

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. **4648**



Introduced by **Rep. Doy C. Leachon**

EXPLANATORY NOTE

The Philippines is one of the most disaster-prone countries in the world. During the past decades, our country has endured from deadly typhoons, storm surge, volcanic eruptions, earthquakes, and other natural disasters. According to studies, this is due to its location along the Ring of Fire, or typhoon belt – a large Pacific Ocean region where many of Earth's volcanic eruptions and earthquakes occur. Annually, approximately 80 typhoons develop above tropical waters, of which 19 enter the Philippine region and six to nine make landfall in our country. Thus, it can be reasonably conclude that such calamities are inevitable in our country.

To name a few of these calamities which the Filipinos has had strongly handled for the past years; (1) Typhoon Haiyan or Yolanda, considered as the deadliest storm in modern meteorological records typhoon had tattered Central Philippines on 7-8 November 2013. According to National Disaster Risk Reduction and Management Council (NDRRMC) Update as of January 10, 2014, number of deaths were estimated to be at 6,190; 28,626 were reported injured and 1,785 are still missing. Cost of damages was estimated at Php36,690, 882,497.27 with Php18,336,576,527.39 for infrastructures and Php18,354,305,869.88 for agriculture in Region IV-A, IV-B, V, VI, VII, VIII and CARAGA; (2) Central Visayas particularly

Bohol was disrupted by the deadliest earthquake in the Philippines in 23 years on October 15, 2013. The earthquake lasted 34 seconds and had a magnitude size of 7.2. According to the Public Emergency Response and Safety Department (NDRRMC) 222 people died, 976 were injured, and more than 73,000 houses were damaged or destroyed. It has been estimated that the energy the quake released was equivalent to 32 Hiroshima bombs; (3) On June 2008, Typhoon Frank, created mayhem in the Philippines killing at least 557 people. It affected more than 99,600 families all over the Philippines, damaging more than 155,500 houses in 10 regions. The "Princess of the Stars" ferry sank during the storm causing more casualties. The Philippine's National Disaster Coordination Council (NDCC) now known as National Disaster Risk Reduction Management (NDRRMC) placed the damage to agriculture and fisheries at 3.3 billion pesos (57.2 million euros, \$ 76.4 million), infrastructure at 750 million pesos (13 million euros, \$17.4 million), schools at 212 million pesos (3.7 million euros, \$4.9 million), and fishing boats at 110 million pesos (1.9 million euros, \$2.5million).

These calamities had caused severe damaged not only to our country's infrastructure but worst had also killed thousands of our countrymen.

In lieu of the foregoing, an independent and separate department which will solely focus on preparing, responding, preventing, mitigating the aftermath of these calamities and restoring the livelihood, facilities and among others of the affected communities is of paramount necessity in our country. Further, establishing the same as separate and independent department will avoid the tedious process in

responding to these calamities. In other words, preparation, and response relating to national disaster control will be more effective and more responsive in our country.

This piece of legislation is also a measure strengthening Senator Grace Poe's Resolution No.362 entitled " Urging the Senate Committee on National Defense and Security to review, in aid of legislation, on the present disaster risk management efforts and capabilities of both national and local government with the objective of recommending a more efficient coordination government plan addressing calamities, catastrophes, and emergencies and submitting possible amendments to existing laws introduced by Senator Grace Poe. Hence, the necessity and immediacy of approving this bill is of highly importance



ATTY. PAULINO SALVADOR "DOY" C. LEACHON

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AN ACT ESTABLISHING THE NATIONAL DISASTER RISK REDUCTION MANAGEMENT COUNCIL (NDRRMC) AS "PUBLIC EMERGENCY RESPONSE AND SAFETY DEPARTMENT" or PERSD, APPROPRIATING FUNDS THEREFOR 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 "PERSD ACT of 2014.

Section 2. Declaration of Policies: It shall be the policy of the State to:

- (a) Uphold the people's constitutional rights to life and property by addressing the root causes of vulnerabilities to disasters, strengthening the country's institutional capacity for disaster risk reduction and management and building the resilience of local communities to disasters including climate change impacts;
- (b) Adhere to and adopt the universal norms, principles and standards of humanitarian assistance and the global effort on risk reduction as concrete expression of the country's commitment to overcome human sufferings due to recurring disasters;
- (c) Incorporate internationally accepted principles of disaster risk management in the creation and implementation of national, regional and local sustainable development and poverty reduction strategies, policies, plans and budgets;

- (d) Adopt a disaster risk reduction and management approach that is holistic, comprehensive, integrated, and proactive in lessening the socioeconomic and environmental impacts of disasters including climate change, and promote the involvement and participation of all sectors and all stakeholders concerned, at all levels, especially the local community;
- (e) Develop, promote, and implement a comprehensive Public Emergency Response and Safety Department Plan (PERSDP) that aims to strengthen the capacity of the national government and the local government units (LGUs), together with partner stakeholders, to build the disaster resilience of communities, and to institutionalize arrangements and measures for reducing disaster risks, including projected climate risks, and enhancing disaster preparedness and response capabilities at all levels;
- (f) Adopt and implement a coherent, comprehensive, integrated, efficient and responsive disaster risk reduction program incorporated in the development plan at various levels of government adhering to the principles of good governance such as transparency and accountability within the context of poverty alleviation and environmental protection;
- (g) Mainstream disaster risk reduction and climate change in development processes such as policy formulation, socioeconomic development planning, budgeting, and governance, particularly in the areas of environment, agriculture, water, energy, health, education, poverty reduction, land-use and urban planning, and public infrastructure and housing, among others;
- (h) Institutionalize the policies, structures, coordination mechanisms and programs with continuing budget appropriation on disaster risk reduction from national down to local levels towards building a disaster-resilient nation and communities;
- (i) Mainstream disaster risk reduction into the peace process and conflict resolution approaches in order to minimize loss of lives and damage to property, and ensure that communities in conflict zones can immediately go back, to their normal lives during periods of intermittent conflicts;

