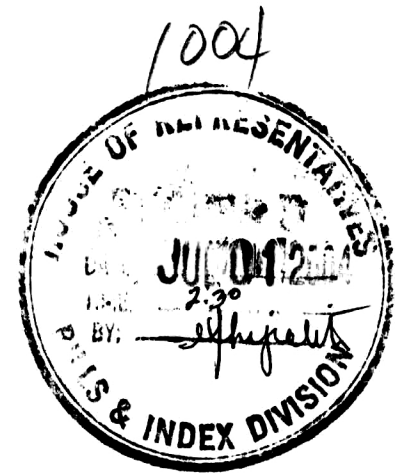


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

THIRTEENTH CONGRESS
First Regular Session

House Bill No. 1004



Introduced by **Representative Juan Miguel F. Zubiri**

EXPLANATORY NOTE

The Philippines all throughout the year experiences hydrological and geologic hazards like typhoons, floods, earthquakes and volcanic eruptions. These natural disasters and other catastrophes such as fires and epidemics threaten the life and property of millions of our countrymen, creating economic dislocations throughout the archipelago.

Aware of these, the government has passed legislation establishing the systems in dealing with natural and man-made disasters and emergencies. However, the present disaster management system instituted through various legislation is with loopholes rendering it weak and inefficient in responding to disaster situations. Thus, a legislation that would lay the groundwork for a more responsive and effective disaster monitoring, coordination and response program at all levels of the government is in order.

This Act intends to streamline, improve and strengthen the entire disaster management system in the country. It also aims to create a more self-reliant and more effective Disaster Management Council to lessen the dependence of local governments to the national government for rescue and relief operations. It will also provide benefits for volunteers who may experience casualties in line of their duty.

In view hereof, approval of this bill is earnestly requested.


JUAN MIGUEL F. ZUBIRI
3rd District, Bukidnon

Republic of the Philippines
HOUSE OF REPRESENTATIVES
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THIRTEENTH CONGRESS
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House Bill No. 1004

Introduced by **Representative Juan Miguel F. Zubiri**

AN ACT
STREAMLINING AND STRENGTHENING THE PHILIPPINE DISASTER PREPAREDNESS
AND PREVENTION CAPABILITY, APPROPRIATING FUNDS THEREFOR AND FOR
OTHER PURPOSES

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

SECTION 1. *Title.* This Act shall be known as The Philippine Disaster Preparedness and Prevention Act of 2004.

SECTION 2. *Declaration of Policy.* It shall be the policy of the State to:

- (1) Develop self-reliance among the constituents when preparing for, responding to, and recovering from disasters or emergencies, whether natural or man-made, with the national government, supportive of the local government effort;
- (2) Tap the participation of the non-government organizations to the government disaster preparedness and prevention program to strengthen the delivery mechanism of emergency services and encourage volunteerism and bayanihan, among the citizenry; and
- (3) Promote mutual assistance and cooperation with other countries the United Nations and its agendas, and other international disaster organizations.

SECTION 3 *Definition of Terms.* As used in this Act:

- (1) "Disaster" is an event, natural or man-made, sudden or progressive, which impacts with such severity that the affected community has to respond with exceptional measures.
- (2) "Civil Defense" refers to all disaster preparedness and prevention activities, other than military actions, geared towards the reduction of loss of life and property brought about by natural and man-made disasters.
- (3) "Disaster Management Councils" refer to the nucleus organizations established at the national, regional, provincial, city, municipal and barangay levels to carry out the civil defense activities as defined under, this Act.
- (4) "Disaster Management" is a comprehensive set of activities that covers all aspects of disasters from preparedness through relief and response, to recovery (rehabilitation and reconstruction) and mitigation
- (5) "Disaster Prevention" refers to measures designed to prevent natural phenomena from causing or resulting in disaster or other related emergency situations. It is

- concerned with the formulation and implementation of long-range policies and programs to prevent or eliminate the occurrence of disasters on the basis of vulnerability analysis of all risks. It also includes legislations and regulatory measures principally in the fields of physical and urban planning, public works and building.
- (6) "Disaster Operations" refers to any concerned effort by two or more agencies, public or private, to provide emergency assistance to persons who are victims of a disaster or calamity and in the restoration of essential public activities and facilities.
 - (7) "Rehabilitation" refers to the restoration of person's economic dependency to an independent or stable way of living either physically, economically socially or emotionally.
 - (8) "Disaster Preparedness" refers to the actions designed to minimize loss of life and property damage and to organize and facilitate timely and effective rescue, relief and rehabilitation in case of disaster. It is supported by necessary legislation that can achieve readiness to cope with disaster situations or similar unavoidable emergencies. It is also concerned with forecasting and warning, education and training the population, organization for and management of disaster situation including preparation of operational plans training of relief workers, the stockpiling of supplies and earmarking of the necessary funds.
 - (9) "National Disaster Plan" means the plan formulated and revised from time to time as necessary which defines the plan of action to be taken to deal with disaster or emergencies.

