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SENATE
S.B. No. 3274

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Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE


As the world moves forward to address the pressing issue of climate change, the Philippines must be able to perform its responsibility to cooperate in a spirit of global partnership to conserve, protect and restore the health and integrity of Earth's ecosystem. As a signatory to the United Nations Framework on Climate Change Convention, it aims to formulate policies and implement realistic programs to contribute in the effort to reduce and stabilize greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system in order to ensure that food production is not threatened and to enable economic development to proceed in a sustainable manner.

Towards this end, the State, through this bill, mandates the formulation of the *cornerstone policy on climate change* to be called as Framework Program on Climate Change (FPCC) which shall be implemented through the National Climate Change Action Plan (NCCAP) and the Local Government Climate Change Action Plans (LGCCAP) of the national government agencies and local government units respectively. In so doing, it hopes to ensure the mainstreaming of climate change concerns at the *national, regional, sub-regional and local levels*.

The focal office to ensure the achievement of the said objectives is a high level body called as the Climate Change Commission (CCC), which shall be chaired by

President and composed of appropriate heads of cabinet departments and representatives from the private sector. The primary functions of the CCC is to serve as policy-making, coordinating and evaluating body for the implementation of programs and actions of the government relating to climate change.

The CCC shall steer the directions of the government agencies and the private sector towards the achievement of the common policy goal as set in the FPCC. It will not duplicate functions inherent to the cabinet departments who are more equipped with the proper legal mandate, personnel and resources to implement projects. It will instead provide the enabling environment for fostering teamwork among government agencies and the stakeholders concerned and with teamwork, the implementation of projects addressing climate change concerns by concerned cabinet departments will be more focused and synchronized.


MIRIAM DEFENSOR SANTIAGO

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1 AN ACT
2 MAINSTREAMING CLIMATE CHANGE INTO
3 GOVERNMENT POLICY FORMULATIONS, CREATING FOR THIS
4 PURPOSE THE CLIMATE CHANGE COMMISSION

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

7 SECTION 1. *Title.* – This Act shall be known as the “Climate Change Act of
8 2009.”

9 SECTION 2. *Declaration of Policy.* – It is the policy of the State to:

10 (1) Afford full protection and the advancement of the right of the people to a
11 healthful ecology in accord with the rhythm and harmony of nature.

12 (2) Cooperate in a spirit of global partnership to conserve, protect and restore the
13 health and integrity of Earth’s ecosystem. In this light, the State recognizes its
14 responsibility under the United Nations Framework on Climate Change
15 Convention to contribute in the effort to reduce and stabilize greenhouse gas
16 concentrations in the atmosphere at a level that would prevent dangerous
17 anthropogenic interference with the climate system in order to ensure that food
18 production is not threatened and to enable economic development to proceed in
19 a sustainable manner

20 (3) Systematically integrate the concept of climate change in various phases of
21 policy formulation, development plans, poverty reduction strategies and other
22 development tools and techniques by all agencies and instrumentalities of the
23 government.

1 (4) Facilitate and encourage public awareness and participation by making
2 information on climate change widely available.

3 SECTION 3. *Definition of Terms.* – For purposes of this Act, the following shall
4 have the corresponding meanings:

5 (a) “Climate Change” shall refer to a change in climate that can be identified by
6 changes in the mean and/or variability of its properties and that persists for an
7 extended period typically decades or longer, whether due to natural variability or
8 as a result of human activity;

9 b) “Global Warming” shall refer to the increase in the average temperature of the
10 Earth’s near-surface air and oceans that is associated with the increased
11 concentration of greenhouse gases in the atmosphere;

12 c) “Greenhouse effect” shall refer to the process by which the absorption of
13 infrared radiation by the atmosphere warms the Earth;

14 d) “Greenhouse gases or GHG” shall refer to constituents of the atmosphere that
15 contribute to the greenhouse effect including, but not limited to, carbon dioxide,
16 methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons and sulfur
17 hexafluoride;

