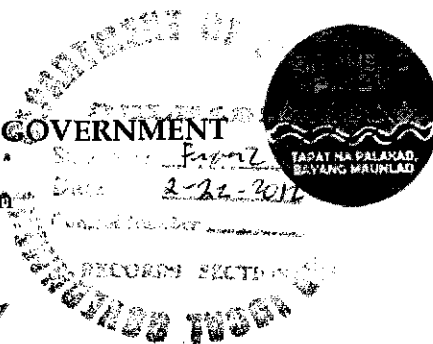




Republic of the Philippines
DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT

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OFFICE OF THE SECRETARY

February 21, 2012

MEMORANDUM CIRCULAR

NO. 2012-35

TO : ALL PROVINCIAL GOVERNORS, CITY AND MUNICIPAL MAYORS, PUNONG BARANGAYS, DILG REGIONAL DIRECTORS AND FIELD OFFICERS, THE ARMM REGIONAL SECRETARY, BFP DIRECTOR, PNP CHIEF, AND OTHERS CONCERNED

SUBJECT : **GUIDELINES IN ENSURING PUBLIC SAFETY DURING MAN-MADE AND NATURAL DISASTERS**

1.0 PREFATORY STATEMENT

The Philippines is one of those countries vulnerable to natural disasters such as typhoons, earthquakes, and landslides. While it is settled that the government is under obligation to protect human lives at all times, experiences tell us that a disaster of such severity and magnitude renders effective response beyond the capabilities of the government.

In line with the objective of the government to have zero casualties and thus mitigate the effects of man-made and natural disasters, the Department, as the national agency mandated to supervise local government units (LGUs) and their officials, takes the initiative in drafting these Guidelines for the adoption and implementation of necessary emergency measures such as pre-emptive or forced evacuation in areas declared to be in imminent danger.

Under RA 7160, otherwise known as the Local Government Code of 1991, Punong Barangays [Section 389 (b)(6)], Municipal Mayors [Section 444 (b)(viii)], City Mayors [455 (b)(vii)], and Governors [Section 465 (b)(vii)] are all mandated to carry such emergency measures as may be necessary during and in the after-math of man-made and natural disasters and calamities.

On the other hand, it is the policy of the State, under Section 2 (I) of RA 10121, otherwise known as the Philippine Disaster Risk Reduction and Management Act of 2010, to recognize and strengthen the capacities of LGUs and communities in mitigating and preparing for, responding to, and recovering from the impact of disasters.

2. DEFINITION OF TERMS

As used in these Guidelines:

- 2.1. **"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 events, and man-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 thereto;
- 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.

3. GUIDELINES

- 3.1 Local chief executives must see to it that training and orientation on the possible natural hazards, vulnerabilities, and climate change risks as well as knowledge management activities on disaster risk reduction and management are organized and conducted at the local level by the provincial, city and municipal Disaster Risk Reduction and Management Office (DRRMOs) and Barangay Disaster Risk Reduction and Management Councils (BDRRMCs), as the case may be.

These Guidelines shall also be discussed and highlighted, in a language understood by the local residents, during such trainings, orientations and activities. The DRRMOs and BDRRMCs shall also cause the posting of posters, at the conspicuous places of the local government unit, issuance of newsletters, brochures and pamphlets, and, if possible, dissemination through radio and TV advertisements regarding these Guidelines.

At the onset of the rainy season as declared by the Philippine Atmospheric Geophysical and Astronomical Services Administration (PAGASA), these trainings, orientations, activities and information dissemination shall be intensified and made on a regular basis, especially in coastal areas and in areas that are vulnerable to flooding, landslides and other natural disasters or calamities.

- 3.2 All concerned are advised to familiarize themselves with Headquarters Philippine Coast Guard (HPCG) relevant circular on vessel movement during heavy weather.

