



Republic of the Philippines
PROVINCE OF CAVITE
City of Bacoor

OFFICE OF THE SANGGUNIANG PANLUNGSOD

CITY ORDINANCE NO. 246-2022
Series of 2022

DISTRICT I

HON. CATHERINE SARINO-EVARISTO
Acting City Mayor

HON. MICHAEL E. SOLIS
Acting City Vice-Mayor

HON. ADRIELITO G. GAWARAN
City Councilor

HON. VICTORIO L. GUERRERO, JR.
City Councilor

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HON. RAMON R. BAUTISTA
Liga ng mga Barangay President

HON. MAC RAVEN ESPIRITU
SK Federation President

Attested by:

ATTY. KHALID A. ATEGA, JR.
Sangguniang Panlungsod Secretary

Certified by:

HON. REYNALDO D. PALABRICA
Acting Presiding Officer/
President Pro Tempore

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AN ORDINANCE MANDATING PREEMPTIVE AND FORCED EVACUATIONS DURING DISASTERS WHERE DESTRUCTION OF PROPERTY OR LOSS OF LIVES IS IMMINENT AND PROVIDING PENALTIES FOR VIOLATIONS HEREOF.

Sponsored by:

Hon. Alejandro F. Gutierrez

Co-Sponsored by:

Hon. Adriellito G. Gawaran, Hon. Victorio L. Guerrero, Jr., Hon. Alejandro F. Gutierrez, Hon. Levy M. Tela, Hon. Roberto L. Advincula, Hon. Rogelio M. Nolasco, Hon. Simplicio G. Dominguez, Hon. Mac Raven Espiritu

WHEREAS, Section 2 (a) of Republic Act No. 10121 (the "Philippine Disaster Risk Reduction and Management Act of 2010") provides that the State shall 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, DILG Memorandum Circular No. 2012-35 dated 21 February 2012 enjoins local legislative councils to pass ordinances that will authorize preemptive and forced evacuations where loss of lives or property is imminent during disasters within their respective areas of jurisdiction.

WHEREAS, Section 8 (b) (1) of Republic Act No. 10160 (the "Charter of the City of Bacoor") empowered the City Mayor to exercise those powers expressly granted to him by law, those necessarily implied therefrom, as well as powers necessary, appropriate or incidental for the efficient and effective governance of the City, and those which are essential to the promotion of the general welfare.

WHEREAS, on 30 October 2022, severe tropical storm Paeng wreaked havoc on the City of Bacoor and inundated 69 of its 73 barangays. Reports received by the Sangguniang Panlungsod and by the City Mayor revealed that flood levels rose so quickly in the affected barangays



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that many city residents were trapped within their homes and could no longer be evacuated due to the sheer number of people in need of assistance. It was also reported that many residents refused to be evacuated even when the floodwater levels in various areas in the City already became perilously high.

WHEREAS, during the Post Disaster Needs Assessment meeting conducted by the City Mayor and by the members of the Sangguniang Panlungsod on 2 November 2022 it was proposed that an ordinance be passed mandating preemptive and forced evacuations whenever disasters and other public emergencies occur in the City of Bacoor.

WHEREAS, the possibility that the typhoons that will affect the City of Bacoor in the future will become stronger due to climate change is more than enough reason to pass an ordinance that will give emergency responders more power to implement preemptive or forced evacuations in order to save lives and private property in a timely and effective manner.

NOW THEREFORE, be it **ORDAINED** by the 5th Sangguniang Panlungsod of the City of Bacoor, Cavite that:

Section 1. Title. This Ordinance shall be known as the **"Preemptive and Forced Evacuation Ordinance of Bacoor"**.

Section 2. Scope and Declaration of Policy. This Ordinance shall apply to all persons residing, working, or situated in any of the barangays of the City of Bacoor, Cavite. It shall be the policy of the City Government to effect the immediate, effective, and timely saving of lives and properties during disasters and other public emergencies.

