

SENATE

Senate Bill No. 691



Senate
Office of the Secretary

19 JUL 22 P 3 54

Introduced by Senator FRANCIS N. PANGILINAN

RECEIVED

AN ACT

PRESCRIBING A CODE OF CONDUCT FOR THE EVICTION OF UNDERPRIVILEGED AND HOMELESS CITIZENS OR THE DEMOLITION OF THEIR DWELLINGS, PROVIDING PENALTIES FOR VIOLATION THEREOF, AND APPROPRIATING FUNDS THEREFOR, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 7279, OTHERWISE KNOWN AS THE "URBAN DEVELOPMENT AND HOUSING ACT OF 1992"

EXPLANATORY NOTE

In pursuing its constitutionally mandated duty to provide socialized housing, the state shall always uphold social justice and the dignity of the affected underprivileged and homeless citizens.¹ These informal settler families (ISFs) "shall not be evicted nor their dwellings demolished, except in accordance with law and in a just and humane manner."²

In line with this constitutional mandate, Republic Act No. 7279, otherwise known as the Urban Development and Housing Act of 1992 (UDHA), sets certain requirements before eviction or demolition. Despite these UDHA provisions, eviction or demolition of ISFs remain violent, leading to severe injuries or even death.

To eliminate violence in evictions or demolitions, this bill seeks to institutionalize pre-eviction or pre-demolition conferences with the concerned stakeholders. Maximum tolerance should be observed at all times in order to prevent the outbreak or escalation of violence. This bill also seeks to require the performance of social preparation activities related to asset to asset reform, human development, basic services, and livelihood before eviction or demolition. Lastly, this bill seeks to designate the Presidential Commission for the Urban Poor as the central coordinating body for the conduct of eviction and demolition activities.

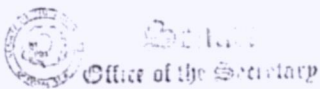
In view of the foregoing, the passage of this bill is earnestly sought.

FRANCIS N. PANGILINAN

¹ See Sec. 9, Art. XIII, Const.

² Sec. 10, Art. XIII, Const.

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THEIR DWELLINGS, PROVIDING PENALTIES FOR VIOLATION THEREOF, AND
APPROPRIATING FUNDS THEREFOR, AMENDING FOR THE PURPOSE
REPUBLIC ACT NO. 7279, OTHERWISE KNOWN AS THE "URBAN
DEVELOPMENT AND HOUSING ACT OF 1992"

*Be it enacted by the Senate and the House of Representatives of the Philippines in Congress
assembled:*

SECTION 1. - Section 28 of Republic Act No. 7279 is hereby amended to read as
follows:

"Sec. 28. *Eviction and Demolition.* - Eviction or demolition as a practice shall be
discouraged. ~~[Eviction or demolition, however, may be allowed under the following
situations:]~~

a) EVICTION OR DEMOLITION, WHEN ALLOWED. - EVICTION OR
DEMOLITION MAY BE ALLOWED UNDER THE FOLLOWING
SITUATIONS:

1. When persons or entities occupy A danger area~~[s such as
esteros, railroad tracks, garbage dumps, riverbanks, shorelines, waterways,
and other public places such as sidewalks, roads, parks, and playgrounds]~~ OR
HIGH RISK AREA WHICH POSES A HIGH LEVEL OF THREAT TO PUBLIC
WELFARE AND SAFETY THAT CANNOT BE ADDRESSED THROUGH OR
REMEDIED BY SCIENTIFIC, PHYSICAL, AND ENGINEERING METHODS

1 AND, THEREBY, UNSUITABLE FOR SETTLEMENT AND PERMANENT
2 STRUCTURES: PROVIDED, THAT AN AREA CAN ONLY BE DECLARED
3 AS A DANGER AREA OR HIGH RISK AREA THROUGH AN APPROPRIATE
4 TECHNICAL STUDY AND ADEQUATE PUBLIC CONSULTATION WITH
5 THE AFFECTED PERSONS OR ENTITIES;

