

Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City

Seventeenth Congress  
First Regular Session

HOUSE OF REPRESENTATIVES

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HOUSE BILL NO. 1648

Introduced by Representative JOEY SARTE SALCEDA

AN ACT FURTHER STRENGTHENING THE PHILIPPINE DISASTER RISK REDUCTION AND MANAGEMENT SYSTEM BY INSTITUTIONALIZING THE FRAMEWORK AND PLAN AND ESTABLISHING THE NATIONAL DISASTER RISK REDUCTION AND MANAGEMENT AUTHORITY, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

#### EXPLANATORY NOTE

#### Why We Need to Amend our Disaster Risk Reduction and Management Law?

R.A. 10121 was a landmark legislation for Philippine disaster risk reduction and management. It initiated a shift from our decades-old DRRM policy on reactive emergency management and preparedness, to one that is proactive by prioritizing disaster risk reduction, prevention and mitigation over disaster response. Many years of intense advocacy work by stakeholders and two unfortunate large scale disasters – Typhoons Ondoy and Pepeng – hitting Luzon particularly hurting Metro Manila in 2009 finally compelled the passage of R.A. 10121 after 32 years from P.D.1566 of 1978.

Among the institutional innovations of R.A. 10121 is the establishment of permanent disaster management offices at all levels of local government in contrast to the disaster management councils before but which for economic expediency was maintained at the barangay level. The practice of permanent disaster management office was pioneered by the Province of Albay in 1994 which was hailed internationally as one of the best practices in achieving zero casualty during disasters. Likewise, there was consensus that the membership of the inter-agency body, the National Disaster Coordinating Council (NDCC), was radically expanded, transforming it into the National Disaster Risk Reduction and Management Council (NDRRMC) as we know it today, which is now mandated to supervise and lead not only in emergency management but also in the

implementation of disaster risk reduction through its “policy-making, coordination, integration, supervision, monitoring and evaluation” functions.

One of the key policy contentions is whether to establish an independent, high-level institution or to maintain the existing institutional set up was already adequate to address the country’s mounting challenges in disaster risk reduction and management as risks of climate change and urbanization were rising just as ambitions for social change were similarly heightening. R.A. 10121 decided that the organizational structure, financial and human resources of the Office of Civil Defense (OCD) were adequate to make it the lead agency in “administering a comprehensive national civil defense and disaster risk reduction and management program.”

But the structural strength of R.A. 10121 was to be continuously stress-tested by several disasters which culminated with Super Typhoon Yolanda – which took almost 10,000 lives and destroying billions of pesos of livelihoods and economic assets in one fell swoop. This exposed the weaknesses of the institutional set up under R.A. 10121 where extreme difficulties were encountered in carrying out the heavy responsibility of concretely integrating the disaster risk management framework in our national and local planning processes, and ensuring that institutions tasked with safeguarding environmental protection, health and well-being, sustainable livelihoods, social protection and the regulation of public and private infrastructure are actually equipped with skills and knowledge necessary for effective risk assessments and vulnerability reduction, so that the impacts of disasters are truly prevented or mitigated.

While R.A. 10121’s strength lies in its institutionalization of stakeholder participation in policymaking for disaster risk reduction and management, through an expanded membership of the Council, and while this, in itself, is a development by leaps and bounds, R.A. 10121’s shortcoming is its failure to create an institution that is in a sufficiently high position to oversee the implementation of streamlined disaster risk reduction and management policies nationwide, an institution that has the necessary authority, mandate and resources to lead and coordinate the efforts of different stakeholders towards a more resilient nation. The occurrence of Super Typhoon Yolanda and other large-scale disasters revealed that problems encountered in coordinating and implementing large-scale disaster risk reduction and management efforts are rooted primarily in the nature of our governance framework for disaster risk reduction and management.

Renowned American jurist Oliver Wendell Holmes once said that the life of the law has not been logic, but experience. Our policies should be responsive to lessons learned through experience, and this could not be truer than in the realm of disaster risk reduction and management. In 2015, the Global Climate Risk Index ranked the Philippines fifth among the most affected countries within a 20-year period (1994 to 2013), with the most number of climate-related extreme weather events during that period. In 2015, the World Risk Index raised the ranking of the Philippines as the second most at-risk country out of 171 countries in the world. Because of the adverse impacts of climate change as well as the increasing number of human settlements, the risks that we as a country face increase every day, and these risks can only be expected to become worse in the face of the new normal. Our policies should be designed to face this new normal.

In line with the mechanism of the Sunset Review, which mandates the Congressional Oversight Committee to conduct a systematic evaluation of the accomplishments and impact of R.A. 10121 as well as the performance and organizational structure of its implementing agencies, for purposes of determining remedial legislation within five years from the law's effectiveness, member agencies of the NDRRMC, civil society organizations and basic sectors have conducted consultations and dialogues on their experiences in implementing R.A. 10121 through the past disasters, identified the issues and gaps of the law, and looked at how the law can be further improved to address the ever increasing challenges of disaster risk reduction and management in the Philippines.

### **The National Disaster Risk Reduction and Management Authority**

This present bill is the product of action research, sharing of experiences, and dynamic discussions among various stakeholders from national and local government agencies, organizations and communities while benefitting from comparable international experiences. As a response to the output of these consultations and research, it is the intention of this bill to establish a much-needed independent National Disaster Risk Reduction and Management Authority (NDRRMA), one that is clearly mandated to lead in the coordination, monitoring, oversight and implementation of disaster risk reduction and management, equipped with the necessary competency and resources to engage new actors, particularly in the field of risk transfer and insurance, and built with the necessary structure to manage broader governance arrangements and oversee the implementation of disaster risk reduction and management towards sustainable development goals.

This bill has the strategic clarity of designating and empowering the NDRRMA as the lead agency for the implementation of (1) risk reduction policies, programs and projects and (2) rehabilitation and reconstruction.

The NDRRMA is attached to the Office of the President, to ensure that it has a sufficiently high level of authority to orchestrate different actors, policies and programs for disaster risk reduction and management. It has the authority not only to receive but also to administer, mobilize, report, monitor and oversee the utilization of the National Disaster Risk Reduction and Management Fund, recovery and rehabilitation funds, and donations for disaster risk reduction and management. The NDRRMA will be separated from the Office of Civil Defense which will continue to perform its original mandate under L.O.I. 19 (1971) and P.D. 1566 that are not directly or indirectly repealed by this amending bill, particularly its duty to administer a comprehensive national civil defense and civil assistance program, the training of community volunteers for civil defense and assistance, and other mechanisms for community preparedness. The National Disaster Risk Reduction and Management Council (NDRRMC) will now focus solely on policy-making and function as a platform for coordination of policy concerns with the NDRRMA organizing and managing the secretariat and the operations center to support the NDRRMC.

The proposed independence of the NDRRMA is a robust response to the lessons learned throughout the country's recent catastrophes while applying and employing the mechanisms provided by R.A. 10121 – they invariably point to the need for a strong and independent regulator and monitoring body that will ensure the effectiveness and accountability of duty-bearers in the performance of disaster risk reduction and management. Most importantly, this bill seeks to ensure the safety and welfare of both present and future generations of Filipinos, and establish a strong

NDRRMA and more inclusive disaster risk reduction and management policies so that the needs of those who are most at-risk will be met.

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



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REDUCTION AND MANAGEMENT SYSTEM BY INSTITUTIONALIZING THE  
FRAMEWORK AND PLAN AND ESTABLISHING THE NATIONAL DISASTER RISK  
REDUCTION AND MANAGEMENT AUTHORITY, APPROPRIATING FUNDS  
THEREFOR AND FOR OTHER PURPOSES**

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

**CHAPTER I  
GENERAL PROVISIONS**

**SECTION 1. Short Title –** This Act shall be known as the “**National Disaster Risk Reduction and Management Authority Act of 2016**”.

**SECTION 2. Declaration of Policies and Principles –** (a) **DUTIES OF THE STATE.** The State as the duty-bearer has the responsibility to carry out our policies on disaster risk reduction and management, and harmonize disaster risk reduction and management policies to climate change, sustainable development, and environmental management to protect the welfare and advance the future of right-holders principally the vulnerable sectors of society.

It shall be the duty of the State to:

- i. Uphold the people's constitutional right to life and property by minimizing, if not eradicating, the root causes of vulnerabilities to disasters, strengthening the country's institutional capacity for disaster risk reduction and management, and building the resilience of local communities to disasters including climate change impacts, and human induced disasters;

- ii. Incorporate internationally accepted principles of disaster risk reduction and management, including universal principles and standards for humanitarian assistance, when developing and implementing national, regional and local sustainable development and poverty reduction strategies, policies, plans and budgets, as part of the country's commitment to overcome human suffering due to disasters;
- iii. Ensure a whole-of-society approach and bottom-up participation, representation, and decision-making in disaster risk governance, risk assessment, risk reduction and risk management, and adopt a comprehensive, integrated, and proactive approach to lessening the socioeconomic and environmental impacts of disasters and climate change;
- iv. Promote and advance the implementation of a comprehensive National Disaster Risk Reduction and Management Plan (NDRRMP) that aims to strengthen the capacity of the national government and the local government units (LGUs), together with partner stakeholders, build the disaster resilience of communities, and institutionalize arrangements and measures for reducing disaster risks, including projected climate risks, and enhance disaster preparedness and response capabilities at all levels;
- v. Uphold mainstreaming of disaster risk reduction and climate change in development processes such as policy formulation, socio-economic development planning, budgeting, and governance, particularly in the areas of environment, agriculture, water, energy, health, education, poverty reduction, land-use and urban planning, and public infrastructure and housing, among others;
- vi. Ensure that disaster risk reduction and climate change adaptation measures are gender and culturally sensitive, recognizing indigenous knowledge systems and practices, and respecting human rights;
- vii. Recognize and strengthen the capacities of LGUs and communities in mitigating and preparing for, responding to, and recovering from the impact of disasters through identification of local risk patterns, and decentralized powers, responsibilities, and resources at the regional and local levels;
- viii. Adopt and implement a comprehensive, integrated, efficient and responsive disaster risk reduction program that is incorporated in the development plan at various levels of government adhering to transparency, accountability and other principles of good governance within the context of poverty alleviation and environmental protection;
- ix. Mainstream DRRM in government by ensuring risk-informed planning, programming, implementation, monitoring, and evaluation, and the use of quality management, accountability, and performance systems in measuring and improving the effectiveness and efficiency of DRRM processes across all

government levels, including those offices which manage peace processes and conflict-resolution approaches, so as to minimize loss of lives and damage to properties and ensure that communities in conflict zones can immediately resume their normal lives at the conclusion of episodes of intermittent conflicts.

