



Republic of the Philippines
SANGGUNIANG PANLUNGSOD
City of Mandaluyong

ORDINANCE NO. 714, S-2018

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 Republic Act No. 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, City Mayors, under Section 455(b) (1) (vii) of the Local Government Code of 1991, are mandated to carry out such emergency measures as may be necessary during and in the aftermath of man-made and natural disasters and calamities;

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) (vii)], City Mayors [Section 455 (b) (1) (vii)], and Governors [Section 465 (b) (vii)] 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 Mandaluyong is highly 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;

WHEREAS, this Ordinance also promotes the development of capacities in disaster management on the individual, organizational, and institutional levels. A very important feature of this Ordinance is its call for the mainstreaming of disaster risk reduction in physical and land-use planning, budget, infrastructure, education, health, environment, housing, and other sectors.

NOW, THEREFORE, BE IT ORDAINED by the Sangguniang Panlungsod of the City of Mandaluyong, in session assembled:

SECTION 1. It is the declared policy of the City of Mandaluyong 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:

- a. 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, expansion, civil disturbances, public calamity, acts of terrorism, hostile military action, and other events related thereof;
- b. DISASTER RESPONSE – **means** 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. Disaster response is predominantly focused on immediate and short-term needs and is sometimes called “disaster relief”;
- c. DISASTER RISK REDUCTION – means 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 and the environment, and improved preparedness for adverse events;
- d. DISASTER RISK **REDUCTION AND** MANAGEMENT – means the systematic process of using administrative directives, organizations, and operational skills and capacities to implement strategies, policies and improved coping capacities in order to lessen the adverse impacts of hazards and the possibility of disaster. Prospective disaster risk reduction and management refers to risk reduction and management activities that address and seek to avoid the development of **new** or increased disaster risks, **especially** if risk reduction policies are not put in place;
- e. EMERGENCY – is a situation that poses an immediate risk to health, life, property or environment. Most emergencies require urgent intervention to prevent a worsening of the situation, although in **some** situations, mitigation may not be possible and agencies may only be **able** to offer palliative **care** for the aftermath;
- f. EMERGENCY MANAGEMENT – means the organization and management of **resources** and responsibilities for addressing all aspects of emergencies, in particular preparedness, response and initial recovery steps;
- g. EMERGENCY MEDICAL SERVICE – **means** a network of services coordinated to provide aid and medical assistance from primary response to definitive care, involving personnel trained in rescue, **stabilization**, transportation, and advanced treatment of traumatic or medical emergencies linked by a communication system;

- h. EVACUATE – means to send them to a place of safety, away from a dangerous building, town, or area;
- i. 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;
- j. 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;
- k. HUMAN-MADE DISASTER – it means a disaster or emergency situation that result in civilian population's casualties, loss of property, loss of basic services, and means of livelihood as a result of war or civil strife. The cause of a human-made disaster can be either intentional or unintentional human actions. Human-made disasters or emergencies can be fast or of slow attack. Human-made disaster admits that all disasters are caused by humans. Human-made disaster involves an element of human intent, negligence, or error; or involving a failure of a man-made system. It is also called as man-made disaster;
- l. IMMINENT DANGER – means an immediate threat of harm;
- m. INCIDENT COMMANDER – is the person responsible for all aspects of an emergency response; including quickly developing incident objectives, managing all incident operations, application of resources as well as responsibility for all persons involved. The Incident Commander sets priorities and defines the organization of the incident response teams and the overall incident action plan. The role of the incident commander may be assumed by senior or higher qualified officers upon their arrival or as the situation dictates. Even if subordinate positions are not assigned, the incident commander position will always be designated or assumed. The incident commander may, at their own discretion, assign individuals, who may be from the same agency or from assisting agencies, to subordinate or specific positions for the duration of the emergency;
- n. NATURAL DISASTER – is a major adverse event resulting from natural processes of the Earth; examples are floods, hurricanes, tornadoes, volcanic eruptions, earthquakes, tsunamis, and other geologic processes. A natural disaster can cause loss of life or property damage, and typically leaves some economic damage in its wake, the severity of which depends on the affected population's resilience, or ability to recover and also on the infrastructure available;
- o. PHYSICAL FORCE – is power, violence, or pressure directed against a person consisting in a physical act. A person cannot make physical contact-particularly of an insulting or provoking nature-with another without exerting some level of physical force;
- p. PRE-EMPTIVE EVACUATION – an order from competent authority to forcibly evacuate residents to an appropriate evacuation destination to forestall their exposure to an imminent disaster;

