

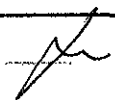
FOURTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Second Regular Session)

OFFICE OF THE SECRETARY

9 FEB 23 P4:09

SENATE

COMMITTEE REPORT NO. 248

RECEIVED BY: 

Submitted jointly by the Committees on National Defense and Security, Local Government, Public Services, and Finance on FEB 23 2009.

Re: Senate Bill No. 3086

Recommending its approval in substitution of Senate Bill Nos. 145, 699, 1129, 1444, 1493, 2013, 2086, 2451 and 2540.

Sponsors: Senators Biazon, Aquino III, Revilla Jr., and Angara.

MR. PRESIDENT:

The Committees on National Defense and Security, Local Government, Public Services, and Finance to which were referred Senate Bill No. 145, introduced by Senator Gordon, entitled:

**“AN ACT
TO ESTABLISH DISASTER PREPAREDNESS AND MITIGATION MEASURES”;**

Senate Bill No. 699, introduced by Senator Ejercito Estrada, entitled:

**“AN ACT
CREATING THE NATIONAL DISASTER MANAGEMENT COMMISSION, DEFINING ITS
POWERS AND FUNCTIONS, PROVIDING FUNDS THEREFOR AND FOR OTHER
PURPOSES”;**

Senate Bill No. 1129, introduced by Senator Defensor Santiago, entitled:

**“AN ACT
ESTABLISHING ONE LOCAL EMERGENCY CENTER IN EVERY MUNICIPALITY
THROUGHOUT THE COUNTRY”;**

Senate Bill No. 1444, introduced by Senator Honasan, entitled:

**“AN ACT
STRENGTHENING PHILIPPINE DISASTER RISK MANAGEMENT CAPABILITY BY
ESTABLISHING THE NATIONAL DISASTER MANAGEMENT COUNCIL AND
INSTITUTIONALIZING THE NATIONAL DISASTER RISK MANAGEMENT PLAN,
APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES”;**

Senate Bill No. 1493, introduced by Senator Zubiri, entitled:

**“AN ACT
STREAMLINING AND STRENGTHENING THE PHILIPPINE DISASTER PREPAREDNESS
AND PREVENTION CAPABILITY, APPROPRIATING FUNDS THEREFOR, AND FOR
OTHER PURPOSES”;**

Senate Bill No. 2013, introduced by Senator Revilla Jr., entitled:

**“AN ACT
STRENGTHENING PHILIPPINE DISASTER RISK MANAGEMENT CAPABILITY BY
ESTABLISHING THE NATIONAL DISASTER MANAGEMENT COUNCIL AND
INSTITUTIONALIZING THE NATIONAL DISASTER RISK MANAGEMENT PLAN,
APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES”;**

Senate Bill No. 2086, introduced by Senator Trillanes IV, entitled:

**“AN ACT
ESTABLISHING THE EMERGENCY MANAGEMENT AGENCY (EMA) AND PROVIDING
FUNDS THEREFOR”;**

Senate Bill No. 2451, introduced by Senator Gordon, entitled:

**“AN ACT
ESTABLISHING A NATIONAL EMERGENCY ALERT SYSTEM FOR DISASTER AND
HAZARDS MANAGEMENT IN THE PHILIPPINES, PROVIDING FUNDS THEREFOR AND
FOR OTHER PURPOSES”;** and

Senate Bill No. 2540, introduced by Senator Villar, entitled:

**“AN ACT
STRENGTHENING PHILIPPINE DISASTER RISK MANAGEMENT CAPABILITY BY
ESTABLISHING THE NATIONAL DISASTER MANAGEMENT COUNCIL AND
INSTITUTIONALIZING THE NATIONAL DISASTER RISK MANAGEMENT PLAN,
APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES”**

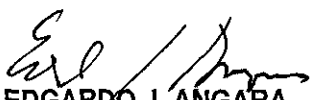
have considered the same and have the honor to report them back to the Senate with the recommendation that the attached Senate Bill No. 3086, prepared by the Committees, entitled:

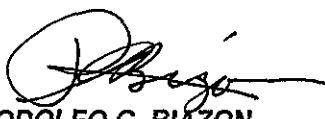
**“AN ACT
STRENGTHENING PHILIPPINE DISASTER RISK MANAGEMENT CAPABILITY BY
INSTITUTIONALIZING THE NATIONAL DISASTER RISK MANAGEMENT FRAMEWORK,
APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES”**

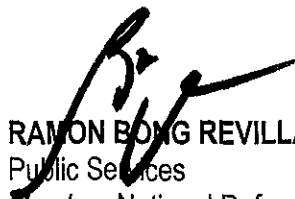
be approved in substitution of Senate Bill Nos. 145, 699, 1129, 1444, 1493, 2013, 2086, 2451 and 2540, with Senators Gordon, Ejercito Estrada, Defensor Santiago, Honasan, Zubiri, Revilla Jr., Trillanes IV, Villar, Biazon, Aquino III, and Enrile as authors thereof.

