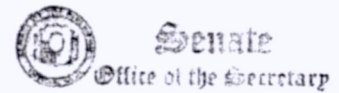


SENATE
S.B. No. 1922



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INTRODUCED BY: SENATOR EMMANUEL D. PACQUIAO

AN ACT ESTABLISHING THE DEPARTMENT OF DISASTER RISK REDUCTION AND MANAGEMENT, AMENDING THEREBY R. A. NO. 10121, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

The Philippine law has declared it a policy of the State to “uphold the people's constitutional rights to life and property by addressing the root causes of vulnerabilities to disasters, strengthening the country's institutional capacity for disaster risk reduction and management and building the resilience of local communities to disasters including climate change impacts.”

As a response, it is likewise declared as the policy of the State to adopt a holistic, comprehensive, and integrated disaster risk reduction and management approach to lessen the socioeconomic and environmental impacts of disasters including climate change alongside with strengthening the involvement and participation of all sectors and stakeholders concerned, especially the local community.

President Rodrigo Duterte has emphasized in his 3rd State of the Nation Address (SONA) that in order to further strengthen our country's efforts to reduce our vulnerabilities to natural hazards and bolster our resilience to the impact of natural disasters and climate change, we need a truly empowered department characterized by a unity of command, science-based approach and full-time focus on natural hazards and disasters, and the wherewithal to take charge of the disaster risk reduction, preparedness and response, with better recovery and faster rehabilitation.

For this purpose, this bill seeks to create a Department of Risk Reduction and Disaster Management to absorb and assume the functions of and replace the erstwhile National Disaster Risk Reduction and Management Council in order to further strengthen with focused continuity the efforts to reduce our vulnerabilities to natural hazards, and establish for our country and its localities a sustained resilience to the impact of natural disasters and climate change.

In view of the foregoing, approval of this bill is earnestly sought.

EMMANUEL D. PACQUIAO

SENATE

S.B. No. 1922

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AN ACT ESTABLISHING THE DEPARTMENT OF DISASTER RISK REDUCTION AND MANAGEMENT, AMENDING THEREBY R. A. NO. 10121, AND FOR OTHER PURPOSES

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

1 **SECTION 1. TITLE OF THE ACT.** – This Act shall be known as "*The Strengthened Disaster*
2 *Risk Reduction and Management Act of 2018.*"

3
4 **SEC. 2. DEFINITION OF TERMS.** – For the purpose of this Act, the definitions of the terms
5 defined in Republic ACT No. 10121 shall be adopted, as follows:

6
7 (a) "*Adaptation*" - the adjustment in natural or human systems in response to actual or
8 expected climatic stimuli or their effects, which moderates harm or exploits beneficial
9 opportunities.

10
11 (b) "*Capacity*" - a combination of all strengths and resources available within a
12 community, society or organization that can reduce the level of risk, or effects of a disaster.
13 Capacity may include infrastructure and physical means, institutions, societal coping abilities,
14 as well as human knowledge, skills and collective attributes such as social relationships,
15 leadership and management. Capacity may also be described as capability.

16
17 (c) "*Civil Society Organizations*" Or "*CSOs*" - non-state actors whose aims are neither
18 to generate profits nor to seek governing power. CSOs unite people to advance shared goals
19 and interests. They have a presence in public life, expressing the interests and values of their
20 members or others, and are based on ethical, cultural, scientific, religious or philanthropic
21 considerations. CSOs include nongovernment organizations (NGOs), professional
22 associations, foundations, independent research institutes, community-based organizations
23 (CBOs), faith-based organizations, people's organizations, social movements, and labor unions.

24
25 (d) "*Climate Change*" - a change in climate that can be identified by changes in the
26 mean and/or variability of its properties and that persists for an extended period typically
27 decades or longer, whether due to natural variability or as a result of human activity.

28
29 (e) "*Community-Based Disaster Risk Reduction and Management*" or "*CBDRRM*" - a
30 process of disaster risk reduction and management in which at risk communities are actively
31 engaged in the identification, analysis, treatment, monitoring and evaluation of disaster risks
32 in order to reduce their vulnerabilities and enhance their capacities, and where the people are

1 at the heart of decision-making and implementation of disaster risk reduction and management
2 activities.

