

RECORD OF THE SENATE

WEDNESDAY, JULY 26, 2000

OPENING OF THE SESSION

At 3:28 p.m., the Senate President, Hon. Franklin M. Drilon, called the session to order.

The President. The third 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. Renato L. Compañero Cayetano.

Everybody rose for the prayer.

Senator Cayetano. A part of this prayer was taken verbatim from *Prayers That Avail Much* by Germaine Copeland.

PRAYER

Father, in the name of Jesus, we come before You to claim Your promise in II Chronicles 7:14: "If My people, who are called by My name shall humble themselves, pray, seek, crave, and require of My necessity, My face, and turn from their wicked ways, then will I hear from heaven, forgive their sin, and heal their land."

We are Your people, called by Your name. Thank you for hearing our prayers and moving by Your Spirit in our land. There are famines, earthquakes, floods, natural disasters, and violence occurring. Meek hearts are failing them because of fear.

Lord, Your Son Jesus spoke of discerning signs of the times. With the Holy Spirit as our Helper, we are watching and praying.

We desire to humble ourselves before You, asking that a spirit of humility be released in us. Thank you for a quiet and meek spirit, for we know that the meek shall inherit the earth.

Search us, O God, and know our hearts; try us, and know our thoughts today. See if there be any wicked way in us, and lead us in the way everlasting.

Forgive us our sins of judging inappropriately. Cleanse us with hyssop, and we will be clean; wash us, and we will be whiter than snow. Touch our lips with coals from Your altar that we may say prayers that avail much for all men and women everywhere.

And on this day, as we commemorate the 10th Anniversary of the Senate Ratification of the Convention on the Rights of Children, we seek Your special intercession on behalf of all children, particularly our nation's children and our own children. We ask You, Lord, to shield them from injury, illness and pain and also we ask You to protect them from drug dealers, from promoters of prostitution and from child abusers.

Finally, Father, as the nation longs for a genuine peace to reign in Mindanao, we pray for the officers and men of the AFP as peacekeepers; we also pray for the peacemakers and for the peacelovers as well.

All these we ask through Your Beloved Son, Jesus Christ.

Amen.

ROLL CALL

The President. The Secretary will please call the roll.

The Secretary, reading:

Senator Teresa Aquino-Oreta	*
Senator Robert Z. Barbers	Present
Senator Rodolfo G. Biazon	*
Senator Renato L. Compañero Cayetano	Present
Senator Anna Dominique M. L. Coseteng ...	Present
Senator Miriam Defensor Santiago	Present
Senator Juan Ponce Enrile	*
Senator Juan M. Flavies	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	*
Senator John Henry R. Osmeña	*
Senator Sergio R. Osmeña III	Present
Senator Aquilino Q. Pimentel Jr.	Present
Senator Ramon B. Revilla	Present
Senator Raul S. Roco	*
Senator Vicente C. Sotto III	Present
Senator Francisco S. Tatad	*
The President	Present

The President. With 15 senators present, there is a quorum.

*On official mission

already taken the initiative to convert to processing soft surfactants. They must not have been aware that the will of the Philippine government is to really ban the nonbiodegradable part, the hard surfactants to improve our environment. The committee felt that one year is good enough grace period for the minority producers that supply about five percent of the total market.

Senator Guingona. The company owner is also a friend of this representation. I am sure he is also a reasonable man who can make the necessary adjustments for the greater good since he has been aware of this problem for the past three years.

I am told by Sen. Serge Osmeña that it is even eight years. Be that as it may, at least, for three years, this has been on the table. May the distinguished sponsor please take a second look into this and consider the benefits? Since the premises have been admitted, let us push it to its logical conclusion.

Thank you, Mr. President, and I thank the distinguished sponsor.

Senator Magsaysay. With pleasure, Mr. President.

The President. The Majority Leader is recognized.

Senator Sotto. Mr. President, Senator Enrile has reserved the right to continue with his interpellation on this bill.

