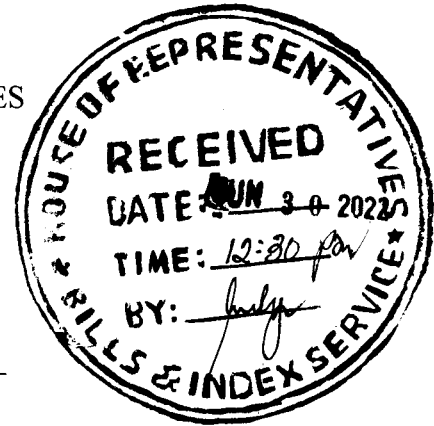


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Nineteenth Congress
First Regular Session

HOUSE BILL NO. 48



Introduced by **Representative JOEY SARTE SALCEDA**

**AN ACT
CREATING THE DEPARTMENT OF DISASTER RESILIENCE,
DEFINING ITS MANDATE, POWERS AND FUNCTIONS,
AND APPROPRIATING FUNDS THEREFOR**

EXPLANATORY NOTE

**ON THE CREATION OF THE DEPARTMENT OF DISASTER RESILIENCE (DDR):
“TRUE STATE OF PHILIPPINE PREPAREDNESS TO AVOID OR REDUCE
DISASTROUS IMPACTS OF CLIMATE CHANGE AND NATURAL HAZARDS”**

A. RATIONALE

The Philippines is considered one of the most vulnerable countries in the world to the impacts of natural hazards, being in the circum Pacific ring of fire and the typhoon belt. With climate change, the nature of climate- influenced hazards, primarily typhoons, has changed. They have become more intense and unpredictable with increasing temperature and sea level rise. Geological hazards like earthquakes, threaten to manifest in their worst case forms, as with the “big one” for Metro Manila which is expected any time now. There is more predictability and clarity on this earthquake’s expected impact as its source, the West Valley Fault, is established and well studied.

Climate-disaster related hazards, especially typhoons, on the other hand, are of increasing concern because of unpredictability and increasing magnitudes. Worst case climate-related hazard events have been observed to return with much more shortened timing (frequency) and ferocity, adding to their unpredictability. Reming (Luzon), Yolanda (Visayas) and the typhoons Sendong, Pablo, which devastated Mindanao, an island with relatively benign climate, are major manifestations of this uncertainty. The Inter-governmental Panel on Climate Change (IPCC), the global observation expert on climate change, has documented these changes in its various reports, which have also become the basis of the global climate change negotiations.

B. PREPAREDNESS OF THE PHILIPPINES TO DEAL WITH INTENSIFYING CLIMATE-DISASTER RELATED HAZARDS

It is clear that climate change and disaster not only change our way of life. It is affecting everybody and everything on this planet, especially the most vulnerable countries like the Philippines. Therefore, the “business as usual” (BAU) way of doing things will not suffice to prevent potential catastrophes from happening.

The fact that practically nothing changed in the way we plan, program and implement interventions to address natural hazard events despite the many disasters the Philippines experienced over recent years since climate change was discovered, is apparent in the reports of the national agencies. It must be noted that these accomplishment reports document “response and recovery” and “business as usual” actions which simply place affected Filipinos back where they were before the disasters happened.

In many cases, the poor became poorer because of devastated livelihood and assets. The Philippine Government will never have enough resources to subsidize the recovery of all these losses. Improvement in the country’s development situation cannot be expected to happen under these circumstances where losses continue because of inability to adapt to rapidly changing climate hazards. The net result is negative, or painfully slow, national development.

C. WHAT NEEDS TO CHANGE TO ENABLE THE PHILIPPINES TO COPE WITH DISASTER AND CLIMATE-RELATED THREATS

At the global level, there is already a common understanding that to be able to adapt to a changing climate, we need to radically change the way we view climate-disaster related threats, including our responses to them. These changes, therefore, have to happen in the way we plan:

(1) Analyze the problems confronting us in a new light. For example, we ask: How are the hazards changing? What potential impacts will they cause;

(2) Use the results from this proposed new analysis to adjust planning, programming, implementation and regulatory processes so as to avoid and reduce potential negative losses, damages and disruption and devastating impacts, as well as, deal adequately with residual threats; and

(3) Monitor the effects of these adjusted new plans, programs and projects on the quality of the lives of our people so that future adverse effects are averted and opportunities for development optimized.

It is amazing how the simple use of a new analytical lens can lead to cost effective solutions that emphasize avoidance (prevention) of negative effects rather than reacting to and recovering from devastation.

D. WHAT SPECIFICALLY NEEDS TO BE CHANGED IN THE ANALYTICAL PROCESSES OF THE COUNTRY

(1) Treat disaster threats as “risks”, which are impacts that might probably happen in a particular way when vulnerable exposed elements like people and their socio-economic and natural support systems (ecosystems) interact or come

in direct contact with natural hazards. The “probabilistic” nature of the threats also offer the opportunity to manipulate the exposed elements such that they are either moved out of harm’s way (preventing the negative impact from happening) or reinforced such that they are able to withstand the impact when it does occur from the interaction.

(2) To enable this type of analysis, the one doing it cannot be “reactive”. It cannot use only data from events that already happened. A variety of data for “multiple scenarios” should be used to represent projections of probable results based on the various potential route(s) and assumed intensities of the hazard. What we have been using is only a “deterministic” or single scenario analysis corresponding to a particular hazard outcome already experienced in the past. Various other scenarios that may happen because of the uncertain and unpredictable behaviour of the hazard are ignored. The deterministic approach uses single scenario “multi-hazard” maps that have been drawn up based on the last known worst case events.

These are what the “mandated” national government agencies are producing and disseminating to LGUs. For example, Leyte had these agencies’ maps when Yolanda happened, but the extent of the storm surge inundation was severely underestimated because a typhoon of its magnitude was not known to have happened before.

This method needs to change. Modelling will need to be employed to determine the other scenarios that could happen, with maps produced for each scenario and made available to LGUs which are the frontliners for any hazard event.

E. HOW SHOULD THE RESULTS OF THIS NEW ANALYSIS INFLUENCE CHANGES IN THE PLANNING AND IMPLEMENTATION PROCESSES OF THE PHILIPPINES

Employ a systematic “risk management approach” which comprises of a.) risk avoidance; b.) risk reduction/mitigation; and c.) residual risk management. Risk avoidance is simply disaster prevention which can come about by “decoupling” hazard and exposed elements through proper land use planning/siting. Risk reduction/mitigation refers to reducing the severity of the potential impact by employing measures like Integrated Early Warning Systems, Integrated Contingency Planning and Re-engineering infrastructure to withstand devastation, which will lessen the negative effects of the hazard. For remaining or residual risks, the tried and tested risk sharing/transfer mechanisms like insurance or recovery funds would enable the affected communities to bounce back immediately, which is the simple concept of resilience.

F. HOW AND WHO CAN IMPLEMENT THESE CHANGES

The sad truth is that while this “probabilistic” risk management approach is fast being taken up globally¹, the concerned national government agencies are not only dragging their feet but actively preventing it from happening. This is reminiscent of “the world is flat vs the world is round” debate, the outcome of which we now know.

¹ Already promoted by the Sendai Framework, the UN Framework Convention on Climate Change, the Philippine Development Plan 2017-2022

This new approach can be easily applied nationwide using the local government units in collaboration with the universities and colleges as the hubs and service providers, noting that even students can be involved in running the models and producing the mapping results. It is, therefore, incomprehensible why this approach is being resisted when the country has enough manpower with the right competencies to do the job.

The CCC and OCD which are mandated to issue policies and standards like the probabilistic or (multi-scenario) and comprehensive risk management approach also cannot come to a consensus on issuing these much needed policies, standards and protocols which the rest of the bureaucracy and the LGUs will have to comply with.

This is why, the President, must step in and cut the impasse, noting that loss of lives and economic losses will continue if the proposed simple reforms cited above are not applied immediately, comprehensively, systematically and need to create Department of Disaster Resilience (DDR) as stated by President Duterte in his SONA.

The COVID-19 outbreak in the Philippines and around the world has significantly and drastically disrupted and altered established patterns of human interaction, behaviour, livelihood, and communal affairs - both in the public and private spheres.

Timely, the DDR law is a legitimization of a perpetual state of emergency, on the assumption that a return to the original societal situation of open, unrestricted and unhampered access to public places is no longer possible post COVID 19 pandemic scenario. However, this assumption is premature and does not really add value to precautions for prevention of another health emergency involving new and/or resurgent pathogens. At worst, it is an over-reaction which will incur unnecessary costs and related impacts, such as a dampening of public patronage of commercial facilities and spaces and the corollary negative economic consequences of such a reaction.

For the Pandemic Crisis concerns, it is important to be cross referenced with the new pending DDR law, but should be able to stand by itself, having peculiarities in situational management different from the standard disaster management situations involving other natural and anthropogenic hazards. It should clearly define the stages of management according to a risk management framework: a.) Avoidance/prevention; b.) Mitigation; and c.) Addressing the residual risks from the pandemic. It should likewise specify the emergency management body in charge and the over-all implementing mechanism & networks (national agencies, LGUs, private sector, CSOs, academe, etc.). It is here that standards could be provided (e.g. process for imposition/lifting of quarantine; infrastructure requirements, data & information management, social norms, social amelioration of temporary economic impacts, etc.). It should, for example, be able to influence the health and social distancing protocols provided in the new better normal; masks during the pandemic, etc.. This DDR law could also provide indicators and quantitative standards for moving from 1 stage to the next up to the last.

The continuing massive community transmission of the virus in Metro Manila and in other provinces and communities across the country and the risks of an even more dangerous resurgence demand that the resumption of certain aspects of the country's economic and social life be governed by standards and protocols that would simultaneously protect the vulnerable local government units and communities from the disease and prevent transmission from asymptomatic or untested carriers of the virus, while ensuring the restoration of livelihood opportunities and sources of income for all.

The conceivable re-opening of public workplaces, businesses and the resumption of economic activity halted during the period of community quarantine cannot, however, simply proceed as if things can still go back to “new better normal” prior to the Covid-19 outbreak.

We need to prepare the Filipino people for the “New Better Normal for the public places, workplace and businesses” draws from the comparative experience of countries abroad in order to build on the existing measures established by the Philippine government’s Inter-Agency Task Force Against (IATF) Covid-19 as well as other measures instituted by local government units (LGUs) that have all served to mitigate the effects of the global pandemic amongst the Filipino people.

We need to serve and guide to the public by the principles of protecting the most vulnerable, ensuring health and safety for all, guaranteeing respect for human rights, and facilitating the inclusive and holistic economic well-being of all sectors and industries, envisions a whole-of-society approach in ushering a hopeful yet well-planned path towards “the new better normal.” It is hoped as well that the whole of Philippine society practice mutual faith and confidence in the sharing of honest and helpful information and data that will benefit all.

The education sector’s role and potential contribution vis the country’s new found priorities of self sufficiency and sustainability should be subjected to a serious assessment with the end in view of producing high quality human resources for the country’s needs. Again, incentivization is key in harnessing our own internal human resources for sustainable development.

A revisit and rethink tool of how the country’s natural resources should actually be utilized to attain the above self sufficiency and sustainability objectives, especially in the emerging area of medicine and supplements. The key is not only to organize and provide incentives for R & D and actual production in the above areas but also to establish innovative financial mechanisms like inter-generational equity funds, with core funding coming from income derived from environment and natural resources (ENR), to fund sustainability endeavours across generations of Filipinos

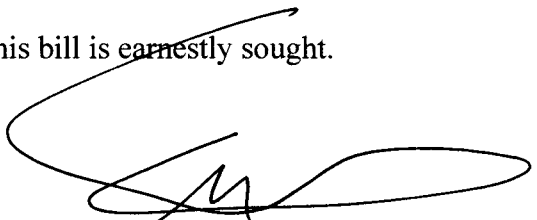
Lessons learned from the current COVID 19 pandemic should guide the context of this DDR law: to put the needs of the Filipinos first under normal conditions, but moreso under global emergency situations where the competition for food, goods, medicine & medical paraphernalia and even health workers, becomes even more intense. It is here that undertakings that underpin the national capacity to respond to unexpected challenges like pandemics, should be incentivized. The state of a country’s research and development could spell the difference between our demise or survival as a people. R & D for self-sufficiency in agriculture & food, medicine, and other essential goods should be incentivized and underpin all relevant policies, plans, programs and projects. Premium should be placed on productivity so the country becomes a net supplier, rather than buyer of these essential goods.

Key features of the Disaster Resilience Act

- (1) Creates the Department of Disaster Resilience and grants it the authority to implement the following emergency measures:
 - (a) carrying out of preemptive evacuation;
 - (b) imposing curfew;
 - (c) rationing of the distribution of basic goods in critical shortage;

- (d) temporarily taking over or directing the operation of any private utility or business, subject to payment of just compensation, when there is imminent danger of loss of lives or damage to property;
 - (e) recommending to the Monetary Board the deferment of payment of monetary obligations of local government units and private entities that have been severely affected by disaster, with the concurrence of the finance department.
- (2) Grants the DDR powers to recommend to the President the declaration of a state of calamity, whether in whole or part of an area, in case of an "extraordinary disaster wherein the repercussions on public safety and welfare are serious and far-reaching."
 - (3) Grants the President the powers to impose administrative sanctions against local chief executives and barangay officials for "willful or negligent acts" performed in the implementation of HB 5989, or relating to their official functions "which adversely affect disaster resilience projects, such as delayed issuance of permits or failure to implement local ordinances."
 - (4) Reconfigures local disaster risk reduction and management offices in provinces, cities, and municipalities to provincial, city, or municipal disaster resilience offices.
 - (5) Transfers the National Disaster Risk Reduction and Management Fund, which will be renamed as the National Disaster Resilience Fund, to be managed and controlled by the Department of Disaster Resilience.
 - (6) Establishes the National Disaster Operations Center, Alternative Command Centers, and the Disaster Resilience Research and Training Institute.

It is for these foregoing premises that the approval of this bill is earnestly sought.



JOEY SARTE SALCEDA

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AN ACT
CREATING THE DEPARTMENT OF DISASTER RESILIENCE,
DEFINING ITS MANDATE, POWERS AND FUNCTIONS,
AND APPROPRIATING FUNDS THEREFOR

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

Article I
GENERAL PROVISIONS

SECTION 1. *Short Title.* – This Act shall be known as the “Disaster Resilience Act”.