- x. Adopt a disaster risk reduction and 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;
- xi. Prioritize the development of disaster prevention and mitigation measures involving all levels of government and social sectors;
- xii. Adopt risk sharing and risk transfer mechanisms to ensure appropriate, efficient, and timely recovery of disaster-stricken communities, especially for the poorest and most vulnerable;
- xiii. Adhere to the principle of “Building Back Better” in recovery and rehabilitation efforts by applying sustainable standards, programs, technologies, and techniques which enhance resilience against future hazards;
- xiv. Recognize and respond to the differentiated concerns and needs of vulnerable groups such as women and girls, children and youth, older persons, persons with disabilities, urban poor, and indigenous peoples with respect to disaster risk reduction and management, at the same time, recognizing their inherent capacities to contribute to resilience;
- xv. Create an enabling environment for substantial and sustainable participation of CSOs, private groups, volunteers and communities, and recognize their contributions to the disaster risk reduction and management efforts of government;
- xvi. Ensure workers’ rights are respected during the disaster preparedness and response phases, and actively engage workers and employers’ organizations to share expertise and capacities in disaster risk reduction and climate change adaptation programs;
- xvii. Ensure transparency and accountability in disaster risk governance, by facilitating access to financial records of public funds and disaster risk reduction and management data, and ensure the transparency of humanitarian assistance from all sources;
- xviii. Adopt and manage a mechanism for the effective resolution of DRRM-related grievances;

- xix. Recognize families as the most basic unit of DRRM through developing the capacity of local institutions and providing technical and financial support to the most vulnerable communities;
- xx. Ensure that the best possible assistance and services are delivered to individuals and families affected by disaster and emergency rehabilitation projects which resumption of normal social and economic activities; and,
- xxi. Uphold provision of protection and humanitarian assistance by the national and local government to internally displaced persons within its jurisdiction as a result of natural or human-induced disasters. The State shall ensure that the following rights of internally displaced persons during and after a disaster shall be protected: provision and access to basic necessities, protection against criminal offenses and other unlawful acts, freedom of movement, recognition, issuance and replacement of document, family unity and missing persons, health and education, and property and possessions.

(b) ROLES AND RESPONSIBILITIES OF STAKEHOLDERS. The commitment, goodwill, knowledge, experience and resources of relevant stakeholders are required for the realization of a safer, adaptive, resilient and inclusive Filipino community. Citizens have the shared duty to provide support to the State in the implementation of policies and programs, particularly the National Disaster Risk Reduction and Management Framework and Plan at the national, regional and local levels.

- i. Civil society, volunteers, organized voluntary work organizations and community-based organizations shall participate, in collaboration with public institutions, to, inter alia, provide specific knowledge and pragmatic guidance in the context of the development and implementation of normative frameworks, standards and plans for disaster risk reduction; engage in the implementation of local, national, regional and global plans and strategies; contribute to and support public awareness, a culture of prevention and education on disaster risk; and advocate for resilient communities and an inclusive and whole of society disaster risk reduction and management which strengthen the synergies across groups, as appropriate;
  - a) Women and girls shall contribute to and participate in effectively managing disaster risk and designing, resourcing and leading implementation of gender sensitive disaster risk reduction and management policies, plans, and programmes.
  - b) Children and youth as agents of change shall contribute to disaster risk reduction, in accordance with legislation, national practice and educational curricula; disaster risk reduction and management at all levels and processes of disaster risk reduction and management, including data gathering, planning, programming, budgeting, implementation, monitoring and evaluation;

- c) Older persons, having years of knowledge, skills and wisdom, are invaluable assets to reducing disaster risk, and shall therefore participate in the design of policies, plans and mechanisms, including those for early warning;
  - d) Migrants shall contribute to the resilience of communities and societies using their knowledge, skills and capacities in the design and implementation of disaster risk reduction;
  - e) Indigenous peoples and Muslim Filipinos, through their experience and traditional knowledge, shall contribute to the development and implementation of policies, plans and mechanisms, including those for early warning;
  - f) The urban poor shall contribute to resilience building as well as in the promotion of a more inclusive and transformative resettlement for informal settler families in reducing their vulnerability to threats of disaster and climate risks through state and non-state programs; Farmers and fisher folks shall contribute to the promotion and protection of the environmental resource management that will secure food and nutrition resilience through the integration of disaster risk reduction into sustainable development policies and planning; and
  - g) Emergency responders, volunteers, and organized volunteer organizations shall contribute to resilience by aiding timely and efficient emergency response and providing training on basic life support, first aid, and search and rescue, in accordance with the standards provided by the Research and Training Institute.
- ii. Academia, scientific and research entities and networks are encouraged to focus their DRRM studies on disaster risk factors and scenarios , including emerging disaster risks, in the medium and long term; partner with government and increase research for regional, national and local application; support action by local communities and authorities; and support the interface between policy and science for decision-making;
  - iii. Business, professional associations and private sector financial institutions, including financial regulators and accounting bodies, as well as philanthropic foundations shall integrate disaster risk management, including business continuity, into business models and practices via disaster risk-informed investments, especially in micro, small and medium-sized enterprises; engage in awareness-raising and training for their employees and customers; engage in and support research and innovation as well as technological development for disaster risk management; share and disseminate knowledge, practices and non- sensitive data; and actively participate, as appropriate and under the guidance of the public sector, in the development of normative frameworks and technical standards that incorporate disaster risk management;

- iv. Media shall take an active and inclusive role at local, regional and national levels in contributing to the raising of public awareness and understanding, and disseminate accurate and non-sensitive disaster risk, hazard and disaster information, including on small-scale disasters, in a simple, transparent, easy-to-understand and accessible manner, in close cooperation with national authorities; adopt specific disaster risk reduction communication policies; support, as appropriate, early warning systems and life-saving protective measures; and stimulate a culture of prevention and strong community involvement in sustained public education campaigns and public consultations at all levels of society, in accordance with national practices;

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) “Assisting Actor” – any Assisting International Actor and any Assisting Domestic Actor responding to a disaster in the country.
- c) “Assisting Domestic Actor” – any not-for-profit entity established under domestic laws, which is responding to a disaster in the country.
- d) “Assisting International Actor” – any foreign state, organization, entity or individual responding to a Disaster within or transiting through the country to respond to a disaster in another country.
- e) “Capacity” – the combination of all strengths, attributes and resources available within a community, society or organization that can reduce the level of risk, or impacts 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.
- f) “Civil Society Organizations (CSOs)” – non-state actors whose aims are neither to generate profits nor to seek governing power, but to 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 movements, and labor unions.
- g) “Climate Change” – A change in the state of the climate that can be identified by changes in the mean and/or the variability of its properties, and that persists in an extended period, typically decades or longer, whether due to natural internal

processes or external forces such as modulation of the solar cycles, volcanic eruptions and persistent anthropogenic changes in the composition of the atmosphere or in land use.

- h) “Community-Based Disaster Risk Reduction and Management (CBDRRM)” – a process of disaster risk reduction and management in which at risk communities are actively engaged in the identification, analysis, treatment, monitoring and evaluation of disaster risks in order to reduce their vulnerabilities and enhance their capacities, and where the people are at the heart of decision-making and implementation of disaster risk reduction and management activities.
- i) “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.
- j) “Contingency Planning” – a management process that analyzes specific potential events or emerging situations that might threaten society or the environment and establishes arrangements in advance to enable timely, effective and appropriate responses to such events and situations.
- k) “Disability” – an evolving concept that results from the interaction between persons with impairments, as defined under RA 7277, and attitudinal and environmental barriers that hinder their full and effective participation in society on an equal basis with others.
- l) “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 to cope using its own resources.
- m) “Disaster Mitigation” – the lessening or limitation of the adverse impacts of hazards. Mitigation measures encompass engineering techniques and hazard-resistant construction as well as improved environmental, land use planning, climate change and other sectoral policies and public awareness.
- n) “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. It includes preparedness for response such as contingency planning, stockpiling of equipment and supplies, the development of arrangements for coordination, evacuation and public information, and preparedness for recovery such as procurement of land for resettlement sites.
- o) “Disaster Prevention” – the outright avoidance of adverse impacts of hazards. 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.

- p) “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".
- q) “Disaster Risk” – The potential disaster losses in lives, health status, livelihoods, assets and services that could occur to a particular community or society in the future, and is determined by a combination of the vulnerability, capacity, exposure of persons and assets, hazard characteristics and the environment.
- r) “Disaster Risk Governance” – the way in which the public authorities, civil servants, media, private sector, and civil society coordinate at community, national and regional levels in order to manage disaster and climate related risks. This means ensuring that sufficient levels of capacity and resources are made available to prevent, prepare for, manage and recover from disasters. It also entails mechanisms, institutions and processes for citizens to articulate their interests, exercise their legal rights and obligations, and mediate their differences.
- s) “Disaster Risk 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.
- t) “Disaster Risk Reduction” – the concept and practice of reducing disaster risks through systematic efforts to analyze and manage the causal factors of disasters, including through reduced exposure to hazards, lessened vulnerability of people and property, wise management of land and the environment, and improved preparedness for adverse events.
- u) “Disaster Risk Reduction and Management Information System” – a specialized database which contains, among others, information on disasters and their human, material, economic and environmental impact, risk assessment and mapping, and vulnerable and marginalized groups.
- v) “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. Early warning systems include systems developed at the level of communities or based on indigenous knowledge.

