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SENATE
S. B. **1987**

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Introduced by Senator Poe

EXPLANATORY NOTE

Damage to public infrastructure, tourist attractions and world heritage sites was massive in the wake of a powerful 7.2 temblor that hit Central Visayas on October 15, with epicenter at Sagbayan in Bohol province. The provinces of Bohol and Cebu—famed for centuries-old churches and major tourism areas—were badly damaged, as experts warned that rebuilding tourist attractions would take months, if not years. The quake was immense that ground shaking was also felt in Siquijor, Negros Oriental and provinces in Northern Mindanao.

According to the National Disaster Risk Reduction and Management Council, the earthquake left 222 people dead, 976 injured and eight missing.

Operations at the Tagbilaran Airport in Bohol have since returned to normal, albeit a reported damage in the airport terminal due to the quake. Municipal halls of at least eight towns, several classrooms and hospitals were partially or totally damaged, while roads and bridges were destroyed which rendered them impassable and left several areas isolated. A fault line was recently discovered by state scientists which may have been the cause of the quake and several sinkholes were reported in Bohol in the quake's aftermath.

This bill seeks to establish the Bakod Central Visayas to assess the extent of the damage of the quake in the region, formulate priorities for the relief and rehabilitation of the impacted areas and carry out the development plan—both short- and long-range—for Bohol and the rest of Central Visayas.

The legislation is for the people of Bohol, Cebu, Negros Oriental, Siquijor, Northern Mindanao, and is a counterpart measure of House Bill No. 3229 filed by Bohol Representatives Arthur C. Yap (3rd district), Erico Aristotle C. Aumentado (2nd district) and Rene R. Relampagos (1st district). Early recognition of this Bill is requested.


GRACE POE



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SENATE
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AN ACT
ESTABLISHING THE BAKOD CENTRAL VISAYAS COMMISSION FOR THE AID, RECONSTRUCTION, RELIEF, REHABILITATION, HOME REBUILDING FINANCING SUBSIDY, LIVELIHOOD GENERATION AND EMPLOYMENT SERVICES, PUBLIC INFRASTRUCTURE REBUILDING, AND HERITAGE STRUCTURES AND TOURISM SITES RESTORATION, FOR THE VICTIMS AND AFFECTED AREAS OF THE OCTOBER 15, 2013 EARTHQUAKE, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES

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

Section 1. Short Title. - This Act shall be known as the "Bakod Central Visayas Act of 2013"

Section 2. Declaration of Policy. -- It is hereby declared the policy of the State to assist the people of Central Visayas, particularly Bohol, Cebu, Negros Oriental and Siquijor in rising from the October 15, 2013 earthquake by extending to them aid, relief, rehabilitation, home building financing subsidy, housing resettlement, livelihood and employment services, public infrastructure rebuilding and heritage structures and tourism sites restoration to the end that life may return to normalcy at the earliest possible time and the development of the Central Visayas region may be accelerated.

Section 3. Statement of Objectives and Guidelines. – This Act is intended to help the victims of the Bohol earthquake which greatly affected the Central Visayas. It aims to provide funds for the immediate relief of the victims; to provide medium to long term medical and psychological aid to the physically and psychologically distressed; to subsidize the rebuilding of family homes; establishing resettlement centers for displaced families; to provide livelihood and employment opportunities; to repair, reconstruct or replace public infrastructure damaged or destroyed; to restore heritage churches and other architectural structures and tourism sites; and to construct new infrastructure facilities for the community. Moreover, the restoration, reconstruction, or rehabilitation of any infrastructure must be in accordance with sound standards that will ensure its resilience to earthquakes and effects of climate change.

The term "victims" as used in this Act refers to the following:

- a) Individuals who have died, sustained injury, disappeared and/or psychologically distressed as a result of the aforementioned earthquake.
- b) Individuals who were displaced or suffered death in the family as a result of the aforementioned earthquake who need and deserve assistance; and
- c) Individuals whose home have been destroyed or rendered uninhabitable and those who have lost permanently their livelihood as a direct result of the Bohol earthquake who similarly need and deserve assistance.

Section 4. Guidelines in the Allocation of funds. – The government funds and resources herein appropriated shall be spent judiciously and effectively in consonance with the principle of providing the greatest good for the greatest number. Accordingly, the following guidelines shall be observed in allocating the funds made available under this Act.

