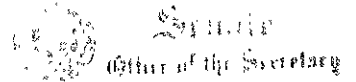


SIXTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)



15 MAY 26 AM 11:48

S E N A T E

RECEIVED BY: *J*

COMMITTEE REPORT NO. 149

Submitted by the Committee on Justice and Human Rights joint with the Committees on Social Justice, Welfare and Rural Development *and* Finance on

MAY 26 2015

Re: S. No. 2785

Recommending its approval in Substitution of SBN 2368, Taking into consideration, HBN 4744.

Sponsors: Senators Pimentel and Guingona*

MR. PRESIDENT:

The Committee on Justice and Human Rights joint with the Committees on Social Justice, Welfare and Rural Development *and* Finance to which was referred S. No. 2368, introduced by Senator Teofisto "TG" Guingona III, entitled:

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

Taking into consideration, H.No. 4744, introduced by Reps. Relampagos, Rodriguez (R.), Rodriguez (M.), Tambunting, Gutierrez, Bello (W.), Romarate, Lobregat, Guanlao, Velasco, Revilla, Nograles, Belmonte (J.), Gerona-Robredo, Ungab, Bataoil, Sy-Alvarado, Piamonte, Ong, Tan (A.), Aliping, Espina, Aglipay, Villarica, Alvarez, (M.), Fuentesbella, Antonino-Nadres, Suansing, Kho, Romulo and Santiago, entitled:

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

have considered the same and have the honor to report it back to the Senate with the recommendation that the attached S. No. 2785, prepared by the Committees, entitled:

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

be approved in substitution of S. No. 2368, taking into consideration H. No. 4744, with Senator Guingona as author thereof.

*Senator Guingona is the Chairman of the Sub-Committee on Internally Displaced Persons as authorized by the Committee on Justice and Human Rights.

Respectfully Submitted:




SEN. TEOFISTO "TIG" GUINGONA III
Chairman,
Sub-Committee on Internally Displaced Persons



SEN. AQUILINO "KOKO" PIMENTEL III
Chairman,
Committee on Justice and Human Rights

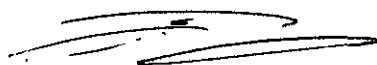


SEN. MA. LOURDES NANCY S. BINAY
Chairperson,
Committee on Social Justice, Welfare and
Rural Development



SEN. FRANCIS G. ESCUDERO
Chairman,
Committee on Finance

MEMBERS:



SEN. LOREN LEGARDA

SEN. PIA CAYETANO

SEN. ANTONIO F. TRILLANES IV



SEN. JUAN EDGARDO ANGARA



SEN. GREGORIO B. HONASAN

SEN. JINGGOY EJERCITO-ESTRADA

Ban Aquino

SEN. PAOLO BENIGNO AQUINO IV

SEN. MIRIAM DEFENSOR-SANTIAGO

[Signature]

SEN. MANUEL "LITO" M. LAPID

[Signature]

SEN. FERDINAND R. MARCOS JR.

A Osmeña

SEN. SERGIO R. OSMEÑA III

[Signature]

SEN. GRACE POE

SEN. RAMON "BONG" REVILLA JR.

[Signature]

SEN. CYNTHIA A. VILLAR

[Signature]

SEN. JOSEPH VICTOR G. EJERCITO

Ex-Officio Members:

SEN. JUAN PONCE ENRILE
Senate Minority Floor Leader



To substitute + possible amendments
SEN. ALAN PETER CAYETANO
Senate Majority Floor Leader


- to interpret
SEN. VICENTE C. SOTTO III
Acting Senate Minority Floor Leader


SEN. RALPH G. RECTO
Senate President Pro-Tempore

HON. FRANKLIN M. DRILON
Senate President

15 MAY 26 11:48

RECEIVED BY: 

SIXTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)

S. No. 2785

Prepared Jointly by the Committees on Justice and Human Rights; Social Justice, Welfare and Rural Development; and Finance, with Senator Teofisto "TG" Guingona III as author thereof.

