

REPUBLIKA NG PILIPINAS
TANGGAPAN NG SANGGUNIANG PANLUNGSOD
LUNGSOD NG BAKOLOD

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CITY ORDINANCE NO. 645
May 8, 2013

AN ORDINANCE IMPLEMENTING FORCED EVACUATION AS A RESORT WHEN A DISASTER OR EMERGENCY, EITHER MAN-MADE OR NATURAL DISASTER, HAS BEEN DECLARED AND DANGER OR LOSS OF LIVES BECOMES IMMINENT IN THE CITY OF BACOLOD PROVIDING PENALTIES THEREFORE AND FOR OTHER PURPOSES.

WHEREAS, it has been a national policy under Section 2 (a) of R. A. No. 10121, otherwise known as the "Philippine Disaster Reduction 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 disaster including climate impacts;

WHEREAS, the local government units are authorized under Section 16 of the Local Government Code of 1991 otherwise known as the General Welfare Clause of 1991, "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, City Mayor under Section 455 (b) (VII) 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 disaster and calamities;

WHEREAS, the Local Government Unit 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 City of Bacolod is highly concerned with and committed in protecting the lives of its residents at all times and mitigating its effects of man-made and natural disasters.

NOW THEREFORE, be it ordained by the Sangguniang Panlungsod of the City of Bacolod in session assembled that:



Section I – Declaration of Policy

It is the declared policy of the City of Bacolod to protect the lives of its constituents at all times which cause by the effects of man-made and natural disaster within its jurisdiction.

Section II – Definition of Terms as used in the ordinance

1. **Disaster** – means the result of a natural or man-made event which causes losses of life and property damage, including but not limited to natural disaster such as hurricane, tornado, storm, flood, high winds and other weather related events and man-made disaster, including but not limited to nuclear power plant incidents, hazardous materials incidents, oil spill, explosion, civil disturbances, public calamity, acts of terrorism, hostile military actions, and other events related thereto.
2. **Imminent Danger** – means an immediate threat of harm.
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.
4. **Forced Evacuation** – means an evacuation ordered as a resort when a disaster or emergency has been declared and danger or loss of life is imminent, and conditions exist that critically imperil or endanger the lives of those in a defined area.

Section III – Training and Orientation on Disaster Risk Reduction and Management

The City of Bacolod Disaster Risk Reduction and Management Office (C/DRRMO) 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 City of Bacolod at least once during summer as declared by the Philippine Atmospheric Geographical and Astronomical Services Administration (PAG-ASA).

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

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During the aforesaid trainings and orientations, the City DRRMO shall also discuss and highlights in Hiligaynon/Ilonggo R. A. No. 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 Insuring Public Safety during the man-made and natural disaster; this ordinance; and other laws, rules and regulation on disaster risk reduction and management.

The City DRRMO 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 and/or, if possible disseminate through radio and television.

Section IV – Forced Evacuation

If upon assessment or determination of the city DRRMC 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 recommendations, 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 Hiligaynon/Ilonggo of the need for them to evacuate and that there is no other alternative way to ensure their safety.

Section V – Prohibition of Fishing Vessel from Fishing Activities and Commercial Shipping Company to postpone their trip to any destination from Bacolod City



Unless otherwise pronounced by the headquarters of the Philippine Coast Guard (HPCG) the moment public storm warning signal (PSWS) number is raised by the PAG-ASA within the destination, all vessels of 1,000 gross tons or below shall not sail and all commercial vessel in Bacolod City port such as, "BREDCO" and Banago port shall not be allowed to continue their voyage to any destination and are required to postpone their trip, except to take a shelter.

Section VI – Enlistment of Assistance of Other Government Agencies

In declaring the implementation/enforcement of forced evacuation, the members of the PNP, AFP, BFP, BJMP and Barangay Police 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 Government, BFP units and PNP units.

Section VII – 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 the local residents refuse to leave their home back to their homes/affected areas without an order issued to this effect, the city government as well as the members of the mobilized units of the PNP, AFP, BFP, BJMP, and Barangay Police may use such physical force that is commensurate under the circumstances, without discrimination and with conscious attention to the need of vulnerable sectors such as children, women, the elderly and person with disability with the end view that lives are safely secured.

