



Republic of the Philippines
SENATE

RE : REPORT ON THE NOVEMBER 11, 2004 JOINT PUBLIC HEARING OF THE COMMITTEES ON ENVIRONMENT AND NATURAL RESOURCES; LOCAL GOVERNMENT; URBAN PLANNING, HOUSING AND RESETTLEMENT; AND FINANCE

Journal of the joint public hearing conducted by the Committees on Environment and Natural Resources; Local Government; Urban Planning, Housing and Resettlement; and Finance on Thursday, November 11, 2004, 10:00 a.m., at the Senator Lorenzo M. Tañada Room, 2nd Floor, Senate of the Philippines, GSIS Bldg., Roxas Blvd., Pasay City.

The hearing deliberated the following Senate bills:

1. **S. No. 286**, *entitled* "AN ACT REQUIRING LOCAL GOVERNMENTS TO PLANT TREES ALONG NATIONAL AND LOCAL HIGHWAYS WITHIN ITS TERRITORIAL BOUNDARIES AND FOR OTHER PURPOSES" (*Introduced by Sen. Osmeña III*)
2. **S. Nos. 657 and 721**, *entitled* "AN ACT REQUIRING THE PLANTING OF TREES IN OPEN SPACES OF SUBDIVISION PROJECTS DEVELOPED FOR RESIDENTIAL, INDUSTRIAL, OR COMMERCIAL PURPOSE AND FOR OTHER PURPOSES" (*Introduced by Sen. Villar, Jr.*)
3. **S. No. 724**, *entitled* "AN ACT GRANTING INCENTIVES TO SUBDIVISION HOMEOWNERS ASSOCIATIONS TO DEVELOP AND MAINTAIN FORESTED AREAS WITHIN THEIR SUBDIVISIONS, AND FOR OTHER PURPOSES" (*Introduced by Sen. Villar, Jr.*)
4. **S. No. 927**, *entitled* "AN ACT PROVIDING FOR THE URBAN AND COUNTRYSIDE GREENING IN THE PHILIPPINES" (*Introduced by Sen. Jinggoy Ejercito Estrada*)
5. **S. No. 1092**, *entitled* "AN ACT PROVIDING FOR THE PRESERVATION AND PROTECTION OF TREES IN URBAN CITIES AND URBANIZED MUNICIPALITIES, AND FOR OTHER PURPOSES" (*Introduced by Sen. Madrigal*)
6. **S. No. 1133**, *entitled* "AN ACT GRANTING INCENTIVES TO SUBDIVISION HOMEOWNERS ASSOCIATIONS TO DEVELOP AND MAINTAIN FORESTED AREAS WITHIN THEIR SUBDIVISIONS, AND FOR OTHER PURPOSES" (*Introduced by Sen. Pimentel, Jr.*)

Senators Present: Senators Cayetano (Chairperson and presiding officer), Lim, and Pimentel Jr.

Resource Persons: Undersecretary Ramon Paje, Environment and Forestry, Department of Environment and Natural Resources (DENR); Director Elizabeth F. Nelle, Office for Planning Development Office, Department of Tourism (DOT); Assistant Secretary Maya Santos, Legislative Office, Department of Agriculture (DA); Director Lito Baron, Officer-in-Charge, Bureau of Plant Industry, DA; Ms. Criste Navida, Project Manager III, Environmental Service Office, Department of Public Works and Highways (DPWH); Engr. Victor Balba, Housing Technology Development, National Housing Authority (NHA); Ms. Jeanette Cruz, Director, Housing and Urban Development Coordinating Council (HUDCC); Atty. Gina Antonio, Legal Service Group, Housing and Land Use Regulatory Board (HLURB).

HIGHLIGHTS

Senator Cayetano first acknowledged the presence of the senators and guests. She then enumerated the measures to be discussed.

