

**[SAN JUAN CITY ORDINANCE NO. 38 SERIES OF
2014, July 14, 2014]**

OFFICE OF THE SANGGUNIANG PANLUNGSOD

**AN ORDINANCE AUTHORIZING THE CITY DISASTER RISK
REDUCTION AND MANAGEMENT COUNCIL (CDRRMC) AND THE
BARANGAY DISASTER RISK REDUCTION AND MANAGEMENT
COUNCILS (BDRRMC) OF THE CITY OF SAN JUAN, METRO
MANILA TO IMPLEMENT PRE-EMPTIVE OR FORCED EVACUATION
INTHE CITY AS A LAST RESORT ON AREAS DECLARED TO BE IN
IMMINENT DANGER OF LOSS OF LIVES IN TIMES OF DISASTER
AND FOR OTHER PURPOSES.**

Sponsored by: The Committee on Public Order and Secutry
(Councilors Arthur Alfredo E. Aquino, Richard F. Peralta and
Allen Christopher M. Silvano) and Councilors Angelo C. Go,
Rolando M. Bernardo, Leonardo G. Celles, William C. Go, Michael
Cristopher R. Mathay, Marie O'Neal S. Mendoza, Edgardo V. Soriano,
Ferninda A. Velesco, Jose Warren, P. Villa and Janella Ejercito Estrada

WHEREAS, it is a national policy us provided for under Section 2(a) of Republic Act 10121, otherwise known as the "Philippine Disaster Risk Reduction and Management Act of 2010" to uphold the peoples constitutional rights to life and property by addressing the root causes of vulnerabilities to disasters, strengthening the country's institutional capacity for disaster risk reduction and management and building resilience of local communities to disasters including climate change impacts;

WHEREAS, under Rule 5, Section 4(3) of Republic Act 10121 IRR, LDRRMCs are mandated to recommend the implementation of Forced or Pre-emptive Evacuation of local residents, if necessary;

WHEREAS, Local Government Units are mandated under Section 16 of the Local Government Code of 1991, otherwise Known as General Welfare Clause to "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";

WHEREAS, Punong Barangays [Section 389 (b) (6)], Municipal Mayor [Section 445 (b) (vii), 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 sanggumans, are enjoined under DILG Memorandum Cucular 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 withm their areas of jurisdiction,

WHEREAS, it has been observed that there are constituents that opt to remain in their residences during flooding, inclement weather, and in an obviously in imminent danger just to safeguard their properties or for other reasons despite clear and timely warnings,

WHEREAS, it is the aim of this City lo have a zero casualty during disasters;

WHEREAS, in order to prevent loss of lives, ensure public safety and mitigate the adverse effects of man-made and natural disasters and calamities, upon the approval of this ordinance, the City/Barangay shall enforce emergency measures such as Forced Evacuation.

WHEREAS, the uncertainty of the nature of disasters might unable Emergency Response personnel to reach through the locations of residents who refuse to evacuate should disaster situation escalates;

THEREFORE, DUE TO THE FOREGOING PREMISES, BE IT ORDAINED BY THE SANGGUNIANG PANLUNGSOD OF SAN JUAN CITY IN A SESSION DULY ASSEMBLED THAT:

Section 1. It is the declared policy of City of San Juan 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, the following terms are hereby dufmed paul

a. Disaster - a serious disruption of the functioning or a community or a society involving widespread human, material, economic or environmental losses and impacts, which exceeds the ability of the affected community or society to cope using its own resources Disasters are often described as a result of the combination of the exposure to a hazard; the conditions of vulnerability that are present, and insufficient capacity or measures to reduce or cope with the potential negative consequences. Disaster impacts may include loss of lite, injury, disease and other negative effects on human, physical, mental and social well-being, together with damage to property, destruction of assets, loss of services, social and economic disruption and environmental degradation.

b. Evacuation - means an operation whereby all or part of a particular population is temporarily relocated, whether voluntarily or in an organised manner, from an area that has been or is about to be struck by a disaster, to a place considered not dangerous for health or safely.

c. Imminent Danger - means any condition in any place such that a

danger exists which could reasonably be expected to cause death or serious physical harm immediately upon or before the occurrence of any human-induced or natural disasters.

d. Pre-emptive Evacuation - an order from competent authority to evacuate residents without force, to an appropriate or pre-designated evacuation centers thereby preventing their exposure to an imminent disaster.

e. Forced Evacuation - means an act to forcibly evacuate residents as a last resort upon the order from a competent authority wherein 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. Procedures on Enforcement of Pre-Emptive Evacuation - Upon assessment or determination of the BDRRMC and/or the San Juan CDRRM Council through the CDRRMO that there is a high possibility that conditions that could endanger the lives of their respective local residents would exist, the same shall immediately enforce pre-emptive evacuation.

Section 4. Procedures on the Declaration and Enforcement of Forced Evacuation. Upon assessment or determination of the BDRRMC and/or the San Juan CDRRM Council that conditions that could critically imperil or endanger the lives of those in a defined area exist, said council shall immediately declare and subsequently cause the implementation of Forced Evacuation.

Procedures for the enforcement of Forced Evacuation shall include, but not limited to, the following:

a. An Early Warning shall be issued to the residents by their respective BDRRMCs. The CDRRMO, CEDOC, and the Public Information Department shall provide redundant warning to the constituents. A specific period of time shall be announced as the time for pre-emptive evacuation before a forced evacuation shall be implemented.

b. Evacuation centers or such places where the internally displaced persons will be temporarily sheltered shall be established.

c. Pick-up points shall be designated for the vehicles or rescue boats to be used in the transportation of evacuees should it be needed.

d. Ensure the safety and security of evacuees in the evacuation areas in any possible means.

e. Secure the properties of the evacuees in the evacuation areas in any possible means.

f. Evacuated local residents shall stay in the aforesaid evacuation centers until there be another information issuances declaring that the imminent danger within the affected area does not anymore exist.