

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

SEVENTEENTH (17th) CONGRESS
First Regular Session

House Bill No. **4203**



Introduced by Rep. Bernadette Herrera-Dy

**AN ACT CREATING THE EMERGENCY RESPONSE
DEPARTMENT (ERD), APPROPRIATING FUNDS THEREFOR,
AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

Whatsoever a man soweth, that shall he also reap."
- Galatians 6.7 (KJV)

Yesterday was the best time to prepare our nation against calamities and disasters. Today is the best of time for change, to plant the seeds of prevention and preparedness.

Disaster preparedness and mitigation finds basis in this biblical principle. When we sow love and respect for GOD's creations, we reap/harvest a balance and harmonious ecology and avoid natural or man-made disasters and calamities. Unfortunately, voluntary actions to protect the environment is becoming rare and thus, the need to enact proper regulations that will ensure preparedness and logistical requirements that are geared towards the raising of awareness on disaster risk reductions.

In the 2015 World Risk Report Index that evaluates the risk of exposure of countries to natural hazards and its vulnerability towards suffering from impacts, the Philippines ranked 3rd out of the 171 countries. Philippines has also been ranked 13th in the Climate Change Vulnerability Index (CCVI) as one of the most vulnerable countries in the world, with the study based on the following criteria: exposure, sensitivity, and adaptive capacity.

Therefore, Republic Act No. 10121, otherwise known as the "Philippine Disaster Risk Reduction and Management Act of 2010" should be updated to ensure its full implementation. The country should have an Emergency Response Department (ERD) that will focus in lessening disaster risk and ensuring disaster preparedness in Philippine communities through bureaus that will focus in creating effective mechanisms for disaster risk reduction and in disaster response and evacuation.

Since the Philippines is prone to natural calamities due to its geographical location, it should have a high level of resilience and adaptive capacity. This entails a systematized approach in disaster management and a mechanism that responds to the eventuality of a total or considerable breakdown of authority during disasters.

In view of the foregoing, approval of this bill is most urgently and earnestly recommended.



BERNADETTE R. HERRERA-DY

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

1 **SEC. 1. Short Title.** - This Act shall be known as the "Emergency Response
2 Department (ERD) Act of 2016."
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 humanitarian emergencies, including
8 calamities and disasters, through the establishment of a focused,
9 streamlined, independent, empowered, capacitated, full-time,
10 specialized agency on disaster risk reduction and management as
11 well as emergency response, which is national in scope and civilian
12 in character. The people are the most important assets of the nation,
13 and all disaster risk reduction and management efforts shall be
14 responsive to the humanitarian needs of the people, the dignity and
15 value of the human person, and respect for property;
16
- 17 (b) To promote a simplified, strategic, systematic, continuous,
18 comprehensive, inclusive, and integrated approach to disaster risk
19 reduction and management, with the end in view of substantially
20 reducing vulnerabilities and the risk of disasters and other
21 humanitarian emergencies, towards the preservation of life and property,
22 thereby ultimately preventing or deterring the loss of lives and
23 the social, economic, cultural, and environmental assets of the
24 country;
25
- 26 (c) To establish a permanent, institutionalized, cohesive and
27 comprehensive framework for disaster preparedness, prevention
28 and mitigation, and response, to be implemented by a full-time and

1 focused specialized agency with its own mandate, powers, and funding,
2 in coordination and with the participation of the Philippine government,
3 other foreign governments and financial institutions, international
4 organizations, the private sector, and civil society.

- 5
6 (d) To create an integrated, systematic, comprehensive, and cohesive plan to
7 simplify, streamline, integrate, and coordinate the various programs,
8 projects, and activities of the Government and such other
9 actors/stakeholders in disaster risk reduction and management to ensure
10 accountability, responsibility, and transparency, as well as to achieve
11 efficiency and effectiveness of in the performance of their functions.
12

13 In disaster risk reduction and management, disaster prevention and
14 mitigation shall, first of all, aim the outright avoidance of the adverse impacts
15 of hazards and related disasters. However, with the knowledge and capacities to
16 effectively anticipate, respond to, and recover from, the impacts of likely,
17 imminent or current hazard events or conditions, preparedness action shall be
18 carried out in the most effective and efficient manner. In a disaster scenario,
19 the response shall ensure the provision of emergency services and public
20 assistance, before, during or immediately after, a disaster.
21

