



Sangguniang Panglungsod

REPUBLIKA NG PILIPINAS  
PAMAHALAANG LUNGSOD NG MUNTINLUPA  
KALAKHANG MAYNILA



*Abmnsan/m*

ORDINANCE NO. 16-170

AN ORDINANCE MANDATING THE USE OF PRE-EMPTIVE MEASURES DURING EMERGENCY SITUATIONS SUCH AS FORCED EVACUATION DURING MAN-MADE OR NATURAL DISASTERS AND PROVIDING GUIDELINES THEREOF.

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Sponsored by: *Hon. Coun. Atty. Patricio L. Boncayao, Jr.*  
*Hon. Coun. Bal Niefes*  
*Hon. Coun. Louisito A. Arciaga*  
*Hon. Coun. Margarita Amythyst Labios, Md*  
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*Hon. Coun. Rafael T. Sevilla*  
*Hon. Coun. Vergel C. Ulanday*  
*Hon. Coun. Robert A. Abas*  
*Hon. Coun. Robert P. Baes*  
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**WHEREAS**, under Section 455, (b), (vii) of Republic Act No. 7160, otherwise known as the New Local Government Code, states that, ***"the City Mayor is mandated to carry such emergency measures as may be necessary during and in the aftermath of man-made and natural disasters"***;

**WHEREAS**, under Section 2, (I) of Republic Act No. 10121, otherwise known as the Philippine Disaster Risk Reduction Management Act of 2010, it is the policy of the state to recognize and strengthen the capacities of LGUs and communities in mitigating and preparing for, responding to, and recovering from the impact of disasters;

**WHEREAS**, Section 458 in relation to Section 16 of Local Government Code, empowers Sanggunian Panlungsod as the legislative body of the city, to enact ordinances and adopt resolutions for the general welfare of the city and its inhabitants xxx";

- (iv) ***Adopt measures to protect the inhabitants of the City from the harmful effects of man-made or natural disasters and calamities, and to provide relief services and assistance for victims during and in the aftermath of disasters or calamities and their return to productive livelihood, following the said events;***

**WHEREAS**, while it is the objective of the City Government of Muntinlupa to have zero casualty, there is a need to adopt guidelines and to properly implement the same in order to mitigate the effects of man-made and natural disaster;

**WHEREAS**, it is settled that the government is under obligation to protect human lives at all times during the severity and magnitude of disasters renders effective response beyond the capabilities of the government;



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NOW, BE IT ORDAINED, AS IT IS HEREBY ORDAINED, by the 7<sup>th</sup> Sangguniang Panlungsod of Muntinlupa in Session Assembled that:

**SECTION 1. Title.** This ordinance shall be known as an ordinance mandating the use of pre-emptive measures during emergency situations such as forced evacuation during man-made or natural disasters and providing guidelines thereof.

**SECTION 2. Definition of Terms.** the following words/phrases when used in this ordinance shall mean:

- a) **Disaster** – shall mean 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, explosions, civil disturbances, public calamity, acts of terrorism, hostile military action and other events related thereto.
- b) **Imminent danger** – shall mean an immediate threat of harm.
- c) **Designated Area** – shall mean barangay halls or outposts as pick up points.
- d) **Evacuation** – shall mean 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.
- e) **Evacuation Sites/Centers** – shall mean all public elementary and high school buildings, sports facilities such as covered courts and auditoriums, barangay halls and other public or private facilities.
- f) **Forced evacuation** – shall mean an evacuation ordered as a resort when a disaster or emergency has been declared and danger of loss of life is imminent, and conditions exists that critically imperil or endanger the lives of those in a defined area.
- g) **Response Team** – shall mean any concerted effort by two (2) or more agencies, public or private, to provide assistance or intervention before, during, or immediately after a disaster to meet the life preservation and basic subsistence needs of those people affected and in the restoration of public activities and facilities.
- h) **Vulnerable or Marginal Groups** – shall mean individuals or group of people that face higher exposure to disaster risk and poverty including but not limited to women, especially pregnant women, youth, children especially the orphans and unaccompanied children, elderly, differently-abled people, indigenous people, the disadvantage families and individuals living in high risk areas and danger zones



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**SECTION 3. Guidelines –**

- 1) The Muntinlupa City Disaster Risk Reduction Management Office (MCDRRMO) shall ensure that proper trainings, orientation on the possible natural hazards, vulnerabilities, and climate change risk as well as knowledge management activities on disaster risk reduction management and information dissemination regarding calamities and disasters, either natural or man-made, are fully organized and conducted at the barangay level.
- 2) Trainings, orientations and activities shall be also be discussed in a language understood by the local residents.
- 3) Muntinlupa City Disaster Risk Reduction Management Office (MCDRRMO) and its counterpart in the barangay level shall also cause the posting and posters of trainings, orientations, activities and information at the conspicuous places of the City of Muntinlupa and barangays, the issuance of newsletters, brochures and pamphlets, and if possible, dissemination through radio and television advertisements.
- 4) During 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 the areas that are vulnerable to flooding, landslides and other natural disasters or calamities.

