



EXECUTIVE ORDER NO 2016- 40

AN EXECUTIVE ORDER MANDATING THE USE OF PREEMPTIVE AND FORCED EVACUATION GUIDELINES DURING EMERGENCY SITUATIONS CAUSED BY NATURAL OR MAN-MADE DISASTERS AND PROVIDING GUIDELINES THEREOF.

WHEREAS, the Municipal Government of Marilao has been subjected to and affected by the adverse impacts of recurrent natural disaster brought about by climate change, as well as, man-made disasters and emergencies.

WHEREAS, said natural disasters have always posed real danger to lives and well- being of the residents of Marilao and their properties.

WHEREAS, pursuant to Republic Act 10121, the MDRRMC, tasked to develop policies and plans, and the implementation of actions and measures pertaining to all aspects of disaster risk reduction and management, which includes good governance, risk assessment and early warning knowledge building and awareness raising, reducing underlying risk factors, and preparedness for effective response and early recovery;

WHEREAS, the Local Chief Executive, pursuant to the general welfare clause of the Local Government Code, is empowered to exercise such powers and perform such duties and functions for the general welfare of the city and its inhabitants;

WHEREAS, in order to safeguard, preserve and protect the lives, well-being and health of the inhabitants of the Municipality as well as their properties and to minimize the adverse impacts of hazard and related disasters, and necessary mitigating measures should be employed;

WHEREAS, it is highly recognized that a guideline on preemptive and forced evacuation should be implemented within the Municipality, to better facilitate, mitigate and ensure maximum safety and survival before and during the occurrence of an emergency or disaster;

I, JUANITO H. SANTIAGO, Mayor of the Municipality of Marilao, by virtue of the powers vested in me by law and the Constitution, and concurrent chairman of the Municipal Disaster Risk Reduction and Management Council, hereby order the implementation of the Preemptive and Forced Evacuation Guidelines of the Municipality of Marilao, to wit;

Section 1. Declaration of Policy. - It is the declared policy of the Municipality of Marilao to protect the lives and properties of its residents at all times and whenever possible, mitigate the effects of human-induced and natural disasters within the locality.

Section 2. Definition of Terms. As used in this Executive Order the following terms are hereby defined:

- a. **Disaster** - a serious disruption of the functioning of a community or a society involving widespread human, material, economic or environmental losses and impacts, which exceeds the ability of the affected community or society to cope using its own resources. Disasters are often described as a result of the combination of the exposure to a hazard; the conditions of vulnerability that are present; and insufficient capacity or measures to reduce or cope with the potential negative





consequences. Disaster impacts /may include loss of life, injury, disease and other negative effects on human, physical, mental and social well-being, together with damage to property, destruction of assets, loss of services, social and economic disruption and environmental degradation;

- b. Evacuation - means an operation whereby all or part of a particular population is temporarily relocated, whether voluntarily or in an organized manner, from an area that has been or is about to be struck by a disaster, to a place considered not dangerous for health or safety;
- c. Forced Evacuation- an order from competent authority to forcibly evacuate residents to an appropriate evacuation destination to protect their lives during the onslaught of disaster;
- d. Imminent Danger- means any condition in any place such that a danger exists which could reasonably be expected to cause death or serious physical harm immediately upon or before the occurrence of any human- induced or natural disasters;
- e. Incident Commander- is the person responsible for all aspects of an emergency response; including quickly developing incident objectives, managing all incident operations, applications of resources as well as responsibility for all persons involved. The incident Commander sets priorities and defines the organization of the incident response teams and the overall incident action plan. The role of the incident commander may be assumed by senior or higher qualified officers upon their arrival or as the situation dictates. Even if subordinate positions are not assigned, the incident commander position will always be designated or assumed. The incident commander may, at their own discretion, assign individuals, who may be from the same agency or from assisting agencies, to subordinate or specific positions for the duration of the emergency;
- f. Pre-emptive Evacuation- an order from competent authority to forcibly evacuate residents to an appropriate evacuation destination to forestall their exposure to an imminent disaster.

Section 3. Procedures on Enforcement of Pre-Emptive Evacuation- Upon assessment or determination of the Incident Commander (IC) that pre-emptive evacuation of local residents is necessary, the same shall immediately enforce pre-emptive evacuation of affected residents.