6 ~~[(b)]~~ 2. When government infrastructure projects with available
7 funding are about to be implemented: PROVIDED, THAT THE AGENCY
8 WHICH SEEKS TO IMPLEMENT THE EVICTION OR DEMOLITION SHALL
9 ESTABLISH THE PURPOSE OF THE PROPOSED PROJECT AND THE
10 BUDGET PERTAINING TO IT UPON ITS APPLICATION TO THE
11 PRESIDENTIAL COMMISSION FOR THE URBAN POOR FOR AN
12 EVICTION OR DEMOLITION CERTIFICATE OF COMPLIANCE; ~~[(or)]~~ AND,

13 ~~[(e)]~~ 3. When there is a court order for eviction and demolition:
14 PROVIDED, HOWEVER, THAT NO EXECUTION OF EVICTION OR
15 DEMOLITION ORDER SHALL PROCEED AND BE CARRIED OUT DURING
16 THE PENDENCY OF AN APPEAL, NOTWITHSTANDING THE FAILURE
17 TO FILE A SUPERSEDEAS BOND TO STAY THE EXECUTION OF THE
18 ORDER IF THE APPELLANT IS AN UNDERPRIVILEGED AND HOMELESS
19 CITIZEN.

20 ~~[(In the execution of eviction or demolition orders involving underprivileged and~~
21 ~~homeless citizens, the following shall be mandatory:)]~~

22 b) MANDATORY REQUIREMENTS BEFORE THE CONDUCT OF-EVICTION
23 OR DEMOLITION. - NO EVICTION OR DEMOLITION ACTIVITIES
24 INVOLVING UNDERPRIVILEGED AND HOMELESS CITIZENS SHALL BE
25 EXECUTED ABSENT COMPLIANCE WITH THE FOLLOWING
26 MANDATORY REQUIREMENTS:

1 1. CONDUCT OF SOCIAL PREPARATION ACTIVITIES
2 RELATED TO ASSET REFORM, HUMAN DEVELOPMENT AND BASIC
3 SERVICES, EMPLOYMENT AND LIVELIHOOD, AND OTHER
4 PROGRAMS OF THE GOVERNMENT FOR THE AFFECTED
5 UNDERPRIVILEGED AND HOMELESS CITIZENS;

6 ~~{(1)}~~ 2. Notice upon the effected persons or entities at least thirty (30)
7 days prior to the date of eviction or demolition;

8 ~~{(2)}~~ 3. Adequate consultations on the matter of resettlement with the
9 duly designated representatives of the families to be resettled and the
10 affected communities in the areas where they are to be relocated:
11 PROVIDED, THAT A CONSULTATION IN THE FORM OF AN INTER-
12 AGENCY PRE-EVICTION OR PRE-DEMOLITION CONFERENCE WITH
13 THE AFFECTED UNDERPRIVILEGED AND HOMELESS CITIZENS
14 SHALL BE CONVENED BY THE NATIONAL GOVERNMENT AGENCY
15 OR THE LOCAL GOVERNMENT UNIT AUTHORIZED TO EVICT OR
16 DEMOLISH AND THE SAME SHALL BE COMPLIED WITH UNDER THE
17 FOLLOWING CONDITIONS:

18 i. THE LOCAL PHILIPPINE NATIONAL POLICE
19 PERSONNEL, WHOSE FUNCTION IS TO PROVIDE LAW
20 ENFORCEMENT AND CIVIL DISTURBANCE CONTROL BUT
21 NOT TO PARTICIPATE IN THE PHYSICAL DISMANTLING OF
22 ANY STRUCTURE, SHALL ACTIVELY PARTICIPATE IN THE
23 CONSULTATION PROCESS AND THEIR ROLE SHALL BE
24 CLEARLY SET FORTH;

25 ii. THE FOLLOWING AGENCIES SHALL BE
26 REPRESENTED DURING THE INTERAGENCY PRE-EVICTION
27 OR PRE-DEMOLITION CONFERENCE WITH THE AFFECTED

1 UNDERPRIVILEGED AND HOMELESS CITIZENS: THE
2 DEPARTMENT OF INTERIOR AND LOCAL GOVERNMENT, THE
3 DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT,
4 THE DEPARTMENT OF EDUCATION, THE DEPARTMENT OF
5 PUBLIC WORKS AND HIGHWAYS, THE NATIONAL HOUSING
6 AUTHORITY, THE PRESIDENTIAL COMMISSION FOR THE
7 URBAN POOR, THE DEPARTMENT OF HEALTH, THE
8 COMMISSION ON HUMAN RIGHTS, APPROPRIATE KEY
9 SHELTER AGENCIES, AND THE BARANGAY CONCERNED;