- (j) Ensure that disaster risk reduction and climate change measures are gender responsive, sensitive to indigenous knowledge systems, and respectful of human rights;
- (k) Recognize the local risk patterns across the country and strengthen the capacity of LGUs for disaster risk reduction and management through decentralized powers, responsibilities, and resources at the regional and local levels;
- (I) Recognize and strengthen the capacities of LGUs and communities in mitigating and preparing for, responding to, and recovering from the impact of disasters;
- (m) Engage the participation of civil society organizations (eSOs), the private sector and volunteers in the government's disaster risk reduction programs towards complementation of resources and effective delivery of services to the Citizenry;
- (n) Develop and strengthen the capacities of vulnerable and marginalized groups to mitigate, prepare for, respond to, and recover from the effects of disasters;
- (O) Enhance and implement a program where humanitarian aid workers, communities, health professionals, government aid agencies, donors, and the media are educated and trained on how they can actively support breastfeeding before and during a disaster and/or an emergency; and
- (P) Provide maximum care, assistance and services to individuals and families affected by disaster, implement emergency rehabilitation projects to lessen the impact of disaster, and facilitate resumption of normal social and economic activities.

Section 3. Definition of Terms. - For purposes of this Act, the following shall refer to:

- (a) "Adaptation" - the adjustment in natural or human systems in response to actual or expected climatic stimuli or their effects, which moderates harm or exploits beneficial opportunities.

(b) "Capacity" - a combination of all strengths and resources available within a community, society or organization that can reduce the level of risk, or effects of a disaster. Capacity may include infrastructure and physical means, institutions, societal coping abilities, as well as human knowledge, skills and collective attributes such as social relationships, leadership and management. Capacity may also be described as capability.

(c) "Civil Society Organizations" Or "CSOs" - non-state actors whose aims are neither to generate profits nor to seek governing power. CSOs unite people to advance shared goals and interests. They have a presence in public life, expressing the interests and values of their members or others, and are based on ethical, cultural, scientific, religious or philanthropic considerations. CSOs include nongovernment organizations (NGOs), professional associations, foundations, independent research institutes, community-based organizations (CBOs), faith-based organizations, people's organizations, social movements, and labor unions.

(d) "Climate Change" - a change in climate that can't be identified by changes in the mean and/or variability of its properties and that persists for an extended period typically decades or longer, whether due to natural variability or as a result of human activity,

(e) "Community-Based Disaster Risk Reduction and Management" or "CBDRRM" - a process of disaster risk reduction and management in which at risk communities are actively engaged in the identification, analysis, treatment, monitoring and evaluation of disaster risks in order to reduce their vulnerabilities and enhance their capacities, and where the people are at the heart of decision-making and implementation of disaster risk reduction and management activities.

(I) "Complex Emergency" - a form of human-induced emergency in which the cause of the emergency as well as the assistance to the afflicted is complicated by intense level of political considerations.

(g) "Contingency Planning" - a management process that analyzes specific potential events or emerging situations that might threaten society or the environment and

establishes arrangements in advance to enable timely, effective and appropriate responses to such events and situations.

(h) "Disaster" - a serious disruption of the functioning of a community or a society involving widespread human, material, economic or environmental losses and impacts, which exceeds the ability of the affected community or society to cope using its own resources. Disasters are often described as a result of the combination of: the exposure to a hazard; the conditions of vulnerability that are present; and insufficient capacity or measures to reduce or cope with the potential negative consequences, Disaster impacts may include loss of life, injury, disease and other negative effects on human, physical, mental and social well-being, together with damage to property, destruction of assets, loss of services, Social and economic disruption and environmental degradation.

(i) "Disaster Mitigation" - the lessening or limitation of the adverse impacts of hazards and related disasters. Mitigation measures encompass engineering techniques and hazard-resistant construction as well as improved environmental policies and public awareness.

(j) "Disaster Preparedness" - the knowledge and capacities developed by governments, professional response and recovery organizations, communities and individuals to effectively anticipate, respond to, and recover from, the Impacts of likely, imminent or current hazard events or conditions. Preparedness action is carried out within the context of disaster risk reduction and management and aims to build the capacities needed to efficiently manage all types of emergencies and achieve orderly transitions from response to sustained recovery. Preparedness is based on a sound analysis of disaster risk and good linkages with early warning systems, and includes such activities as contingency planning, stockpiling of equipment and supplies, the development of arrangements for coordination, evacuation and public information, and associated training and field exercises. These must be supported by formal institutional, legal and budgetary capacities.

(k) "Disaster Prevention" - the outright avoidance of adverse impacts of hazards and related disasters. It expresses the concept and intention to completely avoid potential adverse impacts through action taken in advance such as construction of dams or

embankments that eliminate flood risks, land-use regulations that do not permit any settlement in high-risk zones, and seismic engineering designs that ensure the survival and function of a critical building in any likely earthquake.

(l) "Disaster Response" - the provision of emergency services and public assistance during or immediately after a disaster in order to save lives, reduce health impacts, ensure public safety and meet the basic subsistence needs of the people affected. Disaster response is predominantly focused on immediate and short-term needs and is sometimes called "disaster relief".

(m) "Disaster Risk" - the potential disaster losses in lives, health status, livelihood, assets and services, which could occur to a particular community or a Society over some specified future time period.

(n) "Disaster Risk Reduction" - the concept and practice of reducing disaster risks through systematic efforts to analyze and manage the causal factors of disasters, including through reduced exposures to hazards, lessened vulnerability of people and property, wise management of land and the environment, and improved preparedness for adverse events.

(o) "Disaster Risk Reduction and Management" – the systematic process of using administrative directives, organizations, and operational skills and capacities to implement strategies, policies and improved coping capacities in order to lessen the adverse impacts of hazards and the possibility of disaster. Prospective disaster risk reduction and management refers to risk reduction and management activities that address and seek to avoid the development of new or increased disaster risks, especially if risk reduction policies are not put in place.

