



Republic of the Philippines
Province of Leyte
City of Baybay
-00000-

OFFICE OF THE SANGGUNIANG PANLUNGSOD

Excerpt from the
**Minutes of the 13th Regular Session of the Sangguniang Panlungsod, this city, held on
April 3, 2017**

PRESENT:

HON. MICHAEL L. CARI	City Vice Mayor, Presiding Officer
HON. ERNESTO M. BUTAWAN	SP Member
HON. EDGARDO R. OMPOY	- do -
HON. ARTURO ELISA O. ASTORGA	- do -
HON. LEONCIO P. ASILOM, JR.	- do -
HON. RODULFO S. PALMA, JR.	- do -
HON. VICENTE VICTOR G. VELOSO	- do -
HON. ALAN D. FERNANDEZ	- do -
HON. DOMINADOR K. MURILLO	- do -
HON. FILEMON F. AVILA	- do -
HON. JORGE V. REBUCAS	- do -
HON. MANDY G. MUÑEZ	President, LIGA Ng Mga Barangay, Ex-officio SP Member

CITY ORDINANCE NO. 07, s. 2017

AN ORDINANCE ESTABLISHING A MECHANISM FOR THE DECLARATION, IMPLEMENTATION AND ENFORCEMENT OF PRE-EMPTIVE AND FORCE EVACUATION DURING DISASTER AND EMERGENCY SITUATIONS AS A LAST RESORT TO PROTECT AND SAVE LIVES AND PROVIDING PENALTY THEREOF.

WHEREAS, Republic Act No. 10121, otherwise known as the "Philippine Disaster Risk Reduction and Management Act of 2010" authorized the Local Government Units the implementation of Pre-emptive and Forced Evacuation of local residents;

WHEREAS, under the General Welfare clause provided in Republic Act No. 7160, also known as the Local Government Code of 1991, the Local Government Units are authorized to exercise the powers necessary, appropriate, or incidental

FOR ITS EFFICIENT GOVERNANCE AND THOSE WHICH ARE ESSENTIAL TO PROMOTE THE HEALTH AND SAFETY” OF ITS RESIDENTS.

WHEREAS, THE CITY MAYOR UNDER SECTION 455, PARAGRAPH (VII) AND THE PUNONG BARANGAY UNDER SECTION 389(b) (6) ARE MANDATED TO ‘CARRY OUT SUCH EMERGENCY MEASURES AS MAY BE NECESSARY DURING AND IN THE AFTERMATH OF MAN-MADE AND NATURAL DISASTERS OR CALAMITIES.

WHEREAS, THE LOCAL GOVERNMENT UNITS, THROUGH THEIR RESPECTIVE SANGGUNIANs, ARE ENJOINED UNDER DILG MEMORANDUM CIRCULAR NO. 2013-35 DATED FEBRUARY 21, 2012 TO ENACT ORDINANCE FOR THE IMPLEMENTATION OF PRE-EMPTIVE AND FORCED EVACUATION AS A RESORT OR MEANS WHEN A DISASTER OR EMERGENCY HAS BEEN DECLARED AND LOSS OF LIVES IS IMMINENT WITHIN THEIR AREAS OF JURISDICTION.

WHEREAS, BAYBAY CITY IS LOCATED ALONG AND WITHIN THE “TYPHOON PATH” OF THE PHILIPPINE TERRITORY IS COMMITTED AND SERIOUS AT PROTECTING THE LIVES AND LIMBS OF IT’S RESIDENTS ESPECIALLY DURING DISASTERS AND CALAMITIES.

NOW THEREFORE, UPON MOTION OF SP MEMBER ATTY. ERNESTO M. BUTAWAN DULY SECONDED BY ALL SP MEMBER, BE IT ORDAINED BY THE SANGGUNIANG PANLUNGSOD OF BAYBAY CITY THAT AN ORDINANCE BE ENACTED AS FOLLOWS:

SECTION 1. **POLICY**

It is the declared policy of the City of Baybay to protect the lives and limbs of its residents at all times and whenever possible mitigate the effects and impact of man-made and natural disasters within the territory;

SECTION 2. **DEFINITION OF TERMS**

As used in this Ordinance:

- a. "Disaster" – *means the result of a natural or man-made event which causes loss of life, injury, and property damage, including but not limited to natural disasters such as hurricane, tornado, storm, flood, high winds, and other weather related disturbances, and man-made disasters, including but not limited to nuclear power plant incidents, hazardous material incidents, oil spills, explosion, civil disturbances, public calamity, acts of terrorism, hostile military action and other events related thereto;*

- b. 'Imminent Danger' – means an immediate threat of harm which might result to loss of lives, physical injuries and property damage;
- c. 'Evacuation' – means an operation whereby all or part of a particular population is temporarily relocated, whether individually or in an organized manner, from an area in which a disaster or emergency has been declared and is considered dangerous for health or safety of the public;
- d. "Pre-emptive Evacuation"- A voluntary activity undertaken by the residents of an area upon advise and recommendation by the CDRRMC to relocate themselves to a safer place when a disaster or emergency has been declared in their area the purpose of which is to deter or prevent an anticipated loss of lives, physical injuries and property damage;
- e. 'Force Evacuation' – means an urgent and immediate evacuation ordered by the city mayor or punong barangay as the case may be with or without the recommendation from City Disaster Risks Reduction Management Council (CDRRMC) or Barangay Disaster Risks Reduction Management Council (BDRRMC) as the case may be as a last resort to save lives, prevent physical injuries and damage to properties after a disaster or emergency has been declared and danger of loss of life is imminent, and conditions exist that critically imperil or endanger the lives of those in a defined area, and this may include the bodily lifting of the residents from their respective house to the designated evacuation area;

SECTION 3. TRAINING AND ORIENTATION ON PRE-EMPTIVE AND FORCE EVACUATION

The City Disaster Risks Reduction Management Office (CDRRMO) shall organize and conduct trainings and orientation once every year on the possible natural hazards, vulnerabilities, and climate change risks as well as knowledge management activities on disaster risks reduction and management within the locality with emphasis on the importance of pre-emptive and force evacuation and its responsibilities.