SECTION 4. *Scope.* This Act provides all actions pertaining to preparation, response and recovery from all types of disasters or emergencies as defined under this Act.

SECTION 5. *National Disaster Management Council (NDMC).* The present NDMC shall continue to perform its present functions as provided under PD 1586 and its implementing rules and regulations.

It shall be composed of the Secretary of National Defense as Chairman and the DILG Secretary as Vice Chairman with the following as members:

The Secretaries of DSWD, DOH, DA, DPWH, DENR, DOLE, DECS, DTI, NEDA, DOST, DOTC; Chief of Staff, AFP; Director-General of the PNRC; and two (2) representatives from the NGOs. The NDMC may call on other officials from the government and private sectors as it may deem necessary for assistance in preparing for reacting to and recovery from the effects of disasters.

The Administrator of the Office of Civil Defense shall be a member of the Council and the Council's Executive Director. The Council, in discharging its functions shall utilize the service and facilities of the OCD which shall also act as the Secretariat to the NDMC.

The NDMC shall establish an operating facility to be known as the National Disaster Management Center.

SECTION 6. *Functions of the NDMC.* The National Disaster Management Council shall have the following functions:

- (1) Advise the President on the status of disaster preparedness, prevention, mitigation, response and rehabilitation organizations being undertaken by concerned government and private organizations;
- (2) Ensure that adequate measures are taken by government agencies to mitigate, prepare for and respond to disasters and assist in the recovery from the effects of a disaster by two (2) persons or communities;

- (3) Develop and strengthen national and local capacities for disaster prevention, mitigation, preparedness and response and ensure that these are properly coordinated and in accordance with established national policies;
- (4) Ensure that all safety rules issued by concerned agencies be properly synchronized;
- (5) Provide the necessary guide and procedures on Calamity Fund releases as well as utilization and accounting thereof;
- (6) Recommend to the President the declaration of a state of calamity in areas extensively damaged and submit proposals to establish normalcy in the affected areas to include calamity location;
- (7) Ensure that all disaster preparedness and mitigation activities such as training, public information and other programs/projects requiring regional and international support shall be carried out in accordance with duly established national policies;
- (8) Foster and facilitate the participation of non-government agencies in measures taken by the government for disaster mitigation, preparedness response and recovery;
- (9) Develop a national DIS and GIS as basis for policy and decision making of the NDMC as well as enable it to establish linkage with international bodies such as the Department of Humanitarian Affairs in Geneva Tsunami Warning Center in Hawaii and Earthquake Center in Colorado, USA;
- (10) Advise the lower level DMCs in accordance with the guidelines on disaster management

SECTION 7. *NDMC Secretariat* The OCD shall remain as the Secretariat of the NDMC as such it shall have the following functions:

- (1) Record, prepare, disseminate file proceeding of NDMC meeting and its Technical Working Groups and sub-committees,
- (2) Plan, monitor and evaluate the activities and programs of NDMC technical Working Groups and sub-committees;
- (3) Implement the national DIS/GIS as established by the NDMC.

SECTION 8. *Organization at the Regional Level.* At the regional level, there shall be constituted a Regional Disaster Management Council (RDMC) with the Regional Director of PNP as Chairman and the OCD Regional Director as the Council's Executive Officer. The Council shall be composed of the executives of the regional and field offices at the regional level and shall establish an operating facility to be known as the Regional Disaster Management Center.

SECTION 9. *Organization at the Local Government Level.* The focal point for coordination on disaster preparation and response in all local political units is lodged with the Provincial, City, Municipal and Barangay Disaster Coordinating Councils established under Presidential Decree No. 1586. Each local government level shall appoint a permanent Disaster Management Coordinator who shall serve as the Council's Action Officer.

SECTION 10. *Office of Civil Defense.* The Office of Civil defense through its fourteen (14) regional offices throughout the country shall carry out the policies and programs of the National Disaster Management Council, in addition to its regular functions as bureau under the Department of National Defense as defined under PD No.1 and Letter of Implementation No. 19 issued 24 January 1973.

