

TWENTIETH CONGRESS)
OF THE REPUBLIC OF THE PHILIPPINES)
First Regular Session)



HOUSE OF REPRESENTATIVES

House Bill No. 8862

Introduced by Representative FRANZ FERNANDEZ LEGAZPI

EXPLANATORY NOTE

Public Disaster Risk Reduction and Management Workers are at the forefront of the government's efforts to protect lives, property, and communities before, during, and after disasters and emergencies. In a country like the Philippines, where typhoons, floods, earthquakes, volcanic eruptions, fires, and other hazards regularly threaten communities, these workers perform vital functions in preparedness, prevention and mitigation, response, and recovery.

Republic Act No. 10121, otherwise known as the "Philippine Disaster Risk Reduction and Management Act of 2010," institutionalized the national and local disaster risk reduction and management system and assigned critical responsibilities to disaster risk reduction and management offices at various levels of government. Despite the indispensable nature of their work, many public disaster risk reduction and management workers continue to face insecure employment arrangements, inadequate compensation for hazardous duties, limited access to career advancement, and insufficient institutional support for their physical, mental, and psychosocial well-being.

This bill seeks to establish a Magna Carta for Public Disaster Risk Reduction and Management Workers in order to promote their welfare, protect their rights, improve their terms and conditions of employment, and support their continuing professional development. It provides safeguards against unjust personnel actions, grants appropriate benefits and allowances, strengthens opportunities for training and advancement, and recognizes the unique nature of the risks and responsibilities carried by these frontline public servants.

By strengthening the welfare and professional standing of public disaster risk reduction and management workers, the State also strengthens the country's disaster resilience, emergency preparedness, and response capability.

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



FRANZ VINCENT F. LEGAZPI

Representative, PINOY WORKERS PARTYLIST

HOUSE OF REPRESENTATIVES

House Bill No. **8862**

Introduced by Representative FRANZ FERNANDEZ LEGAZPI

AN ACT

**PROVIDING FOR THE MAGNA CARTA OF PUBLIC DISASTER RISK REDUCTION
AND MANAGEMENT WORKERS, PROMOTING THEIR WELFARE, SECURITY OF
TENURE, AND PROFESSIONAL DEVELOPMENT, AND APPROPRIATING FUNDS
THEREFOR**

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 “**Magna Carta of Public Disaster Risk Reduction and Management Workers Act.**”

SEC. 2. Declaration of Policy.

It is hereby declared the policy of the State to:

- (a) Strengthen the country’s institutional capacity for disaster risk reduction and management in order to build resilient communities and uphold the people’s constitutional rights to life and property;
- (b) Adopt a disaster risk reduction and management approach that is holistic, comprehensive, integrated, and proactive in lessening the socioeconomic and environmental impacts of disasters and climate change, and in promoting the participation of all stakeholders at all levels, especially local communities; and
- (c) Ensure compliance with Republic Act No. 10121, otherwise known as the “Philippine Disaster Risk Reduction and Management Act of 2010,” particularly in the delivery of disaster

risk reduction and management services at the grassroots level, by promoting the welfare of Public Disaster Risk Reduction and Management Workers.

SEC. 3. Objectives.

This Act aims to:

- (a) Uplift the morale and improve the performance of Public Disaster Risk Reduction and Management Workers by promoting their welfare through better working conditions, fair terms of employment, and support for their psychosocial well-being;
- (b) Develop and enhance the skills and capabilities of Public Disaster Risk Reduction and Management Workers in order to professionalize the delivery of disaster risk reduction and management services and programs; and
- (c) Encourage qualified individuals to join government disaster risk reduction and management service and motivate competent and experienced workers to remain and grow in the profession.

SEC. 4. Definition of Public Disaster Risk Reduction and Management Worker.

