

LOREN LEGARDA

ON CLIMATE CHANGE AND ENERGY

1. The greenhouse effect threatens not just the Philippines but the entire world. It is incumbent upon our country to do its share in addressing the problem. Procrastination in this urgent matter will lead to global disaster.

Look at China. It is heavily dependent on coal-fired power plants and as early as a decade ago, environmentalists warned the government in Beijing about the adverse effects of the gases these plants emit. The government paid tip service to the warning and largely ignored the matter because many people in the Chinese countryside has reached a very alarming level. A moratorium on greenhouse gas emitting sources would be a difficult solution, if at all worthy of recommendation. Greenhouse gas emissions include CO₂ and methane which are commonly produced in decomposition, fuel combustion, or combustion of any kind. I would rather implement our national strategies for compliance with the international conventions that we ratified, among them the UN Climate Change Convention (UNFCCC) and the Kyoto Protocol. This does not mean that I would stop there because we need to seek and implement even better solutions.

2. The Philippines has been largely dependent on the importation of fossil fuels from the Middle East. When the world supply falls short, and it will fall short in due time, our country will be in big trouble if we have no other alternatives available. So, as early as now, we must explore other renewable sources of energy. Doing so will not only protect our country from the whims of oil-exporting countries and the threat of war in the Middle East; doing so will also be economical because renewable energy sources are always cheaper in the long run and environmentally friendly, too, because these sources of energy do not harm the ecosystem. The use of some can, in fact, enhance it health.

The solution may already be within our reach. We have natural gas deposits near Palawan which the national government should manage for the country. It may not be an inexhaustible supply but there is enough of it to keep it going until we develop other renewable sources of energy like biofuels, biodiesel and ethanol, from coconut and other plants.

Ethanol from sugarcane can be a substitute for gasoline and we have plenty of sugarcane. Take the experience of Brazil. They made their staple crop, corn, a renewable source of alcohol for specially developed locally manufactured car engines. Today, they do not depend on imported Middle East oil anymore.

3. We need legislation that will provide sufficient incentives for investments in energy efficiency. Global experience in preventing energy wastage in commercial and residential buildings, as well as in the use of appliances and vehicles, at the design

level has advanced. It is time for wider local application to benefit our country. Government could initiate more aggressive campaigns on the economic and environmental benefits of constructing “green buildings” and using “green appliances” and “green cars” that reduce energy consumption and, therefore, emissions that contribute to air pollution and global warming.

Congress should revisit policies and law for gaps and conflicts that serve as barriers to the success of energy efficiency programs. It is necessary that government seek market-based solutions including incentives and other assistance for the development of a good local business environment. The business sector ought to be given enough elbow room to create a viable industry that will solve our energy problems as it protects and enhances the ecosystem.

WATER

4. Yes, I am, provided that the proposals concerned are shown to be realistic and feasible and that the proponents thereof shall be fully accountable for the public money to be used in such an undertaking.

5. The availability of potable water is inversely proportional to the increase in population. As our population grows, the demand for potable water increases and this means a reduction in the potable water supply. The ostensible solution is to increase the supply of water without damaging the ecosystem. Our water table is severely depleted and a legislated moratorium against the construction of additional artesian wells may be in order.

We shall monitor the implementation of the Clean Water Act as the principal legislation for the water sector. Through the Joint Congressional Oversight Committee, gaps and conflicts can be surfaced and both legislative and administrative options identified to address these issues.

In the long run, I am looking at a bigger, pro-environment solution. There is a lesson to be learned from the Good Book which teaches that we must save in times of plenty for use in times of less. Translated to legislation, we need a law which will create a large-scale basin using the natural landscape in an elevated part of Luzon, say Batangas or Quezon. This basin ought to collect a lot of rainwater during our extremely wet monsoon season. Whatever is collected during the rainy season can be utilized during the dray spells. There will be no need for electricity. Since the natural reservoir is on elevated ground, gravity will do the work of distributing the water by way of pipelines leading to key areas in Luzon. By the time the supply is exhausted, the rainy season will be back to fill it up again. This can be replicated in other areas in the Visayas and Mindanao.

