

RECORD OF THE SENATE

WEDNESDAY, FEBRUARY 24, 1999

OPENING OF THE SESSION

At 3:29 p.m., the Senate President, Hon. Marcelo B. Fernan, called the session to order.

The President. The 67th session of the First Regular Session of the Eleventh Congress is hereby called to order.

Let us all stand for a minute of silent prayer and pray for the eternal repose of the soul of the late Marcelino Ojeda Sotto, the father of the Majority Leader of the Commission on Appointments, Sen. Vicente C. Sotto III, who was interred today.

Everybody rose for a minute of silent prayer.

The President. Thank you.

The Secretary will please call the roll.

ROLL CALL

The Secretary, reading:

- Senator Teresa S. Aquino-Oreta ..... \*\*
Senator Robert Z. Barbers ..... Present
Senator Rodolfo G. Biazon ..... Present
Senator Renato L. Compañero Cayetano .... Present
Senator Anna Dominique M.L. Coseteng .... Absent
Senator Franklin M. Drilon ..... Present
Senator Juan Ponce Enrile ..... Present
Senator Juan M. Flavier ..... \*\*
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 ..... Absent
Senator Francisco S. Tatad ..... Present\*
The President ..... Present

\* Arrived after the roll call
\*\* On official mission

The President. With 17 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 motion is approved.

The Secretary will now read the Reference of Business.

REFERENCE OF BUSINESS

BILLS ON FIRST READING

The Secretary. Senate Bill No. 1478, entitled

AN ACT MERGING THE BONDED EXPORT MARKETING BOARD OF THE DEPARTMENT OF TRADE AND INDUSTRY WITH THE BOARD OF INVESTMENTS, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

Introduced by Senator Magsaysay Jr.

The President. Referred to the Committees on Trade and Commerce; Civil Service and Government Reorganization; and Finance

The Secretary. Senate Bill No. 1479, entitled

AN ACT TO DEVELOP PHILIPPINE AUDIOVISUAL INDUSTRY, PROVIDING INCENTIVES AND FUNDING THEREFOR, CREATING LEVY THEREON AND FOR OTHER PURPOSES

Introduced by Senator Sotto III

The President. Referred to the Committees on Public Information and Mass Media; Local Government; and Finance

The Secretary. Senate Bill No. 1480, entitled

AN ACT PROVIDING FOR THREE SMALL FARMERS' REPRESENTATIVES IN THE NIA BOARD BY AMENDING REPUBLIC ACT NUMBERED THIRTY-SIX HUNDRED

EXPLANATION OF VOTE OF SENATOR ROCO

**Senator Roco.** We voted "yes" with some reservations, but it is in an effort to hasten the legislative mill. We had the assurance that some of the portions can be addressed in the conference committee. That is all, Mr. President.

Thank you, Mr. President.

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

Santiago .....	Yes
Sotto .....	
Tatad .....	Yes
The President .....	Yes

APPROVAL OF S. NO. 1261 ON THIRD READING

**The President.** With 16 affirmative votes, no negative vote, and no abstention, Senate Bill No. 1261 is approved on Third Reading.

The Majority Leader is recognized.

SUSPENSION OF SESSION

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

**The President.** The Chair declares a one-minute suspension of the session, if there is no objection. *[There was none.]*

*It was 3:43 p.m.*

RESUMPTION OF SESSION

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

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

BILL ON THIRD READING

S. No. 1255—Philippine Clean Air Act of 1998

**Senator Drilon.** Mr. President, I move that we vote on Third Reading on Senate Bill No. 1255. Copies of the bill were distributed to the members on February 19, 1999.

**The President.** Is there any objection? *[Silence]* There being none, voting on Third Reading on Senate Bill No. 1255 is now in order.

The Secretary will please read only the title of the bill.

