

# It's final: Pandacan oil depot must go

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Philstar.com

THE Supreme Court (SC) has affirmed with finality its decision upholding Manila City Ordinance 8027 issued during the administration of Mayor Lito Atienza, which classified Pandacan as a residential area and required the transfer of the oil depot of Chevron Phils. Inc., Petron Corp. and Pilipinas Shell Petroleum Corp.

"No further pleading shall be entertained in this case... Let an entry of judgment be made in due course," read the SC decision.

However, an oil company official said the SC decision recognizes that the oil depot could stay if City Ordinance 8027 is amended.

"In the original decision of the Supreme Court, it was noted that a new ordinance from the City Council or any amendment to the city ordinance may supersede the SC order," the official said.

SC spokesman Jose Midas Marquez said while the second motion for reconsideration of the oil firms has already been denied with finality, succeeding events could supervene the ruling.

"The appeal of the oil firms was denied with finality insofar as allegations in the motion for reconsideration are concerned," he said.

"If the city council will pass a new resolution, then it will depend if that would not violate the Constitution."

Marquez said the SC did not give a deadline for the transfer of the Pandacan oil depot.

It would depend on the arrangement between the city government of Manila and the oil firms, he added.

Recently, the City Council of Manila started moves to amend Ordinance 8027 by reverting to industrial classification the land on which the Pandacan oil depot is located.

"The land use where the existing industries are located, the operation of which are permitted under section 1 hereof, are hereby classified as Industrial Use," read section 2 of the proposed ordinance.

In rejecting the second motion for reconsideration of Chevron Phils. Inc., Petron Corp. and Pilipinas Shell Petroleum Corp., the SC ruled that it was already a prohibited pleading under Rules of Court.

"A perusal of the arguments raised by the oil companies in their second motion for reconsideration shows that either they are merely rehash of arguments raised in the first motion for reconsideration or the basic issues have already been passed upon by the Court in the resolution dated Feb. 13, 2008," read the SC decision.

It took judicial cognizance of the reported move of the oil companies to start complying with the orderly phase-out of the Pandacan oil depot, the SC said.

In filing the petition for intervention, the oil firms said they stand to lose P30 billion in income, investment and costs of construction of new facilities if forced to relocate.

However, the SC said on Jan. 23, 2008, a businessman was killed and his wife seriously injured, and 10 vehicles were severely damaged when a defective oil tanker exploded at the foot of Nagtahan Bridge in Pandacan, Manila.

"Need we say anything about what will happen if it is the estimated 162 to 211 million of liters of petroleum products in the terminal complex which will blow up?" read the SC decision.

Based on the hierarchy of constitutionally protected rights, the right to life enjoys precedence over the right to property, the SC added.

The SC said as early as October 2001, the oil companies signed an agreement with the Department of Energy for them to prepare a master plan for relocation of the oil depot from Pandacan.



"Now that they are being compelled to discontinue their operations in the Pandacan terminals, they cannot feign unreadiness, considering that they had years to prepare for this eventuality," read the SC decision.

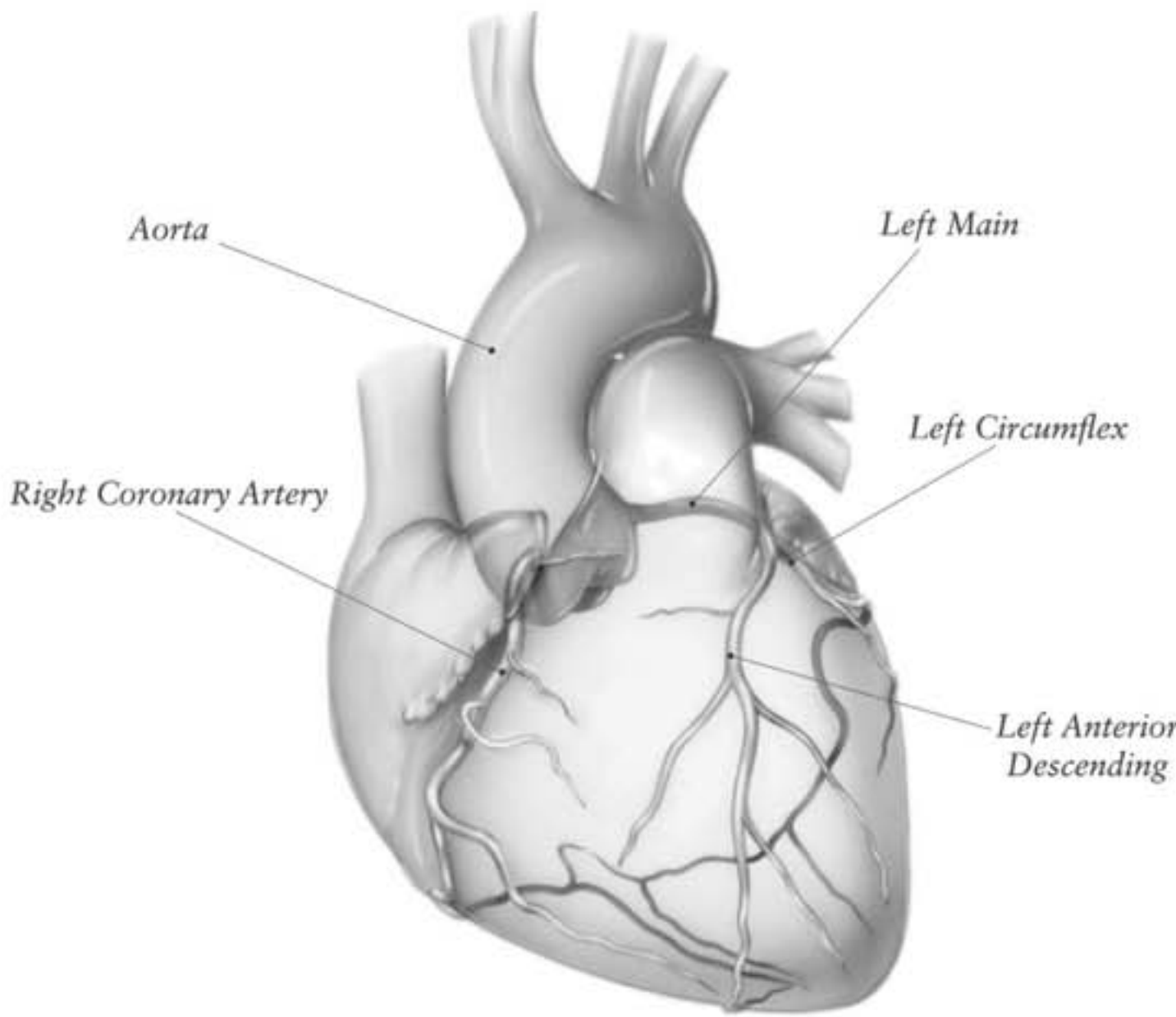
Any delay in the relocation of the oil depot is unfair to Manila residents who have been demanding their transfer, the SC added.

The SC agreed with the City Government of Manila that the oil companies failed to present a specific security plan that would prevent a terrorist attack aimed at Malacañang.

However, the oil firms said they have already addressed the safety issue by putting up a "buffer zone" and dismantling other oil facilities to reduce safety and environmental risks. ■

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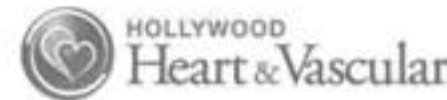
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