

## **Media Activism: *Bantay Kalikasan* in the Passage of the Clean Air Act\***

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**Abstract:** *This case study examines the role of media in the enactment of the Clean Air Act of 1999 (CAA). Through the intervention of the Bantay Kalikasan (Nature Watch), the environmental advocacy arm of ABS-CBN (the largest broadcasting network of the Philippines), the clean air discourse became a public issue. It not only campaigned actively for the law by initiating roadside information teams, but it also initiated the 5M-signature campaign in support of the CAA's enactment into law. Most of all, it amplified the discursive health and moral debates popularized by the Clean Air coalition concerning incinerator. Environment is not exactly a mainstream issue in the Philippines, but the media possess the essential resources to make any dire environmental issue a public concern. As soon as the media realize their discursive power to popularize any technical environmental concern, the more realizable the future will be for a more viable and more continuous environmental policy not only for clean air.*

**Key words:** *Clean Air Act, media, environmental policy, discourse analysis*

### **Introduction**

Clean Air Acts in most countries have attracted a number of investigators who are interested in the study of both science and policy. Interesting enough, the Clean Air Bill did not attract public attention while it was first introduced on the policy table in the Philippines. What with the likes of oil

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companies, like the "Big 3" (Petron, Caltex and Shell), and foreign organizations (i.e., the American Chamber of Commerce and the Danish Embassy) that lobbied legislators to relax the strict fuel standards in and to remove the ban on incineration clause from the said legislation, respectively.

The Philippine Clean Air Act of 1999 is the first comprehensive legislation ever formulated in the Philippines to address the problem of clearing the air through a comprehensive air pollution management framework. It is regarded as an environmental milestone. But more importantly it is a compromise between the interests of environment activists on the matter, as well as the interests of the state as a whole as regards finding ways and solutions to the garbage problem, to the energy problem and finding ways and solutions to the air quality problem. During the 10th Congress, the legislation of the CAA was essentially half-done with only the Senate sealing its part of the job. What facilitated the enactment of a bill that saw three presidents and went through two sets of rigorous legislative actions and scrutiny of the 10th and 11th Congresses?

This descriptive study focuses on the role of media, specifically, *Bantay Kalikasan*, in the passage of the landmark legislation during the 11th Congress. *Bantay Kalikasan* is one of the several programs of the ABS-CBN Foundation. It is said to be the media advocacy arm of the Clean Air coalition that played an important role in the enactment of the Clean Air Act of 1999, an environmental landmark legislation. This study examines the role of the *Bantay Kalikasan* primarily as advocate and activist in the Clean Air policy process.

## The Media in Environmental Policy

Undeniably, the media play an instrumental role in motivating interest in national and local issues. Giron describes the media in the Philippines as a "force vital to any environmental campaign" (Giron 1992: 42). She believes that media "play key roles in transmitting into layman's language the complexities of environmental issues; inspire concern and motivate a sense of responsibility over environmental issues" (Giron 1992:42). However, Giron asserts that media potential in the environmental policy domain is not fully realized in the Philippine setting. Why should the media be reckoned as a "force" to contend with especially as regards environmental issues?

Howlett and Ramesh distinguish aptly between the twin roles of media as both activist and advocate in the policy process. According to them:

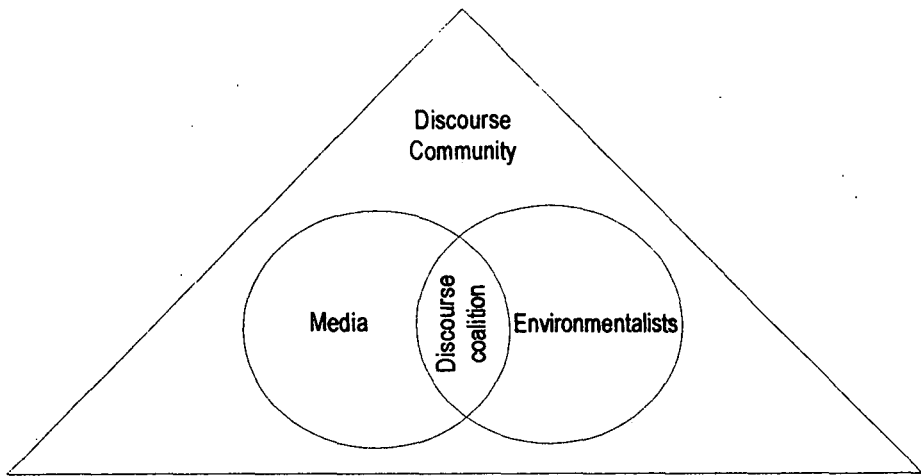
In reporting problems they function both as passive reporters and as active analysts, as well as advocates of particular policy solutions. That is, news programs (or other media formats) do not just report on a problem but often go to great lengths in locating a problem not otherwise obvious, defining its nature and scope, and suggesting or implying the availability of potential solutions. (Howlett and Ramesh 1999: 82)

Environmental coverage and environmental policy-making have been the subjects of analysis of several media specialists like Hansen and Linne (1986), Hilgartner and Charles Bosk (1985), and Solesbury (1976) (Cracknell 1993:4). Media role is important especially in discourse since they have the power to make an issue even out of a seemingly insignificant opinion or discussion depending on the way they present the information to the public. Within a policy discourse community, media play a big role especially in defining social problems and in drawing public attention to environmentalists. Oftentimes, this media intervention is concretized whenever environmental issues are projected through provocative pictures or through powerful word descriptions.

As illustrated in Figure 1, in the area of environmental discourse, there exists a symbiosis between media and environmentalists. In this figure, the discourse community refers to the set of actors that share a common discourse. It "defines its membership by reference to a specific knowledge base" (Howlett and Ramesh 1999: 153). In this study, the discourse community includes a more active component called a "discourse coalition." This temporary association is formed among actors that are "attracted to" a common set of storylines. Hence, the symbiosis is more specifically manifested through a discourse coalition.

