

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 6131



Introduced by **HON. LUIS RAYMUND "LRAY" F. VILLAFUERTE, JR.**

EXPLANATORY NOTE

The Philippines is described as "ground zero for climate disaster"¹. The World Bank designated the Southeast Asian expanse of 7,107 islands as one of the world's most "vulnerable" countries in terms of susceptibility to natural disasters attributed to climate change.² In the 2016 Climate Change Vulnerability Index, the Philippines was ranked 13th most climate-vulnerable country.

On average, about 20 tropical cyclones enter Philippine waters each year, with eight or nine making landfall. And over the past decade, these tropical storms have struck the nation more often and more severely, scientists believe, because of climate change. But the deadliest storm on record in the Philippines is Typhoon Haiyan, known locally as Typhoon Yolanda, which was responsible for more than 6,300 lost lives, over four million displaced citizens, and \$2 billion in damages in 2013.³

Climate change is thus considered a national security risk. It endangers the safety of the Filipino people, food supply and economic stability. Statistics show that 62% of Filipinos live in coastal municipalities and 50% of those 1,490 municipalities are vulnerable to storms and typhoons.⁴ Over 13 million of Filipinos are at risk of losing homes due to rising sea levels. Meanwhile, the El Nino phenomenon continuously causes crop failure. During the last five years, natural disasters have cost our country PhP191 Billion.⁵ With this in mind, we shall combat climate change by fully understanding our vulnerability and developing resilient solutions.

At present, the country has two existing legislation concerning climate change, namely, the Philippine National Disaster Risk Reduction and Management Act of 2010 and the Climate Change Act of 2009. However, these laws need to be

¹ Worland, Justin. 2015 December 8. Philippines: Ground Zero for Climate Disaster. *Time Magazine*. Retrieved from <http://time.com/4137154/philippines-ground-zero-for-climate-disaster/>

² The World Bank, *Getting a Grip on Climate Change in the Philippines*. Retrieved from <http://www.worldbank.org/en/country/philippines/publication/getting-a-grip-on-climate-change-in-the-philippines>

³ The Climate Reality Project, *How is Climate Change Affecting the Philippines?* 19 January 2016. Retrieved from: <https://www.climateRealityproject.org/blog/how-climate-change-affecting-philippines>

⁴ oneocean.org

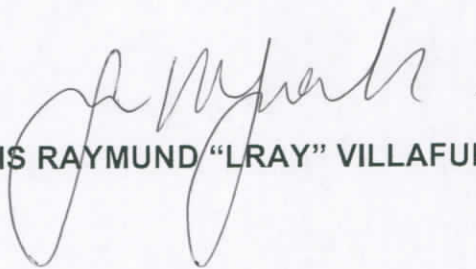
⁵ World Bank

harmonized and strengthened to achieve a common purpose. Climate change and disaster risk reduction and management (DRRM) are closely interrelated and an effective DRRM will enhance adaptive capacity to climate change, climate variability and extreme climate events.

This bill seeks to create an accountable, independent, focused, and specialized single government agency, the **Department of Climate Change**, that will function not only after the occurrence of disaster, but will work all-year-round to build the country's capacity and management of climate change; to strengthen the planning, execution and financing framework for climate change; to enhance leadership and accountability through monitoring, evaluation and review of climate change policies and activities; and to ensure effective mechanism even before disaster strikes. It shall integrate the Climate Change Commission (CCC), National Disaster Risk Reduction, People's Survival Fund (PSF), Yolanda Recovery and Rehabilitation Efforts, and Office of the Presidential Assistant for Rehabilitation and Recovery (OPARR). Under the principle of administrative convenience, the efficiency of delivery of frontline services is enhanced through the creation of a full-pledged department which is dedicated to an area of service within its primary competence.

