

**REPUBLIC OF THE PHILIPPINES  
BATANGAS CITY**

**OFFICE OF THE SANGGUNIANG PANLUNGSOD**

**EXCERPT FROM THE MINUTES OF THE REGULAR SESSION HELD BY THE  
MEMBERS OF THE SANGGUNIANG PANLUNGSOD OF BATANGAS CITY  
ON JUNE 20, 2016 AT THE SANGGUNIANG SESSION HALL**

**PRESENT:**

Hon. Emilio Francisco A. Berberabe Jr.,	Presiding Officer
Hon. Glenn M. Aldover,	Councilor
Hon. Claudette U. Ambida-Alday,	"
Hon. Hamilton G. Blanco,	"
Hon. Aileen Grace A. Montalbo,	"
Hon. Sergie Rex M. Atienza,	"
Hon. Armando C. Lazarte,	"
Hon. Alyssa Renee A. Cruz-Atienza,	"
Hon. Gerardo A. dela Roca,	"
Hon. Ma. Kristine Josefina G. Balmes,	"
Hon. Julian B. Villena,	"
Hon. Angelito "Dondon" A. Dimacuha,	(ABC-Rep.)

"On motion of Councilor Dela Roca seconded by Councilor Atienza, the following Resolution was Adopted:

**RESOLUTION NO. 144 S. 2016**

**RECOMMENDING THE APPROVAL OF THE ZONING/LOCATIONAL CLEARANCE OF JG  
SUMMIT HOLDINGS FOR 2X300MW COAL FIRED POWER PLANT TO BE LOCATED  
IN BARANGAY PINAMUCAN IBABA, BATANGAS CITY**

**WHEREAS**, the JG Summit Holdings, Inc. applies for a Zoning/Locational Clearance for a 2x300MW coal-fired power plant using Circulating Fluidized Bed Combustion Technology to be located in Barangay Pinamucan Ibaba, Batangas City;

**WHEREAS**, after the conduct of investigations and necessary hearings it was proven that the application for Zoning/Locational Clearance has no legal impediment.

**WHEREAS**, the Sangguniang Panlungsod deems it necessary to recommend the approval of the application for Zoning/Locational Clearance of JG Summit Holdings, Inc., be subject to the following conditions:

1. The zoning/locational clearance to be granted shall not be taken, considered, used, or in anyway be interpreted as an approval of the proposed project's Development Permit.
2. The proponent, shall submit to the City Planning and Development Coordinator/Zoning Administrator prior to the approval of the locational clearance a reliable DENR/EMB issued Environmental Compliance Certificate and all ancillary documents including that of certifications, compliance to the requirements and commitment relative to the proposed project in totality without irregularity or defect.
3. The proponent shall install all pollution control facilities, following the system of Circulating Fluidized Bed Combustion Technology, such as control of air emissions, control of land pollution, control for wastewater discharges and for health and safety control and installation. The stockpiling facility and conveyors for coal handling system shall be enclosed to prevent coal fines from escaping into the air and surface water.

**Continuation of Resolution No. 144 S. 2016****RECOMMENDING THE APPROVAL OF THE ZONING/LOCATIONAL CLEARANCE OF JG SUMMIT HOLDINGS FOR 2X300MW COAL FIRED POWER PLANT TO BE LOCATED IN BARANGAY PINAMUCAN IBABA, BATANGAS CITY**

4. The proponent shall ensure the construction of an appropriate, safe and secure Ash Pond including installation of High Density Polyethylene (HDPE) lining to prevent leachate infiltrations into the underlying ground that may cause ground water contamination.
5. The proponent shall comply with all the requirements of the concerned national and local government agencies and all other applicable provisions of existing laws and ordinances, relative to the protection of environment.
6. The proponent shall comply with the provisions of City Ordinance No. 08 Series of 2010 otherwise known as, "Ordinance Providing Priority in Employment or Work to Qualified Barangay Residents".
7. The proponent shall comply with the provisions of Ordinance No. 16 Series of 2010 otherwise known as "An Act Providing for the Environment Code of Batangas City (E-Code).
8. The proponent shall provide system/facilities for the proper collection/disposal of domestic wastes that will be generated during the construction and operational phase of the project.
9. The proponent shall pay all the required taxes, fees, charges to be imposed for the project by the City Government.
10. The proponent shall strictly observe the preservation and protection of the Pinamucan River for natural drain during the development of the project site.
11. The proponent shall allow at anytime, even without prior notice, authorized city government officials/employees to conduct an on the-spot inspection and monitoring of the proposed project.
12. The proponent shall strictly comply with the mitigation measures it has presented with this application for Zoning/Locational Clearance.
13. The proponent shall establish an online Continuous Emission Monitoring System (CEMS) to be monitored by authorized Government Agencies and that information from such shall be made to the public through an information board. Such CEMS shall likewise be in coordination with the City Government through the City Environmental Office (CENRO).
14. Any violation, infraction or non-compliance to the aforesaid conditions shall automatically and immediately render the abolition and termination of this decision and consequently the revocation and suspension of any granted permits or clearance by the City Government of Batangas, without prejudice to the filing of appropriate criminal and civil cases in accordance with existing national and local environmental laws.

