

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City



SIXTEENTH CONGRESS

First Regular Session

House Bill No. 3622

Introduced by Hon. Mel Senen S. Sarmiento

EXPLANATORY NOTE

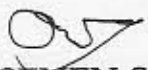
The Philippines has sustained several disasters/calamities that took the lives of many of our countrymen, destroyed infrastructure, brought livelihood to a standstill and resulted in massive economic losses to our communities. Our government has recognized the vulnerability of the Philippines to disasters and calamities due to our geographical location. The aftermath of the earthquake in Cebu and Bohol and typhoon Yolanda which caused havoc to Eastern, Central and Western Visayas and also portions of Calabarzon (Cavite, Laguna, Batangas, Rizal and Quezon), Mimaropa (Mindoro, Marinduque, Romblon and Palawan), Bicol, Northern Mindanao, Davao and Caraga Regions, are just but a few determinants that the Philippines needs to strengthen its Disaster Risk Reduction and Management Framework.

In response to this, this Representation seeks to strengthen the National Disaster Risk Reduction and Management Law by transforming the

Office of Civil Defense as the National Disaster Risk Reduction and Management Office and elevating it to a Department level headed by a Cabinet rank position, to pave the way for its empowerment to enable it to face national and local calamities/disasters more competently and effectively. The existing National Disaster Risk Reduction and Management Council (NDRRMC) will retain its present powers and functions in this proposed measure.

We are resilient people and we face challenging times with courage and strength but our spirit as a people must be supported by a legislative action that will make our government able to ensure our fast recovery. Indeed, in trying times, the Philippine Government and its people must not fail each other.

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


MEL SENEN S. SARMIENTO

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AN ACT
TRANSFORMING THE OFFICE OF CIVIL DEFENSE TO
THE NATIONAL DISASTER RISK REDUCTION AND
MANAGEMENT ADMINISTRATION, AMENDING
REPUBLIC ACT 10121, APPROPRIATING FUNDS
THEREFOR AND FOR OTHER PURPOSES.

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

Section 1. Short title. This Act shall be known as the "Strengthened National Disaster Risk Reduction and Management Act of 2013".

Section 2. Section 5(jj) of RA 10121 is hereby amended as follows

Section 5. National Disaster Risk Reduction and Management Council. - The present National Disaster Coordinating Council or NDCC shall henceforth be known as the National Disaster Risk Reduction and Management Council, hereinafter referred to as the NDRRMC or the National Council.

(jj) [Administrator of the OCD] **ADMINISTRATOR OF THE NATIONAL DISASTER RISK REDUCTION AND MANAGEMENT ADMINISTRATION.**

The representatives from the CSOs and the private sector shall be selected from among their respective ranks based on the criteria and mechanisms to be set for this purpose by the National Council.

Section 3. Section 6 of RA 10121 is hereby amended as follows:

Section 6. Powers and Functions of the NDRRMC. - The National Council, being empowered with policy-making, coordination, integration, supervision, monitoring and evaluation functions, shall have the following responsibilities:

*(p) Task the [OCD] **NDRRMA** to conduct periodic assessment and performance monitoring of the member-agencies of the NDRRMC, and the Regional Disaster Risk Reduction and Management Councils (RDRRMCs), as defined in the NDRRMP; and*

Section 4. Section 8 of RA 10121 is hereby repealed and amended as follows:

[Section 8. The Office of Civil Defense. - The Office of Civil Defense (OCD) shall have the primary mission of administering a comprehensive national civil defense and disaster risk reduction and management program by providing leadership in the continuous development of strategic and systematic approaches as well as measures to reduce the vulnerabilities and risks to hazards and manage the consequences of disasters.

The Administrator of the OCD shall also serve as Executive Director of the National Council and, as such, shall have the same duties and privileges of a department undersecretary. All appointees shall be universally acknowledged experts in the field of disaster preparedness and management and of proven honesty and integrity. The National Council

shall utilize the services and facilities of the OCD as the secretariat of the National Council.]

Section 5. NATIONAL DISASTER RISK REDUCTION AND MANAGEMENT ADMINISTRATION - IN ORDER TO CARRY OUT THE PROVISIONS OF THIS ACT, THE OFFICE OF CIVIL DEFENSE, IS HEREBY TRANSFORMED AND WILL BE REFERRED TO AS THE NATIONAL DISASTER RISK AND MANAGEMENT OFFICE AND HEADED BY AN ADMINISTRATOR WITH A RANK OF A CABINET SECRETARY AND THREE DEPUTY ADMINISTRATORS WITH RANK OF UNDERSECRETARY- FOR RESEARCH AND DEVELOPMENT, OPERATIONS AND TRAININGS, AND PLANS AND PROGRAMS- AND IN COLLABORATION WITH OTHER AGENCIES, INSTRUMENTALITIES AND ENTITIES AS MEMBERS OF THE NATIONAL DISASTER RISK AND REDUCTION COUNCIL.

