

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

13th Congress
Second Regular Session

HOUSE BILL NO. 5325



Introduced by the HON. MICHAEL JOHN "JACK" R. DUAVIT

Explanatory Note

Last December, the Tsunami killed 300,000 people from an earthquake emanating from the Indonesian archipelago. Last October, 38,000 people were killed in Pakistan and 1,300 in India after an earthquake in Kashmir. The United Nations experts report that by 2010, 50 million people will become refugees as a result of natural disasters and the environmental degradation that accompany them.

The Philippines has ranked in the top five among disaster prone countries based on the Center for Research and Epidemiology in Disaster (CRED) in Belgium.

From 1990 to 2000, the Philippines had experience disasters such as floods, earthquakes, landslides, bombings, sea mishaps, fire accidents and many other types of disasters.

Because of the geographical location of the country, the Philippines is in the direct path of many climatic consequences which result in disasters. For example, the country is visited by at least 25 typhoons every year. It is part of the Pacific ring of fire on account of the many volcanoes located here. As a consequence, we are also part of the fault lines that bring about numerous earthquakes in the country.

We do not need to experience a Katrina for us to undertake actions to prepare us for the various disasters that victimize our people, destroy our infrastructure and effectively slows down our economic growth.

The present Bill proposing the creation of an Emergency Management Philippines which will work on a philosophy of an integrated and coordinated disaster management policy that focuses on preventing and reducing the risks of disasters, mitigating the severity of disasters, undertaking emergency preparedness and initiating rapid and effective response to disasters and past disaster recovery.

The proposed Emergency Management Philippines will also incorporate for the first time, a disaster risk management¹ system whereby national and regional

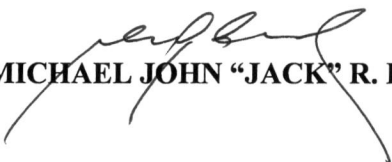
development plans incorporate “hazard risk reduction management” as components of an integrated and coordinated strategy for sustainable development.

Among the salient sections of the proposed bill is one where the “state of calamity” will be declared not by politicians but by scientists who will indicate by internationally-accepted criteria when such a condition exists. This will prevent the politicization of calamity funds and its being used to promote political agenda of some politicians.

The proposed Emergency Management Philippines will also move away from the present framework of the National Disaster Coordinating Council where the Office of Civil Defense takes the lead. While it cannot be denied that the military is one of the first responders in an emergency situation because of its logistical capabilities, the management of disaster during and after will be done by civilian authorities or organizations.

Disaster management is not a national issue, nor a regional issue or provincial one—it is an individual’s responsibility to ensure that all manner of precaution, prevention and management is done on the level of the household. Indeed, the best practice in disaster management around the world is community-based disaster and risk management.

As the future of our nation depends finally on our capability to provide a secure and risk-free environment for our people, I strongly urge for the immediate approval of the proposed Bill.



MICHAEL JOHN “JACK” R. DUAVIT

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AN ACT
ESTABLISHING THE EMERGENCY MANAGEMENT PHILIPPINES AND
PROVIDING FUNDS THEREFOR

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

Section 1. Title – This Act shall be known as the “*Emergency Management Philippines Act of 2006*”

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

- (a) Provide for an integrated and co-ordinated disaster management policy that focuses on preventing or reducing the risk of disasters, mitigating the severity of disasters, undertaking emergency preparedness, and initiating rapid and effective response to disasters and post-disaster recovery
- (b) Achieve excellence in civil protection through hazard reduction and disaster management at all levels of the Philippine society by establishing a coherent, integrated, proficient and responsive disaster risk management system, and whereby national and regional development plans incorporate hazard risk reduction management as components of an integrated and co-ordinated strategy for sustainable development.
- (c) Strengthen the institutional structures for coordination, implementation and enforcement of policies for the promotion of hazard management and disaster management by providing a basis for aligning local planning with a national framework and national plan.
- (d) Recognize, support and strengthen local community capacities by encouraging them to achieve acceptable levels of risk for undertaking the primary responsibility in reducing risk from hazards and managing disasters.
- (e) Support, strengthen and encourage the coordination of local government units when reducing risk from hazards, preparing for, responding to, and recovering from disasters or emergencies, whether natural or man-made.

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

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

- (a) “*Community-Based Disaster Management (CBDM)*” refers to activities, projects and programs to reduce disaster risk which are primarily designed by people living in high risk localities based on their needs and capacities and in close coordination with their respective local disaster coordinating councils.
- (b) “*Director*” refers to the Director of the Office of the Emergency Management Philippines.
- (c) “*Disaster*” is an event, natural or man-made, sudden or progressive, which impacts with such severity on people’s lives and properties, livelihood, essential services, lifelines and major public infrastructures, and the environment, that the affected community has to respond with exceptional measures or otherwise requires a significant and coordinated response under this Act.
- (d) “*Disaster Management Councils*” refers to all nucleus organizations established at the national, regional, provincial, city, municipal, and barangay levels to carry out the disaster management activities as defined under this Act.
- (e) “*Disaster Response Operations*” refers to any concerted effort by two or more agencies, public or private, to provide emergency assistance to the victims of a disaster or calamity and in the restoration of essential public activities and facilities.
- (f) “*Disaster Risk Management*” refers to the application of knowledge, measures and practices are necessary or desirable for the safety of the public and are designed to guard, prevent, reduce or overcome any hazard or harm or loss that may be associated with any disaster. It includes all activities relating to hazard mitigation and prevention, response preparedness and relief, and long-term recovery (rehabilitation and reconstruction).
- (g) “*Disaster Mitigation*” refers to the measures aimed at minimizing the impact of a natural or man-made disaster on a nation of community, in terms of casualties and damages.
- (h) “*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.
- (i) “*Disaster Prevention*” refers to measure 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 minimize 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 buildings.
- (j) “*Emergency*” refers to unforeseen or sudden occurrence, especially danger, demanding immediate action.

