

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Third Regular Session

House Bill No. 10812



Introduced by **MAGDALO Party-List Representative**
HON MANUEL DG. CABOCHAN III

EXPLANATORY NOTE

Article XIII, Section 10 of the 1987 Constitution affirms that “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 resettlement of urban or rural dwellers shall be undertaken without adequate consultation with them and the communities where they are to be located.” This proposed measure seeks to establish a just and humane code of conduct for the resettlement of informal settler families, underprivileged and homeless citizens and provide penalties for violation thereof.

Of the estimated 1.9 million informal settlers in the country, around 475,000 resides within Metro Manila.¹ In high hopes of finding better opportunities and convenience in life, most are compelled to live in informal settlements while trying to earn for a just living. Most informal settlers live near dangerous areas such as heavily travelled roads, creeks, rivers, landfills and underneath the bridges. Due to the serious safety risks, some are forced by the government to relocate to a much suitable and habitable area. However, there were instances that demolition and relocation programs involve

¹ The Manila Times. Creba bats for affordable housing in transport hubs. Information retrieved from <https://www.manilatimes.net/2021/07/27/business/real-estate-and-property/creba-bats-for-affordable-housing-in-transport-hubs/1808576>. Dated July 27, 2021

serious protests and violence.² Many informal settlers suffer inhumane treatment and abuses that undermine the rights of the homeless and poor.

While Republic Act No. 7279, otherwise known as the Urban Development and Housing Act of 1992 was enacted to protect the rights of the urban and rural poor and provide them with adequate housing, it lacks provisions that would guide the conduct of resettlement of informal settlers.

Those who have less in life should have more in law. The State, therefore, must seek to eliminate the barriers, particularly social and financial status, for an individual to fully enjoy the inherent right of a just and humane treatment from society.

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



MANUEL DG. CABOCHAN III

Representative

Magdalo Para sa Pilipino Party-List

² Philippine Star. 1 dead, 40 hurt in Sucat demolition. Information retrieved from <https://www.philstar.com/metro/2012/04/24/799734/1-dead-40-hurt-sucat-demolition>. Dated April 24, 2012

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HON. MANUEL DG. CABOCHAN III

AN ACT

**PRESCRIBING A JUST AND HUMANE CODE OF CONDUCT FOR THE
RESETTLEMENT OF UNDERPRIVILEGED AND HOMELESS CITIZENS,
PROVIDING PENALTIES FOR VIOLATIONS THEREOF AND APPROPRIATING
FUNDS THEREFOR**

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

1 SECTION 1. *Short Title.*— This Act shall be known as the "Just and Human
2 Resettlement Act".

3
4 Sec. 2. *Declaration of Policy.*— Pursuant to Section 9, Article XIII of the
5 Constitution, the State shall ensure that underprivileged and homeless citizens have
6 access to adequate, safe, secure, habitable, sustainable, resilient, and affordable
7 housing. Pursuant to Section 10, Article XIII and Section 10, Article II of the
8 Constitution, the State shall neither evict nor demolish informal settler families, except
9 in accordance with law, in a just and humane manner, and shall promote social justice
10 in all phases of national development.

1 The State shall, by law and for the common good, undertake in cooperation
2 with the private sector a continuing program of housing and urban development
3 which shall make available decent housing and basic services at affordable cost to
4 underprivileged and homeless citizens in urban centers and resettlement areas. In
5 addition, the State shall encourage on-site development in the implementation of
6 housing programs and shall promote the creation of new settlements and the
7 development of sustainable urban renewal programs while guaranteeing the
8 preservation of agricultural lands necessary for food security.

9
10 The State shall encourage more effective people's participation in the urban
11 development process through a mechanism of adequate and genuine consultation in
12 all stages of the relocation and resettlement process with the affected communities,
13 which should include a space for children, women, and other marginalized groups.

