

TWENTIETH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session

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HOUSE OF REPRESENTATIVES
HOUSE BILL No. 2912



INTRODUCED BY HON. RICARDO S. CRUZ, JR.

EXPLANATORY NOTE

We are at a crossroads. And whatever decisions we reach and the actions we collectively take today will reverberate through many generations of Filipinos—to our children, our grandchildren, and all those who will come after us. We must step up now. Now is the best time to prepare our nation against calamities and disasters. Now is the best time to plant the seeds of preparedness.

Every Filipino has to live with three realities.

First, for the third straight year, the Philippines has been ranked the most at-risk country to disasters among 193 countries assessed in the 2024 World Risk Index (WRI) published by the Institute for International Law of Peace and Armed Conflict and Bündnis Entwicklung Hilft (Alliance Development Works). On a scale of 0 (very low risk) to 100 (very high risk), the Philippines' score even worsened to 46.91 in 2024 from 46.86 in 2023. Current mean projections of climate up to 2050 suggest the Philippines will become warmer by 1.8 °C to 2.2 °C in 2050, with increasing temperature and decreasing rainfall during the dry season and more extreme rainfall events during the wet season exacerbating both water availability during periods of drought and the intensity of flood events during periods of heavy rainfall. The projected increase in sea level rise of 20 centimeters (cm) by the end of the 21st century will compound water stresses and affect coastal settlements. If we do not act now, there simply will be no tomorrow for our children and future generations of Filipinos.

Second, there is a climate emergency affecting the world. From the devastating Super Typhoon Carina to Severe Tropical Storm Kristine to Super Typhoon Pepito, what kind of proof do we still need to show that there is a climate emergency?

And third, hazards do not always need to end in disasters. We are far from powerless in the face of this global threat. As United Nations Secretary-General António Guterres pointed out in October 2020, "Bad situations only get worse without good disaster risk governance". In other words, with good disaster risk governance, we can prevent or at least mitigate the negative impacts of disaster risks.

The Philippines, by reason of our geography, is especially affected by various types of hazards. Our country is unfortunately located along the Pacific typhoon belt, in the midst of the Pacific Ring of Fire. Our archipelago of more than 7,600 islands experiences an average of 20 storms and typhoons and about five hundred magnitude 4.0 and above earthquakes in a year. The threat of “The Big One” has loomed over us for the longest time. The Philippines is also susceptible to slow-onset climate hazards such as sea level rise and drought. These events are not just statistics, but are tragedies that destroy lives and devastate communities, leaving scars that defy quantification.

Being the country most at risk to disasters is not a death sentence, but a wakeup call and a challenge. We should learn from our neighbors like Japan, which has been able to adapt to the hazards they are facing. While Japan has a higher exposure to extreme natural events than the Philippines, faring third worldwide in terms of exposure respectively compared to the Philippines which ranks fourth, the former fares better than the latter – 24th over-all in the World Risk Index – because of its structural investments in early warning systems and infrastructure and disaster risk management systems.

When we bandy our disaster risk reduction and management capabilities, Mother Nature comes in to audit our claims. From 2018 to 2022, disasters and incidents caused by natural hazards resulted in 3,265 deaths, affected 67 million people and caused Php 226 billion worth of damage and losses. In 2023 alone, natural hazards caused Php 24.49 billion in total damages. Whether the government is succeeding in its efforts to reduce and manage disaster risks is measurable in the number of lives lost, houses destroyed, and livelihoods ruined by hazards.

Mother Nature’s audit requires not only reflection. It requires action.

The Philippines faces increasing risks that exacerbate various types of hazards, resulting in both economic and non-economic loss and damage. Addressing these impacts requires strengthening our disaster risk reduction and management systems to enhance preparedness, response, and recovery in building resilience.

While we undeniably made strides in improving our disaster resiliency, current geophysical and climatological risks necessitate a reassessment of our framework. Republic Act 10121 or the Disaster Risk Reduction and Management Act, was enacted into law more than 15 years ago. Since then, our country has undergone multitudes of natural events from which we have learned lessons.

