

DSWD OPINION NO. 15 S. 2024

DRN: LS-L-LO-24-01-12698-C

MEMORANDUM FOR THE SECRETARY

THROUGH : ATTY. HURJAE S. LUBAG, RPm
Head Executive Assistant

**FROM : THE ASSISTANT SECRETARY FOR GENERAL ADMINISTRATION
AND SUPPORT SERVICES GROUP AND CONCURRENT OFFICER-
IN-CHARGE**

**SUBJECT : LEGAL OPINION ON WHETHER THE INCIDENTS OR SITUATIONS
ARISING FROM THE SOCORRO BAYANIHAN SERVICES INC. ARE
MAN-MADE DISASTERS SUFFICIENT TO CAUSE THE USE AND
RELEASE OF EMERGENCY CASH TRANSFERS (ECT) UNDER THE
ASSISTANCE TO INDIVIDUALS IN CRISIS SITUATIONS (AICS)**

DATE : 23 JANUARY 2024

This is in reference to the Undersecretary of GASSG's directive to render an opinion pertaining to the subject query.

Background

Socorro Bayanihan Services, Inc. or SBSI originated from the "Tinabangay" group of Socorro, Surigao del Norte led by Son Albino Taruc. The group was incorporated and registered as a People's Organization (PO) with the Securities and Exchange Commission on December 20, 1980.

The alleged violations of law committed by the SBSI are as follows:

- a. alleged operation of a shabu laboratory;
- b. existence of a heavily-armed private army in the SBSI compound;
- c. alleged murder of the SBSI president and her daughter-successor;
- d. forced marriages of children; sexual abuse and violence; and
- e. compelling members to remit money from wages, proceeds on the sale of real properties, and subsidies for senior citizens and Pantawid Pamilyang Pilipino Program (4Ps), among others.

Records show that Legal Service ("LS") had the occasion to render technical assistance through the issuance of an opinion dated 04 October 2023 (copy attached for ease of reference) on the the potential legal implications and possible liabilities of the beneficiaries of the Pantawid Pamilyang Pilipino Program ("4Ps") and Social Pension for Indigent Senior Citizens Program ("SPISC") for their alleged involvement and/or membership in SBSI.

In said opinion, LS discussed various acts committed by SBSI including those that are considered seriously unlawful and felonious, as mentioned above.

Comment

SBSI became a national news after Senator Risa Hontiveros in her privilege speech accused the group of being a religious cult engaged in the sexual abuse of minors and illegal drugs trade.

In a news article published on 29 September 2023, the Department of Environment and Natural Resources (DENR) announced that it has suspended its agreement with the controversial group Socorro Bayanihan Services Inc. (SBSI) on occupying a portion of a land that serves as its headquarters pending an investigation into their alleged violation.¹

The deplorable acts committed by SBSI officials, especially the head of the organization, Jey Rence Quilario alias "Senior Agila" were utterly condemnable such that the Department of Justice (DOJ) filed criminal charges before the Surigao court against twelve (12) SBSI members and officials responsible, facing Qualified Trafficking in Persons, Facilitation of Child Marriage, Solemnization of Child Marriage, and Child Abuse.²

The situation pertaining to SBSI had reached the national level of importance that government agencies, including this Department, were called to immediately act on the matter.

The series of events from the time the unlawful acts of SBSI were discovered up to this date clearly affected the community where SBSI is located.

It is therefore our considered view that the situations caused by SBSI are man-made disasters or hazards that are well within the context of existing laws:

- a. **"Man-made (i.e., anthropogenic, or human-induced) hazards are defined as those "induced entirely or predominantly by human activities and choices".** This term does not include the occurrence or risk of armed conflicts and other situations of social instability or tension, which are subject to international humanitarian law and national legislation. Technological hazards are normally considered a subset of man-made hazards."³ (Emphasis Supplied)
- b. Man-made disasters have an element of human intent, negligence, or error involving a failure of man-made system, as opposed to natural disasters resulting from natural hazards. Such man-made disasters are crime, arson, civil disorder, terrorism, war, biological/chemical threat, cyber-attacks, etc.⁴
- c. "Fortuitous events may be produced by two general causes: (1) by Nature, such as earthquakes, storms, floods, epidemics, fires, etc., and (2) by the act of man, such as an armed invasion, attack by bandits, governmental prohibitions, robbery, etc."⁵
- d. Supreme Court in the case of *Awayan vs Sulu Resources Development Corporation* held that *when the event is found to be partly the result of a party's participation – whether by active intervention, neglect, or failure to act – the incident is humanized and removed from the ambit of force majeure.*

As to the related query on whether this man-made disasters arising from the SBSI situations are sufficient grounds to cause the Department to utilize ECT under AICS in the affected areas, we refer to the existing guidelines under Memorandum No. 17, series of 2019⁶.