This bill shall emphasize the importance of climate change resiliency and adaptation measures such as building flood defenses and raising the levels of dykes; developing drought-tolerant crops; choosing tree species and forestry practices less vulnerable to storms and fires; stabilization of greenhouse gas concentrations and the like. Due to the varying severity and nature of climate impacts in different areas of the country, most adaptation initiatives will be taken at the regional or local levels. It has been shown that well planned, early adaptation action saves money and lives later.

President Rodrigo Roa Duterte stated that addressing climate change is top priority for the Philippines. The implications of the worsening climate to the lives of Filipinos and to the Philippine economy are undeniable. Climate change has a direct and immediate impact on development. A destructive typhoon season costs the nation two percent of its gross domestic product. It costs another two percent to rebuild the infrastructure lost, putting the Philippines at least four percent in the hole each year from tropical storms.⁶ Clearly, economic progress is unattainable if the country has to constantly deal with mounting losses in productivity, damage to critical infrastructure, damage to food crops and death due to climate change. Thus, the immediate approval of this bill is earnestly sought.



LUIS RAYMUND "LRAY" VILLAFUERTE, JR.

⁶ Ibid.

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**AN ACT CREATING THE DEPARTMENT OF CLIMATE CHANGE,
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 the "Department of Climate Change Act of 2017".

SECTION 2. Declaration of Policy. – It is the policy of the State to afford full protection and advancement of the right of the people to a healthful ecology in accord with the rhythm and harmony of nature and to promote a simplified, strategic, systematic, continuous, comprehensive, inclusive, and integrated approach to climate change and ultimately preventing or deterring the loss of lives and the social, economic, cultural, and environmental assets of the country.

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

- (a) **Adaptive capacity** means the ability of ecological, social or economic systems to adjust to climate change including climate variability and extremes, to moderate or offset potential damages and to take advantage of associated opportunities with changes in climate or to cope with consequences thereof.
- (b) **Anthropogenic causes** mean causes resulting from human activities or produced by human beings.
- (c) **Climate Change** means a change in climate that can 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.

- (d) **Climate Change Adaptation (CCA)** means adjustment in natural or human systems in response to actual or expected climatic stimuli or their effects, which moderates harm or exploits beneficial opportunities.
- (e) **Climate Finance** means resources that have been allocated or may be utilized towards the climate change adaptation and mitigation requirements of the country and its vulnerable communities.
- (f) **Climate Variability** means variations in the average state and in other statistics of the climate on all temporal and spatial scales beyond that of individual weather events.
- (g) **Climate Risk** means the product of climate and related hazards working over the vulnerability of human and natural ecosystems.
- (h) **Contingency Planning** means 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;
- (i) **Disaster** means 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;
- (j) **Disaster Risk Reduction and Management (DRRM)** means 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.
- (k) **Geographic Information System** means a database which contains, among others, geohazard assessments, information on climate change, climate change adaptation and climate risk reduction and management;
- (l) **Gender Mainstreaming** means strategy for making the concerns and experiences of women as well as those of men an integral dimension of the design, implementation, monitoring, and evaluation of policies and programs in all political, economic, environmental or ecological and societal spheres so that women and men benefit equally and inequality is not perpetuated. It is the

process of assessing the implications for women and men of any planned action, including legislation, policies, or programs in all areas and at all levels.

- (m) **Global Warming** means the increase in the average temperature of the Earth's near-surface air and oceans that is associated with the increased concentration of greenhouse gases in the atmosphere.
- (n) **Government** means the National Government or any of its subdivisions, agencies or instrumentalities, including government-owned and controlled corporations and their subsidiaries, and Local Government Units.
- (o) **Greenhouse effect** means the process by which the absorption of infrared radiation by the atmosphere warms the Earth.
- (p) **Greenhouse Gases (GHG)** means constituents of the atmosphere that contribute to the greenhouse effect including, but not limited to, carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons and sulfur hexafluoride.
- (q) **Humanitarian** means one devoted to the promotion of human welfare and the advancement of social reform.
- (r) **Mainstreaming** means the integration of policies and measures that address climate change into development planning and sectoral decision-making.
- (s) **Mitigation** in the context of climate change, means human intervention to reduce anthropogenic emissions sources and enhance removals by sinks of all GHG, including ozone-depleting substances and their substitutes.
- (t) **Mitigation potential** means the scale of GHG reductions that could be made, relative to emission baselines, for a given level of carbon price (expressed in cost per unit of carbon dioxide equivalent emissions avoided or reduced).
- (u) **Sea level rise** means an increase in sea level which may be influenced by factors like global warming through expansion of sea water as the oceans warm and melting of ice over land and local factors such as land subsidence.
- (v) **State of Calamity** means 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.
- (w) **Vulnerability** means the degree to which a system is susceptible to, or unable to cope with, adverse effects of climate change, including climate variability and extreme climate events. Vulnerability is a function of the character, magnitude,

