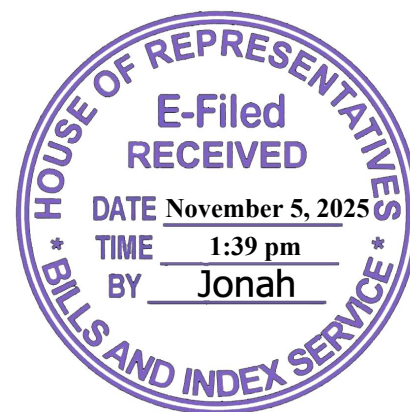


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. **5764**



Introduced by **REP. NATHANIEL “Atty. Nat” M. ODUCAO**

EXPLANATORY NOTE

The Philippines is among the most disaster-prone countries in the world. Typhoons, floods, earthquakes, volcanic eruptions, and other natural and human-induced hazards regularly put lives, property, and livelihoods at risk. Each year, millions of Filipinos are displaced, thousand of homes destroyed, and entire communities disrupted. The reality is clear: disasters are not isolated events but recurring threats that demand a stronger, more focused, and more enduring response from the State.

While Republic Act No. 10121, otherwise known as the Philippine Disaster Risk Reduction and Management Act of 2010, laid the foundation for disaster risk reduction and management (DRRM), experience over the last decade has revealed serious gaps in coordination, funding, and execution. The fragmentation of responsibilities among various agencies has slowed down response, weakened accountability, and left local government units overstretched in times of crisis. The increasing intensity and frequency of disasters, coupled with the reality of climate change, call for a more cohesive, permanent, and empowered institutional framework.

This bill responds to that urgent need. It establishes the Department of Disaster and Emergency Management (DDEM) as a full-time, specialized, and civilian-led agency mandated to take charge of all aspects of disaster preparedness, prevention and mitigation, response, and recovery. By consolidating and strengthening the powers of the National Disaster Risk Reduction and Management Council (NDRRMC) and the Office of Civil Defense (OCD), the measure eliminates overlapping functions and builds a unified chain of command that can act swiftly and decisively.

The proposed Department shall oversee the establishment of permanent and typhoon resilient evacuation centers, the integration of disaster preparedness into local and national planning, and the systematic use of science-based tools such as geographic information systems. It shall also ensure that resources – whether public funds or private donations – are managed with transparency, accountability, and fairness, and that aid reaches those who need it most without delay or misuse.

The Act also safeguards the humanitarian character of disaster response. It recognizes that people are the nation’s greatest asset, and that all measures of disaster management must uphold the dignity, safety, and welfare of every Filipino. By providing clear structures for coordination among national agencies, local governments, civil society, and the private sector,

it aims to transform disaster management from a reactive activity into a culture of readiness, resilience, and shared responsibility.

Through the creation of the DDEM, this bill envisions a Philippines where lives are protected, communities are resilient, and government action in times of disaster is timely, accountable, and effective.

In view of the foregoing, the immediate passage of this measure is earnestly sought.

A handwritten signature in black ink, appearing to read 'N. Oducado', with a small blue circular stamp or mark near the end of the signature.

REP. NATHANIEL “ATTY. NAT” M. ODOCADO

1Tahanan Party List

Republic of the Philippines
HOUSE OF REPRESENTATIVES
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TWENTIETH CONGRESS
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HOUSE BILL NO. **5764**

Introduced by **REP. NATHANIEL “ATTY. NAT” M. ODUCAO**

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

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

1 **SECTION 1. *Short Title.*** – This Act shall be known as the “*Disaster and Emergency*
2 *Management Act of 2025.*”

3 **SEC. 2. *Declaration of Policy.*** – It is hereby declared the policy of the State to:

- 4 a) To uphold the sacredness and dignity of human life by efficiently and effectively
5 addressing humanitarian emergencies, including calamities and disasters, through
6 the establishment of a focused, streamlined, independent, empowered, capacitated,
7 full-time, and specialized agency on disaster risk reduction and management as well
8 as emergency response, which is national in scope and civilian in character. The
9 people are the most important assets of the nation, and all disaster risk reduction
10 and management efforts shall be responsive to the humanitarian needs of the
11 people, the dignity and value of the human person, and respect for property;
- 12 b) To promote a simplified, strategic, systematic, continuous, comprehensive,
13 inclusive, and integrated approach to disaster risk reduction and management, with
14 the end in view of substantially reducing vulnerabilities and the risk of disasters
15 and other humanitarian emergencies, towards the preservation of life and property,
16 thereby ultimately preventing or deterring the loss of lives and the social, economic,
17 cultural, and environmental assets of the country;
- 18 c) To establish a permanent, institutionalized, cohesive, and comprehensive
19 framework for disaster preparedness, prevention and mitigation, and response, to
20 be implemented by a full-time and focused specialized agency with its own
21 mandate, powers, and funding, in coordination with other government agencies,
22 foreign governments, financial institutions, international organizations, the private
23 sector, and civil society. In disaster risk reduction and management, disaster
24 prevention and mitigation shall, first of all, aim the outright avoidance of the
25 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, before, during, or immediately after, a disaster; and

- 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 in the performance of their functions.

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

- a) 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;
- b) 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;
- c) Disaster and Emergency Management – the organization and management of resources and responsibilities for addressing all aspects of disasters and emergencies, in particular preparedness, response, and initial recovery steps;
- d) 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;
- e) Evacuation Centers and Facilities – permanent and typhoon-resilient structures equipped with facilities constructed exclusively for evacuation and humanitarian relief operations during disasters and emergencies;
- f) Geographic Information System – a database which contains, among others, geohazard assessments, information on climate change, and climate risk reduction and management;
- g) 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;
- h) 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;
- i) Humanitarian – one devoted to the promotion of human welfare and advancement of social reform;
- j) Response – any and all projects, programs, plans, or activities aimed at preventing, mitigating, and/or preparing for 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; and

1 k) State of Calamity – a condition involving mass casualty and/or major damages to
2 property, disruption of means of livelihood and the normal way of life of the people
3 in the affected areas as a result of the occurrence of natural or human-induced
4 hazard.

5 I

6 The Department Proper

7 **SEC. 4. *Department of Disaster and Emergency Management.*** – To carry out the above-
8 declared policy, there is hereby created the Department of Disaster and Emergency Management,
9 hereinafter referred to as the Department, which shall prepare, integrate, coordinated, implement,
10 supervise, control, monitor, and evaluate all plans, programs, projects, and activities of the
11 Government on humanitarian emergency assistance and disaster risk reduction and management.

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

19 To this end, all references to the powers and functions of the NDRRMC and the OCD in
20 Republic Act No. 10121 shall be understood to refer to the Department created under this Act.

21 The Department shall also have administrative supervision and control over the existing
22 Regional Disaster Reduction and Management Offices (RDRRMOs), and the Local Disaster Risk
23 Reduction and Management Offices (LDRRMOs), organized in all provinces, cities,
24 municipalities, and barangays in the country, which are hereby thereafter called Regional Disaster
25 and Emergency Management Offices (RDEMOS) and Local Disaster and Emergency
26 Management Offices (LDEMOS), respectively.

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

29 **SEC. 6. *Composition.*** – The Department Proper shall be composed of the Office of the
30 Secretary, the Offices of the Undersecretaries and Assistant Secretaries, and the Department
31 Bureaus, as well as Regional and Local Offices.

32 The Provincial, City, Municipal, and barangay Disaster and Emergency management
33 Offices and Rescue Teams shall be under the control and supervision of their respective local
34 government units. The Department shall exercise supervisory power over such offices.

35 **SEC. 7. *Office of the Secretary.*** – The Office of the Secretary shall consist of the
36 Secretary and his or her immediate staff.

1 **SEC. 8. *The Secretary.*** – The Secretary shall be appointed by the President, subject to
2 confirmation by the Commission on Appointments.

