

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
First Regular Session

House Bill No. 1749



INTRODUCED BY HONORABLE LIANDA B. BOLILIA

EXPLANATORY NOTE

Due to its geographical location, the Philippines is exposed to high incidents of environmental hazards such as typhoons, floods, storm surges, tsunamis, earthquakes, volcanic eruptions, landslides, and droughts. This leaves various communities throughout the country in highly vulnerable situations. Typhoon Haiyan (Yolanda), one of the most powerful tropical cyclones ever recorded, was an example of how a natural disaster can devastate lives, properties, and entire communities. It left the country with more than 7,000 deaths (with thousands still unaccounted for) and 16 million affected people. The overall financial and economic impact of Typhoon Haiyan is estimated at \$14 Billion.

The Philippines ranked 17th in the world as the most affected country from extreme weather events in the Global Climate Risk Index (CRI) 2021 with a score of 26.67 using 2019 data.¹ In 2018, we ranked third in the World Risk Index of most disaster-prone countries in the world published by the United Nations University Institute of Environment and Human Security (UNU-HES), with a risk index of 27.69%. The Philippines also ranks third on the WRI's list of countries with the greatest exposure to natural disasters, with a score of 52.46%, just ahead of Japan (45.91%).

Given our exposure to threats of natural disasters, Republic Act No. 10121, otherwise known as the Philippine Disaster Risk Reduction and Management Act of 2010" (PDDRM), was enacted on 27 May 2010. The Act shifted the policy environment and the way the country deals with disasters from mere response to preparedness. RA 10121 provides a comprehensive, all-hazard, multi-sectoral, inter-agency, and community-based approach to disaster risk management through the formulation of the National Disaster Risk Management Framework.²

Notwithstanding the efforts and resources to reduce the risks and vulnerabilities to natural disasters, challenges are abounding so much so that our government's efforts

¹ https://cpbrd.congress.gov.ph/images/PDF%20Attachments/Facts%20in%20Figures/FF2021-09_Global_Climate_Risk.pdf

² <http://www.lse.ac.uk/GranthamInstitute/law/philippine-disaster-reduction-and-management-act-ra-10121/>

to achieve the DRRM objectives are hampered. Some of the issues and challenges are:

1. Weak coordination and collaboration among stakeholders – national government agencies, LGUs, civil society organizations, volunteers, and the private sector;
2. Lack of capacity of line agencies and LGUs to perform DRRM functions;
3. Less priority given to DRRM activities;
4. Weak implementation of laws and policies;
5. The lack of and difficulty in accessing DRRM data/information;
6. Post-disaster focus of disaster funds;
7. Monitoring of disaster fund expenditures;
8. Slow disbursement of disaster funds; and
9. Difficulty in tracking foreign disaster assistance.³

The need for greater coordination and synchronization of disaster risk management at all levels should be a top priority. Thus, this measure will create a single agency that has a distinct and separate mandate for disaster management. The Department of Disaster Management shall be the focal government agency for policy-making, coordination, integration, supervision, monitoring and evaluation for all disaster and rehabilitation management policies and programs in the country.⁴

With strong institutions, we can reverse the current trends of rising disaster impact. Everyone of us must be empowered to make decisions which reduce risk – from government to citizens.

In view of the foregoing, the immediate enactment and approval of this bill is earnestly sought.



LIANDA B. BOLILIA
Representative
4th District, Batangas

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https://www.senate.gov.ph/publications/SEPO/PB_Examining%20PH%20DRRM%20System_Revised_27June2017.pdf

⁴ This bill was patterned after Senate Bill 1553, otherwise known as, “An Act Creating the Department of Disaster and Emergency Management of 2017”, filed by Senator JV Ejercito in the 17th Congress.

