



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

Twentieth Congress
Second Regular Session

HOUSE BILL NO. 11424



Introduced by Representative Ma. Cristina Talavera Lopez

AN ACT
INSTITUTIONALIZING THE CLIMATE DUE DILIGENCE, TRANSPARENCY AND
ACCOUNTABILITY OF THE STATE, ESTABLISHING THE PHILIPPINE
GREENHOUSE GAS INVENTORY AND ACCOUNTING SYSTEM AND THE CLIMATE
ADVISORY COUNCIL, PROVIDING FOR THE PREPARATION, PUBLICATION AND
REVIEW OF NATIONAL CLIMATE COMMITMENTS AND PLANS AND FOR OTHER
PURPOSES

EXPLANATORY NOTE

On 23 July 2025, the International Court of Justice delivered its Advisory Opinion on the Obligations of States in respect of Climate Change, rendered upon the request of the General Assembly. The Court held that the obligations of States in this field arise not only from the climate treaties but from customary international law; that limiting warming to 1.5 degrees Celsius is the primary temperature goal of the Paris Agreement; that a State must exercise stringent due diligence and employ all means at its disposal, according to its capabilities and national circumstances, to prevent significant harm to the climate system; that the discretion of a State in preparing its nationally determined contribution is limited, and that such contribution must be capable of making an adequate contribution to the temperature goal and must reflect the highest possible ambition; that a State may incur responsibility where it fails to regulate the emissions of private actors within its jurisdiction; that climate effects, including downstream emissions, must be assessed in environmental impact assessment; and that the efforts of a State in this field may not be presented as entirely voluntary and exempt from scrutiny.

The Court likewise affirmed that the principle of common but differentiated responsibilities and respective capabilities is a core guiding principle, that the standard of conduct required is measured against the capabilities and circumstances of each State, and that breach of the obligations identified engages the ordinary consequences of State responsibility, including cessation, guarantees of non-repetition and full reparation. The year before, in its Advisory Opinion of 21 May 2024, the International Tribunal for the Law of the Sea held that anthropogenic greenhouse gas emissions constitute pollution of the marine environment within the

meaning of the United Nations Convention on the Law of the Sea, and that States Parties owe a stringent obligation of due diligence to prevent, reduce and control it. The Philippines is an archipelagic State and a Party to that Convention.

Under Section 2, Article II of the Constitution, the Philippines adopts the generally accepted principles of international law as part of the law of the land. The customary obligations articulated by the Court are therefore already part of Philippine law. What is absent is the domestic machinery through which they are performed, recorded and made answerable. Republic Act No. 9729, as amended by Republic Act No. 10174, establishes a planning framework and a Commission, but it was enacted before the Paris Agreement and contains no duty to prepare a nationally determined contribution, no duty to maintain a greenhouse gas inventory, no duty to reconcile the national energy and development plans with the climate commitments the country has made, and no duty to report to Congress on whether those commitments are being met.

The consequence is that the most consequential climate decisions of the State rest upon executive issuances that may be withdrawn without notice. The national greenhouse gas inventory system exists by Executive Order No. 174, series of 2014. The nationally determined contribution exists only as a submission to a treaty body. The National Adaptation Plan 2023-2050 has no statutory foundation at all. Climate change expenditure tagging rests upon a joint memorandum circular. A framework of this importance cannot rest upon instruments of this fragility.

This bill supplies the machinery. It is important to state at the outset what it does not do. It does not establish a national emissions cap. It does not set a net-zero date. It does not create carbon budgets, and it does not convert the conditional component of the Philippine nationally determined contribution into a domestic legal obligation. Those omissions are deliberate and are matters of national interest, not of timidity.

The Philippines accounts for less than one-half of one percent of global greenhouse gas emissions. Our nationally determined contribution is expressly structured so that the greater part of our ambition is conditional upon the finance, technology and capacity-building that the instruments of the climate regime require developed country Parties to provide. That structure is the country's position and its leverage. A statute which silently converted the conditional component into a domestic duty would surrender, for nothing, the very distinction upon which our claim to support rests, and would sit uneasily with the principle of common but differentiated responsibilities which the Court has now affirmed. Section 7 of this Act therefore preserves the distinction expressly: the unconditional component is a duty of the State enforceable under this Act, and the conditional component is and remains contingent upon the means of implementation being actually provided.

