

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS

First Regular Session

HOUSE BILL NO. 3182



Introduced by Honorable **ABRAHAM "BAMBOL" N. TOLENTINO**

EXPLANATORY NOTE

The Philippines, by virtue of its geographic circumstances – being located in the Western Pacific Rim and at the same time, the Pacific Ring of Fire – makes it prone to natural disasters such as earthquakes, typhoons, and volcanic eruptions. Approximately twenty tropical cyclones enter the Philippine Area of Responsibility annually, with about nine or ten crossing the archipelago. Additionally, the Philippines regularly experiences flashfloods, landslides, and other disasters, both natural and man-made.

According to a study conducted by the Institute of Economics and Peace, the Philippines topped the list of countries facing the highest risk of climate hazards such as floods cyclones and droughts. It noted that 47% of the population reside in areas with high risk of climate hazards. These hazards can increase the likelihood of violent conflict through its impact on resource availability, livelihood security, and migration. These threats are expected to continue due to factors such as climate change and population growth.

Republic Act No. 10121, otherwise known as the "Philippine Disaster Risk Reduction Act of 2010" (PDDRM), was enacted on 27 May 2010. It paved the way for


the institutionalization of the Disaster Risk Reduction and Management or “DRRM” approach. It is a systematic approach to identify and assess the risks of disaster, using administrative directives, organizations, and operational skills and capacities to implement strategies to mitigate the occurrence and the effects of disasters.

This is in line with the APEC Disaster Risk Reduction Framework (DRRF) which aims to “contribute to adaptive and disaster-resilient Asia-Pacific economies that can support inclusive and sustainable development in the face of disasters and the “new normal””. Corollary to that are the Sendai Framework for Disaster Risk Reduction 2015-2030 and the Paris Agreement of the United Nations Framework Convention on Climate Change (UNFCCC). Both acknowledge the necessity to address climate change as one of the primary causes of disaster and that its risks can be reduced by fostering collaboration among national and local governments as well as other stakeholders.

This bill proposes to create the Department of Disaster Management in order to address the aforementioned issues. It shall be the lead agency for all disaster and rehabilitation management programs, and policies and activities in the country. It shall be responsible for policy-making, coordinating, integrating, supervising, developing, implementing, and evaluating with regard to disaster awareness, resilience, and emergency management.

Given the increasing frequency of natural and man-made disasters, the Philippine government has recognized that a national coordinated, and cooperative effort is necessary to improve the country’s capacity to withstand and recover from catastrophes and emergencies.

In view of the foregoing, the immediate enactment of this bill is respectfully requested.

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke at the end.

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Introduced by **Honorable ABRAHAM N. TOLENTINO**

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

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

GENERAL PROVISIONS

Section 1. *Short Title.* – This Act shall be known as the “The Department of
Disaster Management Act.”

Sec. 2. *Declaration of Policy.* – It is hereby declared the policy of the State to:

(a) 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 and rehabilitation management and building
the resilience of local communities to disasters including climate change
impacts and human-man disasters;

(b) Inculcate a culture of awareness, resilience and preparedness, and
rehabilitation for natural and man-made disaster at the national, regional, and
local levels;

(c) Adopt a disaster risk reduction and rehabilitation management approach that
is holistic, comprehensive, integrated, and proactive in lessening the

- socioeconomic and environmental impacts of disasters including climate change, and promote the involvement and participation of all sectors and all stakeholders concerned, at all levels, especially the local community;
- (d) Adhere to and adopt the universal norms, principles and standards of humanitarian assistance and the global effort on risk reduction as concrete expression of the country's commitment to overcome human sufferings due to recurring disasters;
- (e) Incorporate internationally accepted principles of disaster risk and vulnerability reduction and management, and climate change adaptation, including universal principles and standards for humanitarian assistance, developing and implementing national, regional and local sustainable development and poverty reduction strategies, policies, plans and budgets, incorporating the ASEAN Agreement on Disaster Management and Emergency Response;
- (f) Develop, promote, and implement a comprehensive National Disaster Management Plan (NDMP) that aims to strengthen the capacity of the national government and the local government units (LGUs), together with partner stakeholders, to build disaster resilient communities, and to institutionalize arrangements and measures for reducing disaster risks, including projected climate risks, and enhancing disaster preparedness and response capabilities at all levels;
- (g) Adopt and implement a coherent, comprehensive, integrated, efficient and responsive disaster risk reduction program incorporated in the development plan at various levels of government adhering to the principles of good governance such as transparency and accountability within the context of poverty alleviation and environmental protection;
- (h) Adhere to the principle of "Build Forward Better" in recovery and rehabilitation efforts by applying standards, programs, technologies, and techniques which enhance resilience against future hazards;
- (i) Mainstream disaster risk reduction and climate change in development processes such as policy formulation, socioeconomic development planning, budgeting, and governance, particularly in the areas of environment,

- 1 agriculture, water, energy, health, education, poverty reduction, land-use and
2 urban planning, and public infrastructure and housing, among others;
- 3 (j) Institutionalize the policies, structures, coordination mechanisms and
4 programs with continuing budget appropriation on disaster risk reduction
5 from national down to local levels towards building a disaster-resilient nation
6 and communities;
- 7 (k) Mainstream disaster risk reduction into the peace process and conflict
8 resolution approaches in order to minimize loss of lives and damage to
9 property, and ensure that communities in conflict zones can immediately go
10 back to their normal lives during periods of intermittent conflicts;
- 11 (l) Recognize the local risk patterns across the country and strengthen the
12 capacity of LGUs for disaster risk reduction and management through
13 decentralized powers, responsibilities, and resources at the regional and local
14 levels;
- 15 (m) Recognize and strengthen the capacities of LGUs and multiple
16 stakeholders in the communities in mitigating and preparing for, responding
17 to, and recovering from the impact of disasters through identification of local
18 risk patterns and decentralized powers, responsibilities and resources at the
19 regional and local levels;
- 20 (n) Engage the participation of civil society organizations (CSOs), the private
21 sector and volunteers in the government's disaster risk reduction programs
22 towards complementation of resources and effective delivery of services;
- 23 (o) Involve children and youth in disaster risk and vulnerability reduction, in
24 accordance with legislation, national practice, and educational curricula;
- 25 (p) Develop and strengthen the capacities of vulnerable and marginalized groups
26 to mitigate, prepare for, respond to, and recover from the effects of disasters;
- 27 (q) Ensure that the best possible assistance and services are delivered to
28 individuals and families affected by disaster and emergency rehabilitation
29 projects to guarantee the resumption of normal social and business activities;
30 and
- 31 (r) Provide maximum care, assistance and services to individuals and families
32 affected by disaster, implement emergency rehabilitation projects to lessen

1 the impact of disaster, and facilitate resumption of normal social and
2 economic activities.

