

RECORD OF THE SENATE

WEDNESDAY, FEBRUARY 17, 1999

OPENING OF THE SESSION

At 3:30 p.m., the Senate President, Hon. Marcelo B. Fernan, called the session to order.

The President. The 65th session of the First Regular Session of the Eleventh Congress is hereby called to order.

Let us all stand for the prayer to be led by Sen. Raul S. Roco.

Senator Roco. Mr. President, in a meeting of senior citizens, this prayer for the elderly was shared and with the permission of the Chair, I wish to share it with the Senate.

PRAYER

PRAYER FOR THE ELDERLY

Lord, You know I am getting older.

Keep me from becoming talkative and possessed with the idea that I must express myself on every subject. Release me from the craving to straighten out everyone's affairs. Keep me from the recital of endless details. Give me wings to get to the point.

Seal my lips when I am inclined to tell of my aches and pains. They are increasing with the years and my love to speak of them grows sweeter as time goes by.

Teach the glorious lesson that occasionally I may be wrong. Make me thoughtful and not nosy, helpful but not bossy. With my vast store of wisdom and experience, it does seem a pity not to use it all. But You know, Lord, that I want a few friends at the end.

Amen.

The President. Thank you, Senator Roco.

ROLL CALL

The Secretary may please call the roll.

The Secretary, reading:

- Senator Teresa Aquino-Oreta **
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 Absent
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 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 20 senators present, there is a quorum.

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.

The President. Is there any objection? [Silence] There being none, the reading of the Journal of the previous session is dispensed with and it is considered approved.

The Secretary will now read the Reference of Business.

REFERENCE OF BUSINESS

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The Secretary.

February 9, 1999

The Honorable MARCELO B. FERNAN President of the Senate Financial Center Pasay City 1308

* Arrived after the roll call
** On official mission

PUBLIC OR PRIVATE UNDERTAKING OR OCCUPATION WHICH IS HAZARDOUS TO THEIR LIFE, SAFETY, HEALTH AND MORALS, OR WHICH UNDULY INTERFERES WITH THEIR NORMAL DEVELOPMENT, AND FOR OTHER PURPOSES

Introduced by Senator Legarda-Leviste

The President. Referred to the Committees on Labor, Employment and Human Resources Development; and Youth, Women and Family Relations

The Secretary. Senate Bill No. 1473, entitled

AN ACT ESTABLISHING THE PRE-NEED PLAN CODE OF THE PHILIPPINES

Introduced by Senator Roco

The President. Referred to the Committee on Banks, Financial Institutions and Currencies

RESOLUTION

The Secretary. Proposed Senate Resolution No. 372, entitled

RESOLUTION DIRECTING THE COMMITTEE ON LOCAL GOVERNMENT AND OTHER APPROPRIATE COMMITTEES TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, INTO THE REPORTED SUSPENSION OF LOCAL OFFICIALS BY THE DEPARTMENT OF INTERIOR AND LOCAL GOVERNMENT (DILG) WHICH, ACCORDING TO LEGAL QUARTERS COULD BE PRONE TO ABUSE AND UTILIZED AS INSTRUMENTS OF POLITICAL CONTROL, IN ORDER TO INSURE CONTINUITY IN THE GOVERNANCE AND DELIVERY OF GOVERNMENT SERVICES AT THE LOCAL LEVEL AND PRESERVE STABILITY OF GOVERNMENT UNITS

Introduced by Senator Ople

The President. Referred to the Committee on Local Government

The Majority Leader is recognized.

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. Before we act on the motion, the Chair would like to extend its warmest congratulations—it is unfortunate that the gentleman is not around—to the chairman of the Publications Committee of the National Centennial Commission for organizing a very successful program with respect to the launching of the new Filipino translation of *Noli Me Tangere* and *El Filibusterismo*. I refer to our Senate President Pro Tempore Blas F. Ople. Congratulations!

Senator Drilon. Mr. President, the Minority Leader has made a comment, and I join him in that comment. We do hope that we will see the day when the *Noli Me Tangere* is also translated into Visayan and Bicol.

The President. Thank you very much. There is a resolution of Senator Ople which he filed, and we hope that in the period of amendments, we can amend that resolution to include the translation into the different dialects.

Senator Drilon. Including the dialect in the Caraga region. [Laughter]

The President. That is very important. Thank you, Majority Leader.

BILL ON SECOND READING

S. No. 1255—Clean Air Act

(Continuation)

Senator Drilon. Mr. President, I move that we resume consideration of Senate Bill No. 1255, as reported out under Committee Report No. 8. This is the Clean Air Act.

