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CONTINUING MANDATE

SC WANTS GOV'T REPORT ON MANILA BAY REHAB

By Tina G. Santos
@santostinaINQ



Maria Antonia Yulo-Loyzaga
—PHOTO FROM NATIONAL
RESILIENCE COUNCIL

The Supreme Court has ordered concerned government agencies to submit a report over its directive to clean up, rehabilitate and preserve Manila Bay.

The report, which should be submitted by Sept. 30, should include information about the ongoing reclamations and their environmental impact assessments, especially their effect on pollution, the Supreme Court public information office said.

It added that the justices decided to hold oral arguments on the Manila Bay pollution case, but they have yet to set the specific date for the hearings.

In 2008, the high court granted a petition by a group of

residents concerned about the polluted bay and issued a writ of continuing mandamus directing the government agencies to clean up, rehabilitate and eventually preserve Manila Bay.

In 2011, the high court ordered the party government agencies to

execute directives in order to implement the 2008 decision.

These government agencies were also required by the high court to submit a report regarding actions taken to uphold its ruling, including measurement benchmarks of the pollution in Manila Bay.

'Realistic targets'

They were also asked to inform the high court about the current government strategies being implemented to comply with their mandate to clean up, rehabilitate and preserve Manila Bay, and restore and maintain its waters to levels fit for swimming, skin-diving and other forms of contact recreation.

The court also wants to know from these agencies their

"realistic targets" for the next five years.

Earlier this month, Environment Secretary Maria Antonia Yulo-Loyzaga announced that all 22 reclamation projects in Manila Bay were suspended.

Yulo-Loyzaga also said in a previous statement that the high court mandamus ruling on Manila Bay must be taken into account in all reclamation projects within the historic water body.

According to her, the legal and regulatory context of reclamation activities "must also be paramount in consideration," aside from the environmental aspects.

"The most important and relevant [legal and regulatory context] ... is the Manila Bay mandamus ruling," she said. INQ



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Oral arguments on Manila Bay pollution case set

By NEIL JAYSON SERVALLOS

The Supreme Court (SC) will conduct oral arguments nearly two decades after ruling in favor of residents living near Manila Bay who filed a case against 13 government agencies, calling for the cleanup and rehabilitation of the harbor.

In 2008, the SC issued a writ of continuing mandamus, ordering the government to clean up, rehabilitate and preserve Manila Bay after residents filed a complaint in 1999.

Government agencies named in the case are required to present to the high court by Sept. 30 their strategies to comply with the mandate to make Manila Bay "fit for swimming, diving and other recreational activities."

"They must present their

measurement benchmarks of the pollution in Manila Bay. Their realistic targets for the next five years, ongoing reclamations and their effect on pollution," the SC stated in an advisory issued on Wednesday.

Parties to the action include the Metropolitan Manila Development Authority; Departments of Environment and Natural Resources, Education, Health, Agriculture, Public Works and Highways, and Budget; Philippine Coast Guard; Philippine National Police Maritime Group; Department of the Interior and Local Government; Bureau of Fisheries and Aquatic Resources and the Metropolitan Waterworks and Sewerage System.



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Rising sea level and Manila Bay reclamation projects

The rise in sea level in Metro Manila's coastlines is much higher than the global average.

The National Mapping and Resource Information Authority (NAMRIA) revealed this in a coastal engineering summit held recently in Batac, Ilocos Norte.

Based on NAMRIA's findings, sea level in Metro Manila has risen by an average of 8.4 millimeters a year from 1901 until 2022, almost three times the global average of 3.4 mm/year in the same period.

Namria attributed this in part to the "coupling effect" of sea level rise and land subsidence — the gradual sinking of the earth's surface.

Even the National Aeronautics and Space Administration (NASA) has attributed the rise in sea level around the world to the warming atmosphere and ocean, causing ice sheets and mountain glaciers to melt; and land water storage — through ground water extraction and dam building.

In Metro Manila, for instance, more groundwater extractions are done through deepwells, and more buildings rise as it becomes more populated. These factors contribute to land subsidence because of the extracted water and sheer weight of the buildings and the population.

