

TWENTIETH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



HOUSE OF REPRESENTATIVES

HOUSE BILL No. 2332

Introduced by REPRESENTATIVES LANI MERCADO-REVILLA,
BRYAN B. REVILLA AND RAMON JOLO B. REVILLA III

AN ACT

PRESCRIBING A CODE OF CONDUCT FOR THE PROPER AND SAFE EVICTION OF UNDERPRIVILEGED AND HOMELESS CITIZENS OR THE DEMOLITION OF THEIR DWELLINGS, PROVIDING PENALTIES FOR VIOLATION THEREOF, AND APPROPRIATING FUNDS THEREFOR, AMENDING FOR THE PURPOSE REPUBLIC ACT NUMBERED 7279, OTHERWISE KNOWN AS THE "URBAN DEVELOPMENT AND HOUSING ACT OF 1992"

EXPLANATORY NOTE

Section 10, Article XIII of the 1987 Constitution provides that **"urban or rural poor dwellers shall not be evicted nor their dwelling 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 relocated."**

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

This bill will strengthen the safeguards provided for under Section 28 of the UDHA. There will be coordination between various stakeholders which includes the government agencies tasked to aid informal settler families (ISF). A standardized and inclusive process thru peaceful dialogue and strict compliance

with the requirements of the law, will ensure that aggressions related to demolition and eviction are reduced and/or eliminated.

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



REP. LAN MERCADO - REVILLA, MSLG, DM (hc)

Representative

2nd District of Cavite



REP. BRYAN B. REVILLA

Representative

AGIMAT Partylist



REP. RAMON JOLO REVILLA III

Representative

1st District of Cavite

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AS THE "URBAN DEVELOPMENT AND HOUSING ACT OF 1992"

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

SECTION 1. Section 28 of Republic Act No. 7279 is hereby amended to
read as follows:

“Sec. 28. *Eviction and Demolition.* Eviction or demolition as a practice shall
be discouraged. [Eviction or demolition, however, may be allowed under the
following situations:]

a. EVICTION OR DEMOLITION, WHEN ALLOWED - EVICTION
OR DEMOLITION MAY ONLY BE ALLOWED UNDER ANY ONE OF THE
FOLLOWING SITUATIONS:

[(a)] 1. When persons or entities occupy danger area/s such as *esteros*.
railroad tracks, garbage dumps, riverbanks, shorelines, waterways, and
other public places such as sidewalks, roads, parks, and playgrounds;
OR HIGH RISK AREA WHICH POSES A HIGH LEVEL OF THREAT TO
PUBLIC WELFARE AND SAFETY THAT CANNOT BE ADDRESSED
THROUGH OR REMEDIED BY SCIENTIFIC, PHYSICAL, AND

ENGINEERING METHODS AND, THEREBY, UNSUITABLE FOR SETTLEMENT AND PERMANENT STRUCTURES: PROVIDED, THAT AN AREA CAN ONLY BE DECLARED AS A DANGER AREA OR HIGH RISK AREA THROUGH AN APPROPRIATE TECHNICAL STUDY AND ADEQUATE PUBLIC CONSULTATION WITH THE AFFECTED PERSONS OR ENTITIES;

[(b)] 2. When government infrastructure projects with available funding are about to be implemented, PROVIDED, THAT THE AGENCY WHICH SEEKS TO IMPLEMENT THE EVICTION OR DEMOLITION SHALL ESTABLISH THE PURPOSE OF THE PROPOSED PROJECT AND THE BUDGET PERTAINING TO IT UPON ITS APPLICATION TO THE PRESIDENTIAL COMMISSION FOR THE URBAN POOR FOR AN EVICTION OR DEMOLITION CERTIFICATE OF COMPLIANCE: [or] AND/OR;

[(c)] 3. When there is a court order for eviction and demolition: PROVIDED, HOWEVER, THAT NO EXECUTION OF EVICTION OR DEMOLITION ORDER SHALL PROCEED AND BE CARRIED OUT DURING THE PENDENCY OF AN APPEAL, NOTWITHSTANDING THE FAILURE TO FILE A SUPERSEDEAS BOND TO STAY THE EXECUTION OF THE ORDER IF THE APPELLANT IS AN UNDERPRIVILEGED AND HOMELESS CITIZEN;