6. Large scale water distribution is a business but it is also a public utility. As a public utility, it is entitled to state protection. In exchange for that protection, the public utility must make the consumer good they are selling (in this case, water) available to the general public at an affordable cost and leaving a reasonable ...profit...**(missing)** rationale behind the public service law. They run their companies as if it were a purely private enterprise. There is a need for legislation requiring them to invest part of their profits in expansion and improvement of their services, with minimal increase in the bills of residential consumers. There should also be a minimal increase in the bills of residential consumers. There should also be a proviso in the law which will make water utilities liable for damages if, through their own fault or negligence or that of their personnel, they end up unduly denying public access to their services.

SOLID WASTE MANAGEMENT

7. The problem is basically a failure in law enforcement and, unfortunately, law enforcement is not within the constitutional powers of the Congress. Nevertheless, all is not lost. We are looking at the possibility of legislation which will impose stiffer penalties on public officials who do not carry out their duties as mandated under Republic Act No. 9003 and its implementing rules and regulations.
8. The solution does not lie in supplementing Republic Act No. 9003. Rather, it lies in a law requiring the local government units concerned to put up cooperatives in every municipality where waste pickers may sell their reusable or recyclable discards. Government need not buy the discards. Junk dealers can rent space in the cooperative and buy the discards at prevailing market prices. This way, both the local government units and the waste pickers can be partners in the resolution of the problem.

The health hazards to which waste pickers are exposed should be a major consideration for the local government in seeking a solution to this problem. In the implementation of the Ecological Solid Waste Management Act, the wide practice of waste segregation can substantially reduce the risks as well as improve earnings from the sale of clean recyclables.

9. Of course. The sale of consumer goods carries with it a heavy legal, social and moral obligation. That is why we also have a Consumer Code of the Philippines. The access of consumers to safe substitutes for toxic ingredients must be ensured. Where such alternatives are not available, a take back system must be implemented. That should make business involved in the sale of consumer goods more responsive to public interest.

10. I do not support anything that contributes to the worsening of our waste and waste disposal problems. Imposing a “sin” tax on disposable plastics packaging may not be enough. The penalty must be accompanied by greater local research and market development for pro-environment packaging. It is important to enhance the competitiveness of preferred alternatives over products that harm the environment.

TOXIC WASTE TRADE/JPEPA

11. I am against the treaty mainly because it will make the Philippines a dumping ground of foreign waste material. In addition, the so-called “benefits” our country will get from the treaty is more apparent than real. Such benefits are largely ignorable if we are to compare it to the destruction of our environment which will be the inevitable consequence if such wastes are dumped in our country. Without mincing words, this treaty should be sacked. After all, Section 15, Article II of the Constitution requires the State to protect and promote the health of the Filipino people.
12. I favor any move that will protect the ecosystem of the Philippines. If the Basel Ban Amendment forbids transboundary dumping of hazardous wastes, the I am for it. As for that loophole in Republic Act No. 6969, I am also in favor of plugging it. Our country should never be a dumping ground of hazardous wastes and I do not see how and why an inchoate, abstract excuse in the form of “economic reasons” can ever hope to even justify a diversion from that direction. Allowing a diversion for “economic reasons” will only make things worse for us. In the end, we will be stuck with hazardous wastes and whatever economic benefits we will probably get from the deal will hardly be enough to cure the destruction those wastes will inflict on our country.
13. Yes, legislation in that direction is not only sound, it is necessary. The real challenge lies in requiring business to spend on pro-ecology measures and in projecting such expense as pro-economics or competitiveness-enhancing.

GENETICALLY MODIFIED ORGANISMS

14. Perhaps it is too sweeping a statement for one to say that all genetically modified food is bad per se. Rice, for instance, has many hybrids brought about by a constant need for man to come up with a grain that is more resistant to disease and the elements. Corn, too, has its hybrids. Sweet corn was brought about by genetic modification and I don’t know of anyone who believes that this special strain of corn is bad.

However, where the results of genetic engineering in agriculture and foodstuffs do not necessarily translate to safe food for all, extreme caution must be exercised. Only when the safety of genetically modified food is established by the Department of Agriculture, the Department of Science and Technology and the

Department of Health should embark on the commercial production and sale of such genetically modified food. Legislation requiring such approval from these line agencies is necessary.

15. As I said earlier, only when it is duly established that such genetically modified rice is safe for human consumption will I support local commercial production and sale.