A more interesting angle, however, is why environmental organizations and media have taken part in a symbiotic relationship for their respective personal objectives. Environmental organizations need media to "command

**Figure 1. Symbols between media and environmentalists**



attention, legitimize their claims and invoke action" (Cracknell 1993: 7) while media feed on stories that these organizations supply. Cracknell explains the nature of this relationship as follows:

(e)nviromental organizations have traditionally been heavy users of the media and this is reflected in the considerable amount of communications research dedicated to environmental coverage. Major environmental pressure groups tend to have staff who are experienced in the production of stories and in supplying information to journalists. The issues on which the groups choose to campaign are undoubtedly influenced by considerations of likely coverage. This is important as it can mean that 'non-sexy' and unmediagenic subjects are targeted less than those with instant media appeal, regardless of the importance of the issues in question. (Cracknell in Hansen 1993: 6)

Thus, the mediagenic nature or the media appeal of environmental issues can be gleaned as one of the reasons why a symbiotic relationship exists between the environmentalists and media. Other reasons that were cited are that usually, environmental problems become very prominent through disasters, and these fit very well the news value criteria that journalists tend to look for in the selection of news worthy articles. Environmental campaigns also evoke a sense of "surface consensuality" or may give the impression of

representativeness on the surface that is not so threatening as compared to other cause-oriented issues as labor and poverty.

### The Approach to the Study

Media activism is best understood within the context of political communication. Stein explains that "at the heart of media activism is a belief that communication is an essential process in the project of peaceful, democratic social change" (Stein 1999:6). According to her:

a fundamental aim of media activism is to guarantee that media represent, serve and reflect all people. The aim requires national and international bodies to structure communicative resources so that they are widely and equitably distributed, are accountable to their audiences and constituencies, and are genuine forums for public opinion formation.(Stein 1999:5)

An emerging approach to media activism and the increasing role of media in politics combines both the new social movements and the discourse theories. These approaches present fittingly the more dynamic and proactive dimension of the media that the Philippines has.

According to De Luca, a number of scholars of the "social movements" tradition like Tourraine, Melucci and Cohen, point out that:

(t)he new social movements differ from past social movements in two fundamental ways: issues and organizations. For a variety of reasons, the new social movements do not focus on the distribution of material goods, the expansion of institutional political rights, and security, but rather thematize personal and collective identity, contest social norms, challenge the logic governing the system, and in sum, deconstruct the established naming of the world. In other words, this is a shift from economic grounds to cultural grounds or from the domains of the state and the economy to the domain of civil society... (De Luca 1999:25)

Discourse theory, on the other hand, takes into consideration the relationship between knowledge, power and policy as the center of analysis

(Keeley and Scoones 2004: 5). The focus is on the networks of power behind the practices, interactions that are put into policy negotiation and contestation. Hajer defines discourse as, "a specific ensemble of ideas, concepts, and categorizations that are produced, reproduced, and transformed in a particular set of practices and through which meaning is given to physical and social realities" (Hajer 1995: 44). Discourse matters, "the linguistic and textual styles, classificatory systems and particular discursive formations can be seen to empower some and silence others." (Keeley and Scoones 2004: 5)

These two approaches matter in the analysis of the role of media in making the Clean Air issue a national concern that cuts across classes and interests.

Lastly, this descriptive study employs mainly qualitative methods of data collection, namely: literature review, in-depth interviews of key informants and document analyses.

### **A Background on the Philippine Environment Situation**

The air pollution levels in Metro Manila have reached alarming levels. The very same air that is necessary for the sustenance of the people who reside in the city and its contiguous areas is now also seen as a factor that compromises their health. According to the Department of Environment and Natural Resources (DENR), the major air pollutants found in Metro Manila are ozone, carbon monoxide, nitrogen oxide, particulate matter, sulfur dioxide, lead, toxic air pollutants, stratospheric ozone depleters and greenhouse gases. (DENR 2003:1) Findings of the Asian Development Bank study (1991-1992) placed Manila in the list of countries that exceeded the maximum levels of particulate matter and lead, and total suspended particulates (TSP) in the atmosphere by as much as three times, two times and five times respectively, which were way above the prescribed guidelines set by the World Health Organization. (DENR 2003: 3) A more recent World Bank Report (1990-1995) placed Manila with TSP level at 200 micrograms per cubic meter as one of the cities in the world with atmospheric pollutants above WHO guidelines, likewise confirming the ADB report (WB 2005).

A recent publication of the National Statistical and Coordination Board entitled *Compendium of Philippine Environment Statistics (2002)* shows that Metro Manila remains to be the most environmentally challenged in terms of air quality because it is the most industrialized area in the Philippines. For this reason, government efforts, such as air quality monitoring, have been directed to this area (NSCB 2002, 2-1).

Health data reinforce the need to address the problem of air pollution in the country. Table 1 (DOH 2006) shows the ten leading causes of death in the Philippines. The data indicate that three of the top ten leading causes of death in the Philippines are respiratory-related diseases, namely: pneumonia (top 4), tuberculosis (top 6) and chronic obstructive pulmonary diseases (top 7).

**Table 1. Ten Leading Causes of Mortality by Sex Number, Rate/100,000 Population & Percentage Philippines, 2002**

Cause	Male	Female	Both Sexes		
			Number	Rate	Percent*
1. Heart Diseases	39,502	30,636	70,138	88.2	17.7
2. Vascular System Diseases	27,536	21,983	49,519	62.3	12.5
3. Malignant Neoplasm	20,440	18,381	38,821	48.8	9.8
4. Pneumonia	16,729	17,489	34,218	43.0	8.6
5. Accidents	27,448	6,169	33,617	42.3	8.5
6. Tuberculosis, all forms	19,293	9,214	28,507	35.9	7.2
7. Chronic obstructive pulmonary diseases and allied conditions	13,007	6,313	19,320	24.3	4.9
8. Certain conditions originating in the perinatal period	8,520	5,689	14,209	17.9	3.6
9. Diabetes Mellitus	6,524	7,398	13,922	17.5	3.5
10. Nephritis, nephritic syndrome and nephrosis	5,358	3,834	9,192	11.6	2.3

Source: 2002 Philippine Health Statistics (DOH 2006)

\* percent share from total deaths, all causes, Philippine

It can be said then that the Clean Air legislation was the perceived response to the demands at the time that it was passed and enacted. However, much is left to be seen whether the said law may indeed be considered as the "best" solution to the identified problems at the time. It is an assertion that is easier said than understood. It had already been legislated within the prescribed democratic legislative process and yet, air pollution problems in Metro Manila continue to persist. Moreso, it is yet to be fully implemented up to the time that this research was conducted. It cannot be denied, however, that in 1999, a critical consensus was reached sufficient enough for the CAA to be deemed as an answer to air pollution.

