

Republic Act No. 10771

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S. No. 3092

H. No. 6100

Republic of the Philippines
Congress of the Philippines
Metro Manila

Sixteenth Congress

Third Regular Session

Begun and held in Metro Manila, on Monday, the twenty-seventh day of July, two thousand fifteen.

[REPUBLIC ACT NO. 10771]

AN ACT PROMOTING THE CREATION OF GREEN JOBS, GRANTING
INCENTIVES AND APPROPRIATING FUNDS THEREFOR

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

SECTION 1. *Short Title.* – This Act shall be known as the “Philippine Green Jobs Act of 2016”.

SEC. 2. *Declaration of Policy.* – It is the declared policy of the State to:

(a) Affirm labor as a primary social economic force in promoting sustainable development;

(b) Afford full protection to labor, local and overseas, organized and unorganized, and promote full and productive employment and equality of employment opportunities for all; and

(c) Promote the rights of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature.

The State shall identify needed skills, develop training programs, and train and certify workers for jobs in a range of industries that produce goods and render services for the benefit of the environment, conserve natural resources for the future generation, and ensure the sustainable development of the country and its transition into a green economy. In recognition of the participation of individuals and business enterprises in jobs creation, the State shall provide incentives therefor.

SEC. 3. *Coverage.* – This Act shall apply to all business enterprises unless otherwise provided herein.

SEC. 4. *Definition of Terms.* – As used in this Act:

(a) *Business enterprises* refer to establishments engaged in the production, manufacturing, processing, repacking, assembly, or sale of goods and/or services, including service-oriented enterprises. It shall

include self-employed or own-account workers, micro, small, and medium enterprises (MSMEs) and community-based business enterprises;

(b) *Climate change* refers to a change in climate that can be identified by changes in the mean 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;

(c) *Green jobs* refer to employment that contributes to preserving or restoring the quality of the environment, be it in the agriculture, industry or services sector. Specifically, but not exclusively, this include jobs that help to protect ecosystems and biodiversity, reduce energy, materials and water consumption through high efficiency strategies, decarbonize the economy, and minimize or altogether avoid generation of all forms of waste and pollution. Green jobs are decent jobs that are productive, respect the rights of workers, deliver a fair income, provide security in the workplace and social protection for families, and promote social dialogue.

(d) *Green economy* refers to one which is low-carbon and resource-efficient, and results in the generation of green jobs and in improved human well-being and social equity, while significantly reducing environmental risks and ecological scarcities;

(e) *Green goods and services* refer to goods and services that benefit the environment or conserve natural resources, and may include research and development, installation and maintenance services;

(f) *Green technologies* refer to the development and application of products, equipment and systems used to conserve the environment and natural resources; and

(g) *Sustainable development* refers to development that meets the needs of the present generation without compromising the ability of the future generations to meet their own needs.

SEC. 5. *Incentives.* – For the purpose of encouraging business enterprises to generate and sustain green jobs as certified by the Climate Change Commission, as provided in Section 6(o) hereof, business enterprises shall enjoy the following incentives:

(a) Special deduction from the taxable income equivalent to fifty percent (50%) of the total expenses for skills training and research development expenses which is over and above the allowable ordinary and necessary business deductions for said expenses under the National Internal Revenue Code of 1997, as amended; and

(b) Tax and duty free importation of capital equipment: *Provided*, That the capital equipment is actually, directly and exclusively used in the promotion of green jobs of the business enterprise.

Incentives that will be granted under this Act shall be in addition to fiscal and non-fiscal incentives already granted or provided under existing laws, orders, issuances and regulations. Nothing in this Act shall be interpreted or construed to diminish or limit, in whatever manner, the incentives granted or provided under existing laws, orders, issuances and regulations which shall include, but not limited to, Republic Act No. 10121 or the “Philippine Disaster Risk Reduction and Management Act of 2010”; Republic Act No. 10068 or the “Organic Agriculture Act of 2010”; Republic Act No. 9513 or the “Renewable Energy Act of 2008”; Republic Act No. 9367 or the “Biofuels Act of 2006”; Republic Act No. 9275 or the “Philippine Clean Water Act of 2004”; Republic Act No. 9003 or the “Ecological Solid Waste Management Act of 2000”; Republic Act No. 8749 or the “Philippine Clean Air Act of 1999”; and Republic Act No. 8550 or the “Philippine Fisheries Code of 1998”.

SEC. 6. *Role of Agencies.* –

(a) The Department of Labor and Employment (DOLE) shall, in coordination with other government agencies, formulate a National Green Jobs Human Resource Development Plan on the development, enhancement and utilization of the labor force, both in the private and public sectors. The plan shall have the primary objective of enabling and sustaining the transition into a green economy and the generation of green jobs towards more employment and equal opportunities and the promotion of social justice and workers' welfare. It shall include programs, projects, and activities pertaining to basic, higher and technical-vocational education and training, database that identifies and links green job opportunities with private and public entities, and information on knowledge and skill requirements of a green economy.

