

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City



SIXTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. **3236**

Introduced by:

Hon. GLORIA MACAPAGAL ARROYO, Hon. FERDINAND
MARTIN G. ROMUALDEZ, Hon. DIOSDADO M. ARROYO, Hon.
LITO L. ATIENZA JR., Hon. JONATHAN A. DE LA CRUZ, Hon.
HON. VICTOR FRANCISCO C. ORTEGA, Hon. PHILIP A. PICHAY,
Hon. LANI MERCADO-REVILLA, Hon. ALETA C. SUAREZ, Hon.
TOBY M. TIANGCO

EXPLANATORY NOTE

Last October 15, 2013, an earthquake with a recorded intensity of magnitude 7.2 occurred in Central Visayas, particularly in Bohol and Cebu. According to recent official reports by the National Disaster Risk Reduction and Management Council (NDRRMC), as of 21 October 2013, 186 were reported dead, 11 were missing, and 583 people were injured. Aside from these, 50,000 houses and other private structures, more or less, were damaged, billions worth of public infrastructures were destroyed or damaged.

It is reported that this earthquake was the deadliest in the Philippines in 23 years, the energy of which was equivalent to 32 Hiroshima bombs.

States of calamity were already issued by Bohol and Cebu provincial governments. Government offices also responded immediately to provide assistance to the victims of this catastrophic incident and expressed commitment to rehabilitate the heritage churches and other historical landmarks in Central Visayas.

However, said efforts coming from various agencies will not be sufficient for the immediate relief of the victims in those communities which suffered heavy losses and the short and long termed rehabilitation and reconstruction of various infrastructures that were destroyed from the earthquakes and their aftershocks.

The National Government must and should pour in such additional funds as would be necessary to augment the available resources of the primary agencies involved in helping Central Visayas recover from the recent natural disaster.

In view of the urgency of this bill and the welfare of the citizens of Central Visayas, the passage of this measure is earnestly requested.



GLORIA MACAPAGAL ARROYO
2nd District, Pampanga



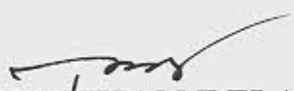
FERDINAND MARTIN G. ROMUALDEZ
1st District, Leyte



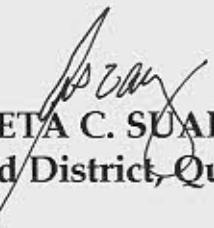
DOISDADO M. ARROYO
2nd District, Camarines Sur



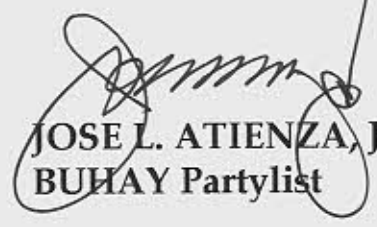
PHILIP A. PICHAY
2nd District, Surigao del Sur



JONATHAN DELA CRUZ
ABAKADA-GURO Party List



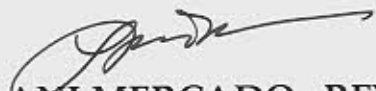
ALETA C. SUAREZ
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JOSE L. ATIENZA, Jr.
BUHAY Partylist



VICTOR FRANCISCO ORTEGA
1st District, La Union



LANI MERCADO -REVILLA
2nd District, Cavite



TOBY M. TIANGCO
Lone District, Navotas City

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SIXTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 3236

"AN ACT APPROPRIATING THE SUM OF TWENTY FIVE BILLION PESOS FOR THE AID, RELIEF, REHABILITATION AND LIVELIHOOD SERVICES AS WELL AS INFRASTRUCTURE SUPPORT FOR THE VICTIMS OF THE EARTHQUAKES OF OCTOBER 15, 2013 AND ITS AFTERSHOCKS, CREATING THE VISAYAS EARTHQUAKE ASSISTANCE AND DEVELOPMENT COMMISSION AND FOR OTHER PURPOSES"

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

SECTION 1. *Short title.* – This act shall be known as the **"Visayas Earthquake Assistance and Development Fund."**

SECTION 2. *Declaration of Policy.* – It is hereby declared the policy of the State to assist the victims in the communities damaged or destroyed or adversely affected by the earthquakes of October 15, 2013 by extending to them adequate aid, relief, rehabilitation or repair and reconstruction of infrastructure to the end that life may return to the normalcy at the earliest possible time and the development of Visayas may be accelerated.

