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SENATE

S. B. No. 2368

RECEIVED BY: 

Introduced by **Senator TEOFISTO "TG" GUINGONA III**

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

EXPLANATORY NOTE

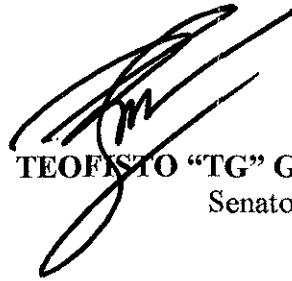
A humanitarian issue that has always been prevalent in the country is "internal displacement." Internal displacement refers to "the involuntary movement or forced evacuation or expulsion of any person or group of persons who flee or leave their homes or places of habitual residence, within the national 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." It is a common phenomenon in the Philippines brought about mostly by long-standing insurgencies, as well as natural and man-made calamities, among others. 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.

It is the policy of the State to respect the dignity and human rights of every human person. This bill, which aims to promote and protect the rights of internally displaced persons (IDPs), fulfills this policy. IDPs should not be considered merely as "collateral damage" of armed conflict or other humanitarian emergencies, as each one of us has a stake in human security and development. It is also sobering to note that every person in the country is susceptible to becoming an IDP.

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.



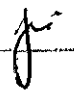
TEOFISTO "TG" GUINGONA III
Senator



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SENATE

Senate Bill No 2368

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Introduced by SENATOR TEOFISTO "TG" GUINGONA III

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

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

14 SEC. 3. *Definition of Terms* – As used in this Act

15 a. *Apartheid* refers to inhumane acts committed in the context of an
16 institutionalized regime of systematic oppression and domination by one racial group or
17 groups and committed with the intention of maintaining that regime.

18 b. *Arbitrary internal displacement* refers to act of displacement or any other
19 coercive act committed by any person or group/s of persons and directed against the civilian
20 population, which are contrary to law, good morals, public order or public policy, or

1 committed with abuse of authority, oppressive or wanton disregard of the right to life, liberty
2 or property and abode of the residents of an area in which they are lawfully present, and
3 characterized by those situations as defined in Section 6 of this Act

4 c. *Clan War* refers to any conflict that may arise between members of different
5 indigenous groups, indigenous cultural communities or clans, or between and among
6 members of the same indigenous group, cultural community or clan

7 d. *Ethnic cleansing* refers to the act of rendering an area ethnically homogenous by
8 using force or intimidation to remove from a given area persons of another ethnic or religious
9 group

10 e. *Generalized and/or organized violence* refers to the purposeful and systematic
11 use of terror and brutality to control individuals, groups and communities, through the use of
12 overwhelming force, and characterized by widespread, massive or sufficient intensity,
13 causing arbitrary internal displacement of persons or communities

14 Its methods include causing severe pain and suffering, killing, intimidating,
15 threatening, and in some cases, destroying a community, ethnic group or political opposition.

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

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

26 h. *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 homes or
28 places of habitual residence within the national borders, as a result of or in order to avoid or
29 minimize the effects of armed conflict, situations of generalized and/or organized violence,
30 violations of human rights, implementation of development projects, natural, human-induced
31 and human-made hazards

32 i. *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 that

1 are perceived to be enemies of the State and are considered as legitimate targets as
2 combatants that it could deal with, through the use of means allowed by domestic and
3 international law

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

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

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

22 SEC. 6. *Prohibited Acts of Arbitrary Internal Displacement.* – The prohibited acts of
23 arbitrary internal displacement shall include those committed:

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

26 b. in situations of armed conflict, unless the safety and security of civilians
27 are involved or imperative military reasons so demand,

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

31 d. in cases of natural, human-induced and human-made hazards, unless the safety
32 and health of those affected require their evacuation;

33 e. when used as a form of collective punishment;

1 f. in cases of clan wars, unless the safety and security of those civilians not
2 involved in the conflict are endangered; and

3 g. in violation of the rights of IDPs granted under Section 9, paragraphs b and g
4 of this Act, and

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

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

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

16 All concerned authorities, groups and persons shall observe the following safeguards
17 against arbitrary internal displacement.

