

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

?th CONGRESS

Introduced by

**AN ACT STRENGTHENING THE PHILIPPINE DISASTER RISK
MANAGEMENT CAPABILITY**

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

**SECTION 1. Title – This Act shall be known as the “Philippine Disaster
Risk Management Act of 2006” [or Emergency Management Philippines Act of
2006]**

SECTION 2. Declaration of Policy – It shall be the policy of the State to:

(a) Provide for an integrated and co-ordinated **disaster management policy** that focuses on preventing or reducing the risk of disasters, mitigating the severity of disasters, undertaking emergency preparedness, and initiating rapid and effective response to disasters and post-disaster recovery

(b) Achieve excellence in civil protection through hazard reduction and disaster management at all levels of the Philippine society by establishing a coherent, integrated, proficient and responsive **disaster risk management system**, and whereby national and regional development plans incorporate hazard risk reduction management as components of an integrated and co-ordinated strategy for sustainable development.

(c) Strengthen the **institutional structures** for coordination, implementation and enforcement of policies for the promotion of hazard management and disaster management by providing a basis for aligning local planning with a national [framework/strategy] and national plan.

(d) Recognize, support and strengthen **local community** capacities, by encouraging them to achieve acceptable levels of risk for undertaking the primary responsibility in reducing risk from hazards and managing disasters.

(e) Support, strengthen and encourage the coordination of **local government units** when reducing risk from hazards, preparing for, responding to , and recovering from disasters or emergencies, whether natural or man-made.)

(f) Enhance the participation of the **private sector**, particularly the lifeline utilities, non-government organizations, and other community-based organisations in the development and delivery of disaster risk management and “bayanihan” services among the citizenry,

(g) Adopt in full the **universal norms and principles** in humanitarian assistance as one of the concrete steps in preventing or alleviating human suffering due to disasters or calamities.

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

“Disaster” is an event, natural or man-made, sudden or progressive, which impacts with such severity on people’s lives and properties, livelihood, essential services, lifelines and major public infrastructures, and the environment, that the affected community has to respond with exceptional measures or otherwise requires a significant and coordinated response under this Act .

“Disaster Risk Management” refers to the application of knowledge, measures and practices are necessary or desirable for the safety of the public and are designed to guard, prevent, reduce or overcome any hazard or harm or loss that may be associated with any disaster. It includes all activities relating to risk reduction and disaster impact management, including hazard mitigation and prevention, response preparedness and relief, and long-term recovery (rehabilitation and reconstruction

“Hazard Risk Reduction” refers to activities that minimise the degree of long-term risk to human life and property from natural and technological hazards.

“Lifeline Utilities” refer to entities that produce, generate, supply, distribute or provide services or products that are essential for the effective functioning and maintenance of a community.

“National and Regional Development Plans” has the same meaning as set out by the National Development and Economic Authority (NEDA)

“Director-General” refers to the chief executive of the national focal agency for pursuing disaster risk management within the Philippines as set out in this Act. Under this Act, the Office of Civil Defence shall henceforth be renamed [either the Office of Disaster Management – ODM or Emergency Management Philippines – EMP]

“Emergency” refers to unforeseen or sudden occurrence, especially of hazards or any other forms of danger, demanding immediate action.

“Disaster Management Councils” refers to all nucleus organizations established at the national, regional, provincial, city, municipal, and barangay levels to carry out the disaster risk management activities as defined under this Act. Under this Act, all Disaster Coordinating Councils shall be renamed [Disaster Management Councils – DMC]

“Disaster Preparedness” refers to pre-disaster actions and measures being undertaken to avert or minimize loss of life and property, such as but not limited to community organizing, training, planning, equipping, stockpiling, hazard mapping and public information and education initiatives.

“Hazard mitigation” relates to actions, practices or processes designed to reduce the severity of potential consequences or level of likely harm of a hazard agent on the national community or any part thereof.

“Disaster Response Operations” refers to any concerted effort by {two or more agencies, public or private, to provide emergency assistance to the victims of a disaster or calamity and in the restoration of essential public activities and facilities.

“Disaster Prevention” refers to measures designed to prevent natural phenomena from causing or resulting in disaster or other related emergency situations. It is concerned with the formulation and implementation of long range policies and programs to prevent or minimize the occurrence of disasters on the basis of vulnerability analysis of all risks. It also includes laws and other legal issuances and regulatory measures principally in the fields of physical and urban planning, public works and buildings.

“Rehabilitation” refers to the process by which the affected communities/areas or damaged public infrastructures, are restored to their proper or normal level of functioning and new measures are introduced to reduce future hazards and risks emanating therefrom.

Recovery refers to activities carried out under this Act after a declared state of calamity that includes, without limitation, (a) the assessment of the needs of a community affected by the disaster (b) the coordination of resources made available at the community (c) actions relating to community rehabilitation and restoration; and (d) new measures to reduce hazards and risks.

National Disaster Risk Management Framework (NDRMF) is the overarching strategic guideline document for the development of disaster risk management practices and processes for the Philippines. The NDRMF should be integrated into the National Development Plan and budget.

