



Republic of the Philippines
Province of Aklan
MUNICIPALITY OF MALAY



Office of the Sangguniang Bayan

**EXCERPT FROM THE MINUTES OF THE 16TH REGULAR SESSION OF THE
SANGGUNIANG BAYAN OF MALAY, AKLAN (2013-2016) HELD AT THE
SB SESSION HALL, POBLACION, MALAY, AKLAN ON JUNE 3, 2014.**

Present:

SB Member Natalie C. Paderes, Acting Presiding Officer
SB Member Jupiter Aelred G. Gallenero
SB Member Rowen T. Aguirre
SB Member Danilo G. Delos Santos
SB Member Leal B. Gelito (late)
SB Member Paterno S. Sacapaño, Jr.
SB Member Manuel S. Delos Reyes
SB Member Abram L. Sualog, Liga President (late)

Absent:

Hon. Wilbec M. Gelito, Municipal Vice Mayor (on leave)
SB Member Frolibar S. Bautista (sick leave)

X

X

X

MUNICIPAL ORDINANCE NO. 333
Series of 2014

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

WHEREAS, it has been a national policy under Section 2(a) of RA 10121, 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 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 impacts;

WHEREAS, 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, Municipal Mayors, under Section 444(b) (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, LGU-Malay, through the Sangguniang Bayan, is 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 its area of jurisdiction;

WHEREAS, the Municipal Government of Malay is highly concerned and committed at 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 Malay in session duly assembled that:

SECTION 1. **POLICY**. It is hereby declared the policy of the Municipality of Malay 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 use in this ordinance;

- 2.1 **"DISASTER"** means 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;
- 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 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;
- 2.4 **"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.

SECTION 3. **TRAINING AND ORIENTATION ON DISASTER RISK REDUCTION MANAGEMENT**. The Municipal Disaster Risk Reduction and Management Office (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 activities on disaster risk reduction and management within the locality at least 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 quarter of the year to be scheduled by the MDRRMO or as the need arises.

During the aforesaid trainings and orientations, the MDRRMO shall also discuss and highlight (in local dialect) RA 10121, otherwise known as the "Philippine Disaster Risk Reduction and Management Act of 2010"; DILG Memorandum Circular No. 2012-35 dated 21 February 2012 regarding the Guidelines in Ensuring Public Safety During Manmade and Natural Disasters; this Ordinance; and other laws, rules and regulations on risk reduction and management.

The MDRRMO is also encouraged to conceptualize posters, newsletters, brochures, and pamphlets regarding risk reduction and management and cause the same to be posted at conspicuous places of the municipality and/or, if possible, disseminate through radio and TV advertisement.

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 shall not be 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 of 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 local dialect 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, AFP, BFP, and BJMP assigned within the affected locality may be enlisted by the Municipal Mayor.

All emergency measures adopted shall be a coordinative and collaborative effort between the Municipal Government, BFP Units and PNP Units.

SECTION 6. **REFUSAL OF LOCAL REISIDENTS 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, after 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 such physical force that is commensurate under the circumstances, without discrimination and with conscious attention to the needs of vulnerable sectors such as children, women, the 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 Php2,500.00 or imprisonment not exceeding six (6) months, or both, at the discretion of the court, without prejudice to administrative sanctions as may be imposed under existing laws, rules and regulations.

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