**WHEREAS**, the Committee Report or non-compliance to the aforesaid conditions shall automatically and immediately render the abolition and termination of this decision and consequently the revocation and suspension of any granted permits or clearances by the City Government of Batangas.

**NOW THEREFORE**, be it resolved, as it is hereby resolved by the Sangguniang Panlungsod to recommend to the City Mayor the Approval of the Zoning/Locational Clearance of JG Summit Holdings, Inc., subject to the conditions aforementioned.

**APPROVED."**


**Continuation of Resolution No. 144 S. 2016****RECOMMENDING THE APPROVAL OF THE ZONING/LOCATIONAL CLEARANCE OF JG  
SUMMIT HOLDINGS FOR 2X300MW COAL FIRED POWER PLANT TO BE LOCATED  
IN BARANGAY PINAMUCAN IBABA, BATANGAS CITY**

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SPONSORED BY	:	COUN. GERARDO A. DELA ROCA
CO-SPONSORED BY	:	COUN. SERGIE REX M. ATIENZA
		COUN. ARMANDO C. LAZARTE

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I hereby certify that the foregoing Resolution No. 144 S. 2016 was approved by the Sangguniang Panlungsod of Batangas City during its Regular Session held on June 20, 2016.

  
**ATTY. OLIVA D. TELEGATOS**  
Secretary  
Sangguniang Panlungsod

**ATTESTED:**

(The Presiding Officer declines to affix his signature  
Based on the attached manifestations.)  
**EMILIO FRANCISCO A. BERBERABE, JR.**  
Presiding Officer

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Republic of the Philippines  
Batangas City

## Office of the City Vice Mayor

### MANIFESTATION

VICE MAYOR EMILIO FRANCISCO A. BERBERABE JR.  
RE: COAL FIRED POWER PLANT

The Environmental Code of Batangas City clearly states that the Local Government has placed environmental protection as a basic foundation of the sustainable development and that the primary concern of the City Government is to safeguard the environment to ensure the rights of its constituency to a balance and healthful ecology as well as the freedom of Batangueños to all risks, dangers and hazard of pollution which development and progress imminently generates.

While it is true that prohibition on putting up Coal Fired Power Plant was not literally stated in the E-Code, it is worthy to note that the working principle focuses and clearly states that development of renewable and cleaner sources of energy shall be intensified to reduce dependency of fossil fuel use. The legal maxim "inclusion uniu sast exclusio alterius" may be applicable on this matter. **WHAT THE LAW DID NOT INCLUDE IS DEEMED EXCLUDED.** (According to JG Summit's interpretation of the E-CODE, dahil hindi naman nakasulat na bawal na magtayo ng Coal-Fired Power Plant, hindi ibig sabihin ay bawal na ito. But as a matter of principle. Coal-Fired Power Plant contravenes the provisions written in the E-code).

Coal Fired Power Plant even if it uses new technology, will never be clean. "Clean Coal Technology" may limit or reduce the harmful effects to health and environment but it will not eliminate it. We would be facing the same dangers and hazards as it were with the old technology.

Nakakalungkot isipin, na noon lamang Disyembre ng nakaraang taon sa Paris Climate Talks, ay naging bahagi ang Pilipinas sa pagbuo ng Global consensus to limit the global temperature rise to below 2 degrees Celsius subalit patuloy pa rin an gating bansa sa pagtatayo ng mga Coal-Fired Power Plant.

Nasindak ako sa mga pahayag ni former Vice President Al Gore. Ang sabi nya, mahigit sa 13 Milyon na Pilipino ang maaaring ilikas dahilan sa pagtaas ng sea level. Ang sabi niya, "the rate of sea level rise is projected to be two to three times faster in the Philippines.

