

RECORD OF THE SENATE

MONDAY, JULY 31, 2000

OPENING OF THE SESSION

At 3:16 p.m., the Senate President, Hon. Franklin M. Drilon, called the session to order.

The President. The fourth session of the Senate in the Third Regular Session of the Eleventh Congress is hereby called to order.

Let us all rise for the opening prayer to be led by Sen. Anna Dominique M. L. Coseteng.

After the prayer, the Philippine Coconut Authority Chorale will lead us in the singing of the national anthem. The chorale will also render another song, entitled *Lupang Sarili*.

Everybody rose for the prayer.

PRAYER

Senator Coseteng.

Yumuko po tayo at taimtim na manalangin.

Panginoong Maykapal, sa Iyong Kaluwalhatian bigyan kami ng Iyong mapaghimalang grasya.

Basbasan Mo, di lamang kaming nasa Kapulungang ito kundi maging ang buong sambayanan upang aming makayanan ang mga pagsubok na humahadlang sa aming minimithing kapayapaan, kasaganaan at kaunlaran.

Ang globalisasyon na umiipit sa aming bayan,

Ang pagtaas ng presyo ng langis kung saan wala kaming kalaban-laban, ang nakawan at katiwalian na hanggang ngayon ang mga kriminal ay nariryan, ang katarungan at kaparusahan ay di napaghahatulan at ang sari-saring hidwaan na animo'y walang katapusan.

Bigyan Mo ng Iyong kalinga ang mga natabunan ng basura sa Payatas, mga kawawang nilalang na sa buhay at kamatayan ay napagkaitan ng dignidad at ginhawa. Tanggapin Mo sila sa Iyong kaharian at sa Iyong kandungan, ipadama ang init ng Iyong pagmamahal.

Pagkalooban Mo rin ng Iyong kalinga ang mga sundalong nagbuwis ng buhay sa labanan sa

Mindanao, Muslim man o Kristiyano, kaming lahat ay Pilipino.

Amang Dakila, bendisyunan Mo at pagpalain ang aming bayan tungo sa Iyong kadakilaan ngayon at magpakailan pa man.

Siya nawa.

NATIONAL ANTHEM

Everybody remained standing for the singing of the national anthem.

The President. We express our appreciation to the chorale of the Philippine Coconut Authority for its rendition of the national anthem and *Lupang Sarili*.

ROLL CALL

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. 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	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 17 senators present, there is a quorum.

Senator Sotto. Mr. President.

* On official mission

privilege speech of the distinguished gentleman from Mindanao to the Committee on National Defense and Security, with the request that the committee give full consideration and special attention to the possibility of appointing a fact finding subcommittee or a special prosecutor.

The President. Is there any objection? *[Silence]* There being none, the speech of Sen. Aquilino Q. Pimentel Jr., together with the interpellations thereon, is hereby referred to the Committee on National Defense and Security, with a *colatilla* that the matter of the appointment of a fact finding committee be considered by the Committee on National Defense and Security.

**ACKNOWLEDGMENT OF THE OFFICIAL VISIT OF
SANGGUNIAN BAYAN MEMBERS AND DEPARTMENT
HEADS OF LEMERY, ILOILO**

Senator Sotto. Mr. President, distinguished colleagues, the Senate President, Sen. Franklin M. Drilon, would like to acknowledge the presence here in this august Hall of the Sangguniang Bayan members and department heads of Lemery, Iloilo, headed by Mr. Willie Salamanca. We would like to acknowledge their presence.

The Senate President is giving his regards to the guests in the gallery. And to inform them also that aside from Senate President Franklin M. Drilon, we also would like to acknowledge the fact that the other members of the Senate would like to greet them, most especially Senator Enrile, Senator Honasan, Senator Magsaysay, Senator Flavier, and Senator Osmeña III.

Thank you very much, Mr. President.

**BILL ON SECOND READING
S. No. 1595—Integrated Solid Waste
Management Act of 1999
(Continuation)**

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, for the parliamentary status, we are still in the period of individual amendments. May we ask that the principal sponsor, Sen. Loren Legarda-Leviste, be recognized and for the amendments, Sen. Juan M. Flavier.

The President. Sen. Loren Legarda-Leviste, the principal

sponsor, is recognized and Sen. Juan M. Flavier, for the amendments.