Under the HPCG relevant circulars, 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 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 number 2 or higher is hoisted within its point of origin or route or point of destination;

3.3 Local government units, in furtherance of their authority 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 and effective governance, and those which are essential to the promotion of the general welfare”**, are enjoined to cause the enactment of local ordinances, thru their local sanggunians, on the following:

- a. *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 area of jurisdiction; and*
- b. *For the prohibition of fishing vessels and fishing activities in areas declared by PAGASA under PSWS No. 1 or higher in accordance with HPCG relevant circular on vessel movement during heavy weather.*

Such ordinance shall include but shall not be limited to the following:

- a. *The enforcement of forced evacuation within the LGU shall be upon the recommendation of the LDRRMC pursuant to Section 11 (b)(3) of RA 10121;*
- b. *Evacuation centers or such places where the evacuated local residents will be temporarily taken;*
- c. *The designated area where vehicles provided by the municipal government are waiting to transport local residents to the identified evacuation centers;*
- d. *Enlistment of the assistance of the Chief of Police, AFP Commander, Fire Chief and Jail Chief in the area for the latter's mobilization of their units;*
- e. *Measures that will ensure strict enforcement of forced evacuation or the prohibition of fishing vessels and fishing activities in areas declared by PAGASA under PSWS No. 1 or higher, such as when a resident/fisherman refused to leave the area, despite declaration by the concerned local chief executive of forced evacuation, or when residents/fishermen go back to their homes/affected areas without an order issued to this effect;*
- f. *Measures ensuring the safety of residents evacuated;*
- g. *Measures ensuring the safety of the members of the Philippine Coast Guard, members of the PNP, members of the BFP, and other responders during and in the after-math of man-made and natural disasters and calamities consistent with the provisions of RA 10121; and*

- h. *Period when the affected residents may be allowed to return or go back to their homes, if this is still possible;*

In enacting the aforesaid ordinances, local sanggunians should be guided by the following:

- a. *Forced evacuation shall be carried out in a manner that is humane, respectful of the dignity of the persons, not using disproportionate force, without discrimination and with conscious attention to the needs of vulnerable sectors such as children, women, the elderly and persons with disabilities;*
- b. *All measures are taken to inform the evacuees, in a manner and language that, they can understand of the need for the evacuation, that there is no other alternative for their safety, the place where they will be taken and for how long;*
- c. *Such other rules as may be promulgated by the Commission on Human Rights (CHR) for the protection of human rights of all persons.*

- 3.4 All emergency measures adopted shall be a coordinative and collaborative effort between the local officials of the affected local government units, BFP units and PNP units within the area.

BFP and PNP's assistance and resources shall be maximized during the implementation of forced evacuation;

- 3.6 Failure to comply with these Guidelines by the responsible government official/s shall be ground for the filing of the appropriate charges against them.

4.0 ROLES AND RESPONSIBILITIES

4.1 Local Government Units (LGUs)

- 4.1.1 LGUs, thru their LCEs, shall see to it that LDRRMCs under Section 11 of RA 10121 are organized;

- 4.1.2 LGUs, thru their LCEs, shall ensure that the trainings, orientation, knowledge management activities and information dissemination mentioned under Item 2.1 be organized and conducted at the local level;

- 4.1.3 LGUs, thru their respective local sanggunians, are enjoined to cause the enactment of local ordinances for the implementation of forced evacuation and prohibition of fishing vessels and fishing activities in areas declared by PAGASA under PSWS No. 1 or higher taking into account the Guidelines above-enumerated;

- 4.1.4 Seek the assistance of the PNP units in the implementation of HPG relevant circulars on vessel movement during heavy weather and forced/preemptive evacuation under RA 10121 within their area of jurisdiction;

4.1.5 LGUs, thru their LCEs, shall issue an order that local residents can already return to their respective homes after determination by the LDRRMC that danger/risk no longer exists therein;

4.1.7 Extend assistance to local residents for their rapid recovery.

4.2 DILG

4.2.1 Design and implement through its Regional Offices a monitoring tool on the status of implementation by LGUs of their responsibilities enumerated under Item 4.1;

4.2.2 Extend assistance to LGUs in the proper implementation of the latter's roles and responsibilities enumerated under Item 4.1;

4.3 PNP and BFP

4.2.1 Extend assistance to the LGUs with the end view of maintaining order and safety of the local residents throughout the process of forced evacuation;

4.2.2 Extend assistance, upon request of the LCE, in the implementation of HPCG relevant circular on vessel movement during heavy weather;

4.2.3 Take appropriate measures in safeguarding the belongings left behind and brought along by the evacuated local residents.

5.0 Administrative sanctions

Non-compliance with the foregoing Guidelines by the responsible local official/s shall be a ground for filing administrative case against him/her in accordance with the Local Government Code of 1991 or the Ombudsman Act.

6.0 Repealing Clause

6.1 Issuances that are inconsistent herewith are hereby repealed or amended.

7.0 Effectivity

7.1 This Circular shall take effect immediately.


JESSE M. ROBREDO
Secretary

