Appendix XI:

CLIMATE CHANGE ACT

AN ACT MAINSTREAMING CLIMATE CHANGE INTO GOVERNMENT POLICY FORMULATIONS, ESTABLISHING THE FRAMEWORK STRATEGY AND PROGRAM ON CLIMATE CHANGE, CREATING FOR THIS PURPOSE THE CLIMATE CHANGE COMMISSION, AND FOR OTHER PURPOSES

Be it enacted by the Congress assembled:

SECTION 1. *Title.* – This Act shall be known as the "Climate Change Act of 2011".

SEC . 2. *Declaration of Policy.* – It is the policy of the State to afford full protection and advancement of people's right to a healthful ecology in accord with the rhythm and harmony of nature. In this light, the State has adopted the Agenda 21 framework, which espouses sustainable development, to fulfil human needs while maintaining the quality of the natural environment for present and future generations.

Toward this end, the State adopts the principle of protecting the climate system for the benefit of humankind, on the basis of climate justice or common but differentiated responsibilities and the Precautionary Principle to guide decision-making in climate-risk management.

As a party to the United Nations Framework Convention on Climate Change, the State adopts the ultimate objective of the Convention, which is to stabilize greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system. This objective should be achieved within a time frame sufficient to allow ecosystems to adapt naturally to climate change, to ensure that food production is not threatened and to enable economic development to proceed in a sustainable manner. As a party to the Hyogo Framework for Action, the State likewise adopts its strategic goals to build national and local resilience to climate change-related disasters.

Recognizing the vulnerability and its local communities, particularly the poor, women and children to the potentially dangerous consequences of climate change—such as rising seas, changing landscapes, increasing frequency and/or severity of droughts, fires, floods and storms, climate-related illnesses and diseases, damage to ecosystems and the loss of biodiversity that affects the country's environment, culture and economy—the State shall cooperate with the global community in resolving climate change issues, including disaster-risk reduction.

It shall be State policy to enjoin the participation of national and local governments, businesses, non-government organizations, local communities and the public to prevent and reduce the adverse impacts of climate change, while maximizing the benefits of climate change.

It shall also be State policy to incorporate a gender-sensitive, pro-children and pro-poor perspective in all its plans and programs relating to climate change and renewable energy. The State shall coordinate all these plans and programs to deal with climate change in the context of sustainable development.

Recognizing that climate change and disaster risk- reduction are closely interrelated—effective disaster- risk reduction will enhance the country's adaptive capacity to climate change—the State shall integrate disaster risk-reduction into climate change programs and initiatives.

Acutely aware of the country's need to ensure that national and sub-national government policies, plans, programs and projects are founded on sound environmental considerations and the principle of sustainable development, it is hereby declared State policy to integrate systematically the concept of climate change in various phases of policy formulation, development plans, poverty reduction strategies and other development tools and techniques by all agencies and instrumentalities of government.

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

(a) "*Adaptation*" refers to any adjustment in natural or human systems in response to actual or expected climatic stimuli or their effects that moderates their harm or exploits beneficial opportunities they offer.

(b) "*Adaptive capacity*" refers to the ability of ecological, social or economic systems to adjust to climate change—including climate variability and temperature extremes—to moderate or offset their potential effects, to take advantage of associated opportunities and to cope with their consequences.

(c) "*Anthropogenic causes*" refer to causes resulting from human activities or produced by human beings.

(d) "*Climate Change*" refers to any change in the climate that can be identified by changes in the mean and/or variability of its properties, and that persists for an extended period—typically decades or longer—whether due to natural variability or as a result of human activity.

(e) "*Climate Variability*" refers to variations in the average state and in other statistics of the climate on all temporal and spatial scales beyond that of individual weather events.

(f) "*Climate Risk*" refers to the product of climate and related hazards working on vulnerable human and natural ecosystems.

(g) "*Disaster*" refers to a serious disruption in the functioning of a community or a society, involving widespread human, material, economic or environmental losses and impacts that exceed the ability of the affected community or society to cope, drawing entirely on its own resources.

(h) "*Disaster risk reduction*" refers to the concept and practice of reducing disaster risks through systematic efforts to analyze and manage the causal factors of disasters, including through reduced exposure to hazards, lessened vulnerability of people and property, intelligent management of land and the environment, and improved preparedness for adverse events.

(i) "*Gender mainstreaming*" refers to the strategy of making women's as well as men's concerns and experiences an integral dimension of the design, implementation, monitoring, and evaluation of policies and programs in all political, economic, and societal spheres. The object is to ensure that women and men benefit equally and inequality is not perpetuated. It is also the process of assessing the implications for women and men of any planned action, including legislation, policies, or programs in all areas and at all levels.

