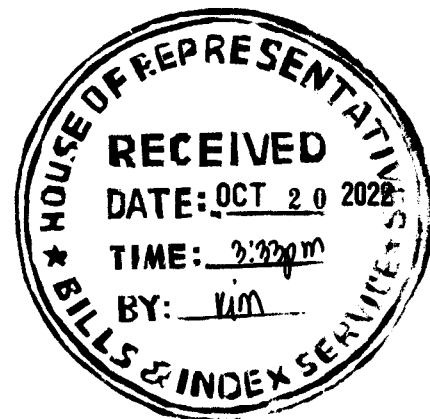


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 5650



Introduced by Hon. Representative Florida "Rida P. Robes"
Lone District of the City of San Jose del Monte, Bulacan

EXPLANATORY NOTE

Countless of storms have passed yet the courage of rescuers of our national and local disaster risk reduction and management councils remains unbreakable and indomitable. Yet, it is unconscionable that our laws are inadequate to protect them.

In the wake of the untimely and tragic demise of the "Bulacan Five" rescuers of the Bulacan Provincial Disaster Risk Reduction and Management Office, who courageously attempted to save stranded residents of Bulacan, to the point of sacrificing their lives. A gap in our existing disaster resilience policies were uncovered.

The five (5) rescuers are only casual employees or job orders earning Php 400.00 to Php 500.00 per day, or roughly Php 8,000.00 to Php 9,000.00 per month. How our government treats them is not commensurate to the valuable and selfless service they render in saving our countrymen. Their deaths are not put in vain as it serves as an eye-opener of what need to be done for the welfare of multitudes of disaster risk and emergency responders who are similarly situated.

The Government simply cannot turn a blind eye to the fact that our country relies heavily on emergency sector composed of casuals, job orders and volunteers in times of crises. Strengthening resilience to emergency, risk and disasters means prioritizing, empowering, and taking care of our emergency responders and volunteers, and most especially according to them security of tenure.

This is the time to stand up for those who risk their lives to save countless of lives. This proposed *Magna Carta for Disaster Risk and Emergency Responders* primarily aims to create a better disaster risk reduction and management outcomes by empowering our emergency responders and volunteers through measures creating and filling up *plantilla* positions with security of tenure for emergency responders in national and local disaster risk reduction and management offices; increasing the salaries of disaster risk and emergency responders to not less than salary grade 16; providing them additional allowances such as: hazard allowance, special risk allowance, subsistence allowance, rice subsidy allowance, longevity pay, clothing and laundry allowance, remote assignment allowance; providing them health insurance, disability and death allowances and similar benefits.


FLORIDA "RIDA" P. ROBES

**Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City**

**NINETEENTH CONGRESS
First Regular Session**

HOUSE BILL NO. 5650

Introduced by Hon. Representative Florida “Rida P. Robes”
Lone District of the City of San Jose del Monte, Bulacan

**AN ACT
PROVIDING A MAGNA CARTA OF
PUBLIC DISASTER RISK AND EMERGENCY RESPONDERS**

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

SECTION 1. *Title.* - This Act shall be known as the "*Magna Carta for Public Disaster Risk and Emergency Responders.*"

SEC. 2. *Declaration of Policy and Objective.* – 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) Instill health consciousness among our people to effectively carry out the health programs and projects of the government essential for the growth and health of the nation, especially in times where the country experiences natural or manmade disasters, calamities, risks and security threats;
- (c) Adopt disaster risk reduction and management approach that is holistic, comprehensive, integrated and proactive in lessening the socioeconomic and environmental impacts of disasters including climate changes, and promote the involvement and participation of all sections ad all stakeholders concerned, at all levels, especially the local community;
- (d) 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;

- (e) Recognize and strengthen the capacities of LGUs and communities in mitigating and preparing for, responding to, and recovering from the impact of disasters;
- (f) 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;
- (g) Recognize that during states of public of emergencies, disasters and calamities, disaster risk and emergency responders render invaluable services and contribution to the protection of lives, properties, communities and the State.