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

Senator Drilon. Mr. President, we are still in the period of individual amendments. I move that we recognize the principal sponsor, Sen. Gregorio B. Honasan, and also Sen. Francisco S. Tatad.

The President. Sen. Gregorio B. Honasan and Sen. Francisco S. Tatad are recognized.

Senator Tatad. Mr. President, I just have a couple of proposals for the distinguished sponsor. I would like to refer to page 2 of the text, and we are using the amended text as of February 9, 1999, I believe.

Senator Honasan. Mr. President, we beg to make this correction. Are we referring to the amended copy as of February 15, 1999?

The President. Yes, the February 15, 1999 copy.

Senator Tatad. I am sorry, Mr. President, I just found my copy. May I just have an opportunity to check whether the pages have remained the same.

On page 2 of the amended copy as of February 15, 1999, Mr. President, this is purely editorial. But before I propose this, I would like to ask the distinguished sponsor what we mean when we say "the right to equitably share in the utilization and enjoyment of all natural resources without depriving the future generations of the right to use and enjoy the same," accent on the phrase "equitably share." Who decides what is equitable in this particular instance?

Senator Honasan. Thank you, Mr. President. This would be reflected in a clear program that would maximize the benefits of environmentally related resources, not only for present or medium-term programs but for long-term use and utilization. This would be the committee's understanding.

Senator Tatad. For instance, we are looking at timber. We have a timber stand. There are so many interested parties who would like to utilize the timber stand. How would we arrive at a proper implementation of this proposed right, an implementation that would guarantee equitable sharing and utilization of this particular timber stand by all those interested?

Senator Honasan. Mr. President, the committee would then interpret this to mean that as we manage our forest resources, this would be incorporated in laws, programs and policies that would ensure the same maximum utilization of these resources invoking the principle of the greatest good for the greatest number for the longest possible time.

Senator Tatad. All right, I understand this principle—the greatest good for the greatest number. It is highly commendable that it seems to be the animating principle beyond this particular provision.

Would the sponsor have any objection to simplifying this particular provision to simply read "the right to utilize and enjoy natural resources according to the principle of sustainable development?"

Senator Honasan. We would have no objection, Mr. President.

TATAD AMENDMENTS

Senator Tatad. In which case, I would like to propose that the same be recast to read as follows: "THE RIGHT TO UTILIZE AND ENJOY ALL NATURAL RESOURCES ACCORDING TO THE PRINCIPLE OF SUSTAINABLE DEVELOPMENT."

I believe that gives the authorities enough elbowroom.

Senator Honasan. We accept the amendment, Mr. President.

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

Senator Tatad. The next amendment is on the same page. I should like to combine letters (c) and (d) and also simplify the formulation to read as follows: "THE RIGHT TO PARTICIPATE IN THE FORMULATION, PLANNING, IMPLEMENTATION AND MONITORING OF ENVIRONMENTAL POLICIES AND PROGRAMS AND IN THE DECISION-MAKING PROCESS CONCERNING DEVELOPMENT PROJECTS OR ACTIVITIES THAT MAY HAVE AN ADVERSE IMPACT ON THE ENVIRONMENT."

I just tightened the construction so that the right to participate in the decision-making on specific projects flows, in fact, from the right to participate in the formulation, planning, implementation of environmental policies and programs.

Senator Honasan. Thank you, Mr. President. So that we may give the distinguished proponent of this amendment more leeway, we accept the amendment, subject to style.

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

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

Senator Tatad. The next amendment would entail a relettering of what appears on page 2. It should now be letter (d). It is an editorial retouching of letter (e). I should like to recast the present text to read as follows: "The right to be informed of the nature and extent of THE potential hazard OF ANY ACTIVITY, UNDER-TAKING OR PROJECT AND TO BE SERVED TIMELY NOTICE ON ANY SIGNIFICANT RISE IN THE LEVEL OF POLLUTION AND THE ACCIDENTAL or deliberate release into the atmosphere of harmful or hazardous substances."

Senator Honasan. We accept the amendment, Mr. President.

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

Senator Tatad. The next amendment on the same page, which will now be letter (e) in place of the present letter (f) is a slight rewording again which would make the provision read as follows: "The right of access to public records WHICH A CITIZEN MAY NEED TO EXERCISE HIS OR HER RIGHTS EFFECTIVELY UNDER THIS ACT."

Senator Honasan. We accept the amendment, Mr. President.

Senator Tatad. Thank you very much.

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

Senator Tatad. Perhaps we can go back to that very substantive amendment which I was proposing earlier and which we agreed we would revisit when we have more members in the hall. This is Section 27.

