



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

SIXTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 5266

Introduced by REP. JOSE CHRISTOPHER Y. BELMONTE

EXPLANATORY NOTE

Section 10, Article XIII of the 1987 Constitution 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."

Pursuant to this constitutional mandate, Section 28 of Republic Act (RA) No. 7279, otherwise known as "Urban Development and Housing Act (UDHA) of 1992," stresses that eviction or demolition as a practice shall be discouraged and that certain requirements must first be complied prior to the dismantling of houses and eviction of affected families. Eviction or demolition may only be allowed (a) when persons or entities occupy danger areas, (b) when government infrastructure projects with available funding are about to be implemented, or (c) when there is a court order for eviction and demolition.

Despite the provisions in the Constitution and the UDHA, violence still erupts during the conduct of evictions and demolitions of informal settler families (ISFs), leading to instances of severe injuries, and sometimes, loss of lives, not only among the ranks of policemen and demolition teams, but especially among the poor and vulnerable dwellers. Moreover, these instances of violence get publicized, not only in the local and national mass and social media, but also in the international press, putting the country's reputation as signatory to various human rights covenants and agreements in a negative light.

On 02 May 2012, then Department of Interior and Local Government (DILG) Secretary Jesse M. Robredo issued a letter to the Philippine National Police (PNP), directing Chief PNP Nicanor Bartolome that in order to prevent violence from erupting during evictions and demolitions, a protocol must be strictly observed, including the conduct of a pre-demolition conference (PDC). On the same day,

Secretary Robredo wrote Philippine Commission on Urban Poor (PCUP) Chairman Hernani B. Panganiban, requesting assistance with regard to his directives and indicated the role of PCUP in the implementation of the same.

A PDC must be called upon to coordinate the various stakeholders, including government agencies tasked to provide the basic needs of the ISFs, to ensure that all forms of aggressions related to demolition and eviction are reduced, if not eliminated. Subscribing to the practice of peaceful dialogues guarantees an inclusive process that brings together the conflicting opinions of the stakeholders, focusing on finding just and sustainable solutions.

This measure aims to institutionalize the conduct of a pre-demolition conference or a consultation among all stakeholders. This also aims to strengthen the safeguards already provided for under Section 28 of the UDHA. This measure aims to institutionalize one of Secretary Robredo's legacies.

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

A handwritten signature in dark ink, appearing to read "K. Behnert", is located on the right side of the page. The signature is fluid and cursive, with a large initial "K" and a stylized "B".



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

SIXTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. **5266**

Introduced by REP. JOSE CHRISTOPHER Y. BELMONTE

**AN ACT PRESCRIBING A MANDATORY PROCEDURE IN THE CONDUCT OF
DISMANTLING OR EVICTION ACTIVITIES AFFECTING THE
UNDERPRIVILEGED AND HOMELESS FAMILIES**

*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 "Mandatory Procedure in the Conduct of Dismantling or Eviction Activities Affecting the Underprivileged and Homeless Families."

SEC. 2. *Declaration of Policy.* The State recognizes the inherent right in promoting a just and dynamic social order that will ensure social services for the people through policies that provide improved quality of life for all. The State discouraged dismantling or eviction as a practice, however, it is being allowed in instances stated in existing laws, and shall ensure measures to guarantee that violence is prevented, and that coordination, as well as cooperation of various stakeholders and Local Government Units (LGUs) is undertaken that in the conduct of dismantling or eviction is done in a just and humane manner.

SEC. 3. *Minimum Mandatory Procedure in the Conduct of Dismantling or Eviction Activities Affecting the Underprivileged and Homeless Families.* In addition to the safeguards provided for in Section 28, Republic Act (RA) No. 7279, otherwise known as the Urban Development and Housing Act of 1992, the minimum mandatory procedure shall be observed in the conduct of dismantling or eviction activities involving the underprivileged and homeless families:

- a. No police assistance shall be rendered nor police personnel be deployed to the dismantling or eviction area unless an exhaustive consultation has been completed; and,
- b. The consultation process and the procedures for proper dismantling or eviction as set forth under Section 28 of RA No. 7279 must be complied with, including the requirement for the Philippine National Police (PNP) personnel deployed to wear proper uniforms and to observe proper disturbance control procedures during the execution of dismantling or eviction order from the court or LGUs or government agency authorized to dismantle or evict.

SEC. 4. *Pre-Demolition Conference.* A consultation in a form of a conference must be conducted and the same shall be complied with under the following conditions:

- a. The local PNP designated as a full-time staff or personnel in charge of dismantling or eviction activities involving underprivileged and homeless families must actively participate in the consultation process as defined under RA No. 7279 and their role must be clearly set forth;
- b. The following agencies must be represented during the Pre-Demolition Conference - the Department in the Interior and Local Government (DILG), the Department of Social Welfare and Development (DSWD) the Department of Education (DepEd), the Department of Public Works and Highways (DPWH), the National Housing Authority (NHA), the Presidential Commission for the Urban Poor (PCUP), the Commission on Human Rights (CHR), the LGUs authorized to dismantle or evict and various government agencies;
- c. The Pre-Demolition Conference shall be presided by PCUP, which may call on the assistance of other agencies whenever necessary under the circumstances;
- d. The details of the conference must be documented or recorded, summarizing the points of the agreements and disagreements arrived at, and copies of these must be provided to all the stakeholders present; and,
- e. The Pre-Demolition Conference must be conducted not later than seventy-two (72) hours prior to the intended date or dismantling or eviction and in no case shall the conference be held within the same prescriptive period.

SEC. 5. *Promulgation of Rules and Regulations.* The PCUP together with various government agencies shall promulgate the necessary rules and regulations for the orderly enforcement of this Act within sixty (60) days from its approval.

SEC. 6. *Penalties.* Any person who shall be found liable for violating any provision of this Act shall be administratively sanctioned; provided that in cases where the act or omission constitute an offense penalized under the Revised Penal

Code, or any special law, such act shall be considered as special aggravating circumstance in the application of the appropriate penalties.

SEC. 7. *Separability Clause.* In the event that any provision of this Act is declared unconstitutional, the provision not so affected shall continue to be valid and enforceable.

SEC. 8. *Effectivity.* This Act shall take effect after its complete publication in the Official Gazette or at least two (2) newspaper of general circulation.

Approved,