

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



HOUSE OF REPRESENTATIVES

*Introduced by Representative Rufus B. Rodriguez and
Representative Maximo B. Rodriguez, Jr.*

House Bill No. **1504**

EXPLANATORY NOTE

This bill was approved by the House of Representatives during the 19th Congress.

Internally displaced persons (IDPs) are described as those “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. IDPs are differentiated from refugees in that the latter “flee across international frontiers with a well-founded fear of persecution based on racial, religious, national, social or political grounds.” IDPs do not enjoy adequate protection and assistance compared to their counterparts who crossed an internationally recognized border. They therefore experience suffering, neglect and deprivation.

The Philippines has a high number of internally displaced persons and among the top forty (40) countries all over the world where internal displacement is considered as a significant phenomenon. According to the Internal Displacement Monitoring Center, there are a total of 301,000 IDPs in 2018, with a very high percentage of this in Southern Mindanao.

The United Nations Guiding Principles on Internal Displacement were formulated to recognize and respect the rights of IDPs to be protected against enforced or involuntary displacement, at the instance of the United Nations Commission on Human Rights (UNCHR). The Philippines, having been one of the original signatories of the Universal Declaration of Human Rights, does not have an existing government mechanism to prevent the occurrence of internal displacement are merely considered as collateral damages.

The measure seeks to localize the guiding principles on internal displacement set forth by the United Nations. Through this proposal, the Government shall be able to establish a mechanism to support victims of internal displacement in armed conflict, to be able to ensure that the rights and lives of its citizens shall not be placed at risk.

Thus, the immediate approval of this Bill is earnestly sought.


RUFUS B. RODRIGUEZ


MAXIMO B. RODRIGUEZ, JR.

HOUSE OF REPRESENTATIVES

*Introduced by Representative Rufus B. Rodriguez and
Representative Maximo B. Rodriguez, Jr.*

House Bill No. **1504**

AN ACT

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

*Be it enacted by the Senate and the House of Representatives of the Philippines in
Congress so 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 1987 Constitution, the standards set by the International Humanitarian Law (IHL) and human rights laws, international treaties and conventions adhered to by the Philippines, and international customary law, including the United Nations’ Guiding Principles on Internal Displacement (UNGPID), and other humanitarian standards, it is hereby declared a State policy to adopt a human rights-based approach for the promotion and protection of the rights of internally displaced persons (IDPs) 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.

When armed conflict of a non-international character is inevitable, the State shall ensure the promotion and protection of the rights of the citizens who are non-combatants and who shall enjoy in full equality, the same rights and freedom 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.

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.

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

(a) *Apartheid* refers to inhumane acts committed in the context of an institutionalized regime of systematic oppression and domination by one (1) racial group or groups and committed with the intention of maintaining that regime;

(b) *Arbitrary Internal Displacement* refers to an act of displacement or any other coercive act committed by any person or group/s of persons and directed against the civilian population, which is contrary to law, good morals, public order, or public policy, or committed with abuse of authority, oppressive or wanton disregard of the right to life, liberty or property and abode of the residents, whether permanent or temporary, of an area in which they are lawfully present, which causes displacement and characterized by those situations as defined under Section 8 of this Act;

(c) *Armed Conflict* refers to any use of force or armed violence between States or protracted

armed violence between governmental authorities and organized armed groups or between such groups within that State: *Provided*, That such force or armed violence gives rise, or may give rise, to a situation to which the Geneva Conventions of 12 August 1949, including their common Article 3, apply;

Armed conflict may be international, that is, between two (2) or more States, including belligerent occupation; or non-international, that is, between governmental authorities and organized armed groups or between such groups within a State. It does not cover internal disturbances or tensions such as riots, isolated and sporadic acts of violence, or other acts of a similar nature;

(d) *Children* refer to persons below eighteen (18) years of age or those over but are unable to fully take care of themselves or protect themselves from abuse, neglect, cruelty, exploitation, or discrimination because of a physical or mental disability or condition;

(e) *Conflict-affected Areas* refer to communities where (a) there are actual armed encounters between the government forces and political armed groups, or (b) where political armed groups dominate the state of affairs of the community, or (c) where other forms of violent conflicts exist;

