

## RECORD OF THE SENATE

TUESDAY, AUGUST 1, 2000

### OPENING OF THE SESSION

*At 3:33 p.m., the Senate President, Hon. Franklin M. Drilon, called the session to order.*

**The President.** The fifth session of the Third Regular Session of the Eleventh Congress is hereby called to order.

Let us all stand for the opening prayer to be led by Sen. Miriam Defensor Santiago.

*Everybody rose for the prayer.*

### PRAYER

**Senator Defensor Santiago.** This is a prayer written by Pierre Teilhard de Chardin.

Above all, trust in the slow work of God.  
We are, quite naturally,  
impatient in everything to reach the end  
without delay.  
We should like to skip  
the intermediate stages.  
We are impatient of being  
on the way to something unknown,  
something new,  
And yet it is the law of all progress  
that is made by passing through  
some stages of instability -  
And that it may take a very long time.

And so I think it is with you.  
Your ideas mature gradually -  
let them grow,  
let them shape themselves,  
without undue haste.  
Don't try to force them on,  
as though you could be today  
what time (that is to say, grace and  
circumstances acting  
on your own good will)  
will make you tomorrow.

Only God could say what this new spirit  
gradually forming within you will be.  
Give our Lord the benefit of believing  
that His hand is leading you,  
and accept the anxiety of  
feeling yourself in suspense and incomplete.

Amen.

### ROLL CALL

**The President.** The Secretary will please call the roll.

**The Secretary, reading:**

Senator Teresa Aquino-Oreta .....	Present
Senator Robert Z. Barbers .....	Present*
Senator Rodolfo G. Biazon .....	Present
Senator Renato L. Compañero Cayetano ..	Present
Senator Anna Dominique M. L. Coseteng	Present
Senator Miriam Defensor Santiago .....	Present
Senator Juan Ponce Enrile .....	Present
Senator Juan M. Flavie .....	Present
Senator Teofisto T. Guingona Jr. ....	Present
Senator Gregorio B. Honasan .....	Present
Senator Robert S. Jaworski .....	Present
Senator Loren B. Legarda-Leviste .....	Present
Senator Ramon B. Magsaysay Jr. ....	Present
Senator Blas F. Ople .....	Present*
Senator John Henry R. Osmeña .....	Present*
Senator Sergio R. Osmeña III .....	Present
Senator Aquilino Q. Pimentel Jr. ....	Present
Senator Ramon B. Revilla .....	Present
Senator Raul S. Roco .....	Present
Senator Vicente C. Sotto III .....	Present
Senator Francisco S. Tatad .....	Present*
The President .....	Present

**The President.** With 18 senators present, there is a quorum.

**Senator Sotto.** Mr. President.

**The President.** The Majority Leader is recognized.

### THE JOURNAL

**Senator Sotto.** Mr. President, I move that we dispense with the reading of the *Journal* of Session No. 4, Monday, July 31, 2000 and consider it approved.

**The President.** Is there any objection? *[Silence]* There being none, the motion is approved.

**Senator Tatad.** Mr. President, I move that we proceed to the Reference of Business.

**The President.** Is there any objection? *[Silence]* There being none, the motion is approved.

\* On official mission

DEVELOP AND MODERNIZE THEIR PROCESSING PLANTS TO PRODUCE COCONUT-BASED BIODEGRADABLE SURFACTANTS. THIS SHALL NOT BE LIMITED TO ASSISTANCE AND INCENTIVES IN THE EXPORTATION OF THEIR PRODUCTS.

**Senator Magsaysay.** We accept the amendment which will now be new Section 8, subject to style.

**The President.** Is there any objection? *[Silence]* There being none, the amendment is approved.

**Senator Defensor Santiago.** Thank you very much.

May I express my thanks to the distinguished sponsor for his hospitality in receiving these amendments.

#### DRILON AMENDMENT

**The President.** An omnibus amendment, a matter of style, Section 8 and Section 9 on page 4 should be renumbered accordingly, if there is no objection. *[There was none.]*

#### SUSPENSION OF CONSIDERATION OF S. NO. 1168

**Senator Sotto.** Mr. President, considering that the Minority Leader has expressed his desire to infuse the amendments tomorrow and listen to the committee amendments tomorrow, I move that we suspend consideration of Senate Bill No. 1168.

