



Republic of the Philippines

DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT

DILG-NAPOLCOM Center, EDSA corner Quezon Avenue, West Triangle, Quezon City

http://www.dilg.gov.ph



**POLICIES AND GUIDELINES ON THE MONITORING, TREATMENT, AND
RESETTLEMENT OF INFORMAL SETTLER FAMILIES AND THE MAINTENANCE OF
CLEARED AREAS**

Memorandum Circular No. 2017-89
July 18, 2017

1.0 Background

This Department has promulgated various guidelines on specific aspects on the monitoring, treatment, and resettlement of Informal Settler Families (ISF) including the roles of the Local Government Units (LGUs) pursuant to existing laws and policies.

Despite numerous guidelines, there are still facets in the whole issue of ISFs and the roles of the LGUs that remain unmonitored and without direction. As such, it prompts LGUs to choose inaction or complacency.

As properly indicated in one of the previous issuances of this Department (DILG MC No. 2011-17), allowing or tolerating Informal Settlers (IS) to build along “no build zones” is a violation of the people’s right to a balance and healthful ecology. The said MC provides:

“Enshrined in law and in the constitution is the promotion and protection of the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature. To tolerate informal settlements (IS) to build up along “esteros”, creeks, waterways, riverbanks, and shorelines resulting into the unregulated discharge of domestic wastes into such water systems is a violation of this mandate. To allow through inaction the conversion of these danger areas for residential purposes implies providing opportunity for a continuing unrestricted assault on the integrity of the freshwater or coastal ecosystem.

To permit IS along railroad tracks, sidewalks or roads, or in garbage dumps, landfills, public cemeteries, or in parks and playgrounds is an utter disregard to public safety and an affront to human decency.

Likewise, illegal occupancy of a private or government lot is a gross violation of the tenets of land ownership, privacy, and development.”

To ensure that the LGUs play an active role and to hold them accountable to their actions/inaction, these guidelines are hereby issued in accordance with the 1987 Philippine Constitution (Constitution), Republic Act (RA) No. 7160, otherwise known as the “Local Government Code of 1991” or LGC, RA No. 7279, otherwise known as the “Urban Development and Housing Act of 1992” or UDHA, and other related laws and policies.

2.0 Purpose

The purpose of this policy is to harmonize existing issuances of the Department towards a coherent direction on matters involving ISFs and to remind all LGUs of their powers and responsibilities under the law with regard to the same.

Included in these guidelines are provisions on how to maintain areas that have been cleared of ISFs.

It is also the intent of this policy issuance to enjoin local chief executives to immediately commence the removal of illegal structures in all danger areas, and exercise their powers in order to ensure that the law is followed and implemented.

3.0 Legal Compliance

- 3.1. Republic Act No. 7279 or the Urban Development and Housing Act of 1992 includes the LGUs in the drive to provide socialized housing and to subject persons and entities occupying danger areas to eviction and demolition (Section 28).
- 3.2. Under Section 391(a)(18) of the LGC, barangays are responsible for the prevention and control of the proliferation of squatters and mendicants in the barangay.
- 3.3. Section 10, Article XIII of the Constitution provides that, urban and rural poor dwellers shall not be evicted nor their dwelling be demolished, except in accordance with law and in a just and humane manner.
- 3.4. Section 28 of the UDHA prescribes the requirements and procedures that must be complied before the execution of eviction and/or demolition.
- 3.5. Consistent with Section 4, Article X of the Constitution, and Section 32 of the LGC, the city or municipality, through the city or municipal mayor concerned, shall exercise supervision over component barangays to ensure that the said barangays act within the scope of their prescribed powers and functions. Non-compliance of a barangay elective official of his responsibilities under this MC warrants administrative sanction by the city/municipal mayor concerned in view of the power of supervision over the former, as provided under Section 63 of the LGC.

4.0 Scope/Coverage

All concerned Provincial Governors, City/Municipal Mayors, Punong Barangays, and DILG Regional Directors are required to observe the policies and guidelines on the monitoring, treatment, and resettlement of informal settler families, and the maintenance of cleared areas, as stated herein.

