

Republic of the Philippines
Province of Cebu
CITY OF NAGA



Excerpt from the minutes of the regular session of the Sangguniang Panlungsod of the City of Naga, Cebu held on February 27, 2013 at the Session Hall, City of Naga, Cebu.

Present:

- HON. DELFIN R. SEÑOR
- HON. ELMER Q. LAPITAN
- HON. OTHELLO M. CHIONG
- HON. ALEXANDER R. LARA
- HON. NILO B. ALINSONORIN
- HON. LETECIA F. ABANGAN
- HON. PORFERIO V. RESABA
- HON. DOMINGA P. MILLENA
- HON. RODRIGO A. NAVARRO
- HON. VIRGILIO M. CHIONG

- Vice Mayor - Presiding Officer
- Sangguniang Panlungsod Member
- Sangguniang Panlungsod Member
- Sangguniang Panlungsod Member
- Sangguniang Panlungsod Member
- Sangguniang Panlungsod Member
- Sangguniang Panlungsod Member
- Sangguniang Panlungsod Member
- Sangguniang Panlungsod Member
- ABC President

Absent:

- HON. ALEXA MANNA B. CHIONG
- HON. CARMELINO N. CRUZ
- HON. VENCI R. DEL MAR

- SK President - on official business travel
- Sangguniang Panlungsod Member - on official business travel
- Sangguniang Panlungsod Member - on official business travel

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ORDINANCE NO. 2013-004

AN ORDINANCE IMPLEMENTING FORCED EVACUATION AS A RESORT WHEN A DISASTER OR EMERGENCY HAS BEEN DECLARED IN THE CITY OF NAGA AND DANGER OF LOSS OF LIVES BECOMES IMMINENT, PROVIDING PENALTIES THEREFORE 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 "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, the City Mayor is 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 LGU is enjoined by DILG Memorandum Circular No. 2012-35 dated 21 February 2012, to cause the enactment of a local ordinance 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;

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Naga Fire

Whereas, the City Government of Naga, Cebu 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 of the City of Naga, Cebu that:

SECTION 1. It is the declared policy of the City of Naga, Cebu 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, the following terms shall mean:

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2.1 Disaster - 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, 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-an immediate threat of harm.

2.3 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 has been declared and is considered dangerous for health or safety of the public.

2.4 Forced evacuation- 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 City Disaster Risk Reduction and Management Office (CDRRMO) shall organize and conduct training and orientation on 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 1st week of May, at the onset of the rainy season as declared by PAG-ASA.

During the aforesaid trainings and orientations, the CDRRMO shall discuss and highlight in Cebuano RA 10121, otherwise known as the Philippine Disaster 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 and vessel movement during heavy weather; this Ordinance; and other laws, rules and regulations on disaster risk reduction and management.

The CDRRMO 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 at the City and/or, if possible, disseminate through radio and TV advertisements.

SECTION 4. PROHIBITION OF FISHING VESSELS AND FISHING ACTIVITIES. Unless otherwise pronounced by the HPCG, the moment public storm warning signal no. 1 is raised by the PAG-ASA 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 Weather Signal (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 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 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 City Government shall see to it that the local residents are informed in Cebuano 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 the City, BFP units and PNP units.

SECTION 7. 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, insist on going to the sea, or, after evacuating, go back to their homes/ affected areas without an order issued to this effect, the City 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. PENALTY CLAUSE. Any person found to violate any of the pertinent provisions of this Ordinance shall be subjected to a fine not exceeding P5, 000 or imprisonment not exceeding 1 year or both in the discretion of the court.

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 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 in a newspaper of general circulation within the City.

UNANIMOUSLY APPROVED this 27th day of February 2013, on motion of Hon. Elmer Q. Lapitan, seconded by Hon. Rodrigo A. Navarro.

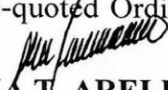
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May 15, 2013

I HEREBY CERTIFY to the correctness of the afore-quoted Ordinance taken from the minutes on file.

ATTESTED BY:


DELFIN R. SEÑOR

Vice Mayor/Presiding Officer


DELZA T. ARELLANO
Secretary to the Sanggunian

APPROVED BY:


VALDEMAR M. CHIONG
Mayor