

Republic of the Philippines
HOUSE OF REPRESENTATIVES
THIRTEENTH CONGRESS
First Regular Session



HOUSE BILL No. 2768

Introduced by Reps. SATUR C. OCAMPO, TEODORO A. CASIÑO, JOEL G. VIRADOR,
CRISPIN B. BELTRAN, LORENZO R. TAÑADA III, LIZA LARGOZA-MAZA, ROSELLER L. BARINAGA,
RAFAEL V. MARIANO, CLAVEL A. MARTINEZ, ERNIE D. CLARETE, CATALINO V. FIGUEROA,
ABRAHAM B. MITRA, REYNALDO S. UY, LEOVIGILDO B. BANAAG

Explanatory Note

The Philippines is constantly battered by natural disasters, owing to its geographical location within the Pacific Rim of Fire and the typhoon-hurricane belt. Man-made disasters like environmental degradation and worsening socio-economic problems aggravate the already devastating effects of natural disasters.

The country's disaster-prone condition requires that disaster response and management be given specific priority and special attention. However, the government bodies principally charged with this task – the Department of National Defense (DND) and Department of Social Welfare and Development (DSWD) – are already burdened with other responsibilities. The DND, which coordinates inter-agency efforts in times of calamities, has its hands full supervising the armed forces and overseeing internal security. As a result, government actions in disaster management have been generally limited to reactive measures such as rescue and relocation operations and, as in the case of the DSWD, emergency relief.

The efficient and transparent handling of calamity funds remains also a permanent concern in the light of unabated charges of corruption in these agencies.

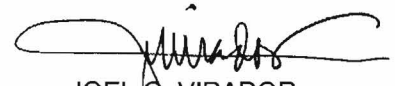
This bill envisions the formulation of a National Disaster Management Program and the creation of an independent National Disaster Management Commission aimed at building the capacity of people and communities to prepare for calamities. Ultimately, the objective is to develop disaster resiliency at the grassroots level. This measure also seeks to undertake a full range of programs in disaster preparedness, including education, training and organizing, that are not being fully addressed under the present set-up.

In many countries around the world, there is a growing trend toward developing a more responsive, comprehensive and civilian-led program for disaster management. Many governments now have a separate ministry or commission devoted solely to disaster management work. Out of 24 countries in Asia, it is only in the Philippines, Singapore and Thailand where disaster management work is still under the military or defense department. With the year-round occurrence of disasters in our country, both natural and man-made, a new direction is necessary.

Immediate approval of this measure is thus earnestly sought.


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AN ACT STRENGTHENING PHILIPPINE DISASTER MANAGEMENT AND CREATING THE NATIONAL DISASTER MANAGEMENT COMMISSION

Hon. Crispin B. Beltran
District Anakpawis Partylist

Hon. Jose P. Tizon
District 4th QUEZON PROVINCE

Hon. Liza Luyon-Maya
District Gabriel Women's Partylist

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Hon. Roseller L. Barnaga
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Hon. Catalino V. Fiveron
District 2ND DISTRICT SAMAR

Hon. Assessment Manager
District 2nd District

Hon. Reynaldo S. Uy
District 1st, W. Samar

Hon. Leovigildo B. Banas
District 1st D, Agusan del Norte

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**AN ACT STRENGTHENING PHILIPPINE DISASTER MANAGEMENT AND CREATING
THE NATIONAL DISASTER MANAGEMENT COMMISSION AND PROVIDING FUNDS THEREFOR**

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 Management Act."

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

1. Develop, promote and implement a comprehensive national Disaster Management Program seriously addressing the roots of disaster vulnerabilities;
2. Build and strengthen national and local government structures and organizations for the implementation and enforcement of policies of the national Disaster Management Program;
3. Provide maximum care, assistance and services to individuals and families affected by disasters; implement emergency rehabilitation projects to lessen the impact of disaster and facilitate resumption of normal social and economic activities; and
4. Recognize and strengthen people's existing capacities to prepare and mitigate the effects of disasters through the community-based disaster management approach.

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

1. **"Disaster"** refers to an event, natural or man-made, sudden or progressive, that seriously disrupts the functioning of a society, causing human, material, or environmental losses of such severity that the affected community has to respond by taking exceptional measures. It is the result of a hazard that strikes a vulnerable community whose inherent capacity is not enough to withstand or cope with its adverse effects and impacts.
2. **"Emergency"** refers to unforeseen or sudden occurrence, especially, danger, demanding immediate action.
3. **"Disaster Management"** is a comprehensive set of activities that covers all aspects of disaster work from preparedness, emergency response, mitigation and prevention to rehabilitation and reconstruction.
4. **"Disaster Preparedness"** refers to pre-disaster actions and measures being undertaken to avert or minimize loss of life and property, such as but not limited to community organizing, training, planning, equipping, stockpiling, hazard mapping and public information and education initiatives.
5. **"Disaster Mitigation"** refers to measures that ensure the ability of at-risk communities to address vulnerabilities aimed at minimizing the impact of disasters.
6. **"Rehabilitation"** refers to measures that ensure the ability of affected communities to restore their normal level of functioning by rebuilding livelihood and damaged infrastructures and increasing the communities' organizational capacity.
7. **"Community-based Disaster Management or CBDM"** refers to activities, projects and

