

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. 344

HOUSE OF REPRESENTATIVES

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Introduced by **HON. YEDDA MARIE K. ROMUALDEZ**

EXPLANATORY NOTE


The Philippines is one of the countries that is often visited by strong typhoons. Around 19 tropical storms enter the Philippine Area of Responsibility in a typical year and, of these, usually 6 or 9 make landfall.

Notwithstanding all the disaster preparation and coordination plans, there were still significant losses of life, injury, and damage to property when Typhoon Yolanda (International Code Name: Haiyan), considered as the world's strongest typhoon ever recorded, hit the Philippine Territory.

Despite the government's efforts and preparations, thousands of people perished. Damage to business, property and agriculture were in such magnitude that economic activities were placed on standstill. A few days after Typhoon Yolanda ravaged the Visayas region, the national government was criticized by international media for the slow response and lack of support to the victims in the affected areas.

In light of this, it is high time we create a new Department which will exclusively handle all calamity-related (natural or man-made) operations. The current set-up has proven to be inadequate in preparing our country from major calamities which we will have to face on a yearly basis. This new Department will drastically reduce, if not totally eliminate, the bureaucratic red tape which has caused many delays in the delivery of immediate assistance needed by the victims.

It becomes imperative therefore, that Congress should introduce measures in line with policy trust. Immediate passage of this bill is urgently sought.


YEDDA MARIE K. ROMUALDEZ

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AN ACT
CREATING THE DEPARTMENT OF DISASTER PREPAREDNESS
AND EMERGENCY MANAGEMENT, DEFINING ITS
MANDATE, POWERS AND FUNCTIONSS, AND
APPROPRIATING FUNDS THEREFORE

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

Section 1. Title. – This Act shall be known as the “Department of Disaster Preparedness and Emergency Management Act of 2016”.

Section 2. Declaration of Policy. – It shall be the policy of the State to uphold the people’s constitutional rights to life and property by addressing the root causes of vulnerabilities to disasters; strengthening the country’s institutional capacity for disaster preparedness and emergency management; and, building the resilience of local communities to disasters, natural or man-made, including climate change impacts.

Section 3. Definition of Terms. – for purposes of this Act, the following shall refer to:

(a) “Adaptation” – the adjustment in natural or human systems in response to actual or expected climatic stimuli or their effects, which moderates harm or exploits beneficial opportunities.

(b) “Capacity” – a combination of all strengths and resources available within a community, society or organization that can reduce the level of dangers, or effects of a disaster. Capacity may include infrastructure and physical means, institutions, societal coping abilities, as well as human knowledge, skills and collective attributes such as social relationships, leadership and management. Capacity may also be described as capability.

(c) “Civil Society Organizations” Or “CSOs” – non-state whose aims are neither to generate profits nor to seek governing power. CSOs unite people to advance shared goals and interests. They have a presence in public life, expressing the interests and values of their members or others, and are based on ethical, cultural, scientific, religious or philanthropic considerations. CSOs include nongovernment organizations (NGOs), professional associations, foundations, independent research institutes, community-based organizations (CBOs), faith-based organizations, people’s organizations, social movement and labor unions.

(d) “Climate Change” – a change in climate that can be identified by changes in the mean and /or variability of its properties and that persists for an extended period typically decades or longer, whether due to natural variability or as a result of human activity.

(e) “Community-Based Disaster Preparedness and Emergency Management” or “CBDPEM” – a process of disaster preparedness and emergency management in which at risk communities are actively engaged in the identification, analysis, treatment, monitoring and evaluation of disaster hazards in order to reduce their vulnerabilities and enhance their capabilities, and where the people are at the heart of decision-making and implementation of disaster preparedness and emergency management activities.

(f) “Complex Emergency” – a form of human-induced emergency in which the cause of the emergency as well as the assistance to the afflicted is complicated by intense level of political considerations.

(g) “Contingency Planning” – a management process that analyses 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.