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

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

1 **SECTION 1. Short Title.** - This Act shall be known as the "Department of Disaster
2 Management Act."
3

4 **SEC. 2. Declaration of Policy.** - It is hereby declared the policy of the State:
5

6 a. To uphold the sacredness and dignity of human life by efficiently and effectively
7 addressing the vulnerabilities to disasters, through the establishment of a
8 focused, streamlined, independent, empowered, capacitated, full-time,
9 specialized agency on disaster risk reduction and management;
10

11 b. To establish a permanent, institutionalized, cohesive and comprehensive
12 framework for disaster preparedness, prevention and mitigation, and response,
13 to be implemented by a full-time and focused specialized agency with its own
14 mandate, powers, and funding, in coordination and with the participation of the
15 Philippine government, other foreign governments and financial institutions,
16 international organizations, the private sector, and civil society.
17

18 c. Inculcate a culture of awareness, resilience and preparedness, and
19 rehabilitation for natural and man-made disasters;
20

21 d. To create an integrated, systematic, comprehensive, and cohesive plan to
22 simplify, streamline, integrate, and coordinate the various programs, projects,
23 and activities of the Government and such other actors/stakeholders in disaster
24 risk reduction and management to ensure accountability, responsibility, and
25 transparency, as well as to achieve efficiency and effectiveness of in the
26 performance of their functions.
27

28 **SEC. 3. Definition of Terms.** - For purposes of this Act, the following shall refer to:
29

- 1 a. Disaster - a serious disruption of the functioning of a community or a society
2 involving widespread human, material, economic or environmental losses and
3 impacts, which exceeds the ability of the affected community or society to cope
4 using its own resources;
5
- 6 b. Disaster Management - the organization and management of resources and
7 responsibilities for addressing all aspects of disasters, in particular
8 preparedness, response and initial recovery steps;
9
- 10 c. Emergency - any occasion or instance for which, in the determination of the
11 President, national assistance is needed to supplement local government
12 efforts and capabilities to save lives and to protect property and public health
13 and safety, or to lessen or avert the threat of a catastrophe in any part of the
14 country;
15
- 16 d. Evacuation Centers and Facilities - permanent and typhoon resilient structures
17 equipped with facilities constructed exclusively for evacuation and humanitarian
18 relief operations during disasters.
19
- 20 e. Geographic Information System - a database which contains, among others,
21 geohazard assessments, information on climate change, and climate risk
22 reduction and management;
23
- 24 f. Government - includes the National Government, and any of its subdivisions,
25 agencies or instrumentalities, including government owned and controlled
26 corporations and their subsidiaries, and Local Government Units;
27
- 28 g. Hazard - a dangerous phenomenon, substance, human activity or condition that
29 may cause loss of life, injury or other health impacts, property damage, loss of
30 livelihood and services, social and economic disruption, or environmental
31 damage;
32
- 33 h. Humanitarian - one devoted to the promotion of human welfare and the
34 advancement of social reform;
35
- 36 i. Response - any and all projects, programs, plans, and activities pertaining to
37 act on or inaction to prevent/ mitigate, prepare for, and generally perform any
38 and all activities in relation to, disasters. This includes, but is not limited to, the
39 provision of public assistance during or immediately after a disaster. Disaster
40 response that is predominantly focused on immediate and short-term needs
41 and is sometimes called "disaster relief"; and
42
- 43 j. State of Calamity - a condition involving mass casualty and/or major damages
44 to property, disruption of means of livelihoods, roads and normal way of life of
45 people in the affected areas as a result of the occurrence of natural or human-
46 induced hazard.
47

48 **Chapter 1**
49 **THE DEPARTMENT PROPER**

50 **SEC. 4. Creation of the Department of Disaster Management.** - To carry out the
51 above-declared policy, there is hereby created the Department of Disaster

1 Management, hereinafter referred to as the Department, which shall prepare,
2 integrate, coordinate, implement, supervise, control, monitor, and evaluate all plans,
3 programs, projects, and activities of the Government on disaster risk reduction and
4 management.

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

13
14 The Department shall also have administrative supervision and control over the
15 existing Regional Disaster Risk Reduction and Management Offices (RDRRMOs), and
16 the Local Disaster Risk Reduction and Management Offices (LDRRMOs), organized
17 in all provinces, cities/municipalities and barangays in the country, which are hereby
18 thereafter called Regional Disaster Management Offices (RDMOs) and Local Disaster
19 Management Offices (LDMOs), respectively.

