

MONDAY, FEBRUARY 8, 1999

OPENING OF THE SESSION

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

The President. The 60th session in the First Regular Session of the Eleventh Congress is hereby called to order.

We shall be led in prayer by Senate President Pro Tempore Blas F. Ople.

The Assumption College Choir will lead us in the singing of the Philippine National Anthem, and thereafter, will render a song entitled *Isang Munting Pangarap*.

Everybody rose for the opening prayer.

PRAYER

Senator Ople.

Panginoong Diyos, sa isang malayang lipunan ay hindi maiiwasan na magsagupa ang malalayang kaisipan dahil sa mga prinsipiyoung pinaglalabanan.

Isang halimbawa ay kung dapat panatilihin o kaya'y pag-aralang muli ang batas sa death penalty;

Kung dapat o hindi na rebisahin o tahasang palitan ang umiiral na Saligang Batas;

Kung dapat o hindi na pagtibayin ng Senado ang Visiting Forces Agreement, at iba pang mga isyung kinakaharap ng Senado at ng buong sambayanan;

Loobin Mo po, Panginoon, na sa pagpipingkian ng mga isip at talino ay kumislap ang katotohanan at hindi tuluyang mahati ang bayan, sapagkat sa dakong huli ay nasa pagkakaisa ang aming lakas, at kung ang bayan ay magkawatak-watak ay kakapusan kami ng lakas upang tugunin ang maseselan at mapanganib na hamon sa aming bansa;

Tulungan Mo po kami na lalong palakasin ang aming pagkakaisa bilang isang bansa sa kabila ng aming mga pagkakahidwaan, at tanglawan Mo po ang aming landas na tinatahak upang masapit ang maluwalhating tagumpay ng sambayanang Pilipino laban sa kahirapan at kawalang katarungan.

Siya nawa.

NATIONAL ANTHEM

Everybody remained standing for the singing of the national anthem.

SUSPENSION OF SESSION

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

It was 3:20 p.m.

RESUMPTION OF SESSION

At 3:21 p.m., the session was resumed.

The President. The session is resumed.

ROLL CALL

The Secretary will please call the roll.

The Secretary, reading:

| | |
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| Senator Teresa Aquino-Oreta | ** |
| 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. 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 | ** |
| 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 18 senators present, there is a quorum.

The Majority Leader is recognized.

* Arrived after the roll call

** On official mission

**MOTION OF SENATOR DRILON
(Copy of Senator Santiago's Speech and the Interpellations
Thereon be Furnished the DFA Secretary)**

Senator Drilon. May I also move that a copy of the speech, together with the interpellations thereon, be sent to the Secretary of Foreign Affairs.

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

SUSPENSION OF SESSION

Senator Drilon. Mr. President, I move for a one-minute suspension of the session.

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

It was 5:29 p.m.

RESUMPTION OF SESSION

At 5:32 p.m., the session was resumed.

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

**MOTION OF SENATOR DRILON
(Nomination of Vice Chairmen and Members
of the Committees on Economic Affairs)**

Senator Drilon. Mr. President, with the permission of the Chamber, may I nominate the following as members of the Committee on Economic Affairs, as contained in the communication dated 8 February 1999 of the chairman of the committee, Sen. Francisco S. Tatad.

As vice chairmen of the Committee on Economic Affairs, designated were: Sen. Sergio R. Osmeña III and Sen. Miriam Defensor Santiago.

As members: Sen. Vicente Sotto III, Sen. Juan Ponce Enrile, Sen. John H. Osmeña, Sen. Anna Dominique M.L. Coseteng, Sen. Ramon B. Magsaysay Jr. and Sen. Juan M. Flavie.

I move that the vice chairmen and the members of the Committee on Economic Affairs be so designated.

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

**MOTION OF SENATOR DRILON
(Nomination of Vice Chairmen and Members of
the Committee on Labor, Employment and
Human Resources Development)**

Senator Drilon. To the Committee on Labor, Employment and Human Resources Development, may I nominate the following:

As vice chairmen: Sen. Miriam Defensor Santiago and Sen. Renato L. Cayetano.

As members: Sen. Anna Dominique M.L. Coseteng, Sen. Sergio R. Osmeña III, Sen. Aquilino Q. Pimentel Jr., Sen. Vicente C. Sotto III, Sen. Gregorio B. Honasan, Sen. Teresa Aquino-Oreta, Sen. Robert Z. Barbers and Sen. Loren Legarda-Leviste.

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. Mr. President, we are now in the period of individual amendments. May I ask the Chair to recognize the principal sponsor, Sen. Gregorio B. Honasan.

The President. The principal sponsor, Senator Honasan, is recognized.

Senator Honasan. Thank you, Mr. President.

The President. Please proceed.

Senator Honasan. Mr. President, may the committee be allowed to refer to unresolved individual amendments of some of our colleagues including the honorable Sen. Loren Legarda-Leviste. Most of her amendments have been accepted except for a couple of unresolved individual amendments.

