

[DOST, June 25, 2013]

THE IMPLEMENTING RULES AND REGULATIONS OF REPUBLIC ACT NO. 10344, OTHERWISE KNOWN AS "THE RISK REDUCTION AND PREPAREDNESS EQUIPMENT PROTECTION ACT"

Pursuant to Section 10 of Republic Act No. 10344, An Act Penalizing the Unauthorized Taking, Stealing, Keeping or Tampering of Government Risk Reduction and Preparedness Equipment, Accessories and Similar Facilities, the Department of Science and Technology (DOST), in coordination with the National Disaster Risk Reduction and Management Council (NDRRMC), hereby adopts and promulgates the following Rules and Regulations to implement the aforesaid law.

**RULE I
GENERAL PROVISIONS**

SECTION 1. *Title* - These Rules and Regulations shall be known and cited as The Implementing Rules and Regulations of Republic Act No. 10344, otherwise known as the "*Risk Reduction and Preparedness Equipment Protection Act*."

SECTION 2. *Purpose* - These Rules and Regulations are hereby promulgated to prescribe the procedures and guidelines for the implementation of the "*Risk Reduction and Preparedness Equipment Protection Act*" in order to facilitate the compliance therewith and to achieve the objectives thereof.

SECTION 3. *Construction* - These Rules shall be strictly construed to attain the efficient and effective implementation of R.A. 10344.

SECTION 4. *Declaration of Policy* - It is the policy of the State to protect the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature. The State shall continue the policy to create, develop, maintain and improve conditions under which man and nature can thrive in productive and enjoyable harmony with each other. Towards this end, all government agencies are mandated to institute measures to ensure the safety of its citizens and their properties through the installation of data and information gathering devices and the network of national and local authorities to disseminate risk reduction warning and advice.

**RULE II
DEFINITION OF TERMS**

SECTION 1. *Definition of Terms*. - As used in these Rules and Regulations, the following terms shall mean:

- A. "*ACT*" shall refer to Republic Act No. 10344, otherwise known as *The Risk Reduction and Preparedness Equipment Protection Act*.
- B. "*DOST*" shall mean the Department of Science and Technology.

- C. "NDRRMC" shall mean the National Disaster Risk Reduction and Management Council *and shall include other member agencies and organizations of the Council.*
- D. "PAGASA" shall mean the Philippine Atmospheric, Geophysical and Astronomical Services Administration.
- E. "PHIVOLCS" shall mean the Philippine Institute of Volcanology and Seismology.
- F. "Government Risk Reduction and Preparedness Equipment, Accessories and Other Vital Facility Items or Parts" refer to pieces of equipment or devices or parts thereof that gather, transmit, store, archive, process and analyze meteorological, hydrological, oceanographic, geodetic, geological, volcanological and seismological data, and disseminate information, which are used for preparing and warning the public about weather, hydrological and oceanographic conditions, earthquake, volcanic or tsunami activities and similar natural phenomena.

RULE III

LIST OF GOVERNMENT RISK REDUCTION AND PREPAREDNESS EQUIPMENT, ACCESSORIES AND OTHER VITAL FACILITY ITEMS OR PARTS

SECTION 1. *List of Government Risk Reduction and Preparedness Equipment and Other Vital Facility Items* - The list of government risk reduction and preparedness equipment and other vital facility items as included in the official list provided by the DOST, which shall be regularly updated.

The list shall include, but not limited to, the following:

- i. *Weather Radar Surveillance System*
- ii. Weather Monitoring System
- iii. Flood Monitoring Systems
- iv. Oceanographic Monitoring System
- v. Earthquake Monitoring System
- vi. Volcano Monitoring System
- vii. Tsunami Monitoring and Warning Systems
- viii. Landslide Monitoring System
- ix. Radionuclide Monitoring Equipment
- x. Hazards and Risk Assessment Equipment
- xi. Information, Education and Communication Equipment

The detailed List of Risk Reduction Instruments and Equipment of PAGASA and PHIVOLCS and NDRRMC are provided in Appendix A^[*] and in Appendix B^[*], respectively, and shall form an integral parts of this IRR.

SECTION 2. *Dissemination of the Complete List of Government Risk Reduction and Preparedness Equipment and Other Vital Facility Items* - the DOST and the NDRRMC shall jointly provide the complete list of government risk reduction and preparedness and risk reduction equipment and other vital facilities to all government agencies engaged in disaster preparedness.

RULE IV

PROHIBITED ACTS

SECTION 1. *Prohibited Acts* - The government risk reduction and preparedness equipment, accessories and other vital facility items, or parts thereof shall, at all

times, be protected. It shall be unlawful for any person, natural or juridical, private or public to:

- (a) Steal, or take, or possess any of the equipment or any part thereof, as enumerated in Section 1 of the immediately foregoing Rule;
- (b) Sell or buy stolen equipment or any part thereof;
- (c) Tamper, dismantle, or disassemble the equipment or any part thereof;
- (d) Attempt to commit any of the above-mentioned prohibited acts; and
- (e) Benefit from the proceeds or fruits of any of the above-mentioned prohibited acts knowing that the proceeds or fruits are derived from the commission of said prohibited acts.

RULE V

PRIMA FACIE EVIDENCE

SECTION 1. *Prima facie* evidence - The possession, control or custody by any person, natural or juridical, of any government risk reduction and preparedness equipment, accessories and other vital facility items, or any part thereof, as enumerated in Section 1, Rule III hereof, without proper authority or consent of the concerned agency shall constitute *prima facie* evidence that such instrument, part or accessory, is the fruit of the offense, enumerated in Section 1 of the immediately foregoing Rule, by the person benefited thereby.

In order to constitute *prima facie* evidence, the discovery and confiscation of the equipment must be in accordance with the Rules of Court, and personally witnessed and attested to by the agency concerned or its duly authorized representative or any officer of the law, as the case may be.

The burden of proof rests upon the party to present evidence on the fact in issue necessary to establish his defense that the confiscated equipment is not a government property.

An authorized representative is one who is an employee of the agency concerned or designated by the agency to represent it.

An officer of the law is any person who, by direct provision of law or by election or by appointment by competent authority, is charged with the maintenance of public order and the protection and security of life and property, such as, but not limited to the barangay chairman, barangay councilman, officer or member of Barangay Community Brigades, barangay policeman, PNP policeman, municipal councilor, and municipal mayor.

SECTION 2. A *prima facie* evidence of possession, control or custody of any government risk reduction and preparedness equipment, accessories and other vital facility items, or parts thereof without the consent of the concerned agency shall be the basis for:

- (a) immediate confiscation from the person in possession, control or custody thereof; and
- (b) the holding of inquest proceedings or preliminary investigation, as the case may be, by the prosecutor and the subsequent filing in court of the pertinent information.