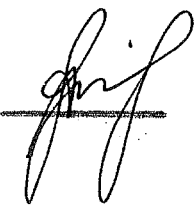


THIRTEENTH CONGRESS OF THE REPUBLIC )  
 OF THE PHILIPPINES )  
 First Regular Session )

'04 JUN 30 P12:25

RECEIVED BY: 

SENATE

S.B. No. 61


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Introduced by Senator **LUISA "LOI" P. EJERCITO ESTRADA**

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## EXPLANATORY NOTE

Our country has always been coping with a hostile environment, continuously expending efforts to survive against typhoons, floods, earthquakes, epidemics, fire and other calamities, both natural and man-made.

P.D. 1566, which created the National Disaster Coordination Council, has been enacted in order to respond to these calamities. Unfortunately, the law does not completely address disaster issues. First, it confers disaster management responsibilities to the Department of National Defense, which has difficulty handling the same as it has already been saddled with numerous responsibilities. Second, its provisions do not approach disaster issues in their entirety.

The series of volcanic eruptions in the country and the recent onslaught of typhoon "Feria", which claimed 36 lives and devastated millions of properties, signal the need to revise said decree and other appropriate existing laws.

If the government were to effectively pursue a comprehensive disaster management program, it should create a separate body tasked to handle the same and address disaster issues in their totality, *i.e.*, prevention, mitigation, preparedness, emergency operations, relief, and rehabilitation, rather than the current emphasis on response operations.

This bill seeks to create the National Disaster Management Commission in order to effectively undertake a comprehensive disaster management program. Hence, its immediate enactment into law is earnestly requested.

  
**LUISA "LOI" P. EJERCITO ESTRADA**  
 Senator

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

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

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

SECTION 2. *Declaration of State Policy.* – It is hereby declared to be the policy of the State to develop, promote, and implement measures to prevent and counter the impact of disasters in the country, through collaboration of efforts and utilization of the resources of government, non-governmental organizations and other concerned sectors.

SECTION 3. *Definition of Terms.* - As used in this Act,

- (1) Disaster - An event, natural or man-made, sudden or progressive, that seriously disrupts the functioning of a society, causing human, material, or environmental losses of such severity that the affected community has to respond by taking exceptional measures. The disruption (including essential services and means of livelihood) is on a scale that exceeds the ability of the affected society to cope with using only its own resources;
- (2) Disaster Management - Disaster management includes all aspects of planning of and responding to disasters. It refers to the management of both the risks and the consequences of disasters, and includes both:

prevention and preparedness measures taken in disaster-prone areas in anticipation of the known hazards – often referred to as “pre-disaster” and long-term rehabilitation (sometimes referred to as “reconstruction”);

- (3) Disaster Preparedness - Measures that ensure the readiness and ability of a society to: (a) forecast and take precautionary measures in advance of an imminent threat (in cases where advance warnings are possible), and (b) respond to and cope with the effects of a disaster by organizing and delivering timely and effective rescue, relief, and other appropriate post-disaster assistance.
- (4) Emergency Situation - An extraordinary situation in which people are unable to meet their basic survival needs, and there are serious and immediate threats to human life and well being.
- (5) Emergency Operation Centers - A suitably equipped and staffed area or room, from within which an emergency operation is conducted.
- (6) Normal Phase (Normal Time) - A period when there is no immediate threat but long-term actions are required in anticipation of the impact, at some unknown time in the future, of known hazards;
- (7) Alert and Warning Phase - The period from the issuing of an alert or public warning of an imminent disaster threat to its actual impact, or the passage of the threat and the lifting of the warning. The period during which pre-impact precautionary, or disaster containment measures are taken;
- (8) Disaster Phase - The period during which direct impact of a natural calamity is felt. Disaster phase is long in case of slow on-set disasters (draughts, normal monsoon flood) and short in case of rapid on-set disasters (flash flood, cyclone, earthquake, fire, industrial accident, landslide etc);
- (9) Recovery Phase - The period, following the emergency phase, during which actions are to be taken to enable victims to resume normal lives and

means of livelihood, and to restore infrastructure, services and the economy in a manner appropriate to long-term needs and defined development objectives. Recovery encompasses both rehabilitation and reconstruction, and may include the continuation of certain relief (welfare) measures in favor of particular disadvantaged, vulnerable groups.

SECTION 4. *National Disaster Management Commission.* – There shall be created a National Disaster Management Commission (hereinafter known as “Commission”). It shall be headed by a chairman and two commissioners who shall each have a term of four (4) years and shall be constituted by the President of the Philippines from among the list of nominees considered expert in the field of disaster management and preparedness. The chairman shall have the rank and privileges of a department undersecretary, and the appointive commissioners shall have the rank and privileges of assistant secretaries of a department.