3
4 (f) "*Complex Emergency*" - a form of human-induced emergency in which the cause of
5 the emergency as well as the assistance to the afflicted IS complicated by intense level of
6 political considerations.

7
8 (g) "*Contingency Planning*" - a management process that analyzes specific potential
9 events or emerging situations that might threaten society or the environment and establishes
10 arrangements in advance to enable timely, effective and appropriate responses to such events
11 and situations.

12
13 (h) "*Disaster*" - a serious disruption of the functioning of a community or a society
14 involving widespread human, material, economic or environmental losses and impacts, which
15 exceeds the ability of the affected community or society to cope using its own resources.
16 Disasters are often described as a result of the combination of: the exposure to a hazard; the
17 conditions of vulnerability that are present; and insufficient capacity or measures to reduce or
18 cope with the potential negative consequences, Disaster impacts may include loss of life,
19 injury, disease and other negative effects on human, physical, mental and social well-being,
20 together with damage to property, destruction of assets, loss of services, Social and economic
21 disruption and environmental degradation.

22
23 (i) "*Disaster Mitigation*" - the lessening or limitation of the adverse impacts of hazards
24 and related disasters. Mitigation measures encompass engineering techniques and hazard-
25 resistant construction as well as improved environmental policies and public awareness.

26
27 (j) "*Disaster Preparedness*" - the knowledge and capacities developed by governments,
28 professional response and recovery organizations, communities and individuals to effectively
29 anticipate, respond to, and recover from, the Impacts of likely, imminent or current hazard
30 events or conditions. Preparedness action is carried out within the context of disaster risk
31 reduction and management and aims to build the capacities needed to efficiently manage all
32 types of emergencies and achieve orderly transitions from response to sustained recovery.
33 Preparedness is based on a sound analysis of disaster risk and good linkages with early warning
34 systems, and includes such activities as contingency planning, stockpiling of equipment and
35 supplies, the development of arrangements for coordination, evacuation and public
36 information, and associated training and field exercises. These must be supported by formal
37 institutional, legal and budgetary capacities.

38
39 (k) "*Disaster Prevention*" - the outright avoidance of adverse impacts of hazards and
40 related disasters. It expresses the concept and intention to completely avoid potential adverse
41 impacts through action taken in advance such as construction of dams or embankments that
42 eliminate flood risks, land-use regulations that do not permit any settlement in high-risk zones,
43 and seismic engineering designs that ensure the survival and function of a critical building in
44 any likely earthquake.

45
46 (l) "*Disaster Response*" - the provision of emergency services and public assistance
47 during or immediately after a disaster in order to save lives, reduce health impacts, ensure
48 public safety and meet the basic subsistence needs of the people affected. Disaster response is
49 predominantly focused on immediate and short-term needs and is sometimes called "disaster
50 relief".

1 (w) "*Land-Use Planning*" - the process undertaken by public authorities to identify,
2 evaluate and decide on different options for the use of land, including consideration of long-
3 term economic, social and environmental objectives and the implications for different
4 communities and interest groups, and the subsequent formulation and promulgation of plans
5 that describe the permitted or acceptable uses.

6
7 (x) "*Mitigation*" - structural and non-structural measures undertaken to limit the adverse
8 impact of natural hazards, environmental degradation, and technological hazards and to ensure
9 the ability of at-risk communities to address vulnerabilities aimed at minimizing the impact of
10 disasters. Such measures include, but are not limited to, hazard-resistant construction and
11 engineering works, the formulation and implementation of plans, programs, projects and
12 activities, awareness raising, knowledge management, policies on land-use and resource
13 management, as well as the enforcement of comprehensive land-use planning, building and
14 safety standards, and legislation.

15
16 (y) "*National Disaster Risk Reduction and Management Framework*" or "*NDRRMF*" -
17 provides for comprehensive, all hazards, multi-sectoral, inter-agency and community-based
18 approach to disaster risk reduction and management.

19
20 (z) "*National Disaster Risk Reduction and Management Plan*" or "*NDRRMP*" - the
21 document to be formulated and implemented by the Office of Civil Defense (OCD) that sets
22 out goals and specific objectives for reducing disaster risks together with related actions to
23 accomplish these objectives.

