

SENATE

Senate Bill No. 39

'19 JUL -1 A11 :12

Introduced by Senator FRANCIS N. PANGILINAN

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

EXPLANATORY NOTE

According to the World Risk Report 2018, the Philippines ranks third as the most disaster-prone country in the world. The country is highly vulnerable to natural disasters because it is located within the Pacific Typhoon Belt and the Pacific Ring of Fire where 80% of earthquakes occur.¹ An average of 20 typhoons strike the country every year, affecting millions of people and damaging numerous infrastructures.

Since 1990, the Philippines has sustained 565 natural disasters that have left almost 70,000 dead and an estimated \$23 billion in damages. More than half of the country's total land area is exposed to multiple hazards and 74% of the population is vulnerable to their impact.²

When the Philippine Disaster Risk Reduction and Management Act was passed in 2010, it transformed the National Disaster Coordinating Council (NDCC) into the National Disaster Risk Reduction and Management Council (NDRRMC) which oversees the Philippine disaster risk reduction and management (DRRM) system. The National Council is composed of several interacting agencies sharing the responsibility of DRRM with no one overall in charge and no clear line of accountability.

Thus, this measure seeks the creation of a department that will focus on and integrate disaster risk reduction and management and climate change adaptation. In addition to its crucial functions as proposed in this Act, the department shall consolidate and assume the functions of the Office of Civil Defense and the National Disaster Risk Reduction and Management Offices.

¹ The Philippines - Disaster Situation. Center for Disaster Preparedness. Available at <https://www.cdp.org.ph>. Accessed on 21 June 2019.

² Philippines Profile. Global Facility for Disaster Reduction and Recovery. Available at <https://www.gfdrr.org/en/philippines>. Accessed on 21 June 2019.

The proposed legislation also seeks to promote a strategic, comprehensive, and integrated approach to disaster risk reduction and management, with the end in view of substantially reducing the country's vulnerabilities to disasters and other emergencies. A version of this measure was filed by Senator Ejercito in the 17th Congress.

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



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

SECTION 1. *Short Title.* – This Act shall be known as the “Disaster and Emergency
Management Act of 2019.”

SEC. 2. *Declaration of Policy.* – It is hereby declared the policy of the State:

- a) To uphold the sacredness and dignity of human life by efficiently and effectively addressing humanitarian emergencies, including calamities and disasters, through the establishment of a focused, streamlined, independent, empowered, capacitated, full-time, and specialized agency on disaster risk reduction and management as well as emergency response, which is national in scope and civilian in character. The people are the most important assets of the nation, and all disaster risk reduction and management efforts shall be responsive to the humanitarian needs of the people, the dignity and value of the human person, and respect for property;
- b) To promote a simplified, strategic, systematic, continuous, comprehensive, inclusive, and integrated approach to disaster risk reduction and management, with the end in view of substantially reducing vulnerabilities and the risk of disasters and other humanitarian emergencies, towards the

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

4 c) To establish a permanent, institutionalized, cohesive, and comprehensive
5 framework for disaster preparedness, prevention and mitigation, and
6 response, to be implemented by a full-time and focused specialized agency
7 with its own mandate, powers, and funding, in coordination with other
8 government agencies, foreign governments, financial institutions,
9 international organizations, the private sector, and civil society. In disaster
10 risk reduction and management, disaster prevention and mitigation shall,
11 first of all, aim the outright avoidance of the adverse impacts of hazards and
12 related disasters. However, with the knowledge and capacities to effectively
13 anticipate, respond to, and recover from, the impacts of likely, imminent, or
14 current hazard events or conditions, preparedness action shall be carried out
15 in the most effective and efficient manner. In a disaster scenario, the response
16 shall ensure the provision of emergency services and public assistance,
17 before, during, or immediately after, a disaster; and

18 d) To create an integrated, systematic, comprehensive, and cohesive plan to
19 simplify, streamline, integrate, and coordinate the various programs,
20 projects, and activities of the Government and such other
21 actors/stakeholders in disaster risk reduction and management to ensure
22 accountability, responsibility, and transparency, as well as to achieve
23 efficiency and effectiveness in the performance of their functions.

