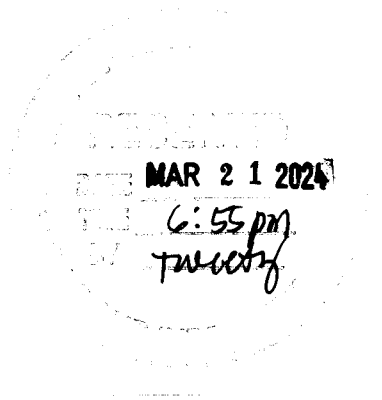


1 Republic of the Philippines
2 **HOUSE OF REPRESENTATIVES**
3 Quezon City

4
5 **NINETEENTH CONGRESS**
6 **Second Regular Session**
7

8 **HOUSE BILL NO. 10233**
9



10
11 Introduced by
12 Committee on Disaster Resilience Chairperson Alan 1 B. Ecleo
13

14
15 **EXPLANATORY NOTE**
16

17 It is the policy of the State to protect the lives, properties, and livelihoods
18 of its citizens by addressing risks, particularly the root causes of vulnerabilities,
19 exposure to hazards, and the capacity to anticipate and cope with hazards.
20

21 Considering the significant and catastrophic impact of calamities, it has
22 been a long-standing effort on the part of the government to solidify the way our
23 country deals with disasters and hazards.
24

25 On 16 December 2022, Typhoon Odette devastated several provinces in
26 the Philippines, with Dinagat Islands, Bohol, Cebu, Negros, and other provinces
27 in the Visayan and Mindanaoan Regions sustaining most of the damage, pegged
28 at 3.56 Billion Pesos. Two years later, our country is still reeling from the effects
29 of Typhoon Odette while also dealing with the impending risks of inevitable
30 calamities in the future. The observed chain of delays that causes bureaucratic
31 inefficiency necessitates a timely declaration of State of Calamity and a shift
32 towards support for anticipatory actions which will reduce vulnerabilities and
33 strengthen the capacity of communities to manage emergencies and protect their
34 assets.
35

36 The House of Representatives, through the Committee on Disaster
37 Resilience, advocates for anticipatory actions to save lives, protect livelihoods,
38 and reduce the devastating effects of the climate crisis. In ensuring the
39 Philippines' catastrophe resilience, a Declaration of State of Imminent Disaster
40 Act is needed to urgently address the country's vulnerability to the onslaught of
41 natural calamities.
42

43 In view of the foregoing, immediate approval of this bill is immediately
44 sought.
45

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A handwritten signature in black ink, appearing to read 'Alan B. Ecleo', is positioned above the printed name.

ALAN B. ECLEO

Chairperson, Committee on Disaster Resilience
Representative, Lone District of Dinagat Islands

54 Republic of the Philippines
55 **HOUSE OF REPRESENTATIVES**
56 Quezon City

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58 **NINETEENTH CONGRESS**
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61 **HOUSE BILL NO. 10233**
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64 Introduced by
65 Committee on Disaster Resilience Chairperson Alan 1 B. Ecleo
66

67
68
69 **AN ACT INSTITUTIONALIZING A MECHANISM ON THE**
70 **DECLARATION OF STATE OF IMMINENT DISASTER, PROVIDING**
71 **THE CRITERIA FOR SUCH DECLARATION AND LIFTING,**
72 **ENABLING ANTICIPATORY MEASURES AND PROVIDING FUNDS**
73 **THEREFOR**
74
75

76 *Be it enacted by the Senate and the House of Representatives of the Philippines*
77 *in Congress assembled:*
78

79 **SECTION 1. *Short Title.*** – This Act shall be known as the “Declaration of
80 State of Imminent Disaster Act.”
81

82
83 **SEC 2. *Declaration of Policy.*** – It shall be the policy of the State to:
84

- 85 a) Protect the lives, properties, and livelihoods of the People by addressing
86 risks, particularly the root causes of vulnerabilities, exposure to hazards,
87 and the capacity to anticipate and cope with such hazards;
88
89 b) Provide immediate and efficient maximum care, assistance, protection, and
90 services to individuals and families be affected by a disaster, implement
91 anticipatory action and response measures to lessen the impact of a
92 disaster, and facilitate implementation of contingency plans to minimize
93 disruptions to normal social and economic activities;
94

