

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 642




Introduced by **HON. JOY MYRA S. TAMBUNTING**

EXPLANATORY NOTE

The outbreak of violence during the conduct of evictions and demolitions of our urban and rural poor brethren has not only consistently hogged headlines. It has, unfortunately, led to instances of severe injuries as well as loss of lives. Moreover, the difficulties of coordinating various stakeholders, including various branches and agencies of the government, have led to clashes in jurisdiction. It is not uncommon for us to hear about conflicts between court sheriffs and local chief executives when evictions are set to take place. This shouldn't be the case.

However, while these are sad enough, the trampling of basic human rights on both sides of the fence during these incidents is something that is a cause for much more concern.

Thus, there is a need for a more comprehensive and effective means of coordination there various stakeholders and government agencies – which this measure seeks to address. With the adoption of a Code of Conduct - a handbook of sorts for all concerned persons to follow in instances where evictions and demolitions may be validly carried out, it is our hope that these unfortunate incidents that have become synonymous with demolitions and evictions in the past could be minimized if not totally avoided. This bill, initially filed by my husband Rep. Gus Tambunting during the 16th and 17th Congresses, is once again being filed with sincere hopes that it will be passed into law so that the rights of all concerned may be protected.


JOY MYRA S. TAMBUNTING

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AN ACT
PRESCRIBING A CODE OF CONDUCT FOR DEMOLITION AND EVICTION OF
HOMELESS AND UNDERPRIVILEGED CITIZENS

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

SECTION 1. *Short Title.* – This Act shall be known as "Code of Conduct for Demolition and Eviction of Homeless and Underprivileged Citizens."

SECTION 2. *Declaration of Policy.* – The State recognizes the inherent right to life and to adequate housing for every citizen. Thus, it shall be policy of the State to discourage the practice of eviction and demolition. However, in cases where the demolition of homes and the eviction of the homeless and underprivileged citizens is inevitable, the State shall ensure that all measures shall be undertaken to guarantee as far as the practicable that violence is avoided that State actors, particularly law enforcement personnel shall participate in such activities within clearly delineated protocols, and that full cooperation between the Local Government Units and the various stakeholders is undertaken for the purpose of guaranteeing that such demolition or eviction proceeds in a just and humane manner.

SECTION 3. *Minimum Requirements for the Proper Conduct of Demolition or Eviction.* – In addition to the safeguards provided for in Section 28 of Republic Act No. 7279, otherwise known as the Urban Development and Housing Act of 1992, the following minimum requirements shall be observed in instances where the eviction or demolition of homes of urban and rural poor dwellers shall be undertaken.

- a. Any person, including concerned departments and agencies of the national government, local government units, etc., which intends or propose to undertake demolition and eviction activities shall secure, prior to the actual implementation of such eviction and demolition activities, a Certificate of Compliance from the appropriate national or local office of the Presidential Commission for the Urban Poor which has been

designated as the Central Coordinating Body for Demolitions, as provided for under Section 7 of this Act;

- b. No demolition or eviction activities shall be undertaken unless full coordination with the Barangay Officials wherein the property sought to be entered by persons, departments, agencies and local government units intending to undertake demolition and eviction activities is located. For purposes of this Act, such coordination shall mean the submission of the Certificate of Compliance provided for and required in the immediately preceding Section, on the submission of the names of all persons, including law enforcement officers, private security, and the submission of the Notice of the date intended for such demolition and eviction activities, which in all cases shall be at least five (5) calendar days from such notice;
- c. In relation to Subsection (b) above, all agencies mandated or requested to provide assistance to any person, department, agency or local government unit which intends or proposes to undertake demolition and eviction activities, shall prepare a list of officers and personnel who shall be designated to provide such assistance, which list shall be an integral part of the Notice provided for in the aforementioned Subsection (b).

SECTION 4. *Standard of Conduct for State Actors.* – In undertaking any activity in connection with any demolition or eviction, which includes rendering any assistance requested from any of the stakeholders, including urban and rural poor dwellers, all State Actors; which for purposes of this Act shall mean any person acting on behalf of any government body or agency, including law enforcement officers and personnel; shall abide by a minimum standard of conduct aimed at preventing the outbreak of violence, or in the case of such outbreak of violence, such standard of conduct which will prevent any escalation thereof. For this purpose, all State Actors shall adopt rules of engagement based on maximum tolerance.

SECTION 5. *Duties of State Actors in Cases of Demolition or Eviction.*
– It shall be the duty of any state actor who shall be called to implement, assist or witness any demolition or eviction activity to ensure compliance with the minimum requirements of due process, human rights and the provisions of this Act on the part of all persons involved in such demolition or eviction activity.

