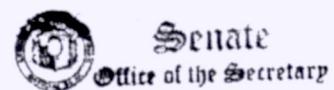


**EIGHTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES)
First Regular Session)**



SENATE

S. No. 813

19 JUL 29 P5:37

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INTRODUCED BY SENATOR RISA HONTIVEROS

**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.

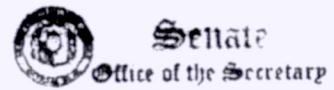
This "Rights of Internally Displaced Persons Act" has the following main features:

- 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.


RISA HONTIVEROS
Senator

EIGHTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



SENATE

19 JUL 29 P5:38

S. No. 813

RECEIVED 28

INTRODUCED BY SENATOR RISA HONTIVEROS

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

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
4 one racial group or groups and committed with the intention of
5 maintaining that regime.
- 6 b) *Arbitrary internal displacement* refers to act of displacement or any
7 other coercive act committed by any person or group/s of persons
8 and directed against the civilian population, which are contrary to
9 law, good morals, public order or public policy, or committed with
10 abuse of authority, oppressive or wanton disregard of the right to life,
11 liberty or property and abode of the residents of an area in which
12 they are lawfully present, and characterized by those situations as
13 defined in Section 6 of this Act.
- 14 c) *Clan War* refers to any conflict that may arise between members of
15 different indigenous groups, indigenous cultural communities or clans,
16 or between and among members of the same indigenous group,
17 cultural community or clan.
- 18 d) *Ethnic cleansing* refers to the act of rendering an area ethnically
19 homogenous by using force or intimidation to remove from a given
20 area persons of another ethnic or religious group.
- 21 e) *Generalized and/or organized violence* refers to the purposeful and
22 systematic use of terror and brutality to control individuals, groups
23 and communities, through the use of overwhelming force, and
24 characterized by widespread, massive or sufficient intensity, causing
25 arbitrary internal displacement of persons or communities.
26 Its methods include causing severe pain and suffering, killing,
27 intimidating, threatening, and in some cases, destroying a
28 community, ethnic group or political opposition.
- 29 f) *Implementation of development projects* refers to the carrying out of
30 any undertaking or activity aimed at economic or political growth,
31 advancement and expansion that results or may result to arbitrary
32 internal displacement of persons: *Provided*, That the term does not
33 include legitimate resettlement schemes and/or programs.
- 34 g) *Internal displacement* refers to the involuntary or coerced movement
35 or relocation of persons, families, or communities from their areas of
36 habitual abode and source of substance within the national borders,

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

5 h) *Internally displaced person or group of persons* (IDP), refers to any
6 person or group of persons who has or have been forced or obliged
7 to flee or to leave their homes or places of habitual residence within
8 the national borders, as a result of or in order to avoid or minimize
9 the effects of armed conflict, situations of generalized and/or
10 organized violence, violations of human rights, implementation of
11 development projects, natural, human-induced and human-made
12 hazards.

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

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

27 To address the risks involved in natural hazards and the over-all impact of climate
28 change and global warming on the rights of those who are internally displaced, due
29 reference shall be made to the pertinent provisions of Republic Act No. 9729,
30 otherwise known as the Climate Change Act of 2009 and Republic Act No. 10121,
31 otherwise known as the Philippine Disaster Risk Reduction and Management Act of
32 2010.

33 Sec. 5. *Primary Duty to Protect the IDPs.* – National authorities have the
34 primary duty and responsibility to provide protection and humanitarian assistance to
35 internally displaced persons within their jurisdiction. As such, State authorities,
36 including local government units (LGUs) and parties to an armed conflict, irrespective

1 of their legal status and applied without any adverse distinction, shall respect and
2 ensure compliance with their obligations under international law, including human
3 rights law and humanitarian law, so as to prevent and avoid conditions that might
4 lead to arbitrary internal displacement of persons.

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

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

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

33 *Sec. 7. Safeguards against Arbitrary Internal Displacement.* – If displacement
34 is inevitable under circumstances beyond control that pose hazardous risks to lives
35 and properties of persons living in communities, displacement shall not be carried
36 out in a manner that violates the rights to life, liberty, dignity, security, and property

1 of those affected, irrespective of their legal status and applied without any adverse
2 distinction.

