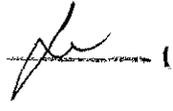


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SENATE

S. B. No. 2583

(In substitution of S. B. No. 1890, 2336, and 2388, and taking into consideration
P. S. R. Nos. 191, 201, 208 and 289)

Prepared by the Committees on Environment and Natural Resources; Local
Government; Ways and Means; and Finance; with Senators Legarda, Defensor
Santiago, Honasan II, Cayetano (P.), Aquino III, Escudero and Enrile as authors
thereof

AN ACT
MAINSTREAMING CLIMATE CHANGE INTO GOVERNMENT POLICY
FORMULATIONS, CREATING FOR THIS PURPOSE THE CLIMATE CHANGE
COMMISSION, AND FOR OTHER PURPOSES

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

1 **SECTION 1. Title.** - This Act shall be known as the "Climate Change Act of
2 2008".

3 **SEC. 2. Declaration of Policy.** - It is the policy of the State to afford full protection
4 and the advancement of the right of the people to a healthful ecology in accord with the
5 rhythm and harmony of nature. In this light, the State has adopted the Philippine
6 Agenda 21 framework which espouses sustainable development, to fulfill human needs
7 while maintaining the quality of the natural environment for current and future
8 generations.

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

11 Recognizing the potential dangerous consequences of climate change affecting
12 the biophysical, environmental and socio-economic aspects of our daily lives including
13 but not limited to rising seas, changing landscapes, increasing frequency and/or
14 severity of droughts, fires, floods and storms, climate-related illnesses and diseases,
15 damage to ecosystems, biodiversity loss; and the vulnerability of the Philippine
16 archipelago and its local communities, particularly the poor, to climate risks, the State
17 shall cooperate with the global community in the resolution of climate change issues. It
18 shall be the policy of the State to enjoin the participation of national and local
19 governments, businesses, non-government organizations, local communities and the
20 general public in the preparation, formulation and implementation of programs and
21 action plans to prevent and reduce the adverse impacts of climate change and, at the
22 same time, maximize the benefits of climate change. In view thereof, the State shall
23 strengthen, integrate, consolidate and institutionalize government initiatives to achieve
24 synergy in the implementation of plans and programs to address climate change in the
25 context of sustainable development.

26 Cognizant of the need to ensure that national and sub-national government
27 policies, plans, programs and projects are founded upon sound environmental
28 considerations and the principle of sustainable development, it is hereby declared the
29 policy of the State to systematically integrate the concept of climate change in various
30 phases of policy formulation, development plans, poverty reduction strategies and
31 other development tools and techniques by all agencies and instrumentalities of the
32 government.

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

- 3 a) *"Adaptation"* shall refer to the adjustment in natural or human systems in
4 response to actual or expected climatic stimuli or their effects, which moderates
5 harm or exploits beneficial opportunities;
- 6 b) *"Adaptive capacity"* shall refer to the ability of ecological, social or economic
7 systems to adjust to climate change including climate variability and extremes, to
8 moderate or offset potential damages and to take advantage of associated
9 opportunities with changes in climate or to cope with the consequences thereof;
- 10 c) *"Climate Change"* shall refer to a change in climate that can be identified by
11 changes in the mean and/or variability of its properties and that persists for an
12 extended period typically decades or longer, whether due to natural variability
13 or as a result of human activity;
- 14 d) *"Climate Variability"* shall refer to the variations in the average state and in other
15 statistics of the climate on all temporal and spatial scales beyond that of
16 individual weather events;
- 17 e) *"Climate Risk"* shall refer to the product of climate and related hazards working
18 over the vulnerability of human and natural ecosystems;
- 19 f) *"Global Warming"* shall refer to the increase in the average temperature of the
20 Earth's near-surface air and oceans that is associated with the increased
21 concentration of greenhouse gases in the atmosphere;
- 22 g) *"Greenhouse effect"* shall refer to the process by which the absorption of infrared
23 radiation by the atmosphere warms the Earth;
- 24 h) *"Greenhouse gases or GHG"* shall refer to constituents of the atmosphere that
25 contribute to the greenhouse effect including, but not limited to, carbon dioxide,
26 methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons and sulfur
27 hexafluoride;
- 28 i) *"Mainstreaming"* shall refer to the need to bring adjustments to ecological, social
29 or economic systems in response to expected climate change impacts to ensure
30 that food production is not threatened and to enable economic development to
31 proceed in a sustainable manner;

