

FOURTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

OFFICE OF THE CLERK

8 MAY 19 2015

SENATE
S. No. 2292



RECEIVED BY: *[Signature]*

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Constitution, Article 2, Section 16 mandates that the State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature. In Section 20 of the same article, the Constitution likewise mandates that the State recognizes the indispensable role of the private sector, encourages private enterprise and provides incentives to needed investments.

Greenhouse gases like carbon dioxide have been proven by scientists around the world to cause global warming. Despite this scientific fact, very few initiatives have been undertaken by the public and private sectors to develop and apply technologies that would reduce the emission of these substances.

This bill seeks to promote research to develop technologies applicable to various industries that would lessen their adverse effect to the environment by minimizing the emission of the greenhouse gases.

acc *Miriam Defensor Santiago*
MIRIAM DEFENSOR SANTIAGO

FOURTEENTH CONGRESS OF THE REPUBLIC)
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AN ACT

TO FACILITATE THE DEVELOPMENT, DEMONSTRATION, AND IMPLEMENTATION
OF TECHNOLOGY FOR USE IN REMOVING GREENHOUSE GASES FROM THE
ATMOSPHERE AND CREATING A GREENHOUSE GAS EMISSION ATMOSPHERIC
REMOVAL COMMISSION

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

SECTION 1. *Short Title.* – This Act shall be known as the “Greenhouse Gas Emission
Atmospheric Removal Act of 2008.”

SECTION 2. *Declaration of Policy.* – The Constitution, Article 2, Section 16 mandates
that the State shall protect and advance the right of the people to a balanced and healthful
ecology in accord with the rhythm and harmony of nature. In Article 2, Section 20, the
Constitution likewise mandates that the State recognizes the indispensable role of the private
sector, encourages private enterprise and provides incentives to needed investments. Taking into
account these mandates the State shall provide incentives to public and private entities who
develop and apply technologies to protect the environment.

SECTION 3. *Definition of Terms.* – For purposes of this Act, the term:

(A) “Commission” means the Greenhouse Gas Emission Atmospheric Removal
Commission established by Section 5;

(B) “Greenhouse gas” means--

- (1) carbon dioxide;
- (2) methane;
- (3) nitrous oxide;
- (4) sulfur hexafluoride;

- 1 (5) hydrofluorocarbon;
- 2 (6) perfluorocarbon; and
- 3 (7) any other gas that the Commission determines is necessary to achieve the
- 4 purposes of this Act.

5 (C) “Intellectual Property” means--

- 6 (1) an invention that is patentable under the Intellectual Property Code; and
- 7 (2) any patent on an invention described in subparagraph (1).

8 (D) “Secretary” means the Secretary of Energy.

9 SECTION 4. *Greenhouse Gas Emission Atmospheric Removal Program.* – The
10 Secretary, acting through the Commission, shall provide to public and private entities, on a
11 competitive basis, financial awards for the achievement of milestones in developing and
12 applying technology that could significantly slow or reverse the accumulation of greenhouse
13 gases in the atmosphere by permanently capturing or sequestering those gases without
14 significant countervailing harmful effects.

15 SECTION 5. *Greenhouse Gas Emission Atmospheric Removal Commission.* – There
16 shall be established a committee, within the Department of Energy a commission to be known as
17 the “Greenhouse Gas Emission Atmospheric Removal Commission”.

18 SECTION 6. *Composition.* – The Commission shall be composed of eleven (11)
19 members appointed by the President, by and with the advice and consent of the Senate, who shall
20 provide expertise in--

- 21 (A) Climate Science;
- 22 (B) Physics;
- 23 (C) Chemistry;
- 24 (D) Biology;
- 25 (E) Engineering;
- 26 (F) Economics;
- 27 (G) Business Management; and

1 (H) such other disciplines as the Commission determines to be necessary to achieve the
2 purposes of this Act.

3 The Commission shall select a Chairperson and Vice Chairperson from among the
4 members of the Commission.

5 SECTION 7. *Meetings.* – Not later than 30 days after the date on which all members of
6 the Commission have been appointed, the Commission shall hold the initial meeting of the
7 Commission.

