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Efforts vs. Manila Bay reclamation push on

For many years, scientists and environmental advocates have cautioned the government against approving more proposals for land reclamation and coastal development projects in Manila Bay. The historic bay, they emphasize, is unsuitable for such projects because of the risks posed by floods, intensified typhoon-induced storm surges and other related consequences.

Yet 22 land reclamation projects were approved during the Duterte administration, despite continuing protests against the perils to the marine ecology and socio-economic impact.

Not long after assuming office, Secretary Maria Antonia Yulo-Loyzaga of the Department of the Environment and Natural Resources looked into these protests and the extent of compliance by the project proponents to DENR requirements. It's the DENR's Environmental Management Bureau that issues the environmental compliance certificates (ECCs) to the project proponents.

Additionally, Loyzaga invoked the Supreme Court ruling in 2018 ordering 13 government agencies, including the DENR, to rehabilitate Manila Bay and restore its water quality to its pristine state.

Over the past few months, she has consulted with stakeholders – nongovernment organizations, people's organizations, fishers' groups, the academe and scientific organizations and the private business sector – to gather inputs to guide her scrutiny of the projects.

After these consultations, Loyzaga announced that DENR was convening a team of local and foreign experts to start a "cumulative impact assessment" of the Manila Bay reclamation projects. Many of these experts, she said, were already involved in evaluating certain of these.

All along Marcos Jr. seemed to have ignored his DENR secretary's important initiative. He didn't think of giving it a positive mention in his second State of the Nation Address.

Then, last week, the US embassy spokesperson called attention to a big reclamation project involving a Chinese construction company that he said had taken part in building the artificial islands (now serving as China's military outposts) in the West Philippine Sea.

The company, said the spokesman, had been blacklisted by the US government years ago and the World Bank and the Asian Development Bank had cited it for "fraudulent business practices."

The explanation of US Ambassador MaryKay Carlson was that the embassy was concerned by the environmental impact of large-scale reclamation. The project also could cause damage to the "cultural and heritage appeal of the historic Roxas Boulevard which lines its shores."

Flooding and other environmental problems to be caused by the questioned project, she continued, would lead to "potentially losing whole neighborhoods." "We are in that neighborhood," she stressed, referring to her embassy's strategic location on prime, previously reclaimed land along Roxas Boulevard.

Quickly, last Monday Marcos Jr. gave an oral order to suspend and review all the Manila Bay reclamation projects, except for one that he said had "already been reviewed." Many questions have since been raised about which project had been exempted. He explained:

"There are many problems. We saw many [of the projects] which are not being conducted properly. But anyway, that is another problem that needs to be fixed. Because if they all push through many rivers will be clogged, including the ones emptying into Manila Bay.

The water will have nowhere to go. Even on Roxas Boulevard, the sea will disappear."

Environmental advocates, usually critical, were happy with that. Among them:

- Agham (Advocates of Science and Technology for the People): "We welcome the decision to suspend all reclamation projects in Manila Bay. This victory was achieved through the collective actions of various civil society organizations (CSOs), which have tirelessly campaigned against reclamations for years."

- NICHE (People's Network for the Integrity of Coastal Habitats and Ecosystems) recalled that for years the civil society organizations, local communities and academic experts have opposed the reclamation projects because of their "clear negative environmental and social impacts." The group observed that recently, government and nongovernment institutions manifested the same concern, citing investigations conducted by the Senate and the House of Representatives, and the US embassy most recently.



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Both Agham and NICHE pressed the administration to be transparent in identifying which project was exempted from the suspension and on what ground.

• Kalikasan PNE (Kalikasan People's Network for the Environment): "The Filipino people have scored a resounding victory with this recent declaration. This is another prime example of how collective action, from community activities to national-level dialogues, can push policy in the right direction for the protection of the people and the planet."

