

# RECORD OF THE SENATE

TUESDAY, DECEMBER 1, 1998

ROLLCALL

## OPENING OF THE SESSION

*At 3:15 p.m., the Senate President, Hon. Marcelo B. Fernan, called the session to order.*

**The President.** The 40th session of the First Regular Session of the Eleventh Congress is hereby called to order.

Let us all stand for the opening prayer to be led by Sen. Sergio R. Osmeña III.

*Everybody rose for the prayer.*

## PRAYER

**Senator Osmeña III.** Almighty Father,

Look down upon us this day. You are our guide and our protector as we stumble through the dark towards an uncertain future.

O Lord, how swiftly have the days passed us by. A few months ago, we commenced the work of this Congress, full of hopes of what we could accomplish for our country and our people. Now, as the year end approaches, much of our work remains undone.

Light as many fires in our hearts as are needed to make us realize the irreplaceable value of every hour, every minute.

Lord, beyond these halls are millions who suffer from hunger and deprivation; children with no future, and victims who cry out for justice. They all look to us for succor, help and deliverance. Fill us, Lord, with a greater sense of the urgency, so that we may face the challenges before us with greater boldness and audacity.

Father, even as we confront the stark realities of this troubled world, let all the things to which our hearts go out be beautified by Your love.

Give us the light to see Your will, the courage to accept it, and the strength to do it.

We ask You this in the name of Christ our Lord.

Amen.

**The President.** Thank you, Senator Osmeña.

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 Franklin M. Drilon .....	Present
Senator Juan Ponce Enrile .....	Present
Senator Juan M. Flavier .....	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 .....	**
Senator Sergio R. Osmeña III .....	Present
Senator Aquilino Q. Pimentel Jr. ....	Present
Senator Ramon B. Revilla .....	Absent
Senator Raul S. Roco .....	Present
Senator Miriam Defensor Santiago .....	Present*
Senator Vicente C. Sotto III .....	Absent
Senator Francisco S. Tatad .....	Present*
The President .....	Present

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

## 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.

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

The Secretary will read the Reference of Business.

## REFERENCE OF BUSINESS

## MESSAGE OF THE PRESIDENT OF THE PHILIPPINES

\* Arrived after the roll call

\*\* On official mission

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

better term really would be "continuing crimes" because that is what is found under the Penal Code.

**Senator Santiago.** That is all with this bill, Mr. President, and I thank the sponsor for his kind answers.

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

**The President.** Thank you, Sen. Miriam Defensor Santiago.

The Majority Leader is recognized.

**Senator Drilon.** Mr. President, there are no more reservations from any of our colleagues as far as the period of interpellations is concerned.

I therefore move that we close the period of interpellations on Senate Bill No. 1261 under Committee Report No. 9.

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

SUSPENSION OF CONSIDERATION OF S. NO. 1261

**Senator Drilon.** Mr. President, may I move to suspend consideration of Senate Bill No. 1261 under Committee Report No. 9.

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

BILL ON SECOND READING  
S. No. 1255 - Philippine Clean Air Act of 1998  
(Continuation)

**Senator Drilon.** Mr. President, I move that we resume consideration of Senate Bill No. 1255, as reported out under Committee Report No. 8.

**The President.** Is there any objection? *[Silence]* There being none, resumption of consideration of Senate Bill No. 1255 is now in order.

**Senator Drilon.** May we ask the Chair to recognize Sen. Gregorio B. Honasan. We are now in the period of committee amendments.

**The President.** The sponsor, Sen. Gregorio B. Honasan, is recognized.

COMMITTEE AMENDMENTS

**Senator Honasan.** Thank you, Mr. President. We have several proposed committee amendments.

On page 6 under Section 4, entitled *Definitions*, after line 13, we propose to insert the term and definition of MUNICIPAL WASTE and lettered as follows:

(P) MUNICIPAL WASTE - REFERS TO THE WASTE MATERIALS GENERATED FROM COMMUNITIES WITHIN A SPECIFIC LOCALITY. As a consequence, reletter the subsequent subsections accordingly of the other subsections.

