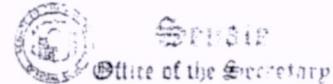


EIGHTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
*First Regular Session* )



S E N A T E  
S.B. No. 245

'19 JUL -8 P12:05

RECEIVED

Introduced by SENATOR VICENTE C. SOTTO III

AN ACT  
CREATING THE DEPARTMENT OF DISASTER RESILIENCE, DEFINING  
ITS POWER AND FUNCTIONS, APPROPRIATING FUNDS THEREFOR,  
AND FOR OTHER PURPOSES

**EXPLANATORY NOTE**

The Philippines is one of the countries most vulnerable to natural hazards and climate change. The World Risk Report 2017 cites our country as having the 3rd highest exposure and 3rd highest risk to natural hazards among 173 countries. Natural disasters include typhoons, earthquakes, floods, volcanic eruptions, landslides, storm surges, and drought, among others. Climate change has also increased the severity and frequency of the occurrence of natural disasters in the Philippines. The losses from natural disasters could cost as much as 6.5% of the Philippine GDP every year.<sup>1</sup>

Republic Act no. 10121 (R.A. No. 10121), otherwise known as “The Philippine Disaster Risk Reduction and Management Act of 2010”, created the National Disaster Risk Reduction and Management Council (NDDRMC) and mandated the Office of Civil Defense (OCD) as its secretariat and coordinating arm. The NDDRMC was given policy-making, coordination, integration, supervision, monitoring, and evaluation functions. However, this DRRM responsibility is shared among the different lead agencies in such a way that nobody is in charge of the overall disaster resilience on a full-time, focused basis.<sup>2</sup>

Further, both human induced and natural disasters are currently lumped in one body – the OCD as the coordinating arm of the NDRRMC.

<sup>1</sup> World Bank, Unbreakable: Building the Resilience of the Poor in the Face of Natural Disasters, 2017.

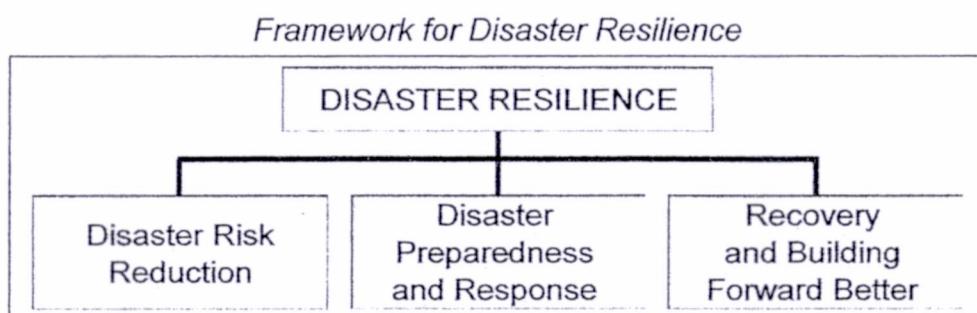
<sup>2</sup> The NDDRMC is composed of the following agencies: (1) Chairperson – Secretary of Department of National Defense; (2) Vice Chairperson for Disaster Preparedness – Secretary of Interior and Local Government; (3) Vice Chairperson for Disaster Prevention and Mitigation – Secretary of the Department of Science and Technology; and (4) Vice Chairperson for Disaster Rehabilitation and Recovery – Director-General of the National Economic Development Authority.

This set-up is based on the presumption that the competencies, skills, policies, and institutional arrangements necessary to ensure resilience to natural hazards and human-induced disasters are the same. However, the realities of Mother Nature and climate change debunk this presumption. A careful review of each of the natural hazards that the country faces will show that the Department necessitates a highly-specialized set of personnel, resources and policies to bring about disaster resilience.

The Philippines' experiences with natural disasters such as super typhoon Pablo (2012), the Bohol Earthquake (2013), and super typhoon Yolanda (2013), among others, have shown that the existing laws, policies, resources, and institutional arrangements governing disaster management lacked responsiveness to the country's requirements for disaster resilience.

In his 2017 State of the Nation Address, President Rodrigo Duterte called on both houses of Congress to expeditiously craft a law establishing a new authority or department that is responsive to the prevailing 21st century conditions and empowered to deliver enhanced disaster resilience and quick disaster response.

This Bill seeks to create an empowered, highly-specialized and responsive Department of Disaster Resilience (DDR) with clear unity of command, hereinafter referred to as "the Department," which shall be primarily responsible for ensuring safe, adaptive, and disaster-resilient communities. The proposed Department shall be founded on a disaster resilience framework underpinned by three (3) key result areas (KRAs): (1) Disaster Risk Reduction, (2) Disaster Preparedness and Response; and (3) Recovery and Building Forward Better.



Unlike the existing institutional arrangement that encompasses the very wide range of both natural and human-induced disasters, the Department shall focus on natural hazards and climate change, which includes, among others, the following:

- a. Geological Phenomena and Related Hazards – these include earthquakes (ground rupture, ground shaking), liquefaction, tsunami, fire, and landslides; Volcanic activity – ash fall, pyroclastic flow, lava flow, lahar, fissuring, volcanic gas, and

- seiche (lake water oscillation); Mass movement – landslides, debris flow, sinkholes);
- b. Hydrological and Meteorological Phenomena and Related Hazards – includes tropical cyclones, severe winds, storm surge, hail, floods, erosion; and
  - c. Climatological Variability – this includes El Niño, extreme temperatures, La Niña, and Solar radiation.

In order to strengthen the chain of command and establish a unified command system for disaster management, which the current system lacks, this Department shall be led by a Secretary, assisted by at least four Undersecretaries, who shall be responsible for the following KRAs and the necessary support: 1) Disaster Risk Reduction; 2) Disaster Preparedness and Response; 3) Recovery and Building Forward Better; and 4) Support to Operations with a strong ICT cluster.

A key feature of this Bill is a clear system of responsibility for disaster preparedness and response classified into four levels – from Levels 1 to 4 or from the municipal/city mayor all the way up to the Secretary of Disaster Resilience. This directly answers the oft-repeated question in times of disaster: who is in charge? This system of assigning levels of responsibility is aimed at ensuring unity of command and effective collaboration in the country's disaster resilience efforts.

As had been shown by the country's experience with super typhoon Yolanda and by global best practices, the Department needs to be provided with take-over capacity under extreme conditions by taking the lead role for disaster preparedness and response in severely affected areas. Further, the Department shall have the power to temporarily take-over or direct any private utility to avert disasters and/or save lives.

To ensure speedy and responsive procurement of the necessary goods and services, especially in critical situations, the Bill shall institutionalize innovative, responsive, and streamlined procurement rules and mechanisms, such as, but not limited to, stand-by contracts, pre-arranged systems of procurement with a pre-approved list of contractors, pre-negotiated contracts, advanced procurement contracts, and framework contracts, with the requisite transparency and checks and balance.

The Bill likewise includes the establishment and implementation of flexible rules on hiring by exempting from the personnel services cap the creation of local disaster resilience offices to ensure adequate human resources. These include highly-skilled technical experts such as, but not limited to, DRRM specialists, scientists, environmental and/or urban planners, civil and/or structural engineers, public managers, public finance and ICT specialists, pursuant to this Department's science- and ICT-based approach in ensuring disaster resilience.

Further, there shall be a National Disaster Operations Center (NDOC) and its corresponding Alternative Command and Control Centers (ACCCs), as may be necessary, to monitor, assess, manage, and respond to disasters in all areas of the archipelago. There shall also be Disaster Resilience Research and Training Institute (DRRTI), which shall be a platform for providing training, and for collecting, consolidating, managing, and/or sharing knowledge and information resources to improve and/or boost disaster resilience.

The Department, which will operate through a whole-of-society approach, shall manage, direct, and foster an enabling environment for the implementation of national, local, and community-based disaster resilience programs in collaboration with national government agencies, Local Government Units (LGUs), civil society organizations (CSOs), civic organizations, the communities themselves, and other stakeholders, as necessary.

To achieve this, the local DRRM Offices shall be empowered, renamed aptly as Local Disaster Resilience Offices, and have three levels – provincial, city and municipal disaster resilience offices. The Department shall likewise be authorized to call upon all relevant government instrumentalities and facilitate the assistance of non-government and private organizations, especially in emergency cases, to empower the regional and local levels.

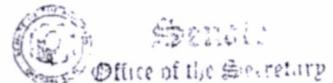
Last but not least, this bill strives to help ensure that the painful lessons learned from super typhoon Yolanda and other natural disasters are translated into actual laws, systems, structures, and policies that are truly responsive to the disaster resilience and climate change adaptation and mitigation requirements of the present and future generations of Filipinos.

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



VICENTE C. SOTTO III

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



S E N A T E  
S.B. No. 245

19 JUL -8 PM 12:05

Introduced by SENATOR VICENTE C. SOTTO III

AN ACT  
CREATING THE DEPARTMENT OF DISASTER RESILIENCE, DEFINING  
ITS POWER AND FUNCTIONS, APPROPRIATING FUNDS THEREFOR,  
AND FOR OTHER PURPOSES

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

**ARTICLE I**  
**GENERAL PROVISIONS**

1 SECTION 1. **Short Title.** – This Act shall be known as the “Disaster  
2 Resilience Act”.

3 SECTION 2. **Declaration of Policy.** – Given the following considerations:

4 a. The Philippines is located along the Pacific Ring of Fire and the  
5 Tropical Cyclone Belt, and is considered as one of the countries most  
6 vulnerable to natural hazards and climate change;

7 b. Each year the Philippines sustains immense damages and  
8 losses due to natural disasters, including loss of life or injury, damage  
9 to buildings, infrastructures, properties, and equipment, damage to or  
10 interruption of food supply, loss of public and other critical services,

1 loss of livelihood, business or revenues from business interruption,  
2 disruption of economic development, and damage to the environment;

3 c. The Sendai Framework, endorsed by the United Nations  
4 General Assembly, recognizes the need to address climate change as  
5 one of the drivers of disaster risk by fostering collaboration among the  
6 national and local governments with other stakeholders including  
7 non-government organizations (NGOs), international organizations,  
8 the academe, and the private sector;

9 d. The Philippines, as a member of the Asia-Pacific Economic  
10 Cooperation (APEC), initiated the APEC Disaster Risk Reduction (DRR)  
11 Framework, which the 21-member body adopted to facilitate collective  
12 work in building adaptive and disaster-resilient economies supporting  
13 inclusive and sustainable development in the face of the “new  
14 normal”;

15 e. The National Disaster Risk Reduction and Management  
16 Council (NDRRMC), which was created under Republic Act (RA) No.  
17 10121, mandates the Office of Civil Defense under the Department of  
18 National Defense (DND) to manage both human-induced and natural  
19 disasters;

20 f. The Philippine Development Plan (PDP) 2017-2022 recognizes  
21 the great importance of ensuring the country’s resilience to natural  
22 disasters and mandates the urgent implementation of effective  
23 disaster resilience measures to help induce poverty-reducing growth  
24 and reduce inequality;

25 g. The Philippines’ experiences with previous disasters have  
26 shown that the existing laws, policies, resources, and institutional  
27 arrangements are inadequate in squarely addressing the country’s

1 disaster prevention, mitigation, preparedness, response and  
2 rehabilitation requirements; and

3 h. Resilience to natural disasters warrant skills, resources, and  
4 methods that are different from that required to address human-  
5 induced disasters;

6 the State shall:

7 2.1. Protect the lives and properties of its citizens by addressing and  
8 preventing the causes of vulnerabilities to natural disasters;

9 2.2. Inculcate a culture of resilience and preparedness against natural  
10 disasters at the national, regional and local levels;

11 2.3. Establish a strong and empowered institution capable of responding  
12 to the “new normal” of natural disasters and climate change, and  
13 spearhead efforts to ensure disaster resilience by delivering on the  
14 highly critical and intertwined functions of disaster risk reduction,  
15 response, and recovery and building forward better;

16 2.4. Address the differentiated concerns and needs of sectors with special  
17 needs or higher vulnerabilities such as women, children, elderly,  
18 persons with disabilities, and indigenous peoples with respect to  
19 disaster resilience and disaster management;

20 2.5. Protect the nation’s historical and cultural heritage and resources  
21 from natural hazards;

22 2.6. Foster an enabling environment for substantial and sustainable  
23 participation of non-government stakeholders such as the academe,  
24 CSOs, private sector groups, volunteers and communities in disaster  
25 resilience programs and projects;

26 2.7. Adopt a whole-of-society approach in disaster resilience to enhance  
27 collaboration, planning, and dialogue among all sectors of society;  
28 and in improving their strategies and/or action plans for disaster  
29 risk reduction; and

1       2.8. Strengthen the chain of command and establish a unified command  
2           system to enhance our country's disaster resilience.

