

## **Philippine Case: Asbestosis Victims Left by the US Navy at Subic Base**

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### **Introduction**

We would like to thank all the organizers of this Global Asbestos Congress for inviting me, as a representative from the Philippines, to participate in this important international gathering of experts on a vital matter.

As many of you know, the Philippines hosted US military bases for 92 years. Before they pulled out from our country, the US Navy and the US Air Force had one of their biggest, if not *the* biggest, military bases outside of mainland United States in the Philippines. As a result of their combat and non-combat operations, many Filipinos worked inside these bases, attending to various facilities and equipment.

Many of them claim to have been exposed to asbestos and are suffering from asbestosis. The US Navy and US Government have not compensated them for their asbestosis. The private companies – manufacturers and companies that supplied the products and materials containing asbestos to the US Navy – have paid very little to these Filipino asbestos victims, according to their US lawyer.

Today, 12 years after the Filipino asbestos victims filed their cases in US Courts against around 68 manufacturing companies, they want to know what happened to their cases. Why were they paid so little? What remedies do they have?

We know that this international gathering of experts on asbestos will be able to help both our group and the Filipino asbestosis victims. We hope that after this congress, you can help us look for ways to address the present problems of the Filipino asbestos victims.

### **I: Brief History of US Navy & Air Force in the Philippines**

After America bought the Philippines from Spain for US\$60 million in December 1898, the US Navy established Subic Naval Base and subsequently the US Air Force constructed Clark Air Base in the Philippines.

Clark Air Base occupied an area of 158,277 acres, about the size of the whole island of Singapore. It was the home base of the US “Fighting” 13th Air Force. Clark had 200,000

sq.m. storage area for ammunition and a capacity to store 25 million gallons of oil & petroleum. It was used by the US Air Force during the Korean, Vietnam and Gulf Wars.

Subic Naval Base became the largest naval supply depot for the US Navy in the world in the 1970s and 80s. It was the home base of the US 7th Fleet in the Western Pacific, with more than 30,000 soldiers.

The base maintained ship repair facilities (SRFs) for all types of US ships and submarines, training facilities, target ranges, ammunition & oil depots, among others.

Like Clark Air Base, Subic was also used by the US during the Korean war in the 1950s, the Vietnam war in the late 1960s, and the Gulf war in 1990.

In any year, more than 50,000 Filipino workers were employed by the US Government to work in various facilities inside Subic Naval Base

## **II: 1992 Withdrawal of the US Navy & Air Force from the Philippines**

The US Navy and Air Force left the Philippines in 1991, after the Philippine Senate rejected the Treaty to extend the stay of the US Navy & Air Force in the Philippines.

### **a) Clark Air Base**

After the US Air Force left Clark Air Base in 1991, the Philippine Government used a portion of the base as a temporary evacuation center for more than 100,000 victims of the Mt. Pinatubo volcanic eruption.

The evacuees used the ground water inside Clark Air Base for drinking, cooking, bathing, and for diluting milk products for their children.

A few months later, many of these poor people began complaining of stomach problems, skin disorders, and vomiting.

In the light of the deaths and illnesses, the **Philippine Senate** called for an investigation. On 16 May 2000, the Philippine Senate released its Senate Committee Report No. 237 stating that there is strong and conclusive evidence that there is toxic contamination in Clark and Subic caused by the US Navy & Air Force.

The Philippine Senate also said that the United States had a duty to the Philippines and the Filipino people to repair the environmental damage and to compensate the human victims.

Pregnant women experienced spontaneous abortions, still births, birth defects and deformities. Many young children and old persons died of various ailments including leukemia, cancer, heart ailments, lung problems, kidney problems, among others.

By September 2000, our group (People's Task Force For Bases Clean-Up) had documented more than 100 deceased victims and more than 300 living victims suffering from neurological disorders, heart ailments, leukemia, and kidney problems, among many others.

Notwithstanding the Senate Committee Report, the US and Philippine governments denied any responsibility or liability for the toxic contamination.

Hence, our group, together with the victims from Clark and Subic, filed toxic suits against the US and Philippine governments in Philippine courts on 18 September 2000.

