

THIRD SPECIAL SESSION**Session No. 2**

Tuesday, July 18, 2000

CALL TO ORDER

At 4:00 p.m., the Senate President, Hon. Franklin M. Drilon, called the session to order.

PRAYER

Sen. Raul S. Roco offered the following prayer:

Lord, our country seems to be in the doldrums of history — our people are restless and listless.

Even now, an international publication has given glowing reports on various Asian countries but could only allude to the Philippines as going back to Smokey Mountain.

Lord, this wounds us and we must ask our leaders to account for this state of affairs even as we ask and look to You for guidance.

Father, in this Jubilee year, You have promised abundance, liberation and rest. Yet we ask not for mere material wealth over poverty, nor freedom from our hardships, nor respite from our work and concerns.

We only ask for courage and strength to make relevant and consistent decisions and turn these decisions into meaningful solutions for our country.

Give us the courage and strength to realize Your visions for our country.

Grant us compassion for our fellowmen to feel their problems and miseries, to share their hopes and dreams to be with them in our every decision.

Finally, Lord, when we have done all we could and still seem to be in the doldrums of history, give us hope — hope in Your undying

love, in Your unfailing guidance, in Your unwavering commitment to be with us, to be one with us, in our nation's struggle for freedom, peace and development.

Amen.

ROLL CALL

Upon direction of the Chair, the Acting Secretary, Emma Lirio Reyes, called the roll, to which the following senators responded:

Aquino-Oreta, T.	Jaworski, R. S.
Barbers, R. Z.	Legarda-Leviste, L. B.
Biazon, R. G.	Ople, B. F.
Cayetano, R. L. C.	Osmeña, J. H.
Coseteng, A.D. M. L.	Osmeña III, S. R.
Drilon, F. M.	Revilla, R. B.
Enrile, J. P.	Roco, R. S.
Flavier, J. M.	Sotto III, V. C.
Guingona Jr., T. T.	Tatad, F. S.
Honasan, G. B.	

With 19 senators present, the Chair declared the presence of a quorum.

Senators Defensor Santiago and Pimentel were on official mission.

Senator Magsaysay was absent.

DEFERMENT OF APPROVAL OF THE JOURNAL

Upon motion of Senator Tatad, there being no objection, the Body deferred approval of the Journal of the previous session.

REFERENCE OF BUSINESS

The Acting Secretary read the following matter which the Chair referred to the Committee on Finance:

COMMUNICATIONS

Letters from Director Dominador T. Tersol of the Commission on Audit, furnishing the Senate the 1999 Value-For-Money Audit Report on the following:

Dingle-Pototan Water District, Dingle, Iloilo;
 Buenavista Water District, Buenavista, Guimaras;
 Dumangas-Barotac Nuevo Water District, Dumangas, Iloilo;
 Jordan Water District, Jordan, Guimaras;
 Miag-ao Water District, Miag-ao, Iloilo; and
 Passi Water District, Passi City, Iloilo

To the Committee on Finance

COMMITTEE REPORT NO. 52 ON SENATE BILL NO. 1595 (Continuation)

Upon motion of Senator Tatad, there being no objection, the Body resumed consideration, on Second Reading, of Senate Bill No. 1595 (Committee Report No. 52), entitled

AN ACT INSTITUTING AN INTEGRATED
 SOLID WASTE MANAGEMENT
 PROGRAM, CREATING THE
 NATIONAL AND LOCAL SOLID
 WASTE COUNCILS AND THE
 NECESSARY MECHANISMS AND
 INCENTIVES, DECLARING CER-
 TAIN ACTS PROHIBITED AND
 PROVIDING PENALTIES, APPROPRIATING FUNDS THEREOF, AND
 FOR OTHER PURPOSES.

Senator Tatad stated that the parliamentary status was still the period of interpellations.

Thereupon, the Chair recognized Senator Legarda-Leviste, Sponsor of the measure.

TERMINATION OF THE PERIOD OF INTERPELLATIONS

There being no further interpellation, upon motion of Senator Tatad, there being no objection, the Body closed the period of interpellations.

Senator Tatad stated that the substitute measure is in itself the committee amendment. The Body then proceeded to the period of individual amendments.

