

Rule of Law in Public Administration:

**A Pilot Study on
a Philippine Local Government Urban Poor
Resettlement and Housing Program**

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EXECUTIVE SUMMARY

The pilot study done by the University of the Philippines National College of Public Administration and Governance (UP NCPAG) in partnership with the Folke Bernadotte Academy (Sweden) and the United Nations Development Programme, highlights the principles of the rule of law and how these principles serve as a tool to provide clues to deficits in the implementation of the rule of law in public administration. The study was done in Quezon City through its housing sector program. The agency in focus is the city's Urban Poor Affairs Office (UPAO).

The study uses: a) a formal mapping which describes the 16 laws and policies including the Urban Development and Housing Act (UDHA) or Republic Act 7279 identified as the “mother law”, and a number of local laws or ordinances, executive orders as well as the various agencies, both national and local, that are bearers and implementers of the laws; b) survey among UPAO personnel, and c) survey among users or urban poor communities.

Surveys are conducted to test the six (6) principles of Rule of Law, namely, *legality*, *accessibility*, *right to be heard*, *right to appeal*, *transparency*, and *accountability*. The UP NCPAG later on, added two (2) more principles, namely, *enforceability* and *consistency* to be able to bring in the specific character of the rule of law principles in the Philippines.

The laws governing housing and resettlement are clear that eviction and demolition could take place when conditions for such are met, which include prior consultation among various stakeholders especially the affected families, provision for housing and service facilities, and opportunities for livelihood. National agencies were identified to carry out the laws, however, upon the adoption of a decentralization policy where local government units (LGUs) take center stage in governance, the LGUs assume greater role in dealing with the urban poor, relocation, and services. The national agencies continue to extend coordination with the LGUs in this regard. The Department of Interior and Local Government (DILG) mandates the LGUs to create the local housing board.

The findings of the study reveal the following:

In Quezon City, UPAO personnel recognize that the laws manifest the principles of *legality* and *accessibility* and the users tend to likewise say that of the laws. However, UPAO expresses discomfort about the lack or inadequacy of clear guidelines and procedures to help them effectively carry out the laws. The users find sufficient accessibility especially in dealing with the agency personnel. The users are free to communicate with the agency through various means and the most preferred one is through an interpersonal communication.

The UPAO likewise finds sufficiency in the principle of the *right to be heard* and the *right to appeal*. Although the users observe that the laws affirm the principle of the *right to be heard*, some users indicate that the *right to appeal* is not only exercised to a limited extent but also that the laws are not absolutely clear about the appeal procedures.

The UPAO personnel say that the laws encourage *transparency* and *accountability* although when asked whether bribery occurs, there is no categorical response that it does exist in the agency itself. The personnel think that it is possible that bribery does generally occur. On the other hand, many users express that they do not know whether there is indeed accountability because they are not in the position to know how complaints and wrongdoings are dealt with. They think that accountability largely falls with

the authorities and at the supervisory level. Transparency does not merit a high rating among users and one could only surmise that the concept may need better appreciation among users.

There is recognition by both UPAO and the users that the laws indicate *consistency*, however, there is persistent reference especially by the users, to the relevance of the laws only if there is indication of the law's *enforceability*. This means that *enforceability* should as well be part of the principle of *legality*.

The study points toward some challenges for policy reforms. For one, there is a need to consider capability building among UPAO personnel - both regular and contractual - and to harmonize their understanding and interpretation of the laws essential to the performance of the agency functions. Clear guidelines and procedures for implementing the laws are also necessary. The policy makers and the authorities on top of UPAO as well as the city local housing board should be able to harmonize their interpretation of the laws and policies – from the UDHA to the DILG memorandum circulars, and the local laws and ordinances that deal with housing and urban poor resettlement. Part of revisiting these policies should be an agreement among all agencies concerned and the policymakers about the cut-off date of the implementation of the old “urban land reform policy” defined during the Marcos’ time and the moratorium on eviction on the one hand, and the enforcement of circulars and of the UDHA regarding demolition and eviction on the other, since 1995. Clarity on this guideline and policy is key to the identification of professional squatters and squatting syndicates, and which then could lead to the next measures dealing with professional squatters and syndicates.

The current program of the city on housing is not targeted for the poor, and the city may need to draw a socialized housing program that would not compromise public lands as a finite asset whilst challenging the urban poor and their role as citizens and duty bearers.

LIST OF ACRONYMS

CHR	Commission on Human Rights
CMP	Community Mortgage Program
COPRISS	Task Force for the Control, Prevention and Removal of Illegal Structures and Squatting (COPRISS)
CSC	Civil Service Commission
DILG	Department of Interior and Local Government
FBA	Folke Bernadotte Academy
HUDCC	Housing and Urban Development Coordinating Council
HURA	Housing and Urban Renewal Authority, Inc.
ICT	Information Communications Technology
LGUs	Local Government Units
LIAC	Local Inter-Agency Committee
LRA	Land Registration Authority
LSG	Legal Support Group
MMDA	Metropolitan Manila Development Authority
NAPC	National Anti-Poverty Commission
NHA	National Housing Authority
PCUP	Philippine Commission on Urban Poor
PNP	Philippine National Police
PNP – NFTPSSS	Philippine National Police – National Task Force on Professional Squatters and Squatting Syndicates
QC	Quezon City
SHFC	Social Housing Finance Corporation
UDHA	Urban Development Housing Act (RA 7279)
UNDP	United Nations Development Programme
UP NCPAG	University of the Philippines National College of Public Administration and Governance
UPAO	Urban Poor Affairs Office

I. INTRODUCTION

The orthodox notion of the rule of law, at least in the Philippines, is the existence of institutions such as the judiciary and the courts and their ends. The rule of law has a universal meaning, which primarily says that government in all its actions is bound by rules fixed and announced beforehand. However, the rule of law continues to face challenges given the complexity of institutions, agencies, rule makers, decision or policy makers, and citizens. The complex of agencies, policy-making, and user's engagement in the rule of law is influenced and shaped by their own understanding on the rule of law and its principles. This pilot study enables a revisit and possibly an enhanced appreciation on the core principles of the rule of law in a universal sense, and brings in further elements or principles of the rule of law given the specific context and characteristic of the society in which the pilot takes place.

This pilot case adopts a tool kit developed jointly by the Folke Bernadotte Academy (FBA) in Sweden and the Swedish Ministry of Foreign Affairs aimed at providing clues to deficits in the implementation of the rule of law in public administration. The self-assessment tool is intended to help governments and funding agencies identify, better understand, and more effectively address rule of law problems in administrative agencies and processes in developing countries, such as the Philippines. The FBA partners with the United Nations Development Programme (UNDP) in undertaking this pilot study. The implementing research team, the University of the Philippines National College of Public Administration and Governance (UP NCPAG) aims to illustrate the extent of, and gaps in the knowledge of the implementation of the rule of law in public administration, within the context of an urban poor program of a local city government unit in a developing country.

A. The Choice Site of the Pilot Study

The local government unit was chosen over a national agency mainly because the Philippines has a strong decentralization policy. With the adoption of the Local Government Code of 1991 or Republic Act 7160, the local government units took center stage in governance. After two decades of implementing the Local Government Code, provinces, towns and cities have geared up for a governance that is centered around their local jurisdiction including the zoning of their territories and the delivery of basic services. Whilst each local government unit has shares in internal revenue allotment from the national government, local government units also started to generate their own sources of revenues, and they are taking the lead in defining and implementing their respective plans and programs.

It is practical to choose Quezon City because its scale is manageable compared to that of a national government agency. At the same time, the local government unit assumes the principle

responsibility of delivering the basic and frontline services to the people including those in the housing sector. Whilst Quezon City government is relatively small compared to a national agency, the city is the biggest among the 17 cities in Metropolitan Manila, on the basis of land size and population. The city faces many challenges when it comes to informal settlement as approximately 45% of its population belongs to the urban poor. The city government faces substantial problems on informal settlement and housing. Quezon City has enormous tracts of public lands and it houses many important government agencies including the House of Representatives and the major national executive agencies.

In the 1970s, the city government hall burnt down and many land and house registration documents were lost. This accident led to competing claims on land ownership among private owners upon restoration of documents. Until recently, there are indications of double or multiple claimants on the same property which then also led to some conflicts and problems on land and property claims. In addition, enormous government properties in the city served as a convenient space for homeless individuals and communities who usually think that open public spaces are free for the homeless to construct shanties and find abode. There are privately-owned properties which lie idle and therefore are occupied by urban poor and informal settlers; there are many more public lands which are also occupied by informal settlers. The claims on space by informal settlers emanate from multiple arenas, namely private and public, and either way, the city government deals with the problems of informal settlement and housing.

The team is fortunate to have a cooperative Quezon City government for this pilot study.

The cooperation of the city government officials was essential to the study because its endorsement to the agency and its personnel was enormously helpful in the conduct of the pilot.

B. The Focus of the Study

The study assesses the implementation of the rule of law by the Quezon City local government's housing and resettlement program implemented by the Urban Poor Affairs Office (UPAO), according to six commonly accepted principles derived from international and human rights law, namely 1) legality, 2) accessibility, 3) right to be heard, 4) right to appeal, 5) transparency and 6) accountability, as identified by the FBA.

The University of the Philippines - National College of Public Administration added two more principles, namely (7) *consistency* and (8) *enforceability*. The UP NCPAG added the two principles because in the context of the Philippines which has a tradition of written rules and laws, the policy makers, implementers, and clients or users yet encounter difficulty in the interpretation of the laws, in finding coherence of the different but related laws, and more so, in the implementation of the said laws and rules. At some point during the pre-test of the questionnaire, the team decided to probe into how the agency and the users perceive and understand the laws according to the additional principles of *consistency* and *enforceability*.

These two additional principles of the laws would also help define the points of coordination between or among agencies that have differing tasks or functions in the housing sector – whether the relocation and resettlement of communities, the provision of financial assistance, or the provision of housing units. These two principles are considered important to the Philippines whose main challenge is really on the rules or guidelines that would enhance enforcement of laws, rather than the presence of laws alone.

The Philippines regards an integrated notion of laws which means that the rule of law is not just defined by the absence or presence of the laws, but also by the extent to which these laws are prepared or are set for operationalization.

There may be numerous laws and rules that define the conduct of public administration, but the sheer volume of articulated laws does not necessarily translate into effective public administration. On the contrary, some laws pose difficulty in providing stability or continuity to the substance of the law if there is poor consistency among related or similar laws.

Consistency refers to the character of the laws that define the stability, regularity, and uniformity of related laws. One should find ease in interpreting related laws and the law should at all times prove to pose no difficulty in seeing its substance.

Enforceability refers to the articulation of the laws that prepares law practitioners and actors to put the laws into effect. This includes the substance of the law that enables it to be fully obligatory and compulsory.

The case study employed different methodologies such as review of policy documents, surveys, interviews, and focus group discussions to assess the rule of law implementation according to three modules developed for the tool kit. The three modules are the following: *Formal Mapping*, *Agency Survey* and *User Survey*.

The *Formal Mapping* describes the laws, structures and processes that govern the administration, a specific agency or a particular administrative function. The *Agency Survey* module describes the administration's own perceptions of rule of law issues and problems, whether structural, institutional or capacity-related. The *User Survey* symmetrically contrasts the formal reality with the perceptions of the users of the system – that is, the regular citizens. The *Agency Survey* and *User Survey* are conducted through the use of structured questionnaires probing each of the six principles described above including the two additional principles of consistency and enforceability.

In this project, the *Agency* refers to the Urban Poor Affairs Office (UPAO) of the Quezon City Government, while the *User* refers to the urban poor families, communities, or individuals who are originally from an informal settlement within the city. *Users* also refer to respondents who were a) either awarded rights over the land which they informally occupied, b) are

informally settled on government land and are about to be resettled, c) are settling along public pavements or d) are illegally occupying a private property.

The study takes into account the views of policy-makers, civil servants and users. The tool thus provides a panoramic view of public administration, showing the degree of alignment between how the administration is perceived to function and the desired end point, as well as the different interest groups and perspectives, and a constituency around possible reform on housing and resettlement.

C. Methodology and Processes of the Study

The pilot test of measuring rule of law in public administration involved the following activities and end products:

1. Inception meeting – together with the representatives from the Folke Bernadotte Academy (FBA), the United Nations Development Programme (UNDP) Manila Office, and the Civil Service Commission (CSC), the research team met with the officials of the Quezon City Hall, who served as members of the Steering Committee for the Project. The meeting was meant to give a briefing and orientation on the project, the expected outputs, and an understanding on the involvement of the Quezon City local government through its Urban Poor Affairs Office (UPAO).

2. Mapping of laws – the team identified the laws and other policies and guidelines governing the work of the UPAO regarding urban poor shelter and housing. The formal mapping of laws was initiated. A series of meetings, interviews, and focus group discussions were conducted by the research team among management (administrator, vice administrator, and section chiefs) and staff at the UPAO to begin understanding the laws that served as bases for the conduct of the formal mapping itself, the agency survey, and the user survey.

3. Agency survey – the agency survey was crafted after the pilot test was conducted among selected UPAO respondents, especially its regular and contractual employees working at the agency-user interface.

4. User survey – the user survey started with the translation of the questionnaire for the users, pre-testing of the questionnaire, followed by the planning and mobilization of the interviewers, quick feedback session on the recently conducted agency survey and orientation on the questionnaires, and the finalization of the user survey instrument.