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

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

26 c. Indigenous peoples, minorities, peasants, pastoralists, persons with disabilities
27 (PWDs) and other groups with special dependency on and attachment to their lands shall be
28 protected from arbitrary internal displacement, in accordance with Republic Act No 8371,
29 otherwise known as the Indigenous People's Rights Act of 1997; and

30 d. In situations other than during the emergency stages of armed conflicts
31 and hazards, the following guarantees shall be complied with

32 1) a specific decision shall be taken by the authority empowered by law to order
33 such measures,

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

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

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

7 5) law enforcement measures, when required, shall be carried out by competent
8 legal authorities; and

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

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

15 SEC. 9 *Rights During and After Displacement.* – Pursuant to the provisions of the
16 Bill of Rights under Article III of the Philippine Constitution, the following rights shall be
17 afforded to IDPs during and after their displacement, without discrimination of any kind,
18 such as those based on race, color, sex, language, religion or belief, political or other opinion,
19 national, ethnic or social origin, legal or social status, age, disability, property, birth or on any
20 other similar criteria.

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

24 1) essential and adequate food and nutrition and potable water,

25 2) basic shelter and housing,

26 3) appropriate clothing; and

27 4) essential medical and dental services and sanitation, including psychological
28 and social services and essential drugs and medicines,

29 b. *Protection Against Criminal Offenses and Other Unlawful Acts* –

30 1) It shall be prohibited to commit any of the following acts against IDPs in all
31 circumstances:

32 (i) murder;

33 (ii) hostage-taking;

1 (iii) summary or arbitrary execution and enforced disappearance, including
2 abduction or 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
5 participate in hostilities shall be prohibited in all circumstances, without prejudice to being
6 held liable 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
8 of 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
13 settlements; 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 assault,

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

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

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

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

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

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

1 5) IDPs shall be protected against discriminatory practices of recruitment into the
2 Armed Forces of the Philippines (AFP), law enforcement agencies or any armed group as a
3 result of their displacement. In particular, any cruel, inhumane or degrading practice that
4 compel compliance or punish non-compliance with recruitment shall be prohibited in all
5 circumstances,

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

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

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

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

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

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

18 (v) to communicate in a language they understand,

19 3) IDPs have the right to:

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

21 (ii) leave the country,

22 (iii) seek asylum in another country; and

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

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

31 e. *Family Unity and Missing Persons* – 1) Members of internally displaced
32 families who wish to remain together shall be allowed to do so. Families that are separated by
33 displacement and whose personal liberty have been restricted by internment or confinement

1 in any evacuation center, facility, encampment or other settlements should be reunited
2 immediately, with appropriate measures taken to expedite the reunion, particularly when
3 children are involved;

4 2) The State shall encourage cooperation among international and local
5 humanitarian organizations engaged in the task of family reunification,

6 3) The authorities concerned shall endeavor to establish the fate and whereabouts
7 of IDPs reported missing and cooperate with relevant international organizations engaged in
8 this task. They shall inform the next-of-kin on the progress of the investigation and notify
9 them of any result,

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

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

15 f. *Health and Education* – 1) Certain IDPs, such as children, especially
16 unaccompanied minors, expectant mothers, mothers with young children, female heads of
17 households, persons with disabilities and elderly persons, shall be entitled to protection and
18 assistance required by their condition and to treatment which takes into account their special
19 needs;

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

25 3) Special attention shall be paid to the health needs of women, including access
26 to comprehensive female health care services, to be provided whenever feasible by female
27 health care providers, as well as appropriate counseling and other services for victims of
28 sexual and other abuses,

29 4) Special attention shall also be given to the prevention of contagious and
30 infectious diseases, including AIDS, among IDPs; and

31 5) The authorities concerned shall ensure that IDPs, in particular, displaced
32 children, receive education that shall be free and compulsory at the primary level. Special
33 efforts shall be made to ensure the full and equal participation of women and girls in

1 educational programs, and that respect for their cultural identity, language and religion,
2 educational and training facilities shall be made available to them as soon as circumstances
3 permit, and

4 g *Property and Possessions* – The property and possessions of IDPs shall, in all
5 circumstances, be protected against the following acts

- 6 1) pillage or looting;
- 7 2) direct and indiscriminate attacks or other acts of violence,
- 8 3) being used to shield military operations or objectives;
- 9 4) being made the object of reprisal,
- 10 5) being destroyed or appropriated as a form of collective punishment; and
- 11 6) destruction, arbitrary and illegal appropriation, occupation or use.