[In the execution of eviction or demolition orders involving underprivileged and homeless citizens, the following shall be mandatory:]

b. MANDATORY REQUIREMENTS BEFORE THE CONDUCT OF EVICTION OR DEMOLITION. - NO EVICTION OR DEMOLITION ACTIVITIES INVOLVING UNDERPRIVILEGED AND HOMELESS CITIZENS AS STATED ABOVE SHALL BE EXECUTED ABSENT COMPLIANCE WITH THE FOLLOWING MANDATORY REQUIREMENTS:

1. CONDUCT OF SOCIAL PREPARATION ACTIVITIES RELATED TO ASSET REFORM, HUMAN DEVELOPMENT AND BASIC SERVICES, EMPLOYMENT AND LIVELIHOOD, AND OTHER PROGRAMS OF THE GOVERNMENT FOR THE AFFECTED UNDERPRIVILEGED AND HOMELESS CITIZENS:

[(1)] 2. Notice upon the effected persons or entities at least thirty (30) days prior to the date of eviction or demolition;

[(2)] 3. Adequate consultations on the matter of resettlement with the duly designated representatives of the families to be resettled and the affected communities in the areas where they are to be relocated:

PROVIDED, THAT A CONSULTATION IN THE FORM OF AN INTER-AGENCY PRE-EVICTION OR PRE-DEMOLITION CONFERENCE WITH THE AFFECTED UNDERPRIVILEGED AND HOMELESS CITIZENS SHALL BE CONVENED BY THE NATIONAL GOVERNMENT AGENCY, OR BY THE LOCAL GOVERNMENT UNIT (LGU) AUTHORIZED TO EVICT OR DEMOLISH AND THE SAME SHALL BE COMPLIED WITH UNDER THE FOLLOWING CONDITIONS:

- i. THE LOCAL PHILIPPINE NATIONAL POLICE PERSONNEL WHOSE FUNCTION IS TO PROVIDE LAW ENFORCEMENT AND CIVIL DISTURBANCE CONTROL, BUT NOT TO PARTICIPATE IN THE PHYSICAL DISMANTLING OF ANY STRUCTURE, SHALL ACTIVELY PARTICIPATE IN THE CONSULTATION PROCESS AND THEIR ROLE SHALL BE CLEARLY SET FORTH;
- ii. THE FOLLOWING AGENCIES SHALL BE REPRESENTED DURING THE INTER-AGENCY PRE-EVICTION OR PRE-DEMOLITION CONFERENCE WITH THE AFFECTED UNDERPRIVILEGED AND HOMELESS CITIZENS: THE DEPARTMENT OF HUMAN SETTLEMENTS AND URBAN DEVELOPMENT (DHSUD), THE DEPARTMENT OF INTERIOR AND LOCAL GOVERNMENT(DILG), 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 DEPARTMENT OF HEALTH(DOH), THE COMMISSION ON HUMAN RIGHTS(CHR), APPROPRIATE KEY SHELTER AGENCIES, AND THE BARANGAY CONCERNED:
- iii. THE INTER-AGENCY PRE-EVICTION OR PRE-DEMOLITION CONFERENCE WITH THE AFFECTED UNDERPRIVILEGED AND HOMELESS CITIZENS SHALL BE PRESIDED BY THE DHSUD AND THE PCUP, WHICH MAY CALL ON THE ASSISTANCE OF OTHER AGENCIES WHENEVER NECESSARY:
- iv. THE DETAILS OF THE INTER-AGENCY PRE-EVICTION OR PRE

DEMOLITION CONFERENCE WITH THE AFFECTED UNDERPRIVILEGED AND HOMELESS CITIZENS SHALL BE DOCUMENTED OR RECORDED, AND A SUMMARY OF THE POINTS OF THE AGREEMENTS ARRIVED AT AS WELL AS THE DISAGREEMENTS THEREON SHALL FORM PART OF THE DOCUMENTATION, COPIES OF WHICH SHALL BE PROVIDED TO ALL THE STAKEHOLDERS PRESENT; AND

