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GUIDELINES ON REQUESTING FOR POLICE ASSISTANCE IN DEMOLITION OR EVICTION ACTIVITIES UNDER THE URBAN DEVELOPMENT AND HOUSING ACT

PCUP, June 24, 2014

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Date Filed: 24 June 2014

WHEREAS, Section 10, Article XIII of the 1987 Constitution 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";

WHEREAS, pursuant to this constitutional mandate, Section 28 of Republic Act (RA) No. 7279, otherwise known as "Urban Development of Housing Act (UDHA) of 1992", prescribes certain requirements that must be complied with in the execution of demolition and/or eviction to be undertaken;

WHEREAS, Sections 4 and 5 of Executive Order (EO) No. 152 as amended by EO No. 708 recognizes the need to provide police assistance in the conduct of demolition and eviction activities involving the underprivileged and homeless citizens;

WHEREAS, on May 2, 2012, the Department of the Interior and Local Government (DILG) issued a Letter directing the Philippine National Police (PNP) to strictly comply with the mandatory Pre-Demolition Conference mandated by the UDHA, prior to rendering assistance in demolitions and/or evictions activities;

NOW, THEREFORE, in order to clarify any confusion in the implementation of demolition and/or eviction activities, to be conducted after a Pre-Demolition Conference (PDC) the following guidelines are hereby promulgated and adopted.

Section 1. TITLE. – This shall be referred to as the "Guidelines on Requesting for Police Assistance in Demolition or Eviction Activities under the UDHA".

Section 2. COVERAGE. – This set of Guidelines shall apply to requests for Police Assistance in Demolition or Eviction activities affecting Underprivileged and Homeless Citizens whether through (1) a Court Order, or (2)Administrative Order (Summary or Extra-judicial Evictions and/or Demolitions).

Section 3. OBJECTIVES. – This set of Guidelines is intended to:

- Prevent, and if not, to stop the hostility and violence arising from the Demolition and/or Eviction of Underprivileged and Homeless Citizens;

- Safeguard from hostility and violence, not only the affected Underprivileged and Homeless Citizens but also the representatives of government agencies and police personnel, involved in the Demolition and/or Eviction.

Section 4. DEFINITION OF TERMS. – For the purpose of interpreting these Guidelines, the terms and words used herein shall be construed to mean as follows:

Administrative order – refers to an order of Eviction and/or Demolition from the administrative or government

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agencies with quasi-judicial functions involving the Underprivileged and Homeless Citizens.

Court Order – refers to a writ of eviction and/or demolition issued by a court of competent jurisdiction. This does not include orders or decisions of courts of competent jurisdiction which merely grant or lift temporary restraining orders, permanent or indefinite injunctions/prohibitions arising from actions filed relative to initial Extra-judicial Eviction and Demolition orders as defined herein. Neither does this include writs, orders and/or decisions of courts of competent jurisdiction that do not involve Underprivileged and Homeless Citizens.

Danger Areas – refer to areas which when occupied for residential purposes actually pose danger to the life, 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.

Demolition – refers to the dismantling by the Local Government Unit (LGU), any legally authorized agency or personnel of the government of all structures within the premises subject for clearing.

Eviction – refers to the removal of a person and their belongings from a subject building, structure or area, or both.

Extra-judicial Eviction and Demolition – refers to the Eviction of Underprivileged and Homeless Citizens and/or the Demolition of their dwellings located in danger areas such as “esteros”, railroad tracks, garbage dumps, riverbanks, shorelines, waterways, public places such as sidewalks, public cemeteries, roads, parks and playgrounds; or the Eviction of Underprivileged and Homeless Citizens and/or the Demolition of their dwellings because of government infrastructure projects with available funding that are to be implemented by national or local governments or any legally authorized government agency without a need of a court order pursuant to Section 28 (a) and (b) of the UDHA.

Government funded infrastructure project – refers to a government initiated project for purposes of enhancing, introducing or adding to the local or national infrastructure, such as the interrelated web of roads, highways, public buildings, socialized housing projects, public utilities, flood control projects and the like. Police Assistance – refers to the peacekeeping and law enforcement support of the PNP during the conduct of Demolitions and/or Evictions.

Proponent – refers to the party requesting for Police Assistance.

Summary Eviction and Demolition – refers to the immediate dismantling of new illegal structures by the LGUs or government agency authorized to conduct Demolition activities and to the immediate removal of professional squatters and members of squatting syndicates pursuant to Sections 27 and 30 of the UDHA.