Respectfully submitted:

Committee Chairmen:


EDGARDO J. ANGARA *Will Amador*
Finance
Member, National Defense and Security,
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RODOLFO G. BIAZON
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Member, Finance



RAMON BONG REVILLA JR.
Public Services
Member, National Defense and Security, Finance,
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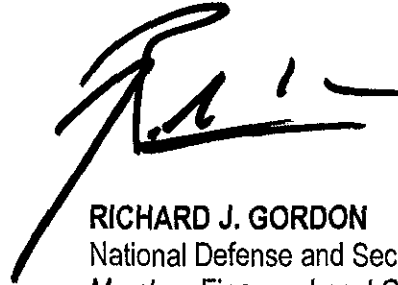
BENIGNO S. AQUINO III
Local Government
Member, National Defense and Security,
and Finance

*my intellectual
is beyond measure!*



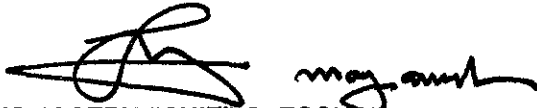
GREGORIO B. HONASAN II
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Member, National Defense and Security,
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Committee Vice-Chairpersons:



RICHARD J. GORDON
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Member, Finance, Local Government,
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*will
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done*



FRANCIS JOSEPH "CHIZ" G. ESCUDERO
Local Government
Member, National Defense and Security,
and Public Services



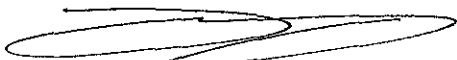
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Committee Members:

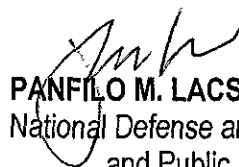
MIRIAM DEFENSOR SANTIAGO
National Defense and Security, and Finance



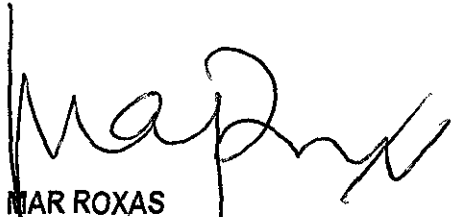
MANUEL "LITO" M. LAPID
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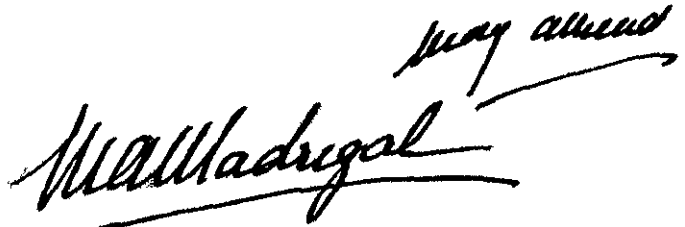
LOREN B. LEGARDA
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MAR ROXAS
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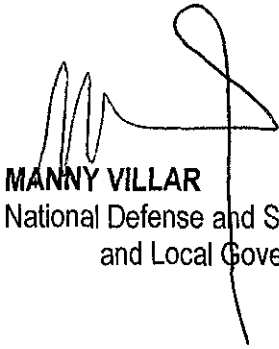


M.A. MADRIGAL
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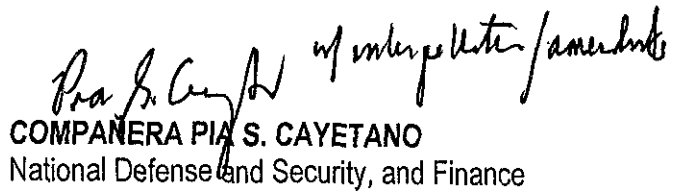


ALAN PETER "COMPAÑERO" S. CAYETANO
National Defense and Security, Finance,
Local Government, and Public Services

ANTONIO "SONNY" F. TRILLANES IV
Finance



MANNY VILLAR
National Defense and Security, Finance
and Local Government



COMPAÑERA PIA S. CAYETANO
National Defense and Security, and Finance

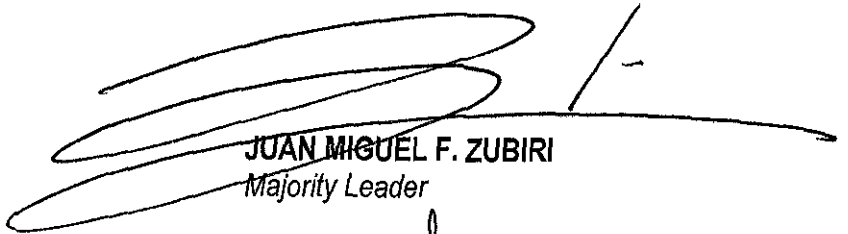


FRANCIS "KIKO" N. PANGILINAN
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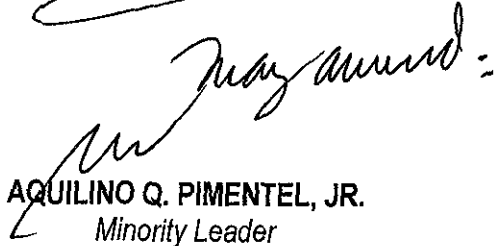
Ex-Officio Members:



JINGGOY EJERCITO ESTRADA
President Pro Tempore



JUAN MIGUEL F. ZUBIRI
Majority Leader

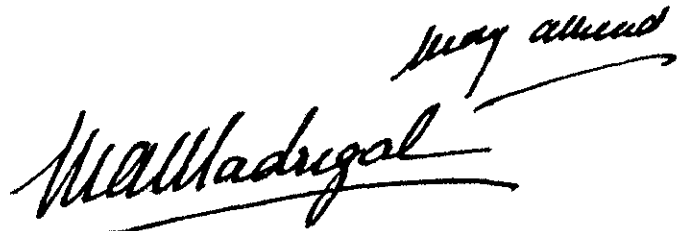


AQUILINO Q. PIMENTEL, JR.
Minority Leader

HON. JUAN PONCE ENRILE
Senate President
Senate of the Philippines
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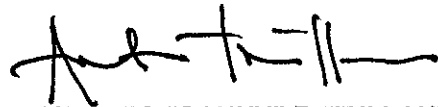
MAR ROXAS
National Defense and Security, Finance
and Public Services

may ahead


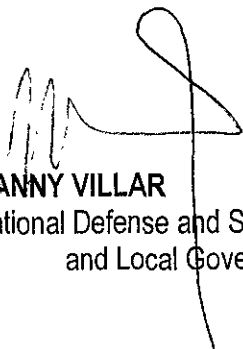
M.A. MADRIGAL
National Defense and Security, and Finance



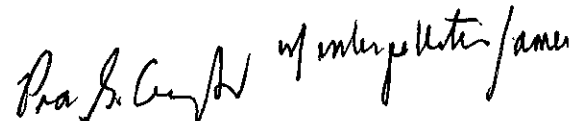
w/ interpolation
ALAN PETER "COMPAÑERO" S. CAYETANO
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ANTONIO "SONNY" F. TRILLANES IV
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MANNY VILLAR
National Defense and Security, Finance
and Local Government

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COMPANERA PIA S. CAYETANO
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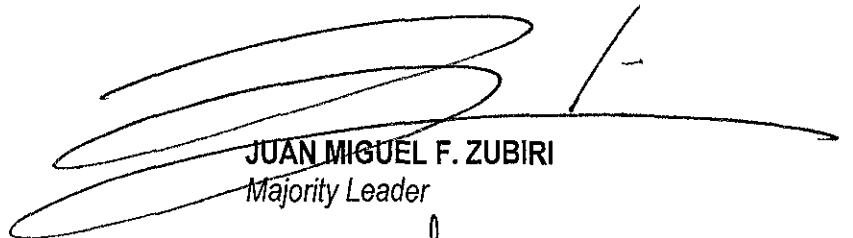


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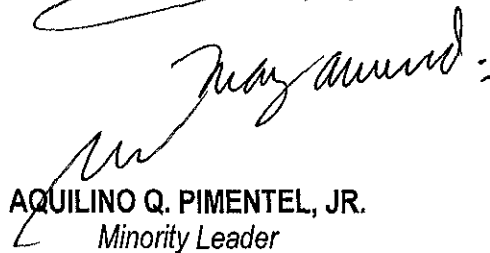
Ex-Officio Members:



JINGGOY EJERCITO ESTRADA
President Pro Tempore



JUAN MIGUEL F. ZUBIRI
Majority Leader

may ahead:


AQUILINO Q. PIMENTEL, JR.
Minority Leader

HON. JUAN PONCE ENRILE
Senate President
Senate of the Philippines
Pasay City

SENATE

9 FEB 23 P4:09

S. No. 3086

Prepared by the Committees on National Defense and Security, Local Government, Public Services, and Finance with Senators Gordon, Ejercito Estrada, Defensor Santiago, Honasan, Zubiri, Revilla Jr., Trillanes IV, Villar, Biazon, Aquino III, and Enrile as authors

RECEIVED BY: 

AN ACT
STRENGTHENING PHILIPPINE DISASTER RISK MANAGEMENT CAPABILITY
BY INSTITUTIONALIZING THE NATIONAL DISASTER RISK MANAGEMENT
FRAMEWORK, APPROPRIATING FUNDS THEREFOR AND FOR OTHER
PURPOSES

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

1 SECTION ONE. *Short Title.* -- This act shall be known as the "Philippine
2 Disaster Risk Management Act of 2009."

3 SEC. 2: *Declaration of Policy.* -- It shall be the policy of the State to:

4 a. Uphold the people's constitutional right to life and property by
5 decreasing disaster vulnerability, increasing their capability for recovery, and
6 enhancing over-all resilience to the events;

7 b. Adopt an integrated, coordinated, multi-sectoral, inter-agency and
8 community-based approach to disaster risk management that shall be both
9 anticipatory of and responsive to the socio-economic and environmental impacts of
10 disasters including climate change;

11 c. Develop, promote and implement a comprehensive National Disaster
12 Risk Management Plan to address pre-disaster vulnerabilities, disaster response
13 requirements, and post-disaster recovery;

14 d. Mainstream disaster risk reduction into physical and land-use planning,
15 budget, infrastructure, education, health, environment, housing, and other sectors;

16 e. Incorporate internationally accepted principles of disaster risk
17 management in the creation and implementation of national, regional and local

1 sustainable development and poverty reduction strategies, policies, plans and
2 budgets;

3 f. Recognize the country's various and particular local risk patterns and
4 the need to capacitate, strengthen, and decentralize powers, responsibilities and
5 resources for disaster risk reduction and response to regional and local authorities;

6 g. Encourage individuals, non-government organizations, the private
7 sector and community members to participate in disaster risk management and
8 response, and;

9 h. Develop and strengthen the capacities of vulnerable and marginalized
10 groups to prepare and mitigate the effects of disasters.

11 SEC. 3. *Definition of Terms.* -- For purposes of this Act, the following shall
12 refer to:

13 a. "Capacity" -- a combination of all strengths and resources available
14 within a community, society or organization that can reduce the level of risk, or
15 effects of a disaster. Capacity may include physical, institutional, social or economic
16 means as well as skilled personal or collective attributes such as leadership and
17 management. Capacity may also be described as capability.

