

SEVENTEENTH CONGRESS OF THE REPUBLIC  
OF THE PHILIPPINES

Second Regular Session



'17 JUL 25 P5:50

SENATE  
S.B. No. 1513

RECEIVED BY: 

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Introduced by Senator Poe

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AN ACT  
PROTECTING THE RIGHTS OF INTERNALLY DISPLACED  
PERSONS AND APPROPRIATING FUNDS THEREFOR  
AND FOR OTHER PURPOSES

Explanatory Note

Internally displaced persons (IDPs) are “Persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border.”<sup>1</sup>

Internal displacement is a perennial problem in our country. In the recent clash between the military and local terrorist groups that erupted in Marawi City last May 23, 2017, National Disaster Risk Reduction and Management Council (NDRRMC) executive director and Office of Civil Defense (OCD) chief Ricardo Jalad confirmed that the number of internally displaced persons (IDPs) from Lanao del Sur has now reached 324,406 or 66,738 families as of June 14, 2017.<sup>2</sup>

IDPs are not specially protected under international law. Reports submitted to the United Nation Economic and Social Council (ECOSOC) on this topic state that “while existing law covers many aspects of particular relevance to internally displaced persons, there remain areas in which the law fails to provide sufficient protection for them.”<sup>3</sup>

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<sup>1</sup> United Nation Economic and Social Council (ECOSOC). Report of the Representative of the Secretary-General, Mr. Francis M. Deng, submitted pursuant to Commission resolution 1997/39. Addendum- Guidelines on Internal Displacement. E/CN.4/1998/53/Add.2 Retrieved from <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G98/104/93/PDF/G9810493.pdf?OpenElement> Accessed 07/05/16.

<sup>2</sup> Philippine Information Agency. (June 16, 2017). Gov't assures swift action to aid IDPs from Marawi. Retrieved from <http://news.pia.gov.ph/article/view/2131497538439/gov-t-assures-swift-action-to-aid-idps-from-marawi>

<sup>3</sup> United Nation Economic and Social Council (ECOSOC). Report of the Representative of the Secretary-General Mr. Francis Deng, submitted pursuant to Commission on Human Rights resolution 1997/39. Compilation and Analysis of Legal Norms, Part II: Legal Aspects Relating to the Protection against Arbitrary Displacement. Retrieved from <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G98/104/87/PDF/G9810487.pdf?OpenElement> Accessed 07/05/16

As a remedy, the Guiding Principles on Internal Displacement were submitted to the ECOSOC. The Guiding Principles state that “National authorities have the primary duty and responsibility to provide protection and humanitarian assistance to internally displaced persons within their jurisdiction.”<sup>4</sup> An increasing number of States, United Nations agencies and regional and non-governmental organizations are applying them as a standard

This proposed measure seeks to provide a legal framework for the promotion and protection of IDPs in accordance with the abovementioned international standards. Furthermore, this bill seeks to ensure that IDPs in the country are accorded the human dignity which the Constitution guarantees them and which they fully deserve. It should be remembered that “human rights” under the Constitution are guarantees of social justice and human dignity to all Filipinos. This is manifested most notably in Article XIII, which is entitled “Social Justice and Human Rights”, the first section of which declares: “The Congress shall give highest priority to the enactment of measures that protect and enhance *the right of all the people to human dignity.*”<sup>5</sup>

This bill embodies the previous discussions and consultations until the 16<sup>th</sup> Congress. It has also addressed the perceived legal and policy infirmities which caused a prior version of this bill to be vetoed by the President.<sup>6</sup>

Immediate approval of this bill is eagerly sought.

  
**GRACE POE**

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<sup>4</sup> ECOSOC. Guiding Principles.

<sup>5</sup> Article XIII, Section 1, 1987 Philippine Constitution.

<sup>6</sup> Official Gazette. Veto Message of President Aquino on Senate Bill No. 3317 and House Bill No. 5627. Retrieved from <http://www.gov.ph/2013/05/24/veto-message-of-president-aquino-on-senate-bill-no-3317-and-house-bill-no-5627/> Accessed 07/05/16

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*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

1       **SECTION 1.** *Short Title.* - This Act shall be known as the "*Rights of Internally*  
2 *Displaced Persons Act*" or the "*RIDPA*."