(f) *Conflict-vulnerable Areas* refer to communities that are proximate to conflict-affected areas, where possible side-stepping of armed group or groups is imminent. It can also include geographically isolated and disadvantaged areas (GIDA) whose resources, actual or symbolic, are deemed valuable by the political armed group;

(g) *Clan War* refers to any conflict characterized by sporadic outbursts of retaliatory violence between and among families, kinship groups, and communities;

(h) *Durable Solution* refers to a situation where the internally displaced persons no longer have any specific assistance and protection needs that are linked to their displacement and can enjoy their human rights without discrimination on account of their displacement;

(i) *Enforced Disappearance* refers to the arrest, detention, abduction or any other form of deprivation of liberty committed by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which places such person outside the protection of the law;

(j) *Ethnic Cleansing* refers to an act of one ethnic or religious group to remove the civilian population of another ethnic or religious group from a certain geographic area by using force, threat, or intimidation, or deception to a person or groups of peoples in areas ethnically homogenous, such as Indigenous Cultural Communities/Indigenous People (ICCs/IPs), or religious groups to be removed from a given area, their place of abode or territories that they have occupied since time immemorial;

(k) *Generalized and/or Organized Violence* refers to the purposeful and systematic use of terror and brutality to control individuals, groups and communities, using overwhelming force, and is 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;

(l) *Imperative Military Necessity* refers to the principle of military necessity in International Humanitarian Law, which permits measures that are actually necessary to accomplish a legitimate military purpose and are not otherwise prohibited in international humanitarian law;

(m) *Implementation of Development Projects* refers to the carrying out of any undertaking or activity aimed at economic, social, or political growth, advancement, and expansion that results or may result in the arbitrary internal displacement of persons: *Provided*, That the term does not include projects that have undergone consultation with and secured the consent of the affected communities and those that are legitimate resettlement schemes and/or programs, including expropriation of property by the government;

Reference to the *Kampala Convention* shall serve as guide in the State's obligations in development projects, which states that:

1. States Parties, as much as possible, shall prevent displacement caused by projects carried out by public or private actors;
2. States Parties shall ensure that the stakeholders concerned will explore feasible alternatives, with full information and consultation of persons likely to be displaced by projects; and
3. States parties shall carry out a socio-economic and environmental impact assessment of a proposed development project prior to undertaking such a project.

(n) *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;

(o) *Internally Displaced Person (IDP)* refers to any person or group of persons who has or have been forced or obliged to flee or to leave their homes or places of habitual residence within the national borders and who have not crossed an internationally recognized State border, 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, clan wars, natural, human-induced and human-made hazards;

(p) *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;

(q) *Sexual Abuse* means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions;

(r) *Sexual Exploitation* means any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially, or politically from the sexual exploitation of another; and

(s) *Vulnerable and Marginalized Groups* refer to those that face higher exposure to disaster risk and poverty including, but not limited to, women, children, youth, elderly, persons with disabilities (PWDs) and indigenous cultural communities or indigenous peoples.

SEC. 4. Scope. – This Act shall primarily provide for the protection of rights of IDPs during and after displacement, as well as their safe, voluntary, and dignified return, local integration, or resettlement elsewhere in the country. 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 and/or organized violence, violations of human rights, implementation of development projects, natural, human-induced, and man-made hazards.

This Act covers relevant domestic laws, such as Republic Act No. 11188, or the “Special Protection of Children in Situations of Armed Conflict Act”, Republic Act No. 8371 or the “Indigenous Peoples’ Rights Act of 1997”, Republic Act No. 9851 or the “Philippine Act on Crimes Against International Humanitarian Law, Genocide, and Other Crimes Against Humanity”, and Republic Act No. 10821 or the “Children’s Emergency Relief and Protection Act”, among others.

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 or the “Climate Change Act of 2009”, Republic Act No. 10121 or the “Philippine Disaster Risk Reduction and Management Act of 2010”, Republic Act No. 10821, or the “Children’s Emergency Relief and Protection Act”, Republic Act No. 11188, or the Special Protection of Children in Situations of Armed Conflict Act-and other relevant laws.

