

SENATE

S.B. NO. 760

Introduced by the Committee on Finance and
Senators Angara, Arroyo, Rasul, Maceda, Romulo, Aquino, Shahani
Alvarez, Ople, and Guingona

AN ACT
CREATING THE MT. PINATUBO AID AND DEVELOPMENT AUTHORITY,
APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES

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

1 SECTION 1. Short Title. - This Act shall be known as
2 the "Mt. Pinatubo Aid and Development Authority Act of 1992."

3 SEC. 2. Declaration of Policy. - It is hereby declared
4 the policy of the State to help and assist the victims or their
5 legal heirs in those communities adversely affected by the
6 eruption of Mt. Pinatubo by extending to them adequate aid,
7 relief, resettlement and rehabilitations services to the end that
8 life may return to normal at the earliest possible time.

9 SEC. 3. Statement of Objectives. - This Act is intended
10 to help the victims or their legal heirs in those communities
11 adversely affected by the eruption of Mt. Pinatubo and its after
12 effects. While the extent of the damage cannot be compensated to
13 the fullest, this Act aims to provide initial funds for the
14 immediate relief of the victims or their legal heirs, to
15 establish adequate resettlement centers, homesites and towhsites
16 for displaced families, to provide livelihood and employment
17 opportunities, to repair and reconstruct government
18 infrastructure damaged or destroyed by said disaster and to

1 construct new infrastructure facilities to prevent further loss of
2 lives or damage to property.

3 The term "victims" when used for the purpose of this Act
4 refers to inhabitants who were displaced and who sustained
5 serious injuries or suffered death in the family as a result of
6 the aforementioned eruption. It also includes individuals whose
7 homes have been destroyed or rendered uninhabitable requiring aid
8 in the form of accomodation in temporary shelters and/or food
9 sustenance while they are rebuilding their dwelling places.

10 SEC. 4. Creation of the Mt. Pinatubo Aid and Development
11 Authority. - There is hereby created a body corporate called
12 the Mt. Pinatubo Aid and Development Authority hereinafter
13 referred to as the Authority.

14 It shall be organized within thirty (30) days after the
15 approval of this Act. It shall have a term of seven (7) years
16 from its organization: Provided, That the President by
17 proclamation may extend the period of its existence for not more
18 than three (3) years.

19 SEC. 5 Powers of the Authority. - To carry out its
20 objectives under this Act, the Authority shall have the following
21 powers:

22 a) To formulate policies and plans for the relief,
23 rehabilitation, and resettlement activities of the national
24 government;

25 b) To prioritize and coordinate the various projects and
26 programs;

27 c) To succeed in its corporate name, to sue and be sued in
28 such corporate name, and to adopt, alter and use a corporate seal
29 which shall be judicially noticed;

1 d) To enter into, make, perform and carry out contracts of
2 every class, kind and description which are necessary or
3 incidental to the realization of its purposes with any person,
4 firm or corporation, private or public, and with foreign
5 government entities;

6 e) To contract loans, indebtedness, credit and issue
7 commercial papers and bonds, in any local or convertible foreign
8 government entities, and local or foreign private commercial
9 banks or similar institutions under terms and conditions
10 prescribed by law, rules and regulations;

11 f) To monitor the progress of the relief, rehabilitation,
12 and resettlement projects and programs;

13 g) To coordinate with concerned local chief executives in
14 the prioritization and prosecution of the projects and programs;

15 h) To call upon any department, office, instrumentality,
16 agency or any political subdivision of the Government for such
17 assistance necessary in the attainment of the objectives of the
18 Authority;

19 i) To promulgate rules and regulations to effectively
20 carry out the objectives of this Act; and

21 j) In general, to perform such other powers as may be
22 necessary and proper to carry out the purpose of this Act.

23 SEC. 6. Board of Directors. - The Authority shall be
24 governed by a Board of Directors of nine (9) members to be
25 appointed by the President, four (4) coming from the Cabinet,
26 four (4) from the private sector representing the academe,
27 business and industry, agriculture, and non-government
28 organizations and the Executive Director as Ex-Oficio member.
29 Of the eight (8) directors, three (3) shall serve for a term of
30 six (6) years, three (3) for a term of four (4) years and two (2)
31 for a term of two (2) years.