5.0 Definition of Terms

For purposes of this Memorandum Circular, the following terms shall be defined as:

- 5.1. *Cleared Area* – refers to danger areas originally occupied by ISFs which have been cleared of ISFs either partially or in full;
- 5.2. *Danger Area* – refers to river banks, shorelines, creeks, waterways, esteros, railroad tracks, garbage dumps, landfills, public cemeteries, and other public places such as sidewalks, roads, parks, and playgrounds, which when occupied for residential purposes actually pose danger to the life, safety, and property of either the concerned residents or of the general community. The danger is due to an unavoidable source of probable harm to human life or well-being;
- 5.3. *Demolition* – refers to the dismantling by the LGU, any legally authorized agency or personnel of the government of all structures within the premises subject for clearing;
- 5.4. *Informal Settler Families* – refers to underprivileged members of society whose family income falls within the poverty threshold and must abide with the eligibility requirements stated under Section 16 of UDHA;
- 5.5. *Informal Settlements* – refers to dwelling units found on no build zones;
- 5.6. *No Build Zones* – refers to easement areas defined under existing laws and policies, and areas that are not recommended for human habitation by virtue of the danger that it poses to human life and/or property;
- 5.7. *Professional Squatter* – 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 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. The term shall not apply to individuals or groups who simply rent land and housing from professional squatters or squatting syndicates;
- 5.8. *Police Assistance* - refers to the peacekeeping and law enforcement support of the Philippine National Police (PNP) during the conduct of demolitions and/or evictions;
- 5.9. *Squatting Syndicate* – refers to group of persons engaged in the business of squatter housing for profit or gain;

6.0 Policy Content and Guidelines

6.1. MONITORING

- 6.1.1. All cities and municipalities are directed to create and institutionalize their Local Housing Boards (LHB) pursuant to the devolution of the functions of the Presidential Commission for the Urban Poor (PCUP). In the creation of LHBs, the LGUs should refer to DILG MC No. 2008-143 for the appropriate

guidelines and the sample ordinance the LGU could adopt to facilitate its establishment.

- 6.1.2. All cities and municipalities are directed to create and institutionalize their Local Council Against Squatting Syndicates and Professional Squatters (LCASSPS) as required under Executive Order No. 129 S. 1993, and as supported by DILG MC No. 2012-04.
- 6.1.3. All barangays are directed to maintain and regularly update their Registry of Barangay Inhabitants (RBI) pursuant to Section 394, Paragraph d, Number 6 of the LGC as supported by DILG MC No. 2008-144.
- 6.1.4. Barangays should extend their RBI to cover information on ISF inhabitants, whether or not they are situated on private or government lots, easement areas of waterways, or other danger areas as enumerated under R.A. No. 7279. RBI should also indicate which of these ISFs should be categorized as professional squatters or squatting syndicates. In the determination of ISF inhabitants, the barangay, the LHB, the LCASSPS, and the Urban Poor Affairs Office or similar office should work together and harmonize their data. The LGU concerned should also harmonize the same with the existing records of the National Housing Authority (NHA).
- 6.1.5. The Barangays may create a committee, to be chaired by the punong barangay, to carry out the statutes cited, as well as the provisions stated in this Memorandum Circular.

6.2. PRE-DEMOLITION, DEMOLITION, AND RELOCATION

- 6.2.1. All LGUs should strictly observe and adopt the measures under the Commission on Human Rights advisory CHR (IV) No. A2011-003, with subject, "On the Right to Adequate Housing and Humane Treatment of Informal Settlers" which is supported by DILG MC No. 2011-182.
- 6.2.2. With emphasis on the need to conduct Pre-Demolition Conferences and the presence of police assistance in demolition or eviction activities under the UDHA, LGUs should properly observe and follow the guidelines stated under DILG MC No. 2014-82.
- 6.2.3. All Cities, Municipalities, and Barangays are directed to extend assistance to any qualified ISF through the issuance of necessary documents and certifications as may be needed in their applications for housing grant and/or resettlement.
- 6.2.4. Barangays are directed to assist in the whole process of resettlement including the conduct of pre-demolition conferences extending up to the actual resettlement of the ISFs and the demolition of IS.

