



SENATE

S. No. 1983

(In substitution of Senate Bill Nos. 1211, 1259 and 1572)

PREPARED AND SUBMITTED JOINTLY BY THE COMMITTEES
ON SCIENCE AND TECHNOLOGY; AND FINANCE WITH
SENATORS AQUINO IV, LEGARDA, SOTTO III AND
ANGARA AS AUTHORS THEREOF

AN ACT ESTABLISHING THE PHILIPPINE SPACE
DEVELOPMENT AND UTILIZATION POLICY AND
CREATING THE PHILIPPINE SPACE AGENCY,
AND FOR OTHER PURPOSES

*Be it enacted by the Senate and House of Representatives of
the Philippines in Congress assembled:*

1 SECTION 1. *Short Title.* – This Act shall be known as
2 the “Philippine Space Act”.

3 SEC. 2. *Declaration of Policy.* – It is hereby declared
4 the policy of the State:

5 (a) To safeguard Philippine sovereignty, territorial
6 integrity, Philippine interest, and the right to self-

determination as mandated by Article II, Section 7 of the 1987 Constitution;

(b) To support and commit to the development, application and utilization of science and technology (S&T) that will foster patriotism and nationalism and accelerate social progress, such as the development of space technology and applications for its security and for the benefit of its citizens;

(c) To ensure access to space and its environs as a sovereign right in the promotion of national security towards the attainment and protection of national interest;

(d) To recognize that there is an urgent need to create a coherent and unified strategy for space development and utilization to keep up with other nations in terms of space S&T;

(e) To ensure that the Philippines has official representation in the international space community for establishing cooperation agreements and linkages on space development; and

(f) To ensure that the Philippines abides by the various international space treaties and principles

1 promulgated by the United Nations and is an active
2 participant in the international space community,
3 including international rules and procedures concerning
4 the Outer Space Treaty and Liability Convention, among
5 others.

6 SEC. 3. *Definition of Terms.* – As used in this Act the
7 following terms shall mean:

8 (a) *PhilSA* refers to the Philippine Space Agency
9 created by virtue of this Act;

10 (b) *Space Science and Technology Applications*
11 (*SSTAs*) refer to the scientific principles and their
12 applications to space science, engineering and other allied
13 fields; and

14 (c) *Satellites* include all objects launched into earth
15 orbit and artificial objects to be placed in orbit of celestial
16 bodies for the conduct of space exploration.

17 SEC. 4. *The Philippine Space Development and*
18 *Utilization Policy.* – The Philippine Space Development
19 and Utilization Policy, or the Philippine Space Policy, will

1 serve as the country's primary strategic roadmap for space
2 development and will embody the country's central goal of
3 becoming a space-capable and space-faring nation within
4 the next decade. It shall focus on areas of SSTA that would
5 address national issues, promote the efficient utilization of
6 space assets and resources, establish capacity-building
7 measures for human resources development, strengthen
8 national defense, and enhance international cooperation.

9 SEC. 5. *Framework of the Space Policy.* – The
10 Philippine Space Policy will focus on six (6) Key
11 Development Areas (KDAs) for SSTA development to
12 ensure the State's sustained progress:

13 (a) National Security and Development – The
14 Philippines will focus on space applications that can
15 preserve and enhance the country's national security and
16 promote development that is beneficial to all Filipinos;

17 (b) Hazard Management and Climate Studies – The
18 Philippines will develop and utilize space S&T applications
19 to enhance its hazard management and disaster mitigation

1 strategy as well as ensure the nation's resiliency to climate
2 change;

3 (c) Space Research and Development – To spur rapid
4 scientific growth, the Philippines will focus on conducting
5 research and development (R&D) endeavors in vital areas
6 of space science, technology and allied fields;

7 (d) Space Industry Capacity Building – The
8 Philippines will create a robust and thriving space
9 industry to support the country's space program through
10 private sector involvement and cooperation;

11 (e) Space Education and Awareness – The Philippines
12 aims to establish a sustainable pool of trained space
13 scientists, engineers and communicators that will be
14 critical for the country's future space program and
15 increasing public awareness on its value and benefits; and

16 (f) International Cooperation – Through international
17 partnerships and collaborations, the Philippines will
18 become a key player in the ASEAN and global space
19 community by providing significant contributions and
20 capabilities on space S&T applications.

