

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

17th Congress
First Regular Session

HOUSE BILL NO. 2638

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Introduced by Representative WES GATCHALIAN

EXPLANATORY NOTE

An island and archipelagic state that seats on the “pacific rim of fire” and close to the equator, the Philippines is one of the most disaster prone countries in the world.

The Center for Research on the Epidemiology of Disasters (CRED) listed almost 207 natural disasters in the Philippines from the period of 2000 to 2012. Natural and human induced calamities hit the country ranging from flash floods, storm surge, tropical storms, heavy rains, tornado, sinkhole, earthquakes, volcanic activities, causing loss of lives, homes, and livelihood. They also result in injuries and social and economic dislocations. It is for this reason that the United Nations University Institute for Environment and Human Security (UNU-EHS) World Risk Report identified the global risk hotspots and ranked the Philippines as the third most vulnerable area with 50.3% of its area and 81.3% of the population as vulnerable to natural disasters.

Admittedly, laws are now in place in reducing the country’s risk and vulnerability to disasters. The passage of the Philippine Disaster Risks Reduction and Management Act (RA 10121) is a milestone in disaster management.

However, the time has come to adopt additional pro-active approach in broadening and facilitating the rehabilitation of disaster affected areas so as to sustain and level up enduring changes.

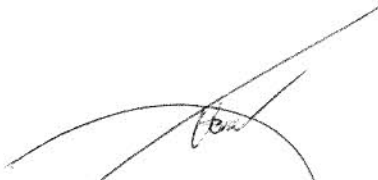
The challenge before us is how to normalize the condition of those adversely affected families. Thus, immediate **post-disaster rehabilitation and resettlement** efforts should be in motion on areas most damaged.

Affected disaster areas or damaged public infrastructure should be restored to their normal operational level.

It is for this reason that this bill is filed with the end in view that a separate institutionalized commission be created to address and expedite the **post-rehabilitation** efforts of disaster-stricken areas, and to provide an orderly and continuing means of assistance by the National Government to the Local

Government Unit in carrying out their responsibilities to alleviate the suffering and rehabilitate the damage which resulted from such disaster.

Hence, urgent approval of the bill is earnestly sought.



WES GATCHALIAN
Representative
1st District, Valenzuela City

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

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HOUSE BILL NO. **2638**

Introduced by Representative WES GATCHALIAN

AN ACT
INSTITUTING A NATIONAL DISASTER REHABILITATION
PROGRAM AND ESTABLISHING THE PHILIPPINE DISASTER
REHABILITATION COMMISSION AND FOR OTHER FOR
THE PURPOSES

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

SEC. 1. Title. – This Act shall be known as “The Philippine Disaster Rehabilitation Act of 2013”.

SEC. 2. Declaration of Policy. - It is hereby declared the policy of the State to assist the victims in the communities damaged or destroyed or adversely affected by disasters and its after effects by extending to them aid, relief, resettlement, rehabilitation and livelihood services and by undertaking construction or repair and reconstruction of infrastructure to the end that life may return to normalcy at the earliest possible time and the development of areas affected.

SEC. 3. Statement of Objectives and Guidelines. - This Act is intended to help the victims under disaster areas as declared by the President. It aims to provide additional funds and services under the Philippine Disaster Rehabilitation Commission for the immediate relief of the victims; to establish resettlement centers, home sites and town sites for displaced families; to provide livelihood and employment opportunities; to repair, reconstruct or replace government infrastructure damaged or destroyed by said disaster whenever economically, socially and technically advisable; and to construct new infrastructure facilities needed by the community.

The term "disaster" when used for purposes of this Act refers means any natural and man made catastrophe including but not limited to storms, tornado, high water, wind driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, drought, or, regardless of cause, any fire, flood, or explosion, in any part of the country, which in the determination of the President causes damage of sufficient severity and magnitude to warrant major disaster assistance under this Act to supplement the efforts and available resources of local governments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby.

