



SENATE

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P. S. Res. No. 798

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Introduced by **SENATOR LEILA M. DE LIMA**

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**RESOLUTION**  
**DIRECTING THE APPROPRIATE SENATE COMMITTEE TO CONDUCT**  
**AN INQUIRY, IN AID OF LEGISLATION, AS REGARDS THE STATUS OF**  
**INDIVIDUALS AND FAMILIES FROM MAGUINDANAO, NORTH**  
**COTABATO, AND LANA DEL SUR DISPLACED BY THE ON-GOING**  
**ARMED CLASH BETWEEN THE ARMED FORCES OF THE PHILIPPINES**  
**AND THE BANGSAMORO ISLAMIC FREEDOM FIGHTERS**

1           WHEREAS, Article II, Section 11 of the 1987 Constitution provides that, “[th]e  
2 State values the dignity of every human person and guarantees full respect for human  
3 rights.”;

4           WHEREAS, Article II, Section 5 of the same provides that, “[t]he maintenance  
5 of peace and order, the protection of life, liberty, and property, and promotion of the  
6 general welfare are essential for the enjoyment by all the people of the blessings of  
7 democracy.”;

8           WHEREAS, the Philippines is State Party to various human rights treaties  
9 which form part of the legal bases of the United Nations Guiding Principles on Internal  
10 Displacement (UNGPID), and which defines internally displaced as “persons or  
11 groups of persons who have been forced or obliged to flee or to leave their homes or  
12 places of habitual residence, in particular as a result of or in order to avoid the effects  
13 of armed conflict, situations of generalized violence, violations of human rights or  
14 natural or human-made disasters, and who have not crossed an internationally  
15 recognized State border.”;

1 WHEREAS, the Armed Forces of the Philippines commenced military  
2 operations on 17 June 2018 in Lanao del Sur against groups allegedly led by Abu Dar,  
3 believed to be rebuilding a group from residual forces who caused the Marawi conflict<sup>1</sup>;

4 WHEREAS, as an outcome of this general violence from the tensions between  
5 the military and the group identified as the Bangsamoro Islamic Freedom Fighters,  
6 many of our fellow Filipinos are currently in the throes of massive displacement;

7 WHEREAS, as of 19 June 2018, there are 23,465 individuals and about 5,136  
8 families coming from different municipalities of Maguindanao and North Cotabato  
9 already affected by the ongoing conflict;

10 WHEREAS, the National Disaster Coordinating Council, in its NDCC Circular  
11 No. 05 s-2007, has raised issues relating to security, access to food, shelter and  
12 education and livelihood as primary concerns in disaster management<sup>2</sup>;

13 WHEREAS, the UNGPID outlines the rights pertaining to Internally Displaced  
14 Persons (IDPs) to ensure that they are able to exercise fundamental rights and  
15 freedoms without discrimination, and that resources necessary for their health,  
16 education, and well-being remain available;

17 WHEREAS, the UNGPID further articulates that the government institutions  
18 have the obligation to promote and protect the rights of IDPs, and stipulates that these  
19 obligations equally apply to and must be observed by other individuals and groups  
20 participating in the context that brought displacement<sup>3</sup>;

21 WHEREAS, recommendations to the Philippines by treaty bodies, such as the  
22 United Nations Committee on the Elimination of all Forms of Discrimination Against  
23 Women<sup>4</sup> and the United Nations Committee on Economic Social and Cultural Rights,<sup>5</sup>

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1 "IDP Protection Assessment Report - Armed Forces of the Philippines (AFP) vs. Pro-ISIS militants in Tubaran and Pagayawan, Lanao del Sur" (Issue No. 02; 27 June 2018), available at <https://reliefweb.int/report/philippines/idp-protection-assessment-report-armed-forces-philippines-afp-vs-pro-isis-0>, accessed on 09 July 2018.

2 NDCC Circular No. 05 s-2007, 10 May 2007. Retrieved from: <http://bit.ly/2L4I58K>.

3 United Nations Guiding Principles in Internal Displacement, paragraph 2.

4 Concluding Observations on the combined seventh and eighth periodic reports of the Philippines CEDAW/C/PHL/CO/7-8.

5 Concluding Observations on the combined fifth and sixth periodic reports of the Philippines (E/C.12/PHL/CO/5-6).

1 expressly point to the need to address trafficking of women that can arise when people  
2 are forced to leave their homes and residences;

3 WHEREAS, one of the recommendations in the 2017 cycle of the Universal  
4 Period Review for the Philippines is to develop permanent resettlement approach to  
5 internal displacement<sup>6</sup>;

6 WHEREAS, UN Security Council Resolution No. 2122, adopted on 2013,  
7 reiterated the concern for the vulnerability of women-IDPs to gender based violence  
8 in areas with armed conflicts;

9 WHEREAS, the UN Special Rapporteur on the human rights of IDPs, in his  
10 2016 Philippine Report, recommended, among other things, for the adoption of a law  
11 for the internally displaced<sup>7</sup>;

12 WHEREAS, the same Mission Report underscored that displacement in  
13 Maguindanao remains an ever-present threat and that the State must take action to  
14 break the cycle of violence and displacement that has been taking place for decades;

15 WHEREAS, there is a need to determine the extent of our compliance with our  
16 international obligations on protecting the IDPs in our country;

17 WHEREAS, there is also need to examine our policies and mechanisms to see  
18 if they are able to provide practical, rights-based, and sustainable solutions to these  
19 recurring concerns in emergency and conflict situations;

20 WHEREAS, inaction on the part of our government is simply unacceptable with  
21 regard to our countrymen IDPs who are among the most vulnerable sector in dire need  
22 of the State's protection;

23 WHEREAS, more importantly, there is need to ensure that the people, whom  
24 our international obligations and Constitution seek to protect, are given all possible  
25 assistance and protection by our government;

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6 Report of the Working Group on the Universal Periodic Review (Philippines), A/HRC/36/12.

7 Mission Report of the UN Special Rapporteur on the human rights of internally displaced persons (2016), A/HRC/32/35/Add.3.

1           NOW, THEREFORE, BE IT RESOLVED BY THE SENATE, to direct the  
2 appropriate Senate Committee to conduct an inquiry, in aid of legislation, on the status  
3 of the displaced individuals and families in Maguindanao, North Cotabato and Lanao  
4 del Sur displaced by the on-going armed clashes between the Armed Forces of the  
5 Philippines and the Bangsamoro Islamic Freedom Fighters.

*Adopted,*

  
LEILA M. DE LIMA