PROPOSED AMENDMENT OF SENATOR REVILLA

On page 4, line 18, between the words "soil" and the semi-colon (;), Senator Revilla proposed the insertion of the following: PROVIDED THAT SUCH SANITARY LANDFILLS SHALL NOT BE SITUATED IN WATERWAYS, ANY SURFACE WATER RESOURCES, AQUIFER, GROUND WATER RESERVOIR, AND CRITICAL OR NONCRITICAL WATERSHED AREA.

Senator Revilla explained that leachate has been scientifically proven to contaminate underground water resources and cause harm to the environment and the health of residents. He said that he used the phrase "critical or noncritical watershed" because one of the proposed landfill sites is located within the Lian watershed area of Cavite. Moreover, he said, studies of the United States Environmental Protection Agency show that contaminated areas could not be rehabilitated.

Asked by Senator Legarda-Leviste as to the definition of "critical and noncritical watershed," Senator Revilla replied that the phrase would refer to an area with an underground water resource.

Senator Legarda-Leviste stated that she would accept the proposed amendment pending a more technical description of the phrase "a critical or noncritical watershed."

At this juncture, Senator Osmeña (J) objected to the proposed amendment on the grounds that (1) there are existing laws which require environmental impact assessment reports and environmental compliance studies on proposed landfill sites; (2) there is an agency which can manage the problem; and (3) a sweeping legislative approach would make it very difficult later on to undertake landfill projects. He cited the European proposal to deposit Metro Manila's solid wastes in the bottom of Manila Bay which, if the amendment would be passed, could not be undertaken. He suggested that consideration of the amendment be deferred.

SUSPENSION OF SESSION

Upon motion of Senator Legarda-Leviste, the session was suspended.

It was 4:14 p.m.

RESUMPTION OF SESSION

At 4:19 p.m., the session was resumed.

Upon resumption, the Chair stated that Senator Revilla's amendment would be deferred until the Committee shall have come up with a more concise definition of the term "watershed area."

REVILLA AMENDMENTS

On page 5, after line 23, Senator Revilla proposed the insertion of a new subsection c) to read as follows:

C) ESTABLISH THE STANDARDS, CRITERIA, GUIDELINES AND FORMULA IN THE COMPUTATION OF FAIR AND REASONABLE TIPPING CHARGES AND RATES THAT THE PROPONENT WILL CHARGE IN THE OPERATION AND MANAGEMENT OF SOLID WASTE MANAGEMENT FACILITIES AND TECHNOLOGIES.

Senator Legarda-Leviste did not accept the amendment, stating that she would propose the deletion of Section 4(c).

Senator Revilla underscored the need for a standard computation of tipping fees as he noted that each LGU does its own calculations. Moreover, he suggested that an agency be tasked to monitor this function in order to ensure a fair, reasonable and transparent computation of tipping fee charges.

SUSPENSION OF SESSION

Upon motion of Senator Tatad, the session was suspended.

It was 4:22 p.m.

RESUMPTION OF SESSION

At 4:24 p.m., the session was resumed.

Upon resumption, Senator Legarda-Leviste accepted the proposed Revilla amendment and there being no objection, the same was approved by the Body.

On page 6, before line 13, as proposed by Senator Revilla and accepted by the Sponsor, there being no objection, the Body approved the insertion of subsection d) to read as follows:

D) THE DEVELOPMENT OF SAFETY NETS AND ALTERNATIVE LIVELIHOOD PROGRAMS FOR SMALL RECYCLERS AND OTHER SECTORS THAT WILL BE AFFECTED AS A RESULT OF THE CONSTRUCTION OF A SOLID WASTE MANAGEMENT RECYCLING PLANT OR FACILITY.

PROPOSED REVILLA AMENDMENT

On page 6, line 18, between the words "in" and "management," Senator Revilla proposed the insertion of the phrase PUBLIC ADMINISTRATION ENVIRONMENTAL SCIENCE.

SUSPENSION OF SESSION

Upon motion of Senator Legarda-Leviste, the session was suspended.

It was 4:27 p.m.

