

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

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 732

HOUSE OF REPRESENTATIVES	
RECEIVED	
DATE:	<u>30 JUN 2016</u>
TIME:	<u>11:23 PM</u>
BY:	<u>[Signature]</u>
REGISTRATION UNIT BILLS AND INDEX SERVICE	

Introduced by Hon. Karlo A. B. Nograles and Hon. Jericho Jonas B. Nograles

Explanatory Note

Internally displaced persons ("IDPs") are described by the United Nations High Commissioner for Refugees as "persons or groups of persons who have been forced to flee or leave their home or places 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." Differentiated from refugees – who flee across frontiers with a well founded fear of persecution based on racial, religious, national, social or political grounds – internally displaced persons do not enjoy adequate protection and assistance compared to their counterparts who have crossed an internationally recognized border.

The Philippines has a considerable share of internally displaced persons. For one, the geographical location of the country makes it vulnerable to natural disasters like typhoons, earthquakes and floods. Added to this, families and individuals continue to experience displacement due to armed conflicts and aggressions in different portions of the country, most of which were brought about by counter-insurgency operations and other military activities under the government's "war on terrorism." Indeed, the phenomenon of internal displacement as a consequence of armed conflict has reached a proportion that could no longer be ignored.

From 2000 to present, records show a huge number of civilians situated in Mindanao who fled from their homes as a result of armed conflict. In 2008, the number of displaced persons in Mindanao, which reached 600,000, surpassed those recorded in other parts of the world. There is also a high incidence of displacement in Luzon, particularly in Mindoro and Rizal, where military operations against suspected rebels have displaced numerous indigenous people. This puts the Philippines in the list of the top 40 countries where internal displacement is considered a great disaster.

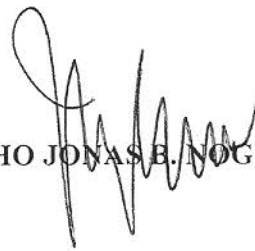
As one of the original signatories of the Universal Declaration of Human Rights, the Philippine government has a duty to translate these international standards into national laws. Unfortunately, there is no existing law and mechanism that prevents the occurrence of internal

displacement or provides for the protection of such victims.

Immediate approval of this measure is earnestly sought.

A handwritten signature in black ink, appearing to be 'KAB Nograles', written in a cursive style.

KARLO A. B. NOGRALES

A handwritten signature in black ink, appearing to be 'Jericho Jonase B. Nograles', written in a cursive style.

JERICO JONASE B. NOGRALES

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

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 732

Introduced by Hon. Karlo A. B. Nograles and Hon. Jericho Jonas B. Nograles

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

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

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

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

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

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

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

18 b. *Arbitrary internal displacement* refers to act of displacement or any other
19 coercive act committed by any person or group/s of persons and directed against the civilian

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

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

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

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

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

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

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

27 h. *Internally displaced person or group of persons* (IDP), refers to any person or
28 group of persons who has or have been forced or obliged to flee or to leave their homes or places
29 of habitual residence within the national borders, as a result of or in order to avoid or minimize
30 the 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 i. *Order of Battle* refers to any document made by the military, police or any law
34 enforcement agency of the government, listing the names of persons and organizations that are

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 1) a specific decision shall be taken by the authority empowered by law to order
30 such measures:

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

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

34 4) authorities concerned shall endeavor to involve those affected, particularly

women, elderly persons and PWDs, in the planning and management of their return, local integration or resettlement elsewhere;

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

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

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

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

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

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

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

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

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

2) Attacks or other acts of violence against IDPs who do not or no longer participate in hostilities shall be prohibited in all circumstances, without prejudice to being held liable for

1 any offense committed by them. In particular, IDPs shall be protected against:

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

4 (ii) starvation as a method of combat;

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

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

9 (v) use of anti-personnel landmines;

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

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

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

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

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

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

20 Threats and incitement to commit any of the foregoing acts under paragraph b.
21 subsections 1) and 3) herein shall be prohibited;

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

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

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

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

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

5 (ii) to seek freely opportunities for employment and to participate in economic
6 activities;

