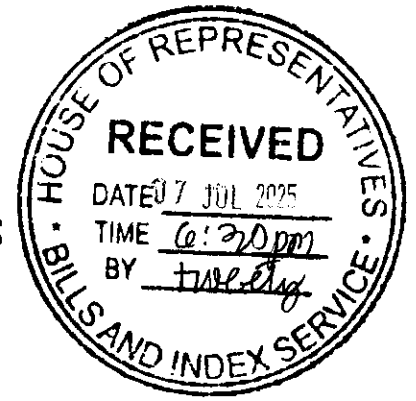




Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

TWENTIETH CONGRESS
First Regular Session

House Bill No. **1531**



INTRODUCED BY HONORABLE AMADO CARLOS BOLILIA IV

EXPLANATORY NOTE

Due to its geographical location, the Philippines is exposed to high incidents of environmental hazards such as typhoons, floods, storm surges, tsunamis, earthquakes, volcanic eruptions, landslides, and droughts. This leaves various communities throughout the country in highly vulnerable situations. Typhoon Haiyan (Yolanda), one of the most powerful tropical cyclones ever recorded, was an example of how a natural disaster can devastate lives, properties, and entire communities. It left the country with more than 7,000 deaths (with thousands still unaccounted for) and 16 million affected people. The overall financial and economic impact of Typhoon Haiyan is estimated at \$14 Billion.

The Philippines was the most affected country in the world from extreme weather events in the Global Climate Risk Index (CRI) for three (3) consecutive years. In 2024, the Philippines has a score of 46.9¹ while in the years 2023 and 2022 the country has a score of 46.86² and 46.82³ respectively. The Philippines is #1 among the countries assessed for the highest risk. In terms of exposure to risks, the Philippines ranks at 4th place alongside China (1st), followed by Mexico (2nd), and Japan (3rd).

Given our exposure to threats of natural disasters, Republic Act No. 10121, otherwise known as the Philippine Disaster Risk Reduction and Management Act of 2010" (PDDRM), was enacted on 27 May 2010. The Act shifted the policy environment and the way the country deals with disasters from mere response to preparedness. RA 10121 provides a comprehensive, all-hazard, multi-sectoral, inter-agency, and

¹WorldRiskReport 2024 Focus: Multiple Crises. (n.d.). Available at:
https://reliefweb.int/attachments/5a2c9b67-a9fa-4c85-9c46-cc94c2008bf9/WRB_2024_online_12MB.pdf.

² WorldRiskReport 2023 Focus: Diversity. (2023). Available at:
https://weltrisikobericht.de/wp-content/uploads/2023/10/WRR_2023_english_online161023.pdf.

³ WorldRiskReport 2022 Focus: Digitalization N E W. (n.d.). Available at:
https://reliefweb.int/attachments/6c1c1c6f-91d8-48ed-b8b5-b5918cc426a5/WorldRiskReport-2022_Online.pdf

community-based approach to disaster risk management through the formulation of the National Disaster Risk Management Framework.⁴

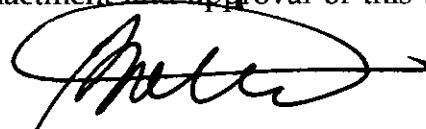
Notwithstanding the efforts and resources to reduce the risks and vulnerabilities to natural disasters, challenges are abounding so much that our government's efforts to achieve the DRRM objectives are hampered. Some of the issues and challenges are:

1. Weak coordination and collaboration among stakeholders – national government agencies, LGUs, civil society organizations, volunteers, and the private sector;
2. Lack of capacity of line agencies and LGUs to perform DRRM functions;
3. Less priority given to DRRM activities;
4. Weak implementation of laws and policies;
5. The lack of and difficulty in accessing DRRM data/information;
6. Post-disaster focus of disaster funds;
7. Monitoring of disaster fund expenditures;
8. Slow disbursement of disaster funds; and
9. Difficulty in tracking foreign disaster assistance.⁵

The need for greater coordination and synchronization of disaster risk management at all levels should be a top priority. Thus, this measure will create a single agency that has a distinct and separate mandate for disaster management. The Department of Disaster Management shall be the focal government agency for policy-making, coordination, integration, supervision, monitoring and evaluation for all disaster and rehabilitation management policies and programs in the country.⁶

With strong institutions, we can reverse the current trends of rising disaster impact. Everyone of us must be empowered to make decisions which reduce risk – from government to citizens. This bill was previously filed in the 19th Congress as HB 1749 and will be part of my priority bills and advocacies which I will pursue in the 20th Congress.

