

Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City



**EIGHTEENTH CONGRESS**  
First Regular Session  
House Bill No. 4401

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**INTRODUCED BY HONORABLE LIANDA B. BOLILIA**

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**EXPLANATORY NOTE**

Due to its geographical location, the Philippines is exposed to high incidents of environmental hazards such as typhoons, floods, storm surges, tsunamis, earthquakes, volcanic eruptions, landslides, and droughts. This leaves various communities throughout the country in highly vulnerable situations. Typhoon Haiyan (Yolanda), one of the most powerful tropical cyclones ever recorded, was an example of how a natural disaster can devastate lives, properties, and entire communities. It left the country with more than 7,000 deaths (with thousands still unaccounted for) and 16 million affected people. The overall financial and economic impact of Typhoon Haiyan is estimated at \$14 Billion.

The Philippines is ranked the third in the 2018 World Risk Index of most disaster-prone countries in the world published by the United Nations University Institute of Environment and Human Security (UNU-HES), with a risk index of 27.69%. The Philippines also ranks third on the WRI's list of countries with the greatest exposure to natural disasters, with a score of 52.46%, just ahead of Japan (45.91%).

Given our exposure to threats of natural disasters, Republic Act No. 10121, otherwise known as the Philippine Disaster Risk Reduction and Management Act of 2010" (PDDRM), was enacted on 27 May 2010. The Act shifted the policy environment and the way the country deals with disasters from mere response to preparedness. RA 10121 provides a comprehensive, all-hazard, multi-sectoral, inter-agency, and community-based approach to disaster risk management through the formulation of the National Disaster Risk Management Framework.<sup>1</sup>

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<sup>1</sup> <http://www.lse.ac.uk/GranthamInstitute/law/philippine-disaster-reduction-and-management-act-ra-10121/>

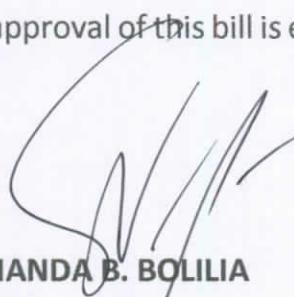
Notwithstanding the efforts and resources to reduce the risks and vulnerabilities to natural disasters, challenges are abound so much so that our government's efforts to achieve the DRRM objectives are hampered. Some of the issues and challenges are:

1. Weak coordination and collaboration among stakeholders – national government agencies, LGUs, civil society organizations, volunteers, and the private sector;
2. Lack of capacity of line agencies and LGUs to perform DRRM functions;
3. Less priority given to DRRM activities;
4. Weak implementation of laws and policies;
5. The lack of and difficulty in accessing DRRM data/information;
6. Post-disaster focus of disaster funds;
7. Monitoring of disaster fund expenditures;
8. Slow disbursement of disaster funds; and
9. Difficulty in tracking foreign disaster assistance.<sup>2</sup>

The need for greater coordination and synchronization of disaster risk management at all levels should be a top priority. Thus, this measure will create a single agency that has a distinct and separate mandate for disaster management. The Department of Disaster Management shall be the focal government agency for policy-making, coordination, integration, supervision, monitoring and evaluation for all disaster and rehabilitation management policies and programs in the country.<sup>3</sup>

With strong institutions, we can reverse the current trends of rising disaster impact. Everyone of us must be empowered to make decisions which reduce risk – from government to citizens.

In view of the foregoing, the immediate enactment and approval of this bill is earnestly sought.



LIANDA B. BOLILIA  
Representative  
4<sup>th</sup> District, Batangas

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[https://www.senate.gov.ph/publications/SEPO/PB\\_Examining%20PH%20DRRM%20System\\_Revised\\_27June2017.pdf](https://www.senate.gov.ph/publications/SEPO/PB_Examining%20PH%20DRRM%20System_Revised_27June2017.pdf)

<sup>3</sup> This bill was patterned after Senate Bill 1553, otherwise known as, "An Act Creating the Department of Disaster and Emergency Management of 2017", filed by Senator JV Ejercito in the 17<sup>th</sup> Congress.

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**AN ACT**

**CREATING THE DEPARTMENT OF DISASTER 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:*

1   **SECTION 1. Short Title.** - This Act shall be known as the "Department of Disaster  
2 Management Act."

