

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



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SENATE

S.B. No. 1553

RECEIVED BY: _____

Introduced by Senator JOSEPH VICTOR G. EJERCITO

AN ACT
CREATING THE DEPARTMENT OF DISASTER AND EMERGENCY
MANAGEMENT, DEFINING ITS POWERS AND FUNCTIONS,
APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

The Philippines is highly vulnerable to natural disasters due to its geographical location and physical environment. Being situated along the Pacific Ring of Fire, it is prone to occurrences of earthquakes, tsunamis and volcanic eruptions. In a year, the country is also hit by an average of twenty (20) typhoons, five of which is destructive, due to its being situated along the Pacific Typhoon Belt.¹

The 2016 World Risk Report published by the United Nations University Institute of Environment and Human Security (UNU-EHS) also revealed that the Philippines ranked third in the most disaster-prone countries in the world with a Risk Index of 26.70 percent. Only Vanuatu and Tonga, which are both located in the Southern Pacific Ocean, had a higher Risk Index than the Philippines in 2016 with scores of 36.28 and 29.33 percent, respectively.²

In terms of the socioeconomic damage, a report cited that in the last ten years, (2007-2016), the estimated damage amounts to US\$19.16 Billion.³

The extent of destruction to the country poses a very serious challenge to the government in terms of protecting its people and equipping its agencies and

¹ <http://www.adrc.asia/nationinformation.php?NationCode=608>

² http://www.senate.gov.ph/publications/SEPO/PB_Examining%20PH%20DRRM%20System_Revised_27June2017.pdf

³ Ibid.

subdivisions to respond promptly and efficiently to the effects of disasters and emergencies.

The experience of the Philippines in 2013 when the country was struck with super typhoon Yolanda exposes the gaps in the policies of the government in terms of disaster preparedness, mitigation, response and rehabilitation. The disaster left the economy with 7,750 deaths and damages amounting to US\$12.42 billion.⁴

This measure proposes the creation of a separate department as focal agency for disaster and emergency management which includes disaster preparedness, response and mitigation, and risk reduction called the Department of Disaster and Emergency Management. It shall consolidate and assume the functions of the Office of Civil Defense and the National Disaster Risk Reduction and Management Offices, in addition to its vital functions under the proposed measure.

The Department shall also lead in consolidating and integrating the relief and rehabilitation efforts of the government and shall strengthen the capacity of the local government units in responding to disasters and emergencies.

It also mandates the Department to set-up permanent and typhoon-resilient evacuation centers and facilities and consolidate the existing evacuation infrastructures in the country.

Through the creation of a single department in-charge of managing the effects of disasters and emergencies as well as the preparation and mitigation phases, effective processes, and policies shall be developed and a sustainable resources and accountability are likewise established.

Toward this end, the immediate passage of this bill is earnestly sought.



JOSEPH VICTOR G. EJERCITO

⁴ Ibid

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APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES

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

1 SECTION 1. **Short Title.** - This Act shall be known as the "Department of
2 Disaster and Emergency Management Act of 2017."
3

4 SEC. 2. **Declaration of Policy.** - It is hereby declared the policy of the State:
5

6 a. To uphold the sacredness and dignity of human life by efficiently
7 and effectively addressing humanitarian emergencies, including
8 calamities and disasters, through the establishment of a focused,
9 streamlined, independent, empowered, capacitated, full-time,
10 specialized agency on disaster risk reduction and management as
11 well as emergency response, which is national in scope and civilian
12 in character. The people are the most important assets of the nation,
13 and all disaster risk reduction and management efforts shall be
14 responsive to the humanitarian needs of the people, the dignity and
15 value of the human person, and respect for property;
16

17 b. To promote a simplified, strategic, systematic, continuous,
18 comprehensive, inclusive, and integrated approach to disaster risk
19 reduction and management, with the end in view of substantially
20 reducing vulnerabilities and the risk of disasters and other
21 humanitarian emergencies, towards the preservation of life and

1 property, thereby ultimately preventing or deterring the loss of lives
2 and the social, economic, cultural, and environmental assets of the
3 country; .
4

- 5 c. To establish a permanent, institutionalized, cohesive and
6 comprehensive framework for disaster preparedness, prevention
7 and mitigation, and response, to be implemented by a full-time and
8 focused specialized agency with its own mandate, powers, and
9 funding, in coordination and with the participation of the Philippine
10 government, other foreign governments and financial institutions,
11 international organizations, the private sector, and civil society.
12

