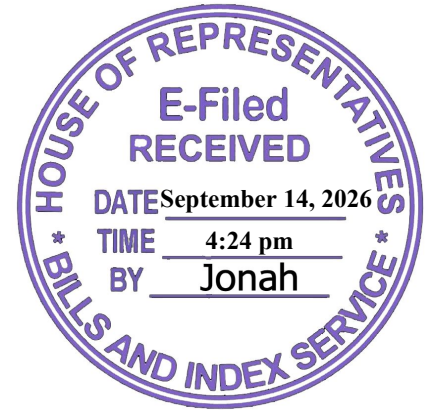


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

TWENTIETH CONGRESS
Second Regular Session

HOUSE BILL NO. 11302



Introduced by **ANG PROBINSYANO**
Party-List Representative Alfred Delos Santos

EXPLANATORY NOTE

Amidst a changing climate and worsening natural disasters, early warning may sometimes spell the difference between safety, disaster, and even death. In the Philippines' case, where typhoons after typhoons batter communities and send local economies to a halt, a warning system that advises early and in logical anticipation of impending disruption may allow for proper reaction in the part of citizens, institutions, schools, and the private sector, among others.

Additionally, the poly-crises we are facing due to climate change and global warming, present a complex tapestry of natural disruptions that have found our disaster-response lacking. We are always playing catch-up. And we are still stuck with post-disaster action rather than pre-disaster preparedness. The poly-crises comes in multiple forms. It can be drought in one area, torrential rain in another. It can also be haze in some parts of the country, and unhealthy temperatures in others. What we need now, is to revamp and modernize our disaster warning systems so that we can plan, mitigate damage and loss, ease the burden of adaptation put on the individual, and overall, help with how the individual Filipino deals with a changing environment.

Ours is an archipelago that is varied, storied, rich, and diverse. All the more reason to prepare and preserve our islands through more rigorous systems, innovative approaches, and maximizing the institutions that already exist. It is high time to consolidate and deliver early warning systems. It is high time we adapt before it is too late.

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

ALFRED C. DELOS SANTOS
Representative, Ang Probinsyano Partylist

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Introduced by **ANG PROBINSYANO**
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AN ACT ESTABLISHING THE PHILIPPINE MULTI-HAZARD EARLY WARNING NETWORK, MANDATING A COMMON ALERTING STANDARD, PRESCRIBING AUTOMATIC AND LOCALIZED RULES ON THE SUSPENSION OF CLASSES AND WORK, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 10639, AND APPROPRIATING FUNDS THEREFOR

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

SECTION 1. *Short Title.* – This Act shall be known as the “Early Warning for Every Filipino Act”.

SECTION 2. *Declaration of Policy.* – It is the policy of the State to protect the life and property of every person within its territory from natural and human-induced hazards, and to uphold the right of the people to information on matters of public concern. An early warning discharges that duty only when it reaches the person at risk, in time, in a language that person understands, and in terms that say what to do.

SECTION 3. *Definitions.* – For purposes of this Act, the following terms shall mean:

- (a) **Alert** refers to a warning, advisory, bulletin, signal, or other notice of an actual, imminent, or forecast hazard, issued by an Issuing Authority;
- (b) **Action Ladder** refers to the five-level scale of prescribed public action under Section 5 of this Act;
- (c) **Cell Broadcast** refers to the technology by which a message is transmitted to all mobile devices within a defined geographic area simultaneously, without reference to any subscriber list, mobile

number, or other personal information, and without regard to the load or data balance of the recipient;