It is the understanding of the committee that as one of the authors of various versions of the Clean Air Act, the honorable Sen. Juan Flavie has been authorized by Senator Legarda-Leviste

to provide some comments on the proposed amendments to the amendments.

Mr. President, may we be allowed to refer to these unresolved individual amendments.

The President. The spokesman of Senator Legarda-Leviste, Sen. Juan Flavie, is recognized.

Senator Flavie. I am Atty. Flavie for Senator Legarda-Leviste. I have been authorized by Sen. Legarda-Leviste to accept the amendment to the amendment so that the provision can now be cleared for ratification by the Senate, Mr. President.

Senator Honasan. Thank you, Mr. President. May we seek the Chair's permission to refer to the unresolved individual amendments.

The President. Please proceed.

Senator Honasan. On page 4, Mr. President...

The President. Page 4.

Senator Roco. Mr. President.

The President. Senator Roco is recognized.

Senator Roco. May I go to page 2, Section 4?

The President. What is the pleasure of the sponsor?

Senator Honasan. We agree, Mr. President.

The President. Page 2 then.

Senator Roco. We were there when...

Senator Drilon. Before that, for the...

The President. The Majority Leader is recognized.

Senator Drilon. For the reference of our colleagues, we are using the copy as of February 2, 1999.

Senator Roco. That is correct. That is what I am looking at, Mr. President.

The President. This is the February 2, 1999 copy.

Senator Roco. That is correct, Mr. President.

The President. Page 2 of that copy.

Senator Roco. It says page 2. Actually, it is page 3, Section 4, line 19. May I proceed?

The President. Yes, please proceed.

ROCO AMENDMENTS

Senator Roco. Mr. President, I am looking at Section 4 and it says, "Declaration of Policies." Again, if I can explain a little, we already have "Declaration of Principles and a Recognition of Rights."

So I am wondering, Mr. President, if the distinguished sponsor will agree to a revision so that we call it MANDATED PROGRAMS OF THE DEPARTMENT because "department" here is defined as DENR. All of them are mandated programs. So instead of being again another declaration or a third declaration, we entitle it MANDATED PROGRAMS FOR THE DEPARTMENT OF ENERGY AND NATURAL RESOURCES.

Senator Honasan. We agree, Mr. President, in the sense that the committee was waiting for the distinguished gentleman to provide us with the insights that are a consequence of the original proposed amendments.

Senator Roco. In which case, Mr. President, just to complete the proposed amendment.

The President. Please proceed.

Senator Roco. It will become: The DEPARTMENT shall pursue a policy of balancing development and environmental protection. To achieve this end, the framework for sustainable development shall be pursued. Then, "The DEPARTMENT shall be mandated:" and we proceed with (a) (b).

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

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

Senator Roco. Thank you, Mr. President. Then in line 30, the same page, it says: "To encourage cooperation and self-regulation among citizens and industries through the application of disincentives and market-based instruments and to promote the role of private judgment...."

I understand this very well, Mr. President. I think it is a philosophy of the environmentalists to use market principles as a way of helping the environment. So I have no conceptual difficulty.

I was wondering however—again, I probably should not have raised it—that maybe, I want to begin with “market-based instruments” and then “disincentives” and “to INVOLVE private judgment.” At least, that is what I have read about the effort so that (b) will now say: “To encourage cooperation and self-regulation among citizens and industries through the application of market-based instruments OR disincentives to INVOLVE private judgment of industrial enterprise in shaping its regulatory profile,” et cetera.

Senator Honasan. Mr. President, we understand. Again, subject to style, we accept the amendment.

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

Senator Roco. Thank you, Mr. President. Now, the “Definitions”, Mr. President. If I may ask the sponsor: Where did we get all these definitions?

Senator Honasan. Mr. President, these definitions were derived from the various versions of the proposed Clean Air Act which we presumed and which we validated to be definitions coming primarily from the Department of Energy and other resource agencies.

Senator Roco. All right. So if we can then look at page 3, Mr. President, Section 5(a).

Senator Honasan. Mr. President, if I may interrupt. Correction. That was not the Department of Energy, but the Department of Environment and Natural Resources.

Senator Roco. All right, whatever, because in the definitions, “department” refers to the Department of Energy or...

Senator Honasan. Department of Environment and Natural Resources, the lead agency, Mr. President.

Senator Roco. Yes, which we have put already in the new Section 3. So maybe, subject to style, the staff can just put here: “The Department,” et cetera; “hereafter the department.”

“Air pollutant refers to any matter found in the atmosphere THAT IS DETRIMENTAL TO HEALTH OR THE ECOLOGY....” Then, there is “other than oxygen,” et cetera.

I am not quite clear, Mr. President, what lines 17A to 20 contribute. Whereas, if we were to say, “Air pollutant refers to any matter found in the atmosphere that is detrimental to health or the ecology,” and then jump to 20A and then we just say “OR OFFENSIVE odors OR UNWANTED SOUNDS and radioactive substances”.