3
4 Sec. 3. *Definition of Terms.* - For purposes of this Act, the following terms
5 shall mean:

6 a) *Adaptation* – the adjustment in natural or human systems in response to
7 actual or expected climatic stimuli or their effects, which moderates harm or
8 exploits beneficial opportunities;

9 b) *Build Forward Better* - an approach to building and/or reconstructing an area
10 or community, which entails a shift from simple recovery and restoration to safer,
11 more adaptive, resilient, and inclusive communities;

12 c) *Business Continuity Plan* - a plan describing the policy, systems and
13 procedures by which enterprises can avoid suspension of their critical business or
14 can recover the critical business quickly if it is interrupted, even when
15 contingencies arise, including natural disasters such as major earthquakes,
16 communicable disease pandemics, terrorist acts, serious accidents, disruption of
17 supply chains and abrupt changes in business environment, or they can recover
18 business quickly if their business is interrupted.

19 d) *Capacity* - a combination of all strengths and resources available within a
20 community, society or organization that can reduce the level of risk, or effects of
21 a disaster. Capacity may include infrastructure and physical means, institutions,
22 societal coping abilities, as well as human knowledge, skills and collective
23 attributes such as social relationships, leadership and management. Capacity may
24 also be described as capability;

25 e) *Civil Society Organizations Or CSOs* - non-state actors whose aims are neither
26 to generate profits nor to seek governing power. CSOs unite people to advance
27 shared goals and interests. They have a presence in public life, expressing the
28 interests and values of their members or others, and are based on ethical,
29 cultural, scientific, religious or philanthropic considerations. CSOs include
30 nongovernment organizations (NGOs), professional associations, foundations,
31 independent research institutes, community-based organizations (CBOs), faith-
32 based organizations, people's organizations, social movements, and labor unions;

- 1 f) *Climate Change* – a change in climate that can' be identified by changes in
2 the mean and/or variability of its properties and that persists for an extended
3 period typically decades or longer, whether due to natural variability or as a
4 result of human activity;
- 5 g) *Crisis* – also known as emergency; a threatening condition that requires
6 urgent action or response;
- 7 h) *Department* – the Department of Disaster Management;
- 8 i) *Department proper* – the offices, agencies, bureaus, and services under the
9 authority of the Secretary of the Department of Disaster Management;
- 10 j) *Disaster* – a serious disruption of the functioning of a community or a society
11 involving widespread human, material, economic or environmental losses and
12 impacts, which exceeds the ability of the affected community or society to cope
13 using its own resources. Disasters are often described as a result of the
14 combination of: the exposure to a hazard; the conditions of vulnerability that are
15 present; and insufficient capacity or measures to reduce or cope with the
16 potential negative consequences, Disaster impacts may include loss of life, injury,
17 disease and other negative effects on human, physical, mental and social well-
18 being, together with damage to property, destruction of assets, loss of services,
19 Social and economic disruption and environmental degradation;
- 20 k) *Disaster Management* - the organization and management of resources and
21 responsibilities for addressing all aspects of emergencies, in particular
22 preparedness, response and initial recovery steps;
- 23 l) *Disaster Management Information System* - a specialized database which
24 contains, among others, information on disasters and their human material,
25 economic and environmental impact, risk assessment and mapping and
26 vulnerable groups;
- 27 m) *Disaster Mitigation* - the lessening or limitation of the adverse impacts of
28 hazards and related disasters. Mitigation measures encompass engineering
29 techniques and hazard-resistant construction as well as improved environmental
30 policies and public awareness;
- 31 n) *Disaster Preparedness* - the knowledge and capacities developed by
32 governments, professional response and recovery organizations, communities

1 and individuals to effectively anticipate, respond to, and recover from, the
2 Impacts of likely, imminent or current hazard events or conditions. Preparedness
3 action is carried out within the context of disaster risk reduction and
4 management and aims to build the capacities needed to efficiently manage all
5 types of emergencies and achieve orderly transitions from response to sustained
6 recovery. Preparedness is based on a sound analysis of disaster risk and good
7 linkages with early warning systems, and includes such activities as contingency
8 planning, stockpiling of equipment and supplies, the development of
9 arrangements for coordination, evacuation and public information, and associated
10 training and field exercises. These must be supported by formal institutional,
11 legal and budgetary capacities;

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

19 p) *Disaster Response* - the provision of emergency services and public assistance
20 during or immediately after a disaster in order to save lives, reduce health
21 impacts, ensure public safety and meet the basic subsistence needs of the people
22 affected. Disaster response is predominantly focused on immediate and short-
23 term needs and is sometimes called "disaster relief";

24 q) *Disaster Risk* - the potential disaster losses in lives, health status, livelihood,
25 assets and services, which could occur to a particular community or a Society
26 over some specified future time period;

27 r) *Disaster Risk Reduction* - the concept and practice of reducing disaster risks
28 through systematic efforts to analyze and manage the causal factors of disasters,
29 including through reduced exposures to hazards, lessened vulnerability of people
30 and property, wise management of land and the environment, and improved
31 preparedness for adverse events;

s) *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 risk reduction and 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;

t) *Early Warning System* - the set of capacities 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 the 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 need to span all steps from hazard detection to community response;

u) *Emergency* - unforeseen or sudden occurrence, especially danger, demanding immediate action;

v) *Exposure* - the degree to which the elements at risk are likely to experience hazard events of different magnitudes;

w) *Geographic Information System* - a database which contains, among others, geo-hazard assessments, information on climate change, and climate risk reduction and management;

x) *Hazard* - a process, phenomenon or human activity that may cause loss of life, injury or other health impacts, property damage, social and economic disruption or environmental degradation. Hazards may be natural, anthropogenic or socionatural in origin;

y) *Human-Induced Hazard* – human-induced significant incidents resulting in acts of terrorism, destabilization, criminal activities, and disruption of normal day-to-day economic activities that require prompt intervention to contain the incident, mitigate the effects, and normalize the situation;

1 z) *Land-Use Planning* - the process undertaken by public authorities to identify,
2 evaluate and decide on different options for the use of land, including
3 consideration of long-term economic, social and environmental objectives and
4 the implications for different communities and interest groups, and the
5 subsequent formulation and promulgation of plans that describe the permitted or
6 acceptable uses;

7 aa) *Mitigation* - structural and non-structural measures undertaken to limit the
8 adverse impact of natural hazards, environmental degradation, and technological
9 hazards and to ensure the ability of at-risk communities to address vulnerabilities
10 aimed at minimizing the impact of disasters. Such measures include, but are not
11 limited to, hazard-resistant construction and engineering works, the formulation
12 and implementation of plans, programs, projects and activities, awareness
13 raising, knowledge management, policies on land-use and resource management,
14 as well as the enforcement of comprehensive land-use planning, building and
15 safety standards, and legislation;

16 bb) *National Disaster Management Framework or NDMF* - provides for
17 comprehensive, all hazards, multi-sectoral, inter-agency and community-based
18 approach to disaster risk reduction and management;