Philippine experience shows that there is a need to establish a clear chain of command in times of major disasters, focusing on systematic, synergistic, and sustainable framework for effective and efficient preparation, anticipation, response, and recovery mechanisms to implement immediate emergency response, and establish transformative policy, operational, organization, functional, and resource mobilization interventions to address gaps and needs to stabilise and build resilience of communities over time.

Now is the time to double our efforts, and also the time to focus our resources, align our policies, and streamline our institutions. In view of the foregoing, the passage of the bill establishing the Emergency Response Department (ERD) is earnestly sought. This shall be the lead implementing agency of the Philippine Adaptation Master Plan for Disaster Risk Resilience. The ERD shall pursue not only a whole-of-government approach but a whole-of-society approach in facing sudden onset of emergencies. The agency shall ensure that policies will be more than aspirational but will ensure that there is synergy among all government agencies to steer the government towards a more resilient Philippines.

While the challenge imposed by emergencies due to natural disasters is immense, we must rise to the challenge now. It is viewed that lessons learned from reactive, fragmented, and unscientific approaches lead to exacerbating impacts from said events, especially the cost of response and rehabilitation.

This is the time to install a mechanism with direct accountability over the course of the four pillars of disaster risk reduction: prevention, response, recovery and rehabilitation, each with unique but complementary systems for overall convergence linking the ERD to pathways to sustainable development, across levels of governance and streams of stakeholders.

As UN Secretary-General Guterres reminds us, “[w]e are not only in danger. We are the danger. But we are also the solution... Tomorrow is too late. Now is the time to mobilise, now is the time to act, now is the time to deliver.”

In line with the policy adopted by its original proponent Senator Alan Peter “Compañero” S. Cayetano, this bill therefore serves as a counterpart measure. It is for the reason stated above that the passage of this measure is earnestly sought.



RICARDO S. CRUZ, JR.

HOUSE OF REPRESENTATIVES
HOUSE BILL No. 2912

INTRODUCED BY HON. RICARDO S. CRUZ, JR.

**AN ACT CREATING THE EMERGENCY RESPONSE DEPARTMENT (ERD),
APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES**

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

SECTION 1. Short Title. - This Act shall be known as the “*Emergency Response Department (ERD) Act*”.

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

- a) To uphold the sacredness of human life by efficiently and effectively addressing humanitarian emergencies, including calamities and disasters, through the establishment of a focused, streamlined, independent, empowered, capacitated, full-time, specialized agency on disaster risk reduction and management as well as emergency response, which is national in scope and civilian in character. The people are the most important assets of the nation, and all disaster risk reduction and management efforts, including preparations for, anticipation, response to, and recovery from the impact of disasters, shall be responsive to the humanitarian needs of the people, the dignity and value of the human person, and respect for property.

Recognizing that a strong and timely disaster response is essential to achieving our long-term development goals, it is the policy of the State to ensure that emergency measures are integrated into the recovery, rehabilitation, and development efforts. Emergency measures is a step towards long-term development;

- b) To promote a simplified, strategic, systematic, continuous, comprehensive, inclusive, and integrated approach to disaster risk reduction and management, with the end in view of substantially reducing vulnerabilities and the risk of disasters and other humanitarian emergencies, through principles

such as Build Right at First Sight and Anticipatory Action, and the utilization of science-based and data-driven decision-making across all levels across the disaster risk reduction and management response, towards the preservation of life and property, thereby ultimately preventing or reducing the loss of lives and the social, economic, cultural, and environmental assets of the country;

- c) To value the dignity of every human person and guarantee full respect for human rights, as enshrined in Section 11, Article II of the 1987 Constitution. The state shall establish a permanent, institutionalized, cohesive and comprehensive policy framework for disaster preparedness, prevention and mitigation, and response, anchored on best available science-based and data-driven approaches, 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.