Towards this end, this Act aims to:

- a) Protect, promote and improve the physical, mental, social and economic well-being of the health workers, their living and working conditions and terms of employment;
- b) Enhance and develop their skills and capacities to equip and prepare them to respond to natural or manmade disasters, risk or other security threats, and deliver programs and projects that would enhance the risk reduction and/or mitigation of individuals, groups and communities; and
- c) Encourage those with proper qualifications and skills to join and remain in government service.

SEC. 3. *Definition and Coverage*- For purposes of this Act, “*Disaster Risk and Emergency Responders*” shall include all persons who are engaged in the performance and deliver of risk disaster reduction and management activities, project and programs, including but not limited to disaster preparedness, prevention, response, reduction, mitigation, disaster risk management, emergency risk management, and other life-saving measure in all institutions, agencies and other disaster risk and emergency facilities owned and operated by the Government and its political subdivisions, regardless of their employment status; *Provided*, That the term *disaster risk and emergency responders* shall also include but not limited to emergency physicians and nurses, emergency medical technicians, paramedics, trained first aiders, criminologists, and personnel trained in basic and advanced life support as certified by the NDRRMC or local disaster risk reduction and management offices.

SEC. 4. *Recruitment and Qualification*. – The Civil Service Commission (CSC), in coordination with the National Disaster Risk Reduction and Management Council (NDRRMC), the Department of Health (DOH), the Department of Budget and Management (DBM, and Department of Interior and Local Government, and other appropriate government institutions and concerned government agencies shall develop and implement standards for recruitment policy and minimum requirements with respect to the selection and appointment of a disaster risk and emergency responder or personnel; *Provided*, That in the absence of appropriate eligible and it becomes necessary in the public interest and exigencies of service to fill a vacancy, a temporary appointment shall be issued to the person who meets all the requirements for the position to which he/she is being appointed except the appropriate civil service eligibility: *Provided, further*, That such temporary appointment shall not exceed twelve

appointee may be replaced sooner if (a) a qualified civil service eligible becomes available, or (b) the appointee is found wanting in performance or conduct befitting a government employee.

SEC. 5. *Performance Evaluation and Merit Promotion.* – The NDRRMC, upon consultation with the concerned government agencies, local government units, disaster risk and emergency workers groups, and civil society, shall prepare a standardized and uniform career and personnel development plan applicable to all risk reduction and emergency responder. Such career and personnel development plan, shall include provisions on merit promotion, performance evaluation, in-service training grants, job rotation, suggestions and incentive award system.

The performance evaluation plan shall consider foremost the improvement of individual employee efficiency, continuing professional development, and organizational effectiveness: *Provided*, That each employee shall be informed regularly by his/her supervisor of his/her performance evaluation. The merit promotion plan shall be in consonance with the rules of the Civil Service Commission.

SEC. 6. *Transfer or Geographical Reassignment of Public Health Workers.* – (a) A disaster risk and emergency responder shall not be transferred and/or reassigned, except when made in the interest of public service or exigencies of service, in which case, the employee concerned shall be informed of the reasons therefore in writing.

(b) If the public health worker believes that such transfer and/or reassignment lacks justification, he/she may appeal his/her case to the Civil Service Commission, which shall cause his/her transfer and/or reassignment to be held in abeyance: *Provided*, That no transfer and/or reassignment whatsoever shall be made three (3) months before any local, national or special elections: *Provided, further*, That the necessary expenses of the transfer and/or reassignment of the public health worker and his/her immediate family shall be paid for by the Government.

(c) For the purposes of this Act, a “transfer” is a movement from one position to another which is of equivalent rank, level or salary without break in service; while a “geographical reassignment” (hereinafter referred to as “reassignment”) is a movement from one geographical location to another.

