



Republic of the Philippines
 PROVINCE OF CAGAYAN
 City of Tuguegarao



SEVENTH CITY COUNCIL

**EXCERPTS FROM THE MINUTES OF THE 53rd REGULAR SESSION
 OF THE SEVENTH CITY COUNCIL OF TUGUEGARAO CITY, CAGAYAN
 HELD ON AUGUST 29, 2017, 9:00 A.M., TUESDAY,
 AT THE SANGGUNIANG PANLUNGSOD SESSION HALL**

PRESENT:

| | |
|-----------------------------------|--|
| Hon. Danilo L. Baccay | City Vice Mayor, Regular Presiding Officer |
| Hon. Jude T. Bayona | Sangguniang Panlungsod Member |
| Hon. Kendrick S. Calubaquib | -do- |
| Hon. Arnel T. Arugay | -do- |
| Hon. Winnoco R. Abraham | -do- |
| Hon. Mary Marjorie P. Martin-Chan | -do- |
| Hon. Raymund P. Guzman | -do- |
| Hon. Grace B. Arago | -do- |
| Hon. Anthony C. Tuddao | -do- |
| Hon. Jose G. Velasco | -do- |



ABSENT:

| | |
|---------------------------------|--|
| Hon. Maila Rosario T. Que | Sangguniang Panlungsod Member (on Official Business) |
| Hon. Gilbert S. Labang | -do- (on Official Business) |
| Hon. Imogen Claire M. Callangan | -do- (on Official Business) |

CITY ORDINANCE NO. 33-2017

**AN ORDINANCE IMPLEMENTING FORCED EVACUATION IN TIMES OF DISASTER OR
 EMERGENCY WHEN DANGER OF LOSS OF LIVES BECOMES IMMINENT,
 PROVIDING PENALTIES THEREFOR**

Introduced By: **HON. DANILO L. BACCAY**

Co-Sponsors: **HON. JUDE T. BAYONA
 HON. KENDRICK S. CALUBAQUIB
 HON. IMOGEN CLAIRE S. CALLANGAN
 HON. ARNEL T. ARUGAY
 HON. WINNOCO R. ABRAHAM
 HON. MARY MARJORIE P. MARTIN-CHAN
 HON. RAYMUND P. GUZMAN
 HON. GRACE B. ARAGO
 HON. ANTHONY C. TUDDAO
 HON. JOSE G. VELASCO**

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, Section 444(b) (vii) of the Local Government Code of 1991 mandates the City Mayors to carry out such emergency measures as may be necessary during and in the aftermath of manmade and natural disasters and calamities;

WHEREAS, DILG Memorandum Circular No. 2012-35 dated 21 February 2012 enjoins legislative councils 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 Tuguegarao City Government is highly concerned and committed to protecting the lives of its residents at all times and at mitigating the effects of manmade and natural disasters.

NOW, THEREFORE, the Seventh City Council in session duly assembled, hereby ordains:

SECTION 1. TITLE. This Ordinance shall be referred to as *“Ordinance Implementing Forced Evacuation in Times of Disaster or Emergency when Danger of Loss of Lives Becomes Imminent, Providing Penalties Therefor.”*

SECTION 2. POLICY. It is hereby declared the policy of the Tuguegarao City Government to protect the lives of its residents at all times and whenever possible mitigate the effects of manmade and natural disasters within the locality.

SECTION 3. DEFINITION OF TERMS. As used in this Ordinance:

1. **Disaster** – the result of a natural or manmade event which causes loss of life, injury, and property damage, including, but not limited to, natural disasters such as hurricanes, tornado, storm, flood, high winds, and other weather-related events, and manmade 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. **Imminent Danger** – an immediate threat of harm
3. **Evacuation** – 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 is considered dangerous for health or safety of the public
4. **Evacuees** – people who are withdrawn from a dangerous place or circumstance and brought to a center/place for care, safety and protection
5. **Evacuation Center/Place** – a place where evacuees are brought before, during and after calamities/disasters such as, but not limited to, typhoon, flood, landslides, earthquakes or fire for care, safety and protection
6. **Hazard** – a dangerous phenomenon, substance, human activity or condition that may cause loss of life, injury or other health impacts, property damage, loss of livelihood and services, social and economic disruption or environmental damage
7. **Mandatory Forced Evacuation** – an evacuation ordered as a resort when danger of loss of life is imminent, and conditions exist that critically imperil or endanger the lives of those in a defined area
8. **Public Official** – any person who, by direct provisions of law, popular election or appointment of competent authority, takes part in the performance of public functions and government duties as an employee, agent or subordinate official or any rank or class who is charged with the implementation of this ordinance
9. **CRDDMC** – City Disaster Risk Reduction Management Council
10. **PNP** – Philippine National Police
11. **AFP** – Armed Forces of the Philippines
12. **BFP** – Bureau of Fire Protection
13. **BJMP** – Bureau of Jail Management and Penology

SECTION 4. EARLY WARNING PROTOCOL

RAINFALL

| Alert Level | Criteria | Interpretation | Required Standard CDRRMO Action |
|-------------|----------|----------------|---------------------------------|
| 1. WHITE | No rain | Normal | Community activity |

M

| | | | |
|-------------------------------------|---|---|---|
| 2. YELLOW (On Call Alert) | Rainfall of 7.5mm to 15mm per hour has fallen or expected to fall and most likely to continue for the next 3 hours | Awareness Stage - flooding is possible in low lying areas and near river channels Water level in river is in alert level | Hourly monitoring of rainfall and community awareness. CDRRMO must check all equipment and command all its personnel in "On-Call Alert Status" |
| 3. ORANGE (High Alert) | Rainfall of more than 15mm to 30mm per hour has fallen or expected to fall and most likely to continue for the next 3 hours | Preparedness Stage - flooding is threatening in low lying areas and near river channels Water level in rivers is in alarm level | Activate all CDRRMO personnel and advise the community to prepare for pre-emptive evacuation. Preposition of assets and personnel. |
| 4. RED (Full Alert) | Rainfall of more than 30mm within 1 hour has fallen or expected to fall and most likely to continue for the next 3 hours | Evacuation Stage - Community Response Serious flooding is expected. Take precautionary measures. Water level in rivers is High Risk Level | Mandatory FORCE/FULL Evacuation in Hazard and Combined Areas |

TYPHOONS

| STORM SIGNAL NO. | LEAD TIME (Hours) | WINDS (km/h) | IMPACTS OF THE WIND | INTERPRETATION | Required Standard CDRRMO Action |
|------------------|-------------------|--------------|--------------------------------|--|---|
| 1 | 36 | 30-60 | No damage to very light damage | This means that strong winds up to 60kph are expected within 36 hours. Because of the long lead time, it is common for people to think that the weather forecast is wrong. Damage is evident mostly on rice crops, light-weighted structures – nipa huts and cogon huts – and banana plants. Coastal communities are expected to be prepared for possible evacuation at any time. At this PSWS level, preschool classes within affected areas are automatically suspended. | Hourly monitoring CDRRMO must check all equipment and command all its personnel in "On-Call Alert Status" |
| 2 | 24 | 61-120 | Light to moderate damage | At this level, kids from preschool to high school "celebrate" because of class suspension. Within 24 hours, winds of 60kph to 100kph are expected. Not just crops but also galvanized roofs may be damaged from such winds. Travel by water, especially by boat and other small seacrafts, should be avoided. | Hourly monitoring CDRRMO must check all equipment and command all its personnel in "On-Call Alert Status" and advise the community to prepare for pre-emptive evacuation |

