

IMPLEMENTING RULES AND REGULATIONS GOVERNING SUMMARY EVICTION

The Department of the Interior and Local Government And The Housing and Urban Development Coordinating Council

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This implementing Rules and Regulations (IRR) is enacted pursuant to Section 44, Article XII of Republic Act. No. 7279, otherwise known as the “Urban Development and Housing Act” which provides xxx” that the moratorium shall not apply to those persons who have constructed their structures after the effectivity of this Act for cases enumerated in Section 28 hereof.”

This implementing Rules and Regulations (IRR) is formulated in furtherance of Section 27, Paragraph (2), which provides, “Any person or group identified as professional squatter and squatting syndicated shall be summarily evicted and their dwellings or structures demolished, and shall be disqualified to avail the benefits of the Program,” and Section 30 paragraph (2) which provides, “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.xxx”

SECTION 1. Definition of Terms,- For the purpose of this Implementing Rules and Regulations, the terms or words and phrases used herein shall mean as follows:

- 1.0 SUMMARY EVICTION- Refers to the immediate dismantling of new illegal structures by the local government units or government agency authorized to demolished in coordination with the affected urban poor organizations without providing the structure owner(s) any benefits of the Urban Development and Housing Program.
- 2.0 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 previously been awarded homelots or housing units by the Government but who sold, leased or transferred the same and settled illegally in the same place or in another urban area, and non-bona fide occupants and intruders of lands reserved for socialized housing. The Term shall not apply to individuals or groups, who simply rent land and housing from professional squatters or squatting syndicates.
- 3.0 SQUATTING SYNDICATES – Refers to groups of persons engaged in the illegal business of squatter housing for profit or gain.
- 4.0 NEW SQUATTER – Refers to individual groups who occupy land without the express consent of the landowner after March 28, 1992. Their structures shall be

dismantled and appropriate charges shall be filed against them by the proper authorities if they refuse to vacate the premises.

SECTION 2. Coverage – The following shall be subject for summary eviction:

- 1.0 New squatter families whose structures were built after the effectivity of RA 7279; and
- 2.0 Squatter families identified by the LGU in cooperation with the Presidential Commission of the Urban Poor (PCUP), Philippine National Police (PNP) and accredited Urban Poor organization (UPO) as professional squatters or members of squatting syndicates as defined in the Act.

SECTION 3. Procedures and Guidelines

- 1.0 Pre-requisite
 - 1.1 The LGU or the concerned agency authorized to demolished thru their Task Forces on Relocation and Resettlement (TFRR) shall direct its Surveillance Team to conduct an ocular site inspection within 24 hours upon receipt of reports of violation by squatter families. A written report on newly sighted illegal structure shall be prepared and signed by the team leader and any one representative of the UPO or PCUP; and which shall be submitted to the TFRR for immediate action.
 - 1.2 Upon receipt of report from the Team, the Chairman of TFRR shall notify the PNP for the scheduled summary eviction and requests security assistance therefore;
 - 1.3 The TFRR shall submit a copy of the surveillance Team's report to the PCUP.
- 2.0 Issuance of Summary Eviction Notice
 - 2.1 The Summary Eviction Notice shall be signed by the mayor or his authorized representative worded and printed in English and Filipino or local dialect.
 - 2.2 The notice shall specify the date and time and the summary eviction will be undertaken by the LGU.
 - 2.3 The notice shall be prepared in triplicate copies, the original to the affected family second copy to be held by the Task Force and the third copy to the PCUP Office.
 - 2.4 The notice shall be served by personal delivery to the squatter family. The occupant or any adult member of this household shall be requested to acknowledge receipt of the notice. Should the person refuse acknowledge the notice, the same shall be affixed conspicuously to the addressee's dwelling.

The serving official shall write on the duplicate copies of the notice in the absence or refusal of the occupant to receive and acknowledge the same, and the date and time of its issuance or posting.

2.5 In the Issuance of notice, the following shall be strictly observed:

- a. For on-going construction, no notice shall be served. Dismantling of the structures shall be immediately enforced by the LGU or the concerned agency to demolish.
- b. For unoccupied structures whether under construction or completed, notice shall be immediately served addressed to the Barangay Chairman, Dismantling structures shall be enforced within 24 hours.
- c. For unoccupied structures, notice shall be issued seven (7) days prior to actual dismantling to provide occupants enough time to voluntarily vacate and dismantle their structures. If they refuse to do so, the Task Force shall conduct the actual dismantling activity;

3.0 Implementation of Eviction Process

3.1 Pre-Eviction

- a. The eviction team must present duly signed document or authority to dismantle to the occupants present and introduce themselves as the body duly constituted to implement the eviction operation.

3.2 Actual Eviction

- a. If the dwelling unit /structure is closed or padlocked, the team shall cause the door to be opened forcibly in the presence of the Barangay representative.
 - b. If the dwelling unit/structure is open, the eviction team will order the occupants to move out of the structure and remove their valuables and other belongings which they wish to remove and they shall be given one hour to do this.
 - c. Persons who refuse to leave the structure to be dismantled shall be moved out by force. The Barangay Official present shall be required to assist the dismantling team to perform this act. If only the minors are left in the premises by the household head or occupant, the Team shall leave these minors with the Barangay Chairman or President of the Community Association or the immediate neighbors where their parents or guardian may claim.
- b. Whether the occupants voluntarily vacate or not, the Team leader will order the dismantling crew to remove all the occupants' belongings out of the premises. An inventory of the same shall be entrusted to the Barangay Chairman as well as the dismantled materials to be impounded. Materials and belongings unclaimed within 15 days shall be utilized for the improvement of the concerned barangay. Light and water connections shall be cut. Removal of belongings/furniture or dismantling of a structure shall be done carefully to the extent possible to avoid unnecessary destruction.

3.0 Post Eviction

- a. After the structure has been dismantled, the Team shall clear and secure the area and take measures to prevent re-entry of evicted

occupants as well as any other intruders. If the occupants should surreptitiously re-enter premises and refuse to vacate, the Eviction Team shall re-evict them without notice and cause the filing or criminal charges against them.

- b. The Team Leader of the TFRR shall prepare the eviction report which substantially recites the proceedings, the inventory of belongings removed and structures dismantled. The members of the team shall sign this report as well as the Barangay Chairman to attest the manner in which the eviction was conducted and the accuracy of the inventory. If the squatter family is willing, he may also sign the report.
- c. The eviction report shall be prepared in triplicate, the original to be filed with the Task Force, the duplicate with the Barangay Chairman and the triplicate with the PCUP office.

SECTION 4. Penalty Clause – Any person who violates any provision of RA 7279 shall be imposed the penalty of not more that six (6) years of imprisonment or a fine of not less than Five Thousand Pesos (P5,000.00) but not more than One Hundred Thousand Pesos (P100,000.00) or both, at the discretion or judicial entity, the penalty shall be imposed on the officer who caused the violation, as provided for Section 45 of Republic Act 7279.

SECTION 5. Amendment Clause - The Housing and Urban Development Coordinating Council (HUDCC) in coordination with the Department of Interior and Local Government (DILG) may issue final amendatory guidelines to supplement this Implementing Rules and Regulations.

SECTION 6. Separability Clause – The provisions of this Implementing Rules and Regulations are hereby declared separable, and in the event that any such provision are declared null and void, the validity of all other provision shall not be affected hereby.

SECTION 7. Effectivity – This Implementing Rules and Regulations shall take effect immediately upon publication in at least one (1) newspaper of general publication.

APPROVED, this 3rd day of November 1993, Mandaluyong Metro Manila.

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