Underprivileged and Homeless Citizens – refers to the beneficiaries of the UDHA and to individuals or families residing in urban or urbanizable areas whose income or combined household income falls within the poverty threshold as defined by the National Economic and Development Authority (NEDA) and who do not own house facilities. This shall include those who live in makeshift dwelling units and do not enjoy security of tenure.

REQUEST FOR POLICE ASSISTANCE PROCEDURES

Section 5. POLICE ASSISTANCE. – Before police assistance is provided to the Proponent, the following processes shall be observed:

- The Proponent shall make a formal letter request for police assistance to the Chief PNP at the PNP National Headquarters for requests for Police Assistance in the National Capital Region (NCR) or to the relevant Regional Director at the PNP Regional Office for requests for police assistance outside the NCR at least ten (10) days prior

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to the scheduled date of the Demolition and/or Eviction;

- The following documents shall be attached to the formal letter request:

- A certified true copy of the relevant Court Order or Administrative Order and/or a certified true copy of the Certificate of Compliance (COC) on Demolition or Eviction issued by the Chairman of the Local Housing Board pursuant to the DILG Memorandum Circular No. 2008-143; and

- A certified true copy of the Proponent's formal letter request for assistance addressed to the Philippine Commission for the Urban Poor (PCUP) Regional/Field Office or PCUP Head Office, marked as "Received"; and

- Other pertinent information in support of the request.

Section 6. THE PRE-DEMOLITION CONFERENCE. – To effect the implementation of Demolition and/or Eviction activities, the following procedures shall be complied with:

- Upon receipt of the formal letter request, the PCUP shall within forty eight (48) hours, prepare and serve Notices of the Pre-Demolition Conference to the following: DILG, PNP, Department of Social Welfare and Development (DSWD), National Housing Authority (NHA), Commission on Human Rights (CHR), the Local Housing Board of the LGU authorized to cause the Demolition or Eviction, representatives of the affected families, landowner (in case of privately owned property), the Proponent, the relevant Court or agency issuing the Demolition/Eviction Order, and other concerned government agencies;

- The Pre-Demolition Conference shall be convened and conducted by the PCUP at least three (3) days or seventy-two (72) hours prior to the scheduled date of Demolition and/or Eviction. Nothing herein shall prevent the PCUP from convening the Pre-Demolition Conference even before the receipt of requests for assistance mentioned under 5 (b2), such as if the Proponent presents the PCUP with a copy of a demand to vacate or other similar documents.

- The PCUP shall preside over the Pre-Demolition Conference and may call on the assistance of other agencies as necessary;

- Before the conference commences, PCUP shall certify that the Notices of Pre-Demolition Conference were served, through the accepted modes of service, to all the concerned parties mentioned in Section 6(a);

- The relevant government agencies and interested parties served with Notices of Pre-Demolition Conference shall be listed and their presence and/or absence shall be duly noted. This shall form an integral part of the records of the Pre-Demolition Conference;

- The following topics shall form part of the agenda to be discussed during the Pre-Demolition Conference proper:

- Project or case brief;

- Review on Section 28 of RA No. 7279;

- PNP Operational Procedures;

- Roles and participation of LGU and other government agencies;

- The designation of the appropriate Person-In-Charge during the actual conduct of Demolition and/or Eviction;

- Designation of the PNP Officer-in-Charge of the maintenance of peace and order during the actual operations;

- Information or updates on police intelligence activities which may affect the orderly and peaceful implementation of the eviction and/or demolition;

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- Availability of the documents submitted to the PNP for verification;

- Deliberate Plan of Action of the PNP;

- Other issues and concerns of the affected families, participating agencies and other stakeholders;

- The designated DILG representative of the City/Municipality shall serve as the secretariat of the Pre-Demolition Conference. He/She shall be responsible for recording and documenting the entire proceedings;

- Police Assistance shall be provided only upon compliance of all the requirements stated in Section 28 of the UDHA and procedures stated in the preceding sections.

Section 7. SEPARABILITY CLAUSE. – If any provisions of the Guidelines are held invalid or unconstitutional, any other provisions not so affected shall continue to be valid and effective.

Section 8. EFFECTIVITY. – These Guidelines shall take effect fifteen (15) days after its publication in a newspaper of general circulation.

Approved this ___ day of _____, 2013 in Quezon City, Philippines.

(SGD) MAR ROXAS
Secretary
Department Of Interior and Local Government

(SGD) HERNANI B. PANGANIBAN
Chairman/CEO
Presidential Commission

(SGD) ALAN LA MADRID PURISIMA
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Chief, PNP

With our Conformity:

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