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SENATE

S. B. No. 1142

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INTRODUCED BY SENATOR ANA THERESIA "RISA" HONTIVEROS
BARAQUEL

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

EXPLANATORY NOTE

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

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

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

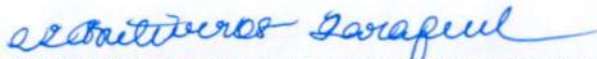
This bill, which aims to promote and protect the rights of internally displaced persons (IDPs), fulfills the policy of the state to promote the dignity of every person. IDPs should not be considered merely as “collateral damage” of armed conflict or other humanitarian emergencies.

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

- a) It details all the rights and entitlements of IDPs.
- b) It provides a mechanism where IDPs could be awarded damages for prohibited acts of arbitrary internal displacement.
- c) It sets up a Joint Congressional Oversight Committee & inter-agency coordinating committee that would monitor compliance with this Act.

d) It establishes the Commission on Human Rights (CHR) as the institutional focal point for IDPs.

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



SEN. ANA THERESIA "RISA" HONTIVEROS BARAQUEL

'16 SEP 14 P1:39

SENATE

S. B. No. 1142

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INTRODUCED BY SENATOR ANA THERESIA "RISA" HONTIVEROS
BARAQUEL

**"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 **SEC 1. Short Title.** – This Act shall be known as the "Rights of Internally Displaced
2 Persons Act".

3
4 **SEC. 2. Declaration of Principles and State Policies.** – Consistent with the principles
5 enshrined in the Constitution, the standards set by international humanitarian law and
6 human rights laws, international treaties and conventions adhered to by the Philippines,
7 including the United Nations' Guiding Principles on Internal Displacement (UNGPID), and
8 existing Philippine laws, such as the "Philippine Act on Crimes Against International
9 Humanitarian Law, Genocide, and Other Crimes Against Humanity" (R.A. 9851) and the
10 "Urban Development and Housing Act of 1992" (R.A. 7279), it is also hereby declared a
11 State policy to adopt a rights-based approach for the promotion and protection of the rights
12 of internally displaced persons in situations of armed conflict, generalized and/or organized
13 violence, clan wars, violations of human rights, implementation of development projects,
14 natural, human-induced and human-made hazards.

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

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

20

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

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

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

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

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

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

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

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

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

33 h. *Internally displaced person or group of persons (IDP)*, refers to any person or group
34 of persons who has or have been forced or obliged to flee or to leave their homes or places
35 of habitual residence within the national borders, as a result of or in order to avoid or

1 minimize the effects of armed conflict, situations of generalized and/or organized violence,
2 violations of human rights, implementation of development projects, natural, human-
3 induced and human-made hazards.

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

10
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 result
14 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
21 Philippine Disaster Risk Reduction and Management Act of 2010.

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

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

- 33 a) based on policies of apartheid, ethnic cleansing, or similar practices aimed at
34 or resulting in altering the ethnic, religious or racial composition of the
35 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 development projects, which are not justified by compelling and
4 overriding public interest and with proper implementation of return, local
5 integration or resettlement elsewhere of affected IDPs;
- 6 d) in cases of natural, human-induced and human-made hazards, unless the
7 safety and health of those affected require their evacuation;
- 8 e) when used as a form of collective punishment;
- 9 f) in cases of clan wars, unless the safety and security of those civilians not
10 involved in the conflict are endangered;
- 11 g) in cases of police and law enforcement operations or “raids” on entire
12 communities ostensibly for crime-fighting, in violation of the right to due
13 process and the presumption of innocence, and
- 14 h) in violation of the rights of IDPs granted under Section 9, paragraphs b and g
15 of this Act, and
- 16 i) in cases where there is malice, bad faith, gross negligence or in any manner
17 causes willful violation of the rights granted under Section 9, paragraphs a, c,
18 d, e and f of this Act.

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

22

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

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

- 30 a) All feasible alternatives shall be explored in order to avoid displacement.
31 Where no alternative exists, all measures shall be undertaken to minimize
32 displacement and its adverse effects on the population that will be affected;
- 33 b) If displacement is inevitable, the authorities, pursuant to their respective
34 mandates and functions, shall ensure, to the greatest practicable extent, that
35 proper accommodation is effected in satisfactory conditions of safety,

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

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

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

- 10 1. a specific decision shall be taken by the authority empowered by law to
11 order 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
14 relocation;
- 15 3. free and informed consent of those persons to be displaced shall be
16 sought;
- 17 4. authorities concerned shall endeavor to involve those affected,
18 particularly women, children, elderly persons, and PWDs, in the
19 planning and management of their return, local integration or
20 resettlement elsewhere;
- 21 5. law enforcement measures, when required, shall be carried out by
22 competent legal authorities; and
- 23 6. the right to an effective remedy, including the review of such decisions
24 by appropriate judicial authorities, shall be respected.