SEC. 7. *Security of Tenure.* – A disaster risk and emergency responder shall enjoy security of tenure and shall not be terminated except for cause provided by law and after due process: *Provided*, That if a disaster risk and emergency responder is found by the Civil Service Commission to be unjustly dismissed from work, he/she shall be entitled to reinstatement without loss of seniority rights and to his/her back wages with six percent (6%) interest per annum, computed from the time his/her compensation was withheld from him/her up to the time of reinstatement.

SEC. 8. *Prohibition against all forms of discrimination and violence.* – (a) A disaster risk and emergency responder shall not be discriminated against with regard to age, sexual orientation gender identity and expression (SOGIE), civil status, creed, religious or political

beliefs and ethnic groupings in the course selection, appointment, discharge and exercise of his/her/their duties and responsibilities.

(b) No violence shall be inflicted on disaster risk and emergency responder in the discharge of their duty. In the application of Articles 149 (*Indirect Assault*) and 151 (*Resistance and Disobedience to a Person in Authority or the Agents of Such Person*) of Act. No. 3815, otherwise known as the “Revised Penal Code of the Philippines”, a disaster risk and emergency responder in the discharge of his/her/their duties and responsibilities shall be deemed an agent of a person in authority.

In addition to the penalties provided by Articles 149 (*Indirect Assault*) and 151 (*Resistance and Disobedience to a Person in Authority or the Agents of Such Person*), 246 (Parricide), 248 (Murder), Article 249 (Homicide), 250 (Penalty for frustrated parricide, murder or homicide), 251 (Death caused in a tumultuous affray), 252 (Physical injuries inflicted in a tumultuous affray), 262 (Mutilation), 263 (Serious Physical Injuries), 282 (Grave threats), and 286 (Grave Coercions) of Act. No. 3815, any person who shall threaten, inflict violence or cause death or serious physical injuries or mutilation on a disaster risk and emergency responder for the purposes of obstructing, preventing and interrupting him/her/them from freely discharging his/her/their function shall be punished with imprisonment of not less six (6) years to not more than twelve (12) years, or a fine of not less than One Hundred Thousand Pesos (Php 100,000.00) to One Million Pesos (Php 1,000,000.00), or both at the discretion of the court.

SEC. 9. Maintenance and retention of adequate complement of disaster risk and emergency responder in every municipality/city. – In order to maintenance and retain an adequate complement of disaster risk and emergency responder in every municipality, the National Disaster Risk Reduction and Management Council (NDRRMC), in coordination with the Department of Health (DOH), Department of Budget and Management (DBM), Department of Interior and Local Government (DILG) and the respective municipal or city governments, shall determine an adequate and reasonable ratio of disaster risk and emergency responder-to-population; *Provided*, That such ratio shall only pertain to regularly employed disaster risk and emergency responder; *Provided further*, That, this this provision shall not limit local government units from engaging the services of volunteers as far as practicable and as may be necessary in order to augment its regular complement of disaster risk and emergency responder.

SEC 10. Protection from Liability. – No disaster risk and emergency responder shall be liable for harmed caused by an act or omission if:

- (1) The disaster risk and emergency responder was acting in a disaster, calamity, or emergency situation at the scene of the incident;
- (2) The disaster risk and emergency responder was properly licensed, certified, or authorized by the appropriated authorities for the activities undertaken in an emergency at the time of the act or omission;
- (3) The harm was not cause by willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the right or safety of the individual harmed by the disaster risk and emergency responder.

SEC. 11. *Exceptions.* – The liability protection for disaster risk and emergency responder under this Act shall not apply to following conditions:

- (1) If the misconduct constitutes a crime under the Revised Penal Code or an offense in any special penal law; and
- (2) If the misconduct was performed by the disaster risk and/or emergency responder under the influence of intoxicating liquor or any dangerous drug at the time of the act or omission.