3 The Secretary shall have the following powers and functions:

- 4 a) Advise the President in issuing executive orders, regulations, proclamations, and
5 other issuances, the promulgation of which is expressly vested by law in the
6 President relative to matters under the jurisdiction of the Department;
7 b) Establish the policies and standards for the effective, efficient, and economical
8 operation of the Department pursuant to a national disaster risk reduction and
9 management framework which shall provide for a comprehensive, all- hazards,
10 multi-sectoral, inter-agency, and community-based approach to humanitarian
11 emergency assistance and disaster risk reduction and management, in line with
12 Section 6 (a) of the Philippine Disaster Risk Reduction and Management Act of
13 20210;
14 c) Promulgate administrative issuances necessary for the efficient administration of
15 the offices under his/her jurisdiction and for the proper execution of the laws
16 relative thereto;
17 d) Exercise direct supervision and control over all functions and activities of the
18 Department, as well as supervision over its officers and personnel;
19 e) Create regional offices and such other service units and divisions, as may be
20 necessary; and
21 f) Perform such other functions as may be necessary and/or proper to attain the
22 objectives of this Act.

23 **SEC. 9. *The Undersecretaries.*** – The Secretary shall be assisted by three (3)
24 Undersecretaries in the performance of the Department’s functions and duties related to
25 the pillars of disaster risk reduction and management, namely, (a) disaster preparedness,
26 (b) disaster response, and (c) disaster prevention and mitigation. Another undersecretary
27 shall be in charge of administrative and finance services.

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

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

34 **SEC. 10. *The assistant Secretaries.*** – The Secretary shall be assisted by three (3)
35 Assistant Secretaries, one (1) for training, one (1) for operations, and one (1) for legal
36 affairs. The Assistant Secretaries shall be appointed by the President upon the
37 recommendation of the Secretary.

38 **SEC. 11. *Qualifications.*** – No person shall be appointed Secretary, Undersecretary, or
39 Assistant Secretary of the Department, unless he or she is a citizen and resident of the
40 Philippines, of good moral character, and of proven experience or competence/expertise

1 in humanitarian emergency assistance and disaster management over the course of his or
2 her career. The Secretary, Undersecretary, or Assistant Secretary shall not hold any other
3 position, public or private, during his/her tenure.

4 **SEC. 12. *Bureaus.*** – Subject to the power of the Secretary, with the approval of the
5 President, to reorganize, restructure, and redefine the functions of the bureaus for the
6 effective discharge of the duties and functions of the Department under this Act, the
7 Department shall have the following bureaus:

- 8 a) Bureau of Hazard Education and Risk Mitigation;
- 9 b) Bureau of Disaster Preparedness;
- 10 c) Bureau of Humanitarian emergency Relief Operations; and
- 11 d) Bureau of Administration and Finance.

12 **SEC. 13. *Powers and Functions of the Bureaus.*** – The bureaus shall have the following
13 powers and functions:

- 14 a) The Bureau of Hazard Education and Risk Mitigation shall assist the Secretary in
15 the formulation of policies, programs, and plans related to disaster prevention and
16 mitigation, as defined in Section 3 (k) and 3 (i), respectively, of the Philippine
17 Disaster Risk Reduction and Management Act of 2010. In particular, it shall take
18 the lead in:
 - 19 i. Making an inventory and checklist of all personnel, equipment,
20 and supplies critical during disasters in all local government units,
21 in accordance with protocols and contingency plans, and
22 endeavoring that the same be provided to the local government
23 units within a period of twelve (12) months upon the passage into
24 law of this Act;
 - 25 ii. Conducting a review of the National Building Code and Fire Code
26 of the Philippines, together with the relevant government
27 department, and submitting the results thereof to the Senate and
28 the House of Representatives of the Philippines, with the end in
29 view of developing legislation which seeks to strengthen
30 infrastructure in line disaster prevention and mitigation;
 - 31 iii. Developing, updating, and maintaining a national geographic
32 information system which shall be the basis of national, regional,
33 and local disaster protocols and contingency plans, which shall be
34 under the control and custody of the Department. The same shall
35 also be maintained at all local government units;
 - 36 iv. Mainstreaming and integrating disaster risk reduction and
37 management (DRRM) and climate change adaption (CCA) in all
38 national, regional, local, and sectoral development policies, plans,
39 and budgets relating to environmental protection;
 - 40 v. Developing and implementing community-based and scientific
41 DRRM and CCA hazard assessment, mapping, analysis, and
42 monitoring;

