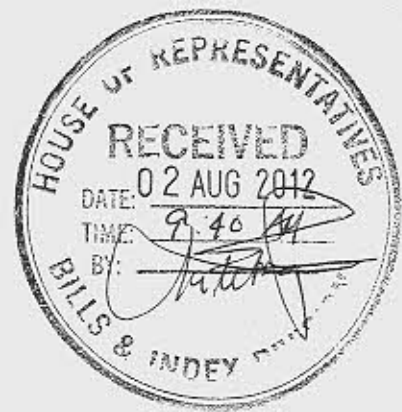


FIFTEENTH CONGRESS)
REPUBLIC OF THE PHILIPPINES)
Third Regular Session)



HOUSE OF REPRESENTATIVES

Introduced by Representative Rufus B. Rodriguez and
Representative Maximo B. Rodriguez, Jr.

House Bill No. 6438

EXPLANATORY NOTE

There are natural hazards which always confront us. We should always try to mitigate the effects of natural hazards and be prepared to act immediately before, during and after a disaster to minimize, if not prevent, destruction of property and loss of lives.

Despite all the preparations, these disasters can still wreak havoc and it is in times of devastation when disaster aid comes from all over the world. As such, the Philippines must be prepared for the possibility that they may one day require international assistance to respond to a disaster on their territory. If such an event occurs, global experience shows that an affected state will benefit from a clear legal framework for the entry and coordination of international humanitarian assistance, which balances safeguards for public security and safety against the urgent needs of those affected by the disaster. States will also find it easier to facilitate the speedy transit of humanitarian aid destined for other states affected by disaster, if the legal framework is already in place.

This bill is intended to help the Philippines address some of the legal and regulatory issues that commonly arise concerning international assistance during disasters. These issues relate to the entry and operation of assisting international actors, and also to the coordination of their assistance, especially in the relief and initial recovery period. Issues in legal entry and operation often include:

1. Delays in the entry of international humanitarian personnel, goods and equipment due to the requirements of customs and immigration laws which are not adapted to a situation of urgency;
2. Imposition of duties, tolls and taxes on relief items and activities;
3. Problems granting legal recognition of foreign qualifications for specialised professional personnel; and
4. Difficulties in granting legal recognition for foreign humanitarian organizations, which mean they may not be able to open bank accounts, hire local staff, lease premises, or other legal actions necessary for efficient in-country assistance.

Further, there are also other issues in the quality and coordination of international relief which may include:

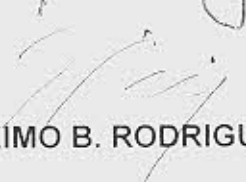
1. Importation of unnecessary or inappropriate relief items;
2. Failure to coordinate with domestic authorities and other relief providers;
3. Use of inadequately trained personnel;
4. Failure to consult with beneficiaries;
5. Culturally unacceptable behaviour

This bill will hopefully address these and other issues to ensure that proper and opportune disaster aid reach the areas affected in as little time as possible.

In view of the foregoing, immediate passage of this bill is earnestly sought.



RUFUS B. RODRIGUEZ



MAXIMO B. RODRIGUEZ, JR.

FIFTEENTH CONGRESS)
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HOUSE OF REPRESENTATIVES

Introduced by Representative Rufus B. Rodriguez and
Representative Maximo B. Rodriguez, Jr.

House Bill No. 5438

AN ACT
FACILITATING AND REGULATING INTERNATIONAL DISASTER RELIEF AND
INITIAL RECOVERY ASSISTANCE AND FOR OTHER PURPOSES

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

Chapter I
General Provisions

Section 1. Short Title – This Act shall be known as the "***International Disaster Relief and Initial Recovery Assistance Act***".

Section 2. Purpose and Scope – This Act sets out procedures, roles and responsibilities related to the facilitation and regulation of international disaster assistance provided to the Philippines in the event of a disaster on its territory.

In particular, this Act:

- (i) sets out roles and responsibilities for key officials and departments concerned with the facilitation and regulation of international disaster assistance;
- (ii) establishes procedures for initiating, coordinating, and terminating international disaster assistance;
- (iii) establishes the mechanism for recognition of eligibility for legal facilities for certain assisting actors;
- (iv) specifies the legal facilities to be provided to such eligible actors; and
- (v) specifies that minimum standards are expected from assisting actors providing international disaster assistance;

Section 3. Definitions – For purposes of this Act,

- a. "***Assisting Actor***" means any assisting international actor and any assisting domestic actor responding to a disaster in the Philippines;
- b. "***Assisting Domestic Actor***" means any non-profit entity established under the laws of the Philippines, which is responding to a disaster in the territory of Philippines;

- c. "*Assisting International Actor*" means any foreign state, organization, entity or individual responding to a disaster on the territory of the Philippines;
- d. "*Assisting State*" means any foreign government that is providing disaster relief or initial recovery assistance to the Philippines, whether through its civilian or military institutions;
- e. "*Disaster Relief*" means the goods, equipment, services and internationally donated funds provided to meet the immediate humanitarian needs of disaster affected communities;
- f. "*Disaster*" means a serious disruption of the functioning of society, which poses a significant, widespread threat to human life, health, property or the environment, whether arising from accident, nature, or human activity, whether developing suddenly or as the result of long-term processes, but excluding armed conflict;
- g. "*Domestic Non-Governmental Organization*" or "*Domestic NGO*" means any non-governmental, non-profit entity, which is registered or created under the laws of the Philippines and whose mandate and activities are exclusively focused on humanitarian relief, recovery or development;
- h. "*Eligible Actor*" means any assisting actor that has been determined to be eligible to receive legal facilities, in accordance with Chapters V and VI of this Act;
- i. "*Equipment*" means physical items, other than goods, which come from international sources and are designated for use in disaster relief or initial recovery assistance, including, but not limited to, vehicles, medical, and telecommunications equipment;
- j. "*Foreign Components of the International Red Cross and Red Crescent Movement*" means foreign National Red Cross or Red Crescent Societies, the International Federation of Red Cross and Red Crescent Societies and the International Committee of the Red Cross;
- k. "*Foreign Non-Governmental Organization*" or "*Foreign NGO*" means any nongovernmental, not-for-profit entity not incorporated/registered in the Philippines, whose mandate and activities are focused on humanitarian relief, recovery or development;
- l. "*Goods*" means supplies from international sources intended to be provided to disaster-affected communities for their relief or initial recovery;
- m. "*Initial Recovery Assistance*" means goods, equipment, services and internationally donated funds intended to restore or improve the pre-disaster living conditions of disaster-affected communities, including initiatives to increase resilience to disasters and reduce disaster risk;
- n. "*Internationally Donated Funds*" means any funds donated by foreign persons or entities directly to the Government of Philippines or to an assisting domestic actor for purposes of disaster relief or initial recovery assistance;
- o. "*International Disaster Assistance*" means disaster relief and initial recovery assistance that is provided by assisting international actors, or imported or otherwise brought to Philippines from abroad by or on behalf of assisting domestic actors;
- p. "*International Disaster Relief Period*" means the period following a disaster, as described in Sections 8 and 9 of this Act, during which the relevant legal facilities