- w) "Ecosystem Management and Restoration" – an integrated process to conserve, improve and restore the health of the ecosystem that sustains ecosystem services for human well-being.
- x) "Eligible Assisting Actor" – any assisting actor that has been determined to be eligible to receive legal facilities as provided in this Act and its implementing rules and regulations.
- y) "Emergency" – unforeseen or sudden occurrence, especially danger, demanding immediate action.
- z) "Emergency Management" – the organization and management of resources and responsibilities for addressing all aspects of emergencies, in particular preparedness, response and initial recovery steps.
- aa) "Exposure" – the degree to which the elements at risk are likely to experience hazard events of different magnitudes.
- bb) "Gender-based Violence" – violence that is directed against a woman because of her gender, or that affects women disproportionately. It includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty.
- cc) "Geographic Information System (GIS)" – a system used to capture, store, manipulate, manage and display all types of spatial or geographical data.
- dd) "Geographically Isolated and Disadvantaged Area (GIDA)" – areas with a marginalized population which is physically and socio-economically separated from the mainstream society and characterized by physical factors – isolated due to distance, weather conditions and transportation difficulties (island, upland lowland, landlocked, hard to reach and underserved communities); and/or socio-economic factors – (high poverty incidence, presence of vulnerable sector, communities in or recovering from situation of crisis or armed conflict).
- ee) "Hazard" – a dangerous phenomenon, either natural or human-induced, 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.

- ff) "Human-Induced Hazard" – an event that is caused by humans and occur in or close to human settlements or a particular environmental area. This can include environmental degradation, technological or industrial conditions, pollution, accidents (e.g. high density events, industrial and transport accidents) complex emergencies, armed conflict, situations of generalized and/or organized violence, and violation of human rights.
- gg) "International Disaster Relief and Initial Recovery Period" – the period which commences upon the issuance of a request for international disaster assistance or upon acceptance of an offer, and shall continue until terminated pursuant to guidelines set in the implementing rules and regulations
- hh) "Internally Displaced Persons" – persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence within national borders, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized and/or organized violence, violations of human rights, implementation of development projects, or natural or human-induced disasters.
- ii) "International Personnel" – the staff and volunteers of any assisting actor providing disaster relief or initial recovery assistance being persons who are neither citizens of nor domiciled in the Philippines prior to their recruitment by the international assisting actor.
- jj) "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 objectives and the implications for different communities and interest groups, and the subsequent formulation and promulgation of plans that describe the permitted or acceptable uses.
- kk) "Legal Facilities" – special entitlements and exemptions that are made available to eligible assisting actors under this Act
- ll) "National Disaster Risk Reduction and Management Framework" – provides for comprehensive, all hazards, multi-sectoral, inter-agency and community-based approach to disaster risk reduction and management.
- mm) "National Disaster Risk Reduction and Management Plan (NDRRMP)" – the document to be formulated by the NDRRMC and implemented by the Authority that sets out goals and specific objectives for reducing disaster risks together with related actions to accomplish these objectives. The NDRRMP shall provide for the identification of hazards, vulnerabilities and risks 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. It shall be in conformity with the national disaster risk reduction and management framework.

- nn) "Natural Hazards" – naturally occurring physical phenomena caused either by rapid or slow onset events which can be geological (earthquakes ground rupture, liquefaction, landslides, tsunamis, sinkholes, and volcanic activity), hydrological and meteorological (floods, severe winds, typhoons, storm surges), climatological variability (extreme temperatures, El Niño, La Niña, forest fires), or biological (disease, epidemics and insect/animal plagues).
- oo) "Persons with Disabilities" – include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.
- pp) "Pre-Disaster Risk Assessment" – a process to evaluate a hazard's level of risk given the degree of exposure and vulnerability in a specific area likely to be affected by an imminent hazard. It presents the possible impacts on the population and forms a basis to determine the appropriate level of response actions from the national level government agencies down to the local government units. It is hazard-specific, area focused and time-bound.
- qq) "Post-Disaster Recovery" – the restoration and 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".
- rr) "Private Sector" – comprises private corporations, households, non-profit institutions serving households, and other economic enterprises outside of government.
- ss) "Public Sector Employees" – all persons in the civil service.
- tt) "Recovery" – rehabilitation measures that ensure the ability of affected communities or areas to restore their normal level of functioning by restoring livelihoods and services, reconstruction of damaged infrastructures and increasing the communities' organizational capacity.
- uu) "Resilience" – the ability of a system, community or society exposed to hazards to resist, absorb, adapt 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.
- vv) "Response" – any effort to provide assistance or intervention during or immediately after a disaster to meet the life preservation and basic subsistence

needs of affected people and in the restoration of essential public activities and facilities.

- ww) "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.
- xx) "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.
- yy) "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.
- zz) "Sustainable Development" – development that meets the needs of the present without compromising the ability of future generations to meet their own needs.
- aaa) "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.
- bbb) "Vulnerable and Marginalized Groups" – those who are at risk due to poverty and other underlying risk factors including, but not limited to, women, children, elderly, differently-abled people, and ethnic minorities.
- ccc) "Whole-of-society Approach" – the meaningful participation of and synergy of stakeholders that represent different interests in all aspects of disaster risk reduction and management across all levels.
- ddd) "Youth" – those persons aged fifteen (15) to thirty (30) years old, as provided for under R.A. 8044, or the "Youth in Nation-Building Act".

## **CHAPTER II**

### **NATIONAL DISASTER RISK REDUCTION AND MANAGEMENT AUTHORITY**

**SECTION 4. Creation of the National Disaster Risk Reduction and Management Authority**  
– For the purpose of carrying out and effecting the declared policies of this Act, there is hereby created a National Disaster Risk Reduction and Management Authority, herein after referred

to as the Authority. Considering its important role in times of disasters, the Authority shall be attached to the Office of the President.

It shall be the primary government agency accountable and responsible for overseeing, coordinating and implementing a comprehensive disaster risk reduction and management program. It shall provide leadership in the continuous development of strategic and systematic approaches to disaster prevention, mitigation, preparedness, response, recovery and rehabilitation. Moreover, it shall augment implementation of DRRM programs in collaboration with relevant national government agencies, LGUs, civil society and people's organizations, and other stakeholders.

**SECTION 5. Powers and Functions of the Authority** – The Authority shall exercise and perform the following functions:

- a) Monitor the integration of disaster risk reduction and management policies into national development plans to achieve sustainable development;
- b) Oversee and direct the comprehensive implementation of disaster risk reduction and management policies, plans and programs as embodied in the NDRRMP;
- c) Review and evaluate the Local Disaster Risk Reduction and Management Plan (LDRRMP) and other local plans to ensure their consistency with the National Disaster Risk Reduction and Management Framework and Plan;
- d) Oversee, direct and undertake programs and projects to identify, assess, prioritize and localize hazards and risks in the country in consultation with key national government agencies and stakeholders especially local governments and local communities;
- e) Oversee a national early warning and emergency alert system which shall provide accurate, timely and accessible advice, through diverse mass media and telecommunications, to national and local emergency response organizations and the general public;
- f) Deploy rapid assessment teams, gather information, and, guided by the principle of inter-operability, coordinate information-sharing and other disaster risk reduction and management protocols among national and local government agencies before, during and after a disaster.
- g) Receive, administer, mobilize, report and monitor and oversee the utilization of the National Disaster Risk Reduction and Management Fund, recovery and rehabilitation funds, and donations for disaster risk reduction and management, unless otherwise specified;
- h) Procure goods and services during emergencies in accordance with existing emergency procurement rules and regulations;

- i) Issue special procurement rules for preparedness, response and recovery activities including those prompted by a declaration of state of calamity and a state of imminent disaster;
- j) Establish and monitor local and national capacity for disaster risk financing and insurance and other risk transfer strategies in coordination with DOF and GSIS;
- k) Assist in mobilizing necessary resources to increase the overall capacity of LGUs, specifically those with low income and situated in high-risk areas;
- l) Prepare, organize, lead, control and manage the post-disaster recovery and rehabilitation programs in coordination with the affected local governments and national government agencies, in so doing, implement the cluster approach to expedite the reconstruction effort and orchestrate and serve as the clearing house for the participation of international players in such process;
- m) Establish a National Disaster Risk Reduction and Management Research and Training Center that shall provide a ladderized training program on disaster risk reduction and management for DRRM professionals and other stakeholders in the public and private sector. The Research and Training Center shall accredit disaster risk reduction and management trainers or instructors;
- n) Establish the NDRRMC Secretariat and an operating facility to be known as the National Disaster Risk Reduction and Management Secretariat and Operations Center (NDRRMSOC) under the operational control of the Director-General and functional supervision of the Operations Service that shall be operated and staffed on a twenty-four (24) hour basis;
- o) Establish a Disaster Risk Reduction and Management Information System to facilitate reporting;
- p) Develop 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;
- 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. *Office of the Director-General*** – (a) The Authority shall be headed by a Director-General with the rank and emoluments of a Cabinet Secretary. The Director-General shall be appointed by the President based on qualifications herein provided and shall hold office for a period of six (6) years. His or her appointment may be extended for another non-extendible term

of six (6) years and shall only be removed for cause in accordance with the rules and regulations prescribed by the Civil Service Commission.

(b) All appointees shall be universally acknowledged experts in the field of disaster risk reduction and management and of proven honesty and integrity.

SECTION 7. *Powers of the Director-General* – The Director-General shall exercise the following functions:

- a) Establish policies and standards for the effective, efficient, and economical operation of the Authority in accordance with the programs of the Government;
- b) Exercise direct supervision and control over all functions and activities of the Authority, as well as all its officers and personnel;
- c) Call upon other instrumentalities or entities of the government and non-government and civic organizations for assistance in terms of the use of their facilities and resources for the protection and preservation of life and properties in the whole range of disaster risk reduction and management. This authority includes the power to call on the reserve force as defined in Republic Act No. 7077 to assist in relief and rescue during disasters or calamities;
- d) Create regional and field offices and such other service units and divisions as may be necessary; and
- e) Perform such other functions as may be necessary or proper to attain the objectives of this Act.

### **CHAPTER III** **HUMAN RESOURCE MANAGEMENT**

SECTION 8. *Organizational Structure* – The Authority shall be composed of the following key offices:

- a) Office of the Director-General as provided in Section 6.
- b) Three (3) services, namely the Operations Service, the Administration and Finance Service, and the Capacity Development Service. Each service shall be headed by a Deputy Director-General with the rank of Undersecretary.

