



Republic of the Philippines
Province of Cavite
CITY OF BACOR

Office of the Sangguniang Panlungsod



CITY ORDINANCE NO. 380-2024

Series of 2024

AN ORDINANCE PROHIBITING THE EXECUTION OF DEMOLITION ORDERS WITHOUT PRIOR CONSULTATION AND COORDINATION WITH THE HOUSING, URBAN DEVELOPMENT, AND RESETTLEMENT DEPARTMENT (HUDRD) OF THE CITY OF BACOR, CAVITE, REQUIRING THE BACOR CITY POLICE TO STRICTLY IMPLEMENT SECTION 28 OF THE URBAN DEVELOPMENT AND HOUSING ACT OF 1992, AND PROVIDING PENALTIES FOR VIOLATIONS HEREOF.

Sponsored by:

Hon. Alde Joselito F. Pagulayan

Co-Sponsored by:

Hon. Roberto L. Advincula, Hon. Palm Angel S. Buncio, Hon. Simplicio G. Dominguez, Hon. Catherine Sarino-Evaristo, Hon. Reynaldo M. Fabian, Hon. Randy C. Francisco, Hon. Adrielito G. Gawaran, Hon. Alejandro F. Gutierrez, Hon. Rogelio M.N Nolasco, Hon. Reynaldo D. Palabrica, Hon. Michael E. Solis and Hon. Levy M. Tela.

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 a just and humane manner. No resettlement of urban or rural dwellers shall be undertaken without adequate consultation with them and the communities where they are to be relocated."

WHEREAS, Section 28 of Republic Act No. 7279 (the "Urban Development and Housing Act of 1992") provides that:

"SECTION 28. **Eviction or demolition as a practice shall be discouraged.** Eviction or demolition, however, may be allowed under the following situations:

- (a) 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;
- (b) When government infrastructure projects with available funding are about to be implemented; or
- (c) When there is a court order for eviction and demolition.

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

DISTRICT I
HON. CATHERINE SARINO-EVARISTO
City Councilor

HON. MICHAEL E. SOLIS
City Councilor

HON. ADRIELITO G. GAWARAN
City Councilor

HON. VICTORIO L. GUERRERO, JR.
City Councilor

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HON. LEVY M. TELA
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City Councilor

HON. RANDY C. FRANCISCO
Liga ng mga Barangay Vice-President

HON. PALM ANGEL S. BUNCIO
SK Federation President

Attested by
ATTY. KHALIB A. ATEGA, JR.
Sangguniang Panlungsod Secretary

Certified by
HON. ROWENA BAUTISTA-MENDIOLA
City Vice Mayor

Approved by
HON. STRIKE B. REVILLA
City Mayor



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City Mayor

- (1) Notice upon the affected persons or entities at least thirty (30) days prior to the date of eviction or demolition;
- (2) Adequate consultations on the matter of resettlement 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.*

This Department of the Interior and Local Government and the Housing and Urban Development Coordinating Council shall jointly promulgate the necessary rules and regulations to carry out the above provision." (Boldfacing supplied)

WHEREAS, Section 29 of RA 7279 further provides that "within two (2) years from the effectivity of this Act, the local government units, in coordination with the National Housing Authority, shall implement the relocation and resettlement of persons living in danger areas such as esteros, railroad tracks, garbage dumps, riverbanks, shorelines, waterways, and in other public places such as sidewalks, roads, parks, and playgrounds. The local government unit, in coordination with the National Housing Authority, shall provide relocation or resettlement sites with basic services and facilities and access to employment and livelihood opportunities sufficient to meet the basic needs of the affected families."



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Sangguniang Panlungsod Secretary

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City Mayor

WHEREAS, the Commission on Human Rights issued Advisory **CHR (IV) No. A2011-003** on the right to adequate housing and humane treatment of informal settlers, which was supported by the Department of Interior and Local Government (DILG) Memorandum Circular No. 2011-182.

WHEREAS, despite the aforementioned panoply of laws and government regulations on the eviction of informal settler families and the demolition of their dwellings, the Sangguniang Panlungsod learned that a number of private entities have recently conducted illegal demolition activities within the City of Bacoor, Cavite, in violation of the said provisions of law and government regulations.

WHEREAS, the City Government believes that the right of every Bacooreño to be treated with respect and dignity — including the poor and dispossessed — should be upheld by all.

WHEREAS, by disallowing illegal demolition activities from occurring within its jurisdiction, the City Government will be able to comply with its duty to provide decent housing to informal settler families as provided by law.

NOW THEREFORE, be it ordained by the 5th Sangguniang Panlungsod of the City of Bacoor, Cavite, that:

SECTION 1. Title. This Ordinance shall be known as the **"Illegal Demolitions Prohibition Ordinance of Bacoor"**.

SECTION 2. Statement of Policy. It shall be the policy of the City Government to:

- 2.1. Strictly enforce the provisions of Sections 28 and 29 of the Urban Development and Housing Act of 1992.
- 2.2. Give informal settler families access to decent housing while assisting landowners in the fruitful use of their real properties.
- 2.3. Uphold the human rights of the poor; and
- 2.4. Implement policies that will create an atmosphere of mutual respect and understanding between landowners and informal settler families, promote peace and order, and eradicate long-standing social inequalities related to housing.

