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EXCERPT FROM THE MINUTES OF THE CY 2024 - 48th REGULAR SESSION OF THE HONORABLE SANGGUNIANG BAYAN TIGBAUAN, ILOILO HELD AT THE S.B. SESSION HALL! TIGBAUAN MUNICIPAL BUILDING ON NOVEMBER 18, 2024 AT 10:00 O'CLOCK IN THE MORNING

## PRESENT:

2 7 NOV 2024

OFFICE OF THE MUNICIPAL MAY

12:02 PM

LOCAL GOVERNMENT UNIT OF TRANSPORTAN

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Dato: 1.76-74

HON. NERI T. CAMIÑA

SB Member & elected Temp. Pres. Officer SB Member

HON, ADRIAN S. CAMPOSAGRADO

SB Member

HON. REYNALDO E. TUMABOTABO

HON. JULIUS T. LEDESMA

SB Member

HON. NORBERTO T. TURALBA HON. JERRY T. TUARES

SB Member

HON. GAYLORD T. TRASPORTO

SB Member Liga President

HON. FLORENCE JOY V. CABALONGA

SKMF President

OFFICIAL BUSINESS:

HON. LUGEN T. ORTILANO,

Vice Mayor

(To attend emergency meeting with DPWH Officials & Congresswoman Janette Loreto - Garin of the 1st District of Hollo, in

Guimbal, Iloilo, November 18, 2024)

MTO TISRAUAN COLUMN TO A

ABSENT:

HON. JOEL L. SAYSON

HON. ANA ROWENA A. PERERA

mber (Special Privilege Leave) 1/ - 79 - 74

SB Member (Special Privilege Leave) 8:30 AM

Municipal Ordinance No. 2024-038

AN ORDINANCE PROTECTING THE RIGHTS OF INTERNALLY DISPLACED PERSONS IN THE MUNICIPALITY OF TIGBAUAN, PROVINCE OF ILOILO, PROVIDING MECHANISM THEREFOR AND FOR OTHER PURPOSES

Introduced & Moved by: HON. ADRIAN S. CAMPOSAGRADO

Sponsored by:

Committee on Rules, Ordinances, Resolutions and Legal Matters

Chairman:

Hon. Adrian S. Camposagrado

Vice Chairman:

Hon, Julius T, Ledesma

Hon. Norberto T. Turalba, Hon. Reynaldo E. Tumabotabo and Hon. Jerry T. Tuares

Seconded by:

Hon. Reynaldo E. Tumabotabo, Hon. Julius T. Ledesma, Hon. Norberto T. Turalba, Hon. Jerry T. Tuares,

Hon, Gaylord T. Trasporto and Hon, Florence Joy V. Cabalonga

**EXPLANATORY NOTES** 

WHEREAS, Article II, Section 2, of the Philippine Constitution declares that the State values the dignity of every human person and guarantees full respect for human Rights;

WHEREAS, Article XIII, Section 1 of the Philippine Constitution further mandates the enactment of measures to protect and enhance the rights of all the people to human dignity, reduce social, economic, and political inequalities, and remove cultural inequalities by equitably diffusing wealth and political power for the common good;

WHEREAS, the Philippine Constitution declares to provide local government units (LGUs) genuine and meaningful local autonomy to enable them to attain their fullest development as self-reliant communities and as effective partners in the attainment of national goals;

WHEREAS, the LGUs are authorized under Section 16 of Republic Act No. 7160 or the Local Government Code of 1991 to exercise the powers necessary, appropriate, or incidental for its efficient and effective governance and those which are essential to the promotion of the general welfare;

WHEREAS, the Sangguniang Bayan has been specifically empowered under the law to enact and adopt measures to protect the inhabitants of the municipality 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, there is currently a lack of existing national or regional laws, mechanism, and coordinated system that provides internally displaced persons (IDPs) from getting adequate and sufficient form of protection and assistance;



