



Republic of the Philippines
Caraga Region XIII
Province of Surigao del Norte
Municipality of Alegria

SANGGUNIANG BAYAN OF ALEGRIA

MUNICIPAL ORDINANCE # 2, SERIES OF 2013

[Handwritten signature and date]
11.70 AM
6-7-2013

Sponsored by: Hon. Edgar G. Opalia

AN ORDINANCE IMPLEMENTING FORCE EVACUATION AS A RESORT WHEN A DISASTER OR EMERGENCY HAS BEEN DECLARED IN THE MUNICIPALITY OF ALEGRIA AND DANGER OF LOSS OF LIVES BECOMES IMMINENT, PROVIDING PENALTIES THEREFOR AND FOR OTHER PURPOSES

WHEREAS, it has been a national policy under Section 2 (a) of RA 10131, otherwise known as the "Philippine Disaster Risk Reduction and Management Act of 2010" to uphold the people's constitutional rights to life and property by addressing the root causes of vulnerabilities to disaster, strengthening the country's institutional capacity for disaster risk reduction and management and building the resilience of local communities to disasters including climate change impacts;

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 and effective governance and those which are essential to the promotion of the general welfare;

WHEREAS, Punong Barangayays, [Section 389 (b) (6)], Municipal Mayors [Section (b) (viii)], City Mayors [Section 445 (b) (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 aftermath of man-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 Municipal Government of Alegria is highly concerned with and committed as protecting the lives of its residents at all times and at mitigating the effects of man-made and natural disasters;

NOW THEREFORE: be it ordained by the Sangguniang Bayan of Alegria, Surigao del Norte, that

SECTION 1. It is the declared policy of the Municipality of Alegria to protect the lives of its residents at all times and whenever possible mitigate the effects of man-made and natural disasters within the locality.

SECTION 2. Definition of Terms. As used in this ordinance, the following terms are hereby defined as follows:

2.1. *Disaster* – means the result of a natural or man-made event which causes loss of, injury, and property damage, including but not limited to natural disaster 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 which 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 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 lives is imminent, and conditions exist that critically imperil or endanger the lives of those in a defined area.

SECTION 3. TRAINING AND ORIENTATION ON DISASTER RISK REDUCTION AND MANAGEMENT – The Municipal Risk Reduction and Management Officer (MDRRMO) shall organize and conduct 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 within the locality **at least once during summer** as declared by the Philippine Atmospheric and Astronomical Services Administration (PAG-ASA).

The foregoing trainings, orientation, activities and information dissemination shall be intensified and made every second (2nd) at the onset of the rainy season as declared by PAG-ASA.

During the aforesaid training and orientation, the MDRRMO shall also discuss and highlight in “bisayan” language, RA 10121, otherwise known as the Philippine Disaster Risk Reduction and Management Act of 2010; DILG MC 2012-35 dated February 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 MDRRMO is also encouraged to conceptualize posters, newsletters, brochures and pamphlets regarding disaster risk reduction and management and cause the same to be posted at the conspicuous places of the municipality.

SECTION 4. FORCED EVACUATION – If upon the assessment or determination of the MDRRMC, forced or preemptive evacuation of local residents is already necessary, said council shall immediately make recommendation of such assessment or determination.

On the basis of such recommendation, the Municipal Mayor shall immediately declare the implementation/enforcement of forced evacuation which shall include but not limited to the following;

- a. The designated area where vehicles provided by the municipal government are waiting to transport local residents to the identified evacuation centers;
- b. Evacuation centers or such places where the evacuated local residents will be temporarily taken;
- c. The necessity of the evacuated local residents to stay in the aforesaid evacuation centers until there be another issuance declaring that the imminent danger within the affected area is no longer there, if this is still possible; and
- d. Measures ensuring the safety of local residents in the evacuation areas.

However, immediately after the declaration of forced evacuation but before actual implementation/enforcement thereof, the municipal government shall see to it that the local residents are informed in "bisayan" language of the need for them to evacuate and that there is no other alternative way to ensure their safety.

SECTION 5. ENLISTMENT OF ASSISTANCE OF OTHER GOVERNMENT AGENCIES. In declaring the implementation/enforcement of forced evacuation, the members of the PNP, BFP, AFP and BJMP assigned within the municipality maybe enlisted by the Municipal Mayor.

SECTION 6. REFUSAL OF LOCAL RESIDENTS TO LEAVE THEIR HOMES OR, AFTER EVACUATING, GO BACK THEREIN WITHOUT AN ORDER ALLOWING THEM TO DO SO – in the event that local residents refuse to leave their homes, or evacuating, go back to their homes/affected areas without an order issued to this effect, the municipal government as well as the members of the mobilized units of the PNP, AFP, BFP and BJMP may use their physical force that is commensurate under the circumstances, without the discrimination and with conscious attention to the needs of vulnerable sectors such as children, women, elderly and persons with disabilities, with the end view that lives are safely secured.

SECTION 7. PENALTY CLAUSE. – Any public official found to violate any of the pertinent provisions of this ordinance shall be subjected to a fine not exceeding Php2,500.000 or imprisonment not exceeding 6 months, or both in the discretion of the court, without prejudice to administrative sanctions as maybe imposed under existing laws, rules and regulations.

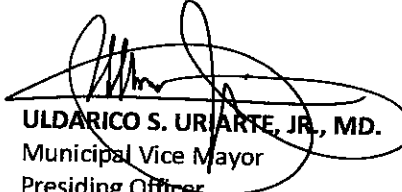
SECTION 8. REPEALING CLAUSE. Any ordinance, order, memorandum, rule and regulations which is inconsistent with the provision of this Ordinance is hereby modified or repealed accordingly.

SECTION 9. EFFECTIVITY. – This ordinance shall take effect fifteen (15) days after its publication to the conspicuous places in the municipality.


Adopted this 21st day of May, 2013 on motion of Hon. Edgar G. Opalia duly seconded by Hon. Ernesto C. Odjinar, Sr.

XXXXXXXXXXXXXXXXXXXX

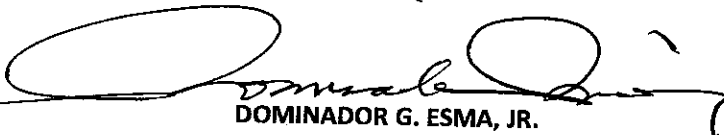
I HEREBY CERTIFY TO THE CORRECTNESS OF THE FOREGOING ORDINANCE.


ULDARICO S. URJARTE, JR., MD.
Municipal Vice Mayor
Presiding Officer

Attested by:


MA. ELENA I. BUCONG
SB Secretary

APPROVED:


DOMINADOR G. ESMA, JR.
Municipal Mayor