

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

Sixteenth Congress
First Regular Session



House Bill No. **3146**

Introduced by AKBAYAN Representatives
Ibarra "Barry" M. Gutierrez III and Walden F. Bello

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 homes 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 Sudan, Kenya and Congo. According to data from the Department of Social Welfare and Development (“DSWD”), the number of IDPs in the Philippines has reached 970,000 in 2012. The most recent siege of certain barangays in Zamboanga City by factions of the Moro National Liberation Front resulted to the profiling by the DSWD of 67,198 new IDPs over a period of less than a month.

Meanwhile, high incidence of displacement in Luzon, particularly in Mindoro and Rizal, where military operations against suspected rebels have displaced indigenous Mangyans and Dumagats, put the Philippines on the list of top 40 countries all over the world where internal displacement is considered a great disaster. According to the 2001 report of the Norwegian Refugee Council, the figure reached 1,500,000 persons displaced, and the Philippines ranked third after Burma and Indonesia in the list of countries in Southeast Asia with most number of IDPs.

At the instance of the United Nations High Commissioner for Refugees, the *United Nations Guiding Principles on Internal Displacement* were formulated and developed to provide guidance not only to States but also to intergovernmental organizations and other authorities, groups and persons concerned with internal displacement. Said *Guiding Principles*, submitted to the United Nations High Commissioner for Refugees during its 54th session, seek 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 and as a Party to at least thirty-four international human rights instruments, the Philippine government has the 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. Damages and injuries which come in the form of physical and psychological injuries, death and destruction of properties suffered by those affected by internal displacement are just considered as “collateral damages.”

This proposed measure, is an updated version of House Bill No. 2635 filed by AKBAYAN Representatives Kaka J. Bag-ao and Walden F. Bello in the Fifteenth Congress. It is a localization of the *Guiding Principles* seeking to institutionalize the protection of citizens from, during and after arbitrary displacement. It hopes to install a mechanism of support to victims of internal

displacement such that damage and injury may be minimized in cases where they cannot be prevented. It establishes the norm that the government has the duty to defend and protect its people from domestic threats and eventual displacement.

Immediate approval of this measure is, therefore, earnestly sought.



WALDEN F. BELLO



IBARRA "BARRY" M. GUTIERREZ III

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AN ACT
PROTECTING THE RIGHTS OF INTERNALLY DISPLACED PERSONS,
PROVIDING PENALTIES FOR VIOLATIONS THEREOF,
AND FOR OTHER PURPOSES

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 Displaced*
2 *Persons Act of 2013.*”
3
- 4 **SECTION 2. *Declaration of Principles and State Policies.***—Consistent with the
5 principles enshrined in the *1987 Philippine Constitution*, the standards set by international
6 humanitarian law and human rights laws, international treaties and conventions adhered
7 to by the Philippines and incorporating the *United Nations’ Guiding Principles on Internal*
8 *Displacement*, it is hereby declared the policy of the State to promote and protect the rights
9 of internally displaced persons in situations of armed conflict, generalized violence, tribal
10 and/or clan wars, violations of human rights, aggressive implementation of development
11 projects, natural and man-made disasters.
12
- 13 When armed conflict of a non-international character is inevitable, the State shall ensure
14 the promotion and protection of the rights of the citizens who are non-combatants and
15 who shall enjoy in full equality, the same rights and freedoms under international and

domestic law as do other persons in the country. These citizens shall not be discriminated against in the enjoyment of any rights and freedoms on the ground that they are internally displaced.

SECTION 3. *Definition of Terms.*—As used in this Act:

(a) “*Aggressive implementation of development projects*” refers to the forceful carrying out of any undertaking or activity aimed at economic or political growth, advancement and expansion that results or may result to internal displacement of persons: *Provided, however,* That the term does not include legitimate resettlement schemes and/or programs.

(b) “*Apartheid*” refers to inhumane acts committed in the context of an institutionalized regime of systematic oppression and domination by one racial group or groups and committed with the intention of maintaining that regime.

