



HOUSE OF REPRESENTATIVES

H. No. 4744

BY REPRESENTATIVES RELAMPAGOS, RODRIGUEZ (R.), RODRIGUEZ (M.),
TAMBUNTING, GUTIERREZ, BELLO (W.), ROMARATE, LOBREGAT,
GUANLAO, VELASCO, REVILLA, NOGRALES, BELMONTE (J.),
GERONA-ROBREDO, UNGAB, BATAOIL, SY-ALVARADO, PIAMONTE,
ONG, TAN (A.), ALIPING, ESPINA, AGLIPAY, VILLARICA, ALVAREZ (M.),
FUENTEBELLA, ANTONINO-NADRES, SUANSING, KHO, ROMULO AND
SANTIAGO, PER COMMITTEE REPORT NO. 349

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

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

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

3 SEC. 2. *Declaration of Principles and State Policies.* – Consistent
4 with the principles enshrined in the Constitution, the standards set by
5 international humanitarian law and human rights laws, international treaties
6 and conventions adhered to by the Philippines, including the United Nations’
7 Guiding Principles on Internal Displacement (UNGPID), it is also hereby
8 declared a State policy to adopt a rights-based approach for the promotion and

1 protection of the rights of internally displaced persons in situations of armed
2 conflict, generalized and/or organized violence, clan wars, violations of human
3 rights, implementation of development projects, natural, human-induced and
4 human-made hazards.

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

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

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

13 (b) *Arbitrary internal displacement* refers to act of displacement or any
14 other coercive act committed by any person or group/s of persons and directed
15 against the civilian population, which are contrary to law, good morals, public
16 order or public policy, or committed with abuse of authority, oppressive or
17 wanton disregard of the right to life, liberty or property and abode of the
18 residents of an area in which they are lawfully present, and characterized by
19 those situations as defined in Section 6 of this Act;

20 (c) *Clan war* refers to any conflict that may arise between members of
21 different indigenous groups, indigenous cultural communities or clans, or
22 between and among members of the same indigenous group, cultural
23 community or clan;

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

27 (e) *Generalized and/or organized violence* refers to the purposeful and
28 systematic use of terror and brutality to control individuals, groups and

1 communities, through the use of overwhelming force, and characterized by
2 widespread, massive or sufficient intensity, causing arbitrary internal
3 displacement of persons or communities.

4 Its methods include causing severe pain and suffering, killing,
5 intimidating, threatening, and, in some cases, destroying a community, ethnic
6 group or political opposition;

7 (f) *Implementation of development projects* refers to the carrying out
8 of any undertaking or activity aimed at economic or political growth,
9 advancement and expansion that results or may result to arbitrary internal
10 displacement of persons: *Provided*, That the term does not include legitimate
11 resettlement schemes and/or programs;

12 (g) *Internal displacement* refers to the involuntary movement or forced
13 evacuation or expulsion of any person or group of persons who flee or leave
14 their homes or places of habitual residence, within the national borders, as a
15 result of or in order to avoid or minimize the effects of armed conflict,
16 situations of generalized and/or organized violence, violations of human rights,
17 implementation of development projects, natural, human-induced and
18 human-made hazards;

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

26 (i) *Order of Battle* refers to any document made by the military, police
27 or any law enforcement agency of the government, listing the names of persons
28 and organizations that are perceived to be enemies of the State and are

1 considered as legitimate targets as combatants that it could deal with, through
2 the use of means allowed by domestic and international law.

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

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

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

24 SEC. 6. *Prohibited Acts of Arbitrary Internal Displacement.* – The
25 prohibited acts of arbitrary internal displacement shall include those
26 committed;

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

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

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

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

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

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

14 (g) in violation of the rights of IDPs granted under Section 9,
15 paragraphs (b) and (g) of this Act; and

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

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

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

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

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

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

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

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

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

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

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

25 (4) authorities concerned shall endeavor to involve those affected,
26 particularly women, elderly persons and PWDs, in the planning and
27 management of their return, local integration or resettlement elsewhere;

1 (5) law enforcement measures, when required, shall be carried out by
2 competent legal authorities; and

3 (6) the right to an effective remedy, including the review of such
4 decisions by appropriate judicial authorities, shall be respected.