22 **SEC. 3. Definition of Terms.** For purposes of this Act, the following shall refer
23 to:
24

- 25 (a) *Contingency Planning* - a management process that analyzes specific
26 potential events or emerging situations that might threaten society or the
27 environment and establishes arrangements in advance to enable timely,
28 effective and appropriate responses to such events and situations;
29
30 (b) *Disaster* - a serious disruption of the functioning of a community or
31 a society involving widespread human, material, economic or
32 environmental losses and impacts, which exceeds the ability of the
33 affected community or society to cope using its own resources;
34
35 (c) *Emergency* - any occasion or instance for which, in the
36 determination of the President, national assistance is needed to
37 supplement local government efforts and capabilities to save lives
38 and to protect property and public health and safety, or to lessen or avert
39 the threat of a catastrophe in any part of the country;
40
41 (d) *Emergency Management* - the organization and management of
42 resources and responsibilities for addressing all aspects of
43 emergencies, in particular preparedness, response and initial recovery
44 steps;
45
46 (e) *Geographic Information System* - a database which contains, among
47 others, geo-hazard assessments, information on climate change,
48 and climate risk reduction and management;
49
50 (f) *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;

- (g) *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;
- (h) *Humanitarian* - one devoted to the promotion of human welfare and the advancement of social reform;
- (i) *Response* - any and all projects, programs, plans, and activities pertaining to action or inaction to prevent/mitigate, prepare for, and generally perform any and all activities in relation to, 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. Disaster response that is predominantly focused on immediate and short-term needs and is sometimes called "disaster relief"; and
- (j) *State of Calamity* - a condition involving mass casualty and/or major damages to property, disruption of means of livelihoods, roads and normal way of life of people in the affected areas as a result of the occurrence of natural or human-induced hazard.

Chapter 1 THE DEPARTMENT PROPER

SEC. 4. Emergency Response Department. - To carry out the above-declared policy, there is hereby created the Emergency Response Department, 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 (NDRMMC), 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

1 NDRMMC and the OCD in Republic Act No. 10121 shall be understood
2 to refer to the Department created under this Act.
3

4 The Department shall also have administrative supervision and
5 control over the existing Regional Disaster Risk Reduction and Management
6 Offices (RDRRMOs), and the Local Disaster Risk Reduction and
7 Management Offices (LDRRMOs), organized in all provinces,
8 cities/municipalities and barangays in the country, which are hereby
9 thereafter called Regional Emergency Response Offices (REROs) and
10 Local Emergency Response Offices (LEROs), respectively.
11

12 **SEC. 6. Composition.** - The Department Proper shall be composed
13 of the Office of the Secretary and the Offices of the Undersecretaries and
14 Assistant Secretaries, and the bureaus and services of the Department as well
15 as Regional and Local Offices.
16

17 The Provincial, City, Municipal and Barangay Emergency Response
18 Offices and Rescue Teams shall be under the control and supervision
19 of their respective local government units. The ERD shall exercise
20 supervisory powers over such offices.
21

22 **SEC. 7. Office of the Secretary.** - The Office of the Secretary shall
23 consist of the Secretary and his/her immediate staff.
24

25 **SEC. 8. The Secretary.** - The Secretary shall be appointed by the
26 President, subject to confirmation by the Commission on Appointments.
27

28 The Secretary shall have the following powers and functions:
29

- 30 (a) Advise the President in issuing executive orders, regulations,
31 proclamations and other issuances, the promulgation of which
32 is expressly vested by law in the President relative to matters
33 under the jurisdiction of the Department;
34
- 35 (b) Establish the policies and standards for the effective, efficient,
36 and economical operation of the Department pursuant to a
37 national disaster risk reduction and management framework
38 which shall provide for a comprehensive, all-hazards, multi-
39 sectoral, inter-agency and community-based approach to
40 humanitarian emergency assistance and disaster risk reduction
41 and management, in line with Section 6 (a) of the Philippine
42 Disaster Risk Reduction and Management Act of 2010;
43
- 44 (c) Promulgate rules and regulations necessary to carry out
45 department objectives, policies, functions, plans, programs, and
46 projects;
47
- 48 (d) Promulgate administrative issuances necessary for the efficient
49 administration of the offices under his/her jurisdiction and for
50 the proper execution of the laws relative thereto;