(P) "Disaster Risk Reduction and Management Information System" - a specialized database which contains, among others, information on disasters and their human material, economic and environmental impact, risk assessment and mapping and vulnerable groups.

(q) "Early Warning System" - the set of capacities needed to generate and disseminate timely and meaningful warning information to enable individuals, communities and organizations threatened by a hazard to prepare and to act appropriately and in

sufficient time to reduce the possibility of harm or loss. A people-centered early warning system necessarily comprises four (4) key elements: knowledge of the risks; monitoring, analysis and forecasting of the hazards; communication or dissemination of alerts and warnings; and local capabilities to respond to the warnings received. The expression "end-to-end warning system" is also used to emphasize that warning systems need to span all steps from hazard detection to community response.

(r) "Emergency" - unforeseen or sudden occurrence, especially danger, demanding immediate action.

(s) "Emergency Management" - the organization and management of resources and responsibilities for addressing all aspects of emergencies, in particular preparedness, response and initial recovery steps.

(t) "Exposure" - the degree to which the elements at risk are likely to experience hazard events of different magnitudes.

(u) "Geographic Information System" - a database which contains, among others, geo-hazard assessments, information on climate change, and climate risk reduction and management.

(v) "Hazard" - a dangerous phenomenon, substance, human activity or condition that may cause loss of life, injury or other health impacts, property damage, loss of livelihood and services, social and economic disruption, or environmental damage.

(w) "Land-Use Planning" - the process undertaken by public authorities to identify, evaluate and decide on different options for the use of land, including consideration of long-term economic, social and environmental objectives and the implications for different communities and interest groups, and the subsequent formulation and promulgation of plans that describe the permitted or acceptable uses.

(x) "Mitigation" - structural and non-structural measures undertaken to limit the adverse impact of natural hazards, environmental degradation, and technological hazards and to ensure the ability of at-risk communities to address vulnerabilities aimed at minimizing the impact of disasters. Such measures include, but are not limited to, hazard-resistant construction and engineering works, the formulation and implementation of plans, programs, projects and activities, awareness raising, knowledge management, policies

on land-use and resource management, as well as the enforcement of comprehensive land-use planning, building and safety standards, and legislation.

(y) "Public Emergency Response and Safety Framework" or PERSF" - provides for comprehensive, all hazards, multi-sectoral, inter-agency and community-based approach to disaster risk reduction and management.

(z) "Public Emergency Response and Safety Plan" or "PERSP" - the document to be formulated and implemented by the Office of Civil Defense (OCD) that sets out goals and specific objectives for reducing disaster risks together with related actions to accomplish these objectives. The NDRRMP shall provide for the identification of hazards, vulnerabilities and risks to 'be managed at the national level; disaster risk reduction and management approaches and strategies to be applied in managing said hazards and risks; agency roles, responsibilities and lines of authority at all government levels; and vertical and horizontal coordination of disaster risk reduction and management in the pre-disaster and post-disaster phases. It shall be in conformity with the PERSF.

(aa) "Post-Disaster Recovery" - the restoration and improvement where appropriate, of facilities, livelihood and living conditions. of disaster-affected communities, including efforts to reduce disaster risk factors, in accordance with the principles of "build back better".

(bb) "Preparedness" - pre-disaster actions and measures being undertaken within the context of disaster risk reduction and management and are based on sound risk analysis as well as pre-disaster activities to avert or minimize loss of life and property such as, but not limited to, community organizing, training, planning, equipping, stockpiling, hazard mapping, insuring of assets, and public information and education initiatives. This also includes the development/enhancement of an overall preparedness strategy, policy, institutional structure, warning and forecasting capabilities, and plans that define measures geared to help at-risk communities safeguard their lives and assets by being alert to hazards and taking appropriate action in the face of an imminent threat or an actual disaster.

(cc) "Private Sector" - the key factor in the realm of the economy where the central social concern and process are the mutually beneficial production and distribution of goods and services to meet the physical needs of human beings. The private sector comprises private corporations, households and nonprofit institutions serving households.

(dd) "Public Sector Employees" - all persons in the civil service.

(ee) "Rehabilitation" - measures that ensure the ability of affected communities/areas to restore their normal level of functioning by rebuilding livelihood and damaged infrastructures and increasing the communities' organizational capacity.

(ff) "Resilience" - the ability of a system, community or society exposed to hazards to resist, absorb, accommodate and recover from the effects of a hazard in a timely and efficient manner, including through the preservation and restoration of its essential basic structures and functions.

(gg) "Response" - any concerted effort by two (2) or more agencies, public or private, to provide assistance or intervention during or immediately after a disaster to meet the life preservation and basic subsistence needs of those people affected and in the restoration of essential public activities and facilities.

(hh) "Risk"- the combination of the probability of an event and its negative consequences.

(ii) "Risk Assessment" - a methodology to determine the nature and extent of risk by analyzing potential hazards and evaluating existing conditions of vulnerability that together could potentially harm exposed people, property, services, livelihood and the environment on which they depend. Risk assessments with associated risk mapping include: a review of the technical characteristics of hazards such as their location, intensity, frequency and probability; the analysis of exposure and vulnerability including the physical, social, health, economic and environmental dimensions; and the evaluation of the effectiveness of prevailing and alternative coping capacities in respect to likely risk scenarios.

(jj) "Risk Management" - the systematic approach and practice of managing uncertainty to minimize potential harm and loss. It comprises risk assessment and analysis, and the

implementation of strategies and specific actions to control, reduce and transfer risks. It is widely practiced by organizations to minimize risk in investment decisions and to address operational risks such as those of business disruption, production failure, environmental damage, social impacts and damage from fire and natural hazards.

(kk) "Risk Transfer" - the process of formally or informally shifting the financial consequences of particular risks from one party to another whereby a household, community, enterprise or state authority will obtain resources from the other party after a disaster occurs, in exchange for ongoing or compensatory social or financial benefits provided to that other party.