As the NDCC's implementing arm, the OCD is empowered to monitor and evaluate the performance of the member-agencies and recommend to the NDCC appropriate policies and corrective measures to ensure effective delivery of emergency services by all agencies concerned.

SECTION 11 *Planning for Disaster Operations.* The National Calamities and Disaster Preparedness Plan, prepared by The Office of Civil Defense and approved by the NDCC chairman shall be the basis of the implementing plans of concerned agencies at the national regional and local levels.

All agency-implementing plans shall be documented, updated and submitted to the Office of Civil Defense within six (6) months from the effectivity of this Act.

SECTION 12. *Disaster Volunteer Workers.* A national roster of Disaster Volunteer Workers (DWWs) duly accredited by the local disaster management councils shall be approved and maintained by the Office of Civil Defense for purposes of payment of compensatory benefits provided for in this Act.

SECTION 13. *Compensatory Benefits.* Any DWW who incurs death or injury while engaged in any of the civil defense activities as defined under this Act shall be entitled to compensatory benefits as follows.

(1) Monetary Benefits

- (a) For death — Twenty Thousand pesos (P20,000.00);
- (b) For injury resulting in total and permanent disability — Ten thousand pesos (P10,000.00);
- (c) For injury resulting in permanent partial disability — Ten thousand pesos (P10,000.00); -
- (d) For injury requiring hospitalization for more than five (5) days but not more than fifteen (15) days — Five Thousand pesos (P 5,000.00);
- (e) For injury requiring hospitalization for more than one (1) day but not more than five (5) days — One thousand pesos (P 1,000.00).

(2) Free Medical Care

Any DWW who falls under any of the above incapacity shall also be entitled to a free medical care in any government hospital or institution.

An initial amount of One Million pesos (P1,000,000.00) out of the OCD regular budget is hereby allocated for the payment of the above benefits.

SECTION 14. *Declaration of State of Calamity.* The NDMC may recommend a clusters of barangays, city, municipality, province or region under a state of calamity whenever two or more of the following conditions are present:

- (1) At least Thirty per cent (30%) of the population are affected;
- (2) At least thirty per cent (30%) of the dwelling units have been destroyed;
- (3) At least twenty-five percent (25%) of the major means of livelihood of the community are affected;
- (4) At least fifty per cent (50%) of the major roads and bridges are impassable;
- (5) There is an outbreak of highly contagious diseases resulting to sickness and death of at least fifteen percent (15%) of the population;
- (6) There is disruption of lifeline such as electricity, potable water system, transport system, communications system and other related systems which cannot be restored within one (1) week;
- (7) There is flooding which is expected to last for one (1) week; and
- (8) There is drought that will affect one (1) planting season.

SECTION 15. *Remedial Measures.* The declaration of a state of calamity shall make mandatory the immediate undertaking of the following measures by the concerned agencies:

- (1) Control of overpricing and prevention of the hoarding of the same by the Department of Trade and Industry;
- (2) Programming/reprogramming of funds for the repair of public infrastructures and buildings;
- (3) Granting or restructuring of loans by government financing or lending institutions to bonafide victims of disasters;
- (4) Deferment or moratorium in the payment of taxes and amortizations due the government upon the certification of proper authority; and
- (5) Release of calamity funds to agencies involved in relief and rehabilitation operations

SECTION 16. *Special Powers During State of Calamity.* In times of disasters or emergencies, the appropriate equipment and logistics of the government agencies concerned such as the Philippine Navy, Philippine Coast Guard, Department of Public Works and Highways, Department of Social Welfare and Development, Department of Health, PHILVOCS, PAGASA and other agencies shall be under the operational control and supervision of the OCE. Accordingly, the needs of the Office of Civil Defense shall be attended to, on a first priority basis.

SECTION 17. If a state of calamity is declared in accordance with Section 21 of this Act, the NDMC will recommend to the President such actions as may be necessary; including the making of regulations concerning some or all of the following aspects;

- (1) The supply and distribution of food, water, fuel, power, medical assistance, shelter and other necessities;
- (2) The maintenance of the means of transportation by land, air or water and the control of the transport of persons and things;
- (3) The temporary acquisition of any property, undertaking or land;
- (4) The evacuation of people, in their own interest and/or that of the public;
- (5) The payment of compensation and remuneration to persons effected by the Government action under special powers; and
- (6) Any other matters which may apply to a specific disaster.