- 1
2 (e) Exercise direct supervision and control over all functions and
3 activities of the Department, as well as all its officers and personnel;
4
5 (f) Create regional offices and such other service units and
6 divisions, as may be necessary; and
7
8 (g) Perform such other functions as may be necessary and/or
9 proper to attain the objectives of this Act.
10

11 **SEC. 9. The Undersecretaries.** - The Secretary shall be shall be
12 assisted by three (3) Undersecretaries in the performance of the
13 Department's functions and duties related to the pillars of disaster risk
14 reduction and management, namely, (a) disaster preparedness, (b) disaster
15 response, and (c) disaster prevention and mitigation. Another undersecretary
16 shall be in charge of administrative and finance services.
17

18 The Undersecretaries shall be appointed by the President upon the
19 recommendation of the Secretary. They shall have the powers and functions,
20 as provided for in Section 10, Chapter 2, Book IV of the Administrative
21 Code of 1987, relative to the scope of their responsibilities as provided
22 above.
23

24 The Office of the Undersecretaries shall consist of the
25 Undersecretaries and their respective immediate staff.
26

27 **SEC. 10. Assistant Secretaries.** - The Secretary shall also be
28 assisted by three (3) Assistant Secretaries, one (1) for training, one (1) for
29 operations, and one (1) for legal affairs. The Assistant Secretaries shall be
30 appointed by the President upon the recommendation of the Secretary.
31

32 **SEC. 11. Qualifications.** -No person shall be, appointed Secretary,
33 Undersecretary, or Assistant Secretary of the Department, unless he/she
34 is a citizen and resident of the Philippines, of good moral character, and of
35 proven experience or competence/expertise in humanitarian emergency
36 assistance and disaster management over the course of his/her career. The
37 Secretary, Undersecretary, or Assistant Secretary shall not hold any
38 other position, public or private, during his/her tenure.
39

40 **SEC. 12. Bureaus and Service.** - Subject to the power of the
41 Secretary, with the approval of the President, to reorganize, restructure,
42 and redefine the functions of the bureaus and services for the effective
43 discharge of the powers and *functions* of the Department under this Act,
44 the Department shall have the following bureaus and service:
45

- 46 (a) Bureau of Hazard Education and Risk Mitigation;
47
48 (b) Bureau of Disaster Preparedness;
49
50 (c) Bureau of Humanitarian Emergency Relief Operations; and

(d) Bureau of Administration and Finance.

SEC. 13. Powers and Functions of the Bureaus and Service. -
The bureaus and service 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 2(k) and 2(i), respectively, of the Philippine Disaster Risk Reduction and Management Act of 2010. In particular, it shall take the lead in.

(1) 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 unit within a period of twelve (12) months upon the passage into law of this Act;

(2) 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 House of Representatives of the Philippines, with a view of developing legislation which seeks to strengthen infrastructure in line with disaster prevention and mitigation;

(3) 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, as possible;

(4) Mainstreaming and integrating disaster risk reduction and management (DRRM) and climate change adaptation (CCA) in all national, sectoral, regional and local development policies, plans and budgets, relating to environmental protection, including, but not limited to, those for land use and natural resource management, enforcement and updating of all national legislation relating to modification of infrastructure towards resiliency;

(5) Developing and implementing community-based and scientific DRRRCA hazard assessment, mapping, analysis, and monitoring;

(6) Establishing disaster risk financing, insurance, and other risk transfer mechanisms at the community level;

(7) Establishing, developing and improving the end-to-end monitoring and forecasting of hazards, including early warning systems and

practices; and

(8) 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 2(j) of the Philippine Disaster Risk Reduction and Management Act of 2010. In particular, it shall take a lead in:

(1) Developing DRRM and CCA information, education, communication and advocacy plans;

(2) 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 respond teams, frontline government and private responders, and humanitarian aid workers;

