

RECORD OF THE SENATE

TUESDAY, MARCH 14, 2000

OPENING OF THE SESSION

At 3:25 p.m., the Senate President Pro Tempore, Hon. John Henry R. Osmeña, called the session to order.

The President Pro Tempore. The 72nd session of the Second Regular Session of the Eleventh Congress is hereby called to order.

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

Everybody rose for the prayer.

PRAYER

Senator Coseteng. Manalangin po tayo nang buong taimtim.

Ama namin sa kaluwalhatian basbasan at patnubayan kaming buong tapat na sumasampalataya sa Iyo.

Alam namin na kami ay para lamang mga mumunting butil ng buhangin sa kalawakan at kawalang-hanggan ng Iyong Kaharian at sa isang kisap-mata, kami ay maaaring maglaho na parang bula.

Ngunit alam din namin na sa Iyong kandungan ay may langit na naghihintay sa amin at may buhay rin na walang hanggan.

Subaybayan Mo po kami upang sa bawat pagkakamali kami ay matutong magpalago at magpalakas di lamang sa aming mga sarili, kundi maging sa aming paglilingkod sa bayan.

Ngayong Marso ay itinakda na "Buwan ng Kababaihan." Ang aming panalangin ay mawakasan ang lahat ng karahasan laban sa kababaihan.

Ipagkaloob Mo po sa amin ang kapantayan at pagtibayin ang aming mga karapatan; at nawa'y makilala ang aming katangian at likas na katalinuhan upang kami'y makapagbigay nang lubusan sa pagsulong ng sambayanan.

Tungo sa Iyong patuloy na kadakilaan ngayon at magpakailanman.

Siya nawa.

The President Pro Tempore. The Secretary will please call the roll.

ROLL CALL

The Secretary, reading:

Senator Teresa Aquino-Oreta	Present
Senator Robert Z. Barbers	Present
Senator Rodolfo G. Biazon	***
Senator Renato L. Compañero Cayetano ..	Present
Senator Anna Dominique M.L. Coseteng ..	Present
Senator Franklin M. Drilon	Present
Senator Juan Ponce Enrile	Present*
Senator Juan M. Flavio	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 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 Miriam Defensor Santiago	Present
Senator Vicente C. Sotto III	Present
Senator Francisco S. Tatad	Present
The President	**

The President Pro Tempore. With 19 senators present, there is a quorum.

Senator Drilon. Mr. President.

The President Pro Tempore. The Majority Leader is recognized.

SUSPENSION OF SESSION

Senator Drilon. Mr. President, before I move for the approval of the *Journal* of the previous session, I move that we suspend the session for one minute to enable us to greet a colleague who is celebrating his birthday today, Sen. Gregorio B. Honasan.

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

* Arrived after the roll call

** On official mission

*** On official mission but arrived after the roll call

Senator Coseteng. That is correct, Mr. President.

Senator Guingona. I would like to thank the lady senator for that answer.

Section 13 provides that as basis for refusing to register or give license to one "He has not been convicted of any crime. [offense involving moral turpitude.]" Are the words in parentheses part of the bill or are these intended to be deleted?

Senator Coseteng. The committee is open if the gentleman would feel that there is a need for its inclusion as part of the bill.

Just a note, Mr. President. During the debates in the committee, we have actually tried to look for the proper words on how to express this particular provision. We seek the wisdom of the Minority Leader should he have any recommendation because maybe to some extent, it is very difficult to qualify or to describe the issue of moral turpitude.

Some representations were made towards the situation where even if one is not convicted of any crime but if it is of public knowledge or of common knowledge that this particular person is not acceptable in some ways, then he should not be considered. However, we really could not find the right words to properly phrase or illustrate this. That is why, as I was saying, perhaps the Minority Leader would have a better version in the period of amendments.

Senator Guingona. Thank you, Mr. President. May I suggest that there be a legal basis because if there is no final judgment against a person by the court of competent jurisdiction of any crime involving moral turpitude or if he is not found guilty of immoral or dishonorable conduct or judicially declared of unsound mind as stated in Section 21, then the judgment to exclude him may be arbitrary and would be questioned.

Senator Coseteng. As I mentioned earlier, we look up to the recommendation or the wisdom in the period of amendments for a properly phrased qualifier.