The network, however, called for vigilance against any attempt by project

Over the past few months, Secretary Loyzaga has consulted with stakeholders – nongovernment organizations, people's organizations, fishers' groups, the academe and scientific organizations and the private business sector – to gather inputs to guide her scrutiny of the projects.

proponents who may appeal the suspension order and "find ways to circumvent the moratorium."

• Pamalakaya, the nationwide alliance of fisherfolk, demanded that government hold the project proponents liable to compensate the families displaced from their coastal communities.

• Equally bothered by the seeming secrecy, the international environmental group Oceana said: "We are alarmed by the exemption of one project that was not divulged.

It should be revealed to the public so that CSOs, fisherfolk, science and academe and other key stakeholders can validate the reported review that merited the exemption."

Oceana noted that the reclamation projects were approved despite the DENR and other groups having identified Manila Bay as a "Key Biodiversity Area." At least eight species of shellfish – including the *tahong* that we all enjoy grilled and in a flavorful soup – along with 50 species of fish can be found in its waters; these include the *Sardinella pacifica*, a new specie discovered in the bay in 2019.

Furthermore, Oceana urged Marcos Jr. to "permanently stop the projects as they put in peril food security, violate our constitutional rights to a healthy, balanced, safe and resilient environment and the rights of artisanal fisherfolk and coastal communities to their fishing grounds and livelihoods."

The various groups urged the government to come clean on how it would enforce the moratorium.

In assuring them, Secretary Loyzaga pointed out:

"I've been an advocate of transdisciplinary work – not interdisciplinary, not multidisciplinary... When you say transdisciplinary work, we learn from communities, from experts in practice. We don't learn only from scientists who are professors."



Ex-mayor Atienza backs PBBM move to halt all land-reclamation projects in Manila Bay

A FORMER Manila mayor who had strongly opposed reclamation projects in Manila Bay on Friday backed the decision of President Ferdinand R. Marcos Jr. to suspend all reclamation projects straddling four southern cities and one province.

Former Buhay party-list Rep. Lito Atienza, who once also head the Department of Environment and Natural Resources (DENR), said in a statement: "Truly, he is our only hope to see the wrongfulness of approving 22 reclamation projects in the Bay. We also support the investigation into how these projects came about. What yardstick was used to allow all this in the first place?"

"No one will benefit from it but the private owners. Enough is enough! BBM should continue protecting the welfare of the people and not just a few," added Atienza, the only

Manila mayor who served three successive terms, during which he championed a redevelopment of the districts facing Manila Bay, creating the acclaimed Baywalk area.

According to Atienza, the reclamation projects did not even pass the local government of Manila. "So, who approved this in Manila? We strongly condemn this irresponsible disregard [for] future generations," he added.

In 1995, during his term as Vice Mayor of Manila, Atienza said they passed Ordinance No. 7777, banning all forms of reclamation in Manila Bay.

"Our commitment to protect Manila Bay has always taken precedence. We continued this during our three terms as Mayor of Manila and even developed the promenade into what became known as the Baywalk. This afforded people with an unimpeded view of

the spectacular Manila Bay sunset," he said.

But this ordinance, Atienza said, was repealed by the succeeding administration.

"This opened the floodgates that allowed reclamation projects in the Bay. We continued our crusade for the protection of the Bay as Environment Secretary when we sided with the environmentalists who were forcing the government to clean up Manila Bay," he said.

Atienza also said environmentalists were surprised when they sided with their position before the Supreme Court, contrary to past DENR administrations.

"Because of this, the Supreme Court in 2008 issued a writ of continuing mandamus to clean up, rehabilitate, preserve, and restore it to its pristine condition—not to put dolomite sand, but to clean the waters," he said.

"Tama kayo [You are right], Mr. President,

nawala na ang tubig sa [the water is gone from] Manila Bay. Had BBM not intervened and stopped these 22 projects, we would have lost the Bay—the biggest jewel of the City of Manila. This Bay has benefited our generation and will benefit future ones," Atienza added.

On Thursday, at a briefing in Malacañang, current DENR Secretary Maria Antonia Yulo-Loyzaga said an order stopping all land-reclamation activities would be issued shortly to enforce President Marcos' suspension order, issued verbally. A review is also underway for all projects as part of the DENR's mandate from the SC.