In view of the foregoing, the immediate enactment and approval of this bill is earnestly sought.



AMADO CARLOS BOLILIA IV
Representative
4th District, Batangas

⁴ <http://www.lse.ac.uk/GranthamInstitute/law/philippine-disaster-reduction-and-management-act-ra-10121/>

⁵ https://www.senate.gov.ph/publications/SEPO/PB_Examining%20PH%20DRRM%20System_Revised_27June2017.pdf

⁶ This bill was patterned after Senate Bill 1553, otherwise known as, "An Act Creating the Department of Disaster and Emergency Management of 2017", filed by Senator JV Ejercito in the 17th Congress.



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AN ACT
CREATING THE DEPARTMENT OF DISASTER MANAGEMENT,
DEFINING ITS POWERS AND FUNCTIONS, APPROPRIATING
FUNDS THEREFOR, AND FOR OTHER PURPOSES

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

SECTION 1. Short Title. - This Act shall be known as the "Department of Disaster Management Act."

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

- a. To uphold the sacredness and dignity of human life by efficiently and effectively addressing the vulnerabilities to disasters, through the establishment of a focused, streamlined, independent, empowered, capacitated, full-time, specialized agency on disaster risk reduction and management;
- b. To establish a permanent, institutionalized, cohesive and comprehensive framework for disaster preparedness, prevention and mitigation, and response, to be implemented by a full-time and focused specialized agency with its own mandate, powers, and funding, in coordination and with the participation of the Philippine government, other foreign governments and financial institutions, international organizations, the private sector, and civil society.
- c. Inculcate a culture of awareness, resilience and preparedness, and rehabilitation for natural and man-made disasters;
- d. To create an integrated, systematic, comprehensive, and cohesive plan to simplify, streamline, integrate, and coordinate the various programs, projects, and activities of the Government and such other actors/stakeholders in disaster risk reduction and management to ensure accountability, responsibility, and transparency, as well as to achieve efficiency and effectiveness of in the performance of their functions.

SEC. 3. Definition of Terms. - For purposes of this Act, the following shall refer to:

- a. Disaster - a 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;
- b. Disaster Management - the organization and management of resources and responsibilities for addressing all aspects of disasters, in particular preparedness, response and initial recovery steps;
- c. Emergency - any occasion or instance for which, in the determination of the President, national assistance is needed to supplement local government efforts and capabilities to save lives and to protect property and public health and safety, or to lessen or avert the threat of a catastrophe in any part of the country;
- d. Evacuation Centers and Facilities - permanent and typhoon resilient structures equipped with facilities constructed exclusively for evacuation and humanitarian relief operations during disasters.
- e. Geographic Information System - a database which contains, among others, geohazard assessments, information on climate change, and climate risk reduction and management;
- f. Government - includes the National Government, and any of its subdivisions, agencies or instrumentalities, including government owned and controlled corporations and their subsidiaries, and Local Government Units;
- g. Hazard - 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;
- h. Humanitarian - one devoted to the promotion of human welfare and the advancement of social reform;
- i. Response - any and all projects, programs, plans, and activities pertaining to act on or inaction to prevent/ mitigate, prepare for, and generally perform any and all activities in relation to, disasters. This includes, but is not limited to, the provision of public assistance during or immediately after a disaster. Disaster response that is predominantly focused on immediate and short-term needs and is sometimes called "disaster relief"; and
- j. State of Calamity - a condition involving mass casualty and/or major damages to property, disruption of means of livelihoods, roads and normal way of life of people in the affected areas as a result of the occurrence of natural or human-induced hazard.

Chapter 1

THE DEPARTMENT PROPER

SEC. 4. Creation of the Department of Disaster Management. - To carry out the above-declared policy, there is hereby created the Department of Disaster Management, hereinafter referred to as the Department, which shall prepare, integrate, coordinate, implement, supervise, control, monitor, and evaluate all plans, programs, projects, and activities of the Government on disaster risk reduction and management.