NAMRIA also cited land reclamation and deforestation as contributing factors to the rise in sea level.

The revelation on the rising sea level should be a cause for concern considering the 22 reclamation projects in Manila Bay and the perennial flooding in Metro Manila and in the neighboring provinces of Cavite, Laguna, Rizal, and Bulacan as well as Pampanga farther north.

President Marcos has already suspended the 22 reclamation projects to give way to a cumulative

impact assessment that will be conducted by the Department of Environment and Natural Resources (DENR). The agency, headed by Secretary Maria Antonia Yulo-Loyzaga, should look closely and deeper into the overall effects of these reclamation projects.

The DENR should also keep in mind the continuing mandamus issued by the Supreme Court in 2008, which directs it and 12 other government agencies "to clean up, rehabilitate, and preserve Manila Bay, and restore and maintain its waters to SB level." The mandamus issued by the highest court of the land is clear — there is no room for misinterpretation.

And with the rising sea level now a global phenomenon, the DENR needs to look closely on how these reclamation projects will impact low-lying areas. As of now, these areas are already vulnerable to flooding.

Through dump-and-fill, these reclamation projects in Manila Bay are certain to contribute to the rising sea level — that is the Archimedes principle in which any body completely or partially submerged in a fluid is acted upon by an upward force, or what is called a buoyant force. Under this principle, there is no other way for water in Manila Bay to go, but up with these reclamation projects.

If sea level in Manila Bay rises, this will pose a threat to coastal and inland communities which are already vulnerable to flooding.

How to mitigate this is a responsibility not solely in the hands of the government, but all responsible citizens of the country.

We hope everyone will contribute his or her own share in keeping the rise in sea level to a bare minimum. Let's help keep our environment safe.



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A review of policy issues in Philippine mining



Perpevina C. Tio

EAGLE WATCH

Second of three parts

LARGE-SCALE mining corporations that do business in the Philippines enter into any of the following contract agreements as defined in the Philippine Mining Act of 1995: 1) mineral sharing via mineral production sharing agreement (MPSA), co-production agreement, or joint venture agreement (JVA); and 2) financial or technical assistance agreement.

The maximum area (onshore) allowed under mineral agreement is 8,100 hectares for any province and 16,200 hectares in the entire Philippines, while the maximum area of an FTAA is 1,000 meridional blocks or 81,000 hectares onshore; 4,000 meridional blocks or 324,000 hectares; or a combination of the onshore and offshore maximum areas. Both have a term not exceeding 25 years and renewable for another term not exceeding 25 years. The Mining Act also specified the minimum amount

of \$4 million or its Philippine peso equivalent as capitalization under an FTAA contract. There are other government contracts as mentioned above, but this article will just focus on MPSA and FTAA.

Before any project can be implemented in a locality, all national agencies authorizing such activity are tasked under sections 2(c), 26, and 27 of the Local Government Code to obtain prior approval from the local government unit concerned after having made consultations with the

Number of MPSA and FTAA Contracts by Year and by Status

Status	2020	2021	2022
Approved and Registered			
MPSA	309	307	303
FTAA	5	6	6
Application Under Process (as of Current Year)			
MPSA	323	249	194
FTAA	31	31	30

residents about the project's impact to communities and the environment, with the aim of maintaining ecological balance (LGC, 1991). The same provisions also cite the concurrence of the local sanggunian (legislative body) before any project can start.

The decision to mine from the perspective of the national government comes way before the granting of permits to contractors. For the LGU, the decision is already made for them by the central government. And here, government agencies are tasked under the Local Government Code to help facilitate the process by which the community shall reach an informed decision on the social acceptability of a mining project as a requirement of the company in secur-

ing an Environmental Compliance Certificate (ECC). No mining operation can proceed without the ECC.