and rate of climate change and variation to which a system is exposed, its sensitivity, and its adaptive capacity.

CHAPTER 1

DEPARTMENT OF CLIMATE CHANGE

SECTION 4. *Department of Climate Change.* – In order to carry out the above-declared policy, there is hereby created the Department of Climate Change, hereinafter referred to as the Department, which shall prepare, integrate, coordinate, supervise and control all plans, programs, projects and activities of the Government relative to mainstreaming of climate change, DRRM and CCA.

SECTION 5. *Powers and Functions.* – The Department shall assume the powers and functions of the National Disaster Risk Reduction and Management Council (NDRRMC) and the Office of the Civil Defense (OCD) under Republic Act No. 10121. The Department shall also assume the powers and functions of the Climate Change Commission (CCC) under Republic Act No. 10174

All references to the powers and functions of the NDRMMC, OCD and CCC shall be understood to refer to the Department created under this Act.

SECTION 6. *Composition.* – The Department shall be composed of the Office of the Secretary and the Offices of the Undersecretaries and Assistant Secretaries, and the bureaus and services of the Department.

SECTION 7. *Office of the Secretary.* – The Office of the Secretary shall consist of the Secretary and his/her immediate staff.

SECTION 8. *The Secretary.* – The Secretary shall be appointed by the President, subject to confirmation by the Commission on Appointments.

The Secretary shall have the following powers and functions:

- (a) Advise the President in issuing executive orders, regulations, proclamations and other issuances, the promulgation of which is expressly vested by law in the President relative to matters under the jurisdiction of the Department;
- (b) Coordinate and synchronize climate change programs in consultation with local government units and other stakeholders;
- (c) Formulate strategies for mitigating GHG emissions, anthropogenic sources and enhance removal by sinks;

- (d) In coordination with the Department of Foreign Affairs, represent the Philippines in the climate change negotiations, constitute and lead the Philippine panel of negotiators to the UNFCCC and the formulation of official Philippine positions on climate change negotiation issues, and decision areas in the international negotiation arena;
- (e) Formulate and update guidelines for determining vulnerability to climate change impacts and adaptation assessments and facilitate the provision of technical assistance for their implementation and monitoring;
- (f) Facilitate capacity building for local adaptation planning, implementation and monitoring of climate change initiatives in vulnerable and marginalized communities and areas;
- (g) Promote and provide technical and financial support to local research and develop merit programs and projects in vulnerable and marginalized communities and areas;
- (h) Oversee the dissemination of information on climate change, local vulnerabilities and risks, relevant laws and protocols and adaptation and mitigation measures;
- (i) Exercise direct supervision and control over all functions and activities of the Department, as well as all its officers and personnel; and
- (j) Perform such other functions as may be necessary for the effective implementation of this Act.

SECTION 9. *The Undersecretaries.* – The Secretary shall be assisted by three (3) Undersecretaries who shall be appointed by the President upon 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.

The Office of the Undersecretaries shall consist of the Undersecretaries and their respective immediate staff.

SECTION 10. *Assistant Secretaries.* – The Secretary shall also be assisted by three (3) Assistant Secretaries, one (1) for operations, one (1) for policy, and one (1) for administrative services. The Assistant Secretaries shall be appointed by the President upon the recommendation of the Secretary.

