

REPUBLIC ACT NO. 9729 – CLIMATE CHANGE ACT

❖ State Policy

RA 9729 declared it 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.

❖ The Climate Change Commission

RA 9729 created the Climate Change Commission (“the Commission”) –

➤ Status

- Of the same status as that of a national government agency
- An independent and autonomous body
- Attached to the Office of the President
- The sole policy-making body of the government on climate change
- To be organized within sixty (60) days from the effectivity of RA 9729

➤ Composition

- The President of the Philippines, as Chairperson; and
- 3 Commissioners to be appointed by the President, one of whom shall be Vice-Chairperson. They cannot be designated in a temporary or acting capacity.

➤ Qualifications of Commissioners

- Filipino citizens
- Residents of the Philippines
- At least thirty (30) years of age
- With at 10 years of experience on climate change
- Of proven honesty and integrity
- Experts in climate change (educational background, training and experience)
- At least one of them shall be female
- They cannot come from the same sector.

➤ Rank and Compensation of Commissioners

- The Vice Chairperson shall have the rank of Department Secretary and the corresponding compensation and other emoluments.
- The Commissioners shall have the rank of Undersecretary and the corresponding compensation and other emoluments

➤ Term of Office of Commissioners

- Shall hold office for 6 years
- May be reappointed but cannot serve for more than 2 consecutive terms
- In case of vacancy, the new appointee shall hold office only for the unexpired portion of his predecessor’s term.

➤ **How often does the Commission meet?**

Once every 3 months, or as often as may be deemed necessary by the Chairperson

➤ **Powers and Functions of the Commission**

- Ensure the mainstreaming of climate change, in synergy with disaster risk reduction, into the national, sectoral and local development plans and programs;
- Coordinate and synchronize climate change programs of national government agencies;
- Formulate a Framework Strategy on Climate Change to serve as the basis for a program for climate change planning, research and development, extension, and monitoring of activities on climate change;
- Exercise policy coordination to ensure the attainment of goals set in the framework strategy and program on climate change;
- Recommend legislation, policies, strategies, programs on and appropriations for climate change adaptation and mitigation and other related activities;
- 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;
- Create an enabling environment for the design of relevant and appropriate risk-sharing and risk-transfer instruments;
- Create an enabling environment that shall promote broader multi-stakeholder participation and integrate climate change mitigation and adaptation;
- Formulate strategies on mitigating greenhouse gases (GHG) and other anthropogenic causes of climate change;
- Coordinate and establish a close partnership with the National Disaster Coordinating Council in order to increase efficiency and effectiveness in reducing the people's vulnerability to climate-related disasters;
- In coordination with the Department of Foreign Affairs, represent the Philippines in the climate change negotiations;
- 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;
- Coordinate with local government units (LGUs) and private entities to address vulnerability to climate change impacts of regions, provinces, cities and municipalities;
- Facilitate capacity building for local adaptation planning, implementation and monitoring of climate change initiatives in vulnerable communities and areas;
- Promote and provide technical and financial support to local research and development programs and projects in vulnerable communities and areas; and
- Oversee the dissemination of information on climate change, local vulnerabilities and risks, relevant laws and protocols and adaptation and mitigation measures.

➤ **Is the Commission authorized to accept donations? How should the donations be used by the Commission?**

- Yes, the Commission may accept donations from local and foreign sources, but acceptance of donations from foreign governments shall be subject to prior clearance

and approval of the President of the Philippines upon recommendation of the Secretary of Foreign Affairs.

- Donations shall not be used to fund personal services expenditures and other operating expenses of the Commission.
- Donations shall be used to finance:
 - Research, development, demonstration and promotion of technologies
 - Assessment of vulnerabilities to climate change impacts, resource inventory, and adaptation capability building
 - Information campaign; and
 - Other activities reasonably necessary to carry out the objectives of the law.

❖ **The Climate Change Office**

RA 9729 also created the Climate Change Office which will assist the Commission.

- The Office shall be headed by the Vice Chairperson of the Commission who shall act as the Executive Director of the Office.
- The Commission can determine the number of staff and create corresponding positions to facilitate implementation of the law, subject to civil service laws, rules and regulations.
- The officers and employees of the Commission shall be appointed by the Executive Director.

❖ **The Commission's Advisory Board**

RA 9729 likewise established the Commission's Advisory Board composed of:

- The Secretaries of the:
 - Department of Agriculture
 - Department of Energy
 - Department of Environment and Natural Resources
 - Department of Education
 - Department of Foreign Affairs
 - Department of Health
 - Department of the Interior and Local Government
 - Department of National Defense (as Chair of the National Disaster Coordinating Council)
 - Department of Public Works and Highways
 - Department of Science and Technology
 - Department of Social Welfare and Development
 - Department of Trade and Industry
 - Department of Transportation and Communications
- Director-General of the National Economic and Development Authority (as Chair of the Philippine Council for Sustainable Development)
- Director-General of the National Security Council
- Chairperson of the National Commission on the Role of Filipino Women
- President of the League of Provinces
- President of the League of Cities
- President of the League of Municipalities
- President of the Liga ng mga Barangay

- Representative from the academe
- Representative from the business sector
- Representative from non-governmental organizations
- The representatives shall be appointed by the President from a list of nominees submitted by their respective groups.
- At least 1 of the sectoral representatives shall come from the disaster risk reduction community.
- The representatives shall serve for 6 years unless their representation is withdrawn by the sector they represent.
- The representatives cannot be re-appointed after their term.
- In case of vacancy among the representatives, the new appointee shall serve only for the predecessor's unexpired term.
- 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.