20
21 The Department shall also cause the identification, establishment and
22 maintenance of permanent evacuation centers and facilities in priority cities and
23 municipalities.

24
25 **SEC. 6. Composition.** - The Department shall be composed of the Office of the
26 Secretary and the Offices of the Undersecretaries and Assistant Secretaries, and the
27 bureaus and services of the Department as well as Regional and Local Offices.

28
29 The Provincial, City, Municipal, and Barangay Disaster Management Offices
30 and Rescue Teams shall be under the control and supervision of their respective local
31 government units. The Department shall exercise supervisory powers over such
32 offices.

33 **SEC. 7. Office of the Secretary.** - The Office of the Secretary shall be consisting of
34 the Secretary and his/her immediate staff.

35
36 **SEC. 8. The Secretary.** - The Secretary shall be appointed by the President, subject
37 to confirmation by the Commission on Appointments.

38
39 The Secretary shall have the following powers and functions;

- 40
41 a. Advise the President in issuing executive orders, regulations, proclamations
42 and other issuances, the promulgation of which is expressly vested by law
43 in the President relative to matters under the jurisdiction of the Department;
44
45 b. Establish the policies and standards for the effective, efficient, and
46 economical operation of the Department pursuant to a national disaster risk
47 reduction and management framework which shall provide for a
48 comprehensive, all-hazards, multi-sectoral. Interagency and community-
49 based approach to humanitarian emergency assistance and disaster risk
50 reduction and management, in line with Section 6(a) of the Philippine
51 Disaster Risk Reduction and Management Act of 2010;
52

- 1 c. Promulgate rules and regulations necessary to carry out department
2 objectives, policies, functions, plans, programs, and projects;
3
4 d. Promulgate administrative issuances necessary for the efficient
5 administration of the offices under his/her jurisdiction and for the proper
6 execution of the laws relative thereto;
7
8 e. Exercise direct supervision and control over all functions and activities of
9 the Department, as well as all its officers and personnel;
10
11 f. Create regional offices and such other service units and divisions, as may
12 be necessary; and
13
14 g. Perform such other functions as may be necessary and/or proper to attain
15 the objectives of this Act.
16

17 **SEC. 9. The Undersecretaries.** - The Secretary shall be assisted by four (4)
18 Undersecretaries in the performance of the Department's functions and duties related
19 to the pillars of disaster risk reduction and management, namely, (a) disaster
20 preparedness, (b) disaster response, and (c) disaster prevention and mitigation.
21 Another undersecretary shall be in charge of administrative and finance services.
22

23 The Undersecretaries shall be appointed by the President upon the
24 recommendation of the Secretary.

25 **SEC. 10. Assistant Secretaries.** - The Secretary shall also be assisted by six (6)
26 Assistant Secretaries. The Assistant Secretaries shall be appointed by the President
27 upon the recommendation of the Secretary.
28

29 **SEC. 11. Qualifications.** - No person shall be appointed Secretary, Undersecretary,
30 or Assistant Secretary of the Department, unless he/she is a citizen and resident of
31 the Philippines, of good moral character, and of proven experience or competence/
32 expertise in humanitarian emergency assistance and disaster management over the
33 course of his/her career. The Secretary, Undersecretary, or Assistant Secretary shall
34 not hold any other position, public or private, during his/her tenure.
35

36 **SEC. 12. Bureaus and Service.** - Subject to the power of the Secretary, with the
37 approval of the President, to reorganize, restructure, and redefine the functions of the
38 bureaus and services for the effective discharge of the powers and functions of the
39 Department under this Act, the Department shall have the following bureaus and
40 service:
41

- 42 a. Bureau of Hazard Education and Risk Mitigation;
43
44 b. Bureau of Disaster Preparedness;
45
46 c. Bureau of Humanitarian Emergency Relief Operations; and
47
48 d. Bureau of Administration and Finance.
49

50 **SEC. 13. Powers and Functions of the Bureaus and Service.** - The bureaus and
51 service shall have the following powers and functions;

