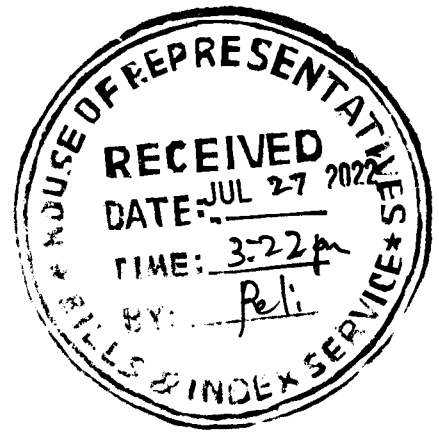


"Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City

NINETEENTH CONGRESS  
First Regular Session



Begun and held in Metro Manila on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, two  
thousand and twenty

HOUSE BILL NO. 2539

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**Introduced by Representative Ambrosio "Boy" C. Cruz, Jr.**

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**EXPLANATORY NOTE**

Under the principle of *Parens Patriae*, the government wields the power and duty to act on behalf of, to intervene, and to protect its constituents from elements that they cannot protect themselves from.

The Philippines being situated in the "Pacific Ring of Fire" is exposed to a constant threat of typhoons, volcanic eruptions, earthquakes, and other natural disasters. While natural disasters can hardly be completely prevented, the mitigation of its impacts, disaster-preparedness, raised resilience, and a systematic, methodical, and structured rehabilitation and recovery are efficient mitigators to reduce loss of human lives and property.

The government has the duty to constitute a disaster risk reduction resilience plan that can provide protection to its people by exhausting all means within the power of the State.

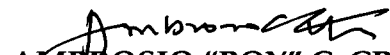
Pursuant to Republic Act No. 10121 or the Philippine Disaster Risk Reduction and Management Act of 2010, there exists a National Disaster Risk Reduction and Management Council (NDRRMC). The NDRRMC is vested with policy-making, coordination, integration, supervision, monitoring, and evaluation functions.

The creation of a separate department that will exercise coordination and implementation functions can only further strengthen the country's disaster preparedness. Preparation is key, but efforts towards devoting resources for rehabilitation and recovery are just as important.

This bill seeks to create a Department of Emergency and Disaster Resilience which shall advance efforts towards disaster mitigation, preparedness, response, and recovery, recognizing the sanctity of human life and the social function of property.

A resilient Philippines shall secure the people their resources and ensure prosperity for the generations to come.

Considering the foregoing, passage of this bill is earnestly sought.

  
**AMBROSIO "BOY" C. CRUZ, JR.**  
**Representative, Fifth District of**  
**Bulacan**

Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City

NINETEENTH CONGRESS  
First Regular Session

HOUSE BILL NO. 2539

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**Introduced by Representative Ambrosio "Boy" C. Cruz, Jr.**

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

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

**CHAPTER I  
GENERAL PROVISIONS**

**Section 1. Title** - This Act shall be known as the "Department of Emergency and Disaster Resilience Act".

**Section 2. Declaration of Policy** - It shall be the policy of the State to maintain peace and order, protect life, liberty, and property, and promote the general welfare of the people, to wit, the State shall:

- (a) Pursue a science-based, technology driven national policy of disaster risk reduction and management;
- (b) Maintain, preserve, and protect human life against disasters by strengthening emergency response and lessening loss of human lives;
- (c) Maintain, preserve, and protect property against disasters by providing adequate information before, during, and after disasters;
- (d) Invest, finance, and support research and inventive strategies and solutions geared towards reducing exposure to calamities and disasters;

(e) Develop and promote a systematic approach in providing warnings, forecast, rescue, and quick response that is at par with international standards; and

(f) Instill a spirit of camaraderie, patriotism, and *bayanihan* in its citizens during times of disasters, catastrophes, and calamities.

## CHAPTER II DEPARTMENT OF EMERGENCY AND DISASTER RESILIENCE

**Section 3. Scope** - There is hereby created a Department of Emergency and Disaster Resilience, hereinafter referred to as the Department, which shall be organized within thirty (30) days after the approval of this Act.

The Department shall be the principal authority having control, supervision, and management of national and local disaster, emergency, and risk reduction efforts and undertakings.