1 programs to reduce disaster risks primarily designed by people living in high-risk localities
2 based on their needs and capacities.
3

4 **SECTION 4. Scope.** This Act provides for all the actions and measures pertaining to all aspects of
5 disaster management from prevention/preparedness, response, rehabilitation, mitigation, rehabilitation to
6 reconstruction.
7

8 **SECTION 5. The National Disaster Reduction and Management Program.** A National Disaster
9 Reduction and Management Program (NDRMP) defining the government's thrust and stresses toward
10 disaster-resiliency will be formulated. The Program will set forth strategic concepts and organizations,
11 tasks of participating agencies and guidelines on disaster management. The National Disaster Program
12 shall be integrated in the National Development Plan and Budget.
13

14 At the heart of the National Disaster Reduction and Management Program shall be the principle of a
15 people-based and people-propelled management of the program down to the barangay level using the
16 community-based disaster management framework.
17

18 **SECTION 6. National Disaster Management Commission.** There shall be created a National Disaster
19 Management Commission (NDMC, or hereinafter known as "Commission"). It shall be headed by a
20 Chairperson and three (3) Commissioners.
21

22 The Commission shall be constituted by the President, with the consent of the Commission on
23 Appointments. The President shall appoint the Chairperson and the three (3) Commissioners from among
24 a list of nominees to be submitted by agencies and organizations active in disaster management in the
25 public and private sectors. All nominees must be considered as experts in the field of disaster
26 preparedness and management and of proven honesty and integrity.
27

28 The Chairperson and three (3) Commissioners shall have a term of five (5) years. Their position shall be a
29 civil service career position to ensure continuity of programs.
30

31 The Chairperson shall have the same rank and privileges of a department secretary, and the
32 Commissioners shall have the same rank and privileges of the undersecretaries of a department. The
33 Commissioners shall each head the three principal committees of the Commission: the Preparedness and
34 Relief Office, the Prevention and Mitigation Office, and the Training and Education Office.
35

36 The creation and operationalization of the NDMC shall be guided by the following principles:
37

- 38 1. Addressing the roots of people's vulnerability to disasters is the key toward disaster reduction
39 and building disaster-resilient communities.
- 40 2. Incorporation of the National Disaster Reduction and Management Program (NDRMP) into the
41 formulation of development plans at the national, regional and local levels.
- 42 3. Efficiency in the implementation of the comprehensive NDRMP and expediency in the delivery
43 of adequate and appropriate emergency response and rehabilitation measures.
- 44 4. Strengthening the local government units to more effectively operationalize the NDRMP at the
45 local level.
- 46 5. Encouraging the participation of non-governmental and people's organizations in the over-all
47 efforts toward disaster-resiliency.
- 48 6. Reliance on the people's strength and building their capacities in instituting programs and
49 measures in preparing for and mitigating the effects of disasters using the community-based
50 disaster management approach.
- 51 7. Developing the spirit of volunteerism and genuine service among the less affected or less
52 vulnerable sectors of society in the effort toward disaster reduction and building disaster-
53 resilient communities.
- 54 8. Transparency and accountability in the administration of all funds under its control and
55 supervision as well as in the accessibility of all official records under its jurisdiction.

SECTION 7. Status and Nature of the Commission. The Commission shall be independent and shall have the same status as that of a national government agency attached to the Office of the President. It shall render an annual report of its activities and achievements to the President and to Congress.

The Commission shall be mandated to manage, coordinate and synchronize programs and projects in the implementation of the comprehensive National Disaster Reduction and Management Program and shall have policy-making power on disaster-related matters.

The Commission's goal shall be toward attaining disaster-resiliency by relying on and building people's capacity in managing disasters.

