



HOUSE OF REPRESENTATIVES

H. No. 5982

BY REPRESENTATIVES GOLEZ, LACSON, LAZATIN, ALMARIO, FUA, VILLAR, ARROYO (I.), GATCHALIAN, SANTIAGO (N.), ALCALA, DEFENSOR (A.), ARROYO (D.), CABILAO, FABIAN, CODILLA, VILLANUEVA, ZAMORA (R.), GARCIA (A.), SY-ALVARADO, CUA (J.), RODRIGUEZ, GONZALES (N.), REMULLA, ANGARA, VELARDE, BONDOC, GARIN, CRISOLOGO, MALAPITAN, AGBAYANI, ROMULO, CAGAS, JALA, DAZA, DE GUZMAN, GULLAS, BAGATSING, REYES (V.), DIAZ, ANTONINO-CUSTODIO, OCAMPO, DILANGALEN, MARCOS, HONTIVEROS-BARAQUEL, BINAY AND MAZA, PER COMMITTEE REPORT NO. 1793

AN ACT ESTABLISHING THE FRAMEWORK PROGRAM FOR CLIMATE CHANGE, CREATING THE CLIMATE CHANGE COMMISSION FOR THIS PURPOSE, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

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

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

3 SEC. 2. *Declaration of Policy.* – It is the policy of the State to promote
4 the full protection and the advancement of the right of the people to a healthful
5 ecology in accord with the rhythm and harmony of nature. In this light, the
6 State has adopted the Philippine Agenda 21 framework which espouses

1 sustainable development that shall fulfill human needs while maintaining the
2 quality of the natural environment for current and future generations.

3 Towards this end, the State adopts the principle of protecting the climate
4 system for the benefit of humankind, on the basis of equity and common but
5 differentiated responsibilities and the precautionary principle to guide decision
6 making in climate risk management. As a party to the United Nations
7 Framework on Climate Change Convention (UNFCCC), the State adopts the
8 ultimate objective of the Convention – the stabilization of greenhouse gas
9 concentrations in the atmosphere at a level that would prevent dangerous
10 anthropogenic interference with the climate system within a time frame
11 sufficient to allow ecosystems to adapt naturally to climate change, in order to
12 ensure that food production is not threatened and that economic development
13 shall proceed in a sustainable manner.

14 Recognizing the potential dangerous consequences of climate change,
15 including, but not limited to, rising seas, changing landscapes, increasing
16 frequency and/or severity of droughts, fires, floods and storms, climate-related
17 illnesses and diseases, damage to ecosystems, biodiversity loss and the
18 vulnerability to climate risks of the Philippine archipelago and its local
19 communities, particularly the poor, the State shall cooperate with the global
20 community in the resolution of climate change issues. It is the policy of the
21 State for national and local governments, businesses, nongovernment
22 organizations (NGOs), communities and the general public, to prepare for the
23 consequences of climate change and thus, prevent and reduce the adverse
24 impacts and maximize benefits of climate change.

25 The State, in pursuit of the abovementioned policy, shall strengthen,
26 integrate, consolidate and institutionalize government initiatives to achieve
27 synergy in the implementation of plans and programs to address climate
28 change in the context of sustainable development.

1 SEC. 3. *Definition of Terms.* – For purposes of this Act, the following
2 shall have the corresponding meanings:

3 (a) “Adaptation” shall refer to the adjustment in natural or human
4 systems in response to actual or expected climatic stimuli or *their effects*,
5 which *moderates harm or exploits beneficial opportunities*.

6 (b) “Adaptive capacity” shall refer to the ability of ecological, social or
7 economic systems to adjust to climate change including climate variability and
8 extremes, to moderate or offset potential damages and to take advantage of
9 associated opportunities with changes in climate or to cope with the
10 consequences thereof.

11 (c) “Climate change” shall refer to a change in climate that can be
12 identified by changes in the mean and/or variability of its properties and that
13 persists for an extended period typically decades or longer, whether due to
14 natural variability or as a result of human activity.

