Senate
Office of the Secretary

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

26 NOV 23 P11 :34

RECEIVED BY:

SENATE

S. No. 2623

Introduced by Senator Loren Legarda

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

EXPLANATORY NOTE

The Philippines remains among the countries most vulnerable to disasters and climate-related hazards. Its exposure to powerful typhoons, floods, earthquakes, volcanic eruptions, and other hazards, compounded by armed conflict and violence in certain areas, continues to force millions of Filipinos to leave their homes and communities.

According to the Internal Displacement Monitoring Centre (IDMC), the Philippines recorded nine million disaster-related internal displacements in 2024, of which 86 percent were triggered by typhoons. In 2025, the number increased to approximately 10.7 million displacement movements, underscoring the continuing scale of disaster-related displacement in the country. These figures represent movements and may include individuals displaced more than once.

Displacement, however, does not end when families leave evacuation centers or are transferred to relocation sites. The Commission on Human Rights (CHR), drawing from its monitoring of internally displaced persons (IDPs) in Marawi, Zamboanga, Tacloban, and Taal, has identified persistent challenges involving inadequate housing, limited livelihood opportunities, access to potable water and basic services, land and property rights, and prolonged displacement. Even families

relocated to permanent housing may continue to experience livelihood insecurity, tenure concerns, and difficulties in recovering from disasters.

The consequences are particularly severe for women, children, Indigenous Peoples, older persons, persons with disabilities, and other vulnerable groups who face heightened risks of discrimination, exploitation, gender-based violence, and exclusion from essential services.

While Republic Act No. 10121, or the Philippine Disaster Risk Reduction and Management Act of 2010, provides the framework for disaster preparedness and response, the protection of internally displaced persons requires a comprehensive, rights-based approach extending beyond immediate humanitarian assistance. This must include the prevention of arbitrary displacement, protection during displacement, and access to durable solutions through voluntary and informed return, local integration, or resettlement.

The need for such legislation has long been recognized. Congress previously approved an internally displaced persons protection measure in 2013, but it was vetoed due to constitutional and legal concerns involving the determination of damages, the powers of the CHR, and the State's immunity from suit. These concerns underscore the importance of establishing clear institutional responsibilities and effective remedies consistent with the Constitution.

The proposed Internally Displaced Persons Rights Protection Act seeks to institutionalize the rights of displaced persons, prevent arbitrary displacement, establish accountability among responsible government agencies, and ensure access to adequate shelter, essential services, livelihood opportunities, education, healthcare, information, and protection of housing, land, and property rights. It likewise promotes coordinated national and local responses, meaningful participation of affected communities, and sustainable solutions to prolonged displacement.

The measure draws guidance from the United Nations Guiding Principles on Internal Displacement, which affirm the primary responsibility of national authorities

to protect and assist internally displaced persons and recognize their rights before, during, and after displacement.

As the country confronts intensifying climate risks and continuing humanitarian challenges, the State must ensure that displaced families are not left in prolonged uncertainty. Protection must extend beyond evacuation and relief toward the restoration of dignity, security, livelihoods, and the opportunity to rebuild their lives.

In view of the foregoing, the immediate passage of this bill is earnestly sought.

LOREN LEGARDA

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

SECTION 1. Short Title. - This Act shall be known as the "Rights of Internally Displaced Persons Act".

Sec. 2. Declaration of Principles and State Policies. - Consistent with the principles enshrined in the Constitution, the standards set by international humanitarian law and human rights laws, international treaties and conventions adhered to by the Philippines, including the United Nations' Guiding Principles on Internal Displacement (UNGPID), it is also hereby declared a State policy to adopt a rights-based approach for the promotion and protection of the rights of internally displaced persons in situations of armed conflict, generalized and/or organized violence, clan wars, violations of human rights, implementation of development projects, natural, human-induced and human-made hazards.