**"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” or the “RIDPA.”

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), and existing
7 Philippine laws, such as the “Philippine Act on Crimes Against International Humanitarian
8 Law, Genocide, and Other Crimes Against Humanity” (R.A. 9851), it is also hereby declared
9 a State policy to adopt a rights-based approach for the promotion and protection of the rights
10 of internally displaced persons in situations of armed conflict, generalized and/or organized
11 violence, clan wars, violations of human rights, implementation of development projects,
12 natural, human-induced and human-made hazards.

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

16 The State shall harmonize all legal measures pertinent to “Internally Displaced
17 Persons or group of persons” (IDPs), and ensure that such are consistent with this Act.

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

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

4 b. *Arbitrary internal displacement* refers to acts of displacement or any other
5 coercive acts committed by any person or group/s of persons and directed against the civilian
6 population, which are contrary to law, good morals, public order or public policy, or
7 committed with abuse of authority, oppressive or wanton disregard of the right to life, liberty
8 or property and abode of the residents of an area in which they are lawfully present, and
9 characterized by those situations as defined in Section 6 of this Act.

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

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

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

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

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

26 g. *Internal displacement* refers to the involuntary or coerced movement or
27 relocation of persons, families, or communities from their areas of habitual abode and source
28 of substance within the national borders, as a result of or in order to avoid or minimize the
29 effects of armed conflict, situations of generalized and/or organized violence, violations of
30 human rights, implementation of development projects, natural, human-induced and human-
31 made hazards.

32 h. *Internally displaced person or group of persons (IDP)*, refers to any person or
33 group of persons who has or have been forced or obliged to flee or to leave their homes or

1 places of habitual residence within the national borders, as a result of or in order to avoid or
2 minimize the effects of armed conflict, situations of generalized and/or organized violence,
3 violations of human rights, implementation of development projects, natural, human-induced
4 and human-made hazards.

5 i. *Order of Battle/Watchlist* refers to a document or an organizational tool used
6 by military or law enforcement agencies that, inter alia, lists persons or organizations
7 perceived as being hostile to the State, the Government or the Armed or Police Forces, or to
8 any document made by non-state actors, whether natural or juridical, listing the names of
9 persons and organizations, that are perceived to be obstacles, in any way, to such non-state
10 actor, and making those in such list vulnerable to arbitrary internal displacement.

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

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

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

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

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

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

3 c. in cases of large-scale development projects, including, but not limited to,
4 mines, dams, railways, highways, tunnels, airports, seaports, and the like, which are not
5 justified by compelling and overriding public interest and without proper implementation of
6 return, local integration or resettlement elsewhere of affected IDPs;

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

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

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

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

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

17 An Order of Battle/Watchlist, or any document of similar nature issued by the
18 military, any law enforcement agency of the government, or any armed group, including non-
19 state actors, shall not justify arbitrary internal displacement and shall subject the perpetrators
20 to the penalties provided under Section 13 of this Act.

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

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

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

31 b. If displacement is inevitable, the authorities, pursuant to their respective
32 mandates and functions, shall ensure, to the greatest practicable extent, that proper
33 accommodation is effected in satisfactory conditions of safety, nutrition, water and sanitation,

1 health and hygiene, and that members of the same family, especially women and children, are
2 not separated;

3 c. Indigenous peoples, minorities, peasants, pastoralists, and other groups with
4 special dependency on and attachment to their place of habitual residence and livelihood,
5 whether on land or water, shall be protected from arbitrary internal displacement, in
6 accordance with Republic Act No. 8371, otherwise known as the Indigenous People's Rights
7 Act of 1997; and

8 d. In situations other than during the emergency stages of armed conflicts,
9 natural calamities, and hazards, the following guarantees shall be complied with:

10 1) a specific decision shall be taken by the authority empowered by law to order
11 such measures;

