



REPUBLIC OF THE PHILIPPINES  
HOUSE OF REPRESENTATIVES  
Quezon City



Eighteenth Congress  
First Regular Session

House Bill No. **3245**

Introduced by **REPRESENTATIVE AURELIO D. GONZALES, JR.**

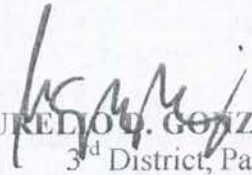
**EXPLANATORY NOTE**

The Philippines, along with some islands and states, sits within the Pacific Ocean where both the Pacific Ring of Fire and the Typhoon Belt are located. The Ring of Fire is a 25,000-mile range that contains 75% of the world's active volcanoes and serves as the converging point of the world's tectonic plates. As a result, 90% of Earth's earthquakes occur along its path, including the planet's most violent and dramatic seismic events.<sup>1</sup> The Belt, also known as Typhoon Alley, produces around 80 tropical depressions annually. Twenty of these enter the Philippines and almost half make landfalls<sup>2</sup>, raining down destruction and wreaking havoc along its path. We are also heavily affected by El Niño, a natural phenomenon where the ocean gets warmer and bringing extended dry spells to our lands. When this occurs, it is only a matter of time before strong typhoons smash into our country, causing billions of pesos in damages and much worse, thousands of deaths among many of our fellow countrymen.<sup>3</sup> In 2009, we suffered El Niño and of September that year, Typhoon Ketsana, locally known as Ondoy, hit the country, affecting 993, 227 families and placing the whole Metro Manila and 30% of our provinces under the state of calamity.

These are some serious and detrimental risks that need to be addressed with a more comprehensive and more cohesive steps of action to ensure the safety of our people, especially those residing at high-risk areas. The objective of this bill is to create a consolidated department that has the authority and capability to counter such threats posed by natural disasters by providing a highly coordinated programs and/or standard operating procedures. In addition, this Department is designed with the aim of decreasing, if not totally stopping, the casualties brought about by such calamities.

As Filipinos, we are known for our outstanding resiliency in the face of adversity. We have endured an inexhaustible number of disasters—from devastating earthquakes, catastrophic volcanic eruptions to deadly typhoons. We have outlasted them all since time immemorial but be that as it may, our natural resiliency is not an excuse to let things be and allow more Filipinos to suffer when we could give them the chance not to. The government, as the guardians of this nation, bears the ultimate responsibility to better prepare, if not fully protect the state in the form of calamities—both natural and man-made.

It is for the aforementioned reasons that the urgent passage of this bill is immediately sought.

  
**AURELIO D. GONZALES, JR.**  
3<sup>rd</sup> District, Pampanga

<sup>1</sup> <https://www.nationalgeographic.org/encyclopedia/ring-fire/>

<sup>2</sup> <https://www.dw.com/en/philippines-a-country-prone-to-natural-disasters/a-17217404>

<sup>3</sup> <https://panahon.tv/beta/v2/web/blog/2019/03/typhoons-occur-during-el-nino-true-or-false-2/>





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**AN ACT CREATING THE DEPARTMENT OF DISASTER AND EMERGENCY  
MANAGEMENT, DEFINING ITS POWERS AND FUNCTIONS, APPROPRIATING FUNDS  
THEREFOR, AND FOR OTHER PURPOSES**

*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 "Disaster and Emergency Management Act."

