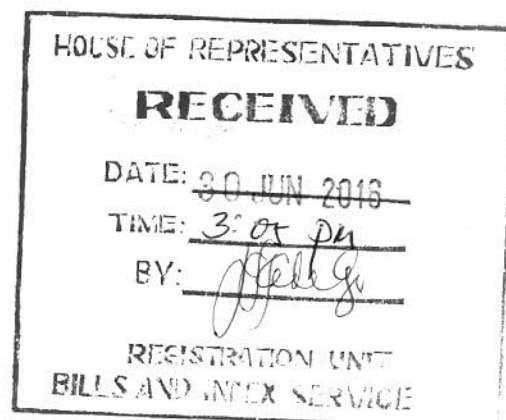


SEVENTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

HOUSE OF REPRESENTATIVES

H.B. No. 222



Introduced by Representative Herminio Harry L. Roque Jr.

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

EXPLANATORY NOTE

A humanitarian issue that has always been prevalent in the country is “internal displacement.” 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, 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.” It is a common phenomenon in the Philippines brought about mostly by long-standing insurgencies, as well as natural and man-made calamities, among others. 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.

It is the policy of the State to respect the dignity and human rights of every human person. This bill, which aims to promote and protect the rights of internally displaced

persons (IDPs), fulfills this policy. IDPs should not be considered merely as “collateral damage” of armed conflict or other humanitarian emergencies, as each one of us has a stake in human security and development. It is also sobering to note that every person in the country is susceptible to becoming an IDP.

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.



HERMINIO HARRY L. ROQUE, JR.
House of Representatives

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31 b. If displacement is inevitable, the authorities, pursuant to their respective
32 mandates and functions, shall ensure, to the greatest practicable extent, that proper
33 accommodation is effected in satisfactory conditions of safety, nutrition, water and sanitation,

health and hygiene, and that members of the same family, especially women and children, are not separated;

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

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

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

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

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

4) authorities concerned shall endeavor to involve those affected, particularly women, children, 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, lack of tenurial claim, or on any other similar criteria:

a. *Provision and Access to Basic Necessities.* – At the minimum, regardless of the circumstances, and without discrimination, and with special attention to gender sensitivity

1 and varying vulnerabilities competent authorities shall provide IDPs with and ensure safe
2 access to:

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

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

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

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

- 14 (i) murder;
- 15 (ii) hostage-taking;
- 16 (iii) summary or arbitrary execution and enforced disappearance, including
17 abduction or unacknowledged detention, threatening or resulting in death; and
- 18 (iv) unlawful confinement;
- 19 2) Attacks or other acts of violence against IDPs who do not or no longer
20 participate in hostilities shall be prohibited in all circumstances, without prejudice to being
21 held liable for any offense committed by them. In particular, IDPs shall be protected against:
 - 22 (i) direct or indiscriminate attacks or other acts of violence, including the creation
23 of areas wherein attacks on civilians are permitted;
 - 24 (ii) starvation as a method of combat;
 - 25 (iii) their being used to shield military objectives from attack, or to shield, favor or
26 impede the operations of the military, police or any armed group;
 - 27 (iv) attacks against any evacuation center, facility, encampment or other
28 settlements; and
 - 29 (v) use of anti-personnel landmines;

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

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

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

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

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

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

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

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

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

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

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

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

27 (ii) to seek freely opportunities for employment and to participate in economic
28 activities;

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

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

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

33 3) IDPs have the right to:

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

d. *Recognition, Issuance and Replacement of Documents.* – 1) The authorities concerned shall issue to the IDPs all documents necessary for the enjoyment and exercise of their legal rights. In particular, these authorities shall facilitate the issuance of new documents or the replacement of documents lost in the course of displacement, without imposing unreasonable conditions and without discrimination against men and women, who shall have equal rights to obtain and to be issued the same in their own names;

2) Within a reasonable time, the pertinent national authorities, in close collaboration with the LGUs exercising territorial jurisdiction over the affected area/s shall establish a “one-stop shop” for all documentation and registration needs of IDPs, which shall be set up at a convenient location for IDPs, such as an evacuation center.

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

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

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

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

Competent authorities shall also provide due respect to cultural sensitivities and religious beliefs of certain IDPs, in the care and disposition of the deceased; and

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

3 f. *Health and Education.* – 1) Certain IDPs, such as children, especially
4 unaccompanied minors, expectant mothers, mothers with young children, female heads of
5 households, persons with disabilities, elderly persons and other vulnerable, disadvantaged
6 and marginalized groups or individuals shall be entitled to protection and assistance required
7 by their condition and to treatment which takes into account their special needs;

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

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

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

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

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

27 1) pillage or looting;

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

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

30 4) being made the object of reprisal;

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

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

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

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

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

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

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

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

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

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

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

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

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

19 SEC. 14. *Penalties.* – a. The penalty of *reclusion temporal* in its minimum to medium
20 period shall be imposed upon any person or group of persons who commit the following:

- 21 1) Those who directly commit the act of arbitrary internal displacement;
- 22 2) Those who directly force, instigate, encourage, induce or incite others to
23 commit the act of arbitrary internal displacement;
- 24 3) Those who cooperate in the act of arbitrary internal displacement by
25 committing another act, without which the act of arbitrary internal displacement would not
26 have been carried out;
- 27 4) Those who cooperated in the execution of the act of arbitrary internal
28 displacement by previous or simultaneous acts; and
- 29 5) Those commanding officers of the military, police or other law enforcement
30 agencies or other authorities, for acts of arbitrary internal displacement committed by forces
31 under their effective command and control, or effective authority and control as the case may
32 be, as a result of their failure to exercise proper control over such forces, where the
33 commanding officers or authorities knew or, owing to the circumstances at the time, should

1 have known that the forces were committing or about to commit such crimes, and failed to
2 take all necessary and reasonable means within their power to prevent or repress their
3 commission, or to submit the matter to competent authorities for investigation and
4 prosecution.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 SEC. 19. *Civil Liabilities.* - Any public officer or employee, or any private person,
21 who directly or indirectly obstructs, defeats, violates or in any manner impedes or impairs
22 any of the rights and liberties of another person enunciated in this Act shall be liable to the
23 latter for damages.

24 SEC. 20. *Financial Assistance to IDPs.* - Whenever human rights violations are
25 caused to the IDPs as incidents or consequences of arbitrary internal displacement, the
26 necessary financial assistance for their return; local integration; or resettlement elsewhere
27 shall be provided.

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

32 Receipt of such financial assistance shall be without prejudice to the amount of
33 assistance granted under other government programs, such as the Victims' Compensation

1 Program of the Department of Justice (DOJ) by virtue of Republic Act No. 7309, the relief
2 assistance to IDPs by the DSWD, the DOH, and other similar programs which may be made
3 available to the IDPs under existing laws, rules and regulations.

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

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

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

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

17 c. To investigate, on its own or on complaint by any party, all forms of human
18 rights violations against IDPs involving civil and political rights, in accordance with Section
19 18(1) of Article XIII of the Constitution, and when found in the investigation that the filing of
20 a case in court is warranted, request the assistance of any department, bureau, office or
21 agency, such as the National Prosecution Service of the DOJ or the Ombudsman, by virtue of
22 Executive Order No. 163, series of 1987;

23 d. To render financial assistance at its sole discretion, and to issue necessary
24 guidelines to implement the same;

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

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

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

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

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

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

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

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

13 a. To render psycho-social interventions and similar services to IDPs;

14 b. To facilitate linking IDPs to employment opportunities, support services and other
15 livelihood programs, in cooperation with other government agencies, such as, but not limited
16 to, the Department of Agriculture (DA), Department of Agrarian Reform (DAR) and the
17 Department of Trade and Industry (DTI);

18 c. To provide capital assistance to IDPs, who wish to start their respective trade or
19 business , subject to reasonable rules and regulations; and

20 d. To carry out such other acts that may be necessary to fully implement the
21 aforementioned functions.

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

29 The Joint Congressional Oversight Committee shall also have the power to inquire
30 into, summon and investigate the Orders of Battle as defined under this Act, and/or any
31 document of similar nature, as well as the legal and factual justifications for the inclusion of
32 specific persons and groups in said Orders of Battle or similar documents. In this regard, the
33 Joint Congressional Oversight Committee may issue mandatory process directing the

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

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

14 SEC. 25. *Monitoring of Compliance.* – An inter-agency coordinating committee shall
15 be tasked to periodically monitor the compliance with this Act. The Committee shall be
16 headed by the Chairperson of the CHR. Members of the group shall be composed of:

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

19 b. A representative, with the rank of Undersecretary, from the Department of
20 National Defense;

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

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

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

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

29 g. A representative from the National Commission on Muslim Filipinos;

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

31 i. A representative from the Office of the Presidential Adviser on the Peace Process
32

j. A representative of IDP-oriented human rights non-governmental organizations (NGOs) and other human rights groups of the same nature, nominated by a selection board composed of human rights groups and NGOs;

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

l. The Chairperson of the Committee on Human Rights of the House of Representatives; and

m. The Chairperson of the Committee on Justice of the House of Representatives.

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

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

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

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

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

In the formulation of the rules and regulations, the CHR shall take the lead and coordinate with DSWD, DND, DILG, DOH, DOJ, Department of Environment and Natural Resources (DENR), AFP, Philippine National Police (PNP), Philippine Commission on Women (PCW), Council for the Welfare of Children (CWC), National Commission on Indigenous Peoples (NCIP), National Commission On Disability Affairs (NCDA), Presidential Commission on Urban Poor (PCUP), Housing and Urban Development Coordinating Council (HUDCC), National Disaster Risk Reduction and Management Council (NDRRMC), National Housing Authority (NHA), NCMF and consult with the LGUs

1 concerned, relevant human rights non-governmental organizations and people's
2 organizations.

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

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

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

12 Approved,