

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH (17th) CONGRESS
First Regular Session

HOUSE BILL NO. 714



Introduced by REP. JOSE CHRISTOPHER Y. BELMONTE

EXPLANATORY NOTE

The bill entitled, "*An Act Protecting the Rights of Internally Displaced Persons, Providing Penalties for Violations Thereof, and for Other Purposes,*" was originally filed during the 15th Congress by Rep. Kaka Bag-ao and Rep. Walden Bello. The bill was refiled during the 16th Congress by Rep. Ibarra Gutierrez as House Bill No. 3146. Rep. Rene Relampagos (House Bill No. 239); Rep. Rufus Rodriguez (House Bill No. 1332); and Rep. Gus Tambunting (House Bill No. 3003) likewise filed separate proposed measures of the same subject. These bills were later substituted by House Bill No. 4744 after deliberations in the committee level. It later passed 3rd Reading and was transmitted to the Senate for appropriate action.

Internally displaced persons (IDPs) are defined by the United Nations High Commissioner for Refugees as "persons or groups of persons who have been forced to flee or leave their homes or place of habitual residence as a result of armed conflict, internal strife, and habitual violations of human rights, as well as natural or man made disasters involving one or more of these elements, and who have not crossed an internationally recognized State border."¹ IDPs however are different from refugees and are not covered by current international human rights instruments that the Philippines is a party to. The lack of an existing law or system prevents IDPs from getting any form of protection or assistance from the state.

Last 2014, the Internal Displacement Monitoring Centre (IDMC) reported almost 123, 800 internally displaced people due to ongoing armed conflicts involving rebel groups, crime and violence, and clan-related violence.² IDPs still remain largely concentrated in the Mindanao region with ARMM being the heavily affected area.

Through the initiative of the United Nations High Commissioner for Refugees, the UN Nations Guiding Principles on Internal Displacement were formulated to guide States, intergovernmental organizations and various other groups on how to handle and protect IDPs. Through these Guiding Principles, the United Nations High Commissioner for Refugees seek

¹ <http://www.unhcr.org/protection/idps/43ce1cff2/guiding-principles-internal-displacement.html>

² <http://www.internal-displacement.org/south-and-south-east-asia/philippines/2015/philippines-long-term-recovery-challenges-remain-in-the-wake-of-massive-displacement>

to recognize and respect the rights of IDPs to be protected against enforced or involuntary displacement, to receive humanitarian assistance, to be protected during displacement and to return safely to one's home or be given the benefit of resettlement.

As one of the original signatories of the Universal Declaration of Human Rights, it is incumbent upon the government to take the initiative to institutionalize the protection of citizens, including the IDPs. Through the establishment of a mechanism of assistance and protection for IDPs, the government reaffirms its commitment of protection of the human rights of its citizens.

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

A handwritten signature in dark ink, appearing to be "N. P. ...", is located on the right side of the page. The signature is written in a cursive style.



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

SIXTEENTH (17th) CONGRESS
First Regular Session

714

HOUSE BILL NO. _____

Introduced by REP. JOSE CHRISTOPHER Y. BELMONTE

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:*

SECTION 1. Short Title. – This Act shall be known as the “Rights of Internally
Displaced Persons Act”.

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

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

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

- (ii) *Apartheid* refers to inhumane acts committed in the context of an
institutionalized regime of systematic oppression and domination by one (1)

1 racial group or groups and committed with the intention of maintaining that
2 regime;

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

10 (iv) *Clan war* refers to any conflict that may arise between members of different
11 indigenous groups, indigenous cultural communities or clans, or between and
12 among members of the same indigenous group, cultural community or clan;

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

16 (vi) *Generalized and/or organized violence* refers to the purposeful and systematic
17 use of terror and brutality to control individuals, groups and 3 communities,
18 through the use of overwhelming force, and characterized by widespread,
19 massive or sufficient intensity, causing arbitrary internal displacement of
20 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
23 political opposition;

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

29 (viii) *Internal displacement* refers to the involuntary movement or forced evacuation
30 or expulsion of any person or group of persons who flee or leave their homes
31 or places of habitual residence, within the national borders, as a result of or in
32 order to avoid or minimize the effects of armed conflict, situations of
33 generalized and/or organized violence, violations of human rights,
34 implementation of development projects, natural, human-induced and human-
35 made hazards;

