

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

SENATE  
S.B. No. 2013

RECEIVED BY

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Introduced by Senator Ramon Bong Revilla, Jr.

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#### EXPLANATORY NOTE

Our country's geographic location makes us prone to natural hazards. Because the Philippines occupies the western rim of the Pacific Ocean, a most active portion of the earth that is occupied by an ocean-encircling belt of active volcanoes and earthquake generators. Earthquakes occur every now and then. There are 22 potentially active volcanoes in the country. We experience an average of 22 typhoons per year, with at least 5 destructive ones.

Presidential Decree 1566 aimed at *strengthening the Philippine disaster control capability and establishing the national program on community disaster preparedness*. It likewise created the National Disaster Coordinating Council in 1978. In almost 30 years of effectivity, PD 1566 seems incapable of completely addressing disaster issues.

This proposed bill seeks to put in place a National Disaster Management Council which will have the responsibility of developing, formulating and implementing a National Disaster Risk Management Plan. It also effectively decentralizes disaster management strategies down to the barangay level.

This measure is the product of a series of consultations with various stakeholders. Trusting their righteous objective and proficiency in the matter, the immediate enactment of this proposed measure into law is earnestly sought.

  
RAMON BONG REVILLA, JR.

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AN ACT  
STRENGTHENING PHILIPPINE DISASTER RISK MANAGEMENT  
CAPABILITY BY ESTABLISHING THE NATIONAL DISASTER  
MANAGEMENT COUNCIL AND INSTITUTIONALIZING THE NATIONAL  
DISASTER RISK MANAGEMENT PLAN, APPROPRIATING FUNDS  
THEREFOR AND FOR OTHER PURPOSES

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

**SECTION 1. Title** – This Act shall be known as the “Philippine Disaster  
Risk Management Act 2008.”

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

- a. Provide comprehensive, all-hazards, multi-sectoral/interagency and community-based approach to disaster risk management that focuses on preventing or reducing disaster risks, mitigating socio-economic and environmental impacts of disasters, undertaking disaster preparedness, and initiating rapid and effective disaster response and integrated rehabilitation and recovery program.
- b. Achieve excellence in civil protection through a coherent, integrated, proficient and responsive disaster risk reduction and disaster management at all levels of government, including community and household levels, and integration of disaster risk reduction, as appropriate, into the national, regional and local development policies, plans and budgets, as a vital component of the government’s sustainable development and poverty reduction strategy.
- c. Strengthen capacity development for disaster risk reduction at the individual, organizational and institutional levels.
- d. Recognize the importance of understanding local risk patterns and the need to decentralize responsibilities and resources for disaster risk reduction to regional and local authorities.
- e. Encourage participation of non-government organizations, private sector, community-based organizations and community members in disaster risk management and response to ensure a unified and integrated efforts as well as complementation of resources in this regard.
- f. Adopt and implement the universal declarations, norms and principles in disaster risk reduction and humanitarian assistance as one of the concrete steps to sustainable development.