What the bill does establish is the conduct that the Court has held to be obligatory, and the record by which that conduct may be judged. It places the national greenhouse gas inventory on a statutory footing, with independent verification, mandatory submission of data by sectoral agencies and by large emitting establishments, and a particular requirement that the land use, land-use change and forestry account state its uncertainties, this being the account upon

which our present contribution most heavily relies. It imposes a duty to prepare, publish and submit a nationally determined contribution and, for the first time, a long-term low greenhouse gas emission development strategy, which the Philippines has never adopted. It gives the National Adaptation Plan a statutory basis, adaptation having been recognized by the Court as a legal obligation and not a matter of policy preference alone.

It requires the Philippine Energy Plan, the Philippine Development Plan and the Public Investment Program to be reviewed against the nationally determined contribution, and any divergence to be published with the reasons for it. This is the provision that gives the Act its practical effect, because it compels the energy plan and the climate commitment to be reconciled in a single public document rather than pursued in separate ones. It constitutes an independent Climate Advisory Council of scientists, engineers and economists, whose annual assessment the implementing agencies must answer in writing. And it requires an annual report to Congress upon the state of Philippine climate action.

Section 16, Article II of the Constitution guarantees the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature, a right which this Court has held carries with it the correlative duty to refrain from impairing it for the generations to come. Section 2 of the same Article makes the law of nations our own. This bill is the means by which both are given effect in the ordinary work of government.

In view of the foregoing, the immediate passage of this bill is earnestly sought.


MA. CRISTINA TALAVERA LOPEZ
Representative, ALONA Party List



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

SECTION 1. Short Title. — This Act shall be known as the “*Philippine Climate Due Diligence and Transparency Act*”

SECTION 2. Declaration of Policy. — It is the policy of the State to protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature, together with the correlative duty to refrain from impairing that ecology for the generations yet unborn; to protect and promote the right to health; and to adopt and implement a policy of full public disclosure of all transactions involving public interest.

The State adopts the generally accepted principles of international law as part of the law of the land. Accordingly, the State recognizes that its obligations in respect of climate change arise from the United Nations Framework Convention on Climate Change, the Paris Agreement, the United Nations Convention on the Law of the Sea and other instruments to which it is a Party, and independently from customary international law, and that these obligations require the State to employ all means at

its disposal, according to its capabilities and national circumstances, to prevent significant harm to the climate system and to the marine environment.

The State affirms the principle of common but differentiated responsibilities and respective capabilities in the light of different national circumstances. It is a country of low historical and present emissions and of extreme exposure to the adverse effects of climate change. Its ambition is accordingly expressed in an unconditional component, which it undertakes by its own means, and a conditional component, which is contingent upon the provision of finance, technology transfer and capacity-building. This Act preserves that distinction and shall not be construed to enlarge the obligations the State has assumed.

The State further recognizes that scientific uncertainty is not a ground for postponing measures to prevent harm; that adaptation is a legal obligation and not a matter of policy preference alone; and that its climate action may not be presented as entirely voluntary and exempt from scrutiny. It shall therefore maintain a complete, verifiable and public record of what it has undertaken, what it has done, what support it has sought and what support it has received.

SECTION 3. *Definition of Terms.* — As used in this Act:

- (a) *Adaptation Plan* refers to the National Adaptation Plan prepared under this Act.
- (b) *Climate Commitments* refer to the nationally determined contribution, the long-term low greenhouse gas emission development strategy, and the National Adaptation Plan of the Philippines.
- (c) *Conditional Component* refers to that portion of the nationally determined contribution which the Philippines has expressed to be contingent upon the provision of means of implementation.
- (d) *Greenhouse Gas Inventory or Inventory* refers to the Philippine Greenhouse Gas Inventory and Accounting System established under this Act.
- (e) *Large Emitting Establishment* refers to an establishment whose annual greenhouse gas emissions equal or exceed the threshold fixed in the implementing rules and regulations, which shall be expressed in tonnes of carbon dioxide equivalent and shall initially cover establishments in the power, cement, iron and steel, petroleum refining, mining, and large-scale manufacturing sectors.

- (f) *Long-Term Strategy or LT-LEDS* refers to the long-term low greenhouse gas emission development strategy prepared under this Act.
- (g) *Means of Implementation* refers to financial resources, technology development and transfer, and capacity-building provided to the Philippines under the climate change regime or otherwise.
- (h) *Nationally Determined Contribution or NDC* refers to the contribution communicated by the Philippines under the Paris Agreement.
- (i) *Sectoral Agency* refers to any department, bureau, office, agency or instrumentality of the national government, including government-owned or -controlled corporations, having jurisdiction over a source or sink of greenhouse gases.
- (j) *Unconditional Component* refers to that portion of the nationally determined contribution which the Philippines has expressed to be undertaken by its own means.

