



MEMORANDUM

FOR : **The Directors**
Climate Change Service
Legal Affairs Service
Policy and Planning Service

All Bureau Directors

The Officer-in-Charge
Mines and Geosciences Bureau

FROM : **The Director**
Legislative Liaison Office

SUBJECT : **INVITATION TO THE JOINT COMMITTEE MEETING RE:
"THE LOSS AND DAMAGE FUND BOARD ACT" FROM THE
COMMITTEE ON CLIMATE CHANGE AND THE COMMITTEE
ON FOREIGN AFFAIRS OF THE HOUSE OF
REPRESENTATIVES**

DATE : 02 August 2024

In reference to the electronic mail received, the Committee on Climate Change and the Committee on Foreign Affairs of the House of Representatives is inviting the Department to its joint Committee meeting for the continuation of the deliberation of House Bills No. 10602, 10603, and 10612, and the initial deliberation of House Resolution 1822 scheduled on **August 5, 2024 (Monday) at Conference Rooms 1 & 2, Ramon V. Mitra Building**. The meeting will commence at **around 11:00 A.M. immediately after the Committee on Ways and Means meeting**, which will discuss the unnumbered substitute bill to HB 10602, 10603, and 10612 concerning the tax exemption.

In this regard, may we invite a representative to participate in the meeting and share comments and insights on the proposed legislation. Further, kindly inform us of the name/s of the representative/s from your office who will participate in the meeting so we may include him/her/them as resource person/s.

Attached herewith are the Letter Invitation, agenda, the Draft Substitute Bill, and House Bill No. 1822 for your reference.


ROMIROSE B. PADIN

cc: Undersecretary for Special Concerns and Legislative Affairs
Undersecretary for Finance, Information Systems and Climate Change

MEMO NO. 2024 - 678



Republic of the Philippines
House of Representatives
Quezon City

COMMITTEE ON CLIMATE CHANGE

August 1, 2024

HON. MARIA ANTONIA YULO LOYZAGA
Secretary
Department of Environment and Natural Resources
Visayas Avenue, Diliman, Quezon City

Dear Secretary Loyzaga:

We wish to inform you that the **Committee on Climate Change** will hold its 2nd **JOINT MEETING** with the **Committee on Foreign Affairs** with details indicated hereunder:

DATE/TIME	August 5, 2024 (Monday) 11:00 A.M. (immediately after the meeting of the Committee on Ways and Means)
VENUE	Conference Rooms 1 & 2, Ramon V. Mitra Building
AGENDA	a) RECONSIDERATION AND APPROVAL OF THE SUBSTITUTE BILL ON THE CONSOLIDATION OF THE LOSS AND DAMAGE FUND BOARD ACT AS CONTAINED IN HOUSE BILLS NUMBERED 10602, 10603 & 10612, AND ITS COMMITTEE REPORT b) INITIAL DELIBERATION ON HOUSE RESOLUTION NO. 1822, ENTITLED: "A RESOLUTION CONGRATULATING AND COMMENDING THE OFFICIALS AND STAFF OF THE DENR, DOF, DFA, DBM, AND CCC, WITH POLICY AND LEGAL ADVICE FROM OES, NEDA, AND DOJ, UNDER THE LEADERSHIP OF HIS EXCELLENCY PRESIDENT FERDINAND R. MARCOS, JR. AND THE GUIDANCE OF DENR SECRETARY MARIA ANTONIA YULO-LOYZAGA, FOR THEIR EXEMPLARY INTER-AGENCY AND WHOLE-OF-GOVERNMENT APPROACH IN WORKING TOGETHER TO SUCCESSFULLY HAVE THE PHILIPPINES BE SELECTED AS THE HOST COUNTRY FOR THE BOARD OF THE FUND FOR RESPONDING TO LOSS AND DAMAGE ESTABLISHED UNDER THE UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE AND ITS PARIS AGREEMENT," AUTHORED BY REP. EDGAR M. CHATTO, REP. JOCELYN SY LIMKAICHONG, REP. FERNANDO T. CABREDO, ANNA VELOSO-TUAZON, REP. CHRISTIAN TELL A. YAP, REP. JOSE MANUEL F. ALBA, and REP. JOSE FRANCISCO B. BENITEZ

In line with this, we would like to invite you or your representative to join us for an important discussion and share your valuable insights on the proposed measures.

