

COMMITTEE ON YOUTH WOMEN AND FAMILY RELATIONS

Joint with

COMMITTEES ON HEALTH AND DEMOGRAPHY; AND FINANCE

*Tuesday, 28 September 2004
Sen. Geronima T. Pecson Room
9:30 a.m.*

Senators Present : Senators Madrigal (Chairperson and presiding), Cayetano and Flavier.

Resource Persons/Guests : ASEC. CAMILO MIGUEL MONTESA, Department of Education (DepEd); MS. CIELO GUILATCO, Department Legislative Liaison Specialist, DepEd; MR. FELIX MAJABAGUE JR., Barangay Captain, Barangay 835, Pandacan, Manila; MS. LIGAYA BANAAG, Principal, San Joaquin Elementary School; MS. TERESITA PICADIZO, Assistant to the President, San Joaquin Elementary School; MS. MELINDA CAGALINGAN, San Joaquin Elementary School; MS. RAQUEL AUSTRIA-NACIONGAYO, City Environment & Natural Resources Office, Pasig City; Lt. Col. ARTURO AVILA, PAF, (Ret.), Division of Sanitation, MHD; MR. CLEMENTE SAN GABRIEL JR., Admin. Officer Designate, Division of Sanitation, MHD; MR. ALBERT DELGADO, Barangay Secretary, Barangay 628; MR. FELICISIMO NAVARRO, JR., Barangay Captain, Barangay 628; MR. GAUDENCIO ADLAWAN, Barangay Captain, Barangay San Joaquin, Pasig City; MS. ANGIE BRABANTE, Environmental Management Bureau (EMB);

AGENDA

1. **SBN 85** - An Act Protecting Children And Other Vulnerable Subpopulations From Exposure To Environmental Pollutants And Pesticides In Schools And Providing Parents With Information Concerning Toxic Chemicals That Pose Risks To Children (*Introduced by Senator Luisa "Loi" P. Ejercito Estrada*)
2. **SBN 946** - An Act To Protect Children And Other Vulnerable Subpopulations From Exposure To Certain Environmental Pollutants, And For Other Purposes (*Introduced by Senator Jinggoy Ejercito Estrada*)

HIGHLIGHTS

The **Committee on Youth, Women and Family Relations' Chairperson, Senator M.A. Madrigal**, called the joint hearing to order at 10:05 a.m.

She emphasized that the Philippines is a signatory to the Convention on the Rights of the Child. This hearing, she said, was called specifically to push for

our fight for the rights of the child. . . *“that every child has a right to be placed in a healthful environment free from pollution”*.

Senator Madrigal took cognizance of the long-term effect of toxic substances on children, and claimed that the highly carcinogenic chemicals can also cause leukemia and sterility.

In view of the rather frequent occurrences, especially in nearby barangays and schools and the ‘gas leak incident’ in Pasig City affecting mostly elementary school children, Senator Madrigal announced that this hearing is timely. She lamented that there is not even an honest breakdown of the toxic substances affecting children and less importance is given to the preventive and management aspects.

Senator Pia ‘Companera’ Cayetano, Chairperson of the Committee on Health and Demography was in accord with the Chair in her observation that, indeed, there is a prevalence of environmental incidents which are not seen as priority issues, despite the harm posed to children and to the people. She cited that she comes from Taguig, a highly industrialized area and directed the Environmental Management Bureau of the Department of Environment and Natural Resources (EMB-DENR) to make specific recommendations and assessment for schools situated in industrial areas known to have environmental pollutants. She suggested formulation of guidelines per municipality level. She also disclosed that the use of paints which contain lead in school buildings can be a source of ailment for children. She was also concerned with mine tailings affecting children, likewise, the occupational health and safety of employees in the chemical factories. She commended the principal for her quick disposition and action.

Senator Madrigal ordered the principal of the San Joaquin Elementary School to narrate in detail what happened in Pasig on September 10, 2004.