For the user survey, the initial set of survey questions drafted by the team were awkward as the team groped with the right choice of words to use and whether the questions captured the essential rule of law perspective of the study. One concern of the team was that in case of

translation from the English language to Filipino language, the community respondent would not be able to understand the questions intelligently and would the translation would lack accuracy .

The pilot test among selected user-respondents quickly drew lessons and enabled the team to make the adjustments on the question formulation.

D. Usefulness, Adaptation, and Risks in the Conduct of the Study

The surveys help probe into the perceptions of users and agencies on how the rule of law principles are understood and appreciated by the agency (UPAO) and the users. As the survey was administered, the respondents did not only reply to the questions but they also gave responses that qualified their replies. Although the qualified information were interesting, the research team had to refer to the overall responses to be able to achieve coherent answers to the survey questions.

Similarly, the survey of the agency revealed the extent to which civil servants and employees in the bureaucracy perceive their own understanding, knowledge, and practice of the rule of law. Through the survey, the agency civil servants also realized that they do not merely follow or comply with perfunctory roles and procedures within the bureaucracy, and that there are indeed principles of the rule of law and which when upheld and operationalized, would mean better and effective governance. In the case of the agency (UPAO), the personnel realized that the pilot helps them get a second look at the rule of law and what this means in terms of strengthening their understanding of the rule of law principles and the implications to their functions and role in the agency.

At the user level, the survey did not come out smoothly as a set of questions that required answers from respondents. The original questions set out by the pilot had to be translated into the local language for intelligibility and accessibility by the users, and then back again into the English language for report purpose. The transliteration poses a risk in the sense that the English language does not necessarily have a precise or exact translation of some words into the local language. The research team and interviewers had to take caution by refraining from giving another meaning to the questions.

In some instances, follow through questions were tempting, but interviewers had to hold back to avoid potential biases and subjective meanings or interpretations.

E. Country and city background information

The Republic of the Philippines lies southeast of the continent of Asia and is a member of the Association of the Southeast Asian Nations. In the recent years, and perhaps due to climate change, the country has become even more prone to flooding especially in areas densely inhabited by informal settlers occupying river banks and waterways. The flooding compels authorities to clear waterways of informal settlers and to keep the squatters from harm's way.

Quezon City, the pilot site, has a land area of 16,112.12 hectares which is almost one fourth of the National Capital Region, and is predominantly residential with areas comprising 45.45% of its land area. It has a population of 2.68 million, the biggest among all cities in the capital region and the third biggest in the country. Quezon City is one of the fastest growing metropolitan areas in the Philippines today. Recently, it joined the ranks of Hong Kong, Singapore, and Taipei as one of the top 10 Asian cities of the future. Quezon City has a growing number of business establishments and is fast becoming a global outsourcing city. It is home to more than 60 business process outsourcing companies and about 3,000 companies engaged in ICT-related businesses. The city has a large poor population. An estimated 55% of the population are migrants, many of them from provinces who come to the city in search of a better life. Some of them end up as informal settlers who find the vast, vacant lots of the city as convenient places to set up shacks. The challenge to the city is the livability of communities – better health, shelter, educational and economic conditions.

II. FORMAL MAPPING

A. Legal Framework Governing UPAO's Work

Executive Order No. 7 (s. 1986) or EO 7 of the Quezon City Government provides for the creation of the Urban Poor Affairs Office (UPAO). EO 7 mandates UPAO to implement **RA 7279 (UDHA Act of 1992)** particularly focusing on socialized housing and resettlement programs for the city's underprivileged and homeless citizens and informal settlers; to provide opportunities to improve their living conditions by coordinating with national agencies involved in the government's shelter program and with non government organizations engaged in housing services for the poor; and to conduct community organizing, leadership training and community development programs for the urban poor sector. UPAO serves as the implementing arm on the city's socialized housing and resettlement programs.

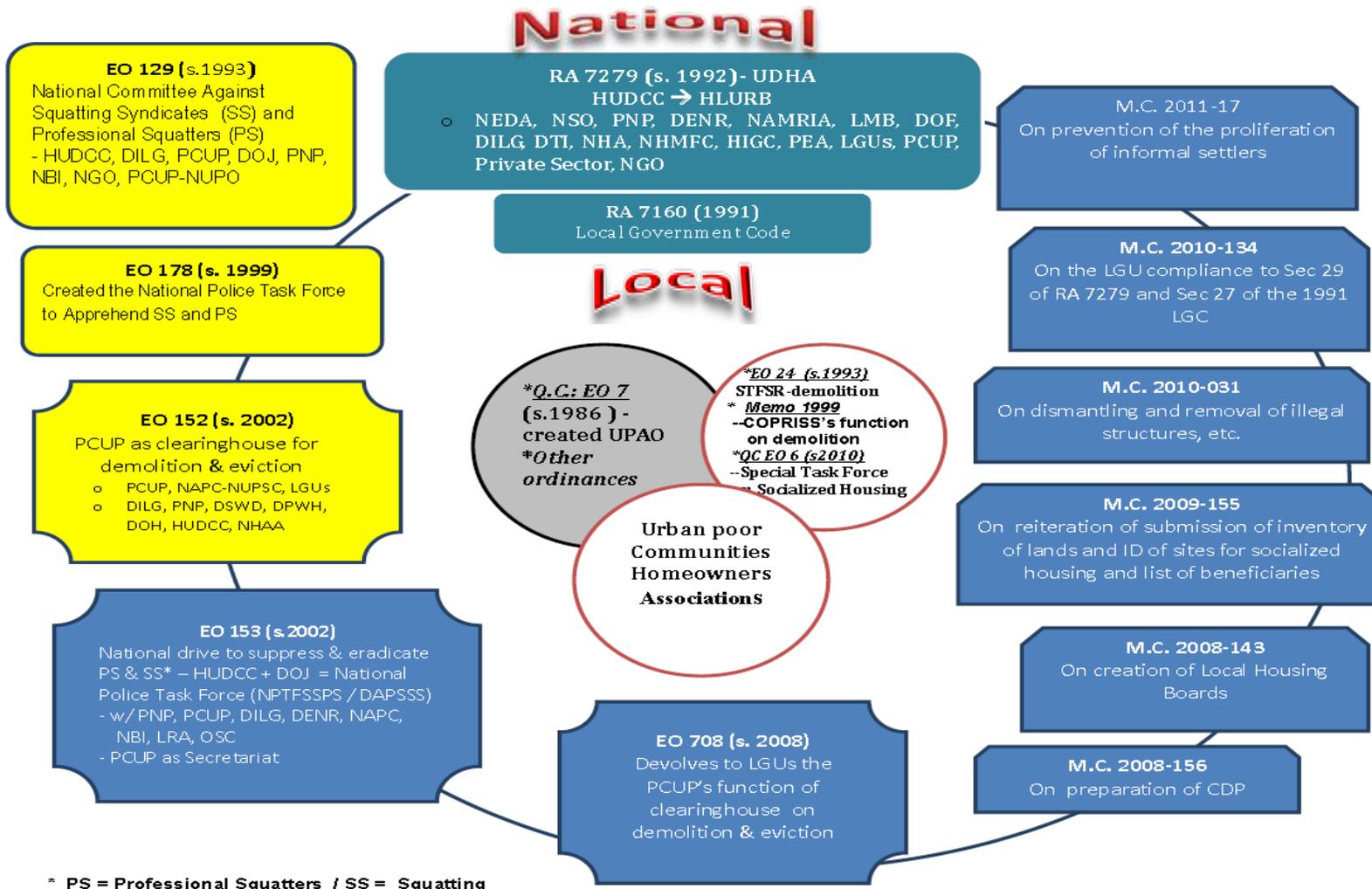
UPAO's key functions include the following: a) preparation of an updated inventory of government-owned or privately-owned lands for socialized housing, potential relocation sites and list of housing beneficiaries; b) mobilization of community groups towards dialogues and leadership training for community leaders on value formation, cooperation, and local governance; c) coordination of functions of the city government with the informal settlers, the national agencies involved in shelter, financing, and regulatory programs; and d) monitoring compliance to RA 7279 and recommend ways to effectively curtail or prosecute professional squatting. (The details of UPAO functions are in Appendix 1.)

In pursuit of its mandate and performance of its functions, UPAO is guided by national laws and policies on shelter such as republic acts from Congress, executive orders from the Office of the President, memorandum circulars from the Department of the Interior and Local Government (DILG) which exercises direct supervision over all local government units, and

local laws such as city ordinances from the Quezon City Legislative Council and the City Mayor. These laws are graphically presented in Figure 1. Illustrative provisions of national and local laws on shelter are presented in Appendix 2 (Table 2 on national and local laws).

Further, UPAO is governed by the specific provision of the **1987 Philippine Constitution** and national laws of general application that prescribe appropriate processes and behaviour in providing services to its public in general and to its urban poor constituents, in particular. Art XIII, Section 10 on social justice and human rights provides that resettlement shall be undertaken with adequate consultation with communities and demolition shall be carried out in a just and humane manner.

Figure 1 Formal Mapping of Laws



* PS = Professional Squatters / SS = Squatting Syndicates

B. Mandates of the National Agencies in Relation to UPAO

There is a number of national agencies that are involved in housing, whether shelter provision, financing and mortgage, or in the general response to urban poor issues and complaints. These agencies are important to be able to appreciate the context of UPAO and local government functions on housing and informal settlers. Housing for informal settlers remains centralized; meaning, national government agencies are mainly responsible for policy on housing to service delivery. It is not easy for local government units to respond to the urban poor because housing is a capital-intensive venture and in most cases, resources are finite for these local government units.

The **Housing and Urban Development Coordinating Council (HUDCC)**, **National Housing Authority (NHA)**, and **Social Housing Finance Corporation (SHFC)** comprise the key agencies tasked with setting strategic and policy directions and crafting operational guidelines for implementation by line departments and local governments whose mandate includes housing provision and financing. These agencies directly perform functions of shelter planning, housing policy, regulation, technology, and modalities of housing provision, including in-city/off-city relocation, resettlement and slum upgrading. The **Philippine Commission on Urban poor (PCUP)** and **National Anti-Poverty Commission (NAPC)**, particularly its urban poor sector, provides the voice, representation, facilitation and grievance venues for the informal settlers to articulate their needs and demands and to lobby for government support. The role of the **Land Registration Commission (LRA)** is equally important because it decides on any contestations regarding authenticity of land titles, especially on spurious land titles which may get in the hands of professional squatters and squatting syndicates. Aggrieved informal settlers may seek the assistance of the **Commission on Human Rights (CHR)** especially on eviction and demolition. The CHR upholds the international principle of *housing as a human right* and this has to be protected particularly if the aggrieved party are the poor and marginalized. The **Philippine National Police – National Task Force on Professional Squatters and Squatting Syndicates (PNP-NFTPSSS)** is mainly responsible for running after professional squatters and squatter syndicates. The PNP-NFTPSSS can use legitimate force to deter actions and aggression by professional squatters and squatter syndicates. Though it has no role in eviction or demolition of illegal structures, it has to maintain peace in the area and ensure that no untoward incidents occur.

At the Quezon City government level, there are three (3) offices included in the formal mapping, namely, **UPAO, Task Force for the Control, Prevention and Removal of Illegal Structures and Squatting (COPRISS)**, and **Housing and Urban Renewal Authority, Inc. (HURA)**. UPAO provided information and insights on its performance, challenges and directions on the shelter initiatives of the City Government. The COPRISS serves as the enforcer of court-ordered demolition or summary demolition in identified danger zone areas upon order of

the city government. The HURA is a privately operated entity engaged in the provision of medium-rise housing as a city government initiative.

C. Interrelationship of Laws Governing UPAO and the Rule of Law Principles

I. The Local Government Code of 1991 (R.A. 7160)

The Local Government Code 1991 gave broad powers to the mayor when duly authorized through the local council ordinance. When authorized, the local executive deals with homelessness through various measures including land acquisition by expropriation. According to the Code, expropriation may be used to acquire private land for redistribution to poor landless. However, the implementation of the law has not been easy for many reasons.

Sec. 61 of RA 7160 (Local Government Code) provides for **accountability** of local officials. For example, submission by the local chief executive of fraudulent documents, such as for the purpose of fulfilling eviction requirements, will subject the local government official to disciplinary action, without prejudice to the institution of separate criminal or civil actions that may be applicable under the circumstances. The law further provides accountability through imposition of penalty to local government units that refuse to take action against squatting activities within their jurisdiction or if they submit false documents, such as unverified or fake land titles not registered under the Torrens system within the given cut off period of March 1995 to March 1998.

2. Republic Act 7279 “Urban Development Housing Act (UDHA) of 1992” (or the “Lina Law”)

Considered a landmark law on squatting, **Republic Act No. 7279**, also known as the **Urban Development Housing Act (UDHA) of 1992** or popularly called the “Lina Law”(named after its principal author, then Senator Joey Lina), has for its beneficiaries the underprivileged and homeless citizens, including those who live in makeshift dwellings (Sec. 3[t]). This provision strengthens the **Legality Principle** of the law. It provides for equal treatment of all citizens regardless of income, sex, or religion. The law retains the concept of squatting as a criminal offense just like the previous decree during the martial law years (Presidential Decree No. 722 or the Anti-Squatting Law of 1975 promulgated by then Pres. Marcos). However, the law maintains that consultation should be conducted prior to eviction and that financial support and legal assistance and access to basic services are provided for (Section 28 in UDHA).

The UDHA appears to be the “mother law” because it serves as the watershed policy that defines a breadth of things regarding squatting and other related provisions and guidelines that would deal with squatting.