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- a. The Bureau of Hazard Education and Risk Mitigation shall assist the Secretary in the formulation of policies, programs, and plans related to disaster prevention and mitigation, as defined in Sections 2(k) and 2(i), respectively, of the Philippine Disaster Risk Reduction and Management Act of 2010. In particular, it shall take the lead in:
 - 1. Making an inventory and checklist of all personnel, equipment, and supplies critical during disasters in all local government units, in accordance with protocols and contingency plans, and endeavoring that the same be provided to the local government unit within a period of twelve (12) months upon the passage into law of this Act;
 - 2. Conducting a review of the National Building Code and Fire Code of the Philippines, together with the relevant government department, and submitting the results thereof to the Senate and House of Representatives of the Philippines, with a view of developing legislation which seeks to strengthen infrastructure in line with disaster prevention and mitigation;
 - 3. Developing, updating, and maintaining a national geographic information system which shall be the basis of national, regional, and local disaster protocols and contingency plans, which shall be under the control and custody of the Department. The same shall also be maintained at all local government units, as possible;
 - 4. Mainstreaming and integrating disaster risk reduction and management (DRRM) and climate change adaptation (CCA) in all national, sectoral, regional and local development policies, plans and budgets, relating to environmental protection, including, but not limited to, those for land use and natural resource management, enforcement and updating of all national legislation relating to modification of infrastructure towards resiliency;
 - 5. Developing and implementing community-based and scientific DRRM and CCA hazard assessment, mapping, analysis, and monitoring;
 - 6. Establishing disaster risk financing, insurance, and other risk transfer mechanisms at the community level;
 - 7. Establishing, developing and Improving the end-to-end monitoring and forecasting of hazards, including early warning systems and practices; and
 - 8. Such other functions relevant to its mandate of disaster prevention and mitigation.

- b. The Bureau of Disaster Preparedness shall assist the Secretary in the formulation of policies, programs, and plans related to disaster preparedness, as defined in Section 20 of the Philippine Disaster Risk Reduction and Management Act of 2010. In particular, it shall take the lead in:
 - 1. Developing DRRM and CCA information, communication and advocacy plans;
 - 2. Developing standard DRRM training modules and the conduct of trainings, simulation exercises, and other capacity building activities for communities and specific groups, including, but not limited to, quick

1 respond teams, frontline government and private responders, and
2 humanitarian aid workers;

- 3 3. Developing and monitoring the implementation of locality based DRRM
4 contingency plans, and establishing/ monitoring the operations of
5 national and local Emergency Response Operation Centers;
- 6 4. Developing and implementing comprehensive, scenario-based national
7 and local preparedness policies, plans and systems, in primary
8 coordination with the local government unit/s concerned, in the wake of
9 an imminent humanitarian emergency and/or disaster. Such policies,
10 plans, and systems include, but are not limited to, preventive evacuation,
11 the procurement of facilities, equipment, tools, systems and other
12 mechanisms to cope with the effects thereof; the deployment of essential
13 personnel and manpower in critical areas of concern; and the formulation
14 of such other courses of action to avert the loss of lives, livelihood and/or
15 property;
- 16 5. Strengthening the partnership and coordination between and among all
17 key players and stakeholders in a humanitarian emergency and/or
18 disaster;
- 19 6. Preparing the criteria and procedure for the enlistment of accredited
20 community disaster volunteers (ACDVs), and the drafting of a manual of
21 operations for ACDVs, in consultation with relevant stakeholders; and
- 22 7. Such other functions relevant to its mandate of disaster preparedness.

23
24 c. The Bureau of Humanitarian Emergency Relief Operations shall assist the
25 Secretary in the formulation and implementation of policies, programs, and
26 plans related to disaster response, as defined in Section 2(1) of the
27 Philippine Disaster Risk Reduction and Management Act of 2010. In
28 particular, it shall take the lead in the following activities, in primary
29 coordination with the local government unit/s concerned:

- 30
31 1. Establishing and implementing a comprehensive, well-coordinated,
32 effective, and efficient Disaster Response Action Plan (DRAP) for every
33 humanitarian emergency of disaster, with the primary goal of preventing
34 or deterring the loss of lives, property and livelihood;
- 35 2. Developing and implementing an integrated and coordinated system of
36 search, rescue and retrieval (SRR), and evacuations procedure;
- 37 3. Establishing a mechanism to ensure the prompt and accurate
38 assessment of damage in disaster areas, including, but not limited to,
39 the loss of lives, bodily injuries, damages to infrastructure and public
40 facilities, and the destruction of social, economic, cultural, and
41 environmental assets;
- 42 4. Establishing a mechanism to ensure the prompt and accurate
43 assessment of humanitarian needs in disaster areas, including, but not
44 limited to, food, nutrition, health, clothing, shelter, livelihoods, water,
45 sanitation, hygiene, protection, and the preservation of peace and order;
- 46 5. Identifying standard-based relief shelters and sites for internally
47 displaced persons, as well as developing and implementing of a set of
48 minimum standards for such temporary shelters;
- 49 6. Identifying priority cities and municipalities where the permanent
50 Evacuation Centers and Facilities shall be established and
51 recommending the need to establish the same in other local government
52 units;

- 1 7. Consolidating the established evacuation centers in the local
2 government units and formulating a standard operating procedure in
3 maintaining these evacuation centers and ensuring their functionality
4 and operability in times of disasters and emergencies;
- 5 8. Supplementing the efforts of the local government unit concerned in
6 providing basic social services, livelihood-oriented activities and
7 psychosocial interventions to the affected population, whether inside or
8 outside temporary shelters; and
- 9 9. Such other functions relevant to its mandate of disaster response.

10
11 d. The Bureau of Administration and Finance shall be composed of the Office
12 of the Legal Counsel and the Financial and Management Office. The Office
13 of the Legal Counsel shall be responsible for providing legal services and
14 advice on all policies, programs, and operational matters of the Department.
15 It shall provide legal counseling services in cases where the Department is
16 a party and shall also handle administrative cases against any personnel of
17 the Department and submit recommendations pertaining thereto.

18
19 **Chapter 2**
20 **ATTACHED AGENCIES AND COORDINATION WITH OTHER**
21 **GOVERNMENT DEPARTMENTS**
22

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

29
30 The National Disaster Risk Reduction and Management Council (NDRRMC)
31 referred to in Section 5 of the Philippine Disaster Risk Reduction and Management
32 Act of 2010 shall compose the Council and shall be headed by the Secretary of
33 Department of Disaster and Emergency Management.

34
35 The Secretary is hereby empowered to constitute, call, convene, meet with,
36 and/or deputize agencies of government, or an aggrupation or cluster thereof, to
37 assist, advise or otherwise coordinate with the Secretary. The representatives from
38 the civil society/non-governmental organizations and the private sector may also be
39 included, as necessary, as members of the coordination mechanism called for by the
40 Secretary.

41
42 **SEC. 15. Relationship and Coordination with Other Government Departments.** -
43 In the discharge of their respective responsibilities, the Department's bureaus shall
44 coordinate with the relevant Government departments, agencies, offices and
45 instrumentalities, those powers and functions are relevant to each bureau's respective
46 focus area.

47 **SEC. 16. Attached Agencies.** – The following agencies and offices and their
48 respective appropriation, records, equipment, and personnel are hereby transferred to
49 the Department:

- 50 (1) Office of Civil Defense (OCD);
- 51 (2) The Philippine Atmospheric, Geophysical and Astronomical Services
52 Administration (PAG-ASA);

- 1 (3) Philippine Institute of Volcanology and Seismology (PHIVOLCS);
- 2 (4) Bureau of Fire Protection (BFP);
- 3 (5) Health Emergency Management Bureau (HEMB);
- 4 (6) Philippine Reconstruction and Rehabilitation Agency (PRRA);
- 5 (7) Philippine National Volunteer Service Coordinating Agency;
- 6 (8) Climate Change Office (CCO);
- 7 (9) Geo-Hazard Assessment and Engineering Geology Section of the Mines
- 8 and Geoscience Bureau; and
- 9 (10) Disaster Response Assistance and Management Bureau of the
- 10 Department of Social Welfare and Development.