19 cc) *National Disaster Management Plan or NDMP* - the document to be
20 formulated and implemented by the Office of Civil Defense (OCD) that sets out
21 goals and specific objectives for reducing disaster risks together with related
22 actions to accomplish these objectives. The NDMP shall provide for the
23 identification of hazards, vulnerabilities and risks to be managed at the national
24 level; disaster risk reduction and management approaches and strategies to be
25 applied in managing said hazards and risks; agency roles, responsibilities and
26 lines of authority at all government levels; and vertical and horizontal
27 coordination of disaster risk reduction and management in the pre-disaster and
28 post-disaster phases. It shall be in conformity with the NDMF;

29 dd) *NERC* – the National Emergency Response Corps created under this Act;

30 ee) *Preparedness* - pre-disaster actions and measures being undertaken within
31 the context of disaster risk reduction and management and are based on sound
32 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;

ff) *Private Sector* - the key actor 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 institutions serving households;

gg) *Rehabilitation* - measures that ensure the ability of affected communities/areas to restore their normal level of functioning by rebuilding livelihood and damaged infrastructures and increasing the communities' organizational capacity;

hh) *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;

ii) *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;

jj) *Risk* - the combination of the probability of an event and its negative consequences;

kk) *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 assessments 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;

ll) *Risk Management* - the systematic approach and practice of managing uncertainty to minimize potential harm and loss. It comprises risk assessment and analysis, and the implementation of strategies and specific actions to control, reduce and transfer risks. It is widely practiced by organizations to minimize risk in investment decisions and to address operational risks such as those of business disruption, production failure, environmental damage, social impacts and damage from fire and natural hazards;

mm) *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;

nn) *Secretary* – to the Secretary of the Department of Disaster Management;

oo) *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;

pp) *Sustainable Development* - development that meets the needs of the present without compromising the ability of future generations to meet their own needs. It contains within it two (2) key concepts: (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 organizations on the environment's ability to meet present and future needs. It is the harmonious 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;

qq) *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; and

rr) *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.

THE DEPARTMENT OF DISASTER MANAGEMENT.

Sec. 4. *Creation of the Department of Disaster Management.* – There is hereby created a Department of Disaster Management, hereinafter referred to as the Department. The powers and functions of the National Risk Reduction and Management Council established under Republic Act No. 10121 are hereby transferred to, absorbed and assumed by the Department.

Sec. 5. *Mandate.* – The Department shall be the primary government agency responsible for policy-making, planning, coordinating, integrating, supervising, implementing, monitoring and evaluation with regard to disaster preparedness, resilience and emergency management in the country.

The Department shall exercise the powers, in addition to those granted to it, essential to the promotion of the general welfare, such as the imposition of emergency measures including preemptive and forced evacuation, in anticipation of, during and after emergencies, hazards and disasters and only when there is imminent danger of loss of lives and/or damage to property.

Sec. 6. *Powers and Functions.* – The Department shall exercise and perform the following powers and functions:

- (a) Develop a National Disaster Management Framework which shall provide for a comprehensive, all-hazards, multi-sectoral, inter-agency and community-based approach to disaster risk reduction and management. The

1 Framework shall serve as the principal guide to disaster and rehabilitation
2 management efforts in the country and shall be reviewed on a five(5)-year
3 interval, or as may be deemed necessary, in order to ensure its relevance to
4 the times;

5 (b) Oversee and direct the comprehensive implementation of disaster risk
6 reduction and rehabilitation management policies, plans and programs as
7 embodied in the National Disaster Management Plan;

8 (c) Monitor the integration of disaster risk reduction and management
9 policies into local and national development plans, including the integration
10 into school curricula;

11 (d) Review and evaluate Local Disaster Management Plans to ensure their
12 consistency with the National Disaster Management Plans through the
13 regional offices;

14 (e) Ensure a multi-stakeholder participation in the development, updating,
15 and sharing of a Disaster Management Information System and Geographic
16 Information System-based national risk map as policy, planning and decision-
17 making tools;

18 (f) Lead the mainstreaming of disaster risk reduction management in all
19 stages and levels of national and local planning and budgeting processes;

20 (g) Advise the President on the status of disaster preparedness,
21 prevention, mitigation, response and rehabilitation operations being
22 undertaken by the government, CSOs, private sector, and volunteers;

23 (h) Recommend to the President the declaration of a state of calamity in
24 areas extensively damaged and submit proposals to restore normalcy in the
25 affected areas, to include calamity fund allocation;

26 (i) Establish a national early warning and emergency alert system to
27 provide accurate and timely advice to national or local emergency response
28 organizations and to the general public through diverse mass media to include
29 digital and analog broadcast, cable, satellite television and radio, wireless
30 communications, and landline communications;

31 (j) Exercise command and control over relevant government agencies,
32 including government-owned and controlled corporations, the Philippine

1 National Police and other law enforcement agencies, during an imminent or
2 actual disaster;

3 (k) Call upon the reserve force as defined in Republic Act No. 7077 to
4 assist in relief and rescue during disasters or calamities;

5 (l) Develop appropriate risk transfer mechanisms that shall guarantee
6 social and economic protection and increase resiliency in the face of disaster;

7 (m) Monitor the development and enforcement by agencies and
8 organizations of the various laws, guidelines, codes or technical standards
9 required by this Act;

10 (n) Manage and mobilize resources for disaster risk reduction and
11 management including the National Disaster Management Fund;

12 (o) Monitor and provide the necessary guidelines and procedures on the
13 Local Disaster Management Fund (LDRMF) releases as well as utilization,
14 accounting and auditing thereof;

15 (p) Develop vertical and horizontal coordination mechanisms for a more
16 coherent implementation of disaster risk reduction and management policies
17 and programs by sectoral agencies and LGUs;

18 (q) Formulate a national institutional capability building program for
19 disaster risk reduction and management to address the specific weaknesses
20 of various government agencies and LGUs;

21 (r) Formulate, harmonize, and translate into policies a national agenda for
22 research and technology development on disaster risk reduction and
23 management;

24 (s) Develop assessment tools on the existing and potential hazards and
25 risks brought about by climate change to vulnerable areas and ecosystems in
26 coordination with the Climate Change Office and formulate and implement a
27 framework for climate change adaptation and disaster risk reduction and
28 management from which all policies, programs, and projects shall be based;

29 (t) Prepare, organize, lead, implement, and manage post-disaster
30 assessment and recovery and rehabilitation programs, in coordination with
31 affected LGUs, national government agencies, and other stakeholders,
32 including the private sector;

1 (u) Task the OCD to conduct periodic assessment and performance
2 monitoring of the member-agencies of the Department, and the Regional
3 Offices, as defined in the National Disaster Management Plan;

4 (v) Coordinate or oversee the Implementation of the country's obligations
5 with disaster management treaties to which it is a party and see to it that the
6 country's disaster management treaty obligations be incorporated in its
7 disaster risk reduction and management frameworks, policies, plans,
8 programs and projects;

9 (w) Exercise visitorial, inspection and examining authority over government
10 and non-government entities to ensure that all funds and assets allocated for
11 disaster resilience are actually used for said purposes;

12 (x) Utilize any private property for urgent public purpose in anticipation of,
13 during and after emergencies, hazards and disasters and only when there is
14 imminent danger of loss of lives and/or damage to property, subject to
15 payment of just compensation in appropriate cases;

16 (y) Promulgate guidelines regarding international humanitarian assistance
17 to and from foreign states; training and accreditation of personnel for
18 international humanitarian assistance; entry, facilitation, transit and regulation
19 of international relief goods and personnel; waiver of entry visa requirements;
20 recognition of foreign professional qualifications for disaster response and
21 early recovery; and entry of goods and equipment;

22 (z) Exercise all powers and functions provided to department secretaries
23 under Book IV, Chapter 2 of Executive Order No 292, otherwise known as the
24 "Administrative Code of 1987"; and

25 (aa) Perform such other functions as may be necessary or proper to attain
26 the objectives of this Act.

