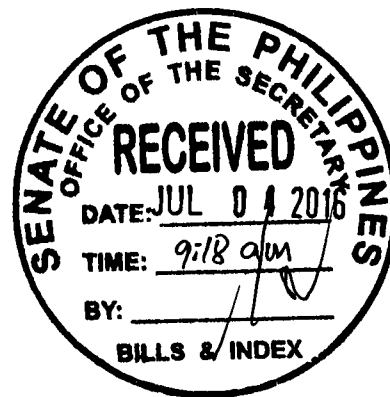


SEVENTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

SENATE

S. No. 287



Introduced by Senator Antonio "Sonny" F. Trillanes IV

AN ACT
ESTABLISHING THE EMERGENCY MANAGEMENT AGENCY (EMA),
AMENDING FOR THIS PURPOSE REPUBLIC ACT NUMBERED 10121, AND FOR
OTHER PURPOSES

EXPLANATORY NOTE

Our country is ravaged year after year by numerous emergencies of all sorts – from natural calamities like lahar flows which devastated most parts of Luzon, volcanic eruptions, earthquakes and typhoons which routinely pummel the country every year, to man-made disasters like the 2013 Zamboanga Siege. 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.

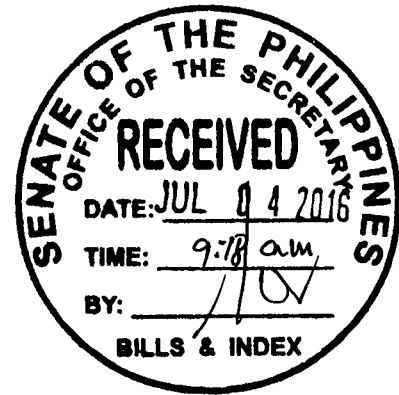
The best we can do is to be prepared and to be on the lookout in order to prevent emergencies from intensifying into full-scale disasters. Through this piece of legislation, the undersigned proposes the creation of a permanent, full-time national agency under the Office of the President to help the country plan and prepare for emergencies. It is proposed that this agency take over the National Disaster Risk Reduction and Management Council (NDRRMC) and undertake disaster mitigation and preparedness measure, as well as quick response mechanism, which will allow us to reduce the risk 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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Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

1 **SECTION 1. Short Title.** - This Act shall be known as the "Emergency Management
2 Agency Act of 2016."
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
- 10 b) Achieve excellence in civil protection through hazard reduction and disaster
11 management at all levels of the Philippine society by establishing a coherent, integrated,
12 proficient and responsive disaster risk management system, whereby national and
13 regional development plans incorporate hazard risk reduction management as
14 components of an integrated and coordinated strategy for sustainable development;
15
- 16 c) Strengthen the institutional structures for coordination, implementation and enforcement
17 of policies for the promotion of hazard management and disaster management by
18 providing a basis for aligning local planning with a national framework and national
19 plan;
20
- 21 d) Recognize, support and strengthen local community capacities by encouraging them to
22 achieve acceptable levels of risk for undertaking the primary responsibility in reducing
23 risk from hazards and managing disasters;
24
- 25 e) Support, strengthen and encourage the coordination of local government units when
26 reducing risk from hazards, preparing for, responding to, and recovering from disasters
27 or emergencies, whether natural or man-made;

- 1 f) Enhance the participation of the private sector, particularly the lifeline utilities, non-
2 government organizations, and other community-based organizations in the development
3 and delivery of disaster risk management and "bayanihan" among the citizenry; and
4
5 g) Adopt in full the universal norms and principles in humanitarian assistance as one of the
6 concrete steps in preventing or alleviating human suffering due to disasters or calamities.

