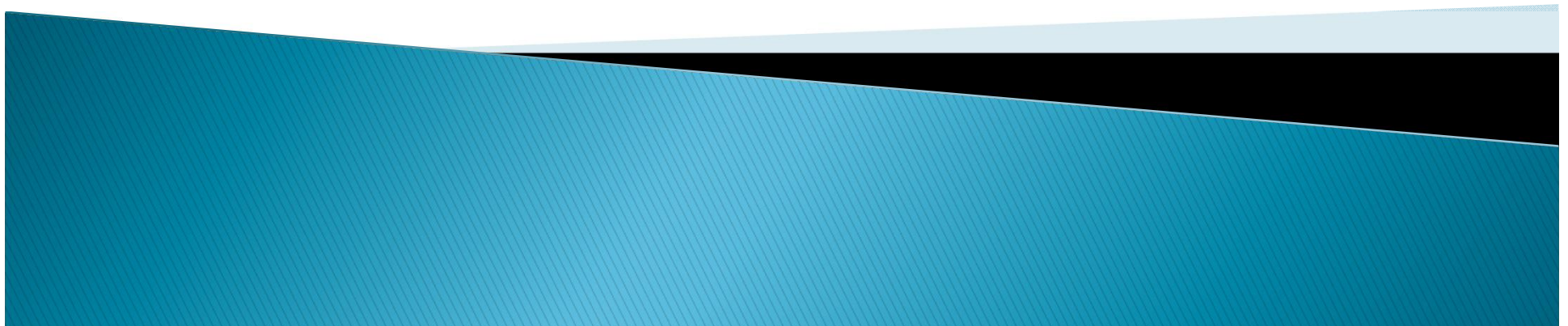


Climate Change and Legislation

A Philippine Experience



Philippine Legislation on Climate Change

- ▶ Republic Act No. 9729: Climate Change Act of 2009
- ▶ Philippine Disaster Risk Reduction and Management Act of 2010,
- ▶ Senate Bill No. 2811



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Republic Act No. 9729: Climate Change Act of 2009

- 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



Republic Act No. 9729: Climate Change Act of 2009

- ▶ The Climate Change Act created the Climate Change Commission under the Office of the President.
- ▶ The commission, headed by the President, is in charge of programs to cut down carbon emissions and lessen the impact of climate change.
- ▶ The Climate Change Commission is assisted by an advisory board of government officials, academics, businessmen, and non-government organizations.



Philippine Disaster Risk Reduction and Management Act of 2010

- ▶ The Philippine Disaster Risk Reduction and Management Act of 2010 mandated a nationwide disaster-risk reduction and management policy that goes down to the barangay level.
- ▶ The law created the National Disaster Risk Reduction and Management Council (NDRMC), an agency tasked with crafting and implementing disaster-risk reduction policies.
- ▶ These policies are implemented by local disaster-risk reduction and management councils.
- ▶ The NDRMC also coordinates relief, recovery, and reconstruction operations.



Senate Bill 2811

An Act Establishing The People's Survival Fund To Provide Long Term Finance Streams To Enable The Government To Effectively Address The Problem Of Climate Change, Amending For The Purpose Republic Act No. 9729, Otherwise Known as "The Climate Change Act of 2009", And For Other Purposes.



Declaration of Policy

- ▶ *Declaration of Policy.* – It is the policy of the State to afford full protection and the advancement of the right of the people to a healthful ecology in accord with the rhythm and harmony of nature. In this light, the State has adopted the Philippine Agenda 21 framework which espouses sustainable development, to fulfill human needs while maintaining the quality of the natural environment for current and future generations.
- ▶ “Towards 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 (UNFCCC), the State adopts the ultimate objective of the Convention which is the stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system which 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 the strategic goals in order to build national and local resilience to climate change-related disasters.



