

1 Republic of the Philippines
 2 Bangsamoro Autonomous Region in Muslim Mindanao
 3 **BANGSAMORO TRANSITION AUTHORITY**
 4 Cotabato City

5
 6 Second Parliament
 7 *First Regular Session*

8
 9 Parliament Bill No. 32

Bangsamoro Autonomous Region in Muslim Mindanao
 Parliament
 BILLS AND INDEX DIVISION
RECEIVED
 Name: ADELAH DIVATUN Signature: 
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 13 Introduced by:

14
 15 **THE GOVERNMENT OF THE DAY**

16
 17
 18 **AN ACT PROTECTING THE RIGHTS OF INTERNALLY DISPLACED**
 19 **PERSONS OF THE BANGSAMORO AUTONOMOUS REGION IN**
 20 **MUSLIM MINDANAO, PROVIDING MECHANISMS THEREFOR**
 21 **AND FOR OTHER PURPOSES**

22
 23
 24 *Be it enacted by the Bangsamoro Transition Authority in Parliament assembled:*

25
 26
 27 **CHAPTER I**

28
 29 **PRELIMINARY PROVISIONS**

30
 31 SECTION 1. Short Title. — This Act shall be known as the “Rights of Internally
 32 Displaced Persons of the Bangsamoro Autonomous Region Act”.

33
 34 SECTION 2. Declaration of Principles and Policies. — Consistent with the principles
 35 of the Constitution, international human rights and humanitarian standards including the United
 36 Nations' Guiding Principles on Internal Displacement (UNGPID), international treaties
 37 adhered to by the Philippines, and existing Philippine laws, it is hereby declared the policy of
 38 the Bangsamoro Government to adopt a rights-based approach for the promotion and protection
 39 of the rights of internally displaced persons.

40
 41 In the event of armed conflict, the parties shall ensure the respect, protection, and promotion
 42 of the rights of the victims of armed conflict in accordance with international humanitarian law
 43 and international human rights laws.

44
 45 It is further declared the policy of the Bangsamoro Government to pursue durable solutions to
 46 displacement, taking into consideration the socio-economic needs of affected non-displaced
 47 populations and the attainment of the sustainable economic goals.
 48

1 The rights and obligations herein shall not be interpreted to restrict, modify, or impair the
 2 provisions of any international human rights or international humanitarian law, treaties, and
 3 declarations, or rights granted to persons under existing domestic law.

4
 5 The Bangsamoro Government shall harmonize all legal measures pertinent to "Internally
 6 Displaced Persons or group of persons" (IDPs) and ensure that the same are consistent with
 7 this Act.

8
 9 Further, in implementing existing laws, rules, and regulations, local government units and all
 10 agencies and instrumentalities of the Bangsamoro Government shall adhere to the respect and
 11 protection of the human rights of internally displaced persons, and ensure the fullest protection
 12 to at risk and vulnerable populations who are subjected to displacement, including women and
 13 girls.

14
 15 SECTION 3. Definition of Terms. — The following terms as used in this Act shall
 16 mean:

- 17
 18 a. *“Aggressive Implementation of Development Projects”* refers to the forceful carrying
 19 out of any undertaking or activity aimed at economic or political growth, advancement,
 20 and expansion that results or may result to arbitrary internal displacement of persons:
 21 *Provided*, That the term does not include legitimate resettlement schemes and/or
 22 programs;
 23
 24 b. *“Armed Conflict”* refers to any use of force or armed violence between States or a
 25 protracted armed violence between governmental authorities and organized armed
 26 groups or between such groups within a State: *Provided*, That such force or armed
 27 violence gives rise, or may give rise, to a situation to which the Geneva Conventions of
 28 12 August 1949, including their common Article 3, apply.
 29
 30 Armed conflict may be international, that is, between two (2) or more States, including
 31 belligerent occupation; or non-international, that is, between governmental authorities
 32 and organized armed groups or between such groups within a State. The armed
 33 confrontation must reach a minimum level of intensity and the parties involved in the
 34 conflict must show a minimum degree of organization. It does not cover internal
 35 disturbances or tensions such as riots, isolated and sporadic acts of violence or other
 36 acts of a similar nature;
 37
 38 c. *“Bangsamoro IDPs”* refer to internally displaced person or group of persons (IDPs)
 39 who are Bangsamoro residents and who were displaced to areas either within or outside
 40 the Bangsamoro Autonomous Region.
 41
 42 d. *“Clan War”* refers to any conflict that may arise between members of different
 43 indigenous groups, indigenous cultural communities, or clans; or between and among
 44 members of the same indigenous group, cultural community, or clan characterized by
 45 sporadic outbursts of retaliatory violence between and among families, kinship
 46 groups, and communities;
 47
 48 e. *“Disasters”* refer to a serious disruption of the functioning of a community or a society
 49 involving widespread human, material, economic, or environmental losses and impacts,

1 which exceeds the ability of the affected community or society to cope using its own
 2 resources. Disasters are often described as a result of the combination of the following:

- 3
- 4 1. the exposure to a hazard;
- 5 2. the conditions of vulnerability that are present; and
- 6 3. insufficient capacity or measures to reduce or cope with the potential negative
 7 consequences.
- 8

9 Disaster impacts may include loss of life, injury, disease and other negative effects on
 10 human, physical, mental and social well-being, together with damage to property,
 11 destruction of assets, loss of services, social and economic disruption, and
 12 environmental degradation;

