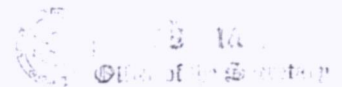


SEVENTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Third Regular Session)



SENATE
S. B. No. 1994

'18 SEP 11 P1:26

Introduced by Senator SONNY ANGARA

RECEIVED

AN ACT
CREATING THE DEPARTMENT OF DISASTER RESILIENCE, DEFINING ITS
POWERS AND FUNCTIONS, AND APPROPRIATING FUNDS THEREFOR

EXPLANATORY NOTE

The Philippines is located along the Pacific Ring of Fire and the Tropical Cyclone Belt. As a consequence, the Philippines is considered one of the most vulnerable to natural hazards and climate change. Each year, our country sustains immense damage and tremendous losses due to natural disasters. This includes loss of life or injury, damage to infrastructure, properties, and equipment, interruption of food supply, disruptions to critical services, loss of livelihood, business or revenues from business interruption, disruption of economic development, and damage to the environment.

In 2010, we passed Republic Act No. 10121 or the Philippine Disaster Risk Reduction and Management Act (DRRM Act). Since then, the country has endured many climate-related calamities: Typhoons Juan (2010), Sendong (2011), Pablo (2012), Yolanda (2013), Ruby (2014), Lando (2015), Lawin (2016), and Paolo (2017). On top of these typhoons are the "habagat" floods recently and in 2012, and the Bohol-Cebu earthquake in 2013.

The DRRM Act continues to be an important law as it emphasizes risk reduction rather than disaster response. However, the Philippines' experiences with previous disasters have shown that the new policies, resources, institutional

arrangements and hence laws are needed to squarely address the country's disaster prevention, mitigation, preparedness, response and rehabilitation requirements.

As a member of the Asia-Pacific Economic Cooperation (APEC), the Philippines initiated the APEC Disaster Risk Reduction (DRR) Framework. This was eventually adopted in 2015 by the 21-member body to facilitate collective work in building adaptive and disaster-resilient economies supporting inclusive and sustainable development in the face of the "new normal."

Moreover, the Sendai Framework for Disaster Risk Reduction 2015-2030 and the Paris Agreement of the United Nations Framework Convention on Climate Change (UNFCCC), endorsed by the United Nations General Assembly in 2015 and 2016, respectively, recognize the need to address climate change as one of the drivers of disaster risk by fostering collaboration among the national and local governments with other stakeholders including non-government organizations (NGOs), international organizations, the academe, and the private sector.

In view of these frameworks, this bill addresses the need for the creation of a single, independent and permanent agency with the mandate, powers, and budget to oversee a comprehensive, coordinated strategy for addressing natural and man-made disasters.

To achieve this, the functions of NDRRMC and the Climate Change Commission, as well as the DSWD's portfolio related to disaster response will be rolled into one line agency. It is envisioned that with this bill the country will be able to adopt and mainstream the principle of "Building Forward Better," and take decisive steps beyond previous understandings of disaster risk reduction and management. This measure will complement our proposed measure on making it mandatory that disaster awareness and disaster mitigation are taught as part of the curriculum of all primary and secondary schools.

In line with the Philippine Development Plan (PDP) 2017-2022, which recognizes the great importance of ensuring the country's resilience to natural disasters and mandates the urgent implementation of effective disaster resilience measures to help induce poverty-reducing growth and reduce inequality, the immediate passage of this bill is imperative and highly sought.



SONNY ANGARA

SENATE
S. B. No. 1994

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Introduced by Senator SONNY ANGARA

AN ACT
CREATING THE DEPARTMENT OF DISASTER RESILIENCE, DEFINING ITS
POWERS AND FUNCTIONS, AND APPROPRIATING FUNDS THEREFOR

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

ARTICLE I

GENERAL PROVISIONS

Section 1. *Short Title.* – This Act shall be known as the “*Disaster Resilience Act of 2018*”.

Sec. 2. *Declaration of Policies and Principles.* – The State shall:

- a) Protect the lives and properties of its citizens by addressing and preventing the causes of vulnerabilities to natural disasters;
- b) Inculcate a culture of resilience and preparedness for natural disasters at the national, regional and local levels;
- c) Establish a strong and empowered institution capable of responding to the “*new normal*” of natural disasters and climate change, and spearhead efforts to ensure disaster resilience by delivering on the highly critical and intertwined functions of disaster risk reduction, preparedness and response, and recovery and building forward better;
- d) Address the differentiated concerns and needs of sectors with special needs or higher vulnerabilities such as women, children, elderly, persons with disabilities, and indigenous peoples with respect to disaster

resilience and disaster management;

e) Protect the nation's historical and cultural heritage and resources from natural hazards;

f) Integrate and accelerate the implementation of the principles, concepts and action plans of climate change and disaster risk reduction contained in the abovementioned international and national frameworks and commitments in various phases of policy formulation, development and investment plans, poverty reduction strategies and other development tools, and techniques by all national and local agencies, institutions and instrumentalities of the government to enhance the country's capacity for climate change adaptation and mitigation;

g) Foster an enabling environment for substantial and sustainable participation of non-government stakeholders such as the academe, Civil Society Organizations (CSOs), private sector groups, volunteers and communities in disaster resilience programs and projects;

h) Adopt a whole-of-society approach in disaster resilience to enhance collaboration, planning, and dialogue among all sectors of society, and in improving their strategies and/or action plans for disaster risk reduction; and

i) Strengthen the chain of command and establish a unified command system to enhance our country's disaster resilience.

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

a. **Adaptation** – adjustment in natural or human systems in response to actual or expected climactic stimuli or their effects, which moderates harm or exploits beneficial opportunities;

b. **Assisting Actor** – refers to any assisting international actor and any assisting domestic actor responding to a disaster in the country;

c. **Assisting Domestic Actor** – any not-for-profit entity established under domestic laws, which is responding to a disaster in the country;

d. **Assisting International Actor** – any foreign state, organization, entity or

- individual responding to a disaster within or transiting through the country to respond to a disaster in another country;
- e. **Biological hazards** – hazards that are of organic origin or conveyed by biological vectors, including pathogenic microorganisms, toxins and bioactive substances. Examples are bacteria, viruses or parasites, as well as venomous wildlife and insects, poisonous plants and mosquitoes carrying disease-causing agents;
 - f. **Building Forward Better** – an approach to building, reconstructing, and/or rehabilitating an area or community that entails a shift from simple recovery and restoration to safer, more adaptive, resilient, and inclusive communities;
 - g. **Business Continuity** – the capacity of a business entity to continue the delivery of its products and/or services at acceptable pre-defined levels following a disruptive incident;
 - h. **Capacity** – the combination of all strengths, attributes and resources available within a community, society or organization that can reduce the level of risk, or impacts of a disaster. Capacity may include infrastructure and physical means, institutions, societal coping abilities, as well as human knowledge, skills and collective attributes such as social relationships, leadership and management. Capacity may also be described as capability;
 - i. **Civil Society Organizations (CSOs)** – non-state actors whose aims are neither to generate profits nor seek governing power but to unite people behind shared goals and interests. They have a presence in public life, expressing the interests and values of their members or others, and are based on ethical, cultural, scientific, religious or philanthropic considerations. CSOs include NGOs, professional associations, foundations, independent research institutes, community-based organizations (CBOs), faith-based organizations, people's organizations, social movements, and labor unions;
 - j. **Climate Change** – a change in the state of the climate that can be identified by changes in the mean and the variability of its properties, and that persists in an extended period, typically decades or longer, whether due to natural internal processes or external forces such as modulation of the solar cycles,

- 1 volcanic eruptions and persistent anthropogenic changes in the composition
2 of the atmosphere or in land use;
- 3 k. **Climate Change Mitigation** – efforts to reduce or limit greenhouse gas
4 emissions or enhance greenhouse gas sequestration;
- 5 l. **Cultural Heritage** – the totality of cultural property preserved and
6 developed through time and passed on to posterity;
- 7 m. **Contingency Planning** – a management process that analyzes specific
8 potential events or emerging situations that might threaten society or the
9 environment and establishes arrangements in advance to enable timely,
10 effective and appropriate responses to such events and situations;
- 11 n. **Department** – the Department of Disaster Resilience or the DDR;
- 12 o. **Development Assistance** – refers to any financial, material or other forms
13 of assistance to support the economic, social, and environmental well-being of
14 areas and/or people affected by a natural disaster;
- 15 p. **Disability** – an evolving concept that results from the interaction between
16 persons with impairments, as defined under RA No. 7277, and attitudinal and
17 environmental barriers that hinder their full and effective participation in
18 society on an equal basis with others;
- 19 q. **Disaster** – a serious disruption of the functioning of a community or a society
20 involving widespread human, material, economic or environmental losses and
21 impacts, which exceeds the ability of the affected community to cope using its
22 own resources. Unless otherwise specifically indicated in this act, the term
23 “disaster” shall refer to “natural disaster”;
- 24 r. **Disaster Contingency Fund** – a fund, in lump-sum form, managed by the
25 Department to expediently provide funds and resources for disaster relief or
26 response in affected areas;
- 27 s. **Disaster Mitigation or Mitigation** – the lessening or limitation of the
28 adverse impacts of hazards. Mitigation measures include the application of
29 engineering techniques and construction of hazard-resistant structures as well
30 as improved environmental, land use planning, climate change and other
31 sectoral policies and public awareness;

- 1 t. **Disaster Preparedness** – the knowledge and capacities developed by
2 governments, professional response and recovery organizations, communities
3 and individuals to effectively anticipate, respond to, and recover from, the
4 impacts of likely, imminent or current hazard events or conditions. It includes
5 preparedness for response such as contingency planning, stockpiling of
6 equipment and supplies, the development of arrangements for coordination,
7 evacuation and public information, and preparedness for recovery such as
8 provision of land for resettlement sites;
- 9 u. **Disaster Prevention** – the intention to avoid, or the outright avoidance, of
10 potential adverse impacts of disasters and related hazards through action(s)
11 taken in advance. It expresses the concept and intention to completely avoid
12 potential adverse impacts through action taken in advance such as
13 construction of dams or embankments that eliminate flood risks, land-use
14 regulations that do not permit any settlement in high-risk zones, and seismic
15 engineering designs that ensure the survival and function of a critical building
16 in any likely earthquake;
- 17 v. **Disaster Resilience** – the ability of a system, community, or society
18 exposed to hazards to resist, absorb, accommodate, adapt to, transform, and
19 recover from the effects of a hazard and/or the long-term impact of climate
20 change in a timely and efficient manner, including through the preservation
21 and restoration of its essential basic structures and functions through risk
22 management;
- 23 w. **Disaster Response** – the provision of emergency services and public
24 assistance during or immediately after a disaster in order to secure and save
25 lives, reduce health impacts, ensure public safety and meet the basic
26 subsistence needs of the people affected. Disaster response includes disaster
27 relief focused on immediate and short-term needs of victims and vulnerable;
- 28 x. **Disaster Resilience Fund** – the budget managed by the Department, which
29 includes funds appropriated to it by Congress pursuant to an Appropriations
30 Act, the Disaster Contingency Fund, and the Rehabilitation and Recovery
31 Fund;

- 1 y. **Disaster Risk** – the potential disaster losses in lives, health status,
2 livelihoods, assets and services that could occur to a particular community or
3 society in the future, and is determined by a combination of the vulnerability,
4 capacity, exposure of persons and assets, hazard characteristics and the
5 environment;
- 6 z. **Disaster Risk Governance** – the way in which the public authorities, civil
7 servants, media, private sector, and civil society collaborate at the
8 community, regional and national levels to manage disaster and climate
9 related risks. This means ensuring that sufficient levels of capacity and
10 resources are made available to the relevant actors and stakeholders to
11 prevent, prepare for, manage and recover from disasters. It also entails
12 mechanisms, institutions and processes for citizens to articulate their
13 interests, exercise their legal rights and obligations, and mediate their
14 differences;
- 15 aa. **Disaster Risk Management** – the systematic process of using
16 administrative directives, organizations, and operational skills and capacities
17 to implement strategies, policies and improved coping capacities to lessen the
18 adverse impacts of hazards and the possibility of disaster;
- 19 bb. **Disaster Risk Reduction** – the prevention of new, and/or reduction of
20 existing, disaster risk(s) and the management of residual risk, to enhance
21 resilience to disasters;
- 22 cc. **Early Warning System** – an integrated system of hazard monitoring,
23 forecasting and prediction, disaster risk assessment, and communication and
24 preparedness activities and processes that enable individuals, communities,
25 national government agencies, local government units, the private sector, and
26 others to take timely action to reduce disaster risks and adequately prepare
27 for disasters;
- 28 dd. **Eligible Assisting Actor** – any assisting actor that has been determined to
29 be eligible to receive legal facilities as provided for in this Act and/or its
30 Implementing Rules and Regulations (IRR);
- 31 ee. **Emergency** – an unforeseen or sudden occurrence, especially danger,

