



SENATE

19 JUL 24 AM 11:55

S. B. No. 746

RECORDED

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Introduced by SEN. SHERWIN T. GATCHALIAN

**AN ACT EXPANDING THE APPLICATION OF THE LOCAL DISASTER
RISK REDUCTION AND MANAGEMENT FUND BY AMENDING
REPUBLIC ACT NO. 10121, OTHERWISE KNOWN AS THE PHILIPPINE
DISASTER RISK REDUCTION AND MANAGEMENT ACT OF 2010**

EXPLANATORY NOTE

Article II, Section 25, of the 1987 Constitution provides that "The State shall ensure the autonomy of local governments". Section 2 of the Local Government Code also states that "the State shall provide for a more responsive and accountable local government structure instituted through a system of decentralization whereby local government units shall be given more powers, authority, responsibilities, and resources".

RA 10121 or the Philippine Disaster Risk Reduction and Management Act has placed the local government units in the frontline of disaster preparedness, response and rehabilitation. It transformed the calamity funds of the LGUs into the Local Disaster Risk Reduction and Management Fund. Under the present law, the LDRRMF may now be utilized by the LGUs to fund

projects and programs that enhance disaster preparedness and mitigate the effects of calamities.

In the unfortunate event that disaster or calamity strikes, it is the Local Disaster Risk Reduction and Management Office in the LGUs that are at the forefront of Mother Nature's wrath in providing safety and protection for their constituents. However, due to budgetary restrictions, LGUs are unable to hire the necessary man power to provide adequate response and assistance to affected citizens during disasters.

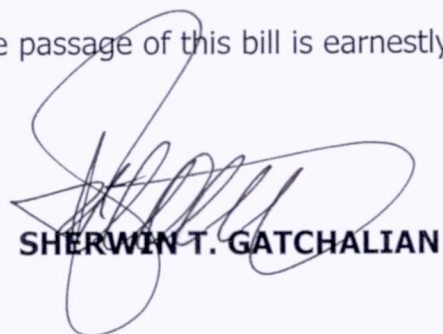
It must also be noted, that the effects of disasters would be greatly mitigated and reduced if LGUs will have the necessary funds to provide local infrastructure projects designed to protect against natural disasters. The after effects of disasters will also be lessened if LGUs are given flexibility in providing for a swift reconstruction, repair and rehabilitation of their infrastructure damaged by disasters.

Conversely, when the LGU does not suffer and disasters or calamities, its LDRRMF accrues to a special trust fund which may only be utilized for disaster risk reduction and management. There are numerous LGUs specially located throughout the Philippines where they are seldom affected by disasters and calamities. The period where the trust fund may revert back to the general fund should be shortened to three (3) years so that the LGU may align unused funds for social services identified by the local sanggunian.

There is an urgent need to broaden the options of the LGUs in the utilization of the LDRRMF. This bill proposes the use of the LDRRMF in funding infrastructure projects designed to mitigate the effects of natural disasters as well as allowing the LGUs to use the LDRRMF to pay for obligations incurred in funding projects related to disaster preparedness and mitigation. Moreover, this bill shall allow the utilization of the LDRRMF in the hiring of the necessary personnel required to implement the provisions of this

Act.

In view of the foregoing, the immediate passage of this bill is earnestly sought.



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DISASTER RISK REDUCTION AND MANAGEMENT ACT OF 2010**

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

1 SECTION 1. Section 12 of R.A. 10121 is hereby amended
2 to read as follows:

3 Sec. 12. ***Local Disaster Risk Reduction***
4 ***and Management Office (LDRRMO).*** -

5 a) There shall be established an LDRRMO in
6 every province, city and municipality, and a
7 Barangay Disaster Risk Reduction and
8 Management Committee (CBDRRMC) in
9 every ' barangay which shall be responsible
10 for setting the direction, development,
11 implementation and coordination of disaster
12 risk management programs within their
13 territorial jurisdiction.

14 b) The LDRRMO shall be under the office of

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the governor, city or municipal mayor, and the punong barangay in case of the BDRRMC. The LDRRMOs shall be initially organized and composed of a DRRMO to be assisted by three (3) staff responsible for: (1) administration and training; (2) research and planning; and (3) operations and warning. The LDRRMOs and the BDRRMCs shall organize, train and directly supervise the local emergency response teams and the ACDVs.

c) The provincial, city and municipal DRRMOs or BDRRMCs shall perform the following functions with impartiality given the emerging challenges brought by disasters of our times:

- (1) Design, program, and coordinate disaster risk reduction and management activities consistent with the National Council's standards and guidelines;

XXX XXX XXX

(26) APPOINT OR HIRE COMPETENT AND SUITABLY-TRAINED DIRECT RESCUE AND RESPONSE PERSONNEL WITHIN THEIR RESPECTIVE JURISDICTIONS THAT SHALL BE ADEQUATE IN NUMBER TO SERVE THE NEEDS OF THE LOCAL GOVERNMENT UNIT IN TIMES OF CALAMITY AND

1 **DISASTER. THE APPONTEED**
2 **PERSONNEL SHALL ALSO SERVE**
3 **IN THE IMPLEMENTATION OF**
4 **THE LGUS DISASTER RISK**
5 **REDUCTION AND MANAGEMENT**
6 **PROGRAMS.**

7 (d) The BDRRMC shall be a regular
8 committee of the existing BDC and shall be
9 subject thereto. The punong barangay shall
10 facilitate and ensure the participation of at
11 least two (2) CSO representatives from
12 existing and active
13 community-based people's organizations
14 representing the most vulnerable and
15 marginalized groups in the barangay.

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17 SEC. 2. Section 21 of R.A. 10121 is hereby amended to read as
18 follows:

19 Sec. 21. ***Local Disaster Risk Reduction***
20 ***and Management Fund (LDRRMF).*** - The
21 present Local Calamity Fund shall henceforth be
22 known as the Local Disaster Risk Reduction and
23 Management Fund (LDRRMF). Not less
24 than five percent (Solo) of the estimated revenue
25 from regular sources shall be set aside as the
26 LDRRMF to support disaster risk management
27 activities such as, but not limited to, pre-disaster
28 preparedness programs including training,
29 purchasing life-saving rescue equipment, supplies
30 and medicines, for post- disaster activities,
31 **CONSTRUCTION OF INFRASTRUCTURE**
32 **PROJECTS CERTIFIED BY THE NATIONAL**

1 **DISASTER RISK REDUCTION AND**
2 **MANAGEMENT COUNCIL AS NECESSARY IN**
3 **MITIGATING AND REDUCING THE EFFECTS**
4 **OF DISASTERS,** and for the payment of
5 premiums on calamity insurance. **THE LDRRMF**
6 **MAY ALSO BE USED TO PAY FOR WHATEVER**
7 **OBLIGATIONS THE LOCAL GOVERNMENT**
8 **INCURRED IN THE RECONSTRUCTION,**
9 **REPAIR, AND REHABILITATION OF MAJOR**
10 **INFRASTRUCTURE DAMAGED BY**
11 **DISASTERS.** The LDRRMC shall monitor and
12 evaluate the use and disbursement of the LDRRMF
13 based on the LDRRMP
14 as incorporated in the local development plans and
15 annual work and financial plan. Upon the
16 recommendation of the LDRRMO and approval of
17 the sanggunian concerned, the LDRRMC may
18 transfer the said fund to support
19 disaster risk reduction work of other LDRRMCs
20 which are declared under state of calamity.

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22 Of the amount appropriated for LDRRMF, thirty
23 percent (30%) shall be allocated as Quick
24 Response Fund (QRF) or stand-by fund for relief
25 and recovery programs in order that situation and
26 living conditions of people in communities or areas
27 stricken by disasters, calamities, epidemics, or
28 complex emergencies, may be normalized as
29 quickly as possible.

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31 Unexpended LDRRMF **WITHIN THE GIVEN**
32 **YEAR** shall accrue to a special trust fund solely for

1 the purpose of supporting disaster risk reduction
2 and management activities of the LDRRMCs within
3 the next [five (5)] **THREE (3)** years. Any such
4 amount still not fully utilized after [five (5)]
5 **THREE (3)** years shall revert back to the general
6 fund and will be available for other social services
7 to be identified by the local sanggunian.

8
9 **THE LDRRMF SHALL BE LIABLE FOR THE**
10 **SALARIES, WAGES AND BENEFITS OF ALL**
11 **APPOINTED RESCUE AND RESPONSE**
12 **PERSONNEL BY THE LOCAL DISASTER RISK**
13 **REDUCTION AND MANAGEMENT OFFICE**
14 **FALLING UNDER SECTION 12, PARAGRAPH**
15 **(C), SUB-PARAGRAPH (26).**

16 SEC. 3. ***Separability Clause.*** - If any provision of this Act is declared
17 invalid or unconstitutional, the provisions not affected thereby shall remain in
18 full force and effect.

19 SEC. 4. ***Repealing Clause.*** - All laws, presidential decrees, executive
20 orders, presidential proclamations, rules and regulations or parts thereof
21 contrary to or inconsistent with this Act are hereby repealed or modified
22 accordingly.

23 SEC. 5. ***Effectivity.*** - This Act shall take effect fifteen (15) days after
24 its publication in the Official Gazette or at least two (2) national papers of
25 general circulation.

Approved,