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Republic of the Philippines  
Province of Cavite  
City of Bacoor

## 5<sup>th</sup> SANGGUNIANG PANLUNGSOD

### COMMITTEE ON HOUSING, LAND UTILIZATION AND URBAN DEVELOPMENT

### COMMITTEE REPORT

NO. HLUUD 046 S-2023

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Subject: *A RESOLUTION OBJECTING THE APPROVAL OF HOUSE BILL NO. 5677, OTHERWISE KNOWN AS 'AN ACT EXPANDING THE BOUNDARIES OF LAS PIÑAS PARANAQUE WETLAND PARK AND ITS VICINITIES AS PROTECTED AREA AND FOR OTHER PURPOSES AND EXPLAINING THE VARIOUS THEREFOR. PCR 323-2023 dated 05 June 2023.*

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Acting to the proposed resolution on objecting the approval of House Bill No. 5677, was referred to the Committee by the Sangguniang Panlungsod Presiding Officer Hon. Rowena Bautista-Mendiola during the 46<sup>th</sup> Regular Session, dated 05 June 2023. The committee on housing, land utilization and urban development chaired by Hon. Alde Joselito F. Pagulayan respectfully reports that:

- The Las Piñas-Paranaque Wetland Park (LPPWP) is a protected area covering 181 hectares of wetland ecosystem. LPPWP became a legislated protected area by virtue of Republic Act No. 11308, or the Expanded National Integrated Protected Areas System Act of 2018 (ENIPAS). LPPWP is a rich habitat of various flora and fauna, including 11 species of mangrove, 2 threatened species, 84 species of birds, 37 species macro benthos os, and 8 species of fishes, serving as a feeding and roosting ground for several resident and migratory waterbirds;
- House Bill No. 5677 proposes a 3-km seaward expansion from the current boundaries of LPPWP. The Bill would prohibit wetland reclamation and entering the wetland park without prior permit it would also prohibit the exploration, exploitation, or utilization of non-renewable resources within the expanded wetland park for commercial purposes and would prohibit wetland reclamation and entering the wetland park without prior permit. Finally, it also provides for the transfer of ownership of several properties to the Department of Environment and Natural Resources;
- House Bill No. 5677 adversely affects the City of Bacoor because under the proposed measure, ownership of Philippine reclamation Authority (PRA) properties with Transfer Certificate of Title (TCT) No. 7309, 7311, 7312 within the boundaries of LPPWP shall be transferred to DENR. These properties are part of ongoing reclamation projects being undertaken by the City of Bacoor in cooperation with the private sector. Thus, when expanded, the area of LPPWP will cover portions of the municipal waters of Bacoor City, including areas already undergoing reclamation;



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- The direct transfer of the Transfer Certificate of Title of the PRA to the DENR through congressional action is an encroachment on executive function;
- The City Government is vehemently objecting to the said bill because it violates the "One Title, One Subject Rule" as provided under Section 26 (1), Article VI of the 1987 Constitution; it violates Section 10, Article III of the 1987 Constitution prohibiting the impairment of existing contracts; transferring ownership over the parcels lot owned by the PRA to the DENR is an encroachment of the executive function, which violates Section 6 of Commonwealth Act 141; the sponsors of the said Bill did not properly consult various stakeholders, which includes the local government of the City of Bacoor, Cavite hereby preventing an exhaustive and productive deliberation on the said proposed measure; various studies have been undertaken which indicate that the current reclamation projects being undertaken by the City of Bacoor have no adverse effects on the environment and the LPPWP; Senate Bill No. 1536 as presently worded is tantamount to an improper inclusion of additional areas into the National Integrated Protected Areas System (NIPAS) under RA 7586 as amended; and last but not least—Senate Bill No. 1536 diminishes the power of City of Bacoor to the implement its local development plans which includes the development of portions of its municipal waters through various reclamation projects;
- Under Section 26 (1), Article VI of the Constitution provides that, "Every bill passed by the Congress shall embrace only one subject, which shall be expressed in the title thereof." The title of the bill only states that it expands the boundaries of the current LPPWP. This can't be gleaned from Section 3 (Declaration and Scope) of the proposed Bill, which lists down the boundaries of the expanded LPPWP. However, the Bill also transfers ownership of the lots covered by Transfer Certificate of Title Nos. 7309, 7311, and 7312 to the DENR in Section 4 (transfer of title), which pertains to a wholly different subject;
- While it is true that it is sufficient that the title of proposed legislation must only be comprehensive enough reasonably to include the general object which the statute seeks to effect without expressing each and every end and means necessary for its accomplishment, Section 4 of House Bill No. 5677 is a subject wholly distinct from its title for at least three reasons:
  1. While the title of House Bill No. 5677 does state that it's about expanding the boundaries of the Las Piñas Parañaque Wetland Park, the issue of transferring ownership of parcels of land from the PRA to the DENR is a separate legal act that involves legal rights and duties that are different from those associated with the expansion of a protected area.
  2. The title of the Bill indicates a focus on environmental protection through the expansion of a protected area. However, Section 4, which involves the transfer of land ownership, has significant implications for stakeholders that are not necessarily related to environmental protection, such as property rights, legal responsibilities, and potential financial implications. This broadens the scope of the Bill beyond what could reasonably be