- 1 demanding immediate and decisive action;
- 2 ff. **Emergency Management** – the organization and management of resources
- 3 and responsibilities for addressing all aspects of emergencies, in particular
- 4 preparedness, response and initial recovery steps;
- 5 gg. **Environmental hazards** – the hazards that may be chemical, natural, and
- 6 biological, and can be created by environmental degradation or physical or
- 7 chemical pollution in the air, water, and soil. However, many of the processes
- 8 and phenomena that fall into this category may be termed drivers of hazard
- 9 and risk rather than hazards in themselves, such as soil degradation,
- 10 deforestation, loss of biodiversity, salinization, and sea-level rise;
- 11 hh. **Exposure** – the degree to which the elements at risk are likely to experience
- 12 hazard events of different magnitudes;
- 13 ii. **Geographic Information System (GIS)** – a system used to capture, store,
- 14 manipulate, manage and display all types of spatial or geographical data;
- 15 jj. **Geographically Isolated and Disadvantaged Area (GIDA)** – areas with
- 16 a marginalized population, which is physically and socio-economically
- 17 separated from the mainstream society and characterized by physical factors
- 18 – isolated due to distance, weather conditions and transportation difficulties
- 19 (island, upland lowland, landlocked, hard to reach and underserved
- 20 communities); and/or socio- economic factors – (high poverty incidence,
- 21 presence of vulnerable sector, communities in or recovering from situation of
- 22 crisis or armed conflict);
- 23 kk. **Geological or geophysical hazards** – the hazards that originate from
- 24 internal earth processes, such as earthquakes, volcanic activities and
- 25 emissions, and related geophysical processes, which include mass
- 26 movements, landslides, rockslides, surface collapses, and debris or mud flows.
- 27 Hydrometeorological factors are important contributors to some of these
- 28 processes. While tsunamis are triggered by undersea earthquakes and other
- 29 geological events, they essentially become an oceanic process that is
- 30 manifested as a coastal water-related hazard;
- 31 ll. **Hazard** – a phenomenon, substance, human activity or condition that may

1 cause loss of life, injury or impacts to health; social and economic disruption,
2 environmental damage, or loss of/disruption to property, livelihood, and/or
3 services;

4 mm. **Historical landmarks** – sites or structures that are associated with events
5 or achievements significant to Philippine history as declared by the National
6 Historical Institute or the applicable agency;

7 nn. **Human-Induced Hazard** – an event that is caused by humans and occur in
8 or close to human settlements or a particular environmental area. This can
9 include environmental degradation, technological or industrial conditions,
10 pollution, accidents, e.g. high density events, industrial and transport
11 accidents, complex emergencies, armed conflict, situations of generalized or
12 organized violence, and violation of human rights;

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

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

23 qq. **Impact and needs assessment** – assessing the nature and magnitude of a
24 disaster, its impact on affected populations, the type and extent of
25 emergency, and the requirements for recovery and rehabilitation of the
26 affected area(s);

27 rr. **Imminent Danger** – a situation where, on the basis of official forecasts, it
28 could reasonably be expected that a disaster will occur in a particular
29 geographical area and within an estimated period of time, and where
30 necessary preparedness actions or financing are required;

31 ss. **Integrated Disaster Resilience Information System** – a specialized

- 1 database, which contains, among others, information on disasters and their
2 human, material, economic and environmental impact, risk assessment and
3 mapping, and vulnerable and marginalized groups;
- 4 tt. **International Disaster Relief and Initial Recovery Period** – the period
5 that commences upon the issuance of a request for international disaster
6 assistance or upon acceptance of an offer, and shall continue until
7 terminated, pursuant to guidelines set in the implementing rules and
8 regulations;
- 9 uu. **Internally Displaced Persons** – persons or groups of persons who have
10 been forced or obliged to flee or to leave their homes or places of habitual
11 residence within national borders;
- 12 vv. **International Personnel** – staff and volunteers of any assisting actor
13 providing disaster relief or initial recovery assistance being persons who are
14 neither citizens of nor domiciled in the Philippines prior to their recruitment by
15 the international assisting actor;
- 16 ww. **Land Use Planning** – the process undertaken by public authorities to
17 identify, evaluate and decide on different options for the use of land,
18 including consideration of long-term economic, social and environmental
19 objectives and the implications for different communities and interest groups,
20 and the subsequent formulation and promulgation of plans that describe the
21 permitted or acceptable uses;
- 22 xx. **Legal Facilities** – entitlements and exemptions that are granted to Assisting
23 Domestic or International Actors that are declared to be eligible pursuant to
24 this Act and its implementing rules and regulations;
- 25 yy. **Local Disaster Resilience Plan (LDRP)** – a document prepared by an LGU
26 based on the National Disaster Resilience Framework (NDRF) and the National
27 Disaster Resilience Plan and Investment Plan (NDRPIP) that sets out specific
28 programs, objectives and goals to implement disaster risk management and
29 climate change adaptation measures at the local level. The plan includes,
30 among others, an evaluation and analysis of emerging disaster risks, hazards
31 and vulnerabilities applicable to an LGU, and specific programs and activities

to ensure responsive, effective, and appropriate disaster preparedness and management at the local level;

zz. **National Continuity Policy** – is a comprehensive national policy consisting of a set of programs and projects aimed at capacitating the government to ensure the continuity of governance and the delivery of public services during and after any disaster;

aaa. **National Disaster Resilience Framework (NDRF)** – a framework that provides for a comprehensive, multi-sectoral, whole-of-government, and whole-of-society approach to attaining safe, adaptive, and resilient communities that can resist, prevent, mitigate against, absorb, accommodate, adapt to, recover, or build back better from the effects of a natural hazard in a timely and efficient manner through, among others, disaster risk reduction and management, and climate change adaptation and mitigation. The NDRF shall be composed of a National Disaster Risk Reduction and Management Framework (NDRRMF), and National Framework Strategy on Climate Change (NFSCC);

bbb. **National Disaster Resilience Plan and Investment Program (NDRPIP)** – a plan formulated and implemented by the national and local governments, in collaboration with NGOs, the private sector, academe, international development partners, and others, in accordance with the NDRF that sets out the outcomes, goals and objectives, priorities, programs and corresponding action plans for disaster risk reduction, preparedness, and management, and climate change mitigation. The NDRPIP shall also include, among others, goals, objectives and action plans for a national continuity policy.–It shall be in conformity with the national disaster risk reduction and management framework;

ccc. **Natural Hazard** – naturally occurring physical phenomena caused either by rapid or slow onset events, which can be geological (earthquakes, ground rupture, liquefaction, landslides, tsunamis, sinkholes, and volcanic activity), hydrological and meteorological (floods, severe winds, typhoons, storm surges), climatological variability (extreme temperatures, El Niño, La Niña,

forest fires), or biological (disease, epidemics and insect/animal plagues);

ddd. **Open Data** – a set of data that can be freely used, shared and built-on by anyone, anywhere, for any purpose. It must be available in bulk, and should be available free of charge, or at least at no more than a reasonable reproduction cost. The information should be digital, preferably available by downloading through the internet, and easily processed by the end-user's computer. The data must permit people to use, re-use, and redistribute it, including intermixing it with other data sets and distributing the results. Lastly, it does not allow conditions to be placed on how people can use such data but permit a data provider to require that data users credit them in some appropriate way, make it clear if the data has been changed, or that any new datasets created using their data are also shared as open data;

eee. **Pre-Disaster Recovery Plan** – a plan intended to help government officials working in small communities or across an entire nation, to define and follow a process to pre plan for disaster recovery, and thereby strengthen their own future recovery efforts and outcomes;

fff. **Pre-Disaster Risk Assessment (PDRA)** – a process to evaluate a hazard's level of risk given the degree of exposure and vulnerability in a specific area likely to be affected by an imminent hazard. It presents the possible impacts on the population and forms a basis to determine the appropriate level of response actions from the national level government agencies down to the local government units. It is hazard-specific, area focused, and time-bound;

ggg. **Recovery** – rehabilitation measures that ensure the ability of affected communities or areas to return their normal level of functioning by restoring livelihoods and services, reconstruction of damaged infrastructures and increasing the communities' organizational capacity;

hhh. **Rehabilitation** – restoration of basic services and facilities for the functioning of a community or a society affected by a disaster;

iii. **Response** – any effort to provide assistance or intervention during or immediately after a disaster to meet the life preservation and basic subsistence needs of affected people and communities; and in the restoration

of essential public activities and facilities;

jjj. **Retrofitting** – the reinforcement or upgrading of existing structures to make them more resistant and resilient to the damaging effects of hazards;

kkk. **Risk Assessment** – a methodology to determine the nature and extent of risk by analyzing potential hazards and evaluating existing conditions of vulnerability that together could potentially harm exposed people, property, services, livelihood and the environment on which they depend;

lll. **Risk Transfer** – the process of formally or informally shifting the financial consequences of particular risks from one party to another whereby a household, community, enterprise or state authority will obtain resources from the other party after a disaster occurs, in exchange for ongoing or compensatory social or financial benefits provided to that other party;

mmm. **Safety stock** – items, such as raw materials, component parts, or finished goods, maintained in inventory to reduce the risk that such item will be out of stock, in anticipation of unforeseen shortages or unusual demand for such items;

nnn. **Service Continuity** – the capacity of a government instrumentality to continue delivering its mandated outputs and/or services to the public during and after a disaster;

ooo. **State of Calamity** – a condition involving endangerment to and/or loss of lives, damages to property, economic and/or social disruption, interruption and/or loss of livelihood and/or services, and destruction and/or damages to infrastructure as a result of natural disaster(s) or related hazard(s);

ppp. **Simplified or Pre-Arranged Contract** – a written agreement in the nature of an option contract between the procuring entity on one hand, and the most responsive and lowest calculated bidder on the other, granting the procuring entity the option to either place an order for any of the goods identified therein or not buy at all, within a given period of time;

qqq. **Sustainable Development** – development that meets the needs of the present without compromising the ability of future generations to meet their own needs;

- rrr. **Volunteers** – individuals, groups or entities that offer and/or provide services or assistance, without compensation, to help people and/or areas affected by disasters;
- sss. **Vulnerability** – the conditions determined by physical, social, economic, organizational, and environmental factors or processes, which increase the susceptibility of an individual, a community, assets or systems to the impacts of hazards;
- ttt. **Whole-of-Society Approach** – an approach that encourages the meaningful and active participation and synergy of the different stakeholders of society toward climate change adaptation and mitigation, and disaster risk reduction and management at the national and local levels;
- uuu. **Whole-of-Government Approach** – an approach that instills and fosters collaboration among all government instrumentalities both at the national and local levels toward shared sustainable development goals and outcomes; and
- vvv. **Whole-of-Nation Approach** – an approach that seeks to bring about a concerted effort towards sustainable development, national peace and security by creating consensus and understanding of development and security that is shared not just among core security forces and oversight government institutions, but also by the nation’s stakeholders, e.g., government, civil society, private sector, and the communities.

ARTICLE II

THE DEPARTMENT OF DISASTER RESILIENCE:

MANDATE, POWERS, AND FUNCTIONS

Sec. 4. *Creation of the Department of Disaster Resilience.* – There is hereby created the Department of Disaster Resilience, hereinafter referred to as the Department.

Sec. 5. *Mandate.* The Department shall be the principal government institution responsible for ensuring safe, adaptive, and disaster-resilient communities. It shall lead, spearhead, initiate, and integrate the crafting and implementation of plans, programs, projects and activities to reduce the risk of natural hazards and effects of climate change, and manage the impact of disasters

1 with the primordial goal of saving lives and minimizing damage to property, in close
2 collaboration with all relevant stakeholders at the national and local levels.

3 The mandate of the Department shall cover all natural hazards, including the
4 effects of climate change, such as the following:

5 1. Geological Phenomena and Related Hazards

6 a. Earthquake – ground rupture, ground shaking, liquefaction,
7 tsunami, fire, and landslides;

8 b. volcanic activity – ash fall, pyroclastic flow, lava flow, lahar,
9 fissuring, volcanic gas, and *seiche* (lake water oscillation);

10 c. Mass movement – landslides, debris flow, sinkholes;

11 2. Hydrological and Meteorological Phenomena and Related Hazards

12 a. Tropical cyclone – severe winds, storm surge, hail;

13 b. Flood;

14 c. Erosion;

15 3. Climatological variability

16 a. El Niño;

17 b. Extreme temperatures;

18 c. La Niña; and

19 d. Solar radiation, among others.

20 The Department shall oversee and coordinate the preparation,
21 implementation, monitoring, and evaluation of disaster and climate resilience plans,
22 programs, projects and activities, provide leadership in the continuous development
23 of strategic and systematic approaches to disaster prevention, mitigation,
24 preparedness, response, recovery and rehabilitation and anticipatory adaptation
25 strategies, measures, techniques, and options. It shall also manage and direct the
26 implementation of national, local, and community-based disaster resilience programs
27 in collaboration with relevant national government agencies, LGUs, CSOs, and other
28 stakeholders, as applicable.

29 Sec. 6. *Powers and Functions of the Department.* – The Department shall
30 exercise and perform the following powers and functions:

31 1. *Overall Functions*

- a. Craft the policies and lead the implementation of the programs, projects and activities necessary to reduce the country's vulnerabilities to natural hazards and climate change, using the PDP and the relevant climate change and DRR frameworks as anchors;
- b. Review and build upon, to the extent necessary, the existing disaster resilience framework, plans and strategies in the crafting of an NDRF and the corresponding NDRPIP;
- c. Oversee, review, and approve the translation, integration, and implementation of the NDRPIP into LDRPs;
- d. Communicate and disseminate critical information to help the public prepare for, respond to, and recover from a disaster;
- e. Receive, manage, and administer the Disaster Resilience Fund, the Disaster Contingency Fund, donations and other funds, assets and/or properties received by the Department to accomplish the purposes of this Act;
- f. Recommend to the President of the Philippines the declaration of a state of calamity due to a natural disaster, and the lifting thereof when conditions stabilize;
- g. Direct any government entity to help ensure the attainment of the goals and objectives of this Act;
- h. Advance the country's interests relating to disaster resilience and climate change in the regional and global arena;
- i. Advise the President on matters concerning disaster resilience and make recommendations, as appropriate; and
- j. Perform such other functions, as provided by law or assignment of the President, and undertake all other necessary actions to ensure the attainment of the overall goals and objectives of this Act.