How did the illegal genetically modified rice make it to the supermarkets? The National Bureau of Investigation must step in to find out who is responsible for the public sale of that contraband. As for the owners of those supermarkets, they should be all charged in court and made to suffer the consequences of their actions.

16. Yes, I will support the mandatory labeling of all products containing GM organisms sold in the Philippines. Section 9, Article XVI of the Constitution mandates that the State must protect consumers from trade malpractices and from substandard or hazardous products. In fact, there are existing laws to that effect like the Consumer Code of the Philippines and statutes governing the manufacture and sale of food, drugs and cosmetics in the country. At the expense of saying the obvious, the public has a right to know what it is consuming.

SUSTAINABLE AND ORGANIC AGRICULTURE

17. Organic agriculture is the ideal. I mean, as much as possible, our agricultural products must be grown and developed naturally as Mother Earth allows it. The use of chemicals in agriculture is not bad per se because not all chemicals poison the soil.

For instance, carbon-based and nitrogen-based compounds are not harmful to the soil and yet they are chemical compounds. Thus, I welcome measures which will significantly reduce the use of harmful chemicals in agriculture.

The days of state subsidies for synthetic farm outputs ought to come to an end because it has not been established that a clear public benefit has been derived, or will be derived in the near future, from such a venture. With that premise, there is good reason to re-channel these subsidies to the promotion of organic agriculture practices. It's time to give the organic solution to our agricultural problems a chance to "bring back the natural nutrients to our soil" and to provide adequate supply of nutritious food for the people.

18. For reasons expounded above, I am for such legislation.

Organic agriculture includes all agricultural systems that promote the environmentally, socially, and economically sound production of food and fibers. These systems take local soil fertility as a key to a successful production. By

respecting the national capacity of plants, animals, and the landscape, it aims to optimize quality in all aspects of agriculture and the environment.

Organic agriculture dramatically reduces external inputs by refraining from the use of chemo-synthetic fertilizers, pesticides, and pharmaceuticals. Instead, it allows the powerful laws of nature to increase both agricultural yields and disease resistance. (Definition supplied by the International Federation of Agricultural Movements.)

LOGGING

19. Law enforcement is not the task of the Congress. Sadly, there are many well-meaning laws which are not enforced by the executive department. Thus, I believe that what the Congress should do is to make the appropriate government agencies appear before it and persist in the identification of barriers to implementation. Recommendations should be made for the prosecution of officers who violate their mandate or assist violators.

As for forest management, I believe that this should be a joint undertaking of both the government and the local communities who stand to benefit from the proper management of forest resources. Let us learn from the success of a few local governments, like Nueva Viscaya, to stop forest destruction and recommend programs, and legislation if required for wide application of best practice.

I am open to the enactment of laws which will require forestry officials to conduct periodic public hearings in localities where logging activities are on-going or anticipated. The results of these public hearings must be submitted to the Congress and the official agency action taken thereon must be published in at least three newspapers of general circulation and in at least one local community involved in forest management, then the threat of illegal logging will be substantially reduced.

Yes, existing natural forests should be kept free from commercial logging or conversion into other uses, subject to periodic maintenance requirements, e.g. pruning, removal of diseased trees and their replacement, etc. If we lose our forests, we lose our ecology, and we lose our well-being.

20. Yes, I welcome a five year moratorium on commercial logging to allow our forests to regenerate and while communities concerned are trained to do community-based forest management. This does not mean that after the moratorium, our forests should be open to logging.

I also believe that a year before the end of the moratorium, the Congress should study if there is a need to extend it. This is a power explicitly given to the Congress by Section 4, Article XII of the Constitution.

MINING

21. Under Section 2, Article XII of the Constitution, the activities of mining companies are subject to the terms and conditions that may be provided by law. This means that the Congress has the power to regulate the activities of the mining industry.

Therefore, to make mining companies accountable to the public interest, I am looking at an amendment to the Mining Act to provide for community health, and social, as well as environmental, risk assessment for the approval of mining applications. The mining companies must also put up a fund in an appropriate amount to answer for any possible injury or damage their activities may not be upon public health or the environment, respectively. The fund may not be touched except by virtue of a valid court order issued after due proceedings which establish a rightful claim for damages.