Under the UDHA, the local government unit, upon recommendation of their local committee, is tasked to organize a “Committee against Squatting Syndicates and Professional Squatters”. This provision was strengthened under **EO No. 129, series of 1993**, which called for the establishment of an institutional mechanism to curtail the activities of professional squatters and squatting syndicate, and which mandated the Local Committee in Quezon City under Sec. 3 of E.O. 129 to summarily evict offenders and demolish their dwelling structures should these be found illegal. Pursuant to the provision of the UDHA and **Executive Order No. 24**, the Quezon City Mayor constituted a Special Task Force on Squatting and Resettlement. Actions on demolition and eviction have their basis for the **Legality** of the law on demolition and eviction and the laws provide for appropriate mechanisms for making such decisions on demolition and eviction (Sec. 27 of UDHA, E.O. 129).

As mentioned earlier, the implementation of the UDHA is augmented by the issuance of memorandum circulars or policies by the Department of Interior and Local Government. The DILG circulars provide guidelines on the prevention of the proliferation of squatters. These policies by the DILG have **consistency** with the spirit of the UDHA, which bestows the general framework on action against professional squatters and squatting syndicates. The law also mandates the local government units to coordinate with the Philippine National Police and the Presidential Commission on the Urban Poor (PCUP) in adopting measures to identify and effectively install the nefarious activities of professional squatters and squatting syndicate.

Still in line with the UDHA, the Legal Support Division of UPAO takes care of “undertaking a study to recommend means on how to effectively prosecute and curtail the nefarious activities of professional squatters, squatting syndicates, recalcitrants, etc.” in coordination with the City Legal Officer, pursuant to the **Memo of the Quezon City Mayor dated July 16, 1999**, (paragraphs 10 and 11 of the Memorandum).

While the law invokes taking action against professional squatters and squatting syndicates, Section 28 of UDHA provides for adequate consultation and relocation before any eviction or demolition may be carried out. This section of UDHA clearly follows the Principle of the **Right to be Heard**, as it stipulates that adequate relocation, whether temporary or permanent, should be provided by the local government within 45 days from service of notice of final judgment by the court. However, no specific clauses in the UDHA guarantee the **Right to Appeal** by the underprivileged and homeless citizens. Under the Philippine national laws, citizens may seek the court to appeal their case.

The UDHA balances the view on “squatting” by recognizing the underprivileged as beneficiaries of the law whilst also stipulating acts that are considered criminal.

Furthermore, the UDHA identifies another category of offenders which may include: (a) local government executives, particularly the mayor; and (2) barangay officials who are aware of

illegal activities and who fail or refuse to take action against squatting activities within their jurisdiction.

Under the UDHA, the liability of squatting syndicates include acts that show outright sale of lands not their own, or resorting to the subterfuge of collecting fees from association members in exchange for a promise to eventual ownership of the land.

Recently, squatting seems to include occupancy of privately owned lands by the affluent, including by land developers. However, occupancy of government-owned lands such as park lots, easements along creeks, riversides, and other vacant areas is more common. The affluent groups are more difficult to apprehend, and the private groups could get in the way of implementing the full extent of the law on squatting.

There are private individuals who claim that they continue to hold Spanish titles of lands and there are those who bought properties not knowing that their Torrens title is fake. More often, it is difficult to establish the veracity of their documents. Through Presidential Decree No. 892 the discontinuance of the Spanish Mortgage System of Registration and the use of Spanish titles in land registration proceedings has already been decreed.

3. E.O. 153 (2002)

Consistent with the intention of the law on UDHA, Executive Order No. 153 was instituted by then President Macapagal-Arroyo as the National Drive to Suppress and Eradicate Professional Squatting and Squatting Syndicates. Under the E.O. 153, the Housing and Urban Development Council (HUDCC) was designated as the lead agency in the identification of professional squatters and squatting syndicates. The E.O. assigned the council to monitor and launch operations to curtail the activities of squatting syndicates. With E.O. 153, the HUDCC absorbed the functions of the National Committee against Squatting Syndicates and Professional Squatters which was set up in 1993 under E.O. 123.

4. Executive Order 708: The LGU as clearinghouse for demolitions (2008)

According to E.O. 708 (s. 2008), the function of the Presidential Commission on the Urban Poor as the sole clearing house for demolition and eviction has been devolved to the local government units. The PCUP had this responsibility under **E.O. 152**. In the case of Quezon City, the UPAO's Legal Support Group (LSG) is tasked to effectively provide legal support in the prosecution and curtailment of the nefarious activities of professional squatters in coordination with the City's legal officer. In a **Memorandum from the Quezon City Mayor dated July 16, 1999**, the UPAO's redefined scope of powers and functions pointed to the LSG of UPAO to "undertake a study and to recommend means on how to effectively prosecute and curtail the

nefarious activities of professional squatters, squatting syndicates, recalcitrants, etc. in coordination with the City Legal Officer” and to “... perform other functions directed by the City Mayor” (paragraphs 10 and 11 of the Memorandum). This law also assigns to PCUP the function of monitoring and reporting on the cases of informal settlers.

5. Implementing policies directed to local government units from the DILG

Many implementing policies were made and issued by the Department of Interior and Local Government to support the provisions of the UDHA, including the creation of local housing boards by the local government units. The list of these memorandum circulars can be found in Appendix 3.

A number of national laws with their pertinent provisions that guide UPAO in carrying out the latter’s operations in delivering services and interacting with informal settlers are presented as Appendix 4 (Table 3 on Rule of Law Principles and the Laws).

D. Sources of Conflict in Implementing the Laws

1. Conflicting Spirit of the Laws on Squatting

Squatting was traditionally understood as occupation of land without title or without the permission or authorization by the owner, or without payment of rent to the owner. It was quite simple to identify the “squatters” before 1986.

“Squatting” has become more technical and legal by Philippine definition, and now refers to the occupation of vacant urban land of another (owner of land), which is usually registered in the latter’s name under the Torrens System. The possession of Spanish titles not registered with the Torrens system has become a source of conflict between the government agencies tasked with implementing the rules and those who are considered as “illegal occupants”.

Illegal entry to a vacant lot is through stealth, without the knowledge of the owner or its representative, or through force or intimidation. If done with the tolerance of the owner or tacit consent, such consent may be deemed terminated by a notice to vacate the premises from date of such notice, or at the end of the period to do so.

Under the UDHA of 1992, the land occupied by the squatters are so-called “urban areas” or those located in cities, or if in municipalities, this should have a population density of at least five-hundred (500) persons per square kilometer (Sec. 3[v]).

Due largely to the inadequate opportunities for livelihood and sustainable residency in many rural areas, people steadily flow to the urban areas and which led to the proliferation of

informal settlers. This trend went steadily from 2007 to September 2011. Quezon City experienced similar trend in the growth of informal settlers. (See Table 1 below)

Table1. Number of Informal Settlers in Quezon City, 2007-2011

Year	No. of Families of Informal Settlers, Q.C.¹	Total Population of Q.C.²	%Informal Settlers to Total Population of Q.C.
2007	213,979	594,832	35.97%
2008	219,380	615,002	35.67%
2009	231,951	635,798	36.48%
2010	232,430	657,917	35.32%
2011 (Sept.)	241,303	681,467	35.41%

¹Source: UPAO AND City Planning Office, Quezon City

² Source: City Planning and Development Office, Quezon City

Quezon City UPAO refers to the continuous influx of informal settlers, and further classifies them as “sharers” or ‘renters” depending on the waves of families who built extension or annex dwellings close to existing abodes of relatives. Shelters are built in centers where one finds squatters coming from the same region or province (Balbin 2008).

Sometimes a formal association of squatters is created either as a homeowners’ association or as a people’s organization, consisting of families of squatters residing in a piece of land registered in the name of an individual or on public lands. These associations are duly registered with the appropriate government agencies such as the Presidential Commission on Urban Poor (PCUP).

There has been confusion or a conflicting understanding and definition of “squatters” during the last few decades. During the Martial Law period between 1972 and 1981, then President Marcos issued General Order 34, proclaiming vacant lots as a space to plant under the Green Revolution program. He declared the country as an urban land reform zone, and prohibited the eviction of tenants or occupants of such lands. Over the years however, a new Property Registration Act was promulgated to give stability to land titles. In the university campus for example, the 15.8 hectares of lands were awarded to squatting occupants and later on in 1996, these lands were reverted to the university. The consequences of such “free occupancy” on the one hand, and the restriction of the occupancy of lands through recent laws and policies, brought legal nuances and conflicts which are not easy to resolve.

2. Authority to Institute Cases

By virtue of Presidential Decree 129 series of 1993, cases under RA 7279 are filed by a committee created by the local government, and failure to do so implies administrative accountability of the officials. In the case of Quezon City, it created a Special Task Force on Squatting and Resettlement under Executive Order 24 which was later on superseded by EO 708, devolving the function of the Presidential Commission on the Urban Poor to the local government.

Further on, the DILG issued Memorandum Circular No. 2008-143 creating the local housing boards to monitor all evictions and demolitions and to require the proponent of an eviction and demolition to secure from the board the checklist, guidelines and eviction and demolition compliance certificate prior to any implementation and thereafter to submit certification indicating that adequate consultations with the affected families have been undertaken and that adequate resettlement site and relocation facilities are made available.

The above circular was later amended to include a transitory provision, which allows the Local Inter-Agency committee (LIAC) to issue the certificate of compliance of eviction and demolition requirements in the absence of a Local Housing Board (DILG Memorandum Circular 2009-05).

It is important that the decisions made previously by the LIAC would be honored by the newly constituted Local Housing Board of the Quezon City Government (created in April 2011) since it is possible that the cut-off dates for cases previously decided by the LIAC does not match the decisions made by the current local housing board. It is observed that some problems arise from the mismatch regarding the cut-off dates decided by the LIAC and those decided upon by the current housing board. The cut-off dates by the LIAC should harmonize with the decisions of the local housing board.

Besides the above-cited issues, there have been numerous cases where there are more than one or several adverse claimants to the same piece of land and different claimants do not necessarily agree whether to sell the land or not. In this case, the Local Housing Board and the UPAO, the unit mandated to implement the UDHA, should carefully study the respective claims of adverse claimants, particularly the authenticity of their Torrens Title. The assistance of the Land Registration Authority (LRA) in this regard is necessary. If no administrative determination is done, the matter could be elevated to the courts by the squatters under the **Right to be Heard** principle.

Conflicting claims may also be resolved outside of the courts, through the Office of the Building Official (Sections 301 and 309), a mechanism that would settle cases of possible demolition due to the construction of buildings without any permit from the city government, or without consent of the private owner.

3. The Moratorium on Eviction

A three-year moratorium on eviction took place between March 28, 1992 and March 28, 1995. Although eviction may take place under the UDHA or R.A. 7279 (Secs. 27-29), there should be consultations, suitable relocation and financial assistance. These provisions reflect the principles of **Legality and Accountability**. There are conflicts in the perception on what may constitute appropriate and sufficient consultation and suitable relocation. What may be sufficient for the agencies may not be similarly perceived by affected families. At this point, the decisions made by the Quezon City Special Task Force earlier should be harmonized with the decisions of the Local Housing Board regarding eviction and demolition. And again, it is crucial that the LIAC and the Housing Board review and decide on the cut-off period to avoid differing interpretations of the policy on eviction and demolition.

4. Provision of Basic Services

Under Sec. 29 of UDHA, the local government units and the National Housing Authority should provide relocation and resettlement with basic services and facilities, as well as access to employment and livelihood opportunities to meet the basic needs of families. Affected families often note the absence or the inadequacy of such services and facilities. Families lament that despite these conditions set by law, evictions have proceeded.

5. Abetting Professional Syndicates and Responsibilities of Local Government Units

The UPAO particularly its Legal Support Group, faces difficulty in the identification and verification of recalcitrant squatters, professional squatters and squatting syndicates in the Community Mortgage Program (CMP) or in a government housing program. The difficulty of UPAO specifically lies in establishing hard evidences that would ascertain professional squatting and squatting syndicates. Some clear guidelines governing the establishment and identification of the same are necessary for the enforcement of the law.

Under RA 7279, city, municipal and barangay officials are criminally liable for knowingly allowing or abetting “squatting” within their area of responsibility. Such criminal cases may be filed with the Ombudsman or the courts through the Prosecutor’s Office. The appropriate administrative cases may be filed with the Department of Interior and Local Government, copy furnished to the Local Committee on Squatting and Resettlement, in the case of the Quezon City Government and to the Local Housing Board.

In general, the UDHA reflects the **legality and accountability** principles of the law.

6. Execution of Court Order and Voluntary Withdrawal from Squatter Area

Under the law, the local government unit and with the assistance of the National Housing Authority take charge of relocation within 45 days from service of notice of final judgment by

the court. A motion for deferment of implementation of writ of execution may be filed by the LGU with the court which issued the order of execution. If the court denies the motion, the same may be appealed and a temporary restraining order applied for in the process.

Since the clearinghouse for demolition and eviction has been devolved to the local government units, the NHA whose authority is defined prior to the UDHA may find it difficult to exercise its authority as a clearinghouse for demolition and eviction.

7. Consultation Prior to Demolition

Earlier, there was mention about the problem of sufficiency of consultation among affected families and communities prior to demolition, eviction, and relocation. The 1987 Constitution and the UDHA (RA 7279) contemplate consultation to be in good faith and without mental reservation, both on the part of squatters and the landowners, whether private or government agencies, to achieve mutually acceptable and attainable solutions.

