

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

23 NOV 14 P3:21

SENATE

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S. No. 2488

Introduced by Senator Manuel "Lito" M. Lapid

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

EXPLANATORY NOTE

The Philippines has faced recurring challenges stemming from armed conflicts, natural disasters, and calamities that have led to the displacement of families and communities. The impact of these events on the lives of Filipinos cannot be overstated, necessitating the formulation of a comprehensive legal framework to address the growing concerns surrounding internally displaced persons (IDPs). This bill aims to establish a systematic approach to managing and assisting IDPs, taking into account the evolving landscape of global challenges such as climate change and geopolitical shifts.

The persistent armed conflicts in various regions of the Philippines have resulted in the forced displacement of countless individuals and communities. Families find themselves uprooted from their homes, facing not only the immediate threats of violence but also the long-term challenges of rebuilding their lives. Addressing the needs of IDPs requires a concerted effort to ensure their safety, well-being, and eventual reintegration into society.

The Philippines is also situated in a geographically vulnerable position in terms of disaster risks, regularly experiencing natural disasters such as typhoons, earthquakes, and volcanic eruptions. These events have led to widespread

displacement, often leaving communities without access to basic necessities and infrastructure. Establishing a legal framework for IDPs becomes imperative to provide timely and effective assistance, ensuring their rights are protected during the recovery and rebuilding process.

The advent of climate change has exacerbated the frequency and intensity of natural disasters, rendering the issue of internal displacement more complex. Rising sea levels, extreme weather events, and environmental degradation pose new challenges for vulnerable communities. Additionally, recent geopolitical developments underscore the importance of anticipating displacement trends and implementing proactive measures to address the needs of affected populations.

The bill establishes a clear definition of IDPs and recognizes their unique vulnerabilities and rights. This acknowledgment is a crucial first step in addressing the specific needs of displaced individuals and communities.

To ensure a unified and efficient response, the bill outlines coordination mechanisms among relevant government agencies, local government units, and non-governmental organizations. Collaboration is key to providing comprehensive support to IDPs and avoiding duplication of efforts and loss of resources due to inefficient and redundant management.

The bill emphasizes the protection of the rights of IDPs, including but not limited to access to adequate housing, education, healthcare, and livelihood opportunities. Special attention is given to the needs of vulnerable groups such as women, children, and the elderly.

A key focus of the bill is the development of durable solutions for IDPs, including sustainable reintegration into their communities or, if necessary, the facilitation of voluntary relocation to safer areas. Rehabilitation efforts aim to restore communities and infrastructure to pre-displacement conditions or better.

The bill includes provisions for public awareness campaigns to educate communities on IDP issues, as well as capacity-building initiatives for government agencies and stakeholders involved in IDP response and management.

In light of the evolving challenges posed by armed conflicts, natural disasters, climate change, and geopolitical shifts, the legal framework proposed by this bill seeks to address the multifaceted concerns surrounding internally displaced persons. By establishing a blueprint of action, the Philippine government can proactively and effectively respond to the needs of IDPs, ensuring their protection, dignity, and eventual reintegration into society. This legislation represents a significant step toward a more resilient and compassionate nation in the face of adversity.

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



MANUEL "LITO" M. LAPID
Senator

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

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

4 **SECTION 1. Short Title.** – This Act shall be known as 1 the "Rights of
5 Internally Displaced Persons Act."

6 **SEC. 2. Declaration of Principles and State Policies.** – Consistent with
7 the principles enshrined in the 1987 Constitution, the standards set by the
8 International Humanitarian Law (IHL) and human rights laws, international treaties
9 and conventions adhered to by the Philippines, and international customary law,
10 including the United Nations' Guiding Principles on Internal Displacement (UNGPID),
11 and other humanitarian standards, it is hereby declared a State policy to adopt a
12 human rights-based approach for the promotion and protection of the rights of
13 internally displaced persons (IDPs) in situations of armed conflict, generalized and/or
14 organized violence, clan wars, violations of human rights, implementation of
15 development projects, natural, human-induced and human-made hazards.

16 When armed conflict of a non-international character is inevitable, the State
17 shall ensure the promotion and protection of the rights of the citizens who are non-
18 combatants and who shall enjoy in full equality, the same rights and freedom under
19 international and domestic law as do other persons in the country. These citizens shall

1 not be discriminated against in the enjoyment of any rights and freedoms on the
2 ground that they are internally displaced.

3 The State shall likewise ensure that the IDPs shall be protected from any form
4 of discrimination or persecution and shall prioritize their rehabilitation and
5 reintegration to society.