Binalot ng takot ang aking puso para sa aking mga kababayang naninirahan sa baybay dagat, dalawampo at limang barangay na sa kasalukuyan ay may humigit kumulang na 69,000 residente. Naalala ko ang trahedya sa Tacloban noong 2013, naalala ko ang may 6,000 taong nangamatay, naalala kong halos tatlong taon na ang nakalipas subalit hindi pa rin nakakabangon ang mga nasalanta.

This representation will never be part, directly or indirectly of any activities and or policies that would harm our future generation.

Hindi man maganap ang trahedya sa panahong ako ay buhay pa, hindi ibig sabihin ay ipagwawalang bahala ko na.



Republic of the Philippines  
Batangas City

## Office of the City Vice Mayor

Being a good leader means preparing our land and our people for a better future.

"Climate change is the single biggest thing that humans have ever done on this planet. The one thing that needs to be bigger is our movement to stop it." (Bill McKibben)

Ang Coal-Fired Power Plant ay maihahalintulad sa isang bombing nakatimer. Walang garantiya ang ating kaligtasan; siguradong nakataya ang ating kalusugan.

Ako bilang isang halal ng bayan na nagsusulong ng adbokasiya para sa kalusugan, ako bilang isang ordinaryong mamamayan na nakikisangkot sa mga usaping panlipunan, ako na isang doctor na sumumpang magbigay proteksyon sa bawat buhay na ipinagkatiwala sa akin, ako bilang isang ama na taga pagtaguyod ng pamilya at ako na isang kristyano na sumusunod sa utos ng Dakilang Lumikha ay naninindigan sa aking pasya.

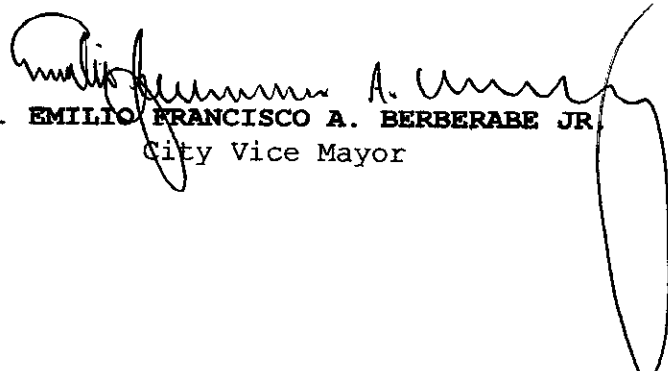
Noon at ngayon hindi nagbabago ang aking hangarin para sa aking mga kababayan

Gusto ko ligtas kayo.

Gusto ko healthy kayo.

No to Coal-Fired Power Plant!

Mabigat man ang aking kamay, balot man ng lungkot ang aking puso, subalit dahil nagpasya ang karamihan at anim (6) ang sumang-ayon, apat (4) lamang ang tumutol at isa (1) ang nag-inhibit, ang panukala ay aprubado.

  
HON. EMILIO FRANCISCO A. BERBERABE JR.  
City Vice Mayor

**REPUBLIC OF THE PHILIPPINES  
BATANGAS CITY**

**OFFICE OF THE SANGGUNIAN PANLUNGSOD**

**COMMITTEE REPORT**

**TO** : The Honorable Sangguniang Panlungsod

**FROM** : The Committee on Environment, Urban Development,  
Land Use and Zoning

**SUBJECT** : Application of the JG Summit Holdings, Inc. for  
Zoning/Locational Clearance of the 2x300MW Coal-  
Fired Power Plant to be located in Barangay  
Pinamucan Ibaba, Batangas City

**BACKGROUND:**

The subject application for Zoning/Locational Clearance was filed by JG Summit Corporation on January 22, 2015 for its proposed 2x300MW Coal-Fired Power Plant to be located in Barangay Pinamucan Ibaba, Batangas City. The application was indorsed to the Sangguniang Panlungsod by the City Mayor and was subsequently referred to the Committee on Environment and Urban Planning, Land Use and Zoning.

On February 04, 2015 the committee held a public hearing on the application of JG Summit Holdings, Inc. for the establishment of Coal-Fired Power Plant in Pinamucan Ibaba, Batangas City, where the proponent presented the details of the project to the Vice Mayor and members of the Sangguniang Panlungsod. Present in the hearing were CPDO, Engineer Januario Godoy, City ENRO Representative Maria Cristina Sunquad, City Health Office Representative Sonia Leyco and members of Sangguniang Barangay of Barangays Simlong, Pinamukan Ibaba, Pinamucan Proper and other neighboring Barangay officials.