The Department shall be responsible for the adoption of policies, plans, programs, projects, schemes, strategies, and ventures relative to national and local disaster preparedness, prevention, mitigation, and recovery.

The Department shall unify and harmonize existing local government plans and programs and provide minimum standards of disaster response suitable and appropriate to the requirements of each region taking into account the ecological landscape, population, territory, and income of the area concerned.

In times of national emergency, when the Congress has authorized the President, by law, to exercise powers necessary and proper to carry out a declared national policy, the mandates of the Department shall be subordinate to the powers of the President, but shall continue to remain in effect.

**Section 4. Powers and Functions** - The Department shall have the following powers and functions:

(a) To unify existing government agencies and instrumentalities having disaster risk reduction and emergency -related functions into the Department of Emergency and Disaster Resilience;

(b) To promulgate policies consistent with the State's Declaration of Policy;

(c) To develop an information system that will efficiently deliver information, intel and details in times of emergency, before, during, and after the occurrence of

disasters;

(d) To construct, design, and create a smart city for each highly-urbanized city;

(e) To construct a National Disaster Response Center (NDRC);

(f) To construct, design, and operate an early warning and emergency alert system for every coastal city and province;

(g) To construct, design, and operate an early warning and emergency alert system for every city and province with an active or existing volcanoes and cities or provinces where volcanoes may hereafter emerge;

(h) To construct, design, and operate an early warning and emergency alert system for every city and province with an active volcano;

(i) To construct, design, and operate an early warning and emergency alert system for every landslide and flooding prone city and province;

(j) To cause to be built and operate infrastructure, machinery, and inventions as may be necessary for the proper implementation of this Act;

(k) To cause to be built and operate safe zones;

(l) To develop technologies, in partnership with other concerned government agencies and instrumentalities, to be utilized in disaster management such as Global Positioning System (GPS), satellite and radio communications, Light and Detection Ranging, Flood Hazard Maps, Seismographs, and Deep Ocean Tsunami Detection Buoys;

(m) To equip and provide local government units (LGUs) with disaster kits;

(n) To advise the regional resilience headquarters, field offices, and community offices;

(o) To equip and provide training and instruction to LGUs, in coordination with civil society organizations and non-profit organizations working for disaster management;

(p) To exercise the State's right of eminent domain for purposes relative to disaster risk reduction;

(q) To acquire and possess property of all kinds and dispose of such property as may be necessary for the operations of the Department and for the fulfillment of its mandates;

(r) To conduct an annual national risk assessment during the last quarter of every year;

(s) To craft, compose, prepare, and construct guidelines for national and local emergency and disaster risk response, reduction, and recovery and ensure compliance with such guidelines; and

(t) To report to the President of the Philippines, the President of the Senate and Speaker of the House of Representatives every first Monday of August of every year.

### **CHAPTER III EMERGENCY AND DISASTER MEASURES**

**Section 5. *National Emergency and Disaster Measures*** - The National government shall be responsible for the establishment, implementation, and enforcement of the national resilience measures in accordance with the basic principles set forth in this Act.

**Section 6. *Local Emergency and Disaster Measures*** - LGUs shall be responsible for the implementation and enforcement of local resilience measures under the direct supervision and control of the Department.

**Section 7. *Private Sector Participation*** - The Department shall pursue a policy of coordination with the public through joint campaigns, projects, and efforts with NGOs, CSOs, and the like, in pursuit of the objectives of this Act.

**Section 8. *Standards of Emergency and Disaster Risk Reduction and Response*** - For the purpose of promoting the measures relevant to local disaster risk reduction, LGUs shall prepare and submit a comprehensive fundamental plan in accordance with guidelines to be issued by the Department.

**Section 9. *Safety Zones*** - So as to achieve maximal disaster resilience, there shall be established in every city, municipality, and province, a resilience shelter which shall be activated and operational whenever determined necessary by the Department upon the occurrence of any disaster or calamity.

### **CHAPTER IV**

## DEPARTMENTAL ORGANIZATIONAL STRUCTURE

**Section 10. *Board of Trustees of the Department*** - The powers and duties described herein for the fulfillment of the mandates of the Department shall be vested in a Board of Trustees, which shall be composed of a Chairperson, a Vice Chairperson who shall act as Operations Manager, and three members, who shall head the Executive Committees of the Department.

