

[EXECUTIVE ORDER NO. 152, December 10, 2002]

DESIGNATING THE PRESIDENTIAL COMMISSION FOR THE URBAN POOR AS THE SOLE CLEARING HOUSE FOR THE CONDUCT OF DEMOLITION AND EVICTION ACTIVITIES INVOLVING THE HOMELESS AND UNDERPRIVILEGED CITIZENS AND ESTABLISHING FOR THE PURPOSE A MECHANISM TO ENSURE STRICT COMPLIANCE WITH THE REQUIREMENTS OF JUST AND HUMANE DEMOLITION AND EVICTION UNDER THE URBAN DEVELOPMENT AND HOUSING ACT OF 1992, AND FOR OTHER PURPOSES

WHEREAS, Section 10 of Article XIII of the Constitution provides that "Urban and rural poor dwellers shall not be evicted nor their dwellings demolished, except in accordance with law and in a just and humane manner";

WHEREAS, pursuant to such constitutional mandate, Section 28 of Republic Act No. 7279 or the Urban Development and Housing Act (UDHA) of 1992 prescribes the instances where evictions may be undertaken as well as imposes certain requirements that must be met for an eviction involving homeless and underprivileged citizens to become valid;

WHEREAS, the provisions of the said law notwithstanding, it has been observed that several evictions and demolitions affecting the homeless and underprivileged citizens have been conducted in utter disregard of the above legal requirements;

WHEREAS, there is an urgent need for the government to take steps to ensure strict implementation of the said law and its related rules and regulations and thus uphold the constitutionally guaranteed rights of the disadvantaged sectors of the society; and

WHEREAS, Section 31, Chapter 10, Title III, Book III of Executive Order No. 292 or the Administrative Code of 1987 provides for the continuing authority of the President to reorganize the administrative structure of the Office of the President.

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Philippines, by virtue of the powers vested in me by law and the Constitution, do hereby order:

SECTION 1. Clearing House for Demolition and Eviction. — The Presidential Commission for the Urban Poor (PCUP) is hereby designated as the sole clearing house for the conduct of demolition and eviction activities involving the homeless and underprivileged citizens. In pursuit of its mandate under this Order, the PCUP shall exercise, among others, the following powers and functions:

1. Monitor all evictions and demolitions, whether extra judicial or court-ordered, involving homeless and underprivileged citizens;

2. Require the concerned departments and agencies, including concerned local government units (LGUs), proposing to undertake demolition and eviction activities to secure first from either the PCUP Central Office (in the case of national projects) or from the PCUP Regional Office (in the case of regional or local projects) the checklists, guidelines and compliance certificates on demolition and eviction prior to the actual implementation thereof and thereafter, submit to the PCUP the completed checklist, attested to under oath by the proponent and indicating that:
 - a. Adequate consultations with the affected families have already been undertaken;
 - b. Adequate resettlement site and relocation facilities are available; and
 - c. The provisions of Section 3, paragraph 1 of the Implementing Rules and Regulations of Section 28 of RA 7279 (Pre-Relocation) have been complied with.
3. Based on the completed checklist, and subject to further verification, issue demolition and eviction compliance certificates to proposed demolitions and evictions involving the homeless and underprivileged citizens;
4. Investigate *motu proprio* or upon complaint by any party, any violation of the provisions of Section 28 of RA 7279 or its implementing rules and regulations;
5. File *motu proprio* or by way of assistance to any aggrieved party, the appropriate criminal, civil or administrative case against any person or persons found to have violated the provisions of Section 28 of RA 7279 or its implementing rules and regulations;
6. Recommend to the President appropriate measures for the implementation and enforcement of Section 28 of RA No. 7279 and its implementing rules and regulations, including possible administrative sanctions against national or local government officials who have violated the said law, rules and regulations;
7. Request any government agency for assistance and necessary information in the discharge of their respective functions under this Order;
8. Publicize matters covered by its investigation of violations of the provisions of Section 28 of RA 7279 or its implementing rules and regulations, when circumstances so warrant and with due prudence: *Provided*, however, that the PCUP shall, under the rules and regulations it shall hereafter promulgate, determine what cases may not be made public: *Provided*, further, that any publicity issued by the PCUP shall be balanced, fair and true;
9. Administer oaths, issue *subpoena* and subpoena *duces tecum*, and take the testimonies of witnesses in the course of its investigation;
10. Adopt its own operational guidelines and rules of procedures, as well as rules and regulations not otherwise inconsistent with existing laws, rules and regulations, to effectively carry out its mandate; and