Attached are copies of the agenda and the above-stated measures for your easy reference.

Should you need more information, please contact Ms. MeAnne Ordovez at 09154448595.

Thank you and we look forward to hearing from you at the meeting.

Very truly yours,

HON. EDGAR M. CHATTO
Chairperson

For the Chairperson:

ROMMEL M. REYES
Committee Secretary



Republic of the Philippines
House of Representatives
Quezon City

COMMITTEE ON CLIMATE CHANGE

2ND JOINT MEETING WITH THE COMMITTEE ON FOREIGN AFFAIRS

05 August 2024 (Monday), 11:00 A.M.

Conference Rooms 1 & 2, Ramon V. Mitra Building, House of Representatives

AGENDA

- I. CALL TO ORDER/ROLL CALL
- II. ACKNOWLEDGMENT OF MEMBERS, GUESTS, & RESOURCE PERSONS
- III. CONSIDERATION AND APPROVAL OF THE MINUTES OF JULY 30, 2024 MEETING
- IV. OPENING REMARKS OF THE CHAIR
- V. RECONSIDERATION AND APPROVAL OF THE SUBSTITUTE BILL ON THE CONSOLIDATION OF THE **LOSS AND DAMAGE FUND BOARD ACT** AS CONTAINED IN **HOUSE BILLS NUMBERED 10602, 10603 & 10612**, AND ITS COMMITTEE REPORT
- VI. INITIAL DELIBERATION ON **HOUSE RESOLUTION NO. 1822**, ENTITLED: "A RESOLUTION CONGRATULATING AND COMMENDING THE OFFICIALS AND STAFF OF THE DENR, DOF, DFA, DBM, AND CCC, WITH POLICY AND LEGAL ADVICE FROM OES, NEDA, AND DOJ, UNDER THE LEADERSHIP OF HIS EXCELLENCY PRESIDENT FERDINAND R. MARCOS, JR. AND THE GUIDANCE OF DENR SECRETARY MARIA ANTONIA YULO-LOYZAGA, FOR THEIR EXEMPLARY INTER-AGENCY AND WHOLE-OF-GOVERNMENT APPROACH IN WORKING TOGETHER TO SUCCESSFULLY HAVE THE PHILIPPINES BE SELECTED AS THE HOST COUNTRY FOR THE BOARD OF THE FUND FOR RESPONDING TO LOSS AND DAMAGE ESTABLISHED UNDER THE UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE AND ITS PARIS AGREEMENT," AUTHORED BY REP. EDGAR M. CHATTO, REP. JOCELYN SY LIMKAICHONG, REP. FERNANDO T. CABREDO, ANNA VELOSO-TUAZON, REP. CHRISTIAN TELL A. YAP, REP. JOSE MANUEL F. ALBA, and REP. JOSE FRANCISCO B. BENITEZ
- VII. OTHER MATTERS
- VIII. ADJOURNMENT

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
Third Regular Session

HOUSE BILL NO. _____

Introduced by Representatives **EDGAR M. CHATTO, JOCELYN SY LIMKAICHONG, FERNANDO T. CABREDO, JOSE MANUEL F. ALBA, ANNA VELOSO-TUAZON, CHRISTIAN TELL A. YAP, JOSE FRANCISCO B. BENITEZ, MARIA RACHEL J. ARENAS, JOEY SARTE SALCEDA, EMIGDIO P. TANJUATCO, LORETO ACHARON, STEVE CHIONGBAN SOLON, GLONA G. LABADLABAD, and MA. THERESA V. COLLANTES**

AN ACT
GRANTING JURIDICAL PERSONALITY AND LEGAL CAPACITY TO THE BOARD OF THE FUND FOR RESPONDING TO LOSS AND DAMAGE DUE TO CLIMATE CHANGE

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

1 **SECTION 1. *Short Title.*** – This Act shall be known and referred to as
2 “The Loss and Damage Fund Board Act.”
3

4 **SEC. 2. *Declaration of Policy.*** – It is the policy of the State to protect
5 and advance the right of the people to a balanced and healthful ecology in
6 accord with the rhythm and harmony of nature.
7