- ▶ “Recognizing the vulnerability of the Philippine archipelago and its local communities, particularly the poor, women, and children, to potential dangerous consequences of climate change AND GLOBAL WARMING such as INCREASING TEMPERATURES, rising seas, changing landscapes, increasing frequency and/or severity of droughts, fires, floods and storms, climate-related illnesses and diseases, damage to ecosystems, biodiversity loss that affect the country’s environment, culture, and economy, the State shall cooperate with the global community in the resolution of climate change issues, including disaster risk reduction. It shall be the policy of the State to enjoin the participation of national and local governments, businesses, nongovernment organizations, local communities and the public to prevent and reduce the adverse impacts of climate change and, at the same time, maximize the POTENTIAL benefits of climate change. **It shall also be the policy of the State to incorporate a gender-sensitive,** pro-children and pro-poor perspective in all climate change and renewable energy efforts, plans and programs. In view thereof, the State shall strengthen, integrate, consolidate and institutionalize government initiatives to achieve coordination in the implementation of plans and programs to address climate change in the context of sustainable development.



- ▶ “Further recognizing that climate change and disaster risk reduction AND MANAGEMENT are closely interrelated and effective disaster risk reduction AND MANAGEMENT will enhance [climate change] adaptive capacity TO CLIMATE CHANGE, CLIMATE VARIABILITY AND EXTREME CLIMATE EVENTS, the State shall integrate disaster risk reduction into climate change programs and initiatives.
- ▶ “Cognizant of the need to ensure that national and sub-national government policies, plans, programs and projects are founded upon sound environmental considerations and the principle of sustainable development, it is hereby declared the policy of the State to systematically integrate 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 the government.”



Republic Act No. 9729: Climate Change Act of 2009

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 that of a national government agency. It shall be attached to the Office of the President.

The Commission shall be the sole policy-making body of the government which shall be tasked to coordinate, monitor and evaluate the programs and action plans of the government 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 of the Philippines who shall serve as the Chairperson, and three (3) Commissioners to be appointed by the President, one of whom shall serve as the Vice Chairperson of the Commission.



- ▶ The Commission shall have an advisory board composed of the following:
- ▶ (a) Secretary of the Department of Agriculture; (b) Secretary of the Department of Energy;
- ▶ (c) Secretary of the Department of Environment and Natural Resources;
- ▶ (d) Secretary of the Department of Education;
- ▶ (e) Secretary of the Department of Foreign Affairs;
- ▶ (f) Secretary of the Department of Health;
- ▶ (g) Secretary of the Department of the Interior and Local Government;



- ▶ (h) Secretary of the Department of National Defense, in his capacity as Chair of the
- ▶ National Disaster Coordinating Council;
- ▶ (i) Secretary of the Department of Public Works and Highways;
- ▶ (j) Secretary of the Department of Science and Technology;
- ▶ (k) Secretary of the Department of Social Welfare and Development;
- ▶ (l) Secretary of the Department of Trade and Industry;
- ▶ (m) Secretary of the Department of Transportation and Communications;
- ▶ (n) Director-General of the National Economic and Development Authority, in his



- ▶ (n) Director-General of the National Economic and Development Authority, in his capacity as Chair of the Philippine Council for Sustainable Development;
- ▶ (o) Director-General of the National Security Council;
- ▶ (p) Chairperson of the National Commission on the Role of Filipino Women;
- ▶ (q) President of the League of Provinces;
- ▶ (r) President of the League of Cities;
- ▶ (s) President of the League of Municipalities;
- ▶ (t) President of the Liga ng mga Barangay;
- ▶ (u) Representative from the academe;
- ▶ (v) Representative from the business sector; and
- ▶ (w) Representative from nongovernmental organizations.



Senate Bill 2811

“TITLE III”

THE PEOPLE’S SURVIVAL FUND

- ▶ “SEC. 18 *CREATION OF THE PEOPLE’S SURVIVAL FUND.*—A PEOPLE’S SURVIVAL FUND, HEREINAFTER REFERRED TO AS THE FUND, IS HEREBY ESTABLISHED AS A SPECIAL TRUST FUND FOR THE FINANCING OF ADAPTATION PROGRAMS AND PROJECTS BASED ON THE NATIONAL STRATEGIC FRAMEWORK.”