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

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

17 (a) *Provision and Access to Basic Necessities.* – At the minimum,
18 regardless of the circumstances, and without discrimination, competent
19 authorities shall provide IDPs with and ensure safe access to:

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

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

26 (1) It shall be prohibited to commit any of the following acts against
27 IDPs in all circumstances:

- 28 (i) murder;

1 (ii) hostage taking;

2 (iii) summary or arbitrary execution and enforced disappearance,
3 including abduction or unacknowledged detention, threatening or resulting in
4 death; and

5 (iv) unlawful confinement;

6 (2) Attacks or other acts of violence against IDPs who do not or no
7 longer participate in hostilities shall be prohibited in all circumstances, without
8 prejudice to being held liable for any offense committed by them. In particular,
9 IDPs shall be protected against:

10 (i) direct or indiscriminate attacks or other acts of violence, including
11 the creation of areas wherein attacks on civilians are permitted;

12 (ii) starvation as a method of combat;

13 (iii) their being used to shield military objectives from attack, or to
14 shield, favor or impede the operations of the military, police or any armed
15 group;

16 (iv) attacks against any evacuation center, facility, encampment or other
17 settlements; and

18 (v) use of anti-personnel landmines;

19 (3) IDPs, whether or not their liberty has been restricted, shall be
20 protected in particular against:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 (3) IDPs have the right to:

5 (i) seek safety in another part of the country;

6 (ii) leave the country;

7 (iii) seek asylum in another country; and

8 (iv) be protected against forcible return to resettlement in any place
9 where their lives, safety, liberty and/or health would be at risk;

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

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

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

26 (3) The authorities concerned shall endeavor to establish the fate and
27 whereabouts of IDPs reported missing and cooperate with relevant

1 international organizations engaged in this task. They shall inform the
2 next-of-kin on the progress of the investigation and notify them of any result;

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

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

10 (f) Health and Education. – (1) Certain IDPs, such as children,
11 especially unaccompanied minors, expectant mothers, mothers with young
12 children, female heads of households, PWDs and elderly persons, shall be
13 entitled to protection and assistance required by their condition and to
14 treatment which takes into account their special needs;

15 (2) All wounded and sick IDPs, as well as those with disabilities, shall
16 receive to the fullest extent practicable and with the least possible delay the
17 medical care and attention they require, without distinction on any ground
18 other than the medical ones. When necessary, IDPs shall have access to
19 psychological and social services and such other forms of assistance necessary
20 for them;

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

25 (4) Special attention shall also be given to the prevention of contagious
26 and infectious diseases, including acquired immunodeficiency syndrome
27 (AIDS), among IDPs; and

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

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

- 9 (1) Pillage or looting;
10 (2) Direct and indiscriminate attacks or other acts of violence;
11 (3) Being used to shield military operations or objectives;
12 (4) Being made the object of reprisal;
13 (5) Being destroyed or appropriated as a form of collective
14 punishment; and

15 (6) Destruction, arbitrary and illegal appropriation, occupation or use.

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

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

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

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

10 SEC. 11. *Return, Local Integration or Resettlement Elsewhere.* –
11 Competent authorities, such as the military and law enforcement agencies
12 conducting operations, the DSWD, the DOH, the local government hospitals,
13 the LGUs concerned and other appropriate government agencies, shall have the
14 primary duty and responsibility to establish conditions and provide means for
15 IDPs to return voluntarily, in safety and with dignity, to their homes or places
16 of habitual residence, or to resettle voluntarily in places of refuge and/or in
17 another part of the country, taking into consideration the right of IDPs to
18 choose a residence.

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

22 SEC. 12. *Mechanisms for International Humanitarian Assistance.* –
23 International humanitarian organizations, their local counterparts and other
24 appropriate actors shall have the right to offer their services, including
25 humanitarian assistance, in support of the internally displaced. These acts shall
26 be considered done in good faith and not as unfriendly acts or interference in
27 the internal affairs of the government. Consent thereto shall not be arbitrarily

1 withheld, particularly when authorities concerned are unable or unwilling to
2 provide the required humanitarian assistance.

