

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

NINETEENTH CONGRESS
First Regular Session

House Bill No. **3840**

INTRODUCED BY
REPRESENTATIVE MICHAEL M. MORDEN

EXPLANATORY NOTE

The Philippines is particularly vulnerable to natural disasters because of its geographical, topographical and meteorological conditions, and every year it has experienced countless disasters like typhoons, earthquakes, floods, landslides and other types of natural disasters that claim lives and cause damages to infrastructures, transport facilities, agricultural resources and overall, to the socio-economic environment of our country.

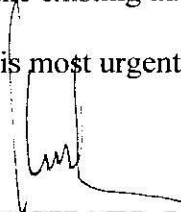
A number of factors contribute to the high incidence of natural disasters in the Philippines. First, the country is subject to extreme climatic variations, such as seasonal typhoons. Second, our country's topography is rugged and there are many vulnerable places prone to disaster. Third, the Philippines is located in the Pacific earthquake belt and is frequently struck by earthquakes, while its vast and complex coastline is vulnerable to tsunamis. And fourth, the Philippines, is located in the circum-Pacific zone, in which almost all the volcanoes of the world are concentrated, and has, according to the Philippine Institute of Volcanology and Seismology, 24 active volcanoes..

It is therefore a national priority for a central agency to be established in order to protect citizens' lives, livelihoods, infrastructures, property as well as national land from natural disasters to integrate and coordinate disaster management policies and measures in order to secure cooperation and collaboration among related government organizations in responding to these wide-ranging damaging effects of natural disasters and crisis situations. The agency would also formulate a comprehensive and strategic disaster risk management system and review the same following the lessons learned from large-scale disasters..

Thereafter, with a central government agency's capability to respond to disasters and mitigate vulnerabilities, disaster damage should hopefully decline.

The proposed legislation establishes the National Emergency and Crisis Management Agency (NEMA) which shall take over the functions of the existing ad hoc inter-agency council.

In view of the foregoing, approval of this bill is most urgently and earnestly recommended.



MICHAEL M. MORDEN

Representative
Abante Pangasinan Ilokano Party-list

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AN ACT
CREATING THE NATIONAL EMERGENCY AND CRISIS MANAGEMENT
AGENCY (NECMA), 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 "*National Emergency and Crisis Management Agency (NEMA) Act of 2022*".

SECTION 2. Declaration of Policy. - It is hereby declared the policy of the State:

- (a) to reduce, or avoid, the potential losses from hazards, assure prompt and appropriate assistance to victims of disaster, and achieve rapid and effective recovery.
- (b) to include the sum total of all activities, programs and measures which can be taken up before, during and after a disaster with the purpose to avoid a disaster, reduce its impact or recover from its losses.
- (c) to provide assistance and intervention during or immediately after a disaster and focus on saving lives and protecting community assets (buildings, roads, animals, crops, infrastructure, land resources).
- (d) to provide for the restoration of normal community activities that were disrupted by disaster impact.

SECTION 3. National Emergency and Crisis Management Agency (NEMA) - To carry out the above-declared policy, there is hereby created the National Emergency and Crisis Management Agency, which shall prepare, integrate, coordinate, implement, supervise, control, monitor, and evaluate all plans, programs, projects, and activities of the Government on civil protection, humanitarian emergency assistance and disaster risk reduction and management.

SECTION 4. Powers and Functions. - In addition to the powers and functions provided by this Act, the Agency shall also assume the policy-making, coordination, integration, supervision, monitoring, and evaluation functions currently lodged with the existing National Disaster Risk Reduction and Management Council (NDRRMC), and shall take over all of the latter's responsibilities enumerated in Section 6 of Republic Act No. 10121. It shall also assume the powers and functions of the Office of the Civil Defense (OCD) as enumerated in Section 9 of Republic Act No. 10121.

To this end, all references to the NDRMMC and the OCD in Republic Act No. 10121 shall be understood to refer to the Agency created under this Act.

The Agency shall also have administrative supervision and control over the existing Regional Disaster Risk Reduction and Management Offices (RDRRMOs), and the Local Disaster Risk Reduction and Management Offices (LDRRMOs), organized in all provinces, cities/municipalities, and barangays in the country.

SECTION 5. Composition. - The shall be composed of the Office of the Director General, and the Offices of Directors to be established.

SECTION 6. The Director General. - The Director General shall be appointed by the President, and shall have a cabinet Secretary rank, subject to confirmation by the Commission on Appointments.

The Director General shall have the following powers and functions:

(a) In the event of a disaster, the Director General shall quickly collect and share disaster and damage information, and secure communications to carry out effective emergency activities such as emergency rescue and medical operations. Further, in order to grasp the situation in the disaster area, the Director General shall immediately dispatch government investigation team and undertake swift actions needed to be taken with overall coordination of emergency activities on site. He shall analyze the disaster situation and immediately report the results to the President.

(b) Based on such information, the Director General shall set up disaster management headquarters and related organizations to establish operation mechanisms.

(c) Convene disaster management meetings as necessary and according to the level of damage, implement the established policies for the disaster countermeasures, and to coordinate various emergency measures to be taken by various organizations.

(d) 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 Agency;

(e) Promulgate rules and regulations necessary to carry out the Agency's objectives, policies, functions, plans, programs, and projects;

(f) Promulgate administrative issuances necessary for the efficient administration of the offices under his/her jurisdiction and for the proper execution of the laws relative thereto;

(g) Exercise direct supervision and control over all functions and activities of the Agency, as well as all its officers and personnel;

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

SECTION 7. The Directors. - The Director General shall be assisted by four (4) Directors in the performance of the Agency's functions and duties related to the pillars of disaster risk reduction and management, namely, (a) disaster preparedness, (b) disaster response, and (c) disaster prevention and mitigation. Another director shall be in charge of administrative and finance services.