27
28 DEPARTMENT PROPER
29

30 *Sec. 7. The Office of the Secretary.* – The Office of the Secretary shall consist
31 of the Secretary, Undersecretaries, Assistant Secretaries and the immediate staff as
32 determined by the Secretary.

1
2 Sec. 8. *The Secretary.* The department shall be headed by the Secretary of
3 Disaster Management, hereinafter referred to as the Secretary, who shall be
4 appointed by the President, subject to confirmation by the Commission on
5 Appointments.

6 No person shall be appointed as Secretary unless he is a citizen and resident
7 of the Philippines, is of good moral character, and is of proven competence and
8 expertise in disaster awareness, resilience, and emergency management over the
9 course of his career. He shall not hold any other position whether public or private,
10 during his tenure.

11
12 Sec. 9. *Powers and Functions of the Secretary.* – All powers and functions of
13 the Department are vested in the Secretary.

14
15 Sec. 10. *The Undersecretaries.* – The Secretary shall be assisted by four (4)
16 undersecretaries who shall be appointed by the President upon the recommendation
17 of the Secretary. The Secretary is hereby authorized to delineate and assign the
18 respective functional areas of responsibility of the Undersecretaries. Such
19 responsibility shall be with respect to the mandate and objectives of the
20 Department. Each of the Undersecretary shall be responsible for the following:

- 21 (1) Resilience and Preparedness Office;
22 (2) Policy and Governance Office;
23 (3) Operations, Response and Rehabilitation Office; and
24 (4) Mission Support Office

25 Within his functional area of responsibility, an Undersecretary shall have the
26 following functions:

- 27 (1) Advise and assist the Secretary in the formulation and implementation of
28 Department policies, plans programs and projects;
29 (2) Supervise all the operational activities of the units assigned to him, for
30 which he is responsible to the Secretary; and

1 (3) Perform such other duties and responsibilities as may be assigned or
2 delegated by the Secretary to promote efficiency and effectiveness in the
3 delivery of public services, or as may be required by law.
4

5 Sec. 11. *The Assistant Secretaries.* - The Secretary shall be assisted by eleven
6 (11) Assistant Secretaries, or such number as the Secretary may deem necessary
7 for the efficient operation of the Department, to be appointed by the President upon
8 the recommendation of the Secretary, who shall be responsible for the following
9 services:

- 10 (1) National Coherence;
 - 11 (2) Grant Programs;
 - 12 (3) National Preparedness;
 - 13 (4) External Affairs;
 - 14 (5) Internal Audit;
 - 15 (6) Financial Management;
 - 16 (7) Operations, Response, and Rehabilitation;
 - 17 (8) Logistics Management;
 - 18 (9) Monitoring and Information;
 - 19 (10) Legal;
 - 20 (11) Administrative and Human Resource Management; and
 - 21 (12) Other services as may be deemed necessary.
- 22

23 Sec. 12. *Structure and Staffing Pattern.* – The Department shall determine its
24 organizational structure and staffing pattern and create such services, divisions,
25 units , as it may deem necessary, subject to the approval of the Department of
26 Budget and Management.

27 RESILIENCE AND PREPAREDNESS

28

29 Sec. 13. *National Coherence Services.* – The National Coherence Services is
30 tasked to coordinate national programs and activities that preserve and ensure the
31 continuity of the National Government's essential functions across a wide range of

1 potential threats and emergencies. For this purpose, it shall have the following
2 functions:

- 3 (1) Advice the Secretary on all matters relating to the National Disaster
4 Management Framework and National Disaster Management Plan;
- 5 (2) Guide and assist in the planning and implementation of continuity programs
6 that enables the national and local governments to deliver critical services to
7 survivors throughout all phases of a disaster;
- 8 (3) Evaluate and appraise all local development management plans and
9 programs as to their feasibility and consistency with approved strategies and
10 long and medium-term plans;
- 11 (4) Develop and maintain continuity capabilities to build and sustain a more
12 resilient nation equipped to sustain essential functions, deliver critical
13 services, and supply core capabilities under all conditions;
- 14 (5) Coordinate the inter-agency plans and procedures that sustain the nation's
15 ability to prepare, prevent, respond, recover, mitigate and rehabilitate from
16 the effects of both natural and man-made threats;
- 17 (6) Develop a modern early warning system that will integrate the nation's alert
18 and warning infrastructure;
- 19 (7) Provide technical assistance to everyone, including but not limited to the
20 national agencies, instrumentalities, GOCCs, local government units, non-
21 governmental organizations, and private entities;
- 22 (8) Assess emergency plans and programs to identify insufficiency and
23 inadequacy to guide in the enhancement of the plan;
- 24 (9) Establish a Business Continuity Plan for all urban areas for post-disaster
25 scenarios, in coordination with the Department of Trade and Industry and
26 the Bangko Sentral ng Pilipinas; and
- 27 (10) Perform such other related duties and responsibilities as may be
28 assigned or delegated by the Secretary or as may be required by law.

29
30 Sec. 14. *Grant Programs Services.* – The Grant Programs Services shall provide
31 the Department assistance in developing, implementing and screening recipients of

1 grants and assistance programs. For this purpose, it shall have the following
2 functions:

- 3 (1) Develop grants and assistance programs for agencies, Local Government
4 Units, and foreign states;
- 5 (2) Formulate criteria on how the agencies and/or Local Government Units can
6 avail of financial assistance from the National Disaster Management Fund;
- 7 (3) Strategically and effectively administer and manage grants to ensure critical
8 and measurable results, including foreign grants received from international
9 entities;
- 10 (4) Improve capability and reduce the disaster risks by recommending grants to
11 incapable local government units;
- 12 (5) Ensure transparency in the grant process;
- 13 (6) Enhance the nation's level of preparedness and the public's ability to prevent,
14 protect and mitigate against, and respond to and recover from all hazards;
15 and
- 16 (7) Perform such other related duties and responsibilities as may be assigned or
17 delegated by the Secretary or as may be required by law.