18 e) “Mainstreaming” shall refer to the end to bring adjustments to ecological,
19 social or economic systems in response to expected climate change impacts to
20 ensure that food production is not threatened and to enable economic
21 development to proceed in a sustainable manner;

22 SECTION 4. *Framework Program on Climate Change* – The Framework
23 Program on Climate Change (FPCC) shall be established to serve as a primary basis for
24 climate change planning, research and development, extension, and monitoring in the
25 country. It shall be formulated by the Commission, in consultation with relevant
26 government agencies. The Commission shall, within six (6) months from the effectivity

1 of this Act, formulate the NFCC and thereafter, conduct its regular review to address
2 emerging issues related to climate change.

3 SECTION 5. *National Climate Change Action Plan.* Consistent with the FPCC,
4 the Commission, National Government Agencies, local government units, in cooperation
5 with relevant stakeholders, shall formulate a National Climate Change Action Plan
6 (NCCAP) which shall include the following:

- 7 a) Identification of the most vulnerable communities / areas, including
8 ecosystems to the impacts of climate change, variability and extremes;
- 9 b) Assessment and management of risk and vulnerability; and
- 10 c) Identification of options, prioritization, selection and implementation of
11 appropriate responses for adoption as joint undertaking by both the national
12 and local governments

13 SECTION 6. *Climate Change Commission.* – The Climate Change Commission
14 (CCC) is hereby created under the Office of the President to serve as policy-making,
15 coordinating and evaluating body for the implementation of programs and actions of the
16 government relating to climate change, such as FPCC and NCCAP.

17 SECTION 7. *Composition of the Commission.* – The President of the Republic of
18 the Philippines shall serve as the Chairperson of the Climate Change Commission.

19 The Commission shall be composed of the following members, in their ex-officio
20 capacity: the Secretaries of the Department of Agriculture, Department of Energy,
21 Department of Environment and Natural Resources, Department of the Interior and Local
22 Government, Department of Science and Technology, the Director-General of the
23 National Economic and Development Authority in his capacity as Chair of the Philippine
24 Council for Sustainable Development, Department of National Defense in his capacity as
25 Chair of the National Disaster Coordinating Council, the Presidents of the League of
26 Provinces, League of Cities, League of Municipalities and the Liga ng mga Barangay.

1 There shall also be a representative each from the academe, the business sector, non-
2 government organizations and civil society. Representatives from the private sector
3 shall be appointed by the President from a list of nominees submitted by their respective
4 groups within thirty (30) days from the submission of the list. They shall serve for a term
5 of six years (6) years without re-appointment. Appointment to any vacancy shall be only
6 for the unexpired term of the predecessor.

7 The Commission shall meet once every three (3) months, or as often as may be
8 necessary upon the decision of the Chairperson who may likewise call upon other
9 government agencies for the proper implementation of this Act.

10 SECTION 8. *Climate Change Office* -The Commission shall be assisted by a
11 Secretariat to be known as Climate Change Office headed by an Executive Director to be
12 appointed by the President with the rank of Cabinet Secretary. The Commission shall
13 have the authority to create offices, determine number of staff and creation of
14 corresponding positions necessary to facilitate the proper implementation of this Act
15 subject to Civil Service rules and regulations and to availability of funds. The staff,
16 officers and employees of the Commission shall be appointed by the Executive Director
17 in accordance with Civil Service rules and regulations.

18 SECTION 9. *Panel of Technical Advisers*. – The Commission shall also be
19 assisted by an advisory body to be named as Panel of Technical Advisers (PTA). The
20 PTA shall be composed of scientists, experts and other members to chosen by the
21 Commission.