2. Disaster Risk Reduction

- a. Develop coordinated national, regional, and local strategies for the effective prevention and mitigation of disaster risk resulting from natural hazards, including the effects of climate change;

- b. Monitor and ensure the integration of disaster risk reduction and management, and climate change adaptation policies into national development plans;
- c. Establish a disaster resilience information system to facilitate the creation of an integrated risk assessment platform built from the inputs of government and private scientific and academic institutions, national government agencies and local government units, local communities, and other stakeholders and that is able to provide readily accessible and actionable information for purposes of risk governance and humanitarian action;
- d. Formulate plans and programs to establish and implement government redundancy, service and business continuity, and a National Continuity Policy, as a high priority and urgent undertaking;
- e. Ensure the use of advanced science and technology in anticipatory planning of communities against the impact of natural hazards and climate change through consultation, and employment with a regular department funding the academe or higher education institutions;
- f. Develop and implement policies and programs related to the construction of new settlements or relocation of settlements in safe areas that shall, to the extent such policies and programs relate to disaster risk reduction, mitigation, prevention or building forward better, prevail over policies or decisions of other government departments, government agencies, government owned or controlled corporations, LGUs, and other government instrumentalities;
- g. Design and implement an incentive system for greater private and public investment, both at the local and national levels, on disaster risk reduction;
- h. Oversee and ensure the mainstreaming of climate change adaptation and disaster risk reduction in development and land use planning, and the preparation of contingency plans;
- i. Create an enabling environment that shall promote broader multi-

- 1 stakeholder participation for disaster risk reduction and climate change
2 adaptation and mitigation;
- 3 j. Communicate and disseminate critical information to help the public
4 prepare for, respond to, and recover from a disaster;
- 5 k. Establish and monitor local and national capacity for disaster risk
6 financing and insurance and other risk transfer strategies in
7 coordination with the Department of Finance (DOF), the Government
8 Service Insurance System (GSIS), and the Land Bank of the Philippines
9 (LBP), and the Insurance Commission;
- 10 l. Coordinate directly with local government units and private entities to
11 address Disaster Risk Assessment (DRA) of regions and provinces at
12 the meso-scale, cities and municipalities at the micro-scale, and
13 barangays at the meta-scale;
- 14 m. Review and evaluate local disaster resilience plans and other local
15 plans to ensure their consistency with the National Disaster Resilience
16 Framework; and
- 17 n. Undertake all other programs, projects, and actions necessary to attain
18 the overall goals and intended outcomes of this key result area.

19 *3. Disaster Preparedness and Response*

- 20 a. Lead, manage, and collaborate with the relevant government
21 instrumentalities, non-government stakeholders, and international
22 partners in providing the minimum basic needs of people in affected
23 areas before, during and/or immediately after a disaster to save lives
24 and minimize casualties;
- 25 b. Ensure the efficient prepositioning of goods, maintenance, and disposal
26 of safety stocks;
- 27 c. Prepare pre-disaster recovery plans in anticipation of future disasters
28 by engaging the community and planning for recovery activities that
29 are comprehensive and long-term;
- 30 d. Establish a corps of first responders in partnership with national and
31 local stakeholders, both public and private;

- e. Formulate standards for contingency planning for adoption by both national government agencies and local government units;
- f. Recommend to the President of the Philippines the declaration of a state of calamity due to a natural disaster, and the lifting thereof when conditions stabilize;
- g. Oversee and maintain a national early-warning and emergency alert system that must provide hazards-specific, areas-focused and time-bound warning that are accurate, timely, understandable and readily accessible to national and local emergency response organizations and the general public;
- h. Implement pre-disaster risk assessments to include deployment of rapid assessment teams to gather information for precise actions as a basis for emergency preparedness and humanitarian response;
- i. Coordinate information-sharing and other disaster risk reduction protocols following the principle of inter-operability among national government agencies and local government units;
- j. Establish and maintain a national humanitarian logistics system with a network of warehouses, transport and resources, including response assets and disaster relief food and non-food items;
- k. Call upon the relevant government instrumentalities, non-government stakeholders, CSOs, and international partners for assistance in ensuring the protection and preservation of life and property such as through the use of their resources and facilities, among others. This function includes the power to call on the reserve force as defined in Republic Act No.. 7077 to assist in search and rescue, and disaster preparedness and response operations;
- l. Implement Pre-Disaster Risk Assessments to include deployment of rapid assessment teams to gather information for precise actions as a basis for emergency preparedness and humanitarian response;
- m. Organize, train, equip, and maintain a system of response capacity for search, rescue and retrieval and the delivery and distribution of relief

- 1 goods;
- 2 n. Monitor and support LGUs in the management of evacuation centers
- 3 and ensure the welfare and dignity of internally-displaced persons;
- 4 o. Procure goods and services prior to, during, and after emergencies for
- 5 preparedness, response, and recovery activities, including those
- 6 prompted by a declaration of a state of calamity or of an imminent
- 7 disaster;
- 8 p. Issue special procurement rules and regulations, in close coordination
- 9 with the Government Procurement Policy Board, for preparedness,
- 10 response, and recovery activities, including those prompted by a
- 11 declaration of a state of calamity or of an imminent disaster;
- 12 q. Assist in mobilizing necessary resources to increase the overall capacity
- 13 of local government units, specifically those with low income and
- 14 situated in high-risk areas;
- 15 r. By the authority of the President, secure the assistance of the Armed
- 16 Forces of the Philippines (AFP), the Philippine National Police (PNP),
- 17 DILG-Bureau of Fire Protection (BFP), DOTr-Philippine Coast Guard
- 18 (PCG), and other uniformed services in undertaking disaster
- 19 preparedness and response operations in at-risk and/or disaster-
- 20 affected areas; and
- 21 s. Undertake all other programs, projects, and actions necessary to attain
- 22 the overall goals and intended outcomes of this key result area.

23 *4. Recovery and Building Forward Better*

- 24 a. Prepare, organize, lead, implement, and manage post-disaster
- 25 assessment and recovery and rehabilitation programs and plans, in
- 26 coordination with the affected local governments units, national
- 27 government agencies, and other stakeholders;
- 28 b. Establish a system that utilizes templates, exposure database, and
- 29 other tools; and develop the Department's in-house capacity for the
- 30 prompt and expedient preparation of rehabilitation plans, when
- 31 needed, for disaster affected areas;

- c. Prepare and implement the recovery and rehabilitation plan(s) for disaster affected areas;
- d. Implement the cluster approach to expedite reconstruction efforts, e.g., post-disaster shelter recovery, and orchestrate and serve as the clearinghouse for the participation of assisting actors in such efforts;
- e. Collaborate with relevant government agencies and non-government stakeholders in undertaking programs and projects to restore and/or generate livelihood and entrepreneurial activities and opportunities in disaster-affected areas;
- f. Ensure that the principle of Building Forward Better, not mere restoration, is applied to all recovery, reconstruction, and rehabilitation efforts; and
- g. Undertake all other programs, projects, and actions necessary to attain the overall goals and intended outcomes of this key result area.

5. Other Powers and Functions

- a. Constitute, call, convene and/or deputize agencies of government, and invite non-government and private organizations, to assist, advise, and/or coordinate with the Department to achieve the goals and purposes of this act;
- b. Provide operating guidelines to the LDROs for the Declaration of Imminent Disaster in their respective areas, which shall allow them to implement preemptive measures and use their quick response funds in order to save lives and minimize damage to property, loss of livelihood, and other assets;
- c. Establish and monitor local and national capacity for disaster risk financing and insurance and other risk transfer strategies in coordination with the DOF, GSIS, LBP, and the Insurance Commission;
- d. Coordinate information-sharing and other disaster risk reduction protocols following the principle of inter-operability among National Government Agencies and Local Government Units, before, during, and after a disaster;

- e. Administer, mobilize, monitor, and oversee the utilization of disaster resilience-related funds, including, but not limited to, the National Disaster Resilience Fund and the Supplemental Disaster Resilience Support Fund for low income provinces, cities, and municipalities, and multi-hazard local government units;
- f. Inspect and examine the status of projects, programs, and activities undertaken by national government agencies and local government units in furtherance of disaster resilience efforts;
- g. Whenever it becomes necessary, to save lives and/or minimize damages to livelihood and property, assume supervision over the implementation of any government program, project, or activity in anticipation of, during, and in the aftermath of a disaster;
- h. Negotiate, enter into, institutionalize, and coordinate arrangements with any private person or entity for the purpose of ensuring the adequate and prompt availability of goods and services necessary in anticipation of, during, and in the aftermath of disasters;
- i. Manage all funds appropriated to it by law and from other sources, including all donations and grants received by it;
- j. Promulgate rules and regulations for the receipt, management, and accounting of donations that are consistent with the rules of the Commission on Audit (COA) on the use of foreign and local aid during calamities and disasters;
- k. Receive humanitarian assistance from local and foreign sources, recommend the acquisition of developmental assistance for the purpose of disaster resilience, acknowledge and certify the receipt of all humanitarian assistance, and ensure their judicious use and management;
- l. Establish and operate a platform, including an online platform, to monitor and provide public access to information on humanitarian assistance received by the Department;
- m. Secure the assistance of the AFP, PNP, DILG- BFP, DOTr-PCG, and

1 other uniformed services and government instrumentalities to ensure
2 the attainment of the three key result areas, and the overall goals and
3 objectives of this Act;

4 n. In consultation with the COA, promulgate rules and regulations for the
5 retention, re-exportation, donation, and disposition of unused goods
6 and equipment after the termination of disaster relief and initial
7 recovery operations;

8 o. Assist appropriate national government agencies and offices and
9 concerned local government units in protecting national cultural
10 heritage including national treasures and national historical landmarks,
11 sites or monuments from hazards and disasters; and

12 p. Perform such other functions, as provided by law or assignment of the
13 President, and undertake the necessary actions to ensure the
14 attainment of the overall goals and objectives of this Act.

15 **ARTICLE III**

16 **EMERGENCY MEASURES**

17 *Sec. 7. Emergency Measures.* – (a) The Department may undertake and
18 implement such immediate measures as may be necessary to ensure the protection
19 and preservation of life or property in anticipation of, during, and in the aftermath of
20 emergencies, hazards and disasters, including preemptive and forced evacuations.

21 Local government units shall enact an ordinance on and implement necessary
22 and appropriate emergency measures, including preemptive and forced evacuations,
23 to ensure the protection and preservation of life or property in anticipation of,
24 during, and in the aftermath of disasters.

25 Emergency measures, including preemptive and forced evacuations, shall be
26 carried out with the primordial goal of saving lives and minimizing loss of property
27 and livelihood, while respecting the dignity and culture of persons, observing
28 equality, and using proportionate force, and with conscious attention to the needs of
29 vulnerable and marginalized groups.

30 Appropriate steps shall be taken to inform the public of the need to
31 implement emergency measures, such as evacuations, for their safety.

1 Preemptive evacuation shall be the preferred and primary mode of moving
2 people that will be affected by disasters.

3 Forced evacuation shall be considered as an emergency measure of last
4 resort that may be undertaken in anticipation of, during, or after a disaster and
5 carried out by the affected local government unit, pursuant to a duly issued order by
6 the local chief executive: *Provided*, That in case of the failure of the local chief
7 executive to issue such an order, the forced evacuation shall be implemented by the
8 Department, which may direct and compel the assistance of law enforcement and
9 other relevant government agencies to implement such measure.

10 Any person who willfully and deliberately disregards or disobeys a preemptive
11 or forced evacuation implemented by the local government unit or the Department,
12 as the case may be, releases such local government unit or the Department from
13 any liability for injury, death, damage to, or loss of property due to such
14 disobedience.

15 (b) Whenever it becomes necessary, the Department may recommend to
16 the President the calling out of the Armed Forces of the Philippines to prevent or
17 suppress lawless violence occurring before, during, and in the aftermath of disasters.

18 (c) The Department shall ration the distribution of basic goods in critical
19 shortage, and/or restrict or ban the transfer of such goods outside the area covered
20 by the emergency measure.

21 (d) The Department may temporarily take over or direct the operation of
22 any private utility or business for urgent public purpose in anticipation of, during,
23 and in the aftermath of emergencies, hazards, and disasters and only when there is
24 imminent danger of loss of lives and/or damage to property, subject to payment of
25 just compensation.

26 (e) Local government units shall likewise enact the abovementioned
27 emergency measures including preemptive and forced evacuations, to ensure the
28 protection and preservation of life or property in anticipation of, during, and in the
29 aftermath of disaster.

1 (f) With the concurrence of the DOF, the Department shall recommend to
2 the Monetary Board the deferment of payment for monetary debts of LGUs and/or
3 private entities that have been affected by disasters.

4 **ARTICLE IV**

5 **ORGANIZATION AND MANAGEMENT**

6 Sec. 8. *The Secretary.* – The Department shall be headed by the Secretary of
7 Disaster Resilience, hereinafter referred to as the Secretary, who shall be appointed
8 by the President, subject to confirmation by the Commission on Appointments. The
9 Secretary shall preferably have a solid background in any of the scientific,
10 engineering, and public management fields relevant to resilience to natural hazards
11 and climate change; and demonstrated managerial acumen.

12 Sec. 9. *Powers and Functions of the Secretary.* – The Secretary shall exercise
13 the following powers and functions:

- 14 a) Establish and promulgate policies, rules, and regulations for the effective
15 and efficient operation of the Department and implement these to carry
16 out its mandate, functions, programs, and activities;
- 17 b) Exercise executive direction over the operations of the Department and
18 administrative supervisions over its attached agencies;
- 19 c) Exercise control and supervision over all functions and activities of the
20 Department and its officers and personnel;
- 21 d) Appoint officers and employees of the Department, except those whose
22 appointments are vested in the President, in accordance with civil service
23 law, rules, and regulations;
- 24 e) Exercise disciplinary authority over officers and employees of the
25 Department in accordance with law, and investigate such officers and
26 employees, or designate a committee or officer to conduct an
27 investigation;
- 28 f) Manage the financial, human, and other resources of the Department;
- 29 g) Collaborate with other government agencies, the private sector, and civil
30 society organizations on the policies, programs, projects, and activities of
31 the Department, as may be necessary;

- h) Advise the President on the promulgation of executive and administrative issuances and the formulation of regulatory and legislative proposals on matters pertaining to disaster resilience;
- i) Represent the Philippines and articulate the national contribution to global, regional, and other inter-governmental disaster risk reduction and humanitarian platforms, in coordination with the Department of Foreign Affairs; and
- j) Perform such other functions as may be provided by law or assigned by the President.