3 SECTION 3. **Definition of Terms.** – For purposes of this Act, the following  
4 terms shall be defined as follows:

5        3.1. Adaptation - the adjustment in natural or human systems in  
6           response to actual or expected climatic stimuli or their effects, which  
7           moderates harm or exploits beneficial opportunities.

8       3.2. Assisting Actor - any Assisting International Actor and any Assisting  
9                   Domestic Actor responding to a disaster in the country.

10       3.3. Assisting Domestic Actor - any not-for-profit entity established under  
11           domestic laws, which is responding to a disaster in the country.

12       3.4. Assisting International Actor - any foreign state, organization, entity  
13           or individual responding to a disaster within the country, or  
14           transiting through the country to respond to a disaster in another  
15           country.

16        3.5. Biological hazards - hazards that are of organic origin or conveyed by  
17              biological vectors, including pathogenic microorganisms, toxins and  
18              bioactive substances. Examples are bacteria, viruses or parasites, as  
19              well as venomous wildlife and insects, poisonous plants and  
20              mosquitoes carrying disease-causing agents.

21       3.6. Building Forward Better - an approach to building and/or  
22                  reconstructing an area or community, which entails a shift from  
23                  simple recovery and restoration to safer, more adaptive, resilient, and  
24                  inclusive communities.

25        3.7. Business Continuity - capability of an organization to continue  
26           delivery of products or services at acceptable predefined levels  
27           following a disruptive incident.

28       3.8. Capacity - the combination of attributes and/or resources available  
29           within a community or area that can reduce the level of risk(s) from,  
30           or impact(s) of, a disaster.

- 1       3.9. Civil Society Organizations (CSOs) - non-state actors whose aims are  
2              neither to generate profits nor to seek governing power, but to unite  
3              people to advance shared goals and interests. CSOs may include  
4              NGOs, professional associations, foundations, independent research  
5              institutes, community-based organizations, and social movements.
- 6       3.10. Climate Change - a change in the state of the climate that can be  
7              identified by changes in the mean and/or the variability of its  
8              properties, and that persists in an extended period, typically decades  
9              or longer, whether due to natural internal processes or external  
10             forces, such as modulation of the solar cycles, volcanic eruptions  
11             and persistent anthropogenic changes in the composition of the  
12             atmosphere or in land use.
- 13      3.11. Cultural Heritage - the totality of cultural property preserved and  
14              developed through time and passed on to posterity.
- 15      3.12. Department - the Department of Disaster Resilience.
- 16      3.13. Development Assistance - financial, material or other forms of  
17              assistance to support the economic, social, and environmental well-  
18              being of areas and/or people affected by a natural disaster.
- 19      3.14. Disability - an evolving concept that results from the interaction  
20              between persons with impairments, as defined under RA No. 7277,  
21              and attitudinal and environmental barriers that hinder their full and  
22              effective participation in society on an equal basis with others.
- 23      3.15. Disaster - a serious disruption of the functioning of a community  
24              or a society involving widespread human, material, economic, or  
25              environmental losses and impacts, which exceeds the ability of the  
26              affected community to cope using its own resources. Unless  
27              otherwise specifically indicated in this Act, the term "disaster" shall  
28              refer to "natural disaster".
- 29      3.16. Disaster assistance - financial, material or other forms of  
30              assistance to address the immediate and long-term needs of people,  
31              communities or areas affected by a disaster. This term includes  
32              humanitarian assistance and development assistance.

- 1       3.17. Disaster Contingency Fund - refers to a fund, in lump-sum form,  
2                  managed by the Department to expediently provide funds and  
3                  resources for disaster relief or response in affected areas.
- 4       3.18. Disaster management – the planning, organization, and application  
5                  of measures preparing for, responding to, and recovering from  
6                  disasters.
- 7       3.19. Disaster mitigation or mitigation - the reduction or limitation of the  
8                  adverse impacts of disasters and its related hazards.
- 9       3.20. Disaster preparedness - the knowledge and capacities developed by  
10                 governments, professional response and recovery organizations,  
11                 communities, and individuals to effectively anticipate, respond to,  
12                 and recover from the impacts of likely, imminent or current disasters  
13                 and related hazards.
- 14      3.21. Disaster prevention - the intention to avoid, or the outright  
15                 avoidance, of potential adverse impacts of disasters and related  
16                 hazards through action(s) taken in advance.
- 17      3.22. Disaster relief or Disaster response - the provision of emergency  
18                 services and public assistance during or immediately after a disaster  
19                 in order to preserve or save lives, and meet the basic subsistence  
20                 needs of affected people.
- 21      3.23. Disaster resilience - the ability of a system, community, or society  
22                 exposed to hazards to resist, absorb, accommodate, adapt to,  
23                 transform, and recover from the effects of a hazard and/or the long-  
24                 term impact of climate change in a timely and efficient manner,  
25                 including through the preservation and restoration of its essential  
26                 basic structures and functions through risk management.
- 27      3.24. Disaster recovery - restoration or improvement of livelihoods and  
28                 health, as well as economic, physical, social, cultural and  
29                 environmental assets, systems and activities, of a disaster-affected  
30                 community or society, aligning with the principles of sustainable  
31                 development and “build forward better” to avoid or reduce future  
32                 disaster risk.

- 1       3.25. Disaster rehabilitation - restoration of basic services and facilities  
2                  for the functioning of a community or a society affected by a disaster.
- 3       3.26. Disaster Resilience Fund - refers to the budget managed by the  
4                  Department, which includes funds appropriated to the Department  
5                  by Congress pursuant to an Appropriations Act, Disaster  
6                  Contingency Fund, and Rehabilitation and Recovery Fund.
- 7       3.27. Disaster risk - the potential losses in lives, health status,  
8                  livelihood, assets, and services caused by or due to a disaster, which  
9                  could occur to a particular community or society.
- 10      3.28. Disaster risk management - the systematic approach or process of  
11                  implementing strategies, policies, and programs to lessen the  
12                  possibility and/or adverse impacts of disasters and related hazards.
- 13      3.29. Disaster risk reduction – the prevention of new, and/or reduction  
14                  of existing, disaster risk(s) and the management of residual risk, to  
15                  enhance resilience to disasters.
- 16      3.30. Emergency - unforeseen or sudden occurrence, or danger, which  
17                  requires immediate action.
- 18      3.31. Environmental hazards – hazards that may be chemical, natural,  
19                  and biological, and can be created by environmental degradation or  
20                  physical or chemical pollution in the air, water, and soil. However,  
21                  many of the processes and phenomena that fall into this category  
22                  may be termed drivers of hazard and risk rather than hazards in  
23                  themselves, such as soil degradation, deforestation, loss of  
24                  biodiversity, salinization, and sea-level rise.
- 25      3.32. Geological or geophysical hazards – hazards that originate from  
26                  internal earth processes, such as earthquakes, volcanic activities  
27                  and emissions, and related geophysical processes, which include  
28                  mass movements, landslides, rockslides, surface collapses, and  
29                  debris or mud flows. Hydrometeorological factors are important  
30                  contributors to some of these processes. While tsunamis are  
31                  triggered by undersea earthquakes and other geological events, they

1           essentially become an oceanic process that is manifested as a coastal  
2           water-related hazard.

3         3.33. Hazard - a phenomenon, substance, human activity or condition  
4           that may cause loss of life, injury or impacts to health; social and  
5           economic disruption, environmental damage, or loss of/disruption to  
6           property, livelihood, and/or services.

7         3.34. Historical landmarks - sites or structures that are associated with  
8           events or achievements significant to Philippine history as declared  
9           by the National Historical Institute or the applicable agency.

10        3.35. Human-induced disasters - disasters induced entirely or  
11           predominantly by human activities and/or choices, such as  
12           ideologically-motivated conflict, or criminality.

13        3.36. Humanitarian assistance - financial, material or other similar  
14           forms of assistance to address the immediate needs of people affected  
15           by a natural disaster.

16        3.37. Hydrometeorological hazards – hazards that are of atmospheric,  
17           hydrological, or oceanographic origin, such as tropical cyclones (also  
18           known as typhoons and hurricanes); floods, including flash floods;  
19           drought; heatwaves and cold spells; and coastal storm surges.  
20           Hydrometeorological conditions may also be a factor in other hazards  
21           such as landslides, wildland fires, locust plagues, epidemics, and in  
22           the transport and dispersal of toxic substances and volcanic eruption  
23           material.

24        3.38. Impact and needs assessment - involves assessing the nature and  
25           magnitude of a disaster, its impact on affected populations, the type  
26           and extent of emergency, and the requirements for recovery and  
27           rehabilitation of the affected area(s).

28        3.39. Implementing Rules and Regulations (IRR) - the set of specific rules  
29           and regulations, which shall be issued to implement the provisions of  
30           this Act.

31        3.40. Legal Facilities - entitlements and exemptions that are granted to  
32           Assisting Domestic or International Actors that are declared to be

1           eligible pursuant to this Act and its implementing rules and  
2           regulations.

3       3.41. Local Disaster Resilience Plan (LDRP) - a document prepared by an  
4           LGU based on the National Disaster Resilience Framework (NDRF)  
5           and the National Disaster Resilience Plan and Investment Plan  
6           (NDRPIP) that sets out specific programs, objectives and goals to  
7           implement disaster risk management and climate change adaptation  
8           measures at the local level. The plan includes, among others, an  
9           evaluation and analysis of emerging disaster risks, hazards and  
10          vulnerabilities applicable to an LGU, and specific programs and  
11          activities to ensure responsive, effective, and appropriate disaster  
12          preparedness and management at the local level.

13       3.42. Local Government Unit (LGU) – refers to a body politic and  
14          corporate created or recognized under Republic Act No. 7160,  
15          otherwise known as the Local Government Code, endowed with  
16          powers, both governmental and proprietary, to be exercised by it in  
17          conformity with law.

