

PRIVILEGE SPEECH OF SENATOR TOLENTINO

Senator Tolentino. Thank you, Mr. President. I will be brief.

Last March 3, 2023, Mr. President, we celebrated World Wildlife Day. It is a United Nation's international day to celebrate all the world's wild animals and plants and the contribution they make to our lives and the health of this planet.

World Wildlife Day is a celebration of the birth of the convention on the International Trade and Endangered Species of Wild Fauna and Flora, which we ratified in 1981.

At this juncture, Senate President Juan Miguel "Migz" F. Zubiri relinquished the Chair to Sen. Joseph Victor "JV" G. Ejercito

The convention seeks to prevent extinction of specie affected by trade. However, Mr. President, as we celebrated World Wildlife Day, our maritime commercial activities threatened and may likely caused tragedy to global maritime diversity.

In the past month, Mr. President, we have been riddled with maritime incident. On February 10 of this year, LCT Pacifica 1, a cargo ship capsized off Surigao Del Norte while traversing the waters between Hinatuan Island and Bucas Grande Island. According to the Philippine Coastguard, it was slammed by big waves about three meters high and the waters then entered the engine room of the vessel which caused an engine trouble. The Philippine Coastguard is still assessing the situation as to whether it could cause an oil spill.

On February 27, MV Manfel Carrier V, a boat carrier vessel, ran aground Lubang Island in Occidental Mindoro. According to the Philippine Coastguard,

it departed from Subic, Zambales going to Bauan, Batangas when it encountered engine trouble while traversing the vicinity waters of Fortune Island. It was hit by large waves which caused it to drift towards Lubang and ran aground. The incident caused damage to the coral reefs.

On February 28 of this year likewise, Mr. President, MV Starlight Saturn, a roll-on, roll-off vessel, ran aground in the shallow waters of Bohol. According to the Philippine Coastguard, the vessel ran aground at Danajon Bank—a while ago, the wife of former Governor Chato was here (of Calituban in Talibon, Bohol)—while en route to Pier 5 in Naga City from a port in Surigao. The accident caused damage to the reefs. Earlier that day, February 28, MT Princess Empress, an oil tanker, sank off between Romblon and Oriental Mindoro with her 800,000 liters of industrial fuel cargo. According to the Philippine Coastguard, initial investigation revealed that the distressed water tanker encountered engine trouble due to overheating. It then drifted towards the vicinity waters of Balingawan Point due to rough sea conditions until it submerged.

After MV Princess sank, an oil slick emerged, which has now spread over 24 square kilometers. According to the DENR, within the 40-kilometer radius from the epicenter is home to approximately 591 hectares of coral reefs, 1,626 hectares of mangroves, and 382 hectares of seagrass and seaweeds. There were also 21 locally-managed marine protected areas located in the City of Calapan, the towns of Naujan, Pola, four in Pinamalayan, two in Gloria in Oriental Mindoro, and the town of Gasan in Marinduque Province. It has

already affected nine towns in Oriental Mindoro. These are Naujan, Pola, Pinamalayan, Gloria, Bansud, Bongabong, Roxas, Mansalay, and Bulalacao. It was also reported that it has now reached the Province of Antique.

The provincial agriculture office reported the sightings of dead fishes and sea birds in the shorelands of the towns of Pola, Naujan, and Pinamalayan. The PDRMO of Oriental Mindoro reported that more than 10,000 families were affected by the oil spill. There are also reports of residents falling ill. The Department of Health is now assessing whether water from the deep wells, shallow tube wells, water pumps, and other sources of water are already contaminated by the oil spill.

Due to the oil spill, Mr. President, fishing now has been banned by Gov. Humerlito Dolor of Oriental Mindoro of around 18,000 registered fishermen in this province. An oil spill of this magnitude was last experienced in 2006 when MT Solar 1 sank off the coast of Guimaras,, which carried 2.1 million liters of tanker fuel. It affected 1,500 hectares of the local ecosystem which comprised of mangrove, seagrass and coral reefs. It ended the livelihood of 20,000 fishermen and required a long period of rehabilitation.