Sec. 10. *The Undersecretaries.* – The Secretary shall be assisted by at least four (4) Undersecretaries, who shall be responsible for the following functional areas, including the establishment of a robust and responsive ICT system to effectively support the mandate and operations of the Department:

- a) Disaster Risk Reduction – the formulation, adoption, and implementation of policies and programs to reduce existing and future disaster risks to minimize loss and damage to lives and properties, including the formulation of the required policies and programs in the NDRF and relevant national investment plans;
- b) Disaster Preparedness and Response – the implementation of projects and programs to prepare and respond to disasters, including the enhancement of capabilities of local government units, the development of a database of exposure or elements at risk per area and database of volunteers, the establishment of safe and strategic evacuation centers, and the implementation of responsive and efficient prepositioning and distribution of goods;
- c) Recovery and Building Forward Better – the formulation and implementation of rehabilitation plans for disaster-affected areas and ensuring the implementation of disaster recovery and rehabilitation measures, such as post-disaster shelters and livelihood projects, in collaboration with relevant government agencies, local government units, and other stakeholders; and

1 d) Support to Operations – the formulation and implementation of policies,
2 programs, projects, and activities to ensure the efficient, effective, and
3 responsive performance of the Department’s mandate, powers, and
4 functions. Support to operations includes knowledge management,
5 institutional development and planning, finance, administration, and
6 human resources management.

7 The Undersecretaries shall have operational control and supervision
8 over the bureaus, divisions, offices, and units assigned to their respective
9 functional areas.

10 Sec. 11. *The Assistant Secretaries and Directors.* – The Department shall have
11 such number of Assistant Secretaries and Directors as may be necessary for the
12 effective and efficient implementation and performance of its mandate, powers, and
13 functions.

14 Sec. 12. *Qualifications.* – All the Undersecretaries, Assistant Secretaries, and
15 other officials of the Department shall preferably be specialists and have a good
16 track record in any of the following fields, as applicable to their mandated key result
17 areas and functions: disaster risk reduction and management, science and
18 technology, environmental science or management, urban planning, civil
19 engineering, public finance, information and communications technology, logistics
20 management, mass communication, among other fields directly relevant to ensuring
21 the country’s disaster resilience.

22 The appointing authority and other responsible officials shall ensure that the
23 Department’s human resources possess the competencies, skills, behavioral
24 attributes, training and experience necessary for them to become efficient, effective,
25 and responsive in performing their functions and contribute to the attainment of the
26 overall goals and delivery of the intended outcomes of this Act.

27 Sec. 13. *Structure and Staffing Pattern.* – The Department shall determine its
28 organizational structure and staffing pattern and create such services, divisions, and
29 units, as it may require or deem necessary, subject to the approval of the
30 Department of Budget and Management.

31 Sec. 14. *Regional Disaster Resilience Offices.* – The Department shall

1 establish and maintain Regional Disaster Resilience Offices (RDROs) in each
2 administrative region, to be headed by a Regional Director. The Department shall
3 create policies and programs to establish collaboration and coordination among the
4 different RDROs.

5 Sec. 15. *Powers and Functions of RDROs.* – The RDROs shall have the
6 following powers and functions:

- 7 a) Review the LDRPs and Provincial DRPs of LGUs within its jurisdiction, and
8 require the amendment of such LDRPs and/or Provincial DRPs if
9 necessary, to ensure compliance with the NDRF and relevant national
10 investment plans;
- 11 b) Monitor and direct LDROs and PDROs to implement their respective LDRPs
12 and PDRPs;
- 13 c) Recommend to the appropriate local legislative body the enactment of
14 ordinances to implement the LDRP, NDRF and relevant national
15 investment plans at the city, municipal or provincial level, and to comply
16 with other requirements of this Act;
- 17 d) Review reports on the utilization of the LDRF and other disaster risk and
18 management resources of LGUs within its jurisdiction, and give
19 recommendations, as necessary;
- 20 e) Disburse to, and monitor the use by, LGUs of funds granted by the
21 Department pursuant to this Act and its IRR;
- 22 g) Provide, upon the request of LGUs or unilaterally at its own discretion,
23 assistance to LGU(s) within its jurisdiction as necessary to ensure the
24 implementation of LDRPs/Provincial LDRPs, NDRF and relevant national
25 investment plans, and to render efficient and timely disaster preparedness,
26 response and recovery measures;
- 27 h) Identify and report to the Department issues and problems relating to, or
28 affecting, the disaster resilience of LGUs within its jurisdiction, and make
29 recommendations to the Department and/or to the LGUs to address such
30 issues or problems;
- 31 j) Formulate and establish mechanisms to mobilize and direct LDROs and

1 PDROs within its jurisdiction as necessary for disaster preparedness and
2 response at the regional level;

3 k) Establish and maintain, in coordination with the Department, a Regional
4 Command and Control Center (RCCC), which includes, among others, an
5 information management system at the regional level, which consolidates
6 and integrates information from the provinces, cities and municipalities
7 within its jurisdiction, a multi-hazard early warning and communications
8 system, and a monitoring system that enables the RDRO to oversee,
9 supervise, monitor and respond to the needs of LGUs within its jurisdiction
10 in relation to disaster resilience activities;

11 l) Assist in the implementation, of rehabilitation plan(s) for LGUs within its
12 coverage; and

13 m) Conduct other activities and act on other matters, in accordance with
14 policies and procedures of the Department and applicable laws, to achieve
15 the purposes of this Act.

16 *Sec. 16. Special Disaster Response Teams.* – The RDROs may organize and/or
17 activate Special Disaster Response Teams (SDRTs) to assist LGUs in responding to
18 hazards and disasters that are beyond their capacities, as deemed necessary.

19 *Sec. 17. Local Disaster Resilience Offices.* – The Local Disaster Risk Reduction
20 Management Offices in provinces, cities, and municipalities are hereby renamed as
21 the Provincial, City, and Municipal Disaster Resilience Offices, respectively, and shall
22 collectively be called the Local Disaster Resilience Offices (LDROs). Provincial, city,
23 and municipal governments shall establish their respective LDROs.

24 The Barangay Disaster Risk Reduction and Management Committees are
25 hereby renamed as the Barangay Disaster Resilience Committees (BDRC).

26 All Local Disaster Risk Reduction Management Councils are hereby abolished.

27 The LDROs shall be under the control and supervision of the provincial
28 governor or the city or municipal mayor, as the case may be. The budgetary
29 requirements for personal services, maintenance and other operating expenditures,
30 and capital outlay of the LDROs shall be sourced from the General Fund of the local
31 government units concerned; *Provided, That*, the personal services limitations under

1 Section 325(a) of Republic Act No. 7160, otherwise known as the *Local Government*
2 *Code of 1991*, shall not apply in relation to the creation and appointment of at least
3 five (5) positions in the LDROs.

4 Other maintenance and operating expenditures and the capital outlay
5 requirements of LDROs in the implementation of disaster risk reduction management
6 and climate change adaptation programs shall be charged to the Local Disaster
7 Resilience Fund of local government units.

8 Sec. 18. *Local Disaster Resilience Officer.* – The LDRO shall be headed by a
9 full-time Local Disaster Resilience Officer, who shall have a regular *plantilla* position
10 and shall be appointed by the local chief executive: *Provided, That* the qualifications
11 standards pertaining to experience and training set by the Civil Service Commission
12 for the position may be waived by the Department in exceptional cases upon the
13 request of the local chief executive.

14 Sec. 19. *Powers and Functions of City and Municipal Disaster Resilience*
15 *Offices.* – The City and Municipal Disaster Resilience Offices shall have the following
16 powers and functions:

- 17 a) Formulate and implement, in coordination with the Department, a
18 comprehensive and integrated Local Disaster Resilience Plan in accordance
19 with the NDRF and the relevant national investment plans;
- 20 b) Design, program, coordinate, and implement disaster resilience activities
21 consistent with the standards and guidelines provided by the Department,
22 and implement the NDRF and the relevant national investment plans at
23 the city or municipal level;
- 24 c) Prepare and submit to the *Sangguniang Panglungsod* or *Bayan*, as the
25 case may be, the LDRP, the proposed programming of the LDR Fund,
26 other dedicated disaster resilience resources, and other funds of the
27 LDRO;
- 28 d) Recommend to the *Sangguniang Panglungsod* or *Bayan*, as the case may
29 be, the enactment of ordinances to implement the LDRP, NDRF, relevant
30 national investment plans, and the provisions of this Act;
- 31 e) Prepare and submit to the Department a report on the utilization of its

1 Local Disaster Resilience Fund and other disaster risk reduction and
2 management resources;

3 f) Establish and maintain, in coordination with the Department, an
4 information management system within the LGU, which, among others,
5 consolidates and includes local risk information (such as natural hazards,
6 profile of the LGU's vulnerable or marginalized groups), local risk maps,
7 and a disaggregated database of human resource, equipment, services,
8 resources, directories and location of critical infrastructures with their
9 capacities (such as hospitals and evacuation centers);

10 g) Operate and maintain, in coordination with the Department, a multi-
11 hazard early warning and communications system to provide accurate and
12 timely information to the public;

13 h) Organize and conduct training and knowledge management activities on
14 disaster resilience at the local level, in coordination with the Disaster
15 Research, Education, and Training Institute;

16 i) Recommend to the local chief executive the procurement of emergency
17 works, goods, and services in compliance with the regulations, orders, and
18 policies of DBM and GPPB, to implement the LDRP or support early
19 recovery and post-disaster activities;

20 j) Recommend, in coordination with the DOF and other relevant agencies,
21 to the local chief executive, access to foreign loans to finance projects,
22 programs, and policies for disaster preparedness, response, recovery, and
23 rehabilitation, subject to terms and conditions agreed upon by the local
24 government unit and the lender;

25 k) Monitor and mobilize instrumentalities and entities of the LGU and its
26 partner LGUs, CSOs, private sector, organized volunteers, and sectoral
27 organizations for disaster resilience activities, in accordance with policies
28 and procedures of the Department and applicable laws;

29 l) Coordinate and provide the necessary support or assistance to the
30 Department in the implementation of rehabilitation plan(s) within the city
31 or municipality covered by the LDRO;

- 1 m) Coordinate with the Department, other government agencies, members of
2 the private sector and other stakeholders in the LGU to establish a
3 Business Continuity Plan as part of their LDRP's disaster preparedness
4 measures;
- 5 n) Establish linkage/network and coordination mechanisms with other LGUs
6 and the Department for disaster resilience activities and to achieve the
7 purposes of this Act; and
- 8 o) Conduct other activities and act on other matters, in accordance with
9 policies and procedures of the Department and applicable laws, to achieve
10 the purposes of this Act.

11 *Sec. 20. Powers and Functions of the Provincial Disaster Resilience Offices. –*

12 The Provincial Disaster Resilience Offices shall have the following powers and
13 functions:

- 14 a) Formulate and implement, in close coordination with the Department and
15 the local government units under the jurisdiction of the provincial
16 government, a comprehensive and integrated Provincial Disaster
17 Resilience Plan in accordance with the NDRF;
- 18 b) Review the LDRPs of cities and/or municipalities within its jurisdiction, and
19 require the amendment of such LDRPs if necessary, to ensure compliance
20 with the Provincial DRP and the NDRF;
- 21 c) Design, program, coordinate, or implement disaster resilience activities
22 consistent with the standards and guidelines provided by the Department,
23 and implement the NDRF and the relevant national investment plans at
24 the provincial level;
- 25 d) Prepare and submit to the *Sangguniang Panlalawigan*, the Provincial DRP,
26 the proposed programming of the province's Local Disaster Resilience
27 Fund, other dedicated disaster resilience resources, and other funding
28 sources of the PDRO;
- 29 e) Recommend to the *Sangguniang Panlalawigan* the enactment of local
30 ordinances to implement the Provincial LDRP, NDRF and relevant national
31 investment plans at the provincial level, and to comply with other

requirements of this Act;

- f) Prepare and submit to the Department, a report on the utilization of the province's Local Disaster Resilience Fund and other disaster risk reduction and management resources;
- g) Establish and maintain, in coordination with the Department, a Provincial Command and Control Center (PCCC), which includes, among others, an information management system at the provincial level, which consolidates and integrates information from the cities and/or municipalities within its jurisdiction, a multi-hazard early warning and communications system that is connected with the cities and/or municipalities within its jurisdiction, and a monitoring system that enables the PDRO to oversee, supervise, monitor and respond to the needs of cities and/or municipalities within its jurisdiction in relation to disaster resilience activities;
- h) Recommend to the Provincial Governor the procurement of emergency works, goods, and services in compliance with the regulations, orders, and policies of DBM and GPPB, to implement the provincial LDRP or support early recovery and post-disaster activities of the PDRO;
- i) Recommend, in coordination with the DOF, to the Provincial Governor to access foreign loans to finance its policies, programs, projects, and activities for disaster preparedness, response, recovery, and rehabilitation, subject to terms and conditions agreed upon by the Provincial Government and the lender;
- j) Formulate and establish mechanisms to mobilize and direct LDROs within its jurisdiction as necessary for disaster preparedness and response at the provincial level;
- k) Coordinate and provide the necessary support or assistance to the Department in the implementation of rehabilitation plan(s) within the cities and/or municipalities covered by the PDRO; and
- l) Conduct other activities and/or act on other matters, in accordance with policies and procedures of the Department and applicable laws, to achieve the purposes of this Act.

Sec. 21. *Service Continuity of the Department.* – To ensure service continuity, the Department and its regional and attached offices shall be established in a reasonably resilient location; and/or undertake the necessary interventions to make its offices and systems disaster-resilient.

