



Eighteenth Congress
Second Regular Session

HOUSE BILL NO. **9181**

Introduced by
REPRESENTATIVE LOREN B. LEGARDA

AN ACT INSTITUTIONALIZING THE PHILIPPINE ECOSYSTEM AND NATURAL CAPITAL ACCOUNTING SYSTEM (PENCAS), MANDATING ITS USE IN POLICY AND DECISION-MAKING, DESIGNATING THE AGENCIES RESPONSIBLE FOR ITS IMPLEMENTATION, PROVIDING INSTITUTIONAL ARRANGEMENTS AMONG RESPONSIBLE AGENCIES, APPROPRIATING FUNDS THEREFORE AND FOR OTHER PURPOSES

EXPLANATORY NOTE

This bill seeks to institutionalize a Philippine Ecosystem and Natural Capital Accounting System (PENCAS) to reflect environmental inputs and outputs in the determination of national income accounts.

The national income accounts are important indicators for determining the level of development of a country. Conventional national income accounting systems measure economic performance by determining the value of goods and services produced in a country and aggregating them to come up with indicators of economic development such as the Gross National Product (GNP) and Gross Domestic Product (GDP). The goods and services that are included in this accounting system are those that are “marketed”, the prices of which are the basis for estimating the value that are then included in computing economic indicators. This methodology thus reflects the goods and services produced, sold, and bought in the economy.

However, the conventional methodology for computing national income accounts has its shortcomings. In the process of producing marketed goods and services, the natural environment generates goods and services that are utilized but are not valued in the process of producing goods and services. Consumption benefits of amenities provided by the natural environment, waste disposal services, and pollution are part of producing marketed commodities but are not valued (positively or negatively) and reflected in national income accounting.

Indicators and standards generated by the national income accounting system are considered vital information for economic management and policymaking. They serve as basis for socio economic planning, formulation of development programs, and policy analysis in aid of legislation, among others. Thus, it is important that the national income accounts reflect a more accurate state of development and economic performance of the country. It should incorporate both environmental and non-environmental economic inputs and outputs for policymakers to make responsive, relevant and effective laws, plans and programs necessary for national development.

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



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

1 **SEC. 1. Short Title.** – This Act shall be known as the **Philippine Ecosystem and Natural**
2 **Capital Accounting System (PENCAS) Law of 2021**, which shall adhere to the United Nations
3 System of Environmental-Economic Accounting (SEEA).

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

- 5 (a) Promote the common good, conserve and develop our patrimony, as
6 provided in the Preamble of the Constitution, natural capital being the
7 bedrock of the national patrimony;
- 8 (b) Develop a comprehensive information system and accounting framework
9 that will take into consideration the role of our natural capital, consisting of
10 both environmental and natural resources, and its impact on the country's
11 economy;

- 1 (c) Include and institutionalize natural capital accounting as part of the national
2 income accounting system, strengthening and building on RA 10625 on
3 environmental accounts and statistics;
- 4 (d) Provide indicators that will facilitate the integration of environmental and
5 natural resource concerns in national development planning and policy
6 making, in allocation of budgets, and in designating statistics that will be
7 produced regularly for an identified period of analysis.
- 8 (e) Establish and improve interagency coordination for the purpose of linking
9 economic and environmental and natural resource information and efficient
10 data management among concerned agencies and their partner institutions
11 and establish an office to guide such coordination; and;
- 12 (f) Include nature's pricelessness, its intrinsic value, and its interdependencies
13 in the implementation of the foregoing policies to consider that nature and
14 ecosystems have intrinsic rights to exist, with an end in view of recognizing
15 legal rights that serve to protect endangered ecosystems and applying the
16 precautionary principle, especially when economic values cannot be
17 estimated;

18 **SEC. 3. Definition of Terms.** For purposes of this Act, the following terms are hereby
19 defined as follows:

- 20 (a) An *ecosystem* is a complex community of living organisms, their physical
21 environment, and all their interrelationships in a particular unit of space, and these
22 biotic and abiotic components are linked together through nutrient cycles and
23 energy flows.
- 24 (b) *Capital* is a stock concept, which yields a periodic income, which is a flow
25 concept.