(c) “*Arbitrary internal displacement*” refers to the acts of displacement committed by any natural or juridical person through means of force, intimidation, strategy, stealth, or with abuse of authority, or oppressive or wanton disregard of the rights to life, liberty, dignity, security, or property of the residents of an area in which they are lawfully present, and characterized by those situations as defined in Section 7 of this Act.

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

(e) “*Internally displaced persons or group of persons*” or collectively referred to as “*IDPs*” refers to persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border.

(f) “*Internal displacement*” refers 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, without crossing an internationally recognized State border, as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights, land conversion and any other land conflict, aggressive implementation of development projects, natural and man-made disasters.

(g) “*Order of battle*” or “*watch list*” refers to any document made by the military, police or any law enforcement agency of the government, listing the names of persons and organizations who it perceives to be enemies of the State and who the State considers as legitimate targets as combatants that it could deal with, through the use of means allowed by domestic and international law.

(h) “*Tribal and/or clan war*” refers to any conflict that may arise between members of different tribal groups, indigenous groups or clans, or between and among members of the same tribe, indigenous group or clan.

SECTION 4. *Scope.*—This Act provides for the protection of the rights of internally displaced persons or group of persons during and after displacement, including their rights to return, re-settle, and reintegrate. As regards internal displacement brought about by natural disasters, particularly on early warning measures and durable solutions, the pertinent provisions of Republic Act No. 10121 or the *Philippine Risk Reduction and Management Act of 2010* shall be applicable.

SECTION 5. *Prevention against Arbitrary Internal Displacement.*—In compliance with international obligations, the State, through its appropriate agencies, shall undertake lawful and effective measures to prevent and avoid conditions that may lead to the existence of internal displacement.

SECTION 6. *Protection against Arbitrary Internal Displacement.*—The State, through its appropriate agencies, shall likewise ensure the protection of the rights of persons against arbitrary internal displacement.

1 Whenever instances of internal displacement are carried out, the same shall be done with
2 due regard to the rights to life, liberty, dignity, security and property of those affected.

3

4 The following safeguards against arbitrary internal displacement shall be observed:

5

6 (a) All feasible alternative measures shall be explored to avoid the occurrence of internal
7 displacement. When no alternative exists, all measures shall be undertaken to mitigate
8 the adverse effects of internal displacement on the affected persons or groups of
9 persons.

10

11 (b) Whenever internal displacement is inevitable, the authorities shall ensure, to the
12 greatest practicable extent, that:

13

14 (1) Proper accommodation is effected;

15 (2) Satisfactory conditions of safety, nutrition, water and sanitation, health and
16 hygiene, are provided; and

17 (3) Members of the same family, especially mothers and their children, are not
18 separated from each other.

19

20 (c) Indigenous peoples, minorities, farmers and other groups with special dependency
21 on and attachment to their lands shall be protected from arbitrary internal
22 displacement in accordance with Republic Act No. 8371 or the *Indigenous People's*
23 *Rights Act of 1997*.

24

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

27

28 (1) A specific decision shall be taken by the appropriate agency to order the
29 observance of the measures provided in this Section;

30 (2) The reasons and procedures for the displacement and, whenever applicable, the
31 compensation and relocation of the affected persons or groups persons, shall be
32 fully disclosed;

33 (3) The free and informed consent of the persons or groups of persons shall be
34 sought;

- 1 (4) Authorities concerned shall endeavor to involve those affected, particularly
2 women, in the planning and management of their relocation, resettlement and
3 reintegration;
4 (5) Law enforcement measures, when required, shall be carried out by competent
5 legal authorities; and
6 (6) The right to an effective remedy, including proper judicial review of such
7 decisions, shall be respected.
8

9 **SECTION 7. *Prohibited Acts of Arbitrary Internal Displacement.***—Arbitrary
10 internal displacement shall include, but are not limited to, the following acts of internal
11 displacement:
12