13 In disaster risk reduction and management, disaster
14 prevention and mitigation shall, first of all, aim the outright
15 avoidance of the adverse impacts of hazards and related disasters.
16 However, with the knowledge and capacities to effectively anticipate,
17 respond to, and recover from, the impacts of likely, imminent or
18 current hazard events or conditions, preparedness action shall be
19 carried out in the most effective and efficient manner. In a disaster
20 scenario, the response shall ensure the provision of emergency
21 services and public assistance, before, during or immediately after, a
22 disaster;
23

- 24 d. To create an integrated, systematic, comprehensive, and cohesive
25 plan to simplify, streamline, integrate, and coordinate the various
26 programs, projects, and activities of the Government and such other
27 actors/stakeholders in disaster risk reduction and management to
28 ensure accountability, responsibility, and transparency, as well as to
29 achieve efficiency and effectiveness of in the performance of their
30 functions.
31

32 **SEC. 3. Definition of Terms.** - For purposes of this Act, the following shall
33 refer to:
34

- 35 a. **Contingency Planning** - a management process that analyzes
36 specific potential events or emerging situations that might threaten
37 society or the environment and establishes arrangements in advance
38 to enable timely, effective and appropriate responses to such events
39 and situations;
40

- 41 b. **Disaster** - a serious disruption of the functioning of a community or
42 a society involving widespread human, material, economic or

1 environmental losses and impacts, which exceeds the ability of the
2 affected community or society to cope using its own resources;

- 3
4 c. **Disaster and Emergency Management** - the organization and
5 management of resources and responsibilities for addressing all
6 aspects of disasters and emergencies, in particular preparedness,
7 response and initial recovery steps;
8
9 d. **Emergency** - any occasion or instance for which, in the
10 determination of the President, national assistance is needed to
11 supplement local government efforts and capabilities to save lives
12 and to protect property and public health and safety, or to lessen or
13 avert the threat of a catastrophe in any part of the country;
14
15 e. **Evacuation Centers and Facilities** - permanent and typhoon-
16 resilient structures equipped with facilities constructed exclusively
17 for evacuation and humanitarian relief operations during disasters
18 and emergencies.
19
20 f. **Geographic Information System** - a database which contains,
21 among others, geohazard assessments, information on climate
22 change, and climate risk reduction and management;
23
24 g. **Government** - includes the National Government, and any of its
25 subdivisions, agencies or instrumentalities, including government-
26 owned and controlled corporations and their subsidiaries, and Local
27 Government Units;
28
29 h. **Hazard** - a dangerous phenomenon, substance, human activity or
30 condition that may cause loss of life, injury or other health impacts,
31 property damage, loss of livelihood and services, social and
32 economic disruption, or environmental damage;
33
34 i. **Humanitarian** - one devoted to the promotion of human welfare and
35 the advancement of social reform;
36
37 j. **Response** - any and all projects, programs, plans, and activities
38 pertaining to act on or inaction to prevent/ mitigate, prepare for,
39 and generally perform any and all activities in relation to, disasters
40 and other humanitarian emergencies. This includes, but is not
41 limited to, the provision of emergency services and public assistance
42 during or immediately after a disaster. Disaster response that is

1 The Department shall also cause the identification, establishment and
2 maintenance of permanent evacuation centers and facilities in priority cities
3 and municipalities.

4
5 **SEC. 6. Composition.** - The Department Proper shall be composed of the
6 Office of the Secretary and the Offices of the Undersecretaries and Assistant
7 Secretaries, and the bureaus and services of the Department as well as
8 Regional and Local Offices.

9
10 The Provincial, City, Municipal, and Barangay Disaster and Emergency
11 Management Offices and Rescue Teams shall be under the control and
12 supervision of their respective local government units. The Department shall
13 exercise supervisory powers over such offices.

14
15 **SEC. 7. Office of the Secretary.** - The Office of the Secretary shall be consist of
16 the Secretary and his/her immediate staff.

17
18 **SEC. 8. The Secretary.** - The Secretary shall be appointed by the President,
19 subject to confirmation by the Commission on Appointments.

