



Republic of the Philippines
Department of Social Welfare and Development

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SENATOR GREGORIO B. HONASAN II

Chairperson

Committee on National Defense and Security

Senate of the Philippines

Pasay City

Dear Senator Honasan:

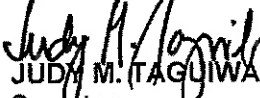
The Department of Social Welfare and Development (DSWD) respectfully submits additional comments and recommendations on Senate Bill No. 73 entitled, "An Act Creating The Emergency Response Department (ERD), Appropriating Funds Therefor, And For Other Purposes," authored by Senator Alan Peter S. Cayetano for consideration of the Committee:

1. Sec. 5. Powers and Functions. The powers and functions of the ERD are broad enough to cover not only the powers and functions currently exercised by the NDRRMC and the OCD, which it expressly seeks to replace, but also the powers and functions of offices under other executive departments such as the DSWD. The cited powers and functions also "encroach" on some powers and functions of LGUs. Functions which overlap with that of other executive departments and LGUs should be further studied.
2. Sec. 15. Coordination with Other Government Entities. The power to constitute, convene, meet with, and/or deputize agencies or clusters of agencies of government at the discretion of the ERD Secretary may be considered too extensive as the power is already reminiscent of the power of the President himself. It may also be redundant with the current structure of the NDRRMC except that it does not identify the agencies which should form the cluster.
3. Sec. 16. Attached Agencies. The wisdom of placing PAGASA and PHIVOLCS under the supervision of the ERD should be further studied. PAGASA and PHIVOLCS perform other functions aside from monitoring environmental hazards. While the provision states that they shall continue to perform these functions, their delimitation to resonate with the thrust of the ERD, which is focused on disaster preparedness and response, cannot be discounted.
4. On Chapter 3, Section 18. Donations. Since the management of donations will be transferred to ERD, a provision on its implications to Republic Act No. 10863 or the Customs Modernization and Tariff Act should be considered.

5. Sec. 26. Commandeering Private Property for Public Purpose. This seems to give the ERD perpetual emergency powers and the power to determine when exigencies exist for the exercise of such powers. This may be considered unconstitutional as Congress cannot delegate this power which was expressly reserved to it by the Constitution.

Thank you.

Very truly yours,


JUDY M. TAGUIVALO
Secretary