RESUMPTION OF SESSION

At 4:28 p.m., the session was resumed.

Upon resumption, Senator Revilla withdrew his proposed amendment.

PROPOSED LEGARDA-LEVISTE AMENDMENT

On page 2, between lines 16 and 17, Senator Legarda-Leviste proposed the insertion of the following definition:

B) "COLLECTION" MEANS THE ACT OF REMOVING SOLID WASTES FROM THE SOURCE OR FROM A COMMUNAL STORAGE POINT.

To Senator Roco's query on the need to define the term "collection," Senator Legarda-Leviste said that

during the period of interpellation, a senator had requested that said term be defined in the bill.

Senator Roco suggested that the Body defer consideration of the definition of terms and proceed to the more substantive provisions of the bill so that the Body could have a more comprehensive understanding thereof.

Senator Legarda-Leviste agreed.

At this point, Senator Legarda-Leviste noted that Committee Report No. 52 on Senate Bill No. 1595 was the basis of the discussion and amendments.

LEGARDA-LEVISTE AMENDMENTS

As proposed by Senator Legarda-Leviste, there being no objection, the Body approved the following amendments, one after the other:

1. On page 5, line 5, replace the word "Lead" with the word MONITORING;
2. On the same page, line 9, delete the phrase "be responsible for" and in lieu thereof, insert the phrase MONITOR LOCAL GOVERNMENT UNITS IN;
3. On the same page, lines 11 and 12, delete the sentence "To this end, the Department shall develop and adopt an integrated national solid waste management framework.";
4. On page 6, lines 17 to 19, delete the phrase "a Chairman appointed by the President, preferably with a masters degree in management, economics, business and with managerial experience and expertise" and in lieu thereof, insert the words THE SECRETARY;
5. On the same page, line 21, between the word "members" and the colon (:), insert the phrase IN THEIR *EX-OFFICIO* CAPACITIES;
6. On the same page, line 22, between the word "Department" and the semi-colon (;), insert the phrase WHO SHALL BE THE VICE CHAIRMAN;

7. On the same page, line 23, between the words "Director" and "of," insert the phrase FOR POLICY RESEARCH.

INQUIRY OF SENATOR ROCO

Asked by Senator Roco on the identity of the DTI Director for Policy Research, Senator Legarda-Leviste replied that she did not have the information.

To Senator Roco's apprehension that designating specific officers would limit the flexibility of opposing the board members, Senator Legarda-Leviste clarified that the designations were made in response to the proposals of some Members during the period of interpellations that technical experts or specialists be appointed to the Council.

Senator Roco said that flexibility on the part of the Cabinet member who may designate the directors would be very important. He suggested that if the Sponsor is concerned with effectivity, it would be better to impose qualifications rather than specify the positions of those who would sit in the board.

Senator Legarda-Leviste withdrew her proposed amendment. She said that Senator Roco could propose his amendments.

LEGARDA-LEVISTE AMENDMENTS

As proposed by Senator Legarda-Leviste, there being no objection, the Body approved the following amendments, one after the other:

1. On page 7, between lines 4 and 5, insert the phrase PRESIDENT OF THE ASSOCIATION OF BARANGAY COUNCILS;
2. On the same page, delete lines 5 to 7 and in lieu thereof, insert the following paragraph:

FOUR (4) NON *EX-OFFICIO* MEMBERS FROM THE RECYCLING AND COMPOSTING INDUSTRIES, THE ADVOCACY, BUSINESS AND CONSUMER SECTORS WHO SHALL BE POSSESSED OF UTMOST INTEGRITY, COMPETENCE

AND PROBITY AND WHO SHALL BE APPOINTED BY THE PRESIDENT OF THE PHILIPPINES FOR A TERM OF THREE (3) YEARS UNLESS SOONER REMOVED OR OTHERWISE UNABLE TO COMPLETE THE APPOINTED TERM.;

3. On the same page, lines 13 to 16, delete the phrase "and their adoption by waste generators such as industrial firms, commercial establishments, residential areas, government and educational institutions;"
4. On the same page, delete lines 19 to 22 and in lieu thereof, insert the phrase FORMULATE THE NATIONAL SOLID WASTE MANAGEMENT FRAMEWORK IN ACCORDANCE WITH THE PROVISIONS OF THIS ACT;
5. On the same page, delete line 31 and reletter the subsequent subsections accordingly;
6. On page 8, between lines 9 and 10, insert a new section to read as follows:

SEC. 8. MEETINGS. - THE NATIONAL COUNCIL SHALL MEET AT LEAST ONCE A MONTH. THE PRESENCE OF AT LEAST A MAJORITY OF THE MEMBERS SHALL CONSTITUTE A QUORUM. THE CHAIRMAN OR IN HIS ABSENCE A VICE CHAIRMAN SHALL BE THE PRESIDING OFFICER.;
7. On the same page, line 3, after the word "study," replace the comma (,) with the conjunction AND, and delete the words "and recommend;"
8. On the same page, lines 12 and 13, delete the phrase "and subject to the review of

the Bureau and the National Council as provided herein.;

9. On page 9, delete the provision starting with the conjunction "and" on line 1 and ending with the word "units" on line 14 and in lieu thereof, insert the phrase WITHIN ONE YEAR FROM THE PROMULGATION OF THE FRAMEWORK TO ENSURE THAT THE ACTION PLAN ARE IN ACCORDANCE WITH THE DECLARED POLICIES UNDER THIS ACT;
10. On the same page, line 23, replace the word "Department" with NATIONAL COUNCIL;
11. On page 10, line 6, after the dash (-), replace the article "The" with the phrase THERE SHALL BE ESTABLISHED A;
12. On the same page, line 7, after the word "Council," insert the word WHICH;
13. On the same page, lines 12, 13 and 17, replace the word "recycling" with the words SOLID WASTE MANAGEMENT;
14. On the same page, line 22, change the article "a" to THE; delete the phrase "who shall be appointed from among the officers and members of the National Council for a term of three (3) years and in lieu thereof, insert the phrase OF THE BUREAU IN HIS EX-OFFICIO CAPACITY;
15. On the same page, lines 30 and 31, delete the words "and Ecology Centers;"
16. On page 11, line 1, after the acronym (PSWMC), replace the comma (,) with the conjunction AND;
17. On the same page, lines 2 and 3, delete the phrase "in every barangay, a Barangay Solid Waste Management Council (BSWMC);
18. On the same page, line 4, between the

words "of" and "preparing," insert the phrase ASSISTING LOCAL GOVERNMENT UNITS IN;

19. On the same page, lines 6 and 7, delete the phrase "through their respective ecology centers and;"
20. On the same page, line 10, change the word "may" to SHALL;
21. On the same page, line 21, insert the article "a" before the word "representatives" and then delete the letter "s" in said word; replace the phrase "of the organized" with the words FROM THE; and after the word "sector," insert the phrase WHO SHALL BE APPOINTED BY THE LOCAL GOVERNMENT CHIEF EXECUTIVE;
22. On page 12, line 6, replace the words and figure "three (3) months" with ONE (1) YEAR;
23. On the same page, line 24, between the words "dumps" and "for," insert the phrase INTO CONTROL DUMPS AND EVENTUALLY INTO SANITARY LANDFILLS;
24. On page 14, line 3, between the words "guidelines" and "established," insert the phrase IN ACCORDANCE WITH THE FRAMEWORK;
25. On page 15, line 30, replace the word "mandated" with the word ENCOURED;
26. Delete Section 17 from line 10 of page 16 up to line 11 of page 17; and renumber the subsequent sections accordingly;
27. On page 18, line 22, delete the word "filth" and the comma (,) and insert the word SOLID after the word "other";
28. On the same page, line 25, delete the words "open burning" and the comma(,);

On page 18, line 30, Senator Legarda-Leviste proposed the deletion of the phrase "of the EMB-DENR."

Upon the Chair's query, she explained that the DENR is still in the process of finalizing the list of recyclable materials which would be added to the bill. For clarity, the Chair proposed the retention of the phrase "of the EMB-DENR" in the meantime until the list shall have become available. Senator Legarda-Leviste agreed.