3  
4       **SECTION 2.** *Declaration of Principles and State Policies.* - Consistent with the  
5 principles of the Constitution, international human rights and humanitarian standards  
6 including the United Nations' Guiding Principles on Internal Displacement (UNGPID),  
7 international treaties adhered to by the Philippines, and existing Philippine laws such as  
8 Republic Act No. 9851, otherwise known as the Philippine Act on Crimes Against  
9 International Humanitarian Law, Genocide, and other Crimes against Humanity, it is hereby  
10 declared a State policy to adopt a rights-based approach for the promotion and protection of  
11 the rights of internally displaced persons in situations of armed conflict; generalized and/or  
12 organized violence; clan wars; violations of human rights; implementation of development  
13 projects; or natural or human-made hazards or disasters.

14  
15       The rights and obligations herein shall not be interpreted as restricting, modifying, or  
16 impairing the provisions of any international human rights or international humanitarian law  
17 treaties or declarations, or rights granted to persons under domestic law.

18  
19       The State shall harmonize all legal measures pertinent to "Internally Displaced Persons  
20 or group of persons" (IDPs), and ensure that such are consistent with this Act.



1           **SECTION 3. *Definition of Terms.*** - As used in this Act:  
2

- 3           a)     “*Armed Conflict*” - refers to any use of force or armed violence between  
4               States or a protracted armed violence between governmental authorities and  
5               organized armed groups or between such groups within a State: Provided, That  
6               such force or armed violence gives rise, or may give rise, to a situation to  
7               which the Geneva Conventions of 12 August 1949, including their common  
8               Article 3, apply. Armed conflict may be international, that is, between two (2)  
9               or more States, including belligerent occupation; or non-international, that is,  
10              between governmental authorities and organized armed groups or between  
11              such groups within a State. It does not cover internal disturbances or tensions  
12              such as riots, isolated and sporadic acts of violence or other acts of a similar  
13              nature.  
14
- 15          b)     “*Clan War*” - refers to any conflict that may arise between members of  
16              different indigenous groups, indigenous cultural communities or clans, or  
17              between and among members of the same indigenous group, cultural  
18              community or clan.  
19
- 20          c)     “*Collective Punishment*” - refers to a situation in which a group of people are  
21              punished due to acts or omissions, whether real or perceived, of one or several  
22              members of the group.  
23
- 24          d)     “*Generalized and/or organized violence*” - refers to the purposeful and  
25              systematic use of terror and brutality to control individuals, groups and  
26              communities, through the use of overwhelming force, and characterized by  
27              widespread, massive or sufficient intensity.  
28
- 29          e)     “*Implementation of development projects*” - refers to the carrying out of any  
30              undertaking or activity aimed at economic or political growth, advancement  
31              and expansion that results or may result to arbitrary internal displacement of  
32              persons: *Provided*, that the term does not include legitimate resettlement  
33              schemes and/or programs.  
34

- 1 f) “*Internal displacement*” - refers to the involuntary or coerced movement or  
2 relocation of persons, families, or communities from their homes or places of  
3 habitual residence within the national borders, as a result of or in order to  
4 avoid or minimize the effects of armed conflict; situations of generalized  
5 and/or organized violence; violations of human right; implementation of  
6 development projects; or natural or human-induced or human-made hazards or  
7 disasters.
- 8
- 9 g) “*Internally displaced person or group of persons*” (IDP) - refers to any person  
10 or group of persons who has or have been forced or obliged to flee or to leave  
11 their homes or places of habitual residence within the national borders, as a  
12 result of or in order to avoid or minimize the effects of armed conflict,  
13 situations of generalized and/or organized violence, violations of human  
14 rights, implementation of development projects, or natural and human-induced  
15 or human-made hazards or disasters.
- 16
- 17 h) “*Order of Battle/Watchlist*” - refers to a document or an organizational tool  
18 used by military or law enforcement agencies that, inter alia, lists persons or  
19 organizations perceived as being hostile to the State, the Government or the  
20 Armed or Police Forces, or to any document made by non-state actors,  
21 whether natural or juridical, listing the names of persons and organizations,  
22 that are perceived to be obstacles to such non-state actor, and making those in  
23 such list vulnerable to arbitrary internal displacement.
- 24

