



Republic of the Philippines
CARAGA Region XIII
Province of Surigao del Norte
Municipality of San Benito



Office of the 10th Sangguniang Bayan

AN EXCERPT FROM THE MINUTES OF THE 27th REGULAR SESSION OF THE 10TH
SANGGUNANG BAYAN MEMBERS OF THE MUNICIPALITY OF SAN BENITO, SURIGAO
DEL NORTE HELD AT SANGGUNANG BAYAN SESSION HALL ON JULY 08, 2024 AT
EXACTLY 9:00 O' CLOCK IN THE MORNING

PRESENT:

Hon. Puyat P. Sumando	SB Member / Presiding officer Pro - Tempore
Hon. Charlito E. Mendavia	Sangguniang Bayan Member
Hon. Aldrein C. Glimane	Sangguniang Bayan Member
Hon. Felix B. Sumando Sr.	Sangguniang Bayan Member
Hon. Delfin P. Labola	Sangguniang Bayan Member
Hon. William A. Polican	Sangguniang Bayan Member
Hon. Jayrom P. Caballejos	Sangguniang Bayan Member
Hon. Aira Mae C. Galano	Ex-Officio / SKF President

ABSENT:

Hon. Wellybel A. Requirme	Municipal Vice Mayor
Hon. Cindy R. Agati	Sangguniang Bayan Member
Hon. Ruella T. Rulete	LNMB President / On - Leave

MUNICIPAL ORDINANCE NO. 154 - 24 Series of 2024

**“AN ORDINANCE ENACTING THE PROTECTION OF THE RIGHTS
OF INTERNALLY DISPLACED PERSONS IN THE MUNICIPALITY
OF SAN BENITO, SIARGAO ISLAND, SURIGAO DEL NORTE,
PROVIDING MECHANISM THEREFORE AND FOR OTHER
PURPOSES”**

WHEREAS, Article II, Section 5 of the Philippine Constitution states that the maintenance of peace and order, the protection of life, and property, and the promotion of the general welfare are essential for the enjoyment by all the people under the blessings of democracy;

WHEREAS, the Municipality of San Benito, Siargao Island, Surigao del Norte is fully committed to principles, policies, plans and programs that will bring inclusive and sustainable peace and address conflicts that cause disturbance against the peaceful loving citizens of the municipality;

WHEREAS, the Municipality of San Benito, Siargao Island, Surigao del Norte is a 6th Class Municipality with six (6) component barangays, created under Republic Act No. 6396 on September 17, 1971;

WHEREAS, Municipality of San Benito, Siargao Island, Surigao del Norte is one of the most affected municipalities in Siargao Island, Surigao del Norte province during typhoon with numerous numbers of **IDPs** that needs immediate protection, reintegration, rehabilitation and better security guarantee before returning in their homes;

WHEREAS, IDP's with no durable solution still in sight due to constant threats of being hit by a natural disaster, there is a need to pass an Ordinance protecting the rights of the IDP's while staying in camps and relocation sites and there by ensure security guarantee before returning in their respective homes;

WHEREFORE, foregoing premises considered upon the motion of Sangguniang Bayan Member Charlito E. Mendavia duly seconded by Sangguniang Bayan Member William A. Polican, be it

ENACTED by the Sangguniang Bayan of San Benito, Siargao Island, Surigao del Norte in session assembled that:

ARTICLE I PRELIMINARY PROVISIONS

Section 1. Short Title. This Ordinance shall be known as "San Benito's Protection of Internally Displaced Persons Ordinance".

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 Persons (IDP's) in situations of natural or human induced disasters or hazards, generalized or organized violence, violence of human rights, implementation of developments projects.