ARTICLE V

WHOLE OF GOVERNMENT AND WHOLE OF NATION APPROACH

Sec. 22. *Synergy with Stakeholders.* – The Department shall ensure seamless synergy and coordination with stakeholders, including national government agencies, local government units, government-owned or -controlled corporations (GOCCs), CSOs, the academe, and the private sector, in relation to disaster resilience programs and projects and the development and promotion of research, education, and training mechanisms.

The Department shall establish a platform, paradigm, and mechanisms for convergence and coordination with stakeholders, including the development of standards, protocols, and procedures for seamless collaboration for disaster resilience.

Sec. 23. *Establishment of Multi-Stakeholders Convergence Unit.* – The Department, with the assistance of other relevant government agencies and stakeholders, shall establish a Multi-Stakeholders Convergence Unit (MSCU), which shall closely engage the private sector, CSOs, academe, and other non-government stakeholders and strengthen public-private collaboration towards disaster resilience by way of the following interventions, among others:

- a. Implementation of business continuity practices to ensure the continued delivery of products and services, in the event of disasters;
- b. Crafting and implementation of a National Continuity Policy to ensure government service continuity during and after emergencies and disasters, and ensure the quick return of government to full operations;
- c. Establishment, incorporation, and application of business continuity plans as part of the LDRPs of LGUs;
- d. Facilitation or assistance in obtaining and/or processing incentives for the private sector and other non-government stakeholders, such as but not

1 limited to tax credits;

- 2 e. Preparation and facilitation of the issuance of special rules for Micro,
3 Small, and Medium Enterprises (MSMEs) such as, but not limited to,
4 mechanisms involving procurement and liquidity to create enabling
5 environments for disaster preparedness, recovery and building forward
6 better; and
7 f. Formulation of investment programs for disaster affected areas in
8 partnership with the private business sector and civil society organizations.

9 The MSCU shall establish a platform that includes, among others, a database
10 for monitoring and coordinating efforts and resources of stakeholders.

11 Sec. 24. *Roles and Responsibilities of Stakeholders.* – The commitment,
12 goodwill, knowledge, experience and resources of relevant stakeholders are critical
13 to realize a safer, adaptive, resilient and inclusive Filipino community. Citizens have
14 the shared vision and duty to provide support to the State in the implementation of
15 policies and programs, particularly the Disaster Resilience Framework and Disaster
16 Resilience Plan at the national, regional and local levels.

- 17 a) Civil society, non-governmental organizations, international non-governmental
18 organizations, private sector, practitioners, and volunteers shall participate, in
19 collaboration with public institutions, in the exchange of to provide information,
20 learnings, and guidance on disaster resilience. The Department shall encourage
21 and institutionalize their engagement in the implementation of local, regional,
22 national, and global plans and strategies; enhance public awareness and promote
23 a culture of disaster resilience;
24 b) The women, children, and youth, as agents of change, shall endeavor to
25 contribute actively and participate in disaster resilience trainings and information
26 dissemination;
27 c) Senior citizens and persons with disabilities shall contribute their knowledge and
28 experience on disaster preparedness and resiliency;
29 d) Indigenous peoples and Muslim Filipinos shall share their traditional knowledge
30 and practical experience on disaster resiliency;
31 e) Urban and rural poor, and migrants shall participate in building resilient

1 resettlement communities;

2 f) Emergency responders and volunteer organizations shall contribute to resilience
3 by promptly and efficiently responding to disasters and emergencies consistent
4 with the policies of the Research, Education and Training Institute of the
5 Department;

6 g) Academia, scientific and research entities, and networks are encouraged to
7 undertake relevant research on disaster resiliency in partnership with the
8 Department and other stakeholders for better decision-making;

9 h) The private sector is encouraged to integrate disaster resiliency projects and
10 programs in their corporate social responsibility initiatives; and

11 i) The media shall provide prompt and accurate information to the public on early
12 warning systems, natural hazards, and disaster resilience activities of the
13 Department.

14 *Sec. 25. Disaster Resilience Assembly.* – The Department, with the assistance
15 of RDROs, shall establish and convene a Disaster Resilience Assembly (DRA), at the
16 regional and national level, which will be held on a semestral basis, or as frequently
17 as necessary to ensure the proactive engagement of the relevant government and
18 non-government stakeholders, such as the Union of Local Authorities of the
19 Philippines (ULAP), League of Municipalities of the Philippines (LMP), CSOs,
20 academe, DRRM practitioners, the private sector, and the national government
21 agencies, among others, to ensure effective collaboration towards achieving the
22 goals of this Act.

23 The LGUs may convene local DRAs within their jurisdictions, as necessary for
24 the attainment of disaster resilience at the local level.

25 *Sec. 26. Inter-operability of Systems.* – The Department shall establish
26 mechanisms to ensure the inter-operability of systems among government agencies,
27 and to allow access of agencies to the IDRIS. It shall develop protocols to allow real-
28 time access to information by government agencies in relation to natural disasters
29 and the implementation of disaster resilience measures.

30 *Sec. 27. National organization of all Local Disaster Resilience Officers.* – There
31 shall be a national organization of all local disaster resilience officers for the primary

purpose of:

- a) Developing capacity, and exchanging knowledge, experiences, and best practices concerning local government disaster resilience;
- b) Fostering inter-operability of the local disaster resilience offices' systems; Facilitating inter-LGU cooperation and collaboration;
- c) Providing inputs and feedback to the Department on resilience concerns at the local level; and
- d) Enhancing synergy in other areas of common concern.

ARTICLE VI

MAINSTREAMING, INTEGRATION AND CONVERGENCE OF DISASTER RISK REDUCTION

Sec. 28. *Integration of DRR and Climate Change Adaptation in the National Disaster Resilience Framework and Disaster Resilience Plan.* – The existing NDRRM Framework and Plan, and the National Climate Change Strategic Framework and Plan shall be integrated and harmonized into the NDRF and the NDRPIP. The NDRF and NDRPIP shall be reviewed and updated every three (3) years.

Sec. 29. *Ecosystem-Based Approach to Prevention and Mitigation, Rehabilitation and Recovery from Disasters.* – The Department shall ensure the application of ecosystems-based approaches in disaster risk reduction, particularly through ecosystem management and restoration as defined in this Act, and ensuring that environmental and natural resource policies are risk-informed.

ARTICLE VII

NATIONAL DISASTER OPERATIONS CENTER, ALTERNATIVE COMMAND CENTER, AND RESEARCH AND TRAINING INSTITUTE

Sec. 30. *National Disaster Operations Center.* – The Department shall establish, within one (1) year from the approval of this Act, and act as the primary operator of, the National Disaster Operations Center (NDOC), Alternative Command and Control Centers (ACCCs), and a Disaster Resilience Research and Training Institute (DRRTI).

The NDOC is a physical center equipped with the necessary tools and systems to monitor, manage, and respond to disasters in all areas of the country. The NDOC

1 shall also provide the necessary support for the overall coordination and
2 implementation of emergency and disaster response measures throughout the
3 country.

4 The ACCCs are command centers established in other locations as an
5 alternative or to provide supplemental support to the NDOC. The number and
6 location of ACCCs shall be determined by the Department as may be necessary in
7 each of the country's major island groups. Temporary ACCC may likewise be
8 established by the Department, if necessary.

9 Sec. 31. *DRRTI functions and inter-agency knowledge sharing.* – The DRRTI
10 shall be a platform for providing training, and for collecting, consolidating,
11 managing, analyzing, and/or sharing knowledge and information to improve and/or
12 enhance disaster resilience. The DRRTI shall:

13 Establish reliable and up-to-date Integrated Disaster Resilience Information
14 System (IDRIS) through close and seamless collaboration with the
15 Department of Science and Technology (DOST), Department of
16 Information and Communications Technology (DICT), and other
17 appropriate agencies;

- 18 a) Conduct disaster-related research programs, seminars, and trainings for all
19 types of stakeholders;
- 20 b) Consolidate, organize and/or prepare training materials and publications;
- 21 c) Conduct other activities consistent with promoting the formation and
22 dissemination of knowledge and information relating to disaster resilience
23 and disaster management;
- 24 d) Establish a database that includes relevant information from other
25 government agencies and third parties for the department to better
26 prepare and respond to natural hazards including, but not limited to, an
27 inventory of hazardous materials per area; and
- 28 e) Consult and coordinate with, and consolidate information/data from,
29 relevant government agencies, such as, but not limited to, DOST, LGUs
30 and relevant CSOs to enhance the IDRIS and to promote knowledge
31 sharing among all stakeholders.

Sec. 32. *Compliance and accreditation of DRRTI with international standards.*

- The Department shall strive to obtain certification from, and accreditation by, international accreditation bodies of the DRRTI to ensure DRRTI’s compliance with international standards. The Department shall likewise ensure collaboration with key countries and international organizations to incorporate best practices on disaster resilience in the Department’s policies and programs.

ARTICLE VIII
INTEGRATION, MAINSTREAMING
DISASTER RESILIENCE INFORMATION,
EDUCATION AND COMMUNICATION CONVERGENCE

Sec. 33. *Integrated Disaster Resilience Information System (IDRIS)*. – The Department shall establish a National and Regional Information Management System for Disaster Resilience, which shall be a database of all relevant disaster risk reduction and climate change data, including a geographic information system on geo-hazard assessments and climate risk. It shall be the repository of current and multi- temporal information for wide-scale disaster risk analysis. The IDRIS shall be accessible at all times to the responsible officials and entities to enable the timely, reliable, and accurate collection, processing, analysis, and dissemination of information to support overall decision-making and effective coordination at both the national and sub-national level. The protocols and procedures for this shall be defined in the IRR of this Act.

Sec. 34. *Disaster Resilience Education and Training.* – (a) To instill a culture of safety and security including emergency preparedness and disaster resiliency, the Department, in partnership with the public and private sectors shall encourage the inclusion of appropriate information on disaster resilience in their various training programs and immersion activities.

(b) The IEC on disaster resilience shall be informative and holistic, gender, culture and disability sensitive using various available platforms.

ARTICLE IX

DISASTER RISK TRANSFER, INSURANCE AND INCENTIVES

Sec. 35. *Disaster Risk Transfer, Insurance and Social Welfare.* – (a) The

1 Department shall oversee all disaster risk-sharing and risk-transfer instruments and other
2 related initiatives to ensure the protection of property and livelihood, both public and
3 private.

4 (b) The Department, in collaboration with the DOF, BSP, LBP, GSIS, and the
5 Insurance Commission, shall create, establish, and implement, among others, disaster
6 insurance pools, revolving funds, insurance and risk-transfer schemes and/or facilities, and
7 other financial disaster resilience measures to ensure the protection of public and/or
8 private properties and livelihood against the adverse effects of natural disasters. For this
9 purpose, the Department and/or DOF may engage or require the participation of
10 government banks, insurance agencies and financial institutions.

11 (c) To attain disaster resilience and achieve the purposes of this Act, the
12 Department shall have the discretion and authority to require government agencies and
13 GOCCs to insure their assets and/or properties such as, among others, vessels, vehicles,
14 equipment, machineries, permanent buildings, properties stored therein, or properties in
15 transit, against insurable risks and pay the premiums therefor, to compensate the
16 Government and/or GOCC, as applicable, for any damage to, or loss of, properties due to
17 a natural disaster.

18 (d) The Department shall endeavor the local government units to insure
19 primary assets for unforeseen or contingent potential losses, damages and disruption from
20 natural hazards chargeable against their respective Local Disaster Resilience Fund (LDRF).

21 Sec. 36. *Recognition and Incentives.* – The Department, in partnership with
22 the private sector, shall establish an incentives program that recognizes outstanding
23 performance of LDRC, NGOs, CSOs, schools, hospitals, and other stakeholders in
24 promoting and implementing significant disaster risk reduction management-climate
25 change adaptation programs and innovations, and meritorious acts of individuals,
26 groups or institutions during natural.

27 **ARTICLE X**

28 **PREPAREDNESS AND INTEGRATED EARLY WARNING**

29 Sec. 37. *Standards for Disaster Preparedness Activities.* – (a) The Department
30 shall establish standards and protocols for disaster preparedness, contingency
31 planning, localizing and operationalizing disaster risk reduction and management,

1 preparedness for disaster response, preparedness for early recovery, continuity of
2 essential services, and other relevant preparedness activities.

3 (b) The LGUs shall identify safe and strategic sites, and establish
4 evacuation centers with appropriate and adequate facilities in accordance with
5 government-approved standards as provided under Republic Act No. 10821,
6 otherwise known as "*The Children's Emergency Relief Protection Act*", to avoid
7 disruption of school classes and lessen the use of school buildings and facilities as
8 evacuation centers.

9 The LGUs shall immediately compensate said schools used as evacuation
10 centers. The schools may seek compensation for renovation, replacement, or repairs
11 of damaged facilities for such use.

12 Sec. 38. *Multi-Hazard Early Warning and Risk Communication Standards.* – (a)
13 There shall be a streamlined policy governing early warning systems and risk
14 communication protocols to ensure effective and efficient measures to prepare for,
15 respond to and recover from potential risks and disasters.

16 (b) The Department shall formulate and implement multi-hazard early
17 warning protocols integrating all disaster preparedness systems in collaboration with
18 local executives, community-based organizations, civil society organizations, and
19 other non-governmental organizations for proper use and application.

20 Sec. 39. *Early Warning Mandate.* – a) The Department shall issue an
21 integrated early warning alert for the impending occurrence of hazards that will
22 enable the public to prepare timely and act appropriately to minimize potential harm
23 or loss.

24 (b) The Department shall require mobile phone service providers to send
25 out alerts at regular intervals in the event of an impending natural hazard, in
26 accordance with Republic Act No. 10639, otherwise known as the "Free Mobile
27 Disaster Alerts Act".

28 (c) The Department shall recognize and proactively support local or
29 indigenous modes of early warning systems and allow open access to near real-time
30 data from both local and international sources made available through various
31 platforms such as websites, mobile apps, and social media to empower local

1 communities and individuals.