- q. RESILIENCE – **means**, in disaster Management, the ability of individuals, communities, organizations and states to adapt to and recover from hazards, shocks or stresses without compromising long-term prospects for development;
- r. RESPONSE – means any concerted effort by two (2) or more agencies, public or private, to provide assistance or intervention during or immediately after a disaster to meet the life preservation and basic subsistence needs of those people affected and in the restoration of essential public activities and facilities;
- s. TECHNICAL SEARCH AND RESCUE – **means** the conduct of specialized **rescue** using a combination of skills of highly trained individuals and technical equipment such as Water Search and Rescue, High Angled Rescue Technique, Wilderness Search and Rescue and others.

SECTION 4. PROCEDURES ON THE DECLARATION OF FORCED EVACUATION. If upon the assessment of CDRRMC or BDRRMC, forced or pre-emptive evacuation of local residents is already necessary, the Sangguniang Panlungsod shall immediately make **recommendation** of such assessment or determination to the City Mayor. On the basis of such recommendation, the City Mayor, through the Punong Barangay, shall immediately declare the **implementation/enforcement** of forced evacuation which shall include, but shall not be limited to the following:

- a. Emergency Vehicles managed by the Subcommittee on Pre-emptive Evacuation, Early Warning, Security and Fire Suppression of the **CDRRM Council** shall be prepositioned to evacuation pickup points ready to transport affected citizens to designated Evacuation Centers or such other places that the Council may deem fit to;
- b. Designated Evacuation Centers or Evacuation Camps shall be made ready and manned by the Subcommittee on Pre-emptive Evacuation, Early Warning, Security and Fire Suppression, Subcommittee on Health **Services/Hospital-Based** Care and Emergency Medicine Subcommittee on Relief Assistance, Evacuation Kitchen and Camp Management;
- c. Citizens who have been evacuated shall be monitored, including movements of such citizens in and out of the Evacuation Centers and shall be **reminded** not to return to their homes unless the **forced/preemptive** evacuation has been lifted by the Chairman of the CDRRM Council;
- d. Enlistment of the Philippine National Police, Units of the Armed Forces of the Philippines and Reservists near affected areas, Bureau of Fire Protection, Bureau of Jail Management and Penology, Philippine Coast Guard and its Auxiliary to ensure safety and security of citizens in evacuation **areas** and their properties in **evacuated areas** with the following parameters:

- d.1 Conduct early warning campaign and **house-to-house/door-to-door** reminder in identified low-lying and critical areas from the time of the declaration of the implementation of the forced evacuation to **ensure** safety and security of properties and goods of **evacuees** until recall orders from the Emergency Operations Center, through its Field Commander due to the imminent rise of flood in those areas;
- d.2 Conduct visibility patrols in critical areas identified through Vulnerabilities and Capacities Assessment by the **MDRRM** Council and humanely without using disproportionate force while respectful of the dignity of persons without discrimination and with conscious attention to the needs of vulnerable sectors **such as children, women, the elderly and differently-abled or persons with disabilities** evacuate residents;
- d.3 **Establish** an Observation Post/Staging Area in an elevated infrastructure near the location where the forced evacuation is implemented while patrol vehicles may be placed in a **secure** area safe during the flood;
- d.4 Pull out of the patrol **area** in locations where forced evacuation is implemented upon orders from the **CDRRM** Emergency Operations Center by the Incident Commander or the Field Commander or Team Leader when the flood is in close proximity and head to the Staging Area or Evacuation Center.
- e. Responders must inform the **evacuees** in a **manner** and language that they can understand of the need for the evacuation and explain to them that there is no other alternative for their safety, and the place where they will be taken and for how long; Measures ensuring the safety of local residents in the evacuation areas;
- f. Establishment of **measures** to secure their properties from looting, theft, robbery, etc. in the concerned area;
- g. Mobilize the City Veterinarian's Office personnel to take custody of and transport the affected animals to any government animal control facility;
- h. The necessity of the **evacuated** local residents to stay in the aforesaid evacuation centers until another issuance declaring that the imminent danger within the affected area is no longer there, if this is still, possible.

