

1 Republic of the Philippines
2 HOUSE OF REPRESENTATIVES
3 Quezon City

4
5 EIGHTEENTH CONGRESS
6 Third Regular Session

7
8 HOUSE BILL NO. 9191
9



10 Introduced by
11 BAYAN MUNA Representatives EUFEMIA C. CULLAMAT,
12 CARLOS ISAGANI T. ZARATE and FERDINAND R. GAITE,
13 GABRIELA Women's Party Representative ARLENE D. BROSAS,
14 ACT TEACHERS Party-List Representative FRANCE L. CASTRO,
15 and KABATAAN Party-List Representative SARAH JANE I. ELAGO

16
17 AN ACT
18 REPEALING REPUBLIC ACT 11506, OTHERWISE KNOWN AS "AN ACT
19 GRANTING SAN MIGUEL AEROCITY INC. A FRANCHISE TO CONSTRUCT,
20 DEVELOP, ESTABLISH, OPERATE, AND MAINTAIN A DOMESTIC AND
21 INTERNATIONAL AIRPORT IN THE MUNICIPALITY OF BULAKAN,
22 PROVINCE OF BULACAN, AND TO CONSTRUCT, DEVELOP, ESTABLISH,
23 OPERATE, AND MAINTAIN AN ADJACENT AIRPORT CITY"
24

25
26 EXPLANATORY NOTE
27

28 The "aerotropolis" or New Manila International Airport project of the San Miguel Aerocity, Inc.
29 was an "unsolicited proposal" from San Miguel Corporation (SMC) President Ramon Ang
30 presented to the Duterte administration in February 2017. It was never a public policy but a profit-
31 oriented brainchild of the private sector, particularly from one of the richest oligarchs in the
32 country. SMC is neither a scientific institution, nor a champion of democratic governance in the
33 country, when its history is tainted with its immoral involvement with the multi-billion-peso
34 coconut levy fund scam during the Marcos dictatorship.
35

36 The issue of additional airport for Greater Metro Manila was raised in May 2011, by the Japan
37 International Cooperation Agency (JICA) when it submitted its report to the Aquino
38 administration citing an urgent need for a new gateway airport as the Ninoy Aquino International
39 Airport (NAIA) was already almost saturated. After its meticulous studies, it concluded in October
40 2013 that the potential sites were Sangley Point in Cavite province and Laguna Bay, based on cost
41 and viability. It excluded the Manila Bay area of Bulacan province.
42

43 Finally, in June 2014, it recommended Sangley Point as the site and it commenced with its full
44 feasibility study with the year 2025 as target opening. In August 2015 the then-Department of
45 Transportation and Communication (DOTC) received the New Manila Sangley Airport feasibility
46 study report from JICA.
47

48 Referring to the Obando site along Manila Bay, the JICA reported:

49
50 *"This alternative site has several disadvantages such as risk of flooding, limited possibility of urban*
51 *development and expected high cost for stabilization of sub-surface soils. There is no significant advantage*

1 *offsetting these disadvantages.”*

2
3 Furthermore,

4
5 *“Development of NMLA in this site could cause significant obstruction against discharge from the river in*
6 *case of heavy rain, resulting in a high risk of flooding.”*

7
8 The SMC’s aerotropolis project is just around 4 kilometers away from the JICA-studied Obando
9 site, and the marine environment and the geological characteristics are comparable. As early as
10 2015, there were overwhelming literature of the baselessness of construction of an airport in the
11 Manila Bay area of Bulacan province.

12
13 Moreover, the Office of the Vice Chancellor for Research and Development of the University of
14 the Philippines Diliman campus (OVCRD UP Diliman) and National Institute of Geological
15 Science (NIGS) published their study *“Articulating geomorphology and geohazards in the coastal development*
16 *issues of communities along the northern coasts of Manila Bay, Philippines”* in August 2019 that focused on
17 Barangay Taliptip, the ground zero of the aerotropolis.