(j) "*Global Warming*" refers to the increase in the average temperature of the Earth's near-surface air and oceans that is associated with higher concentrations of greenhouse gases in the atmosphere.

(k) "*Greenhouse effect*" refers to the process by which the absorption of infrared radiation by the atmosphere warms the Earth.

(l) "*Greenhouse gases*" (GHG) refer to constituents of the atmosphere that contribute to the greenhouse effect. These gases include, but are not limited to, carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons and sulfur hexafluoride.

(m) "*Mainstreaming*" refers to the integration of policies and measures that deal with climate change in development planning and decision-making at the level of specific sectors of national society.

(n) "*Mitigation,*" in the context of climate change, refers to human intervention to address anthropogenic emissions by sources and removals by sinks of all GHG, including ozone-depleting substances and their substitutes.

(o) "*Mitigation potential*" refers to the scale of GHG reductions that could be made, relative to emission baselines, at a given level of carbon price (expressed in cost per unit of carbon dioxide equivalent of emissions avoided or reduced).

(p) "*Sea-level rise*" refers to an increase in the sea level that may be influenced by global factors such as the melting of polar ice, or by local factors such as land subsidence.

(q) "*Vulnerability*" refers to the degree in which a system is susceptible to, or unable to cope with, the adverse effects of climate change, including climate variability and extremes. Vulnerability is a function of the character, magnitude and rate of climate change and variation to which an ecological system is exposed, given its sensitivity and its adaptive capacity.

CLIMATE CHANGE COMMISSION

SEC . 4. *Creation of the Climate Change Commission.* – There is hereby established a Climate Change Commission, hereinafter referred to as the Commission.

The Commission shall be an independent and autonomous body and shall have the same status as a national government agency. It shall be attached to the Office of the President.

The Commission shall be the sole policy-making body tasked with coordinating, monitoring and evaluating government programs and action plans relating to climate change pursuant to the provisions of this Act.

The Commission shall be organized within sixty (60) days from the effectivity of this Act.

SEC . 5. *Composition of the Commission.* – The Commission shall be composed of the President of the Republic, who shall serve as Chairperson, and three (3) Commissioners to be appointed by the President, one of whom shall serve as Vice Chairperson of the Commission.

The Commission shall have an advisory board made up of the highest public officers charged with aspects of public policy touching on the environment. The Commission will also include the representatives of civil-society groupings whose advocacies are ci environment protection.

At least one (1) of the sectoral representatives shall come from the disaster risk-reduction community.

The representatives shall be appointed by the President from a list of nominees submitted by their respective groups. Unless their representation is withdrawn by the sector they represent, they shall serve for a term of six (6) years without reappointment. Appointment to any vacancy shall be only for the unexpired term of the predecessor.

Only the ex officio members of the advisory board shall appoint a qualified representative who shall hold a rank of no less than an Undersecretary.

SEC . 6. *Meetings of the Commission.* – The Commission shall meet once every three (3) months, or as often as may be deemed necessary by the Chairperson. The Chairperson may likewise call upon other government agencies for the proper implementation of this Act.

SEC . 7. *Qualifications, Tenure, Compensation of Commissioners.* – The Commissioners must be citizens resident in the country, at least thirty (30) years of age at the time of appointment, with at least ten (10) years of experience on climate change and of proven honesty and integrity. The Commissioners shall be experts in climate change by virtue of their educational background, training and experience: *Provided*, That at least one (1) Commissioner shall be female: *Provided, further*, That in no case shall the Commissioners come from the same sector: *Provided, finally*, That in no case shall any of the Commissioners appoint representatives to act on their behalf.

The Commissioners shall hold office for a period of six (6) years, and may be subject to reappointment: *Provided*, That no person shall serve for more than two (2) consecutive terms: *Provided, further*, That in case of a vacancy, the new appointee shall fully meet the qualifications of a Commissioner and shall hold office for the unexpired portion of the term only: *Provided, finally*, That in no case shall a Commissioner be designated in a temporary or acting capacity.

The Vice Chairperson and the Commissioners shall have the rank and privileges of a Department Secretary and Undersecretary, respectively. They shall be entitled to corresponding compensation and other emoluments and shall be subject to the same disqualifications.

SEC . 8. *Climate Change Office.* – There is hereby created a Climate Change Office that shall assist the Commission. It shall be headed by a Vice Chairperson of the Commission who shall act as the Executive Director of the Office. The Commission shall have the authority to determine the number of staff and create corresponding positions necessary to facilitate the proper implementation of this Act, subject to civil service laws, rules and regulations. The officers and employees of the Commission shall be appointed by the Executive Director.

