

## RECORD OF THE SENATE

MONDAY, MARCH 6, 2000

### OPENING OF THE SESSION

*At 3:49 p.m., the Senate President, Hon. Blas F. Ople, called the session to order.*

**The President.** The 68th 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. Miriam Defensor Santiago.

After the prayer, the Senate Choir will lead us in the singing of the national anthem. The Choir will also render another song, entitled *Paraiso*.

*Everybody rose for the prayer.*

### PRAYER

**Senator Santiago.** This is a poem written by John Greenleaf Whittier who lived from 1807 to 1892.

Dear Lord and Father of mankind,  
    Forgive our foolish ways!  
Re-clothe us in our rightful mind,  
In purer lives thy service find,  
    In deeper reverence, praise.

In simple trust like theirs who heard,  
    Beside the Syrian sea,  
The gracious calling of the Lord,  
Let us, like them, without a word  
    Rise up and follow thee.

O Sabbath rest by Galilee!  
    O calm of hills above,  
Where Jesus knelt to share with thee  
The silence of eternity,  
    Interpreted by love!

Drop thy still dews of quietness,  
    Till all our strivings cease;  
Take from our souls the strain and stress,  
And let our ordered lives confess  
    The beauty of thy peace.

Breathe through the heats of our desire  
    Thy coolness and thy balm;  
Let sense be dumb, let flesh retire;  
Speak through the earthquake, wind, and fire,  
    O still small voice of calm!

Amen.

### NATIONAL ANTHEM

*Everybody remained standing for the singing of the national anthem.*

**The President.** The Chair wishes to thank the members of the Senate Choir for their uplifting music.

### 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. <i>Compañero</i> Cayetano ...	Present
Senator Anna Dominique M.L. Coseteng ....	*
Senator Franklin M. Drilon .....	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 John Henry R. Osmeña .....	**
Senator Sergio R. Osmeña III .....	Present
Senator Aquilino Q. Pimentel Jr. ....	Present
Senator Ramon B. Revilla .....	**
Senator Raul S. Roco .....	Present
Senator Miriam Defensor Santiago .....	Present
Senator Vicente C. Sotto III .....	Present
Senator Francisco S. Tatad .....	**
The President .....	Present

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

**Senator Drilon.** Mr. President.

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

### THE JOURNAL

**Senator Drilon.** Mr. President, 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

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

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

**Senator Drilon.** We are in the period of interpellations, Mr. President. For that purpose, may I ask the Chair to recognize the principal sponsor, Sen. Loren B. Legarda-Leviste.

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

**Senator Drilon.** To interpellate, may I ask the Chair to recognize Sen. Robert S. Jaworski.

**The President.** Sen. Robert S. Jaworski is recognized.

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

Mr. President, first of all, I would like to ask whether the lady senator would reply to a couple of questions for my enlightenment.

**Senator Legarda-Leviste.** Certainly, Mr. President. It would be the honor of this sponsor to answer whatever query the distinguished chairman of the Committee on Environment and Natural Resources would have.

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

Could the distinguished sponsor give us a brief on the role of the national government in garbage collection and disposal?

**Senator Legarda-Leviste.** At present, Mr. President, the setup is, it is the local government units that are mandated to collect garbage. In the case of Metro Manila, the Metro Manila Development Authority is supervising the local governments which are tasked to take charge of the more than 5,000 tons of solid waste per day.

**Senator Jaworski.** How many metric tons again of solid waste per day were produced in Metro Manila in 1999?

**Senator Legarda-Leviste.** In 1997, JICA conducted a study in cooperation with the MMDA, and as of then, it was around 5,630 tons. However, there are other estimates on the total waste generation in Metro Manila—more than 5,000 tons. It is estimated that this would at least double by the year 2010. There is no exact number, but it would be less than 6,000 tons per day just for Metro Manila. This, of course, will include the 17 cities and municipalities. It is estimated that by year 2010, as I mentioned earlier, it would at least double by then.

**Senator Jaworski.** Mr. President, how much of these would be household domestic waste and how much would be commercial or industrial waste and other sources?

