


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

7 AUG 29 1972

SENATE

RECEIVED BY: 

S. No. 1493

Introduced by Senator JUAN MIGUEL F. ZUBIRI

EXPLANATORY NOTE

The Philippines all throughout the year experiences hydrological and geologic hazards like typhoons, floods, earthquakes and volcanic eruptions. These natural disasters and other catastrophes such as fires and epidemics threaten the life and property of millions of our countrymen, creating economic dislocations throughout the archipelago.

Aware of these, the government has passed legislation establishing the systems in dealing with natural and man-made disasters and emergencies. However, the present disaster management system instituted through various legislations has loopholes rendering it weak and inefficient in responding to disaster situations. Thus, a legislation that would lay the groundwork for a more responsive and effective disaster monitoring, coordination and response program at all levels of the government is in order.

This Act intends to streamline, improve and strengthen the entire disaster management system in the country. It also aims to create a more self-reliant and more effective Disaster Management Council to lessen the dependence of local governments to the national government for rescue and relief operations. It will also provide benefits for volunteers who may experience casualties in line of their duty.


In view hereof, approval of this bill is earnestly requested.


JUAN MIGUEL F. ZUBIRI

FOURTEENTH CONGRESS OF THE)
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AN ACT
STREAMLINING AND STRENGTHENING THE PHILIPPINE DISASTER
PREPAREDNESS AND PREVENTION CAPABILITY, APPROPRIATING FUNDS
THEREFOR, AND FOR OTHER PURPOSES

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

1 SECTION 1. *Title.* This Act shall be known as "The Philippine Disaster
2 Preparedness and Prevention Act of 2007".

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

4 (1) Develop self-reliance among the constituents when preparing for,
5 responding to, and recovering from disasters or emergencies, whether
6 natural or man-made, with the national government, supportive of the
7 local government efforts;

8 (2) Tap the participation of the non-government organizations to the
9 government disaster preparedness and prevention program to strengthen
10 the delivery mechanism of emergency services and encourage
11 volunteerism and *bayanihan*, among the citizenry; and

12 (3) Promote mutual assistance and cooperation with other countries, the
13 United Nations and its agencies, and other international disaster
14 organizations.

15 SECTION 3. *Definition of Terms.* As used in this Act:

16 (1) "Disaster" is an event, natural or man-made, sudden or progressive, which
17 impacts with such severity that the affected community has to respond

1 with exceptional measures.

2 (2) "Civil Defense" refers to all disaster preparedness and prevention
3 activities, other than military actions, geared towards the reduction of loss
4 of life and property brought about by natural and man-made disasters.

5 (3) "Disaster Management Councils" refer to the nucleus organizations
6 established at the national, regional, provincial, city, municipal and
7 barangay levels to carry out the civil defense activities as defined under,
8 this Act.

9 (4) "Disaster Management" is a comprehensive set of activities that covers all
10 aspects of disasters from preparedness through relief and response, to
11 recovery (rehabilitation and reconstruction) and mitigation.

12 (5) "Disaster Prevention" refers to measures designed to prevent natural
13 phenomena from causing or resulting in disaster or other related
14 emergency situations. It is concerned with the formulation and
15 implementation of long-range policies and programs to prevent or
16 eliminate the occurrence of disasters on the basis of vulnerability analysis
17 of all risks. It also includes legislations and regulatory measures
18 principally in the fields of physical and urban planning, public works and
19 building.

20 (6) "Disaster Operations" refers to any concerned effort by two or more
21 agencies, public or private, to provide emergency assistance to persons
22 who are victims of a disaster or calamity and in the restoration of essential
23 public activities and facilities.

24 (7) "Rehabilitation" refers to the restoration of person's economic
25 dependency to an independent or stable way of living either physically,
26 economically socially or emotionally.

27 (8) "Disaster Preparedness" refers to the actions designed to minimize loss of
28 life and property damage and to organize and facilitate timely and
29 effective rescue, relief and rehabilitation in case of disaster. It is supported

1 by necessary legislation that can achieve readiness to cope with disaster
2 situations or similar unavoidable emergencies. It is also concerned with
3 forecasting and warning, education and training the population,
4 organization for and management of disaster situation including
5 preparation of operational plans training of relief workers, the stockpiling
6 of supplies and earmarking of the necessary funds.

7 (9) "National Disaster Plan" means the plan formulated and revised from time
8 to time as necessary which defines the plan of action to be taken to deal
9 with disaster or emergencies.

10 SECTION 4. *Scope.* This Act provides all actions pertaining to preparation,
11 response and recovery from all types of disasters or emergencies as defined under
12 this Act.

13 SECTION 5. *National Disaster Management Council (NDMC).* The present
14 NDMC shall continue to perform its present functions as provided under PD 1586
15 and its implementing rules and regulations.