- 95 c) Integrate Anticipatory Action principles into existing plans and policies at
96 the national and local levels;
97
- 98 d) Acknowledge and strengthen the capacities of Local Government Units
99 (LGUs) and relevant National Government Agencies (NGAs), and
100 communities in preparing for, anticipating, responding to, and recovering
101 from the impact of disasters;
102
- 103 e) Respond to the different concerns and needs of vulnerable and
104 marginalized groups such as but not limited to women and children,
105 persons with disabilities, the elderly, and indigenous peoples with respect
106 to disaster resilience and disaster management;
107
- 108 f) Protect and promote the health and welfare of all individuals, families, and
109 animals by arising from various hazards such as natural, epidemic,
110 pandemics, or other illnesses of the capacity to cope with hazards to
111 eliminate, if not, minimize the incidences of deaths addressing risks,
112 particularly the root causes of vulnerabilities, exposure to hazards, and
113 public health concern, and other hazards disrupting the normal functioning
114 of communities;
115
- 116 g) Provide various mechanisms that ensure transparency and accountability
117 in disaster and climate risk governance, such as in data and resource
118 management;
119
- 120 h) Ensure community participation in the planning and implementation of the
121 country's disaster risk reduction and management (DRRM) program in
122 accordance with the people's right to participate in decision-making
123 process that contributes to better living conditions; and
124
- 125 i) Establish a funding for the implementation of programs for Anticipatory
126 Actions.
127
128

129 **SEC 3. *Definition of Terms*** — As used in this Act:
130

- 131 a) *Anticipatory Action* refers to actions to be taken to reduce the impacts of a
132 forecast hazard before it occurs, or before its most acute impacts are felt. It
133 is performed by an individual or organization before an anticipated disaster
134 to mitigate its impact on people, animals, and properties that are likely to
135 be affected.
136

- b) *Anticipatory Action Protocol* refers to a protocol for the step-by-step implementation of anticipatory actions based on the activation of pre-determined triggers. It specifies the types of measures to be implemented ahead of predicted hazards, institution roles and responsibilities, resources, coordination processes, and operational arrangements.
- c) *Capacity* refers to the combination of all strengths and resources available within a community, society, or organization that can reduce the level of risk, or effects of a disaster. Capacity may include infrastructure and physical means, institutions, societal coping abilities, as well as human knowledge, skills, and collective attributes such as social relationships, leadership, and management.
- d) *Contingency Plan* refers to a scenario-based plan for a specific and projected natural and/or human-induced hazard. It aims to address the impacts of the hazard to people, properties, and the environment and/or to prevent the occurrence of emerging threats through the arrangement of timely, effective, appropriate, and well-coordinated responses as well as the efficient management of resources.
- e) *Declaration of a State of Imminent Disaster* refers to the declaration that is made in anticipation of a highly probable disaster due to projected impacts based on forecast and the results of Pre-Disaster Risk Assessment (PDRA) that are severe enough to require funding to utilize existing national and local resources in preventing or alleviating damages and losses.
- f) *Disaster* refers to the 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.
- g) *Disaster Response* refers to any concerted effort by two (2) or more agencies, public or private, to provide assistance or intervention during or immediately after a disaster to meet the life preservation and basic subsistence needs of those people affected and in the restoration of essential public activities and facilities. It follows three phases which are pre-impact phase, impact phase, and post-impact phase.

