

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER NO. 152

DESIGNATING THE PRESIDENTIAL COMMISSION FOR THE URBAN POOR AS THE SOLE CLEARING HOUSE FOR THE CONDUCT OF DEMOLITION AND EVICTION ACTIVITIES INVOLVING THE HOMELESS AND UNDERPRIVILEGED CITIZENS AND ESTABLISHING FOR THE PURPOSE A MECHANISM TO ENSURE STRICT COMPLIANCE WITH THE REQUIREMENTS OF JUST AND HUMANE DEMOLITION AND EVICTION UNDER THE URBAN DEVELOPMENT AND HOUSING ACT OF 1992, AND FOR OTHER PURPOSES

WHEREAS, Section 10 of Article XIII of the 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 such constitutional mandate, Section 28 of Republic Act No. 7279 or the Urban Development and Housing Act (UDHA) of 1992 prescribes the instances where evictions may be undertaken as well as imposes certain requirements that must be met for an eviction involving homeless and underprivileged citizens to become valid;

WHEREAS, the provisions of the said law notwithstanding, it has been observed that several evictions and demolitions affecting the homeless and underprivileged citizens have been conducted in utter disregard of the above legal requirements;

WHEREAS, there is an urgent need for the government to take steps to ensure strict implementation of the said law and its related rules and regulations and thus uphold the constitutionally guaranteed rights of the disadvantaged sectors of the society; and

WHEREAS, Section 31, Chapter 10, Title III, Book III of Executive Order No. 292 or the Administrative Code of 1987 provides for the continuing authority of the President to reorganize the administrative structure of the Office of the President.

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Philippines, by virtue of the powers vested in me by law and the Constitution, do hereby order:



Section 1. Clearing House for Demolition and Eviction. - The Presidential Commission for the Urban Poor (PCUP) is hereby designated as the sole clearing house for the conduct of demolition and eviction activities involving the homeless and underprivileged citizens. In pursuit of its mandate under this Order, the PCUP shall exercise, among others, the following powers and functions:

1. Monitor all evictions and demolitions, whether extra-judicial or court-ordered, involving homeless and underprivileged citizens;
2. Require the concerned departments and agencies, including concerned local government units (LGUs), proposing to undertake demolition and eviction activities to secure first from either the PCUP Central Office (in the case of national projects) or from the PCUP Regional Office (in the case of regional or local projects) the checklists, guidelines and compliance certificates on demolition and eviction prior to the actual implementation thereof and thereafter, submit to the PCUP the completed checklist, attested to under oath by the proponent and indicating that:
 - a. Adequate consultations with the affected families have already been undertaken;
 - b. Adequate resettlement site and relocation facilities are available; and
 - c. The provisions of Section 3, paragraph 1 of the Implementing Rules and Regulations of Section 28 of RA 7279 (Pre-Relocation) have been complied with.
3. Based on the completed checklist, and subject to further verification, issue demolition and eviction compliance certificates to proposed demolitions and evictions involving the homeless and underprivileged citizens;
4. Investigate *motu proprio* or upon complaint by any party, any violation of the provisions of Section 28 of RA 7279 or its implementing rules and regulations;
5. File *motu proprio* or by way of assistance to any aggrieved party, the appropriate criminal, civil or administrative case against any person or persons found to have violated the provisions of Section 28 of RA 7279 or its implementing rules and regulations;
6. Recommend to the President appropriate measures for the implementation and enforcement of Section 28 of RA No. 7279 and its implementing rules and regulations, including possible administrative sanctions against national or local government officials who have violated the said law, rules and regulations;



7. Request any government agency for assistance and necessary information in the discharge of their respective functions under this Order;
8. Publicize matters covered by its investigation of violations of the provisions of Section 28 of RA 7279 or its implementing rules and regulations, when circumstances so warrant and with due prudence: *Provided*, however, that the PCUP shall, under the rules and regulations it shall hereafter promulgate, determine what cases may not be made public: *Provided*, further, that any publicity issued by the PCUP shall be balanced, fair and true;
9. Administer oaths, issue *subpoena* and subpoena *duces tecum*, and take the testimonies of witnesses in the course of its investigation;
10. Adopt its own operational guidelines and rules of procedures, as well as rules and regulations not otherwise inconsistent with existing laws, rules and regulations, to effectively carry out its mandate; and
11. Perform such other functions as may hereafter be provided by law or executive issuance.