20
21 The Secretary shall have the following powers and functions:

- 22
- 23 a. Advise the President in issuing executive orders, regulations,
24 proclamations and other issuances, the promulgation of which is
25 expressly vested by law in the President relative to matters under the
26 jurisdiction of the Department;
 - 27
 - 28 b. Establish the policies and standards for the effective, efficient, and
29 economical operation of the Department pursuant to a national
30 disaster risk reduction and management framework which shall
31 provide for a comprehensive, all-hazards, multi-sectoral, Inter-
32 agency and community-based approach to humanitarian emergency
33 assistance and disaster risk reduction and management, in line with
34 Section 6(a) of the Philippine Disaster Risk Reduction and
35 Management Act of 2010;
 - 36
 - 37 c. Promulgate rules and regulations necessary to carry out department
38 objectives, policies, functions, plans, programs, and projects;
 - 39
 - 40 d. Promulgate administrative issuances necessary for the efficient
41 administration of the offices under his/her jurisdiction and for the
42 proper execution of the laws relative thereto;
 - 43

- 1 e. Exercise direct supervision and control over all functions and
2 activities of the Department, as well as all its officers and personnel;
3
4 f. Create regional offices and such other service units and divisions, as
5 may be necessary; and
6
7 g. Perform such other functions as may be necessary and/or proper to
8 attain the objectives of this Act.
9

10 **SEC. 9. The Undersecretaries.** - The Secretary shall be assisted by three (3)
11 Undersecretaries in the performance of the Department's functions and duties
12 related to the pillars of disaster risk reduction and management, namely, (a)
13 disaster preparedness, (b) disaster response, and (c) disaster prevention and
14 mitigation. Another undersecretary shall be in charge of administrative and
15 finance services.
16

17 The Undersecretaries shall be appointed by the President upon the
18 recommendation of the Secretary. They shall have the powers and functions,
19 as provided for in Section 10, Chapter 2, Book IV of the Administrative Code
20 of 1987, relative to the scope of their responsibilities as provided above.
21

22 The Office of the Undersecretaries shall consist of the Undersecretaries
23 and their respective immediate staff.
24

25 **SEC. 10. Assistant Secretaries.** - The Secretary shall also be assisted by three
26 (3) Assistant Secretaries, one (1) for training, one (1) for operations, and one
27 (1) for legal affairs. The Assistant Secretaries shall be appointed by the
28 President upon the recommendation of the Secretary.
29

30 **SEC. 11. Qualifications.** - No person shall be appointed Secretary,
31 Undersecretary, or Assistant Secretary of the Department, unless he/she is a
32 citizen and resident of the Philippines, of good moral character, and of proven
33 experience or competence/ expertise in humanitarian emergency assistance
34 and disaster management over the course of his/her career. The Secretary,
35 Undersecretary, or Assistant Secretary shall not hold any other position,
36 public or private, during his/her tenure.
37

38 **SEC. 12. Bureaus and Service.** - Subject to the power of the Secretary, with the
39 approval of the President, to reorganize, restructure, and redefine the
40 functions of the bureaus and services for the effective discharge of the powers
41 and functions of the Department under this Act, the Department shall have
42 the following bureaus and service:
43

- 1 a. Bureau of Hazard Education and Risk Mitigation;
- 2
- 3 b. Bureau of Disaster Preparedness;
- 4
- 5 c. Bureau of Humanitarian Emergency Relief Operations; and
- 6
- 7 d. Bureau of Administration and Finance.
- 8

9 **SEC. 13. Powers and Functions of the Bureaus and Service.** - The bureaus
10 and service shall have the following powers and functions:

- 11
- 12 a. The Bureau of Hazard Education and Risk Mitigation shall assist the
13 Secretary in the formulation of policies, programs, and plans related
14 to disaster prevention and mitigation, as defined in Sections 2(k) and
15 2(i), respectively, of the Philippine Disaster Risk Reduction and
16 Management Act of 2010. In particular, it shall take the lead in:
 - 17
 - 18 1. Making an inventory and checklist of all personnel, equipment,
19 and supplies critical during disasters in all local government
20 units, in accordance with protocols and contingency plans,
21 and endeavoring that the same be provided to the local
22 government unit within a period of twelve (12) months upon
23 the passage into law of this Act;
 - 24
 - 25 2. Conducting a review of the National Building Code and Fire
26 Code of the Philippines, together with the relevant
27 government department, and submitting the results thereof to
28 the Senate and House of Representatives of the Philippines,
29 with a view of developing legislation which seeks to
30 strengthen infrastructure in line with disaster prevention and
31 mitigation;
 - 32
 - 33 3. Developing, updating, and maintaining a national geographic
34 information system which shall be the basis of national,
35 regional, and local disaster protocols and contingency plans,
36 which shall be under the control and custody of the
37 Department. The same shall also be maintained at all local
38 government units, as possible;
 - 39
 - 40 4. Mainstreaming and integrating disaster risk reduction and
41 management (DRRM) and climate change adaptation (CCA)
42 in all national, sectoral, regional and local development
43 policies, plans and budgets, relating to environmental

