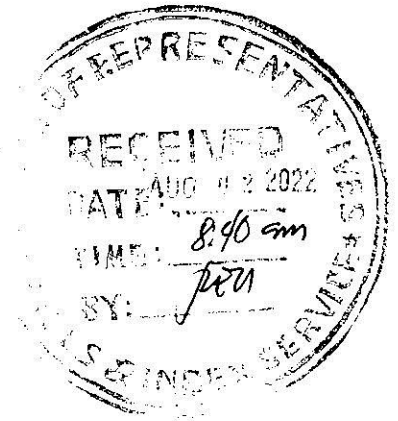


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

19TH CONGRESS
First Regular Session

HOUSE BILL NO. 2974



**INTRODUCED BY REPRESENTATIVE ZIAUR-RAHMAN "ZIA" ALONTO ADIONG and
REPRESENTATIVE YASSER ALONTO BALINDONG**

EXPLANATORY NOTE

The Philippines is situated in East Asia's typhoon belt and the Pacific Ring of Fire, and with climate change, natural calamities such as storms, typhoons and earthquakes, and volcanic activities often trigger displacements. Furthermore, internal conflicts also exist due to rebellion and intercommunal violence, especially in the southern part of Mindanao. In 2021 alone, the Internal Displacement Monitoring Center estimated that there are 140,000 cases of internal displacements that are associated with conflict and violence in the country, while another 5,681,000 cases of internal displacements are due to natural or man-made disasters.¹

As a framework to safeguard the rights of the internally displaced persons (IDPs) and protect them against enforced or involuntary displacement, the United Nations Commission on Human Rights (UNHCR) formulated the United Nations Guiding Principles on Internal Displacement (UNGPID). The UNGPID provides that "the national governments have the primary duty to provide humanitarian assistance to displaced population".

Section 11 of Article II of the 1987 Constitution emphasizes that the State values the dignity of every human person and guarantees full respect for human rights. Furthermore, Section 1, Article XIII of the 1987 Constitution likewise provides that Congress shall give highest priority to the enactment of measures to protect and enhance the rights of all people to human dignity, reduce social, economic, and political inequalities, and remove cultural inequities by diffusing wealth and political power for the common good.

The proposed measure seeks to establish a comprehensive human rights-based approach on internal displacement, consistent with the provisions of the 1987 Constitution and the UNGPID.

In view of the foregoing, immediate approval of this bill into law is earnestly sought.


HON. ZIAUR-RAHMAN "ZIA" ALONTO ADIONG
Representative, 1st District, Lanao del Sur


HON. YASSER ALONTO BALINDONG
Representative, 2nd District, Lanao del Sur

¹ "Figures Analysis 2021 – Philippines," Internal Displacement Monitoring Centre, May 19, 2022, <https://www.internal-displacement.org/sites/default/files/figures-analysis-2021-philippines>.

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INTRODUCED BY REPRESENTATIVE ZIAUR-RAHMAN "ZIA" ALONTO ADIONG and
REPRESENTATIVE YASSER ALONTO BALINDONG

AN ACT
PROTECTING THE RIGHTS OF INTERNALLY DISPLACED PERSONS

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 "Internally Displaced Persons Act of 2022".

Section 2. Declaration of Principles and State Policies. – Consistent with the principles enshrined in the 1987 Constitution, the standards set by international humanitarian law and human rights law, international treaties and conventions adhered to by the Philippines, including the United Nations' Guiding Principles on Internal Displacement (UNGPID), it is 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 or organized violence, clan wars, violations of human rights, implementation of development projects, pandemics, natural, human-induced and human-made hazards.

In the event of a domestic armed conflict or natural and man-made calamities, the State shall ensure the promotion and protection of the rights of the internally displaced persons or group of persons (IDPs) in accordance with international humanitarian law and international human rights laws.

The State shall likewise ensure that the IDPs shall be protected from any form of discrimination or persecution and shall prioritize their rehabilitation and reintegration to society.

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

- (i) *Clan wars* refers to any conflict that may arise between members of different indigenous groups, indigenous cultural communities, or clans, or between and among members of the same indigenous groups, cultural community or clan.
- (ii) *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.
- (iii) *Generalized and/or organized violence* refers to the purposeful and systematic use of terror and brutality to control individuals, groups and communities through the use of overwhelming force, and characterized by widespread, massive or sufficient intensity, causing arbitrary internal displacement of persons or communities.
Its methods include causing severe pain and suffering, killing, intimidating, threatening, and, in some cases, destroying a community, ethnic group or political opposition.