The air pollution problem is as old as the introduction of industrialization but the repercussions of industrialization have only been realized recently as the magnitude of the problem continues to grow immensely. According to Buchholz, air pollution has become a serious concern ever since modern industrial processes have ceaselessly dumped large amounts of pollutants that far exceeded the dilutive capacity of the air. (Buchholz 1998: 144) If left unattended, this will not only cause major health problems but fatalities as well. (DENR 2003: 3) But air pollutants do not only directly affect humans. According to Elsom, there are at least five main types of damages caused by air pollutants "non-human receptors" that may indirectly affect human beings (Elsom 1992:15):

1. damage to vegetation;
2. damage to animals, birds, and insects;
3. damage to human-made materials (painted surfaces, rubber, nylon, metals);
4. soiling of materials (clothing, buildings, etc.); and
5. weather and climatic changes (smogs, reduced solar radiation, visibility deterioration, surface temperature increases).

### Before the Clean Air Act: Philippine Laws Protecting Air

Problems of increasing magnitude, as the air pollution problem, need more authoritative and binding policies and actions to address them. Laws concerning the air matter if the health and life of human beings is to be taken seriously. But in the Philippines, as in other developing or less developed countries, laws concerning the air, or the environment, for that



matter, was a fairly recent phenomenon. Elsom noted that this phenomenon was only introduced particularly in less developed countries in the 1970s even though they expressed concern on the environment, admittedly, these environmental measures would slow down their rates of economic and industrial growth.(Elsom, 1992: 10) In line with this observation, a number of public policies that deal with air pollution and the environment can indeed be traced back to the 1970s, most of which were enacted during the Marcos regime. (Katayama 2002: 23)

Table 2 contains some pertinent laws and decrees protecting the integrity of the air as they appeared in the history of environment laws in the Philippines (Chan and Robles 1999). Indeed, serious legislations concerning the air prior to the passage of the Clean Air Act mushroomed in the 1970s at the height of the Martial law "development decade".

**Table 2. Some Air Quality-Related Environmental Legislations in the Philippines**

Law/Decree	Year Enacted	Brief Description
National Water and Air Pollution Control Commission Act (R.A. 3931)	06/18/64	This law created the National Water and Air Pollution Commission.
The National Pollution Control Commission Decree of 1976 (P.D. 984)	08/18/76	This is also known as the Pollution control Law. It provides the guidelines for the control of air and water pollution.
Philippine Environment Policy (P.D. 1151)	06/06/77	This law safeguards the rights of the people to a healthy environment. It declares the active role of government in ensuring the attainment of environmental quality while enjoining individuals, organizations and agencies to contribute to the preservation and enhancement of the Philippine environment.
Philippine Environmental Code (P.D. 1152)	06/06/77	This decree was created to prescribe guidelines for land use and achieve desirable levels of air quality and water quality that shall ensure public health and human, plant, animal life viability.

**Table 2...continuation**

Executive Order 192	06/10/87	This provides for the establishment of the Department of Environment and Natural Resources
Withdrawal of Lead in Gasoline (P.D. 2001)	11/16/85	This decree essentially established a program that necessitated a gradual withdrawal of tetraethyl lead (TEL) in gasoline which was found to be a poisonous compound of lead that contains deadly particulates. This law decreed the substitution of TEL with ethanol.
Toxic Substances and Hazardous and Nuclear Wastes Control Act of 1990 (R.A. 6969)	10/26/90	This law was instituted in order to control and monitor the chemical and material substances that are being imported by the country. It aims to prevent the entry of chemical substances through legal or illegal means that have toxic content and hence, may pose a risk to the public.

It is interesting to note that in the late 1970s, incineration was specifically cited in P.D. 1152 as one of the solutions to the solid waste disposal problem. Chapter 2, Sec. 45 of this decree states that:

Solid waste disposal shall be by sanitary landfill, incineration, composting, and other methods as may be approved by competent government authority.(Chan Robles 1999)

These laws were policies decreed or enacted prior to the passage of the Clean Air Act.

Administrations that succeeded the Marcos regime rehashed, revised or amended laws governing air and the environment. The Clean Air legislation was the first exhaustive public policy that came out of the post-Martial Law Congress (Tiquia 2003).

### Behind the Clean Air Law

There was an urgency to address the air pollution problem at the time. Leading causes of morbidity and mortality are primarily pulmonary in character and related to the air pollution problem.

Mobile and stationary sources are main sources of the air pollution problem. Before the Clean Air Act, there was no comprehensive framework to manage the problem. In the late 1990s, its advocates claim that the CAA is the solution to the problem.

### Milestones in its Enactment

Republic Act No. 8749 or the Clean Air Act of 1999 is a legislation that spanned almost a decade. It is a landmark law that originated from the House of Representatives (HOR). The idea to create it started as early as the 8th Congress when it formed part of a proposal to revise the Environmental Code of the Philippines. Table 3 contains the various bills related to the Clean Air Act of 1999 in both houses from the 8th Congress to the 11th Congress.

**Table 3. Evolution of the Clean Air Act of 1999 (Republic Act 8749): Bills Related to Air Pollution**

Congress	House Bills	Senate Bills
8 <sup>th</sup> Congress (July 1, 1987 to June 30, 1992)	House Bills 7815, 22420 30895	-
9 <sup>th</sup> Congress (July 1, 1992 to June 29, 1995)	Consolidated Bill: HB 14459 (House Bills 7202, 8008, 11525, 12748, 12750, 13286, 14536)	Consolidated Bill: Senate Bill 1770 (Senate Bills 794, 933 and 1233)
10 <sup>th</sup> Congress (June 30, 1995 to June 30, 1998)	Consolidated Bill: HB 8622 (HB 56, 90)	Consolidated Bill: SB 2033 (SB 273 and 522)
11 <sup>th</sup> Congress (June 30, 1998 to June 30, 2001)	Consolidated Bill: HB 6216 (House Bills 129, 730, 1016 and 1121)	Consolidated Bill: SB 1255 (Senate Bills 9, 864 and 912)

It should be noted that in the 8th Congress, there were no records of any air pollution-related bills that were filed in the Senate but there were resolutions that sought to address the air and water pollution problems in the country. On the other hand, though there were attempts to enact an air pollution bill in the House of Representatives in the 8th Congress, all the bills introduced during this period failed to prosper beyond the first reading.