❖ Panel of Technical Experts

RA 9729 requires the Commission to constitute a national Panel of Technical Experts.

- The technical experts shall be practitioners in disciplines related to climate change, including disaster risk reduction.
- The Commission shall set the qualifications and compensation for the technical experts.
- The Panel shall give 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 provide resources for the operations and activities of the Panel.

❖ Framework Strategy on Climate Change

RA 9729 requires the Commission to formulate a Framework Strategy on Climate Change ("the Framework") within 6 months from the effectivity of said law.

- The Framework shall be the basis for 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 the international agreements.
- Components of the Framework include:
 - National priorities
 - Impact, vulnerability and adaptation assessments
 - Policy formulation
 - Compliance with international commitments
 - Research and development
 - Database development and management
 - Academic programs, capability building and mainstreaming
 - Advocacy and information dissemination
 - Monitoring and evaluation
 - Gender mainstreaming
- The Framework shall be reviewed every 3 years, or as may be deemed necessary.

❖ **National Climate Change Action Plan**

RA 9729 also likewise requires the Commission to formulate a National Climate Change Action Plan in accordance with the Framework within 1 year from formulation of said Framework.

- Components of said Plan include:
 - Assessment of the national impact of climate change
 - Identification of the most vulnerable communities/areas, including ecosystems, to the impacts of climate change, variability and extremes
 - Identification of differential impacts of climate change on men, women and children
 - Assessment and management of risk and vulnerability
 - Identification of GHG mitigation potentials
 - Identification of options, prioritization of appropriate adaptation measures for joint projects of national and local governments

❖ **Local Climate Change Action Plan**

- The LGUs shall formulate their climate change action plans which shall be consistent with the Local Government Code, the Framework, and the National Climate Change Action Plan.
- The 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 1 month from their adoption.
- The local chief executive shall appoint the person responsible for the formulation and implementation of the local action plan.
- The LGUs shall mobilize and allocate necessary personnel, resources and logistics to effectively implement their respective action plans. The LGUs are authorized to appropriate and use the amount from its Internal Revenue Allotment necessary to implement their action plans effectively, notwithstanding any provision in the Local Government Code to the contrary.
- Barangays shall be directly involved with municipal and city governments in prioritizing climate change issues and in identifying and implementing best practices and other solutions.

❖ **Role of Government Agencies**

- Department of Education
 - Integrate climate change into primary and secondary education curricula, including textbooks and other education materials
- Department of Interior and Local Government

- Facilitate the development of a training program for LGUs on climate change
- Department of Environment and Natural Resources
 - Oversee the establishment and maintenance of a climate change information management system and network
- Department of Foreign Affairs
 - Review international agreements related to climate change and make the necessary recommendation for ratification and compliance by the government
- Philippine Information Agency
 - Disseminate information on climate change, local vulnerabilities and risk, relevant laws and protocols and adaptation and mitigation measures
- Government Financial Institutions (GFIs)
 - Provide preferential financial packages for climate change-related projects, any provision in their respective charters to the contrary notwithstanding. (The GFIs shall promulgate implementing guidelines within 30 days from the effectivity of RA 9729, in consultation with the Bangko Sentral ng Pilipinas.)
- ✚ The Commission shall evaluate and recommend the approval of loans, and monitor the use of said funds of LGUs.

❖ Private Sector

The Commission shall coordinate with:

- non-government organizations
- civic organizations
- academe
- people's organizations
- corporate sector
- other concerned stakeholder groups

❖ Funding

- Concerned government agencies and LGUs shall allocate from their annual appropriations adequate funds for the formulation and implementation of their respective climate change programs.
- Such programs shall include:
 - Training
 - Capacity building
 - Direct intervention
 - Public awareness campaigns on the effects of climate change and energy-saving solutions

- Initiatives, through educational and training programs and micro-credit schemes

❖ **Joint Congressional Oversight Committee**

- Shall monitor the implementation of RA 9729
- Composed of 5 Senators and 5 Representatives to be appointed by the Senate President and the Speaker of the House of Representatives, respectively.
- Co-chaired by a Senator and a Representative to be designated by the Senate President and the Speaker of the House of Representatives, respectively.

❖ **Annual Report**

- Commission's Annual Report
 - To be submitted to the President, the Senate, and the House of Representatives not later than March 30 of every year or upon the request of the Congressional Oversight Committee
 - Must provide:
 - a detailed account of the implementation of RA 9729
 - a progress report on the implementation of the National Climate Change Action Plan; and
 - recommendation on legislation, where necessary.
- LGUs' Annual Reports
 - To be submitted to the Commission within the first quarter of the following year
 - Must contain a progress report on the implementation of the LGUs' respective Local Climate Change Action Plan.

❖ **Implementing Rules and Regulations**

- To be promulgated by the Commission within 90 days after the approval of RA 9729, upon consultation with government agencies, LGUs, and the private sector
- ✚ On 22 January 2010, the President approved the Implementing Rules and Regulations.

❖ **Abolition of the Presidential Task Force on Climate Change and the Inter-Agency Committee on Climate Change**

With the organization of the Commission, said agencies have been abolished.