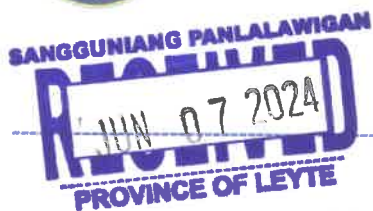


Item No.: 05
Date: 11 2024 JUN



Republic of the Philippines
PROVINCE OF LEYTE
Provincial Capitol
Tacloban City

-oOo-

PROVINCIAL LEGAL OFFICE



2nd INDORSEMENT
June 6, 2024

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through SP Secretary, the attached Ordinance No. 465 of the Sangguniang Bayan of Babatngon, Leyte.

Issues/concerns for review/recommendation/legal opinion is/are as follows:

- Ordinance No. 465 entitled: **An Ordinance Protecting the Rights of the Internally Displaced Persons in the Municipality of Babatngon and Appropriate Funds for the Purpose.**

REVIEW/RECOMMENDATION/LEGAL OPINION:

This office is of the opinion that the subject Ordinance is within the corporate powers of the local government unit particularly covered under Section 447 and Section 16. General Welfare Clause of the Local Government Code of 1991 to ensure and support, among other things, the preservation and enrichment of culture, promote health and safety, enhance the right of the people to a balanced ecology, encourage and support the development of appropriate and self-reliant scientific and technological capabilities, improve public morals, enhance economic prosperity and social justice, promote full employment among their residents, maintain peace and order, and preserve the comfort and convenience of their inhabitants.

The terms of the Ordinance in the opinion of this office appears to be not contrary to the to the laws and the constitution. Hence, recommending the declaration of its validity.

We hope to have assisted you with this request. Please note that the opinion rendered by this Office are based on facts available and may vary or change when additional facts and documents as presented or changed. This opinion is likewise without prejudice to the opinions rendered by higher and competent authorities and/or the courts.

ATTY. JOSE RAYMUND A. ACOL
Asst. Provincial Legal Officer

Republic of the Philippines
PROVINCE OF LEYTE

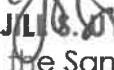
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OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1ST ENDORSEMENT
06 June 2024



Respectfully indorsed to the **PROVINCIAL LEGAL OFFICE** the
herein **ORDINANCE NO. 465** of the **MUNICIPALITY OF BABATNGON,**
LEYTE, for review and recommendations.


FLORINDA J. DYVICO
Secretary to the Sanggunian

SP-Records
662024

Republic of the Philippines
Province of Leyte

Municipality of Babatngon



OFFICE OF THE SANGGUNIANG BAYAN

04 June 2024

Honorable Leonardo M. Javier, Jr.
Vice Governor and Presiding Officer, and

The Honorable Members
Sangguniang Panlalawigan
Province of Leyte
Legislative Bldg., Capitol Grounds
Tacloban City

Dear Honorable Ladies and Gentlemen,

Respectfully endorsed to the Honorable Sangguniang Panlalawigan of the Province of Leyte is Ordinance No. 465, entitled: "AN ORDINANCE PROTECTING THE RIGHTS OF INTERNALLY DISPLACED PERSONS IN THE MUNICIPALITY OF BABATNGON AND APPROPRIATING FUNDS FOR THE PURPOSE." Subject Ordinance is being forwarded to that Body for review in compliance with Section 56(a) of Republic Act 7160.

Enclosed please find the following:

1. Ordinance No. 465; and
2. Certification of Posting

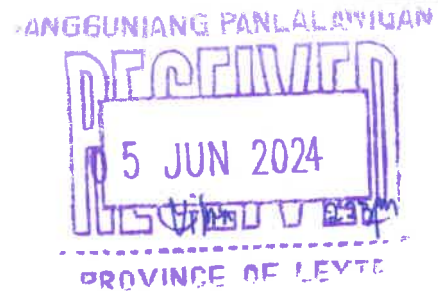
Please find them in order and praying for your favorable action thereof.

Very truly yours,

A handwritten signature in black ink, appearing to read "Alma A. Baldomar".