SEC. 2. *Declaration of Policy.* - It shall be the policy of the State to:

(a) Protect the lives and properties of its citizens by addressing and preventing the causes of vulnerabilities to natural disasters;

(b) 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, 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 and management efforts shall be responsive to the humanitarian needs of the people, the dignity and value of the human person, and respect for property;

(c) Promote a simple, strategic, systematic, continuous, comprehensive, inclusive, and integrated approach to disaster risk reduction and management aimed at substantially reducing vulnerabilities and the risk of disasters and other humanitarian emergencies, towards the preservation of life and property, thereby ultimately preventing or deterring the loss of lives and protecting the social, economic, historical and cultural heritage, and environmental assets of the country;

(d) Establish a permanent, institutionalized, cohesive, and comprehensive framework for disaster preparedness, prevention and mitigation, and response, to be implemented by a focused specialized agency with its own mandate, powers, and funding, and coordinating with the Philippine government, other foreign governments and financial institutions, international organizations, the private sector, and civil society. Disaster risk reduction and management shall first aim for the outright avoidance of the adverse impacts of hazards and related disasters. 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;

(e) 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 or stakeholders in disaster risk reduction and management to ensure accountability, responsibility, and transparency as well as to ensure the efficient and effective performance of their functions;

(f) Inculcate a culture of resilience and preparedness against natural disasters at the national, regional, and local levels;

(g) Establish a strong and empowered institution capable of responding to the greater onslaught of normal or natural disasters brought by climate change, and spearhead efforts to ensure disaster resilience by delivering the highly critical and intertwined functions of disaster risk reduction and response, with a recovery strategy of “building forward better”;

(h) Address the different concerns and needs of sectors with special needs or higher vulnerabilities such as women, children, elderly, persons with disabilities, and indigenous peoples with respect to disaster resilience and disaster management;

(i) Foster an enabling environment for substantial and sustainable participation of non government stakeholders such as civil society organizations, private groups, volunteers, and communities in disaster resilience programs and projects;

(j) Adopt a whole-of-society, whole-of-government, and whole-of-nation approach in disaster preparedness to increase collaboration, planning, and dialogue among all sectors of society in preparing for natural disasters and in improving their strategies and action plans for disaster risk reduction; and

(k) Strengthen the chain of command and establish a unified command system for disaster management.

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

(a) *Adaptation* refers to the adjustment in natural or human systems in response to actual or expected climatic stimuli or their effects, which moderates harm or exploits beneficial opportunities;

(b) *Assisting actor* refers to any assisting international or domestic actor following a disaster in the country

(c) *Assisting domestic actor* refers to any not-for-profit entity established under domestic laws, which is extending help following a disaster in the country;

(d) *Assisting international actor* refers to any foreign State, organization, entity or individual extending help following a disaster within the country or transiting through the country to extend help following a disaster in another country;

(e) *Biological hazards* refer to hazards that are of organic origin or conveyed by biological vectors, including pathogenic microorganisms, toxins, and bioactive substances. Examples are bacteria, viruses or parasites as well as venomous wildlife and insects, poisonous plants and mosquitoes carrying disease-causing agents;

(f) *Building forward better* refers to an approach to building or reconstructing an area or community, which entails a shift from achieving simple recovery and restoration to creating safer, more adaptive, resilient, and inclusive communities;

(g) *Business continuity* refers to the capability of an organization to continue the delivery of products or services at acceptable predefined levels following a disruptive incident;

(h) *Capacity* refers to the combination of attributes and resources available within a community or area that can reduce the level of risk(s) from, or impact(s) of, a disaster;

(i) *Civil society organizations (CSOs)* refer to non-State actors whose aims are neither to generate profits nor to seek governing power, but to unite people to advance shared goals and interests. CSOs may include nongovernment organizations (NGOs), professional associations, foundations, independent research institutions, community-based organizations, and social movements;

(j) *Climate change* refers to a change in the state of the climate that can be identified by changes in the mean and/or the variability of its properties, and that persists in an extended period, typically decades or longer, whether due to natural internal processes or external forces such as modulation of the solar cycles, volcanic eruptions, and persistent anthropogenic changes in the composition of the atmosphere or in land use;

(k) *Complex emergency* refers to a form of human-induced emergency in which the cause of the emergency as well as the assistance to the afflicted is complicated by an intense level of political considerations;

(l) *Consequence management* refers to the totality of interventions and measures taken to restore essential operations and services in a permissive environment, including measures to protect public health and safety, restore essential government services, and provide emergency relief to individuals, stakeholders, and communities affected by the consequences of emergencies, hazards, and disasters;

(m) *Contingency planning* refers to 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;

(n) *Cultural heritage* refers to the totality of cultural property preserved and developed through time and passed on to posterity;

(o) *Deterministic risk assessment* refers to an assessment that considers the possible disaster impacts of a single scenario, in contrast to probabilistic risk assessment which considers all possible scenarios, their likelihood, and associated impacts;

(p) *Development assistance* refers to financial, material or other forms of assistance to support the economic, social, and environmental well-being of areas or people affected by a natural disaster;

(q) *Disability* refers to an evolving concept that results from the interaction between persons with impairments, as defined under Republic Act No. 7277, otherwise known as the “Magna Carta for Disabled Persons” and attitudinal and environmental barriers that hinder their full and effective participation in society on an equal basis with others;

(r) *Disaster* refers to 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 to cope using its own resources. Disasters are often described as a result of the combination of the exposure to a hazard; the conditions of vulnerability that are present; and insufficient capacity or measures to reduce or cope with the potential negative consequences. Disaster impacts may include loss of life, injury, disease and other negative effects on human, physical, mental and social well-being, together with damage to property, destruction of assets, loss of services, social and economic disruption and environmental degradation. Unless otherwise specifically indicated in this Act, the term “disaster” shall refer to “natural disaster”;

(s) *Disaster assistance* refers to financial, material, or other forms of assistance to address the immediate and long-term needs of people, communities or areas affected by a disaster. This term includes humanitarian assistance and development assistance;

(t) *Disaster management* refers to the planning, organization, and application of measures preparing for, responding to, and recovering from disasters;

(u) *Disaster mitigation* refers to the reduction or limitation of the adverse impacts of disasters and its related hazards;

(v) *Disaster preparedness* refers to the knowledge and capacities developed by governments, professional response and recovery organizations, communities and individuals to effectively anticipate, respond to, and recover from, the impacts of likely, imminent or current disasters and related hazards;

(w) *Disaster prevention* refers to the intention to avoid, or the outright avoidance, of potential adverse impacts of disasters and related hazards through action(s) taken in advance;

(x) *Disaster recovery* refers to restoration or improvement of livelihoods and health, as well as economic, physical, social, cultural and environmental assets, systems and activities, of a disaster-affected community or society, aligning with the principles of sustainable development and “build forward better” to avoid or reduce future disaster risk;

(y) *Disaster response* or *disaster relief* refers to the provision of emergency services and public assistance during or immediately after a disaster in order to secure and save lives, reduce health impacts, ensure public safety and meet the basic subsistence needs of the people affected. Disaster response is predominantly focused on immediate and short-term needs and is sometimes called “disaster relief”;

(z) *Disaster rehabilitation* refers to restoration of basic services and facilities for the function of a community or a society affected by a disaster;

(aa) *Disaster resilience* refers to the ability of a system, community, or society exposed to hazards to resist, absorb, accommodate, adapt to, transform, and recover from the effects of a hazard, including the long-term impact of climate change, in a timely and efficient manner, including through the preservation and restoration of its essential basic structures and functions through risk management

(bb) *Disaster risk* refers to the potential losses in lives, health status, livelihoods, assets and services that may occur to a particular community or society due to a disaster in the future, and is determined by a combination of the vulnerability, capacity, exposure of persons and assets, hazard characteristics and the environment;

(cc) *Disaster risk governance* refers to the manner in which public authorities, civil servants, media, private sector, and civil society coordinate at community, national and regional levels in order to manage disaster and climate related risks. This includes ensuring that sufficient levels of capacity and resources are made available to prevent, prepare for, manage and recover from disasters. It also entails mechanisms, institutions, and processes for citizens to articulate their interests, exercise their legal rights and obligations, and mediate their differences;

(dd) *Disaster risk management* refers to the systematic approach or process of implementing strategies, policies and programs to lessen the possibility and/or adverse impacts of disasters and related hazards;

(ee) *Disaster risk reduction* refers to the prevention of new, or reduction of existing, disaster risks and the management of residual risk, to enhance resilience to disasters; (ff) *Early warning system* refers to an integrated system of hazard monitoring, forecasting and prediction, disaster risk assessment, and communication and preparedness activities and processes that enable individuals, communities, national government agencies, local government units, the private sector, and others to take timely action to reduce disaster risks and adequately prepare for disasters;

(ff) *Emergency* refers to unforeseen or sudden occurrence, especially danger, demanding immediate action;

(gg) *Emergency management* refers to the organization and management of resources and responsibilities for addressing all aspects of emergencies, in particular, preparedness, response and initial recovery steps;

(hh) *Environmental hazards* refer to hazards which may be chemical, natural and biological, and can be created by environmental degradation or physical or chemical pollution in the air water and soil. However, many of the processes and phenomena that fall into this

category may be termed drivers of hazard and risk rather than hazards in themselves, such as soil degradation, deforestation, loss of biodiversity, salinization and sea-level rise;

(ii) *Exposure* refers to the situation of people, infrastructure, housing, production capacities and other tangible human assets located in hazard-prone areas;

(jj) *Framework Agreement* shall refer to a written agreement between a procuring entity and a supplier or service provider that identifies the terms and conditions under which specific purchases are made for the duration of the agreement.

The Framework Agreement is in the nature of an option contract between the procuring entity and the bidder(s) granting the procuring entity the option to either place an order for any of the goods or services identified in the Framework Agreement List or not buy at all, within the period of the Framework Agreement;

(kk) *Geological or geophysical hazards* refer to hazards which originate from internal earth processes, such as earthquakes, volcanic activities and emissions, and related geophysical processes which include mass movements, landslides, rockslides, surface collapses and debris or mud flows. Hydrometeorological factors are important contributors to some of these processes. While tsunamis are triggered by undersea earthquakes and other geological events, they essentially become an oceanic process that is manifested as a coastal water-related hazards;

(ll) *Geographic information system* refers to a database which contains, among others, geo-hazard assessments, information on climate change, and climate risk reduction and management;

(mm) *Geographically isolated and disadvantaged area (GIDA)* refers to an area with a marginalized population, which is physically and socio-economically separated from the mainstream society and characterized by physical factor such as isolated due to distance, weather conditions and transportation difficulties due to island, upland lowland, landlocked, hard to reach and underserved communities; and/or socio-economic factors such as high poverty incidence, presence of vulnerable sector, communities in or recovering from a situation of crisis or armed conflict;

(nn) *Hazard* refers to a phenomenon, substance, human activity, or condition that may cause loss of life, injury or impacts to health; and social and economic disruption, environmental damage, or loss of or disruption to property, livelihood and/or services;

(oo) *Historical landmarks* refer to sites or structures that are associated with events or achievements significant to Philippine history as declared by the National Historical Institute or the applicable agency;

(pp) *Human-induced disasters* refer to disasters induced entirely or predominantly by human activities or choices, such as ideologically motivated conflict or criminality;

(qq) *Humanitarian assistance* refers to financial, material or other similar forms of assistance to address the immediate needs of people affected by a natural disaster;

(rr) *Hydrometeorological hazards* refer to hazards that are of atmospheric, hydrological and oceanographic origin, such as tropical cyclones also known as typhoons and hurricanes; floods, including flash floods, drought; heatwaves and cold spells, coastal storm surges, and marine heatwaves, extreme sea events, and sea level rise. Hydrometeorological conditions may also be a factor in other hazards such as landslides, wildland fires, locust plagues, epidemics, and in the transport and dispersal of toxic substances and volcanic eruption material;

(ss) *Impact and needs assessment* refers to assessing the nature and magnitude of a disaster, its impact on affected populations, the type and extent of emergency, and the requirements for recovery and rehabilitation of the affected areas;

(tt) *Land-use planning* refers to the process undertaken by public authorities to identify, evaluate, and decide on different options for the use of land, including consideration of long-term economic, social, and environmental objectives and the implications for different communities and interest groups, and the subsequent formulation and promulgation of plans that describe the permitted or acceptable uses;

(uu) *Legal facilities* refer to entitlements and exemptions that are granted to assisting domestic or international actors which are declared to be eligible pursuant to this Act and its implementing rules and regulations;

(vv) *Local Disaster Resilience Plan (LDRP)* refers to a document prepared by a local government unit (LGU) based on the National Disaster Resilience Framework (NDRF) and National Disaster Resilience Plan and Investment Program (NDRPIP) that sets out specific programs, objectives and goals to implement disaster risk management and climate change adaptation measures at the local level. The plan shall include among others, an evaluation and analysis of emerging disaster risks, hazards and vulnerabilities applicable to an LGU, and specific programs and activities to ensure responsive, effective, and the appropriate disaster preparedness and management at the local level;

(ww) *National continuity policy* refers to a policy aimed at the development of an organizational culture that has the ability to provide a minimum level of service during interruptions, emergencies, and disasters, and return to full operations quickly;

(xx) *National cultural treasure* refers to a unique cultural property found locally, possessing outstanding historical, cultural, artistic and/or scientific value which is highly significant and important to the country and nation, and officially declared as such by the pertinent cultural agency;

(yy) *National Disaster Resilience Framework (NDRF)* refers to a framework that provides for a comprehensive, all-hazards, multi-sectoral, inter-agency and community-based approach to enable communities to resist, prevent, mitigate against, absorb, accommodate, adapt to, recover, or build forward better from the effects of a hazard in a timely and efficient manner through, among others, disaster risk reduction and management and climate change adaptation and mitigation. The NDRF shall be composed of a National Disaster Risk Reduction and Management Framework (NDRRMF), and National Framework Strategy on Climate Change (NFSCC);

(zz) *National Disaster Resilience Plan and Investment Program (NDRPIP)* refers to a plan formulated and implemented by the Department of Disaster Resilience in accordance with

the NDRF that sets out the outcomes, goals and objectives, priorities, programs and corresponding action plans for disaster risk reduction, preparedness, and management, and climate change mitigation. It shall also include, among others, the goals, objectives and action plans for a National Continuity Policy;