8 The Commission shall thereafter meet at the call of the Chairperson.

9 SECTION 8. *Term.* – A member of the Commission shall serve for a term of 6 years.
10 Any vacancy in the membership of the Committee shall not affect the powers of the Commission
11 and shall be filled in the same manner as the original appointment.

12 Any member of the Committee may be removed for cause in accordance with procedures
13 established by the Committee.

14 SECTION 9. *Duties.* – The Commission shall:

15 (A) subject to Section 10, develop specific requirements for--

16 (1) the competition process;

17 (2) minimum performance standards;

18 (3) monitoring and verification procedures; and

19 (4) the scale of awards for each milestone identified under paragraph (3);

20 (B) establish minimum levels for the capture or net sequestration of greenhouse gases
21 that are required to be achieved by a public or private entity to qualify for a financial
22 award described in paragraph (C);

23 (C) in coordination with the Secretary, offer those financial awards to public and private
24 entities that demonstrate--

25 (1) a design document for a successful technology;

26 (2) a bench scale demonstration of a technology;

27 (3) technology described in subparagraph (A) that--

1 (i) is operational at demonstration scale; and

2 (ii) achieves significant greenhouse gas reductions; and

3 (4) operation of technology on a commercially viable scale that meets the
4 minimum levels described in paragraph (B); and

5 (D) submit to Congress--

6 (1) an annual report that describes the progress made by the Commission and
7 recipients of financial awards under this section in achieving the demonstration
8 goals established under paragraph (C); and

9 (2) not later than one (1) year after the date of enactment of this Act, a report that
10 describes the levels of funding that are necessary to achieve the purposes of this
11 Act.

12 SECTION 10. *Public Participation.* - In carrying out Section 9 (A), the Commission
13 shall:

14 (A) provide notice of and, for a period of at least sixty (60) days, an opportunity for
15 public comment on, any draft or proposed version of the requirements described in
16 Section 9(A); and

17 (B) take into account public comments received in developing the final version of those
18 requirements.

19 SECTION 11. *Peer Review.* -- No financial award may be provided under this Act until
20 such time as the proposal for which the award is sought has been peer reviewed in accordance
21 with such standards for peer review as the Commission shall establish.

22 SECTION 12. *Intellectual Property Considerations.* -- Title to any intellectual property
23 arising from a financial award provided under this Act shall vest in one (1) or more entities that
24 are incorporated in the Philippines.

25 (A) Reservation of License - The Republic of the Philippines --

1 (1) may reserve a nonexclusive, nontransferable, irrevocable, paid-up license, to
2 have practiced for or on behalf of the Republic of the Philippines, in connection
3 with any intellectual property as described in this section; but

4 (2) shall not, in the exercise of a license reserved under subparagraph (1), publicly
5 disclose proprietary information relating to the license.

6 (B) *Transfer of Title* - Title to any intellectual property described in this section shall not
7 be transferred or passed, except to an entity that is incorporated in the Republic of the
8 Philippines, until the expiration of the first patent obtained in connection with the
9 intellectual property.

10 SECTION 13. *Termination of Authority.* – The Commission and all authority of the
11 Commission provided under this Act terminate on December 31, 2020.

12 SECTION 14. *Appropriations.* – To carry out the provisions of this Act, such amount as
13 hereby necessary is hereby authorized to be appropriated from the National Treasury. Thereafter,
14 the amount necessary for the continuation of the program shall be included in the annual
15 appropriation of the Department of Energy.

16 SECTION 15. *Separability Clause.* – If any provision or part hereof, is held invalid or
17 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain
18 valid and subsisting.

19 SECTION 16. *Repealing Clause.* – Any law, presidential decree or issuance, executive
20 order, letter of instruction, administrative order, rule or regulation contrary to or is inconsistent
21 with the provision of this Act is hereby repealed, modified, or amended accordingly.

22 SECTION 17. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its
23 publication in at least two (2) newspapers of general circulation.

24 Approved,