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

7 (a) *Apartheid* refers to inhumane acts committed in the context of an
8 institutionalized regime of systematic oppression and domination by one (1)
9 racial group or groups and committed with the intention of maintaining that
10 regime;

11 (b) *Arbitrary Internal Displacement* refers to an act of displacement or any other
12 coercive act committed by any person or group/s of persons and directed
13 against the civilian population, which is contrary to law, good morals, public
14 order, or public policy, or committed with abuse of authority, oppressive or
15 wanton disregard of the right to life, liberty or property and abode of the
16 residents, whether permanent or temporary, of an area in which they are
17 lawfully present, which causes displacement and characterized by those
18 situations as defined under Section 8 of this Act;

19 (c) *Armed Conflict* refers to any use of force or armed violence between States
20 or protracted armed violence between governmental authorities and organized
21 armed groups or between such groups within that State: *Provided*, That such
22 force or armed violence gives rise, or may give rise, to a situation to which the
23 Geneva Conventions of 12 August 1949, including their common Article 3,
24 apply.

25 Armed conflict may be international, that is, between two (2) or more States,
26 including belligerent occupation; or non-international, that is, between
27 governmental authorities and organized armed groups or between such groups
28 within a State. It does not cover internal disturbances or tensions such as riots,
29 isolated and sporadic acts of violence, or other acts of a similar nature;

1 (d) *Children* refer to persons below eighteen (18) years of age or those over
2 but are unable to fully take care of themselves or protect themselves from
3 abuse, neglect, cruelty, exploitation, or discrimination because of a physical or
4 mental disability or condition;

5 (e) *Conflict-affected Areas* refer to communities where (a) there are actual
6 armed encounters between the government forces and political armed groups,
7 or (b) where political armed groups dominate the state of affairs of the
8 community, or (c) where other forms of violent conflicts exist;

9 (f) *Conflict-vulnerable Areas* refer to communities that are proximate to conflict-
10 affected areas, where possible side-stepping of armed group or groups is
11 imminent. It can also include geographically isolated and disadvantaged areas
12 (GIDA) whose resources, actual or symbolic, are deemed valuable by the
13 political armed group;

14 (g) *Clan War* refers to any conflict characterized by sporadic outbursts of
15 retaliatory violence between and among families, kinship groups, and
16 communities;

17 (h) *Durable Solution* refers to a situation where the internally displaced persons
18 no longer have any specific assistance and protection needs that are linked to
19 their displacement and can enjoy their human rights without discrimination on
20 account of their displacement: *Provided*, That durable solutions are always
21 understood to be determined upon consultation with the internally displaced
22 persons and communities as well as the groups and individuals assisting them;

23 (i) *Enforced Disappearance* refers to the arrest, detention, abduction or any
24 other form of deprivation of liberty committed by agents of the State or by
25 persons or groups of persons acting with the authorization, support or
26 acquiescence of the State, followed by a refusal to acknowledge the deprivation
27 of liberty or by concealment of the fate or whereabouts of the disappeared
28 person, which places such person outside the protection of the law;

1 (j) *Ethnic Cleansing* refers to an act of one ethnic or religious group to remove
2 the civilian population of another ethnic or religious group from a certain
3 geographic area by using force, threat, or intimidation, or deception to a person
4 or groups of peoples in areas ethnically homogenous, such as Indigenous
5 Cultural Communities/Indigenous Peoples (ICCs/IPs), or religious groups to be
6 removed from a given area, their place of abode or territories that they have
7 occupied since time immemorial;

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

15 (l) *Imperative Military Necessity* refers to the principle of military necessity in
16 International Humanitarian Law, which permits measures that are actually
17 necessary to accomplish a legitimate military purpose and are not otherwise
18 prohibited in international humanitarian law;

19 (m) *Implementation of Development Projects* refers to the carrying out of any
20 undertaking or activity aimed at economic, social, or political growth,
21 advancement, and expansion that results or may result in the arbitrary internal
22 displacement of persons: *Provided*, That the term does not include projects that
23 have undergone consultation with and secured the consent of the affected
24 communities and those that are legitimate resettlement schemes and/or
25 programs, including expropriation of property by the government.