(aaa) *Natural disaster* refers to a disaster predominantly associated with and/or caused by natural processes or phenomena, such as those related to geology such as earthquakes, ground rupture, liquefaction, landslides, tsunamis, sinkholes, volcanic activity; hydrology and meteorology such as floods, severe winds, typhoons, storm surges, climatological variability such as extreme temperatures, El Niño, La Niña, and forest fires; biological events such as epidemics or pandemics caused by outbreaks of viral, bacterial, parasitic, fungal or prion infectious diseases affecting human, animal or plant life, insect infestations or swarms; and extraterrestrial events such as a meteorite or asteroid strikes;

(bbb) *Open data* refer to facts and statistics that can be freely used, shared and built-on by anyone, anywhere, for any purpose, which must be available in bulk, free of charge, or at least at no more than a reasonable cost and permit people to use, re-use, and redistribute, intermix with other data providers;

(ccc) *Post-Disaster recovery* refers to the restoration improvement where appropriate, of facilities, livelihood and living conditions, of disaster-affected communities, including efforts to reduce disaster risk factors, in accordance with the principle of “build forward better”;

(ddd) *Preparedness* refers to pre-disaster actions and measures being undertaken within the context of disaster risk reduction and management and are based on sound risk analysis as well as pre-disaster activities to avert or minimize loss of life and property such as community organizing, training, planning, equipping, stockpiling, hazard mapping, insuring of assets, and public information and education initiatives. This also includes the development or enhancement of an overall preparedness strategy, policy, institutional structure, warning and forecasting capabilities, and plans that define measures geared to help at-risk communities safeguard their lives and assets by being alert to hazards and taking appropriate action in the face of an imminent threat or an actual disaster;

(eee) *Prevention* refers to activities and measures to avoid existing and new disaster risks, and the concept and intention to avoid potential adverse impacts of hazardous events;

(fff) *Probabilistic risk assessment* refers to the simulation of those future disasters based on scientific evidence, and which are likely to occur in order to resolve the problem posed by the limits of historical data by reproducing the physics of the phenomena and recreating the intensity of a large number of synthetic events, including all possible scenarios, their likelihood, and associated impacts;

(ggg) *Rehabilitation* refers to measures that ensure the ability of affected communities or areas to restore their normal level of functioning by rebuilding livelihood and infrastructures and increasing the communities’ organizational capacity;

(hhh) *Resilience* refers to the ability of a system, community or society exposed to hazards to resist, absorb, accommodate, and recover from the effects thereof in a timely and efficient manner, including through the preservation and restoration of its essential basic

structures and functions in a manner that will make them more resistant to future risks;

(iii) *Response* refers to any concerted effort by two (2) or more agencies, public or private, to provide assistance or intervention during or immediately after a disaster to meet the life preservation and basic subsistence needs of those people affected and in the restoration of essential public activities and facilities;

(jjj) *Retrofitting* refers to an act reinforcing or upgrading existing structures to make them more resistant and resilient to the damaging effects of hazards;

(kkk) *Risk* refers to the combination of the probability of an event and its negative consequences;

(lll) *Risk assessment* refers to a methodology to determine the nature and extent of risks by analyzing potential hazards and evaluating existing conditions of vulnerability that together could potentially harm exposed people, property, services, livelihood and the environment on which they depend. Risk assessment with associated risk mapping include: a review of the technical characteristics of hazards such as their location, intensity, frequency and probability; the analysis of exposure and vulnerability including the physical, social, health, economic, and environmental dimensions; and the evaluation of the effectiveness of prevailing and alternative coping capacities in respect to likely risk scenarios;

(mmm) *Risk transfer* refers to the process of formally or informally shifting the financial consequences of particular risks from one party to another whereby a household, community, enterprise or State authority will obtain resources from the other party after a disaster occurs, in exchange for ongoing or compensatory social or financial benefits provided to that other party;

(nnn) *Safety stock* refers to items of raw materials, component parts, or finished goods maintained in inventory in order to reduce the risk that such item will be out of stock, in anticipation of unforeseen shortages or unusual demand for such items;

(ooo) *State of Calamity* refers to a condition involving mass casualty, disruption of means of livelihoods, and/or major damages to property, roads and normal way of life of people in the affected areas as a result of the occurrence of natural or human-induced hazard;

(ppp) *Sustainable development* refers to development that meets the needs of the present generation without compromising the ability of future generations to meet their own. It contains within it two (2) key concepts: first, the concept of “needs”, in particular, the essential needs of the world’s poor, to which overriding priority should be given; and second, the idea of limitations imposed by the state of technology and social cohesion and harmony, and ecological integration of a sound and viable economy, responsible governance, and ecological integrity to ensure that human development now and through future generations is a life enhancing process;

(qqq) *Volunteers* refer to individuals, groups or entities that offer and provide services or assistance, without compensation, to help people and areas affected by disasters;

(rrr) *Vulnerability* refers to the characteristics and circumstances of a community, system or asset that make it susceptible to the damaging effects of a hazard.

Vulnerability may arise from various physical, social, economic, and environmental factors such as poor design and construction of buildings, inadequate protection of assets, lack of public information and awareness, limited official recognition of risks and preparedness measures, and disregard for wise environmental management;

(sss) *Vulnerable and marginalized groups* refer to those that face higher exposure to disaster risk and poverty including women, children, the elderly, differently abled people, and ethnic minorities;

(ttt) *Whole-of-Society Approach* refers to an approach that encourages the meaningful and active participation and synergy of the different stakeholders of society toward climate change adaptation and mitigation, and disaster risk reduction and management at the national and local levels;

(uuu) *Whole-of-Government Approach* refers to an approach that instills and fosters collaboration among all government instrumentalities both at the national and local levels toward shared sustainable development goals and outcomes; and

(vvv) *Whole-of-Nation Approach* refers to an approach that seeks to bring about a concerted effort towards sustainable development, and national peace and security by creating consensus and understanding of development and security that is shared not just among core security forces and oversight government institutions, but also by the nation's stakeholders such as government, civil society, private sector, and the communities.

Article II

THE DEPARTMENT OF DISASTER RESILIENCE: MANDATE, POWERS, AND FUNCTIONS

SEC. 4. *Creation and Mandate of the Department of Disaster Resilience.* – There is hereby created a Department of Disaster Resilience, hereinafter referred to as the Department.

The Department shall be the primary government agency responsible for leading, organizing, and managing the national effort to reduce disaster risk, prepare for and respond to disasters, recover and rehabilitate, and build forward better after the occurrence of disasters.

The Department shall oversee and coordinate the preparation, implementation, monitoring, and evaluation of disaster and climate resilience plans, programs, projects and activities, provide leadership in the continuous development of strategic and systematic approaches to disaster prevention, mitigation, preparedness, response, recovery and rehabilitation, to anticipatory adaptation strategies, measures, techniques, and options.

The Department shall augment the capacity of local governments units in collaboration with relevant national government agencies and other stakeholders to implement disaster risk reduction and management and climate change action plans, programs, projects, and activities.

The Department shall be the principal government institution responsible for ensuring safe, adaptive, and disaster resilient communities. It is mandated to provide a clear and comprehensive direction in the implementation of plans, programs, and projects to reduce the risk of natural hazards and the effects of climate change and manage the impact of disasters.

The mandate of the Department covers all natural hazards, which include, among others, the following:

(a) Geological Phenomena and Related Hazards

- 1) Earthquake – ground rupture, ground shaking, liquefaction, tsunami, fire, landslides, and seiche or lake water oscillation
- 2) Volcanic activity – ash fall, pyroclastic flow, lava flow, lahar, fissuring, and volcanic gas
- 3) Mass movement – landslides, debris flow, sinkholes

(b) Hydrological, Oceanographic and Meteorological Phenomena and Related Hazards

- 1) Tropical cyclone – severe winds, storm surge, rogue waves, severe rainfall including hail
- 2) Flood, rain-triggered landslides and storm surges
- 3) Erosion
- 4) Marine heatwaves, extreme sea events, and sea level rise

(c) Climate Variability/Change with Related Hazards of Compound Events and Cascading Impacts

- 1) El Niño or La Niña (ENSO) with associated rainfall and temperature (in particular, projected extreme ENSOs)
- 2) Extreme temperature (heat wave or cold wave), extreme weather conditions (drought or excessive rainfall)
- 3) Wildfire (forest or land fires)

(d) Biological and Related Hazards

- 1) Epidemic/Pandemic – viral, bacterial, parasitic, fungal, prion infectious diseases
- 2) Insect Infestation – grasshoppers/locusts

(e) Extra-Terrestrial – Meteorite/Asteroid impact

The Department shall manage and direct the implementation of national, local, and community-based disaster resilience and disaster management programs, projects and activities, including disaster response, recovery and rehabilitation, when applicable, in collaboration with relevant national government agencies, LGUs, CSOs, academic institutions and other stakeholders: *Provided*, That for human-induced disasters, the Department of the Interior and Local Government (DILG), Department of National Defense (DND), Department of Social Welfare and Development (DSWD), and other relevant government instrumentalities, including the Armed Forces of the Philippines (AFP), Bureau of Fire Protection (BFP), Philippine National Police (PNP), Philippine Coast Guard (PCG), and Office of Civil Defense (OCD), shall continue to perform their functions: *Provided, further*, That the Department shall remain as the lead agency in recovery and rehabilitation efforts in collaboration with all stakeholders when applicable.

Notwithstanding, the mandates and powers stated herein shall be without prejudice to the President's directive to address natural, human-induced, or other disasters such as an epidemic.

SEC. 5. *Powers and Functions of the Department.* - The Department shall exercise the following powers and functions, in collaboration with the relevant departments, agencies, and non government stakeholders:

(a) General Functions

1) Conduct risk and vulnerability assessment at the local level based on the national criteria, and establish a database that includes, among others, an inventory of hazards to better prepare for and respond to natural disasters;

2) Undertake the establishment or construction of evacuation centers that conform to the standards under the United Nations (UN) Humanitarian Charter and Minimum Standards in Humanitarian Response or The Sphere Minimum Standards for Shelter and Settlement, and Republic Act No. 10821, otherwise known as the “Children’s Emergency Relief and Protection Act”, among others. The upkeep and maintenance of the evacuation centers shall be the responsibility of the concerned LGUs;

3) Develop, maintain and update an integrated disaster management and disaster resilience information system that includes, among others, multi-hazard mapping, vulnerability and probabilistic risk assessments, early warning, exposure database, communication and emergency management systems at the national, regional, and provincial levels;

4) Undertake the formulation and implementation of the government’s policies, plans, programs, projects, and budget for disaster resilience including those related to disaster risk reduction, response, recovery, rehabilitation, and building forward better;

5) Review and build upon, to the extent necessary, the existing disaster resilience framework, plans and strategies in the crafting of an NDRF and the corresponding NDRPIP;

6) Oversee, review, and approve the translation, integration, and implementation of the NDRPIP into LDRPs;

7) Facilitate the availability of highly competent DRR professionals at all levels and prescribe benefits, allowances, and similar emoluments for DRR professionals, as it may deem fit;

8) Communicate and disseminate critical information to help the public prepare for, respond to, and recover from a disaster;

9) Receive, manage, administer and control all the funds, assets and properties received by the Department to accomplish the purposes of this Act;

10) Recommend to the President of the Philippines the declaration of a state of calamity due to a natural disaster, and the lifting thereof when conditions stabilize;

11) Advise the President on matters concerning disaster resilience and make recommendations, as appropriate;

12) Advance the country’s interests relating to disaster resilience in the regional and global arena;

13) Collaborate with any government entity to help ensure the attainment of the goals and objectives of this Act; and

14) Perform such other functions, as provided by law or assignment of the President, and undertake all other necessary actions to ensure the attainment of the overall goals and objectives of this Act.

(b) Disaster Risk Reduction

1) Develop coordinated regional and local strategies for the effective prevention and mitigation of disaster risk resulting from natural hazards, including the effects of climate change;

2) Develop and implement policies and programs relating to the construction of new settlements or relocation of settlements in safe areas which shall, to the extent such policies and programs relate to disaster risk reduction, mitigation, prevention or building forward better, prevail over policies or decisions of other government departments, government agencies, government owned and/or controlled corporations, LGUs, or other government institutions.

3) Develop, in coordination with relevant government agencies, policies and programs on land-use planning, urban planning and zoning which shall, to the extent such policies and programs relate to disaster risk reduction, mitigation, prevention or building forward better, prevail over policies or decisions of other government departments, government agencies, government owned and/or controlled corporations, LGUs, or other government institutions;

4) Establish or enhance standards for disaster preparedness and continuity planning, such as on infrastructure standards and designs;

5) Collaborate with the Department of Public Works and Highways (DPWH) and other relevant government agencies in the conduct of regular structural, safety audit of buildings and other types of infrastructure, and require the submission of necessary data, information or reports related thereto;

6) Formulate a National Continuity Policy including plans and programs to implement government governance and business continuity;

7) Ensure the use of advanced science and technology in the anticipatory planning of communities against the impact of natural hazards and climate change through consultation, and employment with a regular department funding for relevant academic or higher educational institutions with proven risk reduction record;

8) Establish a system to ensure that all disaster-related data are accessible to all stakeholders to generate the best scientific information and technological products for use in disaster resilience;

9) Ensure that all climate change-related hazards are included in the development of climate risk profiles of targeted LGUs as provided for in the Climate Risk and Management

Framework (CRMF) policy document of the Climate Change Commission (CCC) and that the appropriate institutions such as the academe and other science experts or organizations who have the capability to develop or have developed methodologies to establish climate change risk profile are officially engaged;

10) Undertake programs and projects to reduce the vulnerability of physical infrastructure, assets, and facilities including retrofitting, and structural and non- structural upgrading, in coordination with the relevant government agencies;

11) Call on relevant government agencies to develop alternative livelihood programs to reduce the vulnerability to disasters of certain areas or certain sectors of society;

12) Formulate, facilitate and monitor efforts relating to certain resources or sectors toward addressing the long-term effects of climate change on sustainable development, such as water resources, agriculture, forestry, coastal and marine resources, health, and infrastructure, in coordination with relevant government agencies;

13) Design and implement an incentive system for greater private and public investment, both at the local and national levels, on disaster risk reduction;

14) Oversee and ensure the mainstreaming of climate change adaptation and disaster risk reduction in development and land use planning, and the preparation of contingency plans;

15) Create an enabling environment that shall promote broader multi-stakeholder participation for disaster risk reduction and climate change adaptation and mitigation;

16) Establish, develop, and monitor programs and projects, in coordination with relevant government agencies, that consider climate projections, including temperature increase and rainfall change in the Philippines to ensure climate-resilient communities;

17) Establish and monitor national and local capacity for disaster risk financing and insurance and other risk transfer strategies in coordination with the Department of Finance (DOF), Government Service Insurance System (GSIS), Land Bank of the Philippines (LBP), and Insurance Commission;

18) Review and evaluate local disaster resilience plans and other local plans to ensure their consistency with the National Disaster Resilience Framework; and

19) Undertake all other programs and projects necessary to attain the necessary outcomes for disaster risk reduction.