The representatives of JG Summit, namely, Mr. Marino C. Agbayani, Mr. Rey Nelson Amparo, Mr. Arnel Paclibon and Engineer Candido Cafirma presented the following:

The applicant project proponent is the JG Summit Holdings, Inc. represented in this application by Mr. Marino C. Agbayani. The project type is Coal-Fired Power plant using Circulating Fluidized Bed Combustion Technology which will be erected on a 500,000 square meter property of the proponent in Barangay Pinamucan Ibaba, Batangas City. The project is classified as permanent to be located in the Heavy Industrial Zone of Batangas City.

At the time the application was lodged to the Sangguniang Panlungsod, the proposed site was fully developed except for the arena intended for the Ash Pond. The Ash Pond is supposedly covered with grasses, shrubs and trees. Since the project site was already owned for several years by the proponent, development of certain natural and man-made easements are already in place, such that, the portion of Pinamucan River traversing the area was re-aligned so that it now takes a straighter course towards Batangas Bay. Maps of the Mines and Geosciences Bureau show that the site has low susceptibility to

landslides and flooding, as well as to earthquake-triggered landslides.

Questions proffered by the members of the council were answered and explained by the JG Summit representatives. The discussion, as may be gleaned from the Journal of the Committee Hearing, centered mainly on the technical details of the project development and the scientific nitty-gritty of the plant's operation if it would come to being.

During the public hearing, many concerned sectors manifested their interest to the project. Among these groups are the Roman Catholic Church represented by AMEN (Archdiocesan Ministry on Environment), private individuals, and advocacy groups. Written communication and manifestoes were sent to the members of the Sangguniang Panlungsod Committee on Environment and other councilors, the Vice Mayor and the citizens of Batangas City thru the media and social media.

On April 30, 2015, the Committee conducted another public hearing which was widely attended by citizens of Batangas City: Barangay Officials from Pinamucan Proper, Pinamucan Ibaba and Simlong, students from Batangas State University, members of the religious groups such as the UCCP, ICCEC, Saint Mary Eufracia Parish and the Most Reverend Archbishop Ramon Arguelles. Also present were private individuals, officers of the JG Summit, and the members of the Sangguniang Panlungsod.

Again the Journal of the Committee Hearing would speak for itself. It was a 4-hour long debate-like confrontation between the project proponent and the opposing parties. All the members of the Sangguniang Panlungsod present gave their own considerations on the project. All interested parties were given 30 days to submit their position paper on the proposed coal-fired power plant.

At the time of the Second Hearing, the JG Summit Holdings have submitted the documentary requirements pertaining to their application for the issuance of the Environmental Compliance Certificate. Most importantly, the host barangay issued a Barangay Clearance and Resolution endorsing the proposed coal-fired power plant to be located in their barangay. These documents were expressly validated by the officials of the barangay who were present in the committee hearing and personally gave their acceptance of the project. Needless to state, there is an existing Memorandum of Agreement (MOA) between Roman Catholic Archdiocese of Lipa, Batangas Community Divers Seal, Inc. and JG Summit Holdings, Inc., resolving the issues in environment concern.

It will be kilometric to copy in this report the position papers submitted. There were only four parties who submitted position papers: the NO to Coal-Fired Plant Coalition (represented by Rev. Fr. Dakila M. Ramos), Ilijan Community Development Foundation Inc. (represented by Fermin Rollie Z. Silang - Board Chairman), Most Reverend Archbishop Ramon Arguelles and the JG Summit Petrochemical Corporation (represented by Mr. Marino C. Agbayani).

The position paper submitted by JG Summit answered and clarified point by point the matters raised during the Public Hearing of April 30, 2015.

The Committee will endorse all the position papers to the Department of Environment and Natural Resources (DENR) for its consideration and discretion in establishing Environmental Impact Statement (EIS) System which is a vital tool for the issuance of Environmental Compliance Certificate (ECC).

**COMMENTS AND RECOMMENDATIONS:**

The task presently at hand of the Committee is to recommend the appropriate action on the application for Zoning/Locational Clearance of the 2x300MW Coal-Fired Power Plant of the JG Summit Holdings, Inc.

The question to be resolved is whether or not the proposed project of 2x300MW Coal-fired power plant if constructed and established in its proposed location will be compliant of the Batangas City Zoning Ordinance of 2015.

