

OCA CIRCULAR NO. 72-2003, June 16, 2003

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TO:

ALL JUDGES, CLERKS OF COURTS, AND SHERIFFS OF THE FIRST AND SECOND LEVEL COURTS

SUBJECT:

EVICTON AND DEMOLITION CASES INVOLVING URBAN POOR

In a dialogue with the Presidential Commission for the Urban Poor (PCUP), concerns were raised regarding reports that writs of eviction and/or demolition issued by the courts in relation to matters covered by Republic Act No. 7279 (Urban Development and Housing Act of 1992) were being Implemented even without full compliance with the prerequisites established by that law.

Please be informed that the second paragraph of Section 28, Article VII of R.A. 7279 provides that:

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

xxx

(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 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 wage multiplied by sixty (60) days shall be extended to the affected families by the local government unit concerned.

Further, considering that the PCUP, under Executive Order No. 152, Series of 2002 is the sole clearing house and monitoring body relative to eviction and demolition compliance with the provisions of RA No. 7279, all first and second level courts are hereby DIRECTED to furnish the Presidential Commission for the Urban Poor, Office of the President, Malacañang, copies of decisions issued in cases involving the urban poor in order for the Commission to properly and effectively carry out its mandate. Writs of eviction/demolition in those cases shall also be furnished the Commission five (5) days prior to its intended implementation.

For your compliance.

__16__ June 2003.Untitled Document

PRESBITERO J. VELASCO, JR.

Court Administrator

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