(c) Disaster Preparedness and Response

1) Lead, manage, and collaborate with the relevant government instrumentalities, non government stakeholders, and international partners in providing the minimum basic needs of people in affected areas before, during and/or immediately after a disaster to save lives and minimize casualties;

2) Establish a corps of first responders in partnership with national and local stakeholders, both public and private;

3) Implement projects and programs that will enhance the capacity of LGUs to prepare for and respond to disasters, giving priority to LGUs with low income or those situated in high-risk areas;

4) Ensure the efficient prepositioning of goods, maintenance and disposal of safety stocks;

5) Accredite, monitor, and evaluate training institutions on disaster resilience;

6) Regulate the accreditation of donors, volunteers, and assisting non government stakeholders, both domestic and international;

7) Formulate standards for contingency planning that shall be adopted by the LGUs;

8) Develop a database of exposure or elements at risk per area to facilitate and ensure quick impact and needs assessment in the event of a disaster;

9) Facilitate and regulate the acceptance, inventory, and accounting of humanitarian assistance, including relief goods;

10) Maintain a database of volunteers and, when necessary, mobilize volunteers to augment the personnel complement and logistical requirements for disaster response and/or for the delivery of DRRM programs, projects and activities;

11) Oversee and maintain a national early-warning and emergency alert system that must provide a specific, areas-focused and time-bound warning that are accurate, timely, understandable and readily accessible to national and local emergency response organizations and the general public;

12) Coordinate information-sharing and other disaster risk reduction protocols following the principle of interoperability among national government agencies and local government units;

13) 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 function includes the power to call on the reserve force as defined in Republic Act No. 7077, otherwise known as the "Citizen Armed Forces of the Philippines Reservist Act" to assist in relief, rescue, retrieval and management of dead and missing persons during disasters or calamities;

14) Organize, train, equip, and maintain a system of response capacity for search, rescue and retrieval and the delivery and distribution of relief goods;

15) Recommend to the President to call upon the AFP and PNP to render the necessary assistance in a disaster-affected area by the authority of the President;

16) Call upon, by authority of the President, the Armed Forces of the Philippines, the Philippine National Police, the Bureau of Fire Protection (BFP), the Philippine Coast Guard,

and other uniformed services to the extent necessary for the Department to achieve the purposes of this Act;

17) Establish a National Corps of Volunteers to be composed of, among others: Reserve Officers' Training Corps (ROTC), National Service Training Program (NSTP), reservists, and other socio-civic organizations;

18) Assist in mobilizing necessary resources to increase the overall capacity of local government units, specifically those with low income and situated in high-risk areas; and

19) Undertake all other programs and projects necessary to attain the necessary outcomes for disaster preparedness and response.

(d) Recovery and Building Forward Better

1) Prepare, organize, lead, implement, and manage post-disaster assessment and recovery and rehabilitation programs and plans, in coordination with the affected local governments units, national government agencies, and other stakeholders;

2) Establish a system to promptly perform impact and needs assessment, including strengthening the in-house capacity of the Department to conduct accurate and timely impact and needs assessment;

3) Establish a system that utilizes templates, exposure database, and other tools, and develop the Department's in-house capacity for the prompt and expedient preparation of rehabilitation plans, when needed, for disaster affected areas;

4) Formulate or direct relevant government agencies and LGUs to issue guidelines for fast-tracking the issuance of permits, certifications, clearances and licenses to implement disaster recovery and rehabilitation measures, including housing projects, in affected areas;

5) Prepare and implement rehabilitation plans for disaster affected areas;

6) Manage and oversee the implementation of disaster recovery and rehabilitation measures;

7) Collaborate with relevant government agencies to establish programs to restore or generate livelihood in disaster affected areas;

8) Formulate policies and standards for post-disaster shelter recovery which may include, among others, implementation arrangements, coordination arrangements with relevant agencies and LGUs, and modalities for emergency transitional and permanent shelter recovery;

9) Ensure that the principle of building forward better is applied to rehabilitation or reconstruction efforts; and

10) Undertake all other programs and projects necessary to attain the necessary outcomes for recovery and safer, adaptive, resilient, and inclusive communities.

(e) Other Functions

- 1) Constitute, call, convene or deputize agencies of government, and invite non government and private organizations, to assist, advise, or coordinate with the Department to achieve the purposes of this Act;
- 2) Inspect and examine the status of projects, programs, and activities undertaken by national government agencies and local government units in furtherance of disaster resilience efforts;
- 3) Save lives and/or minimize damages to livelihood and property, complement and collaborate with relevant government agencies and non government stakeholders in providing humanitarian response and the consequence management of human- induced disasters whenever it becomes necessary;
- 4) Negotiate, enter into, institutionalize, and coordinate arrangements with any private person or entity for the purpose of ensuring the adequate and prompt availability of goods and services necessary in anticipation of, during, and in the aftermath of disasters;
- 5) Promulgate rules and regulations for the receipt, management, and accounting of donations that are consistent with the rules of the Commission on Audit (COA) on the use of foreign and local aid during calamities and disasters;
- 6) Create or reorganize offices and/or task forces, as may be necessary to carry out the objectives of this Act; and
- 7) Perform such other functions, as may be necessary, for the attainment of the objectives of this Act.

**Article III
EMERGENCY MEASURES**

SEC. 6. *Emergency Measures.* –

- (a) To protect and preserve life and property and ensure and promote public safety and welfare, the Department may undertake and implement the following emergency measures in anticipation of, during, and in the aftermath of disasters:
- 1) Carrying out of preemptive evacuation;
 - 2) Imposition of curfew;
 - 3) Rationing of the distribution of basic goods in critical shortage, and when necessary, preventing or restricting the transfer of such goods outside of the area affected by the disaster, including access to rice inventory of the National Food Authority (NFA) office or storage located in the affected area;
 - 4) When there is imminent danger of loss of lives or damage to property, temporarily take over or direct the operation of any private utility or business, subject to payment of just compensation; and

- 5) With the concurrence of the DOF, recommend to the Monetary Board the deferment of the payment of monetary obligations of local government units and private entities that have been severely affected by disaster.

(b) Local government units shall enact ordinances on and implement necessary and appropriate emergency measures to ensure the protection and preservation of life and property and the promotion of public safety and welfare in anticipation of, during, and in the aftermath of disasters.

(c) Emergency measures shall be carried out in a manner that is humane, respectful of the dignity and culture of persons, without the use of discrimination and disproportionate force, and with conscious attention to the needs of vulnerable and marginalized groups.

(d) Appropriate steps shall be taken to inform the public of the need to implement emergency measures for their safety.

SEC. 7. Preemptive and Force Evacuations. – Preemptive evacuation shall be the preferred and primary mode of moving and relocating people that will be affected by impending disasters.

A forced evacuation shall be considered as an emergency measure of last resort that may be undertaken in anticipation of or during a disaster and carried out by the concerned local government unit: *Provided*, That in case of the failure or inability of the local government units to implement the same, the forced evacuation shall be implemented by the Department, which may direct and compel the assistance of law enforcement and other government agencies to implement such measure.

Any person who willfully disregards or disobeys a preemptive or forced evacuation carried out by the local government unit or the Department releases such local government unit or the Department, as the case may be, from any liability for injury, death, damage to, or loss of property due to such disobedience.

Article IV ORGANIZATION AND MANAGEMENT

SEC. 8. The Secretary. - The Department shall be headed by the Secretary of Disaster Resilience, hereinafter referred to as the Secretary, who shall be appointed by the President, subject to confirmation by the Committee on Appointments. The Secretary shall preferably have a good background in any of the scientific, engineering, and public management fields relevant to the attainment and promotion of resilience to natural hazards and climate change, and demonstrated managerial acumen.

SEC. 9. Powers and Functions of the Secretary. – The Secretary shall have the following powers and functions:

a) Provide executive direction and supervision over the entire operations of the Department;

b) Establish and promulgate policies, rules, and regulations for the effective and

efficient operation of the Department and implement these to carry out its mandate, functions, programs, and activities;

c) Exercise control and supervision over all functions and activities of the Department and its officers and personnel;

d) Manage the financial, human and other resources of the Department;

e) Appoint and designate officers and employees of the Department, excluding those requiring presidential appointment as provided for by law;

f) Exercise disciplinary powers over officers and employees of the Department in accordance with law, and investigate such erring officers and employees, or designate a committee or officer to conduct an investigation;

g) Collaborate with other government agencies, the private sector, and civil society organizations on the policies, programs, projects, and activities of the Department, as may be necessary;

h) Advise the President on the promulgation of executive and administrative orders, and the formulation of regulatory and legislative proposals on matters pertaining to disaster resilience;

i) Represent the Philippines and articulate the national contribution to global, regional, and other inter-governmental disaster risk reduction and humanitarian platforms, in coordination with the Department of Foreign Affairs

j) Formulate such rules and regulations, and exercise such other powers as may be required to implement the objectives of this Act;

k) Serve as a member of the Government Procurement Policy Board (GPPB); and

l) Perform such other tasks as may be provided by law or assigned by the President.

SEC. 10. *The Undersecretaries.* - The Secretary shall be assisted by four (4) Undersecretaries, which shall be responsible for the following key result areas:

a) *Disaster Preparedness and Response* - to implement projects and programs that will enhance the capacity of LGUs to prepare against, and respond to, disasters. This also includes development of a database of exposure or elements at risk per area and database of volunteers, among others. It involves the establishment of evacuation centers and the implementation of responsive and efficient repositioning of goods, maintenance and disposal of stocks, among others;

b) *Disaster Risk Reduction* - to formulate, adopt, and/or implement, among others, a whole-of-society approach in policies and programs to prevent new, if not reduce existing disaster risks, to address the effects of climate change, and to minimize loss and damage to lives and properties. This includes the formulation of the required policies and/or programs for disaster risk reduction and climate change adaptation in, among others, the NDRF and the NDRPIP;

c) *Recovery and Building Forward and Better* - to formulate and implement rehabilitation plans for disaster-affected areas, and to ensure the implementation of disaster recovery and rehabilitation measures, such as, but not limited to, post-disaster shelters and livelihood projects, in collaboration with relevant agencies, LGUs, and other stakeholders; and

d) *Support to Operations* - to formulate and implement, among others, policies, programs and/or projects to ensure the efficient, effective, and responsive delivery of the Department's key result areas. Support to Operations covers knowledge management, institutional development and planning, finance, office administration, human resources management, and development of the Department's in-house capacities, among others.

SEC. 11. *The Assistant Secretaries and Directors.* - The Department shall have four (4) Assistant Secretaries and appropriate number of Directors to ensure the effective, efficient, and responsive implementation of the mandate and functions of the Department.

SEC. 12. *Qualifications.* - No person shall be appointed Secretary, Undersecretary, or Assistant Secretary of the Department unless a citizen and resident of the Philippines, of good moral character, and of proven experience, competence or expertise in humanitarian relief assistance and disaster management. The Secretary, Undersecretary, or Assistant Secretary shall not hold any other position, public or private, during their terms of office.

SEC 13. *Structure and Staffing Pattern.* - The Department shall determine its organizational structure and staffing pattern and create such services, divisions, and units, as it may require or deem necessary, subject to the approval of the Department of Budget and Management.

SEC. 14. *National Disaster Operations Center, Alternative Command Center, and Research and Training Institute.* - The Department shall establish, within one (1) year from the approval of this Act, and act as the primary operator, the National Disaster Operations Center (NDOC), Alternative Command and Control Center (ACCCs) as may be necessary in each of the country's major island groups, and the Disaster Resilience Research and Training Institute (DRRTI).

The Department is authorized to collect fees derived from the DRRTI. The NDOC is a physical center equipped with the necessary tools and systems to monitor, manage, and respond to disasters in all areas of the country. The NDOC shall also provide the necessary support for the overall coordination and implementation of emergency and disaster response measures throughout the country.

The ACCCs are command centers established in other locations to provide supplemental support to the NDOC. The number and location of ACCCs shall be determined by the Department. Temporary ACCCs may likewise be established by the Department, if necessary.

SEC. 15. *DRRTI Functions and Inter-Agency Knowledge Sharing.* - The DRRTI shall be a platform for providing training preferably on site, and for collecting, consolidating, managing, analyzing, and sharing knowledge and information to improve or enhance disaster resilience.

The DRRTI shall:

- a) Establish reliable and up-to-date disaster-related information and communication systems and technologies through close collaboration with the DOST and with academic institutions;
- b) Institutionalize, maintain, and update an integrated disaster resilience information system (IDRIS), which includes, among others, multi-hazard mapping, probabilistic risk assessment, risk analysis, early warning, exposure database, communication and emergency management systems;
- c) Establish a database that includes relevant information from other government agencies and third parties for the Department to better prepare and respond to natural hazards including, but not limited to, an inventory of hazardous materials per area;
- d) Consult and coordinate with, and consolidate information/data from, relevant government agencies, such as, but not limited to, DOST, LGUs, academic institutions, and relevant CSOs to enhance the IDRIS and to promote knowledge sharing among all stakeholders;
- e) Conduct disaster-related research programs, seminars, and trainings for all types of stakeholders;
- f) Consolidate, organize and/or prepare training materials and publications; and
- g) Conduct other activities consistent with promoting the formation and dissemination of knowledge and information relating to disaster resilience and disaster management.

SEC. 16. *Compliance and Accreditation of DRRTI with International Standards.* - The Department shall strive to obtain certification from, and accreditation by, international accreditation bodies of the DRRTI to ensure DRRTI's compliance with international standards. The Department shall likewise ensure collaboration with key countries and international organizations to incorporate best practices on disaster resilience in the Department's policies and programs.

SEC. 17. *Disaster Assistance Action Center.* - The Department shall institutionalize a one-stop shop mechanism through a Disaster Assistance Action Center (DAAC) which shall, among others, process necessary documents for both domestic and international assisting actors.

SEC. 18. *Incentives.* - The Department has the authority to prescribe benefits, allowances, and similar emoluments for disaster management professionals and disaster resilience officers at the national and local levels.