1 SEC. 6. *Creation of the Philippine Space Agency*
2 (*PhilSA*). – A Philippine Space Agency, hereinafter
3 referred to as the PhilSA, is hereby established as the
4 central government agency addressing all national issues
5 and activities related to space S&T applications.

6 SEC. 7. *Mandate*. – The PhilSA shall be the primary
7 policy, planning, coordinating, implementing, and
8 administrative entity of the Executive Branch of the
9 government that will plan, develop, and promote the
10 national space program in line with the Philippine Space
11 Policy.

12 SEC. 8. *Powers and Functions*. – The PhilSA shall
13 exercise the following powers and functions:

14 I. Policy, Planning and Coordination

15 (a) Assist the State in the creation, development and
16 implementation of national and international space
17 policies;

18 (b) Plan, direct, manage and implement programs
19 and projects relating to scientific space research and
20 development and the application of space technology;

1 (c) Take hold of money, securities or other personal or
2 movable property by gift or bequest and expend,
3 administer or dispose of any such money, securities or
4 property subject to the terms, if any, on which the gift or
5 bequest was made in such manner as shall best promote
6 the PhilSA's objectives;

7 (d) Implement the Philippine Space Development and
8 Utilization Policy;

9 (e) Coordinate all space activities of various sectors
10 and stakeholders in the Philippines, in accordance with
11 existing laws; and

12 (f) Provide appropriate and accurate advice to the
13 President of the Philippines and other government
14 agencies on space-related issues and concerns.

15 II. Improved Public Access and Resource-Sharing

16 (a) Develop, construct, acquire, manage, maintain
17 and operate space research, development and operation
18 facilities and systems on behalf of the Philippine
19 Government for use of various government agencies and
20 other stakeholders; and

(b) Assist departments and other agencies of the State, as well as the private sector, in the utilization of SSTA and data/information to aid in the performance of their respective mandates and duties.

III. Research and Development

(a) Perform basic and applied R&D relating to SSTA in collaboration with universities, industries and other institutions;

(b) Design, develop and construct space systems and facilities necessary thereof, as well as launch, track and operate the satellites on behalf of the Philippine Government; and

(c) Promote the growth of space S&T through R&D.

IV. Education and Capacity Building

(a) Establish programs that would develop space education and promote public awareness;

(b) Provide grants and contributions in support of programs or projects relating to scientific or industrial space R&D and application of space technology; and

1 (c) Provide services and facilities for the use by
2 entities conducting academic R&D relating to SSTA.

3 V. Industry Development

4 (a) Promote the development of a robust and vibrant
5 local space industry and economy;

6 (b) Promote the transfer and diffusion of space
7 technology throughout the Philippine industry;

8 (c) Encourage the commercial exploitation of space
9 capabilities, technology, information, facilities and
10 systems;

11 (d) License, sell or otherwise make available any
12 patent, copyright, industrial design, trademark, trade
13 secret or other like property controlled; and

14 (e) Disseminate the results of R&D activities and
15 promote the utilization thereof, except when information is
16 deemed confidential for national welfare and security and
17 for the protection of intellectual property rights.

18 VI. International Cooperation

19 (a) Cooperate with space-related agencies of other
20 countries in the peaceful use and development of space;

1 (b) Maintain a national registry of space objects in
2 accordance with the United Nations Convention on
3 Registration of Objects Launched into Outer Space and
4 other international guidelines;

5 (c) Enter into contracts, memoranda of
6 understanding/agreement or other arrangements in behalf
7 of the State, in consultation with the Department of
8 Foreign Affairs and/or other concerned agencies;

9 (d) Establish and maintain linkages with other
10 national space agencies and organizations; and

11 (e) Represent the Philippines in the United Nations
12 Committee on the Peaceful Use of Outer Space and other
13 similar space-related forums, assemblies and
14 organizations.