- 1 j) *"Mitigation"* in the context of climate change shall refer to a human intervention
2 to address anthropogenic emissions by sources and removals by sinks of all
3 greenhouse gases including ozone-depleting substances and their substitutes;
- 4 k) *"Sea level rise"* shall refer to an increase in sea level which may be influenced by
5 factors like global warming through expansion of sea water as the oceans warm
6 and melting of ice over land and local factors such as land subsidence; and
- 7 l) *"Vulnerability"* shall refer to the degree to which a system is susceptible to, or
8 unable to cope with, adverse effects of climate change, including climate
9 variability and extremes. Vulnerability is a function of the character, magnitude,
10 and rate of climate change and variation to which a system is exposed, its
11 sensitivity, and its adaptive capacity.

12 **SEC. 4. *Climate Change Commission.*** - To provide the mechanism for the
13 above-stated policy, the Climate Change Commission, hereinafter referred to as the
14 Commission, is hereby established under the Office of the President. Upon the
15 organization of the Commission, the Presidential Task Force on Climate Change and the
16 Inter-Agency Committee on Climate Change shall be abolished.

17 The Commission shall be the sole policy-making body of the government which
18 shall be tasked to coordinate, monitor and evaluate the programs and action plans of
19 the government relating to climate change pursuant to the provisions of this Act.

20 The Commission shall, within a reasonable time from the effectivity of this Act,
21 formulate and subsequently publish guidelines for identifying, appraising and
22 addressing potential impacts of policies in order to incorporate environmental
23 safeguards to address climate change into the development process. There shall be a
24 regular review of such guidelines considering relevant information and best practices in
25 order to ensure that mainstreaming becomes a policy and planning tool.

26 **SEC. 5. *Composition of the Commission.*** - The President of the Republic of the
27 Philippines shall serve as the Chairperson of the Commission. The President shall
28 appoint a Commissioner and two (2) Deputy Commissioners who shall have the rank
29 and privileges of a Department Secretary and Undersecretary, respectively.

30 The Commission shall be composed of the following members, in their *ex officio*
31 capacity: the Secretaries of the Department of Agriculture, Department of Energy,

1 Department of Environment and Natural Resources, Department of the Interior and
2 Local Government, Department of Science and Technology, the Director-General of the
3 National Economic and Development Authority in his capacity as Chair of the
4 Philippine Council for Sustainable Development, Department of National Defense in his
5 capacity as Chair of the National Disaster Coordinating Council, the Presidents of the
6 League of Provinces, League of Cities, League of Municipalities and the Liga ng mga
7 Barangay. There shall be a representative each from the academe, the business sector,
8 non-government organizations and civil society. Representatives from the other sectors
9 shall be appointed by the President from a list of nominees submitted by their
10 respective groups within thirty (30) days from the submission of the list. They shall
11 serve for a term of three (3) years without re-appointment. Appointment to any vacancy
12 shall be only for the unexpired term of the predecessor.

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

16 **SEC. 6. *Qualifications, Tenure, Compensation of Commissioners.*** - The
17 Commissioner and the Deputy Commissioners must be Filipino citizens, residents of
18 the Philippines, at least thirty-five (35) years of age at the time of appointment, with at
19 least (10) years of relevant experience and must be of proven honesty and integrity;
20 *Provided, That at least one Commissioner shall be female; Provided, further, That in no*
21 *case shall the Commissioners come from the same sector; Provided, finally, That in no*
22 *case shall any and all of the Commissioners appoint representatives to act on their*
23 *behalf.*

24 **SEC. 7. *Powers and Functions of the Commission.*** - The Commission shall have
25 the following powers and functions:

- 26 a. Ensure the mainstreaming of climate change into the national, sectoral and local
27 development plans and programs;
- 28 b. Formulate a Framework Program on Climate Change to serve as the basis for
29 climate change planning, research and development, extension, and monitoring
30 of activities on climate change;

- 1 c. Create an enabling environment for the design of relevant and appropriate risk-
2 sharing and risk-transfer instruments;
- 3 d. Formulate guidelines for determining vulnerability to climate change impacts
4 and adaptation assessments and facilitate the provision of technical assistance for
5 their implementation and monitoring;
- 6 e. Coordinate with local government units and private entities to address
7 vulnerability to climate change impacts;
- 8 f. Facilitate capacity building of local communities in relation to local adaptation
9 planning, implementation and monitoring of climate initiatives in vulnerable
10 communities and areas;
- 11 g. Recommend legislation, policies, programs on and appropriations for climate
12 change adaptation, mitigation and other related activities;
- 13 h. Review international agreements related to climate change and make the
14 necessary recommendation for ratification and compliance by the government on
15 matters pertaining thereto;
- 16 i. Support scientific researches and other similar projects relevant to the
17 formulation and development of programs geared towards adaptation and risk
18 mitigation by local communities; and
- 19 j. Disseminate information on climate change, local vulnerabilities and risk,
20 relevant laws and protocols and adaptation and mitigation measures.

21 **SEC 8. *Offices within the Commission.*** - To effectively implement the provisions
22 of this Act, the Commission shall have the following offices:

- 23 a.) The Secretariat
- 24 b.) Public Information, Training and Communications Office
- 25 c.) Mainstreaming, Coordinating and Monitoring Office
- 26 d.) Research and Development Office
- 27 e.) Policy, Legal and International Affairs Office

28 The Policy, Legal and International Affairs Office shall be headed by the
29 Commissioner. The Secretariat, and Public Information, Training and Communications
30 Office shall be headed by one Deputy Commissioner. The Offices of Mainstreaming,
31 Coordinating and Monitoring, and Research and Development shall be headed by the
32 other Deputy Commissioner.

1 The Commission shall have the authority to create other offices and sub-offices,
2 including regional or local offices, as it may deem necessary to facilitate the proper
3 implementation of this Act subject to Civil Service rules and regulations and to
4 availability of funds.

5 **SEC. 9. *Panel of Technical Advisers.*** - The Commission shall constitute a national
6 panel of technical advisers consisting of practitioners in areas that are related to climate
7 change.

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

13 It shall provide resources for the operations and activities of the national
14 advisory panel to facilitate information gathering, sharing, assessment, planning, and
15 decision-making to prepare vulnerable communities for the management of risks
16 brought about by climate change.

17 **SEC 10. *Appointment of Staff and Employees of the Commission*** - The staff,
18 officers and employees of the Commission shall be appointed by the Commissioner in
19 accordance with Civil Service rules and regulations.

20 **SEC. 11. *Framework Program on Climate Change.*** - The Commission shall,
21 within six (6) months from the effectivity of this Act, formulate a Framework Program
22 on Climate Change to serve as the basis for climate change planning, research and
23 development, extension, and monitoring of activities to protect vulnerable communities
24 from damage to lives, property and the environment due to adverse climate change
25 impacts and to maximize beneficial effects thereof.

26 The Framework Program shall be formulated in accordance with the
27 commitments of the State under international agreements to which it is a party as well
28 as specific adaptation needs and climate change vulnerabilities of the State; Provided,
29 that, the Framework Program shall be reviewed every three (3) years, or as may be
30 deemed necessary, in order to ensure relevance to the times.

1 **SEC. 12. *Components of the Framework Program on Climate Change.*** – The
2 Framework Program on Climate Change shall have the following components:

- 3 a) Policy formulation;
- 4 b) Compliance with international commitments;
- 5 c) Research and development;
- 6 d) Database development and management, in the context of geographic
7 information system;
- 8 e) Capacity building/Mainstreaming; and
- 9 f) Advocacy and Training.