(ll) "State of Calamity" - a condition involving mass casualty and/or major damages to property, disruption of means of livelihoods, roads and normal way of life of people in the affected areas as a result of the occurrence of natural or human-induced hazard.

(mm) "Sustainable Development" - development that meets the needs of the present without compromising the ability of future generations to meet their own needs. It contains within it two (2) key concepts: (1) the concept of "needs", in particular, the essential needs of the world's poor, to which overriding priority should be given; and (2) the idea of limitations imposed by the state of technology and social organizations on the environment's ability to meet present and future needs. It is the harmonious integration of a sound and viable economy, responsible governance, social cohesion and harmony, and ecological integrity to ensure that human development now and through future generations is a life-enhancing process.

(nn) "Vulnerability" - the characteristics and circumstances of a community, system or asset that make it susceptible to the damaging effects of a hazard. Vulnerability may arise from various physical, social, economic, and environmental factors such as poor design and construction of buildings, inadequate protection of assets, lack of public information and awareness, limited official recognition of risks and preparedness measures, and disregard for wise environmental management.

(oo) "Vulnerable and Marginalized Groups" - those that face higher exposure to disaster risk and poverty including, but not limited to, women, children, elderly, differently-abled people, and ethnic minorities.

Section 4. Scope: This Act provides for the development of policies and plans and the implementation of actions and measures pertaining to all aspects of disaster risk reduction and management, including good governance, risk assessment and early warning, knowledge building and awareness raising, reducing underlying risk factors, and preparedness for effective response and early recovery.

Section 5. The present NDRRMC is hereby removed from the jurisdiction of Department of National Defense.

Section 6. The present NDRRMC is hereby established as a new department of the Executive Branch of the government to be known as Public Emergency Response and Safety Department (PERSD) or hereinafter referred as the Department.

Section 7. Composition: The PERSD shall be headed by a Secretary, Undersecretaries, Asst. secretaries, and shall consist of the bureaus and services of the Department.

Section 8. Office of the Secretary. – The Office of the Secretary shall consist of the Secretary and his immediate staff.

Section 9. The Secretary. – The Secretary shall be appointed by the President, subject to confirmation by the Commission on Appointments.

The Secretary shall have the following functions:

- (a) Establish policies and standards for the effective, responsive, and efficient operation of the Department in accordance with the programs of the Government;
- (b) Exercise direct supervision and control over all functions and activities of the Department, as well as all its officers and personnel;
- (c) Create regional offices and such other service units and divisions as may be necessary;
- (d) Create regional or separate grids as may be necessary or beneficial; and

(e) Perform such other functions as may be necessary or proper to attain the objectives of this Act.

Section 10. The Undersecretaries. – The Secretary shall be assisted by four (4) Undersecretaries who shall be appointed by the President upon the recommendation of the Secretary. They shall have the powers and functions as provided for in Section 10, Chapter 2, Book IV of the Administrative Code of 1987.

Section 11. Office of the Undersecretaries. - It shall consist of the four (4) Undersecretaries and their respective immediate staff who shall be the USEC for Disaster Prevention; USEC for Disaster Response; USEC for Disaster Prevention and Mitigation; USEC for Disaster Rehabilitation and Recovery, respectively.

Section 12. Assistant Secretaries. – The Secretary shall also be assisted by three (3) Assistant Secretaries one (1) for operations, one (1) for policy and programs, and another for administrative services. The Assistant Secretaries shall be appointed by the President upon the recommendation of the Secretary.

Section 13. Qualifications. – No person shall be appointed Secretary, Undersecretary, or Assistant Secretary of the Department unless he is a citizen and resident of the Philippines and of good moral character and of proven competence in disaster and natural calamities preparedness and management.

Section 14. Bureaus and Offices – Subject to the power of the Secretary, with the approval of the President, to reorganize, restructure, and redefine the functions of the bureaus and services for the effective discharge of the powers and functions of the Department under this Act.

The Department shall have the following bureaus headed by the four (4) USEC concerned:

The Bureau of Disaster Prevention; the Bureau of Disaster Response; the Bureau of Disaster Prevention and Mitigation, the Bureau of Disaster Rehabilitation and Recovery.

The Bureaus and Services shall have the following powers and functions:

1. **Bureau of Disaster Prevention-** Establish and strengthen capacities of communities to anticipate cope and recover from the negative impacts of emergency occurrences, and disasters. Further, the bureau will formulate activities which include contingency planning, pre-emptive evacuation, local drills and simulation exercises.
2. **Bureau of Disaster Response-** Assist in conducting programs and formulation of policies in order to provide life preservation and meet the basic needs of affected population during or immediately after a disaster. Its activities include relief, search, rescue and retrieval operations; disaster-related information, management of dead and missing, evacuation management, coordination of civil and uniformed services.
3. **Bureau of Disaster Prevention and Mitigation-** Assist in the formulation and implementation of policies to avoid hazard and mitigate their potential impacts by reducing vulnerabilities and exposure, and enhancing capacities of communities.

Its activities include community based and scientific DRR/climate change, adaptation assessment, mapping, analysis and monitoring.

4. **Bureau of Disaster Rehabilitation and Recovery –** Assist in the formulation and implementation of policies and programs in order to restore and improve facilities, livelihood, living conditions and organizational capacities of affected communities.

Its activities include restoration of livelihood, shelter and infrastructure, in that order of priority.

Section 15. National Council. There shall be a National Council for Emergency Response and Safety to be known as "National Council" which shall be considered as the policy-making arm of the Department. The National Council shall be headed by the Secretary of the Department as Chairperson, the Undersecretaries of the four (4) bureaus provided under Section 14 of this Act.