18
19 *Sec. 15. National Preparedness Services.* – The National Preparedness Services
20 shall provide the Department the ability to prepare the nation for all types of
21 disasters and emergencies. For this purpose, it shall have the following functions:

- 22 (1) Formulate a national policy on risk assessment for environmental risk,
23 national disaster risk, natural disaster risk and climate change risk, and shall
24 take into consideration the interdependence of disaster risk reduction,
25 environmental management, climate change adaptation and sustainable
26 development;
- 27 (2) Establish guidance and programs for disaster planning and promote a
28 consistent disaster management structure for the nation;
- 29 (3) Develop guidance and tools to assist communities in tackling their unique
30 preparedness challenges and coordinate the adoption and implementation of
31 a common incident management platform for emergency responders and
32 officials;

- (4) Develop national preparedness activities including planning guidance, technical assistance, training and exercises for individual and community preparedness;
- (5) Assist people, schools, the business sector, and communities become more resilient by developing the capabilities needed to prevent, protect against, respond to, recover from, and mitigate against all threats and hazards;
- (6) Provide guidance, programs, and processes to empower the people and the communities and barangays they live in to be prepared for any hazard;
- (7) Provide training, education, and assistance for first responders, emergency management professionals, and community members to increase capabilities at the local level;
- (8) Help all levels of government conduct exercises to test their abilities to prevent, protect against, respond to, recover from, and mitigate disasters;
- (9) Provide individuals, communities, and organizations with research and tools to help people prepare for disasters;
- (10) Establish a National Disaster Risk Reduction Training Center which shall serve as the Department's centralized repository and for its technical materials and research and development on disaster risk reduction and management that develops and delivers training and education for first responders, emergency managers, and the public through a multi-disciplinary, data-driven learning approach and partnerships with higher education institutions;
- (11) Build emergency management and response capabilities for communities that live near high risk hazards; and
- (12) Perform such other related duties and responsibilities as may be assigned or delegated by the Secretary or as may be required by law.

POLICY AND GOVERNANCE

Sec. 16. *External Affairs Services.* – The External Affairs Services shall furnish the Department's communications program. For this purpose, it shall have the following functions:

- (1) Engage, inform and educate all stakeholders in support of the Department's programs and initiatives to achieve its mandate;
- (2) Maintain visibility regarding public and internal communications;
- (3) Ensure accurate, useful, timely, synchronized, targeted communication;
- (4) Provide continuous communication to meet the needs of the situation;
- (5) Advise the Department on decision making, development, and maintenance of policies and programs to ensure that activities are responsive to stakeholder, media, congressional and other audiences;
- (6) Establish a division that maintains communications with Congress in both official and informal capacities to build strong working relationships that will advance the Department's legislative and emergency management priorities;
- (7) Establish a division that provides leadership, training, coordination and support during incidents of national significance or incidents requiring a coordinated response;
- (8) Establish a division that provides direct communication and outreach to Local Government Units and build relationships with key constituency groups that have been traditionally underserved by the government;
- (9) Establish a division that communicate, cultivate and advocate for collaboration between the private sector and the Department, to support its capabilities and to enhance national preparedness, protection, response, recovery, and mitigation of all hazards;
- (10) Establish a division that helps the public prepare for, prevent, respond to, and recover from disasters by establishing and maintaining effective, ongoing relationships with the media to promote the programs, goals and core values, and providing disaster survivors with timely and accurate information, and managing communications to demonstrate an effective federal response to disasters; and
- (11) Perform such other related duties and responsibilities as may be assigned or delegated by the Secretary or as may be required by law.

1 Sec. 17. *Internal Audit Services.* – The Internal Audit Services shall conduct
2 comprehensive audit of various Department activities. Specifically, it shall have the
3 following functions:

4 (1) Advise the Secretary on all matters relating to management control and
5 operations audit;

6 (2) Conduct management and operations performance audit of Department
7 activities and units and determine the degree of compliance with established
8 objectives, policies, methods and procedures, government regulations, and
9 contractual obligations of the Department;

10 (3) Review and appraise systems and procedures, organizational structure,
11 assets management practices, accounting and other records, reports and
12 performance standards (such as budgets and standard costs) of the
13 Department Proper, Bureaus and Regional Offices;

14 (4) Analyze and evaluate management deficiencies and assist top
15 management to solve the problems by recommending realistic courses of
16 action; and

17 (5) Perform such other related duties and responsibilities as may be assigned
18 or delegated by the Secretary or as may be required by law.

19
20 Sec. 18. *Financial Management Services.* – The Financial Management
21 Services shall provide the Department with coordinated services relating to financial
22 systems and procedures, budget, cash, accounting, and all financial housekeeping
23 matters. For such purposes, it shall have the following functions:

24 (1) Advise the Secretary on all matters relating to the accounting of
25 government expenditures and receipts, budgeting and cash management,
26 project finances, and financial systems and procedures;

27 (2) Prepare budget proposals and pursue formal budget authorizations;
28 undertake budget execution, and prepare and submit all appropriate reports
29 to the proper offices;

30 (3) Develop and maintain accounting, financial and assets management
31 systems, procedures, and practices in the Department proper, Bureaus, and
32 Regional Offices;

1 (4) Provide assistance in its area of specialization to any unit of the
2 Department and, when requested, to government corporations and councils
3 attached to the Department; and

4 (5) Perform such other related duties and responsibilities as may be assigned
5 or delegated by the Secretary or as may be required by law.

6 7 OPERATIONS, RESPONSE AND REHABILITATION 8

9 Sec. 19. *Response and Recovery Services.* – The Response and Recovery
10 Services provides guidance, leadership and oversight to build, sustain, and improve
11 the coordination and delivery of services to citizens and local government units
12 during emergencies. For such purposes, it shall have the following functions:

13 (1) Develop a response program activity which encompasses the coordination of
14 all emergency management response operations, response planning and
15 integration of national and local disaster programs;

16 (2) Provide the core, coordinated operational response capability needed to save
17 and sustain lives, minimize suffering, and protect property in a timely and
18 effective manner in communities hit by natural disasters, acts of terrorism, or
19 other emergencies;

20 (3) Ensure efficient and effective delivery of immediate emergency assistance to
21 individuals and communities impacted and overwhelmed by these disasters,
22 emergencies, or acts of terrorism;

23 (4) Establish a National Emergency Response Corps (NERC) which shall be a
24 dedicated, trained and reliable team who can be deployed on short notice in
25 the event of a disaster, composed of full-time and part-time disaster
26 managers, paramedics, debris clearing personnel, volunteer and aid and relief
27 managers;

28 (5) Provide the highest quality leadership for field operations;

29 (6) Participate in key exercises, partner strategically with key organizations,
30 implementation and sustain all-hazards capability;

- (7) Provide exemplary national leadership at disasters and emergencies by facilitating efficient, effective, compassionate, fair, and consistent response, while ensuring the prudent use of resources;
- (8) Ensure their availability for rapid deployment in response to any disaster;
- (9) Establish the Philippine Reconstruction and Rehabilitation Agency (PRRA) which will be an attached agency to the department, and which shall be the primary agency tasked for disaster reconstruction and rehabilitation operations;
- (10) Employ the principle of Build Forward Better in recovery and rehabilitation efforts; and
- (11) Perform such other related duties and responsibilities as may be assigned or delegated by the Secretary or as may be required by law.