(h) “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. Disaster are often described as a result of the combination of: the exposure to a hazard; the conditions of vulnerability that are present; and insufficient capacity or measures to reduce or cope with the potential negative consequences. Disaster impacts may include loss of life, injury, disease and other negative effects on human, physical, mental and social well-being, together with damage to property, destruction of assets, loss of services, social and economic disruption and environmental degradation.

(i) “Disaster Mitigation” – the lessening or limitation of the adverse impacts of hazards and related disaster. Mitigation measures encompass engineering techniques and hazard-resistant construction as well as improved environmental policies and public awareness.

(j) “Disaster Preparedness” – the knowledge and capacities developed by governments, professional response and recovery organizations, communities and individuals to effectively anticipate, respond to, and recover from, the Impacts of likely, imminent or current hazard events or conditions. Preparedness action is carried out within the context of disaster risk reduction and management and aims to build the capacities needed to efficiently manage all types of emergencies and achieve orderly transitions from response to sustained recovery. Preparedness is based on a sound analysis of disaster hazard and good linkages with early warning systems, and includes such activities as contingency planning, stockpiling of equipment and supplies, the development of arrangements for coordination, evacuation and public information, and associated training and field exercises. These must be supported by formal institutional, legal and budgetary capacities.

(k) “Disaster Prevention” – the outright avoidance of adverse impacts of hazards and related disasters. It expresses the concept and intention to completely avoid potential adverse impacts through action taken in advance such as construction of dams or embankments that eliminate flood risks, land-use regulations that do not permit any settlement in high-risk zones, and seismic engineering designs that ensure the survival and function of a critical building in any likely earthquake.

(l) “Disaster Response” – the provision of emergency services and public assistance during or immediately after a disaster in order to save lives, reduce health impacts, ensure public safety and meet the basic subsistence needs of the people affected. Disaster response is predominantly focused on immediate and short-term needs and is sometimes called “disaster relief”.

(m) “Disaster Risk” – the potential disaster losses in lives, health status, livelihood, assets and services, which could occur to a particular community or a Society over some specified future time period.

(n) “Disaster Risk Reduction and Management” – the systematic process of using administrative directives, organizations, and operational skills and capacities to implement strategies, policies and improved coping capacities in order to lessen the adverse impacts of hazards and the possibility of disaster. Prospective disaster preparedness and emergency management refers to risk reduction and management activities that address and seek to avoid the development of new or increased disaster risks, especially if risk reduction policies are not put in place.

(o) “Disaster Preparedness and Emergency Management Information System” – a specialized database which contains, among others, information on disaster and their human material, economic and environmental impact, risk assessment and mapping and vulnerable groups.

(p)“Early Warning System” – the set capabilities needed to generate and disseminate timely and meaningful warning information to enable individuals, communities and organizations threatened by a hazard to prepare and to act appropriately and in sufficient time to reduce the possibility of harm or loss. A people-centered early warning system necessarily comprises four (4) key elements: knowledge of risks; monitoring, analysis and forecasting of the hazards; communication or dissemination of alerts and warnings; and local capabilities to respond to the warnings received. The expression “end-to-end warning system” is also used to emphasize that warning systems to span all steps from hazard detection to community response.

(q)“Emergency” – unforeseen or sudden occurrence, especially danger, demanding immediate action.

(r) “Emergency Management” – the organization and management of resources and responsibilities for addressing all aspects of emergencies, in particular preparedness, response and initial recovery steps.

(s)“Exposure” – the degree to which the element at risk is likely to experience hazard events of different magnitudes.

(t) “Geographic Information System” – a database which contains, among others, geo-hazard assessments, information on climate change, and climate risk reduction and management.

(u)“Hazard” – a dangerous phenomenon, substance, human activity or conditions 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.

(v)“Land-Use Planning” – the process undertaken by public authorities to identify, evaluate and decide on different options for the use of land, including consideration of long-term economic, social and environmental objective and the implications for different communities and interest groups, and the subsequent formulation and promulgation of plans that describe the permitted or acceptable uses.

