



**NINETEENTH CONGRESS OF THE  
REPUBLIC OF THE PHILIPPINES**  
*First Regular Session*

)  
)  
)

22 JUL 14 AM 11:18

**SENATE**

**S.B. No. 594**

RECEIVED BY:

**INTRODUCED BY SENATOR RISA HONTIVEROS**

**AN ACT  
PROTECTING THE RIGHTS OF INTERNALLY DISPLACED PERSONS AND  
PENALIZING THE ACTS OF ARBITRARY INTERNAL DISPLACEMENT**

**EXPLANATORY NOTE**

There is none so tragic as to be a refugee in one's own country – forced to flee the comforts and familiarity of home, and constantly living under threat and vulnerability. That one remains within national borders provides no succor: the effects of forced relocation can be as traumatizing and as debilitating as being made to flee one's country. In fact, in some cases, internal displacement can be worse because, unlike in the situation of international refugees, the absence of a specific legal regime to govern internally displaced persons (IDPs) hampers the efficient delivery of humanitarian efforts and quick government interventions.

This, despite the fact that internal displacement – referring to “the involuntary movement or forced evacuation or expulsion of any person or group of persons who flee or leave their homes or places of habitual residence, within the national borders, as a result of or in order to avoid or minimize the effects of armed conflict, situations of generalized and/or organized violence, violations of human rights, implementation of development projects, natural, human-induced and human-made hazards” – are common occurrences in the Philippines. This is often brought about by long-standing insurgencies, and man-made calamities.

Involuntary displacement is a serious social problem that needs to be addressed as it results in loss of lives and properties, psychological trauma, family disintegration, disruption in education, loss of employment, anarchy, over-all vulnerability, and the like.

This bill, which aims to promote and protect the rights of internally displaced

persons (IDPs), fulfills the policy of the state to promote the dignity of every person. IDPs should not be considered merely as “collateral damage” of armed conflict or other humanitarian emergencies.

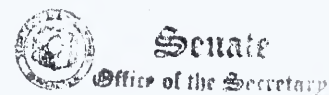
This “Rights of Internally Displaced Persons Act” has the following main features:

- a) It details all the rights and entitlements of IDPs.
- b) It provides a mechanism where IDPs could be awarded damages for prohibited acts of arbitrary internal displacement.
- c) It sets up a Joint Congressional Oversight Committee & inter-agency coordinating committee that would monitor compliance with this Act.
- d) It establishes the Commission on Human Rights (CHR) as the institutional focal point for IDPs.

In view of the foregoing, the passage of this bill is earnestly sought.

  
**RISA HONTIVEROS**  
Senator

NINETEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
First Regular Session )



'22 JUL 14 AM 11:18

SENATE

S.B. No. 594

RECEIVED BY: \_\_\_\_\_

---

**INTRODUCED BY SENATOR RISA HONTIVEROS**

---

**AN ACT**  
**PROTECTING THE RIGHTS OF INTERNALLY DISPLACED PERSONS AND**  
**PENALIZING THE ACTS OF ARBITRARY INTERNAL DISPLACEMENT**

*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".

3 Sec. 2. *Declaration of Principles and State Policies.* - Consistent with the  
4 principles enshrined in the Constitution, the standards set by international humanitarian  
5 law and human rights laws, international treaties and conventions adhered to by the  
6 Philippines, including the United Nations' Guiding Principles on Internal Displacement  
7 (UNGPID), it is also hereby declared a State policy to adopt a rights-based approach for  
8 the promotion and protection of the rights of internally displaced persons in situations  
9 of armed conflict, generalized and/or organized violence, clan wars, violations of human  
10 rights, implementation of development projects, natural, human-induced and human-  
11 made hazards.

12 In the event of armed conflict, the parties shall ensure the promotion and protection of  
13 the rights of the victims of armed conflict in accordance with international humanitarian  
14 law and international human rights laws.

15 Sec. 3. *Definition of Terms.* - As used in this Act:

16 (i) Apartheid refers to inhumane acts committed in the context of an  
17 institutionalized regime of systematic oppression and domination by one (1) racial  
18 group or groups and committed with the intention of maintaining that regime;

19 (ii) Arbitrary internal displacement refers to act of displacement or any other  
20 coercive act committed by any person or group/s of persons and directed against the  
21 civilian population, which are contrary to law, good morals, public order or public policy,  
22 or committed with abuse of authority, oppressive or wanton disregard of the right to



1 life, liberty or property and abode of the residents of an area in which they are lawfully  
2 present, and characterized by those situations as defined in Section 6 of this Act;

3 (iii) Clan war refers to any conflict that may arise between members of different  
4 indigenous groups, indigenous cultural communities or clans, or between and among  
5 members of the same indigenous group, cultural community or clan;

6 (iv) Ethnic cleansing refers to the act of rendering an area ethnically homogenous by  
7 using force or intimidation to remove from a given area persons of another ethnic or  
8 religious group;

