

MANILA BAY CASE: MMDA ET.AL VS. CONCERNED RESIDENTS OF MANILA BAY ET.AL.

GR. NO. 171 947 – 48



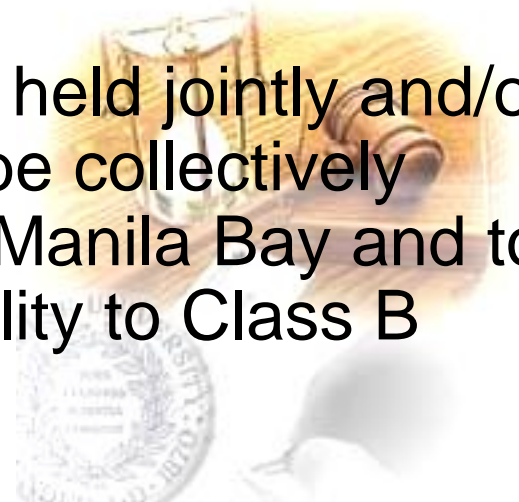
Facts of the Case

- ❖ Started on January 29, 1999
- ❖ Against several Government agencies
- ❖ For clean-up, Rehabilitation and Protection of Manila Bay
- ❖ Raffled to Branch 20; Docketed as Civil Case No. 1851–99
- ❖ Water quality had fallen way below allowable standard set by law, specifically the Philippine Environment Code (PD 1152)



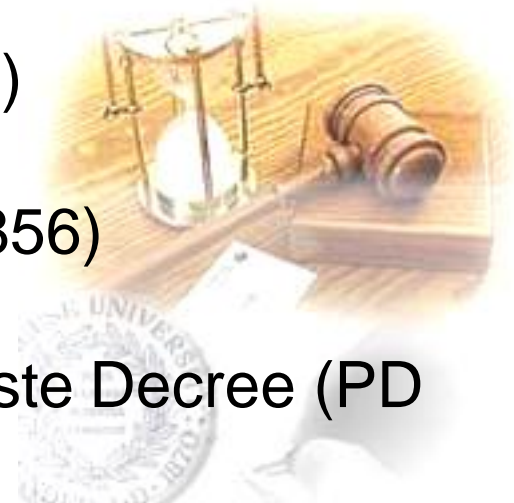
Nature of Complaint

- ❖ Reckless, wholesale, accumulated and ongoing acts of omission or commission resulting in the clear and present danger to public health and in the depletion and contamination of the marine life of Manila Bay
- ❖ Defendants must be held jointly and/or solidarily liable and be collectively ordered to clean up Manila Bay and to restore its water quality to Class B



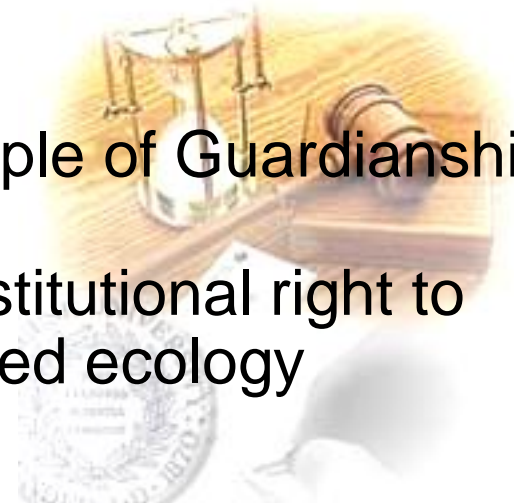
Laws Allegedly Violated

- ❖ Constitutional right to life, health and balanced ecology
- ❖ Environment Code (PD 1152)
- ❖ Pollution Control Law (PD 984)
- ❖ Water Code (PD 1067)
- ❖ Sanitation Code (PD 856)
- ❖ Illegal Disposal of Waste Decree (PD 825)



Laws Allegedly Violated

- ❖ Marine Pollution Law (PD 979)
- ❖ Executive Order No. 192
- ❖ Toxic & Hazardous Waste Law (RA 6969)
- ❖ Civil Code provisions on nuisance and human relations
- ❖ Trust doctrine & Principle of Guardianship
- ❖ International Law constitutional right to life, health and balanced ecology



