

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. **3229**



Introduced by:

Hon. ARTHUR C. YAP, Hon. ERICO ARISTOTLE C. AUMENTADO and
Hon. RENE R. RELAMPAGOS

EXPLANATORY NOTE

Bakod Central Visayas! Rise up Central Visayas! "*Bakod*", in the Visayan dialect, means "rising up" or "standing".

On 15 October 2013, a destructive magnitude 7.2 earthquake, with epicenter at the southwest of Sagbayan Municipality, devastated several areas of Central Visayas. While the tremors were felt in the entirety of Visayas, parts of Mindanao and Southern Luzon, the hardest hit was the Province of Bohol.

A week after the killer earthquake hit Bohol, it was reported that the earthquake, which was described to be equivalent to 32 Hiroshima atomic bombs, caused 190 deaths, 11 still unfound, and 605 injured. The numbers will continue to rise. The damage in properties is expected to reach more than 4 Billion Pesos. More than 3.1 million residents across Central Visayas were affected, more than 53,000 houses and buildings were destroyed, partially damaged or affected. The towns of Loon, Tubigon, Carmen, Maribojoc, Loboc, Sagbayan, Loay, and Calape are among the worst affected.

Public infrastructures were likewise severely affected. These include the buildings at the Tagbilaran Airport and Port Terminal, municipal halls of at least 8 towns, several classroom buildings, hospitals and health centers. Roads cracked, some bridges were totally destroyed, many severely damaged or rendered impassable, thereby even hampering rescue, relief and aid efforts.

The tragedy did not spare the world-renowned Spanish era churches in the region. The Church of San Pedro Apostol in Loboc, its compound having been built in 1595 and the building in 1727, the Church of Our Lady of Light in Loon, and the Santa Cruz Parish Church in Maribojoc, all collapsed. In Baclayon, the facade of Church of Our Lady of the Immaculate Conception, the second oldest church in the country was built in 1595, and its bell tower were totally damaged. Other churches, all treasures of the province, such as those in Loay, Dauis, Dimiao, and Tubigon, were also heavily damaged. In Carmen, a freestanding bell tower and an observation deck in the island's renowned Chocolate Hills were destroyed. Even the hills itself were damaged by landslides.

Replicating a similar legislative initiative after the onslaught and devastation of Mt. Pinatubo in Central Luzon, this measure seeks to appropriate an amount for the aid, relief, rehabilitation, home rebuilding financing subsidy, livelihood and employment services, public infrastructure rebuilding, and heritage structures and tourism sites restoration, for the victims of the October 15, 2013 Bohol earthquake. In the process, it would be establishing the "*Bakod Visayas*" or the Bohol Earthquake Aid and Rehabilitation Commission.

Paraphrasing a paragraph from Republic Act No. 7637, or the "Mt. Pinatubo Assistance, Resettlement and Development Fund" Law, it is so that "*that life may return to normalcy at the earliest possible time and the development may be accelerated*" in the calamity ravaged area in the Central Visayas.

The amount requested, at Fifteen Billion Pesos, is not even a third of the total appropriation made under the Mt. Pinatubo Commission. This was although the devastation wrought by the earthquake approximates the damage of Mt. Pinatubo.

In the disbursement of the fund, the first priority shall be given to emergency rescue and relief humanitarian efforts, including the grant of immediate medical assistance, food sustenance and emergency shelter. The next shall be the grant of subsidy for rebuilding of family homes amounting to a meager amount of P25,000 per family. The next shall be repair and reconstruction of public infrastructure and facilities, including resettlement centers for displaced families, roads, bridges, hospitals, school buildings, communication and power lines, irrigation and water systems, and the like.

The aid, relief, resettlement, rehabilitation and livelihood services shall be equitably extended to all victims, irrespective of political or party affiliation, sex, creed, religious belief, or ethnic origin, giving emphasis to livelihood and employment opportunities. No money shall be released without any identified program and project nor shall it be used to pay obligations incurred before the approval of this Act.

The *Bakod Bohol* shall be an ad hoc Commission, attached to the Office of the President, to be organized immediately with only five years to finish its rehabilitation work.