24 **SEC. 3. *Definition of Terms.*** – As used in this Act:

25 a) *Contingency Planning* – a management process that analyzes specific potential
26 events or emerging situations that might threaten society or the environment

and establishes arrangements in advance to enable timely, effective, and appropriate responses to such events and situations;

b) *Disaster* – a serious disruption of the functioning of a community or a society involving widespread human, material, economic, or environmental losses and impacts, which exceeds the ability of the affected community or society to cope using its own resources;

c) *Disaster and Emergency Management* – the organization and management of resources and responsibilities for addressing all aspects of disasters and emergencies, in particular preparedness, response, and initial recovery steps;

d) *Emergency* – any occasion or instance for which, in the determination of the President, national assistance is needed to supplement local government efforts and capabilities to save lives and to protect property and public health and safety, or to lessen or avert the threat of a catastrophe in any part of the country;

e) *Evacuation Centers and Facilities* – permanent and typhoon-resilient structures equipped with facilities constructed exclusively for evacuation and humanitarian relief operations during disasters and emergencies;

f) *Geographic Information System* – a database which contains, among others, geohazard assessments, information on climate change, and climate risk reduction and management;

g) *Government* – includes the National Government, and any of its subdivisions, agencies, or instrumentalities, including government-owned and controlled corporations and their subsidiaries, and local government units;

h) *Hazard* – a dangerous phenomenon, substance, human activity, or condition that may cause loss of life, injury, or other health impacts, property damage, loss of livelihood and services, social and economic disruption, or environmental damage;

- 1 i) *Humanitarian* - one devoted to the promotion of human welfare and
2 advancement of social reform;
- 3 j) *Response* - any and all projects, programs, plans, or activities aimed at
4 preventing, mitigating, and/or preparing for disasters and other
5 humanitarian emergencies. This includes, but is not limited to, the provision
6 of emergency services and public assistance during or immediately after a
7 disaster; and
- 8 k) *State of Calamity* - a condition involving mass casualty and/or major damages
9 to property, disruption of means of livelihood and the normal way of life of
10 the people in the affected areas as a result of the occurrence of natural or
11 human-induced hazard.

12 I

13 The Department Proper

14 **SEC. 4. *Department of Disaster and Emergency Management.*** - To carry out the
15 above-declared policy, there is hereby created the Department of Disaster and Emergency
16 Management, hereinafter referred to as the Department, which shall prepare, integrate,
17 coordinate, implement, supervise, control, monitor, and evaluate all plans, programs,
18 projects, and activities of the Government on humanitarian emergency assistance and
19 disaster risk reduction and management.

20 **SEC. 5. *Powers and Functions.*** - In addition to the powers and functions provided
21 by this Act, the Department shall also assume the policy-making, coordination,
22 integration, supervision, monitoring, and evaluation functions currently lodged with the
23 existing National Disaster Risk Reduction and Management Council (NDRRMC), and
24 shall take over all of the latter's responsibilities enumerated in Section 6 of Republic Act
25 No. 10121. It shall also assume the powers and functions of the Office of the Civil Defense
26 (OCD) as enumerated in Section 9 of Republic Act No. 10121.

To this end, all references to the powers and functions of the NDRRMC and the OCD in Republic Act No. 10121 shall be understood to refer to the Department created under this Act.

The Department shall also have administrative supervision and control over the existing Regional Disaster Risk Reduction and Management Offices (RDRRMOs), and the Local Disaster Risk Reduction and Management Offices (LDRRMOs), organized in all provinces, cities, municipalities, and barangays in the country, which are hereby thereafter called Regional Disaster and Emergency Management Offices (RDEMOs) and Local Disaster and Emergency Management Offices (LDEMOs), respectively.

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

SEC. 6. *Composition.* – The Department Proper shall be composed of the Office of the Secretary, the Offices of the Undersecretaries and Assistant Secretaries, and the Department Bureaus, as well as Regional and Local Offices.

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

SEC. 7. *Office of the Secretary.* – The Office of the Secretary shall consist of the Secretary and his or her immediate staff.

SEC. 8. *The Secretary.* – The Secretary shall be appointed by the President, subject to confirmation by the Commission on Appointments.