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

- a) To uphold the sacredness and dignity of human life by efficiently and effectively addressing humanitarian emergencies, including calamities and disasters, through the establishment of a focused, streamlined, independent, empowered, full-time, and specialized agency on disaster risk reduction and management as well as emergency response, which is national in scope and civilian in character. The people are the most important assets of the nation, and all disaster risk reduction and management efforts shall be responsive to the humanitarian needs of the people, the dignity and value of the human person, and respect for property;
- b) To promote a simplified, strategic, systematic, continuous, comprehensive, inclusive, and integrated approach to disaster risk reduction and management, with the end in view of substantially reducing vulnerabilities and the risk of disasters and other humanitarian emergencies, towards the preservation of life and property, thereby ultimately preventing or deterring the loss of lives and the social, economic, cultural, and environmental assets of the country;
- c) To establish a permanent, institutionalized, cohesive, and comprehensive framework for disaster preparedness, prevention and mitigation, and response, to be implemented by a full-time and focused specialized agency with its own mandate, powers, and funding, in coordination with other government agencies, foreign governments, financial institutions, international organizations, the private sector, and civil society. In disaster risk reduction and management, disaster prevention and mitigation shall, first of all, aim the outright avoidance of the adverse impacts of hazards and related disasters. However, with the knowledge and capacities to effectively anticipate, respond to, and recover from, the impacts of likely, imminent, or current hazard events or conditions, preparedness action shall be carried out in the most effective and efficient manner. In a disaster scenario, the response shall ensure the provision of emergency services and public assistance, before, during, or immediately after, a disaster; and



- d) To create an integrated, systematic, comprehensive, and cohesive plan to simplify, streamline, integrate, and coordinate the various programs, projects, and activities of the Government and such other actors/stakeholders in disaster risk reduction and management to ensure accountability, responsibility, and transparency, as well as to achieve efficiency and effectiveness in the performance of their functions.

**SEC. 3. Definition of Terms.** - As used in this Act:

- a) Contingency Planning – a management process that analyzes specific potential events or emerging situations that might threaten society or the environment and establishes arrangements in advance to enable timely, effective, and appropriate responses to such events and situations;
- b) Disaster – a serious disruption of the functioning of a community or a society involving widespread human, material, economic, or environmental losses and impacts, which exceeds the ability of the affected community or society to cope using its own resources;
- c) Disaster and Emergency Management – the organization and management of resources and responsibilities for addressing all aspects of disasters and emergencies, in particular preparedness, response, and initial recovery steps;
- d) Emergency – any occasion or instance for which, in the determination of the President, national assistance is needed to supplement local government efforts and capabilities to save lives and to protect property and public health and safety, or to lessen or avert the threat of a catastrophe in any part of the country;
- e) Evacuation Centers and Facilities – permanent and typhoon-resilient structures equipped with facilities constructed exclusively for evacuation and humanitarian relief operations during disasters and emergencies;
- f) Geographic Information System – a database which contains, among others, geohazard assessments, information on climate change, and climate risk reduction and management;
- g) Government – includes the National Government, and any of its subdivisions, agencies, or instrumentalities, including government-owned and controlled corporations and their subsidiaries, and local government units;
- h) Hazard – a dangerous phenomenon, substance, human activity, or condition that may cause loss of life, injury, or other health impacts, property damage, loss of livelihood and services, social and economic disruption, or environmental damage;
- i) Humanitarian – one devoted to the promotion of human welfare and advancement of social reform;
- j) Response – any and all projects, programs, plans, or activities aimed at preventing, mitigating, and/or preparing for disasters and other humanitarian emergencies. This includes, but is not limited to, the provision of emergency services and public assistance during or immediately after a disaster; and
- k) State of Calamity – a condition involving mass casualty and/or major damages to property, disruption of means of livelihood and the normal way of life of the people in the affected areas as a result of the occurrence of natural or human-induced hazard.



## I. The Department Proper

**SEC. 4. Department of Disaster and Emergency Management.** - To carry out the above-declared policy, there is hereby created the Department of Disaster and Emergency Management, hereinafter referred to as the Department, which shall prepare, integrate, coordinate, implement, supervise, control, monitor, and evaluate all plans, programs, projects, and activities of the Government on humanitarian emergency assistance and disaster risk reduction and management.

**SEC. 5. Powers and Functions.** - In addition to the powers and functions provided by this Act, the Department shall also assume the policy-making, coordination, integration, supervision, monitoring, and evaluation functions currently lodged with the existing National Disaster Risk Reduction and Management Council (NDRRMC), and shall take over all of the latter's responsibilities enumerated in Section 6 of Republic Act No. 10121. It shall also assume the powers and functions of the Office of the Civil Defense (OCD) as enumerated in Section 9 of Republic Act No. 10121.