For purposes of this Act, a **Public Disaster Risk Reduction and Management Worker (PDRRMW)** refers to any civilian individual employed by any local government unit, particularly in the Municipal, City, or Provincial Disaster Risk Reduction and Management Office, and by the Office of Civil Defense, whether in a permanent, temporary, casual, or contractual status, or through Contract of Service or Job Order, whose engagement, position, or designation involves the actual performance of work in the nature of, or in furtherance of, the functions enumerated under Sections 8, 9, and 12 of Republic Act No. 10121.

The Local Chief Executive, as Chairperson of the Local Disaster Risk Reduction and Management Council, upon recommendation of the concerned Local Disaster Risk Reduction and Management Officer, shall issue a certification attesting that an individual falls within the definition of a Public Disaster Risk Reduction and Management Worker under this Act.

SEC. 5. Definition and Classification of Disaster Risk Reduction and Management Activities.

For purposes of this Act, disaster risk reduction and management activities refer to work undertaken or functions performed by a Public Disaster Risk Reduction and Management Worker in the nature of, or in furtherance of, the provisions of Section 12 of Republic Act No. 10121.

Such activities shall be classified according to the degree of exposure to risk based on the nature of work and/or the location where the same is performed, as follows:

(a) **Low-Risk Disaster Risk Reduction and Management Activities** refer to activities that expose the life and limb of the Public Disaster Risk Reduction and Management Worker to a minimal degree of risk, including, but not limited to, regular office or clerical work; and

(b) **High-Risk Disaster Risk Reduction and Management Activities** refer to activities that expose the life and limb of the Public Disaster Risk Reduction and Management Worker to severe risk, including, but not limited to, search, rescue, and retrieval operations, management of the dead and missing, rapid damage assessment and needs analysis, post-disaster needs assessment, and other emergency and disaster response activities.

Low-risk activities performed in areas deemed high-risk due to an impending, ongoing, or recent disaster or emergency event shall be classified as high-risk activities.

The classification of activities under this Section shall be certified by the respective heads of agencies concerned upon recommendation of the concerned Disaster Risk Reduction and Management Officer or equivalent official.

SEC. 6. Recruitment and Qualification.

Within ninety (90) days from the effectivity of this Act, the Office of Civil Defense, the Civil Service Commission, and the Department of the Interior and Local Government, in consultation with representatives from the regional and national associations of Local Disaster Risk Reduction and Management Offices and upon review by the National Disaster Risk Reduction and Management Council, shall issue a Joint Memorandum Circular prescribing a recruitment and selection policy specifically designed for Public Disaster Risk Reduction and Management Workers.

In case of a permanent vacancy in the position of head of a local Disaster Risk Reduction and Management Office, or in any of its divisions or sections, the personnel occupying the plantilla position next in rank shall be given preferential consideration for appointment to the vacant position, provided that such personnel possess the minimum qualifications under prevailing civil service laws, rules, and standards.

Permanent personnel of local government units who have actually performed disaster risk reduction and management functions, as defined under Section 12 of Republic Act No. 10121, in a designated or concurrent capacity for at least five (5) consecutive years, shall likewise be given due consideration for appointment to the corresponding plantilla position, subject to compliance with the applicable qualification standards.

Where public interest requires the immediate filling of a vacant plantilla position and no qualified eligible applicant is available, the personnel next in rank may be designated as Officer-in-Charge, provided that such personnel possess at least the minimum academic

requirement for the position and the relevant Disaster Risk Reduction and Management experience required therefor. Such personnel may be afforded a period not exceeding one (1) year to acquire the required experience and eligibility, subject to applicable civil service laws, rules, and regulations.

Any appointment, designation, or reassignment made in violation of this Section shall be void, without prejudice to the liability of the officials responsible therefor under existing laws, rules, and regulations.

SEC. 7. Prohibition on Detail or Reassignment.

A Public Disaster Risk Reduction and Management Worker shall not be detailed or reassigned, except when made in the interest of public service and upon written notice stating the reasons therefor.

A Public Disaster Risk Reduction and Management Worker may file a protest with the Civil Service Commission upon substantial proof that such transfer or reassignment is unnecessary, unjust, malicious, or prejudicial to the effective delivery of disaster risk reduction and management services. In such case, the transfer or reassignment shall take effect only upon denial of the protest.

