

SIXTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session

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House of Representatives

House Bill No. 182

Introduced by Congressman GUSTAVO S. TAMBUNTING

EXPLANATORY NOTE

The outbreak of violence during the conduct of evictions and demolitions of our urban and rural poor brethren has not only consistently hogged headlines, it has and more unfortunately, led to instances of severe injuries as well as the loss of lives. Moreover, the difficulties of coordinating the various stakeholders, including various branches and agencies of government have led to clashes in jurisdiction typified by the equally unfortunate incident of a court sheriff's run-in with a local chief executive which aired over local and international media and which caused equal measures of embarrassment and consternation among our citizens.

However, while these are sad enough, the trampling of basic human rights on both sides of the fence during these incidents is something that is cause for much more concern.

Thus the need for a more comprehensive and effective means of coordinating these various stakeholders and government agencies—which this measure seeks to address. With the adoption of a Code of Conduct—a handbook of sorts for all concerned persons to follow in instances where evictions and demolitions may be validly carried out, it is our hope that these unfortunate incidents that have become synonymous with demolitions and evictions in the past could be minimized if not totally avoided.

It is for this reason that the timely approval of this bill is earnestly sought.


GUSTAVO S. TAMBUNTING

House of Representatives

House Bill No. **182**

Introduced by Congressman GUSTAVO S. TAMBUNTING

AN ACT
PRESCRIBING A CODE OF CONDUCT FOR DEMOLITION AND
EVICION OF HOMELESS AND UNDERPRIVILEGED CITIZENS

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

SECTION 1. Short Title. This Act shall be known as "Code of Conduct for
Demolition and Eviction of Homeless and Underprivileged Citizens".

SECTION 2. Declaration of Policy. The State recognizes the inherent right to
life and to adequate housing of every Citizen. Thus, it shall be the policy of
the State to discourage the practice of eviction and demolition. However, in
cases where eviction and demolition is allowed by existing laws, including
cases where the demolition of homes and the eviction of homeless and
underprivileged Citizens is inevitable, the State shall ensure that all measures
shall be undertaken to guarantee as far as practicable that violence is avoided,
that State actors, particularly law enforcement personnel shall participate in
such activities within clearly delineated protocols, and that full cooperation
between Local Government Units and the various stakeholders is undertaken
for the purpose of guaranteeing that such demolition or eviction proceeds in a
just and humane manner.

**SECTION 3. Minimum Requirements for the Proper Conduct of
Demolition or Eviction.** In addition to the safeguards provided for in Section
28 of Republic Act No. 7249, otherwise known as the Urban Development and
Housing Act of 1992, the following minimum requirements shall be observed
in instances where the eviction or demolition of homes of urban and rural
poor dwellers shall be undertaken:

- a. Any person, including concerned departments and agencies of
the national government, local government units, etc. which intend or
propose to undertake demolition and eviction activities shall secure,
prior to the actual implementation of such eviction and demolition
activities, a Certificate of Compliance from the appropriate national or
local office of the Presidential Commission for the Urban Poor, which

1 has been designated as the Central Coordinating Body for Demolitions,
2 as provided for under Section 7 of this Act;
3

4 b. No demolition or eviction activities shall be undertaken unless full
5 coordination with the Barangay Officials wherein the property sought
6 to be entered by persons, departments, agencies and local government
7 units intending to undertake demolition and eviction activities is
8 located. For purposes of this Act, such coordination shall mean the
9 submission of the Certificate of Compliance provided for and required
10 in the immediately preceding Section, the submission of the names of
11 all persons, including law enforcement officers, private security
12 personnel and demolition crews who shall take part in such activity,
13 and the submission of a Notice of the date intended for such
14 demolition and eviction activities, which in all cases shall be at least
15 five (5) calendar days from such notice.
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17 c. In relation to Subsection (b) above, all agencies mandated or
18 requested to provide assistance to any person, department, agency or
19 local government unit which intends or proposes to undertake
20 demolition and eviction activities, shall prepare a list of officers and
21 personnel who shall be designated to provide such assistance, which
22 list shall be an integral part of the Notice provided for in the
23 aforementioned Subsection (b).
24

25 **SECTION 4. Standard of Conduct for State Actors.** In undertaking any
26 activity in connection with any demolition or eviction, which includes
27 rendering any assistance requested from any of the stakeholders, including
28 urban and rural poor dwellers, all State Actors; which for purposes of this Act
29 shall mean any person acting on behalf of any government body or agency,
30 including law enforcement officers and personnel; shall abide by a minimum
31 standard of conduct aimed at preventing the outbreak of violence, or in the
32 case of such outbreak of violence, such standard of conduct which will
33 prevent any escalation thereof. For this purpose, all State Actors shall adopt
34 rules of engagement based on maximum tolerance
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36 **SECTION 5. Duties of State Actors in Cases of Demolition or Eviction.** It
37 shall be the duty of any state actor who shall be called to implement, assist or
38 witness any demolition or eviction activity to ensure compliance with the
39 minimum requirements of due process, human rights and the provisions of
40 this Act on the part of all persons involved in such demolition or eviction
41 activity.
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43 **SECTION 6. Prohibited Acts.** The following shall be considered Prohibited
44 Acts in cases where demolition and eviction are proposed or undertaken:
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46 a. Any demolition or eviction activity undertaken without the
47 prescribed minimum requirements in this Act.
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1 b. Any unauthorized use of Police or law enforcement personnel. For
2 purposes of this Act, it is specifically provided that the participation of
3 Police and other law enforcement personnel in any demolition and
4 eviction activity shall be limited to peace-keeping; Provided that: peace
5 keeping shall not in any manner be interpreted as participation in
6 actual eviction or demolition.

