



Republic of the Philippines
City of Bago
OFFICE OF THE SANGGUNIANG PANLUNGSOD

ORDINANCE NO. 13-03

AN ORDINANCE IMPLEMENTING FORCED EVACUATION AS A LAST RESORT WHEN A DISASTER OR EMERGENCY HAS BEEN DECLARED IN THE CITY AND DANGER OF LOSS OF LIVES BECOME IMMINENT, PROVIDING PENALTIES THEREOF AND FOR OTHER PURPOSES.

WHEREAS, it has been a national policy under Section 2(a) of RA 10121, otherwise known as the "Philippine Disaster Risk Reduction and Management Act of 2010" to uphold the vulnerabilities to disasters, strengthening the country's institutional capacity for disaster risk reduction and management and building the resilience of local communities to disasters including climate change impact.

WHEREAS, the local government units (LGUs) are authorized under Section 16 of the Local Government Code of 1991, otherwise known as the General Welfare Clause to "xxx exercise the powers necessary, appropriate, or incidental for its efficient governance and those which are essential to the promotion of the general welfare".

WHEREAS, Punong Barangays [Section 389(b) (6)], Municipal Mayors [Section 444(b) (viii)], City Mayors [Section 455 (b) (vii)], and Governors [Section 465 (b) (viii)] are all mandated under the Local Government Code of 1991 to carry such emergency measures as may be necessary during and in the after-math of human-made and natural disasters and calamities:

WHEREAS, the LGUs, through their local sanggunians, are enjoined under DILG Memorandum Circular No. 2012-35 dated 21 February 2012 to cause the enactment of local ordinances for the implementation of forced evacuation as a resort when a disaster or emergency has been declared and danger of loss of lives is imminent within their areas of jurisdiction;

WHEREAS, the City Government of Bago is highly concerned with and committed at protecting the lives of its residents at all times concerned with and committed at protecting the lives of its residents at all times and at mitigating the effects of man-made and natural disasters;

NOW, THEREFORE, upon motion of SP Member Allan C. Galunan, duly seconded by SP Member Noel T. Valenzuela, be it ordained by the Sangguniang Panglungsod of Bago City that:

SECTION 1. It is the declared policy of City of Bago to protect the lives of its residents at all times and whenever possible mitigate the effects of human-made and natural disasters within the locality;

SECTION 2. DEFINITION OF TERMS

As used in this Ordinance:

2. 1. "Disaster"- means the result of a natural or human-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 events, and human-made disasters, including but not limited to nuclear power plant incidents, hazardous materials incidents, oil spills, explosion, civil disturbances, public calamity, acts of terrorism, hostile military action, and other events related thereof;

2.2. "Imminent Danger" –means an immediate threat of harm;

2.3 "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;

2.4 "Forced evacuation"-means an evacuation ordered as a resort when 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.

SECTION 3. TRAINING AND ORIENTATION ON DISASTER RISK REDUCTION AND MANAGEMENT –The City Disaster Risk Reduction and Management Office (CDRRMO) shall organize and conduct training and orientation 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 at least once during summer as declared by the Philippine Atmospheric and Astronomical Services Administration (PAGASA).

The foregoing trainings, orientations, activities and information dissemination shall be intensified and made every March or April at the onset of the rainy season as declared by the PAGASA.

During the aforesaid trainings and orientations, the CDRRMO shall also discuss and highlight in dialect known by them RA 10121, otherwise known as the Philippine Disaster Risk Reduction and Management Act of 2010; DILG MC No. 2012-35 dated 21 February 2012 regarding the Guidelines in Ensuring Public Safety During Man-Made and Natural Disasters; Headquarters Philippine Coast Guard (HPCG) relevant circulars on vessel movement during heavy weather; this Ordinance; and other laws, rules and regulations on disaster risk reduction and management.

The CDRRMO is also encouraged to conceptualize posters, newsletters, brochures and pamphlets regarding disaster risk reduction and management and cause the same to be posted at the conspicuous places of the city and/or, if possible, disseminate through radio and TV advertisements.

SECTION 4. PROHIBITION OF FISHING VESSELS AND FISHING ACTIVITIES - Unless otherwise pronounced by the Headquarters Philippine Coast Guard (HPCG), the moment Public Storm Warning Signal (PSWS) No. 1 is raised by the PAGASA within destination, all vessels of 1,000 gross tons or below shall not be allowed to sail except to take shelter.

On the other hand, movement of vessels above 1,000 gross tons is left to the discretion and responsibility of the ship owner and master when PSWS No. 1 is hoisted within its point of origin or route or point of destination.

Along this line .vessels of any tonnage shall not sail, except to take shelter, when PSWS No. 2 higher is hoisted within its origin or route or point of destination.

SECTION 5. FORCED EVACUATION - If upon the assessment or determination of the CDRRMC or BDRRMC, forced or preemptive evacuation of local residents is already necessary, said Council shall immediately make recommendation of such assessment or determination.

On the basis of such recommendation, the City Mayor or the Punong Barangay shall immediately declare the implementation/enforcement of forced evacuation which shall include, but shall not be limited to, the following:

- a. The designated area where vehicles provided by the city and barangay governments are waiting to transport local residents to the identified evacuation centers;
- b. Evacuation centers or such places where the evacuated local residents will be temporarily taken;
- c. The necessity of the evacuated local residents to stay in the aforesaid evacuation centers until there be another issuance declaring that the imminent danger within the affected area is no longer there, if this is still ,possible; and
- d. Measures ensuring the safety of local residents in the evacuation areas.

However, immediately after declaration of evacuation but before actual implementation/enforcement thereof, the city or the barangay governments shall see to it that the local residents are informed in dialect known to them of the need to evacuate and that there is no other alternative way to ensure their safety.

In case that the determination or assessment of forced or pre-emptive evacuation is declared by the Punong Barangay, 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.

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 ABIDE BY THE DECLARATION OF FORCED EVACUATION OR AFTER EVACUATING, 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, or after evacuating, go back to their homes/affected areas without an order issued to this effect by the city government, the members of the mobilized units of the

PNP, AFP, BFP and BJMP 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 lives.

SECTION 8. PENALTY CLAUSE - Any persons found to violate any of the pertinent provisions of this Ordinance shall be subjected to a fine not less than Php500.00 but not exceeding Php5,000.00 or imprisonment of not less than 30 days but not exceeding 1 year, 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 the provision 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.

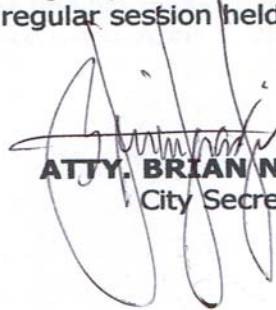
Enacted, February 13, 2013.

I hereby certify to the correctness of the foregoing Ordinance which was duly enacted by the Sangguniang Panlungsod during its regular session held on February 13, 2013.

Attested:

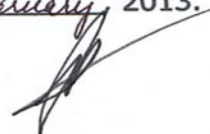


NICHOLAS M. YULO
City Vice Mayor-Presiding Officer



ATTY. BRIAN N. MARTIR
City Secretary

Approved the 26th day of February, 2013.



RAMON D. TORRES
City Mayor