It shall have the powers to formulate policies and plans, implement and monitor projects for the aid, relief, rehabilitation and rebuilding program for Bohol. It shall approve the financing subsidy to individual family homes rebuilding, up to a maximum amount of P25,000.00 per family. It shall make a determination of the permanent danger zones, if any, to minimize future damage to lives and property.

It shall inspect the damage of the heritage structures, cultural treasures, national historical landmarks and tourism sites in Bohol, then draw up priorities for restoration, estimating the amount of resources necessary and establishing important linkages with private stakeholders. Moreover, the restoration, reconstruction, or rehabilitation of any building must be in accordance with standards that will ensure its resilience to earthquakes and effects of climate change.

The Commission shall have 11 members, 6 members from the public sector and receiving no extra compensation, and 5 representatives from the private sector. The representatives from the private sector shall include experts from recognized associations of land use planners, architects or civil engineers, eminent organizations on heritage and cultural landmarks conservation and restoration, and non-government organizations with proven record in disaster prevention, mitigation, emergency and relief work and rescue operations.

In order to really assist the victims in Central Visayas, residents in the affected areas, especially the victims, shall be given preference in hiring or employment in the construction or repair and reconstruction projects. However, an officer or employee of the Commission shall not be qualified to be a candidate for public office for the election next following his resignation or separation.

The projects of Bakod Central Visayas shall be undertaken by the implementing government agencies concerned under the Procurement Reform Law, or Republic Act 9184, subject to the usual accounting and auditing rules and regulations. The Commission

shall likewise be made to submit reports to the President and to Congress. Also, a Joint Oversight Congressional Committee shall be created for monitoring purposes.

After more than a week and with more than 2,000 aftershocks registered, the toll of the earthquake, the deadliest in the country in 23 years, continues to rise. Yet more significantly, the statistics would not really reflect the sufferings of the residents of Central Visayas, including their grave difficulty to rise from this tumultuous tragedy.

At present, the victims are living in evacuation centers or in public schools to escape the dangers of continuing landslides that may occur due to intermittent rains and aftershock tremors. Many refuse to go home as well because of trauma and the continuing aftershocks which may further cause the collapse of their homes and business establishments.

People are living in tents in their own backyards or in their garages. They cannot rebuild their homes since the tremors continue. For many, when the tremors subside, neither will they have the rebuilding funds to fix their homes and re-start their livelihoods hence the need for the creation of this Fund.

This Act shall help rebuild the lives of the victims of the Bohol Earthquake, by providing them the resources to seek medical help, restoring homes and restarting livelihood activities and protect lives in the future by setting up safety zones for residence, business and recreation, as well as retrofitting those that can be retro-fitted, to make them adapted to the world in today's weather and other realities.

As of the moment, the victims are merely on survival mode. They rely on relief goods for sustenance. They fall in line to be beneficiaries of medical missions. The farmers have not tended their lands for days while the fisherfolk have remained ashore. The tourist guides remain at home as they do not have any tourists to attend to. The parents have not sent their children to school.

The victims of the earthquake have, so far, lived on a day-to-day basis of great fear and uncertainty not only for the present, but the future.

With any luck, in the next few weeks, as predicted by scientists, the aftershocks will end. It is only then that the real restoration and rehabilitation of areas in Central Visayas, would hopefully commence. By that time, the mechanism for this rebuilding should already be in place.

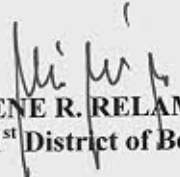
It is in this view that the immediate passage of the bill is earnestly sought.



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House Bill No. **3229**

Introduced by:

Hon. ARTHUR C. YAP, Hon. ERICO ARISTOTLE C. AUMENTADO, and
Hon. RENE R. RELAMPAGOS

AN ACT
APPROPRIATING THE AMOUNT OF FIFTEEN BILLION PESOS
FOR THE AID, RELIEF, REHABILITATION, HOME
REBUILDING FINANCING SUBSIDY, LIVELIHOOD AND
EMPLOYMENT SERVICES, PUBLIC INFRASTRUCTURE
REBUILDING, AND HERITAGE STRUCTURES AND TOURISM
SITES RESTORATION, FOR THE VICTIMS OF THE OCTOBER
15, 2013 BOHOL EARTHQUAKE, ESTABLISHING THE BOHOL
EARTHQUAKE AID AND REHABILITATION FOR CENTRAL
VISAYAS (*BAKOD CENTRAL VISAYAS*), AND FOR OTHER
PURPOSES