- 13
- 14 f. *“Do No Harm and Safeguarding Principles”* refer to the set of humanitarian principles
 15 that obliges persons and organizations extending humanitarian aid and support to
 16 prevent and strive to mitigate or minimize any harm or negative impact they may
 17 inadvertently cause through providing humanitarian assistance, as well harm that may
 18 be caused by not providing humanitarian assistance on the affected populations;
 19
- 20 g. *“Durable Solution”* is achieved when internally displaced persons no longer have any
 21 specific assistance and protection needs that are linked to their displacement and can
 22 enjoy their human rights without discrimination on account of their displacement. It can
 23 be achieved through:
 24
 - 25 1. Sustainable reintegration at the place of origin (hereinafter referred to as
 26 “return”);
 - 27 2. Sustainable local integration in areas where internally displaced persons take
 28 refuge (hereinafter referred to as “local integration”); or
 - 29 3. Sustainable integration in another part of the country (hereinafter referred to as
 30 “settlement elsewhere”);
 - 31
- 32 h. *“Generalized and/or Organized Violence”* refers to the purposeful and systematic use
 33 of brutality to control individuals, groups, and communities, through the use of
 34 overwhelming force, and characterized by widespread, massive or sufficient intensity,
 35 causing arbitrary internal displacement of persons or communities. Its methods include
 36 causing severe pain and suffering, killing, intimidating, threatening, and, in some cases,
 37 destroying a community or ethnic group;
- 38
- 39 i. *“Home-based Displacement”* refers to a situation of displacement whereby displaced
 40 persons are hosted in private residences or privately owned properties which are not
 41 evacuation centers or camps established, organized, and managed by the government;
 42
- 43 j. *“Internal Displacement”* refers to the involuntary movement or forced evacuation or
 44 expulsion of any person, families, communities, or groups of persons, from their homes
 45 or places of habitual residence, without crossing an internationally recognized State
 46 border, as a result of or in order to avoid or minimize the effects of armed conflict,
 47 situations of generalized and/or organized violence, violations of human rights, clan
 48 wars, political violence, land conversion or any other land conflict, aggressive
 49 implementation of development projects, or natural and human-induced and human-
 50 made hazards or disasters.

- 1
2 k. “*Internally Displaced Person or Group of Persons (IDP)*” refers to a person or groups
3 of persons who have been forced or obliged to flee or to leave their homes or places of
4 habitual residence within the national borders, as a result of or in order to avoid or
5 minimize the effects of armed conflict, situations of generalized and/or organized
6 violence, violations of human rights, clan wars, political violence, land conversion or
7 any other land conflict, aggressive implementation of development projects, or natural
8 or human-made hazards or disasters;
9
- 10 l. “*Non-Bangsamoro IDPs*” refer to internally displaced person or group of persons
11 (IDPs) who are not Bangsamoro residents and who were displaced to areas within the
12 Bangsamoro Autonomous Region.
13
- 14 m. “*Political Violence*” refers to the deliberate use of power and force to achieve political
15 goals, such as power or political control over a certain group, geographic area, or
16 community;
17
- 18 n. “*Protracted Displacement*” refers to situations of displacement in which tangible
19 progress towards durable solutions is slow or stalled for significant periods of time
20 because IDPs are prevented from taking or are unable to take steps that allow them to
21 progressively reduce the vulnerability, impoverishment, and marginalization they face
22 as displaced people, in order to regain a self-sufficient and dignified life and ultimately
23 find a durable solution.
24

25 SECTION 4. Scope. — This Act shall primarily provide for the protection of the rights
26 of Bangsamoro residents who are internally displaced in situations of armed conflict,
27 generalized and/or organized violence, clan wars, political violence, violations of human rights,
28 implementation of development projects, and natural, human-induced and human-made
29 disasters, during and after displacement, as well as their return, local integration or settlement
30 elsewhere in the country.
31

32 This Act shall likewise provide for the protection of Bangsamoro residents who are
33 displaced to areas outside the Bangsamoro Autonomous Region in Muslim Mindanao
34 (hereinafter referred to as “Bangsamoro Autonomous Region”), and of non-Bangsamoro
35 residents who are displaced to areas within the BARMM, duly taking into account the
36 jurisdictional limitations of the Bangsamoro Government and respect for the jurisdictions of
37 the National Government and of the local government units (hereinafter referred to as “LGUs”)
38 outside the BARMM.
39

40 This Act shall cover responsibilities of the Bangsamoro Government and all LGUs,
41 agencies, and instrumentalities within its jurisdiction, for the protection of IDPs from
42 displacement, during displacement, as well as the search for durable solutions to their
43 displacement.
44

45 To address the risks involved in natural hazards or disasters, due reference shall be
46 made to the pertinent provisions of other relevant laws such as Republic Act No. 9729,
47 otherwise known as the “Climate Change Act of 2009” and Republic Act No. 10121, otherwise
48 known as the “Philippine Disaster Risk Reduction and Management Act of 2010”, other related
49 laws, as well as relevant regional laws that may be enacted by the Bangsamoro Parliament.
50

CHAPTER II

PROTECTING AND PROMOTING THE RIGHTS OF IDPs

SECTION 5. Protection from Displacement and Additional Measures to Prevent Displacement. — The Bangsamoro Government shall take all measures to prevent the occurrence of displacement. Prior to making any decision requiring the displacement of persons, the authorities concerned shall ensure that feasible alternatives are explored in order to avoid displacement altogether. Where no alternatives exist, all measures shall be taken to minimize displacement and its adverse effects.

Additional measures of prevention shall consist of, but not limited, to the following situations:

- a. *Development Projects.* – Displacement of populations induced by development projects shall only be allowed when it is authorized by law, justified by compelling public interests, is necessary to protect these interests, and carried out with full respect for the human rights of affected persons.

Whenever a development project is planned and subjected to approval by any government authority or instrumentality in the Bangsamoro, it shall be required that the proponent shall submit to the approving authority an impact assessment of the risk of displacement on the affected population and the corresponding plans to mitigate, manage, or respond to such risk. Such assessment may either form part of the feasibility study or a separate document.

The Ministry of Environment, Natural Resources, and Energy (MENRE) shall require applicants for Environmental Compliance Certificate (ECC) to produce an impact assessment showing that no population will be displaced by the project; or, in case it will result in displacement, that the affected populations have been consulted; and a rights-based relocation plan for the affected populations is in place.