No transfer or reassignment shall be made on account of the political preference of a Public Disaster Risk Reduction and Management Worker, nor shall it be made within three (3) months before and three (3) months after any local or national election.

Provided, That the work to be performed in the new assignment shall remain disaster risk reduction and management-related in nature. Provided, further, That the necessary and incidental expenses arising from such detail or reassignment, including those involving the immediate family when applicable, shall be borne by the office ordering the same.

SEC. 8. Safeguards Against Unjust Termination of Non-Permanent Public Disaster Risk Reduction and Management Workers.

The Job Order, Contract of Service, or similar non-permanent engagement of a Public Disaster Risk Reduction and Management Worker shall not be terminated for as long as the work for which he or she was engaged exists, except on grounds of incompetence, gross misconduct, gross negligence, or physical or mental incapacity rendering the worker unable to perform disaster risk reduction and management-related work.

Where the competent authority finds that such engagement was unjustly, whimsically, or maliciously terminated, the concerned worker shall be entitled to reinstatement and payment of

back wages, with applicable legal interest, in accordance with prevailing laws, rules, and regulations.

SEC. 9. Married Public Disaster Risk Reduction and Management Workers.

Married couples who are both Public Disaster Risk Reduction and Management Workers shall, as far as practicable, be assigned within the same local government unit or government agency site, but not in the same office, division, or section, provided that public interest and the effective delivery of disaster risk reduction and management services are not prejudiced.

SEC. 10. Pre-Emptive Safety Preparation Prior to the Impact of an Impending Disaster.

At least forty-eight (48) hours prior to the projected impact of an impending disaster, every Public Disaster Risk Reduction and Management Worker who is to be deployed for full active duty may be granted, at his or her option, a half-day period to attend to pre-emptive safety and security preparations for his or her family, residence, and property.

The concerned head of agency shall issue the necessary memorandum to ensure compliance with this Section.

SEC. 11. Legal Support.

Public Disaster Risk Reduction and Management Workers shall not be held civilly or criminally liable for damage to property or injury to persons caused in the direct performance of disaster risk reduction and management duties, including disaster or emergency response activities, when such acts are done in good faith and with due diligence under the circumstances.

In proper cases, the concerned agency or local government unit shall extend appropriate legal assistance and support, including assistance toward the peaceful and amicable resolution of disputes arising from the performance of official duties.

SEC. 12. Hazard Pay.

Public Disaster Risk Reduction and Management Workers who perform high-risk activities, as defined in Section 5 of this Act, shall be entitled to hazard pay equivalent to not less than fifteen percent (15%) but not more than twenty-five percent (25%) of their daily basic salary.

Public Disaster Risk Reduction and Management Workers performing low-risk activities shall be entitled to hazard pay equivalent to not less than ten percent (10%) but not more than fifteen percent (15%) of their daily basic salary.

Those who regularly perform low-risk activities but are deployed to perform high-risk activities shall be entitled to the corresponding higher hazard pay, computed on the basis of the actual number of days of such deployment.

The determination of hazard pay shall be based on the actual working days during which the worker was exposed to risk to life and limb under the classifications provided in Section 5 of this Act.

SEC. 13. Straight Full Active Duty.

All Public Disaster Risk Reduction and Management Workers placed under straight full active duty before, during, and immediately after the impact of a disaster shall be entitled to the benefits under the succeeding Section, in addition to overtime pay and night shift differential, in accordance with applicable civil service laws, rules, and regulations, computed on the basis of actual hours worked.

For purposes of this Act, hours worked shall include all time during which a worker is required to be present at the Emergency Operations Center, Incident Command Post, or any other place for disaster response, such that the worker is unable to devote such time to personal matters.

SEC. 14. Working Rest Day Pay.