### SECTION 3. Definition of Terms – As used in this Act.

- a. **“Disaster”** is an event, natural or human-made, sudden or progressive, which impacts with such severity on people’s lives and properties, livelihood, essential services, lifelines and major public infrastructures, and the environment, that the affected community has to respond with exceptional measures, and may need additional external assistance from other communities/areas.
- b. **“Emergency”** refers to unforeseen or sudden occurrence, especially danger, demanding immediate action.
- c. **“Hazard”** is a potentially damaging phenomenon or human activity that may cause the loss of life or injury, property damage, social and economic disruption, and environmental degradation.
- d. **“Vulnerability”** is a set of conditions resulting from physical, social, economic and environmental factors which increase susceptibility to losses from the impact of natural or human-made hazards.
- e. **“Risk”** is the probability of harmful consequences or expected losses resulting from interactions between natural hazards and vulnerable conditions.
- f. **“Risk Management”** is the process of identifying, analyzing and quantifying the probability of losses in order to undertake preventive or corrective actions.
- g. **“Disaster Risk Management”** is a comprehensive set of distinct but interrelated activities in the pre-disaster phase, namely, risk identification, risk reduction/mitigation, risk transfer, and preparedness, and in the post-disaster phase, namely, emergency response, rehabilitation and recovery, and reconstruction.
- h. **“Risk Identification and Analysis”** is a thorough analysis of existing vulnerabilities, location, severity and intensity of threat. By determining the underlying causes of vulnerabilities makes it possible to eliminate or reduce them.
- i. **“Risk Reduction or Prevention/Mitigation”** refers to measures aimed to eliminate or reduce the intensity of hazardous event. Such measures include but not limited to formulation and implementation of policies, programs, projects and activities to reduce physical, social and environmental vulnerability such as enforcement of comprehensive land use planning, building and safety standards, and legislation.
- j. **“Risk Transfer”** refers to the mechanisms or arrangements which do not reduce or prevent actual vulnerability but aimed transfer, share and/or finance the risk in order to protect local communities and the country from the financial and economic impacts of disasters.
- k. **“Disaster Preparedness”** refers to pre-disaster actions and measures undertaken to avert or minimize loss of life and property, such as but not limited to early warning system, community organizing, training, planning, equipping, stockpiling, hazard mapping and public information and education initiatives.
- l. **“Disaster Response”** refers to any concerted effort by two or more agencies, public or private, to provide emergency assistance to the victims of a disaster or calamity and in the restoration of essential public activities and facilities. This stage is relatively short and includes activities such as damage

assessment and needs analysis, search and rescue, evacuation, emergency medical care, provision of temporary shelter, and emergency repair/restoration of vital infrastructures and lifelines.

- m. **“Rehabilitation”** refers to the process by which the affected communities/areas or damaged public infrastructures, are restored to their proper or normal level of functioning or their actual condition prior to the occurrence of the disaster/calamity.
- n. **“Reconstruction”** refers to activities that revitalize affected economic sectors, rebuild critical infrastructure, and allocate appropriate budgetary resources, among others. Such activities should incorporate mitigation measures to reduce vulnerabilities of future disasters.
- o. **“Capacity”** is the ability of people, organizations and society as a whole to manage their affairs successfully.
- p. **“Capacity Development”** is the process whereby people, organizations and society as a whole unleash, strengthen, create, adapt and maintain capacity over time.
- q. **“Disaster Management Councils”** refers to all nucleus organizations established at the national, regional, provincial, city, municipal, and barangay levels to carry out the disaster management activities as defined under this Act.
- r. **“National Disaster Risk Management Plan”** is the master plan formulated and revised, when necessary, by the NDMC which sets forth the strategic concept, organization, tasks of participating agencies and other guidelines to deal with disasters or emergencies. The NDRM Plan should be integrated in the National Development Plan and budget.
- s. **“Community-based Disaster Risk Management or CBDRM”** refers to activities, projects and programs to reduce disaster risk which are primarily designed by people living in high risk localities based on their needs and capacities, and in close coordination with their respective local disaster coordinating councils.

**SECTION 4. SCOPE** - This act provides for all the actions and measures pertaining to risk identification and analysis, risk reduction or prevention/mitigation, and preparedness in the Pre-disaster Phase, and response, rehabilitation and reconstruction, in the Post-Disaster Phase, as defined under this Act.