Section 3. Definition of Terms. The following terms as used in this Ordinance shall be defined as:

3.1. **Accredited Community Disaster Volunteers (ACDVs)** are persons who have undergone training on emergency response conducted by the BDRRMO and listed as among then individuals who are authorized to participate in search and rescue operations in the database of the CDRRMC and the Office of Civil Defense.

3.2. **BDRRMO** stands for Bacoor Disaster Risk Reduction and Management Office.

City Ordinance No. 246- 2022 (FORCED EVACUATION ORDINANCE)



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3.3. **CDRRMC** refers to the City Disaster Risk Reduction and Management Council.

3.4. **Disaster** pertains to any natural or man-made calamity or to an unexpected event that seriously disrupts the functioning of a community or society that may be due to a natural causes such as, but not limited to flood, typhoon, severe wind, tornado, landslide, tsunami, storm surge, earthquake, epidemics and other weather-related events. It may also refer to man-made events such as but limited to fire, hazardous material-related incidents, public protests, acts of terrorism and other peace and order concerns that causes human, material, economic or environmental losses that exceed the community's or society's ability to cope using its own resources.

3.5. **Disaster Zones** are areas within the City of Bacoor to be affected, or is already being affected, by a disaster as identified by the BDRRMO.

3.6. **Emergency/ies** are any event that may cause damage to property or loss of lives.

3.7. **Emergency Responders** are employees of the City Government or of the National Government, or members of ACDVs have undergone training on emergency response.

3.8. **Evacuees** are persons who have voluntarily left their homes or who were forcibly evacuated and were brought to an evacuation center/area.

3.9. **Evacuation Order** is a written order signed by the City Mayor authorizing the conduct of preemptive or forced evacuation operations on any part of the City of Bacoor.

3.10. **Evacuation Areas/Center** a place identified by the BDRRMO where evacuees are taken for their own safety during an emergency or the occurrence of a disaster.

3.11. **Forced Evacuation** is the forcible removal of any person from an identified danger zone as ordered by the City Mayor.

3.12. **Hazard** pertains to any environmental factor that poses a threat to the safety of individuals or that may cause destruction of property such as, but not limited to, proximity to fault lines, coastal areas, or low lying areas.



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3.13. **Imminent Threat/Danger** is a well-founded belief that death or serious physical harm can occur to persons residing or working in a particular area within the City of Bacoor within a short period of time unless evacuation operations are conducted.

3.14. **Preemptive Evacuation** are operations conducted by the BDRRMO and other emergency responders to remove persons residing or working within a danger zone before a disaster takes place upon the written order of the City Mayor.

3.15. **Public Officials** are elected or appointed employees of the government including private individuals who were deputized in writing by the City Mayor to participate in evacuation operations.

Section 4. Mandatory Public Education on the Disaster Early Warning System of the City of Bacoor. The City Information Office, in coordination with the Bacoor Disaster Risk Reduction and Management Office (BDRRMO), is hereby mandated to launch a massive and continuous public information campaign that will familiarize Bacooreños of all ages on the Disaster Early Warning System (DEWS) of the City of Bacoor. The said public education campaign shall use whatever lawful means necessary to effectively explain to the public how the DEWS-Bacoor works and how it can save lives and properties when heeded.

Section 5. Guidelines On Disaster Preparedness And Mitigation. The following guidelines shall be used by the City Government in the implementation of its various disaster preparedness and mitigation programs, projects, and activities including how evacuations should be done and why it should be done:

- a) The City Disaster Risk Reduction and Management Council (CDRRMC) shall ensure that community-based disaster risk reduction and management trainings to orient every resident on the possible natural hazards, vulnerabilities, and climate change risk as well as knowledge management activities on disaster risk reduction and information dissemination regarding calamities and disasters, either natural or man-made, are conducted down to the barangay and community levels.