The President. What page is that?

Senator Tatad. I am trying to look now at the new version because I was using the old version.

The President. Page 27 starts on page 24.

Senator Tatad. There is an antecedent amendment from Senator Roco, I believe.

The President. Senator Roco is recognized for his antecedent amendment.

Senator Roco. Yes, Mr. President. On page 10, lines 14, 15, 16 and 17, may we ask our distinguished sponsor what he means by this—"That the department shall clarify the legal effects on the financial, manpower and budgetary resources of the affected departments and agencies and on the alignment of their programs with the plan." I am not clear what this means.

Senator Honasan. Thank you, Mr. President. This is the integrative effort of the department combined with the necessity to communicate this to the concerned departments and agencies responsible for this particular aspect.

Senator Roco. Yes. I have a little problem and I hope the committee may see my problem. "Clarifying legal effects" probably belongs to the Department of Justice. Even in the Department of Justice, I am sure the justices will have disagreements on what is the legal effect of the financial manpower and budgetary resources. Then, if we add the private lawyers, they will also have legal opinions and differences.

If we were to maintain this section, what we should do is clarify or make sure that whoever is clarifying these legal effects can overturn the Department of Justice, and what will be the binding effect of these clarificatory rulings that they will give? But it may be simpler just to delete this subsection (f), lines 14 to 17, and we leave legal effects in the ordinary course to the Department of Justice. Because if we remain silent, the legal department of the government under the Administrative Code will act accordingly.

Senator Honasan. Thank you, Mr. President. For clarification of the committee, does this diminish the lead role that the DENR, as the lead agency, would assume?

Senator Roco. No. All I am suggesting, Mr. President, is that the department may not be in a position to, in fact, tell us what are the legal effects. So by deleting this, then in the ordinary course, the Administrative Code will take over. If there is need to clarify legal effects, I guess the Department of Justice, the counsel of the President, the Solicitor General or whatever exists under the present law will prevail.

So there is no harm in deleting this subsection (f). But we alleviate or we prevent the possibility of the DENR giving legal opinions contradicted by the DOJ and therefore, having a contest of who has superior right to give the legal effects on the matter.

Senator Honasan. Thank you, Mr. President. With the distinguished gentleman's continued indulgence. In the same light, would the DENR, as the lead agency, not have a better appreciation of the overriding considerations that would govern environmental pollution-control policy?

Senator Roco. That is correct, but not on legal effects.

Senator Honasan. I would imagine that the DENR, Mr. President, would have a pool of legal advisers who would be available.

Senator Roco. If that is the problem, would the distinguished sponsor tell us what is the effect of these clarificatory rulings of the DENR under this provision?

Senator Honasan. That is precisely the point, Mr. President. I defer to the wiser judgment. Short of deleting subsection (f), is this the only recourse left as we try to craft a comprehensive air pollution-control policy?

Senator Roco. Let me try to review again this subsection (f). It says, "Clarify legal effects on the financial resources...." I am really not sure what we are saying—"legal effects on the financial, the manpower and budgetary resources." Does it mean that if there is additional need for spending by a private company, we can compel it? Or does it mean that if the company says, "Well, we disagree with your reading of the situation and therefore, we will not put in more money or even if we can put in more money, we think that is the wrong use of money." Who will prevail?

We cannot make the department do that. Or to make it merry, somebody brings it up to the Supreme Court. Then we will have departmental competition for jurisdiction and we may create more legal problems. But this is a lawyer's delight.

Let me say, Mr. President, that when I was a practicing lawyer,

it was great. But in seeking to help draft the law, it would seem to me that we are better off if we leave this out.

Senator Honasan. Thank you, Mr. President. May the committee propose a compromise.

Senator Roco. Yes.

Senator Honasan. We will accept the suggestion to delete this without prejudice to additional input that may occur between now and the actual signing of the bicameral conference committee, also in close consultation with the distinguished proponent.

Senator Roco. I think to address that concern, Mr. President—I could not find here the rule-making power—maybe we should put back, in the ordinary course towards the last provisions, the rule-making power of the department to fill in the blanks effectively that may not be covered by the law to ensure that the intentions and objectives of the law are carried out.

Here in Section 52. “*Implementing Rules and Regulations.* - The Department shall promulgate the implementing rules ... including those covered within one (1) year ..., That ... these rules ... for the prevention ... shall supplement the rules ... issued by the Department, THE DRAFT of the

All right, so this is covered. If there is any gap as regards the full implementation of this law, Section 52, on page 39, will then cover our difficulties.

Senator Honasan. Thank you, Mr. President. With that explanation, we accept the amendment.

