

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session



HOUSE RESOLUTION No. 15

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

RESOLUTION
URGING THE COMMITTEE ON NATURAL RESOURCES TO CONDUCT AN
INVESTIGATION, IN AID OF LEGISLATION, ON THE ALLEGED WATER CRISIS
AND THE REVIVAL AND EFFECTS OF THE CONSTRUCTION OF THE KALIWA
DAM AND LAIBAN DAM PROJECTS

WHEREAS, in a media briefing on October 2016, Maynilad Water Services Inc. President and Chief Executive Officer Ramoncito Fernandez warned of an alleged approaching "water crisis" in Metro Manila, unless the government could find another source of water to supplement the Angat reservoir system. Maynilad is one of the private water service providers of the MWSS and whose 83.96% of shares are owned by a joint venture between Metro Pacific Investments Corporation (MPIC) and DMCI Holdings, Inc. (DMCI);

WHEREAS, the construction of the Kaliwa Dam was then floated as the solution to the alleged "looming water crisis" by the Maynilad CEO. The P12.2 billion Kaliwa Dam, dubbed as the New Centennial Water Source (NCWS), is a project to be funded by China through an Official Development Assistance (ODA). The Kaliwa Dam is projected to increase water supply to Metro Manila by 600 million-liters-a-day (MLD.) Still under the NCWS, the Kaliwa Dam will then be connected and expanded by the construction of a larger Laiban Dam Project, pegged to provide 1,800 more MLD to Metro Manila;

WHEREAS, the dam project and reservoir is located in the uplands of Quezon and Rizal. The construction site of the project is located within the zone of two active tectonics – the Philippine Fault Zone and the Valley Fault System.

WHEREAS, Proclamation No. 573 s. 1968 has already declared the Kaliwa Watershed Forest Reserve, in which the Kaliwa dam is to be constructed. Moreover, Proclamation No. 1636 s. 1977 declared a portion of the watershed as National Park and Wildlife Sanctuary.

WHEREAS, the construction of Kaliwa dam will undoubtedly threaten wildlife such as the following endemic species: Endangered Northern Philippine Hawk-eagle, the Philippine Brown Deer, the Philippine Warty Pig, the Vulnerable Northern Rufous Hornbill, the Critically Endangered Philippine Eagle, and restricted-range birds of the Luzon Endemic Bird Area.

WHEREAS, the Kaliwa dam project will affect some 10,000 indigenous Dumagat and Remontado indigenous peoples and 11,000 farmers. The proposal of a mega dam project in the Sierra Madre Range goes as far back in the 1970s, but was consistently opposed by the Remontado and Dumagat indigenous peoples, peasants and environment activists. The decades-long opposition is a fight of land and life for the indigenous peoples, and was even defended by blood. In 2001, a prominent Remontado leader, Nicanor delos Santos, who was also the Vice Chairperson of Bigkis at Lakas ng Katutubo sa Timog Katagalugan or Balatik, was killed in cold blood in December 9, 2001. Delos Santos, who was then preparing for the Dumagat-Remontado contingent to the Human Rights Day commemoration in Manila, was gunned down in a marketplace in Antipolo City by alleged members of the Task Force Panther under the 2nd Infantry Division of the Philippine Army. The indigenous peoples viewed this brutal killing as an attempt to silence the indigenous peoples fiercely defending their lands;

WHEREAS, the Duamagat and Remontados leaders questioned the Free, Prior and Informed Consent process of the National Commission on Indigenous People (NCIP) for they didn't received any copies of the relevant documents from the MWSS.

WHEREAS, the indigenous peoples assert that their protest versus the dam project is not only an issue of ancestral land rights but resistance against the commercialization of water resources. The Water for the People Network (WPN), a campaign network promoting water-related struggles, supports the claim of the indigenous peoples resisting the Laiban Dam and Kaliwa Dam construction. According to the WPN, there is no need for the construction of additional large dams in Sierra Madre, citing data that 15% to 60% of water from current water sources, the Angat and Umiray dams, are lost to leakages. Maynilad alone loses 1,400 MLD of water in 2010;

WHEREAS, on May 9, 2019, Makabayan party-lists filed a petition before the Supreme Court questioning the constitutionality of the loan agreement between China and Philippines for the construction of Kaliwa dam. The Makabayan coalition, along with other organizations, coalition and advocates, such as STOP Kaliwa dam coalition and Supreme Court Senior Associate Justice Antonio Carpio, questioned the following provisions of the loan agreement:

- a) on Article 5.7, it is agreed upon that the Philippines or any of its assets, unless prohibited by the laws and public policies, are not entitled to any right of immunity on the grounds of sovereign or any legal process
- b) on Article 8.1, the Philippines waived any immunity on the grounds of sovereign
- c) on Article 8.4, it is agreed upon that the agreement shall be governed by and construed in accordance with the laws of China
- d) on Article 8.5, it is agreed upon that Hong Kong International Arbitration Centre will conduct the arbitration in case of dispute
- e) on Article 8.9, it is stated that the terms, conditions and the standard of fees of loan agreement will be confidential. The loan agreement was later on released by the Department of Finance to the public due to the public outcry for transparency and accountability.

WHEREAS, there is a clear issue of conflict of interest in the Maynilad's call for the immediate construction of these bulk water projects. The bogey of an unfounded "water crisis," should not be dangled to justify the massive dislocation of indigenous peoples and peasants and enormous environmental damage;

NOW THEREFORE, BE IT RESOLVED that the House of Representatives through the Committee on Natural Resources to conduct an investigation, in aid of legislation, on the alleged water crisis and the revival and effects of the construction of the Kaliwa Dam and Laiban Dam Projects.

Adopted,



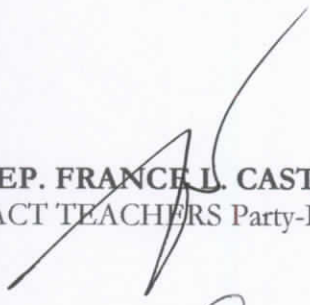
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