16 It shall be composed of the Secretary of National Defense as Chairman and
17 the DILG Secretary as Vice Chairman with the following as members:

18 The Secretaries of DSWD, DOH, DA, DPWH, DENR, DOLE, DECS, DTI,
19 NEDA, DOST, DOTC; Chief of Staff of the AFP; Director-General of the PNRC; and
20 two (2) representatives from the NGOs. The NDMC may call on other officials from
21 the government and private sectors as it may deem necessary for assistance in
22 preparing for reacting to and recovery from the effects of disasters.

23 The Administrator of the Office of Civil Defense shall be a member of the
24 Council and the Council's Executive Director. The Council, in discharging its
25 functions shall utilize the service and facilities of the OCD which shall also act as the
26 Secretariat to the NDMC.

27 The NDMC shall establish an operating facility to be known as the Notional
28 Disaster Management Center.

29 SECTION 6. *Functions of the NDMC.* The National Disaster Management

1 Council shall have the following functions:

- 2 (1) Advise the President on the status of disaster preparedness, prevention,
3 mitigation, response and rehabilitation organizations being undertaken by
4 concerned government and private organizations;
- 5 (2) Ensure that adequate measures are taken by government agencies to
6 mitigate, prepare for and respond to disasters and assist in the recovery
7 from the effects of a disaster by two (2) persons or communities;
- 8 (3) Develop and strengthen national and local capacities for disaster
9 prevention, mitigation, preparedness and response and ensure that these
10 are properly coordinated and in accordance with established national
11 policies;
- 12 (4) Ensure that all safety rules issued by concerned agencies be properly
13 synchronized;
- 14 (5) Provide the necessary guide and procedures on Calamity Fund releases
15 as well as utilization and accounting thereof;
- 16 (6) Recommend to the President the declaration of a state of calamity in areas
17 extensively damaged and submit proposals to establish normalcy in the
18 affected areas to include calamity location;
- 19 (7) Ensure that all disaster preparedness and mitigation activities such as
20 training, public information and other programs/projects requiring regional
21 and international support shall be carried out in accordance with duly
22 established national policies;
- 23 (8) Foster and facilitate the participation of non-government agencies in
24 measures taken by the government for disaster mitigation, preparedness
25 response and recovery;
- 26 (9) Develop a national DIS and GIS as basis for policy and decision making of
27 the NDMC as well as enable it to establish linkage with international bodies
28 such as the Department of Humanitarian Affairs in Geneva Tsunami
29 Warning Center in Hawaii and Earthquake Center in Colorado, USA;

1 (10) Advise the lower level DMCs in accordance with the guidelines on
2 disaster management

3 SECTION 7. *NDMC Secretariat.* The OCD shall remain as the Secretariat of
4 the NDMC as such it shall have the following functions:

5 (1) Record, prepare, disseminate file proceeding of NDMC meeting and its
6 Technical Working Groups and sub-committees,

7 (2) Plan, monitor and evaluate the activities and programs of NDMC
8 technical Working Groups and sub-committees;

9 (3) Implement the national DIS/GIS as established by the NDMC.

10 SECTION 8. *Organization at the Regional Level.* At the regional level, there
11 shall be constituted a Regional Disaster Management Council (RDMC) with the
12 Regional Director of PNP as Chairman and the OCD Regional Director as the
13 Council's Executive Officer. The Council shall be composed of the executives of the
14 regional and field offices at the regional level and shall establish an operating facility
15 to be known as the Regional Disaster Management Center.

16 SECTION 9. *Organization at the Local Government Level.* The focal point for
17 coordination on disaster preparation and response in all local political units is lodged
18 with the Provincial, City, Municipal and Barangay Disaster Coordinating Councils
19 established under Presidential Decree No. 1586. Each local government level shall
20 appoint a permanent Disaster Management Coordinator who shall serve as the
21 Council's Action Officer.

22 SECTION 10. *Office of Civil Defense.* The Office of Civil Defense through its
23 fourteen (14) regional offices throughout the country shall carry out the policies and
24 programs of the National Disaster Management Council, in addition to its regular
25 functions as bureau under the Department of National Defense as defined under PD
26 No.1 and Letter of Implementation No. 19 issued on January 24, 1973.

27 As the NDMC's implementing arm, the OCD is empowered to monitor and
28 evaluate the performance of the member-agencies and recommend to the NDMC
29 appropriate policies and corrective measures to ensure effective delivery of

1 emergency services by all agencies concerned.

2 SECTION 11. *Planning for Disaster Operations.* The National Calamities and
3 Disaster Preparedness Plan, prepared by The Office of Civil Defense and approved
4 by the NDMC chairman shall be the basis of the implementing plans of concerned
5 agencies at the national regional and local levels.

6 All agency-implementing plans shall be documented, updated and submitted
7 to the Office of Civil Defense within six (6) months from the effectivity of this Act.