Senator Pimentel Jr. said that the government is sometimes insensitive to the environmental concern of the country. He added that trees are being cut even if there is no need to cut them, and that it is easier to cut them than to plant and make them grow.

Senator Lim stated that the DENR seemed to be powerless to take action against wanton violation of illegally cutting trees. He indicated his interest in putting more teeth on the implementations of environment laws and at the same time imposing heavier penalties.

Senator Cayetano, for her part, supported the position of Senators Pimentel Jr. and Lim and sought clarification on the enforcement of existing laws particularly the 30 percent requirement to be set aside for open space, parks and the like in compliance with P.D. 953. She emphasized her view of molding the minds of the youth rather than changing the attitude of adults with regard to environmental concerns.

DENR Undersecretary Ramon Paje explained the plans and programs of the DENR in urban greening by planting trees not only on the main thoroughfares but also all over the metropolis as well. He lamented, however, that despite government efforts of planting trees in Metro Manila, it is also the government itself which is the number one cutter of trees. He also stated that their agency consider urban greening, as a function of planning, before they issue Environmental Compliance Certificates (ECCs). Furthermore, he emphasized on the preventive measures rather than the "end of the pipeline solution of penalizing the tree cutters".

Undersecretary Paje also explained that trees need not be sacrificed in the name of development.

Senator Pimentel Jr., on the other hand, informed the Committee that in other countries, trees are not cut just to pave way to road widening; rather, the roads are adjusted in a such a way that trees are not touched in the event that such widening occurs.

When the name of Senator Lim was mentioned by Senator Pimentel Jr. with regard to the development of the Mehan Garden, the former immediately retorted to straighten the record with regard to such issue and had a discourse with Undersecretary Paje on the matter. Senator Lim even emphasized that even the Undersecretary and his subordinates were sued for doing their jobs in protecting the environment. Senator Lim sympathized with them and asked what legislative help he can extend with these kind of situation.

Senator Pimentel Jr. however, stressed that what is important is the preventive measure and imposition of heavier penalty if the violators are government officials. He also said that he is in agreement to the proposal of Senator Lim.

Responding to the query of Senator Cayetano if DENR has the capacity to oversee the plans that are to be implemented, Undersecretary Paje replied in the affirmative. He was also requested to come up with suggestions on the matter.

Ms. Criste Navida, Project Manager III, Environmental Service Office of the DPWH, expressed full support for the bills. She also informed the Committee that there was a Department Order issued mandating the planting of trees within or along the

thoroughfare but taking into account public health and safety in the design as well as in the implementation of such order.

Asked by Senator Pimentel Jr. if the department has done something with regard to the billboards along the major thoroughfares, Ms. Navida replied in the affirmative, adding that P.D. 953 cover such an issue.

Senator Lim posed a question with regard to violators who are government officials, that there should be deterrent or preventive measures to minimize if not avoid such situation. Senator Cayetano expressed the same sentiment and informed the Committee that a similar situation was brought out during a committee hearing of the Committee on Health and Demography. She opined that such practice should not be tolerated but rather avoided.

Ms. Navida stated that the procedures being followed are based on DENR requirements in the implementation of the DPWH's civil works. When Senator Pimentel Jr. asked her if their department has adopted a policy not to cut trees when a road or highway is expanded, she answered in the affirmative.

Ms. Elizabeth Nelle, Director for Planning Development Office of the DOT, informed the body that their department was in agreement and supportive of the bills on hand and further indicated that, in line with their Eco-Tourism Program, they have created a committee that tackles environmental concerns. Senator Cayetano brought to the attention of the DPWH and DENR that the environmental ombudsman is disappointed that no case was filed before them. Undersecretary Paje confirmed the fact that they have indeed limited the number of cases being filed with the said body and mentioned that the Integrated Bar of the Philippines (IBP) is helping them with the cases that they filed.