Land reclamation in an environmentally critical area as Manila Bay—a key water body and major fishing ground in Luzon—requires a rigid and thorough review, she added.

Jovée Marie N. Dela Cruz



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Who gave the green light?

Between 2019 and 2021, environment officials say the government approved 22 massive reclamation projects in Manila Bay. How did the administration that championed the cleanup of Boracay allow this to happen in Manila Bay?

The reclamation activities have been criticized not only for obstructing the famous sunset over the bay but also for destroying the livelihoods of fishing communities and, more recently, for aggravating flooding notably in the provinces of Bulacan and Pampanga. Concerns have also been raised on the impact of the reclamation activities on operations in the country's busiest commercial port located in the city of Manila.

Now President Marcos has suspended all 22 reclamation projects as the Department of Environment and Natural Resources prepares to review their impact as well as the process leading to the approval of their environmental compliance certificates of ECC, which the DENR issues before such projects can proceed.

The review should also establish the proper route for undertaking such reclamation projects. Investors involved in the projects should themselves want that clarity. Vague rules can prove to be immensely costly in any investment, especially one involving huge amounts of funding.

In this case, who gave the green light for several of the projects to proceed? Can reclamation start with the issuance of an ECC? Does the final nod come from the Philippine Reclamation Authority or the local government

unit with jurisdiction over the reclaimed area? Certain LGU officials have touted the benefits of the projects in terms of their potential for economic stimulation and additional revenues.

The review must also determine why so many projects with environmental impact on Metro Manila and four neighboring provinces were approved within just three years. After all the projects were given the green light, then president Rodrigo Duterte announced that he no longer wanted new reclamation projects in the bay.

Recently, the issue was highlighted after the US embassy issued a rare statement of concern not only about the environmental impact of the projects, but also the involvement of a company with links to state-owned China Communications Construction Co. The CCCC was blacklisted by the US government in 2020 for its role in the construction and militarization of artificial islands in the South China Sea.

The US embassy said the CCCC was also flagged by the World Bank and Asian Development Bank for engaging in fraudulent business practices. The local group involved in the project has said there were no such red flags raised when the applications were being processed.

Now all the projects are on hold, with calls to scrap them altogether. Can any environmental damage still be undone? Obviously, the sooner the rules and policies are clarified, the better it will be for all concerned, from investors to the affected communities.



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SMC: NMIA not a reclamation project

The New Manila International Airport (NMIA) project, set to be the country's largest international airport with four runways, is being built not on reclaimed land, but on existing low-lying land that, historically, is vulnerable to heavy flooding and was converted to commercial fishponds, according to the project proponent.

San Miguel Corp. (SMC) president and CEO Ramon Ang said it is important to clarify the nature of its airport project amid recent discussions surrounding Manila Bay reclamation projects.

The construction of the airport project, covered by Republic Act

11506, does not involve creating new land from Manila Bay, Ang clarified.

Rather, he said, it involves redeveloping existing land that had been inundated in previous decades due to factors that include flooding from heavily silted river systems, conversion to fish ponds and over-extraction of groundwater that made it more susceptible to land subsidence.

The airport project does not involve reclamation. The project site has existing, valid land titles indicating its original status as land. Due to natural processes over time, this land had become prone to regular inundation. Instead of

creating new land, we are redeveloping it to its former state, ensuring its productive and sustainable use for the future," Ang said.

He said the site is an island, as can be seen in maps of the Department of Environment and Natural Resources and National Mapping Resource Information Authority from the 1990s. Surrounded by the Meycauayan, Talipitip and Maycapiz rivers, the low-lying land has been converted into fishponds.

This has, however, contributed to flooding in nearby towns, as the flow of the rivers out to Manila Bay had been impeded, and since the rivers themselves had become shallow due

to siltation and pollution.