The National Council's members are as follows:

- (a) Under Secretary of the Department of Health (DOH);
- (b) Under Secretary of the Department of Environment and Natural Resources (DENR);
- (c) Under Secretary of the Department of Agriculture (DA);
- (d) Under Secretary of the Department of Education (DepED);
- (e) Under Secretary of the Department of Energy (DOE);
- (f) Under Secretary of the Department of Finance (DOF);
- (g) Under Secretary of the Department of Trade and Industry (DTI);
- (h) Under Secretary of the Department of Transportation and Communications (DOTC);
- (i) Under Secretary of the Department of Budget and Management (DBM);
- (j) Under Assistant Secretary of the Department of Public Works and Highways (DPWH);
- (k) Under Secretary of the Department of Foreign Affairs (DFA);
- (l) Under Secretary of the Department of Justice (DOJ);
- (m) Under Secretary of the Department of Labor and Employment (DOLE);
- (n) Under Secretary of the Department of Tourism (DOT);
- (o) Under Secretary of Department of Interior and Local Government (DILG)
- (p) Under Secretary of Department of Social and Welfare Development (DSWD)
- (q) Under Secretary of Department of Science and Technology
- (r) Deputy Director of National Economic and Development Authority (NEDA)
- (s) Under Secretary of Department of National Defense
- (t) The Deputy Secretary;

- (u) Under Secretary of the Office of the Presidential Adviser on the Peace Process (OPAPP);
- (v) Vice- Chairperson, Commission on Higher Education (CHED);
- (w) Deputy Chief, Armed Forces of the Philippines (AFP);
- (x) Deputy Chief, Philippine National Police (PNP);
- (y) The Press Secretary;
- (z) Assistant Secretary General of the Philippine National Red Cross (PNRC);
- (aa) Assistant Commissioner of the National Anti-Poverty Commission-Victims of Disasters and Calamities Sector (NAPCVDC);
- (bb) Vice- Chairperson, National Commission on the Role of Filipino Women;
- (cc) Vice- Chairperson, Housing and Urban Development Coordinating Council (HUDCC);
- (dd) Executive Director of the Climate Change Office of the Climate Change Commission;
- (ee) President, Government Service Insurance System (GSIS);
- (ff) President, Social Security System (SSS);
- (gg) President, Philippine Health Insurance Corporation (PhilHealth);
- (hh) President of the Union of Local Authorities of the Philippines (ULAP);
- (ii) President of the League of Provinces of the Philippines (LPP);
- (jj) President of the League of Cities of the Philippines (LCP);
- (kk) President of the League of Municipalities of the Philippines (LMP);
- (ll) President of the Liga ng Mga Barangay (LMB);
- (mm) Four (4) representatives from the CSOs;
- (nn) One (1) representative from the private sector; and
- (oo) Administrator of the OCD.

Section 16. 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 Department 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 Department shall utilize the services and facilities of the OCD as the secretariat of the National Council.

SEC. 17. Powers and Functions of the OCD. - The OCD shall have the following powers and functions:

- (a) Advise the Department on matters relating to disaster risk reduction and management consistent with the policies and scope as defined in this Act;
- (b) Formulate and implement the PERSP and ensure that the physical framework, social, economic and environmental plans of communities, cities, municipalities and provinces are consistent with such plan. The Department shall approve the PERSP;
- (c) Identify, assess and prioritize hazards and risks in consultation with key stakeholders;
- (d) Develop and ensure the implementation of national standards in carrying out disaster risk reduction programs including preparedness, mitigation, prevention, response and rehabilitation works, from data collection and analysis, planning, implementation, monitoring and evaluation;
- (e) Review and evaluate the Local Emergency Response and Safety Plans (LERSDPs) to facilitate the integration of disaster risk reduction measures into the local Comprehensive Development Plan (CDP) and Comprehensive Land Use Plan (CLUP);
- (f) Ensure that the LGUs, through the Local Emergency Response Offices (LERSDOs) are properly informed and adhere to the national standards and programs;

- (g) Formulate standard operating procedures for the deployment of rapid assessment teams, information sharing among different government agencies, and coordination before and after disasters at all levels;
- (h) Establish standard operating procedures on the communication system among provincial, city, municipal, and barangay disaster risk reduction and management councils, for purposes of warning and alerting them and for gathering information on disaster areas before, during and after disasters;
- (i) Establish Emergency Response and Safety Training Institutes in such suitable location as may be deemed appropriate to train public and private individuals, both local and national, in such subject as disaster risk reduction and management among others. The Institute 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 Institute shall conduct research programs to upgrade knowledge and skills and document best practices on disaster risk reduction and management. The Institute is also mandated to conduct periodic awareness and education programs to accommodate new elective officials and members of the LERSDs;
- (j) Ensure that all disaster risk reduction programs, projects and activities requiring regional and international support shall be in accordance with duly established national policies and aligned with international agreements;
- (k) Ensure that government agencies and LGUs give top priority and take adequate and appropriate measures in disaster risk reduction and management;
- (l) Create an enabling environment for substantial and sustainable participation of CSOs, private groups, volunteers and communities, and recognize their contributions in the government's disaster risk reduction efforts;
- (m) Conduct early recovery and post-disaster needs assessment institutionalizing gender analysis as part of it;

- (n) Establish an operating facility to be known as the Public Emergency Risk and Safety Department Management Operations Center (PERSDMOC) that shall be operated and staffed on a twenty-four (24) hour basis;
- (o) Prepare the criteria and procedure for the enlistment of accredited community disaster volunteers (ACDVs). It shall include a manual of operations for the volunteers which shall be developed by the OCD in consultation with various stakeholders;
- (p) Provide advice and technical assistance and assist in mobilizing necessary resources to increase the overall capacity of LGUs, specifically the low income and in high-risk areas;
- (q) Create the necessary offices to perform its mandate as provided under this Act; and
- (r) Perform such other functions as may be necessary for effective operations and implementation of this Act.