Article V
NATIONAL AND LOCAL GOVERNMENT RELATIONS

SEC. 19. Retention of Local DRRM Offices and Creation of Local Disaster Resilience Offices. - The Local DRRM Offices (LDRRMOs) in provinces, cities, and municipalities shall be retained and renamed as Provincial, City, and Municipality Disaster Resilience Offices, respectively. They shall collectively be called Local Disaster Resilience Offices (LDROs). All LGUs shall establish an LDRO at the provincial, city, and municipal levels. All Local DRRM Councils (LDRRMCs) shall be abolished.

The budgetary requirements for personal services, maintenance and other operating expenses, and capital outlay of the LDROs shall be sourced from the General Fund of the LGU, subject to Section 76 of Republic Act No. 7160, otherwise known as the “Local Government Code of 1991”, as amended.

Other maintenance and operating expenses and other capital outlay requirements of the LDRO in the implementation of disaster risk and vulnerability reduction management and climate change adaptation programs shall be charged to the Local Disaster Resilience Fund of the LGUs.

Provinces, cities or municipalities shall be exempted from the Personnel Services (PS) limitation on local government budgets in relation to the creation of the LDROs and the appointment of its officers and personnel.

SEC. 20. Composition and Organization of LDROs. - The LDRO shall be under the supervision and control of the provincial governor, and city or municipal mayor, as applicable. The LDRO shall be composed of an officer and five (5) permanent personnel responsible for, among others, administration, research and planning, training, and operations. The organization, composition, functions, and responsibilities of retained LDRRMOs shall be modified to the extent provided in, and shall comply with the requirements and standards of, this Act and the IRR for the establishment, maintenance and operations of LDROs.

SEC. 21. Local Disaster Resilience Officer. - The LDRO shall be headed and managed by a well-qualified and full-time Local Disaster Resilience Officer with regular plantilla position.

The Local Disaster Resilience Officer and Staff shall be appointed by the Local Chief Executive subject to the requirements and endowed with the emoluments and benefits in accordance with existing laws, rules and regulations.

SEC. 22. Powers and Functions of City and Municipal DROs. - The City and Municipal (CDRO and MDRO) shall have the following powers and functions:

(a) Formulate and implement, in close coordination with the Department, a comprehensive and integrated LDRP in accordance with the NDRF and the NDRPIP;

(b) Design, program, coordinate, and implement disaster resilience activities including preparedness, risk reduction, response, recovery and rehabilitation measures consistent with the standards and guidelines provided by the Department, and implement the NDRF and the NDRPIP at the city or municipal level;

(c) Prepare and submit to the local *Sanggunian*, the LDRP, the proposed programming of the LDR Fund, other dedicated disaster resilience resources, and other regular funding source of the LDRO;

(d) Recommend to the local *Sanggunian* the enactment of local ordinances to implement the LDRP, NDRF and NDRPIP at the city or municipal level, and to comply with other requirements of this Act;

(e) Prepare and submit to the Department, the local Commission on Audit, and the applicable Regional Disaster Resilience Office a report on the utilization of its Local Disaster Resilience Fund and other disaster risk reduction and management resources;

(f) Establish and maintain, in coordination with the Department, an information management system within the LGU which, among others, consolidates and includes local risk information on natural hazards, profile of the LGU's vulnerable or marginalized groups, local risk maps, and a disaggregated database of human resources equipment, services, resources, directories and location of critical infrastructures with their capacities as hospitals and evacuation centers;

(g) Operate and maintain, in coordination with the Department, a multi-hazard early warning and communications system to provide accurate and timely information to the public;

(h) Organize and conduct training and knowledge management activities on disaster resilience at the local level, in coordination with the DRRTI;

(i) Procure emergency works, goods, and services in compliance with the regulations, orders, and policies of DBM and Government Procurement Policy Board (GPPB), to implement the DRP or support early recovery and post-disaster activities;

(j) In coordination with the Department, the DOF and other relevant agencies, access foreign loans to finance its projects, programs, and policies for disaster preparedness, response, recovery, and rehabilitation, subject to terms and conditions agreed upon by the LDRO and the lender;

(k) Monitor and mobilize instrumentalities and entities of the LGU and its partner LGUs, CSOs, private sector, organized volunteers, and sectoral organizations for disaster resilience activities, in accordance with policies and procedures of the Department and applicable laws;

(l) Coordinate and provide the necessary support or assistance to the Department in the implementation of rehabilitation plan within the city or municipality covered by the LDRO;

(m) Coordinate with the Department, other government agencies, members of the private sector and other stakeholders in the LGU to establish a Business Continuity Plan as part of their LDRP's disaster preparedness measures;

(n) Establish linkage or network and coordination mechanisms with other LGUs and the Department for disaster resilience activities and to achieve the purposes of this Act; and

(o) Conduct other activities and/or act on other matters, in accordance with policies and procedures of the Department and applicable laws, to achieve the purposes of this Act.

SEC. 23. *Provincial Disaster Resilience Officer.* - The Provincial Disaster Resilience Office (PDRO) shall be headed and managed by a Provincial Disaster Resilience Officer with regular plantilla position.

SEC. 24. *Powers and Functions of the PDRO.* - The PDRO shall have the following powers and functions:

(a) Formulate and implement, in close coordination with the Department and cities or municipalities within its jurisdiction, a comprehensive and integrated Provincial LDRP in accordance with the NDRF and the NDRPIP;

(b) Review the LDRPs of cities and municipalities within its jurisdiction, and require the amendment of such LDRPs if necessary, to ensure compliance with the Provincial LDRP and/or the NDRF and NDRPIP;

(c) Design, program, coordinate, and/or implement disaster resilience activities consistent with the standards and guidelines provided by the Department, and implement the NDRF and the NDRPIP at the provincial level;

(d) Prepare and submit to the *Sangguniang Panlalawigan*, the Provincial LDRP, the proposed programming of the province's Local Disaster Resilience Fund, other dedicated disaster resilience resources, and other funding sources of the PDRO;

(e) Recommend to the *Sangguniang Panlalawigan* the enactment of local ordinances to implement the Provincial LDRP, NDRF and NDRPIP at the provincial level, and to comply with other requirements of this Act;

(f) Prepare and submit to the Department, the local Commission on Audit, and the applicable Regional Disaster Resilience Office a report on the utilization of the province's Local Disaster Resilience Fund and other disaster risk reduction and management resources;

(g) Establish and maintain, in coordination with the Department, a Provincial Command and Control Center (PCC) which includes, among others, an information management system at the provincial level which consolidates and integrates information from the cities and/or municipalities within its jurisdiction, a multi-hazard early warning and communications system that is connected with the cities and/or municipalities within its jurisdiction, and a monitoring system that enables the PDRO to oversee, supervise, monitor and respond to the needs of cities and/or municipalities within its jurisdiction in relation to disaster resilience activities;

(h) Procure emergency works, goods, and services in compliance with the regulations, orders, and policies of DBM and GPPB, to implement the provincial LDRP or support early recovery and post-disaster activities of the PDRO;

(i) In coordination with the Department and the DOF, access foreign loans to finance its projects, programs, and policies for disaster preparedness, response, recovery, and rehabilitation, subject to terms and conditions agreed upon by the PDRO and the lender;

(j) Formulate and establish mechanisms to mobilize and direct LDROs within its jurisdiction as necessary for disaster preparedness and response at the provincial level;

(k) Coordinate and provide the necessary support or assistance to the Department in the implementation of rehabilitation plan(s) within the cities and/or municipalities covered by the PDRO; and

(l) Conduct other activities and/or act on other matters, in accordance with policies and procedures of the Department and applicable laws, to achieve the purposes of this Act.

SEC. 25. *Regional Offices.* - The Department shall establish and maintain Regional Offices (ROs) at each region, and a National Capital Region Office (NCR). The size, composition and organization of ROs and NCR shall be based on parameters provided in the IRR on the ability of LGUs within its jurisdiction to cope with previous disasters, or to implement their LDRPs or Provincial LDRPs; the level of income, population, hazard exposure of LGUs.

The ROs and NCR shall be funded by the Department.

SEC. 26. *Regional Director.* - Each RO and the NCR shall be headed and managed by a Regional Director with a regular *plantilla* position. The Regional Director shall be appointed by the Department Secretary for a fixed term pursuant to requirements, terms of office and endowed with the emoluments and benefits subject to existing laws, rules and regulations.

SEC. 27. *Powers and Functions of ROs and NCR.* - The ROs and the NCR shall have the following powers and functions:

(a) Review the LDRPs and Provincial LDRPs of LGUs within its jurisdiction, and require the amendment of such LDRPs and/or Provincial LDRPs if necessary, to ensure compliance with the NDRF and NDRPIP;

(b) Monitor and direct LDROs and PDROs to implement their respective LDROs and PDROs;

(c) Recommend to the appropriate *Sanggunian* at the city, municipal or provincial level, the enactment of local ordinances to implement the LDRP, NDRF and NDRPIP at the city, municipal or provincial level, and to comply with other requirements of this Act;

(d) Review reports on the utilization of the LDRF and other disaster risk reduction and management resources of LGUs within its jurisdiction, and give recommendations, as necessary;

(e) Disburse to, and monitor the use by, LGUs of Supplemental LDRF as granted by the Department pursuant to this Act and its IRR;

(f) Provide, upon the request of LGUs or unilaterally at its own discretion, assistance to LGU(s) within its jurisdiction as necessary to ensure the implementation of LDRPs or Provincial LDRPs, NDRF and NDRPIP, and to render efficient and timely disaster preparedness, response and recovery measures;

(g) Identify and report to the Department issues and problems relating to, or affecting, the disaster resilience of LGUs within its jurisdiction, and make recommendations to the Department and/or to the LGUs to address such issues or problems;

(h) Procure goods and services in compliance with the regulations, orders, and policies of DBM and GPPB, to implement the NDRPIP and NDRF at the regional level;

(i) Formulate and establish mechanisms to mobilize and direct LDROs and PDROs within its jurisdiction as necessary for disaster preparedness and response at the regional level;

(j) Establish and maintain, in coordination with the Department, a Regional Command and Control Center (RCC) which includes, among others, an information management system at the regional level which consolidates and integrates information from the provinces, cities and municipalities within its jurisdiction, a multi-hazard early warning and communications system, and a monitoring system that enables the RO to oversee, supervise, monitor and respond to the needs of LGUs within its jurisdiction in relation to disaster resilience activities; implement or assist in the implementation, as directed by the Department, of rehabilitation plans for LGUs within its coverage; and

(k) Conduct other activities and/or act on other matters, in accordance with policies and procedures of the Department and applicable laws, to achieve the purposes of this Act.

SEC. 28. *Inter-Regional Disaster Resilience Office Collaboration.* - The Department shall create policies and programs to establish collaboration and coordination among the different ROs.

SEC. 29. *Levels of Responsibility for Disaster Preparedness and Response.* - The primary responsibility for disaster preparedness and response shall be exercised at the local and national level in collaboration with the relevant departments and agencies, as follows:

LEVELS OF RESPONSIBILITY	RESPONSIBLE OFFICIALS	CONDITIONS
Level 1 – City or Municipality	Mayor of the City / Municipality (Lead) Local Disaster Resilience Office (In the case of BARMM: Municipal / City Mayor and BARMM Local Disaster Resilience Office)	If a disaster affects a single municipality / city

LEVELS OF RESPONSIBILITY	RESPONSIBLE OFFICIALS	CONDITIONS
Level 2 – Province	<p>Governor (Lead)</p> <p>Provincial Disaster Resilience Office</p> <p>Applicable Local Disaster Resilience Offices</p> <p>(In the case of BARMM: Provincial Governor and BARMM Local Disaster Resilience Office/s)</p>	If a disaster affects two or more municipalities / cities
Level 3 – Region	<p>Regional Director of the Regional Office (RO) (Lead) Applicable Governors</p> <p>Applicable Provincial Disaster Resilience Offices</p> <p>(In the case of BARMM: Regional Governor and ARMM</p> <p>Local Disaster Resilience Office/s)</p> <p>(In the case of Metro Manila: MMDA Chair)</p>	If a disaster affects two or more provinces and/or independent component or highly urbanized cities
<p>Level 4 – National</p> <p>During a state of calamity in any area(s) or affecting several regions</p>	<p>Secretary of the Department of Disaster Resilience (Lead)</p> <p>Governors of the affected Provinces</p>	<p>(a) When a state of calamity is declared by the President</p> <p>(b) If a disaster affects at least two (2) regions</p> <p>(c) When the affected LGU cannot dispense its functions, or respond to the threat or effect of disaster;</p> <p>(d) When the local chief</p>

		executive or, in his/her absence or incapacity, the next high-ranking official, directly requests the Department to take over; When the President directs a Level 4 response.
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SEC. 30. *Inter-Local Government Assistance.* - LGUs are hereby authorized to extend assistance to another LGU, whether through funding or donation of goods and/or services, to ensure effective disaster preparedness and response, such as the pre-positioning and provision of basic goods, and training of first responders, among others, subject to auditing and accounting.

SEC. 31. *Reconstruction and Rehabilitation Powers of the Department.* - The Department shall be primarily responsible for the identification, planning and funding of priority reconstruction and rehabilitation projects and programs on areas affected by disasters: *Provided,* That the Department of Public Works and Highways shall be the primary implementer of all infrastructure-related rehabilitation and reconstruction projects, including retrofitting of structures to make them more resistant and resilient to the effects of natural disasters.

SEC. 32. *Service Continuity of the Department.* - To ensure service continuity, the Department and its regional and attached offices shall be established in a reasonably resilient location; and undertake the necessary interventions to make its offices and systems disaster-resilient.

SEC. 33. *Assistance to Bangsamoro Autonomous Region in Muslim Mindanao.* - The National Government, thru the Secretary of Disaster Resilience, and the Bangsamoro Autonomous Regional Government shall create an inter-governmental mechanism for humanitarian relief assistance in the BARMM during times of natural disasters.

Article VI

WHOLE OF GOVERNMENT, WHOLE OF NATION, AND WHOLE OF SOCIETY APPROACH AND INSTITUTIONAL ARRANGEMENTS

SEC. 34. *Interoperability of Systems.* - The Department shall establish mechanisms to ensure the interoperability of systems among government agencies, and to allow access of agencies to the IDRIS as established pursuant to Section 15 of this Act. It shall develop protocols to allow real-time access to information by government agencies in relation to natural disasters and the implementation of disaster resilience measures.