SEC. 12. *Administrative Charges.* - Administrative charges against a disaster risk and emergency responder shall be heard by a committee composed of the provincial disaster risk reduction and management office of the province where the disaster risk and emergency responder belongs, as chairperson; a representative of any existing national or provincial disaster risk and emergency responder organization, as member; and the head of the municipal disaster risk reduction and management office. The committee shall submit its findings and recommendations to the Office of Civil Defense being the Secretariat of the NDRRMC within thirty (30) days from the termination of the hearings. Where the municipal and provincial DRRM officer is an interested party, all the members of the committee shall be appointed by the NDRRMC. The NDRRMC shall render a decision or resolution within thirty (30) days from the termination of the hearing. The aggrieved party may file a motion for reconsideration within fifteen (15) days from notice of the decision only once. The aggrieved party may appeal before Office of the President within a non-extendible period of thirty days (30) days from receipt of the resolution denying his motion for reconsideration.

SEC. 13. *Safeguards in Disciplinary Procedures.* - In every disciplinary proceeding, the disaster risk and/or emergency responder shall have:

- a) the right to be informed, in writing, of the charges;
- b) the right to full access to the evidence in the case;
- c) the right to defend himself/herself and to be defended by a representative of his/her choice and/or by his/her organization, adequate time being given to the public health worker for the preparation of his/her defense;
- d) the right to confront witnesses presented against him/her and summon witnesses in his/her behalf;
- e) the right to appeal to designated authorities;
- f) the right to reimbursement of reasonable expenses incurred in his/her defense in case of exoneration or dismissal of the charges; and
- g) such other rights as will ensure fairness and impartiality during proceedings.

SEC. 14. *Duties and Obligations.* - The disaster risk and emergency responder. shall:

- a) ethically perform his/her duty with utmost respect for life and human dignity;
- b) subject to the universal principles of triage, emergency and disaster risk management, perform his/her duty without discrimination as to age, race, gender, religion, nationality, partisan and political considerations, and social standing;
- c) be prepared at all time for deployment in any kinds of emergency, disaster or security threat;

- d) be disciplined, physically and mentally fit, trained and proficient in his/her/their task and drills, and shall endeavor to maintain a level of health and fitness consistent with the demands of his profession;
- e) actively participate in all in-service training and drills that will enhance his/her physical capacity, critical thinking, and mental fortitude in responding to a disaster risk and emergency;
- f) not consume substance, legal or illegal, that could impair his/her alertness, vigilance, critical thinking, and judgment;
- g) Search and rescue victims in any emergency, render basic first aid and/or advanced life support, as may be applicable and necessary, and bring them to the appropriate treatment facilities within a reasonable time; and
- h) Do no harm and do the greatest good to the greatest number.

SEC. 15. Code of Conduct. - Within six (6) months from the approval of this Act, the NDRRMC, upon consultation with other appropriate agencies, professional and disaster risk and emergency workers' organization, shall formulate and prepare a Code of Conduct for Disaster Risk and Emergency Responder, which shall be disseminated as widely as possible.

SEC. 16. Normal Hours of Work. - The normal hours of work of any disaster risk and emergency responder shall not exceed eight (8) hours a day or forty (40) hours a week. Hours worked shall include:

- a) all the time during which a disaster risk and emergency responder is required to be on active duty or to be at a prescribed workplace; *Provided*, That active duty shall include risk prevention, preparedness, reduction, mitigation and rehabilitation trainings and seminar, whether conducted on-site or off-site; and
- b) all the time during which a disaster risk and emergency responder is suffered or permitted to work: *Provided*, That, the time when a public health worker is placed on "On Call" status shall not be considered as hours worked but shall entitle the public health worker to an "On Call" pay equivalent to fifty percent (50%) of his/her regular wage. "On Call" status refers to a condition when public health workers are called upon to respond to urgent or immediate need for disaster risk reduction and emergency response or relief work during emergencies such that he/she cannot devote the time for his/her own use.

