



8 **House Bill No. 10565**
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11 **Introduced by Hon. EDUARDO "BRO. EDDIE" C. VILLANUEVA**
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14 **EXPLANATORY NOTE**
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17 The Philippines faces significant risks from a variety of natural and
18 man-made disasters, which threaten the lives, properties, and well-being of
19 its citizens. In recent years, the frequency and intensity of these disasters
20 have increased due to factors such as climate change, rapid urbanization,
21 environmental degradation, and insufficient disaster preparedness and
22 response mechanisms.

23 To address these challenges proactively, this proposal aims to
24 establish a systematic mechanism for declaring a State of Imminent
25 Disaster. This mechanism will enable the government to anticipate and
26 respond effectively to impending disasters, thereby reducing their adverse
27 impacts on vulnerable communities and enhancing the country's disaster
28 resilience.

29 The proposed legislation outlines clear criteria for declaring a State of
30 Imminent Disaster, based on objective indicators such as weather forecasts,
31 hydrological data, geological assessments, and other relevant information.
32 It also specifies the roles and responsibilities of government agencies, local
33 government units, and other stakeholders in implementing anticipatory
34 measures and mobilizing resources to address imminent disaster threats.

35 Additionally, the proposed legislation allocates funds for pre-disaster
36 preparedness activities, including evacuation and sheltering facilities,
37 emergency response training, and other necessary interventions. By
38 investing in disaster risk reduction and management efforts, the government
39 can save lives, protect livelihoods, and minimize the economic and social
40 costs of disasters.

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43 **EDUARDO "BRO. EDDIE" C. VILLANUEVA**
44 Representative
45 CIBAC Partylist

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila
Nineteenth Congress
Third Regular Session

HOUSE BILL NO. 10565

Introduced by Representative Eduardo "Brother Eddie" C. Villanueva

AN ACT
INSTITUTIONALIZING A MECHANISM ON THE DECLARATION OF STATE
OF IMMINENT DISASTER; PROVIDING THE CRITERIA FOR SUCH
DECLARATION AND LIFTING; ENABLING ANTICIPATORY MEASURES AND
PROVIDING FUNDS THEREFOR

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

Article I
GENERAL PROVISIONS

SECTION 1. *Short Title* - This Act shall be known as the
"Declaration of State of Imminent Disaster Act."

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

- a) Protect the lives, properties, and livelihoods of its citizens by addressing risks, particularly the root causes of vulnerabilities, exposure to hazards, and the capacity to anticipate and cope with such hazards;
- b) Provide maximum care, assistance, protection, and services to individuals and families to be affected by a disaster, implement anticipatory action and response measures to lessen the impact of a disaster, and facilitate implementation of contingency plans to minimize disruptions to normal social and economic activities;
- c) Integrate Anticipatory Action principles into existing plans and policies at the national and local levels.
- d) Acknowledge and strengthen the capacities of Local Government Units (LGUs) and relevant National Government Agencies

- (NGAs), and communities in, preparing for, anticipating, responding to, and recovering from the impact of disasters;
- e) Respond to the differentiated concerns and needs of vulnerable and marginalized groups such as but not limited to women and children, persons with disabilities, the elderly, and indigenous peoples with respect to disaster resilience and disaster management;
- f) Protect and promote the health and welfare of all individuals, families, and animals by addressing risks, particularly the root causes of vulnerabilities, exposure to hazards, and the capacity to cope with hazards to eliminate, if not, minimize the incidences of deaths arising from various hazards such as natural, epidemic, pandemics, or other illnesses of public health concern, and other hazards disrupting the normal functioning of communities.
- g) Provide various mechanisms that ensure transparency and accountability in disaster and climate risk governance, such as in data and resource management.
- h) Ensure community participation in the planning and implementation of the country's disaster risk reduction and management (DRRM) program in accordance with the people's right to participate in the decision-making process that contributes to better living conditions.
- i) Establish a funding source for the implementation of programs for Anticipatory Actions.

SEC. 3. Definition of Terms – As used in this Act:

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

(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) *Emergency* refers to the unforeseen or sudden occurrence, especially danger, demanding immediate action.

(l) *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.

(m) *Forecast* refers to the definite statement or statistical estimate of the likely occurrence of a future event or conditions for a specific area.

(n) *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;

(o) *Imminent Disaster* refers to a highly probable disaster with severe projected impacts.

(p) *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) *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;

(s) *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;

(t) *Resources* refers to the funds, equipment, and other requirements for disaster preparedness and response.

(u) *Risk Assessment* refers to a methodology to determine the nature and extent of risk by analyzing potential hazards and evaluating existing conditions of vulnerability that together could potentially harm exposed people, animals, production capacities, environmental services, and properties.

(v) *Technical Management Group (TMG)* refers to the members of the NDRRMC who endorse the outputs of the Technical Working Group (TWG) to the NDRRMC Full Council.

(w) *Technical Working Group (TWG)* refers to the members of the NDRRMC who are in charge of the preparation, formulation, and development of policy guidelines to be endorsed by the TMG for the NDRRMC's approval

(x) *Trigger* refers to a predetermined criterion that, when met, is used to initiate Anticipatory Actions. A trigger can be a predetermined value for a specific indicator or set of indicators that is forecasted to occur or has been measured as having occurred. It

must be associated with a level of projected impact based on a robust PDRA. Once a trigger is met, anticipatory actions are implemented to mitigate the projected impact.