Ngayon, Mr. President, *nangyari na naman po ito*. The current oil spill trajectory model by marine experts projected approximately 20,000 hectares of coral reef, 9,900 hectares of mangroves, 6,000 hectares of sea grass may be affected, and the oil spill may potentially reach as far as the shores of Palawan. This is more far reaching than the damage caused by MT Solar 1 years ago. Under the UNCLOS, Mr. President, we have the obligation to protect and

preserve the marine environment and enact measures to deal with all sources to prevent, reduce, and control pollution of marine environment. These maritime incidents could have been prevented.

In LCT Pacifica 1, the huge waves caused engine trouble. MV Manfel Carrier V also encountered engine trouble. For MV Starlite Saturn, the cause is still being determined by the Coast Guard. In MT Princess Empress, it had engine trouble due to overheating.

Under Executive Order No. 125, as amended, MARINA is mandated to undertake safety regulatory functions pertaining to vessel operations. Under Republic Act No. 9993, or the Philippine Coast Guard Law of 2000, the Philippine Coast Guard is mandated to enforce all maritime laws.

The question, Mr. President, is: Were LCT Pacifica 1, MV Manfel Carrier V, MV Starlite Saturn, and MT Princess Empress found to be seaworthy by the regulatory agencies?

In insurance law, seaworthiness is defined by the Supreme Court ruling in *Santiago Lighterage Corporation vs. Court of Appeals*, as follows: "To be seaworthy, a vessel must have that degree of fitness which an ordinary, careful and prudent owner would require his vessel to have at the commencement of her voyage, having regard to all the probable circumstances of it. Thus, the degree of seaworthiness varies in relation to the contemplated voyage. Crossing the Atlantic calls for stronger equipment than sailing across the Visayan Sea. It is essential to consider that once the necessary degree of seaworthiness has been ascertained, this obligation is an absolute one, i.e. the undertaking is

that the vessel actually is seaworthy. It is no excuse that the shipowner took every possible precaution to make her so, if in fact he failed.”

If seaworthiness is relative to the circumstances, then the standards of seaworthiness should be higher during the ‘amihan’ season. In fact, last February 22, PAG-ASA advised fishing boats and small vessels not to venture into the sea, and larger sea vessels have been alerted against big waves. *Bakit po pinayagan sila?*

Now, it can no longer be prevented, the oil spill caused by the sinking MT Princess Empress will devastate our marine ecosystem.

The coral reef, the mangrove areas, and the marine protected areas are breeding grounds of fish which are among our top sources of food. According to the BFAR—and this can be confirmed by Sen. Cynthia Villar—marine municipal fisheries output for the entire country reached 946.88 thousand metric tons in 2022.

The oil spill is occurring in major fishing areas, and spreading to pristine fishing breeding grounds. It threatens the Verde Island passage, one of the country’s richest areas of biodiversity, and might even reach the world-famous Boracay.

Our laws are not poor when it comes to oil pollution. We have RA 9993, the Philippine Coast Guard Law of 2009; PD 602, the National Oil Pollution Operations Center Decree; P.D. 979, the Marine Pollution Decree of 1976; RA 10654, the Amended Fisheries Code of the Philippines; RA 9275, the Philippine Clean Water Act of 2004; RA 9483, the Oil Pollution Compensation Act of

2007; and RA 10121, the Philippine Disaster Risk Reduction and Management Act of 2010.

Mr. President, the Philippine Coast Guard is the responsible agency for preventing and controlling pollution in the country's territorial waters. It made a National Oil Spill Contingency Plan (NOSCP). However, the policy for combating oil spill is limited because of lack of resources.

While we are seeking accountability, our efforts, in the meantime, should be focused on the containment of the oil spill to prevent it from causing further irreversible damage to our marine ecosystem. Next should be the recovery. *Ito rin po siguro ang dahilan, Mr. President, kung kaya nangailangan na ng tulong si Secretary Bautista ng DOTr sa bansang Japan para mabawasan ang oil spill.*

As we have experienced in the Guimaras oil spill, recovery and rehabilitation will be extensive. It will affect not just the marine ecosystem, but also those who depend on it. Those who will be primarily affected will be the fishermen and their families. Today, 18,000 fishermen lost their livelihood. If we fail to contain the oil spill, it will affect thousands more.

But, just as we have done again and again, we will rise as a nation and face this tragedy as one.

Salamat po, Mr. President.

The Presiding Officer [Sen. Ejercito]. Thank you, Senator Tolentino.

The Majority Leader is recognized.