described in Chapter VI are made available to eligible actors for the purpose of providing disaster relief;

- q. "*International Initial Recovery Period*" means the period following a disaster, as described in Sections 8 and 10 of this Act, during which the relevant legal facilities described in Chapter VI are made available to eligible actors for the purpose of providing initial recovery assistance;
- r. "*International Personnel*" means the staff, and volunteers of any assisting actor providing disaster relief or initial recovery assistance in the Philippines, being persons who are neither citizens of Philippines nor domiciled in Philippines prior to their recruitment by the assisting actor;
- s. "*Legal Facilities*" means the special entitlements and exemptions that are made available to Eligible Assisting Actors under Chapter VI of this Act;
- t. "*Locally Engaged Personnel*" means nationals or persons domiciled in the Philippines who are recruited as staff or volunteers by assisting international actors to provide disaster relief or initial recovery assistance;
- u. "*Services*" means activities undertaken by assisting actors to assist disaster affected communities with their relief or initial recovery, such as search and rescue activities, medical care, protection services and information services;
- v. "*Transit Facilities*" means the special entitlements and exemptions that are made available to assisting international actors under Chapter VII of this Act.
- w. "*Transit Facilities Period*" means the period following a disaster in another country, as described in Section 62 of this Act, during which the relevant legal facilities described in chapter vii are made available to assisting actors for the purpose of providing disaster relief or initial recovery assistance.
- x. "*Transport*" means the land, air or water vehicles operated on or behalf assisting actors to transport international personnel, goods and equipment across an international border for the purpose of providing disaster relief or initial recovery assistance.

Section 4. *Existing Rights, Privileges and Immunities* – Nothing in this Act shall be interpreted to limit or reduce the existing rights, privileges or immunities of any assisting actor as separately recognized by other laws or agreements of the Philippines, and any status or headquarters agreement between the Philippines and an assisting international actor.

Chapter II Initiation and Termination of International Disaster Assistance

Section 5. *Assessment of the Need for International Disaster Assistance* –

a. Immediately after the onset of a major disaster, and in consultation with relevant local government units and local authorities, the National Disaster Risk Reduction and Management Council (NDRRMC) shall make a determination, based on initial estimates, as to whether domestic capacities are likely to be sufficient to attend to the needs of affected persons for disaster relief and initial recovery assistance. This determination may also be made, at the discretion of the NDRRMC, prior to the onset of an imminent major Disaster.

b. In the event of a determination that domestic response capacities are not likely to be sufficient due to the scale of the disaster, the NDRRMC shall advise the President and recommend that an immediate request be made for international disaster assistance.

c. If such a recommendation is made, the NDRRMC shall, in consultation with relevant local government units and local authorities, develop a preliminary list of goods, equipment and services required. The NDRRMC shall make this list available to potential assisting international actors immediately upon the commencement of an international disaster relief period pursuant to section 8. The list shall be updated as needed to reflect new information and changing circumstances.

d. A determination that domestic capacities are likely to be sufficient and that international disaster assistance is therefore unnecessary may be reviewed and rescinded by the NDRRMC at any time, in light of updated information.

Section 6. *Requests for International Disaster Assistance –*

- a. Upon the advice of the NDRRMC, the President may make a request for International Disaster Assistance. That request may be specifically directed to particular international actors, or it may be a general request directed to the international community as a whole.
- b. The request shall be accompanied by:
 - a. information as to the extent and type of assistance required, based on the list prepared by the NDRRMC pursuant to Section 5, unless this would lead to undue delay; and
 - b. information on the procedures for assisting international actors to make offers or provide assistance pursuant to Section 7.

Section 7. *Offers and Acceptance of International Assistance –*

a. Assisting states and intergovernmental organizations interested in providing international disaster assistance shall direct offers to Department of Foreign Affairs (DFA) through, the appropriate Philippine embassy. Offers should indicate, in general terms, the type, amount and estimated duration of assistance to be provided. The DFA shall then consult with the NDRRMC about such offers. Upon the direction of the NDRRMC, the DFA may accept such offers, in whole or in part.

b. Assisting states planning to provide aid through military actors shall make such offers according to agreements between the Philippines and the assisting states and other relevant laws of the Philippines. They may be accepted, in whole or in part, with the specific conditions set out in the aforementioned laws, regulations and/or agreements.

c. In the event of a general request for international disaster assistance made pursuant to section 6(a), assisting international actors other than assisting states and intergovernmental organizations are exempt from making formal offers. However, they shall comply with the terms of the general request and shall inform the NDRRMC of the

type, amount and estimated duration of assistance to be provided in advance of their arrival.

d. In the absence of a general request for international disaster assistance, assisting international actors may make unsolicited offers to the DFA through, the appropriate Philippine embassy. The DFA shall consult with NDRRMC and, upon its direction, may accept such offers, in whole or in part.

Section 8. *International Disaster Relief and Initial Recovery Periods –*

a. the international disaster relief and initial recovery periods shall both commence simultaneously upon the issuance of a request for international disaster assistance under Section 6, or upon acceptance of an offer under Section 7, and shall continue until terminated pursuant to Section 9 or Section 10, as appropriate.

b. The legal facilities described in Chapter VI shall only be effective during the international disaster relief and initial recovery periods.