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

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

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

27 All concerned authorities shall assist the IDPs in the recovery of their property and
28 possessions, and shall provide or assist these persons in obtaining appropriate financial
29 assistance or other forms of just reparation

30 SEC. 11 *Return, Local Integration or Resettlement Elsewhere.* – Competent
31 authorities, such as the military and law enforcement agencies conducting operations, the
32 DSWD, the DOH, the local government hospitals, the LGUs concerned and other appropriate
33 government agencies, shall have the primary duty and responsibility to establish conditions

1 and provide means for IDPs to return voluntarily, in safety and with dignity, to their homes or
2 places of habitual residence, or to resettle voluntarily in places of refuge and/or in another
3 part of the country, taking into consideration the right of IDPs to choose a residence.

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

7 SEC. 12 *Mechanisms for International Humanitarian Assistance* – International
8 humanitarian organizations, their local counterparts and other appropriate actors shall have
9 the right to offer their services, including humanitarian assistance, in support of the internally
10 displaced. These acts shall be considered done in good faith and not as unfriendly acts or
11 interference in the internal affairs of the government. Consent thereto shall not be arbitrarily
12 withheld, particularly when authorities concerned are unable or unwilling to provide the
13 required humanitarian assistance.

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

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

22 SEC. 13. *Penalties.* – a. The penalty of *reclusion temporal* in its minimum to medium
23 period shall be imposed upon any person or group of persons who commit the following:

- 24 1) Those who directly commit the act of arbitrary internal displacement;
- 25 2) Those who directly force, instigate, encourage, induce or incite others to
26 commit the act of arbitrary internal displacement;
- 27 3) Those who cooperate in the act of arbitrary internal displacement by
28 committing another act, without which the act of arbitrary internal displacement would not
29 have been carried out;
- 30 4) Those who cooperated in the execution of the act of arbitrary internal
31 displacement by previous or simultaneous acts, and
- 32 5) Those commanding officers of the military, police or other law enforcement
33 agencies or other authorities, for acts of arbitrary internal displacement committed by forces

1 under their effective command and control, or effective authority and control as the case may
2 be, as a result of their failure to exercise proper control over such forces, where the
3 commanding officers or authorities knew or, owing to the circumstances at the time, should
4 have known that the forces were committing or about to commit such crimes, and failed to
5 take all necessary and reasonable means within their power to prevent or repress their
6 commission, or to submit the matter to competent authorities for investigation and
7 prosecution.

8 6) In case the acts of arbitrary internal displacement are committed by a
9 corporation or a juridical entity, the members of the Board of Directors who were present in
10 the meeting and who actually voted for the approval of the resolution or order directing the
11 commission of arbitrary internal displacement, and the corporate officers or agents who
12 carried out such resolution or order of the corporation shall each be criminally liable

13 b. The penalty of *prision mayor* in its minimum period shall be imposed upon
14 those who attempt to commit the offense of arbitrary internal displacement.

15 c. The penalty of *prision mayor* in its minimum period shall be imposed upon
16 persons who, having knowledge of the act of arbitrary internal displacement and without
17 having participated therein, either as principals or accomplices, took part subsequent to its
18 commission by any of the following acts:

19 1) By themselves profiting from or assisting the offender to profit from the
20 effects of the act of arbitrary internal displacement;

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

23 3) By harboring, concealing or assisting in the escape of the principal/s in the act
24 of arbitrary internal displacement:

25 d. The courts shall impose the corresponding accessory penalties under the
26 Revised Penal Code, especially where the offender is a public officer

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

30 SEC. 15 *Non-prescription* – The crimes defined and penalized under this Act, their
31 prosecution, and the execution of sentences imposed on their account, shall not be subject to
32 any prescription.

1 SEC. 16 *Jurisdiction of the Courts.* – The proper and competent civilian courts shall
2 have jurisdiction over the offense of arbitrary internal displacement as defined and penalized
3 in this Act.