15 (d) “Climate variability” shall refer to *the variations in the average state*
16 *and in other statistics of the climate on all temporal and spatial scales beyond*
17 *that of individual weather events*.

18 (e) “Climate risk” shall refer to the product of climate and related
19 hazards working over the vulnerability of human and natural ecosystems.

20 (f) “Global warming” shall refer to the increase in the average
21 temperature of the Earth’s near-surface air and oceans that is associated with
22 the increased concentration of greenhouse gases in the atmosphere.

23 (g) “Greenhouse effect” shall refer to the process by which the
24 absorption of infrared radiation by the atmosphere warms the Earth.

25 (h) “Greenhouse gases” shall refer to constituents of the atmosphere
26 that contribute to the greenhouse effect *including, but not limited to, carbon*
27 *dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons and*
28 *sulfur hexafluoride*.

1 (i) “Integrated Adaptation-Mitigation Approach” shall refer to a
2 framework that builds on mitigation measures as part of adaptation, and vice-
3 versa; and will provide the necessary mechanisms by which policies, science,
4 markets, capacity building and information are able to respond to the realities
5 of climate change and ensure that the core objective of the UNFCCC as
6 articulated in Article 2 of the Convention are attained.

7 (j) “Mitigation” in the context of climate change shall refer to a human
8 intervention to address anthropogenic emissions by sources and removals by
9 sinks of all greenhouse gases including ozone-depleting substances and their
10 substitutes.

11 (k) “Mitigation potential” shall refer to the scale of greenhouse gases
12 (GHG) reductions that could be made, relative to emission baselines, for a
13 given level of carbon price (expressed in cost per unit of carbon dioxide
14 equivalent emissions avoided or reduced).

15 (l) “Sea level rise” shall refer to an increase in sea level which may be
16 influenced by factors like global warming through expansion of sea water as
17 the oceans warm and melting of ice over land and local factors such as land
18 subsidence.

19 (m) “Vulnerability” shall refer to the degree to which a system is
20 susceptible to, or unable to cope with, adverse effects of climate change,
21 including climate variability and extremes. Vulnerability is a function of the
22 character, magnitude, and rate of climate change and variation to which a
23 system is exposed, its sensitivity, and its adaptive capacity.

24 SEC. 4. *Framework Program on Climate Change.* – Within six (6)
25 months after the effectivity of this Act, there is hereby established a
26 Framework Program on Climate Change that shall serve as the basis for
27 climate change planning, research and development, extension, and monitoring
28 of activities for protecting vulnerable communities from the damage to lives,

1 property and the environment due to adverse climate impacts and to maximize
2 beneficial effects thereof. The Framework Program, which shall be based on
3 an Integrated Adaptation-Mitigation Approach, shall identify and establish
4 national priorities and shall identify and propose the core components and
5 initial activities to be implemented.

6 The Framework Program shall be formulated in accordance with the
7 commitments of the Philippines under international agreements and specific
8 adaptation needs and climate change vulnerabilities of the Philippines. It shall
9 be reviewed every five (5) years, or as may be deemed necessary, in order to
10 ensure relevance to the times.

11 *SEC. 5. Components of the Framework Program for the National*
12 *Action Plan on Climate Change.* – The Framework Program on Climate
13 Change shall have the following components:

- 14 (a) Policy formulation;
- 15 (b) Compliance with international commitments;
- 16 (c) Research and development;
- 17 (d) Database development and management, in the context of
18 geographic information system;
- 19 (e) Capacity building/mainstreaming;
- 20 (f) Facilitation of local adaptation programs; and
- 21 (g) Advocacy and monitoring.

22 *SEC. 6. Climate Change Commission.* – Without prejudice to the
23 mandates of existing member-government agencies, there is hereby established
24 a Climate Change Commission, hereinafter referred to as the Commission,
25 which shall be organized within sixty (60) days from the effectivity of this Act.