18
19 It concluded that:

20
21 *“Most sitios of Brgy. Taliptip are built upon shallow tidal flats of the tidal-dominated Pampanga delta*
22 *system. Four major geohazards were identified: earthquake, tidal and fluvial flooding, storm surge, and*
23 *subsidence. These geohazards are commonly present and consistent with the geology, geomorphology, and*
24 *hydrometeorological setting of the area. The first three hazards corroborated with anecdotes of residents while*
25 *subsidence, though unreported, remains a threat based on earlier studies.”*

26
27 It also cited as potential impact of the aerotropolis project:

28
29 *“Construction of the Bulacan Aerotropolis will bring both permanent and temporary changes to the*
30 *immediate vicinity and nearby areas. Thus, it is important to consider potential effects in all stages of*
31 *development (i.e., construction and operational stage) to the social, physical, and environmental resources of*
32 *the area.*

33
34 *One of the immediate and obvious effects would be the alteration of the physical environment. Loss and*
35 *reclamation of land, changes in river and drainage pathways, and removal of natural flora and fauna,*
36 *consequently, influence the sediment and water transport pathways. If the risk is unmitigated, these could*
37 *lead to flooding and siltation in nearby areas.”*

38
39 It added,

40
41 *“Pollution is another problem that should be taken into consideration. Air and noise pollution are*
42 *unavoidable during construction and operation. Air pollution may come from the emissions of aircraft,*
43 *ground service vehicles, and transportation in and out of the airport. Noise pollution, on the other hand,*
44 *may be caused by construction, airborne activities (e.g., sonic booms, landing and take-off noise, engine*
45 *testing), ground operations, and road traffic noise. Water and soil pollution near airports is also possible if*
46 *waste is not properly managed. Inadequate treatment of waste and leakage from waste storage may infiltrate*
47 *the soil and also flow into bodies of water, thus polluting them. Excessive pumping of groundwater may*
48 *also cause saltwater contamination in aquifers, and subsidence from compaction.”*

49
50 Aside from the adequate scientific studies that demolished the feasibility of constructing an airport
51 at the Manila Bay area of Bulacan province, SMC’s aerotropolis is implemented without an

1 Environmental Compliance Certificate. The project stands on a measly Environmental
2 Compliance Certificate (ECC) issued by the Department of Environment and Natural Resources
3 Environmental Management Bureau – Region 3 (DENR-EMB Region 3), in June 2019 for a “land
4 development” project of the Silvertides Holdings, Corp., a contracted firm of San Miguel Aerocity,
5 Inc. The DENR-EMB Region 3 continue to refuse to disclose the submitted Environmental
6 Impact Statement (EIS) that became the basis of approving Silvertides Holdings Corp.’s ECC,
7 saying that the EIS is exempt from public disclosure. The EIS remains concealed from the public,
8 affected fisherfolk sector of Barangay Taliptip and advocates of genuine Manila Bay rehabilitation.

9
10 This immoral cover-up by the DENR-EMB Region 3, an agency under the Duterte administration,
11 is outright admission of the baselessness of the aerotropolis project. The agency is a self-
12 contradiction when it clearly states on its national agency’s mandate and functions webpage:

13
14 *“The Environment Impact Assessment System was formally established in 1978 with the enactment of Presidential*
15 *Decree no. 1586 to facilitate the attainment and maintenance of rational and orderly balance between socio-economic*
16 *development and environmental protection. EIA is a planning and management tool that will help government,*
17 *decision makers, the proponents and the affected community address the negative consequences or risks on the*
18 *environment. The process assures implementation of environment-friendly projects.”*

19
20 Thus, how could an agency that even violates its own mandate, substantiate the scientific basis of
21 the SMC’s aerotropolis project? Or of a “land development” project that involves fishpond and
22 marine areas of Manila Bay that are part of the Bulacan Fishing Reservation as declared by the
23 Republic Act No. 4701. This questionable act by the DENR-EMB Region 3 advanced the interest
24 of Silvertides Holdings, Corp. who is claiming ownership of the more than 2,000-hectare fishpond
25 areas, which are supposedly administered by the Fishpond Lease Agreement (FLA) provision of
26 the Republic Act No. 8550 or Fisheries Code of 1998.

27
28 Based on the Fisheries Code:

29
30 *“Section 49. Reversion of All Abandoned, Undeveloped or Underutilized Fishponds. - The DENR, in*
31 *coordination with the Department, LGUs, other concerned agencies and FARMCs shall determine which*
32 *abandoned, underdeveloped or underutilized fishponds covered by FLAs can be reverted to their original mangrove*
33 *state and after having made such determination shall take all steps necessary to restore such areas in their original*
34 *mangrove state.”*

35
36 Thus, where was the process of determination that was supposed to facilitate the reversion of the
37 fishponds as mangrove forest. Worse, their classification was deemed transformed into being
38 alienable and disposable, with the claim of ownership of the Silvertides Holdings Corp.

