

## RECORD OF THE SENATE

TUESDAY, MARCH 28, 2000

### OPENING OF THE SESSION

*At 3:38 p.m., the Senate President, Hon. Blas F. Ople, called the session to order.*

**The President.** The 78th 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. John H. Osmeña.

*Everybody rose for the prayer.*

### PRAYER

**Senator J. Osmeña.**

Lord, ours is a country in the state of depression. Fully three quarters of our people are suffering from high prices of commodities, unemployment, economic difficulties, poverty and the lack of jobs.

Drugs have become a real problem, ravaging our young in addiction and becoming a commodity sold openly often with the connivance of police authorities.

Lord, the full two-thirds of our people are in despair. Perceiving life today as worse than it was 12 months ago.

Two in five have lost hope of better life in the year to come.

Against this backdrop, Lord, the institutions of our society should be one and supportive of government, but instead, they are tearing away our government. Certain sectors, Lord, of our religious communities are tearing at duly elected officials of our country, undermining their ability to govern and their moral authority.

Lord, certain sectors of the press act irresponsibly, creating scandal and malfeasance when there is none.

Certain sectors of the military are giving reasons to believe that there is a movement to undermine democracy.

Lord, we ask You that in this environment of despair and hopelessness, You enlighten our society that we

may act together to make our country one to restore hope and solidarity.

We ask, Lord, for no less than a miracle in the name of Your Son, Jesus Christ.

Amen.

**The President.** The Chair wishes to thank Sen. John H. Osmeña for the inspiring and hopeful prayer.

### ROLL CALL

The Secretary will please call the roll.

**The Secretary, reading:**

Senator Teresa Aquino-Oreta .....	Present
Senator Robert Z. Barbers .....	**
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 .....	Present

**The President.** With 19 senators present, the Chair declares the presence of a quorum.

### JOURNAL

**Senator Drilon.** I move that we dispense with the reading of the *Journal* of the previous session and consider it approved.

\* Arrived after the roll call

\*\* On official mission

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

**Senator Osmeña III.** I understand what the gentleman is saying. That is not what I was proposing. What I was proposing is: Independently, TRANSCO determines, let us say, a reasonable internal rate of return over the 25-year life of its assets which will probably be in the neighborhood of 17 percent to 19 percent. At 17 percent to 19 percent, it will create a net profit. I am not saying that it should completely take full responsibility for paying down the stranded liabilities. I do not think TRANSCO will be able to do that unless it really raises its wheeling charges sky-high which, like the gentleman said, amounts to the same thing.

But at least there should be some dedication in the TRANSCO bill, perhaps, if it has not yet been passed by the Bicameral Conference Committee, that it should pay up...

**Senator J. Osmeña.** No, it has not been...

**Senator Osmeña III.** That is right. So that it will dedicate whatever profit it has to paying down the Universal Levy, and that should be another source of income for the Trust.

**Senator J. Osmeña.** If we follow the thrust of Senator Guingona, we will sell the TRANSCO and bring that money into meeting the standard assets and liabilities of NPC.

**Senator Osmeña III.** Yes, but what worries me there is having an unknown quantity-foreign or local-controlling a monopoly called the "TRANSCO." But I guess we can think about that.

**Senator J. Osmeña.** Anyway, Mr. President, it is not mutually exclusive. We can say that the profit of TRANSCO will go to the retirement of the standard assets and liabilities, and/or in the event of the sale of its shares, the proceeds will go in here. It is not mutually exclusive.

**Senator Osmeña III.** I would like to thank the distinguished sponsor of this bill for his candid answers to our questions.

Thank you, Mr. President.

**Senator J. Osmeña.** I would like to thank the gentleman for the interpellation, Mr. President.

**The Presiding Officer [Sen. Flavie].** The Majority Leader is recognized.

**Senator Drilon.** Mr. President, there is still a number of our colleagues who have manifested their desire to ask questions of the sponsor.

#### SUSPENSION OF CONSIDERATION OF S. NO. 1942

May I therefore move that we suspend consideration of the bill.

