

EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

Senate Office of the Secretary
19 OCT 29 P1 :35

SENATE
S.B. No. 1125

REC'D - 100

Introduced by **SENATOR IMEE R. MARCOS**

AN ACT CREATING THE NATIONAL RESILIENCY AND DISASTER MANAGEMENT AUTHORITY, PRESCRIBING ITS POWERS AND FUNCTIONS, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

Article II, Section 5 of the 1987 Constitution provides that the State shall maintain peace and order and protect life and property. The State recognizes its duty to ensure immediate and continuing means of assistance by the National Government to local government units on their responsibility in reducing the loss of life and property and protect the nation from all hazards.

The Philippines is an archipelago situated in the Pacific ring of fire, with more than 7,000 islands and 36,000 kilometers coastline that makes the country highly vulnerable to natural disasters. Based on the 2018 World Risk Index, the Philippines ranked as the third most disaster-prone country in the world. The Centre for Research on the Epidemiology of Disasters recorded 187 significant damaging natural disasters in the country for the past ten years (2007-2016) causing the death of 16,262 people and injury to 44,018 persons. This has affected more than 100 million individuals in the country and socio-economic damages estimated at USD 19.16 billion.

Apart from natural calamities, armed conflict and other man-made hazards further threaten the lives of Filipino communities. The country is said to be a "*haven for terrorists*" and was reported as one of the countries with the greatest number of terrorist organizations over the last decade. According to the Institute for Economics and Peace in its 2018 Global Terrorist Index (GTI), the Philippines ranked 10th on the

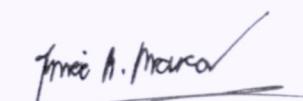
list of countries most impacted by terrorism. One of the most significant terrorist attack in the Southeast Asia in the last fifteen (15) years was the siege in Marawi City, resulting in PhP18.6 billion in damages and losses.

The current practice in disaster risk reduction requires going through different government agencies delaying the mobilization of resources in times of disaster. During these events, lives are put in danger, basic needs like food, shelter water, and utilities are compromised and public infrastructures destroyed.

The bill seeks to create an Authority rather than a Department because the National Disaster Risk Reduction and Management Council (NDRRMC) itself prefer to be under the Office of the President since their response and rescue capabilities require the cooperation of other departments and agencies. Moreover, the additional creation of a department would be in contrast to the administration's effort and direction in rightsizing the government.

Thus, it is imperative that an Authority be created under the Office of the President which will have the capacity to exercise command and control over concerned departments, agencies, government-owned and controlled corporations, and local government units, including the Armed Forces of the Philippines (AFP) and the Philippine National Police (PNP), on their respective functions, and be able to provide immediate response in times of disaster and other hazards.

Given the abovementioned circumstances, the immediate passage of this bill is earnestly sought.



IMEE R. MARCOS
Senator

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Senate Bill No. 1125
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SENATE
S.B. No. 1125

REC'D - 10/29/2019 - J

Introduced by **SENATOR IMEE R. MARCOS**

AN ACT CREATING THE NATIONAL RESILIENCY AND DISASTER MANAGEMENT AUTHORITY, PRESCRIBING ITS POWERS AND FUNCTIONS, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES

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

1 SECTION 1. *Short Title.* – This Act shall be known as the “National Resiliency
2 and Disaster Management Authority Act of 2019.”

3 Sec. 2. *Policy.* – The State shall uphold the people’s right to life and property,
4 strengthen the country’s institutional capacity for disaster resiliency and disaster
5 management, strengthen the capacities of departments, agencies, and Local
6 Government Units (LGUs) in mitigating, preparing, responding, and recovering from
7 the impact of disasters.

8 Sec. 3. *National Resiliency and Disaster Management Authority.* – There is
9 hereby created the “National Resiliency and Disaster Management Authority,”
10 hereinafter referred to as the “Authority” which shall be under the Office of the
11 President.

12 The Authority shall be the primary agency responsible for preparing, leading,
13 organizing, and managing the government’s effort to disaster resiliency and
14 management, including coordination with different departments, agencies, and LGUs
15 in the different phases of disaster: (1) Prevention and Mitigation, (2) Preparedness,
16 (3) Response, (4) Rehabilitation and (5) Recovery.

17 The Authority shall be empowered with policy-making, coordination,
18 integration, supervision, monitoring, implementation, evaluation, and capacity-
19 building functions. The primary mission of the Agency is to reduce the loss of life

1 and property and protect the country from all hazards, including natural and man-
2 made disasters and armed conflicts.

3 Upon its creation, a Resiliency Administrator shall be appointed by the
4 President, having a rank of cabinet secretary, who shall manage and coordinate the
5 effective implementation of this Act.