In the generic nature of the definition, we do not get lost in this other than oxygen, nitrogen, water vapor so we would suggest—with the consent of the sponsor—that we delete line 17A up to line 20 in the interest of generic definitions.

Senator Honasan. Mr. President, may we be enlightened as to the proposed wording of the revised definition? Again subject to style.

Senator Roco. If we may just delete lines 17A to 20.

The President. Starting from the word “other”.

Senator Honasan. We understand, Mr. President. Considering the accepted limited nature of this definition, referring to lines 17A to 20, we accept it, Mr. President.

Senator Roco. Thank you, Mr. President.

The President. So it is accepted.

Senator Roco. It is accepted, Mr. President.

The President. So, from line 17, it will now read as follows: “THAT IS DETRIMENTAL TO HEALTH OR THE ECOLOGY OR OFFENSIVE odors, UNWANTED SOUNDS and radioactive substances;”.

The President. All right. Is there any objection?

Senator Drilon. Before we approve that, may we have it again, Mr. President, because it does not sound correct anymore.

Senator Roco. It is awkward grammatically. But it refers to any matter found in the atmosphere THAT IS DETRIMENTAL TO HEALTH OR THE ECOLOGY OR THAT CONSTITUTE OFFENSIVE ODORS OR UNWANTED SOUNDS and radioactive substances.

What I was just deleting are all the enumerations because it becomes very *malikot*. If it is anything in the atmosphere other than soot, other than mist, other than cinders, that is how it is defined right now. The effort, Mr. President—and we need help here—is to make it just a generic definition.

AIR POLLUTANT IS THAT WHICH IS DETRIMENTAL TO HEALTH OR THE ECOLOGY OR WHICH CONSTITUTES OFFENSIVE ODORS OR UNWANTED SOUNDS OR RADIOACTIVE SUBSTANCES.

It is briefer because lines 17A to 20 says OTHER THAN OXYGEN, NITROGEN, WATER VAPOR, CARBON DIOXIDE, et cetera...

Senator Drilon. Because unless we are careful with the construction, it can read, "any matter found in the atmosphere THAT IS DETRIMENTAL TO OFFENSIVE ODORS."

Senator Roco. No, "TO HEALTH." That is why I said it is awkward grammatically, Mr. President. "DETRIMENTAL TO HEALTH OR THE ECOLOGY OR WHICH CONSTITUTES OFFENSIVE odors, et cetera."

The President. "UNWANTED SOUNDS and radioactive substances."

Senator Roco. Yes, Mr. President. So we do not have to argue as to "this is a cinder" and, therefore, it is not a part of it.

The President. As further corrected by Senator Roco, is there any objection? [Silence] There being none, the amendment is approved.

Senator Roco. Thank you, Mr. President. In line 28 of the same page, again, this is a suggestion and I do not feel strongly about it. My effort is just to keep shortening the definitions.

"Air pollution", from lines 22 up to 28. I am wondering if by deleting "or et cetera" until line 30, and ending with the word "welfare", it may be sufficient.

The President. Up to line 28?

Senator Roco. Yes, Mr. President.

The President. The last word is "welfare."

Senator Roco. Yes, Mr. President. My effort is purely to shorten the definition because we are covered with other standards of industrial, agricultural or other purposes later on in the specific portions. So for definition purposes, I am wondering whether we can end with the word "welfare".

Senator Honasan. It is accepted, Mr. President.

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

Senator Roco. Thank you, Mr. President. We are now on page 4, if Atty. Flavier has an antecedent amendment for Atty. Legarda.

Senator Honasan. Mr. President, for the information of the Chair, the unresolved amendments of Sen. Legarda-Leviste begin in line 21A of page 4 involving the definition of "AROMATIC".

Senator Roco. On page 4, Mr. President, again, just a question. Lines 6 and 7 are difficult for me to understand. So, just to guide later—lawyers may read this law—could the sponsor give us some annotation about "autoclaving, chemical disinfection and microwaving technique among others, for infectious waste" because "among others" is indefinite.

If the author does not feel very strongly about this, again, we were thinking of suggesting to delete lines 6 and 7 and just end with "municipal solid waste," if this does not take anything away from the definition.

Senator Honasan. This does not take anything away from the spirit behind this definition, Mr. President. Unless for clarity we want to expand the definition by going into the technical aspects of autoclaving, chemical disinfection and microwaving, some of which technologies are already being applied, for example, in hospitals, in small scale.

Senator Roco. That will be covered later on because there are specific ways of treating infectious waste or medical waste.

Senator Honasan. Considering that input, we have no objection to deleting lines 6 and 7, with the provision that it will be clarified in subsequent sections.

Senator Roco. If it is accepted, Mr. President, if there is no objection.

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

Senator Roco. Thank you, Mr. President. "Ambient air quality", in line 18, just for logical arrangement, maybe, should be subsection D. Because after we say "ambient air quality," then we have "Ambient air quality guideline values." So, we just reverse, if this is all right.

Senator Honasan. We accept it, Mr. President.

