

Ordinance No. NC- 92, S-89

ORDINANCE

ALLOWING THE USE OF SUCH FORCE AS MAY BE NECESSARY TO REPEL OR PREVENT AN ACTUAL OR THREATENED USURPATION OF AND SQUATTING ON PRIVATE OR CITY GOVERNMENT LANDS AND REGULATING THE ENFORCEMENT AND IMPLEMENTATION OF DEMOLITION ORDER.

Introduced by Councilors Isidro R. Saludes, Teodoro N. Ramos, Dante V. Liban, Jose J. Paculdo, Jorge L. Banal, Roberto A. Miguel, Melencio M. Castelo and Francis P. N. Pangilinan.

Co-Sponsored by Councilors Wilma Amoranto-Sarino, George Canseco, Alberto M. Galarpe, Reynaldo A. Calalay, Emilio G. Tamayo, Alicia A. Herrera, Vicente D. Biglang-awa, Edgardo S. Serrano, Mitchell Y. Gumabao (Dennis Roldan), Elizabeth O. Gaba, Eduardo F. David, Laoag A. Paras, Cielito "Mahal" Del Mundo, Ricardo R. Del Rosario, Herminio "Butch" C. Bautista, Alfredo A. Francisco (Fred Montilla) and Guillermo C. Altuna.

WHEREAS, squatters proliferate in Quezon City creating serious social problems and there is a need to prevent intrusion in its territory;

WHEREAS, in most cases, demolition orders are issued against structures and houses allegedly constructed without corresponding building permits and other legal requirements, and the usual victims are the shanties of squatters in different depressed areas;

WHEREAS, in many cases, the enforcement and implementation of demolition orders have resulted in the loss of lives and properties because of indiscriminate firing of firearms and use of force more than what is necessary and reasonable under the circumstances;

WHEREAS, in order to prevent violence, physical injuries, mayhem, loss of limb and life, and to maintain peace and order, this Council, as a policy making body, must formulate and adopt a policy and guidelines in preventing further squatting on private and government lands and in evicting squatters and demolition of their dwelling units;

NOW, THEREFORE,

Be it enacted by the City Council of Quezon City in session assembled:

SECTION 1. Preventive Measure - Any person or persons or the Quezon City Government has the right to employ such force as may be reasonably necessary to repel or prevent an actual or threatened physical invasion or usurpation of any land or structure belonging to said person or persons or to the City Government.

The use of such reasonable force as may be necessary to repel or prevent an actual or threatened usurpation and squatting on private or city government lands means any act employing reasonable means to repel any act of aggression as defined under Article 11, Par. 1 of the Revised Penal Code.

SECTION 2. Due Process of Law - No person who had already established possession in a structure or on lands belonging to another or to the Quezon City Government shall be evicted nor his dwelling demolished without lawful order of the Court. Except when an area with squatters thereon is declared as an Area for Priority Development (APD) or designated as an area for socialized housing of the City Government and/or lands that will be utilized for the construction of any and all infrastructure projects of the City Government or the National Government.

SECTION 3. Demolition Order - A demolition order is defined as any order, coming from a competent authority, seeking to demolish or dismantle any dwelling unit building or any structure built without the corresponding Building Permits and other legal requirements which are needed for its legalization.

SECTION 4. Implementation of Demolition Order - That for the enforcement and implementation of a demolition order the following regulatory measures should be discretely followed:

- a) Demolition order shall be served to affected dwellers/owners of units to be demolished at least 72 hours prior to the actual demolition, except on the enumerated cases under Section 2;
- b) All members of a demolition team should be identified with arm bands, with their names printed therein and assisted by members of the local police forces, who shall be in complete uniform with nameplates;
- c) That a complete lists of names and identity of members of a demolition team shall be submitted with the local Barangay Chairman or his authorized representative;
- d) That no amount of force or violence than what is necessary and reasonable shall be resorted to;

- e) That a demolition order may be suspended if after a discrete deliberation of the circumstances, its enforcement and implementation would patently result to loss of lives; body injuries and damage to properties.

SECTION 5. That no provisions of this ordinance shall be interpreted as interference to a just and humane enforcement and implementation of a demolition order.

SECTION 6. Any person or persons who violate the provision of Section 2 hereof shall upon conviction, suffer imprisonment of thirty (30) days of Arresto Menor or a fine of One Thousand Pesos (P1,000.00), aside from the penalty as provided for by the Revised Penal Code.

SECTION 7. Effectivity - That this Ordinance shall take effect upon its approval.

ENACTED April 6, 1989.

(SGD.) GEORGE CANSECO
President Pro-Tempore
Acting Presiding Officer

(SGD.) VICENTE C. SOTTO, III
Vice Mayor
Presiding Officer

ATTESTED:

(SGD.) VICENTE A. ALVAREZ
City Secretary

APPROVED:

(SGD.) BRIGIDO R. SIMON, JR.
City Mayor