15 SEC. 9. *Composition.* – The PhilSA shall be an
16 attached agency of the Office of the President for purposes
17 of policy and program coordination, to ensure alignment in
18 national policies and priorities. It shall be headed by a
19 Director General. The PhilSA proper shall be composed of
20 the Office of the Director General, the Offices of the

1 Deputy Director General and various divisions to be
2 created as deemed necessary.

3 SEC. 10. *Director General of the PhilSA.* – The
4 Director General shall have the rank and compensation of
5 a Cabinet Secretary and shall be appointed by the
6 President, subject to the confirmation by the Commission
7 on Appointments. The Director General shall have the
8 following functions:

9 (a) Provide executive direction and supervision over
10 the entire operations of the PhilSA and its attached units;

11 (b) Establish policies and standards for the effective,
12 efficient and economical operation of the PhilSA, in
13 accordance with the programs of the government;

14 (c) Review and approve requests for financial and
15 manpower resources of all operating offices of the PhilSA;

16 (d) Designate and appoint officers and employees of
17 the PhilSA, excluding the Deputy Directors, in accordance
18 with the civil service laws, rules and regulations;

19 (e) Exercise disciplinary powers over officers and
20 employees of the PhilSA in accordance with law, including

1 their investigation and the designation of a committee or
2 officer to conduct such investigation;

3 (f) Coordinate with other departments, agencies and
4 public and private interest groups, including
5 nongovernment organizations (NGOs) and people's
6 organizations (POs) on PhilSA policies and initiatives;

7 (g) Prepare and submit to the President through the
8 Department of Budget and Management (DBM) an
9 estimate of the necessary expenditures during the next
10 fiscal year, on the basis of the reports and estimates
11 submitted by the divisions and offices under him/her;

12 (h) Serve as a member of the Government
13 Procurement Policy Board (GPPB) as established by
14 Republic Act No. 9184;

15 (i) Serve as the Presidential Adviser on Space
16 Matters and advise the President on the promulgation of
17 executive and administrative orders and formulation of
18 regulatory and legislative proposals on matters pertaining
19 to SSTA development;

1 (j) Formulate such rules and regulations and exercise
2 such other powers as may be required to implement the
3 objectives of this Act; and

4 (k) Perform such other tasks as may be provided by
5 law or assigned by the President.

6 SEC. 11. *Deputy Director General.* – The Director
7 General shall be assisted by three (3) Deputy Director
8 General with the rank and compensation of a Department
9 Undersecretary who shall be appointed by the President
10 upon the recommendation of the Director General:
11 *Provided, That* two (2) of the Deputy Director General
12 shall be career executive officers.

13 SEC. 12. *Qualifications.* – No person shall be
14 appointed Director General or Deputy Director General of
15 the PhilSA unless he or she is a citizen and resident of the
16 Philippines, of good moral character, of proven integrity,
17 with an advanced degree in Space Science, Astronomy,
18 Physics, Engineering or related fields of study, with at
19 least five (5) years of competence and expertise in any of
20 the following: astrophysics, space science, aerospace

1 engineering, space systems engineering, remote sensing
2 space industry, or human capital development in the SSTA
3 sector.

4 SEC. 13. *Philippine Space Council.* – A Philippine
5 Space Council (PSC) is hereby created as the principal
6 advisory body for the coordination and integration of
7 policies, programs and resources affecting space S&T
8 applications.

9 (a) The PSC shall be composed of the following:

10 (1) President of the Philippines – Chairperson

11 (2) Secretary of Science and Technology – Vice
12 Chairperson

13 (3) Secretary of National Defense – Vice Chairperson

14 (4) Chair of Senate Committee on Science and
15 Technology – Member

16 (5) Chair of House Committee on Science and Technology –
17 Member

18 (6) Director General of the National Economic Development
19 Authority – Member

20 (7) Secretary of Finance – Member

1 (8) Secretary of Foreign Affairs – Member

2 (9) Secretary of Agriculture – Member

3 (10) Secretary of Environment and Natural Resources
4 – Member

5 (11) Secretary of Trade and Industry – Member

6 (12) Secretary of Information and Communications
7 Technology – Member

8 The President may designate the Executive Secretary
9 to preside over the meetings of the PSC in the President's
10 absence.