ALMA A. BALDOMAR
Secretary II
Secretary to the Sanggunian-designate

Enclosed:
As stated





SANGGUNIANG BAYAN
BABATNGON, LEYTE

RELEASED

BY: *[Signature]*
DATE: June 4, 2024
TIME: 11:00 Am

OFFICE OF THE SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF THE 93rd REGULAR SESSION OF THE SANGGUNIANG BAYAN OF BABATNGON, LEYTE HELD ON THE 20th DAY OF MAY 2024 AT THE SB SESSION HALL, LEGISLATIVE BUILDING, BABATNGON, LEYTE.

RECEIVED
05 JUN 2024
11:22 AM

ORDINANCE NO. 465

MAYOR'S OFFICE
BABATNGON, LEYTE

RECEIVED

BY: *[Signature]*
DATE: June 4, 2024
TIME: 11:22 AM

AN **ORDINANCE PROTECTING THE RIGHTS OF INTERNALLY DISPLACED PERSONS IN THE MUNICIPALITY OF BABATNGON AND APPROPRIATING FUNDS FOR THE PURPOSE.**

Author : HON. HILARION S. MENZON
Co-Author : HON. ALEX VELOSO BELLO
HON. CHRISTIAN C. LAWSIN
HON. KEMUEL RUE M. CORSIGA

WHEREAS, the 1987 Philippine Constitution adheres to the principle that the maintenance of peace and order, the protection of life, liberty, and property, and the promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy;

WHEREAS, internal displacement events are common occurrences in the country. With the challenges and threat to dignified living conditions that internal displacements cause, it is imperative to adopt a measure that will address violations of human rights against IDPs, and to provide protective mechanisms for affected communities;

WHEREAS, in 2021, it was estimated that more than 5.8 million Filipinos have been displaced at a given time within the year. This number has significantly increased during and after the onslaught of super typhoons that affected the eastern part of the country in the latter part of 2021, particularly the areas affected by Typhoon Odette ("Rai");

WHEREAS, at present, the Philippines has no laws that specifically relate to IDP rights. The current closely related legislation, the Philippine Disaster Risk Reduction and Management Act of 2010, is focused on the roles of national and local government agencies, giving them clear responsibilities regarding disaster response. However, the law is not specifically crafted to address rights issues and lay down the rights of IDPs, particularly their protection from being arbitrarily displaced;

WHEREAS, it is imperative for the Local Government of Babatngon to create and implement measures and mechanisms that aim to protect IDPs as they are at a high risk of having



their rights abused, as they have limited means of protecting themselves from possible human rights violations.

NOW, THEREFORE, BE IT ORDAINED BY THE SANGGUNIANG BAYAN OF MUNICIPALITY OF BABATNGON IN REGULAR SESSION ASSEMBLED:

SECTION. 1. Short Title. This Ordinance shall be known as the Municipality of Babatngon Ordinance for the Protection of the Rights of Internally Displaced Persons.

SEC. 2. Declaration of Policy. - It is hereby declared the policy of the Local Government of Municipality of Babatngon:

- a. To adopt a human-rights-based approach for the promotion and protection of the rights of internally displaced persons in situations of armed conflict, generalized or organized violence, clan wars, violations of human rights, implementation of development projects, pandemics, natural, human-induced, and human-made hazards;
- b. To ensure the promotion and protection of the rights of internally displaced persons or groups of persons (IDPs) by international humanitarian law and international human rights law; and
- c. To ensure that the IDPs shall be protected from any form of discrimination or persecution and shall prioritize their rehabilitation and reintegration into society.

SEC. 3. Scope. -This Ordinance shall primarily provide for the protection of the rights of local IDPs during and after displacement, as well as their return, local integration or resettlement elsewhere. It shall likewise cover arbitrary internal displacement of civilians as a result of or to avoid the effects of armed conflict, situations of generalized or organized violence, violations of human rights, implementation of local development projects, and natural, human-induced and human-made hazards.