WHEREAS, through the initiative of the United Nations High Commissioner for Refugees, the UN Guiding Principles on Internal Displacement (UNGPID) were formulated;

WHEREAS, the Local Government Unit of Tigbauan hereby takes initiative to institutionalize the protection of its inhabitants, identified as IDPs and other displacement affected communities, through the establishment of mechanism to assist and protect them;

**NOW, THEREFORE, BE IT ENACTED**, as it is hereby enacted by the Sangguniang Bayan of Tigbauan, lloilo in session duly assembled that:

# CHAPTER I PRELIMINARY PROVISIONS

**SECTION 1. TITLE.** This ordinance shall be entitled as "An Ordinance Protecting the Rights of Internally Displaced Persons (IDP) in the Municipality of Tigbauan, Province of Iloilo, Providing Mechanism Therefor, and for Other Purposes" and shall also be known as the "Internally Displaced Persons (IDP) Ordinance of Tigbauan".

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

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

- a. **Disasters or Hazards**, as defined in Republic Act No. 10121, otherwise known as the "Philippine Disaster Risk Reduction and Management Act No. 2010", 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 hazards;
  - ii. The conditions of vulnerability that are present; and
  - iii. Insufficient capacity or measures to reduce or cope with the potential negative consequences.
  - iv. 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 service, social and economic disruption, and environmental degradation.
- b. 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.
- c. 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 terms does not include legitimate resettlement schemes and/or programs.
- d. Internal Displacement refers to the involuntary or coerced movement or relocation of persons, families, or communities from their homes or places of habitual residences within the national borders, as a result of or in order to avoid or minimize the effects of armed conflict; situations of generalized and/or organized violence' violations of human rights; implementation of development projects; or natural or human-induced or human-made hazards or disasters.
- e. Internally Displaced Person or Group of Persons (IDP) refers to any person or group of persons who has or been forced or obliged to flee or to leave their homes or places of habitual residence within the national borders, as a result of or in order to avoid or minimize the effects of armed conflict, situations generalized and/or organized violence, violations of human rights, implementation of development projects, or natural and human-induced or human-made hazards or disasters.

**SECTION 4. SCOPE.** This Ordinance shall primarily provide for the protection of the rights of the inhabitants of the Municipality of Tigbauan, lloilo who are displaced as a result of or in order to avoid the effects of violations of human rights, implementation of development projects, or natural or human-induced or human-made hazards or disasters, during and after displacement, as well as their return, local integration, or settlement elsewhere.

This Ordinance shall likewise cover inhabitants of the Municipality of Tigbauan, Iloilo who are displaced to areas outside the Municipality, and non-inhabitants or residents of other localities who are displaced into areas within the territory of the Municipality of Tigbauan, Iloilo.

Cher Comments

To address the risks involved in natural disasters or hazards, and the overall impact of climate change on the rights of those internally displaced, the local mechanisms established under the pertinent provisions of other relevant laws such as Republic Act No. 9729, otherwise known as the Climate Change Act of 2009, and Republic Act No. 10121, otherwise known as the Philippine Disaster Risk Reduction and Management Act of 2010, and other related laws shall be activated.

# CHAPTER II PROTECTION FROM AND PREVENTION OF INTERNAL DISPLACEMENT

**SECTION 5. PRIMARY DUTY TO PROTECT.** The Local Government Unit of Tigbauan has the primary duty and responsibility to provide protection and humanitarian assistance to internally displaced persons (IDPs) within the Municipality, in accordance with their obligations under the pertinent human rights law, humanitarian law, and other related Laws.

SECTION 6. PROTECTION FROM DISPLACEMENT AND ADDITIONAL SAFEGUARDS TO PREVENT INTERNAL DISPLACEMENT. The Local Government Unit of Tigbauan shall take all measures to prevent the occurrence of displacement.