SEC. 5. *Primary Duty to Protect the IDPs.* – The State has the primary duty and responsibility to provide protection and humanitarian assistance to IDPs. 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 IHL, human rights laws, and other relevant domestic laws, so as to prevent and avoid conditions that might lead to the arbitrary internal displacement of persons.

SEC. 6. *Protection of Rights of IDPs During and After Displacement.* - Internally displaced persons shall enjoy, in full equality, the same rights and freedoms under international and domestic law as do other persons in the Philippines. They shall not be discriminated against in the enjoyment of any rights and freedoms on the ground that they are internally displaced, or on any grounds such as race, color, sex, language, religion or belief, political or other opinion, national, ethnic or social origin, legal or social status, age disability, property, birth, or on any other similar criteria.

The following rights of IDPs shall be protected and upheld during and after their displacement whether found inside or outside evacuation centers:

(a) *Provision and Access to Basic Necessities.* – At the minimum, regardless of the circumstances, and without discrimination, the national and local governments shall provide IDPs with and ensure safe access to:

- (1) Essential and adequate food and nutrition;
- (2) Water sanitation, hygiene facilities, including menstrual hygiene management requirements, and potable water;
- (3) Dignified, adequate, and safe shelter and housing in accordance with international and domestic standards;
- (4) Legal assistance such as, but not limited to, legal advice and documentation;
- (5) Appropriate clothing;
- (6) Essential medical and dental services and sanitation, including psychological and social services and essential drugs and medicines;
- (7) Other humanitarian needs, including support to persons with specific needs, child-and

mother-friendly facilities, to include but not limited to breastfeeding stations, temporary learning places, place of worship; and

- (8) Due consideration in the processing of permits in the use of parcels of lands for temporary residential or commercial use by IDPs; and
- (9) Mitigation, prevention and response measures to protect displaced populations especially women, children, youth, among others, from all forms of violence, exploitation, abuse, neglect, and discrimination;

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

- (1) It shall be unlawful 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 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 settlement. If in exceptional circumstances such internment or confinement is necessary, it shall not last longer than what is required by the circumstances, as may be determined by the Commission on Human Rights (CHR), in close coordination and consultations with the military and law enforcement agencies conducting operations, and other concerned agencies of the government; and
- (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 choose residence and move freely in and out of any evacuation center, encampment or other settlements. Restrictions on movement shall be introduced only in exceptional circumstances, such as national emergencies, pandemics, and those of similar nature, subject to any lawful and reasonable order which must be issued in writing by the government;
- (2) IDPs, whether or not they are living in an evacuation center, encampment or other settlements, including home-based settings, shall not be discriminated against in the enjoyment of the rights to:
 - (i) enjoy freedom of thought, conscience, religion or belief, opinion and expression;
 - (ii) seek freely opportunities for employment and to participate in economic activities;
 - (iii) associate freely and participate equally in community affairs;
 - (iv) vote and participate in governmental and public affairs, including the right to have access to the means necessary to exercise these rights; and
 - (v) 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 or 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, such as requiring the return to one's area of habitual residence in order to obtain their documents and without discrimination against men and women, who shall have equal rights to obtain and to be issued the same in their own names: *Provided however*, That pending the release or access of such documentation from the authorities, the enjoyment and exercise of legal rights of the IDPs will not be suspended;

(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 facilitate inquiries made by family members and encourage and cooperate with the work of international and local humanitarian organizations engaged in the task of family reunification such as the International Committee of the Red Cross (ICRC) and the International Red Cross and Red Crescent Movement (IRCM);
- (3) IDPs have the right to know the status and whereabouts of their missing relatives. The authorities concerned shall endeavor to establish the status 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 according to customs and tradition; and
- (5) Grave sites of IDPs shall be protected and respected in all circumstances and shall have the right of access to the grave sites of their deceased relatives;

(f) Health and Education. –

- (1) Certain IDPs, such as children, especially unaccompanied minors, expectant and breastfeeding mothers, mothers with young children, female heads of households, PWDs and elderly persons, and other vulnerable groups, 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 psychiatric care, 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, girls and lesbians, gays, bisexuals, transgenders and queer community (LGBTQs), including access to comprehensive reproductive health care services and hygiene support, 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 health emergencies, contagious and infectious diseases, among IDPs; and
- (5) The authorities concerned shall ensure that IDPs, in particular, displaced children, receive education that are free and compulsory at the early and basic education. Special efforts shall be made to ensure the full and equal participation of women and children including those with disabilities in educational programs, and that respect for their cultural identity, language and religion, educational and training facilities shall be made available to them whether or not they are living in evacuation facilities, encampments, or other settlements, as soon as circumstances permit;

(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 or omission;

- 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.