- h) *Disaster Risk* refers to the estimated potential disaster losses in lives, health status, livelihood, properties, and services, which could occur to a particular community or a society over some specified period. Disaster risk is calculated as a combination of the probability of an event and its negative consequences;
- i) *Disaster Risk Reduction and Management (DRRM)* refers to the systematic process of using administrative directives, organizations, and operational skills and capacities to implement strategies, and policies, and provide coping capacities to lessen and avert the adverse impacts of hazards and the possibility of a disaster.
- j) *Disaster Risk Reduction and Management Council (DRRMC)* refers to the organized and authorized body of government agencies, including civil society organizations including organizations of persons with disabilities, women, older persons, children, indigenous people, and others who belong to the vulnerable sectors, and the private sector, mandated to undertake DRRM activities from the national to local levels. The composition, powers, and functions of the DRRMC are defined in RA 10121.
- k) *Early Warning System (EWS)* refers to an integrated system of hazard monitoring, forecasting, and prediction, disaster risk assessment, and communication and preparedness activities and processes that enable individuals, communities, national government agencies, local government units, the private sector, and others to take timely action to reduce disaster risks and adequately prepare for disasters.
- l) *Emergency* refers to an unforeseen or sudden occurrence, especially danger, demanding immediate action.
- m) *Exposure* refers to the situation of people, animals, production capacities, environmental services, and properties in places that could be adversely affected by hazards and which, thereby, are subject to potential future harm, loss, or damage.
- n) *Forecast* refers to the definite statement or statistical estimate of the likely occurrence of a future event or conditions for a specific area.

- o) *Hazard* refers to a dangerous phenomenon, substance, human activity, or condition that may cause loss of life, injury or other health impacts, property damage, loss of livelihood and services, social and economic disruption, or environmental damage;
- p) *Imminent Disaster* refers to a highly probable disaster with severe projected impacts.
- q) *Impact* refers to the total effect, projected or actual, including negative effects and positive effects, of a hazardous event or a disaster which may include economic, human, and environmental impacts, and may also include death, injuries, disease, and other negative effects on human well-being and animal welfare.
- r) “*No Regrets*” approach refers to the recognition of risks that may not materialize in the way or with the impacts forecasted. Yet, the anticipatory action approach is sufficiently flexible and adaptable to introduce positive changes to systems and processes and that builds resilience and benefits vulnerable groups.
- s) *Pre-Disaster Risk Assessment (PDRA)* refers to the process of evaluating a hazard’s level of risk given the degrees of exposure and vulnerability in a specific area. It presents the possible impacts on the people, animals, production capacities, environmental services, and properties and forms as a basis to determine the appropriate level of response actions from the national level government agencies down to LGUs;
- t) *Preparedness* refers to the pre-disaster actions and measures undertaken within disaster risk reduction and management. It is based on sound risk analysis and pre-disaster activities to avert or minimize loss of life and property, such as community organizing, training, planning, equipping, stockpiling, hazard mapping, insuring assets, and public information and education initiatives. This also includes the development or enhancement of an overall preparedness strategy, policy, institutional structure, warning and forecasting capabilities, and plans that define measures geared to help at-risk communities safeguard their lives and assets by being alert to hazards and taking appropriate action in the face of an imminent threat or an actual disaster;

- 251
- 252 u) *Resources* refers to the funds, equipment, and other requirements for
- 253 disaster preparedness and response.
- 254
- 255 v) *Risk Assessment* refers to a methodology to determine the nature and extent
- 256 of risk by analyzing potential hazards and evaluating existing conditions of
- 257 vulnerability that together could potentially harm exposed people, animals,
- 258 production capacities, environmental services, and properties;
- 259
- 260 w) *Technical Management Group (TMG)* refers to the members of the
- 261 NDRRMC who endorse the outputs of the Technical Working Group
- 262 (TWG) to the NDRRMC Full Council.
- 263
- 264 x) *Technical Working Group (TWG)* refers to the members of the NDRRMC
- 265 who are in charge of the preparation, formulation, and development of
- 266 policy guidelines to be endorsed by the TMG for the NDRRMC's approval.
- 267
- 268 y) *Trigger* refers to a predetermined criterion that, when met, is used to
- 269 initiate Anticipatory Actions. A trigger can be a predetermined value for a
- 270 specific indicator or set of indicators that is forecasted to occur or has been
- 271 measured as having occurred. It must be associated with a level of
- 272 projected impact based on a robust PDRA. Once a trigger is met,
- 273 anticipatory actions are implemented to mitigate the projected impact.
- 274
- 275 z) *Vulnerability* refers to the characteristics and circumstances of a community,
- 276 system, or asset that make it susceptible to the damaging effects of a
- 277 hazard.
- 278
- 279