1 protection, including, but not limited to, those for land use
2 and natural resource management, enforcement and updating
3 of all national legislation relating to modification of
4 infrastructure towards resiliency;

5
6 5. Developing and implementing community-based and
7 scientific DRRM and CCA hazard assessment, mapping,
8 analysis, and monitoring;

9
10 6. Establishing disaster risk financing, insurance, and other risk
11 transfer mechanisms at the community level;

12
13 7. Establishing, developing and Improving the end-to-end
14 monitoring and forecasting of hazards, including early
15 warning systems and practices; and

16
17 8. Such other functions relevant to its mandate of disaster
18 prevention and mitigation.

19
20 b. The Bureau of Disaster Preparedness shall assist the Secretary in the
21 formulation of policies, programs, and plans related to disaster
22 preparedness, as defined in Section 20 of the Philippine Disaster Risk
23 Reduction and Management Act of 2010. In particular, it shall take
24 the lead in:

25
26 1. Developing DRRM and CCA information, education,
27 communication and advocacy plans;

28
29 2. Developing standard DRRM training modules and the
30 conduct of trainings, simulation exercises, and other capacity-
31 building activities for communities and specific groups,
32 including, but not limited to, quick respond teams, frontline
33 government and private responders, and humanitarian aid
34 workers;

35
36 3. Developing and monitoring the implementation of locality-
37 based DRRM contingency plans, and establishing/ monitoring
38 the operations of national and local Emergency Response
39 Operation Centers;

40
41 4. Developing and implementing comprehensive, scenario-based
42 national and local preparedness policies, plans and systems, in
43 primary coordination with the local government unit/s

1 concerned, in the wake of an imminent humanitarian
2 emergency and/or disaster. Such policies, plans, and systems
3 include, but are not limited to, preventive evacuation, the
4 procurement of facilities, equipment, tools, systems and other
5 mechanisms to cope with the effects thereof; the deployment
6 of essential personnel and manpower in critical areas of
7 concern; and the formulation of such other courses of action to
8 avert the loss of lives, livelihood and/or property;

9
10 5. Strengthening the partnership and coordination between and
11 among all key players and stakeholders in a humanitarian
12 emergency and/or disaster;

13
14 6. Preparing the criteria and procedure for the enlistment of
15 accredited community disaster volunteers (ACDVs), and the
16 drafting of a manual of operations for ACDVs, in consultation
17 with relevant stakeholders; and

18
19 7. Such other functions relevant to its mandate of disaster
20 preparedness.

21
22 c. The Bureau of Humanitarian Emergency Relief Operations shall
23 assist the Secretary in the formulation and implementation of
24 policies, programs, and plans related to disaster response, as defined
25 in Section 2(1) of the Philippine Disaster Risk Reduction and
26 Management Act of 2010. In particular, it shall take the lead in the
27 following activities, in primary coordination with the local
28 government unit/s concerned:

29
30 1. Establishing and implementing a comprehensive, well-
31 coordinated, effective, and efficient Disaster Response Action
32 Plan (DRAP) for every humanitarian emergency of disaster,
33 with the primary goal of preventing or deterring the loss of
34 lives, property and livelihood;

35
36 2. Developing and implementing an integrated and coordinated
37 system of search, rescue and retrieval (SRR), and evacuations
38 procedure;

39
40 3. Establishing a mechanism to ensure the prompt and accurate
41 assessment of damage in disaster areas, including, but not
42 limited to, the loss of lives, bodily injuries, damages to

1 infrastructure and public facilities, and the destruction of
2 social, economic, cultural, and environmental assets;

- 3
4 4. Establishing a mechanism to ensure the prompt and accurate
5 assessment of humanitarian needs in disaster areas, including,
6 but not limited to, food, nutrition, health, clothing, shelter,
7 livelihoods, water, sanitation, hygiene, protection, and the
8 preservation of peace and order;
9
10 5. Identifying standard-based relief shelters and sites for
11 internally displaced persons, as well as developing and
12 implementing of a set of minimum standards for such
13 temporary shelters;
14
15 6. Identifying priority cities and municipalities where the
16 permanent Evacuation Centers and Facilities shall be
17 established and recommending the need to establish the same
18 in other local government units;
19
20 7. Consolidating the established evacuation centers in the local
21 government units and formulating a standard operating
22 procedure in maintaining these evacuation centers and
23 ensuring their functionality and operationality in times of
24 disasters and emergencies;
25
26 8. Supplementing the efforts of the local government unit
27 concerned in providing basic social services, livelihood-
28 oriented activities and psychosocial interventions to the
29 affected population, whether inside or outside temporary
30 shelters; and
31
32 9. Such other functions relevant to its mandate of disaster
33 response.
34