“National Disaster Management Plan” is the disaster operational master plan formulated and revised by the ODM/EMP which sets forth the disaster response requirements of participating parties.

Community-Based Disaster Management or CBDM refers to activities, projects and programs to reduce disaster risk which are primarily designed by people living in high risk localities based on their needs and capacities, and in close coordination with their respective local disaster coordinating councils.

SEC 4. SCOPE – This Act provides for all the actions and measures pertaining to disaster risk management including risk reduction and hazard mitigation, disaster prevention /preparedness, response, and rehabilitation, as defined under this Act.

SEC. 5. National Disaster Management Council (NDMC) -

(a) The President shall establish a National Disaster Management Council (NDMC) [to replace the existing National Disaster Coordinating Council] and which shall achieve the following policy objectives:

1. Give effect to the principles of co-operative government on issues relating to disaster risk management
2. Establish accountability on the coordination of disaster risk management among levels and agencies of government, local communities, and the private sector
3. Provide advice and make recommendations to executive and legislative branches of government
 - o On issues relating to disaster risk management and
 - o On the establishment of a national framework for disaster risk management aimed at ensuring an integrated and responsive approach to disaster management within the country by all national, provincial and municipal governments, statutory functionaries, non-governmental institutions involved in disaster risk management, the private sector, communities and individuals, and the international community

b) The Chairman and Vice-Chairman shall be appointed by the President

c) The composition of the NDMC shall be:

1. the Secretary of National Defense, the Secretary of the Department of Social Welfare and Development, Chairmen of the House and Senate Committees on National Defense and Security, Secretaries of the Department of Interior and Local Government (DILG), Department of Health (DOH), Department of Agriculture (DA), Department of Public Works and Highways (DPWH), Department of Environment and Natural Resources (DENR), Department of Labor and Employment (DOLE), Department of Education (DepEd), Department of Trade and Industry (DTI), Department of Justice (DOJ), Department of Science and Technology (DOST); Department of Transportation and Communication (DOTC); Department of Finance (DOF); Department of Budget and Management (DBM); Department of Energy (DOE); Department of Foreign Affairs (DFA); Chief, Presidential Management Staff (PMS), Press Secretary; Director-General, National Economic Development Authority (NEDA); Chief of Staff, Armed Forces of the Philippines (AFP); Chief, Philippine National Police (PNP); Administrator, Office of Civil Defense [ODM/EMP]; Secretary-General, Philippine National Red Cross (PNRC),
2. NAPC-VDC representative,
3. two (2) Representatives from the Non-Government Organizations (NGOs),
4. 2 representatives from national private sector/business enterprise associations,
5. a representative from the Association of barangay Captains,
6. [representatives] of Union of Local Authorities of the Philippines (ULAP)/ League of Cities of the Philippines (LCP)/ League of Municipal Mayors (LMM)

The Director-General of the Office of [ODM]/EMP shall serve as NDMC's Executive Officer. The Council, in discharging its functions, shall utilize the services and facilities of the ODM/EMP, which shall also act as the Secretariat of the NDMC.

SEC. 6. Functions of NDMC – The National Disaster Management Council shall have the following functions:

(a) Advise the President on actions required for effective disaster risk management by the government, local communities and private sector.

(b) Ensure that adequate measures are taken by government agencies and local government units to prevent or mitigate, prepare for and respond to disasters and to assist in the recovery and rehabilitation from the effects of a disaster:

(c) Develop and strengthen national and local capacities for disaster prevention, mitigation, preparedness and response, and ensure that these are in accordance with established national policies};

(d) Ensure that all relevant Acts, regulations, codes, technical standards and other related policies and guidelines are properly implemented, coordinated and enforced;

(e) Provide the necessary guidelines and procedures on Calamity Fund releases as well as utilization, (and) accounting and auditing thereof.

(f) Recommend to the President the declaration of a state of calamity in areas extensively damaged and submit proposals to restore normalcy in the affected areas, to include calamity fund allocation, if necessary.

(g) Ensure that all disaster preparedness, mitigation and prevention activities such as training, public information and other programs/projects requiring regional and international support shall be in accordance with duly established national policies.

(h) Foster and facilitate the participation of non-government organizations (NGOs), Pos, private enterprise and public utilities in measures taken by the government agencies for disaster preparedness, mitigation, response and recovery.

(k) Advise Disaster Management Councils (DMCs) through the [ODM/EMP] in accordance with the guidelines on disaster management, and

(l) Conduct periodic assessment of the performance of local DMC, NDMC member-agencies and ODM/EMP.

(m) Develop a national disaster risk management framework.

(n) Perform such other functions as are related or incidental to the above.

The National Disaster Risk Management Framework

The National Disaster Risk Management Framework shall provide a coherent, transparent and inclusive policy on disaster risk management appropriate for the country. It shall be clearly integrated into and co-ordinated into a national strategy for sustainable development, and the national and regional development plans set out by NEDA. It shall be reviewed at 5-yearly intervals so as to ensure its relevance to the continuing and changing needs of the Philippines nation. It should guide the development and implementation of disaster risk management envisaged by this Act, and establishes prevention and mitigation as core principles of disaster risk management.