SEC. 35. *Synergy with Stakeholders.* - The Department shall ensure close collaboration and coordination with stakeholders, including CSOs, the academe, and the private sector, in relation to disaster resilience programs and projects, and the development and promotion of education and training mechanisms with relevant stakeholders.

The Department shall establish a platform and mechanisms for coordination with stakeholders, including the development of standard operating procedures for collaboration in

the event of a disaster.

SEC. 36. Establishment of a Multi-Stakeholders Convergence Unit. - The Department shall, with the assistance of other relevant government agencies and stakeholders, establish a Multi-Stakeholders Convergence Unit (MSCU) which shall align the disaster resilience efforts of the private sector, CSOs, academe and other stakeholders with that of the Department by assisting, coordinating or providing services that strengthen public-private coordination in disaster resilience, including the following:

(a) Establishment and implementation of business continuity practices to ensure the continued delivery of products and services in the event of a natural disaster;

(b) Crafting and implementation of a National Continuity Policy to ensure service continuity during interruptions, emergencies, and disasters and ensure the quick return to full operations;

(c) Establishment, incorporation, and application of business continuity plans as part of the LDRP of LGUs;

(d) Facilitation or assistance in obtaining or processing incentives for the private sector or other non government stakeholders, such as tax credits; and

(e) Preparation and facilitating the issuance of special rules for Micro, Small, and Medium Enterprises (MSMEs) such as mechanisms involving procurement and liquidity to create enabling environments for disaster preparedness and recovery.

The MSCU shall establish a platform that includes, among others, a database for monitoring and coordinating efforts and resources of non government stakeholders. It shall be headed by one (1) of the Undersecretaries of the Department.

SEC. 37. Roles and Responsibilities of Stakeholders. – The commitment, goodwill, knowledge, experience and resources of relevant stakeholders are critical to realize a safer, adaptive, resilient and inclusive Filipino community. Citizens shall have the shared vision and duty to provide support to the State in the implementation of policies and programs, particularly the Disaster Resilience Framework and Disaster Resilience Plan at the national, regional, and local levels.

(a) Civil society, nongovernmental organizations, international nongovernmental organizations, private sector, DRRM practitioners, and volunteers shall participate, in collaboration with public institutions, in the exchange of information, learnings, and guidance on disaster resilience. The Department shall encourage and institutionalize their engagement in the implementation of local, regional, national, and global plans and strategies to enhance public awareness and promote a culture of disaster resilience;

(b) Women, children, and youth, as agents of change, shall endeavor to contribute actively and participate in disaster resilience trainings and information dissemination;

(c) Senior citizens and persons with disabilities shall contribute their knowledge and experience on disaster preparedness and resiliency;

(d) Migrants and the urban and rural poor shall participate in building resilient resettlement communities;

(e) Emergency responders and volunteer organizations shall contribute to resilience by promptly and efficiently responding to disasters and emergencies consistent with the policies of the Department;

(f) Academia, scientific and research entities, and networks are encouraged to undertake relevant research on disaster resiliency in partnership with the Department and other stakeholders for better decision-making;

(g) The private sector is encouraged to integrate disaster resiliency projects and programs in their corporate social responsibility initiatives; and

(h) The media shall provide prompt and accurate information to the public on early warning systems, natural hazards, and disaster resilience activities of the Department.

The Department, with the assistance of the ROs, shall establish and convene a Disaster Resilience Assembly at the regional and national levels which shall be held on a quarterly basis to ensure the proactive engagement of different stakeholders, such as government agencies, the Union of Local Authorities of the Philippines (ULAP), League of Cities of the Philippines (LCP), League of Municipalities of the Philippines (LMP), CSOs, NGOs, academe, DRRM practitioners, and the private sector, to ensure and foster coordination and collaboration towards achieving the goals of this Act.

LGUs may convene local DRAs within their jurisdictions, as necessary for the attainment of disaster resilience at the local level.

SEC. 38. *Recognition and Incentives.* - The Department, in partnership with the private sector, shall establish an incentives program that shall recognize the outstanding performance of LDRO, NGOs, CSOs, schools, hospitals, and other stakeholders in promoting and implementing significant disaster risk reduction management-climate change adaptation programs and innovations, and meritorious acts of individuals, groups or institutions during natural disasters subject to existing laws, rules and regulations.

Article VII PREPAREDNESS AND INTEGRATED EARLY WARNING

SEC. 39. *Standards for Disaster Preparedness Activities.* –

(a) The Department shall establish standards and protocols for disaster preparedness, contingency planning, localizing and operationalizing disaster risk reduction and management, preparedness for responding to disasters and undertaking early recovery, continuity of essential services, and other relevant preparedness activities.

(b) LGUs shall identify safe and strategic sites, and establish evacuation centers with appropriate and adequate facilities in accordance with government-approved standards as provided under Republic Act No. 10821, otherwise known as the “Children’s Emergency Relief Protection Act”, to avoid disruption of school classes and lessen the use of school buildings and facilities as evacuation centers.

(c) The concerned LGUs shall immediately compensate schools used as evacuation centers. The schools used as evacuation centers may seek compensation for renovation, replacement, or repairs of damaged facilities for such use.

SEC. 40. Multi-Hazard Early Warning and Risk Communication Standards. – There shall be a streamlined policy governing early warning systems and risk communication protocols to ensure effective and efficient measures to prepare for, respond to and recover from potential risks and disasters.

The Department shall formulate and implement multi-hazard early warning protocols integrating all disaster preparedness systems in collaboration with local executives, community-based organizations, civil society organizations, and other nongovernmental organizations for proper use and application.

SEC. 41. Early Warning Mandate. –

(a) The Department shall issue an integrated early warning alert for the impending occurrence of hazards that will enable the public to prepare in time and act appropriately to minimize potential harm or loss.

(b) The Department at the national and local level shall use an integrated early warning system to ensure it is consistent and locally contextualized with the communication protocol and safe evacuation procedure of the affected communities. It shall work with other agencies or organizations on pre-crisis information mapping of the humanitarian needs of at-risk communities that will enhance the overall prepositioning of resources at the national and local level.

(c) The Department shall require mobile phone service providers to send out alerts at regular intervals in the event of an impending natural hazard, in accordance with Republic Act No. 10639, otherwise known as “The Free Mobile Disaster Alerts Act”.

(d) The Department shall recognize and proactively support local or indigenous modes of early warning systems and allow open access to near real-time data from both local and international sources made available through various platforms such as websites, mobile apps, and social media to empower local communities and individuals. Any person who transmits early warning concerning the above mentioned phenomena by means of signs in designs, colors, lights, or sound shall do so in compliance with the methods recognized or approved by the Department.

Article VIII HUMANITARIAN ASSISTANCE

SEC. 42. Management of Humanitarian Assistance. –

(a) The Department shall have the power to receive and manage humanitarian assistance from any person or entity, whether from local or international sources.

(b) The importation by, and acceptance of humanitarian assistance donated to the Department, consisting of, among others, food, clothing, medical assistance, equipment, and

materials for relief, recovery and other disaster management activities, are hereby authorized in accordance with Sections 120 and 121 of Republic Act No. 10863, otherwise known as the “Customs Modernization and Tariff Act (CMTA)”, and the prevailing provisions of the General Appropriations Act covering national internal revenue taxes and import duties of national and local government agencies.

SEC. 43. *International Humanitarian Assistance.* - The Department, in consultation with the Bureau of Immigration and the Bureau of Customs shall promulgate guidelines on international humanitarian assistance, including the initiation, entry, facilitation, transit, regulation and termination thereof, as well as those involving international disaster relief and personnel assisting international actors, visa waiver, recognition of foreign professional qualifications, entry of international disaster goods and equipment, and exemption from port duties, taxes, and restrictions.

SEC. 44. *Assessment of the Need for International Humanitarian Assistance.* –

(a) Immediately after the declaration of a state of calamity by the local *Sanggunian* of the relevant local government unit or by the Department, as the case may be, the Department shall determine whether domestic capacities are likely to be sufficient to attend to the needs of affected persons for international humanitarian assistance. This determination may also be made, at the discretion of the President, prior to the onset of an imminent disaster.

(b) In the event of a determination by the Department that domestic response capacities are not likely to be sufficient due to the impact of the disaster, the Department shall recommend to the President that a request be made for international humanitarian assistance.

(c) A determination that domestic capacities are likely to be sufficient and that international humanitarian assistance is therefore unnecessary may be reviewed and rescinded by the Department, with the approval of the President, at any time, in light of prevailing circumstances and available information.

SEC. 45. *Humanitarian Assistance Action Center.* – The Department shall create an inter-agency one-stop shop mechanism called the Humanitarian Assistance Action Center (HAAC) for the processing and release of entry and facilitation of goods, articles or equipment and services and international relief workers for the provision of international humanitarian assistance and the processing of necessary documents for assisting international actors.

The Department shall lead and manage the HAAC, which shall be composed of the following:

- (a) Bureau of Customs;
- (b) Department of Foreign Affairs;
- (c) Department of Social Welfare and Development;
- (d) Department of Health;
- (e) Food and Drug Administration;
- (f) Department of Agriculture;
- (g) Department of Energy;
- (h) Department of National Defense;
- (i) Philippine National Police;
- (j) Philippine Coast Guard;

- (k) Department of Transportation;
- (l) Department of Environment and Natural Resources; and
- (m) Bureau of Immigration.

SEC. 46. Request for International Humanitarian Assistance. –

(a) In cognizance of the urgency, criticality and intensity of an imminent risk, the Department shall issue a flash appeal to the family of nations, under regional and multilateral conventions, for assistance in preparedness, including preemptive measures, search, rescue, and retrieval, relief, recovery, and reconstruction.

(b) The President may request international humanitarian assistance, upon the advice of the Secretary. Such a request may be specifically directed to particular assisting international actors or may be a general request directed to the international community.

SEC. 47. Regulation of Humanitarian Assistance. –

(a) The Department shall ensure the efficient and effective monitoring of humanitarian assistance from domestic or international donors, establish and operate a platform, including an online platform, to facilitate, and provide public access to information on donations.

(b) The Department shall include in the Implementing Rules and Regulations of this Act guidelines and accountabilities on the receipt, management, distribution, accounting, and reporting of all humanitarian assistance, whether in cash or in kind, consistent with the rules on the use of foreign and local aid during calamities and disasters issued by the COA and other relevant government agencies.

SEC. 48. Humanitarian Relief for Human-Induced Disasters. – The Secretary of the Department of Disaster Resilience shall have the authority to provide humanitarian relief in the consequence management of human-induced emergencies such as acts of terrorism, insurgency, fire, and other related human-induced disasters.

Article IX
OFFER AND FACILITATION OF HUMANITARIAN ASSISTANCE
TO FOREIGN STATES

SEC. 49. Offer and Facilitation of International Humanitarian Assistance to Foreign States. – In the event of a disaster occurring in a foreign State for which international humanitarian assistance is required, the Department, in coordination with the DFA, may offer, facilitate, provide, and deploy international humanitarian assistance to said foreign State, which shall be subject to guidelines to be promulgated by the Department for the purpose.

SEC. 50. Accreditation. – The Department, in coordination with relevant government agencies and organizations, shall provide and facilitate the necessary training and accreditation to the respective government personnel to be deployed for such offer, facilitation and provision of international humanitarian assistance to a foreign State.

Article X
DECLARATION OF STATE OF CALAMITY

SEC. 51. *Declaration of State of Calamity.* - The Department shall recommend to the President the declaration of a state of calamity, whether in whole or part of an area, in case of an extraordinary disaster wherein the repercussions on public safety and welfare are serious and far-reaching.

SEC. 52. *Conditions for the Declaration of a State of Calamity.* - The President shall declare a state of calamity when all of the following requisites are present:

- (a) There is a grave, unforeseen, or sudden occurrence which demands immediate action;
- (b) The occurrence was caused by a natural disaster;
- (c) The occurrence is likely to cause a threat to life and/or danger to property; and
- (d) The declaration of a state of calamity shall cover a limited period only.

SEC. 53. *Mandatory and Remedial Measures.* - The declaration of a state of calamity shall allow the immediate implementation of any or all of the following remedial measures:

(a) Imposition of price ceiling on basic necessities and prime commodities by the President upon the recommendation of the implementing agency as provided for under Republic Act No. 7581, otherwise known as the "Price Act", or the National Price Coordinating Council;

(b) Monitoring, prevention and control by the Local Price Coordination Council of overpricing or profiteering and hoarding of prime commodities, medicines and petroleum products;

(c) Grant of tax credits or exemptions by the BIR, upon the recommendation of the President or the Department; and

(d) Use of alternative methods of procurement under Article XVI of Republic Act (RA) No. 9184, otherwise known as the "Government Procurement Reform Act", its implementing rules and regulations (IRR) and other issuances of the Government Procurement Policy Board by the Department, LGUs or the relevant government instrumentalities in relation to the urgent procurement of emergency works, goods and services to effectively respond to, quickly respond to disasters, and build forward better.

Article XI
RECOVERY

SEC. 54. *Standards for Recovery.* – The Department shall observe internationally accepted standards for recovery, planning, programming and implementation of the recovery process. Towards this end, the Department shall:

- (a) Improve the community's physical, social and economic resilience, consistent with

the principle of “building forward better”;

(b) Use locally driven centrally supported processes based on legal mandates with supplementary capacity support when requested;

(c) Redirect development outside danger zones to minimize loss of lives and structures resulting from typhoons, flooding, landslides, and other hazards;

(d) Employ outcome-driven planning and implementation;

(e) Maximize use of private-public sector partnership where possible;

(f) Consider local conditions such as culture, security situation and existing capacities of communities in identifying programs and projects;

(g) Ensure access to public transport, physical and mental health services, markets, schools, sustainable livelihoods, and other public services in planning for settlement areas; and

(h) Ensure restoration of peace and order and recovery of government functions.

Article XII FUNDS AND RESOURCES

SEC. 55. Fund Regulations. - The DBM and COA shall establish rules and regulations to ensure that funds required for disaster response, recovery, and rehabilitation are available and/or released efficiently and expeditiously through innovative budgeting and auditing mechanisms.

SEC. 56. Local Disaster Resilience Fund and Local Disaster Contingency Fund. - LGUs shall annually set aside not less five percent (5%) of their local budget, to constitute a Local Disaster Resilience Fund (LDRF). The LGU shall use its LDRF to maintain and operate its LDRO to maintain the officers, employees and staff of the LDRO, and to implement plans, programs and activities under its LDRP. Thirty percent (30%) of the LDRF shall be set aside as Local Disaster Contingency Fund (LDCF) which shall be used for disaster response and quick recovery measures.

