

[PRESIDENTIAL COMMISSION FOR THE URBAN POOR, December 07, 2012]

IMPLEMENTING RULES AND REGULATIONS OF EXECUTIVE ORDER NO. 69, SERIES OF 2012, OTHERWISE KNOWN AS "STRENGTHENING THE PRESIDENTIAL COMMISSION FOR THE URBAN POOR"

WHEREAS, Section 10, Article XIII of the 1987 Constitution provides that "Urban or rural poor dwellers shall not be evicted nor their dwellings demolished, except in accordance with law and in just and humane manner;"

WHEREAS, Article 25 of the Universal Declaration of Human Rights as well as Article 11.1 of the International Covenant on Economic Social and Cultural Rights enshrine a right to adequate housing to be enjoyed by every person, especially the poor and marginalized informal settlers;

WHEREAS, on September 29, 2011, the Commission on Human Rights (CHR) issued an "Advisory on the Right to Adequate Housing and Humane Treatment of Informal Settlers";

WHEREAS, Republic Act (RA) No. 7279, otherwise known as "Urban Development and Housing Act (UDHA) of 1992," requires local government units (LGUs), in coordination with PCUP, to afford program beneficiaries an opportunity to be heard and to participate in the decision-making process over matters involving the protection and promotion of their collective interests;

WHEREAS, Section 28 of RA No. 7279 and its implementing rules and regulations uphold the constitutionally-guaranteed rights of the homeless and underprivileged citizens;

WHEREAS, Executive Order (EO) No. 82 (s. 1986), as amended, created the Presidential Commission for the Urban Poor (PCUP) under the Office of the President (OP) to coordinate the speedy implementation of government policies and programs for the urban poor;

WHEREAS, Administrative Order (AO) No. 111 (s. 1989) directed concerned government departments, agencies and offices to coordinate with PCUP and actively participate in tri-sectoral dialogues and activities concerning the urban poor;

WHEREAS, in the need to strengthen the mandate of PCUP to achieve the strict observance of the law and the Ten-Point Covenant of the President with the urban poor, EO No. 69 was issued on 29 March 2012;

NOW, THEREFORE, pursuant to EO No. 69 (s. 2012), the following rules and regulations are hereby promulgated and adopted.

PRELIMINARY PROVISIONS

Section 1. Title. - These Rules shall be known as the Implementing Rules and Regulations of Executive Order No. 69, Series of 2012 and shall hereinafter be referred to as the Rules.

Sec. 2. Coverage. - These Rules shall apply to the powers conferred upon the Presidential Commission for the Urban Poor (PCUP) to effectively address the principal concerns of the underprivileged and homeless citizens, such as access to housing, demolition and eviction, relocation and resettlement, asset reform, human development and basic social services, employment and livelihood, and other programs of the government for this marginalized sector.

Sec. 3. Objectives. - These Rules are aimed at:

- a. Effectively coordinating the actions and facilitating the performance of the mandated functions, roles and responsibilities of the different government agencies and instrumentalities involved in the conduct of just and humane eviction and demolition activities;
- b. Uplifting the conditions of the underprivileged and homeless citizens, focusing not only on the continuing urban land reform and housing but also includes the totality of all factors that will provide for decent living and support services designed to alleviate the plight of these marginalized citizens.

Sec. 4. Definition of Terms. - For purposes of these Rules, the terms or words and phrases used herein shall be construed as follows:

Adequate Consultation - refers to the constitutionally mandated process whereby the public, on their own or through their duly authorized people's organizations, is provided an opportunity to be heard and to participate in the decision-making process from the initial stage up to the implementation of the program, on matters involving the protection and promotion of its legitimate collective interests, which shall include appropriate documentation and feedback mechanisms.

Asset Reform - refers to the redistribution of wealth from one group of entities to a broader range of entities, usually by utilizing some sort of mechanisms put in place. The idea is to allocate available resources in a manner that a wider range of people receive some degree of benefit from those assets. In achieving this, the government formulates welfare programs for the underprivileged and homeless families which make it possible for them to enjoy basic amenities that are essential to quality of life.