- 13 (a) Committed to carry out policies of apartheid, “ethnic cleansing” or similar practices
14 aimed at, or resulting in, altering the ethnic, religious or racial composition of the
15 affected population.
16
17 (b) Committed in armed conflict situations, unless necessary to uphold civilian security.
18
19 (c) Committed by reason of large-scale development projects, including land conversion
20 and any other land conflict, unless justified by compelling and overriding public
21 interest.
22
23 (d) Resulting from natural and man-made disasters, unless the safety and health of those
24 affected require their evacuation.
25
26 (e) Committed to be used as a form of collective punishment.
27
28 (f) Committed during tribal or clan wars, unless necessary to uphold civilian.
29
30 (g) Committed in violation of the rights of IDPs during displacement under Section 9 of
31 this Act.
32

33 *An order of battle* and a *watch list*, as defined in this Act, or any order or list of similar
34 nature, official or otherwise, from a superior officer or a public authority causing the

1 commission of internal displacement is unlawful and cannot be invoked as a justifying or
2 exempting circumstance. Any person receiving such an order shall have the right to
3 disobey it.

4
5 **SECTION 8. *Permanent Prohibition Against Arbitrary Internal Displacement.***—

6 The prohibition on arbitrary internal displacement and the fundamental safeguards for its
7 prevention shall not be suspended under any circumstance, including political instability,
8 threat of war, state of war or other public emergencies.

9
10 **SECTION 9. *Rights During and After Displacement.***—Without discrimination of
11 any kind—such as those based on race, color, sex, language, religion or belief, political or
12 other opinion, national, ethnic or social origin, legal or social status, age, disability,
13 property, birth or other similar criteria—and pursuant to the provisions of the Bill of
14 Rights under Article III of the *1987 Philippine Constitution*, the following rights shall be
15 afforded to IDPs during and after their displacement:

16
17 (a) *Provision and access to basic necessities.*—At the minimum, regardless of the
18 circumstances, and without discrimination, competent authorities shall provide IDPs
19 with and ensure safe access to:

- 20
21 (1) Essential and adequate food and nutrition, and potable water;
22 (2) Basic shelter and housing;
23 (3) Appropriate clothing; and
24 (4) Essential medical and dental services and sanitation, including psychological and
25 social services and essential drugs and medicines.

26
27 (b) *Protection against criminal and other unlawful acts.*—

- 28
29 (1) Without prejudice to the prosecution of any offense committed by an IDP,
30 attacks or other acts of violence against IDPs who do not or no longer
31 participate in hostilities shall be prohibited in all circumstances. In particular,
32 IDPs shall be protected against the following acts:
33 (i) Direct or indiscriminate attacks or other acts of violence, including the
34 creation of areas wherein attacks on civilians are permitted.

- 1 (ii) Starvation as a method of combat.
- 2 (iii) Being used to shield, impede, or favor any operations or objectives of the
- 3 military, police, or any party.
- 4 (iv) Attacks against any evacuation center, facility, encampment or other
- 5 settlements.
- 6 (v) Use of anti-personnel landmines.
- 7 (2) In particular, IDPs, whether or not their liberty has been restricted, shall be
- 8 protected against:
- 9 (i) Rape, mutilation, torture, cruel, inhumane or degrading treatment or
- 10 punishment, and other outrages upon personal dignity, such as acts of gender-
- 11 specific violence, forced prostitution and other forms of indecent assault.
- 12 (ii) Slavery or any contemporary form of slavery, such as sale into marriage,
- 13 sexual exploitation or forced labor of children.
- 14 (iii) Acts of violence intended to spread terror among IDPs.
- 15 (3) IDPs shall not be interned or confined in any evacuation center, facility,
- 16 encampment or other settlements. If, and only in exceptional circumstances, such
- 17 internment or confinement is necessary, it shall not last longer than what is
- 18 required by the circumstances, as may be determined by the Commission on
- 19 Human Rights (CHR).
- 20 (4) IDPs shall be protected against discriminatory practices of recruitment into the
- 21 Armed Forces of the Philippines (AFP), law enforcement agencies or any armed
- 22 group as a result of their displacement. In particular, any cruel, inhumane or
- 23 degrading practice that compel compliance or punish noncompliance with
- 24 recruitment shall be prohibited in all circumstances.
- 25
- 26 (c) *Freedom of movement.*—
- 27
- 28 (1) Every IDP has the right to liberty of movement and freedom to choose a
- 29 residence. In particular, the IDP has the right to move freely in and out of any
- 30 evacuation center, encampment or other settlements, subject to existing rules and
- 31 regulations.
- 32 (2) IDPs, whether or not they are living in an evacuation center, encampment or
- 33 other settlements, shall not be discriminated against in the enjoyment of the
- 34 following rights:

- 1 (i) To enjoy freedom of thought, conscience, religion or belief, opinion and
2 expression.
- 3 (ii) To freely seek opportunities for employment and to participate in economic
4 activities.
- 5 (iii) To associate freely and participate equally in community affairs.
- 6 (iv) To vote and participate in governmental and public affairs, including the
7 right to have access to the means necessary to exercise these rights.
- 8 (v) To communicate in a language they understand.
- 9 (3) IDPs have the right to:
- 10 (i) Seek safety in another party of the country.
- 11 (ii) Leave the country.
- 12 (iii) Seek asylum in another country.
- 13 (iv) Be protected against forcible return to resettlement in any place where their
14 lives, safety, liberty and health would be at risk.
- 15
- 16 (d) *Recognition, issuance and replacement of documents.*—The authorities concerned shall issue
17 to IDPs all documents necessary for the enjoyment and exercise of their legal rights.
18 In particular, authorities concerned shall facilitate the issuance of new documents or
19 the replacement of documents lost in the course of displacement, without imposing
20 unreasonable conditions and without discrimination against men and women, who
21 shall have equal rights to obtain and to be issued the same in their own names.
- 22
- 23 (e) *Family unity and missing persons.*—
- 24
- 25 (1) Members of internally displaced families who wish to remain together shall be
26 allowed to do so. Members of families who were separated by displacement and
27 whose personal liberty have been restricted by internment or confinement in any
28 evacuation center, facility, encampment or other settlements should be reunited
29 immediately, with appropriate measures taken to expedite the reunion,
30 particularly when children, women, elderly and persons with disabilities are
31 involved.
- 32 (2) The State shall encourage cooperation among international and local
33 humanitarian organizations engaged in the task of family reunification.

- 1 (3) The authorities concerned shall endeavor to establish the fate and whereabouts
2 of IDPs reported missing and cooperate with relevant international organizations
3 engaged in this task. They shall inform the next-of-kin of such IDPs on the
4 progress of the investigation and notify them of any result.
- 5 (4) The authorities concerned shall endeavor to collect and identify the remains of a
6 deceased, prevent despoliation and mutilation, and facilitate the return of the
7 remains to the next-of-kin or the proper disposal of the remains, as may be
8 warranted by the circumstances.
- 9 (5) Grave sites of IDPs shall be protected and respected in all circumstances and
10 IDPs shall have the right of access to the grave sites of their deceased relatives.

11
12 (f) *Health and education.*—
13

- 14 (1) IDPs, particularly children, especially unaccompanied minors, expectant mothers,
15 mothers with young children, female heads of households, persons with
16 disabilities and elderly persons, shall be entitled to protection and assistance
17 required by their condition and to treatment which takes into account their
18 special needs.
- 19 (2) All wounded and sick IDPs, as well as those with disabilities, shall receive to the
20 fullest extent practicable and with the least possible delay the medical care and
21 attention they require, without distinction other than medical ones. When
22 necessary, IDPs shall have access to psychological and social services.
- 23 (3) Special attention shall be given to the health needs of women, including access to
24 female health care, providers and services, as well as appropriate counseling for
25 victims of sexual and other abuses.
- 26 (4) Special attention shall also be given to the prevention of contagious and
27 infectious diseases, including AIDS, among IDPs.
- 28 (5) The authorities concerned shall ensure that IDPs, in particular, displaced
29 children, receive education that shall be free and compulsory at the primary level.
30 Special efforts shall be made to ensure the full and equal participation of women
31 and girls in educational programs, and that respect for their cultural identity,
32 language and religion, educational and training facilities shall be made available to
33 them as soon as circumstances permit.
34