Although a meaningful consultation may be “non-visible” and maybe a matter of attitude, the DILG-HUDCC had laid down the guidelines and steps on consultation. The guidelines on consultation should be clear enough.

The guidelines define the following:

- 1) There should be the presence and participation of the following: a) government agency seeking to effect demolition, b) the barangay chairman of the area where clearing would be effected, c) the landowner or a designated representative, d) the non government organization serving the area, and e) majority of the affected families.
- 2) Refusal of the affected families to attend calls for an announced resetting of the meeting to be held within five days of the aborted meeting followed by the failure to secure the attendance of a majority at the second meeting authorizes the lead agency to proceed with the meeting at which decisions shall be made.

While the law provides for the **Right to be Heard**, the lack of proper consultation has often been the outcry of families that are to be evicted and even of local government officials within the area to be cleared. The UPAO insists on the legality of the rule of law, including compliance to the requirements stipulated by the UDHA. See the UDHA stipulations in Appendix 5.

8. Demolition

Forcible demolition is not the policy of RA 7279. Rather, forcible demolition is an exception and something that should be discouraged.

Summary demolition without prior notice and without the need for a court order may be effected if the illegal construction is “on-going” or in process. In such cases where written notice was given for the on-going construction to cease and desist, and despite which the construction proceeded until completed, summary demolition may be effected under Sec. 28 of RA 7279.

Summary demolition may be effected when persons or entities occupy danger areas such as *esteros*, railroad tracks, garbage dumps, riverbanks, shorelines, waterways and other public places such as sidewalks, road, parks and playgrounds. In Quezon City, the recent flooding which affected most of Metro Manila urged forcible and summary demolitions to keep families out of harm’s way, however the demolitions triggered conflicts. The demolitions were eventually halted. It is important that the communities are informed about the reasons for such summary demolition and that there is full implementation of the Rule of Law following the principles of Legality, Accessibility, Enforceability, Consistency, Right to be Heard, Right to Appeal, Transparency, and Accountability where all stakeholders are involved.

III. MAIN FINDINGS OF THE STUDY BASED ON THE PRINCIPLES OF RULE OF LAW

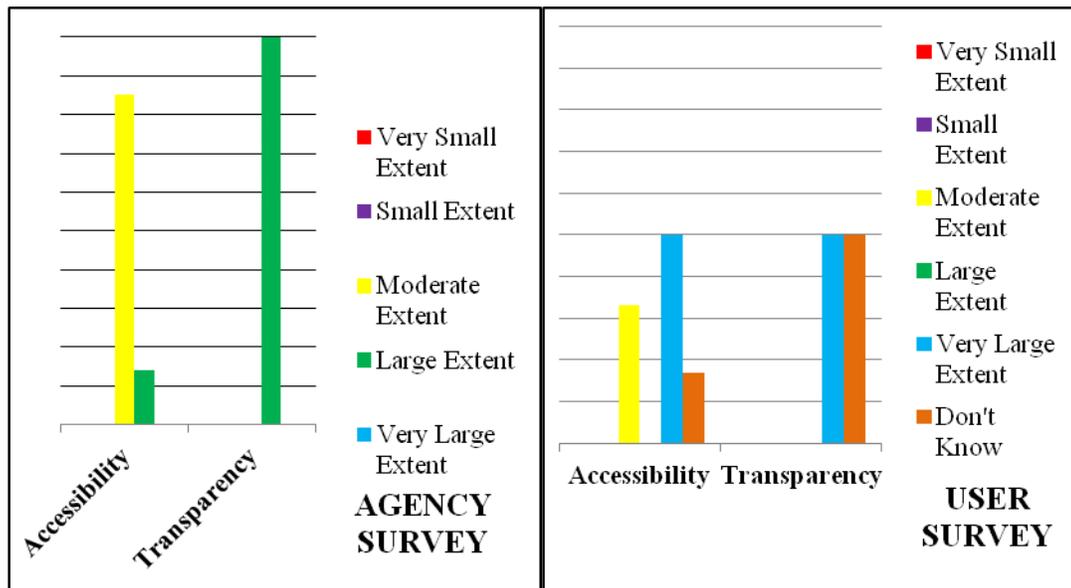
A. Accessibility and Transparency

On the whole, the agency personnel think that there are policies, guidelines and procedures that define and guide them on dealing with information, transparency of information, and archiving data. The contractual employees' awareness of these policies and guidelines is not the same as the regular employees' especially with regard to information of confidential nature. From the deeper probe and narrative account by the respondents, it can be surmised that the regular employees seem to have the ability to classify confidential information because of their comprehensive and wider knowledge of the laws, rules, and policies as opposed to the contractual employees' narrow awareness of these rules, laws, and policies. The contractual employees are focused on dealing with specific work or function that requires only particular relevant information. The contractual employees tend to have access to information about rules, laws, and policies only to a moderate extent and again, the explanation stems from the fact that the laws, policies, and rules that are known to them are those that directly apply to their functions as contractual employees. There are rules, laws, and policies that may not have been accessible or known to them because their roles in the agency did not require them to know about said rules and laws.

UPAO personnel find the laws fairly accessible; in fact the laws clearly define how the agency could be guided in their functions and roles, and they refer here specifically to the local laws such as the Quezon City ordinance that created UPAO and the memorandum from the mayor dated 1999, which defined UPAO's scope of work and powers.

The users also think that rules, laws and policies are accessible to them and that they can get the information they need from UPAO. There are users who think that they have access to the laws and rules only to a moderate extent. It is noted that there is an equal number of users who say that there is transparency in the rules and laws of UPAO and those who say they do not know whether there is transparency of the rules. It can be surmised from the profile of respondents that the educational level of the users may explain the users' level of understanding about the transparency of the rules and laws. It is also possible that UPAO personnel do not fully provide all the rules, laws, policies, and other information to the users. Users claim that they do not know whether there is full transparency particular to matters on relocation.

Figure 2 Cross Tabulation of Accessibility and Transparency: Agency Survey vs. User Survey



Obviously, there are more agency personnel rather than users who claim that there is accessibility and transparency of the laws, and again, this observation may be attributed to the level of education of the respondents. This means that agency personnel who have higher educational level tend to find higher accessibility and transparency of the laws. It is also possible that the amount of information shared by the agency among the users is not enough to achieve the same amount of appreciation for accessibility and transparency of the laws and rules. In fact, the users generally think that they understand the laws and rules regarding the mandates and responsibilities of administrative agencies, however UPAO does not sufficiently explain the laws and rules to the clients. The gap lies in the dissemination or further explanation of the laws and rules related to informal housing and relocation.

The users find the UPAO personnel easy to talk to and are “accessible”, and that the users can actually communicate with UPAO personnel in the language that is convenient to the clients. There is no problem with regard to language use and communication. The medium and the language and the personality of UPAO personnel are fine. However, the essential issue at this point is in the effort or the lack of it, to explain the laws and rules and to inform the users about the substance of said laws and rules.

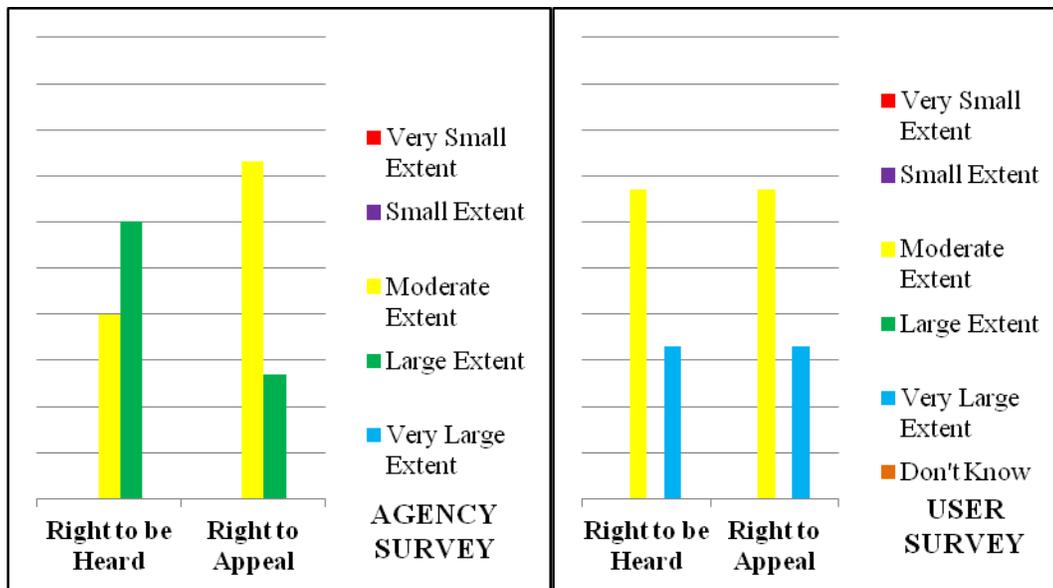
Part of accessibility has to do with the ability of UPAO to communicate and link with the clients and on this basis, the users rate UPAO highly. It is interesting how clients tend to effectively link with UPAO personally rather than through telephone or the use of other technology-based communication. An explanation to this is probably cultural, i.e., that some people prefer to be more personalized in communicating, or that not all people have access to the technology of communication, or both.

Accessibility also refers to the ease by which users connect to UPAO freely or without service fees. It is not absolutely clear to all users that service fees are not required by UPAO when they do transaction with the agency. Again, this implies the need to clarify the rules and procedures in this regard.

B. Right to be Heard and Right to Appeal

The right to be heard and the right to appeal are related principles of the rule of law. UPAO personnel feel that the laws allow clients the **right to be heard** and the **right to appeal** much more to a moderate extent than to a large extent.

Figure 3 Cross Tabulation of Right to be Heard and Right to Appeal: Agency Survey vs. User Survey



Except for a few cases, the agency personnel think that the laws and procedures allow the right of citizens to be heard. Some contractual employees are not quite aware about laws and procedures on the right to be heard, and there seems to be a need to level off the understanding on such laws and procedures between regular and all contractual employees.

Although there is general observation that the personnel are aware about time limit in making decisions, there are a few who find it difficult to follow or observe the provision of the procedure regarding time limit. It may be necessary to revisit the provisions of the law or instrument regarding time limit. The procedures expected of the agency people refer to some detailed guidelines or step-by-step instructions as to how to deal with the clients to hear the latter's case.

The regular personnel of the agency tend to have a fair, even a good understanding of the laws and procedures regarding the right to appeal and how the agency would advise clients on the administrative procedures to register appeals. However, the contractual employees do not have an equal amount of understanding on the appeal procedures. It is possible that the reason for such gap in the knowledge or understanding of the administrative procedures on the right to appeal is that there has not been sufficient capacity building and sharing about the rules and procedures among contractual employees. However, the problem in Philippine agencies is that the contractual employees do not enjoy the same amount of training and capacity building activities as regular employees do. Resources and budget for capacity building are allocated only for regular employees and therefore this explains why contractual employees do have some catching up to do in understanding the laws and procedures on appeals.

When asked whether they consider the laws and rules enabling them the right to be heard and the right to appeal, the users say they do, to a moderate extent or even to a very large extent. The response of the users in fact reflects well for the agency, because the users believe that they are given the right to be heard and the right to appeal on their cases.

The users think that to a large extent, UPAO listens to and allows its clients to appeal on a decision. The users think that UPAO observes due process. Moreover, the users are able to present their views freely and this reflects positively on UPAO as an agency that deals with its clients. It is observed that there is a neutral view about the sufficiency of procedures to ensure the right to be heard. There are a small number of users who think that UPAO listens only to “what it wants to hear”.

Users express a fair appreciation about the users’ right to be heard, and yet there seems to be a need to further improve the agency procedures to strengthen due process, if only to dispel any doubt about the agency’s ability to hear all. It is inferred from the narrative account of users that what they “expect UPAO to hear” are matters that favor the users. When decisions do not favor the users, the latter describe UPAO as exercising selective listening.

Being open to appeal is a sign that the laws and rules are better thought of and that there is chance to deliberate about a decision and the implementation of the rules and the laws. About half of the users believe that after making a decision, UPAO informs the clients about the decision made, and in some instances, UPAO advises the clients on how to go about an appeal. Nevertheless, there are still users who are not aware about the proper procedures of registering an appeal, and who think that it is not only UPAO that should respond to the appeal, but also the higher officials at the city hall. The users think that the manner and procedures for making an appeal should be made better known to the clients to enable a due process.

At this point, it is noted that the “moderate extent” rating by the agency and the users on these two principles may indicate either a safe response to the survey questions or that there is a

mediocre, or not an excellent performance with regard to the principles of the right to be heard and the right to appeal.

C. Legality and Accountability

UPAO personnel fairly understand the various laws governing housing, relocation, and eviction and most especially the mother law which is the Republic Act 7279 or the UDHA and the local law that created the agency. However, some UPAO personnel express confusion or a lack of clarity on the following: 1) delineation of functions and tasks of UPAO, 2) other policies such as the DILG Memorandum Circular 2009-155 regarding the submission of lands and identification of sites for socialized housing and the beneficiaries, and 3) DILG Memorandum (2008-143) creating the local housing boards in local government units. Such confusion poses difficulty among some UPAO personnel related to inventory of lands and sites for socialized housing, and the list of beneficiaries. These specific provisions of the laws were noted as these directly affect the functions of UPAO and have implications on the agency personnel decision and action. These may also be the same areas for improving knowledge and capacity-building among UPAO personnel.