SEC. 4. Primary Duty to Protect the IDPs. - The Local Government of Municipality of Babatngon has the primary duty and responsibility to provide protection and humanitarian assistance to IDPs within its jurisdiction. As such, the local government 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 international humanitarian law, to prevent and avoid conditions that might lead to the arbitrary internal displacement of person.

SEC. 5. Rights During and After Displacement. - 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 another opinion, national, ethnic, or social origin, legal or social status, age, disability, property, birth or any other similar criteria:



Municipality of Babatngon

- a. Provision and access to necessities. - At the minimum, regardless of circumstances, and without discrimination, competent local government authorities shall provide IDPs with and ensure safe access to:
- i. Essential and adequate food and nutrition and potable water;
 - ii. Basic shelter and housing;
 - iii. Appropriate clothing; and
 - iv. Essential medical and dental services and sanitation, including psychological and social services and essential drugs and medicines;
- b. IDPs must be protected against criminal offenses and other unlawful acts committed against them by virtue of them being displaced. 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.
- c. 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.
- d. 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 forms of violence against children, such as trafficking, forced labor or sexual exploitation and other violations of children's rights;
 - iv Slavery or any contemporary form of slavery, such as sale into marriage, sexual exploitation or forced labor of children; and
 - v Acts of violence intended to spread terror among IDPs. Threats and incitement to commit any of the foregoing acts under paragraph (b) subsections 1 and 3 are also prohibited.

IDPs shall not be interned or confined in any evacuation center, facility, encampment or other confinement. If 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 with the local law enforcement agencies conducting operations, and other concerned offices and agencies of both the local and national government;



Municipality of Babatngon

- f. 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;
- g. 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;
- h. 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 the 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 local public affairs, including the right to have access to the means necessary to exercise these rights; and
 - v. To communicate in a language or dialect they understand.
- I IDPs have the right to seek safety in a nearby or another locality, leave the locality, and be protected against forcible return to resettlement in any place where their lives, safety, liberty and/or health would be at risk;
- j. *Recognition, Issuance, and Replacement of Documents.* - The local authorities concerned shall issue to the IDPs all documents necessary for the enjoyment 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 them, and to obtain and to be issued the same in their own names.
- k. 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; The Local Government of Babatngon shall encourage cooperation among government agencies, non-government



organizations and civil society groups engaged in the task of family reunification; The Local Government of Babatngon concerned shall also endeavour to establish the fate and whereabouts of IDPs reported missing and cooperate with relevant local and national, as well as 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; The Local Government of Babatngon shall also 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. Gravesites of IDPs shall be protected and respected in all circumstances and shall have the right to access the grave sites of their deceased relatives.

- l. Certain IDPs, such as children, especially unaccompanied minors, expectant mothers, mothers with young children, female heads of household, persons with disabilities, and elderly persons, shall be entitled to protection and assistance required by their condition and to treatment which takes into account their special needs;
- m. 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;
- n. 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;
- o. Special attention shall also be given to the prevention of contagious and infectious diseases, including acquired immunodeficiency syndrome (AIDS) among IDPs; and
- p. The Local Government of Babatngon 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 programs and training facilities, shall be made available to them as soon as circumstances permit; and
- q. The property and possessions of IDPs shall, in all circumstances, be protected against the following acts:
 - i. Pillage or looting;



- ii. Direct and indiscriminate attacks or other acts of violence;
- iii. Being used to shield military operations or objectives;
- iv. Being made the object of reprisal;
- v. Being destroyed or appropriated as form of collective punishment; and
- vi. 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 and national human rights, humanitarian law, or rights granted to persons by law.

SEC. 6. Assistance During Displacement of IDPs. - The primary duty and responsibility for humanitarian assistance to IDPs within their territorial jurisdiction lie with the local government unit concerned. As such, the military and local law enforcement agencies conducting operations, the City/Municipal Social Welfare and Development Office (C/MSWDO), the City/Municipal Health Department, local hospitals and other appropriate local 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 attacks or other acts of violence.

All concerned local government 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 reparations.

