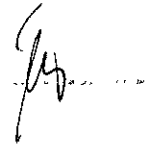


FOURTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

8 FEB 18 P6:03

SENATE

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S. NO. 2086

Introduced by Senator Antonio "Sonny" F. Trillanes IV

EXPLANATORY NOTE

Our country is ravaged year after year by numerous emergencies of all sorts. From lahar flows which devastated most parts of Luzon, volcanic eruptions, earthquakes and typhoons which routinely pummel the country every year, to the disaster in Irosin, Sorsogon brought about by the Mount Bulusan eruption, and the most recent bombing in Glorietta 2. This just goes to show that emergencies of one sort or another are a fact of life which will always pose challenges for us as a nation.

The best we can do is to be prepared and to be on the lookout in order to prevent emergencies from intensifying into full-scale disasters. Through this piece of legislation, the undersigned proposes the creation of a permanent, full-time national agency under the Office of the President to help the country plan and prepare for emergencies. It is proposed that this agency take over the National Disaster Coordinating Council (NDCC) and undertake disaster mitigation and preparedness measures as well as quick response mechanism which will allow us to reduce the risks of disasters, mitigate possible damage to life and property, initiate rapid and effective response to disasters, and effectively manage post-disaster recovery.

Hence, the immediate passage of this bill is earnestly enjoined.


ANTONIO "SONNY" F. TRILLANES IV
Senator

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**AN ACT
ESTABLISHING THE EMERGENCY MANAGEMENT AGENCY (EMA) AND
PROVIDING FUNDS THEREFOR**

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

1 **SECTION 1. Title** – This Act shall be known as the **"2008 Emergency Management**
2 **Agency Act"**.

3
4 **SEC.2. Declaration of Policy** – It shall be the policy of the State to:

5 (a) Provide for an integrated and coordinated disaster management policy that focuses on
6 preventing or reducing the risk of disasters, mitigating the severity of disasters,
7 undertaking emergency preparedness, and initiating rapid and effective response to
8 disasters and post-disaster recovery

9 (b) Achieve excellence in civil protection through hazard reduction and disaster management
10 at all levels of the Philippine society by establishing a coherent, integrated, proficient and
11 responsive disaster risk management system, whereby national and regional development
12 plans incorporate hazard risk reduction management as components of an integrated and
13 coordinated strategy for sustainable development.

14 (c) Strengthen the institutional structures for coordination, implementation and enforcement
15 of policies for the promotion of hazard management and disaster management by
16 providing a basis for aligning local planning with a national framework and national plan.

1 (d) Recognize, support and strengthen local community capacities by encouraging them to
2 achieve acceptable levels of risk for undertaking the primary responsibility in reducing
3 risk from hazards and managing disasters.

4 (e) Support, strengthen and encourage the coordination of local government units when
5 reducing risk from hazards, preparing for, responding to, and recovering from disasters or
6 emergencies, whether natural or man-made.

7 (f) Enhance the participation of the private sector, particularly the lifeline utilities, non-
8 government organizations, and other community-based organizations in the development
9 and delivery of disaster risk management and "*bayanihan*" among the citizenry.

10 (g) Adopt in full the universal norms and principles in humanitarian assistance as one of the
11 concrete steps in preventing or alleviating human suffering due to disasters or calamities.

12
13 **SEC. 3. *Definition of Terms.*** As used in this Act:

14 (a) "*Community-Based Disaster Management (CBDM)*" refers to activities, projects and
15 programs to reduce disaster risk which are primarily designed by people living in high
16 risk localities based on their needs and capacities and in close coordination with their
17 respective local disaster coordinating councils.

18 (b) "*Director*" refers to the Director of the Office of the Emergency Management Agency.

19 (c) "*Disaster*" is an event, natural or man-made, sudden or progressive, which impacts with
20 such severity on people's lives and properties, livelihood, essential services, lifelines and
21 major public infrastructures, and the environment, that the affected community has to
22 respond with exceptional measures or otherwise requires a significant and coordinated
23 response under this Act.

24 (d) "*Disaster Management Councils*" refers to all nucleus organizations established at the
25 national, regional, provincial, city, municipal, and barangay levels to carry out the
26 disaster management activities as defined under this Act.

27 (e) "*Disaster Response Operations*" refers to any concerted effort by two or more agencies,
28 public or private, to provide emergency assistance to the victims of a disaster or calamity
29 and in the restoration of essential public activities and facilities.