The objectives of the National Disaster Risk Management Framework are to:

1. encourage and enable communities to achieve acceptable levels of risk reduction and preparedness, and to plan and prepare for emergencies, response and recovery
2. require local government to co-ordinate across areas of reduction, readiness, response and recovery
3. provide a basis for the integration of national and local disaster risk management planning and activity through the alignment of local planning with a national strategy and plan
4. facilitate the Philippines cooperation in international disaster risk management
5. guide the development and implementation of disaster risk management within national, provincial, municipal and local organs of state on a cross-functional and multi-disciplinary basis and allocate responsibilities in this regard to different organs of state
6. facilitate:
 - a. the involvement of the private sector, non-governmental organisations, traditional leaders, technical experts and volunteers in disaster risk management
 - b. Community participation in disaster risk management, and
 - c. Partnerships for purposes of a) and b) above between organs of state and the private sector, non-governmental organisations and communities
7. facilitate disaster risk management capacity-building, training and education, and provide incentives for such capacity-building, training and education and promote disaster risk management research
8. guide the development of a comprehensive information management system
9. provide a framework within which organs of state may fund disaster risk management, emphasising the prevention and reduction of risk as well as response and rehabilitation requirements.
10. provide key performance indicators in respect of the various aspects of disaster risk management

SEC.7. Matters relevant to the development of disaster risk management plans:

All persons exercising functions in relation to the development of disaster risk management plans under this Act must have regard to:

1. the responsibility of people and communities to provide for their own well-being and the well-being of future generations

2. the benefits derived for people and communities from the management of hazards and risks
3. the Philippines international obligations.

SEC. 8. Establishment and Functions of the Office of Disaster Management/Emergency Management Philippines (ODM/EMP)

Authority of the Director-General ODM/EMP

– The Director-General may call upon all instrumentalities/entities of the government and non-government 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 case of emergencies or disasters.

The ODM/EMP shall, through the Director-General, perform the following functions:

1. Provide advice to the NDMC on matters relating to disaster risk management and serve as the Secretariat of the NDMC
2. Identify hazards and risks that are considered of national importance
3. Develop, monitor, evaluate and revise [no more than every 5 years] the National Disaster Risk Management Plan that will be integrated in the physical framework, social, economic and environmental plans of communities, cities, municipalities and provinces and fully integrated into National and Regional Development Plans.
4. Oversee the development, evaluation and review of local government disaster risk management plans.
5. Develop, in consultation with the appointed persons and organisations the required guidelines, codes, or technical standards
6. Monitor the performance of agencies that have responsibilities under this Act
7. Promote Disaster Risk Management through public education and awareness policies and programs
8. promote and support relevant disaster risk management research
9. Establish and operate a National Disaster Operations Center (NDOC)
10. Develop an Disaster Management Information System (DMIS) and Geographic Information System (GIS) as a tool for policy and decision-making
11. Establish a National Preparedness Center to serve as the ODM/EMP Training Facility as well as Holding Area for Quick Response Teams and Equipment for ready mobilization during disasters or emergencies.
12. During a state of national emergency, direct, and control the resources available for disaster risk management as defined under this Act
13. During a state of sub-national emergency, provide advice and assistance to the affected sub-national entities that have been mobilised to manage a declared disaster

Secretariat Functions of ODM/EMP

The ODM/EMP shall establish and maintain an operating facility to be known as the “National Disaster Operations Center” (NDOC) that shall be staffed on a twenty-four (24) hour basis by personnel of the ODM/EMP.

It shall serve as the Secretariat of the NDMC. As such, it shall have the following functions:

1. Record, prepare, disseminate and file the proceedings/undertakings of NDMC and its Technical Working Groups and Committees;
2. Plan, monitor and evaluate the programs and activities of NDMC Technical Working Group and Committees;
3. Implement the Disaster Management Information System (DMIS) and Geographic Information System (GIS) as established by the NDMC, and
4. Monitor the extent of implementation of disaster preparedness, prevention, mitigation, response and rehabilitation programs by NDMC member-agencies, regional and local DMCs and submit reports to the Office of the President, Congress and other concerned authorities.

Formulation of the National Disaster Risk Management Plan

There shall be a National Disaster Risk Management Plan which shall provide for the following:

1. identification of the hazards and risks to be managed at the national level and the disaster risk management necessary for the purpose
2. determination of the objectives of the plan and the relationship of each objective to a national disaster risk management strategy
3. determination of the roles and responsibilities of each party to ensure that the plan is effective and efficiently carried out under all contingencies and the vertical and horizontal coordination of disaster risk management during a state of national emergency
4. determination of the time frame and period for which the plan remains in force

Section 9: Functions and Duties of the Director-General

There shall be a Director-General to head the OMD/EMP who is technically competent to ensure the performance of the following functions and duties:

1. advising the NDMC Chair and the President on all matters pertaining to disaster risk management
2. identifying hazards and risks of national significance
3. co-ordinating national implementation and promotion of disaster risk management
4. monitoring and evaluating civil defence and disaster risk management activities
5. developing a National Disaster Risk Management Plan, technical standards and guidelines
6. monitoring performance
7. devise, promote, carry out or cause to be carried out research and investigations into matters relating to disaster risk management
8. promote and carry out, or cause to be carried out, the training of personnel for disaster risk management purposes
9. identify and recommend to the NDMC Chairman and the President incentives that will encourage the private sector to actively and fully carry out their roles within the National Disaster Risk Management Plan

SEC 10. Powers and Duties of National Government

Each government agency identified in the national disaster risk management Framework and Plan shall have the following common functions:

1. prepare a disaster risk management plan setting out –

- a. the way in which the concept and principles of disaster risk management are to be applied in its functional area
 - b. its roles and responsibilities in terms of the national disaster risk management strategy
 - c. its roles and responsibilities regarding emergency response and post-disaster recovery and rehabilitation in terms of the national disaster risk management plan and other associated documents
 - d. its capacity to fulfil its roles and responsibilities
 - e. particulars of its disaster risk management strategies
 - f. contingency strategies and emergency procedures in the event of a disaster, including measures to finance these functions
 - g. to perform such other functions as are incidental or related to the above
2. coordinate and align the implementation of its plan with those of other organs of state and institutional role-players
 3. regularly review and update its plan in accordance with the National Disaster Risk Management Plan
 4. submit a copy of its disaster risk management strategy and plan to the NDMC and ODM/EMP
 5. if a national organ fails to submit a copy of its disaster risk management strategy and plan or of any amendment of these documents as required by [DMC/ODM/EMP, the ODM/EMP must report the failure to the President, who must take such steps as is necessary to secure compliance.

SEC. 11 – Responsibilities and Functions of Local Government (Province, City, Municipality and Barangay)

Responsibilities of Local Government

Upon authority of the Local Government Code, LGUs can organise themselves for purposes of commonly beneficial to them such as risk management

1. Every local government unit may unite with other local government units that have common political and/or hazardscape borders for the purposes of this Act (as a joint local government).
2. Every local government or joint local government must establish a disaster management council for the purposes of this Act.
3. It shall be mandatory on the part of local governments to formulate their own local ordinances to be consistent with the requirements of this Act.
4. Local development plans shall incorporate risk reduction management as a strategy in sustainable development.
5. Local government units must ensure that its actions in exercising or performing its functions, duties and powers under this Act are not inconsistent with any national disaster risk management requirement.

Managing Risk at the Local Government (Province, City, Municipality and Barangay) level

In relation to the management of hazards and risks Local Government Units shall perform the following functions:

1. identify, assess and manage those hazards and risks, consult and communicate about risks, and identify and implement cost-effective risk reduction
2. take all steps necessary on an ongoing basis to maintain and provide, or to arrange the provisions of, or to otherwise make available suitably trained and

- competent personnel, material, services, information and any other resources for effective civil defence and disaster risk management in its area
3. respond to and manage the adverse affects of emergencies in its area
 4. carry out recovery activities
 5. within its area, promote and raise public awareness of and compliance with, this Act and legislative provisions relevant to the purpose of this Act, as well as monitor and render reports pertinent thereto.
 6. monitor and report on compliance within its area with this Act and legislative provisions relevant to the purpose of this Act
 7. Develop, approve, implement and monitor disaster risk management plans and regularly review and test the plan for internal consistency as well as to ensure its vertical and horizontal compatibility with other relevant planning programs.

SEC. 12. Organization at the Regional Level - At the regional level, there shall be constituted a Regional Disaster Management Council (RDMC) with the Regional Director of the PNP as Chairman and the [OMD/EMP] Regional Director as the Council's Executive Officer. The Council shall be composed of the executives of the regional and equivalent offices of the NDMC member-agencies, representatives of key lifeline utilities and the wider private sector and shall establish an operating facility to be known as the "Regional Disaster Management Center".

Organization at the Local Government - The focal points for coordination of disaster management activities at the local level are the Provincial, City, Municipal and Barangay Disaster Coordinating Councils established under Presidential Decree No. 1566, which shall henceforth be known as the Provincial, City, Municipal and Barangay Disaster Management Councils (P/C/M/B DMCs). The local DMCs shall establish an operating facility to be known as the Provincial/City/Municipal/Barangay Disaster Management Center, respectively.

Provincial Disaster Management Council

The Provincial Disaster Management Council (PDMC) shall be composed of the Provincial Governor as Chairman, the Provincial Director of the Philippine National Police as Vice-Chairman, the Representative of each Congressional District in the province, the Vice-Governor, organic provincial officials as well as national officials working in the provincial level, the Provincial Administrator of the Philippine National Red Cross and two (2) other representatives of non-government organizations operating in the province, as members.