This is to clarify the objective of Section 25 which did not include the definition of municipal waste. That is the first amendment, Mr. President.

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

**Senator Honasan.** On Section 9, Mr. President, page 12, line 6, "*Management of Nonattainment Areas*", we propose to delete the words "without a corresponding reduction in" and replace these with the words AND REDUCE.

The sentence, as amended, will then read:

"The department shall prepare and implement a program that will prohibit new sources of exceeded air pollutants AND REDUCE discharges from existing sources."

The rationale for this is that the program to be prepared and implemented by the department should not be limited to prohibiting new sources of exceeded air pollutants but should likewise address the existing exceeded air pollutants.

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

**Senator Honasan.** The third proposed committee amendment is still on Section 9, page 12, lines 8 to 12.

We propose to delete the entire sentence which originally reads: "The LGU's having jurisdiction over designated non-attainment areas shall prepare, in coordination with the department for the purpose of improving air quality in the said area, a more stringent program to regulate emission therein."

The rationale for this is that the LGUs can use this power to collect from enterprises that will be adversely affected by their actions. Furthermore, the gravity of pollution in non-attainment areas requires that the DENR be directly responsible for containing the same.

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

**Senator Honasan.** Our fourth committee amendment is on page 17, under Section 15, lines 8 to 9.

On line 8, after the word "LGU's", we propose to delete the words "may formulate and", and replace this phrase with the word SHALL.

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

On line 10, after the word "Board", we propose to add the words IN AREAS WITHIN THEIR JURISDICTION.

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

Section 15 will then read as follows:

"SEC. 15. *Role of Local Government Units.* - Local government units shall share the responsibility in the management and maintenance of air quality within their territorial jurisdiction. Consistent with Sec. 6 and Sec. 8 of this Act, LGUs SHALL implement local air quality standards set by the Department and/or by the Board IN AREAS WITHIN THEIR JURISDICTION."

The rationale for this is that authorizing the LGUs to come up with more stringent air quality standards will open local government officials to all sorts of bribery from enterprises which will be adversely affected by their actions.

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

**Senator Honasan.** Our fifth proposed committee amendment is still on page 17, Section 16, line 29. After the word "officer", we propose to insert the phrase AND SHALL BE APPOINTED BY THE CHIEF EXECUTIVE OF EVERY PROVINCE, CITY OR MUNICIPALITY.

The first statement of Section 16 will then read as follows:

"Sec. 16. *Environment and Natural Resources Office.* - There shall be established an Environment and Natural Resources Office in every province, city or municipality which shall be headed by the environment and natural resources officer AND SHALL BE APPOINTED BY THE CHIEF EXECUTIVE OF EVERY PROVINCE, CITY OR MUNICIPALITY in accordance with the provisions of Section 484 of Republic Act No. 7160."

The rationale for this, Mr. President, is that this is actually a response to the points raised by the distinguished Senator Pimentel during the period of interpellations as to who shall have the appointing power with regard to the appointment of officers of the Department of Environment and Natural Resources in the local government unit level.

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

**Senator Honasan.** Our proposed sixth committee amendment, Mr. President, is on Section 39, *Citizen Suits*. This is on page 30, line 22. We propose to delete the phrase "willfully or grossly".

The reason for this, Mr. President, is that this might only confuse the courts in determining the violations of the public officers involved.

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

**Senator Honasan.** Our last proposed committee amendment or seventh amendment, Mr. President, is on Section 51, page 36, lines 16 and 17.

After the number "1181", we propose to insert the phrase "AND EXECUTIVE ORDER NO. 16" and substitute the word "is" with the word ARE. The first statement of Section 51 will then read as follows:

"Section 51. *Repealing Clause.* P.D. No. 1181 AND EXECUTIVE ORDER NO. 16 ARE hereby repealed."