8 As a party to the United Nations Framework Convention on Climate
9 Change (UNFCCC) and the Paris Agreement, the State lauds the creation of
10 the Loss and Damage Fund (Fund) under the Decision 2/CMA.4 of the
11 Conference of Parties serving as the meeting of Parties to the Paris
12 Agreement (CMA) and during the 27th Conference of Parties (COP) to the
13 under Decision 2/CP.27 of the COP, and its operationalization during the 28th
14 COP under COP Decision 1/CP.28 and CMA Decision 5/CMA.5. The State
15 resolutely welcomes its establishment to finance and assist the most
16 vulnerable developing countries’ response and recovery from losses and
17 damages caused by climate change.
18

19 In recognition of the role that the State must take to advance climate
20 and disaster risk resilience, it shall be the policy of the State to take a whole of
21 government approach in creating concrete solutions and actions.
22

1 To further unlock opportunities in accelerating access to climate finance
2 and investments which are critical for future-proofing the economy and
3 ensuring sustainable and inclusive growth for all Filipinos, the State supports
4 the hosting of the Loss and Damage Fund Board (Board) in the Philippines.
5 Towards this end, the State recognizes the need to grant juridical personality
6 and legal capacity to the Board to enable it to discharge its roles and functions.

7
8 **SEC. 3. *Juridical Personality and Legal Capacity of the Loss and***
9 ***Damage Fund Board.*** – The Board, as the governing body of the Fund
10 established by the COP and CMA, shall be granted juridical personality with
11 full legal capacity to:

- 12
13 (a) Contract;
14 (b) Acquire and dispose of immovable and movable property;
15 (c) Institute legal proceedings;
16 (d) Negotiate, conclude, and enter into a hosting arrangement with
17 the World Bank as interim trustee and host of the Fund's
18 secretariat; and
19 (e) Undertake related or necessary activities to carry out the purpose
20 for which the Board was created.

21
22 **SEC. 4. *Privileges and Immunities.*** – The Board, as an international
23 organization, shall enjoy the status, immunities, and privileges granted under
24 the host country agreement entered into with the Government of the Republic
25 of the Philippines (GOP).

26
27 **SEC. 5. *Tax Exemptions.*** - The property, operations, and transactions
28 of the Fund and its Board shall be exempt from the payment of all taxes,
29 duties, and other charges imposed by the GOP and local authorities. The
30 Fund and its Board shall also be exempt from any obligation for the payment,
31 withholding or collection of any tax or duty.

32
33 The Fund and its Board shall be exempt from the payment of all taxes,
34 duties, and other charges imposed by the GOP and local authorities, except
35 charges for storage, transport and services supplied, on the importation of
36 equipment, machinery, motor vehicles, and materials intended for use in the
37 board meeting. The same shall be processed in the manner and under
38 existing procedures applied by the Department of Finance in similarly situated
39 cases.

40
41 The non-Filipino Fund officials and invited experts and observers shall
42 be exempt from the payment of income tax on salaries, stipends, emoluments,
43 indemnities, and sickness and accident benefits, received from the Fund,
44 regardless of currency used. The GOP retains its rights to tax its own
45 nationals. They shall likewise not be subject to taxes on their local purchases
46 in the quantity as appropriate for the duration of the board meeting.

1
2 The non-Filipino Fund officials and invited experts and observers shall
3 be exempt from the payment of all taxes, duties, and other charges imposed
4 by the GOP and local authorities, except charges for storage, transport and
5 services supplied, on the importation of personal effects in the quantity as
6 appropriate for the duration of the Board meeting.

7
8 Goods released tax-free and duty-free pursuant to this Act and under
9 the host country agreement between the GOP and the Board shall be subject
10 to applicable taxes and duties if sold, transferred, or exchanged in the
11 Philippines to non-exempt persons or entities, computed based on the value
12 of the goods at the time of the importation pursuant to existing rules and
13 regulations.

14
15 **SEC. 6. Repealing Clause.** – All laws, decrees, orders, rules and
16 regulations and other issuances or parts thereof which are inconsistent with
17 the provisions of this Act are hereby repealed, amended, or modified
18 accordingly.