The members of the Board of Trustees shall be natural-born citizens of the Philippines and, at the time of their appointment, at least thirty-five years of age, of good moral character, a duly licensed professional of recognized competence in engineering, architecture, environmental planning, with at least five (5) years of actual and distinguished experience in their respective fields of expertise, and must not have been candidates for any elective position in the elections immediately preceding their appointment.

The members of the Board of Trustees shall be appointed by the President with the consent of the Commission on Appointments for a term of seven years without reappointment. Of those first appointed, the Chairperson shall hold office for seven years, the Vice Chairperson for five years, and the three members for three years, without reappointment. Appointment to any vacancy shall be only for the unexpired term of the predecessor. In no case shall any Member be appointed or designated in a temporary or acting capacity.

The members of the Board may for cause be suspended or removed by the President of the Philippines upon the recommendation of the Secretary of Justice after due notice and hearing.

**Section 11. *Executive Committees*** - The three members of the Board of Trustees shall organize an Executive Committee for Administration and Finances, Planning and Operations, and Planning and Services. Each Executive Committee shall be under the direct supervision of the Chairperson.

The Executive Committees shall be responsible for providing the Board of Trustees assistance in carrying out the plans and projects of the Department. The Executive Committee shall administer, supervise, and control the operations of projects implemented by the Department.

A monthly report shall be made to the Board of Trustees by each Executive Committee every last Monday of each month.

**Section 12. *Resilience Headquarters*** - A national resilience headquarters shall be built and established in the City of Manila. There shall be established regional resilience

headquarters of the Department in the thirteen (13) administrative regions of the country, the Cordillera Administrative Region, and the Bangsamoro Autonomous Region in Muslim Mindanao, Field Offices in every province, and Community Offices in every municipality whenever feasible.

## **CHAPTER V INTER-AGENCY AND INTER-LOCAL GOVERNMENT COOPERATION**

**Section 13.** *Sectoral Regulation* - The Department shall coordinate with the following sectors for the effective enforcement of this Act:

- (a) Department of the Interior and Local Government (DILG);
- (b) Department of Social Welfare and Development (DSWD);
- (c) The Armed Forces of the Philippines (AFP);
- (d) Bureau of Fire Protection (BFP);
- (e) Philippine National Police (PNP);
- (f) Philippine Coast Guard (PCG);
- (g) Office of Civil Defense (OCD);
- (h) The Department of Transportation and Communication (DOTC);
- (i) The Department of Environment and Natural Resources (DENR);
- (j) The Department of Health (DOH);
- (k) The Department of Energy (DOE);
- (l) The Department of Science and Technology (DOST);
- (m) The National Economic and Development Authority (NEDA);
- (n) Local Government Units (LGUs); and
- (o) Other relevant government instrumentalities.

## **CHAPTER VI PROHIBITED ACTS AND PENALTIES**

**Section 14.** *Prohibited Acts* - Any person, natural or juridical, who commits any of the following prohibited acts shall be held liable and subject to criminal and administrative penalties as provided in the succeeding Section of this Acts, without prejudice to the imposition of other criminal, civil, or administrative liabilities under existing laws, *Provided*, that if the offender is a corporation, partnership or any juridical person, the penalty shall be imposed upon the responsible officers, as the case may be, who participated in, or by their gross negligence, allowed the commission of the crime, *Provided further that*, if the offender is an alien, he or she shall, in addition to the penalties herein prescribed, be deported without further proceedings after serving the



penalties prescribed, *Provided finally that*, if the offender is a public official or employee and he or she is found guilty of acts penalized hereunder, he or she shall, in addition to the penalties prescribed herein, suffer perpetual or temporary absolute disqualification from office, as the case may be.