(w) “Mitigation” – structural and non-structural measures undertaken to limit the adverse impact of natural hazards, environmental degradation and technological hazards and to ensure the ability of at-risk communities to address vulnerabilities aimed at minimizing the impact of disasters. Such measures include, but are not limited to, hazard-resistant construction and engineering works, the formulation and implementation of plans, programs, project and activities, awareness, as well as the enforcement of comprehensive land-use planning, building and safety standards, and legislation.

(x) “Philippine Disaster Preparedness and Emergency Management Framework” or “PDPEMF” – provides for comprehensive, all hazards, multi-sectoral, inter-agency and community-based approach to disaster risk reduction and management.

(y) “Philippine Disaster Preparedness and Emergency Management Plan” or “PDPEMP” – the document to be formulated and implemented by the Philippine Disaster Preparedness and Emergency Management Authority that sets out goals and specific objectives for reducing disaster risks together with related actions to accomplish these objectives. The PDPEMP shall provide for the identification of hazards, vulnerabilities and risk to be managed at the national level; disaster risk reduction and management approaches and strategies to be applied in managing said hazards and risks; agency roles, responsibilities and lines of authority at all government levels; and vertical and horizontal coordination of disaster risk reduction and management in the pre-disaster and post-disaster phases.

(z) “Post-Disaster Recovery” – the restoration improvement where appropriate, of facilities, livelihood and living conditions, of disaster-affected communities, including efforts to reduce disaster risk factors, in accordance with the principles of “build back better”.

(aa) “Preparedness” – pre-disaster actions and measures being undertaken within the context of disaster risk reduction and management and are based on sound risk analysis as well as pre-disaster activities to avert or minimize loss of life and property such as but not limited to, community organizing, training, planning, equipping, stockpiling, hazard mapping, insuring of assets, and public information and education initiatives. This also includes the development/enhancement of an overall preparedness strategy, policy, institutional structure, warning and forecasting capabilities, and plans that define measures geared to help at-risk communities safeguard their lives and assets by being alert to hazards and taking appropriate action in the face of an imminent threat or an actual disaster.

(bb) “Private Sector” – the key factor in the realm of the economy where the central social concern and process are the mutually beneficial production and distribution of goods and services to meet the physical needs of human beings. The private sector comprises private corporations, households and nonprofit serving households.

(cc) “Public Sector Employees” – all persons in the civil service.

(dd) “Rehabilitation” – measures that ensure the ability of affected communities/areas to restore their normal level of functioning by rebuilding livelihood and infrastructures and increasing the communities’ organizational capacity.

(cc) “Resilience” – the ability of a system, community or society exposed to hazards to resist, absorb, accommodate and recover from the effects of a hazard in a timely and efficient manner, including through the preservation and restoration of its essential basic structures and functions.

(ff) “Response” – any concerted effort by two(2) or more agencies, public or private, to provide assistance or intervention during or immediately after a disaster to meet the life preservation and basic subsistence needs of those people affected and in the restoration of essential public activities and facilities.

(gg) “Risk” – the combination of the probability of an event and its negative consequences.

(hh) “Risk Assessment” – a methodology to determine the nature and extent of risk by analyzing potential hazards and evaluating existing conditions of vulnerability that together could potentially harm exposed people, property, services, livelihood and the environment on which they depend. Risk assessment with associated risk mapping include: a review of the technical characteristics of hazards such as their location, intensity, frequency and probability; the analysis of exposure and vulnerability including the physical, social, health, economic, and environmental dimensions; and the evaluation of the effectiveness of prevailing and alternative coping capacities in respect to likely risk scenarios.

(ii) “Risk Transfer” – the process of formally or informally shifting the financial consequences of particular risks from one party to another whereby a household, community, enterprise or state authority will obtain resources from the other party after a disaster occurs, in exchange for ongoing or compensatory social or financial benefits provided to that other party.

(jj) “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.