10 **SEC. 13. *National Climate Change Action Plan*** – The Commission, together with
11 concerned agencies and local government units, shall, with public participation,
12 formulate and fully implement a National Climate Change Action Plan in accordance
13 with the United Nations Framework Convention on Climate Change, other
14 international agreements, conventions and protocols on climate change and the
15 Framework Program formulated pursuant to this Act within one year after the
16 formulation of the latter.

17 The National Climate Change Action Plan shall fulfill the following objectives,
18 among others:

- 19 a) The identification of the most vulnerable communities/areas, including
20 ecosystems to the impacts of climate change, variability and extremes;
- 21 b) The assessment and management of risk and vulnerability; and
- 22 c) The identification of options, prioritization, selection and implementation
23 of appropriate responses for adoption as joint undertaking by both the national
24 and local governments.

25 The following activities shall be undertaken in support of the implementation of
26 the National Climate Change Action Plan and the local action plans:

27 i. Education in Climate Change

28 The Department of Education shall integrate climate change into the primary and
29 secondary education curricula and/or subjects, such as, but not limited to, Science,
30 Biology, Sibika, History, including textbooks, primers and other educational materials,
31 basic climate change principles and concepts.

32 ii. Training Program for LGUs in Climate Change

1 The Commission, with the DILG and the Local Government Academy, and
2 building upon existing local climate change expertise and experiences, shall facilitate
3 the development and provision of a training program for LGUs in climate change. The
4 program shall include socio-economic, geophysical, policy, and other content necessary
5 to address the prevailing and forecasted conditions and risks of particular LGUs.

6 iii. Climate Change Information Management System

7 The DENR shall oversee the establishment and maintenance of a climate change
8 information management system and network, in collaboration with other concerned
9 national government agencies, institutions and LGUs.

10 **SEC. 14. Local Climate Change Action Plan --** Consistent with the pertinent
11 provisions of the Local Government Code, the Framework Program on Climate Change,
12 and the National Climate Change Action Plan, local government units shall act as the
13 frontline agencies in the formulation, planning and implementation of climate change
14 action plans in their respective areas. Local government units shall, upon consultation
15 with relevant stakeholders, develop and implement local action plans on climate change
16 at the provincial, city and municipal levels.

17 Barangays shall be directly involved with municipal and city governments in
18 prioritizing climate change issues and in identifying and implementing best practices
19 and other solutions. Municipal and city governments shall consider climate change
20 adaptation as one of their regular functions. Provincial governments shall provide
21 technical assistance, enforcement and information management in support of municipal
22 and city climate change action plans. Inter-local government unit collaboration shall be
23 maximized in the conduct of climate-related activities.

24 LGUs shall regularly update their respective action plans to reflect changing
25 social, economic, and environmental conditions and emerging issues. LGUs shall
26 furnish the Commission within one month from adoption, with copies of their action
27 plans and all subsequent amendments, modifications and revisions. LGUs shall
28 mobilize and allocate necessary personnel, resources and logistics to effectively
29 implement their respective action plans.

30 **SEC. 15. Roles of the Civil Society and the Corporate and Private Sectors.** - In
31 the development and implementation of the National Climate Change Action Plan, and
32 the local action plans, the NGOs, civic organizations, academe, people's organizations,

1 the private and corporate sectors and other concerned stakeholder groups shall be
2 engaged in activities such as planning, community organizing, research, technology
3 transfer, information sharing, investment and training programs.

4 **SEC. 16. Authority to Receive Donations and/or Grants.** - In accordance with
5 relevant laws, the Commission shall be authorized to receive donations from local and
6 international sources in support of the development and implementation of climate
7 change programs and plans. Proceeds from such donations shall be used to finance:

- 8 a. Research, development, demonstration and promotion of technologies;
- 9 b. Conduct of assessment of vulnerabilities to climate change impacts, resource
10 inventory, and adaptation capability building ;
- 11 c. Advocacy, networking and communication activities in the conduct of
12 information campaign; and
- 13 d. Conduct of such other activities reasonably necessary to carry out the
14 objectives of this Act, as may be defined by the Commission.