Countless individuals, organizations and financial institutions here and abroad, as well as foreign governments, have spontaneously and unselfishly contributed their time, effort and resources which the State acknowledges with gratitude.

SECTION 3. *Statement of Objectives and Guidelines.* – This Act is intended to help the victims of the Visayas earthquakes of October 15, 2013 and its aftereffects. It aims to provide additional funds for the immediate relief of the victims; to provide livelihood and employment opportunities; to repair, reconstruct or replace government infrastructure damaged or destroyed by said disaster whenever economically, socially and technically advisable; and to construct new infrastructure facilities and housing projects needed by the community.

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

(a) Individuals who have died or disappeared as a result of the aforementioned earthquakes;

(b) Individuals who were displaced and/or who sustained injury or suffered death in the family as a result of the aforementioned earthquakes who need and deserve assistance; and

(c) Individuals whose homes have been or are threatened to be destroyed or rendered uninhabitable and those who have lost permanently their livelihood as a direct result of the Visayas earthquakes 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) In the construction or repair and reconstruction of government infrastructure and facilities, priority shall be given to homesites, townsites and such other projects as river system and drainage works, roads, bridges, communication and power lines, hospitals, school buildings, irrigation and water systems, and the like;

(b) Aid, relief, 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;

(c) 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 Twenty Five billion pesos (P25,000,000,000) is hereby appropriated out of any available funds in the National Treasury not otherwise appropriated.

Disbursement of said Twenty Five billion pesos (P25,000,000,000) shall be programmed as follows:

(a) From the approval of this Act to December 31, 2013, the sum of Sixteen billion pesos (P16,000,000,000), at least Ten billion pesos (10,000,000,000) of which shall be for livelihood projects and Six billion pesos (P6,000,000,000) shall be for vital infrastructure;

(b) For the year 2014, the sum of Six billion pesos (P6,000,000,000); and

(c) For the year 2015, the sum of Three billion pesos (P3,000,000,000).

Provided, however, that undisbursed amounts at the end of any year shall be carried over to the succeeding year.

SECTION 6. *Creation of the Visayas Earthquake Assistance and Development Commission.* - For purposes of this Act, there is hereby created the Visayas Earthquake Assistance and Development Commission, hereinafter referred to as the Commission.

It shall be organized within thirty (30) days after the approval of this Act. It shall have a term of six (6) 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 relief, rehabilitation and livelihood services as well as infrastructure support in harmony with the other plans and policies of the National Government and other agencies;

(b) To prioritize and coordinate the implementation of the various programs and projects of the Commission;

(c) To sue and be sued in its name, and to adopt, alter and use a seal;

(d) 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;

(e) 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;

(f) To monitor the progress of the relief, rehabilitation and livelihood as well as infrastructure support programs and projects;

(g) To coordinate and consult with concerned national and local officials in the prioritization and prosecution of the programs and projects;

(h) 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

(i) 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 nine (9) members: six (6) coming from the public sector, namely, the Secretaries of the Department of Public Works and Highways, Department of Tourism, Department of Environment and Natural Resources, Department of Agriculture, the General Manager of National Housing Authority and the Commissioner of the National Commission of Culture and Arts, and three (3) from the private sector to be appointed by the President who shall serve for six (6) years unless sooner removed for cause. The President shall designate from among the members of the Cabinet to be the Chairman thereof.

SECTION 9. *Executive Director; Powers and Responsibilities.* - The President shall appoint a professional manager as the Executive Director of the Commission with compensation to be determined by 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 government infrastructure and facilities shall be undertaken by the implementing government agencies concerned by public bidding, administration or through negotiated contracts, subject to the usual accounting and auditing rules and regulations. However, in case of negotiated contracts, only duly prequalified and duly licensed contractors as of the approval of this Act can be awarded such contracts. Whenever suitable, labor-based technology shall be used in the implementation of the programs and projects.

With respect to aid, relief, 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, 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 government infrastructure and facilities 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, 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.

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 five (5) senators and five (5) representatives to be appointed by the Senate President and the Speaker of the House of Representatives, respectively. 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 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 and/or mislabelling 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 officer 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. *Separability Clause.* - If any provision of this Act shall be held unconstitutional or invalid, the other provisions not otherwise affected shall remain in full force and effect.

SECTION 18. *Repealing Clause.* - Any law, decree, or rules and regulations which are inconsistent with or contrary to the provisions of this Act are hereby amended or repealed.

SECTION 19. *Effectivity Clause.* - This Act shall take effect upon its publication in at least two (2) national newspapers of general circulation.

APPROVED,