Section 9. *Termination of the International Disaster Relief Period –*

- a. When, on the basis of updated needs assessments and other information, and in consultation with assisting actors, the NDRRMC is satisfied that the need for disaster relief is coming to an end, it shall advise the President to approve a termination date for the international disaster relief period, with due consideration for the impact on ongoing relief activities. This termination shall not affect the ongoing validity of the international initial recovery period.
- b. The termination date shall be announced to assisting actors no later than 30 days prior to the proposed date. The announcement shall also include information about the anticipated ongoing needs for goods and services related to initial recovery assistance, if any.
- c. Upon the issuance of an announcement pursuant to this Section, the NDRRMC shall consult with assisting actors actively involved in disaster relief work in order to reduce any negative impact from the termination and, where necessary, to ensure an adequate handover of responsibilities.

Section 10. *Termination of the International Initial Recovery Period –*

- a. When, on the basis of updated needs assessments and other information, and in consultation with assisting actors, the NDRRMC is satisfied that the need for international initial recovery assistance is coming to an end, it shall advise the President to approve a termination date for the international initial recovery period, with due consideration for the impact on ongoing initial recovery activities.
- b. The termination date shall be announced to assisting actors no later than 30 days prior to the proposed date.
- c. Upon the issuance of an announcement pursuant to this Section, the NDRRMC shall consult with assisting actors actively involved in initial recovery assistance work in order to reduce any negative impact from the termination and, where necessary, to ensure an adequate handover of responsibilities.

Chapter III

Coordination and Preparedness for International Disaster Assistance

Section 11. *Coordination Duties and Powers of the Focal Point Agency –*

- a. The NDRRMC shall serve as a central focal point agency for liaison between the government of Philippines and assisting international actors, promoting the effective facilitation, coordination and oversight of international disaster assistance pursuant to this chapter. As such, the NDRRMC shall serve as the main counterpart for any applicable international or regional coordination mechanisms.
- b. The NDRRMC shall inform assisting actors and relevant national and local governmental agencies of their rights and responsibilities under this Act and orient them to other laws, rules or procedures especially relevant to international disaster relief and initial recovery assistance.
- c. During the international disaster relief and initial recovery periods, the NDRRMC may order any relevant governmental body of Philippines to undertake actions or make available assets or premises required to facilitate the work of assisting international actors to provide disaster relief or initial recovery assistance. Such bodies shall comply to the fullest extent possible within their legal mandates. Any order that may impose a substantial burden on the cooperating agency may be reviewed at its request by the Secretary of agency or department involved.
- d. During the international disaster relief and initial recovery periods, the NDRRMC may likewise request any private actor to undertake voluntary actions, at their own expense, as needed to facilitate the work of assisting international actors to provide disaster relief or initial recovery assistance. This may include a request to lower or waive fees or charges for key services required by assisting international actors and/or to extend operating hours for their provision.

Section 12. *Taskforce on International Disaster Assistance Preparedness –*

- a. A cross-sectoral Taskforce on International Disaster Assistance Preparedness (hereinafter “the Taskforce”) shall be established, to operate in accordance with this Section, under the chairmanship of the NDRRMC with the primary role of enhancing preparedness for implementation of this Act in case of a disaster requiring international disaster assistance.
- b. The Taskforce shall be composed of representatives from:
 - i. The NDRRMC ;
 - ii. The Department of Social Welfare and Development;
 - iii. The Philippines National Red Cross;
 - iv. The Office of the Governor of the Province involved;
 - v. The Office of the Congressman/Congressmen of the District/s involved;
 - vi. The Office of the Mayor/s of the city/ies involved;
 - vii. Such other members as the Taskforce may invite to participate, including relevant United Nations agencies, regional organizations and Foreign NGOs.

- c. The Taskforce shall provide technical advice on preparedness for the facilitation of international disaster assistance to the NDRRMC. In fulfilling this role, the Taskforce shall:
 - i. Prepare and update manuals, guidelines, plans or other procedures for the entry and coordination of international disaster relief and initial recovery assistance;
 - ii. Compile and update information on existing bilateral, regional and international coordination mechanisms applicable the Philippines, and provide technical advice to the NDRRMC on the further development of such mechanisms;
 - iii. Develop and maintain a list of personnel nominated by the relevant Secretaries to participate in Single Window International Facilitation Teams (SWIFTs), as described in Section 13, and to assist the NDRRMC to convene the SWIFTs immediately upon the commencement of an international disaster relief period pursuant to Section 8, if required for the volume of international disaster assistance expected;
 - iv. Advise the NDRRMC on the development of technical quality standards for international disaster relief and initial recovery assistance, as described in Chapter IV of this Act;
 - v. Develop, in accordance with Chapter V of this Act, procedures, documentation requirements and information about the responsibilities of assisting actors under this Act;
 - vi. Undertake other tasks related to international disaster assistance, as requested by the NDRRMC.
- d. The Taskforce shall meet:
 - i. immediately upon the commencement of an international disaster relief period pursuant to Section 8, to ensure the effective operation of the SWIFTs described in Section 13 and to advise the NDRRMC on the application of relevant procedures, manuals and other technical materials concerning the facilitation of international disaster assistance; and
 - ii. otherwise as necessary, and in no case less frequently than twice per year, to review national preparedness for implementing the provisions of this Act and to carry out the functions assigned to it pursuant to this Section.

Section 13. *Single Window International Facilitation Teams (SWIFTs) –*

- a. Single Window International Facilitation Teams (SWIFTs) shall be established in accordance with this Section, for the purpose of consolidating and expediting the legal requirements concerning entry of incoming international disaster relief and initial recovery personnel, goods, equipment and transport, as well as the application process for eligibility, as described in Chapter V.
- b. In consultation with the Taskforce, the NDRRMC shall establish the membership, functions, authorities and operating procedures for the SWIFTs, consistent with this Act and other relevant legislation.

