

9 OCT 13 PM '93

**SENATE**

**Senate Bill No. 3480**

RECEIVED



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Introduced by:

Senator Francis N. Pangilinan

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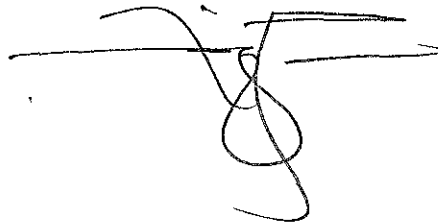
**EXPLANATORY NOTE**

The Philippines has a tropical climate but being located straddling the typhoon belt, most of the islands experience annual torrential rains and thunderstorms from July to October. Annual rainfall measures as much as 5,000 milliliters in mountainous east coast section but less than 1,000 millimetres in some of the sheltered valleys. In the last decade, the Philippines has been stricken relentlessly by natural disasters and calamities. In 2005, Central Luzon was hit by both a drought, which harshly reduced hydroelectric power, and by a typhoon that flooded almost all of Manila's streets.

Recently, typhoon Pepeng (international codename Parma) hit the country exactly one week after tropical storm Ondoy (international codename Ketsana) plummeted the heaviest rains in more than four decades in Metro Manila and nearby provinces, which left more than 300 people dead. Meanwhile, the aftermath of typhoon Pepeng left several towns in northern Luzon isolated due to floods and landslides, with 193 people dead and damaged crops and infrastructure estimated at over Five Billion Pesos (Php 5,000,000,000.00). President Gloria Macapagal-Arroyo declared a state of calamity through the issuance of Presidential Decree No. 1898.

Despite of P.D. No. 1898, the government failed to deliver the basic needs like food, clothing and shelter of the typhoon-stricken victims in Manila and nearby provinces. Pre-emptive evacuation was not strictly implemented. Medical assistance was not timely rendered. Relief operations were unreasonably delayed. In light of the recent calamities, a national commission should be created to undertake fact-finding investigation of the causes, circumstance, costs and actions to be taken in order to avoid the massive destruction caused by typhoon Pepeng and tropical storm Ondoy. Among others, the Commission shall conduct a comprehensive fact-finding investigation of said disasters and calamities and to determine the role of private corporations in the release of water in increment levels from dams, as well as public officials to timely inform and issue a public warning that increment levels of water are to be released and the government agencies tasked to implement pre-emptive evacuation and to conduct effective and prompt relief operations.

Accordingly, the approval of this bill is earnestly sought.



9 OCT 13 PM 03

**SENATE**

**Senate Bill No. 3480**

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Introduced by:

Senator Francis N. Pangilinan

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**AN ACT CREATING A COMMISSION  
TO CONDUCT A COMPREHENSIVE FACT-FINDING INVESTIGATION  
OF THE CAUSES, CIRCUMSTANCES, COSTS AND ACTIONS  
TO BE TAKEN IN LIGHT OF THE DISASTERS AND CALAMITIES DUE TO  
TROPICAL STORM ONDOY AND TYPHOON PEPENG,  
RECOMMEND MEASURES TO PREVENT THE OCCURRENCE OF SIMILAR  
TRAGEDIES BROUGHT ABOUT BY THESE CALAMITIES,  
AND FOR OTHER PURPOSES**

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

**Section 1. Creation, Objectives and Powers.** – There is hereby created an independent Commission which shall investigate all the causes, circumstances, costs and actions to be taken in light of the disasters and calamities due to tropical storm Ondoy and typhoon Pepeng, and recommend measures to prevent similar tragedies brought about by these calamities.

To attain these objectives, the Commission shall:

- (a) Conduct a comprehensive fact-finding investigation of said disasters and calamities due to tropical storm Ondoy and typhoon Pepeng and the active participation therein of private citizens and private corporations in the release of water in increment levels from dams, as well as public officials to timely inform and issue a public warning that increment levels of water are to be released and the government agencies tasked to implement pre-emptive evacuation and to effectively conduct relief operations, evaluate all the facts and circumstances of the same, and submit its findings and recommendation to the President, the Congress, and other appropriate authorities not later than six (6) months from the effectivity of this Act;
- (b) Receive, review and evaluate the evidence adduced and to this end, summon witnesses, administer oaths, take testimony, or receive evidence relevant to the investigation, and to issue subpoena ad testificandum or subpoena duces tecum to produce documents, books, records and other papers;
- (c) Recommend a rehabilitation plan to replace and repair the infrastructure, both public and private, that has been damaged, ruined and destroyed by tropical storm Ondoy and typhoon Pepeng;
- (d) Turn over to the appropriate prosecutorial authorities all evidence involving any person when in the course of its investigation, the Commission finds that there is

reasonable ground to believe that he/she appears to be liable for any criminal offense in connection with said disasters and calamities due to tropical storm Ondoy and typhoon Pepeng. and;

(e) Exercise such other acts incident to or are appropriate and necessary in connection with the objectives of this Act.

**Section 2. *Bar Against Court Injunction; Exception, Supreme Court.*** – No court, except the Supreme Court, shall issue any restraining order or preliminary injunction on any matter involving the official acts of the Commission pursuant to this Act.