Attempts to pass a clean air legislation also proved futile in the 9th Congress. This can be attributed to the formidable lobbying of mainly oil lobby groups. House Bills (HBs) 7202 and 12750 in the 9th Congress and HB 56 in the 10th Congress were bills introduced by the same legislator, Representative Socorro Acosta. All these bills specifically represent the earlier forms of the comprehensive air pollution policy appropriately entitled "An act providing for a comprehensive air pollution control policy and for other purposes."

The records of the Committee on Ecology meetings in the 9th Congress indicate significant representation from the "Big 3" oil group lobbyists: Petron, Caltex and Shell. Representatives from various motor groups, such as Norkis-Yamaha, Honda, Kawasaki, Honda and Victoria motors, were also present. Similarly, non-governmental organizations, like the Trade Union Congress of the Philippines (TUCP) and the Concerned Citizens Against Pollution (COCAP) and members of the Metro Manila Bus Operators Association were also represented. It should be noted that no media representatives during any of these Committee hearings on Ecology were present.

For the purposes of this study, only the last two rounds or attempts to enact the bill, the 10th and 11th Congress, would be examined more closely.

### *When It Almost Became a Law*

The first significant attempt to enact the Clean Air Act happened only during the 10th Congress. What happened was that on July 29, 1997, Senator Orlando Mercado, Chair of the Senate Committee on Environment met with Congressman Socorro Acosta, Chair of the House Committee on Ecology, and agreed to separate these three measures for legislative convenience. Complex measures generally take time to legislate. Hence, instead of endorsing a bill that would revise the old Philippine Environment Code, the said legislators decided to concentrate on each component of the Code independently. Thereafter, the two legislators filed separate but essentially similar bills entitled the Clean Air Act. Both of these legislators endorsed versions that had no major differences and both of them, in fact, prohibited incineration. (HOR 1999:10)

After a series of hearings, deliberations and debates, the two consolidated versions of the Clean Air law, House Bill 8622 and Senate Bill 2033, authored by Rep. Socorro Acosta and Sen. Orlando Mercado, respectively, were reconciled and approved in principle by November 25, 1997. Thereafter, the Technical Working Group's successive meetings were held on November 27-28 and by December 1, 1997, the Bicameral Conference Report was finalized. The signing of the said Bicameral Conference Report was done from December 2 to December 9, 1997. But this report was never reported out to the HOR for approval. There were various perspectives as regards why the first attempt failed: (1) maybe the bill was not yet "mature" or "ripe" enough to be enacted into law; (2) it was not reported out because there was a pending proposal to put up the JANCOM giant incinerator project and the Ramos administration had already made a commitment; and (3) there were oil lobby groups that did not want the said law to pass. But two basic reasons were mentioned specifically and recorded by the House of Representatives Journal and several newspaper reports: (1) the 1997 CAA was derailed by the majority and that, (2) it was blocked by oil companies and incinerator pushers.

Mercado lamented that his frustration stems from the reality of legislation in the Philippines. He said that even though the Senate was successful and able to ratify a certain bill, the work was only half-done until it was approved by the other House. The Bicameral Report of this Clean Air legislation during the 10th Congress was not reported out, hence, not finalized in its enrolled form for failure of the House to ratify the said bicameral report. Indeed, the Clean Air Bill of 1997 was "only one-half done" (Mercado 2006).

By the end of the 10th Congress, Senator Orlando Mercado and Representative Socorro Acosta had already exhausted their allowable period of service in Congress. The Clean Air Bill needed new endorsers in the newly-instituted Congress.

### *The Final Round*

The 11th Congress of the House of Representatives, in particular, was basically composed of a younger breed of legislators who were mostly second-generation politicians. Representative Nereus Acosta, who is the son of former Representative Socorro Acosta, introduced once again to the

chagrin of CAA detractors, the Clean Air Bill. This time the House Bill was known as HB 6216, a revised but mostly copied version of the original bill. House proceedings recorded Acosta to have said that, HB 6216 “does not mention incineration as contained in the measure taken in the 10th Congress, but only specifies the highest emission standards for all sources of pollution” (HOR 1999:10).

Meanwhile, Senator Loren Legarda approached her former mentor from College and senior in Congress, Senator Mercado, about the Clean Air Bill. After his stint in Congress, Mercado became the Defense Secretary of then President Joseph Ejercito Estrada. She asked his permission for her to carry on the task of passing it again. Mercado agreed. From the interview, he stated that to his knowledge, Senator Legarda basically and essentially introduced the same bill that he authored. This new version, Senate Bill (SB) 912 (later on substituted as SB 1255), still retained its original stand on incineration which was to prohibit it completely and nationally.

SB 912, together with other Senate bills were later on consolidated to form SB 1255. SB 1255 was considered vis-à-vis HB 6216. In recognition of the apparent similarities and relatedness in both bills, a request to form a Bicameral Conference Committee was made on the same day.

The Bicameral Conference Committee needed to settle two contentious issues for the final consolidation of the bill. These two issues pertained to the provisions on incinerators and fuel reformulation. The original positions of both houses prior to the Bicameral Conference Committee were as follows:

	<u>Senate Version</u>	<u>HOR Version</u>
a. Ban on Incinerators within 3 years as soon as the bill is signed into law	eternal ban	selective ban
b. Standards on toxic contents of fuels (Aromatics/Benzene)	45/4	40/2

After some deliberations, the final report was drafted by the Technical Working group and copies of it were sent for ratification by both houses of Congress. The HOR ratified it on May 10, 1999 while the Senate ratified it on May 13, 1999. President Joseph Ejercito Estrada approved and signed the bill into law on June 6, 1999. Finally, the final and reconciled version of the Clean Air Law, otherwise known as Republic Act 8749, was enacted on June 23, 1999.

