EXPLANATORY NOTE

Social justice is a fundamental principle enshrined in the 1987 Philippine Constitution. The framers of the Constitution deemed it wise to include this principle in order to uphold human dignity - to recognize the rights of all persons irrespective of their economic and social status. At the core of the proposed measure is Article XIII, Section 10 of the Constitution which provides that the 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. It is notable here that it is equally important that the process of eviction must not only be compliant with the existing domestic laws but is also subject to standards of justice and humane behaviour.

Further, it is also the State's obligation under the International Covenant on Economic, Social and Cultural Rights to refrain from forced evictions. General Comment No. 7 on Article 11 (1) of the Covenant of the United Nations Committee on Economic, Social and Cultural Rights also discusses that in cases of what are considered as justified evictions, it should nevertheless be carried out in strict compliance with the relevant provisions of international human rights law and in accordance with general principles of reasonableness and proportionality.

In line with the said constitutional provision and state obligation of an international covenant, there is a need for the amendment of Republic Act No. 7279 or the Urban Development and Housing Act of 1992. As it is currently worded, Section 28 of the said Act generally prohibits eviction as a practice except in three instances, namely, 1) when persons or entities occupied danger areas; 2) when government infrastructure projects are being implemented; and 3) when there is a court order for demolition. The proposed bill introduces amendments to widen the scope of implementation in order to affect more people, particularly informal settler families. The bill also provides for additional
mandatory requirements before the conduct of eviction in order to prevent violent and unjust evictions.

Another proposition of this bill is the conduct of a pre-demolition conference or PDC to ensure coordination among relevant government agencies as well as consultation with the affected families. With the additional safeguards and the inclusion of a consultative approach, the reduction of any form of aggression can be reduced, if not eliminated.

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

FRANCIS GERALD AGUINALDO ABAYA
Representative, First District Cavite
Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

House Bill No. 4241

Introduced by Hon. Francis Gerald Aguinaldo Abaya

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 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 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
[(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 SUPERSEDES 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;

[(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 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;

ii. THE FOLLOWING AGENCIES SHALL BE REPRESENTED DURING
THE INTERAGENCY PRE-EVICTION OR PRE-DEMOLITION
CONFERENCE WITH THE AFFECTED UNDERPRIVILEGED AND
HOMELESS CITIZENS: THE DEPARTMENT OF INTERIOR AND
LOCAL GOVERNMENT, THE DEPARTMENT OF SOCIAL
WELFARE AND DEVELOPMENT, THE DEPARTMENT OF
EDUCATION, THE DEPARTMENT OF PUBLIC WORKS AND
HIGHWAYS, THE NATIONAL HOUSING AUTHORITY, THE
PRESIDENTIAL COMMISSION FOR THE URBAN POOR, THE
DEPARTMENT OF HEALTH, THE COMMISSION ON HUMAN
RIGHTS, APPROPRIATE KEY SHELTER AGENCIES, AND THE
BARANGAY CONCERNED;

iii. THE INTER-AGENCY PRE-EV ICTION OR PRE-DEMOLITION
CONFERENCE WITH THE AFFECTED UNDERPRIVILEGED AND
HOMELESS CITIZENS SHALL BE PRESIDED BY THE
PRESIDENTIAL COMMISSION FOR THE URBAN POOR, WHICH
MAY CALL ON THE ASSISTANCE OF OTHER AGENCIES
WHENEVER NECESSARY;

iv. THE DETAILS OF THE INTER-AGENCY PRE-EV ICTION 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-EV ICTION 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 PRESIDENTIAL COMMISSION FOR THE URBAN
POOR 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
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 CONVENE 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;

[(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 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
1. TO THE GROUND BY A FIRE OR RUINED BY A NATURAL
2. CALAMITY. NO PERSON SHALL SECURE OR BUILD A PERIMETER
3. FENCE ON AN AREA OR PROPERTY INHABITED BY
4. UNDERPRIVILEGED AND HOMELESS CITIZENS AFTER THE SAME
5. IS RAZED TO THE GROUND BY A FIRE OR RUINED BY A NATURAL
6. CALAMITY: PROVIDED, THAT THE FENCING OF THE PROPERTY
7. SHALL BE ALLOWED IF THE PERSON CAUSING THE FENCING
8. CAN SHOW A DULY-SIGNED COURT ORDER ALLOWING THE
9. SAME.

d. DESIGNATION OF A CENTRAL COORDINATING BODY FOR
10. EVICTION AND DEMOLITION. THE PRESIDENTIAL COMMISSION
11. FOR THE URBAN POOR IS HEREBY DESIGNATED AS THE
12. CENTRAL COORDINATING BODY FOR THE CONDUCT OF
13. EVICTION AND DEMOLITION ACTIVITIES INVOLVING
14. UNDERPRIVILEGED AND HOMELESS CITIZENS. IT SHALL
15. EXERCISE THE FOLLOWING POWERS AND FUNCTIONS:
16. 1. MONITOR ALL EVICTIONS AND DEMOLITIONS, WHETHER
17. EXTRA-JUDICIAL OR COURT-ORDERED, INVOLVING
18. UNDERPRIVILEGED AND HOMELESS CITIZENS;
19. 2. REQUIRE A GOVERNMENT AGENCY OR LOCAL GOVERNMENT
20. UNIT PROPOSING TO UNDERTAKE EVICTION OR DEMOLITION
21. ACTIVITIES TO SECURE FIRST FROM THE PRESIDENTIAL
22. COMMISSION FOR THE URBAN POOR CENTRAL OFFICE, IN
23. THE CASE OF NATIONAL PROJECTS, OR FROM ITS REGIONAL
24. OFFICE, IN THE CASE OF LOCAL PROJECTS, THE CHECKLIST
25. AND GUIDELINES FOR THE NATIONAL PROJECTS OR LOCAL
26. PROJECTS, RESPECTIVELY, ON EVICTION OR DEMOLITION
27. PRIOR TO THE ACTUAL IMPLEMENTATION THEREOF AND,
28. SUBSEQUENTLY, SUBMIT TO THE PRESIDENTIAL
29. COMMISSION FOR THE URBAN POOR THE COMPLETED
30. CHECKLIST, ATTESTED TO UNDER OATH BY THE PROPOSER
31. INDICATING THAT:
32. i. ADEQUATE CONSULTATION WITH THE AFFECTED
33. FAMILIES HAVE ALREADY BEEN UNDERTAKEN;
34. ii. ADEQUATE RESETLEMENT SITE AND RELOCATION
35. FACILITIES ARE AVAILABLE; AND
36. iii. THE PRE-RELOCATION REQUIREMENTS HAVE BEEN
37. COMPLIED WITH.
38. 3. REVIEW THE BASIS FOR APPLICATION FOR THE CONDUCT OF
39. EVICTION OF UNDERPRIVILEGED AND HOMELESS CITIZENS
40. OR THE DEMOLITION OF THEIR DWELLINGS IN A DANGER
41. AREA OR HIGH RISK AREA, OR IN AN AREA WHERE A
42. GOVERNMENT INFRASTRUCTURE PROJECT WITH AVAILABLE
43. 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 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 PROPRIOS 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 PROPRIOS OR BY WAY OF ASSISTANCE TO ANY 
AGRIEGVED 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 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."

SECTION 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].

SECTION 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.

SECTION 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.
SECTION 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.

SECTION 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,