**Senator Legarda-Leviste.** I thank the gentleman for that question, Mr. President. Based on the reports furnished our office, household waste, I believe, constitutes at least 4,000 tons a day of the more than 5,000 tons.

**Senator Jaworski.** Do we have a record of what percentage is biodegradable and what percentage is nonbiodegradable?

**Senator Legarda-Leviste.** Yes, Mr. President. Presently, only six percent is being recycled. But much of these wastes are biodegradable. We know that household waste would consist mainly of food waste or organic waste, and therefore it is biodegradable. But presently, because of the lack of initiative and direction and the lack of focus and attention given to recycling, composting, and segregation at source, then not enough is being recycled.

**Senator Jaworski.** Do we have a record of how much was spent last year to address the worsening garbage problem?

**Senator Legarda-Leviste.** Yes, Mr. President. The LGUs spent P30 million for the services last year. We only have the figures for Metro Manila, and this is a little over P1 million a day or P30 million a month for the services of the private firm that collects garbage.

Let me correct. To be more accurate, it is only for the city of Manila, Mr. President.

**Senator Jaworski.** For Manila alone, they are spending P30 million a month. Is that correct?

**Senator Legarda-Leviste.** Yes, Mr. President. Approximately P1 million a day or P30 million a month.

**Senator Jaworski.** We do not have any record of how much is being spent for the whole Metro Manila.

**Senator Legarda-Leviste.** We do not have the exact amount, but this is approximately for the city of Manila. We can secure that figure from the MMDA, and we can furnish the gentleman with that figure.

**Senator Jaworski.** What would be the percentage of waste that Manila alone produces at the moment?

**Senator Legarda-Leviste.** The figure presented earlier was a consumption of the whole Metro Manila, which is a little less than 6,000 tons. We do not have the exact figure. Only for the city of Manila. But we would assume that much of that would come from this highly populated city.

**Senator Jaworski.** Anyway, Mr. President, if we would mention the efficiency rate of garbage collection in Metro Manila, on a scale of 1 to 10, what would be the rating?

**Senator Legarda-Leviste.** Mr. President, it would be very difficult to put it in scales of 1 to 10, 10 being the highest. But if the distinguished gentleman insists, because we have seen the deterioration of the health and environment conditions in our metropolis, and we know for a fact that this has been attributed to the problem of poor garbage collection, poor sanitation, illegal dumping and the lack of sanitary and environmentally engineered landfills, I think I would not be very liberal in giving a passing mark to the way garbage is disposed of in our metropolis.

**Senator Jaworski.** Mr. President, if we were looking at the figure of 5,000 tons of garbage produced in Manila, could we have a sense of how much percentage of garbage is not being collected?

**Senator Legarda-Leviste.** Mr. President, around 25 percent of the trash is not being collected. Now, the question is: Where does the trash go? This goes to illegal dumping.

What does "illegal dumping" mean? Illegal dumping means it goes to *esteros*, to waterways, to the street corners and all those unsightly garbage dumps that we see everyday. So 25 percent of the total solid wastes are not collected.

**Senator Jaworski.** So it is then safe to say that another 2,500 to 3,000 tons of garbage are just left scattered all over the place?

**Senator Legarda-Leviste.** That would be around 1,600 tons plus. Approximately, Mr. President, it is 25 percent.

**Senator Jaworski.** Would we know some approaches of solid waste management disposal that could be used? What are the different technologies on solid waste management disposal that could be used other than the projected landfill?

**Senator Legarda-Leviste.** Mr. President, when we speak of solid waste disposal, the technology being used presently is the engineered and environmentally sound method of sanitary landfill. However, presently, we are also utilizing open dumps or controlled dumps. There are other methods which could manage the garbage from its source. I am speaking of segregation at source, limiting the garbage to be disposed of, and also those which can be reused and recycled have been segregated and therefore can be used even for income-generating purposes. But presently, what is being used is the sanitary landfill and open dumpsites in several areas, especially those in the provinces.