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

Senator Roco. On page 11, Section 8, line 13, under Air Quality Control Zones. I will read the sentence: “A governing board, hereinafter referred to as the Board, composed of the mayors, governors of the local government units belonging to the AQCZ and representatives of government agencies, ... shall be organized with the Department as head. The functions of the Board shall include:

a) formulation of policies;”

Then it says, “The Department shall, from time to time and by utilizing eco-profiling,”

These are a little bit technical, Mr. President, and I beg the indulgence of our good friend. This board is not yet constituted as a juridical person. We are creating this board now. Is this the concept?

Senator Honasan. This is correct, Mr. President.

Senator Roco. Yes. And we are saying that this board is hereby created headed by the department as head, I guess. We will have to make that more specific “by the Secretary of the department as head,”

May we just suggest, subject to style, that we ask the staff to borrow standard wordings in creating a board. So that it will say, “THE GOVERNING BOARD IS HEREBY CREATED COMPOSED OF THE FOLLOWING: CHAIRMAN, THE SECRETARY; MEMBERS ARE THE FOLLOWING, ... THIS BOARD SHALL PERFORM THE FOLLOWING FUNCTIONS.” So that then it is more *de kahon*. And we are no longer guessing whether, in fact, there is a juridical basis for this board to be in existence.

So, subject to style, Mr. President. If that is acceptable, we word it in the standard form of creating boards.

Senator Honasan. We accept it, Mr. President, subject to style.

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

Senator Roco. Mr. President, on page 12, lines 7 to 15, that paragraph... Again, we call attention to this for our distinguished friend to consider.

The paragraph says, “The local government units shall develop and submit to the DEPARTMENT a procedure for carrying out the action plan for their jurisdiction. The Department, however, shall maintain its authority to independently inspect the enforcement procedure adopted. The DEPARTMENT shall have the power to control all or parts of the Air Quality Action Plan until such time the Local Government Units concerned can assume the function to enforce the standards set by the department.”

My little problem here, Mr. President, is that “control” in law means substitution of judgment. That is why the legal provisions normally will say “supervision or control.” But “control,” we are told by the cases, is when the superior can substitute and superimpose his judgment on a subordinate. Yet, we do recognize that environmental concerns must be addressed by the local government. It is area-based and it must emanate from their primary responsibility.

Unless our distinguished friend feels very strongly, because the other statements even if these are not stated here, will lead to that authority. Of course, the local government—there are mandates—shall develop and submit all that can be covered by the rules. The department shall maintain its authority, of course. But

the "department shall have the power to control all or parts of the air quality action plan" is something that does not quite jibe.

Senator Honasan. Thank you, Mr. President. I guess this has a sequential dimension in the sense that in the absence of all these mechanisms, it is only the Department of Environment and Natural Resources that has the capability down to the local unit level to even monitor this, phase the program until a locally generated program and plan is in place. Then the turnover will be effected.

Senator Roco. Yes. We want the Department to control the plan, the air quality action plan.

Senator Honasan. Mr. President, maybe "control" is the wrong word. It can be "monitor"; it can be "closely supervise."

Senator Roco. Maybe, we can use the words "closely supervise." At least, then we know the judgment calls are coming from the local government.

Senator Honasan. Without violating, Mr. President, the gentleman's contention that superior judgment in this case, the committee believes, belongs to the Department which has the capability.

Senator Roco. With that, Mr. President, if the sponsor will kindly reinstate his proposal "CLOSELY SUPERVISE the formulation of the air quality action plan." If that proposal is acceptable.

Senator Honasan. With the qualification, subject to style, we accept the amendment, Mr. President.

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

Senator Roco. Mr. President, I am still on page 14, so I will yield the floor.

The President. Senator Tatad is now recognized.

Senator Tatad. Mr. President, the last time we made this proposal, there were not enough members on the floor. This is rather substantive because this has to do with smoking. My position is that we cannot have a Clean Air Act that completely ignores the issue of smoking. Smoking is a major source of pollution, although smokers do not puff smoke at the same time to produce a huge cloud. Still, the effect on the whole, on others, is incalculable.

We have this proposal. This is on page 24. After line 3(b), we propose a new section to read as follows:

POLLUTION FROM SMOKING. - SMOKING INSIDE A

PUBLIC BUILDING OR AN ENCLOSED PUBLIC PLACE INCLUDING PUBLIC VEHICLES AND OTHER MEANS OF TRANSPORT OR IN ANY ENCLOSED AREA OUTSIDE OF ONE'S PRIVATE RESIDENCE, PRIVATE PLACE OF WORK OR ANY DULY DESIGNATED SMOKING AREA IS HEREBY PROHIBITED UNDER THIS ACT.