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 5. CONDUCT OF EVACUATION. Forced **evacuation** should be carried out in a manner that is humane, respectful of the dignity of persons, not using **disproportionate** force, without discrimination and with conscious attention to the needs of vulnerable sectors in this particular order: children and their mothers, the elderly and differently-abled persons or persons with disabilities and those residents who refuse to evacuate or after evacuating decides to return back to evacuated areas without the lifting of forced evacuation.

SECTION 6. ENLISTMENT OF ASSISTANCE OF OTHER GOVERNMENT AGENCIES. In declaring the **implementation/enforcement** of forced **evacuation**, the members of the Philippine National Police, Armed Forces of the Philippines, Bureau of Fire Protection, Bureau of Jail Management and Penology 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, or after evacuating, insists to 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. TRAINING AND ORIENTATION IN DISASTER RISK **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, Technical Search and Rescue (Tech SAR) and Emergency Medical Services (EMS), **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. The purpose of the Training **as** embodied in our Laws and the principle of humanity, is to prevent and alleviate human suffering wherever it may be found, to protect life and health and ensure respect for the human being.

During the aforesaid trainings and orientations, the CDRRMO shall also discuss and highlight in dialect known by them Republic Act No. 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; this Ordinance; and other laws, rules and regulations on disaster risk reduction and management.

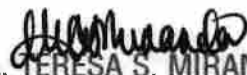
The CDRRMO is also encouraged to conceptualize posters, newsletters, brochures and pamphlets regarding Disaster Risk Reduction and Management and cause the same to be posted at conspicuous places of the City and/or, if possible, disseminate through radio and TV advertisements.

The CDRRMO shall continue to conduct disaster monitoring instrumentalities and entities of the LGUs, to utilize their facilities and resources for the protection and preservation of life in accordance with the existing laws and policies.

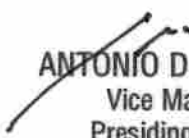
- SECTION 9. REPORTORIAL CLAUSE. Within twenty four (24) hours upon the declaration of pre-emptive or forced evacuation, the City Mayor shall report the declaration to the City Disaster Risk Reduction and Management Council (CDRRMC) and Sangguniang Panlungsod.
- SECTION 10. PENALTY CLAUSE. Any person found to violate the provision in Section 7 or hamper the evacuation in any of the pertinent provisions of this Ordinance shall be subjected to a fine of not less than Five Hundred Pesos (Php500.00) but not exceeding Five Thousand Pesos (Php5,000.00) or imprisonment of not less than thirty (30) days but not exceeding one (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 be imposed under existing laws, rules and regulations.
- SECTION 11. 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 12. EFFECTIVITY. This Ordinance shall take effect upon compliance of the mandatory posting and publication requirement prescribed under Republic Act No. 7160 otherwise known as the Local Government Code of 1991.

ENACTED on this 12th day of November, 2018 in the City of Mandaluyong.

I HEREBY CERTIFY THAT THE FOREGOING ORDINANCE
WAS ENACTED AND APPROVED BY THE SANGGUNIANG
PANLUNGSOD OF MANDALUYONG IN REGULAR SESSION
HELD ON THE DATE AND PLACE FIRST ABOVE GIVEN.


MA. TERESA S. MIRANDA
Sanggunian Secretary

ATTESTED BY:


ANTONIO DLS. SUVA
Vice Mayor &
Presiding Officer

APPROVED:


CARMELITA A. ABALOS
City Mayor

Date: NOV 20 2018


CHARISSE MARIE ABALOS-VARGAS
Councilor


ALEXANDER C. STA. MARIA
Councilor


AYLA ALIM-BALBUEZA
Councilor


FRANCISCO O. ESTEBAN
Councilor

SICK LEAVE
GRACE MARIE V. ANTONIO
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RODOLFO M. POSADAS
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CHERRY LYNN P. SANTOS
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BRANDO P. DOMINGUEZ
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