The Operations Service is responsible for coordinating, monitoring, implementing and augmenting, as appropriate, programs for disaster risk prevention and mitigation, preparedness, response, and recovery. The Administration and Finance Service shall be in charge of managing the internal operations of the Authority. The Capacity Development Service is responsible for building and developing the

capacity of the Authority's personnel, DRRM practitioners, communities and other public or private stakeholders for disaster risk reduction and management.

- c) Seven (7) divisions, namely the Administration Division and Finance Division under the Administration Service, the Resiliency Division and Disaster Management Division under the Operations Service, and the Training Institute Division, Information Management Division, and External Relations Division under the Capacity Development Service. Each Division shall be headed by an Assistant Director-General with the rank of Assistant Secretary.
- d) Regional and other field offices that the Authority may establish, operate and maintain to perform its mandate.
- e) Public Assistance and Complaints Office (PACO) –
  - i. The Authority shall establish a PACO in every region. The PACO shall work jointly with the DOJ and DOF, as appropriate, to render assistance to and receive complaints from the public regarding alleged violations of this Act. It shall assist the complainant in the gathering of relevant documentation and other evidence to support said complaint. The PACO shall facilitate the forwarding of the complaint to the appropriate venue within 15 days from receipt thereof.
  - ii. The PACO is encouraged to use the best available technology to ensure that complaints are endorsed to the proper venue and are addressed in a timely manner.
- f) Seconded personnel from relevant agencies and detailed service from the AFP, as appropriate.

**SECTION 9. Selection of Personnel** – The selection of personnel of the Authority shall be based strictly on merit and fitness in accordance with the Civil Service Code and other pertinent laws. In accordance with the existing occupational index, the formulation of the organizational structure and staffing pattern shall be completed by within one (1) year after the effectiveness of this Act, and shall be fully implemented within a period of one (1) year thereafter.

**SECTION 10. Transfer of OCD Personnel to the Authority** – Upon approval of this Act, personnel from the Office of Civil Defense may opt to transfer to the Authority.

## **CHAPTER IV** **FINANCE AND ADMINISTRATION**

**SECTION 11. Fiscal Management** – The Authority shall manage all funds appropriated to it by Congress and from other sources. This shall include all donations as contemplated under

the succeeding paragraph, subject to provisions of Article 9(D), Section 3 of the 1987 Constitution on the auditing powers of the Commission on Audit.

The Authority shall have the power to collect fees derived from the Training Institute and other related activities to fund its operations.

**SECTION 12. *Donation*** – (a) The Authority shall have the power to receive donations and grants from any persons, government institutions, corporations, international organizations and other similar entities, and the power to recommend the procurement of developmental assistance for the purpose of disaster risk reduction and management.

(b) It shall be mandatory for the Authority to certify the receipt of all DRRM donated funds and ensure their judicious management including their proper and accurate audit reporting to constituents.

(c) The importation 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 the prevailing provisions of the General Appropriations Act covering national internal revenue taxes and import duties of national and local government agencies;

All importations and donations under Section 12 (b) shall be considered as importation by and/or donation to the Authority, subject to the approval of the Office of the President.

## **CHAPTER V ROLE OF GOVERNMENT AGENCIES AND STAKEHOLDERS**

**SECTION 13. *Role of Government Agencies*** – To ensure the effective implementation of this Act, concerned agencies shall perform the following functions:

a) **NATIONAL DISASTER RISK REDUCTION AND MANAGEMENT COUNCIL**

(1) Policy-Formulating Body – The NDRRMC shall continue to perform its functions as a policy-formulating body as provided in Section 6 (a), (b), (c), (d) (f) (j), (k), (l), (m) and (n) of Republic Act 10121.

It shall advise the Authority on matters relating to disaster risk reduction and management consistent with policies and scope as defined in this Act;

(2) Composition – The NDRRMC shall be headed by the President of the Philippines as its Chairperson, with the Director-General of the Authority as the Council Vice-Chairperson for Inter-agency Coordination, the Secretary of the Department of National Defense (DND) as the Vice-Chairperson for Logistics and Resource Mobilization, the Secretary of the Department of the Interior

and Local Government (DILG) as Vice Chairperson for Disaster Preparedness, the Secretary of the Department of Social Welfare and Development (DSWD) as Vice Chairperson for Disaster Response, the Secretary of the Department of Science and Technology (DOST) as Vice Chairperson for Disaster Prevention and Mitigation, and the Director-General of the National Economic and Development Authority (NEDA) as Vice Chairperson for Disaster Rehabilitation and Recovery. The President may delegate the convening of the NDRRMC to the Council Vice Chairperson. The Vice-Chairpersons shall lead policy-making for their respective thematic area.

The members of the NDRRMC shall be the following:

- i. Director-General of the Authority;
- ii. Secretary of the Department of Health (DOH);
- iii. Secretary of the Department of Environment and Natural Resources (DENR);
- iv. Secretary of the Department of Agriculture (DA);
- v. Secretary of the Department of Education (DepEd);
- vi. Secretary of the Department of Energy (DOE);
- vii. Secretary of the Department of Finance (DOF);
- viii. Secretary of the Department of Trade and Industry (DTI);
- ix. Secretary of the Department of Transportation and Communications (DOTC);
- x. Secretary of the Department of Budget and Management (DBM);
- xi. Secretary of the Department of Public Works and Highways (DPWH);
- xii. Secretary of the Department of Foreign Affairs (DFA);
- xiii. Secretary of the Department of Justice (DOJ);
- xiv. Secretary of the Department of Labor and Employment (DOLE);
- xv. Secretary of the Department of Tourism (DOT);
- xvi. The Executive Secretary;

- xvii. Secretary of the Office of the Presidential Adviser on the Peace Process (OPAPP);
- xviii. Chairperson of the Commission on Higher Education (CHED);
- xix. Chief of Staff of the Armed Forces of the Philippines (AFP);
- xx. Commandant of the Philippine Coast Guard (PCG);
- xi. Chief of the Philippine National Police (PNP);
- xxii. Secretary of the Presidential Communications Operations Office (PCOO);
- xxiii. Secretary-General of the Philippine Red Cross (PRC);
- xxiv. Chairperson of the Commission on Human Rights (CHR);
- xxv. Executive Director of the Council for Welfare of Children (CWC);
- xxvi. Basic Sector Vice-Chairperson of the National Anti-Poverty Commission (NAPC);
- xxvii. Chairperson of the Philippine Commission on Women (PCW);
- xxviii. Chairperson of the Housing and Urban Development Coordinating Council (HUDCC);
- xxix. Executive Director, Climate Change Office, Climate Change Commission;
- xxx. Chairperson of the National Council for Disability Affairs (NCDA);
- xxxi. Chairperson of the National Commission on Indigenous Filipinos (NCIP);
- xxxii. Secretary of the National Commission on Muslim Filipinos (NCMF);
- xxxiii. Chairperson of the National Youth Commission (NYC);
- xxxiv. President of the Government Service Insurance System (GSIS);
- xxxv. President of the Social Security System (SSS);
- xxxvi. President of the Philippine Health Insurance Corporation (PhilHealth);

- xxxvii. President of the Union of Local Authorities of the Philippines (ULAP);
  - xxxviii. President of the League of Provinces of the Philippines (LPP);
  - xxxix. President of the League of Cities of the Philippines (LCP);
    - xl. President of the League of Municipalities of the Philippines (LMP);
    - xli. President of the Liga ng mga Barangay (LMB);
    - xlii. Four (4) representatives from the CSOs; and
    - xliii. One (1) representative from the private sector.
- (3) Technical Management Group – The NDRRMC shall constitute a technical management group composed of representatives of the above mentioned departments, offices, and organizations, that shall coordinate and meet with the Authority as often as necessary to effectively manage and sustain national efforts on disaster risk reduction and management; and
- (4) Guidelines for the NDRRM Fund and LDRRMF – The NDRRMC shall provide the necessary guidelines and procedures on the National Disaster Risk Reduction and Management Fund (NDRRM Fund) and the Local Disaster Risk Reduction and Management Fund (LDRRMF) releases as well as utilization, accounting and auditing thereof.
- (5) Monitoring, Reporting and Validation –
- i. *Monitoring and Reporting.* On or before the last quarter of the preceding year, member-agencies of the Council shall submit to the Authority through the Council Secretariat their respective DRRM annual work and financial plans (AWFPs) for the next year. The AWFPs shall be based on the NDRRMP.
- The member-agencies shall submit to the Secretariat quarterly progress reports of their implementation of the AWFPs within thirty (30) days from the end of each quarter.
- The Authority is likewise responsible for monitoring the appropriate implementation of remedial measures by member-agencies of the Council during a state of calamity. It shall have the authority to require reports from the appropriate member-agencies regarding implementation of such measures.

- ii. *Validation.* The Secretariat shall require the submission of reports from LGUs to validate the progress reports of the Council member-agencies. Submission shall be through the local field offices of the Authority.

Every two (2) years, the implementation of the NDRRMP and utilization of the LDRRMF of each province and independent city shall be evaluated by the RDRRMC based on appropriate criteria, such as the Gawad Kalasag Award criteria for provinces and cities.

b) THE REGIONAL DISASTER RISK REDUCTION AND MANAGEMENT COUNCILS –

The Regional Disaster Risk Reduction and Management Councils (RDRRMCs) shall coordinate, integrate, supervise, and evaluate the activities of the LDRRMCs. It shall be responsible for ensuring disaster risk sensitive and inclusive regional development plans, and in case of emergencies shall convene the different regional line agencies and concerned institutions and authorities.

The RDRRMCs shall establish the RDRRMC Secretariat and operating facility to be known as the Regional Disaster Risk Reduction and Management Secretariat and Operations Center (RDRRMSOC) whenever necessary. The RDRRMSOC shall be under the operational control of the Regional Director of the Authority and functional supervision of the Operations Service of the regional office.

The Regional Directors of the Authority shall serve as chairpersons of the RDRRMCs. Its Vice Chairpersons shall be the Regional Directors of the DSWD, the DILG, the DOST, and the NEDA. In the case of the Autonomous Region in Muslim Mindanao (ARMM), the Regional Governor shall be the RDRRMC Chairperson. In the case of Metro Manila, the MDRRMC shall be headed by the Chairperson of the Metro Manila Development Authority.

