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SENATE

S. NO. 177

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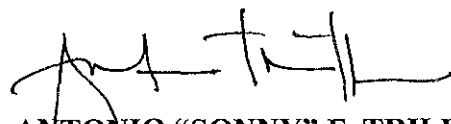
Introduced by Senator Antonio "Sonny" F. Trillanes IV

EXPLANATORY NOTE

Our country is ravaged year after year by numerous emergencies of all sorts. From lahar flows which devastated most parts of Luzon, volcanic eruptions, earthquakes and typhoons which routinely pummel the country every year, to the disaster in Irosin, Sorsogon brought about by the Mount Bulusan eruption, and the most recent bombing in Glorietta 2. 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 Coordinating Council (NDCC) and undertake disaster mitigation and preparedness measures as well as quick response mechanism which will allow us to reduce the risks 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

SENATE

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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

Be it enacted by the Senate and 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 2010*”.

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 (b) Achieve excellence in civil protection through hazard reduction and disaster management
10 at all levels of the Philippine society by establishing a coherent, integrated, proficient and
11 responsive disaster risk management system, whereby national and regional development
12 plans incorporate hazard risk reduction management as components of an integrated and
13 coordinated strategy for sustainable development.

14 (c) Strengthen the institutional structures for coordination, implementation and enforcement
15 of policies for the promotion of hazard management and disaster management by
16 providing a basis for aligning local planning with a national framework and national plan.

- 1 (d) Recognize, support and strengthen local community capacities by encouraging them to
2 achieve acceptable levels of risk for undertaking the primary responsibility in reducing
3 risk from hazards and managing disasters.
- 4 (e) Support, strengthen and encourage the coordination of local government units when
5 reducing risk from hazards, preparing for, responding to, and recovering from disasters or
6 emergencies, whether natural or man-made.
- 7 (f) Enhance the participation of the private sector, particularly the lifeline utilities, non-
8 government organizations, and other community-based organizations in the development
9 and delivery of disaster risk management and “*bayanihan*” among the citizenry.
- 10 (g) Adopt in full the universal norms and principles in humanitarian assistance as one of the
11 concrete steps in preventing or alleviating human suffering due to disasters or calamities.

12
13 **SEC. 3. *Definition of Terms.*** – As used in this Act:

- 14 (a) “*Community-Based Disaster Management (CBDM)*” refers to activities, projects and
15 programs to reduce disaster risk which are primarily designed by people living in high
16 risk localities based on their needs and capacities and in close coordination with their
17 respective local disaster coordinating councils.
- 18 (b) “*Director*” refers to the Director of the Office of the Emergency Management Agency.
- 19 (c) “*Disaster*” is an event, natural or man-made, sudden or progressive, which impacts with
20 such severity on people’s lives and properties, livelihood, essential services, lifelines and
21 major public infrastructures, and the environment, that the affected community has to
22 respond with exceptional measures or otherwise requires a significant and coordinated
23 response under this Act.
- 24 (d) “*Disaster Management Councils*” refers to all nucleus organizations established at the
25 national, regional, provincial, city, municipal, and barangay levels to carry out the
26 disaster management activities as defined under this Act.

- 1 (e) *“Disaster Response Operations”* refers to any concerted effort by two or more agencies,
2 public or private, to provide emergency assistance to the victims of a disaster or calamity
3 and in the restoration of essential public activities and facilities.
- 4 (f) *“Disaster Risk Management”* refers to the application of knowledge, measures and
5 practices are necessary or desirable for the safety of the public and are designed to guard,
6 prevent, reduce or overcome any hazard or harm or loss that may be associated with any
7 disaster. It includes all activities relating to hazard mitigation and prevention, response
8 preparedness and relief, and long-term recovery, rehabilitation and reconstruction.
- 9 (g) *“Disaster Mitigation”* refers to the measures aimed at minimizing the impact of a natural
10 or man-made disaster on a nation or community, in terms of casualties and damages.
- 11 (h) *“Disaster Preparedness”* refers to pre-disaster actions and measures being undertaken to
12 avert or minimize loss of life and property, such as but not limited to community
13 organizing, training, planning, equipping, stockpiling, hazard mapping and public
14 information and education initiatives.
- 15 (i) *“Disaster Prevention”* refers to measures designed to prevent natural phenomena from
16 causing or resulting in disaster or other related emergency situations. It is concerned with
17 the formulation and implementation of long range policies and programs to prevent or
18 minimize the occurrence of disasters on the basis of vulnerability analysis of all risks. It
19 also includes legislations and regulatory measures principally in the fields of physical and
20 urban planning, public works and buildings.
- 21 (j) *“Emergency”* refers to unforeseen or sudden occurrence, especially danger, demanding
22 immediate action.
- 23 (k) *“Hazard Mitigation”* relates to actions, practices or processes designed to reduce the
24 severity or level of harm of a hazard agent on the national community or any part thereof.
- 25 (l) *“Hazard Risk Reduction”* refers to activities that reduce the degree of long-term risk to
26 human life and property from natural and technological hazards.

1 (m) “*Lifeline Utilities*” refers to entities that produce, generate, supply, distribute or provide
2 services or products that are essential for the effective functioning and maintenance of a
3 community.

4 (n) “*National and Regional Development Plans*” has the same meaning as set out by NEDA.