SEC . 9. *Powers and Functions of the Commission.* – The Commission shall have the following powers and functions:

(a) Ensure the mainstreaming of climate change, in synergy with disaster risk reduction, into national, sectoral and local development plans and programs;

(b) Coordinate and synchronize climate-change programs of national government agencies;

(c) Formulate a Framework Strategy on Climate Change to serve as the basis of a program for climate-change planning, research and development, extension, and monitoring of activities on climate change;

(d) Exercise policy coordination to ensure the attainment of goals set in the framework strategy and program on climate change;

(e) Recommend legislation, policies, strategies, programs on and appropriations for climate change adaptation and mitigation and other related activities;

(f) Recommend key development investments in climate-sensitive sectors such as water resources, agriculture, forestry, coastal and marine resources, health, and infrastructure to ensure the achievement of national sustainable development goals;

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

(h) Create an enabling environment that shall promote broader multi-stakeholder participation and integrate climate change mitigation and adaptation;

(i) Formulate strategies on mitigating GHG and other anthropogenic causes of climate change;

(j) Coordinate and establish a close partnership with the National Disaster Coordinating Council to increase efficiency and effectiveness in reducing the people's vulnerability to climate-related disasters;

(k) In coordination with the Department of Foreign Affairs, represent the country in the global climate change negotiations;

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

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

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

(o) Promote and provide technical and financial support to local research and development programs and projects in vulnerable communities and areas; and

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

SEC . 10. *Panel of Technical Experts.* – The Commission shall constitute a national panel of technical experts consisting of practitioners in disciplines related to climate change, including disaster risk reduction.

The Panel shall provide technical advice to the Commission in climate science, technologies and best practices for risk assessment and enhancement of adaptive capacity of vulnerable human settlements to potential impacts of climate change.

The Commission shall set the qualifications and compensation for the technical experts. It shall provide resources for the operations and activities of the Panel.

SEC . 11. *Framework Strategy and Program on Climate Change.* – The Commission shall, within six (6) months from the effectivity of this Act, formulate a Framework Strategy on Climate Change. The Framework shall serve as basis of a program for climate change planning, research and development, extension, and monitoring of activities to protect vulnerable communities from the adverse effects of climate change.

The Framework shall be formulated based on climate change vulnerabilities, specific adaptation needs, and mitigation potential, and in accordance with international agreements.

The Framework shall be reviewed every three (3) years, or as frequently may be deemed necessary.

SEC . 12. *Components of the Framework Strategy and Program on Climate Change.* – The Framework shall include, but will not be limited to, the following components:

(a) National priorities;

(b) Impact, vulnerability and adaptation assessments;

(c) Policy formulation;

(d) Compliance with international commitments;

(e) Research and development;

(f) Database development and management;

(g) Academic programs, capability building and mainstreaming;

(h) Advocacy and information dissemination;

(i) Monitoring and evaluation; and

(j) Gender mainstreaming.

SEC . 13. *National Climate Change Action Plan.* – The Commission shall formulate a National Climate Change Action Plan in accordance with the Framework within one (1) year after the formulation of the latter.

The National Climate Change Action Plan shall include, but shall not be limited to, the following components:

(a) Assessment of the national impact of climate change;

(b) Identification of the most vulnerable communities/areas, including ecosystems to the impacts of climate change, variability and extremes;

(c) Identification of differential impacts of climate change on men, women and children;

(d) Assessment and management of risk and vulnerability;

(e) Identification of GHG mitigation potentials; and

(f) Identification of options, prioritization of appropriate adaptation measures for joint projects of national and local governments.

SEC . 14. *Local Climate Change Action Plan.* – Local Government Units (LGUs) shall be the frontline agencies in formulating, planning and implementing climate

change action plans in their respective areas, consistent with the provisions of the Local Government Code, the Framework Plan, and the National Climate Change Action Plan.

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

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

The local chief executive shall appoint the person responsible for the formulation and implementation of the local action plan.

It shall be the responsibility of the national government to extend technical and financial assistance to LGUs for the accomplishment of their Local Climate Change Action Plans.

The LGU is hereby expressly authorized to appropriate and use the amount from its Internal Revenue Allotment necessary to implement said local plan effectively, any provision in the Local Government Code to the contrary notwithstanding.