**SECTION 4. Ensuring public safety during man-made and natural disasters.**

**A. Implementation of forced evacuation when a disaster or emergency has been declared and danger of loss of lives is imminent the area of jurisdiction.**

- 1) The City Mayor shall declare the use of pre-emptive measures such as forced evacuation. Forced Evacuation shall be done only upon recommendation of the Muntinlupa City Disaster Risk Reduction Management Office after due consultation and coordination with the different government agencies, such as but not limited to Dam Administrators, PAGASA, PHILVOCS, DPWH and PNP and when a disaster or emergency has been declared and the danger of loss of lives is imminent within the area of jurisdiction of the City of Muntinlupa.

If possible, the order for the pre-emptive evacuation must be thoroughly evaluated after consultation with different government, agencies, especially during rainy seasons. Forced evacuation shall be announced to the vulnerable or marginalized groups in the area who will be affected at least two (2) hours before the commencement of the forced evacuation to give the affected individuals or groups to prepare their necessary needs or belongings.





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- 2) Vulnerable or marginalized groups in the identified danger zones or areas that are to be affected by the incoming typhoon or any other identified situation or event that may cause a disaster shall be temporarily relocated to evacuation sites or centers;

Assistance from the private sector such as private schools shall be secured. Temporary use of private school's sports facilities or auditorium may be requested if the need arises and if the shortage of evacuation sites exists.

- 3) Barangay halls and outposts shall be designated as the pick-up points or areas. The MCDRRMC shall take the lead in preparing for, responding to, and recovering from the effects of any disaster based on the criteria provided under Rule II, Section 1 of the Implementing Rules and Regulation of Republic Act 10121.

Vehicles to be used in transporting affected residents to evacuation sites or center shall have the necessary banners or signs/logos for immediate identification.

- 4) Enlist the assistance of the City Chief of Police, AFP Commander or Coast Guard, City Fire Chief, City Jail Chief, Muntinlupa City Rescue Team, or any accredited community disaster volunteers (ACDVs) in preparation and enforcement of pre-emptive measures such as force evacuation before and during the disaster or calamity situations.

- 5) Strict enforcement of the pre-emptive measures shall be done on the area/s affected or to be affected by man-made or natural disaster. The Barangay Chief Executive or any of barangay officials, who will as much as possible, be responsible in leading the response team composed of MCDRRMC team, the PNP or any enforcement agency, local rescue teams or volunteers. The response team shall make sure that no person has been left unaccounted in the area or allowed to return in the affected area without an order issued to this effect.

If any from the vulnerable or marginalized groups does not adhere to the order of forced evacuation and found within the danger or target area, he/she may be arrested and forcibly be taken as a means of ensuring his/her safety.

Once the force evacuation has commenced, priorities shall be given to the following:

- The sick and the elderly people;
- Differently-abled people;
- Pregnant women and children, especially the orphan and unaccompanied children;
- Indigenous people



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6) Social services teams shall be on an alert status to monitor and provide services and necessary materials such as but not limited to beddings, blankets, clothing, foods and medicines, to the victims in times of disasters or calamity. Medical personnel shall also be on an alert status to provide medical assistance to the vulnerable or marginalized groups, and other persons that need immediate medical attention. In the aftermath of the calamity and/or man-made or natural disaster, the City Government of Muntinlupa shall extend any assistance that it can provide to victims for their rapid recovery.

7) Response teams must be equipped with proper trainings and the necessary equipments suitable for a particular situation. The City Government of Muntinlupa may provide additional equipments and paraphernalia to the response team as maybe needed to properly and effectively respond to the needs of those affected by the calamity and/or man-made or natural disasters.

The City Government of Muntinlupa shall take full responsibility for the enhancement, welfare and protection of volunteers and shall submit the list to the Office of the Civil Defense through MCDRRMO for accreditation and inclusion in the database of community disaster volunteers.

The City Government of Muntinlupa shall be responsible for providing insurance and necessary benefits to any volunteers who dies or sustain injury while engaged in any of activities defined in Republic Act 10121 otherwise known as the Philippine Risk Reduction Management Act of 2010.

8) Residents shall only be allowed to return or go back to their homes upon the order of the City Mayor through recommendation by the MCDRRMC in consultation with different government agencies concerned and field personnel, after it has been determined that danger no longer exists therein.

**B. Prohibition of fishing vessels and activities on areas declared by PAGASA under PSWS No. 1 or higher.**

1. Vessels of 1,000 gross tons or below shall not sail, except to take shelter, when the PSWS number 1 is hoisted within its point of origin or route or point of destination;
2. Fishing vessels above 1,000 gross tons is left to the discretion and responsibility of the ship owner when PSWS number 1 is hoisted within its point of origin or route or point of destination.



