

RECORD OF THE SENATE

TUESDAY, NOVEMBER 10, 1998

OPENING OF THE SESSION

At 3:24 p.m., the Senate President, Hon. Marcelo B. Fernan, called the session to order.

The President. The 32nd session of the First Regular Session of the Eleventh Congress is hereby called to order.

Let us stand for the opening prayer to be led by Sen. Juan M. Flavier.

Everybody rose for the prayer.

PRAYER

Senator Flavier.

OUR HEAVENLY FATHER

Listen to us now as we pray
Open our eyes to Your wonderful works,
and our ears to Your words of life.

In the presence of God whose word has called the
stars into being,
We stand in awe.

In the presence of God whose arms have held
children, whose eyes have sparkled with laughter,
We stand in trust.

In the presence of God whose love has inspired
us to offer love and deep caring,
We unite in praise and thanksgiving.

Before You, Giver of Life, we come in faith and
love, in truth and wholeness.

Be with us: hear us, we pray.

Amen.

The President. The Chair would like to thank Senator Flavier.

ROLL CALL

The Secretary will please call the roll.

The Secretary, reading:

Senator Teresa Aquino-Oreta ..... Present

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

The President. With 19 senators present, there is a quorum.

THE JOURNAL

Senator Drilon. Mr. President.

The President. The Majority Leader is recognized.

Senator Drilon. 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 Reference of Business.

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

The Secretary will read the Reference of Business.

REFERENCE OF BUSINESS

BILLS ON FIRST READING

The Acting Secretary [Atty. Reyes]. Senate Bill

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

consideration of Proposed Senate Resolution No. 187 under Committee Report No. 4.

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

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 4:11 p.m.

RESUMPTION OF SESSION

At 4:17 p.m., the session was resumed.

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

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.

**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, the bill has been sponsored, and there are a number of senators who have made reservations to interpellate. For that purpose, may I ask that the principal sponsor, Senator Honasan, be recognized for the period of interpellation.

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

**Senator Drilon.** May I also ask that Senator Aquino-Oreta be recognized for interpellation.

**The President.** Senator Aquino-Oreta is recognized.

**Senator Aquino-Oreta.** Thank you, Mr. President.

**Mr. President,** at the outset, I would like to give my

appreciation and thanks to the chairman of the committee for making me one of the authors of the substitute bill, Senate Bill No. 1255. Actually, when this committee report was being passed around for signature, I was in Paris as part of the Philippine delegation to the UNESCO World Conference on Higher Education in my capacity as chairperson of the Committee on Education, Arts and Culture.

At this point, I wish to put on record that I am endorsing this very important legislation as embodied in Committee Report No. 8, but with some reservations, some of which I would like to ask the chairman if he would so kindly answer some questions.

**Senator Honasan.** Gladly, Mr. President, to the distinguished lady senator.

**Senator Aquino-Oreta.** Mr. President, on the issue of prohibiting the use of the type of incinerator, I understand that among the reasons cited by the proponents of the prohibition on the open-burning of municipal refuse, as well as the prohibition of the construction and use of all types of incinerators, including the phaseout of biomedical incinerators per Section 25 of the bill, is to prevent the emission of toxins and heavy metals, as well as to prevent the emission of carbon particulates and persistent organic pollutants, among others, that may pollute the environment.

Aside from prohibiting the use of all types of incinerators, including waste-to-energy plants, the proponents are advocating for the use of allegedly more environmental friendly nonburn technologies or which are simply described in the bill as "safer-treatment-and-destruction technologies."

In this regard, Mr. President, may I know from the gentleman how he will justify this intended prohibition, considering the following: first, if we have to rely mainly on sanitary landfills in the disposal of municipal wastes, how will we address this, considering that now in Metro Manila, this is a grave and important concern since there is no more land in Metro Manila to throw in all our garbage?

**Senator Honasan.** Thank you, Mr. President. In the bill, we have also incorporated provisions which tell us that the best available technology and means would prevail. We tend also in the bill to be more liberal, considering that until we can provide viable alternative means, we cannot enforce many of the intended provisions of the bill.

Please allow me to go into more specifics. In the case of hospital wastes or medical wastes, the best alternative technology at the moment is autoclaving and microwaving. But as far as landfills are concerned, then we will have to deal with this as we

develop more resources and capability to monitor, to enforce this, and to be true to the spirit of the law.

So we are open to any amendments or suggestions which we can incorporate in the transition period.

**Senator Aquino-Oreta.** Mr. President, the gentleman mentioned autoclaving and microwaving. Does the gentleman think this is feasible now in our country, considering the restraints we have on the budget and that these are very highly technical ways of disposing wastes? Is this not very expensive for us to do now, at least, at the moment? Will the gentleman agree that we will do this, say, later on?

**Senator Honasan.** Mr. President, actually in the long term, it will be cheaper to begin setting up autoclaving and microwaving facilities. If we can solve the financing problem for pilot projects, I think we can allow this to gain some momentum.