Large or small-scale mining by its nature is a risky industry. It extends its risk to the environment, people, and other communities. There is also loss when there is mining activity. This comes in the form of loss of homes or displacement, loss of farms, loss of livelihoods, and loss of vegetation. To mitigate disastrous damages that may happen during extraction activities itself, mining companies are obligated under the Philippine Mining Act (PMA) of 1995 to earmark funds specific only for protection, enhancement and rehabilitation of the disturbed

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environment, including funds set aside for committees formed for regular monitoring of the environment. These serve as safety-nets for environmental damage.

Mining companies doing extractive activities are also bound by the same Act to create, fund, and implement programs and projects under the Social Development and Management Plan (SDMP) that will benefit communities directly hosting and the neighboring areas (PMA, 1995). The social projects package is to help increase acceptability of mining.

With the guarantee of additional revenues from mining, measures for increased protection to the environment, the people, along with the social projects and services are funded by the companies, mining still remains a contentious issue.

The province of South Cotabato has passed an ordinance in 2010 that tried to prevent mining by passing an environmental ordinance banning open-pit mining (Talavera, 2023). Local groups have formed

alliances with other advocates who have resisted the development of a copper and gold mining project until the mining contractor retreated not because of the resistance but because of the sudden drop in the prices of copper (Niederberger et al., 2019). The current plan is to make the mining industry a reliable additional source of income not only for the national economy but also for the local governments, which have to recover after the devastating effect of the Covid-19 pandemic. If this plan translates to the approval of mining applications pending since 2012, it is but fair that people in communities are also ready to accept mining as it is expected to provide increased incomes for the LGUs. At the national level, fiscal policies that maximize revenue collection from the extractive industry should be enacted. It is expected that after applications have been approved, there will be an increase in the share of revenues at the national level, which also translates to an increase of revenues for the LGUs.

Ms. Perpevina C. Tio is a graduate student at the Department of Economics of Ateneo de Manila University.



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PH rejects 10-dash China map

DFA cites UNCLOS, arbitral ruling in nixing 'attempt to legitimize sovereignty'

By Rey E. Requejo and Macon Ramos-Araneta

THE Philippines on Thursday rejected the 2023 standard map of China, which includes the West Philippine Sea as part of its territory, and became the third nation to assail Beijing's attempt to assert sovereignty over disputed maritime territories in the South China Sea.

Earlier, India and Malaysia dismissed China's newly-released map, which features a 10-dash line that signifies its claim of ownership over the entire South China Sea, encompassing the exclusive economic zones (EEZs) of the Philippines, Malaysia, Indonesia, Vietnam, and Brunei.

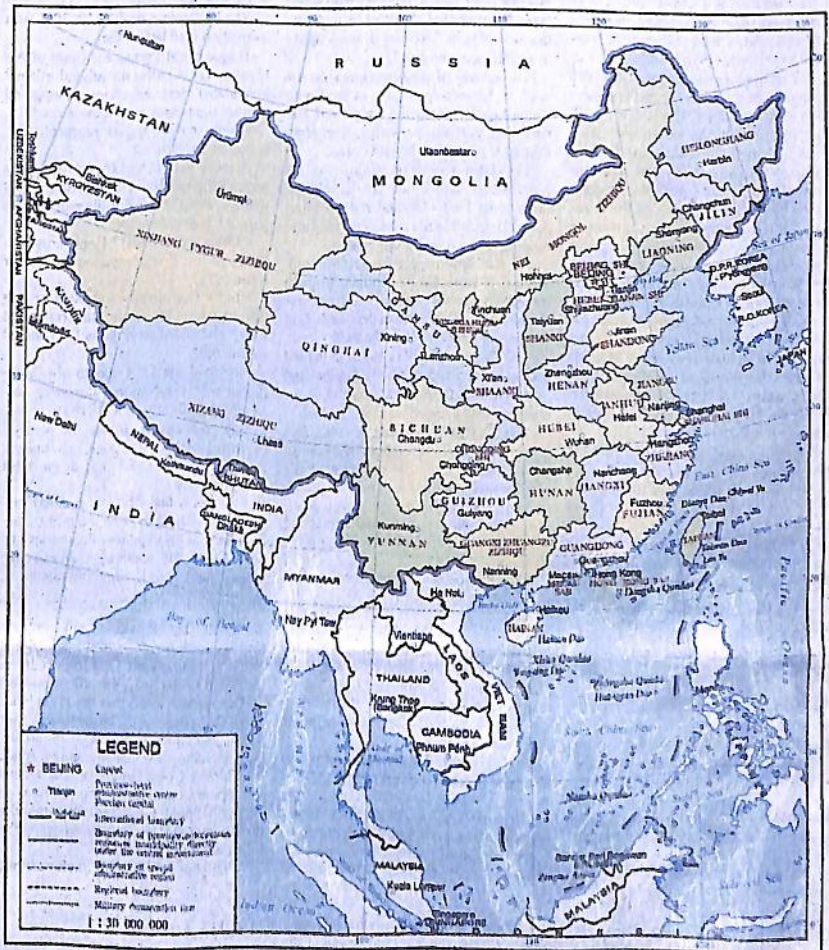
The new map also lays claim to the Indian State of Arunachal Pradesh and the Aksai Chin Plateau.