SECTION 8-A. THE POWERS, FUNCTIONS, ALL APPLICABLE FUNDS AND APPROPRIATIONS, RECORDS, ASSETS, AND PROPERTIES OF THE OCD ARE HEREBY TRANSFERRED OR ABSORBED BY THE NDRRMA. THE NDRRMA SHALL, BY VIRTUE OF THIS ACT, SUCCEED TO ALL RIGHTS AND ASSUME ALL CONTRACTS AND LIABILITIES OF THE OCD WHICH SHALL BE ACTED UPON IN ACCORDANCE WITH THE AUDITING CODE AND OTHER PERTINENT LAW, RULES, AND REGULATIONS.

SECTION 8-B. APPOINTMENT AND QUALIFICATIONS OF THE ADMINISTRATOR AND DEPUTY ADMINISTRATORS - THE ADMINISTRATOR SHALL BE APPOINTED BY THE PRESIDENT SUBJECT TO THE CONFIRMATION OF THE COMMISSION ON APPOINTMENTS. THE DEPUTY ADMINISTRATORS SHALL BE APPOINTED ALSO BY THE PRESIDENT.

NO PERSON SHALL BE APPOINTED AS ADMINISTRATOR OR DEPUTY ADMINISTRATOR UNLESS HE/SHE IS A NATURAL-BORN FILIPINO CITIZEN, ATLEAST TWENTY- FIVE (25) YEARS OF AGE, OF GOOD MORAL CHARACTER, WAS NOT CONVICTED OF ANY CRIME INVOLVING MORAL TURPITUDE, A HOLDER OF A COLLEGE DEGREE PREFERABLY IN URBAN AND REGIONAL PLANNING, CIVIL ENGINEERING WITH SPECIALIZATION IN STRUCTURAL, GEOTECHNICAL,

ARCHITECTURE OR ANY OTHER RELATED COURSE OR MUST HAVE ACQUIRED EXPERIENCE IN CRISIS MANAGEMENT OR PUBLIC ADMINISTRATION FOR AT LEAST FIVE (5) YEARS.

SECTION 8-C. TERM OF OFFICE. THE ADMINISTRATOR SHALL HOLD OFFICE DEPENDING UPON THE WILL OR DISCRETION OR CO-TERMINOUS WITH THAT OF THE APPOINTING AUTHORITY.

SECTION 8-D. COMPENSATION - THE ADMINISTRATOR AND THE THREE DEPUTY ADMINISTRATORS OF THE NDRRMA SHALL HAVE THE SAME RANK, PRIVILEGES, SALARY, ALLOWANCES AND OTHER EMOLUMENTS WITH THAT OF THE OTHER DEPARTMENT SECRETARIES AND UNDERSECRETARIES, RESPECTIVELY, WHICH SHALL NOT BE DECREASED DURING THEIR TERM OF OFFICE.

SECTION 8-E. ORGANIZATIONAL STRUCTURE - THE ADMINISTRATOR AND THE THREE DEPUTY ADMINISTRATORS SHALL DETERMINE THE FINAL ORGANIZATIONAL STRUCTURE OF THE NDRRMA NOT LATER THAN (6) MONTHS FROM THE EFFECTIVITY OF THIS ACT AND SHALL FIX AND DELINEATE THE CORRESPONDING FUNCTIONS AND DUTIES OF THE DIVISION OR SECTION UNDER IT INCLUDING THE INTEGRATION OF THE EXISTING REGIONAL AND LGU-BASED LOCAL DISASTER REDUCTION AND MANAGEMENT OFFICES FOR THE EFFICIENT AND EFFECTIVE DISCHARGE OF ITS POWERS AND FUNCTIONS. APPOINT, SUBJECT TO THE PROVISIONS OF EXISTING LAWS, ITS OFFICIALS AND EMPLOYEES AND OTHER PERSONNEL AS ARE DEEMED NECESSARY FOR THE EFFECTIVE PERFORMANCE OF ITS FUNCTIONS, DUTIES AND RESPONSIBILITIES.

Section 6. Section 9 (i) of RA 10121 is hereby amended with the additional sub-sections.

Section 9. *Powers and Functions of the [OCD] NDRRMA.* - The [OCD] NDRRMA shall have the following powers and functions:

(i) The NDRRMA shall confer the appropriate accreditation and certification and ensure continuing capability-building for the *Disaster Risk Reduction and Management RESEARCH AND Training Institutes (Institutes hereinafter) IN ALL STATE UNIVERSITIES AND COLLEGES AND IN such suitable location as may be deemed appropriate to train public and private individuals, both local and national, in such subject on disaster risk reduction and management among others.*

The Institutes shall consolidate and prepare training materials and publications of disaster risk reduction and management books and manuals to assist disaster risk reduction and management workers in the planning and implementation of this program and projects. The Institutes shall conduct research programs to upgrade knowledge and skills and document best practices on disaster risk reduction and management. The Institutes are also mandated to conduct periodic awareness and education programs to accommodate new elective officials and members of the LDRRMCs; THE INSTITUTES, IN COLLABORATION WITH THE DOST, ARE ALSO TO CONDUCT, BUT NOT LIMITED TO, MONITORING AND RECORDING OF CLIMATIC CHANGE OCCURRENCES AND PERIODIC DISASTER COMPUTER-AIDED SIMULATION BASED ON THE RISKS OF ITS SERVICE-AREA.