- v. THE INTER-AGENCY PRE-EVICTION OR PRE-DEMOLITION CONFERENCE WITH THE AFFECTED UNDERPRIVILEGED AND HOMELESS CITIZENS SHALL BE CONDUCTED NOT LATER THAN SEVENTY-TWO (72) HOURS PRIOR TO THE INTENDED DATE OF EVICTION OR DEMOLITION, AND IN NO CASE SHALL THE CONFERENCE BE HELD WITHIN THE SAME PRESCRIPTIVE PERIOD: PROVIDED, THAT A REQUEST FOR POLICE ASSISTANCE SHALL BE ACCOMPANIED BY A CERTIFICATION FROM THE DHSUD AND THE PCUP THAT AN INTER-AGENCY PREEVICTION OR PRE-DEMOLITION CONFERENCE WITH THE AFFECTED UNDERPRIVILEGED AND HOMELESS CITIZENS WAS CONDUCTED:
4. A CERTIFICATE OF COMPLIANCE SECURED FROM THE PCUP PRIOR TO THE ACTUAL IMPLEMENTATION OF THE EVICTION OR DEMOLITION ACTIVITY;
5. SUBMISSION TO THE BARANGAY OFFICIALS OF THE FOLLOWING:
 1. CERTIFICATE OF COMPLIANCE;
 11. NAMES OF ALL PERSONNEL, STAFF, AND CREW TAKING PART IN THE EVICTION OR DEMOLITION ACTIVITY, INCLUDING PRIVATE SECURITY, AND THE NAMES OF THE PHILIPPINE NATIONAL POLICE PERSONNEL ASSIGNED TO MAINTAIN LAW AND ORDER:
- III. NOTICE OF THE DATE OF DEMOLITION WHICH SHALL BE AT LEAST FIVE (5) CALENDAR DAYS FROM SUCH NOTICE; AND

1v. LIST OF OFFICERS OF THE AGENCIES FORMING PART OF
THE INTER-AGENCY BODY CONVENED TO EXTEND
SUPPORT AND ASSISTANCE;

[(3)] 6. Presence of local government officials or their representatives during
eviction or demolition;

[(4)] 7. Proper identification of all persons taking part in the demolition:

[(5)] 8. Execution of eviction or demolition only during regular office hours
from Mondays to Fridays and during good weather, unless the
affected families consent otherwise:

[(6)] 9. No use of heavy equipment for demolition except for structures that
are permanent and of concrete materials;

[(7)]10. Proper uniforms for members of the Philippine National Police who
shall occupy the first line of law enforcement and observe proper
disturbance control procedures:

11. OBSERVANCE OF A MINIMUM STANDARD OF CONDUCT BASED
ON RULES OF ENGAGEMENT THAT APPLY MAXIMUM
TOLERANCE IN ORDER TO PREVENT THE OUTBREAK OF
VIOLENCE OR THE ESCALATION THEREOF;

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

OBSERVANCE OF THE ABOVE REQUIREMENTS SHALL BE
MANDATORY IN ALL CASES INVOLVING THE EVICTION AND
DEMOLITION OF UNDERPRIVILEGED AND HOMELESS
CITIZENS, REGARDLESS OF WHETHER OR NOT THEIR
DWELLINGS OR RESIDENTIAL STRUCTURES WERE

CONSTRUCTED AFTER THE EFFECTIVITY OF THIS ACT.

[The Department of Interior and Local Government and the Department of Human Settlements and Urban Development shall jointly promulgate the necessary rules and regulations to carry out the above provision.]

- c. PROHIBITION AGAINST EVICTION BY THE CONSTRUCTION OF A FENCE ENCLOSING A PROPERTY INHABITED BY UNDERPRIVILEGED AND HOMELESS CITIZENS WHICH IS RAZED TO THE GROUND BY A FIRE OR RUINED BY A NATURAL CALAMITY — NO PERSON SHALL SECURE OR BUILD A PERIMETER FENCE ON AN AREA OR PROPERTY INHABITED BY UNDERPRIVILEGED AND HOMELESS CITIZENS AFTER THE SAME IS RAZED TO THE GROUND BY A FIRE OR RUINED BY A NATURAL CALAMITY, PROVIDED, THAT THE FENCING OF THE PROPERTY SHALL BE ALLOWED IF THE PERSON CAUSING THE FENCING CAN SHOW CLEARANCE FROM PCUP THAT THE ABOVE CONDITIONS HAVE BEEN COMPLIED WITH, IF THE EVICTION WILL FALL UNDER ADMINISTRATIVE MATTER, OR BY A COURT ORDER IF PRIVATE PROPERTY IS INVOLVED.
- d. DESIGNATION OF A CENTRAL COORDINATING BODY FOR EVICTION AND DEMOLITION — THE PRESIDENTIAL COMMISSION FOR THE URBAN POOR (PCUP) IS HEREBY DESIGNATED AS THE CENTRAL COORDINATING BODY FOR THE CONDUCT OF EVICTION AND DEMOLITION ACTIVITIES INVOLVING UNDERPRIVILEGED AND HOMELESS CITIZENS. IT SHALL EXERCISE THE FOLLOWING POWERS AND FUNCTIONS:
 - 1. MONITOR ALL EVICTIONS AND DEMOLITIONS, WHETHER EXTRA-JUDICIAL OR COURT-ORDERED, INVOLVING UNDERPRIVILEGED AND HOMELESS CITIZENS;
 - 2. REQUIRE A GOVERNMENT AGENCY OR LGU PROPOSING TO UNDERTAKE EVICTION OR DEMOLITION ACTIVITIES TO SECURE FIRST FROM THE PCUP CENTRAL OFFICE, IN THE CASE OF NATIONAL PROJECTS, OR FROM ITS REGIONAL OFFICE, IN THE CASE OF LOCAL PROJECTS, THE CHECKLIST AND GUIDELINES FOR THE NATIONAL PROJECTS OR LOCAL PROJECTS, RESPECTIVELY, ON EVICTION OR DEMOLITION PRIOR TO THE ACTUAL IMPLEMENTATION THEREOF AND, SUBSEQUENTLY, SUBMIT TO THE PCUP THE COMPLETED CHECKLIST, ATTESTED TO UNDER OATH BY THE PROPONENT INDICATING THAT:
 - i. ADEQUATE CONSULTATION WITH THE AFFECTED FAMILIES HAVE ALREADY BEEN UNDERTAKEN;