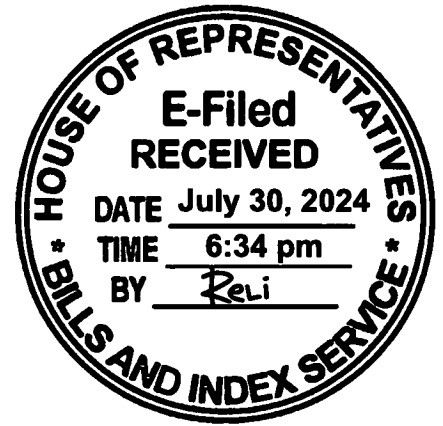
19
20 **SEC. 7. Effectivity.** – This Act shall take effect immediately upon its
21 publication in the *Official Gazette* or in a newspaper of general circulation.
22
23

24 *Approved,*

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
Third Regular Session

HOUSE RESOLUTION NO. 1822



Introduced by **Representatives**
EDGAR M. CHATTO (First District, Bohol),
JOCELYN SY LIMKAICHONG (First District, Negros Oriental),
FERNANDO T. CABREDO (Third District, Albay),
ANNA VELOSO-TUAZON (Third District, Leyte),
CHRISTIAN TELL A. YAP (Second District, Tarlac),
JOSE MANUEL F. ALBA (First District, Bukidnon), and
JOSE FRANCISCO B. BENITEZ (Third District, Negros Occidental)

A RESOLUTION

1 **CONGRATULATING AND COMMENDING THE OFFICIALS AND STAFF OF**
2 **THE DENR, DOF, DFA, DBM, AND CCC, WITH POLICY AND LEGAL ADVICE**
3 **FROM OES, NEDA, AND DOJ, UNDER THE LEADERSHIP OF HIS**
4 **EXCELLENCY PRESIDENT FERDINAND R. MARCOS, JR. AND THE**
5 **GUIDANCE OF DENR SECRETARY MARIA ANTONIA YULO-LOYZAGA, FOR**
6 **THEIR EXEMPLARY INTER-AGENCY AND WHOLE-OF-GOVERNMENT**
7 **APPROACH IN WORKING TOGETHER TO SUCCESSFULLY HAVE THE**
8 **PHILIPPINES BE SELECTED AS THE HOST COUNTRY FOR THE BOARD OF**
9 **THE FUND FOR RESPONDING TO LOSS AND DAMAGE ESTABLISHED**
10 **UNDER THE UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE**
11 **CHANGE AND ITS PARIS AGREEMENT**
12
13

14 **WHEREAS**, Article II, Section 16 of the 1987 Constitution of the Republic of the
15 Philippines states that "The State shall protect and advance the right of the people to a
16 balanced and healthful ecology in accord with the rhythm and harmony of nature."
17

18 **WHEREAS**, Section 2 of Republic Act No. 9729, otherwise known as the "Climate
19 Change Act of 2009", as amended by Republic Act No. 10174, states that "the State adopts
20 the principle of protecting the climate system for the benefit of humankind, on the basis
21 of climate justice or common but differentiated responsibilities and the Precautionary
22 Principle to guide decision-making in climate risk management. As a party to the United
23 Nations Framework Convention on Climate Change (UNFCCC), the State adopts the
24 ultimate objective of the Convention which is the stabilization of greenhouse gas
25 concentrations in the atmosphere at a level that would prevent dangerous anthropogenic
26 interference with the climate system which should be achieved within a time frame
27 sufficient to allow ecosystems to adapt naturally to climate change, to ensure that food

1 production is not threatened and to enable economic development to proceed in a
2 sustainable manner. As a party to the Hyogo Framework for Action, the State likewise
3 adopts the strategic goals in order to build national and local resilience to climate change-
4 related disasters.”

5
6 **WHEREAS**, the same Section 2 of Republic Act No. 9729, as amended, further
7 states that “Recognizing the vulnerability of the Philippine archipelago and its local
8 communities, particularly the poor, women, and children, to potential dangerous
9 consequences of climate change and global warming such as increasing temperatures,
10 rising seas, changing landscapes, increasing frequency and/or severity of droughts, fire,
11 floods and storms, climate-related illnesses and diseases, damage to ecosystems,
12 biodiversity loss that affect the country’s environment, culture, and economy, the State
13 shall cooperate with the global community in the resolution of climate change issues,
14 including disaster risk reduction. It shall be the policy of the State to enjoin the
15 participation of national and local governments, businesses, nongovernment
16 organizations, local communities and the public to prevent and reduce the adverse
17 impacts of climate change and, at the same time, maximize the potential benefits of
18 climate change. It shall also be the policy of the State to incorporate a gender-sensitive,
19 pro-children and pro-poor perspective in all climate change and renewable energy efforts,
20 plans and programs. In view thereof, the State shall strengthen, integrate, consolidate and
21 institutionalize government initiatives to achieve coordination in the implementation of
22 plans and programs to address climate change in the contest of sustainable development.”