3  
4   **SEC. 2. Declaration of Policy.** - It is hereby declared the policy of the State:

5  
6     a. To uphold the sacredness and dignity of human life by efficiently and  
7 effectively addressing the vulnerabilities to disasters, through the  
8 establishment of a focused, streamlined, independent, empowered,  
9 capacitated, full-time, specialized agency on disaster risk reduction and  
10 management;

11  
12     b. To establish a permanent, institutionalized, cohesive and comprehensive  
13 framework for disaster preparedness, prevention and mitigation, and  
14 response, to be implemented by a full-time and focused specialized agency  
15 with its own mandate, powers, and funding, in coordination and with the  
16 participation of the Philippine government, other foreign governments and  
17 financial institutions, international organizations, the private sector, and civil  
18 society.

19  
20     c. Inculcate a culture of awareness, resilience and preparedness, and  
21 rehabilitation for natural and man-made disasters;

22  
23     d. To create an integrated, systematic, comprehensive, and cohesive plan to  
24 simplify, streamline, integrate, and coordinate the various programs, projects,  
25 and activities of the Government and such other actors/stakeholders in  
disaster risk reduction and management to ensure accountability,

1 responsibility, and transparency, as well as to achieve efficiency and  
2 effectiveness of in the performance of their functions.

3

4 **SEC. 3. Definition of Terms.** - For purposes of this Act, the following shall refer to:

- 5
- 6 a. Disaster - a serious disruption of the functioning of a community or a society  
7 involving widespread human, material, economic or environmental losses and  
8 impacts, which exceeds the ability of the affected community or society to  
9 cope using its own resources;
- 10
- 11 b. Disaster Management - the organization and management of resources and  
12 responsibilities for addressing all aspects of disasters, in particular  
13 preparedness, response and initial recovery steps;
- 14
- 15 c. Emergency - any occasion or instance for which, in the determination of the  
16 President, national assistance is needed to supplement local government  
17 efforts and capabilities to save lives and to protect property and public health  
18 and safety, or to lessen or avert the threat of a catastrophe in any part of the  
19 country;
- 20
- 21 d. Evacuation Centers and Facilities - permanent and typhoon resilient structures  
22 equipped with facilities constructed exclusively for evacuation and  
23 humanitarian relief operations during disasters.
- 24
- 25 e. Geographic Information System - a database which contains, among others,  
26 geohazard assessments, information on climate change, and climate risk  
27 reduction and management;
- 28
- 29 f. Government - includes the National Government, and any of its subdivisions,  
30 agencies or instrumentalities, including government owned and controlled  
31 corporations and their subsidiaries, and Local Government Units;
- 32
- 33 g. Hazard - a dangerous phenomenon, substance, human activity or condition  
34 that may cause loss of life, injury or other health impacts, property damage,  
35 loss of livelihood and services, social and economic disruption, or  
36 environmental damage;
- 37
- 38 h. Humanitarian - one devoted to the promotion of human welfare and the  
39 advancement of social reform;
- 40
- 41 i. Response - any and all projects, programs, plans, and activities pertaining to  
42 act on or inaction to prevent/ mitigate, prepare for, and generally perform any  
43 and all activities in relation to, disasters. This includes, but is not limited to,  
44 the provision of public assistance during or immediately after a disaster.

- 1           Disaster response that is predominantly focused on immediate and short-term  
2           needs and is sometimes called "disaster relief"; and  
3
- 4       j. State of Calamity - a condition involving mass casualty and/or major damages  
5           to property, disruption of means of livelihoods, roads and normal way of life  
6           of people in the affected areas as a result of the occurrence of natural or  
7           human-induced hazard.
- 8

9

## Chapter 1

### THE DEPARTMENT PROPER

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

17

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

25

26           The Department shall also have administrative supervision and control over  
27     the existing Regional Disaster Risk Reduction and Management Offices (RDRRMOs),  
28     and the Local Disaster Risk Reduction and Management Offices (LDRRMOs),  
29     organized in all provinces, cities/municipalities and barangays in the country, which  
30     are hereby thereafter called Regional Disaster Management Offices (RDMOs) and  
31     Local Disaster Management Offices (LDMOs), respectively.