The rest days of a Public Disaster Risk Reduction and Management Worker are days beyond the regular five-day workweek during which the worker is ordinarily not required to render service. These shall include non-working holidays and days covered by officially approved leave.

In the exigency of the service, a permanent Public Disaster Risk Reduction and Management Worker who is required to work on a rest day shall be entitled to additional pay equivalent to his or her regular salary for work rendered within the eight (8)-hour work period.

If the rest day work falls on a holiday, the permanent Public Disaster Risk Reduction and Management Worker shall be entitled to additional pay equivalent to double his or her regular salary for work rendered within the eight (8)-hour work period.

A non-permanent Public Disaster Risk Reduction and Management Worker who is required to work on a rest day shall be entitled to pay equivalent to double his or her regular wage rate for work rendered within the eight (8)-hour work period.

If the rest day work of a non-permanent Public Disaster Risk Reduction and Management Worker falls on a holiday, such worker shall be entitled to pay equivalent to triple his or her regular wage rate for work rendered within the eight (8)-hour work period.

In all cases, work rendered beyond the standard eight (8)-hour work period during a rest day or holiday shall entitle the worker to overtime pay and, when applicable, night shift differential under existing laws, rules, and regulations.

SEC. 15. Leave Privileges.

Any unused forced leave and special privilege leave of Public Disaster Risk Reduction and Management Workers in permanent status shall accrue and be added to their accumulated leave credits, subject to existing laws, rules, and regulations.

Any unused Compensatory Time-Off credits earned within the current year shall be carried over to the succeeding year and thereafter, subject to applicable rules.

All Public Disaster Risk Reduction and Management Workers shall likewise be entitled to rehabilitation leave for serious physical, mental, or emotional injuries sustained in the performance of official duties, subject to existing laws, rules, and regulations.

SEC. 16. On-Call Status.

On-call status refers to a tour of duty wherein a Public Disaster Risk Reduction and Management Worker is placed on standby outside his or her regular work schedule and is required to remain available for emergency response-related activities such that the worker cannot fully devote such time to personal use.

A Public Disaster Risk Reduction and Management Worker placed on on-call status shall be entitled to on-call pay equivalent to fifty percent (50%) of his or her regular wage or salary for the period covered.

No Public Disaster Risk Reduction and Management Worker shall be placed on on-call status for more than three (3) times in a single week, except in cases of extraordinary emergencies as may be defined in the implementing rules and regulations.

SEC. 17. Mandatory Insurance Coverage.

All Public Disaster Risk Reduction and Management Workers shall be provided by the concerned local government unit or agency with health and accident insurance coverage during the entire period of their employment or engagement.

SEC. 18. Compensation for Work-Related Injuries and Illnesses.

Any injury sustained or illness acquired by a Public Disaster Risk Reduction and Management Worker in the line of duty shall be presumed work-related and compensated in accordance with existing laws, rules, and regulations.

SEC. 19. Government Service Credits of Non-Permanent Public Disaster Risk Reduction and Management Workers.

Every full twelve (12) months of uninterrupted actual service rendered by a Public Disaster Risk Reduction and Management Worker under a non-permanent arrangement, including Job Order and Contract of Service, shall be credited as one (1) year of government service for purposes of future permanent employment, retirement, separation benefits, and service records, subject to existing laws, rules, and regulations.

SEC. 20. Civil Service Eligibility.

Public Disaster Risk Reduction and Management Workers engaged under non-permanent arrangements, including Job Order and Contract of Service, who have rendered at least three (3) years or thirty-six (36) months of uninterrupted actual service, may be granted Sub-Professional Civil Service Eligibility or its equivalent, subject to standards, conditions, and procedures to be prescribed by the Civil Service Commission.

SEC. 21. Career Opportunity and Professional Development.

The Office of Civil Defense, the Civil Service Commission, and the Department of the Interior and Local Government, in consultation with representatives from the regional and national associations of Local Disaster Risk Reduction and Management Offices and upon review by the National Disaster Risk Reduction and Management Council, shall issue a Joint Memorandum Circular providing for a career and personnel development plan specifically designed for Public Disaster Risk Reduction and Management Workers, including merit promotion, scholarships, training grants, performance incentives, and reward systems.