Ang reiterated that the land redevelopment is being done with international experts and partners, including global maritime services expert Royal Boskalis, to ensure that it follows the strictest international standards in environmental and social impacts mitigation.

As part of the airport's development, SMC is also implementing a massive river cleanup and rehabilitation effort covering not just the nearby Marilao-Meycauayan-Obando river systems, but other rivers throughout Bulacan, to help address the province's perennial flooding problem.

"Again, our goal with this massive project is to rejuvenate the inundated land and repurpose it into a more productive and transformative asset for Bulacan, the country and the Filipino people. The NMIA will not only provide a world-class facility, it will also serve as a catalyst for local and national economic growth, opening doors to countless job opportunities and paving the way for a future-ready Philippines that is competitive on the global stage," Ang said.

"We will stay committed to ensuring that this development uplifts the lives of our kababayans and balances progress with responsibility," he said.



'San Mig airport not being built on reclaimed land'

By Darwin G. Amojelar

SAN Miguel Corp. on Friday said its P740 billion New Manila International Airport (NMIA) project is not being built on reclaimed land and has land titles.

San Miguel Corporation (SMC) president and chief executive Ramon S. Ang said it is important to clarify the nature of its airport project amid recent discussions surrounding Manila Bay reclamation projects.

The construction of the airport project, covered by Republic Act 11506, does not involve creating new land from Manila Bay, Ang clarified.

Rather, he said, it involves redeveloping existing land, that had been inundated by water in previous decades due to factors that include flooding from heavily-silted river systems, conversion to fish ponds, and over-extraction of groundwater that made it more susceptible to land subsidence, among others.

"The airport project does not involve reclamation. The project site has existing, valid land titles indicating its original status as land," Ang said.

"Due to natural processes over time, this land had become prone to regular inundation. Instead of creating new land, we are redeveloping it to its former state ensuring its productive and sustainable use for the future," he added. *(See full story online at manilastandard.net)*



FIRST PERSON

ALEX MAGNO

Negligent

While politicians were grandstanding about the floods that hit Bulacan and Pampanga provinces last week, San Miguel Corporation (SMC) CEO Ramon Ang boarded his chopper and surveyed the affected areas for himself. What he found, a case of gross negligence, should distress us all.



Ang observed that while water was rising on one side of Tulaoc bridge, it was freely flowing on the other side. That can only be due to some form of blockage. He had his engineers take a closer look.

The SMC engineers found that rocks and soil were bulldozed into the river to serve as platform for a crane when a crew was fixing the bridge. After they were done fixing the bridge, the crew left with their crane, leaving behind the material they had pushed into the river.

Astonishing negligence – and yet so commonplace.

Because of that negligence, thousands of homes were submerged in water. So much livelihood was lost. So much agriculture was devastated. Even if we find the errant crew responsible for blocking river flow, we cannot sue them for all the damage wrought by negligence.

Ang committed to clear the blocked waterway at SMC expense. He will also try to help clear the badly silted rivers of Bulacan and Pampanga. The nation's biggest conglomerate already has heavy equipment in the area, dredging the rivers surrounding the site of the New Manila International Airport (NMIA).

There has been uninformed talk about the airport project contributing to the flooding. The site of the future aerocity is actually an island. It is surrounded on two sides by the Meycauayan River and the Maycapiz/Talipit River. On the third side of this triangular development is Manila Bay.

The airport project, Ang clarifies, does not involve any reclamation. The area served as riceland and salt flats for maybe centuries.

Since 2020, SMC has volunteered to clean up the Pasig, Tullahan and San Juan Rivers – all of them heavily silted, grossly polluted, highly toxic and responsible for flooding the metropolitan area. The country's largest conglomerate has spent over P3 billion clearing up the three rivers – all of them listed as among the most polluted in the world.

It was during the presentation of the results of the cleanup of the three rivers that Ramon Ang formalized his commitment to help with the nearby waterways. He made the offer to DENR Secretary Maria Antonia Yulo-Loyzaaga.