9 (v) Generalized and/or organized violence refers to the purposeful and systematic  
10 use of terror and brutality to control individuals, groups and 3 communities, through the  
11 use of overwhelming force, and characterized by widespread, massive or sufficient  
12 intensity, causing arbitrary internal displacement of persons or communities.  
13 Its methods include causing severe pain and suffering, killing, intimidating, threatening,  
14 and, in some cases, destroying a community, ethnic group or political opposition;

15 (vi) Implementation of development projects refers to the carrying out of any  
16 undertaking or activity aimed at economic or political growth, advancement and  
17 expansion that results or may result to arbitrary internal displacement of persons:  
18 Provided, That the term does not include legitimate resettlement schemes and/or  
19 programs;

20 (vii) Internal displacement refers to the involuntary movement or forced evacuation  
21 or expulsion of any person or group of persons who flee or leave their homes or places  
22 of habitual residence, within the national borders, as a result of or in order to avoid or  
23 minimize the effects of armed conflict, situations of generalized and/or organized  
24 violence, violations of human rights, implementation of development projects, natural,  
25 human-induced and human-made hazards;

26 (viii) Internally displaced person or group of persons (IDP) refers to any person or  
27 group of persons who has or have been forced or obliged to flee or to leave their  
28 homes or places of habitual residence within the national borders, as a result of or in  
29 order to avoid or minimize the effects of armed conflict, situations of generalized and/or  
30 organized violence, violations of human rights, implementation of development projects,  
31 natural, human-induced and human-made hazards; and

32 (ix) Order of Battle refers to any document made by the military, police or any law  
33 enforcement agency of the government, listing the names of persons and organizations  
34 that are perceived to be enemies of the State and are considered as legitimate targets  
35 as combatants that it could deal with, through the use of means allowed by domestic  
36 and international law.

1           Sec. 4. *Scope.* – This Act shall primarily provide for the protection of rights of  
2 IDPs during and after displacement, as well as their return, local integration or  
3 resettlement elsewhere. This Act shall likewise cover arbitrary internal displacement of  
4 civilians as a result of or in order to avoid the effects of armed conflict, situations of  
5 generalized and/or organized violence, violations of human rights, implementation of  
6 development projects, natural, human-induced and man-made hazards.

7 To address the risks involved in natural hazards and the overall impact of climate  
8 change and global warming on the rights of those who are internally displaced, due  
9 reference shall be made to the pertinent provisions of Republic Act No. 9729, otherwise  
10 known as the “Climate Change Act of 2009” and Republic Act No. 10121, otherwise  
11 known as the “Philippine Disaster Risk Reduction and Management Act of 2010”.

12           Sec. 5. *Primary Duty to Protect the IDPs.* – National authorities have the primary  
13 duty and responsibility to provide protection and humanitarian assistance to IDPs within  
14 their jurisdiction. As such, State authorities, including local government units (LGUs)  
15 and parties to an armed conflict, irrespective of their legal status and applied without  
16 any adverse distinction, shall respect and ensure compliance with their obligations  
17 under international law, including human rights law and humanitarian law, so as to  
18 prevent and avoid conditions that might lead to arbitrary internal displacement of  
19 persons.

20 Section 6. *Prohibited Acts of Arbitrary Internal Displacement.* – The prohibited acts of  
21 arbitrary internal displacement shall include those committed:

22 (a) based on policies of apartheid, ethnic cleansing, or similar practices aimed at or  
23 resulting in altering the ethnic, religious or racial composition of the affected  
24 population;

25 (b) in situations of armed conflict, unless the safety and security of civilians are  
26 involved or imperative military reasons so demand;

27 (c) in cases of development projects, which are not justified by compelling and  
28 overriding public interest and with proper implementation of return, local integration or  
29 resettlement elsewhere of affected IDPs;

30 (d) in cases of natural, human-induced and man-made hazards, unless the safety  
31 and health of those affected require their evacuation;

32 (e) when used as a form of collective punishment;

33 (f) in cases of clan wars, unless the safety and security of those civilians not  
34 involved in the conflict are endangered;

35 (g) in violation of the rights of IDPs granted under Section 9, paragraphs (b) and (g)  
36 of this Act; and

1 (h) in cases where there is malice, bad faith, gross negligence or in any manner  
2 causes willful violation of the rights granted under Section 9, paragraphs (a), (c), (d),  
3 (e) and (f) of this Act.

4 An Order of Battle or any document of similar nature issued by the military or any law  
5 enforcement agency of the government shall not justify arbitrary internal displacement  
6 and shall subject the perpetrators to the penalties provided under Section 13 of this  
7 Act.

8 *Sec. 7. Safeguards Against Arbitrary Internal Displacement.* – If displacement is  
9 inevitable under circumstances beyond control that pose hazardous risks to the lives  
10 and properties of persons living in communities, displacement shall not be carried out in  
11 a manner that violates the rights to life, liberty, dignity, security, and property of those  
12 affected, irrespective of their legal status and applied without any adverse distinction.