**Senator Jaworski.** Mr. President, would we be advised as to how many sanitary landfills are existing at the moment and where are they located?

**Senator Legarda-Leviste.** We have the controversial San Mateo landfill which, I am told, will have to be closed by the end of this year. That is where the trash of Metro Manila is being disposed of. Then, of course, we know that the Carmona landfill has been closed for the past years. The Payatas open dumpsite is also a dumping ground for Metro Manila's wastes. There are also other small open dumps like Catmon and many others, but the big ones would be the Payatas open dumpsite and the San Mateo sanitary landfill.

**Senator Jaworski.** Mr. President, other than those already mentioned, did we have any landfills in the past?

**Senator Legarda-Leviste.** To my knowledge, Mr. President, it is just the Carmona landfill which has been closed already. And the present San Mateo landfill.

If I may continue, of course, we know that we had the Smokey Mountain open dumpsite, but this has been converted already into a housing project.

**Senator Jaworski.** Mr. President, is there also an information as to when this San Mateo landfill started and how much had it accommodated?

**Senator Legarda-Leviste.** Mr. President, I believe that the San Mateo landfill has been in existence since the early '90s. If my memory serves me right, it was 1991. And I recall, during our committee hearing last year, that no less than the MMDA officials had admitted that it was operating without an ECC. I do not know. We have to verify now if the ECC was already issued by the EMB.

**Senator Jaworski.** Mr. President, would the distinguished lady senator know if there is only one or different technologies in sanitary landfill?

**Senator Legarda-Leviste.** Mr. President, I had the occasion to go to New Zealand last year where we were able to be granted the privilege and the opportunity of going to a landfill site which was the disposal area of the garbage from the highly urbanized city of Auckland, and I must say that I was very impressed. It seemed more like a memorial park with trees, grass and flowers.

Now, as to the kind of technology, this representation would better leave it to the engineers to discuss that. However, what we are saying here is that a sanitary landfill indeed can be engineered properly so that it would be environment-friendly.

We know, however, that the San Mateo landfill has been opposed by residents in the outlying areas because it has been proven that leachates in the ground water has been a cause for alarm.

**Senator Jaworski.** Mr. President, I asked this question for the reason that the distinguished lady senator mentioned. That is why we wanted to know what technology was applied to the San Mateo landfill, for I believe that if the same technology will be applied, if and when any other landfill is to be implemented, we might be having the same problem.

**Senator Legarda-Leviste.** That is true, Mr. President, and we know for a fact that before something is opened and fully operational, an ECC must be granted. And before an ECC is granted, they must look into the operation, the design and everything else.

But as I mentioned earlier, Mr. President, in the case of the San Mateo landfill, it has been operational even without an ECC during the time we conducted a committee hearing last year. Therefore, I agree with the distinguished gentleman that in future situations where landfills would be used as a site for garbage disposal, we must be able to look at structurally engineered landfills that will not cause environmental problems and health problems as well.

**Senator Jaworski.** I would like to thank the distinguished lady senator for that, Mr. President.

Would it then be safe, Mr. President, to believe and think that at present, aside from the other areas of sanitary landfills that were mentioned, all of the other areas for garbage must then be called "open dumpsite?"

**Senator Legarda-Leviste.** Everything else that is not a sanitary landfill, Mr. President, would be called "open-dumps," and this is what is usually done in many areas. There are open dumpsites and some are called "control dumps." But basically, yes, these are just dumpsites.

**Senator Jaworski.** Mr. President, do we have a record of these dumpsites? Are these supposed to be consolidated dumpsites based on a good number of municipalities or per city that are, at least, noted specifically by the DENR and other relative government agencies?

**Senator Legarda-Leviste.** Mr. President, yes. The EMB is presently accumulating and consolidating the data of all the open dumps around the country. But to our knowledge, each municipality will have at least one open dumpsite which would be the depository of all the wastes in that municipality.

**Senator Jaworski.** Section 12, paragraph (c) of the bill provides for the phaseout or eventual closure, or upgrading into sanitary landfills, of all existing open dumps within the local government unit within the prescribed timetable which in no case shall exceed three years.