35 In case there is total or considerable breakdown of authority
36 resulting from the humanitarian emergency or disaster, which
37 requires response that goes beyond the mandate or capacity of the
38 local government unit/s concerned, the Bureau shall, with prior
39 authorization from the Department, directly formulate, implement,
40 manage and coordinate all disaster response activities. In such case,
41 the Department shall be possessed with the power to call upon other
42 agencies and instrumentalities of government, and neighboring local
43 government units, to augment, supplement and/or implement

1 disaster response efforts. Further, the authority of the Bureau shall
2 be provided, described, and limited in the authorization.

- 3
4 d. The Bureau of Administration and Finance shall be composed of the
5 Office of the Legal Counsel and the Financial and Management
6 Office. The Office of the Legal Counsel shall be responsible for
7 providing legal services and advice on all policies, programs, and
8 operational matters of the Department. It shall provide legal
9 counseling services in cases where the Department is a party and
10 shall also handle administrative cases against any personnel of the
11 Department and submit recommendations pertaining thereto.

12
13 The Financial and Management Office, which shall consist of
14 the Human Resources Management Division, General Services
15 Division, and the Finance Division, shall be responsible for
16 providing the Department with services relative to personnel
17 information, records, supplies, equipment, collection and
18 disbursements, security, and custodial work. It shall also be
19 responsible for providing the Department with staff advice and
20 assistance on budgetary, financial, and management improvement
21 matters.

22 23 24 Chapter 2

25 ATTACHED AGENCIES AND COORDINATION WITH 26 OTHER GOVERNMENT DEPARTMENTS 27

28 **SEC. 14. The Disaster and Emergency Management Coordinating Council. –**
29 There shall be a National Coordinating Council, hereinafter referred to as the
30 Council, which shall coordinate and integrate the efforts of the concerned
31 government agencies and offices, nongovernmental and people's
32 organizations, and assist the Department in the delivery of quick and efficient
33 humanitarian relief operation among others in times of disasters and
34 emergencies.

35
36 The National Disaster Risk Reduction and Management Council
37 (NDRRMC) referred to in Section 5 of the Philippine Disaster Risk Reduction
38 and Management Act of 2010 shall compose the Council and shall be headed
39 by the Secretary of Department of Disaster and Emergency Management.

40
41 The Secretary is hereby empowered to constitute, call, convene, meet
42 with, and/or deputize agencies of government, or an aggrupation or cluster
43 thereof, to assist, advise or otherwise coordinate with the Secretary. The

1 representatives from the civil society/non-governmental organizations and
2 the private sector may also be included, as necessary, as members of the
3 coordination mechanism called for by the Secretary.

4
5 **SEC. 15. Relationship and Coordination with Other Government**
6 **Departments.** - In the discharge of their respective responsibilities, the
7 Department's bureaus shall coordinate with the relevant Government
8 departments, agencies, offices and instrumentalities, those powers and
9 functions are relevant to each bureau's respective focus area.

10
11 **SEC. 16. Attached Agencies.** - The Philippine Atmospheric, Geophysical and
12 Astronomical Services Administration (PAG-ASA) and the Philippine
13 Institute of Volcanology and Seismology (PHIVOLCS) are hereby placed
14 under the supervision of the Department; Provided, however, that they shall
15 continue to perform their respective functions as provided by law.

16
17
18 **Chapter 3**
19 **THE HUMANITARIAN EMERGENCY ASSISTANCE**
20 **AND DISASTER FUND, DONATIONS, AND ACCOUNTABILITY**

21
22 **SEC. 17. Humanitarian Emergency Assistance and Disaster Fund (Calamity**
23 **Fund).** - At least one percent (1%) of the estimated revenue from regular
24 sources of government, or Twenty Billion Pesos (Php20,000,000,000.00),
25 whichever is higher, shall be set aside as an annual lump sum appropriation
26 for unforeseen expenditures arising from the occurrence of calamities:
27 Provided, however, that such appropriation shall be used only in the area, or
28 a portion thereof, of the country declared as in a state of calamity.