18 b. "Community-Based Disaster Risk Management or CBDRM" -- activities,
19 projects and programs to reduce disaster risks, primarily designed by people living in
20 high-risk localities based on their needs and capacities, in close coordination with
21 their respective Local Disaster Management Councils.

22 c. "Complex Emergency" -- a form of human-induced emergency in which
23 the cause of the emergency as well as the assistance to the afflicted is complicated
24 by intense level of political considerations.

25 d. "Disaster" -- an event, natural or man-made, sudden or progressive,
26 which impacts vulnerable communities with such severity on lives and properties,
27 basic services, infrastructures and the environment that the affected community has
28 to respond with exceptional measures.

29 e. "Disaster Mitigation" -- measures that ensure the ability of at-risk
30 communities to address vulnerabilities aimed at minimizing the impact of disasters.

1 Such measures include, but are not limited to, the formulation and implementation of
2 plans, programs, projects and activities, as well as the enforcement of
3 comprehensive land use planning, building and safety standards, and legislation.

4 f. "Disaster Preparedness" -- pre-disaster actions and measures being
5 undertaken to avert or minimize loss of life and property, such as but not limited to
6 community organizing, training, planning, equipping, stockpiling, hazard mapping,
7 and public information and education initiatives.

8 g. "Disaster Prevention" – activities to provide outright avoidance of the
9 adverse impacts of hazards and means to minimize related environmental,
10 technological and biological disasters. Depending on social and technical feasibility
11 and cost-benefit considerations, investing in preventive measures is justified in areas
12 frequently affected by disasters.

13 h. "Disaster Risk Management" – the systematic process of using
14 administrative decisions, organization, operational skills and capacities to implement
15 policies, strategies and coping capacities of the society and communities to lessen
16 the impacts of natural hazards and related environmental and technological
17 disasters. This comprises all forms of activities, including structural and non-structural
18 measures to avoid (prevention) or to limit (mitigation and preparedness) adverse
19 effects of hazards.

20 i. "Disaster Risk Reduction" -- a conceptual framework of elements
21 considered with the possibilities to minimize vulnerabilities and disaster risks
22 throughout a society, to avoid through prevention or to limit through mitigation and
23 preparedness the adverse impacts of hazards within the broad context of sustainable
24 development.

25 j. "Emergency" -- unforeseen or sudden occurrence, especially danger,
26 demanding immediate action.

27 k. "Hazard" -- a potentially damaging natural phenomenon and/or human
28 activity that may cause the loss of life or injury, property damage, social and
29 economic disruption, and environmental degradation.

- 1 l. “National Disaster Risk Management Framework” – provides for
2 comprehensive, all-hazards, multi-sectoral, inter-agency and community-based
3 approach to disaster risk management.
- 4 m. “National Disaster Risk Management Plan” -- the master plan which
5 provides the strategies, organization, tasks of concerned agencies and local
6 government units, and other guidelines to deal with disasters or emergencies.
- 7 n. “Rehabilitation” -- measures that ensure the ability of affected
8 communities to restore their normal level of functioning by rebuilding livelihood and
9 damaged infrastructures and increasing the communities’ organizational capacity.
- 10 o. “Response” -- any concerted effort by two or more agencies, public or
11 private, to provide emergency assistance to victims of a disaster and in the
12 restoration of essential public activities and facilities.
- 13 p. “Risk” -- the probability of harmful consequences, or expected losses
14 (deaths, injuries, property, livelihoods, economic activity disrupted or environment
15 damaged) resulting from the interactions between natural or human-induced hazards
16 and vulnerable conditions.
- 17 q. “Risk Identification and Analysis” -- a thorough analysis of current
18 vulnerabilities, location and severity of threat that will determine the underlying
19 causes of vulnerabilities.
- 20 r. “Risk Management” -- the process of identifying, analyzing and
21 quantifying the probability of losses in order to undertake preventive or corrective
22 measures in minimizing such.
- 23 s. “State of Calamity” – a condition involving mass casualty and/or major
24 damages to property, disruption of means of livelihoods, roads and normal way of life
25 of people in the affected areas as a result of the occurrence of natural or human-
26 induced hazard.
- 27 t. “Vulnerability” -- a set of conditions that results from physical, social,
28 economic and environmental factors which increase susceptibility of a community to
29 losses from the impact of natural or human-induced hazards.

1 u. "Vulnerable and Marginalized Groups" – are those that face higher
2 exposure to disaster risk and poverty including, but not limited to, women, children,
3 elderly, differently-abled people, and ethnic minorities.

4 SEC. 4. *Scope.* -- This Act provides for all the actions and measures
5 pertaining to all aspects of disaster risk management such as, but not limited to, the
6 anticipatory stages of risk identification and analysis, risk reduction, prevention,
7 mitigation and preparedness to the post-disaster stages of response, rescue, relief,
8 rehabilitation and reconstruction.

9 SEC. 5. *National Disaster Management Council.* -- The present National
10 Disaster Coordinating Council or NDCC shall henceforth be known as the National
11 Disaster Management Council, hereinafter referred to as NDMC or the Council. For
12 this purpose, Presidential Decree No. 1566 issued on 11 June 1978 is hereby
13 repealed.

