

TUESDAY, JANUARY 26, 1999

ROLL CALL

OPENING OF THE SESSION

The Secretary will please call the roll.

At 3:42 p.m., the Senate President, Hon. Marcelo B. Fernan, called the session to order.

The Secretary, reading:

The President. The 55th session of the Senate in the First Regular Session of the 11th Congress is hereby called to order.

- Senator Teresa S. Aquino-Oreta ..... Present
- Senator Robert Z. Barbers ..... Present
- Senator Rodolfo G. Biazon ..... Present
- Senator Renato L. Compañero Cayetano .... Present
- Senator Anna Dominique M.L. Coseteng .... Present
- Senator Franklin M. Drilon ..... Present
- Senator Juan Ponce Enrile ..... Present
- Senator Juan M. Flavier ..... Present
- Senator Teofisto T. Guingona Jr. .... Present
- Senator Gregorio B. Honasan ..... Present
- Senator Robert S. Jaworski ..... Present
- Senator Loren B. Legarda-Leviste ..... Present
- Senator Ramon B. Magsaysay Jr. .... Present
- Senator Blas F. Ople ..... Present
- Senator John Henry R. Osmeña ..... 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 ..... \*\*
- Senator Francisco S. Tatad ..... Present\*
- The President ..... Present

Let us all stand for the opening prayer to be led by Sen. Teofisto T. Guingona Jr.

Everybody rose for the prayer.

PRAYER

Senator Guingona.

Dear God in Heaven

We pray for Mindanao

That promised land now faced with dangerous days and dark nights stained by blood, its silence shattered by guns and bullets.

We pray for the success of the Peace Process but ask that abuses committed in its wake by both sides be resolutely punished for the sake of the civilians caught in between.

We pray for light, that the issues of the Quran be not distorted, and that the imams and the ulamas, the priests and the pastors, the men and women of goodwill strive together to win the minds and the hearts of the people of Mindanao, especially the young.

We pray that we in the Senate face more resolutely the challenges in the South and give what we can, to forge there a genuine and lasting peace.

We pray dear God—give us light, give us wisdom that we help find the solutions and answers to this humble plea for our brothers and sisters in Mindanao.

We pray.

Amen.

The President. Thank you, Senator Guingona.

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 motion is approved.

Senator Drilon. I move that we proceed to the reading of the Reference of Business.

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

\* Arrived after the roll call

\*\* On official mission

Sponsors: Senators Roco and Pimentel Jr.

**The President.** To the Calendar for Ordinary Business

The Majority Leader is recognized.

#### SUSPENSION OF SESSION

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

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

*It was 3:50 p.m.*

#### RESUMPTION OF SESSION

*At 3:59 p.m., the session was resumed.*

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

#### 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 we ask the Chair to recognize the principal sponsor, Senator Honasan.

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

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

**Senator Drilon.** We are now in the period of individual amendments. We have to go page by page on the proposed measure.

**Senator Honasan.** Mr. President, I have here written copies of individual amendments from our colleagues which I would request that I be allowed to manifest on the floor, with due attribution to our colleagues.

For this reason, I would like to ask permission to read these amendments from individual senators instead of going page by page. Anyway, it will be in sequence.

**Senator Drilon.** We have no objection, Mr. President, if these are individual amendments which will be acknowledged by the sponsor as coming from the senator who submitted the individual amendments.

**The President.** Please proceed, Senator Honasan.

#### JAWORSKI AMENDMENTS

**Senator Honasan.** Thank you, Mr. President. I have been given the privilege of manifesting on the floor the individual amendments from, first, Senator Jaworski.

On page 4, line 7, replace the word "other" with the word OTHERS.

We accept the amendment, Mr. President.

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

**Senator Honasan.** In line 18, same page 4, delete the phrase "means the average atmosphere" and replace the same with the phrase REFERS TO THE ATMOSPHERE'S AVERAGE. The new text would now read as follows: "(e) Ambient air quality - REFERS TO THE ATMOSPHERE'S AVERAGE purity."

We accept the amendment, Mr. President.

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

**Senator Honasan.** On page 6, line 9, we replace the word "means" with the words REFERS TO.

We accept the amendment, Mr. President.

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

**Senator Honasan.** On the same page 6, line 15, replace the word "means" with the words REFERS TO.

We accept the amendment, Mr. President.

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

**Senator Honasan.** On the same page 6, line 19, we replace the word "are" with the words REFERS TO.

We accept the amendment, Mr. President.

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

**Senator Honasan.** On page 7, line 15, add a semicolon (;) after the word "effluent".

We accept the amendment, Mr. President.