13 All concerned authorities, groups and persons shall observe the following safeguards  
14 against arbitrary internal displacement:

15 (a) All feasible alternatives shall be explored in order to avoid displacement. Where no  
16 alternative exists, all measures shall be undertaken to minimize displacement and its  
17 adverse effects on the population that will be affected;

18 (b) If displacement is inevitable, the authorities, pursuant to their respective mandates  
19 and functions, shall ensure, to the greatest practicable extent, that proper  
20 accommodation is effected in satisfactory conditions of safety, nutrition, water and  
21 sanitation, health and hygiene, and that members of the same family, especially women  
22 and children, are not separated;

23 (c) Indigenous peoples, minorities, peasants, pastoralists, persons with disabilities  
24 (PWDs) and other groups with special dependency on and attachment to their lands  
25 shall be protected from arbitrary internal displacement, in accordance with Republic Act  
26 No. 8371, otherwise known as “The Indigenous Peoples’ Rights Act of 1997”; and

27 (d) In situations other than during the emergency stages of armed conflicts and  
28 hazards, the following guarantees shall be complied with:

29 (1) a specific decision which shall be taken by the authority empowered by law to order  
30 such measures;

31 (2) full disclosure of information on the reasons and procedures for the displacement  
32 and, when applicable, also on financial assistance and relocation;

33 (3) free and informed consent of those persons to be displaced shall be sought;

34 (4) authorities concerned shall endeavor to involve those affected, particularly women,  
35 elderly persons and PWDs, in the planning and management of their return, local  
36 integration or resettlement elsewhere;



1 (5) law enforcement measures, when required, shall be carried out by competent legal  
2 authorities; and

3 (6) the right to an effective remedy, including the review of such decisions by  
4 appropriate judicial authorities, shall be respected.

5       Sec. 8. *Permanent Prohibition Against Arbitrary Internal Displacement.* – The  
6 prohibition on arbitrary internal displacement and the fundamental safeguards for its  
7 prevention shall not be suspended under any circumstance, including political instability,  
8 threat of war, state of war or other public emergencies.

9       Sec. 9. *Protection Against Criminal Offenses and Other Unlawful Acts.* –

10 (1) It shall be prohibited to commit any of the following acts against IDPs in all  
11 circumstances:

12 (i) murder;

13 (ii) hostage taking;

14 (iii) summary or arbitrary execution and enforced disappearance, including abduction or  
15 unacknowledged detention, threatening or resulting in death; and

16 (iv) unlawful confinement;

17 (2) Attacks or other acts of violence against IDPs who do not or no longer participate in  
18 hostilities shall be prohibited in all circumstances, without prejudice to being held liable  
19 for any offense committed by them. In particular, IDPs shall be protected against:

20 (i) direct or indiscriminate attacks or other acts of violence, including the creation of  
21 areas wherein attacks on civilians are permitted;

22 (ii) starvation as a method of combat;

23 (iii) their being used to shield military objectives from attack, or to shield, favor or  
24 impede the operations of the military, police or any armed group;

25 (iv) attacks against any evacuation center, facility, encampment or other settlements;

26 and

27 (v) use of anti-personnel landmines;

28 (3) IDPs, whether or not their liberty has been restricted, shall be protected in  
29 particular against:

30 (i) rape and other outrages upon personal dignity, such as forced prostitution,  
31 trafficking of persons, any act of gender-specific violence, or any form of indecent  
32 assault;

33 (ii) mutilation, torture, cruel, inhumane or degrading treatment or punishment;

34 (iii) any form of violence against children, such as trafficking, forced labor or sexual  
35 exploitation and other violations of children's rights;

- 1 (iv) slavery or any contemporary form of slavery, such as sale into marriage, sexual  
2 exploitation or forced labor of children; and  
3 (v) acts of violence intended to spread terror among IDPs.  
4 Threats and incitement to commit any of the foregoing acts under paragraph (b),  
5 subsections (1) and (3) herein shall be prohibited;  
6 (4) IDPs shall not be interned in or confined in any evacuation center, facility,  
7 encampment or other settlements. If, in exceptional circumstances, such internment or  
8 confinement is necessary, it shall not last longer than what is required by the  
9 circumstances, as may be determined by the Commission on Human Rights (CHR), in  
10 close coordination and consultations with the military and law enforcement agencies  
11 conducting operations, and other concerned agencies of the government; and  
12 (5) IDPs shall be protected against discriminatory practices of recruitment into the  
13 Armed Forces of the Philippines (AFP), law enforcement agencies or any armed group  
14 as a result of their displacement. In particular, any cruel, inhumane or degrading  
15 practice that compel compliance or punish noncompliance with recruitment shall be  
16 prohibited in all circumstances;