25 **SECTION 4. Scope.** - This Act shall primarily provide for the protection of rights of  
26 IDPs *during* and *after* displacement, as well as their return, local integration or settlement  
27 elsewhere. This Act shall likewise cover arbitrary internal displacement of civilians as a  
28 result of or in order to avoid the effects of armed conflict; violations of human rights;  
29 implementation of development projects; or natural or human-induced or human-made  
30 hazards or disasters. To address the risks involved in natural hazards or disasters, and the  
31 overall impact of climate change on the rights of those internally displaced, due reference  
32 shall be made to the pertinent provisions of other relevant laws such as Republic Act No.  
33 9729, otherwise known as the Climate Change Act of 2009, and Republic Act No. 10121,

1 otherwise known as the Philippine Disaster Risk Reduction and Management Act of 2010,  
2 and other related laws.

3  
4 **SECTION 5. *Primary Duty to Protect the IDPs.*** - National authorities and Local  
5 Government Units (LGUs) have the primary duty and responsibility to provide protection  
6 and humanitarian assistance to internally displaced persons within their jurisdiction, in  
7 accordance with their obligations under international law, including human rights law and  
8 humanitarian law, so as to prevent and avoid conditions that might lead to arbitrary internal  
9 displacement of persons.

10  
11 **SECTION 6. *Rights of IDPs.*** - All IDPs shall enjoy human rights in accordance with  
12 the Philippine Constitution and related laws without discrimination of any kind. In  
13 particular, they shall enjoy the following rights:

- 14  
15 a) *Access to Basic Necessities.* - At the minimum, and with special attention to  
16 gender sensitivity, IDPs shall have the basic right to food, shelter and clothing.  
17 Competent authorities shall provide the aforementioned basic rights with due  
18 respect to the cultural sensitivities and religious beliefs of IDPs.
- 19 b) *Health and Education:*
- 20 1) IDPs shall be entitled to access, to the fullest extent practicable, health  
21 services and with the least possible delay. Special attention shall be  
22 provided to the health needs of women, children and the elderly and the  
23 prevention of contagious and infectious diseases among IDPs.
- 24 2) IDP children shall receive free and compulsory primary education at a  
25 minimum.
- 26 c) *Freedom of Movement.* - Every IDP has the right to liberty of movement in  
27 and out of any evacuation center, transitory sites or other settlements, subject  
28 to its existing rules and regulations. Moreover, they shall be protected against  
29 forcible return or resettlement in any place where their lives, safety, liberty  
30 and/or health would be at risk.
- 31 d) *Recognition, Issuance and Replacement of Documents.* - The authorities  
32 concerned shall facilitate the issuance to the IDPs all documents necessary for  
33 the enjoyment and exercise of their legal rights, including new documents or



1 the replacement of documents lost in the course of displacement, without  
2 imposing unreasonable conditions.

3 e) *Family Reunification, Missing Persons and Deceased.* - Competent authorities  
4 shall provide conditions to expedite family reunification, search of missing  
5 persons and collection and identification of remains of the deceased, with due  
6 respect to cultural sensitivities and religious beliefs.

7 f) *Security and Protection.* - Competent authorities shall take necessary  
8 measures to ensure that IDPs are received, without discrimination of any kind  
9 and live in satisfactory conditions of safety, dignity and security. Special  
10 protection and assistance must be provided for IDPs with special needs,  
11 including separated and unaccompanied children, women, expectant mothers,  
12 mothers with young children, the elderly, and persons with disabilities or with  
13 communicable diseases.

14 g) *Property and Possessions.* - The property and possessions of IDPs shall, in all  
15 circumstances, be protected against pillage or looting, direct and  
16 indiscriminate attacks or other acts of violence, being used to shield military  
17 operations or objectives, being made the object of reprisal, being destroyed or  
18 appropriated as a form of punishment, and destruction, arbitrary and illegal  
19 appropriation, occupation or use. The LGU exercising territorial jurisdiction  
20 over the affected area/s, with the assistance of the national Government, shall  
21 endeavor to facilitate the transportation of such property and possessions of  
22 IDPs, in a safe and secure area, during and after displacement, subject to  
23 logistical considerations.

