



Republic of the Philippines
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PALAWAN COUNCIL FOR SUSTAINABLE DEVELOPMENT STAFF

September 2, 2022

MS. ANGELIQUE M. SONGCO

Protected Area Superintendent
Tubbataha Management Office
Tubbataha Reefs and Natural Park

Dear Ms. Songco:

Greetings from the Palawan Council for Sustainable Development Staff!

This pertains to your communication regarding a draft Memorandum of Agreement (MOA) to be entered into between Oceana Philippines International (Oceana) and the TMO on the banning of single-use plastics in the Tubbataha Reefs Natural Park (TRNP). Please find hereunder the comments of our Office, to wit:

Under the Tubbataha Reefs National Park Act of 2009, it is the policy of the State “to ensure the protection and conservation of the globally significant economic, biological, sociocultural, educational and scientific values of the Tubbataha Reefs into perpetuity for the enjoyment of present and future generations.”

Indeed, this MOA has a noble purpose, i.e., to regulate the use of single-use plastics with the ultimate goal of minimizing pollution and preserving the natural resources found in the TRNP. Apparently, plastic products release chemical additives that have harmful effects to the environment and to the health of all living organisms. These litter the seascape and they find their ways into the beaches and even beneath the deep seas. In truth, there are about thousands upon thousands of animals that die every year due to plastic ingestion which they have mistaken as food. Moreover, this MOA is necessary for the protection of our seas based on the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature. This MOA is also in conformity with the Ecological Solid Waste Management Act of 2000 which provides that the State shall “adopt a systematic, comprehensive and ecological solid waste program” which shall “set guidelines and targets for solid waste avoidance and volume reduction through source reduction and waste minimization measures.”

For purposes of discussion, Section 16 of the TRNP Act provides that the PCSD is directed to closely coordinate with the TMO to ensure the sound management and conservation of the natural park. Among others, the PCSD must provide technical, financial and other forms of assistance as may be needed.

Vision: Palawan, an innovative and dynamic global center of sustainable development

Mission: PCSDS as the driver of environmental conservation and inclusive development in Palawan, a biosphere reserve and science-for-sustainability site, guided by the Strategic Environmental Plan

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A perusal of both roles and responsibilities of the parties show nothing that is contrary with our laws. The foremost obligation of the parties is to strengthen, promote and support the full implementation of TPAMB Administrative Order No. 2, Series of 2019, or the "Ban on Single Use Plastic Products in the TRNP." This involves cooperation with other agencies such as LGU-Cagayancillo and the NSWC for the mitigation of the current effects of single-use plastics in the protected areas and eventual ban of these materials.

The TPAMB, through the TMO as its executive arm, has the authority to enter into the MOA with Oceana by virtue of Section 13 (c) of the TRNP Act which provides that it shall "Establish productive partnership, with national and local agencies, local government units, local communities, the academe, nongovernmental organizations, and such other institutions to ensure the conservation and management of the TRN." As to the authority of Oceana, we modestly recommend that the same be properly indicated in the MOA. Nonetheless, a perusal of the specific responsibilities of Oceana found in Section 2 of the MOA shows nothing that are violative of our laws.

On the specific responsibilities of the TMO, Section 3 of the MOA obligates such office to encourage the Municipality of Cagayancillo to pass a local ordinance to ban single-use plastics. Also, the TMO has the responsibility to work closely with Oceana to enhance its campaign. This is sanctioned by Section 14 (e) of the TRNP Act which declares that the TMO has the duty to "coordinate and implement with national and local agencies, local government units, local communities, the academe, nongovernmental organizations, and such other institutions to ensure the conservation and management of the TRNP." As to the assignment of personnel as stipulated in Section 3 (b) and Section 4 of the MOA, the TMO has authority to supervise its personnel in the performance of their functions. In relation thereto, the TMO under Section 14 (i) of the same Act shall ensure that participatory mechanisms are maximized in decision-making processes.

As to form, Section 5 of the MOA may be modified to include a clause on confidentiality which may read:

"Section 5. COMMUNICATION MATERIALS. All communication materials related to this project are considered to be confidential. The publication or disclosure of these materials and/or related platforms may only be allowed through the consent of both parties after the same have been thoroughly reviewed."

Likewise, the 9th whereas clause of the MOA shall also be reworded to include the provisions found in Section 13 (a), (e) and (i) of the TRNP law.

Regarding the suggestions of other agencies, we also recommend that a Definition of Terms be included in the MOA. This will allow people to differentiate single-use plastics from those that may be carried inside the park (non-disposable). Single-use plastics (SUPs) may be defined as "those plastic materials that are used only once before they are thrown away or recycled, such as, but not limited to plastic grocery bags, spoons, forks, knives, coffee cups, lids, stirrers, soda and water bottles, other take-out containers and other types of food packaging." Likewise, we also concur with the gradual banning of the SUPs for the identification of substitutes that may be utilized in the park. We also agree that there must be an establishment of a more comprehensive system that will enable stakeholders to comply with the MOA. To note, we have ascertained that TPAMB Administrative Order No. 2, Series of 2019, already contains provisions on prohibited acts and their corresponding penalties which may also be adopted in the MOA. As to the other

contents of the MOA, we see no other provision that merits change aside from those already mentioned.

In sum, the following are the recommendations of our Office:

1. Indicate the authority of Oceana to enter into the MOA which may be possibly inserted in one of the whereas clauses or in the prefatory portion;
2. Modify Section 5 of the MOA to include a specific clause on confidentiality of all communication materials;
3. Modify the 9th whereas clause to include the specific provisions of law;
4. Adopt a provision regarding Definition of Terms;
5. Identify substitutes of SUPs that may be used inside the park; and
6. Creation of a more comprehensive system following the approval of this MOA.

Thank you.

Very sincerely yours,



ATTY. TEODORO JOSE S. MATTA
Executive Director