18       3.43. National cultural treasure - a unique cultural property found  
19          locally, possessing outstanding historical, cultural, artistic, and/or  
20          scientific value that is highly significant and important to the  
21          country and nation, and officially declared as such by the pertinent  
22          cultural agency.

23       3.44. National Continuity Policy – a policy aimed at the development of  
24          an organizational culture that has the ability to provide a minimum  
25          level of service during interruptions, emergencies, and disasters, and  
26          return to full operations quickly.

27       3.45. National Disaster Resilience Framework (NDRF) - a framework that  
28          provides for a comprehensive, all-hazards, multi-sectoral, whole-of-  
29          government, and whole-of-society approach to attaining safe,  
30          adaptive, and resilient communities that can resist, prevent, mitigate  
31          against, absorb, accommodate, adapt to, recover, or build back  
32          better from the effects of a hazard in a timely and efficient manner

1 through, among others, disaster risk reduction and management and  
2 climate change adaptation and mitigation. The NDRF shall be  
3 composed of a National Disaster Risk Reduction and Management  
4 Framework, and National Framework Strategy on Climate Change.

5 3.46. National Disaster Resilience Plan and Investment Program  
6 (NDRPIP) - a plan formulated and implemented by the Department in  
7 accordance with the NDRF that sets out the outcomes, goals and  
8 objectives, priorities, programs and corresponding action plans for  
9 disaster risk reduction, preparedness, and management, and climate  
10 change mitigation. The NDRPIP shall also include, among others,  
11 goals, objectives and action plans for a National Continuity Policy.

12 3.47. Natural disasters - disasters predominantly associated with and/or  
13 caused by natural processes and/or phenomena, such as those  
14 related to geology (e.g., earthquakes, ground rupture, liquefaction,  
15 landslides, tsunamis, sinkholes, volcanic activity); hydrology and  
16 meteorology (e.g., floods, severe winds, typhoons, storm surges); and  
17 climatological variability (e.g., extreme temperatures, El Niño, La  
18 Niña, forest fires).

19 3.48. Retrofitting – reinforcing or upgrading of existing structures to  
20 become more resistant and resilient to the damaging effects of  
21 hazards.

22 3.49. Risk transfer - the process of shifting the financial consequences of  
23 disaster risks from one party to another.

24 3.50. Safety stock – items, such as raw materials, component parts, or  
25 finished goods, maintained in inventory in order to reduce the risk  
26 that such item will be out of stock, in anticipation of unforeseen  
27 shortages or unusual demand for such items.

28 3.51. State of calamity - a condition involving endangerment to and/or  
29 loss of lives, damages to property, economic and/or social  
30 disruption, interruption and/or loss of livelihood and/or services,  
31 and destruction and/or damages to infrastructure as a result of  
32 natural disaster(s) or related hazard(s).

3.52. Volunteers - individuals, groups or entities that offer and/or provide services or assistance, without compensation, to help people and/or areas affected by disasters.

3.53. Vulnerability – the characteristics and/or circumstances of a community, system or asset that make it susceptible to the adverse effect(s) of disaster(s) and/or related hazard(s).

**ARTICLE II**  
**THE DEPARTMENT OF DISASTER RESILIENCE:**  
**MANDATE, POWERS, AND FUNCTIONS**

10 SECTION 4. **Creation of the Department of Disaster Resilience.** – There  
11 is hereby created the Department of Disaster Resilience, hereinafter referred  
12 to as the Department.

13 SECTION 5. **Mandate.** – The Department shall be the principal government  
14 institution responsible for ensuring safe, adaptive, and disaster-resilient  
15 communities. It is mandated to lead, spearhead, initiate, and/or integrate  
16 the crafting and implementation of plans, programs, projects and activities  
17 to reduce the risk of natural hazards and effects of climate change, and  
18 manage the impact of disasters with the primordial goal of saving lives and  
19 minimizing damage to property, in close collaboration with all relevant  
20 stakeholders at the national and local levels.

21 The mandate of the Department covers all natural hazards, which  
22 includes, among others, the following:

### 5.1. Geological Phenomena and Related Hazards

- a. Earthquake – ground rupture, ground shaking, liquefaction, tsunami, fire, and landslides
  - b. Volcanic activity – ash fall, pyroclastic flow, lava flow, lahar, fissuring, volcanic gas, and seiche (lake water oscillation)
  - c. Mass movement – landslides, debris flow, sinkholes

1           5.2. Hydrological and Meteorological Phenomena and Related Hazards

- 2           a. Tropical cyclone – severe winds, storm surge, hail  
3           b. Flood  
4           c. Erosion

5           5.3. Climatological Variability

- 6           a. El Niño  
7           b. Extreme temperatures  
8           c. La Niña  
9           d. Solar radiation

10          The Department shall manage and direct the implementation of  
11         national, local, and community-based disaster resilience programs in  
12         collaboration with relevant national government agencies, LGUs, CSOs, and  
13         other stakeholders, as applicable.

14          **SECTION 6. Powers and Functions of the Department.** – The Department  
15         shall exercise the following powers and functions, in collaboration with the  
16         relevant departments, agencies, local government units, non-government  
17         stakeholders and the communities, as necessary:

18          6.1. Overall Functions

- 19           a. Craft the policies and lead the implementation of the  
20           programs, projects and activities necessary to reduce the  
21           country's vulnerabilities to natural hazards and climate  
22           change, using the PDP and the relevant DRRM and climate  
23           change frameworks as anchors;  
24           b. Review and build upon, to the extent necessary, the existing  
25           disaster resilience framework, plans and strategies in the  
26           crafting of an NDRF and the corresponding NDRPIP;

- c. Oversee, review, and approve the translation, integration, and implementation of the NDRPIP into LDRPs;
- d. Communicate and disseminate critical information to help the public prepare for, respond to, and recover from a disaster;
- e. Receive, manage, and administer the Disaster Resilience Fund, the Disaster Contingency Fund, donations and other funds, assets and/or properties received by the Department to accomplish the purposes of this Act;
- f. Recommend to the President of the Philippines the declaration of a state of calamity due to a natural disaster, and the lifting thereof when conditions stabilize;
- g. Direct any government entity to help ensure the attainment of the goals and objectives of this Act;
- h. Advance the country's interests relating to disaster resilience and climate change in the regional and global arena;
- i. Advise the President on matters concerning disaster resilience and make recommendations, as appropriate; and
- j. Undertake all other actions necessary to attain the overall goal and objectives of this Act, pursuant to the relevant laws and policies.

## 6.2. Disaster Risk Reduction

- a. Develop coordinated regional and local strategies for the effective prevention and mitigation of disaster risk resulting from natural hazards, including the effects of climate change;
- b. Develop, maintain and update an integrated disaster resilience information system that includes, among others, multi-hazard mapping, vulnerability and risk assessments,

- 1 and at the national, regional, and provincial levels, with the  
2 LGU in-charge of the provincial level;
- 3 c. Formulate plans and programs to establish and implement  
4 government redundancy, governance and business  
5 continuity, and a National Continuity Policy;
- 6 d. Develop, in coordination with relevant government agencies,  
7 policies and programs on land-use planning, urban  
8 planning and zoning that shall, to the extent such policies  
9 and programs relate to disaster risk reduction, mitigation,  
10 prevention or building back better, prevail over policies or  
11 decisions of other government departments, government  
12 agencies, government owned and/or controlled  
13 corporations, LGUs, or other government institutions;
- 14 e. Develop and implement policies and programs relating to  
15 the construction of new settlements or relocation of  
16 settlements in safe areas that shall, to the extent such  
17 policies and programs relate to disaster risk reduction,  
18 mitigation, prevention or building back better, prevail over  
19 policies or decisions of other government departments,  
20 government agencies, government owned and/or controlled  
21 corporations, LGUs, or other government institutions;
- 22 f. Establish and monitor compliance with enhanced standards  
23 for disaster risk reduction and continuity planning, such as,  
24 but not limited to, infrastructure standards and designs;
- 25 g. Collaborate with the Department of Public Works and  
26 Highways (DPWH) and other relevant government agencies  
27 in the conduct of regular audit of buildings and other types  
28 of infrastructure, and require the submission of necessary  
29 data, information or reports related thereto;
- 30 h. Undertake programs and projects to reduce the vulnerability  
31 of physical infrastructure, assets, and facilities including,  
32 but not limited to, retrofitting, and structural and non-

- structural upgrading, in coordination with the relevant government agencies;
- i. Call on relevant government agencies to develop alternative livelihood programs to reduce the vulnerability to disasters of certain areas or certain sectors of society;
  - j. Formulate, facilitate, and monitor efforts relating to certain resources or sectors toward addressing the long-term effects of climate change on sustainable development, such as water resources, agriculture, forestry, coastal and marine resources, health, and infrastructure, in coordination with relevant government agencies;
  - k. Establish, develop, and monitor programs and projects, in coordination with relevant government agencies, that consider climate projections (including, but not limited to, temperature increase and rainfall change in the Philippines) to ensure climate-resilient communities; and
  - l. Undertake all other programs and projects necessary to attain the overall goal and intended outcomes of this key result area.

### 6.3. Disaster Preparedness and Response

- a. Lead, manage, and collaborate with the relevant government instrumentalities and non-government stakeholders in providing the minimum basic needs of people in affected areas before, during and/or immediately after a disaster to save lives and minimize casualties;
- b. Ensure the efficient prepositioning of goods, maintenance, and disposal of safety stocks;
- c. Establish a corps of first responders in partnership with national and local stakeholders, both public and private;

- 1                   d. Develop, maintain, and update early warning,  
2                   communication and emergency management systems at  
3                   the national, regional, and provincial levels, with the LGU  
4                   in-charge of the provincial level;
- 5                   e. Implement projects and programs that will enhance the  
6                   capacity of national and local government instrumentalities  
7                   to anticipate and cope with the impact of a disaster;
- 8                   f. Regulate the accreditation of donors, volunteers, and  
9                   assisting non-government stakeholders, both domestic and  
10                  international;
- 11                  g. Undertake the establishment of evacuation centers, in  
12                  coordination with the relevant government agencies and/or  
13                  LGUs, as applicable;
- 14                  h. Formulate standards for contingency planning that shall be  
15                  adopted by both national and local government agencies;
- 16                  i. Develop a database of exposure or elements at risk per area  
17                  to facilitate and ensure quick impact and needs assessment  
18                  in the event of a disaster;
- 19                  j. Establish a database that includes, among others, an  
20                  inventory of hazardous materials per area, to better prepare  
21                  for and respond to natural disasters.
- 22                  k. Maintain a database of volunteers and, when necessary,  
23                  mobilize volunteers to augment the personnel complement  
24                  and logistical requirements for disaster response and/or for  
25                  the delivery of DRRM programs, projects and activities;
- 26                  l. May call upon other instrumentalities or entities of the  
27                  government and non-government and civic organizations  
28                  for assistance. In terms of the use of their facilities and  
29                  resources for the protection and preservation of life and  
30                  properties in the whole range of disaster risk reduction and  
31                  management. This function 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;
- m. Facilitate and regulate the acceptance, inventory, and accounting of humanitarian assistance, including relief goods;
  - n. Accredit, monitor, and evaluate training institutions on disaster resilience;
  - o. By the authority of the President, secure the assistance of the AFP and PNP to render the necessary assistance in a disaster-affected area; and
  - p. Undertake all other programs, projects and actions necessary to attain the overall goal and intended outcomes of this key result area.