The Provincial Disaster Management Council (RDMC) shall:

1. establish a Provincial Disaster Operations Centre
2. coordinate the operational activities of the municipalities within the province, provided that when a disaster affects more than one municipality, the Provincial Governor shall coordinate disaster operations
3. implement and advise the local disaster management councils on the plans and programs on disaster risk management framework embodied in this Act
4. oversee the implementation of disaster risk management to reduce risks from hazards, prepare for, respond to and recover from disasters.
5. enhance training to strengthen the capabilities of local government units within the province on all aspects of disaster risk management as described in this Act
6. encourage and facilitate the participation of Non-Government Organisations and private enterprise in disaster risk management programs

7. conduct periodic assessments of local disaster management councils within Metro Manila in accordance with guidelines on disaster risk management
8. recommend to the RDMC the declaration of a state of calamity of areas within the province.
9. submit appropriate reports and recommendations to the RDMC

City Disaster Management Council

The City Disaster Management Council (CDMC) shall be composed of the City Mayor as Chairman, the Chief of Police as Vice-Chairman, the Representative of each Congressional District in the city, if any, the Vice-Mayor, organic city officials as well as national officials working at the city level, the City Administrator of the Philippine National Red Cross and two (2) other representatives of non-government organizations operating in the city, as members.

The City Disaster Management Council (CDMC) shall:

1. establish a City Disaster Operations Centre (either jointly as a joint local government unit, or as a separate local government unit)
2. coordinate the operational activities with other local government units contiguous to it/and/or sharing the same hazardscape, as well as the barangays within the single or joint local government area
3. implement the guidelines on disaster risk management set by the RDMC and the MMDC if the city/municipality is within Metro Manila
4. oversee the implementation of disaster risk management to reduce risks from hazards, prepare for, respond to and recover from disasters.
5. enhance training to strengthen the capabilities of the local government unit by coordinating and cooperating with other local government units contiguous to it/and/or sharing the same hazardscape, and with the MMDC if the city/municipality is within Metro Manila on all aspects of disaster risk management as described in this Act
6. encourage and facilitate the participation of Non-Government Organisations and private enterprise in disaster risk management programs
7. conduct periodic assessments of its performance in accordance with guidelines on disaster risk management
8. recommend the declaration of a state of calamity to the City Sanggunian Panlalawigan, RDMC or MMDC.
9. submit appropriate reports and recommendations to the RDMC or the MMDC, whichever is relevant

Municipal Disaster Management Council

The Municipal Disaster Management Council (MDMC) shall be composed of the Municipal Mayor as Chairman, the Chief of Police as Vice-Chairman, the Vice-Mayor, organic municipal officials as well as national officials working at the municipal level, the Municipal Administrator of the Philippine National Red Cross and two (2) other representatives of the non-government organizations operating in the municipality, as members.

The Municipal Disaster Management Council (MDMC) shall:

1. establish a Municipal Disaster Operations Centre (either jointly as a joint local government unit, or as a separate local government unit)

2. coordinate the operational activities with other local government units contiguous to it/and/or sharing the same hazardscape, as well as the barangays within the single or joint local government area
3. implement the guidelines on disaster risk management set by the RDMC and the MMDC if the city/municipality is within Metro Manila
4. implement the guidelines on disaster risk management to reduce risks from hazards, prepare for, respond to and recover from disasters.
5. enhance training to strengthen the capabilities of the local government unit by coordinating and cooperating with other local government units contiguous to it/and/or sharing the same hazardscape, and with the MMDC if the municipality is within Metro Manila on all aspects of disaster risk management as described in this Act
6. encourage and facilitate the participation of Non-Government Organisations and private enterprise in disaster risk management programs
7. conduct periodic assessments of its performance in accordance with guidelines on disaster risk management
8. recommend the declaration of a state of calamity to the Local Sanggunian Panlalawigan, PDMC or MMDC.
9. submit appropriate reports and recommendations to the RDMC or the MMDC, whichever is relevant

Barangay Disaster Management Council

Every barangay DMC may unite with other barangay DMCs that have common borders for the purposes of this Act (as a joint barangay council).

The Barangay Disaster Management Council (BDMC) shall be composed of the Punong Barangay as Chairman, organic barangay officials and {leading personalities in the barangay level, as members.} **leaders of people's organization, as member.**

The Barngay Disaster Management Council (BDMC) shall:

1. establish a Barangay Disaster Operations Centre (as a joint local unit, or as a separate local unit if there are compelling circumstances)
2. coordinate operational activities with other local units contiguous to it/and/or sharing the same hazardscape, as well as coordinating the activities of [Risk Management Units] (previously referred to as Disaster Task Units) within the single or joint local area
3. implement the guidelines on disaster risk management set by the MDMC and the MMDC if the city/municipality is within Metro Manila
4. enhance training to strengthen the capabilities of the local unit by coordinating and cooperating with other local units contiguous to it/and/or sharing the same hazardscape on all aspects of disaster risk management as described in this Act
5. encourage and facilitate the participation of Non-Government Organisations and private enterprise in disaster risk management programs
6. conduct periodic assessments of its performance in accordance with guidelines on disaster risk management
7. recommend the declaration of a state of calamity to the CDMC for barangays within the city and to the MDMC for barangays in the municipality.
8. submit appropriate reports and recommendations to the CDMC or the MMDC, whichever is relevant

Metropolitan Manila Disaster Management Council

The Metropolitan Manila Disaster Management Council (MMDMC) shall be composed of the Chairman of the Metropolitan Manila Development Authority (MMDA), the executives of the Cities and Municipalities comprising Metropolitan Manila and representatives of relevant national departments to the Council.