To this end, all references to the powers and functions of the NDRRMC and the OCD in Republic Act No. 10121 shall be understood to refer to the Department created under this Act.

The Department shall also have administrative supervision and control over the existing Regional Disaster Risk Reduction and Management Offices (RDRRMOs), and the Local Disaster Risk Reduction and Management Offices (LDRRMOs), organized in all provinces, cities, municipalities, and barangays in the country, which are hereby thereafter called Regional Disaster and Emergency Management Offices (RDEMOs) and Local Disaster and Emergency Management Offices (LDEMOs), respectively.

The Department shall also cause the identification, establishment, and maintenance of permanent evacuation centers and facilities in priority cities and municipalities.

**SEC. 6. Composition.** - The Department Proper shall be composed of the Office of the Secretary, the Offices of the Undersecretaries and Assistant Secretaries, and the Department Bureaus, as well as Regional and Local Offices.

The Provincial, City, Municipal, and Barangay Disaster and Emergency Management Offices and Rescue Teams shall be under the control and supervision of their respective local government units. The Department shall exercise supervisory power over such offices.

**SEC. 7. Office of the Secretary.** - The Office of the Secretary shall consist of the Secretary and his or her immediate staff.

**SEC. 8. The Secretary.** - The Secretary shall be appointed by the President, subject to confirmation by the Commission on Appointments.

The Secretary shall have the following powers and functions:

- a) Advise the President in issuing executive orders, regulations, proclamations, and other issuances, the promulgation of which is expressly vested by law in the President relative to matters under the jurisdiction of the Department;
- b) Establish the policies and standards for the effective, efficient, and economical operation of the Department pursuant to a national disaster risk reduction and management framework which shall provide for a comprehensive, all-hazards, multi-sectoral, inter-agency, and community-based approach to humanitarian emergency assistance and disaster risk reduction and management, in line with Section 6 (a) of the Philippine Disaster Risk Reduction and Management Act of 2010;
- c) Promulgate rules and regulations necessary to carry out department objectives, policies, functions, plans, programs, and projects;



- d) Promulgate administrative issuances necessary for the efficient administration of the offices under his/her jurisdiction and for the proper execution of the laws relative thereto;
- e) Exercise direct supervision and control over all functions and activities of the Department, as well as supervision over its officers and personnel;
- f) Create regional offices and such other service units and divisions, as may be necessary; and
- g) Perform such other functions as may be necessary and/or proper to attain the objectives of this Act.

**SEC. 9. The Undersecretaries.** - The Secretary shall be assisted by three (3) Undersecretaries in the performance of the Department's functions and duties related to the pillars of disaster risk reduction and management, namely, (a) disaster preparedness, (b) disaster response, and (c) disaster prevention and mitigation. Another undersecretary shall be in charge of administrative and finance services.

The Undersecretaries shall be appointed by the President upon the recommendation of the Secretary. They shall have the powers and functions, as provided for in Section 10, Chapter 2, Book IV of the Administrative Code of 1987, relative to the scope of their responsibilities as provided above.

The Office of the Undersecretaries shall consist of the Undersecretaries and their respective immediate staff.

**SEC. 10. The Assistant Secretaries.** - The Secretary shall be assisted by three (3) Assistant Secretaries, one (1) for training, one (1) for operations, and one (1) for legal affairs. The Assistant Secretaries shall be appointed by the President upon the recommendation of the Secretary.

**SEC. 11. Qualifications.** - No person shall be appointed Secretary, Undersecretary, or Assistant Secretary of the Department, unless he or she is a citizen and resident of the Philippines, of good moral character, and of proven experience or competence/expertise in humanitarian emergency assistance and disaster management over the course of his or her career. The Secretary, Undersecretary, or Assistant Secretary shall not hold any other position, public or private, during his/her tenure.