Mrs. Ligaya Banaag, principal of San Joaquin Elementary School reported that she ordered all classrooms to be vacated when the children were already coughing and vomiting due to the foul smell emitted at about 7:00 to 7:30 in the morning. Many got dizzy. Said incident was reported to the Pasig City Action Line, and there was immediate response. They sent an ambulance and the Pasig City General Hospital (PCGH) sent six (6) more. The pupils were sent home, about twenty six (26) were brought to the clinic, three (3) were sent to the hospital but later discharged, and one (1) stayed long for treatment. For those who had asthma, it was a triggering factor because what they smelled was not an ordinary pollutant. It was sulfuric acid emanating from one of the industrial companies nearby. The barangay captain was informed and together with the City Environment and Natural Resources Office (CENRO), conducted an investigation.

Barangay Captain Gaudencio Adlawan stated that he went with the men of Sr. Supt. Ernesto Catungal, Chief of Police of Pasig. They went as far as Binangonan, Rizal to trace the source of the emission. He claimed that although there are chemical factories nearby, they were unable to specifically

pinpoint the source since most have shut down. A saturation drive was conducted reducing the factories to only two (2), the UNILUX and the LMG Chemical Corporation's Sulfuric Plant. The latter was shut down in 2001 for a similar incident but after submission of a Comprehensive Pollution Control Program and the giving just compensation to victims, the Mayor allowed its reopening and operation. A Multipartite Monitoring Team (MMT) was formed and a Memorandum of Agreement (MOA) with homeowners materialized.

The MMT observed the erratic operation of the plant. They saw the replacement of the acid circulating pump of the factory. One of the provisions of the MOA is that. . . ' *replacement of major equipment or machinery or major plant shut down should be reported to MMT*', and this they failed to do, hence, Mayor Vicente Eusebio immediately ordered closure of LMG Chemical Corporation.

Ms. Raquel Naciongayo of CENRO (Pasig City) affirmed that it was their town mayor, and not the DENR as reported in the newspapers, who ordered the immediate closure of the said factory.

As to the query of the Chairperson, on how long this factory should be closed, Miss Naciongayo stated that the Cease & Desist Order is still in effect and that '*LMG Chemical Corporation will resume operations only after all remedial measures and repairs to equipment and machineries have been undertaken and upon approval by the MMT and the Office of the Environment Management Plan (EMP)*'. LMG Chemical Corporation was directed to conduct a comprehensive proactive pollution control program including the need to install additional control devices and review of possible sources of leaks.

The Environmental Guarantee Fund Committee will convene accordingly, to evaluate the need to compensate the victims. Payment of penalties for violation of the Clean Air Act - R.A. 8749 and other pertinent ordinances was also ordered.

Senator Madrigal observed agencies "passing the buck" when it concerns environmental degradation, where enforcement is given to the local government when it is supposed to be DENR's mandate. She intimated that there are more than one hundred (100) environmental laws but 99% are not enforced.

Ms. Angie Brabante of EMB-DENR admitted that they conduct 'desk monitoring' and 'compliance monitoring' in specific areas and this is not even on a daily basis.

When asked why the owners of the plant did not comply with the payment of fines mandated in Chapter 6, section 45 **R.A. 8749** – the Clean Air Act of 1999, and **R. A. 6969** – the Toxic Substances and Hazardous and Nuclear Wastes Control Act of 1990, **Police Chief Sr. Supt. Ernesto Catungal** stated that their operation was done in coordination with CENRO and CENRO was the one who prepared the final report. Ms. Brabante admitted that unless the

case is filed with the Pollution Adjudication Board, and hearings conducted, commensurate fines will not be imposed. It has to undergo the normal process/court proceedings. So unless there is a complainant, there is no case to speak of.

Senator Madrigal strongly endorsed imposition of P300,000 / day fine to violators. She also cautioned the long-term effect of toxic chemicals to the water we drink and use, so she suggested imposition of greater fines for cases in violation of **R.A. 9275** -the Clean Water Act of 2004.