Sec. 20. Logistics Management Services. – The Logistics Management Services shall provide the Department an efficient, transparent, and flexible logistics capability to procure and deliver goods and services to support disaster survivors and communities responding to and recovering from disasters. For such purposes, it shall have the following functions:

- (1) Establish teams and support equipment caches, that can respond within 24 hours, in coordination with the Department of National Defense and other national agencies and CSOs, to begin receiving life-saving resources for delivery to disaster survivors;
- (2) Deliver the right resources to the right place at the right time in support of national and local government units;
- (3) Establish distribution centers around the country to store disaster commodities such as water, tarps, meals, blankets, cots, plastic sheeting and generators;
- (4) Maintain commercial contracts and agreements with multiple public and private sector partners to provide additional commodities when needed;
- (5) Purchase, store, maintain, haul and install portable housing units to provide temporary housing for disaster survivors; and
- (6) Perform such other related duties and responsibilities as may be assigned or delegated by the Secretary or as may be required by law.

\

MISSION SUPPORT

Sec. 21. *Monitoring and Information Services.* – The Monitoring and Information Services is hereby created to provide the Secretary timely reports on the status of various Department projects and activities and other internal communications. The Monitoring and Information Service shall have the following functions:

- (1) Advise the Secretary on all matters relating to monitoring and public information;
- (2) Develop and maintain a system for retrieving and processing monitoring information on all projects and activities of concern to the Secretary;
- (3) Provide accurate and timely status and exception reports to the Secretary;
- (4) Generate monitoring reports for the President, the Cabinet, or for any other purpose as required by the Secretary;
- (5) Establish and maintain the National Loss and Damage Registry;
- (6) Establish the National Disaster Management Information System which shall be the repository of statistics and information on disasters, disaster risk-reduction and climate change data, and their human material, economic and environmental impact, risk assessment and mapping and vulnerable groups;
- (7) Provide computer service to the different offices and divisions of the Department;
- (8) Coordinate with the External Affairs Service and appropriate national government agencies tasked with public information affairs; and
- (9) Perform such other related duties and responsibilities as may be assigned or delegated by the Secretary or as may be required by law.

Sec. 22. *Legal Services.* – The Legal Services provides the Department with services on such legal affairs as contract letting and litigation, legal and legislative research, complaints and investigation, legal counseling and other matters of law. For such purposes, it shall have the following functions:

- (1) Advise the Secretary on all matters relating to legal affairs;

- (2) Prepare Department contracts and legal instruments, review and interpret all contracts and agreements entered into by the Department; evaluate all legal proposals;
- (3) Conduct administrative investigation as well as the review of administrative charges against officers and employees of the Department;
- (4) Exercise functional jurisdiction over the legal staffs of Regional Offices;
- (5) Provide legal assistance to the Department Proper, the Bureaus and Regional Offices and, when requested, the attached corporations; and
- (6) Perform such other related duties and responsibilities as may be assigned or delegated by the Secretary or as may be required by law.

Sec. 23. *Administrative and Human Resource Management Services.* – The Administrative and Human Resource Management Services provides the Department with services relating to human resources development, personnel, records, facilities maintenance, medical and dental, security and property and procurement services. For such purposes, it shall have the following functions:

- (1) Advise the Secretary, on all matters relating to internal administration and human resources management;
- (2) Prepare and implement an integrated personnel plan that shall include provisions on merit promotions, performance evaluation, job rotation, suggestions and incentive awards systems and health and welfare services;
- (3) Provide services related to human resources training, education, and development, including manpower and career planning and forecasting and development of indigenous training materials;
- (4) Develop, establish and maintain an efficient and cost-effective property procurement system and facilities and coordinate or otherwise interface with relevant agencies, whether government or private, for the purpose of developing or upgrading the system;
- (5) Secure and maintain necessary Department facilities and develop, establish and maintain an efficient and effective security system covering among others, personnel, physical installations, equipment, documents and materials, including the conduct of security investigations;

- 1 (6) Coordinate with the appropriate government agencies for a more efficient
2 conduct of administrative processes;
- 3 (7) Develop, establish and maintain an efficient records system;
- 4 (8) Provide assistance in its area of specialization to the Department Proper,
5 Bureaus and Regional Offices and, when requested, the government agencies
6 and corporations attached to the Department; and
- 7 (9) Perform such other related duties and responsibilities as may be assigned or
8 delegated by the Secretary or as may be required by law.
- 9

10 Sec. 24. *National Disaster and Rehabilitation Management Council.* – The
11 National Disaster and Rehabilitation Management Council is hereby created and shall
12 be headed by the Secretary of Disaster Management.

13 Its members shall be the following:

- 14 (1) Secretary of National Defense;
- 15 (2) Secretary of Interior and Local Government;
- 16 (3) Secretary of Public Works and Highways;
- 17 (4) Secretary of Health;
- 18 (5) Secretary of Trade and Industry;
- 19 (6) Secretary of Energy; and
- 20 (7) Secretary of Social Welfare and Development.

21 The Council shall serve as the policy advisory body to the Department on
22 disaster risk reduction and rehabilitation management and climate change
23 adaptation.

24

25 FIELD OFFICES

26

27 Sec. 25. *The Regional Offices.* – Department of Disaster Management
28 Regional Offices is hereby established in every administrative region.

29 The organization and function of the regional offices shall be determined by
30 the Department and shall be in accordance with Executive Order No. 297, otherwise
31 known as the Administrative Code of 1987.

32

1 Sec. 26. *The Regional Directors* – The Regional Offices shall be headed by a
2 Regional Director who shall be assisted by three (3) Assistant Regional Directors for
3 Resilience and Preparedness, Policy and Governance, Operations, Response and
4 Rehabilitation. No person shall be appointed as Regional Director unless he is a
5 citizen and resident of the Philippines, is of good moral character, and is of proven
6 competence and expertise in disaster risk reduction and management over the
7 course of his career. He shall not hold any other position whether public or private,
8 during his tenure.

9
10 Sec. 27. *Duties of a Regional Director.* – The Regional Director shall
11 coordinate, integrate, supervise, and evaluate the activities of the LDRMCs and shall
12 be responsible in formulating the regional disaster and rehabilitation management
13 plans, and in case of emergencies shall provide the core, coordinated operational
14 response needed to save and sustain lives, minimize suffering, and protect property
15 in a timely and effective manner, and perform such other duties and functions as
16 provided by Administrative Code of 1987.

17
18 Sec. 28. *Regional Disaster and Rehabilitation Management Council.* –The
19 Regional Disaster and Rehabilitation Council shall be headed by the Assistant
20 Regional Director for Resilience and Preparedness.