But let me put on record, in response to the question of the lady senator, that in the long term, it is better for us to start now in whatever scale possible than start later when it will be much more expensive.

**Senator Aquino-Oreta.** I understand the concern, Mr. President. But here we are, we will be enacting this bill into law. And so, am I to understand that we will enact this bill into law and then hold in abeyance until further technologies or until cheaper rates of high technology will come our way? Then if that is the case, can we hold on to that portion so that somehow, we will enact a bill into law that can be doable and applicable after its enactment?

**Senator Honasan.** Thank you, Mr. President. Actually, autoclaving is already being done in some hospitals in a small scale. I would agree that until we can develop more resources and the political will and the mechanisms for monitoring this, then we cannot apply this on a very wide scale as intended in the law.

**Senator Aquino-Oreta.** I hope the gentleman will allow this representation to propose some amendments on some portions of the bill during the period of amendments.

**Senator Honasan.** Yes, Mr. President, we will accept very important amendments from the distinguished lady senator during the period of amendments.

**Senator Aquino-Oreta.** Now, Mr. President, on the issue of automotive and industrial fuel oils, the bill is substantially addressing the issue on the poisonous lead emissions with the phaseout of leaded gasoline within 18 months and requiring certain standards for unleaded gasoline. I think this is fine.

My particular concern, Mr. President, is the widespread use of diesel fuel, both automotive and industrial. We are all aware that almost all our public utility buses, jeepneys and commercial motor vehicles use diesel fuel, including majority of our taxi cabs. Likewise, a substantial percentage of private passenger vehicles also use diesel engines even if these are more costly than gasoline-driven vehicles.

This is because diesel fuel, I think, is much cheaper than gasoline and we all know that diesel fuel emission of carbon dioxide, sulfur dioxide and very fine PM 10 particulates are ten times more than the undesirable emission from gasoline, and a lay person knows that the dark smog engulfing the major thoroughfares in Metro Manila, the blackening of the posts, trees and buildings along the roads, the black soot that is everywhere, comes from the diesel engine emissions.

There are reports that there are very fine particulates from diesel emissions that cannot be filtered and when inhaled, it goes directly to the cardiopulmonary system of human beings and are now directly linked to the prevalence of cardiopulmonary disease and deaths in our country. I see my colleague, Senator Flavio, nodding because maybe this is his concern for the prevalence of asthma.

And so my question, Mr. President, is: Why do we require the reduction of the sulfur content of automotive diesel fuel from 0.20 percent to 0.05 percent or a 75-percent reduction to be done only on January 21, 2003 or almost four years from now? Why can this reduction program not be accelerated, let us say, 18 months from now after the approval of this Act so that we do not have to wait for more people to die, or for more people to have more asthma attacks and other pulmonary diseases?

**Senator Honasan.** I thank the lady senator, Mr. President. We appreciate additional information that she shared with this Body and this committee.

This is precisely, Mr. President, the balance we are trying to strike among the involved agencies including, or most especially, those who will regulate the sources of pollution. We also want to give reasonable time for our oil-producing companies to calibrate their refining process.

If there is any way by which we can accelerate the implementation of these particular provisions, then by all means, we will do so. But this is the product of our best efforts to consult the many agencies and institutions involved in the process.

**Senator Aquino-Oreta.** Mr. President, does the gentleman think 18 months will not be enough? So, we will have to wait again for four years after approval of this bill to really find out if

we can really pursue the provisions of this bill?

**Senator Honasan.** Mr. President, the oil companies have also expressed that any retooling or calibration process of their production line would be translated into additional cost to the consumer. So this is again part of the balancing act we are trying to achieve. But as I said, if there are anymore current inputs that can be provided to the committee, we would appreciate very much these inputs in the period of amendments so that we can adjust accordingly.

**Senator Aquino-Oreta.** Mr. President, the gentleman mentioned about additional cost. I would like to go back to the incinerators and all that. He mentioned this highly technical equipment—as I said, I would like to promote this bill—but the reason I have reservations is that again, it would be very difficult for us to be adopting this and make it into law when we are not even ready for this very, very expensive technology.

The gentleman again mentioned autoclaving and the microwaving. I think these are very, very good means. But really, I wonder if this technology, especially the hospital waste, will really destroy all the bacteria or all the pollutants that will have to be thrown away and will go through this process. Can the gentleman assure us that this process will really kill pollutants and will not pollute the environment?

**Senator Honasan.** Mr. President, I guess the committee, much more the chairman, would never be in a position to guarantee 100 percent fail-safe procedures. But as we look for the best available cost-effective technology, then we are open to suggestions.

I share the information with the distinguished lady senator that in the case of autoclaving, it is already being done in some hospitals. But let me also share with the distinguished lady senator, Mr. President, that there were projects that attempted to introduce hospital solid waste disposal or management in a bigger scale than what we are adopting now.