24 h) *Right to participation.* - The IDPs shall have the right to actively participate in  
25 the planning and management of their displacement situation as well as return,  
26 local integration or settlement elsewhere. In addition, IDPs shall be provided  
27 with conditions to facilitate the exercise of their right to political participation.

28 i) *Right to request protection and humanitarian assistance.* - The IDPs have the  
29 right to request for protection and humanitarian assistance from national and  
30 local authorities. They shall not be punished or persecuted for such acts.

31 j) *Civil or Administrative Liabilities.* - Any IDP shall be entitled to claim and be  
32 awarded civil damages from any public officer or employee, or any private  
33 person, who directly or indirectly obstructs, defeats, violates, or in any manner

1                   impedes or impairs any of the above rights and liberties. Any public officer  
2                   shall be administratively liable for the same acts.

3  
4                   **SECTION 7.** *Applicability of the Revised Penal Code and Special Penal Laws.* - An  
5 Order of Battle/Watchlist, or any document of similar nature issued by the military, any law  
6 enforcement agency of the government, or any armed group, including non-state actors, shall  
7 not justify crimes against IDPs and shall subject the perpetrators to the penalties provided  
8 under the applicable provisions of the Revised Penal Code and special laws.

9  
10                  Criminal offenses and unlawful acts, if found to be committed against any IDP in the  
11 course of or during displacement, shall be penalized one degree higher than that provided by  
12 the Revised Penal Code and other special penal laws with respect to those acts.

13  
14                  **SECTION 8.** *Assistance During Displacement of IDPs.* - The primary duty and  
15 responsibility, for providing humanitarian assistance to IDPs lie with national authorities and  
16 with the LGUs exercising territorial jurisdiction over the affected areas. As such, existing  
17 mechanisms set up under Republic Act No. 10121 and relevant line agencies shall provide  
18 immediate relief and humanitarian assistance to IDPs, families and communities.

19  
20                  **SECTION 9.** *Early Recovery Plan.* - The LGUs exercising territorial jurisdiction  
21 over the affected area/s shall craft an early recovery plan, in consultation with the IDPs.

22  
23                  **SECTION 10.** *Return, Local Integration or Settlement Elsewhere.* - Competent  
24 national and local authorities shall have the primary duty and responsibility to establish  
25 conditions and provide means for IDPs to return voluntarily, in safety and with dignity, to  
26 their homes or places of habitual residence, or to locally integrate or to settle voluntarily in  
27 another part of the country, taking into consideration the right of IDPs to choose a residence,  
28 and with due respect to the cultural heritage and traditions of Indigenous Peoples.

29  
30                  Said authorities shall ensure prior consultations and the full participation of IDPs,  
31 during and after the planning and management of their return, local integration, or settlement  
32 elsewhere.



1           **SECTION 11.** *Mechanisms for International Humanitarian Assistance.* -

2 International humanitarian organizations, their local counterparts, and other appropriate  
3 actors shall have the right to offer their services, including humanitarian assistance, in  
4 support of IDPs. Relevant coordination mechanisms, where existing, with international  
5 humanitarian organizations shall facilitate the timely provision of humanitarian assistance to  
6 IDPs.

7  
8           The importation and donation of food, clothing, medicine and equipment necessary  
9 for relief and assistance of IDPs are hereby authorized in accordance with Section 800 of  
10 Republic Act No. 10863, otherwise known as the Customs Modernization and Tariff Act, as  
11 regards national internal revenue taxes and import duties of national and local government  
12 agencies, and the prevailing provisions of the General Appropriations Act (GAA).

13  
14           **SECTION 12.** *Non-Monetary Reparation.* - The Department of Health (DOH), the  
15 Department of Social Welfare and Development (DSWD), the Department of Education  
16 (DepEd), the Commission on Higher Education (CHED), the Technical Education and Skills  
17 Development Authority (TESDA), and such other agencies, shall render necessary services as  
18 non-monetary reparation for IDPs and their families pursuant to the provisions of this Act.