(3) Developing and monitoring the implementation of locality-based DRRM contingency plans, and establishing/monitoring the operations of national and local Emergency Response Operation Centers;

(4) 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, preventive evacuation, the 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;

(5) Strengthening the partnership and coordination between and among all key players and stakeholders in a humanitarian emergency and/or disaster;

(6) 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

(7) 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 2(1)

1 of the Philippine Disaster Risk Reduction and Management Act of 2010. In
2 particular, it shall take the lead in the following activities, in primary
3 coordination with the local government unit/s concerned:
4

5 (1) Establishing and implementing a comprehensive, well-
6 coordinated, effective, and efficient Disaster Response Action
7 Plan (DRAP) for every humanitarian emergency or disaster, with the
8 primary goal of preventing or deterring the loss of lives, property and
9 livelihood;
10

11 (2) Developing and implementing an integrated and
12 coordinated system of search, rescue and retrieval (SRR), and
13 evacuations procedure;
14

15 (3) Establishing a mechanism to ensure the prompt and accurate
16 assessment of damage in disaster areas, including, but not limited to,
17 the loss of lives, bodily injuries, damages to infrastructure and public
18 facilities, and the destruction of social, economic, cultural, and
19 environmental assets;
20

21 (4) Establishing a mechanism to ensure the prompt and accurate
22 assessment of humanitarian needs in disaster areas, including, but not
23 limited to, food, nutrition, health, clothing, shelter, livelihoods, water,
24 sanitation, hygiene, protection, and the preservation of peace and
25 order;
26

27 (5) Identifying standard-based relief shelters and sites for
28 internally displaced persons, as well as developing and implementing
29 of a set of minimum standards for such temporary shelters;
30

31 (6) Supplementing the efforts of the local government unit
32 concerned in providing basic social services, livelihood-oriented
33 activities and psychosocial interventions to the affected
34 population, whether inside or outside temporary shelters; and
35

36 (7) Such other functions relevant to its mandate of disaster
37 response.
38

39 In case there is total or considerable breakdown of authority
40 resulting from the humanitarian emergency or disaster, which requires
41 response that goes beyond the mandate or capacity of the local government
42 unit/s concerned, the Bureau shall, with prior authorization from the
43 Department, directly formulate, implement, manage and coordinate all
44 disaster response activities. In such case, the Department shall be
45 possessed with the power to call upon other agencies and instrumentalities
46 of government, and neighboring local government units, to augment,
47 supplement and/or implement disaster response efforts. Further, the authority
48 of the Bureau shall be provided, described, and limited in the
49 authorization.
50

(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.

Chapter 2

ATTACHED AGENCIES AND COORDINATION WITH OTHER GOVERNMENT DEPARTMENTS

SEC. 14. Relationship 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, whose powers and functions are relevant to the each bureau's respective focus area.

SEC. 15. Coordination with Other Government Entities. - 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, whenever necessary, as members of the coordination mechanism called for by the Secretary.

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

Chapter 3

THE HUMANITARIAN EMERGENCY ASSISTANCE AND DISASTER FUND, DONATIONS, AND ACCOUNTABILITY

SEC. 17. Humanitarian Emergency Assistance and Disaster

1 **Fund (Calamity Fund).** — At least one percent (1%) of the estimated
2 revenue from regular sources of government, or Twenty Billion Pesos (PhP
3 20,000,000,000.00), whichever is higher, shall be set aside as an annual lump
4 sum appropriation for unforeseen expenditures arising from the occurrence
5 of calamities: Provided however, that such appropriation shall be used only
6 in the area, or a portion thereof, of the country declared as in a state of
7 calamity.
8

9 The present National Disaster Risk Reduction and Management Fund
10 (NDRRMF) and the Local Disaster Risk Reduction and Management Fund
11 (LDRRNIF) shall henceforth be known as the Humanitarian Emergency
12 Assistance and Disaster Fund (HEAD Fund) and Local Humanitarian
13 Emergency Assistance and Disaster Fund (Local HEAD Fund), respectively.
14

15 The Department shall manage, mobilize, and with the approval of
16 the President, release resources for disaster risk reduction and
17 management, including the funds herein provided for. It shall also monitor
18 and provide the necessary guidelines and procedures for the release,
19 utilization, accounting, and auditing of the Local HEAD Fund.
20