1 (c) *Natural capital* is the concept of nature as a stock that provides a flow of
2 benefits to people and the economy. Natural capital consists of the stocks of natural
3 assets – both biotic and abiotic. It includes air, water, soil, minerals, forests, coral
4 reefs, seagrass beds, and all living things. It is from this natural capital that humans
5 derive a wide range of goods and services, which make human life possible. The
6 goods and services that natural capital provides, such as food, water, energy, or
7 climate regulation, are called ecosystem services. These provide people everywhere
8 with the means for healthy lives and underpin all economic activity.

9 (d) *Ecosystem services* are the flows of benefits, which people gain from natural
10 ecosystems, while natural capital consists of the stock of natural ecosystems or stock
11 of renewable and non-renewable natural resources from which these benefits flow.

12 (e) The United Nations *System of Environmental-Economic Accounting* (SEEA) is
13 a framework that integrates both economic and environmental data to provide a
14 more comprehensive and multipurpose view of the interrelationships between the
15 economy, the environment and ecosystems, and the stocks and changes in stocks of
16 natural assets, as they bring benefits to humanity.

17 **SEC. 4. *Philippine Environmental and Natural Capital Accounting System (PENCAS).***

18 A System of Environmental-Economic Accounting is hereby institutionalized within the
19 government bureaucracy. The Philippine Environmental and Natural Capital Accounting
20 System (PENCAS) shall be based on the existing environmental accounting frameworks that are
21 covered by the UN SEEA and are theoretically correct and accepted as evaluated based on
22 international standards. Among others, the PENCAS framework shall include a list of the
23 officially designated statistics on the depreciation of natural capital, environmental protection
24 expenditures, pollution and quality of land, air and sea, environmental damages, and genuine
25 savings. It shall conform to and expound, expand and localize the UN SEEA. A roadmap and

1 manual for further development of these indicators for each of the terrestrial (land and
2 freshwater) and blue (marine) economies shall be formulated. The draft roadmap and
3 international manuals shall be customized to the ecosystems in the Philippine archipelago that
4 support the terrestrial (land and freshwater) and blue (marine) economies. All these data shall
5 constitute the Philippines' natural capital, the conservation of which shall be paramount.

6 **SEC 5. Objectives of the PENCAS.** The PENCAS shall supplement the current System of
7 National Accounts and shall have the following major functions:

- 8 (a) To support economic-environmental policy development and decision-making;
- 9 (b) To generate the Philippine version of the UN SEEA satellite accounts covering both
10 the Central Framework and the Ecosystem Accounts;
- 11 (c) To serve as a comprehensive data framework in the generation of PENCAS
12 statistics; and;
- 13 (d) To ensure that ecosystems and habitats, especially the ones in critical danger of
14 irreparable damage, are conserved and restored, in line with the objectives and
15 timelines of key Multilateral Environmental Agreements, including the United
16 Nations Decade of Ecological Restoration and the 2030 Agenda for Sustainable
17 Development.

18 **SEC 6. Involvement of Government Agencies.** The following agencies and the
19 concerned offices under or attached to them shall be involved in the establishment and
20 institutionalization of the PENCAS:

- 21 (a) Department of Environment and Natural Resources (DENR);
- 22 (b) Department of Agriculture (DA);
- 23 (c) Philippine Statistics Authority (PSA);
- 24 (d) National Economic and Development Authority (NEDA);
- 25 (e) Department of Energy (DOE);
- 26 (f) Department of Tourism (DOT);
- 27 (g) Department of Transportation (DOTr);

- 1 (h) Department of Public Works and Highways (DPWH),
- 2 (i) Department of Health (DOH);
- 3 (j) Department of Interior and Local Government (DILG);
- 4 (k) Department of Science and Technology (DOST);
- 5 (l) Department of Human Settlement Urban Development (DHSUD);
- 6 (m) National Water Regulatory Board (NWRB); and;
- 7 **(n)** Other agencies, as necessary

8 **SEC 7. Duties of Specific Bureaus within the Agencies.** The following Bureaus shall
9 have special mandates for natural capital accounting herein based on their primary functions:

- 10 (a) Bureau of Fisheries and Aquatic Resources;
- 11 (b) Bureau of Soils and Water Management;
- 12 (c) All Bureaus of the DENR, including the National Mapping and Resource
13 Information Authority (NAMRIA), and National Water Resources Board
14 (NWRB);
- 15 (d) National Renewable Energy Board (NREB);
- 16 (e) Research and Development Institutes and Science and Technology Services
17 of the DOST;
- 18 (f) Philippine Coconut Authority (PCA);
- 19 (g) Philippine Rice Research Institute (PhilRice);
- 20 (h) National Irrigation Administration (NIA);
- 21 (i) Philippine Atmospheric, Geophysical and Astronomical Services
22 Administration (PAGASA);
- 23 (j) Philippine Institute of Volcanology and Seismology; (PHIVOLCS)

24 **Sec. 8. Creation of the Natural Capital Units.** Natural Capital units shall be created
25 within the organizational structure of the DENR, DA, PSA, NEDA, DOE, DOT, DOTr, DPWH, DTI,
26 DOH, DILG, DOST, DHSUD, and other agencies as necessary.

1 The head of the Natural Capital Units in the foregoing government agencies should be at a
2 Division Chief or higher level. The Department Head shall designate existing personnel within
3 the Department or hire new ones within its budget to operate its Natural Capital Unit.

4 **SEC. 9. *Staffing Pattern for Natural Capital Units.*** The agencies concerned shall, as
5 much as practicable, utilize existing qualified employees for staffing the Natural Capital Units.
6 In case, however, of the lack of qualified employees who have the skills and capabilities required
7 of the functions of the Units, the concerned agency shall be allowed to include new plantilla
8 items in accordance with the prescribed procedures therefor.

9 **SEC 10. *Functions of the Philippine Statistics Authority (PSA).*** The Natural Capital
10 Unit at the PSA shall have a pivotal role in the implementation of the PENCAS:

11 (a) Compile and collate PENCAS Accounts, and study and formulate viable
12 approaches and methodologies for the PENCAS;

13 (b) Formulate templates, guidelines and digital aids to ensure that all units,
14 especially local governments, generating PENCAS data do so in a manner
15 that can be efficiently consolidated, compared and analyzed, and ensure
16 public accessibility for these tools;

17 (c) Explore ways and means to modify and improve current environmental and
18 economic statistics, in coordination with the concerned data producers and
19 users, including those in the academe, private sector, and non-governmental
20 organizations;

21 (d) Include natural resource and environment-related questions in the PSA's
22 census and surveys, such as, but not limited to, Census of Establishments,
23 Annual Survey of Philippine Business and Industry, Family Income and
24 Expenditure Survey, Labor Force Survey, Survey on Tourism
25 Establishments, Surveys of Household and Establishment Energy
26 Consumption, Fisheries and Aquaculture Surveys, Agriculture, Livestock and

1 Poultry surveys, Community-Based Monitoring System, etc and any surveys
2 these may change into or added to them.

3 (e) Collect data up to the fourth-digit level of the Philippine Standard for
4 Industrial Classification particularly for data needed in the ocean accounts,
5 and update the Input-Output and Supply and Use tables regularly.

6 (f) Develop a satellite account for the oceans, including ocean-based and ocean
7 related economic activities or sectors, coastal and marine ecosystems (e.g.,
8 mangroves, seagrass, coral reefs, tidal flats, etc.), and marine water quality;

9 (g) Enhance the water accounts to include both water resources (quantity) and
10 water quality for surface water and groundwater (water asset account) and
11 water supply and use account, including water supply in relation to climate
12 trends or extreme climatic events in coordination with DENR
13 (Environmental Management Bureau and National Water Resources Board),
14 and DPWH (Bureau of Research and Standards);

15 (h) Update the Input-Output tables regularly, incorporating the PENCAS
16 accounts; and;

17 (i) Serve as repository of all PENCAS-related data and materials through the
18 National Statistical Information Center and make the PENCAS data available
19 on the PSA website;

20 **SEC 11. *Natural Capital Units at National Agencies.*** The Natural Capital Units at the
21 DENR, DA, NEDA, DILG, DOE, DOT, DOTr, DPWH, DTI, DOH, DILG, DOST, and DHUSD shall:

22 (a) Develop and apply, with its various offices, Attached Agencies, GOCCs, and
23 beneficiaries, the data collection, development and compilation of resource or natural
24 asset and ecosystem service accounts, environment and emission accounts and ocean
25 accounts, relevant to each agency's mandates, and formulate viable data development
26 approaches and methodologies in coordination with PSA;

27 (b) Collaborate with the science community in conducting studies and research in

1 support of policy development related to PENCAS;

2 (c) Ensure that sustainable development principles, especially regenerative resource
3 use / resource conservation and climate and environmental and indigenous
4 biodiversity considerations, are integrated in all its bureaus and offices and in their
5 policy, national and project planning and implementation based on PENCAS results;
6 and Strengthen its statistical capabilities, especially regulatory monitoring, to provide
7 environmental and natural resources data and accounts to other national government
8 agencies, local government units, private sector, civil society, and other data users.

9 (d) Prioritize the data generation for the PENCAS accounts for the blue economy,
10 particularly for areas of national patrimony most in danger of exploitation and
11 appropriation, such as the West Philippine Sea and the Philippine Rise.

12 (e) Institutionalize open data for the studies and research in support of policy
13 development related to PENCAS;

14 The DILG shall assist the local governments in building capacity and performing the
15 above functions as far as they are able in order to build their own PENCAS accounts. It shall also
16 consolidate local government data and statistics and compare these with the national accounts
17 as generated by the other agencies.

18 **SEC 12. Duties of Specific Bureaus within the Agencies.** The following Bureaus shall
19 have special mandates for natural capital accounting herein based on their primary functions:

- 20 a. Bureau of Fisheries and Aquatic Resources
21 b. Bureau of Soils and Water Management
22 c. All Bureaus of the DENR, especially the National Mapping and Resource
23 Information Authority (NAMRIA)
24 d. National Renewable Energy Board (NREB)
25 e. Research and Development Institutes and Science and Technology Services
26 of the DOST;
27 f. Philippine Coconut Authority (PCA);

- 1 g. Philippine Rice Research Institute (PhilRice);
- 2 h. National Irrigation Administration (NIA);
- 3 i. National Water Resources Board (NWRB);
- 4 j. Philippine Atmospheric, Geophysical and Astronomical Services
5 Administration (PAGASA)
- 6 k. Philippine Institute of Volcanology and Seismology; (PHIVOLCS)

7 **SEC. 13. *Functions of the National Economic Development Authority and the NEDA***

8 **Board.** The Natural Capital Unit at the NEDA shall:

- 9 (a) Coordinate the conduct of consultations, orientations and training seminars
10 on the PENCAS and its implementation for the national government agencies,
11 local government units and other concerned institutions as well as on
12 request by the private sectors and civil society organizations, upon their
13 request;
- 14 (b) Coordinate the conduct of studies and research in support of policy
15 development related to PENCAS and provide training for non-governmental
16 entities on generating natural capital data and statistics;
- 17 (c) Establish a mechanism for integration of environmental and regenerative
18 resource conservation considerations in national, regional, local and sectoral
19 planning, policy, project development and implementation based on PENCAS
20 results, particularly assuring that legally extracted resources and energy are
21 sufficient for the plans for their sustainable use;
- 22 (d) Formulate and update indicators on the economy-environment interactions
23 and regenerative and sustainable development indices;
- 24 (e) Provide technical services to the (i) Presidential Commission on Natural
25 Capital, (ii) Development Budget Coordination Committee (DBCC) for the
26 integration of environment, ecosystems, natural capital, and climate change
27 in macroeconomic planning and allocation of expenditures and capital

1 outlays, (iii) Investments Coordinating Committee that would review
2 completeness of project-evaluation and ensure that it is inclusive of
3 economic benefits and costs, sources of proposed natural resources, risks
4 and uncertainty due to climate change, natural capital, environmental,
5 biodiversity and social safeguards, justification of use if nonrenewable
6 resource, and matching of natural capital supply and demand, and (iv) any
7 Task Forces or deputized or contracted entities, which the Presidential
8 Commission on Natural Capital may create or partner with for the
9 coordinated functioning of the data-generating agencies and quality
10 decision-making; and

- 11 (f) The NEDA Board and its instrumentalities shall ensure that PENCAS is
12 considered in all its policy decisions and project evaluation systems. In order
13 to ensure this, the composition of the NEDA Board shall always include the
14 departments that generate the most crucial data on PENCAS accounts, such
15 as the DENR and DA.