A large number of UPAO personnel note that the laws generally guarantee differences in religion, gender, ethnicity, and social status. UPAO personnel consider the laws helpful to guide them in dealing with situations of conflict of interests.

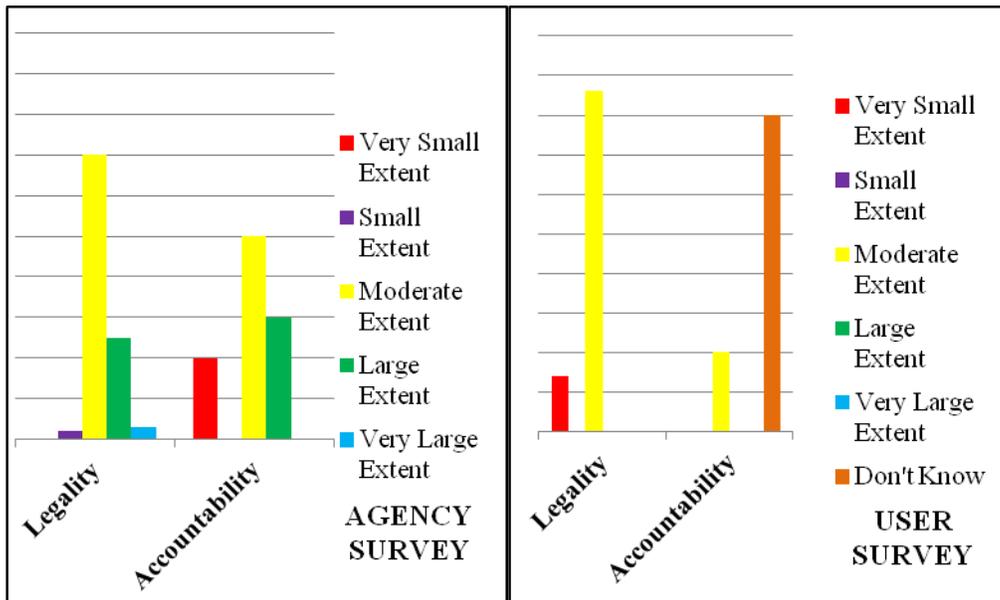
The agency personnel say that the laws exhibit accountability to a moderate extent. Some of them claim that supervisory level people do influence the thinking and procedures that deal with complaints in UPAO.

This implies that although there are mother codes of conduct on accountability at the national level, the policies on accountability soften at these come down at the local level. There is mention by agency personnel that accountability is influenced also by the supervisory agencies or the higher authorities. The higher authorities deal with accountability. There seems to be no strong conviction about accountability of the laws at the agency level.

Some agency personnel think that some cases of bribery may exist and that these can go without being detected and punished. Although there is reference to a possible existence of bribery, there is no outright mention about corruption. One conjecture is that respondents are too careful and polite not to mention about corruption because respondents cannot ascertain its exact occurrence and location if at all corruption exists at the agency itself.

The observation of the agency is affirmed by the users' who also claim that bribery is possible; however, it is difficult to detect its presence and whether this is dealt with and how.

Figure 4 Cross Tabulation of Legality and Accountability: Agency Survey vs. User Survey



Generally, there is a perception among users that UPAO follows the laws and rules to a moderate extent. However, it is remarkable that there is a significant number of users who say that they do not know whether there is indeed accountability of the laws. A good number of respondents think that UPAO personnel are trained about the laws and rules that guide them in their work. Many users think that UPAO does not really exercise fairness in dealing with the people on demolition and relocation and that UPAO cannot render a just or fair decision. Much remains to be understood here. One interpretation is that when decisions weigh heavily upon the users and when the laws affect them, the users tend to consider the decisions as unfair or unjust.

There is wide perception among users that the enforcement of the laws and rules is not coherent and that such incoherence is attributed to the numerous agencies involved in the informal housing and relocation, and the varying roles that government agencies play in dealing with these. There is also the belief that the agencies that directly deal with housing and relocation such as the Philippine National Police (PNP), National Housing Authority (NHA) and Metropolitan Manila Development Authority (MMDA) show coordination among themselves and those that do not deal directly with informal settlers seem to exhibit weak coordination.

The users did not mention specific laws and rules that seem to conflict or contradict each other. It can be inferred that the “mother law” or the popularly known UDHA that tends to protect informal settlers and which considers demolition a crime (unless proper conditions for demolition and resettlement are provided for), are complemented by other policies. Other policies include department memorandum circulars that encourage a strong stance on eviction and demolition.

Users recognize that UPAO is an executive agency. However, it does not hold much of the crucial decision making functions, and that these decisions are made by higher level authorities especially by supervisory agencies.

Users think that the offering of bribes does take place; however, they cannot tell whether bribery does indeed happen in the agency.

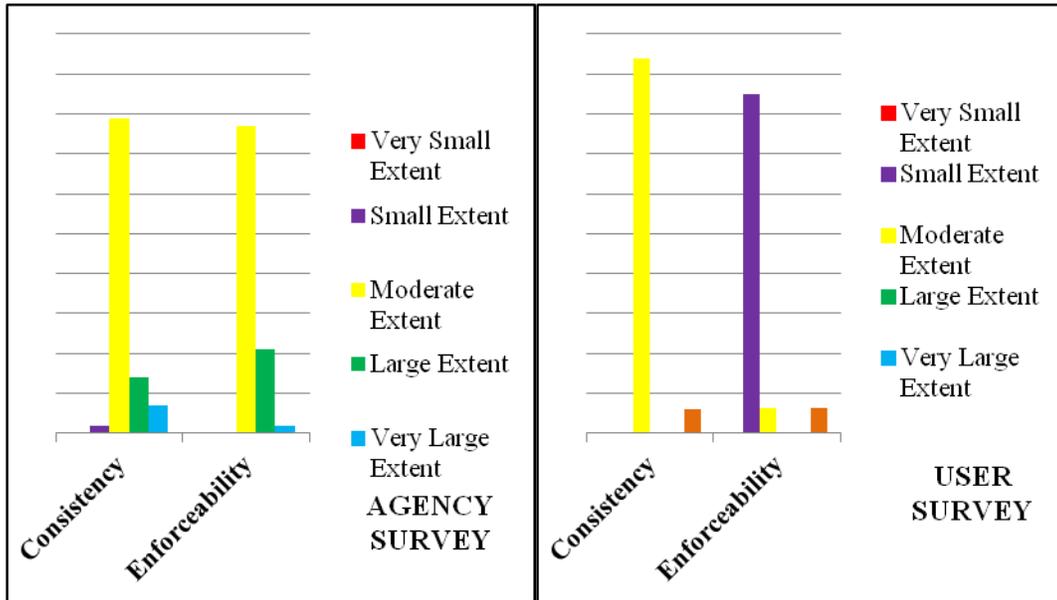
Many users believe that complaints against UPAO are not necessarily taken seriously however they did not explain why complaints are not seriously dealt with. One can only surmise that the supervisor of the agency assumes the responsibility of monitoring the personnel performance including complaints against the agency. This shows the typical bureaucratic culture that characterizes many Philippine government agencies namely, that complaints can go unnoticed unless things are taken to the high level (such as the supervisor).

D. Consistency and Enforceability

UPAO personnel generally find that there is consistency in the laws to a moderate extent and only a few recognize that there is consistency in the laws to a large extent. The questions and responses around consistency of the laws focus on the coherence between what the laws state and the respondents' perceptions about the fact or the application of the laws and their provisions. Respondents did not articulate how harmonization and complementarity of the laws may be achieved to improve consistency, neither where the inconsistency in the laws is observed – whether in the national or local laws. Some agency people recognize that to a large extent, there is enforceability of the laws, a view that is not necessarily shared by the users. The users think that the laws are enforced only to a small extent. The difference in these perceptions may be explained by the fact that the users expect that the laws should enable enforceability and that what the laws say should be carried out according to the provision of the laws. Another interpretation is that the users have different expectations on the consistency and enforceability of the laws from those of the agency personnel. With numerous users not being familiar with the details of the laws on relocation, housing and resettlement, there is an expectation that they have full access to the land, or that they would have better access to financial assistance for relocation, at least better than what they are presently getting. The agency and the local government may need to respond to these perceptions by the users.

Although the UPAO personnel say that they have a good amount of ease in enforcing the laws and policies based on their understanding of the laws, a deeper probe would reveal that the personnel are more comfortable enforcing laws, particularly the local laws, and they admit that they are not confident to explain the other laws particularly relating to the Department of Interior and Local Government (DILG) circulars to other people. A harmonization of the understanding of the laws governing UPAO and the memorandum circulars is necessary among the ranks of the UPAO personnel.

Figure 5 Cross Tabulation of Consistency and Enforceability: Agency Survey vs. User Survey



UPAO staff are perceived by the users as not having sufficient capacity to effectively explain the laws, rules and instructions pertaining to informal settlement and relocation. Sufficient explanation of the laws and rules may help level off the expectations of the users regarding consistency, or even the enforceability of laws. This implies a need for UPAO to strengthen its capacity to articulate the laws and rules as well as the procedures and guidelines.

What is interesting is that the regular employees express difficulty in enforcing the laws, more than the contractual employees do. This is the reverse in the case of transparency and accountability principles where the regular employees seem to understand the laws better than the contractual employees do. The reasons for such remark, deserves probing by UPAO leadership.

IV. SUMMARY AND CONCLUSION

On the whole, there is a fair level of appreciation by UPAO and by the users about the legality of the laws. The presence of laws and policies that relate to housing, relocation, financial and housing assistance is recognized by both agencies and users, however, the agency personnel express the need for clearer guidelines and administrative procedures that would direct or guide them to effective governance. The users hope to get greater details on the provisions of the laws. The general rating on the principles of the rule of law heavily rests under “moderate rating”. Whilst this may mean that the performance is not bad, neither is it positively remarkable.

The accountability principle is challenged by both the agency personnel and the users as there is a declaration particularly by the users that they do not know whether there is indeed accountability of personnel who may possibly engage in corruption. The agency personnel suspect that there may be transactional or corruptible procedures; however, the laws seem to be silent about exacting accountability. It is also possible that the questions in the study were not categorical or straightforward about how accountability of the laws is upheld.

The principles of the right to be heard and the right to appeal are clearly appreciated by both the agency personnel and the users. Certainly, there is clamor for perfection on these principles as the users demand for explicit procedures that would facilitate the due process on appeal. The diversity of the means to communicate with each other also facilitates these principles; however, the users express preference for more direct, or person-to-person means to promote the principle of right to be heard and especially the right to appeal. At this point, accessibility of the laws also leads to the promotion of the right to be heard and the right to appeal, and therefore these three principles are closely intertwined to each other. One principle leads to and strengthens the two other principles.

The principle of transparency of the law needs probing especially among the users. However, it is also possible that the meaning and appreciation for transparency is more difficult to comprehend compared to “accessibility” perhaps due to the educational level of the users or better information and explanation on the meaning of “transparency”. This is not the case though for the agency personnel who are better informed about the principle of transparency.

As principles added by the study team, consistency and enforceability offer an enriching dimension of the rule of law, although in some cases or in other societies where the laws mean what they say, these two principles may find lesser value. In those societies, the principle of legality may suffice. In the Philippines, the rule of law may have to be propped up by these two additional principles of consistency and enforceability to enhance the meaning of the *legality* principle of the rule of law.

V. THE WAY FORWARD AND SUGGESTED AREAS OF POLICY REFORM

The study provides implications and challenges to policy making and to public administration, as follows:

1. Capability building within UPAO is necessary particularly relative to a common understanding on the laws and rules, and among these, the national as well as the local laws including the DILG memorandum circulars. The understanding and interpretation of such laws and rules should be shared by all employees, whether regular or contractual.

It is also important to address the need for clear and categorical guidelines and procedures that would guide the agency personnel in the execution of the policies and laws. These procedures and guidelines should enable UPAO legal support service to effectively carry out its functions.

2. Under the civil service rules, no budget is normally allocated for the training of contractual employees. Some measures must be made by the local government unit to enable capability-building activities that would include contractual employees. The employees are crucial to the activities and to an effective relationship between the agency and the communities.

3. The understanding of the laws (UDHA), the DILG memorandum circulars, and the UPAO mandate and policies must be harmonized and their complementarity must be well understood by policy implementers such as the employees of the agency and other enforcers of the laws.

4. It is equally important to launch an information and education campaign among users or urban poor communities about the laws and policies on housing, demolition, eviction, and relocation. Local leaders and organizations may be tapped to help in the information and education on these issues. A campaign that is focused on “citizenship”, rights-based approach to social services balanced with citizens’ responsibilities, and partnership with local government on socialized housing program should be pursued.

It is important to manage the expectations of the urban poor. Correct and reliable information about the laws and policies should help manage these expectations.

5. Quezon City does not have a housing program that is targeted for the poor and those in the lowest strata of the city. The HURA is obviously meant for middle income and for government employees in Quezon City. Depending on the city’s planning and zoning scheme, the city should be able to identify where it wants to put its housing projects for the poor.

6. Given the finite space of Quezon City, the recommendation is to put up socialized housing for the poor, without necessarily “giving away” (or losing) public lands. The socialized housing scheme will require proper identification of qualified squatters, distinguishing them from professional squatters and squatting syndicates.

7. To identify qualified squatters and to distinguish them from professional squatters and squatting syndicates, the policies and laws must be reviewed and the so-called “cut-off dates” should be clearly ascertained by local authorities (local housing board) to avoid confusion on eviction and relocation of families and communities.