- ii. ADEQUATE RESETTLEMENT SITE AND RELOCATION FACILITIES ARE AVAILABLE AND HAVE BEEN OFFERED TO THE INTENDED RELOCATEES;
 - iii. THE PRE-RELOCATION REQUIREMENTS ABOVE HAVE BEEN DULY COMPLIED WITH.
- 3. REVIEW THE BASIS FOR APPLICATION FOR THE CONDUCT OF EVICTION OF UNDERPRIVILEGED AND HOMELESS CITIZENS OR THE DEMOLITION OF THEIR DWELLINGS IN A DANGER AREA OR HIGH RISK AREA, OR IN AN AREA WHERE A GOVERNMENT INFRASTRUCTURE PROJECT WITH AVAILABLE FUNDING IS ABOUT TO BE IMPLEMENTED;
- 4. BASED ON THE COMPLETED CHECKLIST, SUBJECT TO FURTHER VERIFICATION, AND THE REVIEW OF THE BASIS FOR APPLICATION FOR EVICTION OR DEMOLITION IN THE PRECEDING SUBPARAGRAPH, ISSUE A DEMOLITION AND EVICTION CERTIFICATE OF COMPLIANCE TO THE ENDORSER OF A PROPOSED EVICTION OR DEMOLITION INVOLVING UNDERPRIVILEGED AND HOMELESS CITIZENS;
- 5. INITIATE, IN COORDINATION WITH RELEVANT GOVERNMENT AGENCIES, RULES OF ENGAGEMENT IN THE IMPLEMENTATION OF EVICTION OR DEMOLITION BASED ON MAXIMUM TOLERANCE;
- 6. INVESTIGATE MOTU PROPRIO OR UPON COMPLAINT BY ANY PARTY, ANY VIOLATION OF THE PROVISIONS OF SUBSECTIONS A, B, AND C HERE OF OR THE RULES AND REGULATIONS ISSUED TO IMPLEMENT THEM;
- 7. 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 SUBSECTIONS A, B, AND C HEREOF OR THE RULES AND REGULATIONS ISSUED TO IMPLEMENT THEM:
- 8. RECOMMEND TO THE PRESIDENT APPROPRIATE MEASURES FOR THE IMPLEMENTATION AND ENFORCEMENT OF THIS SECTION AND THE RULES AND REGULATIONS ISSUED TO IMPLEMENT THEM, INCLUDING POSSIBLE ADMINISTRATIVE SANCTIONS AGAINST NATIONAL OR LOCAL GOVERNMENT OFFICIALS WHO HAVE VIOLATED THE SAID LAW, RULES AND REGULATIONS:

9. REQUEST ANY GOVERNMENT AGENCY FOR ASSISTANCE AND NECESSARY INFORMATION IN THE DISCHARGE OF THEIR RESPECTIVE FUNCTIONS UNDER THIS ACT;
 10. PUBLICIZE MATTERS COVERED BY ITS INVESTIGATION OF VIOLATIONS OF THE PROVISIONS OF SUBSECTIONS A, B. AND C
 HEREOF OR THE RULES AND REGULATIONS ISSUED TO IMPLEMENT THEM, WHEN CIRCUMSTANCES SO WARRANT AND WITH DUE PRUDENCE: PROVIDED, HOWEVER, THAT THE PRESIDENTIAL COMMISSION FOR THE URBAN POOR SHALL, UNDER THE RULES AND REGULATIONS THAT SHALL HEREAFTER BE PROMULGATED DETERMINE WHAT CASES MAY NOT BE MADE PUBLIC: PROVIDED, FURTHER, THAT ANY PUBLICITY ISSUED BY THE PRESIDENTIAL COMMISSION FOR THE URBAN POOR SHALL BE BALANCED, FAIR AND TRUE;
 11. ADMINISTER OATHS, ISSUE SUBPOENA AND SUBPOENA DUCES TECUM, AND TAKE THE TESTIMONIES OF WITNESSES IN THE COURSE OF ITS INVESTIGATION
 12. 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
 13. PERFORM SUCH OTHER FUNCTIONS AS MAY HEREAFTER BE PROVIDED BY LAW. FOR THIS PURPOSE, THE PRESIDENTIAL COMMISSION FOR THE URBAN POOR SHALL DESIGNATE ADDITIONAL PERSONNEL TO CARRY OUT TTS MANDATE
- e. DEMOLITION OF A RESIDENTIAL STRUCTURE AS PROVIDED IN THIS SECTION MAY ONLY BE INITIATED WHERE A SUCCESSFUL EVICTION OR RELOCATION OF ISFs HAS BEEN CONDUCTED. NO DEMOLITION OF A RESIDENTIAL STRUCTURE IS ALLOWED WHILE THERE ARE STILL HUMAN OCCUPANTS IN THE SAID STRUCTURE. DEMOLITION OF STRUCTURE, WHEN ALLOWED, SHALL BE CONDUCTED BY THE STRUCTURE OWNER AND/OR THE GOVERNMENT AGENCY HAVING THE PROJECT SUBJECT OF EVICTION OR THEIR CONTRACTOR, OR BY THE ISF AND THE LGU, IN THE PRESENCE OF THE BARANGAY OFFICIALS, PCUP, CHR, LOCAL PNP, DILG AND OTHER STAKEHOLDERS AS PROVIDED ABOVE.
 - f. PENALTY FOR VIOLATION — ANY PERSON WHO VIOLATES SUBSECTIONS A, B, AND C HEREOF SHALL BE IMPOSED THE PENALTY OF NOT MORE THAN SIX (6) YEARS OF IMPRISONMENT OR

A FINE OF NOT LESS THAN TWENTY-FIVE THOUSAND PESOS (P25,000) BUT NOT MORE THAN ONE HUNDRED THOUSAND PESOS (P100,000), OR BOTH, AT THE DISCRETION OF THE COURT: PROVIDED, THAT, IF THE OFFENDER IS A CORPORATION, PARTNERSHIP, ASSOCIATION, OR THE GOVERNMENT OR ANY OF ITS POLITICAL SUBDIVISIONS, INSTRUMENTALITIES OR AGENCIES, INCLUDING GOVERNMENT OWNED OR -CONTROLLED CORPORATIONS. OR OTHER JURIDICAL ENTITIES, THE PENALTY SHALL BE IMPOSED ON THE OFFICER OR OFFICERS OF SAID CORPORATION, PARTNERSHIP, ASSOCIATION, GOVERNMENT ENTITY, OR JURIDICAL ENTITY WHO CAUSED THE VIOLATION."

SEC. 2. Section 46 of Republic Act No. 7179 is also amended to read as follows:

"Sec. 46. Appropriations. -- The amount necessary to carry out the purpose of this Act shall be included in the annual budget of implementing agencies in the General Appropriations Act [of the year following its enactment into law and every year thereafter]

SEC. 3. Implementing Rules and Regulations. - Within one hundred twenty (120) days from the effectivity of this Act, the Department of Human Settlements and Urban Development, Department of the Interior and Local Government, and Presidential Commission for the Urban Poor shall, in consultation with non-government organizations, people's organizations, and the private sector, jointly promulgate the rules and regulations implementing the provisions of this Act.

SEC. 4. Separability Clause. - If, for any reason, any section, subsection, clause or term of this Act is held invalid or unconstitutional, such parts not affected by such declaration shall remain in full force and effect.

SEC. 5. Repealing Clause. - All existing laws, orders, decrees, rules and regulations, or parts thereof inconsistent with the provisions of this Act are hereby amended, modified or repealed accordingly.

SEC. 6 Effectivity. - This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,