10 iii. THE INTER-AGENCY PRE-EVICTION OR PRE-
11 DEMOLITION CONFERENCE WITH THE AFFECTED
12 UNDERPRIVILEGED AND HOMELESS CITIZENS SHALL BE
13 PRESIDED BY THE PRESIDENTIAL COMMISSION FOR THE
14 URBAN POOR, WHICH MAY CALL ON THE ASSISTANCE OF
15 OTHER AGENCIES WHENEVER NECESSARY;

16 iv. THE DETAILS OF THE INTER-AGENCY PRE-
17 EVICTION OR PRE-DEMOLITION CONFERENCE WITH THE
18 AFFECTED UNDERPRIVILEGED AND HOMELESS CITIZENS
19 SHALL BE DOCUMENTED OR RECORDED, AND A SUMMARY
20 OF THE POINTS OF THE AGREEMENTS ARRIVED AT AS WELL
21 AS THE DISAGREEMENTS THEREON SHALL FORM PART OF
22 THE DOCUMENTATION, COPIES OF WHICH SHALL BE
23 PROVIDED TO ALL THE STAKEHOLDERS PRESENT; AND

24 v. THE INTER-AGENCY PRE-EVICTION OR PRE-
25 DEMOLITION CONFERENCE WITH THE AFFECTED
26 UNDERPRIVILEGED AND HOMELESS CITIZENS SHALL BE
27 CONDUCTED NOT LATER THAN SEVENTY-TWO (72) HOURS

1 PRIOR TO THE INTENDED DATE OF EVICTION OR
2 DEMOLITION, AND IN NO CASE SHALL THE CONFERENCE BE
3 HELD WITHIN THE SAME PRESCRIPTIVE PERIOD: PROVIDED,
4 THAT A REQUEST FOR POLICE ASSISTANCE SHALL BE
5 ACCOMPANIED BY A CERTIFICATION FROM THE
6 PRESIDENTIAL COMMISSION FOR THE URBAN POOR THAT
7 AN INTER-AGENCY PREEVICTION OR PRE-DEMOLITION
8 CONFERENCE WITH THE AFFECTED UNDERPRIVILEGED AND
9 HOMELESS CITIZENS WAS CONDUCTED;

10 4. A CERTIFICATE OF COMPLIANCE SECURED FROM THE
11 PRESIDENTIAL COMMISSION FOR THE URBAN POOR PRIOR TO THE
12 ACTUAL IMPLEMENTATION OF THE EVICTION OR DEMOLITION
13 ACTIVITY;

14 5. SUBMISSION TO THE BARANGAY OFFICIALS OF THE
15 FOLLOWING:

16 i. CERTIFICATE OF COMPLIANCE;

17 ii. NAMES OF ALL PERSONNEL, STAFF, AND CREW
18 TAKING PART IN THE EVICTION OR DEMOLITION ACTIVITY,
19 INCLUDING PRIVATE SECURITY, AND THE NAMES OF THE
20 PHILIPPINE NATIONAL POLICE PERSONNEL ASSIGNED TO
21 MAINTAIN LAW AND ORDER;

22 iii. NOTICE OF THE DATE OF DEMOLITION WHICH
23 SHALL BE AT LEAST FIVE (5) CALENDAR DAYS FROM SUCH
24 NOTICE; AND,

25 iv. LIST OF OFFICERS OF THE AGENCIES FORMING
26 PART OF THE INTERAGENCY BODY CONVENED TO EXTEND
27 SUPPORT AND ASSISTANCE;

~~[(3)]~~ 6. Presence of local government officials or their representatives during eviction or demolition;

~~[(4)]~~ 7. Proper identification of all persons taking part in the demolition;

~~[(5)]~~ 8. Execution of eviction or demolition only during regular office hours from Mondays to Fridays and during good weather, unless the affected families consent otherwise;

~~[(6)]~~ 9. No use of heavy equipment for demolition except for structures that are permanent and of concrete materials;

~~[(7)]~~ 10. Proper uniforms for members of the Philippine National Police who shall occupy the first line of law enforcement and observe proper disturbance control procedures;