- 1) Delaying, impeding, obstructing, or suppressing the delivery of relief goods, aid items, basic necessities, emergency supplies, and essential goods;
- 2) False accounting, improper handling, storage, transportation, and distribution of relief goods, aid items, basic necessities, emergency supplies, and essential goods;
- 3) Forestalling the entry of response or relief personnel and equipment to disaster zones for no justifiable reasons;
- 4) Buying and selling relief commodities allocated for distribution to victims for whatever purpose;
- 5) Unlawfully seizing, hijacking, or commandeering relief commodities;
- 6) Altering, tampering, disabling, and impairing the operations of the Department, Resilience Headquarters, field offices, community offices, any of their equipment, devices, machinery, apparatus, implements, and articles, or any of their on-site emergency and disaster relief response;
- 7) Misrepresenting oneself as a disaster victim to obtain aid or relief intended for actual disaster victims;
- 8) False reporting of emergencies or disasters;
- 9) Attempting to commit any of the above-enumerated prohibited acts; and
- 10) Facilitating the commission or benefiting, directly, or indirectly, from the commission of any of the above-enumerated prohibited acts, with knowledge of the source of such proceeds.

**Section 15. Penalties** - The following penalties shall be imposed on any person, natural or juridical, that commits any of the above-enumerated prohibited acts in the preceding Section:

- (a) Imprisonment of not less than nine (9) years but not more than fifteen (15) years or a fine of not less than three million pesos (Php 3,000,000.00) but not more than five million pesos (Php 5,000,000.00) or ten (10) times the value of the relief commodities, whichever is higher, or both imprisonment and fine, at the discretion

of the court, shall be imposed upon any person found guilty of violating Section 14 (1) to (5), as well as the confiscation or forfeiture of the paraphernalia used in the commission of the prohibited acts in favor of the government;

(b) Imprisonment of not less than twelve (12) years but not more than eighteen (18) years or a fine of not less than five million pesos (Php 5,000,000.00) but not more than nine million pesos (Php 9,000,000.00), or both imprisonment and fine, at the discretion of the court, shall be imposed upon any person found guilty of violating Sections 14 (6), as well as the confiscation or forfeiture of the paraphernalia used in the commission of the prohibited acts in favor of the government;

(c) Imprisonment of not less than six (6) years but not more than nine (9) years or a fine of not less than two million pesos (Php 2,000,000.00) but not more than five million pesos (Php 5,000,000.00), or both imprisonment and fine, at the discretion of the court, shall be imposed upon any person found guilty of violating Sections 14 (7) to (8), as well as the confiscation or forfeiture of the paraphernalia used in the commission of the prohibited acts in favor of the government;

(d) Imprisonment of not less than three (3) years but not more than six (6) years or a fine of not less than one million pesos (Php 1,000,000.00) but not more than three million pesos (Php 3,000,000.00), or ten (10) times the value of the relief commodities, or both imprisonment and fine, at the discretion of the court, shall be imposed upon any person found guilty of violating Sections 14 (9) to (10), as well as the confiscation or forfeiture of the paraphernalia used in the commission of the prohibited acts in favor of the government; and

(e) Payment of the costs of repair, replacement, or construction of any of the equipment of the Department which has been the object of any of the prohibited acts shall be imposed upon any person who committed any of the foregoing acts.

## **CHAPTER VII FINAL PROVISIONS**

**Section 15.** *Implementing Rules and Regulations* - The Department shall promulgate the necessary implementing rules and regulations (IRR) for the implementation of this Act, in consultation with the concerned government agencies, within one hundred ninety (190) days from the effectivity of this Act. The IRR shall take effect fifteen (15) days following its complete publication in two (2) newspapers of general circulation.

**Section 16.** *Appropriations* - The amounts necessary to carry out the initial implementation of this Act shall be sourced from any of the National Treasury, and is

hereby appropriated and authorized to be released for the organization of the Department and its initial operations.

Thereafter, funds sufficient to fully carry out the objectives, powers, and functions of the Department shall be appropriated every fiscal year in the General Appropriations Act.

The Department shall submit its annual budget, which shall include, among others, detailed information on the compensation and benefits received by their employees to the Office of the President for approval.

**Section 17. *Repealing Clause*** - All laws, decrees, orders, resolutions, instructions and rules and regulations or parts thereof which are inconsistent with this Act are hereby deemed repealed or modified accordingly.

**Section 18. *Separability Clause*** - If any provision or part of this Act is declared unconstitutional, the remaining parts or provisions not affected shall remain in full force and effect.

**Section 19. *Effectivity*** - This Act shall take effect fifteen (15) days from its complete publication in at least two (2) newspapers of general and local circulation.

Approved,