17       Sec. 10. *Rights During and After Displacement.* – Pursuant to the provisions of  
18 the Bill of Rights under Article III of the Philippine Constitution, the following rights shall  
19 be afforded to IDPs during and after their displacement, without discrimination of any  
20 kind, such as those based on race, color, sex, language, religion or belief, political or  
21 other opinion, national, ethnic or social origin, legal or social status, age, disability,  
22 property, birth or on any other similar criteria:

23 (a) *Provision and Access to Basic Necessities.* – At the minimum, regardless of the  
24 circumstances, and without discrimination, competent authorities shall provide IDPs  
25 with and ensure safe access to:

- 26 (1) essential and adequate food and nutrition and potable water;  
27 (2) basic shelter and housing;  
28 (3) appropriate clothing; and  
29 (4) essential medical and dental services and sanitation, including psychological and  
30 social services and essential drugs and medicines;

31 (b) *Protection Against Criminal Offenses and Other Unlawful Acts.* –

32 (1) It shall be prohibited to commit any of the following acts against IDPs in all  
33 circumstances:

- 34 (i) murder;  
35 (ii) hostage taking;



1 (iii) summary or arbitrary execution and enforced disappearance, including abduction or  
2 unacknowledged detention, threatening or resulting in death; and  
3 (iv) unlawful confinement;

4 (2) Attacks or other acts of violence against IDPs who do not or no longer participate in  
5 hostilities shall be prohibited in all circumstances, without prejudice to being held liable  
6 for any offense committed by them. In particular, IDPs shall be protected against:

7 (i) direct or indiscriminate attacks or other acts of violence, including the creation of  
8 areas wherein attacks on civilians are permitted;

9 (ii) starvation as a method of combat;

10 (iii) their being used to shield military objectives from attack, or to shield, favor or  
11 impede the operations of the military, police or any armed group;

12 (iv) attacks against any evacuation center, facility, encampment or other settlements;  
13 and

14 (v) use of anti-personnel landmines;

15 (3) IDPs, whether or not their liberty has been restricted, shall be protected in  
16 particular against:

17 (i) rape and other outrages upon personal dignity, such as forced prostitution,  
18 trafficking of persons, any act of gender-specific violence, or any form of indecent  
19 assault;

20 (ii) mutilation, torture, cruel, inhumane or degrading treatment or punishment;

21 (iii) any form of violence against children, such as trafficking, forced labor or sexual  
22 exploitation and other violations of children's rights;

23 (iv) slavery or any contemporary form of slavery, such as sale into marriage, sexual  
24 exploitation or forced labor of children; and

25 (v) acts of violence intended to spread terror among IDPs.

26 Threats and incitement to commit any of the foregoing acts under paragraph (b),  
27 subsections (1) and (3) herein shall be prohibited;

28 (4) IDPs shall not be interned in or confined in any evacuation center, facility,  
29 encampment or other settlements. If, in exceptional circumstances, such internment or  
30 confinement is necessary, it shall not last longer than what is required by the  
31 circumstances, as may be determined by the Commission on Human Rights (CHR), in  
32 close coordination and consultations with the military and law enforcement agencies  
33 conducting operations, and other concerned agencies of the government; and

34 (5) IDPs shall be protected against discriminatory practices of recruitment into the  
35 Armed Forces of the Philippines (AFP), law enforcement agencies or any armed group  
36 as a result of their displacement. In particular, any cruel, inhumane or degrading

1 practice that compel compliance or punish noncompliance with recruitment shall be  
2 prohibited in all circumstances;

3 (c) Freedom of Movement. – (1) Every IDP has the right to liberty of movement and the  
4 right to move freely in and out of any evacuation center, encampment or other  
5 settlements, subject to its existing rules and regulations;

6 (2) IDPs, whether or not they are living in an evacuation center, encampment or other  
7 settlements, shall not be discriminated against in the enjoyment of the following rights:

8 (i) to enjoy freedom of thought, conscience, religion or belief, opinion and expression;

9 (ii) to seek freely opportunities for employment and to participate in economic activities;

10 (iii) to associate freely and participate equally in community affairs;

11 (iv) to vote and participate in governmental and public affairs, including the right to  
12 have access to the means necessary to exercise these rights; and

13 (v) to communicate in a language they understand;

14 (3) IDPs have the right to:

15 (i) seek safety in another part of the country;

16 (ii) leave the country;

17 (iii) seek asylum in another country; and

18 (iv) be protected against forcible return to resettlement in any place where their lives,  
19 safety, liberty and/or health would be at risk;

20 (d) Recognition, Issuance and Replacement of Documents. – The authorities concerned  
21 shall issue to the IDPs all documents necessary for the enjoyment and exercise of their  
22 legal rights. In particular, these authorities shall facilitate the issuance of new  
23 documents or the replacement of documents lost in the course of displacement, without  
24 imposing unreasonable conditions and without discrimination against men and women,  
25 who shall have equal rights to obtain and to be issued the same in their own names;