In the case of a project intended to manage the hospital waste from the Philippine General Hospital, it got caught in the rift between the PGH and UP. So again, this is another dimension to the problem. We are also trying to insulate these worthwhile programs and alternative technologies from the effects of incidents like this.

But at the moment, we are convinced, Mr. President, that this is the best available alternative technology in the sense that the pollutants are not emitted into the air. It is kept in another chamber and it is forced to a process which we call "waste-to-energy conversion." It is kept intact in a chamber, and this was precisely

the essence of the project that was being proposed for PGH.

**Senator Aquino-Oreta.** Mr. President, does the distinguished senator think that the LGUs can afford now—in case this will be enacted into law—to support or to have these projects within their locality or will he suggest that government will subsidize again the LGUs?

**Senator Honasan.** Mr. President, this will be brought to focus with the recent creation of the Presidential Air Quality Commission. This is what will put all these together with the very active participation of the local government units. But the beginning step will be a report, an Air Quality Status Report, which will form the basis for an air quality improvement plan.

This is not defined by any political or geographic boundaries. It will be a common concern among the LGUs, and I feel that the cost-effectiveness of subsequent projects to further purify the air will be a function of the active participation of the local government units under the stewardship of the Air Quality Commission.

**Senator Aquino-Oreta.** Mr. President, I think that is very laudable. Should we not now look into the commission first and let the commission decide when to allow the use of this or other technologies so that, at least, our wastes will be disposed of properly? Based on this bill, if this bill will be enacted into law, there are provisions here that I feel are not doable at the moment simply because they are very, very expensive.

Yes, there are some hospitals here that are now using autoclaving and microwaving, but they are only being used by the rich hospitals. What about the hospitals, let us say, in Iloilo or in Cagayan? I wonder if they can afford to have this very, very good technology. I wish they did, but it is not the reality. I am afraid that we might be enacting into law something which will not be implemented. That is what I am afraid of.

Can we not allow the Air Quality Commission, which the gentleman has mentioned, at least a certain period of time to really do the best doable method in the disposal of our wastes?

**Senator Honasan.** Certainly, Mr. President. In fact, there is a phasing-in period. Let me explain.

The formulation and consolidation of this proposed bill actually got caught up in events since E.O. No. 16 which created the Presidential Air Quality Commission was signed last August 21, 1998. But we completely agree that this should be a part of the duties and responsibilities of the Air Quality Commission. This addresses the phasing-in period, but at the same time, the sequential dimensions of this, we hope to reconcile again during the period of amendments.

Finally, in response to the distinguished lady senator's question, the committee is informed that without dealing with the details of the scale, almost all hospitals have an autoclaving facility. That is what the committee is informed.

**Senator Aquino-Oreta.** Mr. President, I can assure the chairman that the bigger hospitals have. But I not sure whether a hospital in Koronadal, in Sulu or somewhere in the Visayas have this kind of technology for the disposal of their wastes.

Mr. President, I would like to go to another point. We are very particular about the smoke emitted from all these wastes, but have we implemented the Anti-Smoke Belching Law? If we go down the thoroughfares of Metro Manila—we can now include Cebu and Davao—we can see that there are a lot of vehicles emitting the smoke that we would want to prevent.

If we will have another law, this bill that we will enact into law, are we sure or can we be assured that, again, this law will be implemented properly for the benefit of our people?

**Senator Honasan.** Thank you, Mr. President. The committee will agree that we have had difficulty grappling with the problem of enforcing even the Anti-Smoke Belching Law. But we are also firmly convinced that this proposed bill, the Clean Air Act, will add, even in a minutely calibrated manner, to the comprehensive list of bills that are intended to achieve a clean air for our people. On the whole, it will achieve a positive effect.

Also, we are expecting the refinements to be introduced. Even as we speak, information is flowing in about the current status of the air we intend to clean. We also have incorporated into the bill the spirit that instead of grappling with the problem of control, we are now trying to address first the problem of prevention—prevention of additional sources of pollution. This would probably be in the long run and more cost effectively allow us to manage this in a calibrated manner.

**Senator Aquino-Oreta.** Thank you, Mr. President. In the period of amendments, will the gentleman allow us, say, to add some rules and regulations for the commission that he is envisioning so that we can make it really a doable law and not just a safeguarding measure for the future wherein we can hold on and really look for the right solutions in cleaning our environment?

As I said, at the outset, Mr. President, I am not against this bill, but I am looking for ways and means on how we can make it totally effective.

Again, I would like to thank the chairman of the committee and during the period of amendments, I hope I would be allowed to give my amendments.

**Senator Honasan.** Thank you so much, Mr. President. We will look forward to the period of amendments where we hope to derive from the additional insights that will be provided by the distinguished lady senator.

**The President.** Thank you, Sen. Teresa Aquino-Oreta.

The Majority Leader is recognized.