14 The Council shall be headed by the Secretary of the Department of National
15 Defense (DND) as Chairperson with the Secretary of the Department of Social
16 Welfare and Development (DSWD) and the Director-General of the National
17 Economic Development Authority (NEDA) as Vice-Chairpersons.

18 The Council's members shall be the following:

- 19 1. Secretary of the Department of Health (DOH);
- 20 2. Secretary of the Department of Environment and Natural Resources
21 (DENR);
- 22 3. Secretary of the Department of Agriculture (DA);
- 23 4. Secretary of the Department of Education (DepEd);
- 24 5. Secretary of the Department of Science and Technology (DOST);
- 25 6. Secretary of the Department of Interior and Local Government (DILG);
- 26 7. Secretary of the Department of Trade and Industry (DTI);
- 27 8. Secretary of the Department of Transportation and Communication
28 (DOTC);
- 29 9. Secretary of the Department of Budget and Management (DBM);
- 30 10. Secretary of the Department of Public Works and Highways (DPWH);

- 1 11. Secretary of the Department of Foreign Affairs (DFA);
- 2 12. Secretary of the Department of Justice (DOJ);
- 3 13. Secretary of the Department of Labor and Employment (DOLE);
- 4 14. Secretary of the Department of Tourism (DOT);
- 5 15. Secretary of the Office of the Executive Secretary (OES);
- 6 16. Secretary of the Office of the Presidential Adviser on the Peace Process
- 7 (OPAPP);
- 8 17. Chairman, Commission on Higher Education (CHED);
- 9 18. Chief of Staff, Armed Forces of the Philippines (AFP);
- 10 19. Chief, Philippine National Police (PNP);
- 11 20. Secretary, Office of the Press Secretary (OPS);
- 12 21. Secretary-General of the Philippine National Red Cross (PNRC);
- 13 22. Commissioner of the National Anti-Poverty Commission-Victims of
- 14 Disasters and Calamities Sector (NAPC-VDC);
- 15 23. President of the Union of Local Authorities of the Philippines (ULAP);
- 16 24. President of the League of Provinces in the Philippines (LPP);
- 17 25. President of the League of Cities in the Philippines (LCP);
- 18 26. President of the League of Municipalities in the Philippines (LMP);
- 19 27. President of the Liga ng Mga Barangay (LMB);
- 20 28. Two (2) Representatives from the Non-Government Organizations (NGOs); and
- 21 29. Administrator of the Office of Civil Defense (OCD).

22 The representatives from the NGOs shall be selected from among their
23 respective ranks based on the criteria and mechanisms to be set for this purpose by
24 the Council.

25 SEC. 6. *Powers and Functions of the NDMC.* -- The Council, being
26 empowered with policy-making, coordination, integration, supervision, and evaluation
27 functions, shall have the following responsibilities to:

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

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

4 b. Develop, formulate, and lead the implementation of the National
5 Disaster Risk Management Plan (NDRMP) and ensure that this shall be considered
6 and integrated in the Medium-Term Philippine Development Plan (MTPDP), in the
7 annual Government Appropriations Act (GAA) and in local development plans
8 nationwide;

9 c. Recommend to the President the declaration of state of calamity in
10 areas extensively affected by disaster events and submit remedial proposals
11 addressing these;

12 d. Ensure the development and updating of a Disaster Management
13 Information System and Geographic Information System–based national risk map as
14 policy and decision-making tools;

15 e. Establish a national emergency alert system to provide accurate and
16 timely advice to national or local emergency response organizations and to the
17 general public through diverse mass media to include digital and analog broadcast,
18 cable, satellite television and radio, wireless communications, and landline
19 communications;

20 f. Oversee the development or enforcement by agencies and
21 organizations of the various laws, guidelines, codes or technical standards required
22 by this Act;

23 g. Manage and mobilize resources for disaster risk management including
24 the National Disaster Risk Management Fund;

25 h. Constitute a technical management group composed of representatives
26 of the above-mentioned departments, offices, and organizations, that shall coordinate
27 and meet as often as necessary to effectively manage and sustain national efforts on
28 disaster risk management;

1 i. Conduct periodic assessment of the NDMC member-agencies',
2 Regional Disaster Management Councils' and Local Disaster Management Councils'
3 performances.

4 SEC. 7. *Authority of the NDMC Chairperson.* -- The Chairperson of the NDMC
5 may call upon other instrumentalities or entities of the government and non-
6 government and civic organizations for assistance in terms of the use of their facilities
7 and resources for the protection and preservation of life and properties in the whole
8 range of disaster risk management. This authority includes the power to call on the
9 reserve force as defined in Republic Act No. 7077 to assist in relief and rescue during
10 disasters or calamities.

11 Towards this end, the Chairperson is hereby authorized to restructure and
12 reorganize the Office of Civil Defense as the secretariat of the Council within a five-
13 year implementation period.

14 SEC. 8. *The Office of Civil Defense.* -- The Office of Civil Defense (OCD) shall
15 have the primary mission of administering a comprehensive national civil defense
16 and disaster risk management program by providing leadership in the continuous
17 development of strategic and systematic approaches as well as measures to reduce
18 the vulnerabilities and risks to hazards and manage the consequences of disasters.

19 The Administrator of the Office of Civil Defense shall also serve as Executive
20 Director of the Council and, as such, shall have the same duties and privileges of a
21 department undersecretary. The Council shall utilize the services and facilities of the
22 OCD as the secretariat of the Council.