26 (e) Family Unity and Missing Persons. – (1) Members of internally displaced families  
27 who wish to remain together shall be allowed to do so. Families that are separated by  
28 displacement and whose personal liberty have been restricted by internment or  
29 confinement in any evacuation center, facility, encampment or other settlements should  
30 be reunited immediately, with appropriate measures taken to expedite the reunion,  
31 particularly when children are involved;

32 (2) The State shall encourage cooperation among international and local humanitarian  
33 organizations engaged in the task of family reunification;

34 (3) The authorities concerned shall endeavor to establish the fate and whereabouts of  
35 IDPs reported missing and cooperate with relevant international organizations engaged

1 in this task. They shall inform the next-of-kin on the progress of the investigation and  
2 notify them of any result;

3 (4) The authorities concerned shall endeavor to collect and identify the mortal remains  
4 of the deceased, prevent their despoliation or mutilation and facilitate the return of  
5 those remains to the next-of-kin or dispose of them respectfully; and

6 (5) Grave sites of IDPs shall be protected and respected in all circumstances and shall  
7 have the right of access to the grave sites of their deceased relatives;

8 (f) Health and Education. - (1) Certain IDPs, such as children, especially  
9 unaccompanied minors, expectant mothers, mothers with young children, female heads  
10 of households, PWDs and elderly persons, shall be entitled to protection and assistance  
11 required by their condition and to treatment which takes into account their special  
12 needs;

13 (2) All wounded and sick IDPs, as well as those with disabilities, shall receive to the  
14 fullest extent practicable and with the least possible delay the medical care and  
15 attention they require, without distinction on any ground other than the medical ones.  
16 When necessary, IDPs shall have access to psychological and social services and such  
17 other forms of assistance necessary for them;

18 (3) Special attention shall be paid to the health needs of women, including access to  
19 comprehensive female health care services, to be provided whenever feasible by female  
20 health care providers, as well as appropriate counseling and other services for victims of  
21 sexual and other abuses;

22 (4) Special attention shall also be given to the prevention of contagious and infectious  
23 diseases, including acquired immunodeficiency syndrome (AIDS), among IDPs; and

24 (5) The authorities concerned shall ensure that IDPs, in particular, displaced children,  
25 receive education that shall be free and compulsory at the primary level. Special efforts  
26 shall be made to ensure the full and equal participation of women and girls in  
27 educational programs, and that respect for their cultural identity, language and religion,  
28 educational and training facilities shall be made available to them as soon as  
29 circumstances permit; and

30 (g) Property and Possessions. - The property and possessions of IDPs shall, in all  
31 circumstances, be protected against the following acts:

32 (1) Pillage or looting;

33 (2) Direct and indiscriminate attacks or other acts of violence;

34 (3) Being used to shield military operations or objectives;

35 (4) Being made the object of reprisal;

36 (5) Being destroyed or appropriated as a form of collective punishment; and



1 (6) Destruction, arbitrary and illegal appropriation, occupation or use.

2 The rights and obligations herein shall not be interpreted as restricting, modifying or  
3 impairing the provisions of any international human rights or international humanitarian  
4 law or rights granted to persons under domestic law.

5       Sec. 11. *Assistance During Displacement of IDPs.* – The primary duty and  
6 responsibility for providing humanitarian assistance to IDPs lie with national authorities,  
7 in close collaboration with the LGUs exercising territorial jurisdiction over the affected  
8 area/s. As such, the military and law enforcement agencies conducting operations, the  
9 Department of Social Welfare and Development (DSWD), the Department of Health  
10 (DOH), the local government hospitals, the LGUs concerned and other appropriate  
11 government agencies shall provide immediate relief and humanitarian assistance to  
12 IDPs, families and communities.

13 Humanitarian assistance to IDPs shall not be diverted for any political or military  
14 reason. All authorities concerned shall grant and facilitate the free passage of  
15 humanitarian assistance to the internally displaced and ensure rapid, safe and  
16 unimpeded access of persons engaged in giving such assistance, their transport and  
17 supplies to the displaced communities. They shall not be the objects of attack or other  
18 acts of violence.

19 All concerned authorities shall assist the IDPs in the recovery of their property and  
20 possessions, and shall provide or assist these persons in obtaining appropriate financial  
21 assistance or other forms of just reparation.

22       Sec. 12. *Return, Local Integration or Resettlement Elsewhere.* – Competent  
23 authorities, such as the military and law enforcement agencies conducting operations,  
24 the DSWD, the DOH, the local government hospitals, the LGUs concerned and other  
25 appropriate government agencies, shall have the primary duty and responsibility to  
26 establish conditions and provide means for IDPs to return voluntarily, in safety and with  
27 dignity, to their homes or places of habitual residence, or to resettle voluntarily in  
28 places of refuge and/or in another part of the country, taking into consideration the  
29 right of IDPs to choose a residence.

