-Tempore*

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City Councilor*

*HON. RAMON N. BAUTISTA
Liga ng mga Barangay President*

*HON. MAC RAVEN ESPIRITU
SK Federation President*

Attested by:

*ATTY. KHALIL A. ANGEA, JR.
Sangguniang Panlungsod Secretary*

Certified by:

*HON. ROWENA BAUTISTA-MENDIOLA
City Vice Mayor*

Approved by:

*HON. STRIKE B. REVILLA
City Mayor*

CITY RESOLUTION NO. 2023-272

A RESOLUTION OBJECTING TO THE APPROVAL OF SENATE BILL NO. 1536, OTHERWISE KNOWN AS 'AN ACT EXPANDING THE BOUNDARIES OF LAS PIÑAS PARAÑAQUE WETLAND PARK AND ITS VICINITIES AS PROTECTED AREA AND FOR OTHER PURPOSES' AND EXPLAINING THE VARIOUS GROUNDS THEREFOR.

Sponsored by:

Hon. Reynaldo D. Palabrica and Hon. Alde Joselito F. Pagulayan

Co-Sponsored by:

Hon. Roberto L. Advincula, Hon. Ramon N. Bautista, Hon. Simplicio G. Dominguez, Hon. Mac Raven Espiritu, Hon. Catherine Sarino-Evaristo, Hon. Reynaldo M. Fabian, Hon. Adrielito G. Gawaran, Hon. Victorio L. Guerrero, Jr., Hon. Alejandro F. Gutierrez, Hon. Michael E. Solis, and Hon. Levy M. Tela.

WHEREAS, the Las Piñas-Parañaque Wetland Park (LPPWP) is a protected area covering 181 hectares of wetland ecosystem. LPPWP became a legislated protected area by the virtue of Republic Act No. 11308 or the Expanded National Integrated Protected Areas System Act of 2018 (ENIPAS). LPPWP is a rich habitat of various flora and fauna including 11 species of mangrove, hosts 2 threatened species, 84 species of birds, 37 species of macrobenthos, and 8 species of fishes, serving as a feeding and roosting ground for several resident and migratory waterbirds.

WHEREAS, Senate Bill No. 1536 proposes a 3-km seaward expansion from the current boundaries of LPPWP. The Bill would prohibit wetland reclamation and entering the wetland park without prior permit. It would also prohibit the exploration, exploitation, or utilization of non-renewable resources within the expanded wetland park for commercial purposes and would prohibit wetland reclamation and entering the wetland park without prior permit. Finally, it also provides for the transfer of ownership of several properties to the Department of Environment and Natural Resources.

WHEREAS, Senate Bill No. 1536 adversely affects the City of Bacoor because under the proposed measure, ownership of Philippine Reclamation Authority (PRA) properties with Transfer Certificate of Title (TCT) Nos. 7309, 7311, 7312 within the boundaries of LPPWP shall be transferred to DENR. These properties are part of ongoing reclamation projects being undertaken by the City of Bacoor in co-operation with the private sector. Thus, when expanded, the area of LPPWP will cover portions of the municipal waters of Bacoor city including areas already undergoing reclamation.



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HON. STRIKE B. REVILLA
City Mayor

WHEREAS, the direct transfer of the Transfer Certificate of Title of the PRA to the DENR through congressional action is an encroachment of executive function.

WHEREAS, the City Government is vehemently objecting to the said Bill because it violates the "One Title, One Subject Rule" as provided under Section 26 (1), Article VI of the 1987 Constitution; it violates Section 10, Article III of the 1987 Constitution prohibiting the impairment of existing contracts; transferring ownership over the parcels lot owned by the PRA to the DENR is an encroachment of the executive function which is a violation of Section 6 of Commonwealth Act 141; the sponsors of the said Bill did not properly consult various stakeholders which includes the local government of the City of Bacoor, Cavite thereby preventing an exhaustive and productive deliberation on the said proposed measure; various studies have been undertaken which indicate that the current reclamation projects being undertaken by the City of Bacoor have no adverse effects on the environment and the LPPWP; Senate Bill No. 1536 as presently worded is tantamount to an improper inclusion of additional areas into the National Integrated Protected Areas System (NIPAS) under RA 7586 as amended; and last but not least — Senate Bill No. 1536 diminishes the power of City of Bacoor to implement its local development plans which includes the development of portions of its municipal waters through various reclamation projects.

WHEREAS, Section 26 (1), Article VI of the Constitution provides that, "Every bill passed by the Congress shall embrace only one subject which shall be expressed in the title thereof." The title of the bill only states that it expands the boundaries of the current LPPWP. This can't be gleaned from Section 3 (Declaration and Scope) of the proposed Bill, which lists down the boundaries of the expanded LPPWP. However, the Bill also transfers ownership of the lots covered by Transfer Certificate of Title Nos. 7309, 7311, 7312 to the DENR in Section 4 (transfer of title) which pertains to a wholly different subject.

