

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

Sixteenth Congress
First Regular Session

House Bill No. 2618



Introduced by AKBAYAN Representatives
Ibarra M. Gutierrez III and Walden F. Bello

EXPLANATORY NOTE

This bill is an updated version of House Bill No. 4021 filed by Akbayan Representatives Walden F. Bello and Kaka J. Bag-ao in the Fifteenth Congress.

Section 10, Article XIII of the Philippine Constitution expressly protects the poor and marginalized from forced eviction. It provides that urban and rural poor dwellers shall not be evicted nor their dwellings demolished, except in accordance with law and in a just and humane manner. This Constitutional guarantee is recognition of the right of all persons, regardless of economic status, to human dignity.

This provision is likewise consistent with the Philippine obligation under the International Covenant on Economic, Social and Cultural Rights, particularly Article 11.1 as discussed under General Comment No. 7 of the United Nations Committee on Economic, Social and Cultural Rights, which required the State to refrain from forced evictions and to ensure that the law is enforced against its agents or third parties who carry out forced evictions.

Congress, through the enactment of Republic Act No. 7279, or the Urban Development and Housing Act of 1992, implemented both mandates under the Philippine Constitution and international law. Section 28 of Republic Act No. 7279, in particular, prohibited eviction as a practice, but allowed for three exceptions, to wit: (1) when persons or

entities occupied danger areas, such as railroad tracks or riverbanks, or public places, such as sidewalks or roads, (2) when government infrastructure projects are being implemented; and (3) when there is a court order for demolition. In any of these "authorized" evictions, however, the State was mandated to ensure compliance with eight mandatory requirements.

However, Republic Act No. 7279, as currently worded, limits the protection of Section 28, and consequently, the scope of the implementation of the mandates under the Philippine Constitution and the International Covenant on Economic, Social and Cultural Rights, to only those persons who constructed dwellings prior to the effectivity of the law on 28 March 1992. This "cut-off" has resulted in a tremendous disparity in the substantial rights of members of urban poor communities, based on nothing more than an accident of timing, and has led to thousand of poor Filipinos being arbitrarily deprived of their human right against forced evictions as guaranteed both under the Constitution and international human rights law.

It must be noted that both the Philippine Constitution and the International Covenant on Economic, Social and Cultural Rights recognize this right without qualification, and intend it to be fulfilled and protected for all persons without discrimination and regardless of their personal circumstances.

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



IBARRA M. GUTIERREZ III



WALDEN F. BELLO

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AN ACT
STRENGTHENING THE IMPLEMENTATION OF THE RIGHT AGAINST
FORCED EVICTIONS
AMENDING FOR THIS PURPOSE PROVISIONS REPUBLIC ACT NO. 7279,
AS AMENDED BY REPUBLIC ACT NO. 9397, OTHERWISE KNOWN AS
THE URBAN DEVELOPMENT AND HOUSING ACT OF 1992

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

1 **SECTION 1. *Declaration of Policy.***—Pursuant to the clear and express declarations in
2 Section 10, Article XIII of the Philippine Constitution and to the International Covenant
3 on Economic, Social and Cultural Rights, it is hereby declared the policy of the State to
4 ensure that the human right against forced evictions be fulfilled and protected by the
5 State in favor of all persons without discrimination.

6

7 **SECTION 2. *Amendatory Provisions.***—Consistent with the policy stated in Section 1,
8 the following sections of Republic Act No. 7279 are hereby amended:

9

10 (a) Section 16 of Republic Act No. 7279, as amended by Republic Act 9397,
11 otherwise known as the Urban Development and Housing Act of 1992, is hereby
12 amended to read as follows:
13

1 *“Section 16. Eligibility Criteria for Socialized Housing Program*
2 *Beneficiaries.—*A beneficiary for the socialized housing
3 program should have the following qualifications:

- 4
- 5 a) Must be a Filipino citizen;
- 6
- 7 b) Must be an underprivileged and homeless citizen,
8 as defined in Section 3 of this Act;
- 9
- 10 c) Must not own any real property whether in the
11 urban or rural areas; and
- 12
- 13 d) Must not be a professional squatter or a member
14 of squatting syndicates.
- 15

16 Any person who possess these requirements is entitled to
17 be registered as a beneficiary of the socialized housing
18 program; *Provided*, That these requirements are exclusive;
19 *Provided further*, That any person who possess these
20 requirements may not be excluded from registration as
21 beneficiary on any other grounds or consideration.”