Sec. 2. Delegation of Functions to PCUP Regional Officials. - The PCUP shall properly delegate to its regional officials the performance of any of the functions mentioned in the preceding Section insofar as they relate to purely regional or local concerns.

Sec. 3. Monitoring Support from NUPSC. - The National Urban Poor Sectoral Council (NUPSC), one of the sectoral organizations represented in the National Anti-Poverty Commission (NAPC), is hereby deputized as the civilian arm of the PCUP in the conduct of monitoring activities at the local level relative to the implementation of the provisions of this Order. The NUPSC shall report directly to the PCUP Central or concerned Regional Office regarding compliance with or violations of any of such provisions.

Subject to the availability of resources, the PCUP shall likewise provide the necessary technical, administrative and financial support to the NUPSC, and to such other similar organizations as may hereafter be deputized, to enable them to carry out their monitoring activities in accordance with the provisions of this Order.

Sec. 4. Provision of Police Assistance. - The concerned departments and agencies of the government, the LGUs, or other proponents of eviction and demolition activities shall be provided authorized police assistance only upon their prior compliance with the statutory requirements under Section 28 of RA 7279 or its implementing rules and regulations as well as with the checklist and compliance certificate requirements, as certified by the PCUP.



Police assistance, as used in this Order, shall be limited to peace-keeping and law enforcement and shall, in no way, mean participation in actual eviction or demolition.

Sec. 5. Police Assistance; When Authorized. - The foregoing provisions notwithstanding, police activities or assistance shall be allowed only under any of the following circumstances:

1. In pursuance of any court order specifying police action or assistance;
2. In any case or event where voluntary dismantling of structures has been agreed upon in writing by the parties concerned and approved by the PCUP, or where police assistance shall be necessary to preserve peace and order;
3. In cases of local infrastructure projects, provided however, that the duly authorized official of the PCUP at the regional or local level has approved the same in writing; and
4. In cases of national infrastructure projects, provided however, that the PCUP Central Office has approved the same in writing.

In any of the circumstances specified in this Section, the members of the PNP tapped to provide police assistance shall be in proper uniform and, in appropriate cases, carry with them the necessary papers and documents supporting the provision of police action or assistance.

Sec. 6. Non-compliance with the Checklist Requirement. - Failure on the part of the proponent of demolition or eviction activities to submit to the PCUP the required checklist, or submission by the former of a false or fraudulent checklist shall subject the concerned government official or local chief executive to appropriate disciplinary action pursuant to the provisions of Section 61 of Republic Act No. 7160 or the Local Government Code of 1991 and other relevant laws, rules and regulations, without prejudice to the institution of separate criminal or civil actions that may be applicable under the circumstances.

Sec. 7. Demolition Without Completed Checklist or Unauthorized Police Assistance. - Any official of the PCUP who shall cause the endorsement of a demolition or eviction activity without a completed checklist, or if such checklist is submitted but the veracity of which has not been certified, or any of the officers and members of the PNP who shall take part in or provide assistance to demolition or eviction activities without prior authorization from the PCUP, shall likewise be meted proper disciplinary action, without prejudice to other criminal and civil actions.



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Sec. 8. Cooperation of Concerned Agencies. - All concerned government agencies, such as the Department of the Interior and Local Government (DILG), Philippine National Police (PNP), Department of Social Welfare and Development (DSWD), Department of Public Works and Highways (DPWH), Department of Health (DOH), Housing and Urban Development Coordinating Council (HUDCC), and the National Housing Authority (NHA), are hereby called upon to extend full cooperation to the PCUP, and where necessary, to make available to the latter such materials, data and other resources to ensure the effective and efficient implementation of this Order.

Sec. 9. Submission of Periodic Reports. - The PCUP shall submit periodic reports to the Office of the President, through the Office of the Executive Secretary, relative to the status of compliance with the provisions of this Order and the pertinent provisions of the law governing eviction, demolition and relocation activities.

Sec. 10. Funding. - The funds necessary to carry out the provisions of this Order shall be incorporated in the annual budget of the PCUP under the General Appropriations Act.

Sec. 11. Separability Clause. - Should any provision of this Order be declared invalid, the validity of the other provisions hereof shall be unaffected thereby.

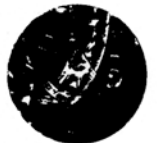
Sec. 12. Effectivity. - This Executive Order shall take effect upon its publication in a national newspaper of general circulation.

DONE in the City of Manila, this 10th day of December, in the year of Our Lord, Two Thousand and Two.

By the President:


ALBERTO G. ROMULO
Executive Secretary






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