- 1 (f) *“Disaster Risk Management”* refers to the application of knowledge, measures and
2 practices are necessary or desirable for the safety of the public and are designed to guard,
3 prevent, reduce or overcome any hazard or harm or loss that may be associated with any
4 disaster. It includes all activities relating to hazard mitigation and prevention, response
5 preparedness and relief, and long-term recovery, rehabilitation and reconstruction.
- 6 (g) *“Disaster Mitigation”* refers to the measures aimed at minimizing the impact of a natural
7 or man-made disaster on a nation or community, in terms of casualties and damages.
- 8 (h) *“Disaster Preparedness”* refers to pre-disaster actions and measures being undertaken to
9 avert or minimize loss of life and property, such as but not limited to community
10 organizing, training, planning, equipping, stockpiling, hazard mapping and public
11 information and education initiatives.
- 12 (i) *“Disaster Prevention”* refers to measures designed to prevent natural phenomena from
13 causing or resulting in disaster or other related emergency situations. It is concerned with
14 the formulation and implementation of long range policies and programs to prevent or
15 minimize the occurrence of disasters on the basis of vulnerability analysis of all risks. It
16 also includes legislations and regulatory measures principally in the fields of physical and
17 urban planning, public works and buildings.
- 18 (j) *“Emergency”* refers to unforeseen or sudden occurrence, especially danger, demanding
19 immediate action.
- 20 (k) *“Hazard Mitigation”* relates to actions, practices or processes designed to reduce the
21 severity or level of harm of a hazard agent on the national community or any part thereof.
- 22 (l) *“Hazard Risk Reduction”* refers to activities that reduce the degree of long-term risk to
23 human life and property from natural and technological hazards.
- 24 (m) *“Lifeline Utilities”* refers to entities that produce, generate, supply, distribute or provide
25 services or products that are essential for the effective functioning and maintenance of a
26 community.
- 27 (n) *“National and Regional Development Plans”* has the same meaning as set out by NEDA.

1 (o) “*National Disaster Management Plan*” is the disaster operational master plan formulated
2 and revised by the EMA, which sets forth the disaster response requirements of
3 participating parties.

4 (p) “*National Disaster Risk Management Framework (NDRMF)*” is the overarching
5 guideline document for the development of disaster risk management practices and
6 processes for the Philippines. The NDRMF should be integrated in the National
7 Development Plan and budget.

8 (q) “*Rehabilitation*” refers to the process by which the affected communities/areas or
9 damaged public infrastructures are restored to their proper or normal level of functioning
10 and to new measures introduced to reduce future hazards and risks.

11
12 **SEC. 4. *Scope.*** This Act provides for all the actions and measures pertaining to hazard
13 mitigation, disaster prevention/preparedness, response, and rehabilitation, and disaster risk
14 management as defined under this Act.

15
16 **SEC. 5. *The Emergency Management Agency.*** The Office of the Emergency
17 Management Agency (EMA) is hereby created. EMA shall be an independent body and shall
18 have the same status as that of a national agency attached to the Office of the President.

19 The EMA shall be headed by a Board composed of a Director and two (2) Members, to
20 be appointed by the President of the Republic of the Philippines from a list of nominees
21 submitted by agencies and organizations active in disaster management, both in the public and
22 private sectors. All nominees must be considered experts in the field of emergency and disaster
23 management and of proven integrity and competence.

24 The Director and two (2) members shall serve for a term of five (5) years and their
25 positions considered as civil service career positions: *Provided*, That the Director or one of the
26 Members first appointed after the effectivity of this Act shall serve for an additional one (1) year
27 to ensure continuity of the programs. The Director shall have the same rank and privileges of a
28 department Secretary while the two (2) Members shall have the same rank and privileges of the
29 Undersecretaries of a department.

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SEC. 6. Powers and Functions of the Emergency Management Agency. The EMA shall have the following powers and functions:

- (a) Formulate policies on emergency and disaster response and management, and develop a comprehensive national Emergency and Disaster Prevention and Preparedness Plan.
- (b) Advise the President on the status of emergency and disaster response, recovery, mitigation, risk reduction, prevention and preparedness efforts being undertaken by concerned government and private entities.
- (c) Recommend to the President the declaration of a state of calamity in areas extensively damaged and submit proposals to establish normalcy in the affected areas.
- (d) Ensure that all emergency and disaster preparedness and mitigation activities such as training, public information and other programs/projects requiring regional and international support shall be carried out in accordance with duly established national policies.
- (e) Foster and facilitate the participation of non-government agencies in measures taken by the government for emergency and disaster-related concerns.
- (f) Develop a national disaster risk management framework.
- (g) Render annual reports to the President and to Congress.

SEC. 7. The Emergency Management Agency Secretariat. The EMA Secretariat shall be formed to manage the day-to-day activities of the EMA. The Board shall determine the staffing pattern and compensation scheme of the Secretariat subject to existing rules and regulations.

The Secretariat shall be headed by an Executive Director who shall serve as the Chief Operations Officer of the EMA. The Secretariat of the EMA shall take over the functions, duties and responsibilities and assume the powers and authority vested by existing laws, rules and regulations unto the National Coordinating Council (NDCC). It shall serve as the forum for coordination and support of the different volunteer organizations established by the Emergency Field Offices throughout the country.