#### 6.4. Recovery and Building Forward Better

- a. Establish a system that utilizes templates, exposure database, and other tools, and develop the Department's in-house capacity for the prompt and expedient preparation of rehabilitation plans, when needed, for disaster affected areas;
- b. Prepare and implement the recovery and rehabilitation plan(s) for disaster affected areas;
- c. Lead, manage and oversee the implementation of disaster recovery and rehabilitation measures in close collaboration with the relevant government instrumentalities and non-government stakeholders;
- d. Formulate policies and standards for post-disaster shelter recovery that may include, among others, implementation arrangements, coordination arrangement with relevant agencies and/or LGUs, and modalities for emergency transitional and permanent shelter recovery;

- e. Establish a system to promptly deliver impact and needs assessment, including strengthening the Department's in-house capacity for such function;
- f. Formulate and/or direct relevant government agencies and LGUs to issue guidelines for fast-tracking the issuance of permits, certifications, clearances and licenses to implement disaster recovery and rehabilitation measures, including housing projects, in affected areas;
- g. Collaborate with relevant government agencies in undertaking programs and projects to restore and/or generate livelihood in disaster affected areas;
- h. Ensure that the principle of Building Forward Better, not mere restoration, is applied to all recovery and rehabilitation efforts; and
- i. Undertake all other programs and projects necessary to attain the overall goal and intended outcomes of this key result area.

#### 6.5. Other functions

- a. Constitute, call, convene and/or deputize agencies of government, and invite non-government and private organizations, to assist, advise, and/or coordinate with the Department to achieve the goals and purposes of this Act.
- b. Secure the assistance of the Armed Forces of the Philippines, Philippine National Police, Philippine Coast Guard, and other uniformed services and government instrumentalities to ensure the attainment of the goals and objectives of this Act;
- c. Establish a National Corps of Volunteers to be composed of, among others: Reserve Officers' Training Corps (ROTC),

- National Service Training Program (NSTP), reservists, and other socio-civic organizations;
- d. Create or reorganize offices and/or task forces, as may be necessary to carry out the objectives of this Act; and
- e. Perform such other functions, as provided by law or assignment of the President, for the attainment of the overall goal and objectives of this Act.

### ARTICLE III

#### ORGANIZATIONAL STRUCTURE

SECTION 7. **Office of the Secretary.** – The head of the Department shall have the rank and emoluments of a Cabinet Secretary, and be appointed by the President subject to confirmation by the Commission on Appointments.

SECTION 8. **Powers and Functions of the Secretary.** – The Secretary shall have the following powers and functions:

- 8.1. Provide executive direction and supervision over the entire operations and administration of the Department;
- 8.2. Establish policies and standards to ensure the efficient, effective, and responsive service delivery of the Department;
- 8.3. Manage the financial, human and other resources of the Department;
- 8.4. Appoint and designate officers and employees of the Department, excluding those requiring Presidential appointment as provided for by law;
- 8.5. Exercise disciplinary powers over employees of the Department in accordance with the law, and investigate such officers and employees, or designate a committee or officer to conduct an investigation;

- 1        8.6. Collaborate with other government instrumentalities and non-
- 2              government stakeholders in the crafting of disaster risk
- 3              resilience policies and the implementation of programs,
- 4              projects and initiatives, as necessary;
- 5        8.7. Advise the President on the promulgation of executive and
- 6              administrative orders, and the formulation of regulatory and
- 7              legislative proposals on matters pertaining to disaster
- 8              resilience;
- 9        8.8. Formulate such rules and regulations, and exercise such other
- 10              powers as may be necessary to implement the objectives of this
- 11              Act; and
- 12       8.9. Perform such other tasks as may be provided by law or
- 13              assigned by the President.

14 SECTION 9. **Undersecretaries.** – The Secretary shall be assisted by at least  
15 four Undersecretaries, who shall be responsible for Disaster Risk Reduction,  
16 Disaster Preparedness and Response, Recovery and Building Forward  
17 Better, and Support to Operations.

18 SECTION 10. **Assistant Secretaries and Directors.** – The Department shall  
19 have the appropriate number of Assistant Secretaries and Directors  
20 necessary for the effective, efficient, and responsive implementation of the  
21 mandate and functions of the Department.

22 SECTION 11. **Qualifications.** – The Secretary of Disaster Resilience (SDR)  
23 shall have a solid background in any of the scientific, engineering, and  
24 public management fields relevant to resilience to natural hazards and  
25 climate change; and demonstrated managerial acumen.

26              All the Undersecretaries, Assistant Secretaries, and other officials of  
27 the Department shall preferably be specialists and have a good track record  
28 in any of the following fields: DRRM, science and technology, environmental

1 science/management, urban planning, civil engineering, public finance,  
2 information and communication technology, logistics management, mass  
3 communication, among other fields directly relevant to ensuring the  
4 country's disaster resilience.

5 **SECTION 12. National Disaster Operations Center, Alternative**  
6 **Command Center, and Research and Training Institute.** – The  
7 Department shall establish, within one (1) year from the approval of this Act,  
8 and act as the primary operator of the National Disaster Operations Center  
9 (NDOC), Alternative Command and Control Center (ACCCs) as may be  
10 necessary in each of the country's major island groups, and a Disaster  
11 Resilience Research and Training Institute (DRRTI).

12 The NDOC is a physical center equipped with the necessary tools and  
13 systems to monitor, manage, and respond to disasters in all areas of the  
14 country. The NDOC shall also provide the necessary support for the overall  
15 coordination and implementation of emergency and disaster response  
16 measures throughout the country.

17 The ACCCs are command centers established in other locations as an  
18 alternative or to provide supplemental support to the NDOC. The number  
19 and location of ACCCs shall be determined by the Department. Temporary  
20 ACCC may likewise be established by the Department, if necessary.

21 **SECTION 13. DRRTI Functions and Inter-Agency Knowledge Sharing.** –  
22 The DRRTI shall be a platform for providing training, and for collecting,  
23 consolidating, managing, analyzing, and/or sharing knowledge and  
24 information to improve and/or enhance disaster resilience.

25 The DRRTI shall:

- 1        13.1 Establish reliable and up-to-date Integrated Disaster Resilience
- 2              Information System (IDRIS) through close and seamless
- 3              collaboration with the Department of Science and Technology
- 4              (DOST), Department of Information and Communications
- 5              Technology (DICT), and other appropriate agencies;
- 6        13.2 Conduct disaster-related research programs, seminars, and
- 7              trainings for all types of stakeholders;
- 8        13.3 Consolidate, organize and/or prepare training materials and
- 9              publications;
- 10      13.4 Conduct other activities consistent with promoting the formation
- 11              and dissemination of knowledge and information relating to disaster
- 12              resilience and disaster management;
- 13      13.5 Establish a database that includes relevant information from other
- 14              government agencies and third parties for the Department to better
- 15              prepare and respond to natural hazards including, but not limited
- 16              to, an inventory of hazardous materials per area; and
- 17      13.6 Consult and coordinate with, and consolidate information/data
- 18              from, relevant government agencies, such as, but not limited to,
- 19              DOST, LGUs and relevant CSOs to enhance the IDRIS and to
- 20              promote knowledge sharing among all stakeholders.

21 SECTION 14. **Multi-sectoral and Inter-agency Collaboration.** – The  
22 Department shall coordinate and collaborate with relevant government  
23 agencies, such as, but not limited to, DOST, Department of Environment  
24 and Natural Resources (DENR), and DICT, and LGUs, academic institutions,  
25 CSOs, and private sector groups to establish a platform for information  
26 sharing to provide real-time data for science- and ICT-based planning and  
27 decision-making.

28 SECTION 15. **Compliance and Accreditation of DRRTI with International**  
29 **Standards.** – The Department shall strive to obtain certification from, and  
30 accreditation by, international accreditation bodies of the DRRTI to ensure

1 DRRTI's compliance with international standards. The Department shall  
2 likewise ensure collaboration with key countries and international  
3 organizations to incorporate best practices on disaster resilience in the  
4 Department's policies and programs.

5 SECTION 16. **Disaster Assistance Action Center.** – The Department shall  
6 institutionalize a one-stop shop mechanism through a Disaster Assistance  
7 Action Center (DAAC), which shall, among others, process necessary  
8 documents for Domestic/International Assisting Actors.

9 SECTION 17. **Magna Carta.** – Qualified employees of the Department and its  
10 attached agencies shall be covered by R.A. 8439, which provides a magna  
11 carta for scientists, engineers, researchers, and other science and  
12 technology personnel in government.

13 SECTION 18. **Hazard Pay.** – All personnel of the Department are entitled to  
14 receive hazard pay, subject to the guidelines set forth in the IRR of this Act.

## ARTICLE IV

## NATIONAL AND LOCAL GOVERNMENT RELATIONS

17 SECTION 19. **Creation of Local Disaster Resilience Offices.** – Local  
18 disaster resilience offices shall be established at three levels -- Provincial,  
19 City, and Municipal -- to implement in their respective areas the NDRRM  
20 Framework and Plan, and other plans, programs, and policies of the  
21 Department. All Local DRRM Councils (LDRRMCs) shall be abolished and in  
22 their place shall be established the “Provincial Disaster Resilience Office  
23 (PDRO)”; “City Disaster Resilience Office (CDRO)”, and “Municipal Disaster  
24 Resilience Office (MDRO)”, as applicable.

25 SECTION 20. **Composition and Organization of Local Disaster Resilience**  
26 **Offices.** – The local disaster resilience office shall be under the supervision

1 and control of the provincial governor, and city or municipal mayor, as  
2 applicable. The local disaster resilience offices shall have regular plantilla  
3 staff responsible for, among others, administration, research and planning,  
4 training, and operations. The organization, composition, functions, and  
5 responsibilities of the local disaster resilience offices shall comply with the  
6 requirements and standards of this Act and the IRR.

7 **SECTION 21. Exemption from the Personal Services Cap.** – The Personal  
8 Services (PS) budget of the local disaster resilience offices of provinces, cities  
9 and municipalities shall be exempted from the PS cap stipulated in the  
10 Local Government Code of 1991 (RA 7160).

11 **SECTION 22. Local Disaster Resilience Officer.** – The local disaster  
12 resilience office shall be headed and managed by a well-qualified and full-  
13 time local Disaster Resilience Officer with a regular plantilla position. The  
14 local Disaster Resilience Officer and staff shall be appointed by the Local  
15 Chief Executive subject to the requirements of and endowed with the  
16 emoluments and benefits indicated in the IRR and other applicable laws.

