



Republic of the Philippines  
PROVINCE OF ORIENTAL MINDORO  
MUNICIPALITY OF PINAMALAYAN

Office of the Sangguniang Bayan

ORDINANCE NO. 03-2014

**AN ORDINANCE IMPLEMENTING FORCED EVACUATION AS A RESORT WHEN A DISASTER OR EMERGENCY HAS BEEN DECLARED IN THE CITY/MUNICIPALITY 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 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, 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 Barangays [Section 389 (b) (6)], Municipal mayors [Section 444 (b) (viii)], City Mayors [Section 455 (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 after-math 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 City/Municipal government of Pinamalayan is highly concerned with 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 Panlungsod/Bayan of Pinamalayan, Oriental Mindoro that:

**SECTION 1.** It is the declared policy of the City/Municipality of to Pinamalayan 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. LEGAL BASES.** This Ordinance is based on Sec. 16 and 17 of RA 7160 and suppletory to the mandates of the following statutes and respective IRR:

- a) PD 1098, Rule 1040, Occupational Safety and Health Service Standards, PD 1185, PD 1566; and
- b) RA 10121-Philippine Disaster Risk Reduction Management Act of 2010, and others.

*[Signature]*



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**SECTION 3. DEFINITION OF TERMS**

- 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, 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 related thereto;
- 2.2. **"Imminent Danger"** – means 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 an defined area.

**SECTION 4. TRAINING AND ORIENTATION ON DISASTER RISK REDUCTION AND MANAGEMENT** – The City/Municipal Risk Reduction and Management Office ( C/MDRRMO) shall organize and conduct training and orientation on the possible natural hazards, vulnerabilities and climate change risk 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 (PAGASA).

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

During the aforesaid trainings and orientations, the C/MDRRMO shall also discuss and highlight in TAGUIG 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; Headquarters Philippine Coast Guard (HPCG) relevant circulars on vessel movement during heavy weather; this Ordinance; and other laws, rules and regulations on disaster risk reduction and management.

The C/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 city/municipality and/or, if possible, disseminate through radio and TV advertisements.

**SECTION 5. PROHIBITION OF FISHING VESSELS AND FISHING ACTIVITIES**—Unless otherwise pronounced by the Headquarters Philippine Coast Guard (HPCG), the moment Public Storm Warning Signal (PSWS) No. 1 is raised by the PAGASA within destination, all vessels of 1,000 gross tons or below shall not sail, except to take

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conscious attention to the

**SECTION 9. PENALTY CLAUSE**—Any persons found to violate any of the pertinent provisions of this Ordinance shall be subjected to a fine not exceeding Php2,500 or imprisonment not exceeding 6 months (for Municipalities). or both in the discretion of the



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On the other hand, movement of vessels above 1,000 gross tons is left to the discretion and responsibility of the ship owner and master when PSWS No. 1 is hoisted within its point of origin or route or point of destination.

Along this line, vessels of any tonnage shall not sail, except to take shelter, when PSWS No. 2 or higher is hoisted within its point of origin or route or point of destination.

**SECTION 6. FORCED EVACUATION** – if upon the assessment or determination of the C/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 City/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 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 local residents in the evacuation areas.

However, immediately after 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 7. 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 City/Municipality Mayor.

All emergency measures adopted shall be a coordinative and collaborative effort between the City/Municipality Government, BFP units and PNP units.

**SECTION 8. REFUSAL OF LOCAL RESIDENTS TO ABIDE BY THE DECLARATION OF FORCED EVACUATION OR AFTER EVACUATING, GO BACK TO THEIR RESPECTIVE HOMES WITHOUT AN ORDER ALLOWING THEM TO DO SO**—In the event that local residents refuse to leave 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

**SECTION 9. PENALTY CLAUSE**—Any persons found to violate any of the pertinent provisions of this Ordinance shall be subjected to a fine not exceeding Php2,500 or imprisonment not exceeding 6 months (for Municipalities), or both in the discretion of the court.

HON. WILFREDO L. HERNANDEZ, SR.  
Municipal Mayor

Date Signed: June 24, 2014



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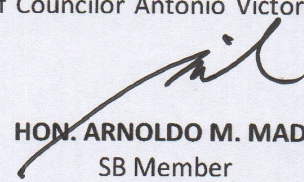
If the violator is a public official, the foregoing penalty shall be without prejudice to administrative sanctions as may be imposed under existing laws, rules and regulations.

**SECTION 10. REPEALING CLAUSE**— Any ordinance, order, memorandum, rule and regulation which is consistent with the provision of this Ordinance is hereby modified or repealed accordingly.

**SECTION 11. EFFECTIVITY**—This Ordinance shall take effect fifteen(15) days after its publication in a newspaper of general circulation within the City.

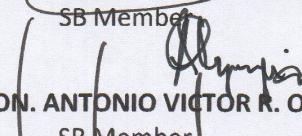
Enacted this 19<sup>th</sup> day of June, 2014 on motion of Councilor Antonio Victor R. Olympia, duly seconded by ABC Pres. Norman J. Jacinto.

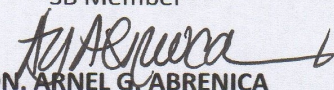
  
**HON. RODOLFO M. MAGSINO**  
SB Member

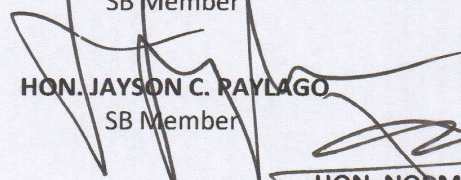
  
**HON. ARNOLDO M. MADRID**  
SB Member

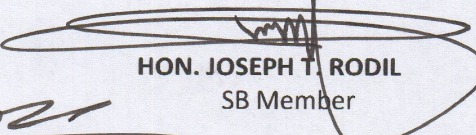
  
**HON. LEONARDO L. PEDRAZA**  
SB Member

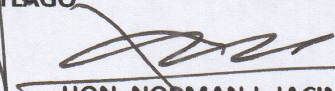
**HON. GEOFFREY PAUL A. UMBAO**  
SB Member

  
**HON. ANTONIO VICTOR R. OLYMPIA**  
SB Member

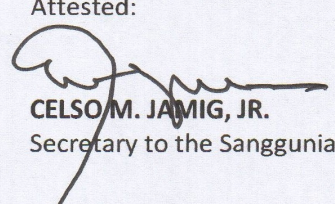
  
**HON. ARNEL G. ABRENICA**  
SB Member

  
**HON. JAYSON C. RAYLAGO**  
SB Member

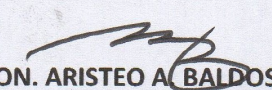
  
**HON. JOSEPH T. RODIL**  
SB Member

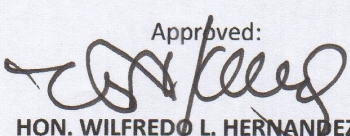
  
**HON. NORMAN J. JACINTO**  
ABC President, SB Member

Attested:

  
**CELSO M. JAMIG, JR.**  
Secretary to the Sanggunian

Certified Correct:

  
**HON. ARISTEO A. BALDOS, JR.**  
Vice Mayor, Presiding Officer

Approved:  
  
**HON. WILFREDO L. HERNANDEZ, SR.**  
Municipal Mayor  
Date Signed: June 24, 2014