In disaster risk reduction and management, disaster prevention and mitigation shall, first of all, aim the outright avoidance of the adverse impacts of hazards and related disasters. However, with the knowledge and capacities to effectively anticipate, respond to, and recover from, the impacts of likely, imminent or current hazard events or conditions, preparedness action shall be carried out in the most effective and efficient manner. In a disaster scenario, the response shall ensure the provision of emergency services and public assistance, during or immediately after, a disaster;

- 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 by implementing a whole-of-government approach. This includes collaboration with other actors/stakeholders in disaster risk reduction and management and post-disaster rebuilding and rehabilitation efforts, consistent with One Country Team Approach as adopted in Executive Order No 74, s. 1993, to ensure policy coherence, alignment of priorities, and effective coordination in the program delivery to ensure accountability, responsibility, and transparency, and enhance efficiency and effectiveness of all involved institutions in the performance of their functions; and,
- e) Toward a unified emergency system, the State shall sustain and strengthen the “911” Nationwide Emergency Hotline established under Executive Order No. 56, series of 2018, as the unified center for all requests for police, fire, medical, rescue and disaster-related assistance.

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

- a) Anticipatory Action - action taken to reduce the adverse humanitarian and other impacts of a forecasted hazard before it occurs, or before its most acute impacts are felt. It is performed by any individual, organization, or concerned

government agency to mitigate a disaster's impact on people, animals, and properties that are likely to be affected;

- b) Contingency Planning - a management process that analyzes specific potential events or emerging situations that might threaten society or the environment and establishes arrangements in advance to enable timely, effective and appropriate responses to such events and situations;
- c) 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;
- d) Disaster management - is the organization, planning and application of measures preparing for, responding to, and recovering from disasters;
- e) Disaster Risk - is the potential loss of life, injury, or destroyed or damaged assets which could occur to a system, society or a community in a specific period of time, determined probabilistically as a function of hazard, exposure, vulnerability and capacity;
- f) Disaster Risk Assessment - the qualitative or quantitative approach to determine the nature and extent of disaster risk by analysing potential hazards and evaluating existing conditions of exposure and vulnerability that together could harm people, property, services, livelihoods and the environment on which they depend;
- g) Disaster risk management (DRM) - is the application of disaster risk reduction policies and strategies to prevent new disaster risk, reduce existing disaster risk and manage residual risk, contributing to the strengthening of resilience and reduction of disaster losses;
- h) Disaster risk reduction (DRR) - is aimed at preventing new and reducing existing disaster risk and managing residual risk, all of which contribute to strengthening resilience and therefore to the achievement of sustainable development;
- i) 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;
- j) Emergency Management - the organization and management of resources and responsibilities for addressing all aspects of emergencies, in particular preparedness, response and initial recovery steps;
- k) Exposure - the situation of people, infrastructure, housing, production capacities and other tangible human assets located in hazard-prone areas;

- l) Geographic Information System - a database which contains, among others, geo-hazard assessments, information on climate change, and climate risk reduction and management;
- m) 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;
- n) 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;
- o) Humanitarian - promoting and ensuring compliance with the principles of humanity, neutrality, impartiality, and independence. Humanitarian action must be autonomous from the political, economic, military or other objectives that any actor may hold with regard to areas where humanitarian action is being implemented;
- p) Pre-Disaster Risk Assessment - 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 is basis to determine the appropriate level of response actions from the national government agencies down to LGUs;
- q) Response - any and all projects, programs, plans, and activities pertaining to action or inaction to prevent/mitigate, prepare for, and generally perform any and all activities in relation to, disasters and other humanitarian emergencies. This includes, but is not limited to, the provision of emergency services and 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";
- r) 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;
- s) State of Imminent Disaster (SID) – a legal regime declared by the President, or by a Local Chief Executive (LCE) within the limits of their jurisdiction, when a PDRA demonstrates that an extreme hazard is highly probable to occur and cause severe impacts within at least seventy-two (72) hours; and,
- t) Vulnerability - the conditions determined by physical, social, economic and environmental factors or processes which increase the susceptibility of an individual, a community, assets or systems to the impacts of hazards.

Chapter I THE DEPARTMENT PROPER

SECTION 4. Emergency Response Department. - To carry out the above-declared policy, there is hereby created the Emergency Response Department, hereinafter referred to as the Department, which shall plan, prepare, integrate, coordinate, implement, supervise, control, monitor, and evaluate, and improve all policies, plans, programs, projects, and activities of the Government on humanitarian emergency assistance and disaster risk reduction and management, mobilizing convergence using the whole of government and the whole of society, including the international development community.