SECTION 3. Coverage. This Ordinance shall cover all eviction and demolition activities involving underprivileged and homeless citizens or informal settler families residing within the City of Bacoor.

SECTION 4. Definition of Terms. As used in this Ordinance, the following terms shall be defined as:



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City Mayor

4.1. **Demolition** is the dismantling of man-made structures.

4.2. **Eviction** is the removal of persons and their personal belongings from a structure that may or may not be subject to demolition.

4.3. **Forced or Illegal Eviction/Demolition** is the permanent or temporary removal against the will of individuals, families, and/or communities from the homes and/or land which they occupy without the provision of and access to appropriate forms of legal or other protection.

4.4. **Eviction or Demolition Orders** are lawful, written directives of a court of competent jurisdiction addressed to various persons in authority to cause the eviction and/or demolition of objects, persons, and/or communities.

SECTION 5. Prohibited Act/s. The following acts shall be prohibited:

5.1. Execution of eviction or demolition orders by court employees/personnel in case of court-assisted eviction or demolition, or by government agencies concerned, or by private individuals concerned in case of extrajudicial eviction or demolition, without notifying the affected persons or entities at least thirty (30) days prior to the date of eviction or demolition as mandated by law or relevant government regulations.

5.2. Execution of eviction or demolition orders without adequate consultations on the matter of resettlement with the duly designated representatives of the families to be resettled and the affected communities in the areas where they are to be relocated.

5.3. Conducting eviction or demolition activities/operation without the presence of officials of the Housing, Urban Development, and Resettlement Department of the City of Bacoor, Cavite or their representatives during the said eviction or demolition. The conduct of eviction or demolition activities shall proceed notwithstanding the absence of representatives from the LGU or HUDRD, provided that such representatives have been duly notified in writing.

5.4. Failure of persons taking part in the demolition or eviction operation/s to wear proper identification during the said activity. "Proper identification" refers to the official identification cards issued by the City Government of Bacoor. Additionally, LGU representatives may wear official city uniforms to facilitate easier identification.

5.5. Execution of eviction or demolition outside the allowable period between 8:00 a.m. and 3:00 p.m. from Mondays to Fridays, during bad weather, or within a few



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City Vice Mayor

Approved by:
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City Mayor

days after a particular community has been victimized by a fire incident or a natural/man-made disaster such as earthquakes, typhoons, or acts of arson.

5.6. Use of heavy equipment for demolition except for structures that are permanent and of concrete materials.

5.7. Failure of members of the Philippine National Police or employees of the city government or the barangays of the City of Bacoor, Cavite to wear proper uniforms while they are participating in court ordered demolition or eviction activities.

5.8. Conducting eviction or demolition activities that are: (a) not sanctioned by a court of law, (b) not involving persons or entities that occupy danger areas such as esteros, railroad tracks, garbage dumps, riverbanks, shorelines, waterways, and other public places such as sidewalks, roads, parks, and playgrounds, or (c) not related to a government infrastructure project with available funding that is about to be implemented; and

5.9. Forced or illegal eviction/demolition.

SECTION 6. Implementing Body. This Ordinance shall be implemented jointly by the HUDRD and by the Office of the City Legal Service in coordination with the officials of all barangays within the City of Bacoor, as well as personnel/officers of the Bacoor City Police.

SECTION 7. Penalties. A fine of Five Thousand Pesos (Php 5,000.00) and imprisonment of three (3) months but not more than nine (9) months shall be imposed against any person who violates this Ordinance upon conviction by a court of law.

SECTION 8. Implementing Rules and Regulations. The HUDRD and the OCLS are directed to submit, for the approval of the City Mayor, the draft of the Implementing Rules and Regulations of this Ordinance not later than sixty (60) working days from the date of effectivity hereof.

SECTION 9. Repeal. All ordinances, resolutions, and executive orders that are inconsistent with the provisions hereof are hereby repealed and shall be modified accordingly.

SECTION 10. Effectivity. This Ordinance shall take effect immediately after it has been approved by the Sangguniang Panlalawigan and after it has been published



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[Signature]

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SK Federation President

Attested by:

ATTY. KHALID A. ATEGA, JR.
Sangguniang Panlungsod Secretary

Certified by:

HON. ROWENA BAUTISTA-MENDIOLA
City Vice Mayor

Approved by:

HON. STRIKE B. REVILLA
City Mayor

at least once in a newspaper of general circulation within the City of Bacoor, Cavite.

ENACTED this 3rd day of June 2024 at the City of Bacoor, Cavite.

I hereby certify that the foregoing Ordinance was approved in accordance with law.

Certified by:
[Signature]
HON. ROWENA BAUTISTA-MENDIOLA
City Vice Mayor/Presiding Officer

Attested by:
[Signature]
ATTY. KHALID A. ATEGA JR.
Sangguniang Panlungsod Secretary

Approved by:
[Signature]
HON. STRIKE B. REVILLA
City Mayor

Date of Approval: 15 JUL 2024