Senator Lim pointed out that establishments have mushroomed all over Luneta and along the sidewalk of Roxas Boulevard, adding that the proliferation of these businesses in the said areas violates certain laws. He even mentioned about a forest guard who was imprisoned for implementing the law, adding that such situations do happen to some government employees in performing their duties. On the other hand, Undersecretary Paje mentioned that there were forty three (43) employees who were either hurt or murdered in the performance of their job. He, however, revealed that a fund was established to help those who were hurt or the beneficiaries of the fatalities. Senator Pimentel, Jr. suggested that the Senate create an awards system in the Environment Committee to be given to those people who suffered the same fate in doing their jobs, to which Senator Cayetano agreed.

Atty. Gina Antonio, Legal Service Group of the Housing and Land Use Regulatory Board (HLURB), revealed to the Committee their adherence to the provisions of P.D. 953 when they issued the implementing rules requiring developers to submit their plans with specifications. As regards the 30 percent provision on open space, she said that this requirement may or may not be applied depending on the size of the subdivision and the law being followed. She also stressed that there must be flexibility in applying the several laws being discussed and that there should be monitoring also.

Engr. Victor Balba, Housing Technology Development of the NHA, for his part, mentioned additional laws relevant to the discussion such as P.D. 957 and P.D. 1216, but there no was clear explanation whether the 30 percent includes or roads, parks and the like.

Ms. Jeanette Cruz, Director of the HUDCC, expressed her view in line with the 30 percent being discussed by the panel. According to her, B.P. 220 relaxes certain standards by including roads to the 30 percent most specially to subdivisions covered

by Community Mortgage Programs (CMPs). She also express her support to the bill being discussed but suggested further that there must be a study by the DENR on how to balance the situation with regard to the affordability level in compliance with the open space provision. She stressed that they want to make housing affordable and at the same time setting workable standards and procedures.

Engr. Balba expressed full support for the Senate bill but pointed out some inconsistencies. According to him, B.P. 220 has a higher density standard than that specified in S.B. 721. In S.B. 724, the minimum area of one green park is five percent (5%) and the area should be contiguous, while P.D. 957 and B.P. 220, allow individual packet parks strategically located within the subdivision containing at least 100 square meters for each packet park. In the same vein, S.B. 927, section (a) provides for the requirements for tree planting along the national roads which is similar to provisions of P.D. 957 and B.P. 220, he added. Senator Cayetano requested that these observations be submitted in writing to the Committee.

Director Lito Baron, Officer-in-Charge of the Bureau of Plant Industry of the DA, manifested their support to the Greening Act of 2004 and stated that they are concerned with the coordination and assistance coming from the local government units (LGUs) particularly the municipal agricultural office by propagating and producing high quality fruit trees as well as ornamental trees that can be distributed to every park, and to every housing project and subdivisions that are already existing and that will be established later on.

Senator Pimentel Jr. indicated that kids might use their slingshots in getting the fruits if fruit-bearing trees are planted along the highways, a situation which is not happening in other countries. He intimated that a general law should be crafted to compel persons to plant trees and get permit, as a requirement, before building residential houses. Senator Cayetano also signified that children or the youth should be educated regarding this matter.

Assistant Secretary Santos of the DA agreed with Senator Pimentel Jr. and added that her department might help in giving technical assistance. Senator Cayetano, on the other hand, suggested that she also advocates alternative modes in helping the environment by using another form of transportation such as the bicycle.

Senator Cayetano voiced her comment over the statement of Director Cruz that the percentage of the open space or area for tree planting would depend on the viability of the project. She said that it is time for the government to come up with a policy on this considering that it affects the lives of people.

Senator Lim remarked that there must be some form of protection given to buyers or would-be owners of condominiums because there are incidents that these buyers pay certain amount for the project, but are being swindled in the end because the project was not finished or if completed, it was already mortgaged without the knowledge of the buyer. He urged that the government agencies should perform their functions and protect these buyers. Senator Cayetano agreed with his statement.

The meeting was adjourned at 12:04 p.m.