21 Its members shall be the following:

- 22 (1) Regional Director of National Defense;
23 (2) Regional Director of Interior and Local Government;
24 (3) Regional Director of Public Works and Highways;
25 (4) Regional Director of Health;
26 (5) Regional Director of Trade and Industry;
27 (6) Regional Director of Energy; and
28 (7) Regional Director of Social Welfare and Development.

29 The Regional Council shall serve as the policy advisory body to the Regional
30 Office on disaster risk reduction and rehabilitation management and climate change
31 adaptation.

1 Sec. 29. *Organization at the Local Government Level.* – The existing
2 Provincial, City, and Municipal Disaster Risk Reduction and Management Councils
3 shall henceforth be known as the Provincial, City, and Municipal Disaster and
4 Rehabilitation Management Council. The existing Barangay Development Councils
5 (BDCs) shall continue to exist and shall serve as the LDRMCs in every barangay.

6 (a) The LDRMC shall be composed of, but not limited to, the following:

- 7 (1) The Local Chief Executives, Chairperson;
- 8 (2) The Local Planning and Development Officer, member;
- 9 (3) The Head of the LDRMO, member;
- 10 (4) The Head of the Local Social Welfare and Development Office,
11 member;
- 12 (5) The Head of the Local Health Office, member;
- 13 (6) The Head of the Local Agriculture Office, member;
- 14 (7) The Head of the Gender and Development Office, member;
- 15 (8) The Head of the Local Engineering Office, member;
- 16 (9) The Head of the Local Veterinary Office, member;
- 17 (10) The Head of the Local Budget Office, member;
- 18 (11) The Division Head/Superintendent of Schools of the DepED,
19 member;
- 20 (12) The highest-ranking officer of the Armed Forces of the Philippines
21 (AFP) assigned in the area, member;
- 22 (13) The Provincial Director/City/Municipal Chief of the Philippine
23 National Police (PNP), member;
- 24 (14) The Provincial Director/City/ Municipal Fire Marshall of the Bureau
25 of Fire Protection (BFP), member;
- 26 (15) The President of the Association of Barangay Captains (ABC),
27 member;
- 28 (16) The Philippine National Red Cross (PNRC), member;
- 29 (17) Four (4) accredited CSOs, members; and
- 30 (18) One (1) private sector representative, member.

31 (b) The LDRMCs shall have the following functions:

- 1 (1) Approve, monitor and evaluate the implementation of the LDRMPs
2 and regularly review and test the plan consistent with other national
3 and local planning programs;
4 (2) Ensure the integration of disaster risk reduction and climate change
5 adaptation into local development plans, programs and budgets as a
6 strategy in sustainable development and poverty reduction;
7 (3) Recommend the implementation of forced or preemptive
8 evacuation of local residents, if necessary; and
9 (4) Convene the local council once every three (3) months or as
10 necessary.

11
12 ATTACHED AGENCIES
13

14 Sec. 30. *The Attached Agencies.* – The following agencies and offices and their
15 respective appropriation, records, equipment and personnel are hereby transferred
16 to the Department:

- 17 (1) Office of Civil Defense (OCD);
18 (2) Philippine Atmospheric, Geophysical and Astronomical Services
19 Administration (PAG-ASA);
20 (3) Philippine Institute of Volcanology (PHIVOLCS);
21 (4) Bureau of Fire Protection (BFP);
22 (5) Health Emergency Management Bureau (HEMB);
23 (6) Philippine Reconstruction and Rehabilitation Agency (PRRA);
24 (7) Philippine National Volunteer Service Coordinating Agency;
25 (8) Climate Change Office (CCO);
26 (9) Geo-Hazard Assessment and Engineering Geology Section of the Mines
27 and Geoscience Bureau; and
28 (10) Disaster Response Assistance and Management Bureau of the
29 Department of Social Welfare and Development.

30 The agencies transferred above shall continue to perform such functions as
31 provided in existing laws; *Provided*, that the Department shall exercise
32 administrative supervision over transferred agencies.

1 The attached agencies shall operate in accordance with their respective
2 organizational structures and perform the functions and duties assigned to them by
3 law, subject to the requirements of economy, efficiency, and effectiveness.
4

5 *Sec. 31. Philippine Reconstruction and Rehabilitation Agency (PRRA).* – The
6 Philippine Reconstruction and Rehabilitation Agency is hereby established and shall
7 be attached to the Department. Its structure and organization shall be determined
8 by the Resilience and Preparedness Office of the Department. It shall be the lead
9 agency in rehabilitation and recovery of disaster affected communities, and shall
10 have the following functions:

- 11 1. Take charge in the re-establishment, reconstruction and resettlement
12 of the communities in terms of housing, relocation and shelter needs,
13 incorporating the principle of Build Forward Better; and
- 14 2. Provide the primary and basic needs to communities during the
15 rehabilitation phase and recovery process.
16

17 REMEDIAL MEASURES UNDER STATE OF CALAMITY 18

19 *Sec. 32. Remedial Measures Under State of Calamity.* – Upon declaration of
20 state of calamity, the Department may:

- 21 (1) Order the imposition of price ceiling on basic necessities and prime
22 commodities by the National Price Control Council, as provided under
23 Republic Act No. 7581, as amended;
- 24 (2) Monitor, prevent, and control overpricing/profitteering and hoarding of
25 prime commodities, through the Local Price Coordinating Council;
- 26 (3) Order government financing or lending institutions to grant no-interest
27 loans; and
- 28 (4) Grant local tax exemptions, incentives or reliefs under such terms and
29 conditions as may be deemed necessary by the affected LGU.
30

31 MISCELLANEOUS PROVISIONS 32

1 Sec. 33. *Transitory Provisions.* – The transfer of functions, assets, funds,
2 equipment, properties, transactions and personnel of the affected and transferred
3 agencies and the formulation of the internal organic structure, staffing pattern
4 operating system and revised budget of the Department, shall be completed within
5 one (1) year from the effectivity of this Act, during which time the existing personnel
6 shall continue to assume their posts on holdover capacities until new appointments
7 are issued.

8
9 Sec. 34. *Separation from Service.* – National government employees displaced
10 or separated from service as a result of this Act shall be entitled to either separation
11 pay and other benefits in accordance with existing law, rules or regulations or be
12 entitled to avail themselves of the privileges provided under a separation plan that
13 shall be one and one-half month salary for every year for service.