11
12 The attached agencies shall operate in accordance with their respective
13 organizational structures and perform functions and duties assigned to them by law.

14
15 **Chapter 3**
16 **THE HUMANITARIAN EMERGENCY ASSISTANCE AND DISASTER FUND,**
17 **DONATIONS, AND ACCOUNTABILITY**
18

19 **SEC. 17. Disaster Management Funds.** — The present National Disaster Risk
20 Reduction and Management Fund (NDRRM Fund) shall be known as the National
21 Disaster Management Fund (NDMF) and the Local Disaster Risk Reduction and
22 Management Fund (LDRRMF) shall be known as the Local Disaster Management
23 Fund (LDMF), respectively.

24
25 The Department shall manage, mobilize, and with the approval of the President,
26 release resources for disaster risk reduction and management, including the funds
27 herein provided for.

28
29 There shall also be created a regular fund for the personnel, resource
30 requirements, and other administrative costs related to the operations of the
31 Department.

32
33 **SEC. 18. Donations.** - All monetary contributions, and donations in kind, including,
34 but not limited to, equipment, food, clothing, medicine, and related supplies from
35 international and local sources, shall be coordinated with the Department. This central
36 coordination mechanism would ensure that the same are equitably and properly
37 allocated and utilized, directly and solely/ exclusively for disaster risk reduction and
38 management efforts.

39
40 The Department shall maintain and make publicly available a complete,
41 accurate, timely, and separate record of such donations, indicating the particular areas
42 where such were allocated, and the exact purposes for which the same were utilized.

43
44 **SEC. 19. Accountability, Responsibility, Transparency, and Access to**
45 **Information.** - The Department and all regional and local councils and offices under
46 its supervision or control, shall make available to the public for scrutiny, copying, and
47 reproduction, (i) any and all records of their financial transactions, including, but not
48 limited to, donations received, funds allocated, and amounts disbursed; (ii) all
49 information pertaining to their official acts, transactions or decisions; and (iii) relevant
50 research data used as basis for policy development, regardless of the physical form
51 or format in which such record, information, or data is contained.

1 Chapter 4
2 ESTABLISHMENT OF PERMANENT AND TYPHOON-RESILIENT
3 EVACUATION CENTERS AND FACILITIES
4

5 **SEC. 20. Establishment of Evacuation Centers and Facilities.** - There shall be
6 established permanent and typhoon-resilient Evacuation Centers and Facilities (ECF)
7 in priority municipalities and cities identified by the Department in coordination with the
8 Department of Environment and Natural Resources, the Department of the Interior and
9 Local Government (DILG) and local government units. This shall form part of the
10 national disaster risk reduction and management framework.

11
12 The established evacuation centers prior to this Act shall be consolidated and shall
13 form part of the directory of ECFs under the control of the Department.
14

15 **SEC. 21. Administration.** - The Regional Disaster Management Offices (RDMOs),
16 under the supervision of the Bureau concerned, shall lead the management,
17 maintenance, and operation of the newly established and existing ECFs.
18

19 Chapter 4
20 MISCELLANEOUS PROVISIONS
21

22 **SEC. 22. Visitorial Powers.** - The Secretary of the Department and/or his/her
23 authorized representative shall have visitorial and examining authority over
24 governmental and non-governmental entities engaged in post-disaster relief in order
25 to ensure that all donations, financial or otherwise, coursed through them, are actually
26 used for disaster risk reduction and management efforts.
27

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

31 The refusal by any such entity to allow an examination of its books of accounts
32 and pertinent records, or the concealment of any material information concerning its
33 financial status, shall constitute a legal ground for the cancellation of its registration,
34 and the revocation of all tax-exemption privileges and other benefits granted to it by
35 law, in the case of a nongovernmental entity, or the institution of any proper legal action
36 against the erring official concerned, in case of a governmental entity.
37

38 **SEC. 23. Stand-by Arrangements with the Private Sector.** - At any time, the
39 Secretary of the Department shall have the power to negotiate, enter into,
40 institutionalize, and coordinate arrangements with any private person, natural or
41 juridical, for the purpose of ensuring the adequate, prompt, and ready availability of all
42 goods and services, necessary for disaster response, for as long as the emergency
43 circumstances require, to be deployed before, during, and after an emergency or
44 disaster, subject to the payment of just compensation in appropriate cases.
45