#### **SECTION 5. National Disaster Management Council (NDMC)**

- a. **Composition.** The present National Disaster Coordinating Council (NDCC) established under PD 1566 shall henceforth be known as the National Disaster Management Council or the NDMC. It shall be composed of the following:

|                      |  |
|----------------------|--|
| <i>Chairman</i>      | <i>Secretary, Department of National Defense (DND)</i>                   |
| <i>Vice-Chairman</i> | <i>Secretary, Department of Social Welfare and Development (DSWD)</i>    |
| <i>Members</i>       | <i>Secretary, Department of the Interior and Local Government (DILG)</i> |
|                      | <i>Secretary, Department of Health (DoH)</i>                             |
|                      | <i>Secretary, Department of Agriculture (DA)</i>                         |
|                      | <i>Secretary, Department of Public Works and Highways (DPWH)</i>         |

*Secretary, Department of Environment and Natural Resources (DENR)*  
*Secretary, Department of Labor and Employment (DoLE)*  
*Secretary, Department of Education (DepEd)*  
*Secretary, Department of Trade and Industry (DTI)*  
*Secretary, Department of Justice (DoJ)*  
*Secretary, Department of Science and Technology (DoST)*  
*Secretary, Department of Transportation and Communication (DoTC)*  
*Secretary, Department of Finance (DoF)*  
*Secretary, Department of Budget and Management (DBM)*  
*Secretary, Department of Energy (DoE)*  
*Secretary, Department of Foreign Affairs (DFA)*  
*Secretary, Presidential Management Staff (PMS)*  
*Secretary, Office of the Press Secretary*  
*Director-General, National Economic Development Authority (NEDA)*  
*Secretary-General, Philippine National Red Cross (PNRC)*  
*Chief of Staff, Armed Forces of the Philippines (AFP)*  
*Chief, Philippine National Police (PNP), DILG*  
*Fire Chief, Bureau of Fire Protection (BFP), DILG*  
*Administrator, National Mapping Resources Information Authority (NAMRIA)*  
*Director, Mines and Geo-Sciences Bureau (MGB), DENR*  
*Director, Environmental Management Bureau (EMB), DENR*  
*Director, Philippine Atmospheric, Geophysical and Astronomical Services Administration (PAG ASA), DoST*  
*Director, Philippine Institute of Volcanology and Seismology (PHIVOLCS), DOST*  
*Director, Philippine Nuclear Research Institute (PNRI), DOST*  
*Commissioner, National Anti-Poverty Commission – Victims of Disaster and Calamities (NAPC-VDC)*  
*Administrator, Office of Civil Defense, DND*  
*Commandant, Philippine Coast Guard (PCG), DOTC*  
 Two (2) Representatives from Non-Government Organizations (NGOs<sup>1</sup>)  
 Representative from the Association of Barangay Captains (ABC)  
 Two (2) representatives from national level People's Organization

The Administrator of the Office of Civil Defense shall serve as NDMC's Executive Officer. The Council, in discharging its functions, shall utilize the services and facilities of the OCD, which shall also act as the Secretariat of the NDMC.

The NDMC shall establish an operating facility to be known as the "National Disaster Management Center" which shall be manned on a twenty-four (24) hour basis by personnel of the Office of Civil Defense

**b. Functions.** As a management body, the NDMC is empowered with policy-making, coordination, integrating, supervisory, monitoring and

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<sup>1</sup> The two NGO representatives shall be selected from among their ranks based on the criteria set for this purpose.

evaluation functions to effectively carry out the following tasks and responsibilities, namely:

1. Advises the President on actions required for effective disaster risk management by the national and local governments, local communities and private sector.
2. Ensures that adequate measures are taken by government agencies and local government units for the preparation and updating of multi-hazard maps to prevent or mitigate, prepare for and respond to disasters and to assist in the recovery from the effects of disaster.
3. Formulates a National Disaster Risk Management Plan (NDRMP) and ensures that then NDRMP will be considered / integrated in the National framework for Physical Planning (NFPP) and Medium Term Philippine Development Plan (MTPDP).
4. Ensures that all relevant laws, rules and regulations, and technical standards are properly synchronized/coordinated.
5. Provides the necessary guidelines and procedures on Calamity Fund releases as well as utilization, accounting and auditing thereof.
6. Recommends to the President the declaration of a state of calamity in areas extensively damaged and submit proposals to restore normalcy in the affected areas, to include calamity fund allocation, if necessary.
7. Fosters and facilitates the participation of non-government organizations (NGOs) and POs in measures taken by the government agencies for disaster preparedness, mitigation, response and rehabilitation/recovery.
8. Advises the lower level Disaster Management Councils (DMCs) through the OCD, in accordance with the guidelines on disaster risk management.
9. Conducts periodic assessment of local DMC performance and NDMC member-agencies.
10. Develops a National Disaster Risk Management Framework (NDRMF) which should adhere with the policies enunciated in Section 2 of this Act. The NDRMF shall provide for a comprehensive, all-hazard, multisectoral, interagency and community-based approach to disaster risk management that covers set of distinct but interrelated activities in the pre-disaster phase such as risk / hazard identification, risk reduction, prevention and mitigation, and preparedness, and emergency response rehabilitation and recovery, in the post-disaster phase. The Framework shall serve as principal guide in the development and implementation of disaster risk management programs, projects and activities defined herein. It shall be reviewed on a 5-yr interval, or as necessary, to ensure its relevance and be attuned to development trends in DRM and local situation.

**SECTION 6. Authority of the NDMC Chairman** - The Secretary of DND as Chairman of NDMC may call upon other instrumentalities/entities of the government and non-government and civic organizations for assistance in terms of the use of their facilities and resources for the protection and preservation of life and properties in case of emergencies or disasters. Towards this end, the NDMC Chairman is hereby authorized to restructure and reorganize the Office of Civil Defense as the Executive Directorate and the Secretariat of the NDMC within a 5-year implementation period, to ensure that civil defense services and

disaster risk management programs are carried out and implemented at the lowest government and community levels.

**SECTION 7. Organization at the Regional Level** – At the regional level, there shall be constituted a Regional Disaster Management Council (RDMC) with the Regional Director of the PNP as Chairman and the OCD Regional Director as the Council's Executive Officer. The Council shall be composed of the executives of the regional and equivalent offices of the NDMC member-agencies and shall establish an operating facility to be known as the "Regional Disaster Management Center."

**SECTION 8. Organization at the Local Government** – The focal points for coordination of disaster management activities at the local level are the Provincial, City, Municipal and Barangay Disaster Coordinating Councils established under PD 1566, which shall henceforth be known as the Provincial, City, Municipal and Barangay Disaster Management Councils (P/C/M/B DMCs).

**a. Functions of the Local Disaster Management Councils**

1. Identify, assess and manage the hazards and risks that may occur in their locality.
2. Communicate about those hazards and risks, their nature, effects, early warning signs and countermeasures.
3. Identify and implement cost-effective risk reduction measures/strategies.
4. Take all necessary steps on an ongoing basis to maintain and provide or to arrange the provision of, or to otherwise make available suitably trained and competent personnel for effective civil defence and disaster risk management in its area.
5. Respond to and manage the adverse effects of emergencies in its area
6. Carry out recovery activities within its area, promote and raise public awareness of and compliance with this Act and legislative provisions relevant to the purpose of this Act.
7. Develop, approve, implement and monitor disaster risk management plans and regularly review and test the plan for internal consistency as well as to ensure its vertical and horizontal compatibility with other relevant planning programs.
8. Establish linkage/network with other local government units for disaster risk reduction and emergency response purposes.
9. Formulate their own local ordinances consistent with the requirements of this Act.
10. Integrate risk reduction into local development plans, programs and budgets as a strategy in sustainable development and poverty reduction.
11. Establish an operating facility to be known as the Provincial/City/Municipal/Barangay Disaster Management Center.
12. Prepare and submit report on the utilization of the 5% local calamity fund to the local COA, copy furnished the local DILG.