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

33       Sec. 13. *Mechanisms for International Humanitarian Assistance.* – International  
34 humanitarian organizations, their local counterparts and other appropriate actors shall  
35 have the right to offer their services, including humanitarian assistance, in support of  
36 the internally displaced. These acts shall be considered done in good faith and not as

1 unfriendly acts or interference in the internal affairs of the government. Consent thereto  
2 shall not be arbitrarily withheld, particularly when authorities concerned are unable or  
3 unwilling to provide the required humanitarian assistance.

4 When providing assistance to IDPs, said organizations shall respect relevant domestic  
5 laws, international standards and codes of conduct. They shall give due regard to the  
6 protection of the needs and human rights of the IDPs.

7 The importation and donation of food, clothing, medicine and equipment necessary for  
8 relief and assistance of IDPs are hereby authorized in accordance with Section 105 of  
9 the Tariff and Customs Code of the Philippines, as amended, as regards national  
10 internal revenue taxes and import duties of national and local government agencies,  
11 and the prevailing provisions of the General Appropriations Act (GAA).

12         Sec. 14. *Penalties.* -

13 (a) The penalty of reclusion temporal in its minimum to medium period shall be  
14 imposed upon any person or group of persons who commit the following:

15 (1) Those who directly commit the act of arbitrary internal displacement;

16 (2) Those who directly force, instigate, encourage, induce or incite others to commit the  
17 act of arbitrary internal displacement;

18 (3) Those who cooperate in the act of arbitrary internal displacement by committing  
19 another act, without which the act of arbitrary internal displacement would not have  
20 been carried out;

21 (4) Those who cooperated in the execution of the act of arbitrary internal displacement  
22 by previous or simultaneous acts;

23 (5) Those commanding officers of the military, police or other law enforcement  
24 agencies or other authorities, for acts of arbitrary internal displacement committed by  
25 forces under their effective command and control, or effective authority and control as  
26 the case may be, as a result of their failure to exercise proper control over such forces,  
27 where the commanding officers or authorities knew or, owing to the circumstances at  
28 the time, should have known that the forces were committing or about to commit such  
29 crimes, and failed to take all necessary and reasonable means within their power to  
30 prevent or repress their commission, or to submit the matter to competent authorities  
31 for investigation and prosecution; and

32 (6) In case the acts of arbitrary internal displacement are committed by a corporation  
33 or a juridical entity, the members of the Board of Directors who were present in the  
34 meeting and who actually voted for the approval of the resolution or order directing the  
35 commission of arbitrary internal displacement, and the corporate officers or agents who  
36 carried out such resolution or order of the corporation shall each be criminally liable.



1 (b) The penalty of prision mayor in its minimum period shall be imposed upon those  
2 who attempt to commit the offense of arbitrary internal displacement.

3 (c) The penalty of prision mayor in its minimum period shall be imposed upon persons  
4 who, having knowledge of the act of arbitrary internal displacement and without having  
5 participated therein, either as principals or accomplices, took part subsequent to its  
6 commission by any of the following acts:

7 (1) By themselves profiting from or assisting the offender to profit from the effects of  
8 the act of arbitrary internal displacement;

9 (2) By concealing the act of arbitrary internal displacement and/or destroying the  
10 effects or instruments thereof, in order to prevent its discovery; and

11 (3) By harboring, concealing or assisting in the escape of the principal/s in the act of  
12 arbitrary internal displacement.

13 *Sec. 15. Applicability of the Revised Penal Code and Special Penal Laws.* – The  
14 provisions of the Revised Penal Code and other relevant special penal laws, insofar as  
15 they are applicable, shall be suppletory to this Act.

16 *Sec. 16. Nonprescription.* – The crimes defined and penalized under this Act,  
17 their prosecution, and the execution of sentences imposed on their account, shall not  
18 be subject to any prescription.

19 *Sec. 17. Jurisdiction of the Courts.* – The proper and competent civilian courts  
20 shall have jurisdiction over the offense of arbitrary internal displacement as defined and  
21 penalized in this Act.

22 *Sec. 18. Damages.* – A court of competent jurisdiction shall determine the  
23 damages inflicted against IDPs and direct the persons responsible for arbitrary internal  
24 displacement to award monetary compensation under the following circumstances:

25 (a) Where death of an individual victim occurs, the amount of one hundred thousand  
26 pesos (P100,000.00) shall be granted to the legal heirs of the victim as a death benefit;

27 (b) Where physical, emotional and/or psychological injury is caused to an individual  
28 victim, actual and compensatory damages, including moral, nominal, exemplary and  
29 temperate damages resulting from such injury, shall be paid to the victim. Upon a  
30 finding of such injury and distinct from the compensation for actual, compensatory,  
31 moral, nominal and/or temperate damages, such determination shall also include a  
32 referral to the DOH and the DSWD for appropriate interventions or services, to include  
33 psycho-social intervention and rehabilitation; and

34 (c) Cases for damages filed under this Act shall be considered as an independent civil  
35 action and summary in nature. The Supreme Court shall promulgate the necessary rules  
36 and regulations to govern the procedure for cases filed in this manner.