8. A socialized housing program will need local legislation to support a well designed and well-thought out plan on “housing for the poor”. The local legislation should depict the cooperation and support of middle-income and high-income sectors, as well as private and corporate sectors of the city.

APPENDICES

Appendix 1

Details of Urban Poor Affairs Office (UPAO) functions

The functions of UPAO are essentially directed towards program implementation; community organizing, capacity building, mobilization; and coordination. The following are its functions as stipulated in the local E.O.:

- a. Coordinate all efforts and functions with regard to complaints and assistance for the upliftment of the life of city's informal settlers.
- b. Prepare a situationer-paper which shall include an updated inventory of government-owned or privately-owned lands viable for socialized housing; upgraded list of potential relocation sites (in-city /off-city); and current list of program beneficiaries.
- c. Formulate and implement short- and long- strategies relative to socialized housing and resettlement and attendant livelihood programs.
- d. Mobilize community support and undertake consultations with or dialogues with various people's organizations, nongovernment organizations, barangays as well as private sector in the implementation of the programs.
- e. Undertake educational and leadership training for community leaders and barangay officials, with special emphasis on local governance, cooperation and values formation.
- f. Call on other departments and offices within the Office of the Mayor for technical and other necessary support to ensure speedy implementation of the City's socialized housing, resettlement and related programs.
- g. Coordinate with national government shelter agencies (National Housing Authority [NHA], Home Insurance and Guaranty Corporation [HIGC], Home Development and Mortgage Fund [PAG-IBIG], National Home Mortgage Finance Corporation [NHMFC], Housing and Land Use Regulatory Board[HLURB], Housing and Urban Development Coordinating Council [HUDCC]) for technical support and financing schemes, community mortgage program (CMP) and related programs, and feasibility of the city bond flotation, among others.
- h. Serve as clearing house for evaluating subdivision plans and to recommend action to the Sangguniang Panlungsod
- i. Monitor compliance with Section 18 Article V of RA 7279 on the 20% socialized housing equivalent imposed on developers of subdivision projects in coordination with HLURB.
- j. Undertake study and recommend means on how to effectively prosecute and curtail nefarious activities of professional squatters, squatting syndicates, recalcitrants, in coordination with the City Legal Office.

Appendix 2

Table 2. Rule of Law: Mapping of laws on Eviction, Demolition and Relocation/Resettlement of Urban Poor/Informal Settlers

Laws	Pertinent Provisions
<p>Urban Development and Housing Act [UDHA] (Republic Act No. 7279, March 24, 1992)</p>	<p>Article III –</p> <ul style="list-style-type: none"> • Creation of comprehensive plan – National Urban Development and Housing Framework • Sec. 27, UDHA: Mandates all local government units, in cooperation with the Philippine National Police (PNP), the Presidential Commission for the Urban Poor (PCUP), and the PCUP-accredited urban poor organization in the area to adopt measures to identify and effectively stall the nefarious and illegal activities of professional squatters and squatting syndicates • HLURC to formulate comprehensive plan and framework under the direction of the HUDCC and in coordination with LGUs, and public and private sectors • LGUs as the implementers of this Act in coordination with HUDCC, the national housing agencies (NHA, NHMFC, HIGC), PCUP, private sector and NGOs <p>Article IV</p> <ul style="list-style-type: none"> • Sec. 7 (d) LGU in coordination with HULRB to conduct land inventory and land usage • Sec. 8 – LGU in coordination with NHA, HLURB, NAMRIA, and Land Management Bureau – identify lands for socialized housing and resettlement areas for the immediate and future needs of the underprivileged and homeless in the urban area <p>Article IV Sec. 9 – For socialized housing, LGU to acquire government-owned and foreclosed properties through negotiated purchase, provided that qualified beneficiaries who are real occupants of the lands shall be given the right of first refusal</p> <p>Land inventory and land use to be undertaken by LGU</p> <p>Specification of priorities for acquisition of lands for socialized housing: (a) government lands; (b) alienable lands of the public domain; (c) idle lands; (d) within declared areas for APD, ZIP, SLUR; (e) BLISS sites not yet acquired; and (f) privately-owned lands for onsite development.</p> <p>LGU to give budgetary priority to on-site development of government lands</p>
	<p>Section 28: Eviction or demolition as a practice shall be discouraged.</p> <p>Eviction and demolition may be allowed in the following instances:</p> <ul style="list-style-type: none"> – When persons or entities occupy danger areas such as esteros, railroad tracks, garbage dumps, riverbanks, shorelines, waterways, and other public places such as sidewalks, roads, parks and playgrounds

	<ul style="list-style-type: none"> - When government infrastructure projects with available funding are about to be implemented - When there is a court order for eviction and demolition <p>Likewise, eviction and demolition is allowed:</p> <ul style="list-style-type: none"> - When there are illegal structures constructed after March 28, 1992 (Sec. 30) - When there are structures owned by professional squatters and squatting syndicates (Sec. 27) <p>Process of eviction or demolition</p> <ol style="list-style-type: none"> 1. Notice upon the affected persons or entities at least 30 days prior to date of demolition 2. Adequate consultations on the matter of settlement with the duly designated representatives of the families to be resettled and the affected communities in the areas where they are to be relocated 3. Presence of local government officials or their representatives during eviction or demolition 4. Proper identification of all persons taking part in the demolition; 5. Execution of eviction or demolition only during regular office hours from Mondays to Fridays and during good weather, unless the affected families consent otherwise 6. No use of heavy equipment for demolition except for structures that are permanent and of concrete materials 7. Proper uniforms for members of the PNP who shall occupy the first line of enforcement ... 8. Adequate relocation, whether temporary or permanent...; relocation shall be undertaken by LGU concerned and the NHA... within 45 days from service of notice of final judgement by the court..., provided further that should relocation not be possible within the said period, financial assistance in the amount equivalent to the prevailing daily wage multiplied by 60 days shall be extended to the affected families by the LGU concerned. <p>Ideal flow of court-ordered eviction or demolition: - A court-ordered must comply with the following:</p> <ol style="list-style-type: none"> 1. Once the case has finally reached the court, the court is duty-bound to send notice to the: <ol style="list-style-type: none"> a. LGU and/or NHA of the finality of the decision for eviction and demolition to enable the LGU and/or NHA to provide relocation within the 45 days from day of receipt of notice or financial assistance in the event that no relocation is provided (Sec. 28, UDHA) b. PCUP five (5) days prior to its intended implementation (OCA Circular No. 72-2003) 2. Immediately after the receipt of the notice, and within 45 day-period, the LGU and/or NHA are duty-bound to conduct the following: <ol style="list-style-type: none"> a. Provide a 30-day notice to the evictees; b. Conduct adequate consultation c. Provide relocation or financial assistance. <p>With the provision of relocation or financial assistance at the lapse of 45 day period, the court upon motion or motupropio will issue the writ of execution and demolition. Said writ should be specific instructions addressed to the sheriff to comply with the remaining requirements of Sec. 28 of UDHA which constitute the just and human manner of eviction or demolition (police presence, LGU representative, identification of demolition crew, no use of heavy equipment during 8am-3pm during weekdays and good weather).</p>
	<p>Sec. 29. – The LGU in coordination with NHA shall implement the relocation and resettlement of persons in danger areas ...; shall provide relocation areas and resettlement sites with basic services and facilities and access to employment and livelihood opportunities sufficient to</p>

	meet the basic needs of the affected families.
IRR of UDHA Governing Summary Eviction (s. 1993)	<p>Sec. 3 Specifies procedures and guidelines on process and phases of eviction and demolition: Preparatory/pre-requisites; implementation and post-eviction.</p> <p>Sec. 30 par2. After the effectivity of the, the barangay, municipal or city government shall prevent the construction of any kind of illegal dwelling units or structures within their respective localities.</p> <p>LGUs exercise authority to demolish thru their TF on Relocation and Resettlement (TFRR)</p>
Quezon City E.O. 24 (1993) on constituting special task force on squatting and resettlement in Quezon City	<p>Implements E.O. 153 (s. 2002) on Instituting the national drive to suppress and eradicate professional squatting and squatting syndicates, amending Special Task Force may tap the services of law students from the University of the Philippines and the Ateneo College of Law</p> <p>STFSR shall be responsible for the implementation of the provisions of the UDHA (R.A. 7279). Among others, it shall:</p> <ul style="list-style-type: none"> • Coordinate with the Presidential Task Force on Squatting And Resettlement • Identify professional squatters/squatting syndicates • Undertake demolition in government and private land; demolition in the latter shall be undertaken pursuant to a court order <p>STFSR to act on problems related to squatting and resettlement</p>
Executive Order No. 129(October 15, 1993)	<p>Establishment of an institutional mechanism to curtail the activities of professional squatting syndicates and professional squatters and intensifying the drive against them</p> <p>Creation of National Committee against Squatting Syndicates and Professional Squatters to be composed of</p> <ul style="list-style-type: none"> • DILG • HUDCC • DOJ • PCUP • PNP • NBI • Representative of PCUP-accredited National Urban Poor Organization • Representative of a non-government organization <p>DILG as chair and HUDCC as co-chair.</p> <p>National Committee Functions:</p> <ul style="list-style-type: none"> • Oversight and coordination • Recommend appropriate measures • Provide assistance to LGUs and make available through the PNP and DOJ a consolidated list of squatting syndicates and professional squatters

	<ul style="list-style-type: none"> • Update the President <p>Creation of Local Committee –LGUs to create a Committee against Squatting Syndicates and Professional Squatters to be composed of:</p> <ul style="list-style-type: none"> • Mayor with permanent alternate • Local chief of the PNP with permanent alternate • Representative of the PCUP with permanent alternate • President of the PCUP-accredited urban poor organization with permanent alternate • Representative from the private sector who shall be chosen by the above members. <p>Functions of the Local Committee:</p> <ul style="list-style-type: none"> • Adopt necessary measures to identify and effectively curtail the activities of professional squatters and squatting syndicates, including the name of public officials and/or private individuals or companies abetting or tolerating the commission of the act. • Provide the HUDCC and NHA copies of identified syndicates and professional squatters in order to safeguard their inclusion in future programs/projects and recommend disqualification in existing programs • Provide legal assistance to victims or professional squatters/syndicates and make available, through the PNP and DOJ, a consolidated list of squatting syndicates and professional squatters • File the necessary charges before the court or Prosecutor’s Office • Undertake investigation in violation cases on demolition and eviction forwarded to it and recommend appropriate actions on the same to concerned agencies • Monitor demolition and eviction activities; hence draw up and establish its monitoring system
Executive Order No. 178 (s. 1999)	Creation of the National Police Task Force on professional squatters ad squatting syndicates
Memorandum to the City Mayor (16 July 1999)	<p>Redefined the scope of powers and functions of UPAO</p> <p>Responsibility for demolition function shall be the exclusive function of COPRISS which shall remain under the Office of the City Engineering Department.</p> <p>Defines the functions of UPAO (used to be People’s Bureau)</p> <ul style="list-style-type: none"> • to implement the socialized housing and resettlement program of the City Mayor • to prepare situationer on land inventory viable for socialized housing, resettlement sites and list of beneficiaries • to formulate short and long-term strategies • to mobilize community support and undertake consultations • to undertake education and leadership training • to call for other agencies support • to coordinate with national government shelter agencies • to serve as clearing house for evaluating subdivision plans • to undertake study to effectively prosecute and curtail nefarious activities of professionals squatters, squatting syndicates, recalcitrants, in coordination with City Legal Office
Executive Order No. 153, (s.	Instituting the national drive to suppress and eradicate professional squatting and squatting syndicates, amending E.O. Nos. 179, s. 1999 and

2002)	<p>129, s. 1993</p> <p>Sec. 1 – HUDCC and DOJ as lead agencies in the identification of professional squatters and squatting syndicates, monitor and launch operations DOJ – to take the lead in the prosecution of identified professional squatters and squatting syndicates</p> <p>Sec. 3 – Support of relevant agencies; HUDCC and DOJ to call on the following agencies for support, assistance and cooperation:</p> <ul style="list-style-type: none"> • PCUP • DILG • DENR • PNP • National Urban Poor Council of the NAPC • NBI • LRA • OSG <p>Above-agencies to designate full-time staff to coordinate and work closely with HUDCC and DOJ.</p> <p>Sec. 4 – National Police Task Force (NPTF) of the PNP to apprehend squatting syndicates and professional squatters; to serve as the operational arm of HUDCC in the drive against squatting syndicates and professional squatters.</p> <p>Sec. 5 – PCUP as the secretariat support to HUDCC, DOJ and NPTF.</p>
EO 152 (s. 2002)	<p>PCUP designated as sole clearing house for the conduct of eviction and demolition activities involving the homeless and underprivileged citizens</p> <p>A number of the Functions of PCUP as clearing house:</p> <ul style="list-style-type: none"> • Monitor all evictions and demolitions, whether extra-judicial or court-ordered • Prior to actual eviction or demolition, require the concerned departments and agencies, including the LGUs , to secure the checklist, guidelines and compliance certificates from the PCUP • After the evictions, the concerned department and agencies shall submit to the PCUP the completed checklist, attested to under oath by the proponent, indicating that • Adequate consultations with affected families have already been undertaken <p>Issue demolition and eviction compliance certificates based on completed checklist ...</p>
EO 152 Implementing Guidelines (s.2002)	<p>Types of eviction and demolition</p> <ol style="list-style-type: none"> a) Court-ordered eviction and demolition – It is eviction and demolition by virtue of a writ issued by a court of competent jurisdiction. b) Extra-judicial eviction and demolition – It is eviction and demolition without the need of a court order and pertains to the underprivileged and homeless citizens and their dwellings occupying : <ol style="list-style-type: none"> 1) Danger areas