24
25 The NDRRMP shall provide for the identification of hazards, vulnerabilities and risks
26 to be managed at the national level; disaster risk reduction and management approaches and
27 strategies to be applied in managing said hazards and risks; agency roles, responsibilities and
28 lines of authority at all government levels; and vertical and horizontal coordination of disaster
29 risk reduction and management in the pre-disaster and post-disaster phases. It shall be in
30 conformity with the NDRRMF.

31
32 (aa) "*Post-Disaster Recovery*" - the restoration and improvement where appropriate, of
33 facilities, livelihood and living conditions. of disaster-affected communities, including efforts
34 to reduce disaster risk factors, in accordance with the principles of "build back better".

35
36 (bb) "*Preparedness*" - pre-disaster actions and measures being undertaken within the
37 context of disaster risk reduction and management and are based on sound risk analysis as well
38 as pre-disaster activities to avert or minimize loss of life and property such as, but not limited
39 to, community organizing, training, planning, equipping, stockpiling, hazard mapping, insuring
40 of assets, and public information and education initiatives. This also includes the
41 development/enhancement of an overall preparedness strategy, policy, institutional structure,
42 warning and forecasting capabilities, and plans that define measures geared to help at-risk
43 communities safeguard their lives and assets by being alert to hazards and taking appropriate
44 action in the face of an Imminent threat or an actual disaster.

45
46 (cc) "*Private Sector*" - the key actor in the realm of the economy where the central
47 social concern and process are the mutually beneficial production and distribution of goods and
48 services to meet the physical needs of human beings. The private sector comprises private
49 corporations, households and nonprofit institutions serving households.

1 (dd) "*Public Sector Employees*" - all persons in the civil service.

2
3 (ee) "*Rehabilitation*" - measures that ensure the ability of affected communities/areas
4 to restore their normal level of functioning by rebuilding livelihood and damaged
5 infrastructures and increasing the communities' organizational capacity.

6
7 (ff) "*Resilience*" - the ability of a system, community or society exposed to hazards to
8 resist, absorb, accommodate and recover from the effects of a hazard in a timely and efficient
9 manner, including through the preservation and restoration of its essential basic structures and
10 functions.

11
12 (gg) "*Response*" - any concerted effort by two (2) or more agencies, public or private,
13 to provide assistance or intervention during or immediately after a disaster to meet the life
14 preservation and basic subsistence needs of those people affected and in the restoration of
15 essential public activities and facilities.

16
17 (hh) "*Risk*" - the combination of the probability of an event and its negative
18 consequences.

19
20 (ii) "*Risk Assessment*" - a methodology to determine the nature and extent of risk by
21 analyzing potential hazards and evaluating existing conditions of vulnerability that together
22 could potentially harm exposed people, property, services, livelihood and the environment on
23 which they depend. Risk assessments with associated risk mapping include: a review of the
24 technical characteristics of hazards such as their location, intensity, frequency and probability;
25 the analysis of exposure and vulnerability including the physical, social, health, economic and
26 environmental dimensions; and the evaluation of the effectiveness of prevailing and alternative
27 coping capacities in respect to likely risk scenarios.

28
29 (jj) "*Risk Management*" - the systematic approach and practice of managing uncertainty
30 to minimize potential harm and loss. It comprises risk assessment and analysis, and the
31 implementation of strategies and specific actions to control, reduce and transfer risks. It is
32 widely practiced by organizations to minimize risk in investment decisions and to address
33 operational risks such as those of business disruption, production failure, environmental
34 damage, social impacts and damage from fire and natural hazards.

35
36 (kk) "*Risk Transfer*" - the process of formally or informally shifting the financial
37 consequences of particular risks from one party to another whereby a household, community,
38 enterprise or state authority will obtain resources from the other party after a disaster occurs,
39 in exchange for ongoing or compensatory social or financial benefits provided to that other
40 party.

41
42 (ll) "*State of Calamity*" - a condition involving mass casualty and/or major damages to
43 property, disruption of means of livelihoods, roads and normal way of life of people in the
44 affected areas as a result of the occurrence of natural or human-induced hazard.

