



REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT

Regional Office No. I, San Fernando City, La Union
Tel. Nos. (072) 888-21-08; 700-57-46; 888-22-89; 700-27-01; 700-36-79; 607-12-45
Fax Nos. 888-22-94; 700-27-03



October 24, 2011

JIMMY G. OCUMEN
MLGOO
Municipality of Bautista
Pangasinan



Dear Mr. Ocumen:

This refers to your letter requesting for legal opinion on the query which we hereunder quoted, viz:

1. Whether or not the 30% Quick Response Fund (QFR) of the calamity fund last year (2010) which is not utilized and is now deposited in a trust fund, be utilized to augment the current 30% QFR of the calamity fund to respond on rehabilitation project on infrastructure damaged by the past two typhoons Pedring and Quiel?

Before dwelling on the issue, may we first invite your attention to the provision of the **R.A. 10121 otherwise known as the Philippine Disaster Risk Reduction and Management Act of 2010**, to wit;

Section 22. National Disaster Risk Reduction and Management Fund. - (a) The present Calamity Fund appropriated under the annual General Appropriations Act shall henceforth be known as the National Disaster Risk Reduction and Management Fund (NDRRM Fund) and it shall be used for disaster risk reduction or mitigation, prevention and preparedness activities such as but not limited to training of personnel, procurement of equipment, and capital expenditures. It can also be utilized for relief, recovery, reconstruction and other work or services in connection with natural or human induced calamities which may occur during the budget year or those that occurred in the past two (2) years from the budget year.

xxx

(c) Of the amount appropriated for the NDRRM Fund, thirty percent (30%) shall be allocated as Quick Response Fund (QRF) or stand-by fund for relief and recovery programs in order that situation and living conditions of people in communities or areas stricken by disasters, calamities, epidemics, or complex emergencies, may be normalized as quickly as possible.

xxx

Also, we would like you to consider the provisions of the Implementing Rules and Regulation of R.A. 10121, to wit:



REPUBLIC OF THE PHILIPPINES

DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT

Regional Office No. I, San Fernando City, La Union

Tel. Nos. (072) 888-21-08; 700-57-46; 888-22-89; 700-27-01; 700-36-79; 607-12-45

Fax Nos. 888-22-94; 700-27-03



Rule 18 – Local Disaster Risk reduction and Management Fund

xxx

Section 2. Quick Response Fund – of the amount appropriated for LDRRMC, thirty percent (30%) shall be allocated as Quick Response Fund (QRF) or stand-by fund for relief and recovery programs in order that situation and living conditions of people in communities or areas stricken by disasters, calamities, xxx, may be normalized as quickly as possible.

Section 3. Special Trust Fund – Unexpended LDRRMF shall accrue to a special trust fund solely for the purpose of supporting disaster risk reduction and management activities of the LDRRMCs within the next five (5) years. Any such amount still not fully utilized after five (5) years shall revert back to the general fund and made available for other social services to be identified by the local sanggunain.

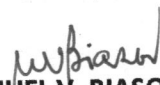
xxx

Dwelling on the issues, this Office opines the 30% QRF of the year 2010 can be utilized to augment the current 2011 30% QRF of the calamity fund. It is because the IRR of RA 10121 provides such rule specially Rule 18, Section 3. So, unexpended LDRRMF (QRF) can be used for the next five years solely for the purpose of supporting disaster risk reduction and management activities of the LDRRMC. QRF is an accumulating fund within a period of five (5) years. Now, if the QRFs for a period of five years were not utilized and such funds were deposited in a special trust fund, the whole amount of the QRF covering the five-year-period can be withdrawn and be used for other social services to be identified by the Local Sanggunian.

As an illustration, in 2010 to 2013, LGU A did not use the 30% QRF because the town did not sustain any damage from previous calamities. All the 30% QRFs from the year 2010 to 2013 were deposited into a special trust fund. Now, in the year 2014, LGU A struck by tsunami and almost 90% of the infrastructure (commercial or residential buildings) were all washed out. LGU A declared state of calamity. However, the 30% QRF for the year 2014 is not enough to cover the repair. Now, in this situation, LGU A can now use the QRF of 2010 to 2013 to augment the QRF of 2014 solely for the purpose of supporting disaster risk reduction and management activities of the LDRRMCs. The above situation is allowed by RA 10121 and its implementing rules.

We hope that we have addressed your concern accordingly.

Very truly yours,


MANUEL V. BIASON, CESO III
Regional Director

Legal/joa