The Secretary shall have the following powers and functions:

- a) Advise the President in issuing executive orders, regulations, proclamations, and other issuances, the promulgation of which is expressly vested by law in the President relative to matters under the jurisdiction of the Department;

- 1 b) Establish the policies and standards for the effective, efficient, and
2 economical operation of the Department pursuant to a national disaster risk
3 reduction and management framework which shall provide for a
4 comprehensive, all-hazards, multi-sectoral, inter-agency, and community-
5 based approach to humanitarian emergency assistance and disaster risk
6 reduction and management, in line with Section 6 (a) of the Philippine
7 Disaster Risk Reduction and Management Act of 2010;
- 8 c) Promulgate rules and regulations necessary to carry out department
9 objectives, policies, functions, plans, programs, and projects;
- 10 d) Promulgate administrative issuances necessary for the efficient
11 administration of the offices under his/her jurisdiction and for the proper
12 execution of the laws relative thereto;
- 13 e) Exercise direct supervision and control over all functions and activities of the
14 Department, as well as supervision over its officers and personnel;
- 15 f) Create regional offices and such other service units and divisions, as may be
16 necessary; and
- 17 g) Perform such other functions as may be necessary and/or proper to attain
18 the objectives of this Act.

19 **SEC. 9. *The Undersecretaries.*** – The Secretary shall be assisted by three (3)
20 Undersecretaries in the performance of the Department's functions and duties related to
21 the pillars of disaster risk reduction and management, namely, (a) disaster preparedness,
22 (b) disaster response, and (c) disaster prevention and mitigation. Another undersecretary
23 shall be in charge of administrative and finance services.

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

1 The Office of the Undersecretaries shall consist of the Undersecretaries and their
2 respective immediate staff.

3 **SEC. 10. *The Assistant Secretaries.*** – The Secretary shall be assisted by three (3)
4 Assistant Secretaries, one (1) for training, one (1) for operations, and one (1) for legal
5 affairs. The Assistant Secretaries shall be appointed by the President upon the
6 recommendation of the Secretary.

7 **SEC. 11. *Qualifications.*** – No person shall be appointed Secretary, Undersecretary,
8 or Assistant Secretary of the Department, unless he or she is a citizen and resident of the
9 Philippines, of good moral character, and of proven experience or competence/expertise
10 in humanitarian emergency assistance and disaster management over the course of his
11 or her career. The Secretary, Undersecretary, or Assistant Secretary shall not hold any
12 other position, public or private, during his/her tenure.

13 **SEC. 12. *Bureaus.*** – Subject to the power of the Secretary, with the approval of the
14 President, to reorganize, restructure, and redefine the functions of the bureaus for the
15 effective discharge of the duties and functions of the Department under this Act, the
16 Department shall have the following bureaus:

- 17 a) Bureau of Hazard Education and Risk Mitigation;
- 18 b) Bureau of Disaster Preparedness;
- 19 c) Bureau of Humanitarian Emergency Relief Operations; and
- 20 d) Bureau of Administration and Finance.

21 **SEC. 13. *Powers and Functions of the Bureaus.*** – The bureaus shall have the
22 following powers and functions:

- 23 a) The Bureau of Hazard Education and Risk Mitigation shall assist the
24 Secretary in the formulation of policies, programs, and plans related to
25 disaster prevention and mitigation, as defined in Sections 3 (k) and 3 (i),
26 respectively, of the Philippine Disaster Risk Reduction and Management Act
27 of 2010. In particular, it shall take the lead in:

- i. Making an inventory and checklist of all personnel, equipment, and supplies critical during disasters in all local government units, in accordance with protocols and contingency plans, and endeavoring that the same be provided to the local government units within a period of twelve (12) months upon the passage into law of this Act;
- ii. Conducting a review of the National Building Code and Fire Code of the Philippines, together with the relevant government department, and submitting the results thereof to the Senate and the House of Representatives of the Philippines, with the end in view of developing legislation which seeks to strengthen infrastructure in line with disaster prevention and mitigation;
- iii. Developing, updating, and maintaining a national geographic information system which shall be the basis of national, regional, and local disaster protocols and contingency plans, which shall be under the control and custody of the Department. The same shall also be maintained at all local government units;
- iv. Mainstreaming and integrating disaster risk reduction and management (DRRM) and climate change adaptation (CCA) in all national, regional, local, and sectoral development policies, plans, and budgets relating to environmental protection;
- v. Developing and implementing community-based and scientific DRRM and CCA hazard assessment, mapping, analysis, and monitoring;
- vi. Establishing disaster risk financing, insurance, and other risk transfer mechanisms at the community level;

1 vii. Establishing, developing, and improving the end-to-end monitoring
2 and forecasting of hazards, including early warning systems and
3 practices; and

4 viii. Such other functions relevant to its mandate of disaster prevention
5 and mitigation.

