

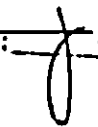
SIXTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Third Regular Session)



Senate
Office of the Secretary

'16 JAN 21 AM 10:02

SENATE

RECEIVED BY: 

COMMITTEE REPORT NO. 360

Submitted by the Committees on Labor, Employment and Human Resources Development; Environment and Natural Resources; Ways and Means; and Finance on JAN 21 2016.

Re: Senate Bill No. 3092

Recommending its approval in substitution of Senate Bill Nos. 2315 and 2893 taking into consideration House Bill No. 6100.

Sponsor: Senator Sonny Angara

MR. PRESIDENT:

The Committee on Labor, Employment and Human Resources Development; Environment and Natural Resources; Ways and Means; and Finance, to which was referred Senate Bill No. 2315, introduced by Senator Jinggoy Estrada, entitled:

AN ACT
PROMOTING THE CREATION OF GREEN COLLAR JOBS,
PROVIDING A STRATEGIC INITIATIVE FOR ITS
IMPLEMENTATION, AND FOR OTHER PURPOSES

and taking into consideration Senate Bill No. 2893, introduced by Senators Sonny Angara and Loren Legarda, entitled:

AN ACT
GRANTING INCENTIVES TO INDIVIDUALS AND
ENTERPRISES FOR THE CREATION OF GREEN JOBS AND
APPROPRIATING FUNDS FOR THE PURPOSE

and taking into consideration House Bill No. 6100, introduced by Reps. Nograles, Manalo, Abayon, Mendoza (R.), Cosalan, Tambunting, Rivera, Angping, Violago, Lanete, Guanlao, Tan (A.), Seferes, De Jesus and Katoch, entitled,

**AN ACT
PROMOTING THE CREATION OF GREEN JOBS, GRANTING
INCENTIVES AND APPROPRIATING FUNDS THEREFOR**

have considered the same and has the honor to report them back to the Senate with the recommendation that the attached bill, Senate Bill No. 3092, prepared by the Committee, entitled:

**AN ACT
PROMOTING THE CREATION OF GREEN JOBS, GRANTING
INCENTIVES AND APPROPRIATING FUNDS THEREFOR**

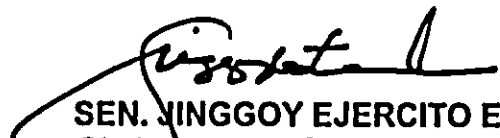
be approved in substitution of Senate Bill Nos. 2315 and 2893 taking into consideration House Bill No. 6100 with Senators Jinggoy Estrada, Sonny Angara, and Loren Legarda as authors.

Respectfully submitted:

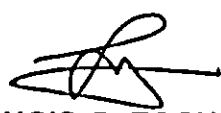
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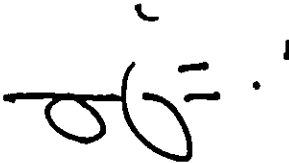
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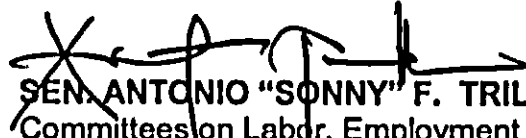
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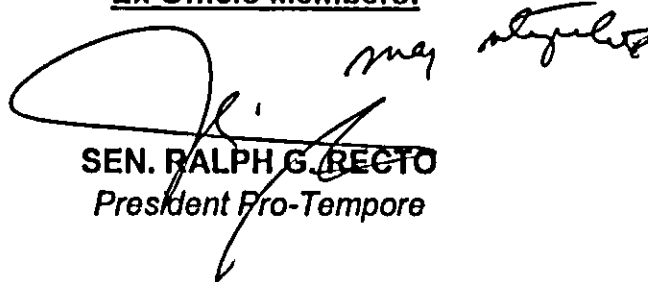


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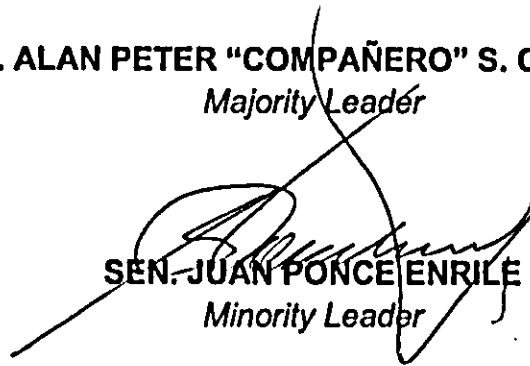
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Senate President



'16 JAN 21 AM 10:02

SENATE

S. No. 3092

RECEIVED BY: J.

(In substitution of S.B. Nos. 2315 and 2893 taking into consideration
H.B. No. 6100)

Prepared by the Committees on Labor, Employment and Human Resources
Development; Environment and Natural Resources; Ways and Means; and
Finance with Senators Jinggoy Estrada, Sonny Angara and Loren B. Legarda
as authors thereof

**AN ACT
PROMOTING THE CREATION OF GREEN JOBS, GRANTING INCENTIVES
AND APPROPRIATING FUNDS THEREFOR**

*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 "Philippine
2 Green Jobs Act of 2016".