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

Section 1. Short Title. – This Act shall be known as the "*Bakod Central Visayas Act of 2013.*"

Section 2. Declaration of Policy. – It is hereby declared the policy of the State to assist the people of Central Visayas, particularly Bohol, Cebu, Negros Oriental, and Siquijor in rising from the October 15, 2013 earthquake by extending to them aid, relief, rehabilitation, home rebuilding financing subsidy, housing resettlement, livelihood and employment services, public infrastructure rebuilding, and heritage structures and

tourism sites restoration, to the end that life may return to normalcy at the earliest possible time and the development of the Central Visayas region may be accelerated.

Section 3. *Statement of Objectives and Guidelines.* – This Act is intended to help the victims of the Bohol earthquake which greatly affected the Central Visayas. It aims to provide funds for the immediate relief of the victims; to provide medium to long term medical and psychological aid to the physically and psychologically distressed; to subsidize the rebuilding of family homes; establish resettlement centers for displaced families; to provide livelihood and employment opportunities; to repair, reconstruct or replace public infrastructure damaged or destroyed; to restore heritage churches and other architectural structures and tourism sites; and to construct new infrastructure facilities for the community. Moreover, the restoration, reconstruction, or rehabilitation of any infrastructure must be in accordance with sound construction standards that will ensure its resilience to earthquakes and effects of climate change.

The term "victims" when used for purposes of this Act refers to the following:

- (a) Individuals who have died, sustained injury, disappeared and/or psychologically distressed as a result of the aforementioned earthquake;
- (b) Individuals who were displaced or suffered death in the family as a result of the aforementioned earthquake who need and deserve assistance; and,
- (c) Individuals whose homes have been destroyed or rendered uninhabitable and those who have lost permanently their livelihood as a direct result of the Bohol earthquake who similarly need and deserve assistance.

Section 4. *Guidelines in the Allocation of Funds.* – The government funds and resources herein appropriated shall be spent judiciously and effectively in consonance with the principle of providing the greatest good for the greatest number. Accordingly, the following guidelines shall be observed in allocating the funds made available under this Act:

- a. The first priority shall be given to emergency rescue and relief humanitarian efforts, including the grant of immediate medical assistance, food sustenance and emergency shelter;

- b. The second priority shall be the grant of subsidy for rebuilding of family homes;
- c. In the construction or repair and reconstruction of public infrastructure and facilities, priority shall be given to the construction of resettlement centers, and such other projects as roads, bridges, hospitals, school buildings, communication and power lines, irrigation and water systems, and the like;
- d. Aid, relief, resettlement, rehabilitation and livelihood services shall be equitably extended to all victims, irrespective of political or party affiliation, sex, creed, religious belief, or ethnic origin, giving emphasis to livelihood and employment opportunities; and,
- e. No money shall be released without any identified program and project nor shall it be used to pay obligations incurred before the approval of this Act.

Section 5. Appropriations Clause. – To carry out the purposes of this Act, the sum of Fifteen Billion Pesos (P15,000,000,000) is hereby appropriated out of any available funds in the National Treasury not otherwise appropriated.

Section 6. Establishment of Bakod Central Visayas (Bohol Earthquake Aid and Rehabilitation Commission). – For purposes of this Act, there is hereby created the Bakod Central Visayas or the Bohol Aid Commission for Development.

The *Bakod Central Visayas* shall be organized within thirty (30) days after the approval of this Act. It shall have a term of five (5) years from its organization: provided, that the President by proclamation may, within six (6) months prior to the expiration of the term, extend the period of its existence once for not more than three (3) years.

Such amount as may be necessary for the initial organization and/or operational expenses of the Commission shall be set aside from the amount herein appropriated.

For administrative purposes, the Commission shall be attached to the Office of the President.