- a) The first priority shall be given to emergency rescue and relief humanitarian efforts, including the grant of immediate medical assistance, food sustenance and emergency shelter;
- b) The second priority shall be the grant of subsidy for rebuilding of family homes;
- c) In the construction or repair and reconstruction of public infrastructure and facilities, priority shall be given to the construction of resettlement centers, and such other projects as roads, bridges, hospitals, school buildings, communication and power lines, irrigation and water systems, and the like;
- d) Aid relief, resettlement, rehabilitation and livelihood services shall be equitably extended to all victims, irrespective of political or party affiliation, sex, creed, religious belief, or ethnic origin, giving emphasis to livelihood and employment opportunities; and
- e) No money shall be released without an identified program and project nor shall it be used to pay obligation incurred before the approval of this Act.

Section 5. Establishment of Bakod Central Visayas. – For purposes of this Act, there is hereby created the Bakod Central Visayas to implement the development program envisioned in this Act.

The Bakod Central Visayas shall be organized within thirty (30) days after the approval of this act. It shall have a term of five (5) years from its organization: provided, that the President by proclamation may, within six (6) months prior to the expiration of the term, extend the period of its existence once for not more than three (3) years.

Such amount as may be necessary for the initial organization and/or operational expenses of the Commission shall be set aside from the amount herein appropriated.

For administrative purposes, the Commission shall be attached to the Office of the President.

Section 6. Powers of the Commission. – To carry out its objective under this Act, the Commission shall have the following powers:

- a.) To formulate policies and plans for the aid, relief, rehabilitation, rebuilding and livelihood and employment services as well as infrastructure support in harmony with the other plans and policies of the National Government;
- b.) To approve the financing subsidy to individual family homes rebuilding, up to a maximum amount of Fifty Thousand Pesos (Php 50, 000.00) per family.
- c.) To make a determination of the permanent danger zones, if any, to spare communities and/or minimize future damage to lives, habitation, infrastructure, agricultural and other resources;
- d.) To prioritize and coordinate the implementation of the various programs and project of the Commission;
- e.) To inspect the damage of the heritage structures, cultural treasures, national historical landmarks and tourism sites, establish the severity damage, identify property that may immediately need to be secured, draw up priorities for restoration, estimate the amount of human and financial resources necessary and establish important linkages with private stakeholders;
- f.) To sue and be sued in its name, and to adopt, alter and use a seal;
- g.) To enter into, make, perform and carry out contracts of every class, kind and description which are necessary to the realization of its purposes with any person, firm or

- corporation, private or public, and upon consultation with the President, with foreign government entities, subject to the usual accounting and auditing requirements;
- h.) To apply for, receive and accept grants and donation of funds, equipment, materials and services needed for the development of the area, within and outside the Philippines;
 - i.) To monitor the progress of the relief, rehabilitation, rebuilding, restoration, livelihood and employment as well as infrastructure support programs and projects;
 - j.) To coordinate and consult with concerned national and local officials, both elective and appointive, as well as accredited non-government organizations (NGOs) in the prioritization and prosecution of the programs and projects;
 - k.) To call upon any department, office, instrumentality, agency, or any political subdivision of the Government for such assistance as may be necessary for the attainment of the objectives of the Commission; and
 - l.) In general, to perform such other powers as may be necessary and proper to carry out the purpose of this Act.

Section 7. Composition of the Commission. – The Commission shall be composed of eleven (11) members to be appointed by the President, six (6) being ex-officio members from the public sector and five (5) representatives from the private sector, including the: The Secretary of Social Welfare and Development, The Secretary of Public Works and Highways, The Secretary of Housing and Urban Development Council, Secretary of Tourism, the Chairman of the National Commission for Culture and the Arts; two (2) representatives of experts from recognized associations of land use planners, architects or civil engineers, one (1) being from Central Visayas; two (2) representatives of eminent organizations on heritage and cultural landmarks conservation and restoration, one (1) being from Central Visayas; and one (1) representative from recognized non-government organizations with proven record in disaster prevention, mitigation, emergency and relief work and rescue operations. The President shall designate from among the members of the Cabinet to be the Chairman thereof.

The members from the private sector of the Commission shall serve for five (5) years unless sooner removed for cause, the ex-officio members shall not be entitled to any compensation except for reasonable per diem for meetings.

