



SC asked to strike down APECO as illegal

August 12, 2013 4:12pm



Tags: Supreme Court

Several groups on Monday asked the Supreme Court to strike down as unconstitutional two laws creating and expanding the Aurora Pacific Economic Zone and Freeport Authority (APECO).

In a petition for certiorari and prohibition, the Pinag-isang Lakas ng Mga Samahan ng Casiguran, Aurora (PIGLASCA) asked the high court to stop—through a temporary restraining order—the implementation of Republic Act 9490 or the Aurora Special Economic Zone Authority Law (ASEZA Law), and the law that amended it, RA 10083 (APECO Law).

The laws were authored by former Sen. Eduardo Engara and his son, incumbent Sen. Juan Eduardo Angara, a former Aurora representative. The two have repeatedly defended the establishment of APECO.

RA 9490 was enacted in June 2007 by then-President Gloria Macapagal-Arroyo and covered 500 hectares of public agricultural lands in three villages in Casiguran town in Aurora. RA 10083, meanwhile, was enacted in April 2010, expanding the ecozone to 12,923 hectares, including three more villages of Casiguran.

"Grossly disadvantageous to the public"

According to the petitioners, the manner of the passage of the two laws, as well as the 'superbody' created under them, was "irregular, excessive, or unconscionable, or grossly disadvantageous to the public which amount to grave abuse of discretion of Congress or the carrying out of legislative power in a manner that is in excess of its jurisdiction."

The petitioners said the laws were violative of the "social justice" provisions of the 1987 Philippine Constitution, which they said is mandated to promote "social justice in all phases of national development on socio-economic, political and cultural inequities."

"A cursory study [however] reveals that there is not a single mention of the rights of local citizens within the area set forth in... RA 9470. The Congress' committee deliberations for the R.A. No. 10083 likewise show no trace of mention of the rights of citizens affected by the enactment of the law," the petitioners said.

They also claimed that APECO failed an "economic viability assessment" of the National Economic and Development Agency (NEDA).

"NEDA's Assessment of the Economic Potentials of APEFZ/APECO and Its Catchment Area show indications of the lack of consultation in the enactment of RA 9490 and RA 10083," they said.

PIGLASCA is composed of farm, fisherfolk, and indigenous groups, residing in Casiguran, within APECO. Named respondents were APECO, as well as the Senate as represented by Senate President Franklin Drilon, and the House of Representatives, represented by Speaker Feliciano Belmonte.

Farmers, fishermen

The petitioners said the two laws violated the Constitutional provisions that protect, recognize, and give priority to the rights of landless farmers and "subsistence fishers" or those which petitioners said were "real and actual" fishermen who depend on fishing for subsistence.

They claimed the conversion of agricultural land into an economic zone would result in the loss of means of production and displacement of farmers.

As for the fisherfolk, the petitioners said: "Some of the areas that will be taken by the APECO includes bays and rivers upon which the fisherfolk are dependent for their livelihood."

"[The law] offers the priority to the private investors who have the financial capacity to build the structures specified in the law. In effect, the priority given to the fisherfolk is disregarded. The provision is also broad enough to include foreign investors which can

be considered as foreign intrusion," the petition read.

The petitioners also emphasized the absence of a "master plan" when the APECO was created, adding: "The lack of a feasibility study emphasizes the failure to comply with the requirements of the social justice provisions of the Constitution."

They also said due to the powers granted to the ASEZA, local government units in the covered villages and town would experience an "empty constituency."

"A concrete manifestation of the diminished autonomy would be in the power of taxation of the local government unit," they said.

According to the contested laws, merchandise in the APECO "shall not be subject to customs and internal revenue laws and regulations nor to local tax ordinances, any provision of law to the contrary notwithstanding."

