STRENGTHENING COMPLIANCE TO RESETTLEMENT SYSTEM AND PROCESS SAFEGUARDS

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I. RATIONALE

To ensure that the resettlement projects are safe and free from any intrusion and/or illegal entry and/or occupancy, there is a need to establish and/or strengthen the resettlement system and process safeguards for compliance of the NHA Projects.

II. OBJECTIVES

1.0 Provide project implementers the standard procedures and guidelines on strengthening compliance to resettlement system and process safeguards; and

2.0 Clarify the roles and responsibilities of concerned NHA offices/departments in addressing situations involving illegal entry / occupancy.

III. SCOPE AND COVERAGE

1.0 This Memorandum Circular shall:
1.1 Govern standard NHA response to emergency situations pertaining to illegal entry/occupancy of lots/housing units in NHA projects.

1.2 Cover NHA administered/managed-projects specifically those titled in the name of the Authority.

IV. PROJECT SECURITY MEASURES/SAFEGUARDS

1.0 General Security

1.1 Billboards with standard size (1.2m x 2.4m with steel frame and post) and design shall be set up at the main/major entrance of the housing project to inform the public that the site is a government socialized housing project indicating the low-income group to which it is intended for. A copy of the proposed billboard format is attached as Annex A*.

1.2 Security guard house with standard area of 1.2m x 1.2m with steel frame and post shall be constructed at every entrance and other strategic location in NHA projects. The design of the post shall conform to the standards prescribed by the Housing Technology and Technical Research Department (HTTRD) (Annex B*).

One (1) security guard house shall be constructed at the entrance if the project site is enclosed with perimeter fence.

1.3 All NHA projects shall be provided with twenty-four (24) hours security. There must be at least two (2) security guards for each project site, one (1) on the designated guard house and one (1) roving guard. If there

are more than one (1) entrance/exit gates, at least one (1) security personnel shall be deployed to such additional entrance/exit gates.

1.4 Security personnel to be assigned at the NHA project shall be equipped with hand held radio to enable constant communication with their Detachment Commander (DC) and/or Shift Supervisor (SS) such as the real time reporting of post or project situation and facilitating of request for assistance with the police authorities in case of emergency. The guard must report any unusual occurrence and deviation from normal activities to his DC/SS. The DC/SS shall be responsible in submitting the report to the NHA Project Office Management.

1.5 Physical barriers (manual type 4.5 meters) shall also be installed at the entrance of the project as additional layer of security. The barrier shall pre-empt “unauthorized” people/vehicles from entering the project premises and reduce the opportunity for the commission of unlawful acts.

1.6 Intensify security measures to ensure the twenty-four (24) hour protection of the premises, residents and the NHA personnel by patrolling the NHA property/project such us but not limited to the conduct of surveillance of the project area and inspection of the units/buildings, and monitoring of the access points.

1.7 Installation of closed-circuit television (CCTV) camera for surveillance and monitoring of NHA projects.

a. If there is no NHA satellite office within the project site, CCTV camera can be installed at the entrance/guard house and managed by security personnel or Homeowners’ Association (HOA). If a guard house is not available, camera(s) may be installed thru a post/pole.

At least 2 cameras at the entrance and exit points, a recorder and 32 inches monitor shall be installed.

b. If satellite office is available, CCTV camera with antenna shall be installed at the entrance/gate/guard house instead of wired- type. It shall consist of the following elements:

At the project entrance/exit with guard house:

- at least 2 cameras per gate
- with electrical connections
- a pole in the absence of a guard house

At the project office:

- at least 2 cameras per gate
- with electrical connections
- a pole in the absence of a guard house
- MVR/recorder, 4 terra byte hard drive
- monitor, 32 inches

c. Additional cameras may be installed (as needed) at other project facilities such as parking areas, basketball courts, and common facilities or areas.

- Grouping of cameras thru installation of post and antenna (5 cameras, internet protocol/networking) shall be put in place.

V. REITERATION O F ESTABLISHED RELOCATION AND RESETTLEMENT PROCESSES

1.0 Allocation and Occupancy of the Lot/Housing Unit

1.1 The Operating Units shall strictly comply to Memorandum Circular No. 2017-026 re Guidelines to Supersede MC No. 2017-021 dated 10 October 2017 on Reporting Accomplishments Along Key Result Areas for 2017 and the Years Thereafter on the relocation of qualified beneficiaries to units that are ready for occupancy (RFO).

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1.2 The project office through the AMO shall submit to RDSD their monthly updated inventory of vacant/disposable lots/housing units and status of utilization/occupancy as basis for centralizing all actions/requests pertaining to the allocation of lots/housing units.

1.3 The sending project, either direct or thru RDSD, shall request for certification of lot/unit availability from the identified receiving NHA Project prior to the scheduled relocation and resettlement of households.