1 SEC. 7. Executive Director, Powers and Responsibilities;

2 - The President shall appoint a professional manager as the
3 Executive Director of the Authority with a compensation to be
4 determined by the Board, who shall serve as the Chief Executive
5 Officer of the Authority. He shall serve until such time as the
6 Authority is dissolved or unless sooner removed from Office by
7 the President. He shall have the following powers and functions:

8 a) Execute and administer the policies and decisions of
9 the Board of Directors;

10 b) Directly coordinate the activities of all agencies and
11 instrumentalities of the Government in the planning and
12 implementation of projects on site;

13 c) Monitor the programs and evaluate the effects of
14 project execution by these agencies and instrumentalities and
15 submit to the Board periodic reports relating to the development
16 of the areas;

17 d) Apply for, receive and accept grants and donation of
18 funds, equipment, materials and services needed for the
19 development of the area, within and outside the Philippines; and

20 e) Perform such other functions as are inherently
21 necessary in the operational management of the areas development
22 in accordance with the policies and guidelines formulated by the
23 Board of Directors.

24 SEC. 8. Preference to Local Residents. - Residents in
25 the affected areas, especially the victims, shall be given
26 preference in hiring or employment in the repair or
27 reconstruction of damaged or destroyed government infrastructure
28 and facilities.

29 SEC. 9. Limitation in the use of Funds. - No money shall
30 be released without any identified program and project nor shall

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1 it be used to pay obligations incurred before the approval of
2 this Act.

3 SEC. 10. Report to Congress. - The Authority shall submit
4 to the President and Congress a quarterly report on the funds
5 obligated and/or disbursed under this Act, including a list of
6 the specific projects as well as a list of individual
7 beneficiaries and contractors, the purposes of which the fund was
8 utilized, the progress of the work, and an evaluation of the work
9 so far accomplished.

10 SEC. 11. Appropriations. - The sum of Ten billion
11 (P10,000,000,000.00) pesos is hereby appropriated out of any
12 funds in the National Treasury not otherwise appropriated.

13 Said Ten billion (P10,000,000,000.00) pesos shall be
14 programmed as follows:

15 a) For the first year, the sum of
16 five billion (P5,000,000,000.00) pesos for resettlement and
17 livelihood;

18 b) For the second year, the sum of three billion
19 (P3,000,000,000.00) pesos; and

20 c) For the third year, the sum of two billion
21 (P2,000,000,000.00) pesos.

22 Any subsequent funding as may be necessary shall be
23 provided in the Annual General Appropriations Act.

24 SEC. 12. Punishable Acts. - Any person who takes
25 advantage of the calamity by buying and selling relief goods
26 intended for donation, or misrepresenting the source of relief
27 goods, or submitting false or inflated claims shall be
28 prosecuted, and upon conviction, suffer a fine of not less than
29 fifty thousand (P50,000.00) pesos nor more than five hundred
30 thousand (P500,000.00) or imprisonment of not less than three (3)
31 years nor more than five (5) years, or both, in the discretion

1 of the court. If the offender is a corporation, partnership or
2 associations or other juridical entity, the penalty shall be
3 imposed upon the officer or officers of the corporation,
4 partnership, association, or entity responsible for the
5 violation, and if such officer is an alien, he shall in addition
6 to the penalties prescribed, be deported without further
7 proceedings after service of sentence.

8 SEC. 13. Assistance by other Relief Agencies. - With
9 respect to aid, relief, resettlement and rehabilitation services
10 to individual beneficiaries, the President may seek the
11 assistance and use the services of the Philippine National Red
12 Cross and other relief agencies and volunteer-organization
13 with proven record in providing such services.

14 SEC. 14. Rules and Regulations. - The President shall
15 within fifteen (15) days from the approval of this Act issue the
16 necessary rules and regulations for the effective implementation
17 of this Act.

18 SEC. 15. Separability Clause. - If any provision of this
19 Act shall be held unconstitutional or invalid, the other
20 provisions not otherwise affected shall remain in full force and
21 effect.

22 SEC. 16. Repealing Clause. - Any law, decree, rules and
23 regulations which are inconsistent with or contrary to the
24 provisions of this Act are hereby amended or repealed.

25 SEC. 17. Effectivity Clause. - This Act shall take
26 effect upon its publication in at least two (2) national
27 newspapers of general circulation.

28 Approved,