SECTION 5. Powers and Functions. - The Department shall exercise the powers and functions relevant to Disaster Risk Reduction, Disaster Preparedness and Response, and Recovery, in collaboration with the relevant departments, agencies, and other stakeholders.

In addition to the powers and functions provided by this Act, the Department shall also assume the policymaking, 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.

To this end, all references to the NDRMMC and the OCD in Republic Act No. 10121 shall be understood to refer to the Department created under this Act.

The Emergency 911 Office created pursuant to Executive Order No. 56, s. 2018, is hereby attached to the Department for policy and program supervision. The Emergency 911 National Office shall continue to function as the primary implementing office of the Emergency 911 National Program.

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 Emergency Response Offices (REROs) and Local Emergency Response Offices (LEROs), respectively.

SECTION 6. Composition. - The Department Proper 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, including field units under Section 5 hereof.

SECTION 7. Office of the Secretary. - The Office of the Secretary shall consist of the Secretary and immediate support staff.

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 that is science-based, data-driven, and risk-informed, which shall provide for a comprehensive, all-hazards, multi-sectoral, inter-agency and community-based approach to humanitarian emergency assistance and disaster risk reduction and management;
- c) Promulgate rules and regulations necessary to carry out department objectives, policies, functions, plans, programs, and projects that are science-based and data-driven;
- 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 field units and such other service units and divisions, as may be necessary, subject to applicable laws, rules and regulations;
- g) Serve as Co-Chairperson of the Emergency 911 Commission jointly with the Secretary of the DILG; and,
- h) Perform such other functions as may be necessary and/or proper to attain the objectives of this Act.

SECTION 8. 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 internal management to oversee legal, planning, administrative and finance services.¹

The Undersecretaries shall be appointed by the President upon the recommendation of the Secretary. They shall have the powers and functions, as provided in Section 10, Chapter 2, Book IV of the Administrative Code of 1987, relative to the scope of their responsibilities.

The Office of the Undersecretaries shall consist of the Undersecretaries and their respective immediate staff.

SECTION 9. Assistant Secretaries. - The Secretary shall also be assisted by three (3) Assistant Secretaries, one (1) for training; one (1) for operations; and one

¹ Section 15, EO No. 292 or the Administrative Code of 1987

(1) for legal affairs. The Assistant Secretaries shall be appointed by the President upon the recommendation of the Secretary.

SECTION 10. Qualifications. - No person shall be appointed Secretary, Undersecretary, or Assistant Secretary of the Department, unless he/she is a Filipino citizen, of good moral character, and of proven experience or competence/expertise in humanitarian relief assistance and disaster risk reduction and management, local and regional governance, economics and other social sciences, physical science and green infrastructure, community development, among other related disciplines.

SECTION 11. Bureaus and Services. - 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 services:

- (a) Bureau of Hazard Education and Risk Mitigation;
- (b) Bureau of Disaster Preparedness;
- (c) Bureau of Humanitarian Emergency Relief Operations;
- (d) Bureau of Data Science;
- (e) Bureau of Administration and Finance;

SECTION 12. Powers and Functions of the Bureaus and Services. - 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, in coordination with relevant agencies, a review of the National Building Code and Fire Code of the Philippines, and submitting the results thereof to the President, as also recommended by heads of line agencies concerned, for authorization for adoption and implementation, and 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 best available science-based and data-driven DRR-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;

(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 2(j) 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, education, 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) Establishment of a 24-hour National Operation Center consolidating all relevant information on disaster prevention such as hazard maps, hospitals, evacuation centers, NDRRMC offices, among others;

(4) Developing and monitoring the implementation of locality-based DRRM contingency plans;

(5) 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; the conduct of rapid needs assessment to identify the needs of the affected population; and the formulation of such other courses of action to avert the loss of lives, livelihood and/or property;

(6) Strengthening the partnership and coordination between and among all key players and stakeholders in a humanitarian emergency and/or disaster;

(7) 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

(8) 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(l) 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 or 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) 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;

(7) Developing and implementing best available science-based and data-driven Rehabilitation and Rebuilding Plans; and,

(8) Such other functions relevant to its mandate of disaster response.