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b) Trainings, orientations and activities shall be discussed in Tagalog or Taglish to ensure that they are understood by local residents.

c) The Bacoor CDRRMC and its counterpart in the barangay levels shall also cause the posting of posters of trainings, orientations, activities and information at the conspicuous places of the City of Bacoor and barangays, the issuance of newsletters, brochures and pamphlets, and if possible, dissemination through other platforms of advertisements and social media.

d) The conduct of these trainings, orientations, activities and information dissemination shall be done during the dry season as declared by the Philippine Atmospheric Geophysical and Astronomical Services Administration (PAGASA). The conduct of the said information dissemination activities shall be done regularly especially in hazard prone areas.

Section 6. Preemptive Evacuation. The BDRRMO, emergency responders, and other public officials of the City of Bacoor, Cavite are hereby empowered to conduct preemptive evacuations at any part of the City of Bacoor that are exposed to disaster hazards whenever an imminent threat or danger to lives and property is present. Provided that the implementation of preemptive evacuation shall be subject to the following:

6.1. Guidelines On Preemptive Evacuation.

A) The City Mayor shall have the sole power to order the implementation of preemptive evacuation operations. The order shall be issued only upon the recommendation of the BDRRM Officer and the subsequent concurrence and approval of the City Disaster Risk Reduction Management Council after due consultation, coordination, and reference with the different government agencies, such as but not limited to the Philippine Atmospheric, Geophysical,



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Astronomical Services Administration (PAGASA), the Philippine Institute of Volcanology and Seismology (PHILVOLCS), National Disaster Risk Reduction and Management Council (NDRRMC), the Provincial Disaster Risk Reduction and Management Council (PDRRMC), the Office of Civil Defense (OCD), and the Department of Interior and Local Government (DILG) when a disaster or emergency has been declared or forecasted and the danger of loss of lives is imminent in the area of jurisdiction of the City of Bacoor.

B) The order for preemptive evacuation must be thoroughly evaluated by the City Mayor after consultation with different government agencies especially during the rainy season. The order for preemptive evacuation shall be announced to the vulnerable or marginalized groups in the area who will be affected at least two (2) hours before the commencement of the preemptive evacuation operation to give the affected individuals or groups time to prepare their personal belongings.

C) Vulnerable or marginalized groups in the identified danger zones or hazard prone areas that are to be affected by the incoming typhoon or disaster shall be temporarily relocated to evacuation sites or centers. Even if the disaster does not turn out to be as severe as expected, the evacuees shall be fed by the City Government while they are in the evacuation centers.

D) The facilities of private educational institutions that volunteered to assist the City Government in hosting evacuees shall be secured and kept orderly and clean by the City Government. Any damage to the said facilities inflicted by the evacuees or by any city



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government employee shall be repaired at the expense of the City Government.

E) The BDRRMO shall identify the sites that shall be used as pickup points of evacuees that reside in areas that are too far from designated evacuation centers. The BDRRMO shall lead in preparing for, responding to, and recovering from the effects of any disaster based on the criteria provided under Rule 11, Section 1 of the Implementing Rules and Regulations of RA 10121.

F) Transport vehicles to be used in transporting affected residents to evacuation sites or centers shall have the necessary banners or signs/logos issued by the BDRRMO for immediate identification.

G) The City Government of Bacoor shall enlist the assistance of the City Chief of Police, the City Fire Marshall, the Armed Forces of the Philippines (AFP), the Philippine Coast Guard (PCG), or any Accredited Community Disaster Volunteers (ACDVs) in the preparation and enforcement of preemptive evacuation before and during the disaster or calamity situations.

H) The City Government of Bacoor may deputize private individuals or organized volunteers to augment its emergency response personnel and logistical requirements in the delivery of disaster risk reduction programs and activities.

I) Strict enforcement of the preemptive measure shall be done in the area/s affected or to be affected by the man-made or natural disaster. The Punong Barangay or any of the barangay officials, who are familiar with the affected or target area, as much as possible, shall be responsible in guiding the response team



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composed of the PNP or any enforcement agency, local rescue teams or volunteers. The response team shall make sure that no person has been left unaccounted in the area or allowed to return to the affected area without an order issued to this effect by the City Mayor.