**The Presiding Officer [Sen. Flavie].** Is there any objection? *[Silence]* There being none, the motion is approved.

#### SUSPENSION OF SESSION

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

**The Presiding Officer [Sen. Flavie].** The session is suspended, if there is no objection. *[There was none.]*

*It was 6:06 p.m.*

#### RESUMPTION OF SESSION

*At 6:09 p.m., the session was resumed.*

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

The Majority Leader is recognized.

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

**Senator Drilon.** Mr. President, I move that we resume consideration of Senate Bill No. 1595 as reported out under Committee Report No. 52.

**The Presiding Officer [Sen. Flavie].** Is there any objection? *[Silence]* There being none, resumption of consideration of Senate Bill No. 1592 is now in order.

**Senator Drilon.** We are still in the period of interpellations. May I ask the Chair to recognize Sen. Loren Legarda-Leviste.

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

**Senator Drilon.** To interpellate, may I ask the Chair to recognize Sen. Aquilino Q. Pimentel Jr.

**The Presiding Officer [Sen. Flavie].** Sen. Aquilino Q. Pimentel Jr. is recognized.

**Senator Pimentel.** Thank you, Mr. President.

Will the distinguished lady senator kindly yield for some questions?

**Senator Legarda-Leviste.** It would be my pleasure, Mr. President, to yield to the distinguished senator from Mindanao.

**Senator Pimentel.** Thank you, Mr. President.

Just in brief, how does the bill propose to ensure that solid waste is properly disposed of?

**Senator Legarda-Leviste.** Mr. President, this bill creates a national framework where solid waste would be more efficiently and effectively managed. Presently, solid waste is dispensed with laws which have been antiquated and which need to be updated. And with the enactment of this bill into law, solid waste and the promotion of environment-friendly methods, such as segregation, recycling and other manners or processes, will be encouraged and utilized.

**Senator Pimentel.** Of course, that manner of disposal of solid waste, Mr. President, would entail money. So the question is: Who is going to bear the cost of the proper disposal of solid waste?

**Senator Legarda-Leviste.** Mr. President, it is true that this system, which is unique and new, would entail resources and money. There is a provision in the bill for an initial allocation of P40 million. It is also proposed that this be included in the General Appropriations Act in the following year and subsequent years.

However, because of the importance and focus placed on recycling, an industry which could also bring about or generate funds, it is hoped that those involved in solid waste management and in the recycling industry could use the funds generated for the propagation of their businesses and which can be used in the management of their solid wastes.

**Senator Pimentel.** Mr. President, the distinguished lady senator mentioned the word, I think, "segregation" of materials to be disposed of. I would assume that that means the solid waste matter would be segregated from other kinds of waste matter. Who is going to do the segregation?

**Senator Legarda-Leviste.** Mr. President, under the bill, it is the households which will segregate the wastes. When we say "segregation," which is actually being practiced in several communities presently, solid wastes categorized as *nabubulok* at *hindi nabubulok* or nonrecyclable and recyclable will be segregated. And among those recyclable, it would mean plastics, bottles, styrofoam, et cetera. And it is hoped that those at the household level would do this.

In fact, there has been an effort of the MMDA to do this. This practice is being done by the Blue Ridge community, by middle-age, proactive dynamic women like Odette Alcantara. Blue Ridge was considered several years ago as one of the poorly managed communities where rats were found all over the area,—and it was really a stinking community, according to the homeowners themselves—until the women organized themselves and banded together to put an end to the health and environment problems prevailing during that time. It is now one of the model communities of solid waste management.

**Senator Pimentel.** I suppose, Mr. President, that compelling the households to segregate their garbage into wet garbage and recyclable garbage would necessitate some provisions for containers to hold the garbage that we are talking about.

**Senator Legarda-Leviste.** Yes, Mr. President. I believe that whether the garbage is segregated or not, there is a need for garbage cans or containers to be used. Therefore, it is just really a matter of segregating solid wastes into different containers. But definitely, yes, there is a need for containers, aptly identified containers, Mr. President.