In case there is a total or considerable breakdown of authority resulting from the humanitarian emergency or disaster, which requires response that goes beyond the mandate or capacity of the local government unit/s concerned, the Bureau shall, with prior authorization from the Department, directly formulate, implement, manage and coordinate all disaster response activities. In such case, the Department shall be possessed with the power to call upon other agencies and instrumentalities of government, and neighboring local government units, to augment, supplement and/or implement disaster response efforts. Further, the authority of the Bureau shall be provided, described, and limited in the authorization.

(d) The Bureau of Data Science shall assist the Secretary in the provision of best available science-based and data-driven technical support across all phases of disaster risk reduction and management, including both pre-disaster and post-disaster activities.

(e) 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.

The Financial and Management Office, which shall consist of the Human Resources Management Division, General Services Division, and the Finance Division, shall be responsible for providing the Department with services relative to personnel information, records, supplies, equipment, collection and disbursements, security, and custodial work. It shall also be responsible for providing the Department with staff advice and assistance on budgetary, financial, and management improvement matters.

Chapter II

ATTACHED AGENCIES AND COORDINATION WITH OTHER ENTITIES

SECTION 13. Relationship 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, whose powers and functions are relevant to each bureau's respective focus area.

SECTION 14. Coordination with Other Entities. - 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.

SECTION 15. Attached Agencies. - The Philippine Atmospheric, Geophysical and Astronomical Services Administration (PAG-ASA) and the Philippine Institute of Volcanology and Seismology (PHIVOLCS) are hereby placed under the supervision of the Department; *Provided*, however, that they shall continue to perform their respective functions as provided by law.

Chapter III

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

SECTION 16. Humanitarian Emergency Assistance and Disaster Fund. – At least one percent (1%) of the estimated revenue from regular sources of government, or Twenty Five Billion Pesos (PhP 25,000,000,000.00), whichever is higher, shall be set aside as an annual lump sum appropriation for unforeseen expenditures arising from the occurrence of calamities: *Provided*, however, That such appropriation shall be used only in the area, or a portion thereof, of the country declared as in a state of calamity. *Provided* further, that the unutilized fund shall be reverted to the national treasury.

The present National Disaster Risk Reduction and Management Fund (NDRRMF) and the Local Disaster Risk Reduction and Management Fund (LDRRMF) shall henceforth be known as the Humanitarian Emergency Assistance and Disaster Fund (HEAD Fund) and Local Humanitarian Emergency Assistance and Disaster Fund (Local HEAD Fund), respectively.

The ERD shall manage, mobilize, and with the approval of the President, release resources for disaster risk reduction and management, including the funds herein provided for. It shall also monitor and provide the necessary guidelines and procedures for the release, utilization, accounting, and auditing of the Local HEAD Fund.

The HEAD and Local HEAD Funds may also be used to fund anticipatory action programs. Identified funds shall be disbursed immediately for this purpose and may be used until the lifting of the declaration of a State of Imminent Disaster.

In coordination with the Department of the Interior and Local Government (DILG), Department of Budget and Management (DBM), Department of Finance (DOF), and the Department of Economy, Planning and Development (DEPDev), and the Climate Change Commission (CCC), devise a system of budgetary allocation for transformative and anticipatory interventions based on scientific evidence and local circumstances, including development gaps and needs for long-term rehabilitation, as may also be supported by tracking budgets and expenditures for resilience building, to inform public and private investments for the purpose.

SECTION 17. Donations. - All monetary contributions, and donations in kind from local or international sources, 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 actually, 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 and transparency portal of such donations, indicating the particular areas where such donations were allocated, and the exact purposes for which the same were utilized.

SECTION 18. 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.

The Department and the Local Government Units (LGU) concerned shall also upload such records, information or data on their websites, which shall be regularly updated every fifteen (15) days. In case of voluminous records, information or data, the Department and/or local government units concerned may, in its/their discretion, upload only an executive summary thereof, with a note outlining the procedure/requirements to obtain full access to the complete record, information, or data.