**The President.** Is there any objection? *[Silence]* There being none, the motion is approved.

#### SUSPENSION OF SESSION

**Senator Sotto.** Mr. President, I move that we suspend the session for one minute.

**The President.** Is there any objection? *[Silence]* There being none, the session is suspended for one minute.

*It was 4:33 p.m.*

#### RESUMPTION OF SESSION

*At 4:36 p.m., the session was resumed.*

#### BILL ON SECOND READING

**S. No. 1595 – Integrated Solid Waste Management Act of 1999**  
(Continuation)

**Senator Sotto.** Mr. President, I move that we resume consideration of Senate Bill No. 1595.

**The President.** Is there any objection? *[Silence]* There being none, resumption of consideration of Senate Bill No. 1595 is now in order.

May we know which version we are now looking at. The Chair has several versions. The latest is July...

**Senator Sotto.** May we recognize then the principal sponsor, Sen. Loren Legarda-Leviste, and for the parliamentary status, we are in the period of amendments.

**Senator Legarda-Leviste.** Mr. President, we are using the July 31st amended copy.

**The President.** All right.

**Senator Sotto.** May we ask that Sen. Teresa Aquino-Oreta be recognized for the period of amendments. She has one more amendment, Mr. President.

**The President.** Sen. Teresa Aquino-Oreta is recognized.

**Senator Aquino-Oreta.** Thank you, Mr. President.

I am holding the amended copy of July 31, 2000. Last July 25, we proposed some amendments to this piece of legislation, one of which referred to Section 13, the *Local Waste Management Action Plans*. That particular amendment was accepted by the good senator, the good sponsor, and was made a part of this proposed bill and it reads—letter (F): PROHIBIT SQUATTING WITHIN OPEN DUMPS AND LANDFILLS.

However, the same provision should likewise be proposed to Section 21—*Prohibited Acts*—to be consistent with our intent to include this social problem among the prohibited acts subject to penalty or imprisonment.

#### AQUINO-ORETA AMENDMENT

So therefore, on page 18, Section 21, line 24, I propose the following amendment. After the last word “establishments”, change the “semicolon (;)” to a COMMA (,) and add the phrase INCLUDING SQUATTING IN OPEN DUMPS AND LANDFILLS.

**Senator Legarda-Leviste.** It is accepted, Mr. President.

**The President.** Is there any objection? *[Silence]* There being none, the amendment is approved.

**Senator Aquino-Oreta.** Also, Mr. President, I would like to withdraw my reservation to amend Section 27 because I understand, it was already deleted by the sponsor.

**Senator Leviste.** It is accepted, Mr. President.

**The President.** The withdrawal is duly noted. The Majority Leader is recognized.

**Senator Sotto.** Mr. President, still in the period of amendments, may we now recognize Sen. Sergio R. Osmeña III.

**The President.** Sen. Sergio R. Osmeña III is recognized.

**MANIFESTATION OF SENATOR OSMEÑA III  
(To Introduce Amendments to S. No. 1595 after the  
Hearing on the Payatas Tragedy)**

**Senator Osmeña III.** Thank you, Mr. President.

This representation would like to manifest that he would like to reserve his right to amend until after the hearings now being conducted on the Payatas tragedy by the committee of Senator Jaworski shall have been finished. Essentially, I feel that there are many lessons we can learn from the Payatas happening. Yesterday, Senator Jaworski conducted the first of what he indicated would be several hearings and rushing a bill like this which by its title alone, the Integrated Solid Waste Management Act, means that we seek to prevent or anticipate problems like Payatas in the future. I feel that we are like a doctor issuing a prescription before the diagnosis is complete.

So with the kind permission of the distinguished sponsor, who has been working hard on this bill, I would like to wait for the report of the Jaworski Committee on Payatas before coming up with proposed amendments to the bill.

Thank you, Mr. President.

**Senator Legarda-Leviste.** Mr. President, we have done comprehensive committee hearings and numerous TWGs on this and, of course, we realize the urgency of the situation and the need to enact this measure has been long overdue. Therefore, while we respect and understand the situation presented to us by the distinguished senator, we urge him, however, to input his amendments so that we could also enact this measure as soon as possible.

**Senator Osmeña III.** I do not want to prolong this discussion. I just do not know, if we pass this bill three weeks earlier than schedule, if it will do anything to resolve the issue. Essentially, this is a bill that has long-term rather than short-term effects. So I would like to reiterate my position to reserve my right to amend until I shall have read the Jaworski report. I hope it will not be long in coming, Mr. President, but that is the way I feel about this.