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

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

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

11 3) IDPs have the right to:

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

13 (ii) leave the country;

14 (iii) seek asylum in another country; and

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

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

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

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

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

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

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

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

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

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

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

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

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

29 1) pillage or looting;

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

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

32 4) being made the object of reprisal;

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

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

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

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

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

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

19 SEC. 11. *Return, Local Integration or Resettlement Elsewhere.* – Competent authorities,
20 such as the military and law enforcement agencies conducting operations, the DSWD, the DOH,
21 the local government hospitals, the LGUs concerned and other appropriate government agencies,
22 shall have the primary duty and responsibility to establish conditions and provide means for
23 IDPs to return voluntarily, in safety and with dignity, to their homes or places of habitual
24 residence, or to resettle voluntarily in places of refuge and/or in another part of the country,
25 taking into consideration the right of IDPs to choose a residence.

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

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

1 humanitarian assistance.

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

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

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

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

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

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

18 4) Those who cooperated in the execution of the act of arbitrary internal
19 displacement by previous or simultaneous acts; and

20 5) Those commanding officers of the military, police or other law enforcement
21 agencies or other authorities, for acts of arbitrary internal displacement committed by forces
22 under their effective command and control, or effective authority and control as the case may be,
23 as a result of their failure to exercise proper control over such forces, where the commanding
24 officers or authorities knew or, owing to the circumstances at the time, should have known that
25 the forces were committing or about to commit such crimes, and failed to take all necessary and
26 reasonable means within their power to prevent or repress their commission, or to submit the
27 matter to competent authorities for investigation and prosecution.

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

33 b. The penalty of *prision mayor* in its minimum period shall be imposed upon those
34 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 having
3 participated therein, either as principals or accomplices, took part subsequent to its commission
4 by any of the following acts:

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

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

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

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

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

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

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

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

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

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

33 c. Where loss of or damage to property of an individual victim occurs, the amount
34 corresponding to the fair market value of the property lost or destroyed or the amount mutually

1 agreed upon by the parties involved, whichever is higher, shall be paid to the victim.

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

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

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

13 The CHR shall enhance its existing financial assistance program to include financial
14 assistance for the purpose of facilitating the reparation, return, local integration or re settlement
15 elsewhere of IDPs. *Provided.* That in no case shall financial assistance exceed ten thousand
16 pesos (Php 10,000.00) per person.

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

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

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

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

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

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

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

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

12 f. To cite any person in contempt for violations of the orders issued by them in
13 accordance with the Rules of Court;

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

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

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

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

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

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

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

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

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

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

19 a. A representative, with the rank of Undersecretary, from the Department of Social
20 Welfare and Development;

21 b. A representative, with the rank of Undersecretary, from the Department of
22 National Defense;

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

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

26 e. A representative, with the rank of Undersecretary, from the Department of
27 Justice;

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

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

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

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

1 j. The Chairperson of the Committee on Human Rights of the House of
2 Representatives; and

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

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

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

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

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

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

21 In the formulation of the rules and regulations, the CHR shall take the lead and
22 coordinate with DSWD, DND, DILG, DOH, DOJ, Department of Environment and Natural
23 Resources (DENR), AFP, Philippine National Police (PNP), Philippine Commission on Women
24 (PCW), Council for the Welfare of Children (CWC), National Commission on Indigenous
25 Peoples (NCIP), National Commission On Disability Affairs (NCDA), Presidential Commission
26 on Urban Poor (PCUP), Housing and Urban Development Coordinating Council (HUDCC),
27 National Disaster Risk Reduction and Management Council (NDRRMC), National Housing
28 Authority (NHA) and consult with the LGUs concerned, human rights non-governmental
29 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 SEC. 27. *Repealing Clause.* – All laws, decrees, executive orders, memorandum orders,
34 memorandum circulars, administrative orders, ordinances or parts thereof which are inconsistent

- 1 with the provisions of this Act are hereby deemed repealed or modified accordingly.
- 2 SEC. 28. *Effectivity*. – This Act shall take effect fifteen (15) days after its publication in
- 3 the Official Gazette or in a newspaper of national circulation.

Approved.