Senator Honasan. Mr. President, since the period when the distinguished proponent of this amendment first made this proposal, the committee has consulted with the original authors of various versions of this bill. And after looking historically at what is being actually implemented in public places and after consulting the honorable Senator Flavier, the principal author of an anti-smoking bill, the committee accepts this proposed amendment.

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

The President. So with that qualification, it has been accepted. Is there any objection? *[Silence]* There being none, the amendment is approved.

Senator Tatad. It is a small victory, Mr. President.

After that, we propose a new section, Section 28, and this is pollution from the discharge of firecrackers and other explosives. The amendment will read as follows:

THE USE OF FIRECRACKERS AND OTHER EXPLOSIVES WHICH NORMALLY PRODUCE SMOKE, SOOT AND NOISE IS HEREBY PROHIBITED UNDER THIS ACT EXCEPT UNDER A SPECIAL PERMIT BY THE SECRETARY OF THE DEPARTMENT UPON RECOMMENDATION OF THE HEAD OF THE LOCAL GOVERNMENT UNIT CONCERNED.

Perhaps under the same inspired judgment that led the sponsor to accept the previous amendment, he would similarly accept this one.

SUSPENSION OF SESSION

Senator Drilon. Mr. President, I move that we suspend the session for a few minutes.

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

It was 4:07 p.m.

RESUMPTION OF SESSION

At 4:12 p.m., the session was resumed.

The President. The session is resumed.

Senator Tatad. Mr. President, on the superior advice of my wiser colleagues who are cognizant of the needs of Bulacan—which produces a lot of firecrackers—I am withdrawing that proposed amendment.

That was my last proposal, Mr. President. I would not mind being made a cosponsor of this particular measure.

Senator Honasan. With honor, Mr. President.

The President. Thank you, Senator Tatad.

Senator Drilon. Mr. President.

The President. The Majority Leader is recognized.

Senator Drilon. We were about to finish the period of individual amendments. But before that, may I raise a few issues to the sponsor, with his permission, with the end in view of amending one or two points in the proposed law.

The President. Please proceed.

Senator Drilon. On page 3, line 7, may I propose an amendment by changing the word “*ECOLOGY*” to *ENVIRONMENT* because ecology refers to the study of the environment.

Senator Honasan. We accept, Mr. President.

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

Senator Drilon. On page 23, lines 5 to 7. But before I propose the amendment, may I make a few statements. This provision is so broad that my impression is that the traditional *sigá* that we see in our neighborhood or the traditional fumigation of mango trees which are flowering in the provinces would appear to be illegal. Therefore, those responsible for the *sigá* or the fumigation of the mango tree or even the burning of the hay in the farm after harvest time would fall under Section 26 and that would be doing an illegal act which can subject them to imprisonment.

Is that interpretation plausible under Section 26, Mr. President? Or is that the intention?

Senator Honasan. Thank you, Mr. President. That would not be the intention. In fact the committee admits that this particular section indicates a weakness on the part of the proposed bill.

For this reason, we will detail the exceptions without violating the spirit of this provision.

SUSPENSION OF SESSION

Senator Drilon. I move that we suspend the session for a few minutes in order to craft some possible amendment with the sponsor, Mr. President.

The President. The session is suspended, if there is no objection. *[There was none.]*

It was 4:16 p.m.

RESUMPTION OF SESSION

At 4:29 p.m., the session was resumed.

The President. The session is resumed.

Senator Drilon. Mr. President.

The President. The Majority Leader is recognized.

Senator Drilon. Mr. President, may we propose an amendment on page 23, Section 26, starting in line 5.

The President. Section 26, line 5.

DRILON AMENDMENT

Senator Drilon. First, we propose to change the title of the section by deleting the phrase “*Open Burning, DUMPING and Incineration*” and replacing it with *ILLEGAL GARBAGE DISPOSAL*.

In line 6, we delete the phrase “EXCEPT FOR THE CASE OF CREMATION” and the comma (,) should be deleted.

We capitalize the letter O in the word “open”; place a comma (,) after the word “burning”; delete the word “AND”; and between the words “DUMPING” and “BY”, insert the following phrase: *AND INCINERATION FOR GARBAGE DISPOSAL*.

In line 8, after the period (.), add the following sentence: *THIS PROHIBITION SHALL NOT APPLY TO TRADITIONAL SMALL-SCALE METHODS OF COMMUNITY/NEIGHBORHOOD SANITATION (SIGA) AND TRADITIONAL AGRICULTURAL HEALTH OR FOOD PREPARATION.*

May I read the proposed section in its entirety as I have proposed to amend it.

