

THE DEPARTMENT OF INTERIOR AND LOCAL GOVERNMENT
and
THE HOUSING AND URBAN DEVELOPMENT COORDINATING COUNCIL

**IMPLEMENTING RULES AND REGULATIONS TO ENSURE THE OBSERVANCE OF
PROPER AND HUMANE RELOCATION AND RESETTLEMENT PROCEDURES MANDATED
BY THE URBAN DEVELOPMENT AND HOUSING ACT OF 1992**

Pursuant to Article XII, Section 44 entitled "Moratorium on Eviction and Demolition" and Article VII, Section 28, entitled "Eviction and Demolition of Squatters" of Republic Act No. 7279, otherwise known as the "Urban Development and Housing Act of 1992," the following Implementing Rules and Regulations are hereby promulgated and adopted:

SECTION 1. DEFINITION OF TERMS. -- For the purpose of these implementing Rules and Regulations, the terms or words and phrases used herein shall mean or be understood as follows:

- a) ADEQUATE CONSULTATION: Refers to "consultation" as defined by Sec. 3 (d) of the Act.
- b) AFFECTED PERSONS OR ENTITIES: Refers to the actual occupants of all structures within the premises subject for clearing.
- c) AVAILABLE FUNDING: Refers to the money available, sufficient and disburseable for the commencement and usability of a government infrastructure project as formally certified by the appropriate government agency.
- d) CONSENT: In the context of Sec. 28 (5) of the Act, "consent" refers to the written agreement by a family or a group of families to a particular course of action. The consent cannot be assumed to cover families, though these may be numbered in a minority, who have not expressed their agreement in writing.
- e) COURT ORDER: Refers to a writ of demolition issued by a court of competent jurisdiction.
- f) DANGER AREAS: Refer to areas which, when occupied for residential purposes, actually pose a danger to the life and safety and property of either the concerned residents or of the general community. The danger is due to an unavoidable source of probable harm to human life or well-being.
- g) DEMOLITION: Refers to the dismantling by the LGU, or any legally authorized agency of government of all structures within the premises subject for clearing.
- h) DULY AUTHORIZED REPRESENTATIVE OF THE LOCAL GOVERNMENT UNIT (LGU): Refers to the Mayor or his duly authorized and properly identified representative, who shall act on his behalf to supervise and monitor the proper conduct of the demolition, or, if warranted, to stop the demolition.
- i) DULY DESIGNATED REPRESENTATIVE OF FAMILIES: Refers to the member of the community or of the concerned entity or organization who is authorized by the individual or head of the family as evidenced by an appropriate document to speak and make decisions on their behalf.
- j) EVICTION: Refers to the removal of persons and their belongings from a subject building/structure or area, or both. in accordance with law.
- k) GOVERNMENT INFRASTRUCTURE PROJECT: Refers to a project initiated by government whose purpose is to introduce, enhance, or add to the local or national infrastructure, i.e., the interrelated web of roads, highways, public buildings, socialized housing projects, public utilities, flood control projects, and the like.
- l) HEAVY EQUIPMENT: Refers to tools/equipment such as bulldozers, payloaders, cranes, wrecking balls, the use of which will heavily damage, if not destroy, buildings/structures made of light materials.
- m) PERMANENT RELOCATION: Refers to a socialized housing area characterized by

the presence of basic services as defined by Sec. 21 of the Act, where **relocatees** are brought for permanent resettlement. b: **Pre-Census**

n) **TEMPORARY RELOCATION**: Refers to a site accessible to major roads with potable water to which **relocatees** are brought pending determination by the LGU in coordination with **NHA** of a permanent relocation site. Should a permanent relocation site not be determined within one (1) year, the temporary relocation becomes a socialized housing area. However, if the families are transferred to a temporary site, subsequent relocation must only be to a permanent resettlement site.

SECTION 2. SCOPE OF APPLICATION. - These Rules and Regulations shall apply to demolitions allowed under Sec. 28 of the Act, to wit:

- a) When persons or entities occupy danger areas such as **esteros**, railroad tracks, garbage dumps, **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:
- c) When there is a court order for eviction or demolition.

