

ENFORCING THE LETTER OF THE LAW

By: Gregorio M. Batiller, Jr.

Last Friday, rushing to a meeting in Eastwood City, Libis I thought the fastest route was to pass thru Barangay Cembo thru to C-5. What I saw enroute to my meeting, dismally appalled me. There were mounds after mounds of garbage just dumped on the islands-some even liberally spilling unto the streets.

This must have been the result of the MMDA's refusal to collect the said garbage unless the same was properly segregated in accordance with the provisions of the Solid Waste Management Law. There were even news items which quoted the MMDA as threatening to sue the garbage contractors for violation of the Solid Waste Management Law if they proceeded to collect the unsegregated garbage.

It appears to me then that our local and national officials charged with ensuring our cities are clean are unduly seeking refuge in the Solid Waste Management Law. True enough, the law may have provided them with a ready excuse for their ineptness. The law appears to have introduced a new concept: the need to distinguish between legitimate or segregated garbage which is entitled to be collected and illegitimate or unsegregated garbage which is not entitled to be collected and in fact places the garbage collector in jeopardy of facing prosecution if he should so much as touch the unsegregated garbage. But garbage - irrespective of whether it is segregated or unsegregated - should smell as equally foul...and certainly deserves to be collected and disposed at the soonest time.

It is the duty of the national government, acting thru MMDA and the local government units to ensure our streets are clean and to maintain the sanitation of our cities. The remedy is to educate our people on the benefits of the garbage segregation and not to refuse to collect the garbage placed on the islands until citizenry learns to segregate its garbage. By all means, prosecute the violators - but collect the garbage nevertheless.

In fact, it would be interesting to attend a hearing of a case for violation of the Solid Waste Management Law. I seriously doubt if the prosecution can prove that the garbage collected was unsegregated. Would they attempt to bring the evidence to court? The judge would certainly not be amused.

The current attitude of collecting only segregated garbage and refusing to collect the unsegregated type until the public learns to abide by the law is stressing the letter of the law. To quote Justice Fred Ruiz Castro:

"It is well to remember that uncompromising or mechanical application of the letter of the law has resulted not frequently, in the denial or moral justice."