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

**Senator Honasan.** In line 27 of the same page 7, we add a period (.) after the word "air".

We accept the amendment, Mr. President.

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

**Senator Honasan.** On page 10, line 10, we insert the word WITH between the words "comply" and "to".

We accept the amendment, Mr. President.

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

**Senator Honasan.** In line 19, add the letter S to the word "Zone".

We accept the amendment, Mr. President.

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

**Senator Honasan.** On page 11, line 4, we delete the phrase "annually report and publish an" and in lieu thereof, insert the phrase PREPARATION AND PUBLICATION OF AN ANNUAL. The new text shall now read as follows:

d) PREPARATION AND PUBLICATION OF AN ANNUAL air quality status report of the Air Quality Control Zone.

We accept the amendment, Mr. President.

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

**Senator Honasan.** In line 8 of the same page 11, we insert the article THE between the words "with" and "appropriate".

We accept the amendment, Mr. President.

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

**Senator Honasan.** On the same page 11, line 10, we add S to the acronym of AQCZ or Air Quality Control Zone.

We accept the amendment, Mr. President.

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

**Senator Honasan.** In lines 14, 20, 23 and 26, same page, page 11, Mr. President, we replace the acronym "DENR" with the word DEPARTMENT.

We accept the amendment, Mr. President.

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

**Senator Honasan.** In line 18, same page, page 11, Mr. President, we add the letter S to the word "zone".

We accept the amendment, Mr. President.

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

**Senator Honasan.** On page 13, line 14, Mr. President, we replace the period (.) with a semicolon (;).

We accept the amendment, Mr. President.

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

**Senator Honasan.** In line 25, on the same page, page 13, Mr. President, we add the letter S to the word "standard".

We accept the amendment, Mr. President.

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

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

On page 14, line 30, we add a hyphen (-) between the words "internationally" and "accepted".

We accept the amendment, Mr. President.

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

**Senator Honasan.** On page 16, line 31, Mr. President, we add the letter S to the word "agreement".

We accept the amendment, Mr. President.

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

**Senator Honasan.** On page 19, line 5, Mr. President, we delete the semicolon (;) after the word "upon".

We accept the amendment, Mr. President.

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

**Senator Honasan.** On page 22, line 23, Mr. President, we capitalize the letter "d" of the word "department".

We accept the amendment, Mr. President.

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

**Senator Honasan.** On page 23, line 7, we insert the word THE between the words "and" and "LGU's".

We accept the amendment, Mr. President.

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

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

On page 24, line 2, we replace the acronym "DTI" with DOTC.

We accept the amendment, Mr. President.

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

**Senator Honasan.** In line 3 of the same page, page 24, we replace the acronym "DOTC" with DTI.

We accept the amendment, Mr. President.

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

**Senator Honasan.** On the same page, page 24, line 12, we replace the acronym "DTI" with the letters DOTC.

We accept the amendment, Mr. President.

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

**Senator Honasan.** On the same page, page 24, line 30, we replace the word "Department" with DOTC.

We accept the amendment, Mr. President.

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

**Senator Honasan.** On page 25, line 17, we replace the word "meet" with its past tense MET.

We accept the amendment, Mr. President.

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

**Senator Honasan.** On page 26, line 5, we replace the word "of" after the word "specification" with the word FOR.

We accept the amendment, Mr. President.

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

**Senator Honasan.** On page 32, line 16, replace the word "this" with the word THESE.

We accept the amendment, Mr. President.

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

**Senator Honasan.** On the same page, line 18, add a COMMA (,) and the word OR before the word "operations".

It is accepted, Mr. President.

**The President.** How will it read now, Senator Honasan?

**Senator Honasan.** In line 18, we add a (,) and the word OR before the word "operations". So the corrected sentence or a portion of it will read, "or construction of, OR operations of the stationary sources."

We accept, Mr. President.

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

**Senator Honasan.** On page 34, line 3 should be SEC. 26 rather than "Sec. 25". So we substitute the designation SEC. 26 in lieu of "Sec. 25".

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

**Senator Honasan.** On the same page 34, line 30, replace the word "for" with the word OF.

We accept, Mr. President.

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

**Senator Honasan.** On page 35, line 15, replace the word "forms" with a singular word FORM.

We accept, Mr. President.

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

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

Mr. President, we are made to understand that Senator Jaworski would like to personally manifest additional amendments on the floor.

**The President.** Thank you, Senator Honasan. Senator Jaworski is recognized.

**Senator Jaworski.** Thank you, Mr. President. Here are the additional amendments:

On page 3, line 17, after the word "atmosphere," insert the following: THAT IS DETRIMENTAL TO HEALTH OR THE ECOLOGY.