(kk) “Sustainable Development” – development that meets the needs of the present without compromising the ability of the future generations to meet their own needs. It contains within it two (2) key concept: (1) the concept of “needs”, in particular, the essential needs of the world’s poor, to which overriding priority should be given; and (2) the idea of limitations imposed by the state of technology and social cohesion and harmony, and ecological integration of a sound and viable economy, responsible governance, social cohesion and harmony, and ecological integrity to ensure that human development now and through future generations is a life-enhancing process.

(ll) “Vulnerability” – the characteristics and circumstances of a community, system or asset that make it susceptible to the damaging effects of a hazard. Vulnerability may arise from various physical, social,

economic, and environmental factors such as poor design and construction of buildings, inadequate protection of assets, lack of public information and awareness, limited official recognition of risks and preparedness measures, and disregard for wise environmental management.

(mm) “Vulnerable and Marginalized Groups” – those that face higher exposure to disaster risk and poverty including, but not limited to, women, children, elderly, differently-abled people, and ethnic minorities.

Section 4. Creation of the Department of Disaster Preparedness and Emergency Management - There is hereby created another Executive Department to be known as the Department of Disaster Preparedness and Emergency Management Authority, hereinafter referred to as the “Department” which shall institutionalize the policies, structures, coordination, mechanisms, and programs with continuing budget appropriation on disaster preparedness and emergency management from national down to local levels towards building a disaster-resilient nation and communities. The Department shall be an independent agency of the national government and shall maintain its principal office here in Metro Manila and have Regional offices nationwide for the proper conduct of its operations.

Section 5. Power and Functions of the Authority – The Department shall have the following powers and functions:

- (a) Advise the government and shall other stakeholders on matters relating to disaster preparedness and emergency management consistent with the policies and scope as defined in this Act;
- (b) Formulate and implement the PDPEMP and ensure that the physical framework, social, economic and environmental plans of communities, cities, municipalities and provinces are consistent with such plan.
- (c) Identify, assess and prioritize hazards and risks in consultation with key stakeholders;
- (d) Develop and ensure the implementation of national standards in carrying out disaster preparedness programs including mitigation, prevention, response, and rehabilitation works, from data collection and analysis, planning, implementation, monitoring and evaluation;
- (e) Review and evaluate the Local Disaster Preparedness and Emergency Management Plans (LDPEMP) to facilitate the integration of disaster preparedness measures into the local Comprehensive Development Plan (CDP) and Comprehensive Land-Use Plan (CLUP);
- (f) Ensure that the LGUs, through the Local Disaster Preparedness and Emergency Management Offices (LDPEMOs) are properly informed and adhere to the national standards and programs;
- (g) Formulate standard operating procedures for the deployment of rapid assessment teams, information sharing among different government agencies, and coordination before and after disasters at all levels;

- (h) Establish standard operating procedures on the communication system among provincial, city, municipal, and barangay disaster preparedness and emergency management councils, for purposes of warning and alerting them and for gathering information on disaster areas before, during and after disasters;
- (i) Establish Disaster Preparedness and Emergency Management training Institute in such suitable location as may be deemed appropriate to train public and private individuals, both local and national, in such subject as disaster preparedness and emergency management among others. The Institute shall consolidate and prepare training materials and publications of disaster preparedness and emergency management books and manuals to assist disaster preparedness and emergency management workers in the planning and implementation of this program and projects. The Institute shall conduct research programs to upgrade knowledge and skills and document best practices on disaster preparedness and emergency management. The Institute is also mandated to conduct periodic awareness and education programs to accommodate new elective officials and members of the LDPEMO;
- (j) Ensure that all disaster preparedness and emergency management programs, projects and activities requiring regional and international support shall be in accordance with duly established national policies and aligned with international agreement;
- (k) Ensure that all government agencies and LGUs give top priority and take adequate and appropriate measures in disaster preparedness and emergency management;
- (l) Create an enabling environment for substantial and sustainable participation of CSOs, private groups, volunteers and communities, and recognize their contributions in the government's disaster preparedness efforts;
- (m) Conduct early recovery and post-disaster needs assessment institutionalizing gender analysis as part of it;
- (n) Establish an operating facility to be known as the Philippine Disaster Preparedness and Emergency Management Operations Centre in all regions (PDPEMOC) that shall be operated and staffed on a twenty-four (24) hour basis;
- (o) Prepare the criteria and procedure for the enlistment of accredited community disaster volunteers (ACDVs). It shall include a manual of operations for the volunteers which shall be developed by the Authority in consultation with various stakeholders;
- (p) Provide advice and technical assistance and assist in mobilizing necessary resources to increase the overall capacity of LGUs, specifically the low income and in high-risk areas;
- (q) Create the necessary offices to perform its mandate as provided under this Act; and
- (r) Perform such other functions as may be necessary for effective operations and implementation of this Act.