(h) *Right to Participation.*- IDPs, including children, shall have the right to actively participate in the planning and management of their displacement situation as well as return, local integration, or settlement elsewhere. In addition, IDPs shall be provided with conditions to facilitate the exercise of their right to political participation. 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.

SEC. 7. Assistance During Displacement of IDPs. – The primary duty and responsibility for providing humanitarian assistance to IDPs lie with the State, 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.

The Public Attorney's Office (PAO) shall immediately coordinate with the abovementioned agencies for the provision of legal assistance to the IDPs.

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

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

SEC. 8. Prohibited Acts of Arbitrary Internal Displacement. – The prohibited acts of arbitrary internal displacement shall include those committed:

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

(b) in situations of armed conflict, unless the safety and security of civilians and non-combatants are involved or imperative military reasons so demand;

(c) in cases of development projects, which have not secured the Free and Prior Informed Consent of the concerned ICCs/IPs or those which are not justified by compelling and overriding public interest and with proper implementation of return, local integration, or resettlement elsewhere of affected IDPs, including just compensation in view of expropriation proceedings;

(d) in cases of natural, human-induced, and man-made hazards, unless the safety, security, and health of those affected require their evacuation;

(e) when used as a form of collective punishment;

(f) in cases of clan wars, unless the safety and security of those civilians not involved in the conflict or violence are endangered; and

(g) in cases where there is malice, bad faith, gross negligence, or in any manner causes a willful violation of the rights granted herein and other similar rights provided by international human rights law and domestic laws and policies.

An Order of Battle or any document of similar nature issued by the military or any law enforcement agency of the government shall not justify arbitrary internal displacement and shall subject the perpetrators to the penalties provided herein.

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

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

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

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

(c) Minorities, peasants, pastoralists, PWDs and other groups with special dependency on and attachment to their lands shall be protected from arbitrary internal displacement.

ICCs/IPs shall be protected from arbitrary internal displacement. When displacement is considered necessary as an exceptional measure, it shall take place only with the free and prior informed consent (FPIC) of ICCs/IPs concerned pursuant to the provisions of Republic Act No. 8371 and existing guidelines on FPIC.

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

- (1) Specific decision which 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, 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; with proper observance of due process and respect for human rights; and
- (6) The right to an effective remedy, including the review of such decisions by appropriate judicial authorities, shall be respected.

SEC. 10. *Permanent Prohibition Against Arbitrary Internal Displacement.* – The prohibition against 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. 11. *Early Recovery Plan.* – All LGUs shall craft their Early Recovery Plans (ERP) under the supervision of the Department of Interior and Local Government (DILG).

In this regard, the appropriate bureau under the DILG and the CHR shall jointly design the mechanism for providing technical assistance to LGUs, monitoring the compliance of LGUs, and conducting the periodic review of the ERPs.

The authorities concerned shall endeavor to involve those belonging in the vulnerable and marginalized sector in the planning and management of their return, local integration or resettlement elsewhere.

SEC. 12. *Return, Local Integration or Resettlement.*– Competent authorities, such as the military and law enforcement agencies conducting operations, the DSWD, the DOH, the LGUs concerned, and other relevant government agencies, shall have the primary duty and responsibility to establish conditions and provide durable solutions as means for IDPs to return voluntarily, in safety 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 right of IDPs to choose a residence.

The CHR, through inclusive and extensive consultation, shall formulate a National Strategy on Solutions to Internal Displacement, which will be presented for adoption by the Inter-agency Coordinating Committee.

The National Strategy shall be evaluated five years from its adoption which shall be the basis for the enhancement of the subsequent National Strategy.