14
15 Sec. 3. *Definition of Terms.*— As used in this Act, the following terms are
16 defined as follows:

17 (a) Adequate and Genuine Consultation refers to the constitutionally mandated
18 process whereby the public, on their own or through people's organizations,
19 is provided an opportunity to be heard and to participate in the decision
20 making process on matters involving the protection and promotion of its
21 legitimate collective interest, which shall include the following:

22 (1) Effective dissemination and full access to the public of relevant
23 information, plans and documents, including - but not limited to - land
24 records, housing budgets, the proposed plan or project, alternative
25 housing options, technical studies, and comprehensive resettlement
26 plans;

27 (2) Reasonable time, which shall not be less than thirty (30) days, for the
28 public to review, comment, and object to the plans and studies;

29 (3) Provision by the government or non-government organizations of legal,
30 technical, and other appropriate advice to affected persons, households,
31 and/or organizations on their rights and options;

- (4) Separate sessions of open and public consultations with affected households in general and affected subsectors in particular, including but not limited to women, children, youth, senior citizens, persons with disabilities (PWDs), workers, farmers, fisherfolk, and lesbians, gays, bisexuals, and transgender persons (LGBT);
- (5) Public hearings that provide affected ISPs and their advocates with opportunities to challenge the eviction decision or present alternative proposals and to articulate their demands and development priorities; and
- (6) The conclusion of any mediation, arbitration, or adjudication proceedings by an independent body vested with constitutional authority such as a court of law, when appropriate and availed of, in case no agreement is reached on the proposals of the concerned parties.
- (b) Danger Area refers to areas which, when occupied for residential purposes, pose a danger to the life and safety and property of either the concerned residents or of the general community. The danger is due to an unavoidable source of probable harm to human life or well-being;
- (c) Demolition refers to the dismantling by the LGU, or any legally authorized agency of government, of all structures within the premises subject for clearing;
- (d) Eviction refers to the removal of persons and their belongings from a subject building/ structure or area, or both, in accordance with law;
- (e) High Risk Area/s refers to any area which poses a high level of threat to the public welfare and safety that cannot be addressed through scientific, physical and engineering methods and, thereby, is unsuitable for settlement and permanent structures;
- (f) Informal Settler Families (ISF) refers to individuals or households living in any of the following places:
- (1) Lots, buildings, dwelling units, or other structures without the consent of the property owner;
 - (2) Danger areas;
 - (3) Areas for government infrastructure projects;

- 1 (4) Protected or forest areas, except for indigenous peoples;
2 (5) Areas for priority development as declared under Proclamation No.
3 1967, series of 1980, if applicable;
4 (6) Government or public lands or facilities not intended for human
5 habitation; or
6 (7) Any other places, after being displaced due to natural or manmade
7 hazards.

8 (g) People's Plan refers to the plan formulated and initiated by the beneficiary
9 associations, with the assistance of the concerned government agencies, in
10 cooperation with the Presidential Commission for the Urban Poor, with or
11 without the support of CSOs, which shall contain a site development plan
12 that conforms to standards of adequate housing and to the comprehensive
13 land use plan of the local government unit under whose jurisdiction the
14 project site is proposed to be located, including architecture and
15 engineering house design, community health, sanitation and security plans,
16 as well as nonphysical development components such as self-help
17 development, capability building, and a system of allocation of socialized
18 housing units. The formulation of and the resulting plan should promote
19 and protect the welfare of women, children, persons with disabilities, and
20 senior citizens; and

21 (h) Social Preparation refers to the series of activities designed to prepare the
22 affected ISPs to cope with the changes brought about by government
23 infrastructure or development projects and to encourage them to actively
24 participate and prepare their societal, community and personal
25 responsibilities in their quest for tenurial security, human development and
26 basic services, employment and livelihood, and other government programs
27 for the ISF.

28
29 Sec. 4. *Coverage*.— This law shall apply in all cases of demolition or eviction,
30 whether undertaken by the government or private individuals or entities, and whether
31 ordered by the courts or otherwise.

1 Sec. 5. *Policy on Eviction and Demolition.*— As a general rule, any eviction of
2 informal settler families or demolition of the structures they live in or any
3 appurtenance thereto shall be prohibited.