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

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

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

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

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

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

26 SEC. 9. *Rights During and After Displacement.* – Pursuant to the provisions of the
27 Bill of Rights under Article III of the Philippine Constitution, the following rights shall be
28 afforded to IDPs during and after their displacement, without discrimination of any kind,
29 such as those based on race, color, sex, language, religion or belief, political or other opinion,
30 national, ethnic or social origin, legal or social status, age, disability, property, birth, lack of
31 tenurial claim, or on any other similar criteria:

32 a. *Provision and Access to Basic Necessities.* – At the minimum, regardless of
33 the circumstances, without discrimination, and with special attention to gender sensitivity and

1 varying vulnerabilities competent authorities shall provide IDPs with and ensure safe access
2 to:

- 3 1) essential and adequate food and nutrition and potable water;
- 4 2) basic shelter and housing;
- 5 3) appropriate clothing; and
- 6 4) essential medical and dental services and sanitation, including psychological
7 and social services and essential drugs and medicines;

8 Competent authorities shall also provide due respect to the cultural sensitivities and
9 religious beliefs of certain IDPs, in the provision of the aforementioned necessities.

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

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

- 13 (i) murder;
- 14 (ii) hostage-taking;
- 15 (iii) summary or arbitrary execution and enforced disappearance, including
16 abduction or unacknowledged detention, threatening or resulting in death; and
- 17 (iv) unlawful confinement;

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

- 21 (i) direct or indiscriminate attacks or other acts of violence, including the creation
22 of areas wherein attacks on civilians are permitted;
- 23 (ii) starvation as a method of combat;
- 24 (iii) their being used to shield military objectives from attack, or to shield, favor or
25 impede the operations of the military, police or any armed group;
- 26 (iv) attacks against any evacuation center, facility, encampment or other
27 settlements; and
- 28 (v) use of anti-personnel landmines;

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

- 31 (i) rape and other outrages upon personal dignity, such as forced prostitution,
32 trafficking of persons, any act of gender-specific violence, or any form of indecent assault;
- 33 (ii) mutilation, torture, cruel, inhumane or degrading treatment or punishment;

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

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

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

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

8 4) IDPs shall not be confined in any evacuation center, facility, encampment or
9 other settlements. If in exceptional circumstances, such confinement is necessary, it shall not
10 last longer than what is required by the circumstances, as may be determined by the
11 Commission on Human Rights (CHR), in consultation with the military and law enforcement
12 agencies conducting operations, and other concerned agencies of the government; and

13 5) IDPs shall be protected against discriminatory practices of recruitment into the
14 Armed Forces of the Philippines (AFP), law enforcement agencies, or any armed group,
15 including non-state actors, as a result of their displacement. In particular, any cruel, inhumane
16 or degrading practice that compel compliance or punish non-compliance with recruitment
17 shall be prohibited in all circumstances;

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

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

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

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

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

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

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

31 3) IDPs have the right to:

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

33 (ii) leave the country;

1 (iii) seek asylum in another country; and

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

4 d. *Recognition, Issuance and Replacement of Documents.* – 1) The authorities
5 concerned shall issue to the IDPs all documents necessary for the enjoyment and exercise of
6 their legal rights. In particular, these authorities shall facilitate the issuance of new documents
7 or the replacement of documents lost in the course of displacement, without imposing
8 unreasonable conditions and without discrimination against men and women, who shall have
9 equal rights to obtain and to be issued the same in their own names;

10 2) Within a reasonable time, the pertinent national authorities, in close collaboration
11 with the LGUs exercising territorial jurisdiction over the affected area/s shall establish a
12 “one-stop shop” for all documentation and registration needs of IDPs, which shall be set up at
13 a convenient location for IDPs, such as a civic center, evacuation center, town hall, and the
14 like.