	<p>2) Public places and 3) Government infrastructure projects with available funding</p> <p>c) Summary eviction and demolition – It is the immediate removal and the dismantling by the LGUs or authorized government agencies of structures of professional squatters</p> <p>d) Members of squatting syndicates</p> <p>e) New illegal structures (Sec. 3 [p])</p>
EO 708 (s. 2008) on devolving to LGUs the PCUP’s function as a sole clearing house for demolition and eviction	<p>Invokes local autonomy as the basis for devolving to LGUs the function of clearing house for demolition and eviction which was assigned to PCUP under E.O. 152; assigns PCUP to do monitoring and reporting functions;</p> <p>Prescribes the creation of local housing boards</p> <p>Creation of local housing boards</p>
DILG Memo Circular 156 (2008) on Guide to LGU	<p>Guide to Comprehensive Development Plan (CDP) Preparation for local government units</p> <p>Local planning council – Local development council, and sectoral and functional committees as lead offices;</p> <p>Incorporates budget for socialized housing as a percent of total budget on social development as example in preparing the sector plans to be included in the CDP</p> <p>Preparation of comprehensive development – presents the procedures, tools and techniques to be used in each step of the comprehensive development planning process that entails four major parts: Part I – Organizing and mobilizing the planning structure;</p> <p>Part II – Preparing the CDP; Part III – Implementing the CDP; and Part IV – Plan Monitoring and Evaluation</p>
DILG - Memo Circular 143 (2008) to LGUs	<p>Implements E.O.708 (s.2008) through the creation Local Housing Boards in all LGUs and provides powers and functions</p> <p>LHB composition:</p> <ul style="list-style-type: none"> • Mayor as chair • Members: <ul style="list-style-type: none"> ○ Chairperson of Sanggunian Committee on Housing and Urban Development or its equivalent ○ City or Municipal Planning and Development Coordinator ○ City or Municipal Engineer ○ Representative from PCUP ○ Representative of duly accredited PO ○ Representative of a SE-accredited NGO <p>Application for issuance of an Eviction or Demolition Compliance Certificate</p> <p>Exemption clause – Compliance certificate requirement shall not cover court-ordered evictions and demolitions.</p>

	<p>Provision for authorized police assistance to proponent of eviction and demolition, including enactment of ordinance, requirements for exemption, specification of sanctions for non-compliance and responsibility of DILG Regional Directors and the BLGS.</p> <p>Sanctions for failure to comply – (1) disciplinary action as provided under 1991 LGC; (2) prosecution under the penalty clause of RA 7279</p>
<p>DILG Memo Circular 155 (2009) Reiteration re: Submission of lands and identification of sites for socialized housing and list of beneficiaries (compliance to RA 7279 [UDHA] of 1992</p>	<p>City and Municipal government through their local chief executives (LCEs) direct their planning and development offices to and their designated zoning administrators to conduct inventory of residential lands, government lands owned by the national government or any of its subdivisions, instrumentalities or agencies including GOCCS and their subsidiaries, unregistered or abandoned lands and other lands.</p> <p>CPDOs/MPDOs as lead offices in coordination with NHA, HLURB, NAMRIA and LMB.</p> <p>Cities and municipalities to identify lands for socialized housing and resettlement areas for the immediate and future needs of the underprivileged and homeless in the urban areas and to identify actual number of registered beneficiaries.</p>
<p>DILG Memo Circular 134 (2010) on compliance to Section 28 of RA 7279 (UDHA) and Section 27 of the Local Government Code of 1991</p>	<p>Directive to LGUs to comply with requirement regarding provision for adequate consultation and relocation before any eviction or demolition is carried out.</p> <p>MMDA as lead agency, in coordination with the DPWH, LGUs and concerned agencies to dismantle and remove all structures, constructions and other encroachments built in breach of RA 7272 and other pertinent laws along the rivers, waterways, and esteros in Metro Manila.</p> <p>LGUs are directed to inform DILG regional/provincial/ city directors, CLGOO and/or MLGOO of their respective localities at least seven (7) working days prior to any intended eviction/demolition</p> <p>Defines adequate relocation to mean full compliance with Section 21 of RA 7279 on basic facilities and services and financial assistance as not allowed as an alternative to adequate relocation, except for court-ordered evictions/demolitions.</p> <p>LGUs to use the LGU’s Guidebook for Local Housing Project/Program prepared by HUDCC.</p>
<p>DILG Memo 17 (2011) Circular on the prevention of the proliferation of informal settlers</p>	<p>Reminder to LGUs to adopt measures to prevent and control the proliferation of squatters and mendicants in the barangay</p> <p>Defines the mandates of LGUs and actions required of the Punong Barangay, City Mayor Mayors or Municipal Mayors and responsibilities of the DILG Regional Directors</p> <p>Imposes sanctions for non-compliance</p> <p>Implement measures to effectively curtail and further increase in the number of informal settlers and mendicants in the locality and finds ways to relocate existing informal settlers in a site (s) with due regard to general welfare and well-being</p>

Appendix 3

List of Department of Interior and Local Government (DILG) Memorandum circulars

1. DILG Memo. Circular No. 2011-17 (January 31, 2011), on the prevention of the proliferation on informal settlers
2. DILG Memo. Circular No. 2010-134 (November 30, 2010), on the LGU compliance to Section 29 of RA 7279 (UDHA) and Section 27 of the 1991 Local Government Code
3. DILG Memo. Circular No. 2010-031 (August 29, 2010), on the dismantling and removal of illegal structures, constructions and other encroachments in violation of RA No. 7279 and other applicable laws
4. DILG Memo. Circular No. 2009-155 (October 01, 2009), on reiteration of submission of inventory of lands and identification of sites for socialized housing and list of beneficiaries (compliance to RA 7279 [UDHA] of 1992);
5. DILG Memo. Cir. 2008-143 (s. 2008), on creation Local Housing Boards in LGUs

Appendix 4

Table 3. Rule of Law Principles Applied in the Implementation of National Laws Guiding UPAO's Operations

Rule of Law Principles	Constitutional and Legal Basis	Specific Provisions
Legality	Local Government Code of 1991	Rule 1, Article 3. "...the State shall provide for a more responsive and accountable local government structure instituted through a system of decentralization whereby LGUs shall be given more powers, authority, responsibilities and resources. The Process of decentralization shall proceed from the National Governments to the LGUs.
	Urban Development and Housing Act [UDHA] (Republic Act No. 7279, July 22, 1991)	SEC. 21. Basic Services. – Socialized housing or resettlement areas shall be provided by the local government unit or the National housing Authority in cooperation with the private developers and concerned agencies with the following basic services and facilities.

		<p>a. Potable water; b. Power and electricity and an adequate power distribution system; c. Sewerage facilities and an efficient and adequate power distribution system; and d. Access to primary roads and transportation facilities.</p> <p>The provision of other basic services and facilities such as health, education, communications, security, recreation, relief and welfare shall be planned and shall be given priority for implementation by the local government unit and concerned agencies in cooperation with the private sector and the beneficiaries themselves. The local government unit, in coordination with the concerned national agencies, shall ensure that these basic services are provided at the most cost-efficient rates, and shall set a mechanism to coordinate operationally the thrusts, objectives and activities of other government agencies concerned with providing basic services to housing projects.</p> <p>SEC. 22. Livelihood Component. – To the extent feasible, socialized housing and resettlement projects shall be located near areas where employment opportunities are accessible. The government agencies dealing with the development of livelihood programs and grant of livelihood loans shall give priority to the beneficiaries of the Program.</p> <p>SEC 28. Eviction and Demolition. – Eviction or demolition as a practice shall be discouraged. Eviction or demolition, however, may be allowed under the following situations: a. When persons or entities occupy danger areas such as esteros, railroad tracks, garbage dumps, riverbanks, shorelines, waterways, and other public places such as sidewalks, roads, parks, and playgrounds; b. When government infrastructure projects with available funding are about to be implemented; or c. When there is a court order for eviction and demolition.</p> <p>In the execution of eviction or demolition orders involving underprivileged and homeless citizens, the following shall be mandatory; 1. Notice upon the affected persons or entities at least thirty (*30) days prior to the date of eviction or demolition; 2. Adequate consultations on the matter of resettlement with the duly designated representatives of the families to be resettled and the affected communities in the areas where they are to be relocated; 3. Presence of Local government officials or their representatives during eviction or demolitions; 4. Proper identification of all persons taking part in the demolition; 5. Execution of eviction or demolition only during regular office hours from Mondays to Fridays and during good weather, unless the affected families consent otherwise; 6. No use of heavy equipment for demolition except for structures that are permanent and other of concrete materials; 7. Proper uniforms for members of the Philippines National Police who shall occupy the first line of law enforcement and observe proper disturbance control procedures; and 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</p>
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		other government agencies within forty-five (45) days from service of notice of final judgment by the court, after which period the said 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 daily wage multiplied by sixty (60) days shall be extended to the affected families by the local government unit concerned.
	Anti-graft and Corrupt Practices Act	(d) Political neutrality – Officials and employees shall provide service to everyone without unfair discrimination regardless of party affiliation or preference.
Consistency	Urban Development and Housing Act [UDHA] (Republic Act No. 7279, July 22, 1991)	SEC. 44. Moratorium on Eviction and Demolition. – There shall be a moratorium on the eviction of all program beneficiaries and on the demolition of their houses or dwelling units for a period of three (3) years from the effectivity of this Act: Provided, That the moratorium shall not apply to those persons who have constructed their structures after the effectivity of this Act and for cases enumerated in Section 28 hereof.
Enforceability	Local Government Code of 1991	SEC. 39. Role of Local Government Units. - The local government units shall be charged with the implementation of this Act in their respective localities, in coordination with the Housing and Urban Development Coordinating Council, the national housing agencies, the Presidential Commission for the Urban Poor, the private sector and other nongovernment organizations. They shall prepare a comprehensive land use plan for their respective localities in accordance with the provisions of this Act.
	Urban Development and Housing Act [UDHA] (Republic Act No. 7279, July 22, 1991)	SEC 29. Resettlement. - Within two (2) years from the effectivity of this Act, the Local government units, in coordination with the National Housing Authority, shall implement the relocation and resettlement of persons 60 living in danger areas such as esteros, railroad tracks, garbage dumps, riverbanks, shorelines, waterways, and in other public places such as sidewalks, roads, parks, and playgrounds. The local government unit, in coordination with the National Housing Authority, shall provide relocation or resettlement sites with basic services and facilities and access to employment and livelihood opportunities sufficient to meet the basic needs of the affected families.
Accessibility	Anti-graft and Corrupt Practice Act	(e) <i>Responsiveness to the public</i> – Officials and employees shall extend prompt, courteous, and adequate service to the public. Unless otherwise provided by law or when required by the public interest, officials and employees shall provide information on their policies and procedures in clear and understandable language, ensure openness of information, public consultations and hearings whenever appropriate, encourage suggestions, simplify and systematize policy, roles and procedures, avoid red tape and develop an understanding and appreciation of the socio-economic conditions prevailing in the country, especially in the depressed rural and urban areas.
	Local Government Code of 1991	Section 411. Form of settlement. - All amicable settlements shall be in writing, in a language or dialect known to the parties, signed by them, and attested to by the lupon chairman or the pangkat chairman, as the case may be. When the parties to the dispute do not use the same language or dialect, the settlement shall be written in the language known to them.
	Rules implementing the code of conduct and ethical Standards for public officials and employees (republic act no. 6713 s. 1989)	Rule IV Transparency of Transactions and Access to Information Section 1. Subject to reasonable conditions prescribed by law, the State adopts and implements a policy of full public disclosure of all its transactions involving public interest. Section 2. It is the responsibility of heads of departments, offices and agencies to establish measures and standards that will ensure transparency of and openness in public transactions in their respective offices, such as biddings, purchases, other internal transactions, including contracts, status of projects, and all other matters involving public interest.