SEC. 17. Overtime Work. - Where the exigencies of the service so require, any public health worker may be required to render service beyond the normal eight (8) hours a day. In such a case, the workers shall be paid an additional compensation of twenty percent (20%) of his/her/their daily salary in accordance with existing laws and prevailing practices.

SEC. 18. Work During Rest Day. –

- a) Where a disaster risk and emergency responder is made to work on his/her scheduled rest day, he/she shall be paid an additional compensation twenty percent (20%) of his/her/their daily salary in accordance with existing laws.

- b) Where a disaster risk and emergency responder is made to work on any regular or special holiday he/she shall be paid an additional compensation twenty percent (20%) of his/her/their daily salary in accordance with existing laws. Where such holiday work also falls on the disaster risk and emergency responder's scheduled rest day, he/she shall be entitled to an additional compensation of thirty percent (30%) of his/her/their daily salary as may be provided by existing laws.

SEC. 19. *Night-Shift Differential.* –

- a) Every disaster risk and emergency responder shall be paid a night-shift differential of ten percent (10%) of his/her daily salary for each hour of work performed during the night-shifts;
- b) Every disaster risk and emergency responder required to work on the period covered after his/her regular schedule shall be entitled to his/her regular wage plus the regular overtime rate and an additional amount of ten percent (10%) of such overtime rate for each hour of work performed between ten (10) o'clock in the evening to five (5) o'clock in the morning.

SEC. 20. *Salaries.* - The determination of the salary scale of an entry-level disaster risk and emergency responder shall in no case be not less than Salary Grade 16, in accordance with the provisions of Republic Act No 11466, otherwise known as the “Salary Standardization Law of 2019.” The NDRRMC, in coordination with the DOH, DBM, DILG, respective city or municipality, and disaster risk and emergency responders’ group, shall determine:

- a) *Salary Scale.* - Salary scales of disaster risk and emergency responder shall be provided in progression: *Provided*, That the progression from the minimum to maximum of the salary scale shall not extend over a period of ten (10) years: *Provided*, further, That the efficiency rating of the disaster risk and emergency responder concerned is at least satisfactory.
- b) *Equality in Salary Scale.* - The salary scales of disaster risk and emergency responder whose salaries are appropriated by a city, municipality, district, or provincial government shall not be less than those provided for disaster risk and emergency responder of the National Government: *Provided*, That the National Government shall subsidize the amount necessary to pay the difference between that received by nationally-paid and locally-paid disaster risk and emergency responder of equivalent positions.
- c) *Salaries to be Paid in Legal Tender.* - Salaries of disaster risk and emergency responder shall be paid in legal tender of the Philippines or the equivalent in checks or treasury warrants: *Provided, however*, That such checks or treasury warrants shall be convertible to cash in any national, provincial, city or municipal treasurers' office or any banking institution operating under the laws of the Republic of the Philippines.
- d) *Deductions Prohibited.* - No person shall make any deduction whatsoever from the salaries of disaster risk and emergency responder except under specific provision of law authorizing such deductions: *Provided, however*, That upon written authority

executed by the disaster risk and emergency responder concerned, a) lawful dues or fees owing to any organization/association where such disaster risk and emergency responder is an officer or member; b) premiums properly due all insurance policies, retirement and health insurance shall be considered deductible.

SEC. 21. *Additional Compensation.* – Notwithstanding Republic Act 11466, disaster risk and emergency responders shall receive the following allowances: hazard allowance, special risk allowance, subsistence allowance, rice subsidy allowance, longevity pay, clothing and laundry allowance and remote assignment allowance.

SEC. 22. *Hazard Allowance.* – All disaster risk and emergency responders performing disaster risk prevention, preparation, reduction, mitigation, rescue and/or emergency response shall be entitled to a monthly hazard allowance amounting to Five Thousand Pesos (Php 5,000.00): *Provided*, That the rate shall be exempt from income taxes; *Provided further*, That this rate shall be reviewed periodically and increase accordingly by the NDRRMC in consultation with the appropriate government agencies and disaster risk and emergency responders' associations, organizations and unions.