280 **SEC 4. Declaration of State of Imminent Disaster** – The President of the

281 Philippines, through the recommendation of the National Disaster Risk

282 Reduction and Management Council (NDRRMC), herein referred to as the

283 National Council, shall declare a State of Imminent Disaster over a cluster of

284 barangays, municipalities, cities, provinces, and regions using the guidelines for

285 the PDRA as informed by national science-based agencies to be issued by the

286 National Council for the purpose of declaration under this Act.

287

288 The Local Chief Executive (LCE), through an executive order and upon the

289 recommendation of the Local DRRM Council (LDRRMC) through a resolution

may also initiate the issuance of a declaration of State of Imminent Disaster in their respective area or jurisdiction.

For this purpose, the following levels shall have the authority to declare a State of Imminent Disaster upon the results of the PDRA:

- a. The *Municipal or City Mayor*, upon the recommendation of the Municipal or City DRRM Council, when two or more barangays are forecasted to be affected by an imminent disaster; and
- b. The *Provincial Governor*, upon the recommendation of the Provincial DRRM Council, when two or more municipalities or cities are forecasted to be affected by an imminent disaster.

For the purposes of this Act, a State of Imminent Disaster may be brought about by various hazards such as natural, epidemic, pandemics, or other illnesses of public health concern, and other hazards disrupting the normal functioning of communities.

SEC 5. Criteria for Declaration of State of Imminent Disaster - The city, municipality, province, or region may be declared under a State of Imminent Disaster upon the results of PDRA by the NDRRMC or the concerned LDRRMC indicating the probability of disaster occurrence that is severe enough to warrant the utilization of resources to be able to prevent or minimize potential damages and losses. Any of the following conditions must be present and shall be adhered to by the National and Local DRRM Council before the declaration:

- a. The forecasted affected population requires expeditious emergency assistance to prepare for the cascading effects of an impending disaster;
- b. Projected damage to shelter, critical infrastructure, and facilities that are necessary for emergency response, logistical operations, lifelines, and other related systems for the delivery of necessities, including sources of food supply such as agricultural and fishery products;

- 329 c. Projected disruption of lifeline systems such as food supply chains,
330 electricity, potable water system, communication system, access to
331 health service, and other related systems;
332
- 333 d. Projected extremely high incidence expected of a certain disease that
334 may affect whether human, animal, or crops; infectious or
335 noninfectious, or other health-related events that are beyond normal
336 expectancy;
337
- 338 e. Significant degradation of environmental and natural resources is
339 forecasted based on recommendations from relevant agencies.
340
- 341 f. Projected impact on agricultural and fishery areas that cause
342 negative consequences on the country's economic and food security
343 on a national or local scope.
344
- 345 g. The current resources and measures of the concerned LGUs are
346 insufficient and there is a need for rapid augmentation that may only
347 be met through such declaration.
348
349

350 ***SEC 6. Duration and Lifting of the Declaration of State of Imminent Disaster***

351 - The declaration of State of Imminent Disaster may be enforced either by the
352 President or the LCEs through an executive order for a duration calculated
353 before the occurrence of an imminent disaster.
354

355 If the latest PDRA report states that the projected impacts are not met, the same
356 may be recommended for the immediate lifting of such a declaration to be
357 undertaken by the President or the LCE upon the recommendation of the
358 National or Local DRRM Council.
359

360

361 ***SEC 7. Anticipatory Measures for the National and Local DRRM Councils -***

362 The declaration of a State of Imminent Disaster shall allow the National and
363 Local DRRM Councils the use of national and local resources and mechanisms
364 to implement anticipatory actions to lessen or avert the projected impact on
365 communities which may fall but are not limited to the following courses of
366 action:
367