2 (d) Any person who transmits early warning concerning the
3 abovementioned phenomena by means of signs in designs, colors, lights, or sound
4 shall do so in compliance with the methods recognized or approved by the
5 Department.

6 (e) The Department at the national and local level shall use an integrated
7 early warning system to ensure it is consistent and locally contextualized with the
8 communication protocol and safe evacuation procedure of the affected communities.

9 (f) The Department shall work with other agencies or organizations on
10 pre-crisis information mapping of the humanitarian needs of at-risk communities that
11 will enhance the overall prepositioning of resources at the national and local level.

12 (g) The Department shall recognize and proactively support local or
13 indigenous modes of early warning systems and allow open access to near real-time
14 data from both local and international sources made available through various
15 platforms such as websites, mobile apps, and social media to empower local
16 communities and individuals.

17 **ARTICLE XI**

18 **DISASTER RESPONSE AND EARLY RECOVERY**

19 Sec. 40. *Declaration of State of Calamity.* – The Department shall declare a
20 cluster of barangays, municipalities, cities, provinces, and regions under a state of
21 calamity, and the lifting thereof, based on the criteria set by the Department.

22 The declaration and lifting of the state of calamity may also be issued by the
23 local *Sanggunian*, upon the recommendation of the LDRO, based on the results of
24 the damage assessment and needs analysis: *Provided*, That through the Department,
25 the LDRO may seek from the local legislative body or *Sanggunian*, the declaration of
26 a state of imminent disaster to enable the local executives to implement pre-emptive
27 evacuation and precautionary measures ~~in order~~ to save lives and minimize damage
28 to property, loss and disruption of livelihood that require the use of funds and
29 resources under the LDRF.

30 Sec. 41. *Levels of Responsibility for Disaster Preparedness and Response.* –
31 The primary responsibility for disaster preparedness and response shall be exercised

- 1 at the local or national level, as applicable, in close and seamless collaboration with
 2 the relevant national government instrumentalities, non-government stakeholders,
 3 and international partners. The four levels of responsibility and the conditions that
 4 warrant each are as follows:

LEVELS OF RESPONSIBILITY	RESPONSIBLE OFFICIALS	CONDITIONS
Level 1: City or Municipality	Lead Official: Mayor of the affected city or municipality Support: City or Municipal Disaster Resilience Officer	If a disaster affects a single city or municipality
Level 2: Province	Lead Official: Provincial Governor of the affected province Support: Provincial Disaster Resilience Officer Municipal and/or City Mayors concerned Municipal and/or City Disaster Resilience Officers concerned	If a disaster affects two or more municipalities and/or cities within a province
Level 3: Region	Lead Official: Regional Director, DDR Support: Governors of affected provinces Concerned Provincial Disaster Resilience Officers	If a disaster affects two or more provinces within a region (except for the National Capital Region)
Level 4: National	Lead Official:	If a disaster affects at

LEVELS OF RESPONSIBILITY	RESPONSIBLE OFFICIALS	CONDITIONS
	Secretary of Disaster Resilience (SDR) Support: Governors concerned Disaster Resilience Officers concerned	least two (2) regions; When the LGU is unable to effectively cope with the risk and/or impact of a hazard; or When the President directs a Level 4 response or declares a state of calamity.

1 Sec. 42. *Disaster Preparedness and Response in the NCR.* – When at least
2 two cities and/or municipality in the NCR are affected, the SDR shall be responsible
3 for leading the disaster preparedness and response efforts, in collaboration with the
4 affected LGUs, the MMDA, and the concerned government instrumentalities and non-
5 government stakeholders.

6 Sec. 43. *Inter-Local Government Assistance.* – LGUs are hereby authorized to
7 extend the necessary assistance to another LGU, whether through funding or
8 donation of goods and/or services, and conducting disaster preparedness and
9 response operations, to help save lives and minimize damage to property. These
10 include the pre-positioning and provision of basic goods, training of first responders,
11 among others, subject to the accounting and auditing rules to be defined in the IRR
12 of this Act.

13 Sec. 44. *Accreditation, Mobilization, and Protection of Disaster Volunteers and*
14 *National Service Reserve Corps, CSOs and the Private Sector.* – The government
15 agencies, CSOs, private sector and LGUs may mobilize individuals or organized
16 volunteers to augment their respective personnel complement and logistical
17 requirements in the delivery of disaster risk reduction programs and activities. The
18 agencies, CSOs, private sector, and LGUs concerned shall take full responsibility for
19 the enhancement, welfare and protection of volunteers, and shall submit the list of
20 volunteers to the Department, through the LDROs, for accreditation and inclusion in

1 the database of community disaster volunteers.

2 A national roster of ACDRVs and Institutions, National Service Reserve Corps,
3 CSOs and the private sector shall be maintained by the Department through the
4 LDROs. Accreditation shall be done at the municipal or city level.

5 The mobilization of volunteers shall be in accordance with this Act and
6 implementing guidelines to be formulated by the Department. Any volunteer who
7 incurs death or injury while engaged in any of the activities defined under this Act
8 shall be entitled to compensatory benefits and individual personnel accident
9 insurance as may be defined in the IRR.

10 Sec. 45. *Reporting of Humanitarian Assistance.* – The concerned local
11 government unit shall submit a report to the Department, taking into account all
12 domestic or international humanitarian assistance received and distributed within its
13 area of responsibility.

14 **ARTICLE XII**

15 **HUMANITARIAN ASSISTANCE**

16 Sec. 46. *Management of Humanitarian Assistance.* – (a) The Department shall
17 have the power to receive and manage humanitarian assistance from any person or
18 entity, whether from local or international sources.

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

26 Sec. 47. *International Humanitarian Assistance.* – The Department shall
27 promulgate guidelines on international humanitarian assistance, including the
28 initiation, entry, facilitation, transit, regulation and termination thereof, as well as
29 those involving international disaster relief and personnel assisting international
30 actors, visa waiver, recognition of foreign professional qualifications, entry of
31 international disaster goods and equipment, and exemption from port duties, taxes,

1 and restrictions.

2 Sec. 48. *Assessment of the Need for International Humanitarian Assistance.* –

3 (a) Immediately after the declaration of a state of calamity by the local
4 sanggunian of the relevant local government unit or by the Department, as the case
5 may be, the Department shall determine whether domestic capacities are likely to be
6 sufficient to attend to the needs of affected persons for international humanitarian
7 assistance. This determination may also be made, at the discretion of the President,
8 prior to the onset of an imminent disaster.

9 (b) In the event of a determination by the Department that domestic
10 response capacities are not likely to be sufficient due to the impact of the disaster,
11 the Department shall recommend to the President that a request be made for
12 international humanitarian assistance.

13 (c) A determination that domestic capacities are likely to be sufficient and
14 that international humanitarian assistance is therefore unnecessary may be reviewed
15 and rescinded by the Department, with the approval of the President, at any time, in
16 light of prevailing circumstances and available information.

17 Sec. 49. *Humanitarian Assistance Action Center.* – The Department shall
18 create an inter-agency one-stop shop mechanism called the Humanitarian Assistance
19 Action Center (HAAC) for the processing and release of entry and facilitation of
20 goods, articles or equipment and services and international relief workers for the
21 provision of international humanitarian assistance and the processing of necessary
22 documents for assisting international actors.

23 The Department shall lead and manage the HAAC, which shall be composed
24 of the following:

- 25 (a) Bureau of Customs;
- 26 (b) Department of Foreign Affairs;
- 27 (c) Department of Social Welfare and Development;
- 28 (d) Department of Health;
- 29 (e) Food and Drug Administration;
- 30 (f) Department of Agriculture;
- 31 (g) Department of Energy;

1 (h) Department of National Defense;

2 (i) Philippine National Police;

3 (j) Philippine Coast Guard; and

4 (k) Bureau of Immigration.

5 Sec. 50. *Request for International Humanitarian Assistance.* – (a) In
6 cognizance of the urgency, criticality and intensity of an imminent risk, the
7 Department shall issue a flash appeal to the family of nations, under regional and
8 multilateral conventions, for assistance in preparedness, including preemptive
9 measures, search, rescue, and retrieval, relief, recovery, and reconstruction.

10 (b) The President may request international humanitarian assistance, upon
11 the advice of the Secretary. Such request may be specifically directed to particular
12 assisting international actors or may be a general request directed to the
13 international community.

14 Sec. 51. *Regulation of Humanitarian Assistance.* – (a) The Department shall
15 ensure the efficient and effective monitoring of humanitarian assistance from
16 domestic or international donors, establish and operate a platform, including an
17 online platform, to facilitate, and provide public access to information on donations.

18 (b) The Department shall include in the IRR of this Act guidelines and
19 accountabilities on the receipt, management, distribution, accounting, and reporting
20 of all humanitarian assistance, whether in cash or in kind, consistent with the rules
21 on the use of foreign and local aid during calamities and disasters issued by the COA
22 and other relevant government agencies.

23 **ARTICLE XIII**

24 **OFFER AND FACILITATION OF HUMANITARIAN ASSISTANCE** 25 **TO FOREIGN STATES**

26 Sec. 52. *Offer and Facilitation of International Humanitarian Assistance to*
27 *Foreign States.* – In the event of a disaster occurring in a foreign state for which
28 international humanitarian assistance is required, the Department, in coordination
29 with the DFA, may offer, facilitate, provide, and deploy international humanitarian
30 assistance to said foreign state, which shall be subject to guidelines to be
31 promulgated by the Department for the purpose.

Sec. 53. *Accreditation.* – The Department, in coordination with relevant government agencies and organizations, shall provide and facilitate the necessary training and accreditation to the respective government personnel to be deployed for such offer, facilitation and provision of international humanitarian assistance to a foreign state.

ARTICLE XIV

RECOVERY

Sec. 54. *Standards for Recovery.* – The Department shall observe internationally accepted standards for recovery, planning, programming and implementation of the recovery process. Towards this end, the Department shall:

- a) Improve the community's physical, social and economic resilience, consistent with the principle of "building forward better";
- b) Use locally-driven, centrally-supported processes based on legal mandates with supplementary capacity support when requested;
- c) Redirect development outside danger zones to minimize loss of lives and structures resulting from typhoons, flooding, landslides, and other hazards
- d) Employ outcome-driven planning and implementation;
- e) Maximize use of Private-Public sector partnership where possible;
- f) Consider local conditions such as culture, security situation and existing capacities of communities in identifying programs and projects;
- g) Ensure access to public transport, physical and mental health services, markets, schools, sustainable livelihoods, and other public services in planning for settlement areas; and
- h) Ensure restoration of peace and order and recovery of government functions.

ARTICLE XV

REMEDIAL MEASURES UNDER STATE OF CALAMITY

Sec. 55. *Declaration of State of Calamity.* – A state of calamity may be declared when any of the following requisites are present:

- a. A natural hazard, including climate change, poses imminent threat to human life and/or danger to property; or

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

The following shall exercise this power, respectively:

- a. The President, upon recommendation of the SDR, whether in whole or part of an area;
- b. The SDR, upon recommendation of the RDRO, for disasters covering two or more provinces of the same region; and
- c. The local sanggunian, upon recommendation of the concerned local disaster resilience office, within its jurisdiction.

Sec. 56. *Remedial Measures under State of Calamity.* – Upon the declaration of a state of calamity, the following remedial measures shall be immediately undertaken by concerned government agencies at the national and local levels:

- a) Imposition of price ceiling on basic necessities and prime commodities by the Price Coordinating Council (PCC), as provided for under Republic Act No. 7581, otherwise known as the “Price Act”, as amended by Republic Act No. 10623;
- b) Monitoring, prevention and control by the Local Price Coordination Council of overpricing or profiteering and hoarding of prime commodities, medicines and petroleum products;
- c) Programming or reprogramming of funds for the repair of critical facilities or public infrastructures that are vital for the quick delivery of humanitarian assistance, to reduce further threat to lives and arrest further deterioration of properties and loss of livelihoods in the affected communities, following the “build forward better” principle;
- d) Grant of no-interest loans by government financing or lending institutions to the most vulnerable and marginalized groups or individuals;
- e) Local tax exemptions, incentives or reliefs under such terms and conditions as may be deemed necessary by the affected local government unit; and
- f) Use of alternative modes of procurement under Article XVI of this Act, by the Department, LGUs or the relevant government instrumentalities in

1 relation to the urgent procurement of emergency works, goods or services
2 to effectively respond to, quickly recover from disasters, and build forward
3 better.

4 **ARTICLE XVI**
5 **PROCUREMENT**

6 Sec. 57. *Procurement.* – In general, the procurement rules provided under
7 Republic Act No. 9184, otherwise known as the “*Government Procurement Reform*
8 *Act*”, shall apply. However, alternative modes of procurement as provided in this Act
9 may be resorted to by the Department, RDROs, or LGUs in any of the following
10 emergency situations:

- 11 a) There is imminent danger to life or property during a state of calamity, as
12 provided under this Act, and the procurement is necessary to avert or
13 reduce such danger to life or property; or
14 b) The procurement is necessary to restore vital public services,
15 infrastructure facilities and other public utilities; or
16 c) Time is of the essence in implementing a project, program or activity to
17 effectively respond to a disaster and save lives; or
18 d) There are other circumstances that require immediate procurement
19 necessary to prevent damage to or loss of life or property.

20 Sec. 58. *Alternative Modes of Procurement.* – During emergency situations as
21 provided under this Act, the Department, RDROs or LGUs may resort to the following
22 modes of procurement:

- 23 a) Direct negotiation under Republic Act No. 9184, otherwise known as the
24 “*Government Procurement Reform Act*”, and its implementing rules and
25 regulations;
26 b) Simplified or pre-arranged contracts such as, among others, pre-signed
27 agreements, stand-by contracts, pre-arranged systems of procurement
28 with a pre-approved list of contractors for construction projects, pre-
29 negotiated contracts, advanced procurements contracts, and framework
30 contracts. The parameters, requirements and conditions for these types of
31 contracts shall be defined in this Act’s IRR.