## Republic Act 8749

The Clean Air legislation, in its final version, contains the ban on incineration (which is a selective ban according to legal experts) within 3 years after the effectivity of the act and prescribes a 35% and 2% reformulation (from 55/5) by volume for the aromatics and benzene fuel contents, respectively, by the year 2003.

### *Salient Features of the Law*

The CAA provides for a more coordinated and systematized *Air Quality Management System*. This is to be accomplished through the inclusion of the following in the law:

- 1) an integrated Air Quality Improvement Framework which shall prescribe emission reduction standards, control strategies and measures within a definite time period. This framework is the so-called "blueprint" that specifies the roles to be performed by different governmental agencies;
- 2) a set of doable targets through an Air Quality Action Plan, which includes the adoption of air quality control zones;
- 3) the setting of emission standards for motor vehicles through the compulsory National Motor Vehicle Inspection and Maintenance Program;
- 4) the mandatory instruction for oil firms to bring down aromatics and benzene contents of fuels from 55 percent to 35 percent, from 5 percent to 2 percent in terms of volume by the year 2003, and

the prohibition of the manufacture, importation and sale of leaded gasoline and of engines that make use of such;

5) the application of market-based instruments to enable industries to self-regulate their products within the bounds of public health and safety;

6) the prohibition of mass burning, dumping and incineration as means for disposal of garbage, the prohibition of the construction and use of incinerators including combustion-based waste to energy facilities dealing with bio-medical and hazardous wastes which process emit toxic fumes;

7) the management of Non-Attainment Areas (NAA) which are geographic areas that shall be designated by the DENR where specific pollutants have exceeded the standards;

8) the institution of financial liability instruments (e.g., trust funds, environmental insurance, surety bonds, etc.) as emergency safeguards against environmental disasters;

9) the establishment of an Air Quality Management Fund in the National Treasury to finance containment, removal, and clean-up operations and the rehabilitation of ecosystems;

10) the empowerment of the citizens as they may file a case against a) persons who violate and fail to comply with the rules, b) the DENR or other agencies if they fail to implement orders and regulations consistent with the law, and c) public officers who neglect to enforce the rules and regulations; and

11) the requirement for DENR to come out with a yearly report on the status of the anti-pollution program while a congressional oversight committee shall be tasked to evaluate the entire program regularly. (Orozco 1999: 119-127)

Apart from this coordinated and integrated Air Quality Management System, the law also specifies the implementing structures to ensure that the spirit of the law will be observed. The DENR is designated as the lead



implementing agency. As such, it is empowered to coordinate and enter into agreements with other agencies, non-governmental organizations (NGOs), and people's organizations (POs) as it may deem essential. On the other hand local government units (LGUs) also have a share in the responsibility as they shall be managing and maintaining air qualities in their respective jurisdictions and territories. Throughout the implementation of the Act, there shall be all-out support for public education and information campaign about air quality in all parts and sectors of society.

The Clean Air Law provides very strict penalties for violators of the law or specifically for those who will be violating the mandated emission levels. Owners of stationary sources may be fined up to as high as P100,000 while owners of mobile sources may be fined the amount ranging from P10,000 to P30,000. They may even face imprisonment of up to 10 years for repeated violations.

### *Its "Fresh" Provisions*

The Clean Air Act introduced some innovations in the history of Philippine environmental legislation. As Oposa noted, the innovations that were introduced by the law are the following:

1. *Technology-forcing Standards.* The law contains stringent standards for ambient and source emissions, also known as technology-forcing standards. They are so called because the standards are meant to compel industry to devise the appropriate technology to meet them.

2. *Incineration.* Section 5 (f) states that:

Poisonous and toxic fumes mean any emissions and fumes which are beyond internationally accepted standards including but not limited to World Health Organization (WHO) guideline values.

While Section 20 states that:

Incineration, hereby defined as the burning of municipal, biomedical and hazardous wastes, which process emits poisonous and toxic fumes is hereby prohibited.

So at first sight, incineration is banned but upon closer examination incineration as a method of waste treatment is not absolutely banned. Only incineration which emits fumes that are not in conformity with internationally accepted standards is prohibited.

3. *Open burning* or the traditional *sigá* is allowed by this law.

4. *Citizens' Suit*. The law legally empowers the citizens to sue both the polluter (for polluting) and the government official (for failing to do something about it). This legal empowerment tool is now contained in Section 41 of the Clean Air Act.

5. *Strategic Legal Actions Against Public Participation (SLAPP) Suits*. The law protects the complainants from being harassed by the polluters. Sometimes, when a citizen complains about pollution against a polluting establishment, the latter instead sues the complaining citizen to harass the complainant or stifle the complaint. This legal action has been appropriately called Strategic Lawsuits Against Public Participation or SLAPP suits. It has a chilling effect on the complainant and negates the very purpose behind the legal empowerment of the citizenry. To counteract this, the SLAPP suit provision has been crafted into law. It is probably the first national law of its kind in the world. (Oposa 2002: 362)

### *The Bone of Contention.*

Chapter 2, Article 3, Section 20 of the Act contains the provision concerning the most contentious provision of the law, the ban on incineration. It states that:

(i) incineration, hereby defined as the burning of toxic fumes, is hereby prohibited: Provided however, that the prohibition shall not apply to traditional small-scale method of community/neighborhood sanitation "*sigá*", traditional, agricultural, cultural, health and food preparation and crematoria: Provided further, That existing incinerators dealing with bio-medical wastes shall be phased out within three (3) years after the effectivity of this Act: Provided, finally,

That in the Interim, such units shall be limited to the burning of pathological and infectious wastes, and subject to close monitoring by the Departments xxx (R.A. 8749 1999)

The CAA is a law that promotes the common good yet, because of the provision above, it underwent scrutiny for a long period of time. Its passage was delayed for some years before it was eventually enacted in 1999. The main area for contention and debate is the clause on incineration, the other provisions were of little importance for those who lobbied against the said provision (Escudero 2004).

Why should incineration be a point of dispute?

The incineration clause has raised a torrent of dissent with the protesters arguing against it because of its adverse effect on health, the costs that it involves, the lack of technical knowledge of those who are responsible for garbage disposal and the shifting of the burden of managing environmental waste problem to the local communities if the incinerators continue to spew toxins into the air, land and water. (Sales, Jr. and Orozco 1999)

The next section illuminates further the narrative of *Bantay Kalikasan*. Why did they participate in the coalition and why did they get involved in the Clean Air legislation process?