All the rivers flowing into Manila Bay are listed among the most polluted, for that matter. Collectively, they are the largest source of plastics pollution that threaten the world's oceans. These rivers are a national embarrassment. The widespread practice of using our waterways as trash bins has not been curbed.

In exasperation, some of our officials are recommending that the waterways be fenced to prevent the dumping of trash. That will make for an ugly sight, a testament to our collective irresponsibility.

At any rate, SMC has been clearing the two rivers that border the site of the future airport. This airport, when completed, will be among the largest in the world. It will host not only aircraft repair and assembly facilities but also a cutting edge technology zone producing electronics for export.

For a couple of billion more, SMC could expand its river dredging activities to the clogged waterways of Bulacan and Pampanga. The corporation, after all, is heavily invested in the area. Beyond the airport, SMC is invested in the Bulacan Bulk Water supply facility and the MRT-7 project which will be extended to serve the airport.

The Bulacan Bulk Water Supply facility involves impounding fresh water, reducing the need to dig deep wells. Exploitation of the aquifers is one reason large areas of northern Metro Manila and Bulacan province are experiencing subsidence – the collapse of ground levels until they are lower than the sea.

Cleaning up our rivers is not easy. In the case of the Pasig River cleanup alone, Ang reports that the SMC crew has removed nearly 1.4 million tons of silt and trash. In addition to clearing the two rivers bordering the airport project, SMC had planned to clear up the Bulakan-Obando-Boacaue-Meycauayan-Marilao-Guiguinto river system.

It helps that Ramon Ang is a trained engineer. He is fascinated by these problems – in addition, of course, to SMC giving back to the community.

For instance, Ang has determined there is no need to elevate those parts of the NLEX that were submerged last week. That is going to be a terribly expensive solution. All that is needed is to clear the blocked water channels around the area. He did this with that part of the SLEX near the Alaska factory that used to be prone to flooding.

It will require a comprehensive approach to save Bulacan and Pampanga from chronic flooding. It will help if the communities along the waterways stop using the rivers as dumping ground. Further extraction of ground water should be stopped as this has caused subsidence. New areas for impounding water will have to be identified and construction should proceed with haste. Streams that have been built over by subdivision developers should be restored.

SMC will be helpful. But we cannot rely on one corporation to solve a whole region's problems. Ramon Ang is not Superman and the means he has at his disposal are not limitless.

The local governments must now work triple time to build discipline and environmental awareness in the communities. The flooding is of our own making.





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DHSUD bares plans for Pasig River rehab

BY ARLIE O. CALALO

TASKED by President Ferdinand Marcos Jr. to lead the Inter-Agency Council for the Pasig River Urban Development (IAC-PRUD), the Department of Human Settlements and Urban Development (DHSUD) has begun inspecting key areas along the Pasig River and laid out plans on how to implement the Chief Executive's order.

DHSUD Secretary Jose Rizalino Acuzar said in a statement that they initially checked on portions of the historic river in Manila, particularly at the back of the Central Post Office, which is being eyed as pilot area for mixed-use development and tourism spot, and Parola Compound for the affected informal settler families.

"We already have plans, and we will soon present [them] to the Office of the President and before the council for approval," Acuzar added.

He said he had met with Metropolitan Manila Development

Authority Chairman Romando Artes, IAC-PRUD vice chairman, to discuss the council's initial steps to put the order's provisions into actionable strategies for member-agencies.

Under Executive Order O35, the secretaries of the Department of Public Works and Highways, Department of Environment and Natural Resources, Department of the Interior and Local Government, Department of Tourism, Department of Transportation, Department of Finance, and Department of Budget and Management were named as council members.



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Also council members are the chairman of the National Historical Commission of the Philippines, the general manager of the Philippine Ports Authority, the commandant of the Philippine Coast Guard, the general manager of the Laguna Lake Development Authority, and the chief executive officer of the Tourism Infrastructure and Enterprise Zone Authority.

The National Housing Authority, meanwhile, will serve as the secretariat.

