

Republic of the Philippines
Bangsamoro Autonomous Region in Muslim Mindanao
BANGSAMORO TRANSITION AUTHORITY
Bangsamoro Government Center, Cotabato City

_____ Regular Session

BTA BILL NO. 242

Introduced by:

MP MARJANIE S. MACASALONG



Co-authors:

MP BASIT S. ABBAS, MP ABDULWAHAB M. PAK, MP ALI MONTAHA D. BABAO, MP TAWAKAL B. MIDTIMBANG, MP SUSANA S. ANAYATIN, MP FROILYN T. MENDOZA, MP BAI MALEIHA B. CANDAO, MP ABDULKARIM T. MISUARI, MP NURREDHA I. MISUARI, MP SHA ELIJAH B. DUMAMA-ALBA, MP NABILA MARGARITA P. PANGANDAMAN, and MP ALBAKIL D. JIKIRI

AN ACT CREATING AND ESTABLISHING THE BANGSAMORO CLIMATE CHANGE COMMISSION, DEFINING ITS POWERS AND FUNCTIONS, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

EXPLANATORY NOTE

The Bangsamoro Government is mandated under Section 2, Article XIII of the Bangsamoro Organic Law, to protect and improve the quality of life of its inhabitants. Therefore, any development in the Bangsamoro Autonomous Region must be carefully planned, taking into account the ecological balance and availability of natural resources for present and future generations. Moreover, Section 7 of the same Article emphasizes that the Bangsamoro Government, in compliance with the "Climate Change Act of 2009", must ensure that its constituent local government units formulate their respective local climate change action plans for the proper and effective implementation thereof.

Research shows that the Philippines is the third most affected country by climate change. The effects of climate change in the country are substantial, including changes in rainfall patterns, droughts, risks to biodiversity and food security, rising sea levels, threats to public health, changing landscapes, fires, floods, and storms, as well as climate-related diseases. Consequently, the vulnerability of the Bangsamoro Autonomous Region and its local communities, especially the disadvantaged groups such as the poor, women, and children, should be acknowledged in relation to the potential dangerous consequences of climate change.

Furthermore, the effects of climate change in the Bangsamoro territory are not mere hypothesis, but numerous disastrous incidents have already been reported. The region has experienced significant damage from typhoons, floods, and similar events, leading to extreme changes in the lives of individuals and communities.

Therefore, it is of primordial importance for the Bangsamoro Government to intervene and mitigate the effects of climate change. It should establish and institutionalize policies, initiatives, plans, and programs dedicated to addressing climate change. It is for these reasons that the approval of this bill is earnestly sought after.

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AN ACT CREATING AND ESTABLISHING THE BANGSAMORO CLIMATE CHANGE COMMISSION, DEFINING ITS POWERS AND FUNCTIONS, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

Section 1. Title. – This Act shall be known and cited as the “**Bangsamoro Climate Change Commission Act of 2023**”.

Section 2. Declaration of Policy. – It shall be the policy of the Bangsamoro Government to develop a comprehensive framework for sustainable development through the proper conservation, utilization and development of natural resources, which shall guide it in adopting program and policy mechanisms that focus on the environment dimensions of social and economic interventions. It shall include measures for environmental justice and governance, as well as for the reduction of the vulnerability of women and marginalized groups to climate change and variability.

The Bangsamoro Government recognizes the importance of disaster risk reduction and management and climate change adaptation.

The Bangsamoro Government consistent with Republic Act No. 9729, otherwise known as the “*Climate Change Act of 2009*”, shall ensure that its constituent local

government units formulate their respective local climate change action plans and for the proper and effective implementation thereof.