11 (b) Functions of the Philippine Space Council. The
12 PSC shall have the following functions:

13 (1) Recommend and approve the implementation of
14 Philippine space policies in accordance with international
15 conventions;

16 (2) Ensure appropriate allocation of resources in
17 support to the mandates of the PhilSA; and

18 (3) Approve strategic directions and decisions for the
19 implementation of the PhilSA.

1 (c) Secretariat to the PSC. The Director General of
2 the PhilSA shall serve as Head Secretariat to the PSC
3 together with the support staff of the PhilSA.

4 SEC. 14. *Transfer of Astronomical and Space-related*
5 *Functions.* – To consolidate the functions of PhilSA, the
6 following shall be transferred from their parent agency:

7 (a) Philippines Space Science Education Program of
8 the Science Education Institute, Department of Science
9 and Technology-Science Education Institute (DOST-SEI)

10 (b) The transfer of funds, functions, assets,
11 equipment, properties, transactions, personnel of the
12 affected agencies, among others, shall be completed within
13 specified period to enable such transfer smoothly from
14 their parent agencies to the PhilSA; and

15 (c) The filling up of positions in the PhilSA shall be
16 subject to the provisions of Republic Act No. 6656, or the
17 Security of Tenure of the Personnel.

18 Nothing in this Act shall diminish the functions and
19 responsibilities of the support agencies.

1 SEC. 15. *Separation and Retirement from Service.* –

2 Employees who are separated from service within six (6)
3 months from the effectivity of this Act as a result of
4 consolidation and/or reorganization under the provisions of
5 this Act shall receive separation benefits to which they
6 may be entitled under Executive Order No. 366, series of
7 2004: *Provided*, That those who are qualified to retire
8 under existing retirement laws shall be allowed to retire
9 and receive retirement benefits to which they may be
10 entitled under applicable laws and issuances.

11 SEC. 16. *Structure and Staffing Pattern.* – Subject to
12 the approval of the Department of Budget and
13 Management (DBM), the PhilSA shall determine its
14 organizational structure and create new divisions or units
15 as it may deem necessary, and shall appoint officers and
16 employees of the PhilSA in accordance with the civil
17 service laws, rules and regulations.

18 SEC. 17. *Official Site of PhilSA.* – A land area
19 equivalent to at least thirty (30) hectares out of the vast of
20 land which are under the administration of the Bases

1 Conversion and Development Authority (BCDA) within the
2 Clark Special Economic Zone in Pampanga and Tarlac,
3 shall be allocated exclusively for the PhilSA office and its
4 research facilities: *Provided*, That the PhilSA shall
5 establish additional offices, research facilities, and launch
6 sites in strategic areas as it may deem necessary: *Provided*,
7 *further*, That the boundaries and technical descriptions of
8 these land areas shall be determined by an actual and joint
9 group survey.

10 SEC. 18. *Magna Carta*. – Qualified employees of the
11 PhilSA and its attached units shall be covered by Republic
12 Act No. 8439, otherwise known as “Magna Carta for
13 Scientists, Engineers, Researchers and other Science and
14 Technology Personnel in the Government”.

15 SEC. 19. *Annual Report*. – The PhilSA shall submit to
16 the President and to both Houses of Congress, not later
17 than the 30th of March of every year following the
18 effectivity of this Act, a report giving a detailed account of
19 the status of the implementation of this Act and
20 recommended legislation, where applicable and necessary.

1 SEC. 20. *Funds of the PhilSA.* – The funds of the
2 PhilSA shall consist of:

3 (a) The annual General Appropriation for the PhilSA;
4 and

5 (b) Income, fees, royalties and other revenues
6 obtained from any other sources.

7 The funds shall be administered by the Director
8 General of the PhilSA in accordance with existing
9 government budgeting, accounting and auditing rules and
10 regulations.