SEC. 5. Powers and Functions. - In addition to the powers and functions provided by this Act, the Department shall also assume the policy-making, coordination, integration, supervision, monitoring and evaluation functions currently lodged with the existing National Disaster Risk Reduction and Management Council (NDRRMC), and shall take over all of the latter's responsibilities enumerated in Section 6 of Republic Act No. 10121. It shall also assume the powers and functions of the Office of the Civil Defense (OCD) as enumerated in Section 9 of Republic Act No. 10121.

The Department shall also have administrative supervision and control over the existing Regional Disaster Risk Reduction and Management Offices (RDRRMOs), and the Local Disaster Risk Reduction and Management Offices (LDRRMOs), organized in all provinces, cities/municipalities and barangays in the country, which are hereby thereafter called Regional Disaster Management Offices (RDMOs) and Local Disaster Management Offices (LDMOs), respectively.

The Department shall also cause the identification, establishment and maintenance of permanent evacuation centers and facilities in priority cities and municipalities.

SEC. 6. Composition. - The Department shall be composed of the Office of the Secretary and the Offices of the Undersecretaries and Assistant Secretaries, and the bureaus and services of the Department as well as Regional and Local Offices.

The Provincial, City, Municipal, and Barangay Disaster Management Offices and Rescue Teams shall be under the control and supervision of their respective local government units. The Department shall exercise supervisory powers over such offices.

SEC. 7. Office of the Secretary. - The Office of the Secretary shall be consisting of the Secretary and his/her immediate staff.

SEC. 8. The Secretary. - The Secretary shall be appointed by the President, subject to confirmation by the Commission on Appointments.

The Secretary shall have the following powers and functions;

- a. Advise the President in issuing executive orders, regulations, proclamations and other issuances, the promulgation of which is expressly vested by law in the President relative to matters under the jurisdiction of the Department;
- b. Establish the policies and standards for the effective, efficient, and economical operation of the Department pursuant to a national disaster risk reduction and

management framework which shall provide for a comprehensive, all-hazards, multi-sectoral. Interagency and community-based approach to humanitarian emergency assistance and disaster risk reduction and management, in line with Section 6(a) of the Philippine Disaster Risk Reduction and Management Act of 2010;

- c. Promulgate rules and regulations necessary to carry out department objectives, policies, functions, plans, programs, and projects;
- d. Promulgate administrative issuances necessary for the efficient administration of the offices under his/her jurisdiction and for the proper execution of the laws relative thereto;
- e. Exercise direct supervision and control over all functions and activities of the Department, as well as all its officers and personnel;
- f. Create regional offices and such other service units and divisions, as may be necessary; and
- g. Perform such other functions as may be necessary and/or proper to attain the objectives of this Act.

SEC. 9. The Undersecretaries. - The Secretary shall be assisted by four (4) Undersecretaries in the performance of the Department's functions and duties related to the pillars of disaster risk reduction and management, namely, (a) disaster preparedness, (b) disaster response, and (c) disaster prevention and mitigation. Another undersecretary shall be in charge of administrative and finance services.

The Undersecretaries shall be appointed by the President upon the recommendation of the Secretary.

SEC. 10. Assistant Secretaries. - The Secretary shall also be assisted by six (6) Assistant Secretaries. The Assistant Secretaries shall be appointed by the President upon the recommendation of the Secretary.

SEC. 11. Qualifications. - No person shall be appointed Secretary, Undersecretary, or Assistant Secretary of the Department, unless he/she is a citizen and resident of the Philippines, of good moral character, and of proven experience or competence/ expertise in humanitarian emergency assistance and disaster management over the course of his/her career. The Secretary, Undersecretary, or Assistant Secretary shall not hold any other position, public or private, during his/her tenure.

SEC. 12. Bureaus and Service. - Subject to the power of the Secretary, with the approval of the President, to reorganize, restructure, and redefine the functions of the bureaus and services for the effective discharge of the powers and functions of the Department under this Act, the Department shall have the following bureaus and service:

- a. Bureau of Hazard Education and Risk Mitigation;
- b. Bureau of Disaster Preparedness;
- c. Bureau of Humanitarian Emergency Relief Operations; and

- d. Bureau of Administration and Finance.