6 b) The Bureau of Disaster Preparedness shall assist the Secretary in the
7 formulation of policies, programs, and plans related to disaster
8 preparedness, as defined in Section 3 (j) of the Philippine Disaster Risk
9 Reduction and Management Act of 2010. In particular, it shall take the lead
10 in:

11 i. Developing DRRM and CCA information, education, communication,
12 and advocacy plans;

13 ii. Developing standard DRRM training modules and the conduct of
14 trainings, simulation exercises, and other capacity-building activities
15 for communities and specific groups, including but not limited to,
16 quick response teams, frontline government and private responders,
17 and humanitarian aid workers;

18 iii. Developing and monitoring the implementation of locality-based
19 DRRM contingency plans, and establishing and monitoring the
20 operations of national and local Emergency Response Operations
21 Centers;

22 iv. Developing and implementing comprehensive, scenario-based
23 national and local preparedness policies, plans, and systems, in
24 primary coordination with the local government unit/s concerned, in
25 the wake of an imminent humanitarian emergency and/or disaster.
26 Such policies, plans, and systems include, but are not limited to, the
27 preventive evacuation, procurement of facilities, equipment, tools,

1 systems, and other mechanisms to cope with the effects thereof; the
2 deployment of essential personnel and manpower in critical areas of
3 concern; and the formulation of such other courses of action to avert
4 the loss of lives, livelihood and/or property;

5 v. Strengthening the partnership and coordination between and among
6 all key players and stakeholders in a humanitarian emergency and/or
7 disaster;

8 vi. Preparing the criteria and procedure for the enlistment of accredited
9 community disaster volunteers (ACDVs), and the drafting of a manual
10 of operations for ACDVs, in consultation with relevant stakeholders;
11 and

12 vii. Such other functions relevant to its mandate of disaster preparedness.

13 c) The Bureau of Humanitarian Emergency Relief Operations shall assist the
14 Secretary in the formulation and implementation of policies, programs, and
15 plans related to disaster response, as defined in Section 3 (l) of the Philippine
16 Disaster Risk Reduction and Management Act of 2010. In particular, it shall
17 take the lead in:

18 i. Establishing and implementing a comprehensive, well-coordinated,
19 effective, and efficient Disaster Response Action Plan (DRAP) for
20 every humanitarian emergency or disaster, with the primary goal of
21 preventing or deterring the loss of lives, property and livelihood;

22 ii. Developing and implementing an integrated and coordinated system
23 of search, rescue, and retrieval (SRR), and evacuations procedure;

24 iii. Establishing a mechanism to ensure the prompt and accurate
25 assessment of damage in disaster areas, including, but not limited to,
26 the loss of lives, bodily injuries, damages to infrastructure and public

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

3 iv. Establishing a mechanism to ensure the prompt and accurate
4 assessment of humanitarian needs in disaster areas, including, but not
5 limited to, food and nutrition, health, clothing, shelter, livelihood,
6 water, sanitation, hygiene, protection, and preservation of peace and
7 order;

8 v. Identifying standard-based relief shelters and sites for internally
9 displaced persons, as well as developing and implementing a set of
10 minimum standards for such temporary shelters;

11 vi. Identifying priority cities and municipalities where the permanent
12 Evacuation Centers and Facilities shall be established and
13 recommending the need to establish the same in other local
14 government units;

15 vii. Consolidating the established evacuation centers in the local
16 government units and formulating a standard operating procedure in
17 maintaining these evacuation centers and ensuring their functionality
18 and operationality in times of disasters and emergencies;

19 viii. Supplementing the efforts of the local government unit concerned in
20 providing basic social services, livelihood-oriented activities and
21 psychosocial interventions to the affected population, whether inside
22 or outside temporary shelters; and

23 ix. Such other functions relevant to its mandate of disaster response.

24 In case there is total or considerable breakdown of authority resulting
25 from the humanitarian emergency or disaster, which requires
26 response that goes beyond the mandate or capacity of the local
27 government unit/s concerned, the Bureau shall, with prior

1 authorization from the Department, directly formulate, implement,
2 manage and coordinate all disaster response activities. In such case,
3 the Department shall be possessed with the power to call upon other
4 agencies and instrumentalities of government, and neighboring local
5 government units, to augment, supplement and/or implement
6 disaster response efforts. Further, the authority of the Bureau shall be
7 provided, described, and limited in the authorization.