- c. The SWIFTs shall be composed of representatives of relevant Departments and Agencies, from the list established and updated by the Taskforce in accordance with Section 12.
- d. Upon the commencement of an international disaster relief period pursuant to Section 8, SWIFTs shall be deployed to primary points of entry for international disaster assistance, including, as circumstances dictate, relevant airports, seaports and land border crossing points.
- e. In the absence of a SWIFT team at a particular border crossing, officials of the Bureau of Customs shall nevertheless apply the relevant provisions of this Act.

Section 14. *Operational Coordination of Assisting International Actors –*

- a. National and local authorities shall endeavour to integrate the role of assisting international actors into their contingency planning and mechanisms for operational coordination for disaster relief and initial recovery assistance efforts. In particular, they shall endeavour to facilitate the work of assisting international actors, while balancing the urgent needs of people affected by disaster and necessary safeguards relating to public safety and health, coordination and oversight.
- b. Assisting international actors shall cooperate and coordinate with National and local authorities in their disaster relief and initial recovery assistance. In particular, they shall provide them with such information as is available to them on the needs, and on the location, type and extent of their disaster relief and initial recovery assistance operations, as required for a coordinated and effective response.
- c. Assisting international actors shall cooperate with any international or regional mechanisms for coordination that have been specifically approved for a particular operation by the NDRRMC.

Section 15. *Limited Exemption from Privacy of Personal Data –* Public authorities and assisting actors shall be permitted to share personally identifiable information concerning disaster-affected persons among themselves for the purpose of avoiding imminent death or physical harm to individuals, or grave and foreseeable harm to public health or safety, or for facilitating family reunification.

Chapter IV General Responsibilities of Assisting Actors

Section 16. *Principles of International Disaster Assistance –*

- a. Assisting actors shall comply with the principles of humanity and impartiality in providing international disaster assistance. In particular, they shall establish their aid priorities on the basis of need alone and they shall not:
 - i. engage in any adverse distinctions, exclusions or preferences based on status, such as nationality, race, ethnicity, religious beliefs, class, gender, sexual orientation, disability, age or political opinion;
 - ii. seek to further a particular political or religious standpoint or interfere in internal matters irrelevant to the Disaster response;
 - iii. seek to obtain commercial gain from their assistance;
 - iv. gather sensitive information of a political, economic or military nature that is irrelevant to International Disaster Relief or Initial Recovery Assistance.
- b. In addition, non-governmental organizations shall comply with the principle of independence. In particular, they shall not act as instruments of the foreign policy of any government.

Section 17. *Respect for the Dignity of Persons Affected by Disaster –* Assisting actors providing international disaster assistance shall respect the dignity of persons affected by a disaster. In particular, they shall consult with the beneficiaries of their assistance in the design, implementation, monitoring and evaluation of the disaster relief and initial recovery assistance they provide.

Section 18. *Quality of Goods and Services –* Assisting actors shall ensure that the goods and services they provide are appropriate to the needs and circumstances of persons affected by the disaster and in compliance with the requirements of this Act and all applicable laws of the Philippines. Assisting actors shall additionally comply with technical quality standards as contained by regulations to be developed by the NDRRMC.

Section 19. *Disposal of Unusable Goods, Non-Functioning Equipment and other Waste –* Assisting actors shall ensure that any goods or equipment they import for the purpose of disaster relief or initial recovery assistance, which are or which become unusable, as well as any other waste products produced by them in the course of their disaster relief or initial recovery assistance operations, are destroyed, recycled or otherwise disposed of in a safe, environmentally sensitive and effective manner and in compliance with Philippine laws.

Chapter V

Eligibility for Legal Facilities

Section 20. *Provision of Legal Facilities to Eligible Actors –*

- a. The legal facilities described in Chapter VI are available only to eligible actors as described in this chapter and are effective only during the international disaster relief and initial recovery periods. Unless otherwise stated in Chapter VI, the legal facilities are equally effective during both of those periods.
- b. All of the legal facilities described in Chapter VI shall be available to assisting international actors deemed eligible pursuant to Section 21, or approved as eligible pursuant to Section 22.
- c. The legal facilities described in Parts 1 to 5 in Chapter VI shall only be available to assisting domestic actors deemed eligible pursuant to Section 21 or approved as eligible pursuant to Section 22, with respect to international personnel, goods, equipment and transport they bring to the country from abroad to provide disaster relief or initial recovery assistance.

Section 21. *Deemed Eligibility for Legal Facilities for Certain Assisting Actors –*

- a. Upon the commencement of an international disaster relief period pursuant to Section 8, the following assisting international actors shall be deemed eligible to receive the legal facilities described in Chapter VI of this Act without a further application process pursuant to Section 22:
 - (i) Assisting States;
 - (ii) Relevant intergovernmental organizations, including United Nations and regional organizations;
 - (iii) Any other assisting actor that the NDRRMC wishes to deem eligible.
- b. In order to facilitate access to the legal facilities, the NDRRMC shall provide assisting international actors described in Subsection (a) a certificate of eligibility, upon their request.

Section 22. *Application for Eligibility for Legal Facilities by Assisting Actors –*

- a. With the exception of those deemed eligible pursuant to Section 21, assisting actors seeking eligibility shall apply in accordance with this Section. assisting international actors may apply only if they are recognized as a legal person in a foreign country or under international law.
- b. The eligibility of private businesses for legal facilities shall be limited to assistance from which they make no profit or other commercial gain.
- c. Applications for eligibility may be made in advance of any disaster, or after the onset of a disaster. In the event that eligibility for legal facilities is granted in advance of a disaster, it will remain valid for 1 year, after which a new application is required. The legal facilities will enter into legal effect only during an international disaster relief or initial recovery period.

- d. All Assisting Actors seeking eligibility shall submit:
 - (i) certified copies of documents evidencing their legal personality in a foreign jurisdiction or under international law, in the case of assisting international actors, or under the laws of the Philippines, in the case of assisting domestic actors;
 - (ii) the name and full contact details of the authorized representative of the organization and the address of its headquarters, if any, in the Philippines;
 - (iii) documentation relating to their previous experience and current capacity in providing effective disaster relief or initial recovery assistance;
 - (iv) an undertaking relating to their organizational commitment and practices concerning the responsibilities set out in Chapter IV.