- vi. Establishing disaster risk financing, insurance, and other risk transfer mechanisms at the community level;
 - vii. Establishing, developing, and improving the end-to-end monitoring and forecasting of hazards, including early warning systems and practices; and
 - viii. 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 3 (j) of the Philippine Disaster Risk Reduction and Management Act of 2010. In particular, it shall take the lead in:
- i. Developing DRRM and CCA information, education, communication, and advocacy plans;
 - ii. 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 response teams, frontline government and private responders, and humanitarian aid workers;
 - iii. Developing and monitoring the implementation of locality-based DRRM contingency plans, and establishing and monitoring the operations of national and local Emergency Response Operations Centers;
 - iv. 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, the preventive evacuation, 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;
 - v. Strengthening the partnership and coordination between and among all key players and stakeholders in a humanitarian emergency and/or disaster;
 - vi. 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
 - vii. 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 3 (l) of the Philippine Disaster

Risk Reduction and Management Act of 2010. In particular, it shall take the lead in:

- i. 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;
- ii. Developing and implementing an integrated and coordinated system of search, rescue, and retrieval (SRR), and evacuations procedure;
- iii. 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 destruction of social, economic, cultural, and environmental assets;
- iv. Establishing a mechanism to ensure the prompt and accurate assessment of humanitarian needs in disaster areas, including, but not limited to, food and nutrition, health, clothing, shelter, livelihood, water, sanitation, hygiene, protection, and preservation of peace and order;
- v. Identifying standard-based relief shelters and sites for internally displaced persons, as well as developing and implementing a set of minimum standards for such temporary shelters;
- vi. 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;
- vii. 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;
- viii. 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
- ix. Such other functions relevant to its mandate of disaster response. In case there is 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

1 and/or implement disaster response efforts. Further, the authority
2 of the Bureau shall be provided, described, and limited in the
3 authorization.

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

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

18 II

19 Attached Agencies and Coordination with Other Government Offices

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

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

29 The Secretary is hereby empowered to constitute, call, convene, meet with, and/or
30 deputize agencies of government, or an aggregation or cluster thereof, to assist, advise or
31 otherwise coordinate with the Secretary. Representatives from the civil society/nongovernmental
32 organizations and the private sector may also be included, as necessary, as members of the
33 coordination mechanism called for by the Secretary.

34 **SEC. 15. *Relationship and Coordination with Other Government Offices.*** – In the
35 discharge of their respective responsibilities, the Department's bureaus shall coordinate with
36 Government departments, agencies, offices, and instrumentalities, whose powers and functions
37 are relevant to each bureau's respective focus area.

38 **SEC. 16. *Attached Agencies.*** – The Philippine Atmospheric, Geophysical and
39 Astronomical Services Administration (PAGASA) and the Philippine Institute of Volcanology

1 and Seismology (PHILVOLCS) are hereby placed under the supervision of the Department;
2 Provided, That they shall continue to perform their respective functions as provided by law.

3 III

4 The Humanitarian Emergency Assistance

5 And Disaster Fund, Donations, and Accountability

6 **SEC. 17. *Humanitarian Emergency Assistance and Disaster Fund (Calamity Fund).*** –

7 At least one percent (1%) of the estimated revenue from regular sources of government, or twenty
8 Billion Pesos (Php 20,000,000,000.00), whichever is higher, shall be set aside as an annual lump
9 sum appropriation for unforeseen expenditures arising from the occurrence of calamities;
10 Provided, That such appropriation shall be used only in the area, or a portion thereof, of the
11 country declared as in a state of calamity.

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

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

20 **SEC. 18. *Donations.*** – All monetary contributions and donations in kind, including, but
21 not limited to, equipment, food, clothing, medicine, and related supplies, from international and
22 local sources, shall be coordinated with the Department to ensure that they are equitably and
23 properly allocated and utilized, directly and solely for disaster risk reduction and management
24 efforts.

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

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

35 The Department and local government units concerned shall also upload such records,
36 information or data on their websites, which shall be regularly updated every fifteen (15) days. In
37 case of voluminous records, information or data, the Department and/or local government units
38 concerned may, in its/their discretion, upload only an executive summary thereof, with a note

1 outlining the procedure/requirements to obtain full access to the complete record, information, or
2 data.