46 **SEC. 24. Commandeering Private Property for Public Purpose.** - The Secretary of
47 the Department shall have the power to commandeer any private property for urgent
48 public purpose, subject to payment of just compensation in appropriate cases, when
49 there is a clear and present danger that a disaster or humanitarian emergency would
50 cause imminent loss of lives and/or the massive destruction of property, and time is of
51 the essence. The commandeering powers shall last no longer than necessary or for
52 as long as the circumstances require.

1
2 The refusal by any such person or entity to be commandeered, shall constitute
3 a legal ground for the cancellation of its registration, if any, and the revocation of all
4 tax-exemption privileges and other benefits granted to it by law, in the case of a non-
5 governmental entity, .or the institution of any proper legal action against the erring
6 official concerned, in case of a governmental entity. In addition, the official of the
7 establishment, institution, or functionality shall be subjected to a fine and/or
8 imprisonment as provided for in Sec. 31 of this Act.
9

10 **SEC. 25. Declaration of State of Calamity.** - Whenever warranted by circumstances,
11 the Department shall recommend to the President of the Philippines the declaration of
12 a state of national calamity and the lifting thereof. It shall also have the power to, *motu*
13 *proprio* or upon the favorable recommendation of the LDRRMCs, declare a cluster of
14 barangays, municipalities, cities, provinces, and regions under a state of calamity, and
15 the lifting thereof, based on the criteria set by the Department. The President's
16 declaration shall entail access to international humanitarian assistance, as deemed
17 necessary.
18

19 The declaration and lifting of the state of calamity shall be based on the results
20 of the damage assessment and needs analysis. The causes, effects and incidents of
21 the calamity and the need for the declaration shall be specified.
22

23 **SEC. 26. Emergency and Contingency Powers.** - Whenever it becomes necessary,
24 the Department Secretary, subject to the chain of command and with the consent of
25 the President, may call out the Armed Forces of the Philippines and/or the Philippine
26 National Police to prevent or suppress lawless violence, and to, ensure the protection
27 and preservation of life and/ or properties, in the whole range of disaster risk reduction
28 and management.
29

30 In times of disasters, and whenever warranted by the circumstances, the
31 Department Secretary may call upon other instrumentalities or entities of the
32 government and nongovernment and civic organizations for assistance in terms of the
33 use of their facilities and resources for the protection and preservation of life and
34 properties in the whole range of disaster risk reduction and management. This
35 authority includes the power to call on the reserve force as defined in Republic Act No.
36 7077 to assist in relief and rescue during disasters or calamities.
37

38 **SEC. 27. Prohibited Acts.** - In addition to the prohibited acts penalized under Section
39 20, in relation to Section 19, of the Philippine Disaster Risk Reduction and
40 Management Act of 2010:
41

- 42 a. Any person, group or corporation who directly or indirectly requests or
43 receives any part of the funds devoted to disaster risk reduction and
44 management, as well as monetary contributions and donations in kind,
45 where such person, group or corporation has no right to receive such
46 proceeds from the fund, in whole or in part, monetary contribution or
47 donation, shall be guilty of the crime of corruption of calamity funds or
48 donations, and shall be prosecuted and upon conviction shall suffer a fine
49 of not less than Two Hundred Fifty Thousand Pesos (Php 250,000.00) or
50 any amount not to exceed One Million Five Hundred Thousand Pesos (Php
51 1,500,000.00) or Imprisonment of not less than twelve (12) years and one
52 (1) day, nor more than twenty (20) years, or both, at the discretion of the

1 court, including perpetual disqualification from public office if the offender is
2 a public officer, and confiscation or forfeiture in favor of the government of
3 the objects and the instrumentalities used in committing the herein
4 prohibited act;