22 SECTION 10. *Powers and Functions of the Commission*. – The Commission shall
23 have the following powers and functions:

24 a. Formulate a Framework Program on Climate Change to serve as the basis for
25 climate change planning, research and development, extension, and
26 monitoring;

- 1 b. Ensure mainstreaming of climate change concerns by incorporating the
2 Framework Program on Climate Change at the sectoral, national, regional,
3 sub-regional and local levels
- 4 c. Coordinate and synchronize climate change programs of national government
5 agencies;
- 6 d. Exercise policy oversight responsibilities to ensure the attainment of goals set
7 in the Framework Program on Climate Change;
- 8 e. Strengthen local government units to more effectively address climate change
9 related issues, and
- 10 f. Recommend legislation, policies, programs on and appropriations for climate
11 change adaptation, mitigation and other related activities;
- 12 g. Create an enabling environment for the design of relevant and appropriate
13 risk-sharing and risk-transfer instruments;

14 SECTION 11. Role of Government Agencies - To ensure the effective
15 implementation of the FPCC, concerned agencies shall perform the following functions

- 16 a. The Department of Education (DEPED) shall integrate climate change into the
17 primary and secondary education curricula and/or subjects, such as, but not
18 limited to, Science, Biology, Sibika, History, including textbooks, primers and
19 other educational materials, basic climate change principles and concepts.
- 20 b. The Department of Interior and Local Government (DILG) and Local
21 Government Academy shall facilitate the development and provision of a
22 training program for LGUs in climate change. The training program shall
23 include socio-economic, geophysical, policy, and other content necessary to
24 address to address the prevailing and forecasted conditions and risks of
25 particular LGUs. Further, the DILG shall facilitate capacity building of local

1 communities in relation to local adaptation planning, implementation and
2 monitoring of climate initiatives in vulnerable communities and areas;

3 c. The Department of Environment and Natural Resources (DENR) shall oversee
4 the establishment and maintenance of a climate change information
5 management system and network, in collaboration with other concerned
6 national government agencies, institutions and LGUs. Further, the DENR
7 shall formulate guidelines for determining vulnerability to climate change
8 impacts and adaptation assessments and facilitate the provision of technical
9 assistance for their implementation and monitoring;

10 d. The Department of Science and Technology (DOST) shall support scientific
11 researches and other similar projects relevant to the formulation and
12 development of programs geared towards adaptation and risk mitigation by
13 local communities; and

14 e. The Department of Foreign Affairs (DFA) shall review international
15 agreements related to climate change and make the necessary
16 recommendation for ratification and compliance by the government on
17 matters pertaining thereto,

18 f. The Philippine Information Agency (PIA) shall disseminate information on
19 climate change, local vulnerabilities and risk, relevant laws and protocols and
20 adaptation and mitigation measures.

21 g. The government financial institutions such as the Development Bank of the
22 Philippines (DBP, Land Bank of the Philippines (LBP), Philippine Exim Bank
23 and other government financial institutions shall, to the extent allowed by the
24 enabling provisions of their respective charters or applicable laws, provide
25 preferential financial packages for climate change related projects.

1 SECTION 12. *Role of Local Government Units.* - Consistent with the pertinent
2 provisions of the Republic Act No. 7160, the FPCC and the NCCAP, all local
3 government units are mandated to serve as the frontline agencies in the formulation,
4 planning and implementation of local climate change action plans in their respective
5 areas. As such, all local government units shall, upon consultation with relevant
6 stakeholders, develop and implement a Local Action Plans on Climate Change (LAPCC)
7 at the provincial, city and municipal levels within six (6) months from effectivity of this
8 Act. The local plans shall also be regularly updated to address the changing social,
9 economic, and environmental conditions and emerging issues. All LAPCCs and its
10 corresponding revisions must be submitted to the Commission within a month from its
11 approval.

12 In formulating and implementing the LAPCC, the local government officials of
13 the Baranggay, Municipality, City and the Province are directed collaborate, coordinate
14 and cooperate with each other. As such, LGUs are directed to mobilize and allocate
15 necessary personnel and resources to effectively implement their respective action plans.

16 SECTION 13. *Roles of the Civil Society and the Corporate and Private Sectors.* -
17 In the development and implementation of the NCCAP, and the local action plans, the
18 NGOs, civic organizations, academe, people's organizations, the private and corporate
19 sectors and other concerned stakeholder groups shall be engaged in activities such as
20 planning, community organizing, research, technology, transfer, information sharing,
21 investment and training programs.