SUSPENSION OF CONSIDERATION OF S. NO. 1168

Mr. President, I move that we suspend consideration of Senate Bill No. 1168.

The President. Is there any objection? *[Silence]* There being none, consideration of Senate Bill No. 1168 is hereby suspended.

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 as reported out under Committee Report No. 52.

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

Senator Sotto. Mr. President, the parliamentary status is that we are in the period of individual amendments.

May we ask that the principal sponsor, Sen. Loren Legarda-Leviste be recognized. For the individual amendments, I ask that Sen. Miriam Defensor Santiago be likewise recognized.

The President. Sen. Loren Legarda-Leviste, the principal sponsor, is recognized. To propose her individual amendments, Sen. Miriam Defensor Santiago is likewise recognized.

Senator Defensor Santiago. Thank you.

Mr. President, I move to amend our pending bill in the matter that I shall indicate, proceeding sequentially by page and line number. Please allow me to begin with page 5.

DEFENSOR SANTIAGO AMENDMENTS

On page 5, line 4, after the definition of the term "Solid Waste," the proposed amendment seeks to add the following terms:

U. SOLID WASTE MANAGEMENT -- SHALL REFER TO THE SYSTEMATIC ADMINISTRATION OF ACTIVITIES WHICH PROVIDE FOR THE COLLECTION, SOURCE SEPARATION, STORAGE, TRANSPORTATION, TRANSFER, PROCESSING, TREATMENT, AND DISPOSAL OF SOLID WASTE.

Parenthetically, this amendment is sourced from the US Solid Waste Disposal Act.

After this paragraph that shall begin with capital letter "U," the proposed amendment seeks to add a paragraph beginning with capital letter "V".

V. SOLID WASTE MANAGEMENT FACILITY -- SHALL REFER TO ANY RESOURCE RECOVERY SYSTEM OR COMPONENT THEREOF; ANY SYSTEM, PROGRAM, OR FACILITY FOR RESOURCE CONSERVATION; ANY FACILITY FOR THE COLLECTION, SOURCE SEPARATION, STORAGE, TRANSPORTATION, TRANSFER, PROCESSING, TREATMENT, OR DISPOSAL OF SOLID WASTE.

In other words, this amendment seeks to add the definition of the terms: First, Solid Waste Management; and second, Solid Waste Management Facility. Both definitions which are sought to be added to our pending bill are sourced from the US Solid Waste Disposal Act.

May I please know what the reaction of the distinguished sponsor is?

Senator Legarda-Leviste. The amendment is accepted, Mr. President.

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

Senator Defensor Santiago. Thank you. Mr. President, please let me move on to page 6A beginning with line 23 and covering the subsequent line.

On page 6A, line 23, after the word "Director", add the phrase OF THE OFFICE OF SPECIAL CONCERNS.

In line 24, after the word "Director", add the phrase OF ENVIRONMENTAL HEALTH SERVICE.

In line 25, after the word "Director", add the phrase OF THE BUREAU OF LOCAL GOVERNMENT DEVELOPMENT.

In line 27, after the word "Director", add the phrase OF PLANNING AND MONITORING SERVICE.

In line 28, after the word "Director", add the phrase OF TECHNICAL SERVICES.

In line 30, after the word "Director", add the phrase OF SPECIAL CONCERNS.

For clarity, please allow me to summarize that this particular section, if the amendment is accepted, would read as follows:

"The national council shall be composed of the following members:

1. Director of the EMB;
2. Director OF THE OFFICE OF SPECIAL CONCERNS of the DTI;
3. Director OF ENVIRONMENTAL HEALTH SERVICE of the DOH;
4. Director OF THE BUREAU OF LOCAL GOVERNMENT DEVELOPMENT of the DILG;
5. Director OF PLANNING AND MONITORING SERVICE of the DA;
6. Director OF TECHNICAL SERVICES of the DECS;
7. Director OF SPECIAL CONCERNS of the DOST;

In other words, the amendment seeks to locate the specific director who has jurisdiction and responsibility for environmental protection within a specific department of the government.

