



Republic of the Philippines
PROVINCE OF LEYTE
City of Baybay
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AN ORDINANCE PROMOTING THE RIGHTS OF THE INTERNALLY DISPLACED PERSONS (IDP), INSTITUTIONALIZING MECHANISMS FOR THE PROTECTION THEREOF, PROVIDING FUNDS AND FOR SUCH OTHER PURPOSES.

Sponsored by: Hon. JOSE ROMMEL A. PEÑARANDA

PREFATORY STATEMENTS

WHEREAS, it has been the primary duty of the Local Government Unit of Baybay City to secure and safeguard the life and limbs of its citizens, and towards this end, it shall pursue a more proactive approach to secure the safety and welfare of its people;

WHEREAS, Section 16 of Republic Act 7160, otherwise known as the Local Government Code (LGC), gives power to the Local Government Units to enact ordinances which are essential to the promotion of the general welfare of its inhabitants;

WHEREAS, Section 17 of the LGC likewise provides for the basic services that the LGU shall provide to its constituents and which includes basic human needs such as food, water and shelter;

WHEREAS, Section 458(1)(iv) of the LGC further provides for the power of the *Sanggunian Panlungsod* to adopt measures to protect the inhabitants of the City from the harmful effects of man-made or natural disasters and calamities, and to provide relief services and assistance for victims during and in the aftermath of said disasters or calamities and their return to productive livelihood following said events;

WHEREAS, Section 458(5)(xiv) of the same Code provides further for the power of the *Sanggunian Panlungsod* to provide for the care of the needy and disadvantaged persons, particularly children and youth below eighteen (18) years of age; and subject to availability of funds, establish and provide for the operation of centers and facilities for said needy and disadvantaged persons;

WHEREAS, based on UNHCR data, a total of 2.8 million people across the globe have been displaced due to various reasons such as war, armed conflict, natural and man-made disasters and hazards which greatly affected their well-being;

WHEREAS, the City of Baybay lies in an area where natural calamities and hazards are frequent which resulted in the displacement of many of its residents and continue to be at risks of being displaced due to the effects of these hazards;

WHEREAS, there is a need to enact an ordinance that would promote and protect the rights and well-being of the internally displaced persons in the City of Baybay;

NOW THEREFORE, BE IT ORDAINED, as it is hereby ordained by the *Sangguniang Panlungsod* of the City of Baybay, Province of Leyte, in its Regular Session duly assembled that:

SECTION 1. This ordinance shall be known as the **LOCAL IDP ORDINANCE**.

SECTION 2. PURPOSE. The purpose of this Ordinance is to ensure and adopt a human rights-based approach for the promotion and protection of the rights of the Internally Displaced Person (IDPs) in situations of armed conflict, generalized or organized violence, clan wars, violations of human rights, implementation of development projects, and natural or human induced disasters or hazards.

SECTION 3. DEFINITION OF TERMS. The following terms as used in this Ordinance shall mean:

- a. Armed Conflict - refers to any use of force, armed violence or a protracted armed violence between governmental authorities and any organized armed groups or between such groups within the City;
- b. 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 characterized by sporadic outbursts of retaliatory violence between and among families, kinship groups, and communities;
- c. Disasters or Hazards - refer to a serious disruption of the functioning of a community or a society involving widespread human, material, economic, or environmental losses and impacts, which exceeds the ability of the affected community or society to cope using its own resources. Disasters are often described as a result of the combination of the following:
 - i. the exposure to a hazard;
 - ii. the conditions of vulnerability that are present; and
 - iii. insufficient capacity or measures to reduce or cope with the potential negative consequences.

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

- d. Generalized and/or Organized Violence - refers to the purposeful and systematic use of brutality to control individuals, groups and communities, through the use of overwhelming force, and characterized by widespread, massive or sufficient intensity. Its methods may include causing severe pain and suffering, killing, intimidating, threatening, and in some cases, destroying a community, ethnic group or political opposition.
- e. 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 in internal displacement of persons: *Provided*, that the term does not include legitimate resettlement schemes and/or programs.
- f. Internally Displaced Person or Group of Person/s (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 territorial jurisdiction of the City, 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, or natural and human-induced or human-made hazards or disasters expect upon lawful order of a competent court;

SECTION 4. SCOPE. This Ordinance shall protect and secure the rights of the Internally Displaced Persons within the City of Baybay who are displaced as a result of or in order to avoid the effects of armed conflict; violations of human rights; implementation of development projects; natural or human induced or human-made hazards or disasters, before, during and after displacement, until their return, integration, or settlement elsewhere.

