



Republic of the Philippines
CITY COUNCIL
City of Manila

REGULAR SESSION NO. 107

12TH CITY COUNCIL

Begun and held in the City Council on Thursday,
the twenty-ninth day of September, Two Thousand Twenty-Two

ORDINANCE NO. 9025

AN ORDINANCE FOR THE IMPLEMENTATION OF A PRE-EMPTIVE AND/OR FORCED EVACUATIONS IN THE CITY OF MANILA BEFORE AND DURING A DISASTER OR CALAMITY

PRINCIPAL AUTHOR: **HON. DARWIN B. SIA**, **HON. MACARIO M. LACSON**, President Pro-Tempore, **HON. BENNY FOG T. ABANTE III**, **HON. IRMA C. ALFONSO-JUSON**, **HON. TERRENCE F. ALIBARBAR**, **HON. KRYSTLE MARIE C. BACANI**, **HON. DON JUAN "DJ" BAGATSING**, **HON. LARIS T. BORROMEO**, **HON. RUBEN F. BUENAVENTURA**, **HON. CARLOS C. CASTAÑEDA**, **HON. NIÑO M. DELA CRUZ**, **HON. JESUS E. FAJARDO, JR.**, **HON. MARTIN V. ISIDRO, JR.**, **HON. RODOLFO N. LACSAMANA**, **HON. NUMERO G. LIM**, **HON. ERICK IAN O. NIEVA**, **HON. ELMER M. PAR**, **HON. LOUISA MARIE "Lady" J. QUINTOS-TAN**, **HON. SCIENCE A. REYES**, **HON. LUIS C. UY**, **HON. LUCIANO M. VELOSO**, **HON. JOEL "JTV" VILLANUEVA**, **HON. TIMOTHY OLIVER I. ZARCAL**, **HON. LEILANI MARIE H. LACUNA**, **HON. JULIANA RAE M. IBAY**, **HON. SALVADOR PHILIP H. LACUNA**, Minority Floor Leader, **HON. ERNESTO C. ISIP, JR.**, Majority Floor Leader, **HON. PAMELA "Fa" G. FUGOSO-PASCUAL**, Acting Presiding Officer and **HON. JOHN MARVIN C. "Yul Servo" NIETO**, Vice-Mayor and Presiding Officer



EXPLANATORY NOTE

Section 2 (a) of the Republic Act 10121, otherwise known as the “Philippine Disaster Risk Reduction and Management Act of 2010”, declares as a state policy to uphold the people’s constitutional rights to life and property by addressing the root causes of vulnerabilities to disasters, strengthening the country’s institutional capacity for disaster risk reduction and management and building the resilience of local communities to disasters including the impacts of climate change.

The General Welfare Clause of Republic Act 7160 otherwise known as “The Local Government Code of 1991” authorizes Local Government Units (LGUs) to exercise the powers which are necessary, appropriate and/or incidental to the implementation of an efficient and effective governance essential to the promotion of the general welfare of the public.

Section 455 (b) (vii) and Section 389 (b) [f] of the same code mandates the City Mayors and Punong Barangays to carryout emergency measures deem necessary during and in the aftermath of a man-made or natural disasters and calamities.

Memorandum Circular No. 2012-35 dated February 21, 2012 of the Department of the Interior and Local Government (DILG), enjoins local legislators to enact ordinances for the enforcement of a pre-emptive and forced evacuation of endangered affected residents during a declared emergency or disaster which may cause loss of lives and destruction of properties.


HON. DARWIN B. SIA
Councilor, Second District
Manila

Be it ordained by the City Council of Manila, in session assembled, *THAT*:

SECTION 1. DECLARATION OF POLICY. – It is declared policy of the City of Manila to protect the lives and properties of its residents at all times and whenever possible, mitigate the effects of human-induced and natural disasters within its locality.

SEC. 2. DEFINITION OF TERMS:

As used in this Ordinance:

- 2.1 **“Disaster”** – a serious disruption of the functions in a community or a society involving widespread human, material, economic or environmental losses and impacts, which exceed the ability of the affected community or society to cope using its own resources. Disaster impacts may include loss of life, injury, disease, and other negative effects on human, physical, mental, and social well-being, together with damage to property, destruction of assets, loss of services, social and economic disruption and environmental degradation;
- 2.2 **“Evacuation”** – means an operation whereby all or part of a particular population is temporarily relocated, whether voluntarily or in an organized manner, from an area that has been or is about to be struck by a disaster, to a place considered not dangerous for health and safety;
- 2.3 **“Forced Evacuation”** – an order from a competent authority to forcibly evacuate residents to an appropriate evacuation destination to protect their lives during the onslaught of disaster;
- 2.4 **“Imminent Danger”** – means immediate threat or harm to a community or on a specific area;
- 2.5 **“Incident Commander”** – the person responsible for all aspects of emergency responses, developing incident objectives, managing incident operations, resources management and application and responsibility to all persons involved. The role of Incident Commander (IC) may be assumed by a senior or higher qualified officer during emergency as the situation dictates;
- 2.6 **“Pre-emptive Evacuation”** – an order from a competent authority to forcibly evacuate residents to an appropriate evacuation destination to forestall their exposure from an imminent disaster.

SEC. 3. ENFORCEMENT OF PRE-EMPTIVE EVACUATION. – Upon reasonable assessment and determination by the Manila Disaster Risk Reduction and Management Council (MDRRMC) or the Incident Commander (IC) that pre-emptive evacuation of local residents at high-risk area/s is/are necessary, pre-emptive evacuation of affected residents shall be enforced, provided there is prior approval from the City Mayor (MDRRMC Chairman).

SEC. 4. DECLARATION OF FORCED EVACUATION. – Upon reasonable evaluation by the MDRRMC or the Incident Commander (IC) that a forced evacuation of local resident/s is/are necessary, a recommendation to the City Mayor (MDRRMC Chairman) shall be made for an immediate declaration of forced evacuation.



On the basis of such recommendation, the City Mayor may immediately declare implementation of forced evacuation and perform other functions not limited to the following:

- 4.1 Establish evacuation centers or relocation sites where displaced persons will be temporarily sheltered and handled by an officer/employee of the Manila Department of Social Welfare (MDSW) – Cluster lead for Camp Coordination and Camp Management (CCCM);
- 4.2 Designation of areas where vehicles provided by the city government are on stand-by to transport local residents to the identified evacuation centers;
- 4.3 Establishment of measures to secure their properties from looting, theft, robbery, etc. in the concerned areas;
- 4.4 Order the Manila Department of Social Welfare (MDSW) to provide the needs of the evacuated residents until such time that they are safe from danger;
- 4.5 Mobilize the City Pound under Veterinary Inspection Board (VIB) personnel and resources to take full custody of and transport the affected animals to any nearest government-controlled facility.

Immediately after declaration of the forced evacuation but before its actual enforcement, the Incident Commander (IC) shall make sure that local residents are informed in dialect known to them their need to be evacuated and explained to them that there is no other alternative way to ensure their safety.

SEC. 5. MOBILIZATION OF OTHER GOVERNMENT AGENCIES. – In declaring the enforcement of forced evacuation, the members of the Philippine National Police (PNP), the Armed Forces of the Philippines (AFP), the Bureau of Fire Protection (BFP), the Philippine Coast Guard (PCG), the Philippine Navy (PN), and the Bureau of Jail Management and Penology (BJMP) assigned within the locality may be mobilized by the City Mayor.

SEC. 6. REFUSAL OF LOCAL RESIDENTS TO LEAVE THEIR HOMES OR AFTER EVACUATING, RETURN THEREIN WITHOUT AN ORDER ALLOWING THEM TO DO SO. – In the event, that local residents refuse to leave their dwellings or after evacuating, return to their respective homes/affected areas without an order issued to this effect, the City Mayor, as well as the members of the mobilized units, may use such reasonable force that is commensurate under circumstances, to evacuate them from the area, without discrimination and with conscious attention to the needs of the vulnerable and marginalized sector such as children, women, the elderly, and Persons with Disabilities (PWDs), with the end view that lives are safe and secured.

Any person who willfully and deliberately disregards or opposed the order of forced evacuation issued by the City Mayor shall release the latter and the City Government of Manila from any liability, injury or death attributed to his disobedience.

During the evacuation, priority shall be given to those persons or residents who willfully comply with the order of forced evacuation.



SEC. 7. TRAINING AND ORIENTATION ON PRE-EMPTIVE AND FORCED EVACUATION PROCEDURE. – The Manila Disaster Risk Reduction and Management Office (MDRRMO), the Bureau of Fire Protection (BFP) and the Philippine National Police (PNP) shall organize and facilitate the conduct of basic training and orientation seminar on the pre-emptive and forced evacuation on possible natural and human-induced hazards to the public at least once a year.

During the aforesaid training and orientation seminar, the MDRRMO shall also discuss and highlight topics on this Ordinance, Republic Act 10121, otherwise known as the “Philippine Disaster Risk Reduction and Management Act of 2010”, DILG MC No. 2012-35 dated February 21, 2012, other laws, rules, and regulations on disaster risk reduction and management.

SEC. 8. REPORTORIAL CLAUSE. – Within twenty-four (24) hours upon the declaration of pre-emptive or forced evacuation, the City Mayor shall communicate the issuance of declaration to the Manila Disaster Risk Reduction and Management Council (MDRRMC) and the Sangguniang Panlungsod for appropriate action.

SEC. 9. ROLE OF BARANGAY ON DISASTER PREPAREDNESS. – The Barangay shall establish their own version of Barangay Risk Reduction Management Committee, whose primary duties consist of the following:

- 9.a To develop a barangay disaster risk reduction and management plans;
- 9.b Conduct vulnerability assessment to identify the hazard in their respective locality, as well as the number of people who will be directly affected;
- 9.c Formulate and list down intervention measures to address post disaster scenario; and
- 9.d Closely coordinate with the Manila Disaster Risk Reduction and Management Office (MDRRMO) for the proper response/action before, during and after the calamity or disaster.

SEC. 10. PROHIBITED ACTS. – It shall be unlawful for any public officer or employee, or any person, group or corporation to:

- 10.a Dereliction of duties (for public officer or employee) which leads to aggravate the destruction, loss of lives and waste of government funds;
- 10.b Disobedience to the lawful order by refusing to leave the dwellings/affected area or after evacuating, return to their respective dwellings/affected areas without order coming from the City Mayor or any concerned government agencies/office;
- 10.c Looting or commission of an offense against the person or property affected by the calamity or disaster; and
- 10.d Selling, forcibly seizing, diverting or misdelivery of relief goods intended to the victims of the calamity or disaster.

SEC. 11. PENAL CLAUSE. – Any individual, group or corporation or any juridical entity that commits any of the prohibited acts provided for in Section 10 shall upon conviction suffer the penalty of a fine of not less than Two Thousand Pesos (PhP. 2,000.00) or any amount not to exceed Five Thousand Pesos (PhP. 5,000.00) or imprisonment of not more than one (1) year, or both at the discretion of the court.

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If the offender is a public officer or employee, in addition to the penalty provided above, he/she may also be administratively charged for an offense which carry with it the penalty of suspension or dismissal from public office.

SEC. 12. IMPLEMENTING RULES AND REGULATIONS. – The Manila Disaster Risk Reduction and Management Office (MDRRMO), the Manila Department of Social Welfare (MDSW), the Manila Barangay Bureau (MBB), the Manila Health Department (MHD), the Department of Engineering and Public Works (DEPW), and the Department of Public Services (DPS) shall be tasked to draft the Implementing Rules and Regulations (IRR) to better implement this Ordinance.

SEC 13. SEPARABILITY CLAUSE. – If for any reason or any part of the provision of this Ordinance shall be found to be unconstitutional or invalid, other parts or provisions thereof which are not affected hereby shall continue to be in full force and effect.

SEC. 14. REPEALING CLAUSE. – All ordinances, rules, and regulations, or parts thereof, in conflict with, or inconsistent with the provisions of this Ordinance are hereby repealed accordingly.

SEC. 15. EFFECTIVITY CLAUSE. – This Ordinance shall take effect immediately upon its approval.

This Ordinance was finally enacted by the City Council of Manila on January 30, 2024.


PRESIDED BY:


PAMELA "Fa" G. FUGOSO-PASCUAL
Acting Presiding Officer
City Council, Manila

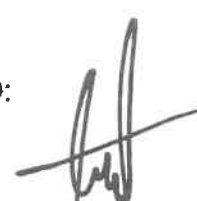
ATTESTED:


LUCH R. GEMPIS, JR.
City Government Department Head III
Secretary to the City Council

APPROVED BY HIS HONOR, THE MAYOR, ON MAR 05 2024.


MARIA SHEILAH "Honey" H. LACUNA-PANGAN, MD, FPDS
Mayor
City of Manila

ATTESTED:


ATTY. MARLON M. LACSON
City Government Department Head III
(Secretary to the Mayor)

RRB: jhb/rmd/kjm/agn/egv/eyv