SEC. 26. ILLEGAL GARBAGE DISPOSAL. - Open burning, DUMPING AND INCINERATION FOR GARBAGE DISPOSAL

BY ANY PERSON OR INSTITUTION ARE HEREBY DECLARED ILLEGAL ACTIVITIES. THIS PROHIBITION SHALL NOT APPLY TO TRADITIONAL SMALL-SCALE METHODS OF COMMUNITY/NEIGHBORHOOD SANITATION (*SIGA*) AND TRADITIONAL AGRICULTURAL HEALTH OR FOOD PREPARATION.

Senator Honasan. We accept the amendment, Mr. President.

Senator Pimentel. Mr. President.

Senator Drilon. Before we rule on that amendment, Mr. President, may we ask that Senator Pimentel be recognized.

The President. Senator Pimentel is recognized.

Senator Pimentel. Mr. President, may I just inquire from the proponent of the amendment whether fumigation with chemicals, for example, would be covered by the term "traditional methods of farming," or whatever it is?

There are certain chemicals, Mr. President, which are really pollutants and toxic, destructive not only to the environment itself but to human beings as well.

The President. Hazard to health.

Senator Drilon. If my colleague will note, Mr. President, the amendment and the definition of agricultural purposes would be qualified by the word "traditional."

Senator Honasan. Mr. President, with the permission of Senator Pimentel and the Majority Leader. This would be covered in the annexes and the governing consideration would be the chemical composition of the fumigating agent.

Senator Pimentel. As long as that is clear, Mr. President, I will have no objection if the methods being referred to here are really the ones practiced by our forebears over a long period of time, like fumigating mango trees using smoke, and all that.

What I am worried about is that the practice now seems to be shifting to fumigation by chemicals.

Senator Drilon. As mentioned by the principal sponsor, Mr. President, there are other provisions which would govern such instances cited by the gentleman from Cagayan de Oro.

With that, Mr. President, and with the acceptance of the sponsor of the proposed amendment, may we ask that the Chamber approve the same.

The President. The amendment, as proposed by the Majority Leader, with the clarification made by Senator Pimentel, is

accepted by the sponsor and the proponent of the amendment, Senator Roco.

Senator Drilon. The amendment is authored by Senator Roco and this representation, Mr. President.

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

Senator Drilon. Mr. President, may I go to page 26, lines 1 to 3.

The President. Is Senator Roco pursuing his request for recognition?

Senator Roco. No, Mr. President.

The President. The Majority Leader may proceed.

Senator Tatad. Mr. President.

The President. Senator Tatad is recognized.

Senator Tatad. Before that, in my last amendment which appears on page 24, we created a new section. I think it is necessary to move for a renumbering of the sections as a consequence thereof.

Thank you very much, Mr. President.

The President. The renumbering will be done by the Secretariat as a consequence of all these amendments. Thank you, Senator Tatad.

Please proceed.

Senator Drilon. Mr. President, on page 26, lines 1 to 3, this would appear to be an individual amendment and not included in the original version of the bill as reported out by the committee. Is that a correct assumption?

Senator Honasan. That is correct, Mr. President.

Senator Drilon. Mr. President, the provision would totally ban the importation and distribution of secondhand engines for all motor vehicles, regardless of the condition of the secondhand engine. Is that a correct assumption?

Senator Honasan. I thank the distinguished gentleman, Mr. President. This is an amendment that was proposed and approved by the honorable Sen. Ramon B. Magsaysay Jr., but the committee's understanding is, because of our inability to control and regulate the emissions that come from secondhand engines, this is the rationale for this amendment.

Senator Drilon. Are all emissions from all secondhand engines objectionable? Or are there emissions from secondhand engines which would meet the standards?

Senator Honasan. Generally, Mr. President, emissions from secondhand engines are harmful.

Senator Drilon. In that case, all the engines of all the motor vehicles running on our streets would be harmful. If that is the standard, Mr. President, I am afraid that we cannot use any motor vehicle anymore on the road.

Maybe, what we may want to prohibit is the importation of secondhand engines which do not meet the emission standards as may be promulgated by the DENR.

Senator Honasan. That is correct, Mr. President.

SUSPENSION OF SESSION

Senator Drilon. In that case then, may I propose an amendment. But before that, I move that we suspend the session for one minute, so that we can work out the amendment with the sponsor.

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

It was 4:41 p.m.

RESUMPTION OF SESSION

At 4:42 p.m., the session was resumed.

