

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

19TH CONGRESS
Third Regular Session

HOUSE BILL NO. **10701**



Introduced by Representative Michael L. Romero

EXPLANATORY NOTE

The **1987 Constitution** mandates the state to support and create a national **disaster risk reduction and management system/framework** through appropriate technology and research, adequate financial services and other support services.

In pursuant to RA10121, the **Chairperson of the NDRRMC** shall call upon other instrumentalities or entities of the government and nongovernment and civic organizations for assistance in terms of the use of their facilities and resources for the protection and preservation of life and properties in the whole range of disaster risk reduction and management. This authority includes the power to call on the reserve force as defined in **Republic Act No. 7077** to assist in relief and rescue during disasters or calamities.

The **Office of Civil Defense (OCD)** shall have the primary mission of administering a comprehensive national civil defense and disaster risk reduction and management program by providing leadership in the continuous development of strategic and systematic approaches as well as measures to reduce the vulnerabilities and risks to hazards and manage the consequences of disasters.

The **Administrator of the OCD** shall also serve as **Executive Director of the National Council** and, as such, shall have the same duties and privileges of a department undersecretary. All appointees shall be universally acknowledged experts in the field of disaster preparedness and management and of proven

honesty and integrity. The National Council shall utilize the services and facilities of the **OCD** as the secretariat of the National Council

In addition to the foregoing criteria, within such reasonable time as respectively to promote and improve the social and economic well-being of those affected.

This House Bill seeks to achieve and attain a higher degree of efficiency in the organization, administration, and delivery of **humanitarian assistance** and life-saving mechanisms/resources with the end view that harmony and order shall be maintained more effectively, and the laws enforced with more impartiality, thus providing for **stiffer penalties and sanctions**.

Thus, the early passage of this bill is earnestly requested.

A handwritten signature in black ink, appearing to read 'Michael L. Romero', with a long horizontal stroke extending to the right.

MICHAEL L. ROMERO Ph.D.

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AN ACT

AMENDING **REPUBLIC ACT NO. 10121, “PHILIPPINE DISASTER RISK REDUCTION AND MANAGEMENT ACT OF 2010”**, TO ENSURE THE DEVELOPMENT OF POLICIES, PLANS IMPLEMENTATION OF ACTIONS, MEASURES PERTAINING TO ALL ASPECTS OF DISASTER RISK REDUCTION AND MANAGEMENT, GOOD GOVERNANCE, RISK ASSESSMENT EARLY WARNING, KNOWLEDGE BUILDING AWARENESS RAISING, REDUCING UNDERLYING RISK FACTORS, PREPAREDNESS FOR EFFECTIVE RESPONSE AND EARLY RECOVERY, PROVIDING FOR STIFFER PENALTIES AND SANCTIONS, AND FOR OTHER PURPOSES

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

SECTION 1. DECLARATION OF POLICY — It is hereby a declared policy of the state to ensure public safety and promote **disaster resilience** through the prevention and suppression of all kinds of natural disaster and other **destructive calamity**.

Towards this end, the state shall enforce all laws, rules and regulations to ensure adherence to standard fire prevention and safety measures and promote accountability for fire safety in the fire protection service and prevention service.

The state recognizes the important role of the **NDRRMC** for nation-building and promotes the sustained development of reservoir of disaster awareness/response whose competence have been determined by honest and credible standards of professional practice and service are world-class and internationally recognized, globally competitive through preventive regulatory measures, programs and activities that foster their continuing professional development.

It shall be imperative for the state to promote and make quality services, protocols and support accessible to all Filipino citizens.

For these purposes, the state shall provide the mechanisms to improve fire safety by maximizing the use of existing resources of all government agencies and branches, recognizing in the process the government's responsibility to provide a wholistic approach as having priority over its other functions.

It is a declared policy of the state in conformity with the mandate of the Constitution, to promote and make quality response accessible to all Filipino citizens. The state hereby recognizes the complementary roles of being empowered with policy-making, coordination, integration, supervision, monitoring and evaluation functions and the invaluable contribution that the present **National Disaster Coordinating Council or NDCC** shall be known as the **National Disaster Risk Reduction and Management Council**, referred to as the **NDRRMC** or the **National Council** they have made and will make to the republic.

For these purposes, the state shall provide the mechanisms to improve the status of contingency planning by maximizing the use of existing resources, recognizing

in the process the government's responsibility to provide all administration/organization support as having priority over its other functions.

SECTION 2. APPLICABILITY - The provisions of this Act shall apply to all persons and all private and public buildings, facilities or structures erected or constructed before and after its effectivity.

SECTION 3. section 20 of RA10121 is hereby amended to read as follows:

Section 20. Penal Clause. - Any individual, corporation, partnership, association, or other juridical entity that commits any of the prohibited acts provided for in Section 19 of this Act shall be prosecuted and upon conviction shall suffer a fine of not less than Five hundred thousand pesos **(Php500,000.00)** or any amount not to exceed One million pesos **(Php1,000,000.00)** or imprisonment of not less than six (6) years and one (1) day nor more than twelve (12) years, or both, at the discretion of the court, including perpetual disqualification from public office if the offender If 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 license or accreditation issued to them by any licensing or accredited body of the government. If such offender is an alien, he or she shall, in addition to the penalties prescribed in this Act, be deported without further proceedings after service of the sentence.

