

NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)



24 APR 23 P4:00

SENATE
S. No. 2643

RECEIVED BY

Introduced by Senator Jinggoy Ejercito Estrada

AN ACT
INSTITUTIONALIZING A MECHANISM ON THE DECLARATION OF STATE OF
IMMINENT DISASTER, PROVIDING THE CRITERIA FOR SUCH
DECLARATION AND LIFTING, ENABLING ANTICIPATORY MEASURES, AND
PROVIDING FUNDS THEREFOR

EXPLANATORY NOTE

The National Disaster Risk Reduction and Management Council (NDRRMC) issued Resolution No. 07¹ in March 2022 which resolved to “facilitate and initiate the most appropriate national policy or legal agenda for the institutionalization of the Declaration of a State of Imminent Disaster” or one that is “made in anticipation of a highly probable disaster due to projected catastrophic impacts that are severe enough to require funding to supplement local resources in preventing or alleviating damages and losses.”

The recommendation proceeds from its experience wherein during the Pre-Disaster Risk Assessment (PDRA) for typhoon Odette, six out of seven regions which were already pre-identified as high-risk regions prior to its landfall and thereby required the highest level of preparedness eventually have been placed under a State of Calamity. Such underscores the connection between accurate and scientific early forecasting systems and the preparedness and response mechanisms towards effective reduction and mitigation of disaster impact.

¹ NDRRMC Resolution No. 07, s. 2022. “Resolution Recommending the Institutionalization of the Declaration of a State of Imminent Disaster”

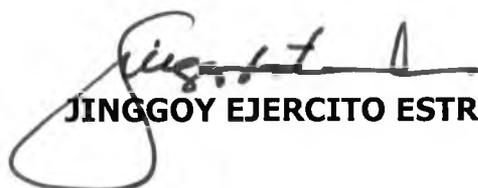
This measure introduces the concept of “Anticipatory Action” which is defined hereunder as “action to be taken to reduce the impacts of a forecast hazard before it occurs, or before its most acute impacts are felt.” It is performed by an individual or organization before an anticipated disaster to mitigate its impact on people, animals, and properties that are likely to be affected.

In 2022, Foreign Ministers of G7, otherwise known as the Group of Seven or the bloc of the world’s most industrialized economies, committed to “support the integration of anticipatory action into the Humanitarian Programme Cycle as well as development planning and national adaption plans.” G7 also reaffirmed commitment to “advocate for, scale up and systematically mainstream anticipatory action into humanitarian system, particularly for countries with well-established disaster risk reduction infrastructure in place.”

Meanwhile, the ASEAN Framework on Anticipatory Action in Disaster Management was developed and published in order to ensure that early warnings are reliably translated into interventions to substantially lessen socio-economic losses and suffering caused by disaster emergencies, and ultimately to protect people and assets before a hazard develops into a disaster.

In the Philippines, several humanitarian organizations such as the Philippine Red Cross (PRC), the United Nations World Food Programme (WFP), the Food and Agriculture Organization (FAO), START Network and Oxfam have already piloted AA protocols for a range of predictable hazards.

In view of further strengthening national policies on disaster resilience amid the increasing threats of climate change and natural calamities, and shifting away from a reactive response toward a more proactive approach to disasters, the passage of this legislation is hereby endorsed.


JINGGOY EJERCITO ESTRADA

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

ARTICLE I

GENERAL PROVISIONS

1
2
3 Section 1. *Short Title.* – This Act shall be known as *the "Declaration of State*
4 *of Imminent Disaster Act"*.

5 Sec. 2. *Statement of Policy.* – It shall be the policy of the State to:

- 6 a) Protect the lives, properties, and livelihoods of its citizens by addressing
7 risks, particularly the root causes of vulnerabilities, exposure to hazards,
8 and the capacity to anticipate and cope with such hazards;
- 9 b) Provide maximum care, assistance, protection, and services to individuals
10 and families to be affected by a disaster, implement anticipatory action
11 and response measures to lessen the impact of a disaster, and facilitate
12 implementation of contingency plans to minimize disruptions to normal
13 social and economic activities;
- 14 c) Integrate Anticipatory Action principles into existing plans and policies at
15 the national and local levels;