If displacement is inevitable due to circumstances beyond the control of the Local Government Unit or that pose hazardous risks to the lives and properties of a person or persons living in areas within the jurisdiction of the Municipality of Tigbauan, measures shall be taken to minimize displacement and its adverse effects on the populations that will be affected: Provided, that prior to making any decisions requiring the displacement of persons, the municipal authorities concerned shall ensure that all feasible alternatives have been explored in order to avoid displacement. In any event, displacement shall not be carried out in a manner that violates the rights to life, liberty, dignity, security and property of those affected irrespective of their legal status and applied without any adverse distinction.

All concerned authorities, groups and persons shall observe the following safeguards to prevent or minimize the adverse effects of internal displacement:

- a. If displacement is inevitable, the different Local Government Offices and agencies, pursuant to their respective mandates and functions, shall ensure, to the greatest practicable extent, the availability of proper accommodation for the IDPs with satisfactory conditions of safety, nutrition, water and sanitation, health and hygiene, and where the members of the same family, especially women and children are not separated.
- b. In situations other than emergency stages of armed conflicts and hazards, the following additional guaranties shall be complied with concerning displacement of persons:
  - The Municipal Mayor shall issue an Executive Order directing such displacement, fully disclosing all information on the reasons and detailed procedures for the displacement, and when applicable, also on the processes and mechanisms for the distribution of financial assistance and for relocation;
  - 2. Free and informed consent of persons to be displaced shall be sought before and during the implementation of the Order;
  - Authorities implementing such Order shall endeavor to involve those affected, particularly women, elderly persons and PWDs, in the planning and management of their relocation or resettlement, return, or local integration;
  - 4. Law enforcement measures, when required, shall be carried out judiciously and only by competent legal authorities; and
  - 5. The right to an effective remedy, including the review of such decisions or orders by appropriate judicial authorities, shall be fully respected.

# CHAPTER III RIGHTS OF IDPs AND THE RESPONSIBILITIES OF THE LGU DURING AND AFTER DISPLACEMENT

SECTION 7. ASSISTANCE DURING DISPLACEMENT OF IDPs. – The primary duty and responsibility for providing immediate and emergency humanitarian assistance to IDPs lie with the Local Government Unit of Tigbauan, in close collaboration with concerned national, regional and provincial offices. As such, the Local Government Unit of Tigbauan shall provide immediate relief and humanitarian assistance to IDPs, families and communities.

The Local Government Unit of Tigbauan shall prioritize, at the earliest possible juncture, coordinating with the military and other national or regional agencies to facilitate the free passage of humanitarian assistance

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to the internally displaced persons and ensure rapid, safe and unimpeded access of persons engaged in giving such assistance, their transport and supplies to the displaced communities.

Humanitarian assistance to IDPs shall not be diverted for any political or military reason.

**SECTION 8. COORDINATION AND MANAGEMENT OF EVACUATION.** The goal of the Local Government Unit of Tigbauan is to have immediate but managed evacuation procedures and evacuation camps or centers with a well-defined system of leadership, administration, and accountability, and with adequate facilities that enable timely delivery of assistance to the victims.

To achieve this, there shall be created coordination and management structures at the municipal government that shall be responsible for equipping, coordinating, pre-identification of sites and facilities, prepositioning of resources, and defining of the procedures, activities, and processes to improve the manner of carrying out evacuations and the conditions of the evacuation camps or centers and ensure timely delivery of adequate and appropriate response.

**SECTION 9. EVACUATION MANAGEMENT COMMITTEE (EMC).** The EMC shall be headed by the Municipal Social Welfare and Development Officer or an alternate from the office to coordinate the delivery of assistance and services to the IDPs. It shall be composed of the following members:

- a) Municipal Disaster Risk Reduction and Management Officer (MDRRMO) or an alternate from the office
- b) Chief of Police, Tigbauan Municipal Police Station or an alternate from the office
- c) Municipal Health Officer or an alternate from the office
- d) General Service Officer or an alternate from the office
- e) Municipal Engineer or an alternate from the office
- f) Municipal Local Government Operations Officer or an alternate from the office
- g) Department of Education District Supervisor or an alternate from the department
- h) Tigbauan Market Vendors Association President or an alternate from the office
- i) Representative from the Municipal Disaster Risk Reduction and Management Council (MDRRMC)
- j) Representative from the Tigbauan People's Council