In addition, the proper implementation of the relocation plan for affected residents, if any, shall also be included among the requirements for renewal of any permits or certifications, in addition to any requirements that may be imposed by the by the issuing agency.

When the affected population belongs to an indigenous persons' (IP) community in the Bangsamoro Autonomous Region, the Ministry of Indigenous People's Affairs (MIPA) shall likewise be considered an approving authority.

- b. *Armed Conflict.* – The relevant authorities in the Bangsamoro Autonomous Region shall undertake proactive monitoring of the implementation of the peace agreements and the observance and promotion of international humanitarian law.

With regard to the implementation of the 2014 Comprehensive Agreement on the Bangsamoro between the Government of the Philippines and the Moro Islamic Liberation Front, such relevant authorities in the Bangsamoro shall ensure that all

1 measures to prevent displacement due to armed conflict are aligned with the Annex on
2 Normalization.

- 3
4 c. *Clan Wars and Political Violence.* – In accordance with its mandate in Title X, Section
5 3 of the Bangsamoro Administrative Code, the Ministry of Public Order and Safety
6 (MPOS) shall formulate and implement policies and programs for the effective
7 settlement of clan wars, including but not limited to *rido* and other horizontal conflicts
8 in the region, as well as for the prevention of recurrence of such conflicts, especially in
9 areas that experience high rates of displacement.

10
11 As far as practicable, peace compacts and peace agreements facilitated by the MPOS at
12 the local level shall contain provisions relating to access to mechanisms, whether formal
13 or informal, to resolve property disputes and other matters that will prevent further
14 displacements.

- 15
16 d. *Disaster Prevention and Preparedness.* – The Bangsamoro Government shall ensure
17 the respect, protection, and fulfillment of the rights of IDPS in the implementation of
18 its Regional Disaster Risk Reduction and Management Plan as provided in Republic
19 Act no. 10121. Towards this end, the competent authorities of the Bangsamoro
20 Government shall ensure proper coordination in the implementation of the Regional
21 Disaster Risk Reduction and Management Plan.

22 SECTION 6. Rights During and After Displacement. — Pursuant to the provisions of
23 the Bill of Rights under Article III of the Philippine Constitution, the following rights shall be
24 afforded to IDPs during and after displacement, without discrimination of any kind on account
25 of their being displaced or on account of their race, color, sex, sexual orientation, gender
26 identity, gender expression, language, religion, belief, political or other opinion, national,
27 ethnic, or social origin, legal or social status, age, disability, property, birth or on any other
28 similar criteria.

29 In any assessments or profiling that may be conducted by Bangsamoro agencies in
30 relation to assistance during displacement, the agency concerned together with any non-
31 government organizations or private persons working with it, shall include identification of
32 vulnerable populations or persons with special health needs.

33 In particular, IDPs shall enjoy the following rights:

- 34 a. *Provision and Access to Basic Necessities.* – At the minimum, regardless of the
35 circumstances, and with special attention to gender sensitivity and varying
36 vulnerabilities, the competent authorities of the Bangsamoro government shall
37 provide IDPs with and ensure their safe access to:
38
39 1. Essential food and potable water, in conformity with cultural and religious
40 sensitivities of the displaced population;
41 2. Shelter with proper sanitation facilities, including selection of proper location
42 of the shelters;
43 3. Adequate and appropriate clothing and essential non-food items; and

- 1 4. Essential medical, dental, and psychosocial services, including provisions for
2 essential drugs and medicines, as well as social services.
3

4 With regard to the provision of proper shelter under item (2) above, the competent
5 authorities of the Bangsamoro Government shall ensure that alternative locations,
6 including privately owned lots or households, are identified and made available as
7 alternate shelter for IDPs whenever designated evacuation centers or camps become
8 full or exceed normal capacities.
9

- 10 b. *Right to Health.* – IDPs shall be entitled to access health services to the fullest extent
11 practicable and with the least possible delay. Special attention shall be provided to
12 the health needs of women, children, persons with disabilities, and the elderly,
13 especially those living alone; and the prevention of contagious and infectious
14 diseases among IDPs.
15

16 Health interventions shall at all times include reproductive health assistance for
17 pregnant women or women of reproductive age. When pregnant women are among
18 the displaced population, the local health office concerned shall, in consultation with
19 the woman concerned, arrange for the safe delivery, which may include temporary
20 stay in the nearest hospital premises, frequent monitoring by the barangay health
21 team, and arrangements for hospital transport in addition to any pre- and post-natal
22 care that may be provided. The health and well-being of women who give birth in
23 evacuation centers or home-based settings shall be ensured.
24

25 Survivors of gender-based violence (GBV) and other forms of violence against
26 women and girls shall be provided health and medical services, legal or access to
27 justice support, psychosocial and economic support, and safety and security. Referral
28 pathways in addressing GBV shall be promoted.
29

- 30 c. *Right to Education.* – IDP children shall receive free and compulsory education. The
31 Ministry of Basic, Higher and Technical Education (MBHTE) shall ensure that the
32 education of IDP children at the elementary and high school levels are not disrupted
33 during displacement, to such extent possible under the circumstances.
34

35 In no case shall transfer or enrolment requirements for displaced learners be imposed
36 where the same could only be obtained from the schools or teachers in their places
37 of origin. The MBHTE shall adopt the necessary guidelines to ensure that the transfer
38 or enrolment of displaced learners are facilitated.
39

40 Furthermore, the MBHTE may adopt such modifications in the curriculum and the
41 method of conducting classes as may be appropriate given the context of
42 displacement. The MBHTE shall likewise endeavor to take measures to support
43 students in Madaris, higher, and technical education who are affected by
44 displacement.
45

1 The Ministry of Social Services and Development (MSSD) shall likewise mobilize
2 Child Development Center (CDC) workers or other volunteers to provide emergency
3 early child education (ECE) at evacuation centers or sites, or otherwise, where there
4 are IDPs.
5