- (d) **Common Alerting Protocol (CAP)** refers to the open, non-proprietary, machine-readable data standard for emergency alerting recognized by the International Telecommunication Union and the World Meteorological Organization, as adopted for Philippine use under Section 5 of this Act;
- (e) **Issuing Authority** refers to a government agency or instrumentality authorized by law to issue an Alert, namely PAGASA, PHIVOLCS, the Mines and Geosciences Bureau (MGB), the Office of Civil Defense (OCD), and such other agencies as the National Disaster Risk Reduction and Management Council (NDRRMC) may designate; and, within their respective jurisdictions and as to local hazards, local chief executives acting through their Local Disaster Risk Reduction and Management Offices;
- (f) **Network** refers to the Philippine Multi-Hazard Early Warning Network under Section 4 of this Act;
- (g) **Relaying Entity** refers to a public telecommunications entity, broadcast station, cable or satellite television operator, internet service provider, operator of a public transport terminal, seaport, or airport, operator of a public assembly place, mall, or market, and such other entity as may be required under Section 6 of this Act to relay an Alert; and
- (h) **Warning Suppression** refers to the act of preventing, delaying, altering, downgrading, or withholding the issuance or delivery of an Alert, otherwise than on technical or scientific grounds stated in writing by the Issuing Authority.

SECTION 4. *The Philippine Multi-Hazard Early Warning Network.* – There is hereby established the Philippine Multi-Hazard Early Warning Network, which shall consist of the Issuing Authorities, the Relaying Entities, the local government units, and the institutional participants enumerated in this Section, operating under the common obligations imposed by this Act.

The Network shall be convened by the OCD in its existing capacity as secretariat and implementing arm of the NDRRMC under Section 9 of Republic Act No. 10121, and shall be composed of:

- (a) PAGASA, PHIVOLCS, MGB, and the Advanced Science and Technology Institute (ASTI) of the Department of Science and Technology (DOST), in their existing mandates under Republic Act No. 10692, Executive Order No. 128 (s. 1987), and related law;
- (b) The OCD, the Department of the Interior and Local Government (DILG), the Department of Information and Communications Technology (DICT), the National Telecommunications Commission (NTC), the Department of Education (DepEd), the Department of Labor

and Employment (DOLE), the Department of Transportation, the Department of Public Works and Highways, and the National Mapping and Resource Information Authority;

- (c) All provinces, cities, municipalities, and barangays, acting through their Local Disaster Risk Reduction and Management Offices and Committees under Section 12 of Republic Act No. 10121; and
- (d) As institutional participants, the University of the Philippines Resilience Institute and its NOAH Center, state universities and colleges and other higher education institutions operating hazard monitoring or forecasting facilities, the Philippine Red Cross, and accredited civil society organizations, people's organizations, and volunteer groups engaged in community-based early warning.

Each member of the Network shall discharge the obligations imposed by this Act within its existing mandate, personnel complement, and appropriations. Nothing in this Act shall be construed to transfer, diminish, or supersede the scientific and technical authority of any Issuing Authority over the Alerts it issues.

SECTION 5. *Common Alerting Standard, the National Alert Gateway, and the Action Ladder.*

Within one (1) year from the effectivity of this Act, every Alert issued by an Issuing Authority shall be issued in the Common Alerting Protocol, in a Philippine profile to be adopted jointly by the DICT, the DOST, and the OCD in consultation with the Issuing Authorities. The profile shall be open, non-proprietary, and published, and shall provide for the identification of affected areas by polygon and, at minimum, by barangay.

There shall be a single National Alert Gateway, operated by the OCD through its existing National Operations Center with the technical support of the DICT, through which all Alerts shall be published and from which all Relaying Entities shall draw. The Gateway shall authenticate the origin of every Alert, distribute it simultaneously to all channels, operate on a twenty-four-hour basis with redundant power, connectivity, and geographically separate failover, and remain operable when commercial networks fail. The Gateway shall not filter, edit, delay, or withhold an Alert issued by an Issuing Authority.

All Alerts, and the observational data on which they are based including the rain gauge, water level, weather station, buoy, and seismic feeds of the DOST-ASTI, PAGASA, and PHIVOLCS networks and of local government units shall be public data, published in near real time, without fee, in machine-readable form, and through a documented public application programming interface. The Issuing Authorities shall not enter into any contract that restricts the publication of such data or conditions public access upon a proprietary

platform, and any such stipulation in an existing contract is void as contrary to public policy.