SEC. 23. *Special Risk Allowance.* – In circumstance, situations, and location of work wherein the performance of their duties and responsibilities expose disaster risk and emergency responders to great danger, occupational risks, and threats to health and life, such as but not limited to as notifiable or infectious diseases, weapons of biological warfare, radiation and nuclear threats, and other risks as may be determined by the DOH and other health-related agencies, shall be entitled to special risk allowance of at least twenty-five (25%) of the monthly basic salary.

SEC. 24. *Subsistence Allowance.* - Disaster risk and emergency responders who are required to render service within the premises of the local disaster risk reduction and management council, or other disaster risk reduction and management-related establishments within or outside the locality in order to make their services available at any and all times, shall be entitled to full subsistence allowance of three (3) meals which may be computed in accordance with prevailing circumstances as determined by the NDRMMC in consultation with the appropriate government agencies and disaster risk and emergency responders' groups, associations and unions: *Provided*, That subsistence allowance shall be computed not lower than One Hundred Fifty Pesos (Php 150.00) per meal; *Provided further*, That representation and travel allowance shall be given in accordance with a tariff schedule determined by the NDRMMC in consultation with the appropriate government agencies and disaster risk and emergency responders' groups, associations and unions.

SEC. 25. *Rice Subsidy Allowance.* – All disaster risk and emergency responders as defined in this Act shall be entitled to a rice subsidy allowance in the form of cash amounting to One Thousand Five Hundred Fifty Pesos (Php 1,500.00) monthly.

SEC. 26. *Longevity Pay.* - A monthly longevity pay equivalent to five percent (5%) of the monthly basic pay shall be paid to a disaster risk and emergency responder for every five (5) years of continuous, efficient and meritorious services rendered as certified by the chief of office concerned, commencing with the service after the approval of this Act: *Provided*, That for every ten (10) years of service, they shall be entitled to special longevity pay equivalent to one (1) month basic salary.

SEC. 28. *Clothing and Laundry Allowance.* - All disaster risk and emergency responders who are required to wear uniforms regularly shall be entitled to clothing and laundry allowance of One Thousand Five Hundred Pesos (Php 1,500.00) per month: *Provided*, That this rate shall be reviewed periodically and increased accordingly by the NDRRMC in consultation with the appropriate government concerned agencies and disaster risk and emergency responders' groups, associations and unions taking into account existing laws and prevailing practices.

SEC. 29. *Remote Assignment Allowance.* - All disaster risk and emergency responders who accept assignments as such in remote areas or isolated stations, which for reasons of far distance or hard accessibility, such positions had not been filled for the last two (2) years prior to the approval of this Act, shall be entitled to an incentive bonus in the form of remote assignment allowance equivalent to fifty percent (50%) of their basic pay, and shall be entitled to reimbursement of the cost of reasonable transportation to and from such remote post or station, upon assuming or leaving such position and during official trips.

In addition to the above, such disaster risk and emergency responders mentioned in the preceding paragraph shall be given priority in promotion or assignment to better areas. Their tour of duties in the remote areas shall not exceed two (2) years, except when there are no positions for their transfer or they prefer to stay in such posts in excess of two (2) years.

SEC. 30. *Housing.* - All disaster risk and emergency responders who are on tour of duty and those who, because of unavoidable circumstances are forced to stay in the area of deployment, shall be entitled to free living quarters within premises of the assignment or if such quarters are not available, shall receive quarters allowance as may be determined by the NDRRMC and other appropriate government agencies concerned: *Provided*, That this rate shall be reviewed periodically and increased accordingly by the Secretary of Health in consultation with the appropriate government agencies concerned.

For purposes of this Section, the NDRRMC, the DOH and/or local government units are authorized to develop housing projects in its own lands, not otherwise devoted for other uses, for public health workers in coordination with appropriate government agencies.