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

SEC. 13. *Development of Host Communities.* – The State shall undertake the continuous development of host communities by ensuring that the relevant socio-economic, infrastructure and public works, and other development and investment plans, programs, and funding adequately and proportionately include the specific needs and requirements of these communities and localities.

SEC. 14. *Mechanisms for International Humanitarian Assistance.* – International humanitarian organizations, their local counterparts and other appropriate actors shall have the right to offer their services, including humanitarian assistance, in support of the IDPs. 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.

All authorities shall grant and facilitate the free passage of humanitarian assistance and grant persons engaged in the provision of such assistance rapid and unimpeded access to the IDPs.

All humanitarian organizations and agencies which provide assistance to IDPs 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. Such organizations conducting operations in any emergency-affected areas, or are directly or indirectly interacting with the IDPs, are prohibited from committing any acts of sexual exploitation and sexual abuse such as but not limited to: (a) sexual activity with children, as defined under existing laws; (b) use of sex in exchange of money, employment, goods or services including hiring of prostitutes, and (c) any sexual relationship with beneficiaries that involves improper use of position or authority. Humanitarian or aid workers shall uphold their duty of care towards the

displaced populations and shall maintain the trust of the communities being served. They are obliged to create and maintain an environment which prevents sexual exploitation and abuse.

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, as regards national internal revenue taxes and import duties of national and local government agencies, and the prevailing provisions of the General Appropriations Act (GAA).

SEC. 15. *Penalties.* –

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

- (1) Those who directly commit the act of arbitrary internal displacement;
- (2) Those who directly force, instigate, encourage, induce or incite others to commit the act of arbitrary internal displacement;
- (3) Those who cooperate in the act of arbitrary internal displacement by committing another act, without which the act of arbitrary internal displacement would not have been carried out;
- (4) Those who cooperated in the execution of the act of arbitrary internal displacement by previous or simultaneous acts;
- (5) Those commanding officers of the military, police or other law enforcement agencies or other authorities, for acts of arbitrary internal displacement committed by forces under their effective command and control, or effective authority and control as the case may be, as a result of their failure to exercise proper control over such forces, where the commanding officers or authorities knew or, owing to the circumstances at the time, should have known that the forces were committing or about to commit such crimes, and failed to take all necessary and reasonable means within their power to prevent or repress their commission, or to submit the matter to competent authorities for investigation and prosecution; and
- (6) In case the acts of arbitrary internal displacement are committed by a corporation or a juridical entity, the members of the Board of Directors who were present in the meeting and who actually voted for the approval of the resolution or order directing the commission of arbitrary internal displacement, and the corporate officers or agents who carried out such resolution or order of the corporation shall each be criminally liable.

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

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

- (1) By themselves profiting from or assisting the offender to profit from the effects of the act of arbitrary internal displacement;
- (2) By concealing the act of arbitrary internal displacement and/or destroying the effects or instruments thereof, in order to prevent its discovery; and

(3) By harboring, concealing or assisting in the escape of the principal/s in the act of arbitrary internal displacement.

SEC. 16. *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.

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

SEC. 18. *Jurisdiction of the Courts.* – The proper and competent civilian courts shall have jurisdiction over the offense of arbitrary internal displacement as defined and penalized in this Act.

SEC. 19. *Damages.* – A court of competent jurisdiction shall determine the damages inflicted against IDPs and direct the persons responsible for arbitrary internal displacement to award monetary compensation under the following circumstances:

(a) Where the death of an individual victim occurs, the amount to be determined by the court shall be granted to the legal heirs of the victim as a death benefit;

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

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

SEC. 20. *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 CHR 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.

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

SEC. 21. *Non-monetary 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 IDPs and their families as may be determined, in coordination with the CHR, pursuant to the provisions of this Act.