Senator Guingona. I would like to thank the lady senator for that. Considering that I was once a sponsor of this bill, I would like to terminate my interpellation and thank the distinguished lady senator.

Senator Coseteng. Thank you, Mr. President.

The President Pro Tempore. The Majority Leader is recognized.

Senator Drilon. Mr. President, there are still two of our

colleagues who would wish to interpellate Senator Coseteng. Unfortunately, they have requested that they be given more time to review the measure. These are Senators Jaworski and Miriam Defensor Santiago.

SUSPENSION OF CONSIDERATION OF S. NO. 1355

Thus, we are moving that we suspend consideration of Senate Bill No. 1355 as reported out under Committee Report No. 12.

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

SUSPENSION OF SESSION

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

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

It was 4:04 p.m.

RESUMPTION OF SESSION

At 4:05 p.m., the session was resumed with Sen. Juan M. Flavie presiding.

The Presiding Officer [Sen. Flavie]. The session is resumed.

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

Senator Drilon. Mr. President, in order to complete the interpellation of Sen. Teresa Aquino-Oreta on Sen. Loren Legarda-Leviste's Senate Bill No. 1595, I move that we resume consideration of Senate Bill No. 1595 under Committee Report No. 52. This is the proposed Act instituting an Integrated Solid Waste Management Program.

The Presiding Officer [Sen. Flavie]. Is there any objection to the motion? [Silence] There being none, resumption of consideration of Senate Bill No. 1595 is now in order.

Senator Drilon. We are still in the period of interpellations. May I ask the Chair to recognize Senator Legarda-Leviste, the principal sponsor.

The Presiding Officer [Sen. Flavie]. Sen. Legarda-Leviste is recognized.

Senator Drilon. To continue with her interpellation, may I ask the Chair to recognize Senator Aquino-Oreta.

The Presiding Officer [Sen. Flavie]. Senator Aquino-Oreta is recognized to continue her interpellation.

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

Will the distinguished senator yield for the last two questions?

Senator Legarda-Leviste. Definitely, yes, Mr. President, to the distinguished lady senator from Malabon.

Senator Aquino-Oreta. The last time, we left off on the councils that we have. Mr. President, in actual situations where thousands of residents of squatter colonies—we are all aware of this—throw their nonsegregated garbage on the sidewalks and even in the middle of the streets during the early evenings for collection, the reality is that the garbage block the sidewalks of the entire road with its stench the following day. We do not have to go far. If we will go to our municipality in Malabon, both of us, we will see this.

Aside from the penalty provision to individuals who refuse to segregate their garbage and who persistently throw their garbage on the sidewalks or on the streets, how or what other mechanisms are proposed to enforce compliance of the provisions?

I am very much interested in this program, Mr. President, so that somehow this will help us in Malabon.

Senator Legarda-Leviste. I thank the lady senator for that question, Mr. President.

Because the local government is empowered here to implement the solid waste management scheme, then the mayor who is going to be the head of the local Solid Waste Management Council will have to encourage all of his constituents, including his political leaders and barangay leaders, to get involved in the solid waste management program which will include the segregation at source so that it will minimize those that will be distributed or deposited towards the landfill.

In terms of collection, all households or commercial establishments will also be encouraged to segregate their wastes and, therefore, the local government units also will provide the necessary containers, necessary processes which would encourage such a process to be implemented successfully.

Senator Aquino-Oreta. I understand all that. How do we enforce compliance, let us say, of citizens who do not obey? Are we giving the mayors or the barangay captains or whoever is in authority in the locality the power to sanction them? Or are we giving them authority to see to it that these provisions are implemented?

Senator Legarda-Leviste. Yes. The reason why there is a national council as well as local councils which would run down to the barangay level would be the effective implementation and monitoring of the project.

Senator Aquino-Oreta. Yes, we understand that. But we are now already, for example, implementing the project and still some citizens will not obey or will not segregate the garbage; they will still throw it there at the sidewalks, et cetera. We are looking at what provisions or what mechanism or enforcement can the authority do. Let us say, in the barangays, it is the barangay council.

Senator Legarda-Leviste. The lady senator mentioned the penalties and the sanctions which are contained in the bill. But apart from that, there are no more provisions which would provide more sanctions and penalties, because the intent of the bill is to allow the people to volunteer and to encourage them to participate if they see the possible success of this project. And definitely, we will encounter difficulties along the way because of the culture of throwing garbage by the roadside and not having it implemented the way it should be.