Senator Flavier. Mr. President, the first set of amendments really belongs to Sen. Ramon B. Magsaysay Jr. With the permission of the principal sponsor, I would like to manifest these.

MAGSAYSAY AMENDMENTS

The first amendment is on page 8, line 1. Insert between the words "Encourage" and "resource" the phrase PRIVATE SECTOR INITIATIVES, PARTICIPATION AND INVESTMENTS. So that item (G) will read "Encourage PRIVATE SECTOR INITIATIVES, PARTICIPATION AND INVESTMENTS resource recovery-based livelihood programs for local communities;"

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

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

Senator Flavier. The second amendment, Mr. President, is on page 14, line 18. Insert between the words "the" and "supply" the phrase OPERATION, MANAGEMENT AND IMPLEMENTATION OF SPECIFIC ASPECTS OF SOLID WASTE MANAGEMENT ACTION PLANS AND/OR". So that it will read "(d) Provide that the local government unit shall not be prohibited from entering into long-term agreementS for the OPERATION, MANAGEMENT AND IMPLEMENTATION OF SPECIFIC ASPECTS OF SOLID WASTE MANAGEMENT ACTION PLANS AND/OR supply of solid waste to resource recovery facilities;"

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

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

Senator Flavier. The third Magsaysay amendment, Mr. President, is found on page 18, line 11. Insert between the words "incentives" and "to" the phrase TO INITIATE, PARTICIPATE AND INVEST IN SOLID WASTE MANAGEMENT-ORIENTED PROJECTS. The item will now read: "The COMMISSION shall encourage the business and industrial sector, through the formulation of appropriate incentives, TO INITIATE, PARTICIPATE AND INVEST IN SOLID WASTE MANAGEMENT-ORIENTED PROJECTS to manufacture environment-friendly products, to introduce, develop and adopt innovative processes that recycle and reuse materials..." et cetera.

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

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

Senator Flavier. That ends, Mr. President, the Magsaysay amendments.

I would like now to manifest my amendments to the bill.

**MANIFESTATION OF SENATOR LEGARDA-LEVISTE
(That Senator Magsaysay Be Made Coauthor of S. No. 1595)**

Senator Legarda-Leviste. But before that, Mr. President, I believe that Senator Magsaysay has also signified his intention to be coauthor of this measure. We gladly accept that he be made coauthor of this bill.

The President. Let the record reflect the coauthorship of Sen. Ramon B. Magsaysay Jr.

FLAVIER AMENDMENTS

Senator Flavier. May I proceed, Mr. President.

My first amendment is on page 6, line 15d. After the word "AGENCIES", insert the phrase IN THEIR EX-OFFICIO CAPACITY. As presently drafted, the committee report provides for a commission composed of specific standing Cabinet members. What the measure is calling for is the membership of secretaries of each department in their ex-officio capacity as they shall be holding both positions concurrently.

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

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

Senator Flavier. On page 6, line 15j, after the word "AGRICULTURE", delete the semicolon (;) and the reason for this, Mr. President, is that I am going to suggest amendments subsequently that will expand the membership.

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

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

Senator Flavier. Now, therefore, Mr. President, on page 6, between lines 15k and 15l, insert the following new subparagraphs to expand the membership, such that there will be: (H) CHAIRMAN OF THE METRO MANILA DEVELOPMENT AUTHORITY (MMDA); (I) PRESIDENT OF THE LEAGUE OF PROVINCIAL GOVERNORS; (J) PRESIDENT OF THE LEAGUE

OF CITY MAYORS; AND (L)... No, not yet, may I backtrack. We remove the word "AND" and add: (K) PRESIDENT OF THE LEAGUE OF MUNICIPAL MAYORS; AND (L) PRESIDENT OF THE ASSOCIATION OF BARANGAY COUNCILS.

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

Senator Flavier. Thank you, Mr. President.

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

Senator Flavier. On page 6, lines 15l to 15n, delete the sentence: "THE MEMBERS FROM THE GOVERNMENT SECTOR IN THE COMMISSION SHALL BE APPOINTED BY THE PRESIDENT OF THE PHILIPPINES FOR A TERM OF THREE (3) YEARS." This is to be consistent with the provision that the members of the commission shall be holding their term in their ex-officio capacity.