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

Senator Roco. Then, Mr. President, the new line 8, which is now—we are looking at line 18, "Ambient air quality"—may we suggest also, again purely for styling, to reverse the sentences. So that it reads: "Ambient air quality is the general amount of pollution present in a broad area"—I am looking at lines 20 and 21—"and refers to the atmosphere's average purity as distinguished from discharge measurements taken at the source of pollution." I am just transposing the sentences, Mr. President.

Senator Honasan. We accept it, Mr. President.

The President. Is there any objection to the amendment which involves a transposition? *[Silence]* There being none, the amendment is hereby approved.

Senator Roco. Line 21A, Mr. President, I find it difficult to understand this. It must mean something to somebody with a scientific background. I understand this is from Senator Legarda-Leviste.

My only problem, Mr. President, is, as a lawyer—and I beg the indulgence of our friends that there are particles of lawyers in me—if I cannot understand it, I would imagine others, during the implementation of the law, will have difficulty understanding it. And my colleague can just imagine the mischief that they can do if...I really find this difficult. I do not know how to measure it—"organic compounds which are benzene derivatives." There may be hundreds of benzene derivatives. "ONE OR MORE BENZENE RINGS AND WHERE THE ELECTRONS MOVE CONTINUOUSLY AROUND THE RINGS."

I do not know if we can wait for our colleague to tell us what this means. Because when we use aromatics later on and this is the definition, if it does not go around the rings, it is not aromatic anymore. I do not know what it is doing going around rings. It is really from total lack of scientific knowledge.

Senator Honasan. Mr. President, these are valid observations. At the same time, the committee has found itself in a situation where it has to strike a healthy balance between the limitations that are set by the technical dimensions of this act and an attempt to optimize the clarity.

For that reason, considering the amendments of Senator Legarda-Leviste, we have, in fact, proposed an amendment to the amendment just for an incremental improvement in clarity.

For example, Mr. President, and this has been articulated by the honorable Sen. Juan Flavio, Senator Legarda-Leviste has proposed that after the definition of aromatics, we add the following description and it says: BENZENE SHALL REFER TO AN AROMATIC HYDROCARBON WHICH CONTAINS SIX CARBON AND SIX HYDROGEN ATOMS IN ALTERNATE DOUBLE AND SINGLE BONDS. This is purely technical, Mr. President.

Senator Legarda-Leviste further proposes that we add: BENZENE HAS BEEN CLASSIFIED BY THE WORLD HEALTH ORGANIZATION AS A GROUP I CARCINOGEN.

The consequent amendment to the amendment refers to the

second sentence, and we propose that we delete the second sentence and we clarify further the second sentence which is BENZENE HAS BEEN CLASSIFIED AS A GENOTOXIC CARCINOGEN FOR WHICH THERE IS NO ABSOLUTELY SAFE EXPOSURE LEVEL. So we move into another dimension which is the effect of such technical dimension.

Senator Roco. May we ask the distinguished sponsor where in the text or in the operative sections the term "aromatic" is then used?

Senator Honasan. It is used in subsequent sections, Mr. President, dealing with fuels and additives.

Senator Roco. May we inquire from the staff to help us look at the section so that...

Senator Honasan. In Section 31, Mr. President.

Senator Roco. This is on page 24.

SUSPENSION OF SESSION

Senator Honasan. Mr. President, 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 5:58 p.m.

RESUMPTION OF SESSION

At 5:59 p.m., the session was resumed.

The President. The session is resumed.

Senator Roco. Mr. President, we will revisit that section when we reach Section 33 because of the technical definitions. It is very difficult—and I do not envy the distinguished sponsor—to craft a law with very technical goals. So when we get there, we will revisit the concept. I have no further amendments on pages 4 and 4A.

Senator Honasan. Mr. President, with the permission of the gentleman, as an anterior couple of amendments, I would like to repeat the individual amendments of Senator Legarda-Leviste related to page 4, line 21A.

The President. Page 4, line 21A.

Senator Honasan. Senator Legarda-Leviste proposes that, on page 4, after the definition of "AROMATICS", we add the

following definition: BENZENE SHALL REFER TO AN AROMATIC HYDROCARBON WHICH CONTAINS 6 CARBON AND 6 HYDROGEN ATOMS IN ALTERNATE DOUBLE AND SINGLE BONDS. BENZENE HAS BEEN CLASSIFIED BY THE WORLD HEALTH ORGANIZATION AS A GROUP I CARCINOGEN.

The committee accepts the first sentence, but we propose an amendment to the amendment. We propose to change the second sentence into: BENZENE HAS BEEN CLASSIFIED AS A GENOTOXIC CARCINOGEN FOR WHICH THERE IS NO ABSOLUTELY SAFE EXPOSURE LEVEL.

The President. Is there no comment from Senator Roco?

Senator Roco. The last sentence is an editorial comment on benzene and may not be appropriate for a definition. I do not know whether we can make that legislative judgment now that there is absolutely no safe exposure to benzene. I do not know what it is.