11. OBSERVANCE OF A MINIMUM STANDARD OF CONDUCT BASED ON RULES OF ENGAGEMENT THAT APPLY MAXIMUM TOLERANCE IN ORDER TO PREVENT THE OUTBREAK OF VIOLENCE OR THE ESCALATION THEREOF;

~~[(8)]~~ 12. Adequate relocation, whether temporary or permanent; Provided, however, That in cases of eviction and demolition pursuant to a court order involving underprivileged and homeless citizens, relocation shall be undertaken by the local government unit concerned and the National Housing Authority with the assistance of other government agencies within forty-five (45) days from service of notice of final judgment by the court, after which period the said order shall be executed: Provided, further, That should relocation not be possible within the said period, financial assistance in the amount equivalent to the prevailing minimum daily wage multiplied by sixty (60) days shall be extended to the affected families by the local government unit concerned.

1 OBSERVANCE OF THE ABOVE REQUIREMENTS SHALL BE
2 MANDATORY IN ALL CASES INVOLVING THE EVICTION AND
3 DEMOLITION OF UNDERPRIVILEGED AND HOMELESS CITIZENS,
4 REGARDLESS OF WHETHER OR NOT THEIR DWELLINGS OR
5 RESIDENTIAL STRUCTURES WERE CONSTRUCTED AFTER THE
6 EFFECTIVITY OF THIS ACT.

7 ~~[The Department of Interior and Local Government and the Housing~~
8 ~~and Urban Development Coordinating Council shall jointly promulgate the~~
9 ~~necessary rules and regulations to carry out the above provision.]~~

10 c) PROHIBITION AGAINST EVICTION BY THE CONSTRUCTION OF A
11 FENCE ENCLOSING A PROPERTY INHABITED BY UNDERPRIVILEGED
12 AND HOMELESS CITIZENS WHICH IS RAZED TO THE GROUND BY A
13 FIRE OR RUINED BY A NATURAL CALAMITY. - NO PERSON SHALL
14 SECURE OR BUILD A PERIMETER FENCE ON AN AREA OR PROPERTY
15 INHABITED BY UNDERPRIVILEGED AND HOMELESS CITIZENS AFTER
16 THE SAME IS RAZED TO THE GROUND BY A FIRE OR RUINED BY A
17 NATURAL CALAMITY: PROVIDED, THAT THE FENCING OF THE
18 PROPERTY SHALL BE ALLOWED IF THE PERSON CAUSING THE
19 FENCING CAN SHOW A DULY-SIGNED COURT ORDER ALLOWING THE
20 SAME.

21 d) DESIGNATION OF A CENTRAL COORDINATING BODY FOR EVICTION
22 AND DEMOLITION. THE PRESIDENTIAL COMMISSION FOR THE URBAN
23 POOR IS HEREBY DESIGNATED AS THE CENTRAL COORDINATING
24 BODY FOR THE CONDUCT OF EVICTION AND DEMOLITION ACTIVITIES
25 INVOLVING UNDERPRIVILEGED AND HOMELESS CITIZENS. IT SHALL
26 EXERCISE THE FOLLOWING POWERS AND FUNCTIONS:

1 1. MONITOR ALL EVICTIONS AND DEMOLITIONS,
2 WHETHER EXTRA-JUDICIAL OR COURT-ORDERED, INVOLVING
3 UNDERPRIVILEGED AND HOMELESS CITIZENS;

4 2. REQUIRE A GOVERNMENT AGENCY OR LOCAL
5 GOVERNMENT UNIT PROPOSING TO UNDERTAKE EVICTION OR
6 DEMOLITION ACTIVITIES TO SECURE FIRST FROM THE
7 PRESIDENTIAL COMMISSION FOR THE URBAN POOR CENTRAL
8 OFFICE, IN THE CASE OF NATIONAL PROJECTS, OR FROM ITS
9 REGIONAL OFFICE, IN THE CASE OF LOCAL PROJECTS, THE
10 CHECKLIST AND GUIDELINES FOR THE NATIONAL PROJECTS OR
11 LOCAL PROJECTS, RESPECTIVELY, ON EVICTION OR DEMOLITION
12 PRIOR TO THE ACTUAL IMPLEMENTATION THEREOF AND,
13 SUBSEQUENTLY, SUBMIT TO THE PRESIDENTIAL COMMISSION FOR
14 THE URBAN POOR THE COMPLETED CHECKLIST, ATTESTED TO
15 UNDER OATH BY THE PROPONENT INDICATING THAT:

16 i. ADEQUATE CONSULTATION WITH THE
17 AFFECTED FAMILIES HAVE ALREADY BEEN UNDERTAKEN;

18 ii. ADEQUATE RESETLEMENT SITE AND
19 RELOCATION FACILITIES ARE AVAILABLE; AND,

20 iii. THE PRE-RELOCATION REQUIREMENTS HAVE
21 BEEN COMPLIED WITH.

22 3. REVIEW THE BASIS FOR APPLICATION FOR THE
23 CONDUCT OF EVICTION OF UNDERPRIVILEGED AND HOMELESS
24 CITIZENS OR THE DEMOLITION OF THEIR DWELLINGS IN A
25 DANGER AREA OR HIGH-RISK AREA, OR IN AN AREA WHERE A
26 GOVERNMENT INFRASTRUCTURE PROJECT WITH AVAILABLE
27 FUNDING IS ABOUT TO BE IMPLEMENTED;

1 4. BASED ON THE COMPLETED CHECKLIST, SUBJECT TO
2 FURTHER VERIFICATION, AND THE REVIEW OF THE BASIS FOR
3 APPLICATION FOR EVICTION OR DEMOLITION IN THE PRECEDING
4 SUB-PARAGRAPH, ISSUE A DEMOLITION AND EVICTION
5 CERTIFICATE OF COMPLIANCE TO THE ENDORSER OF A PROPOSED
6 EVICTION OR DEMOLITION INVOLVING UNDERPRIVILEGED AND
7 HOMELESS CITIZENS;

8 5. INITIATE, IN COORDINATION WITH RELEVANT
9 GOVERNMENT AGENCIES, RULES OF ENGAGEMENT IN THE
10 IMPLEMENTATION OF EVICTION OR DEMOLITION BASED ON
11 MAXIMUM TOLERANCE;

12 6. INVESTIGATE MOTU PROPRIO OR UPON COMPLAINT
13 BY ANY PARTY, ANY VIOLATION OF THE PROVISIONS OF
14 SUBSECTIONS A, B, AND C HERE OF OR THE RULES AND
15 REGULATIONS ISSUED TO IMPLEMENT THEM;

16 7. FILE MOTU PROPRIO OR BY WAY OF ASSISTANCE TO
17 ANY AGGRIEVED PARTY, THE APPROPRIATE CRIMINAL, CIVIL OR
18 ADMINISTRATIVE CASE AGAINST ANY PERSON OR PERSONS
19 FOUND TO HAVE VIOLATED THE PROVISIONS OF SUBSECTIONS A,
20 B, AND C HEREOF OR THE RULES AND REGULATIONS ISSUED TO
21 IMPLEMENT THEM;

22 8. RECOMMEND TO THE PRESIDENT APPROPRIATE
23 MEASURES FOR THE IMPLEMENTATION AND ENFORCEMENT OF
24 THIS SECTION AND THE RULES AND REGULATIONS ISSUED TO
25 IMPLEMENT THEM, INCLUDING POSSIBLE ADMINISTRATIVE
26 SANCTIONS AGAINST NATIONAL OR LOCAL GOVERNMENT

1 OFFICIALS WHO HAVE VIOLATED THE SAID LAW, RULES AND
2 REGULATIONS;

3 9. REQUEST ANY GOVERNMENT AGENCY FOR
4 ASSISTANCE AND NECESSARY INFORMATION IN THE DISCHARGE
5 OF THEIR RESPECTIVE FUNCTIONS UNDER THIS ACT;