36 (ix) *Internally displaced person or group of persons (IDP)* refers to any person or
37 group of persons who has or have been forced or obliged to flee or to leave
38 their homes or places of habitual residence within the national borders, as a
39 result of or in order to avoid or minimize the effects of armed conflict,
40 situations of generalized and/or organized violence, violations of human
41 rights, implementation of development projects, natural, human-induced and
42 human-made hazards; and

43 (x) *Order of Battle* refers to any document made by the military, police or any law
44 enforcement agency of the government, listing the names of persons and

1 organizations that are perceived to be enemies of the State and are considered
2 as legitimate targets as combatants that it could deal with, through the use of
3 means allowed by domestic and international law.
4

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

12 To address the risks involved in natural hazards and the overall impact of climate
13 change and global warming on the rights of those who are internally displaced, due reference
14 shall be made to the pertinent provisions of Republic Act No. 9729, otherwise known as the
15 “Climate Change Act of 2009” and Republic Act No. 10121, otherwise known as the
16 “Philippine Disaster Risk Reduction and Management Act of 2010”.
17

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

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

- 28 (a) based on policies of apartheid, ethnic cleansing, or similar practices aimed at
29 or resulting in altering the ethnic, religious or racial composition of the
30 affected population;
- 31 (b) in situations of armed conflict, unless the safety and security of civilians are
32 involved or imperative military reasons so demand;
- 33 (c) in cases of development projects, which are not justified by compelling and
34 overriding public interest and with proper implementation of return, local
35 integration or resettlement elsewhere of affected IDPs;
- 36 (d) in cases of natural, human-induced and human-made hazards, unless the safety
37 and health of those affected require their evacuation;
- 38 (e) when used as a form of collective punishment;
- 39 (f) in cases of clan wars, unless the safety and security of those civilians not
40 involved in the conflict are endangered;
- 41 (g) in violation of the rights of IDPs granted under Section 9, paragraphs (b) and
42 (g) of this Act; and
- 43 (h) in cases where there is malice, bad faith, gross negligence or in any manner

1 causes willful violation of the rights granted under Section 9, paragraphs (a),
2 (c), (d), (e) and (f) of this Act.

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

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

13 All concerned authorities, groups and persons shall observe the following safeguards
14 against arbitrary internal displacement:
15

- 16 (a) All feasible alternatives shall be explored in order to avoid displacement.
17 Where no alternative exists, all measures shall be undertaken to minimize
18 displacement and its adverse effects on the population that will be affected;
- 19 (b) If displacement is inevitable, the authorities, pursuant to their respective
20 mandates and functions, shall ensure, to the greatest practicable extent, that
21 proper accommodation is effected in satisfactory conditions of safety,
22 nutrition, water and sanitation, health and hygiene, and that members of the
23 same family, especially women and children, are not separated;
- 24 (c) Indigenous peoples, minorities, peasants, pastoralists, persons with disabilities
25 (PWDs) and other groups with special dependency on and attachment to their
26 lands shall be protected from arbitrary internal displacement, in accordance
27 with Republic Act No. 8371, otherwise known as “The Indigenous Peoples’
28 Rights Act of 1997”; and
- 29 (d) In situations other than during the emergency stages of armed conflicts and
30 hazards, the following guarantees shall be complied with:
 - 31 (1) a specific decision which shall be taken by the authority empowered by
32 law to order such measures;
 - 33 (2) full disclosure of information on the reasons and procedures for the
34 displacement and, when applicable, also on financial assistance and
35 relocation;
 - 36 (3) free and informed consent of those persons to be displaced shall be
37 sought;
 - 38 (4) authorities concerned shall endeavor to involve those affected,
39 particularly women, elderly persons and PWDs, in the planning and
40 management of their return, local integration or resettlement elsewhere;
 - 41 (5) law enforcement measures, when required, shall be carried out by
42 competent legal authorities; and