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

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

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

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

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

- 16 a. essential and adequate food and nutrition and potable water;
- 17 b. basic shelter and housing, in conformity with the "National
18 Building Code of the Philippines" (R.A. 6541);
- 19 c. appropriate clothing; and
- 20 d. essential medical and dental services and sanitation, including
21 psychological and social services and essential drugs and
22 medicines;

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

26 b) *Protection Against Criminal Offenses and Other Unlawful Acts.* –
27 a. It shall be prohibited to commit any of the following acts
28 against IDPs in all circumstances:

- 29 i. murder;
- 30 ii. hostage-taking;
- 31 iii. summary or arbitrary execution and enforced
32 disappearance, including abduction or unacknowledged
33 detention, threatening or resulting in death; and
- 34 iv. unlawful confinement;

35 b. Attacks or other acts of violence against IDPs who do not or no
36 longer participate in hostilities shall be prohibited in all

circumstances, without prejudice to being held liable for any offense committed by them. In particular, IDPs shall be protected against:

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

c. IDPs, whether or not their liberty has been restricted, shall be protected in particular against:

- i. rape and other outrages upon personal dignity, such as forced prostitution, trafficking of persons, any act of gender-specific violence, or any form of indecent assault;
 - ii. mutilation, torture, cruel, inhumane or degrading treatment or punishment;
 - iii. any form of violence against children, such as trafficking, forced labor or sexual exploitation and other violations of children's rights;
 - iv. slavery or any contemporary form of slavery, such as sale into marriage, sexual exploitation or forced labor of children; and
 - v. acts of violence intended to spread terror among IDPs.

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

d. IDPs shall not be interned in or confined in any evacuation center, facility, encampment or other settlements. If in exceptional circumstances such internment or confinement is necessary, it shall not last longer than what is required by the circumstances, as may be determined by the Commission on Human Rights (CHR), in close coordination and consultations

with the military and law enforcement agencies conducting operations, and other concerned agencies of the government; and

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

c) *Freedom of Movement.* –

- a. Every IDP has the right to liberty of movement and the right to move freely in and out of any evacuation center, encampment or other settlements, subject to its existing rules and regulations;
 - b. IDPs, whether or not they are living in an evacuation center, encampment or other settlements, shall not be discriminated against in 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;
 - c. 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 a. The authorities concerned shall issue to the IDPs all documents
2 necessary for the enjoyment and exercise of their legal rights.
3 In particular, these authorities shall facilitate the issuance of
4 new documents or the replacement of documents lost in the
5 course of displacement, without imposing unreasonable
6 conditions and without discrimination against men and women,
7 who shall have equal rights to obtain and to be issued the
8 same in their own names;
- 9 b. Within a reasonable time, the pertinent national authorities, in
10 close collaboration with the LGUs exercising territorial
11 jurisdiction over the affected area/s shall establish a "one-stop
12 shop" for all documentation and registration needs of IDPs,
13 which shall be set up at a convenient location for IDPs, such as
14 an evacuation center.

15 *e) Family Unity and Missing Persons. –*

- 16 a. Members of internally displaced families who wish to remain
17 together shall be allowed to do so. Families that are separated
18 by displacement and whose personal liberty have been
19 restricted by internment or confinement in any evacuation
20 center, facility, encampment or other settlements should be
21 reunited immediately, with appropriate measures taken to
22 expedite the reunion, particularly when children are involved;
- 23 b. The State shall encourage cooperation among international
24 and local humanitarian organizations engaged in the task of
25 family reunification;
- 26 c. The authorities concerned shall endeavor to establish the fate
27 and whereabouts of IDPs reported missing and cooperate with
28 relevant international organizations engaged in this task. They
29 shall inform the next-of-kin on the progress of the investigation
30 and notify them of any result;
- 31 d. The authorities concerned shall endeavor to collect and identify
32 the mortal remains of the deceased, prevent their despoliation
33 or mutilation and facilitate the return of those remains to the
34 next-of-kin or dispose of them respectfully;