SEC. 22. *Role of the CHR.* – Pursuant to Article XII, Section 18 (11) of the 1987 Constitution, the CHR is hereby designated as the institutional focal point for IDPs. As such, the CHR shall

have the following additional functions:

(a) To monitor IDP conditions through the development of a system to track concerns, actions taken and other relevant information, and be the repositories of child protection and protection from sexual exploitation and abuse policies to ensure that IDP rights are respected, protected, and fulfilled in all phases of internal displacement;

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

(c) To investigate, on its own or on the 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 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 DOJ or the Ombudsman, by virtue of Executive Order No. 163, series of 1987;

(d) To render financial assistance at its sole discretion, as part of its existing financial assistance program, as well as psycho-social interventions and similar services to IDPs, and to issue necessary guidelines to implement the same;

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

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

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

(h) 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;

(i) To undertake educational activities and training programs for State authorities, including the AFP, the Philippine National Police (PNP), and local government units;

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

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

SEC. 23. Monitoring of Compliance. – An inter-agency coordinating committee shall be tasked to periodically monitor the compliance with this Act. The Committee shall be co-headed by the Chairperson of the CHR and the Executive Director of the National Disaster Risk Reduction and Management Council (NDRRMC).

The members of the group shall be composed of:

- (a) Undersecretary, DSWD;
- (b) Undersecretary, DepEd;
- (c) Undersecretary, DILG;

- (d) Undersecretary, DOH;
- (e) Undersecretary, DOJ;
- (f) Undersecretary, Department of Human Settlement and Urban Development;
- (g) Undersecretary, Department of National Defense;
- (h) Undersecretary, Department of Environment and Natural Resources;
- (i) Undersecretary, National Economic and Development Authority;
- (j) Presidential Adviser, Office of the Presidential Adviser on Peace, Reconciliation, and Unity;
- (k) Commissioner, National Commission on Indigenous Peoples;
- (l) Chief Public Attorney, PAO;
- (m) Executive Director, Council for the Welfare of Children;
- (n) Chairperson, Presidential Commission for the Urban Poor;
- (o) Secretary, National Commission on Muslim Filipinos;
- (p) Executive Director, Philippine Commission on Women;
- (q) National Statistician and Civil Registrar General, Philippine Statistics Authority;
- (r) Director General, TESDA;
- (s) Commissioner, Bangsamoro Human Rights Commission; and
- (t) Three (3) representatives from non-governmental organizations (NGOs) with experience in working with IDPs, nominated by a selection board composed of human rights groups and NGOs.

The Committee shall work towards the collection of data on the number and conditions of IDPs, leading to a database 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 internal displacement.

The Committee shall submit an annual report to the Joint Congressional Oversight Committee herein created, within thirty (30) days at the end of each fiscal year which shall be the basis for proposed amendments to existing legislation to improve the conditions of IDPs.

SEC. 24. Joint Congressional Oversight Committee. – A Joint Congressional Oversight Committee (JCOC) 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 Senate President and the Speaker of the House of Representatives shall ensure the representation of women legislators in the JCOC.

The JCOC 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 JCOC 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 JCOC 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 JCOC from inquiring into the factual and/or legal bases for the existence of an Order of Battle, or any similar document, or the inclusion of specific persons or groups in said Orders of Battle or similar documents. Should there be a need to inquire into the factual basis for the invocation of national security, the JCOC shall convene in an executive session and hear the officials invoking it. Should the basis not be satisfactory to the JCOC, the public hearing/s will continue and appropriate recommendations shall thereafter be made by the JCOC.

SEC. 25. Appropriations. – The amount necessary for the initial implementation of this Act shall be charged against the current year's appropriations of the departments and agencies concerned. Thereafter, the funding of which shall be included in the annual General Appropriations Act.

SEC. 26. Implementing Rules and Regulations. –Within One hundred twenty days (120) days from the effectivity of this Act, the Chairperson of the CHR and the Secretary of the DND, DSWD, DILG, DOH, DOJ, DHSUD, and DENR, the Chairperson of NCIP, PCW, PCUP, and National Anti-Poverty Commission-Victims of Disaster and Calamities (NAPC-VDC), in coordination with other government agencies and in consultation with human rights nongovernmental organizations and people's organizations, shall jointly formulate rules and regulations to implement the provisions of this Act. The Chairperson of the CHR and the Secretary of the DND shall act as the co-chairpersons of the body that shall formulate the IRR.

SEC. 27. 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.

SEC. 28. 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.

SEC. 29. Effectivity. – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of national circulation.

Approved,