

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

8 JUL 21 P3:07

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SENATE  
S. No. 2451

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Introduced by **Senator Richard J. Gordon**

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### EXPLANATORY NOTE

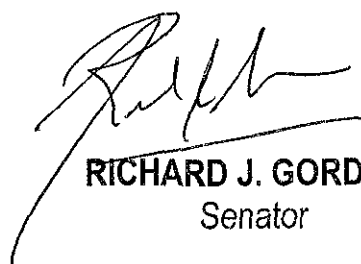
The Philippines has been ravaged by numerous disasters ranging from floods and thunderstorms to typhoons, landslides, earthquakes and volcanic eruptions. These natural disasters harm the safety and lives of our citizens and cause considerable damage to property. Although we wish to avoid these disasters, their recurrence remains highly probable considering the geographical and climatic conditions of our country.

As a disaster-prone country, the Philippines needs to strengthen mechanisms for effectively communicating and disseminating disaster risk information and early warnings to all sectors of the population. Effective communication of disaster risk information, including early warning, enables people to act to reduce their risk and safeguard their lives and livelihoods. Effective risk reduction communication and dissemination strategies ensure that information is understandable and reaches all those people who need it in time to make appropriate decisions.

Currently, various emergency hotlines exist all over the country, as established and administered by respective local government units. To achieve a concerted effort to efficiently manage hazards and emergencies, however, it is imperative that a national emergency alert system be established under the supervision of the Secretary of the Department of Transportation and Communications, with the participation of various government agencies and the private sector.

The process of communicating risk and preparing communities to respond to warnings is an opportunity to raise awareness and build ownership of risk reduction, thus empowering communities and the whole population of all ages. Usually in early warning systems it is communication, dissemination and preparedness to respond to warnings that are the weakest links.

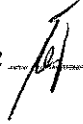
For these reasons, the passage of this bill is urgently sought.

  
**RICHARD J. GORDON**  
Senator

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

8 JUL 21 P3:32

SENATE  
S. No. 2451

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Introduced by **Senator Richard J. Gordon**

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**AN ACT  
ESTABLISHING A NATIONAL EMERGENCY ALERT SYSTEM FOR DISASTER AND  
HAZARDS MANAGEMENT IN THE PHILIPPINES,  
PROVIDING FUNDS THEREFOR AND FOR OTHER PURPOSES**

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

**SECTION 1. Title.** - This Act shall be known as the "National Emergency Alert System Act of 2008."

**Sec. 2. Declaration of Policy.** - It is the policy of the State to carry out its responsibilities to alleviate the suffering of its people caused by natural and man-made hazards. Towards this end, the State shall promote the people's general welfare through comprehensive plans and practicable programs for hazard management, including the establishment of a communication network to expedite the exchange of vital information.

**Sec. 3. Establishment of National Emergency Alert System.** - There is hereby established a National Emergency Alert System that will:

(1) Enable appropriate government agencies or instrumentalities, including local government units, with credentials issued by the Department of Transportation and Communications to alert the public to any imminent threat from natural phenomena, accidents, natural disasters, terrorist activity, and other emergency situations that present a significant risk of injury or death to the public;

(2) Be coordinated with and supplement existing local emergency warning and alert systems;

(3) Be flexible enough in its application to permit narrowly targeted alerts in circumstances in which only a small geographic area is exposed or potentially exposed to the threat; and

(4) Transmit alerts across the greatest possible variety of media, including broadcast, cable, and satellite television and radio, wireless telecommunications, and hardwire telecommunications, and the Internet, to reach the largest portion of the affected population.

**Sec. 4. Capabilities.** - The National Emergency Alert System shall incorporate multiple technologies for effecting mass communications and be designed to adapt to future technologies for communicating directly with the public, especially traditionally underserved communities. The System may not interfere with existing alert, warning or emergency communications systems employed by national or local emergency response personnel and shall be designed to provide alerts over as diverse a group of media as possible, to include digital and analog broadcast, cable, and satellite television and radio, wireless telecommunications, and landline communications and technologies for communicating within rural communities.

**Sec. 5. Official Access and Activation.** - The Secretary of Transportation and Communication shall implement procedures to ensure that:

(1) the System is available to, and enables, credentialed agencies under Section 7 of this Act and their personnel to access and utilize the System and to provide geographically targeted alerts where such alerts are appropriate; and

(2) the System is available to, and enables, national and local public safety officials to provide alerts for hazards within their respective jurisdictions, verify the legitimacy and authenticity of a proffered System alert, ensure the proffered alert's compliance with regulations established by the Department, and guarantee the integrity of a System alert from the point of origination to delivery.