The record, information, or data uploaded in the websites may be withdrawn after a period of three (3) years from the time of uploading; *Provided*, That an abstract thereof shall remain uploaded in the website, with an indication of the dates of posting and withdrawal, and a note outlining the procedure/requirements to obtain full access to the withdrawn record, information, or data.

Chapter IV TRANSITORY PROVISIONS

SECTION 19. Abolition of the Office of Civil Defense; Transfer of Powers and Functions. - The Office of Civil Defense is hereby abolished, and its powers and functions are hereby transferred to the Department. The foregoing transfer of powers and functions shall include all applicable funds and appropriations, records, equipment, property, and personnel, as may be necessary.

The Department shall, by virtue of this Act, be subrogated to all the rights and assume all the liabilities of the Office of Civil Defense, and all other agencies, or government units whose functions and powers have been transferred to the Department, and all their funds, records, property, assets, equipment, and such personnel as necessary, including unexpended appropriations and/or allocations. All contracts and liabilities of the said offices, agencies, and government units are hereby transferred to and assumed by the Department and shall be acted upon in accordance with the Auditing Code and other pertinent laws, rules, and regulations; *Provided*, That the officers and employees of said offices, agencies, and government units shall continue in a holdover capacity until such time as the new officers and employees of the Department shall have been duly appointed pursuant to the provisions of this Act.

The same shall apply to agencies and government units which have not been abolished, but whose functions have been transferred to the Department.

SECTION 20. Structure and Staffing Pattern. - The organizational framework and staffing pattern of the Department shall be prescribed and approved by the Secretary, in coordination with DBM, within sixty (60) days after the approval of this Act and the authorized positions created therein shall be filled by regular appointments by the President or the Secretary as the case may be; *Provided, That*, in the filling of positions created, preference shall be given to the personnel of the Office of Civil Defense.

The Department, in coordination with the DILG and DBM, shall endeavor to create or institutionalize DRRM units in the LGUs, to be staffed with qualified personnel, consistent with the Civil Service Commission rules and regulations and the Local Government Code.

SECTION 21. Separation from Service. - Employees separated from the service as a result of this reorganization shall, within six (6) months from their separation from the service, receive the retirement benefits to which they may be entitled under existing laws, rules, and regulations.

SECTION 22. Appropriations. - The amount needed for the initial implementation of this act shall be taken from the current year's appropriations of the National Disaster Risk Reduction and Management Council, the Local Disaster Risk Reduction and Management Councils, and the Office of Civil Defense. Thereafter, the amount needed for the operation and maintenance of the Department and its Line Agencies shall be included in the annual General Appropriations Act.

Chapter V

STATE OF IMMINENT DISASTER

SECTION 23. Declaration of State of Imminent Disaster. – The President of the Philippines, upon the recommendation of the ERD utilizing recognized and adopted pre-disaster risk assessment mechanisms as informed by mandated national government agencies, may declare a State of Imminent Disaster over a cluster of barangays, municipalities, cities, provinces, and regions. The Local Chief Executive, upon the recommendation of the, may declare a State of Imminent Disaster through an executive order in their respective jurisdictions that are forecasted to be affected by an imminent disaster.

If the latest pre-disaster risk assessment states that the projected impacts are not met, the ERD or REROs shall recommend the immediate lifting of such declaration by the President or the local chief executive, respectively. The State of Imminent Disaster shall automatically be lifted upon the occurrence of the hazard.

The ERD shall monitor the areas declared to be under a State of Imminent Disaster by the President, while concerned government agencies shall report to the ERD: (a) the status of declarations at the local level, (b) Anticipatory Action Funds and utilizations, and (c) estimated economic and social costs minimized.

SECTION 24. Criteria for Declaration of State of Imminent Disaster. – The ERD or the REROs shall conduct a pre-disaster risk assessment in anticipation of a highly probable disaster with projected catastrophic impacts which shall serve as the basis for the Declaration of a State of Imminent Disaster. The following conditions shall be present in the pre-disaster risk assessment:

- a) Classification of a forecasted hazard's impacts as severe or its equivalent, with adverse effects on the concerned population, particularly vulnerable groups of the community, and on significant sectors such as, but not limited to, agricultural, business, and industrial sectors taking into consideration the local risk profiles, institutional capacities, and potential for occurrence of cascading hazards notwithstanding the forecasted impacts falling below the established thresholds for scenarios classified as severe; and
- b) An allowable or sufficient lead time of three (3) days, which may be extended to five (5) days for the national or local government to implement Anticipatory Action interventions.