26 Reference to the *Kampala Convention* shall serve as guide in the State's
27 obligations in development projects, which states that:

28 (1) States Parties, as much as possible, shall prevent displacement caused
29 by projects carried out by public or private actors;

1 (2) States Parties shall ensure that the stakeholders concerned will explore
2 feasible alternatives, with full information and consultation of persons
3 likely to be displaced by projects; and

4 (3) States Parties shall carry out a socioeconomic and environmental
5 impact assessment of a proposed development project prior to
6 undertaking such a project;

7 (n) *Internal Displacement* refers to the involuntary movement or forced
8 evacuation or expulsion of any person or group of persons who flee or leave
9 their homes or places of habitual residence, within the national borders, as a
10 result of or in order to avoid or minimize the effects of armed conflict, situations
11 of generalized and/or organized violence, violations of human rights,
12 implementation of development projects, natural, human-induced and human-
13 made hazards;

14 (o) *Internally Displaced Person (IDP)* refers to any person or group of persons
15 who has or have been forced or obliged to flee or to leave their homes or places
16 of habitual residence within the national borders and who have not crossed an
17 internationally recognized State border, as a result of, or in order to avoid or
18 minimize the effects of armed conflict, situations of generalized and/or
19 organized violence, violations of human rights, implementation of development
20 projects, clan wars, natural, human-induced and human-made hazards;

21 (p) *Order of Battle* refers to any document made by the military, police or any
22 law enforcement agency of the government, listing the names of persons and
23 organizations that are perceived to be enemies of the State and are considered
24 as legitimate targets as combatants that it could deal with, through the use of
25 means allowed by domestic and international law;

26 (q) *Sexual Abuse* means the actual or threatened physical intrusion of a sexual
27 nature, whether by force or under unequal or coercive conditions;

28 (r) *Sexual Exploitation* means any actual or attempted abuse of a position of
29 vulnerability, differential power, or trust, for sexual purposes, including, but not

1 limited to, profiting monetarily, socially, or politically from the sexual
2 exploitation of another; and

3 (s) *Vulnerable and Marginalized Groups* refer to those that face higher exposure
4 to disaster risk and poverty including, but not limited to, women, children,
5 youth, elderly, persons with disabilities (PWDs) and ICCs/IPs.

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

13 This Act covers relevant domestic laws, such as Republic Act 1 No. 11188 or
14 the “Special Protection of Children in Situations of Armed Conflict Act”; Republic Act
15 No. 8371 or “The Indigenous Peoples’ Rights Act of 1997”; Republic Act No. 9851 or
16 the “Philippine Act on Crimes Against International Humanitarian Law, Genocide, and
17 Other Crimes Against Humanity”; and Republic Act No. 10821 or the “Children’s
18 Emergency Relief and Protection Act”, among others.

19 To address the risks involved in natural hazards and the overall impact of
20 climate change and global warming on the rights of those who are internally displaced,
21 due reference shall be made to the pertinent provisions of Republic Act No. 9729 or
22 the “Climate Change Act of 2009”; Republic Act No. 10121 or the “Philippine Disaster
23 Risk Reduction and Management Act of 2010”; Republic Act No. 10821 or the
24 “Children’s Emergency Relief and Protection Act”; Republic Act No. 11188 or the
25 “Special Protection of Children in Situations of Armed Conflict Act”, and other relevant
26 laws.

27 **SEC. 5. Primary Duty to Protect the IDPs.** – The State has the primary
28 duty and responsibility to provide protection and humanitarian assistance to IDPs. As
29 such, State authorities, including local government units (LGUs) and parties to an

1 armed conflict, irrespective of their legal status and applied without any adverse
2 distinction, shall respect and ensure compliance with their obligations under
3 international law, including IHL, human rights laws, and other relevant domestic laws,
4 so as to prevent and avoid conditions that might lead to the arbitrary internal
5 displacement of persons.

6 **SEC. 6. *Protection of Rights of IDPs During and After Displacement.*** –

7 IDPs shall enjoy, in full equality, the same rights and freedoms under international
8 and domestic law as do other persons in the Philippines. They shall not be
9 discriminated against in the enjoyment of any rights and freedoms on the ground that
10 they are internally displaced, or on any grounds such as race, color, sex, language,
11 religion or belief, political or other opinion, national, ethnic or social origin, legal or
12 social status, age disability, property, birth, or on any other similar criteria.