"The Philippines rejects the 2023 version of China's Standard Map issued

by the Ministry of Natural Resources of the People's Republic of China on Aug. 28, 2023, because of its inclusion of the nine-dashed line (now a 10-dashed line) that supposedly shows China's boundaries in the South China Sea," the Department of Foreign Affairs (DFA) said.

"This latest attempt to legitimize China's purported sovereignty and jurisdiction over Philippine features and maritime zones has no basis under

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10-DASH LINE MAP. This image from China's Ministry of Natural Resources shows the 2023 edition of the country's Standard Map, including its claimed territories in the South China Sea as marked by a 10-dash line (lower right of photo). The Philippines has rejected this map of China, which includes the West Philippine Sea as part of its territory, and became the third nation to assail Beijing's attempt to assert sovereignty over disputed maritime territories.

PH...

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international law, particularly the 1982 United Nations Convention on the Law of the Sea (UNCLOS)," it added.

The Philippines asserted that the 2016 Arbitral Ruling issued by the Permanent Court of Arbitration in The Hague has already invalidated China's dash-line claim, which was originally a nine-dash line.

"It categorically stated that 'maritime areas of the South China Sea encompassed by the relevant part of the 'nine-dash line' are contrary to the Convention and without lawful effect to the extent that they exceed the geographic and substantive limits of China's maritime entitlements under the Convention,'" DFA said.

DFA Assistant Secretary Daniel Espiritu said the Philippines is considering including in its statement about Manila's position when President Ferdinand Marcos Jr. meets his ASEAN counterparts during the 43rd ASEAN Summit in September.

"Definitely there are external partners who support us," Espiritu said, although he said he could not be sure there would be consensus support from the regional bloc.

In the face of a strong backlash, China has asked affected countries to remain "calm" and urged them to "refrain from

over-interpreting the issue."

Wang Wenbin, China's Foreign Ministry spokesman, said it was only "a routine practice" for China to release a map signifying the supposed extent of its territory, that was only its "exercise of sovereignty in accordance with law."

The release of the map comes on the heels of China's aggression in the South China Sea, by deploying navy ships and harassing foreign personnel, including Filipinos, patrolling the vast ocean.

The DFA called on China "to act responsibly" and abide by its obligations under UNCLOS and 2016 Arbitral Award, which Manila considers "final and binding" but which Beijing rejects.

At the upcoming ASEAN Summit, Marcos is expected to continue to push for adherence to a rules-based international order to settle disputes, including the overlapping claims in the SCS.

The Philippines will continue to uphold and exercise freedom of navigation and overflight with the South China Sea, in accordance with international law," he said.

The UNCLOS, adopted in 1982, lays down a comprehensive legal framework governing all activities and uses of the world's seas and oceans. It also establishes general obligations for safeguarding the marine environment and protecting the freedom of scientific research on the high seas.