7 **SEC. 3. Definition of Terms.** - As used in this Act, the following terms are defined as
8 follows:

- 9 a) "*Community-Based Disaster Management (CBDM)*" refers to activities, projects and
10 programs to reduce disaster risk which are primarily designed by people living in high
11 risk localities based on their needs and capacities and in close coordination with their
12 respective local disaster coordinating councils.
13
14 b) "*Director*" refers to the Director of the Office of the Emergency Management Agency.
15
16 c) "*Disaster*" is an event, natural or man-made, sudden or progressive, which impacts with
17 such severity on people's lives and properties, livelihood, essential services, lifelines and
18 major public infrastructures, and the environment, that the affected community has to
19 respond with exceptional measures or otherwise requires a significant and coordinated
20 response under this Act.
21
22 d) "*Disaster Management Councils*" refers to all nucleus organizations established at the
23 national, regional, provincial, city, municipal, and barangay levels to carry out the
24 disaster management activities as defined under this Act.
25
26 e) "*Disaster Response Operations*" refers to any concerted effort by two or more agencies,
27 public or private, to provide emergency assistance to the victims of a disaster or calamity
28 and in the restoration of essential public activities and facilities.
29
30 f) "*Disaster Risk Management*" refers to the application of knowledge, measures and
31 practices that are necessary or desirable for the safety of the public and are designed to
32 guard, prevent, reduce or overcome any hazard or harm or loss that may be associated
33 with any disaster. It includes all activities relating to hazard mitigation and prevention,
34 response preparedness and relief; and long-term recovery, rehabilitation and
35 reconstruction.
36
37 g) "*Disaster Mitigation*" refers to the measures aimed at minimizing the impact of a natural
38 or man-made disaster on a nation or community, in terms of casualties and damages.
39
40 h) "*Disaster Preparedness*" refers to pre-disaster actions and measures being undertaken to
41 avert or minimize loss of life and property, such as but not limited to community
42 organizing; training, planning, equipping, stockpiling, hazard mapping and public
43 information and education initiatives.
44
45 i) "*Disaster Prevention*" refers to measures designed to prevent natural phenomena from
46 causing or resulting in disaster or other related emergency situations. It is concerned with
47 the formulation and implementation of long range policies and programs to prevent or
48 minimize the occurrence of disasters on the basis of vulnerability analysis of all risks. It

1 also includes legislations and regulatory measures principally in the fields of physical
2 and urban planning, public works and buildings.

- 3 j) "*Emergency*" refers to unforeseen or sudden occurrence, especially danger, demanding
4 immediate action.
5
- 6 k) "*Hazard Mitigation*" relates to actions, practices or processes designed to reduce the
7 severity or level of harm of a hazard agent on the national community or any part
8 thereof.
9
- 10 l) "*Hazard Risk Reduction*" refers to activities that reduce the degree of long-term risk to
11 human life and property from natural and technological hazards.
12
- 13 m) "*Lifeline Utilities*" refers to entities that produce, generate, supply, distribute or provide
14 services or products that are essential for the effective functioning and maintenance of a
15 community.
16
- 17 n) "*National and Regional Development Plans*" has the same meaning as set out by NEDA.
18
- 19 o) "*National Disaster Management Plan*" is the disaster operational master plan formulated
20 and revised by the EMA, which sets forth the disaster response requirements of
21 participating parties.
22
- 23 p) "*National Disaster Risk Management Framework (NDRMF)*" is the overarching
24 guideline document for the development of disaster risk management practices and
25 processes for the Philippines. The NDRMF should be integrated in the National
26 Development Plan and budget.
27
- 28 q) "*Rehabilitation*" refers to the process by which the affected communities/areas or
29 damaged public infrastructures are restored to their proper or normal level of functioning
30 and to new measures introduced to reduce future hazards and risks.
31

32 **SEC. 4. Scope** - This Act provides for all the actions and measure pertaining to
33 hazard mitigation, disaster prevention/preparedness, response, and rehabilitation, and disaster
34 risk management as defined under this Act.
35