Section 23. *Eligibility Determination and Certificates* –

- a. The NDRRMC shall respond to any application under Section 22 by either approving it and issuing a certificate of eligibility for the relevant Chapter VI legal facilities, or by giving notice that the application has not been approved.
 - (i) For applications made during the international disaster relief period, the NDRRMC shall respond no later than 2 days after receipt of all required documents.
 - (ii) For applications made after the termination of an international disaster relief period but during an international initial recovery period, the NDRRMC shall respond no later than 5 days after receipt of all required documents.
- b. Applications from assisting actors with significant experience will be accepted unless the documentation provided or external information raises doubts as to their capacities, in which case, additional opinions and information may be gathered prior to making a determination.
- c. Upon approval of an application pursuant to Section 22 or upon the request of an assisting actor deemed eligible pursuant to Section 21, the NDRRMC shall issue a certificate indicating that the assisting actor is eligible for the relevant Chapter VI legal facilities. In the case of a domestic assisting actor, the certificate shall state that the eligibility extends to the legal facilities in Parts 1 to 5 of Chapter VI.
- d. A certificate issued in accordance with this Section shall be valid for a period of 1 year from the date of issue and may be renewed through a new decision under Section 20 or Section 22.

Section 24. *Termination of Eligibility for Legal Facilities* – Eligibility of assisting actors for the relevant Chapter VI legal facilities may be terminated upon the request of the eligible actor concerned or upon the termination of the legal facilities for failure to comply with this Act, pursuant to Section 56 of this Act.

Chapter VI Legal Facilities for Eligible Actors

Part 1 International Personnel

Section 25. *Disaster Visa* – The international personnel of eligible actors shall be entitled to waiver of entry visa requirements, including any associated fees or charges. International personnel who enter Philippines under this Disaster Personnel visa waiver shall be allowed to undertake disaster relief and initial recovery work for their sponsoring entities without the requirement to seek a separate residence or work permit. As long as they continue as international personnel of their sponsoring entities, they shall be entitled to remain in or re-enter the territory as often as necessary throughout the international disaster relief and international initial recovery periods. After that time, they may apply for a relevant visa from within the country.

Section 26. *Recognition of Foreign Professional Qualifications* –

a. Eligible assisting actors wishing to deploy international personnel for tasks requiring legal recognition of their foreign professional qualifications shall certify the validity of those qualifications and the competence of their personnel for the tasks envisaged.

b. Within six months of the entry into force of this Act, the Department of Foreign Affairs shall establish lists of countries and/or educational institutions whose health professionals, architectural, engineering and other relevant professionals may be given automatic recognition of their foreign qualifications when certified by an eligible assisting actor pursuant to subsection (a) of this Section. The lists shall be reviewed at least once per year and published electronically.

c. The Department of Foreign Affairs shall also establish expedited procedures to be applied for the assessment and recognition of the foreign qualifications of the international personnel originating from countries or institutions not included on the above-mentioned lists, when certified by their sponsoring eligible assisting actor pursuant to subsection (a) of this Section.

d. Recognition of qualifications under this Section shall exempt international personnel of eligible actors from any obligations for compulsory membership of professional associations or other professional registration processes within Philippines until the end of the international initial recovery period.

e. Recognition of qualifications under this Section shall remain valid until the end of the international initial recovery period, absent individual criminal conduct, or other professional misconduct sufficient to bar the individual from professional practice in the Philippines.

Section 27. *Recognition of Foreign Driving Licenses* – The Land Transportation Office (LTO) and other relevant authorities shall accord temporary recognition of the foreign driving licenses of the international personnel of eligible actors, during the international disaster response and initial recovery periods.

Section 28. *Freedom of Access* –

a. The international personnel of eligible actors under this Act shall be provided freedom of access to disaster-affected areas and persons requiring disaster relief or initial recovery assistance, subject only to limitations based on national security, public order or public health, weighed in the context of the urgency of the disaster needs. They shall be permitted to provide their goods and services directly to affected persons.

b. In situations where the relevant authorities have decided to restrict public access to affected areas out of concern for the safety of those persons seeking to enter, they shall warn the international personnel of eligible actors, but allow them to enter, if they may do so without endangering others and if the international personnel assume the risk.

Part 2

Entry of International Disaster Goods and Equipment

Section 29. *Customs Facilitation and Priority Treatment* – As further described in this Part, the Bureau of Customs shall facilitate the rapid importation of consignments of goods and equipment by eligible actors and shall accord them priority treatment in handling.

Section 30. *Duty of Compliance by Eligible Actors* – In order to benefit from the legal facilities in this part, eligible actors shall:

- a. declare that all the goods and equipment they seek to import under this Part are exclusively for disaster relief or initial recovery assistance and that they comply with any relevant standards under national law, including as provided in this Act or its regulations; and
- b. pack, classify and mark their consignments in accordance with the requirements described in this part and as directed by the Bureau of Customs.

Section 31. *Representation to Customs* – Eligible actors may make representations directly to the Bureau of Customs with respect to their international disaster assistance consignments or through a designated third party acting on their behalf.

Section 32. *Exemption from Import Duties, Taxes and Restrictions* – Consignments of goods and equipment by or on behalf of eligible actors shall benefit from:

- a. exemption from all duties and taxes;
- b. waiver of economic prohibitions and restrictions except for categories of special goods and equipment as provided in Part 3 of this Act; and

- c. clearance without regard to the country of origin or the country from which the goods have arrived, subject to monitoring for reasons of public health and security.

Section 33. *Simplification of Documentation Requirements* – The Bureau of Customs shall:

- a. clear or release consignments of goods and equipment sent by or on behalf of eligible actors on the basis of a simplified / provisional goods declaration providing the minimum information necessary for the Bureau of Customs to identify the goods and equipment: *Provided*, that eligible actors are subject to completion of a more complete declaration within a specified period;
- b. allow a single goods declaration for all imports of goods or equipment by or on behalf of eligible actors;
- c. allow the goods declaration and any supporting documents relating to consignments of goods or equipment sent by or on behalf of eligible actors to be lodged electronically and without any fee;
- d. allow the lodging and registering or checking of the goods declaration and supporting documents prior to the arrival of consignments of goods or equipment sent by or on behalf of eligible actors, to facilitate their release upon arrival;
- e. waive any requirement of translation of details in documents relating to consignments of goods or equipment sent by or on behalf of eligible actors unless it is absolutely necessary for the purposes of release or clearance.