32

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

36

37      **SEC. 6. Composition.** - The Department shall be composed of the Office of the  
38     Secretary and the Offices of the Undersecretaries and Assistant Secretaries, and the  
39     bureaus and services of the Department as well as Regional and Local Offices.

40

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

1     **SEC. 7. Office of the Secretary.** - The Office of the Secretary shall be consisting of the  
2     Secretary and his/her immediate staff.  
3

4     **SEC. 8. The Secretary.** - The Secretary shall be appointed by the President, subject to  
5     confirmation by the Commission on Appointments.  
6

7                 The Secretary shall have the following powers and functions;  
8

- 9                 a. Advise the President in issuing executive orders, regulations,  
10                 proclamations and other issuances, the promulgation of which is expressly  
11                 vested by law in the President relative to matters under the jurisdiction of  
12                 the Department;
- 13                 b. Establish the policies and standards for the effective, efficient, and  
14                 economical operation of the Department pursuant to a national disaster  
15                 risk reduction and management framework which shall provide for a  
16                 comprehensive, all-hazards, multi-sectoral. Interagency and community-  
17                 based approach to humanitarian emergency assistance and disaster risk  
18                 reduction and management, in line with Section 6(a) of the Philippine  
19                 Disaster Risk Reduction and Management Act of 2010;
- 20                 c. Promulgate rules and regulations necessary to carry out department  
21                 objectives, policies, functions, plans, programs, and projects;
- 22                 d. Promulgate administrative issuances necessary for the efficient  
23                 administration of the offices under his/her jurisdiction and for the proper  
24                 execution of the laws relative thereto;
- 25                 e. Exercise direct supervision and control over all functions and activities of  
26                 the Department, as well as all its officers and personnel;
- 27                 f. Create regional offices and such other service units and divisions, as may  
28                 be necessary; and
- 29                 g. Perform such other functions as may be necessary and/or proper to attain  
30                 the objectives of this Act.

31     **SEC. 9. The Undersecretaries.** - The Secretary shall be assisted by four (4)  
32     Undersecretaries in the performance of the Department's functions and duties  
33     related to the pillars of disaster risk reduction and management, namely, (a) disaster  
34     preparedness, (b) disaster response, and (c) disaster prevention and mitigation.  
35     Another undersecretary shall be in charge of administrative and finance services.  
36

37                 The Undersecretaries shall be appointed by the President upon the  
38                 recommendation of the Secretary.  
39

1      **SEC. 10. Assistant Secretaries.** - The Secretary shall also be assisted by six (6)  
2      Assistant Secretaries. The Assistant Secretaries shall be appointed by the President  
3      upon the recommendation of the Secretary.  
4

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

12     **SEC. 12. Bureaus and Service.** - Subject to the power of the Secretary, with the  
13     approval of the President, to reorganize, restructure, and redefine the functions of  
14     the bureaus and services for the effective discharge of the powers and functions of  
15     the Department under this Act, the Department shall have the following bureaus and  
16     service:  
17

- 18        a. Bureau of Hazard Education and Risk Mitigation;
- 19
- 20        b. Bureau of Disaster Preparedness;
- 21
- 22        c. Bureau of Humanitarian Emergency Relief Operations; and
- 23
- 24        d. Bureau of Administration and Finance.
- 25

26     **SEC. 13. Powers and Functions of the Bureaus and Service.** - The bureaus and  
27     service shall have the following powers and functions;  
28

- 29        a. The Bureau of Hazard Education and Risk Mitigation shall assist the  
30           Secretary in the formulation of policies, programs, and plans related to  
31           disaster prevention and mitigation, as defined in Sections 2(k) and 2(i),  
32           respectively, of the Philippine Disaster Risk Reduction and Management  
33           Act of 2010. In particular, it shall take the lead in:  
34
- 35           1. Making an inventory and checklist of all personnel, equipment, and  
36           supplies critical during disasters in all local government units, in  
37           accordance with protocols and contingency plans, and endeavoring  
38           that the same be provided to the local government unit within a period  
39           of twelve (12) months upon the passage into law of this Act;
- 40           2. Conducting a review of the National Building Code and Fire Code of the  
41           Philippines, together with the relevant government department, and  
42           submitting the results thereof to the Senate and House of  
43           Representatives of the Philippines, with a view of developing legislation  
44           which seeks to strengthen infrastructure in line with disaster  
45           prevention and mitigation;