SECTION 8. Functions of the Commission. Following are the functions of the National Disaster Management Commission (NDMC):

1. To develop, formulate, lead and monitor the implementation of the National Disaster Reduction and Management Program;
2. To formulate policies regarding disaster management and issue implementing guidelines in this respect;
3. To ensure that government agencies and local government units take adequate and appropriate measures in disaster management;
4. To take over-all charge of relief and rehabilitation activities during emergency disaster situations;
5. To recommend to the President the declaration of state of calamity in areas extensively damaged and submit proposals to restore normalcy in the affected areas;
6. To ensure that all disaster preparedness, mitigation and prevention activities such as training and public information are given top priority by concerned government agencies and local government units;
7. To develop a Disaster Information System and Geographic Information System as tools for policy and decision-making of the Commission;
8. To establish a National Preparedness Center to serve as the Commission's Training Facility as well as holding area for Quick Reaction Teams (QRTs) and equipment for ready mobilization during disasters or emergencies;
9. To coordinate and meet with concerned departments and agencies as often as necessary to effectively manage national efforts at disaster reduction and management;
10. To prepare and submit the appropriate budget to the Office of the President;
11. To administer calamity funds, including grants and donations for the benefit of victims of disasters in whatever form and from whatever source, in accordance with the terms thereof; or in the absence of any condition, in such manner consistent with existing laws; and
12. To promulgate the necessary rules and regulations for the implementation of this Act.

SECTION 9. NDMC Secretariat. A five (5)-member secretariat shall be formed to administer the day-to-day work of the National Disaster Management Commission (NDMC). The Commission shall determine the staffing pattern and compensation scheme of the Secretariat subject to existing rules and regulations. An Executive Director shall be appointed to head the Secretariat and shall serve as chief operating officer. The Secretariat will have the following functions:

1. To record, prepare, disseminate and file the proceedings/undertakings of the NDMC and the committees and groups under it;
2. To plan, monitor and evaluate the programs and activities of the NDMC and its committees;
3. To implement the Disaster Management Information System and the Geographic Information System; and
4. To monitor the extent of implementation of the National Disaster Reduction and Management Program.

SECTION 10. Disaster Management Organization at the Regional and Local Levels. There shall be constituted counterpart Disaster Management Offices (DMO) at the regional and local government levels.

1 The regional and local DMOs shall be headed by the Executive Officer and shall establish an operating
2 facility or a Disaster Management Center.

3
4 The local government units (LGUs) through their DMOs shall be responsible in the formulation,
5 implementation, monitoring and evaluation of the National Disaster Reduction and Management Program
6 in their respective jurisdictions. The LGUs shall:

- 7
- 8 1. Identify hazards/disaster risks in their areas of responsibility and draw up counter-disaster
9 plans/strategies;
- 10 2. Identify and source funding for specific disaster preparedness and management projects; and
- 11 3. Coordinate, monitor and evaluate efforts in the implementation of a local action program for
12 disaster reduction and management.
- 13

14 **SECTION 11. *The Disaster Preparedness Committee at the Community Level.*** The Disaster
15 Preparedness Committees (DPC) shall be formed at the barangay level. The DPC shall be the
16 embodiment of people's participation in the implementation of a truly community-based disaster
17 management approach. The DPC shall be composed of three to five members from the ranks of
18 community leaders or leaders of people's organizations. The committee will lead the implementation of
19 the community counter-disaster plan and provision of disaster management services.

20
21 **11.1. *Tasks of the Disaster Preparedness Committee.*** Following are the tasks of the DPC:

- 22
- 23 1. Identify hazards and draw up a hazards map of the community;
- 24 2. Formulate the barangay's counter-disaster plan (CDP) and lead in its implementation;
- 25 3. Mobilize the whole barangay in all disaster management activities in the community;
- 26 4. Render disaster management services and other related services to the community;
- 27 5. Assert/avail assistance from the LGU disaster/calamity fund allocated for disaster
28 preparedness activities (i.e. skills training); and
- 29 6. Establish linkage and partnership with disaster management practitioners, agencies and
30 non-governmental organizations.
- 31

32 **SECTION 12. *Participation of NGOs and POs, Concerned Groups and Individuals.*** The participation
33 of non-governmental organizations (NGOs), people's organizations (POs) and other concerned groups
34 and individuals from the private sector involved in disaster reduction and management activities shall be
35 encouraged to provide the necessary support system in the realization of a community-managed disaster
36 preparedness and reduction program. NGOs, POs, concerned groups and individuals shall:

- 37
- 38 1. Support and provide capability-building training on disaster management and other leadership
39 skills to the disaster preparedness committees and local community organizations;
- 40 2. Promote the community-based disaster management (CBDM) framework as the best approach
41 in disaster reduction and building disaster-resilient communities;
- 42 3. Push for policies and recommendations that facilitate the effective and efficient implementation
43 of the comprehensive National Disaster Reduction and Management Program at all levels;
- 44 4. Generate human, financial, material and technical support in the implementation of disaster
45 reduction and management program at the community level;
- 46 5. Help create a culture of disaster awareness, preparedness and volunteerism and service
47 among the citizenry; and
- 48 6. Render disaster response and management services to affected communities.
- 49