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

- 3
4 (1) Pillage;
5 (2) Direct and indiscriminate attacks or other acts of violence;
6 (3) Being used to shield military or any party's operations or objectives;
7 (4) Being made the object of reprisal;
8 (5) Being destroyed or appropriated as a form of collective punishment; and
9 (6) Destruction, arbitrary and illegal appropriation, occupation or use. The rights and
10 obligations herein shall not be interpreted as restricting, modifying or impairing
11 the provisions of any international human rights or international humanitarian
12 law or rights granted to persons under domestic law.
13

14 **SECTION 10. *Assistance during Displacement of IDPs.***—The primary duty and
15 responsibility for providing humanitarian assistance to IDPs lie with national authorities,
16 and shall be accomplished in close collaboration with the local government unit (LGU)
17 exercising territorial jurisdiction over the affected area. As such, military and law
18 enforcement agencies conducting operations, the Department of Social Welfare and
19 Development (DSWD), the Department of Health (DOH), the local government
20 hospitals, the LGU concerned and other appropriate government agencies shall provide
21 immediate relief and humanitarian assistance to IDPs, families and communities.
22

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

29 All concerned authorities shall assist the IDPs in the recovery of their property and
30 possessions, and shall provide or assist these persons in obtaining appropriate
31 compensation or other forms of just reparation.
32

33 **SECTION 11. *Return, Resettlement and Reintegration.***—Competent authorities, such
34 as the military and law enforcement agencies conducting operations, the DSWD, DOH,

1 the local government hospitals, the LGU concerned and other appropriate government
2 agencies, shall have the primary duty and responsibility to establish conditions and
3 provide means for IDPs to return voluntarily, in safety and with dignity, to their homes
4 or places of habitual residence, or to resettle voluntarily. Said authorities shall likewise
5 ensure the full participation of IDPs in the planning and management of their return,
6 resettlement and reintegration.

7
8 **SECTION 12. *Mechanisms for International Humanitarian Assistance.*—**

9 International humanitarian organizations, their local counterparts and other appropriate
10 actors shall have the right to offer their services in support of the internally displaced.
11 These humanitarian assistance mechanisms should be consistent with the *Philippine Risk*
12 *Reduction and Management Act of 2010*, with due regard to the appropriate recommendation
13 of the National Disaster Risk Reduction and Management Council (NDRRMC).

14
15 When providing assistance to IDPs, said organizations shall respect relevant domestic
16 laws, international standards and codes of conduct. They shall give due regard to the
17 protection of the needs and human rights of the IDPs.

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

24
25 **SECTION 13. *Penalties.*—**

26
27 (a) The penalty of *reclusion temporal* in its minimum to medium period shall be imposed
28 upon the following persons:

- 29
30 (1) Those who actually commit acts of arbitrary internal displacEment as defined in
31 Section 7 of this Act.
32 (2) Those who directly force, instigate, encourage, induce or incite others to commit
33 acts of arbitrary internal displacement.

