

# **Sambag 2, Cebu City**

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On February 3, 2001, barely two weeks days after her dramatic assumption to office as President, Gloria Macapagal Arroyo announced that the Department of Health Property in Sambag 2, Cebu City will be awarded to its urban poor occupants.

The directive issued by the President effectively revived a Memorandum of Agreement dated February 4, 1992, wherein the Department of Health would turn-over its Sambag 2 property to the National Housing Authority in exchange for some NHA properties that DOH was presently occupying. The NHA would in turn award the Sambag 2 property to its occupants, most of whom have lived in the area since the mid-50s. This Memorandum of Agreement was not implemented. It met several snags, mostly bureaucratic, until the agreement supposedly expired.

It has been more a year since the President's directive. There are certain developments, albeit too slow. Several issues still have to be faced.

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## **Background**

### *Population*

Barangay Sambag 2 is composed of 8 lots that equal 118,728 sq. m. It has 1300 structures with 3303 families.

### *Location*

Around Southern Islands Hospital; near Fuente Osmeña, a major commercial center

### *History*

The people started living there fifty years ago. They started their homes with scraps of wood and a few sheets of GI roofing. Some families gradually

improved their homes. Some houses were now made of concrete and a number of stores are now established.

Lot No	Area	#of Structu	#of Familie	Comments
482-A	17,254	192	483	Titled by S
473	33,041	248	718	Titled by V
	<b>50,295</b>	<b>440</b>	<b>1,201</b>	
474	760	20	35	
475	7,050	160	280	
476	11,880	172	390	TB Pav.
477	6,349	66	111	TB Pav.
478-A	8,787	112	336	
483-A	33,607	330	950	V. Sotto M
	<b>68,433</b>	<b>860</b>	<b>2,102</b>	
<b>Total</b>	<b>118,728</b>	<b>1,300</b>	<b>3,303</b>	
For Segregation:				
TB Pavillion		6,713	sqm	
Phil. Mental Health		1,996	sqm	
Road Widening		1,046	sqm	

## **MOA of February 2, 1992**

### *Content*

The MOA of Feb. 2, 1992 was an agreement signed by Alfred Bengzon of the Department of Health and Robert Balao of the National Housing Authority. The memorandum said that a swap of properties will be made between these two agencies.

The National Housing Authority owned the parcel of land in Quezon City which was currently the site of the Philippine's Children Medical Center. The Department of Health owned the eight parcels of lands which were squatted in Sambag 2.

Both parties agreed to exchange the properties under the condition that NHA shall utilize the DOH properties in developing housing projects for the benefit of low-income landless families.

The MOA was notarized by Liberty S. Perez with then Mayor Tomas R. Osmeña as witness.

### *Rationale*

The people of barangay Sambag 2 are very established. Every year, Southern Islands Hospital would try to claim their land. The people would defiantly oppose and this conflict would result to a stand still. And the problem was still not resolved. This went on for several years.

The MOA of Feb. 2, 1992 was a pet project of then Mayor Tomas R. Osmeña. An assassination at B. Rodriguez St. occurred and the suspect came from Sitio Kawayanan (part of Barangay Sambag 2). Mayor Osmeña went to the

core of the problem and conducted a dialogue with the people. He then realized that land ownership was a major sore point.

Mayor Osmeña consulted Sec. Alfred Bengzon and Louis Ferrer of DOH and held a series of dialogues with NHA. He came up with the solution of land swapping. An NHA property was being used by the Philippine Children's Medical Center. This property would be given to DOH in exchange for the Southern Islands Hospital property. NHA later would award the land to its occupants.

This was a win-all solution. DOH can still have their land, NHA can do their job and the establishment of Sambag 2 will still remain.

### **Implementation of the MOA**

In line with the implementation of the memorandum of agreement, DOH turned-over the titles of the lots stipulated in the MOA to the NHA. Furthermore, a socio-economic survey of the beneficiaries was conducted in preparation for the exchange.

After the initial actions no further substantial developments arose. The project became dormant for some time. It came out that technical problems emerged, most of which were related the valuation of the properties to be exchanged. Both parties could not reach an agreement on the fair market values of the concerned lots.

In time, the MOA was supposed to have expired after having been dormant. In the 11<sup>th</sup> of October 1995, NHA returned the land titles to DOH with a claim that the latter reneged on the agreement by failing to comply on its duties as stated on the agreement.

In an attempt to revive the said project, the Cebu City Council passed City Ordinance 1684 in July 1997. The attempt failed to deliver any effect.

During the period in office of President Joseph Estrada, DOH was willing to revive the project. They asked for a 3 month period to conduct the required geodetic survey of the lots. The end of the period never came about when the administration was overtaken by historical events. President Estrada was subjected to impeachment proceedings and then Vice President Gloria Macapagal Arroyo took over the presidency when the Supreme Court declared that Pres Estrada had effectively resigned.