		<p>They shall establish information systems that will inform the public of the following:</p> <ul style="list-style-type: none"> (a) policies, rules, and procedures; (b) work programs, projects, and performance targets; (c) performance reports; and (d) all other documents as may hereafter be classified as public information. <p>Such information shall be utilized solely for the purpose of informing the public of such policies, programs and accomplishment, and not to build the public image of any official or employee or to advance his own personal interest.</p> <p>Section 3. Every department, office or agency shall provide official information, records or documents to any requesting public, except if:</p> <ul style="list-style-type: none"> (a) such information, record or document must be kept secret in the interest of national defense or security or the conduct of foreign affairs. (b) such disclosure would put the life and safety of an individual in imminent danger; (c) the information, record or document sought falls within the concepts of established privilege or recognized exceptions as may be provided by law or settled policy or jurisprudence; (d) such information, record or document compromises drafts or decisions, orders, rulings, policy, decisions, memoranda, etc; (e) it would disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy; (f) it would disclose investigatory records compiled for law enforcement purposes, or information which if written would be contained in such records or information would (I) interfere with enforcement proceedings, (ii) deprive a person of a right to a fair trial or an impartial adjudication, (iii) disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, or (iv) unjustifiably disclose investigative techniques and procedures; or (g) it would disclose information the premature disclosure of which would (I) in the case of a department, office or agency which agency regulates currencies, securities, commodities, of financial institutions, be likely to lead to significant financial speculation in currencies, securities, or commodities or significantly endanger the stability of any financial institution, or (ii) in the case of any department, office or agency be likely or significantly to frustrate implementation of a proposed official action, except that subparagraph (f) (ii) shall not apply in any instance where the department, office or agency has already disclosed to the public the content or nature of its proposed action, or where the department, office or agency is required by law to make such disclosure on its own initiative prior to taking final official action on such proposal.
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		<p>Section 4. Every head of department, office and agency shall establish information systems and networks that will effect the widest possible dissemination of information regarding the provisions of the Code, and the policies and programs relative thereto.</p>
	<p>Rules implementing the code of conduct and ethical Standards for public officials and employees (republic act no. 6713 s. 1989)</p>	<p>Rule VI Duties of Public Officials and Employees</p> <p>Section 1. As a general rule, when a request or petition, whether written or verbal, can be disposed of promptly and expeditiously the official and employee in charge to whom the same is presented shall do so immediately, without discrimination, and in no case beyond fifteen (15) working days from receipt of the request or petition.</p> <p>Section 2. In departments, offices or agencies that are usually swamped with persons calling for a particular type of service, the head of the department, office or agency shall devise a mechanism so as to avoid long queues, such as by giving each person a ticket number duly countersigned which shall specify the time and the date when the person, whose name and address shall be indicated, can be served without delay. Said person shall have the right to prompt service upon presentation of said ticket number.</p> <p>Section 3. In case of written requests, petitions or motions, sent by means of letters, telegrams, or the like, the official or employee in charge shall act on the same within fifteen (15) working days from receipt thereof, provided that:</p> <p>(b) If the communication is within the jurisdiction of the office or agency, the official and employee must:</p> <p>(1) Write a note or letter of acknowledgement where the matter is merely routinary or the action desired may be acted upon in the ordinary course of business of the department, office or agency, specifying the date when the matter will be disposed of and the name of the official or employee in charge thereof.</p> <p>(2) Where the matter is non-routinary or the issues involved are not simple or ordinary, write a note or letter of acknowledgement, informing the interested party, petitioner or correspondent of the action to be taken or when such requests, petitions or motions can be acted upon. Where there is a need to submit additional information, requirements, or documents, the note or letter of acknowledgement shall so state, specifying a reasonable period of time within which they should be submitted, and the name of the particular official or employee in charge thereof. When all the documents or requirements have been submitted to the satisfaction of the department or office or agency concerned, the particular official or employee in charge shall inform the interested party, petitioner, or correspondent of the action to be taken and when such action or disposition can be expected, barring unforeseen circumstances.</p> <p>(c) If communication is outside its jurisdiction, the official or employee must:</p> <p>(1) Refer the letter, petition, telegram, or verbal request to the proper department, office or agency.</p> <p>(2) Acknowledge the communication by means of a note or letter, informing the interested party, petitioner, correspondent of the action taken and attaching a copy of the letter of the letter of referral to the proper department, office or agency.</p>

		<p>The department, office or agency to which the letter, petition, telegram or verbal request was referred for appropriate action must take action in accordance with subsection (a), pars. 1 and 2 hereof.</p> <p>The period of fifteen (15) working days herein provided shall be counted from the date of receipt of the written or verbal communication by the department, office or agency concerned.</p> <p>Section 4. All official papers and documents must be processed and completed within a reasonable time from the preparation thereof. Reasonable time shall be determined in accordance with the following rules:</p> <p>(b) When the law or the applicable rule issued in accordance therewith prescribes a period within which a decision is to be rendered or an action taken, the same shall be followed;</p> <p>(c) When the law or the applicable rule issued in accordance therewith does not prescribe a period, the head of department, office or agency shall issue rules and regulations prescribing, among other things, what is reasonable time, taking into account the following factors:</p> <p>(1) Nature, simplicity or complexity of the subject matter of the official papers of documents processed by said department, office or agency.</p> <p>(2) Completeness or inadequacy of requirements or of data and information necessary for decision or action;</p> <p>(3) Lack of resources caused by circumstances beyond the control of the department, office or agency or official or employee concerned;</p> <p>(4) Legal constraints such as restraining orders and injunctions issued by proper judicial, quasi-judicial or administrative authorities; and</p> <p>(5) Fault, failure or negligence of the party concerned which renders decision or action not possible or premature; and</p> <p>(6) Fortuitous events or force majeure.</p> <p>Section 6. All public documents must be made accessible to and readily available for inspection by, the public during working hours, except those provided in Section 3. Rule IV.</p> <p>Section 7. All heads or other responsible officers of departments, offices or agencies of the government and of government-owned or controlled corporations shall, within forty five (45) working days from the end of the year, render a full and complete report of performance and accomplishments, as prescribed by existing laws and regulations.</p>
Right to be Heard	RA No. 7160 Local Government Code of 1991	Section 65. Rights of Respondent. - The respondent shall be accorded full opportunity to appear and defend himself in person or by counsel, to confront and cross-examine the witnesses against him, and to require the attendance of

		witnesses and the production of documentary process of subpoena or subpoena duces tecum.
	Urban Development and Housing Act [UDHA] (Republic Act No. 7279, July 22, 1991)	<p>SEC. 23. Participation of Beneficiaries. – The local government units, in coordination with the Presidential Commission for the Urban Poor and concerned government agencies, shall afford Program beneficiaries or their duly designated representatives an opportunity to be heard and to participate in the decision-making process over matters involving the protection and promotion their legitimate collective interests which shall include appropriate documentation and feedback mechanisms. They shall assist the Government in preventing the incursions of professional squatters and members of squatting syndicates into their communities.</p> <p>In instances when the affected beneficiaries have failed to organize themselves or form an alliance within a reasonable period prior to the implementation of the program or projects affecting them, consultation between the implementing agency and the affected beneficiaries shall be conducted with the assistance of the affected beneficiaries shall be conducted with the assistance of the Presidential Commission for the Urban Poor and the concerned nongovernment organization.</p>
Right to Appeal	Executive order no. 292-Administrative Code of 1987	<p>Chapter 4 Administrative Appeal in Contested Cases</p> <p>Sec. 19. Appeal. - Unless otherwise provided by law or executive order, an appeal from a final decision of the agency may be taken to the Department head.</p>
	RA No. 7160 Local Government Code of 1991	<p>Section 67. Administrative Appeals. - Decisions in administrative cases may, within thirty (30) days from receipt thereof, be appealed to the following:</p> <p>(a) The sangguniang panlalawigan, in the case of decisions of the sangguniang panlungsod of component cities and the sangguniang bayan; and</p> <p>(b) The Office of the President, in the case of decisions of the sangguniang panlalawigan and the sangguniang panlungsod of highly urbanized cities and independent component cities.</p> <p>Decisions of the Office of the President shall be final and executory.</p> <p>Section 68. Execution Pending Appeal. - An appeal shall not prevent a decision from becoming final or executory. The respondent shall be considered as having been placed under preventive suspension during the pendency of an appeal in the event he wins such appeal. In the event the appeal results in an exoneration, he shall be paid his salary and such other emoluments during the pendency of the appeal.</p>
Transparency	RA No. 7160 Local Government Code of 1991	<p>Section 27. Prior Consultations Required. - No project or program shall be implemented by government authorities unless the consultations mentioned in Sections 2 (c) and 26 hereof are complied with, and prior approval of the sanggunian concerned is obtained: Provided, That occupants in areas where such projects are to be implemented shall not be evicted unless appropriate relocation sites have been provided, in accordance with the provisions of the Constitution.</p>
	Rules implementing the code of conduct and ethical Standards for public officials and employees (Republic Act no. 6713 s. 1989)	<p>Rule IV Transparency of Transactions and Access to Information</p> <p>Section 1. Subject to reasonable conditions prescribed by law, the State adopts and implements a policy of full public disclosure of all its transactions involving public interest.</p> <p>Section 2. It is the responsibility of heads of departments, offices and agencies to establish measures and standards that will ensure transparency of and openness in public transactions in their respective offices, such as biddings, purchases, other internal transactions, including contracts, status of projects, and all other matters involving public</p>

Accountability	RA No. 7160 Local Government Code of 1991	<p>interest.</p> <p>Section 30. Review of Executive Orders. –</p> <p>(a) Except as otherwise provided under the Constitution and special statutes, the governor shall review all executive orders promulgated by the component city or municipal mayor within his jurisdiction. The city or municipal mayor shall review all executive orders promulgated by the punong barangay within his jurisdiction. Copies of such orders shall be forwarded to the governor or the city or municipal mayor, as the case may be, within three (3) days from their issuance. In all instances of review, the local chief executive concerned shall ensure that such executive orders are within the powers granted by law and in conformity with provincial, city, or municipal ordinances.</p> <p>(b) If the governor or the city or municipal mayor fails to act on said executive orders within thirty (30) days after their submission, the same shall be deemed consistent with law and therefore valid.</p>
	Urban Development and Housing Act [UDHA] (Republic Act No. 7279, July 22, 1991)	<p>SEC. 30. Prohibition Against New Illegal Structures. - It shall be unlawful for any person to construct any structure in areas mentioned in the preceding section.</p> <p>After the effectivity of this Act, the barangay, municipal or city government units shall prevent the construction of any kind of illegal dwelling units or structures within their respective localities. The head of any local government unit concerned who allows, abets or otherwise tolerates the construction of nay structure in violation of this section shall be liable to administrative sanction under existing laws and to penal sanctions provided for in this Act.</p>
	Rules implementing the code of conduct and ethical Standards for public officials and employees (Republic Act no. 6713 s. 1989)	<p>Rule IX Conflict of Interest and Divestment</p> <p>Section 1. (a) An official or employee shall avoid conflict of interest at all times. (b) Conflict of interest occurs:</p> <p>(1) When the official or employee is:</p> <ul style="list-style-type: none"> (a) a substantial stockholder; or (b) a member of the Board of Directors; or (c) an officer of the corporation; or (d) an owner or has substantial interest in a business; or (e) a partner in a partnership; and <p>(2) The interest of such corporation or business, or his rights or duties therein, are opposed to or affected by the faithful performance of official duty.</p> <p>Section 2. (a) When a conflict of interest arises, the official or employee involved shall resign from his position in any private business enterprise within thirty (30) days from his assumption of office and/or divest himself of his share-holdings or interests within sixty (60) days from such assumption. For those who are already in the service, and conflict of interest arises, the officer or employee must resign from his position in the private business enterprise and/or divest himself of his shareholdings or interests within the periods herein-above provided, reckoned from the date when the conflict of interest had arisen. The same rule shall apply where the public official or employee is a partner in a partnership.</p>

		<p>(b) If the conditions in Section 1 (b) concur, divestment shall be mandatory for any official or employee even if he has resigned from his position in any private business enterprise.</p> <p>(c) Divestment shall be to a person or persons other than his spouse and relatives within the fourth civil degree of consanguinity or affinity.</p> <p>(d) The requirements for divestment shall not apply to those specifically authorized by law and those who serve the government in an honorary capacity nor to laborers and casual or temporary workers.</p>
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RA 7279, Section 3. Definition of Terms For purposes of this Act

"Consultation" refers to the constitutionally mandated process whereby the public, on their own or through people's organizations, is provided an opportunity to be heard and to participate in the decision-making process on matters involving the protection and promotion equitably as possible among competing user groups and for different functions consistent with the development plan of the area and the Program under this Act; [Section 3 (d)]

"Professional squatters" refers to individuals or groups who occupy lands without the express consent of the landowner and who have sufficient income for legitimate housing. The term shall also apply to persons who have been previously awarded home lots or housing units by the Government but who sold, leased or transferred the same to settle illegally in the same place or in another urban area, and non-bona fide occupants and intruders of lands reserved for socialized housing period. The term shall not apply to individuals or groups who simply rent land and housing from professional squatters or squatting syndicates; [Section 3 (m)]

"Resettlement areas" refers to areas identified by the appropriate national agency or by the local government unit with respect to areas within its jurisdiction, which shall be used for the relocation of the underprivileged and homeless citizens; [Section 3 (n)]

"Socialized housing" refers to housing programs and projects covering houses and lots or home lots only undertaken by the Government or the private sector for the underprivileged and homeless citizens which shall include sites and services development, long-term financing, liberalized terms on interest payments and such other benefits in accordance with the provisions of this Act; [Section 3 (r)]

"Squatting syndicates" refers to groups of persons engaged in the business of squatter housing for profit or gain; [Section 3 (s)]

"Underprivileged and homeless citizens" refers to the beneficiaries of this Act and to individuals or families residing in urban and urbanizable areas whose income or combined household income falls within the poverty threshold as defined by the National Economic and Development Authority and who do not own housing facilities. This shall include those who live in makeshift dwelling units and do not enjoy security of tenure. [Section 3 (t)]

Appendix 5

RA 7279 Urban Development Housing Act (UDHA) stipulations

The issues to be discussed are also stipulated in the UDHA, as follows:

1. Possible relocation sites – include modes of payment, tenure, facilities, and services thereat. This may be accompanied by an ocular inspection of the possible relocation site.
2. Advantages of voluntary dismantling
3. Dismantling and resettlement procedures
4. Submission of requirements (family picture, marriage certificate, etc.)
5. School accommodation of children
6. Role of agencies involved, such as but not limited to the DSWD, PNP, DECS, DPWH, NHA, the PCUP and the CHR, etc.
7. Other problems and issues to ensure peaceful and orderly relocation operation