Section 18.-Regional Emergency Risk and Safety Department (RERSDs) – It shall coordinate, integrate, supervise, and evaluate the activities of the LERSDs. The RERSD shall be responsible in ensuring disaster sensitive regional development plans, and in case of emergencies shall convene the different regional line agencies and concerned institutions and authorities. The RERSDs shall establish an operating facility to be known as the Regional Emergency Risk and Safety Operations Center (RERSOC) whenever necessary. The civil defense officers of the OCD who are or may be designated as Regional Directors of the OCD shall serve as chairpersons of the RERSDs. Its Vice Chairpersons shall be the Regional Directors of the DSWD, the DILG, the DOST, and the NEDA. In the case of the Autonomous Region in Muslim Mindanao (ARMM), the Regional Governor shall be the RERSDs Chairperson. The existing regional offices of the OCD shall serve as secretariat of the RERSDs. The RERSDs shall be composed of the executives of regional offices and field stations at the regional level of the government agencies.

Section 19. Organization at the Local Government Level. - The existing Provincial, City, and Municipal Emergency Response and Safety Coordinating Departments shall henceforth be known as the Provincial, City, and Municipal Emergency Response and Safety Departments. The Barangay Disaster Coordinating Departments shall cease to exist and its powers and functions shall henceforth be assumed by the existing Barangay Development Departments (BDDs) which shall serve as the LERSDDs in every barangay.

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

- (1) The Local Chief Executives, Chairperson;
- (2) The Local Planning and Development Officer, member;
- (3) The Head of the LDRMO, member;
- (4) The Head of the Local Social Welfare and Development Office, member;
- (5) The Head of the Local Health Office, member;
- (6) The Head of the Local Agriculture Office, member;
- (7) The Head of the Gender and Development Office, member;
- (8) The Head of the Local Engineering Office, member;
- (9) The Head of the Local Veterinary Office, member;
- (10) The Head of the Local Budget Office, member;
- (11) The Division Head/Superintendent of Schools of the DepED, member;
- (12) The highest-ranking officer of the Armed Forces of the Philippines (AFP) assigned in the area, member;
- (13) The Provincial Director/City/Municipal Chief of the Philippine National Police (PNP), member;
- (14) The Provincial Director/City/ Municipal Fire Marshall of the Bureau of Fire Protection (BFP), member;
- (15) The President of the Association of Barangay Captains (ABC), member;
- (16) The Philippine National Red Cross (PNRC), member;
- (17) Four (4) accredited CSOs, members; and
- (18) One (1) private sector representative, member.

(b) The LERSDs shall have the following functions:

(1) Approve, monitor and evaluate the implementation of the LERSDPs and regularly review and test the plan consistent with other national and local planning programs;

(2) Ensure the integration of disaster risk reduction and climate change adaptation into local development plans, programs and budgets as a strategy in sustainable development and poverty reduction;

(3) Recommend the implementation of forced or preemptive evacuation of local residents, if necessary; and

(4) Convene the local council once every three (3) months or as necessary.

Section 20. Local Emergency Risk and Safety Department Office (LERSDO).

(a) There shall be established an LERSDO in every province, city and municipality, and Barangay Emergency Risk and Safety Committee (BERSC) in every barangay which shall be responsible for setting the direction, development, implementation and coordination of disaster risk management programs within their territorial jurisdiction.

(b) The LERSDO shall be under the office of the governor, city or municipal mayor, and the punong barangay in case of the BERSD. The LERSDOs shall be initially organized and composed of a ERSO to be assisted by three (3) staff responsible for: (1) administration and training; (2) research and planning; and (3) operations and warning. The LERSDOs and the BERSDs shall organize, train and directly supervise the local emergency response teams and the ACDVs.

(c) The provincial, city and municipal ERSOs or BERSDs shall perform the following functions with.

Impartiality given the emerging challenges brought by disasters of our times:

(1) Design, program, and coordinate disaster risk reduction and management activities consistent with the Department's standards and guidelines;

(2) Facilitate and support risk-assessments and contingency planning activities at the local level;

- (3) Consolidate local disaster risk information which includes natural hazards, vulnerabilities, and climate change risks, and maintain a local risk map;
- (4) Organize and conduct training, orientation, and knowledge management activities on disaster risk reduction and management at the local level;
- (5) Operate a multi-hazard early warning system, linked to disaster risk reduction to provide accurate and timely advice to national or local emergency response organizations and to the general public, through diverse mass media, particularly radio, landline communications, and technologies for communication within rural communities;
- (6) Formulate and implement a comprehensive and - integrated LERSDP in accordance with the national, regional and provincial framework, and policies on disaster risk reduction in close coordination with the Local Development Departments (LDDs);
- (7) Prepare and submit to the local Sanggunian through the LERSD and the LDD the annual LERSDO Plan and budget, the proposed programming of the LERSDF, other dedicated disaster risk reduction and management resources, and other regular funding source/s and budgetary support of the LERSDO/BERSD;
- (8) Conduct continuous disaster monitoring and mobilize instrumentalities and entities of the LGUs, CSOs, private groups and organized volunteers, to utilize their facilities and resources for the protection and preservation of life and properties during emergencies in accordance with existing policies and procedures;
- (9) Identify, assess and manage the hazards, vulnerabilities and risks that may occur in their locality;
- (10) Disseminate information and raise public awareness about those hazards, vulnerabilities and risks, their nature, effects, early warning signs and counter measures;
- (11) Identify and implement cost-effective risk reduction measures/strategies;

- (12) Maintain a database of human resource, equipment, directories, and location of critical infrastructures and their capacities such as hospitals and evacuation centers;
- (13) Develop, strengthen and operationalize mechanisms for partnership or networking with the private sector, CSOs, and volunteer groups;
- (14) Take all necessary steps on a continuing basis to maintain, provide, or arrange the provision of, or to otherwise make available, suitably-trained and competent personnel for effective civil defense and disaster risk reduction and management in its area;
- (15) Organize, train, equip and supervise the local emergency response teams and the ACDV s, ensuring that humanitarian aid workers are equipped with basic skills to assist mothers to breastfeed;
- 16) Respond to and manage the adverse effects of emergencies and carry out recovery activities in the affected area, ensuring that there is an efficient mechanism for immediate delivery of food, shelter and medical supplies for women and children, endeavor to create a special place where internally-displaced mothers can find help with breastfeeding, feed and care for their babies and give support to each other;
- (17) Within its area, promote and raise public awareness of and compliance with this Act and legislative provisions relevant to the purpose of this Act;
- (18) Serve as the secretariat and executive arm of the LERSD;
- (19) Coordinate other disaster risk reduction and management activities;
- (20) Establish linkage/network with other LGUs for disaster risk reduction and emergency response purposes;
- (21) Recommend through the LERSD the enactment of local ordinances consistent with the requirements of this Act;
- (22) Implement policies, approved plans and programs of the LERSD consistent with the policies and guidelines laid down in this Act;
- (23) Establish a Provincial City/Municipality Barangay Emergency Response and Safety Operations Center;