23 SEC. 9. *Powers and Functions of the OCD.* -- The OCD shall have the
24 following functions:

25 a. Advise the Council on matters relating to disaster risk management
26 consistent with the policies and scope as defined in this Act;

27 b. Identify, assess and prioritize hazards and risks considered of national
28 importance, in consultation with NDMC member-agencies concerned;

29 c. Oversee the development, evaluation and review of Local Disaster Risk
30 Management Plans to facilitate the integration of disaster risk reduction measures

1 into the local Comprehensive Development Plan (CDP) and Comprehensive Land
2 Use Plan (CLUP);

3 d. Ensure that government agencies and local government units give top
4 priority and take adequate and appropriate measures in disaster risk management;

5 e. Establish an operating facility to be known as the “National Disaster
6 Management Operations Center (NDMOC)” that shall be operated and staffed on a
7 twenty-four (24) hour basis;

8 f. Prepare the criteria and procedure for the enlistment of Accredited
9 Community Disaster Volunteers (ACDV) as defined in Section 15 hereof. It shall
10 include a manual of operations for the volunteers which shall be developed by the
11 OCD in consultation with various stakeholders;

12 g. Provide advice and assistance to the affected local government units
13 (LGUs) during a state of calamity at the local level, as may be necessary; and

14 h. Perform such other functions as may be necessary for effective
15 operations and implementation of this Act.

16 SEC. 10. *Disaster Management Organization at the Regional Level.* – The
17 current Regional Disaster Coordinating Councils shall henceforth be known as the
18 Regional Disaster Management Councils (RDMCs) which shall coordinate, integrate,
19 supervise, and evaluate the activities of the Local Disaster Management Councils
20 (LDMCs). The RDMCs shall establish an operating facility to be known as the
21 Regional Disaster Management Operations Center (RDMOC) whenever necessary.

22 The Chairperson of the RDMC shall be the Regional Director of the Office of
23 Civil Defense (OCD). Its Vice-Chairpersons shall be the Regional Directors of the
24 Department of Social Welfare and Development (DSWD) and the National Economic
25 Development Authority (NEDA). In the case of the Autonomous Region for Muslim
26 Mindanao (ARMM), the Regional Governor shall be the RDMC Chairperson. The
27 Regional Director of the Department of Interior and Local Government (DILG) shall
28 serve as Executive Director and Secretariat of the RDMC. The RDMCs shall be
29 composed of the executives of regional offices and field stations at the regional level.

1 SEC. 11. *Disaster Management Organization at the Local Government Level.* -

2 The current Provincial, City, Municipal and Barangay Disaster Coordinating Councils
3 shall henceforth be known as the Provincial, City, Municipal, and Barangay Disaster
4 Management Councils (P/C/M/B DMCs), respectively, to be chaired by the local chief
5 executive, which shall have the following functions:

6 a. Design, program, and coordinate disaster risk management activities
7 consistent with the Council's standards and guidelines;

8 b. Develop, approve, implement, and monitor Local Disaster Risk
9 Management Plans (LDRMP) and regularly review and test the plan consistent with
10 other national and local planning programs;

11 c. Integrate risk-reduction into local development plans, programs and
12 budgets as a strategy in sustainable development and poverty reduction;

13 d. Establish linkage or network with other local government units to
14 stimulate mutual aid arrangements for disaster-risk reduction and emergency
15 response purposes;

16 e. Assist the local sanggunian in formulating ordinances on disaster risk
17 management;

18 f. Establish an operating facility to be known as the
19 Provincial/City/Municipality/Barangay Disaster Management Operations Center, as
20 necessary;

21 g. Establish a local emergency alert system to provide accurate and timely
22 advice to national or local emergency response organizations and to the general
23 public, through diverse mass media, particularly radio, landline communications, and
24 technologies for communication within rural communities; and

25 h. Prepare and submit to the local sanggunian through the LDMO the
26 annual programming of the Local Disaster Risk Management Fund as defined in
27 Section 21 hereof and other regular funding sources and budgetary support for the
28 Local Disaster Management Office (LDMO) as defined in Section 13 hereof and local
29 disaster management councils (DMCs).

1 SEC. 12. *Participation of Civil Society Organizations (CSOs)* --- The National,
2 Regional and Local DMCs may invite the participation of civil society organizations to
3 support the government in its DRM program.

4 SEC. 13. *Local Disaster Management Office (LDMO)*. -- There shall be
5 established a Local Disaster Management Office (LDMO) in every province, city,
6 municipality, and barangay which shall assist the Local Disaster Management
7 Councils in setting the direction and development of disaster risk management
8 programs and coordinating disaster response activities within their territorial
9 jurisdiction.

10 The LDMO shall be under the Office of the Governor, City or Municipal Mayor,
11 or Barangay Chairman which shall be organized and initially manned by a Disaster
12 Management Officer (DMO) to be assisted by three (3) staff members who will be
13 assigned tasks related to operations, administrative and training, and research and
14 planning, or as may be defined by the LDMC depending on their needs: *Provided,*
15 That in case of barangays, the chairperson of the DMC shall concurrently act as the
16 DMO and that the three (3) staff members mentioned herein shall be chosen by the
17 DMO from among the members of the DMC.