- 6 d. *Freedom of Movement.* – Every IDP has the right to liberty of movement in and out
7 of any evacuation center, transitory sites, or other settlements, subject to its existing
8 rules and regulations. Moreover, they shall be protected against forcible return or
9 resettlement in any place where their lives, safety, liberty and/or health would be at
10 risk.
11

12 As soon as the safety and security situation allow, IDPs shall not be prevented from
13 visiting their residences in the place of origin, in order for them to check on their
14 properties, engage in livelihood activities, and make informed decisions on their
15 choice of return, integration, or settlement elsewhere in the country.
16

17 In situations where it is necessary to curtail the freedom of movement, lack of
18 identity documents shall not be a basis for detention for a period longer than
19 necessary to verify the identity of the individual. Other measures to vouch for the
20 identity of the person concerned shall be taken into consideration. Authorities shall
21 ensure that the human rights of those found to be without identity documents are
22 respected and protected.
23

- 24 e. *Recognition, Issuance and Replacement of Documents.* – The authorities concerned
25 shall facilitate the issuance to the IDPs all documents necessary for the enjoyment
26 and exercise of their legal rights, including new documents or the replacement of
27 documents lost in the course of displacement, without imposing unreasonable
28 conditions and without discrimination against men and women, who shall have equal
29 rights to obtain and to be issued the same in their own names.
30

31 The Bangsamoro Government shall regularly conduct free mobile registration drives
32 in areas where there are concentrations of displaced populations with low rates of
33 birth registration.
34

35 The Ministry of Social Services and Development (MSSD) shall coordinate with the
36 Philippine Statistics Authority (PSA) in the latter's mandate under Section 7 of
37 Republic Act No. 10821, otherwise known as "Children's Emergency Relief and
38 Protection Act", in:
39

- 40 1. The development of a system for the restoration and reconstruction of civil
41 registry documents that have been destroyed or declared lost or missing during
42 the course of displacement;
- 43 2. The monitoring and reporting and to ensure the continued access of the
44 affected children to social services and facilitate the' reunification of separated
45 children with their families; and
- 46 3. The development of a system for the registration of children born during a
47 national or local state of calamity.

- 1
2 f. *Family Reunification, Missing Persons, and Deceased.* – The competent authorities
3 of the Bangsamoro government and the national government shall provide conditions
4 to expedite family reunification, search of missing persons, and collection and
5 identification of remains of the deceased, with due respect to cultural sensitivities and
6 religious beliefs.
7

8 The Bangsamoro Government shall establish a mechanism to centralize reports of
9 missing persons, search for and track their whereabouts, and facilitate family
10 reunification, especially those who were separated in the course of displacement. In
11 the meantime, such function shall be lodged with the BARMM Regional Office of
12 the Philippine National Police (PRO-BARMM), which shall coordinate with the
13 MSSD on the matter of unaccompanied and separated children.
14

15 For the tracing and reunification of orphaned, unaccompanied, and separated
16 children, pursuant to Section 6 of Republic Act No. 10821, the MSSD shall coordinate
17 with the DSWD and link its mechanisms for family reunification and tracking.
18

19 The Bangsamoro Darul-Ifta' (BDI) shall issue the necessary fatwa or religious edicts
20 to guide relevant authorities on the management of the mortal remains of Muslims,
21 including exhumation, to ensure respect and fulfillment of the right of families to
22 know the whereabouts of their missing relatives.
23

- 24 g. *Security and Protection.* – The relevant authorities of the Bangsamoro Government
25 and the LGUs concerned shall take necessary measures to ensure that IDPs are
26 received in the areas to which they are displaced by the receiving or host community,
27 without discrimination of any kind, and live in satisfactory conditions of safety,
28 dignity and security. The IDPs shall be protected the IDPs' right to liberty and safety of
29 person. No one shall be subjected to arbitrary arrest and detention. Special protection
30 and assistance must be provided for IDPs with special needs, including, but not
31 limited to, separated and unaccompanied children, women, expectant mothers,
32 mothers with young children, survivors of gender-based violence and/or domestic
33 violence, the elderly, and persons with disabilities or those with communicable
34 diseases.
35

- 36 h. *Property and Possessions.* – The property and possessions of IDPs shall, in all
37 circumstances, be protected against pillage or looting, direct and indiscriminate
38 attacks or other acts of violence, including being used to shield military operations or
39 objectives, being made the object of reprisal, or being destroyed or appropriated as a
40 form of collective punishment and destruction. Neither shall the property or
41 possessions of IDPs become the subject of arbitrary and illegal appropriation,
42 occupation, or use.
43

44 The LGU exercising territorial jurisdiction over the affected area or areas, with the
45 assistance of the national and Bangsamoro Government, shall endeavor to facilitate
46 the transportation of such property and possessions of IDPs, in a safe and secure area,
47 during and after displacement, subject to logistical considerations.

- 1
2 i. *Housing, Land, and Property.* – Land, housing, and other properties left behind by
3 IDPs shall be protected from occupation, appropriation, or use.
4

5 Notwithstanding any issuances to the contrary in the BARMM, IDPs are exempt from
6 payment of real property taxes and other local assessments relating to properties left
7 behind while in displacement.
8