SEC. 7. Return, local integration or resettlement elsewhere. - Competent local authorities, such as the military and local law enforcement agencies conducting operations, C/MSWID, City/Municipal Health Department, local government hospitals and other appropriate local government agencies, shall have the primary duty and responsibility to establish conditions and provide means for IDPs to return voluntarily, in safe and with dignity, to their homes or places of habitual residence, or to resettle voluntarily in places of refuge and/or other parts of the country, taking into consideration the rights of IDPs to choose a residence.

Said authorities, including the Regional Offices of the Commission on Human Rights (CHR), shall likewise ensure prior consultation and the full participation of IDPs during and after the planning and management of their return, reintegration or resettlement elsewhere.



SEC. 8. Coordination with the CHR. - The Local Government of Babatngon shall work and coordinate with the CHR, through its concerned Regional Office/s, in monitoring and investigating human rights violations and abuses committed against the IDPs to ensure the protection of their rights during and after displacement.

SEC. 9. Monitoring of compliance. - The Committee on (Justice and/or Human Rights) shall submit every [month] a report duly reviewed and approved by the Sangguniang Bayan on the status of the implementation of this Ordinance. The report shall be submitted to the Regional Office of the CHR which shall in turn make recommendations to improve the conditions of the IDPs.

SEC. 10. Appropriations. - The Local Government of Babatngon shall appropriate an amount for the establishment of the mechanisms and services provided in this Ordinance. For the succeeding calendar years, the budget for the implementation of this Ordinance shall be included in the appropriations of the Office of the Mayor.

SEC. 11. Separability Clause - If for any reason or reasons, any part or provision of this ordinance shall be held unconstitutional, invalid, or inconsistent with the Local Government Code of 1991, the other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

SEC. 12. Effectivity Clause - This Ordinance shall take effect fifteen (15) days after publication in a newspaper of local circulation.

APPROVED and ENACTED this 20th day of May 2024 at Babatngon, Leyte.

I HEREBY CERTIFY to the correctness of the foregoing ordinance.


ALMA A. BALDOMAR
Secretary II
Secretary to the Sanggunian-Designate

ATTESTED:


HON. ROSARY PEARL G. CATUDIO
Municipal Vice Mayor
Presiding Officer


HON. CHRISTIAN C. LAWSIN
Sangguniang Bayan Member


HON. KEMUEL RUE M. CORSIGA
Sangguniang Bayan Member


HON. KARL JOMAR L. EMBANA
Sangguniang Bayan Member


HON. ILDEFONSO B. ODON
Sangguniang Bayan Member



HON. FEDERICO P. ELIZAGA, JR.
Sangguniang Bayan Member

HON. HILARION S. MENZON
Sangguniang Bayan Member

(Special Leave)
HON. CHARITA M. CHAN
Sangguniang Bayan Member

HON. ALEX V. BELLO
Sangguniang Bayan Member

HON. EDGARDO Y. MORDEN
President
Liga ng mga Barangay

HON. JUDE LEMWEL B. VETHIMVAS
President
Pambayang Pederasyon ng
Sangguniang Kabataan

APPROVED:

HON. ELEONOR B. LUGNASIN
Municipal Mayor

Date: 04 June 2024



Republic of the Philippines
Province of Leyte
Municipality of Babatngon



OFFICE OF THE SANGGUNIANG BAYAN

CERTIFICATION

TO WHOM THIS MAY CONCERN:

This is to certify that **POSTING** in prominent places in the **Municipal Hall** and some conspicuous places in the locality was undertaken starting **04 June 2024** and copies of said ordinance shall remain posted for **three (3) consecutive weeks**, pursuant to **Sec. 59 (b) of Republic Act 7160**, in relation to hereunder **Ordinance**, to wit:

- 1. ORDINANCE NO. 465 - AN ORDINANCE PROTECTING THE RIGHTS OF INTERNALLY DISPLACED PERSONS IN THE MUNICIPALITY OF BABATNGON AND APPROPRIATING FUNDS FOR THE PURPOSE.**

Made this **4TH** day of **June 2024** at **Babatngon, Leyte**.

A handwritten signature in black ink, appearing to read "AAB".

ALMA A. BALDOMAR
Secretary II
Secretary to the Sanggunian-designate

