

## Exploring Exploration: Fitting the Joint Marine Seismic Undertaking and Oil Exploration Laws into the Mold of Section 2, Article XII of the 1987 Constitution

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The concept of *Jura Regalia* is an important doctrine for national economic development, security, and national defense. This is evidenced by its incorporation in the 1935, 1973, and 1987 Constitutions of the Republic of the Philippines. In accordance with Article XII of the 1987 Constitution, The Philippine Mining Act of 1995 (R.A. No. 7942) and The Oil Exploration and Development Act of 1972 (P.D. No. 87) composes the legal framework for the exploration, development, and utilization (EDU) of the country's natural resources.

On the one hand, R.A. No. 7942 governs the EDU of mineral resources. On the other hand, P.D. No. 87 governs the EDU of petroleum resources. While the validity of the former has been upheld by the Supreme Court in the landmark case of *La Bugal B'laan Tribal Association v. Ramos*, the legitimacy of the latter has not yet been tested under the current organic document.

Despite the comprehensive guidelines established for the EDU of the Philippines' natural resources, one contract, however, seems to have escaped the reaches of the law. The Joint Marine Seismic Undertaking (JMSU) between the national oil companies of China, the Philippines, and Vietnam involving the Spratlys Area stirred up a political storm with its unfamiliar terms, unconventional parties, and controversial agreement area.

Thus, it is imperative to determine the place of the JMSU in the legal framework for EDU, while at the same time, update the laws on oil exploration to reflect the changes introduced by the 1987 Constitution to the service contract regime as explained by the Supreme Court in *La Bugal B'laan*.