16 **SEC. 14. *Data and Research Support.*** The PSA, in coordination with the involved
17 agencies, shall designate the required environment and economic statistics in the agencies and
18 bureaus that shall be responsible for generating such data. The Department of Budget and
19 Management (DBM) shall ensure that such research and data management are supported so as
20 to prevent government spending that would unduly compromise PENCAS accounts and
21 ecosystem services or the deterioration of the national patrimony.

22 **SEC. 15. *Creation of the Presidential Commission on Natural Capital Accounting.*** A
23 commission is hereby created to ensure the fulfillment of the objectives of this law and
24 coordinate the performance of the functions of the agencies enumerated. It shall have the
25 following composition:

- 26 1. The President or his appointee to the Commission as Chair;
27 2. An Economic statistician

- 1 3. An Environment and Natural Resources Economist
- 2 4. A Terrestrial ecologist who shall ALSO cover freshwater ecosystems;
- 3 5. A Marine ecologist who shall cover coastal and marine ecosystems;
- 4 6. An Environmental Lawyer;

5 All Commissioners shall be appointed by the President from nominations by the
6 agencies or civil society conglomerations.

7 **SEC 16. *Functions of the Commission.*** The Commission shall provide directions for the
8 coordinated functioning and implementation of the Natural Capital Units. It shall create ad-hoc
9 or permanent inter-agency committees and task forces that will support the data and technical
10 requirements of the departments and their Natural Capital Units. It shall ensure that the
11 officials as well as other instrumentalities of government have access to PENCAS data and
12 endeavor to ensure that such data is ARE used in policy and decision-making, taking care,
13 however, that security measures to prevent poaching or foreign intrusion that could impact on
14 our utilization and enjoyment of our natural resources. Designated Undersecretary level
15 officials in charge of policy and planning in their agencies shall represent the member agencies
16 for DENR, DA, DOE, DOT, DOTr, DPWH, DOST, DTI, DILG, DOH, DHUSD, NEDA and PSA in all
17 technical working groups constituted by the Commission. The Commission shall compile
18 existing surveys and data generation activities of all government agencies to ensure that the
19 information needed for generating the accounts are efficiently captured, including but not
20 limited to existing physical accounts and monetary accounts, data from Community-Based
21 Monitoring System, DENR's Biodiversity Assessment and Monitoring System and Socio-
22 Economic Assessment and Monitoring System, and monitoring data from projects, such as the
23 Wealth Accounting and Valuation of Ecosystem Services (WAVES), Environment Natural
24 Resource Accounting Project (ENRAP) and the National Greening Program, the Department of
25 Agriculture's Ocean accounts, data submitted by license, permit and certification applicants, and
26 the like.

1 **SEC. 17. *Funding.*** The creation and initial funding of the Commission shall be Php Two
2 Hundred Million Pesos to be sourced from excesses in funds, such as, the funds under RA 9147,
3 RA 8749 and similar special accounts, especially the ones that have remained dormant. Two
4 Billion Pesos shall be apportioned by the Department of Budget and Management for the
5 performance of agency functions required herein for the generation of data through expeditions
6 and scientific investigations in the terrestrial/freshwater and marine disciplines. Eight
7 Hundred Million shall be apportioned to the agencies for the creation and improvement of their
8 Natural Capital Units. The apportionment and allocations shall be based on the plan and
9 priorities decided by the Commission in coordination with the agencies performing the
10 functions. These shall be included in the budget preparation of each agency to be incorporated
11 in the annual general appropriations act under separate fund items.