The RDRRMCs shall be composed of the executives of regional offices and field stations at the regional level of the government agencies.

c) THE LOCAL DISASTER RISK REDUCTION AND MANAGEMENT COUNCILS –

(1) Composition – The LDRRMC at the provincial, city and municipal level shall be composed of, but not limited to, the following:

- i. The Local Chief Executive, Chairperson;
- ii. The Local Planning and Development Officer, member;
- iii. The Head of the LDRRMO, member;

- iv. The Head of the Local Social Welfare and Development Office, member;
- v. The Head of the Local Health Office, member;
- vi. The Head of the Local Agriculture Office, member;
- vii. The Head of the Gender and Development Office, member;
- viii. The Head of the Local Engineering Office, member;
- ix. The Head of the Local Veterinary Office, member;
- x. The Head of the Local Budget Office, member;
- xi. The Division Head / Superintendent of Schools of the DepEd member;
- xii. The highest-ranking officer of the Armed Forces of the Philippines (AFP) assigned in the area, member;
- xiii. The Provincial Director / City / Municipal Chief of the Philippine National Police (PNP), member;
- xiv. The Provincial Director / City / Municipal Fire Marshall of the Bureau of Fire Protection (BFP), member;
- xv. The President of the Association of Barangay Captains (ABC), member;
- xvi. The Philippine Red Cross (PRC), member;
- xvii. Four (4) accredited CSOs, members; and
- xviii. One (1) private sector representative, member.

The existing Barangay Development Councils (BDCs) shall serve as the LDRRMCs in every barangay.

(2) Functions of the LDRRMC – The LDRRMCs shall have the following functions:

- i. Approve, monitor and evaluate the implementation of the LDRRMPs and regularly review and test the plan consistent with other national and local planning programs;
- ii. Ensure the integration of disaster risk reduction and climate change adaptation into local development plans, programs and budgets as a strategy in sustainable development and poverty reduction;

- iii. Recommend the implementation of forced or preemptive evacuation of local residents, if necessary; and
  - iv. Convene the local council once every three (3) months or as necessary.
- d) LOCAL DISASTER RISK REDUCTION AND MANAGEMENT OFFICE (LDRRMO) –
  - (1) Functions of the LDRRMO – All local government units must establish a local disaster risk reduction and management office at the provincial, city and municipal level and a Barangay Disaster Risk Reduction and Management Committee (BDRRMC) in every barangay to perform the following functions:
    - i. Design, program, and coordinate disaster risk reduction and management activities consistent with the NDRRMC's standards and guidelines;
    - ii. Conduct risk assessments, local DRRM and contingency planning activities at the local level, in coordination with the field office of the Authority and other stakeholders, including the vulnerable and marginalized groups, to ensure that assessments and plans are validated and integrated in the national, regional and provincial risk profile;
    - iii. Consolidate local disaster risk information which includes risk from natural and human-induced hazards, and maintain a local risk map for the community;
    - iv. Organize and conduct training, orientation, and knowledge management activities on disaster risk reduction and management at the local level, in coordination with the Research and Training Center;
    - v. Operate a multi-hazard and inclusive early warning system to provide accurate and timely report to national or local emergency response organizations and to the general public, through diverse mass media, telecommunications, and technologies for communication within rural communities;
    - vi. Formulate and implement a comprehensive and integrated LDRRMP in accordance with the national, regional and provincial framework and policies on disaster risk reduction in close coordination with the LDRRMC to identify and implement cost-effective risk reduction contingencies, measures or strategies;
    - vii. Prepare and submit to the local sanggunian through the LDRRMC the annual LDRRM Plan, the proposed programming of the LDRRMF, other

- dedicated disaster risk reduction and management resources, and other regular funding source of the LDRRMO;
- viii. Monitor and mobilize instrumentalities and entities of the LGU and its partner LGUs, CSOs, private sector, organized volunteers, and sectoral organizations for disaster preparedness and response to utilize their facilities and resources for the protection and preservation of life and properties during emergencies in accordance with existing policies and procedures;
  - ix. Include food security and agriculture livelihoods in the preparedness and response plans, programs and other mechanisms;
  - x. Disseminate information and raise public awareness about risks, their nature, effects, early warning signs and counter-measures;
  - xi. Establish an information management system within the LGU and maintain a disaggregated database of human resource, equipment, services, resources, directories and location of critical infrastructures and their capacities such as hospitals and evacuation centers;
  - xii. Develop, strengthen and operationalize mechanisms for partnership or networking with the private sector, CSOs, humanitarian organizations, volunteer groups and other stakeholders;
  - xiii. Maintain and provide suitably-trained and competent personnel for effective disaster risk reduction and management in its area;
  - xiv. Organize, train, equip and supervise the local emergency response teams and the Accredited Community Disaster Volunteers (ACDVs), ensuring that humanitarian workers are equipped with basic skills, including gender-sensitive case management and handing cases of gender-based violence in times of disasters;
  - xv. Respond to and manage the adverse effects of emergencies and carry out recovery activities in the affected area, ensuring that there is an efficient and accessible mechanism for immediate delivery of food, water, sanitation and hygiene (WASH) services, shelter, health and nutrition intervention and medical supplies for the affected population, particularly the vulnerable and marginalized groups;
  - xvi. Serve as the secretariat and executive arm of the LDRRMC;
  - xvii. Establish linkage / network with other LGUs for disaster risk reduction and emergency response purposes;

- xviii. Recommend through the LDRRMC the enactment of local ordinances consistent with the requirements of this Act;
- xix. Establish a Provincial / City / Municipal / Barangay Disaster Risk Reduction and Management Operations Center;
- xx. Prepare and submit, through the LDRRMC, the report on the utilization of the LDRRMF and other dedicated disaster risk reduction and management resources to the local Commission on Audit (COA), furnishing a copy to the regional director of the Authority and the Local Government Operations Officer of the DILG; and
- xxi. Act on other matters that may be authorized by the LDRRMC;

(2) Organizational Structure of the Local Disaster Risk Reduction and Management Office (LDRRMO) and Barangay Disaster Risk Reduction and Management Council (BDRRMC) – The LDRRMO shall be under the office of the governor, city or municipal mayor. The level of organization of the LDRRMO can either be a department, division, or section, depending on the financial capability of the LGU.

The LDRRMO shall be established and headed by a local disaster risk reduction and management officer with regular plantilla position. The LDRRM officer shall likewise have mandatory regular plantilla staff responsible for: administration and training, research and planning, operations and warning, and information management system.

The BDRRMC shall be a regular committee of the existing barangay development council (BDC) and shall be subject thereto. The punong barangay shall facilitate and ensure the participation of at least two (2) CSO representatives from existing and active community-based people's organizations representing the most vulnerable and marginalized groups in the barangay.

(3) Budgetary Requirements of LDRRMO – The budgetary requirements for personal services, maintenance and other operating expenditures, and capital outlay of the LDRRMO shall be sourced from the General Fund of the LGU, subject to Section 76 of R.A. 7160.

The enforcement of Sections 325(a) and 331(b) of R.A. 7160 shall be waived to enable the LGUs to fund the initial year requirements for the creation of the minimum five (5) mandatory positions of the LDRRMO.

Other maintenance and operating expenditures, and other capital outlay requirements of the LDRRMO in the implementation of DRRM programs shall be charged to the Local Disaster Risk Reduction and Management Fund.

## **CHAPTER VI**

### **DISASTER RISK REDUCTION AND CLIMATE CHANGE ADAPTATION INTEGRATION AND MAINSTREAMING**

**SECTION 14. Integration of DRR and CCA in the National Disaster Risk Reduction and Management Framework and Plan** – The National Disaster Risk Reduction and Management Framework shall provide for the comprehensive, all-hazards, multi-sectorial, resilience-building and community-based reduction and management of disaster and climate risk, and provide for the integration of disaster risk reduction and climate change adaptation, as well as the mainstreaming of disaster risk reduction in other sectoral policies. It shall be reviewed on a three (3) years interval, or as may be deemed necessary, in order to ensure its relevance to the times.

The NDRRMP shall provide for the following: (1) identification of the underlying factors of risk, or the nature and degree of hazards, vulnerabilities, exposure and capacity, which need to be managed at the national level; (2) disaster risk reduction and management approaches and strategies to be applied in managing said hazards and risks; (3) agency roles, responsibilities, and lines of authority at all government levels; and (4) vertical and horizontal coordination of disaster risk reduction and management before, during, and after a disaster. The NDRRMP shall be in conformity with the Framework.

The NDRRM Framework and Plan for disaster risk governance, risk assessment and risk management shall be formulated and approved by the NDRRMC.

**SECTION 15. National Policy on Disaster Risk Assessment** – The NDRRMC shall formulate a national policy on risk assessment for technological and environmental risk, natural disaster risk and climate change risk.<sup>191</sup> It shall include a multi-hazard, multi-sectoral and inclusive assessment of risk, taking into consideration the interdependence of disaster risk reduction, environmental management, climate change adaptation and sustainable development.

For this purpose, national government agencies in charge of disaster risk assessment shall be guided by a probabilistic or deterministic risk assessment methodology, as appropriate, and shall make sure that there is consistent and appropriate application of the risk assessment methodology for each type of hazard.

**SECTION 16. Ecosystem-Based Approach to Prevention and Mitigation, Rehabilitation and Recovery from Disasters** – The Authority shall ensure the application of ecosystems-based approaches in disaster risk reduction and climate change adaptation, particularly through ecosystem management and restoration as defined in this Act, and ensuring that environmental and natural resource policies are risk-informed.

## **CHAPTER VII** **DRRM RESEARCH AND TRAINING CENTER**

**SECTION 17. *Creation of the National Disaster Risk Reduction and Management Research and Training Center (NDRRM-RTC)*** – (a) Within one year from approval of this Act, the Authority shall establish the National Disaster Risk Reduction and Management Research and Training Center which shall serve as a world class center of excellence for learning and research in the field of disaster risk reduction and management;

(b) The Research and Training Center shall be headed by an Assistant Director- General. The organizational structure and staffing pattern shall be determined by the Authority in consultation with DBM and in accordance with civil service rules and regulations.