The MMDMC shall:

1. establish a Metro Manila Disaster Operations centre (MMDOC)
2. coordinate the operational activities of the Local Disaster Management Councils within Metro Manila
3. advise the local disaster management councils on the plans and programs on disaster risk management framework embodied in this Act
4. oversee the implementation of disaster risk management to reduce risks from hazards, prepare for, respond to and recover from disasters.
5. enhance training to strengthen the capabilities of MMDA and local government units within Metro Manila on all aspects of disaster risk management as described in this Act
6. encourage and facilitate the participation of Non-Government Organisations and private enterprise in disaster risk management programs
7. conduct periodic assessments of local disaster management councils within Metro Manila in accordance with guidelines on disaster risk management
8. recommend to the MMDMC the declaration of a state of calamity of areas within Metro Manila.

SEC. 13. Local Disaster Management Office (DMO) –

(a) There shall be established a local Disaster Management Office in every province, city, municipality and barangay, unless joint DMOs have been established under Section 11 of this Act which shall assist the local Disaster Management Councils in setting the direction and development of disaster management programs and coordinating disaster response activities within their territorial jurisdiction.

(b) The DMO shall be under the Office of the Governor, City/Municipal Mayor and Punong Barangay which shall be organized and staffed by a Disaster Management Officer assisted by staff undertaking functions in Administrative and Planning (including hazard analysis, risk assessment and vulnerability analysis); Research and Training, and Operations and Warning (including public awareness).

(c) The Provincial, City, Municipal or Barangay Disaster Management Office, or joint offices, shall have the following functions:

- (1) Formulates and implements policies, plans and programs based on the general principles and guidance laid down by the NDMC;
- (2) Prepares and submits to the Local Sanggunian, through the local DMC, the annual programming of the five percent (5%) local calamity fund and other regular funding source/s and budgetary support of the DMO and local DMCs.

- (3) Serves as the Secretariat and Executive Arm of the Local DMCs.
- (4) Coordinates disaster operations activities.
- (5) Acts on other matters that may be authorized by the Council.

SEC. 12. Funding of Disaster Risk Management Activities at the local level. – Five percent (5%) of the estimated revenue from regular sources shall be set aside as a local disaster management fund for preparedness, mitigation and prevention activities for potential occurrence of disasters as well as for disaster response, rehabilitation, reconstruction and other works or services in connection with disasters or calamities, whether natural or man-made, occurring within the LGU or other areas, and for the payment of premiums for property insurance, provided, however, that such fund shall be used for the following:

(a) For preparedness, mitigation, prevention activities such as undertaking hazard identification, risk assessment and vulnerability analysis, the setting up of response mechanisms on fire suppression, emergency medical service, search and rescue, relief and evacuation, damage assessment and needs analysis, and command and control, to include training and equipping of response teams; planning, organization, conduct of community drills and other disaster mitigation and prevention activities, consistent with established policies and guidelines jointly determined by the NDMC and the LGUs.

(b) For disaster response, rehabilitation and reconstruction of areas affected by a disaster or calamity as may be determined and recommended by the local DMC concerned, based on the LDMC damage assessment of the situation and declared under a state of calamity by the local Sanggunian concerned.

(c) For payment of GSIS premiums for insurance policy coverage against loss or damage due to fire, typhoon, flood, earthquake xxx to insure rehabilitation and reconstruction of damaged public public buildings, roads and bridges. (GSIS)

(d) Provided that the appropriation and flexibility on the utilization of the local disaster management fund by the LGUs shall be based on the local Sanggunian in consultation with LDMCs; provided, finally that the unexpended calamity fund balances shall be treated as a continuing appropriation to support the above disaster management activities; Including payment of insurance premiums.(GSIS)

The Local Development Council shall monitor and evaluate the use and disbursement of local disaster management fund based on the local disaster management plan as incorporated in the local development plans and annual Work and Financial Plan.

SEC. 14. Local Office of Disaster Management. – The [OMD/EMP], through its central and regional offices, shall carry out its regular functions. In addition, it shall ensure that the policies and programs of the NDMC are carried out by all concerned agencies and recommend to the NDMC appropriate policies and corrective measures to ensure performance of disaster risk management requirements

SEC. 15. Planning for Disaster Operations – The National {Calamities and Disaster Preparedness} *Disaster Management Plan* of the National Disaster Management Council shall be the basis for the preparation of implementing plans of NDMC member-agencies and DMCs at the regional and local levels. The national, regional and local disaster plans shall be updated on a regular basis to make them attuned with development trends along disaster management and other areas of governance.

All agency implementing plans shall be documented, updated and submitted to the NDMC through the [OMD/EMP] within six (6) months from the effectivity of this Act.