Section 4. Procedures on the Declaration of forced Evacuation.- Upon evaluation of the incident Commander (IC) that forced evacuation of local residents is necessary, the same shall recommend to the Municipal Mayor for immediate declaration of forced evacuation.

On the basis of such recommendation, the Municipal may or shall immediately declare the enforcement of forced evacuation and shall order, but not limited to the following:

- a. Establishment of evacuation centers or such places where the internally displaced persons will be temporarily sheltered;
- b. Designation of areas where vehicles provided by the Municipal government are on stand- by to transport local residents to the identified evacuation centers;
- c. Establishment of measures ensuring the safety and security of local residents in the evacuation areas;
- d. Establishment of measures to secure their properties from looting, theft, robbery, etc, in the concerned area;
- e. 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 does not anymore exist;





- f. Instruct the Municipal Agriculture Officer through its veterinarian to take custody of and transport the affected animals to any government animal control facility.

However, immediately after the declaration of forced evacuation but before actual enforcement thereof, the IC shall see to it that the local residents are informed in dialect understandable and spoken by the residents of the need for them to evacuate and that there is no other alternative way to ensure their safety.

Section 5. Mobilization of Other Government Agencies.- In declaring the enforcement of forced evacuation, the members of the Philippine National Police (PNP), the Armed Forces of the Philippines (AFP), Philippine Coast Guard (PCG), Bureau of Fire Protection (BFP), Department of Public Works and Highways (DPWH) and National Irrigation Authority (NIA), assigned within the affected locality may be mobilized by the Municipal Mayor.

Section 6. 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 local residents refuse to leave their homes 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 units may use such reasonable force that is commensurate under the circumstances, to evacuate them from the area, without discrimination and with conscious attention to the needs of vulnerable and marginalized sectors such as children, women, the elderly and persons with disabilities, with the end view that lives are safely secured.

Any person who willfully and deliberately disregard or opposed the order of forced evacuation issued by the Municipal Mayor shall release the latter from any liability for the former's injury or death attributed to his disobedience. During evacuation, priority shall be given to those persons or residents who willfully comply with the order of forced evacuation.

Section 7. Training and Orientation on Pre-Emptive Forced Evacuation Procedures.- The Municipal Disaster Risk Reduction and Management Office (MDRRMO) shall organize and facilitate the conduct of training and orientation at least once a year on pre-emptive and forced evacuation on possible human-induced and natural hazards.

During the aforesaid trainings and orientations, the MDRRMO shall also discuss the highlights in a dialect understandable and spoken by the residents on RA 10121, otherwise known as the Philippine Disaster Risk Reduction and Management Act of 2010; DILG MC No. 20125-35 dated February 21, 2012 regarding the Guidelines in the Ensuring Public Safety During Man-Made and Natural Disaster; this Ordinance; and other Laws, rules and regulations on disaster risk reduction and management.

The MDRRMO shall also 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 mass media.

Section 8. Reportorial Clause. - The Municipal Mayor shall be the one to declare, approve, the implementation of pre-emptive and/or forced evacuation, however, it shall be done only upon the recommendation of the Municipal/ Local Disaster Risk Reduction and Management Officer subsequent concurrence and approval of the Municipal Disaster Risk Reduction and Management Council of Marilao after due consultation and/or coordination with the different government agencies. Within twenty four (24) hours





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Municipality of Marilao

OFFICE OF THE MAYOR

upon the declaration of pre-emptive or forced evacuation, the Municipal Mayor shall report the declaration to the Sangguniang Bayan.

Section 9. Separability Clause - If, for any reason, any part or provision of this Executive Order shall be found to be unconstitutional or invalid, other parts or provisions thereof which are not affected thereby, shall continue to be in full force and effect.

Section 10. Repealing Clause - All executive orders, rules and regulations, or parts thereof, in conflict with, or inconsistent to the provisions of this executive order are hereby repealed or modified accordingly.

Section 11. Effectivity Clause - This Executive Order shall take effect immediately.

DONE this 8th day of December, 2016 at the Municipality of Marilao, Province of Bulacan.


JUANITO H. SANTIAGO
Municipal Mayor 