21 There shall also be created a regular fund for the personnel, resource
22 requirements, and other administrative costs related to the operations of the
23 Department.
24

25 **SEC. 18. Donations.** - All monetary contributions, and donations in
26 kind, including, but not limited to, equipment, food, clothing,
27 medicine, and related supplies from international and local sources,
28 shall be coordinated with the Department. This central coordination
29 mechanism would ensure that the same are equitably and properly
30 allocated and utilized actually, directly and solely/exclusively for disaster
31 risk reduction and management efforts.
32

33 The Department shall maintain and make publicly available a
34 complete, accurate, timely, and separate record of such donations,
35 indicating the particular areas where such were allocated, and the exact
36 purposes for which the same were utilized.
37

38 **SEC. 19. Accountability, Responsibility, Transparency, and**
39 **Access to Information** - The Department and all regional and local
40 councils and offices under its supervision or control, shall make
41 available to the public for scrutiny, copying, and reproduction: (i) any and
42 all records of their financial transactions, including, but not limited to,
43 donations received, funds allocated, and amounts disbursed; (ii) all information
44 pertaining to their official acts, transactions or decisions; and (in) relevant
45 research data used as basis for policy development, regardless of the
46 physical form or format in which such record, information, or data is
47 contained.
48

49 The Department and the LGUs concerned shall also upload
50 such records, information or data on their websites, which shall be

1 regularly updated every fifteen (15) days. In case of voluminous records,
2 information or data, the Department and/or local government units
3 concerned may, in its/their discretion, upload only an executive summary
4 thereof, with a note outlining the procedure/requirements to obtain full
5 access to the complete record, information, or data.
6

7 The record, information, or data uploaded in the websites may be
8 withdrawn after a period of three (3) years from the time of uploading;
9 Provided, that an abstract thereof shall remain uploaded in the website, with
10 an indication of the dates of posting and withdrawal, and a note outlining
11 the procedure/requirements to obtain full access to the withdrawn record,
12 information, or data.
13

14 15 Chapter 4 16 TRANSITORY PROVISIONS 17

18
19 **SEC. 20. Abolition of the Office of Civil Defense; Transfer**
20 **of Powers and Functions.** - The Office of Civil Defense is hereby
21 abolished, and its powers and functions are hereby transferred to the
22 Department. The foregoing transfer of powers and functions shall include
23 all applicable funds and appropriations, records, equipment, property, and
24 personnel as may be necessary.
25

26 The Department shall, by virtue of this Act, be subrogated to all
27 the rights and assume all the liabilities of the Office of Civil Defense, and all
28 other agencies, or government units whose functions and powers have been
29 transferred to the Department, and all their funds, records, property,
30 assets, equipment, and such personnel as necessary, including
31 unexpended appropriations and/or allocations. All contracts and
32 liabilities of the said offices, agencies, and government units are hereby
33 transferred to and assumed by the Department and shall be acted upon
34 in accordance with the Auditing Code and other pertinent laws, rules,
35 and regulations; Provided, That the officers and employees of said offices,
36 agencies, and government units shall continue in a hold-over capacity until
37 such time as the new officers and employees of the Department shall
38 have been duly appointed pursuant to the provisions of this Act.
39

40 The same shall apply to agencies and government units which
41 have not been abolished, but whose functions have been transferred to the
42 Department.
43

44 **SEC. 21, Structure and Staffing Pattern.** - The organizational
45 framework and staffing pattern of the Department shall be prescribed and
46 approved by the Secretary within sixty (60) days after the approval of this
47 Act and the authorized positions created therein shall be filled by regular
48 appointments by the President or the Secretary as the case may be; Provided
49 that, in the filling of positions created, preference shall be given to the
50 personnel of the Office of Civil Defense.