Section 3. Definition Of Terms. The following terms as used in this Ordinance shall mean as follow:

- a. **Disaster or Hazards**, as defined in the Republic Act No.10121, otherwise known as the "Philippine Disaster Risk Reduction and Management Act of 2010", refer to a serious disruption of the functioning of a community or 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:

1. The exposure to a hazard
2. The conditions of vulnerability that are presents; and
3. Insufficient capacity or measures to reduce or cope with 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 property, destruction of assets, loss of services 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 result or may result to internal displacement of persons: Provided, That the term does not include to internal displacement of persons: Provided, That the term 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 residence within the national borders, as a result of or in order to avoid or minimize the effects of armed conflict; implementation of development projects; or natural or human induced or human-made hazards or disasters.
- e. **Internally Displaced Person (IDP)** refers to any person or group of persons who has or have been forced or obliged to flee or to leave their homes or places of habitual residence within the national borders, as a result of or in order to avoid or minimize the effects of armed conflict, situation of generalized and/or organized violence, violations of human rights, implementation of development projects, or natural human-induced or human-made hazards or disasters

Section 4. Scope. This Ordinance shall cover IDPs in the municipality and those IDPs who seek refuge in the municipality. This Ordinance shall cover IDPs protection and rights to shelter, food and ensure their well-being are provided while staying in camps and relocation sites in the municipality. The municipal government shall also ensure guarantee of the IDPs before returning to their respective homes in coordination with the municipality/s concerns if in case those IDPs came from other municipalities.

ARTICLE II PROTECTION FROM THE PREVENTION OF INTERNAL DISPLACEMENT

Section 5. Primary Duty to Protect. The Municipality of San Benito, Siargao Island, Surigao del Norte has the primary duty and responsibility to provide protection and humanitarian assistance to Internally Displaced Persons (IDP) within the Municipality, in accordance with their obligations under the pertinent of human rights law, humanitarian law other related laws.

Section 6. Protection from Displacement and Additional Safeguards to Prevent Internal Displacement. The Municipal Disaster Risk Reduction Management Office (MDRRMO) shall be the lead agency responsible to act on prevention and response in times of disaster in the municipality. The Municipal Mayor being the Chairperson of the Municipal Disaster Risk Reduction Management is paramount decision maker in the advent to cause and implement displacement. Members of the Municipal Peace and Order Council such as PNP shall be consulted before any move to decide on the procedure to implement displacement. The main goal in deciding to cause and execute preventive evacuation is the safety of the responders and the displaced individuals.

ARTICLE III RIGHTS IF IDPS AND THE RESPONSIBILITIES OF THE MUNICIPALITY DURING AND AFTER DISPLACEMENT

Section 7. Assistance During Displacement of IDPs. The Municipal Social Welfare and Development Office (MSWDO) is the primary agency to provide immediate and emergency humanitarian assistance to IDPs. The MSWDO shall message the camp coordination and management, provide relief operation and humanitarian assistance to IDPs, families and communities affected by the natural and man-made disasters.

Humanitarian assistance to IDPs shall not be diverted for any political or military reason. The municipal authorities shall prioritize, the earliest possible juncture, coordinating with the military and other national or regional agencies to 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.

Section 8. Coordination and Management of Evacuation. The MDRRM Office or the Local Chief Executive shall hold pre-evacuation conference and planning prior to the deployment of responders. To ensure proper management of evacuation, there must be a strict monitoring of service delivery needs assessment and identify gaps in the evacuation center. Hence the following steps shall be undertaken by the concern:

a)

1. Coordinate the mobilization of local resources in request for augmentation from the PDRRMC and other national agencies or external;
2. Identify and map the agencies and groups providing the assistance being provided;
3. Develop the specific protocols to help the council implement the objective of JMC No. 2013;
4. Ensure the agencies or group and organizations providing the assistance to the evacuation centers are aware of the guidelines and standard set there to risks of secondary displacement due to natural hazards, existence of conflicting land or other legal claims, and other causes;
5. Appropriate clothing and essential non-food items; and
6. Essential medical and dental 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 settlements, subject to existing rules and regulations. The IDPs, at any point during the period of their displacement shall also have the right to:

1. Seek safety in another part of the Municipality;
2. Be allowed to visit their residences in the 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 their Sitio, Barangay or Municipality and seek safety in another locality; and
4. Be protected against forcible return forcible return to resettlement in any place where their lives, safety, liberty and/or health would be at risk.