CHAPTER I GENERAL PROVISIONS

SECTION 5. RIGHTS OF THE IDPs. The following rights shall be afforded to the IDPs during and after their displacement, without any discrimination of any kind, such as those based on sex, language, religion or belief, political or other opinion, ethnic or social origin, legal or social status, age, disability, property, birth or any other similar criteria:

- a) *Provision and Access to Basic Necessities.* - At the minimum, regardless of the circumstances, and without discrimination, the City Government shall ensure that IDPs are provided and have access to the following;
 1. Essential and adequate food taking into account the cultural and religious sensitivities of the displaced population, if any;
 2. Adequate and safe potable water;
 3. Provision for basic shelter;
 4. Clothing and essential non-food items necessary for their temporary displacement; and

5. Essential medical services and sanitation, including psychosocial services and essential drugs and medicine.
- b) *Freedom of Movement.*** - Every IDP has the right to liberty of movement and the right to move freely in and out of the evacuation center, camp or other temporary settlement, subject to existing rules and regulations. The IDPs, at any point in time during the period of their displacement shall also have the right to:
1. Seek safety from the homes or houses of relatives in or outside of the City;
 2. Be allowed to visit their residences in their places of origin, in order for them to check on their properties, engage in livelihood activities, including harvesting of crops, whenever safety and security conditions allow;
 3. Leave the evacuation center, camp or other temporary settlement and seek safety in another locality; and
 4. Be protected against acts that would compel them to return to their places of origin or their temporary or permanent settlements where their lives, safety, liberty and/or health would be at risk.
- c) *Recognition, Issuance, and Replacement of Documents.*** - The LGU shall assist the IDPs in the reconstitution and recovery of any lost documents that are kept in the local government office without costs.
- d) *Family Unity and Missing Persons.*** - The LGU shall endeavor that members of the displaced families who wish to remain together shall be allowed to do so. Families that are separated by the displacement and whose personal liberty has been restricted by confinement in any evacuation center, facility, encampment, or other settlement should be reunited immediately, with appropriate measures taken to expedite the reunion, particularly when children are involved.

Whenever populations affected by displacement encounter deaths, the LGU 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 facilitate their proper burial in conformity with the cultural and religious affiliation of the deceased, if known.

- e) *Health and Education.*** - IDPs shall not be denied access to health services to the fullest extent practicable. Special attention shall be provided to the health needs of women, children, persons with disabilities, and the elderly, taking into account their respective health conditions and other special health needs; and the prevention of contagious and infectious diseases among IDPs. The LGU shall also ensure that the displaced children have access to education and shall be allowed to continue with their education as soon as the circumstances warrant.

- f) *Property and Possessions.* - The property and possessions of IDPs, in all circumstances, shall be protected against pillage or looting, destruction, illegal appropriation, occupation or use. For this purpose, the concerned Barangay officials, with the assistance of the LGU, shall extend security assistance to the IDPs homes or habitual residences as well as in the evacuation centers or temporary settlement areas.
- g) *Protection against exploitation.* - The LGU shall ensure that the IDPs are protected from being used or victimized in the commission of the crime by lawless elements ready to take advantage of their situation.

SECTION 6. PRIMARY DUTY TO PROTECT. The LGU shall have the primary duty and responsibility to provide protection and humanitarian assistance to the IDPs within the City whether they are residents or are merely seeking refuge in the City, in accordance with its obligations under pertinent human rights law, humanitarian law, and other related laws.

CHAPTER II PRE-DISPLACEMENT

SECTION 7. RIGHT TO BE HEARD. Unless the displacement is not urgent or emergency, persons who will be the subject of displacement due to the implementation of development projects in their homes or places of habitual residence shall have the right to be notified of such development project and to be heard. In furtherance of this right, the following guidelines must be observed;

1. There shall be a public hearing or consultation before a development project of any Government agency is to be implemented in a certain locality where a group of persons might be displaced;
2. There shall be a plan on how the affected persons will be evacuated;
3. There shall be compensation to those who will be affected and/or a place where they can be relocated;

However, this provision shall not apply when the displacement is due to a court order or when the land is privately owned and the persons who will be affected voluntarily agree to vacate.

SECTION 8. WHEN THE DISPLACEMENT IS URGENT. When the displacement is urgent or emergency such as to prevent loss of life or damage to property, the following guidelines must be observed in order to protect the rights of those who might be affected;

1. Persons affected by the displacement shall be informed of the cause of the displacement
2. The LGU shall immediately assess the needs of these IDPs and provide these needs to them without delay;

3. The LGU shall place them in the proper evacuation center with the basic amenities supporting their needs;
4. The LGU shall then conduct an inventory of the IDPs and the damage it caused to their homes or habitual residences;

SECTION 9. PREPOSITIONING OF BASIC GOODS AND NEEDS. The LGU, through the City Social Welfare and Development Office (CSWDO), shall ensure that food and other basic needs of the IDPs are on stand-by prior to the actual displacement. For this purpose, the CSWDO shall prepare a pre-displacement action plan in terms of prepositioning of goods; identifying, preparing and managing the evacuation center; and ensuring the health and safety of the IDPs;

The LGU, through the Barangay and local law enforcement agencies, shall ensure the security of the homes, belongings and properties of the IDPs while they are being relocated to the evacuation centers and during their entire stay in such centers.