- 1 (3) Those who cooperate in the execution of acts of arbitrary internal displacement
2 by previous or simultaneous acts, without which the act of arbitrary internal
3 displacement would not have been carried out.
- 4 (4) Those commanding officers of the military, police or other law enforcement
5 agencies or other authorities, for acts of arbitrary internal displacement
6 committed by forces under their effective command and control, or effective
7 authority and control, as the case may be, as a result of their failure to exercise
8 proper control over such forces, where the commanding officers or authorities
9 knew or, owing to the circumstances at the time, should have known that the
10 forces were committing or about to commit such crimes, and failed to take all
11 necessary and reasonable means within their power to prevent or repress their
12 commission, or to submit the matter to competent authorities for investigation
13 and prosecution.
14
- 15 (b) The penalty of *prision mayor* in its minimum period shall be imposed upon those who
16 attempt to commit the offense of arbitrary internal displacement.
17
- 18 (c) The penalty of *prision mayor* in its minimum period shall be imposed upon persons
19 who, having knowledge of the act of arbitrary internal displacement and without
20 having participated therein, either as principals or accomplices, took part subsequent
21 to its commission by any of the following acts:
22
- 23 (1) By themselves profiting from or assisting the offender to profit from the effects
24 of the act of arbitrary internal displacement;
- 25 (2) By concealing the act of arbitrary internal displacement and/or destroying the
26 effects or instruments thereof, in order to prevent its discovery and/or hamper
27 its prosecution; and
- 28 (3) By harboring, concealing or assisting in the escape of the principal in the act of
29 arbitrary internal displacement.
30
- 31 (d) The courts shall impose the corresponding accessory penalties under the *Revised Penal*
32 *Code*, especially where the offender is a public officer.
33

1 **SECTION 14. *Applicability of the Revised Penal Code and Special Penal Laws.***—

2 The provisions of the *Revised Penal Code* and other relevant special penal laws, insofar as
3 they are applicable, shall be supplementary to this Act.

4

5 **SECTION 15. *Jurisdiction of the Courts.***—The proper and competent civilian courts
6 shall have jurisdiction over the offense of arbitrary internal displacement as defined and
7 penalized in this Act.

8

9 **SECTION 16. *Financial Assistance to IDPs.***—Whenever human rights violations are
10 caused to the IDP as an incident or consequence of the internal displacement, the
11 necessary financial assistance for their reparation, return, resettlement or reintegration
12 shall be provided.

13

14 The CHR shall enhance their existing financial assistance program to include IDP
15 financial assistance for the purpose of facilitating the reparation, return, resettlement and
16 reintegration of IDPs. Receipt of financial assistance shall be without prejudice to the
17 amount of compensation which may be awarded to victims.

18

19 **SECTION 17. *Entitlement to Financial Assistance.***—Any IDP qualified for financial
20 assistance shall receive the same from the State, free of tax, as herein prescribed: *Provided,*
21 That in case of deceased IDPs, the rules on succession as provided for in the *New Civil*
22 *Code of the Philippines* shall apply, in which case the legal heir/s shall be entitled to receive
23 such financial assistance: *Provided, further,* That no special power of attorney shall be
24 recognized in the actual disbursement of the award, and only the IDP or the legal heir/s,
25 as the case may be, shall be entitled to personally receive said financial assistance from
26 the CHR, unless the IDP or the legal heir is shown to be incapacitated to the satisfaction
27 of the Commission: *Provided, finally,* That the financial assistance received under this Act
28 shall be without prejudice to the receipt of any other sum by the IDP from any other
29 person or entity in any case involving violations of human rights as defined in this Act.

30

31 **SECTION 18. *Amount of Financial Assistance.***—The amount of financial assistance
32 under this Act shall be in proportion to the gravity of the human rights violation
33 committed on the IDP and in accordance with the number of points assigned to the
34 individual under Section 19 of this Act.

1 **SECTION 19. *Determination of Award.*—**

2 (a) The CHR shall follow the point system in the determination of the award of financial
3 assistance. The range shall be one (1) to ten (10) points, as follows:

4 (1) Those who died or disappeared and are still missing as a result of the internal
5 displacement shall be given ten (10) points.

6 (2) Those who were tortured, raped or sexually abused as an incident or
7 consequence of the internal displacement shall be given eight (8) to nine (9)
8 points.

9 (3) Those who were forced, intimidated, threatened or deceived as to cause them to
10 involuntarily flee or leave their homes or habitual place of residence shall be
11 given six (6) to nine (7) points.

12 (4) Those whose residence or place of abode were destroyed or damaged shall be
13 given three (3) to five (5) points.

14 (5) Those whose other properties and belongings were lost, destroyed or damaged
15 shall be given one (1) to two (2) points.