These Implementing Rules and Regulations shall not apply to those squatters who constructed their structures after March 28, 1992, the **effectivity** date of RA 7279.

SECTION 3. GUIDELINES FOR IMPLEMENTATION. - The following procedures and guidelines on relocation operation shall be strictly observed by the Local Government Unit (LGU) or government agency authorized to demolish.

1. PRE-RELOCATION PHASE

- a. **Identification of Resettlement Site**: Negotiations and arrangements are finalized between the proponent LGU or government agency authorized to demolish and the recipient LGU on the resettlement site and their corresponding roles and responsibilities.

1.0 **Completion of Data Requirements**: The LGU or government agency authorized to demolish shall ensure that the following documents are readily available prior to any conduct of demolition:

- 1.1 Certified Xerox Copy of Title
- 1.2 Tax Declaration or Tax Receipt
- 1.3 Location Plan or Vicinity Map showing the boundary and illegal constructions
- 1.4 Pictures of the area (before operation)
- 1.5 Certification from LGU or other concerned agency that the area is included in the list of danger areas and subject for clearing, if applicable
- 1.6 Certification from LGU or concerned agency that the area is the site of an infrastructure project with available funding which shall commence within sixty (60) days after clearing of the said area. if applicable.
- 1.7 Copy of a Writ of Demolition, if the clearing of the area is decided by the Court
- 1.8 **Development** plan of the property

2.0 **Community Relations Operation**: The LGU or concerned agency shall undertake the following:

- 2.1 Establish communication and rapport with recognized resident community leaders;
- 2.2 Meet the affected families to explain the following:
 - 2.2.1 the governments shelter program for the low and marginal income families including squatters;
 - 2.2.2 the need to relocate families from danger areas and infrastructure project sites, or a writ of demolition, if applicable
 - 2.2.3 procedures and guidelines on relocation and resettlement; and
 - 2.2.4 objectives and schedule of the census and tagging operation.

2.3 Introduce the project team and census enumerators to the **Barangay** Chairman and community leaders. The **LGU** or concerned government agency may request the National Housing Authority to provide technical assistance in the conduct of **pre-relocation** activities.

c. Census:

1.0 **Physical Survey:** Using the location and vicinity map, title and technical description submitted, the LGU shall determine the physical boundary of the land to be cleared of squatters.

2.0 **Tagging:** The LGU shall attach the tag card with the corresponding number to every structure for identification, inventory and control of illegal construction. The LGU shall encourage participation of community leaders in this undertaking.

3.0 **Mapping and Household Listing:** In coordination with the community leaders, the LGU shall prepare a preliminary listing of the names of owners/households of the affected houses/structures. A structural map shall be prepared and used to locate the structures and identify the names of the structure owners/households. During the relocation operation, every dismantled structure shall be cross-out from the structural map to prevent the possibility of new or disqualified families from claiming residency on cleared lots.

4.0 **Actual Census:** The LGU or concerned agency shall conduct house-to-house census to determine the actual number of occupants/households and their possible resettlement options, e.g., "**Balik Probinsiya.**" The LGU shall engage the assistance of community leaders in the conduct of the census. Should the affected families resist the census, the household listing of families shall **suffice**. Incidence of census refusal shall be noted and attested in writing by the community leaders.

5.0 **Census Data Evaluation/Processing and Masterlist Preparation:** After the completion of census, the LGU or con-

cerned agency shall evaluate the data gathered and determine qualified families for resettlement assistance based on approved criteria for beneficiary selection.

Subsequently, an initial **masterlist** of affected families shall be prepared by the proponent LGU and forwarded to the recipient LGU or to the **NHA** for review and **pre-qualification**. A final masterlist shall then be prepared by the duly authorized officials, a copy of which shall be posted in conspicuous places in the area.

6.0 **Processing of Census Claims:** A Census Committee, composition of which shall be determined by the parties involved, shall be created to investigate and evaluate all census claims and recommend appropriate action to the LGU or concerned agency.

Census claims, which involve cases such as "**out-during** census" and "mis-statement of census data," shall be considered before the issuance of notice of demolition. Claimants shall be duly notified of the results of their census appeals.

All qualified and disqualified families shall be individually informed. A copy of the approved final masterlist shall be posted in public places.

