Mr. President:

The Committees on National Defense and Security, Local Government, Public Services, and Finance to which were referred Senate Bill No. 145, introduced by Senator Gordon, entitled:

"AN ACT
TO ESTABLISH DISASTER PREPAREDNESS AND MITIGATION MEASURES";

Senate Bill No. 699, introduced by Senator Ejercito Estrada, entitled:

"AN ACT
CREATING THE NATIONAL DISASTER MANAGEMENT COMMISSION, DEFINING ITS POWERS AND FUNCTIONS, PROVIDING FUNDS THEREFOR AND FOR OTHER PURPOSES";

Senate Bill No. 1129, introduced by Senator Defensor Santiago, entitled:

"AN ACT
ESTABLISHING ONE LOCAL EMERGENCY CENTER IN EVERY MUNICIPALITY THROUGHOUT THE COUNTRY";

Senate Bill No. 1444, introduced by Senator Honasan, entitled:

"AN ACT
STRENGTHENING PHILIPPINE DISASTER RISK MANAGEMENT CAPABILITY BY ESTABLISHING THE NATIONAL DISASTER MANAGEMENT COUNCIL AND INSTITUTIONALIZING THE NATIONAL DISASTER RISK MANAGEMENT PLAN, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES";

Senate Bill No. 1493, introduced by Senator Zubiri, entitled:

"AN ACT
STREAMLINING AND STRENGTHENING THE PHILIPPINE DISASTER PREPAREDNESS AND PREVENTION CAPABILITY, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES";
Senate Bill No. 2013, introduced by Senator Revilla Jr., entitled:

"AN ACT
STRENGTHENING PHILIPPINE DISASTER RISK MANAGEMENT CAPABILITY BY
ESTABLISHING THE NATIONAL DISASTER MANAGEMENT COUNCIL AND
INSTITUTIONALIZING THE NATIONAL DISASTER RISK MANAGEMENT PLAN,
APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES";

Senate Bill No. 2086, introduced by Senator Trillanes IV, entitled:

"AN ACT
ESTABLISHING THE EMERGENCY MANAGEMENT AGENCY (EMA) AND PROVIDING
FUNDS THEREFOR";

Senate Bill No. 2451, introduced by Senator Gordon, entitled:

"AN ACT
ESTABLISHING A NATIONAL EMERGENCY ALERT SYSTEM FOR DISASTER AND
HAZARDS MANAGEMENT IN THE PHILIPPINES, PROVIDING FUNDS THEREFOR AND
FOR OTHER PURPOSES"; and

Senate Bill No. 2540, introduced by Senator Villar, entitled:

"AN ACT
STRENGTHENING PHILIPPINE DISASTER RISK MANAGEMENT CAPABILITY BY
ESTABLISHING THE NATIONAL DISASTER MANAGEMENT COUNCIL AND
INSTITUTIONALIZING THE NATIONAL DISASTER RISK MANAGEMENT PLAN,
APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES"

have considered the same and have the honor to report them back to the Senate with the recommendation that

the attached Senate Bill No. 3086, prepared by the Committees, entitled:

"AN ACT
STRENGTHENING PHILIPPINE DISASTER RISK MANAGEMENT CAPABILITY BY
INSTITUTIONALIZING THE NATIONAL DISASTER RISK MANAGEMENT FRAMEWORK,
APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES"

be approved in substitution of Senate Bill Nos. 145, 699, 1129, 1444, 1493, 2013, 2086, 2451 and 2540, with

Senators Gordon, Ejercito Estrada, Defensor Santiago, Honasan, Zubiri, Revilla Jr., Trillanes IV, Villar, Blazon,
Aquino III, and Enrile as authors thereof.