CHAPTER 3 DISPLACEMENT OF IDPs

SECTION 10. PROVISION FOR BASIC NEEDS. The LGU shall ensure that the IDPs are provided with the basic humanitarian needs during the period of their displacement such as food and non-food items, potable water, health services, sanitation and adequate shelter.

SECTION 11. ASSISTANCE FROM OTHER AGENCIES, ENTITIES OR INDIVIDUALS. Assistance from international, national or local agencies, groups, entities or individuals shall not be denied to the IDPs, provided however, that such groups or individuals must coordinate with the LGU for the proper documentation and disposition of the assistance.

SECTION 12. EARLY RECOVERY PLAN. – The LGU shall then craft and formulate an Early Recovery Plan which may include the putting up of specific infrastructure for temporary or transitory shelter in accordance with existing applicable laws. The Early Recovery Plan shall ensure the eventual integration of the IDPs back to their normal condition prior to the displacement. The LGU shall likewise ensure that in the formulation of the plan, the IDPs affected shall be involved and consulted.

SECTION 13. INTERVENTIONS. In the event that the displacement will be of permanent nature or the IDPs can no longer be brought back to their original place of residences, the LGU shall adopt intervention measures to capacitate the IDPs. Intervention measures shall include psychological evaluation and assessment, as well as skills training to the IDPs. The LGU shall likewise ensure access to health services and educational facilities.

CHAPTER 4 POST-DISPLACEMENT

SECTION 14. CONTINUING ASSISTANCE. In the event that the IDPs are brought back to their place of residences or when they are relocated in a resettlement area, the LGU shall continue to provide the IDPs with their basic needs until such time that it can be determined by the LGU that they are capable already to integrate back to their normal life post displacement.

SECTION 15. EVALUATION AND INTEGRATION. The CWSDO shall evaluate, assess and determine if the IDPs are ready to be integrated back to normalcy. In the event that the IDPs are already able and ready to be integrated, the CSWDO shall submit a report to the LCE. The LCE, upon receipt of the report and after consultation with the Local IDP Council, shall issue an order terminating the displacement.

CHAPTER 6 LOCAL IDP COUNCIL

SECTION 16. CREATION. There is hereby created in the City of Baybay a Local IDP Council composed of the following;

Chairperson : City Mayor

Vice-Chairpersons : CDRRMO Officer and CSWDO Officer

Members : Chair, SP Committee of Social Welfare

Chair, SP Committee of Health

City Legal Officer

City Health Officer

President, Liga ng mga Barangay

President, SK Federation

CTMTO

DILG

PNP

BFP

PCG

Representatives from Civic and Humanitarian Organizations

Representatives for accredited Civil Society Organizations (CSOs)

with advocacies on human rights and disaster response

SECTION 17. POWERS OF THE COUNCIL. The Local IDP Council shall have the following powers and functions;

1. Promulgate rules and regulations necessary for the effective implementation of this Ordinance;
2. Coordinate the humanitarian assistance that will be provided to the IDPs;
3. Gather data on the number and conditions of IDPs, leading to the formulation of a database that will aid the LGU in efficient planning and policy making regarding issues affecting IDPs;

4. Prioritize the release of immediate assistance allotted by international, national or local agencies, bodies, entities, or individuals to those affected by the displacement;
5. Secure assistance to support the needs of the IDPs;
6. Resolved conflicts between and among the IDPs;
7. Approved any Pre-Displacement Plan and/or Early Recovery Plan;
8. Perform such other functions necessary to promote and protect the welfare of the IDPs;

SECTION 18. PRIMARY RESPONSIBILITY. The CDRRMO shall have the primary responsibility to remove the IDPs from the hazards and transport them to a safe place. The CSWDO shall have the primary responsibility to cater the needs of the IDPs during and after the displacement until the displacement is terminated.

CHAPTER 6 MISCELLANEOUS PROVISIONS

SECTION 19. LIABILITIES. Any person found violating any of the provisions of this Ordinance shall be penalized with a fine of Php 2,000.00. If the violator is a public officer or an employee of the LGU, the proper administrative sanction shall be imposed upon him/her. Any person, who directly or indirectly obstructs, defeats, violates or in any manner impedes or impairs any of the rights and liberties of the IDPs shall be properly prosecuted before the courts of law.

SECTION 20. APPROPRIATION. The amount necessary for the implementation of this Ordinance shall be charged to the annual appropriations ordinance of the City in the amount the Local Chief Executive may deem reasonable to address the immediate needs of the IDPs.

SECTION 21. SEPARABILITY CLAUSE. – If any part or provision of this Ordinance shall be declared unconstitutional or invalid, the other provisions hereof which are not affected thereby shall remain in full force and effect.

SECTION 22. REPEALING CLAUSE. – All executive orders, memorandum orders, memorandum circulars, administrative orders, ordinances or parts thereof which are inconsistent with the provisions of this Ordinance are hereby deemed repealed or modified accordingly.

SECTION 23. EFFECTIVITY CLAUSE. – This Ordinance shall take effect after fifteen (15) days from its publication.