"The APECO law deprives the Municipality of Casiguran and its affected barangays of their local autonomy, and the capacity to decide on affairs other than defense and security matters. This places the ASEZA in the position above the local governments, with the power to overrule exercises of local autonomy done by the province of Aurora," the petitioners said. — **Mark**

Merueñas/KBK, GMA News

Tags: Supreme Court

[f Recommend](#) 98 [f Share](#) 101 [T](#) Tweet 65 [✉](#) Email 2 [ShareThis](#) 670 [0](#)

More from the web



The 50 Most Iconic Sports Photographs of All Time (Learnist)



Practical Ways to Keep Your Car in Excellent Form! (AQ Talks)



Weirdest Things Athletes Have Done With Money (American Live Wire)



What Is "The Cloud" Anyways? Turns Out It's The Secret To (FICO)



Japan again looks to get domestic fighter jet off ground (Nikkei Asian Review)

We recommend

[WATCH : Unbox Therapy releases new uncut iPhone 6 Plus bend video \(News\)](#)

[Filipino dies in 9-story fall from Singapore hospital - report \(News\)](#)

[WATCH: Vic Sotto, 'nadamay' matapos suportahan ang love story ng 'Sugod Bahay' winner \(News\)](#)

[Meet the 15 bridesmaids of Heart Evangelista \(Entertainment\)](#)

[Danny Garcia warns Manny Pacquiao: Be careful what you wish for \(News\)](#)

From around the web

[Cerebros and the art of drug smuggling \(Sphere\)](#)

[7 Surprising but True Facts about Starbucks \(Learnist\)](#)

[Head of zipper maker YKK sees the end of production shift in Asia \(Nikkei Asian Review\)](#)

[United Airlines BusinessFirst \(traveltherenext.com\)](#)

[Russia Stops Japanese Whaling Ship Dead In Its Tracks \(The Dodo\)](#)

Recommended by

Kurse Betriebswirtschaft

sgd.de/Betriebswirt

Fernstudium zum Betriebswirt mit staatl. Abschluss. Jetzt starten!



We welcome healthy discussions and friendly debate! Please click [Flag](#) to alert us of a comment that may be abusive or threatening. [Read our full comment policy here.](#)
Comments Powered by [Disqus](#)

Related Stories

[SC stops Quezon City from selling UP property in tax row](#)

Sereno asked to inhibit from mining dispute case
SC wants see-through bags for Bar examinees
SC stops road project in Benguet for now
Dismissed justice Ong tried influencing SC magistrates –Leonen

[More Business Stories](#)

Top Stories

COA: Undue haste in construction of Makati Building II irregular

Pulse Asia: 3 of 5 Pinoys oppose Cha-cha, removing presidential term limit

PNP chief Purisima on Nueva Ecija property: No mansion, just an ordinary house

Beijing warns of chaos in Hong Kong, backs CY Leung

advertisement



worldremit®

Globe GCASH SMART

FREE 1st Transfer

Fast • Easy • Secure

send money online ▶

Social Media



FTAV @FTAlphaville

Markets Live: Thursday, 2nd October, 2014 on.ft.com/1vb6j7W

40m

 financialtimesvideos



Full Screen

Die neuesten Musikhits

Related Videos

News to Go: Pagsibak kay Justice Ong, kinailangang gawin para malinis ang hudikatura, ayon sa ilang opisyal ng SC

Unang Balita: Justice Gregory Ong, sinibak sa puwesto dahil sa umano'y ugnayan niya kay Napoles

News TV Live: Sandigan Associate Justice Gregory Ong, sinibak sa puwesto

Unang Balita: Pasok sa mga korte sa Metro Manila, Rizal at Bulacan, suspendido

[More Economy Videos](#)

Related photos



Group asks SC to stop construction of Torre de Manila



SC asked to stop MMDA from banning buses from entering metro



Former SC Justice Azcuna appointed to ICJ



Sereno explains absence in House JDF probe



CJ Sereno defends JDF in rare presscon



Sereno swears in Jardeleza as new SC associate justice



State workers ask SC for TRO vs. BIR's tax policy



State workers rally vs. BIR memo taxing allowances

[More Photos](#)

advertisement

advertisement



josko
FENSTER & TÜREN

GANZ SCHÖN
VIEL MEHRWERT
DIE GROSSE DESIGN
FENSTER-FAMILIE
VON JOSKO

**THERMO
UPGRADE**
Jetzt Vorteile
sichem!

Josko Partner
HES GmbH
Regensburg