23
24 **WHEREAS**, the same Section 2 of Republic Act No. 9729, as amended,
25 additionally states that “Further recognizing that climate change and disaster risk
26 reduction and management are closely interrelated and effective disaster risk reduction
27 and management will enhance adaptive capacity to climate change, climate variability
28 and extreme climate events, the State shall integrate disaster risk reduction into climate
29 change programs and initiatives.”

30
31 **WHEREAS**, the Philippines has been historically active in the UNFCCC in
32 advocating for climate justice and the full, effective and ambitious implementation of the
33 principles and provisions of the UNFCCC and its Paris Agreement, including the principle
34 of common but differentiated responsibilities and the precautionary principle.

35
36 **WHEREAS**, the Philippines through its negotiators has, historically and up to the
37 present, coordinated, provided leadership, and worked with other developing countries
38 in the United Nations climate change negotiations as part of the Group of 77 in advocating
39 for the provision of climate finance and other financing support to developing countries
40 to enable them to effectively undertake climate change mitigation and adaptation actions
41 and other actions to avert, minimize and address the loss and damage arising from the
42 adverse effects of climate change pursuant to the provisions and principles of the
43 UNFCCC and its Paris Agreement.

44
45 **WHEREAS**, at its 27th session held on 6 to 20 November 2022 in Sharm El
46 Sheikh, Egypt, the Conference of the Parties of the UNFCCC decided to establish new
47 funding arrangements, including a dedicated fund, to assist developing countries in

1 responding to the loss and damage arising from the adverse effects of climate change, and
2 furthermore established a Transitional Committee tasked to develop recommendations
3 on the governing instrument for such dedicated fund over the course of 2023.

4
5 **WHEREAS**, the Philippines was a member of the Transitional Committee in
6 2023.

7
8 **WHEREAS**, at its 28th session held on 30 November to 13 December 2023 in
9 Dubai, United Arab Emirates, the Conference of the Parties of the UNFCCC adopted the
10 recommendations of the Transitional Committee for the governance and institutional
11 arrangements of the Fund for responding to loss and damage, which included the
12 establishment of the Board of the Fund to serve as the Fund's governing body.

13
14 **WHEREAS**, the Board of the Fund is in charge of operationalizing the Fund and
15 how it can be resourced and accessed to deliver needed financial support to developing
16 countries that are particularly vulnerable to the adverse effects of climate change to help
17 them avert, minimize and address the loss and damage arising from such adverse effects,
18 and as such, the Board of the Fund has to be provided by a Host Country with the legal
19 personality and legal capacity needed for discharging its roles and functions under its
20 Governing Instrument and with the appropriate privileges and immunities for it to
21 operate effectively.

22
23 **WHEREAS**, in his speech to the 28th session of the Conference of the Parties of
24 the UNFCCC, President Ferdinand R. Marcos, Jr., called for "the immediate
25 operationalization of the Fund to assist developing and vulnerable countries to respond
26 to droughts, floods, and rising sea levels exacerbated by climate change," highlighting the
27 urgency to confront climate change, stressing that "More than just an environmental
28 issue; for us, it is a matter of survival, of justice, and of protecting the rights of our people,"
29 and announced the intention of the Philippines to host the Board of the Fund.

30
31 **WHEREAS**, the Philippines was elected by the Asia-Pacific Group to serve as a
32 full member of the Board of the Fund for 2024 and 2026 and as an alternate member
33 therein for 2025.