1 Sec. 59. *Special Rules on Procurement for Reconstruction and Rehabilitation*
2 *of Affected Areas.* – (a) The Department, with the assistance of, or in collaboration
3 with, relevant government agencies, shall create special rules on procurement for
4 services, goods, and materials to be used for reconstruction and rehabilitation efforts
5 in case of a natural disaster, including but not limited to, the construction of post-
6 disaster shelters and provision of service contracts, to ensure the procurement of
7 quality-oriented goods, materials, and equipment and to guarantee effective,
8 efficient, and speedy procurement to achieve the goals of this act.

9 (b) In case of procurement of services, goods, or materials for
10 reconstruction and rehabilitation efforts, whether from local or international sources,
11 the Department and the relevant government agencies shall provide less
12 bureaucratic restrictions, more flexible procurement policies, or exemption from, or
13 reduction of, customs duties.

14 Sec. 60. *Procurement from Qualified Suppliers or Contractors.* – As an
15 exception to the provisions of Republic Act No. 9184, otherwise known as the
16 “*Government Procurement Reform Act*”, and its implementing rules and regulations,
17 the Department shall have the power to procure goods and services from either local
18 or foreign suppliers or contractors for purposes of implementing programs, projects,
19 and activities related to disaster resilience and disaster management. The conditions,
20 limitations, application processes, eligibility requirements and assessment criteria for
21 local and foreign suppliers and contractors shall be provided in this Act’s IRR.

22 Sec. 61. *Pre-Arranged Contracts or Agreements with Private Sector Entities.* –
23 Notwithstanding Republic Act No. 9184, otherwise known as the “*Government*
24 *Procurement Reform Act*”, the Department shall have authority to enter into pre-
25 arranged or contingency contracts or agreements with private sector entities for the
26 purpose of, among others, establishing, a logistics system for the efficient and
27 prompt distribution of goods, equipment or other materials required for disaster
28 response and management; securing food, medicines, fuel, or other supplies from
29 groceries, pharmacies, gas stations or other sources in the event of a disaster in a
30 specific area; ensuring an alternative source of power or water from private utilities
31 in the event of a disaster in a specific area; or other arranging the immediate supply

1 of other goods, services or equipment necessary for disaster response and
2 management. The conditions, limitations and parameters of contracts or
3 arrangements authorized under this Section shall be provided in this Act's IRR.

4 Sec. 62. *Other Procurement Rules and Policies.* – In view of the urgency and
5 avoid unnecessary delays to procure goods, services, and implement projects for the
6 purpose of providing responsive, effective, and efficient rescue, recovery, relief, and
7 rehabilitation efforts for, and to continue the provision of basic services to, disaster
8 victims or disaster affected areas, the DBM and GPPB shall issue appropriate
9 resolutions, orders, and policies to effectively implement the provisions of this Act.

10 Sec. 63. *Government Accounting and Auditing Policies.* – The COA shall
11 review, align, and issue policies or rules to improve the efficiency and expediency of
12 procurement and audit processes for programs and projects related to disaster
13 resilience and management.

14 **ARTICLE XVII**

15 **SPECIAL RULES ON BORROWINGS AND TAXES**

16 Sec. 64. *Rules on Borrowing.* – The LGUs shall access foreign financing,
17 through the DOF, Bangko Sentral ng Pilipinas (BSP), and other relevant agencies, as
18 applicable, to implement disaster prevention, mitigation, early recovery, and
19 rehabilitation measures at the provincial, city, or municipal level.

20 Sec. 65. *Special Rules on Tax and Duties.* – To facilitate prompt, efficient and
21 effective response to, recovery from disasters, and building forward better in
22 disaster-affected areas, the following shall be granted special exemptions from
23 existing taxation laws, rules, and regulations:

- 24 a. Exemption from taxes and import duties for foreign disaster assistance or
25 international donations coursed through the Department;
- 26 b. Exemption from donor's tax and allowing the treatment of donations as a
27 deductible expense for local disaster assistance coursed through the
28 Department;
- 29 c. Exemption from the Value Added Tax (VAT) for goods or services donated
30 from abroad as coursed through the Department;
- 31 d. Tax incentives to encourage members of the private sector to render aid

1 or provide disaster assistance, and/or to invest in disaster resilience and
2 climate change adaptation and mitigation measures for their residences,
3 communities and/or businesses.

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

8 *Sec. 66. Custom Duties and Tariffs on Donations.* – The BOC shall create rules
9 that would, among others, hasten the processing and release of donated goods and
10 equipment to disaster victims and/or affected areas.

11 *Sec. 67. Economic Recovery and Development of Disaster-Prone Areas.* – The
12 Department, in coordination with the Department of Trade and Industry (DTI) and
13 other relevant agencies, shall craft policies, and implement the necessary programs
14 and projects to stimulate economic activities and encourage investments to assist
15 disaster-affected areas develop or recover faster, as applicable.

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

21 **ARTICLE XVIII**

22 **PROHIBITED ACTS AND PENALTIES**

23 *Sec. 68. Prohibited Acts.* – Any public official, private person, group or
24 corporation who commits any of the following prohibited acts shall be held liable and
25 be subjected to the criminal and administrative penalties as provided for in Section
26 71 of this Act, without prejudice to the imposition of other criminal, civil and
27 administrative liabilities under existing laws.

28 a) *Prohibited Acts of Public Officials.* – The following acts, if committed by
29 public officials without justifiable cause, shall be considered as gross neglect of duty:

- 30 1. Dereliction of duties that leads to destruction, loss of lives, critical damage
31 of facilities and misuse of funds;

2. Failure to enforce laws, standards, or regulations such as the National Building Code, Solid Waste Management Act, Water Code, and other relevant laws, leading to destruction, loss of lives, and/or critical damage of facilities;
 3. Failure to create a functional LDR Office within six (6) months from the approval of this Act;
 4. Failure to appoint a permanent local disaster resilience officer within six (6) months from approval of this Act;
 5. Failure to prepare and implement a Contingency and Adaptation Plan for hazards frequently occurring within their jurisdictions;
 6. Failure to formulate and implement the LDRP with the corresponding budget allocation; and
 7. Sexual exploitation and abuse and other forms of sexual misconduct on the affected population or at-risk communities.
- b) Prohibited Acts of Public Officials and Private Persons or Institutions. –
1. Delay, without justifiable cause in the delivery, proper handling or storage of aid commodities, resulting to damage or spoilage;
 2. Withholding the distribution of relief goods due to (i) political or partisan considerations; (ii) discrimination based on race, ethnicity, religion, or gender; and (iii) other similar circumstances;
 3. Preventing the entry and distribution of relief goods in disaster-stricken areas, including appropriate technology, tools, equipment, accessories, disaster teams or experts;
 4. Buying, for consumption or resale, from disaster relief agencies any relief goods, equipment or other and commodities, which are intended for distribution to disaster-affected communities;
 5. Buying, for consumption or resale, from the recipient disaster affected persons any relief goods, equipment or other aid commodities received by them;
 6. Selling of relief goods, equipment or other aid commodities, which are intended for distribution to disaster victims;

- 1 7. Forcibly seizing relief goods, equipment or other aid commodities intended
- 2 for or consigned to a specific group of victims or relief agency;
- 3 8. Diverting or misdelivery of relief goods, equipment or other aid
- 4 commodities to persons other than the rightful recipient or consignee;
- 5 9. Accepting, possessing, using or disposing relief goods, equipment or other
- 6 aid commodities not intended for nor consigned to him or her;
- 7 10. Misrepresenting the source of relief goods, equipment or other aid
- 8 commodities by:
 - 9 i. Either covering, replacing or defacing the labels of the containers to
 - 10 make it appear that the goods, equipment or other aid commodities
 - 11 came from another agency or persons;
 - 12 ii. Repacking the goods, equipment or other aid commodities into
 - 13 containers with different markings to make it appear that the goods
 - 14 came from another agency or persons or was released upon the
 - 15 instance of a particular agency, person, or persons; and
 - 16 iii. Making false verbal claim that the goods, equipment or other and
 - 17 commodity in its untampered original containers actually came from
 - 18 another agency or persons or was released upon the instance of a
 - 19 particular agency, person, or persons;
- 20 11. Substituting or replacing relief goods, equipment or other aid commodities
- 21 with the same items or inferior/cheaper quality;
- 22 12. Illegal solicitations by persons or organizations representing others as
- 23 defined in the standards and guidelines set by the Department;
- 24 13. Deliberate use of false at inflated data in support of the request for
- 25 funding, relief goods, equipment or other aid commodities for emergency
- 26 assistance or livelihood projects;
- 27 14. Stealing, taking, or processing of any of the equipment, accessories and
- 28 other vital facility or items or any part thereof;
- 29 15. Selling or buying stolen equipment, accessories, and other vital facility
- 30 items or any part thereof;
- 31 16. Tampering with or stealing hazard monitoring and disaster preparedness

1 equipment and paraphernalia;

2 17. Attempting to commit any of the abovementioned prohibited acts; and

3 18. Benefitting from the proceeds or fruits of any of the abovementioned
4 prohibited acts knowing that the proceeds or fruits are derived from the
5 commission of said prohibited acts.

6 Sec. 69. Penalties. – Any individual, corporation, partnership, association or
7 other juridical entity that commits any of the prohibited acts in the preceding section
8 shall be made liable for the following:

9 (a) The penalty of imprisonment of not less than twelve (12) years but
10 not more than fifteen (15) years or a fine of not less than One Million Pesos
11 (Php1,000,000.00) but not more than Three Million Pesos (Php3,000,000.00), or
12 both imprisonment and fine at the discretion of the court shall be imposed upon any
13 person found guilty of violating subsections (a)(1) to (b)(18) of the preceding
14 section, as well as the confiscation or forfeiture in favor of the government of the
15 objects and the instrumentalities used in the commission of the prohibited acts;

16 (b) The penalty of imprisonment of not less than six (6) years but not
17 more than eight (8) years or a fine of not less than Five Hundred Thousand Pesos
18 (Php 500,000.00) but not more than One Million Pesos (Php 1,000,000.00), or both
19 imprisonment and fine at the discretion of the court, shall be imposed upon any
20 person who attempts to commit any of the prohibited acts in the preceding Section,
21 in violation of Subsection (b)(17) thereof;

22 (c) The penalty of imprisonment of not less than two (2) years but not
23 more than six (6) years or a fine of not less than Two Hundred Thousand Pesos (Php
24 200,000.00) but not more than Five Hundred Thousand Pesos (Php 500,000.00), or
25 both imprisonment and fine at the discretion of the court, shall be imposed upon any
26 person found guilty of unlawfully benefiting from the proceeds or fruits of any of the
27 prohibited in the preceding section, in violation of subsection (b)(18) thereof;

28 (d) Aside from the penalty of fine or imprisonment or both, perpetual
29 disqualification from public office shall be imposed if the offender is a public officer,
30 and confiscation or forfeiture in favor of the government of the objects and the
31 instrumentalities used in the commission of any of the prohibited in the preceding

1 section;

2 (e) If the offender is a corporation, partnership or association, or other
3 juridical entity, the penalty shall be imposed upon the officer or officers of the
4 corporation, partnership, association or entity responsible for the violation without
5 prejudice to the cancellation or revocation of these entities' registration, license or
6 accreditation issued to them by any licensing or accredited body of the government.
7 If such offender is an alien, he or she shall, in addition to the penalties prescribed in
8 this act, be deported without further proceedings after service of sentence;

9 (f) Payment of the full cost of repair or replacement of the government
10 risk reduction and preparedness equipment, accessories and other vital facility items,
11 or any part thereof, which is the object of the crime shall likewise be imposed upon
12 any person who shall commit any of the prohibited acts in the preceding Section;
13 and

14 (g) The prosecution for offenses set forth under the preceding section shall
15 be without prejudice to any criminal liability for violation of Republic Act No. 3815, as
16 amended, otherwise known as the "Revised Penal Code", and other existing laws, as
17 well as the imposition of applicable administrative or civil liabilities.

18 *Sec. 70. Liability for Unlawful Performance of Duties and State Liability in case*
19 *of Defense Litigation.* – In case a lawsuit is filed against any personnel of the
20 Department as a result of the performance of his or her duties, and such
21 performance was found to be lawful, he or she shall be reimbursed by the
22 Department for reasonable costs of litigation. For this purpose, the Department is
23 authorized to procure applicable liability insurance for its officers and employees.

24 *Sec. 71. Disciplinary powers of the President.* – The President, subject to the
25 recommendation of the Department Secretary and the Department of the Interior
26 and Local Government (DILG), shall have the power to impose administrative
27 sanctions against local chief executives and barangay officials for willful or negligent
28 acts that relate to the implementation of, or compliance with, this Act and its IRR or
29 relating to their official functions, which adversely affect disaster resilience projects
30 such as, but not limited to, delayed issuance of permits or failure to implement local
31 ordinances.

1 **ARTICLE XIX**

2 **DISASTER RESILIENCE FUND**

3 *Sec. 72. Appropriations and Management of Disaster Resilience Fund.* – The
4 budget of the Department shall be composed of the following, which shall be
5 collectively called the Disaster Resilience Fund:

6 a. Annual General Appropriations – shall provide the funding requirements
7 for, among others, research, operations, maintenance, plans, and
8 programs of the Department of Disaster Resilience, including, but not
9 limited to, establishment of evacuation centers, retrofitting of structures,
10 establishment of emergency operating centers, and implementation of
11 other disaster risk reduction projects.

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

16 c. Rehabilitation and Recovery Fund – shall provide the funding requirements
17 for rehabilitation and/or reconstruction projects of disaster affected areas
18 such as public classrooms, government buildings, public hospitals,
19 permanent shelters and livelihood programs.