Respectfully submitted:

Committee Chairmen:

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Finance
Member, National Defense and Security,
Local Government and Public Services

RODOLFO G. BIAZON
National Defense and Security
Member, Finance
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JINGGEOY EJERCITO ESTRADA  
President, Pro Tempore

JUAN MIGUEL F. ZUBIRI  
Majority Leader

AQUILINO Q. PIMENTEL, JR.  
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HON. JUAN PONCE ENRILE  
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President Pro Tempore

JUAN MIGUEL F. ZUBIRI
Majority Leader

AQUILINO Q. PIMENTEL, JR.
Minority Leader

HON. JUAN PONCE ENRILE
Senate President
Senate of the Philippines
Pasay City
AN ACT
STRENGTHENING PHILIPPINE DISASTER RISK MANAGEMENT CAPABILITY
BY INSTITUTIONALIZING THE NATIONAL DISASTER RISK MANAGEMENT
FRAMEWORK, APPROPRIATING FUNDS THEREFOR AND FOR OTHER
PURPOSES

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

SECTION ONE. Short Title. -- This act shall be known as the "Philippine
Disaster Risk Management Act of 2009."

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

a. Uphold the people's constitutional right to life and property by
decreasing disaster vulnerability, increasing their capability for recovery, and
enhancing over-all resilience to the events;

b. Adopt an integrated, coordinated, multi-sectoral, inter-agency and
community-based approach to disaster risk management that shall be both
anticipatory of and responsive to the socio-economic and environmental impacts of
disasters including climate change;

c. Develop, promote and implement a comprehensive National Disaster
Risk Management Plan to address pre-disaster vulnerabilities, disaster response
requirements, and post-disaster recovery;

d. Mainstream disaster risk reduction into physical and land-use planning,
budget, infrastructure, education, health, environment, housing, and other sectors;

e. Incorporate internationally accepted principles of disaster risk
management in the creation and implementation of national, regional and local
sustainable development and poverty reduction strategies, policies, plans and budgets;

f. Recognize the country's various and particular local risk patterns and the need to capacitate, strengthen, and decentralize powers, responsibilities and resources for disaster risk reduction and response to regional and local authorities;

g. Encourage individuals, non-government organizations, the private sector and community members to participate in disaster risk management and response, and;

h. Develop and strengthen the capacities of vulnerable and marginalized groups to prepare and mitigate the effects of disasters.

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

a. "Capacity" – a combination of all strengths and resources available within a community, society or organization that can reduce the level of risk, or effects of a disaster. Capacity may include physical, institutional, social or economic means as well as skilled personal or collective attributes such as leadership and management. Capacity may also be described as capability.

b. "Community-Based Disaster Risk Management or CBDRM" -- activities, projects and programs to reduce disaster risks, primarily designed by people living in high-risk localities based on their needs and capacities, in close coordination with their respective Local Disaster Management Councils.

c. "Complex Emergency" – a form of human-induced emergency in which the cause of the emergency as well as the assistance to the afflicted is complicated by intense level of political considerations.

d. "Disaster" -- an event, natural or man-made, sudden or progressive, which impacts vulnerable communities with such severity on lives and properties, basic services, infrastructures and the environment that the affected community has to respond with exceptional measures.

e. "Disaster Mitigation" -- measures that ensure the ability of at-risk communities to address vulnerabilities aimed at minimizing the impact of disasters.
Such measures include, but are not limited to, the formulation and implementation of plans, programs, projects and activities, as well as the enforcement of comprehensive land use planning, building and safety standards, and legislation.

f. "Disaster Preparedness" -- 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.

g. "Disaster Prevention" -- activities to provide outright avoidance of the adverse impacts of hazards and means to minimize related environmental, technological and biological disasters. Depending on social and technical feasibility and cost-benefit considerations, investing in preventive measures is justified in areas frequently affected by disasters.

h. "Disaster Risk Management" -- the systematic process of using administrative decisions, organization, operational skills and capacities to implement policies, strategies and coping capacities of the society and communities to lessen the impacts of natural hazards and related environmental and technological disasters. This comprises all forms of activities, including structural and non-structural measures to avoid (prevention) or to limit (mitigation and preparedness) adverse effects of hazards.

i. "Disaster Risk Reduction" -- a conceptual framework of elements considered with the possibilities to minimize vulnerabilities and disaster risks throughout a society, to avoid through prevention or to limit through mitigation and preparedness the adverse impacts of hazards within the broad context of sustainable development.