The Philippines, China, and several

other littoral states are locked in a territorial dispute over the resource-rich SCS where Beijing claims around 80 percent of the strategic waters.

The Philippines on July 12, 2016 won its petition filed before the Hague-based Permanent Court of Arbitration (PCA) after the arbitral tribunal invalidated Beijing's claim of supposed historic rights over almost the entire SCS.

China, however, has repeatedly ignored the PCA ruling.

Senator Risa Hontiveros on Thursday took a swipe at China for releasing a map that showed the West Philippine Sea as part of Chinese territory.

"China is delusional," Hontiveros said. "They're just doing anything to get our territory."

"India has already lodged a protest against China for issuing this ridiculous map," she added, saying the DFA should follow suit.

She said the DFA should also coordinate with the National Resource and Mapping Authority (NAMRIA) to update a map that clearly shows the country's exclusive economic zone, continental shelves, and territorial seas in the West Philippine Sea.

"We know that China is a master manipulator, willing to bend the truth for her own gain, at the expense of countries like ours. China will continue to spread fake news, fund pro-Beijing mouthpieces,

and distribute propaganda materials. We must push back. We must not rest until China stops her absurdity."

Senator Francis Escudero said China can issue as many maps as it wants, but this will not affect the PCA ruling in the Philippines' favor. He added that any unilateral declaration by a state has no weight or standing in international law.

Senate Minority Leader Aquilino Pimentel III said the Philippines is under no obligation to recognize the territorial claims of other countries.

Stratbase ADR Institute, a think tank, rejected the map as "a desperate attempt [by China] to legitimize its territorial claims."

"It is a mockery of the rules-based international order and of basic decency," the institute said in a statement.

"We reiterate that the arbitral award issued by the Permanent Court of Arbitration is clear and final-- China's nine-dash line is baseless and illegal. China's claims to sovereign and historic rights in the maritime area are contrary to the UNCLOS."

"The publication of the map has the dangerous potential of propagating disinformation by advancing the Chinese narrative that the West Philippine Sea is part of their territory. No attempt to redraw geopolitical boundaries will make this acceptable, as this is a blatant violation of international law," it added.



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UNDP launches EAS biodiversity project in Phl

By **BELLA CARIASO**

The United Nations Development Programme (UNDP) has launched a biodiversity project in the Philippines, one of 138 countries authorized to access the Global Environment Fund (GEF).

The Global Biodiversity Framework Early Action Support, funded by the GEF, aims to fast-track readiness and early actions to implement the framework by providing financial and technical support to eligible parties.

"The protection of biodiversity is not only about the environment's target, they are also social stakes. There is a need for the protection of certain population groups who are usually at a disadvantage," said UNDP deputy resident representative Edwine Carrie.

Carrie encouraged government agencies, biodiversity experts, academics, policy-makers and other stakeholders to take part in the consultation process.

"Your insights and active participation will help us in achieving a holistic approach in the development of... a plan

that will not only accomplish our targets under the EAS project but will also provide a unifying perspective in reporting the Philippine target for the marine and coastal sector under the target of 30 by 30," he said.

The 30 by 30 goal is a global initiative to designate 30 percent of Earth's land and ocean area as protected areas by 2030.

Outer space security

Meanwhile, the Philippines and 32 other countries have endorsed the continuation of a diplomatic panel created by the UN to address threats to outer space security.

"Work on elaborating norms of responsible behavior in outer space is a useful means towards addressing threats in outer space," the joint statement, drafted by the Philippine Permanent Mission to the United Nations in Geneva, stated.

The panel, officially called the Open-Ended Working Group on reducing space threats through norms, rules and principles of responsible behaviors, conducted its final meeting recently.

- Pia Lee-Brago



What is COP28? And why does this matter to you and me?

We find ourselves already in the first day of the “ber” months, and before long, the year will come to a close. These months are set to be filled with a series of events, deadlines, milestones, etc. For those in the environmental realm, the upcoming days and weeks are of utmost importance due to the arrival of the 28th Conference of Parties, or more known as COP28.