SECTION 11. *Qualifications.* – No person shall be appointed Secretary, Undersecretary, or Assistant Secretary of the Department, unless he/she is a citizen and resident of the Philippines, of good moral character, and of proven experience or

competence/expertise in any of the following fields: (1) climate change by virtue of educational background, training and experience; (2) humanitarian emergency and disaster management; (3) public administration and (4) environmental law. The Secretary, Undersecretary, or Assistant Secretary shall not hold any other position, public or private, during his/her tenure.

SECTION 12. *Bureaus and Services.* – 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 and service:

- (a) Bureau of Climate Change Adaptation;
- (b) Bureau of Disaster Risk Reduction and Management;
- (c) Bureau of Humanitarian Emergency Relief Operations; and
- (d) Bureau of Administration and Finance.

SECTION 13. *Powers and Functions of the Bureaus and Service.* – The bureaus and service shall have the following powers and functions:

- (a) The Bureau of Climate Change Adaptation shall assist the Secretary in the formulation of policies, programs and plans related to CCA and climate change resiliency. In particular, it shall take the lead in:
 - i. Closely coordinating with the Department of Agriculture in developing climate-resilient crops and agro-forestry livelihood programs in relation to climate smart agriculture;
 - ii. Developing and closely coordinating with local government units in creating climate smart communities;
 - iii. Developing inter-departmental collaboration with Department of Environment and Natural Resources (DENR) for water and natural resources, Department of Energy (DOE) for renewable energy, Department of Transportation (DOTr) for low carbon transportation and Department of Tourism (DOT) for sustainable tourism;
 - iv. Fortifying global support for the Vulnerable 20 (v20) by establishing a Disaster Response Fund to be funded top 20 greenhouse emitters, exchanging best practices on economic and financial aspects of climate action;
 - v. Mainstreaming and integrating CCA in all national, sectoral, regional and local development policies, plans and budgets, relating to environmental protection, including, but not limited to,

those for land use and natural resource management, enforcement and updating of all national legislation relating to modification of infrastructure towards resiliency; and

- vi. Such other functions relevant to its mandate to formulate climate change adaptation policies.

(b) The Bureau of Disaster Risk Reduction and Management shall assist the Secretary in the formulation of policies, programs, and plans related to disaster prevention and mitigation. In particular, it shall take the lead in:

- i. Making an inventory and checklist of all personnel, equipment, and supplies critical during disasters in all local government units, in accordance with protocols and contingency plans, and endeavoring that the same be provided to the local government unit within a period of twelve (12) months upon the passage into law of this Act;
- ii. Conducting a review of the National Building Code and Fire Code of the Philippines, together with the relevant government department, and submitting the results thereof to the Senate and House of Representatives of the Philippines, with a view of developing legislation which seeks to strengthen infrastructure in line with disaster prevention and mitigation;
- iii. Developing, updating, and maintaining a national geographic information system which shall be the basis of national, regional, and local disaster protocols and contingency plans, which shall be under the control and custody of the Department; The same shall also be maintained at all local government units, as possible;
- iv. Developing and implementing community-based and scientific DRR- CCA hazard assessment, mapping, analysis and monitoring;
- v. Establishing barangay-level disaster preparedness and closely coordinating with the concerned local government unit;
- vi. Developing and identifying vulnerable communities for relocation and other related purposes;
- vii. Establishing disaster risk financing, insurance, and other risk transfer mechanisms at the community level;

- viii. Establishing, developing and improving the end to end monitoring and forecasting of hazards, including early warning systems and practices; and
- ix. Such other functions relevant to its mandate of disaster prevention and mitigation.