The DOLE, in coordination with the Philippine Statistics Authority (PSA), shall also maintain a database of green careers, professions and skills, as well as a list of emerging business enterprises, which generate and sustain green jobs. It shall facilitate skills training assessment and certification, career advocacy, provide productivity and livelihood training, and extend technical assistance to enterprises to ensure labor law compliance.

(b) The Department of Finance (DOF) shall administer the grant of incentives as discussed in Section 5 of this Act to qualified individuals and business enterprises engaged in registered strategic activities, and shall maintain a database on the same.

(c) The Department of Environment and Natural Resources (DENR) shall establish and maintain a climate change information management system and network as reference in the formulation of strategies and approaches to develop potential green jobs.

(d) The Department of Education (DepED) shall implement faculty, facility and curriculum development for primary and secondary education in support of the knowledge and skills requirement of a green economy.

(e) The Commission on Higher Education (CHED) shall develop and implement curriculum and related standards and instructional materials in support of the green economy.

(f) The Technical Education and Skills Development Authority (TESDA) shall formulate the necessary training regulations for the implementation of skills training, program registration and assessment and certification in support of the requirements for skilled manpower of the green economy.

(g) The National Economic and Development Authority (NEDA) shall ensure the mainstreaming of green jobs concern in development plans.

(h) The Department of Trade and Industry (DTI) shall develop a special business facilitation program for individuals and business enterprises that create green jobs.

(i) The Professional Regulation Commission (PRC) shall encourage the development of qualifications framework that can facilitate the recognition of knowledge, skills, and competencies of professionals working in the green economy.

(j) The Department of Science and Technology (DOST) shall, together with the TESDA, assist the DOLE in analyzing skills, training and re-training needs in relation to the use of green technology that has the potential to create new green occupations and greener jobs, especially in industries or sectors undergoing structural changes due to climate change and greening of the economy. It shall also provide a range of business development support to MSMEs. These may include

prototyping or modeling of technologies, conducting assessment to match technological needs and demands, subcontracting business to develop clean technologies, providing technical written guides, procedures as well as instructions and training on clean technology for business.

(k) The Department of Transportation and Communications (DOTC) shall ensure the mainstreaming of green jobs concern in its sectoral development plan and encourage more investments in public transport infrastructure and services to optimize the potential of public transport to foster green growth and job creation. It shall also explore strategies of shifting to more environmentally friendly modes of transport and improving the efficiency of all modes of transportation.

(l) The Department of Tourism (DOT) shall outline sustainable tourism planning and integrated approach for the promotion of job rich sustainable tourism industry.

(m) The Department of Public Works and Highways (DPWH) shall develop and implement programs that promote the importance of green building practices in safeguarding the environment and its role in sustainable economic development.

(n) Any provision in their respective charters to the contrary notwithstanding, government financial institutions (GFIs) shall, in consultation with the Bangko Sentral ng Pilipinas (BSP), provide preferential financial packages to business enterprises that create green jobs.

(o) The Climate Change Commission (CCC), in consultation with concerned agencies, such as the DENR, the DTI, the DOLE, the Department of Agriculture (DA), the Department of Energy. (DOE), the Department of the Interior and Local Government (DILG), and the DOST,

shall develop and administer appropriate standards for the assessment and certification of green goods and services, and green technologies and practices for the purpose of regulating the availment of incentives and ensuring green jobs content pursuant to the National Green Jobs Human Resource Development Plan as provided in Section 6(a) hereof.

SEC. 7. Role of the Secretary of Labor and Employment. – The Secretary of Labor and Employment shall be included as an additional member of the Climate Change Commission constituted under Section 5 of Republic Act No. 9729, as amended or the “Climate Change Act of 2009”.

SEC. 8. Appropriations. – The amount necessary to carry out the operation of this Act shall be included in the annual General Appropriations Act.

SEC. 9. Implementing Rules and Regulations. – Within one hundred eighty (180) days from the effectivity of this Act, the Secretary of Labor and Employment, in coordination with concerned agencies as may be deemed necessary, shall formulate the necessary rules and regulations to implement the provisions of this Act.

SEC. 10. Separability Clause. – Should any provision of this Act be declared unconstitutional, the remainder thereof not otherwise affected shall remain in full force and effect.

SEC. 11. Repealing Clause. – Section 5 of Republic Act No. 9729, as amended or the “Climate Change Act of 2009”, is deemed amended or modified by Section 7 of this Act. All other existing laws, presidential decrees, executive orders, proclamations or administrative regulations that are inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SEC. 12. *Effectivity.* – This Act shall take effect fifteen (15) days following the completion of its publication in the *Official Gazette* or in two (2) newspapers of general circulation.

Approved,

(Sgd.) **FELICIANO BELMONTE JR.**
*Speaker of the House
of Representatives*

(Sgd.) **FRANKLIN M. DRILON**
President of the Senate

Senate Bill No. 3092, which was approved by the Senate on February 1, 2016, was adopted as an amendment to House Bill No. 6100 by the House of Representatives on February 2, 2016.

(Sgd.) **MARILYN B. BARUA-YAP**
*Secretary General
House of Representatives*

(Sgd.) **OSCAR G. YABES**
Secretary of the Senate

Approved: **APR 29 2016**

(Sgd.) **BENIGNO S. AQUINO III**

RESOURCES

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