8 SECTION 12. *Disaster Volunteer Workers.* A national roster of Disaster
9 Volunteer Workers (DVWs) duly accredited by the local disaster management
10 councils shall be approved and maintained by the Office of Civil Defense for
11 purposes of payment of compensatory benefits provided for in this Act.

12 SECTION 13. *Compensatory Benefits.* Any DVW who incurs death or injury
13 while engaged in any of the civil defense activities as defined under this Act shall be
14 entitled to compensatory benefits as follows.

15 (1) Monetary Benefits

16 (a) For death — Twenty Thousand pesos (P20,000.00);

17 (b) For injury resulting in total and permanent disability — Ten
18 thousand pesos (P10,000.00);

19 (c) For injury resulting in permanent partial disability — Ten thousand
20 pesos (P10,000.00); -

21 (d) For injury requiring hospitalization for more than five (5) days but
22 not more than fifteen (15) days — Five Thousand pesos
23 (P5,000.00);

24 (e) For injury requiring hospitalization for more than one (1) day but
25 not more than five (5) days — One thousand pesos (P 1,000.00).

26 (2) Free Medical Care

27 Any DVW who falls under any of the above incapacity shall also be entitled to
28 a free medical care in any government hospital or institution.

29 An initial amount of One Million pesos (P1,000,000.00) out of the OCD

1 regular budget is hereby allocated for the payment of the above benefits.

2 SECTION 14. *Declaration of State of Calamity.* The NDMC may recommend
3 a cluster of barangays, city, municipality, province or region under a state of calamity
4 whenever two or more of the following conditions are present:

- 5 (1) At least thirty per cent (30%) of the population are affected;
- 6 (2) At least thirty per cent (30%) of the dwelling units have been destroyed;
- 7 (3) At least twenty-five percent (25%) of the major means of livelihood of the
8 community are affected;
- 9 (4) At least fifty per cent (50%) of the major roads and bridges are
10 impassable;
- 11 (5) There is an outbreak of highly contagious diseases resulting to sickness
12 and death of at least fifteen percent (15%) of the population;
- 13 (6) There is disruption of lifeline such as electricity, potable water system,
14 transport system, communications system and other related systems
15 which cannot be restored within one (1) week;
- 16 (7) There is flooding which is expected to last for one (1) week; and
- 17 (8) There is drought that will affect one (1) planting season.

18 SECTION 15. *Remedial Measures.* The declaration of a state of calamity shall
19 make mandatory the immediate undertaking of the following measures by the
20 concerned agencies:

- 21 (1) Control of overpricing and prevention of the hoarding of the same by the
22 Department of Trade and Industry;
- 23 (2) Programming/reprogramming of funds for the repair of public
24 infrastructures and buildings;
- 25 (3) Granting or restructuring of loans by government financing or tending
26 institutions to bonafide victims of disasters;
- 27 (4) Deferment or moratorium in the payment of taxes and amortizations due
28 the government upon the certification of proper authority; and
- 29 (5) Release of calamity funds to agencies involved in relief and rehabilitation

1 operations

2 SECTION 16. *Special Powers During State of Calamity.* In times of disasters
3 or emergencies, the appropriate equipment and logistics of the government
4 agencies concerned such as the Philippine Navy, Philippine Coast Guard,
5 Department of Public Works and Highways, Department of Social Welfare and
6 Development, Department of Health, PHIVOCs, PAGASA and other agencies shall
7 be under the operational control and supervision of the OCE. Accordingly, the needs
8 of the Office of Civil Defense shall be attended to, on a first priority basis.

9 SECTION 17. If a state of calamity is declared in accordance with Section 21
10 of this Act, the NDMC will recommend to the President such actions as may be
11 necessary; including the making of regulations concerning some or all of the
12 following aspects;

13 (1) The supply and distribution of food, water, fuel, power, medical
14 assistance, shelter and other necessities;

15 (2) The maintenance of the means of transportation by land, air or water and
16 the control of the transport of persons and things;

17 (3) The temporary acquisition of any property, undertaking or land;

18 (4) The evacuation of people, in their own interest and/or that of the public;

19 (5) The payment of compensation and remuneration to persons effected by
20 the Government action under special powers; and

21 (6) Any other matters which may apply to a specific disaster.

22 SECTION 18. *Release and Monitoring of the National Calamity Fund.* The
23 following policies and procedures shall be followed in requesting, allocating,
24 releasing and monitoring of calamity fund, namely:

25 (1) The calamity fund shall be used for disaster preparedness and control,
26 and relief and rehabilitation operations.

27 (2) Upon the declaration of a state calamity in disaster stricken areas, the
28 President shall effect the release of calamity funds to relief and
29 rehabilitation agencies within twenty-four (24) hours after such

1 declaration.