1.4 The approved Master List of Qualified Households shall be submitted by the sending project to the receiving project two (2) weeks prior to the actual transfer of families. The receiving project shall make available the number of housing units required and other preparations attendant to resettlement as per certification issued thereto. The receiving project shall likewise inspect the units prior to their allocation to the families and ensure completeness of fixtures pursuant to the approved housing plans and technical specifications.

1.5 The sending project shall ensure that the housing beneficiary accepts the unit and signs the Inspection and Acceptance Report (IAR) provided by the receiving project as proof that the family has agreed to the lot/housing unit allocation.

1.6 Legal documents such as Deed of Sale (DS), Conditional Contract to Sell (CCS) or Lease with Option to Purchase, and Usufruct, whichever is applicable, shall be processed by the receiving project for documentation of award.

a. The issuance of Certificate of Award as proof of possession or ownership shall likewise be ensured (Annex C*).

b. The certificate is non-transferable and any unauthorized possession of the document shall not equate to an award of the subject unit.

1.7 Mandatory orientation session on the Occupancy Rules and Regulations and Housing Technology features and restrictions shall be conducted by the receiving project to impress on the relocatees the proper care and use of the lot/housing unit and other facilities and solicit their active participation in project maintenance/ conservancy.

2.0 Community Building and Empowerment

2.1 The organization and/or strengthening of the Homeowners' Associations (HOAs) or other community-based structures shall be aggressively pursued in project maintenance and in the delivery of socio-economic programs and services. The Community Support Services Department (CSSD) shall ensure that the HOA fulfills its roles and responsibilities, pursuant to Republic Act No. 9904 or the Magna Carta for the Homeowners and Homeowners' Associations. Section 10 of the said law affirms that the HOA shall exercise its power to ensure that the needs and interests of the homeowners are met.

2.2 Strengthen the Homeowners' Association, through the conduct of capability building activities, to perform the following pursuant to Section 10 of RA No. 9904 on the Rights and Powers of the Association, to wit:
a. In behalf of its members, institute, defend, or intervene in litigation and/or administrative proceedings affecting the welfare of the association and the subdivision/village as a whole, excluding, however, disputes that are not the responsibility of the association; and

b. Regulate access to, or passage through the subdivision/village roads for purposes of preserving privacy, tranquility, internal security, and safety and traffic order: Provided, That: (a) public consultations are held; (b) existing laws and regulations are met; (c) the authority of the concerned government agencies or units are obtained; and (d) the appropriate and necessary memoranda of agreement are executed among the concerned parties.

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3.0 Regular Surveillance, Monitoring and Reporting

3.1 The sending and receiving NHA projects shall coordinate and validate the households relocated and resettled to establish accuracy, legitimacy and correctness of data on relocatees on a monthly basis.

3.2 Unannounced periodic inspection/occupancy check of awarded lots/housing units shall be conducted to determine continued occupancy of the same by the beneficiary.

3.3 Regular surveillance and monitoring of unawarded lots/housing units shall likewise be conducted. Monthly surveillance and monitoring report as well as exception report shall be submitted to the General Manager.

4.0 Procedure for Unauthorized/Irregular Activity

4.1 In case of illegal occupancy of the lot/housing unit, the project office shall undertake the following:

a. A written incident report shall be submitted to the barangay and the Homeowners' Association (HOA) for information and request for assistance.

b. Immediate engagement with the Philippine National Police (PNP), either the PNP National Headquarters for NCR or the concerned PNP Regional Office for those outside [the NCR and provide a written report on the incidence of illegal occupancy.

c. The procedures and guidelines stipulated in the NHA Memorandum Circular No. 2506 re Updated Standard Operating Procedures Governing Summary Eviction of Illegal Occupants and Dismantling of Structures in NHA- Owned or Administered Properties and Projects dated April 25, 2013 shall be adhered to particularly on the following:

- Organization and/or activation of the Project Eviction and Dismantling Management Team (PEDMT) to direct, manage, coordinate, all eviction and dismantling activities;

- Organization and/or activation of the Project Inter-Agency
Committee (PIAC);

- Proper notice of Eviction/Dismantling (E/D) either by personal service or by posting the same on the lot or door of the housing unit shall be issued to the illegal occupant; and

- Conduct of Pre-E/D Conference with all partners and other stakeholders in attendance.

VI. MONITORING

1.0 The Office of the Regional Manager shall monitor the implementation of this Memorandum Circular across its projects and shall submit report to Management on a monthly basis.

2.0 All concerned NHA departments such as but not limited to the Estate Management Department (EMD), the Resettlement and Development Services Department (RDSD), the Community Support Services Department (CSSD), General Services Department (GSD), Housing Technology and Technical Research Department (HTTRD) and the Legal Department are directed to provide the necessary assistance to the Regional Offices in the implementation hereof.

This Memorandum Circular shall take effect fifteen (15) days after its publication in the national newspaper of general circulation and fifteen (15) days after registration with the Office of the National Administrative Register (ONAR).

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