16

17 The CHR shall exercise its powers with due discretion in the determination of points
18 for each victim, which shall be based on the type of violation committed against the
19 IDPs, frequency and duration of the violation. In each category, IDPs who had
20 suffered more would receive more points. In instances where an IDP is classified in
21 more than one category, one shall be awarded the points in the higher category:
22 *Provided, That* in cases where there are several eligible claims filed for reparation by or
23 on behalf of a particular IDP, the Commission shall award only one (1) valid claim
24 which corresponds to the category obtaining the highest number of points for each
25 eligible claimant.

26

27 (b) The CHR shall then compute the final monetary value of one's award that is
28 equivalent to the numerical value of one point multiplied by the number of points
29 that a claimant is entitled to, as previously determined by the Commission.

30

31 **SECTION 20. *Non-Monetary Reparation.*—**The DOH, the DSWD, the Department
32 of Education (DepEd), the Commission on Higher Education (CHED), the Technical

1 Education and Skills Development Authority (TESDA), and such other agencies, shall
2 render necessary services as nonmonetary reparation for IDPs and their families as may
3 be determined, in coordination with CHR, pursuant to the provisions of this Act. The
4 amount for this purpose shall be sourced from the budget in the General Appropriations
5 Act of the agency rendering such service to IDPs and their families.

6
7 **SECTION 21. *Compensation.***—A court of competent jurisdiction shall determine the
8 damages inflicted against IDPs and direct the parties and agencies responsible for
9 arbitrary internal displacement to award monetary compensation under the following
10 circumstances:

11
12 (a) Where death of an individual victim occurs, the amount of fifty thousand pesos
13 (PhP50,000.00) shall be granted to the legal heirs of the victim as a death benefit.

14
15 (b) Where physical, emotional and psychological injury is caused to an individual victim,
16 actual and compensatory damages, including moral, nominal, exemplary and
17 temperate damages resulting from such injury, shall be paid to the victim. Upon a
18 finding of such injury, and apart from the compensation for actual, compensatory,
19 moral, nominal and/or temperate damages, such determination shall also include a
20 referral to the DOH and DSWD for appropriate interventions or services to include
21 psychosocial intervention and rehabilitation.

22
23 (c) Where loss of or damage to property of an individual victim occurs, the amount
24 corresponding to the fair market value of the property lost or destroyed or the
25 amount mutually agreed upon by the parties involved, whichever is higher, shall be
26 paid to the victim.

27
28 **SECTION 22. *Role of the CHR.***—The Commission on Human Rights shall be
29 designated as the institutional focal point for IDPs. As such, the Commission shall have
30 the following additional functions:

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

(b) To conduct public inquiries, document violations of human rights, 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 *1987 Philippine 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 Department of Justice or the Ombudsman, by virtue of Executive Order No. 163, Series of 1987.

(d) To cite any person in contempt for violations of the orders issued by them in accordance with the Rules of Court.

(e) To follow up on early warning and ensure effective measures to protect the civilian population against arbitrary internal displacement.

(f) 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.

(g) To undertake educational activities and training programs for State authorities, including the AFP.

(h) To hold public information drives on the protection and rights of IDPs, and foster IDP participation in the decision-making process regarding issues that concern them.

(i) To carry out such other acts that may be necessary to fully implement the purposes of this Act.

SECTION 23. *Joint Congressional Oversight Committee.*—A Joint Congressional Oversight Committee is hereby created, composed of the Chairman of the Senate Committee on Justice and Human Rights and seven (7) other Senators designated by the

Senate President, and the Chairman 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) from the Minority.

The Joint Congressional Oversight Committee shall also have the power to inquire into, summon and investigate the *orders of battle* and *watch lists*, as defined in this Act, as well as the legal and factual justifications for the inclusion of specific persons and groups in *orders of battle* and *watch lists*. In this regard, the Joint Congressional Oversight Committee may issue mandatory processes 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 *orders of battle* and *watch lists*. 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 *orders of battle* and *watch lists*.