My question, Mr. President, is: What happens if the local government units concerned could not afford to comply—though they are willing to do so—for lack of sufficient funds when the time comes?

**Senator Legarda-Leviste.** Mr. President, there is a three-year phaseout period. We would assume that by then, the municipalities or the LGUs would be able to put their resources together to create a sanitary landfill within that area.

We also believe that the government must provide funding, must provide incentives to the LGUs who are willing to set up joint sanitary landfills in the region or the specific area. We believe that grants must be given so that common facilities may be secured from the national government. Government-financing institutions must also provide loans, funds and seed capital for such initiatives. Therefore, we hope that the three-year phaseout period would be enough so that these unsightly, unhealthy and unenvironment-friendly, open-uncontrolled dumpsites could be a thing of the past in due time.

**Senator Jaworski.** Earlier on, Mr. President, the sponsors mentioned the importation of segregation equipment and the possible collection of garbage that could be recyclable. Do we have local companies engaging in solid waste recovery or the extraction of materials from waste products, or recycling? How many are they?

**Senator Legarda-Leviste.** Mr. President, yes, there are. I would not probably call these "local companies" but there are more NGOs and advocacy groups who have been actively pursuing this alternative method.

Mr. President, I can name many of these and we have

advocates like Narda Camacho and Ms. Odette Alcantara. But there are also several companies who try and attempt, at least, to help in recycling. I can give the distinguished gentleman this list, and I can cite a few. There is Casan Paper, Paperland Industrial Corporation, Roadwide Paper Mills, Embuscada Trading, big and small, but basically those who are very active are those who are advocates—those who are wives and mothers who care for Mother Earth and who care for the health of their children. These are the women who have been actively lobbying and pursuing the possibility of providing this national framework to be implemented on the local level by providing a national council as well as a national ecology center.

**Senator Jaworski.** I thank the distinguished senator for that answer, Mr. President.

Do we have a record of the tonnage figure and the qualification of these waste materials, whether these are plastics, metals, et cetera?

**Senator Legarda-Leviste.** Yes, Mr. President. There has been a JICA study that paper comprises 19.4 percent of waste composition in Metro Manila and plastic comprises 18.3 percent of waste composition.

**Senator Jaworski.** Mr. President, are we looking at the same base figure which is 5,000 tons? Is there a figure other than this main figure?

**Senator Legarda-Leviste.** Yes, Mr. President. I believe that the less than 6,000 tons is for the whole of Metro Manila. Based on this JICA study, it has shown that 75 percent of the total garbage is packaging waste or *balutan*. Of this, paper comprises 19.4 percent and plastic comprises 18.3 percent.

**Senator Jaworski.** Are there incentives given to these companies that recycle wastes?

**Senator Legarda-Leviste.** Presently, there are not many, not even in my mind. I do not know of any incentives given by the government. That is why we have attempted to include this in our proposed measure.

If our esteemed colleagues would support us in this measure, we intend to establish this national council which will help promote and, perhaps, even institutionalize recycling nationwide through the network of national and local councils and ecology centers.

If the distinguished gentleman will look into the proposed measure, in Section 27, the bill provides for incentives for the recycling industry, like an income tax holiday, carryover of losses at accelerated depreciation whichever is applicable, reduction of

duties and taxes on capital equipment import, access to credit and financial support for Research and Development on processes and technologies.

The bill also provides for the DENR to recognize outstanding applications of ecological waste management through an annual rewards system.

**Senator Jaworski.** I thank the distinguished senator for those explanations.

Mr. President, other than that, this representation was also made to understand that we import solid waste materials in large quantities. Is this correct? Would we have a record of the volume? Or is this information accurate?

**Senator Legarda-Leviste.** Mr. President, I am not privy to that information. Unless the distinguished senator can please elucidate or elaborate on that, I do not think the laws would allow us to import solid waste materials from overseas.