SEC. 13. Powers and Functions of the Bureaus and Service. - The bureaus and service shall have the following powers and functions;

- a. The Bureau of Hazard Education and Risk Mitigation shall assist the Secretary in the formulation of policies, programs, and plans related to disaster prevention and mitigation, as defined in Sections 2(k) and 2(i), respectively, of the Philippine Disaster Risk Reduction and Management Act of 2010. In particular, it shall take the lead in:
 - 1. Making an inventory and checklist of all personnel, equipment, and supplies critical during disasters in all local government units, in accordance with protocols and contingency plans, and endeavoring that the same be provided to the local government unit within a period of twelve (12) months upon the passage into law of this Act;
 - 2. Conducting a review of the National Building Code and Fire Code of the Philippines, together with the relevant government department, and submitting the results thereof to the Senate and House of Representatives of the Philippines, with a view of developing legislation which seeks to strengthen infrastructure in line with disaster prevention and mitigation;
 - 3. Developing, updating, and maintaining a national geographic information system which shall be the basis of national, regional, and local disaster protocols and contingency plans, which shall be under the control and custody of the Department. The same shall also be maintained at all local government units, as possible;
 - 4. Mainstreaming and integrating disaster risk reduction and management (DRRM) and climate change adaptation (CCA) in all national, sectoral, regional and local development policies, plans and budgets, relating to environmental protection, including, but not limited to, those for land use and natural resource management, enforcement and updating of all national legislation relating to modification of infrastructure towards resiliency;
 - 5. Developing and implementing community-based and scientific DRRM and CCA hazard assessment, mapping, analysis, and monitoring;
 - 6. Establishing disaster risk financing, insurance, and other risk transfer mechanisms at the community level;
 - 7. Establishing, developing and Improving the end-to-end monitoring and forecasting of hazards, including early warning systems and practices; and
 - 8. Such other functions relevant to its mandate of disaster prevention and mitigation.
- b. The Bureau of Disaster Preparedness shall assist the Secretary in the formulation of policies, programs, and plans related to disaster preparedness, as defined in Section 20 of the Philippine Disaster Risk Reduction and Management Act of 2010. In particular, it shall take the lead in;
 - 1. Developing DRRM and CCA information, communication and advocacy plans;
 - 2. Developing standard DRRM training modules and the conduct of trainings, simulation exercises, and other capacity building activities for communities and specific groups, including, but not limited to, quick respond teams, frontline government and private responders, and humanitarian aid workers;

3. Developing and monitoring the implementation of locality based DRRM contingency plans, and establishing/ monitoring the operations of national and local Emergency Response Operation Centers;
 4. Developing and implementing comprehensive, scenario-based national and local preparedness policies, plans and systems, in primary coordination with the local government unit/s concerned, in the wake of an imminent humanitarian emergency and/or disaster. Such policies, plans, and systems include, but are not limited to, preventive evacuation, the procurement of facilities, equipment, tools, systems and other mechanisms to cope with the effects thereof; the deployment of essential personnel and manpower in critical areas of concern; and the formulation of such other courses of action to avert the loss of lives, livelihood and/or property;
 5. Strengthening the partnership and coordination between and among all key players and stakeholders in a humanitarian emergency and/or disaster;
 6. Preparing the criteria and procedure for the enlistment of accredited community disaster volunteers (ACDVs), and the drafting of a manual of operations for ACDVs, in consultation with relevant stakeholders; and
 7. Such other functions relevant to its mandate of disaster preparedness.
- c. The Bureau of Humanitarian Emergency Relief Operations shall assist the Secretary in the formulation and implementation of policies, programs, and plans related to disaster response, as defined in Section 2(1) of the Philippine Disaster Risk Reduction and Management Act of 2010. In particular, it shall take the lead in the following activities, in primary coordination with the local government unit/s concerned:
1. Establishing and implementing a comprehensive, well-coordinated, effective, and efficient Disaster Response Action Plan (DRAP) for every humanitarian emergency of disaster, with the primary goal of preventing or deterring the loss of lives, property and livelihood;
 2. Developing and implementing an integrated and coordinated system of search, rescue and retrieval (SRR), and evacuations procedure;
 3. Establishing a mechanism to ensure the prompt and accurate assessment of damage in disaster areas, including, but not limited to, the loss of lives, bodily injuries, damages to infrastructure and public facilities, and the destruction of social, economic, cultural, and environmental assets;
 4. Establishing a mechanism to ensure the prompt and accurate assessment of humanitarian needs in disaster areas, including, but not limited to, food, nutrition, health, clothing, shelter, livelihoods, water, sanitation, hygiene, protection, and the preservation of peace and order;
 5. Identifying standard-based relief shelters and sites for internally displaced persons, as well as developing and implementing of a set of minimum standards for such temporary shelters;
 6. Identifying priority cities and municipalities where the permanent Evacuation Centers and Facilities shall be established and recommending the need to establish the same in other local government units;
 7. Consolidating the established evacuation centers in the local government units and formulating a standard operating procedure in maintaining these evacuation centers and ensuring their functionality and operationality in times of disasters and emergencies;
 8. Supplementing the efforts of the local government unit concerned in providing basic social services, livelihood-oriented activities and psychosocial