- a. Direct any government agency or entity to implement its mandates and utilize resources granted to it by law, including its personnel, equipment, suppliers' facilities, and technical services, in support of the national or local anticipatory action efforts to save lives, protect property, ensure public health and safety, and to lessen or avert damages and losses.
- b. Coordinate, monitor, and regulate all anticipatory action efforts, including the provision of services, financial and in-kind assistance, mobilization of response teams, and other resources provided by national and local government agencies, including the private sector and national, and international non-governmental organizations (NGOs.INGOs), while recognizing and respecting the humanitarian principles of independence, autonomy, neutrality, and impartiality of humanitarian organizations.
- c. Provide technical and advisory assistance for the management, control, and reduction of the immediate threats to public health and safety;
- d. Coordinate among various experts from various concerned agencies to continue hazard monitoring and public information advisories.
- e. Recommend implementation of Anticipatory Action Protocols for the projected affected population.

SEC 8. *Funding* - The LGUs shall allocate the seventy percent (70%) portion of their Local DRRM Fund for Anticipatory Action Protocols, as identified in their respective Local DRRM Plans, and ensure that its funding shall be disbursed immediately upon the declaration of a State of Imminent Disaster. The unexpected fund from the 70% portion accrued to the Special Trust Fund may also be used for such purpose.

All relevant National Government Agencies shall ensure that Anticipatory Action Protocols are included in their regular agency Programs, Projects, and Activities (PPAs) to be funded by their regular agency budgets as Anticipatory Action Funds and be properly included in the General Appropriations Act. The National DRRM Fund may also be used to fund Anticipatory Action Programs. Likewise, such identified funds shall be disbursed immediately for this purpose and be used until the lifting of the declaration of a State of Imminent Disaster.

SEC 9. *Changes in Hazard Forecast* - The following courses of action shall be observed in cases of non-occurrence of the situation despite the declaration of State of Imminent Disaster:

- (a) The government shall adopt a “no regrets” approach acknowledging that the proposed or undertaken anticipatory actions still benefit rather than negatively impact the targeted population.
- (b) The unutilized funds in the case of LGUs shall accrue to the Special Trust Fund; Meanwhile, unutilized funds of NGAs shall revert to the National Treasury as part of the General Funds upon the lifting or termination of the declaration of a State of Imminent Disaster.
- (c) For food or non-food items, the Department of Social Welfare and Development and the Local Social Welfare and Development Office concerned, shall take charge of the storage of food and other non-food items at the national and local levels, respectively, if the concerned government agency, whether an NGA or LGU has already acquired the additional resources needed through the use of funds released for anticipatory action.
- (d) Services rendered by third parties shall be subject to a just compensation on a *quantum meruit* basis.

SEC 10. *Prohibited Acts* - Any person, group, or corporation who commits any of the following prohibited acts shall be held liable and be subjected to the penalties as prescribed in Section 11 of this Act:

- (a) Dereliction of duties which leads to destruction, loss of lives, critical damage of facilities, misuse of funds;
- (b) Preventing and/or unduly delaying the entry and distribution of relief goods in areas declared under a State of Imminent Disaster, including appropriate technology, tools, equipment, accessories, shelter implements, and disaster teams/experts;
- (c) Buying, for consumption or resale, from disaster relief agencies any relief goods, equipment, or/and other commodities that are intended for distribution to areas declared under a State of Imminent Disaster;

- 449 (d) Buying, for consumption or resale, from the recipient communities
450 forecasted to be affected by an imminent disaster of any of their relief
451 goods, equipment, or other aid commodities received by them;
452
- 453 (e) Selling of relief goods, equipment, or other aid commodities that are
454 intended for distribution to recipient communities forecasted to be affected
455 by imminent disaster;
456
- 457 (f) Forcibly seizing relief goods, equipment, or other aid commodities
458 intended for or consigned to a specific group or relief agency for purposes
459 of disaster preparedness;
460
- 461 (g) Diverting or misdelivery of relief goods, equipment, or other aid
462 commodities to persons other than the rightful recipient or consignee;
463
- 464 (h) Accepting, possessing, using or disposing of relief goods, equipment, or
465 other aid commodities not intended for nor consigned to him/her;
466
- 467 (i) Misrepresenting the source of relief goods, equipment, or other aid
468 commodities by:
469
- 470 1. Either covering, replacing, or defacing the labels of the containers to
471 make it appear that the goods, equipment, or other aid commodities
472 came from another agency or persons;
473
 - 474 2. Repacking the goods, equipment, or other aid commodities into
475 containers with different markings to make it appear that the goods
476 came from another agency or persons or were released upon the
477 instance of a particular agency or persons;
478
 - 479 3. Making false verbal claim that the goods, equipment, or other
480 commodity and its untampered original containers came from
481 another agency or persons or was released upon the instance of a
482 particular agency or persons;
483
- 484 (j) Substituting or replacing relief goods, equipment, or other aid commodities
485 with the same items or inferior/cheaper quality;
486
- 487 (k) Illegal solicitations by persons or organizations representing others as
488 defined in the standards and guidelines set by the NDRRMC;
489