15 **SEC. 17. Other Funding Options for Local Action Plans of Local Government**
16 **Units and Government-Owned and Controlled Corporations.** - Consistent with their
17 respective charters, government-owned and controlled corporations, and other relevant
18 financial institutions is hereby encouraged to identify loan and financing mechanisms
19 that will be made available to support local climate change plans, including, but not
20 limited to, alternative livelihood projects for small-scale farmers and fishermen.

21 Subject to existing laws, local government units may raise revenues and secure
22 funds to implement their local climate change adaptation plans through!

- 23 1. Enactment of local tax ordinances;
- 24 2. Allocation of funds from the Internal Revenue Allotment, subject to the
25 approval of their legislative councils;
- 26 3. Utilization of shares in the development of national wealth;
- 27 4. Loans, grants and donations as may be applicable;
- 28 5. Privatization of local government-owned enterprises and/or properties;

1 6. Adoption, where appropriate, of user fee schemes for environmental and other
2 services related to their climate change action plan; and

3 7. Other means as may be allowed under relevant laws.

4 **SEC. 18. *Funding Allocation for Climate Change.***- All relevant government
5 agencies and local government units shall allocate from their annual appropriations
6 adequate funds for the formulation, development and implementation, including
7 training, capacity building and direct intervention, of their respective climate change
8 programs and plans. In subsequent budget proposals, the concerned offices and units
9 shall appropriate funds for program/project development and implementation
10 including continuing training and education in climate change.

11 **SEC 19. *Joint Congressional Oversight Committee.*** - There is hereby created a
12 Joint Congressional Oversight Committee to monitor the implementation of this Act.
13 The Oversight Committee shall be composed of five (5) Senators and five (5)
14 Representatives to be appointed by the Senate President and the Speaker of the House
15 of Representatives, respectively. The Oversight Committee shall be co-chaired by a
16 Senator and a Representative to be designated by the Senate President and the Speaker
17 of the House of Representatives, respectively. Its funding requirement shall be
18 charged against the appropriations of Congress.

19 **SEC. 20. *Annual Report.*** - The Commission shall submit to the President and to
20 both Houses of Congress, not later than March 30 of every year following the effectivity
21 of this Act, or upon the request of the Congressional Oversight Committee, a report
22 giving a detailed account of the status of the implementation of this Act, a progress
23 report on the implementation of the National Climate Change Action Plan and
24 recommend legislation, where applicable and necessary. Local government units shall
25 submit annual progress reports on the implementation of their respective local action
26 plan to the Commission within the first quarter of the following year.

27 **SEC. 21. *Membership in the National Security Council.***- The Commissioner
28 shall automatically be a member of the National Security Council and shall report
29 directly to the President of the Philippines regarding sensitive information on climate
30 change.

1 **SEC. 22. Appropriations.-** There is hereby authorized to be appropriated the
2 amount of Fifty Million Pesos (50,000,000.00) for the Commission for the initial
3 implementation of this Act. Thereafter, such sums as shall be necessary for the
4 operation and maintenance of the Commission shall be included in the annual General
5 Appropriations Act.

6 **SEC. 23. Implementing Rules and Regulations.** – Within sixty (60) days after the
7 approval of this Act, the Commission shall, upon consultation with government
8 agencies, local government units, private sector, NGOs and civil society, promulgate the
9 implementing rules and regulations which shall be submitted to the Joint Congressional
10 Oversight Committee which shall review, revise and approve the same; Provided, That
11 failure to issue rules and regulations shall not in any manner affect the executory nature
12 of the provisions of this Act; Provided, further, That the Commission may continue to
13 issue separate regulations consistent with the IRR as approved by the Joint
14 Congressional Oversight Committee.

15 **SEC. 24. Separability Clause.-** If for any reason any section or provision of this
16 Act is declared as unconstitutional or invalid, the other sections or provisions thereof
17 shall not be affected thereby.

18 **SEC. 25. Repealing Clause.-** All laws, ordinances, rules and regulations, and
19 other issuances or parts thereof which are inconsistent with this Act, are hereby
20 repealed or modified accordingly.

21 **SEC. 26. Effectivity.-** This Act shall take effect upon its complete publication in
22 the Official Gazette or in at least two (2) national newspapers of general circulation.

Approved,