13 The following rights of IDPs shall be protected and upheld during and after
14 their displacement whether found inside or outside evacuation centers:

15 (a) *Provision and Access to Basic Necessities.* – At the minimum, regardless of
16 the circumstances, and without discrimination, the national and local
17 governments shall provide IDPs with and ensure safe access to:

- 18 (1) Essential and adequate food and nutrition;
- 19 (2) Water sanitation, hygiene facilities, including menstrual hygiene
20 management requirements, and potable water;
- 21 (3) Dignified, adequate, and safe shelter and housing in accordance with
22 international and domestic standards;
- 23 (4) Legal assistance such as, but not limited to, legal advice and
24 documentation;
- 25 (5) Appropriate clothing;
- 26 (6) Essential medical and dental services and sanitation, including
27 psychological and social services, and essential drugs and medicines;

1 (7) Other humanitarian needs, including support to persons with specific
2 needs, mother-child-friendly facilities to include, but not limited to,
3 breastfeeding stations, temporary learning places, place of worship;

4 (8) Due consideration in the processing of permits in the use of parcels of
5 lands for temporary residential or commercial use by IDPs; and

6 (9) Mitigation, prevention and response measures to protect displaced
7 populations especially women, children, and youth, among others, from
8 all forms of violence, exploitation, abuse, neglect, and discrimination;

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

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

12 (i) murder;

13 (ii) hostage taking;

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

17 (iv) unlawful confinement;

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

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

24 (ii) starvation as a method of combat;

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

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

6 (v) use of anti-personnel landmines;

7 (3) IDPs shall be protected in particular against:

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

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

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

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

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

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

20 (4) IDPs shall not be interned in or confined in any evacuation center,
21 facility, encampment or other settlement. If in exceptional circumstances
22 such internment or confinement is necessary, it shall not last longer than
23 what is required by the circumstances, as may be determined by the
24 Commission on Human Rights (CHR), in close coordination and
25 consultations with the military and law enforcement agencies conducting
26 operations, and other concerned agencies of the government; and

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

6 (c) *Freedom of Movement.* –

7 (1) Every IDP has the right to liberty of movement and the right to choose
8 residence and move freely in and out of any evacuation center,
9 encampment or other settlements. Restrictions on movement shall be
10 introduced only in exceptional circumstances, such as national
11 emergencies, pandemics, and those of similar nature, subject to any
12 lawful and reasonable order which must be issued in writing by the
13 government;

14 (2) IDPs, whether or not they are living in an evacuation center,
15 encampment or other settlements, including home-based settings, shall
16 not be discriminated against in the enjoyment of the rights to:

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

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

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

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

25 (v) communicate in a language they understand; and

26 (3) IDPs have the right to:

- 1 (i) seek safety in another part of the country;
- 2 (ii) leave the country;
- 3 (iii) seek asylum in another country; and
- 4 (iv) be protected against forcible return or resettlement in any place
- 5 where their lives, safety, liberty and/or health would be at risk;

6 (d) *Recognition, Issuance and Replacement of Documents.* – The authorities
7 concerned shall issue to the IDPs all documents necessary for the enjoyment
8 and exercise of their legal rights. In particular, these authorities shall facilitate
9 the issuance of new documents or the replacement of documents lost in the
10 course of displacement, without imposing unreasonable conditions, such as
11 requiring the return to one’s area of habitual residence in order to obtain their
12 documents and without discrimination against men and women, who shall have
13 equal rights to obtain and to be issued the same in their own names: *Provided,*
14 *however,* That pending the release or access of such documentation from the
15 authorities, the enjoyment and exercise of legal rights of the IDPs will not be
16 suspended;

17 (e) *Family Unity and Missing Persons.* –

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

24 (2) The State shall facilitate inquiries made by family members and
25 encourage and cooperate with the work of international and local
26 humanitarian organizations engaged in the task of family reunification
27 such as the International Committee of the Red Cross (ICRC) and the
28 International Red Cross and Red Crescent Movement;

1 (3) IDPs have the right to know the status and whereabouts of their
2 missing relatives. The authorities concerned shall endeavor to establish
3 the status and whereabouts of IDPs reported missing and cooperate with
4 relevant international organizations engaged in this task. They shall
5 inform the next-of-kin on the progress of the investigation and notify them
6 of any result;

7 (4) The authorities concerned shall endeavor to collect and identify the
8 mortal remains of the deceased, prevent their despoliation or mutilation
9 and facilitate the return of those remains to the next-of-kin or dispose of
10 them respectfully according to customs and tradition; and

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

14 (f) *Health and Education.* –

15 (1) Certain IDPs, such as children, especially unaccompanied minors,
16 expectant and breastfeeding mothers, mothers with young children,
17 female heads of households, PWDs and elderly persons, and other
18 vulnerable groups, shall be entitled to protection and assistance required
19 by their condition and to treatment which takes into account their special
20 needs;