Section 34. *Extended Hours for Customs* – During the international disaster relief period only, the Bureau of Customs shall:

a. upon request, and without additional charges, carry out the functions necessary for the release or clearance of consignments of goods or equipment imported by or on behalf of eligible actors outside their designated hours of business and/or away from customs offices when necessary; and

b. coordinate with the business hours and competencies of any other relevant Departments involved in the approval of incoming consignments and, whenever possible, carry out joint operations, such as joint customs controls, including participation in SWIFTs, if established under Section 13 of this Act.

Section 35. *Inspections and Customs Security* – During the international disaster relief period only, the Bureau of Customs shall:

a. on the basis of risk analysis, take only such action as it deems essential to ensure compliance with customs and related laws for the purpose of checking the goods declaration of a consignment sent by or on behalf of eligible actors;

b. use risk analysis, preferably on the basis of advance information, to determine which consignments of goods and equipment imported by or on behalf of eligible actors shall be inspected and the extent of that inspection;

c. waive, as feasible, any customs security that would normally be required in respect of consignments of goods and equipment imported on or behalf of eligible actors.

Part 3
Expedited Entry and Use Restrictions for
Specific International Disaster
Goods and Equipment

Section 36. *Telecommunications Equipment* –

a. Eligible actors shall be permitted to import telecommunications equipment for the purpose of disaster relief or initial recovery assistance without restrictions, except as required for purposes of national security or public order.

b. Upon notification of the names, frequencies, as applicable, and locations of intended use of such telecommunications equipment imported by eligible actors, the National Telecommunications Commission (NTC) shall waive any licensing requirements or fees for their use.

c. The NTC shall also grant eligible actors priority over domestic users with the exception of security forces, ambulance services and other domestic emergency responders in access to bandwidth, frequencies and satellite use for telecommunications and data transfer associated with disaster relief and initial recovery assistance.

Section 37. *Medications* –

a. Eligible actors shall be permitted to import medications and medical equipment for the purpose of disaster relief or initial recovery assistance so long as they conform to the requirements of this Section.

b. Any such medications and medical equipment shall be appropriate to the needs of the disaster-affected persons, and shall be legal for use in the country of origin according to its laws as well as in Philippines according to appropriate laws on pharmaceuticals. Pursuant to subsections (c) and (d) below, a distinction shall otherwise be made between medications intended to be donated for the use of others and those that eligible actors intend to use directly in providing medical services.

c. Medications that eligible actors intend to use directly in providing medical services in disaster relief or initial recovery assistance shall be:

- (i) transported and maintained by the eligible actor in appropriate conditions at all times to ensure their quality and;
- (ii) guarded against misappropriation and abuse.

d. Medications intended for donation for the use of others shall be:

- (i) at least 12 months from their expiry date upon arrival, unless otherwise specifically agreed by the Department of Health (DOH);
- (ii) transported and maintained by the eligible actor in appropriate conditions to ensure their quality until they reach their intended domestic recipients; and
- (iii) appropriately labelled in a language understood in the affected State with the international non-proprietary name or generic name, batch number, dosage form, strength, name of manufacturer, quantity in the container, storage conditions and expiry date.

Section 38. *Food* – Food imported by eligible actors shall be admitted pursuant to expedited procedures set out by regulations to be developed within 6 months from the effectivity of this Act by the DOH and the Department of Agriculture (DA).

Section 39. *Imported Vehicles* – The LTO shall grant temporary recognition to foreign registration and plates to vehicles imported by eligible actors during the international disaster relief period and the international initial recovery period.

Section 40. *Search Dogs* – Search dogs imported temporarily by eligible actors shall be admitted without the need for quarantine so long as they meet the conditions and requirements of special regulations to be developed within 6 months from the effectivity of this Act by the Bureau of Animal Industry.

Part 4

Permitted Disposition of Equipment and Unused Goods

Section 41. *Disposition of Equipment and Unused Goods* –

a. This part sets out the permitted disposition of goods or equipment for which eligible actors have received waivers or exemptions from fees, duties, taxes or other charges pursuant to this chapter and which remain in their possession as of the end of their disaster relief and initial recovery assistance operations.

b. Such goods and equipment may be:

- (i) retained by eligible actors that are non-profit entities and used or distributed by them for humanitarian, development or charitable purposes in the Philippines;
- (ii) re-exported pursuant to Section 42;
- (iii) donated pursuant to Section 43; or
- (iv) disposed of pursuant to Section 19.

c. Additionally, such goods and equipment may be sold, but only:

- (i) after the termination of the initial recovery period; and
- (ii) with payment of all fees, duties, taxes or charges that were previously waived or exempted for these items under this Chapter.

Section 42. *Re-Export of Goods and Equipment* – Eligible actors that import equipment or goods benefitting from the legal facilities in this chapter are permitted to re-export any equipment or unused goods and to do so without the imposition of any taxes, export duties, or similar charges, provided that:

- a. re-export is commenced no later than two months after the termination of the international initial recovery period; and
- b. they provide documentation that the equipment and goods in question were originally imported for the purpose of disaster relief or initial recovery assistance pursuant to this Chapter.

Section 43. *Donation of Unused Goods and Equipment* – When they are no longer needed for their disaster relief or initial recovery assistance, eligible actors are permitted to donate any imported or locally purchased goods and equipment without the imposition of any taxes, fees, duties, or similar charges on either the donor or the beneficiary, provided that:

- a. the donation is made no later than two months after the termination of the international initial recovery period;
- b. the eligible assisting international actor provides documentation to the BOC and the Bureau of Internal Revenue (BIR) of the identity of the importer or purchaser, the date of import or purchase, and the fact that the item or group of items was imported or purchased pursuant to the legal facilities in this chapter;
- c. the beneficiary of the donation is the Philippine National Red Cross, a domestic NGO, or other non-profit charitable or humanitarian organization established in the Philippines; and
- d. any items thus donated may not be sold unless fees, duties, taxes or charges that were previously waived or exempted for these items under this Chapter are paid.