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

24 *Sec. 73. Continuing Appropriations.* – The unutilized balances from the
25 Disaster Contingency Fund, and Rehabilitation and Recovery Fund shall be treated as
26 Continuing Appropriations, which may be used to finance the cost of projects,
27 programs, and/or activities even when such costs are incurred beyond the fiscal year
28 of the GAA from which such funds were appropriated.

29 *Sec. 74. Fund Regulations.* – The DBM and COA shall establish rules and
30 regulations that apply specifically to the Disaster Resilience Fund to ensure that
31 funds required for disaster response, recovery, and rehabilitation are available

1 and/or released efficiently and expeditiously through innovative budgeting and
2 auditing mechanisms, which may include, among others, providing for longer validity
3 periods for funds and/or exemption from cash-based budgeting rules; imposing
4 auditing or reporting requirements, which apply specifically to the utilization of the
5 Disaster Resilience Fund.

6 *Sec. 75. Local Disaster Resilience Fund and Local Disaster Contingency Fund.*

7 – LGUs shall annually set aside not less than ten percent (10%) of their local budget,
8 to constitute a Local Disaster Resilience Fund (LDRF). The LGU shall use its LDRF to
9 maintain and operate its local disaster resilience office to maintain its officers,
10 employees and staff, and to implement plans, programs and activities under its
11 LDRP. Thirty percent (30%) of the LDRF shall be set aside as Local Disaster
12 Contingency Fund (LDCF), which shall be used for disaster response and quick
13 recovery measures. Nothing contained in this Act shall prevent LGUs from providing
14 additional funding or allocating additional resources for disaster resilience activities,
15 plans and programs within their jurisdiction.

16 *Sec. 76. Supplemental LDRF.* – The Department may allocate and disburse
17 funds to supplement an LGU's LDRF based on the parameters and requirements
18 indicated in the IRR. In determining such parameters and requirements, the IRR
19 shall aim to provide supplemental funds to LGUs with low income and/or high
20 exposure to natural hazards. Supplemental LDRFs shall, as much as possible, fill
21 gaps or shortages in LGU resources to ensure that LGUs can implement disaster
22 resilience measures such as, among others, implementing their LDRP/Provincial
23 LDRP, establishing their local disaster resilience offices, obtaining and/or maintaining
24 the necessary equipment and staff in their local disaster resilience offices, and
25 implementing the NDRF and NDRPIP at the local levels.

26 *Sec. 77. People's Survival Fund.* – The Department shall manage and
27 administer the People's Survival Fund, created under Republic Act No.. 10174, and
28 facilitate its utilization by LGUs, through RDROs, to implement climate change
29 adaptation and mitigation projects of LGUs and enhance the climate resilience of
30 vulnerable communities.

31 *Sec. 78. Multi-Donor Trust Fund.* – The Department shall create and manage,

together with the Bureau of Treasury, a Multi-Donor Trust Fund for the processing, releasing and accounting of money and other similar resources intended for disaster assistance. The Department shall establish a system to ensure transparency in the management and use of the Multi-Donor Trust Fund.

Sec. 79. *Financial Administration.* – The Department shall manage all funds appropriated to it by Congress and received from other sources. The Department shall also manage all donations received by it, subject to the auditing powers of the COA.

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

ARTICLE XX

SPECIAL COURTS AND INJUNCTIONS

Sec. 80. *Special Courts on Disaster Resilience Matters.* – To ensure the prompt and expeditious resolution of disputes relating to disaster response, recovery or rehabilitation measures, the Supreme Court shall designate special courts to hear, try, and decide cases arising from the following, among others:

- a) Expropriation, eminent domain or right-of-way issues related to the implementation of disaster resilience projects;
- b) Failure to comply with standards for disaster risk reduction and continuity planning, including, but not limited to, infrastructure standards and designs;
- c) Commission of prohibited acts under Article XVIII of this Act; and
- d) Disputes involving donations, relief goods, or contracts executed or implemented pursuant to the provisions of this Act.

Sec. 81. *Dispute Resolution Mechanisms.* – The Department shall establish a Disaster Resolution Board, which shall resolve disputes involving administrative matters related to:

- a) Accreditation or denial of accreditation of disaster resilience training institutions, trainers, instructors, donors, volunteers, and Assisting Domestic or International Actors;
- b) Decisions of the RDROs;

1 c) Contracts entered into by the Department or any of its agents pursuant to
2 the provisions of this Act; and

3 d) Other administrative matters or issues as may be determined by the
4 Department.

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

7 Sec. 82. *Imposition of Temporary Restraining Order.* – No Court, except the
8 Supreme Court, shall have the power to issue an injunction or a temporary
9 restraining order against any action taken or projects implemented by the
10 Department or its agents pursuant to this Act.

11 **ARTICLE XXI**

12 **FINAL PROVISIONS**

13 Sec. 83. *Transfer of Functions.* – The following are hereby transferred to the
14 Department:

15 a) All the functions of the Climate Change Commission (CCC);

16 b) Natural disaster-related functions of the National Disaster Risk Reduction
17 and Management Council (NDRRMC) and the Office of Civil Defense
18 (OCD); and

19 c) Natural disaster-response functions of the Department of Social Welfare
20 and Development (DSWD).

21 Accordingly, the CCC and NDRRMC are hereby abolished.

22 The DILG, DND, DSWD, and other relevant government instrumentalities,
23 including the AFP, BFP, PNP, PCG, and OCD, shall continue to perform their functions
24 related to the management of human-induced disasters, as provided for by existing
25 laws.

26 Sec. 84. *Transfer of Resources.* – The transfer of powers and functions listed
27 above shall include the corresponding funds and appropriations, plantilla positions,
28 data, records, equipment, facilities, properties and other resources of the concerned
29 government instrumentalities. The Department shall have the power to reorganize or
30 reallocate these resources and positions, as may be necessary to attain the goals
31 and objectives of this Act.

1 Sec. 85. *Program Management Office for the Earthquake Resiliency of the*
2 *Greater Metro Manila Area.* – The Program Management Office for the Earthquake
3 Resiliency of the Greater Metro Manila Area (PMO-ERG), as created pursuant to and
4 mandated by Executive Order no. 52, s. 2018, shall be attached to the Department
5 and be authorized to implement earthquake resiliency programs, projects, and
6 activities, as it may deem necessary to carry out its mandate and attain its overall
7 goals. The Head of the PMO-ERG shall report directly to the SDR.

8 Sec. 86. *Post-Disaster Shelters.* – The Department shall establish a post-
9 disaster shelter recovery policy framework for low-income/informal settler families,
10 with the assistance of the appropriate housing agencies and the applicable LGUs. It
11 shall determine, among others, the appropriate shelter modalities depending on the
12 following phases: emergency, temporary or transitional, and permanent. The
13 Department shall likewise identify, assess, and decide on safe zones for the
14 implementation of recovery or rehabilitation projects.

15 Sec. 87. *Cultural Heritage.* – To protect, preserve, and promote the nation's
16 historical and cultural heritage, the Department shall assist the relevant cultural and
17 heritage agencies and the appropriate LGUs to give priority protection and
18 restoration to all national cultural treasures or national historical landmarks, sites, or
19 monuments in post-disaster recovery or rehabilitation measures.

20 Sec. 88. *Indigenous People.* – The Department, with the assistance of the
21 National Commission on Indigenous Peoples (NCIP) and the applicable LGUs, shall
22 devise and implement mechanisms that foster social protection for indigenous
23 communities that are vulnerable to the effects of natural disasters.

24 The Department shall ensure respect for, and protection of, the traditional
25 resource right of the Indigenous Cultural Communities/Indigenous Peoples
26 (ICCs/IPs) to their ancestral domains, and recognize the customary laws and
27 traditional resource use and management, knowledge, and practices in ancestral
28 domains.

29 In ancestral domains that are disaster-prone, the Department, with the
30 assistance of the NCIP and applicable LGUs, shall create an Ancestral Domain
31 Disaster Management and Resiliency Plan. It shall likewise properly communicate

1 and explain information on disaster risks in ancestral domains with the concerned
2 ICCs/IPs and, as much as possible, engage such ICCs/IPs in jointly formulating a
3 disaster resiliency plan for their ancestral domain.

4 Sec. 89. *Incentives Program.* – The Department shall establish an incentives
5 program that recognizes the outstanding promotion and implementation by local
6 disaster resilience offices, CSOs, academe, and other institutions of disaster
7 resilience programs and/or projects, and the meritorious acts of individuals or
8 entities during natural disasters.

9 Sec. 90. *Structural audit of government buildings and critical infrastructure.* –
10 The Department shall be assisted by the DPWH, DOTr, Department of Energy (DOE),
11 DOH, DepEd, DICT, DILG, local building officials, and other relevant government
12 instrumentalities and stakeholders, in ensuring the effective and expeditious conduct
13 of structural audit, as often as necessary, on government buildings, critical
14 infrastructure, and private structures to attain the disaster risk reduction goals of
15 this Act.

16 Sec. 91. *Transitory Provision.* – The functions, assets, funds, equipment,
17 properties, transactions, and personnel of the affected and transferred agencies, and
18 the formulation of the internal organic structure, staffing pattern, operating system,
19 and revised budget of the Department, shall be completed within one (1) year from
20 the effectivity of this Act, during which time the existing personnel shall continue to
21 assume their posts on holdover capacity. The Department, in collaboration with the
22 DBM, shall come up with its Organizational Structure and Staffing Pattern, both of
23 which shall be approved within thirty (30) days from the effectivity of this Act.

24 The Secretary of National Defense shall serve as the interim SDR until such
25 time that the SDR has been appointed and taken his/her oath of office. Upon
26 assumption to duty, the SDR shall make use of the existing structure, systems, and
27 personnel in responding to natural hazards and disasters within the transition period.

28 In accordance with Section 12 of this Act and the critical importance of
29 attracting the most competent and dedicated personnel to the Department, suitable
30 and qualified career personnel from the NDRRMC-OCD, DSWD, and the CCC, as
31 defined by the CSC and other pertinent rules, may be absorbed by the Department.

1 The system and mechanics for this shall be defined in the IRR of this Act.

2 Sec. 92. *Magna Carta Benefits.* – Qualified employees of the Department,
3 including those of its attached agencies, shall be covered by and entitled to the
4 benefits under Republic Act No. 8439, otherwise known as the Magna Carta for
5 Scientists, Engineers, Researchers and other S & T Personnel in the Government,
6 and Republic Act No. 7305, otherwise known as the Magna Carta of Public Health
7 Workers.

8 Sec. 93. *Hazard Pay.* – All personnel of the Department and the local disaster
9 resilience offices are entitled to receive hazard pay, subject to the guidelines to be
10 set forth in the IRR of this Act.

11 Sec. 94. *Separation Benefits of Officials and Employees of Affected Agencies.*
12 National government employees displaced or separated from service as a result of
13 this Act shall be entitled to either separation pay and other benefits in accordance
14 with existing laws, rules, or regulations, or be entitled to avail themselves of the
15 privileges provided under a separation plan that shall be one and one-half month
16 salary for every year of service in the government.

17 In no case shall there be any diminution of benefits under the separation plan
18 until the full implementation of this Act. With respect to employees who are not
19 retained by the Department, the government, through the Department of Labor and
20 Employment, shall endeavor to implement training, job counseling, and job
21 placement programs.

22 Sec. 95. *Appropriations.* – The amount necessary for the initial
23 implementation of this Act shall be taken from the current fiscal year's unexpended
24 and unobligated appropriations of all agencies herein absorbed, transferred, and
25 attached to the Department. Thereafter, the amounts necessary for the operation of
26 the Department and the implementation of this Act shall be included in the annual
27 General Appropriations Act.

28 Sec. 96. *Implementing Rules and Regulations.* – The Department, DBM, DND,
29 DOF, DILG, DOST, NEDA, and the PMS shall collectively craft and issue, within ninety
30 (90) days from the effectivity of this Act, the Implementing Rules and Regulations
31 (IRR) for the effective implementation of this Act. They may call upon other relevant

1 government instrumentalities and stakeholders to assist in the crafting of the IRR.

2 Sec. 97. *Joint Congressional Oversight Committee on Disaster Resilience.* –

3 There shall be created a Joint Congressional Oversight Committee on Disaster
4 Resilience to monitor the implementation of this Act. The committee shall be
5 composed of six (6) Members of the House of Representatives and six (6) Senators
6 to be designated by the Speaker of the House of Representatives and the President
7 of the Senate, respectively; *Provided, That,* two (2) Members of the House of
8 Representatives and two (2) Senators shall come from the Minority of their
9 respective houses of Congress. The committee shall be jointly chaired by a Member
10 of the House of Representatives and a Senator designated by the Speaker of the
11 House of Representatives and the President of the Senate, respectively.

12 Sec. 98. *Mandatory Review.* – Within five (5) years after the effectivity of this
13 Act, or as the need arises, the Joint Congressional Oversight Committee on Disaster
14 Resilience shall conduct systematic evaluation of the accomplishments and impact of
15 this Act, as well as the performance of the Department of its mandate and functions,
16 for purposes of determining remedial legislation.

17 Sec. 99. *Interpretation.* Any doubt in the interpretation of any provision of this
18 Act shall be resolved in favor of a liberal interpretation that will fulfill the objectives
19 of this Act, especially in relation to the provision of effective, efficient and timely
20 disaster response, rehabilitation and recovery.

21 Sec. 100. *Separability Clause.* – If any provision of this Act shall be declared
22 unconstitutional or invalid, the other provisions or parts thereof not otherwise
23 affected shall remain in full force and effect.

24 Sec. 101. *Repealing Clause.* – The provisions of Republic Act No.. 10121,
25 Republic Act No.. 7160, Republic Act No.. 7916, Republic Act No.. 9184, and all other
26 laws, decrees, executive orders, proclamations and other executive issuances, which
27 are not consistent with or contrary to the provisions of this Act, are hereby repealed
28 or amended.

29 Sec. 102. *Effectivity.* – This Act shall take effect fifteen (15) days after its
30 publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,