50 **SECTION 13. *Inter-Departmental Disaster Management Coordination.*** The National Disaster
51 Management Commission will coordinate the efforts of the different government departments and
52 agencies concerned with disaster management. All government departments and agencies shall make
53 available their personnel, facilities and expertise to effectively carry out the functions of the Commission.
54 In line with their specific disaster response task, the following departments shall provide assistance to the
55 Commission:

1. Department of the Interior and Local Government (DILG) – shall be responsible in overseeing the organization of disaster management councils and the establishment of operation centers of all local governments.
2. Department of Education (DepEd) – shall be responsible for the organization of disaster control groups, reaction teams in all schools and institutions of learning. It will also help in information dissemination and advocacy on disaster preparedness.
3. Department of Social Welfare and Development (DSWD) – shall be responsible in the provision of emergency relief assistance and social services to disaster affected communities.
4. Department of Health (DOH) – shall provide medicines, medical assistance and other relief materials. It shall prepare medical teams to be dispatched whenever necessary, provide medical treatment for disaster victims and subsequent hospitalization if necessary; provide medicines, other medical supplies and equipment, institute preventive and curative measures to check and control occurrence and spread of diseases.
5. Department of National Defense (DND) – shall make available logistics and necessary resources for emergency relief and rescue operations, undertake rehabilitation and reconstruction work.

SECTION 14. Funding and Appropriations. Initial funding for the creation of the National Disaster Management Commission and its Secretariat shall be charged against the unexpended contingency fund of the Office of the President. Thereafter, such sums as may be necessary for the continued implementation of this Act shall be included in the annual General Appropriations Act.

SECTION 15. State of Calamity. The Commission may recommend a cluster 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 percent of the population are affected;
2. At least thirty percent of the dwelling units have been destroyed;
3. At least twenty-five percent of the major means of livelihood of the community are affected;
4. At least fifty percent 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 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 with one week;
7. There is flooding which is expected to last for one week; and
8. There is drought that will affect one planting season.

The declaration of a State of Calamity may be issued either by the President or the local Sanggunian upon the recommendation of the local disaster management council based on the above-mentioned criteria.

SECTION 16. National Calamity Fund and Quick Response Fund. These funds are as follows:

1. The National Calamity Fund appropriated under the General Appropriations Act shall be used for aid, relief, rehabilitation, reconstruction and other work or services in connection with calamities which may occur during the budget year or those that occurred in the past two years from the budget year, including training of personnel and other pre-disaster activities and capital expenditures for pre-disaster operation, rehabilitation and other related activities.
2. A Quick Response Fund (QRF) from the contingency fund of the Office of the President is hereby constituted to support the initial and immediate disaster response operations and needs of the National Disaster Management Commission and its participating agencies for the current year. The amount necessary for the continuous funding of the QRF shall be included in the annual General Appropriations Act.
3. The specific amount of the QRF for the National Disaster Management Commission and appropriate participating agencies shall be recommended by the NDMC to the President and shall be administered by the NDMC and other recipient agencies, provided that no portion

thereof shall be used for administrative expenses or as augmentation fund for regular agency programs, projects and activities not related to current calamities or disasters.

4. All departments/agencies and local government units that were allocated with a calamity fund shall submit to the NDMC their monthly statements on the utilization of such calamity funds and make an accounting thereof in accordance with existing accounting and auditing rules.
5. The calamity fund shall be released within 24 hours after the State of Calamity is declared.
6. For the sound and judicious management of the funds under its control and supervision, the Commission shall organize a separate staff, administratively independent of the secretariat, to be headed by a Comptroller appointed by and directly responsible and accountable to the Commission.
7. There shall be an external auditor to perform an annual audit of the financial performance of the Commission.

SECTION 17. Remedial Measures. The declaration of a State of Calamity shall make mandatory the immediate undertaking of the following remedial measures by concerned agencies:

1. Automatic imposition of price control on basic necessities in areas declared under a state of calamity by the President of the Philippines or local Sanggunian by the Department of Trade and Industry;
2. Monitoring, prevention and control of overpricing/profitteering and hoarding of prime commodities, medicines and petroleum products by the local Price Coordinating Council;
3. Programming/reprogramming of funds for the repair and safety upgrading of public infrastructures and facilities; and
4. Granting of no-interest loans by government financing or lending institutions to the most affected section of the population through their cooperatives or people's organizations.

SECTION 18. Accessibility and Transparency. Subject to such limitations as may be provided by law, all official records, documents and papers pertaining to official acts, transactions or decisions, as well as research and other data used by the National Disaster Management Commission, shall be accessible to the public.

SECTION 19. Separability Clause. 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 20. Repealing Clause. All laws, decrees, executive orders, proclamations and other executive issuances, which are inconsistent with or contrary to the provisions of this Act, are hereby amended or repealed.

SECTION 21. Effectivity Clause. This Act shall take effect fifteen days (15) following its publication in the *Official Gazette* or in two (2) national newspapers of general circulation.

Approved,