**Provincial Disaster Management Council**

The Provincial Disaster Management Council (PDMC) shall be composed of the Provincial Governor as Chairman, the Provincial Director of the Philippine National Police as Vice Chairman, the Vice Governor, organic provincial officials as well as national officials working in the provincial level, the Provincial Administrator of the Philippine National Red

Cross and two (2) other representatives of non-government organizations operating in the province, as members.

### **City Disaster Management Council**

The City Disaster Management Council (CDMC) shall be composed of the City Mayor as Chairman, the Chief Police as Vice-Chairman, the Representative of each Congressional District in the city, the Vice Mayor, organic city officials as well as national officials working at the city level, the City Administrator of the Philippine National Red Cross and two (2) other representatives of non-government organizations operating in the city, as members.

### **Municipal Disaster Management Council**

The Municipal Disaster Management Council (CDMC) shall be composed of the Municipal Mayor as Chairman, the Chief of Police as Vice-Chairman, the Vice-Mayor, organic municipal officials as well as national officials working at the municipal level, the Municipal Administrator of the Philippine National Red Cross and two (2) other representatives of the non-government organizations operating in the municipality, as members.

### **Barangay Disaster Management Council**

The Barangay Disaster Management Council shall be composed of the Punong Barangay as Chairman, organic barangay officials and leaders of people's organizations, as members.

## **SECTION 9. Local Disaster Management Office (DMO)**

- a. There shall be established a Local Disaster Management Office in every province, city, municipality and barangay which shall assist the Local Disaster Management Councils in setting the direction and development of disaster risk management programs and coordinating disaster response activities within their jurisdiction.
- b. The DMO shall be under the Office of the Governor, City/Municipal Mayor and Punong Barangay which shall be organized and initially manned by a Disaster Management Officer to be assisted by three (3) staff units, namely, Administrative and Training; Research and Planning; and Operations and Warning.

The Provincial, City, Municipal or Barangay Disaster Management Office shall have the following functions:

1. Implements policies, plans and programs of the LDMC consistent with the policies and guidance laid down in this Act.
2. Assesses training needs on DRM and conducts training for stakeholders.
3. Develops/strengthens mechanisms for partnership/networking with private and public sector organizations.
4. Prepares and submits to the Local Sanggunian, through the local DMC, the annual programming of the five percent (5%) local calamity fund and other regular funding source/s and budgetary support of the DMO and local DMCs.
5. Serves as the Secretariat and Executive Arm of the Local DMCs
6. Coordinates disaster risk management activities.



7. Acts on other matters that may be authorized by the Local Disaster Management Council.

**Section 10. Funding of Disaster Management Activities at the local level.** Five percent (5%) of the estimated revenue from regular sources shall be set aside as *local disaster management fund* for disaster risk reduction/mitigation and prevention, and preparedness activities for potential occurrence of disasters, as well as for disaster response, rehabilitation, reconstruction and other works or services in connection with disasters or calamities, whether natural or human-made, occurring within the LGU or other areas, and for the payment of premiums on calamity insurance, provided, however, that such fund shall be used for the following:

- a. For disaster risk reduction/mitigation and prevention, and preparedness activities such as enforcement of comprehensive land use planning enunciated in Sec. 20, par. c. Local Government Code of 1991, building code, technical standards on safety, risk identification and analysis, hazard mapping, early warning, training and education, public awareness, environmental protection, setting up of response mechanisms on fire suppression, emergency medical service, search and rescue, relief and evacuation, damage assessment and needs analysis, and Incident Command System, equipping of response teams; planning, organization, and conduct of community drills and exercises, consistent with established policies and guidelines jointly determined by the NDCC and the LGUs.
- b. For disaster response, rehabilitation and reconstruction of areas affected by a disaster or calamity as may be determined and recommended by the local DMC concerned, based on the LDMC damage assessment of the situation and declared under a state of calamity by the local Sanggunian concerned.
- c. For payment of premiums for calamity insurance coverage against loss or damage due to fire, typhoon, flood, earthquake, landslide and other natural or human-made disasters to ensure rehabilitation and reconstruction of damaged public buildings, roads and bridges, and other vital infrastructures.
- d. Provided that the appropriation and flexibility on the utilization of the local disaster management fund by the LGUs shall be based on the DRM work and financial plan of the local DMO submitted to the local Sanggunian: Provided, finally that the unexpended calamity fund balances shall be treated as a continuing appropriation to support the above disaster risk management activities.