### Bantay Kalikasan

*Bantay Kalikasan* (Nature Watch) is one of the several programs of the ABS-CBN Foundation owned by one of the most formidable elite families in the Philippines, the Lopezes. It was founded in July 1998 with environmental advocacy as its major thrust. It was established to respond to the declining state of the environment.

In 1998, *Bantay Kalikasan*, the environmental advocacy arm of the largest broadcasting network of the Philippines, the ABS-CBN was formed. According to its Operations Manager, John Paul Balayon, through the *Bantay Kalikasan* the said Clean Air Bill that calls for a total ban on incineration became a public issue. It was responsible for initiating roadside apprehension teams and for conducting a 5M-signature campaign in

support of its enactment into law. Most of all, it amplified the discursive health and moral debates popularized by the Clean Air coalition concerning incinerators.

### *Their Storyline*

An interview with Balayon, Program Director of *Bantay Kalikasan*, indicates the noteworthy role of *Bantay Kalikasan* in the passage of the bill into law (Balayon, 2005). He narrated that their involvement in the design of the bill was somehow prompted by their programs concerning the vision of providing a better future for the Filipino children. In the process of caring for the children, *Bantay Kalikasan* established an environmental hotline. Through this environmental hotline people send letters, call their attention, just walk in and file environmental complaints or simply report environmental issues and concerns if they observe any. They stumbled upon the reality that most of the complaints filed and reported were related to air pollution.

The interviewee cited the importance played by their Managing Director, Regina Lopez, in campaigning for clean air. This perception is reinforced by an earlier interview in August of 1999 conducted by Yutaka Katayama with the former Program Director of *Bantay Kalikasan*, Marlo Mendoza.<sup>1</sup> According to both Program Directors, the campaign of *Bantay Kalikasan* then was basically a campaign for clean air which Lopez personally felt was a fundamental advocacy that they should focus on. The discourse that they subscribed to was the fact that a serious air pollution problem needed to be addressed immediately. Thus, they believed in and somehow propagated the discourse of the urgency to clean the air for health reasons. Based on the interview transcript, Mendoza apparently was even hesitant at first to support the campaign to ban incinerators. Although later on he also understood the necessity to ban incineration because of the discourse of administrative implementation incapacity of certain agencies.

On their own initiative, *Bantay Kalikasan* penetrated the halls of Congress to determine whether or not there were bills that had been passed to address the problem of air pollution. They realized that indeed there were bills that were being introduced in Congress but they were yet to be enacted. In their research and campaign efforts for clean air in Congress, *Bantay Kalikasan* was approached by members of certain environmental NGOs, namely

Greenpeace and Mother Earth, if they would like to join in the latter's campaign to pass the so-called Clean Air Bill. And they realized that their campaign would be more recognized if they joined the rest of the activist environmental NGOs. So, they joined them and together they formed the Clean Air coalition.

### *The Strategies employed*

During the first few attempts to enact the CAA, an important component was missing — a media arm that will popularize and sustain the narratives of the clean air advocates.

Balayon recognized the fact that within the coalition, each individual organization somehow divided the strategizing efforts among themselves. Individually, they might have exerted some efforts but rather minimally. Together they became a stronger force to contend with, a synergy that was increasingly difficult for the legislators to ignore in the 11th Congress. However, despite the existence of the coalition, the legislators demanded that they come up with 5 million signatures to back up their campaign for clean air. So the coalition devised strategies to make their campaign for the passage of the Clean Air Bill more effective. Essentially, Balayon described that there was some kind of division of labor that took place. He mentioned that when it came to the technical side of the bill, it was Greenpeace that took on the active role in Congress. However on their own, *Bantay Kalikasan* also disseminated information by means of educational fora in order to raise the awareness level of the public. But more importantly, their role was to gather public support in the issue. They became the media arm of the coalition. Hence, their immediate role aside from being a media arm that provided the venue for these discussions was to gather five million signatures. Before *Bantay Kalikasan* came in, there was no attempt to make the clean air concern a public issue.

As regards lobbying and pressuring the legislators themselves, other organizations took on that role. Balayon mentioned Mother Earth and Recycling Movement. Among these organizations, he noted the prominent role of women lobbyists of these organizations because of their persistence. They really hovered over the actions of these legislators and really applied adequate pressure on them.

Balayon stressed the importance of having new angles for certain concerns to remain as issues. Cracknell asserted this in his study when he said that "one has to recognize that at different times in an issue's life different strategies are required in order to take it forward" (Cracknell, 1993: 5).

This was exactly what *Bantay Kalikasan* did. Through its supportive leader, the said media organization initiated the 5M-signature campaign that brought the issue of urgency to enact the CAA to the attention of the public and legislators alike for health reasons and for the future of Filipino children. These plugs were verified and validated through their own research. They not only created roadside apprehension teams, provided extensive media coverage of the issue, but they also carried on their vigilance and advocacy until after the law was enacted by providing the logistics and personnel within the Land Transportation Office to develop information and technology process that will facilitate the monitoring of consistent mobile air pollution regulation violators. In short, *Bantay Kalikasan* helped in the establishment of these databases and at the same time served as watchdogs. According to him, by penetrating this agency, they were able to uncover deeply entrenched problems of corruption. They discovered that at times, at the level of adjudication of these cases, some violators were able to escape adjudication through the age-old means of *usapan* or when cases were resolved through personal negotiations. He added that they also found out that some owners of apprehended vehicles were able to get back their vehicle plates without undergoing proper testing of their vehicles. He observed that such deeply entrenched culture and mindset exists — evading the law is more prevalent than complying with it. This was one of the main obstacles that they discovered at the implementation level.