- 8 d) The Bureau of Administration and Finance shall be composed of the Office
9 of the Legal Counsel and the Financial and Management Office. The Office
10 of the Legal Counsel shall be responsible for providing legal services and
11 advice on all policies, programs, and operational matters of the Department.
12 It shall provide legal counseling services in cases where the Department is a
13 party and shall also handle administrative cases against any personnel of the
14 Department and submit recommendations pertaining thereto.
15 The Financial and Management Office, which shall consist of the Human
16 Resources Management Division, General Services Division, and the Finance
17 Division, shall be responsible for providing the Department with services
18 relative to personnel information, records, supplies, equipment, collection
19 and disbursements, security, and custodial work. It shall also be responsible
20 for providing the Department with staff advice and assistance on budgetary,
21 financial, and management improvement matters.

22 II

23 Attached Agencies and Coordination with Other Government Offices

24 SEC. 14. *The Disaster and Emergency Management Coordinating Council.* – There
25 shall be a National Coordinating Council, hereinafter referred to as the Council, which
26 shall coordinate and integrate the efforts of the concerned government agencies and

1 offices and nongovernmental and people's organizations, and assist the Department in
2 the delivery of quick and efficient humanitarian relief operations, among others, in times
3 of disasters and emergencies.

4 The National Disaster Risk Reduction and Management Council (NDRRMC)
5 referred to in Section 5 of the Philippine Disaster Risk Reduction and Management Act
6 of 2010 shall compose the Council and shall be headed by the Secretary of the Department
7 of Disaster and Emergency Management.

8 The Secretary is hereby empowered to constitute, call, convene, meet with, and/or
9 deputize agencies of government, or an aggrupation or cluster thereof, to assist, advise
10 or otherwise coordinate with the Secretary. Representatives from the civil
11 society/nongovernmental organizations and the private sector may also be included, as
12 necessary, as members of the coordination mechanism called for by the Secretary.

13 **SEC. 15. Relationship and Coordination with Other Government Offices.** – In the
14 discharge of their respective responsibilities, the Department's bureaus shall coordinate
15 with Government departments, agencies, offices, and instrumentalities, whose powers
16 and functions are relevant to each bureau's respective focus area.

17 **SEC. 16. Attached Agencies.** – The Philippine Atmospheric, Geophysical and
18 Astronomical Services Administration (PAGASA) and the Philippine Institute of
19 Volcanology and Seismology (PHIVOLCS) are hereby placed under the supervision of
20 the Department; *Provided*, That they shall continue to perform their respective functions
21 as provided by law.

22 III

23 The Humanitarian Emergency Assistance 24 and Disaster Fund, Donations, and Accountability

25 **SEC. 17. Humanitarian Emergency Assistance and Disaster Fund (Calamity Fund).**

26 – At least one percent (1%) of the estimated revenue from regular sources of government,

1 or Twenty Billion Pesos (Php 20,000,000,000.00), whichever is higher, shall be set aside as
2 an annual lump sum appropriation for unforeseen expenditures arising from the
3 occurrence of calamities; *Provided*, That such appropriation shall be used only in the area,
4 or a portion thereof, of the country declared as in a state of calamity.

5 The present National Disaster Risk Reduction and Management Fund (NDRRMF)
6 and the Local Disaster Risk Reduction and Management Fund (LDRRMF) shall
7 henceforth be known as the Humanitarian Emergency Assistance and Disaster Fund
8 (HEAD Fund) and Local Humanitarian Emergency Assistance and Disaster Fund (Local
9 HEAD Fund), respectively.

10 The Department shall manage, mobilize, and with the approval of the President,
11 release resources for disaster risk reduction and management, including the funds herein
12 provided for. It shall also monitor and provide the necessary guidelines and procedures
13 for the release, utilization, accounting, and auditing of the Local HEAD Fund.

14 There shall also be created a regular fund for the personnel, resource requirements,
15 and other administrative costs related to the operations of the Department.

16 **SEC. 18. *Donations.*** – All monetary contributions and donations in kind, including,
17 but not limited to, equipment, food, clothing, medicine, and related supplies, from
18 international and local sources, shall be coordinated with the Department to ensure that
19 they are equitably and properly allocated and utilized, directly and solely for disaster risk
20 reduction and management efforts.

21 The Department shall maintain and make publicly available a complete, accurate,
22 timely, and separate record of such donations, indicating the particular areas where such
23 were allocated, and the exact purposes for which the same were utilized.