39
40 Briefly, the DENR-EMB Region 3:

- 41
- 42 • usurped the powers of the legislature to reclassify lands,
 - 43 • recognized the questionable ownership of the Silvertides Holdings Corp.; and
 - 44 • issued an ECC based on an EIS that remains hidden in a “vault,” refusing the scrutiny of
45 the affected sectors and the public.

46 Thus, the SMC’s aerotropolis project should be declared void, as its early stage is plagued with
47 irregularities and apparent violations of existing laws, on top of its baselessness and contradiction
48 to the scientific rationale of preserving the Manila Bay area of Bulacan province from any
49 reclamation project. By transitivity, the Republic Act No. 11506, otherwise known as “Granting
50 San Miguel Aerocity Inc. A Franchise To Construct, Develop, Establish, Operate, And Maintain

1 A Domestic And International Airport In The Municipality Of Bulakan, Province Of Bulacan,
2 And To Construct, Develop, Establish, Operate, And Maintain An Adjacent Airport City” is
3 unscientific.

4
5 The displacement of the small fisherfolk community of Brgy. Taliptip has been well-documented
6 that even the University of the Philippines academic community carried out its own study, and
7 members of its faculty have visited the site numerous times for participatory research activities on
8 the plight of the affected sector.

9
10 On the joint position paper of Assistant Professor Devralin T. Lagos of the College of Social Work
11 and Community Development (UP CSWCD) and Pamalakaya resident fisheries expert and
12 Chairperson of AGHAM UP Diliman Jerwin Baure supporting the House Bill No. 7524 or the
13 Special Protection to Coastal Fishing Communities, she cited that “[t]he displacement of communities
14 from large-scale reclamation of near-shore and coastal areas is a kind of Development-Induced Displacement” and
15 the impact concerns on small fisherfolk residents displaced by the aerotropolis project.

16
17 Asst. Prof. Lagos, who is closely coordinating with the fisherfolk residents displaced by the
18 aerotropolis, documented their statements on various concerns:

- 19
20 1. On food insecurity: *“Ang bubay namin ngayon, malaki ang diperensya sa paggastos, lalo ang gastos sa*
21 *ulam. Doon (sa dati naming tirahan sa tabing-dagat), ang mga anak ko, busog, 3 beses sa isang araw kumain,*
22 *may ulam. Yun ang pinagkaiba ngayon.”*
23
24 2. On livelihood displacement and economic losses: *“Dati ang gasolinang ginagamit sa isang linggo,*
25 *Php.100. Ngayon po, pagpunta pa lang sa hanap-bubay, ay Php.200. Magkano na, isang araw pa lang,*
26 *sobrang laki na. E kung wala pa pong mabuli, anong ibibili mo ng pabalik mong pang-gasolina?”*
27
28 3. On dislocation and loss of housing: *“Kada gabi, pag-iispan paano bubuuin ang babay, kasi hindi pa*
29 *buo. Hindi nila (SMC) binigay nang buo na.”*
30
31 4. On privatization of communal areas: *“Yung dati naming pinaghanap-bubayan, ngayon, pinagbabawalan*
32 *na kami ng mga sundalo. Bawal na raw po dum maghanap-bubay. May nakalagay na na “NO*
33 *TRESPASSING”. Nabili na raw ng San Miguel ang area na ‘yun.”*
34

35 She cited that the impact extends to concerns of *Cultural Displacement; The Decline in Coastal Resources*
36 *and Environmental Impacts; Gender Impacts* and *Threats to Health, Education, Personal and Community*
37 *Security*.

38
39 The Pambansang Lakas ng Kilusang Mamamalakaya ng Pilipinas or Pamalakaya, the national
40 federation asserting the fishing rights of small fisherfolk in the country, chaired by former
41 Anakpawis Party-list Representative Fernando “Ka Pando” Hicap, said in its online article “The
42 undemocratic and unscientific SMC Aerotropolis project”

43
44 *“Fisherfolk and residents of Brgy. Taliptip in Bulakan town, earliest heard of a project in 2008, around*
45 *the same time Silvertides Holdings went on a buying spree of fishponds,” and “In the past years, SMC*
46 *never showed its face to the affected population, but local officials told them that would be soon relocated.*
47 *Without any prior meetings or consultations or venues to present their opinions, they are deemed to be*
48 *displaced from their homes and sources of livelihood.”*
49