## SECTION 10. FUNCTIONS OF THE EMC. The EMC shall have the following functions:

- Coordinate and monitor service delivery, needs assessment, and identify gaps in the evacuation centers. They shall ensure that the required assistance, services, and protection of the IDPs are provided in a timely manner and are based on the protocols and standards;
- 2. Coordinate the mobilization of local resources or request for augmentation from the MDRRMO, other national, regional, or provincial agencies, or from external donors, whenever necessary;
- 3. Ensure that the municipal agencies, groups, and organizations providing assistance to the evacuation centers are aware of the standards, protocols, and guidelines that will be set forth hereto:
- Monitor and address needs related to the use of schools as evacuation centers or camps and address the needs related to continuing learning within these evacuation centers during emergencies;
- Coordinate with concerned academic institutions inside and outside the Municipality of Tigbauan where in-school IDPs are enrolled in to ensure that an in-school IDP will not be deprived of enough consideration and support when it comes to their academics;
- 6. Establish participative and transparent governance and management systems in the evacuation camp or center, including the crafting of essential rules therefore;
- 7. Ensure the inclusion of IDPs, especially women and persons with disabilities, persons with special needs, and other vulnerable groups in the management of activities and in the decision-making processes;
- 8. Maintain a database of the IDPs and roll-out the information management system;
- 9. Mediate and encourage dialogue among IDPs, and between IDPs and host communities towards peaceful coexistence;
- 10. Coordinate with law enforcement agencies and the Barangay officials in the maintenance of peace and order inside the evacuation centers and camps to ensure the safety, preservation of the security of the people, facilities, and properties during the period of occupation by the IDPs;
- 11. Endorse to the Sangguniang Bayan of Tigbauan the approval of the authority of the Municipal Mayor to enter into a Memorandum of Agreement with other Local Government Units that may or shall serve as hosts for Tigbauanon IDPs to ensure the protection of their rights from the concerned LGUs;
- 12. Enter into agreements with buildings, structures, or property owners that will be used as evacuation centers or camps, specifying the duration, the number of persons or families, and the duties and responsibilities of the Municipal Government and the property owners;
- 13. Coordinate with the building or property owner of the privately-owned evacuation center or camp and ensure their inclusion in the decision-making processes concerning the use, care, and maintenance of their properties and facilities during the period of occupation by the IDPs; and



14. Identify and map the agencies and groups providing assistance to the various evacuation centers, including the type of assistance being provided (3Ws: Who, What, and Where

**SECTION 11. IDPs OUTSIDE EVACUATION CENTERS AND THEIR HOST COMMUNITIES.** Notwithstanding the above provisions specifically mentioning actions, mechanism, and processes within or pertaining to evacuation centers or camps, nothing in this Ordinance shall be interpreted to mean that IDPs living or staying outside of evacuation camps or centers are not entitled to protection of their rights and welfare during and after displacement.

Towards this end, it shall also be the mandate of the EMC to look after and consider, in the dispensation of their mandates and tasks as are deemed applicable and relevant, the needs and requirements of the IDPs living or staying outside of the evacuation camps or centers.

Furthermore, the EMC shall, as far as practicable, also ensure that the IDP's hosts are properly attended to and provided adequate assistance. The EMC shall include, in their plans and programs, such specific interventions or assistance dedicated to IDPs living outside the evacuation centers or camps and for the host communities as well.