29. On page 19, replace the words and figure "Six Thousand Pesos (P6,000.00)" on line 4 with ONE THOUSAND PESOS (P1,000.00); and as modified by the Chair, replace the phrase "fifteen days but not more than two years" on lines 5 and 6 with NOT LESS THAN ONE DAY TO NOT MORE THAN FIFTEEN DAYS;
30. On the same page, delete lines 21 to 26; and
31. On page 22, line 2, between the word "Council" and the comma (,), insert the phrase AND THE NATIONAL ECOLOGY CENTER.

CLEAN COPY

Thereafter, the Chair instructed the Secretariat to prepare a clean copy of the bill incorporating all the approved amendments.

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1595

Upon motion of Senator Tatad, there being no objection, the Body suspended consideration of the bill.

CHANGE OF REFERRAL

Upon motion of Senator Tatad, there being no objection, the Body approved the referral of Senate Bill Nos. 236 and 940 primarily to the Committee on Public Order and Illegal Drugs and secondarily to the Committee on National Defense and Security.

ADDITIONAL REFERENCE OF BUSINESS

Upon direction of the Chair, Acting Secretary Reyes read the following matters and the Chair made the corresponding referrals:

BILL ON FIRST READING

Senate Bill No. 2086, entitled

AN ACT GRANTING OTHER PRIVILEGES AND INCENTIVES TO PERSONS WITH DISABILITY, AMENDING FOR THE PURPOSE, THE "MAGNA CARTA FOR DISABLED PERSONS"

Introduced by Senator Flavir

To the Committees on Social Justice, Welfare and Rural Development; and Ways and Means

RESOLUTION

Senate Concurrent Resolution No. 29, entitled

CONCURRENT RESOLUTION PROVIDING FOR THE ADJOURNMENT OF THE SPECIAL SESSION OF THE CONGRESS OF THE PHILIPPINES NOT LATER THAN TWELVE O'CLOCK MIDNIGHT, 21 JULY 2000

Introduced by Senator Tatad •

To the Committee on Rules

PROPOSED SENATE CONCURRENT RESOLUTION NO. 29

With the consent of the Body, upon motion of Senator Tatad, there being no objection, the Body considered Proposed Senate Resolution No. 29, entitled

CONCURRENT RESOLUTION PROVIDING FOR THE ADJOURNMENT OF THE SPECIAL SESSION OF THE CONGRESS OF THE PHILIPPINES NOT LATER THAN TWELVE O'CLOCK MIDNIGHT, 21 JULY 2000.

Acting Secretary Reyes read the text of the resolution to wit:

Resolved by the Senate, the House of the Representatives concurring, That the President of the Senate and the Speaker of the House of Representatives be authorized, as they are hereby authorized, to declare the Special Session of the Congress of the Philippines adjourned, by adjourning the sessions of their respective Houses not later than twelve o'clock midnight, 21 July 2000.

Resolved, further, That the committee of three (3) Members of the Senate, appointed by the President of the Senate, join a committee of the House of Representatives, to inform the President that the Special Session of the Congress of the Philippines is about to close, and that the two Houses are ready to adjourn unless the President has a message or communication to transmit to them.

(Sgd.) FRANCISCO S. TATAD
Senator

ADOPTION OF PROPOSED SENATE CONCURRENT RESOLUTION NO. 29

Submitted to a vote, there being no objection, Proposed Senate Concurrent Resolution No. 29 was adopted by the Body.

NOTIFICATION COMMITTEE

Pursuant to Senate Concurrent Resolution No. 29, upon nomination by Senator Tatad, there being no objection, the Chair designated Senators Aquino-Oreta, Jaworski, and Flavir as members of the notification committee.

APPROVAL OF THE JOURNAL

Upon motion of Senator Tatad, there being objection, the Body dispensed with the reading of the Journals of Session Nos. 1 and 2 of the Third Special Session of the Eleventh Congress and considered them approved.

ADJOURNMENT OF SESSION

Upon motion of Senator Tatad, there being no objection, the Chair declared the session adjourned *sine die*.

It was 5:12 p.m.

I hereby certify to the correctness of the foregoing.

EMMA LIRIO REYES
Acting Secretary

Approved on July 18, 2000,