Scheduled to take place from Nov. 30 to Dec. 12, 2023, in Dubai, United Arab Emirates (UAE), this edition of the conference holds exceptional significance. The effects of climate change are not only read on this paper or online but are now palpable in the scorching heat and torrential downpours we experience.

Just this week, a level 4 typhoon hit the northern parts of the country, with more such storms projected to follow, each capable of wreaking havoc on our fragile landscape. In instances without typhoons, the land is scorched by extreme heat, driving the heat index to a record-breaking 43 degrees — hot enough to fry an egg under the sun.

The significance of COP28 becomes evident when considering that it pertains to our shared home. Would you not want to engage in discussions about how our own home will survive in the years to come? We show great sensitivity toward the architecture, design, furniture, and other aspects of our own houses, yet we fail to exhibit the same level of care when addressing the ground on which our houses stand — planet earth itself.

What purpose does it serve to future-proof our houses when the earth is deteriorating due to human abuse and neglect?

A fundamental fact to recognize is that our nation is among the most climate-vulnerable globally, owing partly to our Pacific Ocean location. As such, the outcomes of COP28 will inevitably impact us directly.

According to the UN, COP is an “annual meeting where United Nations member states convene to assess progress in dealing with climate change and formulate a climate action plan within the guidelines of the UN-FCCC (the formal name for the meetings is the Conference of the Parties of the UN Framework Convention on Climate Change or the United Nations Climate Change Conference).” The inaugural COP was held in Berlin in

1995, with last year's COP27 taking place in Sharm El Sheikh, Egypt.

According to McKinsey, the significance of COP can be summarized as follows: “COP decisions can have global authority; in the UN system, powerful nations such as the US and Russia possess equal voting rights as tiny island nations like Vanuatu or São Tomé and Príncipe. Plus, decisions can be made only by consensus. UN member states send representatives to participate in the negotiations, (while) observer organizations, industry representatives, and lobbyists also attend.”

What happened at the last COP?

There were “significant roadblocks” that remained on the path to achieving net zero. Specifically, a 1.5°C pathway is not yet achievable, according to McKinsey. To reduce emissions to the extent required, leaders and their organizations will need to take additional, urgent action toward emissions reductions and removals.

What will happen this year?

COP28 UAE is an opportunity for the world to come together, course correct, and drive progress.

“We need everyone to be more ambitious in the fight against climate change to meet the goals and ambition of the Paris Agreement. COP28 will emphasize a ‘leave no one behind’ approach to climate action. Underscoring all efforts are the principles of transformation, solidarity, pragmatism, and inclusivity. The world needs a COP of action and a COP for all.”

By hosting COP28, the UAE is “focusing on practical and positive solutions that drive progress for the climate and the economy, as well as provide relief and support to vulnerable communities.”

The COP28 UAE Presidency believes that governments and the private sector must work closely together in order to address climate change.

Why is COP28 important for the Philippines?

According to the Climate Reality Project Philippines, one of the critical policy points in this year's COP is the “operationalization of a loss and damage fund to finance the needs of communities disproportionately affected by the climate crisis.”

“The most contentious issues that would have to be settled are

determining who pays for the funds, how much, and what will be the basis for access, reporting, and financing mechanisms.”

“At its core, the envisioned loss and damage facility requires high-emitting countries to acknowledge their historical role in the climate crisis and take responsibility for it. Ideally, the facility is to be governed by rules and modalities that leverage the best available science and risk data and lift the burden of proof from vulnerable communities.”

Another focal point in COP28 is the progress of the Climate Finance Delivery Plan, outlining how the developed world will fulfill its promise to mobilize \$100 billion annually from 2020 onwards to address the adaptation and mitigation needs of developing nations.

Superficially, it might seem that vulnerable countries like the Philippines are driven by financial motives. However, this is far more deeper — an appeal for climate justice that has long been denied.