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expected from the title alone, which may lead to a lack of transparencies and proper consultation; and

3. It is important for the clarity of the law and the expectations of the public that a bill's title adequately reflects its content. By including a major provision like the said transfer of ownership of certain parcels of land within a bill titled as an expansion of a protected area, the Bill could be seen as settling a problematic precedent.
- The passage of House Bill 5677 into law would violate the Constitutional Right Against Impairment of Existing Contracts. This is because Joint Venture agreements and other such contracts have already been entered into between the City of Bacoor, the PRA, and certain private companies, involving the investment of hundreds of millions of pesos. The passage of this bill in its current form will undoubtedly impair the existing contracts of the Bacoor City government with various private entities that intend to carry out projects in the area that have already been granted Environmental Compliance Certificates and Area Clearances by the DENR;
  - These projects granted with ECC and Area Clearances have been comprehensively studied to have no effect on the LPPCHEA and can co-exist in the said protected area. The DENR already took into consideration the environmental effects of the said reclamation projects when it issued the said ECC and area clearances. Considering that the Expanded National Integrated Protected Areas System Act (E-NIPAS) or Republic Act No. 11038, upon which the LPPCHEA derives its existence as a protected area, mandates that all existing property and private rights within the protected area and its buffer zones must be protected and respected, it is evident that House Bill No. 5677 in its present form is in violation of the said law; and
  - The direct transfer of the Transfer Certificate of Title of the PRA to the DENR through congressional action is an encroachment on executive function. The OCT of these reclaimed lands, called Freedom Island and Long Island, was registered under the Torrens system by a Presidential Proclamation, classifying them as alienable and disposable in the name of the Republic of the Philippines. It was also transferred in the name of PEA (now PRA) by special patents issued by DENR. The President has the Authority to classify inalienable lands in the public domain under Section 6 of Commonwealth Act No. 141, otherwise known as the Public Lands Act. The ability to reclassify these lands does not belong to the legislative branch and is the exclusive domain of the executive branch.

### Findings:

It is clearly shown that House Bill No. 5677, otherwise known as 'AN ACT EXPANDING THE BOUNDARIES OF LAS PIÑAS PARANAQUE WETLAND PARK AND ITS VICINITIES AS PROTECTED AREA', violates in many aspects. Hereunder are the violations and various studies of the said Bill:

- On the fourth argument, not all stakeholders have been properly consulted. Hence, deliberations have not been exhaustive and instructive. No representative



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from the local government of the City of Bacoor were present at the initial committee hearing when the measure was first deliberated on February 2023. Albeit for the bill covering the cities of Las Piñas, Parañaque and Bacoor, only Deputy Speaker Camille Villar was present;