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

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

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

- 15 (a) **Provision and Access to Basic Necessities.** – At the minimum, regardless of
16 the circumstances, and without discrimination, competent authorities shall
17 provide IDPs with and ensure safe access to:
18 (1) essential and adequate food and nutrition and potable water;
19 (2) basic shelter and housing;
20 (3) appropriate clothing; and
21 (4) essential medical and dental services and sanitation, including
22 psychological and social services and essential drugs and medicines;
23 (b) **Protection Against Criminal Offenses and Other Unlawful Acts.** –
24 (1) It shall be prohibited to commit any of the following acts against IDPs in
25 all circumstances:
26 (i) murder;
27 (ii) hostage taking;
28 (iii) summary or arbitrary execution and enforced disappearance,
29 including abduction or unacknowledged detention, threatening or
30 resulting in death; and
31 (iv) unlawful confinement;
32 (2) Attacks or other acts of violence against IDPs who do not or no longer
33 participate in hostilities shall be prohibited in all circumstances, without
34 prejudice to being held liable for any offense committed by them. In
35 particular, IDPs shall be protected against:
36 (i) direct or indiscriminate attacks or other acts of violence, including the
37 creation of areas wherein attacks on civilians are permitted;
38 (ii) starvation as a method of combat;
39 (iii) their being used to shield military objectives from attack, or to shield,
40 favor or impede the operations of the military, police or any armed
41 group;
42 (iv) attacks against any evacuation center, facility, encampment or other
43 settlements; and
44 (v) use of anti-personnel landmines;

1 (3) IDPs, whether or not their liberty has been restricted, shall be protected in
2 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 rights;
10 (iv) slavery or any contemporary form of slavery, such as sale into
11 marriage, sexual exploitation or forced labor of children; and
12 (v) acts of violence intended to spread terror among IDPs.

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

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

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

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

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

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

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

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

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

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

44 (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. – 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;
- (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;
- (3) The authorities concerned shall endeavor to establish the fate and whereabouts of IDPs reported missing and cooperate with relevant international organizations engaged in this task. They shall inform the next-of-kin on the progress of the investigation and notify them of any result;
- (4) The authorities concerned shall endeavor to collect and identify the mortal remains of the deceased, prevent their despoliation or mutilation and facilitate the return of those remains to the next-of-kin or dispose of them respectfully; and
- (5) Grave sites of IDPs shall be protected and respected in all circumstances and shall have the right of access to the grave sites of their deceased relatives;
- (f) Health and Education. – (1) Certain IDPs, such as children, especially unaccompanied minors, expectant mothers, mothers with young children, female heads of households, PWDs and elderly persons, shall be entitled to protection and assistance required by their condition and to treatment which takes into account their special needs;
- (2) All wounded and sick IDPs, as well as those with disabilities, shall receive to the fullest extent practicable and with the least possible delay the medical care and attention they require, without distinction on any ground other than the medical ones. When necessary, IDPs shall have access to psychological and social services and such other forms of assistance necessary for them;
- (3) Special attention shall be paid to the health needs of women, including access to comprehensive female health care services, to be provided whenever

feasible by female health care providers, as well as appropriate counseling and other services for victims of sexual and other abuses;

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

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

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

(1) Pillage or looting;

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

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

(4) Being made the object of reprisal;

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

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

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

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

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

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

SEC. 11. Return, Local Integration or Resettlement Elsewhere. – Competent authorities, such as the military and law enforcement agencies conducting operations, the

1 DSWD, the DOH, the local government hospitals, the LGUs concerned and other appropriate
2 government agencies, shall have the primary duty and responsibility to establish conditions
3 and provide means for IDPs to return voluntarily, in safety and with dignity, to their homes or
4 places of habitual residence, or to resettle voluntarily in places of refuge and/or in another
5 part of the country, taking into consideration the right of IDPs to choose a residence.