The Local Development Council shall monitor and evaluate the use and disbursement of local disaster management fund based on the local disaster risk management plan as incorporated in the local development plans and annual Work and Financial Plan.

**SECTION 11. Office of Civil Defense.** The Office of Civil Defense, as a bureau of the Department of National Defense and Secretariat of the National Disaster Management Council, shall have the primary mission to administer a comprehensive national civil defense and disaster risk management program by providing leadership in the continuous development of strategic and systematic approach as well as measures to reduce the vulnerabilities and risks to hazards.

- a. **Functions.** To effectively carry out its Mission, the OCD shall have the following functions:

1. Advises the NDMC on matters relating to disaster risk management coherent with the policies and scope as defined in this Act.
2. Identifies, assesses and prioritizes hazards and risks considered of national importance, in consultation with NDCC member-agencies concerned.
3. Spearheads the development of National Disaster Risk Management Framework referred to in Section 5 (b), no. 10 of this Act.
4. Develops and monitors the implementation of the National Disaster Risk Management Plan, evaluate and review the same every five (5) years, or sooner as necessary, and ensure that it is integrated in the National Framework for Physical Planning and the MTPDP.
5. Oversees the development and/or enforcement by regulatory agencies and other organizations that have responsibilities under this Act such laws, guidelines, codes, or technical standards that may be required for the purposes of this Act.
6. Monitors the performance of agencies that have responsibilities under this Act.
7. Promotes Disaster Risk Management through public education and awareness policies and programs that are consistent with the purpose of this Act.
8. Maintains and operates the National Disaster Management Center (NDMC).
9. During a state of national calamity, directs and controls the resources available for disaster risk management as defined under this Act.
10. During a state of calamity at the local government level, provides advice and assistance to the affected LGUs, as necessary.
11. Serves as Secretariat of the NDMC.

b. **NDMC Secretariat** – The OCD shall serve as the Secretariat of the NDMC. As such, it shall have the following functions:

1. Records, prepares, disseminates and files the proceedings/undertakings of NDMC and its Technical Working Groups and Committees;
2. Plans, monitors and evaluates the programs and activities of NDMC Technical Working Group and Committees;
3. Implements the Emergency Management Information System and Geographic Information System as established by the NDMC, and
4. Monitors the extent of implementation of disaster risk management programs by NDMC member-agencies, regional and local DMCs and submits reports to the Chairman, NDMC, Office of the President, Congress and other concerned authorities.

**SECTION 12. Planning for Disaster Risk Management** – The National Disaster Risk Management Plan shall provide for the hazards and risks to be managed at the national level; disaster risk management approaches/strategies to be applied in managing said hazards and risks; plan objectives and the relationship of each objective with the National Disaster Risk Management Framework; agency roles and responsibilities at all government levels, and vertical and horizontal coordination of disaster risk management in the pre-disaster and post-disaster phases.

The NDRMP shall be the basis for the preparation of implementing plans of NDMC member-agencies and DMCs at the regional and local levels.

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

**SECTION 13. Accredited Community Disaster Volunteers (ACDV)** – A national roster of Accredited Community Disaster Volunteers (ACDV) shall be maintained and monitored by the Office of Civil Defense for purposes of payment of compensatory benefits of this Act. Criteria and procedures for accreditation of and a Manual of Operations for volunteers shall be developed by the OCD in consultation with various stakeholders. Accreditation will be done at the municipal level.