- (a) **Section 3. Definition of Terms.** — For purposes of this Act, the following shall mean:
- (b) “Adaptation” refers to the adjustment in natural or human systems in response to actual or expected climatic stimuli or their effects, which moderates harm or exploits beneficial opportunities.
 - (c) “Adaptive capacity” refers to the ability of ecological, social or economic systems to adjust to climate change including climate variability and extremes, to moderate or offset potential damages and to take advantage of associated opportunities with changes in climate or to cope with the consequences thereof.
 - (d) “Climate Change” refers to a change in 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 the 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) “Disaster” refers to a serious disruption of the functioning of a community or a society involving widespread human, material, economic or environmental loss and impact which exceed the ability of the affected community or society to cope using its own resources.
 - (g) “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, wise management of land and the environment, and improved preparedness for adverse events.
 - (h) “Greenhouse effect” refers to the process by which the absorption of infrared radiation by the atmosphere warms the Earth.
 - (i) “Greenhouse gases (GHG)” refers to constituents of the atmosphere that contribute to the greenhouse effect including, but not limited to, carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.
 - (j) “Mainstreaming” refers to the integration of policies and measures that address climate change into development planning and sectoral decision-making.
 - (k) “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.
 - (l) “Vulnerability” refers to the degree to which a system is susceptible to, or unable to cope with, 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 a system is exposed, its sensitivity, and its adaptive capacity.

Section 4. Creation of the Bangsamoro Climate Change Commission. — There is hereby created a Bangsamoro Climate Change Commission, hereinafter referred to as the “Commission”.

The Bangsamoro Climate Change Commission shall be the sole policy-making and coordinating body of the Bangsamoro Government which shall be tasked to coordinate, monitor and evaluate the programs and action plans of the Bangsamoro Government relating to climate change pursuant to the provisions of this Act.

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

Section 5. 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 in the regional local development plans and programs;
- (b) Coordinate and synchronize climate change programs of Bangsamoro Government;
- (c) Formulate a Bangsamoro Strategic Framework for 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;
- (d) Exercise policy coordination to ensure the attainment of goals set in the Bangsamoro Strategic framework 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) Create an enabling environment for the Bangsamoro that shall promote broader multi-stakeholder participation and integrate climate change mitigation and adaptation;
- (g) Formulate strategies on mitigating Greenhouse Gases and other anthropogenic causes of climate change;
- (h) Coordinate and establish a close partnership with the Ministry of Interior and Local Government to increase efficiency and effectiveness in reducing the people's vulnerability to climate-related disasters;
- (i) 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;
- (j) Coordinate with local government units (LGUs) and private entities to address vulnerability to climate change impacts of the Cities, Municipalities and Provinces in the Bangsamoro Autonomous Region;
- (k) Facilitate capacity building for local adaptation planning, implementation and monitoring of climate change initiatives in vulnerable communities and areas;
- (l) Promote and provide technical and financial support to local research and development programs and projects in vulnerable communities and areas; and
- (m) Oversee the dissemination of information on climate change, local vulnerabilities and risks, relevant laws and protocols and adaptation and mitigation measures.

Section 6. Qualification, Tenure and Compensation of the Commissioners. – The Commissioners must be Filipino citizens, residents of the Bangsamoro Autonomous Region, at least thirty (30) years of age at the time of the appointment with at least five (5) 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.

The Commissioners may come from any sector; provided that at least one (1) of the Commissioners must be a woman. Provided further, that in no case shall two Commissioners come from the same sector; Provided, finally, that in no case shall any of the Commissioners appoint a representative to act on his/her behalf.

The Commissioners to be first appointed under this Act, the Chairperson shall hold office for five (5) years, two (2) Commissioners for four (4) years, and two (2) Commissioners for three (3) years.

Thereafter, all succeeding Commissioners shall serve for a term of three (3) years and may be subjected to reappointment; Provided, that no Commissioner shall serve for more than two (2) consecutive terms; Provided further, that in case of 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.

Section 7. Composition of the Commission. – The Commission shall be composed of five (5) Commissioners, to be appointed by the Chief Minister. The Chief Minister shall name the Chairperson of the Commission.