18 The Provincial, City, Municipal, and Barangay Disaster Management Office
19 shall have the following functions:

20 a. Identify, assess and manage the hazards and risks that may occur in
21 their locality;

22 b. Disseminate information and raise public awareness about those
23 hazards and risks, their nature, effects, early warning signs and counter-measures;

24 c. Determine and implement cost-effective risk-reduction measures or
25 strategies;

26 d. Assess training needs on disaster risk management and conduct
27 trainings for stakeholders based on the standards formulated by the Council;

28 e. Maintain a database of manpower, equipment, directories, and location
29 of critical infrastructures and their capacities such as hospitals and evacuation
30 centers;

- 1 f. Develop, strengthen and operationalize mechanisms for partnership or
2 networking with private sector, civil society organizations, and volunteer groups;
- 3 g. Take all necessary steps on a continuing basis to maintain, provide, or
4 arrange the provision of, or to otherwise make available, suitably-trained and
5 competent personnel for effective civil defense and disaster risk management in its
6 area;
- 7 h. Organize, train, equip and supervise the local emergency response
8 teams;
- 9 i. Respond to and manage the adverse effects of emergencies and carry
10 out recovery activities in the affected area;
- 11 j. Serve as the secretariat and executive arm of the LDMC;
- 12 k. Coordinate other disaster risk management activities;
- 13 l. Implement policies, plans and programs of the LDMC consistent with
14 the policies and guidelines laid down in this Act; and
- 15 m. Act on matters that may be authorized by the LDMC.

16 SEC. 14. *The National Disaster Risk Management Plan.* – The National
17 Disaster Risk Management Plan (NDRMP) shall provide for the identification of
18 hazards and risks to be managed at the national level; disaster risk management
19 approaches and strategies to be applied in managing said hazards and risks; agency
20 roles and responsibilities at all government levels; and vertical and horizontal
21 coordination of disaster risk management in the pre-disaster and post-disaster
22 phases. It shall be in conformity with the National Disaster Risk Management
23 Framework (NDRMF).

24 SEC. 15. *Accredited Community Disaster Volunteers and Participation of*
25 *NGOs and POs.* -- A national roster of Accredited Community Disaster Volunteers
26 (ACDV) and AFP Reservists as defined in Republic Act No. 7077 shall be maintained
27 by the Council through the LDMOs. Accreditation shall be done at the municipal or
28 city level.

1 SEC. 16. *Coordination During Emergencies.* – The LDMCs shall take the lead
2 in preparing for, responding to, and recovering from the effects of any disaster based
3 on the following criteria:

- 4 a. The BDMC, if a barangay is affected;
- 5 b. The City/Municipal DMCs, if two (2) or more barangays are affected;
- 6 c. The Provincial DMC, if two (2) or more cities/municipalities are affected;
- 7 d. The Regional DMC, if two or more provinces are affected; and
- 8 e. The NDMC, if two or more regions are affected.

9 The NDMC and intermediary LDMCs shall always act as support to local
10 government units which have the primary responsibility as first disaster responders.
11 Private sector and civil society groups shall work in accordance with the coordination
12 mechanism and policies set by the NDMC and concerned local DMCs.

13 SEC. 17. *Declaration of State of Calamity.* – The Council shall recommend to
14 the President of the Philippines the declaration of a cluster of barangays,
15 municipalities, cities, provinces, and regions under a state of calamity, based on the
16 criteria set by the Council. The President's declaration shall warrant international
17 humanitarian assistance as deemed necessary.

18 The declaration and lifting of the state of calamity may also be issued by the
19 local sanggunian upon the recommendation of the proper LDMC.

20 SEC. 18. *Remedial Measures.* -- The declaration of a state of calamity shall
21 make mandatory the immediate undertaking of the following remedial measures by
22 the member-agencies concerned as defined in this Act:

23 a. Automatic imposition of price control of basic necessities by the
24 Department of Trade and Industry, in areas declared under a state of calamity;

25 b. Monitoring, prevention and control of overpricing/profitteering and
26 hoarding of prime commodities, medicines and petroleum products by the local Price
27 Coordinating Council;

28 c. Programming/reprogramming of funds for the repair and safety
29 upgrading of public infrastructures and facilities; and

1 d. The granting of “one-year, no-interest loans” by government financing
2 or lending institutions to the most affected section of the population.

3 SEC. 19. *Prohibited Acts.* -- Any person, group or corporation who commits
4 any of the following prohibited acts shall be held liable and be subjected to the
5 penalties as prescribed in Section 20 of this Act:

6 a. Dereliction of duties which lead to damages or death and misuse of
7 funds;

8 b. Preventing the entry and distribution of relief goods in disaster-stricken
9 areas, including appropriate technology, tools, equipment, accessories, disaster
10 teams/experts;

11 c. Buying, for consumption or resale, from disaster relief agencies any
12 relief goods, equipment or other aid commodities which are intended for distribution
13 to disaster victims;

14 d. Buying, for consumption or resale, from the recipient disaster victims
15 any relief goods, equipment or other aid commodities received by them;

16 e. Selling of relief goods, equipment or other aid commodities which are
17 intended for distribution to disaster victim;

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

20 g. Diverting or misdelivery of relief goods, equipment or other aid
21 commodities to persons other than the rightful recipient or consignee;

22 h. Accepting, processing, using or disposing relief goods, equipment or
23 other aid commodities not intended for nor consigned to him/her;

24 i. Misrepresenting the source of relief goods, equipment or other aid
25 commodities by:

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

29 (2) Repacking the goods, equipment or other aid commodities into
30 containers with different markings to make it appear that the goods, came from

1 another agency or persons or was released upon the instance of a particular
2 agency or persons;

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

7 j. Substituting or replacing relief goods, equipment or other aid
8 commodities with the same items or inferior/cheaper quality; and

9 k. Deliberate use of false or inflated data in support of the request for
10 funding, relief goods, equipment or other aid commodities for emergency assistance
11 or livelihood projects.