WHEREAS, while it is true that it is sufficient that the title of a proposed legislation must only be comprehensive enough reasonably to include the general object which the statute seeks to effect without expressing each and every end and means necessary for its accomplishment, Section 4 of Senate Bill No. 1536 is a subject wholly distinct from its title for at least three reasons:

1. While the title of Senate Bill No. 1536 does state that it's about expanding the boundaries of the Las Piñas Parañaque Wetland Park, the issue of transferring ownership of parcels of land from the PRA to the DENR is a separate legal act that involves legal rights and duties that are different from those associated with the expansion of a protected area.
2. The title of the Bill indicates a focus on environmental protection through the expansion of a protected area.



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City Vice Mayor

Approved by:

HON. STRIKE B. REVILLA
City Mayor

However, Section 4, which involves the transfer of land ownership, has significant implications for stakeholders that are not necessarily related to environmental protection, such as property rights, legal responsibilities, and potential financial implications. This broadens the scope of the Bill beyond what could reasonably be expected from the title alone, which may lead to a lack of transparency and proper consultation; and

3. It is important for the clarity of law and the expectation of the public that a bill's title adequately reflects its content. By including a major provision like the said transfer of ownership of certain parcels of land within a bill titled as an expansion of a protected area, the Bill could be seen as setting a problematic precedent.

WHEREAS, the passage of Senate Bill 1536 into law would violate the Constitutional Right Against Impairment of Existing Contracts. This is because Joint Venture agreements and other such contracts have already been entered into between the City of Bacoor, the PRA, and certain private companies involving the investment of hundreds of millions of pesos. The passage of this bill in its current form will undoubtedly impair the existing contracts of the Bacoor City government with various private entities that intends to carry out projects in the area which have already been granted Environmental Compliance Certificate and Area Clearances by the DENR.

WHEREAS, these projects granted with ECC and Area Clearances have been comprehensively studied to have no effect on the LPPCHEA and can actually co-exist with the said protected area. The DENR already took into consideration the environmental effects of the said reclamation projects when it issued the said ECC and area clearances. Considering that the Expanded National Integrated Protected Areas System Act (E-NIPAS) or Republic Act No. 11038, upon which the LPPCHEA derives its existence as a protected area from, mandates that all existing property and private rights within the protected area and its buffer zones must be protected and respected — it is evident that Senate Bill No. 1536 in its present form is in violation of the said law.

WHEREAS, the direct transfer of the Transfer Certificates of Title of the PRA to the DENR through congressional action is an encroachment of executive function. The OCT of these reclaimed lands called Freedom Island and Long Island was registered under the Torrens system by a Presidential Proclamation classifying them to be alienable and disposable in the name of the Republic of the Philippines. It was also transferred in the name of PEA (now PRA) by special patents issued by DENR. The President has the Authority to classify inalienable lands of public domain, such as these reclaimed lands in Las Piñas' municipal waters, into alienable and disposable lands of the public domain under Section 6 of Commonwealth Act No. 141, otherwise known as the Public Lands Act. The ability to reclassify these lands does not belong to the legislative branch and is the exclusive domain of the executive branch.



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City Vice Mayor

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HON. STRIKE B. REVILLA
City Mayor

WHEREAS, on the fourth argument, not all stakeholders have been properly consulted. Hence, deliberations have not been exhaustive and instructive. No representative from the local government of the City of Bacoor were present at the initial committee hearing when the measure was first deliberated on February 2023. Albeit for the bill covering the cities of Las Piñas, Parañaque, and Bacoor, only Deputy Speaker Camille Villar was present. This is important for three reasons:

1. Adequate consultation ensures that all stakeholders, including local government units (LGUs), have the opportunity to voice their concerns, suggest alternatives, and be part of the decision-making process. When representatives from the involved LGUs are not present, this equity and representation is compromised, potentially leading to decisions that may not consider the interests and specific circumstances of all affected parties.
2. The legitimacy and acceptance of a law largely depend on the extent to which affected parties feel they have been included in its development. When deliberations lack comprehensive consultation, it can lead to skepticism, resistance, and potential challenges to the law's implementation. This can significantly undermine the effectiveness of the intended policies, and may result in prolonged legal battles or non-compliance; and
3. When not all stakeholders are consulted, the deliberations may lack critical perspectives and valuable insights that could contribute to the development of a more comprehensive, balanced, and effective law.

WHEREAS, on the fifth argument, various studies were undertaken which indicate that current development projects have no adverse effects to the environment, including the LPPWP. The reclamation projects now being undertaken in the municipal waters of the City of Bacoor have no flooding impact on both adjacent communities and LPPWP. Moreover, the water circulation in the area will not be affected by the said projects as the latter will force such currents to flow alongside the western and northern part of the proposed land reclamation, and not towards the LPPWP. The results of oceanographic modeling indicate that water currents will flow away from the LPPCHEA and that the Zapote river, Las Piñas river, Las Piñas-Paranaque Critical Habitat to the east of the project, and the Imus river and the portion of Bacoor Bay to the west of the project said projects shall not be impacted by the proposed land reclamation activities. On biodiversity, results show that there will be no effects on the food supply for the birds, no disturbance of the habitats, including the mangroves, no deterioration of the water quality within the bird sanctuaries, and no direct damage to the avian population which may result from accidents during travel of sea vessels. Thus, there does not appear to be sufficient factual basis for the approval of the said Bill.