SEC. 16. Accredited Community Disaster Volunteers (ACDV). - A national roster of Accredited Community Disaster Volunteers (ACDV) shall be maintained and monitored by the [OMD/EMP] for purposes of payment of compensatory benefits provided in this Act. *Accreditation will be done at the municipal level. Only those who do not receive salary in their performance of tasks related to disaster management activities are to be accredited as volunteers.(PDMF)*

SEC. 17. Compensatory Benefits. – Any listed disaster personnel of the Disaster Management Councils from the national to the barangay levels, and ACDV who incurs death or injury while engaged in any of the civil defense/disaster management activities as defined under this Act shall be entitled to the following compensatory benefits, to be paid out of the initial amount of Ten Million Pesos (P10,000,000.00) to be appropriated to [OMD/EMP] for this purpose. **Portions of the P10,000,000.00 shall be used to pay for the insurance premiums for the individual personnel accident insurance of each ACDV presented as follows: (Please refer to the attached schedule of premiums and coverage).(GSIS)**

P50,000.00	(1) For death	{P30,000.00} –
P30,000.00	(2) For injury resulting in total and permanent disability	{P20,000.00} -
P20,000.00	(3) For injury resulting in permanent disability	{P10,000.00} -
P10,000.00	(4) For injury requiring hospitalization for more than fifteen (15) days up	{P 5,000.00} -
5,000.00	(5) For injury requiring hospitalization for more than five (5) days up to fifteen (15) days	{P 3,000.00} - P
2,000.00	(6) For injury requiring hospitalization for one (1) day up to five (5) days	{P 1,000.00} - P

(a) Free Medical Care

Any listed personnel of the Disaster Management Councils and ACDV who falls under any of the above injuries/disabilities shall be entitled to a free medical care in any government hospital or institution.

SEC. 18. Declaration of a State of Calamity

(a) The declaration of a State of Calamity may be issued either by the President of the Philippines or the local Sanggunian upon the recommendation of the LDMC, based on the extent of casualties or damages inflicted on the population, dwelling units, livelihood, infrastructures such as major roads and bridges, and lifelines such as electricity, water system, transport and communication system, as prescribed in existing appropriate criteria and guidelines promulgated by the NDMC.

(b) The Representative of the Congressional District in the affected local government units shall be duly informed of the declaration of a state of calamity by the OCD or local DMO, in case of a presidential declaration, and local government declaration, respectively. ***They are to be informed so that they can take the proper action.*** Such information shall include the occurrence and nature of disaster, extent of damage incurred, affected areas and population, human casualties and actions taken by concerned agencies as well as release of funds for emergency response and rehabilitation purposes, if any.

Sec. 19. Remedial Measures – The declaration of a State of Calamity shall make mandatory the immediate undertaking of any or all of the following remedial measures by concerned agencies:

(a) Automatic imposition of price control on basic necessities in areas declared under a state of calamity by the President of the Philippines or local Sanggunian by the Department of Trade and Industry;

(b) Monitoring, prevention and control of overpricing/profitteering and hoarding of prime commodities, medicines and petroleum products by the local Price Coordinating Council;

(c) Programming/reprogramming of funds for undertaking repair, ensuring safety of the community and upgrading of public infrastructures and facilities;

(d) Granting or restructuring of loans by government financing or lending institutions upon the certification of proper authority;

(e) Deferment or moratorium in the payment of taxes due to the government upon the certification of proper authority, and

(f) Deferment or moratorium in the payment of loans and interests thereon may be granted by government banks and government-owned or controlled lending institutions to individual borrowers who are residing in localities adversely affected by the calamity or corporate borrowers whose operations are seriously impaired by the calamity, on selective basis, and subject to the judgement of the said lending institutions.

SEC. 20. Importations and Donations of Food, Clothing, Medicine and Equipment for Relief and Rehabilitation and Other Disaster Management Related Supplies and Equipment for Calamity-Affected Areas.

(a) The importations and donations of food, clothing, medicine and equipment for relief and rehabilitation and other disaster management related supplies are hereby authorized in accordance with Sec. 105 of the Tariff and Customs Code of the Philippines, as amended, and the prevailing provisions of the General Appropriations Act covering national internal revenue taxes and import duties of the national and local government agencies.

(b) Importations and donations under this Section shall, subject to the approval of the Office of the President, be considered as importations by and/or donations to the National Disaster Management Council.

SEC. 21. Release, Allocation and Accounting of the National Calamity Fund

(a) The National Calamity Fund (NCF) appropriated under the General Appropriations Act (GAA) shall be used for aid, relief, rehabilitation, reconstruction and other works or services in connection with calamities which may occur during the budget year or those that may have occurred in the past two years from the budget year, including training of personnel and other pre-disaster activities and capital expenditures for pre-disaster operation, rehabilitation and other related activities, in order of priority as may be determined by the NDMC.

(b) A Quick Response Fund (QRF) is hereby constituted to support the initial and immediate disaster response operations and needs of the NDMC and its participating agencies for the current year. The amount necessary for the continuous funding of the QRF shall be included in the annual General Appropriations Act.