J) Once the preemptive evacuation has commenced, the resources of the City Government shall be used to address the needs of the following persons in the following order of preference:

- a. the sick and the elderly,
- b. differently abled people,
- c. pregnant women and children, especially orphans and unaccompanied children, and
- d. indigenous people.

K) Camp management teams shall be on standby in the designated evacuation centers/sites to monitor and provide service and necessary materials such as but not limited to beddings, blankets, clothing, foods and medicines, to the evacuees in times of disasters or calamity. Medical personnel shall also be on standby at the evacuation sites to provide medical assistance to the vulnerable or marginalized groups, as well as the response team and other persons that needs immediate medical attention. In the aftermath of the calamity and/ or man-made or natural disaster, the City Government of Bacoor shall extend any assistance that it can provide to victims for their rapid recovery.

L) Search and Rescue teams must be well-trained and properly-equipped before they are deployed. No undertrained or under-equipped emergency response personnel shall be allowed to participate in search-and-rescue



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operations. The City Government shall provide the required training and equipment to emergency responders as efficiently as possible. The City Government of Bacoor shall take full responsibility of the competency and skills enhancement of volunteers. The BDRRMO shall submit to the Office of Civil Defense the list of community disaster volunteers who qualifies for accreditation and inclusion in the OCD database. The City Government of Bacoor shall provide insurance coverage and shall shoulder the cost of medical treatment of any volunteers who dies or who gets injured while engaged in any disaster preparedness and mitigation activity within the City of Bacoor.

M) Residents who have been preemptively evacuated shall only be allowed to return to their homes upon the order of the City Mayor through the recommendation of the CDRRMC in consultation with different government agencies concerned and field personnel, after it has been determined that the danger no longer exist therein.

Section 7. Forced Evacuations. The BDRRMO, emergency responders, and other public officials of the City of Bacoor, Cavite are hereby empowered to conduct forced evacuations at any part of the City of Bacoor where: (a) a disaster is expected to happen within the next four (4) hours after the order to evacuate had been issued, or (b) where a disaster is already happening that is so severe in character that the loss of life is almost a certainty if a forced evacuation is not conducted. Provided that, the implementation of forced evacuation shall be subject to the following:

Section 7.1. Guidelines On Forced Evacuation.

A) Only the City Mayor can order the conduct of forced evacuation operations. The order shall be issued only upon the recommendation of the BDRRM Officer and the subsequent concurrence and approval of the City Disaster



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Risk Reduction Management Council after due consultation, coordination, and reference with the different government agencies, such as but not limited to the Philippine Atmospheric, Geophysical, Astronomical Services Administration (PAGASA), the Philippine Institute of Volcanology and Seismology (PHILVOLCS), National Disaster Risk Reduction and Management Council (NDRRMC), the Provincial Disaster Risk Reduction and Management Council (PDRRMC), the Office of Civil Defense (OCD), and the Department of Interior and Local Government (DILG) when a disaster or emergency has been declared or forecasted and the danger of loss of lives is imminent in the area of jurisdiction of the City of Bacoor.

B) The order for forced evacuation shall be issued when (a) a disaster is expected to happen within the next four (4) hours after the order to evacuate had been issued, or (b) where a disaster is already happening that is so severe in character that the loss of life is almost a certainty if a forced evacuation is not conducted.

C). In forced evacuations, saving lives takes precedence over saving property. Thus, emergency responders, police officers, and other public officials conducting forced evacuation operations shall not allow evacuees to carry too much personal belongings or even pets if bringing the said animals will take too much time, if there is not enough space in the transport vehicles or evacuation centers, or if the said animals pose a danger to themselves or to others.

