



LEGAL SERVICE
GENERAL ADMINISTRATION AND SUPPORT
SERVICES GROUP

DSWD-GF-004 | REV 03 | 22 SEP 2023

DRN: LS-L-LO-25-01-09191-Cent's

MEMORANDUM

FOR : IRENE B. DUMLAO, CESO IV
Assistant Secretary for the Office of the Secretary and Disaster Response and Management Group (DRMG)

FROM : THE ASSISTANT SECRETARY FOR GENERAL ADMINISTRATION AND SUPPORT SERVICES GROUP (GASSG) AND CONCURRENT OFFICER-IN-CHARGE (OIC) OF THE LEGAL SERVICE

SUBJECT : LEGAL OPINION ON CONDITIONAL IMPLEMENTATION OF THE NATIONAL DISASTER RISK REDUCTION AND MANAGEMENT FUND (NDRRMF)

DATE : 16 JANUARY 2025

This is in reference to your query sent via Viber last night, 15 January 2025, to the Assistant Secretary for GASSG on whether the Conditional Implementation on the P 1.25 Billion Quick Response Fund (QRF) of the Department refers to the replenishment thereof or not.

In his veto message for the General Appropriations Act (GAA) FY 2025², His Excellency, President Ferdinand Marcos, Jr., explained and justified that he is duty-bound to veto items that are not consistent with the Administration's priorities, and emphasized the need to ensure that government targets would respond more directly to the needs of the Filipino people as strategic growth-enhancing fiscal consolidation is pursued.

Under Item A (6) of Part III on Conditional Implementation, one of the President's directives is the strict adherence to laws, policies, rules and regulations of national programs, including NDRRMF, and we quote:

III. CONDITIONAL IMPLEMENTATION

A. STRICT ADHERENCE TO LAWS, POLICIES, RULES, AND REGULATIONS

¹ Veto-Message of the President for GAA FY 2025

² R.A. No. 12116, General Appropriations Act, FY 2025



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6. National Disaster Risk Reduction and Management Fund

To effectively prepare for, reduce or mitigate risks of, and respond to, disasters and calamities, the judicious utilization of the National Disaster Risk Reduction and Management Fund (NDRRMF) must be ensured taking into account the need for maintaining an optimum balance between the allocation and replenishments of the Quick Response Funds (QRFs), and the provisions for disaster risk reduction and management programs, projects, and activities. Consequently, the implementation of NDRRMF (Calamity Fund), Special Provision No. 1, item (b), "National Disaster Risk Reduction and Management Program," Volume I-B, page 714, shall be subject to the guidelines to be issued by the Office of Civil Defense and Department of Budget and Management (DBM).

Our Opinion:

We answer in the affirmative. The conditional implementation refers only to the replenishment of the QRF, and not to the allocation.

The Special Provision No. 1 under Calamity Fund of GAA, item (b), "National Disaster Risk Reduction and Management Program," Volume I-B, page 714, states that:

"(b) Additional funding source to the Quick Response Fund (QRF) of the implementing agency concerned when the balance thereof has reached fifty percent (50%) subject to the approval of the DBM, copy furnished the NDRRMC.

Under the GAA FY 2025 DSWD was allocated a QRF amounting to P 1,250,000,000.00 or P 1.25 Billion Pesos:

XL. National Disaster Risk Reduction and Management Fund (Calamity Fund)

Special Provision(s)

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- 1. Quick Response Fund. The QRF allocations authorized in this Act shall be exclusively limited to those under the budgets of the following agencies:

DA - OSEC	P	1,000,000,000
DepEd - OSEC		3,000,000,000
DOG - OSEC		500,000,000
DILG - BFP		50,000,000

DILG - PNP	50,000,000
DND - OCD	500,000,000
DPWH - OSEC	1,000,000,000
DSWD - OSEC	1,250,000,000
DOTr - PCG	75,000,000
BSGC-OEO-NIA	<u>300,000,000</u>
 TOTAL	 P <u>7,725,000,000</u>

In view of the clear and plain language of the Special Provision No. 1 Item (b) "National Disaster Risk Reduction and Management Program," Volume I, page 714, as above-stated, we opine that only the replenishment of QRF is subject to the guidelines to be issued by the Office of the Civil Defense (OCD) and the DBM. In interpreting this provision, we apply the most basic of all statutory construction principles, *verba legis* or the plain meaning rule.

In the case of *SECURITIES AND EXCHANGE COMMISSION v. COMMISSION ON AUDIT*, the Supreme Court held:

*"The primary rule in addressing any problem relating to the understanding or interpretation of a law is to examine the law itself to see what it plainly says. This is the plain meaning rule of statutory construction. To go beyond what the law says and interpret it in its ordinary and plain meaning would be tantamount to judicial legislation. The plain meaning rule or verba legis is the most basic of all statutory construction principles. **When the words or language of a statute is clear, there may be no need to interpret it in a manner different from what the word plainly implies.** This rule is premised on the presumption that the legislature knows the meaning of the words, to have used words advisedly, and to have expressed its intent by use of such words as are found in the statute."³*

Applying the *verba legis* principle, the Conditional Implementation reflected in the President's veto message in relation to NDRRMF should be read in its entirety. The QRF *allocation* refers to the P1.25 Billion allocated to DSWD per GAA FY 2025. On the other hand, *replenishment* refers to the additional funding source to the QRF of the implementing agency concerned when the balance thereof has reached fifty percent (50%).

In this regard, the agencies including the DSWD can utilize their respective allocations of QRF exclusively. When the QRF balance has reached 50%, the replenishment of QRF is allowed, however, the additional funding source to the

³ G.R. No. 210503, 08 October 2019

QRF of the implementing agency shall be subject to the guidelines to be issued by the OCD and DBM.

Thus, to reiterate, it is our considered view that the conditional implementation on the NDRRMF, particularly on the QRF covers only the replenishment or additional funding source of the QRF of the implementing agency when the balance thereof has reached fifty percent (50%). The conditional implementation does not affect the allocations to the identified agencies, including DSWD's P 1.25 Billion QRF.

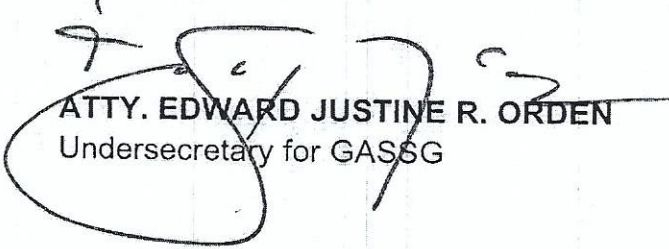
For your consideration.

Thank you.


ATTY. GINA V. WENCESLAO

MCMUG/MSP/ALC/10065


Approved by:


ATTY. EDWARD JUSTINE R. ORDEN
Undersecretary for GASSG

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