

CURRENT LEGAL CONCERNS
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Atty. Elpidio V. Peria

Double Prosperity Amidst Adversity in Sarangani Bay :
A Test Case for Congressman Manny Pacquiao ?

While the Panamanian vessel *M/V Double Prosperity* that has run aground the coral reefs off the coast of Kiamba town, in Sarangani Province recently may seem like a harmless incident with the Philippine Coast Guard already making assurances that the vessel will be towed soon, the incident may be an opportunity for Congressman Manny Pacquiao to demonstrate if he may have learned some sense about environmental protection and recovery from one of his early patrons, former DENR Secretary Lito Atienza.

A *Manila Bulletin* news item from 14 May 2011 quoting the Protected Area Superintendent (PASu) of the area, yes, the area is protected by law, the National Integrated Protected Areas System (NIPAS) Act or Republic Act 7586, shows initial estimates of damage to the coral reef at Php 30 million.

How the PASu came up with his estimates it would be surely enlightening for the people to know as it indicates how rich the marine resources of the area is, though these same people may be disheartened to realize that such amount is something that is not easily convertible to cash, especially with so many poor people along the coast in that part of Sarangani Province, and lest it be missed, Sarangani Province is one of the "poorest of the poor" provinces in the country.

So, how can Congressman Pacquiao, showcase his ability as a legislator in this situation?

One thing that he can do, and this is in the realm of unsolicited advise as he has able and competent advisers in his Congressional staff, is for him to file a House Resolution to conduct an inquiry in aid of legislation, to determine the causes of the grounding and the steps so that this incident will not happen again.

While not really constituting a Board of Marine Inquiry, which is only constituted in cases of severe mishaps with many lives lost, this legislative inquiry should gather the facts which led to the grounding of the ship and to determine the culpability of those involved, be it the ship captain, the one in charge of the wheel at the time of the grounding, and even the ship owners or those who have chartered the boat that appeared to have wandered into the coral reefs in a manner of being off-course from its usual route. .

While the data gathered from this legislative inquiry may be used by the managers of the Sarangani Bay Protected Seascape, the Protected Area Management Board, by which they can make a decision on any legal action they may wish to take against those who may have caused the damage, the inquiry may also bring to light the various steps which can now be taken to ensure that the Sarangani Bay will be adequately protected from these types of navigational mishaps.

But another thing that the inquiry can do is identify the various ways in which the Bay can sustain its recovery so that the resource will bring double the prosperity to the province by way of sustainable fisheries, but also ecotourism, and other forms of ecosystem services that ensure the well-being of the people in the area and its surrounding environment.

Given that he may wish to conduct his public hearings on this item on-site, near Kiamba town itself, that in itself is a worthwhile endeavor as it brings to national attention the natural beauty of the place including the innate warmth of its people. With Manny Pacquiao's media-drawing ability, the projection of the province will not only be up to the limits of Manila, but also in places where Paris Hilton or Bob Arum resides, in the USA, and beyond.

Now, while national attention is riveted on how the hearings are being conducted by the Congressman and the Congressional Committee that may be tasked to do it, this may also be an opportune time for this legislative inquiry to move the process of enacting the legislation to upgrade the current legal basis for protection of the Bay, Presidential Proclamation 756 issued by then President Fidel V. Ramos, so that the current Sarangani Bay Protected Seascape will become a full-blown protected area with a stronger legal mandate.

Once it has a legislative enactment behind it, the Protected Area Management Board of the Bay will now have the necessary funds and enforcement powers to ensure that incidents like these, among other things, will never happen again.

The law on the Protected Seascape will also help to clarify and delineate the roles and responsibilities of the stakeholders in the area from the local government officials, the fisherfolk as well as indigenous and local communities and the civil society organizations and the business sector who also depend on the Bay for various activities from transportation, food and water supply, solid waste management, and others.

Another thing that the boxer-legislator can do is to prod the Provincial Board of the Province to finally adopt an Environment Code for the Province, which has stagnated for quite some time in the august halls of the legislative chambers of the Province, due to various reasons but some say it is also due to the aversion of various businesses in the province for any type of regulatory measure that will hamper their operations and affect their profit margins.

South Cotabato may have some hiccups in its anti-open pit mining ban in its Environment Code, but implementation of the other noteworthy provisions of the said measure is proceeding at its usual pace and is leading the other provinces in environmental stewardship and protection.

Of course, all these suggestions are not only for the Congressman's attention, but to all well-meaning citizens of the Province, who wish to take action on this important issue, which, even though may not immediately bring food to the table, will however ensure that that food on the table is capable of being eaten without any adverse side-effects to the eater, among other beneficial effects of a clean and healthy environment.

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