**Sec. 6. Public Reception of Alerts.** - The System shall:

(1) utilize multiple technologies for providing alerts to the public, including technologies that do not require members of the public to activate a particular device or use a particular technology to receive an alert provided via the System;

(2) provide redundant alert mechanisms where practicable so as to reach the greatest number of people regardless of whether they have access to, or utilize, any specific medium of communication or any particular device; and

(3) incorporate means by which an individual may remove a passive alert device from the System or otherwise block alerts transmitted through the device to

the individual on a device owned or controlled by that individual.

**Sec. 7. System Implementation and Use.**

(1) *Issuance and Review of Credential Requests.* - The Secretary shall establish a process and specific eligibility criteria for issuing, renewing, and revoking access credentials to public officials with responsibility for issuing safety warnings to the public. The Secretary shall further ensure that the credentials permit use of the System only for alerts that are consistent with the jurisdiction, authority and basis for eligibility of the individual credentialed to use the System.

(2) *Periodic Training.* - The Secretary shall establish a periodic training program for individuals credentialed to use the System and require credentialed individuals to undergo periodic training under the program as a prerequisite for retaining their credentials to use the System.

(3) *Access Points.* - The System shall provide widely dispersed multiple access points to credentialed individuals to input appropriate alerts into the System for retransmission to citizens. It shall provide system redundancies to ensure functionality in the event of partial system failures, power failures, or other interruptive events.

(4) *Election to Carry Service, Withdrawal from or Later Entry into the System.* - The Secretary shall provide for the manner of election by any licensee providing commercial communication or mobile services to participate in the transmission of System alerts in a manner consistent with the standards and protocols implemented by the Department. The Secretary shall require any such licensee who elects not to participate in the transmission of System alerts to disclose to potential subscribers to its service, at the point of sale of any devices with which its service is included, that it will not transmit System alerts via its service. The Secretary shall further establish a procedure for participating licensees to withdraw from the System.

(5) *Limitation of Liability.* - A licensee described in paragraph (4) shall not be liable to any subscriber to, or user of, such licensee's mobile service for:

(A) Any act or omission related to or any harm resulting from the transmission of, or failure to transmit, a System alert to such subscriber or user;

(B) The failure, deficiency or malfunction of any network, equipment, or facility of the provider or any other person, or the lack of coverage or network capacity;

(C) The discontinuation of service or the unavailability of any networks, equipment or facility of the provider or any other person; or

(D) The release to a government agency or entity, public safety, fire service or law enforcement official or emergency facility of subscriber information related to emergency alert messages.

**Sec. 8. Working Group on the National Emergency Alert System.** - Not later than 60 days after the effectivity of this Act, the Secretary shall establish a working group, which he or she shall chair, to be known as the Working Group on the National Emergency Alert System. The membership of the Working Group shall include appropriate personnel from the Department of Interior and Local Government (DILG), National Telecommunications Commission (NTC), Philippine Atmospheric Geophysical and Astronomical Services Administration (PAGASA), Philippine Institute of Volcanology and Seismology (PHIVOLCS) and Office of Civil Defense (OCD) of the Armed Forces of the Philippines. The chair may also include in the Working Group representatives of other government agencies as appropriate:

The Working Group shall include representatives from local government units and representatives of emergency services personnel, selected by national organizations representing such governments and personnel.

Membership in the Working Group shall be open to representatives of communications service providers; and vendors, developers, and manufacturers of facilities, equipment, and capabilities for the provision of communications services; who have the requisite technical knowledge and expertise to assist the Working Group in the fulfillment of its duties.

**Sec. 9. Acceptance of Gifts and Grants.** - The Working Group may accept, use and dispose of gifts or grants of services or property, both real and personal, for purposes of aiding or facilitating its work. Gifts or grants not used upon the expiration of the Working Group shall be returned to the donor or grantor.

**Sec. 10. Implementing Rules and Regulations.** - Within 120 days from the effectivity of this Act, the Working Group shall transmit to the Secretary for approval such rules and regulations for the proper implementation of the National Emergency Alert System, pertaining to the following:

(1) A description of the emergency alert service to be provided by the System;

- (2) Guidelines for the technical capabilities of the System;
- (3) Guidelines for technical capability that provides for the priority transmission of System alerts;
- (4) Guidelines for the other capabilities of the System as specified in this Act; and
- (5) Standards to which the equipment and technologies in the System must conform.

The Secretary shall cause to be published once a week for two consecutive weeks in two newspapers of general circulation the rules and regulation promulgated pursuant to this section.

**Sec. 11. *Separability Clause.*** - If any provision of this Act or any part hereof be declared unconstitutional or invalid, the remainder of this Act or any provision not affected thereby shall remain in force and effect.

**Sec. 12. *Repealing Clause.*** - All laws, orders, proclamations, rules and regulations, or part thereof which are inconsistent with any provision of this Act are hereby repealed or modified accordingly.

**Sec. 13. *Effectivity.*** - This Act shall take effect fifteen (15) days following the completion of its publication in the Official Gazette or in at least two newspapers of general circulation.

Approved,