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

27 (3) Special attention shall be paid to the health needs of women, girls and
28 lesbians, gays, bisexuals, transgenders and queer community (LGBTQs),
29 including access to comprehensive reproductive health care services and

1 hygiene support, to be provided whenever feasible by female health care
2 providers, as well as appropriate counseling and other services for victims
3 of sexual and other abuses;

4 (4) Special attention shall also be given to the prevention of health
5 emergencies, contagious and infectious diseases, among IDPs; and

6 (5) The authorities concerned shall ensure that IDPs, in particular,
7 displaced children, receive education that are free and compulsory at the
8 early and basic education. Special efforts shall be made to ensure the full
9 and equal participation of women and children including those with
10 disabilities in educational programs, and that respect for their cultural
11 identity, language and religion, educational and training facilities shall be
12 made available to them whether or not they are living in evacuation
13 facilities, encampments, or other settlements, as soon as circumstances
14 permit;

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

17 (1) Pillage or looting;

18 (2) Direct and indiscriminate attacks or other acts or omission;

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

20 (4) Being made the object of reprisal;

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

23 (6) Destruction, arbitrary and illegal appropriation, occupation or use;

24 (h) *Right to Participation.* – IDPs, including children, shall have the right to
25 actively participate in the planning and management of their displacement
26 situation as well as return, local integration, or settlement elsewhere. In

1 addition, IDPs shall be provided with conditions to facilitate the exercise of their
2 right to political participation. The rights and obligations herein shall not be
3 interpreted as restricting, modifying or impairing the provisions of any
4 international human rights or international humanitarian law or rights granted
5 to persons under domestic law.

6 The guarantees under this section shall likewise not be denied to civil society
7 organizations, people's organizations, and similar groups who extend assistance to the
8 IDPs.

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

17 The Public Attorney's Office (PAO) shall immediately coordinate with the
18 abovementioned agencies for the provision of legal assistance to the IDPs.

19 Humanitarian assistance to IDPs shall not be diverted, suspended, or diverted
20 for any political or military reason. All authorities concerned shall grant and facilitate
21 the free passage of humanitarian assistance to the IDPs and ensure rapid, safe and
22 unimpeded access of persons engaged in giving such assistance, their transport and
23 supplies to the displaced communities.

24 Persons engaged in humanitarian assistance, including their transport, shall not
25 be the objects of attack or other acts of violence.

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

1 The guarantees under this section shall likewise not be denied to civil society
2 organizations, people’s organizations, and similar groups who extend assistance to the
3 IDPs.

4 **SEC. 8. *Prohibited Acts of Arbitrary Internal Displacement.*** – The
5 prohibited acts of arbitrary internal displacement shall include those committed:

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

9 (b) in situations of armed conflict, unless the safety and security of civilians and
10 non-combatants are involved or imperative military reasons so demand;

11 (c) in cases of development projects, which have not secured the free and prior
12 informed consent (FPIC) of the concerned ICCs/IPs or those which are not
13 justified by compelling and overriding public interest and with proper
14 implementation of return, local integration, or resettlement elsewhere of
15 affected IDPs, including just compensation in view of expropriation
16 proceedings;

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

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

20 (f) in cases of clan wars, unless the safety and security of those civilians not
21 involved in the conflict or violence are endangered; and

22 (g) in cases where there is malice, bad faith, gross negligence, or in any manner
23 causes a willful violation of the rights granted herein and other similar rights
24 provided by international human rights law and domestic laws and policies.

25 An Order of Battle or any document of similar nature issued by the military or
26 any law enforcement agency of the government shall not justify arbitrary internal
27 displacement and shall subject the perpetrators to the penalties provided herein.

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

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

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

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

17 (c) Minorities, peasants, pastoralists, PWDs and other groups with special
18 dependency on and attachment to their lands shall be protected from arbitrary
19 internal displacement.

20 ICCs/IPs shall be protected from arbitrary internal displacement. When
21 displacement is considered necessary as an exceptional measure, it shall take
22 place only with the FPIC of ICCs/Ips concerned pursuant to the provisions of
23 Republic Act No. 8371 and existing guidelines on FPIC;

24 (d) In situations other than during the emergency stages of armed conflicts and
25 disasters, the following guarantees shall be complied with:

26 (1) Specific decision which shall be taken by the authority empowered by
27 law to order 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
3 relocation;

4 (3) Free and informed consent of those persons to be displaced shall be
5 sought;

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

9 (5) Law enforcement measures, when required, shall be carried out by
10 competent legal authorities, with proper observance of due process and
11 respect for human rights; and

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

14 **SEC. 10. *Permanent Prohibition Against Arbitrary Internal***
15 ***Displacement.*** – The prohibition against arbitrary internal displacement and the
16 fundamental safeguards for its prevention shall not be suspended under any
17 circumstance, including political instability, threat of war, state of war, or other public
18 emergencies.