Acuzar said the IAC-PRUD was tasked primarily to "facilitate and ensure the full rehabilitation of the banks along the Pasig river water system and nearby water systems in order to provide alternative transportation, propel economic opportunities and boost tourism activities."

It was also directed to formulate a Pasig river urban development plan, which shall serve as the blueprint for the full rehabilitation of the river toward realizing its full potential for mixed-use development, transportation, recreation, tourism and sustainable human

settlement, taking into consideration its historic and cultural value, the DHSUD chief said.

"The IAC-PRUD was likewise ordered to study, prepare, and implement a comprehensive shelter plan for massive relocation of informal settler families and other unauthorized or unlawful occupants along the Pasig river banks, including identification of suitable relocation sites, strategies for economic and social integration for ISFs and long-term solutions to address ongoing migration into the Pasig river banks," Acuzar said.

"The executive order also authorizes the IAC-PRUD to accept grants, contributions, donations, endowments, bequests or gifts in cash or in kind from local and foreign sources in support of the formulation and implementation of the Pasig river urban development plan, subject to existing laws, rules and regulations," he added.

The council was required to submit to the Office of the President, through the Office of the Executive Secretary, a quarterly status report to monitor the progress of the rehabilitation.



TITLE:

When does land become subject to private ownership?

(Conclusion)

Pending its resolution of Republic of the Philippines v. Pasig Rizal Co. Inc., the Supreme Court noted that the applicable Property Registration Decree was amended such that persons or their predecessors-in-interest may file an application for the registration of title to alienable and disposable land when they had been in open, continuous, exclusive, and notorious possession thereof for at least 20 years immediately preceding the filing of such application.

Concerned applicants then may not need to comply with the 30 years possession required for acquisitive prescription, as earlier discussed.

Meanwhile, patrimonial properties, which includes alienable and disposable land, could have only been converted as such from properties of public dominion upon the state's express declaration that it would no longer be intended for public use or service, or the development of the national wealth, or that it had been so converted.

For the purpose of confirmation of title under the revised Decree, however, the Supreme Court noted that this declaration shall not be required where land has been classified as alienable and disposable, which immediately places it within the commerce of men and thus, renders it susceptible to being acquired by private persons through adverse possession.

In any case, the state's declaration should either be made through a law enacted by Congress or a Presidential Proclamation issued by the President under the authority granted by law.

Meanwhile, under the amended Decree, this declaration is presumed when the Executive Department classifies the property as alienable and disposable land of the public domain, as reflected in a signed certification by a designated Department of Environment and Natural Resources



PROPERTY RULES
ATTY. SARA MAED MAWIS



Concerned applicants then may not need to comply with the 30 years possession required for acquisitive prescription

(DENR) geodetic engineer that the subject property is part of alienable and disposable lands of the public domain.

Moreover, it should state the applicable Forestry Administrative Order, DENR Administrative Order, Executive Order, Proclamations, and the Land Classification Project Map Number covering the subject land. This certification shall be imprinted in the approved survey plan submitted by the claimant before the land registration court.

According to the Supreme Court, the amended Decree shall apply retroactively to cover pending applications for land registration as of the date it took effect, or on 1 September 2021, such as the instant case.

This application stems from the amendment's curative nature, which can be construed from its declared purpose "to simplify, update[,] and harmonize similar and related provisions of land laws in

order to simplify and remove ambiguity in its interpretation and implementation."

One who seeks the registration in his name of property forming part of the public domain must overcome the presumption of State ownership. To do so, he must establish that the subject land is alienable and disposable and thus, susceptible of acquisition and subsequent registration. These do not require the claimant to prove the state's lack of intent to retain and utilize the land for public use, which relates to a negative fact that only the latter could prove.

Once the claimant overcomes said presumption in this manner, the state is then burdened with refuting this claim by proving that the said land is retained for public service or for the development of the national wealth, even if it was previously classified as alienable and disposable.