12 **SEC. 18. *Government Planning Mechanisms and the Environmental Impact***
13 ***Assessment System.*** In all government planning, considerations of PENCAS shall be included. In
14 the Environmental Impact Assessment System, the DENR shall ensure that the natural
15 environment, ecosystem services and natural capital are framed as opportunities, benefits or
16 assets as opposed to being merely a constraint or backdrop to absorb impacts. The Commission
17 shall ensure a wide availability of tools, methods and skills that can support the consideration of
18 ecosystem services as part of the Environmental Impact Assessment and ensure the inclusion of
19 such in the development of the Implementing Rules and Regulations (IRR), further including in
20 such rules accounting for activities that may degrade the natural capital considerably despite
21 not being under the coverage of the Philippine EIS System.

22 **SEC. 19. *Role of the Local Government Units.*** In their planning and local legislation
23 duties, local governments shall endeavor to create and populate PENCAS accounts, in
24 compliance with templates and guidelines from the PSA and DILG, and in addition, employ other
25 innovative measures and methods of resource valuation, damage estimation, ecosystem services
26 and natural capital accounting to highlight their ecological competitive edge.

1 **SEC. 20. *PENCAS in the Educational System.*** The Department of Education (Deped)
2 shall cause the crafting of modules both in all levels of the formal as well as the non-formal
3 education spheres to ensure that all citizens, and especially the academe, are able to help change
4 the definition of economic success towards defining wealth inclusively, to generate, analyze and
5 use the PENCAS to its maximum effect and assess the systemic extent of Nature-related financial
6 risk. The CHED shall include PENCAS in all curricula and the Deped shall ensure that PENCAS is
7 incorporated in current courses on these subjects with the objective of generating credible,
8 decision-grade data, which government, businesses and financial institutions and civil society
9 can use to fully integrate Nature-related considerations into their decision-making, and assess
10 and disclose their use of, and impact on, Nature. The Professional Regulation Commission (PRC)
11 shall ensure that PENCAS is included in all professional examinations.

12 **SEC. 21. *Rights of Nature.*** Nothing in this Act shall be construed to mean that nature
13 has no intrinsic value separate and distinct from its economic value, or that it loses
14 interdependencies and pricelessness by such valuation. Whenever data or accounts tend to
15 show that valuation of ecosystems or discrete and identified life-support mechanisms will
16 commodify and or degrade them, any citizen is authorized to submit a registration to the
17 Commission for the latter's recognition of such intrinsic value and the right of such ecosystem
18 or mechanism to exist and maintain its integrity, which registration the Commission is required
19 to accept. The generated data and accounts can still be used but only for the purpose of the
20 recognition of such rights rather than for commodification or ecologically unacceptable trade-
21 offs.

22 **SEC. 22. *Participatory Mechanisms and Citizen Remedies.*** Each Natural Capital Unit
23 shall institute consultative mechanisms, mass collaboration measures and digital comment and
24 recommendation solicitations to effectively popularize PENCAS and ensure wide
25 comprehensibility and usage of the accounts. Any citizen shall have to right to information on
26 any accounts generated under this Act, have the standing to compel the performance of any of
27 the mandates under this Act, and seek justification from any government agency who may have

1 ignored or neglected PENCAS data in their policy or decision-making. Major PENCAS accounts,
2 results on nature's wealth and the economic value of ecosystem services shall be released along
3 with all releases of national economic data, such as GNI, GDP and other often-released measures
4 of the state of the country's economic health, and highlight the contribution of resources and
5 ecosystems to the economy, incomes and employment.

6 **SEC. 23. *Implementing Rules and Regulations.*** The Commission shall constitute an
7 interagency working group to craft the IRR and is hereby given the authority to adopt such IRR,
8 the adoption of which shall constitute its inclusion as part of the administrative rules and
9 regulations of all members of the Committee.

10 **Sec. 23. *Separability Clause.*** – If any provision of this Act is declared unconstitutional or
11 otherwise invalid, the validity of the other provisions shall not be affected thereby.

12 **Sec. 25. *Repealing Clause.*** – All other laws, decrees, orders, rules and regulations, other
13 issuances, or parts thereof inconsistent with the provisions of this Act are hereby repealed or
14 modified accordingly.

15 **Sec. 26. *Effectivity.*** – This Act shall take effect fifteen (15) days after its publication in the
16 *Official Gazette* or in a newspaper of general circulation.

17 Approved,