

7.2 Battle of the Perlas Bay

The Philippines is the 'center of the center of marine biodiversity on Earth'. Look at the map: The portion in color red is the most abundant in species and variety of marine life ... in the whole world.

At the apex of that red part is what? It is the Manila Bay, a crown jewel of the Earth's natural treasures.

Yet what have we done? In the 1990s, I discovered that all the raw sewage of Metro Manila some 16 million liters every day – were dumped into the Manila Bay. Nine out of the ten things the fishermen catch are pure garbage (plastics, slippers, Styrofoam, etc.) Manila Bay was being turned into a garbage can and toilet bowl, all rolled into one.

It was time to tell a story.

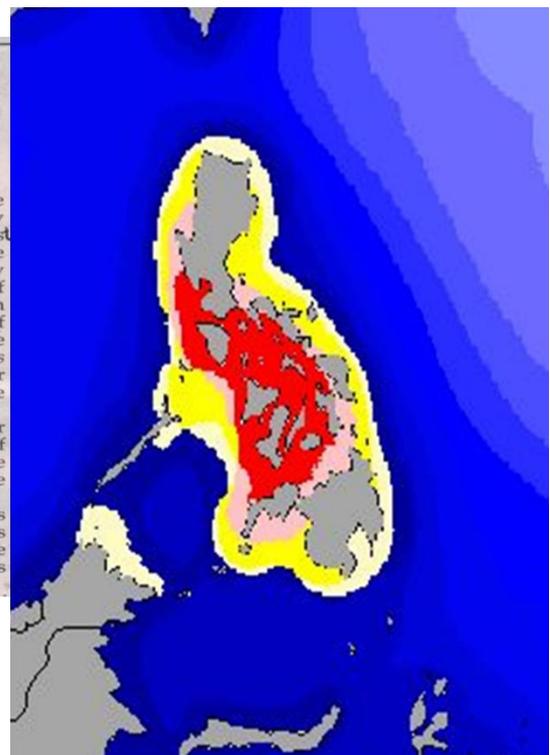
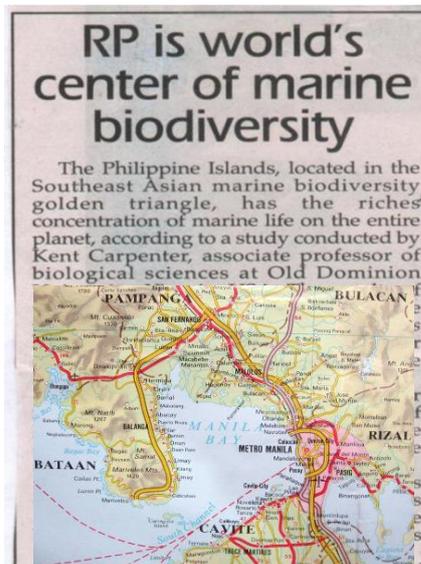
To avoid the use of my name as a petitioner like what happened in the Children's case, I suggested to my law students from the University of the Philippines that they serve as petitioners. They agreed. Impishly, the case was entitled "Concerned Residents of Manila Bay", represented by lead petitioner Divina Ilas, and joined by some of the marine residents of Manila Bay -- *tahong* (mussels) and the *talaba* (oysters). We proposed a new theory of Inter-species responsibility. This theory states that because we humans are supposedly the most intelligent animals on Earth, we must take care of the animals of lesser intelligence, such as the mussels and the oysters.¹

The legal basis for this cause of action to clean up Manila Bay was quite straightforward. The Environment Code of the Philippines, passed by then President Ferdinand Marcos in 1977, had a crystal clear provision which said that where a body of water is dirty, the concerned government agencies must clean it up.² (____ cite law here.)

The challenge was to identify who are the key 'concerned government agencies'. So we included as many as we can. Why is it also a logistical challenge?

¹ This issue was not disputed by the Government's Counsels, again, the Office of the Solicitor General, round two.

² Cite provision of law ____ here, Sec. 17 of Presidential Decree 1152, 1977.



Because we would have to serve notices to all of them. And considering that this was another one of our *pro bono* and self-funded adventure, that can a major concern.

The case went through the entire judicial mill -- from the Regional Trial Court, to the Court of Appeals, all the way to the Supreme Court. Special thanks goes to the top-caliber lawyers Sig Fortun and Beda Fajardo. Sig, who happens to be my brother-in-law, and his associates (___ Flor and Karl Castillo) helped us a lot with the day-to-day management of the case (motions, pleadings, etc). This was especially valuable because I was often out of town and the student-petitioners had all graduated, become lawyers, and had careers of their own.

After 10 years, the Supreme Court ordered all the defendant government agencies to clean up Manila Bay. They were also required to submit a time-bound Action Plan and report their progress directly to the Supreme Court every 90 days.

Had this been a case for a paying client, I would have earned enough to pay for my children's college education. But then, the fish do not pay attorney's fees.

So what have we achieved after ten years of hand-to-hand combat in the courts of law, and after all the expenses and hard work? Well, all we got was an Order saying that the Government must do what they should have done thirty years ago. Is that a win? Or a loss?

Well, I really do not know. One thing I know is that the government agencies have been religiously submitting their quarterly reports. Maybe 90% of it is BS. But maybe 10% is true; otherwise they can be held in contempt for deliberately submitting a falsehood to a Court of Law.

Is Manila Bay has become cleaner or not, I really do not know. One thing for sure is that these days, it is heartwarming to see a number of people casting their fishing lines off the breakwaters near of the Cultural Center of the Philippines (CCP). What is more surprising is that they are actually catching fish. (I still wouldn't eat that fish.) But if that is any indication of cleaner waters and some restored marine life, maybe the concerned Government agencies are actually doing something.



Whether it is enough to make it swimmable in the next generation, that remains to be seen. We did our share-- we told the story. Perhaps, that is all that matters.

In the meantime, those of you reading this who want to help make it happen, please get in touch.

Lessons Learned

1. Telling a story in a court of law

Can, and will, spark some action.

*“Awareness without action is like a bow without an arrow.
Useless each without the other.”*

2. The journey is its own reward.

Whatever happens in the end -- sooner or later, win or lose, one way or another -- whatever happens is a bonus.

3. “Anything that is worth doing cannot be done in one lifetime”.

*There is so much to do,
So little time,
and
So few hands.*

Sunset in the Manila Bay ___
change picture and painting by
ao_____