**SECTION 14. Compensatory Benefits** – Any ACDV who incurs death or injury while engaged in any of the activities defined under this Act shall be entitled to compensatory benefits and individual personnel accident insurance as may be defined in the implementing rules and regulations thereof.

**SECTION 15. Declaration of a State of Calamity**

- a. The declaration of a State of Calamity may be issued either by the President of the Philippines or the local Sanggunian upon the recommendation of the LDMC, based on appropriate criteria and guidelines to be promulgated by the NDMC.
- b. The Representative of the Congressional District in the affected local government units shall be duly informed of the declaration of a state of calamity by the OCD or local DMO, in case of a presidential declaration, and local government declaration, respectively. They are to be informed so that they can take the proper action in their respective districts. Such information shall include the occurrence and nature of disaster, extent of damage incurred, affected areas and population, human casualties and actions taken by concerned agencies as well as release of funds for emergency response and rehabilitation purposes, if any.

**SECTION 16. Remedial Measures** – The declaration of a State of calamity shall make mandatory the immediate undertaking of the following remedial measures by concerned agencies:

- a. Automatic imposition of price control on basic necessities in areas declared under a state of calamity by the President of the Philippines or by the local government unit which should be implemented only within a reasonable time frame and in coordination with the Department of Trade and Industry.
- b. Monitoring, prevention and control of overpricing/profitteering and hoarding of prime commodities, medicines and petroleum products by the local Price Coordinating Council.
- c. Programming/reprogramming of funds for the repair and safety upgrading of public infrastructures and facilities as approved by the DBM and subject to existing government budgeting, accounting and auditing rules and regulations.
- d. Granting or restructuring of loans by government financing or lending institutions upon certification of proper authority.
- e. Restructuring/condonation of loans of affected persons and corporations whose operations are seriously impaired by calamity,

subject to actuarial studies, financing viability assessment and judgment of lending GFI/GOCCs.

#### **SECTION 17. Mechanisms for International Humanitarian Assistance**

- a. The importation and donation of food, clothing, medicine and equipment for relief and rehabilitation and other disaster management related supplies is hereby authorized in accordance with Sec. 105 of the Tariff and Customs Code of the Philippines, as amended, and the prevailing provisions of the General Appropriations Act covering national internal revenue taxes and import duties of national and local government agencies.
- b. Importations and donations under this Section shall be considered as importation by and/or donation to the National Disaster Coordinating Council, subject to the approval of the Office of the President.

#### **SECTION 18. Release, Allocation and Accounting of the National Calamity Fund**

- a. The National Calamity Fund (NCF) appropriated under the General Appropriations Act (GAA) shall be used for aid, relief, rehabilitation, reconstruction and other works or services in connection with calamities which may occur during the budget year or those that occurred in the past two years from the budget year, including training of personnel and other pre-disaster activities and capital expenditures for pre-disaster operation, rehabilitation and other related activities, in order or priority as may be determined by the NDMC.
- b. A Quick Response Fund (QRF) is hereby constituted to support the initial and immediate disaster response operations and needs of the NDMC and its participating agencies for the current year. The amount necessary for the continuous funding of the QRF shall be included in the annual General Appropriations Act.
- c. The specific amount of the QRF for the NDMC and appropriate participating agencies shall be recommended by the NDMC to the President and shall be administered by the NDMC and other recipient agencies; *Provided that no portion thereof shall be used for administrative expenses or as augmentation fund for regular agency programs, projects and activities not related to current calamities or disasters.*
- d. All departments/agencies and local government units that were allocated with calamity fund shall submit to the NDMC their monthly statements on the utilization of calamity funds and make an accounting thereof in accordance with existing accounting and auditing rules.

#### **SECTION 19. Mechanism for Relief Operations during Election Time**

– During election time, the PNRC assumes from the DSWD a lead role in the provision of relief assistance to calamity-affected areas unless the latter is granted exemption by the COMELEC.