(c) The specific amount of the QRF for the NDMC and appropriate participating agencies shall be recommended by the NDMC to the President and shall be administered by the NDMC and other recipient agencies; Provided that no portion thereof shall be used for administrative expenses or as augmentation fund for regular agency programs, projects and activities not related to current calamities or disasters.

(d) All departments/agencies and local government units that were allocated with calamity fund shall submit to the NDMC their monthly statements on the utilization of calamity funds and make an accounting thereof in accordance with existing accounting and auditing rules.

SEC. 22. Mechanism for Relief Operations During Election Time - During election time, the PNRC [takes over?] from the DSWD a lead role in the provision of relief assistance to calamity-affected areas unless the latter is granted exemption by the COMELEC.

SEC. 23. Funding of [OMD/EMP], NDMC and Others – An annual allocation of Five Hundred Million Pesos (P500M) shall be appropriated to OMD/EMP, exclusive of its current budget, to carry out the provisions of this Act.

SEC. 24. Prohibited Acts. Any person, group or corporation who commits any of the following prohibited acts shall be held liable and be subjected to the penalties as prescribed in Section 25.

(a) ***Dereliction of duties which lead to damages or death and misuse of funds;***

(b) ***Preventing the entry of relief goods;***

(c) Buying, for consumption or resale, from disaster relief agencies any relief goods, equipment or other aid commodities which are intended for distribution to disaster victims;

(d) Buying, for consumption or resale, from the recipient disaster victims any relief goods, equipment or other aid commodities received by them.

(e) Hijacking or forcibly seizing relief goods, equipment or other aid commodities intended for or consigned to a specific group of victims or relief agency;

(f) Diverting or misdelivering relief goods, equipment, or other aid commodities to persons other than the rightful recipient or consignee;

(g) Accepting, possessing, using or disposing relief goods, equipment, or other aid commodities not intended for nor consigned to him;

(h) Misrepresenting the source of relief goods, equipment or other aid commodities by;

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 persons;

(2) 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 or a particular agency or persons.

(3) Making false verbal claim that the goods, equipment, or other aid commodity in its untampered original containers actually came from another agency or persons or was released upon the instance or a particular agency or persons.

Substituting or replacing relief goods, equipment, or other aid commodities with the same items or inferior/cheaper quality

(j) **Deliberate use of** false or inflated data in support of the request for funding, relief goods, equipment or other aid commodities for emergency assistance or livelihood projects;

(k) Soliciting of funds and/or donations by non-accredited NGOs. In this regard, solicitation of funds and/or donations by accredited NGOs shall be regulated and monitored by NDMC through its member agencies concerned to ensure that public donation are safeguarded and duly accounted for.

SEC. 25. Penal Provisions. – Any person, group or corporation who commits any of the above-listed prohibited acts shall be prosecuted and upon conviction, suffer a fine of not less than Fifty Thousand Pesos (P50,000.00). or imprisonment of not less than six (6) years 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 he is a public officer, and confiscation, or forfeiture in favor of the government of the objects/fruits of and the instrumentalities used in committing any of the herein prohibited acts.

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 its license or accreditation issued to them by any licensing or accredited body of the government. If such offender is an alien, he shall, in addition to the penalties prescribed, be deported without further proceedings after service of the sentence.

SEC. 26. Rules and Regulations. – Subject to the approval by the President, the Chairman, NDMC shall issue the necessary rules and regulations for the effective implementation of this Act.

SEC. 27. Separability Clause. – If any provision of this Act shall be held unconstitutional or invalid, the other provisions not otherwise affected shall remain in full force and effect.

SEC. 28. Repealing Clause. – All laws, decrees, executive orders, proclamations and other executive issuances which are inconsistent with or contrary to the provisions of this Act are hereby amended or repealed.

SEC. 29. Effectivity. – This Act shall take effect fifteen (15) days following its publication in the Official Gazette or in two (2) national newspapers of general circulations.

Approved.

F O R : C D A

T H R U : CDEXO/CDDA

F R O M : ACDEXO/C, Training

S U B J E C T : Disaster Management Bill

Attached is the latest version of the substitute bill on PD 1566 incorporating the comments and suggestion of the Government Service Insurance System (GSIS), with respect to the mandatory coverage of insurance and payment of premiums for public properties of local government units, the Philippine Disaster Management Forum (PDMF) with regard to some definition of terms, statement of policies and DCC membership, and the Earthquake and Megacities Initiative (EMI) 3CD (Cross-Cutting Capacity Development) Team operating in Metro Manila with officials from MMDA, PHIVOLCS, Makati City, Marikina City and Quezon City, and including personnel from OCD, the National Defence College, NEDA, the Local Government Development Foundation, and the University of the Philippines

Upon CDA's suggestion, we have also included a provision on the duty-free importation and donation of food, clothing, medicine and equipment for relief and rehabilitation operations in affected areas as can be found in Sec. 19 of the bill.

It is suggested that the latest version of the bill be taken up in one of the meetings of the NDCC Committee concerned for finalization before endorsement to the House Committee on National Defense for further deliberation.

MNSA

ATTY. PRISCILLA P DUQUE,

Asst. CDEXO