j. "Emergency" -- unforeseen or sudden occurrence, especially danger, demanding immediate action.

k. "Hazard" -- a potentially damaging natural phenomenon and/or human activity that may cause the loss of life or injury, property damage, social and economic disruption, and environmental degradation.
1. "National Disaster Risk Management Framework" — provides for comprehensive, all-hazards, multi-sectoral, inter-agency and community-based approach to disaster risk management.

m. "National Disaster Risk Management Plan" -- the master plan which provides the strategies, organization, tasks of concerned agencies and local government units, and other guidelines to deal with disasters or emergencies.

n. "Rehabilitation" -- measures that ensure the ability of affected communities to restore their normal level of functioning by rebuilding livelihood and damaged infrastructures and increasing the communities' organizational capacity.

o. "Response" -- any concerted effort by two or more agencies, public or private, to provide emergency assistance to victims of a disaster and in the restoration of essential public activities and facilities.

p. "Risk" -- the probability of harmful consequences, or expected losses (deaths, injuries, property, livelihoods, economic activity disrupted or environment damaged) resulting from the interactions between natural or human-induced hazards and vulnerable conditions.

q. "Risk Identification and Analysis" -- a thorough analysis of current vulnerabilities, location and severity of threat that will determine the underlying causes of vulnerabilities.

r. "Risk Management" -- the process of identifying, analyzing and quantifying the probability of losses in order to undertake preventive or corrective measures in minimizing such.

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

t. "Vulnerability" -- a set of conditions that results from physical, social, economic and environmental factors which increase susceptibility of a community to losses from the impact of natural or human-induced hazards.
u. “Vulnerable and Marginalized Groups” – are those that face higher exposure to disaster risk and poverty including, but not limited to, women, children, elderly, differently-abled people, and ethnic minorities.

SEC. 4. Scope. – This Act provides for all the actions and measures pertaining to all aspects of disaster risk management such as, but not limited to, the anticipatory stages of risk identification and analysis, risk reduction, prevention, mitigation and preparedness to the post-disaster stages of response, rescue, relief, rehabilitation and reconstruction.

SEC. 5. National Disaster Management Council. – The present National Disaster Coordinating Council or NDCC shall henceforth be known as the National Disaster Management Council, hereinafter referred to as NDMC or the Council. For this purpose, Presidential Decree No. 1566 issued on 11 June 1978 is hereby repealed.

The Council shall be headed by the Secretary of the Department of National Defense (DND) as Chairperson with the Secretary of the Department of Social Welfare and Development (DSWD) and the Director-General of the National Economic Development Authority (NEDA) as Vice-Chairpersons.

The Council’s members shall be the following:
1. Secretary of the Department of Health (DOH);
2. Secretary of the Department of Environment and Natural Resources (DENR);
3. Secretary of the Department of Agriculture (DA);
4. Secretary of the Department of Education (DepEd);
5. Secretary of the Department of Science and Technology (DOST);
6. Secretary of the Department of Interior and Local Government (DILG);
7. Secretary of the Department of Trade and Industry (DTI);
8. Secretary of the Department of Transportation and Communication (DOTC);
9. Secretary of the Department of Budget and Management (DBM);
10. Secretary of the Department of Public Works and Highways (DPWH);
11. Secretary of the Department of Foreign Affairs (DFA);
12. Secretary of the Department of Justice (DOJ);
13. Secretary of the Department of Labor and Employment (DOLE);
14. Secretary of the Department of Tourism (DOT);
15. Secretary of the Office of the Executive Secretary (OES);
16. Secretary of the Office of the Presidential Adviser on the Peace Process (OPAPP);
17. Chairman, Commission on Higher Education (CHED);
18. Chief of Staff, Armed Forces of the Philippines (AFP);
19. Chief, Philippine National Police (PNP);
20. Secretary, Office of the Press Secretary (OPS);
21. Secretary-General of the Philippine National Red Cross (PNRC);
22. Commissioner of the National Anti-Poverty Commission-Victims of Disasters and Calamities Sector (NAPC-VDC);
23. President of the Union of Local Authorities of the Philippines (ULAP);
24. President of the League of Provinces in the Philippines (LPP);
25. President of the League of Cities in the Philippines (LCP);
26. President of the League of Municipalities in the Philippines (LMP);
27. President of the Liga ng Mga Barangay (LMB);
28. Two (2) Representatives from the Non-Government Organizations (NGOs); and

The representatives from the NGOs shall be selected from among their respective ranks based on the criteria and mechanisms to be set for this purpose by the Council.