SECTION 5. *Status and Nature of the Commission.* — The Commission shall be independent and autonomous and shall have the same status as that of a national government agency attached to the Office of the President.

The Commission shall exercise corporate powers. It shall have a seal, may sue and be sued, and shall be the sole policy-making coordinating body of all disaster management programs.

SECTION 6. *Powers of the Commission.* — The Commission shall have the following powers:

- (1) To appoint the officers and other personnel of the Commission and fix their compensation, allowances and other emoluments, subject to the civil service and other existing applicable laws, rules and regulations;

- (2) To suspend, dismiss, or otherwise discipline for cause, any employee, and/or to approve or disapprove the appointment, transfer or detail of employees, subject to the provisions of existing laws and regulations;
- (3) To enter into contracts;
- (4) To acquire, use and control any land, building, facilities, equipment, instrument, tools, and rights required or otherwise necessary for the accomplishment of the objectives of the Commission;
- (5) To acquire, own, possess and dispose of any real or personal property;
- (6) To accept donations, gifts, bequests, and grants;
- (7) To ensure the implementation by various government departments and agencies of their disaster management programs;
- (8) To issue rules and regulations in pursuance of the provisions of this Act;  
and
- (9) To perform any and all other acts incident to or required by virtue of its creation.

SECTION 7. *Responsibilities of National Disaster Management Agency.* – The Commission shall have the following responsibilities:

- (1) To formulate policy regarding Disaster Management and issue guidelines in this respect;
- (2) To ensure coordination among various government agencies, the Armed Forces of the Philippines and concerned NGOs, such as the Philippine National Red Cross, the Boy Scouts of the Philippines and other related organizations, in the planning process of disaster management;
- (3) To arrange framing of law for prevention, mitigation, preparedness and disaster response;
- (4) To take necessary steps after evaluating the precautionary/preparedness measures immediately with the warning signals regarding imminent disaster;

- (5) To frame guidelines for distribution of relief materials and assign priority of steps during pre-disaster, disaster and post-disaster periods;
- (6) To consider other related issues and dispose of them;
- (7) To coordinate the activities of the government agencies concerned with disaster management and evaluate the activities of the same;
- (8) To scrutinize the disaster preparedness of different departments and agencies every six months;
- (9) To take steps for coordination of relief operations in post-disaster recovery period;
- (10) To advise and issue guidelines for other related issues;
- (11) To hold meetings with concerned departments, agencies and NGOs as often as necessary to effectively coordinate the national efforts on disaster preparedness emergency operations and recovery and rehabilitation activities;
- (12) To call on all other departments, bureaus, agencies, instrumentalities and corporations of the government and the private sector for assistance in preparing for, reacting to and recovering from the effects of disasters and civil emergencies;
- (13) To coordinate the activities and functions of the various agencies and instrumentalities of the National Government and private institutions and civic organizations to implement the policies set by the Commission relative to disaster management;
- (14) To prepare and disseminate disaster control manuals and other publications related to measures on disaster prevention, control and mitigation; and
- (15) To advise the President on matters concerning disaster management;
  - A. Responsibilities regarding Disaster Prevention/Mitigation
    - (1) To recommend to the President regarding the prioritization and inclusion of disaster prevention/mitigation projects in

the National Development Plan;

- (2) To determine the method of Disaster Impact Assessment (DIA) of large projects regarding their longevity against increasing disaster or damage during disaster;
- (3) To coordinate preparation and implementation of disaster prevention/mitigation projects and to recommend framing of policy, fixing priorities and distributing assets in this respect;
- (4) To arrange for increasing efficiency at all levels of disaster management activities;
- (5) To monitor the disaster risks and their mitigation according to priorities in the national policy and their implementation and to keep the Commission informed of their progress.

B. Responsibilities regarding Disaster Preparedness

- (1) To scrutinize the disaster forecasts and warning procedure and coordinate among the different agencies;
- (2) To review the action plan of all disaster related agencies;
- (3) To monitor the overall disaster preparedness programmes and advise the President;
- (4) To coordinate among different agencies responsible for educating people concerning their duties during disasters;
- (5) To ensure coordination among government agencies and NGOs responsible for imparting training on disaster management;
- (6) To extend help to concerned NGOs by sponsoring disaster management training programs;
- (7) To ensure quick assessment of damage due to disaster and the quality of reconstruction work.
- (8) To maintain liaison with different government agencies, aid-giving agencies, NGOs and Voluntary Organizations and ensure their

maximum cooperation and coordination in all matters of disaster management.