7.0 **Information Drive on Resettlement Site:** The LGU **and/or** the government agency authorized to demolish shall meet the qualified families for resettlement to discuss the following, among others:

7.1 facilities and services in the resettlement projects; and

7.2 obligations and responsibilities of the affected families.

Issuance of 30-Day Notice:

1.0 A written notice shall be issued to the affected persons or entities by the LGU or government agency authorized to demolish together with the representative of the Presidential Commission for the Urban Poor. It shall be served to

and received by the addressee personally. Should the concerned person refuse to acknowledge the notice, the same shall be affixed conspicuously to the addressee's dwelling.

- 2.0 Posters no smaller than 2'x3' are displayed conspicuously in the community such as public markets, barangay hall, plaza and the like.
- 3.0 The written notices and the posters must state the reason for the demolition. Should the reason be "implementation of government infrastructure project," the notice should state the importance of the project, that it has available funds therefore, and the date of project implementation.
- 4.0 The actual date of demolition must not be earlier than thirty (30) days but not later than ninety (90) days after the notice has been issued. It shall not be conducted on Saturdays and Sundays and legal holidays, unless the affected families consent otherwise. It shall be undertaken from 8:00 a.m. to 3:00 p.m.
- 5.0 Should the announced demolition not take place within ninety (90) days, notice lapses, and a new notice must be served if demolition still needs to be undertaken.

e. Consultation Proper:

- 1.0 The LGU or government agency authorized to demolish shall preside over the consultation meetings to be attended by the barangay chairman, the affected families and the landowners or their duly designated representatives. Officials or representatives of concerned agencies and NGOs shall also be invited. The following shall be discussed:
 - 1.1 the necessity of the demolition;
 - 1.2 available options other than resettlement;
 - 1.3 possible relocation sites - to include modes of payment, tenure, facilities and services thereat;
 - 1.4 advantages of voluntary dismantling;

- 1.5 dismantling and resettlement procedures;
- 1.6 submission of requirements (family pictures, marriage contract, etc.)
- 1.7 school accommodation of children;
- 1.8 roles of agencies involved, such as but not limited to the Department of Social Welfare and Development (DSWD), the Philippine National Police (PNP), the Department of Education, Culture and Sports (DECS), the Department of Public Works and Highways (DPWH), the National Housing Authority (NHA), the Presidential Commission for the Urban Poor (PGUP), the Commission for Human Rights (CHR), and other concerned agencies; and
- 1.9 other problems and issues to ensure a peaceful and orderly relocation operation.

2.0 In every consultation meeting, attendance is recorded. If majority of the affected families are present, the meeting shall proceed; otherwise, another meeting shall have to be called and rescheduled within five (5) days therefrom. If still the majority of the residents are again not present, the consultation requirement for this particular case is considered satisfied.

3.0 The LGU or concerned government agency summarizes the points of agreement and disagreement arrive at through the formal consultations, and provides copies to participating agencies/entities for their signature. Should any party refuse to sign the agreement, the same shall be posted conspicuously in the area.

4.0 Schedules of the next meetings shall be set; including two (2) feedback meetings within twenty (20) days from the issuance of the notice of demolition and one (1) final meeting before the actual demolition.

Inter-Agency Meetings/Coordination: The LGU or government agency authorized to demolish shall convene an **inter-agency** meeting to discuss the details of the actual relocation operation and to ensure the support and assistance of the participating agencies.

The following requirements, among others, shall be ensured:

- 1.0 Resettlement Site - LQU or other authorized government agency
- 2.0 Relocation/Demolition Team - LGU or other authorized government agency
- 3.0 Other logistical requirements, such as trucks, tents, first aid and communication facilities - LGU or other authorized agency
- 4.0 Security - PNP
- 5.0 **Balik Probinsiya - DSWD**
- 6.0 Medical Assistance - Department of Health
- 7.0 Relocation Documentation - LGU or other authorized government agency

g. Completion of Relocation Documents/Requirements: The LGU or government agency authorized to demolish shall ensure the completion of the following relocation documents/requirements by the affected families:

- 1.0 Family Picture;
- 2.0 Marriage Contract or Affidavit of Co-habitation
- 3.0 Other Identification Papers

h. Voluntary Relocation and Resettlement: To encourage voluntary relocation, resettlement lots, transportation and manpower assistance and other services shall be extended in advance to the volunteer families.