**SUSPENSION OF SESSION**

**Senator Legarda-Leviste.** Mr. President, I move that we suspend the session for one minute.

**The President.** Is there any objection? *[Silence]* There being none, the session is suspended for one minute.

*It was 4:42 p.m.*

**RESUMPTION OF SESSION**

*At 4:53 p.m., the session was resumed.*

**The President.** The session is resumed. The Majority Leader is recognized.

**Senator Sotto.** Mr. President, we have taken note of the manifestation of Senator Osmeña III and we have called on Senator Jaworski to come into the hall and discuss with him. But at this point, to save time, the sponsor has a number of amendments on the definition of terms. May we continue with that.

**The President.** Sen. Loren Legarda-Leviste may propose amendments.

**LEGARDA-LEVISTE AMENDMENTS**

**Senator Legarda-Leviste.** Thank you, Mr. President.

As we mentioned earlier, we have reserved the definition of terms for the last. Therefore, may we go on with the definitions.

On page 2, lines 16 and 17, insert the definition of the word **COLLECTION** which **MEANS THE ACT OF REMOVING SOLID WASTE FROM THE SOURCE OR FROM A COMMUNAL STORAGE POINT;**

**The President.** Is there any objection? *[Silence]* There being none, the amendment is approved.

**Senator Legarda-Leviste.** On page 2, lines 17 to 19, delete the existing definition and replace it with a new meaning stated as follows: **"COMPOSTING—IS THE AEROBIC BIOLOGICAL DECOMPOSITION OF ORGANIC MATERIALS OR BIODEGRADABLE WASTE MATERIALS TO PRODUCE A STABLE HUMUS-LIKE PRODUCT CALLED COMPOST WHICH MAY BE USED AS A SOIL CONDITIONER OR ORGANIC FERTILIZER;**

**The President.** Is there any objection? *[Silence]* There being none, the amendment is approved.

**Senator Legarda-Leviste.** May we also request that the letters be adjusted accordingly with the inclusion of the first amendment on the definition of "collection".

**The President.** Is there any objection? *[Silence]* There being none, the relettering of the subparagraphs under Section 3 is hereby adopted.

**Senator Legarda-Leviste.** On page 2, between lines 19 and 20, insert CONTROLLED DUMP—MEANS A DISPOSAL SITE AT WHICH SOLID WASTE IS DEPOSITED IN ACCORDANCE WITH THE MINIMUM PRESCRIBED STANDARDS OF SITE OPERATION;

**The President.** Is there any objection? *[Silence]* There being none, the amendment is approved.

**Senator Legarda-Leviste.** On page 2, lines 20 to 21, delete the word "Council" and its corresponding definition.

The reason for this, Mr. President, is that based on the Honasan amendment, the Council was converted into a Commission and, therefore, it will no longer be used.

**The President.** Is there any objection? *[Silence]* There being none, the amendment is approved.

**Senator Legarda-Leviste.** On page 2, between lines 23 to 24 insert DISPOSAL—MEANS THE DISCHARGE, DEPOSIT, DUMPING, SPILLING, LEAKING OR PLACING OF ANY SOLID WASTE INTO OR ON ANY LAND;

**The President.** Is there any objection? *[Silence]* There being none, the amendment is approved.

**Senator Legarda-Leviste.** On page 2, after the newly inserted definition of "Disposal", before line 24, insert DISPOSAL SITE—MEANS A SITE WHERE SOLID WASTE IS FINALLY DISCHARGED AND DEPOSITED.

**The President.** Is there any objection? *[Silence]* There being none, the amendment is approved.

**Senator Legarda-Leviste.** On page 2, lines 29 to 31, delete the existing definition and replace it with a new meaning stated as follows: LEACHATE—SHALL REFER TO THE LIQUID PRODUCED WHEN WASTES UNDERGO DECOMPOSITION AND WHEN WATER PERCOLATES THROUGH SOLID WASTES UNDERGOING DECOMPOSITION. IT IS CONTAMINATED LIQUID THAT CONTAINS DISSOLVED AND SUSPENDED MATERIALS;

**The President.** Is there any objection? *[Silence]* There being none, the amendment is approved.

**Senator Legarda-Leviste.** On page 3, lines 5 to 7, delete the existing definition and replace it with a new meaning stated as follows: OPEN DUMP—IS A DISPOSAL AREA WHEREIN THE SOLID WASTES ARE INDISCRIMINATELY THROWN OR DISPOSED OF WITHOUT DUE PLANNING AND CONSIDERATION TO ENVIRONMENTAL AND HEALTH IMPACTS;