12 SEC. 20. *Penal Clause.* -- Any individual, corporation, partnership,
13 association, or other juridical entity that commits any of the prohibited acts provided
14 for in Section 19 of this Act shall be prosecuted and upon conviction shall suffer a
15 fine of not less than Fifty Thousand Pesos (P50,000.00) or any amount not to exceed
16 Five Hundred Thousand Pesos (P500,000.00) or imprisonment of not less than six
17 (6) years and one (1) day or more than twelve (12) years, or both, at the discretion of
18 the court, including perpetual disqualification from public office if the offender is a
19 public officer, and confiscation or forfeiture in favor of the government of the objects
20 and the instrumentalities used in committing any of herein prohibited acts.

21 If the offender is a corporation, partnership or association, or other juridical
22 entity, the penalty shall be imposed upon the officer or officers of the corporation,
23 partnership, association or entity responsible for the violation without prejudice to the
24 cancellation or revocation of these entities' license or accreditation issued to them by
25 any licensing or accredited body of the government. If such offender is an alien, he or
26 she shall, in addition to the penalties prescribed in this Act, be deported without
27 further proceedings after service of the sentence.

28 However, the prosecution for offenses set forth in Section 19 of this Act shall
29 be without prejudice to any liability for violation of Republic Act No. 3185, as
30 amended, otherwise known as the Revised Penal Code, and other civil liabilities.

1 SEC. 21. *Funding of Disaster Risk Management Activities at the Local Level.* -

2 - The present Local Calamity Fund shall henceforth be known as the Local Disaster
3 Risk Management Fund (LDRMF). At least five percent (5%) of the estimated
4 revenue from regular sources of the local government unit shall be set aside as
5 LDRMF to support disaster risk reduction or mitigation, prevention and preparedness
6 activities for potential occurrence of disasters, as well as for disaster response,
7 rehabilitation, reconstruction and other works or services in connection with disasters
8 or calamities, whether natural or human-induced, occurring within the local
9 government unit or other areas, and for the payment of premiums on calamity
10 insurance.

11 Unexpended LDRMF shall accrue to a special trust fund solely for the purpose
12 of supporting disaster risk management activities of the LDMCs within the next two
13 years. Any such amount still not fully utilized after two years shall revert back to the
14 general fund and will be available for other social services to be identified by the local
15 sanggunian.

16 SEC. 22. *National Disaster Risk Management Fund.* --

17 a. The present Calamity Fund appropriated under the annual General
18 Appropriations Act shall henceforth be known as the National Disaster Risk
19 Management Fund (NDRMF) and it shall be used for disaster risk reduction or
20 mitigation, prevention and preparedness activities such as but not limited to training
21 of personnel, procurement of equipment, and capital expenditures. It can also be
22 utilized for relief, rehabilitation, reconstruction and other work or services in
23 connection with natural or human-induced calamities which may occur during the
24 budget year or those that occurred in the past two (2) years from the budget year.

25 b. The specific amount of the NDRMF and the appropriate recipient
26 agencies and/or local government units shall be determined upon approval of the
27 President of the Philippines in accordance with the favorable recommendation of the
28 NDMC.

29 c. Of the amount appropriated for NDRMF, thirty percent (30%) shall be
30 allocated as Quick Response Fund (QRF) or stand-by fund for relief and

1 rehabilitation programs in order that situation and living conditions of people in
2 communities or areas stricken by calamities, epidemics, or complex emergencies,
3 may be normalized as quickly as possible.

4 d. All departments/agencies and local government units that are allocated
5 with DRM fund shall submit to the NDMC their monthly statements on the utilization
6 of DRM funds and make an accounting thereof in accordance with existing
7 accounting and auditing rules.

8 SEC. 23. *Funding of the OCD.* -- As lead agency to carry out the provisions of
9 this Act, the OCD shall be allocated additional budget from the annual General
10 Appropriations Act as may be determined by Congress based on the OCD budget
11 proposal to be submitted for this purpose.

12 SEC. 24. *Annual Report.* -- The Council, through the OCD, shall submit to the
13 Office of the President, the Senate and the House of Representatives within the first
14 quarter of the succeeding year an annual report relating to the progress of the
15 implementation of disaster risk management programs by the Council's member-
16 agencies and the LDMCs.

17 SEC. 25. *Implementing Rules and Regulations.* -- The Council shall issue the
18 necessary rules and regulations for the effective implementation of this Act within
19 sixty (60) days after approval of this Act.

20 SEC. 26. *Repealing Clause.* -- Presidential Decree No. 1566 and all other
21 laws, decrees, executive orders, proclamations and other executive issuances which
22 are inconsistent with or contrary to the provisions of this Act are hereby amended or
23 repealed accordingly.

24 SEC. 27. *Separability Clause.* -- If any provision of this Act shall be held
25 unconstitutional or invalid, the other provisions not otherwise affected shall remain in
26 full force and effect.

27 SEC. 28. *Effectivity Clause.* -- This Act shall take effect fifteen (15) days
28 following its complete publication in the Official Gazette or in two (2) national
29 newspapers of general circulation.

30 Approved.