Part 5 Transport

Section 44. *Facilitation of Means of Transport* – Ground, air and water transport vehicles operated by or on behalf of eligible assisting actors to transport international and locally engaged personnel, goods, or equipment for the purposes of disaster relief or initial recovery assistance shall:

- a. Be accorded priority treatment for passage, including, as appropriate, priority in air traffic routing and landing permissions subject to existing laws, rules and regulations of the proper authorities.
- b. Be exempt from any applicable taxes, levies, duties, fees or charges normally imposed by governmental entities of the Philippines, including, but not limited to:
 - (i) overflight, landing, parking, taking off and navigation service fees;
 - (ii) demurrage and docking fees; and
 - (iii) road tolls.
- c. Be exempt from any prohibitions, limitations or restrictions in respect of their arrival, overflight, landing, stay and departure, other than those necessary to guarantee national security, public safety or public health.

Section 45. *Entry of Transport Operators* – The appropriate authorities shall endeavour to reduce and expedite any procedures for the entry of drivers, pilots and crew of transport vehicles operated by on or behalf of eligible actors.

Section 46. *Notice of Transport* – To facilitate the provision of the legal facilities in this part, eligible assisting actors or their carriers shall:

- a. inform the Civil Aviation Authority of the Philippines (CAAP) in advance of the intended route of flights, type and call signs of the aircraft, number of crew members, the character of the cargo, time-table of flights, and the list of all passengers, and shall comply with any directions from the CAAP as to air traffic control and landing procedures.
- b. inform the relevant marine authority in advance, of the intended port or location of arrival of each water vessel, the type, make and registration number of each vessel, the number of personnel operating and on board each vessel and the equipment, facilities and other materials on board each vessel, and shall comply with any directions from the relevant authority as to the control of incoming vessels or docking procedures.

Part 6 Legal Capacity and Employment

Section 47. *Legal Capacity of Assisting International Actors* – The status of eligibility for legal facilities of an assisting international actor includes such legal capacity as may be relevant for the exercise of its functions and the fulfilment of its purposes in providing international disaster relief or initial recovery assistance in accordance with the laws of Philippines during the international disaster relief and initial recovery periods, in particular the capacity to:

- a. open bank accounts;
- b. enter into contracts and leases;
- c. acquire and dispose of movable property;
- d. receive and disburse private funds;
- e. instigate legal proceedings;
- f. engage and terminate locally engaged personnel, as set out in Section 49 of this Act.

Section 48. *Engagement and Termination of Locally Engaged Personnel* –

- a. Subject to Section 4 of this Act, and except as provided in this Section, all eligible assisting international actors shall comply with the applicable law in Philippines with regard to the employment of locally engaged personnel;
- b. Eligible assisting international actors shall not be required to make any separate registration as employers, including for the purposes of taxation, social security, and social insurance registration requirements relating to the employment of locally engaged personnel.
- c. Notwithstanding any provisions of labour and employment laws to the contrary, eligible assisting international actors may:
 - i. recruit any individual legally entitled to perform the work envisaged in Philippines through a non-discriminatory process;

- ii. engage local personnel pursuant to fixed-term contracts, which may be of short duration, and may be renewed as required without creating an open-ended obligation.

Section 49. *Jurisdiction over International Personnel* – Jurisdiction concerning contracts between eligible assisting international actors and international personnel engaged by them shall be determined based on the application Philippine laws on jurisdiction.

Part 7

Taxation of Eligible Assisting International Actors

Section 50. *Value-Added Tax (VAT)* –

- a. The supply of disaster relief and initial recovery assistance by an eligible assisting international actor shall be exempt from all vat, service taxes and similar taxes, duties, levies and governmental fees where such supply takes place during the international disaster relief or initial recovery periods. Eligible assisting international actors shall also be exempt from registration for vat during the same periods.
- b. In providing this legal facility the BIR shall take all practical steps to ensure that local suppliers suffer no negative financial or administrative impact in providing goods or services to eligible assisting international actors.

Section 51. *Income Tax* –

- a. The activities of an eligible assisting international actor carried on for the purpose of providing disaster relief or initial recovery assistance shall be subject to income tax on any actual or deemed income or gain arising from such activities.
- b. The international personnel of an eligible assisting international actor shall not be treated as a resident of the Philippines or as having any other connection with the Philippines relevant for taxation purposes by reason of their presence in the Philippines or activities undertaken there during the international disaster relief and initial recovery periods except in instances where any actual or deemed income or gain is realized.

Section 52. *Property, Assets and Other Similar Taxes* – During the international disaster relief or international initial recovery periods, no taxes, duties, levies or governmental fees having similar effect shall accrue or be payable by eligible assisting international actors in connection with:

- a. land, a building or any part of a building where such land, building or part thereof is wholly or primarily used by an eligible assisting international actor for the purpose of disaster relief or initial recovery assistance; and
- b. the assets of an eligible assisting international actor.

Part 8

Currency and Banking

Section 53. *Right to Bring Necessary Funds and Currencies into the Country* – The Department of Finance (DOF) shall facilitate the entry of such funds and currencies by

eligible assisting international actors to provide disaster relief and initial recovery assistance.

Section 54. *Preferential Exchange Rates* – The DOF shall make available to eligible assisting international actors the best available legal exchange rates into the state's currency for funds to be used for the purpose of providing disaster relief or initial recovery assistance.

Chapter VII

Supervision, Reporting and Sanctions

Section 55. *Supervision of Assisting Actors* –

a. The NDRRMC shall be responsible for monitoring the compliance of assisting actors with their responsibilities under this Act, and in particular Chapter IV.

b. To facilitate the NDRRMC's oversight, it may require assisting actors to report to it, at reasonable intervals, about the disaster relief and initial recovery assistance they provide. These reports shall be made publicly available through electronic means.

c. Any reporting requirements imposed by the NDRRMC under this Section shall be designed so as to reduce any administrative burden on assisting actors to the minimum necessary.