My suggestion, Mr. President, is for those that can be accommodated with technical definitions, compounds, let us put the formula for the chemical compound so that the scientists can understand what "benzene" means. Instead of putting it into words, if benzene is B, B2 or BO, BO2, NE3, or whatever it is, then it is understood at least by somebody in this world who understands "benzene." But when we transform into words chemical formulations, somewhere along the line, when the lawyers interfere, it is not benzene to a lawyer.

Senator Honasan. Mr. President, may the committee request a clarification. Would this be a requirement in the gentleman's proposal in spite of the expansion of the technical definition in subsequent sections?

ROCO AMENDMENTS

Senator Roco. Yes, Mr. President. In fact, I was going to suggest, and I have no capacity for suggesting the chemical composition, that in all those where we mentioned benzene like a specific gas, it might be simpler to say, "it is known by the chemical formula BONE3", and then we put it into word, if we wish, and that will apply to others. We have POP, PM10, lead—lead is described. I am sure in elementary chemistry, we were told that lead is something else. It is described in terms of composition. So, when we do that, at least, scientists can validate it objectively. That is my suggestion, but I do not have the answer on what the formula is.

Senator Honasan. We shall do this, Mr. President. Again, subject to style, because in this particular case we are combining format and striking a healthy balance between the technical aspects and the spirit of the proposal.

Senator Roco. Yes, Mr. President. Maybe, just as an omnibus motion, all chemicals mentioned by name should be initially described by its scientific composition, like H2O or water, and then we describe it by words to conform to the law.

Senator Honasan. We accept that, Mr. President.

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

Senator Drilon. Mr. President.

The President. The Majority Leader is recognized.

Senator Drilon. Just an inquiry on the definitions. Mr. President, when we craft a legislation and we propose a provision on definition, two things come to mind. Number one, that these definitions are used in the Act. Are all these words that we are defining here used in the body of the law, Mr. President?

Senator Honasan. Yes, Mr. President.

Senator Drilon. The definition is necessary because of the peculiar meaning of these words that are being used here?

Senator Honasan. That is correct, Mr. President.

Senator Drilon. In other words, if we do not define these phrases, can there be some confusion?

Senator Honasan. There will be various interpretations as pointed out by Senator Roco.

Senator Drilon. Thank you, Mr. President.

Senator Roco. I am precisely commiserating with the Majority Leader. I am in the same predicament, but I am trying to meet also the crafting difficulty. Whatever is mentioned like "lead," I am sure there is a chemical composition for "lead." Then, we just describe it as "l-e-d", or whatever it is.

We have an engineer who just walked in. It is an element, is it not?

Senator Honasan. Mr. President, ultimately, we shall have to refer to universally accepted technical definitions, and this is what the committee will seek to incorporate in the spirit of the proposal.

Senator Roco. Which brings me to page 5 if we have nothing more on page 4.

I am looking at "greenhouse gases" and this will be critical in

any law on clean air. Greenhouse gases—I am no scientist that is why I am not frightened by what I cannot understand. So that CFC or chlorofluorocarbons combined with methane and oxides of nitrogen...if we talk to Dr. Chan, nitro oxide is important for the heart.

Carbon dioxide—there is very little that we can do about it because every time we breathe out, we breathe out carbon dioxide.

As long as we have plants that will transform them into oxygen again, then we are in business. But maybe, greenhouse gases, if the distinguished sponsor can ask the technical staff: What are internationally recognized to be greenhouse gases that must be subject to regulation? Because the way it is defined, it is very difficult, Mr. President.

Carbon dioxide—no one can prevent us from breathing out. As the song goes, when we breathe out, we make little plants somewhere happy because we give out carbon dioxide. So, either we delete this or we just adopt a standard enumeration of what are the harmful greenhouse gases.

Senator Honasan. The committee shall attempt to do this in the light of the proposed amendment.

Senator Roco. I am not trying to propose. I am just suggesting a way of redoing this because I am not technically competent. But I do know that carbon dioxide, what in heaven's name can we do about the carbon dioxide? We have been spreading carbon dioxide every time we debate here.

Methane—every time the hogs excrete, I think, they add methane. The oxides of nitrogen, according to the doctor I just saw, is good for the heart.

The chlorofluorocarbon is named after the Gokongwei company, CFC.

I do not know, Mr. President. I have no specific proposal, but I can see that when we refer to the greenhouse—the operating principle here probably is, for instance, deodorant. Deodorants that have atomizers—when we use CFC to atomize, to release the deodorant—add CFC to the air and we add to the ozone depletion. Therefore, do not buy deodorants which use CFC. Buy deodorants only that are natural in atomizers. That is my knowledge of greenhouse gases. So, instead of being broad, I am suggesting that the technical group should make it specific.

Senator Honasan. We accept this in principle, Mr. President.

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

Senator Roco. I am just proposing that the technical group should put together more specific, more pointed...They will work it out and then submit it.