The Gateway shall maintain a public log recording, for every Alert, the time of issuance, the issuing authority, the areas covered, the Action Ladder level, the channels through which it was distributed, and the time of confirmed delivery or the reason for non-delivery reported by each Relaying Entity. The log shall be published within forty-eight (48) hours and shall be permanently accessible.

Every Alert shall state, in addition to its technical designation, one of the following levels and the action it requires in accordance with the Action Ladder to be developed.

Within one (1) year from the effectivity of this Act, the Issuing Authorities shall jointly publish the correspondence between each of their technical warnings and the Action Ladder.

SECTION 6. *Local, Community-Based, School-Based, and Indigenous Early Warning.* – Every province, city, and municipality identified by the Issuing Authorities as high-hazard shall, within three (3) years from the effectivity of this Act, establish and maintain a local hazard monitoring and warning capability appropriate to its hazard profile, which may include automated rain gauges, water level sensors, weather stations, and localized nowcasting, and which shall be operated by the operations and warning personnel of its Local Disaster Risk Reduction and Management Office under Section 12 of Republic Act No. 10121. Local data shall be transmitted to the Gateway in the common standard and shall be public under Section 5 of this Act.

The DOST, through PAGASA and ASTI, shall provide technical specifications, calibration, and training, and shall not require the use of any single supplier or proprietary platform. Local government units are encouraged to adopt, and the DOST and the DILG shall promote, interoperable local warning platforms of demonstrated effectiveness, including those developed by local government units and by Philippine academic institutions.

The State recognizes community-based and indigenous early warning systems as part of the Network. Indigenous cultural communities and indigenous peoples shall have the right to maintain their own warning practices, and the same shall be integrated into local contingency plans with their free and prior informed consent in accordance with Republic Act No. 8371.

Observations reported by residents, community volunteers, Accredited Community Disaster Volunteers, and indigenous warning keepers shall be received by the Local Disaster Risk Reduction and Management Office, acknowledged, and where corroborated, transmitted to the Gateway. No person reporting an observed hazard in good faith shall be liable for error.

The OCD, the DILG, and the DepEd shall conduct a nationwide simultaneous drill at least twice each year, which shall include an end-to-end test of the Gateway and of every required channel, and the results of which shall be published, including the channels that failed.

SECTION 7. *Research, Technology Transfer, and Domestic Capability.* – The DOST, in coordination with the OCD and the Commission on Higher Education, shall support and adopt Philippine-developed early warning technologies, including impact-based forecasting that identifies affected barangays and populations in advance, low-cost sensor networks, earthquake early warning, and locally developed alerting platforms. Research funded in whole or in part by public funds shall produce data, models, and source code that are publicly available and licensed for use by any government agency or local government unit without royalty.

The DOST, the Department of Trade and Industry, and the Board of Investments shall promote the domestic design, manufacture, calibration, and repair of hazard monitoring instruments, and procurement under this Act shall give preference to domestically produced instruments of equivalent specification, consistent with Republic Act No. 12009 and the rules of the Government Procurement Policy Board.

Within one (1) year from the effectivity of this Act, PHIVOLCS shall submit to Congress a plan and costing for a national earthquake early warning system, including the automatic actuation of alarms, the interruption of broadcasts, and the automatic braking or slowing of rail systems upon detection.

SECTION 8. *Funding.* – The obligations of the Issuing Authorities and other national agencies under this Act shall be funded from their respective annual appropriations, and for PAGASA, from the modernization program under Republic Act No. 10692.

The establishment and operation of the Gateway shall be charged to the appropriations of the OCD and the DICT and shall thereafter be carried as a distinct line item in the General Appropriations Act. Local early warning capability under Section 6 of this Act is a preparedness expenditure chargeable against the seventy percent (70%) component of the Local Disaster Risk Reduction and Management Fund under Section 21 of Republic Act No. 10121. Nothing in this Act shall authorize a charge against the Quick Response Fund.