I would like to request the reaction of the distinguished sponsor on this proposed amendment.

Senator Legarda-Leviste. Mr. President, we truly appreciate the inputs of the distinguished senator. But inasmuch as we appreciate the spirit in which these amendments are being presented, yesterday, if the lady senator would recall, Senator Honasan's amendments were accepted transforming or renaming the Council into a commission wherein the members of the commission would be the secretaries of the departments mentioned by the distinguished lady senator.

Senator Defensor Santiago. Then I shall take this under advisement. I shall proceed to the next page, page 7.

On page 7, line 4, after the phrase "President of the League of City Mayors", add the following phrase: PRESIDENT OF THE LEAGUE OF MUNICIPAL MAYORS AND THEREAFTER.

For clarity, let me just read this provision as it would sound, or as it would read, if the amendment is accepted. Page 7, lines 1 to 10 will read as follows: line 1-"Chair of the Metro Manila Development Authority."

May I propose please that the term should not be "Chairman" but CHAIR because we do not want the feminists to criticize our work.

Next line: "President of the League of Provincial Governors;" Next line: "President of the League of City Mayors;"-and now here come the two amendatory clauses:

PRESIDENT OF THE LEAGUE OF MUNICIPAL MAYORS;

PRESIDENT OF THE NATIONAL ASSOCIATION OF BARANGAY CAPTAINS;

AND FOUR (4) REPRESENTATIVES FROM THE PRIVATE SECTOR, INCLUDING THE RECYCLING AND COMPOSTING INDUSTRIES, THE ADVOCACY, BUSINESS AND CONSUMER SECTORS.

May I request the reaction of the distinguished sponsor.

Senator Legarda-Leviste. Mr. President, just like the previous amendment, because of the Honasan amendment which was accepted yesterday, I regret to inform the distinguished lady senator that this may not be accepted on account of the Honasan amendment which included the members of the Commission.

Senator Defensor Santiago. I am using the version of the

bill dated 25 July 2000. In light of this revelation, which apparently is not reflected in my copy, I shall take the reaction statements of the distinguished sponsor under advisement without prejudice to my right to reiterate these amendments at the proper time. In the meanwhile, please allow me, Mr. President, to proceed to page 7A, line 31.

On page 7A, line 31, after the phrase "Draw up and recommend anti-dumping measures", omit the semicolon (;) and add the phrase AND IMPROVE COLLECTION EFFICIENCY TO AT LEAST 90% BY YEAR 2010. Letter (e) would therefore read as follows:

"(e) Draw up and recommend anti-dumping measures AND IMPROVE COLLECTION EFFICIENCY TO AT LEAST 90% BY THE YEAR 2010."

Senator Legarda-Leviste. Mr. President, may we also advise the distinguished lady senator that letter (e) "Draw up and recommend anti-dumping measures" was deleted during the first day of the period of individual amendments.

Senator Defensor Santiago. Then the same comment for the record, Mr. President. Please allow me to keep this under advisement.

Let me proceed to page 10, Section 9.

Page 10, Section 9, lines 6 to 29 provides for the creation of the National Ecology Center. I strongly propose to amend this provision by abolition of the section.

I believe that the so-called National Ecology Center serves no real purpose, and its proposed functions may be subsumed under the functions of the National Council. The formation of a parallel organization like the NEC will not only create confusion but will also cause divisiveness.

Instead, may I suggest that the functions of the NEC, which deal mostly with consultations and networking, should be given instead to the National Council.

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 4:21 p.m.

RESUMPTION OF SESSION

At 4:22 p.m., the session was resumed.

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

Senator Sotto. Mr. President, may I ask that Sen. Loren Legarda-Leviste be recognized.

The President. Sen. Loren Legarda-Leviste is recognized.

Senator Legarda-Leviste. Mr. President, we will improve the definition of the "National Ecology Center," and specify its role, vis-a-vis, the role of the National Commission.

Senator Defensor Santiago. In that light, Mr. President, I shall withhold further discussion of this proposal subject to restyling of this section.