In line 21, page 5, detoxification process such as biodegradation. I am not familiar with the word “biodegradation”. It may be, in fact, a correct word, so somebody should look at it, Mr. President. I will take the assurance of the sponsor. I am just not familiar with the word “biodegradation”. I have no proposed amendments there.

In the next Section M—Incineration. This is a matter of style so I am hesitant to suggest it, Mr. President. Our distinguished sponsor has been grappling with so many words already but if this is helpful—“Incineration” refers to the process by which wastes, garbage, refuse and other materials are burned or rapidly oxidized into ashes...

Maybe we can jump to line 27 already and continue—“into ashes to reduce chemically the volume of solid wastes which includes pyrolysis, gasification and electro-chemical oxidation.” By making it again one sentence, it is more pointed. We do not lose any meaning.

Senator Honasan. We accept it, Mr. President.

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

Senator Roco. Thank you, Mr. President. I am now on page 6.

Senator Honasan. Mr. President.

The President. Yes, Senator Honasan is recognized.

Senator Honasan. Sen. Loren Legarda-Leviste has also a proposed individual amendment on page 6, line 4, unless the gentleman has an anterior amendment.

Senator Roco. No, I am looking at “lead”.

SUSPENSION OF SESSION

Senator Honasan. 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 6:13 p.m.

RESUMPTION OF SESSION

At 6:14 p.m., the session was resumed.

The President. The session is resumed. Senator Honasan is recognized.

Senator Honasan. Mr. President, on page 6, line 4, Sen. Legarda-Leviste proposes that we insert another definition—"INCINERATOR" SHALL REFER TO A FURNACE OR AN APPARATUS FOR BURNING TRASH, GARBAGE OR OTHER MATERIALS INTO ASHES.

We propose an amendment to this proposed amendment in the form of an added definition. The proposed amendment to the amendment is, after the word "ashes", we add the phrase, WHICH CAUSES AIR, WATER AND SOIL POLLUTION.

The President. Is there any objection?

Senator Roco. I am not objecting, Mr. President. But when we put a qualification like that, it will create the possibility of what the lawyers would call a "negative pregnant".

When it does not therefore create this water, then it is not an incinerator. Because the definition has a qualification. That is what I have been trying to work on, removing the phrases that create escape clauses.

May I suggest to the sponsor that, maybe, we can discuss that some more or not put in that qualification which "has water that pollutes". Supposing there is no water? Supposing this is just asked, then it does not fit into the definition anymore.

I do not know if I am making myself clear.

Senator Honasan. Mr. President, this particular proposal cannot be taken in isolation for the fact that in its present form, we have decided to ban the use of incinerators. Would this be material to that?

Senator Roco. I am totally in support of the principle of banning the use of incinerators. That is why I do not want a definition that has an escape clause. Because all I have to do is import something and because of the escape clause, I can import an incinerator which is not banned.

Senator Honasan. Mr. President, at the same time, it would be improbable that there would be in existence an incinerator considering the current findings of the committee that would not cause air, water and soil pollution. Any incinerator that would be operated under current conditions would cause pollution. There would be no exclusion dimension to this.

Again, we open ourselves to any refinement of this provision.

Senator Roco. I do not think that we are quarrelling over goals, Mr. President. We are all in conjunction with the desire to ban incinerators. But we do have a definition of what is incineration. Incinerator is a noun that applies, in the general signification of the term, to something that is burned. If we do not define it, then we go to the normal meaning. Because when we give a special meaning in law, then it is altered. Those elements must concur before the ban can apply.

May I suggest that instead of defining incinerators, since we defined already incineration, and that is the act that will be prohibited, and any apparatus or contraption that will create incineration will therefore be banned, then we have, for the lawyers, less escape clauses.

That is why I would only suggest, Mr. President, that that be done. In fact the same observation can be aptly applied to lead.

Senator Honasan. Thank you, Mr. President. Again, subject to style and subject to the committee's attempts to gather more inputs, we shall consider this.

Senator Roco. Then there is no motion, Mr. President. We will wait for that. In conjunction with that, let me now look at the term "lead," 5A, subsection (O).

PARLIAMENTARY INQUIRY

(On the Status of Senator Legarda-Leviste Amendment)

Senator Drilon. Parliamentary inquiry, Mr. President.

The President. Senator Drilon is recognized.

Senator Drilon. What happens to the proposed Legarda-Leviste amendment?

Senator Roco. I was hoping that it could not be put in.

Senator Honasan. Mr. President, then necessarily, we will have to hold this in abeyance and get the comments of Senator Legarda-Leviste, incorporating the suggestions of Senator Roco.

Senator Drilon. All right. Now, it is on record, then we can proceed.

The President. The resolution on the Legarda-Leviste amendment has been deferred.

Senator Honasan. That is correct, Mr. President.

Senator Roco. That is the parliamentary status.

Look at the definition of "lead." I understand from Senator Flavier that lead's technical description is Pb, which is great for a guy named P. B. Dionisio, because he sells guns. So Pb is lead and Dionisio sells guns. That is the compound, whatever is that.

