

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Thirteenth Congress
First Regular Session

HOUSE BILL NO. 3297



Introduced by Rep. Rodante D. Marcoleta

EXPLANATORY NOTE

Section 10, Article XIII of the Constitution provides:

"Sec. 10. Urban or rural poor dwellers shall not be evicted nor their dwellings demolished, except in accordance with law and in a just and humane manner.

No settlement of urban or rural dwellers shall be undertaken without adequate consultation with them and the communities where they are to be relocated."

Pursuant to the above-cited constitutional mandate, Republic Act (RA) No. 7279, otherwise known as the "Urban Development and Housing Act (UDHA) of 1992," was enacted. The said law aims to provide a comprehensive and continuing urban development and housing program and at the same time uplift the conditions of the underprivileged and homeless citizens in urban areas by making available to them decent housing at affordable cost.

Section 28 of R.A. 7279 prescribes the manner under which the execution of eviction or demolition orders involving the underprivileged shall be undertaken. However, the mandatory requisites listed therein are flagrantly ignored, if not violated with impunity. In order to provide further impetus and to tighten the law on eviction and demolition, this bill seeks to transfer the clearing house function of the PCUP for the conduct of demolition and eviction activities involving the homeless and the underprivileged to the HUDCC repealing EO 152.

Notwithstanding E.O. 152 which this proposed law seeks to repeal, the noble intentions of RA 7279, in relation to evictions and demolitions are still conducted in utter disregard of the precautionary measures instituted in the said Act. There is, therefore, an urgent need to ensure strict implementation of the said law and thus uphold the constitutionally guaranteed rights of the homeless and underprivileged citizens of the country.

Hence, the approval of this bill is earnestly sought.

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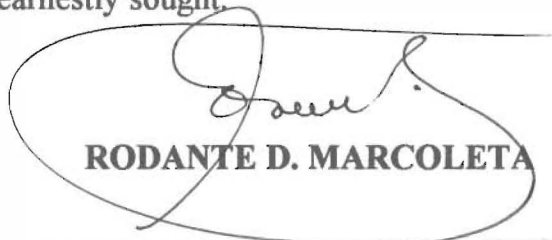
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RODANTE D. MARCOLETA

Republic of the Philippines
HOUSE OF REPRESENTATIVES
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HOUSE BILL NO. 3297

Introduced by Rep. Rodante D. Marcoleta

AN ACT
DESIGNATING THE HOUSING AND URBAN DEVELOPMENT
COORDINATING COUNCIL (HUDCC) AS THE SOLE CLEARING
HOUSE FOR THE CONDUCT OF DEMOLITION AND EVICTION
ACTIVITIES.

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

SECTION 1. The Housing and Urban Development Coordinating Council (HUDCC) is hereby designated as the sole clearing house for the conduct of demolition and eviction activities involving the homeless and underprivileged citizens. in pursuit of its mandate, the HUDCC shall exercise, among others, the following powers and functions:

- a. Monitor all evictions and demolitions, whether judicial or extra-judicial, involving homeless and underprivileged citizens;
- b. Require the concerned departments and agencies, including concerned local government units (LGUs), proposing to undertake demolition and eviction activities to secure from either the HUDCC central office for national projects, or from the HUDCC regional office for regional or local projects, the checklists and guidelines on demolition and eviction prior to the actual implementation thereof.

Thereafter, the concerned departments and agencies including LGUs shall submit to the HUDCC the complete checklist, attested to under oath by the proponent, indicating that:

(1) Adequate consultations with the affected families were undertaken;

(2) Adequate resettlement site and relocation facilities are available; and

(3) The provisions of the implementing rules and regulations on demolition and eviction were strictly complied with.

c. Based on the completed checklist, and subject to further verification, issue demolition and eviction compliance certificate to the proponent of the demolition and eviction involving the homeless and underprivileged citizens;

d. Investigate *motu proprio* or upon complaint by any party, any violation of the provisions of this Act;

e. File *motu proprio* or by way of assistance to any aggrieved party, the appropriate criminal, civil or administrative case against any person found to have violated the provisions of this Act or its implementing rules and regulations;

f. Recommend to the Office of the President appropriate measures for the implementation and enforcement of this Act and its implementing rules and regulations, including possible administrative sanctions against national and local government officials who have violated the said law, rules and regulations;

g. Request any government agency for assistance and necessary information on the discharge of their respective functions under this section;

h. Publicize matters covered by its investigation of violations on the provisions of this Act or its implementing rules and regulations, when circumstances so warrant: *Provided*, That the HUDCC shall, under the rules and regulations it shall hereafter promulgate, determine what cases may not be made public: *Provided, however*, That any publicity issued by the HUDCC shall be balanced, fair and true;

i. Administer oaths, issue *subpoena* and *subpoena duces tecum*, and take the testimonies of witnesses in the course of its investigation;

j. Adopt its own operational guidelines and rules of procedures, as well as rules and regulations not otherwise inconsistent with existing laws, rules and regulations, to effectively carry out its mandate; and

k. Perform such other functions as may hereafter be provided by law.