**Senator Pimentel.** And the containers will be provided by the government, Mr. President?

**Senator Legarda-Leviste.** It would be ideal like the practice in Metro Manila where the MMDA had provided color-coded containers. It is ideal that the local governments would provide containers for this.

**Senator Pimentel.** Yes. And this is exactly where I would like to make this observation. If the idea of this proposed law is to impose some kind of an obligation on local governments where they will have to spend money for providing service that is expected of them, this would again be in the nature of an unfunded mandate, Mr. President, which will find rough sailing in terms of acceptance by the local governments concerned.

**Senator Legarda-Leviste.** Mr. President, in our committee hearings, there was really tremendous and overwhelming support coming from the local government units.

This representation believes, Mr. President, that the expenses to be incurred will not be so great as compared to the benefits that the communities and the local governments would derive from the enactment of this bill into law.

**Senator Pimentel.** There is no question that the objectives of the bill are laudable, Mr. President.

But I speak on a matter of principle that unless the endorsement of the local government units, which the

distinguished sponsor speaks of, can really be quantified and proven to be existent, it might not be prudent to impose such an obligation on local governments without some kind of support from the central government.

**Senator Legarda-Leviste.** That is correct, Mr. President. I share that concern. I believe that the central government deems this bill as timed well because we know that the garbage problem has not only become an environmental and health problem, but also a social and political issue. Therefore, hopefully, this bill could help ease the political tension in some areas where garbage has become a hotly contested political issue.

I share the concern that this could be an added burden on the part of the LGU that is already in dire need of resources. However, I believe that the outlay, if any, would be minimal since it would just mean an additional one container which can be provided by the barangay, by the local government units. The funds generated by the recycling industry which will be operating up to the barangay level can also be used for the purchase of whatever materials will be needed for the segregation at source.

**Senator Pimentel.** We will probably have to discuss this more fully at some opportune time.

For the moment, Mr. President, I would like to find out from the distinguished sponsor: How do we dispose of plastics under this bill?

**Senator Legarda-Leviste.** Plastics will be recycled. These are part of those under what we call "recyclables," Mr. President.

Under this bill, the barangays would have recycling centers where those who are in the practice or who are in the business of buying plastics, bottles, et cetera, would find those centers as the source of their purchases.

**Senator Pimentel.** Is the distinguished sponsor aware of any law, for example, that is already existing regulating the use of plastics? Is there any such law, Mr. President?

**Senator Legarda-Leviste.** I am not aware, Mr. President. If I may just rattle off some existing laws on Solid Waste Management. First, there is PD No. 825 which provides a penalty for the improper disposal of garbage and other forms of uncleanness. There is the Code of Sanitation, the Pollution Control Law, the Marine Pollution Law and, of course, the recently passed Clean Air Act. But this representation at this time is not familiar with any existing legislation governing the use of plastics.

In fact, if I may refer to the committee report, there was a

proposed measure by one of our colleagues which was also discussed during the committee hearings—I think it was Senator Aquino-Oreta or Senator Flavio—regulating the use of plastics and it was integrated in this bill.

**Senator Pimentel.** Is that bill still pending committee deliberations, Mr. President?

**Senator Legarda-Leviste.** This measure was already incorporated into the committee report.

**Senator Pimentel.** Is it already embodied in this bill?

**Senator Legarda-Leviste.** Yes, Mr. President.

**Senator Pimentel.** Mr. President, the reason I ask that question is that in some communities, for example, in the United States, there is a concerted effort on the part of the local governments to discourage the use of plastics. In fact, the department stores are encouraged to use biodegradable materials. Instead of using plastic wrappers or plastic bags, the groceries and the megamalls are encouraged to use biodegradable bags.