Section 7. Powers of the Commission. – To carry out its objectives under this Act, the Commission shall have the following powers:

- a. To formulate policies and plans for the aid, relief, rehabilitation, rebuilding and livelihood and employment services as well as infrastructure support in harmony with the other plans and policies of the National Government;

- b. To approve the financing subsidy to individual family homes rebuilding, up to a maximum amount of Twenty Five Thousand Pesos (Php25,000.00) per family.
- c. To make a determination of the permanent danger zones, if any, to spare communities and/or minimize future damage to lives, habitation, infrastructure, agricultural and other resources;
- d. To prioritize and coordinate the implementation of the various programs and projects of the Commission;
- e. To inspect the damage of the heritage structures, cultural treasures, national historical landmarks and tourism sites, establish the severity of damage, identify property that may immediately need to be secured, draw up priorities for restoration, estimate the amount of human and financial resources necessary and establish important linkages with private stakeholders;
- f. To sue and be sued in its name, and to adopt, alter and use a seal;
- g. To enter into, make, perform and carry out contracts of every class, kind and description which are necessary to the realization of its purposes with any person, firm or corporation, private or public, and, upon consultation with the President, with foreign government entities, subject to the usual accounting and auditing requirements;
- h. To apply for, receive and accept grants and donation of funds, equipment, materials and services needed for the development of the area, within and outside the Philippines;
- i. To monitor the progress of the relief, rehabilitation, rebuilding, restoration, livelihood and employment as well as infrastructure support programs and projects;
- j. To coordinate and consult with concerned national and local officials, both elective and appointive, as well as accredited non-government organizations (NGOs) in the prioritization and prosecution of the programs and projects;
- k. To call upon any department, office, instrumentality, agency, or any political subdivision of the Government for such assistance as may be necessary for the attainment of the objectives of the Commission; and

l. In general, to perform such other powers as may be necessary and proper to carry out the purposes of this Act.

Section 8. *Composition of the Commission.* – The Commission shall be composed of eleven (11) members to be appointed by the President, six (6) being ex-officio members from the public sector and five (5) representatives from the private sector, including the: The Secretary of Social Welfare and Development or his/her designate, the Secretary of Public Works and Highways or his/her designate, the Secretary of Housing and Urban Development Council or his/her designate, the Secretary of Tourism or his/her designate; the Chairman of the National Commission for Culture and the Arts or his/her designate; two (2) representatives of experts from recognized associations of land use planners, architects or civil engineers, one (1) being from Central Visayas; two (2) representatives of eminent organizations on heritage and cultural landmarks conservation and restoration, one (1) being from Central Visayas; and one (1) representative from recognized non-government organizations with proven record in disaster prevention, mitigation, emergency and relief work and rescue operations. The President shall designate from among the members of the Cabinet to be the Chairman thereof.

The members from the private sector of the Commission shall serve for five (5) years unless sooner removed for cause. The ex-officio members shall not be entitled to any compensation, except for reasonable per diem for meetings.

Section 9. *Executive Director; Powers and Responsibilities.* – The President shall appoint a professional manager as the Executive Director of the Commission, who shall serve as the chief executive officer. He shall serve until such time as the Commission is dissolved or unless sooner removed from office by the President. He shall have the following powers and functions:

- (a) Execute and administer the policies and decisions of the Commission;
- (b) Directly coordinate the activities of all agencies and instrumentalities of the Government in the planning and implementation of projects on site;

- (c) Monitor the programs and projects and evaluate the effects of execution by these agencies and instrumentalities and submit to the Commission periodic reports relating to the development of the areas; and
- (d) Perform such other functions as are inherently necessary in the operational management of the areas developed in accordance with the policies and guidelines formulated by the Commission.

Section 10. *Implementation.* – The survey, construction or repair and reconstruction of damaged, destroyed, required or alternate public infrastructure, facilities and tourism sites, and heritage structures, as permissible under pertinent laws, shall be undertaken by the implementing government agencies concerned under the Procurement Reform Law, or Republic Act 9184, subject to the usual accounting and auditing rules and regulations.

With respect to aid, relief, resettlement, rehabilitation and livelihood services to individual beneficiaries, the Commission may seek the assistance and use the services of the Philippine National Red Cross and all other relief agencies and volunteer organizations with proven record in providing relief work.

The departments and agencies of the Government involved with the aid, relief, resettlement, rehabilitation and livelihood services as well as infrastructure support shall continue to be the implementing agencies of the Commission and shall submit to the Commission every quarter the data and information required under Section 12 hereof.