**Section 3. *Composition, Qualification and Salary.*** – The Commission shall be composed of a Chairman and four (4) members who shall be appointed by the President. The Chairman and members shall be citizens of the Philippines, at least thirty-five (35) years of age, and have an established reputation for integrity, honesty, probity and professional competence. They shall receive the same salary as the Chairman and members, respectively, of the Constitutional Commission.

**Section 4. *Tenure and Turn Over of Records.*** – The Commission is hereby given six (6) months from the effectivity of this Act to attain the objectives set forth herein. Two (2) months after the lapse of said period, the Commission shall be functus officio, and shall turn over all its records, assets and properties to the Department of Justice.

**Section 5. *Orderly Conduct of Proceedings.*** – The Commission shall adopt rules and procedures for orderly conduct of its investigation, proceeding and hearing, including the presentation of evidence. The rules of evidence under the Revised Rules of Court shall have suppletory application.

**Section 6. *Conduct of Hearings.*** – Proceedings and hearings of the Commission, sitting en banc, shall be open to the public. The Commission may, motu proprio or upon request of the person testifying, hold an executive or closed-door hearing where matters of national security or public safety are involved or the personal safety of the witness warrants the holding of such executive or closed-door hearing. The Commission shall prescribe the rules to govern such executive or closed-door hearings.

Any person called to testify before the Commission shall have the right to counsel at any stage of the proceedings.

**Section 7. *Right Against Self-Incrimination; Protection of Witness.*** – No person shall be excused from attending and testifying or from producing documents, books, records, correspondence, or other evidence in obedience to a subpoena issued by the Commission on the ground that his testimony or other evidence required of him may tend to incriminate him or subject him to penalty or forfeiture. After having invoked his right against self-incrimination, his testimony or any evidence produced by him shall not be used against him in any proceedings, except for perjury committed in so testifying.

The Commission shall protect any person called to testify by providing the necessary and reasonable security arrangements with the assistance and cooperation of the Armed Forces of the Philippines and other appropriate government agencies.

**Section 8. *Immunity from Criminal Prosecution.*** – The Commission is authorized to grant immunity from criminal prosecution to any person who provides information or testifies in any investigation conducted by it where, upon its evaluation, such information or testimony is necessary and vital to the investigation. The immunity thereby granted shall continue to protect the witness who repeats such testimony before the appropriate court when required to do so by the latter. Should he refuse to repeat such testimony, the immunity granted him shall cease.

**Section 9. *Direct or Indirect Contempt.*** – The Commission may hold any person in direct or indirect contempt, and impose appropriate penalties therefor.

A person guilty of misbehavior in the presence of or so near the Commission as to obstruct or interrupt the proceedings before the same, including disrespect towards its officials, offensive personalities towards other, or refusal to be sworn or to answer as a witness or to subscribe to an affidavit or deposition when lawfully required to do so, may be summarily adjudged in direct contempt by the Commission and punished with a fine not exceeding Five thousand pesos (P5,000.00) or imprisonment not exceeding thirty (30) days or both. The judgment of the Commission on direct contempt shall be final and not appealable.

Indirect contempt shall be dealt by the Commission in the manner prescribed under Rule 71 of the Revised Rules of Court.

**Section 10. *Personnel of the Commission.*** – The Chairman shall have the power to engage the services of such persons or personnel including a Commission Counsel, Deputy Commission Counsel(s) or such other officials as may be required for the effective performance of its functions and responsibilities, to fix their duties and compensation, to organize the structure and staffing pattern of the Commission; and to authorize the payment of honoraria and/or allowance for deputized officers and officials subject to the pertinent accounting and auditing rules and procedures. The persons, appointed, designated, deputized or contracted by the Commission shall be subject to the Civil Service Law, rules and regulations.

**Section 11. *Promulgation of Rules and Regulations; Publication of Rules and Reports.*** – The Commission shall have the power to promulgate its rules and regulations, enter into contracts, and perform any and all other acts necessary or incidental to the attainment of the objectives of this Act.

Commission rules and regulations shall be published in at least two (2) national newspapers of general circulation and shall take effect two (2) days after its publication. The final report to the President and to Congress shall be published.

**Section 12. *Role of Other Government Agencies.*** – The Commission may call upon any government investigative and prosecutorial agency, including the National Bureau of Investigation and the Philippine Constabulary/Integrated National Police, to make available their offices, personnel and facilities to attain the objectives of this Act.

**Section 13. *Appropriations.*** – The sum of Ten million pesos (P10,000,000.00) is hereby provided to the Commission, chargeable against the Contingent Fund. The said amount shall automatically be released to the Commission for disbursement by it in accordance with the auditing rules and regulations.

**Section 14. *Applicable Law in Case of Conflict.*** – The provisions of this Act shall prevail over other laws, acts, executive orders, administrative orders, issuances, rules and regulations or parts thereof, of the Revised Rules of Court as regards the subject matter of this Act.

**Section 15. *Separability Clause.*** – If any provision of this Act is declared unconstitutional, the same shall not affect the validity and effectivity of the other provisions hereof.

**Section 16. *Effectivity.*** – This Act shall take effect two (2) days following its publication in at least two (2) national newspapers of general circulation.

Approved,