1           Sec. 19. *Civil Liabilities.* – Any public officer or employee, or any private person,  
2 who directly or indirectly obstructs, defeats, violates or in any manner impedes or  
3 impairs any of the rights and liberties of another person enunciated in this Act shall be  
4 liable to the latter for damages.

5           Sec. 20. *Financial Assistance to IDPs.* – Whenever human rights violations are  
6 caused to the IDPs as incidents or consequences of arbitrary internal displacement, the  
7 necessary financial assistance for their reparation, return, local integration or  
8 resettlement elsewhere shall be provided.

9 The CHR shall enhance its existing financial assistance program to include financial  
10 assistance for the purpose of facilitating the reparation, return, local integration or  
11 resettlement elsewhere of IDPs: Provided, That in no case shall financial assistance  
12 exceed ten thousand pesos (P10,000.00) per person.

13 Receipt of such financial assistance shall be without prejudice to the amount of  
14 assistance granted under other government programs, such as the Victims'  
15 Compensation Program of the Department of Justice (DOJ) by virtue of Republic Act  
16 No. 7309, the relief assistance to IDPs by the DSWD, the DOH, and other similar  
17 programs which may be made available to IDPs under existing laws, rules and  
18 regulations.

19           Sec. 21. *Nonmonetary Reparation.* – The DOH, the DSWD, the Department of  
20 Education (DepED), the Commission on Higher Education (CHED), the Technical  
21 Education and Skills Development Authority (TESDA) and such other agencies shall  
22 render necessary services as nonmonetary reparation for IDPs and their families as may  
23 be determined, in coordination with the CHR, pursuant to the provisions of this Act.

24           Sec. 22. *Role of the CHR.* – The CHR shall be designated as the institutional focal  
25 point for IDPs. As such, the CHR shall have the following additional functions:

26 (a) To monitor IDP conditions through the development of a system to track  
27 concerns, actions taken and other relevant information to ensure that IDP rights are  
28 respected, protected, and fulfilled in all phases of internal displacement;

29 (b) To conduct public inquiries, document violations of human rights, assist IDPs in  
30 seeking redress of grievances and work to ensure an effective response by the  
31 concerned authorities;

32 (c) To investigate, on its own or on complaint by any party, all forms of human  
33 rights violations against IDPs involving civil and political rights, in accordance with  
34 Section 18(1) of Article XIII of the Constitution, and when found in the investigation  
35 that the filing of a case in court is warranted, request the assistance of any department,

- 1 bureau, office or agency, such as the National Prosecution Service of the DOJ or the  
2 Ombudsman, by virtue of Executive Order No. 163, series of 1987;
- 3 (d) To render financial assistance at its sole discretion, as well as psycho-social  
4 interventions and similar services to IDPs, and to issue necessary guidelines to  
5 implement the same;
- 6 (e) To recommend to the other agencies of government, taking into consideration  
7 their respective mandates and functions, the grant of assistance to IDPs, as may be  
8 appropriate;
- 9 (f) To cite any person in contempt for violations of the orders issued by them in  
10 accordance with the Rules of Court;
- 11 (g) To follow up on early warning and ensure effective measures to protect the  
12 civilian population against arbitrary internal displacement;
- 13 (h) To advise the government on the rights of IDPs, formulate sound national policy  
14 and legislation and to facilitate discussions to effectively address situations of internal  
15 displacement;
- 16 (i) To undertake educational activities and training programs for State authorities,  
17 including the AFP;
- 18 (j) To hold public information drives on the protection and rights of IDPs, and foster  
19 their participation in the decision-making process regarding issues that concern them;  
20 and
- 21 (k) To carry out such other acts that may be necessary to fully implement the  
22 purposes of this Act.

23 *Sec. 23. Joint Congressional Oversight Committee.* – A Joint Congressional  
24 Oversight Committee is hereby created, composed of the Chairperson of the Senate  
25 Committee on Justice and Human Rights and seven (7) other Senators designated by  
26 the Senate President, and the Chairperson of the House Committee on Human Rights  
27 and seven (7) other Members of the House of Representatives, designated by the  
28 Speaker of the House of Representatives: Provided, That of the seven (7) Members to  
29 be designated by each House of Congress, four (4) shall represent the Majority and  
30 three (3) shall represent the Minority.