- 1           3. Developing, updating, and maintaining a national geographic  
2           information system which shall be the basis of national, regional, and  
3           local disaster protocols and contingency plans, which shall be under the  
4           control and custody of the Department. The same shall also be  
5           maintained at all local government units, as possible;
- 6           4. Mainstreaming and integrating disaster risk reduction and  
7           management (DRRM) and climate change adaptation (CCA) in all  
8           national, sectoral, regional and local development policies, plans and  
9           budgets, relating to environmental protection, including, but not  
10           limited to, those for land use and natural resource management,  
11           enforcement and updating of all national legislation relating to  
12           modification of infrastructure towards resiliency;
- 13           5. Developing and implementing community-based and scientific DRRM  
14           and CCA hazard assessment, mapping, analysis, and monitoring;
- 15           6. Establishing disaster risk financing, insurance, and other risk transfer  
16           mechanisms at the community level;
- 17           7. Establishing, developing and Improving the end-to-end monitoring and  
18           forecasting of hazards, including early warning systems and practices;  
19           and
- 20           8. Such other functions relevant to its mandate of disaster prevention and  
21           mitigation.
- 22
- 23           b. The Bureau of Disaster Preparedness shall assist the Secretary in the  
24           formulation of policies, programs, and plans related to disaster  
25           preparedness, as defined in Section 20 of the Philippine Disaster Risk  
26           Reduction and Management Act of 2010. In particular, it shall take the lead  
27           in;
- 28
- 29           1. Developing DRRM and CCA information, communication and advocacy  
30           plans;
- 31           2. Developing standard DRRM training modules and the conduct of  
32           trainings, simulation exercises, and other capacity building activities for  
33           communities and specific groups, including, but not limited to, quick  
34           respond teams, frontline government and private responders, and  
35           humanitarian aid workers;
- 36           3. Developing and monitoring the implementation of locality based DRRM  
37           contingency plans, and establishing/ monitoring the operations of  
38           national and local Emergency Response Operation Centers;
- 39           4. Developing and implementing comprehensive, scenario-based national  
40           and local preparedness policies, plans and systems, in primary  
41           coordination with the local government unit/s concerned, in the wake  
42           of an imminent humanitarian emergency and/or disaster. Such policies,  
43           plans, and systems include, but are not limited to, preventive  
44           evacuation, the procurement of facilities, equipment, tools, systems  
45           and other mechanisms to cope with the effects thereof; the

- 1 deployment of essential personnel and manpower in critical areas of  
2 concern; and the formulation of such other courses of action to avert  
3 the loss of lives, livelihood and/or property;
- 4 5. Strengthening the partnership and coordination between and among  
5 all key players and stakeholders in a humanitarian emergency and/or  
6 disaster;
- 7 6. Preparing the criteria and procedure for the enlistment of accredited  
8 community disaster volunteers (ACDVs), and the drafting of a manual  
9 of operations for ACDVs, in consultation with relevant stakeholders;  
10 and
- 11 7. Such other functions relevant to its mandate of disaster preparedness.
- 12
- 13 c. The Bureau of Humanitarian Emergency Relief Operations shall assist the  
14 Secretary in the formulation and implementation of policies, programs,  
15 and plans related to disaster response, as defined in Section 2(1) of the  
16 Philippine Disaster Risk Reduction and Management Act of 2010. In  
17 particular, it shall take the lead in the following activities, in primary  
18 coordination with the local government unit/s concerned:
- 19
- 20 1. Establishing and implementing a comprehensive, well-coordinated,  
21 effective, and efficient Disaster Response Action Plan (DRAP) for every  
22 humanitarian emergency of disaster, with the primary goal of  
23 preventing or deterring the loss of lives, property and livelihood;
- 24 2. Developing and implementing an integrated and coordinated system of  
25 search, rescue and retrieval (SRR), and evacuations procedure;
- 26 3. Establishing a mechanism to ensure the prompt and accurate  
27 assessment of damage in disaster areas, including, but not limited to,  
28 the loss of lives, bodily injuries, damages to infrastructure and public  
29 facilities, and the destruction of social, economic, cultural, and  
30 environmental assets;
- 31 4. Establishing a mechanism to ensure the prompt and accurate  
32 assessment of humanitarian needs in disaster areas, including, but not  
33 limited to, food, nutrition, health, clothing, shelter, livelihoods, water,  
34 sanitation, hygiene, protection, and the preservation of peace and  
35 order;
- 36 5. Identifying standard-based relief shelters and sites for internally  
37 displaced persons, as well as developing and implementing of a set of  
38 minimum standards for such temporary shelters;
- 39 6. Identifying priority cities and municipalities where the permanent  
40 Evacuation Centers and Facilities shall be established and  
41 recommending the need to establish the same in other local  
42 government units;
- 43 7. Consolidating the established evacuation centers in the local  
44 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;