11 SEC. 21. *Use of Income.* – The budget of PhilSA, based
12 on an annual appropriation from Congress, shall ensure
13 that it has the financial and human resources necessary to
14 fulfill its assigned responsibilities under this Act. The
15 PhilSA shall also be authorized to use one-hundred percent
16 (100%) of its income, donations, bequests, grants, and all
17 sums which may be appropriated for upgrading its physical
18 and human resources, for the conduct of its activities, and
19 for the augmentation of its budget in case of shortfalls.
20 Seventy-five percent (75%) of its income shall be retained

1 for the upgrading of its equipment and physical facilities
2 and the remaining twenty-five percent (25%) shall be
3 remitted to the National Treasury. The PhilSA may also
4 solicit, receive and retain donations, bequests, and grants.

5 SEC. 22. *Philippine Space Development Fund.* – There
6 is hereby created the Philippine Space Development Fund
7 to be used exclusively for the PhilSA. The Philippine Space
8 Development Fund shall be administered by the Director
9 General of the PhilSA in accordance with existing
10 government budgeting, accounting and auditing rules and
11 regulations. The Philippine Space Development Fund shall
12 be sourced from the following:

13 (a) The amount of Ten billion pesos
14 (P10,000,000,000.00) to be taken from the share of the
15 National Government in the gross income of the Philippine
16 Amusement and Gaming Corporation (PAGCOR) and the
17 Bases Conversion and Development Authority (BCDA) for
18 five (5) years after the effectivity of this Act, an amount of
19 Two billion pesos (P2,000,000,000.00) per year shall be
20 released to the PhilSA. The entire amount of Ten billion

1 pesos (P10,000,000,000.00), including any interest income
2 thereon, shall be used exclusively for capital outlay;

3 (b) Income from specialized products, services, and
4 royalties produced by the PhilSA; and

5 (c) Loans, contributions, grants, bequests, gifts, and
6 donations whether from local or foreign sources: *Provided,*
7 That acceptance of grants, bequests, contributions and
8 donations from foreign governments shall be subject to the
9 approval of the President upon the recommendation of the
10 Director General of the PhilSA through the PSC.

11 SEC. 23. *National Registry of Space Objects.* – In
12 accordance to the United Nations Convention on
13 Registration of Objects Launched into Outer Space, the
14 PhilSA shall maintain a National Registry of Space Objects
15 which lists all space objects launched under the
16 responsibility of the Philippines as the Launching State.
17 The PhilSA shall furnish the United Nation Office for
18 Outer Space Affairs with information contained in the
19 National Registry of Space Objects as required under the
20 Registration Convention.

1 SEC. 24. *Liability of the Philippines for National*
2 *Space Objects.* – In accordance with the United Nations
3 Convention on International Liability for Damage Caused
4 by Space Objects and other similar international laws, the
5 Philippine Government shall take responsibility for
6 damages caused by space objects registered in the
7 Philippines' National Registry of Space Objects. This shall
8 take into effect upon ratification of the Liability
9 Convention and Registration Convention by the Philippine
10 Government.

11 SEC. 25. *Appropriations.* – The sum of One billion
12 pesos (P1,000,000,000.00) is hereby appropriated as initial
13 operating fund of the PhilSA, taken from the current fiscal
14 year's appropriation of the Office of the President.
15 Thereafter, the amount needed for the operation and
16 maintenance of the PhilSA shall be included in the General
17 Appropriations Act.

18 SEC. 26. *Implementing Rules and Regulations.* –
19 Within ninety (90) days from the effectivity of this Act,
20 PhilSA, in coordination with DBM, Civil Service

1 Commission and other relevant government agencies, shall
2 promulgate the necessary rules and regulations for the
3 effective implementation of this Act.

4 SEC. 27. *Separability Clause.* – Should any provision
5 herein be declared unconstitutional, the same shall not
6 affect the validity of the other provisions of this Act.

7 SEC. 28. *Repealing Clause.* – All laws, decrees, orders,
8 rules, and regulations or other issuances or parts
9 inconsistent with the provisions of this Act are hereby
10 repealed or modified accordingly.

11 SEC. 29. *Effectivity.* – This Act shall take effect
12 fifteen (15) days after publication in the *Official*
13 *Gazette* or in any two (2) newspapers of general
14 circulation in the Philippines.

Approved,