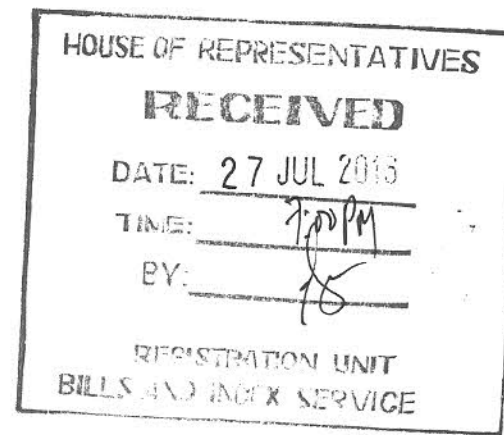


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. 2102



Introduced by AKBAYAN Representative Tomasito S. Villarin

EXPLANATORY NOTE

This bill was filed by Akbayan's representatives during the 16th Congress.

Section 10, Article XIII of the 1987 Philippine Constitution expressly protects the homeless and underprivileged citizens from forced eviction. It 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. This guarantee of the social justice clause of the Constitution is a recognition of the right of all persons, regardless of economic status, to human dignity.

This provision is likewise consistent with the Philippine obligation under the International Covenant on Economic, Social and Cultural Rights, particularly Article 11.1 as discussed under General Comment No. 7 of the United Nations Committee on Economic, Social and Cultural Rights, which required the State to refrain from forced evictions and to ensure that the law is enforced against its agents or third parties who carry out forced evictions.

Congress, through the enactment of Republic Act No. 7279, or the Urban Development and Housing Act of 1992, implemented both mandates under the Constitution and international law. Section 28 of Republic Act No. 7279, in particular, prohibited eviction as a practice, but allowed for three exceptions, to wit: (1) when persons or entities occupied danger areas, such as railroad tracks or riverbanks, or public places, such as sidewalks or roads; (2) when government infrastructure projects are being implemented; and (3) when there is a court order for demolition. In any of these "authorized" evictions, however, the State was mandated to ensure compliance with eight (8) mandatory requirements.

However, Republic Act No. 7279, as currently worded, limits the protection of Section 28, and consequently, the scope of the implementation of the mandates under the Philippine Constitution and the International Covenant on Economic, Social and Cultural Rights, to only those persons who

constructed dwellings prior to the effectivity of the law on 28 March 1992. This "cut-off" has resulted in a tremendous disparity in the substantial rights of members of informal settler families, based on nothing more than an accident of timing, and has led to thousand of poor Filipinos being arbitrarily deprived of their human right against forced evictions as guaranteed both under the Constitution and international human rights law.

It must be noted that both the Constitution and the International Covenant on Economic, Social and Cultural Rights recognize this right without qualification, and intend it to be fulfilled and protected for all persons without discrimination and regardless of their personal circumstance.

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



TOMASITO S. VILLARIN

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House Bill No. 2102

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AN ACT
STRENGTHENING THE IMPLEMENTATION OF THE RIGHT AGAINST
FORCED EVICTIONS AMENDING FOR THIS PURPOSE PROVISIONS OF
REPUBLIC ACT NO. 7279, AS AMENDED BY REPUBLIC ACT NO. 9397,
OTHERWISE KNOWN 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. Declaration of Policy. – Pursuant to the clear and express declarations in Section 10, Article XIII of the Philippine Constitution and to the International Covenant on Economic, Social and Cultural Rights, it is hereby declared the policy of the State to ensure that the human right against forced evictions be fulfilled and protected by the State in favor of all persons without discrimination.

SEC.2. Amendatory Provisions. - Consistent with the policy stated in Section 1, the following sections of Republic Act No. 7279 are hereby amended:

- (a) Section 16 of Republic Act No. 7279, as amended by Republic Act No. 9397, otherwise known as the “Urban Development and Housing Act of 1992”, is hereby amended to read as follows:

“Section 16. Eligibility Criteria for Socialized Housing Program Beneficiaries. - A beneficiary for the socialized housing program should have the following qualifications:

- a) Must be a Filipino citizen;
- b) Must be an underprivileged and homeless citizen, as defined in Section 3 of this Act;

- c) Must not own any real property whether in the urban or rural areas; and
- d) Must not be a professional squatter or a member of squatting syndicates.

Any person who possess these requirements is entitled to be registered as a beneficiary of the socialized housing program: *Provided*, That these requirements are exclusive; *Provided further*, that any person who possess these requirements may not be excluded from registration as beneficiary on any other grounds or consideration.

- (b) Section 28 of Republic Act No. 7279, as amended by Republic Act No. 9397, otherwise known as the "Urban Development and Housing Act of 1992", is hereby amended to read as follows:

"Section 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) When persons or entities occupy danger areas such as esteros, railroad tracks, garbage dumpsites, riverbanks, shorelines, waterways, and other public places such as sidewalks, roads, parks, and playgrounds;
- 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.

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

- a) Notice upon the affected persons or entities at least thirty (30) days prior to the date of eviction or demolition;
- b) Adequate consultations on the matter of settlement with the duly designated representative of the families to be resettled and the affected communities in the areas where they are to be relocated;
- c) Presence of local government officials or their representatives during eviction or demolition;
- d) Proper identification of all persons taking part in the demolition;
- e) Execution of eviction or demolition only during regular office hours from Mondays to Fridays and during good weather, unless the affected families consent otherwise;

- f) No use of heavy equipment for demolition except for structures that are permanent and of concrete materials;
- g) 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
- h) 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 Council shall jointly promulgate the necessary rules and regulations to carry out the above provision.”

- (c) Section 30 of Republic Act No. 7279, as amended by Republic Act No. 9397, otherwise known as the “Urban Development and Housing Act of 1992”, is hereby amended to read as follows:

“Section 30. Prohibition Against New Illegal Structures. - It shall be unlawful for any person to construct any structure in the areas mentioned in the preceding Section.

After the effectivity of this Act, the barangay, municipal or city government units shall prevent the construction of any kind of illegal dwelling units or structures within their respective localities. Provided, however, That any eviction or demolition of underprivileged or homeless citizens conducted in implementation of this Section must be done with observance of and in full compliance with the eight (8) mandatory requirements prescribed under Section 28 of this Act. The head of any local government unit concerned who allows, abets or otherwise tolerates the construction of any structure in violation of this Section, or who, in implementation thereof, conducts an eviction or demolition involving underprivileged and homeless citizens without complying with

Section 28, shall be liable to administrative sanctions under existing laws and to penal sanction provided for in this Act.”

SEC.3. Implementing Rules and Regulations. – Within sixty (60) days from the effectivity of this Act, the Housing and Land Use Regulatory Board shall promulgate a new set of implementing rules and regulations for the amended Sections 16, 28 and 30 of Republic Act No. 7279, consistent with the parameters and standards set forth in said sections. Non-government organizations and people’s organizations involved in housing rights and urban poor advocacy, as well as the private sector, shall be consulted in the process of drafting these implementing rules and regulations.

SEC. 4. Separability Clause. – If, for any reason, any provision of this Act is declared invalid or unconstitutional, the remaining provisions not affected thereby shall continue to be in force and effect.

SEC. 5. Repealing Clause. - All laws, decrees, executive orders, proclamations, rules and regulations, and other issuances, or part or parts thereof, which are inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 6. Effectivity Clause. - This Act shall take effect fifteen (15) days after the completion of its publication in the Official Gazette or at least two (2) newspapers of general circulation.

Approved,