Section 6. The Secretary and its Qualifications – The Secretary shall manage the day-to-day conduct of operations of the Department. He/She shall be assisted by Undersecretaries. No person shall be

an ad-hoc interagency committee for an efficient and effective orchestration of efforts of concerned entities in the implementation of programs, projects and activities of the Department.

Section 11. Transitory Provision – The officers and employees of the abolished NDRRMC and other offices shall continue in a hold over capacity until such time as the new officers and employees of the Department shall have been duly appointed pursuant to the provision of this Act.

Section 12. Appropriations – To carry out the provisions of this Act, the appropriations for the current fiscal year as well as the existing funds, assets, and resources of the transferred and abolished offices to be identified in the Section 8 hereof shall be transferred to the Department. Thereafter, such amounts as maybe necessary to carry out the provisions of this Act shall be included in the Annual General Appropriations Act.

Section 13. Coordination During Emergencies. – The Department, in coordination with the local government units, shall take the lead in preparing for, responding to, and recovering from the effects of any disaster. The Department shall always act as support to LGUs which have the primary responsibility as first disaster responders. Private sector and civil society groups shall work in accordance with the coordination mechanism and policies set by the Department and concerned LGUs.

Section 14. Declaration of State and Calamity – The shall recommend to the President of the Philippines the declaration of a cluster of barangays, municipalities, cities, provinces, and regions under a state of calamity, and the lifting thereof, based on a predetermined criteria set. The President's declaration may warrant international humanitarian assistance as deemed necessary. The declaration and lifting of the state of calamity may also be issued by local sanggunian, upon the recommendation of the Department, based on the results of the damage assessment and need analysis.

Section 15. Remedial Measures. – The declaration of state of calamity shall make mandatory the immediate undertaking of the following remedial measures by the Department as defined in this Act:

- (a) Imposition of the price ceiling on basic necessities and prime commodities by the President upon the recommendation of the implementing agency as provided for under Republic Act No. 7581, otherwise known as the "Price Act", or the National Price Coordinating Council;
- (b) Monitoring, prevention and control by the Local Price Coordination Council of overpricing/profitteering and hoarding of prime commodities, medicines and petroleum products;
- (c) Programming/reprogramming of funds for the repair and safety upgrading of public infrastructure and facilities; and
- (d) Granting of no-interest loans by government financing or lending institution to the most affected section of the population through their cooperatives or people's organizations.

Section 16. Mechanism for International Humanitarian Assistance – (a) The importance and donation of food, clothing, medicine and equipment for relief and recovery and other disaster management and recovery-related supplies is hereby authorized in accordance with Section 105 of the Tariff and Customs Code of the Philippines, as amended, and prevailing provisions of the General Appropriations Act covering national internal revenue taxes and import duties of national and local government agencies; and

(b) Importations and donations under this section shall be considered as importation by and/or donation to the Authority.