Nothing contained in this Act shall prevent LGUs from providing additional funding or allocating additional resources for disaster resilience activities, plans and programs within their jurisdiction.

SEC. 57. Supplemental LDRF. - The Department may allocate and disburse funds to supplement an LGU’s LDRF based on parameters and requirements indicated in the IRR. In determining such parameters and requirements, the IRR shall aim to provide supplemental funds to LGUs with low income and/or high exposure to natural hazards. Supplemental LDRFs shall, as much as possible, fill gaps or shortages in LGU resources to ensure that LGUs can implement disaster resilience measures such as, among others, implementing their LDRP or Provincial LDRP, establishing their LDROs or PDROs, obtaining and/or maintaining the necessary equipment and staff in their LDROs or PDROs, and implementing the NDRF and the NDRPIP at the local levels.

SEC. 58. *National Disaster Resilience Fund.* –

(a) The National Disaster Risk Reduction and Management Fund (NDRRM Fund) created under Section 22 of Republic Act No. 10121, otherwise known as the “Philippine Disaster Risk Reduction and Management Act of 2010”, appropriated under the annual General Appropriations Act is hereby renamed as the National Disaster Resilience Fund (NDRF) and shall be managed and controlled by the Department. The NDRF shall be used for disaster risk reduction or mitigation, prevention, and preparedness activities such as training of personnel, procurement of equipment, and capital expenditures. It can also be utilized for relief, recovery, reconstruction, and other work or services in connection with natural or human-induced calamities which may occur during the budget year or those that occurred in the past two (2) years from the budget year.

(b) Thirty percent (30%) of the amount appropriated for the NDRF shall be allocated as Quick Response Fund (QRF) or stand-by fund and shall also be under the management and control of the Department. The QRF shall be used for relief and recovery programs to quickly normalize the situation and living conditions of people in communities or areas stricken by disasters, calamities, epidemics, or complex emergencies, and other related programs, projects and activities formulated at the national level.

SEC. 59. *People’s Survival Fund.* - The Secretary of the Department shall be a member of the People’s Survival Fund Board mandated to manage and administer the People’s Survival Fund created under Republic Act No. 10174, otherwise known as the “Climate Change Act of 2009”, and facilitate its utilization by LGUs, through ROs, to implement climate change adaptation projects of LGUs, and equip vulnerable LGU communities against the impacts of climate change.

SEC. 60. *Multi-Donor Trust Fund.* - The Department shall create and manage, together with the Bureau of Treasury, a Multi-Donor Trust Fund for the processing, releasing and accounting of money and other similar resources intended for disaster assistance. The Department shall establish a system to ensure transparency in the management and use of the Multi-Donor Trust Fund.

SEC. 61. *Donations Management.* - The Department shall have the power to receive and manage donations from any person or entity, whether from local or international sources. The importation by, and donation to, the Department of, among others, food, clothing, medical assistance, equipment, and materials for relief, recovery and other disaster management activities are hereby authorized in accordance with Sections 120 and 121 of Republic Act No. 10863, otherwise known as the “Customs Modernization and Tariff Act (CMTA)”, and the prevailing provisions of the General Appropriations Act covering national internal revenue taxes and import duties of national and local government agencies.

SEC. 62. *Regulation of Donations.* - The Department shall establish and operate a platform, including an online platform, to facilitate, monitor, and provide public access to information on donations. To ensure complete accounting and reporting of donations, the Department shall formulate and issue rules and guidelines for the receipt, management and accounting of donations, which are consistent with the rules on the use of foreign and local aid during calamities and disasters issued by COA and other relevant government agencies.

Article XIII
SPECIAL RULES ON BORROWING, TAXES, ECOZONES
AND PROCUREMENT

SEC. 63. *Rules on Borrowing.* - The LGUs shall coordinate with the DOF, Bangko Sentral ng Pilipinas (BSP), and other relevant agencies to access foreign loans to implement disaster prevention, mitigation, early recovery, and rehabilitation measures at the provincial, city, or municipal level.

SEC. 64. *Special Rules on Tax and Duties.* - To facilitate prompt and efficient response to, and/or recovery from disasters, the following shall be granted special exemptions from existing taxation laws, rules, and regulations:

(a) Foreign disaster assistance or international donations coursed through the Department shall be exempted from taxes and import duties;

(b) Local disaster assistance shall be exempted from donor's tax and allowing the treatment of donations as a deductible expense for local disaster assistance coursed through the Department;

(c) Goods or services donated from abroad coursed through the Department shall be exempted from the value added tax (VAT); and

(d) Aid or assistance rendered by members of the private sector or their investments in disaster resilience and climate change adaptation measures for their residence, communities or businesses. LGUs may also implement local tax rules which would grant disaster victims reasonable reduction, exemption, or deferment of local taxes or other types of tax assessments; or take other necessary action at the local level to provide tax relief to disaster victims.

SEC. 65. *Customs Duties and Tariffs on Donations.* - The BOC shall create rules which would, among others, hasten the processing and release of donated goods and equipment to disaster victims and/or affected areas pursuant to Sections 120 and 121 of Republic Act No. 10863, otherwise known as the "Customs Modernization and Tariff Act (CMTA)".

SEC. 66. *Economic Recovery and Development of Disaster-Prone Areas.* –

(a) The Department, in coordination with the Department of Trade and Industry (DTI) and other relevant agencies, shall create and provide policies, programs, and projects, such as, business tax relief and subsidies, to encourage business investments, and to stimulate economic activities in affected or disaster-prone areas.

(b) The Department, in collaboration with the relevant LGUs and other stakeholders, shall likewise establish dual purpose structures in disaster affected areas, such as, among others, community agricultural centers, classrooms, and water harvesting tanks to develop and promote investments in affected or disaster-prone areas.

SEC. 67. *Procurement.* – The Department, ROs, or LGUs may resort to any of the Alternative Methods of Procurement provided in RA No. 9184, including Negotiated Procurement (Emergency Cases) under Section 53(b) of RA No. 9184, in any of the following instances:

- (a) In case of imminent danger to life or property during a state of calamity;
- (b) When time is of the essence arising from natural or man-made calamities; and
- (c) Other causes where immediate action is:
 - i. To prevent damage to or loss of life or property, or
 - ii. Restore vital public services, infrastructure facilities and other public utilities.

Furthermore, the Department, ROs, or LGUs may use Shopping under Section 52(a) of RA No. 9184, when there is an unforeseen contingency requiring immediate purchase.

SEC. 68. Alternative Modes of Procurement. – The Department, ROs, or LGUs may resort to any of the Alternative Methods of Procurement provided in RA No. 9184, including but not limited to, Shopping and Negotiated Procurement (Emergency Cases) under Sections 52(a) and 53(b) of RA No. 9184.

The Department, ROs, or LGUs may also use Framework Agreements in accordance with the rules and regulations of the GPPB.

SEC. 69. Special Rules on Procurement for Reconstruction and Rehabilitation of Affected Areas. –

(a) The GPPB shall create special rules on procurement for services, goods, and materials to be used for reconstruction and rehabilitation efforts in case of a natural disaster including, but not limited to, the construction of post-disaster shelters and provision of service contracts, to ensure the procurement of quality-oriented goods, materials, and equipment and to guarantee effective, efficient, and speedy procurement to achieve the goals of this Act.

(b) In case of procurement of services, goods, or materials for reconstruction and rehabilitation efforts, whether from local or international sources, the Department and the relevant government agencies shall provide less bureaucratic restrictions, or exemption from, or reduction of, customs duties.

SEC. 70. Procurement from Qualified Suppliers or Contractors. – The Department shall have the power to procure goods and services from either local or foreign suppliers or contractors for purposes of implementing programs, projects, and activities related to disaster resilience and disaster management in accordance with RA No. 9184, its IRR and other issuances of the GPPB.

SEC. 71. Framework Agreements. - The Department shall have authority to enter into Framework Agreements for the purpose of, among others, establishing a logistics system for the efficient and prompt distribution of goods, equipment or other materials required for disaster response and management; securing food, medicines, fuel, or other supplies from groceries, pharmacies, gas stations or other sources in the event of a disaster in a specific area; ensuring an alternative source of power or water from private utilities in the event of a disaster in a specific area; or arranging the immediate supply of other goods, services or equipment necessary for disaster response and management. The conditions, limitations and parameters of contracts or arrangements authorized under this section shall be provided in RA No. 9184 and its 2016 IRR.

SEC. 72. *Other Procurement Rules and Policies.* – In view of the urgency and avoid unnecessary delays to procure goods, services, and implement projects for the purpose of providing responsive, effective, and efficient rescue, recovery, relief, and rehabilitation efforts for, and to continue the provision of basic services to, disaster victims or disaster affected areas, the GPPB shall issue appropriate resolutions, orders, and policies to effectively implement the provisions of this Act.

Article XIV DISASTER RISK TRANSFER AND INSURANCE

SEC. 73. *Mandated Insurance Coverage.* - To attain disaster resilience and achieve the purposes of this Act, the Department shall have the discretion and authority to require government agencies, government-owned and controlled corporations (GOCCs), or LGUs to insure their assets and/or properties such as, among others, vessels, vehicles, equipment, machineries, permanent buildings, properties stored therein, or properties in transit against insurable risks and pay the premiums therefor, to compensate the Government, GOCC or LGU, as applicable, for any damage to, or loss of, properties due to a natural disaster.

Article XV YOUTH ASSISTANCE AND PARTICIPATION

SEC. 74. *Youth Organizations.* - The Department, with the assistance of the National Youth Commission (NYC), shall create policies, projects, and programs that address the special needs of the youth for disaster preparedness and management which shall include, among others:

- (a) Supporting youth-oriented pre- and post-disaster activities;
- (b) Conducting disaster risk training and management programs involving the youth; Coordinating with the Department of Education to create school curricula or programs that educate and train children on disaster risk awareness and disaster preparedness;
- (c) Mobilizing youth organizations; and
- (d) Encouraging the participation of the youth, through the barangay youth representative and the *Sangguniang Kabataan* (SK) to participate in disaster resilience and disaster management activities.

SEC. 75. *Youth Oriented Disaster-Related Programs, Policies, and Projects.* –

- (a) The Department, with the assistance of the National Youth Commission, shall provide training on, and implement, response and rehabilitation programs for the youth, including mental health and psycho-social services.
- (b) The Department, in collaboration with the Department of Education (DepEd), the Technical Education and Skills Development Authority (TESDA) and other relevant agencies, shall integrate disaster risk and disaster resilience education in the school curriculum.

SEC. 76. Comprehensive Emergency Program for Children, Pregnant and Lactating Mothers. - The Department shall establish and implement a comprehensive emergency program to provide emergency relief and protection to children, and pregnant and lactating mothers in the event of a natural disaster.

Article XVI
PROHIBITED ACTS AND PENALTIES

SEC. 77. Prohibited Acts. - Any public official, private person, group or corporation who commits any of the following prohibited acts shall be held liable and be subjected to the criminal and administrative penalties as provided for in Section 78 of this Act, without prejudice to the imposition of other criminal, civil and administrative liabilities under existing laws.

(a) Prohibited Acts of Public Officials. The following acts, if committed by public officials without justifiable cause, shall be considered as gross neglect of duty:

- 1) Dereliction of duty which leads to destruction, loss of lives, critical damage of facilities and misuse of funds;
- 2) Failure to enforce laws, standards, or regulations such as the National Building Code, Solid Waste Management Act, Water Code, and other relevant laws, thereby increasing the risk of disasters or adversely affecting of disaster resilience;
- 3) Failure to expeditiously act on reported violations;
- 4) Failure to create LDRO(s) or PDRO(s) and appoint a permanent Local or Provincial Disaster Resilience Officer within six (6) months from the approval of this Act; and
- 5) Failure to prepare and implement an LDRP or PDRP, as applicable or a contingency plan for hazards frequently occurring within their jurisdiction.

(b) Prohibited Acts of Public Officials and Private Persons or Institutions.

- 1) Delaying without justifiable cause the delivery of aid commodities, their improper handling or storage, resulting to damage or spoilage;
- 2) Withholding the distribution of relief goods due to
 - (i) political or partisan considerations;
 - (ii) discrimination based on race, ethnicity, religion, or gender; and
 - (iii) other similar circumstances;
- 3) Preventing the entry and distribution of relief goods in disaster-stricken areas, including appropriate technology, tools, equipment, accessories, disaster teams

or experts;

- 4) Buying, for consumption or resale, from disaster relief agencies any relief goods, equipment or other and commodities which are intended for distribution to disaster affected communities;
- 5) Buying, for consumption or resale, from the disaster affected persons any relief goods, equipment or other aid commodities received by them;
- 6) Selling of relief goods, equipment or other aid commodities which are intended for distribution to disaster victims;
- 7) Forcibly seizing relief goods, equipment or other aid commodities intended for or consigned to a specific group of victims or relief agency;
- 8) Diverting or misdelivering relief goods, equipment or other aid commodities to persons other than the rightful recipient or consignee;
- 9) Accepting, possessing, using or disposing relief goods, equipment or other aid commodities intended for or consigned to other rightful recipient or consignee;
- 10) Misrepresenting the source of relief goods, equipment or other aid commodities by:
 - (i) Either covering, replacing or defacing the labels of the containers to make it appear that the goods, equipment or other aid commodities came from another agency or person;
 - (ii) Repacking the goods, equipment or other aid commodities into containers with different markings to make it appear that the goods came from another agency or persons or was released upon the instance of a particular agency or person;
 - (iii) Making false verbal claim that the goods, equipment or other and commodity in its untampered original containers actually came from another agency or person or was released upon the instance of a particular agency or person;
- 11) Substituting or replacing relief goods, equipment or other aid commodities with the same items or inferior or cheaper quality;
- 12) Illegal soliciting of relief goods, equipment or other aid commodities by persons or organizations representing others as defined in the standards and guidelines set by this Act's IRR;
- 13) Deliberately using false or inflated data in support of the request for funding, relief goods, equipment or other aid commodities for emergency assistance or other projects; and
- 14) Tampering with or stealing hazard monitoring and disaster preparedness

equipment and paraphernalia.

SEC. 78. *Penalties.* - Any individual, corporation, partnership, association or other juridical entity that commits any of the prohibited acts in the preceding Section shall be made liable for the following:

(a) A fine of not less than One hundred thousand pesos (PhP 100,000.00) or not to exceed Five hundred thousand pesos (PhP 500,000.00), or imprisonment of not less than six (6) months and one (1) day nor more than twelve (12) 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 any of herein prohibited acts.