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

Senator Drilon. May I propose an amendment to Section 29 which is found on page 26, lines 1 to 3. We propose to start the sentence with the word THE starting in line 2, and to delete the phrase "THERE SHALL BE A BAN ON". In line 3, between the word "VEHICLES" and period (.), insert the following phrase: THAT DO NOT MEET THE EMISSION STANDARDS AS SET BY THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES IS HEREBY BANNED.

May I read now the proposed section, Mr. President.

"SEC. 29. SECOND-HAND ENGINES. — THE IMPORTATION AND DISTRIBUTION OF SECOND-HAND ENGINES FOR ALL VEHICLES THAT DO NOT MEET THE EMISSION STANDARDS AS SET BY THE DEPARTMENT

OF ENVIRONMENT AND NATURAL RESOURCES IS HEREBY BANNED."

Senator Honasan. We accept the amendment, Mr. President.

Senator Roco. Mr. President.

The President. Senator Roco is recognized.

Senator Roco. Just two small legalistic amendments if these will be acceptable. On page 32.

Senator Drilon. Has the amendment been approved?

The President. The Chair regrets that he misconstrued the distinguished gentleman.

Senator Drilon. May we reiterate our motion for the approval of the amendments?

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

Senator Roco. On page 32, Section 41, I would suggest that the first three lines be modified to read as follows: In line 1, after the word "ANY", delete the word "INDIVIDUAL", and after the word "PERSON", delete the comma (,) and the phrase "WHETHER A CITIZEN OR NOT, WHO IS NOT A TEMPORARY SOJOURNER OF THE COUNTRY". Because there are rules already when a foreigner or a nonresident may sue, and the rest will remain.

So the section will read: "ANY PERSON MAY INSTITUTE AN APPROPRIATE CIVIL ACTION...." Because a juridical person may want to sue and there should be no reason to prohibit them. So, may we suggest that those appropriately identified words be deleted.

Senator Honasan. We accept it, Mr. President.

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

Senator Roco. As a final provision, on page 40, Section 54, we are on the last hurrah, may we just suggest—I have no specific proposal in Section 54—to our distinguished friend that we have sufficient history of laws in the Senate, but the Supreme Court frowns on general repealing clauses because these become difficult and these can give rise to litigation.

Considering the length of the bill, it would be more appropriate to identify as much as possible the laws affected because this one changes so many things. So, the repealing clause will be specific. We can thereafter make a general provision that

other laws inconsistent are hereby repealed. But I am afraid, Mr. President, without the benefit of research, that the mentioned PD No. 1181, Executive Order 16, PD No. 1152 and these other numbered laws will not be sufficient because we cover a lot of territories. With a little indulgence, we will ask that the staff and the Bills and Index Division—they have a whole history in our Library—identify those modified.

Senator Honasan. We accept this, Mr. President.

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

The Majority Leader is recognized.

Senator Drilon. A matter of style, on page 32, lines 1 to 3. May I propose that we delete the phrase starting in line 1, starting with the word "individual" up to the word "sojourner", and instead of that long phrase, we just say RESIDENT. So we say: ANY RESIDENT OF THE COUNTRY. That will capture the whole phrase, I think.

Senator Roco. Yes, we just had a modification. We just said "any person", because foreigners, nonresidents, there are instances under the law when we can sue. So we just go under the general term—any person, juridical, individual, personal or whatever—can therefore sue, whether he is a resident or not as long as he qualifies. Theoretically, a foreign corporation, if it has a resident agent, can sue. Just to avoid reinventing the rule on suits, we just say ANY PERSON, then we jump to line 4.

Senator Drilon. MAY INSTITUTE THE APPROPRIATE?

Senator Roco. Yes.

Senator Drilon. All right. I withdraw the proposed amendment.

The President. The proposal has been withdrawn. Is there anything else to be done, Majority Leader?

Senator Drilon. There are no more amendments.

Senator Honasan. Mr. President.

The President. Senator Honasan is recognized.

MANIFESTATION OF SENATOR HONASAN
(To Put on Record the Modified Approved
Proposed Amendments of Senators Roco and Drilon)

Senator Honasan. With the permission of the Chair, the sponsor would just want to manifest on the floor references

to previous amendments from Senator Roco and the Majority Leader.

The President. Please proceed, Senator Honasan.

ROCO AMENDMENTS

Senator Honasan. Thank you, Mr. President. These amendments related to technical definitions emanate from the previous amendments of Senator Roco. We would like to read these for the record:

Technical definitions. "Aromatics" as defined has been accepted by our technical staff and references as the technical description which best describes the said term.