SEC. 6. Powers and Functions of the NDMC. -- The Council, being empowered with policy-making, coordination, integration, supervision, and evaluation functions, shall have the following responsibilities to:

a. Develop a National Disaster Risk Management Framework (NDRMF) which shall provide for a comprehensive, all-hazards, multi-sectoral, inter-agency and community-based approach to disaster risk management. The Framework shall serve
as the principal guide to disaster risk management efforts in the country and shall be
reviewed on a five-year interval, or as may be deemed necessary, in order to ensure
its relevance to the times;

b. Develop, formulate, and lead the implementation of the National
Disaster Risk Management Plan (NDRMP) and ensure that this shall be considered
and integrated in the Medium-Term Philippine Development Plan (MTPDP), in the
annual Government Appropriations Act (GAA) and in local development plans
nationwide;

c. Recommend to the President the declaration of state of calamity in
areas extensively affected by disaster events and submit remedial proposals
addressing these;

d. Ensure the development and updating of a Disaster Management
Information System and Geographic Information System–based national risk map as
policy and decision-making tools;

e. Establish a national emergency alert system to provide accurate and
timely advice to national or local emergency response organizations and to the
general public through diverse mass media to include digital and analog broadcast,
cable, satellite television and radio, wireless communications, and landline
communications;

f. Oversee the development or enforcement by agencies and
organizations of the various laws, guidelines, codes or technical standards required
by this Act;

g. Manage and mobilize resources for disaster risk management including
the National Disaster Risk Management Fund;

h. Constitute a technical management group composed of representatives
of the above-mentioned departments, offices, and organizations, that shall coordinate
and meet as often as necessary to effectively manage and sustain national efforts on
disaster risk management;
i. **Conduct periodic assessment of the NDMC member-agencies'**, Regional Disaster Management Councils' and Local Disaster Management Councils' performances.

**SEC. 7. Authority of the NDMC Chairperson.** -- The Chairperson of the NDMC may call upon other instrumentalities or 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 the whole range of disaster risk management. This authority includes the power to call on the reserve force as defined in Republic Act No. 7077 to assist in relief and rescue during disasters or calamities.

Towards this end, the Chairperson is hereby authorized to restructure and reorganize the Office of Civil Defense as the secretariat of the Council within a five-year implementation period.

**SEC. 8. The Office of Civil Defense.** -- The Office of Civil Defense (OCD) shall have the primary mission of administering a comprehensive national civil defense and disaster risk management program by providing leadership in the continuous development of strategic and systematic approaches as well as measures to reduce the vulnerabilities and risks to hazards and manage the consequences of disasters.

The Administrator of the Office of Civil Defense shall also serve as Executive Director of the Council and, as such, shall have the same duties and privileges of a department undersecretary. The Council shall utilize the services and facilities of the OCD as the secretariat of the Council.

**SEC. 9. Powers and Functions of the OCD.** -- The OCD shall have the following functions:

a. Advise the Council on matters relating to disaster risk management consistent with the policies and scope as defined in this Act;

b. Identify, assess and prioritize hazards and risks considered of national importance, in consultation with NDMC member-agencies concerned;

c. Oversee the development, evaluation and review of Local Disaster Risk Management Plans to facilitate the integration of disaster risk reduction measures
into the local Comprehensive Development Plan (CDP) and Comprehensive Land
Use Plan (CLUP);

d. Ensure that government agencies and local government units give top
priority and take adequate and appropriate measures in disaster risk management;

e. Establish an operating facility to be known as the "National Disaster
Management Operations Center (NDMOC)" that shall be operated and staffed on a
twenty-four (24) hour basis;

f. Prepare the criteria and procedure for the enlistment of Accredited
Community Disaster Volunteers (ACDV) as defined in Section 15 hereof. It shall
include a manual of operations for the volunteers which shall be developed by the
OCD in consultation with various stakeholders;

g. Provide advice and assistance to the affected local government units
(LGUs) during a state of calamity at the local level, as may be necessary; and

h. Perform such other functions as may be necessary for effective
operations and implementation of this Act.