Section 56. *Non-Compliance by Assisting Actors* –

a. If, on the basis of credible information, the NDRRMC suspects that any assisting actor has failed to materially comply with its responsibilities under this Act, and in particular its responsibilities under Chapter IV, it shall immediately consult with the assisting actor and seek clarification or explanation. If still unsatisfied, the NDRRMC shall provide written notice of non-compliance along with a decision either:

(i) to require the assisting actor to bring itself into compliance within a specified period of time, with or without temporary suspension of its eligibility, if any, for legal facilities under Chapter VI;

(ii) to revoke the assisting actor's eligibility, if any, for legal facilities under Chapter VI;

(iii) in the case of deliberate misrepresentation or fraud, to impose fines to be set out by implementing regulation; or

(iv) in the most extreme cases concerning an assisting international actor, to revoke the Philippine's consent for it to provide disaster relief or initial recovery assistance in response to the disaster.

b. In the event of a decision to revoke pursuant to subsection (a)(iv) of this Section, if the assisting international actor lacks a legal basis independent of this Act to remain in the country, it may be required to depart, as of a date no sooner than 30 days from the date of the notice.

c. Decisions to suspend or revoke legal facilities pursuant to subsections (a)(i) or (a)(ii) of this Section may not be given retroactive effect, except in cases of fraud or criminal misconduct attributable to the assisting international actor.

Section 57. *Transparency as to Internationally Donated Funds* –

a. Internationally donated funds received by the Government of the Philippines for the purposes of disaster relief and initial recovery assistance shall be subject to audit by the Commission on Audit (COA) no later than six months after the termination of the international disaster relief period or the international initial recovery period. The results of these audits shall be made publicly available.

b. International donated funds received by assisting domestic actors shall be:

(i) maintained in a dedicated account for disaster relief or initial recovery assistance;

(ii) subjected to an external audit no later than six months after the termination of the international disaster relief period or the international initial recovery period, whichever is sooner. The results of these audits shall be reported to the appropriate authority and made publicly available.

Section 58. *Congressional Oversight Committee* – A Congressional Oversight Committee is hereby created to be composed of the three (3) members each from the Senate and the House of Representatives who shall be designated by the Senate President and the Speaker of the House of Representatives: provided, that one (1) of the three (3) Senators and one (1) of the three (3) House members shall be nominated by the respective minority leaders of the Senate and the House of Representatives.

The Oversight Committee is hereby mandated to oversee the implementation of this act. For this purpose, the Oversight Committee shall set the guidelines and overall framework for the monitoring of the implementation of this Act and shall adopt its internal rules of procedures.

Section 59. *Annual Reporting on Implementation* – The NDRRMC shall report annually to the Congressional Oversight Committee created by Section 58 of this Act on steps taken to implement this Act, including preparedness measures taken prior to a disaster.

Section 60. *Sanction for Non-Compliance by Officials* – Officials of the Philippines that fail to abide by their responsibilities under this Act shall be subject to administrative sanctions, without prejudice to any civil or criminal liability under other laws that might also attach to the official's actions or omissions.

Chapter VIII

Transit of International Disaster Assistance

Section 61. *Facilitation for Transit* – In the event a Disaster occurs in another country for which international disaster assistance is required the BOC and the Bureau of Immigration (BI) shall facilitate the speedy transit or transshipment across the national

territory of the Philippines of international disaster assistance by assisting international actors, including international personnel, goods, equipment and transport, in order to reach the affected country,

Section 62. *Transit Facilities Period*

- a. When, after seeking the views of the relevant authorities of a disaster affected country, the BOC and the BI is satisfied that international disaster relief or initial recovery assistance is likely to be required and that the transit or transshipment of international personnel, goods or equipment through its territory is likely to be helpful, the BOC and the BI may declare the beginning of a Transit Facilities Period.
- b. The Transit Facilities Period shall continue until terminated by the BOC and the BI, when it is satisfied that Transit Facilities are no longer required.
- c. The termination of a Transit Facilities Period shall be announced to assisting international actors no later than five (5) days prior to the proposed date.
- d. The transit facilities described in this Chapter shall be effective only during the Transit Facilities Period.

Section 63. *Entitlement to Transit Facilities* –

- a. Subject to subsection (b), all assisting international actors shall be entitled to the Transit Facilities provided in this Chapter upon declaration that the international personnel, equipment and goods that they seek to send in transit through the Philippines are for the purpose of providing international disaster relief or initial recovery assistance to a disaster-affected country.
- b. The BOC and the BI may deny transit facilities to any assisting international actor, in case of actual or suspected fraud or if necessary to safeguard national security or public health.

Section 64. *Disaster Transit Visa* – International Personnel entering the Philippines for the purpose of transit to a disaster-affected country shall be entitled to waiver of entry visa requirements, including any associated fees or charges on the condition that they exit the territory of the Philippines within a period of 24 hours.

Section 65. *Goods and Equipment in Transit and Transshipment* – The provisions of Parts 2 and 3 of Chapter VI shall apply, mutatis mutandis, to consignments of goods and equipment by eligible actors, when placed under customs transit or transshipment to an affected country.

Section 66. *Transport for Transit and Transshipment* – The provisions of Part 5 of Chapter VI shall also apply, mutatis mutandis, to the ground, air and water vehicles of eligible actors in transit through the territorial lands, waters or airspace of the Philippines to provide International disaster relief or initial recovery assistance to an affected country.

Chapter IX Implementation, Transitional and Final Provisions

Section 67. Implementing Rules and Regulations -The NDRRMC together with the DOF, BIR, BOC, LTO and other government agencies mentioned in this Act shall draft the rules and regulations concerning all matters which are required or permitted to be prescribed, or which are necessary to carry this Act into effect or to give effect to any power, function, duty, or authority under this Act.

Section 68. *Separability Clause.* - If any provision or part of this Act, or the application thereof to any person or circumstances, is held invalid or unconstitutional, the remaining sections of this Act or the application of such provision or part hereof to other persons or circumstance shall remain in full force and effect.

Section 69. *Repealing Clause.* - All laws, decrees, orders, issuances, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

Section 70. *Effectivity.* - This Act shall take effect fifteen (15) days after its approval and publication in the *Official Gazette* and/or in two (2) newspapers of general circulation, whichever comes earlier.

Approved,