**Senator Drilon.** May we ask the Chair to recognize Sen. Ramon B. Revilla.

**The President.** Sen. Ramon B. Revilla is recognized for interpellation.

**Senator Revilla.** Thank you, Mr. President. First of all, I would like to congratulate the distinguished sponsor of this measure for submitting before us a noble measure seeking to enhance the environmental condition of the country through a Clean Air Act.

Indeed, Mr. President, the need to enact a measure that would help improve the air condition of the country is a welcome endeavor because of the huge ill effect caused by air pollution.

Mr. President, *nais ko lamang pong ipahiwatig sa inyo na ako ay sumusuporta sa panukalang-batas na ito.* As such, my questions would only be clarificatory in nature. With that, will the distinguished sponsor of this measure yield for some clarificatory questions?

**Senator Honasan.** Ginoong Pangulo, isa pong malaking karangalang matanong ng kagalanggalang na senador mula sa Cavite.

**Senator Revilla.** Thank you, Mr. President. Under Section 2-A, there is made mention of a phrase "the right to breathe clean air." As a matter of framework, how do we distinguish a clean air from a nonclean air?

**Senator Honasan.** Ginoong Pangulo, mayroon pong prescribed standards at allowable levels o iyong tinatawag nating ambient air quality. Ang sinusukat ay hindi iyong pinanggagalingan kundi iyong bagay na nananatili sa hanging ating nalalanghap. Kung gagamitin natin iyong WHO Air Quality Guidelines, ito ay medyo teknikal. Susubukin nating unawain o intindihin ito. They say that for particulate matters, air quality should be between 150 to 230 micrograms per cubic meter na mananatili sa hangin ng 24 na oras.

As I said, Mr. President, this is technical and we are still trying to understand this comprehensively. For instance, when we talk of sulfur dioxide, hindi dapat lumagpas ng sampung minuto ang

pananatili ng 500 micrograms per cubic meter para pumasa roon sa air quality standard and to qualify as clean air. Lahat ng labas sa standard na ito ay hindi clean air.

**Senator Revilla.** Maraming salamat sa napakaganda ninyong kasagutan, dahil lubos kong nalinawan ang inyong mga sinabi.

Mr. President, what is the state of clean air in the Philippines? How do we compare with our Asian counterparts in terms of clean air issue?

**Senator Honasan.** Ginoong Pangulo, ang basehan natin ng clean air in terms of standards is the report of the World Health Organization. Ang sabi nila, Metro Manila is considered an environmental disaster area because its pollutants are three times more than what we call "safe levels."

For other urban centers like Metro Cebu, Metro Davao, and Metro Cagayan de Oro na nabanggit ng iba nating mga kasamahan, kailangang pag-aralan pang mabuti iyong quality ng air ng mga ito.

Doon sa ikalawang katanungan ninyo: How do we fair in terms of clean air compared to our Asian counterparts? Ang model natin dito ay iyong Thailand.

Noong 1994, ipinag-utos ng Thai government ang paggamit ng tinatawag na "converters." Nagbunga ito ng malaking pagbabawas ng fuel emission na lumalason sa hanging ating nalalanghap, lalung-lalo na ang malaking pagbabawas ng carbon monoxide, hydrocarbons, micro oxide sa Bangkok, iyong tinatawag nilang "air shift."

Sa Singapore ay nagkaroon ng iba't ibang hakbang para mabawasan ang paglason ng hangin.

**Senator Revilla.** Mr. President, my next question would be on air pollutants. Should we not exclude radioactive substances in the air as air pollutants?

According to the definition of one dictionary, these active air substances do not emit solid, liquid or gaseous particles but radiant energy in the form of rays like gamma, beta, or alpha rays. If we consider radioactive substances as air pollutants, how do we measure radioactive substances? How do we dispose of them so as to render them harmless?

**Senator Honasan.** Magandang katanungan iyan, Ginoong Pangulo. Ayon sa kaalaman ng komite, isinama itong radioactive substances na itinuturing nating air pollutants. Kaya lamang, itong radioactive substances ay naiiba roon sa normal air pollutants na

nanggagaling sa tinatawag nating stationary, o hindi gumagalaw, at iyong mobile sources na kung saan nanggagaling ang 60% to 70% ng ating pollution.

Kailangang naiiba ang pagtrato natin dito sa radioactive substances. At ipinaubaya na ng komite ang technical aspect nito sa inyong karagdagang kaalaman pagdating natin sa period of amendments.

**Senator Revilla.** Ginoong Pangulo, ano po ba ang function ng ozone layer? Are we directly affected by the ozone-depletion phenomenon? Ano ba ang epekto nito sa ating kapaligiran? Ano ba ang ibig sabihin ng "greenhouse effect?" Puwede bang malaman namin ang mga bagay na ito?