1
2 **SEC. 22. Separation from Service.** - Employees separated from
3 the service as a result of this reorganization shall, within six (6) months
4 from their separation from the service, receive the retirement benefits to
5 which they may be entitled under existing laws, rules, and regulations.
6

7 **SEC. 23. Appropriations.** - The amount needed for the initial
8 implementation of this act shall be taken from the current year's
9 appropriations of the National Disaster Risk Reduction and Management
10 Council, the Local Disaster Risk Reduction and Management Councils, and
11 the Office of Civil Defense. Thereafter, the amount needed for the operation
12 and maintenance of the Department and its line agencies shall be included
13 in the annual General Appropriations Act.
14

15
16 **Chapter 5**
17 **MISCELLANEOUS PROVISIONS**
18

19
20 **SEC. 24. Visitorial Powers.** - The Secretary of the
21 Department and/or his/her authorized representative shall have visitorial
22 and examining authority over governmental and non-governmental
23 entities engaged in post-disaster relief in order to ensure that all
24 donations, financial or otherwise, coursed through them, are actually used
25 for disaster risk reduction and management efforts.
26

27 During such examination, the entity concerned shall produce all the
28 reports, records, books of accounts, and other papers that may be required.
29

30 The refusal by any such entity to allow an examination of its books of
31 accounts and pertinent records, or the concealment of any material
32 information concerning its financial status, shall constitute a legal ground
33 for the cancellation of its registration, and the revocation of all tax-
34 exemption privileges and other benefits granted to it by law, in the case of a
35 non-governmental entity, or the institution of any proper legal action against
36 the erring official concerned, in case of a governmental entity.
37

38 **SEC. 25. Stand-by Arrangements with the Private Sector.** At
39 any time, the Secretary of the Department shall have the power to negotiate,
40 enter into, institutionalize, and coordinate arrangements with any private
41 person, natural or juridical, for the purpose of ensuring the adequate, prompt,
42 and ready availability of all goods and services, necessary for disaster
43 response, for as long as the emergency circumstances require, to be deployed
44 before, during, and after an emergency or disaster, subject to the payment of
45 just compensation in appropriate cases.
46

47 **SEC. 26. Commandeering Private Property for Public Purpose.** -
48 The Secretary of the Department shall have the power to commandeer any
49 private property for public purpose, subject to payment of just compensation
50 in appropriate cases, when there is a clear and present danger that a disaster

or humanitarian emergency would cause imminent loss of lives and/or the massive destruction of property, and when time is of the essence. The commandeering powers shall last no longer than necessary or for as long as the circumstances require.

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

SEC. 27. Declaration of State of Calamity. - Whenever warranted by circumstances, the Department shall recommend to the President of the Philippines the declaration of a state of national calamity and the lifting thereof. It shall also have the power to, motu proprio or upon the favorable recommendation of the LDRRMCs, 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. A declaration of a state of calamity shall entail access to international assistance, as deemed necessary.

The declaration and lifting of the state of calamity shall be based on the result 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. Emergency and Contingency Powers. - Whenever it becomes necessary, the Department Secretary, shall have the power to recommend to the President to call out the Armed Forces of the Philippines and/or the Philippine National Police to prevent or suppress lawless violence, subject to the chain of command, and to ensure the protection and preservation of life and/or properties, in the whole range of disaster risk reduction and management.

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

SEC. 29. Prohibited Acts. - In addition to the prohibited acts penalized under Section 20, in relation to Section 19, of the Philippine Disaster Risk Reduction and Management Act of 2010:

- (a) Any person, group or corporation who directly or indirectly

1 requests or receives any part of the funds devoted to disaster risk reduction
2 and management, as well as monetary contributions and donations in kind,
3 where such person, group or corporation has no right to receive such
4 proceeds from the fund, in whole or in part, monetary contribution or
5 donation, shall be guilty of corruption of calamity funds or donations. Any
6 person found guilty of corruption of calamity funds or donation amounting
7 to but not exceeding One Million Five Hundred Pesos (P1,500,000.00) shall
8 suffer a fine of not less than One Hundred Fifty Thousand Pesos (Php
9 150,000.00) or imprisonment of not less than twelve (12) years and one
10 (1) day, nor more than twenty (20) years, or both, at the discretion of the
11 court, including perpetual disqualification from public office if the
12 offender is a public officer, and confiscation or forfeiture in favor of the
13 government of the objects and the instrumentalities used in committing the
14 herein prohibited act;