19 **SEC. 11. *Early Recovery Plan.*** – All LGUs shall craft their Early Recovery
20 Plans (ERPs) under the supervision of the Department of the Interior and Local
21 Government (DILG).

22 In this regard, the appropriate bureau under the DILG and the CHR shall jointly
23 design the mechanism for providing technical assistance to LGUs, monitoring the
24 compliance of LGUs, and conducting the periodic review of the ERPs.

25 The authorities concerned shall endeavor to involve those belonging in the
26 vulnerable and marginalized sector in the planning and management of their return,
27 local integration or resettlement elsewhere.

1 **SEC. 12. *Return, Local Integration or Resettlement.*** – Competent
2 authorities, such as the military and law enforcement agencies conducting operations,
3 the DSWD, the DOH, the LGUs concerned, and other relevant government agencies,
4 shall have the primary duty and responsibility to establish conditions and provide
5 durable solutions as means for IDPs to return voluntarily, in safety and with dignity,
6 to their homes or places of habitual residence, or to resettle voluntarily in places of
7 refuge and/or in another part of the country, taking into consideration the right of
8 IDPs to choose a residence.

9 The CHR, through inclusive and extensive consultation, shall formulate a
10 National Strategy on Solutions to Internal Displacement, which will be presented for
11 adoption by the Inter-Agency Coordinating Committee.

12 The National Strategy shall be evaluated five (5) years from its adoption which
13 shall be the basis for the enhancement of the subsequent National Strategy.

14 The authorities provided in this Section, including the CHR, shall likewise ensure
15 prior consultations and full participation of IDPs during and after the planning and
16 management of their return, local integration, or resettlement elsewhere.

17 **SEC. 13. *Development of Host Communities.*** – The State shall undertake
18 the continuous development of host communities by ensuring that the relevant
19 socioeconomic, infrastructure and public works, and other development and
20 investment plans, programs, and funding adequately and proportionately include the
21 specific needs and requirements of these communities and localities.

22 **SEC. 14. *Mechanisms for International Humanitarian Assistance.*** –
23 International humanitarian organizations, their local counterparts and other
24 appropriate actors shall have the right to offer their services, including humanitarian
25 assistance, in support of the IDPs. These acts shall be considered done in good faith
26 and not as unfriendly acts or interference in the internal affairs of the government.
27 Consent thereto shall not be arbitrarily withheld, particularly when authorities
28 concerned are unable or unwilling to provide the required humanitarian assistance.

1 All authorities shall grant and facilitate the free passage of humanitarian
2 assistance and grant persons engaged in the provision of such assistance rapid and
3 unimpeded access to the IDPs.

4 All humanitarian organizations and agencies, which provide assistance to IDPs,
5 shall respect relevant domestic laws, international standards, and codes of conduct.
6 They shall give due regard to the protection of the needs and human rights of the
7 IDPs. Such organizations conducting operations in any emergency-affected areas, or
8 are directly or indirectly interacting with the IDPs, are prohibited from committing any
9 acts of sexual exploitation and sexual abuse such as, but not limited to: (a) sexual
10 activity with children, as defined under existing laws; (b) use of sex in exchange of
11 money, employment, goods or services including hiring of prostitutes; and (c) any
12 sexual relationship with beneficiaries that involves improper use of position or
13 authority.

14 Humanitarian or aid workers shall uphold their duty of care towards the
15 displaced populations and shall maintain the trust of the communities being served.
16 They are obliged to create and maintain an environment which prevents sexual
17 exploitation and abuse.