2 (3) Calamity funds shall be released directly to the following
3 department/agencies for the stated specific purposes:

4 (a) *DSWD for emergency relief and rehabilitation assistance;*

5 (b) *DOH for medical assistance to disaster victims;*

6 (c) *DPWH for immediate repair/restoration of damaged vital
7 infrastructures which include school buildings;*

8 (d) *DEPED for replacement of totally damaged instructional materials;*

9 (e) *DA for assistance to the agricultural sector;*

10 (f) *DOTC for repair/restoration of vital government transportation and
11 communication facilities/infrastructures;*

12 (g) *DND/AFP for relief, rescue and evacuation activities and
13 repair/rehabilitation of public utilities;*

14 (h) *Other departments/agencies requiring immediate repair/restoration
15 of vital infrastructures/facilities; and*

16 (i) *Local Government Units for the cost of emergency relief and
17 rehabilitation operations.*

18 The above agencies and all others that are involved in relief and rehabilitation
19 are directed to react and respond to any disaster or calamity *within twenty-four (24)*
20 *hours from its occurrence.*

21 SECTION 19. *Funding.* The amount of Fifty Million Pesos (P50,000,000.00)
22 shall be appropriated to OCD inclusive of its current budget to carry out the
23 provisions of this Act.

24 SECTION 20. *Prohibited Acts.* Any person who takes advantage of the
25 calamity shall be held liable and be subjected to the penalties as prescribed
26 hereunder if such person commits any of the following prohibited acts:

27 (1) *Buying for consumption or resale, from disaster relief agencies or relief
28 goods, equipments, or other aid commodities which he knows or should
29 be known to him as intended for donation to victims;*

- 1 (2) Buying for consumption or resale, from the recipient victims or relief
2 goods, equipment or other aid commodities received by them;
- 3 (3) High-jacking or forcibly seizing relief goods, equipment or other aid
4 commodities intended for or consigned to a specific group of victims or
5 relief agency;
- 6 (4) Diverting or misdelivering relief goods, equipment, or other aid
7 commodities to persons other than the rightful recipient or consignee; or
- 8 (5) Accepting, possessing, using or disposing of relief goods, equipment, or
9 other aid commodities not intended for nor consigned to him; or
- 10 (6) Misrepresenting the source of relief goods, equipment on other aid
11 commodities received by:
- 12 (a) Either covering or defacing the labels of the containers, or interlacing
13 new words to make it appear that the goods, equipment, or aid
14 commodities came from another agency or person;
- 15 (b) Repacking the goods, equipment, or aid commodities into containers
16 with markings to make it appear that goods, equipment or aid
17 commodities came from another agency or person;
- 18 (c) Making a verbal claim that the goods, equipment, or aid commodities
19 in its untampered original containers actually come from another
20 agency or person; or was released upon the instance of a particular
21 agency or person;
- 22 (d) Allocating to victims "more relief goods, equipment, or aid
23 commodities than the standard per capita amount per units time for
24 a specific or prescribed period of time;
- 25 (e) Substituting or replacing in kind of relief goods, equipment or aid
26 commodities;
- 27 (f) Using false or inflated data to support projects within the framework
28 plan; or
- 29 (g) Using false or inflated data in support of the request for funding or

1 emergency assistance or livelihood project.

2 SECTION 21. *Penal Provisions.* Any person who commits any of the above-
3 listed prohibited acts shall be prosecuted and, upon conviction, suffer a fine of not
4 less than Fifty Thousand pesos (P50,000.00) nor more than Five Hundred Thousand
5 pesos (P 500,000.00) or imprisonment for not less than six (6) years and one (1) day
6 nor more than twelve years, or both, at the discretion of the Court including
7 perpetual disqualification from public office if he is a public officer, and confiscation
8 or forfeiture in favor of the government of any prohibited interest. If the offender is a
9 corporation, partnership or association, or other judicial entity, the penalty shall be
10 imposed upon the officer or officers of the corporation, partnership, association or
11 entity responsible for the violation and, if such offender is an alien, he shall, in
12 addition to the penalties prescribed, be deported without further proceedings after
13 service of sentence.

14 SECTION 22. *Implementing Rules and Regulations.* Subject to approval of
15 the President, the Chairman of the Council shall issue the necessary implementing
16 rules and regulations of this Act.

17 SECTION 23. *Separability Clause.* If any provision of this Act shall be held
18 unconstitutional or invalid, the other provisions not otherwise affected shall remain in
19 full force and effect.

20 SECTION 24. *Repealing Clause.* Any law, decree or rules and regulations
21 inconsistent with or contrary to the provisions of this Act are hereby amended or
22 repealed.

23 SECTION 25. *Effectivity.* This Act shall take effect fifteen (15) days following
24 its publication in the Official Gazette or in two (2) national newspapers of general
25 circulation.

26 Approved.