(c) The Bureau of Humanitarian Emergency Relief Operations shall assist the Secretary in the formulation and implementation of policies, programs, and plans related to disaster response. In particular, it shall take the lead in the following activities, in primary coordination with the local government unit/s concerned:

- i. Establishing and implementing a comprehensive, well-coordinated, effective and efficient Disaster Response Action Plan (DRAP) for every humanitarian emergency or disaster, with the primary goal of preventing or deterring the loss of lives, property and livelihood;
- ii. Developing and implementing an integrated and coordinated system of search, rescue and retrieval (SRR), and evacuations procedure;
- iii. Establishing a mechanism to ensure the prompt and accurate assessment of damage in disaster areas, including, but not limited to, the loss of lives, bodily injuries, damages to infrastructure and public facilities, and the destruction of social, economic, cultural, and environmental assets;
- iv. Establishing a mechanism to ensure the prompt and accurate assessment of humanitarian needs in disaster areas, including, but not limited to, food, nutrition, health, clothing, shelter, livelihoods, water, sanitation, hygiene, protection, and the preservation of peace and order;
- v. Identifying standard-based relief shelters and sites for internally displaced persons, as well as developing and implementing of a set of minimum standards for such temporary shelters;
- vi. Supplementing the efforts of the local government unit concerned in providing basic social services, livelihood oriented activities and psychosocial interventions to the affected population, whether inside or outside temporary shelters; and
- vii. Such other functions relevant to its mandate of disaster response.

In case there is total or considerable breakdown of authority resulting from the humanitarian emergency or disaster, which requires response that goes beyond the mandate or capacity of the local government unit/s concerned, the Bureau shall, with prior authorization from the Department, directly formulate, implement, manage and coordinate all disaster response activities. In such case, the Department shall be possessed with the power to call upon other agencies and instrumentalities of government, and neighboring local government units, to augment, supplement and/or implement disaster response efforts. Further, the authority of the Bureau shall be provided, described, and limited in the authorization.

- (d) The Bureau of Administration and Finance shall be composed of the Office of the Legal Counsel and the Financial and Management Office. The Office of the Legal Counsel shall be responsible for providing legal services and advice on all policies, programs, and operational matters of the Department. It shall provide legal counseling services in cases where the Department is a party and shall also handle administrative cases against any personnel of the Department and submit recommendations pertaining thereto.

The Financial and Management Office, which shall consist of the Human Resources Management Division, General Services Division, and the Finance Division, shall be responsible for providing the Department with services relative to personnel information, records, supplies, equipment, collection and disbursements, security, and custodial work. It shall also be responsible for providing the Department with staff advice and assistance on budgetary, financial, and management improvement matters.

Chapter 2

ATTACHED AGENCIES AND COORDINATION WITH OTHER GOVERNMENT DEPARTMENTS

SECTION 14. *Relationship with other government departments.* – In the discharge of their respective responsibilities, the Department's bureaus shall coordinate with the relevant Government departments, agencies, offices and instrumentalities, whose powers and functions are relevant to each bureau's respective focus area.

SECTION 15. *Coordination with other government entities.* – The Secretary is hereby empowered to constitute, call, convene, meet with, and/or deputize agencies of government, or an aggrupation or cluster thereof, to assist, advise or otherwise coordinate with the Secretary. The representatives from the civil society/non-

governmental organizations and the private sector may also be included, as necessary, as members of the coordination mechanism called for by the Secretary.

SECTION 16. *Attached agencies.* – The Philippine Atmospheric, Geophysical and Astronomical Services Administration (PAG-ASA) and the Philippine Institute of Volcanology and Seismology (PHIVOLCS) are hereby placed under the supervision of the Department; *Provided*, however, that they shall continue to perform their respective functions as provided by law.

Chapter 3 TRANSITORY PROVISIONS

SECTION 12. *Abolition of Agencies.* – The Office of the Civil Defense (OCD) and the Climate Change Commission (CCC) are hereby abolished subject to Section 13 of this Act.