SEC. 22. Capacity Building, Scholarships, and Grants.

Public Disaster Risk Reduction and Management Workers, regardless of employment status, shall be allowed to participate in relevant and necessary capacity-building and capability enhancement trainings, provided that such trainings are related to their official functions and are conducted within the Philippines.

For purposes of professionalizing public disaster risk reduction and management service, the Department of the Interior and Local Government, the Office of Civil Defense, the Local Government Academy, the Climate Change Commission, and the Civil Service Commission, in consultation with representatives from the regional and national associations of Local Disaster Risk Reduction and Management Offices and upon review by the National Disaster Risk Reduction and Management Council, shall issue the appropriate joint guidelines establishing a comprehensive and standard training and capability enhancement program for Public Disaster

Risk Reduction and Management Workers, including the basic and minimum training requirements for the profession.

Such program shall likewise provide for scholarship benefits and grants for graduate and postgraduate studies, as well as assistance for review and licensure examinations, in fields related to disaster risk reduction and management, natural sciences, health sciences, public administration, and law.

SEC. 23. Right to Self-Organization.

Public Disaster Risk Reduction and Management Workers shall have the right to organize, join, and maintain professional organizations for the advancement of their common welfare and aspirations and for the lawful articulation of their concerns.

No authority, approval, permit, or endorsement from any local government unit or government agency shall be required for the exercise of this right.

Any act, whether direct or indirect, that curtails, interferes with, or intimidates the exercise of this right, including but not limited to the non-issuance of travel orders, unjustified disapproval of official participation in lawful association activities, or requiring non-membership in a Public Disaster Risk Reduction and Management Workers' association as a condition for employment, shall be unlawful and dealt with in accordance with applicable laws.

Any act that directly or indirectly places a Public Disaster Risk Reduction and Management Workers' association under the control of any government personnel or official who is not a member thereof shall likewise be unlawful.

In the event that legal action is instituted against a Public Disaster Risk Reduction and Management Worker in connection with lawful association activities, the concerned mother agency or local government unit shall provide appropriate legal assistance, subject to existing laws, rules, and regulations.

SEC. 24. Participation in Policy Formulation.

At all levels of government, duly recognized associations of Public Disaster Risk Reduction and Management Workers shall be formally consulted in the formulation of local and national policies governing or affecting the professional development, welfare, and social security of Public Disaster Risk Reduction and Management Workers.

Such associations shall likewise be entitled to representation, in accordance with law and applicable rules, in Disaster Risk Reduction and Management Councils and development councils at the local, regional, and national levels.

SEC. 25. Implementing Rules and Regulations.

Within thirty (30) days from the effectivity of this Act, the Office of Civil Defense, the Civil Service Commission, the Department of the Interior and Local Government, and the Department of Budget and Management, in consultation with representatives from the regional and national associations of Public Disaster Risk Reduction and Management Workers and upon review by the National Disaster Risk Reduction and Management Council, shall jointly promulgate the rules and regulations necessary to implement the provisions of this Act.

SEC. 26. Appropriations.

The amount necessary for the initial implementation of this Act shall be charged against the current appropriations of the concerned agencies and local government units. Thereafter, such sums as may be necessary for its continued implementation shall be included in the annual General Appropriations Act and in the corresponding local budgets.

SEC. 27. Separability Clause.

If any provision of this Act is declared unconstitutional or invalid, the remaining provisions not affected thereby shall remain in full force and effect.

SEC. 28. Repealing Clause.

All laws, decrees, executive orders, rules and regulations, and other issuances or parts thereof inconsistent with the provisions of this Act are hereby repealed, amended, or modified accordingly.

SEC. 29. Effectivity.

This Act shall take effect fifteen (15) days after its publication in the **Official Gazette** or in at least two (2) newspapers of general circulation.