| | | | | | |
|---|----|---------------|---------------------------------|---|--|
| 3 | 18 | 121-170 | Moderate to heavy damage | Most offices and all schools up to colleges and universities are closed because it is dangerous for anyone to travel. Very strong winds of 100 to 185kph are expected within 18 hours. Aside from the damages mentioned in the previous PSWS numbers, electricity and water supplies may also be affected. Air and sea travels are both risky at this point. Classes in all levels are suspended. Communities affected should expect major damage to crops and property. At this point, communities should be wary of the "eye" of the storm. Winds are at their strongest nearest the eye, but die down to fair weather for about two hours as the eye passes over. After this, the storm resurges, bringing strong winds in the opposite direction. | Activate all CDRRMO personnel and advise the community to prepare for pre-emptive evacuation. Preposition of assets and personnel. Mandatory FORCE/FULL evacuation in hazard and combined areas can also be declared upon the recommendation of the CDRRMO |
| 4 | 12 | 171-220 | Heavy to very heavy damage | Winds of speed of over 185kph are expected to hit the area within 12 hours. Residential, agricultural and industrial properties may be severely damaged. Electricity and communication may also be disrupted. Residents along coastal areas and other danger zones are advised to evacuate as soon as possible. | Mandatory FORCE/FULL evacuation in hazard and combined areas |
| 5 | 12 | More than 220 | Very heavy to widespread damage | Once Storm Signal No. 5 has been declared, residents must prepare for winds that can cause a widespread damage in the community. This kind of tropical storm emphasizes the intensity of a tropical cyclone and the threat of its impact. This will also escalate the sense of urgency and community response in terms of an approaching storm. | Mandatory FORCE/FULL evacuation in hazard and combined areas |

SECTION 5. FORCED EVACUATION. If upon the assessment or determination of the CDRRMC, forced or pre-emptive 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 City 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 City 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;

M

- c. The necessity of the evacuated local residents to stay in the aforesaid evacuation centers until there shall 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 Tuguegarao City 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 6. 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 City Mayor. All emergency measures adopted shall be a coordinative and collaborative effort between and among the Tuguegarao City Government, BFP Units and PNP Units.

SECTION 7. 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, after evacuating, go back to their homes/affected areas without an order issued to this effect, the Tuguegarao City 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 8. TRAINING AND ORIENTATION ON DISASTER RISK REDUCTION MANAGEMENT. The City Disaster Risk Reduction and Management Office (CDRRMO) shall organize and conduct training and orientation on the possible natural hazards, vulnerabilities and climate change risks as well as knowledgeable management activities on disaster risk reduction and management within the locality at least during summer as declared by the Philippine Atmospheric Geophysical 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 CDRRMO or as the need arises.

During the aforesaid trainings and orientations, the CDRRMO 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 February 21 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 CDRRMO 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 city and/or, if possible, disseminate through radio and TV advertisements.

SECTION 9. PENALTY CLAUSE. When a public official violates the provisions of this ordinance, he/she shall be made liable to administrative sanctions.

SECTION 10. SEPARABILITY CLAUSE. Should any portion of this Ordinance be declared unconstitutional or illegal by any court of competent jurisdiction, the portions not so declared shall remain in full force and effect.

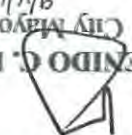
SECTION 11. REPEALING CLAUSE. All existing ordinances and local issuances, inconsistent with the provisions of this ordinance are hereby repealed or modified accordingly.

SECTION 12. EFFECTIVITY. This ordinance shall take effect 15 days after its publication and posting.

On motion of Hon. Jude T. Bayona and without any objection, **CITY ORDINANCE NO. 33-2017** was **APPROVED** on its Second, Third and Final Reading under suspended rules.




APPROVED:

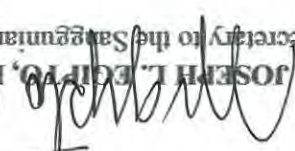

 HON. BIENVENIDO C. DE GUZMAN II
 City Mayor

Date: 9/4/17

ATTESTED:


 HON. DANILLO L. BACCAY
 City Vice Mayor
 Presiding Officer

Date: AUG 31 2017


 JOEL JOSEPH L. EGUITO, Ph.D.
 Secretary to the Sargunian

083017

I HEREBY CERTIFY TO THE CORRECTNESS OF THE FOREGOING:

X-X-X