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SEC. 8. *The Emergency and Disaster Field Offices.* Emergency and Disaster Field Offices shall be established in every region, province, city, municipality and barangay.

The Emergency and Disaster Field Offices each headed by a Director, shall coordinate all disaster management-related efforts with the provincial, municipal and barangay authorities.

SEC. 9. *Powers and Functions of the Emergency and Disaster Field Offices.* The Emergency and Disaster Field Offices shall be empowered to:

- (a) Formulate policies on emergency disaster response and management in accordance with the national policies and the comprehensive national Emergency and Disaster Preparedness and Prevention Plan set down by the Board, taking into account the unique circumstances obtaining in their respective areas of jurisdiction.
- (b) Identify hazards/disaster risks in their areas of responsibility and draw up counter-emergency and disaster plans/strategies.
- (c) Identify and source funding for specific emergency and disaster preparedness and management projects.
- (d) In consultation with the affected province, municipality or barangay, identify evacuation areas, whenever necessary.
- (e) Coordinate with agencies and organizations involved in emergency and disaster management efforts within their jurisdiction: Provided, That the Board, by itself or through the Secretariat, shall make all such coordinative efforts with similar entities on the national and international levels.
- (f) Organize volunteers in their respective jurisdictions who can be mobilized to undertake emergency or disaster related work.
- (g) Enforce curfews and compel forced evacuation whenever circumstances warrant such actions.
- (h) Deputize all law enforcement agencies in enforcing laws designed to protect the environment and prevent disasters, and in implementing its task mentioned in paragraph (e) of this section.

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SEC. 10. *Responsibilities of Local Government.*

- (a) Every local government must establish a disaster management council for the purposes of this Act.
- (b) Every local government unit may unite with other local government units that have common borders as a joint local government for the purposes of this Act.
- (c) It shall be mandatory on the part of local governments to formulate their own local ordinances to be consistent with the requirements of this Act.
- (d) Local development plans shall incorporate risk reduction management as a strategy in sustainable development.
- (e) Local government units must ensure that its actions in exercising or performing its functions, duties and powers under this Act are not inconsistent with any national disaster risk management requirement.

SEC. 11. *Importations and Donations of Food, Clothing, Medicines and Equipment for Relief and Rehabilitation and Other Disaster Management Related Supplies and Equipment for Calamity-Affected Areas.* The importations and donations of food, clothing, medicines and equipment for relief and rehabilitation and other disaster management related supplies are 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 the national and local government agencies.

Importations and donations under this Section shall be considered as importations by and/or donations to the Emergency Management Agency, subject to the approval of the Office of the President.

SEC. 12. *Release, Allocation and Accounting of the National Calamity Fund.* The National Calamity Fund (NCF) appropriated under the General Appropriations Act (GAA) shall be used for aid, relief, rehabilitation, reconstructions and other works or services in connection

1 with calamities which may occur during the budget year or those that occurred in the past two
2 years from the budget year, including training of personnel and other pre-disaster activities and
3 capital expenditures for pre-disaster operation, rehabilitation and other related activities, in order
4 of priority as may be determined by the EMA.

5 A Quick Response Fund (QRF) is hereby constituted to support the initial and immediate
6 disaster response operations and needs of the EMA and its participating agencies for the current
7 year. The amount necessary for the continuous funding of the QRF shall be included in the
8 annual General Appropriations Act.

9 The specific amount of the QRF for the EMP and appropriate participating agencies shall
10 be recommended by the EMA to the President and shall be administered by the EMA and other
11 recipient agencies; Provided that no portion thereof shall be used for administrative expenses or
12 as augmentation fund for regular agency programs, projects and activities not related to current
13 calamities or disasters.

14 All departments/agencies and local government units that were allocated with calamity
15 fund shall submit to the EMA their monthly statements on the utilization of calamity funds and
16 make an accounting thereof in accordance with existing accounting and auditing rules.

17

18 **SEC. 13. *Implementing Rules and Regulations.*** The EMA shall promulgate the
19 necessary rules and regulations for the effective implementation of this Act.

20

21 **SEC. 14. *Separability Clause.*** If any provision of this Act shall be held unconstitutional
22 or invalid, the other provisions not otherwise affected shall remain in full force and effect.

23

24 **SEC. 15. *Repealing Clause.*** All laws, decrees, executive orders, proclamations and
25 other executive issuances or parts thereof, which are inconsistent with or contrary to the
26 provisions of this Act are hereby repealed or amended accordingly.

27

1 **SEC. 16. *Effectivity.*** This Act shall take effect fifteen (15) days following its
2 publication in the Official Gazette or in a major newspaper of general circulation in the
3 Philippines.

Approved,