I shall proceed to page 11, line 21. After letter (e), add a new paragraph to read:

THE BARANGAY SOLID WASTE MANAGEMENT COUNCIL (BSWMC) SHALL BE COMPOSED OF THE FOLLOWING:

A. THE BARANGAY CHAIRMAN;

B. ONE BARANGAY COUNCILMAN IN CHARGE OF THE BARANGAY'S COMMITTEE ON CLEANLINESS OR SANITATION;

C. THE SANGGUNIANG KABATAAN CHAIRMAN; AND

D. A REPRESENTATIVE OF THE PRIVATE SECTOR

Senator Legarda-Leviste. Mr. President, this amendment was also deleted during the first day of the period of individual amendments.

Senator Defensor Santiago. May I know what is the reason for deleting the provision at the barangay level?

Senator Legarda-Leviste. Because we felt then that the implementation of the Solid Waste Council would be implemented at the municipal and city levels.

Senator Defensor Santiago. Why is barangay participation not sought to be included in this package of institutional structures or restructuring? After all, it is the most basic unit of government when the municipalities issue their policies. It will be the barangays that will be expected to carry them out.

Senator Legarda-Leviste. That is true, Mr. President. During the period of interpellations, there were questions on whether there should be too many members of the Council, and whether there should be a hierarchy of all these functions. Therefore, during the period of amendments, we decided to limit the councils up to the municipal and city level which will take care of the implementation in the municipalities and which will take care of the implementation in the barangays under them.

Senator Defensor Santiago. Under advisement, I shall proceed to page 15, line 29. Here again, I find that the law seeks to include within its coverage only the levels of cities and municipalities within the local government hierarchy and does not include provinces and barangays. May I request an explanation on why provinces and barangays are excluded, or will it be proper at this stage to read my proposed amendment? It reads:

"SECTION 16. Establishment of Common Waste Treatment and Disposal Facilities. -- All PROVINCES, cities, municipalities, AND BARANGAYS are hereby mandated to establish common waste disposal facilities to be situated in a location agreed upon by them."

Senator Legarda-Leviste. Yes, Mr. President, we accept that amendment.

Senator Defensor Santiago. I would like to thank the sponsor for that.

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

Senator Defensor Santiago may proceed.

Senator Defensor Santiago. On page 22, line 1, before Section 28 on Appropriations, insert a new section to read as follows:

SECTION 28. ANNUAL REPORT. — THE NATIONAL SOLID WASTE MANAGEMENT COUNCIL SHALL, AT THE CLOSE OF EACH CALENDAR YEAR, SUBMIT AN ANNUAL REPORT TO CONGRESS, GIVING A DETAILED ACCOUNT OF ITS PROCEEDINGS AND ACCOMPLISHMENTS DURING THE YEAR AND MAKING RECOMMENDATIONS FOR THE ADOPTION OF MEASURES THAT WILL UPGRADE THE NATIONAL INTEGRATED SOLID WASTE MANAGEMENT PROGRAM.

Senator Legarda-Leviste. Yes, Mr. President, I think that is really needed. Therefore, we accept that amendment.

Senator Defensor Santiago. I would like to thank the sponsor for that.

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

Senator Defensor Santiago. The last amendment is on page 22, line 2a, which was renumbered as Section 29 on *Appropriations*. After the phrase "the amount of", delete the amount of "Forty million pesos (P40,000,000.00)" and replace it with the amount of "TWENTY million pesos (P20,000,000)".

The rationale for this proposed reduction is as follows:

1. It is not necessary to appropriate the sum of P40 million for the members of the National Council since the mother departments will pay the salaries. Unless, this early, there is a felt need to travel around the country in the guise of so-called consultations. I do not see what P40 million is necessary for since the salaries of the members will be drawn from their own respective individual departments. It can only be necessary if a reason were advanced that would have to do with field activities, and in that case, then I shall have to insist that these field activities should be specified in the bill itself.