**The President.** Is there any objection? *[Silence]* There being none, the amendment is approved.

**Senator Legarda-Leviste.** On page 3, lines 24 to 32, delete the existing definition and replace it with a new meaning, stated as follows: RECYCLABLE MATERIAL—SHALL REFER TO ANY WASTE MATERIAL RETRIEVED FROM THE WASTE STREAM AND FREE FROM CONTAMINATION THAT CAN STILL BE CONVERTED INTO SUITABLE BENEFICIAL USE OR FOR OTHER PURPOSES, INCLUDING, BUT NOT LIMITED TO, NEWSPAPER, FERROUS SCRAP METAL, NONFERROUS SCRAP METAL, USED OIL, CORRUGATED CARDBOARD, ALUMINUM, GLASS, OFFICE PAPER, TIN CANS AND OTHER MATERIALS AS MAY BE DETERMINED BY THE COMMISSION;

**The President.** Is there any objection? *[Silence]* There being none, the amendment is approved.

**Senator Legarda-Leviste.** On page 4, lines 11 to 13, delete the existing definition and replace it with this new meaning, stated as follows: RESOURCE RECOVERY—REFERS TO THE COLLECTION, EXTRACTION, OR RECOVERY OF RECYCLABLE MATERIALS FROM THE WASTE STREAM FOR THE PURPOSE OF RECYCLING, GENERATING ENERGY, OR PRODUCING A PRODUCT SUITABLE FOR BENEFICIAL USE;

**The President.** Is there any objection? *[Silence]* There being none, the amendment is approved.

**Senator Legarda-Leviste.** On page 4, between lines 13 to 14, insert: RE-USE—MEANS THE PROCESS OF RECOVERING MATERIALS INTENDED FOR THE SAME OR DIFFERENT PURPOSE WITHOUT THE ALTERATION OF PHYSICAL AND CHEMICAL CHARACTERISTICS;

**The President.** Is there any objection? *[Silence]* There being none, the amendment is approved.

**Senator Legarda-Leviste.** On page 4, lines 14 to 18,

improve the definition by deleting the phrase starting from the word "shall" to the word "soil", and replace it with the following: SANITARY LANDFILL—SHALL REFER TO A DISPOSAL SITE WHICH IS DESIGNED, CONSTRUCTED, OPERATED, AND MAINTAINED IN A MANNER THAT EXERTS ENGINEERING CONTROL OVER SIGNIFICANT POTENTIAL ENVIRONMENTAL IMPACT ARISING FROM THE DEVELOPMENT AND OPERATION OF THE FACILITY. IN PARTICULAR, ENGINEERING OF THE SITE IS UNDERTAKEN TO CONTAIN AND REGULATE THE UNCONTROLLED MIGRATION OF LEACHATE AND LANDFILL GAS;

**The President.** Is there any objection? *[Silence]* There being none, the amendment is approved.

**Senator Legarda-Leviste.** On page 4, lines 26 and 27, insert: SEGREGATION—MEANS A SOLID WASTE MANAGEMENT PRACTICE OF SEPARATING DIFFERENT MATERIALS FOUND IN SOLID WASTE IN ORDER TO PROMOTE RECYCLING AND REUSE OF RESOURCES AND TO REDUCE THE VOLUME OF WASTE FOR COLLECTION AND DISPOSAL;

**The President.** Is there any objection? *[Silence]* There being none, the amendment is approved.

**Senator Legarda-Leviste.** That is all for the definition of terms, Mr. President.

#### SUSPENSION OF CONSIDERATION OF S. NO. 1595

**Senator Sotto.** Mr. President, with the earlier manifestation

of Senator Osmeña, I therefore move that we suspend consideration of Senate Bill No. 1595.

**The President.** Is there any objection? *[Silence]* There being none, the motion is approved.

#### SUSPENSION OF SESSION

**Senator Sotto.** Mr. President, I move that we suspend the session for one minute.

**The President.** Is there any objection? *[Silence]* There being none, the session is suspended.

*It was 5:00 p.m.*

#### RESUMPTION OF SESSION

*At 5:06 p.m., the session was resumed.*

**The President.** The session is resumed. The Majority Leader is recognized.

#### ADJOURNMENT OF THE SESSION

**Senator Sotto.** Mr. President, I move that we adjourn the session until three o'clock tomorrow afternoon.

**The President.** The session is adjourned until three o'clock tomorrow afternoon, August 2, 2000, if there is no objection. *[There was none.]*

*It was 5:06 p.m.*