7
8 c. Any concerted acts of violence by any group of persons resisting
9 demolition or eviction activities, which shall include, but shall not be
10 limited to erecting illegal barricades, the use of improvised weapons
11 and the like.

12
13 **SECTION 7. Designation of a Central Coordinating Body for Demolitions**
14 **and Evictions.** The Presidential Commission for the Urban Poor (PCUP) is
15 hereby designated as the Central Coordinating Body for the conduct of
16 demolition and eviction activities involving urban and rural homeless poor.
17 In pursuit of such mandate as provided for in this Act, the PCUP shall
18 exercise, among others, the following powers and functions:

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20 1. Monitor all evictions and demolitions, whether extra-judicial or
21 court-ordered, involving homeless and underprivileged citizens;

22
23 2. Require the concerned departments and agencies, including
24 concerned local government units (LGUs), proposing to undertake
25 demolition and eviction activities to secure first from either the PCUP
26 Central Office (in the case of national projects) or from the PCUP
27 Regional Office (in the case of regional or local projects) the checklist,
28 guidelines and compliance certificates on demolition and eviction prior
29 to the actual implementation thereof and thereafter, submit to the
30 PCUP the completed checklist, attested to under oath by the proponent
31 and indicating that:

32
33 a. Adequate consultations with the affected families have
34 already been undertaken;

35
36 b. Adequate resettlement site and relocation facilities are
37 available; and

38
39 c. The provisions of Section 3, paragraph 1 of the Implementing
40 Rules and Regulations of Section 28 of RA 7279 (Pre-Relocation)
41 have been complied with.

42
43 3. Based on the completed checklist, and subject to further verification,
44 issue demolition and eviction compliance certificates to proposed
45 demolitions and evictions involving the homeless and underprivileged
46 citizens;

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48 4. Investigate motu proprio or upon complaint by any party, any
49 violation of the provisions of Section 28 of RA 7279 or its implementing
50 rules and regulations;

5. File motu proprio or by way of assistance to any aggrieved party, the appropriate criminal, civil or administrative case against any person or persons found to have violated the provisions of Section 28 of RA 7279 or its implementing rules and regulations;

6. Recommend to the President appropriate measures for the implementation and enforcement of Section 28 of RA No. 7279 and its implementing rules and regulations, including possible administrative sanctions against national or local government officials who have violated the said law, rules and regulations;

7. Request any government agency for assistance and necessary information in the discharge of their respective functions under this Order;

8. Publicize matters covered by its investigation of violations of the provisions of Section 28 of RA 7279 or its implementing rules and regulations, when circumstances so warrant and with due prudence: Provided, however, that the PCUP shall, under the rules and regulations it shall hereafter promulgate, determine what cases may not be made public: Provided, further, that any publicity issued by the PCUP shall be balanced, fair and true;

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

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

11. Perform such other function as may hereafter be provided by law.

SECTION 8. Penalties. Any person who shall be found liable for violating any provision of this Act shall, upon conviction for each act or omission, suffer imprisonment of not less than two (2) years and one (1) day but not more than four (4) years; Provided that in cases where such act or omission constitutes an offence defined under the Revised Penal Code or any other special penal law, such act shall be considered a special aggravating circumstance in the application of the appropriate penalties.

SECTION 9. Promulgation of Rules and Regulations, Administration and Enforcement of this Act. The PCUP, acting as the duly designated Central Coordinating Body for Demolitions and Evictions shall promulgate the necessary implementing rules and regulations for the orderly administration and enforcement of this Act within Sixty (60) days from its approval.

SECTION 10. Appropriations. The sum of TEN MILLION PESOS (P10,000,000) is hereby appropriated to the Presidential Commission for the

1 Urban Poor in addition to its appropriations in the current General
2 Appropriations Act, for the immediate implementation of this Act. Thereafter,
3 such sums as may be necessary for the full operationalization of this Act shall
4 be included in the Annual General Appropriations Act.
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6 **SECTION 11. Separability Clause.** In the event that any provision of this Act
7 is declared unconstitutional, the validity of the other provisions shall not be
8 affected by such declaration.
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10 **SECTION 12. Effectivity.** This Act shall take effect after its complete
11 publication in the Official gazette or at least two (2) newspapers of general
12 circulation.

Approved,