The rationale for this, Mr. President, is that with the implied repeal of Executive Order No. 16, the Clean Air Act, this will clearly and consistently provide the direction in achieving a comprehensive air pollution control policy. Because this representation was made to understand that the creation of the Presidential Air Quality Commission under Executive Order No. 16 was only on an *ad hoc* capacity, until we pass the Clean Air Act.

These are all our committee amendments, Mr. President.

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

**Senator Drilon.** Mr. President, I move to close the period of committee amendments.

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

**Senator Drilon.** Mr. President, we direct the Senate Secretariat to prepare the new version of Senate Bill No. 1255, including the committee amendments approved by this Body, to allow our colleagues to review the same also, the proposed individual amendments as may be necessary at the next session. This is quite a complicated bill and, therefore, it is appropriate that the version containing the committee amendments, as approved by this Body, be given ahead of time so that our colleagues can review the same.

**The President.** The Secretary is so directed.

**Senator Barbers.** Parliamentary inquiry, Mr. President.

**The President.** Senator Barbers is recognized.

**Senator Barbers.** Tomorrow is a holiday in Pasay...

SUSPENSION OF CONSIDERATION OF S. NO. 1255

**Senator Drilon.** Before that, Mr. President, may I move that we suspend consideration of Senate Bill No. 1255 as reported out under Committee Report No. 8.

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

**Senator Drilon.** May we now ask the Chair to recognize Senator Barbers.

**The President.** Senator Barbers is recognized.

PARLIAMENTARY INQUIRY OF SENATOR BARBERS  
(On Which Activities Shall be Prioritized on  
December 3, Thursday)

**Senator Barbers.** Thank you very much, Mr. President.

Tomorrow is a holiday in Pasay, Mr. President, being *Araw ng Pasay*, and we do not have office or sessions tomorrow.

**The President.** That is correct.

**Senator Barbers.** We have a line up of activities for tomorrow which will be transferred on Thursday. On Thursday we have our regular session. We have the Commission on Appointments, supposedly for tomorrow but to be transferred on Thursday.

Then we also have budget deliberation on the floor, Mr. President. We also have a caucus in the morning of Thursday. So we would like to get the guidance of the President as to which of these activities will be given priority by Thursday.

**The President.** All, I guess.

**Senator Drilon.** Mr. President.

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

**Senator Drilon.** Mr. President, at nine o'clock, upon the Chair's direction and in consultation with the Minority Leader, we will have a caucus just to discuss the schedule of the debates on the budget. Atten o'clock, we will have a roll call and we will receive

and hear the sponsorship speech of Sen. John Osmeña on the General Appropriations Bill. At 12:00 noon, we will suspend the session. We will have a caucus of the Commission on Appointments at 12:00 noon.

At 1:00 p.m., we will call the plenary session of the Commission on Appointments. We will close the deliberation on the Commission on Appointments at 3:00 p.m., at which time, we will resume the session of this Chamber for the interpellation on the budget by the Minority Leader.

That is the schedule so far.

**Senator Barbers.** I will attend all the scheduled activities on Thursday, Mr. President. Thank you very much.

**The President.** Thank you, Senator Barbers. The Majority Leader is recognized.

SUSPENSION OF SESSION

**Senator Drilon.** 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 5:08 p.m.*

RESUMPTION OF SESSION

*At 5:11 p.m., the session was resumed.*

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

ADJOURNMENT OF SESSION

**Senator Drilon.** Mr. President, I move that we adjourn today's session and resume at 10:00 a.m., Thursday, December 3, 1998.

**The President.** There is a motion to adjourn the session and to resume at 10:00 a.m., December 3, 1998. Is there any objection?

**Senator Drilon.** Of course, we will have a caucus at 9:00 a.m.

**The President.** At nine o'clock in the morning at the Senate President's Conference Room. Is there any objection to the motion? *[Silence]* There being none, the session is adjourned.

*It was 5:12 p.m.*