17 **SECTION 23. Powers and Functions of City and Municipal DROs.** – The  
18 City and Municipal DROs (CDRO and MDRO) shall have the following  
19 powers and functions:

- 20        23.1 Formulate and implement, in close coordination with the  
21              Department, a comprehensive and integrated LDRP in accordance  
22              with the NDRF and the NDRPIP;
- 23        23.2 Design, program, coordinate, and/or implement disaster  
24              resilience activities and measures consistent with the standards and  
25              guidelines provided by the Department, and implement the NDRF and  
26              the NDRPIP at the city or municipal level;
- 27        23.3 Prepare and submit to the local sanggunian, the LDRP, the  
28              proposed programming of the LDR Fund, other dedicated disaster

- 1           resilience resources, and other regular funding source of the local  
2           disaster resilience office;
- 3       23.4     Recommend to the local sanggunian the enactment of local  
4           ordinances to implement the LDRP, NDRF, and NDRPIP at the  
5           city/municipal level, and to comply with other requirements of this  
6           Act;
- 7       23.5     Prepare and submit to the Department, the local Commission  
8           on Audit, and the applicable Regional Disaster Resilience Office a  
9           report on the utilization of its Local Disaster Resilience Fund and  
10          other disaster risk reduction and management resources;
- 11      23.6     Establish and maintain, in coordination with the Department,  
12          an information management system within the LGU that, among  
13          others, consolidates and includes local risk information (such as  
14          natural hazards, profile of the LGU's vulnerable or marginalized  
15          groups), local risk maps, and a disaggregated database of human  
16          resource, equipment, services, resources, directories, and location of  
17          critical infrastructures with their capacities (such as hospitals and  
18          evacuation centers);
- 19      23.7     Operate and maintain, in coordination with the Department, a  
20          multi-hazard early warning and communications system to provide  
21          accurate and timely information to the public;
- 22      23.8     Organize and conduct training and knowledge management  
23          activities on disaster resilience at the local level, in coordination with  
24          the DRRTI;
- 25      23.9     Procure emergency works, goods, and services in compliance  
26          with the regulations, orders, and policies of the Department of  
27          Budget and Management (DBM) and the Government Procurement  
28          Policy Board (GPPB), to implement the LDRP or support early  
29          recovery and post-disaster activities;
- 30      23.10    In coordination with the DOF and other relevant agencies,  
31          access foreign loans to finance its projects, programs, and policies  
32          for disaster preparedness, response, recovery, and rehabilitation,

subject to terms and conditions agreed upon by the local disaster resilience office and the lender;

23.11 Monitor and mobilize instrumentalities and entities of the LGU and its partner LGUs, CSOs, private sector, organized volunteers, and sectoral organizations for disaster resilience activities, in accordance with policies and procedures of the department and applicable laws;

23.12 Coordinate and provide the necessary support or assistance to the Department in the implementation of rehabilitation plan(s) within the city or municipality covered by the local disaster resilience office;

23.13 Coordinate with the Department, other government agencies, members of the private sector and other stakeholders in the LGU to establish a Business Continuity Plan as part of their LDRP's disaster resilience measures;

23.14 Establish linkage/network and coordination mechanisms with other LGUs and the Department for disaster resilience activities and to achieve the purposes of this Act; and

23.15 Conduct other activities and/or act on other matters, in accordance with policies and procedures of the Department and applicable laws, to achieve the purposes of this Act.

## **SECTION 24. Powers and Functions of the Provincial Disaster Resilience**

**Offices (PDROs).** – The PDROs shall have the following powers and functions:

24.1 Formulate and implement, in close coordination with the e-Department and cities/municipalities within its jurisdiction, a comprehensive and integrated Provincial LDRP in accordance with the NDRF and the NDRPIP;

- 1        24.2. Review the LDRPs of cities and/or municipalities within its  
2 jurisdiction, and require the amendment of such LDRPs if  
3 necessary, to ensure compliance with the Provincial LDRP and/or  
4 the NDRF and NDRPIP;
- 5        24.3. Design, program, coordinate, and/or implement disaster resilience  
6 activities consistent with the standards and guidelines provided by  
7 the Department, and implement the NDRF and the NDRPIP at the  
8 provincial level;
- 9        24.4 Prepare and submit to the sanggunian panlalawigan, the  
10 Provincial LDRP, the proposed programming of the province's Local  
11 Disaster Resilience Fund, other dedicated disaster resilience  
12 resources, and other funding sources of the PDRO; Recommend to  
13 the sanggunian panlalawigan the enactment of local ordinances to  
14 implement the Provincial LDRP, NDRF and NDRPIP at the provincial  
15 level, and to comply with other requirements of this Act
- 16        24.5 Prepare and submit to the Department, the local Commission  
17 on Audit, and the applicable Regional Disaster Resilience Office a  
18 report on the utilization of the province's Local Disaster Resilience  
19 Fund and other disaster risk reduction and management resources;
- 20        24.6 Establish and maintain, in coordination with the Department, a  
21 Provincial Command and Control Center (PCC), which includes,  
22 among others, an information management system at the provincial  
23 level, which consolidates and integrates information from the cities  
24 and/or municipalities within its jurisdiction, a multi-hazard early  
25 warning and communications system that is connected with the  
26 cities and/or municipalities within its jurisdiction, and a monitoring  
27 system that enables the PDRO to oversee, supervise, monitor and  
28 respond to the needs of cities and/or municipalities within its  
29 jurisdiction in relation to disaster resilience activities;
- 30        24.7 Procure emergency works, goods, and services in compliance  
31 with the regulations, orders, and policies of DBM and GPPB, to

- 1        implement the provincial LDRP or support early recovery and post-  
2        disaster activities of the PDRO;
- 3        24.8      In coordination with the DOF, access foreign loans to finance its  
4        projects, programs, and policies for disaster preparedness, response,  
5        recovery, and rehabilitation, subject to terms and conditions agreed  
6        upon by the PDRO and the lender;
- 7        24.9      Formulate and establish mechanisms to mobilize and direct  
8        local disaster resilience offices within its jurisdiction as necessary for  
9        disaster preparedness and response at the provincial level;
- 10       24.10     Coordinate and provide the necessary support or assistance to  
11       the Department in the implementation of rehabilitation plan(s) within  
12       the cities and/or municipalities covered by the PDRO; and
- 13       24.11     Conduct other activities and/or act on other matters, in  
14       accordance with policies and procedures of the Department and  
15       applicable laws, to achieve the purposes of this Act.

16       **SECTION 25. Local Disaster Resilience Fund and Local Disaster**  
17       **Contingency Fund.** – LGUs shall annually set aside not less than ten  
18       percent (10%) of their local budget, to constitute a Local Disaster Resilience  
19       Fund (LDRF). The LGU shall use its LDRF to maintain and operate its local  
20       disaster resilience office to maintain its officers, employees and staff, and to  
21       implement plans, programs and activities under its LDRP. Thirty percent  
22       (30%) of the LDRF shall be set aside as Local Disaster Contingency Fund  
23       (LDCF), which shall be used for disaster response and quick recovery  
24       measures. Nothing contained in this Act shall prevent LGUs from providing  
25       additional funding or allocating additional resources for disaster resilience  
26       activities, plans and programs within their jurisdiction.

27       SECTION 26. Supplemental LDRF. The Department may allocate and  
28       disburse funds to supplement an LGU's LDRF based on parameters and  
29       requirements indicated in the IRR. In determining such parameters and  
30       requirements, the IRR shall aim to provide supplemental funds to LGUs with

1 low income and/or high exposure to natural hazards. Supplemental LDRFs  
2 shall, as much as possible, fill gaps or shortages in LGU resources to ensure  
3 that LGUs can implement disaster resilience measures such as, among  
4 others, implementing their LDRP/Provincial LDRP, establishing their local  
5 disaster resilience offices, obtaining and/or maintaining the necessary  
6 equipment and staff in their local disaster resilience offices, and  
7 implementing the NDRF and NDRPIP at the local levels.

8 SECTION 27. **Regional Disaster Resilience Offices.** – The Department  
9 shall establish and maintain Regional Disaster Resilience Offices (RDROs) at  
10 each region, and a Metro Manila Disaster Resilience Office (MMDRO). The  
11 size, composition and organization of RDROs and MMDRO shall be based on  
12 parameters provided in the IRR (such as ability of LGUs within its  
13 jurisdiction to cope with previous disasters, or to implement their  
14 LDRPs/Provincial LDRPs; the level of income, population, hazard exposure  
15 of LGUs). The RDROs and MMDRO shall be funded by the Department. It  
16 shall be headed and managed by a Regional Director and assisted by an  
17 Assistant Regional Director, both of whom shall have regular plantilla  
18 positions.

19 SECTION 28. **Special Disaster Response Teams.** – The RDROs may  
20 organize and/or activate Special Disaster Response Teams (SDRTs) to assist  
21 LGUs in responding to hazards and disasters that are beyond their  
22 capacities, as deemed necessary.

23 SECTION 29. **Powers and Functions of RDROs and MMDRO.** – The  
24 RDROs and MMDRO shall have the following powers and functions:

25 29.1. Review the LDRPs and Provincial LDRPs of LGUs within its  
26 jurisdiction, and require the amendment of such LDRPs and/or  
27 Provincial LDRPs if necessary, to ensure compliance with the NDRF and  
28 NDRPIP;

- 1        29.2. Monitor and direct local disaster resilience offices to implement
- 2                  their respective LDRPs;
- 3        29.3. Recommend to the appropriate sanggunian (at the city, municipal
- 4                  or provincial level) the enactment of local ordinances to implement
- 5                  the LDRP, NDRF and NDRPIP at the city, municipal or provincial
- 6                  level, and to comply with other requirements of this Act;
- 7        29.4. Review reports on the utilization of the LDRF and other disaster
- 8                  risk reduction and management resources of LGUs within its
- 9                  jurisdiction, and give recommendations, as necessary;
- 10      29.5. Disburse to, and monitor the use by, LGUs of Supplemental LDRF
- 11                  as granted by the Department pursuant to this Act and its IRR;
- 12      29.6. Disburse to, and monitor the use by LGUs of the People's Survival
- 13                  Fund for climate change adaptation projects;
- 14      29.7. Provide, upon the request of LGUs or unilaterally at its own
- 15                  discretion, assistance to LGU(s) within its jurisdiction as
- 16                  necessary to ensure the implementation of LDRPs/Provincial
- 17                  LDRPs, NDRF and NDRPIP, and to render efficient and timely
- 18                  disaster preparedness, response and recovery measures;
- 19      29.8. Identify and report to the Department issues and problems
- 20                  relating to, or affecting, the disaster resilience of LGUs within its
- 21                  jurisdiction, and make recommendations to the Department
- 22                  and/or to the LGUs to address such issues or problems;
- 23      29.9. Procure goods and services in compliance with the regulations,
- 24                  orders, and policies of DBM and GPPB, to implement the NDRPIP
- 25                  and NDRF at the regional level;
- 26      29.10. Formulate and establish mechanisms to mobilize and direct
- 27                  local disaster resilience offices within its jurisdiction as necessary
- 28                  for disaster preparedness and response at the regional level;
- 29      29.11. Establish and maintain, in coordination with the Department, a
- 30                  Regional Command and Control (RCC) Center, which includes,
- 31                  among others, an information management system at the regional
- 32                  level that consolidates and integrates information from the

provinces, cities and municipalities within its jurisdiction, a multi-hazard early warning and communications system, and a monitoring system that enables the RDRO to oversee, supervise, monitor and respond to the needs of LGUs within its jurisdiction in relation to disaster resilience activities;

29.12. Implement or assist in the implementation, as directed by the Department, of rehabilitation plan(s) for LGUs within its coverage; and

29.13. Conduct other activities and/or act on other matters, in accordance with policies and procedures of the Department and applicable laws, to achieve the purposes of this Act.