C. Responsibilities to meet emergency situation

1. Normal Phase

- (a) To review existing disaster management programs every 3 (three) months;
- (b) To identify disaster prone and special disaster prone areas and the population likely to be affected by the disaster;
- (c) To update the list of foreign and private agencies willing to participate in the disaster preparedness, emergency response and rehabilitation programmes;
- (d) To preserve information regarding food, relief materials and transports usable at all levels during disaster;
- (e) To issue necessary orders for proper coordination of steps relating to disaster and response;
- (f) To undertake various activities for creating awareness among the people, government employees and people of other professions for reducing risks during disaster.

2. Alert and Warning Phase

- (a) To issue orders, for dispatch of relief materials to required places and to keep the transports ready, in coordination with concerned government departments, agencies and instrumentalities;
- (b) To direct local government units to establish Emergency Operation Center (EOC) of their own;
- (c) To ensure direct communication with PAG-ASA and issue orders for collection of inputs (warning message and signal) from the department;
- (d) To ensure publicity of warning signals through Radio,



Television, Telegram, Fax, teleprinter etc and also inform departments and other concerned agencies and officials;

- (e) To keep the EOC open day and night;
- (f) To call a meeting with the Committee in order to solicit participation from each member;
- (g) To request the AFP to keep a helicopter and transport plane ready for reconnaissance of loss and damages and for relief operations and to keep water vessels ready for rescue and relief operations;
- (h) To issue directives to evacuate to safer places for saving life and property;
- (i) To request the AFP to be on red alert for speedy mobilization to the affected areas;
- (j) To instruct, in coordination with the DILG, authorities to requisition required transports for rescue and relief work.
- (k) In consultation with PAG-ASA, to issue instructions to local administration for evaluation of the people likely to be affected to safer places;
- (l) To arrange in advance necessary relief materials for the disaster prone areas; and
- (m) To request the Department of Health and the Philippine National Red Cross to send medical teams to areas likely to be affected.

### 3. Disaster Phase

- (a) To request the AFP to keep vessels and air planes ready for assessment of loss and damage and rescue operations as soon as weather becomes favorable;
- (b) To request the DOH and other concerned agencies to assist the AFP in respect of , evacuation, relief and rescue

operations on the basis of need;

- (c) To coordinate rescue and relief work with NGOs.
- (d) To collect information of loss and damage.
- (e) To fix additional requirement of funds and materials for relief and rehabilitation work.
- (g) To collect quickly funds and relief materials for gratuitous relief.
- (h) To ensure rapid supply of additional equipment/materials to places where telecommunication has been disrupted on account of disaster by coordinating with the Department of Transportation and Communications;

4. Rehabilitation Stage

- (a) To arrange, in coordination with concerned departments and agencies for housing building grant, test relief and food for works programs;
- (b) To continue emergency rehabilitation work in affected areas until return of normalcy.
- (c) To coordinate rehabilitation programs, extended by various government agencies and non-governmental organizations.
- (d) To coordinate with the Department of Public Works and Highways for the construction of infrastructure projects particularly in gravely devastated areas;

SECTION 8. *The Secretariat and the Executive Director.* — The Commission shall organize a secretariat to be headed by an executive director who shall serve as the chief operating officer.

The executive director shall be appointed by the President of the Philippines upon the recommendation of the Commission for a term of four (4) years with reappointment for another term, and must have the qualifications, rank and privileges of a bureau

director. He must possess executive and management experience of at least three (3) years and with considerable exposure to disaster management programs. He shall be responsible for the effective implementation of the policies promulgated by the Commission and shall also direct and supervise the day-to-day operations of the Commission.

The staffing pattern and compensation schedule of the secretariat shall be drawn up in accordance with existing laws, rules and regulations.

SECTION 9. *Duties and Responsibilities of the Secretariat* — The Secretariat shall be responsible for:

- (a) Ensuring an effective and efficient performance of the functions of the Commission and prompt implementation of the programs;
- (b) Proposing specific allocation of resources for projects instated under the approved programs;
- (c) Submitting periodic reports to the Commission on the progress and accomplishment of programs and projects;
- (d) Preparing an annual report on all activities of the Commission;
- (e) Providing and performing general administrative and technical staff support; and
- (e) Performing such other functions as the Commission may deem necessary.