**SECTION 12. RIGHTS OF IDPs DURING AND AFTER DISPLACEMENT.** The following rights shall be afforded to the IDPs within and outside Evacuation Camps or Centers 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:

## 1) Access to Basic Necessities

At the minimum, regardless of the circumstances, and without discrimination, the EMC and other instrumentalities, shall provide IDPs with and ensure their safe access to:

- a) Essential and adequate food and nutrition and potable water, in conformity with cultural and religious sensitivities of the displaced population;
- b) Basic shelter and housing: Provided, that The Municipal Government, through the Office of the Mayor, in consultation with the Municipal Engineer, Social Services and Health Officers, shall ensure that alternatives locations, including private lots or households, are identified, and made available as alternative shelter for IDPs whenever designated evacuation centers or camps become full or exceed normal capacities.
- c) Appropriate clothing and essential non-food items; and
- d) Essential medical and dental services and sanitation, including psychosocial services and essential drugs and medicine.

# 2) 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 settlements, subject to existing rules and regulations. The IDPs, at any point during the period of their displacement shall also have the right to:

- a) Seek safety in another part of the Municipality;
- 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;
- c) Be protected against forcible return to resettlement in any place where their lives, safety, liberty and/or health would be at risk. Towards this purpose, the EMC and other concerned municipal authorities shall endeavor to regularly consult and check with the IDPs within their evacuation centers or camps about any plans or desire to move out or seek another place of safety and shelter during the period of displacement for the purpose of extending assistance to them in that regard. In all cases, the municipal authorities shall enable the IDPs to make informed decisions on their choice of return, integration, or settlement elsewhere in the country.

# 3) Recognition, Issuance, and Replacement of Documents

The Local Government Unit of Tigbauan, offices and agencies, and concerned Barangay Councils, shall waive all costs related to the issuance of new documents, lost in the course of displacement, necessary for IDPs to enjoy and exercise their legal rights, without discrimination against men and women, who shall have equal rights to obtain and to be issued the same in their own names.

# Family Unity and Missing Persons

Members of 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 the children are involved.

For this purpose, the EMC, under the leadership of the Municipal Social Welfare and Development Officer in coordination with local police authorities shall cooperate with the IDPs, the local humanitarian organizations engaged in the task of family reunification, and other organizations to establish the fate

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and whereabouts of the IDPs reported missing, inform the family member or relatives on the progress of the investigation, and notify them of any result.

Whenever populations affected by displacement encounter deaths, the Local Government Unit of Tigbauan 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 surviving family members or relatives or dispose them respectfully; and facilitate their proper burial in conformity with the cultural and religious affiliation of the deceased, if known. Grave sites of the deceased shall be protected and respected in all circumstances and living IDPs shall have the right of access to the grave sites of their deceased relatives.

#### 5) Health

IDPs shall be entitled to access health services to the fullest extent practicable and with least possible delay. Special attention shall be provided to the nutritional and health needs of women, children, persons with disabilities, and the elderly, taking into account their respective health conditions and other special health needs.

Medical check-ups and assistance shall be immediately conducted for the prevention of contagious and infectious diseases among IDPs. Fees for such medical exams, except for required laboratories, shall be waived during the onslaught of the cause of the displacement.

#### 6) Education

The Local Government Unit of Tigbauan, in coordination with the local school board and the Department of Education shall ensure that IDPs, particularly displaced children, receive continuing education that shall be free and compulsory at the primary level and that respect for their cultural identity, language and religion. Educational and training facilities shall be made available to them as soon as circumstances permit.

## 7) Property and Possessions

The property and possessions of IDPs, in all circumstances, shall be protected against pillage or looting, direct and indiscriminate attacks or other acts of violence, from being used to shield military operations or objectives, or be made the objects of reprisal or be destroyed or appropriated as a form of collective punishment.

Neither shall these properties be subject to destruction, arbitrary and illegal appropriation, occupation or

For this purpose, the Tigbauan Municipal Police Station, and the concerned Barangay officials tasked with maintenance of peace and order, shall work together to extend security and other assistance to the IDPs. Furthermore, all concerned municipal authorities shall assist the IDPs in the recovery of their property and possessions, ensure safety in the transit or transport thereof, and shall provide or assist these persons in obtaining appropriate financial assistance or other forms of reparation, whenever wanted.