29
30 The present National Disaster Risk Reduction and Management Fund
31 (NDRRMF) and the Local Disaster Risk Reduction and Management Fund
32 (LDRRMF) shall henceforth be known as the Humanitarian Emergency
33 Assistance and Disaster Fund (HEAD Fund) and Local Humanitarian
34 Emergency Assistance and Disaster Fund (Local HEAD Fund), respectively.

35
36 The Department shall manage, mobilize, and with the approval of the
37 President, release resources for disaster risk reduction and management,
38 including the funds herein provided for. It shall also monitor and provide the
39 necessary guidelines and procedures for the release, utilization, accounting,
40 and auditing of the Local HEAD Fund.

1 **ESTABLISHMENT OF PERMANENT AND TYPHOON-RESILIENT**
2 **EVACUATION CENTERS AND FACILITIES**

3
4 **SEC. 20. Establishment of Evacuation Centers and Facilities.** - There shall be
5 established permanent and typhoon-resilient Evacuation Centers and
6 Facilities (ECF) in priority municipalities and cities identified by the
7 Department in coordination with the Department of Environment and
8 Natural Resources, the Department of the Interior and Local Government
9 (DILG) and local government units. This shall form part of the national
10 disaster risk reduction and management framework.

11
12 The established evacuation centers prior to this Act shall be
13 consolidated and shall form part of the directory of ECFs under the control of
14 the Department.

15
16 **SEC. 21. Administration.** - The Regional Disaster and Emergency
17 Management Offices (RDEMOS), under the supervision of the Bureau
18 concerned, shall lead the management, maintenance, and operation of the
19 newly established and existing ECFs.

20
21 The local government units through their Local Disaster and
22 Emergency Management Offices (LDEMOS) shall coordinate with the
23 RDEMOS in the efficient utilization and operation of the ECFs in their
24 respective jurisdiction.

25
26
27 **Chapter 5**
28 **TRANSITORY PROVISIONS**

29
30 **SEC. 22. Abolition of the Office of Civil Defense; Transfer of Powers and**
31 **Functions.** - The Office of Civil Defense is hereby abolished, and its powers
32 and functions are hereby transferred to the Department. The foregoing
33 transfer of powers and functions shall include all applicable funds and
34 appropriations, records, equipment, property, and personnel, as may be
35 necessary.

36
37 The Department shall, by virtue of this Act, be subrogated to all the
38 rights and assume all the liabilities of the Office of Civil Defense, and all other
39 agencies, or government units whose functions and powers have been
40 transferred to the Department, and all their funds, records, property, assets,
41 equipment, and such personnel as necessary, including unexpended
42 appropriations and/or allocations. All contracts and liabilities of the said
43 offices, agencies, and government units are hereby transferred to and

1 assumed by the Department and shall be acted upon in accordance with the
2 Auditing Code and other pertinent laws, rules, and regulations; Provided,
3 that the officers and employees of said offices, agencies, and government units
4 shall continue in a holdover capacity until such time as the new officers and
5 employees of the Department shall have been duly appointed pursuant to the
6 provisions of this Act.

7
8 The same shall apply to agencies and government units which have not
9 been abolished, but whose functions have been transferred to the Department.

10
11 **SEC. 23. Structure and Staffing Pattern.** - The organizational framework and
12 staffing pattern of the Department shall be prescribed and approved by the
13 Secretary within sixty (60) days after the approval of this Act and the
14 authorized positions created therein shall be filled by regular appointments
15 by the President or the Secretary as the case may be; Provided, that, in the
16 filling of positions created, preference shall be given to the personnel of the
17 Office of Civil Defense.

18
19 **SEC. 24. Separation from Service.** - Employees separated from the service as
20 a result of this reorganization shall, within six (6) months from their
21 separation from the service, receive the retirement benefits to which they may
22 be entitled under existing laws, rules, and regulations.

23
24 **SEC. 25. Appropriations.** - The amount needed for the initial implementation
25 of this act shall be taken from the current year's appropriations of the National
26 Disaster Risk Reduction and Management Council, the Local Disaster Risk
27 Reduction and Management Councils, and the Office of Civil Defense.
28 Thereafter, the amount needed for the operation and maintenance of the
29 Department and its Line Agencies shall be included in the annual General
30 Appropriations Act.

31
32
33 **Chapter 5**
34 **MISCELLANEOUS PROVISIONS**

35
36 **SEC. 26. Visitorial Powers.** - The Secretary of the Department and/or his/her
37 authorized representative shall have visitorial and examining authority over
38 governmental and non-governmental entities engaged in post-disaster relief
39 in order to ensure that all donations, financial or otherwise, coursed through
40 them, are actually used for disaster risk reduction and management efforts.