The term "victims" refers to the following:

(a) Individuals who have died or disappeared as a result of the aforementioned disasters;

- (b) Individuals who were displaced and/or who sustained injury or suffered death in the family as a result of the aforementioned disaster who need and deserve assistance; and
- (c) Individuals whose homes have been or are threatened to be destroyed or rendered uninhabitable and those who have lost permanently their livelihood as a direct result of the disaster.

SEC. 4. *Creation of the Philippine Disaster Rehabilitation Commission.* - For purposes of this Act, there is hereby created "Philippine Disaster Rehabilitation Commission" hereinafter referred to as the Commission. It shall be organized within thirty (30) days after the approval of this Act. For administrative purposes, the Commission shall be attached to the Office of the President.

SEC. 5. *Powers of the Commission.* - To carry out its objectives under this Act, the Commission shall have the following powers:

- (a) To recommend to the President for the declaration of the area under the State of Disaster upon the request of the Local Government Units affected;
- (b) To formulate policies and plans for the relief, rehabilitation, resettlement and livelihood services as well as infrastructure support in harmony with the other plans and policies of the National Government and other agencies;
- (c) To implement upon approval of the President and in coordination with national agencies all plans for the relief, rehabilitation, resettlement and livelihood services as well as infrastructure support for all victims within the disaster areas;
- (d) To prioritize and coordinate the implementation of the various programs and projects of the Commission;
- (e) To enter into, make, perform and carry out contracts of every class, kind and description which are necessary to the realization of its purposes with any person, firm or corporation, private or public, and with foreign government entities, subject to the usual accounting and auditing requirements;
- (f) To apply for, receive and accept grants and donation of funds, equipment, materials and services needed for the development of the area, within and outside the Philippines;
- (g) To monitor the progress of the relief, rehabilitation, resettlement and livelihood as well as infrastructure support programs and projects;
- (h) To coordinate and consult with concerned national and local officials, both elective and appointive, as well as accredited non government organizations (NGOs) in the prioritization and prosecution of the programs and projects;
- (i) To call upon any department, office, instrumentality, agency, or any political subdivision of the Government for such assistance as may be necessary for the attainment of the objectives of the Commission;
- (j) To sue and be sued in its name, and to adopt, alter and use a seal;
- (k) In general, to perform such other powers as may be necessary and proper to carry out the purposes of this Act.

SEC. 6. *Procedure for Declaration of under the State of Disaster.* - All requests for a declaration by the President that a major disaster exists shall be made by the Governor of the affected province. Such request shall be based on a finding that the disaster is of such severity

and magnitude that effective response is beyond the capabilities of the Province and the affected local governments and that National Government assistance is necessary.

As part of such request, and as a prerequisite to major disaster assistance under this Act, the Governor shall take appropriate response action under Local Government Code and direct execution of the Local Government Unit's emergency plan. The Governor shall furnish information on the nature and amount of Province and local resources which have been or will be committed to alleviating the results of the disaster, and shall certify that, for the current disaster, the local government will comply with all applicable cost-sharing requirements of this Act chargeable against its Internal Revenue Allotment

SEC. 7. *Minimum National Share.* - The National Share of assistance under this section shall be not less than 90 percent of the eligible cost.

SEC. 8. *Composition of the Commission.* - The Commission shall be composed of seven (7) members to be appointed by the President: four (4) coming from the Cabinet, three (3) from the private sector one each from Luzon, Visayas, and Mindanao. The members of the Commission shall serve for six (6) years unless sooner removed for cause. The President shall designate from among the members of the Commission the Chairman thereof.

SEC. 9. *Executive Director; Powers and Responsibilities.* - The President shall appoint a professional manager as the Executive Director of the Commission with a compensation to be determined by the Commission, who shall serve as the chief executive officer. He shall have the following powers and functions:

- (a) Execute and administer the policies and decisions of the Commission;
- (b) Directly coordinate the activities of all agencies and instrumentalities of the Government in the planning and implementation of projects on site;
- (c) Monitor the programs and projects and evaluate the effects of execution by these agencies and instrumentalities and submit to the Commission periodic reports relating to the development of the areas; and
- (d) Perform such other functions as are inherently necessary in the operational management of the areas developed in accordance with the policies and guidelines formulated by the Commission.