¹ <https://news.abs-cbn.com/news/09/29/23/denr-suspends-land-deal-with-socorro-bayanihan-group>, retrieved on 19 January 2024

² News article entitled "DOJ files criminal raps versus Socorro Bayanihan Services Inc. members" published on 06 November 2023, retrieved on 19 January 2024 from <https://newsinfo.inquirer.net/1855723/doj-files-criminal-raps-vs-socorro-bayanihan-services-inc-members>

³ United Nations Office for Disaster Risk Reduction (UNISDR); Implementation Guide for Man-made and Technical Hazards

⁴ Emergency Management, Monroe County, Florida, <https://www.monroecounty-fl.gov/904/Man-Made-Disaster#:~:text=Man%2Dmade%20disasters%20have%20an,%2C%20cyber%2Dattacks%2C%20etc>, retrieved on 19 January 2024

⁵ *NAPOCOR vs Philipp Brothers Oceanic Inc.*, G.R. No. 126204, 20 November 2001

⁶ Guidelines in the Implementation of the Emergency Cash Transfer (ECT) during Disaster

The ECT is an adaptive strategy in bridging the gaps between immediate disaster relief, humanitarian response and early recovery support through the provision of unconditional cash to victims of disasters and emergency situations requiring DSWD interventions.⁷

Furthermore, the Memorandum has laid down the following requisites before the ECT implementation will apply:

- a. Magnitude of the disaster in terms of population adversely affected and extend of devastation on the physical, social and means of production and other aspects;
- b. Active/operational markets where the Internally Displaced People (IDPs) can buy goods and services;
- c. Urgent priority requirements based on the results of the Rapid Damage Assessment and Needs Analysis (RDANA);
- d. **Whether or not the areas requiring ECT has been placed under or covered by a local declaration of a State of Calamity.** (Emphasis Supplied)

State of Calamity as defined under Article V of the same MC, to wit:

“State of Calamity is a condition involving mass casualty and/or major damages to property, disruption of means of livelihoods, roads, and normal way of life of peoples in the affected areas as a result of the occurrence of natural or human-induced hazard. **Declaration of a state of calamity will be in accordance with the provision of RA 10121.**” (Emphasis Supplied)

In congruence to this, Republic Act (RA) No. 10121 otherwise known as “**Philippine Disaster Risk Reduction and Management Act of 2010**”, the National Disaster Risk Reduction and Management Council (NDRRMC) issued Memorandum Order (MO) No. 60, Series of 2019,⁸ pursuant to Sections 16 and 17 of RA No. 10121, setting for the guidelines for the declaration of a State of Calamity.

Item No. 4 of MO No. 60, series of 2019 expressly recognizes the **authority of the local sanggunians**, upon the recommendation of the Local Disaster Risk Reduction and Management Council, to declare and lift a state of calamity, as provided under the second paragraph of Section 16 of RA 10121, viz:

“Section 16. Declaration of State of Calamity. –

The declaration and lifting of the state of calamity may also be issued by the local sanggunian, upon the recommendation of the LDRRMC, based on the results of the damage assessment and needs analysis.

The strict adherence by local government units to the set guidelines under RA 10121 and those required by the NDRRMC per MO No. 60, s. of 2019, with respect to the local declaration and lifting of a state of calamity, rests within the realm of LGUs’ **local autonomy**.

With respect to the matter of **determining whether ECT under AICS** may be implemented, the Department is guided by **DSWD MC No. 17, series of 2019** wherein the presence of all four (4) requisites abovementioned is indispensable.

Thus, the local sanggunian of Socorro, Surigao Del Norte, upon the recommendation of the LDRRMC based on the results of the RDANA (requisite no. 3), may *declare a state of calamity over areas requiring ECT* (requisite no. 4) including therein or in separate reports, the information

⁷ IV. Program Description, MC No. 17, series of 2019

⁸ Revised Guidelines for the Declaration of a State Calamity, Item 4 (a)

on the magnitude of the disaster in terms of population adversely affected and extend of devastation on the physical, social and means of production and other aspects (requisite no. 1), and active/operational markets where the Internally Displaced People (IDPs) can buy goods and services (requisite no. 2). The presence of all the four requisites under DSWD MC No. 17, Series of 2019 satisfies the conditions when ECT under AICS may be implemented.

For your consideration.

Thank you.


ATTY. GINA V. WENCESLAO

MBP/ESQE/10065

Approved by:


ATTY. EDWARD JUSTINE R. ORDEN
Undersecretary for GASSG

Copy Furnished:

UNDERSECRETARY EMMELINE VILLAR
Office of the Undersecretary for International Affairs,
Attached and Supervised Agencies (ASAs)