26 The Commission shall be an independent and autonomous body and
27 shall have the same status as that of a national government agency attached to

1 the Office of the President. It shall be composed of a Chairperson and two (2)
2 Commissioners, all of whom shall be appointed by the President.

3 The Commission shall be the sole policy-making body, with
4 coordinating, monitoring and evaluating functions, of all climate change-
5 related activities of the government and its instrumentalities.

6 SEC. 7. *Qualifications, Tenure, Compensation of Commissioners.* –

7 The Chairperson and the Commissioners must be Filipino citizens, residents of
8 the Philippines, at least thirty (30) years of age at the time of appointment, with
9 at least ten (10) years relevant experience and of proven honesty and integrity.

10 They shall be selected so as to be representative of the multi-
11 disciplinary nature of policy, science, education and implementation elements
12 of the efforts to prepare for the effects of climate change: *Provided*, That at
13 least one (1) Commissioner shall be female: *Provided, further*, That in no case
14 shall the Commissioners come from the same sector: *Provided, finally*, That in
15 no case shall any of the Commissioners appoint representatives to act on their
16 behalf.

17 The Chairperson and the Commissioners shall hold office for a period
18 of four (4) years, and may be subject to reappointment: *Provided*, That no
19 person shall serve for more than two (2) consecutive terms and that in case of a
20 vacancy, the new appointee must fully meet the qualifications of a
21 Commissioner and hold office for a full term and in no case shall a
22 Commissioner be designated in a temporary or acting capacity.

23 The Chairperson and the Commissioners shall have the rank and
24 privileges of a Department Secretary and Undersecretary, respectively. They
25 shall receive the corresponding compensation and other emoluments and shall
26 be subject to the same disqualifications.

27 SEC. 8. *Ex Officio Members of the Commission.* – The Commission

28 shall be composed of the following *ex officio* members: the Secretaries of the

1 Department of Agriculture, Department of Education, Department of Energy,
2 Department of Environment and Natural Resources, Department of Foreign
3 Affairs, Department of the Interior and Local Government, Department of
4 Health, Department of Public Works and Highways, Department of Science
5 and Technology, Department of Trade and Industry, Department of
6 Transportation and Communications; the Director General of the National
7 Economic and Development Authority as Chair of the Philippine Council for
8 Sustainable Development; Department of National Defense as Chair of the
9 National Disaster Coordinating Council, the Co-Chairpersons of the Joint
10 Congressional Oversight Committee on Climate Change, the President of the
11 League of Provinces, League of Cities, League of Municipalities and the Liga
12 ng mga Barangay and a representative each from the academe, the business
13 sector, NGOs and civil society. Only the *ex officio* members from the
14 government may appoint a permanent qualified representative.
15 Representatives from the other sectors shall be appointed by the President from
16 a list of nominees submitted by their respective groups within thirty (30) days
17 from the submission of the list. They shall serve for a term of three (3) years
18 and to a maximum of three (3) terms. Appointment to any vacancy shall be
19 only for the unexpired term of the predecessor.

20 The *ex officio* members shall meet once every three (3) months, or as
21 often as may be necessary upon call of the Chairperson. *Ex officio* members of
22 the Commission shall not receive any salary but shall be entitled to
23 reimbursements for actual and necessary expenses incurred as a consequence
24 of their attendance in meetings of the Commission subject to existing laws,
25 rules and regulations.

26 SEC. 9. *Decision-Making in the Commission.* – A majority of the
27 members of the Commission, including the *ex officio* members, shall constitute
28 a quorum. The *ex officio* members shall report the climate change-related

1 activities of their respective agencies or organizations and recommend policies,
2 plans, projects and programs to the Commission.

3 A decision of the Commission shall, as far as practicable, be reached by
4 consensus. If no consensus is reached, a decision shall be arrived at upon a
5 vote of the majority of the Commissioners.