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

**The President.** On page 3, line 17, after the word "atmosphere", insert the phrase THAT IS DETRIMENTAL TO HEALTH OR THE ECOLOGY. Is there any objection? *[Silence]* There being none, the amendment is hereby approved.

**Senator Jaworski.** Thank you, Mr. President. On page 32, line 6, after the figure "(P100,000.00)" insert the following: NOR LESS THAN TWENTY FIVE THOUSAND PESOS (P25,000.00).

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

**The President.** On page 32, after the figure "P100,000.00", insert the following: NOR LESS THAN P25,000.00.

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

**Senator Jaworski.** On the same page, Mr. President, page 32, lines 10 and 11, delete the words "ability to pay"; and after the word "willful", delete the comma (,) and the words "degree of" subsequent thereto.

**The President.** In line 10, page 32, delete the words "ability to pay", the comma (,) and the words "degree of" subsequent thereto.

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

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

**Senator Jaworski.** Replace them with the word OR.

**The President.** It is on page...

**Senator Honasan.** May we request Senator Jaworski to clarify the proposed individual amendment in its entirety.

**Senator Jaworski.** Delete the words "ability to pay"; after the word "willful", delete the comma (,) and the words "degree of" subsequent thereto, then replace them with OR.

**Senator Honasan.** May we request Senator Jaworski to then read the new phrase in substitution.

**The President.** Starting in line 7?

**Senator Honasan.** Beginning with lines 9 and 10, Mr. President.

**The President.** Please proceed.

**Senator Jaworski.** It is on page 32. It will then read:

"For purposes of the application of the fines, the Pollution Adjudication Board shall prepare a fine rating system to adjust the maximum fine based on the violator's degree of willfulness OR negligence."

It will then read: "For purposes of the application of the fines, the Pollution Adjudication Board shall prepare a fine

rating system to adjust the maximum fine based on the violator's degree of willfulness OR negligence AND history of non-compliance; *PROVIDED*, THAT IN CASE OF NEGLIGENCE THE FIRST TIME OFFENDER'S ABILITY TO PAY MAY LIKEWISE BE CONSIDERED BY THE POLLUTION ADJUDICATION BOARD; *PROVIDED, FURTHER*, THAT IN THE ABSENCE OF ANY EXTENUATING OR AGGRAVATING CIRCUMSTANCES, THE AMOUNT OF FINE FOR NEGLIGENCE SHALL BE EQUIVALENT TO ONE-HALF(1/2) OF THE FINE FOR WILLFUL VIOLATION.

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

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

**Senator Jaworski.** Thank you, Mr. President. That is all.

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

**Senator Honasan.** Mr. President, from Senator Magsaysay Jr., I have been tasked to manifest his individual amendment on the floor.

#### MAGSAYSAY AMENDMENT

On page 23, line 24, delete the words "Trade and Industry (DTI)", and in lieu thereof, insert the phrase ENVIRONMENT AND NATURAL RESOURCES (DENR). So that the accreditation of private emission-testing centers will be under the DENR instead of the DTI.

We accept the amendment, Mr. President.

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

**Senator Honasan.** Mr. President, we have been informed that Senator Jaworski wants to manifest on the floor additional amendments.

**The President.** Senator Jaworski is recognized, if he wants to manifest additional amendments.

#### JAWORSKI AMENDMENT

**Senator Jaworski.** Mr. President, on page 31, line 4, insert the following text to read as Section 40:

"SEC. 40. HARASSMENT SUITS AND STRATEGIC LEGAL ACTIONS AGAINST PUBLIC PARTICIPATION WHERE A

CRIMINAL, CIVIL OR ADMINISTRATIVE ACTION IS FILED AGAINST ANY PERSON WHO COMPLAINS OF POLLUTION OR ITS PRESENCE OF POSITION TO ENVIRONMENTALLY, CRITICALLY DEVELOPMENT PROJECTS.- IT SHALL BE THE DUTY OF THE INVESTIGATING PROSECUTOR, COURT OR TRIBUNAL, AS THE CASE MAY BE, TO MAKE A DETERMINATION WHETHER SAID ACTION HAS BEEN FILED TO HARASS, VEX, EXERT UNDUE PRESSURE, OR STIFLE THE FREEDOM OF EXPRESSION AND THE RIGHT OF A CITIZEN TO PETITION FOR REDRESS OF GRIEVANCES. UPON MOTION BY THE DEFENDANT IN A HARASSMENT CASE, THE INVESTIGATING PROSECUTOR OR THE COURT SHALL SET THE CASE FOR HEARING NOT LATER THAN THREE DAYS FROM RECEIPT OF THE MOTION TO INQUIRE INTO THE ISSUE WHETHER THE CASE IS A HARASSMENT SUIT. UPON DETERMINATION, THE COURT SHALL DISMISS THE CASE AND AWARD DOUBLE DAMAGES, ATTORNEY'S FEES, MORAL AND EXEMPLARY DAMAGES AS APPROPRIATE. THIS PROVISION SHALL ALSO APPLY AND BENEFIT PUBLIC OFFICERS WHO ARE SUED FOR ACTS COMMITTED IN THEIR OFFICIAL CAPACITY, THERE BEING NO GRAVE ABUSE OF AUTHORITY AND DONE IN THE COURSE OF ENFORCING THIS ACT.