Section VIII – Penalty Clause

Any public official found to violate any of the pertinent provisions of this ordinance shall be subjected to a fine not exceeding Five Thousand Pesos (Php5,000.00) or imprisonment not exceeding one (1) year or both at the discretion of the court, without prejudice to administrative sanctions as may be imposed under existing laws, rules and regulations.

Section IX – Repealing Clause

Any ordinances, orders, memorandums, rules and regulations which are inconsistent with the provision of this ordinance is hereby modified or repealed accordingly.





Section X – Effectivity

This ordinance shall take effect fifteen (15) days after its publication in the newspaper of local circulation in the City of Bacolod.

CARRIED BY THE VOTE OF:

Affirmative :
Councilors : Homer Q. Bais, Archie S. Baribar, Roberto M. Rojas, Catalino T. Alisbo, Em L. Ang, Dindo C. Ramos, Elmer T. Sy, Sonya M. Verdeflor, Al Victor A. Espino, Caesar Z. Distrito, Carlos Jose V. Lopez.

Negative : None.

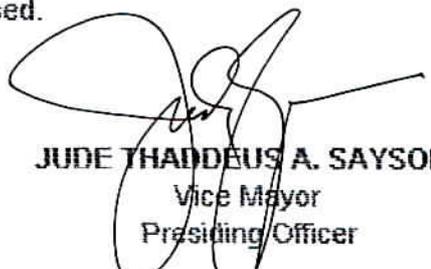
Absent : None.

Official Leave : Councilors Mona Dia G. Jardin and Keith Emmanuel L. Ramos.

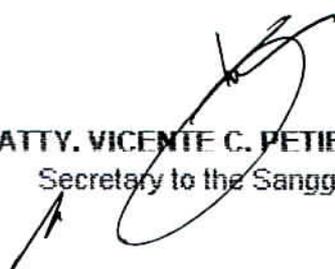
Author : Councilor Catalino T. Alisbo.

Passed : May 8, 2013 (149th Regular Session).

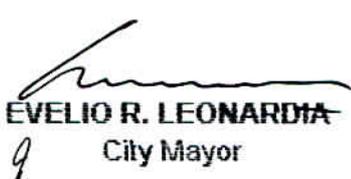
Comments : Passed.
Councilor El Cid M. Familiaran was not around when this ordinance was passed.


JUDE THADDEUS A. SAYSON
Vice Mayor
Presiding Officer

ATTESTED:


ATTY. VICENTE C. PETIERRE III
Secretary to the Sanggunian

APPROVED: May 29, 2013.


EVELIO R. LEONARDIA
City Mayor

VCP/HPL/jbz

SP
LEGISLATIVE SERVICES SECTION
DATE 5/31/13 TIME 1:51PM
BY: [Signature]



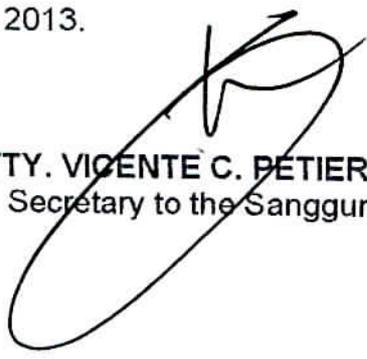
CERTIFICATION

This is to certify that City Ordinance No. 645, Series of 2013, passed by the Sangguniang Panlungsod on May 8, 2013, entitled:

“AN ORDINANCE IMPLEMENTING FORCED EVACUATION AS A RESORT WHEN DISASTER OR EMERGENCY, EITHER MAN-MADE OR NATURAL DISASTER, HAS BEEN DECLARED AND DANGER OR LOSS OF LIVES BECOMES IMMINENT IN THE CITY OF BACOLOD PROVIDING PENALTIES THEREFORE AND FOR OTHER PURPOSES.”

was submitted to the Office of the City Mayor on July 9, 2013 for approval. The ten (10) day period lapsed on July 19, 2013 without the Mayor's signature. This ordinance is therefore considered in effect in accordance with law and was likewise published in the August 16, 2013 issue of Sun-Star Bacolod and was posted in the bulletin board of the Sangguniang Panlungsod at the New Government Center as required in the said City Ordinance and is now therefore legally in effect.

Bacolod City, Philippines, September 2, 2013.


ATTY. VICENTE C. PETIERRE III
Secretary to the Sanggunian