6 SEC. 10. *Powers and Functions of the Commission.* – The Commission
7 shall have the following powers and functions:

8 (a) Recommend legislation, policies, programs and budgets on climate
9 change adaptation, mitigation and other related activities;

10 (b) Review international agreements related to climate change and
11 make recommendation for ratification and compliance to the government on
12 matters pertaining thereto;

13 (c) In collaboration with the Department of Foreign Affairs, represent
14 the Philippines in the climate change negotiations under the UNFCCC;

15 (d) Formulate and update guidelines for determining vulnerability to
16 climate change impacts and adaptation assessments and facilitate the provision
17 of technical assistance for their implementation and monitoring;

18 (e) Create an enabling environment for the design of relevant and
19 appropriate risk-sharing and risk-transfer instruments;

20 (f) Coordinate all the activities and programs of the national agencies
21 that deal with adaptation and mitigation of climate change;

22 (g) Coordinate with local government units (LGUs) and private entities
23 to address vulnerability to climate change impacts of regions, provinces, cities
24 and municipalities;

25 (h) Facilitate capacity building for local adaptation planning,
26 implementation and monitoring of climate change initiatives in vulnerable
27 communities and areas;

1 (i) Promote and facilitate the mainstreaming of climate change
2 consideration in the national, sectoral and local development plans and
3 programs;

4 (j) Support local research and development programs and projects of
5 scientific, research and implementing institutions for adaptation and mitigation;
6 and

7 (k) Oversee the dissemination of information on climate change, local
8 vulnerabilities and risks, relevant laws and protocols and adaptation and
9 mitigation measures.

10 SEC. 11. *Membership in the National Security Council.* – The
11 Chairperson shall automatically be a member of the National Security Council
12 and shall report directly to the President regarding sensitive information on
13 climate change.

14 SEC. 12. *Panel of Technical Advisers.* – For purposes of building local
15 climate science, objective identification and evaluation of options, planning
16 and implementation of initiatives, the Commission may constitute a national
17 panel of technical advisers consisting of practitioners in disciplines that are
18 related to climate change and representatives of civil society.

19 The panel shall act as an advisory body tasked to provide support to the
20 Commission in climate science, technologies, and best practices for risk
21 assessment and enhancement of adaptive capacity of vulnerable human
22 settlements to potential impacts of sea level rise, drought, floods, coral
23 damage, strong storms and storm damage, heat-related illnesses and diseases,
24 biodiversity and economic losses.

25 The Commission shall set the qualifications and compensation for the
26 technical advisers. It shall provide resources for the operations and activities
27 of the national advisory panel to facilitate information gathering, sharing,

1 assessment, planning, and decision-making to prepare vulnerable communities
2 for the management of risks brought about by climate change.

3 SEC. 13. *Regional Offices.* – The Commission may establish regional
4 offices in areas that have been identified to be most vulnerable to the impacts
5 of climate change.

6 SEC. 14. *National Climate Change Action Plan.* – The Commission,
7 together with concerned agencies and LGUs shall, with public participation,
8 formulate and fully implement a National Climate Change Action Plan based
9 on the UNFCCC, other international agreements, conventions and protocols on
10 climate change and the Framework Program within one (1) year after the
11 formulation of the latter.

12 The National Climate Change Action Plan shall fulfill the following
13 objectives, among others:

14 (a) The identification of the most vulnerable communities/areas,
15 including ecosystems to the impacts of climate change, variability and
16 extremes;

17 (b) The assessment and management of risk and vulnerability; and

18 (c) The identification of options, prioritization and selection of
19 appropriate adaptation measures for adoption as joint projects of national and
20 local governments.

21 SEC. 15. *Local Climate Change Action Plan.* – Consistent with the
22 provision of the Local Government Code, the Framework Program on Climate
23 Change, the National Climate Change Action Plan, and the action plans to be
24 formulated by the member agencies of the Commission, LGUs shall act as the
25 frontline agencies in the formulation, planning and implementation of climate
26 change action plans in their respective areas. LGUs shall, upon consultation
27 with relevant stakeholders, develop and implement local action plans on
28 climate change at the provincial, city and municipal levels.