Barangay Captain Felix Majabague, Jr. of Barangay 835, Pandacan, Manila pointed to: 1) the threat to their security since they are within the fence line of the oil depot; 2) the threat to their health because based on the air samples, there is a high percentage of benzene in the area.

He also informed the Body that although Liquefied Petroleum Gas (LPG) was removed within the area, a more combustible product, the Jet A-1 is still stored.

He warned about the existence of nearby schools (Carlos P.Garcia, St. Joseph, Polytechnic University of the Philippines), day-care centers and churches.

He questioned the non- transparency of big oil companies and the 'news black-out' in cases of accidents within the oil depot. He reported that a park (so-called buffer zone) was constructed but further study categorizes the area as contaminated and not safe for children, hence, remains closed up to these days.

He also cited the Zamboanga incident and presented a video clip of an explosion depicting a similar depot in Mexico City, affecting establishments within the eight (8) kilometer radius.

He requested that in case they are ordered to vacate the area, there should be gradual phase-out and relocation. The social accountability of the big oil companies is sought.

Senator Madrigal then asked the Department of Education (DepEd) about their policies as to proper location of schools in the urban areas. She observed the laxity in the enforcement of mandate of urban planners, as well as that of DENR, and asked if DepEd can do something to safeguard the children.

Assistant Secretary Camilo Miguel Montesa and Ms. Cielo Gulatco of DepEd, reported that the schools were originally placed in toxic-free environments, however, the factories built their establishments within the schools. The only immediate solution is to relocate schools within highly toxic areas to non-toxic areas with the help of the local government and the factories should have a counterpart financing for such relocation.

Mr. Clemente San Gabriel, Jr. and Lt Col Arturo Avila (Ret) of the Division of Sanitation, Manila Health Department (MHD) reported that barges containing fish meal and bone meal pass by or dock near the Polytechnic University of the Philippines. There are also gasoline stations near the school. An inter-agency investigation was done and the Laguna Lake Development Authority (LLDA) conducts periodic monitoring of the discharges in the bodies of water, results of which are unknown to the MHD. Discharge permits are issued by LLDA. They have coordinated with the Philippine Coast Guard to prohibit these barges from docking near the school. They found out that these barges clean and use water from the river and eventually throw their dirt back to the river.

They clarified that it is Presidential Decree 856 – the Code of Sanitation of the Philippines which allows them to report nuisances of this nature.

Senator Madrigal identified short-term solutions:

- that DepEd come up with a list of the hot spots (schools within the highly toxic areas)
- DENR to be stricter in its mandate
- Craft a law to strengthen the mandate of the DENR
- Craft a law by which determinant points can be clearly put to define area limits considered non-industrial

Likewise, for her long-term suggestions:

- relocation of all factories away from the schools and residential areas
- build schools in places conducive to learning, in a healthful environment free from pollution, because lead pollution makes the children less intelligent
- constitute an independent body to conduct and produce studies for comparison
- empower the people to act accordingly when there is inaction on the part of the implementers

She directed submission of the following documents to the Committee:

1. the petition letters sent by Barangay Captain Majabague, Jr. to DENR
2. latest EMB report on the September 10, 2004 incident in Pasig City
3. EMB's study and analysis of the extent of pollution within the Pandacan oil depot
4. report of MHD - test of drinking water in Pandacan

She stressed that *“every Filipino has a right to a healthful environment, and whenever the environment is not protected, we are breaking a constitutional law, we are not exercising our right.”*

In closing, she echoed that . . . ***“without environment, there are no women and children, and without the environment, we have no future for there is no life. Accordingly, we did not inherit the environment from our parents, we are borrowing it from our children.”***

She thanked the guests for a very enlightening presentation.

The hearing was adjourned at 12:11 p.m.

*Prepared and submitted by Ma. Lourdes A. Juan-Alzate, Legislative
Committee Secretary,
Committee on Youth, Women and Family Relations*