Section 8. Executive Director; Powers and Responsibilities. – The President shall appoint an Executive Director of the Commission, who shall serve as the chief executive officer. He shall serve until such time as the Commission is dissolved or unless sooner removed from office by the President. He shall have the following powers and functions:

- a) Executive and administer the policies and decisions of the Commission;
- b) Directly coordinate the activities of all agencies and instrumentalities of the Government in the planning and implementation of the projects on site;
- c) Monitor the programs and projects and evaluate the effects of execution by these agencies and instrumentalities and submit to the Commission periodic reports relating to the development of the areas; and
- d) Perform such other functions as are inherently necessary in the operational management of the areas developed in accordance with the policies and guidelines formulated by the Commission.

Section 9. Implementation. – The survey, construction or repair and reconstruction of damaged, destroyed, required or alternate public infrastructure, facilities and tourism sites, and heritage structures, as permissible under pertinent laws, shall be undertaken by the implementing government agencies concerned under the Procurement Reform Law, or Republic Act 9184, subject to the usual accounting and auditing rules and regulations.

The department and agencies of the Government involved with the aid, reconstruction, relief, resettlement, rehabilitation and livelihood services as well as infrastructure support shall submit to the Commission every quarter the data and information required under Section 12 hereof.

Section 10. Appropriation Clause. – To carry out the purpose of this act, the sum of Twenty Billion Pesos (P20, 000,000,000) is hereby appropriated out of any available funds in the National Treasury not otherwise appropriated.

Section 11. Preferences for Local Residents. – Residents in the affected areas, especially the victims, shall be given preference in hiring or employment in the construction or repair and reconstruction of damaged or destroyed public infrastructure in all other projects.

Section 12. Reports to Congress. – The Commission shall submit to the President and to Congress a detailed quarterly report on the funds allocated indicating the amount released, obligated and disbursed for:

- a) Aid, relief, medical assistance, home rebuilding financing, resettlement, rehabilitation and livelihood services including the list of name of approved individual beneficiaries and contractors and the evaluation of the effectiveness of the delivery systems of such services; and
- b) Construction or repair and reconstruction of infrastructure projects, including the list of contractors and projects being financed, and the accomplishments for the expended appropriations, including the percentage of completion.

The Commission shall also submit as part of the quarterly report a list of local and foreign donors and the nature of their donations, the projects funded and the list of beneficiaries.

The Department of Budget and Management shall likewise submit a report of the total allotment and cash and cash releases to all departments/agencies to the Committee on Finance of the Senate and the Committee on Appropriations of the House of Representatives ten (10) days after the end of every month.

Section 13. Prohibition against Running for Public Office. – An officer or employee of the Commission shall not be qualified to be a candidate for public office for the election next following his resignation or separation. This prohibition does not apply to the Chairman and ex-officio members of the Commission.

Section 14. Punishable Acts. – Any person who takes advantage of the calamity by buying and selling relief goods which he knows or should be known to him as intended for donation, or misrepresenting the source of relief goods, or submitting or approving a false or inflated claim shall be prosecuted and, upon conviction, suffer a fine of not less than Fifty thousand pesos (50,000) nor more than One hundred thousand pesos (P100,000.00) or imprisonment for not less than six (6) years nor more than fifteen (15) 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 any prohibited interest. 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 and, if such is an alien, he shall, in addition to the penalties prescribed, be deported without further proceedings after service of sentence.

Section 15. Rules and Regulations. – The President shall, within ten (10) days after the organization of the Commission, issue the necessary rules and regulations for the effective implementation of this Act.

Section 16. – Transfer of Operating Funds, Records, Assets and Liabilities. – All operating funds, records, properties, other assets and liabilities of all government agencies tasked with relief and other operations for the October 15, 2013 earthquake are hereby transferred to the Commission.

Section 17. Separability Clause. - If any provision of this Act, or any parts thereof, is declared unconstitutional, the same shall not affect the validity and effectivity of the other portions.

Section 18. Repealing Clause. -- All laws, executive orders, presidential decrees, proclamations, rules, regulations, issuances and enactments of parts thereof inconsistent with this Act are hereby repealed or modified accordingly.

Section 19. Effectivity. This Act Shall take effect fifteen (15) days from its complete publication in the Official Gazette of in a newspaper of general circulation in the Philippines, whichever comes earlier.

Approved.