(c) The Research and Training Center shall have the following functions:

- 1) Establish regional branches in Luzon, Visayas and Mindanao, as well as provincial, city or municipal branches if deemed necessary, to train individuals from public and private sectors in the fields of disaster risk reduction and management, climate change adaptation, and ecosystem management and restoration, among others;
- 2) Develop and implement an inclusive and ladderized curricula on disaster risk reduction and management;
- 3) Develop research programs and a knowledge management system on DRRM for the purpose of innovation, capacity building and development;
- 4) Partner with the academe and research institutions, private sector, civil society, community-based DRRM practitioners and other relevant sectors in developing research opportunities and programs on DRRM;
- 5) Establish a resource center for IEC materials, research, publications, best practices, lessons learned and other knowledge products on disaster risk reduction and management;
- 6) Consolidate and prepare IEC and training materials or publications to assist disaster risk reduction and management practitioners in the planning and implementation of their program and projects;
- 7) Organize a community of disaster risk reduction and management practitioners; and
- 8) Accredit, monitor and evaluate disaster risk reduction and management training institutions.

(d) Financial Support to the Center:

- 1) The budget for the Research and Training Center shall be sourced from the annual General Appropriations Act. It shall have the authority to collect the necessary fees that shall be used for maintenance and other operating expenses of the Research and Training Center.
- 2) The Authority shall assist in the creation of Research and Training Centers at the provincial, city, and municipal governments, as appropriate. The funding for such local Research and Training Centers may be sourced from the seventy (70%) percent portion of the LDRRRMF and other financial sources of the local government unit concerned.

## CHAPTER VIII

### NATIONAL DRRM INFORMATION, EDUCATION AND COMMUNICATION

**SECTION 18. National DRRM Information Management System (DIMS)** – The Authority shall establish a National Information Management System for DRRM. It shall constitute a physical central database of all disaster risk reduction and climate change data, including a geographic information system on geo-hazard assessments and climate risk. It shall be the repository of current and multi-temporal information for wide-scale disaster risk analysis and climate change vulnerability assessment. The DIMS shall at all times be made available to the Emergency Operations Center of the NDRRMC to ensure the use of timely, accurate and reliable information for decision-making.

**SECTION 19. Disaster Risk Reduction and Climate Change Education and Training** – (a) The DepEd, the CHED, the Technical Education and Skills Development Authority (TESDA), in coordination with the OCD, CCC, the National Youth Commission (NYC), the Department of Science and Technology (DOST), the Department of Environment and Natural Resources (DENR), the Department of Interior and Local Government Bureau of Fire (DILG-BFP), the Department of Health (DOH), the Department of Social Welfare and Development (DSWD) and other relevant agencies, shall integrate disaster risk reduction and management and climate change adaptation education in the school curricula at all levels of education, from K-12 to tertiary levels, including the early and adult learning programs, National Service Training Program (NSTP), and education for children and persons with special needs, whether private or public, including formal and non-formal, technical-vocational, indigenous learning, out-of-school youth courses and programs, and other channels of educational integration, including but not limited to media, church, entertainment centers (malls), international and domestic airports and transport terminals (OFWs).

(b) The Civil Service Commission (CSC), Professional Regulatory Commission (PRC) and other licensure-giving bodies shall integrate DRRM-CCA questions in all professional and licensure examinations.

(c) The Commission on Higher Education (CHED), in coordination with the Authority and the National DRRM Research and Training Institute, shall develop a curriculum for courses or subjects specific to DRRM and CCA, and shall mandate all tertiary learning institutions to offer these subjects.

(d) The Parents and Teachers Community Association should initiate, support, and participate in DRRM-CCA related activities in schools and host communities.

(e) The DepEd, the CHED, and the Technical Education and Skills Development Authority (TESDA) shall formulate and institutionalize flexible learning options (modules, online learning platforms, etc.) as part of its disaster risk governance, analysis, and management strategy.

(f) The DepEd, CHED and TESDA shall regularly review, monitor, evaluate and report to the Council the status of integration and implementation of DRRM-CCA in schools and other learning institutions.

(g) The LDRRMCs shall form formal partnerships with tertiary learning institutions within their respective jurisdictions to provide standard and ladderized training programs for LGU officials and other DRRM stakeholders.

(h) The NDRRMC, the RDRRMCs, the LDRRMCs, the LDRRMOs, the BDRRMCs, and the Sangguniang Kabataan shall encourage the community, specifically the youth, participation in disaster risk reduction and management-climate change adaptation activities, such as Information, Education and Communication (IEC) Campaigns organizing quick response groups, particularly in identified disaster-prone areas, as well as the inclusion of DRR-CCA programs as part of programs and projects of the Sangguniang Kabataan, youth organizations and community-based DRRM initiatives.

(i) The public sector employees, including teachers and DRRM coordinators from both the public and private learning institutions, shall be trained in emergency preparedness and response. The training is mandatory for such employees to comply with the provisions of this Act.

**SECTION 20. Standard Mechanism for Cascading Information, Education and Communication on DRRM** – (a) The NDRRMC shall promote and advocate a culture of resilience and responsible citizenship through information, education and communication that is appropriate, integrated, inclusive, localized, science-based, gender, culture and disability sensitive and accessible using multimedia. IEC on DRRM should be compelling but not alarming.

(b) The NDRRMC shall formulate a Strategic Risk Communications Plan to encompass the entirety of disaster risk reduction and management to achieve the desired behavioral change towards responsible citizenship and culture of resilience. It shall serve as a reference on continuous awareness raising and education at all levels of the government.

(c) A DRRM Information Officer shall be designated at all levels of the Authority to ensure implementation of the disaster risk reduction and management IEC campaign. The DRRM

Information Officer shall serve as the primary coordinator for the dissemination of IEC on DRRM.

## **CHAPTER IX** **DRRM INSURANCE AND INCENTIVES**

**SECTION 21. *Disaster Risk Transfer, Insurance and Social Welfare*** – (a) The Authority shall oversee all disaster risk transfer and other related initiatives to ensure the protection of property and livelihood, both public and private.

(b) The Authority shall make mandatory the insurance of all assets and properties of national government agencies including government-owned and controlled corporations, and those over which the government has insurable interest, as prescribed under R.A. 656. The insurance shall be provided by any government insurance agency.

(c) The Authority shall encourage the local government units to insure assets, properties and livelihood of vulnerable and marginalized groups for unforeseen or contingent losses from natural hazards and human-induced disasters which may be charged against the LDRRM Fund in coordination with concerned national government agencies.

**SECTION 22. *Incentives*** – Unless otherwise provided, the Authority shall establish an incentives program that recognizes outstanding performance of LDRRMC, CSOs, schools, hospitals, and other stakeholders in promoting and implementing significant DRRM-CCA programs and innovations, and meritorious acts of individuals, groups or institutions during natural or human-induced disasters.

## **CHAPTER X** **PREPAREDNESS AND EARLY WARNING**

**SECTION 23. Standards for Disaster Preparedness Activities** – (a) The NDRRMC shall establish standards for disaster preparedness, including, but not limited to contingency planning, localizing and operationalizing disaster risk reduction and management, preparedness for disaster response, preparedness for early recovery, including continuity of essential services, and other relevant preparedness activities.

(b) LGUs shall identify or build evacuation centers in accordance with government-approved standards to minimize the use of schools as such and to avoid disruption of classes. Schools that have been used as evacuation centers shall be immediately compensated by the LGU concerned, with respect to damages or renovation expenses incurred as a result of such use.

**SECTION 24. Multi-Hazard Early Warning and Risk Communication Standards** – (a) There shall be a streamlined policy governing early warning systems and risk communication protocols to ensure effective and efficient measures to prevent, prepare for, respond to and recover from possible risk caused by natural and human-induced hazards and climate risk. The NDRRMC shall issue and the Authority shall oversee and monitor the implementation of this policy.

(b) The Authority and all other concerned agencies with an early warning mandate shall collaborate among people at the local level to disseminate disaster risk information through the involvement of local government units, community-based organizations, civil society organizations, and other non-governmental organizations.

**SECTION 25. Early Warning Mandate** – (a) Authority to Issue Early Warning. Early warnings for hydro-meteorological, geologic, or terrestrial phenomena is lodged with the appropriate government agencies or government-accredited organizations for purposes of forecasting and early warning. This notwithstanding, the State shall recognize and proactively support local or indigenous modes of early warning systems.

(b) Transmission of Early Warning. A person who transmits early warning concerning the abovementioned phenomena by means of signs in designs, colors, lights, or sound shall do so in compliance with the methods recognized or approved by the NDRRMC.

## **CHAPTER XI** **DISASTER RESPONSE AND EARLY RECOVERY**

**SECTION 26. Declaration of State of Calamity** – The NDRRMC 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 the criteria set by the NDRRMC. 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 the local sanggunian, upon the recommendation of the LDRRMC, based on the results of the damage assessment and needs analysis. Moreover, on the basis of official warning by government warning agencies such as PAGASA, PhiVolcs and MGB, the LDRRMC may seek from the sanggunian, the declaration of a state of imminent disaster to enable the local executives to implement precautionary measures principally preemptive evacuation in order to save lives and minimize damage to property which would require the use of resources principally lodged in the LDRRMF.

**SECTION 27. Emergency Management** – The respective Disaster Risk Reduction and Management Councils shall take the lead in preparing for, responding to, and recovering from the effects of any disaster, giving due consideration to the economic classification, capacity and vulnerability of the local governments concerned and based on the following criteria:

- a) The BDRRMC, if a barangay is affected;
- b) The city / municipal DRRMCs, if two (2) or more barangays are affected;
- c) The provincial DRRMC, if two (2) or more cities/municipalities are affected;
- d) The regional DRRMC, if two (2) or more provinces are affected;
- e) The NDRRMC, if two (2) or more regions are affected; and
- f) After 24 hours without report, the nearest field office of the Authority may take the lead, in partnership with local authorities in managing emergency situation to save lives and alleviate human suffering until such time that the local officials may exercise full leadership and assume their functions.

The Authority in cooperation with the NDRRMC and intermediary LDRRMCs 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 NDRRMC and concerned LDRRMCs.

