



Republic of the Philippines
Province of Davao del Norte
Municipality of Braulio E. Dujali
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BEFORE THE SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF THE NINETEENTH (19TH) REGULAR SESSION OF THE SANGGUNIANG BAYAN OF BRAULIO E. DUJALI (TERM 2019-2022), DAVAO DEL NORTE AND HELD AT THE SANGGUNIANG BAYAN SESSION HALL, MUNICIPAL BUILDING ON JULY 6, 2020, MONDAY.

PRESENT:

HON. DONNA MAE BALDONADO-BERNADAS, Ed.D	- Municipal Vice Mayor & Presiding Officer
HON. RESTIE E. TABIRAO	- Sangguniang Bayan Member
HON. ATTY. YASMIN V. CAMPION, REA, REB	- Sangguniang Bayan Member
HON. ANNA C. CAGULADA	- Sangguniang Bayan Member
HON. RICKY T. DELCO	- Sangguniang Bayan Member
HON. ADHEM F. FUNA	- Sangguniang Bayan Member
HON. SAMUEL F. PACRES	- Sangguniang Bayan Member
HON. NELSON C. BAER, RA	- Sangguniang Bayan Member
HON. FRANCISCO D. BUCADON	- IPMR/Ex-Officio Member
HON. CARME LEOGY C. AGUILUZ	- ABC Pres./Ex-Officio Member
HON. KEVIN P. GENTUGAYA	- SKF Pres./Ex-Officio Member

ON OFFICIAL BUSINESS:

None

ABSENT:

HON. CONCORDIO B. MOMO, JR. (On Leave) - Sangguniang Bayan Member

(Author: Hon. Delco)

(Sponsors: Hon. Tabirao, Hon. Cagulada, Hon. Baer, Hon. Campion, Hon. Pacres, Hon. Bucadon, Hon. Aguiluz, Hon. Funas, Hon. Gentugaya)

MUNICIPAL ORDINANCE NO. 2020-224

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

WHEREAS, it has been a national policy under Section 2 (a) of RA 10121, otherwise known as the "Philippine Risk Reduction and Management Act of 2010" to uphold the people's constitutional right to life and property by addressing the root cause of vulnerability of 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, 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 during and in the aftermath of manmade 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 Braulio E. Dujali is highly concerned with and committed at protecting the lives of its residents at all times and at mitigating the effects of manmade and natural disasters;

NOW THEREFORE, be it ordained by the Sangguniang Bayan of Braulio E. Dujali that:

SECTION 1. TITLE. This ordinance shall be entitled: 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.

SECTION 2. DEFINITION OF TERMS. As used in this Ordinance:

- (a) "Disaster" – means 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 hurricane, earthquake, contagious disease outbreaks, tornado, storm, flood, high winds, mudflows, wildfire and other weather related events and manmade disasters, including but not limited to nuclear power plant incidents, toxic gases, hazardous materials incidents, oil spills, explosion, civil disturbances, public calamity, acts of terrorism, hostile military action and other events related thereto;
- (b) "Imminent Danger" – means an immediate threat of harm;
- (c) "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;
- (d) "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;
- (e) BERT – Barangay Emergency Response Team
- (f) BEDERT – Braulio E. Dujali Emergency Response Team
- (g) PAGASA - means Philippine Atmospheric Geophysical and Astronomical Services Administration.

SECTION 3. TRAINING AND ORIENTATION ON DISASTER RISK REDUCTION AND 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 within the locality at least once during summer as declared by the Philippine Atmospheric Geophysical and Astronomical Services Administration (PAGASA).

The foregoing trainings, orientation, activities and information dissemination shall be intensified and made every two months at the onset of the rainy season as declared by the PAGASA.

During the aforesaid training and orientations, the MDRRMO shall also discuss and highlight in Filipino/Visayan the RA 10121, otherwise known as the Philippine Disaster Risk Reduction and Management Act of 2010; DILG MC No. 2012-35 dated 21 February 2012

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 poster, newsletters, brochures and pamphlets regarding Disaster Risk Reduction and Management and cause the same to be posted at the conspicuous places of the municipality and/or, if possible, disseminate through radio and TV advertisements.