SECTION 10. *National Disaster Management Advisory Committee*. — There shall be created a National Disaster Management Advisory Committee, hereinafter known as “Committee” to be composed of the following:

Secretary, Department of Health (DOH), Chairman

Secretary, Department of Social Welfare

and Development (DSWD), Vice Chairman

Secretary, Department of National Defense (DND), Member

Secretary, Department of Public Works and Highways (DPWH), Member

Secretary, Department of Agriculture (DA), Member

Secretary, Department of Education (DepEd), Member

Secretary, Department of Finance (DOF), Member

Secretary, Department of Labor and Employment (DOLE), Member

Secretary, Department of Justice (DOJ), Member

Secretary, Department of Trade and Industry (DTI), Member

Secretary, Department of Interior and Local Government (DILG), Member

Secretary, Department of Environment and Natural Resources (DENR), Member

Chief of Staff, Armed Forces of the Philippines (AFP), Member

Secretary-General, Philippine National Red Cross (PNRC), Member

The Committee shall meet once every three (3) months, or as often as may be necessary upon call of its chairman, advise and be consulted by the Commission on important matters relating to disaster management.

The Committee may form task forces which shall convene between the meetings. The Commission shall provide the technical support and the secretariat required by the Council to function according to this Act.

SECTION 11. *Advisory capacity.* - The Committee shall be the advisory arm of the Commission, tasked primarily to formulate policy programs which the Commission may adopt. Specifically, the Committee shall have the following responsibilities:

- (1) To advise the Commission on technical management and socio-economic aspects of Disaster Prevention/Mitigation, preparedness, emergency response and development (rehabilitation and reconstruction matters);
- (2) To alert the Commission about the risk of disaster and mitigation possibilities and encourage them in respect of workshop, training and research;
- (3) To create a forum for discussion by experts on the risk of disaster, opening opportunities for cooperation towards solution of problems relating to disaster management;

- (4) To recommend release of funds for special project works and also for introduction of special emergency methods or empowerment, if needed;
- (5) To recommend solution of problems identified by the Commission;
- (6) To propose long term rehabilitation plans;
- (7) To evaluate and approve programmes undertaken by the Commission in order to meet the disaster and submit a report with recommendations to the Commission;
- (8) Propose legislation on Disaster, Preparedness and Mitigation and other instructions.

SECTION 12. *Other responsibilities* – The members of the Committee shall also have the following responsibilities:

- (1) The DILG Secretary shall be responsible for overseeing the organization of disaster coordinating councils and the establishment of operation centers of all local governments;
- (2) The Labor Secretary shall be responsible for the organization of disaster control groups in all factories and industrial complexes, utilizing the existing safety committee therein;
- (3) The DECS Secretary shall be responsible for the organization of disaster control groups and reaction teams in all schools and institutions of learning;
- (4) The DTI Secretary shall be responsible for the organization of disaster control groups and reaction teams in large buildings used for commercial and recreational purposes;
- (5) The DSWD Secretary shall be responsible in the extension of emergency relief assistance and social services to the victims which will immediately restore them to rehabilitation and a life of normalcy;
- (6) The DOH Secretary shall provide medicines and other relief materials and prepare medical teams to be dispatched whenever necessary, provide

emergency medical treatment of disaster victims and subsequent hospitalization if necessary, provide medicine, other medical supplies and equipment, institute preventive and curative measures to check and control occurrence and spread of disease, maintain sanitary conditions in disaster affected areas, check and monitor quality of water supplies in disaster affected areas, recommend evacuation when necessary and advise on health resources to cover evacuation requirements, and provide field hospital and resources at the disaster site, if necessary;

- (7) All members of the Committee shall make available their personnel, facilities and expertise to effectively carry out the functions of the Commission.

SECTION 13. *Appropriations.* — There is hereby authorized to be appropriated the amount of Seventy million pesos (P70,000,000) as additional funding for the Commission to be charged against the unexpended contingency funds of the Office of the President. Thereafter, the amount needed for the operation and maintenance of the Commission shall be included in the annual General Appropriations Act: Provided, That operating expenses of the Commission itself shall not exceed ten percent (10%) of the annual appropriation and that at least ninety percent (90%) of said annual appropriation shall be disbursed for disaster management programs, projects and activities.

SECTION 14. *Rules and Regulations.* - The Commission shall issue rules and regulations to implement this Act.

SECTION 15. *Separability Clause.* - If any provision or part hereof, is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SECTION 16. *Repealing Clause.* - Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with the provision of this Act is hereby repealed, modified or amended accordingly.

SECTION 17. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

*Approved,*

*EPC/disaster3*