

Republic of the Philippines
Bangsamoro Autonomous Region in Muslim Mindanao
BANGSAMORO TRANSITION AUTHORITY 2
Cotabato City

First Regular Session

BTA Bill No. 07



Introduced by
MP Engr. Baintan A. Ampatuan, CSEE, MNSA

Co-authored by:

MP Atty. Laisa M. Alamia, RN, CESE, MNSA; MP Amilbahar S. Mawallil; MP Atty. Rasol Y. Mitmug, Jr., CESE; MP Engr. Don Mustapha A. Loong, JD, CESE; MP Atty. Suharto M. Ambolodto, CSEE, MNSA; and MP Rasul Enderez Ismael

**“An Act
Strengthening Disaster Risk Reduction and Management in the Bangsamoro
Autonomous Region, thereby Creating the Ministry of Disaster Resilience,
Establishing its Powers and Jurisdictions, Providing Funds Thereof and for
Other Purposes”**

EXPLANATORY NOTE

The Bangsamoro Autonomous Region in Muslim Mindanao (BARMM) is very vulnerable and prone to calamities, both natural and human-induced disasters. Based on the 2014 World Risk Report, the Philippines placed second in the World Risk Index. This can be attributed to an annual average of 20 typhoons, of which five (5) to nine (9) cause significant damage; 25 active volcanoes; earthquakes and landslide threats in the country, as well as human-induced disasters caused by the extremist militant groups such as the *Abu Sayaff* Group (ASG) and Bangsamoro Islamic Freedom Fighters (BIFF), among others, in the BARMM. The Marawi siege, as well as the BIFF and ASG’s intermittent attacks in some BARMM areas, are manifestations of these human-induced disasters.

This Act adopts the widely acceptable definition and frameworks of disaster resilience being used in the international and national arenas. Disaster resilience is defined as the ability of

individuals, communities, organisations and states to adapt to and recover from hazards, shocks or stresses without compromising long-term prospects for development. Moreover, according to the Hyogo Framework for Action (UNISDR, 2005), disaster resilience is determined by the degree to which individuals, communities, and public and private organisations are capable of organising themselves to learn from past disasters and reduce their risks to future ones, at international, regional, national and local levels.

This Act considers various studies and reviews on the Republic Act (RA) No. 10121 or the Philippine Disaster Risk Reduction and Management law such as the:

- 1) World Bank's lessons learned from Yolanda, Recommendations from the Assessment Paper;
- 2) Philippine Institute for Development Studies (PIDS) research, titled "*Have we Institutionalized DRRM in the Philippines?*"; and
- 3) Disaster Risk Reduction Network Philippines (DRRNetPhils) Sunset Review on RA No. 10121.

The Sunset Review of the Philippine Disaster Risk Reduction and Management law, spearheaded by the Disaster Risk Reduction Network Philippines (DRRNetPhils), cited the following issues, namely, the presence of:

- 1) a fragmented structure, **no devoted and independent agency with full authority for disaster risk reduction and management (DRRM)**;
- 2) a gap in creating a fully functional local risk reduction and management (LRRM) Office;
- 3) a need to strengthen the capacities of local disaster risk reduction and management councils (LDRRMCs); and
- 4) a lack of awareness or have different understandings of disaster risk reduction/ climate change adaptation (DRR/CCA), leading to poor planning and implementation.

The World Bank cited the following recommendations in its assessment paper on the lessons learned from Yolanda:

- 1) **establish a more responsive National Disaster Risk Reduction and Management Agency or Department**;
- 2) institutionalize a Disaster Rehabilitation and Recovery Framework;
- 3) institutionalize an effective coordination structure and mechanisms;
- 4) identify implementation modalities and strategies to speed up rehabilitation and recovery interventions;
- 5) develop an effective emergency procurement guide;
- 6) identify funding options for disaster rehabilitation and recovery; and
- 7) develop standards for disaster rehabilitation and recovery communications.

In the BARMM, the shift in the government system poses a challenge as to how it can systematically fit into the national structure, given that the latter follows the presidential form of government, whereas the BARMM follows the parliamentary system. As of this date, disaster risk

reduction management in the Bangsamoro is still patterned from the national government, as seen in the Bangsamoro Disaster Risk Reduction and Management Council (BDRRMC), which is chaired by the Chief Minister.

the Bangsamoro Administrative Code, under Section 9, Title III, states that:

Section 9. Bangsamoro Disaster Risk Reduction and Management Council. – *The Bangsamoro Regional Disaster Risk Reduction and Management Council (Bangsamoro DRRMC) shall be chaired by the Chief Minister with the Minister of Ministry of Science and Technology as Vice-Chair for Disaster Mitigation and Prevention, the Minister of Ministry of Interior and Local Government (MILG) as Vice-Chair for Disaster Preparedness, the Minister of Ministry of Social Services and Development (MSSD) as Vice-Chair for Disaster Response, and the Bangsamoro Director-General of the Bangsamoro Planning and Development Authority (BPDA) as Vice-Chair for Disaster Recovery and Rehabilitation. The Chief Minister shall identify the member-agencies of the Bangsamoro DRRMC (underscoring supplied).*

It is worth noting that in the cited provision, four (4) pillars of Bangsamoro risk reduction and management are mentioned, namely:

- 1) disaster mitigation & prevention,
- 2) preparedness,
- 3) response, and
- 4) recovery & rehabilitation.

On the other hand, Bangsamoro Administrative Code's Section 26, Title VIII provides:

Section 26. Rapid Emergency Action on Disaster Incidence Office. – *There shall be a Rapid Emergency Action of Disaster Incidence Office (READi) attached to the Ministry of the Interior and Local Government, that shall serve as executing office of the Bangsamoro Disaster Risk Reduction and Management Council (BDRRMC). The Bangsamoro READi shall also serve as the secretariat to the Bangsamoro DRRMC... x x x"*

As can be seen from these provisions, the structure alone poses a challenge to the BARMM's disaster risk management for the following reasons:

- a. **Fragmented interventions, no devoted ministry.** – Various ministries are in-charge of implementing disaster response, preparedness, prevention and mitigation, and rehabilitation and recovery programs, projects and activities. There is no devoted or focused ministry on disaster risk reduction and management working towards building disaster resilience in the Bangsamoro region;
- b. **Incoherent structure.** – While the Chief Minister chairs the Bangsamoro DRRM Council, the BARMM-READi, which is the executing office of the Council, is lodged with the

MILG. The Office of the Chief Minister, as Chair of the Bangsamoro DRRM Council, should have the operational control of the BARMM-READi, since the latter is the Secretariat of the Council. This would systematically link policymaking with operations;

- c. ***Duplication of functions.*** – As mentioned above, the BARMM-READi, being the executing office of the Council, is attached to the MILG and not to the MSSD, which is the disaster response ministry. The response ministry cannot effectively and efficiently carry-out its mandate when there is a parallel ministry fulfilling its responsibility. There is a potential duplication of services in this situation;
- d. ***Weak DRMM structure and capacity.*** – The programs for disaster risk reduction and management have in reality been merely for response, and little has been done to make it preventive or mitigative, or to develop more efficient and coordinated response actions. The other pillars of the DRRM are yet to be capacitated. Thus, there is an urgent need to strengthen and improve the functionality of the four (4) pillars of Bangsamoro DRRM, and establish a strong and devoted ministry that will work closely with the local government units;
- e. ***No updated DRRM plan and framework.*** – There is no published updated DRRM plan and framework from the defunct ARMM in the current BARMM; and
- f. ***Absence of counterpart national agencies in the BARMM.*** - Compounding the cited issues, some national agencies were either not devolved or had no counterpart in the BARMM, such as the Office of Civil Defense (OCD), the Climate Change Commission/Office (CCC/O); the Philippine Institute of Volcanology and Seismology (PHILVOCS); and the Philippine Atmospheric, Geophysical and Astronomical Services Administration (PAGASA).

Moreover, the implementation of the peace agreement through the Bangsamoro Organic Law is a big opportunity for institution building. There is a potential to showcase the advantage of autonomy and a parliamentary system by creating its own structure that is peculiar to the *Bangsamoro region's situation. It will be a pilot structure for disaster resilience in the country.* Considering that the BARMM is a disaster-prone region in which disasters are inevitable, adding one Ministry that caters to disaster resilience to the 15 existing ministries is a good investment. The Ministry shall be the very arm of the region in disaster risk reduction and management.

This representation acknowledges the Senate Bill No. 205 authored by Senator Christopher Lawrence “Bong” T. Go and House Bill No. 5989 of the 18th Congress of the Philippines as the major references in crafting this piece of legislation. Appropriate citations are due to the Congress of the Philippines.

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Be it enacted by the Bangsamoro Parliament assembled:

**ARTICLE I
GENERAL PROVISIONS**

Section 1. Short Title. – This Act shall be known as the “**Bangsamoro Disaster Resilience Act of 2022**”.

Section 2. Declaration of Policies and Principles¹. – The Bangsamoro Government recognizes that:

¹ Extracted from Republic Act No. 11054

- a. In the exercise of its right to self-governance, the Bangsamoro Autonomous Region is free to pursue its political, economic, social, and cultural development as provided for in this Organic Law.
- b. The Bangsamoro Government shall ensure every Filipino citizen in its territorial jurisdiction the provision of the basic necessities and equal opportunities in life. Social justice shall be promoted in all aspects of life and phases of development in the Bangsamoro Autonomous Region.
- c. The Bangsamoro Government recognizes the rights of the indigenous peoples and shall adopt measures for the promotion and protection of their rights.
- d. The Bangsamoro Government shall maintain appropriate disaster-preparedness units for immediate and effective relief services to victims of natural and man-made calamities. It shall also ensure the rehabilitation of calamity-affected areas and victims of calamities.
- e. The Bangsamoro Government shall ensure the full and effective participation of all sectors in the planning, programming, coordination, and implementation of scientific and technological researches. The Bangsamoro Government shall prioritize the acquisition, adoption, innovation, and application of science and technology for development.
- f. The Bangsamoro Government recognizes the importance of disaster risk reduction and management and climate change adaptation.

Section 3. Definition of Terms². – The terms used in this law shall each mean, as follows:

- a. *Adaptation* shall refer to the adjustment in natural or human systems in response to actual or expected climactic stimuli or their effects, which moderates harm or exploits beneficial opportunities.
- b. *Build Forward Better* shall refer to an approach to building and/or reconstructing an area or community which entails a shift from simple recovery and restoration to safer, more adaptive, resilient, and inclusive communities.
- c. *Business Continuity* shall refer to the capacity of a business entity to continue the delivery of its products and/or services at acceptable pre-defined levels following a disruptive incident;
- d. *Capacity* shall refer to the combination of all strengths, attributes and resources available within a community, society or organization that can reduce the level of risk, or impacts of a disaster. Capacity may include infrastructure and physical means, institutions, societal coping abilities, as well as human knowledge, skills and collective attributes such as social relationships, leadership and management. Capacity may also be described as capability.
- e. *Civil Society Organizations (CSOs)* shall refer to duly registered non-state actors whose aims are neither to generate profits nor to seek governing power, but to unite people to advance shared goals and interests. They have a presence in public life expressing the interests and values of their members or other, based on ethical, cultural, scientific, religious or philanthropic considerations. CSOs include nongovernment organizations (NGOs), professional associations, foundations,

² Lifted from Senate Bill No. 205 and HB No. 5989

- independent research institutes, community-based organizations (CBOs), faith-based organizations, people's organization, social movements, and labor unions;
- f. *Climate Change* shall refer to a change in the state of the climate that can be identified by changes in the mean and/or the variability of its properties, and that persist in an extended period, typically decades or longer, whether due to natural variability or as a result of human activity as defined under Republic Act No. 9729, otherwise known as the "Climate Change Act of 2009" . These include internal processes or external forces such as modulation of the solar cycles, volcanic eruptions and persistent anthropogenic changes in the composition of the atmosphere or in land use.
 - g. *Climate Mitigation* shall refer to efforts to reduce or limit greenhouse gas emissions or enhance greenhouse gas sequestration;
 - h. *Continuity Policy* shall refer to a comprehensive policy consisting of a set of programs and projects aimed at capacitating the government to ensure the continuity of governance and the delivery of public services during and after any disaster;
 - i. *Cultural Heritage* shall refer to the totality of cultural property preserved and developed through time and passed on to posterity;
 - j. *Contingency Planning* shall refer to a management process that analyzes specific potential events or emerging situations that might threaten society or the environment and establishes arrangements in advance to enable timely, effective and appropriate responses to such events and situations.
 - k. *Development Assistance* shall refer to any financial, material or other forms of assistance to support the economic, social, and environmental well-being of areas and/or people affected by a natural disaster;
 - l. *Disaster* shall refer to a serious disruption of the functioning of a community or a society involving widespread human, material, economic or environmental losses and impacts, whether natural or human-induced, which exceeds the ability of the affected community or society to cope using its own resources. Unless otherwise used specifically in this Act, the term "disaster shall refer to "natural disaster";
 - m. *Disaster Contingency Fund* shall refer to a fund, in lump-sum form, managed by the Ministry to expediently provide funds and resources for disaster relief or response in affected areas;
 - n. *Disaster Mitigation or Mitigation* shall refer to the lessening or limitation of the adverse impacts of hazards and related disasters. Mitigation measures include hazard-resistant structures as well as improved environmental, land use planning, climate change and other sectoral policies and public awareness;
 - o. *Disaster Preparedness* shall refer to whole of government approach based on the knowledge and capacities developed by governments, professionals, response and recovery organizations, communities and individuals to effectively anticipate, respond to, and recover from, the impacts of likely, imminent or current hazard events or conditions. It includes bottom-up and participatory preparedness for response such as contingency planning, stockpiling of equipment and supplies, the development of arrangements for coordination, evacuation, and public information, and preparedness for recovery such as procurement of land for resettlement sites;

- p. *Disaster Prevention* shall refer to the intention to avoid, or the outright avoidance, of potential adverse impacts of disasters and related hazards through action(s) taken in advance, taking into consideration the culture, interests and sensitivities of the community. It expresses the concept and intention to completely avoid potential adverse impacts through action taken in advance such as construction of dams or embankments that eliminate flood risks, land- use regulations that do not permit any settlement in high- risk zones, and seismic engineering designs that ensure the survival and function of a critical building in any likely earthquake;
- q. *Disaster Resilience* shall refer to the ability of a system, community, or society exposed to hazards to resist, absorb, accommodate, adapt to, transform, and recover from the effects of a hazard and/or the long-term impact of climate change in a timely and efficient manner, including through the preservation and restoration of its essential basic structures and functions through risk management;
- r. *Disaster Response* shall refer to the provision of emergency services and public assistance during or immediately after a disaster in order to secure and save lives, reduce health impacts, ensure public safety and meet the basic subsistence needs of the people affected. Disaster response includes disaster relief focused on immediate and short-term needs of the victims and the vulnerable;
- s. *Disaster Resilience Fund* shall refer to the budget managed by the Ministry, which includes funds appropriated to it by Bangsamoro parliament pursuant to an Appropriations Act, the Disaster Contingency Fund, and the Rehabilitation and Recovery Fund;
- t. *Disaster Risk* shall refer to the data-driven approach in measuring potential disaster losses in lives, health status, livelihoods, assets and services that could occur to a particular community or society in the future, and is scientifically determined by a combination of factors such as the vulnerability, capacity, exposure of persons and assets, hazard characteristics and the environment;
- u. *Disaster Risk Management (DRM)* shall refer to the systematic process of using administrative directives, organizations, and operational skills and capacities to implement strategies, policies and improved coping capacities in order to lessen the adverse impacts of hazards and the possibility of disaster;
- v. *Disaster Risk Reduction (DRR)* shall refer to the prevention of new, and/or reduction of existing, disaster risk(s) and the management of residual risk, to enhance resilience to disasters;
- w. *Early Warning System* shall refer to an integrated system of hazard monitoring, forecasting and prediction, disaster risk assessment, and communication and preparedness activities and processes that enable individuals, communities, national government agencies, ministries and offices, local government units, the private sector, and others to take timely action to reduce disaster risks and adequately prepare for disasters;
- x. *Emergency* shall refer to an unforeseen or sudden occurrence, especially danger, demanding immediate and decisive action;
- y. *Exposure* shall refer to the degree to which the elements at risk are likely to experience hazard events of different magnitudes;
- z. *Geological or geophysical hazards* shall refer to the hazards that originate from internal earth processes, such as earthquakes, volcanic activities and emissions and

- related geophysical processes, which include mass movements, landslides, rockslides, surface collapses, and debris or mud flows. Hydrometeorological factors are important contributors to some of these processes;
- aa. *Hazard* shall refer to a phenomenon, substance, human activity or condition that may cause loss of life, injury or impacts to health; social and economic disruption, environmental damage, or loss of/disruption to property, livelihood, and/or services;
 - bb. *Historical landmarks* shall refer to sites or structures that are associated with events or achievements significant to Philippine history as declared by the National Historical Institute, the Bangsamoro Commission on the Preservation of Cultural Heritage, or the applicable agency;
 - cc. *Human-Induced Hazard* shall refer to an event that is caused by humans and occur in or close to human settlements or a particular environmental area. This can include environmental degradation, technological or industrial conditions, pollution, accidents, e.g. high density events, industrial and transport accidents, complex emergencies, armed conflict, situations of generalized or organized violence, terrorist attack, and violation of human rights;
 - dd. *Humanitarian assistance* shall refer to financial, material or other similar forms of assistance to address the immediate needs of people affected by a natural disaster;
 - ee. *Hydrometeorological hazards* shall refer to hazards that are of atmospheric, hydrological, or oceanographic origin, such as tropical cyclones (also known as typhoons and hurricanes); floods, including flash floods; drought; heat waves and cold spells; and coastal storm surges. Hydrometeorological conditions may also be a factor in other hazards such as landslides, wildland fires, locust plagues, epidemics, and in the transport and dispersal of toxic substances and volcanic eruption material;
 - ff. *Impact and needs assessment* shall refer to the assessment of the nature and magnitude of a disaster, its impact on affected populations, the type and extent of emergency, and the requirements for recovery and rehabilitation of affected area(s), structures, and individuals;
 - gg. *Integrated Disaster Resilience Information System* shall refer to a specialized database, which contains, among others, information on disasters and their human, material, economic and environmental impact, risk assessment and mapping, and vulnerable, indigenous and marginalized groups, and their communities;
 - hh. *Internally Displaced Persons* shall refer to persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence within regional borders;
 - ii. *Land Use Planning* shall refer to the process undertaken by public authorities to identify, evaluate and decide on different options for the use of land, including consideration of long-term economic, social and environmental objectives and the implications for different communities and interest groups, and the subsequent formulation and promulgation of plans that describe the permitted or acceptable uses. In this process, the government shall take into consideration the rights enumerated under Section 3, Article IX of R.A. 11054, and any act shall be subject to the free, prior, and informed consent of the indigenous peoples;

- jj. *Local Disaster Resilience Plan (LDRP)* shall refer to a document prepared by an local government units (LGU) based on the National/Bangsamoro Disaster Resilience Framework (N/BDRF) and the National/Bangsamoro Disaster Resilience Plan and Investment Plan (N/BDRPIP) that sets out specific programs, objectives and goals to implement disaster risk management and climate change adaptation measures at the local level. The plan includes, among others, an evaluation and analysis of emerging disaster risks, hazards and vulnerabilities applicable to an LGU, and specific programs and activities to ensure responsive, effective, and appropriate disaster preparedness and managements at the local level;
- kk. *Ministry* shall refer to the Ministry of Disaster Resilience or the MDR in the *Bangsamoro autonomous region*;
- ll. *National/Bangsamoro Disaster Resilience Framework (N/BDRF)* shall refer to a framework that provides for a comprehensive, multi-sectoral, whole-of-government, and whole-of-society approach to attaining safe, adaptive, and resilient communities that can resist, prevent, mitigate against, absorb, accommodate, adapt to, recover, or build back better from the effects of a natural hazard in a timely and efficient manner through, among others, disaster risk reduction and management, and climate change adaptation and mitigation. The NDRF shall be composed of a National/ Bangsamoro Disaster Risk Reduction and Management Framework (N/BDRRMF), and National/Bangsamoro Framework Strategy on Climate Change (N/BFSCC);
- mm. *National/Bangsamoro Disaster Resilience Plan and Investment Program (N/BDRPIP)* shall refer to a plan formulated and implemented by the national, ministries and offices, and local governments, in collaboration with NGOs, the private sector, academe, international development partners, and others. In accordance with the N/BDRF that sets out the outcomes, goals and objectives, priorities, programs and corresponding action plans for disaster risk reduction, preparedness, and management, and climate change mitigation. The N/BDRPIP shall also include, among others, goals, objectives and action plans for a national/regional continuity policy. It shall be in conformity with the national/Bangsamoro disaster risk reduction and management framework;
- nn. *Natural Hazard* shall refer to naturally occurring physical phenomena caused either by rapid or slow onset events, which can be geological (earthquakes, ground rupture, liquefaction, landslides, tsunamis, sinkholes, and volcanic activity), hydrological and meteorological (floods, sever winds, typhoons, storm surges), climatological variability (extreme temperatures, El Nino, La Nina, forest fires, rising sea levels, geomatic storms, among others), or biological (disease, epidemics and insect/animal plagues): or physical technological (nuclear power emergencies such as radioactive nuclear leaks, toxic gas releases, toxic industrial, mining waste, and oil spills);
- oo. *Pre-Disaster Recovery Plan (PDRP)* shall refer to a plan intended to help government officials working in small communities or across the region, to define and follow a process to pre-plan for disaster recovery, and thereby strengthen their own future recovery efforts and outcomes;
- pp. *Pre-Disaster Risk Assessment (PDRA)* shall refer to a process to evaluate a hazard's level of risk given the degree of exposure and vulnerability in a specific area likely

to be affected by an imminent hazard. It presents the possible impacts on the population and forms a basis to determine the appropriate level of response actions from the national level down to the local government units. It is hazard-specific, area focused, and time-bound;

- qq. *Recovery* shall refer to immediate rehabilitation measures during or after evacuation that ensure the ability of affected individuals, communities or areas to return to their normal level of functioning by providing psychosocial services, restoring livelihoods and services, reconstruction of damaged infrastructures and increasing the communities' organizational capacity;
- rr. *Rehabilitation* shall refer to restoration of basic services and facilities for the functioning of a community or a society affected by a disaster;
- ss. *Response* shall refer to a unified mechanism initiated and coordinated by the government to include any effort to provide assistance or intervention during or immediately after a disaster to meet the life preservation and basic subsistence needs of affected people and communities; and in the restoration of essential public activities and facilities;
- tt. *Retrofitting* shall refer to the reinforcement of upgrading of existing structures to make them more resistant and resilient to the damaging effects of hazards;
- uu. *Risk assessment* shall refer to a methodology to determine the nature and extent of risk by analyzing potential hazards and evaluating existing conditions of vulnerability that together could potentially harm exposed people, property, services, livelihood and the environment on which they depend;
- vv. *Risk Transfer* shall refer to the process of formally or informally shifting the financial consequences of particular risks from one party to another whereby a household, community, enterprise or state authority will obtain resources from the other party after a disaster occurs, in exchange for ongoing or compensatory social or financial benefits provided to that other party;
- ww. *Safety stock* shall refer to items, such as raw materials, component parts, or finished goods, maintained in inventory to reduce the risk that such item will be out of stock, in anticipation of unforeseen shortages or unusual demand for such items;
- xx. *Service Continuity* shall refer to the capacity of a government instrumentality to continue delivering its mandated outputs and/or services to the public during and after a disaster;
- yy. *State of Calamity* shall refer to a condition involving endangered and/or loss of lives, damages to property, economic and/or social disruption, interruption and/or loss of livelihood and/or services, and destruction and/or damages to infrastructure as a result of natural disaster(s) or related hazard(s);
- zz. *Sustainable Development* shall refer to development that meets the needs of the present without compromising the ability of future generations to meet their own needs;
- aaa. *Volunteers* shall refer to individuals, groups or entities that offer and/or provide services or assistance, without compensation, to help people and/or areas affected by disasters;
- bbb. *Vulnerability* shall refer to the conditions determined by physical, social, economic, organizational, and environmental factors or processes, which increase the

susceptibility of an individual, a community, assets or systems to the impacts of hazards;

- ccc. *Whole-of-Government Approach* shall refer to an approach that instills and fosters collaboration among all government instrumentalities both at the national and local levels toward shared sustainable development goals and outcomes; and
- ddd. *Whole-of-Nation Approach* shall refer to an approach that seeks to bring about a concerted effort towards sustainable development, national peace and security by creating consensus and understanding of development and security that is shared not just among core security forces and oversight government institutions, but also by the nation's stakeholders, e.g., government, civil society, private sector, and the communities.

ARTICLE II

BANGSAMORO DISASTER RISK REDUCTION AND MANAGEMENT COUNCIL

Section 4. Bangsamoro Disaster Risk Reduction and Management Council. – There is hereby created a Bangsamoro Disaster Risk Reduction and Management Council (BDRRMC). The Council is chaired by the Chief Minister, co-chaired by the Minister of Disaster Resilience; and the Ministry of Interior and Local Government (MILG), the Ministry of Science and Technology (MOST), the Ministry of Social Services and Development (MSSD), and the Bangsamoro Planning and Development Authority (BPDA) as vice-chairs. The members are composed of the following:

- a. Ministry of Basic, Higher and Technical Education (MBHTE)
- b. Ministry of Health (MOH)
- c. *Ministry of Human Settlement and Development (MHSD)*
- d. Ministry of Finance Budget and Management (MFBM)
- e. Ministry of Environment and Natural Resources (MENRE)
- f. Ministry of Indigenous Peoples Affairs (MIPA)
- g. Ministry of Agriculture Fisheries and Agrarian Reform (MAFAR)
- h. Ministry of Trade, Investment and Tourism (MTIT)
- i. Ministry of Labor and Employment (MOLE)
- j. Ministry of Transportation and Communication (MOTC)
- k. Ministry of Public Order and Safety (MPOS)
- l. Ministry of Public Works (MPW)
- m. Bangsamoro Youth Commission (BYC)
- n. Bangsamoro Women Commission (BWC)
- o. Bangsamoro Human Rights Commission (BHRC)
- p. Bangsamoro Commission for Preservation of Culture and Heritage (BCPCH)
- q. Representative of League of Provincial Governors
- r. Representative of League of City Mayors
- s. Representative of League of Municipalities
- t. Two (2) Representatives of the Private Sector
- u. Bgen. 6th Infantry Division, AFP
- v. Regional Director, PRO-BARMM

w. Regional Head, Bureau of Fire Protection-BARMM

Section 5. Functions of the Bangsamoro DRRMC. – The Bangsamoro DRRMC shall generally serve as the oversight and highest policy-making body in disaster risk reduction and management in the Bangsamoro region. Specifically, it has the following functions:

- a. Issue policies for the implementation of the programs, projects and initiatives necessary to reduce the Bangsamoro’s vulnerabilities to natural hazards and climate change, as well as manmade catastrophes, anchored in national and international frameworks on disaster resilience, climate change, and disaster risk reduction;
- b. Approve the Bangsamoro Disaster Resilience Framework Plan (BDRFP) and the corresponding Bangsamoro Disaster Resilience Investment Program (BDRPIP);
- c. Ensure the consistency of the BDRFP and BDRPIP with the national framework and investment program;
- d. Ensure that the funding allocated for the disaster risk reduction and management at the regional and local levels are utilized accordingly;
- e. Advise the President of the Philippines through the Chief Minister on the status of disaster preparedness, prevention, mitigation, response and rehabilitation operations being undertaken by the government, CSOs, private sector, and volunteers in the Bangsamoro region;
- f. Declaration and lifting of a state of calamity through the Chief Minister in areas extensively damaged;
- g. Task the Ministry to conduct periodic assessments and performance monitoring of the member-agencies of the BDRRC; and
- h. Oversee the implementation of the region’s obligations on disaster management agreements with humanitarian and development partners.

ARTICLE III THE MINISTRY OF DISASTER RESILIENCE: MANDATE, POWERS, AND FUNCTIONS

Section 6. Creation of the Ministry of Disaster Resilience. – There is hereby created the Ministry of Disaster Resilience, herein referred to as the “Ministry”.

Section 7. Mandates of the Ministry. – The Ministry is mandated as the primary Bangsamoro Government institution responsible for ensuring safe, adaptive, and disaster-resilient communities. It shall lead, spearhead, initiate, and integrate the crafting and implementation of *comprehensive, continuous, and strategic plans, programs, projects and activities to reduce the risk of all types of natural hazards and effects of climate change, and manage the impact of disasters with the primordial goal of saving lives and minimizing damage to property, in close collaboration with all relevant stakeholders at the national and local levels.*

The Ministry shall supervise and coordinate the preparation, implementation, monitoring, and evaluation of disaster and climate resilience plans, programs, projects and activities. It shall also provide leadership in the continuous development of strategic and systematic approaches to disaster prevention, mitigation, preparedness, response, recovery and rehabilitation and

anticipatory adaptation strategies, measures, techniques, and options. It shall manage and direct the implementation of regional, local, and community-based disaster resilience programs in collaboration with relevant national government agencies, ministries and offices, Civil Society Organizations, and other stakeholders, as applicable.

Section 8. Powers and Functions of the Ministry³. – The Ministry shall exercise and perform the following powers and functions:

Overall Powers and Functions

- a. Recommend policies to the BDRRMC and lead the implementation of the programs, projects and initiatives necessary to reduce the Bangsamoro's vulnerabilities to natural hazards and climate change, as well as manmade catastrophes, anchored in national and international frameworks on disaster resilience, climate change, and disaster risk reduction;
- b. Formulate Bangsamoro Disaster Resilience Framework Plan (BDRFP) and the corresponding Bangsamoro Disaster Resilience Investment Program (BDRPIP) for consideration of the BDRRMC;
- c. Supervise, review and approve the translation, integration, and implementation of the BDRPIP into Local Disaster Resilience Plans (LDRPs);
- d. Serve as the Technical Secretariat to the BDRRMC;
- e. Advise the BDRMMC on matters concerning disaster resilience and make recommendations, as appropriate;
- f. Recommend to the BDRRMC the declaration of a state of calamity due to a natural disaster, and the lifting thereof when conditions stabilize;
- g. Advance the region's interests relating to disaster resilience and climate change in the national and international arena;
- h. Ensure adequate and prompt availability of goods and services necessary in anticipation of, during, and in the aftermath of disasters;
- i. Receive, manage, and administer the disaster-related funds, donations and other funds, assets and/or properties received by the Ministry;
- j. Receive and coordinate humanitarian assistance from local and foreign sources;
- k. Recommend the acquisition of developmental assistance for the purpose of disaster resilience, acknowledge and certify the receipt of all humanitarian assistance, and ensure their judicious use and management;
- l. Secure the assistance of the AFP, PNP, DILG-BFP, and other uniformed services and government instrumentalities to ensure the attainment of the overall goals and objectives of this Act;
- m. Assist concerned ministries and offices and concerned local government units in protecting cultural heritage, including treasures and historical landmarks, sites or monuments from hazards and disasters;
- n. Establish and operate traditional and online platforms, to monitor and provide public access to information on humanitarian assistance received by the Ministry;
- o. Communicate and disseminate critical information to help the public prepare for, respond to, and recover from a disaster; and
- p. Perform such other functions as may be provided by law.

³ Extracted from Senate Bill No. 205, Sec. 3 and House Bill No. 5989, Sec. 3.

Disaster Risk Reduction

- a. Formulate plans and programs to establish and implement government redundancy, service and business continuity, and a Continuity Policy, as a high priority and urgent undertaking;
- b. Ensure the use of advanced science and technology in anticipatory planning of communities against the impact of natural hazards and climate change through consultations with agencies and academe;
- c. Ensure the mainstreaming of climate change adaptation and disaster risk reduction in development and land use planning, and the preparation of contingency plans;
- d. Implement policies and programs related to the construction of new settlements or *relocation of existing ones in safe areas*;
- e. Develop coordinated strategies for the effective prevention and mitigation of disaster risk resulting from natural hazards, including the effects of climate change;
- f. Create an enabling environment that shall promote broader multi-stakeholder participation in disaster risk reduction and climate change adaptation and mitigation;
- g. Design and implement an incentive system for greater private and public investment, on disaster risk reduction;
- h. Coordinate directly with local government units and private entities to address Disaster Risk Assessment (DRA) of the provinces, cities, municipalities, and barangays;
- i. Establish a disaster resilience information system to facilitate the creation of an integrated risk assessment platform built from the inputs of government and private scientific and academic institutions, government agencies and local government units, local communities, and other stakeholders and that is able to provide readily accessible and actionable information for purposes of risk governance and humanitarian action;
- j. Communicate and disseminate critical information to help the public prepare for, respond to, and recover from a disaster;
- k. Monitor and ensure the integration of disaster risk reduction and management, and climate change adaptation policies into local development plans; and
- l. Review and evaluate local disaster resilience plans and other local plans to ensure their quality and consistency with the National and Bangsamoro Disaster Resilience Frameworks.

Disaster Preparedness

- a. Implement Pre-Disaster Risk Assessments to include deployment of rapid assessment teams to gather information for precise actions as a basis for emergency preparedness and humanitarian response;
- b. Prepare pre-disaster recovery plans in anticipation of future disasters by engaging the community and planning for recovery activities that are comprehensive and long-term;
- c. Formulate standards for contingency planning for adoption by local government units;
- d. Establish a corps of first responders in partnership with international, national, regional, and local stakeholders, both public and private;
- e. *Supervise and maintain a regional early-warning and emergency alert system that must provide a specific, areas-focused and time-bound warning that are accurate, timely, understandable and readily accessible to regional and local emergency response organizations and the general public;*

- f. Ensure the efficient repositioning of goods, proper maintenance, and disposal of safety stocks;
- g. Organize, train, equip, and maintain a system of response capacity for search, rescue and retrieval and the delivery and distribution of relief goods;
- h. Coordinate information-sharing and other disaster risk reduction protocols following the principle of inter-operability among ministries and offices and local government units;
- i. Engage the relevant ministries and offices, non-government stakeholders, CSOs, and international partners for assistance in ensuring the protection and preservation of life and property such as assistance in search and rescue, together with relief and disaster preparedness and response operations;
- j. *Secure and coordinate the assistance of the Armed Forces of the Philippines (AFP), the Philippine National Police (PNP), DILG-Bureau of Fire Protection (BFP), DOTr-Philippine Coast Guard (PCG), and other uniformed services in undertaking disaster preparedness and response operations in at- risk and/or disaster- affected areas.*

Disaster Response

- a. Lead, manage, and collaborate with the relevant government instrumentalities, non-government stakeholders, and international partners in providing the minimum basic needs of people in affected areas before, during and/or immediately after a disaster to save lives and minimize casualties;
- b. Procure goods and services prior to, during, and after emergencies for preparedness, response, and recovery activities, including those prompted by a declaration of a state of calamity or of an imminent disaster;
- c. Assist in mobilizing necessary resources to increase the overall capacity of local government units, specifically those with low income and situated in high-risk areas;
- d. Monitor and support LGUs in the management of evacuation centers and ensure the welfare and dignity of internally-displaced persons; and
- e. Undertake all other programs, projects, and actions necessary towards recovery and build forward better, capturing and documenting lessons from previous disaster responses to improve resilience and future responses.

Reconstruction and Rehabilitation

- a. Prepare, organize, lead, and manage post-disaster assessment and recovery and rehabilitation plans and programs, in coordination with appropriate ministries and offices, the affected local governments units, and other stakeholders;
- b. Develop the Ministry's in-house capacity for the prompt and expedient preparation of rehabilitation plans for disaster affected areas;
- c. Prepare and implement the recovery and rehabilitation plan(s) for disaster affected areas;
- d. Implement approaches and strategies that will expedite reconstruction efforts;
- e. Collaborate and coordinate with relevant government agencies and non-government stakeholders *in undertaking programs and projects to restore and/or generate livelihood and entrepreneurial activities and opportunities in disaster-affected areas;*

- f. Ensure that the principle of Building Forward Better, is applied to all recovery, reconstruction, and rehabilitation efforts by operationalizing good practice and lessons learned from previous experience, both in the Philippines and elsewhere; and
- g. Undertake all other programs, projects, and actions towards Building Forward Better.

ARTICLE IV ORGANIZATION AND MANAGEMENT

Section 9. Organizational Structure and Staffing. – The Ministry shall be comprised of the Office of the Minister and the Office of the Deputy Minister and their immediate staff; the Office of the Director General for Operations, supported by a) Office of Director for Disaster Risk Reduction, b) Office of Director for Disaster Preparedness and Response, and c) Office of Director for Recovery and Building Forward Better, the Divisions under these Offices; and the Office of the Director General for Support to Operations, the Office of Director for Finance and Administration, and the Divisions under it. The staffing of each office and division shall be based on the Bangsamoro Civil Service Code and the Standard Position Classification and Compensation System being adopted by the Ministry of Finance, Budget and Management.

Under the Office of the Minister is the Office of the Provincial Coordinators. Also under the Office of the latter are District Coordinators for the 32 Parliamentary Districts. The Office of the Provincial Coordinators shall work hand-in-hand with the Office of the Provincial Disaster Resilience Officer (PDRO) while the Parliamentary District Coordinators shall work hand-in-hand with the City/Municipal Disaster Resilience Officers.

As part of the mechanism for disaster response, a Bangsamoro Disaster Operation Center (BDOC) shall be established and operationalized under the Office of the Minister at the Bangsamoro Government Center. It is link with the Provincial Operation Center (POC) attached to the Office of the PDRO and City/Municipal Operation Center (C/MOC) at the city and municipal levels.

Section 10. The Minister. – The Ministry shall be headed by the Minister of Disaster Resilience, herein referred to as the Minister, who shall be appointed by the Chief Minister, subject to the confirmation of the Bangsamoro Parliament.

The Minister shall be assisted by a Deputy Minister, who will be appointed by a Chief Minister. The Minister must possess the following qualifications:

- a. He/she must be a resident and a registered voter of the Bangsamoro region.
- b. The Minister shall have a full grasp of disaster resilience frameworks and demonstrated technical and managerial competence on disaster resilience.

Section 11. Powers and Functions of the Minister⁴. – The Minister shall be vested with the following powers and functions:

- a. Recommend to the Chief Minister policies and programs related to disaster resilience;

⁴ Patterned from Bangsamoro Administrative Code (BAC), p. 68

- b. Administer the Ministry in accordance with the law, and relevant executive orders and regulations issued by the Chief Minister;
- c. Manage the implementation of Ministry's programs, projects, and activities;
- d. Establish policies and standards for the operation of the Ministry pursuant to the approved programs of the Bangsamoro Government;
- e. Promulgate rules and regulations necessary to carry out Ministry's objectives, policies, functions, plans, programs and projects;
- f. Promulgate administrative issuances necessary for the efficient administration of the Ministry, and for proper execution of the laws relative thereto. These issuances shall not prescribe penalties for their violation, except when expressly authorized by law;
- g. Exercise disciplinary powers over officers and employees under the Ministry in accordance with law enacted by the Bangsamoro Parliament, including their investigation and the designation of a committee or officer to conduct such investigation;
- h. Appoint all officers and employees of the Ministry except those whose appointments are specifically vested in the Chief Minister or in some other appointing authority;
- i. Exercise jurisdiction over all bureaus, offices, agencies, and corporations under the Ministry as are provided by law, and in accordance with the applicable relationships;
- j. Delegate authority to officers and employees under the Minister's direction in accordance with the Bangsamoro Administrative Code; and
- k. Perform such other functions as may be provided by law.

Section 12. Powers, Functions, and Qualifications of the Deputy Minister. – The Deputy Minister shall perform the following powers and functions:

- a. Assist the Minister in implementing the policies of the Ministry;
- b. Recommend policies for operations and program developments in the Ministry; and
- c. Perform such other functions as may be delegated by the Minister.

The Deputy Minister must possess the following qualifications:

- d. He/she must be a resident and a registered voter of the Bangsamoro region.
- e. He/she shall have at least five (5)-year experience in DRRM-related endeavors.

Section 13. Powers, Functions, and Qualifications of the Director Generals. – The Bangsamoro Director-General shall be the highest career official of the Ministry, with appropriate eligibility. The Office of the Bangsamoro Director General for Operation shall be responsible for overseeing the implementation of programs and the Ministry's strategic plan while the Bangsamoro Director General for Support to Operations shall be responsible for administrative and finance services. S/he shall be the direct supervisor of the Ministry's Service Directors.

Section 14. Bangsamoro Special Disaster Response Team (BSDRT). – The Ministry may organize and/or activate the Special Disaster Response Team from the Bangsamoro Rapid Emergency Action on Disaster Incidence (*READi*). The BSDRT shall assist the local government units in preparing for hazards and responding to disasters, that are beyond their capacity and as deemed necessary.

Section 15. Bangsamoro Disaster Operation Center (BDOC). – The current BARMM-READi Operation Center located at the Bangsamoro Government Center shall now be converted as the Bangsamoro Disaster Operation Center. The BDOC shall be upgraded with necessary tools and systems to monitor, manage, and respond to disasters in all areas of the Bangsamoro region. As much as practicable, the BDOC shall have its information management system (IMS), multi-hazard early warning and communication system (MHEWCS), and monitoring system linked to the local disaster operation centers.

The BDOC, which is under the Minister's direct supervision and supported by the Bangsamoro Special Disaster Respond Team shall primarily be responsible for the regional emergency and disaster operation. The Center shall also provide necessary support for the overall coordination and implementation of emergency and disaster response measures in the Bangsamoro region.

Section 16. Bangsamoro Disaster Resilience Research and Training Institute (BDRRTI). – Within five (5) years after the effectivity of this Act, The Bangsamoro Government, through the Ministry, shall establish the Bangsamoro Disaster Resilience Research and Training Institute. The training institute shall be the avenue for training, and for collecting, consolidating, managing, analyzing, and/or sharing knowledge and information to improve and/or enhance Bangsamoro disaster resilience.

Section 17. Powers and Functions of Provincial Coordinators. – The Provincial Coordinators shall have the following powers and functions:

- a. Serve as the Focal Persons of the Ministry at the provincial level;
- b. Guide and supervise the District Coordinators in the discharge of their functions;
- c. Coordinate closely with the Local Disaster Resilience Officers on policies, plans, programs and projects of the Ministry and the local government units;
- d. In coordination with the District Coordinators, provide timely data, information, and situation on the ground;
- e. Assist the Local Disaster Resilience Officers on matters needing actions from the Bangsamoro Government;
- f. Recommend necessary measures in order to prevent or mitigate potential disasters;
- g. Monitor and assess the compliance of the local government units on the mandated plans, policies, and programs and report on progress to the Minister;
- h. Submit regular reports to the Ministry; and
- i. Perform such other functions as may be prescribed by law thereafter or as may be assigned by the Minister.

Section 18. Powers and Functions of Parliamentary District Coordinators. – The Parliamentary District will be defined by the Bangsamoro Parliament in a separate legislation. The Parliamentary District Coordinators shall have the following powers and functions:

- a. Serve as the Focal Persons of the Ministry in his/her respective Parliamentary Districts;
- b. Coordinate closely with the Local Disaster Resilience Officers on policies, plans, programs and projects of the Ministry and the local government units;

- c. Provide timely data, information, and situational reports on the ground;
- d. Assist the Local Disaster Resilience Officers on matters needing actions from the Bangsamoro Government;
- e. Recommend necessary measures in order to prevent or mitigate potential disasters;
- f. Monitor, assess and report on the compliance of the local government units on the mandated plans, policies, and programs; and
- g. Submit regular reports to the Provincial Coordinators.

ARTICLE V

BANGSAMORO GOVERNMENT DISASTER RESILIENCE RELATIONS WITH THE NATIONAL GOVERNMENT AND LOCAL GOVERNMENT UNITS

Section 19. Linkage of the Ministry of Disaster Resilience with the National Government's Disaster Resilience Department/s and Ministries and Offices Involved in Disaster Risk Reduction and Management (DRRM). – The Ministry shall establish and maintain institutional linkages and cooperation with the national government's disaster resilience related departments and offices. For thematic interventions, the following institutional arrangements shall govern:

- a. *On infectious disease outbreaks and other emergencies due to massive destructions, the Ministry shall establish and maintain a pool of health personnel at each level as emergency responders that will augment the LGU frontline service providers. The Ministry may call upon the DOH Central Office and Ministry of Health to augment the local government unit and the Ministry's pool of health workers during emergencies and in case of occurrence of infectious diseases in the region;*
- b. *On geo-hazard assessment and mapping, the Ministry may request the Department of Environment and Natural Resources (DENR) Central Office through the Ministry of Environment Natural Resources and Energy (MENRE) for technical assistance. MENRE shall share appropriate data and maps in the Integrated Database for Disaster to be managed by the Ministry;*
- c. *The Bureau of Fire Protection (BFP) under Department of Interior and Local Government (DILG) shall remain as the primary bureau responsible for fire prevention and mitigation but the Ministry shall establish a mechanism of cooperation with BFP-DILG;*
- d. *The Philippine Atmospheric, Geophysical and Astronomical Services Administration-Department of Science and Technology (PAG-ASA, DOST) shall remain as primarily responsible agency for hydrometeorological hazards (tropical cyclone, floods, storm surges, landslides induced by precipitation) but the Ministry shall establish a mechanism of cooperation on early warning and weather forecasting;*
- e. *The Philippine Institute of Volcanology and Seismology (PHIVOLCS) under DOST shall remain as primarily responsible agency for geological hazards (earthquake, volcanic,*

landslide) but the Ministry shall establish a mechanism of cooperation with the Department;

- f. On *climate change adaptation*, it shall remain as primary responsibility of the Climate Change Office (CCO-DENR) and the Climate Change Commission (CCC) but the Ministry shall establish a mechanism of cooperation with the Department and Commission;
- g. On *human-induced hazards* (socio-political, peace and order, terrorism, chemical/biological/nuclear hazards), it shall remain as the primary responsibility of the Philippine National Police and the Armed Forces of the Philippines (PNP/AFP) but the Ministry shall establish a mechanism of cooperation with the PNP, AFP, and the Ministry of Public Order and Safety (MPOS);
- h. On *capacity building on disaster resilience*, the training institute that will be established within five (5) years upon effectivity of this Act shall be the center of capacity building in the region, provided that the Ministry shall establish collaboration with concerned national and international agencies; and
- i. On *disaster response*, the current response ministries and offices such as the Ministry of Social Services and Development (MSSD), the Ministry of Interior and Local Government-Rapid Emergency Action in Disaster Incidence (MILG/READi), and the Office of the Chief Minister (OCM) *Tabang* Program shall focus on their regular programs in order to cover more beneficiaries, while the Ministry shall focus on the response initiatives brought about by disasters in the Bangsamoro region.

Section 20. Renaming of Local DRRM Offices into Local Disaster Resilience Offices.⁵ –

The existing Local Disaster Risk Reduction Management Offices in provinces, cities, and municipalities are hereby renamed to Provincial/City/Municipal Disaster Resilience Offices and shall be collectively be called the Local Disaster Resilience Offices (LDROs). Provinces, cities, and municipal governments shall establish their respective LDROs. The LDROs shall be under the direct supervision of their respective Local Chief Executives.

The LDROs shall work closely with the Provincial and District Coordinators of the Ministry. The Barangay Disaster Risk Reduction and Management Committees in the Bangsamoro Region are hereby renamed as the Barangay Disaster Resilience Committees (BDRC).

Section 21. Linkage of the Ministry to the Local Disaster Resilience Offices. – The Ministry shall have a coordinative and collaborative linkage with the Local Disaster Resilience Offices. The Ministry may extend assistance to the LDROs for disaster prevention, mitigation, preparedness, response, and recovery and rehabilitation initiatives.

Section 22. Powers and Functions Local Disaster Resilience Offices⁶. – The Local Disaster Resilience Offices shall have the following powers and functions:

⁵ Patterned from SB 205, Sec.16 and HB 5989, Sec. 19

⁶ Ibid, Sec.18; Ibid. Sec. 22

- a. Ensure the preparation and implementation of comprehensive and integrated Provincial Disaster Resilience Plan in accordance with the regional and national plans;
- b. Review the Local Disaster Resilience Plans (LDRPs) of cities and/or municipalities within its jurisdiction;
- c. Ensure the approval of the *Sangguniang Panlalawigan* of the Provincial Disaster Resilience Plan (PDRP) as well as the programming of the province's Local Disaster Resilience Fund, other dedicated disaster resilience resources, and other funding sources of the PDRO;
- d. Establish and maintain, in coordination with the Ministry, a Provincial Disaster Operation Center (PDOC).
- e. *Establish mechanisms to mobilize and direct LDROs within their jurisdiction as necessary for disaster preparedness and response at the provincial level;*
- f. Coordinate and collaborate with the Ministry in the implementation of rehabilitation plan(s) within the cities and/or municipalities covered by the PDRO;
- g. Recommend to the *Sangguniang Panlalawigan* the enactment of local ordinances in support to the implementation of disaster resilience-related programs and projects;
- h. Recommend to the Provincial Governor the procurement of emergency works, goods, and services in accordance with existing procurement laws;
- i. Recommend to the Provincial Governor to access loans to finance its policies, programs, projects, and activities for disaster preparedness, response, recovery, and rehabilitation, subject to terms and conditions agreed upon by the Provincial Government and the lender;
- j. Prepare and submit to the Provincial Governor, with a copy furnished to the Ministry, a report on the utilization of the province's Local Disaster Resilience Fund and other disaster risk reduction and management resources; and
- k. Perform such other functions as may be provided by law.

Section 23. Provincial, City, or Municipal Disaster Operation Centers (P/C/MDOC). –

Within one (1) year upon effectivity of this Act, each local government unit shall establish their respective Provincial, City, or Municipal Disaster Operation Center in their local government center. The Provincial, City, or Municipal Disaster Operation Center shall primarily be responsible for their respective disaster operation. It shall be under the direct supervision of the Provincial, City, or Municipal Chief Executives. The P/C/MDOC shall have 1) an information management system, which consolidates and integrates information from the cities and/or municipalities within its jurisdiction; 2) a multi-hazard early warning and communications system that is connected with the cities and/or municipalities within its jurisdiction; and 3) a monitoring system that enables the P/C/MDOC to oversee, supervise, monitor and respond to the needs of cities and/or municipalities *within its jurisdiction in relation to disaster resilience activities.*

Section 24. Structure of the Local Disaster Resilience Offices⁷. – The Local Disaster Resilience Offices shall be comprised of the Local Disaster Resilience Division with three (3) units such as an Administration and Training Unit, a Research and Planning Unit, and an Operations and Warning Unit. The Local Disaster Resilience Officer (LDRO) shall have coordinative functions with Barangay Disaster Resilience Committees. The LDRO or the Division Head is

⁷ Based on Joint Memorandum Circular No. 2014-1 series of 2014

directly under the Office of the local chief executive, either at the provincial, city, or municipal levels.

Section 25. Inter-Provincial Disaster Resilience Office Collaboration. – The Bangsamoro Government, through the Ministry, shall establish mechanisms for inter-provincial disaster office collaboration in order to strengthen disaster risk reduction and management efforts. Data and information sharing, as well as resource collaboration especially during disasters, shall be promoted and enhanced.

Section 26. Inter-Regional Disaster Resilience Collaboration. – The Bangsamoro Government, through the Ministry, shall establish mechanisms for inter-regional disaster office collaboration with the non-BARMM regions. It aims to strengthen disaster risk reduction and management efforts. Data and information sharing as well as resource collaboration especially during disasters shall be promoted and enhanced.

ARTICLE VI WHOLE OF GOVERNMENT AND WHOLE OF NATION APPROACH

Section 27. The Stakeholders. – The stakeholders shall be comprised of both government and non-government organizations operating and supporting the Bangsamoro Government in disaster risk reduction and management. The government stakeholders include national, regional, and local government units. The non-government organizations include international humanitarian and development partners, the civil society organizations, academe, business, media, and other organizations.

Section 28. Youth, Women, Children, Senior Citizen, Differently-abled Persons, and Indigenous Peoples (IP) Participation in the Bangsamoro Disaster DRRM. – The Bangsamoro Youth Commission (BYC), Bangsamoro Women Commission (BWC), the Ministry of Social Services and Development, and the Ministry of Indigenous Peoples' Affairs (MIPA) shall work closely with the Ministry in order to build cooperation and collaboration on disaster preparedness and management. This partnership shall cover, but shall not be limited to organizing, capacitating, and mobilizing youth, women, children, senior citizens, and differently-abled persons, and IPs on disaster risk reduction and management. The Ministry of Basic, Higher and Technical Education (MBHTE) shall integrate disaster risk and resilience in its curriculum, and use the DRRM, if necessary, to advise in this process.

Section 29. Non-Government Organizations Participation in the Bangsamoro DRRM. – The Ministry is hereby authorized to issue guidelines on the meaningful participation of non-government organizations in disaster risk reduction and management especially in the areas of policy-making, planning, implementation, and monitoring and evaluation, from regional down to local government units level.

Section 30. Convergence of Multi-stakeholders. – A bi-annual convergence forum shall be held by the Ministry involving all stakeholders. The forum will aim to craft and/or update business continuity policy, plan, and investment programs during and after emergencies and disasters to ensure the quick return of the government to full operations. The business continuity

policy, plan, and investment programs shall be incorporated in the regional and local disaster resilience plans of the Ministry and the local government units, respectively.

Section 31. Volunteerism. – Volunteerism shall be promoted in all government and non-government institutions. Recognition of volunteers on disaster resilience shall be integral part of local government units and the Bangsamoro Government system. The spirit of “*Bayanihan*” shall be imbibed in the hearts and minds of the volunteers, especially the youth.

Section 32. Accreditation, Mobilization, and Protection of Disaster Volunteers and Service Reserve Corps, Civil Society Organizations, and Private Sector⁸. – The Bangsamoro Government, through the Ministry, and other ministries, civil society organizations, private sector and local government units may mobilize individuals or organized volunteers to augment their respective personnel complement and logistical requirements in the delivery of disaster risk reduction initiatives. These agencies, LGUs and institutions shall take full responsibility for the enhancement, welfare and protection of volunteers, and shall submit the list of volunteers to the Ministry, through the LDROs, for accreditation and inclusion in the database of community disaster volunteers.

Section 33. Organization of Bangsamoro Disaster Resilience Officers and Volunteers. – The Ministry shall organize and maintain a database of Bangsamoro Disaster Resilience Officers and volunteers in the autonomous region. The organization shall start at the barangay level up to the municipal, city, provincial and regional levels. Inter-barangay, inter-municipal, inter-city, and inter-provincial organization of Bangsamoro Disaster Resilience Officers and Volunteers are encouraged.

Section 34. Interoperability of Systems⁹. – The Ministry shall ensure that all government instrumentalities from regional down to the local government units shall have direct and real time access to disaster resilience information, data, maps, programs, and projects. The Ministry shall ensure cooperation and collaboration with the concerned departments and offices at the national level, in order to establish partnerships on an Integrated Disaster Resilience Information System (IDRIS).

ARTICLE VII EMERGENCY MEASURES

Section 35. Emergency Measures¹⁰. – The Ministry shall ensure protection and preservation of life or property in anticipation of, during, and in the aftermath of emergencies, hazards and disasters, including preemptive and forced evacuations. The following measures shall be observed and institutionalized:

- a. Local government units shall enact an ordinance on and implement necessary and appropriate emergency measures, including preemptive and forced evacuations;

⁸ Patterned from SB 205, Sec. 43.

⁹ Patterned from SB 205, Sec. 25; HB 5989, Sec. 34.

¹⁰ Ibid. Sec. 6; Ibid. Sec. 6.

- b. Local government units shall provide evacuation centers, with due consideration to the capacity of local facilities, when requested by the Ministry, in anticipation of, during, and in the aftermath of emergencies, hazards and disasters;
- c. Preemptive evacuation shall be preferred as the primary mode of moving people that will be affected by disasters;
- d. Forced evacuation shall be considered as an emergency measure of last resort, and shall be carried out by the affected local government unit, pursuant to a duly issued order by the local chief executive: Provided, That in case of the failure of the local chief executive to issue such an order, the forced evacuation shall be implemented by the Ministry, upon the directive of the Bangsamoro DRRMC chair, which may request and compel the assistance of law enforcement and other relevant government agencies to implement such measure. When any person who willfully and deliberately disregards or disobeys a preemptive or forced evacuation implemented by the local government unit or the Ministry, as the case may be, such local government unit or the Ministry, is released from any liability for injury, death, damage to, or loss of property due to such disobedience;
- e. Whenever necessary, the Chief Minister may request that the President call out of the Armed Forces of the Philippines to prevent or suppress lawless violence occurring before, during, and in the aftermath of disasters. The Ministry may ration the distribution of basic goods in critical shortage, and/or restrict or ban the transfer of such goods outside the area covered by the emergency measure; and
- f. The Bangsamoro Government, through the Ministry or concerned local government unit, may temporarily take over or direct the operation of any privately owned public utility or business affected with public interest only when required by public interest and for the duration of the emergency.

Section 36. Emergency Hotlines. – The Ministry and the local government units shall establish and maintain devoted emergency hotlines in the Bangsamoro government center and in their respective local government units. As much as possible, the emergency hotlines operators shall use local dialects in their operations.

ARTICLE VIII

BANGSAMORO DISASTER RISK REDUCTION CAPACITY BUILDING AND INFORMATION, EDUCATION, AND COMMUNICATION (IEC) MANAGEMENT

Section 37. Integration of Disaster Risk Reduction and Climate Change Adaptation in the Bangsamoro Disaster Resilience Framework and Disaster Resilience Plan¹¹. – The Ministry shall spearhead the integration of the Climate Change Adaptation in the Bangsamoro Disaster Resilience Framework and Disaster Resilience Plan.

Section 38. Ecosystem-Based Approach to Prevention and Mitigation, Rehabilitation and Recovery from Disasters¹². – The Ministry shall ensure the application of ecosystem-based approaches in disaster risk reduction. It shall also ensure that environmental and natural resources policies, programs, and projects are risk-informed.

¹¹ Ibid. Sec. 27.

¹² Ibid. Sec. 28.

Section 39. Inter-Agency Knowledge-Sharing. – The Ministry shall establish mechanisms for inter-agency knowledge-sharing. The Ministry shall come up with a platform where ministries and offices as well as non-government organizations including humanitarian and development partners could showcase good practices and share lessons-learned in disaster risk reduction and management in their respective organizations.

Section 40. Bangsamoro Integrated Disaster Resilience Information System (IDRIS)¹³. – The Bangsamoro Government, through the Ministry, shall establish its own Bangsamoro Integrated Disaster Resilience Information System which contains real-time data, statistics, information, basic maps related to DRRM resources (funds, manpower, soft and hard infrastructures, programs and projects, among others) available in the region. The Ministry shall ensure linkage of the Bangsamoro IDRIS with the national government’s IDRIS, if applicable.

Section 41. Bangsamoro Disaster Resilience Education and Training¹⁴. – The Ministry shall ensure continuous education and training of human resources on disaster risk reduction and management and disaster resilience, from regional down to barangay levels. In the absence of the Bangsamoro Disaster Resilience Research and Training Institute, the Ministry may tap existing institutions that are engage in capacity building on disaster resilience.

Section 42. Bangsamoro Disaster Resilience Information and Communication. – The Ministry shall develop appropriate disaster resilience information and education materials to be used by the LDROs, the Ministry of Basic, Higher and Technical Education (MBHTE) and other stakeholders.

ARTICLE IX DECLARATION OF STATE OF CALAMITY

Section 43. Declaration of a State of Calamity¹⁵. – The Ministry shall recommend to the BDRRMC the declaration of a state of calamity when all of the following requisites are present:

- a. There is a grave, unforeseen, or sudden occurrence which demands immediate action;
- b. The occurrence was caused by a natural disaster;
- c. The occurrence could cause widespread damage or destruction to life or property and occurs in the Bangsamoro Autonomous Region; and
- d. The declaration of a state of calamity shall cover a limited period only or not exceeding two (2) months.

Section 44. Remedial Measures Under State of Calamity¹⁶. – The declaration of a state of calamity shall allow the immediate implementation of any or all of the following remedial measures:

¹³ Ibid. Sec. 32

¹⁴ Ibid. Sec. 33.

¹⁵ Patterned from HB 5989, Sec. 52.

¹⁶ Ibid. Sec. 53.

- a. Imposition of a price ceiling on basic necessities and prime commodities by the Chief Minister upon recommendation of the implementing agency, consistent with national laws;
- b. Monitoring, prevention, and control by the Local Price Coordination Council of overpricing of profiteering and hoarding of prime commodities, medicines and petroleum products;
- c. Granting of tax credits or exemptions by the BIR, subject to applicable laws; and
- d. Use of an alternative method of procurement under the Government Procurement Act.

ARTICLE X
BANGSAMORO DISASTER PREPAREDNESS AND INTEGRATED EARLY
WARNING¹⁷

Section 45. Standards for Disaster Preparedness. – The Ministry is hereby authorized to establish standards and protocols for disaster preparedness, contingency planning, localizing and operationalizing disaster risk reduction and management, preparedness for disaster response, preparedness for early recovery, continuity of essential services, and other relevant preparedness activities.

The LGUs shall identify safe and strategic sites, and establish evacuation centers with appropriate and adequate facilities in accordance with government-approved standards as provided under Republic Act No. 10821, otherwise known as "The Children's Emergency Relief Protection Act".

Section 46. Multi-Hazard Early Warning and Risk Communicating Standards. – The Ministry shall implement a streamlined policy governing early warning systems and risk communication protocols to ensure effective and efficient measures to prepare for, respond to and recover from potential risks and disasters.

The Ministry shall formulate and implement multi-hazard early warning protocols integrating all disaster preparedness systems in collaboration with local executives, community-based organizations, civil society organizations, and other non-governmental organizations for proper use and application.

Section 47. Early Warning Modes. – The Bangsamoro Government, through the Ministry, shall issue an integrated early warning alert for the impending occurrence of hazards that will enable the public to prepare in a timely way and act appropriately to minimize potential harm and loss.

The Ministry shall use an integrated early warning system to ensure it is consistent and locally contextualized with the communication protocol and the affected communities' safe evacuation procedure.

¹⁷ Patterned from SB 205, Art. X; HB 5989, Art. VII.

The Ministry shall work with other agencies or organizations on pre-crisis information mapping of the humanitarian needs of at-risk communities that will enhance the overall prepositioning of resources at the regional and local level.

The Ministry shall support indigenous modes of early warning systems and allow open access to near real-time data from both local and international sources made available through various platforms to empower local communities. The Ministry shall issue guidelines and educate the public on these early warning systems.

ARTICLE XI
BANGSAMORO DISASTER RESPONSE AND EARLY RECOVERY

Section 48. Levels of Responsibility for Disaster Preparedness and Response¹⁸. – The primary responsibility for disaster preparedness and response shall be exercised at all levels, as applicable, in close collaboration with the relevant government instrumentalities, non-government stakeholders, and international partners. In the Bangsamoro region, the levels of responsibility and the conditions that warrant each are as follows:

Levels of Responsibility	Responsible Officials	Conditions
Level 1: Barangay, Municipality or City	<i>Lead Official:</i> Mayor of the municipality or city <i>Support:</i> Municipal or City Disaster Resilience Officer, Barangay Disaster Resilience Committees	If a disaster affects barangays, a single municipality or city
Level 2: Province	<i>Lead Official:</i> Provincial Governor of Affected Province <i>Support:</i> Concerned Provincial, Municipal or City Disaster Resilience Officer and Parliamentary District Coordinators	If a disaster affects a two or more municipalities or cities within the province
Level 3: Region	<i>Lead Official:</i> The Minister <i>Support:</i> Governors of Affected provinces Concerned Provincial, Municipal or City Disaster Resilience Officer and Provincial Coordinators	If a disaster affects one or more provinces; when the LGU is unable to effectively cope with the risk and/or impact of a hazard; when the Chief Minister directs Level 3 response or declares state of calamity

Reference: Senate Bill No. 205 and House Bill No. 5989

¹⁸ Patterned from SB 205, Sec. 40; HB 5989, Sec. 29.

Section 49. Inter-Local Government Assistance¹⁹. – LGUs are hereby encouraged to extend the necessary assistance to another LGU, whether through funding or donation of goods and/or services, and conducting disaster preparedness and response operations, to help save lives and minimize damage to property. These include the pre-positioning and provision of basic goods, training of first responders, among others, subject to existing accounting and auditing rules and regulations.

ARTICLE XII HUMANITARIAN ASSISTANCE

Section 50. Management of Humanitarian Assistance²⁰. – The Ministry shall have to receive and manage humanitarian assistance from any person or entity, whether local or international sources.

The importation and humanitarian assistance of food, clothing, medical assistance, equipment, and materials for relief, recovery and other disaster management, are subject to national laws and regulations.

Section 51. Regulation of Humanitarian Assistance²¹. – The Ministry shall ensure the efficient and effective management and monitoring of humanitarian assistance from domestic or international donors, establish and operate a platform, including an online platform, to facilitate, and provide public access to information on donations.

The Ministry shall issue guidelines on the receipt, management, distribution, accounting, and reporting of all humanitarian assistance, whether in cash or in kind, consistent with the rules on the use of foreign and local aid during calamities and disasters, issued by the Commission on Audit (COA) and other relevant government agencies.

Section 52. Humanitarian Assistance for Children, Pregnant and Lactating Mothers, Senior Citizens, and Differently-abled Persons. – The Bangsamoro Government, through the Ministry, shall devise a mechanism that will ensure priority access of the most vulnerable groups such as children, pregnant and lactating mothers, senior citizens, and differently-abled persons in the humanitarian assistance.

Section. 53. Humanitarian Relief for Human-Induced Disasters²². – In close coordination with the defense sector, the Ministry is hereby authorized to extend humanitarian relief in the management of human-induced emergencies such as acts of terrorism, insurgency, fire, and other related human-induced disasters.

¹⁹ Ibid. Sec. 42; Ibid. Sec. 30.

²⁰ Ibid. Sec. 45; Ibid. Sec. 42.

²¹ Ibid. Sec. 50; Ibid. Sec. 47.

²² Patterned from HB 5989, Sec. 48.

Section 54. Offer of Humanitarian Assistance to Other Areas. – When necessary, the Bangsamoro Government, through the Ministry, may offer and extend humanitarian assistance to other areas outside the Bangsamoro region.

Section 55. International Humanitarian Assistance. – The Bangsamoro Government, through the Ministry, shall allow and welcome international humanitarian assistance in the Bangsamoro region, especially when there are massive destructions brought about by calamities in the region, provided that the assistance shall follow existing protocols in the country.

Section 56. Assessment of the Need and Request for International Humanitarian Assistance²³. – Once warranted by the situation, the Ministry shall assess the capacity of the local government units and the Bangsamoro Government to respond a particular disaster, and the Chief Minister shall request the humanitarian assistance to be established in the Bangsamoro region, subject to existing national and international laws and regulations.

Section 57. Bangsamoro Humanitarian Assistance Action Center²⁴. – Consistent with national and international standards, the Ministry may setup a Humanitarian Assistance Action Center at the Bangsamoro Government Center, which will serve as an inter-agency one-stop-shop for the processing and release of entry and facilitation of goods, articles, or equipment and services, and international relief workers for the provision of international humanitarian assistance.

Section 58. Reporting and Communicating Humanitarian Assistance. – The Bangsamoro Government, through the Ministry, shall prepare a comprehensive report on all humanitarian assistance received and distributed to beneficiaries. The report shall include, among other information, the date, source organization or individuals, in-kind items, or the amount, if in cash. The report shall be communicated from the regional down to barangays level and be accessible to public consistent with full disclosure and moral government policies of the Bangsamoro Government.

ARTICLE XIII RECOVERY AND REHABILITATION

Section 59. Bangsamoro Standards of Recovery²⁵. – The Bangsamoro Government, through the Ministry, shall observe internationally accepted standards for recovery, planning, programming, and implementation of the recovery process. Towards this end, the Ministry shall:

- a. Ensure restoration of peace and order and recovery of government functions;
- b. Engage communities in policy formulation, planning, and implementation;
- c. Consider local conditions such as culture, traditional groupings, physical locations, security situation, and existing capacities of communities in identifying programs and projects;

²³ Patterned from SB 205 Sec. 47; HB 5989, Sec. 44.

²⁴ Ibid. Sec. 48; Ibid. Sec. 45.

²⁵ Ibid. Sec. 53; Ibid. Sec. 54.

- d. Ensure access to public transport, physical, and mental health services, markets, schools, telecommunications, sustainable livelihoods, and other public services in planning for settlement areas;
- e. Improve the community's physical, social, and economic resilience, consistent with the principle of "building forward better";
- f. Redirect development outside danger zones to minimize loss of lives and structures resulting from typhoons, flooding, landslides, and other hazards; and
- g. Maximize the use of private-public sector partnership where possible.

Section 60. Alignment of the Recovery Plan with the Pre-and-Post-Disaster Risk Assessment. – The Bangsamoro Government, through the Ministry, shall ensure that the Recovery Plan that will be crafted will be aligned and consistent with the pre-and-post disaster risk assessment conducted by the Ministry in collaboration with other development partners.

Section 61. Post Disaster Shelters²⁶. – The Bangsamoro Government, through the Ministry, and in close coordination with other Ministries, shall implement post-disaster shelters for eligible beneficiaries. The Ministry shall devise guidelines to be approved by the Chief Minister for the implementation of the Shelter Program.

Section 62. Livelihood. – The Bangsamoro Government, through the Ministry, and concerned ministries shall implement livelihood programs that will hasten the recovery of affected individuals and families. The implementation of the Republic Act No. 11291, or the Magna Carta of the Poor shall be considered in the implementation of the livelihood programs.

Section 63. Structural Audit of Government Buildings and Critical Infrastructures²⁷. – The Bangsamoro Government, through the Ministry, and the Ministry of Public Works (MPW) shall ensure the conduct of a structural audit of government buildings and critical infrastructure. The local government units are also encouraged to conduct the same. The report shall be included in the Bangsamoro IDRIS and the recommendations needing actions shall be communicated to appropriate ministries, offices, and local government units.

Section 64. Cultural Heritage. – The Bangsamoro Government, through the Ministry, shall ensure the preservation, protection, and promotion of Bangsamoro cultural treasures, structures, sites, monuments, and landmarks in post-disaster recovery, and rehabilitation measures. These cultural treasures shall form part of the region's database.

Section 65. Non-Moro Indigenous People. – The Bangsamoro Government, through the Ministry, and in close coordination with Ministry of Indigenous Peoples' Affairs, shall ensure the inclusion of non-Moro indigenous peoples in the post-disaster recovery and rehabilitation.

Section 66. Economic Recovery and Development of Disaster-Prone Areas. – The Bangsamoro Government, through the Ministry, and in close coordination with concerned ministries and offices, shall craft a comprehensive recovery and development program and projects in the affected area(s) to ensure economic recovery.

²⁶ Ibid. Sec. 85; Ibid. Sec. 91.

²⁷ Ibid. Sec. 89; Ibid. Sec. 95.

ARTICLE XIV RECOGNITION, INCENTIVES, AND BENEFITS

Section 67. Recognition and Incentives²⁸. – The Bangsamoro Government, through the Ministry, shall come up with a recognition and incentives system for the stakeholders of disaster risk reduction and management in the Bangsamoro region. Awards shall be classified as individual, and organization for both government and non-government organizations. Appropriate incentives shall be given based on existing laws, rules, and regulations.

Section 68. Magna Carta Benefits²⁹. – Qualified employees of the Ministry including those of its attached agencies, shall be covered by and entitled to the benefits under Republic Act No. 8439, otherwise known as the Magna Carta for scientists, engineers, researchers and other personnel in the Government, and Republic Act No. 7305, otherwise known as the Magna Carta of Public Health Workers.

Section 69. Hazard Pay and Other Benefits. – All of the personnel of the Ministry and the local disaster resilience offices are entitled to receive hazard pay and other benefits, subject to the policies set forth by the Bangsamoro Parliament through the MFBM.

ARTICLE XV FUNDS AND RESOURCES

Section 70. Bangsamoro Disaster Resilience Fund (BDRF)³⁰. – The Bangsamoro Government through the Bangsamoro Parliament shall allocate the Bangsamoro Disaster Resilience Fund in the Annual General Appropriations Act of the Bangsamoro. The BDRF shall be composed of 1) an annual appropriations fund, 2) a disaster contingency fund, and 3) a rehabilitation and recovery fund. These funds will be managed by the Ministry to finance its operation, and for disaster risk reduction, disaster preparedness, disaster response, disaster recovery, rehabilitation and building forward better.

The *annual appropriations fund* shall provide funding for the Ministry's operation and maintenance, and implementation of disaster resilience programs and projects. It includes, among others, the construction of evacuation centers, the establishment and operation of operation centers, retrofitting of major public structures, and other disaster risk reduction projects.

On the other hand, the *disaster contingency fund* is a lump-sum allocation intended for imminent hazards or actual disasters, immediate response, quick and recovery interventions for disaster affected areas.

The *rehabilitation and recovery fund* is intended for rehabilitation and/or construction of disaster affected public infrastructures such as government buildings, public hospitals, permanent shelters. In the interim process, the implementation of these projects shall be done in close

²⁸ Ibid. Sec. 35; Ibid. Sec. 38.

²⁹ Ibid. Sec. 71; Ibid. Sec. 96.

³⁰ Ibid. Sec. 71.

coordination with Ministry of Public Works and other concerned ministries and offices. However, once the capacity of the Ministry is enhanced, the implementation of these projects in disaster affected areas will be assumed by the Ministry itself. The Ministry of Finance and Budget and Management shall issue guidelines in the utilization of this fund, subject to the approval of the Chief Minister.

The Bangsamoro Government, through the Ministry, may extend support on disaster resilience initiatives to the local government units especially those belonging to fifth and sixth class municipalities in the Bangsamoro region.

Section 71. Local Disaster Resilience Fund (LDRF) and Local Disaster Contingency Fund (LDCF)³¹. – The local government units shall set aside at least five (5) percent of their annual budget for local disaster resilience funds and local disaster contingency funds. The LDRF shall be used to maintain and operate a local disaster resilience office and to implement projects and activities under the local disaster resilience plan. Thirty percent (30%) of the LDRF will be set aside for LDCF, which shall be used for disaster response and quick recovery measures.

Section 72. National Support Fund. – The Bangsamoro Government, through the Ministry, shall establish and build collaborative efforts on disaster resilience in the Bangsamoro region. The Ministry shall build a partnership with the national government agencies in order to fund nationally-initiated programs and projects for implementation in the Bangsamoro region.

Section 73. People's Survival Fund³². – The Bangsamoro Government, through the Ministry, shall access the national government's People's Survival Fund, created under Republic Act No. 10174, and facilitate its utilization by the LGUs to implement LGU-administered climate change adaptation and mitigation projects.

ARTICLE XVI DISASTER RISK FINANCING AND RISK TRANSFER MECHANISM

Section 74. Disaster Risk Financing Strategy. – The Bangsamoro Government, through the Ministry and in collaboration with the Ministry of Finance, Budget and Management (MFBM) shall explore measures on disaster risk financing, such as but not limited to, disaster insurance pools, revolving funds, and other financial measures, subject to existing laws, rules and regulations. This aims to protect and safeguard the properties and livelihoods both public and private sectors against the shocks of disasters in the Bangsamoro region. For this purpose, the Ministry and the MFBM may engage the participation of banks and financial institutions operating the Bangsamoro region.

Section 75. Risk Transfer Mechanism³³. – The Bangsamoro Government, through the Ministry, shall coordinate and supervise disaster risk-sharing, risk transfer instruments, and other related initiatives to protect public and/or private properties and livelihoods against the adverse effects of natural disasters. The Ministry shall encourage government agencies, government-

³¹ Ibid. Sec. 74; Ibid. Sec. 56.

³² Ibid. Sec. 76; Ibid. Sec. 59.

³³ Ibid. Sec. 34; Ibid. Sec. 73.

owned-and controlled corporations (GOCCs), and local government units to insure their valuable assets and/or properties, such as, but not limited to, vehicles, equipment, machineries, permanent buildings and properties stored therein, or in properties in transit, against insurable risks, to compensate the government and/or GOCCs for any damage to, or loss of properties, due to a natural disaster.

ARTICLE XVII PROCUREMENT

Section 76. Procurement. – In general, the procurement rules provided under Republic Act No. 9184, otherwise known as the "Government Procurement Reform Act", shall apply. However, during emergency situations, alternative modes of procurement shall be used as provided by procurement law.

ARTICLE XVIII PROHIBITED ACTS AND PENALTIES³⁴

Section 77. Prohibited Acts³⁵. – Any person, group, or corporation who commits any of the following prohibited acts shall be held liable and be subjected to the penalties as prescribed in Section 79 of this Act:

- a. Dereliction of duties which leads to destruction, loss of lives, critical damage of facilities and misuse of funds;
- b. Preventing the entry and distribution of relief goods in disaster-stricken areas, including appropriate technology, tools, equipment, accessories, disaster teams/experts;
- c. Buying, for consumption or resale, from disaster relief agencies, of any relief goods, equipment, or other aid commodities which are intended for distribution to disaster affected communities;
- d. Buying, for consumption or resale, from the recipient disaster-affected persons, any relief goods, equipment, or other aid commodities received by them;
- e. Selling of relief goods, equipment, or other aid commodities which are intended for distribution to disaster victims;
- f. *Forcibly seizing relief goods, equipment, or other aid commodities intended for or consigned to a specific group of victims or relief agency;*
- g. Diverting or the mis-delivery of relief goods, equipment or other aid commodities to persons other than the rightful recipient or consignee;
- h. Accepting, possessing, using or disposing relief goods, equipment or other aid commodities not intended for nor consigned to him/her;
- i. Misrepresenting the source of relief goods, equipment, or other aid commodities by:
 - i. either covering, replacing or defacing the labels of the containers to make it appear that the goods, equipment or other aid commodities came from another agency or persons;

³⁴ Ibid. Art. XVIII; Ibid. Art. XVI.

³⁵ Adopted from the HB 5989

- ii. repacking the goods, equipment or other aid commodities into containers with different markings to make it appear that the goods came from another agency or persons or was released upon the instance of a particular agency or persons;
- iii. making any false verbal claim that the goods, equipment, or other aid commodity and its untampered original containers actually came from another agency or persons or was released upon the instance of a particular agency or persons;
- j. Substituting or replacing relief goods, equipment, or other aid commodities with the same items of inferior/cheaper quality;
- k. Illegal solicitations by persons or organizations representing others as defined in the standards and guidelines set by the Bangsamoro DRRMC;
- l. *Deliberate use of false or inflated data in support of the request for funding relief goods, equipment, or other aid commodities for emergency assistance or livelihood projects; and*
- m. Tampering with or stealing hazard monitoring and disaster preparedness equipment and paraphernalia.

Section 78. Penalties. – Any individual, corporation, partnership, association, or other juridical entity that commits any of the prohibited acts provided for in Section 78 of this Act shall be prosecuted, and upon conviction, shall suffer a fine of not less than Fifty thousand pesos (Php50,000.00) or any amount not to exceed Five hundred thousand pesos (Php500,000.00), or imprisonment of not less than six (6) years and one (1) day, or more than twelve (12) years, or both, at the discretion of the court, including perpetual disqualification from public office, if the offender is a public officer, and confiscation or forfeiture in favor of the government of the objects and the instrumentalities used in committing any of herein prohibited acts.

If the offender is a corporation, partnership, or association, or other juridical entity, the penalty shall be imposed upon the officer or officers of the corporation, partnership, association, or entity responsible for the violation, without prejudice to the cancellation or revocation of these entities' license or accreditation issued to them by any licensing or accredited body of the government.

If such offender is an alien, he or she shall, in addition to the penalties prescribed in this Act, be deported without any further proceedings after the service of the sentence.

However, the prosecution for offenses set forth in Section 78 of this Act shall be without prejudice to any liability for violation of Act No. 3185, as amended, otherwise known as the Revised Penal Code, and other civil liabilities.

ARTICLE XIX TRANSITORY PROVISIONS

Section 79. Transfer of Functions of Concerned Ministries and Offices. – The functions of the MSSD related to response or emergency programs, the MILG/READi, the Office of the Chief Minister on disaster response as well as other ministries and offices functioning in disaster risk reduction and management, except those explicitly defined under Section 19 of this Act, are hereby transferred to the Ministry.

Section 80. Absorption or Transfer of Personnel. – The personnel of the concerned ministries and offices shall be absorbed and transferred to the Ministry immediately upon the effectivity of this Act.

Section 81. Transfer of Resources. – The assets and resources relative to disaster risk reduction and management of the concerned ministries and offices shall be absorbed and transferred to the Ministry, immediately upon the effectivity of this Act.

Section 82. Transitory Provision. – The functions, assets, funds, equipment, properties, transactions, and personnel of the affected and transferred agencies, and the organization, staffing pattern, and operating system, shall be completed within three (3) years from the effectivity of this Act, during which, the existing personnel shall continue to assume their posts on holdover capacity.

ARTICLE XX FINAL PROVISIONS

Section 83. Appropriations. – The funding requirement for the implementation of this Act shall form part of the Annual Appropriations Act of the Bangsamoro, subject to the provisions of this Act and the Bangsamoro Organic Law.

Section 84. Bangsamoro Parliament's Oversight on Disaster Resilience. – The Bangsamoro Parliament shall exercise oversight function over the Ministry in the discharge of its mandates, powers and functions.

Nothing in this Act shall diminish the existing powers of the local government units already provided under the Local Government Code.

Section 85. Mandatory Review. – The Bangsamoro Government, through the Ministry, shall undertake a mandatory review of the implementation of this Act after 10 years of implementation. The Bangsamoro Parliament shall be part of the process.

Section 86. Interpretation. – Any doubt in the interpretation of any provision of this Act shall be liberally construed in favor of the fulfillment of the objectives of this Act, especially in relation to the provision of effective, efficient, and timely disaster response, rehabilitation, and recovery.

Section 87. Repealing Clause. – All laws, decrees, orders, rules and regulations, or portions thereof, inconsistent with this Act, are hereby repealed or modified accordingly.

Section 88. Separability Clause. – In the event that any provision of this Act is declared unconstitutional, the validity of the other provisions shall not be affected by such declaration.

Section 89. Effectivity. – This Act shall take effect after fifteen (15) days following its publication in a newspaper of general or regional circulation.



MP Engr. Baintan Adil-Ampatuan, MNSA
Principal Author

Co-Authors:

MP Atty. Laisa M. Alamia, RN, MNSA

MP Rasul Enderez Ismael

MP Amilbahar S. Mawallil

MP Atty. Rasol Y. Mitmug, Jr., CESE

MP Engr. Don Mustapha A. Loong, JD, CESE

MP Atty. Suharto M. Ambolodto, MNSA