SECTION 13. *Transfer of Rights, Assets, and Liabilities.* – The Department shall, by virtue of this Act, be subrogated to all the rights and assume all the liabilities of the Office of the Civil Defense (OCD) and the Climate Change Commission (CCC), and all other agencies, or government units whose functions and powers have been transferred to the Department, and all their funds, records, property, assets, equipment, and such personnel as necessary, including unexpended appropriations and/or allocations. All contracts and liabilities of said offices, agencies, and government units are hereby transferred to and assumed by the Department and shall be acted upon in accordance with the Auditing Code and other pertinent laws, rules, and regulations: *Provided*, That the officers and employees of said offices, agencies, and government units shall continue in a holdover capacity until such time as the new officers and employees of the Department shall have been duly appointed pursuant to the provisions of this Act.

SECTION 14. *Structure and staffing pattern.* – The organizational framework and staffing pattern of the Department shall be prescribed and approved by the Secretary within sixty (60) days after the approval of this Act and the authorized positions created therein shall be filled by regular appointments by the President or the Secretary as the case may be; *Provided*, That, in the filling of positions created, preference shall be given to the personnel of the Office of Civil Defense and the Climate Change Commission.

SECTION 15. *Separation from service.* – Employees separated from the service as a result of this reorganization shall, within six (6) months from their separation from the service, receive the retirement benefits to which they may be entitled under existing laws, rules, and regulations.

SECTION 16. *Appropriations.* – The amount needed for the initial implementation of this act shall be taken from the current year's appropriations of the National Disaster Risk Reduction and Management Council, the Local Disaster Risk Reduction and Management Councils, and the Office of Civil Defense. Thereafter, the amount needed for the operation and maintenance of the Department and its Line Agencies shall be included in the annual General Appropriations Act.

Chapter 5 MISCELLANEOUS PROVISIONS

SECTION 17. *Visitorial Powers.* – The Secretary of the Department and/or his/her authorized representative shall have visitorial and examining authority over governmental and non-governmental entities engaged in DRRM and CCA efforts to ensure that all funds, donations due to the Government have been actually collected or delivered.

During such examination, the entity concerned shall produce all the reports, records, books of accounts, and other papers that may be required.

The refusal by any such entity to allow an examination of its books of accounts and pertinent records, or the concealment of any material information concerning its financial status, shall constitute a legal ground for the cancellation of its registration, and the revocation of all tax-exemption privileges and other benefits granted to it by law, in the case of a non-governmental entity, or the institution of any proper legal action against the erring official concerned, in case of a governmental entity.

SECTION 18. *Stand-by arrangements with the private sector.* – At any time, the Secretary of the Department shall have the power to negotiate, enter into, institutionalize, and coordinate arrangements with any private person, natural or juridical, for the purpose of ensuring the adequate, prompt, and ready availability of all goods and services, necessary for disaster response, for as long as the emergency circumstances require, to be deployed before, during, and after an emergency or disaster, subject to the payment of just compensation in appropriate cases.

SECTION 19. *Commandeering private property for public purpose.* – The Secretary of the Department shall have the power to commandeer any private property for urgent public purpose, subject to payment of just compensation in appropriate cases, when there is a clear and present danger that a disaster or humanitarian emergency would cause imminent loss of lives and/or the massive destruction of property, and time is of the essence. The commandeering powers shall last no longer than necessary or for as long as the circumstances require.

The refusal by any such person or entity to be commandeered shall constitute a legal ground for the cancellation of its registration, if any, and the revocation of all tax-exemption privileges and other benefits granted to it by law, in the case of a non-

governmental entity, or the institution of any proper legal action against the erring official concerned, in case of a governmental entity. In addition, the official of the establishment, institution, or functionality shall be subjected to a fine and/or imprisonment as provided in Section 21 of this Act.

SECTION 20. *Declaration of State of Calamity.* – Whenever warranted by circumstances, the Department shall recommend to the President of the Philippines the declaration of a state of national calamity and the lifting thereof. It shall also have the power to, *motu proprio*, declare 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 Department. The President's declaration shall entail access to international humanitarian assistance, as deemed necessary.