4 SEC. 17. *Damages* - A court of competent jurisdiction shall determine the damages
5 inflicted against IDPs and direct the persons responsible for arbitrary internal displacement to
6 award monetary compensation under the following circumstances.

7 a Where death of an individual victim occurs, the amount of one hundred
8 thousand pesos (Php 100,000.00) shall be granted to the legal heirs of the victim as a death
9 benefit;

10 b. Where physical, emotional and/or psychological injury is caused to an
11 individual victim, actual and compensatory damages, including moral, nominal, exemplary
12 and temperate damages resulting from such injury, shall be paid to the victim. Upon a finding
13 of such injury and distinct from the compensation for actual, compensatory, moral, nominal
14 and/or temperate damages, such determination shall also include a referral to the DOH and
15 DSWD for appropriate interventions or services, to include psycho-social intervention and
16 rehabilitation; and

17 c. Where loss of or damage to property of an individual victim occurs, the
18 amount corresponding to the fair market value of the property lost or destroyed or the amount
19 mutually agreed upon by the parties involved, whichever is higher, shall be paid to the victim.

20 Cases for damages filed under this Act shall be considered as an independent civil
21 action and summary in nature. The Supreme Court shall promulgate the necessary rules and
22 regulations to govern the procedure for cases filed in this manner

23 SEC 18. *Civil Liabilities.* – Any public officer or employee, or any private person,
24 who directly or indirectly obstructs, defeats, violates or in any manner impedes or impairs
25 any of the rights and liberties of another person enunciated in this Act shall be liable to the
26 latter for damages.

27 SEC 19 *Financial Assistance to IDPs* – Whenever human rights violations are
28 caused to the IDPs as incidents or consequences of arbitrary internal displacement, the
29 necessary financial assistance for their reparation, return, local integration or resettlement
30 elsewhere shall be provided

31 The CHR shall enhance its existing financial assistance program to include financial
32 assistance for the purpose of facilitating the reparation, return, local integration or re

1 settlement elsewhere of IDPs. *Provided*, That in no case shall financial assistance exceed ten
2 thousand pesos (Php 10,000 00) per person.

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

8 *Sec. 20 Non-Monetary Reparation.* – The DOH, the DSWD, the Department of
9 Education (DepEd), the Commission on Higher Education (CHED), the Technical Education
10 and Skills Development Authority (TESDA) and such other agencies, shall render necessary
11 services as non-monetary reparation for IDPs and their families as may be determined, in
12 coordination with the CHR, pursuant to the provisions of this Act.

13 *SEC 21 Role of the CHR.* – The CHR shall be designated as the institutional focal
14 point for IDPs. As such, the CHR shall have the following additional functions:

15 a. To monitor IDP conditions through the development of a system to track
16 concerns, actions taken and other relevant information to ensure that IDP rights are respected,
17 protected, and fulfilled in all phases of internal displacement,

18 b. To conduct public inquiries, document violations of human rights, assist IDPs
19 in seeking redress of grievances and work to ensure an effective response by the concerned
20 authorities;

21 c. To investigate, on its own or on complaint by any party, all forms of human
22 rights violations against IDPs involving civil and political rights, in accordance with Section
23 18(1) of Article XIII of the Constitution, and when found in the investigation that the filing of
24 a case in court is warranted, request the assistance of any department, bureau, office or
25 agency, such as the National Prosecution Service of the DOJ or the Ombudsman, by virtue of
26 Executive Order No 163, series of 1987;

27 d. To render financial assistance at its sole discretion, as well as psycho-social
28 interventions and similar services to IDPs, and to issue necessary guidelines to implement the
29 same;

30 e. To recommend to the other agencies of government, taking into consideration
31 their respective mandates and functions, the grant of assistance to IDPs, as may be
32 appropriate;

1 f To cite any person in contempt for violations of the orders issued by them in
2 accordance with the Rules of Court,

3 g To follow up on early warning and ensure effective measures to protect the
4 civilian population against arbitrary internal displacement,

5 h To advise the government on the rights of IDPs, formulate sound national
6 policy and legislation and to facilitate discussions to effectively address situations of internal
7 displacement,

8 i To undertake educational activities and training programs for State authorities,
9 including the AFP,

10 j. To hold public information drives on the protection and rights of IDPs, and
11 foster their participation in the decision-making process regarding issues that concern them;
12 and

13 k. To carry out such other acts that may be necessary to fully implement the
14 purposes of this Act.