(y) *Vulnerability* refers to the characteristics and circumstances of a community, system, or asset that make it susceptible to the damaging effects of a hazard;

Article II STATE OF IMMINENT DISASTER

SEC. 4. *Declaration of State of Imminent Disaster* –The President of the Philippines, through the recommendation of the National Disaster Risk Reduction and Management Council (NDRRMC), herein referred to as the National Council, shall declare a State of Imminent Disaster over a cluster of barangays, municipalities, cities, provinces, and regions using the guidelines for the PDRA as informed by national science-based agencies to be issued by the National Council for the purpose of declaration under this Act.

At the local level, the established PDRA groups of the Regional DRRM Councils shall recommend the declaration of a State of Imminent Disaster over a cluster of barangays, municipalities, cities, and provinces in their respective jurisdictions forecasted to be affected by an imminent hazard. Upon which, the Local Chief Executive (LCE), through an executive order, may declare a State of Imminent Disaster in their area of jurisdiction.

For 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 region, province, city, municipality, or cluster of barangays may be declared under a State of Imminent Disaster upon the results of PDRA by the NDRRMC or the concerned RDRRMC 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 Regional DRRM Councils 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;
- c. Projected disruption of lifeline systems such as food supply chain, electricity, potable water system, communication system, access to health service, and other related systems;
- d. Projected extremely high incidence expected of a certain disease that may affect whether human, animal, or crops; infectious or noninfectious, or other health-related events that are beyond normal expectancy.
- e. Significant degradation of environmental and natural resources is forecasted based on recommendations from relevant agencies.
- f. Projected impact on agricultural and fishery areas that cause negative consequences on the country's economic and food security on a national or local scope.
- g. The current resources and measures of the concerned LGU/s are insufficient and there is a need for rapid augmentation that may only be met through such declaration.

SEC. 6. Duration and Lifting of the Declaration of State of Imminent Disaster – The declaration of State of Imminent Disaster may be enforced either by the President or the LCEs through an executive order for a duration calculated before the occurrence of an imminent disaster.

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

340 **Article III**
341 **MEASURES TO BE UNDERTAKEN UPON DECLARATION OF STATE**
342 **OF IMMINENT DISASTER**

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344 **SEC. 7. *Anticipatory Measures Upon Declaration*** - The
345 declaration of a State of Imminent Disaster shall allow the National,
346 Regional, and Local DRRM Councils the use of national and local
347 resources and mechanisms to implement anticipatory actions to lessen or
348 avert the projected impact on communities which may fall but are not
349 limited to the following courses of action:

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

374 **SEC. 8. *Funding*** - The LGUs shall include Anticipatory Action
375 interventions in their regular Programs, Plans, and Activities (PPAs)
376 lodged under their respective Local DRRM Funds, as reflected in their
377 respective Local DRRM Plans. Funding tagged as Anticipatory action

shall be disbursed immediately upon the declaration of a State of Imminent Disaster. The unexpended fund from the 70% portion of the Local DRRM Fund accrued to the Special Trust Fund must 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 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.
- (b) For food or non-food items, the Department of Social Welfare and Development (DSWD) 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.
- (c) 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, and misuse of funds;

(b) Preventing 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;

(d) Buying, for consumption or resale, from the recipient communities forecasted to be affected by an imminent disaster of any of their relief goods, equipment, or other aid commodities received by them;

(e) Selling of relief goods, equipment, or other aid commodities that are intended for distribution to recipient communities forecasted to be affected by an imminent disaster;

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

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

(h) Accepting, possessing, using, or disposing of relief goods, equipment, or other aid commodities not intended for nor consigned to him/her;

(i) Misrepresenting the source of relief goods, equipment, or other aid commodities by:

(1) Either covering, replacing, or defacing the labels of the containers to make it appear that the goods, equipment, or other aid commodities came from another agency or persons;

(2) Repacking the goods, equipment, or other aid commodities into containers with different markings to make it appear that the goods came from another agency or persons or were released upon the instance of a particular agency or persons;

(3) Making false verbal claim that the goods, equipment, or other commodity and its untampered original containers came from another agency or persons or was released upon the instance of a particular agency or persons;

(j) Substituting or replacing relief goods, equipment, or other aid commodities with the same items or inferior/cheaper quality;

(k) Illegal solicitations by persons or organizations representing others as defined in the standards and guidelines set by the NDRRMC;

(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.

SEC. 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 (Php50,000.00) or any amount not to exceed Five hundred thousand pesos (php500,000.00) or imprisonment of not less than six (6) years and one (1) day or more than twelve (12) years, or both, at the discretion of the court, including perpetual disqualification from public office if the offender is a public officer, and confiscation or forfeiture in favor of the government of the objects and the instrumentalities used in committing any of herein prohibited acts.

If the offender is a corporation, partnership or association, or other juridical entity, the penalty shall be imposed upon the officer or officers of the corporation, partnership, association, or entity responsible for the violation without prejudice to the cancellation or revocation of these entities' 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.

Article IV FINAL PROVISIONS

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 of 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 of both Houses 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 (5) years, or as the need arises.

SEC. 14. *Sunset Review* – Within five (5) years after the effectivity of this Act, or as the need arises, the Congressional Oversight Committee shall conduct a sunset review. 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.

533 **SEC. 16. *Repealing Clause*** - All laws, decrees, orders, rules and
534 regulations, other issuances or parts thereof inconsistent with the
535 provisions of this Act are hereby repealed or modified accordingly.

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537 **SEC. 17. *Effectivity*** - This Act shall take effect fifteen (15) days
538 after its publication in the Official Gazette or in a newspaper of general
539 circulation.

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541 Approved,