SEC. 10. *Structural Organization.* - The Philippine Disaster Rehabilitation Commission shall consist of Services, Regional Field Offices and Sub-offices as may be established in accordance with its implementing rules and regulations.

SEC. 11. *Regional Offices, Field Offices, Sub-offices.* - The Office is hereby authorized to establish, operate and maintain Regional Offices in such appropriate administrative regions of the country as may be provided in the implementing rules and regulations.

SEC. 12. *Implementation.* - The survey, construction or repair and reconstruction of damaged, destroyed, required or alternate government infrastructure and facilities shall be undertaken by the implementing government agencies concerned by public bidding, administration or through negotiated contracts, subject to the usual accounting and auditing rules and regulations. However, in case of negotiated contracts, only duly prequalified and duly licensed contractors as of the approval of this Act can be awarded such contracts. Whenever suitable, labor-based technology shall be used in the implementation of the programs and projects. With respect to aid, relief, resettlement, rehabilitation and livelihood services to individual beneficiaries, the Commission may seek the assistance and use the services of the Philippine National Red Cross and all other relief agencies and volunteer organizations with proven record in providing relief work.

The departments and agencies of the Government involved with the aid, relief, resettlement, rehabilitation and livelihood services as well as infrastructure support shall

continue to be the implementing agencies of the Commission and shall submit to the Commission every quarter the data and information required under Section 14 hereof.

SEC. 13. *Preference for Local Residents.* - Residents in the affected areas, especially the victims, shall be given preference in hiring or employment in the construction or repair and reconstruction of damaged or destroyed government infrastructure and facilities and other labor requirements in all other projects.

SEC. 14. *Report to Congress.* - The Commission shall submit to the President and to Congress a detailed quarterly report on the funds allocated indicating the amount released, obligated and disbursed for:

- (a) Aid, relief, resettlement, rehabilitation and livelihood services, including the list of names of approved individual beneficiaries and contractors and the evaluation of the effectiveness of the delivery systems of such services; and
- (b) Construction or repair and reconstruction of infrastructure projects, including the list of contractors and projects being financed, and the accomplishments for the expended appropriations, including the percentage of completion. The Commission shall cause to be disseminated in the community the list of beneficiaries and contractors mentioned above. The Commission shall also submit as part of the quarterly report a list of local and foreign donors and the nature of their donations.

SEC. 15. *Guidelines in the Allocation of Funds.* - The government funds and resources herein appropriated shall be spent judiciously and effectively in consonance with the principle of providing the greatest good for the greatest number. Accordingly, the following guidelines shall be observed in allocating the funds made available under this Act:

- (a) In the construction or rehabilitation and reconstruction of government infrastructure and facilities, priority shall be given to resettlement centers, home sites and town sites, and such other projects as river system and drainage works, roads, bridges, communication and power lines, hospitals, school buildings, irrigation and water systems, and the like;
- (b) Aid, relief, resettlement, rehabilitation and livelihood services shall be equitably extended to all victims, irrespective of political or party affiliation, sex, creed, religious belief, or ethnic origin, giving emphasis to livelihood and employment opportunities;
- (d) No money shall be released without any identified program and project nor shall it be used to pay obligations incurred before the approval of this Act.

SEC. 16. *Appropriations Clause.* - To carry out the purposes of this Act, the sum of Thirty Billion Pesos (P30,000,000,000) is hereby appropriated out of any available funds in the National Treasury not otherwise appropriated.: *Provided, however,* that undisbursed amounts at the end of any year shall be carried over to the succeeding year. Thereafter, such lump sum representing the responsibility of the national government for the continued operation and maintenance of the commission shall be included in the annual General Appropriations Act (GAA).

SEC. 17. *Rules and Regulations.* - The President shall, within ninety days (90) days after the organization of the Commission, issue the necessary rules and regulations for the effective implementation of this Act.

SEC. 18. *Repealing Clause.* - Any law, decree, or rules and regulations which are inconsistent with or contrary to the provisions of this Act are hereby amended or repealed.

SEC. 19. *Effectivity Clause.* - This Act shall take effect upon its publication in at least two (2) national newspapers of general circulation.

Approved,