2. The EMB has volunteered to act as the Secretariat of the National Council, so that is one less expense.

3. In Section 11, the provision states that the initial work of the National Council for the first year of its existence will mainly involve the promulgation of an integrated national and local solid waste management framework program. In other words, in the first year, the main function will simply be to draw up a plan of action. Since they are already receiving salaries from their mother departments and what they will do will be mostly intellectual in nature, I do not understand why we need P40 million.

4. We do not need P40 million, from my viewpoint, to conduct study and research, much less to create local solid waste councils nationwide, when we are drawing membership of these councils from already existing agencies, and therefore we will be tapping already appointed or elected government officials. We are simply adding duties to already incumbent public officials.

5. The gathering of materials for the information data base on solid waste generation and management techniques, in my view, does not need to be expensive. If we access the Internet, that alone might be sufficient data base.

And finally, I believe, we should not encourage business and industrial sectors to reduce waste, prevent pollution, et cetera, by giving them incentives as proposed in Section 20.

What we need is for the government to impose stiffer penalties to erring establishments. That way the government would not only save money but would also raise money in the form of fines imposed on offenders.

So, for these reasons, I appeal to the distinguished sponsor to reduce the appropriated amount from P40 million to P20 million, unless there are answers to the points that I have raised.

Senator Legarda-Leviste. We understand the scarcity of government resources. We therefore accept the amendment of the lady senator.

Senator Defensor Santiago. Thank you. That is all with this bill, Mr. President.

Senator Legarda-Leviste. We would like to thank the distinguished lady senator for the enlightened contribution.

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

SUSPENSION OF CONSIDERATION OF S. NO. 1595

Senator Sotto. Mr. President, I 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 for one minute.

It was 4:31 p.m.

RESUMPTION OF SESSION

At 4:32 p.m., the session was resumed.

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

BILL ON SECOND READING

S. No. 1168—Prohibiting the Use of Hard Surfactants (Continuation)

Senator Sotto. Mr. President, I move that we resume consideration of Senate Bill No. 1168 as reported out under Committee Report No. 188.

The President. Is there any objection? *[Silence]* There being none, resumption of consideration of Senate Bill No. 1168 is now in order.

Senator Sotto. May I ask that the principal sponsor, Sen. Ramon B. Magsaysay Jr., be recognized. Likewise, I ask that Sen. Miriam Defensor Santiago be recognized for the interpellation.

The President. Sen. Ramon B. Magsaysay Jr., the principal sponsor, is recognized for the period of interpellations. And to avail herself of the period of interpellations, Senator Miriam Defensor Santiago is likewise recognized.

Senator Defensor Santiago. Mr. President, would the distinguished sponsor graciously yield the floor to me so that I can interpellate on certain points that I feel are necessary to bring up at session.

Senator Magsaysay. Willingly, Mr. President. The lady senator from Iloilo has been very resourceful and cooperative in other measures like E-Commerce. I am sure that she will put in a better bill which will be enacted into a law.

Senator Defensor Santiago. Thank you. I shall proceed sequentially by page and section number. I would like to begin on page 2 of the bill. This refers to Section 5, lines 23 to 27.

Section 5 provides: "In addition to the administrative sanctions imposable under Executive Order No. 913, as amended, the Bureau of Product Standards is hereby authorized to recommend the imposition of the fines as set forth in the following schedule:"

My question is: This provision does not indicate the circumstances under which it should be implemented. In other words, my concern is that it may not provide the proper standards that would ensure that the implementing agency will be carrying out the intent of the Legislature. We recall that Congress alone has sole power of legislation. As an exception, our legal system allows Congress to delegate its legislative power on two conditions. First, that the standard must be sufficient when imposed by law passed by Congress; and second, that the law must be complete when it leaves the Legislature.

I raise this question with respect to Section 5, since apparently no standards are being established in Section 5. I am afraid, therefore, that if we were brought to Court, or if the governmental agency implementing this bill was brought to court, it might not be upheld by the Supreme Court since it might constitute invalid delegation of legislative power.