9 In addition, the following measures shall be implemented:
10

- 11 1. The Ministry of Human Settlements and Development (MHSD), in coordination
12 with other relevant agencies of the Bangsamoro Government as well as the
13 national government counterparts with housing and land mandates, shall
14 maintain a registry of properties that are left behind by those displaced. It shall
15 inform other agencies in order that title holders or holders of specific rights may
16 register any opposition to any alienation, transfer, or conveyance of property
17 titles of these assets. It shall likewise maintain a registry of land that are under
18 dispute in areas vulnerable to displacement.
19
- 20 2. The Ministry of Indigenous Peoples' Affairs (MIPA) shall maintain a separate
21 registry for lands claimed as ancestral domain by indigenous peoples (IP)
22 groups. In such a case it shall perform the tasks of the MHSD in the foregoing
23 paragraph, as may be applicable.
24
- 25 3. The Bangsamoro Human Rights Commission (BHRC) shall investigate
26 allegations of violations of IDPs' housing, land, and property rights under this
27 Section. Any financial aid program of the BHRC shall include IDPs whose
28 houses and properties were damaged or lost during displacement caused by
29 armed conflict. This shall not be without prejudice to other forms of assistance
30 that may be provided by other agencies.
31
- 32 4. The Intergovernmental Relations Body (IGRB) shall include in its agenda
33 compensation for lost or destroyed properties on account of or in the course of
34 displacement.
35
- 36 j. *Right to Participation.* – IDPs shall have the right to actively participate in the
37 planning and management of their displacement situation as well as their return,
38 local integration, or settlement elsewhere. To give effect to this right, consultation
39 among IDPs and other affected populations shall be required before the approval of
40 disbursements related to assistance to IDPs: *Provided*, That it shall not delay the
41 delivery of live saving, emergency, and other time-sensitive assistance. The
42 approving authority shall ensure that a report of such consultation is included in the
43 supporting documents for such disbursement. The consultation mechanisms shall
44 further ensure that men, women, and different sectors are among those consulted.
45

1 Mechanisms shall likewise be established to allow IDPs to give feedback on the
2 nature and conduct of assistance both from government agencies and non-
3 government humanitarian actors.
4

5 In addition, IDPs shall be provided with conditions to facilitate the exercise of their
6 right to political participation. To give effect to the right of IDPs to political
7 participation, during election periods, the Bangsamoro Government through the
8 concerned LGU shall coordinate with the Commission on Elections (COMELEC)
9 for the establishment, management, and security of polling centers near evacuation
10 camps or areas where a sizable number of IDP voters may be found.
11

12 k. *Right to Request Protection and Humanitarian Assistance.* – IDPs have the right to
13 request for protection and humanitarian assistance from national, regional, and local
14 authorities. They shall not be punished or persecuted for such acts.
15

16 l. *Right to Pursue Civil and Administrative Remedies.* – Any IDP shall be entitled to
17 claim and be awarded civil damages from any public officer or employee, or any
18 private person, who, directly or indirectly, obstructs, defeats, violates, or in any
19 manner impedes or impairs any of the rights and liberties enumerated under this Act.
20 In addition to civil liabilities, any public officer or employee who are found guilty
21 of the same acts shall also be administratively liable.
22

23 SECTION 7. Protection Against Criminal Offenses and Other Unlawful Acts. —
24 Criminal offenses and unlawful acts, if found to be committed in the course of or during
25 displacement, shall be prosecuted under the relevant provisions of the Revised Penal Code and
26 other special laws applicable in situations of armed conflict, generalized and/or organized
27 violence, clan wars, political violence, violations of human rights, implementation of
28 development projects, natural, human-induced and human-made hazards, including but not
29 limited to Republic Act No. 9851, otherwise known as the "Philippine Act On Crimes Against
30 International Humanitarian Law, Genocide, And Other Crimes Against Humanity", Republic
31 Act No. 10121, and Republic Act No. 10821, as well as any relevant regional penal laws that
32 may be enacted by the Bangsamoro Parliament, including offenses that may be defined and
33 penalized under the regional Shari'ah laws.

34 SECTION 8. Assistance to IDPs. — The Bangsamoro Government, through its
35 ministries, agencies, and offices, its constituent LGUs and local government hospitals, shall
36 have the primary duty to provide immediate relief and humanitarian assistance to IDPs,
37 families and communities. It shall ensure full cooperation and coordination with national
38 authorities, such as the military and law enforcement agencies and national government
39 agencies conducting operations within its jurisdiction.

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

43 Existing mechanisms of relevant line agencies and those set up under Republic Act No.
44 10121 and other relevant national and regional laws, rules, and regulations, shall continue to

1 provide immediate relief and humanitarian assistance to IDPs, families, and communities to
2 the extent not expressly modified under this Act.

3 The National Government shall likewise have the duty to provide assistance to IDPs,
4 especially in situations where the magnitude of the displacement, deaths, and destruction is so
5 massive that the Bangsamoro Government will not be able to adequately respond, and
6 especially so when the national government forces took an active role in the armed conflict that
7 brought about the displacement.

8 SECTION 9. Safe and Free Passage of Humanitarian Assistance. — Humanitarian
9 assistance to IDPs shall not be diverted for any political or military reasons. All authorities
10 concerned shall grant and facilitate the free passage of humanitarian assistance to the internally
11 displaced and ensure rapid, safe, and unimpeded access of persons engaged in giving such
12 assistance, their transport and supplies to the displaced communities. They shall not be the
13 objects of attack or other acts of violence.

14 SECTION 10. Return, Local Integration, or Settlement Elsewhere in the Country. —
15 Competent authorities shall have the primary duty and responsibility to establish conditions
16 and provide means for Bangsamoro IDPs to return voluntarily, in safety and with dignity, to
17 their homes or places of habitual residence, to integrate voluntarily in their places of refuge, or
18 settle in another part of the Philippines, taking into consideration the right of IDPs to choose a
19 residence.

20 Said authorities shall likewise ensure prior consultations and the full participation of
21 IDPs during and after the planning and management of their return, local integration, or
22 settlement elsewhere in the country in the manner consistent with the provision of Section 6 (j)
23 of this Act. In cases where Bangsamoro IDPs decide to resettle outside the BARMM, the
24 necessary interventions shall be duly coordinated with the concerned national authorities and
25 the LGUs where the IDPs choose to settle.

26 The regional authorities shall coordinate with other concerned offices and agencies of
27 the national and Bangsamoro Government and LGUs concerned to plan for the return of
28 internally displaced persons to their places of origin. Such plan shall, to the extent possible
29 under existing laws, refrain from imposing administrative requirements that may limit or delay
30 the possibility of IDPs to return to their homes.