SECTION 6. *Prohibited Acts.* – The following shall be considered Prohibited Acts in cases where demolition and eviction are proposed or undertaken:

- a. Any demolition and eviction activity undertaken without the prescribed minimum requirements in this Act.
- b. Any unauthorized use of Police or law enforcement personnel. For purposes of this Act, it is specifically provided that the participation of Police and other law enforcement personnel in any demolition and eviction activity shall be limited to peace-keeping; Provided, that: peace

keeping shall not in any manner be interpreted as participation in actual eviction or demolition.

- c. Any concerted acts of violence by any group of persons resisting demolition or eviction activities, which shall include, but shall not be limited to erecting illegal barricades, the use of improvised weapons and the like.

SECTION 7. *Designation of a Central Coordinating Body for Demolitions and Evictions.* - The Presidential Commission for the Urban Poor (PCUP) is hereby designated as the Central Coordinating Body for the conduct of demolition and eviction activities involving urban and rural homeless poor. In pursuit of such mandate as provided for in this Act, the PCUP shall exercise, among others, the following powers and functions:

1. Monitor all evictions and demolitions, whether extra-judicial or court-ordered, involving homeless and underprivileged citizens;
2. Require the concerned departments and agencies, including concerned local government units (LGUs), proposing to undertake demolition and eviction activities to secure first from either the PCUP Central Office (in the case of National Projects) or from the PCUP Regional Office (in the case of regional and local projects) the checklist, guidelines and compliance certificates on demolition and eviction prior to the actual implementation thereof and thereafter, submit to the PCUP the completed checklist, attested to under oath by the proponent and indicating that:
 - a. Adequate consultations with the affected families have already been undertaken;
 - b. Adequate resettlement site and relocation facilities are available; and
 - c. The provisions of Section 3, paragraph 1 of the Implementing Rules and Regulations of Section 28 of RA 7279 (Pre-Relocation) have been complied with.
3. Based on the completed checklist, and subject to further verification, issue demolition and eviction compliance certificates to proposed demolition and evictions involving homeless and underprivileged citizens;
4. Investigate motu proprio or upon complaint by any party, any violations of the provisions of Section 28 of RA 7279 or its implementing rules and regulations;
5. 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 Section 28 of RA 7279 or its implementing rules and regulations;

6. Recommend to the President appropriate measures for the implementation and enforcement of Section 28 of RA 7279 and its implementing rules and regulations, including possible administrative sanctions against national or local government officials who have violated the said law, rules and regulations;
7. Request the government agency for assistance and necessary information in the discharge of their respective functions under this Order;
8. Publicize matters covered by its investigation of violations of the provisions of Section 28 of RA 7279 or its implementing rules and regulations when circumstances so warrant with due prudence: Provided, however, that the PCUP shall, under the rules and regulations it shall hereafter promulgate, determine what cases may not be made public: Provided, further, that any publicity issued by the PCUP shall be balanced, fair and true;
9. Administer oaths, issue subpoena and subpoena duces tecum, and take the testimonies of witnesses in the course of its investigation;
10. Adopt its own operational guidelines and rules of procedure, as well as rules and regulations not otherwise inconsistent with existing laws, rules and regulations, to effectively carry out its mandate; and
11. Perform such other function as may hereafter be provided by law.

SECTION 8. Penalties. – Any person who shall be found liable for violating any provision of this Act shall, upon conviction for each act or omission, suffer imprisonment of not less than two (20) years and one (1) day but not more than four (4) years; Provided that in cases where such act or omission constitutes an offence defined under the Revised Penal Code or any other special penal law, shall act shall be considered a special aggravating circumstance in the application of the appropriate penalties.

SECTION 9. Promulgation of Rules, Regulations, Administration and Enforcement of this Act. – The PCUP, acting as the duly designated Central Coordinating Body for Demolitions and Evictions shall promulgate the necessary implementing rules and regulations for the orderly administration and enforcement of this Act within sixty (60) days from its approval.

SECTION 10. Appropriation. – The sum of TEN MILLION PESOS (Php 10,000,000.00) is hereby appropriated to the Presidential Commission for the Urban Poor in addition to its appropriations in the current General Appropriations Act, for the immediate implementation of this Act. Thereafter, such sums as may be necessary for

the full operationalization of this Act shall be included in the Annual General Appropriations Act.

SECTION 11. *Separability Clause.* — In the event that any provision of this Act is declared unconstitutional, the validity of the other provisions shall not be affected by such declaration.

SECTION 12. *Effectivity.* — This Act shall take effect after its complete publication in the Official Gazette or at least two (2) newspapers of general circulation.

Approved,