**Senator Honasan.** Iyong ozone layer ang pumipigil doon sa tinatawag natin na nakakapinsala o harmful na ultraviolet rays, specifically, ultraviolet B. Ito pong ozone layer na naroroon, 30 to 40 kilometers from sea level, ay siyang humaharag sa mga nakakapinsalang ultraviolet rays. Kapag nakarating po ito sa lupa, ito naman ang tinuturing nating nakamamatay.

Ang classification nito ay ultraviolet B at ultraviolet C. Apektado po tayo ng ozone depletion dahil lumalaki na ang butas doon sa ozone layer natin sa Antarctic at ito ay umaabot na sa 60 porsiyento ng kabuuan ng tinatawag nating stratospheric zone. Dahil dito sa ozone depletion, mas dumarami ngayon ang nagkakasakit o namamatay dahil sa skin cancer na isa lamang sa napakaraming pinsala na idinudulot nito.

Ang mga absorption ng ultraviolet radiation ng ozone ang siyang pinanggagalingan ng init, at ito ang nagpapataas ng temperatura natin. Samakatuwid, apektado rin ang klima natin kaya nagkakaroon tayo ng El Niño at pagkatapos nito ay pinasusundan ng La Niña. Ito nga po ang tinatawag natin na La Niña dahil sobra naman ang pag-ulan at pagbaha nito.

Iyong greenhouse effect, kagalanggalang na senador, inihahambing po natin ito sa pagpigil ng init doon sa tinatawag nating greenhouse kung saan natin itinatago kung minsan iyong mga tanim natin na maselan ang pangangailangan. Itong natural greenhouse effect ay okay lamang. Pero pag ito ay resulta ng pagkawala ng ozone layer natin ay talagang nakakapinsala ito.

Ito pong enhanced greenhouse effect ay nagpapadagdag doon sa concentration noong tinatawag nating greenhouse gases at nawawala iyong kakayahan ng ozone layer natin na pigilin itong init at mga nakapipinsalang elemento. Ito pong mga elementong ito ay nawawala sa ating hangin at masama ang epekto nito. Kasama na rito iyong water vapor, carbon dioxide, methane, nitron oxide, at mga chlorofluorocarbons at saka iyong ozone mismo.

**Senator Revilla.** Ginoong Pangulo, nais ko pong ibalik muli ang issue tungkol dito sa incinerators sa ating bansa. Ano ang dahilan kung bakit natin ipinagbabawal o bina-ban ang paggamit ng incinerators? Ano ba kasamaan niyan talaga?

**Senator Honasan.** Maraming salamat po, Ginoong Pangulo. Iyong incinerators po, iyong traditional na kaalaman natin dito, na nagsusunog at bumubuga sa hangin ang masasamang elemento, pinanggagalingan ito ng tinatawag nating deadly dioxins and purants. Itong dioxins ay walang kulay, colorless and odorless organic compound containing carbon, hydrogen, oxygen and chloric. Iyong dioxin naman po, ang tinuturing nito ay iyong malawak na pamilya ng chemicals which only differ sa kinaroroonan o location at saka iyong tinatawag na—technical po ito—chlorine atoms per molecule.

Iyan ang epekto ng tinatawag natin na pagbuga, uncontrolled na emission ng incinerators. Pero may mga incineration na hindi na nakapipinsala dahil kinukupkop at tinatago iyong binubuga na masasamang elemento.

Babalik tayo sa issue ng dioxin. Ito pong dioxin, sinasabi nilang may kinalaman ito sa fatty substances and is found adhered to or dissolved in fat tissue where it can accumulate. Kaya itinuturing natin na lason ito.

Naaapektuhan din po ang ating pagkain: iyong karne, isda at kasama na rito iyong bigas, kanin. When we are contaminated with these super toxins, then malalaman natin ang epekto nito sa kalusugan ng ating publiko lalung-lalo na sa kabataan.

May isa pa hong epekto ito. Naaapektuhan po iyong reproductive health, especially among our women. Bumalik po naman tayo sa incineration, Ginoong Pangulo. Hindi ito ang sagot sa ating problema sa basura. Nabanggit kanina ni Senadora Aquino-Oreta na kailangang patuloy ang paghanap natin ng mas mura at kaya nating pamamaraan para i-manage ang waste problem natin. Kaya lamang, sa paghahanap natin ng alternative technologies, kung minsan ay wala tayong magawa kundi umasa sa incineration. Hindi natin mapigil iyan.

Sa panukalang-batas na ito, kapag sinabi nating ecologically safe and nonburn technologies and other methods of dealing with municipal, medical and hazardous wastes, napapatunayan pong unti-unti na mayroong mga alternative technologies na mas mura, mas kaya natin at, higit sa lahat, hindi nakapipinsala sa kalusugan ng ating publiko.