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

30
31 **SEC. 9.** *Rights During and After Displacement.* – Pursuant to the provisions of the Bill of
32 Rights under Article III of the Philippine Constitution, the following rights shall be afforded
33 to IDPs during and after their displacement, without discrimination of any kind, such as
34 those based on race, color, sex, language, religion or belief, political or other opinion,

1 national, ethnic or social origin, legal or social status, age, disability, property, birth, lack of
2 tenurial claim, or on any other similar criteria:

3 a) *Provision and Access to Basic Necessities.* – At the minimum, regardless of the
4 circumstances, and without discrimination, and with special attention to
5 gender sensitivity and varying vulnerabilities competent authorities shall
6 provide IDPs with and ensure safe access to:

- 7 1. essential and adequate food and nutrition and potable water;
- 8 2. basic shelter and housing, in conformity with the “National Building
9 Code of the Philippines” (R.A. 6541);
- 10 3. appropriate clothing; and
- 11 4. essential medical and dental services and sanitation, including
12 psychological and social services and essential drugs and medicines;

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

15
16 b) *Protection Against Criminal Offenses and Other Unlawful Acts.* –

17 1. It shall be prohibited to commit any of the following acts against IDPs
18 in all circumstances:

- 19 i. murder;
- 20 ii. hostage-taking;
- 21 iii. summary or arbitrary execution and enforced disappearance,
22 including abduction or unacknowledged detention, threatening
23 or resulting in death; and
- 24 iv. unlawful confinement;

25
26 2. Attacks or other acts of violence against IDPs who do not or no longer
27 participate in hostilities shall be prohibited in all circumstances, without
28 prejudice to being held liable for any offense committed by them. In
29 particular, IDPs shall be protected against:

- 30 i. direct or indiscriminate attacks or other acts of violence,
31 including the creation of areas wherein attacks on civilians are
32 permitted;
 - 33 ii. starvation as a method of combat;
 - 34 iii. their being used to shield military objectives from attack, or to
35 shield, favor or impede the operations of the military, police or
36 any armed group;
 - 37 iv. attacks against any evacuation center, facility, encampment or
38 other settlements; and
 - 39 v. use of anti-personnel landmines;
- 40

- 1 3. IDPs, whether or not their liberty has been restricted, shall be
2 protected in particular against:
- 3 i. rape and other outrages upon personal dignity, such as forced
4 prostitution, trafficking of persons, any act of gender-specific
5 violence, or any form of indecent assault;
 - 6 ii. mutilation, torture, cruel, inhumane or degrading treatment or
7 punishment;
 - 8 iii. any form of violence against children, such as trafficking, forced
9 labor or sexual exploitation and other violations of children's
10 rights;
 - 11 iv. slavery or any contemporary form of slavery, such as sale into
12 marriage, sexual exploitation or forced labor of children; and
 - 13 v. acts of violence intended to spread terror among IDPs.
- 14

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

17

- 18 4. IDPs shall not be interned in or confined in any evacuation center,
19 facility, encampment or other settlements. If in exceptional
20 circumstances such internment or confinement is necessary, it shall not
21 last longer than what is required by the circumstances, as may be
22 determined by the Commission on Human Rights (CHR), in close
23 coordination and consultations with the military and law enforcement
24 agencies conducting operations, and other concerned agencies of the
25 government; and
- 26 5. IDPs shall be protected against discriminatory practices of recruitment
27 into the Armed Forces of the Philippines (AFP), law enforcement
28 agencies or any armed group as a result of their displacement. In
29 particular, any cruel, inhumane or degrading practice that compel
30 compliance or punish non-compliance with recruitment shall be
31 prohibited in all circumstances;

32 c. *Freedom of Movement.* –

- 33 1. Every IDP has the right to liberty of movement and the right to move
34 freely in and out of any evacuation center, encampment or other
35 settlements, subject to its existing rules and regulations;
- 36 2. IDPs, whether or not they are living in an evacuation center,
37 encampment or other settlements, shall not be discriminated against in
38 the enjoyment of the following rights:

- i. to enjoy freedom of thought, conscience, religion or belief, opinion and expression;
- ii. to seek freely opportunities for employment and to participate in economic activities;
- iii. to associate freely and participate equally in community affairs;
- iv. to vote and participate in governmental and public affairs, including the right to have access to the means necessary to exercise these rights; and
- v. to communicate in a language they understand;

3 IDPs have the right to:

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

d. *Recognition, Issuance and Replacement of Documents.*

1. The authorities concerned shall issue to the IDPs all documents necessary for the enjoyment and exercise of their legal rights. In particular, these authorities shall facilitate the issuance of new documents or the replacement of documents lost in the course of displacement, without imposing unreasonable conditions and without discrimination against men and women, who shall have equal rights to obtain and to be issued the same in their own names;
2. Within a reasonable time, the pertinent national authorities, in close collaboration with the LGUs exercising territorial jurisdiction over the affected area/s shall establish a "one-stop shop" for all documentation and registration needs of IDPs, which shall be set up at a convenient location for IDPs, such as an evacuation center.

e. *Family Unity and Missing Persons.* –

1. Members of internally displaced families who wish to remain together shall be allowed to do so. Families that are separated by displacement and whose personal liberty have been restricted by internment or confinement in any evacuation center, facility, encampment or other settlements should be reunited immediately, with appropriate measures taken to expedite the reunion, particularly when children are involved;
2. The State shall encourage cooperation among international and local humanitarian organizations engaged in the task of family reunification;

- 1 3. The authorities concerned shall endeavor to establish the fate and
2 whereabouts of IDPs reported missing and cooperate with relevant
3 international organizations engaged in this task. They shall inform the
4 next-of-kin on the progress of the investigation and notify them of any
5 result;
- 6 4. The authorities concerned shall endeavor to collect and identify the
7 mortal remains of the deceased, prevent their despoliation or
8 mutilation and facilitate the return of those remains to the next-of-kin
9 or dispose of them respectfully;
- 10 5. Competent authorities shall also provide due respect to cultural
11 sensitivities and religious beliefs of certain IDPs, in the care and
12 disposition of the deceased; and
- 13 6. Grave sites of IDPs shall be protected and respected in all
14 circumstances and shall have the right of access to the grave sites of
15 their deceased relatives;

16 f. *Health and Education.* –

- 17 1. Certain IDPs, such as children, especially unaccompanied minors,
18 expectant mothers, mothers with young children, female heads of
19 households, persons with disabilities, elderly persons and other
20 vulnerable, disadvantaged and marginalized groups or individuals shall
21 be entitled to protection and assistance required by their condition and
22 to treatment which takes into account their special needs;
- 23 2. All wounded and sick IDPs, as well as those with disabilities, shall
24 receive to the fullest extent practicable and with the least possible delay
25 the medical care and attention they require, without distinction on any
26 ground other than the medical ones. IDPs shall have access to
27 psychological and social services and such other forms of assistance
28 necessary for them;
- 29 3. Special attention shall be paid to the health needs of women, including
30 access to comprehensive female health care services, to be provided
31 whenever feasible by female health care providers, as well as
32 appropriate counseling and other services for victims of sexual and
33 other abuses;
- 34 4. Special attention shall also be given to the prevention of contagious
35 and infectious diseases, including AIDS, among IDPs; and

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

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

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

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

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

24
25 **SEC. 10.** *Assistance During Displacement of IDPs.* – The primary duty and responsibility
26 for providing humanitarian assistance to IDPs lie with national authorities, in close
27 collaboration with the LGUs exercising territorial jurisdiction over the affected area/s. As
28 such, the military and law enforcement agencies conducting operations, the Department of
29 Social Welfare and Development (DSWD), the Department of Health (DOH), the local
30 government hospitals, the LGUs concerned and other appropriate government agencies
31 shall provide immediate relief and humanitarian assistance to IDPs, families and
32 communities.

33 Humanitarian assistance to IDPs shall not be diverted for any political or military
34 reason. All authorities concerned shall grant and facilitate the free passage of humanitarian
35 assistance to the internally displaced and ensure rapid, safe and unimpeded access of persons

1 engaged in giving such assistance, their transport and supplies to the displaced communities.
2 They shall not be the objects of attack or other acts of violence.