**SECTION 28. Humanitarian Assistance Action Center** – The NDRRMC shall institutionalize a one-stop shop mechanism through the Humanitarian Assistance Action Center for the processing and release of goods, articles or equipment intended for humanitarian assistance and the processing of necessary documents for international assisting actors. The Humanitarian Assistance Action Center shall be managed by the Authority and shall be composed of the following NDRRMC agencies:

- a) Department of Finance-Bureau of Customs;
- b) Department of Foreign Affairs;
- c) Department of Social Welfare and Development;

- d) Department of Health;
- e) Food and Drug Administration;
- f) Department of Agriculture;
- g) Department of Energy;
- h) Philippine National Police;
- i) Philippine Coast Guard; and
- j) Department of Justice - Bureau of Immigration

**SECTION 29. Accreditation, Mobilization, and Protection of Disaster Volunteers and National Service Reserve Corps, CSOs and the Private Sector** – The government agencies, CSOs, private sector and LGUs may mobilize individuals or organized volunteers to augment their respective personnel complement and logistical requirements in the delivery of disaster risk reduction programs and activities. The agencies, CSOs, private sector, and LGUs concerned shall take full responsibility for the enhancement, welfare and protection of volunteers, and shall submit the list of volunteers to the Authority, through the LDRRMOs, for accreditation and inclusion in the database of community disaster volunteers.

A national roster of ACDVs, National Service Reserve Corps, CSOs and the private sector shall be maintained by the Authority through the LDRRMOs. Accreditation shall be done at the municipal or city level.

Mobilization of volunteers shall be in accordance with this Act and implementing guidelines to be formulated by the NDRRMC. Any volunteer who incurs death or injury while engaged in any of the activities defined under this Act shall be entitled to compensatory benefits and individual personnel accident insurance as may be defined under the guidelines.

**SECTION 30. Reporting of Humanitarian Assistance** – The concerned local government unit shall submit a report to the Authority, taking into account all domestic or international humanitarian assistance received and distributed within its area of responsibility.

## **CHAPTER XII**

### **LEGAL FACILITIES FOR ELIGIBLE ASSISTING INTERNATIONAL ACTORS**

**SECTION 31. Guidelines for Coordination of International Humanitarian Assistance** – The NDRRMC shall issue comprehensive guidelines on the initiation, entry, facilitation, transit and regulation of international relief goods and personnel, as well as eligibility guidelines to utilize the legal facilities for assisting international actors provided hereunder.

## PART I. INTERNATIONAL PERSONNEL

SECTION 32. *Visa Waiver* – Eligible assisting international actors shall be entitled to waiver of entry visa requirements, including any associated fees or charges, to perform Disaster Relief and Initial Recovery Assistance work for their sponsoring entities without the requirement to seek a separate residence or work permit.

SECTION 33. *Recognition of Foreign Professional Qualifications* – (a) Eligible assisting international actors wishing to deploy international personnel for tasks requiring legal recognition of their foreign professional qualifications shall certify the validity of those qualifications under the law of the country where they were obtained and the competence of their personnel for the tasks envisaged.

(b) The NDRRMC shall establish the guidelines and scope for recognition of foreign professional qualifications for disaster response and early recovery.

(c) Recognition of qualifications shall remain valid until the end of the International Initial Recovery Period, absent individual criminal conduct or other professional misconduct sufficient to bar the individual from professional practice in the country.

SECTION 34. *Recognition of Foreign Driving Licenses* – Foreign driving licenses of eligible assisting international actors shall be accorded temporary recognition during the International Disaster Relief and Initial Recovery Periods.

SECTION 35. *Facilitation of Access* – The international personnel of eligible assisting international actors shall be allowed access to disaster-affected areas and persons requiring Disaster Relief or Initial Recovery Assistance, subject to coordination requirements as mandated by the Authority and limitations based on national security, public order or public health, weighed in the context of the urgency of the disaster needs. They shall be permitted to provide their goods and services directly to affected persons.

## PART II. ENTRY OF INTERNATIONAL DISASTER GOODS AND EQUIPMENT

SECTION 36. *Customs Facilitation and Priority Treatment* – The Authority shall facilitate the rapid importation of consignments of goods and equipment by eligible assisting actors and shall accord them priority treatment in handling.

SECTION 37. *Duty of Compliance by Eligible Assisting Actors* – In order to benefit from the aforementioned legal facilities, eligible assisting international actors shall:

- a) Declare that all the goods and equipment they seek to import under this Part are exclusively for Disaster Relief or Initial Recovery Assistance and that they comply with any relevant standards under Philippine laws; and
- b) Pack, classify and mark their consignments in accordance with the requirements described in this Act and its implementing rules and regulations.

**SECTION 38. *Exemption from Import Duties, Taxes and Restrictions*** – Consignments of goods and equipment by or on behalf of eligible assisting international actors shall benefit from:

- a) Exemption from all duties and taxes;
- b) Waiver of economic prohibitions and restrictions except for categories of special goods and equipment that may be indicated by the NDRRMC; and
- c) Clearance without regard to the country of origin or the country from which the goods have arrived, subject to monitoring for reasons of public health and security.

**SECTION 39. *Simplification of Documentation Requirements*** – (a) Consignment of goods and equipment sent by or on behalf of eligible assisting international actors shall be cleared or released on the basis of a simplified goods declaration providing the minimum information necessary for the Bureau of Customs to identify the goods and equipment and subject, when deemed necessary, to completion of a more complete declaration within a specified period.

(b) The requirements for the declaration for all imports of goods or equipment by or on behalf of eligible assisting international actors and any supporting documents relating to said consignment, release and clearance of goods or equipment shall be simplified and lodged without fee.

### PART III. EXPEDITED ENTRY AND USE RESTRICTIONS FOR SPECIFIC INTERNATIONAL DISASTER GOODS AND EQUIPMENT

**SECTION 40. *Telecommunications Equipment*** – Eligible assisting international actors shall be permitted to import telecommunications equipment for the purpose of Disaster Relief or Initial Recovery Assistance without restrictions, except as required by NDRRMC guidelines and other laws for purposes of national security or public order. The NDRRMC shall provide guidelines for the manner of use telecommunications equipment as well as a waiver of licensing requirements or fees.

**SECTION 41. *Medications*** – Eligible assisting international actors shall be permitted to import and transport medications and medical equipment for the purpose of Disaster Relief or Initial Recovery Assistance so long as they conform to the implementing rules and regulations to be provided by the NDRRMC.

**SECTION 42. *Food*** – Food imported by eligible assisting international actors for disaster relief and recovery shall be admitted pursuant to expedited procedures set out by the NDRRMC.

**SECTION 43. *Imported Vehicles*** – The granting of local registration and plates for vehicles imported by eligible assisting international actors shall be expedited.

### PART IV. PERMITTED DISPOSITION OF EQUIPMENT AND UNUSED GOOD

**SECTION 44. Disposition of Equipment and Unused Goods** – The NDRRMC shall provide for the guidelines for retention, re-exportation, donation and disposal of unused goods and equipment after the termination of Disaster Relief and Initial Recovery Assistance operations.

## **CHAPTER XIII RECOVERY**

**SECTION 45. Standards for Recovery** – The planning, programming and implementation of the recovery process shall:

- a) Improve the community's physical, social and economic resilience, consistent with the principle of "building back better";
- b) Use locally-driven, centrally-supported processes based on legal mandates with supplementary capacity support when requested;
- c) Redirect development outside danger zones to minimize loss of lives and structures resulting from typhoons, flooding, landslides, and other hazards
- d) Employ outcome-driven planning and implementation;
- e) Maximize use of Private-Public sector partnership where possible;
- f) Consider local conditions such as culture, security situation and existing capacities of communities in identifying programs and projects;
- g) Ensure access to public transport, physical and mental health services, markets, schools and other public services in planning for settlement areas; and
- h) Ensure restoration of peace and order and recovery of government functions.

## **CHAPTER XIV REMEDIAL MEASURES**

**SECTION 46. Remedial Measures** – The declaration of a state of calamity shall make mandatory the immediate undertaking of the following remedial measures by the agencies concerned at the national and local levels, subject to existing rules and regulations:

- a) Upon the declaration of a state of calamity, the activation of the price coordinating council is enforced automatically, subject to existing rules and regulations;
- b) Imposition of price ceiling on basic necessities and prime commodities by the President upon the recommendation of the implementing agency as provided for

- under R.A. 7581, otherwise known as the "Price Act", or the National Price Coordinating Council;
- c) Monitoring, prevention and control by the Local Price Coordination Council of overpricing / profiteering and hoarding of prime commodities, medicines and petroleum products;
  - d) Programming / reprogramming of funds for the repair of critical facilities or public infrastructures that are vital for the quick delivery of humanitarian assistance, to reduce further threat to lives and arrest further deterioration of properties in the affected communities, following the "build back better" principle;
  - e) Granting of no-interest loans by government financing or lending institutions to the most vulnerable and marginalized groups or individuals; and
  - f) Local tax exemptions, incentives or reliefs under such terms and conditions as may be deemed necessary by the affected local government unit.

The implementation of the foregoing measures shall be monitored by the Authority through reports from the government financing or lending institutions.

## **CHAPTER XV PROCUREMENT**

**SECTION 47. General Rule on Procurement** – Any procurement of goods, services, consultancy or infrastructure for disaster risk reduction and management, whether at the national or local level, shall abide by the provisions of the Government Procurement Reform Act or RA 9184 and its Implementing Rules and Regulations.

**SECTION 48. Emergency Procurement** – In order to expedite disaster response and early recovery, and when the conditions required are present, the procurement or lease of equipment and delivery of goods and services through emergency procurement or purchase at site shall be allowed. Periods of action on procurement activities may also be waived for the same purpose and conditions.

## **CHAPTER XVI PROHIBITED ACTS AND PENALTIES**

**SECTION 49. Prohibited Acts** – Any person, group or corporation who commits any of the following prohibited acts shall be held liable and be subjected to the criminal and administrative penalties as provided for in Section 50 of this Act, without prejudice to the imposition of other criminal, civil and administrative liabilities under other existing laws.