SEC . 15. *Role of Government Agencies.* – To ensure the effective implementation of the framework strategy and program on climate change, concerned agencies shall perform the following functions:

(a) The Department of Education shall integrate climate change into the primary and secondary education curricula and/or subjects, such as, but not limited to, science, biology, civics, history, including textbooks, primers and other educational materials, basic climate change principles and concepts;

(b) The Department of the Interior and Local Government and the Local Government Academy shall facilitate the development and provision of a training program for LGUs in climate change. The training program shall include socioeconomic, geophysical, policy, and other content necessary to address the prevailing and forecasted conditions and risks of particular LGUs. It shall likewise focus on women and children, especially in the rural areas, since they are the most vulnerable;

(c) The Department of Environment and Natural Resources shall oversee the establishment and maintenance of a climate change information management system and network, including on climate change risks, activities and investments, in

collaboration with other concerned national government agencies, institutions and LGUs;

(d) The Department of Foreign Affairs shall review international agreements relating to climate change and recommend ratification and compliance by the government on matters pertaining thereto;

(e) The Philippine Information Agency shall disseminate information on climate change, local vulnerabilities and risk, relevant laws and protocols and adaptation and mitigation measures; and

(f) Government financial institutions, shall, any provision in their respective charters to the contrary notwithstanding, provide preferential financial packages for climate change- related projects. In consultation with the Central Bank, they shall, within thirty (30) days from the effectivity of this Act, issue and promulgate the implementing guidelines therefor.

The Commission shall evaluate and recommend the approval of loans and monitor the use of said funds of LGUs.

SEC . 16. *Coordination with Various Sectors.* – In developing and carrying out the National Climate Change Action Plan, and the local action plans, the Commission shall coordinate with non-government organizations, civic organizations, academe, people's organizations, the private and corporate sectors and other concerned stakeholder groups.

SEC . 17. *Authority to Receive Donations and/or Grants*. – The Commission is hereby authorized to accept grants, contributions, donations, endowments, bequests, or gifts in cash, or in kind from local and foreign sources in support of the development and implementation of climate change programs and plans: Provided, That in case of donations from foreign governments, acceptance thereof shall be subject to prior clearance and approval of the President of the Philippines upon recommendation of the Secretary of Foreign Affairs: Provided, further, That such donations shall not be used to fund personal services expenditures and other operating expenses of the Commission.

The proceeds shall be used to finance:

(a) Research, development, demonstration and promotion of technologies;

(b) Conduct of assessment of vulnerabilities to climate change impacts, resource inventory, and adaptation capability building;

(c) Advocacy, networking and communication activities in the conduct of information campaign; and

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

SEC. 18. *Funding Allocation for Climate Change.* – All relevant government agencies and LGUs shall allocate from their annual appropriations adequate funds for formulating, developing and implementing their respective climate change programs and plans.

These will include training, capacity building and direct intervention, as well as public awareness campaigns on the effects of climate change and energy-saving solutions to mitigate these effects. In subsequent budget proposals, the concerned offices and units shall appropriate funds for program/project development and implementation, including continuing training and education in climate change.

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

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

SEC . 21. *Appropriations.* – The sum of Fifty million pesos (Php 50,000,000.00) is hereby appropriated as initial operating fund in addition to the unused fund of the Presidential Task Force on Climate Change and the Office of the Presidential Adviser on Global Warming and Climate Change. The sum shall be sourced from the President's contingent fund.

Thereafter, the amount necessary to carry out effectively the provisions of this Act shall be included in the annual General Appropriations Act.

SEC . 22. *Implementing Rules and Regulations*. – Within ninety (90) days after the approval of this Act, the Commission shall, in consultation with government agencies, LGUs, private sector, NGOs and civil society, promulgate the implementing rules and regulations of this Act: *Provided*, That failure to issue rules and regulations shall not in any manner affect the executory nature of the provisions of this Act.

SEC . 23. *Transitory Provisions.* – Upon the organization of the Commission, the Presidential Task Force on Climate Change created under Administrative Order No. 171 and the Inter-Agency Committee on Climate Change created by virtue of Administrative Order No. 220, shall be abolished: *Provided,* That their powers and functions shall be absorbed by the Commission: *Provided, further,* That the officers and employees thereof shall continue in a holdover capacity until such time as the

new officers and employees of the Commission shall have been duly appointed pursuant to the provisions of this Act. All qualified regular or permanent employees who may be transferred to the Commission shall not suffer any loss in seniority or rank or decrease in emoluments. Any employee who cannot be absorbed by the Commission shall be entitled to a separation pay under existing retirement laws.

SEC. 24. *Separability Clause.* – If for any reason any section or provision of this Act is declared unconstitutional or invalid, the other sections or provisions hereof shall not be affected thereby.

SEC . 25. *Repealing Clause*. – All laws, ordinances, rules and regulations, and other issuances or parts thereof that are inconsistent with this Act are hereby repealed or modified accordingly.

SEC . 26. *Effectivity.* – This Act shall take effect fifteen (15) days after the completion of its publication in the Official Gazette or in at least two (2) national newspapers of general circulation.