II. RELOCATION PHASE

a. Preparations Before the Dismantling of Structures:

1.0 Confirmation of Actual Date of Relocation: The proponent LGU or government agency authorized to demolish shall issue notices of actual relocation to the affected families and shall furnish a copy of the rolling schedule, three (3) days before relocation, to the **recipient LGU or the NHA.**

2.0 Ensuring Availability of Resources and Necessary Documents: The LGU or government agency authorized to demolish shall review the documents and check the availability of resources/services as committed by the participating agencies.

b. Dismantling of Structures/Movement of Families:

1.0 During the actual relocation, the LGU or government agency authorized to demolish shall:

1.1 Provide the necessary identification to all staff and crew involved in the operation.

1.2 Ensure that members of the PNP who are in proper uniform occupy the first line of law enforcement and civil disturbance control, and do not participate in the physical dismantling of any structure.

1.3 Ensure that the electricity of the affected area has been shut off.

1.4 Give the order to commence, or to stop or suspend the demolition especially during inclement weather.

1.5 Ensure that the dismantling of structure shall be executed as carefully as possible for the maximum recovery of materials which could be reused by families to rebuild their structures in the resettlement project, and that heavy equipments are not use except for structures which are permanent and of concrete materials.

1.6 Encourage and motivate families to voluntarily and peacefully dismantle their structures and whenever

requested by the families, assign manpower to assist families in the dismantling.

- 1.7 Ensure that all structures covered by the letter-advice shall be dismantled without exception based on the rolling schedule, and that only structures **schedule** for the day shall be dismantled.
 18. Ensure that no staff or official participant in the demolition engages in looting, accepts bribes, employs unnecessary force or violence, and that violators are charged administratively or criminally;
 - 1.9 Record the names and number of families and structures affected by the relocation and resettlement.
 - 2.0 Representatives from other concerned agencies, such as the Presidential Commission for the Urban Poor and the Commission on Human Rights shall also be present in the area to monitor and observe the actual operations.
- c. Issuance of Entry Passes: The LGU or authorized government agency shall ensure that all entry passes are prepared with the corresponding family pictures. The LGU or authorized agency shall prevent the tampering or illegal transfer of such entry
- d. Loading and Transporting: The LGU or government agency authorized to demolish shall ensure that:
- 1.0 Transportation vehicles shall have the necessary sign board displayed in front of the windshields for proper Identification and shall proceed to the area before the start of actual dismantling operations.

- 2.0 Before departure, the documents of the families shall be checked and their belongings **property** loaded. The safety and comfort of the families particularly the children shall be ensured. The last trip shall be dispatched not later than 3:00 p.m.

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- e. Monitoring and Documentation: The LGU or government agency authorized to demolish shall monitor and report on the relocation operation daily and weekly using the prescribed forms.
 - f. Welcome and Reception: The concerned resettlement project team together with the representatives of the resettlement community shall:
 - 1.0 Welcome and receive the relocated families;
 - 2.0 Provide needed medical services, if necessary.
 - g. Processing of Documents and Lot Assignment: The resettlement project team shall:
 - 1.0 Review and process the entry passes and other documents of the resettled families;
 - 2.0 Assign lots to the families; and
 - 3.0 Assist the families in accomplishing the required forms.
 - h. Transfer to Assigned Lot: The resettlement project team shall accompany the resettled families to their assigned lots; and whenever feasible provide manpower assistance/ volunteers to help the resettled families unload their materials and belongings from the truck and transfer them to their assigned lots.