However, when it is seen to be successful, when it is seen to be encouraged by the local government units, it is hoped that those who are violating the law, those who will not comply with the local government management council, will be discouraged from doing so and will, on the contrary, be supportive of this measure.

Senator Aquino-Oreta. I see.

Senator Legarda-Leviste. However, if the distinguished lady senator will be able to propose perhaps, heavier penalties or sanctions, then the sponsor would be more than willing to accommodate such during the period of amendments.

Senator Aquino-Oreta. All right. I thank the sponsor for that.

Senator Legarda-Leviste. Also, if I may add, specific mechanisms can also be determined by the local action plan of each LGU as the local officials may deem necessary. In short, there is just a basic framework. Now, if the mayor, for example, of the municipality of Malabon would want to implement stricter penalties, stiffer penalties or other sanctions, then he or she

should be able to do so, of course, upon the approval and cooperation of the other leaders in that area.

Senator Aquino-Oreta. I see. Let us now go to Section 21. It prohibits the manufacture, importation, distribution or use of packaging materials for consumer products other than those indicated as recyclable in the list of the EMB-DENR. And, any person or entity violating this proviso will, upon conviction, pay a fine of P500,000 plus an amount not less than 5 percent but not more than 10 percent of his net annual income during the previous year, with gross violation subject to imprisonment for a minimum of one year but not to exceed three years.

Now, this provision will have very far-reaching effects on the manner a lot of consumer products have to be packaged including vital products such as medicines and nonprescription drugs. And this may mean discontinuation of the local manufacture or importation of certain consumer products because the materials to be used to protect the product from damage from the elements or from mishandling will not be included in the list to be promulgated by the EMB-DENR.

So the question is: As we cannot and should not totally delegate to the discretion of the EMB-DENR all the important implementing details of this legislation especially on matters as crucial and with far-reaching effect to the issue of what packaging materials should be prohibited or allowed, may I therefore request the distinguished sponsor to please state which type or class or groups of presently used packaging materials shall be prohibited, and what adjustment period may be given to local or international producers of consumer products to change their packaging into recyclable to comply with this provision.

Senator Legarda-Leviste. I would like to thank the lady senator for that question, Mr. President. In fact, in coming up with this committee report, we took into consideration the bill of the distinguished senator, as well as our other colleagues here in the Senate, on the phasing out of nonrecyclable packaging materials and, in fact, the encouragement of those which can be recycled, and not to encourage the use of plastics and other styrofoam materials. This was taken into consideration.

Upon consultation with the EMB and DENR, presently, they have not come up yet with the list which could be accepted or rejected. Therefore, the EMB and DENR are still in the process of coming up with the list which would be acceptable to all sectors, because we realize that manufacturers of plastic containers, of styrofoam, et cetera, would also be affected by this provision.

We understand and realize the concern of the distinguished lady senator that there could even be medicines which will not be used because of this provision.

Therefore, these are currently being studied and being considered in coming up with the final list of materials which will be allowed based on this provision.

Senator Aquino-Oreta. When will this list come, Mr. President?

Senator Legarda-Leviste. The EMB is currently studying it and coming up with the list, and we hope that it would be soon. The EMB is presently doing consultations with the other sectors.

Senator Aquino-Oreta. Will it not be more prudent if we put this list at least in the bill so as not to give the DENR and EMB that power of legislation?

Senator Legarda-Leviste. Yes, the lady senator is correct. It would be ideal if we have the list already mentioned here in this report. However, we could not wait for the DENR's technical and skilled people who know the scientific matters before we presented this report. We hope that they would do it soon. We will find out and request them to come up with this list right away. It was a subject of a lengthy discussion during the committee hearings. But as I said, the DENR and EMB have not come up with the final list yet.

Senator Aquino-Oreta. Mr. President, when this bill goes further in the period of amendments, in case the DENR and EMB come up with the list, may we then propose this amendment: "The following are the list of, et cetera, to be included." May we do that?

Senator Legarda-Leviste. Yes. There are two options here. In fact, we should follow it up with the DENR. As of last week, it has not come up yet with the list. We hope that during the period of amendments, we could have that list already. However, in the event that it is not yet final by then, then this is a matter which is very specific; but, of course, it is also very important. In the IRR, this will be determined by the EMB and DENR.