- (k) "*Hazard Mitigation*" relates to actions, practices or processes designed to reduce the severity or level of harm of a hazard agent on the national community or any part thereof.
- (l) "*Hazard Risk Reduction*" refers to activities that reduce the degree of long-term risk to human life and property from natural and technological hazards.
- (m) "*Lifeline Utilities*" refer to entities that produce, generate, supply, distribute or provide services or products that are essential for the effective functioning and maintenance of a community.
- (n) "*National and Regional Development Plans*" has the same meaning as set out by NEDA.
- (o) "*National Disaster Management Plan*" is the disaster operational master plan formulated and revised by the EMP, which sets forth the disaster response requirements of participating parties.
- (p) "*National Disaster Risk Management Framework (NDRMF)*" is the overarching guideline document for the development of disaster risk management practices and processes for the Philippines. The NDRMF should be integrated in the National Development Plan and budget.
- (q) "*Rehabilitation*" refers to the process by which the affected communities/areas or damaged public infrastructures are restored to their proper or normal level of functioning and new measures are introduced to reduce future hazards and risks.

Sec. 4. Scope. This Act provides for all the actions and measures pertaining to hazard mitigation, disaster prevention/preparedness, response, and rehabilitation, and disaster risk management as defined under this Act.

Sec. 5. The Emergency Management Philippines. There shall be created an Emergency Management Philippines (EMP) which shall be an independent body and of the same status as that of a national agency attached to the Office of the President.

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

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

Sec. 6. Powers and Functions of the Emergency Management Philippines. The EMP shall have the following powers and functions:

- (a) Formulate policies on emergency and disaster response and management, and develop a comprehensive national Emergency and Disaster Prevention and Preparedness Plan.
- (b) Advise the President on the status of emergency and disaster response, recovery, mitigation, risk reduction, prevention and preparedness efforts being undertaken by concerned government and private entities.

- (c) Recommend to the President the declaration of a state of a calamity in areas extensively damaged and submit proposals to establish normalcy in the affected areas.
- (d) Ensure that all emergency and 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.
- (e) Foster and facilitate the participation of non-government agencies in measures taken by the government for emergency and disaster-related concerns.
- (f) Develop a national disaster risk management framework.
- (g) Render annual reports to the President and to Congress.

Sec. 7. *The Emergency Management Philippines Secretariat.* The EMP Secretariat shall be formed to manage the day-to-day activities of the EMP. It shall serve as the forum for coordination and support of the different volunteer organizations established by the Emergency Field Offices throughout the country.

The staffing pattern and compensation scheme of the Secretariat shall be determined by the EMP Board subject to existing rules and regulations.

The Secretariat shall be headed by an Executive Director who shall serve as the Chief Operations Officer of the EMP. The Executive Director shall be selected and appointed by the Board subject to a recruitment process as determined by the Board.

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

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

Sec. 9. *Powers and Functions of the Emergency and Disaster Field Offices.* The Emergency and Disaster Field Offices shall be empowered to:

- (a) Formulate policies on emergency disaster response and management in accordance with the national policies and the comprehensive national Emergency and Disaster Preparedness and Prevention Plan set down by the Board, taking into account the unique circumstances obtaining in their respective areas of jurisdiction.
- (b) Identify hazards/disaster risks in their areas of responsibility and draw up counter-emergency and disaster plans/strategies.
- (c) Identify and source funding for specific emergency and disaster preparedness and management projects.
- (d) In consultation with the affected province, municipality or barangay, identify evacuation areas, whenever necessary.
- (e) Coordinate with agencies and organizations involved in emergency and disaster management efforts within their jurisdiction: Provided, That the Board, by itself or through the Secretariat, shall make all such coordinative efforts with similar entities on the national and international levels.
- (f) Organize volunteers in their respective jurisdictions who can be mobilized to undertake emergency or disaster related work.
- (g) Enforce curfews and compel forced evacuation whenever circumstances warrant such actions.

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

Sec. 10. Responsibilities of Local Government.

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

Sec. 11. Importations and Donations of Food, Clothing, Medicine and Equipment for Relief and Rehabilitation and Other Disaster Management Related Supplies and Equipment for Calamity-Affected Areas. The importations and donations of food, clothing, medicine and equipment for relief and rehabilitation and other disaster management related supplies are hereby authorized in accordance with Sec 105 of the Tariff and Customs Code of the Philippines, as amended, and the prevailing provisions of the General Appropriations Act covering national internal revenue taxes and import duties of the national and local government agencies.

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

Sec. 12. Release, Allocation and Accounting of the National Calamity Fund. The National Calamity Fund (NCF) appropriated under the General Appropriations Act (GAA) shall be used for aid, relief, rehabilitation, reconstructions and other works 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, in order of priority as may be determined by the EMP.

A Quick Response Fund (QRF) is hereby constituted to support the initial and immediate disaster response operations and needs of the EMP 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.

The specific amount of the QRF for the EMP and appropriate participating agencies shall be recommended by the EMP to the President and shall be administered by the EMP 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.

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

Sec. 13. *Implementing Rules and Regulations.* The EMP shall promulgate the necessary rules and regulations for the effective implementation of this Act.

Sec. 14. *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.

Sec. 15. *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.

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

Approved,

A handwritten signature in black ink, located on the right side of the page. The signature is stylized and appears to be a single name, possibly 'J. L. ...'.