- a) PROHIBITED ACTS OF PUBLIC OFFICIALS – The following acts, if committed by public officials without justifiable cause, shall be considered as gross neglect of duty:
  - (1) Dereliction of duties which leads to destruction, loss of lives, critical damage of facilities and misuse of funds;
  - (2) Failure to create a functional LDRRM Office within six (6) months from approval of this Act;
  - (3) Failure to prepare and implement a Contingency Plan for hazards frequently occurring within their jurisdictions; and
  - (4) Failure to formulate and implement the LDRRMP with the corresponding budget allocation.
- b) PROHIBITED ACTS OF PUBLIC OFFICIALS AND PRIVATE PERSONS OR INSTITUTIONS –
  - (1) Delay, without justifiable cause in the delivery or improper handling or storage of aid commodities, resulting to damage or spoilage;
  - (2) Withholding the distribution of relief goods due to (a) political or partisan considerations; (b) discrimination based on race, ethnicity, religion, or gender; and (c) other similar circumstances;
  - (3) Preventing the entry and distribution of relief goods in disaster-stricken areas, including appropriate technology, tools, equipment, accessories, disaster teams / experts;
  - (4) Buying, for consumption or resale, from disaster relief agencies any relief goods, equipment or other and commodities which are intended for distribution to disaster affected communities;
  - (5) Buying, for consumption or resale, from the recipient disaster affected persons any relief goods, equipment or other aid commodities received by them;
  - (6) Selling of relief goods, equipment or other aid commodities which are intended for distribution to disaster victims;
  - (7) Forcibly seizing relief goods, equipment or other aid commodities intended for or consigned to a specific group of victims or relief agency;
  - (8) Diverting or misdelivery of relief goods, equipment or other aid commodities to persons other than the rightful recipient or consignee;

- (9) Accepting, possessing, using or disposing relief goods, equipment or other aid commodities not intended for nor consigned to him or her;
- (10) Misrepresenting the source of relief goods, equipment or other aid commodities by:
  - i. Either covering, replacing or defacing the labels of the containers to make it appear that the goods, equipment or other aid commodities came from another agency or persons;
  - ii. Repacking the goods, equipment or other aid commodities into containers with different markings to make it appear that the goods came from another agency or persons or was released upon the instance of a particular agency or persons;
  - iii. Making false verbal claim that the goods, equipment or other aid commodity in its untampered original containers actually came from another agency or persons or was released upon the instance of a particular agency or persons;
- (11) Substituting or replacing relief goods, equipment or other aid commodities with the same items or inferior/cheaper quality;
- (12) Illegal solicitations by persons or organizations representing others as defined in the standards and guidelines set by the NDRRMC;
- (13) Deliberate use of false or inflated data in support of the request for funding, relief goods, equipment or other aid commodities for emergency assistance or livelihood projects; and
- (14) Tampering with or stealing hazard monitoring and disaster preparedness equipment and paraphernalia.

SECTION 50. *Penalties* – Any individual, corporation, partnership, association or other juridical entity that commits any of the prohibited acts in the preceding paragraph shall be made liable for the following:

- a) A fine of not less than One hundred thousand pesos (Php 100,000.00) or any amount not to exceed Five hundred thousand pesos (Php 500,000.00) or imprisonment of not less than six (6) years and one (1) day or more than twelve (12) years, or both, at the discretion of the court, including perpetual disqualification from public office if the offender is a public officer, and confiscation or forfeiture in favor of the government of the objects and the instrumentalities used in committing any of herein prohibited acts.

- b) If the offender is a corporation, partnership or association, or other juridical entity, the penalty shall be imposed upon the officer or officers of the corporation, partnership, association or entity responsible for the violation without prejudice to the cancellation or revocation of 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 shall, in addition to the penalties prescribed in this Act, be deported without further proceedings after service of the sentence.
- c) If the offender is a public officer, the offense shall also be punishable by administrative suspension of six (6) months and one (1) day to one (1) year for the first offense, and dismissal from the service for the second offense. The penalty of dismissal shall carry with it the cancellation of eligibility to or forfeiture of retirement benefits, perpetual disqualification from holding public office and disqualification from taking civil service examinations.
- d) The prosecution for offenses set forth under Section 27 of this Act shall be without prejudice to any criminal liability for violation of the Revised Penal Code (Republic Act No. 3185, as amended) and other existing laws, as well as the imposition of applicable administrative or civil liabilities.

## CHAPTER XVII APPROPRIATIONS

### SECTION 51. *Appropriations* –

- a) BUDGET. The Authority shall be allocated a budget of ten billion pesos (Php 10,000,000,000.00) from the National Treasury starting from the effectivity of this Act. Thereafter, the amount needed for its operation, personal services, maintenance and other operating expenses, and capital outlay shall be included in the General Appropriations Act annually.
- b) NATIONAL DISASTER RISK REDUCTION AND MANAGEMENT FUND. In accordance with Section 5(k), the NDRRM Fund shall be managed by the Authority. The specific guidelines on the release and utilization of the NDRRM Fund shall be issued by the NDRRMC in accordance with the recommendation of the Authority.
  - (1) The NDRRM Fund shall be used for disaster risk reduction or mitigation, prevention and preparedness programs. It can also be utilized for relief, recovery, reconstruction and other work or services in connection with natural or human-induced disasters which may occur during the budget year or those that occurred in the past two (2) years from the budget year.
  - (2) Of the annual appropriation of NDRRMF, seventy percent (70%) shall be appropriated for disaster risk reduction, prevention and mitigation programs

and project focusing on both institutional capacity building of vulnerable communities and risk-reducing infrastructure. The NDRRMC shall pass a resolution to set the priority allocations and govern and trigger the implementation of this section.

- (3) Of the amount appropriated for the NDRRM Fund, thirty percent (30%) shall be allocated as Quick Response Fund (QRF) or stand-by fund for prepositioning of goods and equipment and relief and early recovery programs in order that situation and living conditions of people in communities or areas stricken by disasters, epidemics, or complex emergencies, may be normalized as quickly as possible.
  - (4) All departments/agencies and LGUs that are allocated with DRRM fund shall submit to the Authority their monthly statements on the utilization of DRRM funds and make an accounting thereof in accordance with existing accounting and auditing rules.
  - (5) All departments, bureaus, offices and agencies of the government are hereby authorized to use a portion of their appropriations to implement projects designed to address DRRM activities in accordance with the NDRRMP and the guidelines to be issued by the NDRRMC in coordination with the DBM and COA.
- c) LOCAL DISASTER RISK REDUCTION AND MANAGEMENT FUND. Not less than five percent (5%) of the estimated revenue from regular sources shall be set aside as the LDRRMF to support disaster risk reduction and management programs. The LDRRMC shall monitor and evaluate the use and disbursement of the LDRRMF based on the LDRRMP as incorporated in the local development plans and annual work and financial plan. Upon the recommendation of the LDRRMO and approval of the sanggunian concerned, the LDRRMC may transfer the said fund to support the disaster risk reduction work of other LDRRMCs that are declared under a state of calamity.

Of the amount appropriated for LDRRMF, thirty percent (30%) shall be allocated as Quick Response Fund (QRF) or stand-by fund for prepositioning of goods and relief and early recovery programs in order that the situation and living conditions of people in communities or areas stricken by disasters, epidemics, or complex emergencies, may be normalized as quickly as possible.

Unexpended LDRRMF shall accrue to a trust fund solely for the purpose of supporting disaster risk reduction and management activities of the LDRRMCs within the next five (5) years. Any such amount still not fully utilized after five (5) years shall revert back to the general fund and will be available for other social services to be identified by the local sanggunian.

The NDRRMC shall issue guidelines on the utilization and release of LDRRMF in coordination with other concerned government agencies.

- d) PREVENTION, MITIGATION AND PREPAREDNESS FUND FOR 4TH TO 6TH CLASS MUNICIPALITIES. There shall be in the annual general appropriations act an amount allotted solely for the use of 4th to 6th class municipalities for the purpose of augmenting their LDRRMF with respect to programs and procurement for disaster risk prevention, mitigation and preparedness. The requirements to avail of this subsidy shall laid down in the implementing rules and regulations of this law.

## **CHAPTER XVIII** **TRANSITORY PROVISIONS**

SECTION 52. *Transfer of DRRM Powers and Functions of OCD* – All powers and functions of the existing Office of Civil Defense related to disaster risk reduction and management are hereby transferred to the Authority within one (1) year from the effectivity of this Act.

SECTION 53. *Separation Benefits of Officials and Employees of Affected Agencies* – National government employees displaced or separated from the service as a result of this Act, shall be entitled to either a separation pay and other benefits in accordance with existing laws, rules or regulations or be entitled to avail of the privileges provided under a separation plan which shall be one and one-half month salary for every year of service in the government; Provided, however, That those who avail of such privilege shall start their government service anew if absorbed by the Authority. In no case shall there be any diminution of benefits under the separation plan until the full implementation of the Act. Displaced or separated personnel as a result, if qualified, shall be given preference in the hiring of the manpower requirements of the Authority. With respect to employees who are not retained by NDERRMA, the government, through the Department of Labor and Employment, shall endeavor to implement re-training, job counseling, and job placement programs.

The foregoing transfer of powers and functions shall include all applicable funds and appropriations, plantilla positions, records, equipment, and property as may be necessary.

The movement of qualified OCD personnel to the new Authority shall be governed by Section 10 of this Act.

## **CHAPTER IX** **MISCELLANEOUS PROVISIONS**

SECTION 54. *Implementing Rules and Regulations* – The NDRRMC, through its Chairperson, shall issue the necessary rules and regulations for the effective implementation of this Act within sixty (60) days from its approval. The Authority, in consultation with key

stakeholders, shall take the lead in the preparation of the implementing rules and regulations with the active involvement of the technical management group of NDRRMC.

**SECTION 55. Congressional Oversight Committee** – The Congressional Oversight Committee created to monitor and oversee the implementation of the provisions of R.A. 10121 shall retain the same mandate for 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 56. 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 57. Repealing Clause** – The provisions of R.A. 10121 and all other laws, decrees, executive orders, proclamations and other executive issuances which are not consistent with or contrary to the provisions of this Act are hereby repealed or amended.

**SECTION 58. Separability Clause** – Any portion or provision of this Law that may be declared unconstitutional or invalid shall not have the effect of nullifying other portions or provisions hereof as long as such remaining portion or provision can still subsist and be given effect in their entirety.

**SECTION 59. Effectivity Clause** – This Law shall take effect upon its approval.

*Approved.*