SECTION 18. *Release and Monitoring of the National Calamity Fund.* The following policies and procedures shall be followed in requesting, allocating, releasing and monitoring of calamity fund, namely:

- (1) The calamity fund shall be used for disaster preparedness and control, and relief and rehabilitation operations.
- (2) Upon the declaration of a state calamity in disaster stricken areas, the President shall effect the release of calamity funds to relief and rehabilitation agencies within twenty-four (24) hours after such declaration.
- (3) Calamity funds shall be released directly to the following department/agencies for the stated specific purposes:
 - (a) DSWD for emergency relief and rehabilitation assistance;
 - (b) DOH for medical assistance to disaster victims;
 - (c) DPWH for immediate repair/restoration of damaged vital infrastructures which include school buildings;
 - (d) DEGS for replacement of totally damaged instructional materials;

- (e) DA for assistance to the agricultural sector
- (f) DOTC for repair/restoration of vital government transportation and communication facilities/infrastructures;
- (g) DND/AFP for relief, rescue and evacuation activities and repair/rehabilitation of public utilities;
- (h) Other departments/agencies requiring immediate repair/restoration of vital infrastructures/facilities; and
- (i) Local Government Units for the cost of emergency relief and rehabilitation operations.

The above agencies and all others that are involved in relief and rehabilitation are directed to react and respond to any disaster or calamity within twenty-four (24) hours from its occurrence.

SECTION 19. **Funding.** The amount of Fifty Million Pesos (P50,000,000.00) shall be appropriated to OCD inclusive of its current budget to carry out the provision of this Act.

SECTION 20. **Prohibited Acts.** Any person who takes advantage of the calamity shall be held liable and be subjected to the penalties as prescribed hereunder if such person commits any of the following prohibited acts:

- (1) Buying for consumption or resale, from disaster relief agencies or relief goods, equipments, or other aid commodities which he knows or should be known to him as intended for donation to victims; or
- (2) Buying for consumption or resale, from the recipient victims or relief goods, equipment or other aid commodities received by them; or
- (3) Highjacking or forcibly seizing relief goods, equipment or other aid commodities intended for or consigned to a specific group of victims or relief agency; or
- (4) Diverting or misdelivering relief goods, equipment, or other aid commodities to persons other than the rightful recipient or consignee; or
- (5) Accepting, possessing, using or disposing of relief goods, equipment, or other aid commodities not intended for nor consigned to him; or
- (6) Misrepresenting the source of relief goods, equipment on other aid commodities received by:
 - (a) Either covering or defacing the labels of the containers, or interlacing new words to make it appear that the goods, equipment, or aid commodities came from another agency or person; or
 - (b) Repacking the goods, equipment, or aid commodities into containers with markings to make it appear that goods, equipment or aid commodities came from another agency or person; or
 - (c) Making a verbal claim that the goods, equipment, or aid commodities in its untampered original containers actually come from another agency or person; or was released upon the instance of a particular agency or person; or
 - (d) Allocating to victims "more relief goods, equipment, or aid commodities than the standard per capita amount per units time for a specific or prescribed period of time; or
 - (e) Substituting or replacing in kind of relief goods, equipment or aid commodities; or
 - (f) Using false or inflated data to support projects within the framework plan; or
 - (g) Using false or inflated data in support of the request for funding or emergency assistance or livelihood project.

SECTION 21. *Penal Provisions.* Any person who commits any of the above-listed prohibited acts shall be prosecuted and, upon conviction, suffer a fine of not less than Fifty Thousand pesos (P50,000.00) nor more than Five Hundred Thousand pesos (P 500,000.00) or imprisonment for not less than six (6) years and one (1) day nor more than twelve 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 favor of the government of any prohibited interest. If the offender is a corporation, partnership or association, or other judicial 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 offender is an alien, he shall, in addition to the penalties prescribed, be deported without further proceedings after service of sentence.

SECTION 22. *Rules and Regulation.* Subject to approval of the President, the Chairman of the Council shall issue the necessary rules and regulation for the effective implementation of this Act.

SECTION 23. *Separability* If any provision of this Act shall be held unconstitutional or invalid, the other provisions not otherwise affected shall remain in full force and effect.

SECTION 24. *Repeal.* Any law, decree or rules and regulations inconsistent with or contrary to the provisions of this Act are hereby amended or repealed.

SECTION 25. *Effectivity.* This Act shall take effect fifteen (15) days following its publication in the Official Gazette or in two (2) national newspapers of general circulation.

Approved.