

Republic of the Philippines
Province of Negros Oriental
MUNICIPALITY OF MABINAY
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Office of the Sangguniang Bayan

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG BAYAN OF MABINAY, PROVINCE OF NEGROS ORIENTAL HELD AT THE SESSION HALL ON TUESDAY, MAY 24, 2016.

PRESENT:

Hon. Enozario T. Baldoza,	... Municipal Vice-Mayor,
Hon. Irene Y. Baldoza,	... Municipal Councilor,
Hon. Odon M. Cuevo,	... Municipal Councilor,
Hon. Luis A. Cadimas,	... Municipal Councilor,
Hon. Maria Rita M. Ricaplaza,	... Municipal Councilor,
Hon. Rutillo A. Cabusog,	... Municipal Councilor,
Hon. Ma. Rosario F. Oca,	... ABC President,

ABSENT:

Hon. Jed Bryce T. Sinda,	...Municipal Councilor,
Hon. Eduardo K. Solon,	... Municipal Councilor,

RESOLUTION NO. 43

"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, the local government units (LGUs) are authorized under Section 16 of the Local Government Code of 1991, otherwise known as the General Welfare Clause, among others, to exercise the powers necessary, appropriate, or incidental or its efficient and effective governance and those which are essential to the general welfare;

"WHEREAS, all Local Chief Executives are mandated under the Local Government Code of 1991 to carry out such emergency measures as may be necessary prior, during, and in the aftermath of human-induced and natural disasters and calamities;

"WHEREAS, the Local Government Units (LGUs), through their local legislative councils, are enjoined under DILG Memorandum Circular No. 2012-35 dated February 21, 2012 to cause an enactment of local ordinances for the implementation of forced evacuation as a resort when a disaster or emergency is about to occur or occurred and danger of loss of lives is imminent within their areas of jurisdiction;

"WHEREAS, the Local Government of Mabinay is highly concerned with and committed to protect the lives of its residents at all times as well as mitigate the effects of man-made and natural disasters;

"NOW THEREFORE, on motion of Honorable SB Member Ma. Rosario Oca seconded by Honorable SB Member Irene Baldoza, the council

"RESOLVED, as it is hereby resolved, to enact the following ordinance to wit:

ORDINANCE NO. 11

**AN ORDINANCE PRESCRIBING THE GUIDELINES ON
THE IMPLEMENTATION OF PRE-EMPTIVE OR FORCED
EVACUATION IN THE MUNICIPALITY OF MABINAY AS A
RESORT WHEN A DISASTER OR EMERGENCY IS ABOUT TO
OCCUR OR OCCURRED AND DANGER OF LOSS OF LIVES
BECOMES IMMINENT.**

"Be it ordained by the Sangguniang Bayan of Mabinay, Province of Negros Oriental in its Regular Session assembled that:

"SECTION 1. Declaration of Policy. – It is the declared policy of the Local Government of Mabinay to protect the lives and properties of its residents at all times and whenever possible, mitigate the effects of human-induced and natural disasters within the locality.

"SECTION 2. Definition of Terms. – As used in this Ordinance, the following terms are hereby defined:

- a. Disaster – a serious disruption of the functioning of 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 life, 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 voluntary or in an organized 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 safety;
- c. Forced Evacuation – an order from competent authority to forcibly evacuate residents to an appropriate evacuation destination to protect their lives during the onslaught of disaster;
- d. 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 disaster;
- e. Incident Commander – is the person responsible for all aspects of an emergency response; including quickly developing incident objectives, managing all incident operations, application of resources as well as responsibility for all persons involved. The Incident Commander sets priorities and defines the organization of the incident response teams and the overall incident action plan. The role of incident commander may be assumed by senior or higher qualified officers upon their arrival or as the situation dictates. Even if subordinate positions are not assigned, the incident commander position will always be designated or assumed. The incident commander may, at their own discretion, assign individuals, who may be from the same agency or from assisting agencies, to subordinate or specific position for the emergency;
- f. Pre-emptive Evacuation – an order from competent authority to forcibly evacuate residents to an appropriate evacuation destination to forestall their exposure to an imminent disaster;

"SECTION 3. Procedure on Enforcement of Pre-emptive Evacuation. – Upon assessment or determination of the Incident Commander (IC) that pre-emptive evacuation of local residents is necessary, the same shall immediately enforce pre-emptive evacuation of affected residents.