31 When, for reasons of safety and security, internally displaced persons are still unable
32 or not allowed to return, the regional authorities, in coordination with security and other
33 relevant government agencies, shall pursue all available means to create favorable conditions
34 for return.

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CHAPTER III

**INTER-GOVERNMENT AND INTER-AGENCY COORDINATION
AND COOPERATION**

SECTION 11. Bangsamoro Internal Displacement Coordinating Council or BIDCC. — The Bangsamoro Internal Displacement Coordinating Council or BIDCC (hereinafter referred to as “the Council”) is hereby created to serve as the main instrumentality of the Bangsamoro Government to ensure intergovernmental and inter-agency coordination and cooperation in addressing internal displacement in the BARMM.

The Council shall be headed by the Minister for Social Services and Development (MSSD) as Chairperson, with the Minister of the Interior and Local Government (MILG) as Vice Chairperson.

The Council’s members shall be the following:

- a. Ministry of Human Settlement and Development (MHSD);
- b. Ministry of Health (MOH);
- c. Ministry of Basic, Higher and Technical Education (MBHTE);
- d. Ministry of Public Order and Safety (MPOS);
- e. Ministry of Indigenous Peoples’ Affairs (MIPA);
- f. Bangsamoro Human Rights Commission (BHRC);
- g. Bangsamoro Women Commission (BWC);
- h. Bangsamoro Planning and Development Authority (BPDA);
- i. Bangsamoro Darul Ifta;
- j. Police Regional Office in the Bangsamoro Autonomous Region;
- k. Provincial Governments of Basilan including Lamitan City, Lanao del Sur including Marawi City, Maguindanao provinces, Sulu, and Tawi-Tawi;
- l. City Government of Cotabato City and any such chartered city within the BARMM that may create in the future;
- m. One (1) representative from the Special Geographic Area (SGA) consisting of the sixty-three barangays of North Cotabato as part of the BARMM, to be appointed by the Chief Minister;
- n. One (1) representative from an Office of the Bangsamoro Settlers;
- o. Four (4) representatives from the Civil Society Organizations (CSOs) as observer; and
- p. One (1) representative from the private sector as observer.

The members of the Council may organize themselves into committees that will allow it to perform its mandate for the protection and assistance to the IDPs.

The Council may likewise invite resource agencies with specialized knowledge to provide assistance and technical support.

SECTION 12. Powers and Functions of the Council. — The Council shall have the following functions:

- a. Formulate plans, policies, and strategies, and recommend measures for the protection of the rights of IDPs in compliance of this Act;

- 1 b. Review plans at the local government and agency-levels to ensure alignment with
2 regional strategies and ensure that the plans of LGUs are taken into consideration in
3 the planning of regional programs. Toward this end, the Council shall assist the
4 LGUs of the BARMM in mainstreaming the IDP-related plans within their
5 respective planning policies and documents as well as support the LGUs in their
6 efforts to craft IDP protection ordinances or policies at the local level: *Provided,*
7 That in the crafting of the local development plans, special consideration shall be
8 given to designing local infrastructure projects that can be used as alternative shelter
9 or evacuation facilities during situations of displacement, following established due
10 diligence requirements for the selection of such alternative shelter or evacuation
11 facilities;
- 12 c. Coordinate and resolve issues on internal displacement and IDPs;
- 13 d. Coordinate and harmonize all efforts and responses to issues regarding IDPs,
14 including that of international humanitarian organizations;
- 15 e. Raise awareness on the issue of internal displacement in the Bangsamoro at the
16 international, national, and regional levels as well as among all agencies and
17 instrumentalities of the Bangsamoro government;
- 18 f. Ensure multi-stakeholder cooperation and coordination especially the full and
19 meaningful participation by IDPs in the planning for assistance, in ensuring the
20 responsiveness of regional policies relating to IDPs;
- 21 g. Coordinate and harmonize efforts and movements towards durable solutions to
22 displacement such as return, local integration, and settlement elsewhere in the
23 country; and
- 24 h. Submit an annual report to the Chief Minister of the level and extent of compliance
25 with this Act, displacement data, analysis, actions taken, and recommendations, and
26 such other matters as it may deem relevant. Such report shall be included in the order
27 of business of the Parliament's session, in accordance with its rules, procedures and
28 practices.

29 SECTION 13. Local Internal Displacement Councils. — Upon the resolution of the
30 BIDCC and after due request from the LGUs concerned, local internal displacement
31 coordinating councils at the provincial, city, or municipal levels within the Bangsamoro shall
32 be established. It shall be headed by the local chief executive (governor, city, or municipal
33 mayor, as the case may be) as chairperson, with the provincial, city, or municipal counterparts
34 as the case may be of the ministries, offices, and agencies represented at the BIDCC as the
35 members.

36 SECTION 14. Bangsamoro Internal Displacement Management and Monitoring Office
37 or the BIDMMO. — There is hereby created a Bangsamoro Internal Displacement
38 Management and Monitoring Office (hereinafter referred to as "BIDMMO") under the
39 Ministry of Social Services and Development (MSSD). The BIDMMO shall be the
40 Bangsamoro Government's institutional and administrative focal point for IDPs. As such, it
41 shall have the following functions:

- 42
- 43 a. Acting as the official repository of IDP-related data, collect data and maintain the
44 documentation thereof in a database of IDPs containing data on the number, age- and
45 sex- disaggregated information, cause or type of displacement, whether the IDPs are in
46 evacuation centers or homebased, indicating the length or duration of displacement,

1 their vulnerabilities, origin and place of displacement, among others. Such IDPs
2 database will inform the plans and policies of the Bangsamoro Government regarding
3 issues affecting IDPs;