interventions to the affected population, whether inside or outside temporary shelters; and

9. Such other functions relevant to its mandate of disaster response.

- d. The Bureau of Administration and Finance shall be composed of the Office of the Legal Counsel and the Financial and Management Office. The Office of the Legal Counsel shall be responsible for providing legal services and advice on all policies, programs, and operational matters of the Department. It shall provide legal counseling services in cases where the Department is a party and shall also handle administrative cases against any personnel of the Department and submit recommendations pertaining thereto.

Chapter 2

ATTACHED AGENCIES AND COORDINATION WITH OTHER GOVERNMENT DEPARTMENTS

SEC. 14. The Disaster Management Coordinating Council. - There shall be a National Coordinating Council, hereinafter referred to as the Council, which shall coordinate and integrate the efforts of the concerned government agencies and offices, nongovernmental and people's organizations, and assist the Department in the delivery of quick and efficient humanitarian relief operation among others in times of disasters and emergencies.

The National Disaster Risk Reduction and Management Council (NDRRMC) referred to in Section 5 of the Philippine Disaster Risk Reduction and Management Act of 2010 shall compose the Council and shall be headed by the Secretary of Department of Disaster and Emergency Management.

The Secretary is hereby empowered to constitute, call, convene, meet with, and/or deputize agencies of government, or an aggrupation or cluster thereof, to assist, advise or otherwise coordinate with the Secretary. The representatives from the civil society/non-governmental organizations and the private sector may also be included, as necessary, as members of the coordination mechanism called for by the Secretary.

SEC. 15. Relationship and Coordination with Other Government Departments. - In the discharge of their respective responsibilities, the Department's bureaus shall coordinate with the relevant Government departments, agencies, offices and instrumentalities, those powers and functions are relevant to each bureau's respective focus area.

SEC. 16. Attached Agencies. – The following agencies and offices and their respective appropriation, records, equipment, and personnel are hereby transferred to the Department:

- (1) Office of Civil Defense (OCD);
- (2) The Philippine Atmospheric, Geophysical and Astronomical Services Administration (PAG-ASA);
- (3) Philippine Institute of Volcanology and Seismology (PHIVOLCS);
- (4) Bureau of Fire Protection (BFP);
- (5) Health Emergency Management Bureau (HEMB);
- (6) Philippine Reconstruction and Rehabilitation Agency (PRRA);
- (7) Philippine National Volunteer Service Coordinating Agency;
- (8) Climate Change Office (CCO);
- (9) Geo-Hazard Assessment and Engineering Geology Section of the Mines and Geoscience Bureau; and
- (10) Disaster Response Assistance and Management Bureau of the Department of Social Welfare and Development.

The attached agencies shall operate in accordance with their respective organizational structures and perform functions and duties assigned to them by law.

Chapter 3

THE HUMANITARIAN EMERGENCY ASSISTANCE AND DISASTER FUND, DONATIONS, AND ACCOUNTABILITY

SEC. 17. Disaster Management Funds. — The present National Disaster Risk Reduction and Management Fund (NDRRM Fund) shall be known as the National Disaster Management Fund (NDMF) and the Local Disaster Risk Reduction and Management Fund (LDRRMF) shall be known as the Local Disaster Management Fund (LDMF), respectively.

The Department shall manage, mobilize, and with the approval of the President, release resources for disaster risk reduction and management, including the funds herein provided for.

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

SEC. 18. Donations. - All monetary contributions, and donations in kind, including, but not limited to, equipment, food, clothing, medicine, and related supplies from international and local sources, shall be coordinated with the Department. This central coordination mechanism would ensure that the same are equitably and properly allocated and utilized, directly and solely/ exclusively for disaster risk reduction and management efforts.