WHEREAS, on the sixth argument, it is submitted that Senate Bill No. 1536 is tantamount to an improper inclusion of



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ATTY. KHALID A. ADEGA, JR.
Sangguniang Panlungsod Secretary

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additional areas into the NIPAS, bypassing requirements found in Section 6 in RA 7586 as amended by RA 11038.

WHEREAS, Section 6 of RA 7586 states that other areas may be included into the NIPAS provided that these areas shall undergo the same procedure as the remaining initial components for legislative enactment.

WHEREAS, this procedure is outlined in Section 5(a.2) of RA 7586 as amended which provides that: "The Remaining Initial Components: - Within three (3) years from the effectivity of this Act, the DENR shall undertake the following activities in preparation for the establishment of the remaining initial components as protected areas through an act of Congress: (1) Provide maps and technical descriptions of the areas; (2) Conduct suitability assessment of the areas; and (3) Conduct public consultations. Any initial component that does not satisfy the above mentioned requirements shall be disestablished pursuant to Section 7 of this Act."

WHEREAS, reading Section 5 of Senate Bill No. 1536 together with Section 6 thereof yields the conclusion that even when Congress designates a new area to be added into NIPAS, there must first be a public consultation to be conducted by the DENR in order for said inclusion to be valid. In this case, considering that no representative from the involved LGUs were present at the initial committee hearing when the measure was first deliberated on February 2023, there was no public consultation for the relevant stakeholders thereby proving that Section 5 (a.2) of RA 7586 as amended will be violated by Senate Bill No. 1536 if it becomes law.

WHEREAS, it is submitted that the expansion of the LPPWP must be considered as an inclusion of an additional area into the NIPAS even if it does not establish a new protected area. This is because Section 6 of Senate Bill No. 1536 is entitled "Additional Areas to be Included into the System" and not "Additional **Protected** Areas to be Included into the System." Thus, following the plain and ordinary meaning of the word "areas," the inclusion of any additional property into the NIPAS, whether it is part of a new protected area or merely as an expansion of an existing protected area, triggers the application of Section 6 in relation to Section 5 of RA 7586 as amended.

WHEREAS, on the seventh argument, Senate Bill No. 1536 diminishes the power of the local government of the City of Bacoor to implement its local development plan. The Local Government Code of 1991 states in Section 18 that Local Government Units have the power and authority to effectively implement their development plan. The proposed expansion of the LPPWP under Senate Bill No. 1536 interferes with reclamation projects being undertaken in the municipal waters of the City of Bacoor which forms part of the future development of the said city under its local development plan. Thus, the said proposed expansion diminishes the ability of the City of Bacoor to fully exercise the powers granted to it



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City Mayor

under the Local Government Code of 1991 and Republic Act No. 10160 (the "Charter of the City of Bacoor").

WHEREAS, while it is true that neither the Local Government Code of 1991 nor the Charter of the City of Bacoor expressly prohibits Congress from interfering with this power, it is submitted that the power of the LGU must prevail. This is because Section 5 of the Local Government Code states that "Any provision on a power of a local government unit shall be liberally interpreted in its favor, and in case of doubt, any question thereon shall be resolved in favor of devolution of powers and of the lower local government unit." This Section is all-encompassing in its language and does not limit itself only to questions that arise only from the application of the Local Government Code.

WHEREAS, for all these reasons stated herein, including the violation of the "one title, one subject" rule, impairment of existing contracts, encroachment of executive function, lack of adequate stakeholder consultation, disregard for pieces of evidence of non-adverse environmental impacts from current development projects, improper inclusion of additional areas into the NIPAS, and the diminution of the power of the City of Bacoor to implement its local development plan, a strong objection to Senate Bill No. 1536 is not only justifiable, but essential to safeguard the legal, environmental, and socioeconomic interests of the City of Bacoor and its constituents.

NOW THEREFORE, upon motion of Hon. Alde Joselito Pagulayan unanimously seconded by the rest of the Body, **BE IT RESOLVED AS IT IS HEREBY RESOLVED** by the 5th Sangguniang Panlungsod of the City of Bacoor, Cavite to register its strong **OBJECTION** to the approval of Senate Bill No. 1536.

RESOLVED LASTLY, to furnish the Senate of the Republic of the Philippines, the University of the Philippines Office of the National Administrative Register (UP-ONAR), and other government agencies concerned with copies of this Resolution.

UNANIMOUSLY APPROVED on the 29th day of May 2023 at the City of Bacoor, Cavite by the 5th Sangguniang Panlungsod of the City of Bacoor.

I hereby certify that the foregoing Resolution is true and correct and that it was passed in accordance with the law.

Certified by:

HON. ROWENA BAUTISTA-MENDIOLA
City Vice Mayor/Presiding Officer



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