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

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

13 SEC. 13. *Penalties.* – (a) The penalty of *reclusion temporal* in its
14 minimum to medium period shall be imposed upon any person or group of
15 persons who commit the following:

16 (1) Those who directly commit the act of arbitrary internal
17 displacement;

18 (2) Those who directly force, instigate, encourage, induce or incite
19 others to commit the act of arbitrary internal displacement;

20 (3) Those who cooperate in the act of arbitrary internal displacement
21 by committing another act, without which the act of arbitrary internal
22 displacement would not have been carried out;

23 (4) Those who cooperated in the execution of the act of arbitrary
24 internal displacement by previous or simultaneous acts;

25 (5) Those commanding officers of the military, police or other law
26 enforcement agencies or other authorities, for acts of arbitrary internal
27 displacement committed by forces under their effective command and control,
28 or effective authority and control as the case may be, as a result of their failure

1 to exercise proper control over such forces, where the commanding officers or
2 authorities knew or, owing to the circumstances at the time, should have known
3 that the forces were committing or about to commit such crimes, and failed to
4 take all necessary and reasonable means within their power to prevent or
5 repress their commission, or to submit the matter to competent authorities for
6 investigation and prosecution; and

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

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

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

21 (1) By themselves profiting from or assisting the offender to profit
22 from the effects of the act of arbitrary internal displacement;

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

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

1 (d) The courts shall impose the corresponding accessory penalties
2 under the Revised Penal Code, especially where the offender is a public
3 officer.

4 SEC. 14. *Applicability of the Revised Penal Code and Special Penal*
5 *Laws.* – The provisions of the Revised Penal Code and other relevant special
6 penal laws, insofar as they are applicable, shall be supplementary to this Act.

7 SEC. 15. *Nonprescription.* – The crimes defined and penalized under
8 this Act, their prosecution, and the execution of sentences imposed on their
9 account, shall not be subject to any prescription.

10 SEC. 16. *Jurisdiction of the Courts.* – The proper and competent
11 civilian courts shall have jurisdiction over the offense of arbitrary internal
12 displacement as defined and penalized in this Act.

13 SEC. 17. *Damages.* – A court of competent jurisdiction shall
14 determine the damages inflicted against IDPs and direct the persons
15 responsible for arbitrary internal displacement to award monetary
16 compensation under the following circumstances:

17 (a) Where death of an individual victim occurs, the amount of one
18 hundred thousand pesos (P100,000.00) shall be granted to the legal heirs of the
19 victim as a death benefit;

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

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

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

9 SEC. 18. *Civil Liabilities.* – Any public officer or employec, or any
10 private person, who directly or indirectly obstructs, defeats, violates or in any
11 manner impedes or impairs any of the rights and liberties of another person
12 enunciated in this Act shall be liable to the latter for damages.

13 SEC. 19. *Financial Assistance to IDPs.* – Whenever human rights
14 violations are caused to the IDPs as incidents or consequences of arbitrary
15 internal displacement, the necessary financial assistance for their reparation,
16 return, local integration or resettlement elsewhere shall be provided.

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

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

1 SEC. 20. *Nonmonetary Reparation.* – The DOH, the DSWD, the
2 Department of Education (DepED), the Commission on Higher Education
3 (CHED), the Technical Education and Skills Development Authority (TESDA)
4 and such other agencies shall render necessary services as nonmonetary
5 reparation for IDPs and their families as may be determined, in coordination
6 with the CHR, pursuant to the provisions of this Act.