4
5 Sec. 6. *Exceptions.*— Eviction of informal settler families or demolition of the
6 structures they live in or any appurtenance thereto shall be allowed only in the
7 following exceptional cases:

8 (a) When ISPs occupy a danger area, such as esteros, railroad tracks, garbage
9 dumps, riverbanks, shorelines, waterways, and other public places such as
10 sidewalks, roads, parks, and playgrounds, or a high risk area which poses
11 a high level of threat to public welfare and safety that cannot be addressed
12 through or remedied by scientific, physical and engineering methods and,
13 thereby, is unsuitable for settlement and permanent structures: Provided,
14 that an area can only be declared as a danger area or high risk area through
15 an appropriate technical study, adequate and genuine public consultation
16 with the affected persons or entities, and certification by the appropriate
17 government agency. It shall be the duty of the province and the city or
18 municipality, after one hundred twenty (120) days from the effectivity of
19 this Act, to conduct the technical studies and public consultations necessary
20 to identify all danger and high risk areas within their respective
21 jurisdictions;

22 (b) When government infrastructure projects with available funding are about
23 to be implemented: Provided, that evictions or displacements of population
24 due to any development project or business venture involving the
25 government should be avoided or minimized: Provided, further, that if
26 eviction is unavoidable under the circumstances, the government shall
27 conduct a comprehensive and holistic impact assessment, before the
28 project is implemented, to determine whether the project will serve the
29 public interest and to explore alternatives and strategies to minimize harm
30 and further violation of human rights of the affected communities,
31 particularly children, women and other marginalized groups: Provided,
32 finally, that the agency which seeks to implement the eviction or demolition

1 shall establish the budget pertaining to it upon its application to the
2 Presidential Commission for the Urban Poor for an eviction or demolition
3 certificate of compliance; and

4 (c) When there is a court order for eviction and demolition: Provided, however,
5 that no execution of eviction or demolition order shall proceed and be
6 carried out during the pendency of an appeal, notwithstanding the failure
7 to file a supersedeas bond to stay the execution of the order if the appellant
8 is an underprivileged and homeless citizen.

9
10 *Sec. 7. Mandatory Requirements Before, During, and After the Conduct of*
11 *Eviction or Demolition.*— No eviction or demolition involving ISPs shall be executed
12 without full compliance with the following mandatory requirements to uphold human
13 dignity and prevent any violation of human rights:

14 (a) Before Eviction or Demolition

15 (1) Conduct of social preparation activities related to asset reform, human
16 development and basic services, employment, and livelihood, and other
17 programs of the government for both the affected underprivileged and
18 homeless citizens and the affected families of the place where the
19 former will be relocated. Provided, that, separate social preparation
20 activities shall be conducted on matters relating to the promotion and
21 protection of their right to development, survival, protection and
22 participation for children of both communities;

23 (2) Notice served upon the affected persons or entities at least thirty (30)
24 days prior to the date of eviction or demolition;

25 (3) Adequate and genuine consultations on the matter of resettlement with
26 the duly designated representatives of the families to be resettled and
27 the affected communities in the areas where they are to be relocated.

28 *Provided,* That a consultation in the form of an inter-agency pre-eviction
29 or pre-demolition conference with the affected underprivileged and
30 homeless citizens shall be convened by the national government agency
31 or local government unit authorized to evict or demolish and the same
32 shall be complied with under the following conditions:

1 (i) The local Philippine National Police Personnel, whose function is
2 to provide law enforcement and civil disturbance control but not
3 to participate in the physical dismantling of any structure, shall
4 actively participate in the consultation process and their role
5 shall be clearly set forth;

6 (ii) The following agencies shall be represented during the inter-
7 agency pre-eviction or pre-demolition conference with the
8 affected underprivileged and homeless citizens:

- 9 1. Department of the Interior and Local Government (DILG);
- 10 2. Department of Social Welfare and Development (DSWD);
- 11 3. Department of Education (DepEd);
- 12 4. Department of Public Works and Highways (DPWH);
- 13 5. Department of Human Settlements and Urban
14 Development (DHSUD);
- 15 6. National Housing Authority (NHA);
- 16 7. Department of Health (DOH);
- 17 8. Presidential Commission for the Urban Poor (PCUP);
- 18 9. Commission on Human Rights (CHR);
- 19 10. Philippine Commission on Women (PCW);
- 20 11. Council for the Welfare of Children (CWC);
- 21 12. Appropriate Key Shelter Agencies;
- 22 13. Representatives from non-government organizations
23 and/or people's organizations working for the interest of
24 the informal settler families; and
- 25 14. Concerned local government units.