**SECTION 30. Inter-Regional Disaster Resilience Office Collaboration. –**

The Department shall craft policies and implement programs to engender effective collaboration and coordination among the different RDROs.

**SECTION 31. National organization of all Local Disaster Resilience Officers.**

There shall be a national organization of all local disaster resilience officers for the primary purpose of:

31.1 Developing capacity, and exchanging knowledge, experiences, and best practices concerning local government disaster resilience;

31.2 Fostering inter-operability of the local disaster resilience offices' systems;

31.3 Facilitating inter-LGU cooperation and collaboration;

31.4 Providing inputs and feedback to the Department on resilience concerns at the local level; and

31.5 Enhancing synergy in other areas of common concern.

1 SECTION 32. Levels of Responsibility for Disaster Preparedness and  
 2 Response. The primary responsibility for disaster preparedness and  
 3 response shall be exercised at the local or national level, as applicable, in  
 4 close and seamless collaboration with the relevant government  
 5 instrumentalities and non-government stakeholders. The four levels of  
 6 responsibility and the conditions that warrant each are as follows:

Levels of Responsibility	Responsible Official/s	Conditions
Level 1 – City or Municipality	Mayor of the city/municipality (Lead)  Local Disaster Resilience Office  (In the case of ARMM: Municipal / City Mayor and ARMM Local Disaster Resilience Office)	If a disaster affects a single municipality/city
Level 2 – Province	Governor (Lead)  Provincial Disaster Resilience Office  Applicable Local Disaster Resilience Offices  (In the case of ARMM: Provincial Governor, ARMM Local Disaster Resilience Office(s))	If a disaster affects two or more municipalities/cities
Level 3 – Region	Regional Director of the Regional Disaster Resilience Office (RDRO) (Lead)  Applicable Governors  Applicable Provincial Disaster Resilience Offices  (In the case of ARMM:	If a disaster affects two or more provinces

	<p>Regional Governor and ARMM Local Disaster Resilience Office(s)</p> <p>(In the case of Metro Manila: MMDA Chair)</p>	
Level 4 – National	<p>Secretary of Disaster Resilience (Lead)</p> <p>Governors of the Affected Provinces</p>	<ul style="list-style-type: none"> <li>a. If a disaster affects at least two (2) regions;</li> <li>b. When the LGU is unable to effectively cope with the risk and/or impact of a hazard; or</li> <li>c. When the President directs a Level 4 response or declares a state of calamity.</li> </ul>

1 SECTION 33. **Inter-Local Government Assistance.** – LGUs are hereby  
 2 authorized to extend assistance to another LGU, whether through funding  
 3 or donation of goods and/or services, to ensure effective disaster  
 4 preparedness and response, such as the pre-positioning and provision of  
 5 basic goods, training of first responders, among others, subject to auditing  
 6 and accounting rules to be defined in the IRR.

7 SECTION 34. **Reconstruction and Rehabilitation Powers of the**  
**8 Department.** – The Department shall be primarily responsible for  
 9 reconstruction and rehabilitation efforts in the event of a natural disaster. In  
 10 undertaking reconstruction and rehabilitation efforts, the Department shall,  
 11 as much as possible, retrofit structures to make them more resistant and  
 12 resilient to the effects of natural disasters.

13 **ARTICLE V**  
 14 **INSTITUTIONAL ARRANGEMENTS**

15 SECTION 35. **Collaboration with Stakeholders.** – The Department shall  
 16 ensure seamless collaboration and coordination with stakeholders,

1 including other government agencies, CSOs, the academe, and the private  
2 sector, in relation to disaster resilience programs and projects, and the  
3 development and promotion of education and training mechanisms with  
4 relevant stakeholders.

5 The Department shall establish a platform and mechanisms for  
6 coordination with stakeholders, including the development of standard  
7 operating procedures for collaboration in the event of a disaster.

8 SECTION 36. **Establishment of Non-Government Stakeholders Coordination Unit.** – The Department, with the assistance of other relevant  
9 government agencies and stakeholders, shall establish a Non-Government  
10 Stakeholders Coordination Unit (NSCU), which shall align the disaster  
11 resilience efforts of the private sector, CSOs, academe and other  
12 stakeholders with the Department by assisting, coordinating or providing  
13 services that strengthen public-private coordination in disaster resilience,  
14 including, but not limited to, the following:

- 16 36.1 Establishment and implementation of business continuity practices  
17 to ensure the continued delivery of products and services in the  
18 event of a natural disaster;
- 19 36.2 Establishment and implementation of a National Continuity Policy  
20 to ensure service continuity during interruptions, emergencies, and  
21 disasters and ensure the quick return to full operations;
- 22 36.3 Establishment, incorporation, and application of business  
23 continuity plans as part of the LDRP of LGUs;
- 24 36.4 Facilitation or assistance in obtaining or processing incentives for  
25 the private sector or other non-government stakeholders, such as  
26 but not limited to tax credits; and
- 27 36.5 Preparation and facilitating the issuance of special rules for Micro,  
28 Small, and Medium Enterprises (MSMEs) such as, but not limited

1           to, mechanisms involving procurement and liquidity to create  
2           enabling environments for disaster preparedness and recovery.

3           The NSCU shall establish a platform that includes, among others, a  
4           database for monitoring and coordinating efforts and resources of non-  
5           government stakeholders.

6       **SECTION 37. Disaster Resilience Assembly.** – The Department, with the  
7           assistance of RDROs, shall establish and convene a Disaster Resilience  
8           Assembly (DRA), at the regional and national level, which will be held on a  
9           semestral basis to ensure the proactive engagement of different  
10          stakeholders, such as, but not limited to, government agencies, the Union of  
11          Local Authorities of the Philippines (ULAP), League of Municipalities of the  
12          Philippines (LMP), CSOs, academe, DRRM practitioners, and the private  
13          sector, to ensure and foster coordination and collaboration towards  
14          achieving the goals of this Act.

15          The LGUs may convene local DRAs within their jurisdictions.

16       **SECTION 38. Inter-operability of Systems.** – The Department shall  
17          establish mechanisms to ensure the inter-operability of systems among  
18          government agencies, and to allow access of agencies to the IDRIS, as  
19          established pursuant to Section 13 of this Act. It shall develop protocols to  
20          allow real-time access to information by government agencies in relation to  
21          natural disasters and the implementation of disaster resilience measures.

22       **SECTION 39. Transfer of Functions.** – The following are hereby transferred  
23          to the Department:

24          39.1 All the functions of the Climate Change Commission (CCC);

- 39.2 Natural disaster-related functions of the National Disaster Risk Reduction and Management Council (NDRRMC) and Office of Civil Defense (OCD); and
- 39.3 Natural disaster-response functions of the Department of Social Welfare and Development (DSWD)

Accordingly, the CCC and NDRRMC are hereby abolished. The OCD shall retain all its powers and functions to manage human-induced disasters.

8 SECTION 40. **Transfer of Resources.** – The transfer of powers and  
9 functions listed above shall include the corresponding funds and  
10 appropriations, plantilla positions, data, records, equipment, facilities,  
11 properties and other resources of the concerned government  
12 instrumentalities. The Department shall have the power to reorganize or  
13 reallocate these resources and positions, as may be necessary to attain the  
14 goals and objectives of this Act.

15 SECTION 41. **Program Management Office for the Earthquake Resiliency**  
16 **of the Greater Metro Manila Area.** – The Program Management Office for  
17 the Earthquake Resiliency of the Greater Metro Manila Area (PMO-ERG), as  
18 created pursuant to Executive Order no. 52, s. 2018, shall be attached to  
19 the Department and be given program and project implementation powers,  
20 as provided in this Act's IRR.

**ARTICLE VI**  
**DECLARATION OF STATE OF CALAMITY**

24 SECTION 42. **Declaration of State of Calamity.** – A state of calamity may  
25 be declared when any of the following requisites are present:

1       42.2 A significant impact is caused by a natural hazard or climate  
2                   change, which demands immediate action.

- 3
- 4       The following shall exercise this power, respectively:
- 5       a. The President, upon recommendation of the SDR, whether in whole or  
6                   part of an area;
- 7       b. The SDR, upon recommendation of the RDRO, covering two or more  
8                   provinces of the same region; and
- 9       c. The local sanggunian, upon recommendation of the local disaster  
10                  resilience office, within their jurisdiction.

11      **SECTION 43. Mandatory and remedial measures.** - The declaration of a  
12                  state of calamity shall allow the immediate implementation of any or all of  
13                  the following remedial measures:

- 14       43.1 Imposition of price ceiling on basic necessities and prime  
15                  commodities as provided for under Republic Act No. 7581,  
16                  otherwise known as the "Price Act", or the National Price  
17                  Coordinating Council;
- 18       43.2 Monitoring, prevention and control by the Local Price Coordination  
19                  Council of overpricing/profiteering and hoarding of prime  
20                  commodities, medicines and petroleum products; or
- 21       43.3 Use of alternative modes of procurement, such as negotiated  
22                  procurement under Section 57 of this Act, by the Department,  
23                  LGUs or relevant government agencies in relation to the  
24                  procurement of emergency works, goods or services to respond or  
25                  quickly recover from disasters.

26      **SECTION 44. Emergency measures.** To ensure public safety and welfare  
27                  due to impending hazards and actual occurrence of disasters, the  
28                  Department may implement the following measures:

- 44.1 Ration the distribution of basic goods in critical shortage, and/or restrict or ban the transfer of such goods outside the area covered by the emergency measure;
  - 44.2 Temporarily take over or direct the operation of any private utility or business for urgent public purpose in anticipation of, during, and in the aftermath of emergencies, hazards, and disasters and only when there is imminent danger of loss of lives and/or damage to property, subject to payment of just compensation; and
  - 44.3 With the concurrence of the DOF, recommend to the Monetary Board the deferment of payment for monetary debts of LGUs and/or private entities that have been affected by disasters.

## ARTICLE VII

### FUNDS AND RESOURCES

**SECTION 45. Appropriations and Management of Disaster Resilience Fund.** – The budget of the Department shall be composed of the following, which shall be collectively called the Disaster Resilience Fund:

- 17        45.1 Annual General Appropriations – shall provide the funding  
18                requirements for, among others, research, operations,  
19                maintenance, plans, and programs of the Department of  
20                Disaster Resilience, including, but not limited to, establishment  
21                of evacuation centers, retrofitting of structures, establishment of  
22                emergency operating centers, and implementation of other  
23                disaster risk reduction projects.

24

25        45.2 Disaster Contingency Fund – shall be in a lump-sum form to  
26                provide funds in case of imminent hazards or actual disasters  
27                for, among others, immediate response, relief and quick  
                  recovery measures for disaster affected areas.

1       45.3 Rehabilitation and Recovery Fund – shall provide the funding  
2       requirements for rehabilitation and/or reconstruction projects  
3       of disaster affected areas such as public classrooms,  
4       government buildings, public hospitals, permanent shelters and  
5       livelihood programs.

6       The Disaster Resilience Fund shall be managed by the Department to  
7       finance its operations, and disaster risk reduction, disaster preparedness,  
8       response, recovery, rehabilitation and building forward better programs,  
9       projects and activities formulated at the national level.