8. Supplementing the efforts of the local government unit concerned in providing basic social services, livelihood-oriented activities and psychosocial interventions to the affected population, whether inside or outside temporary shelters; and

9. Such other functions relevant to its mandate of disaster response.

- 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.

Chapter 2

## **ATTACHED AGENCIES AND COORDINATION WITH OTHER GOVERNMENT DEPARTMENTS**

**SEC. 14. The Disaster 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, nongovernmental and people's organizations, and assist the Department in the delivery of quick and efficient humanitarian relief operation 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 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. The representatives from the civil society/non-governmental 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 Departments.** - In the discharge of their respective responsibilities, the Department's bureaus shall coordinate with the relevant Government departments, agencies, offices and instrumentalities, those powers and functions are relevant to each bureau's respective focus area.

1   **SEC. 16. Attached Agencies.** – The following agencies and offices and their respective  
2   appropriation, records, equipment, and personnel are hereby transferred to the  
3   Department:

- 4                 (1) Office of Civil Defense (OCD);
- 5                 (2) The Philippine Atmospheric, Geophysical and Astronomical Services  
6                      Administration (PAG-ASA);
- 7                 (3) Philippine Institute of Volcanology and Seismology (PHIVOLCS);
- 8                 (4) Bureau of Fire Protection (BFP);
- 9                 (5) Health Emergency Management Bureau (HEMB);
- 10                 (6) Philippine Reconstruction and Rehabilitation Agency (PRRA);
- 11                 (7) Philippine National Volunteer Service Coordinating Agency;
- 12                 (8) Climate Change Office (CCO);
- 13                 (9) Geo-Hazard Assessment and Engineering Geology Section of the Mines and  
14                      Geoscience Bureau; and
- 15                 (10) Disaster Response Assistance and Management Bureau of the  
16                      Department of Social Welfare and Development.

17                 The attached agencies shall operate in accordance with their respective  
18                 organizational structures and perform functions and duties assigned to them by law.

### 21                      Chapter 3

## 22                      THE HUMANITARIAN EMERGENCY ASSISTANCE AND DISASTER FUND, DONATIONS, 23                      AND ACCOUNTABILITY

25   **SEC. 17. Disaster Management Funds.** — The present National Disaster Risk  
26   Reduction and Management Fund (NDRRM Fund) shall be known as the National  
27   Disaster Management Fund (NDMF) and the Local Disaster Risk Reduction and  
28   Management Fund (LDRRMF) shall be known as the Local Disaster Management  
29   Fund (LDMF), respectively.

31                 The Department shall manage, mobilize, and with the approval of the  
32                 President, release resources for disaster risk reduction and management, including  
33                 the funds herein provided for.

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

39   **SEC. 18. Donations.** - All monetary contributions, and donations in kind, including,  
40                 but not limited to, equipment, food, clothing, medicine, and related supplies from  
41                 international and local sources, shall be coordinated with the Department. This  
42                 central coordination mechanism would ensure that the same are equitably and  
43                 properly allocated and utilized, directly and solely/ exclusively for disaster risk  
44                 reduction and management efforts.

1        The Department shall maintain and make publicly available a complete,  
2 accurate, timely, and separate record of such donations, indicating the particular  
3 areas where such were allocated, and the exact purposes for which the same were  
4 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.

Chapter 4

## **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 municipalities and cities identified by the Department in coordination with the Department of Environment and Natural Resources, the Department of the Interior and Local Government (DILG) and local government units. This shall form part of the national disaster risk reduction and management framework.