26 If the conference is convened by the local government, the PCW and CWC shall
27 be replaced by the Local GAD Focal Point System and the Local Council for the
28 Protection of Children representatives, respectively, of the concerned LGUs.

29 (i) The inter-agency pre-eviction or pre-demolition conference, with
30 the affected underprivileged and homeless citizens, shall be
31 presided by the Presidential Commission for the Urban Poor,

- 1 which may call on the assistance of other agencies whenever
2 necessary;
- 3 (ii) A plan for eviction or demolition shall be formulated during the
4 inter-agency pre-eviction or pre-demolition conference, setting
5 forth clear procedures that will be implemented during the
6 eviction or demolition in order to prevent any human rights
7 violation;
- 8 (iii) The details of the inter-agency pre-eviction or pre-demolition
9 conference with the affected underprivileged and homeless
10 citizens shall be documented or recorded, and a summary of the
11 points of the agreements arrived at as well as the disagreements
12 shall be considered and given weight by the inter-agency body in
13 coming up with a decision on matters relating to the conduct of
14 eviction or demolition: Provided, that copies of the
15 documentation and summary shall be provided to all the
16 stakeholders present three (3) days after the pre-eviction or pre-
17 demolition conference;
- 18 (iv) The inter-agency pre-eviction or pre-demolition conference with
19 the affected underprivileged and homeless citizens shall be
20 conducted after seven (7) days from service of notice of eviction
21 or demolition upon the affected persons and entities; and
- 22 (v) Any request for police assistance shall be accompanied by a
23 certification from the Presidential Commission for the Urban Poor
24 that an inter-agency pre-eviction or pre-demolition conference
25 with the affected underprivileged and homeless citizens was
26 conducted.
- 27 (4) Submission to the Barangay Officials, before any eviction or demolition,
28 of the following:
- 29 (i) Certificate of Compliance secured from the Presidential
30 Commission for the Urban Poor;
- 31 (ii) Names of all personnel, staff, and crew taking part in the eviction
32 or demolition activity, including private security, and the names

1 of the Philippine National Police Personnel assigned to maintain
2 law and order;

3 (iii) Notice of the date of demolition which shall be at least five (5)
4 calendar days from such notice; and

5 (iv) List of officers of the agencies forming part of the inter-agency
6 body convened to extend support and assistance.

7 (b) During Eviction and Demolition

8 (1) Reading of the plan of eviction or demolition agreed upon during the
9 inter-agency pre-eviction or pre-demolition conference;

10 (2) Presence of local government officials or their representatives during
11 eviction or demolition;

12 (3) Proper identification of all persons taking part in the demolition;

13 (4) Execution of eviction or demolition only during regular office hours from
14 Mondays to Fridays and only during good weather, unless the affected
15 families consent otherwise;

16 (5) No use of heavy equipment for demolition except for structures that are
17 permanent and made of concrete materials;

18 (6) Proper uniforms and identification shall be worn by members of the
19 Philippine National Police who shall occupy the first line of law
20 enforcement and observe proper disturbance control procedures:
21 Provided, that the PNP, in coordination with the DSWD, shall ensure the
22 safety and security of the affected children, pregnant and lactating
23 mothers, senior citizens, persons with disabilities, and other groups or
24 marginalized sectors in the areas of eviction or demolition;

25 (7) Observance of a minimum standard of conduct - based on rules of
26 engagement - that applies maximum tolerance in order to prevent the
27 outbreak of violence or the escalation thereof: Provided, that any legal
28 use of force must respect the principles of necessity and proportionality:
29 Provided, further, that the child protection policy in the conduct of
30 eviction or demolition shall be implemented;

31 (8) Measures to protect the evictees from threats or harassment from the
32 government or private persons or entities, including gender-based

1 violence: Provided, that legal assistance shall be made available to any
2 complaining party; and

3 (9) Transparency in all stages of the eviction or demolition process,
4 including allowing the media to cover the whole event.