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

SEC. 19. Accountability, Responsibility, Transparency, and Access to Information. - The Department and all regional and local councils and offices under its supervision or control, shall make available to the public for scrutiny, copying, and reproduction, (i) any and all records of their financial transactions, including, but not limited to, donations received, funds allocated, and amounts disbursed; (ii) all information pertaining to their official acts, transactions or decisions; and (iii) relevant research data used as basis for policy development, regardless of the physical form or format in which such record, information, or data is contained.

Chapter 4

ESTABLISHMENT OF PERMANENT AND TYPHOON-RESILIENT EVACUATION CENTERS AND FACILITIES

SEC. 20. Establishment of Evacuation Centers and Facilities. - There shall be established permanent and typhoon-resilient Evacuation Centers and Facilities (ECF) in priority municipalities and cities identified by the Department in coordination with the Department of Environment and Natural Resources, the Department of the Interior and Local Government (DILG) and local government units. This shall form part of the national disaster risk reduction and management framework.

The established evacuation centers prior to this Act shall be consolidated and shall form part of the directory of ECFs under the control of the Department.

SEC. 21. Administration. - The Regional Disaster Management Offices (RDMOs), under the supervision of the Bureau concerned, shall lead the management, maintenance, and operation of the newly established and existing ECFs.

Chapter 4 **MISCELLANEOUS PROVISIONS**

SEC. 22. Visitorial Powers. - The Secretary of the Department and/or his/her authorized representative shall have visitorial and examining authority over governmental and non-governmental entities engaged in post-disaster relief in order to ensure that all donations, financial or otherwise, coursed through them, are actually used for disaster risk reduction and management efforts.

During such examination, the entity concerned shall produce all the reports, records, books of accounts, and other papers that may be required.

The refusal by any such entity to allow an examination of its books of accounts and pertinent records, or the concealment of any material information concerning its financial status, shall constitute a legal ground for the cancellation of its registration, and the revocation of all tax-exemption privileges and other benefits granted to it by law, in the case of a nongovernmental entity, or the institution of any proper legal action against the erring official concerned, in case of a governmental entity.

SEC. 23. Stand-by Arrangements with the Private Sector. - At any time, the Secretary of the Department shall have the power to negotiate, enter into, institutionalize, and coordinate arrangements with any private person, natural or juridical, for the purpose of ensuring the adequate, prompt, and ready availability of all goods and services, necessary for disaster response, for as long as the emergency circumstances require, to be deployed before, during, and after an emergency or disaster, subject to the payment of just compensation in appropriate cases.

SEC. 24. Commandeering Private Property for Public Purpose. - The Secretary of the Department shall have the power to commandeer any private property for urgent public purpose, subject to payment of just compensation in appropriate cases, when there is a clear and present danger that a disaster or humanitarian emergency would cause imminent loss of lives and/or the massive destruction of property, and time is of the essence. The commandeering powers shall last no longer than necessary or for as long as the circumstances require.

The refusal by any such person or entity to be commandeered, shall constitute a legal ground for the cancellation of its registration, if any, and the revocation of all tax-exemption privileges and other benefits granted to it by law, in the case of a non-governmental entity, or the institution of any proper legal action against the erring official concerned, in case of a governmental entity. In addition, the official of the establishment, institution, or functionality shall be subjected to a fine and/or imprisonment as provided for in Sec. 31 of this Act.

SEC. 25. Declaration of State of Calamity. - Whenever warranted by circumstances, the Department shall recommend to the President of the Philippines the declaration of a state of national calamity and the lifting thereof. It shall also have the power to, *motu proprio* or upon the favorable recommendation of the LDRMCs, declare a cluster of barangays, municipalities, cities, provinces, and regions under a state of calamity, and the lifting thereof,

based on the criteria set by the Department. The President's declaration shall entail access to international humanitarian assistance, as deemed necessary.

The declaration and lifting of the state of calamity shall be based on the results of the damage assessment and needs analysis. The causes, effects and incidents of the calamity and the need for the declaration shall be specified.

SEC. 26. Emergency and Contingency Powers. - Whenever it becomes necessary, the Department Secretary, subject to the chain of command and with the consent of the President, may call out the Armed Forces of the Philippines and/or the Philippine National Police to prevent or suppress lawless violence, and to, ensure the protection and preservation of life and/ or properties, in the whole range of disaster risk reduction and management.