19  
20           **SECTION 13.** *Role of the National Disaster Risk Reduction and Management*  
21 *Council (NDRRMC) and Line Agencies.* - The NDRRMC and government line agencies  
22 shall exercise its mandate and powers in accordance with Republic Act No. 10121 in  
23 responding to situations of internal displacement. In these situations, the CHR shall be part  
24 of the NDRRMC deliberations to provide advice as a non-voting member.

25  
26           **SECTION 14.** *Role of the CHR.* - The CHR shall be designated as the institutional  
27 focal point on the human rights of IDPs. As such, the CHR shall have the following  
28 additional functions:

- 29  
30           a) To monitor IDP conditions through the development of a system to track  
31           concerns, actions taken, and other relevant information to ensure that IDP rights  
32           are respected, protected, and fulfilled in all phases of internal displacement;  
33           b) To establish guidelines to identify the legitimacy of an individual's claim of  
34           internal displacement;

- 1 c) To conduct public inquiries, document violations of human rights, assist IDPs in  
2 seeking redress of grievances, and work to ensure an effective response by the  
3 concerned authorities;
- 4 d) To investigate, on its own or on complaint by any party, all forms of human rights  
5 violations against IDPs involving civil and political rights, in accordance with  
6 Section 18(1) of Article XIII of the Constitution, and when found in the  
7 investigation that the filing of a case in court is warranted, request the assistance  
8 of any department, bureau, office or agency, such as the National Prosecution  
9 Service of the DOJ, or the Ombudsman, by virtue of Executive Order No. 163,  
10 series of 1987;
- 11 e) To render financial assistance at its sole discretion, and to issue necessary  
12 guidelines to implement the same;
- 13 f) To recommend to the other agencies of government, taking into consideration  
14 their respective mandates and functions, the grant of assistance to IDPs, as may be  
15 appropriate;
- 16 g) To follow up on early warning and ensure effective measures to protect the  
17 civilian population against arbitrary internal displacement;
- 18 h) To undertake educational activities and training programs for State authorities,  
19 including the AFP;
- 20 i) To hold public information drives on the protection and rights of IDPs, and foster  
21 their participation in the decision-making process regarding issues that concern  
22 them; and
- 23 j) To carry out such other acts that may be necessary to fully implement the  
24 purposes of this Act.

25  
26 **SECTION 15.** *Role of the DSWD.* - The DWSD shall have the following functions,  
27 among others:

- 28  
29 a) To render psycho-social interventions and similar services to IDPs;
- 30 b) To facilitate linking IDPs to employment opportunities, support services and other  
31 livelihood programs, in cooperation with other government agencies, such as, but  
32 not limited to, the Department of Labor and Employment (DOLE), Department of  
33 Agriculture (DA), Department of Agrarian Reform (DAR) and the Department of  
34 Trade and Industry (DTI);



- 1 c) To provide capital assistance to IDPs, who wish to start their respective trade or  
2 business , subject to reasonable rules and regulations; and  
3 d) To carry out such other acts that may be necessary to fully implement the  
4 aforementioned functions.  
5

6 **SECTION 16.** *Joint Congressional Oversight Committee.* - A Joint Congressional  
7 Oversight Committee is hereby created, composed of the Chairperson of the Senate  
8 Committee on Justice and Human Rights and seven (7) other Senators designated by the  
9 Senate President, and the Chairperson of the House Committee on Human Rights and seven  
10 (7) other Members of the House of Representatives, designated by the Speaker of the House  
11 of Representatives: *Provided,* That of the seven (7) Members to be designated by each House  
12 of Congress, four (4) shall represent the Majority and three (3) shall represent the Minority.  
13

14 The Joint Congressional Oversight Committee shall also have the power to inquire  
15 into, summon and investigate the Orders of Battle/Watchlist as defined under this Act, and/or  
16 any document of similar nature, as well as the legal and factual justifications for the inclusion  
17 of specific persons and groups in said Orders of Battle/Watchlist or similar documents. In  
18 this regard, the Joint Congressional Oversight Committee may issue mandatory process  
19 directing the transmission of all such documents relevant and necessary for the Committee to  
20 determine the validity of the inclusion of specific persons or groups in the Orders of Battle/  
21 Watchlist, or similar documents. For this purpose, the highest ranking officers or heads of  
22 offices shall be charged with testifying before the Joint Congressional Oversight Committee  
23 in relation to any inquiries on the Orders of Battle/Watchlist, or similar documents.  
24