D) The human rights of persons to be evacuated shall be respected at all times by emergency responders, police officers, and other public officials conducting forced



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Liga ng mga Barangay President

HON. MAC RAVEN ESPIRITU
SK Federation President

Attested by:
ATTY. KHALIDA A. ATEGA, JR.
Sangguniang Panlungsod Secretary

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evacuation operations. In case a person residing in an area subject to forced evacuation refuses to leave his/her place of work or residence for whatever reason, emergency responders, police officers, and other public officials conducting forced evacuation operations shall have the power to arrest that person. However, the public official conducting the arrest must introduce themselves to the person to be arrested and explain to the person to be arrested in a clear and respectful language why he/she is being arrested and where he/she will be taken to. The arresting officer/s may only use reasonable force in effecting the arrest. **The use of deadly or excessive force or discourteous language on any person to be arrested during forced evacuation operations shall not be allowed.** The person arrested shall be detained at the nearest police station or evacuation center that is outside the danger zone as long as the disaster is taking place.

E) Vulnerable or marginalized groups in the identified danger zones or hazard prone areas that are to be affected, or are already being affected, by the disaster shall be temporarily relocated to evacuation sites or centers outside of the danger zone. The evacuees shall be fed by the City Government while they are in the evacuation centers.

F) Transport vehicles to be used in transporting affected residents to evacuation sites or centers shall have the necessary banners or signs/logos issued by the BDRRMO for immediate identification.

G) The City Government of Bacoor shall enlist the assistance of the City Chief of Police, the City Fire Marshall, the Armed Forces of the Philippines (AFP), the Philippine Coast Guard



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(PCG), the Liga ng mga Barangay, or any Accredited Community Disaster Volunteers (ACDVs) in the preparation and enforcement of forced evacuation operations.

I) Strict enforcement of the forced evacuation order shall be done in the area/s affected or to be affected by the disaster. The Punong Barangay or any of the barangay officials, who are familiar with the danger zone shall be responsible in guiding the forced evacuation teams. The forced evacuation teams shall make sure that no person has been left unaccounted in the area or allowed to return to the affected area without an order issued to this effect by the City Mayor.

J) When members of forced evacuation teams are confronted with a difficult situation where they have to choose who among a group of people must be first evacuated such as when there is not enough space available in the transport vehicle they are using, the following order of preference shall be used:

- a. the sick and the elderly,
- b. differently abled people,
- c. pregnant women and children, especially orphans and unaccompanied children,
- d. indigenous people,
- e. Able-bodied individuals, and
- f. Domesticated pets.

K) Camp management teams shall be on standby in the designated evacuation centers/sites to monitor and provide service and necessary materials such as but not limited to beddings, blankets, clothing, foods and medicines, to the evacuees in times of disasters or calamity. Medical personnel shall also be on standby at the evacuation sites to provide



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medical assistance to the vulnerable or marginalized groups, as well as the response team and other persons that needs immediate medical attention. In the aftermath of the calamity and/ or man-made or natural disaster, the City Government of Bacoor shall extend any assistance that it can provide to victims for their rapid recovery.

L) Forced evacuation team members must be well-trained and properly-equipped before they are deployed. No undertrained or under-equipped emergency response personnel shall be allowed to participate in forced evacuation operations. The City Government shall provide the required training and equipment to emergency responders as efficiently as possible. The City Government of Bacoor shall provide insurance coverage and shall shoulder the cost of medical treatment of any forced evacuation team member who dies or who gets injured while engaged in forced evacuation operations within the City of Bacoor.

M) Residents who have been forcibly evacuated shall only be allowed to return to their homes upon the order of the City Mayor through the recommendation of the CDRRMC in consultation with different government agencies concerned and field personnel, after it has been determined that the danger no longer exist therein.

Section 8. Use of Emergency Sirens/Speakers to Warn Public. Emergency sirens and speakers installed in strategic places within every barangay in the City shall be used to inform the public that forced evacuation operations shall be conducted at least two (2) hours before the arrival of the forced evacuation teams in order to give the persons to be evacuated time to prepare themselves and their personal belongings.