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

**29 SEC. 21. Administration.** - The Regional Disaster Management Offices (RDMOs),  
30 under the supervision of the Bureau concerned, shall lead the management,  
31 maintenance, and operation of the newly established and existing ECFs.

## **Chapter 4**

### **MISCELLANEOUS PROVISIONS**

36 **SEC. 22. Visitorial Powers.** - The Secretary of the Department and/or his/her  
37 authorized representative shall have visitorial and examining authority over  
38 governmental and non-governmental entities engaged in post-disaster relief in order  
39 to ensure that all donations, financial or otherwise, coursed through them, are  
40 actually used for disaster risk reduction and management efforts.

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

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

7

8 **SEC. 23. Stand-by Arrangements with the Private Sector.** - At any time, the Secretary  
9 of the Department shall have the power to negotiate, enter into, institutionalize, and  
10 coordinate arrangements with any private person, natural or juridical, for the  
11 purpose of ensuring the adequate, prompt, and ready availability of all goods and  
12 services, necessary for disaster response, for as long as the emergency circumstances  
13 require, to be deployed before, during, and after an emergency or disaster, subject  
14 to the payment of just compensation in appropriate cases.

15

16 **SEC. 24. Commandeering Private Property for Public Purpose.** - The Secretary of the  
17 Department shall have the power to commandeer any private property for urgent  
18 public purpose, subject to payment of just compensation in appropriate cases, when  
19 there is a clear and present danger that a disaster or humanitarian emergency would  
20 cause imminent loss of lives and/or the massive destruction of property, and time is  
21 of the essence. The commandeering powers shall last no longer than necessary or for  
22 as long as the circumstances require.

23

24        The refusal by any such person or entity to be commandeered, shall constitute  
25 a legal ground for the cancellation of its registration, if any, and the revocation of all  
26 tax-exemption privileges and other benefits granted to it by law, in the case of a non-  
27 governmental entity, or the institution of any proper legal action against the erring  
28 official concerned, in case of a governmental entity. In addition, the official of the  
29 establishment, institution, or functionality shall be subjected to a fine and/or  
30 imprisonment as provided for in Sec. 31 of this Act.

31

32 **SEC. 25. Declaration of State of Calamity.** - Whenever warranted by circumstances,  
33 the Department shall recommend to the President of the Philippines the declaration  
34 of a state of national calamity and the lifting thereof. It shall also have the power to,  
35 *motu proprio* or upon the favorable recommendation of the LDRRMCs, declare a  
36 cluster of barangays, municipalities, cities, provinces, and regions under a state of  
37 calamity, and the lifting thereof, based on the criteria set by the Department. The  
38 President's declaration shall entail access to international humanitarian assistance,  
39 as deemed necessary.

40

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

44

1       **SEC. 26. Emergency and Contingency Powers.** - Whenever it becomes necessary, the  
2       Department Secretary, subject to the chain of command and with the consent of the  
3       President, may call out the Armed Forces of the Philippines and/or the Philippine  
4       National Police to prevent or suppress lawless violence, and to, ensure the  
5       protection and preservation of life and/ or properties, in the whole range of disaster  
6       risk reduction and management.

7

8       In times of disasters, and whenever warranted by the circumstances, the  
9       Department Secretary may call upon other instrumentalities or entities of the  
10      government and nongovernment and civic organizations for assistance in terms of  
11      the use of their facilities and resources for the protection and preservation of life and  
12      properties in the whole range of disaster risk reduction and management. This  
13      authority includes the power to call on the reserve force as defined in Republic Act  
14      No. 7077 to assist in relief and rescue during disasters or calamities.