41
42 During such examination, the entity concerned shall produce all the
43 reports, records, books of accounts, and other papers that may be required.

1
2 The refusal by any such entity to allow an examination of its books of
3 accounts and pertinent records, or the concealment of any material
4 information concerning its financial status, shall constitute a legal ground for
5 the cancellation of its registration, and the revocation of all tax-exemption
6 privileges and other benefits granted to it by law, in the case of a non-
7 governmental entity, or the institution of any proper legal action against the
8 erring official concerned, in case of a governmental entity.

9
10 **SEC. 27. Stand-by Arrangements with the Private Sector.** - At any time, the
11 Secretary of the Department shall have the power to negotiate, enter into,
12 institutionalize, and coordinate arrangements with any private person, natural
13 or juridical, for the purpose of ensuring the adequate, prompt, and ready
14 availability of all goods and services, necessary for disaster response, for as
15 long as the emergency circumstances require, to be deployed before, during,
16 and after an emergency or disaster, subject to the payment of just
17 compensation in appropriate cases.

18
19 **SEC. 28. Commandeering Private Property for Public Purpose.** - The
20 Secretary of the Department shall have the power to commandeer any private
21 property for urgent public purpose, subject to payment of just compensation
22 in appropriate cases, when there is a clear and present danger that a disaster
23 or humanitarian emergency would cause imminent loss of lives and/or the
24 massive destruction of property, and time is of the essence. The
25 commandeering powers shall last no longer than necessary or for as long as
26 the circumstances require.

27
28 The refusal by any such person or entity to be commandeered, shall
29 constitute a legal ground for the cancellation of its registration, if any, and the
30 revocation of all tax-exemption privileges and other benefits granted to it by
31 law, in the case of a non-governmental entity, or the institution of any proper
32 legal action against the erring official concerned, in case of a governmental
33 entity. In addition, the official of the establishment, institution, or
34 functionality shall be subjected to a fine and/or imprisonment as provided for
35 in Sec. 31 of this Act.

36
37 **SEC. 29. Declaration of State of Calamity.** - Whenever warranted by
38 circumstances, the Department shall recommend to the President of the
39 Philippines the declaration of a state of national calamity and the lifting
40 thereof. It shall also have the power to, *motu proprio* or upon the favorable
41 recommendation of the LDRRMCs, declare a cluster of barangays,
42 municipalities, cities, provinces, and regions under a state of calamity, and the
43 lifting thereof, based on the criteria set by the Department. The President's

1 declaration shall entail access to international humanitarian assistance, as
2 deemed necessary.

3
4 The declaration and lifting of the state of calamity shall be based on the
5 results of the damage assessment and needs analysis. The causes, effects and
6 incidents of the calamity and the need for the declaration shall be specified.

7
8 **SEC. 30. Emergency and Contingency Powers.** - Whenever it becomes
9 necessary, the Department Secretary, subject to the chain of command and
10 with the consent of the President, may call out the Armed Forces of the
11 Philippines and/or the Philippine National Police to prevent or suppress
12 lawless violence, and to, ensure the protection and preservation of life and/or
13 properties, in the whole range of disaster risk reduction and management.

14
15 In times of disasters, and whenever warranted by the circumstances, the
16 Department Secretary may call upon other instrumentalities or entities of the
17 government and nongovernment and civic organizations for assistance in
18 terms of the use of their facilities and resources for the protection and
19 preservation of life and properties in the whole range of disaster risk
20 reduction and management. This authority includes the power to call on the
21 reserve force as defined in Republic Act No. 7077 to assist in relief and rescue
22 during disasters or calamities.

23
24 **SEC. 31. Prohibited Acts.** - In addition to the prohibited acts penalized under
25 Section 20, in relation to Section 19, of the Philippine Disaster Risk Reduction
26 and Management Act of 2010:

- 27
28 a. Any person, group or corporation who directly or indirectly requests or
29 receives any part of the funds devoted to disaster risk reduction and
30 management, as well as monetary contributions and donations in kind,
31 where such person, group or corporation has no right to receive such
32 proceeds from the fund, in whole or in part, monetary contribution or
33 donation, shall be guilty of the crime of corruption of calamity funds or
34 donations, and shall be prosecuted and upon conviction shall suffer a
35 fine of not less than One Hundred Fifty Thousand Pesos (Php
36 150,000.00) or any amount not to exceed One Million Five Hundred
37 Thousand Pesos (Php 1,500,000.00) or Imprisonment of not less than
38 twelve (12) years and one (1) day, nor more than twenty (20) years, or
39 both, at the discretion of the court, including perpetual disqualification
40 from public office if the offender is a public officer, and confiscation or
41 forfeiture in favor of the government of the objects and the
42 instrumentalities used in committing the herein prohibited act;