6 Sec. 4. *Powers and Functions.* – The Authority shall have the following
7 powers and functions:

- 8 1) Formulate, in coordination with the Council, the "*National Resiliency and*
Disaster Management Plan," as provided in Sections 5 and 6 of this Act;
- 9 2) Issue administrative directives and promote operational skills and
10 capacities to implement strategies, policies, and improved disaster
11 resilience and management capacities in order to lessen the adverse
12 impacts of hazards;
- 13 3) Monitor the integration of disaster resilience and climate change
14 adaptation in the national development plans and create an enabling
15 environment that shall promote multi-stakeholder participation of
16 concerned departments, agencies, local government units, organizations,
17 and other stakeholders;
- 18 4) Coordinate and exercise command and control with the concerned
19 departments, agencies, government-owned and controlled corporations,
20 and local government units, including the Armed Forces of the
21 Philippines (AFP) and the Philippine National Police (PNP), on their
22 respective functions in times of disaster and other hazards;
- 23 5) Organize, train, equip, and maintain a response capacity system for
24 search, rescue, and retrieval and delivery and distribution of relief
25 goods;
- 26 6) Monitor the implementation of this Act and the active participation of the
27 concerned departments, agencies, government-owned and controlled
28 corporations, and local government units, including the AFP and the
29 PNP; and
- 30 7) Perform such other functions as may be necessary for the effective
31 implementation of this Act.

1 Sec. 5. *Council.* – To ensure the effective implementation of this Act, a
2 "National Resilience and Disaster Management Council" hereinafter referred to as the
3 "Council," shall be constituted to assist the Authority which shall be composed of the
4 following:

- 5 1) Secretary of the Department of National Defense (DND);
- 6 2) Secretary of the Department of Interior and Local Government (DILG);
- 7 3) National Security Adviser of the National Security Council (NSC)
- 8 Secretary of the Department of Social Welfare and Development (DSWD);
- 9 4) Secretary of the Department of Health (DOH);
- 10 5) Secretary of the Department of Public Works and Highways (DPWH);
- 11 6) Secretary of the Department of Agriculture (DA);
- 12 7) Secretary of the Department of Environment and Natural Resources
(DENR);
- 13 8) Secretary of the Department of Science and Technology (DOST);
- 14 9) Secretary of the Department of Information and Communications
Technology (DICT); and
- 15 10) One (1) Commissioner from the Climate Change Commission.

16 The abovementioned members shall be considered as ex officio members.

17 Sec. 6. *National Resiliency and Disaster Management Plan.* – Within ninety
18 (90) days after the effectivity of this Act, the Authority shall establish a "National
19 Resiliency and Disaster Management Plan," hereinafter referred to as the "Plan"
20 which shall contain a comprehensive, all hazards, multi-sectoral, inter-agency, and
21 community-based strategy that shall build and strengthen capabilities necessary to
22 prepare, respond, and recover from natural disasters, armed conflicts, and other
23 man-made disasters while also building the unique capabilities necessary to respond
24 to specific types of incidents that may pose greater risk.

25 The Plan shall set goals, objectives, and the guidelines for disaster resiliency
26 and management in national and local levels, with a whole-of-nation approach. It
27 shall also serve as the principal guide for the implementation of this Act and shall be
28 reviewed every three (3) years thereafter, or as may be deemed necessary.

29 For purposes of this Act, "resilience" shall mean the ability of a system
30 exposed to hazards to be able to, continuously and all year round, resist, absorb,

1 respond, and recover from the immediate effects of a hazard, natural or man-made
2 calamity, and/or armed conflict in a timely and efficient manner.

3 *Sec. 7. Preparedness and Early Warning.* – The Authority shall establish
4 standards for disaster preparedness, contingency planning, localizing,
5 operationalizing, disaster risk and vulnerability reduction and management,
6 preparedness for disaster response, preparedness for disaster response and early
7 recovery, continuity of essential needs and services, and other relevant
8 preparedness activities.

9 The Authority shall mandate concerned government departments and
10 agencies, such as the DOST, DICT, DILG, AFP, and PNP to establish integrated early
11 warning systems, including information mechanisms, regarding meteorological,
12 geologic, or terrestrial phenomena and man-made threats from real-time data both
13 local and international sources.

14 The LGUs shall assist the Authority in identifying and/or establishing safe or
15 strategic sites and evacuation centers with adequate facilities and in hazards
16 assessment.