However, the prosecution for offenses set forth in Section 19 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.

SECTION 4. PRESCRIPTION OF CRIMES. – The crimes punishable under this act shall be prescribed in twenty **(20)** years.

SECTION 5. INCREASE OF PERSONNEL. – The **Chairperson of the National Disaster Risk Reduction and Management Council (NDRRMC)**

shall maintain a sufficient staffing pattern. Hence, it is authorized to increase its manpower to meet such required and may continue to increase personnel per percentage rate increase of committed mandates annually or as the need arises.

The **NDRRMC** shall be headed by the Secretary of the Department of National Defense **(DND)** as Chairperson with the Secretary of the Department of the Interior and Local Government **(DILG)** as Vice Chairperson for Disaster Preparedness, the Secretary of the Department of Social Welfare and Development **(DSWD)** as Vice Chairperson for Disaster Response, the Secretary of the Department of Science and Technology **(DOST)** as Vice Chairperson for Disaster Prevention and Mitigation, and the Director-General of the National Economic and Development Authority **(NEDA)** as Vice Chairperson for Disaster Rehabilitation and Recovery.

SECTION 6. TECHNICAL STAFF - The **Chairperson of the NDRRMC**, shall constitute a technical staff of highly qualified people who are knowledgeable about prevention, safety, and suppression. They may be drawn not only from the organic members of the **(NDRRMC)** and other government offices and agencies, but also from other sources. In the latter case, they will either be appointed into the service or hired as consultants in accordance with law.

The technical staff shall study, review and evaluate latest developments and standards on disaster resiliency, technology; prepare plans/programs on safety, prevention and suppression and evaluate implementation thereof; develop programs on the professionalization of the service; coordinate with

appropriate government and private institutions on disaster response, protection; propose amendments to the **RA10121**; advise the **Chairperson** of the **NDRRMC**, on any matter brought to his attention; and perform such other functions as directed on any matter brought to his attention and perform such other functions as directed by higher authorities.

SECTION 7. TRANSITORY PROVISION – Existing industries, businesses and offices affected by the implementation of this Act shall be given six **(6)** months transitory period from the effectivity of the **IRR** or such other period as may be determined, to comply with the requirements of this Act.

SECTION 8. IMPLEMENTING RULES AND REGULATIONS. – The departments and agencies charged with carrying out the provisions of this Act shall, within ninety **(90)** days after the effectivity of this Act, formulate the necessary rules and regulations for its effective implementation.

SECTION 9. SAVING CLAUSE. All pending cases shall be absorbed by the **NDRRMC** after the publication of the Act containing rules and regulations relative to such matters.

Upon approval of this Act, assistance shall be given to all fire fighters Provided, That the present allocation of **NDRRMC** shall be used at the same proportion and allocation as provided by law.

in accordance with **Republic Act No. 10623**, subject to compliance with the requirements prescribed by **DILG**.

SECTION 10. RESPONSIBILITY FOR THE ENFORCEMENT OF THIS ACT. - This Act shall be administered and enforced by the **(NDRRMC)**, under the direct supervision and control of the *Chairperson of the NDRRMC*, through the hierarchy of organization as provided for in **Section V of Republic Act No. 10121**.

With the approval of the Secretary of the Department of National Defense **DND** and the Secretary of the Department of the Interior and Local Government (**DILG**), the **NDRRMC** is hereby authorized to carry out full enforcement.

SECTION 11. PROHIBITION - No corporation, partnership, association or entity shall operate without securing a permit/license from **DND** and **DILG**, which shall be issued only after it has satisfied itself that such establishment is properly staffed/accredited.

Any unethical practice as may be defined in this act to be prepared by the **NDRRMC**, is prohibited.

SECTION 12. VIOLATION, PENALTIES – security risks shall be abated immediately. The *Chairperson*, **NDRRMC** or his/her duly authorized representative, upon the report that a violation of this Act or other pertinent laws, rules and regulations is being committed, shall issue notice/order to comply to the owner, administrator, occupant or other person responsible for the condition of the building or structure, indicating among other things, the period within which compliance shall be effected, which shall be within ten (10) to fifteen (15) days after the receipt of the notice/order, depending on the reasonableness to adequately comply with the same

SECTION 13. REPEALING CLAUSE. – All laws, decrees, executive orders, rules and regulations, or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

RA7581 is hereby repealed. All laws, presidential decrees, letters of instructions, executive orders, rules and regulations insofar as they are inconsistent with this Act, are hereby repealed or amended as the case may be.

SECTION 14. SEPARABILITY CLAUSE. – If, for any reason, any section or provision of this Act is held unconstitutional or invalid, the other sections or provisions hereof shall not be affected thereby.

SECTION 15. EFFECTIVITY CLAUSE. – This Act shall take effect after fifteen (15) days from its publication in the Official Gazette or in at least two (2) national newspapers of general circulation, whichever comes earlier.

Approved,