SEC. 31. *Medical Examination.* - Compulsory medical examination shall be provided free of charge to all disaster risk and emergency responders before entering the service in the Government or its subdivisions and shall be repeated once a year during the tenure of employment of all public health workers: *Provided*, That where medical examination shows that medical treatment and/or hospitalization is necessary for those already in government service, the treatment and/or hospitalization including medicines shall be provided free either in a government or a private hospital by the government entity paying the salary of the public health worker: *Provided, further*, That the cost of such medical examination and treatment shall be included as automatic appropriation in said entity's annual budget.

SEC. 32. *Compensation for Injuries, Disability, Death and Hospitalization Benefits.* - Notwithstanding any death and/or disability (whether total or partial) under provisions of other special law, the heirs of the volunteer shall be entitled to receive –

- (a) One million pesos (Php 1,000,000.00), in case of death of the disaster risk and emergency responders;
- (b) Five Hundred thousand pesos (Php 500,000.00), in case of injury or disability; and
- (c) One Hundred Thousand pesos (Php 100,000.00), in case of hospitalization requiring medical attendance of more thirty (30) days.

In any case, an injured volunteer shall be entitled to prompt, quality and reasonable emergency and medical services in any government hospital. Medical services shall include, but not limited, to preventive, curative and rehabilitative services or treatment that would save the life of the injured volunteer and prevent further injuries or disability.

SEC. 33. *Leave Benefits for Public Health Workers.* – All disaster risk and emergency responders are entitled to such vacation and sick leaves as provided by existing laws and prevailing practices: *Provided*, That in addition to the leave privilege now enjoyed by disaster risk and emergency responders, women health workers are entitled to such gynecological and maternity leaves, and special leaves for victims of violence against women and their children provided by existing laws and prevailing practices: *Provided, further*, That upon separation of the disaster risk and emergency responders from service, they shall be entitled to all accumulated leave credits with pay.

SEC. 34. *Highest Basic Salary Upon Retirement.* - Three (3) months prior to the compulsory retirement as provided by applicable retirement laws, the disaster risk and emergency responders shall automatically be granted one (1) salary range or grade higher than his/her/their basic salary and his/her/their retirement benefit thereafter, computed on the basis of his/her/their highest salary: *Provided*, That he/she has reached the age and fulfilled service requirements under existing laws.

SEC. 35. *Right to Self-Organization.* - Disaster risk and emergency responders shall have the right to freely form, join or assist organizations or unions for purposes not contrary to law in order to defend and protect their mutual interests and to obtain redress of their grievances through peaceful concerted activities.

However, while the State recognizes the right of disaster risk and emergency responders to organize or join such organizations, public health workers on-duty cannot declare, stage or join any strike or cessation of their service to patients in the interest of public health, safety or survival of patients.

SEC. 36. *Freedom from Interference or Coercion.* - It shall be unlawful for any person to commit any of the following acts of interference or coercion:

- a. to require as a condition of employment that a disaster risk and emergency responders shall not join a disaster risk and emergency responders' organization or union or shall relinquish membership therein;
- b. to discriminate in regard to hiring or tenure of employment or any item or condition of employment in order to encourage or discourage membership in any disaster risk and emergency responders' organization or union;

- c. to prevent a disaster risk and emergency responders from carrying out duties laid upon him/her by his/her position in the organization or union, or to penalize him/her for the action undertaken in such capacity;
- d. to harass or interfere with the discharge of the functions of the disaster risk and emergency responder when these are calculated to intimidate or to prevent the performance of his/her duties and responsibilities; and
- e. to otherwise interfere in the establishment, functioning, or administration of disaster risk and emergency responders' organizations or unions through acts designed to place such organization or union under the control of government authority.

SEC. 37. Consultation With Health Workers' Organizations. - In the formulation of national policies governing the social security of disaster risk and emergency responders, disaster risk and emergency responders' organizations or unions as well as other appropriate government agencies concerned shall be consulted by the NDRMMC. For this purpose, Disaster Risk and Emergency Responders Consultative Councils for national, regional and other appropriate levels shall be established and operationalized.