5 (c) After Eviction or Demolition

6 (1) Adequate housing and relocation, whether temporary or permanent:

7 Provided, that in cases of eviction and demolition pursuant to a court
8 order involving underprivileged and homeless citizens, relocation shall
9 be undertaken by the local government unit concerned and the National
10 Housing Authority with the assistance of other government agencies
11 within forty five (45) days from the service of notice of final judgement
12 by the court, after which period the said order shall be executed.

13 *Provided however,* That should relocation not be possible within the said
14 period, financial assistance in the amount equivalent to the prevailing
15 and applicable minimum daily wage for nonagricultural workers,
16 multiplied by sixty (60) days, shall be extended to the affected families
17 by the local government unit concerned. *Provided further,* That the
18 financial assistance shall not replace the requirement of adequate
19 relocation; and

20 (2) Immediately after the eviction, all relief measures, medical facilities,
21 psychosocial services, documentation of evictees to prevent
22 displacement or family separation and similar assistance shall be put in
23 place by the local government units concerned in partnership with
24 relevant government agencies.

25
26 Sec. 8. *Enforcement of Mandatory Provisions.*— Observance of the above
27 requirements shall be mandatory in all cases involving the eviction and demolition of
28 underprivileged and homeless citizens and ISFs, regardless of whether or not their
29 dwellings or residential structures were constructed before or after the effectivity of
30 this Act. The Department of Interior and Local Government and the Department of
31 Human Settlements and Urban Development shall jointly promulgate the necessary
32 rules and regulations to carry out the immediately preceding section.

1 Sec. 9. *Prohibiting Illegal Perimeter Fences.*— It shall be prohibited for any
2 person to secure or build a perimeter fence on an area or property inhabited by
3 underprivileged and homeless citizens after the same is razed to the ground by a fire
4 or ruined by a natural calamity: Provided, that the fencing of the of the property shall
5 be allowed if the person causing the fencing can show a duly-signed court order
6 allowing the same.

7
8 Sec. 10. *Designation of a Central Coordinating Body for Eviction, Demolition*
9 *and Resettlement.*— The Presidential Commission for the Urban Poor (PCUP) is
10 hereby designated as the Central Coordinating Body for the conduct of eviction and
11 demolition activities involving underprivileged and homeless citizens.

12
13 Sec. 11. *Functions of Central Coordinating Body.*— The PCUP shall exercise the
14 following functions:

15 (a) Monitor all evictions and demolitions, whether extrajudicial or court ordered,
16 involving underprivileged and homeless citizens;

17 (b) Require any government agency or local government unit proposing to
18 undertake the eviction or demolition activities to first secure from the PCUP
19 Central Office, in the case of national projects, or from its regional office in
20 case of local projects, the checklist and guidelines on eviction or demolition
21 for the national and local projects, respectively, prior to the actual
22 implementation thereof and, subsequently, to submit to the PCUP the
23 completed checklist, attested to under oath by the proponent, indicating
24 that:

25 (1) Adequate and genuine consultation with the affected families has
26 already been undertaken;

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

28 (3) The pre-relocation requirements have been complied with.