Here, respondent Pasig Rizal Co., Inc.'s (PRCI) application and evidence, which petitioner Republic of the Philippines did not oppose, sufficiently established that it had been in open, continuous, and exclusive possession of the subject land in the concept of owner for over 54 years from the filing of the instant application.

Meanwhile, PRCI's proof of the subject land's alienable and disposable status, consisting of certifications issued by the DENR Forest Management Bureau Regional Technical Director and DENR Regional Executive Director for the National Capital Region, did not comply with the required proof under the amended Decree.

Considering its curative nature, as well as PRCI's long period of possession of the subject land, the Supreme Court ordered that this case be remanded to the Court of Appeals for reception of evidence concerning the land's classification status.

(The first part of this column came out on July 15, 2023)



Environmental law education: Choices to make

FIFTY years after the first United Nations International Conference on the Environment was held in Stockholm in 1972, the world experienced the steady emergence and growth of environmental law as a new field of law to deal with environmental problems on a national and global scale.

There are many areas under the rubric of environmental law. Some of the earliest environmental legislations concern the protection of the environment from polluting materials and, by extension, aim to improve public health. However, pollution now is more about contaminant cleanup, safe use of chemicals, waste management and water quality for the multiple water use. In that connection, a new Department of Water Resource Management is now in the offing in the Philippines, a most timely government decision.

Sustainability of resources is the other area of environmental law application. It means the ability to sustain a resource based on relatively recent scientific



AMBASSADORS' CORNER

AMADO S. TOLENTINO JR.

principles: biodiversity as it relates in particular to food security for the world's burgeoning population; increased dependence on renewable energy; and chemical cycling. Targets for sustainability are forest and land resources, mineral resources, water resources as well as wildlife and fisheries, all of which connect to the impact assessment and monitoring strategy. In short, sustainability is about how to best manage and use natural resources.

In many ways, environmental laws are often a form of insurance policy for the future for such necessities as food and water. There will come a time when resources are diminished, or at worst gone, and that is the reason why it is important to ensure their wise use as possible.

Mention should be made that

ahead of the UN Climate Change Conference to be held in the United Arab Emirates (Dubai) later this year is a campaign for a country platform that will aid in placing nature at the forefront of climate action efforts. The platform should prioritize the protection of biodiversity for food security and relies on funding commitments to implement projects worldwide, many of which are nature-based solutions that support climate mitigation and adaptation.

Revisiting environmental law education in PH

Briefly, the University of the Philippines College of Law was the first to have environmental law as a two-unit optional course in its curriculum in 1992. A few Filipino pioneers in the new field of law worked on the first reference book on the subject in support of a syllabus still preferred these days by course handlers in many law schools in the country. Submission of a paper on a Philippine

environmental problem with law as a solution became a feature of the newly introduced course.

In 1993, by virtue of Republic Act 7662, the Legal Education Board (LEB) was created as the government agency responsible for the regulation of law education, including supervision of all law schools in the Philippines. To reform and uplift the standards of legal education became its primary policy.

The board made legal reforms which include stricter selection of law students and law professors; improvements in quality of instruction and facilities; and attendance to continuing legal education seminars for practicing attorneys.

Environmental law became a mandatory or a required three-unit subject in all law schools. After a while, LEB launched a revised law curriculum which reduced the environmental law course to two units alongside a clinical legal education scheme that focuses on practice readiness of law students

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instead of concentration in the Bar exam while in law school. It was found that focus on passing the Bar exams instead of law practice readiness has been the root of the very low percentage of Bar passers since independence in 1946.

Right now, when a legal clinic is maintained in a law school, legal consultation and even assisted court appearances of law students by members of the Bar are provided to the public.

Be that as it may, environmental law has to compete with Bar subjects such as criminal law, civil law, political law, commercial law and remedial law. Students simply consider environmental law as a respite from those Bar subjects as it shifts from time to time from pollution law to climate change law, to biodiversity law to public health law, unlike Bar subjects which are strictly on only one topic as a classroom course during the semester.