**Senator Jaworski.** Mr. President, the very reason there was that case of toxic waste importation coming from Japan. Initially, there were ten vans that were indeed imported and classified as solid waste materials for possible recycling. When the officials saw that this did pass Customs, this was then calibrated and this was the direction taken by unscrupulous individuals using the same scenario but this time bringing into our country toxic wastes.

**Senator Legarda-Leviste.** Thank you, Mr. President. I am very much aware of that. In fact, together we had filed a resolution which is pending in our committee, and we are a signatory to the Basel Convention.

Based on the Basel Convention, the importation of solid waste must not be allowed, and that is why that particular importation of used diapers and other solid wastes is presently investigated to which the Japanese government has owned up and wherein the persons or company concerned are being hunted down. That to my mind is illegal and must not be allowed, and as a signatory to the Basel Convention, their importation of solid wastes is therefore not supposed to be promoted.

**Senator Jaworski.** The lady senator is correct, that toxic wastes cannot be brought into any other country. But there are other companies that indeed import solid wastes like paper and the like for the purpose of recycling. The reason we asked this question is: I am sure that if we become more prudent and become more organized as we are now trying to do, I think we can come up with certain representation that even solid wastes for recycling purposes can also be limited if not totally prohibited, because we have more than enough to recycle.

**Senator Legarda-Leviste.** Mr. President, maybe, we must define what "solid waste" means. Because when we refer to recyclable papers, even machines which can still be used, this must not be defined in this context as solid waste. What we are discussing here are solid wastes in terms of garbage, in terms of used diapers and those which could be perceived as possible toxic wastes. But recyclable papers and machines, yes, it is being done now. And this to my mind is not defined as "solid waste." Because it is allowed, it is being done and there are companies importing such.

**Senator Jaworski.** Let me thank the lady senator for that, Mr. President.

Mr. President, let me go to another subject. In Section 2 of the proposed measure, one of the policies of the State is "to adopt an integrated solid waste management program, which will:

"f) Strengthen the integration in formal and non-formal education courses of solid waste management and resource conservation and recovery in order to promote environmental awareness and action among the citizenry."

Likewise, in Section 19, the National Council was mandated to "strengthen the integration of environmental concerns in school curricula at all levels, with particular emphasis on the theory and practice of waste management principles like waste minimization, specifically resource conservation and recovery, segregation at source, reduction, recycling, reuse and composting."

Mr. President, presently, do we have special courses on solid waste management and resource conservation recovery?

**Senator Legarda-Leviste.** As much as I wish, this would be a reality very soon, Mr. President. There is no specific area or subject that specializes that is mandated by law to be included in the curriculum. That is why, this sponsor believes that this must be included, being a very important, vital topic which not only the adults but especially the young must be aware of from the early formative years.

**Senator Jaworski.** Mr. President, I would like to thank the lady senator for her answers. I thank her so much.

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

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

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

**Senator Drilon.** Mr. President, I move that we suspend

consideration of Senate Bill No. 1595 as reported out under Committee Report No. 52.

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

#### BILL ON SECOND READING S. No. 1862--Tax Amnesty Act (Continuation)

**Senator Drilon.** Mr. President, with the permission of the Chamber, may I move that we resume consideration of Senate Bill No. 1862 as reported out under Committee Report No. 167.

**The President.** Is there any objection? *[Silence]* There being none, resumption of consideration of Senate Bill No. 1862 is now in order.

**Senator Drilon.** We are still in the period of interpellations. May I ask the Chair to recognize Sen. Juan Ponce Enrile.

**The President.** Sen. Juan Ponce Enrile is recognized.

#### SUSPENSION OF SESSION

**Senator Drilon.** To continue his interpellation, may...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 5:40 p.m.*

#### RESUMPTION OF SESSION

*At 5:41 p.m., the session was resumed.*

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

**Senator Drilon.** To resume his interpellation, may I ask the Chair to recognize Sen. Teofisto T. Guingona Jr.

**The President.** Sen. Teofisto T. Guingona Jr. is recognized.

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

Will the distinguished sponsor favor us with some answers?

**Senator Enrile.** Surely, Mr. President, if the distinguished gentleman from Mindanao is not yet tired.