15 SEC. 22. *Joint Congressional Oversight Committee.* – A Joint Congressional
16 Oversight Committee is hereby created, composed of the Chairperson of the Senate
17 Committee on Justice and Human Rights and seven (7) other Senators designated by the
18 Senate President, and the Chairperson of the House Committee on Human Rights and seven
19 (7) other Members of the House of Representatives, designated by the Speaker of the House
20 of Representatives. *Provided, That of the seven (7) Members to be designated by each House*
21 *of Congress, four (4) shall represent the Majority and three (3) shall represent the Minority.*

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

32 The invocation of national security as a defense may not prevent the Joint
33 Congressional Oversight Committee from inquiring into the factual and/or legal bases for the

1 existence of an Order of Battle, or any similar document, or the inclusion of specific persons
2 or groups in said Orders of Battle or similar documents. Should there be a need to inquire into
3 the factual basis for the invocation of national security, the Committee shall convene in an
4 executive session and hear the officials invoking it. Should the basis not be satisfactory to the
5 Committee, the public hearing/s will continue and appropriate recommendations shall
6 thereafter be made by the Committee.

7 SEC 23 *Monitoring of Compliance.* – An inter-agency coordinating committee shall
8 be tasked to periodically monitor the compliance with this Act. The Committee shall be
9 headed by the Chairperson of the CHR. Members of the group shall be composed of:

10 a. A representative, with the rank of Undersecretary, from the Department of
11 Social Welfare and Development,

12 b. A representative, with the rank of Undersecretary, from the Department of
13 National Defense;

14 c. A representative, with the rank of Undersecretary, from the Department of
15 Interior and Local Government;

16 d. A representative, with the rank of Undersecretary, from the Department of
17 Health;

18 e. A representative, with the rank of Undersecretary, from the Department of
19 Justice;

20 f. A representative from the Office of Civil Defense /National Disaster Risk
21 Reduction and Management Coordinating Council;

22 g. A representative from the National Commission on Indigenous Peoples;

23 h. A representative of human rights non-governmental organizations (NGOs) and
24 other human rights groups, nominated by a selection board composed of human rights groups
25 and NGOs;

26 i. The Chairperson of the Committee on Justice and Human Rights of the
27 Senate;

28 j. The Chairperson of the Committee on Human Rights of the House of
29 Representatives, and

30 k. The Chairperson of the Committee on Justice of the House of Representatives.

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

1 The Committee shall likewise prioritize the release of immediate financial assistance,
2 allotted by its component agencies, to those affected by arbitrary internal displacement

3 The Committee shall submit an annual report to the Joint Congressional Oversight
4 Committee herein created, thirty (30) days after the end of each fiscal year. Such annual
5 report shall be the basis for proposed amendments to existing legislation to improve the
6 conditions of internally displaced persons.

7 SEC. 24. *Appropriations.* – The amount necessary for the initial implementation of
8 this Act shall be charged against the current year’s appropriations of the CHR, the DSWD,
9 the DOH, the Department of National Defense (DND) and the Department of the Interior and
10 Local Government (DILG). Thereafter, such sums as may be necessary for the continued
11 implementation of this Act shall be included in the GAA.

12 SEC. 25. *Implementing Rules and Regulations.* – Within sixty (60) days from the
13 effectivity of this Act, the CHR shall issue the necessary rules and regulations for its
14 implementation.

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

24 SEC. 26. *Separability Clause.* – If any part or provision of this Act shall be declared
25 unconstitutional or invalid, the other provisions hereof which are not affected thereby shall
26 remain in full force and effect.

27 SEC. 27. *Repealing Clause.* – All laws, decrees, executive orders, memorandum
28 orders, memorandum circulars, administrative orders, ordinances or parts thereof which are
29 inconsistent with the provisions of this Act are hereby deemed repealed or modified
30 accordingly.

31 SEC. 28. *Effectivity* – This Act shall take effect fifteen (15) days after its publication
32 in the Official Gazette or in a newspaper of national circulation.

Approved,