**SEC. 12. Bureaus.** - Subject to the power of the Secretary, with the approval of the President, to reorganize, restructure, and redefine the functions of the bureaus for the effective discharge of the duties and functions of the Department under this Act, the 16 Department shall have the following bureaus;

- a) Bureau of Hazard Education and Risk Mitigation;
- b) Bureau of Disaster Preparedness;
- c) Bureau of Humanitarian Emergency Relief Operations; and
- d) Bureau of Administration and Finance.

**SEC. 13. Powers and Functions of the Bureaus.** - The bureaus shall have the following powers and functions:

- a) The Bureau of Hazard Education and Risk Mitigation shall assist the Secretary in the formulation of policies, programs, and plans related to disaster prevention and mitigation, as defined in Sections 3 (k) and 3 (i), respectively, of the Philippine Disaster Risk Reduction and Management Act 27 of 2010. In particular, it shall take the lead in:
  - i. Making an inventory and checklist of all personnel, equipment, and supplies critical during disasters in all local government units, in accordance with protocols and contingency plans, and endeavoring that the same be provided to the local government units within a period of twelve (12) months upon the passage into law of this Act;



- ii. Conducting a review of the National Building Code and Fire Code of the Philippines, together with the relevant government department, and submitting the results thereof to the Senate and the House of Representatives of the Philippines, with the end in view of developing legislation which seeks to strengthen infrastructure in line with disaster prevention and mitigation;
- iii. Developing, updating, and maintaining a national geographic information system which shall be the basis of national, regional, and local disaster protocols and contingency plans, which shall be under the control and custody of the Department. The same shall also be maintained at all local government units;
- iv. Mainstreaming and integrating disaster risk reduction and management (DRRM) and climate change adaptation (CCA) in all national, regional, local, and sectoral development policies, plans, and budgets relating to environmental protection;
- v. Developing and implementing community-based and scientific DRRM and CCA hazard assessment, mapping, analysis, and monitoring;
- vi. Establishing disaster risk financing, insurance, and other risk transfer mechanisms at the community level;
- vii. Establishing, developing, and improving the end-to-end monitoring and forecasting of hazards, including early warning systems and practices; and

viii. Such other functions relevant to its mandate of disaster prevention and mitigation.

- b) The Bureau of Disaster Preparedness shall assist the Secretary in the formulation of policies, programs, and plans related to disaster preparedness, as defined in Section 3 (j) of the Philippine Disaster Risk Reduction and Management Act of 2010. In particular, it shall take the lead in:

- i. Developing DRRM and CCA information, education, communication, and advocacy plans;
- ii. Developing standard DRRM training modules and the conduct of trainings, simulation exercises, and other capacity-building activities for communities and specific groups, including but not limited to, quick response teams, front line government and private responders, and humanitarian aid workers;
- iii. Developing and monitoring the implementation of locality-based DRRM contingency plans, and establishing and monitoring the operations of national and local Emergency Response Operations Centers;
- iv. Developing and implementing comprehensive, scenario-based national and local preparedness policies, plans, and systems, in primary coordination with the local government unit/s concerned, in the wake of an imminent humanitarian emergency and/or disaster. Such policies, plans, and systems include, but are not limited to, the preventive evacuation, procurement of facilities, equipment, tools, systems, and other mechanisms to cope with the effects thereof; the deployment of essential personnel and manpower in critical areas of concern; and the formulation of such other courses of action to avert the loss of lives, livelihood and/or property;
- v. Strengthening the partnership and coordination between and among all key players and stakeholders in a humanitarian emergency and/or disaster;
- vi. Preparing the criteria and procedure for the enlistment of accredited community disaster volunteers (ACDVs), and the drafting of a manual of operations for ACDVs, in consultation with relevant stakeholders; and
- vii. Such other functions relevant to its mandate of disaster preparedness.