3
4 **SECTION 2. Declaration of Policy.** – It is the declared policy of the
5 State to:

- 6 a) Affirm labor as a primary social economic force in promoting
7 sustainable development;
8
9 b) Afford full protection to labor, local and overseas, organized and
10 unorganized, and promote full and productive employment and
11 equality of employment opportunities for all; and
12
13 c) Promote the rights of the people to a balanced and healthful ecology
14 in accord with the rhythm and harmony of nature.

15 The State shall identify needed skills, develop training programs, and
16 train and certify workers for jobs in a range of industries that produce goods and
17 render services for the benefit of the environment, conserve natural resources
18 for the future generation, and ensure the sustainable development of the
19 country and its transition into a green economy. In recognition of the
20 participation of individuals and business enterprises in jobs creation, the State
21 shall provide incentives therefor.
22

23 **SECTION 3. Coverage.** This Act shall apply to all business enterprises
24 unless otherwise provided herein.
25

1 **SECTION 4. Definition of Terms.** – As used in this Act:
2

- 3 a) **Business enterprises** refers to establishments engaged in the
4 production, manufacturing, processing, repacking, assembly, or sale
5 of goods and/or services, including service-oriented enterprises. It
6 shall include self-employed or own-account workers, micro, small,
7 and medium enterprises (MSMEs) and community-based business
8 enterprises;
- 9 b) **Climate change** refers to a change in climate that can be identified
10 by changes in the mean or variability of its properties and that
11 persists for an extended period typically decades or longer,
12 whether due to natural variability or as a result of human activity;
- 13 c) **Green Jobs** refer to employment that contributes to preserving or
14 restoring the quality of the environment, be it in the agriculture, industry
15 or services sector. Specifically, but not exclusively, this include jobs
16 that help to protect ecosystems and biodiversity, reduce energy,
17 materials and water consumption through high efficiency strategies,
18 de-carbonize the economy, and minimize or altogether avoid
19 generation of all forms of waste and pollution. *Green Jobs* are decent
20 jobs that are productive, respect the rights of workers, deliver a fair
21 income, provide security in the workplace and social protection for
22 families, and promote social dialogue.
- 23 d) **Green economy** refers to one which is low-carbon and resource-
24 efficient, and results in generation of green jobs and in improved
25 human well-being and social equity, while significantly reducing
26 environmental risks and ecological scarcities;
- 27 e) **Green goods and services** refer to goods and services that benefit
28 the environment or conserve natural resources, and may include
29 research and development, installation and maintenance services;
- 30 f) **Green technologies** refer to the development and application of
31 products, equipment and systems used to conserve the environment
32 and natural resources;
- 33 g) **Sustainable development** refers to development that meets the
34 needs of the present without compromising the ability of the future
35 generations to meet their own needs.

36 **SECTION 5. Incentives.** – An incentive scheme is hereby created for the
37 purpose of encouraging individuals to engage in green jobs and business
38 enterprises to operate and sustain green jobs in accordance with the National
39 Green Jobs Human Resource Development Plan to be formulated by the DOLE
40 as provided under section 6 (a) hereof.
41

42 Notwithstanding any laws to the contrary, the Department of Finance
43 (DOF) together with the National Economic Development Authority (NEDA)
44 shall exclusively determine the fiscal and non-fiscal incentives that can be made
45 available for activities such as skills training and research and development
46 (R&D) in pursuit of supporting the green economy, and/or the development and
47 use of green technologies and practices, and/or the production of green goods
48

1 and provision of green services, which may include the following: additional
2 deduction of labor expense and duty-free importation of capital equipment.
3

4 The DOF in coordination with DOLE and other relevant agencies, shall
5 prepare the necessary rules and regulations and operational standards for the
6 avallment of the above-mentioned incentives and ensure its effective
7 implementation.

8 **SECTION 6. Role of Agencies. -**

9
10 a) The Department of Labor and Employment (DOLE) shall, in
11 coordination with other government agencies, formulate a National Green
12 Jobs Human Resource Development Plan on the development,
13 enhancement and utilization of the labor force, both in the private and
14 public sectors. The plan shall have the primary objective of enabling and
15 sustaining the transition into a green economy and the generation of green
16 jobs towards more employment and equal opportunities and the promotion
17 of social justice and workers' welfare. It shall include programs, projects,
18 and activities pertaining to basic, higher and technical vocational
19 education and training, database that identifies and links green job
20 opportunities with private and public entities, and information on
21 knowledge and skill requirements of a green economy.
22

23 The DOLE, in coordination with the Philippine Statistics Authority
24 (PSA), shall also maintain a database of green careers, professions and
25 skills, as well as a list of emerging business enterprises, which generate
26 and sustain green jobs. It shall facilitate skills training assessment and
27 certification, career advocacy, provide productivity and livelihood training,
28 and extend technical assistance to enterprises to ensure labor law
29 compliance.
30

31 b) The Department of Finance (DOF) shall administer the grant of
32 incentives as discussed in Section 5 hereof to qualified individuals and
33 business enterprises engaged in registered strategic activities, and shall
34 maintain a database on the same.
35

36 c) The Department of Environment and Natural Resources (DENR) shall
37 establish and maintain a climate change information management
38 system and network as reference in the formulation of strategies and
39 approaches to develop potential green jobs.