29 (c) Review the basis for application for the conduct of eviction of
30 underprivileged and homeless citizens or the demolition of their dwellings
31 or appurtenances thereto in a danger area or high risk area, or in an area

1 where a government infrastructure project with available funding is about
2 to be implemented;

3 (d) Based on the completed checklist, subject to further verification and the
4 review of the basis for application for eviction or demolition in the
5 immediately preceding sub-paragraph, issue a demolition and eviction
6 certificate of compliance to the national government or local government
7 unit proposing the eviction or demolition involving underprivileged and
8 homeless citizens;

9 (e) Initiate, in coordination with relevant government agencies, the formulation
10 of rules of engagement in the implementation of eviction or demolition
11 activities which are based on maximum tolerance and on the principles of
12 necessity and proportionality;

13 (f) Establish a separate protection mechanism for children through the
14 formulation of a child protection policy in the conduct of eviction and
15 demolition: Provided, that the child protection policy shall be developed in
16 partnership with the DSWD, CHR, and CWC, and in consultation with
17 stakeholders including children;

18 (g) Investigate motu proprio or upon complaint by any party any violation of the
19 provisions of sections 6, 7, and 8 hereof, or the rules and regulations issued
20 to implement them;

21 (h) File motu proprio or by way of assistance to any aggrieved party, the
22 appropriate criminal, civil, or administrative case against any person or
23 persons found to have violated the provisions of subsections 6, 7, and 8
24 hereof or the rules and regulations issued to implement them;

25 (i) Recommend to the President appropriate measures for the implementation
26 and enforcement of this Act and the rules and regulations issued to
27 implement it, including possible administrative sanctions against national or
28 local government officials who violate the same;

29 (j) Require assistance and necessary information from any government agency
30 in the discharge of its functions under this Act;

31 (k) Publicize matters covered by its investigation of violations of the provisions
32 of sections 6, 7, and 8 hereof or the rules and regulations issued to

1 implement them, when circumstances so warrant and with due prudence:
2 Provided, however, that the PCUP shall, under the rules and regulations that
3 shall hereafter be promulgated, determine what cases may be made public:
4 Provided, further, that any public report or press release from the PCUP
5 shall be balanced, fair and true;

6 (l) Administer oaths, issue subpoenas duces tecum, and take the testimonies
7 of witnesses in the course of its investigation;

8 (m) Adopt its own operational guidelines and rules of procedures, as well as
9 rules and regulations not otherwise inconsistent with existing laws, rules
10 and regulations, to effectively carry out its mandate; and

11 (n) Perform such other functions as may hereafter be provided by law.

12 *Further*, That the PCUP shall designate additional personnel to carry out its mandate.
13

14 *Sec. 12. Penalty for Violation.*— Any person who violates sections 6, 7, and 8
15 hereof shall be imposed the penalty of not less than six (6) months but not more than
16 six (6) years of imprisonment or a fine of not less than Twenty-Five Thousand Pesos
17 (P25,000.00) but not more than One Hundred Thousand Pesos (P100,000.00), or
18 both, at the discretion of the court: Provided, that, if the offender is a corporation,
19 partnership, association, or a government-owned or controlled corporation, or other
20 juridical entity, the penalty shall be imposed on the officer or officers of said
21 corporation, partnership, association, government entity, or juridical entity who
22 caused the violation.
23

24 *Sec. 13. Appropriations.*— The amount needed for the initial implementation
25 of this Act shall be taken from the current year's appropriations of the concerned
26 agencies. Thereafter, such sums as may be necessary for its continued
27 implementation shall be included in the annual General Appropriations Act.
28

29 *Sec. 14. Implementing Rules and Regulations.*— Within one hundred twenty
30 (120) days from the effectivity of this Act, the Department of Human Settlements
31 and Urban Development, Department of the Interior and Local Government, and
32 Presidential Commission for the Urban Poor shall, in consultation with non-

1 government organizations, people's organizations, informal settler families and their
2 organizations, and the private sector, jointly promulgate the rules and regulations to
3 effectively implement the provisions of this Act.
4

5 Sec. 15. *Separability Clause*.— If any portion or provision of this Act is declared
6 unconstitutional, the remainder of this Act or any provisions not affected thereby shall
7 remain in force and effect.
8

9 Sec. 16. *Repealing Clause*.— Any law, presidential decree or issuance,
10 executive orders, letter of instruction, rule or regulation inconsistent with the
11 provisions of this Act is hereby repealed or modified accordingly.
12

13 Sec. 17. *Effectivity*.— This Act shall take effect fifteen (15) days following its
14 complete publication in the Official Gazette or a newspaper of general circulation.

Approved,