SECTION 4. FORCED EVACUATION. If upon the assessment or determination of the Municipal Disaster Risk Reduction and Management Council (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 issue an order to BDRRMC declaring the implementation/enforcement of force evacuation which shall include but shall not be limited to the following:

- (a) All barangays shall identify evacuation centers in coordination and approval with the MDRRMC and continue expanding membership of BPATs and DATs.
- (b) The designated area where vehicles provided by the municipal government are waiting to transport local residents to the identified evacuation centers;
- (c) Evacuation center or such places where the evacuated local residents will be temporarily taken;
- (d) The necessity of the evacuated local resident to stay in the aforesaid evacuation center 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
- (e) Measures ensuring the safety of local residents in the evacuation areas.

However, immediately after declaration of force evacuation but before actual implementation/enforcement thereof, the municipal government shall see to it that the local residents are informed in Filipino/Visayan 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 in 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 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 issued to this effect, the municipal government as well as the members as 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.


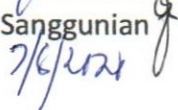
SECTION 7. EXECUTION OF WAIVER – The Evacuation team shall inform a resident/community of the associated risks and shall ask him/them to sign a waiver if he/they continue to refuse to leave from their places.

SECTION 8. SEPARABILITY CLAUSE. If any part, term or provision of this Ordinance shall be declared invalid or unenforceable, the validity or enforceability of the remaining portions or provision shall not be affected and this Ordinance shall be construed as if it did not contain the particular invalid or enforceable part, term or provision.

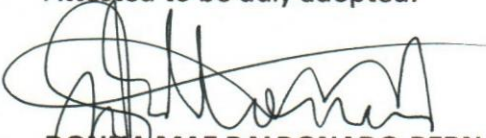
SECTION 9. REPEALING CLAUSE. Any ordinance, order, memorandum, rule and regulation which is inconsistent with the provision of this Ordinance is hereby modified or repealed accordingly.

SECTION 10. EFFECTIVITY. This Ordinance shall take effect fifteen (15) days after its publication/posting. Let copies of this Ordinance be furnished the Office of the Mayor and LDRRMO Action Officer for their implementation, and to SP Davao del Norte, for confirmation.

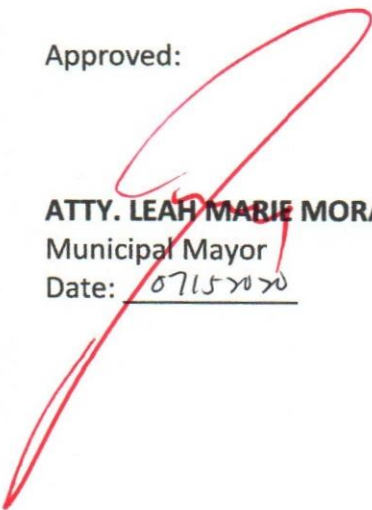
I HEREBY CERTIFY to the correctness of the foregoing municipal ordinance.


JULIET EVANGELISTA-DAANTON
Secretary to the Sanggunian
(MGDH I) 

Attested to be duly adopted:


DONNA MAE BALDONADO-BERNADAS, Ed.D
Municipal Vice Mayor & Presiding Officer

Approved:



ATTY. LEAH MARIE MORAL-ROMANO
Municipal Mayor
Date: 07152020

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OFFICE OF THE SECRETARY TO THE SANGGUNIAN

CERTIFICATION

This is to certify that the Sangguniang Bayan has conducted a Public hearing on Municipal Ordinance No. 2020-224; **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** held at Lobby, 2nd Floor, Municipal Building, Braulio E. Dujali, Davao del Norte on **February 19, 2020.**


JULIET EVANGELISTA-DAANTON
Secretary to the Sanggunian
(MGDH I)