

Moneyed and influential banana plantation companies filed a case in court to have the Davao ban aerial spray ordinance declared unconstitutional and thus could not be implemented by the city government. The companies claim the ordinance is unreasonable and oppressive of their right to conduct business. They say that shifting to ground spraying will entail more cost on their profitable banana export business.

FOUR REASONS WHY THE BAN AERIAL SPRAY ORDINANCE IS CONSTITUTIONAL AND VALID

1. **The ordinance passed a democratic legislative process.** The Davao City Council passed the ordinance in 2007 after a lengthy, deliberative and democratic process that took almost three (3) years, involving three (3) legislative committees – environment and natural resources, health and agriculture. The Davao City Council consulted with and heard from all stakeholders, including the banana growers who lobbied strongly against it. The city council passed the ordinance unanimously and the City Mayor signed the ordinance into law.
2. **There is sufficient evidence as basis for the ban.** Local and international studies as well as experts' testimonies showing the harm brought by pesticides in general and aerial spraying in particular are well documented. Importantly, for more than 30 years affected Davao residents are complaining about aerial spraying having harmful effects on their health and the nuisance the agricultural practice brings to their lives! Even the labels of the pesticides used in aerial spraying warn of the inherent dangers of the substances if people are exposed to it.
3. **The plantation companies failed to prove in court that the ordinance is unconstitutional.** Ordinances enjoy a strong presumption of validity that the banana companies failed to rebut in court. The Regional Trial Court where it was first brought being the trier of facts was unconvinced by the allegations of the companies that banning aerial spraying would ruin their business. The Office of Solicitor General also submitted its position to the Court of Appeals that the ordinance' validity and constitutionality should be upheld.
4. **People's fundamental rights to life, health and a healthy environment are more important than bananas and corporate profit.** This case boils down to a question of what is more important, bananas and corporate profits or people and environment?

Uphold the ban aerial spray ordinance in Davao!

Respect people's right to health and a healthy environment!

Stop aerial spraying!

MAMAMAYAN AYAW SA AERIAL SPRAY (MAAS)