15

16       **SEC. 27. Prohibited Acts.** - In addition to the prohibited acts penalized under Section  
17      20, in relation to Section 19, of the Philippine Disaster Risk Reduction and  
18      Management Act of 2010:

19

20       a. Any person, group or corporation who directly or indirectly requests or  
21       receives any part of the funds devoted to disaster risk reduction and  
22       management, as well as monetary contributions and donations in kind,  
23       where such person, group or corporation has no right to receive such  
24       proceeds from the fund, in whole or in part, monetary contribution or  
25       donation, shall be guilty of the crime of corruption of calamity funds or  
26       donations, and shall be prosecuted and upon conviction shall suffer a fine  
27       of not less than Two Hundred Fifty Thousand Pesos (Php 250,000.00) or  
28       any amount not to exceed One Million Five Hundred Thousand Pesos (Php  
29       1,500,000.00) or Imprisonment of not less than twelve (12) years and one  
30       (1) day, nor more than twenty (20) years, or both, at the discretion of the  
31       court, including perpetual disqualification from public office if the offender  
32       is a public officer, and confiscation or forfeiture in favor of the government  
33       of the objects and the instrumentalities used in committing the herein  
34       prohibited act;

35

36       b. Any person who, with intent to gain, but without violence against or  
37       intimidation of persons nor force upon things, shall take personal property  
38       devoted to any disaster risk reduction and management activity, without  
39       the consent of the Secretary, shall be guilty of the crime of qualified theft,  
40       and shall be prosecuted and upon conviction shall be punished by the  
41       penalties next higher by three degrees than those respectively specified in  
42       Article 309 of the Revised Penal Code;

43

44       c. Any public officer who, by reason of the duties of his office, is accountable  
45       for calamity funds or property devoted to disaster risk reduction and

1 management efforts, shall appropriate the same or shall take or  
2 misappropriate or shall consent, through abandonment or negligence,  
3 shall permit any other person to take such public funds, or property,  
4 wholly or partially, or shall otherwise be guilty of the misappropriation of  
5 malversation of such funds or property, shall be punished by the penalties  
6 next higher by three degrees than those respectively specified in Article  
7 217 of the Revised Penal Code;

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

17  
18 The prosecution for the offenses shall be without prejudice to any  
19 liability for violation of Republic Act No. 3185, as amended, otherwise  
20 known as the Revised Penal Code, and other civil liabilities.

21  
22 **SEC. 28. Appropriations.** – The amount necessary for the initial implementation of  
23 this Act shall be taken from the current fiscal year's unexpended and unobligated  
24 appropriations of all agencies herein absorbed, transferred and attached to the  
25 Department. Thereafter, the amounts necessary for the operation of the Department  
26 and the effective implementation of this Act shall be included in the Annual General  
27 Appropriations Act.

28  
29 **SEC. 29. Implementing Rules and Regulations.** - The Department shall issue the  
30 necessary rules and regulations for the effective implementation of this Act within  
31 ninety (90) days after approval of this Act. The Secretary, in consultation with  
32 relevant government agencies and other key stakeholders, shall take the lead in the  
33 preparation of the implementing rules and regulations.

34  
35 **SEC. 30. Annual Report.** - The Department shall submit to the Office of the President,  
36 the Senate, and the House of Representatives, within the first quarter of the  
37 succeeding year, an annual report relating to the progress of the implementation of  
38 all disaster risk reduction and management efforts, and a detailed inventory of  
39 available personnel, supplies and equipment. Such report shall be made available to  
40 the public for scrutiny, copying, and reproduction, and shall also be uploaded in the  
41 Department's website.

42  
43 **SEC. 31. Congressional Oversight Committee.** - There is hereby created a  
44 Congressional Oversight Committee to monitor and oversee the implementation of

1 the provisions of this Act. The Committee shall be composed of six (6) members from  
2 the Senate and six (6) members from the House of Representatives with the  
3 Chairpersons of the Committees on National Defense and Security of both the Senate  
4 and the House of Representatives as joint Chairpersons of this Committee.

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

10  
11 **SEC. 32. Repealing Clause.** - All references to the NDRMMC in existing laws,  
12 including, but not limited to, the Philippine National Disaster Risk Reduction and  
13 Management Act of 2010, shall be understood to refer to the Department created  
14 under this Act. All other laws, decrees, executive orders, proclamations, and other  
15 executive issuances which are inconsistent with or contrary to the provisions of this  
16 Act are hereby amended or repealed accordingly.

17  
18 **SEC. 33. Separability Clause.** - If any provision of this law is declared  
19 unconstitutional, the remaining provisions thereof not affected thereby shall remain  
20 in full force and effect.

21  
22 **SEC. 34. Effectivity.** - This Act shall take effect fifteen (15) days after its publication in  
23 the Official Gazette or in two (2) national newspapers of general circulation.

24  
25 Approved,