Certificate of Compliance (CoC) - refers to the certificate duly issued by the Local Housing Board (LHB) or a substantially equal body of the concerned Local Government Units (LGU) mandated as the sole clearing house prior to the conduct of eviction or demolition showing that all the legal requirements have been satisfactorily complied with by the proponent or the agency authorized to evict and demolish.

Human Development - refers to the process of enlarging people's choices and enhancing human capabilities and freedoms, enabling them to: live a long and healthy life, have access to knowledge and a decent standard of living, and participate in the life of their community and decisions affecting their lives, in accordance with human rights standards, norms and principles.

Proponent - refers to the entity or entities which is undertaking or proposing to undertake a project or program that impacts on the right to adequate housing of the urban poor and marginalized communities. It shall have overall control and responsibility for the project together with concerned government agencies duly constituted in a committee or board.

Relocation Action Plan (RAP) - refers to the plan prepared and unanimously concurred in by the Local Government Unit (LGU) or the project proponent agency with the affected underprivileged and homeless families that details the implementation of the relocation. This plan shall include prioritize, to the extent feasible in descending order, on-site, in-city, near-city, public rental housing as well as options for medium-rise buildings (MRBs), and off-city options. It shall also include the basic services and facilities relative to the health, education, communication, security, recreation, relief and welfare, livelihood and transportation needs of the relocatees.

Relocation or Resettlement Area - refers to the area identified by any of the appropriate national agency or by the concerned LGU and the affected underprivileged and homeless families, with respect to areas within its jurisdiction, which shall be used for the relocation. The relocation or resettlement site so provided shall have basic services and facilities and access to employment and livelihood opportunities sufficient to meet the basic needs of the affected underprivileged and homeless families, in accordance with Section 29 of Republic Act No. 7279, otherwise known as Urban Development and Housing Act (UDHA) of 1992.

Security of tenure - refers to the high degree of protection afforded to qualified program beneficiaries against infringement or unjust, unreasonable and arbitrary eviction or disposition, by virtue of the right of ownership, lease agreement, usufruct and other contractual arrangements.

Socialized housing - refers to the housing programs and projects covering houses and lots or homelots undertaken by the Government or the private sector for the underprivileged and homeless citizens which shall include sites and services development, public rental housing, long-term financing, liberalized terms on interest payments, and such other benefits in accordance with RA 7279.

Social Preparation - refers to the series of activities designed to prepare the underprivileged and homeless families to cope with the changes brought about by government infrastructure or development projects and to encourage them to actively participate and prepare their societal, community and personal responsibilities in their quest for tenurial security, human development and basic social services, employment and livelihood, and other government programs for the urban poor. This includes their participation in the conduct of dialogue, meetings or community assemblies; organizations and identification of volunteers respected by community people; coordination with the local officials; validation of list of affected families; discussion and presentation of needs assessment survey; action planning for their eventual relocation and other activities.

Underprivileged and homeless citizens - refers 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 (NEDA) and who do not own housing facilities. This shall include those who live in makeshift dwelling units and do not enjoy security of tenure.

MANDATORY GUIDELINES FOR SOCIAL PREPARATION ON ASSET REFORM, HUMAN DEVELOPMENT AND BASIC SOCIAL SERVICES, EMPLOYMENT AND LIVELIHOOD

Sec. 5. PCUP's Functions. - The PCUP shall ensure adequate social preparation for the underprivileged and homeless families affected by demolition or eviction, and warrant that government programs pertaining to asset reform, human development and basic social services, employment and livelihood are implemented for the benefit of these families. To achieve this goal, the PCUP in coordination with other government agencies, shall undertake the following:

- a. On Eviction and Demolition and Asset Reform:
 1. Consultation;
 2. Information, Education and Communication (IEC);
 3. Advocacy on people's participation;
 4. Community organizing;
 5. Conflicts management;
 6. Multi-sectoral dialogues; and Coordination
- b. On Human Development and Basic Services:
 1. Basic Orientation Seminar (BOS) on the programs and projects of the government;
 2. Capability building program;
 3. Values formation;
 4. Gender and Development programs; and
 5. Linkaging with the concerned agencies as regards the provision of basic services and facilities such as roads, schools, livelihood sites, Material Recovery Facilities (MRFs), clinics and the like.
- c. On Employment and Livelihood:
 1. Human resource development which essentially enhances the individuals' existing lines of work, refining their innate entrepreneurial capabilities and reinventing their values;
 2. Skills training that will upgrade their abilities for livelihood and employment; and
 3. Fund sourcing for the livelihood component of the relocation or resettlement site to finance income-generating projects in order to sustain the basic needs of the homeless and underprivileged families.

Sec. 6. Project or Program Proponent's Role. - It shall be the duty of the proponent to strictly comply with the requirements imposed by all laws, orders, rules and regulations related to the right to adequate housing of the urban poor and marginalized communities. Social preparation shall be a mandatory component of all projects involving them. To ensure this, the PCUP shall warrant that the LGUs, implementing government agency and/or proponent shall have undertaken the socio-economic profiling, affordability analysis, housing modalities, provision of technical assistance in the development of a people's plan, census of households and tagging of structures, structural mapping, data validation and consolidation and analysis of the profiles of the families and valuation of structures subject of eviction and demolition activities.

Sec. 7. Eviction and demolition, asset reform, human development and basic services, employment and livelihood.

- a. The PCUP, in coordination with the Key Shelter Agencies (KSAs), shall conduct social preparation activities:
 1. For the areas covered by Presidential Proclamations, Community Mortgage Program (CMP), Direct Negotiated Installment Purchase (DNIP), Relocation or Resettlement, Medium-Rise Buildings (MRBs) and other alternative housing programs to facilitate access by the urban poor to the asset reform program of the government;
 2. The PCUP, in coordination with the concerned agencies, shall conduct social preparation activities to assist the underprivileged and homeless citizens in getting access to human development and basic social services, livelihood and employment opportunities, which activities shall include:
 - 2.1 Orientation-seminars to disseminate information on the existing programs and basic social services of the government for the underprivileged and homeless citizens;
 - 2.2 Capability-building activities geared towards the empowerment of the underprivileged and homeless citizens and ensuring their meaningful participation in governance and nation-building; and
 - 2.3 Provision of all aspects of decent living and support services to the affected underprivileged and homeless families at the relocation or resettlement sites by the concerned LGU or the government agency authorized to demolish, with the assistance of the concerned government agencies and Civil Society Organizations (CSOs).
- b. The concerned LGU or the government agency authorized to demolish shall coordinate with the PCUP in cases where a government infrastructure project or clearing of a danger area is about to be implemented which will affect the underprivileged and homeless families living therein;
- c. The PCUP shall secure lists of projects under the Community Mortgage Program (CMP) from the Social Housing Finance Corporation (SHFC), which involves the underprivileged and homeless beneficiaries, for its periodic monitoring pursuant to Executive Order No. 82, Series of 1986;
- d. The PCUP shall regularly secure updates from all government agencies involved in the implementation of poverty alleviation programs, specifically in urban centers and resettlement areas, to increase the people's awareness on government programs for the underprivileged and homeless citizens, and to promote the participation of prospective program for the beneficiaries; and
- e. When it is not possible to undertake the social preparation activities, PCUP may enter into contract with the CSO for assistance.

PCUP'S REPRESENTATION IN VARIOUS BOARDS AND BODIES

Sec. 8. Representation of PCUP in the HUDCC and the Governing Boards of the Key Shelter Agencies (KSAs). - The PCUP shall sit as a representative in the