As the interviews indicate, the support of *Bantay Kalikasan* for the Clean Air legislation started when the organization was approached by activist environmental organizations spearheaded by Greenpeace to join their clean air coalition. Thereafter, *Bantay Kalikasan*, together with other members of this coalition, asserted a common set of narratives and storylines. News reports add that the support of *Bantay Kalikasan* on the Clean Air legislation was mainly because enacting the law per se signifies political will. An April 19, 1999 news report attributes the 5M-signature campaign efforts to *Bantay*

*Kalikasan*. Apart from this evidence on the activist role of *Bantay Kalikasan*, a Philippine Daily Inquirer article published on April 23, 1999 highlighted the "round-the-clock vigils" of *Bantay Kalikasan*. According to this news item, this group was for the imposition of a total ban on incinerators in the final version of the Clean Air Act. This article described as well the turnover rites of the five million signature campaign. It indicated that *Bantay Kalikasan* volunteers together with children donned gas masks to highlight the concern over the gravity of the air pollution problem. This article also enumerated the arguments that were raised by *Bantay Kalikasan* which included among others: (1) that incineration demotivates the use of "higher-order, responsible waste management like recycling, reuse, reduction and natural decomposition"; (2) that incineration is "unsustainable, uneconomic and an unhealthy option;" and (3) that incineration encourages "bad habits and lifestyles."

### *Legitimizing Effects of Media*

Gaining media coverage alone can help organizations attain legitimacy or credibility. As Hansen asserts,

(t)he very act of achieving media coverage can result in credibility for the organization concerned, although this is likely to be dependent on the media format. If an environmental group's research is taken as credible by a journalist and is actively compared with that produced by government or industry then this tends to help legitimize the environmental group's findings (Hansen 1993: 7).

This was what happened to the issue of total ban on incineration, though it was viewed with ridicule by some policy specialists and government pragmatists, it acquired a certain degree of legitimacy because of the way media disseminated the information about it. According to Hansen, legitimization

...can play a very a very important role in moving environmental issues from the fringe of political arenas to a more central position. Policy options that were once considered politically unacceptable carbon taxing, road pricing, etc. have thus achieved a new credibility (Hansen 1993: 8).

Several key environmental informants attest to the activist and legitimizing role of media. Greenpeace campaigner Von Hernandez cited the prominent role of the "pro-active" media especially as regards their success in gathering the needed 5 million signatures (Hernandez 2004). Palaypay of the Recycling Movement of the Philippines also noted that legislators tend to listen when they know that the media spotlight is on them and their political careers are at stake (Palaypay, 2005). For him, the five million signatures translate into five million potential voters. Ipat Luna, lawyer and Chairperson of the Board of Trustees of *Tanggol Kalikasan*, mentioned that campaigns need media for them to be effective (Luna 2005).

As discussed earlier, there exists a symbiotic relationship between environmental organizations and media. Balayon mentioned that the success of their primary advocacy program, the *Bantay Bata* (Child Watch) program, to help the Filipino children was anchored on the success of their clean air campaign through the *Bantay Kalikasan*. He explained that indeed, environment problems permeate the ordinary lives of the people. These problems are indeed complex and interrelated.

When *Bantay Kalikasan* entered the picture, clean air became an issue. As a media arm of these environmental groups, they were able to provide the venues for fora, discussions and information disseminations. And their "partnership" with Greenpeace and other activist environmental organizations mutually reinforced their image as credible activists. Cracknell provided an explanation behind this role of the media. According to him,

(b)y alerting governmental institutions to public interest in environmental issues the mass media undoubtedly helps to push environmental concerns up the political agenda. But there is a significant difference between simply commanding attention and politicization of specific policy decisions which have environmental consequences...

The most effective use of media as a campaigning tool is often when the issue in question involves a clear decision. Here the media can help to produce focused rather than diffuse pressure.  
(Cracknell. 1993: 9)



Greenpeace campaigner Hernandez acknowledges the activist role of not only *Bantay Kalikasan* but also the Philippine media as a whole, in the passage of the law when he said that:

(m)edia played a big role in terms of amplifying issues in the debates. Traditionally if you look at incinerator fights or fights against polluting fuels in other countries, corporations always tend to dominate the debates because of their access to media and many of these media have ties with many of these conglomerates, advertisers as their sponsors. *Dito sa atin parang hindi* (Here in our country it doesn't seem to be like that), the media is foremost part activist in nature *sa ibang bansa* (in other countries) actually *mahirap makapasok yung ganitong klaseng issue* (it's difficult for this kind of issue to be given media attention) (Hernandez 2004).

The interviewed experts agree that the bill was a technical one yet through the help of media and the press coverage that somehow popularized the issue, the Clean Air Act became understandable to the public. Table 4 shows the number of media articles that were published in leading broadsheets of the Philippines on the following periodic divisions: before 1999, 1999, 2000-2005.<sup>2</sup>

**Table 4. Summary of Four Major Daily Broadsheets and the Frequency of Clean-Air Related Articles Per Year**

Name of Broadsheet	before 1999	1999	2000	2001	2002	2003	2004	2005	2000 to 2005
Philippine Daily Inquirer	5	23	1	-	3	2	1	1	8
Manila Bulletin	6	3	5	3	3	1	2	-	14
Manila Times	1	2	7	9	9	5	-	-	31
Philippine Star	-	13	-	2	4	6	1	-	13
Total	12	41	13	14	19	14	4	1	66

Note: The dash (-) indicates the absence of Clean-Air related articles based on the database

There is a notable increase in the number of Clean Air Act related articles after 1999 compared to the number of tabulated publications before 1999. This table also shows that the peaking of media interest on the clean air issue took place in 1999 and shortly thereafter.