Section 11. *Preference for Local Residents.* – Residents in the affected areas, especially the victims, shall be given preference in hiring or employment in the construction or repair and reconstruction of damaged or destroyed public infrastructure, facilities, tourism sites and heritage structures, and other labor requirements in all other projects.

Section 12. *Report to Congress.* – The Commission shall submit to the President and to Congress a detailed quarterly report on the funds allocated indicating the amount released, obligated and disbursed for:

- (a) Aid, relief, medical assistance, home rebuilding financing, resettlement, rehabilitation and livelihood services, including the list of names of approved individual beneficiaries and contractors and the evaluation of the effectiveness of the delivery systems of such services; and
- (b) Construction or repair and reconstruction of infrastructure projects, including the list of contractors and projects being financed, and the accomplishments for the expended appropriations, including the percentage of completion.

The Commission shall cause to be disseminated in the community the list of beneficiaries and contractors mentioned above.

The Commission shall also submit as part of the quarterly report a list of local and foreign donors and the nature of their donations.

The Department of Budget and Management shall likewise submit a report on the total allotment and cash releases to all departments/agencies to the Committee on Finance of the Senate and the Committee on Appropriations of the House of Representatives ten (10) days after the end of every month. The report shall include the following information: recipient department/agency, amount released, date of release, SARO or NCA number, fund source, expenditure class, and purpose of release and publish the same on its website.

Section 13. *Joint Congressional Oversight Committee.* – There is hereby created the Joint Congressional Oversight Committee to monitor the implementation of this Act. The Committee shall be composed of three (3) senators, preferably from Central Visayas, to be appointed by the Senate President and the three (3) representatives of the Province of Bohol. The Oversight Committee shall be co-chaired by a senator and a representative designated by the Senate President and the Speaker of the House of Representatives, respectively.

The mandate given to the Joint Congressional Oversight Committee under this Act shall be without prejudice to the performance of the duties and functions by the respective existing oversight committees of the Senate and the House of Representatives.

Section 14. *Prohibition Against Running for Public Office.* – An officer or employee of the Commission shall not be qualified to be a candidate for public office for the election next following his resignation or separation. This prohibition does not apply to the Chairman and ex officio members of the Commission.

Section 15. *Punishable Acts.* – Any person who takes advantage of the calamity by buying and selling relief goods which he knows or should be known to him as intended for donation, or misrepresenting the source of relief goods, or submitting or approving a false or inflated claim shall be prosecuted and, upon conviction, suffer a fine of not less than Fifty thousand pesos (P50,000) nor more than One million pesos (P1,000,000) or imprisonment for not less than six (6) years nor more than fifteen (15) years, or both, at the discretion of the court, including perpetual disqualification from public office if he is a public officer, and confiscation or forfeiture in favor of the Government of any prohibited interest. If the offender is a corporation, partnership or association, or other juridical entity, the penalty shall be imposed upon the officer or officers of the corporation, partnership, association, or entity responsible for the violation and, if such is an alien, he shall, in addition to the penalties prescribed, be deported without further proceedings after service of sentence.

Section 16. *Rules and Regulations.* – The President shall, within ten (10) days after the organization of the Commission, issue the necessary rules and regulations for the effective implementation of this Act.

Section 17. *Transfer of Operating Funds, Records, Assets and Liabilities.* – All operating funds, records, properties, other assets and liabilities of all government agencies tasked with relief and other operations for the October 15, 2013 earthquake of Bohol are hereby transferred to the Commission.

Section 18. *Separability Clause.* - If any provision of this Act, or any parts thereof, is declared unconstitutional, the same shall not affect the validity and effectivity of the other portions.

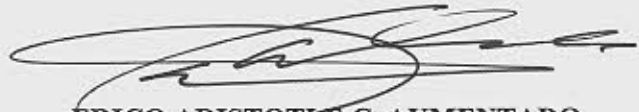
Section 19. *Repealing Clause.* - All laws, executive orders, presidential decrees, proclamations, rules, regulations, issuances and enactments of parts thereof inconsistent with this Act are hereby repealed or modified accordingly.

Section 20. *Effectivity.* - This Act shall take effect fifteen (15) days from its complete publication in the Official Gazette or in a newspaper of general circulation in the Philippines, whichever comes earlier.

APPROVED.



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