(b) 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 the license or accreditation issued to these entities 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.

(c) If the offender is a public officer, the offense shall also be punishable by administrative suspension of six (6) months and one (1) day to one (1) year for the first offense, and dismissal from the service for the second offense. The penalty of dismissal shall carry with it the cancellation of eligibility to or forfeiture of retirement benefits, perpetual disqualification from holding public office and disqualification from taking civil service examinations.

Acts committed in violation of this Section shall be without prejudice to the imposition of other criminal, civil and administrative liabilities under other existing laws.

SEC. 79. *Liability for Unlawful Performance of Duties and State Liability in Case of Defense Litigation.* - In case a lawsuit is filed against an officer or employee of the Department as a result of the performance of official duties, and such performance was found to be lawful, the officer shall or employee shall be reimbursed by the Department for reasonable costs of litigation. For this purpose, the Department is authorized to procure the applicable liability insurance for its officers and employees.

SEC. 80. *Disciplinary Powers of the President.* - The President, upon the recommendation of the Department Secretary, shall impose administrative sanctions against local chief executives and barangay officials for willful or negligent acts performed in the implementation of, or compliance with, this Act and its IRR or relating to their official functions which adversely affect disaster resilience projects such as delayed issuance of permits or failure to implement local ordinances.

Article XVII

SPECIAL COURTS AND INJUNCTIONS

SEC. 81. *Special Courts on Disaster Resilience Matters.* - To ensure the prompt and expeditious resolution of disputes relating to disaster response, recovery or rehabilitation measures, the Supreme Court shall establish special courts to hear, try, and decide cases arising from the following, among others:

(a) Implementation of the government's policies, plans, programs, projects and budget related to the NDRPIP, LDRP, PDRP, other disaster resilience activities, or pursuant to the provisions of this Act;

(b) Construction of new settlements, or relocation of informal settlers or settlements, to promote disaster resilience;

(c) Expropriation, eminent domain or right-of-way issues relating to the implementation of disaster resilience projects;

(d) Failure to comply with standards for disaster preparedness and continuity planning, including, but not limited to infrastructure standards and designs;

(e) Declaration of state of calamity under Article X of this Act;

(f) Imposition of tax, customs duties, or the implementation of tax relief, exemptions, reductions and other tax or customs rules and regulations in relation to donations, disaster assistance, or other tax policies implemented by the BIR or BOC pursuant to the provision of this Act;

(g) Commission of prohibited acts under Article XVI of this Act;

(h) Disputes involving donations, relief goods, or contracts executed or implemented pursuant to the provisions of this Act; and

(i) Other matters relating to achieving the purposes of this Act which the Supreme Court may determine as falling under the jurisdiction of the special courts created pursuant to this Section.

SEC. 82. *Dispute Resolution Mechanisms.* - The Department shall establish a Disaster Resolution Board which shall resolve disputes involving administrative matters related to:

(a) Accreditation or denial of accreditation of disaster resilience training institutions, trainers, instructors, donors, volunteers, and Assisting Domestic or International Actors;

(b) Decisions of the ROs;

(c) Contracts entered into by the Department or any of its agents pursuant to the provisions of this Act; and

(d) Other administrative matters or issues as may be determined by the Department.

The composition, structure, and other organizational matters related to the DRB shall be defined and provided in the IRR of this Act.

SEC. 83. *Special Prosecutors.* - The Ombudsman shall designate special prosecutors to handle and prosecute violations of this Act involving public officials and employees.

SEC. 84. *Imposition of Temporary Restraining Order.* - No Court, except the Supreme

Court, shall have the powers to issue an injunction or a temporary restraining order against any action taken or projects implemented by the Department or its agents pursuant to this Act.

Article XVIII FINAL PROVISIONS

SEC. 85. Transfer. –

(a) The disaster risk reduction and management powers, functions, assets, personnel, fund and appropriations of the Office of Civil Defense (OCD) currently under the DND, are hereby transferred to the Department, and the civil defense functions shall remain with the DND.

The existing organizational and administrative systems and processes of the OCD, as transferred, shall serve as the core organization of the Department.

(b) The applicable powers, functions, funds and appropriations of the Disaster Response Assistance and Management Bureau and the National Resource and Logistics Management Bureau under the DSWD, are hereby transferred to the Department.

(c) The NDRRMC is hereby abolished. The DILG, DND, DSWD, and other relevant government instrumentalities, including the AFP, BFP, PNP, PCG, and OCD, shall continue to perform their functions related to the consequence management of human-induced disasters, as provided for by existing laws.

The Department shall, by virtue of this Act, be subrogated to all the rights and assume all the liabilities of the agencies transferred under this Act, and all their funds, records, property, assets, equipment, and such personnel as necessary, including unexpended appropriations or allocations. All contracts and liabilities of the said agencies 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.

SEC. 86. Coordination and Convergence with the Climate Change Commission. - The Department, and the Climate Change Commission, pursuant to its mandate under Republic Act No. 9729, as amended, shall establish and implement a convergence mechanism to facilitate coordination on the following areas:

(a) Conduct of current and future climate and disaster risk assessment as basis for sustainable development and resilient investment planning and programming at the national, sectorial, and local levels;

(b) Establishment of a National Integrated Climate and Disaster Risk Information System, a singular platform for integrating and sharing climate and disaster risk information;

(c) Development and implementation of capacity-building and technical assistance programs for local government units and stakeholders on climate change adaptation and disaster risk reduction;

(d) Monitoring and evaluation of progress of implementation of national, sectorial, and local plans and programs on climate change adaptation and disaster risk reduction; and

(e) Development of knowledge exchange platforms and implementation of information, education, and communication programs, including good practices on Climate Change Adaptation and Disaster Risk Reduction.

SEC. 87. *Transitory Provision.* - The transfer of functions, assets, funds, equipment, properties, transactions, and personnel of the affected and transferred agencies, and the formulation of the internal organic structure, staffing pattern, operating system, and revised budget of the Department, shall be completed within two (2) years from the effectivity of this Act, during which time the existing personnel shall continue to assume their posts in holdover capacities until new appointments are issued: *Provided*, That, after the abolition of the agencies as specified in Section 85 of this Act, the Department, in coordination with the DBM, shall evaluate, abolish old and/or create new positions.

SEC. 88. *Interdepartmental Relations and Coordination.* - The DDR shall continuously call upon the following departments: (a) DOST for the Philippine Atmospheric, Geophysical and Astronomical Services Administration (PAGASA) and Philippine Institute of Volcanology and Seismology (PHIVOLCS); (b) DENR for the Geohazard Assessment and Engineering, Geology Section of the Mines and Geosciences Bureau (MGB); (c) DOH for the Health Emergency Management Bureau (HEMB); and (d) DILG for the Bureau of Fire and Protection:

Provided, That DDR and these departments shall establish systems and protocols for fostering interdepartmental relations and close coordination, through sustained sharing of data, information technology, facilities, and other resources critical to the DDR, among others:

Provided, further, That the said agencies will cooperate fully with the DDR, in anticipation of, during and as necessary in the determination of the DDR Secretary, and perform agency mandates in close coordination with DDR as circumstances warrant in the aftermath of emergencies and disasters:

Provided, finally, That PAGASA, PHIVOLCS and the Geohazards Unit of the MGB shall provide staff augmentation to DDR Operations Center as the need arises.

SEC. 89. *Transfer of Resources.* - The transfer of powers and functions of agencies listed in Section 85 shall include the corresponding funds and appropriations, *plantilla* positions, records, equipment, facilities, and properties of such agencies, subject to the power of the Department to reorganize or reallocate the resources and positions from such agencies, as may be necessary to attain the objectives of this Act.

SEC. 90. *Program Management Office for the Earthquake Resiliency of the Greater Metro Manila Area.* - The Program Management Office for the Earthquake Resiliency of the Greater Metro Manila Area (PMOERG), as created pursuant to Executive Order No. 52, s. 2018, shall be transferred to the Department under the supervision and control of the Secretary and shall continue to exercise its mandated functions.

SEC. 91. *Post-Disaster Shelters.* - The Department shall establish a post-disaster shelter recovery policy framework for low-income or informal settler families, with the assistance of the appropriate housing agencies and the concerned LGUs. It shall, among others, determine the appropriate shelter modalities depending on the following post-disaster phases:

emergency, temporary or transitional, and permanent. The Department shall likewise identify, assess, and designate safe zones where the appropriate shelters shall be built.

SEC. 92. *Cultural Heritage.* - To protect, preserve, and promote the nation's historical and cultural heritage, the Department shall assist the appropriate cultural agencies and the appropriate LGUs to give priority protection and restoration to all national cultural treasures or national historical landmarks, sites, or monuments in post-disaster recovery or rehabilitation measures.

SEC. 93. *Indigenous People.* –

(a) The Department shall, with the assistance of the National Commission on Indigenous Peoples (NCIP) and the concerned LGUs, devise and implement mechanisms that foster social protection for indigenous communities that are vulnerable to the effects of natural disasters.

(b) The Department shall ensure respect for, and protection of, the traditional resource right of the Indigenous Cultural Communities or Indigenous Peoples (ICCs or IPs) to their ancestral domains and recognize the customary laws and traditional resource use and management, knowledge, and practices in ancestral domains.

(c) In ancestral domains which are disaster-prone, the Department, with the assistance of the NCIP and applicable LGUs, shall create an Ancestral Domain Disaster Management and Resiliency Plan. It shall likewise properly communicate and explain information on disaster risks in ancestral domains with the concerned ICCs or IPs and, as much as possible, engage such ICCs or IPs in jointly formulating a disaster resiliency plan for their ancestral domain.

SEC. 94. *Livelihood.* - The Department shall, with the assistance of the relevant government agencies, such as the DTI and Department of Labor and Employment (DOLE), establish policies and programs to restore and/or generate livelihood in areas affected by natural disasters.

SEC. 95. *Structural Audit of Government Buildings.* - The Department, with the assistance of the DPWH and other relevant government agencies and stakeholders, shall ensure and conduct structural audit, as often as necessary, on government buildings, especially those located in congested and disaster-prone areas, to ensure structural integrity and disaster risk of urban buildings and to prevent the loss of life and property in the event of an anticipated natural disaster.

SEC. 96. *Magna Carta Benefits.* – Qualified employees of the Department including those of its attached agencies, shall be covered by and entitled to the benefits under Republic Act No. 8439, otherwise known as the “Magna Carta for Scientists, Engineers, Researchers and other Science and Technology Personnel in the Government”; and Republic Act No. 7305, otherwise known as the “Magna Carta of Public Health Workers”; and Republic Act No. 9433, otherwise known as the “Magna Carta for Public Social Workers”.

SEC. 97. *Hazard Pay.* – Qualified personnel of the Department and the local disaster resilience offices are entitled to receive hazard pay, subject to existing policies and guidelines.

SEC. 98. *Separation Benefits of Officials and Employees of Affected Agencies.* - Public sector employees who have been displaced or separated from the service pursuant to reorganization under this Act shall be entitled to separation pay, retirement and other benefits in accordance with Republic Act No. 6656 or the Government Reorganization Law, and other laws, and rules and regulations issued by the Civil Service Commission on government reorganization.

In no case shall there be any diminution of benefits under the separation plan until the full implementation of this Act.

Employees who shall be displaced or separated as a result of the implementation of this Act shall be given preference for appointment in the Department and in other government agencies if they meet the qualification requirements of the positions.

No new employees shall be considered for appointment until all incumbent employees have been placed. The placement of an incumbent employee to a higher position which constitutes a promotion shall not be allowed until all incumbent employees have been placed to comparable positions for which they are considered.

SEC. 99. *Appropriations.* - The amount necessary for the initial implementation of this Act shall be taken from the current fiscal year's appropriations of all agencies herein absorbed, and transferred to the Department. Thereafter, the amounts necessary for the operation of the Department and the implementation of this Act shall be included in the annual General Appropriations Act.

SEC. 100. *Implementing Rules and Regulations.* - The Department, DBM, GPPB, DND, DOF, DILG, DOST, NEDA, DSWD, CSC, and the Career Executive Service Board (CESB), the House and Senate Committees on Government Reorganization, and representatives from relevant government agencies, academe, business sector, non government organizations, and civil society organizations shall prepare and issue the implementing rules and regulations (IRR) to implement this Act within ninety (90) days from its effectivity.

SEC. 101. *Joint Congressional Oversight Committee on Disaster Resilience.* - There shall be created a Joint Congressional Oversight Committee on Disaster Resilience to monitor the implementation of this Act. The Committee shall be composed of six (6) members of the House of Representatives and six (6) members of the Senate to be designated by the Speaker of the House of Representatives and the President of the Senate, respectively: *Provided,* That two(2) members of the House of Representatives and two (2) Senators shall come from the Minority of their respective houses of Congress. The Committee shall be jointly chaired by a Member of the House of Representatives and a Senator designated by the Speaker of the House of Representatives and the President of the Senate, respectively.

The Joint Congressional Oversight Committee on Disaster Resilience shall be assisted by a secretariat to be composed by personnel under secondment from the Senate and the House of Representatives and may retain consultants.

SEC. 102. *Mandatory Review.* - Within five (5) years after the effectiveness of this Act, or as the need arises, the Congressional Oversight Committee shall conduct a systematic evaluation of the accomplishments and impacts of this Act, as well as the performance, and

organizational structure of the Department, for purposes of determining remedial legislation.

SEC. 103. *Interpretation.* - Any doubt in the interpretation of any provision of this Act shall be resolved in favor of a liberal interpretation that will fulfill the objectives of this Act, especially in relation to the provision of effective, efficient and timely disaster response, rehabilitation and recovery.

SEC. 104. *Separability Clause.* - If any provision of this Act shall be declared unconstitutional or invalid, the other provisions or parts thereof not otherwise affected shall remain in full force and effect.

SEC. 105. *Repealing Clause.* – The provisions of Republic Act No. 10121, otherwise known as the “Philippine Disaster Risk Reduction and Management Act of 2010”; Republic Act No. 7160, otherwise known as the “Local Government Code of 1991”; Republic Act No. 7916, otherwise known as “The Special Economic Zone Act of 1995”; and all other laws, decrees, executive orders, proclamations and other executive issuances, which are not consistent with or contrary to the provisions of this Act, are hereby repealed or amended.

SEC. 106. *Effectivity.* - This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,