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3. 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.
4. Fishing vessels above 1,000 gross tons who have been or left with the discretion to sail during a storm shall exercise extra precautionary measures and carefully study the possible effect of the storm to the vessel's voyage with due regard to the forecasted track, wind force and radius of the storm in reference to weather bulletins and Tropical Cyclone Warning issued by PAGASA every 0500H, 1100H, 1700H and 2300H.
5. Fishing vessels sailing for the purpose of taking shelter shall depart without passenger.
6. It is the decision and responsibility of the Master and ship owner of the vessel to ensure the safety of the ship and crew whenever they decide to take shelter.
7. Vessels shall not sail when its point of origin or route or point of destination is within an applicable PSWS Sector where sailing or voyage is not allowed in accordance with the latest PAGASA weather bulletin.
8. Fishing vessels shall exercise extraordinary diligence required by law for common carriers in ensuring the safety of life and property at sea during times of PSWS signal No. 1 or higher is hoisted within its point of origin or route or point of destination.
9. Pre-emptive measures shall be applied to fishermen who refused to leave the area despite declaration by the City Mayor of forced evacuation. If the fishermen do not adhere to the order of forced evacuation and found within the danger or target area, or when the fishermen go back to their homes to their homes or affected areas without an order issued allowing their return, they may be forcibly be taken to ensure their safety.
10. Fishermen shall only be allowed to return or go back to their homes, if still possible, upon the order of the City Mayor through recommendation by the MCDRRMC, in consultation with different government agencies concerned, after it has been determined that danger no longer exists therein.





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**SECTION 5. Guidelines in implementing forced evacuation.**

- a) Forced evacuation shall be carried out in a manner that is humane, respectful of the dignity of a person, 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) Personnel and volunteers carrying out the force evacuation shall make sure that all measures are taken to inform the evacuees, in a manner and language that they can understand, of the need for the evacuation, the lack of other alternative for their safety, the place where they will be taken and the length of time of their evacuation;
- c) Personnel and volunteers carrying out the forced evacuation shall comply with other rules being promulgated by the Commission on Human Rights (CHR) for the protection of human rights of all persons.

**SECTION 6. The Philippine National Police (PNP) and the Bureau of Fire of Protection (BFP).** The Philippine National Police (PNP) and the Bureau of Fire of Protection (BFP), as members of the response team, shall maximize their resources in assisting the Members of Muntinlupa City Disaster Risk Reduction Management group, barangay officials, rescue teams and community disaster volunteers during the implementation of forced evacuation, with the end of maintaining order and safety of the local residents throughout the process of forced evacuation.

They shall also take appropriate measures in safeguarding the belongings left behind and brought along by the evacuated residents of the City of Muntinlupa.

The Philippine Coast Guard (PCG), upon request of the Local Chief Executive, shall extend assistance in the implementation of this ordinance and other relevant rules and regulations, circulars on vessels movement during heavy weather.

**SECTION 7. Coordination** – All emergency measures adopted shall be coordinative and collaborative effort between the concerned City Officials of Muntinlupa, The Philippine National Police (PNP) and the Bureau of Fire of Protection (BFP)

**SECTION 8. Administrative Sanctions.** DILG Memorandum Circular No. 2012-35 provides for the filing of appropriate administrative case against responsible local officials for non-compliance hereof.

**SECTION 9. Separability Clause** – If any part or provisions of this Ordinance is found to be inconsistent with the Constitution, laws or decrees, other provisions hereof shall continue to be in force and effect.



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**SECTION 10. Repealing Clause** – Any ordinance, memo circulars, rules and regulations that are inconsistent herewith are hereby repealed or amended accordingly.

**SECTION 11. Effectivity** - This ordinance shall take effect fifteen (15) days after its completion of its publication in a newspaper of general circulation.

**ENACTED**, by the 7<sup>th</sup> Sangguniang Panlungsod of Muntinlupa, this 30<sup>th</sup> day of May 2016, on its 22<sup>nd</sup> Special Session.

**CONCURRED:**

**DISTRICT I:**

COUN. ATTY. PATRICIO L. BONCAYAO, JR.  
Member

COUN. BAL NIEFES  
Member

COUN. LOUISITO A. ARCIAGA  
Member

COUN. MARGARITA AMYTHYST PATDU-LABIOS, MD  
Member

COUN. RINGO A. TEVES  
Member

COUN. ALEXANDER B. DIAZ  
Member

**DISTRICT II:**

COUN. MA. DIESIREE G. AREVALO  
Member

COUN. LUVI P. CONSTANTINO  
Member

COUN. RAFAEL T. SEVILLA  
Member

COUN. VERGEL C. ULANDAY  
Member

COUN. ROBERT A. ABAS  
Member

COUN. ROBERT P. BAES  
Member

COUN. CELSO C. DIOKO  
Sectoral Representative  
President  
Association of Barangay Captains





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ABSENT:

COUN. ATTY. RAUL R. CORRO COUN.  
Member

STEPHANIE G. TEVES  
Member

COUN. ENGR. NEPTALI S. SANTIAGO  
Member

COUN. ELMER S. ESPELETA  
Member

I HEREBY CERTIFY, as to the correctness of the foregoing Ordinance,

*Handwritten signature*  
CECILIA C. LAZARTE  
Secretary

ATTESTED:

*Handwritten signature*  
ARTEMIO A. SIMUNDAC  
City Vice-Mayor/Presiding Officer

APPROVED:

ATTY. JAIME R. FRESNEDI  
City Mayor

Date: JUN - 7 2016

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Norie/7<sup>th</sup> SP