SECTION 4. *Standard of Due Diligence.* — In the performance of the duties imposed by this Act, the State shall exercise due diligence, employing all means at its disposal, proportionate to its capabilities and national circumstances and consistent with the principle of common but differentiated responsibilities and respective capabilities. The duties imposed by this Act are obligations of conduct. Compliance shall be measured by whether the State has used its best efforts in the manner this Act prescribes, and not by whether any particular emissions outcome has been attained.

The absence of full scientific certainty shall not be invoked as a reason for postponing the preparation, adoption or implementation of any commitment or plan required under this Act.

SECTION 5. *Progression and Non-Regression.* — Each successive nationally determined contribution shall represent a progression beyond the one it replaces and shall reflect the highest possible ambition of the Philippines in the light of its national circumstances.

No climate commitment, plan, rule or issuance shall reduce the level of ambition, the scope of coverage, or the standard of transparency established by the instrument it amends or replaces, unless the responsible agency publishes, at the time of adoption, a written statement of the reasons therefor and the Council has been afforded not less than thirty (30) days to comment upon it. The statement and the comment shall be transmitted to Congress.

SECTION 6. *Reservation of the Conditional Component.* — The Unconditional Component of the nationally determined contribution shall constitute a duty of the State under this Act; *provided*, that the Conditional Component shall remain contingent upon the Means of Implementation being actually provided.

Nothing in this Act, and no plan, rule or issuance made under it, shall be construed as an undertaking by the Republic of the Philippines to attain the Conditional Component in the absence of such provision, or as a waiver of the distinction between the two components.

SECTION 7. *Establishment of the Inventory.* — There is hereby established the Philippine Greenhouse Gas Inventory and Accounting System, which shall be maintained by the Climate Change Commission in coordination with the Philippine Statistics Authority and the Sectoral Agencies, as defined in this Act. The Inventory shall cover all sources and sinks of greenhouse gases within the territory and jurisdiction of the Philippines.

The Inventory shall be compiled in accordance with the methodologies accepted under the climate change regime, and any departure from those methodologies, and any recalculation of a previously reported figure, shall be disclosed and explained.

SECTION 8. *Duties of Sectoral Agencies.* — The Sectoral Agencies defined in this Act shall establish and maintain a greenhouse gas accounting unit, shall collect the activity data pertaining to the sources and sinks under its jurisdiction, and shall transmit such data to the Climate Change Commission within the period and in the form prescribed in the implementing rules and regulations.

The head of every Sectoral Agency shall be accountable for the completeness and accuracy of the data transmitted by the agency and shall certify to the same in writing.

SECTION 9. *Reporting by Large Emitting Establishments.* — Every Large Emitting Establishment shall annually report its greenhouse gas emissions to the Climate Change Commission, in the form and upon the methodology prescribed in the implementing rules and regulations.

The report shall be verified by an independent verifier accredited for the purpose. The information reported shall form part of the Inventory and shall be published in aggregated form by sector, and in disaggregated form by establishment where the establishment is owned or controlled by the Government or where the emissions arise from the exploitation of natural resources belonging to the State.

Nothing in this provision shall limit the emissions of any establishment and confers no right to emit. Commercially sensitive information other than emissions data shall not be required to be disclosed.

SECTION 10. *Land Use, Land-Use Change, and Forestry Account.* — The Inventory shall include a separate account for land use, land-use change, and forestry, which shall state the definitions, land representation, data sources and assumptions employed, and shall express the uncertainty attaching to each estimate. Where the Philippines relies upon removals in this sector in the formulation of any climate commitment, the account shall be independently verified, and the extent of that reliance, together with the uncertainty attaching to it, shall be stated in the commitment itself and in the annual report to Congress.

The National Mapping and Resource Information Authority, the Forest Management Bureau, and the Philippine Statistics Authority shall maintain the land representation underlying this account, and shall employ the ecosystem and natural capital accounts established under Republic Act No. 11995.

SECTION 11. *Verification and Quality Assurance.* — The Climate Change Commission shall subject the Inventory to annual quality assurance and to independent verification at intervals of not more than three (3) years. The verification report shall be published in full in the Official Gazette

The Inventory shall be published in machine-readable and open format not later than eighteen (18) months from the end of the reference year, together with the underlying activity data to the extent that their disclosure is not prohibited by law.