- 1 e. Competent authorities shall also provide due respect to cultural
2 sensitivities and religious beliefs of certain IDPs, in the care
3 and disposition of the deceased; and
4 f. Grave sites of IDPs shall be protected and respected in all
5 circumstances and shall have the right of access to the grave
6 sites of their deceased relatives;

7 *f) Health and Education. –*

- 8 a. Certain IDPs, such as children, especially unaccompanied
9 minors, expectant mothers, mothers with young children,
10 female heads of households, persons with disabilities, elderly
11 persons and other vulnerable, disadvantaged and marginalized
12 groups or individuals shall be entitled to protection and
13 assistance required by their condition and to treatment which
14 takes into account their special needs;
- 15 b. All wounded and sick IDPs, as well as those with disabilities,
16 shall receive to the fullest extent practicable and with the least
17 possible delay the medical care and attention they require,
18 without distinction on any ground other than the medical ones.
19 IDPs shall have access to psychological and social services and
20 such other forms of assistance necessary for them;
- 21 c. Special attention shall be paid to the health needs of women,
22 including access to comprehensive female health care
23 services, to be provided whenever feasible by female health
24 care providers, as well as appropriate counseling and other
25 services for victims of sexual and other abuses;
- 26 d. Special attention shall also be given to the prevention of
27 contagious and infectious diseases, including AIDS, among
28 IDPs; and
- 29 e. The authorities concerned shall ensure that IDPs, in particular,
30 displaced children, receive education that shall be free and
31 compulsory at the primary level. Special efforts shall be made
32 to ensure the full and equal participation of women and girls in
33 educational programs, and that respect for their cultural
34 identity, language and religion, educational and training
35 facilities shall be made available to them as soon as
36 circumstances permit; and

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

- 3 a. pillage or looting;
- 4 b. direct and indiscriminate attacks or other acts of violence;
- 5 c. being used to shield military operations or objectives;
- 6 d. being made the object of reprisal;
- 7 e. being destroyed or appropriated as a form of collective
8 punishment; and
- 9 f. destruction, arbitrary and illegal appropriation, occupation or
10 use.

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

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

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

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

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

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

4 Sec. 12. *Return, Local Integration or Resettlement Elsewhere.* – Competent
5 authorities, such as the military and law enforcement agencies conducting
6 operations, the DSWD, the DOH, the local government hospitals, the LGUs concerned
7 and other appropriate government agencies, shall have the primary duty and
8 responsibility to establish conditions and provide means for IDPs to return voluntarily,
9 in safety and with dignity, to their homes or places of habitual residence, or to
10 resettle voluntarily in places of refuge and/or in another part of the country, taking
11 into consideration the right of IDPs to choose a residence, and with due respect for
12 the cultural heritage and traditions of Indigenous Peoples.
13 Said authorities, including the CHR, shall likewise ensure prior consultations and the
14 full participation of IDPs, during and after the planning and management of their
15 return, local integration or resettlement elsewhere.

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

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

27 The importation and donation of food, clothing, medicine and equipment necessary
28 for relief and assistance of IDPs are hereby authorized in accordance with Section
29 105 of the Tariff and Customs Code of the Philippines, as amended, as regards
30 national internal revenue taxes and import duties of national and local government
31 agencies, and the prevailing provisions of the General Appropriations Act (GAA).

32 Sec. 14. *Penalties.* –

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

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

1 principals or accomplices, took part subsequent to its commission by
2 any of the following acts:

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

13 Sec. 15. *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
15 they are applicable, shall be supplementary to this Act.

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

19 Sec. 17. *Jurisdiction of the Courts.* – The proper and competent civilian courts
20 shall have jurisdiction over the offense of arbitrary internal displacement as defined
21 and penalized in this Act.