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

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

Senator Flavier. On page 6A, line 15r, delete the word "SIMILAR" between the words "A" and "TERM" and after the word "TERM" insert the phrase OF THREE (3) YEARS.

Senator Legarda-Leviste. It is accepted, Mr. President. May I request for a one-minute suspension of the session.

The President. Has the amendment been accepted by the sponsor?

Senator Legarda-Leviste. I accept the amendment, Mr. President.

The President. Before the suspension, may we first act on the amendment?

Senator Legarda-Leviste. Yes, Mr. President.

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

SUSPENSION OF SESSION

The Chair declares a one-minute suspension of the session, if there is no objection. *[There was none.]*

It is 4:37 p.m.

RESUMPTION OF SESSION

At 4:39 p.m., the session was resumed.

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

Senator Sotto. Mr. President, before the distinguished gentleman from the north continue with his individual amendments, may I just pose a question regarding the last amendment that was proposed. This is the proposal to include the president of the League of Municipalities and the president of the League of Cities and the president of the League of Governors, I understand, into the Commission.

Senator Flavier. That is correct, Mr. President.

Senator Sotto. May we know the reason for this.

Senator Flavier. That is a very important point, Mr. President.

We will notice that there is an element of a national commission that will oversee the whole thing. But strongly interspersed within the bill is the emphasis that the local government units will take a very active and important role in the implementation. Therefore, I saw fit with the resounding yes of Senator Pimentel that we include these representatives from, first of all, the chairman of Metro Manila Development Authority, president of the League of Provincial Governors, president of the League of City Mayors, president of the League of Municipal Mayors, and president of the Association of Barangay Councils.

Senator Sotto. With that reason, Mr. President, I fully agree. But also, would we not consider the inclusion of the president of the League of Vice Mayors and the president of the League of Vice Governors? Would that not be necessary?

I am not proposing this. I think it just might be necessary. If not, I will not propose the amendment.

Senator Flavier. There is a point to that. But my problem with the suggestion is where to make the cutoff. Because of the fact that we are seeking representation, I feel that when we say "municipality and the mayor", for the moment it will be adequate. And, I will be resistant to the idea to further expand it because as it is, I realize—and that is part of the reason we called for a brief recess—that we now have to make an amendment to indicate that the number of membership from the government has now been increased from seven to 12.

Senator Sotto. Thank you, Mr. President. At least we consider that point, and we understand the rationale of the decision.

Senator Flavier. I thank the gentleman for the clarification, Mr. President. If I may now proceed to my amendments.

The President. Senator Flavier may so proceed.

Senator Flavier. After conferring with the distinguished sponsor, we will have to backtrack a little on page 6, line 15A. We have to amend the composition from "seven" to TWELVE (12).

Senator Enrile. Mr. President.

The President. What is the pleasure of Senator Enrile?

Senator Enrile. With the permission of the distinguished senator from the Cordilleras. Going back to Section 4, may we know the reason for the inclusion of these departments in this commission?

For instance, the Department of Environment and Natural Resources, what has it got to do with the disposition of solid waste of the country?

Senator Legarda-Leviste. Mr. President, first of all these were embodied in the amendments which were made last week. Also, we believe these are the agencies of government which are responsible for the problem of the disposition of solid waste.

Senator Enrile. That is correct, Mr. President. But considering that it is this department that issues ECCs, putting a membership in this council would probably affect the decision of the department with respect to applications for ECCs for people who would be putting up facilities under this law.

Senator Legarda-Leviste. Since the secretary of the DENR is one of the many commission members—12 from the government sector and four from the private sector...

Senator Enrile. I would understand the Department of Health. Maybe the Department of Science and Technology. But then the Department of Trade and Industry, what has that got to do with solid waste management?

Senator Legarda-Leviste. Both the Department of Environment and Natural Resources and the Department of Trade and Industry have a hand in the solid waste management because, as we know, they work hand in hand with the MMDA in trying to solve our problems of open dumps and controlled dumps.

Senator Enrile. In the case of the Department of Trade and Industry, what has it got to do with the disposition of solid waste of the country? The industries that it authorized to

be set up in the country produce the solid waste but disposition or handling of the waste, I doubt whether this is within its competence.