SECTION 12. *Duty to Prepare and Communicate the Nationally Determined Contribution.* — The Climate Change Commission, in coordination with the Sectoral Agencies defined herein and with the Department of Foreign Affairs, shall prepare the nationally determined contribution of the Philippines within the periods required under the Paris Agreement, and shall publish it not later than sixty (60) days before its communication.

The nationally determined contribution shall state: the base year, reference level and methodology employed; the Unconditional Component and the Conditional Component, separately quantified; the Means of Implementation required for the Conditional Component, quantified and identified by type; the sectoral distribution of the intended reductions; the extent of reliance upon removals in the land use, land-use change and forestry sector and the uncertainty attaching to it; and the manner in which the contribution reflects the highest possible ambition of the Philippines in the light of its national circumstances.

The preparation of the contribution shall be preceded by public consultation conducted under Section 18 of this Act, and the contribution as communicated shall be accompanied by a published summary of the comments received and of their disposition.

SECTION 13. *Long-Term Low Greenhouse Gas Emission Development Strategy.* — The Climate Change Commission shall, within two (2) years from the effectivity of this Act, prepare and publish a long-term low greenhouse gas emission development strategy, and shall review it at intervals of not more than five (5) years.

The Long-Term Strategy shall set out the development pathway of the Philippines to the year 2050, the indicative trajectory of emissions and removals by sector, the measures and investments required, the Means of Implementation required and the extent to which they are conditional, and the implications of that pathway for energy security, employment, and the cost of electricity.

The indicative trajectories stated in the Long-Term Strategy shall not constitute limits upon emissions and shall not be enforceable as such.

SECTION 14. *National Adaptation Plan.* — The National Adaptation Plan of the Philippines is hereby given statutory force. The Climate Change Commission shall maintain, review at intervals of not more than five (5) years, and publish the Plan, which shall state the adaptation priorities of the country, the sectors and areas most exposed, the measures required, the cost thereof, and the Means of Implementation required. The Plan shall be accompanied by a published statement of the resources appropriated and released for its implementation in the preceding three (3) fiscal years, and of the shortfall, if any, against the cost stated in the Plan.

The Department of Energy, in respect of the Philippine Energy Plan, and the Department of Economy, Planning, and Development, in respect of the Philippine Development Plan and the Public Investment Program, shall review each such plan against the prevailing climate commitments upon every adoption or revision thereof, and in any case at intervals of not more than three (3) years. The review shall state, in respect of each plan: whether its projected outcomes are consistent with the Unconditional Component and with the indicative trajectories of the Long-Term Strategy; where they are not, the extent of and the reasons for the divergence; and the measures, if any, proposed to reduce it.

SECTION 15. *Creation and Composition of the Climate Advisory Council.* — There is hereby created a Climate Advisory Council, which shall be composed of seven (7) members appointed by the President from among persons of recognized standing in climate science, meteorology, energy systems, engineering, economics, public finance, ecology, or the law of the sea and international law.

No incumbent official or employee of any Sectoral Agency, and no person having a financial interest in any Large Emitting Establishment, shall be appointed to or sit in the Council.

The members shall serve for a term of six (6) years without reappointment. Of those first appointed, three (3) shall serve six (6) years, two (2) shall serve four (4) years, and two (2) shall serve two (2) years. A member may be removed only for cause after notice and hearing.

The Council shall be independent in the discharge of its functions. Its secretariat shall be lodged with the Climate Change Commission, which shall provide administrative and technical support without participating in the deliberations of the Council or in the preparation of its assessments. The budget of the Council shall be a separate line item in the budget of the Climate Change Commission and shall be released in full and quarterly.

SECTION 16. *Functions of the Council.* — The Council shall:

- (a) Publish an annual assessment of the progress of the Philippines toward its climate commitments, of the adequacy and integrity of the Inventory, and of the alignment reviews conducted under this Act;
- (b) Render advice upon every draft nationally determined contribution, Long-Term Strategy and National Adaptation Plan before its adoption, which advice shall be published together with the instrument;
- (c) Advise upon the sufficiency of the Means of Implementation received and upon the quantification of those required;
- (d) Recommend to Congress and to the President such measures as it considers necessary; and
- (e) Perform such other functions as are incidental to the foregoing.

The Council shall have access to the data, records and models of the Sectoral Agencies, which shall furnish the same upon request.