But look at the definition, Mr. President. I understand this is medically correct, "shall refer to a heavy, silvery gray metal added to gasoline, primarily for its octane-enhancing, and secondarily for lubricating properties. When it is absorbed into the bloodstream, it is known to cause abnormalities in pregnancy and fertility, hypertension and extreme fatigue in adults and retardation, poor intelligence quotient and growth deficiencies in children."

Again, this is what I mean by "negative pregnant." Supposing, therefore, it is not absorbed. By this definition, it is not lead. Because when we define "lead"—I am sorry, this is a lawyer's thought—we say heavy, silvery gray. It is known as Pb in scientific term. Then it says, "When it is absorbed into the bloodstream, it is known to cause abnormalities in pregnancy..."

But there is lead that does not fall into this because it is lying around or it is used for bullets. That one does not only cause abnormalities. It terminates. But the way it is defined, "when it is not absorbed into the bloodstream, leaded gasoline." So long as I do not touch it, it does not enter my bloodstream. Does the definition still apply? When we put a colatilla, then it must apply for it to become lead under the law. I do not know if I am making myself clear, Mr. President.

Senator Honasan. Mr. President, to quote the sponsor himself, this would be in the realm of a judgment call. This is an attempt again to put together various dimensions of a bill that seeks not only to regulate but maybe to prospectively prevent added pollution. There would be no fail-safe measure for this but I guess it would come in the form of additional refinement to the definition.

For example, it is absorbed in dangerous quantities and it would result in these negative effects.

Senator Roco. Is there a ban on lead in the law?

Senator Honasan. Mr. President, the direction would be towards unleaded gasoline and this would have consequent effects on emission standards for engines.

Senator Roco. Then maybe we can find a solution by putting this in the section with the ban. In other words, lead is known as Pb by scientists. Then it refers to a heavy, silvery gray metal added

to gasoline for purposes of this law, primarily for its octane-enhancing, and secondarily for lubricating properties.

Then in the operating section, we say that we will ban lead—my wordings are awkward—when people are exposed to lead in such a manner that it can be absorbed into the bloodstream which can cause abnormalities in pregnancy. In other words, it is not part of the definition. Let us put it in the operating section when we ban lead.

Senator Honasan. Mr. President, with the gentleman's indulgence, this is a product of a previously accepted amendment. For that reason, we shall have to refer to the original author of this particular definition and request that we hold this in abeyance until we can reconcile the original amendment with the present proposal of the distinguished gentleman.

Senator Drilon. Mr. President.

The President. The Majority Leader is recognized.

Senator Drilon. With the permission of the gentlemen on the floor, if we do not define "lead" in the manner that it is defined here, will it change anything? Is this not a scientific definition of "lead?"

Senator Honasan. This is not exactly a technical and scientific definition, Mr. President. We take this as the extreme of the original points raised by Senator Roco. This is now an attempt to translate it into layman's term. But this is a universally accepted definition.

Senator Drilon. That is right. My point is, if it is a universally accepted definition, then we do not have to place the definition here as the gentleman did not place it in his original committee report.

Senator Honasan. That is correct, Mr. President.

Senator Drilon. Anyway, this was an amendment which the committee accepted.

Senator Honasan. That is correct, Mr. President.

Senator Roco. Since we are asking it to be deferred, maybe, we should wait for Senator Legarda-Leviste. So the action is to defer that definition in the meantime until we consult with the author.

Senator Drilon. With due respect to Senator Roco, the definition has been approved by the Chamber.

Senator Honasan. Mr. President, if I may.

Senator Roco. Please.

Senator Honasan. Mr. President, this would come in the form of an amendment to a previously accepted amendment.

Senator Drilon. That is right. On page 6, lines 5A to 5G, is it not a fact that this definition was previously approved by the Chamber? There was an appropriate motion; this was submitted to the committee; the committee accepted. Procedurally, it was submitted to the Chamber.

Senator Roco. There may be need to do so later.

Senator Honasan. Mr. President, the committee then defers to the judgment of the Body.

Senator Roco. Maybe later, after we consult, then we ask for a reconsideration with the permission of the Body.

Senator Drilon. All right.

Senator Roco. Now, again, the same observation can be applied to subsection (Q). Consider, Mr. President, "motor vehicle"—and maybe this is intended—or "mobile source refers to any vehicle propelled by or through combustion of carbon-based or other fuel or by any means other than human or animal power, constructed and operated principally for the conveyance of persons or the transportation of property or goods."

I have two small problems. Obviously, this does not refer to a solar vehicle. If it is propelled by the sun, this definition does not apply. It will not be a motor vehicle in contemplation of this proposed Act.

Senator Honasan. That is correct, Mr. President.

Senator Roco. All right. So a solar car is not a motor vehicle here.

Senator Honasan. In the definition, Mr. President.

Senator Roco. Yes.

Senator Honasan. And taken in the light of a universally accepted findings that 60 to 70 percent of air pollution is caused by mobile sources.