### **Analysis of the problem**

The main problem for this case is the implementation. We have to understand that policy decision is not always enough. Follow-throughs are needed. Concrete systems and procedures have to be defined.

As exemplified in this case, an agreement to an undertaking is not sufficient. The actual agreement must be acted upon by all parties accessing all legal means to expedite its conclusion. A detailed schedule, one which defines the necessary measures to be taken and the party to execute, should be produced wherein all parties are agreeable to and will parties must support to its conclusion. Who will do it? When will we do it? How will we do it? These questions need to be answered. And they should be answered before the parties commit themselves to the arrangement.

It has not always been for a lack of intention that projects fail to bear fruit but for the lack of foresight by its proponents. Like all projects, it must be planned well to be expedient, fruitful, and purposeful. It must be in mind of the proponents that their beneficiaries are the citizens of the nation, of whom it is their duty to serve.

It is also necessary that the sponsors have all the intention and resolve to bring the project to fruition that will serve the people and not merely possess an agenda to claim popularity in having embarked on the venture.

### **The Presidential Directive**

The MOA of Feb. 4, 1992 was revived during a campaign sortie of Tomas R. Osmeña who was again running for mayor. When he visited Sambag 2 he realized that the MOA of Feb 4, 1992 was not implemented (Mayor Osmeña retired from office from 1994 to 2001). The residents of Sambag 2 asked him to again intervene.

When Her Excellency Gloria Macapagal-Arroyo swore into office and was scheduled to visit Cebu, Osmeña wrote a letter stating the case of Sambag 2. He asked the president to direct DOH and NHA to implement their previous agreement.

In addition, Osmeña facilitated a meeting between the people's organization and the NGO's with Executive Secretary Paul Dominguez, who in turn arranged the presence of HUDCC chairman, Secretary Mike Defensor and DOH representatives in the meeting.

GMA signed the Presidential Directive on Feb. 2, 2001.

## **Developments**

As of a recent period, several steps have been taken to finally bring the project to conclusion. The socio-economic survey of the beneficiaries has almost been completed and the geodetic survey has already been awarded to the winning bidders. It is expected to be finished in 12 months.

In line with this, the Department of Health has also agreed to a number of specific plans. They are already in the process of complying with the necessary requirements stipulated in the 1992 MOA.

In their own accord, the affected Community Associations and the Local Government Unit of Cebu City are continually conducting follow-ups on the progress of NHA and DOH in the completion of the project.

## **Unresolved Issues**

The current market value of the land in question is PHP 8,000/sq. m. This amount is too expensive for the beneficiaries taking into consideration that their average income is roughly PHP 8,000/mo. HUDCC seems to be willing to sell the lots to beneficiaries below the market value.

Currently, there are at least six active organizations, each occupying a specific portion of the area. Each of these organizations deals directly with the NHA and the LGU. They do not coordinate among themselves to generate a considerable effort that is significant to bring attention to their requests and needs.

Some specific lots to be turned over by DOH to NHA remain to be resolved. For instance, the DOH of Region 7 has already requested the exclusion of lot 483 claiming that it has been set aside as an expansion site for their current medical complex. Unfortunately, the lot in question is a very developed area already occupied by 950 families. The leading organization SAMASANKA has voiced its protest and the Cebu City Mayor and NHA Cebu have voiced their support for SAMASANKA.

2 of the 8 lots to be awarded have been claimed by private entities and are already titled to their names. In a letter addressed to Pres. Arroyo, Mayor Tomas Osmeña suggested an investigation on the validity of the reconstitution of the land titles to the said private entities.

## **Conclusion**

There have been substantial developments concerning the project. The stakeholders concerned, Community Associations, LGUs and the NGO's, are very vigilant. They are carefully watching the progress of DOH and NEDA to ensure the true and prompt completion of the project that will be beneficial to them. There is good prospect that this time the project will succeed. The project is now again underway at full steam. This motion will hopefully continue until completion and not suddenly end, as what happened before. It is now the task of the CA's, LGUs, and NGO's to check-up on the actions of the DOH and NEDA. The idea that the people will be able to transform themselves from squatters to homeowners will hopefully come true. And this should be true for the rest of the country.

## **Annexes**

- Vicinity Map [*unavailable*]
- Letter of TRO to GMA
- Lot Plan (for Samsanka, others if available) [*unavailable*]
- Presidential Directive
- MOA dated 04 February 1992 between DOH and NHA
- DOH Letter 1 to NHA [*unavailable*]
- DOH Letter 2 to NHA [*unavailable*]
- HUDCC directive to local NHA [*unavailable*]