Senator Aquino-Oreta. So in the IRR, this list will be prominent.

Senator Legarda-Leviste. Definitely, yes, that is important. We are sure that this should be addressed, and all of those must be specified in the IRR.

Senator Aquino-Oreta. I would like to thank the sponsor for that. My last question will be in Section 27.

Section 27 of the bill proposes to provide very attractive fiscal and tax incentives to registered investors which reduce their on-stream waste, and these proposed incentives are far superior

than those offered to BOI-registered pioneer firms or to PEZA-registered entities nor given to ultra-high capital intensive industries. Such incentives are not yet granted to the much desired silicon-way mega project needed to make our electronics and IC industries truly integrated and internationally competitive.

My questions in this regard are: Will these proposed incentives be available only to existing industries which will invest in waste production technologies or facilities? Will they also be available to investors in new or proposed industries? To what extent of reduction of on-stream waste will qualify availment of these proposed incentives?

Senator Legarda-Leviste. Yes, Mr. President. These incentives will be available to those who are already in the recycling industry and also to those who will be interested to invest in this industry. And we believe that there must be a sizeable number of incentives presented to this industry since it is not very attractive per se.

Presently, there is just a group of housewives or concerned NGOs who are involved in this but there is not much activity in this area. Therefore, the sponsor believes that there is a need to provide an attractive package for people—in fact, commercial establishments—to engage in this recycling industry to make it viable and to make it more attractive for other people to get into.

Senator Aquino-Oreta. How many years of full income tax exemption is proposed to be given to investors who reduce their on-stream waste? I think that is one of the foremost incentives in Section 27.

Senator Legarda-Leviste. Yes, Mr. President. Is the lady senator referring to...

Senator Aquino-Oreta. To Section 27, "Incentives for the Recycling Industry."

Senator Legarda-Leviste. "Income tax holiday or carryover losses." This, again, will be done in consultation with the Department of Trade and Industry and the Department of Environment and Natural Resources. The sponsor is open to any suggestion or amendment to be given. But presently, these were suggestions which came about based on committee hearings and there is no specific number of years or amounts which have been identified yet.

Senator Aquino-Oreta. Yes, Mr. President. But, we will be enacting a bill into a law. We cannot be very broad about incentives. I was hoping that we will be very sure or we will be very limited in the incentives that we are proposing.

Senator Legarda-Leviste. That concern is well-taken

and these were also the concerns raised during the committee hearings. Unfortunately, these are details which we believe could better be left when the implementing rules and regulations are jointly crafted by the departments concerned.

Senator Aquino-Oreta. Actually, if we leave everything to the IRR, Mr. President, I am afraid that we will be allowing the IRR to be legislating. Like now, we leave the incentives to them; the list of recyclable or the list of packaging that has to be done will be left to them.

I feel that we are leaving to the IRR a lot of policies or duties that maybe we can do instead of giving all of these to the IRR.

Can we propose some amendments to this section during the period of individual amendments?

Senator Legarda-Leviste. Yes, definitely, Mr. President. The sponsor will be more than willing to receive amendments and incorporate them in the final copy and drafting of this.

Senator Aquino-Oreta. My final question is: What kind of financial support is being contemplated under Section 27? Will this be through grants, loans, private finance institutions to provide funds? What kind of funds are we expecting?

Senator Legarda-Leviste. First of all, Mr. President, the National Council will be granted an initial amount of P40 million after which this will be included in the General Appropriations Act. But apart from that, through the National Council which will network with other government agencies, assistance will be given to the local government units, and to those who will be involved in the recycling industry. Through this networking, financial assistance through loans and grants can be given to them. This does not only have to come from the government coffers but also from foreign financial donors who shall assist them in the implementation of such project.

Senator Aquino-Oreta. I wish to thank the lady senator for accepting or clarifying some questions.

Thank you, Mr. President.

Senator Legarda-Leviste. I also wish to thank the distinguished lady senator from Malabon for the concerns she has raised which, I assure her, are also shared by the sponsor.

SUSPENSION OF CONSIDERATION OF S. NO. 1595

Senator Drilon. Mr. President, I move that we suspend consideration of Senate Bill No. 1595 as there are still a number