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

- 26 a) Where death of an individual victim occurs, the amount of one
27 hundred thousand pesos (Php 100,000.00) shall be granted to the
28 legal heirs of the victim as a death benefit;
- 29 b) Where physical, emotional and/or psychological injury is caused to an
30 individual victim, actual and compensatory damages, including moral,
31 nominal, exemplary and temperate damages resulting from such
32 injury, shall be paid to the victim. Upon a finding of such injury and
33 distinct from the compensation for actual, compensatory, moral,
34 nominal and/or temperate damages, such determination shall also
35 include a referral to the DOH and DSWD for appropriate interventions

1 or services, to include psycho-social intervention and rehabilitation;
2 and

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

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

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

14 Sec. 20. *Financial Assistance to IDPs.* – Whenever human rights violations are
15 caused to the IDPs as incidents or consequences of arbitrary internal displacement,
16 the necessary financial assistance for their return; local integration; or resettlement
17 elsewhere shall be provided.

18 The CHR shall enhance its existing financial assistance program for victims of such
19 human rights violations to include financial assistance for the purpose of facilitating
20 the reparation, return, local integration, or re settlement elsewhere of IDPs.
21 Provided, That in no case shall financial assistance exceed ten thousand pesos (Php
22 10,000.00) per person.

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

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

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

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

35 Sec. 23. *Role of the DSWD.* – The DSWD shall have the following functions,
36 among others:

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

Sec. 24. *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 specific persons and groups in said Orders of Battle or similar documents. In this regard, the Joint Congressional Oversight Committee may issue mandatory process directing the transmission of all such documents relevant and necessary for the Committee to determine the validity of the inclusion of specific persons or groups in the Orders of Battle or similar documents. For this purpose, the highest ranking officers or heads of offices shall be charged with testifying before the Joint Congressional Oversight Committee in relation to any inquiries on the Orders of Battle or similar documents.

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

1 continue, and appropriate recommendations shall thereafter be made by the
2 Committee.

3 Sec. 25. *Monitoring of Compliance.* – An inter-agency coordinating committee
4 shall be tasked to periodically monitor the compliance with this Act. The Committee
5 shall be headed by the Chairperson of the CHR. Members of the group shall be
6 composed of:

- 7 a) A representative, with the rank of Undersecretary, from the
8 Department of Social Welfare and Development;
- 9 b) A representative, with the rank of Undersecretary, from the
10 Department of National Defense;
- 11 c) A representative, with the rank of Undersecretary, from the
12 Department of Interior and Local Government;
- 13 d) A representative, with the rank of Undersecretary, from the
14 Department of Health;
- 15 e) A representative, with the rank of Undersecretary, from the
16 Department of Justice;
- 17 f) A representative from the Office of Civil Defense /National Disaster
18 Risk Reduction and Management Coordinating Council;
- 19 g) A representative from the National Commission on Muslim Filipinos;
- 20 h) A representative from the National Commission on Indigenous Peoples;
- 21 i) A representative from the Office of the Presidential Adviser on the
22 Peace Process
- 23 j) A representative of IDP-oriented human rights non-governmental
24 organizations (NGOs) and other human rights groups of the same
25 nature, nominated by a selection board composed of human rights
26 groups and NGOs;
- 27 k) The Chairperson of the Committee on Justice and Human Rights of the
28 Senate;
- 29 l) The Chairperson of the Committee on Human Rights of the House of
30 Representatives; and
- 31 m) The Chairperson of the Committee on Justice of the House of
32 Representatives.

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

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

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

8 *Sec. 26. Appropriations.* – The amount necessary for the initial implementation
9 of this Act shall be charged against the current year's appropriations of the CHR, the
10 DSWD, the DOH, the Department of National Defense (DND) and the Department of
11 the Interior and Local Government (DILG). Thereafter, such sums as may be
12 necessary for the continued implementation of this Act shall be included in the GAA.

13 *Sec. 27. Implementing Rules and Regulations.* – Within sixty (60) days from
14 the effectivity of this Act, the CHR shall issue the necessary rules and regulations for
15 its implementation.

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

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

29 *Sec. 29. Repealing Clause.* – All laws, decrees, executive orders, memorandum
30 orders, memorandum circulars, administrative orders, ordinances or parts thereof
31 which are inconsistent with the provisions of this Act are hereby deemed repealed or
32 modified accordingly.

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

Approved,