



REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT
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November 30, 2010

OFFICE OF THE SECRETARY

MEMORANDUM CIRCULAR

No. 2010- 134

To: All Provincial Governors, City/Municipal Mayors, Local Development Councils, Local Housing Boards, DILG Regional Directors, Provincial/City Directors, CLGOOs, MLGOOs, and all others concerned

Subject: LGU Compliance to Section 28 of RA 7279 (UDHA) and Section 27 of Local Government Code

Under Section 28 of the Urban Development and Housing Act of 1992 (RA 7279), eviction or demolition may be allowed *"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."*

The Supreme Court, in the case of **"MMDA, et al. vs. Concerned Citizens of Manila Bay, represented by Divina Ilas, et al., G.R. Nos. 171947-48, December 18, 2008"**, allowed the 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 7279 and other pertinent laws along the rivers, waterways, and *esteros* in Metro Manila. With respect to rivers, waterways, and *esteros* in Bulacan, Bataan, Pampanga, Cavite, and Laguna that discharge wastewater directly or eventually into the Manila Bay, the DILG was instructed by the Supreme Court to direct the concerned LGUs to implement the demolition and removal of such structures, constructions, and other encroachments built in violation of RA 7279 and other applicable laws in coordination with the DPWH and concerned agencies.

While the Department has authority to direct LGUs to demolish those illegal structures, the same is conditioned on full compliance with Section 28 of RA 7279, which provides, in part, as follows:

*"In the execution of eviction or demolition orders involving underprivileged and homeless citizens, the following shall be **mandatory**:*

- (1) Notice upon the effected persons or entities at least thirty (30) days prior to the date of eviction or 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 Philippine 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 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.”

The Local Government Code, specifically, Section 27, provides that occupants in areas where government projects, whether national or local, are to be implemented shall not be evicted unless appropriate relocation sites have been provided, and pursuant to **Title XII (Local Government) of the Administrative Code of 1987 and Sec. 25 of the Local Government Code of 1991**, the DILG, in exercising the President’s power of general supervision and its duty to promulgate guidelines consistent with the foregoing provisions of the law, but without prejudice to Section 27 of RA 7279 which calls for action against professional squatters and squatting syndicates, all LGUs are directed to strictly comply with the provisions of Section 28 of RA 7279, specially on **providing for an ADEQUATE CONSULTATION AND RELOCATION for settlers BEFORE** any eviction or demolition is carried out. **No eviction or demolition shall be implemented** without insuring that the duly designated representatives of the families to be resettled **and** the affected communities in the areas where they are to be relocated are properly consulted. “Adequate” relocation shall mean full compliance with Section 21 of RA 7279 on basic facilities and services. Financial assistance shall not be allowed as an alternative to adequate relocation, except for court-ordered evictions/demolitions.

LGUs are further directed to inform DILG Regional/Provincial/City Directors, CLGOOs and/or MLGOOs of their respective localities at least seven (7) working days PRIOR to any intended eviction/demolition.

For purposes of equipping LGUs in complying with the law, and in addition to the Circulars already issued by the Department on socialized housing programs, LGUs shall observe the "*LGU's Guidebook for Local Housing Project/Proram*" issued by the Housing and Urban Development Coordinating Council (HUDCC).

All DILG Regional/Provincial/City Directors, CLGOOs and MLGOOs are directed to monitor full compliance by LGUs to this Circular, and take all appropriate actions, including but not limited to, issuance of timely order of suspension of administrative demolitions/evictions pending review of proofs of compliance to Section 28, RA 7279. Reports of actions taken shall be immediately submitted to the Office of the Secretary.

DILG field offices are directed to cause the widest dissemination of this Circular to all LGUs.

Any violation of this Circular shall be subject to the application of criminal penalties under Section 45 of RA 7279, in addition to appropriate administrative sanctions.

For strict compliance and guidance


JESSE M. ROBREDO
Secretary