I favor a review of the option of making the top officials of mining companies criminally liable for such injury or damage. It is very likely that where the top officials of these mining companies face the possibility of being brought to court on criminal charges, they will take extra steps to see to it that the activities of their companies will not threaten public health or the environment.

22. Yes, I do. The communities have a long-term stake in the use of mineral resources. Such is favored over the thrust of large commercial mining companies for short-term profits which lead to environmental damage and, in long-term, disasters that devastate the nearby communities and their environment. There is, indeed, a need to ensure that the extraction of mineral resources will be for the well being of Filipinos.

AIR POLLUTION

23. The Philippine Clean Air Act of 1999 is already a good law. Law enforcement is the problem. What the Congress can do is to summon officials vested with the task of implementing specific provisions of the law to address gaps in implementation. The law encourages the public to take legal action against such officials who violate or abet violation of the law before the courts.

Our experience shows that the unsuccessful banning of products leads to the surfacing of such in a lucrative black market. This encourages me to seek more effective solutions. Under the command-and-control regime of the Clean Air Act, I would rather suspend the operation of vehicles or equipment that fall to meet emission standards and support the implementation of national programs for inspection and maintenance as envisioned by the lawmakers. Old diesel engines can be restored locally at less than half the price of new engines, a real benefits to jeepney and bus drivers and operators who must collect low fares under government regulation. The performance of all diesel engines can be improved further with the

use of biodiesel blends as mandated by the Biofuels Act. I would add greater mass transport capacity to these solutions.

This is a comprehensive program that has evolved over a decade into a sound application of the principle of sustainable development. The challenge remains in its faithful enforcement by all concerned government agencies and is dependent to a great part on the vigilance of stakeholders as well.

24. Biofuels may hold the key to the rising cost of fossil fuels. The road to making the Philippines a biofuel producing and using nation is a long and tough one but we must begin with the first step.

Coconut-based biodiesel is now being exported and the biodiesel industry is now developing other plant sources. Among the more viable is jatropha which promises to make biodiesel more affordable to the local user.

I would promote a system of biodiesel production and marketing that will make the farmer a partner, not just a source of raw material, who will enjoy economic benefits as such. He will not earn only from selling the seed he harvests but will share in the income from the sale of the finished product. This is a good strategy to ensure sustained supply of feedstock for processing. It is something that the coconut industry desperately needs for its revival. I will definitely support the legislation that may be required.

The production technologies are now mature and biofuels are definitely the viable alternatives alternative to fossils fuels.

I am in favor of legislation which will substantially reduce taxes on biofuel, provide tax incentives to investors in the bio-fuel industry, encourage local sugarcane plantations to convert part of their harvest to the production of ethanol for fuel, and provide tax incentives to manufacturers of automobiles which will utilize, even partly, ethanol or other alternative bio-fuels.

As for measures which will lead to an increase in motor efficiency and a reduction in fuel consumption, I believe that this is beyond the competence of the Congress to legislate on. Let market economics take care of that. For instance, if a car manufacturer wants to outsell his competitor, then he must come out with a car that is more fuel efficient than what his competitor has for sale. Perhaps a better tack would be to enforce laws that protect the practice of fair competition.

YOUR ENVIRONMENTAL TRACK RECORD

25. My initiatives in the field of environmental protection include legislation which I have authored or co-authored during my tenure as a senator from 1998 to 2004, civic

projects which I have undertaken both as a public official and as private citizen, and promotion of environmental awareness through media.

In the legislative realm, I was the principal author and sponsor of Republic Act No. 9147, the Conservation and Protection of Wildlife Resources Act, and I was the co-author of Republic Act No. 8749, the Philippine Clean Air Act; Republic Act No. 8991, the Batanes Group of Islands Protected Area Act; Republic Act No. 9003, the Integrated Solid Waste Management Act; and Republic Act No. 9151, the National Agriculture Research, Training and Development Institute Act.

I founded the Luntiang Pilipinas (Greening of the Philippines) Foundation which, in partnership with other organizations, has successfully planted over two million trees all over the country.

Since the 1990s, I have also promoted environmental awareness as a journalist and a legislator through the production of a newspaper column on protection of biodiversity and forest resources, toxic and solid wastes, water resources management, and other current environmental concerns and issues. In 2001, the United Nations Environmental Program honored me for my efforts aimed at protecting our environment.