6.3. MAINTENANCE OF CLEARED AREAS

- 6.3.1. All Cities and Municipalities are directed to enact ordinances declaring danger areas as no build zones. Such no build zones may be extended subject to valid grounds as may be allowed by law.
- 6.3.2. All Barangays are directed to adopt subject ordinance under 6.3.1 of these guidelines or enact their own barangay ordinance with the same effect.

- 6.3.3. All Cities, Municipalities, and Barangays are to prevent the construction of any kind of illegal dwelling units or structures within their respective areas of jurisdictions as provided under Section 30 of UDHA.
- 6.3.4. To further protect and monitor these areas, the Cities and Municipalities shall work with their component Barangays in regularly monitoring said areas, and, if applicable, shall cause the construction of barangay outposts, fences, signages, and/or CCTV cameras.

6.4. TREATMENT OF NEW ISFs/IS, PROFESSIONAL SQUATTERS AND MEMBERS OF SQUATTING SYNDICATES,

- 6.4.1. Under the RBI, ISFs occupying danger areas should be inspected on site and crosschecked with the NHA to determine if such ISF qualifies as a professional squatter or a member of a squatting syndicate. If such ISF falls under these two or if such ISF is not included in the initial RBI leading to the assumption that they are new ISFs, the Barangay shall issue a notice to be signed by the Punong Barangay enjoining said professional squatter/member of squatting syndicate, or new ISF to vacate the property within twenty four (24) hours.
- 6.4.2. After the lapse of the period to vacate, the Barangay shall proceed to the subject property and dismantle the structure whether or not the ISF has voluntarily vacated said area. Police assistance may be requested.
- 6.4.3. All procedures as enumerated above shall be properly documented and subsequently submitted to the LHB by the Barangay for appropriate action.
- 6.4.4. The concerned city or municipality should use its power to prosecute professional squatters or members of squatting syndicates, and any individual or group who will occupy or cause any other person to occupy the cleared areas.

7.0 Penal Provisions

All persons especially local officials and employees who shall violate any of the statutes stated herein, as well as any provisions of this Memorandum Circular, shall be subjected to administrative, civil, and/or criminal penalties.

8.0 References

- 8.1. The 1987 Philippine Constitution
- 8.2. Republic Act No. 7160 otherwise known as the Local Government Code of 1991
- 8.3. Republic Act No. 7279 otherwise known as the Urban Development and Housing Act
- 8.4. Republic Act No. 10924 or the General Appropriations Act of 2017 (Volume I, Article XV, A, Special Provisions 10 and 11)
- 8.5. Executive Order No. 129 S. 1993 signed October 15, 1993 with title "Establishing an Institutional Mechanism to Curtail the Activities of Professional Squatting Syndicates and Professional Squatters and Intensifying the Drive Against Them"
- 8.6. Commission On Human Rights Advisory CHR (IV) No. A2011-003 with subject "On the Right to Adequate Housing and Humane Treatment Of Informal Settlers"

- 8.7. DILG Memorandum Circular No. 2008-143 dated September 19, 2008 with subject "Creation of Local Housing Boards"
- 8.8. DILG Memorandum Circular No. 2008-144 dated September 19, 2008 with subject "Reiteration of Memorandum Circular No. 2005-69 Dated July 21, 2005 RE: Maintenance and Updating of Records of all Inhabitants of the Barangay"
- 8.9. DILG Memorandum Circular No. 2011-17 dated January 31, 2011 with subject "Prevention of the Proliferation of Informal Settlers"
- 8.10. DILG Memorandum Circular No. 2011-182 dated December 7, 2011 with subject "Commission on Human Rights Advisory on the Right to Adequate Housing and Human Treatment of Informal Settlers"
- 8.11. DILG Memorandum Circular No. 2014-82 dated July 17, 2014 with subject "Guidelines for Requesting Police Assistance in Demolition or Eviction Activities Under the Urban Development and Housing Act"


9.0 Repealing Clause

All DILG Memorandum Circulars inconsistent herewith in part or in full, are hereby modified, revoked, or repealed accordingly.

10.0 Effectivity

This Memorandum Circular shall take effect immediately.

11.0 Approving Authority


CATALINO S. CUY
VIC-Secretary



12.0 Feedback

For related queries, kindly contact the Bureau of Local Government Supervision at Tel Nos. (02) 928 9181 or (02) 925 0351 or at email address at blgspcmd@gmail.com.