(24) Prepare and submit, through the LERSD and the LDD, the report on the utilization of the LERSDF and other dedicated disaster risk reduction and management resources to the local Commission on Audit (COA), copy furnished the regional director of the OCD and the Local Government Operations Officer of the DILG; and

(25) Act on other matters that may be authorized by the LERSD.

(d) The BERSD shall be a regular committee of the existing BDD and shall be subject thereto. The punong barangay shall facilitate and ensure the participation of at least two (2) CSO representatives from existing and active community-based people's organizations representing the most vulnerable and marginalized groups in the barangay.

Section 21. Accreditation, Mobilization, and Protection of Disaster Volunteers and National Service Reserve Corps, CSOs and the Private Sector. - The government agencies, CSOs, private sector and LGUs may mobilize individuals or organized volunteers to augment their respective personnel complement and logistical requirements in the delivery of disaster risk reduction programs and activities. The agencies, CSOs, private sector, and LGUs concerned shall take full responsibility for the enhancement, welfare and protection of volunteers, and shall submit the list of volunteers to the OCD, through the LERSDOs, for accreditation and inclusion in the database of community disaster volunteers.

A national roster of ACDVs, National Service Reserve Corps, CSOs and the private sector shall be maintained by the OCD through the LERSDOs. Accreditation shall be done at the municipal or city level. Mobilization of volunteers shall be in accordance with the guidelines to be formulated by the PERSD consistent with the provisions of this Act.

Any volunteer who incurs death or injury while engaged in any of the activities defined under this Act shall be entitled to compensatory benefits and individual personnel accident insurance as may be defined under the guidelines.

SEC. 22. Integration of Emergency Response and Safety Education into the School Curricula and Sangguniang Kabataan and Mandatory Training for the Public Sector Employees. – The DepED, the CHED, the Technical Education and Skills Development Authority (TESDA), in coordination with the OCD, the National Youth Commission (NYC), the DOST, the DENR, the DILG-BFP, the DOH, the DSWD and other relevant agencies, shall integrate emergency response and safety education in the school curricula of secondary and tertiary level of education, including the' National Service Training Program (NSTP), whether private or public, including formal and non-formal, technical, vocational, indigenous learning, and out-of-school youth courses and programs.

The PERSD, the RERSDs, the LERSDs, the LERSDOs, the BERSDs and NYC shall encourage community, specifically the youth, participation in disaster risk reduction and management activities, such as organizing quick response groups, particularly in identified disaster-prone areas, as well as the inclusion of disaster risk reduction and management programs as part of the programs and projects.

The public sector employees shall be trained in emergency response and preparedness. The training is mandatory for such employees to comply with the provisions of this Act.

SEC. 23. Coordination during Emergencies. – The LERSDs shall take the lead in preparing for responding to, and recovering from the effects of any disaster based on the following criteria:

- (a) The BDD, if a barangay is affected;
- (b) The city/municipal ERSDs, if two (2) or more barangays are affected;
- (c) The provincial ERSD, if two (2) or more cities/ municipalities are affected;
- (d) The regional ERSD, if two (2) or more provinces are affected; and
- (e) The PERSD, if two (2) or more regions are affected. The PERSD and intermediary LERSDs 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 PERSDs and concerned LERSDs.

SEC. 24. Declaration of State of Calamity. – The Department shall recommend to the President of the Philippines the declaration of a cluster of barangays, municipalities, cities, provinces, and regions under a state of calamity, and the lifting thereof, based on the criteria set by the National Council. The President's declaration may warrant international humanitarian assistance as deemed necessary.

The declaration and lifting of the state of calamity may also be issued by the local Sanggunian, upon the recommendation of the LERSD, based on the results of the damage assessment and needs analysis.

SEC. 25. Remedial Measures. - The declaration of a state of calamity shall make mandatory the immediate undertaking of the following remedial measures by the member-agencies concerned as defined in this Act:

- (a) Imposition of price ceiling on basic necessities and prime commodities by the President upon the recommendation of the implementing agency as provided for under Republic Act No. 7581, otherwise known as the "Price Act", or the National Price Coordinating Council;
- (b) Monitoring, prevention and control by the Local Price Coordination Council of overpricing/profitteering and hoarding of prime commodities, medicines and petroleum products;
- (c) Programming/reprogramming of funds for the repair and safety upgrading of public infrastructures and facilities; and
- (d) Granting of no-interest loans by government financing or lending institutions to the most affected section of the population through their cooperatives or people's organizations.

SEC. 26. Mechanism for International Humanitarian Assistance. - (a) The importation and donation of food, clothing, medicine and equipment for relief and recovery and other disaster management and recovery-related supplies is hereby authorized in accordance with Section 105 of the Tariff and Customs Code of the Philippines, as amended, and the prevailing provisions of the General Appropriations Act covering national internal revenue taxes and import duties of national and local government agencies; and

(b) Importations and donations under this section shall be considered as importation by and/or donation to the Department, subject to the approval of the Office of the President.