**Senator Revilla.** Alam niinyo, Ginoong Pangulo, nanggaling ako sa Pennsylvania at nakita ko ang incinerator nila roon. Napansin ko na walang bahay o residentsiya na malapit doon mismo sa incineration site sapagkat mayroong baho o odor

ang basurang dinadala at sinusunog sa incinerator plant.

Pero nang ako ay napunta naman sa Japan para tingnan ang incineration nila roon, wala akong nakitang anumang usok o naamoy na baho. Bakit ganoon sa Japan at iba naman sa States? Sa Japan, they are allowed by the Japanese government to have incineration there. Bakit hindi pupuwede sa Pilipinas iyan samantalang sa Japan, ang basurang sinusunog sa kanilang incineration plant ay ginagawa nilang fertilizer. Naroroon ang kanilang pataniman o halaman na malapit sa incineration plant. Bakit hindi natin magawa dito iyan at bakit natin ipagbabawal pa ang incineration?

**Senator Honasan.** Ang katotohanan po, Ginoong Pangulo, may phase out period tayo. Isinaad natin sa batas na bawal ito pero habang hindi tayo nakapagbibigay ng alternatibong pamamaraan, inaamin natin na mahihirapan tayong pairalin ang batas na ito. Pero iyon ang hinahangad natin, na maabot natin ang kakayahan ng Japan at mas mauunlad na bansa ayon sa kakayahan nating pondohan at ipatupad ang ating mga batas.

Ang Japan po at ang mga nabanggit ninyong bansa ay nagdaan sa masakit na karanasan. Ang katotohanan niyan, Ginoong Pangulo, sila ang nagpapayo sa atin na sa anumang pamamaraan ay kailangang mapasimulan na natin ito ngayon. Kahit na maraming depekto ang batas na ipapasa natin, sana ay matuto tayo rito at maging cost effective tayo. Mas kakaunting pondo ang gugulin natin para ipatupad ang proyektong ito kung sisimulan na natin ngayon.

**Senator Revilla.** Salamat po, Ginoong Pangulo. I was made to understand that the burning of dead bodies in the cemetery or commonly known as "cremation" is also one form of incineration dahil sinusunog natin ang katawan ng isang taong patay, at ang usok nito ay itinatapon natin sa hangin. Nakakita rin po ako sa Japan ng tungkol sa cremation. Wala rin akong nakitang usok na lumabas sa kanilang crematory.

Bawal ba ang magkaroon ng cremation sa atin o ipagbabawal natin ang cremation?

**Senator Honasan.** Actually po, sa panukalang batas na ito ay tahimik ang batas dahil sa mas may mga fundamental na pangangailangan na kailangang tugunan muna natin bago natin asikasuhin ang proseso na tinatawag nating "cremation," kung ito nga ay nakakadagdag sa pinsala sa hangin na ating hinihinga.

**Senator Revilla.** Ginoong Pangulo, sa kamahalan po ngayon ng memorial park plot para sa mga patay—a 2.4 square meter plot ay nagkakahalaga ng halos P50,000 para sa isang taong ililibing mo roon—it is cheaper to have the dead body to be cremated. Those who cannot afford to buy memorial plot—wala na

tayong public cemetery ngayon dahil matagal nang naubos—patung-patong na sila riyan sa cemetery. Maging dito sa Kamaynilaan ay wala nang public cemetery, kundi memorial parks na lamang. Papaano na ngayon ang mahihirap na kababayan natin? Saan natin sila lililibing? Anong gagawin natin sa kanila?

**Senator Honasan.** Totoo po iyang pag-aalala o pangamba ninyo kagalanggalang na senador. Aasahan po namin ang kaugnay na amendments ninyo sa period of amendments.

Nais ko lamang idagdag, ayon sa puntong inilabas ninyo, na kailangan din nating i-regulate, i-monitor at kontrolin ang pagpapatupad ng proseso na tinatawag nating "cremation." Darating ang araw, Ginoong Pangulo, na we must mandate or amend this particular law so that we can install anti-pollution devices in our crematoria.

**Senator Revilla.** I would like to thank the good gentleman. Mayroon pong isang bagay na lagi nating nakikita araw-araw. Itong tinatawag nating mga salvaged jeepneys, trucks, at iba pang sasakyan mula sa Japan na nandito na halos sa Pilipinas. Iyan ay nagbubuga ng masamang usok o ang tinatawag na mga smoke belchers. Hindi po ba maaaring isama natin sa inyong panukalang-batas na ipagbawal ang pagpasok ng mga surplus na iyan?

**Senator Honasan.** Ginoong Senador, napakahalaga po ng puntong binanggit ninyo. Ang katotohanan po, isa sa mga kinunsulta nating grupo na naririto ngayon, iyong Mother Earth Unlimited, ay may panukalang-batas na ipinadaan sa kagalanggalang na Senador Raul Roco na ipinagbabawal ang pag-iimport o pagpasok ng second-hand na makinang ginagamit sa mga jeepneys whether diesel or gasoline, nang sa ganoon ay hindi na madagdagan ang polusyon sa atin.