The answer is affirmative. Section 18 of the Batangas City Zoning Ordinance defines the Use Regulation in Heavy Industrial Zone (HIZ):

"The HIZ shall be for highly pollutive/non-hazardous; highly pollutive/hazardous; highly pollutive/extremely hazardous; pollutive/extremely hazardous; non-pollutive/extremely hazardous; and pollutive/hazardous manufacturing and processing industries/projects."

Annexed and made integral parts of the above-mentioned Zoning Ordinance is the Zone Boundaries and Zoning Map of Batangas City which list Barangay Pinamucan Ibaba, the host barangay, among those covered in the Heavy Industrial Zone.

Therefore, the proposed project is to be located in the Heavy Industrial Zone where it is appropriately zoned.

All other requirements have been complied with by the proponent except for the Environmental Compliance Certificate which is technically a requirement of development permit and not of a locational clearance.

The host barangay has decided to accept the project, therefore issuing the Barangay Clearance and resolution indorsing the project.

Considering all these, the Committee resolves to recommend to the City Mayor the approval of the zoning/locational clearance application for the 2x300MW Coal-Fired Power Plant to be located in Barangay Pinamucan Ibaba, Batangas City subject to compliance to the City Planning and Development Coordinator/Zoning Administrator's recommendation stated in its evaluation report dated November 25, 2014 and be subject to the additional compliance of JG Summit Holdings, Inc. to the following conditions:



1. The zoning/location clearance to be granted shall not be taken, considered, used, or in anyway be interpreted as an approval of the proposed project's Development Permit.
2. The proponent, shall submit to the City Planning and Development Coordinator/Zoning Administrator prior to the approval of the locational clearance a reliable DENR/EMB issued Environmental Compliance Certificate and all ancillary documents including that of certifications, compliance to the requirements and commitment relative to the proposed project in totality without irregularity or defect.
3. The proponent shall install all pollution control facilities, following the system of Circulating Fluidized Bed Combustion Technology, such as control of air emissions, control of land pollution, control for wastewater discharges and for health and safety controls and installation. The stockpiling facility and conveyors for coal handling system shall be enclosed to prevent coal fines from escaping into the air and surface water.
4. The proponent shall ensure the construction of an appropriate, safe and secure Ash Pond including installation of High Density Polyethylene (HDPE) lining to prevent leachate infiltrations into the underlying ground that may cause ground water contamination.
5. The proponent shall comply with all the requirements of the concerned national and local government agencies and all other applicable provisions of existing laws and ordinances, relative to the protection of environment.
6. The proponent shall comply with the provisions of City Ordinance No. 08 Series of 2010 otherwise known as, "Ordinance Providing Priority in Employment or Work to Qualified Barangay Residents".
7. The proponent shall comply with the provisions of Ordinance No. 16 Series of 2010 otherwise known as "An Act Providing for the Environment Code of Batangas City (E-Code)".
8. The proponent shall provide system/facilities for the proper collection/disposal of domestic wastes that will be generated during the construction and operational phase of the project.
9. The proponent shall pay all the required taxes, fees, charges to be imposed for the project by the City Government.
10. The proponent shall strictly observe the preservation and protection of the Pinamucan River for natural drain during the development of the project site.
11. The proponent shall allow at anytime, even without prior notice, authorized city government officials/employees to conduct an on the-spot inspection and monitoring of the proposed project.
12. The proponent shall strictly comply with the mitigation measures it has presented with this application for Zoning/Locational Clearance.

13. The proponent shall establish an online Continuous Emission Monitoring System (CEMS) to be monitored by authorized Government Agencies and that information from such shall be made to the public through an information board. Such CEMS shall likewise be in coordination with the City Government through the City Environmental Office (CENRO).

14. Any violation, infraction *of* non-compliance to the aforesaid conditions shall automatically and immediately render the abolition and termination of this decision and consequently the revocation and suspension of any granted permits or clearance by the City Government of Batangas, without prejudice to the filing of appropriate criminal and civil cases in accordance with existing national and local environmental laws.

WHEREFORE, the Committee recommends that this Committee Report be adopted and the resolution attached be approved.

Respectfully submitted, June 20, 2016.

THE COMMITTEE ON ENVIRONMENT AND  
URBAN DEVELOPMENT, LAND USE AND ZONING

  
COUN. GERARDO A. DELA ROCA  
Chairman

  
COUN. SERGIO REX M. ATIENZA  
Member

COUN. MA. CLAUDETTE U. AMBIDA-ALDAY  
Member

COUN. GLENN M. ALDOVER  
Member

  
COUN. ARMANDO C. LAZARTE  
Member