SECTION 25. Anticipatory Measures for the Disaster Risk Reduction Management Councils. - The declaration of a State of Imminent Disaster shall allow the ERD, REROs, and LEROs the use of national and local resources and mechanisms to implement anticipatory actions within the identified or allowable lead time, including but not limited to the following:

- a) Issue and disseminate public information advisories on recommended actions to relevant sectors in consultation with experts from various concerned agencies;
- b) Mobilize and strategically preposition inter-agency response teams;
- c) Initiate pre-emptive or forced evacuation, as needed;
- d) Mobilize duly accredited and trained volunteers;
- e) Procure, mobilize, strategically preposition, and distribute food and non-food items to forecasted affected population;
- f) Implement a social amelioration program for the indigent and most vulnerable members of the population within their jurisdiction;
- g) Implement contingency plans to mitigate damage to agricultural products and food supply; and
- h) Provide technical and advisory assistance for the management, control, and reduction of the immediate threats to public health and safety.

SECTION 26. Funding for Anticipatory Measures. - The ERD and LGUs shall include anticipatory action measures in their regular Programs, Plans, and Activities (PPAs) lodged under their HEAD and Local HEAD Funds, respectively. The unexpended fund from the HEAD and Local HEAD Funds, accruing to the Special

Trust Fund may also be used for such anticipatory action measures, in addition to the purposes provided under this Act. Further, the ERD and LGUs may obtain funds from other sources to fulfill the objectives of this Act, subject to pertinent accounting and auditing laws and regulations.

The disbursement of funds shall be graduated and proportionate to the forecasted severity, lead time, and anticipated extent of damage as determined in the pre-disaster risk assessment. The graduation of allowable disbursements for each level of forecasted hazard and risk shall be defined in the implementing rules and regulations (IRR), taking into account scientific forecasts, operational feasibility, and the need to balance responsiveness with fiscal prudence. The graduation of disbursement shall not apply to other funding sources that may be lawfully utilized for anticipatory action, including agency budgets, external grants or donations, or other sources authorized by law.

All relevant national government agencies shall ensure that anticipatory action measures are included in their regular agency PPAs to be funded by their regular agency budgets as Anticipatory Action Funds and be properly included in the General Appropriations Act.

Chapter VI

MISCELLANEOUS PROVISIONS

SECTION 27. 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 non-governmental entity, or the institution of any proper legal action against the erring official concerned, in case of a governmental entity.

SECTION 28. 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.

SECTION 29. Commandeering Private Property for Public Purpose. - The Secretary of the Department shall have the power to commandeer any private property for urgent public purposes, 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. *Provided*, That reasonable compensation for any additional damage or costs incurred by the owner or the possessor of the subject private property solely on account of complying with the directive shall be given to the person entitled to the possession of such private properties or businesses after the situation has stabilized or at the soonest time practicable. 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, situation, or functionality shall be subjected to a fine and/ or imprisonment as provided for in Sec. 28 of this Act.

SECTION 30. 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 LDRRMCs, 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.

SECTION 31. 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 engage the Armed Forces of the Philippines and/or the Philippine National Police 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.

SECTION 32. 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 One Hundred Fifty Thousand Pesos (Php150,000.00) or any amount not to exceed One Million Five Hundred Thousand Pesos (Php1,500,000.00), 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 or 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 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.

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.

SECTION 33. 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.

SECTION 34. 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 reports shall be made available to the public for scrutiny, copying, and reproduction, and shall also be uploaded in the Department's website.

SECTION 35. 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.

SECTION 36. Sunset Review. - Within five (5) years after the effectivity of this Act, or as the need arises, the Congressional Oversight Committee shall conduct a systematic evaluation of the accomplishments and impact of this Act, as well as the performance and organizational structure of the Department, for purposes of determining remedial legislation.

SECTION 37. Repealing Clause. - 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.

SECTION 38. 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.

SECTION 39. 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,