Inaasahan po namin na sasabayan ninyo ito sa period of amendments para mailagay natin sa batas.

**Senator Revilla.** Maraming salamat, Ginoong Pangulo. Hanggang dito na lamang po ang aking interpellation.

**Senator Honasan.** Maraming salamat po, Ginoong Senador. Thank you, Mr. President.

**The President.** The Chair would like to thank Senator Revilla.

The Majority Leader is recognized.

**Senator Drilon.** May we ask the Chair to recognize Sen. Ramon Magsaysay Jr.

**The President.** Sen. Ramon Magsaysay Jr. is recognized.

**Senator Magsaysay.** Thank you, Mr. President. Would the gentleman from Sorsogon yield for some clarifications?

**Senator Honasan.** Gladly, Mr. President, to the distinguished Senator.

**Senator Magsaysay.** Thank you, Mr. President. On page 23, we have Section 26, *Pollution from Motor Vehicles*. Basically, the DOTC or the Department of Transportation and Communications is charged with this function. But then, in the emission testing center, the accreditation is now being made by the Department of Trade and Industry.

May the good gentleman explain why the sudden switch from the DOTC to that of the DTI?

**Senator Honasan.** Mr. President, this is related to the imposition of certain standards. It is only the DOTC, in coordination with the other agencies involved, especially now with the creation of the Air Quality Commission, that will reconcile these functions.

**Senator Magsaysay.** I understand in California—which is the basis of the bill—the strictest State in the United States, the environmental protection agency is the one that certifies or accredits certain garages, certain stations and even certain *casas* to do the emission testing for vehicles, especially older ones, and the Department of Trade has nothing to do with it.

I was thinking that this is with regard to motor vehicles, meaning, DOTC, it should not be DTI. Instead, it should be the DENR as the agency to authorize private emission testing centers.

**Senator Honasan.** In effect, Mr. President, such is the case because the DENR secretary will chair the Air Quality Commission, and it will guide the pertinent rules and regulations that will also define the functions of the different agencies involved.

**Senator Magsaysay.** Mr. President, I still do not believe that the DTI is the appropriate agency on this matter because it is basically air pollution. The DTI is trade and industry. Meaning, the economic aspect, the creation of business enterprise, creation of value and wealth, the economic business aspect, while the DOTC is charged with the function of putting down all the rules and regulations in implementing the laws of the land vis-a-vis motor vehicles, and also ships to the Marina. The DENR is charged with environmental programs.

**Senator Honasan.** I would like to thank the distinguished gentleman. The only reason for the involvement of DTI is that



the Bureau of Product Standards that will govern the rules that will be imposed by the testing center is under the DTI. The DTI regulates the trade of products and services. That is why we are giving them the authority or the mandate for this emission testing centers.

But, again, Mr. President, if there are any refinements that will clarify this, we would welcome them from the distinguished senator.

**Senator Magsaysay.** I would suggest that, because the Bureau of Product Standards under the DTI is such a meagerly-funded agency. I know because I am the chairman of the sub-committee on Finance which is now looking at the DTI's budget.

I think the DENR has more muscle and it has the technical people to accredit. That is one. I would suggest, with the acceptance of my colleague from Sorsogon and Bicol region, that we remove the DTI from this role. I see that P200 million is being set aside for the implementation of this under the DTI. If they can transfer the P200 million to the DOTC, they may have a better effective way of trying to eliminate, if not reduce emission.

On page 30, line 15, Section 39, *Citizens Suits*. - "Any citizen may initiate a special civil action in the regular courts."

I wonder how effective this has been. We know there are laws that allow citizens to intervene or to intercede, or maybe even become good Samaritans. When they see smoke-belching vehicles, they would call certain numbers. Many of our vehicle-owning drivers have also cellular phones now. I wonder how effective this has been so far.

**Senator Honasan.** Thank you, Mr. President. Actually, we begin with the spirit of this proposed bill, with the constitutional provision that gives our people the right to a healthy environment.

In this light, it is our intention to elicit maximum participation from our citizens as government's partners in ensuring good air quality. The effectiveness of this provision may be put to question. But this is precisely the spirit in which we propose this bill so that we cannot only encourage our people to participate but to educate them in the process about the adverse effects of breathing polluted air.

**Senator Magsaysay.** Thank you, Mr. President. In any highway—I do not know if there is anymore highway now with all this traffic—we can see a lot of buses and older vehicles spewing carbon monoxide. I see our chairman of the Committee on Health and Demography, Sen. Tessie Aquino-Oreta, nodding her head. We feel helpless. We do not see the PNP or the DOTC or the LTO, whereas 30 years ago, during the time of the late President

Marcos, or even earlier than President Marcos, President Macapagal maybe, we could see the highway patrol, and we would quake because they were very tough people who would not hesitate to implement the law.