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

8 IV

9 Establishment of Permanent and Typhoon-Resilient

10 Evacuation Centers and Facilities

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

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

19 **SEC. 21. *Administration.*** – The Regional Disaster and Emergency Management Offices
20 (RDEMOs), under the supervision of the bureau concerned, shall lead the management,
21 maintenance, and operation of the newly established and existing ECFs.

22 The local government units through units through their Local Disaster and Emergency
23 Management Offices (LDEMOs) shall coordinate with the RDEMOs in the efficient utilization
24 and operation of the ECFs in the respective jurisdiction.

25 V

26 Transitory Provisions

27 **SEC. 22. *Abolition of the Office of Civil Defense;*** Transfer of Powers and Functions. –
28 The Office of Civil Defense is hereby abolished, and its powers and functions are hereby
29 transferred to the Department. The foregoing transfer of powers and functions shall include all
30 applicable funds and appropriations, records, equipment, property, and personnel, as may be
31 necessary.

32 The Department shall, by virtue of this Act, be subrogated to all the rights and assume all
33 the liabilities of the Office of Civil Defense, and all other agencies, or government units whose
34 powers and functions have been transferred to the Department, and all their funds, records,
35 property, assets, equipment, and such personnel as necessary, including unexpended
36 appropriations and/or allocations. All contracts and liabilities of the said offices, agencies, and

1 government units are hereby transferred to and assumed by the Department and shall be acted
2 upon in accordance with the Auditing Code and other pertinent laws, rules, and regulations;
3 Provided, That the officers and employees of said offices, agencies, and government units shall
4 continue in a holdover capacity until such time as the new officers and employees of the
5 Department shall have been duly appointed pursuant to the provisions of this Act.

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

8 **SEC. 23. *Structure and Staffing Pattern.*** – The organizational framework and staffing
9 pattern of the Department shall be prescribed and approved by the Secretary within sixty (60)
10 days after approval of this Act and the authorized positions created therein shall be filled by
11 regular appointments by the President or the Secretary as the case may be; Provided, That in the
12 filling of positions created, preference shall be given to the personnel to the Office of Civil
13 Defense.

14 **SEC. 24. *Separation from Service.*** – Employees separated from the service as a result of
15 the reorganization shall, within six (6) months from their separation from service, receive the
16 retirement benefits to which they may be entitled under existing laws, rules, and regulations.

17 **SEC. 25. *Appropriations.*** – The amount needed for the initial implementation of this Act
18 shall be taken from the current year's appropriations of the National Disaster Risk Reduction and
19 Management Council, the Local Disaster Risk Reduction and Management Councils, and the
20 Office of Civil Defense. Thereafter, the amount needed for the operation and maintenance of the
21 Department and its Line Agencies shall be included in the annual General Appropriations Act.

22 VI

23 Miscellaneous Provisions

24 **SEC. 26. *Visitorial Powers.*** – The Secretary of the Department and/or his or her
25 authorized representative shall have visitorial and examining authority over governmental and
26 nongovernmental entities engaged in post-disaster relief in order to ensure that all donations,
27 financial or otherwise, coursed through them, are actually utilized for disaster risk reduction and
28 management efforts.

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

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

37 **SEC. 27. *Declaration of State of Calamity.*** – Whenever warranted by circumstances, the
38 Department shall recommend to the President the declaration of a state of national calamity and

1 the lifting thereof. It shall also have the power to, motu proprio, or upon the recommendation of
2 the Council, declare a cluster of barangays, municipalities, cities, provinces, and regions under a
3 state of calamity, and the lifting thereof, based on the criteria set by the Department. The
4 President's declaration shall entail access to international humanitarian assistance, as deemed
5 necessary.