10      SECTION 46. **Continuing Appropriations.** – The unutilized balances from  
11     the Disaster Contingency Fund, and Rehabilitation and Recovery Fund shall  
12     be treated as Continuing Appropriations, which may be used to finance the  
13     cost of projects, programs, and/or activities even when such costs are  
14     incurred beyond the fiscal year of the GAA where such funds were  
15     appropriated.

16      SECTION 47. **Fund Regulations.** – The DBM and COA shall establish rules  
17     and regulations that apply specifically to the Disaster Resilience Fund to  
18     ensure that funds required for disaster response, recovery, and  
19     rehabilitation are available and/or released efficiently and expeditiously  
20     through innovative budgeting and auditing mechanisms, which may  
21     include, among others, providing for longer validity periods for funds and/or  
22     exemption from cash-based budgeting rules; imposing auditing or reporting  
23     requirements, which apply specifically to the utilization of the Disaster  
24     Resilience Fund.

25      SECTION 48. **People's Survival Fund.** – The Department shall manage and  
26     administer the People's Survival Fund, created under Republic Act No.  
27     10174, and facilitate its utilization by LGUs, through RDROs, to implement

1 climate change adaptation projects of LGUs and equip vulnerable LGU  
2 communities against the impacts of climate change.

3 **SECTION 49. Multi-Donor Trust Fund.** – The Department shall create and  
4 manage, together with the Bureau of Treasury, a Multi-Donor Trust Fund  
5 for the processing, releasing and accounting of money and other similar  
6 resources intended for disaster assistance. The Department shall establish a  
7 system to ensure transparency in the management and use of the Multi-  
8 Donor Trust Fund.

9 **SECTION 50. Financial Administration.** – The Department shall manage  
10 all funds appropriated to it by Congress and received from other sources.  
11 The Department shall also manage all donations received by it, subject to  
12 the auditing powers of the COA.

13 To fund its operations, the Department shall have the power to collect  
14 fees derived from the DRRTI and other related activities.

15 **SECTION 51. Donations Management.** – The Department shall have the  
16 power to receive and manage donations from any person or entity, whether  
17 from local or international sources.

18 The importation by, and donation to, the Department of, among  
19 others, food, clothing, medical assistance, equipment, and materials for  
20 relief, recovery and other disaster management activities are hereby  
21 authorized in accordance with Section 105 of the Tariff and Customs Code  
22 of the Philippines, as amended, and the prevailing provisions of the General  
23 Appropriations Act covering national internal revenue taxes and import  
24 duties of national and local government agencies.

25 **SECTION 52. Regulation of Donations.** – The Department shall establish  
26 and operate a platform, including an online platform, to facilitate, monitor,

1 and provide public access to information on donations. To ensure complete  
2 accounting and reporting of donations, the Department shall formulate and  
3 issue rules and guidelines for the receipt, management and accounting of  
4 donations, which are consistent with the rules on the use of foreign and  
5 local aid during calamities and disasters issued by COA and other relevant  
6 government agencies.

7 **ARTICLE VIII**

8 **SPECIAL RULES ON BORROWING, TAXES, AND PROCUREMENT**

9 SECTION 53. **Rules on Borrowing.** – The LGUs shall access foreign  
10 financing, through the DOF, Bangko Sentral ng Pilipinas (BSP), and other  
11 relevant agencies, as applicable, to implement disaster prevention,  
12 mitigation, early recovery, and rehabilitation measures at the provincial,  
13 city, or municipal level.

14 SECTION 54. **Special Rules on Tax and Duties.** – To facilitate prompt and  
15 efficient response to, and/or recovery from disasters, the following shall be  
16 granted special exemptions from existing taxation laws, rules, and  
17 regulations:

- 18       54.1. Exemption from taxes and import duties for foreign disaster  
19           assistance or international donations coursed through the  
20           Department;
- 21       54.2. Exemption from donor's tax and allowing the treatment of  
22           donations as a deductible expense for local disaster assistance  
23           coursed through the Department;
- 24       54.3. Exemption from Value Added Tax (VAT) for goods or services  
25           donated from abroad coursed through the Department;
- 26       54.4. Tax incentives to encourage members of the private sector to  
27           render aid or provide disaster assistance, and/or to invest in

1 disaster resilience and climate change adaptation measures for  
2 their residence, communities or businesses.

3 LGUs may also implement local tax rules that would grant disaster  
4 victims reasonable reduction, exemption, or deferment of local taxes or other  
5 types of tax assessments; or take other necessary action at the local level to  
6 provide tax relief to disaster victims.

7 **SECTION 55. Custom Duties and Tariffs on Donations.** – The BOC shall  
8 create rules that would, among others, hasten the processing and release of  
9 donated goods and equipment to disaster victims and/or affected areas.

10 **SECTION 56. Economic Recovery and Development of Disaster-Prone**  
11 **Areas.** – The Department, in coordination with the Department of Trade and  
12 Industry (DTI) and other relevant agencies, shall create and provide policies,  
13 programs, and projects, such as, but not limited to, business tax relief and  
14 subsidies, to encourage business investments, and to stimulate economic  
15 activities in affected or disaster-prone areas.

16 The Department, in collaboration with the relevant LGUs and other  
17 stakeholders, shall likewise establish dual purpose structures in disaster  
18 affected areas, such as, among others, community agricultural centers,  
19 classrooms, and water harvesting tanks to develop and promote investments  
20 in affected or disaster-prone areas.

21 **SECTION 57. Special Procurement Policies and Audit Rules for Disaster**  
22 **Resilience and Management.** – The Government Procurement Policy Board  
23 (GPPB) shall implement special policies for procurement of services, goods,  
24 and materials to be used for pre-, during, and post-disaster efforts of the  
25 Department, thereby amending related provisions of RA 9184 and its  
26 Implementing Rules and Regulations.

1       The Department's procurement activities relating to services, goods, or  
2 materials for preparation, response, recovery, and rehabilitation efforts,  
3 whether procured from local or international sources, shall be undertaken  
4 using the following modes:

5       57.1 During pre- and post-disaster phases, the Department may enter into  
6 simplified or pre-arranged contracts, which shall cover the following:

7           a. Establishment of a logistics system for the efficient and prompt  
8 distribution of goods, equipment or other materials required for  
9 disaster response and management; securing food, medicines,  
10 fuel, or other supplies from groceries, pharmacies, gas stations or  
11 other sources in the event of a disaster in a specific area; ensuring  
12 an alternative source of power or water from private utilities in the  
13 event of a disaster in a specific area; or other arranging the  
14 immediate supply of other goods, services or equipment necessary  
15 for disaster response and management.

16           b. Procurement of services, goods, and materials to be used for  
17 recovery and rehabilitation efforts, including but not limited to the  
18 construction of post-disaster shelters and provision of service  
19 contracts, to ensure the procurement of quality-oriented goods,  
20 materials, and equipment

21       The pre-arranged contracts shall include, among others, pre-signed  
22 agreements, stand-by contracts, pre-arranged systems of procurement  
23 with a pre-approved list of contractors for construction projects, pre-  
24 negotiated contracts, advanced procurements contracts, and  
25 framework contracts.

26       57.2 Direct purchase during a state of calamity, of imminent danger to life  
27 or property during a state of calamity, or when time is of the essence

arising from natural hazards and disasters where immediate action is necessary to prevent damage to or loss of life or property, or to restore vital public services, infrastructure facilities and other public utilities.

4 SECTION 58. **Government Accounting and Auditing Policies.** – The COA  
5 shall continually improve and update its policies, rules, and regulations to  
6 ensure their responsiveness to the disaster resiliency requirements of the  
7 country.

## ARTICLE IX

### DISASTER RISK TRANSFER AND INSURANCE

11 SECTION 59. **Disaster Risk Transfer and Insurance.** – The Department, in  
12 collaboration with the DOF and Insurance Commission, shall create,  
13 establish, and implement, among others, disaster insurance pools, revolving  
14 funds, insurance and risk-transfer schemes and/or facilities, and other  
15 financial disaster resilience measures to ensure the protection of public  
16 and/or private properties and livelihood against the adverse effects of  
17 natural disasters. For this purpose, the Department and/or DOF may  
18 engage or require the participation of government banks, insurance agencies  
19 and financial institutions.

20 SECTION 60. **Mandated Insurance Coverage.** – To attain disaster resilience  
21 and achieve the purposes of this Act, the Department shall have the  
22 discretion and authority to require government agencies, government-owned  
23 or controlled corporations (GOCCs), or LGUs to insure their assets and/or  
24 properties (such as, among others, vessels, vehicles, equipment,  
25 machineries, permanent buildings, properties stored therein, or properties  
26 in transit) against insurable risks and pay the premiums therefor, to  
27 compensate the Government, GOCC or LGU, as applicable, for any damage  
28 to, or loss of, properties due to a natural disaster

1

**ARTICLE X**

2

**PROHIBITED ACTS AND PENALTIES**

3     SECTION 61. **Prohibited Acts and Penalties.** – Any individual, corporation,  
4     partnership, association or any juridical entity that commits any of the  
5     following prohibited acts shall be made liable:

6         61.1 Prohibited Acts of Public Officials - The following acts, if committed  
7             by public officials without justifiable cause, shall be considered as  
8             neglect of duty:

9             Simple neglect of duty

10             a. Failure to create functional local disaster resilience offices  
11                     within six (6) months from approval of this Act;

12             b. Failure to prepare and implement an LDRP or PDRP, as  
13                     applicable, or Contingency Plan for hazards frequently occurring  
14                     within their jurisdiction; and

15             Gross neglect of duty

16             c. Failure to enforce laws, standards, or regulations such as the  
17                     National Building Code, Solid Waste Management Act, Water  
18                     Code, and other relevant laws, leading to destruction, loss of  
19                     lives, and/or critical damage of facilities.

20         61.2 Prohibited Acts of Public Officials and Private Persons or  
21             Institutions

22             a. Delaying without justifiable cause the delivery, or improper  
23                     handling or storage of, aid commodities, resulting in damage or  
24                     spoilage;

- b. 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;
- c. Preventing the entry and distribution of relief goods in disaster-stricken areas, including appropriate technology, tools, equipment, accessories, disaster teams/experts;
- d. Buying, for consumption or resale, from disaster relief agencies any relief goods, equipment or other and commodities that are intended for distribution to disaster affected communities;
- e. Buying, for consumption or resale, from the recipient disaster affected persons any relief goods, equipment or other aid commodities received by them;
- f. Selling of relief goods, equipment or other aid commodities that are intended for distribution to disaster victims;
- g. Forcibly seizing relief goods, equipment or other aid commodities intended for or consigned to a specific group of victims or relief agency;
- h. Diverting or misdelivering relief goods, equipment or other aid commodities to persons other than the rightful recipient or consignee;
- i. Accepting, possessing, using or disposing relief goods, equipment or other aid commodities not intended for nor consigned to him or her;
- j. 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 and 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;
  - k. Substituting or replacing relief goods, equipment or other aid commodities with the same items of inferior or cheaper quality;
  - l. Illegal solicitations by persons or organizations representing others as defined in the standards and guidelines set by this Act's IRR;
  - m. Deliberately using false or inflated data in support of the request for funding, relief goods, equipment or other aid commodities for emergency assistance or other projects; and
  - n. Tampering with or stealing hazard monitoring and disaster preparedness equipment and paraphernalia.