5 (o) “*National Disaster Management Plan*” is the disaster operational master plan formulated
6 and revised by the EMA, which sets forth the disaster response requirements of
7 participating parties.

8 (p) “*National Disaster Risk Management Framework (NDRMF)*” is the overarching
9 guideline document for the development of disaster risk management practices and
10 processes for the Philippines. The NDRMF should be integrated in the National
11 Development Plan and budget.

12 (q) “*Rehabilitation*” refers to the process by which the affected communities/areas or
13 damaged public infrastructures are restored to their proper or normal level of functioning
14 and to new measures introduced to reduce future hazards and risks.

15
16 **SEC. 4. *Scope.*** – This Act provides for all the actions and measures pertaining to hazard
17 mitigation, disaster prevention/preparedness, response, and rehabilitation, and disaster risk
18 management as defined under this Act.

19
20 **SEC. 5. *The Emergency Management Agency.*** – The Office of the Emergency
21 Management Agency (EMA) is hereby created. EMA shall be an independent body and shall
22 have the same status as that of a national agency attached to the Office of the President.

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

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

7

8 **SEC. 6. *Powers and Functions of the Emergency Management Agency.*** – The EMA
9 shall have the following powers and functions:

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

25

26 **SEC. 7. *The Emergency Management Agency Secretariat.*** – The EMA Secretariat
27 shall be formed to manage the day-to-day activities of the EMA. The Board shall determine the

1 staffing pattern and compensation scheme of the Secretariat subject to existing rules and
2 regulations.

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

9 **SEC. 8. *The Emergency and Disaster Field Offices.*** – Emergency and Disaster Field
10 Offices shall be established in every region, province, city, municipality and barangay.

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

13
14 **SEC. 9. *Powers and Functions of the Emergency and Disaster Field Offices.*** – The
15 Emergency and Disaster Field Offices shall be empowered to:

16 (a) Formulate policies on emergency disaster response and management in accordance with
17 the national policies and the comprehensive national Emergency and Disaster
18 Preparedness and Prevention Plan set down by the Board, taking into account the unique
19 circumstances obtaining in their respective areas of jurisdiction.

20 (b) Identify hazards/disaster risks in their areas of responsibility and draw up counter-
21 emergency and disaster plans/strategies.

22 (c) Identify and source funding for specific emergency and disaster preparedness and
23 management projects.

24 (d) In consultation with the affected province, municipality or barangay, identify evacuation
25 areas, whenever necessary.

26 (e) Coordinate with agencies and organizations involved in emergency and disaster
27 management efforts within their jurisdiction: Provided, That the Board, by itself or

1 through the Secretariat, shall make all such coordinative efforts with similar entities on
2 the national and international levels.

3 (f) Organize volunteers in their respective jurisdictions who can be mobilized to undertake
4 emergency or disaster related work.

5 (g) Enforce curfews and compel forced evacuation whenever circumstances warrant such
6 actions.

7 (h) Deputize all law enforcement agencies in enforcing laws designed to protect the
8 environment and prevent disasters, and in implementing its task mentioned in paragraph
9 (e) of this section.

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

11 (a) Every local government must establish a disaster management council for the purposes
12 of this Act.

13 (b) Every local government unit may unite with other local government units that have
14 common borders as a joint local government for the purposes of this Act.

15 (c) It shall be mandatory on the part of local governments to formulate their own local
16 ordinances to be consistent with the requirements of this Act.

17 (d) Local development plans shall incorporate risk reduction management as a strategy in
18 sustainable development.

19 (e) Local government units must ensure that its actions in exercising or performing its
20 functions, duties and powers under this Act are not inconsistent with any national
21 disaster risk management requirement.

22
23 **SEC. 11. *Importations and Donations of Food, Clothing, Medicines and Equipment***
24 ***for Relief and Rehabilitation and Other Disaster Management Related Supplies and***
25 ***Equipment for Calamity-Affected Areas.* –** The importations and donations of food, clothing,
26 medicines and equipment for relief and rehabilitation and other disaster management related
27 supplies are hereby authorized in accordance with Sec 105 of the Tariff and Customs Code of the

1 Philippines, as amended, and the prevailing provisions of the General Appropriations Act
2 covering national internal revenue taxes and import duties of the national and local government
3 agencies.

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 Office of
6 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) shall
10 be used for aid, relief, rehabilitation, reconstructions and other works or services in connection
11 with calamities which may occur during the budget year or those that occurred in the past two
12 years from the budget year, including training of personnel and other pre-disaster activities and
13 capital expenditures for pre-disaster operation, rehabilitation and other related activities, in order
14 of priority as may be determined by the EMA.

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

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

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

1 **SEC. 13. *Implementing Rules and Regulations.*** – The EMA shall promulgate the
2 necessary rules and regulations for the effective implementation of this Act.

3

4 **SEC. 14. *Separability Clause.*** – If any provision of this Act shall be held
5 unconstitutional or invalid, the other provisions not otherwise affected shall remain in full force
6 and effect.

7

8 **SEC. 15. *Repealing Clause.*** – All laws, decrees, executive orders, proclamations and
9 other executive issuances or parts thereof, which are inconsistent with or contrary to the
10 provisions of this Act are hereby repealed or amended accordingly.

11

12 **SEC. 16. *Effectivity.*** – This Act shall take effect fifteen (15) days following its
13 publication in the Official Gazette or in a major newspaper of general circulation in the
14 Philippines.

Approved,