17 *Provided that*, early warning system shall refer to the set of capacities needed
18 to generate and disseminate timely and meaningful warning information to enable
19 individuals, communities, and organizations threatened by a hazard to prepare and
20 to act appropriately and in sufficient time to reduce the possibility of harm or loss.
21 The system comprises of the following elements: (1) knowledge of risks; (2)
22 monitoring, analysis, and forecasting of the hazards; (3) communication or
23 dissemination of alerts and warnings; and (4) local capabilities to respond to the
24 warning received.

25 *Sec. 8. Disaster Response and Early Recovery.* – The Authority shall ensure
26 the provision of emergency services and public assistance during or immediately
27 after a disaster or armed conflict in order to secure and save lives, reduce health
28 impacts, ensure public safety and meet the basic subsistence needs of the people
29 affected. Such response includes immediate relief assistance focused on immediate
30 and short-term needs of the victims and the vulnerable.

31 The Authority may declare a state of calamity, when appropriate, of affected
32 barangays, municipalities, cities, provinces, and region and the lifting thereof based

1 on the criteria set forth by the Council. *Provided that*, the declaration and lifting of
2 the declaration may be issued by the LGUs, through a Resolution by the concerned
3 *Sanggunian*, or by the President through the recommendation of the Authority based
4 on the results of the damage and assessment and needs analysis.

5 The Authority shall ensure that the concerned departments and agencies,
6 such as the DOH, DPWH, and DSWD will deliver immediate and adequate goods,
7 articles, and/or equipment for relief assistance to affected areas.

8 Emergency responders, community practitioners, and organized volunteer
9 organizations may contribute by providing timely and efficient emergency response
10 and providing training on basic life support, first aid, and search and rescue, in
11 accordance with the standards as may be provided by the Authority.

12 Sec. 9. *Rehabilitation and Recovery.* – The Authority shall coordinate and
13 ensure that concerned departments and agencies, such as the DSWD, DPWH, and
14 DOH prepare, organize, implement, and manage post-disaster assessment and
15 recovery and rehabilitation programs, in coordination with the affected LGUs, and
16 other stakeholders.

17 Rehabilitative measures should provide the affected individuals and
18 communities the ability to restore their normal level of functioning by restoring
19 livelihoods and services, reconstructing damaged infrastructures and increasing the
20 communities' organizational capacity, among others.

21 The Authority shall also encourage and promote an approach to expedite
22 rehabilitation and reconstruction efforts. *Provided that*, the principle of "Build
23 Forward Better" shall be applied to rehabilitation and recovery efforts. For purposes
24 of this Act, "*Build Forward Better*" shall refer to an approach to building and/or
25 reconstructing an area or community, which entails a shift from simple recovery and
26 restoration to safer, more adaptive, resilient, and inclusive communities.

27 Sec. 10. *Regional Offices.* – Upon the effectivity of this Act, Regional Offices
28 shall be established in each region which shall be headed by a Regional
29 Administrator who shall be appointed by the Resiliency Administrator and shall have
30 the expertise in emergency response and management taking into consideration
31 his/her familiarity with the geographic and demographic characteristics of the
32 region.

1 *Provided that*, no person shall be appointed Regional Administrator unless
2 he/she is a citizen and resident of the Republic of the Philippines, is of good moral
3 character, and is of proven competence and integrity.

4 The Regional Administrator shall have the following responsibilities:

- 5 a) Ensure coordinated and integrated regional preparedness, protection,
6 response, recovery, and mitigation activities and programs for natural
7 disasters, acts of terrorism, and other man-made disasters (including
8 planning, training, exercises, and professional development);
- 9 b) Assist in the development of regional capabilities needed for a national
10 catastrophic response system;
- 11 c) Coordinate the establishment of effective regional operable and
12 interoperable emergency communications capabilities with the concerned
13 stakeholders;
- 14 d) Designate an individual responsible for the development of strategic and
15 operational regional plans in support of the Framework;
- 16 e) Foster and promote the development of mutual aid and other cooperative
17 agreements;
- 18 f) Identify critical gaps in regional capabilities to respond to populations with
19 special needs;
- 20 g) Maintain and operate a Regional Response Coordination Center;
- 21 h) Coordinate with the private sector to help ensure private sector
22 preparedness for natural disasters, armed conflicts, and other man-made
23 disasters;
- 24 i) Assist State, local, and tribal governments, where appropriate, to pre-
25 identify and evaluate suitable sites where a multijurisdictional incident
26 command system may quickly be established and operated from, if the need
27 for such a system arises; and
- 28 j) Perform such other responsibilities, as may be necessary in the
29 implementation of this Act.