In times of disasters, and whenever warranted by the circumstances, the Department Secretary may call upon other instrumentalities or entities of the government and nongovernment and civic organizations for assistance in terms of the use of their facilities and resources for the protection and preservation of life and properties in the whole range of disaster risk reduction and management. This authority includes the power to call on the reserve force as defined in Republic Act No. 7077 to assist in relief and rescue during disasters or calamities.

SEC. 27. Prohibited Acts. - In addition to the prohibited acts penalized under Section 20, in relation to Section 19, of the Philippine Disaster Risk Reduction and Management Act of 2010:

- a. Any person, group or corporation who directly or indirectly requests or receives any part of the funds devoted to disaster risk reduction and management, as well as monetary contributions and donations in kind, where such person, group or corporation has no right to receive such proceeds from the fund, in whole or in part, monetary contribution or donation, shall be guilty of the crime of corruption of calamity funds or donations, and shall be prosecuted and upon conviction shall suffer a fine of not less than Two Hundred Fifty Thousand Pesos (Php 250,000.00) or any amount not to exceed One Million Five Hundred Thousand Pesos (Php 1,500,000.00) or Imprisonment of not less than twelve (12) years and one (1) day, nor more than twenty (20) 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 the herein prohibited act;
- b. Any person who, with intent to gain, but without violence against or intimidation of persons nor force upon things, shall take personal property devoted to any disaster risk reduction and management activity, without the consent of the Secretary, shall be guilty of the crime of qualified theft, and shall be prosecuted and upon conviction shall be punished by the penalties next higher by three degrees than those respectively specified in Article 309 of the Revised Penal Code;
- c. Any public officer who, by reason of the duties of his office, is accountable for calamity funds or property devoted to disaster risk reduction and management efforts, shall appropriate the same or shall take or misappropriate or shall consent, through abandonment or negligence, shall permit any other person to take such public funds, or property, wholly or partially, or shall otherwise be guilty of the

misappropriation of malversation of such funds or property, shall be punished by the penalties next higher by three degrees than those respectively specified in Article 217 of the Revised Penal Code;

In all the above, 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 of entity responsible for the violation, without prejudice to the cancellation or revocation of these entities license or accreditation issued to them by any licensing of 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.

The prosecution for the offenses 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. 28. Appropriations. – The amount necessary for the initial implementation of this Act shall be taken from the current fiscal year's unexpended and unobligated appropriations of all agencies herein absorbed, transferred and attached to the Department. Thereafter, the amounts necessary for the operation of the Department and the effective implementation of this Act shall be included in the Annual General Appropriations Act.

SEC. 29. Implementing Rules and Regulations. - The Department shall issue the necessary rules and regulations for the effective implementation of this Act within ninety (90) days after approval of this Act. The Secretary, in consultation with relevant government agencies and other key stakeholders, shall take the lead in the preparation of the implementing rules and regulations.

SEC. 30. Annual Report. - The Department shall submit to the Office of the President, the Senate, and the House of Representatives, within the first quarter of the succeeding year, an annual report relating to the progress of the implementation of all disaster risk reduction and management efforts, and a detailed inventory of available personnel, supplies and equipment. Such report shall be made available to the public for scrutiny, copying, and reproduction, and shall also be uploaded in the Department's website.

SEC. 31. 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 six (6) members from the Senate and six (6) members from the House of Representatives with the Chairpersons of the Committees on National Defense and Security of both the Senate and the House of Representatives as joint Chairpersons of this Committee.

The five (5) other members from each Chamber are to be designated by the Senate President and the Speaker of the House of Representatives, respectively. The minority shall be entitled to pro rata representation but shall have at least two (2) representatives from each Chamber.

SEC. 32. Repealing Clause. - All references to the NDRMMC in existing laws, including, but not limited to, the Philippine National Disaster Risk Reduction and Management Act of 2010, shall be understood to refer to the Department created under this Act. All other laws, decrees, executive orders, proclamations, and other executive issuances which are

inconsistent with or contrary to the provisions of this Act are hereby amended or repealed accordingly.

SEC. 33. Separability Clause. - If any provision of this law is declared unconstitutional, the remaining provisions thereof not affected thereby shall remain in full force and effect.

SEC. 34. Effectivity. - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in two (2) national newspapers of general circulation.

Approved,