- c) The Bureau of Humanitarian Emergency Relief Operations shall assist the Secretary in the formulation and implementation of policies, programs, and plans related to disaster response, as defined in Section 3 (1) of the Philippine Disaster Risk Reduction and Management Act of 2010. In particular, it shall take the lead in:
- i. Establishing and implementing a comprehensive, well-coordinated, effective, and efficient Disaster Response Action Plan (DRAP) for every humanitarian emergency or disaster, with the primary goal of preventing or deterring the loss of lives, property and livelihood;
  - ii. Developing and implementing an integrated and coordinated system of search, rescue, and retrieval (SRR), and evacuations procedure;
  - iii. Establishing a mechanism to ensure the prompt and accurate assessment of damage in disaster areas, including, but not limited to, the loss of lives, bodily injuries, damages to infrastructure and public facilities, and destruction of social, economic, cultural, and environmental assets;
  - iv. Establishing a mechanism to ensure the prompt and accurate assessment of humanitarian needs in disaster areas, including, but not limited to, food and nutrition, health, clothing, shelter, livelihood, water, sanitation, hygiene, protection, and preservation of peace and order;
  - v. Identifying standard-based relief shelters and sites for internally displaced persons, as well as developing and implementing a set of minimum standards for such temporary shelters;
  - vi. Identifying priority cities and municipalities where the permanent Evacuation Centers and Facilities shall be established and recommending the need to establish the same in other local government units;
  - vii. Consolidating the established evacuation centers in the local government units and formulating a standard operating procedure in maintaining these evacuation centers and ensuring their functionality and operationality in times of disasters and emergencies;
  - viii. Supplementing the efforts of the local government unit concerned in providing basic social services, livelihood-oriented activities and psycho-social interventions to the affected population, whether inside or outside temporary shelters; and
  - ix. Such other functions relevant to its mandate of disaster response. In case there is total or considerable breakdown of authority resulting from the humanitarian emergency or disaster, which requires response that goes beyond the mandate or capacity of the local government unit/s concerned, the Bureau shall, with prior authorization from the Department, directly formulate, implement, manage and coordinate all disaster response activities. In such case, the Department shall be possessed with the power to call upon other agencies and instrumentalities of government, and neighboring local government units, to augment, supplement and/or implement disaster response efforts. Further, the authority of the Bureau shall be provided, described, and limited in the authorization,
- d) The Bureau of Administration and Finance shall be composed of the Office of the Legal Counsel and the Financial and Management Office. The Office of the Legal Counsel shall be responsible for providing legal services and advice on all policies, programs, and operational matters of the Department. It shall provide legal counseling services in cases where the Department is a party and shall also handle administrative cases against any personnel of the Department and submit recommendations pertaining thereto.

The Financial and Management Office, which shall consist of the Human Resources Management Division, General Services Division, and the Finance Division, shall be responsible for providing the Department with services relative to personnel information, records, supplies, equipment, collection and disbursements, security, and custodial work. It shall also be responsible for providing the Department with staff advice and assistance on budgetary, financial, and management improvement matters.



## II

### **Attached Agencies and Coordination with Other Government Offices**

**SEC. 14. The Disaster and Emergency Management Coordinating Council.** - There shall be a National Coordinating Council, hereinafter referred to as the Council, which shall coordinate and integrate the efforts of the concerned government agencies and offices and nongovernmental and people's organizations, and assist the Department in the delivery of quick and efficient humanitarian relief operations, among others, in times of disasters and emergencies.

The National Disaster Risk Reduction and Management Council (NDRRMC) referred to in Section 5 of the Philippine Disaster Risk Reduction and Management Act of 2010 shall compose the Council and shall be headed by the Secretary of the Department of Disaster and Emergency Management.

The Secretary is hereby empowered to constitute, call, convene, meet with, and/or deputize agencies of government, or an aggrupation or cluster thereof, to assist, advise or otherwise coordinate with the Secretary. Representatives from the civil society/nongovernmental organizations and the private sector may also be included, as necessary, as members of the coordination mechanism called for by the Secretary.

**SEC. 15. Relationship and Coordination with Other Government Offices.** - In the discharge of their respective responsibilities, the Department's bureaus shall coordinate with Government departments, agencies, offices, and instrumentalities, whose powers and functions are relevant to each bureau's respective focus area.