6
7 Said authorities, including the CHR, shall likewise ensure prior consultations and the
8 full participation of IDPs during and after the planning and management of their return, local
9 integration or resettlement elsewhere.
10

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

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

21 The importation and donation of food, clothing, medicine and equipment necessary for relief
22 and assistance of IDPs are hereby authorized in accordance with Section 105 of the Tariff and
23 Customs Code of the Philippines, as amended, as regards national internal revenue taxes and
24 import duties of national and local government agencies, and the prevailing provisions of the
25 General Appropriations Act (GAA).
26

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

- 30 (1) Those who directly commit the act of arbitrary internal displacement;
- 31 (2) Those who directly force, instigate, encourage, induce or incite others to
32 commit the act of arbitrary internal displacement;
- 33 (3) Those who cooperate in the act of arbitrary internal displacement by
34 committing another act, without which the act of arbitrary internal
35 displacement would not have been carried out;
- 36 (4) Those who cooperated in the execution of the act of arbitrary internal
37 displacement by previous or simultaneous acts;
- 38 (5) Those commanding officers of the military, police or other law
39 enforcement agencies or other authorities, for acts of arbitrary internal
40 displacement committed by forces under their effective command and
41 control, or effective authority and control as the case may be, as a result
42 of their failure to exercise proper control over such forces, where the

1 commanding officers or authorities knew or, owing to the circumstances
2 at the time, should have known that the forces were committing or about
3 to commit such crimes, and failed to take all necessary and reasonable
4 means within their power to prevent or repress their commission, or to
5 submit the matter to competent authorities for investigation and
6 prosecution; and

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

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

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

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

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

23 (3) By harboring, concealing or assisting in the escape of the principal/s in
24 the act of arbitrary internal displacement
25

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

30 **SEC. 15. Nonprescription.** – The crimes defined and penalized under this Act, their
31 prosecution, and the execution of sentences imposed on their account, shall not be subject to
32 any prescription.
33

34 **SEC. 16. Jurisdiction of the Courts.** – The proper and competent civilian courts shall
35 have jurisdiction over the offense of arbitrary internal displacement as defined and penalized
36 in this Act.
37

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

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

- 1 (b) Where physical, emotional and/or psychological injury is caused to an
2 individual victim, actual and compensatory damages, including moral,
3 nominal, exemplary and temperate damages resulting from such injury, shall
4 be paid to the victim. Upon a finding of such injury and distinct from the
5 compensation for actual, compensatory, moral, nominal and/or temperate
6 damages, such determination shall also include a referral to the DOH and the
7 DSWD for appropriate interventions or services, to include psycho-social
8 intervention and rehabilitation; and
9 (c) Cases for damages filed under this Act shall be considered as an independent
10 civil action and summary in nature. The Supreme Court shall promulgate the
11 necessary rules and regulations to govern the procedure for cases filed in this
12 manner.
13

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

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

24 The CHR shall enhance its existing financial assistance program to include financial
25 assistance for the purpose of facilitating the reparation, return, local integration or
26 resettlement elsewhere of IDPs: *Provided*, That in no case shall financial assistance exceed
27 ten thousand pesos (P10,000.00) per person.
28

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

34 **SEC. 20. *Nonmonetary Reparation.*** – The DOH, the DSWD, the Department of
35 Education (DepED), the Commission on Higher Education (CHED), the Technical Education
36 and Skills Development Authority (TESDA) and such other agencies shall render necessary
37 services as nonmonetary reparation for IDPs and their families as may be determined, in
38 coordination with the CHR, pursuant to the provisions of this Act.
39

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

- 42 (a) To monitor IDP conditions through the development of a system to track
43 concerns, actions taken and other relevant information to ensure that IDP

rights are respected, protected, and fulfilled in all phases of internal displacement;

- (b) To conduct public inquiries, document violations of human rights, assist IDPs in seeking redress of grievances and work to ensure an effective response by the concerned authorities;
- (c) To investigate, on its own or on complaint by any party, all forms of human rights violations against IDPs involving civil and political rights, in accordance with Section 18(1) of Article XIII of the Constitution, and when found in the investigation that the filing of a case in court is warranted, request the assistance of any department, bureau, office or agency, such as the National Prosecution Service of the DOJ or the Ombudsman, by virtue of Executive Order No. 163, series of 1987;
- (d) To render financial assistance at its sole discretion, as well as psycho-social interventions and similar services to IDPs, and to issue necessary guidelines to implement the same;
- (e) To recommend to the other agencies of government, taking into consideration their respective mandates and functions, the grant of assistance to IDPs, as may be appropriate;
- (f) To cite any person in contempt for violations of the orders issued by them in accordance with the Rules of Court;
- (g) To follow up on early warning and ensure effective measures to protect the civilian population against arbitrary internal displacement;
- (h) To advise the government on the rights of IDPs, formulate sound national policy and legislation and to facilitate discussions to effectively address situations of internal displacement;
- (i) To undertake educational activities and training programs for State authorities, including the AFP;
- (j) To hold public information drives on the protection and rights of IDPs, and foster their participation in the decision-making process regarding issues that concern them; and
- (k) To carry out such other acts that may be necessary to fully implement the purposes of this Act.