SEC. 2. ***Delegation of Functions.*** – The HUDCC shall properly delegate to its regional officials the performance of any of the functions mentioned in the preceding section insofar as they relate to purely regional or local concerns.

SEC. 3. ***Support from NUPSC.*** – The National Urban Poor Sectoral Council (NUPSC), one of the sectoral organizations represented in the National Anti-Poverty Commission (NAPC), is hereby deputized as the civilian arm of the HUDCC in the conduct of monitoring activities at the local level relative to the implementation of this section. The NUPSC shall

report directly to the HUDCC central or concerned regional office regarding compliance with or violations of any provision of this Act.

Subject to the availability of resources, the HUDCC shall likewise provide the necessary technical, administrative, and financial support to the NUPSC, and to such other similar organizations as may hereafter be deputized, to enable them to carry out their monitoring activities in accordance with the provisions of this section.

SEC. 4. ***Police Assistance.*** – The concerned departments and agencies of the government, the LGUs, or other proponents of eviction and demolition activities shall be provided authorized police assistance only upon their prior compliance with the provisions of this Act or its implementing rules and regulations as well as with the checklist and compliance certificate requirements as certified by the HUDCC.

SEC. 5. ***Authorized Police Assistance.*** – The foregoing provisions notwithstanding, police assistance shall be allowed during eviction or demolition only under any of the following circumstances:

- a. In pursuance of any court order specifying police assistance;
- b. In any case or event where voluntary dismantling of structures has been agreed upon in writing by the parties concerned and approved by the HUDCC, or where police assistance shall be necessary to preserve peace and order;
- c. In cases of local infrastructure projects: *Provided*, That the duly authorized official of the HUDCC at the regional or local level has approved the same in writing; and

d. In cases of national infrastructure projects: *Provided*, HUDCC central office has approved the same in writing.

In any of the circumstances specified in this Act, the members of the PNP tapped to provide police assistance shall be in proper uniform and, in appropriate cases carry with them the necessary papers and documents supporting the provision of police assistance.

SEC. 6. *Non-compliance With the Checklist Requirement.* – Failure on the part of the proponent of demolition or eviction activities to submit to the HUDCC the required checklist, or submission by the former of a false or fraudulent checklist shall subject the concerned government or local chief executive to appropriate disciplinary action pursuant to the provisions of Section 60 of Republic Act (RA) No. 7160 or the Local Government Code of 1991 and other relevant laws, rules and regulations, without prejudice to the institution of a separate criminal or civil actions that may be applicable under the circumstances.

SEC. 7. *Demolition Without Completed Checklist or Unauthorized Police Assistance.* – Any official of the HUDCC who shall cause the endorsement of a demolition or eviction activity without a complete checklist, or if such checklist is submitted, but was not certified, or any of the officers and members of the PNP who shall take part in or provide assistance to the demolition or eviction activities are without prior authorization from the HUDCC, shall likewise be meted proper disciplinary action without prejudice to the filing of other appropriate criminal and civil actions.

SEC. 8. *Cooperation of Concerned Agencies.* – All government agencies, such as the Department of the Interior and Local Government (DILG), Philippine National Police (PNP), Department of Social Welfare and Development (DSWD), Department of Public Works and Highways (DPWH), Department of Health (DOH), Presidential Commission for the Urban Poor (PCUP), and the National Housing Authority (NHA), are hereby called upon to extend full cooperation to the HUDCC, and where necessary, to make available to the latter such materials, data and other resources to ensure the effective and efficient implementation of this section.

SEC. 9. *Repealing Clause.* - All laws, decrees, executive orders, proclamation, rules and regulations, and other issuances or parts thereof, which are inconsistent with the provisions of this Act, are hereby repealed or modified accordingly.

SEC. 10. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation in the Philippines.

Approved,