22

- 23 (b) Section 28 of Republic Act No. 7279, as amended by Republic Act 9397,
24 otherwise known as the Urban Development and Housing Act of 1992, is hereby
25 amended to read as follows:
- 26

27 *“Section 28. Eviction and Demolition.—*Eviction or demolition
28 as a practice shall be discouraged. Eviction or demolition,
29 however, may be allowed under the following situations:

30

- 31 a) When persons or entities occupy danger areas
32 such as *esteros*, railroad tracks, garbage dumpsites,
33 riverbanks, shorelines, waterways, and other
34 public places such as sidewalks, roads, parks, and

1 playgrounds;

- 2
- 3 b) When government infrastructure projects with
- 4 available funding are about to be implemented; or
- 5
- 6 c) When there is a court order for eviction and
- 7 demolition.
- 8

9 In the execution of eviction or demolition orders

10 involving underprivileged and homeless citizens, the

11 following shall be mandatory:

12

- 13 a) Notice upon the effected persons or entities at
- 14 least thirty (30) days prior to the date of eviction
- 15 or demolition;
- 16
- 17 b) Adequate consultations on the matter of
- 18 settlement with the duly designated representative
- 19 of the families to be resettled and the affected
- 20 communities in the areas where they are to be
- 21 relocated;
- 22
- 23 c) Presence of local government officials or their
- 24 representatives during eviction or demolition;
- 25
- 26 d) Proper identification of all persons taking part in
- 27 the demolition;
- 28
- 29 e) Execution of eviction or demolition only during
- 30 regular office hours from Mondays to Fridays and
- 31 during good weather, unless the affected families
- 32 consent otherwise;
- 33
- 34 f) No use of heavy equipment for demolition except

1 for structures that are permanent and of concrete
2 materials;

3
4 g) Proper uniforms for members of the Philippine
5 National Police who shall occupy the first line of
6 law enforcement and observe proper disturbance
7 control procedures; and

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

25
26 Observance of the above requirements shall be mandatory
27 in all cases involving the eviction and demolition of
28 underprivileged and homeless citizens, regardless of
29 whether or not their dwellings or residential structures
30 were constructed after the effectivity of this Act.

31
32 The Department of Interior and Local Government and
33 the Housing and Urban Development Council shall jointly
34 promulgate the necessary rules and regulations to carry out

1 the above provision.”

2
3 (c) Section 30 of Republic Act No. 7279, as amended by Republic Act 9397,
4 otherwise known as the Urban Development and Housing Act of 1992, is hereby
5 amended to read as follows:
6

7 “*Section 30. Prohibition Against New Illegal Structures.*—It
8 shall be unlawful for any person to construct any
9 structure in areas mentioned in the preceding Section.
10

11 After the effectivity of this Act, the barangay, municipal
12 or city government units shall prevent the construction of
13 any kind of illegal dwelling units or structures within their
14 respective localities. Provided, however, That any eviction or
15 demolition of underprivileged and homeless citizens
16 conducted in implementation of this Section must be
17 done with observance of and in full compliance with the
18 eight (8) mandatory requirements prescribed under
19 Section 28 of this Act. The head of any local government
20 unit concerned who allows, abets or otherwise tolerates
21 the construction of any structure in violation of this
22 Section, or who, in implementation thereof, conducts an
23 eviction or demolition involving underprivileged and
24 homeless citizens without complying with Section 28,
25 shall be liable to administrative sanctions under existing
26 laws and to penal sanction provided for in this Act.”
27

28 **SECTION 3. *Implementing Rules and Regulations.***—Within sixty (60) days from the
29 effectivity of this Act, the Housing and Land Use Regulatory Board shall promulgate a
30 new set of Implementing Rules and Regulations for the amended Sections 16, 28 and 30
31 of Republic Act No. 7279, consistent with the parameters and standards set forth in said
32 sections. Non-government organizations and people's organizations involved in housing
33 rights and urban poor advocacy, as well as the private sector, shall be consulted in the
34 process of drafting these implementing rules and regulations.

1
2 **SECTION 4. *Separability Clause.***—If, for any reason, any provision of this Act is
3 declared invalid or unconstitutional, the remaining provisions not affected thereby shall
4 continue to be in force and effect.
5
6 **SECTION 5. *Repealing Clause.***—All laws, decrees, executive orders, proclamations,
7 rules and regulations, and other issuances, or part or parts thereof, which are inconsistent
8 with the provisions of this Act are hereby repealed or modified accordingly.
9
10 **SECTION 6. *Effectivity Clause.***—This Act shall take effect fifteen (15) days after the
11 completion of its publication in the Official Gazette or at least two (2) newspapers of
12 general circulation.

Approved.