Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH (18th) CONGRESS
First Regular Session

HOUSE BILL NO. 4125

Introduced by REP. JOSE CHRISTOPHER Y. BELMONTE

EXPLANATORY NOTE

A version of this bill was originally filed in the 16th Congress by this Representation as House Bill No. 5266. After the consolidation of all other House Bills filed of the same subject, namely HB Nos. 182 by Rep. Gustavo S. Tambunting, 904 by Rep. Erlinda M. Santiago, 2618 by Former Akbayan Reps. Ibarra "Barry" Gutierrez III and Walden Bello, 2791 by Reps. Cresente C. Paez, et. al, 2824 by Rep. Winston "Winnie" Castelo, and 5266 by this representation, as well as the deliberations by the technical working group, which took into consideration House Resolution No. 120 by Rep. Fernando L. Hicap; and Privileged Speeches Numbered 0005 by Rep. Emmi A. De Jesus on July 30, 2014; and 0131 by Rep. Fernando L. Hicap on January 29, 2014, the Committee on Housing and Urban Development and Committee on Appropriation, in Committee Report No. 1025 dated 03 February 2016 during the 16th Congress came out with this version. The same version was again filed in the 17th Congress and remained under the deliberation of its Technical Working Group.

The importance of this bill in the pursuit of social justice for informal settler families cannot be over-emphasized.

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 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, 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.

This bill aims to strengthen the safeguards already provided for under Section 28 of the UDHA. A pre-demolition conference 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.

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

[Signature]
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HOUSE BILL NO. 4125

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AN ACT
PRESCRIBING A CODE OF CONDUCT FOR THE 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"

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

SECTION 1. Section 28 of Republic Act Numbered 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 BE ALLOWED UNDER THE FOLLOWING SITUATIONS:

[(a)] 1. When persons or entities occupy a danger areas 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

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

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 CONVENE BY THE NATIONAL GOVERNMENT AGENCY OR THE LOCAL GOVERNMENT UNIT 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;


v. THE INTER-AGENCY PRE-EVICTIO N 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 DEPARTMENT OF HUMAN SETTLEMENTS AND URBAN DEVELOPMENT AND THE PRESIDENTIAL COMMISSION FOR THE URBAN POOR THAT AN INTER-AGENCY PRE-EVICTIO N OR PRE-DEMOLITION CONFERENCE WITH THE AFFECTED UNDERPRIVILEGED AND HOMELESS CITIZENS WAS CONDUCTED;
4. A CERTIFICATE OF COMPLIANCE SECURED FROM THE
PRESIDENTIAL COMMISSION FOR THE URBAN POOR PRIOR TO THE
ACTUAL IMPLEMENTATION OF THE EVICTION OR DEMOLITION
ACTIVITY;

5. SUBMISSION TO THE BARANGAY OFFICIALS OF THE FOLLOWING:
   i. CERTIFICATE OF COMPLIANCE;
   ii. 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
   iv. LIST OF OFFICERS OF THE AGENCIES FORMING PART OF
       THE INTERAGENCY BODY CONVENED TO EXTEND
       SUPPORT AND ASSISTANCE;

6. Presence of local government officials or their representatives during eviction or
   demolition;

7. Proper identification of all persons taking part in the demolition;

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;

9. No use of heavy equipment for demolition except for structures that are
   permanent and of concrete materials;

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. 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 Housing and Urban Development Coordinating Council 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 A DULY-SIGNED COURT ORDER ALLOWING THE SAME.

d. DESIGNATION OF A CENTRAL COORDINATING BODY FOR EVICTION AND DEMOLITION. THE PRESIDENTIAL COMMISSION FOR THE URBAN
POOR 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 LOCAL GOVERNMENT UNIT PROPOSING TO UNDERTAKE EVICTION OR DEMOLITION ACTIVITIES TO SECURE FIRST FROM THE PRESIDENTIAL COMMISSION FOR THE URBAN POOR 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 PRESIDENTIAL COMMISSION FOR THE URBAN POOR THE COMPLETED CHECKLIST, ATTESTED TO UNDER OATH BY THE PROPONEENT INDICATING THAT:

   i. ADEQUATE CONSULTATION WITH THE AFFECTED FAMILIES HAVE ALREADY BEEN UNDERTAKEN;

   ii. ADEQUATE RESETLEMENT SITE AND RELOCATION FACILITIES ARE AVAILABLE; AND

   iii. THE PRE-RELOCATION REQUIREMENTS HAVE BEEN COMPLIED WITH.

3. REVIEW THE BASIS FOR APPLICATION FOR THE CONDUCT OF EVICTION OF UNDERPRIVILEGED AND HOMELESS CITIZENS OR THE DEMOLITION OF THEIR
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 sub-paragraph, 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 hereof 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;


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 ITS MANDATE.

e. PENALTY FOR VIOLATION. - ANY PERSON WHO VIOLATES SUB-SECTIONS A, B, AND C HEREOF SHALL BE IMPOSED THE PENALTY OF
NOT MORE THAN SIX (6) YEARS OR 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 PENAL TV 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 Numbered 7279 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 Housing and Urban Development
Coordinating Council, 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 any provision of this Act is declared
unconstitutional, the remainder of this Act or any provision not affected thereby shall
remain in full force and effect.
SEC. 5. Repealing Clause. - All laws, executive orders, presidential decrees, proclamations, rules, regulations, issuances, and enactments or parts thereof inconsistent with this Act are hereby repealed or modified 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,