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

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

23 3) The authorities concerned shall endeavor to establish the fate and whereabouts
24 of IDPs reported missing and cooperate with relevant international organizations engaged in
25 this task. They shall inform the next-of-kin on the progress of the investigation and notify
26 them of any result;

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

30 Competent authorities shall also provide due respect to cultural sensitivities and
31 religious beliefs of certain IDPs, in the care and disposition of the deceased; and

1 5) Grave sites of IDPs shall be protected and respected in all circumstances, and
2 family members of the deceased IDPs shall have the right of access to the grave sites of their
3 deceased relatives;

4 f. *Health and Education.* – 1) Certain IDPs, such as children, especially
5 unaccompanied minors, expectant mothers, mothers with young children, female heads of
6 households, persons with disabilities, elderly persons and other vulnerable, disadvantaged
7 and marginalized groups or individuals shall be entitled to protection and assistance required
8 by their condition and to treatment which takes into account their special needs;

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

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

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

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

26 g. *Property and Possessions.* – The property and possessions of IDPs shall, in all
27 circumstances, be protected against the following acts:

28 1) pillage or looting;

29 2) direct and indiscriminate attacks or other acts of violence;

30 3) being used to shield military operations or objectives;

31 4) being made the object of reprisal;

32 5) being destroyed or appropriated as a form of collective punishment; and

33 6) destruction, arbitrary and illegal appropriation, occupation or use.

1 The LGU exercising territorial jurisdiction over the affected area/s, with the assistance
2 of the National Government, shall endeavor to facilitate the transportation of such property
3 and possessions of IDPs, in a safe and secure area, during and after displacement, subject to
4 logistical considerations.

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

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

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

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

23 SEC. 11. *Early Recovery Plan.* - The LGUs exercising territorial jurisdiction over the
24 affected area/s shall craft an early recovery plan, in consultation with the IDPs, which may
25 include the putting up of specific infrastructure for evacuation.

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

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

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

11 When providing assistance to IDPs, said organizations shall respect relevant domestic
12 laws, international standards, and codes of conduct. They shall give due regard to the
13 protection of the needs and human rights of the IDPs. They have the duty of coordinating
14 with the LGU/s concerned and the various national government agencies involved.

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

20 SEC. 14. *Penalties.* – The following penalties shall be imposed upon any person or
21 group of persons, whether state or non-state actors:

22 a. The penalty of *reclusion temporal* in its minimum to medium period shall be
23 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. 15. *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. 16. *Jurisdiction of the Courts.* -- The proper and competent civilian courts shall
31 have jurisdiction over the offense of arbitrary internal displacement, as defined and penalized
32 in this Act.

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

4 a. Where death of an individual victim occurs, an amount to be determined by
5 the court shall be granted to the legal heirs of the victim as a death benefit;

6 b. Where physical, emotional and/or psychological injury is caused to an
7 individual victim, actual and compensatory damages, including moral, nominal, exemplary
8 and temperate damages resulting from such injury, shall be paid to the victim upon the
9 determination of the court. Such determination shall also include a referral to the DOH and
10 DSWD for appropriate interventions or services, to include psycho-social intervention and
11 rehabilitation; and

12 c. Where loss of or damage to property of an individual victim occurs, the court
13 may take into consideration the amount corresponding to the fair market value of the property
14 lost or destroyed in paying the victim.

15 Cases for damages filed under this Act shall be considered as an independent civil
16 action and summary in nature.

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

21 SEC. 19. *Financial Assistance to IDPs.* - Whenever human rights violations are
22 caused to the IDPs as incidents or consequences of arbitrary internal displacement, the
23 necessary financial assistance for their return; local integration; or resettlement elsewhere
24 shall be provided.

25 The CHR shall enhance its existing financial assistance program for victims of such
26 human rights violations to include financial assistance for the purpose of facilitating the
27 reparation, return, local integration, or re settlement elsewhere of IDPs. *Provided,* That in no
28 case shall financial assistance exceed ten thousand pesos (Php 10,000.00) per person.

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

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

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

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

11 b. To establish guidelines to identify the legitimacy of an individual’s claim of
12 internal displacement.