There shall be a National Early Warning Subsidy, administered by the OCD from funds appropriated for the purpose, for the acquisition, installation, and maintenance of monitoring and warning equipment in fourth, fifth, and sixth class provinces, cities, and municipalities under Republic Act No. 11964, and in geographically isolated and disadvantaged areas. Releases shall be published quarterly by local government unit and by purpose.

The costs of cell broadcast capability and of alert transmission shall be borne by the public telecommunications entities concerned as a condition of their franchises and shall not be passed on to consumers.

SECTION 9. *Prohibited Acts and Penalties.* – The following acts are prohibited:

- (a) Issuing, transmitting, or causing the transmission of a false Alert, or of a simulated Alert not identified as a drill;
- (b) Warning Suppression by any public officer or by any officer or employee of a Relaying Entity;
- (c) Failing or refusing, without justifiable cause, to relay an Alert designated Level 3 or higher, or failing to establish the cell broadcast capability required under Section 6 of this Act within the period prescribed;
- (d) Using the Gateway, the cell broadcast channel, or any alerting channel established under this Act for any partisan political, campaign, promotional, or commercial purpose, or including in an Alert the name, image, or voice of any public official or candidate except where operationally indispensable;
- (e) Charging a consumer, directly or indirectly, for the receipt of an Alert;
- (f) Requiring a worker or learner to report, or penalizing a worker or learner for not reporting, in violation of Section 8 of this Act, or making a deduction prohibited by that Section; and
- (g) Entering into or enforcing any contract or stipulation restricting the publication of data required to be public under Section 5 of this Act.

Any person who commits an act under paragraphs (a), (b), (c), (d), or (g) shall, upon conviction, be punished by a fine of not less than Five hundred thousand pesos (P500,000.00) but not more than Five million pesos (P5,000,000.00), or imprisonment of not less than six (6) months but not more than six (6) years, or both, at the discretion of the court. Any person who commits an act under paragraph (e) or (f) shall be punished by a fine of not less than One hundred thousand pesos (P100,000.00) but not more than One million pesos (P1,000,000.00), without prejudice to the payment of the amount withheld, with legal interest.

No civil, criminal, or administrative liability shall attach to an Issuing Authority, a public officer, a Relaying Entity, a local official, or a volunteer for an Alert issued or relayed in good faith on the basis of available technical information, notwithstanding that the forecast hazard does not occur or occurs otherwise than as forecast.

SECTION 10. *Implementing Rules and Regulations.* – Within one hundred twenty (120) days from the effectivity of this Act, the OCD, in coordination with

the DOST, PAGASA, PHIVOLCS, the DICT, the NTC, the DILG, the DepEd, the Commission on Higher Education, the DOLE, the National Council on Disability Affairs, and the National Commission on Indigenous Peoples, and in consultation with the leagues of local government units, the Relaying Entities, the academic institutions participating in the Network, and accredited civil society and volunteer organizations, shall promulgate the rules and regulations necessary to implement this Act.

SECTION 11. *Reporting.* – The OCD shall submit to the President and to both Houses of Congress, not later than the thirty-first (31st) day of March of each year, a report stating the number of Alerts issued and the confirmed delivery rate of each by channel and by region; the barangays that remain unreached; the local government units without the capability required under Section 7 of this Act; the results of drills; the learning days lost as reported by the DepEd; and every instance of non-compliance, naming the entity concerned.

SECTION 12. *Separability Clause.* – If any provision or part of this Act is held invalid or unconstitutional, the remaining provisions or parts unaffected shall remain in full force and effect.

SECTION 13. *Repealing Clause.* – All laws, executive orders, presidential decrees or issuances, letters of instruction, administrative orders, rules, and regulations contrary to or inconsistent with the provisions of this Act are hereby repealed, amended, or modified accordingly.

SECTION 14. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,