In December 2002, we (together with Saul Bloom of ARC Ecology in the US) filed a lawsuit against the US Department of Defense to compel the DOD to determine the toxic contamination in Clark and Subic. This was filed to test if the SuperFund under DOD can be used to clean up US military bases overseas, like Clark and Subic.

#### **b) Subic Naval Base: The case of Asbestos Victims**

Only asbestosis victims from Subic Naval Base filed cases. It is difficult to know if there are also asbestosis victims from Clark Air Base.

After the Philippine Senate rejected the Treaty to extend the stay of the US military in the Philippines, the US Navy also left Subic Naval Base in 1991.

By early 1992, almost 10,000 Filipino workers at the Subic Base had claimed that they had been exposed to asbestos from materials & products supplied by private companies to the US Navy in Subic.

More than 50,000 Filipino workers were employed inside the Subic Base, assigned at different work sites & facilities.

Most of the 10,000 claimants said they were assigned to various shops in the SRFs at the Subic Base. There were a total of 99 shops (welding, piping, plumbing, etc), performing different functions, in the SRFs.

Most claimants said that they were not provided with body protectors at work.

Most claimants said that they were not advised of the nature of asbestos and its detrimental effects on human health. Many said they learned about these only after the US Navy left.

### **III: The Filing of Asbestos Cases in US Courts**

An American Lawyer, who has a law firm in San Francisco, California, volunteered to act on behalf of the approximately 10,000 asbestos victims and to help them file cases in US Courts.

According to the victims, this American Lawyer stayed in Subic for months and months to interview the victims.

A Filipino expert from the Philippine Lung Center was hired by the American Lawyer to conduct a series of diagnostic medical and physical examinations on the victims. The victims were transported by buses from Subic to Manila, which is around 3½ hours by road.

According to the victims, the medical examination reports made by the Filipino lung expert were then sent to the US for confirmatory examinations. Both sets of medical results were then used as evidence in the asbestos cases filed in the US Courts.

However, according to the victims, not all 10,000 claimants were allowed to file cases in the US. But at least 1,000 cases were filed, according to them.

Each of the asbestos victims signed a Retainer Agreement with the US lawyer, whereby they gave the lawyer blanket authority to handle the cases in the US, including authority to negotiate for settlements, to receive settlement monies from the companies, as well as to disburse the same to the victims.

No Filipino lawyer assisted the Filipino asbestos victims when their cases were filed by the American lawyer in the US.

According to the victims and their records, the asbestos cases were filed against 68 manufacturing companies, more or less.

However, according to the victims, their US lawyer told them that only 5 to 7 companies paid settlement monies, and that these settlements were very small.

After more than 10 years of court battles, some victims received only US\$500, others received only \$2,000, while only very few received \$5,000 or more.

After receiving only very small amounts of settlement monies from their US lawyer, many asbestos victims started to doubt and question their US lawyer.

In September 2000, they formed the Subic Asbestosis Victims Association (SAVA) and asked for our legal assistance. They want to know the truth whether the private companies in the US only paid them very small amounts in settlement monies.

In September 2000, our law office sent a Demand Letter to the US lawyer and his law office, demanding a full and complete accounting of the settlement monies due to the asbestos victims. But we did not get any reply.

#### **IV: Hiring of New US Lawyers in the US**

We tried hiring 3 different lawyers in the US to represent the asbestos victims and to obtain records and a full accounting of the settlement monies from the original American lawyer. Unfortunately, these new lawyers were asking for at least US\$100,000 as an Acceptance Fee, which our group does not have.

However, we are currently talking to a new group of Fil-Am lawyers in the US on this matter.

At present, our group is being supported by 2 Senators, 1 former SEC Chairman, and a number of bishops and priests, not to mention NGOs.

We are also asking the Office of the President (Philippines) to extend financial and medical assistance, perhaps through the Department of Social Welfare & Development (DSWD), to the very sickly asbestosis victims who are members of our group.

#### **V: Concluding Remarks**

It is the high hope of our group that after this international conference – considering the wealth of information, experience and networking that we will derive from asbestos experts from around the world – we will be in a better position to look for remedies to address the problems of Filipino asbestosis victims.

On behalf, therefore, of all the Filipino asbestos victims, we would like to thank all of you, especially all the organizers of this global congress, for the wonderful opportunity you have given our group.

More power to all of you! Thank you.