3 All concerned authorities shall assist the IDPs in the recovery of their property and
4 possessions, and shall provide or assist these persons in obtaining appropriate financial
5 assistance or other forms of just reparation.
6

7 **SEC. 11. *Early Recovery Plan.*** - The LGUs exercising territorial jurisdiction over the
8 affected area/s shall craft an early recovery plan, in coordination with the IDPs, which may
9 include the putting up of specific infrastructure for evacuation.
10

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

20 Said authorities, including the CHR, shall likewise ensure prior consultations and the
21 full participation of IDPs, during and after the planning and management of their return,
22 local integration or resettlement elsewhere.
23

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

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

34 The importation and donation of food, clothing, medicine and equipment necessary
35 for relief and assistance of IDPs are hereby authorized in accordance with Section 105 of the

1 Tariff and Customs Code of the Philippines, as amended, as regards national internal
2 revenue taxes and import duties of national and local government agencies, and the
3 prevailing provisions of the General Appropriations Act (GAA).

4
5 **SEC. 14. Penalties. –**

6 a. The penalty of *reclusion temporal* in its minimum to medium period shall be imposed
7 upon any person or group of persons who commit the following:

- 8 1. Those who directly commit the act of arbitrary internal displacement;
- 9 2. Those who directly force, instigate, encourage, induce or incite others
10 to commit the act of arbitrary internal displacement;
- 11 3. Those who cooperate in the act of arbitrary internal displacement by
12 committing another act, without which the act of arbitrary internal
13 displacement would not have been carried out;
- 14 4. Those who cooperated in the execution of the act of arbitrary internal
15 displacement by previous or simultaneous acts; and
- 16 5. Those commanding officers of the military, police or other law
17 enforcement agencies or other authorities, for acts of arbitrary internal
18 displacement committed by forces under their effective command and
19 control, or effective authority and control as the case may be, as a
20 result of their failure to exercise proper control over such forces, where
21 the commanding officers or authorities knew or, owing to the
22 circumstances at the time, should have known that the forces were
23 committing or about to commit such crimes, and failed to take all
24 necessary and reasonable means within their power to prevent or
25 repress their commission, or to submit the matter to competent
26 authorities for investigation and prosecution.
- 27 6. In case the acts of arbitrary internal displacement are committed by a
28 corporation or a juridical entity, the members of the Board of
29 Directors who were present in the meeting and who actually voted for
30 the approval of the resolution or order directing the commission of
31 arbitrary internal displacement, and the corporate officers or agents
32 who carried out such resolution or order of the corporation shall each
33 be criminally liable.

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

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

- 5 1. By themselves profiting from or assisting the offender to profit from
6 the effects of the act of arbitrary internal displacement;
- 7 2. By concealing the act of arbitrary internal displacement and/or
8 destroying the effects or instruments thereof, in order to prevent its
9 discovery; and
- 10 3. By harboring, concealing or assisting in the escape of the principal/s in
11 the act of arbitrary internal displacement:
- 12 4. The courts shall impose the corresponding accessory penalties under
13 the Revised Penal Code, especially where the offender is a public
14 officer.

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

18
19 **SEC. 16.** *Non-prescription.* – The crimes defined and penalized under this Act, their
20 prosecution, and the execution of sentences imposed on their account, shall not be subject
21 to any prescription.

22
23 **SEC. 17.** *Jurisdiction of the Courts.* – The proper and competent civilian courts shall
24 have jurisdiction over the offense of arbitrary internal displacement as defined and penalized
25 in this Act.

26
27 **SEC. 18.** *Damages.* - A court of competent jurisdiction shall determine the damages
28 inflicted against IDPs and direct the persons responsible for arbitrary internal displacement
29 to award monetary compensation under the following circumstances:

- 30 a. Where death of an individual victim occurs, the amount of one hundred
31 thousand pesos (Php 100,000.00) shall be granted to the legal heirs of the
32 victim as a death benefit;
- 33 b. Where physical, emotional and/or psychological injury is caused to an
34 individual victim, actual and compensatory damages, including moral,
35 nominal, exemplary and temperate damages resulting from such injury, shall

1 be paid to the victim. Upon a finding of such injury and distinct from the
2 compensation for actual, compensatory, moral, nominal and/or temperate
3 damages, such determination shall also include a referral to the DOH and
4 DSWD for appropriate interventions or services, to include psycho-social
5 intervention and rehabilitation; and

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

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

13
14 **SEC. 19. *Civil Liabilities.*** – Any public officer or employee, or any private person, who
15 directly or indirectly obstructs, defeats, violates or in any manner impedes or impairs any of
16 the rights and liberties of another person enunciated in this Act shall be liable to the latter
17 for damages.

18
19 **SEC. 20. *Financial Assistance to IDPs.*** – Whenever human rights violations are caused
20 to the IDPs as incidents or consequences of arbitrary internal displacement, the necessary
21 financial assistance for their return; local integration; or resettlement elsewhere shall be
22 provided.