For "benzene," which is symbolized by C_6H_6 , refers to a colorless clear liquid with a boiling point of 80.1 degrees centigrade, that is stable chemically but readily evaporates.

"Lead," symbolized by Pb, refers to a bluish or silver-gray soft metal that is used extensively as an anti-knock additive in petrol.

There are other so-called "pointed" definitions which we have clarified based on the proposed amendments of Senator Roco.

"Greenhouse gases" refers to those gases that are principally carbon dioxide CO_2 , chlorofluorocarbons (CFCs), methane CH_4 , nitrous oxide N_2O , ground level tropospheric ozone O_3 , and aerosol particles which significantly induce climate change.

"Infectious waste" refers to that portion of medical waste that transmits infectious disease;

"Medical waste" refers to waste materials generated as a result of patient diagnosis, treatment, or immunization of human beings or animals.

"Ozone depleting substances" refers to those various combinations of the chemical elements chlorine, fluorine, bromine, carbon, and hydrogen which are responsible for the observed depletion of the ozone layer.

"Persistent Organic Pollutants" (POPs) refers to organic compounds that persist in the environment, bioaccumulate through the food web, and pose a risk of causing adverse effects to human health and the environment.

We accept these modifications, Mr. President.

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

ROCO-DRILON AMENDMENTS

Senator Honasan. Thank you, Mr. President. Finally, this emanates from an evolution of Senator Roco's amendments.

The Majority Leader has recommended that we identify terminology which has no other interpretation universally. The committee has done this and it is proposed that we delete AROMATICS and its definition; BENZENE and its definition; GREENHOUSE GASES and its definition; LEAD and its definition; OZONE DEPLETING SUBSTANCES and its definition; and, PERSONS and its definition.

We accept the proposed amendments, Mr. President.

The President. Is there any objection to the acceptance by the sponsor of the elimination of those terms and their definitions? [Silence] There being none, the motion is approved.

Senator Honasan. Thank you, Mr. President.

Senator Drilon. Mr. President, there are no more individual amendments. I therefore move that we close the period of individual amendments.

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

APPROVAL OF S. NO. 1255 ON SECOND READING

Senator Drilon. Mr. President, I move that we vote on Senate Bill No. 1255, as amended, on Second Reading.

The President. Is there any objection? [Silence] There being none, we shall now vote on Senate Bill No. 1255, as amended, on Second Reading.

As many as are in favor of the bill, say *aye*.

Several Members. *Aye*.

The President. As many as are against the bill, say *nay*. [Silence]

Senate Bill No. 1255, as amended, is approved on Second Reading.

SUSPENSION OF SESSION

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

The President. The session is suspended for one minute,

if there is no objection. [There was none.]

It was 4:54 p.m.

RESUMPTION OF SESSION

At 4:56 a.m., the session was resumed.

Senator Honasan. Mr. President.

The President. Senator Honasan is recognized.

MANIFESTATION OF SENATOR HONASAN
(All Senators Present as Coauthors of S. No. 1255)

Senator Honasan. May we manifest that all senators present be made coauthors of Senate Bill No. 1255.

The President. It is noted that all senators present be made coauthors of Senate Bill No. 1255.

SPECIAL ORDERS

Senator Drilon. Mr. President, may I move that we transfer from the Calendar for Ordinary Business to the Calendar for Special Orders, Committee Report No. 20 on Proposed Senate Resolution Nos. 149 and 295, entitled

RESOLUTION URGING THE APPROPRIATE SENATE COMMITTEE TO CONDUCT AN IMMEDIATE INQUIRY, IN AID OF LEGISLATION, INTO THE CLAMOR FOR JUSTICE, EQUITY OF THE POOR AND MARGINALIZED SECTOR, WHO FALL VICTIM TO THE ALLEGED FIENDISH PLOT OF UNSCRUPULOUS LAND GRABBERS AND SOME CORRUPT LAND REGISTRATION AUTHORITY PERSONNEL AND COURT OFFICIALS, PERTAINING TO THE ADMINISTRATIVE ISSUANCE AND COURT AUTHENTICATION OF FAKE LAND TITLES THAT SERVE TO JUSTIFY THE WANTON DEMOLITION OF THEIR HOMES,

and Proposed Senate Resolution No. 295, entitled

RESOLUTION DIRECTING THE COMMITTEE ON ACCOUNTABILITY OF PUBLIC OFFICERS AND INVESTIGATIONS (BLUE RIBBON) AND THE COMMITTEE ON JUSTICE AND HUMAN RIGHTS TO CONDUCT AN INVESTIGATION, IN AID OF LEGISLATION, INTO THE REPORTED WIDESPREAD FAKING OR