- 4 b. Monitor IDPs conditions through the development of a system that shall track the needs
5 and concerns, actions taken, remaining gaps in the response, and other relevant
6 information to ensure that IDPs rights are respected, protected, and fulfilled in all
7 phases of internal displacement;
- 8 c. Convene and provide secretariat support to the Council to ensure harmonized responses
9 to IDP needs and concerns;
- 10 d. Formulate a regional program on internal displacement to be known as the Bangsamoro
11 Internal Displacement Program or BIDP, which shall be approved and adopted by the
12 Council. The BIDP shall set out plans, policies, strategies, and the implementation
13 guidelines to ensure the protection and promotion of the rights of IDPs, in coordination
14 with concerned ministries and constituent local governments units (LGUs). The
15 BIDMMO shall ensure that all programs and assistance laid out in the BIDP are
16 received on a needs basis and in accordance to the rights of IDPs as provided by this
17 Act;
- 18 e. Develop vertical and horizontal coordination mechanisms for a more coherent
19 implementation of the BIDP by the Bangsamoro ministries and constituent LGUs
20 involved;
- 21 f. Monitor the development and enforcement by ministries and organizations of the
22 various laws, guidelines, codes or technical standards required by this Act;
- 23 g. Advise the Chief Minister on the status of its operations, RIDCC decisions, and the
24 conditions of the IDPs;
- 25 h. Oversee the implementation of the BIDP including all assistance to the IDPs provided
26 by the Bangsamoro Government;
- 27 i. Assist and coordinate, through the Bangsamoro Human Rights Commission and the
28 national Commission on Human Rights, the conduct of public inquiries, the
29 documentation of violations of human rights, assistance to IDPs seeking redress of
30 grievances, and an effective response by the concerned authorities, including the
31 implementation of applicable mechanisms on transitional justice and reconciliation;
- 32 j. Set up protocols, operational guidelines, standards and criteria for humanitarian
33 assistance rendered by the Bangsamoro Government, in accordance with core
34 humanitarian standards and that ensures full humanitarian access for persons in need;
- 35 k. Set up standards, together with non-government actors and/or organizations and other
36 relevant stakeholders, on the operations, coordination of, and mechanisms for
37 humanitarian aid, to ensure the aid community's commitment to the Do No Harm
38 (DNH) and Safeguarding Principles such as, but not limited to, protection from sexual
39 exploitation and abuses, and the protection of the privacy rights of the IDPs over their
40 persons, personal information, photographs, and other data;
- 41 l. Formulate, harmonize, and translate into policies a regional agenda for research and
42 data generation, and situational and protection analysis on internal displacement;
- 43 m. Ensure a multi-stakeholder participation in the development and implementation of the
44 BIDP by establishing mechanisms for consultation with affected communities
45 including the host communities and IDPs concerned; and
- 46 n. Monitor efforts and movements towards durable solutions to displacement such as
47 return, local integration and settlement elsewhere in the country.

1 SECTION 15. Intergovernmental Relations. — Exercising its autonomy and power to
2 legislate under its enumerated powers and the general welfare clause under Republic Act No.
3 11054, otherwise known as the “Organic Law for the Bangsamoro Autonomous Region in
4 Muslim Mindanao” (hereinafter referred to as “Bangsamoro Organic Law”), the Bangsamoro
5 Government, including its constituent LGUs, agencies and offices, shall ensure adherence to
6 the principles and policies enshrined by this Act, pursuant to the Constitution, and international
7 human rights and humanitarian laws.
8

9 The Bangsamoro Government affirms and acknowledges the jurisdictions of the
10 national government, its independent commissions, agencies, and the LGUs outside the
11 BARMM. Thus, when needed, policies and interventions shall be coordinated with the national
12 government agencies and its regional offices concerned in their implementation of existing and
13 prospective programs for Bangsamoro IDPs that are outside the BARMM territory as well as
14 the non-Bangsamoro IDPs crossing into the BARMM, consistent with Section 12, Article VI
15 of the Bangsamoro Organic Law. This shall include, but not be limited to, the coordination
16 with the Department of National Defense (DND) through the Office of Civil Defense (OCD)
17 on disaster risk reduction and management programs and Marawi rehabilitation; the
18 Commission on Human Rights (CHR) on human rights violations; and the Department of
19 Social Welfare and Development (DSWD) on human development programs.
20

21 The Bangsamoro Government further recognizes that the national government has
22 retained its authority to manage the funding for the Task Force Bangon Marawi, as provided
23 for in Article VI, Section 13 of the Bangsamoro Organic Law, without prejudice to the power
24 of the Bangsamoro Government to provide for supplemental funding for such programs and
25 project.
26

27 CHAPTER IV

28 GENERAL PROVISIONS

29
30
31
32 SECTION 16. Regional Plan to Address Internal Displacement. — The Bangsamoro
33 Internal Displacement Program or BIDP shall be formulated by the BIDMMO, subject to the
34 review and approval of the Council. The BIDP shall set out policies, plans, strategies, and the
35 implementation guidelines in addressing the needs and protecting the rights of Bangsamoro
36 IDPs during and after displacement as well as in their voluntary and safe return, local
37 integration or settlement elsewhere in the country. These may include financing assistance,
38 livelihood programs, psychosocial interventions, among others. Indigent families, women, and
39 children shall be given special attention and assistance. The plan shall also include measures
40 to prevent displacement.
41

42 The BIDP shall cover a three-year period to be reviewed annually by the Council. It
43 shall lay down all assistance or support programs to be extended to the Bangsamoro IDPs.
44 During its review and consideration of the BIDP, the Council shall take into account any
45 existing economic development plans, disaster risk reduction and management plans, and
46 investment plans that may already have been approved by the Bangsamoro Government. In
47 addition, the Council shall ensure that the goals and strategies of the BIDP are adequately
48 reflected and mainstreamed in the local development plans of the Bangsamoro’s constituent
49 LGUs in the manner provided in Section 12 (b).
50