30 Sec. 11. *Donations.* – The Authority shall have the power to receive donations
31 and grants from any person, government institution, corporation, international
32 organization, and other similar entities, and the power to recommend the

1 procurement of developmental assistance for the purpose of disaster risk and
2 vulnerability reduction and management and climate change adaptation.

3 The importation and donation of food, clothing, medicine, and equipment for
4 relief and recovery and other disaster management and recovery-related supplies is
5 authorized in accordance with Sec. 800 of R.A. No. 10863 otherwise known as the
6 "Customs Modernization and Tariff Act (CMTA)," as amended, and the prevailing
7 provisions of the General Appropriations Act. *Provided that*, the Authority shall
8 acknowledge, through receipts, all donations and grants to ensure judicious
9 management including proper and accurate audit reporting.

10 Sec. 12. *International Humanitarian Assistance.* – The Authority, in
11 coordination with the Council, shall promulgate guidelines on international assistance
12 including initiation, entry, facilitation, transit, regulation, and termination thereof, as
13 well as those involving international disaster relief and personnel assisting
14 international actors, visa waiver, recognition of foreign professional qualifications,
15 entry of international disaster goods and equipment, and exemption from port
16 duties, taxes, and restrictions.

17 In the event that the Authority determines that domestic response capabilities
18 are not sufficient, the Authority may recommend to the President that request/s be
19 made for international humanitarian assistance.

20 Sec. 13. *Visa Waiver.* – As may be determined by the Authority, eligible
21 assisting international actors who shall perform disaster relief and initial recovery
22 assistance shall be entitled to waiver of entry visa requirements, including associated
23 fees and charges, in so far as such are still needed in the affected areas.

24 Sec. 14. *Customs Facilitation and Priority Treatment.* – The Bureau of
25 Customs (BOC) shall facilitate and assist in the rapid importation and/or
26 consignment of goods and equipment by eligible assisting actors and shall accord
27 them priority treatment in handling.

28 Sec. 15. *Exemption from Import Duties, Taxes, and Restrictions.* –
29 Consignment of goods and equipment by or on behalf of eligible assisting
30 international actors shall benefit from exemption of all duties and taxes; waiver of
31 economic prohibitions and restrictions, except for categories of special goods, as
32 may be determined by the Authority; and clearance without regard to the country of

1 origin or the country from which the goods have arrived, subject to monitoring for
2 public health and security concerns.

3 Sec. 16. *Emergency Procurement*. – In order to expedite disaster response
4 and recovery, the procurement or lease of equipment and delivery of goods and
5 services through emergency procurement or purchase at site shall be allowed.
6 Periods of action on procurement activities may also be waived for the same
7 purpose and conditions.

8 Sec. 17. *Disaster Resilience and Climate Change Management Information
9 System*. – The Authority shall establish a Disaster Resilience and Climate Change
10 Management Information System which shall constitute an online central database
11 of all disaster and climate change data including a geographic information system on
12 mapping, geo-hazard assessment, climate risks, disaster-risk analysis, and climate
13 change vulnerability assessment. Such Information System shall be made available
14 to all concerned departments and agencies.

15 Sec. 18. *Transfer and Attachment*. – Upon the effectivity of this Act, the
16 applicable powers, functions, funds, assets, personnel, and appropriation of the
17 National Disaster Risk Reduction and Management Council (NDRRMC) shall be
18 transferred to the Authority.

19 Sec. 19. *Fiscal Management*. – The Authority shall manage all funds
20 appropriated to it by Congress and from other sources, including donations as
21 provided in Sec. 11 of this Act.

22 Sec. 20. *National Disaster Resilience Fund (NDRF)*. – The utilization and
23 allocation of the entire NDRF and its quick response fund component shall be
24 managed by the Authority except as provided in other laws.

25 Sec. 21. *Appropriations*. – The amount needed for the implementation of this
26 Act shall be included in the General Appropriations Act (GAA).

27 Sec. 22. *Implementing Rules and Regulations*. – Within ninety (90) days, the
28 Authority, in coordination with the Council, shall issue the necessary rules and
29 regulations for the effective implementation of this Act.

30 Sec. 23. *Repealing Clause*. – All laws, decrees, orders, rules and regulations
31 or other issuances or parts thereof inconsistent with the provisions of this Act are
32 hereby repealed or modified accordingly.

1 Sec. 24. *Separability Clause.* – If any portion or provision of this Act is
2 declared unconstitutional, the remainder of this Act or any provision not affected
3 thereby shall remain in force and effect.

4 Sec. 25. *Effectivity.* – This Act shall take effect after fifteen (15) days
5 following the completion of its publication either in the Official Gazette or in a
6 newspaper of general circulation in the Philippines.

7

8 Approved,