7 SEC. 21. *Role of the CHR.* – The CHR shall be designated as the
8 institutional focal point for IDPs. As such, the CHR shall have the following
9 additional functions:

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

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

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

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

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

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

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

8 (h) To advise the government on the rights of IDPs, formulate sound
9 national policy and legislation and to facilitate discussions to effectively
10 address situations of internal displacement;

11 (i) To undertake educational activities and training programs for State
12 authorities, including the AFP;

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

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

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

27 The Joint Congressional Oversight Committee shall also have the power
28 to inquire into, summon and investigate the Orders of Battle as defined under

1 this Act, and/or any document of similar nature, as well as the legal and factual
2 justifications for the inclusion of specific persons and groups in said Orders of
3 Battle or similar documents. In this regard, the Joint Congressional Oversight
4 Committee may issue mandatory process directing the transmission of all such
5 documents relevant and necessary for the Committee to determine the validity
6 of the inclusion of specific persons or groups in the Orders of Battle or similar
7 documents. For this purpose, the highest ranking officers or heads of offices
8 shall be charged with testifying before the Joint Congressional Oversight
9 Committee in relation to any inquiries on the Orders of Battle or similar
10 documents.

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

20 SEC. 23. *Monitoring of Compliance.* – An inter-agency coordinating
21 committee shall be tasked to periodically monitor the compliance with this Act.
22 The Committee shall be headed by the Chairperson of the CHR. Members of
23 the group shall be composed of:

24 (a) A representative, with the rank of Undersecretary, from the
25 Department of Social Welfare and Development;

26 (b) A representative, with the rank of Undersecretary, from the
27 Department of National Defense (DND);

1 (c) A representative, with the rank of Undersecretary, from the
2 Department of the Interior and Local Government (DILG);

3 (d) A representative, with the rank of Undersecretary, from the
4 Department of Health;

5 (e) A representative, with the rank of Undersecretary, from the
6 Department of Justice;

7 (f) A representative from the Office of Civil Defense/National Disaster
8 Risk Reduction and Management Council (NDRRMC);

9 (g) A representative from the National Commission on Indigenous
10 Peoples;

11 (h) A representative of human rights nongovernmental organizations
12 (NGOs) and other human rights groups, nominated by a selection board
13 composed of human rights groups and NGOs;

14 (i) The Chairperson of the Committee on Justice and Human Rights of
15 the Senate;

16 (j) The Chairperson of the Committee on Human Rights of the House
17 of Representatives; and

18 (k) The Chairperson of the Committee on Justice of the House of
19 Representatives.

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

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

26 The Committee shall submit an annual report to the Joint Congressional
27 Oversight Committee herein created thirty (30) days after the end of each fiscal

1 year. Such annual report shall be the basis for proposed amendments to
2 existing legislation to improve the conditions of IDPs.

3 SEC. 24. *Appropriations.* – The amount necessary for the initial
4 implementation of this Act shall be charged against the current year’s
5 appropriations of the CHR, the DSWD, the DOH, the DND and the DILG.
6 Thereafter, such sums as may be necessary for the continued implementation of
7 this Act shall be included in the GAA.

8 SEC. 25. *Implementing Rules and Regulations.* – Within sixty (60)
9 days from the effectivity of this Act, the CHR shall issue the necessary rules
10 and regulations for its implementation.

11 In the formulation of the rules and regulations, the CHR shall take the
12 lead and coordinate with the DSWD, the DND, the DILG, the DOH, the DOJ,
13 the Department of Environment and Natural Resources (DENR), the AFP, the
14 Philippine National Police (PNP), the Philippine Commission on Women
15 (PCW), the Council for the Welfare of Children (CWC), the National
16 Commission on Indigenous Peoples (NCIP), the National Commission on
17 Disability Affairs (NCDA), the Presidential Commission on Urban Poor
18 (PCUP), the Housing and Urban Development Coordinating Council
19 (HUDCC), the NDRRMC, the National Housing Authority (NHA) and consult
20 with the LGUs concerned, human rights nongovernmental organizations and
21 people’s organizations.

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

25 SEC. 27. *Repealing Clause.* – All laws, decrees, executive orders,
26 memorandum orders, memorandum circulars, administrative orders, ordinances
27 or parts thereof which are inconsistent with the provisions of this Act are
28 hereby deemed repealed or modified accordingly.

1 SEC. 28. *Effectivity.* – This Act shall take effect fifteen (15) days after
2 its publication in the *Official Gazette* or in a newspaper of national circulation.
 Approved,

O