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

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

32

1 **SEC. 21. *Non-Monetary Reparation.*** – The DOH, the DSWD, the Department of
2 Education (DepEd), the Commission on Higher Education (CHED), the Technical
3 Education and Skills Development Authority (TESDA) and such other agencies, shall render
4 necessary services as non-monetary reparation for IDPs and their families as may be
5 determined, in coordination with the CHR, pursuant to the provisions of this Act.
6

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

- 9 a. To monitor IDP conditions through the development of a system to track
10 concerns, actions taken and other relevant information to ensure that IDP
11 rights are respected, protected, and fulfilled in all phases of internal
12 displacement;
- 13 b. 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
15 the concerned authorities;
- 16 c. 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
18 with Section 18(1) of Article XIII of the Constitution, and when found in the
19 investigation that the filing of a case in court is warranted, request the
20 assistance of any department, bureau, office or agency, such as the National
21 Prosecution Service of the DOJ or the Ombudsman, by virtue of Executive
22 Order No. 163, series of 1987;
- 23 d. To render financial assistance at its sole discretion, and to issue necessary
24 guidelines to implement the same;
- 25 e. To recommend to the other agencies of government, taking into consideration
26 their respective mandates and functions, the grant of assistance to IDPs, as
27 may be appropriate;
- 28 f. To cite any person in contempt for violations of the orders issued by them in
29 accordance with the Rules of Court;
- 30 g. To follow up on early warning and ensure effective measures to protect the
31 civilian population against arbitrary internal displacement;
- 32 h. To advise the government on the rights of IDPs, formulate sound national
33 policy and legislation and to facilitate discussions to effectively address
34 situations of internal 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
5 concern them; and
- 6 k. To carry out such other acts that may be necessary to fully implement the
7 purposes of this Act.
- 8

9 **SEC. 23.** *Role of the DSWD.* The DWSD shall have the following functions, among
10 others:

- 11 a. To render psycho-social interventions and similar services to IDPs;
- 12 b. To facilitate linking IDPs to employment opportunities, support services and
13 other livelihood programs, in cooperation with other government agencies,
14 such as, but not limited to, the Department of Agriculture (DA), Department
15 of Agrarian Reform (DAR) and the Department of Trade and Industry (DTI);
- 16 c. To provide capital assistance to IDPs, who wish to start their respective trade
17 or business , subject to reasonable rules and regulations; and
- 18 d. To carry out such other acts that may be necessary to fully implement the
19 aforementioned functions.
- 20

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

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

1 charged with testifying before the Joint Congressional Oversight Committee in relation to
2 any inquiries on the Orders of Battle or similar documents.

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

11
12 **SEC. 25. *Monitoring of Compliance.*** – An inter-agency coordinating committee shall be
13 tasked to periodically monitor the compliance with this Act. The Committee shall be headed
14 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
30 Process
- 31
32 j. A representative of IDP-oriented human rights non-governmental
33 organizations (NGOs) and other human rights groups of the same nature,
34 nominated by a selection board composed of human rights groups and
35 NGOs;

- 1 k. The Chairperson of the Committee on Justice and Human Rights of the
2 Senate;
- 3 l. The Chairperson of the Committee on Human Rights of the House of
4 Representatives; and
- 5 m. The Chairperson of the Committee on Justice of the House of
6 Representatives.

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

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

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

16

17 **SEC. 26. Appropriations.** – The amount necessary for the initial implementation of this
18 Act shall be charged against the current year’s appropriations of the CHR, the DSWD, the
19 DOH, the Department of National Defense (DND) and the Department of the Interior and
20 Local Government (DILG). Thereafter, such sums as may be necessary for the continued
21 implementation of this Act shall be included in the GAA.

22

23 **SEC. 27. Implementing Rules and Regulations.** – Within sixty (60) days from the
24 effectivity of this Act, the CHR shall issue the necessary rules and regulations for its
25 implementation.

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

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

4
5 **SEC. 29. *Repealing Clause.*** – All laws, decrees, executive orders, memorandum orders,
6 memorandum circulars, administrative orders, ordinances or parts thereof which are
7 inconsistent with the provisions of this Act are hereby deemed repealed or modified
8 accordingly.

9
10 **SEC. 30. *Effectivity.*** – This Act shall take effect fifteen (15) days after its publication in
11 the Official Gazette or in a newspaper of national circulation.

Approved,