The Commission shall have an advisory board composed of representatives from the following ministries/offices:

- (a) Minister of the Ministry of Agriculture, Fisheries and Agrarian Reform. (MAFAR)
- (b) Minister of the Ministry of Basic, Higher and Technical Education (MBHTE)
- (c) Minister of the Ministry of Environment, Natural Resources and Energy (MENRE)
- (d) Minister of the Ministry of Trade Investment and Tourism (MTIT)
- (e) Minister of the Ministry of Health (MOH)
- (f) Minister of the Ministry of Peace, Order and Safety (MPOS)
- (g) Minister of the Ministry of Interior and Local Government (MILG)
- (h) Minister of the Ministry of Public Works (MPW)
- (i) Minister of the Ministry of Science and Technology (MOST)
- (j) Minister of the Ministry of Social Services and Development (MSSD)
- (k) Bangsamoro Information and Communications Technology Office (BICTO)
- (l) Chairman of the Bangsamoro Women's Commission (BWC)
- (m) Chairman of the Bangsamoro Youth Commission (BYC)

The representatives shall be appointed by the Chief Minister from a list of nominees submitted by their respective ministry/office. They shall serve for a term of three (3) years without reappointment unless their representation is withdrawn by the ministry/office they represent. Appointment to any vacancy shall be only for the unexpired term of the predecessor.

Section 8. Bangsamoro Climate Change Office. - There is hereby created a Bangsamoro Climate Change Office that shall assist the Commission. It shall be headed by the Chairperson of the Commission who shall act as the Chairman or Head 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 Chairperson.

Section 9. 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 agencies and instrumentalities of the Government for the proper implementation of this Act.

Section 10. 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 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 reviewed every three (3) years, or as may be deemed necessary.

Section 11. Components of Framework Strategy and Program on Climate Change. — The Framework shall include, but not limited to, the following components:

- (a) Impact, vulnerability, and adaptation assessments
- (b) Policy formulation;
- (c) Research and development;
- (d) Database development and management;
- (e) Academic programs, capability building and mainstreaming;
- (f) Advocacy and information dissemination;
- (g) Monitoring and evaluation;

Section 12. Bangsamoro Climate Change Action Plan. — The Commission shall formulate a Bangsamoro Climate Change Action Plan in accordance with the Framework within one (1) year after the formulation of the latter.

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

- (a) Assessment of the impact of climate change;
- (b) The identification of the most vulnerable communities/areas, including ecosystems to the impacts of climate change, variability and extremes;
- (c) The identification of differential impacts of climate change on men, women and children;
- (d) The assessment and management of risk and vulnerability;
- (e) The identification of Greenhouse gases mitigation potentials; and
- (f) The identification of options, prioritization of appropriate adaptation measures for joint projects of national and local governments.

Section 13. Coordination with Various Sectors. In the development and implementation of the Bangsamoro Climate Change Plan, the local action plans, the Commission shall coordinate with non-government organizations, civic organizations,

academe, people's organizations, private and corporate sectors and other concerned stakeholder groups.

Section 14. 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 from the Chief Minister upon securing approval from the President as stated in Bangsamoro Organic Law; 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.

Section 15. Annual Report. - The Commission shall submit to the Chief Minister not later than March 30 of every year following the effectivity of this Act, a report giving a detailed account of the status of the implementation of this Act, a progress report on the implementation of the Bangsamoro Climate Change Action Plan and recommend legislation, when applicable and necessary.

Section 16. Appropriations. — The Bangsamoro Government shall allocate the necessary funds for the implementation of this Act. The Commission shall submit an annual budget proposal, including funding requirements for the programs and interventions in this Act to the Bangsamoro Parliament for approval.

Section 17. Implementing Rules and Regulations. — Within ninety (90) days after the approval of this Act, the Commission shall, promulgate the implementing rules and regulations of this Act.

Section 18. Separability Clause. — If for any reason any section or provision of this Act is declared as unconstitutional or invalid, the other sections or provisions hereof shall not be affected thereby.

Section 19. Repealing Clause. — All laws, ordinances, rules and regulations, and other issuances or parts thereof which are inconsistent with this Act are hereby repealed or modified accordingly.

Section 20. Effectivity. — This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation in the Bangsamoro Autonomous Region.

Author:


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Member of Parliament

Certified Correct:

PROF. RABY B. ANGKAL
Secretary General

Attested by:

HON. ATTY. PANGALIAN M. BALINDONG
Parliament Speaker