34
35 **WHEREAS**, under the leadership of the President and the guidance of Secretary
36 Maria Antonia Yulo-Loyzaga of the Department of Environment and Natural Resources
37 (DENR) as the Official Representative of the President who chairs the Climate Change
38 Commission (CCC), an inter-agency working group composed of the DENR, Department
39 of Finance (DOF), Department of Foreign Affairs (DFA), the Department of Budget and
40 Management (DBM), and CCC, with policy and legal advice from the Office of the
41 Executive Secretary (OES), National Economic and Development Authority (NEDA), and
42 Department of Justice (DOJ), and supported by technical experts and advisers, was
43 established to develop and put forward the offer of the Philippines to serve as the Host
44 Country for the Board of the Fund, host its meetings, and provide it with the legal
45 personality and legal capacity needed for discharging its roles and functions and relevant
46 privileges and immunities.

1 **WHEREAS**, at its second meeting on 9 to 12 July 2024 in Songdo, Republic of
2 Korea, the Board of the Fund unanimously selected the Philippines to be the Host Country
3 for the Board of the Fund, after duly considering the bids of Antigua and Barbuda,
4 Armenia, Barbados, Bahamas, Eswatini, Kenya, and Togo.

5
6 **WHEREAS**, President Ferdinand R. Marcos, Jr., in announcing on 9 July 2024
7 the selection of the Philippines as the Host Country for the Board of the Fund stated this
8 "reinforces our dedication to inclusivity and our leadership role in ensuring that the voices
9 of those most affected by climate change shape the future of international climate
10 policies." The President further stated that the Philippines is "also honored to have a seat
11 on the Board itself, ensuring that the Philippines will be a formidable voice in promoting
12 and advancing global climate action – an issue of critical interest to the country."

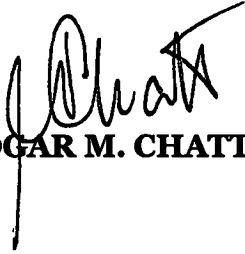
13
14 **NOW THEREFORE, BE IT RESOLVED**, as it is hereby resolved, by the House
15 of Representatives, to congratulate and commend the officials and staff of the DENR,
16 DOF, DFA, DBM, and CCC, with policy and legal advice from the OES, NEDA, and DOJ,
17 under the leadership of His Excellency President Ferdinand R. Marcos, Jr. and the
18 guidance of DENR Secretary Maria Antonia Yulo-Loyzaga, for their exemplary inter-
19 agency and whole-of-government approach in working together to successfully have the
20 Philippines be selected as the Host Country for the Board of the Fund for responding to
21 loss and damage established under the UNFCCC and its Paris Agreement.

22
23 **RESOLVED ADDITIONALLY**, to commend the agencies, technical experts,
24 and advisers included in the Delegation of the Philippines to the sessions of the
25 Conference of the Parties to the UNFCCC and its Kyoto Protocol and Paris Agreement,
26 including but not limited to the DENR, DOF, DBM, NEDA, Department of Agriculture,
27 DFA, Climate Change Commission, Department of Education, Department of Health,
28 Department of Science and Technology, Department of Interior and Local Governments,
29 Department of Labor and Employment, Department of Tourism, Department of Trade
30 and Industry, National Youth Commission, Philippine Commission on Women,
31 Philippine Information Agency, Presidential Communications office, for their active
32 involvement and proactive engagement in representing and advocating in the United
33 Nations climate change negotiations for the interests of the Philippines, the Filipino
34 people, and of developing countries that are particularly vulnerable to the adverse effects
35 of climate change, most recently at the 28th session of the UNFCCC Conference of the
36 Parties in December 2023 in Dubai, UAE, and the 60th sessions of the subsidiary bodies
37 of the UNFCCC Conference of the Parties in June 2024 in Bonn, Germany.

38
39 **RESOLVED FINALLY**, that an appropriate copy of this resolution be given to
40 the Office of the President, to the heads of the agencies referred to in this Resolution and
41 those represented in the Delegation of the Republic of the Philippines to the UNFCCC,
42 and to the technical experts and advisers of the Delegation.

43 *Adopted,*
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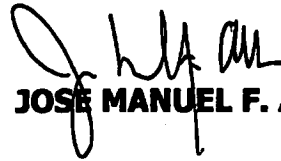
EDGAR M. CHATTO



JOCELYN SY LIMKAICHONG



FERNANDO T. CABREDO



JOSE MANUEL F. ALBA



ANNA VELOSO-TUAZON



CHRISTIAN TELL A. YAP



JOSE FRANCISCO B. BENITEZ