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

23 **SEC. 15. Penalties. –**

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

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

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

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

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

6 (5) Those commanding officers of the military, police or other law
7 enforcement agencies or other authorities, for acts of arbitrary internal
8 displacement committed by forces under their effective command and
9 control, or effective authority and control as the case may be, as a result
10 of their failure to exercise proper control over such forces, where the
11 commanding officers or authorities knew or, owing to the circumstances
12 at the time, should have known that the forces were committing or about
13 to commit such crimes, and failed to take all necessary and reasonable
14 means within their power to prevent or repress their commission, or to
15 submit the matter to competent authorities for investigation and
16 prosecution; and

17 (6) In case the acts of arbitrary internal displacement are committed by a
18 corporation or a juridical entity, the members of the Board of Directors
19 who were present in the meeting and who actually voted for the approval
20 of the resolution or order directing the commission of arbitrary internal
21 displacement, and the corporate officers or agents who carried out such
22 resolution or order of the corporation shall each be criminally liable;

23 (b) The penalty of *prision mayor* in its minimum period shall be imposed upon
24 those who attempt to commit the offense of arbitrary internal displacement;
25 and

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

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

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

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

8 **SEC. 16. *Applicability of the Revised Penal Code and Special Penal***
9 ***Laws.*** – The provisions of the Revised Penal Code and other relevant special penal
10 laws, insofar as they are applicable, shall be supplementary to this Act.

11 **SEC. 17. *Non-prescription.*** – The crimes defined and penalized under this
12 Act, their prosecution, and the execution of sentences imposed on their account, shall
13 not be subject to any prescription.

14 **SEC. 18. *Jurisdiction of the Courts.*** – The proper and competent civilian
15 courts shall have jurisdiction over the offense of arbitrary internal displacement as
16 defined and penalized in this Act.

17 **SEC. 19. *Damages.*** – A court of competent jurisdiction shall determine the
18 damages inflicted against IDPs and direct the persons responsible for arbitrary internal
19 displacement to award monetary compensation under the following circumstances:

20 (a) Where the death of an individual victim occurs, the amount to be
21 determined by the court shall be granted to the legal heirs of the victim as a
22 death benefit;

23 (b) Where physical, emotional, and/or psychological injury is caused to an
24 individual victim, actual and compensatory damages, including moral, nominal,
25 exemplary, and temperate damages resulting from such injury, shall be paid to
26 the victim. Upon a finding of such injury and distinct from the compensation
27 for actual, compensatory, moral, nominal, and/or temperate damages, such
28 determination shall also include a referral to the DOH and the DSWD for

1 appropriate interventions or services, including psycho-social intervention and
2 rehabilitation; and

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

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

11 The CHR shall enhance its existing financial assistance program to include
12 financial assistance for the purpose of facilitating the reparation, return, local
13 integration or resettlement elsewhere of IDPs.

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

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

26 **SEC. 22. *Role of the CHR.*** – Pursuant to Article XII, Section 18(11) of the
27 1987 Constitution, the CHR is hereby designated as the institutional focal point for
28 IDPs. As such, the CHR shall have the following additional functions:

- 1 (a) To monitor IDP conditions through the development of a system to track
2 concerns, actions taken and other relevant information, and be the repositories
3 of child protection and protection from sexual exploitation and abuse policies
4 to ensure that IDP rights are respected, protected, and fulfilled in all phases of
5 internal displacement;
- 6 (b) To conduct public inquiries, document violations of human rights, assist
7 IDPs in seeking redress of grievances and work to ensure an effective response
8 by the concerned authorities;
- 9 (c) To investigate, on its own or on the complaint by any party, all forms of
10 human rights violations against IDPs involving civil and political rights, in
11 accordance with Section 18(1) of Article XIII of the 1987 Constitution; and
12 when found in the investigation that the filing of a case in court is warranted,
13 request the assistance of any department, bureau, office or agency, such as
14 the National Prosecution Service of the DOJ or the Ombudsman, by virtue of
15 Executive Order No. 163, series of 1987;
- 16 (d) To render financial assistance at its sole discretion, as part of its existing
17 financial assistance program, as well as psycho-social interventions and similar
18 services to IDPs, and to issue necessary guidelines to implement the same;
- 19 (e) To recommend the grant of assistance to IDPs, by the other agencies of
20 government, taking into consideration their respective mandates and functions
21 as may be appropriate;
- 22 (f) To cite any person in contempt for violations of the orders issued by them
23 in accordance with the Rules of Court;
- 24 (g) To follow up on early warning and ensure effective measures to protect the
25 civilian population against arbitrary internal displacement;
- 26 (h) To advise the government on the rights of IDPs, formulate sound national
27 policy and legislation and to facilitate discussions to effectively address
28 situations of internal displacement;

- 1 (i) To undertake educational activities and training programs for State
2 authorities, including the AFP, the Philippine National Police (PNP), and LGUs;
- 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
5 concern them; and (k) To carry out such other acts that may be necessary to
6 fully implement the purposes of this Act.

