

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS

First Regular Session

House Bill No. **2590**

Introduced by **HON. PAOLO EVERARDO S. JAVIER**

EXPLANATORY NOTE

This bill seeks to amend Section 21 of Republic Act No. 10121 which was recently enacted by the 14th Congress on May 22, 2010.

Section 21 of RA No. 10121 reads in part.

“The present Local Calamity Fund shall henceforth be known as the Local Disaster Risk Reduction and Management Fund (LDRRMF). Not less than five (5%) of the estimated revenue from the regular sources shall be set aside as the LDRRMF to support disaster management activities such as ...”

First. This provision has to be amended. It authorizes only the expenditure of 5 percent of the Local Disaster Risk Reduction and Management Fund (LDRRMF) the LGUs to pre-disaster preparedness which includes training, purchasing life-saving rescue equipment, supplies and medicines for post disaster activities and for the payment of premiums on calamity insurance.”

Apparently, it excludes expenditures from the LDRRMF for disaster prevention which is defined in Section 3 of the act as:

“Outright avoidance of adverse impacts of hazards and related disasters. It expresses the concept and intention to completely avoid potential adverse impacts through action taken in advance such as construction of dams or embankments that eliminate flood risks, land-use regulations that do not permit any settlement in high-risk zones and seismic engineering designs that ensure the survival and function of a critical building in any likely earthquake.”

Accordingly, LGU's may not use the LDRRMF in the construction of dams and other types of river controls in areas which are vulnerable to flooding.

Second. The accrual of the balance of the 5% LDRRMF to a special trust fund to be solely spent for disaster risk reduction management within the next five years unreasonably sequesters the unexpended balance and denies the LGUs the use of the unexpended balance for social services or development programs. Thus, the unexpended balance of the LDRRMF for the 2010 may not be spent for other budgetary programs until 2016, for year 2011 until 2017, for the year 2012 until 2018 and so forth ad infinitum.

The sequestration of the unexpended LDRRMF balance is unnecessary since the 5% is automatically appropriated in the annual budget of the LGU's under the Local Government Code.

Hence, the bill proposes to amend section 21 of RA No. 10121 by

(1) including "disaster prevention" as eligible for funding from the LDRRMF;

(2) deleting the sequestration of the unexpended balance of the LDRRMF fund and providing for the accrual of the balance to the 20% development fund for the succeeding year.

Immediate approval of this bill is urged.



HON. PAOLO EVERARDO S. JAVIER
Representative
Lone District, Antique

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House Bill No. 2590

Introduced by: **HON. PAOLO EVERARDO S. JAVIER**

AN ACT AMENDING CERTAIN SECTIONS OF REPUBLIC ACT No. 10121 OTHERWISE KNOWN AS AN ACT STRENGTHENING THE PHILIPPINE DISASTER RISK REDUCTION AND MANAGEMENT SYSTEM PROVIDING FOR THE NATIONAL DISASTER RISK REDUCTION AND MANAGEMENT FRAMEWORK AND INSTITUTIONALIZING THE NATIONAL DISASTER RISK REDUCTION AND MANAGEMENT PLAN, APPROPRIATING FUNDS THEREFORE AND FOR OTHER PURPOSE.

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

Section 1. Section 3 of Republic Act No. 10121 is hereby amended to read as follows:

Section 3. Definition of Terms

X X X

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

X X X

Section 2. Section 21 of Republic Act 10121 is hereby amended to read as follows:

“Section 21 – Local Disaster Risk Reduction and Management Fund (LDRRMF). – The present Local Calamity Fund shall henceforth be known as the Local Disaster Risk Reduction and Management Fund (LDRRMF). Not less than five percent (5%) of the estimated revenue from regular sources shall be set aside as the LDRRMF to support disaster risk management activities such as, but not limited to, **DISASTER PREVENTION** and pre-disaster preparedness programs including training, purchasing life-saving rescue equipment, supplies and medicines, for post-disaster activities, and for the payment of premiums on calamity insurance. The LDRRMC shall monitor and evaluate the use and disbursement of the LDRRMF based on the LDRRMP as incorporated in the local development plans and annual work and financial plan,. Upon the recommendation of the LDRRMO and approval of the sanggunian concerned, the LDRRMC may transfer the said fund to support disaster risk reduction work of other LDRRMCs which are declared under state of calamity”.

Of the amount appropriated for LDRRMF, **AT LEAST** thirty percent (30%) shall be allocated as Quick Response Fund (QRF) or stand-by fund for the relief and recovery programs in order that situation and living conditions of people in communities or areas stricken by disasters, calamities, epidemics, or complex emergencies, may be normalized as quickly as possible.

Unexpended LDRRMF shall accrue to [special fund solely for the purpose of supporting disaster risk reduction and management activities of the LDRRMCs within the next five (5) years. Any such amount still not fully utilized after five (5) years shall revert back to the general fund and will be available for other social services to be identified by the local sanggunian] **THE TWENTY PERCENT (20%) DEVELOPMENT FUND OF THE LGU IN THE ENSUING FISCAL YEAR.**

Section 3. Repealing Clause - All laws, decrees, executive orders, proclamations and other executive issuances which are inconsistent with or contrary to the provisions of this of this Act are hereby amended or repealed accordingly.

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

Section 5. Effectivity Clause – This Act shall take effect fifteen (15) days following its complete publication in the *Official Gazette* or in two (2) national newspapers of general circulation.

Approved.