SEC. 27. Prohibited Acts. - Any person, group or corporation who commits any of the following prohibited acts shall be held liable and be subjected to the penalties as prescribed in Section 24 of this Act:

(a) Dereliction of duties which leads to destruction, loss of lives, critical damage of facilities and misuse of funds;

(b) Preventing the entry and distribution of relief goods in disaster-stricken areas, including appropriate technology, tools, and equipment, accessories, and disaster teams/experts;

(c) Buying, for consumption or resale, from disaster relief agencies any relief goods, equipment or other aid commodities which are intended for distribution to disaster affected communities;

(d) Buying, for consumption or resale, from the recipient disaster affected persons any relief goods, equipment or other aid commodities received by them;

(e) Selling of relief goods, equipment or other aid commodities which are intended for distribution to disaster victims;

(f) Forcibly seizing relief goods, equipment or other aid commodities intended for or consigned to a specific group of victims or relief agency;

(g) Diverting or misdelivery of relief goods, equipment or other aid commodities to persons other than the rightful recipient or consignee;

- (h) Accepting, possessing, using or disposing relief goods, equipment or other aid commodities not intended for nor consigned to him/her;
- (i) Misrepresenting the source of relief goods, equipment or other aid commodities by:
 - (1) Either covering, replacing or defacing the labels of the containers to make it appear that the goods, equipment or other aid commodities came from another agency or persons;
 - (2) Repacking the goods, equipment or other aid commodities into containers with different markings to make it appear that the goods came from another agency or persons or was released upon the instance of a particular agency or persons;
 - (3) Making false verbal claim that the goods, equipment or other aid commodity n its untampered original containers actually came from another agency or persons or was released upon the instance of a particular agency or persons;
- (j) Substituting or replacing relief goods, equipment or other aid commodities with the same items or inferior/cheaper quality;
- (k) Illegal solicitations by persons or organizations representing others as defined in the standards and guidelines set by the Department;
 - (1) Deliberate use of false at inflated data in support of the request for funding, relief goods, equipment or other aid commodities for emergency assistance or livelihood projects; and
- (m) Tampering with or stealing hazard monitoring and disaster preparedness equipment and paraphernalia.

SEC. 28. Penal Clause. - Any individual, corporation, partnership, association, or other juridical entity that commits any of the prohibited acts provided for in Section 19 of this Act shall be prosecuted and upon conviction shall suffer a fine of not less than Fifty thousand pesos (Php50,000.00) or any amount not to exceed Five hundred thousand pesos(php500,000.00) or imprisonment of not less than six (6) years and one (1) day or more than twelve (12) years, or both, at the discretion of the court, including perpetual disqualification from public office if the offender is a public officer, and confiscation or forfeiture in favor of the government of the objects and the

instrumentalities used in committing any of herein prohibited acts. 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 without prejudice to the cancellation or revocation of these entities' license or accreditation issued to them by any licensing or accredited body of the government. If such offender is an alien, he or she shall, in addition to the penalties prescribed in this Act, be deported without further proceedings after service of the sentence.

However, the prosecution for offenses set forth in Section 19 of this Act shall be without prejudice to any liability for violation of Republic Act No. 3185, as amended, otherwise known as the Revised Penal Code, and other civil liabilities.

Section 29. Local Emergency Response and Safety Department Fund (LERSDF). - The present Local Calamity Fund shall henceforth be known as the Local Emergency Response and Safety Department Fund (LERSDF). Not less than five percent (5%) of the estimated revenue from regular sources shall be set aside as the LERSDF to support disaster risk management activities such as, but not limited to, pre-disaster preparedness programs including training, purchasing life-saving rescue equipment, supplies and medicines, for post-disaster activities, and for the payment of premiums on calamity insurance. The LERSD shall monitor and evaluate the use and disbursement of the LERSDF based on the LDRRMP as incorporated in the local development plans and annual work and financial plan. Upon the recommendation of the LERSDO and approval of the Sanggunian concerned, the LERSD may transfer the said fund to support disaster risk reduction work of other LERSDs which are declared under state of calamity. Of the amount appropriated for LERSDF, thirty percent (30%) shall be allocated as Quick Response Fund (QRF) or stand-by fund for relief and recovery programs in order that situation and living conditions of people in communities or areas stricken by disasters, calamities, epidemics, or complex emergencies, may be normalized as quickly as possible.

Unexpended LERSDF annually shall revert back to the general fund and will be available for other social services to be identified by the local sanggunian.

Section 30. Funding of the OCD. – The present revolving fund (One Billion Pesos) of the OCD shall be transferred and absorbed by the Department.

Section 31. Appropriation. – Such sums as may be necessary for the effective implementation of this act shall be provided in the General Appropriation Acts for the succeeding fiscal years after the approval of this act.

SEC. 32. Annual Report. - The Department, through the OCD, shall submit to the Office of the President, the Senate and the House of Representatives, within the first quarter of the succeeding year, an annual report relating to the progress of the implementation of the PERSDP.

SEC. 33. Implementing Rules and Regulations. – The Department through its Secretary shall issue the necessary rules and regulations for the effective implementation of this Act within ninety (90) days after approval of this Act. The OCD 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 Department.

SEC 34. Congressional Oversight Committee. - There is hereby created a Congressional Oversight Committee to monitor and oversee the implementation of the provisions of this Act.

The Committee shall be composed of six (6) members from the Senate and six (6) members from the House of Representatives with the Chairpersons of the Committees on National Defense and Security of both the Senate and the House of Representatives as joint Chairpersons of this Committee. The five (5) other members from each Chamber are to be designated by the Senate President and the Speaker of the House of

Representatives respectively. The minority shall be entitled to pro rata representation but shall have at least two (2) Representatives from each Chamber.

Section 35. Repealing Clause. – All provisions of Republic Act 10121 are hereby expressly repealed. All other laws, presidential decrees, executive orders, proclamations and administrative regulations inconsistent with the provisions of this Act are hereby amended, modified, superseded or repealed accordingly.

Section 36. Separability Clause. – If, for any reason, any section or provision of this Act is held unconstitutional or invalid, the other sections or provisions hereof shall not be affected thereby.

Section 37. Effectivity Clause. –This Act shall take effect fifteen (15) days following its complete publication in the *Official Gazette* or in two (2) national newspapers of general circulation.

Approved,