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

The Joint Congressional Oversight Committee shall also have the power to inquire into, summon and investigate the Orders of Battle as defined under this Act, and/or any document of similar nature, as well as the legal and factual justifications for the inclusion of

1 specific persons and groups in said Orders of Battle or similar documents. In this regard, the
2 Joint Congressional Oversight Committee may issue mandatory process directing the
3 transmission of all such documents relevant and necessary for the Committee to determine
4 the validity of the inclusion of specific persons or groups in the Orders of Battle or similar
5 documents. For this purpose, the highest ranking officers or heads of offices shall be charged
6 with testifying before the Joint Congressional Oversight Committee in relation to any
7 inquiries on the Orders of Battle or similar documents.
8

9 The invocation of national security as a defense may not prevent the Joint
10 Congressional Oversight Committee from inquiring into the factual and/or legal bases for the
11 existence of an Order of Battle, or any similar document, or the inclusion of specific persons
12 or groups in said Orders of Battle or similar documents. Should there be a need to inquire
13 into the factual basis for the invocation of national security, the Committee shall convene in
14 an executive session and hear the officials invoking it. Should the basis not be satisfactory to
15 the Committee, the public hearing/s will continue and appropriate recommendations shall
16 thereafter be made by the Committee.
17

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

- 21 (a) A representative, with the rank of Undersecretary, from the Department of
22 Social Welfare and Development;
- 23 (b) A representative, with the rank of Undersecretary, from the Department of
24 National Defense (DND);
- 25 (c) A representative, with the rank of Undersecretary, from the Department of the
26 Interior and Local Government (DILG);
- 27 (d) A representative, with the rank of Undersecretary, from the Department of
28 Health;
- 29 (e) A representative, with the rank of Undersecretary, from the Department of
30 Justice;
- 31 (f) A representative from the Office of Civil Defense/National Disaster Risk
32 Reduction and Management Council (NDRRMC);
- 33 (g) A representative from the National Commission on Indigenous Peoples;
- 34 (h) A representative of human rights nongovernmental organizations (NGOs) and
35 other human rights groups, nominated by a selection board composed of
36 human rights groups and NGOs;
- 37 (i) The Chairperson of the Committee on Justice and Human Rights of the
38 Senate;
- 39 (j) The Chairperson of the Committee on Human Rights of the House of
40 Representatives; and
- 41 (k) The Chairperson of the Committee on Justice of the House of Representatives.
42

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

4
5 The Committee shall likewise prioritize the release of immediate financial assistance,
6 allotted by its component agencies, to those affected by arbitrary internal displacement.

7
8 The Committee shall submit an annual report to the Joint Congressional Oversight
9 Committee herein created thirty (30) days after the end of each fiscal year. Such annual
10 report shall be the basis for proposed amendments to existing legislation to improve the
11 conditions of IDPs.

12
13 **SEC. 24. Appropriations.** – The amount necessary for the initial implementation of
14 this Act shall be charged against the current year's appropriations of the CHR, the DSWD,
15 the DOH, the DND and the DILG. Thereafter, such sums as may be necessary for the
16 continued implementation of this Act shall be included in the GAA.

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

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

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

33
34 **SEC. 27. Repealing Clause.** – All laws, decrees, executive orders, memorandum
35 orders, memorandum circulars, administrative orders, ordinances or parts thereof which are
36 inconsistent with the provisions of this Act are hereby deemed repealed or modified
37 accordingly.

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

40
41 *Approved,*