Senator Legarda-Leviste. Mr. President, since we want to involve the private sector in this endeavor, we, therefore, felt the need to involve the Department of Trade and Industry which, as the distinguished gentleman had mentioned, has all the businesses and industries under it, then it would also be imperative that it is represented here and that the Department of Trade and Industry is able to know the policies that will be laid out by the commission.

Senator Enrile. Mr. President, what I am trying to call attention to is that instead of having a workable organization, we might have an organization that is so broad with too many heads trying to clash with one another with different points of view that we end up creating a debating team and we will not be able to solve the problem.

In the case of the Department of Agriculture, what would be its involvement, Mr. President, in the disposition of solid waste in the country? I would understand the secretary of the Interior and Local Government because precisely today we had a hearing and local governments are involved and this is within their area of concern.

But in the case of the Departments of Agriculture, Trade and Industry; and Environment and Natural Resources, what...

Senator Legarda-Leviste. Mr. President, the Department of Agriculture is included here because in the case of the sittings of sanitary landfills, for example, it would have to be consulted first before the landfills are... Because it could be an area where there could be agricultural land.

Senator Enrile. That is not an agricultural function, Mr. President. That is a local government function.

Senator Flavier. Mr. President, may I make a suggestion to take care of the concerns of Senator Enrile, if I may? Since this is an amendment...

Senator Legarda-Leviste. This is actually an amendment introduced by Senator Honasan last week which I accepted.

Senator Flavier. Which was accepted. May I suggest that we request Senators Legarda-Leviste, Honasan and Enrile to confer briefly to reconcile the point so we can...

But what I like about the point is that not realizing my amendment had that impact, the number in the commission has

become much much bigger, and therefore, it might be in order to reduce this through that mini meeting that the three may hold, Mr. President.

Senator Enrile. I would appreciate that, Mr. President.

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

The President. Given that suggestion of Senator Flavier, do we take it that the approval of the Body of the Honasan amendment is reconsidered and subject to further discussion?

Senator Flavier. As far as the membership of the commission is concerned, Mr. President.

SUSPENSION OF SESSION

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

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

It was 4:49 p.m.

RESUMPTION OF SESSION

At 4:51 p.m., the session was resumed.

The President. The session is resumed.

Senator Flavier. Mr. President, with the permission of the Chair, I would like to continue.

On the same page, page 6...

The President. With the indulgence of Senator Flavier, the Chair raised an earlier query to the sponsor and the Majority Leader whether we deem to have reconsidered the previous approval of the Honasan amendments in view of the statements made by Senators Enrile and Flavier.

Senator Sotto. Mr. President.

The President. The Majority Leader is recognized.

Senator Sotto. Mr. President, the sponsor and Senator Flavier are agreeable in reconsidering that portion of page 6 at the proper time when Senator Honasan would be present.

So at this point, Mr. President, whatever action has been taken is as is, and there is no motion for reconsideration today.

But since we are not closing the period of individual amendments on this bill yet, we will do so at the proper time when Senator Honasan is also present.

The President. Thank you, Mr. Majority Leader.

Senator Flavier may now proceed.

Senator Flavier. Thank you very much, Mr. President.

On page 6, from lines 15l to 15n, delete the sentence: "THE MEMBERS FROM THE GOVERNMENT SECTOR IN THE COMMISSION SHALL BE APPOINTED BY THE PRESIDENT OF THE PHILIPPINES FOR A TERM OF THREE (3) YEARS." They will already be ex-officio members, to be consistent, Mr. President.

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

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

Senator Flavier. On page 6A, line 15r, delete the word "SIMILAR" between the words "A" and "TERM". And after the word "TERM", insert the phrase OF THREE (3) YEARS.

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

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

Senator Flavier. In line 15dd, delete the phrase "SERVE AS VOLUNTEERS AND SHALL". The new sentence will now read: "FINALLY, THE MEMBERS SHALL BE ENTITLED TO REASONABLE TRAVELLING EXPENSES AND HONORARIA."

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

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

Senator Flavier. On page 7A, after line 31j, insert an additional subparagraph which reads:

G) FORMULATE AND UPDATE A LIST OF RECYCLABLE AS WELL AS NONRECYCLABLE MATERIALS IN ACCORDANCE WITH THE PROVISIONS OF THIS ACT. Then reletter the subsequent subparagraphs, Mr. President.