(l) Deliberate use of false and inflated data in support of the request for funding, relief goods, equipment, or other aid commodities for emergency assistance or livelihood projects; and

(m) Tampering with or stealing hazard monitoring and disaster preparedness equipment and paraphernalia.

SECTION 11. *Penal Clause* - Any individual, corporation, partnership, association, or other juridical entity that commits any of the prohibited acts provided for in Section 10 of this Act shall be prosecuted and upon conviction shall suffer a fine of not less than Fifty thousand pesos (Php 50,000.00) or any amount not to exceed Five hundred thousand pesos (php 500,000.00) or imprisonment of not less than six (6) years and one (1) day or more than twelve (12) years, or both, at the discretion of the court, including perpetual disqualification from public office if the offender is a public officer, and confiscation or forfeiture in favor of the government of the objects and instrumentalities used in committing any of herein prohibited acts.

If the offender is a corporation, partnership or association, or other juridical entity, the penalty shall be imposed upon the officer or officers of the corporation, partnership, association, or entity responsible for the violation without prejudice to the cancellation or revocation of these entities licenses or accreditation issued to them by any licensing or accredited body of the government. If such offender is an alien, he or she shall, in addition to the penalties prescribed in this Act, be deported without further proceedings after service of the sentence.

However, the prosecution for offenses set forth in Section 10 of this Act shall be without prejudice to any liability for violation of Republic Act No. 3185, as amended, otherwise known as the Revised Penal Code, and other civil liabilities.

SEC 12. *Implementing Rules and Regulations* – The NDRRMC, through its Chairperson, shall issue the necessary rules and regulations, including operational guidelines and procedures, for the effective implementation of this Act within one hundred twenty (120) days after approval of this Act. The NDRRMC shall convene a Technical Working Group composed of all the members of the National Anticipatory Action Technical Working Group, concerned members the NDRRMC, and other stakeholders for the formulation of the implementing rules and regulations of this Act.

SEC 13. *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 five (5) members of the House of Representatives and five (5) members of the Senate. The minority shall be entitled to pro rata representation but shall have at least one (1) representative from each Chamber. It shall be jointly chaired by the chairpersons of the Committee on Disaster Resilience for the House of Representatives and the Committee on National Defense and Security for the Senate; and shall render a report and recommendation to the Congress which shall be the basis for policy legislation in the field of Disaster Resilience or DRRM. Such a congressional review shall be undertaken once every 2 years or as the need arises.

SEC 14. *Sunset Review* – Within two (2) years after the effectivity of this Act, or as the need arises, the Congressional Oversight Committee shall conduct a sunset review. This review shall be conducted in the House of Representatives, presided by the Chairperson of the House Committee on Disaster Resilience. For purposes of this Act, the term “sunset review” shall mean a systematic evaluation by the Congressional Oversight Committee of the accomplishments and impact of this Act, as well as the performance and organizational structure of its implementing agencies, for purposes of determining remedial legislation.

SEC 15. *Separability Clause*. If any part, section, or provision of this Act is held invalid or unconstitutional, other provisions not affected thereby shall remain in full force and effect.

SEC 16. *Repealing Clause* - All laws, presidential decrees, executive orders or parts thereof that are inconsistent with the provisions of this Act are hereby repealed or amended accordingly.

SEC 17. Effectivity - This Act shall take effect after fifteen (15) days following its complete publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,