RESOLUTION

DIRECTING THE COMMITTEES ON HOUSING AND URBAN DEVELOPMENT AND GOOD GOVERNMENT AND PUBLIC ACCOUNTABILITY TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE IMPLEMENTATION OF THE HOUSING PROJECT IN PUROK 6, LAM-AN, OZAMIZ CITY, MISAMIS OCCIDENTAL, AND THE ALLEGED VIOLATIONS IN THE DEMOLITION OF HOUSES AND EVICTION OF THE RESIDENTS WHILE THE PHILIPPINES IS UNDER A STATE OF CALAMITY

WHEREAS, the amount of Fifty Million Pesos (Php50,000,000.00) was appropriated under the General Appropriations Act (GAA) of 2019 for the construction of a Multi-Purpose Building (Housing Project) in Purok 6, Lam-an, Ozamiz City, Misamis Occidental;

WHEREAS, the same project appears to have been also locally funded from 20% of the Development Fund of the Local Government Unit (LGU) of Ozamiz City, as stated in the Memorandum of Agreement between the LGU of Ozamiz City and the Department of Public Works and Highways (DPWH);

WHEREAS, the LGU of Ozamiz City and DPWH filed expropriation cases in January 2020 against the residents of Lam-an, who will be affected by the implementation of the Housing Project;

WHEREAS, before the LGU of Ozamiz City and DPWH were able to secure writs of possession, President Rodrigo Roa Duterte issued Presidential Proclamation No. 922 on 8 March 2020, declaring a State of Public Health Emergency throughout the Philippines due to the Corona Virus Disease 2019 (COVID-19) Outbreak and Presidential Proclamation No. 929 on 16 March 2020, declaring a State of Calamity throughout the Philippines due to COVID-19 for a period of six (6) months, unless earlier lifted or extended as circumstances may warrant;

WHEREAS, pursuant to Republic Act No. 11469, otherwise known as “Bayanihan to Heal as One Act” and as response to the impact of COVID-19 on affected areas and vulnerable communities, the Department of Interior and Local Government (DILG) issued Memorandum Circular No. 2020-068, dated 2 April 2020, directing all LGUs to postpone all demolition and eviction activities until the State of Calamity is lifted by the President, which also provides that the failure to comply with the directive will be dealt with in accordance with R.A. No. 11469;

WHEREAS, despite the directive of the DILG, the LGU of Ozamiz City and DPWH still commenced the demolition of houses on 24 April 2020, which continues up to the present, to implement the Housing Project in Lam-an;

WHEREAS, there have also been reports of non-compliance with the requisites and procedure for the execution of eviction or demolition orders under Section 28 (c), Article VII of Republic Act
No. 7279, otherwise known as the “Urban Development and Housing Act of 1992”, which provides:

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

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

(2) Adequate consultations on the matter of settlement with the duly designated representatives of the families to be resettled and the affected communities in the areas where they are to be relocated;

(3) Presence of local government officials or their representatives during eviction or demolition;

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

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

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

(8) 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."

WHEREAS, there are numerous reports of harassment, violence, and abuse against the residents in Lam-an during the demolitions and evictions;

WHEREAS, similar instances of demolition and eviction activities might be occurring in or have already occurred in other areas in the country, with the State of Calamity nearing its sixth month, despite DILG Memorandum Circular No. 2020-068;

WHEREAS, additional measures are needed to ensure the proper implementation of similar circulars and other issuances of national government agencies in effect during this unprecedented period of a State of Calamity, to preserve public health, safety, and the general welfare;

NOW THEREFORE BE IT RESOLVED, AS IT IS HEREBY RESOLVED, that the Committees on Housing and Urban Development and Good Government and Public Accountability be directed to conduct an inquiry, in aid of legislation, on the alleged violations in the implementation of the Housing Project in Purok 6, Lam-An, Ozamiz City, Misamis Occidental, including the demolition of houses and eviction of the residents while the Philippines is placed under a State of Calamity, and to determine whether the provisions of Republic Act No. 11469, Republic Act No. 7279, and other related applicable laws are sufficient to preserve and protect the health, safety, and welfare of the homeless and the underprivileged and vulnerable sectors of the society during and after the pandemic.

ADOPTED

[Signature]
RODANTE D. MARCOLETA