45
46 (mm) "*Sustainable Development*" - development that meets the needs of the present
47 without compromising the ability of future generations to meet their own needs. It contains
48 within it two (2) key concepts: (1) the concept of "needs", in particular, the essential needs of
49 the world's poor, to which overriding priority should be given; and (2) the idea of limitations
50 imposed by the state of technology and social organizations on the environment's ability to

1 meet present and future needs. It is the harmonious integration of a sound and viable economy,
2 responsible governance, social cohesion and harmony, and ecological integrity to ensure that
3 human development now and through future generations is a life-enhancing process.

4
5 (nn) "*Vulnerability*" - the characteristics and circumstances of a community, system or
6 asset that make it susceptible to the damaging effects of a hazard. Vulnerability may arise from
7 various physical, social, economic, and environmental factors such as poor design and
8 construction of buildings, inadequate protection of assets, lack of public information and
9 awareness, limited official recognition of risks and preparedness measures, and disregard for
10 wise environmental management.

11
12 (oo) "*Vulnerable and Marginalized Groups*" - those that face higher exposure to
13 disaster risk and poverty including, but not limited to, women, children, elderly, differently-
14 abled people, and ethnic minorities.

15
16 In addition to the foregoing, the following terms shall be defined as follows:

17
18 (pp) "*Department*" – the Department of Disaster Management.

19
20 (qq) "*Secretary*" – the Secretary of the Disaster Management Department.

21 22 23 **TITLE I - DEPARTMENT OF DISASTER MANAGEMENT**

24
25
26 **SEC. 3. EXECUTIVE DEPARTMENT; MISSION.** -- There is established a Department of
27 Disaster Risk Reduction and Management that shall absorb and assume the powers and
28 functions of and shall replace the National Disaster Risk Reduction and Management Council
29 as established under Republic Act No. 10121.

30
31 **SEC. 4. SECRETARY; FUNCTIONS.** – (a) There shall be a Secretary of Disaster
32 Management, of cabinet rank, to be appointed by the President. The Secretary shall be the head
33 of the Department and shall have direction, authority, and control over it. All functions of all
34 officers, employees, and organizational units of the Department are vested in the Secretary.
35 The Secretary shall absorb the specific powers, functions, duties and responsibilities of and
36 shall replace the Chairman of the National Disaster Risk Reduction and Management Council
37 as established under Republic Act No. 10121.

38
39 (b) Functions. – The Secretary: (1) except as otherwise provided by this Act, may
40 delegate any of the Secretary's functions to any officer, employee, or organizational unit of the
41 Department; and (2) shall have the authority to make contracts, grants, and cooperative
42 agreements, and to enter into agreements with other executive departments, agencies and
43 offices, as may be necessary and proper to carry out the Secretary's responsibilities under this
44 Act or otherwise provided by law.

45
46 (c) Coordination With Local Government Units. – With respect to disaster risk
47 reduction and management, the Secretary shall likewise coordinate through the Department of
48 Interior and Local Government with local governments and local authorities, with the private
49 sector, and with other entities, including by: (1) coordinating with local governments and local
50 authorities, and with the private sector, to ensure adequate planning, equipment, training, and

1 exercise activities; (2) coordinating and, as appropriate, consolidating, the National
2 Government's communications and systems of communications relating to homeland security
3 with local governments and local authorities, the private sector, other entities, and the public;
4 and (3) distributing or, as appropriate, coordinating the distribution of, warnings and
5 information to local governments and local authorities and to the public.

6
7 (d) Issuance of Regulations. – The Secretary shall issue the regulations to implement
8 this Act within sixty (60) days from the start of implementation of the reorganization plan
9 provided in this Act.

10
11 (e) Special Assistants to the Secretary. – The Secretary shall appoint such number of
12 Special Assistants to the Secretary who shall be responsible for, among others: (1) creating and
13 fostering strategic communications with the private sector to enhance the mission of the
14 Department; (2) advising the Secretary on the impact of the Department's policies, regulations,
15 processes, and actions on the private sector; and (3) working with government laboratories,
16 government-funded research and development centers, other government-funded
17 organizations, academia, and the private sector to develop innovative approaches to address
18 disaster risk reduction and management missions.