SECTION 17. *Annual Report on the State of Philippine Climate Action.* — The Climate Change Commission shall submit to the President and to both Houses of Congress, and shall publish, not later than the thirtieth day of June of each year, a report on the state of Philippine climate action.

The report shall state: the emissions and removals recorded in the latest Inventory, with the uncertainties attaching to them; the progress of the Philippines toward the Unconditional Component; the status of the Conditional Component and of the Means of Implementation sought and received; the results of the alignment reviews; the resources appropriated and released for adaptation and the shortfall, if any; the findings of the Council and the responses of the agencies thereto; and the

instances, if any, in which a duty under this Act was not performed within the period prescribed, together with the reasons therefor.

SECTION 18. *Public Participation.* — The preparation of every climate commitment and plan under this Act shall be preceded by public consultation, which shall be conducted in the regions most exposed to the adverse effects of climate change, shall be accessible to persons with disabilities, and shall afford not less than sixty (60) days for the submission of comments upon a published draft.

Indigenous cultural communities and indigenous peoples shall be consulted in accordance with Republic Act No. 8371 in respect of any measure affecting their ancestral domains.

A summary of the comments received and of their disposition shall be published together with the instrument adopted.

SECTION 19. *Means of Implementation; Record of Support Sought and Received.* — The Climate Change Commission, in coordination with the Department of Finance and the Department of Foreign Affairs, shall maintain and publish an annual record of the Means of Implementation required for the Conditional Component, of the support sought by the Philippines and from whom, of the support actually received and upon what terms, and of the difference between them.

The record shall distinguish grants from loans, and concessional from non-concessional finance, and shall state the amount of any support counted by the provider as climate finance which the Philippines does not so count, together with the reasons.

The record shall constitute an official record of the Republic for all purposes, including the presentation of any claim or position in any international forum or proceeding.

SECTION 20. *Preservation of Claims.* — Nothing in this Act shall be construed to waive, prejudice, diminish or settle any claim of the Republic of the Philippines, of any local government unit, or of any Filipino, for reparation, compensation, restitution, satisfaction, or support in respect of loss and damage associated with the adverse effects of climate change, under any instrument to which the Philippines is a Party or under customary international law.

The Department of Foreign Affairs, in coordination with the Office of the Solicitor General and the Climate Change Commission, shall maintain a record of the evidentiary materials relevant to such claims.

SECTION 21. *Implementing Rules and Regulations.* — Within one hundred eighty (180) days from the effectivity of this Act, the Climate Change Commission, the Department of Environment and Natural Resources, the Department of Energy, the Department of Economy, Planning, and Development, the Department of Finance, the Department of Foreign Affairs, the Department of Science and Technology and the Philippine Statistics Authority, in consultation with the Council once constituted, the leagues of local government units, the academe and civil society organizations, shall promulgate the implementing rules and regulations.

The failure to promulgate the implementing rules and regulations within the period herein provided shall not suspend the effectivity of this Act, and the provisions hereof which are complete in themselves shall be executed accordingly.

SECTION 22. *Appropriations.* — The amount necessary for the initial implementation of this Act shall be charged against the current appropriations of the agencies concerned. Thereafter, such sums as may be necessary for the maintenance of the Inventory, for independent verification, for the operation of the Council, and for the maintenance of the portal shall be included in the annual General Appropriations Act.

SECTION 23. *Transitory Provisions.* — The Council shall be constituted within one hundred eighty (180) days from the effectivity of this Act. The first annual report under Section 17 shall be submitted in the calendar year following the effectivity of this Act.

The nationally determined contribution and the National Adaptation Plan subsisting upon the effectivity of this Act shall continue in force and shall be deemed the prevailing climate commitments until superseded in accordance with this Act. The first alignment review shall be conducted within one (1) year from the effectivity of this Act.

Reporting by Large Emitting Establishments shall commence in the second calendar year following the effectivity of this Act, and the threshold shall be reviewed at intervals of not more than three (3) years.

SECTION 24. *Separability Clause.* — If, for any reason, any section or provision of this Act is declared unconstitutional or invalid, the other sections or provisions which are not affected shall continue to be in full force and effect.

SECTION 25. *Repealing Clause.* — All laws, presidential decrees, executive orders, or issuances, or any part thereof which are inconsistent with the provisions of this Act are hereby repealed, amended, or modified accordingly.

SECTION 26. *Effectivity.* — This Act shall take effect fifteen (15) days after its publication in the Official Gazette or any newspaper of general circulation.

Approved,