So what happened to the dreaded highway patrol as far as lawbreakers are concerned on highway safety and pollution? We do not see them now. When there is rain, we do not see the PNP which is supposed to be 85 percent in the field. These are the implementors of the laws. But we do not see them, Mr. President.

**Senator Honasan.** Mr. President, that is a very valid observation. It was also brought up by the distinguished lady senator from Malabon. We accept our helplessness sometimes in enforcing even previous laws regarding this, like the Anti-Smoke Belching Law. But, again, we are also convinced that a Clean Air Act would probably allow us, through the stewardship of the Air Quality Commission, to clarify the standards and maybe motivate our many agencies involved in the enforcement of related laws. We would be more vigilant to give life to the required political will that will allow us to address this in a focused, consistent manner.

**Senator Magsaysay.** Mr. President, we have the LTO and the DOTC at this time, without this new bill that will become a law in a matter of time. We see so many infractions against the basic DENR laws, but we do not see impounded vehicles that are making life and health more difficult for us.

Mr. President, we can keep on passing laws every year. The present laws are quite adequate, but, as the gentleman has mentioned, the political will is not there.

I would suggest that we call our implementing agencies and find out from them how many buses—maybe 15 years old and older—which are spewing carbon monoxide, have been impounded.

**Senator Honasan.** Thank you, Mr. President. We also agree that it will take a collective effort to do this. But our main selling point for the Clean Air Act is the fact that polluted air and its adverse effects do not distinguish between sector, age, whether we are in the government or in the private sector. It affects everybody.

As such, we are trying to encourage the participation of the private sector especially, so that we can educate our citizens, whatever their status in life is and whatever their sectoral origins are. We would like them to actively participate in the enforcement and monitoring not only of the Clean Air Act, if it is passed, but all previous legislations that move us in the same direction.

**Senator Magsaysay.** Thank you. On page 19, Section 19,

line 18, it says "Public Education and Information Campaign." This looks like a good paragraph-provision. Is there no existing program on this regarding DENR's environmental concern at present? Any ongoing program, Mr. President?

**Senator Honasan.** Actually, there are education and information programs incorporated in the mandate of the agencies concerned. But these are, on the whole, either forgotten or disregarded especially by the enforcers and the monitoring agencies themselves.

It is our hope that with the creation of a more focused body with a clearer mandate, like the Presidential Air Quality Commission backed up by this legislative move, we can clarify and impose these standards and at the same time incorporate in the mandate of these agencies all the necessary wherewithal to educate our people and give them the necessary information especially about the long-term adverse effects.

**Senator Magsaysay.** Finally, Mr. President, I would appreciate it if the sponsor of the bill will ask the DENR Secretary or the Office of the DENR to give us a report on the number of smoke-emitting vehicles nationwide that have been impounded five years ago up to the present year, 1998. I would like to see whether the political will is there or they are not just following the laws. That would be an indication of the political will.

So that while we are discussing the bill, we will see if the DENR is the right agency, or we will just have to spin off within the DENR an agency that will be connected with the DOTC, without adding a budget, to have that final, focused, single approach on pollution problem.

Thank you, Mr. President.

**Senator Honasan.** Mr. President, we would like to reassure the distinguished senator that we will do these, and also for the local government units to assume some of the devolved functions.

Thank you very much, Mr. President.

#### SUSPENSION OF CONSIDERATION OF S. NO. 1255

**Senator Drilon.** 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.

#### SUSPENSION OF SESSION

**Senator Drilon.** I move for a one-minute suspension of the

session, Mr. President.

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

*It was 5:18 p.m.*

#### RESUMPTION OF SESSION

*At 5:24 p.m., the session was resumed.*

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

#### MOTION OF SENATOR DRILON (Reconsideration of the Approval of *Journal of November 9, 1998*)

**Senator Drilon.** Mr. President, may I move that we reconsider the previous approval of the *Journal* of the session of November 9, 1998—Session No. 31—in order to clarify certain portions of the *Journal* and clearly reflect the approval of the committee amendments on Senate Bill No. 1220.

**The President.** Is there any objection to the motion to reconsider the approval of the *Journal* of Session No. 31 dated November 9, 1998 to reflect the...

**Senator Drilon.** To reflect the approval of certain committee amendments on Senate Bill No. 1220.

**The President.** Is there any objection? [Silence] There being none...

**Senator Guingona.** Mr. President.

**The President.** The Minority Leader is recognized.

**Senator Guingona.** It is not really an objection, Mr. President. I just would like to state that on very substantial amendments, we would like for the *Journal* to reflect that we would have certain questions and maybe certain opposition which should be subject of approval.

**The President.** Yes, there is no objection on the part of the Minority Leader.

With that qualification, there is no objection, so the motion is hereby approved.

#### CORRECTION OF THE JOURNAL

**Senator Drilon.** We therefore move to amend page 469