- (iv) *Implementation of development projects* refers to the carrying out of any undertaking or activity aimed at economic or political growth, advancement and expansion that results or may result to arbitrary internal displacement of persons; *Provided,* That the term does not include legitimate resettlement schemes and/or programs.
- (v) *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 project, natural, human-induced and human-made hazards.
- (vi) *Internally displaced person or group of persons (IDP)* refers to any person or group of persons who has or have been forced or obliged to 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.
- (vii) *Order of Battle* refers to any document made by the military, police or any law enforcement agency of the government, listing the names of persons and organizations that are perceived to be enemies of the State and are considered as legitimate targets as combatants that it could deal with, through the use of means allowed by domestic and international law.

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

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

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

Section 6. Rights During and After Displacement. – The following rights shall be afforded to IDPs during and after their displacement, without discrimination of any kind, such as those based on race, color, sex, language, religion or belief, political or other opinion, national, ethnic or social origin, legal or social status, age, disability, property, birth or any other similar criteria:

- (a) **Provision and Access to Basic Necessities.** – At the minimum, regardless of the circumstances, and without discrimination, competent authorities shall provide IDPs with and ensure safe access to:
 - (1) essential and adequate food and nutrition and potable water;
 - (2) basic shelter and housing;
 - (3) appropriate clothing; and
 - (4) essential medical and dental services and sanitation, including psychological and social services and essential drugs and medicines;

(b) Protection Against Criminal Offenses and Other Unlawful Acts. –

- (1) It shall be prohibited to commit any of the following acts against IDPs in all circumstances:
 - i. murder;
 - ii. hostage taking;
 - iii. summary or arbitrary execution and enforced disappearance, including abduction or unacknowledged detention, threatening or resulting in death; and
 - iv. unlawful confinement;
- (2) Attacks or other acts of violence against IDPs who do not or no longer participate in hostilities shall be prohibited in all circumstances, without prejudice to being held liable for 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 military, police or any armed group;
 - iv. attacks against any evacuation center, facility, encampment or other settlements; and
 - v. use of anti-personnel landmines;
- (3) 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 forms 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 (1) and (3) herein shall be prohibited;
- (4) IDPs shall not be interned in or confined in any evacuation center, facility, encampment or other 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
- (5) 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 noncompliance with recruitment shall be prohibited in all circumstances;

(c) Freedom of Movement. –

- (1) 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;
 - (2) 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;
 - (3) IDPs have the right to:
 - i. seek safety in another part of the country;
 - ii. leave the country;
 - iii. seek asylum in another country; and
 - iv. be protected against forcible return to resettlement in any place where their lives, safety, liberty and/or health would be at risk;
- (d) Recognition, Issuance and Replacement of Documents. – The authorities concerned shall issue to the IDPs all documents necessary for the enjoyment and exercise of their legal rights. In particular, these authorities shall facilitate the issuance of new documents or the replacement of documents lost in the course of displacement, without imposing unreasonable conditions and without discrimination against men and women, who shall have equal rights to obtain and to be issued the same in their own names;
- (e) Family Unity and Missing Persons. –
- (1) Members of internally displaced families who wish to remain together shall be allowed to do so. Families that are separated by displacement and whose personal liberty have been restricted by internment or confinement in any evacuation center, facility, encampment or other settlements should be reunited immediately, with appropriate measures taken to expedite the reunion, particularly when children are involved;
 - (2) The State shall encourage cooperation among international and local humanitarian organizations engaged in the task of family reunification;
 - (3) The authorities concerned shall endeavor to establish the fate and whereabouts of IDPs reported missing and cooperate with relevant international organizations engaged in this task. They shall inform the next-of-kin on the progress of the investigation and notify them of any result;
 - (4) The authorities concerned shall endeavor to collect and identify the mortal remains of the deceased, prevent their despoliation or mutilation and facilitate the return of those remains to the next-of-kin or dispose of them respectfully; and
 - (5) Grave sites of IDPs shall be protected and respected in all circumstances and shall have the right to access to the grave sites of their deceased relatives;
- (f) Health and Educations. –
- (1) Certain IDPs, such as children, especially unaccompanied minors, expectant mothers, mothers with young children, female heads of households, PWDs and elderly persons, shall be entitled to protection and assistance required by their condition and to treatment which takes into account their special needs;
 - (2) All wounded and sick IDPs, as well as those with disabilities, shall receive to the fullest extent practicable and with the least possible delay the medical care and attention they require without distinction on any ground other than the

medical ones. When necessary, IDPs shall have access to psychological and social services and such other forms of assistance necessary for them;