24 **SEC. 19. *Accountability, Responsibility, Transparency, and Access to Information.***

25 – The Department and all regional and local councils and offices under its supervision or
26 control, shall make available to the public for scrutiny, copying, and reproduction, (i) any
27 and all records of their financial transactions, including, but not limited to, donations

1 received, funds allocated, and amounts disbursed; (ii) all information pertaining to their
2 official acts, transactions or decisions; and (iii) relevant research data used as basis for
3 policy development, regardless of the physical form or format in which such record,
4 information, or data is contained.

5 The Department and local government units concerned shall also upload such
6 records, information or data on their websites, which shall be regularly updated every
7 fifteen (15) days. In case of voluminous records, information or data, the Department
8 and/or local government units concerned may, in its/their discretion, upload only an
9 executive summary thereof, with a note outlining the procedure/requirements to obtain
10 full access to the complete record, information, or data.

11 The record, information, or data uploaded in the websites may be withdrawn after
12 a period of three (3) years from the time of uploading; *Provided*, That an abstract thereof
13 shall remain uploaded in the website, with an indication of the dates of posting and
14 withdrawal, and a note outlining the procedure/requirements to obtain access to the
15 withdrawn record, information, or data.

16 IV

17 Establishment of Permanent and Typhoon-Resilient

18 Evacuation Centers and Facilities

19 **SEC. 20. *Establishment of Evacuation Centers and Facilities.*** – There shall be
20 established permanent and typhoon-resilient Evacuation Centers and Facilities (ECF) in
21 priority cities and municipalities identified by the Department in coordination with the
22 Department of Environment and Natural Resources (DENR), the Department of the
23 Interior and Local Government (DILG), and local government units. This shall form part
24 of the national disaster risk reduction and management framework.

25 The established evacuation centers prior to this Act shall be consolidated and shall
26 form part of the directory of ECFs under the control of the Department.

SEC. 21. Administration. – The Regional Disaster and Emergency Management Offices (RDEMOs), under the supervision of the bureau concerned, shall lead the management, maintenance, and operation of the newly established and existing ECFs.

The local government units through their Local Disaster and Emergency Management Offices (LDEMOs) shall coordinate with the RDEMOs in the efficient utilization and operation of the ECFs in their respective jurisdiction.

V

Transitory Provisions

SEC. 22. Abolition of the Office of Civil Defense; Transfer of Powers and Functions.

- The Office of Civil Defense is hereby abolished, and its powers and functions are hereby transferred to the Department. The foregoing transfer of powers and functions shall include all applicable funds and appropriations, records, equipment, property, and personnel, as may be necessary.

The Department shall, by virtue of this Act, be subrogated to all the rights and assume all the liabilities of the Office of Civil Defense, and all other agencies, or government units whose powers and functions have been transferred to the Department, and all their funds, records, property, assets, equipment, and such personnel as necessary, including unexpended appropriations and/or allocations. All contracts and liabilities of the said offices, agencies, and government units are hereby transferred to and assumed by the Department and shall be acted upon in accordance with the Auditing Code and other pertinent laws, rules, and regulations; *Provided*, That the officers and employees of said offices, agencies, and government units shall continue in a holdover capacity until such time as the new officers and employees of the Department shall have been duly appointed pursuant to the provisions of this Act.

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

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

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

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

VI

Miscellaneous Provisions

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

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

The refusal by any such entity to allow an examination of its books of accounts and pertinent records, or the concealment of any material information concerning its financial

1 status, shall constitute a legal ground for the cancellation of its registration, and the
2 revocation of all tax-exemption privileges and other benefits granted to it by law, in the
3 case of a nongovernmental entity, or the institution of any proper legal action against the
4 erring official concerned, in the case of a governmental entity.

5 **SEC. 27. Declaration of State of Calamity.** – Whenever warranted by
6 circumstances, the Department shall recommend to the President the declaration of a
7 state of national calamity and the lifting thereof. It shall also have the power to, *motu*
8 *proprio*, or upon the recommendation of the Council, declare a cluster of barangays,
9 municipalities, cities, provinces, and regions under a state of calamity, and the lifting
10 thereof, based on the criteria set by the Department. The President's declaration shall
11 entail access to international humanitarian assistance, as deemed necessary.

12 The declaration and lifting of the state of calamity shall be based on the results of
13 the damage assessment and needs analysis. The causes, effects and incidents of the
14 calamity and the need for the declaration shall be specified.