19
20 ***SEC. 5. OTHER OFFICERS.***

21
22 (a) Undersecretaries.--There shall be the following officers, appointed by the President:
23 (1) An Undersecretary for Civil Defense, who shall absorb and assume the functions, duties
24 and responsibilities of and replace the Administrator of the erstwhile Office of Civil Defense
25 and of the Office of the Executive Secretary of the erstwhile National Disaster Risk Reduction
26 and Management Council, (2) An Undersecretary for Policy and Planning, (3) An
27 Undersecretary for Science and Technology, and (4) a General Counsel, who shall be the chief
28 legal officer of the Department.

29
30 (b) Other Officers.--To assist the Secretary in the performance of the Secretary's
31 functions, there shall be the following officers, appointed by the President: (1) An Assistant
32 Secretary who shall be Chief Information Officer, (2) An Assistant Secretary who shall be
33 Chief Human Resources Officer, and (3) An Assistant Secretary who shall be Chief Financial
34 Officer.

35
36 (c) Performance of Specific Functions.--Subject to the provisions of this Act, every
37 officer of the Department shall perform the functions specified by law for the official's office
38 or prescribed by the Secretary.

39
40 ***SEC. 6. OFFICE OF CIVIL DEFENSE.*** – The Office of Civil Defense established under
41 Republic Act No. 10121 shall be laterally transferred and continue with its functions, duties
42 and responsibilities as an office of the Department. It shall be headed by the Undersecretary of
43 Civil Defense. The Secretary shall organize and provide the Office of Civil Defense with such
44 staff as may be necessary to discharge the functions and responsibilities of said Office.
45 Additionally, and in order to assist the Office in discharging its functions, duties and
46 responsibilities, personnel of other departments, agencies and offices of the national
47 government may be requested for detail to the Department and/or to the Office of Civil
48 Defense.

1 **SEC. 7. REGIONAL AND LOCAL OFFICES.** – (a) The Secretary shall organize and
2 establish such number of regional and local offices of civil defense as he may deem appropriate
3 for the full implementation of the Department’s missions at the regional and local levels. The
4 regional offices shall each be headed by a director, and the local offices by respective heads of
5 office. The Secretary shall organize and provide the said regional and local offices with such
6 staff as may be necessary to discharge the functions and responsibilities of said offices.
7 Additionally, and in order to assist the said offices in discharging their respective functions,
8 duties and responsibilities, personnel of other departments, agencies and offices of the national
9 government may be requested for detail to the Department and/or to the Office of Civil
10 Defense.

11
12 (b) Within ninety (90) days from effectivity of this Act, the Secretary shall submit for
13 the approval of the President, a plan for the reorganization, and the transfer to the Department
14 of functions, duties and responsibilities, of any and all existing Regional and Local Disaster
15 Risk Reduction and Management Offices and local offices of civil defense, together with their
16 corresponding operations offices, and any and all existing Provincial, City, and/or Municipal
17 Disaster Coordinating Councils. Said offices and instrumentalities of the government and their
18 officers and staff shall continue in their functions until the plan provided for in this paragraph
19 shall have been approved and implemented in accordance with the requirements of law by the
20 Secretary. Notwithstanding the foregoing, the Barangay Development Councils (BDCs) shall
21 continue to serve as the local disaster risk reduction and management unit in every barangay.

22
23 (c) Subsequently. And no later than thirty (30) days after the approval of the said plan
24 of reorganization, the President shall transmit to Congress for any necessary further enactment
25 the said approved reorganization plan, including: (a) the transfer of personnel, assets and
26 obligations of other government departments, agencies and offices to the Department pursuant
27 to this Act, and (b) any consolidation, reorganization, or streamlining of agencies and offices
28 transferred to the Department pursuant to this Act. The plan transmitted under this paragraph
29 shall contain such elements as the President deems appropriate, including specification of the
30 steps to be taken by the Secretary to organize the Department, specification of the funds
31 available that may have to be transferred to the Department as a result of transfers under the
32 plan such as and including any existing calamity funds and other funds constituted and
33 administered by the NDRRMC in accordance with Republic Act No. 10121, and the
34 specification of any proposed disposition of property, facilities, contracts, records, and other
35 assets and obligations of agencies and offices transferred under the plan, PROVIDED, That
36 any existing local calamity funds constituted and administered by and together with local
37 government units, and any existing properties, facilities, contracts, records, and other assets
38 and obligations pertaining to local government units shall be returned and devolved to the
39 corresponding local government units.