- ▶ “SEC. 19. *SOURCES OF THE FUND.*– THE FUND SHALL BE SOURCED FROM PUBLIC SOURCES, FOREIGN OR LOCAL, INCLUDING BUT NOT LIMITED TO THE FOLLOWING:



(A) TEN PERCENT (10%) FROM CASH
DIVIDENDS DECLARED BY ALL GOVERNMENT-
OWNED AND CONTROLLED CORPORATIONS;



(B) FIVE PERCENT (5%) OF THE PROCEEDS
FROM THE SALE OF CERTIFIED OR VERIFIED
EMISSIONS REDUCTION CARBON CREDITS
GENERATED FROM DOMESTIC ACTIVITIES;



C. TEN PERCENT (10%) OF THE MONIES
COLLECTED UNDER REPUBLIC ACT 8794,
OTHERWISE KNOWN AS THE MOTOR
VEHICLE'S USER'S CHARGE, THEREBY
AMENDING SECTION 7 THEREOF.



“A ONE–TIME ALLOCATION IN THE AMOUNT OF FIFTY MILLION PESOS (P50,000,000.00) IS HEREBY ALLOTTED FROM THE PRESIDENT’S CONTINGENCY FUND AS SEED MONEY FOR THE FUND.



**“THE FUND MAY RECEIVE PRIVATE DONATIONS.
DONATIONS TO THE FUND SHALL BE EXEMPT
FROM DONOR’S TAX.”**



SEC. 20. *USES OF THE FUND.*

THE FUND SHALL BE USED TO SUPPORT
ADAPTATION ACTIVITIES OF LOCAL
GOVERNMENTS AND COMMUNITIES SUCH AS,
BUT NOT LIMITED TO THE FOLLOWING:



- ▶ ADAPTATION ACTIVITIES, WHERE SUFFICIENT INFORMATION IS AVAILABLE TO WARRANT SUCH ACTIVITIES, IN THE AREAS OF WATER RESOURCES MANAGEMENT, LAND MANAGEMENT, AGRICULTURE AND FISHERIES, HEALTH, INFRASTRUCTURE DEVELOPMENT, NATURAL ECOSYSTEMS INCLUDING MOUNTAINOUS AND COASTAL ECOSYSTEMS;



- ▶ IMPROVEMENT OF THE MONITORING OF VECTOR-BORNE DISEASES TRIGGERED BY CLIMATE CHANGE, AND IN THIS CONTEXT IMPROVING DISEASE CONTROL AND PREVENTION;
- ▶ FORECASTING AND EARLY WARNING SYSTEMS AS PART OF PREPAREDNESS FOR CLIMATE-RELATED HAZARDS;



- ▶ SUPPORTING INSTITUTIONAL DEVELOPMENT, FOR LOCAL GOVERNMENTS, IN PARTNERSHIP WITH LOCAL COMMUNITIES AND CIVIL SOCIETY GROUPS, FOR PREVENTIVE MEASURES, PLANNING, PREPAREDNESS AND MANAGEMENT OF IMPACTS RELATING TO CLIMATE CHANGE, INCLUDING CONTINGENCY PLANNING, IN PARTICULAR, FOR DROUGHTS AND FLOODS IN AREAS PRONE TO EXTREME CLIMATE EVENTS.



- ▶ STRENGTHENING EXISTING, AND WHERE NEEDED, ESTABLISH REGIONAL CENTERS AND INFORMATION NETWORKS TO SUPPORT CLIMATE CHANGE ADAPTATION INITIATIVES AND PROJECTS;



- ▶ SERVING AS A GUARANTEE FOR RISK INSURANCE NEEDS FOR FARMERS, AGRICULTURAL WORKERS AND OTHER STAKEHOLDERS; AND



- ▶ COMMUNITY ADAPTATION SUPPORT PROGRAMS BY LOCAL ORGANIZATIONS ACCREDITED BY THE COMMISSION.



- ▶ THE FUND SHALL BE SUPPLEMENTARY TO ANY ANNUAL APPROPRIATIONS ALLOCATED BY RELEVANT GOVERNMENT AGENCIES FOR CLIMATE CHANGE-RELATED PROGRAMS AND PROJECTS AND BY LGUs PURSUANT TO THE NEW SECTION 26 OF THIS ACT. THE FUND SHALL ENCOURAGE COUNTERPART FUNDING ARRANGEMENTS AMONG LOCAL GOVERNMENTS, COMMUNITY ORGANIZATIONS, THE PRIVATE SECTOR, AND OTHER ENTITIES.