36 **SEC. 5. The Emergency Management Agency.** - The Office of the Emergency
37 Management Agency (EMA) is hereby created. EMA shall be an independent body and shall
38 have the same status as that of a national agency attached to the Office of the President.
39

40 The EMA shall be headed by a Board composed of a Director and two (2) Members,
41 to be appointed by the President of the Republic of the Philippines from a list of nominees
42 submitted by agencies and organizations active in disaster management, both in the public
43 and private sectors. All nominees must be considered experts in the field of emergency and
44 disaster management and of proven integrity and competence.
45

46 The Director and two (2) members shall serve for a term of five (5) years and their
47 positions considered as civil service career positions: *Provided*, That the Director or one of
48 the Members first appointed after the effectivity of this Act shall serve for an additional one
49 (1) year to ensure continuity of the programs. The Director shall have the same rank and

1 privileges of a department Secretary while the two (2) Members shall have the same rank and
2 privileges of the Undersecretaries of a department.

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

- 5 a) Formulate policies on emergency and disaster response and management, and develop
6 a comprehensive national Emergency and Disaster Prevention and Preparedness Plan.
7
- 8 b) Advise the President on the status of emergency and disaster response, recovery,
9 mitigation, risk reduction, prevention and preparedness efforts being undertaken by
10 concerned government and private entities.
11
- 12 c) Recommend to the President the declaration of a state of calamity in areas extensively
13 damaged and submit proposals to establish normalcy in the affected areas.
14
- 15 d) Ensure that all emergency and disaster preparedness and mitigation activities such as
16 training, public information and other programs/projects requiring regional and
17 international support shall be carried out in accordance with duly established national
18 policies.
19
- 20 e) Foster and facilitate the participation of non-government agencies in measures taken
21 by the government for emergency and disaster-related concerns.
22
- 23 f) Develop a national disaster risk management framework.
24
- 25 g) Render annual reports to the President and Congress.
26

27 **SEC. 7. The Emergency Management Agency Secretariat** - The EMA Secretariat
28 shall be formed to manage the day-to-day activities of the EMA. The Board shall determine
29 the staffing pattern and compensation scheme of the Secretariat subject to existing rules and
30 regulations.
31

32 The Secretariat shall be headed by an Executive Director who shall serve as the Chief
33 Operations Officer of the EMA. The Secretariat of the EMA shall take over the functions,
34 duties and responsibilities and assume the powers and authority vested by existing laws, rules
35 and regulations unto the National Coordinating Council (NDCC). It shall serve as the forum
36 for coordination and support of the different volunteer organizations established by the
37 Emergency Field Offices throughout the country.
38

39 **SEC. 8. The Emergency and Disaster Field Offices.** - Emergency and Disaster Field
40 Offices shall be established in every region, province, city, municipality and barangay.
41

42 The Emergency and Disaster Field Offices each headed by a Director, shall
43 coordinate all disaster management-related efforts with the provincial, municipal and
44 barangay authorities.
45

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

- 48 a) Formulate policies on emergency disaster response and management in accordance
49 with the national policies and the comprehensive national Emergency and Disaster

- 1 Preparedness and Prevention Plan set down by the Board, taking into account the
2 unique circumstances obtaining in their respective areas of jurisdiction.
- 3 b) Identify hazards/disaster risks in their areas of responsibility and draw up counter-
4 emergency and disaster plans/strategies.
- 5
- 6 c) Identify and source funding for specific emergency and disaster preparedness and
7 management projects.
- 8
- 9 d) In consultation with the affected province, municipality or barangay, identify
10 evacuation areas, whenever necessary.
- 11
- 12 e) Coordinate with agencies and organizations involved in emergency and disaster
13 management efforts within their jurisdiction: *Provided*, That the Board, by itself or
14 through the Secretariat, shall make all such coordinative efforts with similar entities
15 on the national and international levels.
- 16
- 17 f) Organize volunteers in their respective jurisdictions who can be mobilized to
18 undertake emergency or disaster related work.
- 19
- 20 g) Enforce curfews and compel forced evacuation whenever circumstances warrant such
21 actions.
- 22
- 23 h) Deputize all law enforcement agencies in enforcing laws designed to protect the
24 environment and prevent disasters, and in implementing its task mentioned in
25 paragraph of this section.
- 26

