

SIXTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Third Regular Session)



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SENATE
S. No. 3013

RECEIVED BY: W

Introduced by Senator Miriam Defensor Santiago

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 COMMITTEE

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.¹


MIRIAM DEFENSOR SANTIAGO

¹ This bill was originally filed in the Fourteenth Congress, First Regular Session, and refiled in the Fifteenth Congress, First Regular Session.

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

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

3 SECTION 2. *Declaration of Policy.* – The Constitution, Article 2, Section 16
4 mandates that the State shall protect and advance the right of the people to a balanced and
5 healthful ecology in accord with the rhythm and harmony of nature. In Article 2, Section
6 20, the Constitution likewise mandates that the State recognizes the indispensable role of
7 the private sector, encourages private enterprise and provides incentives to needed
8 investments. Taking into account these mandates the State shall provide incentives to
9 public and private entities who develop and apply technologies to protect the
10 environment.

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

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

14 (B) “Greenhouse gas” means:

15 (1) carbon dioxide;

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

8 (C) "Intellectual Property" means:

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

11 (D) "Secretary" means the Secretary of Energy.

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

18 SECTION 5. *Greenhouse Gas Emission Atmospheric Removal Committee.* –
19 There shall be established a committee, within the Department of Energy, to be known as
20 the "Greenhouse Gas Emission Atmospheric Removal Committee".

21 SECTION 6. *Composition.* – The Committee shall be composed of eleven (11)
22 members appointed by the President who shall provide expertise in:

- 23 (A) Climate Science;
- 24 (B) Physics;
- 25 (C) Chemistry;

- 1 (D) Biology;
2 (E) Engineering;
3 (F) Economics;
4 (G) Business Management; and
5 (H) such other disciplines as the Committee determines to be necessary to achieve
6 the purposes of this Act.

7 The Committee shall select a chairperson and vice-chairperson from among the
8 members of the Committee.

9 SECTION 7. *Meetings.* – Not later than 30 days after the date on which all
10 members of the Committee have been appointed, the Committee shall hold its initial
11 meeting.

12 The Committee shall thereafter meet at the call of the chairperson.

13 SECTION 8. *Term.* – A member of the Committee shall serve for a term of six
14 years. Any vacancy in the membership of the Committee shall not affect its powers and
15 shall be filled in the same manner as the original appointment.

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

18 SECTION 9. *Duties.* – The Committee shall:

19 (A) subject to Section 10, develop specific requirements for:

- 20 (1) the competition process;
21 (2) minimum performance standards;
22 (3) monitoring and verification procedures; and
23 (4) the scale of awards for each milestone;

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

4 (C) in coordination with the Secretary, offer those financial awards to public and
5 private entities that demonstrate:

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

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

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

9 (i) is operational at demonstration scale; and

10 (ii) achieves significant greenhouse gas reductions; and

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

13 (D) submit to Congress:

14 (1) an annual report that describes the progress made by the Committee and
15 recipients of financial awards under this Act in achieving the demonstration goals
16 established under paragraph (C); and

17 (2) not later than one year after the date of effectivity of this Act, a report
18 that describes the levels of funding that are necessary to achieve the purposes of
19 this Act.

20 SECTION 10. *Public Participation.* – In carrying out Section 9 (A), the
21 Committee shall:

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

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

1 SECTION 11. *Peer Review.* – No financial award may be provided under this Act
2 until such time as the proposal for which the award is sought has been peer reviewed in
3 accordance with such standards for peer review as the Committee shall establish.

4 SECTION 12. *Intellectual Property Considerations.* – Title to any intellectual
5 property arising from a financial award provided under this Act shall vest in one or more
6 entities that are incorporated in the Philippines.

7 (A) Reservation of License - The Republic of the Philippines:

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

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

13 (B) Transfer of Title - Title to any intellectual property described in this Act shall
14 not be transferred or passed, except to an entity that is incorporated in the Republic of the
15 Philippines, until the expiration of the first patent obtained in connection with the
16 intellectual property.

17 SECTION 13. *Termination of Authority.* – The Committee and all its authority
18 provided under this Act shall be terminated ten years after its effectivity.

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

1 SECTION 15. *Separability Clause.* – If any provision of this Act is held invalid or
2 unconstitutional, the same shall not affect the validity and effectivity of the other
3 provisions hereof.

4 SECTION 16. *Repealing Clause.* – All laws, decrees, orders, and issuances, or
5 portions thereof, which are inconsistent with the provisions of this Act, are hereby
6 repealed, amended or modified accordingly.

7 SECTION 17. *Effectivity Clause.* – This Act shall take effect fifteen (15) days
8 after its publication in the *Official Gazette* or in two (2) newspapers of general
9 circulation.

Approved,

/f/dp13Nov2015