18 Any individual, corporation, partnership, association or other juridical  
19 entity that commits any of the prohibited acts in the preceding paragraph  
20 shall be made liable for the following:

- 21 1. A fine of not less than one hundred thousand pesos (Php 100,000.00)  
22 or not to exceed five hundred thousand pesos (Php 500,000.00), or  
23 imprisonment of not less than six (6) months and one (1) day nor  
24 more than twelve (12) years, or both, at the discretion of the court,  
25 including perpetual disqualification from public office if the offender is  
26 a public officer, and confiscation or forfeiture in favor of the  
27 government of the objects and the instrumentalities used in  
28 committing any of herein prohibited acts.

29 2. If the offender is a corporation, partnership or association, or other  
30 juridical entity, the penalty shall be imposed upon the officer or

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

8        3. If the offender is a public officer, the offense shall also be punishable  
9        by administrative suspension of six (6) months and one (1) day to one  
10       (1) year for the first offense, and dismissal from the service for the  
11       second offense. The penalty of dismissal shall carry with it the  
12       cancellation of eligibility to or forfeiture of retirement benefits,  
13       perpetual disqualification from holding public office and  
14       disqualification from taking civil service examinations.

15      Acts committed in violation of this Section shall be without prejudice to the  
16      imposition of other criminal, civil and administrative liabilities under other  
17      existing laws.

18      **SECTION 62. Liability for Unlawful Performance of Duties and State**  
19      **Liability in case of Defense Litigation.** – In case a lawsuit is filed against  
20      any personnel of the Department as a result of the performance of his or her  
21      duties, and such performance was found to be lawful, he or she shall be  
22      reimbursed by the Department for reasonable costs of litigation. For this  
23      purpose, the Department is authorized to procure applicable liability  
24      insurance for its officers and employees.

25      **SECTION 63. Disciplinary powers of the President.** – The President,  
26      subject to the recommendation of the Department Secretary and the  
27      Department of the Interior and Local Government (DILG), shall have the  
28      power to impose administrative sanctions against local chief executives and

1 barangay officials for willful or negligent acts that relate to the  
2 implementation of, or compliance with, this Act and its IRR or relating to  
3 their official functions, which adversely affect disaster resilience projects  
4 such as, but not limited to, delayed issuance of permits or failure to  
5 implement local ordinances.

6

## **ARTICLE XI**

### **SPECIAL COURTS AND INJUNCTIONS**

7

8 SECTION 64. **Special Courts on Disaster Resilience Matters.** – To ensure  
9 the prompt and expeditious resolution of disputes relating to disaster  
10 response, recovery or rehabilitation measures, the Supreme Court shall  
11 create and/or designate special courts to hear, try, and decide cases arising  
12 from the following, among others:

- 13       64.1. Expropriation, eminent domain or right-of-way issues related to  
14                   the implementation of disaster resilience projects;  
15       64.2. Failure to comply with standards for disaster risk reduction and  
16                   continuity planning, including, but not limited to, infrastructure  
17                   standards and designs;  
18       64.3. Commission of prohibited acts under Article X of this Act; and  
19       64.4. Disputes involving donations, relief goods, or contracts executed  
20                   or implemented pursuant to the provisions of this Act.

21 SECTION 65. **Dispute Resolution Mechanisms.** – The Department shall  
22 establish a Disaster Resolution Board, which shall resolve disputes involving  
23 administrative matters related to:

- 24       65.1. Accreditation or denial of accreditation of disaster resilience  
25                   training institutions, trainers, instructors, donors, volunteers,  
26                   and Assisting Domestic or International Actors;  
27       65.2. Decisions of the RDROs;

- 65.3. Contracts entered into by the Department or any of its agents pursuant to the provisions of this Act; and
- 65.4. Other administrative matters or issues as may be determined by the Department.

The composition, structure, and other organizational matters related to the DRB shall be defined and provided in this Act's IRR.

7 SECTION 66. **Imposition of Temporary Restraining Order.** – No Court,  
8 except the Supreme Court, shall have the power to issue an injunction or a  
9 temporary restraining order against any action taken or projects  
10 implemented by the Department or its agents pursuant to this Act.

## ARTICLE XII

### MISCELLANEOUS PROVISIONS

13 SECTION 67. **Post-Disaster Shelters.** – The Department shall establish a  
14 post-disaster shelter recovery policy framework for low-income/informal  
15 settler families, with the assistance of the appropriate housing agencies and  
16 the applicable LGUs. It shall, among others, determine the appropriate  
17 shelter modalities depending on the following phases: emergency,  
18 temporary/transitional, and permanent. The Department shall likewise  
19 identify, assess, and decide on safe zones for the implementation of recovery  
20 or rehabilitation projects.

21 SECTION 68. **Cultural Heritage.** – To protect, preserve, and promote the  
22 nation's historical and cultural heritage, the Department shall assist the  
23 appropriate cultural agencies and the appropriate LGUs to give priority  
24 protection and restoration to all national cultural treasures or national  
25 historical landmarks, sites, or monuments in post-disaster recovery or  
26 rehabilitation measures.

1 SECTION 69. **Indigenous People.** – The Department, with the assistance of  
2 the National Commission on Indigenous Peoples (NCIP) and the applicable  
3 LGUs, shall devise and implement mechanisms that foster social protection  
4 for indigenous communities that are vulnerable to the effects of natural  
5 disasters.

6 The Department shall ensure respect for, and protection of, the  
7 traditional resource right of the Indigenous Cultural  
8 Communities/Indigenous Peoples (ICCs/IPs) to their ancestral domains, and  
9 recognize the customary laws and traditional resource use and  
10 management, knowledge, and practices in ancestral domains.

11 In ancestral domains that are disaster-prone, the Department, with  
12 the assistance of the NCIP and applicable LGUs, shall create an Ancestral  
13 Domain Disaster Management and Resiliency Plan. It shall likewise properly  
14 communicate and explain information on disaster risks in ancestral  
15 domains with the concerned ICCs/IPs and, as much as possible, engage  
16 such ICCs/IPs in jointly formulating a disaster resiliency plan for their  
17 ancestral domain.

18 SECTION 70. **Livelihood.** – The Department, with the assistance of the  
19 relevant government agencies, such as but not limited to, the DTI and  
20 Department of Labor and Employment (DOLE), shall establish policies and  
21 programs to restore and/or generate livelihood in areas affected by natural  
22 disasters.

23 SECTION 71. **Incentives Program.** – The Department shall establish an  
24 incentives program that recognizes the outstanding promotion and  
25 implementation by local disaster resilience offices, CSOs, academe, and  
26 other institutions of disaster resilience programs and/or projects, and the  
27 meritorious acts of individuals or entities during natural disasters.

1 SECTION 72. **Structural audit of government buildings and critical**  
2 **infrastructure.** – The Department shall be assisted by the DPWH, DOTr,  
3 Department of Energy (DOE), DICT, DILG, local building officials, and other  
4 relevant government instrumentalities and stakeholders, in ensuring the  
5 conduct of structural audit, as often as necessary, on government buildings,  
6 critical public infrastructure, and private structures as may be determined  
7 by the Department.

8 SECTION 73. **Transitory Provision.** – The functions, assets, funds,  
9 equipment, properties, transactions, and personnel of the affected and  
10 transferred agencies, and the formulation of the internal organic structure,  
11 staffing pattern, operating system, and revised budget of the Department,  
12 shall be completed within one (1) year from the effectivity of this Act, during  
13 which time the existing personnel shall continue to assume their posts on  
14 holdover capacity. The Department, in collaboration with the DBM, shall  
15 come up with its Organizational Structure and Staffing Pattern, both of  
16 which shall be approved within thirty (30) days from the effectivity of this  
17 Act.

18 The Secretary of National Defense shall serve as the interim SDR until  
19 such time that the SDR has been appointed. Upon appointment, the SDR  
20 shall make use of the existing structure, systems, and personnel in  
21 responding to natural hazards and disasters during the transition period.

22 SECTION 74. **Appropriation.** – The amount of Three Billion and Five  
23 Hundred Million pesos (PhP3,500,000,000.00) is hereby appropriated for the  
24 initial implementation of this Act. This excludes the quick response and  
25 other calamity funds that shall be placed under the management of the  
26 Department.

27 SECTION 75. **Separation of Benefits of Officials and Employees of**  
28 **Affected Agencies.** – National government employees displaced or  
29 separated from service as a result of this Act shall be entitled to either

1 separation pay and other benefits in accordance with existing laws, rules, or  
2 regulations, or be entitled to avail themselves of the privileges provided  
3 under a separation plan that shall be one and one-half month salary for  
4 every year of service in the government; provided, however, that those who  
5 avail themselves of such privileges shall start their government service anew  
6 if absorbed by the Department. In no case shall there be any diminution of  
7 benefits under the separation plan until the full implementation of this Act.  
8 Displaced or separated personnel as a result of the implementation of this  
9 Act, if qualified, shall be given preference in the hiring of the manpower  
10 requirements of the Department. With respect to employees who are not  
11 retained by the Department, the government, through the Department of  
12 Labor and Employment, shall endeavor to implement training, job  
13 counseling, and job placement programs.

14 **SECTION 76. Implementing Rules and Regulations.** – The Department,  
15 DBM, Department of Finance (DOF), DILG, DOST, National Economic and  
16 Development Authority (NEDA), and Presidential Management Staff (PMS)  
17 shall issue, within ninety (90) days from the effectivity of this Act, the  
18 necessary rules and regulations (IRR) for the effective implementation of this  
19 Act. They may call upon other relevant government agencies to assist in the  
20 crafting of the IRR.

21 **SECTION 77. Congressional Oversight Committee.** – A Congressional  
22 Oversight Committee is hereby created to monitor and oversee the  
23 implementation of this Act. The Committee shall be composed of six (6)  
24 members from the Senate and six (6) members from the House of  
25 Representatives with the Chairpersons of the Committee on Government  
26 Reorganization of both the Senate and the House of Representatives as joint  
27 Chairpersons of this Committee. The five (5) other members from each  
28 Chamber are to be designated by the Senate President and the Speaker of  
29 the House of Representatives, respectively. The minority shall be entitled to

1 pro rata representation but shall have at least two (2) representatives from  
2 each Chamber.

3 SECTION 78. **Mandatory Review.** – Congress shall undertake a mandatory  
4 review of this Act within five (5) years after the effectivity of this Act, or as  
5 often as it may deem necessary.

6 SECTION 79. **Interpretation.** – Any doubt in the interpretation of any  
7 provision of this Act shall be resolved in favor of a liberal interpretation that  
8 will fulfill the objectives of this Act, especially in relation to the provision of  
9 effective, efficient and timely disaster response, rehabilitation and recovery.

10 SECTION 80. **Repealing Clause.** – The provisions of Republic Act No.10121,  
11 Republic Act No. 7160, Republic Act No. 7916, Republic Act No. 9184, and  
12 all other laws, decrees, executive orders, proclamations and other executive  
13 issuances, which are not consistent with or contrary to the provisions of this  
14 Act, are hereby repealed or amended.

15 SECTION 81. **Separability Clause.** – If any provision of this Act shall be  
16 held unconstitutional or invalid, the other provisions not otherwise affected  
17 shall remain in full force and effect.

18 SECTION 82. **Effectivity.** – This Act shall take effect fifteen (15) days after  
19 its publication in at least two (2) newspapers of general circulation.

Approved,