15
16 (b) Any person who, with intent to 'gain, but without violence
17 against or intimidation of persons nor force upon things, shall take personal
18 property devoted to any disaster risk reduction and management activity,
19 without the consent of the Secretary, shall be guilty of the crime of qualified
20 theft, and shall be prosecuted and upon conviction shall be punished by the
21 penalties next higher by three degrees than those respectively specified in
22 Article 309 of the Revised Penal Code;

23
24 (c) Any public officer who, by reason of the duties of his office, is
25 accountable for calamity funds or property devoted to disaster risk reduction
26 and management efforts, shall appropriate the same or shall take or
27 misappropriate or shall consent, through abandonment or negligence, shall
28 permit any other person to take such public funds, or property, wholly or
29 partially, or shall otherwise be guilty of the misappropriation or
30 malversation of such funds or property, shall be punished by the penalties
31 next higher by three degrees than those respectively specified in Article 217
32 of the Revised Penal Code.

33
34 In all the above, if the offender is a corporation, partnership or
35 association, or other juridical entity, the penalty shall be imposed upon the
36 officer or officers of the corporation, partnership, association or entity
37 responsible for the violation, without prejudice to the cancellation or
38 revocation of these entities license or accreditation issued to them by any
39 licensing or accredited body of the government. If such offender is an alien,
40 he or she shall, in addition to the penalties prescribed in this Act, be deported
41 without further proceedings after service of the sentence.

42
43 The prosecution for the offenses shall be without prejudice to any
44 liability for violation of Republic Act No. 3185, as amended, otherwise
45 known as the Revised Penal Code, and other civil liabilities.

46
47 **SEC. 30. Implementing Rules and Regulations.** - The Department
48 shall issue the necessary rules and regulations for the effective
49 implementation of this Act within ninety (90) days after approval of this Act.
50 The Secretary, in consultation with relevant government agencies and other

1 key stakeholders, shall take the lead in the preparation of the
2 implementing rules and regulations.

3
4 **SEC. 31. Annual Report.** - The Department shall submit to the
5 Office of the President, the Senate, and the House of Representatives,
6 within the first quarter of the succeeding year, an annual report relating
7 to the progress of the implementation of all disaster risk reduction and
8 management efforts, and a detailed inventory of available personnel,
9 supplies and equipment. Such report shall be made available to the public
10 for scrutiny, copying, and reproduction, and shall also be uploaded in the
11 Department's website.

12
13 **SEC. 32. Congressional Oversight Committee.** - There is
14 hereby created a Congressional Oversight Committee to monitor and
15 oversee the implementation of the provisions of this Act. The Committee
16 shall be composed of six (6) members from the Senate and six (6) members
17 from the House of Representatives with the Chairpersons of the Committees
18 on National Defense and Security of both the Senate and the House of
19 Representatives as joint Chairpersons of this Committee. The five (5) other
20 members from each Chambers are to be designated by the Senate President
21 and the Speaker of the House of Representatives, respectively. The minority
22 shall be entitled to pro rata representation but shall have at least
23 two (2) representatives from each Chamber.

24
25 **SEC. 33. Sunset Review.** - Within five (5) years after the effectivity
26 of this Act, or as the need arises, the Congressional Oversight Committee
27 shall conduct a systematic evaluation of the accomplishments and impact
28 of this Act, as well as the performance and organizational structure of the
29 Department, for purposes of determining remedial legislation.

30
31 **SEC. 34. Repealing Clause.** - All references to the NDRMMC in
32 existing laws, including, but not limited to, the Philippine National
33 Disaster Risk Reduction and Management Act of 2010, shall be
34 understood to refer to the Department created under this Act.

35
36 All other laws, decrees, executive orders, proclamations, and other
37 executive issuances which are inconsistent with or contrary to the
38 provisions of this Act are hereby amended and repealed accordingly.

39
40 **SEC. 35. Separability Clause.** - If any provision of this law is
41 declared unconstitutional, the remaining provisions thereof not affected
42 thereby shall remain in full force and effect.

43
44 **SEC. 36. Effectivity.** - This Act shall take effect fifteen (15)
45 days after its publication in the Official Gazette or in two (2) national
46 newspapers of general circulation.

47
48 *Approved,*