**SEC. 16. Attached Agencies.** - The Philippine Atmospheric, Geophysical and Astronomical Services Administration (PAGASA) and the Philippine Institute of Volcanology and Seismology (PHIVOLCS) are hereby placed under the supervision of the Department; Provided, That they shall continue to perform their respective functions as provided by law.

## III

### **The Humanitarian Emergency Assistance and Disaster Fund, Donations, and Accountability**

**SEC. 17. Humanitarian Emergency Assistance and Disaster Fund (Calamity Fund).** - At least one percent (1%) of the estimated revenue from regular sources of government or Twenty Billion Pesos (Php 20,000,000,000.00), whichever is higher, shall be set aside as an annual lump sum appropriation for unforeseen expenditures arising from the occurrence of calamities; Provided, That such appropriation shall be used only in the area, or a portion thereof, of the country declared as in a state of calamity.

The present National Disaster Risk Reduction and Management Fund (NDRRMF) and the Local Disaster Risk Reduction and Management Fund (LDRRMF) shall henceforth be known as the Humanitarian Emergency Assistance and Disaster Fund (HEAD Fund) and Local Humanitarian Emergency Assistance and Disaster Fund (Local HEAD Fund), respectively.

The Department shall manage, mobilize, and with the approval of the President, release resources for disaster risk reduction and management, including the funds herein provided for. It shall also monitor and provide the necessary guidelines and procedures for the release, utilization, accounting, and auditing of the Local HEAD Fund.

There shall also be created a regular fund for the personnel, resource requirements, and other administrative costs related to the operations of the Department.

**SEC. 18. Donations.** - All monetary contributions and donations in kind, including, but not limited to, equipment, food, clothing, medicine, and related supplies, from international and local sources, shall be coordinated with the Department to ensure that they are equitably and properly allocated and utilized, directly and solely for disaster risk reduction and management efforts.



The Department shall maintain and make publicly available a complete, accurate, timely, and separate record of such donations, indicating the particular areas where such were allocated, and the exact purposes for which the same were utilized.

**SEC. 19. Accountability, Responsibility, Transparency, and Access to Information.** - The Department and all regional and local councils and offices under its supervision or control, shall make available to the public for scrutiny, copying, and reproduction, (i) any and all records of their financial transactions, including, but not limited to, donations received, funds allocated, and amounts disbursed; (ii) all information pertaining to their official acts, transactions or decisions; and (iii) relevant research data used as basis for policy development, regardless of the physical form or format in which such record, information, or data is contained.

The Department and local government units concerned shall also upload such records, information or data on their websites, which shall be regularly updated every fifteen (15) days. In case of voluminous records, information or data, the Department and/or local government units concerned may, in its/their discretion, upload only an executive summary thereof, with a note outlining the procedure/requirements to obtain full access to the complete record, information, or data.

The record, information, or data uploaded in the websites may be withdrawn after a period of three (3) years from the time of uploading; Provided, That an abstract thereof shall remain uploaded in the website, with an indication of the dates of posting and withdrawal, and a note outlining the procedure/requirements to obtain access to the withdrawn record, information, or data.

#### IV

##### **Establishment of Permanent and Typhoon-Resilient Evacuation Centers and Facilities**

**SEC. 20. Establishment of Evacuation Centers and Facilities.** - There shall be established permanent and typhoon-resilient Evacuation Centers and Facilities (ECF) in priority cities and municipalities identified by the Department in coordination with the Department of Environment and Natural Resources (DENR), the Department of Interior and Local Government (DILG), and local government units. This shall form part of the national disaster risk reduction and management framework.

The established evacuation centers prior to this Act shall be consolidated and shall form part of the directory of ECFs under the control of the Department.

**SEC. 21. Administration.** - The Regional Disaster and Emergency Management Offices (RDEMOS), under the supervision of the bureau concerned, shall lead the management, maintenance, and operation of the newly established and existing ECFs.

The local government units through their Local Disaster and Emergency Management Offices (LDEMOS) shall coordinate with the RDEMOS in the efficient utilization and operation of the ECFs in their respective jurisdiction.