The invocation of national security as a defense may not prevent the Joint Congressional Oversight Committee from inquiring into the factual and legal bases for the existence of *orders of battle* and *watch lists* or the inclusion of specific persons or groups in said *orders of battle* and *watch lists*. 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, public hearings will continue and appropriate recommendations shall thereafter be made by the Committee.

SECTION 24. *Monitoring of Compliance with this Act.*—An inter-agency coordinating committee shall be tasked to periodically monitor the compliance with this Act. The Committee shall be headed by the Chairperson of the Commission. Members of the group shall be composed of:

- (a) A representative from the DOJ, with the rank of Undersecretary;
- (b) A representative from the DSWD, with the rank of Undersecretary;

- 1
- 2 (c) A representative from the DOH, with the rank of Undersecretary;
- 3
- 4 (d) A representative from the Department of National Defense (DND), with the rank of
- 5 Undersecretary;
- 6
- 7 (e) A representative from the Department of Interior and Local Government (DILG),
- 8 with the rank of Undersecretary;
- 9
- 10 (f) A representative from the Office of Civil Defense or the NDRRMCC;
- 11
- 12 (g) A representative of human rights non-governmental organizations and other human
- 13 rights groups, nominated by a selection board composed of human rights groups and
- 14 non-governmental organizations;
- 15
- 16 (h) The Chairperson of the Committee on Justice and Human Rights of the Senate; and
- 17
- 18 (i) The Chairperson of the Committee on Justice of the House of Representatives.
- 19

20 The Committee shall work towards the collection of data on the number and conditions

21 of IDPs, leading to a registry that will aid the government in efficient planning and

22 policymaking regarding issues affecting IDPs.

23

24 The Committee shall likewise prioritize the releasing of immediate financial assistance,

25 allotted by its component agencies, to those affected by arbitrary internal displacement.

26

27 The Committee shall submit an annual report to the Joint Congressional Oversight

28 Committee herein created, thirty (30) days after the end of each fiscal year. Such annual

29 report shall be the basis for proposed amendments to existing legislation to improve the

30 conditions of internally displaced persons.

31

32 **SECTION 25. *Appropriations.***—The amount necessary for the initial implementation

33 of this Act shall be charged against the current year's appropriations of the CHR, the

34 DSWD, the DND and the DILG. Thereafter, such sums as may be necessary for the

1 continued implementation of this Act shall be included in the General Appropriations
2 Act.

3
4 **SECTION 26. *Implementing Rules and Regulations.***—The CHR shall issue the
5 necessary rules and regulations to implement the provisions of this Act within sixty (60)
6 days from its effectivity.

7
8 In the formulation of the rules and regulations, the CHR shall take the lead and
9 coordinate with the DOJ, DSWD, DOH, DND, DILG, NDRRMCC, Department of
10 Environment and Natural Resources (DENR), National Commission on Indigenous
11 Peoples (NCIP), Presidential Commission on Urban Poor (PCUP), Housing and Urban
12 Development Coordinating Council (HUDCC), National Housing Authority (NHA),
13 National Commission on Muslim Filipinos (NCMF) and consult with the local
14 government units concerned, human rights non-governmental organizations and
15 people's organizations.

16
17 **SECTION 27. *Separability Clause.***—If any part, section or provision of this Act is
18 held invalid or unconstitutional, other provisions not affected thereby shall remain in full
19 force and effect.

20
21 **SECTION 28. *Repealing Clause.***—All laws, decrees, orders, rules and regulations or
22 other issuances, which are inconsistent with the provisions of this Act, particularly those
23 in the *Philippine Disaster Risk Reduction and Management Act of 2010* (R.A. 10121), *Indigenous*
24 *Peoples' Rights Act of 1997* (R.A. 8371), Executive Order No. 163 series of 1987 and the
25 *Tariff and Customs Code of the Philippines, as amended*, are hereby repealed, amended or
26 modified accordingly.

27
28 **SECTION 29. *Effectivity.***—This Act shall take effect fifteen (15) days after its
29 publication in at least two (2) newspapers of general circulation.

Approved,