The declaration and lifting of the state of calamity shall be based on the results of the damage assessment and needs analysis. The causes, effects and incidents of the calamity and the need for the declaration shall be specified.

SECTION 21. *Emergency and contingency powers.* – Whenever it becomes necessary, the Department Secretary, subject to the chain of command and with the consent of the President, may call out the Armed Forces of the Philippines and/or the Philippine National Police to prevent or suppress lawless violence, and to ensure the protection and preservation of life and/or properties, in the whole range, of disaster risk reduction and management

In times of disasters, and whenever warranted by the circumstance, the Department Secretary may call upon other instrumentalities or entities of the government, non-government and civic organizations for assistance in terms of the use of their facilities and resources for the protection and preservation of life and properties in the whole range of disaster risk reduction and management. This authority includes the power to call on the reserve force as defined in Republic Act No. 7077 to assist in relief and rescue during disasters or calamities.

SECTION 22. *Prohibited Acts.* – In addition to the prohibited acts penalized under the Philippine Disaster Risk Reduction and Management Act of 2010, the following are prohibited acts:

- (a) Any person, group or corporation who directly or indirectly requests or receives any part of the funds devoted to disaster risk reduction and management, as well as monetary contributions and donations in kind, where such person, group or corporation has no right to receive such proceeds from the fund, in whole or in part, monetary contribution or donation, shall be guilty of the crime of corruption of calamity funds or donations, and shall be prosecuted and upon conviction shall suffer a fine of not less than One Hundred Fifty Thousand Pesos (Php 150,000.00) or any amount not to exceed One Million Five Hundred Thousand Pesos (Php 1,500,000.00), or

Imprisonment of not less than twelve (12) years and one (1) day, nor more than twenty (20) 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 the herein prohibited act;

- (b) Any person who, with intent to gain, but without violence against or intimidation of persons nor force upon things, shall take personal property devoted to any disaster risk reduction and management activity, without the consent of the Secretary, shall be guilty of the crime of qualified theft, and shall be prosecuted and upon conviction shall be punished by the penalties next higher by three degrees than those respectively specified in Article 309 of the Revised Penal Code;
- (c) Any public officer who, by reason of the duties of his office, is accountable for calamity funds or property devoted to disaster risk reduction and management efforts, shall appropriate the same or shall take or misappropriate or shall consent, through abandonment or negligence, shall permit any other person to take such public funds, or property, wholly or partially, or shall otherwise be guilty of the misappropriation or malversation of such funds or property, shall be punished by the penalties next higher by three degrees than those respectively specified in Article 217 of the Revised Penal Code;

In all the above, 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.

The prosecution for the offenses 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 23. *Implementing rules and regulations.* – The Department shall issue the necessary rules and regulations for the effective implementation of this Act within ninety (90) days after approval of this Act. The Secretary, in consultation with relevant government agencies and other key stakeholders, shall take the lead in the preparation of the implementing rules and regulations.

SECTION 24. *Annual report.* – The Department 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 all disaster risk reduction and management efforts, and a detailed inventory of available personnel, supplies and equipment. Such report shall be made available to the public for scrutiny, copying, and reproduction, and shall also be uploaded in the Department's website.

SECTION 25. 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 26. Review. – Within five (5) years after the effectivity of this Act, or as the need arises, the Congressional Oversight Committee shall conduct a systematic evaluation of the accomplishments and impact of this Act, as well as the performance and organizational structure of the Department, for purposes of determining remedial legislation.

SECTION 27. Repealing Clause. – All laws, decrees, executive orders, proclamations, and other executive issuances which are inconsistent with or contrary to the provisions of this Act are hereby amended or repealed accordingly.

SECTION 28. Separability Clause. – If any provision of this law is declared unconstitutional, the remaining provisions thereof not affected thereby shall remain in full force and effect.

SECTION 29. Effectivity. –This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in two (2) national newspapers of general circulation.

Approved,