15 **SEC. 28. Prohibited Acts.** – In addition to the prohibited acts provided for in Section
16 19 and penalized under Section 20 of the Philippine Disaster Risk Reduction and
17 Management Act of 2010:

- 18 a) Any person, group, or corporation who directly or indirectly requests or
19 receives any part of the funds devoted to disaster risk reduction and
20 management, as well as monetary contributions and donations in kind,
21 where such person, group, or corporation has no right to receive such
22 proceeds from the fund, in whole or in part, monetary contribution or
23 donation, shall be guilty of the crime of corruption of calamity funds or
24 donations, and shall be prosecuted and upon conviction, shall suffer a fine of
25 not less than One Hundred Fifty Thousand Pesos (Php 150,000.00) or any
26 amount not to exceed One Million Five Hundred Thousand Pesos (Php
27 1,500,000.00) or imprisonment of not less than twelve (12) years and one (1)

1 day, nor more than twenty (20) years, or both, at the discretion of the court,
2 including perpetual disqualification from public office if the offender is a
3 public officer, and confiscation or forfeiture in favor of the government of the
4 objects and the instrumentalities used in committing the herein prohibited
5 act;

6 b) Any person who, with intent to gain, but without violence against or
7 intimidation of persons nor force upon things, shall take property devoted to
8 any disaster risk reduction and management activity, without the consent of
9 the Secretary, shall be guilty of the crime of qualified theft, and shall be
10 prosecuted and upon conviction, shall be punished by the penalties next
11 higher by three degrees than those respectively specified in Article 309 of the
12 Revised Penal Code;

13 c) Any public officer accountable for calamity funds or property devoted to
14 disaster risk reduction and management efforts, who shall appropriate the
15 same with abandonment or negligence, shall permit any other person to take
16 such public funds or property, wholly or partially, or shall otherwise be
17 guilty of misappropriation or malversation of such funds or property, shall
18 be punished by the penalties next higher by three degrees than those
19 respectively specified in Article 217 of the Revised Penal Code;

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

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

4 **SEC. 29. *Implementing Rules and Regulations.*** – The Department shall issue the
5 necessary rules and regulations for the effective implementation of this Act within ninety
6 (90) days after the approval of this Act. The Secretary, in consultation with relevant
7 government agencies and other key stakeholders, shall take the lead in the preparation
8 of the implementing rules and regulations.

9 **SEC. 30. *Annual Report.*** - The Department shall submit to the Office of the
10 President, the Senate, and the House of Representatives, within the first quarter of the
11 succeeding year, an annual report relating to the progress of the implementation of all
12 disaster risk reduction and management efforts, and a detailed inventory of available
13 personnel, supplies and equipment. Such report shall be made available to the public for
14 scrutiny, copying, and reproduction, and shall also be uploaded in the Department's
15 website.

16 **SEC. 31. *Congressional Oversight Committee.*** – There is hereby created a
17 Congressional Oversight Committee to monitor and oversee the implementation of the
18 provisions of this Act. The Committee shall be composed of six (6) members from the
19 Senate and six (6) members from the House of Representatives with the Chairpersons of
20 the Committees on National Defense and Security of both the Senate and the House of
21 Representatives as joint Chairpersons of the Committee.

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

26 **SEC. 32. *Sunset Review.*** – Within five (5) years after the effectivity of this Act, or as
27 the need arises, the Congressional Oversight Committee shall conduct a systematic

1 evaluation of the accomplishments and impact of this Act, as well as the performance and
2 organizational structure of the Department, for purposes of determining remedial
3 legislation.

4 **SEC. 33. *Repealing Clause.*** – All references to the NDRMMC in existing laws,
5 including, but not limited to, the Philippine National Disaster Risk Reduction and
6 Management Act of 2010, shall be understood to refer to the Department created under
7 this Act.

8 All other laws, decrees, executive orders, proclamations, and other executive
9 issuances which are inconsistent with or contrary to the provisions of this Act are hereby
10 amended or repealed accordingly.

11 **SEC. 34. *Separability Clause.*** – If any provision of this Act is declared invalid or
12 unconstitutional, the other provisions not affected by such declaration shall remain in full
13 force and effect.

14 **SEC. 35. *Effectivity Clause.*** – This Act shall take effect fifteen (15) days after its
15 complete publication in the *Official Gazette* or in two (2) newspapers of general circulation.

Approved,