Decision of the RTC

On September 13, 2002,
the RTC rendered a
decision in favor of the
complainants. The
dispositive portion reads:



Decision of the RTC

“Wherefore, finding merit in the complaint judgment is hereby rendered ordering above named defendant – government agencies, jointly and solidarily, to clean up and rehabilitate Manila Bay and restore its waters to SB Classification to make it fit for swimming, skin-diving and other forms of recreation. To attain this, defendant – agencies with dependant DENR as the lead agency, are directed within six (6) months from receipt hereof, to act and perform their respective duties by devising a consolidated and coordinated and concerted scheme of action for the restoration of the Bay”



Work Tasked to Defendant Government Agencies

❖ MWSS

Install, operate, & maintain adequate sewerage treatment facilities in strategic places under the jurisdiction and increase their capacities



Work Tasked to Defendant Government Agencies

❖ LWUA

See to it that the water districts under its wings, provide, construct and operate sewage facilities for the proper disposal of waste



Work Tasked to Defendant Government Agencies

❖ DENR

The lead agency, to install, operate and maintain waste facilities to rid the bay of toxic and hazardous substances



Work Tasked to Defendant Government Agencies

❖ PPA

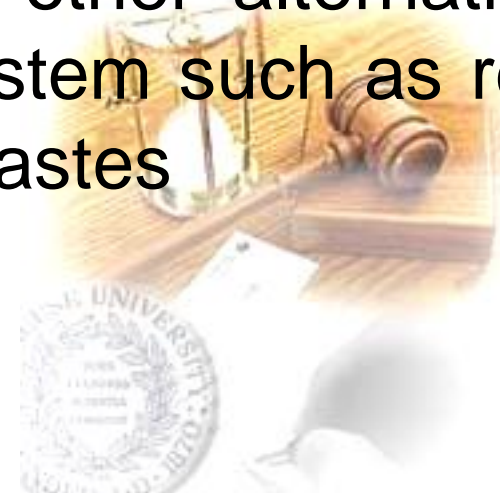
Prevent, treat the discharge not only of ship-generated wastes but also of other solid and liquid wastes from docking vessels that contribute to the pollution of the bay



Work Tasked to Defendant Government Agencies

❖ MMDA

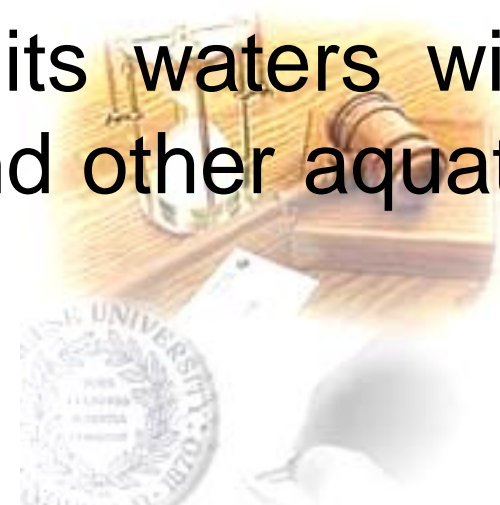
Establish, operate, maintain adequate and appropriate sanitary landfill and/or adequate solid waste and liquid disposal as well as other alternative garbage disposal system such as re-use or recycling of wastes



Work Tasked to Defendant Government Agencies

❖ DA

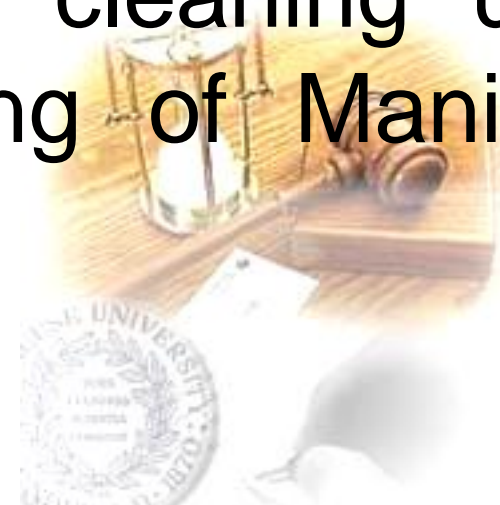
Through the Bureau of Fisheries and Aquatic Resources, to revitalize the marine life in Manila Bay and restock its waters with indigenous fish and other aquatic animals