**The Secretary.** Senate Bill No. 1255, entitled

AN ACT PROVIDING FOR A COMPREHENSIVE AIR POLLUTION CONTROL POLICY, AND FOR OTHER PURPOSES

**The President.** We shall now vote on the bill and the Secretary will call the roll.

**The Secretary.** Senators

Aquino-Oreta .....	
Barbers .....	Yes
Biazon .....	Yes
Cayetano .....	Yes
Coseteng .....	
Drilon .....	Yes
Enrile .....	
Flavier .....	
Guingona .....	Yes
Honasan .....	Yes
Jaworski .....	
Legarda-Leviste .....	Yes
Magsaysay .....	Yes
Ople .....	
Osmeña (J.) .....	Abstention

**Senator J. Osmeña.** Mr. President.

**The President.** Sen. John Osmeña is recognized.

**Senator J. Osmeña.** Mr. President, may I explain my abstention.

**The President.** Please Proceed.

EXPLANATION OF VOTE OF SENATOR J. OSMEÑA

**Senator J. Osmeña.** I am very uncomfortable with certain inconsistencies in this bill, certain provisions which I would call antipoor and certain stringent directions that this bill is taking.

I would like to note, Mr. President, that we will be the only country in the world that will be banning incineration. And given the fact that this country is, shall we say, short in key implementation of laws, I wonder if the smoke arising from dumpsites, after we pass this bill, will not become daily reminders of how laws are flagrantly violated in this country. I think that our system would be best served with some flexibility rather than a total ban.

I realize and I understand, Mr. President, that the reality is

that the incineration of garbage becomes necessary in areas of high population concentration, because that is where the volume of garbage is worst. And yet, areas of high population concentration are also areas with critical air quality problems. So this is a question that really aggravates the problem of urban concentration and we should attempt to address this. But to ban it totally, I think, is unwise.

Mr. President, I also have reservations with the matter in Section 30. Section 30 again bans the importation and distribution of secondhand engines for all vehicles that do not meet the emission standards set by the DENR.

I would say, Mr. President, that we should not fail to consider that most of our fisherfolk use motorized bancas, and these motorized bancas are powered by scrap-used engines that are imported mainly from Japan. Many of our farmers in the rural areas use hand tractors that are also imported as secondhand equipment. Many of our people use secondhand vehicles.

As a matter of fact, only the other day I read in the papers that there was a move to liberalize the importation of used vehicles. It seems that the government is going to liberalize it, on one hand, and we are going to prohibit the importation of secondhand vehicles, on the other hand. That, in effect, really tells us that there is an inconsistency.

But the problem again here is that if we ban the importation of secondhand engines or we require a certain documentation from the DENR, realizing again the natural, shall we say, tendencies of national government agencies, we will now have either smuggling—because that is the traditional way of evading not only the payment of taxes, but avoiding barriers to importation—or we will have a high degree of corruption emanating from a central agency like the DENR.

I suggested during the break, in our informal discussions with the sponsor of this bill, that we decentralize the requirement of approval by the DENR in allowing the CENTROs and the PENROs to do the certification process.

We also have created in the earlier sections of this bill, in Sections 7, 8 and 9, air quality control zones where local governments play a big role.

Certainly, Mr. President, this is not hard to imagine that a single motorized banca in the middle of the Visayan seas would hardly contribute to any degradation of the quality of air in that area where it is operating all by itself.

So, again, we need flexibility, we need to allow the use of these equipment by the people who cannot afford brand-new equip-

ment. We need to allow our farmers and our fisherfolk to continue to use secondhand equipment.

Again, as I said earlier, Mr. President, I am bothered by the absolutist attitude of banning certain activities and certain processes totally rather than adopting some flexibility.

Given that, Mr. President, I would like to abstain. I was originally inclined to vote against this bill in view of the fact that I was told that my concerns would be addressed in the conference committee. I would rather abstain but, certainly, I cannot vote in favor of this bill.

Thank you, Mr. President.

**The President.** Thank you, Sen. John Osmeña.

The Secretary will please proceed.

**The Secretary.** Senators

Osmeña III .....	Yes
Pimentel .....	Yes
Revilla .....	
Roco .....	Yes
Santiago .....	Yes
Sotto .....	
Tatad .....	Yes
The President .....	Yes

APPROVAL OF S. NO. 1255 ON THIRD READING

**The President.** With 14 affirmative votes, no negative vote, and one abstention, Senate Bill No. 1255 is approved on Third Reading.

SUSPENSION OF SESSION

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

The Chair also wishes to congratulate Senator Honasan, the sponsor of the bill.

*It was 4:21 p.m.*

RESUMPTION OF SESSION

*At 4:22 p.m., the session was resumed.*

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