14
15 Sec. 35. *Prohibited Acts.* – Any person, group or corporation who commits
16 any of the following prohibited acts shall be held liable and be subjected to the
17 penalties as prescribed in Section 34 of this Act:

- 18 (1) Dereliction of duties which leads to destruction, loss of lives, critical damage
19 of facilities and misuse of funds;
20 (2) Preventing the entry and distribution of relief goods in disaster-stricken areas,
21 including appropriate technology, tools, equipment, accessories, disaster
22 teams/experts;
23 (3) Buying, for consumption or resale, from disaster relief agencies any relief
24 goods, equipment or other and commodities which are intended for
25 distribution to disaster affected communities;
26 (4) Buying, for consumption or resale, from the recipient disaster affected
27 persons any relief goods, equipment or other aid commodities received by
28 them;
29 (5) Selling of relief goods, equipment or other aid commodities which are
30 intended for distribution to disaster victims;
31 (6) Forcibly seizing relief goods, equipment or other aid commodities intended for
32 or consigned to a specific group of victims or relief agency;

- 1 (7) Diverting or misdelivery of relief goods, equipment or other aid commodities
2 to persons other than the rightful recipient or consignee;
- 3 (8) Accepting, possessing, using or disposing relief goods, equipment or other aid
4 commodities not intended for nor consigned to him/her;
- 5 (9) Misrepresenting the source of relief goods, equipment or other aid
6 commodities by:
- 7 (a) Either covering, replacing or defacing the labels of the containers to make
8 it appear that the goods, equipment or other aid commodities came from
9 another agency or persons;
- 10 (b) Repacking the goods, equipment or other aid commodities into containers
11 with different markings to make it appear that the goods came from
12 another agency or persons or was released upon the instance of a
13 particular agency or persons;
- 14 (c) Making false verbal claim that the goods, equipment or other and
15 commodity its untampered original containers actually came from another
16 agency or persons or was released upon the instance of a particular
17 agency or persons;
- 18 (10) Substituting or replacing relief goods, equipment or other aid
19 commodities with the same items or inferior/cheaper quality;
- 20 (11) Illegal solicitations by persons or organizations;
- 21 (12) Deliberate use of false and inflated data in support of the request for
22 funding, relief goods, equipment or other aid commodities for emergency
23 assistance or livelihood projects; and
- 24 (13) Tampering with or stealing hazard monitoring and disaster
25 preparedness equipment and paraphernalia.
- 26

27 *Sec. 36. Penal Clause.* – Any individual, corporation, partnership, association,
28 or other juridical entity that commits any of the prohibited acts provided for in
29 Section 29 of this Act shall be prosecuted and upon conviction shall suffer a fine of
30 not less than Fifty Thousand Pesos (Php50,000.00) and not exceeding Five Hundred
31 Thousand Pesos (php500,000.00) or imprisonment of not less than six (6) years and
32 one (1) day or more than twelve (12) years, or both, at the discretion of the court,

1 including perpetual disqualification from public office if the offender is a public
2 officer, and confiscation or forfeiture in favor of the government of objects and
3 instrumentalities used in committing any of the prohibited acts.

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

11 The prosecution for offenses set forth in Section 33 of this Act shall be
12 without prejudice to any liability for violation of Republic Act No. 3185, as amended,
13 otherwise known as the Revised Penal Code, and other civil and administrative
14 liabilities.

15 *Sec. 37. Guidelines for the National and Local Disaster Management Fund. –*
16 The Department shall provide the necessary guidelines and procedures on the
17 National Disaster Management Fund and the Local Disaster Management Fund
18 releases, utilization, accounting and auditing thereof.\

19
20 *Sec. 38. National Disaster Management Fund. – (a)* The present National
21 Disaster Risk Reduction and Management Fund (NDRRM Fund) appropriated under
22 the annual General Appropriations Act shall henceforth be known as the National
23 Disaster Management Fund (NDM Fund) and it shall be used for disaster risk
24 reduction or mitigation, prevention and preparedness activities such as but not
25 limited to training of personnel, procurement of equipment, and capital
26 expenditures.

27 (b) The specific amount of the NDM Fund and the appropriate recipient
28 agencies and/or LGUs shall be released upon approval of the President of the
29 Philippines in accordance with the favorable recommendation of the Department
30 upon request for grant or assistance by the agencies and/or LGUs through the Grant
31 Program Services of the Department.

1 Sec. 39. *Local Disaster Management Fund.* – The present Local Risk
2 Reduction and Management Fund (LDRRMF) shall henceforth be known as the Local
3 Disaster Management Fund (LDMF). Not less than seven percent (7%) of the
4 estimated revenue from regular sources shall be set aside as the LDMF to support
5 disaster risk management activities such as, but not limited to, pre-disaster
6 preparedness programs including training, purchasing life-saving rescue equipment,
7 supplies and medicines, for post-disaster activities, and for the payment of premiums
8 on calamity insurance.

9 The Local Government Units may utilize 60% of the LDMF even without the
10 declaration of sate of calamity, to be used for disaster prevention, preparedness and
11 resilience projects.

12 Provisions of Section 324 of the Republic Act No. 7160, or otherwise known
13 as the Local Government Code of 1991, that are inconsistent with this section is
14 hereby amended.

15
16 Sec. 40. *Appropriations.* – The amount necessary for the initial
17 implementation of this Act shall be taken from the current fiscal year's unexpended
18 and unobligated appropriations of all agencies herein absorbed, transferred and
19 attached to the Department. Thereafter, the amounts necessary for the operation of
20 the Department and the implementation of this Act shall be included in the Annual
21 General Appropriations Act.

22
23 Sec. 41. *Implementing Rules and Regulations.* – The Department, Department
24 of Budget and Management, Department of National Defense, Department of
25 Finance, Department of Internal and Local Government, Department of Science and
26 Technology, National Economic and Development Authority and the Presidential
27 Management Staff shall collectively craft, and issue, within ninety (90) days from the
28 date of the effectivity of this Act, the Implementing Rules and Regulations (IRR) for
29 the effective implementation of this Act. They may call upon other instrumentalities
30 and stakeholders to assist in the crafting of the IRR.

1 Sec. 42. *Congressional Oversight Committee.* –There is hereby created ax
2 Congressional Oversight Committee to monitor and oversee the implementation of
3 the provisions of this Act. The Committee shall be composed of six (6) members
4 from the Senate and six (6) members from the House of Representatives with the
5 Chairpersons of the Committees on National Defense and Security of both the
6 Senate and the House of Representatives as joint Chairpersons of this Committee.
7 The five (5) other members from each Chamber are to be designated by the Senate
8 President and the Speaker of the House of Representatives. respectively. The
9 minority shall be entitled to pro rata representation but shall have at least two (2)
10 representatives from each Chamber.

11
12 Sec. 43. *Separability Clause.* – If any provision of this Act shall be held
13 unconstitutional or invalid, the other provisions not otherwise affected shall remain
14 in full force and effect.

15
16 Sec. 44. *Repealing Clause.* – Presidential Decree No. 1566, Republic Act No.
17 10121 and all other laws, decrees, executive orders, proclamations and other
18 executive issuance's which are inconsistent with or contrary to the provisions of this
19 Act are hereby amended or repealed accordingly.

20
21 Sec. 45. *Effectivity Clause.* – This Act shall take effect fifteen (15) days
22 following its complete publication in the Official Gazette or in two (2) national
23 newspapers of general circulation.

 Approved,