SEC. 10. Disaster Management Organization at the Regional Level. – The
current Regional Disaster Coordinating Councils shall henceforth be known as the
Regional Disaster Management Councils (RDMCs) which shall coordinate, integrate,
supervise, and evaluate the activities of the Local Disaster Management Councils
(LDMCs). The RDMCs shall establish an operating facility to be known as the
Regional Disaster Management Operations Center (RDMOC) whenever necessary.

The Chairperson of the RDMC shall be the Regional Director of the Office of
Civil Defense (OCD). Its Vice-Chairpersons shall be the Regional Directors of the
Department of Social Welfare and Development (DSWD) and the National Economic
Development Authority (NEDA). In the case of the Autonomous Region for Muslim
Mindanao (ARMM), the Regional Governor shall be the RDMC Chairperson. The
Regional Director of the Department of Interior and Local Government (DILG) shall
serve as Executive Director and Secretariat of the RDMC. The RDMCs shall be
composed of the executives of regional offices and field stations at the regional level.
SEC. 11. Disaster Management Organization at the Local Government Level. -

The current Provincial, City, Municipal and Barangay Disaster Coordinating Councils shall henceforth be known as the Provincial, City, Municipal, and Barangay Disaster Management Councils (P/C/M/B DMCs), respectively, to be chaired by the local chief executive, which shall have the following functions:

a. Design, program, and coordinate disaster risk management activities consistent with the Council's standards and guidelines;

b. Develop, approve, implement, and monitor Local Disaster Risk Management Plans (LDRMP) and regularly review and test the plan consistent with other national and local planning programs;

c. Integrate risk-reduction into local development plans, programs and budgets as a strategy in sustainable development and poverty reduction;

d. Establish linkage or network with other local government units to stimulate mutual aid arrangements for disaster-risk reduction and emergency response purposes;

e. Assist the local sanggunian in formulating ordinances on disaster risk management;

f. Establish an operating facility to be known as the Provincial/City/Municipality/Barangay Disaster Management Operations Center, as necessary;

g. Establish a local emergency alert system to provide accurate and timely advice to national or local emergency response organizations and to the general public, through diverse mass media, particularly radio, landline communications, and technologies for communication within rural communities; and

h. Prepare and submit to the local sanggunian through the LDMO the annual programming of the Local Disaster Risk Management Fund as defined in Section 21 hereof and other regular funding sources and budgetary support for the Local Disaster Management Office (LDMO) as defined in Section 13 hereof and local disaster management councils (DMCs).
SEC. 12. Participation of Civil Society Organizations (CSOs) — The National, Regional and Local DMCs may invite the participation of civil society organizations to support the government in its DRM program.

SEC. 13. Local Disaster Management Office (LDMO). — There shall be established a Local Disaster Management Office (LDMO) in every province, city, municipality, and barangay which shall assist the Local Disaster Management Councils in setting the direction and development of disaster risk management programs and coordinating disaster response activities within their territorial jurisdiction.

The LDMO shall be under the Office of the Governor, City or Municipal Mayor, or Barangay Chairman which shall be organized and initially manned by a Disaster Management Officer (DMO) to be assisted by three (3) staff members who will be assigned tasks related to operations, administrative and training, and research and planning, or as may be defined by the LDMC depending on their needs: Provided, That in case of barangays, the chairperson of the DMC shall concurrently act as the DMO and that the three (3) staff members mentioned herein shall be chosen by the DMO from among the members of the DMC.

The Provincial, City, Municipal, and Barangay Disaster Management Office shall have the following functions:

a. Identify, assess and manage the hazards and risks that may occur in their locality;

b. Disseminate information and raise public awareness about those hazards and risks, their nature, effects, early warning signs and counter-measures;

c. Determine and implement cost-effective risk-reduction measures or strategies;

d. Assess training needs on disaster risk management and conduct trainings for stakeholders based on the standards formulated by the Council;

e. Maintain a database of manpower, equipment, directories, and location of critical infrastructures and their capacities such as hospitals and evacuation centers;
f. Develop, strengthen and operationalize mechanisms for partnership or networking with private sector, civil society organizations, and volunteer groups;

g. Take all necessary steps on a continuing basis to maintain, provide, or arrange the provision of, or to otherwise make available, suitably-trained and competent personnel for effective civil defense and disaster risk management in its area;

h. Organize, train, equip and supervise the local emergency response teams;

i. Respond to and manage the adverse effects of emergencies and carry out recovery activities in the affected area;

j. Serve as the secretariat and executive arm of the LDMC;

k. Coordinate other disaster risk management activities;

l. Implement policies, plans and programs of the LDMC consistent with the policies and guidelines laid down in this Act; and

m. Act on matters that may be authorized by the LDMC.

SEC. 14. The National Disaster Risk Management Plan. – The National Disaster Risk Management Plan (NDRMP) shall provide for the identification of hazards and risks to be managed at the national level; disaster risk management approaches and strategies to be applied in managing said hazards and risks; agency roles and responsibilities at all government levels; and vertical and horizontal coordination of disaster risk management in the pre-disaster and post-disaster phases. It shall be in conformity with the National Disaster Risk Management Framework (NDRMF).

SEC. 15. Accredited Community Disaster Volunteers and Participation of NGOs and POs. -- A national roster of Accredited Community Disaster Volunteers (ACDV) and AFP Reservists as defined in Republic Act No. 7077 shall be maintained by the Council through the LDMOs. Accreditation shall be done at the municipal or city level.
SEC. 16. Coordination During Emergencies. — The LDMCs shall take the lead in preparing for, responding to, and recovering from the effects of any disaster based on the following criteria:

a. The BDMC, if a barangay is affected;
b. The City/Municipal DMCs, if two (2) or more barangays are affected;
c. The Provincial DMC, if two (2) or more cities/municipalities are affected;
d. The Regional DMC, if two or more provinces are affected; and
e. The NDMC, if two or more regions are affected.

The NDMC and intermediary LDMCs shall always act as support to local government units which have the primary responsibility as first disaster responders. Private sector and civil society groups shall work in accordance with the coordination mechanism and policies set by the NDMC and concerned local DMCs.

SEC. 17. Declaration of State of Calamity. — The Council shall recommend to the President of the Philippines the declaration of a cluster of barangays, municipalities, cities, provinces, and regions under a state of calamity, based on the criteria set by the Council. The President’s declaration shall warrant international humanitarian assistance as deemed necessary.

The declaration and lifting of the state of calamity may also be issued by the local sanggunian upon the recommendation of the proper LDMC.

SEC. 18. Remedial Measures. — The declaration of a state of calamity shall make mandatory the immediate undertaking of the following remedial measures by the member-agencies concerned as defined in this Act:

a. Automatic imposition of price control of basic necessities by the Department of Trade and Industry, in areas declared under a state of calamity;
b. Monitoring, prevention and control of overpricing/profiteering and hoarding of prime commodities, medicines and petroleum products by the local Price Coordinating Council;
c. Programming/reprogramming of funds for the repair and safety upgrading of public infrastructures and facilities; and
d. The granting of "one-year, no-interest loans" by government financing or lending institutions to the most affected section of the population.

SEC. 19. 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 20 of this Act:

a. Dereliction of duties which lead to damages or death and misuse of funds;

b. Preventing the entry and distribution of relief goods in disaster-stricken areas, including appropriate technology, tools, equipment, accessories, disaster teams/experts;

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. Selling of relief goods, equipment or other aid commodities which are intended for distribution to disaster victim;

f. Forcibly seizing relief goods, equipment or other aid commodities intended for or consigned to a specific group of victims or relief agency;

g. Diverting or misdelivery of relief goods, equipment or other aid commodities to persons other than the rightful recipient or consignee;

h. Accepting, processing, using or disposing relief goods, equipment or other aid commodities not intended for nor consigned to him/her;

i. Misrepresenting the source of relief goods, equipment or other aid commodities by:

(1) 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 of 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 of a particular agency or persons;

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

k. 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.

SEC. 20. Penal Clause. — Any individual, corporation, partnership, association, or other juridical entity that commits any of the prohibited acts provided for in Section 19 of this Act shall be prosecuted and upon conviction shall suffer a fine of not less than Fifty Thousand Pesos (P50,000.00) or any amount not to exceed Five Hundred Thousand Pesos (P500,000.00) or imprisonment of not less than six (6) years and one (1) day or more than twelve (12) years, or both, at the discretion of the court, including perpetual disqualification from public office if the offender is a public officer, and confiscation or forfeiture in favor of the government of the objects and the instrumentalities used in committing any of herein prohibited acts.

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

However, the prosecution for offenses set forth in Section 19 of this Act shall be without prejudice to any liability for violation of Republic Act No. 3185, as amended, otherwise known as the Revised Penal Code, and other civil liabilities.
SEC. 21. Funding of Disaster Risk Management Activities at the Local Level. -

- The present Local Calamity Fund shall henceforth be known as the Local Disaster Risk Management Fund (LDRMF). At least five percent (5%) of the estimated revenue from regular sources of the local government unit shall be set aside as LDRMF to support disaster risk reduction or mitigation, prevention and preparedness 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 human-induced, occurring within the local government unit or other areas, and for the payment of premiums on calamity insurance.

Unexpended LDRMF shall accrue to a special trust fund solely for the purpose of supporting disaster risk management activities of the LDMCs within the next two years. Any such amount still not fully utilized after two years shall revert back to the general fund and will be available for other social services to be identified by the local sanggunian.

SEC. 22. National Disaster Risk Management Fund. --

a. The present Calamity Fund appropriated under the annual General Appropriations Act shall henceforth be known as the National Disaster Risk Management Fund (NDRMF) and it shall be used for disaster risk reduction or mitigation, prevention and preparedness activities such as but not limited to training of personnel, procurement of equipment, and capital expenditures. It can also be utilized for relief, rehabilitation, reconstruction and other work or services in connection with natural or human-induced calamities which may occur during the budget year or those that occurred in the past two (2) years from the budget year.

b. The specific amount of the NDRMF and the appropriate recipient agencies and/or local government units shall be determined upon approval of the President of the Philippines in accordance with the favorable recommendation of the NDMC.

c. Of the amount appropriated for NDRMF, thirty percent (30%) shall be allocated as Quick Response Fund (QRF) or stand-by fund for relief and
rehabilitation programs in order that situation and living conditions of people in communities or areas stricken by calamities, epidemics, or complex emergencies, may be normalized as quickly as possible.

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

SEC. 23. Funding of the OCD. -- As lead agency to carry out the provisions of this Act, the OCD shall be allocated additional budget from the annual General Appropriations Act as may be determined by Congress based on the OCD budget proposal to be submitted for this purpose.

SEC. 24. Annual Report. -- The Council, through the OCD, shall submit to the Office of the President, the Senate and the House of Representatives within the first quarter of the succeeding year an annual report relating to the progress of the implementation of disaster risk management programs by the Council's member-agencies and the LDMCs.

SEC. 25. Implementing Rules and Regulations. -- The Council shall issue the necessary rules and regulations for the effective implementation of this Act within sixty (60) days after approval of this Act.

SEC. 26. Repealing Clause. -- Presidential Decree No. 1566 and all other 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 accordingly.

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. Effectivity Clause. -- This Act shall take effect fifteen (15) days following its complete publication in the Official Gazette or in two (2) national newspapers of general circulation.

Approved.