27 **SEC. 10. Responsibilities of Local Government. –**

- 28 (a) Every local government must establish a disaster management council for the
29 purposes of this Act.
- 30
- 31 (b) Every local government unit may unite with other local government units that have
32 common borders as a joint local government for the purposes of this Act.
- 33
- 34 (c) It shall be mandatory on the part of local governments to formulate their own local
35 ordinances to be consistent with the requirements of this Act.
- 36
- 37 (d) Local development plans shall incorporate risk reduction management as a strategy
38 sustainable development.
- 39
- 40 (e) Local government units must ensure that its actions in exercising or performing its
41 functions, duties and powers under this Act are not inconsistent with any national
42 disaster risk management requirement.
- 43

44 **SEC. 11. Importations and Donations of Food, Clothing, Medicines and Equipment**
45 **Relief and Rehabilitation and Other Disaster Management Related Supplies and**
46 **Equipment for Calamity-Affected Areas. -** The importations and donations of food, clothing,
47 medicines and equipment for relief and rehabilitation and other disaster management related
48 supplies are hereby authorized in accordance with Sec. 105 of the Tariff and Customs Code
49 of the Philippines, as amended, and the prevailing provisions of the General Appropriations

1 Act covering national internal revenue taxes and import duties of the national and local
2 government agencies.

3
4 Importations and donations under this Section shall be considered as importations by
5 and/or donations to the Emergency Management Agency, subject to the approval of the
6 Office of the President.

7
8 **SEC. 12. Release, Allocation and Accounting of the National Calamity Fund.** - The
9 National Calamity Fund (NCF) appropriated under the General Appropriations Act (GAA)
10 shall be used for aid, relief, rehabilitation, reconstructions and other works or services in
11 connection with calamities which may occur during the budget year or those that occurred in
12 the past two (2) years from the budget year, including training of personnel and other pre-
13 disaster activities and capital expenditures for pre-disaster operation, rehabilitation and other
14 related activities, in order of priority as may be determined by the EMA.

15
16 A Quick Response Fund (QRF) is hereby constituted to support the initial and
17 immediate disaster response operations and needs of the EMA and its participating agencies
18 for the current year. The amount necessary for the continuous funding of the QRF shall be
19 included in the annual General Appropriations Act.

20
21 The specific amount of the QRF for the EMP and appropriate participating agencies
22 shall be recommended by the EMA to the President and shall be administered by the EMA
23 and other recipient agencies; Provided that no portion thereof shall be used for administrative
24 expenses or as augmentation fund for regular agency programs, projects and activities not
25 related to current calamities or disasters.

26
27 All departments/agencies and local government units that were allocated with
28 calamity fund shall submit to the EMA their monthly statements on the utilization of calamity
29 funds and make an accounting thereof in accordance with existing accounting and auditing
30 rules.

31
32 **SEC. 13. Implementing Rules and Regulations.** - The EMA shall promulgate the
33 necessary rules and regulations for the effective implementation of this Act.

34
35 **SEC. 14. Separability Clause.** - If any provision of this Act shall be held
36 unconstitutional or invalid, the other provisions not otherwise affected shall remain in full
37 force and effect.

38
39 **SEC. 15. Repealing Clause.** - All laws, decrees, executive orders, proclamations and
40 other executive issuances or parts thereof, which are inconsistent with or contrary to the
41 provisions of this Act are hereby repealed or amended accordingly.

42
43 **SEC. 16. Effectivity.** - This Act shall take effect fifteen (15) days following its
44 publication in the Official Gazette or in a major newspaper of general circulation in the
45 Philippines.

Approved,