"SECTION 4. Procedures on the Declaration of Forced Evacuation. – Upon assessment of the Incident Commander (IC) that forced evacuation of local residents is necessary, the same shall recommend to the Municipal Mayor for immediate declaration of forced evacuation.

On the basis of such recommendation, the Municipal Mayor shall immediately declare the enforcement of forced evacuation and shall order, but not limited to the following:

- a. Establishment of evacuation centers or such places where the internally displaced persons will be temporarily sheltered;
- b. Designation of areas where vehicles provided by the municipal government are on stand-by to transport local residents to the identified evacuation centers;
- c. Establishment of measures ensuring the safety and security of local residents in the evacuation areas;
- d. Establishment of measures to secure their properties from looting, theft, robbery, etc. in the concerned area;
- e. 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 does not anymore exist;
- f. Mobilize the MAO personnel to take custody of and transport the affected animals to any government animal control facility.

However, immediately after the declaration of forced evacuation but before actual enforcement thereof, the IC shall see to it that the local residents are informed in dialect understandable and spoken by the need for them to evacuate and that there is no other alternative way to their way to ensure their safety.

"SECTION 5. Mobilization of Other Government Agencies. – In declaring the enforcement of forced evacuation, the members of the Philippine National Police (PNP), the Armed Forces of the Philippines (AFP), Philippine Coast Guard (PCG), Bureau of Fire Protection (BFP), Department of Public Works and Highways (DPWH) and National Irrigation Authority (NIA) assigned within the locality may be mobilized by the Municipal Mayor.

"SECTION 6. Refusal of Local Residents to Leave their Homes, or After Evacuation, 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 may use such reasonable force that is commensurate under the circumstances, to evacuate them from the area, without discrimination and with conscious attention to the needs of vulnerable and marginalized sectors such as children, women, the elderly and persons with disabilities, with the end view that lives are safely secured.

Any person who willfully and deliberately disregard or opposed the order of forced evacuation issued by the Mayor shall release the latter from any liability for the former's injury or death attributed to his disobedience. During evacuation, priority shall be given to those persons or residents who willfully comply with the order of forced evacuation.

"SECTION 7. Training and Orientation on Pre-emptive and Forced Evacuation Procedures. – The Municipal Disaster Risk Reduction and Management Office (MDRRMO) shall organize and facilitate the conduct of training and orientation at least once a year on pre-emptive and forced evocation on possible human-induced and natural hazards.

During the aforesaid trainings and orientations, the MDRRMO shall also discuss and highlight in a dialect understandable and spoken by the residents topics on RA 10121, otherwise known as the Philippine Disaster Risk Reduction and Management Act of 2010; DILG MC No. 2012 – 35 dated February 21, 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 shall also 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 and/or, if possible, disseminate through tri-media.

"SECTION 8. Reportorial Clause. – Within twenty-four (24) hours upon the declaration of pre-emptive or forced evacuation, the Mayor shall report the declaration to the Municipal Disaster Risk Reduction and Management Council (MDRRMC) and Sangguniang Bayan.

"SECTION 9. Separability Clause. – If, for any reason, any part or provision of this Ordinance shall be found to be unconstitutional or invalid, other parts or provisions thereof which are not affected thereby, shall continue to be in full force and effect.

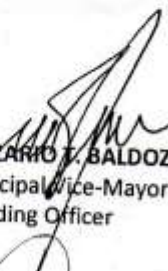
"SECTION 10. Repealing Clause. – All ordinance, rules and regulations, or parts thereof, in conflict with, or inconsistent to the provisions of this ordinance are hereby repealed or modified accordingly.

"SECTION 11. Effectivity Clause. – This ordinance shall take effect immediately upon approval.

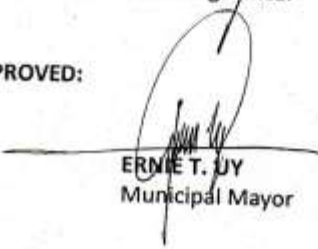
"APPROVED."


I HEREBY CERTIFY to the correctness of the above-quoted resolution and its subsequent ordinance.

ATTESTED BY:


ENOZARRO T. BALDOZA
Municipal Vice-Mayor
Presiding Officer

APPROVED:


ERNIE T. UY
Municipal Mayor


FELICITA C. DURANGO
Municipal SB Secretary