By chance, the Supreme Court Bar exams committee bravely changed or overhauled the Bar exam thrust for the distressingly twice postponed 2020 exams. When the results were released, 72.28 percent of the takers hurdled the exams, the highest in recent memory.

The Bar exams chairman, Supreme Court Associate Justice Marvic Leonen, called on the new lawyers of the first digitalized and localized licensure test in history to use their newfound privilege "to advance social justice," referring to the lot of the poor and disadvantaged sector of society. Apparently, sharing a thought that henceforth, Philippine legal education should also be student- and society-centered.

With the great leap forward of developments in environmental law as nar-

rated above, environmental law training courses for professors were conducted by LEB alongside webinars organized by the Asian Research Institute for Environmental Law, Asian Development Bank and the IUCN Academy of Environmental Law.

Choices for 'new realities'

When the Supreme Court of the Philippines was designated by UNEP (United Nations Environment Program) to lead the Association of Southeast Asian Nations (Asean) countries to assist in "educating" the judiciary about the new field of environmental law in the region, the course was already being taught in Philippine law schools as a compulsory subject. It was realized that for the Asean judiciary and practicing lawyers at the time, environmental law cases were thought of as a "hot potato" as they did not have environmental law courses when they took up their law studies.

With the realities brought about by environmental problems everywhere, there is speculation that sooner or later environmental law will become a subject for the Bar exams. Law, after all, is a tool to put order in society, i.e., to solve environmental problems or provide a cause of action to environmental issues and concerns.

While coping with the challenges brought about by the climate crisis, overpopulation, poverty, food and water availability, and public health care (a subject undergoing a well-deserved renaissance following the Covid-19 pandemic), environmental law found a niche in the Philippine legal system. Broken was the decadeslong cycle of Bar



examinees who labored for years at classroom law studies for a future determined only by a few days of written exams.

More reforms and further improvements are, however, needed in view of the ever-changing needs and the evolving definition of law practice about which the law curriculum is the vehicle for preparedness. Thus, rethinking and more elaboration must be done on the following: 1) rearrangement or sequencing of subjects/courses in the law school; 2) the clinical legal program now in place; and 3) written Bar exams which will do away with competition for topping the exams by colleges and universities to be recognized as the best at law education instead of producing practice-ready new lawyers.

Further choices revolve around reduction of minimum load for law students with provision of updates and ample amount of coaching in practical skills; a moot court course with more opportunity and exposure to role-playing; and submission of an undergraduate thesis that will hone their writing skills. After all, lawyering is not purely oral but requires more of legal writing.

More importantly, there is nothing permanent in law. It grows in accord with the needs of the time. In the area of environmental law, so much influence of human beings on nature came to the fore, e.g., uncontrolled emission of greenhouse gases by industries; loss of biodiversity to satisfy people's need for food and sustenance; diminution of wetlands to give way to human settlements, etc. Is it not the right time to impart to environmental law students the matter of changing environmental governance brought about by the An-

thropocene era and prepare them well for new developments in the "modernization" of environmental law?

And, what happens to the compulsory two-unit environmental law course in the present law school curriculum? Choices range from a uniform approach or a choice of concentration on an environmental law problem, issue or concern in the locality that will involve local people participation.

As LEB chairman Melanie Bacani Trinidad said, "The country owes the present and future law students a program of study responsive to rapidly challenging times and adaptable to their ever-increasing curiosity."

Responding to challenges

Making choices as pointed out will have to extend to targeting how law educators will adapt to changes in this evolving world after the pandemic. It is important for them to equip students with the necessary knowledge, skills and values to prepare them well into their future of law practice. Toward that end, further choices ought to be made. Should AI (artificial intelligence) with appropriate guidelines, safeguards and regulations be in the legal education curriculum? How to handle different approaches to teaching law and ethics in today's environment. Considering the lessons learned from the pandemic vis-à-vis national political developments, how to navigate the transformative constitutional changes that may be necessary.

Indeed, coping with environmental law education has become very complex in this new world after Covid.