7 **SEC. 23. *Monitoring of Compliance.*** – An inter-agency coordinating
8 committee shall be tasked to periodically monitor the compliance with this Act. The
9 Committee shall be co-headed by the Chairperson of the CHR and the Executive
10 Director of the National Disaster Risk Reduction and Management Council (NDRRMC).

11 The members of the group shall be composed of:

- 12 (a) Undersecretary, DSWD;
- 13 (b) Undersecretary, DepEd;
- 14 (c) Undersecretary, DILG;
- 15 (d) Undersecretary, DOH;
- 16 (e) Undersecretary, DOJ;
- 17 (f) Undersecretary, Department of Human Settlements and Urban Development
18 (DHSUD);
- 19 (g) Undersecretary, Department of National Defense (DND);
- 20 (h) Undersecretary, Department of Environment and Natural Resources
21 (DENR);
- 22 (i) Undersecretary, National Economic and Development Authority;
- 23 (j) Presidential Adviser, Office of the Presidential Adviser on Peace,
24 Reconciliation, and Unity;

- 1 (k) Commissioner, National Commission on Indigenous Peoples (NCIP);
- 2 (l) Chief Public Attorney, PAO;
- 3 (m) Executive Director, Council for the Welfare of Children;
- 4 (n) Chairperson, Presidential Commission for the Urban Poor (PCUP);
- 5 (o) Secretary, National Commission on Muslim Filipinos;
- 6 (p) Executive Director, Philippine Commission on Women (PCW);
- 7 (q) National Statistician and Civil Registrar General, Philippine Statistics
8 Authority;
- 9 (r) Director General, TESDA;
- 10 (s) Commissioner, Bangsamoro Human Rights Commission; and
- 11 (t) Three (3) representatives from nongovernmental organizations (NGOs) with
12 experience in working with IDPs, nominated by a selection board composed of
13 human rights groups and NGOs.

14 The Committee shall work towards the collection of data on the number and
15 conditions of IDPs, leading to a database that will aid the government in efficient
16 planning and policy-making regarding issues affecting IDPs.

17 The Committee shall likewise prioritize the release of immediate financial
18 assistance, allotted by its component agencies, to those affected by internal
19 displacement.

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

24 **SEC. 24. *Joint Congressional Oversight Committee.*** – A Joint
25 Congressional Oversight Committee (JCOC) is hereby created, composed of the

1 Chairperson of the Senate Committee on Justice and Human Rights and seven (7)
2 other Senators designated by the Senate President, and the Chairperson of the House
3 Committee on Human Rights and seven (7) other Members of the House of
4 Representatives designated by the Speaker of the House of Representatives: *Provided,*
5 That of the seven (7) Members to be designated by each House of Congress, four (4)
6 shall represent the Majority and three (3) shall represent the Minority. The Senate
7 President and the Speaker of the House of Representatives shall ensure the
8 representation of women legislators in the JCOC.

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

18 The invocation of national security as a defense may not prevent the JCOC from
19 inquiring into the factual and/or legal bases for the existence of an Order of Battle, or
20 any similar document, or the inclusion of specific persons or groups in said Orders of
21 Battle or similar documents. Should there be a need to inquire into the factual basis
22 for the invocation of national security, the JCOC shall convene in an executive session
23 and hear the officials invoking it.

24 Should the basis not be satisfactory to the JCOC, the public hearing/s will
25 continue and appropriate recommendations shall thereafter be made by the JCOC.

26 **SEC. 25. Appropriations.** – The amount necessary for the initial
27 implementation of this Act shall be charged against the current year’s appropriations
28 of the departments and agencies concerned. Thereafter, the funding of which shall be
29 included in the annual General Appropriations Act.

1 **SEC. 26. *Implementing Rules and Regulations.*** – Within one hundred
2 twenty (120) days from the effectivity of this Act, the Chairperson of the CHR and the
3 Secretary of the DND, DSWD, DILG, DOH, DOJ, DHSUD, and DENR, the Chairperson
4 of NCIP, PCW, PCUP, and National Anti-Poverty Commission-Victims of Disasters and
5 Calamities (NAPC-VDC), in coordination with other government agencies and in
6 consultation with human rights nongovernmental organizations and people’s
7 organizations, shall jointly formulate rules and regulations to implement the provisions
8 of this Act. The Chairperson of the CHR and the Secretary of the DND shall act as the
9 co-chairpersons of the body that shall formulate the implementing rules and
10 regulations (IRR).

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

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

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

20 *Approved,*