6 10. PUBLICIZE MATIERS COVERED BY ITS INVESTIGATION
7 OF VIOLATIONS OF THE PROVISIONS OF SUBSECTIONS A, B, AND C
8 HEREOF OR THE RULES AND REGULATIONS ISSUED TO
9 IMPLEMENT THEM, WHEN CIRCUMSTANCES SO WARRANT AND
10 WITH DUE PRUDENCE: PROVIDED, HOWEVER, THAT THE
11 PRESIDENTIAL COMMISSION FOR THE URBAN POOR SHALL,
12 UNDER THE RULES AND REGULATIONS THAT SHALL HEREAFTER
13 BE PROMULGATED, DETERMINE WHAT CASES MAY NOT BE MADE
14 PUBLIC: PROVIDED, FURTHER, THAT ANY PUBLICITY ISSUED BY
15 THE PRESIDENTIAL COMMISSION FOR THE URBAN POOR SHALL BE
16 BALANCED, FAIR AND TRUE;

17 11. ADMINISTER OATHS, ISSUE SUBPOENA AND
18 SUBPOENA DUCES TECUM, AND TAKE THE TESTIMONIES OF
19 WITNESSES IN THE COURSE OF ITS INVESTIGATION;

20 12. ADOPT ITS OWN OPERATIONAL GUIDELINES AND
21 RULES OF PROCEDURES, AS WELL AS RULES AND REGULATIONS
22 NOT OTHERWISE INCONSISTENT WITH EXISTING LAWS, RULES
23 AND REGULATIONS, TO EFFECTIVELY CARRY OUT ITS MANDATE;
24 AND

25 13. PERFORM SUCH OTHER FUNCTIONS AS MAY
26 HEREAFTER BE PROVIDED BY LAW. FOR THIS PURPOSE, THE
27 PRESIDENTIAL COMMISSION FOR THE URBAN POOR SHALL

1 DESIGNATE ADDITIONAL PERSONNEL TO CARRY OUT ITS
2 MANDATE.

3 e) PENALTY FOR VIOLATION. - ANY PERSON WHO VIOLATES SUB-
4 SECTIONS A, B, AND C HEREOF SHALL BE IMPOSED THE PENALTY OF
5 NOT MORE THAN SIX (6) YEARS OR IMPRISONMENT OR A FINE OF NOT
6 LESS THAN TWENTY-FIVE THOUSAND PESOS (P25,000) BUT NOT MORE
7 THAN ONE HUNDRED THOUSAND PESOS (P100,000), OR BOTH, AT THE
8 DISCRETION OF THE COURT: PROVIDED, THAT, IF THE OFFENDER IS A
9 CORPORATION, PARTNERSHIP, ASSOCIATION, OR THE GOVERNMENT
10 OR ANY OF ITS POLITICAL SUBDIVISIONS, INSTRUMENTALITIES OR
11 AGENCIES, INCLUDING GOVERNMENT-OWNED OR -CONTROLLED
12 CORPORATIONS, OR OTHER JURIDICAL ENTITIES, THE PENALTY
13 SHALL BE IMPOSED ON THE OFFICER OR OFFICERS OF SAID
14 CORPORATION, PARTNERSHIP, ASSOCIATION, GOVERNMENT ENTITY,
15 OR JURIDICAL ENTITY WHO CAUSED THE VIOLATION."

16 **SEC. 2.** Section 46 of Republic Act No. 7279 is also amended to read as follows:

17 "**Sec. 46. Appropriations.** - The amount necessary to carry out the purpose of this
18 Act shall be included in the annual budget of implementing agencies in the General
19 Appropriations Act ~~{of the year following its enactment into law and every year~~
20 ~~thereafter}.~~"

21 **SEC. 3. Implementing Rules and Regulations.** - Within one hundred twenty (120)
22 days from the effectivity of this Act, the Housing and Urban Development Coordinating
23 Council, Department of the Interior and Local Government, and Presidential
24 Commission for the Urban Poor shall, in consultation with non-government
25 organizations, people's organizations, and the private sector, jointly promulgate the rules
26 and regulations implementing the provisions of this Act.

1 **SEC. 4. *Separability Clause.*** – If any provision of this Act is declared invalid or
2 unconstitutional, the other provisions not affected by such declaration shall remain in full
3 force and effect.

4 **SEC. 5. *Repealing Clause.*** – All laws, executive orders, administrative orders, and
5 rules and regulations inconsistent with this Act are hereby repealed or amended
6 accordingly.

7 **SEC. 6. *Effectivity Clause.*** – This Act shall take effect fifteen (15) days after its
8 complete publication in the *Official Gazette* or in two (2) newspapers of general circulation.

Approved,