1 SECTION 17. Early Recovery Plan. — The LGUs exercising territorial jurisdiction
2 over the displacement affected area or areas where there is displacement shall craft an Early
3 Recovery Plan, with support from the RIDMO and after due consultations with the IDPs, which
4 may include the putting up of specific infrastructure for temporary shelter in accordance with
5 existing applicable laws.
6

7 In selecting the locations, crafting of the designs, deciding on the management or
8 system of administration of the sites, and the other requirements for setting up the temporary
9 or transitory shelters, the LGUs concerned shall follow established due diligence requirements
10 designed to prevent the threats or minimize the risks of secondary displacement due to natural
11 hazards, existence of conflicting land or other legal claims, and other causes. Toward this end,
12 the LGUs concerned shall include and consult the IDPs at all times.
13

14 SECTION 18. Bangsamoro Rehabilitation and Transition. — Pursuant to Article XIV
15 of the Bangsamoro Organic Law, the Bangsamoro Government shall integrate all plans and
16 policies formulated under this Act to the Bangsamoro Development Plan (BDP) to guide the
17 utilization of the Special Development Fund (SDF) intended for the rebuilding, rehabilitation,
18 and development of its conflict-affected communities, and consistent with the goals and
19 principles of transitional justice. Toward this end, the promotion and protection of the rights of
20 the IDPs as provided for in this Act shall be given due regard, consideration, and shall be
21 integrated in such plans and policies intended for the rebuilding, rehabilitation, and
22 development of the conflict-affected communities.
23

24 SECTION 19. Mechanisms for International Humanitarian Assistance. — International
25 humanitarian organizations, their local counterparts, and other appropriate actors shall have the
26 right to offer their services, including humanitarian assistance, in support of the internally
27 displaced. These acts shall be considered done in good faith and not as unfriendly acts or
28 interference in the internal affairs of the government. Consent thereto shall not be arbitrarily
29 withheld, particularly when authorities concerned are unable or unwilling to provide the
30 required humanitarian assistance.
31

32 When providing assistance to IDPs, said organizations shall respect relevant domestic
33 laws, international standards, and codes of conduct. They shall give due regard to the protection
34 of the needs and human rights of the IDPs. Said organizations and all parties concerned shall
35 likewise adhere to the Do No Harm (DNH) and Safeguarding Principles so as to avoid exposing
36 the affected populations to additional risks. They shall at all times prevent and mitigate any
37 negative impact of their actions on affected populations.
38

39 SECTION 20. Importation of Humanitarian Assistance, Aid, and Donation. — The
40 importation and donation of food, clothing, medicine and equipment necessary for relief and
41 assistance to IDPs are hereby authorized in accordance with section 105 of the Tariff and
42 Customs Code of the Philippines, as amended. As regards National Internal Revenue taxes and
43 import duties of national and local government agencies, and the prevailing provisions of the
44 General Appropriations Act (GAA) will apply.
45

46 SECTION 21. Role of the BHRC. — The Bangsamoro Human Rights Commission
47 (BHRC) shall investigate all allegations of violations of human rights of the displaced
48 populations in the Bangsamoro. When warranted, it shall coordinate with the local Office of

1 the Prosecutor for the filing of appropriate criminal case against alleged perpetrators under the
2 relevant provisions of the Revised Penal Code and other special laws.

3
4 The BHRC may likewise undertake preventive and mandatory measures incident to its
5 investigation as provided for in Bangsamoro Autonomy Act No. 4, otherwise known as the
6 “Bangsamoro Human Rights Acts of 2019”.

7
8 Further, the BHRC shall include in its Annual Reports the results of its monitoring on
9 the respect and protection of the rights of IDPs. The BHRC shall coordinate with the national
10 Commission on Human Rights (CHR) on sharing of information pertaining to resolved and/or
11 pending cases with the BHRC, for purposes of issuance of the Human Rights Clearance under
12 Sec. 47 of the Bangsamoro Human Rights Acts Of 2019.

13
14 SECTION 22. Recognition of IDP-friendly LGUs. — There is hereby established a
15 Chief Minister’s award for deserving LGUs for their sustained efforts to promote and protect
16 the rights of internally displaced persons in their jurisdiction. The Council shall formulate the
17 guidelines and criteria for the Award.

18 19 20 CHAPTER V

21 22 FINAL PROVISIONS

23
24 SECTION 23. Appropriations. — The amount necessary for the initial implementation
25 of this Act shall be charged against the current year’s appropriations of the concerned
26 ministries, and constituent LGUs through their respective appropriations ordinances. For the
27 operations of the Council and the RIDMO during its first year, the funds shall be charged to
28 the budget of the Office of the Chief Minister and the MSSD respectively, subject to existing
29 rules and regulations. Thereafter, the sums as may be necessary for the continued
30 implementation of this Act shall be included in the Bangsamoro Appropriations Act.

31
32 SECTION 24. Implementing Rules and Regulations. — Within ninety (90) days from
33 the effectivity of this Act, the Ministry of Social Services and Development shall issue the
34 necessary rules and regulations for its implementation.

35
36 In the formulation of the rules and regulations, the MSSD shall take the lead and
37 coordinate with the Bangsamoro ministries and agencies enumerated in Section 11 (b), and the
38 Ministry of Finance, and Budget and Management (MFBM), and consult with the LGUs
39 concerned, civil society organizations and people’s organizations, and internally displaced
40 persons.

41
42 SECTION 25. Separability Clause. — If any part or provision of this Act shall be
43 declared unconstitutional or invalid, the other provisions hereof which are not affected thereby
44 shall remain in full force and effect.

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46
47

1 SECTION 26. Effectivity. — This Act shall take effect fifteen (15) days after its
2 publication in a newspaper of regional circulation in the Bangsamoro Autonomous Region in
3 Muslim Mindanao.

4
5
6 Approved,

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8
9
10 **HON. AHOD BALAWAG EBRAHIM**
11 *Chief Minister*


ABDUL RAUF MACACUA
Secretary