## **CHAPTER IV**

# RIGHTS OF IDPs AND THE RESPONSIBILITY OF THE LOCAL GOVERNMENT UNIT OF TIGBAUAN OVER DURABLE SOLUTIONS

**SECTION 13. RECOVERY ASSISTANCE TO IDPs.** Under the supervision of the MSWDO, the necessary recovery assistance for the **return, local integration, or settlement** elsewhere of IDPs shall be given: Provided, that in no case shall recovery assistance exceed the fifteen (15) calendar days.

**SECTION 14. RETURN, REINTEGRATION OR LOCAL INTEGRATION, OR RESETTLEMENT.** The Local Government Unit of Tigbauan, in collaboration with other appropriate national, regional, and provincial government agencies, shall have the primary duty and responsibility to establish conditions and provide means for IDPs to return voluntarily, in safety and with dignity, to their homes or places of habitual residence, or to resettle voluntarily in other places of refuge and/or in another part of the Municipality, taking into consideration the right of IDPs to choose residence.

The Local Government Unit of Tigbauan shall likewise ensure prior consultations and the full participation of IDPs during and after planning and management of their return, local integration or settlement elsewhere.

SECTION 15. ELIGIBILITY UNDER THE TIGBAUANON PARA SA TIGBAUANON ORDINANCE. Internally Displaced Persons shall be eligible for any financial assistance that may be provided by the Local Government Unit under the Tigbauanon para sa Tigbauanon Ordinance. However, fees and charges incidental to the processing of their requirements shall be waived by the concerned Local Government Unit office or agency and barangay council.

SECTION 16. INTERNALLY DISPLACED PERSON (IDP) ASSISTANCE OFFICER. The head of the Evacuation Management Committee shall be designated as the Internally Displaced Person (IDP) Assistance



Officer. They shall be able to receive, accept, and respond to concerns and requests of Internally Displaced Persons before, during, and after the displacement.

# CHAPTER V MISCELLANEOUS PROVISIONS

**SECTION 17. LIMITATIONS.** A person's displacement status cannot and shall not be used to justify or excuse their criminal actions.

**SECTION 18. CIVIL AND ADMINISTRATIVE LIABILITIES.** Any public officer or employee, or any private person, who directly or indirectly obstructs, defeats, violates or in any manner impedes or impairs any of the rights and liberties of another person enunciated in this Ordinance shall be liable civilly and/or administratively, as the case may be.

**SECTION 19. MONITORING AND EVALUATION.** The Office of the Municipal Mayor, together with the Sangguniang Bayan Committees on Disaster Risk Reduction and Management, Social Services, and Oversight, may call upon the Evacuation Management Committee and all other persons involved herein for submission of reports and updates on the implementation of this Ordinance.

**SECTION 20. IMPLEMENTING OFFICE.** The Office of the Municipal Mayor and all the offices involved in the Evacuation Management Committee shall be in charge of the implementation of this ordinance.

**SECTION 21. SEPARABILITY CLAUSE.** The provisions of this Ordinance are separable, and in the event that any or more of such provisions are declared invalid, the validity of all other provisions shall not be affected hereby.

**SECTION 22. REPEALING CLAUSE.** Any Ordinance. Executive Orders and Local Issuance or Rules and Regulations or part thereof, inconsistent with or in conflict with this Ordinance are hereby repealed and or altered accordingly.

**SECTION 23. EFFECTIVITY CLAUSE.** This Ordinance shall take effect after complying with the requirements as to posting and/or publication as provided for under Section 59 of RA 7160.

ENACTED. November 18, 2024.

CERTIFIED CORRECT:

MARLENE TAYO-NAVA

SB Secretary

ATTESTED:

NERI T. CAMINA

SB Member & Temporary Presiding Officer

APPROVED:

ATTY. WKĞİLIQ T. TERUEL

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(Date signed)