25 The invocation of national security as a defense may not prevent the Joint  
26 Congressional Oversight Committee from inquiring into the factual and/or legal bases for the  
27 existence of an Order of Battle/Watchlist, or any similar document, or the inclusion of  
28 specific persons or groups in said Orders of Battle/Watchlist, or similar documents. Should  
29 there be a need to inquire into the factual basis for the invocation of national security, the  
30 Committee shall convene in an executive session and hear the officials invoking it. Should  
31 the basis not be satisfactory to the Committee, the public hearings will continue and  
32 appropriate recommendations shall thereafter be made by the Committee.  
33



1           **SECTION 17. *Monitoring of Compliance.*** - An inter-agency coordinating committee  
2 shall be tasked to periodically monitor the compliance with this Act. The Committee shall be  
3 headed by the Executive Director of the NDRRMC and shall be composed of:

- 4
- 5           a) A representative, with the rank of Undersecretary, from the DSWD;
  - 6           b) A representative, with the rank of Undersecretary, from the Department of  
7           National Defense (DND);
  - 8           c) A representative, with the rank of Undersecretary, from the Department of Interior  
9           and Local Government (DILG);
  - 10          d) A representative, with the rank of Undersecretary, from the DOH;
  - 11          e) A representative, with the rank of Undersecretary, from the DOJ;
  - 12          f) A representative, with the rank of Undersecretary, from the DepEd;
  - 13          g) A representative from the National Commission on Muslim Filipinos (NCMF);
  - 14          h) A representative from the National Commission on Indigenous Peoples (NCIP);
  - 15          i) A representative from the Office of the Presidential Adviser on the Peace Process;
- 16

17           The Committee shall work towards the collection of data on the number and  
18 conditions of IDPs, leading to a registry that will aid the government in efficient planning and  
19 policy making regarding issues affecting IDPs.

20

21           The Committee shall submit an annual report to the Joint Congressional Oversight  
22 Committee herein created, thirty (30) days after the end of each fiscal year. Such annual  
23 report shall be the basis for proposed amendments to existing legislation to improve the  
24 conditions of IDPs.

25

26           **SECTION 18. *Appropriations.*** - The amount necessary for the initial implementation  
27 of this Act shall be charged against the current year's appropriations of the NDRRMC, CHR,  
28 the DSWD, the DOH, the DND, and the DILG. Thereafter, such sums as may be necessary  
29 for the continued implementation of this Act shall be included in the GAA.

30

31           **SECTION 19. *Implementing Rules and Regulations.*** - Within sixty (60) days from  
32 the effectivity of this Act, the NDRRMC in coordination with the CHR, DSWD, DND,  
33 DILG, DOH, DOJ, Department of Environment and Natural Resources (DENR), DepEd,  
34 AFP, Philippine National Police (PNP), Philippine Commission on Women (PCW), Council

1 for the Welfare of Children (CWC), NCIP, National Commission on Disability Affairs  
2 (NCDA), Presidential Commission on Urban Poor (PCUP), Housing and Urban Development  
3 Coordinating Council (HUDCC), National Housing Authority (NHA), and NCMF shall issue  
4 the necessary rules and regulations for its implementation and consult with the LGUs  
5 concerned, relevant non-governmental human rights organizations, and people's  
6 organizations.

7

8         **SECTION 20. *Separability Clause.*** - If any part or provision of this Act shall be  
9 declared unconstitutional or invalid, the other provisions hereof which are not affected  
10 thereby shall remain in full force and effect.

11

12         **SECTION 21. *Repealing Clause.*** - All laws, decrees, executive orders, memorandum  
13 orders, memorandum circulars, administrative orders, ordinances or parts thereof which are  
14 inconsistent with the provisions of this Act are hereby deemed repealed or modified  
15 accordingly.

16

17         **SECTION 22. *Effectivity.*** - This Act shall take effect fifteen (15) days after its  
18 publication in the Official Gazette or in a newspaper of national circulation.

19

20         Approved,