

S.B.No. 66

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**INTRODUCED BY SENATOR ALAN PETER “COMPAÑERO” S. CAYETANO**

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**AN ACT  
CREATING THE EMERGENCY RESPONSE DEPARTMENT (ERD),  
APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES**

**EXPLANATORY NOTE**

*“...for whatsoever a man soweth, that shall he also reap.”*

Galatians 6:7 (KJV)

Today is the best time to prepare our nation against calamities and disasters. Today is the best of times to plant the seeds of preparedness.

The more that we prepare, the more we are able to cope with disasters. The readiness and resilience of our nation against disasters and calamities lie significantly in our own actions. We must do away with the “*ningas cogon*” approach to disasters where we work hard only at the beginning but become negligent later on. A sustained perseverance and persistence is required to substantially reduce disaster risk and losses in lives and livelihoods. While through the years there has been some progress in building disaster mitigation, the two significant changes we have not made are addressing climate change and putting up a specialized department on disaster resilience.

In the 2021 World Risk Report, the Philippines ranked eighth out of 181 countries in terms of disaster risk. Manila, the country’s capital, has also been ranked by the Climate Change Vulnerability Index (CCVI) as the most vulnerable of the world’s 20 “high growth cities” to the effects of climate change. Further, according to Berlin-based environmental organization Germanwatch, the Philippines ranked 4<sup>th</sup> among countries most affected by climate-related weather catastrophes from 2000 to 2019. The country sits along the Pacific Ring of Fire, rendering it susceptible to various natural catastrophes. The problem is compounded by gaps in the implementation of laws and regulations. These include, but are not limited to, non-compliance with laws such as the National Building Code and Fire Code of the Philippines, the lack of evacuation procedures, the prevalence of illegal logging, the building of structures on rivers and waterways which impede the flow of water, and the non-segregation of garbage in violation of law.

According to the Asian Disaster Preparedness Center, there are different models on disaster management. The traditional approach to disaster management has been to regard it as a number of phased sequences of action or a continuum. This can be represented as a cycle. However, more modern models view it as a continuous process, or a sequence of cause and effect, or a system of addressing the underlying causes of disasters towards safer conditions. In many countries around the world, there are specialized agencies at the department level which deal with disasters. There are a few which have a task force model that the President/Prime Minister controls.

The present law on disasters, Republic Act No. 10121, otherwise known as the “Philippine Disaster Risk Reduction and Management Act of 2010”, revolutionized and pioneered disaster risk reduction and management in the country. Signed into law on May 27, 2010, it ordained a National Disaster Risk Reduction and Management Council with policy-making, coordination, integration, supervision, monitoring and evaluation functions. When the Act was signed into law some three years ago, it was hailed as a landmark legislation which adopts the pillars of disaster risk reduction and management in the country. Today, the Act continues to be relevant in preventing/mitigating, preparing for, and responding to disaster, yet recent experience shows as that our disaster risk reduction management model needs to adapt to our culture and existing circumstances

However, legislation should be created, or old legislation revisited, to promote effectivity and efficiency, as well as accountability, responsibility, and transparency. Differences between the national government and local governments as regards structures should be reconciled, where appropriate, and areas for improvement addressed. For instance, in the present law, there must be a mechanism that responds to the eventuality of a total or considerable breakdown of authority resulting from a humanitarian emergency or disaster. This requires response that goes beyond the mandate or capacity of the local government unit concerned. Otherwise, there would be a paralysis in the disaster response system and people affected by the disaster would not be able to receive critical life-saving interventions and relief.

In today’s world, disasters are a fact of life. Some emergencies may be totally prevented, while others may not be averted. We may not be able to stop disasters, however, we can empower ourselves with knowledge, training/education, equipment/tools, and the right infrastructure to cope with disasters, so many lives would not be lost and there would be less devastation. A window of opportunity exists to sow seeds of preparedness in order to reap resilience to disasters. While we have very good people in the National Disaster Risk Reduction and Management Council, it is high time that the government provides for a focused, single-minded, specialized department to upgrade the government’s capacity to respond to disasters in an effective and speedy manner.

Philippine experience shows that there is a need to establish a clear chain of command in times of major disasters, a focused and specialized single government agency that functions not only after the occurrence of disasters, but works all-year-round to ensure that effective mechanisms for disaster risk reduction are in place even before a disaster occurs since the effects of climate change and the prevalence of disasters now seem to constitute the “new normal”. Such specialized Department shall bear laser-like preciseness in focus, give primacy to pre-disaster resilience

building, and prioritize life preservation and basic subsistence needs in the communities affected by a disaster. The dignity and value of the human life must be its guidepost and the deterrence of loss of lives is its ultimate mission. It shall prevent human misery because disasters often cause the loss of life, human suffering, loss of income, and property loss and damage. Disasters also disrupt the normal functioning of governments and communities, adversely affecting individuals and families.

The Department must be simple in character, independent yet connected and coordinated, empowered, capacitated, national in scope, and civilian in character in order to carry out its mandate effectively. It must not be a mere coordinating body which operates on an *ad hoc* basis. It has long been established that, under the principle of administrative convenience, the efficiency of the delivery of frontline services is enhanced through the creation of a full pledged department, which is dedicated to an area of service within its primary competence.

The proposed legislation establishes the ERD, which shall take over the policy-making, coordination, integration, supervision, monitoring and evaluation functions of the present *ad hoc* inter-agency council. The proposed department is equipped with bureaus specifically tasked to deal with concerns related to the pillars of disaster risk reduction and management, namely, disaster prevention and mitigation; disaster preparedness; and humanitarian and disaster response. The functions of the bureaus are specified to ensure performance of their critical mandates and roles before, during and after a humanitarian emergency or disaster.

The Department is given supervisory functions over the Philippine Atmospheric, Geophysical and Astronomical Services Administration and the Philippine Institute of Volcanology and Seismology to ensure that its goal of saving lives and property, during the onslaught of a disaster, is better fulfilled.

In order to ensure accountability and the responsible use of public funds, the proposed legislation designates the Department as the manager of the Humanitarian Emergency Assistance and Disaster (HEAD) Fund, and all donations, monetary or otherwise, and establishes mechanisms of audit, reporting, and public information with regard to the funds and donations received. Moreover, the legislation penalizes, in clear and unequivocal terms, the corruption of funds and/or donations devoted to disaster risk reduction and management efforts. The penalty for such corruption of funds and/or donations is heavier than those penalties prescribed under the Philippine Disaster Risk Reduction and Management Act of 2010. This would express a strong policy of the State against corruption and its intolerance of greed, during times of utmost need, in times of disasters.

Furthermore, the Department is given visitorial powers to ensure that funding and donations to all entities are used actually, directly, and exclusively/solely for disaster risk reduction efforts. To further strengthen its mandate of ensuring the protection and preservation of life and properties before, during and after the occurrence of disasters, the Department is also equipped with emergency and contingency powers, such as commandeering and calling out the Armed Forces of the Philippines and the Philippine National Police in order to repress lawlessness and maintain peace and order in a disaster-stricken area. The Department is also empowered to declare a state of calamity in a locality, in consultation with the local government unit concerned, according to established guidelines and protocols

developed by the Department.

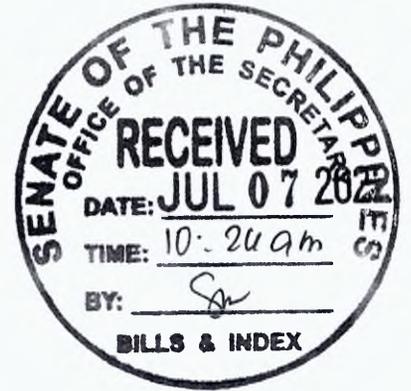
The ultimate goal of this proposed legislation is to uphold the value of human life and the dignity of every person by efficiently and effectively addressing humanitarian emergencies, including disasters, through the establishment of such a focused and accountable Department on disaster risk reduction and management. The end in view consists of preventing or deterring the loss of lives and the social, economic, cultural, and environmental assets of the country, before, during and after a disaster or other humanitarian emergency. The perspective of the legislation is "humanitarian" since it gives supreme value to human life.

In view of the foregoing, approval of this bill is most urgently and earnestly recommended.



**ALAN PETER "COMPAÑERO" S. CAYETANO**

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**AN ACT CREATING THE EMERGENCY RESPONSE DEPARTMENT (ERD),  
APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES**

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

1           **SECTION 1. Short Title.** - This Act shall be known as the "*Emergency Response*  
2 *Department (ERD) Act*".  
3

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

6           (a) To uphold the sacredness of human life by efficiently and effectively  
7 addressing humanitarian emergencies, including calamities and  
8 disasters, through the establishment of a focused, streamlined,  
9 independent, empowered, capacitated, full-time, specialized agency on  
10 disaster risk reduction and management as well as emergency  
11 response , which is national in scope and civilian in character. The  
12 people are the most important assets of the nation, and all disaster risk  
13 reduction and management efforts shall be responsive to the  
14 humanitarian needs of the people, the dignity and value of the human  
15 person, and respect for property;  
16

17           (b) To promote a simplified, strategic, systematic, continuous,  
18 comprehensive, inclusive, and integrated approach to disaster risk  
19 reduction and management, with the end in view of substantially  
20 reducing vulnerabilities and the risk of disasters and other  
21 humanitarian emergencies, towards the preservation of life and  
22 property, thereby ultimately preventing or deterring the loss of lives and  
23 the social, economic, cultural, and environmental assets of the country;  
24

25           (c) To establish a permanent, institutionalized, cohesive and  
26 comprehensive framework for disaster preparedness, prevention and  
27 mitigation, and response, to be implemented by a full-time and focused  
28 specialized agency with its own mandate, powers, and funding, in  
29 coordination and with the participation of the Philippine government,  
30 other foreign governments and financial institutions, international  
31 organizations, the private sector, and civil society.

1  
2 In disaster risk reduction and management, disaster prevention  
3 and mitigation shall, first of all, aim the outright avoidance of the adverse  
4 impacts of hazards and related disasters. However, with the knowledge  
5 and capacities to effectively anticipate, respond to, and recover from, the  
6 impacts of likely, imminent or current hazard events or conditions,  
7 preparedness action shall be carried out in the most effective and  
8 efficient manner. In a disaster scenario, the response shall ensure the  
9 provision of emergency services and public assistance, during or  
10 immediately after, a disaster;  
11

- 12 (d) To create an integrated, systematic, comprehensive, and cohesive plan  
13 to simplify, streamline, integrate, and coordinate the various programs,  
14 projects, and activities of the Government and such other  
15 actors/stakeholders in disaster risk reduction and management to  
16 ensure accountability, responsibility, and transparency, as well as to  
17 achieve efficiency and effectiveness of in the performance of their  
18 functions.  
19

20 **SECTION 3. Definition of Terms.** - For purposes of this Act, the following shall  
21 refer to:

- 22 (a) Contingency Planning - a management process that analyzes specific  
23 potential events or emerging situations that might threaten society or  
24 the environment and establishes arrangements in advance to enable  
25 timely, effective and appropriate responses to such events and  
26 situations;  
27
- 28 (b) Disaster - a serious disruption of the functioning of a community or a  
29 society involving widespread human, material, economic or  
30 environmental losses and impacts, which exceeds the ability of the  
31 affected community or society to cope using its own resources;  
32
- 33 (c) Emergency - any occasion or instance for which, in the determination of  
34 the President, national assistance is needed to supplement local  
35 government efforts and capabilities to save lives and to protect property  
36 and public health and safety, or to lessen or avert the threat of a  
37 catastrophe in any part of the country;  
38
- 39 (d) Emergency Management - the organization and management of  
40 resources and responsibilities for addressing all aspects of emergencies,  
41 in particular preparedness, response and initial recovery steps;  
42
- 43 (e) Geographic Information System - a database which contains, among  
44 others, geo-hazard assessments, information on climate change, and  
45 climate risk reduction and management;  
46
- 47 (f) Government - includes the National Government, and any of its  
48 subdivisions, agencies or instrumentalities, including government-  
49 owned and controlled corporations and their subsidiaries, and Local  
50 Government Units;  
51

- 1 (g) Hazard - a dangerous phenomenon, substance, human activity or  
2 condition that may cause loss of life, injury or other health impacts,  
3 property damage, loss of livelihood and services, social and economic  
4 disruption, or environmental damage;  
5
- 6 (h) Humanitarian - one devoted to the promotion of human welfare and the  
7 advancement of social reform;  
8
- 9 (i) Response - any and all projects, programs, plans, and activities  
10 pertaining to action or inaction to prevent/mitigate, prepare for, and  
11 generally perform any and all activities in relation to, disasters and other  
12 humanitarian emergencies. This includes, but is not limited to, the  
13 provision of emergency services and public assistance during or  
14 immediately after a disaster. Disaster response that is predominantly  
15 focused on immediate and short-term needs and is sometimes called  
16 "disaster relief"; and  
17
- 18 (j) State of Calamity - a condition involving mass casualty and/or major  
19 damages to property, disruption of means of livelihoods, roads and  
20 normal way of life of people in the affected areas as a result of the  
21 occurrence of natural or human-induced hazard.  
22

## 23 Chapter I 24 THE DEPARTMENT PROPER 25

26 **SECTION 4. Emergency Response Department.** - To carry out the above-  
27 declared policy, there is hereby created the Emergency Response Department,  
28 hereinafter referred to as the Department, which shall prepare, integrate, coordinate,  
29 implement, supervise, control, monitor, and evaluate all plans, programs, projects,  
30 and activities of the Government on humanitarian emergency assistance and disaster  
31 risk reduction and management.  
32

33 **SECTION 5. Powers and Functions.** - In addition to the powers and functions  
34 provided by this Act, the Department shall also assume the policy-making,  
35 coordination, integration, supervision, monitoring and evaluation functions currently  
36 lodged with the existing National Disaster Risk Reduction and Management Council  
37 (NDRRMC), and shall take over all of the latter's responsibilities enumerated in  
38 Section 6 of Republic Act No. 10121. It shall also assume the powers and functions of  
39 the Office of the Civil Defense (OCD) as enumerated in Section 9 of Republic Act No.  
40 10121.  
41

42 To this end, all references to the NDRMMC and the OCD in Republic Act No.  
43 10121 shall be understood to refer to the Department created under this Act.  
44

45 The Department shall also have administrative supervision and control over  
46 the existing Regional Disaster Risk Reduction and Management Offices (RDRRMOs),  
47 and the Local Disaster Risk Reduction and Management Offices (LDRRMOs),  
48 organized in all provinces, cities/municipalities and barangays in the country, which  
49 are hereby thereafter called Regional Emergency Response Offices (REROs) and Local  
50 Emergency Response Offices (LEROs), respectively.  
51

1           **SECTION 6. Composition.** - The Department Proper shall be composed of the  
2 Office of the Secretary and the Offices of the Undersecretaries and Assistant  
3 Secretaries, and the bureaus and services of the Department.  
4

5           **SECTION 7. Office of the Secretary.** - The Office of the Secretary shall consist  
6 of the Secretary and his/her immediate staff.  
7

8           **SECTION 8. The Secretary.** - The Secretary shall be appointed by the  
9 President, subject to confirmation by the Commission on Appointments.  
10

11           The Secretary shall have the following powers and functions:  
12

- 13           (a) Advise the President in issuing executive orders, regulations,  
14 proclamations and other issuances, the promulgation of which is  
15 expressly vested by law in the President relative to matters under the  
16 jurisdiction of the Department;  
17
- 18           (b) Establish the policies and standards for the effective, efficient, and  
19 economical operation of the Department pursuant to a national disaster  
20 risk reduction and management framework which shall provide for a  
21 comprehensive, all-hazards, multi-sectoral, inter-agency and  
22 community-based approach to humanitarian emergency assistance and  
23 disaster risk reduction and management, in line with Section 6(a) of the  
24 Philippine Disaster Risk Reduction and Management Act of 2010;  
25
- 26           (c) Promulgate rules and regulations necessary to carry out department  
27 objectives, policies, functions, plans, programs, and projects;  
28
- 29           (d) Promulgate administrative issuances necessary for the efficient  
30 administration of the offices under his/her jurisdiction and for the  
31 proper execution of the laws relative thereto;  
32
- 33           (e) Exercise direct supervision and control over all functions and activities  
34 of the Department, as well as all its officers and personnel;  
35
- 36           (f) Create regional offices and such other service units and divisions, as may  
37 be necessary; and  
38
- 39           (g) Perform such other functions as may be necessary and/or proper to  
40 attain the objectives of this Act.  
41

42           **SECTION 9. The Undersecretaries.** - The Secretary shall be assisted by four  
43 (4) Undersecretaries in the performance of the Department's functions and duties  
44 related to the pillars of disaster risk reduction and management, namely, (a) disaster  
45 preparedness, (b) disaster response, and (c) disaster prevention and mitigation.  
46 Another undersecretary shall be in charge of administrative and finance services.  
47

48           The Undersecretaries shall be appointed by the President upon the  
49 recommendation of the Secretary. They shall have the powers and functions, as  
50 provided for in Section 10, Chapter 2, Book IV of the Administrative Code of 1987,  
51 relative to the scope of their responsibilities as provided above.

1  
2 The Office of the Undersecretaries shall consist of the Undersecretaries and  
3 their respective immediate staff.  
4

5 **SECTION 10. Assistant Secretaries.** - The Secretary shall also be assisted by  
6 three (3) Assistant Secretaries, one (1) for trainings; one (1) for operations; and one  
7 (1) for legal affairs. The Assistant Secretaries shall be appointed by the President  
8 upon the recommendation of the Secretary.  
9

10 **SECTION 11. Qualifications.** - No person shall be appointed Secretary,  
11 Undersecretary, or Assistant Secretary of the Department, unless he/she is a citizen  
12 and resident of the Philippines, of good moral character, and of proven experience or  
13 competence/expertise in humanitarian relief assistance and disaster management  
14 over the course of his/her career. The Secretary, Undersecretary, or Assistant  
15 Secretary shall not hold any other position, public or private, during his/her tenure.  
16

17 **SECTION 12. Bureaus and Service.** - Subject to the power of the Secretary,  
18 with the approval of the President, to reorganize, restructure, and redefine the  
19 functions of the bureaus and services for the effective discharge of the powers and  
20 functions of the Department under this Act, the Department shall have the following  
21 bureaus and service:  
22

23 (a) Bureau of Hazard Education and Risk Mitigation;  
24

25 (b) Bureau of Disaster Preparedness;  
26

27 (c) Bureau of Humanitarian Emergency Relief Operations; and  
28

29 (d) Bureau of Administration and Finance.  
30

31 **SECTION 13. Powers and Functions of the Bureaus and Service.** - The  
32 bureaus and service shall have the following powers and functions:  
33

34 (a) The Bureau of Hazard Education and Risk Mitigation shall assist the  
35 Secretary in the formulation of policies, programs, and plans related to disaster  
36 prevention and mitigation, as defined in Sections 2(k) and 2(i), respectively, of the  
37 Philippine Disaster Risk Reduction and Management Act of 2010. In particular, it shall  
38 take the lead in:  
39

40 (1) Making an inventory and checklist of all personnel, equipment, and  
41 supplies critical during disasters in all local government units, in accordance  
42 with protocols and contingency plans, and endeavoring that the same be  
43 provided to the local government unit within a period of twelve (12) months  
44 upon the passage into law of this Act;  
45

46 (2) Conducting a review of the National Building Code and Fire Code of  
47 the Philippines, together with the relevant government department, and  
48 submitting the results thereof to the Senate and House of Representatives of  
49 the Philippines, with a view of developing legislation, which seeks to  
50 strengthen infrastructure in line with disaster prevention and mitigation;  
51

1 (3) Developing, updating, and maintaining a national geographic  
2 information system which shall be the basis of national, regional, and local  
3 disaster protocols and contingency plans, which shall be under the control and  
4 custody of the Department. The same shall also be maintained at all local  
5 government units, as possible;  
6

7 (4) Mainstreaming and integrating disaster risk reduction and  
8 management (DRRM) and climate change adaptation (CCA) in all national,  
9 sectoral, regional and local development policies, plans and budgets, relating  
10 to environmental protection, including, but not limited to, those for land use  
11 and natural resource management, enforcement and updating of all national  
12 legislation relating to modification of infrastructure towards resiliency;  
13

14 (5) Developing and implementing community-based and scientific DRR-  
15 CCA hazard assessment, mapping, analysis, and monitoring;  
16

17 (6) Establishing disaster risk financing, insurance, and other risk  
18 transfer mechanisms at the community level;  
19

20 (7) Establishing, developing and improving the end-to-end monitoring  
21 and forecasting of hazards, including early warning systems and practices;  
22

23 (8) Such other functions relevant to its mandate of disaster prevention  
24 and mitigation.  
25

26 (b) The Bureau of Disaster Preparedness shall assist the Secretary in the  
27 formulation of policies, programs, and plans related to disaster preparedness, as  
28 defined in Section 2(j) of the Philippine Disaster Risk Reduction and Management Act  
29 of 2010. In particular, it shall take the lead in:  
30

31 (1) Developing DRRM and CCA information, education, communication  
32 and advocacy plans;  
33

34 (2) Developing standard DRRM training modules and the conduct of  
35 trainings, simulation exercises, and other capacity-building activities for  
36 communities and specific groups, including, but not limited to, quick respond  
37 teams, frontline government and private responders, and humanitarian aid  
38 workers;  
39

40 (3) Establishment of a 24-hour National Operation Center consolidating  
41 all relevant information on disaster prevention such as hazard maps, hospitals,  
42 evacuation centers, NDRRMC offices, among others;  
43

44 (4) Developing and monitoring the implementation of locality-based  
45 DRRM contingency plans;  
46

47 (5) Developing and implementing comprehensive, scenario-based  
48 national and local preparedness policies, plans and systems, in primary  
49 coordination with the local government unit/s concerned, in the wake of an  
50 imminent humanitarian emergency and/or disaster. Such policies, plans, and  
51 systems include, but are not limited to, preventive evacuation; the

1 procurement of facilities, equipment, tools, systems and other mechanisms to  
2 cope with the effects thereof; the deployment of essential personnel and  
3 manpower in critical areas of concern; and the formulation of such other  
4 courses of action to avert the loss of lives, livelihood and/or property;

5  
6 (6) Strengthening the partnership and coordination between and among  
7 all key players and stakeholders in a humanitarian emergency and/or disaster;

8  
9 (7) Preparing the criteria and procedure for the enlistment of accredited  
10 community disaster volunteers (ACDVs), and the drafting of a manual of  
11 operations for ACDVs, in consultation with relevant stakeholders; and

12  
13 (8) Such other functions relevant to its mandate of disaster  
14 preparedness.

15  
16 (c) The Bureau of Humanitarian Emergency Relief Operations shall assist the  
17 Secretary in the formulation and implementation of policies, programs, and plans  
18 related to disaster response, as defined in Section 2(1) of the Philippine Disaster Risk  
19 Reduction and Management Act of 2010. In particular, it shall take the lead in the  
20 following activities, in primary coordination with the local government unit/s  
21 concerned:

22  
23 (1) Establishing and implementing a comprehensive, well-coordinated,  
24 effective and efficient Disaster Response Action Plan (DRAP) for every  
25 humanitarian emergency or disaster, with the primary goal of preventing or  
26 deterring the loss of lives, property and livelihood;

27  
28 (2) Developing and implementing an integrated and coordinated system  
29 of search, rescue and retrieval (SRR), and evacuations procedure;

30  
31 (3) Establishing a mechanism to ensure the prompt and accurate  
32 assessment of damage in disaster areas, including, but not limited to, the loss  
33 of lives, bodily injuries, damages to infrastructure and public facilities, and the  
34 destruction of social, economic, cultural, and environmental assets;

35  
36 (4) Establishing a mechanism to ensure the prompt and accurate  
37 assessment of humanitarian needs in disaster areas, including, but not limited  
38 to, food, nutrition, health, clothing, shelter, livelihoods, water, sanitation,  
39 hygiene, protection, and the preservation of peace and order;

40  
41 (5) Identifying standard-based relief shelters and sites for internally  
42 displaced persons, as well as developing and implementing of a set of minimum  
43 standards for such temporary shelters;

44  
45 (6) Supplementing the efforts of the local government unit concerned in  
46 providing basic social services, livelihood-oriented activities and psychosocial  
47 interventions to the affected population, whether inside or outside temporary  
48 shelters; and

49  
50 (7) Such other functions relevant to its mandate of disaster response.  
51

1 In case there is total or considerable breakdown of authority resulting from the  
2 humanitarian emergency or disaster, which requires response that goes beyond the  
3 mandate or capacity of the local government unit/s concerned, the Bureau shall, with  
4 prior authorization from the Department, directly formulate, implement, manage and  
5 coordinate all disaster response activities. In such case, the Department shall be  
6 possessed with the power to call upon other agencies and instrumentalities of  
7 government, and neighboring local government units, to augment, supplement  
8 and/or implement disaster response efforts. Further, the authority of the Bureau  
9 shall be provided, described, and limited in the authorization.

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

18  
19 The Financial and Management Office, which shall consist of the Human  
20 Resources Management Division, General Services Division, and the Finance Division,  
21 shall be responsible for providing the Department with services relative to personnel  
22 information, records, supplies, equipment, collection and disbursements, security,  
23 and custodial work. It shall also be responsible for providing the Department with  
24 staff advice and assistance on budgetary, financial, and management improvement  
25 matters.

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28 **Chapter II**  
29 **ATTACHED AGENCIES AND COORDINATION WITH OTHER ENTITIES**

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32 **SECTION 14. Relationship with Other Government Departments.** - In the  
33 discharge of their respective responsibilities, the Department's bureaus shall  
34 coordinate with the relevant Government departments, agencies, offices and  
35 instrumentalities, whose powers and functions are relevant to each bureau's  
36 respective focus area.

37  
38 **SECTION 15. Coordination with Other Entities.** - The Secretary is hereby  
39 empowered to constitute, call, convene, meet with, and/or deputize agencies of  
40 government, or an aggrupation or cluster thereof, to assist, advise or otherwise  
41 coordinate with the Secretary. The representatives from the civil society/non-  
42 governmental organizations and the private sector may also be included, as  
43 necessary, as members of the coordination mechanism called for by the Secretary.

44  
45 **SECTION 16. Attached Agencies.** - The Philippine Atmospheric, Geophysical  
46 and Astronomical Services Administration (PAG-ASA) and the Philippine Institute of  
47 Volcanology and Seismology (PHIVOLCS) are hereby placed under the supervision of  
48 the Department; *Provided*, however, that they shall continue to perform their  
49 respective functions as provided by law.

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**Chapter III**  
**THE HUMANITARIAN EMERGENCY ASSISTANCE**  
**AND DISASTER FUND, DONATIONS, AND ACCOUNTABILITY**

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**SECTION 17. Humanitarian Emergency Assistance and Disaster Fund. –**

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At least one percent (1%) of the estimated revenue from regular sources of government, or Twenty Five Billion Pesos (PhP 25,000,000,000.00), whichever is higher, shall be set aside as an annual lump sum appropriation for unforeseen expenditures arising from the occurrence of calamities: *Provided*, however, That such appropriation shall be used only in the area, or a portion thereof, of the country declared as in a state of calamity.

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The present National Disaster Risk Reduction and Management Fund (NDRRMF) and the Local Disaster Risk Reduction and Management Fund (LDRRMF) shall henceforth be known as the Humanitarian Emergency Assistance and Disaster Fund (HEAD Fund) and Local Humanitarian Emergency Assistance and Disaster Fund (Local HEAD Fund), respectively.

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51

The Department shall manage, mobilize, and with the approval of the President, release resources for disaster risk reduction and management, including the funds herein provided for. It shall also monitor and provide the necessary guidelines and procedures for the release, utilization, accounting, and auditing of the Local HEAD Fund.

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

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

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

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

The Department and the LGUs concerned shall also upload such records,

1 information or data on their websites, which shall be regularly updated every fifteen  
2 (15) days. In case of voluminous records, information or data, the Department and/or  
3 local government units concerned may, in its/their discretion, upload only an  
4 executive summary thereof, with a note outlining the procedure/requirements to  
5 obtain full access to the complete record, information, or data.  
6

7 The record, information, or data uploaded in the websites may be withdrawn  
8 after a period of three (3) years from the time of uploading; *Provided*, That an abstract  
9 thereof shall remain uploaded in the website, with an indication of the dates of  
10 posting and withdrawal, and a note outlining the procedure/requirements to obtain  
11 full access to the withdrawn record, information, or data.  
12

#### 13 Chapter IV 14 TRANSITORY PROVISIONS 15

16  
17 **SECTION 20. Abolition of the Office of Civil Defense; Transfer of Powers  
18 and Functions.** - The Office of Civil Defense is hereby abolished, and its powers and  
19 functions are hereby transferred to the Department. The foregoing transfer of powers  
20 and functions shall include all applicable funds and appropriations, records,  
21 equipment, property, and personnel, as may be necessary.  
22

23 The Department shall, by virtue of this Act, be subrogated to all the rights and  
24 assume all the liabilities of the Office of Civil Defense, and all other agencies, or  
25 government units whose functions and powers have been transferred to the  
26 Department, and all their funds, records, property, assets, equipment, and such  
27 personnel as necessary, including unexpended appropriations and/or allocations. All  
28 contracts and liabilities of the said offices, agencies, and government units are hereby  
29 transferred to and assumed by the Department and shall be acted upon in accordance  
30 with the Auditing Code and other pertinent laws, rules, and regulations; *Provided*,  
31 That the officers and employees of said offices, agencies, and government units shall  
32 continue in a holdover capacity until such time as the new officers and employees of  
33 the Department shall have been duly appointed pursuant to the provisions of this Act.  
34

35 The same shall apply to agencies and government units which have not been  
36 abolished, but whose functions have been transferred to the Department.  
37

38 **SECTION 21. Structure and Staffing Pattern.** - The organizational framework  
39 and staffing pattern of the Department shall be prescribed and approved by the  
40 Secretary within sixty (60) days after the approval of this Act and the authorized  
41 positions created therein shall be filled by regular appointments by the President or  
42 the Secretary as the case may be; *Provided*, That, in the filling of positions created,  
43 preference shall be given to the personnel of the Office of Civil Defense.  
44

45 **SECTION 22. Separation from Service.** - Employees separated from the  
46 service as a result of this reorganization shall, within six (6) months from their  
47 separation from the service, receive the retirement benefits to which they may be  
48 entitled under existing laws, rules, and regulations.  
49

50 **SECTION 23. Appropriations.** - The amount needed for the initial  
51 implementation of this act shall be taken from the current year's appropriations of

1 the National Disaster Risk Reduction and Management Council, the Local Disaster  
2 Risk Reduction and Management Councils, and the Office of Civil Defense. Thereafter,  
3 the amount needed for the operation and maintenance of the Department and its Line  
4 Agencies shall be included in the annual General Appropriations Act.

5  
6  
7 **Chapter V**  
8 **MISCELLANEOUS PROVISIONS**  
9

10  
11 **SECTION 24. Visitorial Powers.** - The Secretary of the Department and/or  
12 his/her authorized representative shall have visitorial and examining authority over  
13 governmental and non-governmental entities engaged in post-disaster relief in order  
14 to ensure that all donations, financial or otherwise, coursed through them, are  
15 actually used for disaster risk reduction and management efforts.

16  
17 During such examination, the entity concerned shall produce all the reports,  
18 records, books of accounts, and other papers that may be required.

19  
20 The refusal by any such entity to allow an examination of its books of accounts  
21 and pertinent records, or the concealment of any material information concerning its  
22 financial status, shall constitute a legal ground for the cancellation of its registration,  
23 and the revocation of all tax-exemption privileges and other benefits granted to it by  
24 law, in the case of a non-governmental entity, or the institution of any proper legal  
25 action against the erring official concerned, in case of a governmental entity.

26  
27 **SECTION 25. Stand-by Arrangements with the Private Sector.** - At any time,  
28 the Secretary of the Department shall have the power to negotiate, enter into,  
29 institutionalize, and coordinate arrangements with any private person, natural or  
30 juridical, for the purpose of ensuring the adequate, prompt, and ready availability of  
31 all goods and services, necessary for disaster response, for as long as the emergency  
32 circumstances require, to be deployed before, during, and after an emergency or  
33 disaster, subject to the payment of just compensation in appropriate cases.

34  
35 **SECTION 26. Commandeering Private Property for Public Purpose.** - The  
36 Secretary of the Department shall have the power to commandeer any private  
37 property for. Urgent public purpose, subject to payment of just compensation in  
38 appropriate cases, when there is a clear and present danger that a disaster or  
39 humanitarian emergency would cause imminent loss of lives and/or the massive  
40 destruction of property, and time is of the essence. The commandeering powers shall  
41 last no longer than necessary or for as long as the circumstances require.

42  
43 The refusal by any such person or entity to be commandeered, shall constitute  
44 a legal ground for the cancellation of its registration, if any, and the revocation of all  
45 tax-exemption privileges and other benefits granted to it by law, in the case of a non-  
46 governmental entity, or the institution of any proper legal action against the erring  
47 official concerned, in case of a governmental entity. In addition, the official of the  
48 establishment, situation, or functionality shall be subjected to a fine and/ or  
49 imprisonment as provided for in Sec. 28 of this Act.

1           **SECTION 27. Declaration of State of Calamity.** - Whenever warranted by  
2 circumstances, the Department shall recommend to the President of the Philippines  
3 the declaration of a state of national calamity and the lifting thereof. It shall also have  
4 the power to, *motu proprio* or upon the favorable recommendation of the LDRRMCs,  
5 declare a cluster of barangays, municipalities, cities, provinces, and regions under a  
6 state of calamity, and the lifting thereof, based on the criteria set by the Department.  
7 The President's declaration shall entail access to international humanitarian  
8 assistance, as deemed necessary.

9  
10           The declaration and lifting of the state of calamity shall be based on the results  
11 of the damage assessment and needs analysis. The causes, effects and incidents of the  
12 calamity and the need for the declaration shall be specified.

13  
14           **SECTION 28. Emergency and Contingency Powers.** - Whenever it becomes  
15 necessary, the Department Secretary, subject to the chain of command and with the  
16 consent of the President, may call out the Armed Forces of the Philippines and/or the  
17 Philippine National Police to prevent or suppress lawless violence, and to ensure the  
18 protection and preservation of life and/or properties, in the whole range of disaster  
19 risk reduction and management.

20  
21           In times of disasters, and whenever warranted by the circumstances, the  
22 Department Secretary may call upon other instrumentalities or entities of the  
23 government and nongovernment and civic organizations for assistance in terms of  
24 the use of their facilities and resources for the protection and preservation of life and  
25 properties in the whole range of disaster risk reduction and management. This  
26 authority includes the power to call on the reserve force as defined in Republic Act  
27 No. 7077 to assist in relief and rescue during disasters or calamities.

28  
29           **SECTION 29. Prohibited Acts.** - In addition to the prohibited acts penalized  
30 under Section 20, in relation to Section 19, of the Philippine Disaster Risk Reduction  
31 and Management Act of 2010:

32  
33           (a) Any person, group or corporation who directly or indirectly requests or  
34 receives any part of the funds devoted to disaster risk reduction and management, as  
35 well as monetary contributions and donations in kind, where such person, group or  
36 corporation has no right to receive such proceeds from the fund, in whole or in part,  
37 monetary contribution or donation, shall be guilty of the crime of corruption of  
38 calamity funds or donations, and shall be prosecuted and upon conviction shall suffer  
39 a fine of not less than One Hundred Fifty Thousand Pesos (Php150,000.00) or any  
40 amount not to exceed One Million Five Hundred Thousand Pesos (Php1,500,000.00),  
41 or imprisonment of not less than twelve (12) years and one (1) day, nor more than  
42 twenty (20) years, or both, at the discretion of the court, including perpetual  
43 disqualification from public office if the offender is a public officer, and confiscation  
44 or forfeiture in favor of the government of the objects and the instrumentalities used  
45 in committing the herein prohibited act;

46  
47           (b) Any person who, with intent to gain, but without violence against or  
48 intimidation of persons nor force upon things, shall take personal property devoted  
49 to any disaster risk reduction and management activity, without the consent of the  
50 Secretary, shall be guilty of the crime of qualified theft, and shall be prosecuted and

1 upon conviction shall be punished by the penalties next higher by three degrees than  
2 those respectively specified in Article 309 of the Revised Penal Code;

3  
4 (c) Any public officer who, by reason of the duties of his office, is accountable  
5 for calamity funds or property devoted to disaster risk reduction and management  
6 efforts, shall appropriate the same or shall take or misappropriate or shall consent,  
7 through abandonment or negligence, shall permit any other person to take such  
8 public funds, or property, wholly or partially, or shall otherwise be guilty of the  
9 misappropriation or malversation of such funds or property, shall be punished by the  
10 penalties next higher by three degrees than those respectively specified in Article 217  
11 of the Revised Penal Code;

12  
13 In all the above, if the offender is a corporation, partnership or association, or  
14 other juridical entity, the penalty shall be imposed upon the officer or officers of the  
15 corporation, partnership, association or entity responsible for the violation, without  
16 prejudice to the cancellation or revocation of these entities license or accreditation  
17 issued to them by any licensing or accredited body of the government. If such offender  
18 is an alien, he or she shall, in addition to the penalties prescribed in this Act, be  
19 deported without further proceedings after service of the sentence.

20  
21 The prosecution for the offenses shall be without prejudice to any liability for  
22 violation of Republic Act No. 3185, as amended, otherwise known as the Revised  
23 Penal Code, and other civil liabilities.

24  
25 **SECTION 30. Implementing Rules and Regulations.** - The Department shall  
26 issue the necessary rules and regulations for the effective implementation of this Act  
27 within ninety (90) days after approval of this Act. The Secretary, in consultation with  
28 relevant government agencies and other key stakeholders, shall take the lead in the  
29 preparation of the implementing rules and regulations.

30  
31 **SECTION 31. Annual Report.** - The Department shall submit to the Office of  
32 the President, the Senate, and the House of Representatives, within the first quarter  
33 of the succeeding year, an annual report relating to the progress of the  
34 implementation of all disaster risk reduction and management efforts, and a detailed  
35 inventory of available personnel, supplies and equipment. Such reports shall be made  
36 available to the public for scrutiny, copying, and reproduction, and shall also be  
37 uploaded in the Department's website.

38  
39 **SECTION 32. Congressional Oversight Committee.** - There is hereby created  
40 a Congressional Oversight Committee to monitor and oversee the implementation of  
41 the provisions of this Act. The Committee shall be composed of six (6) members from  
42 the Senate and six (6) members from the House of Representatives with the  
43 Chairpersons of the Committees on National Defense and Security of both the Senate  
44 and the House of Representatives as joint Chairpersons of this Committee. The five  
45 (5) other members from each Chamber are to be designated by the Senate President  
46 and the Speaker of the House of Representatives, respectively. The minority shall be  
47 entitled to *pro rata* representation but shall have at least two (2) representatives  
48 from each Chamber.

49  
50 **SECTION 33. Sunset Review.** - Within five (5) years after the effectivity of this  
51 Act, or as the need arises, the Congressional Oversight Committee shall conduct a

1 systematic evaluation of the accomplishments and impact of this Act, as well as the  
2 performance and organizational structure of the Department, for purposes of  
3 determining remedial legislation.

4  
5 **SECTION 34. Repealing Clause.** - All references to the NDRMMC in existing  
6 laws, including, but not limited to, the Philippine National Disaster Risk Reduction  
7 and Management Act of 2010, shall be understood to refer to the Department created  
8 under this Act.

9  
10 All other laws, decrees, executive orders, proclamations, and other executive  
11 issuances which are inconsistent with or contrary to the provisions of this Act are  
12 hereby amended or repealed accordingly.

13  
14 **SECTION 35. Separability Clause.** - If any provision of this law is declared  
15 unconstitutional, the remaining provisions thereof not affected thereby shall remain  
16 in full force and effect.

17  
18 **SECTION 36. Effectivity.** - This Act shall take effect fifteen (15) days after its  
19 publication in the Official Gazette or in two (2) national newspapers of general  
20 circulation.

*Approved,*