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

9 **SEC. 28. *Prohibited Acts.*** – In addition to the prohibited acts provided for in Section 19
10 and penalized under Section 20 of the Philippine Disaster Risk Reduction and Management Act
11 of 2010:

- 12 a) Any person, group, or corporation who directly or indirectly requests or receives
13 any part of the funds devoted to disaster risk reduction and management, as well
14 as monetary contributions and donations in kind, where such person, group, or
15 corporation has no right to receive such proceeds from the fund, in whole or in
16 part, monetary contribution or donation, shall be guilty of the crime of corruption
17 of calamity funds or donations, and shall be prosecuted and upon conviction, shall
18 suffer a fine of not less than One Hundred Fifty Thousand Pesos (Php
19 1,500,000.00) or imprisonment of not less than twelve (12) years and one (1) day,
20 nor more than twenty (20) years, or both, at the discretion of the court, including
21 perpetual disqualification from public office if the offender is a public officer, and
22 confiscation or forfeiture in favor of the government of the objects and the
23 instrumentalities used in committing the herein prohibited act;
- 24 b) Any person who, with intent to gain, but without violence against or intimidation
25 or persons nor force upon things, shall take property devoted to any disaster risk
26 reduction and management activity, without the consent of the Secretary, shall be
27 guilty of the crime of qualified theft, and shall be prosecuted and upon conviction,
28 shall be punished by the penalties next higher by three degrees than those
29 respectively specified in Article 309 of the Revised Penal Code;
- 30 c) Any public officer accountable for calamity funds or property devoted to disaster
31 risk reduction and management efforts, who shall appropriate the same with
32 abandonment or negligence, shall permit any other person to take such public
33 funds or property, wholly or partially, or shall otherwise be guilty of
34 misappropriation or malversation of such funds or property, shall be punished by
35 the penalties next higher by three degrees than those respectively specified in
36 Article 217 of the Revised Penal Code;

37 In all the above, if the offender is a corporation, partnership, association, or other juridical
38 entity, the penalty shall be imposed upon the officer or officers of the corporation,
39 partnership, association, or entity responsible for the violation, without prejudice to the
40 cancellation or revocation of the license or accreditation issued to them by any body of
41 the government. If such offender is an alien, he or she shall, in addition to the penalties

1 prescribed in this Act, be deported without further proceedings after service of the
2 sentence.

3 The prosecution for the offenses shall be without prejudice to any liability for violation of
4 Republic Act No. 3185, as amended, otherwise known as the Revised Penal Code, and
5 other civil liabilities.

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

11 **Sec. 30. *Annual Report.*** – The Department shall submit to the Office of the
12 President, the Senate, and the House of Representatives, within the first quarter of the
13 succeeding year, an annual report relating to the progress of the implementation of all
14 disaster risk reduction and management efforts, and a detailed inventory of available
15 personnel, supplies and equipment. Such report shall be made available to the public for
16 scrutiny, copying, and reproduction, and shall also be uploaded in the Department’s
17 website.

18 **SEC. 31. *Congressional Oversight Committee.*** – There is hereby created a
19 Congressional Oversight Committee to monitor and oversee the implementation of the
20 provisions of this Act. The Committee shall be composed of six (6) members from the
21 Senate and six (6) members from the House of Representatives with the Chairpersons of
22 the Committees on National Defense and Security of both the Senate and the House of
23 Representatives from each Chamber.

24 **SEC. 32. *Sunset Review.*** – Within five (5) years after the effectivity of this Act,
25 or as the need arises, the Congressional Oversight Committee shall conduct a systematic
26 evaluation of the accomplishments and impact of this Act, as well as the performance and
27 organizational structure of the Department, for purposes of determining remedial
28 legislation.

29 **SEC. 33. *Repealing Clause.*** – All references to the NDRMMC in existing laws,
30 including, but not limited to, the Philippine National Disaster Risk Reduction and
31 Management Act of 2010, shall be understood to refer to the Department created under
32 this Act.

33 All other laws, decrees, executive orders, proclamations, and other executive
34 issuances which are inconsistent with or contrary to the provisions of this Act are hereby
35 amended or repealed accordingly.

36 **SEC. 34. *Separability Clause.*** – If any provision of this Act is declared invalid or
37 unconstitutional, the other provisions not affected by such declaration shall remain in full
38 force and effect.

1 **SEC. 35. *Effectivity Clause.*** – This Act shall take effect fifteen (15) days after its
2 complete publication in the Official Gazette or in two (2) newspapers of general
3 circulation.

4 *Approved,*