1 Barangays shall be directly involved with municipal and city
2 governments in prioritizing climate change issues and identifying and
3 *implementing* best practices and other solutions. Municipal and city
4 governments shall consider climate change adaptation as one of their regular
5 functions. Provincial governments shall provide *technical assistance*,
6 enforcement and information management in support of municipal and city
7 climate change action plans. Inter-local government unit collaboration shall be
8 maximized in the conduct of climate-related activities.

9 LGUs shall update their respective action plans to reflect changing
10 *social, economic and environmental* conditions and emerging issues. LGUs
11 shall furnish the Commission within one (1) month from adoption, with copies
12 of their action plans and all subsequent amendments, *modifications and*
13 revisions. LGUs shall mobilize and allocate necessary personnel, resources
14 and logistics to effectively implement their respective action plans.

15 The responsibility for naming a person that shall be tasked to formulate
16 the local action plan shall rest with the provincial, city and municipal chief
17 executive. Similarly, the local chief executive shall ensure that the local action
18 plan is adequately implemented.

19 SEC. 16. *Mainstreaming and Integrating Climate Change in Policy*
20 *Formulations.* – Cognizant of the need to ensure that national and sub-national
21 government policies, plans, programs and projects are founded upon sound
22 environmental considerations and the principle of sustainable development, the
23 State shall systematically integrate the concept of climate change in various
24 phases of policy formulation by all agencies and instrumentalities of the
25 government. The Commission shall, within a reasonable time from the
26 effectivity of this Act, *formulate and subsequently publish guidelines* for
27 identifying, appraising and addressing potential impacts of policies in order to
28 incorporate environmental safeguards to address climate change into the

1 development process. There shall be regular review of such guidelines and
2 conscious effort shall be made to integrate relevant new information and best
3 practices to achieve mainstreaming of climate change policies.

4 For purposes of this section, mainstreaming shall refer to the need to
5 bring adjustments to ecological, social or economic systems in response to
6 expected climate change impacts to ensure that food production is not
7 threatened and to enable economic development to proceed in a sustainable
8 manner.

9 *SEC. 17. Roles of Civil Society and the Corporate and Private Sectors.*

10 – In the development and implementation of the National Climate Change
11 Action Plan, the action plan of member agencies of the Commission and the
12 local action plans, the NGOs, civic organizations, academe, people’s
13 organizations, the private and corporate sectors and other concerned
14 stakeholder groups shall involve such activities as planning, community
15 organizing, research, technology transfer, information sharing, investment and
16 training programs.

17 *SEC. 18. Authority to Accept Grants, Contributions or Donations. –*

18 The Commission is authorized to accept grants, contributions, donations,
19 endowments, bequests, or gifts in cash, or in kind from various sources,
20 domestic or foreign, for purposes relevant to its functions: *Provided*, That in
21 case of donations from foreign governments, acceptance thereof shall be
22 subject to prior clearance and approval of the President of the Philippines upon
23 recommendation of the Secretary of Foreign Affairs: *Provided, further*, That
24 such donations shall not be used to fund personal services expenditures and
25 other operating expenses of the Commission.

26 Receipts from donations shall be accounted for in the books of the
27 Commission in accordance with pertinent accounting and auditing rules and
28 regulations. Such donations, whether in cash or in kind, shall be deemed

1 automatically appropriated for the purpose specified by the donor. The
2 receipts from cash donations and proceeds from sale of donation commodities
3 shall be remitted to the National Treasury, recorded as a Special Account in
4 the General Fund and shall be available to the Commission through a special
5 budget pursuant to Section 35, Chapter 5, Book VI of Executive Order No.
6 292: *Provided*, That donations for a specific purpose with a term not exceeding
7 one (1) year shall be treated as Trust Receipts.