III. POST RELOCATION PHASE

a. Place of Origin:

- 1.0 After the relocation operation, the LGU or government agency authorized to demolish shall require the property owner or concerned agencies to clear, secure and undertake development of the property.
- 2.0 To document the area that has been cleared of squatters, the LGU or government agency authorized to demolish shall take an after-operation picture of the area from the same angle that the before-operation picture has been taken.
- 3.0 A letter documenting that the area has already been cleared, with the attached pictures of the area before and after the operation shall be Issued to the property owner by the LGU or government agency authorized to demolish.

b. Resettlement Site:

- 1.0 Organized community-based structures shall be strengthened so as to facilitate the delivery of services in the site. The identified leaders with the assistance of the NGOs shall be trained and equipped with proper organizational skills and attitudes necessary to effectively manage the affairs of the community.
- 2.0 To promote the general well-being of resettled families, adequate social services in health, nutrition, education, responsible parenthood, environmental sanitation, etc. shall be provided in the resettlement sites jointly or under the auspices of cooperating agencies such as, but not limited to. the DECS, DOH, DSWD, and NGOs.
- 3.0 To generate employment and income opportunities for the resettled families, the resettlement project shall act as a conduit for the families to avail of manpower training and livelihood program through sustained networking and resource syndication activities.

SECTION 4. EVICTION AND DEMOLITION PURSUANT TO A COURT ORDER. - 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 the 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 same 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.

SECTION 5. ORGANIZATION. - To ensure the smooth and effective implementation of all relocation and resettlement operations, the LGU or the government agency authorized to demolish shall create a Task Force on Relocation and Resettlement.

a. Primary Responsibility:

The Task Force shall be primarily responsible for ensuring that these Implementing Rules and Regulations on the eviction of families and demolition of structures are adhered to.

b. Structure and Composition:

1.0 The City/Municipal Mayor or the duly-designated representative of the concerned government agency authorized to demolish as Chairman;

2.0 The membership shall include the following:

- 2.1 Legal Services Group
- 2.2 Security Group
- 2.3 Dismantling and Relocation Group
- 2.4 Community Relations Group
- 2.5 Census and Tagging Group
- 2.6 Surveillance Group

3.0 Action Teams shall be created by the Chairman for every relocation and resettlement operation to oversee/undertake actual eviction/relocation of families and dismantling of structures.

4.0 The Action Teams shall be composed of, but not limited to, the following:

- 4.1 City/Municipal Engineer/Building Official
- 4.2 Medical/Health Personnel
- 4.3 Dismantling Crew/Relocation Officer
- 4.4 Social Worker
- 4.5 **Barangay** Chairman
- 4.6 **NGO** Representative

SECTION 6. PENALTY CLAUSE. - Any person who violates any provision of the **R.A. 7279** shall be imposed the penalty of not more than six (6) years of imprisonment or a fine of not less than five thousand pesos (P5,000) 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 other juridical entity, the penalty shall be imposed on the officer or officers of said corporation, partnership, association or juridical entity who caused the violation.

SECTION 7. VENUE FOR GRIEVANCE. - Complaints of violations of this Implementing Rules and Regulations against local government executives shall be filed and prepared in accordance with Section 61 of the Local Government Code of 1991 (R.A. 7160), through the Department of Interior and Local Government.

Complaints against subordinate officials falling within the administrative jurisdiction of the local chief executives shall be filed with the office of the local chief executive concerned who shall cause to be instituted administrative or judicial proceedings against any subordinate official or employee who may have committed an **offense** in violation hereof or the Act itself.

Complaints against officials of other national agencies, may be filed with the Office of the President, or the Office of the Ombudsman, as the case may be.

Aggrieved parties may also direct their complaints to and or seek the assistance of the Commission on Human Rights or the Presidential Commission for the Urban Poor.

An aggrieved urban poor organization or person may seek the legal assistance of the Public Attorney's Office of the Department of Justice for violations hereof.

In cases of complaints against any member of the Philippine National Police (**PNP**), the same shall be lodged with the **DILG**.

In all instances, the aggrieved party may file his complaint directly with a court of competent jurisdiction pursuant to Section 45 of R.A. 7279.

SECTION 8. SEPARABILITY CLAUSE. - The provisions of this Implementing Rules and Regulations are hereby declared separable, and in the event that any of such provisions are declared null and void, the validity of all other provisions shall not be affected thereby.

SECTION 9. **EFFECTIVITY**. - This Implementing Rules and Regulations shall take effect immediately after its publication in at least two (2) national newspapers of general circulation.

APPROVED, this 24th day of September, 1992, in the City of Manila.

(Sgd.) **ZORAYDA AMELIA C. ALONZO**
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