Towards this purpose, the RHU, MDRRMO 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 choices of return, integration or settlement elsewhere in the country.

c) Recognition, Issuance and Replacement of Documents- The municipal authorities, through the Office of the Municipal Civil Registrar, the concerned Barangay Officials, and other agencies, shall issue to the IDPs all documents necessary for the enjoyment and exercise of their legal rights, which shall be detailed in an Executive Order to be issued by the Municipal Mayor for that purpose. In particular, the Order shall cover the manner and procedure for issuance of new documents lost in the course of displacement without imposing fees and other conditions as far as practicable and without discrimination against men and women, who shall have equal rights to obtain and to be issued the same in their own names.

d) 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 Municipal Social Welfare and Development Officer in coordination with the 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 and whereabouts of the

IDPs reported missing, inform the next-of-kin on the progress of the investigation, and notify them of any result.

Whenever populations affected by displacements encounter deaths, the municipal authorities concerned shall endeavor to collect and identify the mortal remains of the deceased, prevent their despoliation or mutilation, and facilitate their proper burial in conformity with the burial in conformity with the cultural and religious affiliation of the deceased, if known. Grave sites of deceased IDPs 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.

e) Health and Education – IDPs shall be entitled to access health services to the fullest extent practicable and win the least possible delay. 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 contagious and infectious diseases among IDPs.

The municipal authorities, in coordination with the local school board and the DepEd and other agencies providing education shall ensure that the IDPs, in particular, 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.

f) Property and Possessions – The property and possession 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 object 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 use.

For this purpose, the municipal police, the concerned Barangay officials tasked with maintenance of peace and order and in coordination with the Armed Force of the Philippines, 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 in safety in the transit or transport thereof, and shall provide or assist these persons in obtaining appropriate financial assistance or other forms of just reparation, whenever warranted.

ARTICLE IV

RIGHTS OF IDPs AND THE RESPONSIBILITIES OF THE MUNICIPALITY OVER DURABLE SOLUTIONS

Section 9. Recovery Assistance to IDPs. The 30% Quick Response Fund (QRF) under the MDRRMC of this municipality shall be utilized for the Recovery Assistance of the IDPs. Other funds may be source out of the 20 percent Development Fund subject to the budgeting rules and accounting procedures. The receipt of such recovery assistance from the Municipal Government of San Benito shall be without prejudice to the amount of assistance granted under other government programs, which may be made available to IDPs under existing laws, rules and regulations.

Section 10. Early Recovery Plan. It shall be the responsibility of the Municipal Mayor, with the support from the Office of Municipal Engineer, MDRRMO, MSWDO, among other agencies, to craft and formulate the Early Recovery Plan, which may include the putting up of specific infrastructure for temporary shelter in accordance with existing applicable laws. They shall coordinate with the Provincial and Regional agencies of the Province of Surigao del Norte, whenever warranted, and act only after due consultations with the affected IDPs.

Section 11. Return, Local Integration or Settlement Elsewhere. – Competent municipal authorities, in cooperation with the military and law enforcement agencies conducting operations, the MDRRMO, MSWDO, RHU and other government agencies, shall have the primary duty and responsibility to establish conditions and provide means for IDPs to return voluntarily in places of refuge and/or in another part of the Municipality, taking into consideration the right of IDPs to choose residence. Said authorities, including the National Commission on Human Rights (NCHR), shall likewise ensure prior consultation and the full participation of IDPs during and after planning and management of their return, local integration or settlement elsewhere.

In cases of settlement across LGU's, the support for IDPs shall extend to full and complete integration and without discrimination. All LGUs affected shall coordinate in this regard.

Section 12. Development of Host Communities. – The Municipality of San Benito, Siargao island, Surigao del Norte values and encourages the benevolence and acts of duty that its communities and inhabitants offer while acting as hosts for the IDPs. As such, the municipal government, through the Municipal Planning and Development Council and its Executive Committee, shall undertake the continuous development of this host communities by ensuring that the socio-economic, infrastructure and public works, and other development and investment plans, programs, and funding of the municipality adequately and proportionately include specific needs requirements of these communities and localities.

Furthermore, the municipal government shall prioritize liaising and coordinating with the counterpart provincial and regional development plans and agencies to specifically incorporate the development needs and requirements of the communities hosting IDPs in order to boost their area's socio-economic potential and competitiveness, whenever warranted.