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

Sec. 3. Definition of Terms. - As used in this Act:

I. *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;

II. *Arbitrary internal displacement* refers to act of displacement or any other coercive act committed by any person or group/s of persons and directed against the civilian population, which are 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 of an area in which they are lawfully present, and characterized by those situations as defined in Section 6 of this Act;

III. *Clan war* 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 group, cultural community or clan;

IV. *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;

V. *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;

VI. *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;

VII. *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;

VIII. *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 to 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; and

IX. *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.

Sec. 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 and/or organized violence, violations of human rights, implementation of development projects, natural, human-induced and man-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".

Sec. 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.

Sec. 6. 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 are involved or imperative military reasons so demand;

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

(D) in cases of natural, human-induced and man-made hazards, unless the safety 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 are endangered;

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

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

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

Sec. 7. Safeguards Against Arbitrary Internal Displacement. - If displacement is inevitable under circumstances beyond controi that pose hazardous risks to the lives and properties of persons living in communities, dispiacement shall not be carried out in a manner that vioiates 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, health and hygiene, and that members of the same family, especially women and children, are not separated;

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

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

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

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

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

(d) 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;

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

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

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

Sec. 9. 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:

(a) Murder;

(b) hostage taking;

(c) summary or arbitrary execution and enforced disappearance, including abduction or unacknowledged detention, threatening or resulting in death; and

(d) 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:

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

(b) starvation as a method of combat;

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

(d) attacks against any evacuation center, facility, encampment or other settlements; and

(e) use of anti-personnel landmines;

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

(a) 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;

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

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

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

(e) 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 settlements. 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;

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

(a) essential and adequate food and nutrition and potable water;

(b) basic shelter and housing;

(c) appropriate clothing; and

(d) 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. -

(a) 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;

(b) 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 the military, police or any armed group;

(iv) attacks against any evacuation center, facility, encampment or other

(v) use of anti-personnel landmines;

(c) 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 form 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;

(d) IDPs shall not be interned in or confined in any evacuation center, facility, encampment or other settlements. 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

(e) 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. -

(a) 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;

(b) 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;

(c) 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.

(a) 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;

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

(c) 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;

(d) 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

(e) 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. -

(a) 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;

(b) 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;

(c) 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;

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

(e) 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.

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

(a) Pillage or looting;

(b) Direct and indiscriminate attacks or other acts of violence;

(c) Being used to shield military operations or objectives;

(d) Being made the object of reprisal;

(e) Being destroyed or appropriated as a form of collective punishment; and

(f) 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.

Sec. 11. 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 LCDs 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.

Sec. 12. 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 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.

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

Sec. 13. 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 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, 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. 14. 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:

(a) Those who directly commit the act of arbitrary internal displacement;

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

(c) 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;

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

(e) 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

(f) 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:

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

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

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

Sec. 15. 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. 16. Nonprescription. - 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. 17. 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. 18. 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 death of an individual victim occurs, the amount of one hundred thousand pesos (P100,000.00) 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, to include psycho-social intervention and rehabilitation; and

(C) Cases for damages filed under this Act shall be considered as an 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. 19. 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.

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: Provided, That in no case shall financial assistance exceed ten thousand pesos (P10,000.00) per person.

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. 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 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. - The CHR shall be 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 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 complaint by any party, ail forms of human rights violations against IDPs involving civil and political rights, in accordance with Section 18(1) of Article XIII of the 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 well as psycho-social interventions and similar services to IDPs, and to issue necessary guidelines to implement the same;

(E) To recommend to the other agencies of government, taking into consideration their respective mandates and functions, the grant of assistance to IDPs, 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;

(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. 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 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.

Sec. 24. Monitoring of Compliance. - An inter-agency coordinating committee shall be tasked to periodically monitor the compliance with this Act. The Committee shall be headed by the Chairperson of the 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 the 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 Disaster Risk Reduction and Management Council (NDRRMC);

(G) A representative from the National Commission on Indigenous Peoples;

(H) A representative of human rights nongovernmental organizations (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 the number and conditions of IDPs, leading to a registry that will aid the government in efficient planning and policy making regarding issues affecting IDPs.

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

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

Sec. 25. 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.

Sec. 26. 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 Department of Human Settlements and Urban Development (DSHUD), the NDRRMC, the National Housing Authority (NHA) and consult with the LGUs concerned, human rights nongovernmental organizations and people's organizations.

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,