40 d) The Department of Education (DepEd) shall implement faculty, facility
41 and curriculum development for primary and secondary education in
42 support of the knowledge and skills requirement of a green economy.
43

44 e) The Commission on Higher Education (CHED) shall develop and
45 implement curriculum and related standards and instructional materials in
46 support of the green economy.

- 1 f) **The Technical Education and Skills Development Authority (TESDA)**
2 shall formulate the necessary training regulations for the implementation of
3 skills training, program registration and assessment and certification in
4 support of the requirements for skilled manpower of the green economy.
5
- 6 g) **The National Economic and Development Authority (NEDA)** shall
7 ensure the mainstreaming of green jobs concern in development plans.
8
- 9 h) **The Department of Trade and Industry (DTI)** shall develop a special
10 business facilitation program for individuals and business enterprises that
11 create green jobs.
12
- 13 i) **The Professional Regulation Commission (PRC)** shall encourage the
14 development of qualifications framework that can facilitate the recognition of
15 knowledge, skills, and competencies of professionals working in the green
16 economy.
17
- 18 j) **The Department of Science and Technology (DOST)** shall, together
19 with TESDA, assist the DOLE in analyzing skills, training and re-training
20 needs in relation to the use of green technology that has the potential to
21 create new green occupations and greener jobs, especially in industries or
22 sectors undergoing structural changes due to climate change and
23 greening of the economy. It shall also provide a range of business
24 development support to MSMEs. These may include prototyping or
25 modeling of technologies, conducting assessment to match technological
26 needs and demands, subcontracting business to develop clean
27 technologies, providing technical written guides, procedures as well as
28 instructions and training on clean technology for business.
29
- 30 k) **The Department of Transportation and Communication (DOTC)** shall
31 ensure the mainstreaming of green jobs concern in its sectoral
32 development plan and encourage more investments in public transport
33 infrastructure and services to optimize the potential of public transport to
34 foster green growth and job creation. It shall also explore strategies of
35 shifting to more environmentally friendly modes of transport and improving
36 the efficiency of all modes of transportation.
37
- 38 l) **The Department of Tourism (DOT)** shall outline sustainable tourism
39 planning and integrated approach for the promotion of job rich sustainable
40 tourism industry.
41
- 42 m) **The Department of Public Works and Highways (DPWH)** shall develop
43 and implement programs that promote the importance of green building
44 practices in safeguarding the environment and its role in sustained
45 economic development.
46
- 47 n) Any provision in their respective charters to the contrary notwithstanding,
48 **government financial institutions (GFIs)** shall, in consultation with the
49 **Bangko Sentral ng Pilipinas (BSP)**, provide preferential financial
50 packages to individuals and business enterprises that create green jobs.

1 o) The Climate Change Commission (CCC), in consultation with concerned
2 agencies, such as the DENR, the DTI, the DOLE, the Department of
3 Agriculture (DA), the Department of Energy (DoE), the Department of the
4 Interior and Local Government (DILG), and the Department of Science and
5 Technology (DOST), shall develop and administer appropriate standards for
6 the assessment and certification of green goods and services, and green
7 technologies and practices for the purpose of regulating the availment of
8 incentives and ensuring green jobs content.

9 **SECTION 7. *Role of the Secretary of Labor and Employment.*** –The
10 Secretary of Labor and Employment shall be included as an additional member
11 of the Climate Change Commission constituted under Section 5 of Republic Act
12 No. 9729, as amended or the Climate Change Act of 2009.

13 **SECTION 8. *Appropriations.*** – The amount necessary to carry out the
14 operation of this act shall be included in the annual General Appropriations Act.

15 **SECTION 9. *Implementing Rules and Regulations*** - Within one
16 hundred eighty days (180) days from the effectivity of this Act, the Secretary of
17 Labor and Employment, in coordination with concerned agencies as may be
18 deemed necessary, shall formulate the necessary rules and regulations to
19 implement the provisions of this Act.

20 **SECTION 10. *Separability Clause.*** - Should any provision of this Act be
21 declared unconstitutional, the remainder thereof not otherwise affected shall
22 remain in full force and effect.

23 **SECTION 11. *Repealing Clause.*** - Section 5 of Republic Act 9729, as
24 amended or the Climate Change Act of 2009, is deemed amended or modified
25 by Section 7 of this Act. All other existing laws, presidential decrees, executive
26 orders, proclamations or administrative regulations that are inconsistent with the
27 provisions of this Act are hereby repealed, amended or modified accordingly.

28 **SECTION 12. *Effectivity.*** - This Act shall take effect fifteen (15) days
29 following the completion of its publication in the *Official Gazette* or two (2)
30 newspapers of general circulation.

Approved,