#### V

##### **Transitory Provisions**

**SEC. 22. Abolition of the Office of Civil Defense; Transfer of Powers and Functions.** - The Office of Civil Defense is hereby abolished, and its powers and functions are hereby transferred to the Department. The foregoing transfer of powers and functions shall include all applicable funds and appropriations, records, equipment, property, and personnel, as may be necessary.

The Department shall, by virtue of this Act, be subrogated to all the rights and assume all the liabilities of the Office of Civil Defense, and all other agencies, or government units whose powers and functions have been transferred to the Department, and all their funds, records, property, assets, equipment, and such personnel as necessary, including unexpended appropriations and/or allocations. All contracts and liabilities of the said offices, agencies, and government units are hereby transferred to and assumed by the Department and shall be acted upon in accordance with the Auditing Code and



other pertinent laws, rules, and regulations; Provided, That the officers and employees of said offices, agencies, and government units shall continue in a holdover capacity until such time as the new officers and employees of the Department shall have been duly appointed pursuant to the provisions of this Act.

The same shall apply to agencies and government units which have not been abolished, but whose functions have been transferred to the Department.

**SEC. 23. Structure and Staffing Pattern.** - The organizational framework and staffing pattern of the Department shall be prescribed and approved by the Secretary within sixty (60) days after the approval of this Act and the authorized positions created therein shall be filled by regular appointments by the President or the Secretary as the case may be; Provided, That in the filling of positions created, preference shall be given to the personnel of the Office of Civil Defense.

**SEC. 24. Separation from Service.** - Employees separated from the service as a result of the reorganization shall, within six (6) months from their separation from service, receive the retirement benefits to which they may be entitled under existing laws, rules, and regulations.

**SEC. 25. Appropriations.** - The amount needed for the initial implementation of this Act shall be taken from the current year's appropriations of the National Disaster Risk Reduction and Management Council, the Local Disaster Risk Reduction and Management Councils, and the Office of Civil Defense. Thereafter, the amount needed for the operation and maintenance of the Department and its Line Agencies shall be included in the annual General Appropriations Act.

## VI

### Miscellaneous Provisions

**SEC. 26. Visitorial Powers.** - The Secretary of the Department and/or his or her authorized representative shall have visitorial and examining authority over governmental and nongovernmental entities engaged in post-disaster relief in order to ensure that all donations, financial or otherwise, coursed through them, are actually utilized for disaster risk reduction and management efforts.

During such examination, the entity concerned shall produce all the reports, records, books of accounts, and other papers that may be required.

The refusal by any such entity to allow an examination of its books of accounts and pertinent records, or the concealment of any material information concerning its financial status, shall constitute a legal ground for the cancellation of its registration, and the revocation of all tax-exemption privileges and other benefits granted to it by law, in the case of a nongovernmental entity, or the institution of any proper legal action against the erring official concerned, in the case of a governmental entity.

**SEC. 27. Declaration of State of Calamity.** - Whenever warranted by circumstances, the Department shall recommend to the President the declaration of a state of national calamity and the lifting thereof. It shall also have the power to, motu proprio, or upon the recommendation of the Council, declare a cluster of barangays, municipalities, cities, provinces, and regions under a state of calamity, and the lifting thereof, based on the criteria set by the Department. The President's declaration shall entail access to international humanitarian assistance, as deemed necessary.

The declaration and lifting of the state of calamity shall be based on the results of the damage assessment and needs analysis. The causes, effects and incidents of the calamity and the need for the declaration shall be specified.