Section 9. Prohibited Acts. The following acts shall be considered a violation of this Ordinance:



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9.1. Conducting evacuation operations that violate the guidelines on forced and preemptive evacuations;

9.2. Inflicting bodily harm to, or verbally abusing, a public official or emergency responder conducting a lawful evacuation operation;

9.3. Leaving an evacuation center or returning to the danger zone without the authority of the City Mayor; or

9.4. Any act similar or analogous to ^{any} any of the foregoing.

Section 10. Penalty. All adults who commits any of the prohibited acts mentioned in Section 9 of this Ordinance shall be required to pay a fine of P3,000.00 and shall be imprisoned for not less than six (6) months but not more than one (1) year upon conviction by a competent court of law. No child shall be punished by virtue of this Ordinance. Neither shall the parents or guardians of children who violated this Ordinance shall be penalized under this Ordinance.

Section 11. No Contest Provision. Any person apprehended for violating this Ordinance who does not wish to contest the violation prior to the filing of a formal complaint against him/her with the Office of the City Prosecutor, shall be allowed to pay the said fine at the City Treasurer's Office to avoid being criminally and/or civilly prosecuted.

Section 12. Procedure in the Availment of the No Contest Provision. The following provisions shall be used before the "No Contest Provision" of this ordinance can be availed of:

a. The violator shall be given five (5) working days from issuance of the Ordinance Violation Receipt (OVR) within which to pay the fine.

a.1. The fine involved shall be the minimum imposable under the Ordinance violated;

a.2. Where the Ordinance violated imposed fines for the first, second and third offenses and the law enforcer has no way of determining how many times the offender have violated the ordinance – the fine for the second offense shall be imposed against the offender.



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a.3 If the violator already availed of the No Contest Provision three (3) times within one (1) calendar year, he/she can no longer avail of the same and the corresponding complaint for the violation of the Ordinance, with the maximum penalty imposed should be filed against the violator before the Office of the City Prosecutor.

b. A violator who avails of the No Contest Provision in this Ordinance must first secure an "Order of Payment" from the city government department/unit implementing the ordinance he/she violated before paying the fine at the City Treasurer's Office;

c. After payment of the fine, the violator shall present the Official Receipt to the city government department/unit implementing the ordinance he/she violated which shall then attach a Certified True Copy of the receipt to the documents of the case and the case shall be considered closed.

d. If after the lapse of five (5) days, the violator has failed to present the Official Receipt of the payment of the fine, the city government department/unit implementing the ordinance he/she violated shall have the case filed with the City Prosecutor's Office, attaching an Affidavit or Certification from the said department/unit that the violator failed or did not avail of the No Contest Provision.

Section 13. Community Service. A violator of this Ordinance who is unable to pay the required fine shall be allowed to render community service not exceeding 24 hours. The Head of the BDRRMO or the City Mayor shall determine the nature of the community service to be performed by the violator.

Section 14. Implementing Rules and Regulations. The BDRRMO with the assistance of the City Legal Services Office is mandated to formulate the implementing rules and regulations of this Ordinance in consultation with the following:

- The City Administrator
- The Bacoor City Police
- The Liga ng mga Barangay
- The Bureau of Fire Prevention; and



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e. The City Social Welfare and Development Office

The BDRRMO shall submit the draft implementing rules and regulations of this Ordinance to the City Mayor for his approval not later than sixty (60) days after the effectivity date of this Ordinance.

SECTION 15. Repealing Clause. All Ordinances, orders, and rules inconsistent with the provisions of this Ordinance are hereby modified or repealed accordingly.

SECTION 16. Separability Clause. Any provision of this Ordinance not declared void or unconstitutional by the proper court of law shall remain valid.

SECTION 17. Effectivity Clause. This Ordinance shall take effect immediately after it has been published once in a newspaper of general circulation in the City of Bacoor, Cavite.

ENACTED this 21st day of November 2022 by the 5th Sangguniang Panlungsod of the City of Bacoor, Cavite.

I hereby certify that the foregoing Ordinance was approved in accordance with law by the 5th Sangguniang Panlungsod of the City of Bacoor, Cavite.

Certified by:

HON. REYNALDO D. PALABRICA

Acting Presiding Officer/President Pro Tempore

Attested by:

ATTY. KHALID A. ATEGA JR.

Sangguniang Panlungsod Secretary



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Date of Approval: NOVEMBER 18, 2022