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

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

Senator Flavier. On page 9, Section 7...

The President. Before Senator Flavier proceeds, may I recognize Senator Enrile.

Senator Enrile. Anterior amendments on page 7A, Mr. President, just to prevent the possibility of this portion of the bill being considered as undue delegation of power. I am referring to page 7A, line 31a.

ENRILE AMENDMENT

Mr. President, I propose an amendment. After the word "ESTABLISH", we put a comma (,) and insert the phrase AFTER NOTICE AND HEARING OF THE PARTIES CONCERNED, then "STANDARDS, CRITERIA, GUIDELINES AND FORMULA", then insert the phrase THAT ARE FAIR, EQUITABLE AND REASONABLE, and then insert the words IN ESTABLISHING TIPPING CHARGES AND RATES THAT THE PROPONENT WILL CHARGE IN THE OPERATION AND MANAGEMENT OF SOLID WASTE MANAGEMENT FACILITIES AND TECHNOLOGIES;

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

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

Senator Flavier. May I now continue, Mr. President.

The President. Senator Flavier may continue.

FLAVIER AMENDMENTS

Senator Flavier. On page 9, line 17, Section 7a, insert the following phrase; ENSURE THE INTEGRATION OF SOLID WASTE MANAGEMENT PLANS INTO OTHER LOCAL DEVELOPMENT PLANNING AND IMPLEMENTATION PROGRAMS AND ACTIVITIES. And reletter the remaining items as b), c) and d).

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

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

Senator Flavier. Finally, Mr. President, on page 22, between lines 8k and 9, insert a new paragraph which reads as follows:

SEC. 30. IMPLEMENTING RULES AND REGULATIONS.

-- THE NATIONAL COMMISSION AS HEREBY CREATED SHALL FORMULATE THE IMPLEMENTING RULES AND REGULATIONS OF THIS ACT WITHIN SIXTY (60) DAYS FROM THE APPROVAL OF THIS ACT.

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

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

Senator Flavio. Thank you, Mr. President. That ends my amendment.

Senator Legarda-Leviste. I thank the distinguished senator for his amendments, Mr. President.

The President. The Majority Leader is recognized.

Senator Sotto. Mr. President, for the continuing individual amendments, I ask that Sen. Juan Ponce Enrile be recognized.

The President. Sen. Juan Ponce Enrile is recognized.

Senator Enrile. I have only two amendments, Mr. President. The first one is on page 18, line 25. Is this correct that there is a prohibition regarding the burying of biodegradable materials? Or does this mean nonbiodegradable materials?

Senator Legarda-Leviste. Page 18. What line, Mr. President?

Senator Enrile. Page 18, lines 25 to 26. The following acts are prohibited among which is open dumping and then "burying of biodegradable in flood prone areas".

Mr. President, a biodegradable material as far as I understand it is something that could disappear in time because it degrades itself. But a nonbiodegradable material like plastics could not be.

Senator Legarda-Leviste. That is the correct understanding of this term, Mr. President. However, may I just explain why this was included here. The concern here was even if the materials were biodegradable but if they are buried in flood-prone areas, then there is a possibility that this will lead to leachates. Therefore, even the burying of biodegradable materials in flood prone areas as specified could contribute towards...

Senator Enrile. So why do we not put both? Because this would suggest that if we prohibit the burying of biodegradable materials, that means we allow the burying of nonbiodegradable materials which is worse.

Senator Legarda-Leviste. We accept the amendment of the distinguished gentleman, Mr. President.

May we hear again the amendment?

Senator Enrile. Mr. President, I would suggest: "Open dumping, burying of biodegradable OR NON-BIODEGRADABLE MATERIALS in flood prone areas and collection of non-segregated waste."

Senator Legarda-Leviste. Yes, it is accepted, Mr. President.

The President. The amendment is in line 26, between the words "degradable" and "in" by inserting the phrase OR NON-BIODEGRADABLE MATERIALS.

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

Senator Enrile. My other amendment, Mr. President, is on page 21. I move that we delete the entire Section 27.

Senator Legarda-Leviste. Yes, Mr. President, based on our earlier discussions and researches further conducted...