- (3) Special attention shall be paid to the health needs of women, including access to comprehensive female health care services, to be provided whenever feasible by female health care providers, as well as appropriate counseling and other services for victims of sexual and other abuses;
- (4) Special attention shall also be given to the prevention of contagious and infectious diseases, including acquired immunodeficiency syndrome (AIDS), among IDPs; and
- (5) The authorities concerned shall ensure that IDPs, in particular, displaced children, receive education that shall be free and compulsory at the primary level. Special efforts shall be made to ensure the full and equal participation of women and girls in educational programs, and that respect for their cultural identity, language and religion, educational and training facilities shall be made available to them as soon as circumstances permit; and

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

- (1) Pillage or looting;
- (2) Direct and indiscriminate attacks or other acts of violence;
- (3) Being used to shield military operations or objectives;
- (4) Being made the object of reprisal;
- (5) Being destroyed or appropriated as a form of collective punishment; and
- (6) Destruction, arbitrary and illegal appropriation, occupation or use.

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

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

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

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

Section 8. Return, Local Integration or Resettlement Elsewhere. – Competent authorities, such as the military and law enforcement agencies conducting operations, the DSWD, the DOH, the local government hospitals, the LGUs concerned and other appropriate government agencies, shall have the primary duty and responsibility to establish conditions and provide means for IDPs to return voluntarily, in safe and with dignity, to their homes or places of habitual residence, or to resettle voluntarily in places of refuge and/or in another part of the country, taking into consideration the rights of IDPs to choose a residence.

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

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

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

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

Section 10. *Applicability of the Revised Penal Code and Special Penal Laws.* - The provisions of the Revised Penal Code and other relevant special penal laws, insofar as they are applicable, shall be suppletory to this Act.

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

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

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

Section 13. *Nonmonetary Reparation.* - The DOH, the DSWD, the Department of Education (DepED), the Commission on Higher Education (CHED), the Technical Education and Skills Development Authority (TESDA) and such other agencies shall render necessary services as nonmonetary reparation for the IDPs and their families as may be determined, in coordination with the CHR, pursuant to the provisions of this Act.

Section 14. *Role of the CHR.* - The CHR shall monitor and investigate human rights violations against the IDPs to ensure protection of their rights during and after displacement.

Section 15. *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 other 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 continue, and appropriate recommendations shall thereafter be made by the Committee.

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

- (a) A representative, with the rank of Undersecretary, from the Department of Social Welfare and Development;
- (b) A representative, with the rank of Undersecretary, from the Department of National Defense (DND);
- (c) A representative, with the rank of Undersecretary, from the Department of Interior and Local Government (DILG);
- (d) A representative, with the rank of Undersecretary, from the Department of Health;
- (e) A representative, with the rank of Undersecretary, from the Department of Justice;
- (f) A representative from the Office of Civil Defense/National Risk Reduction and Management Council (NDRRMC);
- (g) A representative from the National Commission on Indigenous Peoples;
- (h) A representative of human rights nongovernmental organization (NGOs) and other human rights groups, nominated by a selection board composed of human rights groups and NGOs;
- (i) The Chairperson of the Committee on Justice and Human Rights of the Senate;
- (j) The Chairperson of the Committee on Human Rights of the House of Representatives; and
- (k) The Chairperson of the Committee on Justice of the House of Representatives.

The Committee shall work towards the collection of data on 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 IDPs.

Section 17. *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 DND and the DILG. Thereafter, such sums as may be necessary for the continued implementation of this Act shall be included in the GAA.

Section 18. *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 the DSWD, the DND, the DILG, the DOH, the DOJ, the Department of Environment and Natural Resources (DENR), the AFP, the Philippine National Police (PNP), the Philippine Commission on Women (PCW), the Council for the Welfare of Children (CWC), the National Commission on Indigenous Peoples (NCIP), the National Commission on Disability Affairs (NCDA) , the Presidential Commission on Urban Poor (PCUP), the Housing and Urban Development Coordinating Council (HUDCC), the NDRRMC, the National Housing Authority (NHA) and consult with the LGUs concerned, human rights nongovernmental organizations and people's organizations.

Section 19. *Separability Clause.* – If any part or provision of this Act shall be declared unconstitutional or invalid, the other provisions hereof which are not affected thereby shall remain in full force and effect.

Section 20. *Repealing Clause.* – All laws, decrees, executive orders, memorandum orders, memorandum circulars, administrative orders, ordinances or parts thereof which are inconsistent with the provisions of this Act are hereby deemed repealed or modified accordingly.

Section 21. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of national circulation.

Approved,