ARTICLE V MISCELLANEOUS PROVISIONS

Section 13. Mechanism for International Humanitarian Assistance. International Humanitarian Organization, their local counterparts, and other appropriate actors shall have the right to offer their service, including humanitarian assistance, in support of the internally displaced. These acts shall be considered done in good faith and not as unfriendly acts or interference in the internal affairs of the government. Consent thereto shall not be arbitrary withheld, particularly when the authorities concerned are unable or unwilling to provide the required humanitarian assistance.

When providing assistance to IDPs, said organization respect relevant domestic laws, international standards and codes of conduct. They shall give due regard to protection of needs and human rights of the IDPs.

Section 14. Civil and Administrative Liabilities. Any public officer or employee, or any private person, who directly 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 15. Municipal Legislative Oversight Committee. A joint Municipal Legislative Oversight Committee is hereby created, composed of:

- Chairperson: Municipal Vice Mayor
- Vice-Chairperson: SB Chair on Committee on Disaster Management & Social Services

- Members:
 - Liga Ng Mga Barangay President
 - Sangguniang Kabataan Federation President
 - Sangguniang Bayan Secretary (MGDH 1)

The Municipal Legislative Oversight Committee shall convene in meeting to ask or seek clarificatory questions on any matter related to displacement and the implementation of this Ordinance. It shall receive the quarterly reports from the IDP Coordinating Committee.

Section 16. Monitoring of Compliance. An inter-agency IDP Coordinating Committee is hereby created and shall be tasked to periodically monitor compliance with this Ordinance. The Committee shall be headed by the Municipal Mayor, with the MDRRMO as the Vice Chair.

The Members of the Committee shall be composed of:

- a. Municipal Social Welfare and Development Officer
- b. Municipal Chief of Police – San Benito Municipal Police Station (PNP)
- c. Municipal Local Government Operation Officer
- d. Municipal Health Officer
- e. A representative of human rights non-government organization (NGOs) or other human rights groups

The Committee shall work towards the collection of data on the number and conditions of IDPs, leading to a database that will aid the government in efficient planning and policy making regarding issues affecting IDPs.

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

The Committee shall submit quarterly reports to the Municipal Legislative Oversight Committee herein created. Such quarterly report shall be the basis for proposed amendments to existing legislation to improve the conditions of IDPs. The Committee shall likewise furnish copies of its reports to the relevant offices of the provincial and regional governments of the Province of Surigao del Norte, respectively.

Section 17. Appropriations. The amount necessary for the initial implementation of this Ordinance shall be charged against the current year's appropriations of MDRRMO. Thereafter, such funding as may be necessary for the continued implementation of the Ordinance shall be included in the Municipal Appropriations Ordinance.

Section 18. 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 19. Repealing Clause. All executive orders, memorandum orders, memorandum circulars, administrative orders, ordinance or parts thereof which are inconsistent with the provisions of this Ordinance are hereby deemed repealed or modified accordingly.

Section 20. Effectivity Clause. This Ordinance shall take affect fifteen (15) days after its approval by the Sangguniang Bayan.

ENACTED this, 08th day of July 2024 at the Legislative Session Hall, 3rd Floor, Legislative Building, San Benito, Surigao del Norte, Philippines.

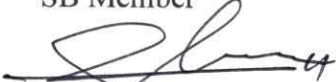
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We hereby certify to the correctness of the foregoing Ordinance.

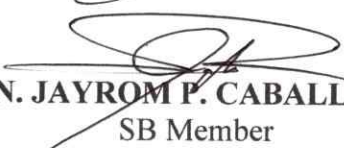

HON. CHARLITO E. MENDAVIA
SB Member


HON. ALDREIN C. GLIMANE
SB Member


HON. FELIX B. SUMANDO, SR.
SB Member


HON. DELFIN P. LABOLA
SB Member


HON. WILLIAM A. POLICAN
SB Member


HON. JAYROM P. CABALLEJOS
SB Member

HON. AIRA MAE C. GALANO
Ex-Officio / SKF President


HON. PUYAT P. SUMANDO
SB Member
Presiding Officer Pro-Tempore

Attested:


MELQUIADES G. MANTILLA, MA, MPA
Municipal Government Department Head 1
Sangguniang Bayan Secretary

APPROVED: 07/11/2024


HON. Ma. GINA SUMANDO – MENIL, LCB
Municipal Mayor