Section 17. Prohibited Acts. – Any person, group or corporation who commits any of the following prohibited acts shall be held liable and be subjected to the penalties as prescribed in Section 18 of this Act;

(a) Dereliction of duties which leads to destruction, loss of lives, critical damage of facilities and misuse of funds;

(b) Preventing the entry and distribution of relief goods in disaster-stricken areas, including appropriate technology, tools, equipment, accessories, disaster team/experts;

(c) Buying, for consumption or resale, from the recipient disaster affected persons any relief goods, equipment or other and commodities which are intended for distribution to disaster affected communities;

(d) Buying, for consumption or resale, from the recipient disaster affected person any relief goods, equipment or other aid commodities received by them;

(e) Selling of relief goods, equipment or other aid commodities which are intended for distribution to disaster victims;

(f) Forcibly seizing relief goods, equipment or other aid commodities intended for or consigned to a specific group of victims or relief agency;

(g) Diverting or misdelivery of relief goods, equipment or other aid commodities to persons other than rightful recipient or consignee;

(h) Accepting, possessing, using or disposing relief goods, equipment or other aid commodities not intended for nor consigned to him/her;

(i) Misrepresenting the source of relief goods, equipment or other aid commodities by

(1) Either covering, replacing or defacing the labels of the containers to make it appear that the goods, equipment or other aid commodities came from other agency or persons;

(2) Repacking the goods, equipment or other aid commodities into the containers with different markings to make it appear that the goods from another agency or persons or was released upon the instance of a particular agency or persons;

(3) Making false verbal claim that the goods, equipment or other and commodity its untampered original containers actually came from another agency or persons or was released upon the instance of a particular agency or persons;

- (j) Substituting or replacing relief goods, equipment or other aid commodities with the same items or inferior/cheaper quality;
- (k) Illegal solicitations by persons or organizations representing others as defined in the standards and guidelines set by the PDPEMA;
- (l) Deliberate use of the false or inflated data support of the request for funding, relief goods, equipment or other aid commodities for emergency assistance or livelihood projects; and
- (m) Tampering with or stealing hazard monitoring and disaster preparedness equipment and paraphernalia.

Section 18. Penalty Clause. – Any individual, corporation, partnership, association, or other judicial entity that commits any of the prohibited acts provided for in Section 17 of this Act shall be prosecuted and upon conviction shall suffer a fine of not less than Fifty thousand pesos (Php50,000.00) or any amount not to exceed Five hundred thousand pesos (Php500,000.00) and imprisonment of not less than six (6) years and one (1) day but not more than twelve (12) years 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 any of herein prohibited acts. If the offender is a corporation, partnership, and association, or other judicial entity, the penalty shall be imposed upon the officer or officers of the corporation, partnership, and association or entity responsible for the violation without prejudice to the cancellation or revocation of these entities' license or accreditation issued to them by any licensing or accredited body of the government. If such offender is an alien, he or she, in addition to the penalties prescribed in this Act, be deported without further proceedings after service of the sentence. However, the prosecution for offenses set forth in Section 18 of this Act shall be without prejudice to any liability for violation of Republic act No. 3185, as amended, otherwise as the Revised Penal Code, and other civil liabilities.

Section 19. 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 the PDPEMP.

Section 20. Implementing Rules and Regulations. – The Department through its Secretary, shall issue the necessary rules and regulations for the effective implementation of this Act within ninety (90) days after approval of this Act. In consultation with key stakeholders, it shall take the lead in the preparation of the implementing rules and regulations with the active involvement of the technical group of the Department.

Section 21. 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 this 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.

Section 22. Sunset Review. – Within five (5) years after the effectivity of this Act, or as the need arises, the Congressional Oversight Committee shall conduct a sunset review. For purposes of this Act, the term “sunset review” shall mean a systematic evaluation by the Congressional Oversight Committee of the accomplishments and impact of this Act, as well as the performance and organizational structure of its implementing agencies, for purposes of determining remedial legislation.

Section 23. Repealing Clause. – Republic Act 10121 and all other laws, decrees, executive orders, proclamation and other executive issuances which are inconsistent with or contrary to the provisions of this Act are hereby amended or repealed accordingly.

Section 24. Separability Clause. – If any provision of this Act shall be held unconstitutional or invalid, the other provisions not otherwise affected remain in full force and effect.

Section 25. Effectivity Clause. – This Act shall take effect fifteen (15) days following its complete publication in the Official Gazette or in two (2) national newspapers of general circulation.

Approved.



YEDDA MARIE K. ROMUALDEZ