**Senator Legarda-Leviste.** That is very correct, Mr. President. In fact, if I may read the bill, which was introduced by Senator Flavio, it has phased out plastic bags as packing materials of goods sold or disposed of by sari-sari stores, market vendors, department stores and several establishments and prescribing penalties therefor and for other purposes. This bill was incorporated into the committee report and I agree 100 percent with the distinguished senator that plastics should eventually be phased out and in fact, other recyclable materials must be encouraged for use by big department stores.

If I may also mention. This proposed measure includes a list of materials which will be encouraged. In fact, it will also contain eventually the list of materials which will be phased out or banned and this will be decided by the EMB of the DENR later on.

**Senator Pimentel.** Mr. President, will the distinguished senator kindly favor me with a reading of the particular provision of the Flavio bill that is incorporated in the present bill under discussion? How is it worded, Mr. President?

**Senator Legarda-Leviste.** I will just have to look for it, Mr. President.

**Senator Pimentel.** Yes, please.

#### SUSPENSION OF SESSION

**Senator Legarda-Leviste.** I move that we suspend the

session for one-minute, Mr. President. I will just have to look for that provision.

**The Presiding Officer** [Sen. Flavie]. The session is suspended for one minute, if there is no objection. *[There was none.]*

*It was 6:23 p.m.*

#### RESUMPTION OF SESSION

*At 6:24 p.m., the session was resumed.*

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

**Senator Legarda-Leviste.** Mr. President, in Chapter III, Section 21, "Prohibited Acts".

**The Presiding Officer** [Sen. Flavie]. On what page, please?

**Senator Legarda-Leviste.** On page 18, Mr. President.

In Section 21c - "The manufacture, distribution or use of packaging materials for consumer products, other than those indicated as recyclable on the list of the EMB-DENR; and the importation of consumer products packaged in materials other than those indicated in the same list."

This is included in Section 21 which lists it as Prohibited Acts. This list will eventually be done by the EMB-DENR, Mr. President.

**Senator Pimentel.** In effect, Mr. President, there will be a transitory period during which the plastics will still be allowed to be used for packaging or for the handling of certain materials before the... What body is that, Mr. President, EMB?

**Senator Legarda-Leviste.** Yes, Mr. President. Upon the enactment of this bill into law, we cannot expect the people, the public, the manufacturers to immediately subscribe to this, so that there will be a phaseout period.

**Senator Pimentel.** That is a very good proposal, Mr. President. Because from my own observation, when I was the mayor of Cagayan de Oro City, several of our drainage canals would be clogged, not by other things but because of plastics that were just thrown into the canals and allowed by the users of

these plastic bags to be disposed of in that manner, thereby causing havoc to our drainage system.

Therefore, it is really high time that we did something about that. But I am not too sure, however, that we can immediately effect the banning of these materials. Probably, there should be a reasonable time frame to enable our local manufacturers to adjust to the demands of this new law, if and when this bill becomes a law. I suppose also for our foreign suppliers of goods that we buy in this country to be able to act accordingly, Mr. President.

**Senator Legarda-Leviste.** Yes, Mr. President. While we wholeheartedly agree that plastics must be phased out, we realize that it would not be realistic to have it implemented right away. Therefore, it is agreed that there must be a phaseout period.

**Senator Pimentel.** Mr. President, I think that this is already cruel and unusual punishment for us to keep on debating this issue at this time of the day.

I would like to ask the Majority Leader to move to suspend our interpellations so we can continue at a more opportune time.

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

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

**Senator Drilon.** Mr. President, may we move to suspend the consideration of Senate Bill No. 1595 under Committee Report No. 52, with the information that we will call the bill again tomorrow.

**The Presiding Officer** [Sen. Flavie]. Is there any objection? *[Silence]* There being none, the motion is approved.

#### ADJOURNMENT OF THE SESSION

**Senator Drilon.** Mr. President, I move that we adjourn our session for today until three o'clock tomorrow afternoon, March 29, 2000.

**The Presiding Officer** [Sen. Flavie]. Is there any objection? *[Silence]* There being none, the session is adjourned until tomorrow, Wednesday, March 29, 2000 at three o'clock in the afternoon.

*It was 6:28 p.m.*