13 c. To conduct public inquiries, document violations of human rights, assist IDPs
14 in seeking redress of grievances, and work to ensure an effective response by the concerned
15 authorities;

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

22 e. To render financial assistance at its sole discretion, and to issue necessary
23 guidelines to implement the same;

24 f. To recommend to the other agencies of government, taking into consideration
25 their respective mandates and functions, the grant of assistance to IDPs, as may be
26 appropriate;

27 g. To follow up on early warning and ensure effective measures to protect the
28 civilian population against arbitrary internal displacement;

29 h. To advise the government on the rights of IDPs, formulate sound national
30 policy and legislation and to facilitate discussions to effectively address situations of internal
31 displacement;

1 i. To undertake educational activities and training programs for State authorities,
2 including the AFP;

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

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

8 SEC. 22. *Role of the DSWD.* The DWSD shall have the following functions, among
9 others:

10 a. To render psycho-social interventions and similar services to IDPs;

11 b. To facilitate linking IDPs to employment opportunities, support services and other
12 livelihood programs, in cooperation with other government agencies, such as, but not limited
13 to, the Department of Labor and Employment (DOLE), Department of Agriculture (DA),
14 Department of Agrarian Reform (DAR) and the Department of Trade and Industry (DTI);

15 c. To provide capital assistance to IDPs, who wish to start their respective trade or
16 business, subject to reasonable rules and regulations; and

17 d. To carry out such other acts that may be necessary to fully implement the
18 aforementioned functions.

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

26 The Joint Congressional Oversight Committee shall also have the power to inquire
27 into, summon and investigate the Orders of Battle/Watchlists as defined under this Act,
28 and/or any document of similar nature, as well as the legal and factual justifications for the
29 inclusion of specific persons and groups in said Orders of Battle/Watchlists or similar
30 documents. In this regard, the Joint Congressional Oversight Committee may issue
31 mandatory process directing the transmission of all such documents relevant and necessary
32 for the Committee to determine the validity of the inclusion of specific persons or groups in
33 the Orders of Battle/ Watchlists, or similar documents. For this purpose, the highest ranking

1 officers or heads of offices shall be charged with testifying before the Joint Congressional
2 Oversight Committee in relation to any inquiries on the Orders of Battle/Watchlists, or
3 similar documents.

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

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

- 15 a. A representative, with the rank of Undersecretary, from the Department of
16 Social Welfare and Development;
- 17 b. A representative, with the rank of Undersecretary, from the Department of
18 National Defense;
- 19 c. A representative, with the rank of Undersecretary, from the Department of
20 Interior and Local Government;
- 21 d. A representative, with the rank of Undersecretary, from the Department of
22 Health;
- 23 e. A representative, with the rank of Undersecretary, from the Department of
24 Justice;
- 25 f. A representative from the Office of Civil Defense /National Disaster Risk
26 Reduction and Management Coordinating Council;
- 27 g. A representative from the National Commission on Muslim Filipinos;
- 28 h. A representative from the National Commission on Indigenous Peoples;
- 29 i. A representative from the Office of the Presidential Adviser on the Peace Process
30
- 31 j. The Chairperson of the Committee on Justice and Human Rights of the
32 Senate;
- 33 k. The Chairperson of the Committee on Human Rights of the House of
34 Representatives; and

1 1. 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
3 conditions 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 internally displaced persons.

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 DSWD,
13 the DOH, the Department of National Defense (DND), and the Department of the Interior and
14 Local Government (DILG). Thereafter, such sums as may be necessary for the continued
15 implementation of this Act shall be included in the GAA.

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

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

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

32 SEC. 28. *Repealing Clause.* – All laws, decrees, executive orders, memorandum
33 orders, memorandum circulars, administrative orders, ordinances or parts thereof which are

1 inconsistent with the provisions of this Act are hereby deemed repealed or modified
2 accordingly.

3 SEC. 29. *Effectivity.* -- This Act shall take effect fifteen (15) days after its publication
4 in the Official Gazette or in a newspaper of national circulation.

Approved,