

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City



EIGHTEENTH CONGRESS
First Regular Session

House Bill No. 2274

Introduced by **Representative PABLO JOHN F. GARCIA**

EXPLANATORY NOTE

This bill seeks to hasten rescue and relief operations in local government units facing a calamity.

Under Republic Act No. (RA) 10121, the declaration of a state of calamity in a local government unit requires a resolution of the local Sanggunian, the process of which is tedious: convening the council, ensuring the presence of a quorum, and obtaining a majority. This could oftentimes be impracticable in real calamity situations when members of the Sanggunian are in the thick of rescue and relief operations in different parts of the barangay, municipality, city or province, if not themselves victims of the calamity.

To expedite the declaration procedure – and to free up government resources for rescue and relief operations more quickly – this bill transfers the power to declare and lift a state of calamity to the local chief executive. It is believed that, as RA 10121 itself envisions on the national level where the power is given to the President, the determination of whether there is a state of calamity is a primarily executive function. Moreover, transferring the power would speed up the decision-making process since time is of the essence in any calamity.

To check the possible abuse of this power, this bill provides that the local Sanggunian may, if it believes that the conditions do not or no longer exist for a state of calamity, lift the declaration at any time.

The immediate passage of this bill is earnestly requested.


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AN ACT
AMENDING REPUBLIC ACT NUMBERED 10121, BY TRANSFERRING THE POWER TO DECLARE A STATE OF CALAMITY IN A LOCAL GOVERNMENT UNIT TO THE LOCAL CHIEF EXECUTIVE

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

Section 1. Section 16 of Republic Act Numbered 10121 is hereby amended to read as follows:

"Section 16. *Declaration of State of Calamity.* – The National Council shall recommend to the President of the Philippines the declaration of a cluster of barangays, municipalities, cities, provinces, and regions under a state of calamity, and the lifting thereof, based on the criteria set by the National Council. The President's declaration may warrant international humanitarian assistance as deemed necessary.

"The declaration and lifting of the state of calamity may also be issued by the local CHIEF EXECUTIVE [sanggunian], or any official acting in such capacity, upon the recommendation of the LDRRMC, based on the results of the damage assessment and needs analysis. THE DECLARATION MAY BE LIFTED AT ANY TIME BY THE LOCAL SANGGUNIAN."

Sec. 2. All laws, decrees, executive orders, rules, and regulations which are inconsistent with this Act are hereby repealed.

Sec. 3. This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) newspapers of general circulation, whichever comes earlier.

Approved,