THE INSTITUTES IN SUCs SHALL BE ORGANIZED BY THE CHED THROUGH THE PRESIDENT OF THE SUC. PREFERENCE SHALL BE GIVEN TO SUC PERSONNEL WITH

**BACKGROUND IN SCIENCE AND TECHNOLOGY,
ARCHITECTURE, AND ENGINEERING.**

Section 7. Section 11 of RA 10121 is hereby amended as follows:

Section 11. Organization at the Local Government Level. - The existing Provincial, City, and Municipal Disaster Coordinating Councils shall henceforth be known as the Provincial, City, and Municipal Disaster Risk Reduction and Management Councils. The Barangay Disaster Coordinating Councils shall cease to exist and its powers and functions shall henceforth be assumed by the existing Barangay Development Councils (BDCs) which shall serve as the LDRRMCs in every barangay.

(a) Composition: The LDRRMC shall be composed of, but not limited to, the following:

(19) PRESIDENT OF THE SUC IN THE SERVICE-AREA

Section 8. Section 15 of RA 10121 is hereby amended as follows with the additional sub-sections:

Section 15. Coordination During Emergencies. - The LDRRMCs shall take the lead in preparing for, responding to, and recovering from the effects of any disaster based on the following criteria:

- (a) The BDC, if a barangay is affected;*
- (b) The city/municipal DRRMCs, If two (2) or more barangays are affected;*
- (c) The provincial DRRMC, if two (2) or more cities/municipalities are affected;*
- (d) The regional DRRMC, if two (2) or more provinces are affected; and*
- (e) The NDRRMC, if two (2) or more regions are affected.*

The NDRRMC and intermediary LDRRMCs shall always act as support to LGUs which have the primary responsibility as first disaster responders. Private sector and civil society groups shall work in accordance with the coordination mechanism and policies set by the NDRRMC and concerned LDRRMCs.

SECTION 15-A. CATEGORIES OF RESPONSE CALLED FOR. TO COMPLEMENT THE MECHANISM OF COORDINATION IN THE PRECEDING SECTION, THE LDRRMO, BASED ON ITS IMMEDIATE POST-DISASTER ASSESSMENT, SHALL DECLARE THE FOLLOWING CATEGORIES TO CALL FOR THE APPROPRIATE LEVEL DISASTER RESPONSE.

FIRST, CATEGORY 1 - THE LOCAL GOVERNMENT UNIT SHALL BE THE FIRST DISASTER RESPONDERS IN CASES STILL MANAGEABLE BY ITS PERSONNEL. ALL OPERATIONAL EXPENSES OF THE LGU SHALL BE FUNDED ACCORDINGLY PURSUANT TO SECTIONS 15 AND 21 OF RA 10121.

SECOND, CATEGORY 2 - THE LOCAL GOVERNMENT UNIT, THROUGH A RESOLUTION BY ITS LDRRMC COMMUNICATED TO THE NDRRMA, SHALL REMAIN THE FIRST RESPONDERS BUT SHALL BE SUPPORTED BY THE NATIONAL GOVERNMENT.

THIRD, CATEGORY 3 - IN EXTREME CASES OF INCAPACITY OF THE LOCAL GOVERNMENT UNIT, THE HIGHEST RANKING LOCAL OFFICIAL SHALL COMMUNICATE TO THE NDRRMA OF SUCH INCAPACITY. THE NATIONAL GOVERNMENT, SPEARHEADED BY THE NDRRMA, SHALL ASSUME DIRECT CONTROL AND AUTHORITY OF THE EMERGENCY ACTIVITY DURING THE RESPONSE PHASE IN THE AFFECTED LGU.

Section 9. *Implementing Rules and Regulations.* - The NDRRMC, through its Chairperson, shall issue the necessary rules and regulations for the effective implementation of this Act within ninety (90) days after approval of this Act. The NDRRMA, in consultation with key stakeholders, shall take the lead in the preparation of the implementing

rules and regulations with the active involvement of the technical management group of the NDRRMC.

Section 10. APPROPRIATIONS - The budgetary requirements necessary for the accomplishment of the purposes and objectives of this Act shall be included in the General Appropriations Act of the year following its enactment into law.

Section 11. SEPARABILITY CLAUSE - In the event that any provision of this Act is declared invalid, the remainder of this Act not affected thereby shall continue in operation.

Section 12. REPEALING CLAUSE - All laws, presidential decrees, executive orders or parts thereof that are inconsistent with the provisions of this Act are hereby repealed or amended accordingly.

Section 13. EFFECTIVITY - This Act shall take effect after fifteen (15) days following its complete publication in the Official Gazette or in at least two (2) newspapers of general circulation.