5
6 b. Any person who, with intent to gain, but without violence against or
7 intimidation of persons nor force upon things, shall take personal property
8 devoted to any disaster risk reduction and management activity, without the
9 consent of the Secretary, shall be guilty of the crime of qualified theft, and
10 shall be prosecuted and upon conviction shall be punished by the penalties
11 next higher by three degrees than those respectively specified in Article 309
12 of the Revised Penal Code;

13
14 c. Any public officer who, by reason of the duties of his office, is accountable
15 for calamity funds or property devoted to disaster risk reduction and
16 management efforts, shall appropriate the same or shall take or
17 misappropriate or shall consent, through abandonment or negligence, shall
18 permit any other person to take such public funds, or property, wholly or
19 partially, or shall otherwise be guilty of the misappropriation of malversation
20 of such funds or property, shall be punished by the penalties next higher by
21 three degrees than those respectively specified in Article 217 of the Revised
22 Penal Code;

23
24 In all the above, if the offender is a corporation, partnership or
25 association, or other juridical entity, the penalty shall be imposed upon the
26 officer or officers of the corporation, partnership, association of entity
27 responsible for the violation, without prejudice to the cancellation or
28 revocation of these entitles license or accreditation issued to them by any
29 licensing of accredited body of the government. If such offender is an alien,
30 he or she shall, in addition to the penalties prescribed in this Act, be
31 deported without further proceedings after service of the sentence.

32
33 The prosecution for the offenses shall be without prejudice to any liability
34 for violation of Republic Act No. 3185, as amended, otherwise known as the
35 Revised Penal Code, and other civil liabilities.

36
37 **SEC. 28. Appropriations.** – The amount necessary for the initial implementation of
38 this Act shall be taken from the current fiscal year’s unexpended and unobligated
39 appropriations of all agencies herein absorbed, transferred and attached to the
40 Department. Thereafter, the amounts necessary for the operation of the Department
41 and the effective implementation of this Act shall be included in the Annual General
42 Appropriations Act.

43
44 **SEC. 29. Implementing Rules and Regulations.** - The Department shall issue the
45 necessary rules and regulations for the effective implementation of this Act within
46 ninety (90) days after approval of this Act. The Secretary, in consultation with relevant
47 government agencies and other key stakeholders, shall take the lead in the
48 preparation of the implementing rules and regulations.

49
50 **SEC. 30. Annual Report.** - The Department shall submit to the Office of the President,
51 the Senate, and the House of Representatives, within the first quarter of the

1 succeeding year, an annual report relating to the progress of the implementation of all
2 disaster risk reduction and management efforts, and a detailed inventory of available
3 personnel, supplies and equipment. Such report shall be made available to the public
4 for scrutiny, copying, and reproduction, and shall also be uploaded in the Department's
5 website.

6
7 **SEC. 31. Congressional Oversight Committee.** - There is hereby created a
8 Congressional Oversight Committee to monitor and oversee the implementation of the
9 provisions of this Act. The Committee shall be composed of six (6) members from the
10 Senate and six (6) members from the House of Representatives with the Chairpersons
11 of the Committees on National Defense and Security of both the Senate and the House
12 of Representatives as joint Chairpersons of this Committee.

13
14 The five (5) other members from each Chamber are to be designated by the Senate
15 President and the Speaker of the House of Representatives, respectively. The minority
16 shall be entitled to pro rata representation but shall have at least two (2)
17 representatives from each Chamber.

18
19 **SEC. 32. Repealing Clause.** - All references to the NDRMMC in existing laws,
20 including, but not limited to, the Philippine National Disaster Risk Reduction and
21 Management Act of 2010, shall be understood to refer to the Department created
22 under this Act. All other laws, decrees, executive orders, proclamations, and other
23 executive issuances which are inconsistent with or contrary to the provisions of this
24 Act are hereby amended or repealed accordingly.

25
26 **SEC. 33. Separability Clause.** - If any provision of this law is declared
27 unconstitutional, the remaining provisions thereof not affected thereby shall remain in
28 full force and effect.

29
30 **SEC. 34. Effectivity.** - This Act shall take effect fifteen (15) days after its publication
31 in the Official Gazette or in two (2) national newspapers of general circulation.

32
33 Approved,