31 The Joint Congressional Oversight Committee shall also have the power to inquire into,  
32 summon and investigate the Orders of Battle as defined under this Act, and/or any  
33 document of similar nature, as well as the legal and factual justifications for the  
34 inclusion of specific persons and groups in said Orders of Battle or similar documents.  
35 In this regard, the Joint Congressional Oversight Committee may issue mandatory  
36 process directing the transmission of all such documents relevant and necessary for the

1 Committee to determine the validity of the inclusion of specific persons or groups in the  
2 Orders of Battle or similar documents. For this purpose, the highest ranking officers or  
3 heads of offices shall be charged with testifying before the Joint Congressional  
4 Oversight Committee in relation to any inquiries on the Orders of Battle or similar  
5 documents.

6 The invocation of national security as a defense may not prevent the Joint  
7 Congressional Oversight Committee from inquiring into the factual and/or legal bases  
8 for the existence of an Order of Battle, or any similar document, or the inclusion of  
9 specific persons or groups in said Orders of Battle or similar documents. Should there  
10 be a need to inquire into the factual basis for the invocation of national security, the  
11 Committee shall convene in an executive session and hear the officials invoking it.  
12 Should the basis not be satisfactory to the Committee, the public hearing/s will continue  
13 and appropriate recommendations shall thereafter be made by the Committee.

14       Sec. 24. *Monitoring of Compliance.* – An inter-agency coordinating committee  
15 shall be tasked to periodically monitor the compliance with this Act. The Committee  
16 shall be headed by the Chairperson of the CHR. Members of the group shall be  
17 composed of:

18 (a) A representative, with the rank of Undersecretary, from the Department of Social  
19 Welfare and Development;

20 (b) A representative, with the rank of Undersecretary, from the Department of  
21 National Defense (DND);

22 (c) A representative, with the rank of Undersecretary, from the Department of the  
23 Interior and Local Government (DILG);

24 (d) A representative, with the rank of Undersecretary, from the Department of  
25 Health;

26 (e) A representative, with the rank of Undersecretary, from the Department of  
27 Justice;

28 (f) A representative from the Office of Civil Defense/National Disaster Risk Reduction  
29 and Management Council (NDRRMC);

30 (g) A representative from the National Commission on Indigenous Peoples;

31 (h) A representative of human rights nongovernmental organizations (NGOs) and  
32 other human rights groups, nominated by a selection board composed of human rights  
33 groups and NGOs;

34 (i) The Chairperson of the Committee on Justice and Human Rights of the Senate;

35 (j) The Chairperson of the Committee on Human Rights of the House of  
36 Representatives; and



1 (k) The Chairperson of the Committee on Justice of the House of Representatives.  
2 The Committee shall work towards the collection of data on the number and conditions  
3 of IDPs, leading to a registry that will aid the government in efficient planning and  
4 policy making regarding issues affecting IDPs.

5 The Committee shall likewise prioritize the release of immediate financial assistance,  
6 allotted by its component agencies, to those affected by arbitrary internal displacement.  
7 The Committee shall submit an annual report to the Joint Congressional Oversight  
8 Committee herein created thirty (30) days after the end of each fiscal year. Such annual  
9 report shall be the basis for proposed amendments to existing legislation to improve the  
10 conditions of IDPs.

11 *Sec. 25. Appropriations.* – The amount necessary for the initial implementation of  
12 this Act shall be charged against the current year’s appropriations of the CHR, the  
13 DSWD, the DOH, the DND and the DILG. Thereafter, such sums as may be necessary  
14 for the continued implementation of this Act shall be included in the GAA.

15 *Sec. 26. Implementing Rules and Regulations.* – Within sixty (60) days from the  
16 effectivity of this Act, the CHR shall issue the necessary rules and regulations for its  
17 implementation.

18 In the formulation of the rules and regulations, the CHR shall take the lead and  
19 coordinate with the DSWD, the DND, the DILG, the DOH, the DOJ, the Department of  
20 Environment and Natural Resources (DENR), the AFP, the Philippine National Police  
21 (PNP), the Philippine Commission on Women (PCW), the Council for the Welfare of  
22 Children (CWC), the National Commission on Indigenous Peoples (NCIP), the National  
23 Commission on Disability Affairs (NCDA), the Presidential Commission on Urban Poor  
24 (PCUP), the Housing and Urban Development Coordinating Council (HUDCC), the  
25 NDRRMC, the National Housing Authority (NHA) and consult with the LGUs concerned,  
26 human rights nongovernmental organizations and people’s organizations.

27 *Sec. 27. Separability Clause.* – If any part or provision of this Act shall be  
28 declared unconstitutional or invalid, the other provisions hereof which are not affected  
29 thereby shall remain in full force and effect.

30 *Sec. 28. Repealing Clause.* – All laws, decrees, executive orders, memorandum  
31 orders, memorandum circulars, administrative orders, ordinances or parts thereof which  
32 are inconsistent with the provisions of this Act are hereby deemed repealed or modified  
33 accordingly.

34 *Sec. 29. Effectivity.* – This Act shall take effect fifteen (15) days after its  
35 publication in the Official Gazette or in a newspaper of national circulation.

Approved,