SEC. 34. Human Resource Development/Management Study. - The NDRRMC shall conduct a periodic disaster risk and emergency human resource development/management study into, among others, the following areas:

- a. adequacy of facilities and supplies to render quality service to individuals, groups, communities and other client population;
- b. opportunity for disaster risk and emergency responders to grow and develop their potentials and experience a sense of worth and dignity in their work. Disaster risk and emergency responders who undertake postgraduate studies in a degree course shall be entitled to an upgrading in their position or raise in pay: *Provided*, That it shall not be more often than every two (2) years;
- c. mechanisms for democratic consultation in government health institutions;
- d. staffing patterns and standards of disaster risk and emergency preparedness, mitigation and response to ensure that the people receive quality care. Existing recommendations on staffing and standards of health care shall be immediately and strictly enforced;
- e. ways and means of enabling the rank-and-file workers to avail of educational opportunities for personal growth and development;
- f. upgrading of working conditions, reclassification of positions and salaries of disaster risk and emergency responders to correct disparity vis-a-vis other professions such that positions requiring longer study be upgraded and given corresponding pay scale; and
- g. assessment of the national policy on exportation of skilled disaster risk and emergency human resource to focus on how these resources could instead be utilized productively for the country's needs.

There is hereby created a Congressional Commission Oversight Committee to review and assess health human resource development, particularly on continuing professional education and training and the other areas described above. The Commission shall be composed of five (5) members of the House of Representatives and five (5) members of the Senate. It shall be co-chaired by the chairpersons of the Committee on Disaster Resilience of both houses. It shall render a report and recommendation to Congress which shall be the basis for policy legislation

in the field of disaster resilience. Such a congressional review shall be undertaken once every five (5) years.

SEC. 35. Rules and Regulations. - The NDRRMC after consultation with appropriate agencies of the Government as well as disaster risk and emergency responders' organizations or unions, shall formulate and prepare the necessary rules and regulations to implement the provisions of this Act. Rules and regulations issued pursuant to this Section shall take effect thirty (30) days after publication in a newspaper of general circulation.

SEC. 36. Prohibition Against Double Recovery of Benefits. - Whenever other laws provide for the same benefits covered by this Act, the disaster risk and emergency responders shall have the option to choose which benefits will be paid to him/her. However, in the event that the benefits chosen are less than that provided under this Act, the worker shall be paid only the difference.

SEC. 37. Prohibition Against Elimination and/or Diminution. - Nothing in this law shall be construed to eliminate or in any way diminish benefits being enjoyed by disaster risk and emergency responders at the time of the effectivity of this Act.

SEC. 38. Appropriations. - The amount necessary for the immediate implementation of the provisions of this Act shall be included in the General Appropriations Act in the year following the approval of this Act.

SEC. 39. Penal Provision. - Notwithstanding the provisions of Section 8 of this Act, any person who shall willfully interfere with, restrain or coerce any disaster risk and emergency responders in the exercise of his/her rights or shall in any manner commit any act in violation of any of the provisions of this Act, upon conviction, shall be punished by a fine of not less than One Hundred Thousand Pesos (Php 100,000.00) but not more than One Million pesos (Php 1,000,000.00) or imprisonment of not less than one (1) year to not more than six (6) years or both at the discretion of the court.

If the offender is a public official, the court, in addition to the penalties provided in the preceding paragraph, may impose the additional penalty of disqualification from office.

SEC. 40. Separability Clause. - If any provision of this Act is declared invalid, the remainder of this Act or any provision not affected thereby shall remain in force and effect.

SEC. 41. Repealing Clause. - All laws, presidential decrees, executive orders and their implementing rules, inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SEC. 42. Effectivity. - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in one (1) national newspapers of general circulation.