Senator Enrile. The reason being that the handling of solid waste or industrial or agricultural waste appear to be lucrative business activities and therefore there is no need to give anybody any tax incentive. We have too many tax incentives in the country and this is one reason our revenue collection is so down and we are overburdening our people with too many tax incentives.

Thank you, Mr. President.

Senator Legarda-Leviste. Mr. President, I defer to the chairman of the Ways and Means Committee and therefore I would accept this amendment.

The President. Is there any objection? [Silence] There being none, Section 27 found on page 21, starting with line 7 down to line 32 is hereby deleted.

Senator Sotto. May we ask that Sen. Renato L. Compañero Cayetano be recognized.

The President. Senator Cayetano is recognized.

Senator Cayetano. Mr. President, with the permission of the sponsor, I am not going to offer any amendment. May I just propose that during the mini-conference between the

sponsors, Senators Honasan and Enrile, on the matter of what will constitute the commission, may I seek a reconsideration and place there the MMDA. The reason being that the Manila Metropolitan Development Authority which has been deleted...

Senator Legarda-Leviste. May I correct. The MMDA is part of the commission, Mr. President. That is the Flavie amendment.

The President. That has been resolved, Senator Cayetano.

Senator Cayetano. All right. I thank the distinguished lady Senator.

Senator Legarda-Leviste. Of course, we realize the importance of the MMDA.

SUSPENSION OF CONSIDERATION OF S. NO. 1595

Senator Sotto. All right. Thank you, Mr. President.

Although we are nearing the end of the road of this very important Senate bill, we cannot close the period of individual amendments until we finalize some points. So, may 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.

BILL ON SECOND READING S. No. 2038 — Anti-Injunction Act of 2000 (Continuation)

Senator Sotto. Mr. President, I move that we resume consideration of Senate Bill No. 2038.

The President. Is there any objection? *[Silence]* There being none, resumption of consideration of Senate Bill No. 2038 is now in order.

Senator Sotto. Mr. President, we are still in the period of interpellations. I ask that the principal sponsor, Sen. Renato L. Compañero Cayetano, be recognized; and for the interpellation, Sen. Juan Ponce Enrile.

The President. Sen. Renato L. Cayetano is recognized; and to avail himself of the period of interpellations, Sen. Juan Ponce Enrile is likewise recognized.

Senator Enrile. Mr. President, I would just like to ask some questions as a matter of clarification. I am not really against this bill, but I just would like to ask some questions, just a matter of clarification.

I am not really against this bill, but I just want to clarify into the *Record* whether we are constitutionally allowed to do this, if I may.

Senator Cayetano. Thank you, Mr. President. I certainly appreciate the question of the gentleman from Cagayan.

Senator Enrile. Would this law not transgress the separation of powers considering that this involves judicial powers and that judicial powers are lodged by the Constitution in the Supreme Court, and such inferior courts as may be organized by law, were, in effect, curtailing the prerogatives of the judicial system in the performance of their constitutionally mandated power to exercise judicial functions in the land?

Senator Cayetano. I thank the gentleman from Cagayan for that good question.

Mr. President, I do not believe that this bill would violate the provision on the judicial power of the Supreme Court under the Constitution nor violate the separation of powers.

Mr. President, PD No. 1818, which also prohibits lower courts from issuing temporary restraining orders and preliminary injunctions on government infrastructure projects, has been found valid and a legal exercise by then President Marcos in his capacity as legislator under Amendment No. 6 in the 1970 Constitution.

Senator Enrile. Was there a case, Mr. President, decided by the Supreme Court? And if so, when were those cases actually rendered? Were these rendered after the EDSA Revolution, or were these rendered during the martial law years?

Senator Cayetano. The latest case, Mr. President, for the information of our esteemed colleague is the case of *Garcia vs. Burgos* which was rendered only two years ago—in 1998—whereby the Supreme Court declared that the temporary restraining order issued by a Cebu Regional Trial Court was in violation of PD No. 1818.

Moreover, Mr. President, there are several issuances by no less than the Supreme Court where the Supreme Court has enjoined the lower courts to observe PD No. 1818, the latest of which, I believe, was Administrative Order Circular No. 07-99, addressed to all judges of the lower courts regarding “exercise of utmost caution, prudence, and judiciousness in the issuance of temporary restraining orders and writs of preliminary injunction.”

It says here:

Despite well-entrenched jurisprudence and circulars