**SECTION 20. Funding of OCD.** – As the lead agency to carry out the provisions of this Act, the OCD shall be allocated additional budget from the annual General Appropriations Act as may be determined by Congress based on the OCD budget proposal to be submitted for this purpose.

**SECTION 21. Prohibited Acts.** – Any person, groups or corporation who commits any of the following prohibited acts shall be held liable and be subjected to the penalties as prescribed in Section 22.

- a. Dereliction of duties which lead to damages or death and misuse funds;
- b. Preventing the entry and distribution of relief goods in disaster-stricken areas, including appropriate technology, tools, equipment, accessories, disaster teams/experts;
- c. Buying, for consumption or resale, from disaster relief agencies any relief goods, equipment or other aid commodities which are intended for distribution to disaster victims;
- d. Buying, for consumption or resale, from the recipient disaster victims any relief goods, equipment or other aid commodities received by them;
- e. Hijacking or forcibly seizing relief goods, equipment or other aid commodities intended for or consigned to a specific group of victims or relief agency;
- f. Diverting or misdelivering relief goods, equipment, or other aid commodities to persons other than the rightful recipient or consignee;
- g. Accepting, possessing, using or disposing relief goods, equipment, or other aid commodities not intended for nor consigned to him;
- h. Misrepresenting the source of relief goods, equipment or other aid commodities by:
  1. Either covering, replacing or defacing the labels of the containers to make it appear that the goods, equipment, or other aid commodities came from another agency or persons;
  2. Repacking the goods, equipment, or other aid commodities into containers with different markings to make it appear that the goods, came from another agency or persons or was released upon the instance or a particular agency or persons.
  3. Making false verbal claim that the goods, equipment, or other aid commodity in its untampered original containers actually came from another agency or persons or was released upon the instance or a particular agency or persons.
- i. Substituting or replacing relief goods, equipment, or other aid commodities with the same items or inferior/cheaper quality;
- j. Deliberate use of false or inflated data in support of the request for funding, relief goods, equipment or other aid commodities for emergency assistance or livelihood projects;
- k. Soliciting funds and/or donations by non-accredited NGOs. In this regard, solicitation of funds and/or donations by accredited NGOs shall be regulated and monitored by NDMC through its member agencies concerned to ensure that public donation are safeguarded and duly accounted for.

**SECTION 22. Penal Provisions.** – Any person, groups or corporation who commits any of the above-listed prohibited acts shall be prosecuted and upon conviction, suffer a fine of not less than Fifty Thousand Pesos (P50,000.00) or imprisonment of not less than six (6) years and one (1) day nor more than twelve (12) years, or both, at the discretion of the Court, including perpetual disqualification from public office, if he is a public officer, and confiscation, or forfeiture in favour of the government of the objects/fruits of and the instrumentalities used in committing any of the herein prohibited acts.

If the offender is a corporation, partnership or association, or other juridical entity, the penalty shall be imposed upon the officer or officers of the corporation, partnership, association or entity responsible for the violation, without prejudice to the cancellation or revocation of its license or accreditation issued to them by any licensing or accredited body of the government. If such

offender is an alien, he shall, in addition to the penalties prescribed, be deported without further proceedings after service of the sentence.

**SECTION 23. Rules and Regulations.** – Subject to the approval by the President, the Chairman, NDMC shall issue the necessary rules and regulations for the effective implementation of this Act.

**SECTION 24. Separability Clause.** – If any provision of this Act shall be held unconstitutional or invalid, the other provisions not otherwise affected shall remain in full force and effect.

**SECTION 25. Repealing Clause.** – All laws, decrees, executive orders, proclamations and other executive issuances which are inconsistent with or contrary to the provisions of this Act are hereby amended or repealed.

**SECTION 26. Effectivity.** – This Act shall take effect fifteen (15) days following its publication in at least two (2) national newspapers of general circulation.

Approved.