SECTION 4. GROUNDS FOR THE IMPLEMENTATION OR ENFORCEMENT OF PRE-EMPTIVE OR FORCED EVACUATION.

The City Mayor or the punong barangay as the case may be may order for the implementation or enforcement of pre-emptive and force evacuation of the residents in a particular area to a safer place during disasters and emergencies provided the following requisites are obtaining:

- a. The CDRRMC after convening a meeting declare a state of emergency, calamity or disaster brought about either by natural or man-made cause;
- b. The CDRRMC recommends for the implementation and enforcement of pre-emptive or forced evacuation;
- c. There is imminent danger to loss of lives, physical injuries and property damage to the declared area;

However, should the pre-emptive or forced evacuation is very urgent and immediate that the time for the convening of the CDRRMC or BDRRMC would aggravate the situation of the residents who are already exposed to imminent danger, the city mayor or punong barangay as the case may be may declare the implementation or enforcement of the pre-emptive or forced evacuation especially during earthquakes, fires, acts of terrorism and similar events, without the recommendation from CDRRMC or BDRRMC.

SECTION 5. PRE-EMPTIVE AND FORCED EVACUATION – Once a pre-emptive or forced evacuation is declared the city mayor or the barangay chairman as the case may be shall do the following:

- a. Inform the local residents in dialect known to them of the need to evacuate and that there is no other alternative way to ensure their safety
- b. Provides vehicles to transport local residents to the evacuation centers;
- c. Should there be no established evacuation center, identify the place and the facility where the evacuated local residents will be temporarily taken;
- d. Provides security measures for the safety of local residents in the evacuation areas.

In the case of the Punong Barangay having declared the pre-emptive or forced evacuation, the latter shall, within 24 hours, render written report of the same to the CDRRMC.

SECTION 6. ENLISTED OF ASSISTANCE OF OTHER GOVERNMENT AGENCIES –

In declaring the implementation/enforcement of forced evacuation, the members of the PNP, AFP, BFP, BJMP and Barangay Official assigned in or of the affected locality or area may be enlisted by the City Mayor and once enlisted they are duty bound to perform their task or duty as defined in this Ordinance during the duration of the disaster;

All emergency measures adopted shall be a coordinative and collaborative effort between the City Government, BFP units and PNP units or the barangay concerned.

SECTION 7. REFUSAL OF LOCAL RESIDENTS TO OBEY THE FORCED EVACUATION ORDER OR GO BACK TO THEIR RESPECTIVE HOMES WITHOUT AN ORDER ALLOWING THEM TO DO SO -

In the event that local residents refuse to leave their homes, insists on going to the sea after an order of forced evacuation was issued, or after evacuating, go back to their homes/affected areas without an order issued to this effect by the city mayor or punong barangay, the members of the mobilized units of the enlisted government agencies, may use such physical force that is commensurate under the circumstances, without discrimination and with conscious attention to the need of vulnerable sectors such as children, women, elderly and person with disabilities, to safely secure their lives.

SECTION 8. PENALTY CLAUSE - Any persons who will violate any provisions of this Ordinance shall be subjected to a fine of not less than Php500.00 but not exceeding Php5, 000.00 or imprisonment a minimum of ten (10) days and a maximum of thirty (30) days, or both, at the discretion of the court.

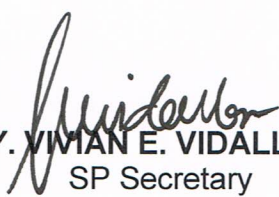
If the violator is a public official, the foregoing penalty shall be without prejudice to administrative sanctions as may imposed under existing laws, rules and regulations.

SECTION 9. REPEALING CLAUSE - Any ordinance, order memorandum, rule and regulation which is inconsistent with any provisions of this Ordinance is hereby modified or repealed accordingly.

SECTION 10. EFFECTIVITY - This Ordinance shall take effect upon compliance of the mandatory posting and publication requirement prescribed under R.A. 7160 otherwise known as the Local Government Code of 1991.

Enacted, April 3, 2017.

I hereby certify to the correctness of the foregoing Ordinance which was duly enacted by the Sangguniang Panlungsod during its regular session held on April 3, 2017.


ATTY. VIVIAN E. VIDALLON
SP Secretary

*Attested and Certified
To be duly adopted:*


MICHAEL L. CARI
City Vice Mayor

With our concurrence:

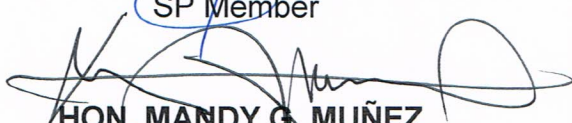

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HON. JORGE V. REBUCAS
SP Member

Approved by Her Honor:


CARMEN L. CARI
City Mayor