The Directors shall be appointed by the President upon the recommendation of the Director General.

SECTION 8. Qualifications. - No person shall be appointed Director General and Directors of the Agency, unless he/she is a citizen and resident of the Philippines, of good moral character, and of proven experience or competence/expertise in humanitarian relief assistance and disaster management over the course of his/her career.

SECTION 9. Relationship with Local Governments, Other Government Agencies, Civil Societies, Non-Government Organizations and the Private Sector- In the discharge of its responsibilities, the Agency shall coordinate with the relevant Local Government Units, Government departments, agencies, offices, and instrumentalities, Civil Societies, Non-Government Organizations and the Private Sector, whose powers and/or functions are relevant to the Agency's focus area.

SECTION 10. 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 Agency, Provided, however, that they shall continue to perform their respective functions as provided by law.

SECTION 11. Disaster Fund. - An annual lump sum of Twenty Five Billion Pesos (PhP 25,000,000,000.00), shall be set aside in the General Appropriations Act for disaster response expenditures: Provided, however, That such appropriation shall be used only in the area, or a portion thereof, of the country, declared as in a state of calamity.

The Agency shall manage, mobilize, and with the approval of the President, release resources for disaster risk reduction and management, from the Disaster fund herein provided for. It shall monitor and provide the necessary guidelines and procedures for the release, utilization, accounting, and auditing of the said fund.

There shall also be created a regular fund for the personnel, resource requirements, and other administrative costs related to the operations of the Agency.

SECTION 12. Donations. - All monetary contributions, and donations in kind from local or international sources, including, but not limited to, equipment, food, clothing, medicine, and related supplies from international and local sources, shall be coordinated with the Agency. This central coordination mechanism would ensure that the same are equitably and properly allocated and utilized actually, directly, and solely/exclusively for disaster risk reduction and management efforts.

The Agency shall maintain and make publicly available a complete, accurate, timely, and separate record of such donations, indicating the particular areas where such were allocated, and the exact purposes for which the same were utilized.

SECTION 13. Accountability, Responsibility, Transparency, and Access to Information. - The Agency and all offices under its supervision or control, shall make available to the public for scrutiny, copying, and reproduction, (i) any and all records of their financial transactions, including, but not limited to, donations received, funds allocated, and amounts disbursed; (ii) all information pertaining to their official acts, transactions or decisions; and (iii) relevant research data used as the basis for policy development, regardless of the physical form or format in which such record, information, or data is contained.

The Agency and the LGUs concerned shall also upload such records, information, or data on their websites, which shall be regularly updated every fifteen (15) days. In case of voluminous records, information, or data, the Agency and/or local government units concerned may, at their discretion, upload only an executive summary thereof, with a note outlining the procedure/requirements to obtain full access to the complete record, information, or data.

The record, information, or data uploaded to the websites may be withdrawn after a period of three (3) years from the time of uploading; Provided, That an abstract thereof shall remain uploaded on the website, with an indication of the dates of posting and withdrawal, and a note outlining the procedure/requirements to obtain full access to the withdrawn record, information, or data.

SECTION 14. Abolition of the Office of Civil Defense; Transfer of Powers and Functions. - The Office of Civil Defense is hereby abolished, and its powers and functions are hereby transferred to the Agency. The foregoing transfer of powers and functions shall include all applicable funds and appropriations, records, equipment, property, and personnel, as may be necessary.

The Agency shall, by virtue of this Act, be subrogated to all the rights and assume all the liabilities of the Office of Civil Defense, and all other agencies, or government units whose functions and powers have been transferred to the Agency, and all their funds, records, property, assets, equipment, and such personnel as necessary, including unexpended appropriations and/or allocations. All contracts and liabilities of the said offices, agencies, and government units are hereby transferred to and assumed by the Agency 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 Agency shall have been duly appointed pursuant to the provisions of this Act.

The same shall apply to agencies and government units which have not been abolished, but whose functions have been transferred to the Agency.

SECTION 15. Structure and Staffing Pattern. - The organizational framework and staffing pattern of the Agency shall be prescribed and approved by the Director General 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 Director General 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.

SECTION 16. 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 17. 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.

SECTION 18. Visitorial Powers. - The Director General of the Agency and/or his/her authorized representative shall have visitorial and examining authority over governmental and non-governmental entities engaged in post-disaster relief in order to ensure that all donations, financial or otherwise, coursed through them, are actually used for disaster risk reduction and management efforts.

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 19. Stand-by Arrangements with the Private Sector. At any time, the Director General 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 20. Declaration of State of Calamity. - Whenever warranted by circumstances, the Director General 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 or upon the favorable recommendation of the LDRRMCs, 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 Agency. 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 Director General, 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 circumstances, the Director General may call upon other instrumentalities or entities of the government and nongovernment 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. Implementing Rules and Regulations. - The Agency shall issue the necessary rules and regulations for the effective implementation of this Act within ninety (90) days after approval of this Act. The Director General, in consultation with relevant government agencies and other key stakeholders, shall take the lead in the preparation of the implementing rules and regulations.

SECTION 23. Annual Report. - The Agency 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 to the Agency's website.

SECTION 24. Repealing Clause. - All references to the NDRMMC in existing laws, including, but not limited to, the Philippine National Disaster Risk Reduction and Management Act of 2010, shall be understood to refer to the Agency created under this Act.

All other 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 26. 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 27. 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,