40
41 **TITLE II – ACCESS TO INFORMATION**

42
43 **SEC. 8. ACCESS TO INFORMATION.**

44
45 (a) Except as otherwise directed by the President, the Secretary shall have such access
46 as the Secretary considers necessary to all information, including reports, assessments, and
47 analyses, relating to natural disasters and climate change, threats thereof and vulnerabilities
48 thereto, and to other information related to disaster risk reduction and management, whether or
49 not such information has been analyzed, may be collected, possessed, or prepared by any other
50 department, agency or office of the national government. The Secretary shall also have access

1 to other information relating to matters under the responsibility of the Department that may be
2 collected, possessed, or prepared by another department, agency or office of the National
3 Government as the President may further provide.

4
5 (b) Except as otherwise directed by the President, with respect to information to which
6 the Secretary has access pursuant to this section:

7
8 (1) the Secretary may obtain such information or material upon request, and
9 may enter into cooperative arrangements with other executive departments, agencies or
10 offices to provide such material or provide Department officials with access to it on a
11 regular or routine basis, requests or arrangements involving broad categories of
12 material, access to electronic databases, or both; and

13
14 (2) regardless of whether the Secretary has made any request or entered into any
15 cooperative arrangement pursuant to paragraph (1) above, all departments, agencies and
16 offices of the National Government and local government units shall promptly provide
17 to the Secretary: (i) all reports, assessments, and analytical information relating to
18 natural disasters and climate change, threats thereof and vulnerabilities thereto, and to
19 other information related to disaster risk reduction and management and to other areas
20 of responsibility assigned by the Secretary; and (ii) such other information or material
21 as the President may direct. The foregoing shall be additionally made urgent, essential
22 and imperative during the occurrence of natural disasters and recognized effects of
23 climate change.

24 25 26 **TITLE III – OTHER PROVISIONS**

27
28
29 **SEC. 9. RE-ENACTMENT OF PROVISIONS OF R. A. NO. 10121.** – The provisions of
30 Sections 13, 14, 15, 16, 17 and 18 of Republic Act No. 10121 shall be deemed re-enacted for
31 purposes of and under this Act, PROVIDED, That all national and local government actions
32 and functions provided therein shall henceforth be primarily coordinated with the Department.
33 The provisions of Sections 19 and 20 Republic Act No. 10121 shall be deemed re-enacted as
34 prohibited acts and penalties for purposes of and under this Act.

35
36 **SEC. 10. EXPRESS REPEAL OF PROVISIONS OF R. A. NO. 10121.** – Sections 26 and 27
37 of Republic Act No. 10121 are expressly repealed upon effectivity of this Act.

38
39 **SEC. 11. AUTHORIZATION OF INITIAL AND ADDITIONAL APPROPRIATIONS.** –
40 The amount of Five Billion Pesos (P5,000,000,000.00) shall be appropriated for the initial
41 implementation of this Act, which shall be taken from the unreleased appropriations for the
42 NDRRMC in the current year, to be supplemented by any funds subsequently transferred from
43 the NDRRMC in accordance with the provisions of this Act. Thereafter, such amount of at
44 least Twenty Billion Pesos needed to implement this Act shall be included in the Annual
45 Appropriations of the Department. The Department is hereby authorized to re-align its
46 appropriations in the current year of the date of effectivity of this Act to conform with the
47 requirements of this Act.

48
49 **SEC. 12. NON-CONFORMING LAWS.** – The other provisions of Republic Act No. 10121
50 not otherwise re-enacted or expressly repealed by this Act, and all other laws, decrees,

1 executive orders, proclamations and other executive issuance's that are inconsistent with or
2 contrary to the provisions of this Act are hereby amended or repealed accordingly.

3
4 **SEC. 13. SEPARATION CLAUSE.** – If, for any reason or reasons, any provision or part of
5 the provisions of this Act shall be held to be unconstitutional or invalid, other provisions or
6 parts thereof which are not affected thereby shall continue to be in full force and effect.

7
8 **SEC. 14. EFFECTIVITY.** – This Act shall take effect fifteen (15) days after its publication in
9 two (2) national newspapers of general circulation.

10
11
12 Approved,