



Republic of the Philippines
Province of Isabela
MUNICIPALITY OF PALANAN

OFFICE OF THE SANGGUNIANG BAYAN

Literal copy of Municipal Ordinance No. 2012 – 11 approved by the Sangguniang Bayan of Palanan, Isabela in its Regular Session on October 8, 2012 held at the LMB Office.

MUNICIPAL ORDINANCE NO. 2012 - 11

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

WHEREAS, it has been a National Policy under Section 2(a) of R. A. 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 area of jurisdiction;

WHEREAS, the Municipal Government of Palanan 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 Bayan of Palanan that:

Section 1 – It is the declared policy of the Municipality of Palanan 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 used in this ordinance:

2.1 **“Disaster”** – means the result of a natural or man-made event which causes loss of lives, 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, 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 a defined area;

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 and Astronomical Services Administration (PAGASA);

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

During the aforesaid trainings and orientations, the MDRRMO shall also discuss and highlight in local dialect R.A. 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 Coastguard (HPCG) relevant circulars on vessel movement during heavy weather; this ordinance; and other laws, rules and regulations on disaster risk reduction and management.

The 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 municipality and/or, if possible, disseminate through radio;

Section 4 – PROHIBITION OF FISHING VESSELS AND FISHING ACTIVITIES – Unless otherwise pronounced by the Headquarters Philippine Coast Guard (HPCG), the moment Public Storm Warning Signal No. 1 is raised by the PAGASA within destination, all vessels of 1,000 gross tons or below shall not sail, except to take shelter;

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 Public Storm Warning Signal 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 Public Storm Warning Signal No. 2 or higher is hoisted within its point of origin or route or point of destination.

Section 5 - FORCED EVACUATION – If upon the assessment or determination of the MDRRMO, 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 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 of 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 6 – ENLISTMENT OF ASSISTANCE OF OTHER GOVERNMENT AGENCIES – In declaring the implementation/enforcement of forced evacuation, the members of the PNP 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 and PNP Unit;

Section 6 – 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, insists on going to the sea, 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 unit of the PNP 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 person found to violate any of the pertinent provisions of this Ordinance shall be subjected to a fine not exceeding Php 2,500.00 or imprisonment not exceeding six (6) months or both in the discretion of the Court.

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

Section 8 – REPEALING CLAUSE – Any Ordinance, Order, Memorandum, Rules and Regulations which is inconsistent with the provision of this Ordinance is hereby modified or repealed accordingly.

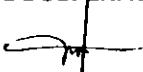
Section 8 – EFFECTIVITY – This ordinance shall take effect Fifteen (15) days after posting of this Ordinance in three (3) conspicuous place within the Poblacion.

Unanimously enacted this 8th day of October, 2012.

I hereby certify to the correctness of the foregoing Ordinance.


ELPIDIO T. GUZMAN, JR.
Secretary to the Sanggunian

**ATTESTED AND CERTIFIED
TO BE DULY ENACTED:**


PACITA MONA Q. ATANACIO
Mun. Vice-Mayor/Presiding Officer

APPROVED:


ANGELO A. BERNARDO
Municipal Mayor