8 SEC. 19. *Joint Congressional Oversight Committee.* – There is hereby
9 created a Joint Congressional Oversight Committee to monitor the
10 implementation of this Act and to ensure the mainstreaming of climate change
11 in policy formulations. The Committee shall be composed of five (5)
12 Members of the Senate and five (5) Members of the House of Representatives
13 to be appointed by the Senate President and the Speaker of the House of
14 Representatives, respectively. The Oversight Committee shall be co-chaired
15 by a Senator and a Representative to be designated by the Senate President and
16 the Speaker of the House of Representatives, respectively.

17 The Joint Congressional Oversight Committee shall function for a
18 period of not more than three (3) years. The secretariat of the Oversight
19 Committee shall be drawn from the existing secretariat personnel of the
20 Committees of the Senate and the House of Representatives. The funding for
21 its operations shall be taken from the existing budget of the concerned
22 committees.

23 SEC. 20. *Annual Report.* – The Commission shall submit to the
24 President and to Congress, not later than March 30 of every year following the
25 effectivity of this Act or upon the request of the Joint Congressional Oversight
26 Committee, a report giving a detailed account of the status of the
27 implementation of this Act, a progress report on the implementation of the
28 National Climate Change Action Plan and make necessary recommendations in

1 areas where there is need for legislative action. LGUs shall submit annual
2 progress reports on the implementation of their respective local action plan to
3 the Commission within the first quarter of the following year.

4 SEC. 21. *Administrative Sanctions.* – Local government officials,
5 officials of the Commission and government agencies concerned who fail to
6 comply with and enforce rules and regulations promulgated relative to this Act
7 shall be charged administratively in accordance with Republic Act No. 7160,
8 otherwise known as “The Local Government Code” and other existing laws,
9 rules and regulations.

10 SEC. 22. *Appropriations.* – The amount necessary for the initial
11 implementation of this Act shall be charged against the existing budget of the
12 Office of the Presidential Adviser on Global Warming and Climate Change
13 under the Office of the President in the Fiscal Year 2009 General
14 Appropriations Act (GAA). Thereafter, the amount necessary to effectively
15 carry out the provisions of this Act shall be included in the annual GAA.

16 SEC. 23. *Implementing Rules and Regulations (IRR).* – The
17 Commission shall, in consultation with government agencies, LGUs, private
18 sector, NGOs and civil society, promulgate the implementing rules and
19 regulations which shall be submitted to the Joint Congressional Oversight
20 Committee which shall review, revise and approve the same within sixty (60)
21 days after the Commission has been convened: *Provided*, That failure to issue
22 rules and regulations shall not, in any manner, affect the executory nature of
23 the provisions of this Act: *Provided, further*, That the Commission may
24 continue to issue separate regulations consistent with the IRR as approved by
25 the Joint Congressional Oversight Committee.

26 SEC. 24. *Transitory Provisions.* – Upon the organization of the
27 Commission, the Presidential Task Force on Climate Change and the Inter-
28 Agency Committee on Climate Change shall be abolished: *Provided*, That their

1 powers and functions shall be absorbed by the Commission: *Provided, further,*
2 That the officers and employees thereof shall continue in a holdover capacity
3 until such time as the new officers and employees of the Commission shall
4 have been duly appointed pursuant to the provisions of this Act.

5 All qualified regular or permanent employees who may be transferred to
6 the Commission shall not suffer any loss in seniority or rank or decrease in
7 emoluments. Any employee who cannot be absorbed by the Commission shall
8 be entitled to a separation pay under existing retirement laws.

9 SEC. 25. *Separability Clause.* – If for any reason any section or
10 provision of this Act is declared by the court as unconstitutional or invalid, the
11 other sections or provisions hereof shall not be affected thereby.

12 SEC. 26. *Repealing Clause.* – All laws, ordinances, rules and
13 regulations, and other issuances or parts thereof which are inconsistent with
14 this Act are hereby repealed or modified accordingly.

15 SEC. 27. *Effectivity.* – This Act shall take effect fifteen (15) days after
16 its complete publication in the *Official Gazette* or in at least two (2) national
17 newspapers of general circulation.

Approved,

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