



**September 17, 2021**

**MEMORANDUM**

**TO : The Regional Executive Director**  
MIMAROPA Region

**THRU : The Assistant Regional Director for Management Services**  
MIMAROPA Region

**ATT’N : Human Resource Development Section**  
MIMAROPA Region

**FROM : Arnel N. Astrera**  
Development Management Officer II  
Enforcement Division

**SUBJECT : LEARNING REPORT ON BASIC MARITIME LAW**  
**ORIENTATION-WEBINAR 2021**

Respectfully submitted is the learning report for the Basic Maritime Law Orientation Webinar 2021 dated September 14 and September 16, 2021. Below are the itinerary and topics discussed during the said webinar:

**Day 1 – September 14, 2021 – 9:00 am**

1. The event was hosted by Biodiversity Management Bureau
2. Opening remarks by USEC Atty. Ernesto D. Adobo, Jr., *CESO I*
3. Atty. Jay Batongbacal of the UP Institute for Maritime Affairs and Law of the Sea (IMLOS) discussed Resource Sharing Possible in Contested Territories?.

Notes on the discussion:

- a. Atty. Batongbacal stresses the importance of the Arbitral Ruling Award to the Philippines in 2016 by the United Nations Convention on the Law of the Sea (UNCLOS), he added that Exclusive Economic Zones and Continental Shelf within the WPS are part of the exclusive rights of the Philippines to exploit and explore
  - b. He explained the distance and the scale of the said exclusivity that is why the UNCLOS favored the Philippines on the arbitration.
4. Mr. Alfredo Majar and Francisco A. Lagmay of the UP National Institute of Geological Sciences topic were Geologic Formation of the Philippines, especially with regards to the Benham/Philippine Rise

Notes on the discussion:

- a. The United Nations had in 2012 awarded Philippine Rise formerly called Benham Rise to the Philippines as an extension of its continental shelf.
- b. President Rodrigo Duterte on 15 May 2018 signed Proclamation No. 489, s. 2018 declaring a portion of Benham Rise (Philippine Rise) a marine protected area. The President signed the proclamation providing for the declaration of 50,000 hectares of the underwater plateau, located east of Luzon, as a “strict protection zone limited to scientific studies.” More than 300,000 hectares of the 13-million hectare area, will be designated as a special fisheries management area.
- c. Their team according to them presented it over the UN and won the award as an extension of its continental shelf.

## **Day 2 – September 17, 2021 – 9:00 am**

1. The event was hosted by Biodiversity Management Bureau
2. Opening remarks and discussed on legal matters regarding the contested territories by Atty. Michelle Angelica C. Go, DENR Assistant Secretary of Legal Affairs

Notes on the discussion:

- a. G.R. No. 246209, September 03, 2019 – Atty Go, presented that was supposed to be a jurisprudence if the petitioners withdraw their petition, respondents were DENR, DA, PN and PNP-MG. Petition that DENR should issue a Writ of Kalikasan to protect, preserve, restore and to rehabilitate the maritime environment in Scarborough Shoal, Ayungin Shoal and Panganiban Reef which are the contested areas subject of the arbitration.
- b. DENR and its respondents were hoping that petitioners should pushed through on their petition.
3. Atty. Fretti Ganchoon Senior State Counsel of the DOJ discusses on the Digest of the West Philippine Sea Arbitration Proceedings.

Notes on the discussion:

- a. She differentiate what South China Sea from West Philippine Sea, according to her West Philippine Sea is the western seas of the Philippines which is part of the South China Sea.
- b. She presented the main title of the petition of the Philippines in UNCLOS, PCA Case No. 2013-19 – In the Matter of the South China Sea Arbitration before An Arbitral Tribunal Constituted under Annex VII to the 1982 United Nation Convention on the Law of the Sea between The Republic of the Philippines and The People’s Republic of China. She explained why the title is important pertaining to the South China Sea and not mentioning the West Philippine Sea.
- c. Highlights of his topics:
  - i. Legality of the 9-dash line
  - ii. Status of features in the South China Sea
  - iii. China’s interference with Philippine sovereign rights
  - iv. Violation of Filipinos’ traditional fishing rights in Scarborough Shoal
  - v. Destruction of Marine environment
- d. Enforcement of the Arbitral Ruling is only possible if the International Court of Justice will carry out the enforcing the award, the ICJ is composed of the 15

- permanent judges or permanent members, China is one of them. It can only be possible if ICJ orders the UN Security to enforce the UNCLOS ruling or award.
- e. Atty. Go on her opinion that Multi-lateral agreement is more feasible than the suggested bilateral agreement pushed by the Philippine Government. Meaning Multi-Lateral agreement will engaged members of the South East Asia Countries to participate in the conduct of the UNCLOS award ruling.
4. Cdr. Antonio G. Valenzuela presented USEC Peter N. Tiangco of NAMRIA, the History of Philippine Cartography

Notes on the discussion:

- a. Cdr. Valenzuela provides information on the History of Philippine Cartography from 1901 to present
- b. He presented the current state and modernization of NAMRIA, he also presented the importance of the upgrading of maps in determining the boundaries and social surveys, like what DOH is doing in the current pandemic situation, by mobilizing mapping of Covid stricken areas on the Philippines

**Recommendation(s):**

1. IEC drive or public dissimulation regarding the topics presented on the webinar, specially on the Arbitral Ruling in 2016 and the award given to the Philippines in regards to Benham Rise or Philippine Rise.



ARNEL N. ASTRERA