- 1 b. Any person who, with intent to gain, but without violence against or
2 intimidation of persons nor force upon things, shall take personal
3 property devoted to any disaster risk reduction and management
4 activity, without the consent of the Secretary, shall be guilty of the crime
5 of qualified theft, and shall be prosecuted and upon conviction shall be
6 punished by the penalties next higher by three degrees than those
7 respectively specified in Article 309 of the Revised Penal Code;
8
- 9 c. Any public officer who, by reason of the duties of his office, is
10 accountable for calamity funds or property devoted to disaster risk
11 reduction and management efforts, shall appropriate the same or shall
12 take or misappropriate or shall consent, through abandonment or
13 negligence, shall permit any other person to take such public funds, or
14 property, wholly or partially, or shall otherwise be guilty of the
15 misappropriation of malversation of such funds or property, shall be
16 punished by the penalties next higher by three degrees than those
17 respectively specified in Article 217 of the Revised Penal Code;
18

19 In all the above, if the offender is a corporation, partnership or
20 association, or other juridical entity, the penalty shall be imposed upon
21 the officer or officers of the corporation, partnership, association of
22 entity responsible for the violation, without prejudice to the cancellation
23 or revocation of these entitles license or accreditation issued to them by
24 any licensing of accredited body of the government. If such offender is
25 an alien, he or she shall, in addition to the penalties prescribed in this
26 Act, be deported without further proceedings after service of the
27 sentence.
28

29 The prosecution for the offenses shall be without prejudice to any
30 liability for violation of Republic Act No. 3185, as amended, otherwise
31 known as the Revised Penal Code, and other civil liabilities.
32

33 **SEC. 32. Implementing Rules and Regulations.** - The Department shall issue
34 the necessary rules and regulations for the effective implementation of this
35 Act within ninety (90) days after approval of this Act. The Secretary, in
36 consultation with relevant government agencies and other key stakeholders,
37 shall take the lead in the preparation of the implementing rules and
38 regulations.
39

40 **SEC. 33. Annual Report.** - The Department shall submit to the Office of the
41 President, the Senate, and the House of Representatives, within the first
42 quarter of the succeeding year, an annual report relating to the progress of the
43 implementation of all disaster risk reduction and management efforts, and a

1 detailed inventory of available personnel, supplies and equipment. Such
2 report shall be made available to the public for scrutiny, copying, and
3 reproduction, and shall also be uploaded in the Department's website.

4
5 **SEC. 34. Congressional Oversight Committee.** - There is hereby created a
6 Congressional Oversight Committee to monitor and oversee the
7 implementation of the provisions of this Act. The Committee shall be
8 composed of six (6) members from the Senate and six (6) members from the
9 House of Representatives with the Chairpersons of the Committees on
10 National Defense and Security of both the Senate and the House of
11 Representatives as joint Chairpersons of this Committee.

12
13 The five (5) other members from each Chamber are to be designated by the
14 Senate President and the Speaker of the House of Representatives,
15 respectively. The minority shall be entitled to pro rata representation but shall
16 have at least two (2) representatives from each Chamber.

17
18 **SEC. 35. Sunset Review.** - Within five (5) years after the effectivity of this Act,
19 or as the need arises, the Congressional Oversight Committee shall conduct a
20 systematic evaluation of the accomplishments and impact of this Act, as well
21 as the performance and organizational structure of the Department, for
22 purposes of determining remedial legislation.

23
24 **SEC. 36. Repealing Clause.** - All references to the NDRMMC in existing laws,
25 including, but not limited to, the Philippine National Disaster Risk Reduction
26 and Management Act of 2010, shall be understood to refer to the Department
27 created under this Act.

28
29 All other laws, decrees, executive orders, proclamations, and other executive
30 issuances which are inconsistent with or contrary to the provisions of this Act
31 are hereby amended or repealed accordingly.

32
33 **SEC. 37. Separability Clause.** - If any provision of this law is declared
34 unconstitutional, the remaining provisions thereof not affected thereby shall
35 remain in full force and effect.

36
37 **SEC. 38. Effectivity.** - This Act shall take effect fifteen (15) days after its
38 publication in the Official Gazette or in two (2) national newspapers of general
39 circulation.

40
41
42 Approved,