#### SUSPENSION OF SESSION

**Senator Drilon.** 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 4:35 p.m.*

#### RESUMPTION OF SESSION

*At 4:39 p.m., the session was resumed.*

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

**Senator Drilon.** Senator Jaworski had the floor before we called for a suspension of the session. May I ask the Chair to recognize Senator Jaworski.

**The President.** Senator Jaworski is recognized.

**Senator Jaworski.** Mr. President, I am withdrawing the last amendment for further discussion.

Thank you, Mr. President.

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

SUSPENSION OF CONSIDERATION OF S. NO. 1255

**Senator Drilon.** Mr. President, with the permission of the sponsor, as there are a few of our colleagues who would propose amendments, I move that we suspend consideration of Senate Bill No. 1255.

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

**Senator Drilon.** Mr. President, for the privilege hour, with the permission of the Chamber, may I ask the Chair to recognize Senator Pimentel.

**The President.** Senator Pimentel is recognized.

QUESTION OF PRIVILEGE OF SENATOR PIMENTEL  
(Request for Senate Intervention on Escalating War  
in Cotabato City)

**Senator Pimentel.** Mr. President, I would like to thank the Chair for allowing this representation to stand up on a question of privilege.

I just received a fax message from Cotabato City only a few minutes ago. I will read it so that our colleagues here will understand the thrust of this urgent request coming from the people of Cotabato City. It says here:

Hon. Aquilino Pimentel  
Senator  
Republic of the Philippines  
Fax: (02)5526777

Greetings of Peace!

I am writing this urgent note to request the immediate intervention of the Senate to restore sanity and normalcy to the escalating battles between the Armed Forces of the Philippines and MILF Troops in Buldon and the Talayan-Datu Piang-Shariff Aguak Highway.

The AFP all-out offensive per public proclamation through Radio by no less than MGen. Rolando Bautista of the 6th Infantry Division of the PA began yesterday, 1/25/99. It started with the artillery bombardment of the MILF positions, dawn of the 25th of January. At day-break, the troops began to move in back up by tanks and armored vehicles. The battle ensued as the MILF troops defended their positions (2 kms air distance from the National Highway per agreement).

Today, 1/26/99, the same general came out in a radio broadcast telling the civilians to get out of the place and repeated his proclamation that this is an all-out offensive.

Please help restore sanity to the escalating war.

1. Immediate effect ceasefire and go to the status *ante bellum*.
2. Reaffirm the commitment of the Government to the Peace Process. MILF Chairman Shayk Salamat Hashim has come out with strong commitment to the Peace Process.
3. Immediately convene the subcommittee on the Cessation of Hostilities to iron out and normalize the situation.

In the language of Pope John Paul II: "Peace is an obligation, Peace is our duty."

Sincerely yours,

(Sgd.) FR. ELISEO R. MERCADO JR., OMI  
Chairman - QRT

Encls: QRT Resolutions  
JMC Reports  
Transcription of Gen. Bautista's radio interview

Mr. President, there is a brief report that further explains the situation there and this is dated January 25:

Based on the logbook of QRT-JMC, a heavy exchange of fire occurred around 7:45 p.m. of January 24, 1999. It lasted for an unspecified number of minutes. At 3 a.m. of January 25, mortar shelling occurred. This was followed by 105 bombardment at 6:25 this morning. QRT-JMC Meta noted that all three bombardments came from the lower portion of Shariff Aguak and the fires were directed to the hills and mountains occupied by the MILF.

All barangays and communities between Barangay Macasampen in Talayan and Barangay Meta in Shariff Aguak have been abandoned, there is no civilian presence whatsoever. But the military are in a number of places. In Talayan, the marines are maintaining a check point; in Tambunan, the 37th Infantry Battalion is holding on; in Upper Salvo, the 57th Infantry Battalion is stationed and in Bagan, all barangays between Talayan and Shariff Aguak are occupied by the military.