50 Moreover, Pamalakaya cited the lack of consultation, intimidation, and militarization faced by

1 fisherfolk residents in the affected area of the aerotropolis project:

- 2 • in April 2018, affected fisherfolk residents or around 700 families, tried to submit their petition
3 opposing the project and protest peacefully in front of the municipal hall of Bulacan town,
4 but were violently dispersed by the local police;
- 5 • in August 2018, they sought a dialogue with the DENR Region III office, who bared that the
6 subjected fishponds are classified as “non-alienable and non-disposable,” or of public domain;
- 7 • in February 2019, the supposedly SMC’s contractor Silvertides Holdings contracted another
8 consultancy firm, Philkairos, Inc. to craft the “Environment Impact Assessment” that was
9 presented to the affected residents for the “land development” project. The contractor
10 announced that they will “back-fill” the 2,375 hectares of fishponds by at least 3 meters, which
11 requires 205 million cubic meters of fill materials that they may source from Pampanga;
- 12 • in December 2019 to January 2020, elements of the Armed Forces of the Philippines were
13 deployed in Brgy. Taliptip, which the affected fisherfolk residents at around 300 families
14 remaining at the project site, reported to said “itaboy ang taong-labas” or the term usually
15 referring the New People’s Army (NPA);
- 16 • in June, with the continued militarization of the fishing community, some of the fisherfolk
17 residents were pressed to demolish their own houses;
- 18 • in August and September, legislative measures were filed at the House of Representatives and
19 senate, and until its approval, the affected fisherfolk communities were not given the
20 opportunities to be heard to express their opinion or opposition of the project.

21
22 Thus, Pamalakaya is firm that the aerotropolis project, as well as the law granting the franchise to
23 San Miguel Aerocity, Inc. is undemocratic.

24
25 To uphold the democratic rights of marginalized sectors particularly for the small fisherfolk sector;
26 for the genuine rehabilitation of Manila Bay and preservation and conservation of the marine
27 environment and fisheries resources; and prevention of the geo-hazard that will affect the
28 population of Bulacan province and nearby areas; the urgent passage of this bill is earnestly sought.
29

30
31 *Approved,*

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33 
34 **REP. EUFEMIA C. CULLAMAT**
35 *Bayan Muna Partylist*

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39 **REP. CARLOS ISAGANI T. ZARATE**
40 *Bayan Muna Partylist*

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43 **REP. FERDINAND B. GAITE**
44 *Bayan Muna Partylist*

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46 
47 **REP. ARLENE D. BROSAS**
48 *GABRIELA Women’s Party*

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51 **REP. FRANCE L. CASTRO**
52 *ACT Teachers Partylist*

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55 **REP. SARAH JANE I. ELAGO**
56 *Kabataan Partylist*

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14 **GABRIELA Women’s Party Representative ARLENE D. BROSAS,**
15 **ACT TEACHERS Party-List Representative FRANCE L. CASTRO,**
16 **and KABATAAN Party-List Representative SARAH JANE I. ELAGO**

17
18 **AN ACT**
19 **REPEALING REPUBLIC ACT 11506 OTHERWISE KNOWN AS “AN ACT**
20 **GRANTING SAN MIGUEL AEROCITY INC. A FRANCHISE TO CONSTRUCT,**
21 **DEVELOP, ESTABLISH, OPERATE, AND MAINTAIN A DOMESTIC AND**
22 **INTERNATIONAL AIRPORT IN THE MUNICIPALITY OF BULAKAN,**
23 **PROVINCE OF BULACAN, AND TO CONSTRUCT, DEVELOP, ESTABLISH,**
24 **OPERATE, AND MAINTAIN AN ADJACENT AIRPORT CITY”**

25
26
27 *Be it enacted by the Senate and the House of Representatives of the Philippines in this Congress assembled that:*

28
29 **Section 1.** Republic Act 11506, otherwise known as “An Act Granting San Miguel Aerocity
30 Inc. A Franchise to Construct, Develop, Establish, Operate, And Maintain A Domestic And
31 International Airport In The Municipality Of Bulakan, Province Of Bulacan, And To Construct,
32 Develop, Establish, Operate, And Maintain An Adjacent Airport City” is hereby repealed.

33
34 **Section 2.** *Repealing Clause.* – Existing laws or provisions of such, found contradictory to
35 this Act is hereby amended or repealed, accordingly.

36
37 **Section 3.** *Effectivity.* - This Act shall take effect immediately upon publication

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39
40 *Approved,*