- 1 d) Acknowledge and strengthen the capacities of Local Government Units
2 (LGUs) and relevant National Government Agencies (NGAs), and
3 communities in preparing for, anticipating, responding to, and recovering
4 from the impact of disasters;
- 5 e) Respond to the differentiated concerns and needs of vulnerable and
6 marginalized groups such as not but not limited to women and children,
7 persons with disabilities, the elderly, and indigenous peoples with respect
8 to disaster resilience and disaster management;
- 9 f) Protect and promote the health and welfare of all individuals, families, and
10 animals by addressing risks, particularly the root causes of vulnerabilities,
11 exposure to hazards, and the capacity to cope with hazards to eliminate, if
12 not minimize the incidence of deaths arising from various hazards such as
13 natural, epidemic, pandemics, or other illnesses of public health concern,
14 and other hazards disrupting the normal functioning of communities;
- 15 g) Provide various mechanisms that ensure transparency and accountability
16 in disaster and climate risk governance, such as in data and resource
17 management;
- 18 h) Ensure community participation in the planning and implementation of the
19 country's disaster risk reduction and management (DRRM) program in
20 accordance with the people's right to participate in the decision-making
21 process that contributes to better living conditions; and
- 22 i) Establish a funding source for the implementation of programs for
23 Anticipatory Actions.

24 *Sec. 3. Definition of Terms. – As used in this Act:*

- 25 a) *Anticipatory Action* – refers to action to be taken to reduce the impacts of
26 a forecast hazard before it occurs, or before its most acute impacts are
27 felt. It is performed by an individual or organization before an anticipated
28 disaster to mitigate its impact on people, animals, and properties that are
29 likely to be affected.
- 30 b) *Anticipatory Action Protocol* – refers to a protocol for the step-by-step
31 implementation of anticipatory actions based on the activation of pre-
32 determined triggers. It specifies the types of measures to be implemented

- 1 ahead of predicted hazards, institution roles and responsibilities,
2 resources, coordination processes, and operational arrangements.
- 3 c) *Capacity* – refers to the combination of all strengths and resources
4 available within a community, society, or organization that can reduce the
5 level of risk, or effects of a disaster. Capacity may include infrastructure
6 and physical means, institutions, societal coping abilities, as well as human
7 knowledge, skills, and collective attributes such as social relationships,
8 leadership and management.
- 9 d) *Contingency Plan* – refers to a scenario-based plan for a specific and
10 projected natural and/or human-induced hazard. It aims to address the
11 impacts of the hazard to people, properties, and the environment; and/or
12 to prevent the occurrence of emerging threats through the arrangement of
13 timely, effective, appropriate, and well-coordinated responses as well as
14 the efficient management of resources.
- 15 e) *Declaration of a State of Imminent Disaster* – refers to the declaration that
16 is made in anticipation of a highly probable disaster due to projected
17 impacts based on forecast and the results of Pre-Disaster Risk Assessment
18 (PDRA) that are severe enough to require funding to utilize existing
19 national and local resources in preventing or alleviating damages and
20 losses;
- 21 f) *Disaster* – refers to the serious disruption of the functioning of a
22 community or a society involving widespread human, material, economic,
23 or environmental losses and impacts, which exceeds the ability of the
24 affected community or society to cope using its own resources;
- 25 g) *Disaster Response* – refers to any concerted effort by two (2) or more
26 agencies, public or private, to provide assistance or intervention during or
27 immediately after a disaster to meet the life preservation and basic
28 subsistence needs of those affected and in the restoration of essential
29 public activities and facilities. It follows three phases which are pre-impact
30 phase, impact phase, and post-impact phase.
- 31 h) *Disaster Risk* – refers to the estimated potential disaster losses in lives,
32 health status, livelihood, properties, and services which could occur to a

1 particular community or a society over some specified period. Disaster risk
2 is calculated as a combination of the probability of an event and its
3 negative consequences;

- 4 i) *Disaster Risk Reduction and Management (DRRM)* – refers to the
5 systematic process of using administrative directives, organizations, and
6 operational skills and capacities to implement strategies, and policies and
7 provide coping capacities to lessen and avert the adverse impacts of
8 hazards and the possibility of a disaster;
- 9 j) *Disaster Risk Reduction and Management Council (DRRMC)* – refers to the
10 organized body of government agencies, including civil society
11 organizations including organizations of persons with disabilities, women,
12 older persons, children, indigenous people, and others who belong to the
13 vulnerable sectors, and the private sector, mandated to undertake DRRM
14 activities from the national to local levels. The composition, powers, and
15 functions of the DRRMC are defined in RA 10121;
- 16 k) *Early Warning System (EWS)* – refers to an integrated system of hazard
17 monitoring, forecasting, and prediction, disaster risk assessment, and
18 communication and preparedness activities and processes that enable
19 individuals, communities, national government agencies, local government
20 units, the private sector, and others to take timely action to reduce
21 disaster risks and adequately prepare for disasters;
- 22 l) *Emergency* – refers to the unforeseen or sudden occurrence, especially
23 danger, demanding immediate action;
- 24 m) *Exposure* – refers to the situation of people, animals, production
25 capacities, environmental services, and properties in places that could be
26 adversely affected by hazards and which, thereby, are subject to potential
27 future harm, loss, or damage;
- 28 n) *Forecast* – refers to the definite statement or statistical estimate of the
29 likely occurrence of a future event or conditions for a specific area;
- 30 o) *Hazard* – refers to a dangerous phenomenon, substance, human activity,
31 or condition that may cause loss of life, injury or other health impacts,

- 1 property damage, loss of livelihood, and services, social and economic
2 disruption, or environmental damage;
- 3 p) *Imminent Disaster* – refers to a highly probable disaster with severe
4 projected impacts;
- 5 q) *Impact* – refers to the total effect, projected or actual, including negative
6 effects and positive effects, of a hazardous event or a disaster which may
7 include economic, human, and environmental impacts, and may also
8 include death, injuries, disease, and other negative effects on human well-
9 being and animal welfare;
- 10 r) *"No Regrets" approach* – refers to the recognition of risks that may not
11 materialize in the way or with the impacts forecasted. Yet, the anticipatory
12 action approach is sufficiently flexible and adaptable to introduce positive
13 changes to systems and processes and that builds resilience and benefits
14 vulnerable groups;
- 15 s) *Pre-Disaster Risk Assessment (PDRA)* – refers to the process of evaluating
16 a hazard's level of risk given the degrees of exposure and vulnerability in a
17 specific area. It presents the possible impacts on the people, animals,
18 production capacities, environmental services, and properties and forms as
19 a basis to determine the appropriate level of response actions from the
20 national level government agencies down to LGUs;
- 21 t) *Preparedness* – refers to the pre-disaster actions and measures
22 undertaken within disaster risk reduction and management. It is based on
23 sound risk analysis and pre-disaster activities to avert or minimize loss of
24 life and property, such as community organizing, training, planning,
25 equipping, stockpiling, hazard mapping, insuring assets, and public
26 information and education initiatives. This also includes the development
27 or enhancement of an overall preparedness strategy, policy, institutional
28 structure, warning and forecasting capabilities, and plans that define
29 measures geared to help at-risk communities safeguard their lives and
30 assets by being alert to hazards and taking appropriate action in the face
31 of an imminent threat or an actual disaster;

- 1 u) *Resources* – refers to the funds, equipment and other requirements for
2 disaster preparedness and response;
- 3 v) *Risk Assessment* – refers to a methodology to determine the nature and
4 extent of risk by analyzing potential hazards and evaluating existing
5 conditions of vulnerability that together could potentially harm, exposed
6 people, animals, production capacities, environmental services, and
7 properties;
- 8 w) *Technical Management Group (TMG)* – refers to the members of the
9 NDRRMC who endorse the outputs of the Technical Working Group (TWG)
10 to the NDRRMC Full Council;
- 11 x) *Technical Working Group (TWG)* – refers to the members of the NDRRMC
12 who are in charge of the preparation, formulation, and development of
13 policy guidelines to be endorsed by the TMG for the NDRRMC’s approval;
- 14 y) *Trigger* – refers to a predetermined criterion that, when met, is used to
15 initiate Anticipatory Actions. A trigger can be a predetermined value for a
16 specific indicator or set of indicators that is forecasted to occur or has
17 been measured as having occurred. It must be associated with a level of
18 projected impact based on a robust PDRA. Once a trigger is met,
19 anticipatory actions are implemented to mitigate the projected impact;
- 20 z) *Vulnerability* – refers to the characteristics and circumstances of a
21 community, system or asset that make it susceptible to the damaging
22 effects of a hazard.

23 **ARTICLE II**

24 **STATE OF IMMINENT DISASTER**

25 *Sec. 4. Declaration of State of Imminent Disaster.* – The President of the
26 Philippines, through the recommendation of the National Disaster Risk Reduction and
27 Management Council (NDRRMC), herein referred to as the National Council, shall
28 declare a State of Imminent Disaster over a cluster of barangays, municipalities,
29 cities, provinces, and regions using the guidelines for the PDRA as informed by
30 national science-based agencies to be issued by the National Council for the
31 purposes of declaration under this Act.

1 The Local Chief Executive (LCE), through an executive order and upon the
2 recommendation of the Local DRRM Council (LDRRMC) through a resolution may
3 also initiate the issuance of a declaration of State of Imminent Disaster in their
4 respective area of jurisdiction.

5 For this purpose, the following levels shall have the authority to declare a
6 State of Imminent Disaster upon the results of the PDRA:

- 7 a) The Municipal or City Mayor, upon recommendation of the Municipal or
8 City DRRM Council, when two or more barangays are forecasted to be
9 affected by an imminent disaster; and
- 10 b) The Provincial Governor, upon the recommendation of the Provincial
11 DRRM Council, when two or more municipalities or cities are forecasted to
12 be affected by an imminent disaster.

13 For the purposes of this Act, a State of Imminent Disaster may be brought
14 about by various hazards such as natural, epidemic, pandemics, or other illnesses of
15 public health concern, and other hazards disrupting the normal functioning of
16 communities.

17 *Sec. 5. Criteria for Declaration of State of Imminent Disaster.* – The city,
18 municipality, province, or region may be declared under a State of Imminent
19 Disaster upon the results of PDRA by the NDRRMC or the concerned LDRRMC
20 indicating the probability of disaster occurrence that is severe enough to warrant the
21 utilization of resources to be able to prevent or minimize potential damages and
22 losses. Any of the following conditions must be present and shall be adhered to by
23 the National and Local DRRM Council before the declaration:

- 24 a) The forecasted affected population requires expeditious emergency
25 assistance to prepare for the cascading effects of an impending disaster;
- 26 b) Projected damage to shelter, critical infrastructure, and facilities that are
27 necessary for emergency response, logistical operations, lifelines and
28 other related systems for the delivery of necessities, including sources of
29 food supply such as agricultural and fishery products;
- 30 c) Projected disruption of lifeline systems such as food supply chain,
31 electricity, potable water system, communication system, access to health
32 service, and other related systems;

- 1 d) Projected extremely high incidence expected of a certain disease that may
2 affect whether human, animal, or crops, infectious or noninfectious, or
3 other health-related events that are beyond normal expectancy;
- 4 e) Significant degradation of environmental and natural resources is
5 forecasted based on recommendations from relevant agencies;
- 6 f) Projected impact on agricultural and fishery areas that cause negative
7 consequences on the country's economic and food security on a national
8 or local scope;
- 9 g) The current resources and measures of the concerned LGUs are
10 insufficient and there is a need for rapid augmentation that may only be
11 met through such declaration.

12 *Sec. 6. Duration and Lifting of the Declaration of State of Imminent Disaster.*

13 – The declaration of State of Imminent Disaster may be enforced either by the
14 President or the LCEs through an executive order for a duration calculated before
15 the occurrence of an imminent disaster.

16 If the latest PDRA report states that the projected impacts are not met, the
17 same may be recommended for the immediate lifting of such declaration to be
18 undertaken by the President or the LCE upon the recommendation of the National or
19 Local DRRM Council.

20 **ARTICLE III**

21 **MEASURES TO BE UNDERTAKEN UPON DECLARATION OF STATE OF**
22 **IMMINENT DISASTER**

23 *Sec. 7. Anticipatory Measures for the National and Local DRRM Councils. –*

24 The declaration of a State of Imminent Disaster shall allow the National and Local
25 DRRM Councils the use of national and local resources and mechanisms to
26 implement anticipatory actions to lessen or avert the projected impact on
27 communities which may fall but are not limited to the following courses of action:

- 28 a) Direct any government agency or entity to implement its mandates and
29 utilize resources granted to it by law, including its personnel, equipment,
30 suppliers' facilities, and technical services, in support of the national or
31 local anticipatory action efforts to save lives, protect property, ensure
32 public health and safety, and to lessen or avert damages and losses;

- 1 b) Coordinate, monitor, and regulate all anticipatory action efforts, including
2 the provision of services, financial and in-kind assistance, mobilization of
3 response teams, and other resources provided by national and local
4 government agencies, including the private sector and national, and
5 international non-governmental organizations (NGOs/INGOs), while
6 recognizing and respecting the humanitarian principles of independence,
7 autonomy, neutrality, and impartiality of humanitarian organizations;
8 c) Provide technical and advisory assistance for the management, control
9 and reduction of the immediate threats to public health and safety;
10 d) Coordinate among various experts from various concerned agencies to
11 continue hazard monitoring and public information advisories;
12 e) Recommend implementation of Anticipatory Action Protocols for the
13 projected affected population.

14 *Sec. 8. Funding.* – The LGUs shall allocate seventy percent (70%) portion of
15 their Local DRRM Fund for Anticipatory Action Protocols, as identified in their
16 respective Local DRRM Plans, and ensure that its funding shall be disbursed
17 immediately upon the declaration of a State of Imminent Disaster. The unexpended
18 fund from the 70% portion accrued to the Special Trust Fund may also be used for
19 such purpose.

20 All relevant National Government Agencies shall ensure that Anticipatory
21 Action Protocols are included in their regular agency Programs, Projects, and
22 Activities (PPAs) to be funded by their regular agency budgets as Anticipatory Action
23 Funds and be properly included in the General Appropriations Act. The National
24 DRRM Fund may also be used to fund Anticipatory Action Programs. Likewise, such
25 identified funds shall be disbursed immediately for this purpose and be used until
26 the lifting of the declaration of a State of Imminent Disaster.

27 *Sec. 9. Changes in Hazard Forecast.* – The following courses of action shall be
28 observed in cases of non-occurrence of the situation despite the declaration of State
29 of Imminent Disaster:

- 30 a) The government shall adopt a “no regrets” approach acknowledging that
31 the proposed or undertaken anticipatory actions still benefit rather than
32 negatively impact the targeted population.

1 b) The unutilized funds in the case of LGUs shall accrue to the Special Trust
2 Fund; Meanwhile, unutilized funds of the NGA shall revert to the National
3 Treasury as part of the General Funds upon the lifting or termination of
4 the declaration of a State of Imminent Disaster.

5 c) For food or non-food items, the Department of Social Welfare and
6 Development (DSWD) and the Local Social Welfare and Development
7 Office concerned shall take charge of the storage of food and other non-
8 food items at the national and local levels, respectively, if the concerned
9 government agency, whether an NGA or LGU has already acquired the
10 additional resources needed through the use of funds released for
11 anticipatory action.

12 d) Services rendered by third parties shall be subject to a just compensation
13 on a *quantum meruit* basis.

14 **Sec. 10. Prohibited Acts.** – Any person, group, or corporation who commits
15 any of the following prohibited acts shall be held liable and be subjected to the
16 penalties as prescribed in Section 11 of this Act:

17 a) Dereliction of duties which leads to destruction, loss of lives, critical
18 damage of facilities, and misuse of funds;

19 b) Preventing the entry and distribution of relief goods in areas declared
20 under a State of Imminent Disaster, including appropriate technology,
21 tools, equipment, accessories, shelter implements, and disaster
22 teams/experts;

23 c) Buying, for consumption or resale, from disaster relief agencies any relief
24 goods, equipment, and/or other commodities that are intended for
25 distribution to areas declared under a State of Imminent Disaster;

26 d) Buying, for consumption or resale, from the recipient communities
27 forecasted to be affected by an imminent disaster of any of their relief
28 goods, equipment, or other aid commodities received by them;

29 e) Selling of relief goods, equipment, or other aid commodities that are
30 intended for distribution to recipient communities forecasted to be
31 affected by an imminent disaster;

- 1 f) Forcibly seizing relief goods, equipment, or other aid commodities
2 intended for or consigned to a specific group or relief agency for purposes
3 of disaster preparedness;
- 4 g) Diverting or misdelivery of relief goods, equipment, or other aid
5 commodities to persons other than the rightful recipient or consignee;
- 6 h) Accepting, possessing, using or disposing of relief goods, equipment, or
7 other aid commodities not intended for nor consigned to him/her;
- 8 i) Misrepresenting the source of relief goods, equipment, or other aid
9 commodities by:
- 10 1) Either covering, replacing or defacing the labels of the containers to
11 make it appear that the goods, equipment, or other aid commodities
12 came from another agency or persons;
- 13 2) Repacking the goods, equipment, or other aid commodities into
14 containers with different markings to make it appear that the goods
15 came from another agency or persons or were released upon the
16 instance of a particular agency or persons;
- 17 3) Making false verbal claim that the goods, equipment, or other
18 commodity and its untampered original containers came from another
19 agency or persons or was released upon the instance of a particular
20 agency or persons.
- 21 j) Substituting or replacing relief goods, equipment, or other aid
22 commodities with the same items or inferior/cheaper quality;
- 23 k) Illegal solicitations by persons or organizations representing others as
24 defined in the standards and guidelines set by the NDRRMC;
- 25 l) Deliberate use of false and inflated data in support of the request for
26 funding, relief goods, equipment or other aid commodities for emergency
27 assistance or livelihood projects; and
- 28 m) Tampering with or stealing hazard monitoring and disaster preparedness
29 equipment and paraphernalia.

30 *Sec. 11. Penal Clause.* – Any individual, corporation, partnership, association,
31 or other juridical entity that commits any of the prohibited acts provided for in
32 Section 10 of this Act shall be prosecuted and upon conviction shall suffer a fine of

1 not less than Fifty thousand pesos (Php50,000.00) or any amount not to exceed Five
2 hundred thousand pesos (Php500,000.00) or imprisonment of not less than six (6)
3 years and one (1) day but not more than twelve (12) years, or both, at the
4 discretion of the court, including perpetual disqualification from public office if the
5 offender is a public officer, and confiscation or forfeiture in favor of the government
6 of the objects and the instrumentalities used in committing any of herein prohibited
7 acts.

8 If the offender is a corporation, partnership or association, or other juridical
9 entity, the penalty shall be imposed upon the officer or officers of the corporation,
10 partnership, association, or entity responsible for the violation without prejudice to
11 the cancellation or revocation of these entities' licenses or accreditation issued to
12 them by any licensing or accredited body of the government. If such offender is an
13 alien, he or she shall, in addition to the penalties prescribed in this Act, be deported
14 without further proceedings after service of the sentence.

15 However, the prosecution for offenses set forth in Section 10 of this Act shall
16 be without prejudice to any liability for violation of Republic Act No. 3815, as
17 amended, otherwise known as the Revised Penal Code, and other civil liabilities.

18 **ARTICLE IV**

19 **FINAL PROVISIONS**

20 *Sec. 12. Implementing Rules and Regulations.* – The NDRRMC, through its
21 Chairperson, shall issue the necessary rules and regulations, including operational
22 guidelines and procedures, for the effective implementation of this Act within one
23 hundred twenty (120) days after approval of this Act. The NDRRMC shall convene a
24 Technical Working Group (TWG) composed of all the members of the National
25 Anticipatory Action Technical Working Group, concerned members of the NDRRMC,
26 and other stakeholders for the formulation of the implementing rules and regulations
27 of this Act.

28 *Sec. 13. Separability Clause.* – If for any reason, any provision of this Act is
29 declared unconstitutional or invalid, such parts not affected thereby shall remain in
30 full force and effect.

1 Sec. 14. *Repealing Clause.* – All laws, decrees, executive orders, rules and
2 regulations and other issuances or parts thereof which are inconsistent with this Act
3 are hereby repealed, amended or modified accordingly.

4 Sec. 15. *Effectivity.* – This Act shall take effect fifteen (15) days after its
5 publication in the *Official Gazette* or in any two (2) newspapers of general
6 circulations.

Approved,