Work Tasked to Defendant Government Agencies

❖ DBM

provide and set aside an adequate budget solely for the purpose of cleaning up and rehabilitating of Manila Bay

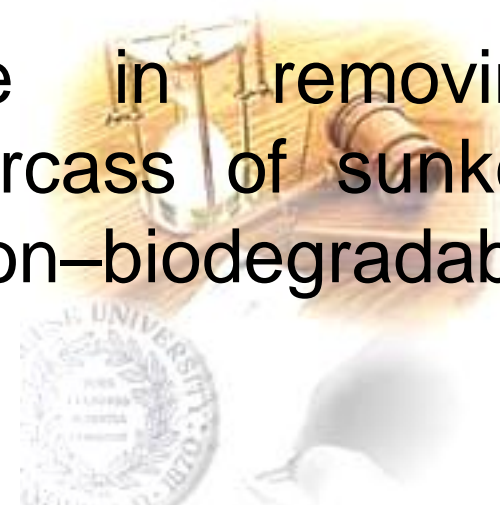


Work Tasked to Defendant Government Agencies

❖ DPWH

Remove and demolish structure and other nuisances that obstruct the free flow of waters to the bay

Actively participate in removing debris, such as carcass of sunken vessels, other non-biodegradable garbage in the bay



Work Tasked to Defendant Government Agencies

❖ DOH

Closely supervise and monitor operations of septic and sludge companies

Require proper facilities for treatment and disposal of fecal sludge, sewage coming from septic tanks



Work Tasked to Defendant Government Agencies

❖ DECS

Inculcate in the minds and hearts of the people through education the importance of preserving and protecting the environment



Work Tasked to Defendant Government Agencies

❖ PCG and PNP Maritime Group

Protect at all costs the Manila Bay from all forms of illegal fishing



COURT OF APPEALS DECISION

- ❖ Denied petitioners appeal
- ❖ Affirmed decision of RTC in toto
- ❖ Decision did not require petitioners to do tasks outside of their basic functions



SUPREME COURTS DECISION

❖ Affirmed decisions of RTC and CA with modification

1. DENR to fully implement its Operational Plan for the Manila Bay Coastal Strategy for the restoration of Manila Bay
2. DILG to direct LGUs to inspect all factories, commercial establishment, private homes along the banks of major river systems in their respective areas of jurisdiction



SUPREME COURTS DECISION

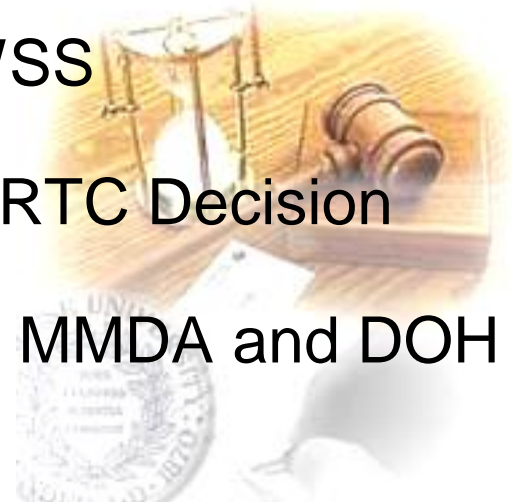
❖ Affirmed decisions of RTC and CA with modification

3. MWSS to provide, install, operate, maintain adequate wastewater treatment facilities in Metro Manila, Rizal and Cavite

4. LWUA the same as MWSS

5. DA thru BFAR same as RTC Decision

6. The rest like PCG, PPA, MMDA and DOH same as RTC decision



SUPREME COURTS DECISION

- ❖ Affirmed decisions of RTC and CA with modification

Heads of petitioners agencies MMDA, DENR, DEPED, DOH, DA, DPWH, DBM, PCG, PNP Maritime Group, DILG, MWSS, LWUA and PPA in line with the continuing mandamus, shall from the finality of this decision, each submit to the court a quarterly progressive report of the activities undertaken in accordance with this Decision



Thank you.