Media coverage made the choices clearer and easier for both the policy makers and the public to understand especially when the information is made available in print. A scholar explains this more succinctly:

(t)he real importance of getting stuff into newspapers is to influence the politicians because they are the people who actually cut them up. And if you want to get a subject on television there's no point going to talk to the TV researchers and people like that because television is an extremely mobile world...The best way to influence television content wise is to get something in a national newspaper because they all start off every morning...and they're presented with the cuttings of the newspapers and they then proceed to ring up the conservation groups. That's how they do their research basically. They'd deny it but that's what they actually do. (Anderson in Hansen 1993:58)

### Conclusion

The foregoing discussion has presented the ways by which *Bantay Kalikasan* made the Clean Air discourse a public issue. From its initial advocacy towards a better future for the Filipino children, *Bantay Kalikasan's* interest in the issue has expanded to include a more activist and participatory stance for clean air. *Bantay Kalikasan* participated in the formulation aspect of the bill by supporting and popularizing the discourse of the clean air coalition spearheaded by Greenpeace. Its involvement in the coalition made a difference in the passage of the landmark Clean Air law. Because of the proactive role of *Bantay Kalikasan* in the Clean Air policy process proved effective, media serve as a significant alternative arena of power. As shown in this article, environmental media coverage commands attention, claims legitimacy and invokes action. Engaging an activist media matters for it reinvents itself and finds ways of changing public opinion and providing consequent shifts in public policies to address possibly other environmental problems with the same degree of urgency thereby contributing gradually but surely to changes in cultural mindset. And this can make it easier for environmental civil society groups to maximize their participation in the policy process and permeate it with all of their discursive prowess. ♦

## Notes

<sup>1</sup> This was taken from the transcript of interview with Marlo Mendoza by Yutaka Katayama which was conducted on August 26, 1999.

<sup>2</sup> Figures were based from the database of Clean Air Act-related articles culled at the periodicals section of the University of the Philippines Main Library in Diliman.

## References

- Anderson, Alison. 1993. "Building the environmental agenda." In Anders Hansen (ed.). *The Mass Media and Environmental Issues*. London: Leicester University Press.
- Buchholz, Rogene. 1998. *Principles of Environmental Management: The Greening of Business*. New Jersey: Prentice-Hall, Inc.
- Chan and Robles. Virtual law library. <http://www.chanrobles.com/legal9.htm> Copyright 1998 and 1999, Chan Robles Publishing Company.
- Cracknell, Jon. 1993. "Issue arenas, pressure groups and agendas." In Anders Hansen (ed.). *The Mass Media and Environmental Issues*. London: Leicester, University Press.
- DENR. 2003. *Ang Hangin sa Metro Manila at ang Inyong Kalusugan*. Quezon City: DENR- Public Affairs Office and EMB- Education and Information Division, July.
- DeLuca, Kevin Michael. 1999. *Image Politics: The New Rhetoric of Environmental Activism*. NY: The Guilford Press.
- DENR. 2003. *Primer on Clean Air Act*. Quezon City: DENR- Public Affairs Office and EMB- Education and Information Division, August.
- DOH. 2006. Top Ten Causes of Morbidity and Mortality. [http://www.doh.gov.ph/data\\_stat/html/mortality.htm](http://www.doh.gov.ph/data_stat/html/mortality.htm), accessed February 7, 2006.
- Elsom, Derek. 1992. *Atmospheric Pollution: A Global Problem*. Oxford: Blackwell Publishers.
- Giron, Marietta. 1992. "Mass Media Involvement in Environmental Awareness." *MediaWatch*, November.
- Hajer, Marten. 1995. *The Politics of Environmental Discourse*. Oxford: Oxford University Press.
- Hansen, Anders (ed.). 1993. *The Mass Media and Environmental Issues*. London: Leicester University Press.
- Howlett, Michael and M. Ramesh. 1999. *Studying Public Policy: Policy Cycles and Subsystems*. Oxford: Oxford University Press.
- Katayama, Yutaka. 2002. "Weak State and Strong Civil Society: Politics of the Clean Air Act." In Tatsuo Ohmachi and Emerlinda Roman (eds.) *Metro Manila: In Search of a Sustainable Future, Impact Analysis of Metropolitan Policies for Development and Environmental Conservation*. Quezon City: University of the Philippines Press.

- Keeley, James and Ian Scoones. n.d. "Understanding Environmental Policy Processes: A Review" IDS Working Paper 89 <http://www.ids.ac.uk/ids/bookshop/wp/wp89.pdf>, pp. 4-5, accessed January 12, 2004.
- National Statistical and Coordination Board. 2002. *Compendium of Philippine Environment Statistics*.
- Oposa, Antonio Jr. 2002. *A Legal Arsenal for the Philippine Environment*. The Philippine Island: Batas Kalikasan.
- Republic Act 8749, Philippine Clean Air Act of 1999.
- Orozco, Rolando. 1999. "The Right to Breathe Clean Air", *Community and Habitat*. QC: Philippine Rural Reconstruction Movement, Issue 5.
- Sales, Ramon Faustino Jr. and Rolando Orozco. 1999. "Incinerators and the Clean Air Act", *Community and Habitat*, QC: Philippine Rural Reconstruction Movement, Issue 4.
- Stein, Laura. 1999. "Media and Democratic Action: Introduction". *Peace Review* 11:1, pp.5-8.
- Tiquia, Ma. Lourdes. "Clean Air Legislation" <http://www.ids.ac.uk/ids/civsoc/final/philippines/ph15.doc>, accessed September 3, 2003.
- World Bank's "Air Pollution", *Population and Atmosphere* <http://www.ourplanet.com/aaas/pdfs/103-06.pdf#search='air%20pollution%20problem%20in%20the%20Philippines'> accessed January 10, 2005.

## Interviews and Transcripts

- Interview with Marlo Mendoza by Yutaka Katayama which was conducted on August 26, 1999.
- Interview with John Paul Balayon, Operations Manager of *Bantay Kalikasan*, on September 1, 2005 at his office in Mother Ignacia from 8:50 to 10:05 AM.
- Interview with Congressman Francis Escudero on September 21, 2004 from 3:30PM to 3:45 PM at his office at the Batasang Pambansa Building (North Wing).
- Interview with Von Hernandez on September 28, 2004 from 10:45 AM to 11:30 at his Greenpeace office, Eagle Court Building, Matalino St., UP Village.
- Interview with Ipat Luna, Tanggol Kalikasan Board Member/Director/Trustee on September 1, 2005, 11:50-12:30 in Manila.
- Interview with former Senator Orlando Mercado on January 9, 2006 from 1:55 PM to 3:15 PM at his residence at Kitano-cho, Kobe, Japan.
- Interview with Metodio Palaypay, Co-Initiator of Ecological Zero Waste Recycling Movement Foundation of the Philippines, on August 17, 2005 from 2:30-5 PM at his residence in UP Diliman, Quezon City.
- House of Representatives. 1999. *Journal of the House of Representatives*, 11th Congress, First Regular Session (1998-1999), Journal No. 49, February 2, 1999.