22 SECTION 14. *Authority to Receive Donations and/or Grants.* - In accordance
23 with relevant laws, the Commission shall be authorized to receive donations from local
24 and international sources in support of the development and implementation of climate
25 change programs and plans. Proceeds from such donations shall be used to finance:

- 26 a. Research, development, demonstration and promotion of technologies;
- 27 b. Conduct of assessment of vulnerabilities to climate change impacts,
28 resource inventory, and adaptation capability building;

1 c. Advocacy, networking and communication activities in the conduct of
2 information campaign; and

3 d. Conduct of such other activities reasonably necessary to carry out the
4 objectives of this Act, as may be defined by the Commission.

5 SECTION 15. *Funding Allocation for Climate Change.* – All relevant
6 government agencies and local government units shall allocate from their annual
7 appropriations adequate funds for the formulation, development and implementation,
8 including training, capacity building and direct intervention, of their respective climate
9 change programs and plans. In subsequent budget proposals, the concerned offices and
10 units shall appropriate funds for program/project development and implementation
11 including continuing training and education in climate change.

12 SECTION. 16. *Membership in the National Security Council.* – The Executive
13 Director of the Secretariat shall automatically be a member of the National Security
14 Council and shall report directly to the President of the Philippines regarding sensitive
15 information on climate change.

16 SECTION 17. *Transitory Provision* - Upon the organization of the Commission,
17 the Presidential Task Force on Climate Change and the Inter-Agency Committee on
18 Climate Change shall be abolished.

19 SECTION 18. *Implementing Rules and Regulations.* – Within three months (3)
20 from effectivity of the Act, the Commission, in consultation with the Congressional
21 Oversight Committees relevant government agencies, local government units, private
22 sector, NGOs and civil society, promulgate the implementing rules and regulations of
23 this Act. Provided, *That* failure to issue rules and regulations shall not in any manner
24 affect the executory nature of the provisions of this Act.

25 SECTION 19. *Joint Congressional Oversight Committee.* – There is hereby
26 created a Joint Congressional Oversight Committee to monitor the implementation of this
27 Act. The Oversight Committee shall be composed of five (5) Senators and five (5)

1 Representatives to be appointed by the Senate President and the Speaker of the House of
2 Representatives, respectively. The Oversight Committee shall be co-chaired by a Senator
3 and a Representative to be designated by the Senate President and the Speaker of the
4 House of Representatives, respectively. Its funding requirement shall be charged against
5 the appropriations of Congress.

6 SECTION 20. *Appropriations.* – The sum of Fifty Million Pesos (PhP 50,000,
7 000) is hereby appropriated as initial operating fund in addition to the unutilized fund of
8 the Presidential task Force on Climate Change. The sum shall be sourced from the
9 President’s Contingent Fund. Thereafter, such sums as shall be necessary for the
10 operation and maintenance of the Commission shall be included in the annual General
11 Appropriations Act.

12 SECTION. 21. *Annual Report.* – The Commission shall submit to the President
13 and to both Houses of Congress, no later than March 30 of every year following the
14 effectivity of this Act, or upon the request of the Congressional Oversight Committee, a
15 report giving a detailed account of the status of the implementation of this Act, a progress
16 report on the implementation of the National Climate Change Action Plan and
17 recommend legislation, where applicable and necessary. Local government units shall
18 submit annual progress reports on the implementation of their respective local action plan
19 to the Commission within the first quarter of the following year.

20 SECTION 22. *Separability Clause* - If for any reason any section or provision of
21 this Act is declared as unconstitutional or invalid, the other sections or provisions thereof
22 shall not be affected thereby.

23 SECTION 23. *Repealing Clause.*- All laws, ordinances, rules and regulations, and
24 other issuances or parts thereof which are inconsistent with this Act, are hereby repealed
25 or modify accordingly.

1 SECTION 24. *Effectivity Clause.* – This Act shall take effect upon its complete
2 publication in the Official Gazette or in at least two (2) national newspapers of general
3 circulation.

4 Approved,