The United Nations Development Programme (UNDP) sums this issue very clearly: “The impacts of climate change and the resources needed to address climate change impacts are distributed unequally around the world. Low-income countries, and vulnerable populations within those countries, are more susceptible to climate-induced loss and damage. Globally, the 10 percent of households with the highest per capita emissions contribute 34 to 45 percent of global household greenhouse gas emissions, while the bottom 50 percent contribute 13 to 15 percent.”

Armed with this understanding, it becomes clear why the Philippines' voice — and your voice — must be heard at COP28. More issues will unfold in the days ahead, and the Environment and Sustainability section of this paper is committed to providing our readers with comprehensive insight into COP28 and its related subjects.

You have to be aware of what's happening before it's too late, since, like what the old adage says, “knowledge is power.”

(Johannes L. Chua is the editor of the Environment and Sustainability section.)



EDITORS DESK
JOHANNES L. CHUA



Floods swamp Metro Manila

NOWHERE TO PASS

Floodwaters and heavy traffic greet motorists along España Boulevard in Manila as heavy monsoon rains enhanced by Super Typhoon 'Goring' and Severe Tropical Storm 'Hanna' swamp Metro Manila on Thursday morning, Aug. 31, 2023.

PHOTO BY RENE H. DILAN

FLOODWATERS swamped most of Metro Manila and parts of Rizal following torrential rains on Thursday.

Classes were called off and government offices suspended work as rains induced by the southwest monsoon or habagat poured almost without letup.

As of 4 p.m. on Thursday, several areas were still under gutter- or knee-deep waters, according to the Metropolitan Manila Development Authority (MMDA).

The areas include parts of Manila, Pasay City and Quezon City.

The MMDA also announced that the Pasig Ferry cancelled trips because of the swollen river.

The Philippine Atmospheric Geophysical Astronomical Services Administration (Pagasa) said the monsoon rains were enhanced by Super Typhoon "Goring," which has left the country, and the approaching Storm "Hanna."

The areas around the Marikina River were also on first alarm after its waters rose to 15.7 meters on Thursday noon.

Marikina City advised residents near the river to move their cars from the Marikina River Park to a safer place.

A first alarm was also raised in the areas surrounding the Batasan Bridge in San Mateo, Rizal, after the water level there reached 18.76 meters as of 4 p.m. Thursday.

A second alarm will be declared when the level reaches 19 meters. As of Thursday afternoon, 717 San Mateo residents were evacuated to temporary shelters.

The Manila Disaster Risk Reduction Management Office reported knee-deep flooding along España corner M. Dela Fuente Street, Thursday morning.

Among other areas in the city in gutter-deep floods were: P. Noval St. Padre

SwampA8

SWAMP FROM A1

Floods swamp Metro Manila

Faura corner Taft Avenue, Ayala Blvd., Quezon Blvd. corner P. Campa St., sections of Taft Avenue, and Magsaysay Blvd. corner M. Dela Fuente St.

Malacañang ordered classes in all levels and government offices in Metro Manila suspended due to heavy rains.

Only government agencies involved in the delivery of basic and health services, preparedness and response to disasters and calamities, and the performance of other vital services, "shall continue with their operations and render the necessary services," according to the circular signed by

Executive Secretary Lucas Bersamin.

The Commission on Elections (Comelec) was the first to suspend work in all its offices in the National Capital Region (NCR).

The Comelec also announced that the filing and reception of certificates of candidacy in NCR is likewise suspended.

The National Disaster Risk Reduction and Management Council said 85,395 families, or 305,481 persons, in seven regions in the country, have been affected by the monsoon rains.

Quezon City, Caloocan City, Malabon City, Navotas City and

Valenzuela City also announced suspension of classes in all public and private schools.

The Supreme Court has declared that work in its offices on Thursday will only be until 12 noon.

All courts in Mariveles, Bataan, have also suspended work, as well as in regional trial courts in Malabon, where work was suspended from noon onwards.

**ALEXANDRA J. FURIO,
CLAIRE BERNADETTE
MONDARES,
KRISTINA MARALIT,
ARLIE O. CALALO,
FRANCO JOSE C. BAROÑA
AND ARIC JOHN SY CUA**