Senator Roco. I have no problem with the concept of motor vehicle. I do not know whether we want to exclude; I do not know what these solar vehicles are. Maybe, they transmit

radioactive waste or whatever. But here, because of the way it is defined, a solar vehicle is not a vehicle in this proposed law. It is not covered by this proposed law.

Senator Honasan. That is correct, Mr. President.

Senator Roco. In fact, strictly, a tractor that is principally to harrow the land is not covered by this.

Senator Honasan. A tractor that is solar-powered, Mr. President.

Senator Roco. No. It says "operated principally for the conveyance of persons or the transportation of property or goods" and that is not what a tractor is supposed to do principally.

Senator Honasan. That is correct, Mr. President.

Senator Roco. Again, this is the lawyer's mind working. I have seen so many tractors that emit such foul air so that when they plant—as we can see, plants cleanse the atmosphere of carbon dioxide—the tractor pollutes. This is the way the definition is worded.

Senator Honasan. Mr. President, that would be a very valid observation. That is also the reason the committee, with the consent of the other authors of various versions, has been quite liberal in the sense that we envision this law to be evolutionary. As we develop the means to monitor tractors, then we shall accordingly amend the definitions. But considering the prospective dimension of the gentleman's proposal, we accept the validity of these detailed observations.

Senator Roco. What the committee may wish to consider is whether we just again make it generic because motor vehicle is understood under ordinary meaning. By leaving it therefore to ordinary meaning, anything that moves is covered by motor vehicle. And if it emits a certain degree of gases that therefore qualifies under the defined air pollutant, dead ball, we can arrest. So what I am suggesting is maybe by deleting, we improve the possible enforcement of the law.

Senator Honasan. Subject to style, we accept it, Mr. President.

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

Senator Roco. Thank you, Mr. President.

The phrase "Octane Rating or the Anti-Knock Index" under line 14 of page 6 is again very difficult for me to understand.

So, I will just ask the committee if they would want to simplify or maybe it is better that we use scientific terms.

This one really escapes me together with the word "benzene." I am a little lost. So I would imagine there might be others who would also be lost in this one. But I leave it to the committee to figure that one out. I have no suggestions then.

I am now on page 7, Mr. President. Again, the term "persons" is defined. But this is already well-known in the Civil Code. Maybe we do not want to define "persons" anymore. It refers to any being, natural or juridical, susceptible of rights, et cetera. This is a Civil Code definition.

Unless we feel strongly that there are some creatures moving around that can be classified or not classified as persons, by deleting this, we just rely on how the term "persons" is normally used in law.

May we suggest that it be deleted, unless there is a particular section that is affected which may require the need for such a definition.

Senator Honasan. Mr. President, with the gentleman's indulgence, may we request that we defer this until we can reconcile this with the other aspects and sections of the bill.

Senator Roco. All I am saying is that it may not be necessary. But even if it is there, it is all right. But then we will have to wait into "associations, corporate soul or religious soul." All those distinctions may not be necessary in the anti-pollution law.

The President. So in the meantime, the term "persons" will not be touched?

Senator Honasan. That is correct, Mr. President.

The President. All right. Let us proceed.

Senator Roco. So, I will skip the "stationary source" although I do not know why we want to say that.

Can we end there, Mr. President. May I ask for a suspension, and then we can have a clean definition. And if we can consistently define it by scientific terms, then it is better.

May I ask for a suspension of consideration for now.

SUSPENSION OF CONSIDERATION OF S. NO. 1255

Senator Drilon. Mr. President, to enable the committee to

prepare a new draft containing the various amendments, I move that we suspend consideration of Senate Bill No. 1255 under Committee Report No. 8.

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

Senator Roco. May I also request that we authorize the sponsor to delete from the draft words that are already deleted. Like on page one, the words "recognizing the" are already in brackets, but it just makes the draft thick and there are also sections deleted altogether.

I know this is a departure from the normal practice, but it is not the first time we are doing it. In the long bills, we have to do it, otherwise even the deletions make it longer and heavier. So, if we can just authorize the sponsor and the staff, where it is bracketed, make it disappear. *Para hindi na magkakagulo.*

Senator Drilon. We have done that in the past, Mr. President. Maybe for purposes of the next draft, we just delete those which are already bracketed. Although the words in bracket would have some useful purpose in the sense that we know what was the original intention.

In any case, we can always refer to the previous versions of the bill.

So, we request the Chair to direct the Secretariat.

The President. The Secretary is so directed by the Chair.

Senator Roco. Thank you, Mr. President.

Senator Drilon. Mr. President.

The President. The Majority Leader is recognized.

ADJOURNMENT OF THE SESSION

Senator Drilon. Mr. President, we move that we adjourn the session for today until tomorrow, February 9, 1999 at 3:00 p.m.

The President. Is there any objection? *[Silence]* There being none, the session is adjourned until tomorrow, February 9, 1999 at 3:00 p.m.

It was 6:36 p.m.