**SEC. 28. Prohibited Acts.** - In addition to the prohibited acts provided for in Section 19 and penalized under Section 20 of the Philippine Disaster Risk Reduction and Management Act of 2010:

- a) Any person, group, or corporation who directly or indirectly requests or receives any part of the funds devoted to disaster risk reduction and management, as well as monetary contributions and donations in kind, where such person, group, or corporation has no right to receive such proceeds from the fund, in whole or in part, monetary contribution or donation, shall be guilty of the crime of corruption of calamity funds or donations, and shall be prosecuted and upon



conviction, shall suffer a fine of not less than One Hundred Fifty Thousand Pesos (Php 150,000.00) or any amount not to exceed One Million Five Hundred Thousand Pesos (Php 1,500,000.00) or imprisonment of not less than twelve (12) years and one (1) day, nor more than twenty (20) years, or both, at the discretion of the court, including perpetual disqualification from public office if the offender is a public officer, and confiscation or forfeiture in favor of the government of the objects and the instrumentalities used in committing the herein prohibited act;

- b) Any person who, with intent to gain, but without violence against or intimidation of persons nor force upon things, shall take property devoted to any disaster risk reduction and management activity, without the consent of the Secretary, shall be guilty of the crime of qualified theft, and shall be prosecuted and upon conviction, shall be punished by the penalties next higher by three degrees than those respectively specified in Article 309 of the Revised Penal Code;
- c) Any public officer accountable for calamity funds or property devoted to disaster risk reduction and management efforts, who shall appropriate the same with abandonment or negligence, shall permit any other person to take such public funds or property, wholly or partially, or shall otherwise be guilty of misappropriation or malversation of such funds or property, shall be punished by the penalties next higher by three degrees than those respectively specified in Article 217 of the Revised Penal Code;

In all the above, if the offender is a corporation, partnership, association, or other juridical entity, the penalty shall be imposed upon the officer or officers of the corporation, partnership, association, or entity responsible for the violation, without prejudice to the cancellation or revocation of the license or accreditation issued to them by any body of the government. If such offender is an alien, he or she shall, in addition to the penalties prescribed in this Act, be deported without further proceedings after service of the sentence.

The prosecution for the offenses shall be without prejudice to any liability for violation of Republic Act No. 3185, as amended, otherwise known as the Revised Penal Code, and other civil liabilities.

**SEC. 29. Implementing Rules and Regulations.** - The Department shall issue the necessary rules and regulations for the effective implementation of this Act within ninety (90) days after the approval of this Act. The Secretary, in consultation with relevant government agencies and other key stakeholders, shall take the lead in the preparation of the implementing rules and regulations.

**SEC. 30. Annual Report** - The Department shall submit to the Office of the President, the Senate, and the House of Representatives, within the first quarter of the succeeding year, an annual report relating to the progress of the implementation of all disaster risk reduction and management efforts, and a detailed inventory of available personnel, supplies and equipment. Such report shall be made available to the public for scrutiny, copying, and reproduction, and shall also be uploaded in the Department's website.

**SEC. 31. Congressional Oversight Committee.** - There is hereby created a Congressional Oversight Committee to monitor and oversee the implementation of the provisions of this Act. The Committee shall be composed of six (6) members from the Senate and six (6) members from the House of Representatives with the Chairpersons of the Committees on National Defense and Security of both the Senate and the House of Representatives as joint Chairpersons of the Committee.

The five (5) other members from each Chamber are to be designated by the Senate President and the Speaker of the House of Representatives, respectively. The minority shall be entitled to pro rata representation but shall have at least two (2) representatives from each Chamber.

**SEC. 32. Sunset Review.** - Within five (5) years after the effectivity of this Act, or as the need arises, the Congressional Oversight Committee shall conduct a systematic evaluation of the accomplishments and impact of this Act, as well as the performance and organizational structure of the Department, for purposes of determining remedial legislation.



**SEC. 33. Repealing Clause.** - All references to the NDRMMC in existing laws, including, but not limited to, the Philippine National Disaster Risk Reduction and Management Act of 2010, shall be understood to refer to the Department created under this Act. All other laws, decrees, executive orders, proclamations, and other executive issuances which are inconsistent with or contrary to the provisions of this Act are hereby amended or repealed accordingly.

**SEC. 34. Separability Clause.** - If any provision of this Act is declared invalid or unconstitutional, the other provisions not affected by such declaration shall remain in full force and effect.

**SEC. 35. Effectivity Clause.** - This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved,