

Background Report
Law and Regulation for the Reduction of Risk from Natural Disasters
in the Philippines
A National Law Desk Survey
July 2012

Acknowledgements

This background report was prepared by Dung Ngoc Luu, on behalf of the Disaster Law programme, International Federation of Red Cross and Red Crescent Societies (IFRC), P.O. Box 372, CH-1209 Geneva 19, Switzerland, Tel: +41 22 730 4222, email disaster.law@ifrc.org.

This report is part of the research for a global project on Law & Disaster Risk Reduction being undertaken by the IFRC and the United Nations Development Programme (UNDP). It may not be reproduced without permission.

© International Federation of Red Cross and Red Crescent Societies, 2012.

Law and Regulation for the Reduction of Risk from Natural Disasters in the Philippines: A National Law Desk Survey

Executive Summary

General

This is a desk survey of laws and regulations for the reduction from natural disasters in the Philippines pursuant to the Terms of Reference for National Law Desk Surveys of 8 June 2012 to assist the IFRC and its partners in compiling a Global Synthesis Study on DRR and legislation.

The Philippines is an archipelagic nation, which lies along the “Pacific Ring of Fire” and the typhoon belt of the Pacific Ocean, making it one of the most disaster prone countries in the world. Hence, the Philippines had established a legal and institutional structure for responding to disasters as early as 1941 where the CEA was created to formulate and execute policies and plans for the protection and welfare of the civilian population under extraordinary and emergency conditions. Subsequent laws and regulations regarding disaster management were codified in PD No. 1566, *Strengthening the Philippine Disaster Control, Capability and Establishing the National Program on Community Disaster Preparedness* (1978). It created the NDCC as the highest policy-making body on matters of disasters in the country and established disaster coordination from the barangays, to the national level.

The Disaster Risk Reduction and Management Act of 2010

In January 2005, the Philippines concurred to the adoption of the *Hyogo Framework for Action 2005-2015: Building the Resilience of Nations and Communities to Disasters*. In May 2010 the Philippine Government enacted the *Philippine Disaster Risk Reduction and Management Act of 2010*, RA No. 10121 (2010), which repealed PD No. 1566 (1978), and shifted its disaster management approaches and strategies from reactive emergency and disaster response and management to pro-active disaster risk reduction and management.

The *DRRM Act (2010)* seeks to adopt “a disaster risk reduction management approach that is holistic, comprehensive, integrated and proactive in lessening the socio-economic and environmental impacts of disaster, including climate change, and promoting the involvement and participation of all sectors and stakeholders concerned at all levels, especially the local community” (S.2(d)) It provides for the development of policies and plans and the implementation of actions and measures pertaining to all aspects of disaster risk reduction and management, including good governance, risk assessment and early warning, knowledge building and awareness raising, reducing underlying risk factors, and preparedness for effective response and early recovery, which are gender responsive and sensitive to indigenous knowledge systems through a *whole of society* approach.

It highlights the need for institutionalising DRRM policies, structures, co-ordination mechanisms and programs with continuing budget appropriation on DRR from national to local levels. It tasks the NDCC, now renamed the NDRRMC to develop a comprehensive NDRRM Plan and Framework, and requires DRR programs to be incorporated in development plans at various levels of government. The *DRRM Act (2010)* is linked with *The Climate Change Act of 2009*, RA No. 9729 (2009) with members of the NDRRMC represented on the Climate Change Commission and vice versa as they respectively develop the DRRM Framework and Framework Strategy for Climate Change, which are to be mainstreamed and integrated into national, sectoral, regional and local development policies, plans and budgets.

The *DRRM Act (2010)* revised the National DRRM Fund, which “shall be used for disaster risk reduction or mitigation, prevention and preparedness activities” with “30% to be allocated as quick response or standby fund for relief and recovery programs” (S.22). The OCD shall be allocated a budget of one billion pesos revolving fund (S.23). Further, not less than 5% of the estimated revenue from regular sources shall be allocated to the Local DRRM Fund to support disaster risk management activities including the payment of premium on calamity insurance with 30% of the LDRRMF to be allocated for quick response or standby fund.

The NDRRM Framework was adopted on 16 June 2011 and the NDRRM Plan 2011 - 2028 has been released. These documents will guide the nation’s DRRM as it is being mainstreamed into all relevant sectors and different level of governments’ development plans.

Hazard Specific Early Warning Regulations

The Desk Survey did not find any independent laws that specifically deal with early warnings and reduction of underlying risk factors through regulation in relation to the following specific hazards: cyclones, tornadoes or storms, earthquakes/tsunami, heat/cold waves, insect infestations, landslides and avalanches, volcanoes, and drought and related famine except for the establishment of the PHIVOLCS and PAGASA to monitor and forecast natural hazards such as typhoons, floods, earthquakes, tsunami and volcanic eruptions. PHIVOLCS is a service institute of the DOST that is principally mandated to mitigate disasters that may arise from volcanic eruptions, earthquakes, tsunami and other related geotectonic phenomena including disaster risk mappings country wide and early warnings. It has formulated and distributed guidelines and information materials on disaster response and preparedness and conducted simulation test or relevant drills. PAGASA is a national government agency mandated to maintain a nationwide network pertaining to observation and forecasting of weather and other climatological conditions affecting national safety, welfare and economy, including hazard mapping, vulnerability analysis and early warnings. Interestingly, the *Philippine Fisheries Code of 1998* also required all vessels and crafts passing navigational lanes or engaged in fisheries activity to contribute to meteorological and other data.

The *Revised Fire Code of the Philippines (2008)* deals predominantly with building and structural fire risks. There are no comprehensive forest fire management laws or policies. The *Water Code (1976)* contains limited provisions on flood management and control and does not include measures for drought preparedness or risk reduction. RA No. 6716, 17 March 1989 does provide for drought preparedness by tasking the DPWH to construct water wells, rainwater collectors, development of springs and rehabilitation of existing wells in all barangays to provide adequate potable water supply. Water conservation laws are not extensive and there have been ad hoc reactive legislative responses to water crisis such as the *National Water Crisis Act of 1995* and AO No. 94 *Providing Measures for the Optimum Utilization of Water Resources in Metro Manila*, 24 February 2004. The *Agriculture and Fisheries Modernization Act of 1997* and the *Philippines Fisheries Code of 1998* both seek to achieve food security and secure livelihoods through efficient and sustainable use of lands and management of fishery resources.

Regulation of the Built Environment

The *National Building Code of the Philippines (1977)*, PD No. 1096 provides a framework of minimum standards and requirements to regulate the site, design, material quality, construction, use, occupancy and maintenance of all buildings and structure consistent with the principles of sound environmental

management and control. It applies to all public and private buildings except traditional indigenous family dwellings. It authorizes Building Officials to issue building permits for any construction, repair or demolition works and enter premises to inspect buildings. The *National Building Code* does not provide for inspection of buildings pre-dating the approval of the *National Building Code*, transitional or emergency shelters or any other DRR measures.

Urban land development and land use planning laws are administered by various government departments and agencies: HLURB, HUDCC and NHA. LGUs are able to assume the powers of the HLURB to approve subdivision plans of cities and municipalities. PD No. 957 (1976) (as amended) and *The Condominium Act (1966)*(as amended) and its Revised IRR (2009) govern housing development in open markets. BP 220 (1982), and its Revised IRR (2008) govern economic and socialized housing developments. RA No. 7279 seeks to implement a housing program for the underprivileged and homeless citizens in urban areas and improve tenure security. These laws provide some prohibitions on development of high risk sites such as erosion, landslides, flooding, and fault lines, but do not provide for public open space for evacuation or transitional or emergency shelters. The Revised IRR for PD 957 (2009) and Revised IRR for BP 20 (2008) provide for the regulation of road construction but it does not specifically provide for emergency services access. The National Land Use Committee was created in 2008 to oversee matters concerning land use and physical planning, including to formulate a national physical framework plan, which includes disaster risk management into national socio-economic plans and programs.

Rural land development is mainly governed by the *Comprehensive Agrarian Law Reform of 1988* (as amended) and EO No. 129-A (1987) under the authority of the DAR. The Government's Comprehensive Agrarian Reform Program sought to provide a more vigorous and systematic land resettlement program and public land distribution, involve local government and evolve a system of land use and classification. The *Local Government Code of 1991* empowers LGUs to reclassify agricultural lands to non-agricultural uses in formulating their comprehensive land use plans, and EO No. 406 (1990) directs the government agencies to integrate their programs and projects with the CARP. Inter-agency CARP Implementing Teams have also been created at all government levels to hasten the implementation of CARP.

Since 1903 the Philippines have been implementing the Torrens System of land title registration whereby real estate ownership may be judicially confirmed and recorded in the archives of the government, which is administered by the LRA within the DJ; and land surveys are the responsibility of the LMB within the DENR. The *Indigenous Peoples Rights Act of 1997*, RA No. 8371 gives indigenous cultural communities and indigenous peoples the rights of ownership

over ancestral lands and domains. The *Civil Code of the Philippine* (1949) recognizes adverse possession of land after 30 years of uninterrupted possession. The Government does not allow squatting and squatters face eviction and demolition of their settlements. The Government has instituted National Shelter programs and National Slum Upgrade Strategies to resettle communities living in informal and precarious settlements.

Regulation of the Natural and Rural Environment

There are a range of environmental protection laws. The DENR is the primary responsible authority together with six Line Bureaus for the management of the country's environment and natural resources: EMB, MGB, FMB, ERDB, PAWB and LMB. The *Philippine Environment Policy (1979)* seeks to "create, develop, maintain and improve conditions under which man and nature can thrive in productive and enjoyable harmony with each other, to fulfill the social, economic and other requirements of present and future generations of Filipinos, and insure the attainment of an environmental quality that is conducive to a life of dignity and well-being." The *Philippine Environment Code (1977)* provides general provisions for management of air quality, water quality, land use, natural resources and conservation of fisheries and aquatic resources, wildlife and soil and forestry, flood control and natural calamities, energy development, conservation and utilization of surface and ground waters, mineral resources, and waste. The plethora of environmental protection laws do provide for aspects of human safety, preservation of livelihoods and food security, although all three aspects are not necessarily considered within an entire law. The Government has also implemented the EISS where EIS and ECC are required for all declared environmentally critical projects and areas. There appears to be no law for the regulation of exploitation of natural resources from the perspectives of human safety **during** natural disasters. In 2010 the Supreme Court's *Rules of Procedure for Environmental Cases* were established to enforce the constitutional right to a "balanced and healthful ecology".

Information management and exchange, community level DRR education, awareness and participation

Not only did the *Local Government Code of 1991* provided for a system of decentralization and devolve of national powers and responsibilities to LGUs, it provided the legal and institutional infrastructure for increasing participation of civil society in local governance. Laws enacted thereafter recognized and

provided for relevant stakeholder participation. Similarly, the adoption of the Philippine Plan for Gender Responsive Development (1995) and the *Magna Carta of Women* (2009) the roles of women have been highlighted in the laws.

The *DRRM Act (2010)* stresses the importance of community education and participation in DRR to “develop and strengthen the capacities of vulnerable and marginalized groups to mitigate, prepare for, respond to, and recover from the effects of disasters”. The local DRRM Offices or BDRRM Committees are required to “organize and conduct training, orientation and knowledge management activities on DRRM at the local level; [and] disseminate information and raise public awareness about hazards, vulnerabilities and risks, their nature, effects, early warning signs and counter measures” (S.12(c)). Further, it provides that DRRM education be integrated in the school curricula of secondary and tertiary level of education, including the National Service Training Program (NSTP), whether private or public, including formal and informal, technical-vocational, indigenous learning, and out-of-school youth courses and programs. Similarly, climate change is to be integrated in primary and secondary education levels; and environment education is to be integrated in school curricula at all levels, including the NSTP.

List of Abbreviations

ADPC	Asian Disaster Preparedness Centre
AO	Administrative Order
ASEAN	Association of South East Asian Nations
Art.	Article
CA	Commonwealth Act
CARP	Comprehensive Agrarian Reform Program
CCC	Climate Change Commission
CEA	Civil Emergency Administration
Ch.	Chapter
CSO	Civil Society Organization
DA	Department of Agriculture
DAR	Department of Agrarian Reform
DBM	Department of Budget and Management
DENR	Department of Environment and Natural Resources
DF	Department of Finance
DH	Department of Health
DILG	Department of Interior and Local Government
DJ	Department of Justice
DND	Department of National Defense
DOE	Department of Education

DOST	Department of Science and Technology
DPWH	Department of Public Works and Highways
DRR	Disaster Risk Reduction
DRRM	Disaster risk reduction and management
DTC	Department of Transport and Communications
DTI	Department of Trade and Industry
ECC	Environmental Compliance Certificate
ECHA	European Commission Humanitarian Aid
EIS	Environmental Impact Statement
EISS	Environmental Impact Statement System
EMB	Environmental Management Board
EO	Executive Order
ERDB	Ecosystem Research and Development Bureau
FAO	Food and Agriculture Organization of the United Nations
FMB	Forest Management Bureau
GFDRR	Global Facility for Disaster Reduction and Recovery
HLRUB	Housing and Land Use Regulatory Board
HUDCC	Housing and Urban Development Coordinating Council
ICC	Indigenous Cultural Communities
IFRC	International Federation of Red Cross and Red Crescent Societies
IP	Indigenous People
LBP	Land Bank of the Philippines
LDRRMC	Local Disaster Risk Reduction Management Council
LDRRMO	Local Disaster Risk Reduction Management Office

LMB	Land Management Bureau
LRA	Land Registration Authority
LWUA	Local Water Utilities Administration
MGB	Mines and Geosciences Bureau
NDCC	National Disaster Coordinating Council
NDRRMC	National Disaster Risk Reduction and Management Council
NEDA	National Economic Development Authority
NGO	Non-Government Organization
NHA	National Housing Authority
NHLRB	National Housing and Land Regulatory Board
NSCB	National Statistical Coordination Board
OCD	Office of Civil Defense
PAGASA	Philippine Atmospheric, Geophysical and Astronomical Services Administration
PAWLB	Protected Areas and Wildlife Bureau
PD	Presidential Decree
PHIVOLCS	Philippine Institute of Volcanology and Seismology
PIDS	Philippines Institute of Development Studies
RA	Republic Act
RDRRMC	Regional Disaster Risk Reduction Management Council
S./Ss.	Section/Sections
SB	Senate Bill
UNDP	United Nations Development Program
UNESCAP	United Nations Economic and Social Commission for Asia and the Pacific
UNISDR	United Nations International Strategy for Disaster Reduction

1. Introduction

In 2005, States, development and humanitarian organizations and other stakeholders adopted the Hyogo Framework for Action (2005-2015), which sets a series of priorities for global action to reduce disaster risk. The HFA priorities focus on the need to:

1. Ensure that disaster risk reduction is a national and local priority with a strong institutional basis for implementation, including through “policy, legislative and institutional frameworks”;
2. Identify, assess and monitor disaster risks and enhance early warning;
3. Use knowledge, innovation and education to build a culture of safety and resilience at all levels;
4. Reduce the underlying risk factors; and
5. Strengthen disaster preparedness for effective response at all levels.

Since 2005, a number of countries have adopted or begun to consider adopting new laws, policies and institutional arrangements for disaster risk reduction; however, important gaps still remain. As part of its Strategy 2020 to “advocate for laws, government policies and incentives for risk reduction”, IFRC undertook a series of case studies in Albania, Brazil, Dominican Republic, Nepal and South Africa to examine the strengths and perceived gaps in the current laws of disaster-prone countries whose governments, National Societies and civil society organizations are active in the field of risk reduction. Further, at its 31st International Conference of the Red Cross and Red Crescent Societies in November 2011, IFRC adopted Resolution 7 to encourage States with the support of their National Societies, IFRC and other relevant partners to review their existing legislative frameworks at all levels in light of the key gap areas identified in the *Law and Disaster Risk Reduction at the Community Level* Background Report to assess whether they adequately:

- a. Establish DRR as a priority for community-level action;
- b. Promote disaster risk mapping at the community level;
- c. Promote communities’ access to information about DRR;
- d. Promote the involvement of community representatives, National Societies, other civil society actors and the private sector in DRR activities at the community level;

- e. Ensure that development planning adequately takes into account local variability in hazard profiles, exposure, vulnerability and cost benefit analysis;
- f. Ensure full implementation of building codes, land use regulations and other legal incentives, taking into account areas of competence of various levels of government within countries, to reduce disaster risk at the community level in a manner that does not impinge unnecessarily on livelihoods or rights; and
- g. Promote strong accountability for results in reducing disaster risks at the community level.

In order to assist the project partners in promoting effective domestic legislation on DRR, IFRC and partners are carrying out research towards a Global Synthesis Study on DRR and legislation during 2012.

This is a desk survey of laws and regulations for the reduction from natural disasters in the Philippines pursuant to the Terms of Reference for National Law Desk Surveys of 8 June 2012 to contribute to the Global Synthesis Study. The research was conducted from 7 June 2012 to 18 July 2012 via online searches only. All documents listed in the bibliography are accessible online via the web links where available.

2. Summary of Main Natural Hazards and Risks in the Philippines

The Philippines is an archipelagic nation consisting of 7,107 islands covering 300,000 square kilometres divided into three main areas: Luzon, (which includes Manila in the north), the Visayas in the centre and Mindanao to the south. The country has a population of 92.34 million (1 May 2010). It is considered one of the most disaster-prone countries in the world due to its geographical location and physical environment. It is situated along a highly seismic area lying on along the “Pacific Ring of Fire”, where two major two tectonic plates meet, resulting in high vulnerability to earthquakes and volcanic eruptions. The country experiences an average of five earthquakes a day; and there are about 300 volcanoes, of which 22 are active and have erupted in the past.

PHIVOLCS has recorded 12 destructive earthquakes in the last 40 years; the most damaging of which were the 1976 Mindanao Earthquake, which killed approximately 6,000 and caused about US \$400 million (in present value) in damage, and the 1990 Central Luzon Earthquake, which killed over 1,000 people and caused damages of about US \$400 million (in present value). The most active volcanoes in the Philippines are Bulusan, Mayon, Canlaon and Taal. The most recent major eruption in the country is the Mount Pinatubo eruption in June 1991.

The climate of the Philippines is tropical and is strongly affected by monsoon winds, which blow from the southwest from approximately May to October and from the northeast from November to February. As it is situated along the typhoon belt of the Pacific Ocean, there is an average of 20 to 30 typhoons or tropical cyclones annually from June to December with secondary hazardous impacts such as landslides, flash floods, flooding and droughts. Most storms come from the southeast, with their frequency generally increasing from south to north. Luzon has significantly higher risk than the southern part of the country, where typhoons are heaviest in Samar, Leyte, eastern Quezon Province and the Batanes Islands. Further, the Philippines’ 36,289km

coastline exposes it to high susceptibility of sea level rise and storm surges and vulnerability to tsunamis.¹ At least 60% of the total land area of the country is exposed to multiple hazards, and as a result 74% of its population is vulnerable². In the Senate of the Philippines' Press Release on 11 October 2011, Senator Legarda "noted that in 2009, the Mortality Risk Index by the UNISDR placed the Philippines 12th among the 200 countries most at risk from cyclones, floods, earthquakes and landslides; in 2010, the Climate Change Vulnerability Index ranked the country sixth most climate-vulnerable nation; while the World Risk Index 2011 considered the Philippines as the third most vulnerable to disaster risks and natural hazards."³

In 2011 the Philippines was ranked as the country with the highest number of natural disasters. It also experienced the highest number of natural disasters ever registered in its history. The country was affected by 33 natural disasters, mostly floods and storms. There were 1,933 reported deaths and 11.7 million affected victims. A series of tropical cyclones struck the country from May onwards, killing over 1,780 people, most of them by tropical cyclone 'Washi' (Sendong) (1,439 deaths). This series of tropical cyclones caused 9.5 million victims, while floods resulted in 2.2 million victims in the country⁴.

Summarized Table of Natural Disasters in the Philippines from 1900 to 2012				
Type of Disaster	No. of Events	No. of People Killed	Total No. of People Affected	Damage Costs (US\$'000)
Drought	8	8	6,553,207	64,453
Earthquake	24	9,693	2,543,574	528,475

¹ ADRC Visiting Researcher, Philippines Country Report to ADRC 2011, undated, pp1-2. http://www.adrc.asia/countryreport/PHL/2011/FY2011A_PHL_CR.pdf (accessed 11 June 2012), "National Disaster Risk Reduction and Management Plan, 2011 to 2028", undated at p.1. http://www.ndrrmc.gov.ph/attachments/article/567/Signed_NDRRMP.pdf (accessed 25 June 2012) and GFDRR, "Disaster Risk Management Programs for Priority Countries 2011", World Bank, GFDRR and ISDR, 2011 at p.305. http://www.gfdrr.org/gfdrr/sites/gfdrr.org/files/publication/DRM_CountryPrograms_2011.pdf (accessed 13 July 2012)

²Ibid., GFDRR and ISDR (2011) at p.305

³ Senate of the Philippines Press Release, "Legarda Raises Alarm over PHL's Continued Rise in Climate-Vulnerability Rankings", 11 October 2011. http://www.senate.gov.ph/press_release/2011/1011_legarda1.asp (accessed 13 July 2012)

⁴ Guha-Sapir et al., "Annual Disaster Statistical Review 2011, The Numbers and Trends", Centre for Research on the Epidemiology of Disasters, Institute of Health and Society, Universite catholique de Louvain, Brussels Belgium, July 2012 at pp.14-16. http://cred.be/sites/default/files/2012.07.05.ADSR_2011.pdf (accessed 13 July 2012)

Tsunami	1	32	-	-
Flood	125	2,974	19,522,670	1,483,625
Storm	297	39,059	117,141,952	7,209,292
Volcano	25	2,996	1,734,907	231,961
Mass Movement Wet	30	2,441	317,546	33,281
Mass Movement Dry	3	361	-	-
Epidemic	17	1,253	146,264	-
Insect Infestation	2	-	200	925
Wildfire	1	2	300	-
Source: "EM-DAT: The OFDA/CRED International Disaster Database, www.emdat.be - Université catholique de Louvain - Brussels - Belgium", Created 13 July 2012. http://www.emdat.be/country-profile				

3. Governmental and Law-Making Structure⁵

The Philippines is a Constitutional Republic with a democratic government. The form of government is unitary, and is based on the separation of powers between executive presidency, bicameral legislature and independent judiciary. The Congress is the national legislature of the Philippines consisting of the House of Representatives and the Senate. The Constitution provides for a maximum of 250 members in the House of Representatives, however, the numbers were allowed to increase by legislation when a Supreme Court ruling in April 2009 held that additional party members could sit in the House of Representatives if they received the required number of votes. As of 25 June 2012 there are 287 members: 230 District and 57 Sectoral Representatives⁶. The Senate consists of 24 Senators, half of which are elected every three years by universal suffrage and do not represent any geographical districts. The President is the Head of State, Chief Executive of the Republic and Commander-in-Chief of the armed forces. The President is elected by the people for a six year term and is not qualified for re-election.

As a historical consequence of the Philippines being under the rule of both Spain (1565–1898) and the United States (1898–1946), its legal system is now characterised as a mixture of both civil and common law systems. The main sources of law in the Philippines are: the 1987 Constitution; Statutes of Spanish and United States origin, Statutes passed by Congress and other legislative bodies; judicial decisions applying or interpreting the laws or the Constitution ; ordinances passed by the local government units; implementing rules and regulations issued under authority of a statute; and international law principles.

The ultimate legislative power may be exercised by the Filipino people as prescribed in the *Initiative and Referendum Act*(1989), which gives all registered voters the power to reject any laws or part thereof passed by the Congress or any local government body.

⁵ This section is adapted from International Legal Services Advisory Council, Legal Services Country Profile - The Philippines, ILSAC, Attorney General's Department, January 1998. <http://www.ilsac.gov.au> (accessed 13 July 2012) and information on Wikipedia website

⁶ CIA, World Fact Book, Philippines, last updated 25 June 2012. <https://www.cia.gov/library/publications/the-world-factbook/geos/rp.html> (accessed 17 July 2012)

Congress is vested with legislative power under the Constitution to legislate on any area of activity subject to limitations embodied in Article III, *Bill of Rights* of the 1987 Constitution, and on specific powers (such as limitation on the power to tax, to appropriate public funds and to declare the existence of war).

The Philippines is divided into a hierarchy of local government units (LGUs) with the province as the primary unit. Provinces are further divided into cities and municipalities, which consists of barangays (the smallest LGU). All provinces are grouped into regions for administrative purposes and do not have local governments except for Muslim Mindanao region which is autonomous pursuant to *An Act Providing for An Organic Act for the Autonomous Region in Muslim Mindanao*, RA No. 6734, 1 August, 1989. As of 31 March 2012 there are 17 regions, 80 provinces, 138 cities, 1,496 municipalities and 42,027 barangays. LGUs also exercise law making powers pursuant to the *Local Government Code of 1991*, but the ordinances cannot contravene a statute enacted by Congress. Administrative agencies can also exercise “quasi-legislative” powers within the scope of the statutory authority granted by Congress.

Under the 1987 Constitution, the Filipino Judiciary consists of a Supreme Court, the Court of Appeal, Regional Trial Courts, Metropolitan Trial Courts, Municipal Courts in Cities, Municipal Courts and Municipal Circuit Trial Courts. There is also a court which deals specifically with corruption cases, the Sandiganbayan and Islamic Shari’a Courts established pursuant to the *Code of Muslim Personal Laws of the Philippines (1977)*. The courts interpret the law but do not enact them.

The Philippine Government also recognizes indigenous and customary laws and practices pursuant to the *Indigenous Peoples Rights Act of 1997* and the creation of the National Commission on Indigenous Peoples.

4. Law and Regulation for Risk Reduction in Natural Disasters - Research Questions for National Law Desk Surveys

1. Background information	20
2. Institutional frameworks, resourcing and community participation in DRR:	25
Part One. Disaster Management Law & Institutions.....	25
A. Disaster Management Institutions	25
B. Hyogo Framework for Action & Climate Change Institutions.....	38
C. DRR priority and resource allocation in government	41
Part Two. Responsibility, accountability and liability for natural disaster risk reduction.....	43
A. Constitutional Rights & Guarantees for the Population	44
B. Liability & Insurance.....	51
3. Early warning and reduction of underlying risk factors through regulation	56
Part One. Rapid-onset disasters, sectoral and specific regulation based on identified risks and community participation	56
A. Cyclones, tornadoes, or storms?	56
B. Earthquake/Tsunami?	60
C. Fire?.....	64
D. Floods?	73
E. Heat/cold waves?.....	77
F. Insect Infestations?	79
G. Landslides and avalanches?	81
H. Volcanoes?	83

Part Two. Slow-onset disasters, sectoral and specific regulation based on risks and community participation	85
I. Drought and related famine?.....	85
J. Other food security risks?	94
Part Three. Early Warning, Hazard Mapping and Risk Information.....	101
A. Early Warning.....	101
B. Risk identification, assessment and monitoring.....	108
Part Four. Regulation of the Built Environment	113
A. Building Codes.....	114
B. Land Use Planning Laws.....	121
C. Land tenure.....	139
D. Informal and precarious settlements.....	160
E. Urban Water and Flood Management.....	165
Part Five. Regulation of the Natural & Rural Environment.....	171
A. Human Risks in Environmental Change	172
B. Forests.....	183
C. Rivers and watercourses.....	190
D. Drought and food security	191
4. Information management and exchange, community level DRR education & awareness	191

1. Background information

Using secondary and legal sources, identify and describe briefly in the table below the governmental structure of the subject country to assist readers understand how the different levels of law and regulation relate to each other.

1. BACKGROUND INFORMATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
Identify laws that indicate the structure of government, including the number of levels of government and the extent of decentralisation of governmental functions, such as: constitutional framework for different levels of government (e.g. national/provincial/local), and specific laws on decentralisation.			
1. How many levels of government are there, and what are they called? How many administrative areas are there (e.g. provinces, local government areas)?	1987 Constitution of the Republic of the Philippines	Art. VI, S.1	“The legislative power shall be vested in the Congress of the Philippines which shall consist of a Senate and a House of Representatives, except to the extent reserved to the people by the provision on initiative and referendum.”
		Art. VII, S.1	“The executive power shall be vested in the President of the Philippines.”
		Art. X, S.1	“The territorial and political subdivisions of the Republic of the Philippines are the provinces, cities, municipalities, and barangays. There shall be autonomous regions in Muslim Mindanao and the Cordilleras as hereinafter provided.”
		Art. X, S.2	“The territorial and political subdivisions shall enjoy local autonomy.”
		Art. X, S.3	“The territorial and political subdivisions shall enjoy local autonomy.”
		Art. X s.15	“The Congress shall enact a local government code which shall provide for a more responsive and accountable local government structure instituted through a system of decentralization with effective mechanisms of recall, initiative, and referendum, allocate among the different local government units their powers, responsibilities, and resources, and provide for the qualifications, election, appointment and removal, term, salaries, powers and functions and duties of local officials, and all other matters relating to the organization and operation of the local units.”

1. BACKGROUND INFORMATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
		Art. X, S.18	<p>“There shall be created autonomous regions in Muslim Mindanao and in the Cordilleras consisting of provinces, cities, municipalities, and geographical areas sharing common and distinctive historical and cultural heritage, economic and social structures, and other relevant characteristics within the framework of this Constitution and the national sovereignty as well as territorial integrity of the Republic of the Philippines.”</p> <p>“The Congress shall enact an organic act for each autonomous region with the assistance and participation of the regional consultative commission composed of representatives appointed by the President from a list of nominees from multi-sectoral bodies. The organic act shall define the basic structure of government for the region consisting of the executive department and legislative assembly, both of which shall be elective and representative of the constituent political units. The organic acts shall likewise provide for special courts with personal, family, and property law jurisdiction consistent with the provisions of this Constitution and national laws.</p> <p>The creation of the autonomous region shall be effective when approved by majority of the votes cast by the constituent units in a plebiscite called for the purpose, provided that only provinces, cities, and geographic areas voting favorably in such plebiscite shall be included in the autonomous region.”</p> <p>As of 31 March 2012 there are 17 regions, 80 provinces, 138 cities, 1,496 municipalities and 42,027 barangays. http://www.nscb.gov.ph/ (accessed 17 July 2012)</p>
2. Is there a separate law on decentralisation of government	Local Government Code of 1991, RA No. 7160, 10	Book 1, Ch. I,	“It is hereby declared the policy of the State that the territorial and political subdivisions of the State shall enjoy genuine and

1. BACKGROUND INFORMATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
functions? How does it decentralise? For example, does it establish new institutions or delegate powers to provincial/local government?	October, 1991 (as amended)	Ss.2(a) & (b) Book 1, Ch. II, S.6 Book 1, Ch. II, S.15 Book 1, Ch. II, S.16	<p>meaningful local autonomy to enable them to attain their fullest development as self-reliant communities and make them more effective partners in the attainment of national goals. Toward this end, the State shall provide for a more responsive and accountable local government structure instituted through a system of decentralization whereby local government units shall be given more powers, authority, responsibilities, and resources. The process of decentralization shall proceed from the national government to the local government units.</p> <p>It is also the policy of the State to ensure the accountability of local government units through the institution of effective mechanisms of recall, initiative and referendum. “</p> <p>“A local government unit may be created, divided, merged, abolished, or its boundaries substantially altered either by law enacted by Congress in the case of a province, city, municipality, or any other political subdivision, or by ordinance passed by the sangguniang panlalawigan or sangguniang panlungsod concerned in the case of a barangay located within its territorial jurisdiction, subject to such limitations and requirements prescribed in this Code.”</p> <p>“Every local government unit created or recognized under this Code is a body politic and corporate endowed with powers to be exercised by it in conformity with law. As such, it shall exercise powers as a political subdivision of the national government and as a corporate entity representing the inhabitants of its territory.”</p> <p>“Every local government unit shall exercise the powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate, or incidental for its efficient and effective</p>

1. BACKGROUND INFORMATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
	An Act Providing for An Organic Act for the Autonomous Region in Muslim Mindanao, RA No. 6734, 1 August, 1989		<p>governance, and those which are essential to the promotion of the general welfare. Within their respective territorial jurisdictions, local government units shall ensure and support, among other things, the preservation and enrichment of culture, promote health and safety, enhance the right of the people to a balanced ecology, encourage and support the development of appropriate and self-reliant scientific and technological capabilities, improve public morals, enhance economic prosperity and social justice, promote full employment among their residents, maintain peace and order, and preserve the comfort and convenience of their inhabitants.”</p> <p>The Autonomous Region in Muslim Mindanao was officially inaugurated on 6 November 1990 after four provinces voted in favour of inclusion in the new autonomous region.</p> <p>The Philippine Government have passed two organic acts to provide the Cordillera Region with regional autonomy, namely, <i>An Act Providing for An Organic Act for the Cordillera Autonomous Region</i>, RA No. 6766, 23 October, 1989 and <i>An Act to Establish the Cordillera Autonomous Region</i>, RA No. 8438, 22 December 1997, however, both plebiscites have failed to achieve a majority vote pursuant to Art. X, S. 18 of the 1987 Constitution. A third Organic Act is being sought by the Cordillera Regional Development Council pursuant to House Bill No. 5595 (unable to locate Bill) currently being studied by the House of Representatives Committee level according to PIA news dated 14 July 2012 at http://www.pia.gov.ph/news/index.php?article=21342250194 (accessed on 16 July 2012) and Senate Bill No. 3115, <i>An Act to Establish the Cordillera Autonomous Region</i>, Pending in the Committee on 7 February 2012.</p>

1. BACKGROUND INFORMATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
3. Looking at the Constitution and/or decentralisation law, is there any mention of allocation of responsibility at the different levels for reducing risks related to natural disasters?			<p>The 1987 Constitution provides at S.16 that, “[t]he State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature”, but is otherwise silent in the area of disaster risk reduction management in relation to natural disasters.</p> <p>The <i>Local Government Code</i> (1991) states that, “It shall be the duty of every national agency or government-owned or controlled corporation authorizing or involved in the planning and implementation of any project or program that may cause pollution, climatic change, depletion of non-renewable resources, loss of crop land, rangeland, or forest cover, and extinction of animal or plant species, to consult with the local government units, nongovernmental organizations, and other sectors concerned and explain the goals and objectives of the project or program, its impact upon the people and the community in terms of environmental or ecological balance, and the measures that will be undertaken to prevent or minimize the adverse effects thereof.” (Book 1, Ch. III, Article I, S.26)</p> <p>Title VI of the <i>Local Government Code</i> (1991) established local development councils such as the Liga ng Mga Barangay, League of Municipalities, League of Cities and League of Provinces.</p>
4. Is this country a member of any regional organisation(s) that make(s) regulations or agreements or issues guidelines for member states that could impact on disaster management or risk reduction? Is so, please name the organisation(s).			<ul style="list-style-type: none"> • ASEAN Experts Group on Disaster Management (subsidiary of ASEAN Committee on Social Development) • Asia Pacific Economic Co-operation (Emergency Preparedness) • Global Facility for Disaster Reduction and Recovery • Asian Disaster Preparedness Centre • Asian Disaster Reduction Centre • IFRC - Philippines National Red Cross • Senator Loren Legarda is the Asia-Pacific Regional Champion for Disaster Risk Reduction to help UNISDR promote the

1. BACKGROUND INFORMATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			benefits of disaster risk reduction policies in countries and communities of the region that are most vulnerable to disasters.

2. Institutional frameworks, resourcing and community participation in DRR:

The aim is to identify laws that establish the governmental institutions and structures relevant to DRR, and which set out their mandates, and resource allocation mechanisms, including the extent of involvement of communities and civil society. These may include specialist disaster management institutions, bodies established to implement the Hyogo Framework for Action, or authorities charged with planning for adaptation to climate change, as well as government bodies responsible for planning and oversight, public administration at all levels, land use planning, building controls, environmental management, and telecommunications. However, to avoid repetition, the sectoral institutions are not included in this question but are part of the data requested in the section on reducing underlying risks.

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
Part One. Disaster Management Law & Institutions			
The key question in relation to DM laws is whether they exist and, if so, the extent to which they incorporate longer term disaster risk reduction, as well as prevention. Issues for investigation include: progress in the development of comprehensive DM legislation (at national level, provincial and local levels), what, if any, elements of existing DM laws and regulations relate to risk reduction and prevention for natural disasters; and whether there is a specified DM role for communities, civil society and the National Red Cross or Red Crescent Society (especially in recognition of its auxiliary status in humanitarian response).			
A. Disaster Management Institutions			
5. Is there a national disaster management (DM) or civil protection law or regulation? - or a group of regulations? Describe.	Philippine Disaster Risk Reduction and Management Act of 2010, RA No. 10121, 27 May, 2010 (repealed PD No. 1566, Strengthening the Philippine Disaster Control, Capability and Establishing the National Program on Community Disaster Preparedness of June 1978)		RA No. 10121 is consistent with the State's commitment to the Hyogo Framework for Action. It seeks to adopt "a DRRM approach that is holistic, comprehensive, integrated and proactive in lessening the socio-economic and environmental impacts of disaster, including climate change, and promoting the involvement and participation of all sectors and stakeholders concerned at all levels, especially the local community." It provides for the development of policies and plans and the implementation of actions and measures pertaining to all aspects of DRRM, including good governance, risk assessment and early warning, knowledge

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
	<p>IRR of RA No. 10121, the Philippine DRRM Act of 2010, 27 September, 2010</p> <p>EO No. 888 - Adopting the Strategic National Action Plan (SNAP) on Disaster Risk Reduction (DRR), 2009-2019 and Institutionalizing DRR, 7 June 2010</p>		<p>building and awareness raising, reducing underlying risk factors, and preparedness for effective response and early recovery, which are gender responsive and sensitive to indigenous knowledge systems through a <i>whole of society</i> approach. It highlights the need for institutionalising DRRM policies, structures, co-ordination mechanisms and programs with continuing budget appropriation on DRR from national to local levels.</p> <p>RA No. 10121 provides for a comprehensive NDRRM Plan and Framework, and for DRR programs to be incorporated in development plans at various levels of government, and for disaster risk reduction and climate to be mainstreamed in development processes such as “policy formulation, socio-economic development planning, budgeting and governance, particularly in the areas of environment, agriculture, water, energy, health, education, poverty reduction, land use and urban planning, and public infrastructure and housing.” The RA No. 10121 also provides for human induced disasters as it considers mainstreaming of disaster risk reduction into the peace process and conflict resolution approaches.</p>
6. Is there also a national disaster management policy? Is this established by a law? Provide details.			The national disaster management policy is integral to and established by RA No. 10121.
7. Is the DM law a national law applicable throughout the territory of the subject country? If so, does it establish an integrated national system with elements at provincial, local and/or community level?			RA No. 10121 is a national law which establishes an integrated national DRRM system. The NDRMMC is the highest policy making body in relation to disasters in the State. The OCD is its administrative arm, which oversees the Regional DRRM Councils and Provincial, City and Municipal DRRM Councils. The Barangay Disaster Co-ordinating Councils have ceased to exist and its powers and functions are assumed by the existing Barangay Development Councils, which serves as the Local DRRM Committee in every barangay.

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<p>See also: EO No. 159, series of 1968, which mandates that all heads of departments, bureaus, offices, agencies, instrumentalities and political sub-divisions of the government, including all corporations owned and controlled by the government, the armed forces, government hospitals and public educational institutions to establish their respective disaster control organizations.</p> <p>Rule 1040 of the <i>Occupational Safety and Health Standards</i> (as amended) which states that each agency provides for the organization of disaster control groups/health safety committees in every place of employment and the conduct of periodic drills and exercises in work places.</p>
8. Are there separate provincial or local DM laws? Are these connected with the national DM law in any way? e.g., is there a hierarchy of laws between them, or a common institutional structure?			<p>Provincial and local DM laws are to be consistent with RA No. 10121, the IRR of RA No. 10121, and the National DRRM Plan and Framework.</p> <p>DILG, NEDA, DBM and DF, Joint Memorandum Circular No. 1 Series of 2007, 8 March 2007 mandated the harmonization and integration of LGU's plans and budgets to national and regional policies, goals and strategies.</p> <p>AO No. 1 issued on 17 September, 2010 directs all LGUs to adopt and use the Guidelines for Mainstreaming DRR/CCA in Subnational Development and Land Use Physical Planning.</p> <p>The DILG has issued a Compendium of Disaster Preparedness and Response Protocols (2012).</p>
9. Does the DM or other law establish	Philippine Disaster Risk	Ss.6 & 8	The NDRRMC is the highest policy making body in relation to

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
one or more specialist DM institutions? What are they (i.e. what are their names and what type of body are they) and what are their mandates?	Reduction and Management Act of 2010, RA No. 10121, 27 May, 2010 EO No. 888 - Adopting the Strategic National Action Plan (SNAP) on Disaster Risk Reduction (DRR), 2009-2019 and Institutionalizing DRR, 7 June 2010		DRRM. It is “empowered with policy making, co-ordination, integration, supervision, monitoring and evaluation functions.” Its administrative arm, the OCD has “the primary mission of administering a comprehensive national civil defence and DRRM program by providing leadership in the continuous development of strategic and systematic approaches as well as measures to reduce the vulnerabilities and risks to hazards and manage the consequences of disasters.” There are also DRRM Councils, Centres, and Offices at regional, provincial, city and municipal levels, and a barangay committee in every barangay.
10. Does the DM policy use the same or different implementing institutions from the DM law? Describe.			There is one national implementing institution, the NDRRMC with decentralized powers, responsibilities and resources at the regional and local levels.
11. Does the DM law or other law deal with: a. Disaster response ⁷ ? b. Disaster preparedness ⁸ ? c. Disaster mitigation ⁹ and prevention ¹⁰ ? d. Disaster risk reduction ¹¹ (DRR)? e. If it includes DRR, how is it defined? (include definition)			RA No. 10121 deals with disaster response, disaster preparedness, disaster mitigation and prevention, and DRR. RA No. 10121 defines DRR as “the concept and practice of reducing disaster risks through systematic efforts to analyze and manage the causal factors of disasters, including through reduced exposures to hazards, lessened vulnerability of people and property, wise management of land the environment, and improved preparedness for adverse events.” (Section.3(n))

⁷ “The provision of emergency services and public assistance during or immediately after a disaster in order to save lives, reduce health impacts, ensure public safety and meet the basic subsistence needs of the people affected.”

⁸ “The knowledge and capacities developed by governments, professional 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.”

⁹ “The lessening or limitation of the adverse impacts of hazards and related disasters.”

¹⁰ “The outright avoidance of adverse impacts of hazards and related disasters.”

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<ul style="list-style-type: none"> • recommending to the President the declaration of a state of calamity and allocation of calamity funds, • managing the DRRM Information System and Geographic Information System-based national risk map, • establishing a national early warning and emergency alert system • developing risk transfer mechanisms to guarantee social and economic protection • managing and mobilising resources for DRRM, including the DRRM Funds • monitoring and providing guidelines for the Local DRRM Fund, • developing vertical and horizontal co-ordination mechanisms for a more coherent implementation of DRRM policies and programs by sectoral agencies and LGUs, • monitoring the development and enforcement by agencies and organizations of the various laws, guidelines, codes; etc, • co-ordinating with the CCC to formulate and implement a framework for climate change adaptation and DRRM, and develop the necessary tools, • formulating a national institutional capacity building program for DRRM, • establishing a national agenda for research and technology development in DRRM, • constitute a technical management group to be members of the NDRMMC to co-ordinate and sustain national efforts on DRRM, • task the OCD to conduct periodic assessments and performance monitoring of the member agencies of the NDRRMC and regional DRRMCs; and • co-ordinate and oversee the country's obligations with disaster management treaties to which it is a party and to ensure that the country's treaty obligations are incorporated into its DRRM

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			framework, policies, plans and programs.
	Implementing Rules and Regulations of RA No. 10121, 27 September, 2010	Ss. 8 & 9 Rule 3, S.5.2	<p>The OCD is the operating arm and secretariat of the NDRRMC with the primary task of coordinating the activities and functions of various government agencies and instrumentalities, private institutions and civic organizations for the protection and preservation of life and property during disasters and emergencies.</p> <p>Every member agency shall be assigned functions relevant to their mandates, programs, geographic jurisdiction and special constituencies to be indicated in the NDRRM Plan. Each agency shall formulate its own DRRM Implementing Plan and their manual of operations.</p>
	Philippine Disaster Risk Reduction and Management Act of 2010, RA No. 10121, 27 May, 2010	Ss.10 to 12	<p>There are also DRRM Councils, Centres and Offices at regional, provincial, city and municipal levels, and a barangay DRRM committee in every barangay.</p> <p>“Except for the policy making function of the NDRRMC, the Regional DRMMC shall likewise carry out co-ordination, integration, supervision, monitoring and evaluation functions covering regional council member agencies and the Local DRRMCs within their jurisdiction.” (IRR, Rule 4, S.3)</p> <p>The Regional DRRMC is to establish an operating facility on a 24 hour basis, to be known as the Regional DRRMC Operations Centre and every member agency shall establish its respective Emergency Operations Centre (IRR, Rule 4, S.5). At the national level there is the NDRRM Operations Centre, which is also operated and maintained on a 24 hour basis and acts as the nerve centre for alert and monitoring, multi-agency and multi-level co-ordination,</p>

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
		S.15	<p>response and resource mobilization and information management (IRR, Rule 11, Ss.2 & 3).</p> <p>“The DRRMCs shall take the lead in preparing for, responding to, and recovering from the effects of any disaster based on the following criteria:</p> <p>(a) the Barangay Development Council, if a barangay is affected;</p> <p>(b) the city/municipal DRRMC if two or more barangays are affected;</p> <p>(c) the provincial DRRMC if two or more cities/municipalities are affected;</p> <p>(d) the regional DRRMC if two or more provinces are affected; and</p> <p>(e) the NDRRMC if two or more regions are affected.</p> <p>The NDRRMC and intermediary Local DRRMCs shall always act as support to LGUs which have the primary responsibility as first disaster responders.”</p> <p>Note:</p> <p>The NEDA is responsible for the mainstreaming of DRR in Subnational Development Plans and Land Use/Physical Planning and has developed and has developed Guidelines to assist local governments to implement DRR in their local planning activities.</p> <p>The DILG is overseeing the mainstreaming of DRR and climate change adaptation in local government systems that are considered at high risk to natural disasters through local Comprehensive Land Use Plans, Comprehensive Development Plans and investment programs. The local government will then be responsible for enacting DRR ordinances such as settlement/housing and building standards.</p>
13. Does the DM law or policy prescribe a role in DM institutions for civil	Philippine Disaster Risk Reduction and Management	Ss.2(l),(m) & (n)	The Government’s policy is to “recognize and strengthen the capacities of LGUs and communities in mitigating and preparing

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>society? If so, how defined and what is the role? At what levels?</p> <p>a. National?</p> <p>b. Provincial/state?</p> <p>c. Municipal/local?</p>	<p>Act of 2010, RA No. 10121, 27 May, 2010</p>		<p>for, responding to, and recovering from the impact of disasters”, to “engage the participation of CSOs, the private sector and volunteers in the government’s DRR programs towards complementation of resources and effective delivery of services to the Citizenry”, and to “develop and strengthen the capacities of vulnerable and marginalized groups to mitigate, prepare for, respond to, and recover from the effects of disasters.”</p>
		S.3(c)	<p>CSOs are defined as “non-state actors whose aims are neither to generate profits nor to seek self-governing power. CSOs unite people to advance shared goals and interests. They have a presence in public life, expressing the interests and values of their members or others, and are based on ethical, cultural, scientific, religious or philanthropic considerations. CSOs include NGOs, professional associations, foundations, independent research institutes, community-based organizations, faith-based organizations, people’s organizations, social movements and labour unions.”</p>
		S.3(cc)	<p>Private sector is defined as “the key actor in the realm of the economy where the central social concern and process are the mutually beneficial production and distribution of goods and services to meet the physical needs of human beings. The private sector comprises private corporations, households and nonprofit institutions serving households.”</p>
		S.5	<p><u>National</u> The NDRRM shall consist of four representatives from the CSOs and one representative from the private sector, whom “shall be selected from among their respective ranks based on the criteria and mechanisms to be set for this purpose by the National Council.”</p>

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
		S.9	The OCD is required to “create an enabling environment for substantial and sustainable participation of CSOs, private groups, volunteers and communities, and recognize their contributions in the government’s DRR efforts.”
			<u>Regional</u> The composition of the Regional DRRM Council is not defined.
		Ss.11 & 12(13)	<u>Local</u> Likewise the Local DRRM Councils shall include four accredited CSOs members and one private sector representative member. They are required to “develop, strengthen and operationalize mechanisms for partnerships or networking with the private sector, CSOs and volunteer groups.”
		S.12c(13)	The Local DRRM Offices and Barangay DRRM Committees are required to “develop, strengthen and operationalize mechanisms for partnership or networking with the private sector, CSOs and volunteer groups.”
		S.12(d)	“The punong barangay shall facilitate and ensure the participation of at least two CSO representatives from existing and active community-based people’s organisations representing the most vulnerable and marginalized groups in the barangay.”
		S.13	<u>General</u> “The Government agencies, CSOs, private sector and LGUs may mobilize individuals or organized volunteers to augment their respective personnel complement and logistical requirements in the delivery of DRR programs and activities. The agencies, CSOs, private sector and LGUs concerned shall take full responsibility for

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
		S.14	<p>the enhancement, welfare and protection of volunteers, and shall submit the list of volunteers to the OCD, through the LDRRMOs, for accreditation and inclusion in the database of community disaster volunteers.</p> <p>A national roster of ACDVs National Service Corps, CSOs and the private sector shall be maintained by the OCD through the LDRRMOs. Accreditation shall be done at the municipal or city level.</p> <p>Mobilisation of volunteers shall be in accordance with the guidelines to be formulated by the NDRRMC consistent with the provisions of this Act. Any volunteer who incurs death or injury while engaged in any of the activities defined under this Act shall be entitled to compensatory benefits and individual personnel accident insurance as may be defined under the guidelines.”</p> <p>DRR Education is to be integrated into school curricula at secondary and tertiary levels (including National Service Training Program) whether private or public, formal or non-formal, technical-vocation, indigenous learning and out of school youth courses and programs; and Sangguniang Kabataan Program.</p> <p>Community participation, especially youth, in DRRM activities is encouraged.</p>

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
14. Does the DM law or policy prescribe a role in DM institutions for the National Red Cross or Red Crescent Society? If so, how defined and what is the role? At what levels? a. National? b. Provincial/state? c. Municipal/local?	Philippine Disaster Risk Reduction and Management Act of 2010, RA No. 10121, 27 May, 2010	Ss.5 & 11	The Philippine National Red Cross is represented on the NDRRMC by the Secretary General, and on the LDRRMC by any designated representative.
15. Is there any provision in the DM law or policy to ensure that women have a role and a voice in the DM institutions? If so, how is this regulated or encouraged by law? At what levels does the law provide for women's participation in DM institutions? a. National? b. Provincial/state? c. Municipal/local?	Philippine Disaster Risk Reduction and Management Act of 2010, RA No. 10121, 27 May, 2010	Ss.2(j) & (n) S.3(oo) S.5 S.11	It is the Government's policy to ensure that DRR and climate change measures are gender responsive, and to "develop and strengthen the capacities of vulnerable and marginalized groups to mitigate, prepare for, respond to, and recover from the effects of disasters." "Vulnerable and marginalized groups" are defined as "those that face higher exposure to disaster risk and poverty including, but not limited to, women, children, elderly, differently-abled people and ethnic minorities." The NDRRMC includes a representative from the National Commission on the Role of Filipino Women. The LDRRMC includes the Head of the Gender and Development Office as a member. See also: <ul style="list-style-type: none"> S.14 of the 1987 Constitution where the States recognizes the role of women in nation-building. <i>An Act Providing for the Magna Carta of Women</i>, RA No. 9710, 14 August, 2009
16. Does the DM law or policy prescribe a role in DM institutions for	Philippine Disaster Risk Reduction and Management		<u>Communities</u> See above Q.13

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>communities? If so, how defined and what is the role? Does it specify any mechanisms to ensure a voice for all elements of the community in DRR, e.g.</p> <p>a. Women?</p> <p>b. Different cultural or ethnic groups?</p> <p>c. Vulnerable groups, including children, older persons, persons with disabilities?</p> <p>d. Socially isolated groups and the very poorest people?</p>	<p>Act of 2010, RA No. 10121, 27 May, 2010</p>	<p>Ss.2(j) & (n)</p> <p>S.3(oo)</p> <p>S.5</p>	<p><u>Women</u> See above Q.15</p> <p><u>Cultural or ethnic groups</u> There is no specific defined role for any cultural or ethnic groups; however, S.10 provided for a Regional DRRM Council in the Autonomous Region in Muslim Mindanao.</p> <p><u>Vulnerable groups, socially isolated groups and the very poorest people</u> It is the Government’s policy to “ensure that DRR and climate change measures are gender responsive, sensitive to indigenous knowledge systems and respectful of human rights” and to “develop and strengthen the capacities of vulnerable and marginalized groups to mitigate, prepare for, respond to, and recover from the effects of disasters.”</p> <p>“Vulnerable and marginalized groups” are defined as “those that face higher exposure to disaster risk and poverty including, but not limited to, women, children, elderly, differently-abled people and ethnic minorities.”</p> <p>The NDRRMC is represented by the Commissioner of the National Anti-Poverty Commission - Victims of Disasters and Calamities Sector</p> <p>There is no specific defined roles for these general groups save to encourage active engagement, especially youth, in DRRM programs and activities through participation, capacity building, information dissemination, and community resource mobilisation.</p>

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
		S.14	<p>IRR Rule 4, S.6 designates Metro Manila as a special administrative region with its own Metro Manila DRRM Council with a similar organisational structure to the Regional DRMMC.</p> <p>DRR Education is to be integrated into school curricula at secondary and tertiary levels (including National Service Training Program) whether private or public, formal or non-formal, technical-vocation, indigenous learning and out of school youth courses and programs; and Sangguniang Kabataan Program.</p> <p>See also: S.13 of the 1987 Constitution where the State recognizes the role of youth in nation-building and encourages their involvement in public and civic affairs. <i>Expanded Seniors Citizens Act of 2010</i>, RA No. 9994, 15 February 2010, which seeks to motivate and encourage senior citizens to contribute to nation building.</p>
17. Describe the main differences in the scope of the DM law and the DM policy concerning prevention and disaster risk reduction.	Philippine Disaster Risk Reduction and Management Act of 2010, RA No. 10121, 27 May, 2010		The DM policy concerning prevention and DRR is integral to the DM law, RA No. 10121.
18. Does the DM law or policy, or other legislation, provide for oversight mechanisms on DRR implementation, including reporting and/ or parliamentary oversight?	Philippine Disaster Risk Reduction and Management Act of 2010, RA No. 10121, 27 May, 2010	S.26	RA No. 10121 established a Congressional Oversight Committee to monitor and oversee the implementation of the provisions of the Act. The Committee consists of six members from the Senate and six members from the House of Representatives with the Chairpersons of the Committees on National Defence and Security of both Houses as joint Chairperson of the Committee.
B. Hyogo Framework for Action & Climate Change Institutions			
19. Does legislation establish any institutions (including committees), or allocate to an existing body, implementation of the Hyogo	Philippine Disaster Risk Reduction and Management Act of 2010, RA No. 10121, 27 May, 2010	S.2	It is the Government's policy to "adhere to and adopt the universal norms, principles and standards of humanitarian assistance and the global effort on risk reduction as concrete expressions of the country's commitment to overcome human sufferings due to

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
Framework for Action? What institutions? What are their designated roles in DRR?		S.6(q)	<p>recurring disasters.”</p> <p>The NDRRMC has the responsibility of “co-ordinat[ing] or oversee[ing] the implementation of the country’s obligations with disaster management treaties to which it IS a party and see to it that the country’s disaster management treaty obligations be incorporated in its DRRM frameworks, policies, plans, programs and projects.”</p> <p>RA No. 10121 did not make any explicit reference to the HFA; however, the Act’s aspirations coincides with HFA in the need to reduce disaster risks more deliberately and systematically through the integration of policies, plans and programs for sustainable development and poverty reduction, which is supported by bilateral, regional and international co-operation.</p>
20. Does legislation establish any institutions (including committees), or allocate to an existing body, planning and implementation for adaptation to climate change? What institutions? What are their designated roles in DRR?	Climate Change Act of 2009, RA No. 9729, 23 October, 2009	Ss.4, 8, 11 & 13 S.2	<p>RA No. 9729 established the Climate Change Commission (CCC), which “shall be an independent and autonomous body with the same status as that of a national government agency” and “attached to the Office of the President.” “The CCC shall be the sole policy-making body of the government which shall be tasked to co-ordinate, monitor and evaluate the programs and action plans of the government relating to climate change.” A Climate Change Office is also established to assist the CCC. The CCC is tasked to develop the Framework Strategy on Climate Change, which shall serve as the basis for future programs on climate change and the National Climate Change Action Plan.</p> <p>The Government “recognize[s] that climate change and DRR are closely inter-related and effective DRR will enhance climate change adaptive capacity, [hence], the State shall integrate DRR into climate change programs and initiatives.</p>

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
		S.5	The CCC is represented by the Chair of the National Disaster Coordinating Council (now known as NDRMMC) and at least one of the sectoral representatives shall come from the DRR community.
		S.9	In relation to specific DRR the CCC's functions include: <ul style="list-style-type: none"> • "Ensure the mainstreaming of climate change in synergy with DRR, into the national, sectoral and local development plans and programs, • Recommend legislation, policies, strategies, programs on and appropriations for climate change adaptation and mitigation and other related activities, • Create an enabling environment that shall promote broader multi-stakeholder participation and integrate climate change mitigation and adaptation, [and] • Co-ordinate and establish a close partnership with the [NDRRMC] in order to increase efficiency and effectiveness in reducing people's vulnerability to climate-related disasters".
		S.10	The CCC's Panel of Technical Experts shall consist of practitioners in the discipline of DRR. The role of the CCC is also noted by section 6 of the RA No. 10121. The NDRRMC is to "develop assessment tools on the existing and potential hazards and risks brought about by climate change to vulnerable areas and ecosystems in co-ordination with the CCC", and "in co-ordination with the CCC, formulate and implement a framework for climate change adaptation and DRRM from which all policies, programs and projects shall be based." Further, section 5 of the RA No. 10121 states that the Executive Director of the Climate Change Office of the CCC shall be a member of the NDRRMC.

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
21. Do the implementation mechanisms for the Hyogo Framework, climate change adaptation and DM institutions intersect? If so, how? Are their mandates complementary or do they overlap? Describe.			<p>The roles of the NDRMMC and the CCC are complementary as the Government seeks to “mainstream both DRR and climate change in its development processes such as policy formulation, socio-economic development planning, budgeting, and governance, particularly in the areas of environment, agriculture, water, energy, health, education, poverty reduction, land use and urban planning and public infrastructure and housing, among others.” (Section 2 of RA No. 10121).</p> <p>Each institution has its own mandates and funding under RA No. 10121 and RA No. 9729 respectively, and each has a representative on the other’s Council or Commission as they respectively develop the DRRM Framework and Framework Strategy for Climate Change, which are to be mainstreamed and integrated in national, sectoral, regional and local development policies, plans and budgets.</p> <p>See also:</p> <ul style="list-style-type: none"> • National Disaster Risk Reduction and Management Framework • The National Disaster Risk Reduction and Management Plan, 2011 to 2028 • National Framework Strategy on Climate Change, 2010 to 2022
C. DRR priority and resource allocation in government			
22. Does the budgetary process provide for any dedicated budget line items for DRR and/or minimum percentages for DRR expenditure by government institutions? If so, is there a budget allocated to DRR at national level? How is this prescribed?	Philippine Disaster Risk Reduction and Management Act of 2010, RA No. 10121, 27 May, 2010	S.22	RA No. 10121 established the National DRRM Fund (formerly the Calamity Fund), which “shall be used for DRR or mitigation, prevention and preparedness activities such as but not limited to training of personnel, procurement of equipment and capital expenditure. It can also be utilized for relief, recovery, reconstruction and other work or services in connection with natural or human-induced calamities which may occur during the budget year or those that occurred in the past two years from the

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
		S.23	<p>budget year.”</p> <p>“The specific amount of the NDRRM Fund and the appropriate recipient agencies and/or LGUs shall be determined upon approval of the President ... in accordance with the favourable recommendations of the NDRRMC.”</p> <p>“30% of the DRRM Fund shall be allocated as Quick Response Fund or standby fund for relief and recovery programs.”</p> <p>General Appropriations Act for Fiscal Year 2011, RA No. 10147 allocated 5 billion peso (~US\$111 million) to the National DRRM Fund (as noted in the Philippines’ <i>National Progress Report on the Implementation of the Hyogo Framework for Action (2009-20110 - Interim</i>, 27 March 2011. The amount was unverifiable by the researcher as the said Act was not found on the databases of the Philippines’ House of Representatives or Senate).</p> <p>“As the leading agency to carry out the provisions of this Act, the OCD shall be allocated a budget of One billion pesos revolving fund starting from the effectivity of this Act.”</p> <p>The Philippines’ <i>National Progress Report on the Implementation of the Hyogo Framework for Action (2009-20110 - Interim</i>, 27 March 2011 also noted that the allocated funds were not included in RA No. 10147. The Interim Report also listed other funding mechanisms for DRR initiatives, which are: “the development financing for disaster management activities which includes the DOF/MDFO-Disaster Management Fund, Sector Investment Loan (SIL) for mitigation, preparedness and response and the proposed Catastrophe Deferred Drawdown for rehabilitation and reconstruction.”</p>

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			Note: Senate Bill No. 2811, <i>People's Survival Fund (Climate Change)</i> to provide funds to local governments and communities for their climate change adaptation programs was passed by both Houses on 6 June 2012.
23. Is there a budget allocated to DRR at provincial/state level (if relevant)? How is this prescribed?			The term "Local DRRMCs" appears to cover all non-national DRRMCs to include provincial, city, municipal and barangay level councils and committees. Hence, by extension the Local DRRM Fund shall cover funding at provincial, city, municipal and barangay levels. See Q.24
24. Is there a budget allocated to DRR at municipal or local level? How is this prescribed?	Philippine Disaster Risk Reduction and Management Act of 2010, RA No. 10121, 27 May, 2010	s.21	RA No. 10121 provides that "not less than 5% of the estimated revenue from regular sources shall be set aside as the Local DRRM Fund (formerly the Local Calamity Fund) to support DRM activities such as, but not limited to pre-disaster preparedness programs including training, purchasing life-saving rescue equipment, supplies and medicines, for post-disaster activities, and for the payment of premiums on calamity insurance." IRR Rule 18, S.1 also added the construction of evacuation centres to the purpose of the fund. "Unexpended Local DRRM Fund shall accrue to a special trust fund solely for the purpose of supporting DRRM activities of the Local DRRMCs within the next 5 years. Any such amount still not fully utilized after 5 years shall be revert back to the general fund and will be available for other social services to be identified by the local sanggunian.
Part Two. Responsibility, accountability and liability for natural disaster risk reduction			
The aim is to identify relevant constitutional or other guarantees that may underpin government responsibility, liability and affected persons' rights to compensation. These may include rights to: safety /life; not to be discriminated against; protection of livelihoods; health; compensation; and to information relevant to DRR. One specific issue on the question of liability, is whether governments are liable for failure to prevent natural disasters affecting the population, including for failure to warn, or for making an erroneous warning. A second, related, issue is whether private individuals are liable for damage caused to others from their property during natural disasters, or for faulty advice/warnings given. A third element is whether there is any system of			

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
compulsory insurance against the effects of natural disasters.			
A. Constitutional Rights & Guarantees for the Population			
<p>25. Are there any guarantees in the constitution or another law relating to individual or collective rights that may underpin government responsibility or liability, and affected persons' rights to compensation for damage from natural disasters? If so, do these relate to:</p> <ol style="list-style-type: none"> DRR in general? Safety /Life Right to Food? Right to adequate shelter or housing? Non-discrimination, (and other relevant civil and political rights)? Livelihoods, Health (and other economic, social and cultural rights)? Compensation for losses due to natural disasters? Information? 	1987 Constitution of the Republic of the Philippines	<p>Art. II, S.5</p> <p>Art. II, S.9</p> <p>Art. II, S.10</p> <p>Art. II, S.11</p> <p>Art. II, S.16</p>	<p>The 1987 Constitution does not explicitly refer to any guarantees that may underpin government responsibility or liability or affected persons' rights to compensation for damage from natural disasters. The Government's responsibility and liability could be inferred from the following provisions. Critically, the Government cannot be sued without its consent (Art. XVI, S.3).</p> <p><u>State Policies</u></p> <p>"The maintenance of peace and order, the protection of life, liberty, and property, and promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy."</p> <p>"The State shall promote a just and dynamic social order that will ensure the prosperity and independence of the nation and free the people from poverty through policies that provide adequate social services, promote full employment, a rising standard of living, and an improved quality of life for all."</p> <p>"The State shall promote social justice in all phases of national development."</p> <p>"The State values the dignity of every human person and guarantees full respect for human rights."</p> <p>"The State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature." (NB: This Section is the constitutional basis for the State's environmental protection laws).</p>

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
		Art. II, S.22	"The State recognizes and promotes the rights of indigenous cultural communities within the framework of national unity and development."
		Art. II, S.24	"The State recognizes the vital role of communication and information in nation-building."
		Art. II, S.25	"The State shall ensure the autonomy of local governments."
		Art. II, S.28	"Subject to reasonable conditions prescribed by law, the State adopts and implements a policy of full public disclosure of all its transactions involving public interest."
		Art. III, S.4	<u>Bill of Rights</u> "No law shall be passed abridging the freedom of speech, of expression, or of the press, or the right of the people peaceably to assemble and petition the government for redress of grievances."
		Art. III, S.7	"The right of the people to information on matters of public concern shall be recognized. Access to official records, and to documents and papers pertaining to official acts, transactions, or decisions, as well as to government research data used as basis for policy development, shall be afforded the citizen, subject to such limitations as may be provided by law."
		Art. XII, S.17	<u>National Economy & Patrimony</u> "In times of national emergency, when the public interest so requires, the State may, during the emergency and under reasonable terms prescribed by it, temporarily take over or direct the operation of any privately-owned public utility or business affected with public interest."

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
		Art. XII, S.18	<p>“The State may, in the interest of national welfare or defense, establish and operate vital industries and, upon payment of just compensation, transfer to public ownership utilities and other private enterprises to be operated by the Government.”</p>
		Art. XIII, S.7	<p><u>Agrarian & Natural Resources Reforms</u></p> <p>“The State shall protect the rights of subsistence fishermen, especially of local communities, to the preferential use of the communal marine and fishing resources, both inland and offshore.”</p>
		Art. XIII, S.10	<p><u>Urban Land Reform & Housing</u></p> <p>“Urban or rural poor dwellers shall not be evicted nor their dwelling demolished, except in accordance with law and in a just and humane manner. No resettlement of urban or rural dwellers shall be undertaken without adequate consultation with them and the communities where they are to be relocated.”</p>
		Art. XIII, Ss.17 to 19	<p><u>Human Rights</u></p> <p>These sections establishes the Commission on Human Rights, whose powers and functions include to:</p> <ul style="list-style-type: none"> • “establish a continuing program of research, education, and information to enhance respect for the primacy of human rights; • recommend to Congress effective measures to promote human rights and to provide for compensation to victims of violations of human rights, or their families; • monitor the Philippine Government's compliance with international treaty obligations on human rights.”
			<p><u>The Family</u></p>

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
	Philippine Disaster Risk Reduction and Management Act of 2010, RA No. 10121, 27 May, 2010	Art. XV, S.3	<p>"The State shall defend:</p> <p>2. The right of children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation and other conditions prejudicial to their development;</p> <p>The right of the family to a family living wage and income; and</p> <p>3. The right of families or family associations to participate in the planning and implementation of policies and programs that affect them."</p>
		Art. XVI, S.3	"The family has the duty to care for its elderly members but the State may also do so through just programs of social security."
		S.13	<p><u>General Provisions</u></p> <p>"The State may not be sued without its consent."</p> <p>"Any volunteer who incurs death or injury while engaged in any of the activities defined under this Act shall be entitled to compensatory benefits and individual personnel accident insurance as may be defined under the guidelines." IRR Rule 9, S.5 adds that, "the government agency, CSO, private sector or LGU which mobilizes the accredited community disaster volunteer shall be responsible for providing the latter with insurance and necessary benefits.</p> <p><u>Environmental Protection</u></p> <p>The Supreme Court's <i>Rules of Procedure for Environmental Cases</i>, 29 April 2010 were established to enforce the constitutional right to a "balanced and healthful ecology" (Art. II, S.16 of the 1987 Constitution). It seeks to:</p>

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<ul style="list-style-type: none"> • “provide a simplified, speedy and inexpensive procedure for the enforcement of environmental rights and duties recognized under the Constitution, existing laws, rules and regulations, and international agreements; • introduce and adopt innovative and best practices ensuring the effective enforcement of remedies and redress for violation of environmental laws”; and • to enable the courts to monitor and exact compliance with orders and judgments in environmental cases.”
<p>26. Do the above constitutional or other guarantees give residents any personal right of action against the state if the government breaches these rights? E.g. access to a constitutional court, or a claim in a human rights court or tribunal? If so, explain how the law enables this to occur, and who has the right to make such claims. E.g.</p> <p>a. Is it an individual or a collective right?</p> <p>b. Can claimants represent themselves?</p> <p>c. Are there costs that mean the poorest people cannot access the remedy?</p> <p>d. Are there financial limitations on any such claims (minimums or maximums)?</p>			<p>There is no general personal right of action against the State for damages regarding its responsibilities and obligations pertaining to natural disasters unless the State has consented to being sued (Art. XVI, S.3 1987 Constitution). See below Qs 27, 28 and 29</p> <p>There are numerous actions that can be undertaken regarding environmental protection.</p> <p><u>Environmental Protection</u> The Supreme Court’s <i>Rules of Procedure for Environment Cases</i> (“The Rules”) applies “to civil, criminal and special civil actions before the Regional Trial Courts, Metropolitan Trial Courts, Municipal Trial Courts in Cities, Municipal Trial Courts and Municipal Circuit Trial Courts involving enforcement or violations of environmental and other related laws, rules and regulations.” (Pt I, R. 1, S.2).</p> <p>“Any real party in interest, including the government and juridical entities authorized by law, may file a civil action involving the enforcement or violation of any environmental law.” (Pt 2, R.2, S.4). The Rules also provide for citizen suits, which allow “any Filipino citizens in representation of others, including minors or generations yet unborn to file an action to enforce rights or</p>

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<p>obligations under environmental laws.” (Pt 2, R.2, S.5).</p> <p>NB: RA No. 8749 - <i>Clean Air Act of 1999</i> and RA No. 9003 - <i>Ecological Solid Waste Management Act of 2000</i> have their own governing provisions regarding citizen suits.</p> <p>The Rules include provisions for:</p> <ul style="list-style-type: none"> • Consent Decrees - “judicially-approved settlement between concerned parties based on public interest and public policy to protect and preserve the environment”; • Environmental Protection Orders - “an order issued by the court directing or enjoining any person or government agency to perform or desist from performing an act in order to protect, preserve or rehabilitate the environment”; • Writ of Continuing Mandamus (Pt III, R.8) - “a writ issued by a court in an environmental case directing any agency or instrumentality of the government or officer thereof to perform an act or series of acts decreed by final judgment which shall remain effective until judgment is fully satisfied”; • Strategic Lawsuits against Public Participation (Pt 4, R.19) - “refers to an action whether civil, criminal or administrative, brought against any person, institution or any government agency or local government unit or its officials and employees, with the intent to harass, vex, exert undue pressure or stifle any legal recourse that such person, institution or government agency has taken or may take in the enforcement of environmental laws, protection of the environment or assertion of environmental rights.”; and • Precautionary Principle (Pt V, R.20) - “states that when human activities may lead to threats of serious and irreversible damage to the environment that is scientifically plausible but uncertain, actions shall be taken to avoid or diminish that

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<p>threat.” (See Pt 1, R.1, S.4 - Definitions)</p> <p>Further, the Rules provide for special civil actions in the form of a <i>Writ of Kalikasan</i> (Nature), defined as “a remedy available to a natural or juridical person, entity authorized by law, people’s organization, non-governmental organization, or any public interest group accredited by or registered with any government agency, on behalf of persons whose constitutional right to a balanced and healthful ecology is violated, or threatened with violation by an unlawful act or omission of a public official or employee, or private individual or entity, involving environmental damage of such magnitude as to prejudice the life, health or property of inhabitants in two or more cities or provinces.” The Court can grant reliefs which relate to the right of the people to a balanced and healthful ecology or to the protection, preservation, rehabilitation or restoration of the environment, except the award of damages to individual petitioners.” (Pt 3, R.7, Ss.1-17)</p> <p><u>Fees</u> “The payment of filing and other legal fees by the plaintiff shall be deferred until after judgment unless the plaintiff is allowed to litigate as an indigent (See RA No. 8371, <i>The Indigenous People’s Rights Act of 1997</i>). It shall constitute a first lien on the judgment award. For a citizen suit, the court shall defer the payment of filing and other legal fees that shall serve as first lien on the judgment award. (Pt 2, R.2, S.12)</p> <p>In a citizen suit the Court may grant payment of attorney’s fees, costs of suits and other litigation expenses (Pt II, R.5, S.1)</p>

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			No docket fees shall apply to the petitioners filing for a Writ of Kalikasan (Pt 3, R.7, S.4) and Writ of Continuing Mandamus (Pt 3, R.8, S.3). There are no financial limitations on any claims.
B. Liability & Insurance			
27. Does legislation (including case law, where applicable) make government agencies liable for failure to prevent natural disasters affecting the population?	Philippine Disaster Risk Reduction and Management Act of 2010, RA No. 10121, 27 May, 2010	Ss.19 & 20	Sections 19 and 20 refer to the prohibited acts of “any person, group or corporation” and penalties applying to “any individual, corporation, partnership, association or other juridical entity”. Regarding the prevention of natural disasters Section 19(a) includes as a prohibited act, the “dereliction of duties which leads to destruction, loss of lives, critical damage of facilities and misuse of funds”. Sections 19(b) to 19(l) deal with emergency response and management. Section 19(m) refers to the “tampering with or stealing hazard monitoring and disaster preparedness equipment and paraphernalia”. Section 20 defines penalties to involve a fine ranging from 50,000 to 500,000 pesos or imprisonment from 6 years and 1 day to 12 years or both, including “perpetual disqualification from public office if the offender is a public officer and confiscation or forfeiture in favour of the government of the objects and the instrumentalities used in committing any of the prohibited acts”.
28. Are government agencies liable for failure to warn or for making an erroneous warning of natural disaster? If so, what kind of liability? – civil, criminal or both? If so, what are the legal mechanisms for injured	Philippine Disaster Risk Reduction and Management Act of 2010, RA No. 10121, 27 May, 2010	Ss.19 & 20	To the extent that the failure to warn or making an erroneous warning of natural disaster is a “dereliction of duties which leads to destruction, loss of lives, critical damage of facilities and misuse of funds” the public officer involved can be prosecuted and fined between 50,000 to 500,000 pesos or imprisoned between 6 years and 1 day to 12 years or both, and be perpetually disqualified from

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
parties to seek redress? Are these individual or collective actions, or both?	Civil Code of the Philippines, RA No. 386, 18 June 1949	S.27	<p>taking any public office, and confiscation or forfeiture in favour of the government of the objects and the instrumentalities used in committing the prohibited act/s.</p> <p>“Any person suffering material or moral loss because a public servant or employee refuses or neglects, without just cause, to perform his official duty may file an action for damages and other relief against the latter, without prejudice to any disciplinary administrative action that may be taken.” The applicability of this section to failure to warn or making erroneous warning is not defined.</p>
	Local Government Code of 1991, RA 7160, 10 October 1991	S.24	<p>S.24 states generally that “local government units and their officials are not exempt from liability for death or injury to persons or damage to property”; however, the extent of its applicability to the LGU’s failure to warn or making erroneous warning is not defined.</p> <p>S.60 provides the following grounds where an elective local official may be disciplined, suspended, or removed from office:</p> <ul style="list-style-type: none"> • “disloyalty to the Republic of the Philippines; • culpable violation of the Constitution; • dishonesty, oppression, misconduct in office, gross negligence, or dereliction of duty; • commission of any offense involving moral turpitude or an offense punishable by at least <i>prision mayor</i> [sic]; • abuse of authority; • unauthorized absence for fifteen (15) consecutive working days, except in the case of members of the sangguniang panlalawigan, sangguniang panlungsod, sangguniang bayan, and sangguniang barangay; • application for, or acquisition of, foreign citizenship or

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<p>residence or the status of an immigrant of another country; and</p> <ul style="list-style-type: none"> • such other grounds as may be provided in this Code and other laws.”
29. Do government agencies that fail to warn or make an erroneous warning have legal immunity? If governments have immunity from liability, how extensive is this and/or how and where in law is it defined? Does it apply to all levels of government?	The 1987 Constitution of the Republic of the Philippines	Art. XVI, S.3	<p>The above laws at Q.28 do not address the issue of legal immunity.</p> <p>“The State may not be sued without its consent.”</p> <p><u>Case law</u> <i>Mobil Philippines Exploration, Inc. vs Customs Arrastre Service and Bureau of Customs</i>, L-23139, 17 December 1966, 18 SCRA 1120 is the leading case on the issue of non-suability of the State. The Supreme Court held that, “the fact that a non-corporate government entity performs a function proprietary in nature does not necessarily result in its being suable. If said non-governmental function is undertaken as an incident to its governmental function, there is no waiver thereby of the sovereign immunity from suit extended to such government entity. ... It must be remembered that statutory provisions waiving State immunity from suit are strictly construed and that waiver of immunity being in derogation of sovereignty, will not be lightly inferred.”</p>
30. Are private persons (individual or corporate) liable for faulty disaster-related advice or warnings given? Does this apply to volunteers? If so, what kind of liability? – civil, criminal or both? If so, what are the legal mechanisms for injured parties to seek redress? Are these individual or collective actions, or both?	Philippine Disaster Risk Reduction and Management Act of 2010, RA No. 10121, 27 May, 2010	Ss.19 & 20	<p>See above Q.27</p> <p>Sections 19 and 20 do not refer to persons, individuals, groups, partnerships, associations and corporations in their volunteer capacity.</p>
31. Are private persons (individual or	Civil Code of the Philippines,	Art. 2176	“Whoever by act or omission causes damage to another, there

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>corporate) liable for damage caused to others from their property during natural disasters? If so, what kind of liability? – civil, criminal or both? If so, what are the legal mechanisms for injured parties to seek redress? Are these individual or collective actions, or both?</p>	<p>RA No. 386, 18 June 1949</p>	<p>Art. 2177</p> <p>Art. 2179</p> <p>Art. 2180</p> <p>Art. 2183</p>	<p>being fault or negligence, is obliged to pay for the damage done. Such fault or negligence, if there is no pre-existing contractual relation between the parties, is called a quasi-delict and is governed by the provisions of this Chapter.”</p> <p>“Responsibility for fault or negligence under the preceding article is entirely separate and distinct from the civil liability arising from negligence under the Penal Code. But the plaintiff cannot recover damages twice for the same act or omission of the defendant.”</p> <p>“When the plaintiff's own negligence was the immediate and proximate cause of his injury, he cannot recover damages. But if his negligence was only contributory, the immediate and proximate cause of the injury being the defendant's lack of due care, the plaintiff may recover damages, but the courts shall mitigate the damages to be awarded.</p> <p>“The obligation imposed by Article 2176 is demandable not only for one's own acts or omissions, but also for those of persons for whom one is responsible.”</p> <p>“The possessor of an animal or whoever may make use of the same is responsible for the damage which it may cause, although it may escape or be lost. This responsibility shall cease only in case the damage should come from force majeure or from the fault of the person who has suffered damage.”</p>
<p>32. Is there any system of compulsory insurance against the effects of natural disasters? If so, how is this established by law and what are the main elements of the scheme?</p>	<p>Presidential Decree No. 1467 creating the “Philippine Crop Insurance Corporation”, 11 June 1978</p> <p>Amended by PD No. 1733, 21</p>	<p>S.4 (as amended)</p>	<p>“Participation in the palay crop insurance shall be compulsory for all farmers obtaining production loans for palay under the supervised credit program and optional on the part of self-financed farmers provided that they agree to place themselves under the supervision of agricultural production technicians. No lending institution shall approve or grant production loan for palay under</p>

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
	<p>October 1980</p> <p>Amended by the Revised Charter of the Philippine Crop Insurance Corporation Act of 1995, RA No. 8175, 29 December 1995</p>		<p>the supervised credit program unless the same is covered by a crop insurance pursuant to this Decree.”</p> <p>The Philippine Crop Insurance Corporation insures qualified farmers (including subsistence farmers) against losses arising from natural calamities, plant diseases, and pest infestations. Initially, insurance coverage was limited to palay crops but has been extended to other crops, and inclusion of other non-crop agricultural assets such as machineries, equipment, transport facilities; etc. The crop insurance shall cover, in every case, the cost of production inputs, the value of the farmer's own labor and those of the members of his household, including the value of the labor of hired workers, and a portion of the expected yield. “Such insurance protection, however, shall exclude losses arising from avoidable risks emanating from or due to the negligence, malfeasance or fraud committed by the insured or any member of his immediate farm household or employee or the failure of the insured to follow proven farm practices.” (S.5)</p> <p>Subsistence farmers are also eligible for a government subsidy.</p> <p>A percentage of the Calamity Fund is to be used for crop insurance. (S.6.4)</p> <p><u>Note:</u> <i>Charter of the Philippine Catastrophe Insurance and Reinsurance Corporation, Senate Bill No. 266, Pending in the Committee on 3 August 2010, which seeks to extend the corporation’s insurance coverage to “insurance/reinsurance protection to participating persons, whether natural or juridical, against loss of lives and properties due to natural disasters such as typhoons, floods, droughts, earthquakes, volcanic eruptions, and similar acts of</i></p>

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			nature. ... Furthermore, the corporation shall make available to private insurers its organizational structure to enable them to provide protection services in the countryside at minimum incremental overhead costs and at premium levels affordable by rural folks.”

3. Early warning and reduction of underlying risk factors through regulation

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
Parts One and Two: Are there laws or regulations relating to preparedness, prevention and/ or risk reduction against the following specific natural hazards (if relevant)? Such regulations may include some specific laws on rapid-onset disasters – Part One – such as fire regulations and fire service, as well as building codes (e.g. earthquake, fire, hurricanes/cyclones), land zoning and land use planning regulations (e.g. flood plain exclusions, unstable land) , disaster management / civil protection laws, and environmental management laws concerning rivers and forests (flood mitigation, erosion prevention against landslides and floods). There may be similar or a different range of laws concerning slow-onset disasters such as drought and other food security issues – Part Two. There may therefore be some overlap with the subsequent sections, but the main aim of Parts One and Two of this section is to identify which risks have separate regulation in the subject country, and in which laws.			
Part One. Rapid-onset disasters, sectoral and specific regulation based on identified risks and community participation			
A. Cyclones, tornadoes, or storms?			
33. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated?	RA No. 6613, 23 October 1972	S.3	<p>Long Title: <i>An Act declaring a policy of the State to adopt modern scientific methods to moderate typhoons and prevent destruction by floods, rains and droughts, creating a Council on Typhoon Moderation and Flood Control Research and Development and providing for its powers and functions and appropriating funds therefore, RA No. 6613, 23 October 1972</i></p> <p>RA No. 6613 created the Council on Typhoon Moderation and Flood Control Research and Development (“The Council”) and the Weather Bureau as its implementing arm.</p> <p>The Council is required to “develop and formulate a typhoon</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
	PD No. 1149 Amending certain sections of Presidential Decree No. 78 otherwise known as "The Atmospheric, Geophysical and Astronomical Science Act of 1972", 2 June 1977	S.1	<p>moderation and flood control research and development program and monitor its implementation. It shall coordinate planning and programming of all government activities and resources in relation thereto", and "shall advise the President on measures to prevent or mitigate damage arising from typhoons, floods, rains and droughts. It shall represent the government on all matters pertinent to the research and development provided for in this Act in national, regional and international conferences."</p> <p>The Weather Bureau "shall establish, install, operate and maintain climatological and hydrological stations, synoptic stations, radar stations, upper air stations (radiosonde and radiowind), automatic picture transmission ground stations, a weather communications network and warning system, and a research center using computers, aircraft and other modern devices insofar as possible, such stations shall be grouped together so as to assure maximum economy and efficiency."</p> <p>Pursuant to LOI No. 41 dated 11 December 1975 the Council was moved from the Office of the President and merged with PAGASA (established by <i>Atmospheric, Geophysical and Astronomical Science Act of 1972</i>, PD No. 78, 8 December 1972).</p> <p>The reorganization of PAGASA under PD No. 1149 saw the creation of two offices: the Typhoon Moderation Research and Development Office (TMRDO) and the National Flood Forecasting Office (NFFO). The functions of the TMRDO are amended to include:</p> <ul style="list-style-type: none"> • "undertake research on the structure, development and motion of typhoons, • utilize scientific measures to reduce the intensity of typhoons and resulting destruction, and

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<ul style="list-style-type: none"> study the environmental impact of such measures and adopt necessary precautions to prevent loss or destruction.” <p>The NFFO’s functions include:</p> <ul style="list-style-type: none"> “undertake operational activities in flood forecasting and warning covering important river basins in the country, develop the systems and facilities necessary to carry out these functions, improve the techniques and methods used, and coordinate with the Department of Public Works, Transportation and Communication and other agencies concerned with flood mitigation and control.” <p>EO No. 124, 30 January 1987 reorganized the present Department of Public Works and Highway (DPWH). As the primary engineering and construction arm of the government, the DPWH is responsible for the planning, design, construction and maintenance of infrastructures such as roads and bridges, flood control systems, water resource development projects and other public works in accordance with national objectives.</p>
34. Does this law specify how management of this risk is financed? If so, describe.			As the Council and National Flood Forecasting Office is now under the administrative control of PAGASA, its budget allocation derives from funding allocated to PAGASA pursuant to the general appropriations act.
35. Does this law attribute liability for damage caused by: <ul style="list-style-type: none"> a. failure to warn, or false or faulty warnings of this risk? b. failure to take preventive action including by reducing this risk? c. If so, who may be liable - or immune? 	RA No. 6613, 23 October 1972		No

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
d. Is it civil or criminal liability, or both?			
36. Does this law regulate the collection and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is their mandate?	RA No. 6613, 23 October 1972 PD No. 1149 Amending certain sections of PD No. 78 otherwise known as "The Atmospheric, Geophysical and Astronomical Science Act of 1972", 2 June 1977	S.1	No "The National Weather Office shall undertake operational activities pertaining to the observation, collection and reporting of weather within the Philippine Area of responsibility, issue forecasts and warnings of weather conditions affecting national safety, welfare and economy."
37. Does this law provide for consultation and/or participation about risk mapping, Early Warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including: a. Women? b. Different cultural or ethnic groups? c. Vulnerable groups, including children, older persons, persons with disabilities? d. Socially isolated groups and the very poorest people?	RA No. 6613, 23 October 1972		No
38. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?	RA No. 6613, 23 October 1972	S2	There is no explicit provision for Early Warning System save to the extent that it coincides with the State's policy as stated in RA No. 6613. That is, to - <ul style="list-style-type: none"> • "undertake research on the structure, development and motion of typhoons; • improve means of predicting typhoons and consequential

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<p>floods;</p> <ul style="list-style-type: none"> gather and organize climatological and hydrological data for flood prevention and control and for agro-industrial development; utilize scientific measures to minimize the intensity of typhoons and destruction by floods, rains and droughts; and study the environmental impact of such measures and adopt necessary precautions to prevent loss or destruction.”
<p>39. If communities are involved in Early Warning Systems (EWS), does this law provide that they:</p> <ol style="list-style-type: none"> Assist in the design of local and community EWS? Establish or maintain EWS? Provide information for the EWS? Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological or seismological data and analysis)? 			NA
B. Earthquake/Tsunami?			
<p>40. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated?</p>	<p>EO No. 128 - Reorganizing the National Science and Technology Authority, 30 January 1987 (revising the functions of the Commission on Volcanology as prescribed by RA No. 766, 20 June 1952)</p>		<p>Searches conducted on the following websites' data bases yielded no results for an independent law relating to earthquakes or tsunami disaster risk reduction or management except for the establishment of the Philippine Institute of Volcanology and Seismology:</p> <p>www.congress.gov.ph www.senate.gov.ph www.lawphil.net www.chanrobles.com</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<p>The following excerpt is found at http://www.phivolcs.dost.gov.ph, accessed on 21/6/2012</p> <p>"The Philippine Institute of Volcanology and Seismology (PHIVOLCS) is a service institute of the DOST that is principally mandated to mitigate disasters that may arise from volcanic eruptions, earthquakes, tsunamis and other related geotectonic phenomena. The Commission on Volcanology (COMVOL) was created in June 20, 1952 through Republic Act No. 766, primarily to "safeguard life and property against volcanic eruptions and its dangers." COMVOL was initially placed under the Executive Board of the National Research Council and later under the National Science Development Board (NSDB).</p> <p>On 17 March, 1982, EO No. 784 reorganized the NSDB and its agencies into the National Science and Technology Authority (NSTA). COMVOL was restructured and renamed Philippine Institute of Volcanology. On September 17, 1984, seismology was transferred to the Institute from PAGASA and renamed Philippine Institute of Volcanology and Seismology (PHIVOLCS).</p> <p>On January 30, 1987, by virtue of EO No. 128, the NSTA was structurally and functionally transformed into the DOST and PHIVOLCS has been mandated to perform the following functions:</p> <ul style="list-style-type: none"> • Predict the occurrence of volcanic eruptions and earthquakes and their geotectonic phenomena; • Determine how eruptions and earthquakes shall occur and also areas likely to be affected; • Exploit the positive aspects of volcanoes and volcanic terrain in furtherance of the socio-economic development efforts of the government; • Generate sufficient data for forecasting volcanic eruptions

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<p>and earthquakes; and</p> <ul style="list-style-type: none"> • Formulate appropriate disaster-preparedness and mitigation plans [mitigation hazards of volcanic activities through appropriate detection, forecast and warning systems].” <p>PHIVOLCS has the following programs and capabilities:</p> <ul style="list-style-type: none"> • 66 digital seismic stations all over the Philippines; half of this are via satellite • 7 dedicated sensors all over Metro Manila just to monitor the valley fault system. • uses two systems to locate earthquakes all over the world • continues to improve network and add more monitoring stations • a tool for monitoring tsunami, including height of waves • has formulated and distributed to various entities guidelines and information materials on disaster response and preparedness • conducts simulation test or relevant drills • Disaster Risk Mapping all over the country in partnership with the Bureau of Mines and Geosciences. <p>President Benigno S. Aquino III has announced a plan for a three dimensional mapping of the country to improve interpretation of data on Risk Maps.</p> <p>Source: Philippines Country Report on Disaster Management Report, 3rd AIPA Caucus Report, undated. http://www.aipasecretariat.org/wp-content/uploads/2011/07/3.Disaster-Response-Management.pdf (accessed 7 June 2012)</p> <p><u>Note</u></p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			The Senate Committee on Climate Change in coordination with PHIVOLCS is to prepare an Earthquake Preparedness Manual
41. Does this law specify how management of this risk is financed? If so, describe.	EO No. 128, Reorganizing the National Science and Technology Authority, 30 January 1987	S.42	The funding for PHIVOLCS comes from the budget of the DOST.
42. Does this law attribute liability for damage caused by: a. failure to warn, or false or faulty warnings of this risk? b. failure to take preventive action including by reducing this risk? c. If so, who may be liable - or immune? d. Is it civil or criminal liability, or both?			No applicable laws found
43. Does this law regulate the collection and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is their mandate?	EO No. 128, Reorganizing the National Science and Technology Authority, 30 January 1987	S.30	EO No. 128 provides that PHIVOLCS is mandated to “generate sufficient data for forecasting volcanic eruptions and earthquakes” and “formulate appropriate disaster-preparedness and mitigation plans”; however, no other applicable laws were found which elaborated on the collection and distribution of information on earthquake or tsunami hazards and risk mappings. See www.phivolcs.dost.gov.ph for hazard and risk maps and early warning bulletins
44. Does this law provide for consultation and/or participation about risk mapping, early warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts			No applicable laws found

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>of those communities, including:</p> <ul style="list-style-type: none"> a. Women? b. Different cultural or ethnic groups? c. Vulnerable groups, including children, older persons, persons with disabilities? d. Socially isolated groups and the very poorest people? 			
45. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?	EO No. 128, Reorganizing the National Science and Technology Authority, 30 January 1987	S.30	EO No. 128 provides that PHIVOLCS is mandated to “generate sufficient data for forecasting volcanic eruptions and earthquakes” and “formulate appropriate disaster-preparedness and mitigation plans”; however, no other applicable laws were found which elaborated on early warning systems. See www.phivolcs.dost.gov.ph for early warning bulletins
46. If communities are involved in EWS, does this law provide that they: <ul style="list-style-type: none"> a. Assist in the design of local and community EWS? b. Establish or maintain EWS? c. Provide information for the EWS? d. Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological or seismological data and analysis)? 			NA
C. Fire?			
47. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any),	Department of the Interior and Local Government Act of 1990, RA No. 6975, 13 December 1990	Ch.IV, Ss.53-59	Chapter IV of RA No. 6975 created the Bureau of Fire Protection (BFP) which “shall be responsible for the prevention and suppression of all destructive fires on buildings, houses and other structures, forest, land transportation vehicles and equipment,

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
and institutional responsibility. At what level(s) of government is this regulated?	<p>Revised Fire Code of the Philippines of 2008, RA No. 9514, 19 December 2008 (Repealed PD No. 1185, 26 August 1977)</p> <p>See also: IRR of RA No. 9514</p>	S.5	<p>ships or vessels docked at piers or wharves or anchored in major seaports, petroleum industry installations, plane crashes and other similar incidents, as well as the enforcement of the Fire Code and other related laws.” It has “the power to investigate all causes of fires and, if necessary, file the proper complaints with the city or provincial prosecutor who has jurisdiction over the case.”</p> <p>The Fire Code deals predominately with building and structural fires and provides the BFP with the authority, which includes, to:</p> <ul style="list-style-type: none"> • “Issue implementing rules and regulations, and prescribe standards, schedules of fees/fire service charges and administrative penalties;; • Reorganize the BFP as may be necessary and appropriate; • Support and assist fire volunteers, practitioners and fire volunteer organizations in the country who shall undergo mandatory fire suppression, inspection, rescue, emergency medical services and related emergency response trainings and competency evaluations to be conducted by the BFP. In the case of the Fire practitioners, they shall undergo mandatory continuous professional education and competency evaluation of their expertise, knowledge and skills in the area of fire science, engineering and technology to be conducted by the BFP; • Call on the police, other law enforcement agencies, and local government assistance to render necessary assistance in the enforcement of this Code; • Designate a fire safety inspector through his/her duly authorized representative, who shall conduct an inspection of every building or structure within his area of responsibility at least once a year and every time the owner, administrator or occupant shall renew his/her business permit or permit to operate;

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
		S.7	<ul style="list-style-type: none"> • No occupancy permit, business or permit to operate shall be issued without securing a Fire Safety Inspection Certification (FSIC) from the Chief, BFP, or his/her duly authorized representative; • Inspect at reasonable time, any building, structure, installation or premises for dangerous or hazardous conditions or materials as set forth in this Code. ... The Chief, BFP or his/her duly authorized representative shall order the owner/occupant to remove hazardous materials and/or stop hazardous operation/process in accordance with the standards set by this Code or its implementing rules or regulations or other pertinent laws; • Where conditions exist and are deemed hazardous to life and property, to order the owner/occupant of any building or structure to summarily abate such hazardous conditions; • Require the building owner/occupant to submit plans and specifications, and other pertinent documents of said building to ensure compliance with applicable codes and standards; and • Issue a written notice to the owner and/or contractor to stop work on portion of any work due to absence, or in violation of approved plans and specifications, permit and/or clearance or certification as approved by the Chief, BFP or his/her duly authorized representative. The notice shall state the nature of the violation and no work shall be continued on that portion until the violation has been corrected. <p><u>Inspections, Safety Measures, Fire Safety, Constructions and Protective and/or Warning Systems</u></p> <ul style="list-style-type: none"> • A fire safety inspection is required as a prerequisite to the grants of permits or licenses by local governments and their agencies for the “use or occupancy of buildings, structures, facilities or their premises, including the installation of fire

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<p>protection and fire safety equipment and electrical system in any building structure or facility”; and “storage, handling and/or use of explosives or of combustible, flammable, toxic and other hazardous materials;</p> <ul style="list-style-type: none"> • Fire safety measures shall be required for the manufacture, storage, handling and/or use of hazardous materials; • Fire Safety measures shall be required for the following hazardous operation/processes: <ul style="list-style-type: none"> – welding or soldering; – industrial baking and drying; – waste disposal; – pressurized/forced-draft burning equipment; – smelting and forging; – motion picture projection using electrical arc lamps; – refining, distillation and solvent extraction; and – such other operations or processes as may be prescribed; • Owners, occupants or administrator or buildings, structures and their premises or facilities, except such other buildings or structures as may be exempted shall incorporate and provide therein fire safety construction, protective and warning system, and shall develop and implement fire safety programs, to wit: <ul style="list-style-type: none"> – Fire protection features such as sprinkler systems, hose boxes, hose reels or standpipe systems and other firefighting equipment; – Fire alarm systems; – Fire walls to separate adjoining buildings, or warehouses and storage areas from other occupancies in the same building; – Provisions for confining the fire at its source such as fire resistive floors and walls extending up to the next floor slab or roof, curtain boards and other fire containing or

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
		S.8	<p>stopping components;</p> <ul style="list-style-type: none"> - Termination of all exits in an area affording safe passage to a public way or safe dispersal area; - Stairway, vertical shafts, horizontal exits and other means of egress sealed from smoke and heat; - A fire exit plan for each floor of the building showing the routes from each other room to appropriate exits, displayed prominently on the door of such room; - Self-closing fire resistive doors leading to corridors; - Fire dampers in centralized air-conditioning ducts; - Roof vents for use by fire fighters; and - Properly marked and lighted exits with provision for emergency lights to adequately illuminate exit ways in case of power failure.” <p><u>Prohibited acts and omissions</u></p> <ul style="list-style-type: none"> • Obstructing or blocking the exit ways or across to buildings clearly marked for fire safety purposes • Constructing gates, entrances and walkways to buildings components and yards which obstruct the orderly and easy passage of fire fighting vehicles and equipment; • Prevention, interference or obstruction of any operation of the Fire Service, or of duly organized and authorized fire brigades; • Obstructing designated fire lanes or access to fire hydrants; • Overcrowding or admission of persons beyond the authorized capacity in movie houses, theatres, coliseums, auditoriums or other public assembly buildings, except in other assembly areas on the ground floor with open sides or open doors sufficient to provide safe exits; • Locking fire exits during period when people are inside the building; • Prevention or obstruction of the automatic closure of fire

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<p>doors or smoke partitions or dampers;</p> <ul style="list-style-type: none"> • Use of fire protective of firefighting equipment of the fire service other than for firefighting except in other emergencies where their use are justified; • Giving false or malicious fire alarms; • Smoking in prohibited areas as may be determined by fire service, or throwing of cigars, cigarettes, burning objects in places which may start or cause fire; • Abandoning or leaving a building or structure by the occupant or owner without appropriate safety measures; • Removing, destroying, tampering or obliterating any authorized mark, seal, sign or tag posted or required by the fire service for fire safety in any building, structure or processing equipment; and • Use of jumpers or tampering with electrical wiring or overloading the electrical system beyond its designated capacity or such other practices that would tend to undermine the fire safety features of the electrical system.” <p><u>Forest Fire Management</u> <i>The Revised Forestry Code of the Philippines</i>, PD No. 705, 19 May 1975 makes provisions for the protection of forests (S.37) and penalties for those who negligently permit a fire to be set in any forest land (S.69), but it does not provide for a comprehensive forest fire management laws or policies.</p>
48. Does this law specify how management of this risk is financed? If so, describe.	Revised Fire Code of the Philippines of 2008, RA No. 9514, 19 December 2008 (Repealed PD No. 1185, 26 August 1977)	S.12	<ul style="list-style-type: none"> • Budget is allocated in the Government’s annual appropriation bill. • General Fund of the National Government consisting of: <ul style="list-style-type: none"> – Fees to be to be charged for the issuance of certificates, permits and licenses; – 1/10 of 0.1% of the verified estimated value of buildings or structures to be erected, from the owner thereof, but

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
		s.13	<p>not to exceed 50,000.00 pesos, one half to be paid prior to the issuance of the building permit, and the balance, after final inspection and prior to the issuance of the use and occupancy permit;</p> <ul style="list-style-type: none"> - 1/100 of 0.1% of the assessed value of buildings or structures annually payable upon payment of the real estate tax, except on structures used as single family dwellings; - 2% of all premiums, excluding re-insurance premiums for the sale of fire, earthquake and explosion hazard insurance collected by companies, persons or agents licensed to sell such insurances in the Philippines - 2% of gross sales of companies, persons or agents selling firefighting equipment, appliances or devices, including hazard detection and warning systems; and - 2% of the service fees received from fire, earthquake, and explosion hazard reinsurance surveys and post loss service of insurance adjustment companies doing business in the Philippines directly through agents.” <p>“20% of [taxes, fees and fines] collected shall be set aside and retained for use by the city or municipal government concerned, which shall appropriate the same exclusive for the use of the operation and maintenance of its local fire station, including the construction and repair of fire station: <i>Provided, further,</i> That the remaining 80% shall be remitted to the National Treasury under a trust fund assigned for the modernization of the BFP.”</p>
49. Does this law attribute liability for damage caused by: a. failure to warn, or false or faulty warnings of this risk? b. failure to take preventive action	Revised Fire Code of the Philippines of 2008, RA No. 9514, 19 December 2008 (Repealed PD No. 1185, 26 August 1977)	S.11	<p><u>Administrative Liability</u></p> <p>“The following acts or omissions shall render the public officer/employee in charge of the enforcement of this Code, administratively liable, and shall be punished by reprimand, suspension or removal in the discretion of the disciplining</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>including by reducing this risk?</p> <p>c. If so, who may be liable - or immune?</p> <p>d. Is it civil or criminal liability, or both?</p>			<p>authority, depending on the gravity of the offense and without prejudice to the provisions of other applicable laws:</p> <ol style="list-style-type: none"> 1. Unjustified failure of the public officer/employee to conduct inspection of buildings or structures at least once a year; 2. Deliberate failure to put up a sign in front of the building or structure within his/her area of responsibility found to be violating this Code, its implementing rules and regulations and other pertinent laws, that the same is a "FIRE HAZARD" or a "FIRETRAP"; 3. Endorsing to the Chief, BFP or his/her duly authorized representative for the certification, or submitting a report that the building or structure complies with the standards set by this Code, its implementing rules or regulations or other pertinent laws when the same is contrary to fact; 4. Issuance or renewal of occupancy or business permit without the fire safety inspection certificate issued by the Chief, BFP or his/her duly authorized representative; 5. Failure to cancel the occupancy or business permit after the owner, administrator, occupant or other person responsible for the condition of the building, structure and other premises failed to comply with the notice/order for compliance with the standards set by this Code, its implementing rules and regulations and other pertinent laws, within the specified period; 6. Failure to abate a public nuisance within 15 days after the owner, administrator, occupant or other responsible person failed to abate the same within the period contained in the notice to abate; 7. Abusing his/her authority in the performance of his/her duty through acts of corruption and other unethical practices; or 8. Other willful impropriety or gross negligence in the performance of his/her duty as provided in this act or its

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<p>implementing rules and regulations. “</p> <p><u>Punitive Liability</u> “In the case of willful violation involving the abovementioned acts or omissions the public officer/employees shall, upon conviction, be punished by imprisonment of not less than 6 months nor more than 6 years or by a fine of not more than P100,000.00 or both such fine and imprisonment: <i>Provided</i>, That where the violation is attended by injury, loss of life and/or property, the violator shall be proceeded against under the applicable provisions of the Revised Penal Code.</p>
50. Does this law regulate the collection and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is their mandate?	Revised Fire Code of the Philippines of 2008, RA No. 9514, 19 December 2008 (Repealed PD No. 1185, 26 August 1977)		There is no provision for hazard or risk mapping per se, save to post notices in relation to a building or structure being a “Fire Hazard” or “Fire Trap” as prescribed by S.9.
51. Does this law provide for consultation and/or participation about risk mapping, early warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including: a. Women? b. Different cultural or ethnic groups? c. Vulnerable groups, including children, older persons, persons with disabilities? d. Socially isolated groups and the very poorest people?	Revised Fire Code of the Philippines of 2008, RA No. 9514, 19 December 2008 (Repealed PD No. 1185, 26 August 1977)		The Revised Fire Code does not contain any provision regarding community consultation or participation about risk mapping, early warning or general DRR for fire risks; however, the IRR does request citizens’ co-operation and participation with the BFP as it carries out its duties. It also encourages them to inspect their own premises and to abate any fire hazard therein, as well as take the necessary fire safety precautions by organizing “themselves into effective fire safety and fire prevention organizations in their community and places of work in order for them to take the necessary contingent actions during fire emergencies and eventually avoid unnecessary loss of life and property.” (IRR, R.14, S.14.0.0.2)

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
52. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?	Revised Fire Code of the Philippines of 2008, RA No. 9514, 19 December 2008 (Repealed PD No. 1185, 26 August 1977)		No
53. If communities are involved in EWS, does this law provide that they: a. Assist in the design of local and community EWS? b. Establish or maintain EWS? c. Provide information for the EWS? d. Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological or seismological data and analysis)?	Revised Fire Code of the Philippines of 2008, RA No. 9514, 19 December 2008 (Repealed PD No. 1185, 26 August 1977)		NA
D. Floods?			
54. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated?	Water Code of the Philippines , PD No. 1067, 31 December 1976	Ch.V, Art.53 Ch V, Art.54	See 3, Part One, A - Cyclones, tornadoes, or storms? Q.33 "To promote the best interest and the coordinated protection of flood plain lands, the Secretary of Public Works, Transportation and Communications may declare flood control areas and promulgate guidelines for governing flood plain management plans in these areas." "In declared flood control areas, rules and regulations may be promulgated to prohibit or control activities that may damage or cause deterioration or lakes and dikes, obstruct the flow of water, change the natural flow of the river, increase flood losses or aggravate flood problems."

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
		Ch.V, Art.55	“The government may construct necessary flood control structures in declared flood control areas, and for this purpose it shall have a legal easement as wide as may be needed along and adjacent to the river bank and outside of the bed or channel of the river.”
		Ch.V, Art.56	“River beds, sand bars and tidal flats may not be cultivated except upon prior permission from the Secretary of the Department of Public Works, Transportation and Communication and such permission shall not be granted where such cultivation obstructs the flow of water or increase flood levels so as to cause damage to other areas.”
		Ch.V, Art.57	“Any person may erect levees or revetments to protect his property from flood, encroachment by the river or change in the course of the river, provided that such construction does not cause damage to the property of another.”
			See also: Metro Manila Flood Management Master Plan - A project to reduce the vulnerability to flooding in Metro Manila (2010-2012) - unable to locate project documents.
			<u>Note</u> A Flood Control and Sabo Engineering Center (FCSE) was established in December 1999 through DPWH’s Department Order No. 237 for the implementation of the JICA Technical Cooperation Project for the Enhancement of Capabilities in Flood Control and Sabo Engineering of DPWH, which commenced on 11 January, 2000. Project accomplishments include standard guidelines and manuals, trained engineers of the selected Regional and District Engineering Offices, an established database on flood control and sabo, the initiation of hydraulic experiments and under the Phase II

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<p>of the Project (July 2005-June 2010), FCSEC will be implementing pilot projects in flood control and sabo utilizing the above project outputs.</p> <p>FCSEC is now known as the, Flood Management Center (FMC), a permanent office within DPWH with the following functions:</p> <ul style="list-style-type: none"> • conduct technical researches on water and sediment related disaster mitigation; • formulate/undertake programs on capacity building in flood management and sabo engineering; • prescribe guidelines for the conduct of post-disaster survey and assessment; • supervise data collection and maintain database on flood and sabo management; • evaluate the flood control system in river basin; • provide technical assistance on water and sediment disaster mitigation; • advise the Secretary on declaring flood control areas and recommend guidelines for flood plain management plans in these areas; and • perform other duties and responsibilities as may be assigned or delegated by the Secretary. <p>(Source: <i>Project for Strengthening the Flood Management Function of DPWH</i>, DPWH PMO, FCSE at http://www.jica.go.jp/project/philippines/0600933/04/pdf/01_a.pdf (accessed 26 June 2012))</p>
55. Does this law specify how management of this risk is financed? If so, describe.			See 3, Part One, A - Cyclones, tornadoes, or storms? Q.34
56. Does this law attribute liability for damage caused by: a. failure to warn, or false or faulty			See 3, Part One, A - Cyclones, tornadoes, or storms? Q.35

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>warnings of this risk?</p> <p>b. failure to take preventive action including by reducing this risk?</p> <p>c. If so, who may be liable - or immune?</p> <p>d. Is it civil or criminal liability, or both?</p>			
<p>57. Does this law regulate the collection and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is their mandate?</p>			See 3, Part One, A - Cyclones, tornadoes, or storms? Q.36
<p>58. Does this law provide for consultation and/or participation about risk mapping, early warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including:</p> <p>a. Women?</p> <p>b. Different cultural or ethnic groups?</p> <p>c. Vulnerable groups, including children, older persons, persons with disabilities?</p> <p>d. Socially isolated groups and the very poorest people?</p>			See 3, Part One, A - Cyclones, tornadoes, or storms? Q.37
<p>59. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?</p>			See 3, Part One, A - Cyclones, tornadoes, or storms? Q.38

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
60. If communities are involved in EWS, does this law provide that they: <ol style="list-style-type: none"> Assist in the design of local and community EWS? Establish or maintain EWS? Provide information for the EWS? Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological or seismological data and analysis)? 			NA
E. Heat/cold waves?			
61. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated?			Searches conducted on the following websites' data bases yielded no results for an independent law relating to heat/cold waves disaster risk reduction or management: www.congress.gov.ph www.senate.gov.ph www.lawphil.net www.chanrobles.com
62. Does this law specify how management of this risk is financed? If so, describe.			No applicable laws found

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>63. Does this law attribute liability for damage caused by:</p> <ul style="list-style-type: none"> a. failure to warn, or false or faulty warnings of this risk? b. failure to take preventive action including by reducing this risk? c. If so, who may be liable - or immune? d. Is it civil or criminal liability, or both? 			No applicable laws found
<p>64. Does this law regulate the collection and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is their mandate?</p>			No applicable laws found
<p>65. Does this law provide for consultation and/or participation about risk mapping, early warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including:</p> <ul style="list-style-type: none"> a. Women? b. Different cultural or ethnic groups? c. Vulnerable groups, including children, older persons, persons with disabilities? d. Socially isolated groups and the very poorest people? 			No applicable laws found

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
66. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?			No applicable laws found
67. If communities are involved in EWS, does this law provide that they: <ul style="list-style-type: none"> a. Assist in the design of local and community EWS? b. Establish or maintain EWS? c. Provide information for the EWS? d. Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological or seismological data and analysis)? 			NA
68. Describe form of regulation, and institutional responsibility.			See Q.61
F. Insect Infestations?			
69. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated?			<p>Searches conducted on the following websites' data bases yielded no results for an independent law relating to insect infestations disaster risk reduction or management :</p> <p>www.congress.gov.ph www.senate.gov.ph www.lawphil.net www.chanrobles.com</p> <p>See also: EO No. 116, 30 January 1987, which re-structured the former Ministry of Agriculture and Food into the present Department of Agriculture (S.2) with a Bureau of Plant Industry, which is charged with prescribing "rules and regulations for the prevention, control</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<p>and eradication of pests, diseases, and injuries to plants and plant products" (S.13(b)).</p> <p>The Department of Agriculture's programs has its own support services for insect management and control. The programs involve are: rice, corn, sugarcane and coconut.</p> <p>See www.da.gov.ph for more information.</p>
70. Does this law specify how management of this risk is financed? If so, describe.			No applicable laws found
71. Does this law attribute liability for damage caused by: <ul style="list-style-type: none"> a. failure to warn, or false or faulty warnings of this risk? b. failure to take preventive action including by reducing this risk? c. If so, who may be liable - or immune? d. Is it civil or criminal liability, or both? 			No applicable laws found
72. Does this law regulate the collection and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is their mandate?			No applicable laws found
73. Does this law provide for consultation and/or participation about risk mapping, early warning or general DRR regarding this risk by affected or at-risk communities?			No applicable laws found

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>How? If so, does it provide for participation or a voice for all parts of those communities, including:</p> <ul style="list-style-type: none"> a. Women? b. Different cultural or ethnic groups? c. Vulnerable groups, including children, older persons, persons with disabilities? d. Socially isolated groups and the very poorest people? 			
74. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?			No applicable laws found
75. If communities are involved in EWS, does this law provide that they: <ul style="list-style-type: none"> a. Assist in the design of local and community EWS? b. Establish or maintain EWS? c. Provide information for the EWS? d. Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological or seismological data and analysis)? 			NA
G. Landslides and avalanches?			
76. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At			<p>Searches conducted on the following websites' data bases yielded no results for an independent law relating to landslides disaster risk reduction or management :</p> <p>www.congress.gov.ph</p> <p>www.senate.gov.ph</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
what level(s) of government is this regulated?			www.lawphil.net www.chanrobles.com
77. Does this law specify how management of this risk is financed? If so, describe.			No applicable laws found
78. Does this law attribute liability for damage caused by: a. failure to warn, or false or faulty warnings of this risk? b. failure to take preventive action including by reducing this risk? c. If so, who may be liable - or immune? d. Is it civil or criminal liability, or both?			No applicable laws found
79. Does this law regulate the collection and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is their mandate?			No applicable laws found
80. Does this law provide for consultation and/or participation about risk mapping, Early Warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including: a. Women? b. Different cultural or ethnic groups? c. Vulnerable groups, including			No applicable laws found

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
children, older persons, persons with disabilities? d. Socially isolated groups and the very poorest people?			
81. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?			No applicable laws found
82. If communities are involved in Early Warning Systems (EWS), does this law provide that they: a. Assist in the design of local and community EWS? b. Establish or maintain EWS? c. Provide information for the EWS? d. Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological or seismological data and analysis)?			NA
H. Volcanoes?			
83. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated?			Searches conducted on the following websites' data bases yielded no results for an independent law relating to volcano disaster risk reduction or management : www.congress.gov.ph www.senate.gov.ph www.lawphil.net www.chanrobles.com See 3, Part One, B. Earthquake/Tsunami? Q.40
84. Does this law specify how	EO No. 128, Reorganizing the	S.42	The funding for PHIVOLCS comes from the budget of the DOST.

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
management of this risk is financed? If so, describe.	National Science and Technology Authority, 30 January 1987		
85. Does this law attribute liability for damage caused by: a. failure to warn, or false or faulty warnings of this risk? b. failure to take preventive action including by reducing this risk? c. If so, who may be liable - or immune? d. Is it civil or criminal liability, or both?			No applicable laws found
86. Does this law regulate the collection and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is their mandate?	EO No. 128, Reorganizing the National Science and Technology Authority, 30 January 1987	S.30	EO No. 128 provides that PHIVOLCS is mandated to “generate sufficient data for forecasting volcanic eruptions and earthquakes” and “formulate appropriate disaster-preparedness and mitigation plans”; however, no other applicable laws were found which elaborated on the collection and distribution of information on earthquake or tsunami hazards and risk mappings. See www.phivolcs.dost.gov.ph for hazard and risk maps and early warning bulletins
87. Does this law provide for consultation and/or participation about risk mapping, Early Warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including: a. Women? b. Different cultural or ethnic groups?			No applicable laws found

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<ul style="list-style-type: none"> c. Vulnerable groups, including children, older persons, persons with disabilities? d. Socially isolated groups and the very poorest people? 			
88. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?	EO No. 128, Reorganizing the National Science and Technology Authority, 30 January 1987	S.30	<p>EO No. 128 provides that PHIVOLCS is mandated to “generate sufficient data for forecasting volcanic eruptions and earthquakes” and “formulate appropriate disaster-preparedness and mitigation plans”; however, no other applicable laws except for Senate Bill No. 957 were found which elaborated on early warning systems.</p> <p>See www.phivolcs.dost.gov.ph for early warning bulletins</p> <p><i>National Volcano Early Warning and Monitoring System Act of 2010</i>, Senate Bill No. 957, Pending in the Committee on 18 August 2010</p>
89. If communities are involved in Early Warning Systems (EWS), does this law provide that they: <ul style="list-style-type: none"> a. Assist in the design of local and community EWS? b. Establish or maintain EWS? c. Provide information for the EWS? d. Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological or seismological data and analysis)? 			NA
Part Two. Slow-onset disasters, sectoral and specific regulation based on risks and community participation			
I. Drought and related famine?			
90. Is there a specific law or institutional			Searches conducted on the following websites’ data bases yielded

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>mandate for drought preparedness and risk reduction, especially for agriculture and related industries? In particular:</p> <p>a. Rain and river water storage, distribution and conservation measures?</p> <p>b. Development and maintenance of ground water extraction, storage and distribution? If so, describe the forms of regulation. At what level(s) of government is this regulated?</p>			<p>no results for an independent law relating to drought disaster risk reduction or management :</p> <p>www.congress.gov.ph www.senate.gov.ph www.lawphil.net www.chanrobles.com</p> <p><u>PAGASA</u> S.3(a) of PD No. 78 <i>Establishing the PAGASA</i>, 8 December 1972 created PAGASA among other functions, “to observe and report the weather of the Philippines and specified adjacent areas, issue forecasts and warnings of weather and flood conditions affecting national safety, welfare and economy”. The focus was on typhoons, floods, earthquakes and tsunami.</p> <p><u>Water Conservation and Management</u> Responsible authority: National Water Resources Board (DENR) <i>Provincial Water Utilities Act</i>, PD No. 198, 25 May 1973 authorizes the creation of Local Water Districts to operate and administer water supply and wastewater disposal systems in the provincial areas</p> <p><u>The Water Code of 1976</u> The <i>Water Code of the Philippines</i>, PD No. 1067, 31 December 1976 ((and its IRR, Final Draft, 1 May 2005) provides the basic framework for the regulation of ownership, appropriation, utilization, and control of all waters and its use, and the conservation and protection of waters and watersheds. The Water Code does not include measures for drought preparedness or risk reduction.</p> <p>Articles of interest include:</p> <ul style="list-style-type: none"> • Article 22 - in times of emergency “the use of water for

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<p>domestic and municipal purposes shall have a better right over all other uses”; and</p> <ul style="list-style-type: none"> • Article 26 - “where water shortage is recurrent the use of the water pursuant to a permit may, in the interest of equitable distribution of the benefits among legal appropriators, reduce after due notice and hearing.” <p><u>Water Conservation Management</u> There have been ad hoc reactive responses to water crisis.</p> <p><i>National Water Crisis Act of 1995</i>, RA No. 8041, 7 June 1995 was enacted to “adopt urgent and effective measures to address the nationwide water crisis” and address issues such as “supply, distribution, finance, privatization of state-run water facilities, the protection and conservation of watersheds and the waste and pilferage of water, including the serious matter of graft and corruption in all the water agencies.” A Joint Executive-Legislative Water Crisis Commission was set up to:</p> <ul style="list-style-type: none"> • “undertake nationwide consultations on the water crisis and in depth and detailed study and review of the entire water supply and distribution structure; • enhance and facilitate cooperation and coordination between Congress and the executive department in formulating and implementing the government's water crisis management policy and strategy; • recommend measures that will ensure continuous and effective monitoring of the entire water supply and distribution system of the country; and • conduct continuing studies and researches on policy options, strategies and approaches to the water crisis including experiences of other countries similarly situated, and to recommend such remedial and legislative measures as may be

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<p>required to address the problem.”</p> <p>The Act also introduced anti-pilferage measures regarding water and related ancillary facilities; and penalties for violations of same.</p> <p>The Final Report of the Commission could not be located online (as at 28 June 2012).</p> <p><i>AO No. 94 Providing Measures for the Optimum Utilization of Water Resources in Metro Manila</i>, 24 February 2004 was issued following the low rainfall in 2003 affecting water supply for Metro Manila and irrigation in Bulacan and parts of Pampanga. It provided for education campaigns on water conservation, repairs of leaks, development of incentives of grants for water conservation products, requiring multi-storey buildings, hotels, shopping centers; etc to put up sewerage treatment facilities to protect water quality, use of treated waste water for watering parks; etc, the rehabilitation and re-commissioning of a desalination plant and setting up shallow tube wells to improve irrigation.</p> <p><i>EO No. 222 Establishing the Water Conservation and Demand Management</i>, 24 January 1995 created the said WCDM to:</p> <ul style="list-style-type: none"> • “prepare a nationwide Water Conservation Plan to cover conservation measures focusing on both the quality and quantity of water; and the implementing mechanism for the Plan, including the setting up of a "Water Patrol" similar to the power patrol of the Department of Energy; • undertake a nationwide information dissemination campaign to create greater awareness of water conservation measures; • encourage and promote active private sector participation and initiatives in water conservation activities, particularly in

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<p>ensuring the responsive the efficient use of water;</p> <ul style="list-style-type: none"> • provide research, monitoring and feedback with respect to water consumption in both the public and private sectors for purposes of issuing, from time to time, guidelines to achieve water savings; [and] • mobilize funds for the execution of the Committee's objectives.” <p>Note: NWRB’s website referred to a National Integrated Water Resources Management Plan Framework, which was not accessible (as at 28 June 2012).</p> <p><u>Clean Water Act of 2004</u> The <i>Philippine Clean Water Act of 2004</i>, RA No. 9275, 22 March 2004 provides for the regulation of water quality management in all water bodies, particularly, the prevention, control and abatement of pollution of the water resources from land based sources. It calls for Water Quality Management System through the establishment of</p> <ul style="list-style-type: none"> • Water Quality Management Areas; • Management of Non-Attained Areas; • National Sewerage and Septage Management Program; • National Quality Water Management Fund; • Area Water Quality Management Fund; • Waste Water Charge System; • Environmental Guarantee Fund by program and project proponents to finance the maintenance of the health of the ecosystems and specially the conservation of watersheds and aquifers affected by the development, and the needs of emergency response, clean-up or rehabilitation of areas that may be damaged during the program's or project's actual

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<p>implementation;</p> <ul style="list-style-type: none"> • Environmental Impact Assessment System programmatic compliance with Water Quality Standards; • rewards and incentives for innovative projects and technologies or participation in schemes which promote the provisions of the Act; and • civil and criminal liabilities for violations for the Act's provisions. <p>The <i>Clean Water Act of 2004</i> does not include measures for drought preparedness or risk reduction.</p> <p><i>An Act Providing for the Construction of Water Wells, Rainwater Collectors, Development of Springs and Rehabilitation of Existing Water Wells in All Barangays in the Philippines</i>, RA No. 6716, 17 March 1989 tasked the DPWH to construct water wells, rainwater collectors, development of springs and rehabilitation of existing wells in all barangays to provide adequate potable water supply. RA No. 6716 does provide for drought preparedness.</p> <p><u>Irrigation</u> Responsible authority: National Irrigation Administration (DA)</p> <p>The NIA, a government owned and controlled cooperation primarily responsible for irrigation development and management, was created by <i>An Act Creating the National Irrigation Administration</i>, RA No. 3601, 22 June 1963. Its powers and function as amended by PD No. 552 and PD No. 1702 include the following:</p> <ul style="list-style-type: none"> • To investigate, study, and develop all available water resources in the country, primarily for irrigation purposes; • To plan, design, construct, and/or improve all types of

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<p>irrigation projects and appurtenant structures;</p> <ul style="list-style-type: none"> • To operate, maintain, and administer all national irrigation systems (NIS); • To supervise the operation, maintenance, and repair, or otherwise, administer temporarily all communal and pump irrigation systems constructed, improved, and/or repaired wholly or partially with government funds; • To delegate the partial or full management of NIS to duly organized cooperatives or associations; • To construct multiple-purpose water resources projects designed primarily for irrigation, and secondarily for hydraulic power development and/or other uses such as flood control, drainage, land reclamation, domestic water supply, roads and highway construction, and reforestation, among others, Provided, that the plans, designs, and the construction thereof, shall be undertaken in coordination with the agencies concerned; • To charge and collect from the beneficiaries of the water from all irrigation systems constructed by or under its administration, such fees or administration charges as may be necessary. <p>(Source: www.nia.gov.ph)</p> <p><u>Agriculture</u> Responsible authority: Department of Agriculture</p> <p><u>Agriculture and Fisheries</u> <i>The Agriculture and Fisheries Modernization Act of 1997</i>, RA No. 8435, 22 December 1997 was enacted to promote the modernization and sustainable development of the agriculture and fisheries sectors in accordance with the following principles:</p> <ul style="list-style-type: none"> • Poverty Alleviation and Social Equity

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<ul style="list-style-type: none"> • Food Security • Rational Use of Resources • Global Competitiveness • People Empowerment • Protection from Unfair Competition <p>The <i>Agriculture and Fisheries Modernization Act of 1997</i> does not specifically deal with drought preparedness and risk reduction in the agriculture and fishery sector save to:</p> <ul style="list-style-type: none"> • require the DA to “devise a method of regularly monitoring and considering the effect of global climate changes, weather disturbances, and annual productivity cycles for the purpose of forecasting and formulating agriculture and fisheries production programs” (S.16) and to consider “adequate and timely response against environmental threats to agriculture and fisheries” (S.17); and • “prevent the further destruction of watersheds, rehabilitate existing irrigation systems and promote the development of irrigation systems that are effective, affordable, appropriate, and efficient.” (S.26) <p>It provides for Strategic Agriculture and Fisheries Development Zones (SAFDZ) within the network of protected areas for agriculture and agro-industrial development to ensure that lands are efficiently and sustainably utilized for food and non-food production and agro-industrialization, and an integrated development plan consisting of production, processing, investment, marketing, human resources and environmental protection components (S.6). All the land use plans and zone ordinances of cities and municipalities are to be consistent with the SAFDZ Plan (S.10) with penalties for agricultural inactivity and premature conversion (S.11).</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<p>The DA is required to develop an Agriculture and Fisheries Modernization Plan (S. 13) with a Program Benefit Monitoring and Evaluation System (S.18), consistent focusing on: food security, poverty alleviation and social equity, income enhancement and profitability for farmers and fisher folks, global competitiveness and sustainability.</p> <p>The researcher could not find the Agriculture and Fisheries Modernization Plan or similar Plans on the DA's website (as at 27 June 2012).</p> <p>See also: The Updated Philippine National Action Plan to Combat Desertification, Land Degradation and Drought FY2010-2020, January 2010</p>
<p>91. Is there a specific law or institutional mandate for early warning and response to drought, to mitigate the effects of drought and help prevent famine? In particular:</p> <p>a. Is an institution legally mandated to issue drought early warnings? If so, how is this regulated?</p> <p>b. Is an institution legally mandated to impose water use restrictions? If so, at what level(s) of government?</p> <p>c. Is there legal provision for diversion, piping or transporting water to drought-affected areas? If so, at what level(s) of government?</p>			<p><u>Early drought warning</u> No</p> <p><u>Water use restriction</u> There is no specific law or regulation regulating water use restriction during times of water crisis or drought preparedness save for ad hoc regulations such as AO No. 94, 24 February 2004, which urge water conservation measures to be adopted by the population, and provide that "waste water shall be used for watering the center islands, parks, golf courses, among others"; and NWRB's draft policy on water use by golf courses.</p> <p><u>Water diversion to drought affected areas</u> No</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
92. Do the above laws or mandates specify how management of drought and famine risk is financed? If so, describe.			No
93. Do the above laws or mandates regulate the collection and distribution of information on drought and related famine risks? If so, what authority is responsible and what is their mandate?			No
94. Do the above laws or mandates provide for consultation and/or participation about drought and famine risk, early warning or general DRR regarding drought and famine by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including: <ul style="list-style-type: none"> a. Women? b. Different cultural or ethnic groups? c. Vulnerable groups, including children, older persons, persons with disabilities? d. Socially isolated groups and the very poorest people? 			No
J. Other food security risks?			
95. Is there a specific law or institutional mandate concerning threats to food security other than droughts? (e.g. predicted effects of climate change, such as inundation of agricultural	The Agriculture and Fisheries Modernization Act of 1997, RA No. 8435, 22 December 1997	S.2	<u>Agriculture</u> Responsible authority: Department of Agriculture (DA) RA No. 8435 was enacted to promote the modernization and sustainable development of the agriculture and fisheries sectors in

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>land and/or mass migration).</p> <p>a. If so, describe the form of regulation to reduce the impact of these risks (if any), and institutional responsibility</p> <p>b. At what level(s) of government is this regulated?</p>			<p>accordance with the following principles:</p> <ul style="list-style-type: none"> • <i>“Poverty Alleviation and Social Equity.</i> - to ensure that the poorer sectors of society have equitable access to resources, income opportunities, basic and support services and infrastructure especially in areas where productivity is low; • <i>Food Security.</i> - to assure the availability, adequacy, accessibility of food supplies to all at all times; • <i>Rational Use of Resources.</i> - to adopt a rational approach in the allocation of public investments in agriculture and fisheries in order to assure efficiency and effectiveness in the use of scarce resources and thus obtain optimal returns on its investments; • <i>Global Competitiveness.</i> - to enhance the competitiveness of the agriculture and fisheries sectors in both domestic and foreign markets; • <i>Sustainable Development.</i> - to promote development that is compatible with the preservation of the ecosystem in areas where agriculture and fisheries activities are carried out. • <i>People Empowerment.</i> - to promote people empowerment by enabling all citizens through direct participation or through their duly elected, chosen or designated representatives the opportunity to participate in policy formulation and decision-making by establishing the appropriate mechanisms and by giving them access to information; and • <i>Protection from Unfair Competition.</i> - to protect small farmers and fisher folk from unfair competition such as monopolistic and oligopolistic practices by promoting a policy environment that provides them priority access to credit and strengthened cooperative-based marketing system.” <p>The DA is to identify the strategic Agriculture and Fisheries Development Zone (SAFDZ) within the network of protected areas for agriculture and agro-industrial development to ensure that</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<p>lands are efficiently and sustainably utilized for food and non-food production and agro-industrialization, and an integrated development plan consisting of production, processing, investment, marketing, human resources and environmental protection components (S.6). All the land use plans and zone ordinances of cities and municipalities are to be consistent with the SAFDZ Plan (S.10) with penalties for agricultural inactivity and premature conversion (S.11).</p> <p>The DA is required to develop a Agriculture and Fisheries Modernization Plan (S. 13) with a Program Benefit Monitoring and Evaluation System (S.18), consistent focusing on: food security, poverty alleviation and social equity, income enhancement and profitability for farmers and fisher folks, global competitiveness and sustainability. Section 16 specifically directs the DA to “devise a method of regularly monitoring and considering the effect of global climate changes, weather disturbances, and annual productivity cycles for the purpose of forecasting and formulating agriculture and fisheries production programs” and to consider “adequate and timely response against environmental threats to agriculture and fisheries (S.17).</p> <p>Chapter 4 deals with irrigation, and states that, “the state shall prevent the further destruction of watersheds, rehabilitate existing irrigation systems and promote the development of irrigation systems that are effective, affordable, appropriate, and efficient.” (S.26) It provides that the National Irrigation System is to be managed by the National Irrigation Administration, which shall gradually turn over operations and maintenance of secondary canals and on-farms facilities to the Irrigators Association (S.30). LGUs will be responsible for Communal Irrigation Systems. The Act also seeks to promote private sector led minor irrigation schemes</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
	The Philippine Fisheries Code of 1998, RA No. 8550, 25 February 1998	S.2	<p>and irrigation construction schemes (Ss.32-34).</p> <p>Chapter 5 provides for a National Information Network to provide information and marketing services related to agriculture and fisheries to enhance trade, profit and livelihood.</p> <p><u>Fisheries</u> Responsible authority: Bureau of Fisheries and Aquatic Resources (DA)</p> <p>RA No. 8550 seeks to “achieve food security as the overriding consideration in the utilization, management, development, conservation and protection of fishery resources in order to provide the food needs of the population” according to the following objectives:</p> <ul style="list-style-type: none"> • conservation, protection and sustained management of the country's fishery and aquatic resources; • poverty alleviation and the provision of supplementary livelihood among municipal fisher folk; • improvement of productivity of aquaculture within ecological limits; • optimal utilization of offshore and deep-sea resources; and • upgrading of post-harvest technology. <p>The <i>Philippine Fisheries Code of 1998</i> limits access to the fishery and aquatic resources of the Philippines for the exclusive use and enjoyment of Filipino citizens except for purely research, scientific, technological and educational purposes that would also benefit Filipino citizens. (S.5) It gives jurisdiction over municipal waters to the municipal/city government, which (in consultation with the Fisheries & Aquatic Resources Management Council) “shall be responsible for the management, conservation, development,</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
		S.24	protection, utilization, and disposition of all fish and fishery/aquatic resources within their respective municipal waters” (S.16). “The resident municipal fisher folk of the municipality concerned and their organizations/cooperatives shall have priority to exploit municipal and demarcated fishery areas of the said municipality” (S.21). Where “it is determined that a municipal water is overfished based on available data or information or in danger of being overfished, and that there is a need to regenerate the fishery resources in that water, the LGU shall prohibit or limit fishery activities in the said waters” (S.23).
		S.54	<p>“The Department and the LGUs shall provide support to municipal fisher folk through appropriate technology and research, credit, production and marketing assistance and other services such as, but not limited to training for additional/supplementary livelihood.”</p> <p><u>Insurance</u> “Inland fishponds, fish cages and fish pens shall be covered under the insurance program of the Philippine Crop Insurance Corporation for losses caused by force majeure and fortuitous events.”</p>
96. Does the above law or mandate specify how management of food security is financed? If so, describe.	The Agriculture and Fisheries Modernization Act of 1997, RA No. 8435, 22 December 1997	S.19	<p><u>Agriculture</u> Departments involved in the implementation of the Agriculture and Fisheries Modernization Plan “shall identify in their budget proposals the allocation intended for the improvement of the environmental and other conditions affecting agriculture and fisheries.”</p> <p>Chapter 5 provides for a National Information Network to provide information and marketing services related to agriculture and fisheries to enhance trade, profit and livelihood rather than the</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
		Ss.110 to 113	any donation. Other funds included: Fishery Loan and Guarantee Fund, Fishing Vessels Development Fund, Special Fisheries Science and Appropfishtech Fund and Aquaculture Investment Fund, however, there is no specific allocation for DRR for food security purposes
97. Does the above law or mandate regulate the collection and distribution of information on hazards and risks to food security, particularly those relating to agricultural production? If so, what authority is responsible and what is their mandate?	The Agriculture and Fisheries Modernization Act of 1997, RA No. 8435, 22 December 1997 The Philippine Fisheries Code of 1998, RA No. 8550, 25 February 1998	S.16 S.39 S.122	<u>Agriculture</u> Insofar as “the DA in coordination with the PAGASA and such other appropriate government agencies, shall devise a method of regularly monitoring and considering the effect of global climate changes, weather disturbances, and annual productivity cycles for the purpose of forecasting and formulating agriculture and fisheries production programs.” <u>Fisheries Code</u> All vessels and crafts passing navigational lanes or engaged in fisheries activity shall be required to contribute to meteorological and other data, and shall assist the Department in documentation or reporting of information vital to navigation and the fishing industry. “The Department, in coordination with other government entities concerned, may require Filipino representatives abroad and foreign-based personnel to assist in the collection of fisheries data and information.”
98. Does the above law or mandate provide for community consultation and/or participation about risk reduction from threats to food security? How? If so, does it provide for participation or a voice for all parts of those communities,	The Agriculture and Fisheries Modernization Act of 1997, RA No. 8435, 22 December 1997	S.82, 88 & 91	<u>Agriculture</u> RA No. 8435 does not specify any provisions for community consultation and/or participation about risk reduction from threats to food security. It only requires that “farmers, fisher folk and their organizations, and those engaged in food and non-food production and processing including the private and public sectors” be involve in agriculture and fisheries research and development activities;

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>including:</p> <p>a. Women?</p> <p>b. Different cultural or ethnic groups?</p> <p>c. Vulnerable groups, including children, older persons, persons with disabilities?</p> <p>d. Socially isolated groups and the very poorest people?</p>	<p>The Philippine Fisheries Code of 1998, RA No. 8550, 25 February 1998</p>		<p>and in the delivery of agriculture and fisheries extension services.</p> <p><u>Fisheries Code</u> FARMCs shall be established in the national level and in all municipalities/cities abutting municipal waters as defined by this Code. The FARMCs shall be formed by fisher folk organizations/cooperatives and NGOs in the locality and be assisted by the LGUs and other government entities (S.69). The municipal or city FARMCs shall include: representative from an accredited NGO, private sector, and at least 11 fisher folk, 7 municipal fisher folk, 1 fish worker and 3 commercial fishers in each municipality or city, which shall include youth and women (S.75).</p> <p>An Integrated FARMC is also created in bays, gulfs, lakes and rivers and dams bounded by two (2) or more municipalities/cities. The representatives on the IFARMC shall include 1 representative from the NGO sector, 1 from the private sector and at least 9 from the fisher folk sector, including youth and women (S.78).</p> <p>A national FARMC is also created and it shall consist of 1 NGO representative involved in fisheries (S.70).</p> <p>A separate fund for the NFARMC, IFARMCs and M/CFARMCs shall be established and administered by the Department from the regular annual budgetary appropriations (S.79).</p>
Part Three. Early Warning, Hazard Mapping and Risk Information			
A. Early Warning			
<p>99. In addition to the sectoral laws above, is there any general obligation to establish early warning systems (EWS) in the disaster</p>	<p>Philippine Disaster Risk Reduction and Management Act of 2010, RA No. 10121, 27 May, 2010</p>	<p>S.2(e)</p>	<p>“Develop, promote, and implement a comprehensive NDRRM Plan that aims to strengthen the capacity of the national government and the local government units (LGUs), together with partner stakeholders, to build the disaster resilience of communities, and</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
		S.9(h)	The NDRRMC is to “establish a national early warning and emergency alert system to provide accurate and timely advice to national or local emergency response organizations and to the general public through diverse mass media to include digital and analog broadcast, cable, satellite television and radio, wireless communications, and landline communications.”
		S.12(c)(3), (5) & (10)	<p>The OCD is to “establish standard operating procedures on the communication system among provincial, city, municipal and barangay DRRMCs, for purposes of warning and alerting them and for gathering information on disaster areas before, during and after disasters”.</p> <p>The provincial, city and municipal DRRM Office or Barangay DRRM Committee shall</p> <ul style="list-style-type: none"> • “consolidate local disaster risk information which includes natural hazards, vulnerabilities and climate change risks, and maintain a local risk map; ... • operate a multi-hazard early warning system, linked to DRR to provide accurate and timely advice to national or local emergency response organizations and to the general public, through diverse mass media, particularly radio, landline communications, and technologies for communication with rural communities; [and] • disseminate information and raise public awareness about those hazards, vulnerabilities and risks, their nature, effects, early warning signs and counter-measures”. <p>Funding for disaster preparedness is included in the general National DRRM Fund (S.22) and not less than 5% of the Local DRRM Fund is to be set aside for disaster risk management</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
	Calamity Hazard Mitigation Program Act, Senate Bill No. 1493, Pending in the Committee on 1 September 2010		<p>activities such as pre-disaster preparedness programs (S.21).</p> <p>See also:</p> <ul style="list-style-type: none"> • National Disaster Risk Reduction and Management Framework • The National Disaster Risk Reduction and Management Plan, 2011 to 2018 (Final Version, December, 2011) • National DRRMC's website, www.ndrrmc.gov.ph which maintains updates on warning signs. <p>The Bill requires PHIVOLCS and PAGASA to establish a Natural Calamities' Hazard Mitigation Program for all coastal and insular areas, to perform hazard assessment, monitoring and warning and public education functions. "Natural calamities" means the events caused by nature resulting in great loss and misfortune. These include, but are not limited to, typhoon, earthquake, tsunami, landslide, tornado; etc."</p>
100. Does EWS regulation include requirements for community consultation and participation in development of EWS? Describe.	Philippine Disaster Risk Reduction and Management Act of 2010, RA No. 10121, 27 May, 2010	S.2(d), (j) & (m)	<p>The general policy of the Government is to</p> <ul style="list-style-type: none"> • "adopt a DRRM approach that is holistic, comprehensive, integrated and proactive in lessening the socio-economic and environmental impacts of disasters including climate change, and promote the involvement and participation of all sectors and all stakeholders concerned, at all levels, especially the local community" • ensure that DRR and climate change measures are gender responsive, sensitive to indigenous knowledge systems and respectful of human rights; [and] • engage the participation of civil society organizations, the private sector and volunteers in the government's DRR programs towards complementation of resources and effective delivery of services to the Citizenry".
		S.9(l)	In particular, the OCD is to "create an enabling environment for

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			substantial and sustainable participation of CSOs, private groups, volunteers and communities, and recognize their contributions in the government's DRR efforts".
101. Does EWS regulation provide for community-based early warning data collection? Describe.	Philippine Disaster Risk Reduction and Management Act of 2010, RA No. 10121, 27 May, 2010	S.6(a) & (d) S.9(h) S.12(c)(2), (3), (8) & (9)	<p>Insofar as the National DRRMC is to</p> <ul style="list-style-type: none"> • “develop a National DRMMC Framework which shall provide for a comprehensive, all hazards, multi-sectoral, inter-agency and community-based approach to DRRM. ... • ensure a multi-stakeholder participation in the development, updating and sharing of a DRRM Information System and Geographic Information System based national risk map as policy, planning and decision-making tool”. <p>Insofar as the OCD is to “establish standard operating procedures on the communication system among provincial, city, municipal and barangay DRRMCs, for purposes of warning and alerting them and for gathering information on disaster areas before, during and after disasters”.</p> <p>The provincial, city and municipal DRRM Office or Barangay DRRM Committee shall”</p> <ul style="list-style-type: none"> • “facilitate and support risk assessments and contingency planning activities at the local level; • consolidate local disaster risk information which includes natural hazards, vulnerabilities and climate change risks, and maintain a local risk map; ... • conduct continuous disaster monitoring ...; [and] • identify, assess and manage the hazards vulnerabilities and risks that may occur in their locality”.
102. Does EWS regulation provide for timely and reliable access for at-risk communities to EWS, meteorological	Philippine Disaster Risk Reduction and Management Act of 2010, RA No. 10121,	S.6(e) & (k)	<p>Insofar as the National DRRM Council is to</p> <ul style="list-style-type: none"> • “establish a national early warning and emergency alert system to provide accurate and timely advice to national or local

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>or seismological data (as relevant)? Describe.</p>	27 May, 2010	<p>S.9(g) & (h)</p> <p>S.12(c)(3), (5) & (10)</p>	<p>emergency response organizations and to the general public through diverse mass media to include digital and analog broadcast, cable, satellite television and radio, wireless communications, and landline communications” and</p> <ul style="list-style-type: none"> • to “develop vertical and horizontal coordination mechanisms for a more coherent implementation of DRRM policies and programs by sectoral agencies and LGUs”. <p>Insofar as the OCD shall</p> <ul style="list-style-type: none"> • “formulate standard operating procedures for the deployment of rapid assessment teams, information sharing among different government agencies, and coordination before and after disasters at all levels; [and] • establish standard operating procedures on the communication system among provincial, city, municipal and barangay DRRMCs, for purposes of warning and alerting them and for gathering information on disaster areas before, during and after disasters”. <p>Insofar as the provincial, city and municipal DRRM Office or Barangay DRRM Committee shall</p> <ul style="list-style-type: none"> • “consolidate local disaster risk information which includes natural hazards, vulnerabilities and climate change risks, and maintain a local risk map; ... • operate a multi-hazard early warning system, linked to DRR to provide accurate and timely advice to national or local emergency response organizations and to the general public, through diverse mass media, particularly radio, landline communications, and technologies for communication with rural communities; [and] • disseminate information and raise public awareness about those hazards, vulnerabilities and risks, their nature, effects,

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			early warning signs and counter-measures".
<p>103. Does the law regulating telecommunications infrastructure and delivery include any DRR criteria in general, or any specific measures such as:</p> <ol style="list-style-type: none"> geographical coverage of telecommunications to include remote and/or at-risk areas? priority access to communications technology for at-risk communities and responders to disaster? access for vulnerable groups such as the elderly and persons with disabilities? Support for early warning systems? 			<p>S.9(p) of RA No. 10121 provides that the OCD shall "provide advice and technical assistance and assist in mobilizing necessary resources to increase the overall capacity of LGUs, specifically the low income and in high risks areas".</p> <p><i>Public Telecommunications Policy Act of the Philippines</i>, RA No. 7925, 1 March 1995 does not refer specifically to any DRR criteria but it is the Government's policy that "the expansion of the telecommunications network shall give priority to improving and extending basic services to areas not yet served. For this purpose, government shall promote a fair, efficient and responsive market to stimulate the growth and development of the telecommunications facilities and services, with emphasis on the accessibility by persons to basic services in unserved and underserved areas at affordable rates".</p> <p>Similarly, the <i>Municipal Telephone Act of 1989</i>, RA No. 6849, 8 February 1990 seeks to bring the benefits of modern communication technology to rural areas through the interconnection of all municipalities through the establishment of a nationwide network of public calling stations.</p>
<p>104. Does the above law impose, or allow for the imposition, of any restrictions on use of certain types of telecommunications equipment</p> <ol style="list-style-type: none"> Generally throughout the territory? In specified areas? Under specified circumstances? 	<p>The 1987 Constitution</p> <p>Regulation of Radio Stations and Radio Communications, RA No. 3846, undated</p>	<p>Art. XII, S.17</p> <p>S.6</p>	<p>"In times of national emergency, when the public interest so requires, the State may, during the emergency and under reasonable terms prescribed by it, temporarily take over or direct the operation of any privately-owned public utility or business affected with public interest."</p> <p>"The President of the USA, or the Governor-General of the Philippine Islands, in time of war, public peril, calamity, or disaster, may cause the closing of any radio station in the Philippine Islands; or may authorize the temporary use or possession thereof by any</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
	All Republic Acts granting franchise rights to telecommunication corporations to construct, install establish, operate and maintain telecommunication systems throughout the Philippines		<p>department of the Government upon just compensation to the owners.”</p> <p>Where the Government has granted a franchise to telecommunication corporations it has reserved “a special right to the President of the Philippines, in times of war, rebellion public peril, calamity, emergency, disaster or disturbance of peace and order, to temporarily take over and operate the stations, transmitters, facilities or equipment of the grantee, to temporarily suspend the operation of any station, transmitter, facility or equipment in the interest of public safety, security and public welfare, or to authorize the temporary use and operation thereof by any agency of the government, upon due compensation to the grantee for the use of said stations, transmitters, facilities or equipment during the period when they shall be operated” as provided for in Article XII, S.17 of the 1987 Constitution.</p>
B. Risk identification, assessment and monitoring			
105. In addition to the sectoral laws above, does the disaster management law regulate the collection and distribution of information on hazards and risks (risk mapping)? If so, what authority is responsible and what is their mandate?	Philippine Disaster Risk Reduction and Management Act of 2010, RA No. 10121, 27 May, 2010	S.6(d), (e) & (j)	<p>Insofar as the NDRRMC is to</p> <ul style="list-style-type: none"> • “ensure a multi-stakeholder participation in the development, updating and sharing of a DRRM Information System and Geographic Information System based national risk map as policy, planning and decision-making tool; • establish a national early warning and emergency alert system to provide accurate and timely advice to national or local emergency response organizations and to the general public through diverse mass media to include digital and analog broadcast, cable, satellite television and radio, wireless communications, and landline communications; and • develop assessment tools on the existing and potential hazards and risks brought about by climate change to vulnerable areas and ecosystems in coordination with the CCC”.

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
		S.9(c), (d) & (h)	<p>Insofar as the OCD is to</p> <ul style="list-style-type: none"> • “identify, assess and prioritize hazards and risks in consultation with key stakeholders; • develop and ensure the implementation of national standards in carrying out DRR programs including preparedness, mitigation, prevention, response and rehabilitation works, from data collection and analysis, planning, implementation, monitoring and evaluation; • establish standard operating procedures on the communication system among provincial, city, municipal and barangay DRRMCs, for purposes of warning and alerting them and for gathering information on disaster areas before, during and after disasters”.
		S.12(c)(2), (3), (8), (9) & (10)	<p>The provincial, city and municipal DRRM Office or Barangay DRRM Committee shall”</p> <ul style="list-style-type: none"> • “facilitate and support risk assessments and contingency planning activities at the local level; • consolidate local disaster risk information which includes natural hazards, vulnerabilities and climate change risks, and maintain a local risk map; ... • conduct continuous disaster monitoring ...; [and] • identify, assess and manage the hazards vulnerabilities and risks that may occur in their locality; and • disseminate information and raise public awareness about those hazards, vulnerabilities and risks, their nature, effects, early warning signs and counter-measures”. <p>“The National DRRM Plan shall provide for the identification of hazards, vulnerabilities and risks to be managed at the national level; DRRM approaches and strategies to be applied in managing said hazards and risks ...”</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
	Calamity Hazard Mitigation Program Act, Senate Bill No. 1493, Pending in the Committee on 1 September 2010		The Bill requires PHIVOLCS and PAGASA to establish a Natural Calamities' Hazard Mitigation Program for all coastal and insular areas, to perform hazard assessment, monitoring and warning and public education functions. "Natural calamities" means the events caused by nature resulting in great loss and misfortune. These include, but are not limited to, typhoon, earthquake, tsunami, landslide, tornado; etc."
106. Does the disaster management law, or another law, regulate the collection and publication of seismological, meteorological and climatic data relevant to natural disasters? If so, what does it require and who is responsible for this, and under what law?	<p>Philippine Disaster Risk Reduction and Management Act of 2010, RA No. 10121, 27 May, 2010</p> <p>Atmospheric, Geophysical and Astronomical Science Act of 1972, PD No. 78, 8 December 1972</p> <p>PD No. 1149 Amending certain sections of Presidential Decree No. 78 otherwise known as "The Atmospheric, Geophysical and Astronomical Science Act of 1972", 2 June 1977</p>		<p>RA No. 10121 does not specifically refer to the collection and publication of seismological, meteorological and climatic data.</p> <p>PD No. 78 established the Philippine Atmospheric, Geophysical and Astronomical Services Administration (PAGASA). It consists of -</p> <ul style="list-style-type: none"> • the National Weather Office, • National Atmospheric, Geophysical and Astronomical Data Office, • National Geophysical and Astronomical Office, • National Institute of Atmospheric, Geophysical and Astronomical Sciences, • Typhoon Moderation Research and Development Office; and • National Flood Forecasting Office. <p>"The National Weather Office shall undertake operational activities pertaining to the observation, collection and reporting of weather within the Philippine Area of responsibility, issue forecasts and warnings of weather conditions affecting national safety, welfare and economy.</p> <p>The National Atmospheric, Geophysical and Astronomical Data Office</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<p>shall undertake activities concerning the observation, acquisition, collection, quality control, processing and archiving of atmospheric and allied data, to include among others, meteorological, seismic, oceanographic and astronomical data and observations and making same available in usable form for the benefit of agriculture, commerce and industry. This Office shall also conduct continuing studies of Philippine Climatology, Agrometeorology, Solar Radiation, Wind Effects, or Gustiness and other such technological studies vital to national progress.</p> <p>The National Geophysical and Astronomical Office shall undertake activities or observations and studies of Geophysical and Astronomical phenomena essential for the safety and welfare of the people and also for the economy of the country. The Office shall issue bulletins and/or technical advice to the public in case of significant geophysical events like severe earthquakes and tsunami, and shall also serve as the official time service agency of the Philippines.</p> <p>The National Institute of Atmospheric, Geophysical and Astronomical Sciences shall undertake activities to develop a high level of knowledge in the atmospheric, geophysical and astronomical sciences to provide for an adequate manpower supply of well-trained scientists and technological personnel in the country with respect to these fields. The Institute shall also conduct researches in Atmospheric Science, in Geophysics and in Astronomy and shall establish systems and facilities for carrying out these functions.</p> <p>The Typhoon Moderation Research and Development Office shall undertake research on the structure, development and motion of typhoons; utilize scientific measures to reduce the intensity of</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<p>typhoons and resulting destruction; and study the environmental impact of such measures and adopt necessary precautions to prevent loss or destruction.</p> <p>The National Flood Forecasting Office shall undertake operational activities in flood forecasting and warning covering important river basins in the country; develop the systems and facilities necessary to carry out these functions; improve the techniques and methods used; and coordinate with the Department of Public Works, Transportation and Communication and other agencies concerned with flood mitigation and control.</p> <p>EO No. 128 (1987) mandates PHIVOLCS to perform the following functions:</p> <ul style="list-style-type: none"> • “Predict the occurrence of volcanic eruptions and earthquakes and their geotectonic phenomena; • Determine how eruptions and earthquakes shall occur and also areas likely to be affected; • Exploit the positive aspects of volcanoes and volcanic terrain in furtherance of the socio-economic development efforts of the government; • Generate sufficient data for forecasting volcanic eruptions and earthquakes; and • Formulate appropriate disaster-preparedness and mitigation plans.”
107. Does the disaster management law, or another law, regulate the collection and publication of baseline population data, especially in high risk areas? If so, what does it require and who is responsible for this, and under what law?	Philippine Disaster Risk Reduction and Management Act of 2010, RA No. 10121, 27 May, 2010		<p>RA No. 10121 does not specifically provide for the regulation of the collection and publication of baseline population data in high risk areas.</p> <p>There are laws providing for the taking of a census population for socio-economic development purposes but they do not specifically address disaster management.</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
	Urban Development and Housing Act of 1992, RA No. 7279, 24 March 1992	S.37	<p>EO No. 121, 30 January 1987 established the National Statistical Coordination Board, which is the central policy-making and coordinating body on all statistical matters at the national and local levels.</p> <p>EO No. 135, Providing for the Establishment of a Well Coordinated Local Level Statistical System, 6 November 1993 established a local level statistical system which is to be “responsive to planning and monitoring requirements at the local level, and capable of producing statistics which can be integrated and harmonized with statistics being produced at the national level, shall be established.” (S.1)</p> <p>“The LGUs shall set up an effective mechanism, together with the appropriate agencies like the Population Commission, the NEDA and the National Statistics Office (NSO), to monitor trends in the movements of population from rural to urban, urban to urban, and urban to rural areas.</p> <p>The Population Commission, the NEDA, and the NSO shall likewise provide advanced planning information to national and local government planners on population projections and the consequent level of services needed in particular urban and urbanizable areas. This service will include early-warning systems on expected dysfunctions in a particular urban area due to population increases, decreases, or age structure changes.”</p>

Part Four. Regulation of the Built Environment

The aim is to outline the laws and regulations that set out building and construction standards, relevant approvals and enforcement processes, as well as planning and construction of roads & bridges, and land use planning and zoning, such as: urban and rural planning and zoning, including prohibitions on development of high risk sites, public open space for evacuation, access for rescue services such as fire and ambulance, and including regulation of informal settlements; regulation and responsibility for water storage, distribution and quality control for human consumption, flood mitigation construction and other

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
water management against flooding; land tenure, including mapping and registration of tenure rights (especially participatory land mapping with communities) and any recognition of indigenous land rights and occupiers' rights; regulation of emergency and transitional shelter; and regulation or treatment of informal settlements.			
A. Building Codes			
Identify building and construction codes, including fire, flood and earthquake safety, as relevant to identified risks, including any differences in regulation, such as between large urban construction and small residences in rural villages; building regulations, including approvals, inspection and enforcement; and any regulation of emergency and transitional shelter, and informal settlements.			
108. Is there a national building and construction law? If so, what authority is responsible for its implementation?	Adopting a National Building Code of the Philippines thereby Revising RA No.6541, PD No. 1096, 19 February 1977	S.201	"The administration and enforcement of the provisions of this Code including the imposition of penalties for administrative violations thereof is hereby vested in the Secretary of Public Works, Transportation and Communications," which is now known as the Department of Public Works and Highways.
109. If there is not a national building and construction law, is this issue regulated at provincial/state or local level? If sub-national regulation only, can you find an example of such a law?			NA
110. Does the building and construction law include detailed building codes, regulations or rules? Are these codes mandatory and binding? What areas do they cover (e.g. fire, earthquake, general building design and construction, health requirements, water & sanitation etc.)? List these categories of regulation.	Adopting a National Building Code of the Philippines thereby Revising RA No.6541, PD No. 1096, 19 February 1977	S.102 S.103(a)	<p>PD No. 1096 is a detailed national building code ("The Code") with its own implementing rules and regulations.</p> <p>The Code provides a "framework of minimum standards and requirements to regulate and control the location, site, design, quality of materials, construction, use, occupancy and maintenance of all buildings and structure" to "safeguard life, health, property and public welfare, consistent with the principles of sound environmental management and control".</p> <p>The Code does not cover traditional indigenous family dwellings, which is defined under S.209 as "a dwelling intended for the use and occupancy by the family of the owner only and constructed of native materials such as bamboo, <i>nipa</i>, logs, or lumber, the total</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<p>cost of which does not exceed fifteen thousand pesos.”</p> <p>The Code cover:</p> <ul style="list-style-type: none"> • General building requirements • Site requirements • Administration and enforcement • Permits and inspection • Types of construction • Requirements for fire zone • Fire resistive requirements in construction • Classification and general requirement of all buildings by use of occupancy • Light and ventilation • Sanitation • Building projection over public streets • Protection of pedestrians during construction or demolition • General design and construction requirements <ul style="list-style-type: none"> - Excavation, foundation and retaining walls - Veneer - Enclosure of vertical openings - Floor construction - Roof construction and covering - Stairs, exits and occupant loads - Skylights - Bays, porches and balconies - Penthouses and roof structures - Chimneys, fireplaces and barbecues - Fire extinguishing systems - Stages and platforms - Motion picture projected rooms - Lathing, plastering and installation of wall boards • Electrical and mechanical regulations

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<ul style="list-style-type: none"> • Photographic and x-ray films • Pre-fabricated construction • Plastics • Sheet metal and paint spray booths • Glass and glazing • Use of computers • Signs
111. Does this law include mechanisms for individual building approvals? If so, which institution(s) have responsibility for this?	Adopting a National Building Code of the Philippines thereby Revising RA No.6541, PD No. 1096, 19 February 1977	S.301	<p>Yes.</p> <p>“No person, firm or corporation, including any agency or instrumentality of the government shall erect, construct, alter, repair, move, convert or demolish any building or structure or cause the same to be done without first obtaining a building permit therefor from the Building Official assigned in the place where the subject building is located or the building work is to be done.”</p> <p>Note: <i>An Act Strengthening PD No. 1096, The National Building Code of the Philippines, As Amended, By Mandating A Comprehensive Nationwide Inspection of Buildings and Imposing Stiff Penalties Against Building Officials Who Violate the Pertinent Provisions of the Said Code, Senate Bill No. 2843, Pending in the Committee on 30 May 2011. This Senate Bill seeks to impose penal sanctions on government officials involved in the false issuance of building permits as there was a growing concern over the impact of geological hazards to the structural integrity of infrastructure in the country stemming from the false issuance of building permits.</i></p>
112. Does this law include mechanisms for building inspections? If so, which institution(s) have responsibility for this? Does it apply to: a. New buildings?	Adopting a National Building Code of the Philippines thereby Revising RA No.6541, PD No. 1096, 19 February 1977	S.207	<p>Yes.</p> <p>The Building Official is authorized to “enter any building or its premises at all reasonable times to inspect and determine compliance with the requirements of the Code, and the terms and</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>b. Renovations / extensions of existing buildings?</p> <p>c. Existing buildings where there is no building application, such as old buildings that may no longer be safe?</p>		<p>S.103(b)</p> <p>S.308</p>	<p>conditions provided for in the building permit as issued.”</p> <p>“Building and/or structures constructed before the approval of this Code shall not be affected thereby except when alterations, additions, conversions or repairs are to be made therein in which case, this Code shall apply only to portions to be altered, added, converted or repaired.”</p> <p>S.308 refers to inspections in relation to new construction works as provided for in the permit.</p> <p>There is no provision for inspection of existing buildings pre-dating the approval of the Code. There are provisions for nuisance actions under Articles 694 to 707 of the Civil Code of the Philippines, RA No. 386 where the condition of the property injures or endangers the health or safety of others.</p> <p>Interestingly, the revised RA No. 6541 (which was enacted without executive approval) does provide for the Code to apply to buildings which existed before the Code came into force where their continued use or occupancy is dangerous to life or limb (S.1.01.04(a)).</p>
<p>113. Does this law include mechanisms for enforcement of codes, including sanctions? What type of sanctions (e.g. fines, whole or partial demolition orders)? If so, which institution(s) have responsibility for this?</p>	<p>Adopting a National Building Code of the Philippines thereby Revising RA No.6541, PD No. 1096, 19 February 1977</p>	<p>S.212</p> <p>S.213</p>	<p>The Secretary is authorised to prescribe and impose fines not exceeding 10,000 pesos for violations of any provisions of the Code, and its rules and regulations.</p> <p>“Any person, firm or corporation who shall violate any of the provisions of this Code and/or commit any act hereby declared to be unlawful shall upon conviction, be punished by a fine of not more than twenty thousand pesos or by imprisonment of not more than two years or by both such fine and imprisonment: Provided, that in the case of a corporation firm, partnership or association,</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
		S.215	<p>the penalty shall be imposed upon its officials responsible for such violation and in case the guilty party is an alien, he shall immediately be deported after payment of the fine and/or service of his sentence.”</p> <p>“When any building or structure is found or declared to be dangerous or ruinous, the Building Official shall order its repair, vacation or demolition depending upon the degree of danger to life, health, or safety. This is without prejudice to further action that may be taken under the provisions of Articles 482 and 694 to 707 of the Civil Code of the Philippines.”</p>
<p>114. Do the building regulations have special standards or requirements for:</p> <ol style="list-style-type: none"> schools? hospitals? fire stations? other public buildings that may also be required as collective centres in case of disaster (e.g. ministries, sports complexes, churches, mosques etc.)? 	<p>Adopting a National Building Code of the Philippines thereby Revising RA No.6541, PD No. 1096, 19 February 1977</p>		<p>The Code does not provide any special standards or requirements for public buildings that maybe required as collective centres in case of disasters.</p> <p>The Code only specifies minimum requirements for Group A dwellings, that is, residential dwellings under S.708. It does not provide minimum requirements for other building classification but leaves it to the Secretary of the Department of Public Works and Highways to make the necessary rules and regulations (S.709). [The researcher has been unable to find these rules and regulations.]</p> <p><u>Note</u> The Philippines is part of UNISDR’s “Resilient Cities” global campaign to make schools and hospitals disaster resilient.</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
115. Do the building regulations or land use planning laws (or other special laws) include regulation of large commercial buildings and developments (such as multi-storey shopping centres, office buildings and factories)? Identify & describe.	Adopting a National Building Code of the Philippines thereby Revising RA No.6541, PD No. 1096, 19 February 1977		The Code applies to <i>all</i> public and private buildings. Chapter VII classifies the building according to their use or the character of its occupancy and except for providing requirements for Group A dwellings, the Code has left it to the discretion of the Secretary of the Department of Public Works and Highways to make the necessary rules and regulations for the other Group Occupancies (S.709) which includes large commercial buildings and developments.
116. Do the building laws/regulations include large, multi-storey apartment buildings? Identify & describe.	Adopting a National Building Code of the Philippines thereby Revising RA No.6541, PD No. 1096, 19 February 1977		See above Q.116
117. Do the building laws/regulations include small self-built constructions? Identify & describe.	Adopting a National Building Code of the Philippines thereby Revising RA No.6541, PD No. 1096, 19 February 1977	S.103	Yes, the Code applies “to the design, location, sitting, construction, alteration, repair, conversion, use, occupancy, maintenance, moving, demolition of, and addition to public and private buildings and structures, except traditional indigenous family dwellings”. A “traditional indigenous family dwellings” is defined under S.209 as “a dwelling intended for the use and occupancy by the family of the owner only and constructed of native materials such as bamboo, <i>nipa</i> , logs, or lumber, the total cost of which does not exceed fifteen thousand pesos.”
118. Do the building laws/regulations differ as between urban and rural settings? If building laws/regulations are different in rural settings, what are the main differences compared with urban settings? E.g. a. the extent of regulation? b. the level of government at which it is regulated? c. other?	Adopting a National Building Code of the Philippines thereby Revising RA No.6541, PD No. 1096, 19 February 1977		No, unless the buildings could be classified as a “traditional indigenous family dwellings”, which is defined under S.209 as “a dwelling intended for the use and occupancy by the family of the owner only and constructed of native materials such as bamboo, <i>nipa</i> , logs, or lumber, the total cost of which does not exceed fifteen thousand pesos.” The Code does not apply to traditional indigenous family dwellings under S.103(a). Interestingly, the revised RA No. 6514 intended for the Code to apply to

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<ul style="list-style-type: none"> “chartered cities, poblaciones of municipalities and municipal districts with a population of at least 2,000 inhabitants, and to barrios of urban areas with a population of at least 2,000 inhabitants. This Code shall also apply to any area where there are 50 or more families per hectare; [and] any area proposed for or being developed into a new town site, residential subdivision, commercial or residential site, school site, housing project, and similar construction projects where five or more buildings will be constructed even if the poblacion or barrio population is less than 2,000 or the density of population is less than 50 families per hectare [subject to it being a traditional indigenous dwelling]”.
119. Do the building/planning laws/regulations include emergency and transitional shelter? If so, what form of regulation and which institution(s) have responsibility for this?	Adopting a National Building Code of the Philippines thereby Revising RA No.6541, PD No. 1096, 19 February 1977		No
120. Do the building laws/regulations include: a. Inspections? b. programmes and/or incentives for making existing buildings safe (e.g. retro-fitting for earthquake resistance, addition of fire escapes, condemning unsafe buildings including demolition orders, tax or funding incentives for owners to fortify buildings)? If so, what form of regulation and which institution(s) have responsibility for this?	Adopting a National Building Code of the Philippines thereby Revising RA No.6541, PD No. 1096, 19 February 1977		<u>Inspection</u> See above Q.113 <u>Programs and/or incentives for safe buildings</u> No

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
121. What if any provision is there for planning, approval and construction of public roads, bridges and related public works? – describe the authority(s) & mandate(s).	Adopting a National Building Code of the Philippines thereby Revising RA No.6541, PD No. 1096, 19 February 1977		No
122. Are there other matters relevant to DRR that are regulated in the building and construction laws of the subject country?	Adopting a National Building Code of the Philippines thereby Revising RA No.6541, PD No. 1096, 19 February 1977		No
B. Land Use Planning Laws			
The aim is to identify whether there are national laws and statutory authorities with responsibility for land zoning and/or land use planning. If there is not a national law or authority, the issue may be regulated at provincial/state or local level and examples of these laws may not be available. However, although land use planning is frequently regulated at local government level, the underlying principles or institutional responsibilities may be included in national or provincial laws. Also, many major cities now have planning law overlays that cross local government boundaries, and may be determined under national or provincial/state laws. In other cases, special regimes have been established to manage the course of a major river that crosses many local boundaries (and these laws may also refer to bilateral treaties about cross-boundary water management - for DRR as well as water use – which may bring them under national law through the treaty powers).			
123. Are there national laws and statutory authorities with responsibility for land zoning and/or land use planning?	EO No. 90, 17 December 1986	S.2	Urban Land Development <u>Responsible Authorities</u> The Housing and Land Use Regulatory Board (HLURB) is the primary authority tasked with planning, regulatory and quasi-judicial responsibilities in relation to land use development (formerly the Human Settlements Regulatory Commission established under EO No. 648, <i>Reorganizing the Human Settlements Regulatory Commission</i> , 7 February 1981). EO No. 90, 17 December 1986 (amended by EO No. 357, <i>Strengthening the Existing Coordinating Mechanisms of the National Shelter Program of the Government under EO No. 90</i> , 24 May 1989) created the Housing and Urban Development Coordinating Council (HUDCC), charged with the overall

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<p>administrative supervision of key government housing agencies to ensure the accomplishment of the National Shelter Program. The housing agencies created or re-established included:</p> <ul style="list-style-type: none"> • National Housing Authority - sole Government agency to engage in direct shelter/housing production, focusing on the lowest 30% of urban income earners through slum upgrading, squatter relocation, development of sites and services and construction of core-housing units. • National Home Mortgage Finance Corporation - major government home mortgage institution. • Housing and Land Use Regulatory Board - sole regulatory body for housing and land development. "It is charged with encouraging greater private sector participation in low-cost housing through liberalization of development standards, simplification of regulations and decentralization of approvals for permits and licenses." • Home Insurance and Guaranty Corporation (formerly Home Financing Corporation) - assist private developers to undertake low and middle income mass housing production and encourage private institutional funds and commercial lenders to finance such housing development and long-term mortgages through a viable system of guarantees, loan insurance and other incentives. <p>EO No. 461, <i>Devolving Certain Powers and Functions of the Housing and Land Regulatory Board and the National Housing Authority to the Autonomous Regional Government of the Autonomous Region in Muslim Mindanao, and for Other Purposes</i>, 17 May 1991. EO No. 461 is self explanatory.</p> <p>EO No. 71, <i>Devolving the Powers of the HLURB to Approve</i></p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<p><i>Subdivision Plans to Cities and Municipalities Pursuant to RA No. 7160, Otherwise Known as the Local Government Code of 1991</i>, 23 March 1993 allows local government to assume the powers of the HLURB in relation to:</p> <ul style="list-style-type: none"> • “approval of preliminary as well as final subdivision schemes and development plans of all subdivisions, residential, commercial, industrial and for other purposes of the public and private sectors, in accordance with the provisions of PD No. 957 as amended and its implementing standards, rules and regulations concerning approval of subdivision plans; • approval of preliminary and final subdivision schemes and development plans of all economic and socialized housing projects as well as individual or group building and occupancy permits covered by BP 220 and its implementing standards, rules and regulations; • evaluation and resolution of opposition against the issuance of development permits for any of the said projects, in accordance with the said laws and the Rules of Procedure promulgated by HLURB incident thereto; • monitoring the nature and progress of land development of projects it has approved, as well as housing construction in the case of house and lot packages, to ensure their faithfulness to the approved plans and specifications thereof, and, imposition of appropriate measures to enforce compliance therewith; [and] • assessment and collection of fees incident to the foregoing.” <p><u>Land Use Planning</u> S. 20(c) of the <i>Local Government Code of 1991</i> states that, “The local government units shall, in conformity with existing laws, continue to prepare their respective comprehensive land plans</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<p>enacted through zoning ordinances which shall be the primary and dominant bases for the future use of land resources: Provided. That the requirements for food production, human settlements, and industrial expansion shall be taken into consideration in the preparation of such plans.”</p> <p>EO No. 72, <i>Providing for the Preparation and Implementation of the Comprehensive Land Use Plans of LGUs Pursuant to the Local Government Code of 1991 and other Pertinent Laws</i>, 25 March 1993 was promulgated “to delineate the powers and responsibilities of the LGUs and the HLURB in the preparation and implementation of comprehensive land use plans under a decentralized framework of local governance.” It established the Provincial Land Use Committee to assist LGUs to review the comprehensive land use plans.</p> <p>Memorandum Circular No. 54, <i>Prescribing the Guidelines Governing Section 20 of RA No. 7160, Otherwise Known as the Local Government Code of 1991, Authorizing Cities and Municipalities to Reclassify Agricultural Lands into Non-Agricultural Use</i>, 8 June 1993 allows cities and municipalities with comprehensive land use plans which have been reviewed and approved pursuant to EO No. 72 (1993) to reclassify agricultural lands into non-agricultural uses.</p> <p><u>Urban Land Reform</u> PD No. 1517, <i>Proclaiming Urban Land Reform in the Philippines and Providing for the Implementing Machinery Thereof</i>, 11 June 1978 and its Implementing Rules and Regulations seeks to:</p> <ul style="list-style-type: none"> • “liberate [the] human communities from blight, congestion, and hazard and to promote their development and modernization;

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
		Ss.7 & 8	<p>areas, provide for the rational use and development of urban land and improve tenure security.</p> <p>The Act only applies to lands in urban and urbanizable areas (S.4). It does not cover the following:</p> <ul style="list-style-type: none"> • land prescribed under RA No. 6657, Comprehensive Agrarian Reform Law, • land used for national defense and security, • land used or set aside for government offices, facilities; etc, • land set aside for parks, reserves for flora and fauna, forests and watersheds; etc, and • land primarily used for religious, charitable or educational purposes, cultural and historical sites, hospitals and health centres, cemeteries and memorial parks. <p>The Act provided for the development of the National Urban Development and Housing Framework. “In the formulation of the Framework, a review and rationalization of testing town and land use plans, housing programs, and all other objectives and activities of government agencies and the private sectors which may substantially affect urban land use patterns, transportation and public utilities, infrastructure, environment and population movement shall be undertaken with the concurrence of the local government units concerned.”</p> <p>LGUs are required to conduct land inventory, which are to be updated every 3 years and identified sites for socialized housing and resettlement areas for the underprivileged and homeless in urban areas.</p> <p>RA No. 7279 provides for socialized housing program, urban renewal and resettlement program and community mortgage</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<p>program to assist low income earners and urban poor who are homeless or living in slum areas to improve their housing conditions.</p> <p>The Government's commitment to housing for the poor is reaffirmed in <i>Comprehensive and Integrated Shelter Financing Act</i> of 1994, RA No. 7835, 16 December 1994 and EO No. 20, <i>Reaffirming Mass Housing as a Centrepiece Program in the Poverty Alleviation Efforts of the Government and Further Strengthening the HUDCC</i>, 28 May 2001.</p> <p>See: National Urban Development and Housing Framework (2009 - 2016) at http://www.urbangateway.org/sites/default/ugfiles/Final%20NUDHF.pdf (accessed 30 June 2012)</p> <p><u>National Land Use Committee</u> The National Land Use Committee (NLUC) was created by EO Nos. 770 and 770-A on 1 December 2008 and 30 September 2009, respectively. The Committee is a NEDA Board Committee (where NEDA is the country's highest socioeconomic planning body), which is primary tasked to:</p> <ul style="list-style-type: none"> • advise the President on matters concerning land use and physical planning; • formulate a national physical framework plan and other inter-sectoral policies and programs that guide the rational utilization and management of the country's land and other physical resources, and the preparation of sub-national physical framework plans; • promote the integration of land use and physical planning policies, plans and programs, including disaster risk

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<p>management , into national socio-economic plans and programs;</p> <ul style="list-style-type: none"> • decide and resolve land use policy conflicts among agencies of the national government; • establish and maintain, in conjunction with various appropriate government agencies, a database system which would identify and classify the present and possible uses of specific land areas, public and private, comprising the total land resource of the nation; and • provide policy directions to the Regional Land Use Committee in the performance of their physical planning functions. <p>The NLUC has formulated the National Framework for Physical Planning 2001-2030, which is located at http://www.neda.gov.ph/references/Reports/NFPP/execsum.pdf (accessed 2 July 2012)</p> <p>In or about June 2005, a Joint Committee on Natural Resources, Housing and Urban Development and Agrarian Reform has approved a National Land Use Act, however, it has not been enacted yet. There are many outstanding National Land Use Bills in the House of Representative and Senate.</p> <p>Rural Land Development See <i>Comprehensive Agrarian Law Reform of 1988</i>, RA No. 6657, 10 June 1988; (as amended) and EO No. 129-A, 26 July 1987 See below Q.131 regarding laws on rural land development</p> <p>Indigenous Land Rights See <i>The Indigenous Peoples Rights Act of 1997</i>, RA No. 8371, 29 October 1997 See below Q.137 regarding laws on indigenous land ownership and</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<p>rights.</p> <p>Other land classification See also: <i>National Integrated Protected Areas System Act of 1992</i>, RA No. 7586, 1 June 1992, which seeks to establish “a National Integrated Protected Areas System [encompassing] outstanding remarkable areas and biologically important public lands that are habitats of rare and endangered species of plants and animals, bio-geographic zones and related ecosystems, whether terrestrial, wetland or marine, all of which shall be designated as protected areas.” (S.2)</p> <p>EO No. 124, <i>Establishing Priorities and Procedures in Evaluating Areas Proposed for Land Conversion in Regional Agri-Industrial Centres/Regional Industrial Centres, Tourism Development Areas and Sites for Socialized Housing</i>, 8 September 1993 identified these 3 areas as priority development areas for land conversion.</p> <p><i>The Special Economic Zone Act of 1995</i>, RA No. 7916, 21 February 1995 (as amended), which seeks “to transform selected areas in the country into highly developed agro-industrial, commercial, tourist, banking investment, and financial centers, where highly trained workers and efficient services will be available to commercial enterprises”. (S.3(b))</p> <p>PD No. 399, <i>Limiting the Use of a Strip of One Thousand Metres of a Land Along Any Existing, Proposed or Ongoing Public Highway or Road, Until the Government Shall Have a Competent Study and Have Formulated a Comprehensive and Integrated Land Use and Development Plan</i>, 28 February 1974 allows for such lands in both public domain and private ownership to be “first available for human settlement sites, land reform, relocation of squatters from</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<p>dominant bases for the future use of land resources: Provided. That the requirements for food production, human settlements, and industrial expansion shall be taken into consideration in the preparation of such plans.”</p> <p>Pursuant to RA 7160 - <i>Local Government Code of 1991</i> LGUs are required to establish a comprehensive multi-sectoral plan to be initiated by its development council and approved by its sanggunian (S.106). Each municipal and city government authority is further required to</p> <ul style="list-style-type: none"> • prescribe reasonable limits and restraints on the use of property within its jurisdiction -S.447(a)(2)(vi) & S.458(a)(2)(vi); • adopt a comprehensive land use plan for the municipality and city respectively -S.447(a)(2)(vii) & S.458(a)(2)(vii); • reclassify land within its jurisdiction - S.447(a)(2)(viii) & s.458(a)(2)(viii); and • enact integrated zoning ordinances in consonance with the approved comprehensive land use plans - S.447(a)(2)(ix) & S.458(a)(2)(ix). <p>S.476 established the role of the Planning and Development Coordinator, whose functions include promoting people participation in development planning (S.476(7)).</p> <p>For an example of a Local Government’s Comprehensive Land Use Plan, see “Naga City Comprehensive Land Use Plan 2000 at http://www.naga.gov.ph/cityprofile/nclup.pdf (accessed 3 July 2012).</p>
125. Does the land use planning and/or			Formal release of land for new developments

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>zoning law include processes for:</p> <p>a. Formal release of land for new developments?</p> <p>b. Approval of each new urban development?</p> <p>c. Approval of major commercial developments?</p>			<p>The above laws at Q123 did not provide any processes for formal release of land for new developments.</p> <p><u>Approval of each new urban development</u> Yes. See: PD No. 957, <i>Subdivision and Condominium Buyers' Protective Decree</i> (amended by PD No. 1216), 12 July 1976 and RA No. 4726, <i>The Condominium Act</i> 18 June 1966 (as amended by RA No. 7899, 23 February 1995) and HLURB's Revised Implementing Rules and Regulations for PD 957, 2009 govern housing development in open or competitive markets.</p> <p><i>Batas Pambansa Blg. 220, An Act Authorising the Ministry of Human Settlements to Establish and Promulgate Different Level of Standards and Technical Requirements for Economic and Socialized Housing Projects in Urban and Rural Areas from those Provided Under PD No. 957, 1216, 1096 and 1185, 25 March 1982, and HLURB's Revised Implementing Rules and Regulations for BP 220, 2008 govern economic and socialized housing developments.</i></p> <p>Local Government's Comprehensive Land Use Plans are to be reviewed and approved by relevant Government departments and agencies.</p> <p><u>Approval of major commercial developments</u> The above laws at Q123 did not provide any processes for approvals of major commercial developments.</p>
<p>126. Does the land use planning and/or zoning law include prohibitions on development of high risk sites (e.g. unstable land prone to subsidence, flood plains, and contaminated</p>	<p>HLURB's Revised Implementing Rules and Regulations for BP 20, 2008</p>	<p>Rule 1, S.4D</p> <p>Rule 1,</p>	<p>"Both economic and socialized housing projects shall be located within suitable site for housing and outside potential hazard prone and protection areas."</p> <p>"A potential site must have characteristics assuring healthful, safe</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
sites)?	HLURB's Revised Implementing Rules and Regulations for PD 957, 2009	S.5A(3)	and environmentally sound community life. It shall be stable enough to accommodate foundation load without excessive site works. Critical areas (e.g., areas subject to flooding, landslides and stress) must be avoided."
		Rule 2, S.5C(2)a.4	"Lots shall be protected against physical hazards. No lot shall be laid out where potential risks exist (e.g. erosion, slides, flooding, fault lines, etc.)
		Rule 1, S.1, A(2)	"Subdivision projects shall be located within suitable sites for housing and outside hazard prone areas and protection areas as provided for by pertinent laws. Critical areas (e.g. areas subject to flooding, landslides and those with unstable soil) must be avoided."
	Urban Development and Housing Act of 1992, RA No. 7160, 24 March 1992	Rule 1, S.2B(1)(e)	"No development shall be allowed within the 5-meter mandatory easement on both sides of the Marikina Valley Fault Trace and such other fault traces as may be identified by PHIVOLCS. (Approved per Board Res. No. 515, Series of 1992)"
		S.29	Insofar as "within 2 years from the effectivity of this Act, the LGUs, in coordination with the NHA, shall implement the relocation and resettlement of persons living in danger areas such as esteros, railroad tracks, garbage dumps, riverbanks, shorelines, waterways, and in other public places as sidewalks, roads, parks, and playgrounds."
		S.30	"It shall be unlawful for any person to construct any structure in areas mentioned in the preceding section. After the effectivity of this Act, the barangay, municipal or city government units shall

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			prevent the construction of any kind of illegal dwelling units of structures within their respective localities. The head of any local government unit concerned who allows, abets or otherwise tolerates the construction of any structure in violation of this section shall be liable to administrative sanctions under existing laws and to penal sanctions provided for in this Act.”
127. Does the planning / zoning law include public open space for evacuation?			No. However, PD No. 1216, <i>Defining “Open Space” in Residential Subdivision and Amending Section 31 of PD No. 957 Requiring Subdivision Owners to Provide Roads, Alleys, Sidewalks and Reserves Open for Parks or Recreational Use</i> , 14 October 1977 does provide for the creation of parks, playgrounds and recreational areas in new subdivision. “Open space” is defined as “an area reserved exclusively for parks, playgrounds, recreational uses, schools, roads, places of worship, hospital, health centres, barangay centres and other similar facilities and amenities”.
128. Does the planning / zoning law allocate or require allocation of land for emergency or transitional shelter in preparation for potential disaster?			No
129. Does the planning / zoning law include provisions for infrastructure installation (water and drainage, sewers, telecommunications, energy) in new developments?	HLURB’s Revised Implementing Rules and Regulations for BP 20, 2008	Rule 2, 4B	“Basic needs of human settlements, enumerated in descending order as follows: 1. Water 2. Movement and circulation 3. Storm drainage 4. Solid and liquid waste disposal 5. Park/playground 6. Power The provision of these basic needs shall be based on the actual setting within which the project site is located.”

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
	<p>HLURB's Revised Implementing Rules and Regulations for PD 957, 2009</p> <p>Urban Development and Housing Act of 1992, RA No. 7160, 24 March 1992</p>	S.21	<p>IRR for PD 957, 2009 provides for water supply system, electrical power supply, sewage disposal system, drainage system, and garbage disposal system.</p> <p>“Socialized housing or resettlement areas shall be provided by the local government unit or the NHA in cooperation with the private developers and concerned agencies with the following basic services and facilities:</p> <ul style="list-style-type: none"> • potable water; • power and electricity and an adequate power distribution system; • sewerage facilities and an efficient and adequate solid waste disposal system; and • access to primary roads and transportation facilities. <p>The provisions of other basic services and facilities such as health, education, communications, security, recreation, relief and welfare shall be planned and shall be given priority for implementation by the local government unit and concerned agencies in cooperation with the private sector and the beneficiaries themselves.”</p> <p>See also: Relevant Local Government Comprehensive Land Use Plans</p>
130. Does the planning / zoning law include street width regulations for future traffic flow and to ensure access for emergency services such as fire and ambulance?			HLURB's Revised IRR for PD 957, 2009 and HLURB's Revised IRR for BP 20, 2008 provide for the regulation of road construction but it does not specifically provide for emergency services access.
131. Does the planning / zoning law differ as between urban and rural			<p><u>Rural Land Development</u> Responsible authority: Department of Agrarian Reform (DAR)</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>settings? If different in rural settings, what are the main differences compared with urban settings? E.g.</p> <p>a. the extent of regulation?</p> <p>b. the level of government at which it is regulated?</p> <p>c. other?</p>			<p>For a review of the history and evolution of major agrarian reform laws, issuances and programs, see http://www.lis.dar.gov.ph/home/document_view/9300 (accessed 11 July 2012)</p> <p><i>The Code of Agrarian Reforms of the Philippines</i>, RA No. 6389, 10 September 1971 instituted the Code of Agrarian Reforms and significantly amended <i>The Agricultural Land Reform Code</i>, RA No. 3844, 8 August 1963. Amongst other things it sought to provide a more vigorous and systematic land resettlement program and public land distribution, involve local government in agrarian reform programs and evolve a system of land use and classification (S.2) RA No. 6389 converted all agricultural share tenancy into agricultural leaseholds (S.4) and established the Department of Agrarian Reform (S.49).</p> <p>PD No. 2, <i>Proclaiming the Entire Country as a Land Reform Area</i>, 26 September 1972 placed the whole of the Philippines under a land program.</p> <p>PD No. 27, <i>Decreeing the emancipation of tenants from the bondage of the soil, transferring to them the ownership of the land they till and providing the instruments and mechanisms thereof</i>, 21 October 1972 restricted land reform scope to “tenant farmers of private agricultural lands primarily devoted to rice and corn under a system of sharecrop or lease-tenancy, whether classified as landed estate or not”. The “tenant farmer, whether in land classified as landed estate or not, shall be deemed owner of a portion constituting a family-size farm of 5 hectares if not irrigated and 3 hectares if irrigated” only if he “has become a full fledged member of a duly recognized farmer’s cooperative”.</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<p>Proclamation No. 131, <i>Instituting a Comprehensive Agrarian Reform Program (CARP)</i>, 22 July 1987 instituted the CARP as a major Government program pursuant to provisions of the then new 1987 Constitution to cover all public and private agricultural lands regardless of tenurial arrangements and commodity produced; and provided for the Agrarian Reform Fund in the amount of 50 billion pesos for the period 1987 to 1992.</p> <p>EO No. 129, <i>Providing the Mechanisms for the Implementation of the CARP</i>, 22 July 1987 and <i>The Reorganization Act of the Department of Agrarian Reform</i>, EO No. 129-A, 26 July 1987 established the administration of the CARP and DAR as the lead implementing government agency respectively. The DAR is mandated to:</p> <ul style="list-style-type: none"> • “acquire, determine the value of, subdivide into family-size farms or organize into collective of cooperative farms and develop private agricultural lands for distribution to qualified tillers, actual occupants, and displaced urban poor; • administer and dispose all cultivable portions of the public domain declared as alienable and disposable for agricultural purposes transferred to it by the DENR; • acquire, by purchase or grant, real estate properties suited for agriculture that have been foreclosed by the national government; • undertake land consolidation, land reclamation, land forming, and conservation in areas subject to agrarian reform; • facilitate the compensation of landowners covered by agrarian reform; • issue emancipation patents to farmers and farm workers who have been given lands under the agrarian reform program as may be provided for by law;

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<ul style="list-style-type: none"> • provide free legal services to agrarian reform beneficiaries and resolve agrarian conflicts and land tenure problems; • develop and implement alternative land tenure systems such as cooperative farming and agro-industrial estates, among others; • undertake land use management and land development studies and projects in agrarian reform areas; • approve or disapprove the conversion, restructuring or readjustment of agricultural lands into non-agricultural uses; [and] • monitor and evaluate the progress of agrarian reform implementation”. <p><i>Comprehensive Agrarian Law Reform of 1988, RA No. 6657, 10 June 1988; (as amended by RA Nos. 7881, 7905, 8532 and 9700) is the current prevailing legislation administered by the DAR. In particular, RA No. 9700 provides for “the final acquisition and distribution of all remaining unacquired and undistributed agricultural lands from the effectivity of this Act [being 7 August 2009] until June 30 2014”.</i></p> <p><i>EO No. 406, Mandating certain departments and agencies to align their respective programs and projects with the CARP, directing the DAR to accelerate the agrarian reform beneficiaries development through the provisions of economic and social infrastructure support, and providing the necessary implementing mechanisms for the purpose, 14 June 1990 directed the DA, DENR, DPWH, DTC, DND, DJ, DBM, DTI, LBP, and LRA to review and align their respective programs and projects with the view of integration into the CARP. EO No. 406 also established an inter-agency CARP Implementing Team at the national, regional, provincial and municipal levels to hasten the implementation of the CARP.</i></p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<p>See also:</p> <ul style="list-style-type: none"> • EO No. 405, <i>Vesting in the LBP the Primary Responsibility to Determine the Land Valuation and Compensation for All Lands Covered under RA No. 6657</i>, 14 June 1990 • EO NO. 407, <i>Accelerating the Acquisition and Distribution of Agricultural Lands, Pasture Lands, Fishponds, Agro-Forestry Lands and Other Lands of the Public Domain Suitable for Agriculture</i>, 14 June 1990 (as amended by EO No. 448, 14 February 1991 and EO No. 506, 18 February 1992) which exempts national parks, wildlife reserves, wilderness areas and other protected areas from land reforms under the CARP.
132. Does the planning / zoning law include any other matters relevant to disaster risk reduction?			The above planning and zoning laws do not include any other matters relevant to DRR save for compliance with the National Building Code (1977), Revised Fire Code (2008), relevant Local Government Comprehensive Land Use Plans, and preparing EIS and obtaining ECC where relevant.
C. Land tenure			
<p>133. Is there a national system of land title registration established under law?</p> <p>a. If sub-national regulation, at what level of government does this occur, if at all? If sub-national, can you find an example of such a law?</p> <p>b. Does the legal mandate for this system require computerisation and/central record at national level? If not, how and where does it require records to be kept?</p>			<p>On November 6, 1902, the Philippine Commission enacted Act No. 496, known as Land Registration Law, which provided for the institution of the Torrens System of registration whereby real estate ownership may be judicially confirmed and recorded in the archives of the government. The system took effect on February 1, 1903.</p> <p>The Land Registration Authority within the Department of Justice is the responsible authority for national land titles and deeds registration. Its mandate states that:</p> <p>“The LRA exists for the sole purpose of implementing and</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
	Property Registration Decree, PD No. 1529, 11 June 1978	S.2	<p>protecting the Torrens system of land titling and registration. It is the central repository of all land records involving registered or titled lands.</p> <p>It issues decrees of registration pursuant to final judgment of the courts in land registration proceedings and causes the issuance by a registrar of deeds the corresponding certificate of title;</p> <p>It is tasked to issue all subsequent or transfer certificates of title which may either be issued judicially or administratively; keeps the title history or records of transaction involving titled or registered lands; exercises control over the disposition or alienation of registered lands in accordance with existing government rules and regulations; provides legal and technical assistance to the courts on land registration cases; extends assistance to other agencies of the government in the implementation cases; extends assistance to other agencies of the government in the implementation of the agrarian program; [and] it is a revenue-collecting agency of the government.”</p> <p>The LRA is currently implementing a Land Titling Computerization Project. Source: http://www.lra.gov.ph/index.php?page=about_us_history (accessed 2 July 2012)</p> <p>“Judicial proceedings for the registration of lands throughout the Philippines shall be in rem and shall be based on the generally accepted principles underlying the Torrens system.</p> <p>Courts of First Instance (now Regional Trial Courts) shall have exclusive jurisdiction over all applications for original registration of title to lands, including improvements and interests therein, and</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			over all petitions filed after original registration of title, with power to hear and determine all questions arising upon such applications or petitions.”
<p>134. Are there institutions mandated to survey land and/or register title? Does this mandate:</p> <p>a. require or allow community participation in land mapping or surveying for the purpose of establishing titles and/or occupancy and/or usage rights?</p> <p>b. establish a timeframe for the conclusion of land mapping?</p> <p>c. allocate resources for land mapping?</p>	<p>Property Registration Decree, PD No. 1529, 11 June 1978</p>	<p>S.4</p> <p>S.6</p>	<p><u>Land title registration</u> Responsible authority: Land Registration Authority (DJ)</p> <p>S.4 of PD No. 1529 created the Land Registration Commission (which is now known as the LRA) with the following functions.</p> <p>“The Commissioner shall have the following functions:</p> <ul style="list-style-type: none"> • Issue decrees of registration pursuant to final judgments of the courts in land registration proceedings and cause the issuance by the Registers of Deeds of the corresponding certificates of title; • Exercise supervision and control over all Registers of Deeds and other personnel of the Commission; • Resolve cases elevated en consulta by, or on appeal from decision of, Registers of Deeds; • Exercise executive supervision over all clerks of court and personnel of the Courts of First Instance (now Regional Trial Courts) throughout the Philippines with respect to the discharge of their duties and functions in relation to the registration of lands; • Implement all orders, decisions, and decrees promulgated relative to the registration of lands and issue, subject to the approval of the Secretary of Justice, all needful rules and regulations therefor; [and] • Verify and approve subdivision, consolidation, and consolidation-subdivision survey plans of properties titled under Act No. 496 except those covered by P.D. No. 957.” <p>“The LRC shall have the following functions:</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<ul style="list-style-type: none"> Extend speedy and effective assistance to the Department of Agrarian Reform, the Land Bank, and other agencies in the implementation of the land reform program of the government; Extend assistance to courts in ordinary and cadastral land registration proceedings; [and] Be the central repository of records relative to original registration of lands titled under the Torrens system, including subdivision and consolidation plans of titled lands.” <p>S.7 provides that there shall be at least one Register of Deeds for each province and one for each city, which is a “public repository of records of instruments affecting registered or unregistered lands and chattel mortgages in the province or city wherein such office is situated.” (S.10)</p> <p>Further, the DAR is required to establish a “Provisional Register of Documents issued under PD-27”, which is to be kept and maintained in every Registry of Deeds throughout the country. This Registry Book is a register of</p> <ul style="list-style-type: none"> “all Certificates of Land Transfer (CLT) issued pursuant to PD No. 27; and All subsequent transactions affecting CLT such as adjustment, transfer, duplication and cancellation of erroneous CLTs.” (S.104) <p><i>PD No. 27, Decreeing the emancipation of tenants from the bondage of the soil, transferring to them the ownership of the land they till and providing the instruments and mechanisms thereof, 21 October 1972</i></p> <p><i>An Act Allowing Administrative Reconstitution of Original Copies of</i></p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<p><i>Certificates of Titles Lost or Destroyed due to Fire, Flood and Other Force Majeure, Amending for the Purpose S.110 of PD No. 1529 and S.5 of RA No. 26, RA No. 6732, 17 July 1989</i> provides for administrative reconstitution of lost or destroyed original copies of Torrens title.</p> <p><u>Land Survey</u> Responsible authority: Land Management Bureau (DENR) The LMB is also establishing a computerised Land Administration and Management System, which is designed to provide effective management of land records and efficient delivery of land transactions and information services to the public.</p> <p>The LMB was created pursuant to S.14 of EO No. 192, 10 June 1987 and is mandated to “advise the Secretary on matters pertaining to rational land classification management and disposition and shall have the following functions, but not limited to:</p> <ul style="list-style-type: none"> • Recommend policies and programs for the efficient and effective administration, surveys, management and disposition of alienable and disposable lands of the public domain and other lands outside the responsibilities of other government agencies; such as reclaimed areas and other areas not needed for or are not being utilized for the purposes for which they have been established; • Advise the Regional Offices on the efficient and effective implementation of policies, programs and projects for more effective public lands management; • Assist in the monitoring and evaluation of land surveys, management and disposition of lands to ensure efficiency and effectiveness thereof; • Issue standards, guidelines, regulations and orders to enforce policies for the maximization of land use and development;

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
	Property Registration Decree, PD No. 1529, 11 June 1978	S.35	<ul style="list-style-type: none"> • Develop operating standards and procedures to enhance the Bureau's objectives and functions; • Assist the Secretary as Executive Officer charged with carrying out the provisions of the Public Land Act, CA No. 141 (as amended), who shall have direct executive control of the survey, classification, lease, sale or any other forms of concessions or disposition and management of the lands of the public domain; [and] • Perform other functions as may be assigned by the Secretary and/or provided by law. <p>Source: http://lmb.gov.ph/Mandate.aspx (accessed 10 July 2012)</p> <p><u>Cadastral Surveys</u> Community participation in land survey for the purpose of establishing titles and/or occupancy and/or usage rights is limited to the provisions of Ss.35 and 37 of PD No. 1529.</p> <p>“When in the opinion of the President of the Philippines public interest so requires that title to any unregistered lands be settled and adjudicated, he may to this end direct and order the Director of Lands (now LMB) to cause to be made a cadastral survey of the lands involved and the plans and technical description thereof prepared in due form.</p> <p>Thereupon, the Director of Lands (now LMB) shall give notice to persons claiming any interest in the lands as well as to the general public, of the day on which such survey will begin, giving as fully and accurately as possible the description of the lands to be surveyed. Such notice shall be published once in the Official Gazette, and a copy of the notice in English or the national language shall be posted in a conspicuous place on the bulletin board of the municipal building of the municipality in which the</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
		S.37	<p>lands or any portion thereof is situated. A copy of the notice shall also be sent to the mayor of such municipality as well as to the barangay captain and likewise to the Sangguniang Panlalawigan and the Sangguniang Bayan concerned.</p> <p>The Geodetic Engineers or other employees of the Bureau of Lands (now LMB) in charge of the survey shall give notice reasonably in advance of the date on which the survey of any portion of such lands is to begin, which notice shall be posted in the bulletin board of the municipal building of the municipality or barrio in which the lands are situated, and shall mark the boundaries of the lands by monuments set up in proper places thereon.</p> <p>It shall be the duty of every person claiming an interest in the lands to be surveyed, or in any parcel thereof, to communicate with the Geodetic Engineer upon his request therefor all information possessed by such person concerning the boundary lines of any lands to which he claims title or in which he claims any interest.”</p> <p>“Any claimant in cadastral proceedings, whether named in the notice or not, shall appear before the court by himself or by some other authorized person in his behalf, and shall file an answer on or before the date of initial hearing or within such further time as may be allowed by the court. The answer shall be signed and sworn to by the claimant or by some other authorized person in his behalf, and shall state whether the claimant is married or unmarried, and if married, the name of the spouse and the date of marriage, his nationality, residence and postal address, and shall also contain:</p> <ol style="list-style-type: none"> a) The age of the claimant; b) The cadastral number of the lot or lots claimed, as appearing on the plan filed in the case by the Director of Lands (now

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<p>LMB), or the block and lot numbers, as the case may be;</p> <p>c) The name of the barrio and municipality in which the lots are situated;</p> <p>d) The names and addresses of the owners of the adjoining lots so far as known to the claimant;</p> <p>e) If the claimant is in possession of the lots claimed and can show no express grant of the land by the government to him or to his predecessors-in-interest, the answer shall state the length of time he has held such possession and the manner in which it has been acquired, and shall also state the length of time, as far as known, during which the predecessors, if any, held possession;</p> <p>f) If the claimant is not in possession or occupation of the land, the answer shall fully set forth the interest claimed by him and the time and manner of his acquisition;</p> <p>g) if the lots have been assessed for taxation, their last assessed value; and</p> <p>h) The encumbrances, if any, affecting the lots and the names of adverse claimants, as far as known.”</p> <p>Further, sections 49 and 50 of PD No. 1529 allow owners to split or consolidate titles, and to subdivide or consolidate plans.</p> <p>There is no defined time provision for the conclusion of land mappings.</p> <p>PD No. 1529 includes provision for annual general appropriations to implement the Decree.</p> <p>See also:</p> <ul style="list-style-type: none"> • <i>Friar Lands Act</i>, Act No. 1120, 26 April 1904 • <i>The Cadastral Act</i>, Act No. 2259, 11 February 1913

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<ul style="list-style-type: none"> • <i>The Public Land Act</i>, CA No. 141, 7 November 1936 • <i>Residential Free Patent Act</i>, RA No. 10023, 9 March 2010
<p>135. Does the land title system allow anyone to purchase or own land, or does it exclude anyone? E.g. can the following own and inherit land under this system:</p> <p>a. Women?</p> <p>b. All ethnic or religious groups?</p> <p>c. Non-nationals?</p>	<p>Comprehensive Agrarian Reform Law of 1988, RA No. 6657, 10 June 1988 (as amended)</p> <p>RA No. 9700, 7 August 2009</p> <p>DAR AO No. 1 of 2011,</p>	<p>S.40(5)</p> <p>S.1</p> <p>S.2</p> <p>S.5A.1(3)</p>	<p><u>Women</u></p> <p>Women are accorded equal rights under Philippine law regarding land ownership. Philippine property law embodied in the Civil Code of the Philippines (1949) and family and succession laws embodied in the Family Code are gender neutral. Further, the Comprehensive Agrarian Reform Law (1988) provides women rural labourers with equal rights to own land and to participate in advisory and decision-making bodies (S.40(5)).</p> <p>“All qualified women members of the agricultural labour force must be guaranteed and assured equal right to ownership of the land, equal shares of the farm's produce, and representation in advisory or appropriate decision-making bodies.”</p> <p>“The State shall recognize and enforce, consistent with existing laws, the rights of rural women to own and control land, taking into consideration the substantive equality between men and women as qualified beneficiaries, to receive a just share of the fruits thereof, and to be represented in advisory or appropriate decision-making bodies. These rights shall be independent of their male relatives and of their civil status.”</p> <p>“Rural women refer to women who are engaged directly or indirectly in farming and/or fishing as their source of livelihood, whether paid or unpaid, regular or seasonal, or in food preparation, managing the household, caring for the children, and other similar activities.”</p> <p>“In order to recognize the rights of farmer spouses, the names of</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
	Guidelines Governing Gender Equality in the Implementation of Agrarian Reform Laws and Mainstreaming Gender and Development in the Department of Agrarian Reform, 19 July 2011	S.5A.2	<p>both shall appear in the Emancipation Patent/Certificate of Land Ownership Award (EP/CLOA) and shall be preceded by the word "spouses".</p> <p>“Regardless of whether the EP/CLOA was registered in the names of both spouses/partners or was awarded to only one of them, where the award was made during the existence of their marriage or the period of their cohabitation, the consent of both spouses/partners shall be required for the validity of the following transactions:</p> <ul style="list-style-type: none"> • Sale, transfer, or conveyance of lands under S.27 of RA No 6657 (as amended) and other agrarian laws, where the consenting spouses/partners are the vendors or transferors; • Application for land use conversion pursuant to S.65 of RA No. 6657 (as amended) where the consenting spouses/partners are the applicants; • Contract of mortgage where the awarded land is used as collateral to secure a loan, where the consenting spouses/partners are the mortgagors; and • All other transactions involving a waiver of rights and the relinquishment of ownership or possession over lands awarded to ARBs.” <p>See also:</p> <ul style="list-style-type: none"> • <i>The Family Code of the Philippines</i>, EO No. 209, 6 July 1987 (as amended by EO No. 227 & RA No. 8533) states that property acquired in unions with or without marriage is covered under the national co-ownership and joint ownership laws, and the presumption is that if two people live together their land is owned jointly (Arts. 91, 147 & 148). • <i>An Act Providing for the Magna Carta of Women</i>, RA No. 9710, 14 August, 2009

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
	Code of Muslim Personal Laws of the Philippines, PD No. 1083, 4 February 1977	S.36(2) & (5)	<ul style="list-style-type: none"> EO No. 273, <i>Approving and Adopting the Philippine Plan for Gender-Responsive Development, 1995 to 2025</i>, 8 September 1995 <p><u>Religious groups - Women</u> The Philippine property law does not discriminate between people of different ethnic or religious groups, however, the law relating to Muslims is further governed by the Code of Muslim Personal Laws of the Philippines and affects Muslim women’s rights to land ownership.</p> <p>“The wife cannot, without the husband's consent, acquire any property by gratuitous title, except from her relatives who are within the prohibited degrees in marriage.” However, “unless otherwise stipulated in the marriage settlements, the wife retain ownership and administration of her exclusive property.”</p>
	The Indigenous Peoples Rights Act of 1997, RA No. 8371, 29 October 1997	S.2(b)	<p><u>Indigenous People</u> <i>The Indigenous Peoples Rights Act of 1997</i> recognises indigenous peoples’ ancestral rights over ancestral domains and land and guarantees gender equality and the human rights of indigenous women balancing the recognition of indigenous peoples’ autonomy with the protection of universal human rights (including women’s rights).</p>
		S.2(d)	<p>“The State shall protect the rights of ICCs/IPs to their ancestral domains to ensure their economic, social and cultural well being and shall recognize the applicability of customary laws governing property rights or relations in determining the ownership and extent of ancestral domain”</p>
		S.21	<p>“The State shall guarantee that members of the ICCs/IPs regardless</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
	The 1987 Constitution of the Republic of the Philippines,	S.26	<p>of sex, shall equally enjoy the full measure of human rights and freedoms without distinctions or discriminations”</p> <p>“Consistent with the equal protection clause of the Constitution of the Republic of the Philippines, the Charter of the United Nations, the Universal Declaration of Human Rights including the Convention on the Elimination of Discrimination Against Women and International Human Rights Law, the State shall, with due recognition of their distinct characteristics and identity, accord to the members of the ICCs/IPs the rights, protections and privileges enjoyed by the rest of the citizenry. It shall extend to them the same employment rights, opportunities, basic services, educational and other rights and privileges available to every member of the society. Accordingly, the State shall likewise ensure that the employment of any form of force of coercion against ICCs/IPs shall be dealt with by law.</p> <p>The State shall ensure that the fundamental human rights and freedoms as enshrined in the Constitution and relevant international instruments are guaranteed also to indigenous women. Towards this end, no provision in this Act shall be interpreted so as to result in the diminution of rights and privileges already recognized and accorded to women under existing laws of general application.”</p>
		Art. XII, S.7	<p>“ICC/IP women shall enjoy equal rights and opportunities with men, as regards the social, economic, political and cultural spheres of life. The participation of indigenous women in the decision-making process in all levels, as well as in the development of society, shall be given due respect and recognition.”</p> <p><u>Non Nationals</u></p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
		Art. XII, S.8	<p>“Save in cases of hereditary succession, no private lands shall be transferred or conveyed except to individuals, corporations, or associations qualified to acquire or hold lands of the public domain.”</p> <p>“Notwithstanding the provisions of S.7 of this Article, a natural-born citizen of the Philippines who has lost his Philippine citizenship may be a transferee of private lands, subject to limitations provided by law.”</p> <p>See also <i>PD No. 713, Allowing Americans who were formerly Filipino citizens , Americans who became permanent residents of the Philippines, and Americans who have resided in the Philippines continuously for at least twenty years and who in good faith had acquired private residential lands for family dwelling purposes in the Philippines prior to July 3, 1974 to continue holding such lands and transfer ownership over the same to qualified persons or entities, 27 May 1975</i></p> <p><i>Batas Pambansa Blg. 185 (1982), which stipulates the guidelines on land ownership by former Filipinos for purposes of establishment of residence and S. 10 of RA No. 8179 (28/3/1996), which amended the Foreign Investment Act of 1991, and specified entitlements and conditions for land acquisition for investment purpose by former Filipino citizens.</i></p> <p><i>The Condominium Act, RA No. 4726, 18 June 1966 allows non-nationals to buy condominium units provided that total foreign ownership of the condominium corporation does not exceed 40% (S.5).</i></p>
136. If there is no standardised land			NA

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
title, is there another way to legally recognise land tenure rights (e.g. indigenous title based on ancestral lands, or established occupation or use, or other traditional rights to use resources such as gathering or hunting or water rights)? Describe.			
137. Is there any legal recognition of traditional or customary law and practice regarding land occupation or ownership, or community or collective management of land? If so, describe the relevant legislation or case law.	<p>The Indigenous Peoples Rights Act of 1997, RA No. 8371, 29 October 1997</p> <p>National Commission on Indigenous People, AO No. 1, Series of 1998, Rules and Regulations Implementing RA No. 8371, otherwise known as “The Indigenous Peoples Rights Act of 1997”</p>		<p>RA No. 8371 gives indigenous cultural communities and indigenous peoples (ICCs/IPs) the rights of ownership over ancestral lands and domains, and to “develop, control and use lands and territories traditionally occupied, owned, or used; to manage and conserve natural resources within the territories and uphold the responsibilities for future generations; to benefit and share the profits from allocation and utilization of the natural resources found therein; the right to negotiate the terms and conditions for the exploration of natural resources in the areas for the purpose of ensuring ecological, environmental protection and the conservation measures, pursuant to national and customary laws; the right to an informed and intelligent participation in the formulation and implementation of any project, government or private, that will affect or impact upon the ancestral domains and to receive just and fair compensation for any damages which they sustain as a result of the project; and the right to effective measures by the government to prevent any interfere with, alienation and encroachment upon these rights.”</p>
138. Is there legislation or case law that recognises land tenure as a result of occupation, such as: a. adverse possession (use and occupation of land over a certain period of years in the absence of the legal owner, resulting in a	Civil Code of the Philippines, RA No. 386, 18 June 1949	<p>Art. 1134</p> <p>Art. 1135</p>	<p><u>Adverse possession</u></p> <p>“Ownership and other real rights over immovable property are acquired by ordinary prescription through possession of ten years.”</p> <p>“In case the adverse claimant possesses by mistake an area greater, or less than that expressed in his title, prescription shall be</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>change of ownership)?</p> <p>b. 'squatters' rights' (including any rights to continue inhabiting land and/or vacant buildings or to be given notice of eviction if contested by the legal owner)?</p>		<p>Art. 1136</p> <p>Art. 1137</p> <p>Art. 1138</p>	<p>based on the possession.”</p> <p>“Possession in wartime, when the civil courts are not open, shall not be counted in favor of the adverse claimant.”</p> <p>“Ownership and other real rights over immovables also prescribe through uninterrupted adverse possession thereof for thirty years, without need of title or of good faith.”</p> <p>“In the computation of time necessary for prescription the following rules shall be observed:</p> <ul style="list-style-type: none"> • the present possessor may complete the period necessary for prescription by tacking his possession to that of his grantor or predecessor in interest; • it is presumed that the present possessor who was also the possessor at a previous time, has continued to be in possession during the intervening time, unless there is proof to the contrary; • the first day shall be excluded and the last day included.” <p><u>Squatters</u></p> <p>“Any person who, with the use of force, intimidation or threat, or taking advantage of the absence or tolerance of the landowner, succeeds in occupying or possessing the property of the latter against his will for residential commercial or any other purposes, shall be punished by an imprisonment ranging from six months to one year or a fine of not less than one thousand nor more than five thousand pesos at the discretion of the court, with subsidiary imprisonment in case of insolvency.</p> <p>If the offender is a corporation or association, the maximum penalty of five years and the fine of five thousand pesos shall be</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
	Penalizing Squatting and Other Similar Acts, PD No. 772, 20 August 1975	Ss. 1 & 2	<p>imposed upon the president, director, manager or managing partners thereof.”</p> <p>“The LGUs, in cooperation with the Philippine National Police, the Presidential Commission for the Urban Poor (PCUP), and the PCUP-accredited urban poor organization in the area, shall adopt measures to identify and effectively curtail the nefarious and illegal activities of professional squatters and squatting syndicates”. Such squatters shall be “summarily evicted and their dwellings or structures demolished, and shall be disqualified to avail of the benefits of the Program. A public official who tolerates or abets the commission of the abovementioned acts shall be dealt with in accordance with existing laws.”</p> <p>“Professional squatters’ refers to individuals or groups who occupy lands without the express consent of the landowner and who have sufficient income for legitimate housing.” It also applies “to persons who have previously been awarded homelots or housing units by the Government but who sold, leased or transferred the same to settle illegally in the same place or in another urban area, and non-bona fide occupants and intruders of lands reserved for socialized housing. The term shall not apply to individuals or groups who simply rent land and housing from professional squatters or squatting syndicates”.</p> <p>“Professional squatters or members of squatting syndicates shall be imprisoned for 6 years or receive a fine of not less than P60,000.00 but not more than P100,000, or both, at the discretion of the court.”</p>
	Urban Development and		<u>Eviction and demolition</u>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			Adequate relocation, whether temporary or permanent: Provided, however, That in cases of eviction and demolition pursuant to a court order involving underprivileged and homeless citizens, relocation shall be undertaken by the local government unit concerned and the National Housing Authority with the assistance of other government agencies within 45 days from service of notice of final judgment by the court, after which period the said order shall be executed: Provided, further, That should relocation not be possible within the said period, financial assistance in the amount equivalent to the prevailing minimum daily wage multiplied by 60 days shall be extended to the affected families by the local government unit concerned."
139. If there are parallel systems for recognition of land tenure, such as customary law vs. registered freehold title, does one type of legal claim take precedence over the other?	The Indigenous Peoples Rights Act of 1997, RA No. 8371, 29 October 1997	S.3 S.56 S.58	Definitions of "ancestral domains" and "ancestral lands" are subject to S.56 of RA No. 8371. "Property rights within the ancestral domains already existing and/or vested upon effectivity of this Act, shall be recognized and respected." "Ancestral domains or portion thereof, which are found necessary for critical watersheds, mangroves wildlife sanctuaries, wilderness, protected areas, forest cover, or reforestation as determined by the appropriate agencies with the full participation of the ICCs/IPs concerned shall be maintained, managed and developed for such purposes. The ICCs/IPs concerned shall be given the responsibility to maintain, develop, protect and conserve such areas with the full and effective assistance of the government agencies."
140. Is there any law or legal mechanism that allows government authorities to compulsorily purchase or requisition land for public	The 1987 Constitution of the Republic of the Philippines	Art. III, S.1	"No person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws."

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
	Comprehensive Agrarian Law Reform of 1988, RA No. 6657, 10 June 1988; (as amended)	S.16(d)	<p>property shall be determined by the proper court, based on the fair market value at the time of the taking of the property.”</p> <p>The purpose under the Local Government Code for compulsory acquisition of land by the local government is limited to “the benefit of the poor and landless”. There is no specific provision in relation to DRR and land use for evacuation or emergency or transitional shelter purposes.</p> <p>Where the DAR seeks to acquire private lands for agrarian reforms purposes and is rejected by the landowner, the DAR “shall conduct summary administrative proceedings to determine the compensation for the land requiring the landowner, the LBP and other interested parties to submit evidence as to the just compensation for the land”.</p> <p>Ss. 17 and 18 provide for the determination of just compensation, and the valuation and mode of compensation respectively.</p> <p>The purpose for compulsory acquisition of land under the CARP is socio-economic development rather than DRRM purposes.</p>
<p>141. Is there a land tribunal or other dispute resolution mechanism that provides for resolution of land tenure disputes? If so, is this accessible to communities? – to individuals?</p> <p>a. Can people without financial means access this system? E.g. are there fees, or requirements to engage lawyers?</p> <p>b. Are such tribunals or mechanisms available throughout the territory,</p>	Property Registration Decree, PD No. 1529, 11 June 1978	<p>S.2</p> <p>S.25</p>	<p>“Courts of First Instance (now Regional Trial Courts) shall have exclusive jurisdiction over all applications for original registration of title to lands, including improvements and interests therein, and over all petitions filed after original registration of title, with power to hear and determine all questions arising upon such applications or petitions.”</p> <p>“Any person claiming an interest, whether named in the notice or not, may appear and file an opposition on or before the date of initial hearing, or within such further time as may be allowed by the court. The opposition shall state all the objections to the</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
including in rural areas?			<p>application and shall set forth the interest claimed by the party filing the same and apply for the remedy desired, and shall be signed and sworn to by him or by some other duly authorized person.</p> <p>If the opposition or the adverse claim of any person covers only a portion of the lot and said portion is not properly delimited on the plan attached to the application, or in case of undivided co-ownership, conflicting claims of ownership or possession, or overlapping of boundaries, the court may require the parties to submit a subdivision plan duly approved by the Director of Lands.”</p> <p>There is a Schedule of Fees at Chapter XI - fees payable to the Clerk of Court, the Sheriff, the Register of Deeds and the Land Registration Commission (ie LRA). The Decree does not provide for any financial assistance to persons who are not able to meet the prescribed fees.</p> <p>There are 13 Courts of First Instance (now Regional Trial Courts) in the 13 regions of the Philippines.</p>
D. Informal and precarious settlements			
<p>Informal settlements (also called slums or shanty towns) are areas of housing constructed on land to which the occupants had no prior legal claim. The housing is generally constructed by the occupants from available materials and does not comply with building and planning laws. These unplanned settlements are not served with public infrastructure such as water, sewers/drainage, roads or telecommunications, or public services such as schools and medical facilities. They are especially vulnerable to the effects of natural disaster, as they are often built on high-risk land (precarious settlements), with poor construction materials and methods, and the residents are not protected from the effects of, for example, water contamination during flooding. Informal settlements sometimes arise from mass migrations to the outskirts of large cities following disaster (including slow-onset disasters such as drought and famine). However, many of these settlements exist for many years and become established townships. Approaches taken by governments tend to follow one of three paths: (1) ignore informal settlements for the purpose of regulation, (2) relocate residents either through forced evictions and demolition, or planned resettlement schemes, or (3) regularize them. The latter approach has been taken in Brazil under its Statute of the City administered by the Ministry of Cities, which seeks to progressively regularize and integrate under local government, existing informal and precarious settlements.</p>			
142. Is there a law that mandates	Urban Development and	S.2	RA No. 7279 seeks to implement a Comprehensive and Continuing

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>clearing of slums / informal or precarious settlements?</p> <p>a. If so, what is the policy reason given (if any) for such clearance?</p> <p>b. Does it require or empower government authorities to evict or resettle residents? Or to demolish such settlements?</p> <p>c. If residents are to be moved, does this law require the provision of alternative housing? If so, how is this financed?</p> <p>d. If mandated, is there a process for eviction? E.g. notice periods, dispute resolution through land tribunals?</p> <p>e. Are there any other protections for the human rights and livelihoods of residents who are evicted or relocated?</p>	<p>Housing Act of 1992, RA No. 7279, 24 March 1992</p>	<p>Art. VII, Ss.26 to 30</p> <p>S.29</p> <p>S.30</p>	<p>Urban Development and Housing Program, which “uplifts the conditions of the underprivileged and homeless citizens in urban areas and in resettlement areas by making available to them decent housing at affordable cost, basic services, and employment opportunities”.</p> <p>Art. VII deals with urban renewal and resettlement, which include the rehabilitation and development of blighted and slum areas and the resettlement of Program beneficiaries. On-site development shall be implemented whenever possible in order to ensure minimum resettlement of the beneficiaries of the Program from their existing places of occupancy (S.26).</p> <p><u>Squatters</u> See above Q138.</p> <p><u>Eviction and demolition</u> See above Q.138</p> <p><u>Resettlement</u> “Within 2 years from the effectivity of this Act, the local government units, in coordination with the NHA, shall implement the relocation and resettlement of persons living in danger areas such as esteros, railroad tracks, garbage dumps, riverbanks, shorelines, waterways, and in other public places as sidewalks, roads, parks, and playgrounds. The local government unit, in coordination with the NHA, shall provide relocation or resettlement sites with basic services and facilities and access to employment and livelihood opportunities sufficient to meet the basic needs of the affected families.”</p> <p>“The barangay, municipal or city government units shall prevent</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			the construction of any kind of illegal dwelling units of structures within their respective localities. The head of any local government unit concerned who allows, abets or otherwise tolerates the construction of any structure in violation of this section shall be liable to administrative sanctions under existing laws and to penal sanctions provided for in this Act.”
<p>143. Is there a law that mandates recognition and/ or regularization of slums/ informal settlements?</p> <p>a. If so, describe the legal regime for regularization, including the responsible institutions.</p> <p>b. Does regularization include the introduction of building codes? Are these mandatory and binding?</p> <p>c. Does regularization include the construction of public infrastructure? If so, how is this financed?</p> <p>d. Does this law authorise or mandate the provision of social services to informal settlements?</p> <p>e. Does this law include any other regulatory measures to address the vulnerability of such settlements to risk from natural disasters?</p>	<p>Urban Development and Housing Act of 1992, RA No. 7279, 24 March 1992</p>	<p>S.6</p> <p>S.34</p> <p>S.21</p> <p>S.35</p>	<p>See above Q.142</p> <p><u>Shelter Program and Slum Upgrading</u> The Housing and Land Regulatory Board under the direction of the NUDCC and in consultation with LGUs is to formulate a National Urban Development and Housing Framework.</p> <p><u>Building Codes</u> RA no. 7279 does not refer to any building codes save for “the production and use of indigenous, alternative, and low cost construction materials and technologies for socialized housing”.</p> <p><u>Public Infrastructure/Social Services</u> Socialized housing or resettlement areas shall be provided with the following basic services and facilities:</p> <ul style="list-style-type: none"> • “potable water; • power and electricity and an adequate power distribution system; • sewerage facilities and an efficient and adequate solid waste disposal system; and • access to primary roads and transportation facilities. <p>The provisions of other basic services and facilities such as health, education, communications, security, recreation, relief and welfare shall be planned and shall be given priority for implementation by the local government unit and concerned agencies in cooperation</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
		S.36	<p>with the private sector and the beneficiaries themselves.”</p> <p>The LGUs, in coordination with relevant government agencies are to “device a set of mechanisms including incentives to the private sector so that a viable transport system shall evolve and develop in the urban areas. It shall also formulate standards designed to attain these objectives:</p> <ul style="list-style-type: none"> • smooth flow of traffic; • safety and convenience of travel; • minimum use of land space; • minimum damage to the physical environment; and • adequate and efficient transport service to the people and goods at minimum cost.
		S.42	<p><u>Vulnerability to natural disasters</u></p> <p>RA No. 7279 does not provide for any DRRM for socialized housing or resettlement areas save to state that the “LGUs shall coordinate with the DENR in taking measures that will plan and regulate urban activities for the conservation and protection of vital, unique and sensitive ecosystems, scenic landscapes, cultural sites and other similar resource areas.”</p>
		S.43	<p>Further, “the active participation of the citizenry in environmental rehabilitation and in decision-making process shall be promoted and encouraged” and “LGUs shall recommend to the EMB the immediate closure of factories, mines and transport companies which are found to be causing massive pollution.”</p> <p><u>Funding</u></p> <p>“Funds for the urban development and housing program shall come from the following sources:</p> <ul style="list-style-type: none"> • a minimum of 50% from the annual net income of the Public

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<p>Estate Authority, to be used by the NHA to carry out its programs of land acquisition for resettlement purposes under this Act;</p> <ul style="list-style-type: none"> • proceeds from the disposition of ill-gotten wealth, not otherwise previously set aside for any other purpose, shall be administered by the National Home Mortgage Finance Corporation; • loans, grants, bequests and donations, whether from local or foreign sources; • flotation of bonds, subject to the guidelines to be set by the Monetary Board; • proceeds from the social housing tax and, subject to the concurrence of the LGUs, idle lands tax as provided in Section 236 of the Local Government Code of 1991 and other existing laws; • proceeds from the date or disposition of alienable public lands in urban areas; and • domestic and foreign investment or financing through appropriate arrangements like the build-operate-and-transfer scheme. <p>“Consistent with the constitutional principle that the ownership and enjoyment of property bear a social function and to raise funds for the Program, all LGUs are hereby authorized to impose an additional 0.5% tax on the assessed value of all lands in urban areas in excess of P50,000.”</p> <p><u>National Slum Upgrading Strategy</u> The National Slum Upgrading Strategy was launched on 19 December 2011. The Project is to be implemented by the NUDCC to support the country’s thrust towards developing sustainable communities, especially in major cities, by addressing urban issues</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<p>related to housing, resettlement, infrastructure, social services and job creation in poor urban communities consistent with the Philippine Development Plan 2011 to 2016 and the National Shelter Program (established by the Urban and Development Housing Act of 1992).</p> <p>Note: a copy of the National Slum Upgrading Strategy could not be located online</p>
<p>144. Does any law require that informal settlements are included in:</p> <ol style="list-style-type: none"> Early Warning Systems? Community based DRR education and training? 			<p>The main DRRM laws do not differentiate between informal settlement communities and 'formal' communities per se. The laws encourage participation of all stakeholders, especially at community level; and given the Government's devolution of powers to local governments, it is reasonable for LGUS to require informal settlements within their jurisdiction to be included in early warning systems and community based DRR education and training.</p> <p>See: Part 3, Early Warning, Hazard Mapping and Risk Information Part 4, Information management and exchange, community level DRR education and awareness</p>
<p>145. Does any law provide a mechanism for recognition of tenure for residents of informal settlements?</p> <ol style="list-style-type: none"> If so, what types of tenure (e.g. full title, right to occupy or use, right to purchase, tenancy)? If so, and such settlements are on privately owned land, is there provision for compensation of those with prior legal tenure? 	<p>Urban Development and Housing Act of 1992, RA No. 7279, 24 March 1992</p>		<p><u>Tenure</u> Residents of informal settlements have the opportunity to buy or rent properties under the Government's Socialized Housing Program if they qualified as beneficiaries under the Program (S.12). The criteria for eligibility are:</p> <ul style="list-style-type: none"> • Must be a Filipino citizen; • Must be an underprivileged and homeless citizen, as defined in Section 3 of this Act; • Must not own any real property whether in the urban or rural areas; and • d) Must not be a professional squatter or a member of

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<p>squatting syndicates.</p> <p>Qualified beneficiaries who are actual occupants of the land to be purchased by the Government shall have the first right of refusal (S.10).</p> <p>To assist the residents to secure tenure the Government has also set up a Community Mortgage Program, which is a “mortgage financing program of the National Home Mortgage Finance Corporation which assists legally organized associations of underprivileged and homeless citizens to purchase and develop a tract of land under the concept of community ownership.” (Ss.31 & 33</p> <p><u>Mode of land acquisition</u> “The modes of acquiring lands for purposes of this Act shall include, among others, community mortgage, land swapping, land assembly or consolidation, land banking, donation to the Government, joint-venture agreement, negotiated purchase, and expropriation: Provided, however, That expropriation shall be resorted to only when other modes of acquisition have been exhausted. Provided, further, That where expropriation is resorted to, parcels of land owned by small property owners shall be exempted for purposes of this Act: Provided, finally, That abandoned property, as herein defined, shall be reverted and escheated to the State.”</p> <p>S.10</p> <p>S.11</p> <p>All idle lands in urban and urbanizable areas shall be expropriated and form part of the public domain.</p>
E. Urban Water and Flood Management			
146. Is there one or more national laws regulating and allocating institutional	Philippine Clean Water Act of 2004, RA No. 9275, 22		<i>The Clean Water Act of 2004</i> provides for the regulation of water quality management in all water bodies, particularly, the

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
responsibility for water storage, distribution and quality control for human consumption? Is urban water management principally a national, or provincial/state or local responsibility?	March 2004		<p>prevention, control and abatement of pollution of the water resources from land based sources. It calls for Water Quality Management System through the establishment of</p> <ul style="list-style-type: none"> • Water Quality Management Areas; • Management of Non-Attained Areas; • National Sewerage and Septage Management Program; • National Quality Water Management Fund; • Area Water Quality Management Fund; • Waste Water Charge System; • Environmental Guarantee Fund by program and project proponents to finance the maintenance of the health of the ecosystems and specially the conservation of watersheds and aquifers affected by the development, and the needs of emergency response, clean-up or rehabilitation of areas that may be damaged during the program's or project's actual implementation; • Environmental Impact Assessment System programmatic compliance with Water Quality Standards; • rewards and incentives for innovative projects and technologies or participation in schemes which promote the provisions of the Act; and • civil and criminal liabilities for violations for the Act's provisions. <p>The primary responsibility lies with the DENR, which is to "gradually devolve to the LGUs, and to the governing boards the authority to administer some aspects of water quality management and regulation, including, but not to be limited to, permit issuance, monitoring and imposition of administrative penalties, when, upon the Department's determination, the LGU or the governing board has demonstrated readiness and technical capability to undertake such functions." (Ss.19 and 20)</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
	The Provincial Water Utilities Act of 1973, PD No. 198, 25 May 1973 (as amended by PD Nos. 768 & 1479 and RA No. 9286)	S.5	<p>“DPWH through its attached agencies, such as the MWSS, LWUA, and including other urban water utilities [shall be responsible] for the provision or sewerage and sanitation facilities and the efficient and safe collection, treatment and disposal of sewage within their area of jurisdiction.” (S.22(b))</p> <p>“The Department of Health shall be primarily responsible for the promulgation, revision and enforcement of drinking water quality standards.” (22(d)).</p> <p>Long title: <i>PD No. 198, Declaring a National Policy Favouring Local Operation and Control of Water Systems; Authorizing the Formation of Local Water Districts and Providing for the Government and Administration of Such Districts; Chartering a National Administration to Facilitate Improvement of Local Water Utilities; Granting Said Administration Such Powers as are Necessary to Optimize Public Service from Water Utility Operations and for Other Purposes, 25 May 1973</i></p> <p>PD No. 198 created the Water Districts at the provincial, city and municipality levels and the Local Water Utilities Administration (LWUA), which is now attached to the DH by EO No. 738, 14 July 2008.</p> <p>“Local water districts may be formed for the purposes of:</p> <ul style="list-style-type: none"> • acquiring, installing, improving, maintaining and operating water supply and distribution systems for domestic, industrial, municipal and agricultural uses for residents and lands within the boundaries of such districts, • providing, maintaining and operating waste-water collection,

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
		S.32(a) & (e) S.50	<p>treatment and disposal facilities, and</p> <ul style="list-style-type: none"> conducting such other functions and operations incidental to water resource development, utilization and disposal within such districts, as are necessary or incidental to said purpose.” <p>“A district may commence, maintain, intervene in, defend and compromise actions, and proceedings to prevent interference with or deterioration of water quality or the natural flow of any surface, stream or ground water supply which may be used or useful for any purpose of the district or be a common benefit to the lands or its inhabitants”; and “take over the management, administration, operation and maintenance of all watersheds within its territorial boundaries.”</p> <p>“The [LWUA] shall primarily be a specialized lending institution for the promotion, development and financing of local water utilities. In the implementation of its functions, the LWUA shall, among others:</p> <ul style="list-style-type: none"> prescribe minimum standards and regulations in order to assure acceptable standards of construction materials and supplies, maintenance, operation, personnel training, accounting and fiscal practices for local water utilities; furnish technical assistance and personnel training programs for local water utilities; monitor and evaluate local water standards; and effect system integration, joint investment and operation ...”
147. If there is a national water authority, does its mandate include risk reduction or preparedness for safeguarding the water supply in the face of natural disasters?			<p>The National Water Resources Board is the national water authority (an agency attached to DENR) but its mandate does not include risk reduction or preparedness for safeguarding the water supply in the face of natural disasters.</p> <p>Below is an extract from the NWRB’s website:</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<p>“The predecessor of the NWRB is the National Water Resources Council, which was created in 1974 under Presidential Decree No. 424, otherwise known as the “Integrated Reorganization Plan”. It was subsequently renamed as NWRB pursuant to EO No. 124-A. Under the said decree, the NWRB is tasked among others, to:</p> <ul style="list-style-type: none"> • Coordinate and integrate water resource development activities of the country; • Formulate general criteria, methods and standards for data collection, project investigation, formulation, planning design and feasibility evaluation, and rules and regulations for the exploitation and optimum utilization of water resources; • Review and approve water resource development plans and programs of other agencies; • Undertake river basin surveys, inventories and appraisals, and develop comprehensive basin-wide plans of storage and control to maximize the conservation and multi-purpose use of water; • Undertake hydrologic surveys and establish, operate and maintain observation station networks and centralized water resources data centre; • Conduct and/or promote special studies and researches with other government or agencies on related aspects of water resources development. <p>The NWRB is also tasked to advise the NEDA on matters pertaining to water resources development projects and programs; and recommend general policies and guidelines and short/long range plans and programs for water resources development.</p> <p>The specific functions of the NWRB, as a "Water Resource Regulator", include among others, (a) the issuance water permits for the appropriation, and use of waters; and (b) adjudication of</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<p>disputes relating to the appropriation, utilization, exploitation, development, control and conservation, protection of waters.</p> <p>The specific functions of the NWRB, as a "Water Resource Regulator" pursuant to the Water Code of the Philippines (PD No. 1067 of 1976), include among others, (a) the issuance water permits for the appropriation, and use of waters; and (b) adjudication of disputes relating to the appropriation, utilization, exploitation, development, control and conservation, protection of waters.</p> <p>In 1977, the Board of Power and Waterworks (BPW) was abolished pursuant to Presidential Decree No. 1206. The function of the BPW that were inherited from the Public Service Commission as regards waterworks systems, were later transferred to the NWRB, instituting the NWRB as an "economic regulator" of waterworks systems.</p> <p>In 2002, the approval of tariffs for water districts was transferred to the NWRB from the Local Water Utilities Administration, pursuant to EO Order No. 123. In the same executive order, the membership of the NWRB Board was changed to its present composition."</p> <p>Source: http://nwrbdenr.gov.ph/index.php/component/content/article/6-historical-background.html (accessed 3 July 2012)</p>
148. Does a national law allocate responsibility for flood mitigation construction and other water management against urban flooding (if relevant to the subject country)? If so, what authority is responsible?			<p>Yes. See above Q.54</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>149. If flood mitigation and water management against urban flooding is regulated at the sub-national level, at what level of government does this occur? Can you find an example of such a law?</p>	<p>Local Government Code of 1991, RA No. 7160, 10 October 1991</p>	<p>S.17(a)</p>	<p>“LGUs shall endeavor to be self-reliant and shall continue exercising the powers and discharging the duties and functions currently vested upon them. They shall also discharge the functions and responsibilities of national agencies and offices devolved to them pursuant to this Code.”</p> <p>Barangays shall be responsible for maintenance of water supply systems (S.17(b)(1)(v).</p> <p>Municipalities shall be responsible for</p> <ul style="list-style-type: none"> • inter-barangay irrigation system and water and soil resource utilization and conservation projects (S.17(b)(2)(i); and • infrastructure facilities intended primarily to service the needs of the residents of the municipality and which are funded out of municipal funds such as communal irrigation, small water impounding projects and other similar projects; artesian wells, spring development, rainwater collectors and water supply systems; seawalls, dikes, drainage and sewerage, and flood control (S.17(b)(2)(viii). <p>Provinces shall be responsible for “infrastructure facilities intended to service the needs of the residence of the province and which are funded out of provincial funds including, inter-municipal waterworks, drainage and sewerage, flood control, and irrigation systems.” (S.17(b)(3)(vii).</p> <p>The Cities shall be responsible for all the services and facilities of the municipalities and provinces (S.17(4)).</p>

Part Five. Regulation of the Natural & Rural Environment

Outline the laws and regulations concerning environmental management from the perspective of human safety, preservation of livelihoods and food security, including the regulation of exploitation of natural resources, water management, and reducing risks from natural events such as floods, earthquake, drought, landslides, and wildfires, such as: forestry regulation concerning wildfires, deforestation and erosion relevant to prevention of

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
--------------------------	---	----------------	--

landslides and floods; environmental impact assessments; river and water catchment management relevant to flood prevention and mitigation, and water storage and distribution for human and agricultural consumption; prevention measures relating to drought, especially protection of people, livestock and crops in the face of drought, including water reserves against the risk of drought; and other prevention and risk management mechanisms to maintain food security, including measures to prevent desertification.

A. Human Risks in Environmental Change

<p>150. Is there legislation on environmental protection? If so, what institution has responsibility?</p>			<p>There are a range of environmental protection laws. EO No. 192, <i>Providing for the Reorganization of the Department of Environment, Energy and Natural Resources, renaming it as the Department of Environment and Natural Resources, and for Other Purposes</i>, 10 June 1987 created the DENR as the primary responsible authority, and six Line Bureaus for the management of the country’s environment and natural resources. The six Line Bureaus are:</p> <ul style="list-style-type: none"> • Environmental Management Bureau, • Mines and Geosciences Bureau, • Forest Management Bureau, • Ecosystem Research and Development Bureau • Protected Areas and Wildlife Bureau, and • Lands Management Bureau. <p>It also created the Pollution Adjudication Board, Regional Environmental and Natural Resources Offices, and National Mapping and Resources Management Centre.</p> <p><u>Environment Management Board</u> PD No. 1121, 18 April 1977 established the National Environment Protection Council (NEPC), which is a unit within the Department of Environment and Natural Resources. EO No. 192, 10 June 1987 created the EMB, which consolidated the functions of the NEPC, the National Pollution Control Commission, and the Environmental Centre of the Philippines. The functions of the EMB are:</p> <ul style="list-style-type: none"> • “recommend possible legislations, policies and programs for
---	--	--	--

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<p>environmental management and pollution control;</p> <ul style="list-style-type: none"> • advise the Regional Offices in the efficient and effective implementation of policies, programs, and projects for the effective and efficient environmental management and pollution control; • formulate environmental quality standards such as the quality standards for water, air, land, noise, and radiations; • recommend rules and regulations for environmental impact assessments and provide technical assistance for their implementation and monitoring; • formulate rules and regulations for the proper disposition of solid wastes, toxic, and hazardous substances; • advise the Secretary on the legal aspects of environmental management and pollution control and assist in the conduct of public hearings in pollution cases; • provide secretariat assistance to the Pollution Adjudication Board, created under Section 19 hereof; • coordinate the inter-agency committees that may be created for the preparation of the State of the Philippine Environment Report and the National Conservation Strategy; • provide assistance to the Regional Offices in the formulation and dissemination of information on environmental and pollution matters to the general public; • assist the Secretary and the Regional Officers by providing technical assistance in the implementation of environmental and pollution laws; and • provide scientific assistance to the Regional Offices in the conduct of environmental research programs. <p>In 2000 EMB was converted from a staff bureau to a line bureau with EMB regional offices, and became the primary government agency under DENR mandated to formulate, integrate, coordinate</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
	Philippine Environment Policy, PD No. 1151, 6 June 1979	Ss.2 & 3	<p>supervise and implement all policies, plans, programs, projects and activities relative to the prevention and control of pollution and the management and enhancement of the environment.</p> <p><u>Environment Policy</u> “It is hereby declared a continuing policy of the State to</p> <ul style="list-style-type: none"> • “create, develop, maintain and improve conditions under which man and nature can thrive in productive and enjoyable harmony with each other, • to fulfil the social, economic and other requirements of present and future generations of Filipinos, and • insure the attainment of an environmental quality that is conducive to a life of dignity and well-being.” <p>“In pursuing this policy, it shall be the responsibility of the Government, in cooperation with concerned private organizations and entities, to use all practicable means, consistent with other essential considerations of national policy, in promoting the general welfare to the end that the Nation may</p> <ul style="list-style-type: none"> • recognize, discharge and fulfil the responsibilities of each generation as trustee and guardian of the environment for succeeding generations, • assure the people of a safe, decent, healthful, productive and aesthetic environment, • encourage the widest exploitation of the environment without degrading it, or endangering human life, health and safety or creating conditions adverse to agriculture, commerce and industry, • preserve important historic and cultural aspects of the Philippine heritage, • attain a rational and orderly balance between population and resource use, and

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
	The Philippine Environment Code, PD No. 1152, 6 June 1977		<ul style="list-style-type: none"> improve the utilization of renewable and non-renewable resources.” <p>In furtherance of these goals and policies, the Government recognizes the right of the people to a healthful environment. It shall be the duty and responsibility of each individual to contribute to the preservation and enhancement of the Philippine environment.”</p> <p><u>Environment Code</u> The purposes of the Environment Code are to:</p> <ul style="list-style-type: none"> “achieve and maintain such levels of air quality as to protect public health; and prevent to the greatest extent practicable, injury and/or damage to plant and animal life and property, and promote the social and economic development of the country.” <p>It provides general provisions for:</p> <ul style="list-style-type: none"> air quality management, water quality management, land use management, natural resources management and conservation: fisheries and aquatic resources, wildlife and soil and forestry conservation, flood control and natural calamities, energy development, conservation and utilization of surface and ground waters, mineral resources, and waste management. <p><u>Major Environmental Management and Related Legislation</u></p> <ul style="list-style-type: none"> <i>The Revised Forestry Code of the Philippines</i>, PD No. 705, 19

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<p>May 1975</p> <ul style="list-style-type: none"> • <i>Pollution Control Law</i>, PD No. 984, 18 August 1976 • <i>Marine Pollution Decree of 1976</i>, PD No. 979, 18 August 1976 • <i>Water Code of the Philippines</i>, PD No. 1067, 31 December 1976 • <i>Establishing an EISS</i>, PD No. 1586, 11 June 1978 • <i>Philippine Clean Air Act of 1999</i>, RA No. 8749, 23 June 1999 • <i>Toxic Substances and Hazardous and Nuclear Wastes Control Act of 1990</i>, RA No. 6969, 26 October 1990 • <i>National Integrated Protected Areas System Act of 1992</i>, RA No. 7586, 1 June 1992 • <i>Philippine Mining Act of 1995</i>, RA No. 7942, 3 March 1995 • <i>Agriculture and Fisheries Modernization Act of 1997</i>, RA No. 8435, 22 December 1997 • <i>Philippine Fisheries Code of 1998</i>, RA No. 8550, 25 February 1998 • <i>Ecological Solid Waste Management Act of 2000</i>, RA No. 9003, 26 January 2001 • <i>Wildlife Resources Conservation and Protection Act</i>, RA No. 9147, 30 June 2001 • <i>The Philippine Clean Water Act of 2004</i>, RA No. 9275, 22 March 2004 • <i>Renewable Energy Act of 2008</i>, RA No. 9513, 16 December 2008
151. Does the above mandate include environmental management from the perspective of: a. human safety? b. preservation of livelihoods? c. food security, especially concerning protection of crops and livestock?			The various environmental management legislations administered by the DENR do provide for human safety, preservation of livelihoods and food security according to the context of the legislation as not all three aspects are necessarily considered within an entire Act or Decree.
152. Does this law provide for	Philippine Environment	S.4	"All agencies and instrumentalities of the national government,

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
environmental impact assessments (EIAs) of any proposed new private and public industrial developments?	Policy, PD No. 1151, 6 June 1979		<p>including government-owned or controlled corporations, as well as private corporations firms and entities shall prepare, file and include in every action, project or undertaking which significantly affects the quality of the environment a detail statement on</p> <ul style="list-style-type: none"> • the environmental impact of the proposed action, project or undertaking; • any adverse environmental effect which cannot be avoided should the proposal be implemented; • alternative to the proposed action; • a determination that the short-term uses of the resources of the environment are consistent with the maintenance and enhancement of the long-term productivity of the same; and • whenever a proposal involve the use of depletable or non-renewable resources, a finding must be made that such use and commitment are warranted. <p>Before an environmental impact statement is issued by a lead agency, all agencies having jurisdiction over, or special expertise on, the subject matter involved shall comment on the draft environmental impact statement made by the lead agency within 30 days from receipt of the same.”</p>
	PD No. 1586 Establishing an Environmental Impact Statement System, including other Environmental Management Related Measures and for Other Purposes, 11 June 1978	S.3 & 4	<p>PD No. 1586 established the Environment Impact Statement System (EISS) where Environmental Impact Statements (EIS) and Environmental Compliance Certificates (ECC) are required for all declared environmentally critical projects and areas. All EIS shall be submitted to the NEPC (now known as the EMB, as Secretariat) for review and evaluation.</p> <p>“The Ministry of Human Settlements shall:</p> <ul style="list-style-type: none"> • prepare the proper land or water use pattern for said critical

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
	<p>Proclamation No. 2146, Proclaiming Certain Areas and Types of Projects as Environmentally Critical and Within the Scope of the EISS Established Under Presidential Decree No. 1586, 14 December 1981</p>		<p>project(s) or area(s);</p> <ul style="list-style-type: none"> • establish ambient environmental quality standards; [and] • develop a program of environmental enhancement or protective measures against calamitous factors such as earthquake, floods, water erosion and others”. <p>Non-critical projects and undertakings may be required to provide additional environmental safeguards if it is deemed necessary (S.5).</p> <p>Violations of the Decree or its implementing rules and regulations shall result in the suspension or cancellation of certificate and/or a fine in an amount not to exceed P50,000 for every violation at the discretion of the [EMB] (S.9). The fines collected will contribute to the Environmental Revolving Fund to administer this Decree.</p> <p>Proclamation 2146 identified Environmentally Critical Projects to include:</p> <ul style="list-style-type: none"> • heavy industries, • resource extractive industries, and • infrastructure projects. <p>Environmentally Critical Areas include:</p> <ul style="list-style-type: none"> • “all areas declared by laws as national parks, watershed reserves, wildlife reserves and sanctuaries; • areas set aside as aesthetic potential tourist spots; • areas which constitute habitat for any endangered or threatened species of indigenous Philippine fauna or flora; • areas of unique historic, archaeological or scientific interests; • areas which are traditionally occupied by cultural communities or tribes; • areas frequently visited and/or hard hit by natural calamities,

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
	EO No. 291 Improving the Environmental Impact Statement System, 12 January 1996	Ss.2 & 3	<p>geologic hazards, floods, typhoons, volcanic activity; etc;</p> <ul style="list-style-type: none"> • areas with critical slopes; • areas classified as prime agricultural lands; • recharged areas of aquifers; • water bodies - <ul style="list-style-type: none"> - tapped for domestic purposes, - within the control or protected areas, - which support wildlife and fishery activities. • mangrove areas - <ul style="list-style-type: none"> - with primary pristine and dense young growth, - adjoining mouth of major river systems, - near or adjacent to traditional productive fry or fishing grounds, - which act as natural buffers against shore erosion, strong winds and storm floods, - on which people are dependent for their livelihood. • Coral reef - <ul style="list-style-type: none"> - with 50% and above live coralline reef cover, - spawning and nursery grounds for fish, - which act as natural breakwater of coastlines.” <p>The technical definitions and scope of the environmentally critical projects and areas are further elaborated in Office Circular No. 3, 7 November 1983.</p> <p>EO No. 291 was created to expedite the country’s infrastructure development consistent with the principle of sustainable development. It encouraged the simultaneous conduct of environmental impact study and the project’s feasibility study; and established Environmental Units within all Government agencies, corporations and institutions to assist in the preparation of EIS, securing ECC, ensure compliance with ECC and general</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<p>requirements of the EISS.</p> <p>DENR AO No. 21 of 1996 amended the Revised Rules and Regulations Implementing PD No. 1586 (EISS). This was further amended by DENR AO No. 37 of 1996, and recently by DENR AO No. 30 of 2003 to streamline the EISS and make it effective as a project planning and management tool. There is an accompanying Procedural Manual to the Implementing Rules and Regulations revised by DENR AO No.30 of 2003.</p> <p>For more policies, regulations and rules regarding the implementation of the EISS, see http://emb.gov.ph/laws-eia.htm</p>
<p>153. If there are EIAs, do the criteria include:</p> <p>a. human risk factors from changes to the environment, including life and health as well as livelihoods and food security?</p> <p>b. assessment in light of the known natural hazards affecting the relevant locality, or downstream communities (where relevant)?</p>	<p>The Philippine Fisheries Code of 1998, RA No. 8550, 25 February 1998</p>	<p>Ss.12 & 13</p>	<p>See above Q.152</p> <p>RA No. 8550, <i>Fisheries Code of 1998</i> requires that new development projects prepare an EIS and to secure an ECC.</p>
<p>154. Is there a law that makes any authority responsible for the regulation of exploitation of natural resources from the perspective of human safety during natural disasters? For example, preventing cross-contamination from industrial sites during flooding, or control of extraction methods to manage flooding and/or erosion?</p>	<p>PD No. 1198, 19 September, 1977</p>		<p>There appears to be no law which makes any authority responsible for the regulation of exploitation of natural resources from the perspectives of human safety during natural disasters. As shown below the laws generally refer to environmental protection.</p> <p>Long title: PD No. 1198 <i>Requiring All Individuals, Partnerships or Corporations Engaged in the Exploration, Development and Exploitation of Natural Resources or in the Construction of Infrastructure Projects to Restore or Rehabilitate Areas Subject Thereof or Affected</i></p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<i>Thereby to Their Original Conditions, 19 September, 1977</i>
	Mineral Resources Development Decree of 1974, PD No. 463, 17 May 1974	S.1	PD No. 1198 requires “all individuals, partnerships or corporations engaged in the exploitation of natural resources like those engaged in mining, quarrying, or construction dams, irrigation systems, roads and bridges and other infrastructure projects, as well as those engaged in similar or related operations or activities, shall, to the fullest extent possible, restore, rehabilitate, and return the lands, rivers, and natural environment subject thereof or affected thereby to their original conditions as of before such operations or activities” without any further elaboration; and leaving it to the Secretary of Natural Resources (now the DENR) to promulgate the necessary rules and regulations. Mining Responsible authority: Mine and Geo science Bureau (DENR)
		S.81	“Any person who wilfully cause or permits sludge or tailings and other mine and mill wastes to accumulate in, or flow from his mining claims so as to cause danger, injury, or obstruction to any public road, rivers, or streams or other public property shall be punished, upon conviction, by a fine not exceeding P5,000 or imprisonment not exceeding six (6) years, or both in the discretion of the court besides paying compensation for the damage caused thereby.”
		S.91	“All lessees under this Decree shall take appropriate measures and undertake researches in accordance with the most modern practices to maximize recovery and wise utilization of minerals and stop or prevent wastes in mining and milling operations. Rules and regulations may be issued which shall require mine operators to utilize in their exploration, development, exploitation and

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
	Philippine Mining Act of 1995, RA No. 7942, 3 March 1995	S.69	<p>utilization, the latest and most improved methods and devices to prevent wastes, or from causing pollution or otherwise damaging streams, surface or underground water supply, and valuable mineral deposits.</p> <p>During the productive operation of any mine or leased minerals lands, the operator or lessee shall take necessary measures to provide for the growth and development of any industry suitable for the area, other than mining in order that when the mine is exhausted or becomes no longer profitable for mining purposes the people residing therein or those who used to work for the mine will have a substitute industry or business activity to provide their means of livelihood. Furthermore, the mine or leased area shall be placed in a condition suitable for habitation or agriculture, and free from danger of cave-ins, slides, and other risks brought about by the mining operations.”</p> <p>The Secretary of Natural Resources (now the DENR) is the primary entity responsible for the enforcement of PD No. 463. There are no provisions in the Decree for any action where the lessees fail to carry conservation measures stated in Section 91.</p> <p>“Every contractor shall undertake an environmental protection and enhancement program covering the period of the mineral agreement or permit. Such environmental program shall be incorporated in the work program which the contractor or permittee shall submit as an accompanying document to the application for a mineral agreement or permit. The work program shall include not only plans relative to mining operations but also to rehabilitation, regeneration, revegetation and reforestation of mineralized areas, slope stabilization of mined-out and tailings</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
		S.70	covered areas, aquaculture, watershed development and water conservation; and socioeconomic development.” S.70 requires the contractor to obtain an environmental clearance certificate based on the EISS except during the exploration period of a mineral agreement or financial or technical assistance agreement or an exploration permit. People's organizations and NGOs shall be allowed and encouraged to participate in ensuring that contractors/permittees shall observe all the requirements of environmental protection.
		S.71	“Contractors and permittees shall technically and biologically rehabilitate the excavated, mined-out,tailings covered and disturbed areas to the condition of environmental safety, as may be provided in the implementing rules and regulations of this Act. A mine rehabilitation fund shall be created, based on the contractor's approved work program, andshall be deposited as a trust fund in a government depository bank and used for physical and social rehabilitation of areas and communities affected by mining activities and for research on the social, technical and preventive aspects of rehabilitation. Failure to fulfill the above obligation shall mean immediate suspension or closure of the mining activities of the contractor/permittee concerned.”
	The Revised Forestry Code of the Philippines, PD No. 705, 19 May 1975	S.37	Forestry Responsible authority: Forest Management Bureau (DENR) “All measures shall be taken to protect the forest resources from destruction, impairment and depletion.”
B. Forests			
155. Is there legislation on forest management (if relevant to the	The Revised Forestry Code of the Philippines, PD No. 705,		Responsible authority: Forest Management Bureau (DENR)

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
subject country)? If so, what institution has responsibility?	19 May 1975		<p>Pursuant to the <i>Reorganization Act of the DENR</i>, EO No. 192, 10 June 1987, the functions of the FMB are:</p> <ul style="list-style-type: none"> • “recommend policies and/or programs for the effective protection, development, occupancy, management and conservation of forest lands and watersheds, including grazing and mangrove areas, reforestation and rehabilitation of critically denuded/degraded forest reservations, improvement of water resource use and development, ancestral lands, wilderness areas and other natural preserves, development of forest plantations including rattan, bamboo, and other valuable non-timber forest resources, rationalization of the wood-based industries, regulation of the utilization and exploitation of forest resources including wildlife, to ensure continued supply of forest goods and services; • advise the regional offices in the implementation of the above policies and/or programs; • develop plans, programs, operating standards and administrative measures to promote the Bureau's objectives and functions; • assist in the monitoring and evaluation of forestry and watershed development projects to ensure efficiency and effectiveness; • undertake studies on the economics of forestry and forest-based industries, including supply and demand trends on the local, national and international levels, identifying investment problems and opportunities, in various areas; and • perform other functions as may be assigned by the Secretary and/or provided by law.” <p>See also: Revised Master Plan for Forestry Development - Final Report at forestry.denr.gov.ph (accessed 29 June 2012)</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>156. Does the above mandate include forest management from the perspective of natural disaster risk reduction, such as:</p> <ol style="list-style-type: none"> prevention of wildfires? deforestation and erosion relevant to prevention of landslides and floods? other hazards, (such as encroachment by wildlife into agricultural land or villages)? <p>Describe the scope.</p>	<p>The Revised Forestry Code of the Philippines, PD No. 705, 19 May 1975</p>	<p>S.18</p> <p>S.43</p> <p>S.47</p>	<p><u>Wildfires</u> PD No. 705 makes general provisions for the protection of forests (S.37) and penalties for those who negligently permit a fire to be set in any forest land (S.69), but it does not provide for a comprehensive forest fire management laws or policies.</p> <p><u>Deforestation, erosion and other hazards</u> “The President of the Philippines may establish within any lands of the public domain, forest reserve and forest reservation for the national park system, for preservation as critical watersheds, or for any other purpose, and modify boundaries of existing ones. ... When public interest so requires, any off-shore area needed for the preservation and protection of its educational, scientific, historical, ecological and recreational values including the marine life found therein, shall be established as marine parks.”</p> <p>“Strips of mangrove forest bordering numerous islands which protect the shoreline, the shoreline roads, and even coastal communities from the destructive force of the sea during high winds and typhoons, shall be maintained and shall not be alienated. Such strips must be kept from artificial obstruction so that flood water will flow unimpeded to the sea to avoid flooding or inundation of cultivated areas in the upstream. All mangrove swamps set aside for coast-protection purposes shall not be subject to clear-cutting operation.”</p> <p>“Mining operations in forest lands shall be regulated and conducted with due regard to protection, development and utilization of other surface resources. ... Mine tailings and other pollutants affecting the health and safety of the people, water, fish, vegetation, animal life and other surface resources, shall be filtered in silt traps or other filtration devices and only clean</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
	Philippine Environment Code, PD No. 1152, 6 June 1977	S.49 S.55 S.34	<p>exhausts and liquids shall be released therefrom. Surface-mined areas shall be restored to as near its former natural configuration or as approved by the Director prior to its abandonment by the mining concern.”</p> <p>“Roads and other infrastructures in forest land shall be constructed with measures to avoid or reduce damage or injury to the forest resource values.”</p> <p>“Wildlife may be destroyed, killed, consumed, eaten or otherwise disposed of, without the necessity of permit, for the protection of life, health, safety and property, and the convenience of the people. However, the Director may regulate the killing and destruction of wildlife in forest lands in order to maintain an ecological balance of flora and fauna.”</p> <p>PD No. 1152 provides that the following shall be included in a soil erosion, sediment and flood control program:</p> <ul style="list-style-type: none"> • “the control of soil erosion on the banks of rivers, the shores of lakes, and the seashores; • the control of flow and flooding in and from rivers and lakes; • the conservation of water which, for purposes of this Section shall mean forms of water, but shall not include captive water; • the needs of fisheries and wildlife and all other recreational uses of natural water; • measures to control the damming, diversion, taking, and use of natural water, so far as any such act may affect the quality and availability of natural water for other purposes; and • measures to stimulate research in matters relating to natural water and soil conservation and the application of knowledge thereby acquired.”

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
		S.35	Ss.35 provides for measures to mitigate destructive effects of calamities where the national government, through the PAGASA, shall promote intensified and concerted research efforts on weather modification, typhoon, earthquake, tsunami, storm surge, and other tropical natural phenomena in order to bring about any significant effect to mitigate or prevent their destructive effects."
157. Does the law recognize customary laws and practices as to the use and management of forests and their resources?	EO No. 263, 19 July 1995 The Indigenous Peoples Rights Act of 1997, RA No. 8371, 29 October 1997 National Commission on Indigenous People, AO No. 1, Series of 1998, Rules and Regulations Implementing	S.4 S.7	<p>The Revised Forestry Code of 1975 does not make any provisions for the application of customary laws and practices as to the use and management of forests and their resources.</p> <p>Long title: EO No. 263, <i>Adopting Community Based Forest Management as the National Strategy to Ensure the Sustainable Development of the Country's Forestlands Resources and Providing Mechanisms for its Implementation</i>, 19 July 1995</p> <p>EO No. 263 recognized that "the indigenous peoples may participate in the implementation of CBFM activities in recognition of their rights to their ancestral domains and land rights and claims."</p> <p><u>Indigenous Peoples Rights Act</u> Responsible authority: National Commission on Indigenous People</p> <p>RA No. 8371 gives indigenous cultural communities and indigenous peoples (ICCs/IPs) the rights of ownership over ancestral lands and domains, and to "develop, control and use lands and territories traditionally occupied, owned, or used; to manage and conserve natural resources within the territories and uphold the responsibilities for future generations; to benefit and share the profits from allocation and utilization of the natural resources found therein; the right to negotiate the terms and conditions for</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
	RA No. 8371, otherwise known as "The Indigenous Peoples Rights Act of 1997"	S.57 S.58 S.63 & 65	<p>the exploration of natural resources in the areas for the purpose of ensuring ecological, environmental protection and the conservation measures, pursuant to national and customary laws; the right to an informed and intelligent participation in the formulation and implementation of any project, government or private, that will affect or impact upon the ancestral domains and to receive just and fair compensation for any damages which they sustain as a result of the project; and the right to effective measures by the government to prevent any interfere with, alienation and encroachment upon these rights."</p> <p>"The ICCs/IPs shall have the priority rights in the harvesting, extraction, development or exploitation of any natural resources within the ancestral domains." The ICCs/IPs can enter into agreements with non-member/s of the ICCs/IPs in the development and utilization of the natural resources (to facilitate the development and improvement of the ancestral domains) for a period of not exceeding 25 years renewable for not more than twenty-five 25 years.</p> <p>"Ancestral domains or portion thereof, which are found necessary for critical watersheds, mangroves wildlife sanctuaries, wilderness, protected areas, forest cover, or reforestation as determined by the appropriate agencies with the full participation of the ICCs/IPs concerned shall be maintained, managed and developed for such purposes. The ICCs/IPs concerned shall be given the responsibility to maintain, develop, protect and conserve such areas with the full and effective assistance of the government agencies."</p> <p>"Customary laws, traditions and practices of the ICCs/IPs of the land where the conflict arises shall be applied first with respect to property rights, claims and ownerships, hereditary succession and</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
	DENR & NCIP Joint AO No. 1 of 1998, July 1998		<p>settlement of land disputes. Any doubt or ambiguity in the application of laws shall be resolved in favor of the ICCs/IPs.”</p> <p>DENR & NCIP Joint AO No. 1 of 1998, <i>Guidelines and Procedures for the Recognition, Documentation, Registration and Confirmation of All Sustainable Traditional and Indigenous Forest Resources Management Systems and Practices of Indigenous Cultural Communities or Indigenous Peoples in Ancestral Domain/Land</i> recognizes and provides for the integration of customary laws and indigenous knowledge systems and practices of the ICCs/IPs in sustainable forest resources management within their ancestral domains and lands.</p>
158. Does the law provide for use, conservation or management of forests and their resources by communities?	<p>EO No. 263, 19 July 1995</p> <p>Barangay Greening and Forest Land Rehabilitation and Protection Act of 2010, Senate Bill No. 6, Pending in the Committee on 3 July 2010</p>	Ss. 3 & 4	<p>Pursuant to the Philippine 2000 and the government's Social Reform Agenda and the 25-year Master Plan for Forestry Development, EO No. 263 seeks to entrust the responsibility for forest rehabilitation, protection, and conservation to the community of stakeholders and affording them equitable access to the forest and coastal resources through adopting a national community-based forest management (CBFM) strategy. It grants access to communities to forestland resources under long term tenurial agreements, provided they employ environment-friendly, ecologically-sustainable, and labour-intensive harvesting methods. The indigenous peoples may participate in the implementation of CBFM activities in recognition of their rights to their ancestral domains and land rights and claims.”</p> <p>SB No. 6 seeks to promote local level action in promoting greening and forest land rehabilitation and protection within climate change adaptation context.</p> <p>See above Q.158</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
C. Rivers and watercourses			
159. Is there legislation on river and watercourse management (if relevant to the subject country)? If so, what institution has responsibility?	<p>The Water Code of the Philippines, PD No. 1067, 31 December 1976</p> <p>EO No. 222 Establishing the Water Conservation and Demand Management, 24 January 1995</p> <p>The Philippine Clean Water Act of 2004, RA No. 9275, 22 March 2004</p>		<p>Responsible authority: National Water Resources Board</p> <p><i>The Water Code of the Philippines</i>, PD No. 1067, 31 December 1976 provides the basic framework for the regulation of ownership, appropriation, utilization, and control of all waters and its use, and the conservation and protection of waters and watersheds.</p> <p>The <i>Philippine Clean Water Act of 2004</i>, RA No. 9275, 22 March 2004 provides for the regulation of water quality management in all water bodies, particularly, the prevention, control and abatement of pollution of the water resources from land based sources.</p>
<p>160. Does the above mandate include river management from the perspective of natural disaster risk reduction, such as:</p> <p>a. Riverbed management relevant to flood prevention and mitigation?</p> <p>b. Water storage and distribution for human, agricultural and industrial consumption in rural areas?</p> <p>Describe the scope.</p>			<p><u>Flood prevention and mitigation</u></p> <p>See: Part One, A. Cyclones, tornadoes, or storms? Q.33 Part One, D. Floods? Qs.54 to 60</p> <p><u>Water storage and distribution</u></p> <p>See: Part Two, I. Drought and related famine? Q.90 Part Four, E. Urban Water and Flood Management Qs 146 to 149</p>
161. Does the law recognize customary laws and practices as to the use and management of rivers and their resources?			<p>Insofar as the waters are inland waters or coastal waters within the ancestral domains of the ICCs/IPs as prescribed by the Indigenous Peoples Rights Act of 1997.</p> <p>See above Q.157</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
162. Does the law provide for use, conservation or management of rivers and their resources by communities?			See above Q.158
D. Drought and food security			
163. Is there any legislation providing for risk reduction and prevention measures relating to drought (if relevant)? If so, does this include any institutional mandate or responsibility to protect people, livestock or crops in the face of drought?			See 3, Part Two, I. Drought and related famine?
164. Does the above mandate include the construction and maintenance of water reserves, including against the risk of drought?			See 3, Part Two, I. Drought and related famine?
165. Is there any other legislation relevant to risk management to maintain food security in the face of natural disasters, including any special measures to prevent desertification (if relevant)?			See: Part 3, Two, I. Drought and related famine? Part 3, Two, J. Other food security risks? See also: The Updated Philippine National Action Plan to Combat Desertification, Land Degradation and Drought FY2010-2020, January 2010

4. Information management and exchange, community level DRR education & awareness

Most elements of information, education and awareness will normally be done through policy rather than law, but the legal framework may require public institutions to make DRR information available to the public and/or to carry out public and school education and awareness on reducing risk from natural disasters. For example, there could be a Ministerial directive under the Education Act requiring the inclusion of DRR in the school curriculum. [If this requires repetition of information given above, please note 'see above' and refer to the relevant question number.]

4. INFORMATION MANAGEMENT AND EXCHANGE, COMMUNITY LEVEL EDUCATION & AWARENESS

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>166. Is there a law that regulates the collection and publication of seismological, meteorological and climatic data relevant to natural disasters?</p> <p>a. If so, what does it require and who is responsible for this, and under what law?</p> <p>b. Does it provide for community level access to the data?</p>			See above Qs. 102, 105 and 106
<p>167. Is there a law that regulates the collection and publication of baseline population data, especially in high risk areas?</p> <p>a. If so, what does it require and who is responsible for this, and under what law?</p> <p>b. Does it provide for community level access to the data?</p>			See above Q.107
<p>168. Does the education law or regulations require inclusion of DRR awareness in the school curriculum? Does this law or another law such as the DM law also require community DRR education?</p>	<p>Philippine Disaster Risk Reduction and Management Act of 2010, RA No. 10121, 27 May, 2010</p>	<p>S.2(g), (l), & (n)</p>	<p>It is the State's policy to -</p> <ul style="list-style-type: none"> • “mainstream DRR and climate change in development processes such as policy formulation, socio-economic development planning, budgeting, and governance, particularly in the areas of environment, agriculture, water, energy, health, education, poverty reduction, land use and urban planning and public infrastructure and housing, among others; • recognize and strengthen the capacities of LGUs and communities in mitigating and preparing for, responding to, and recovering from the impact of disasters; [and] • develop and strengthen the capacities of vulnerable and marginalized groups to mitigate, prepare for, respond to, and recover from the effects of disasters”.

4. INFORMATION MANAGEMENT AND EXCHANGE, COMMUNITY LEVEL EDUCATION & AWARENESS			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
		S.6(l)	<p><u>Community DRR education</u></p> <p>The NDRRMC is to “formulate a national institutional capacity building program for DRRM to address the specific weaknesses of various government agencies and LGUs, based on the results of a biennial baseline assessment and studies”.</p>
		S.9(i)	<p>The OCD shall “establish DRRM Training Institute in such suitable location as may be deemed appropriate to train public and private individuals, both local and national, in such subjects as DRRM among others. ... The Institute is also mandated to conduct periodic awareness and education programs to accommodate new elective officials and members of the Local DRRM Councils”.</p>
		S.12(c)(4), (10) & (17)	<p>The provincial, city and municipal DRRM Offices or BDRRM Committees shall</p> <ul style="list-style-type: none"> • “organize and conduct training, orientation and knowledge management activities on DRRM at the local level; • disseminate information and raise public awareness about hazards, vulnerabilities and risks, their nature, effects, early warning signs and counter measures; [and] • within its area, promote and raise public awareness of and compliance with this Act and legislative provisions relevant to the purposes of this Act”.
		S.14	<p><u>Integration of DRR education into school curricula and Sangguniang Kabataan Program</u></p> <p>“The DOE, the CHED, the Technical Education and Skills Development Authority (TESDA), in coordination with the OCD, the National Youth Commission (NYC), the DOST, the DENR, the DILG-BFP, the DOH, the DSWD and other relevant agencies, shall integrate DRRM education in the school curricula of secondary and tertiary level of education, including the National Service Training</p>

4. INFORMATION MANAGEMENT AND EXCHANGE, COMMUNITY LEVEL EDUCATION & AWARENESS			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
	Climate Change Education Act of 2011, Senate Bill No. 2885, Pending in the Committee on 1 August 2011	S.4	<p>protocols and adaptation and mitigation measures”.</p> <p>RA No. 9512 provides for the integration of “environmental education in school curricula at all levels, whether public or private, including in barangay daycare, preschool, non-formal, technical vocational, professional level, indigenous learning and out-of-school youth courses or programs.</p> <p>Environmental education shall encompass environmental concepts and principles, environmental laws, the state of international and local environment, local environmental best practices, the threats of environmental degradation and its impact on human well-being, the responsibility of the citizenry to the environment and the value of conservation, protection and rehabilitation of natural resources and the environment in the context of sustainable development. It shall cover both theoretical and practicum modules comprising activities, projects, programs including, but not limited to, tree planting; waste minimization, segregation, recycling and composting; freshwater and marine conservation; forest management and conservation; relevant livelihood opportunities and economic benefits and other such programs and undertakings to aid the implementation of the different environmental protection law.”</p> <p>Environmental education is to be integrated into the National Service Training Program.</p> <p>“The DOE, CHED, TESDA, DENR, DOST and other relevant agencies, in consultation with experts on the environment and the academe, shall lead in the implementation of public education and awareness programs on environmental protection and conservation through collaborative interagency and multi-sectoral</p>

4. INFORMATION MANAGEMENT AND EXCHANGE, COMMUNITY LEVEL EDUCATION & AWARENESS			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
		S.6 S.7	<p>effort at all levels.”</p> <p>“The DOE, CHED and TESDA, in coordination with the DENR and other relevant agencies, shall undertake capacity-building programs nationwide such as trainings, seminars, workshops on environmental education, development and production of environmental education materials, and teacher-education courses and related livelihood programs.”</p> <p>SB No. 2885 seeks to require the Commission on Higher Education to formulate a program on climate change education to be included in respective courses at tertiary level.</p> <p>See also: Disaster Risk Reduction Resource Manual, Republic of the Philippines, Department of Education, 2008</p>
<p>169. If there is a national disaster management policy, does this require any public authorities to conduct public education and awareness on DRR?</p> <p>a. If so, which authorities and what are they required to do?</p> <p>b. In particular does it require DRR education in schools?</p>			<p>RA No. 10121, 27 May, 2010 requires public education and awareness on DRR - see above Q.168.</p>
<p>170. If the above law or the national disaster management policy requires public education, does this provide for community level DRR awareness? If so, does this make any provision for community participation in the</p>	<p>Philippine Disaster Risk Reduction and Management Act of 2010, RA No. 10121, 27 May, 2010</p>	<p>S.2(d), (j) & (m)</p>	<p>RA No. 10121, 27 May, 2010 provides for community level DRR awareness - see above Q.168.</p> <p>The general policy of the Government is to</p> <ul style="list-style-type: none"> • “adopt a DRRM approach that is holistic, comprehensive, integrated and proactive in lessening the socio-economic and

4. INFORMATION MANAGEMENT AND EXCHANGE, COMMUNITY LEVEL EDUCATION & AWARENESS			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
development and delivery of public education and awareness campaigns?	Climate Change Act of 2009, RA No. 9729, 23 October 2009	S.9(l) S.16	<p>environmental impacts of disasters including climate change, and promote the involvement and participation of all sectors and all stakeholders concerned, at all levels, especially the local community”</p> <ul style="list-style-type: none"> • ensure that DRR and climate change measures are gender responsive, sensitive to indigenous knowledge systems and respectful of human rights; [and] • engage the participation of civil society organizations, the private sector and volunteers in the government’s DRR programs towards complementation of resources and effective delivery of services to the Citizenry”. <p>In particular, the OCD is to “create an enabling environment for substantial and sustainable participation of CSOs, private groups, volunteers and communities, and recognize their contributions in the government’s DRR efforts”.</p> <p>The CCC “in the development of the National Climate Change Action Plan, and the local action plans shall coordinate with the NGOs, civic organizations, academe, people’s organizations, the private and corporate sectors and other concerned stakeholder groups.</p> <p><u>Note</u> The Senate Committee on Climate Change is proposing to file a Bill that would require Government-owned networks and radio stations and private telecommunication companies to be part of the Government’s information dissemination campaign for disaster preparedness.</p>
171. Does legislation provide for any designated role for the Red Cross or Red Crescent National Society as an	Philippine Disaster Risk Reduction and Management Act of 2010, RA No. 10121,		RA No. 10121 does not specifically designate to the Philippine National Red Cross (“PNRC”) a role in DRR education and awareness at community level. It does, however, provides for the

4. INFORMATION MANAGEMENT AND EXCHANGE, COMMUNITY LEVEL EDUCATION & AWARENESS

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
auxiliary to government in DRR education and awareness at community level?	27 May, 2010		<p>Secretary General of the PNRC to be a member on the National DRRM Council and for a member of the PNRC to be represented on the Local DRRM Council in Sections 5 and 11(a)(16) respectively.</p> <p>Further, Local DRRM Councils are directed to “develop, strengthen and operationalize mechanisms for partnerships or networking with the private sector, CSOs and volunteer groups” (S.12(c)(13).</p>
172. Does legislation provide for any designated role for Civil Society in DRR education and awareness at community level?	Philippine Disaster Risk Reduction and Management Act of 2010, RA No. 10121, 27 May, 2010		RA No. 10121 does not designate any specific role for civil society in DRR education and awareness at community but it does provide for civil society to play a role in DRRM - see above Q.13
<p>173. Does any law provide for community-level results in DRR, such as:</p> <p>a. Natural disaster warnings that extend to community level?</p> <p>b. Implementation of incentives to carry out community based DRR, or disincentives to ignore or increase risks from natural disasters?</p> <p>c. Community involvement in land-use and urban planning?</p> <p>d. Community involvement in and education concerning building codes?</p>			<p><u>Natural disaster warning</u> See above Q.101</p> <p><u>Incentives to implement community DRR activities</u> S.15(f) of Climate Change Act of 2009, RA No. 9729 provides that government financial institutions shall “provide preferential financial packages for climate change related projects” notwithstanding contrary provisions in their respective charters.</p> <p><u>Land use and urban planning</u> RA No. 7160, Local Government Code of 1991 and RA No. 7279, Urban Development and Housing Act of 1992 provide for community involvement in land use and urban planning.</p> <p><u>Building Code</u> The National Building Code does not provide for any community involvement in and education concerning building codes.</p>

Bibliography

International and Regional Laws and Frameworks

ASEAN Agreement on Disaster Management and Emergency Response, Vientiane, 26 July 2005. <http://www.aseansec.org/17579.htm> (accessed 15 July 2012) - ratified by the Philippine Government on 14 September 2009

Hyogo Framework for Action 2005 - 2015: Building the Resilience of Nations and Communities to Disasters. <http://www.unisdr.org/we/coordinate/hfa> (accessed 15 July 2012)

Philippine Laws and Regulations

The laws and regulations referred to herein are available at the following websites (unless otherwise indicated), which were accessed during 7 June 2012 to 18 July 2012:

House of Representatives, Congress of the Philippines at www.congress.gov.ph

Senate of the Philippines at www.senate.gov.ph - legal databases limited to the current Congress session

The LAWPHil Project (Arellano Law Foundation), Philippine Laws and Jurisprudence Databank at www.lawphil.net

Chan Robles Law Firm, Virtual Law Library at www.chanrobles.com - most extensive legal database

Constitution

1987 Constitution of the Republic of the Philippines

Commonwealth Acts

An Act to Amend and Compile the Laws Relative to Lands of the Public Domain, (Short title: *The Public Land Act*), CA No. 141, 7 November 1936.

Republic Acts

An Act Providing for the Administration and Temporary Leasing and Sale of Certain Haciendas and Parcels of Lands, Commonly Known as Friar Lands, for the Purpose of Which the Government of the Philippine Islands Has Recently Contracted, Pursuant to the Provisions of Sections 63, 64 and 65 of An Act of the Congress of the United States, Entitled "An Act Temporarily to Provide for the Administration of the Affairs of Civil Government in the Philippine Islands, and for Other Purposes", Approved on the First Day of July, 1902, (Short title: Friar Lands Act), Act No. 1120, 26 April 1904

The Cadastral Act, Act No. 2259, 11 February 1913

An Act to Ordain and Institute the Civil Code of the Philippines, (popularly known as the Civil Code of the Philippines), RA No. 386, 18 June 1949

An Act Creating the National Irrigation Administration, RA No. 3601, 22 June 1963

(amended by PD No. 552, Amending Certain Sections of RA No. 3601, entitled, An Act Creating the National Irrigation Administration", 11 September 1974 and PD No. 1702, Amending Section 3 of RA No. 3601, As Amended by PD No. 552, 18 July 1980)

An Act Providing for the Regulation of Radio Stations and Radio Communications in the Philippine Islands, and for Other Purposes, RA No. 3846, 11 November 1963

An Act to Define Condominium, Establish Requirements for Its Creation, and Govern Its Incidents, (Short title: The Condominium Act), RA No. 4726, 18 June 1966

(amended by RA No. 7899, An Act Amending Section 4 and Section 16 of RA No. 4726, Otherwise known as "The Condominium Act", 23 February 1995)

An Act Amending RA No. 3844, As Amended, Otherwise Known as The Agricultural Land Reform Code, and For Other Purposes, (popularly known as The Code of Agrarian Reforms of the Philippines), RA No. 6389, 10 September 1971

An Act Declaring a Policy of the State to Adopt Modern Scientific Methods to Moderate Typhoons and Prevent Destruction by Floods, Rains and Droughts, Creating a Council on Typhoon Moderation and Flood Control Research and Development and Providing for Its Powers and Functions and Appropriating Funds therefore, RA No. 6613, 23 October 1972

An Act Authorising the Ministry of Human Settlements to Establish and Promulgate Different Level of Standards and Technical Requirements for Economic and Socialized Housing Projects in Urban and Rural Areas from Those Provided Under PD No. 957, 1216, 1096 and 1185, Batas Pambansa Blg. 220, 25 March 1982

An Act Instituting a Comprehensive Agrarian Reform Program to Promote Social Justice and Industrialization, Providing the Mechanism for Its Implementation, and for Other Purposes, (popularly known as the Comprehensive Agrarian Law Reform of 1988), RA No. 6657, 10 June 1988

(amended by An Act Amending Certain Provisions of RA No. 6657, RA No. 7881, 20 February 1995, An Act to Strengthen the Implementation of the CARP, and for Other Purposes, RA No. 7905, 23 February 1995, An Act Strengthening Further the CARP, by Providing Augmentation Fund Therefor, Amending for the Purpose Section 63 of RA No. 6657, Otherwise Known as "The CARP Law of 1988", RA No. 8532, 23 February 1998; and An Act Strengthening the CARP,

Extending the Acquisition and Distribution of all Agricultural Lands, Instituting Necessary Reforms, Amending for the Purpose Certain Provisions of RA No. 6657 (as amended), and Appropriating Funds Thereof, RA No. 9700, 7 August 2009)

An Act Providing for the Construction of Water Wells, Rainwater Collectors, Development of Springs and Rehabilitation of Existing Water Wells in All Barangays in the Philippines, RA No. 6716, 17 March 1989

An Act Allowing Administrative Reconstitution of Original Copies of Certificates of Titles Lost or Destroyed due to Fire, Flood and Other Force Majeure, Amending for the Purpose Section 110 of PD No. 1529 and Section 5 of RA No. 26, RA No. 6732, 17 July 1989

An Act Providing for An Organic Act for the Autonomous Region in Muslim Mindanao, RA No. 6734, 1 August, 1989

*An Act Providing for a System of Initiative and Referendum and Appropriating Funds Therefor (popularly known as *The Initiative and Referendum Act*), RA No. 6735, 4 August 1989*

An Act Providing for An Organic Act for the Cordillera Autonomous Region, RA No. 6766, 23 October, 1989

*An Act Providing for the Installation, Operation and Maintenance of Public Telephones in Each and Every Municipality in the Philippines, Appropriating Funds Therefor and for Other Purposes, (popularly known as the *Municipal Telephone Act of 1989*), RA No. 6849, 8 February 1990*

*An Act to Control Toxic Substances and Hazardous and Nuclear Wastes, Providing Penalties for Violations Thereof, and for Other Purposes, (Short title: *Toxic Substances and Hazardous and Nuclear Wastes Control Act of 1990*), RA No. 6969, 26 October 1990*

*An Act Establishing the Philippine National Police Under A Reorganized Department of the Interior and Local Government, and for Other Purposes, (popularly known as the *Department of the Interior and Local Government Act of 1990*), RA No. 6975, 13 December 1990*

*An Act Providing for A Local Government Code of 1991 (popularly known as the *Local Government Code of 1991*, RA No. 7160, 10 October, 1991 (amended by *An Act Changing the Term of Office of Barangay Officials and Members of the Sangguniang Kabataan from Three Years to Five Years, Amending for the Purpose Section 43 of RA No. 7160, Otherwise Known as the Local Government Code of 1991 and for Other Purposes*, RA No. 8524, 14 February 1998 and *An Act Amending Section 41(b) of RA No. 7160, Otherwise Known as the Local Government Code of 1991*, RA No. 8553, 25 February 1998)*

*An Act to Provide for A Comprehensive and Continuing Urban Development and Housing Program, Establish the Mechanisms for Its Implementation, and for Other Purposes, (popularly known as the *Urban Development and Housing Act of 1992*), RA No. 7279, 24 March 1992 (amended by *An Act Amending Section 12 of RA No. 7279, Otherwise Known as the Urban Development and Housing Act of 1992, and for Other Purposes*, RA No. 9397, 18 March 2007)*

*An Act Providing for the Establishment and Management of National Integrated Protected Areas System, Defining Its Scope and Coverage, and for Other Purposes, (popularly known as the *National Integrated Protected Areas System Act of 1992*), RA No. 7586, 1 June 1992*

An Act Providing for A Comprehensive and Integrated Shelter and Urban Development Financing Program by Increasing and Regularizing the Yearly Appropriation of the Major Components of the National Shelter Program, Including the Abot-Kaya Pabahay Fund Under RA No. 6846, Augmenting the Authorized Capital Stock and Paid Up Capital of the National Home Mortgage Finance Corporation and the Home Insurance and Guaranty Corporation, Identifying Other Sources of Funding and Appropriating Funds for the Purposes, (popularly known as the Comprehensive and Integrated Shelter Financing Act of 1994), RA No. 7835, 16 December 1994

An Act Amending Certain Provisions of RA No. 6657, RA No. 7881, 20 February 1995

The Special Economic Zone Act of 1995, RA No. 7916, 21 February 1995

(amended by An Act Amending RA No. 7916, Otherwise Known as the “Special Economic Zone Act of 1995”, RA No. 8748, 1 June 1999)

An Act to Strengthen the Implementation of the CARP, and for Other Purposes, RA No. 7905, 23 February 1995

An Act to Promote and Govern the Development of Philippine Telecommunications and the Delivery of Public Telecommunication Services (Short title: Telecommunications Policy Act of the Philippines), RA No. 7925, 1 March 1995

An Act Instituting a New System of Mineral Resources Exploration, Development, Utilization and Conservation (popularly known as the Philippine Mining Act of 1995), RA No. 7942, 3 March 1995

An Act to Address the National Water Crisis and for Other Purposes (Short title: National Water Crisis Act of 1995), RA No. 8041, 7 June 1995

An Act to Recognize, Protect and Promote the Rights of Indigenous Cultural Communities/Indigenous People, Creating a National Commission of Indigenous People, Establishing Implementing Mechanisms, Appropriating Funds Therefor and for Other Purposes (Short title: The Indigenous Peoples Rights Act of 1997), RA No. 8371, 29 October 1997

An Act Prescribing Urgent Related Measures to Modernize the Agriculture and Fisheries Sectors of the Country in Order to Enhance Their Profitability, and Prepare Said Sectors for the Challenges of the Globalization Through An Adequate, Focused and Rational Delivery of Necessary Support Services, Appropriating Funds Therefor and for Other Purposes (Short title: The Agriculture and Fisheries Modernization Act of 1997), RA No. 8435, 22 December 1997

An Act Strengthening Further the CARP, by Providing Augmentation Fund Therefor, Amending for the Purpose Section 63 of RA No. 6657, Otherwise Known as “The CARP Law of 1988”, RA No. 8532, 23 February 1998

An Act Providing for the Development, Management and Conservation of the Fisheries and Aquatic Resources, Integrating All Laws Pertinent Thereto, and for Other Purposes (popularly known as The Philippine Fisheries Code of 1998), RA No. 8550, 25 February 1998

An Act Amending RA No. 7916, Otherwise Known as the “Special Economic Zone Act of 1995”, RA No. 8748, 1 June 1999

An Act to Facilitate the Acquisition of Right of Way, Site or Location for National Government Infrastructure Projects and for Other Purposes, RA No. 8974, 7 November 2000

An Act Providing for An Ecological Solid Waste Management Program, Creating the Necessary Institutional Mechanisms and Incentives, Declaring Certain Acts Prohibited and Providing Penalties, Appropriating Funds Therefor, and for Other Purposes (Short title: *Ecological Solid Waste Management Act of 2000*), RA No. 9003, 26 January 2001

An Act Providing for the Conservation and Protection of Wildlife Resources and Their Habitats, Appropriating Funds Therefor and for Other Purposes (popularly known as the *Wildlife Resources Conservation and Protection Act*), RA No. 9147, 30 June 2001

An Act Providing for A Comprehensive Water Quality Management and for Other Purposes (Short title: *the Philippine Clean Water Act of 2004*), RA No. 9275, 22 March 2004

An Act Amending Section 12 of RA No. 7279, Otherwise Known as the Urban Development and Housing Act of 1992, and for Other Purposes, RA No. 9397, 18 March 2007

An Act to Promote Environmental Awareness Through Environmental Education and for Other Purposes (popularly known as the *National Environment Awareness and Education Act of 2008*), RA No. 9512, 12 December 2008

An Act Promoting the Development, Utilization and Commercialization of Renewable Energy Resources and for Other Purposes (Short title: *Renewable Energy Act of 2008*), RA No. 9513, 16 December 2008

An Act Establishing a Comprehensive Fire Code of the Philippines, Repealing PD No. 1185 and for Other Purposes (popularly known as the *Revised Fire Code of the Philippines of 2008*), RA No. 9514, 19 December 2008

An Act Strengthening the CARP, Extending the Acquisition and Distribution of all Agricultural Lands, Instituting Necessary Reforms, Amending for the Purpose Certain Provisions of RA No. 6657 (as amended), and Appropriating Funds Thereof, RA No. 9700, 7 August 2009

An Act Providing for the Magna Carta of Women (Short title: *An Act Providing for the Magna Carta of Women*), RA No. 9710, 14 August, 2009

An Act Mainstreaming Climate Change into Government Policy Formulation, Establishing the Framework Strategy and Program on Climate Change, Creating for this Purpose the Climate Change Commission, and for Other Purposes (popularly known as the *Climate Change Act of 2009*), RA No. 9729, 23 October, 2009

An Act Granting Additional Benefits and Privileges to Senior Citizens, Further Amending RA No. 7432, As Amended, Otherwise Known as "An Act to Maximize the Contribution of Senior Citizens to Nation Building, Grant Benefits and Special Privileges and for Other Purposes (popularly known as the *Expanded Seniors Citizens Act of 2010*), RA No. 9994, 15 February 2010

An Act Authorizing the Issuance of Free Patents to Residential Lands, RA No. 10023, 9 March 2010

An Act Strengthening the Philippine Disaster Risk Reduction and Management System, Providing for the National Disaster Risk Reduction and Management Framework and Institutionalizing the National Disaster Risk Reduction and Management Plan, Appropriating Fund Therefor and for Other Purposes (popularly known as the Philippine Disaster Risk Reduction and Management Act of 2010), RA No. 10121, 27 May, 2010

Presidential Decrees

Proclaiming the Entire Country as a Land Reform Area, PD No. 2, 26 September 1972

Decreeing the emancipation of tenants from the bondage of the soil, transferring to them the ownership of the land they till and providing the instruments and mechanisms thereof, PD No. 27, 21 October 1972

Establishing the PAGASA (popularly known as the Atmospheric, Geophysical and Astronomical Science Act of 1972), PD No. 78, 8 December 1972

Atmospheric, Geophysical and Astronomical Science Act of 1972, PD No. 78, 8 December 1972

Decreeing a National Policy Favouring Local Operations and Control of Water Systems; Authorizing the Formation of Local Water Districts and Providing for the Government and Administration of Such Districts; Chartering a National Administration to Facilitate Improvement of Local Water Utilities; Granting Said Administration Such Powers As Are Necessary to Optimize Public Service from Water Utility Operations, and for Other Purposes (popularly known as the Provincial Water Utilities Act), PD No. 198, 25 May 1973

(amended by PD No. 768, Amending PD No. 198, 15 August 1975, PD No. 1479, Further Amending PD No. 198 As Amended by PD No. 768, 11 June 1978 and An Act Further Amending PD No. 198 As Amended, RA No. 9286, 2 April 2004)

Limiting the Use of a Strip of One Thousand Metres of a Land Along Any Existing, Proposed or Ongoing Public Highway or Road, Until the Government Shall Have a Competent Study and Have Formulated a Comprehensive and Integrated Land Use and Development Plan, PD No. 399, 28 February 1974

Providing for A Modernized System of Administration and Disposition of Mineral Lands and to Promote and Encourage the Development and Exploitation Thereof, (Short title: Mineral Resources Development Decree of 1974), PD No. 463, 17 May 1974

Revising PD No. 389, Otherwise Known As The Forestry Reform Code of the Philippines (popularly known as the Revised Forestry Code of the Philippines), PD No. 705, 19 May 1975

Allowing Americans who were formerly Filipino citizens, Americans who became permanent residents of the Philippines, and Americans who have resided in the Philippines continuously for at least twenty years and who in good faith had acquired private residential lands for family dwelling purposes in the

Philippines prior to July 3, 1974 to continue holding such lands and transfer ownership over the same to qualified persons or entities, PD No. 713, 27 May 1975

Penalizing Squatting and Other Similar Acts, PD No. 772, 20 August 1975

*Regulating the Sale of Subdivision Lots and Condominiums, Providing Penalties for Violations Thereof (popularly known as The Subdivision and Condominium Buyers' Protective Decree), PD No. 957, 12 July 1976
(amended by PD No. 1216, Defining "Open Space" in Residential Subdivision and Amending Section 31 of PD No. 957 Requiring Subdivision Owners to Provide Roads, Alleys, Sidewalks and Reserves Open for Parks or Recreational Use, 14 October 1977)*

Providing for the Revision of RA No. 3931, Commonly Known As The Pollution Control Law and for Other Purposes (popularly known as the National Pollution Control Decree of 1976), PD No. 984, 18 August 1976

Providing for the Revision of PD No. 600 Governing Marine Pollution (popularly known as the Marine Pollution Decree of 1976), PD No. 979, 18 August 1976

A Decree Instituting a Water Code, Thereby Revising and Consolidating the Laws Governing the Ownership, Appropriation, Utilization, Exploitation, Development, Conservation and Protection of Water Resources (popularly known as The Water Code of the Philippines), PD No. 1067, 31 December 1976

A Decree to Ordain and Promulgate a Code Recognizing the System of Filipino Muslim Laws, Codifying Muslim Personal Laws, and Providing for Its Administration and for Other Purposes (popularly known as the Code of Muslim Personal Laws of the Philippines), PD No. 1083, 4 February 1977

Adopting a National Building Code of the Philippines Thereby Revising RA No.6541 (popularly known as the National Building Code of the Philippines), PD No. 1096, 19 February 1977

Creating the National Environment Protection Council, PD No. 1121, 18 April 1977

Amending certain sections of Presidential Decree No. 78 otherwise known as "The Atmospheric, Geophysical and Astronomical Science Act of 1972", PD No. 1149, 2 June 1977

Requiring All Individuals, Partnerships or Corporations Engaged in the Exploration, Development and Exploitation of Natural Resources or in the Construction of Infrastructure Projects to Restore or Rehabilitate Areas Subject Thereof or Affected Thereby to Their Original Condition, PD No. 1198, 19 September, 1977

Defining "Open Space" in Residential Subdivision and Amending Section 31 of PD No. 957 Requiring Subdivision Owners to Provide Roads, Alleys, Sidewalks and Reserves Open for Parks or Recreational Use, PD No. 1216, 14 October 1977

Creating the "Philippine Crop Insurance Corporation" Prescribing Its Powers and Activities, Providing for Its Capitalization and for the Required Government Premium Subsidy and for Other Purposes, PD No. 1467, 11 June 1978 (amended by PD No. 1733, Amending PD No. 1467 Creating the "Philippines Crop

Insurance Corporation” By Adding Penal Sanctions Therein, 21 October 1980 & the Revised Charter of the Philippine Crop Insurance Corporation Act of 1995, RA No. 8175, 29 December 1995)

Amending and Codifying the Laws Relative to Registration of Property and for Other Purposes (popularly known as the Property Registration Decree), PD No. 1529, 11 June 1978

Strengthening the Philippine Disaster Control, Capability and Establishing the National Program on Community Disaster Preparedness of June 1978, PD No. 1566 11 June 1978 (repealed by the Philippine Disaster Risk Reduction and Management Act of 2010, RA No. 10121, 27 May, 2010)

Establishing an Environmental Impact Statement System, including other Environmental Management Related Measures and for Other Purposes, PD No. 1586, 11 June 1978

Philippine Environment Policy, PD No. 1151, 6 June 1979

Proclaiming Urban Land Reform in the Philippines and Providing for the Implementing Machinery Thereof, PD No. 1517, 11 June 1978

Executive Orders

EO No. 159, series of 1968 (referred to in Department of Education, “Disaster Risk Reduction Resource Manual, Republic of the Philippines”, Department of Education, UNICEF and Plan, 2008. <http://ph.one.un.org/response/clusters/education/DisReduction/DRRR%20Manual%20Philippines.pdf> (accessed 25 June 2012) - unable to locate a copy of the Executive Order

Identifying the Government Agencies Essential for the National Shelter Program and Defining Their Mandates, Creating the Housing and Urban Development Coordinating Council, Rationalizing Funding Sources and Lending Mechanisms for Home Mortgages and for Other Purposes, EO No. 90, 17 December 1986 (amended by EO No. 357, Strengthening the Existing Coordinating Mechanisms of the National Shelter Program of the Government Under EO No. 90, Dated 17 December 1986, 24 May 1989)

Renaming the Ministry of Agriculture and Food as Ministry of Agriculture, Reorganizing Its Units; Integrating All Offices and Agencies Whose Functions Relate to Agriculture and Fishery Into the Ministry and for Other Purposes, EO No. 116, 30 January 1987

Reorganizing and Strengthening the Philippine Statistical System and for Other Purposes, EO No. 121, 30 January 1987

Reorganizing the National Science and Technology Authority, EO No. 128, 30 January 1987

Providing for the Reorganization of the Department of Environment, Energy and Natural Resources, Renaming It as The Department of Environment and Natural Resources and for Other Purposes, EO No. 192, 10 June 1987

Providing the Mechanisms for the Implementation of the CARP, EO No. 129, 22 July 1987

The Reorganization Act of the Department of Agrarian Reform, EO No. 129-A, 26 July 1987

The Family Code of the Philippines, EO No. 209, 6 July 1987

(amended by EO No. 227, Amending EO No. 209, 17 July 1987 and An Act Amending Title 1, Chapter 3, Article 39 of EO No. 209, Otherwise Known As The Family Code of the Philippines, Nullifying the Prescriptive Period for Action or Defenses Grounded in Psychological Incapacity, RA No. 8533, 23 February 1998)

Strengthening the Existing Coordinating Mechanisms of the National Shelter Program of the Government under EO No. 90, EO No. 357, 24 May 1989

Vesting in the LBP the Primary Responsibility to Determine the Land Valuation and Compensation for All Lands Covered under RA No. 6657, EO No. 405, 14 June 1990

Mandating certain departments and agencies to align their respective programs and projects with the CARP, directing the DAR to accelerate the agrarian reform beneficiaries development through the provisions of economic and social infrastructure support, and providing the necessary implementing mechanisms for the purpose, EO No. 406, 14 June 1990

Accelerating the Acquisition and Distribution of Agricultural Lands, Pasture Lands, Fishponds, Agro-Forestry Lands and Other Lands of the Public Domain Suitable for Agriculture, EO No. 407, 14 June 1990

(amended by EO No. 448, Amending EO No. 407, Series of 1990, 14 February 1991 and EO No. 506, Further Amending EO No. 407, Series of 1990 Amended by EO No. 448, Series of 1991, Accelerating the Acquisition and Distribution of Agricultural Lands, Pasture Lands, Fishponds, Agroforestry Lands and Other Lands of the Public Domain Suitable for Agriculture, 18 February 1992)

Devolving Certain Powers and Functions of the Housing and Land Regulatory Board and the National Housing Authority to the Autonomous Regional Government of the Autonomous Region in Muslim Mindanao, and for Other Purposes, EO No. 461, 17 May 1991

Devolving the Powers of the HLURB to Approve Subdivision Plans to Cities and Municipalities Pursuant to RA No. 7160, Otherwise Known as the Local Government Code of 1991, EO No. 71, 23 March 1993

Providing for the Preparation and Implementation of the Comprehensive Land Use Plans of LGUs Pursuant to the Local Government Code of 1991 and other Pertinent Laws, EO No. 72, 25 March 1993

Establishing Priorities and Procedures in Evaluating Areas Proposed for Land Conversion in Regional Agri-Industrial Centres/Regional Industrial Centres, Tourism Development Areas and Sites for Socialized Housing, EO No. 124, 8 September 1993

Providing for the Establishment of a Well-Coordinated Local Level Statistical System, EO No. 135, 6 November 1993

Establishing the Water Conservation and Demand Management, EO No. 222, 24 January 1995

Adopting Community Based Forest Management as the National Strategy to Ensure the Sustainable Development of the Country's Forest Land Resources and Providing Mechanisms for Its Implementation, EO No. 263, 19 July 1995

Approving and Adopting the Philippine Plan for Gender-Responsive Development, 1995 to 2025, EO No. 273, 8 September 1995

Improving the Environmental Impact Statement System, EO No. 291, 12 January 1996

Reaffirming Mass Housing as a Centrepiece Program in the Poverty Alleviation Efforts of the Government and Further Strengthening the HUDCC, EO No. 20, 28 May 2001.

Amending Letter of Instruction 1350 Otherwise Known As "Providing the Institutional Framework for National Physical Planning", EO No. 770, 1 December 2008

Amending EO No. 770, Series of 2008 to Make the Leagues of Provinces, Cities and Municipalities As Regular Members of the NEDA Board National Land Use Committee, EO No. 770-A, 30 September 2009. <http://www.gov.ph/downloads/2009/09sep/20090930-EO-0770-A-GMA.pdf> (accessed 13 July 2012)

Adopting the Strategic National Action Plan (SNAP) on Disaster Risk Reduction (DRR), 2009-2019 and Institutionalizing DRR, EO No. 888, 7 June 2010. http://www.ndrrmc.gov.ph/attachments/048_EO%20888%20SNAP.pdf (accessed 13 July 2012)

Proclamations

Proclamation No. 2146, *Proclaiming Certain Areas and Types of Projects as Environmentally Critical and Within the Scope of the EISS Established Under Presidential Decree No. 1586*, 14 December 1981

Proclamation No. 131, *Instituting a Comprehensive Agrarian Reform Program*, 22 July 1987

Administrative Orders

Letter of Instructions No. 41 dated 11 December 1975 - referred in PAGASA's history at <http://www.pagasa.dost.gov.ph/fullhistory.shtml> (accessed 24 June 2012)

National Commission on Indigenous People, AO No. 1, Series of 1998, *Rules and Regulations Implementing RA No. 8371, otherwise known as "The Indigenous Peoples Rights Act of 1997"*, (popularly known as *The Rules and Regulations Implementing the Indigenous Peoples Rights Act of 1997*), 9 June 1998

AO No. 94, Series of 2004, *Providing Measures for the Optimum Utilization of Water Resources in Metro Manila*, 24 February 2004

AO No. 1, Series of 2010, *Directing the Local Government Units, Particularly Provinces, To Adopt and Use in Their Planning Activities The Guidelines on Mainstreaming Disaster Risk Reduction in Subnational Development and Land Use/Physical Planning*, 17 September, 2010

Implementing Rules and Regulations

DENR, Revised Procedural Manual to the Implementing Rules and Regulations, DENR AO No.30 of 2003, (*IRR of PD No. 1586, Establishing the Philippine Environmental Impact Statement System*), (2nd printing), January 2008. <http://emb.gov.ph/ECA%20Center/01-EIA%20Revised%20Procedural%20Manual%20Main%20Document%20-%20New.pdf> (accessed 3 July 2012)

IRR of PD No. 1067, *The Water Code of the Philippines*, Final Draft, 1 May 2005. <http://www.neda.gov.ph/references.asp#PD> (accessed 28 June 2012)

DPWH, The 2004 Revised IRR of PD No. 1096, *The National Building Code of the Philippines*, 1, 8 & 15 April 2005. <http://www.architectureboard.ph/laws.12.php#main> (accessed 26 June 2012)

HLURB, Revised IRR for BP 220 (with amendments), November 2008. http://hlurb.gov.ph/uploads/laws-issuances/BP220IRR/Revised_IRR_BP220_2008.pdf (accessed 4 July 2012)

IRR of RA No. 9514, *The Fire Code of the Philippines of 2008*, 24 June 2009. <http://www.bfpresponse.gov.ph/RA9514%20IRR%20Signed%20by%20SILG.pdf> (accessed 26 June 2012)

Revised Implementing Rules and Regulations of RA No. 9729, Otherwise Known as The Climate Change Act of 2009 (popularly known as the *Revised IRR of the Climate Change Act of 2009*), Draft, undated. <http://climate.gov.ph/draft%20revised%20irr%20-%20RA%209729.pdf> (accessed 13 July 2012)

HLURB, Revised IRR for PD No. 957, 2009 Edition. <http://hlurb.gov.ph/uploads/laws-issuances/PD957IRR/IRRPD957.pdf> (accessed 4 July 2012)

NDCC, IRR of RA No. 10121, 27 September, 2010. http://www.ndrrmc.gov.ph/attachments/095_IRR.pdf (accessed 8 June 2012)

Rules and Regulations to Implement PD No. 1517, Otherwise Known as the Urban Land Reform Act, undated. http://hlurb.gov.ph/uploads/laws-issuances/PD1517_rev.pdf (accessed 4 July 2012)

Departmental Orders and Memorandums

Memorandum Circular No. 54, *Prescribing the Guidelines Governing Section 20 of RA No. 7160, Otherwise Known as the Local Government Code of 1991, Authorizing Cities and Municipalities to Reclassify Agricultural Lands into Non-Agricultural Use*, 8 June 1993

DAR AO No. 1 of 2011, *Guidelines Governing Gender Equality in the Implementation of Agrarian Reform Laws and Mainstreaming Gender and Development in the Department of Agrarian Reform*, 19 July 2011

DENR AO No. 21 of 1996, *Revised Rules and Regulations Implementing PD No. 1586* (amended by DENR AO No. 37 of 1996 and DENR AO No. 30 of 2003)

DENR & NCIP Joint AO No. 1 of 1998, July 1998

DILG, NEDA, DBM and DF, Joint Memorandum Circular No. 1 Series of 2007, *Guidelines on the Harmonization of Local Planning, Investment, Programming, Revenue Administration, Budgeting and Expenditure Management*, 8 March 2007.

<http://pdf.ph/downloads/decentralization/jmc%20final%20signed%20with%20date.pdf> (accessed 13 July 2012)

Professional Regulatory Board of Architecture, *First Draft of the Professional Regulatory Board of Architecture Bill to Repeal PD No. 1096, The 1977 National Building Code of the Philippines*, 30 September 2011. http://www.architectureboard.ph/uploads/1317451167-ep.PRBoA.draft1.11sep30_NBCP.repeal.pdf (accessed 15 July 2012)

Bills

Charter of the Philippine Catastrophe Insurance and Reinsurance Corporation, Senate Bill No. 266, Pending in the Committee on 3 August 2010

National Volcano Early Warning and Monitoring System Act of 2010, Senate Bill No. 957, Pending in the Committee on 18 August 2010

Calamity Hazard Mitigation Program Act, Senate Bill No. 1493, Pending in the Committee on 1 September 2010

Barangay Greening and Forest Land Rehabilitation and Protection Act of 2010, Senate Bill No. 6, Pending in the Committee on 3 July 2010

An Act Strengthening PD No. 1096, The National Building Code of the Philippines, As Amended, By Mandating A Comprehensive Nationwide Inspection of Buildings and Imposing Stiff Penalties Against Building Officials Who Violate the Pertinent Provisions of the Said Code, Senate Bill No. 2843, Pending in the Committee on 30 May 2011

Climate Change Education Act of 2011, Senate Bill No. 2885, Pending in the Committee on 1 August 2011

An Act to Establish the Cordillera Autonomous Region, Senate Bill No. 3115, Pending in the Committee on 7 February 2012

An Act Instituting a National Land Use Policy, Providing the Implementing Mechanisms Therefor, and for Other Purposes, Senate Bill No. 3091, Pending Second Reading, Special Order, 20 March 2012

An Act Establishing the People's Survival Fund to Provide Long Term Finance Streams to Enable the Government to Effectively Address the Problem of Climate Change, Amending for the Purpose RA No. 9729, Otherwise Known as "The Climate Change Act of 2009" and for Other Purposes, Senate Bill No. 2811, Passed by both Houses on 6 June 2012

Secondary sources

Philippine Government Documents

City of Naga, "Naga City Comprehensive Land Use Plan 2000", undated. <http://www.naga.gov.ph/cityprofile/nclup.pdf> (accessed 3 July 2012)

Climate Change Commission, "National Framework Strategy on Climate Change, 2010 to 2022", Office of the President of the Philippines, undated. http://www.neda.gov.ph/references/Guidelines/DRR/nfscs_sgd.pdf (accessed 12 June 2012)

DA, DAR, DENR and DOST, "The Updated Philippine National Action Plan to Combat Desertification, Land Degradation and Drought FY2010-2020", January 2010. <http://bswm.da.gov.ph/unccdphilippines/Files/PDFs/The%20Philippine%20NAP%20to%20Combat%20DLDD%20and%20Poverty%202010-2020.pdf> (accessed 23 June 2012)

Department of Education, "Disaster Risk Reduction Resource Manual, Republic of the Philippines", Department of Education, UNICEF and Plan, 2008. <http://ph.one.un.org/response/clusters/education/DisReduction/DRRR%20Manual%20Philippines.pdf> (accessed 25 June 2012)

Forest Management Bureau, Revised Master Plan for Forestry Development - Final Report. forestry.denr.gov.ph (accessed 29 June 2012)

HUDCC, PIDS, UN-HABITAT and UNDP, "National Urban Development and Housing Framework (2009 - 2016)", UDCC and PID, August 2009. <http://www.urbangateway.org/sites/default/ugfiles/Final%20NUUDHF.pdf> (accessed 30 June 2012)

"Mainstreaming Disaster Risk Reduction in Subnational Development and Land Use/Physical Planning in the Philippines Guidelines", ECHA, UNDP and NEDA, 2008. <http://www.neda.gov.ph/references/Guidelines/DRR/Guidelines%20on%20Mainstreaming%20DRR%20in%20Subnational%20Development%20Land%20Use%20Planning.pdf> (accessed 20 June 2012)

Mindanao Declaration on Disaster Risk Reduction Priorities, Cagayan de Oro City, Mindanao, Philippines, 19 February 2012. http://www.preventionweb.net/files/25214_82085008mindanaosummitdrrdeclaratio.pdf (accessed 7 June 2012)

“National Framework for Physical Planning 2001-2030, Executive Summary”, undated. <http://www.neda.gov.ph/references/Reports/NFPP/execsum.pdf> (accessed 2 July 2012)

“National Disaster Risk Reduction and Management Plan, 2011 to 2028”, undated. http://www.ndrrmc.gov.ph/attachments/article/567/Signed_NDRRMP.pdf (accessed 25 June 2012)

NDRRMC, “National Disaster Risk Reduction and Management Framework”, Signed and Adopted on 16 June 2011. <http://www.ndrrmc.gov.ph/attachments/article/227/NDRRMFramework.pdf> (accessed 7 June 2012)

NEDA, Philippine Development Plan 2011 - 2016, 2011. <http://devplan.neda.gov.ph/index.php> (accessed 15 July 2012)

OCD and NDRRMC, “Philippines National Progress Report on the Implementation of the Hyogo Framework for Action (2009-2011) - Interim”, OCD and NDRRMC, 27 March 2011 http://www.preventionweb.net/files/18619_phl_NationalHFAprogress_2009-11.pdf (accessed 7 June 2012)

Philippines Country Report on Disaster Management Report, 3rd AIPA Caucus Report, undated. <http://www.aipasecretariat.org/wp-content/uploads/2011/07/3.Disaster-Response-Management.pdf> (accessed 7 June 2012)

Province of Cebu, Municipality of San Francisco, “San Francisco 5 Year Municipal Disaster Risk Reduction and Management Plan 2011-2015”, Plan and UNISDR, undated. http://www.unisdr-apps.net/confluence/download/attachments/9994301/San_Francisco_MDRRM_Plan_Package.pdf?version=1 (accessed 8 June 2012)

The Philippine Agenda 21 Framework. <http://www.psdn.org.ph/agenda21/start.htm> (accessed 15 July 2012)

Reports

ADRC Visiting Researcher, Philippines Country Report to ADRC 2011, undated. http://www.adrc.asia/countryreport/PHL/2011/FY2011A_PHL_CR.pdf (accessed 11 June 2012)

ASEAN Disaster Risk Management Initiative, “Synthesis Report on Ten ASEAN Countries Disaster Risk Assessment”, UNISDR and World Bank, December 2010. http://www.unisdr.org/files/18872_asean.pdf (accessed 11 July 2012)

Benson C., “Mainstreaming Disaster Risk Reduction into Development: Challenges and Experience in the Philippines”, IFRC and the ProVention Consortium, March 2009. http://www.ippc-wg2.gov/ijinite_download.php?id=6996 (accessed 13 July 2013)

CIA, World Fact Book, Philippines, last updated 25 June 2012. <https://www.cia.gov/library/publications/the-world-factbook/geos/rp.html> (accessed 17 July 2012)

Development of Eco-Efficient Water Infrastructure for Socio-Economic Development in Asia and the Pacific, “Strategy for Eco-Efficient Water Infrastructure Development in the Philippines”, UNESCAP and Korea International Cooperation Agency, June 2011.

<http://www.ecowaterinfra.org/knowledgebox/documents/new/Philippines%20EE%20strategy%20complete.pdf> (accessed 26 June 2012)

Gatmaytan D. B., “Implementing the Sustainable Development Directive of the Constitution”, in Philippine Law Journal, Vol. 80, No. 1, pp1-25, 2005.

<http://law.upd.edu.ph/plj/images/files/PLJ%20volume%2080/PLJ%20volume%2080%20number%201%20-01-%20Dante%20B.%20Gatmaytan%20-%20Implementing%20the%20Sustainable%20Development%20Directive%20of%20the%20Constitution.pdf> (accessed 13 July 2012)

Global Facility for Disaster Reduction and Recovery, “Disaster Risk Management Programs for Priority Countries 2011”, World Bank, GFDRR and UNISDR, 2011. http://www.gfdr.org/gfdr/sites/gfdr.org/files/publication/DRM_CountryPrograms_2011.pdf (accessed 13 July 2012)

Guha-Sapir D., Vos F., Below R., and Ponserre S., “Annual Disaster Statistical Review 2011, The Numbers and Trends”, Centre for Research on the Epidemiology of Disasters, Institute of Health and Society, Universite catholique de Louvain, Brussels Belgium, July 2012.

http://cred.be/sites/default/files/2012.07.05.ADSR_2011.pdf (accessed 13 July 2012)

Institutions for Rural Development, “The Role of Local Institutions in Reducing Vulnerability to Recurrent Natural Disasters and in Sustainable Livelihood Developments, Philippines Case Study”, ADPC and FAO, Rome, 2006. <http://www.fao.org/docrep/009/a0879e/a0879e00.htm> (accessed 11 July 2012)

Llosa S. and Zodrow I., “Disaster Risk Reduction Legislation as a Basis for Effective Adaptation, Global Assessment Report on Disaster Reduction 2011”, ISDR, 2011. http://www.preventionweb.net/english/hyogo/gar/2011/en/bgdocs/Llosa_&_Zodrow_2011.pdf (accessed 8 June 2012)

Mehta A., “Commentary on the Rules of Procedure for Environmental Cases in Manila, Philippines http://www.pace.edu/sites/pace.edu.school-of-law/files/IJIEA/Commentary-Rules_of_Procedure_for_Env_Cases_in_the_Philippines_May_18_2011.pdf (accessed 20 June 2012)

Partnerships for Disaster Reduction - South East Asia, Phase 4, “Monitoring and Reporting Progress on Community-Based Disaster Risk Management in the Philippines”, ECHA, UNESCAP, ADPC, NDCC, April 2008.

http://www.adpc.net/v2007/programs/CBDRM/INFORMATION%20RESOURCE%20CENTER/CBDRM%20Publications/2008/final_crphilippineshires_23nov.pdf (accessed 8 June 2012)

Polack E., Luna E. M., and Dator-Bercilla J., “Accountability for Disaster Risk Reduction: Lessons from the Philippines”, CDG Working Paper 2, Climate and Disaster Governance, December 2010. http://www.climategovernance.org/docs/Accountability%20for%20DRR_Final%20Paper8%20Feb%202011.pdf (accessed 7 June 2012)

Sharma A., Falcao V. and Viswanathan V., (editors) “HFA Progress in Asia Pacific, Regional Synthesis Report 2009 - 2011”, UNISDR, 2011.

http://www.unisdr.org/files/21158_hfaprogressinasiapacific20092011.pdf (accessed 15 July 2012)

Miscellaneous

Senate of the Philippines Press Release, “Legarda Lauds Adoption of the Incheon Resolution of the Philippine Parliamentarians on Effective Disaster Risk Reduction and Climate Change Adaptation”, 17 July 2011. http://www.senate.gov.ph/press_release/2011/0717_legarda1.asp (accessed 15 July 2012)

Senate of the Philippines, Policy Brief, “Turning the Tide: Improving Water Resource Management in the Philippines”, Senate Economic Planning Office, August 2011 at p.1. <http://www.senate.gov.ph/publications/PB%202011-08%20-%20Turning%20the%20Tide.pdf> (accessed 17 July 2012)

Senate of the Philippines Press Release, “Legarda Raises Alarm over PHL’s Continued Rise in Climate-Vulnerability Rankings”, 11 October 2011. http://www.senate.gov.ph/press_release/2011/1011_legarda1.asp (accessed 13 July 2012)

World Bank, “Philippines: WB, Philippines Launch Formulation of a National Slum Upgrade Strategy”, Series #:12/17, 19 December 2011. http://wbws.worldbank.org/feeds/main/urlRedirector.html?mdk=23071532&cid=3001_3 (accessed 13 July 2012)

PIA News, “Autonomy Highlights Cordillera Day Rites”, 14 July 2012. <http://www.pia.gov.ph/news/index.php?article=21342250194> (accessed 16 July 2012)

Project for Strengthening the Flood Management Function of DPWH, DPWH PMO, FCSE. http://www.jica.go.jp/project/philippines/0600933/04/pdf/01_a.pdf (accessed 26 June 2012)

Reducing Vulnerability to Flooding in Metro Manila Project - Metro Manila Flood Management Master Plan (2010 - 2012). http://www.gfdrr.org/gfdrr/ca_projects/detail/3125 (accessed 15 July 2012)

Court Rules

Supreme Court’s *Rules of Procedure for Environmental Cases*, AM No. 09-6-8SC, 29 April 2010. <http://sc.judiciary.gov.ph/Rules%20of%20Procedure%20for%20Environmental%20Cases.pdf> (accessed 28 June 2012)

Case Law

Mobil Philippines Exploration, Inc. vs Customs Arrastre Service and Bureau of Customs, L-23139, 18 SCRA 1120, 17 December 1966.

Websites

Legislation

House of Representatives, Congress of the Philippines at www.congress.gov.ph

Senate of the Philippines at www.senate.gov.ph

The LAWPHil Project (Arellano Law Foundation), Philippine Laws and Jurisprudence Databank at www.lawphil.net

Chan Robles Law Firm, Virtual Law Library at www.chanrobles.com

Government Departments and Agencies

Bureau of Fire Protection at www.bfpresponse.gov.ph

Climate Change Commission at www.climate.gov.ph

Department of Agrarian Reform at www.dar.gov.ph

Department of Environment and Natural Resources at www.denr.gov.ph

The Line Bureaus: Environmental Management, Mines and Geosciences, Forest Management, Ecosystems Research and Development, Protected Areas and Wildlife and Lands Management and Attached Agencies: National Mapping and Resource Information Authority and National Water Resources Board are also found here.

Housing and Land Use Regulatory Board at hlurb.gov.ph

Land Registration Authority at www.lra.gov.ph

National Disaster Risk Reduction and Management Council at www.ndrrmc.gov.ph

National Economic Development Authority at www.neda.gov.ph

The Philippine Atmospheric, Geophysical and Astronomical Services Administration (PAGASA) at www.pagasa.dost.gov.ph

The Philippine Institute of Volcanology and Seismology (PHILVOLCS) at www.phivolcs.dost.gov.ph