- On the fifth argument, various studies were undertaken which indicate that current development projects have no adverse effects on the environment, including the LPPWP. The reclamation projects now being undertaken in the municipal waters of the City of Bacoor have no flooding impact on both adjacent communities and the LPPWP. Moreover, the water circulation in the area will not be affected by the said projects, as the latter will force such currents to flow alongside the western and northern parts of the proposed land reclamation and not towards the LPPWP. The result of oceanographic modeling indicates that water currents will flow away from the LPPCHEA and that the Zapote River, Las Piñas River, Las Piñas-Parañaque Critical Habitat to the east of the project, and the Imus River and the portion of Bacoor Bay to the west of the project said projects shall not be impacted by the proposed land reclamation activities. On biodiversity, results show that there will be no effects on the food supply for the birds, no disturbance of the habitats, including the mangroves, no deterioration of the water quality within the bird sanctuaries, and no direct damage to the avian population that may result from accidents during the travel of sea vessels. Thus, there does not appear to be sufficient actual basis for the approval of the said bill;
- On the sixth argument, it is submitted that House Bill No. 5677 is tantamount to an improper inclusion of additional areas into the NIPAS, bypassing requirements found in Section 6 in RA 7586 as amended by RA 11038;
- Section 5 of House Bill No. 5677, together with Section 6 thereof, yields the conclusion that even when Congress designates a new area to be added to NIPAS, there must first be a public consultation to be conducted by the DENR in order for said inclusion to be valid. In this case, considering that no representative from the involved LGUs were present at the initial committee hearing when the measure was first deliberated on February 2023, there was no public consultation for the relevant stakeholders, thereby proving that Section 5 (a.2) of RA 7586 as amended will be violated by House Bill No. 5677 if it becomes law;
- It is submitted that the expansion of the LPPWP must be considered the inclusion of an additional area into the NIPAS, even if it does not establish a new protected area. This is because Section 6 of Senate Bill No. 1536 is entitled "Additional Areas to be included into the System" and not "Additional **Protected** Areas to be included into the System"; and
- On the seventh argument, House Bill No. 5677 diminishes the power of the local government of the City of Bacoor to implement its local government of the City of Bacoor to implement its local development plan. The Local Government Code of 1991 states in Section 18 that Local Government Units have the power and authority to effectively implement their development plan.





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### RECOMMENDATION:

Upon evaluation, for all these reasons were stated herein, including the violation of the "one title, one subject" rule, impairment of existing contracts, encroachment on executive function, lack of adequate stakeholder consultation, disregard for pieces of evidence of non-adverse environmental impacts from current development projects, improper inclusion of additional areas into the NIPAS, and diminution of the power of the City of Bacoor to implement its local development plan. Thus, the committee recommends **PASSING** the resolution objecting to the approval of House Bill No. 5677.

**WE HEREBY CERTIFY** that the contents of the foregoing report are true and correct.

Signed this 08<sup>th</sup> day of June 2023 at the City of Bacoor, Cavite.

**Committee on Housing, Land Utilization and Urban Development**

  
COUN. ALDE JOSELITO F. PAGULAYAN  
Chairman

  
COUN. ADRIELITO G. GAWARAN  
Vice Chairman

  
COUN. SIMPLICIO G. DOMINGUEZ  
Member



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### COMMITTEE ON HOUSING, LAND UTILIZATION AND URBAN DEVELOPMENT

#### EXCERPT FROM THE MINUTES OF THE 46<sup>TH</sup> REGULAR SESSION NO. HLUUD 046 S-2023

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Subject: *A RESOLUTION OBJECTING THE APPROVAL OF HOUSE BILL NO. 5677, OTHERWISE KNOWN AS 'AN ACT EXPANDING THE BOUNDARIES OF LAS PIÑAS PARAÑAQUE WETLAND PARK AND ITS VICINITIES AS PROTECTED AREA AND FOR OTHER PURPOSES AND EXPLAINING THE VARIOUS THEREFOR. PCR 321-2023 dated 05 June 2023.*

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The Presiding Officer, Hon. Vice-Mayor Rowena Bautista-Mendiola presided over the 46<sup>th</sup> Regular Session of the 5<sup>th</sup> Sanggunian Panlungsod dated 05 June 2023. While the internal rules were already suspended, the Committee Chairperson on Housing, Land Utilization and Urban Development Hon. Coun. Alde Joselito F. Pagulayan proposed for the APPROVAL of the said resolution, which was seconded by the Councils. It was declared APPROVED by the Presiding Officer. The session moved to the ADJOURNMENT.

Prepared By:

  
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**PETER ADRIAN F. BORJA**  
Local Legislative Staff I

Attested By:

  
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**COUN. ALDE JOSELITO F. PAGULAYAN**  
Chairman  
Committee on Housing, Land Utilization  
And Urban Development