

HOUSING RIGHTS IN THE PHILIPPINES: RECOGNITION, PROTECTION, AND PROMOTION*

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I. INTRODUCTION

The past half century has seen a tremendous advancement in the development of human rights law. Since the adoption of the Universal Declaration of Human Rights (UDHR) in 1948, the concept of human rights has been further expounded upon, enshrined, and granted protection in various other international instruments and agreements. Foremost among these are the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR), two instruments which, together with the UDHR and the human rights provisions of the United Nations Charter comprise what is known as the International Bill of Human Rights.¹ These documents have gradually come to enjoy widespread acceptance and support internationally, and as of 2001, 145 countries worldwide have become States Parties to both the ICCPR and the ICESCR.

Of equal significance to this pervasive acceptance of human rights and, consequently, the strengthening of its position in international law and within domestic legal systems, is the growing recognition of the traditionally under-emphasized area of economic, social, and cultural rights. These “second-generation” rights, as they are sometimes referred to (perhaps with some disdain), are slowly gaining acknowledgement as “legitimate” rights that can and should be asserted and enforced against States.

Among these economic, social, and cultural rights, the right to housing has, in the opinion of most advocates, advanced the furthest.² This right, which is recognized under the ICESCR as part of the right to an

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¹ See Sohn, “A Short History of the United Nations Documents on Human Rights,” in *The United Nations and Human Rights* 101 (18th Report of the Commission to Study the Organization of Peace, 1968).

² Scott Leckie, in *Legal Resources for Housing Rights: International and National Standards* 5 (2000).

adequate standard of living,³ has likewise been recognized in other human rights instruments and declarations of the UN.

Of course, recognition does not automatically imply adequate implementation, and this is especially true in the case of the right to housing. The gap between law and practice, in fact, often becomes glaring when the compliance of particular countries, both through legislation and policy implementation, is reviewed.

This paper proposes to look at this gap in one particular country, in this case the Republic of the Philippines. The Philippines has an outstanding record insofar as ratifying human rights treaties, many of which recognize the right to housing, is concerned. In fact, it has signed and ratified every major human rights convention and protocol with the exception of two declarations and two optional protocols.⁴ But is this international commitment reflected in its domestic law, court decisions, and executive practice?

The first part will discuss the nature of the international obligations of the Philippines with respect to the right to housing. The second part will look at Philippine law and practice in upholding this right. The last will involve an analysis of the adequacy of Philippine practice vis a vis its international obligations.

II. INTERNATIONAL RECOGNITION OF THE RIGHT TO HOUSING

The right to housing was first recognized by the United Nations General Assembly in 1948 through Article 25(1) of the UDHR as part of the recognition of the right to an adequate standard of living. The said provision provides that "Everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control."

This UDHR provision, and consequently, the right to housing itself, was likewise enshrined in the ICESCR when it was drafted in 1966.⁵ The

³ Article 11(1), ICESCR.

⁴ These are the Second Optional Protocol to the ICCPR, the Declaration establishing a complaints mechanism for the Convention on the Elimination of All Forms Of Racial Discrimination (CERD, Article 14), the Declaration establishing a complaints mechanism for the Convention Against Torture (CAT, Article 22), and the Optional Protocol for the CAT.

⁵ *Supra* note 3.

ICESCR provision, which is the principal recognition of this right under international law, provides that:

The States Parties to the present covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.

Other international human rights treaties also contain recognition of a right to housing. Some of these are the International Convention on the Elimination of All Forms of Racial Discrimination (CERD),⁶ the International Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW),⁷ and the Convention on the Rights of the Child (CRC).⁸

All of these instruments have been signed and ratified by the Philippines and impose the corresponding international obligations upon it.⁹ But what exactly do these "obligations" entail?

Under Article 2(1) of the ICESCR, it is provided that

Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.

This, in essence, lays the basic blueprint that a State must follow in working for the realization of the rights specified in the Covenant, including the right to housing.

⁶ Article 5(e)iii: "In compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and eliminate racial discrimination in all of its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:... (e) in particular... (iii) the right to housing."

⁷ Article 14(2)h: "States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on the basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right... (h) to enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications."

⁸ Article 27(3): "States Parties in accordance with national conditions and within their means shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in the case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing."

⁹ The Philippines ratified the ICESCR on June 7, 1974; the CERD on September 15, 1967; the CEDAW on August 5, 1981; and the CRC on August 21, 1990.

It is thus clear at the outset that the obligation, under the ICESCR at least, with respect to the right to housing, entails undertaking to "take steps"... "by all appropriate means, including particularly the adoption of legislative measures" with the view of "achieving progressively" the full realization of this right.

The phrase "all appropriate means" has been interpreted in the Limburg Principles¹⁰ to include not simply legislative, but also administrative, judicial, economic, social and educational measures.¹¹ In particular, States Parties must endeavor to provide effective remedies including, where appropriate, judicial remedies for the vindication of the right.¹² According to the Committee on Economic, Social and Cultural Rights (CESCR) in its General Comment No. 4 these legal remedies may include a) legal appeals aimed at preventing planned evictions or demolitions through the issuance of court-ordered injunctions; (b) legal procedures seeking compensation following an illegal eviction; (c) complaints against illegal actions carried out or supported by landlords (whether public or private) in relation to rent levels, dwelling maintenance, and racial or other forms of discrimination; (d) allegations of any form of discrimination in the allocation and availability of access to housing; and (e) complaints against landlords concerning unhealthy or inadequate housing conditions.¹³

On the other hand, "progressive realization" is to be understood as obligating States Parties to move as expeditiously as possible towards the realization of the right.¹⁴ Some obligations, in fact, may require immediate implementation by the concerned State.¹⁵ This clearly repudiates the practice of some States of exploiting the notion of "progressive attainability" to altogether evade their obligations under the Covenant.¹⁶

The same idea is expressed by the CESCR in General Comment No. 4 (1991), when it states that "[r]egardless of the state of development of any country, there are certain steps which must be taken immediately." These would include measures required to promote the right to housing that would

¹⁰ UN Document E/CN.4/1987/17. The Limburg Principles were crafted by a group of distinguished experts in international law, convened by the International Commission of Jurists, the Faculty of Law of the University of Limburg (Maastricht, the Netherlands) and the Urban Morgan Institute for Human Rights, University of Cincinnati (Ohio, United States of America), in Maastricht on 2-6 June 1986. They are comments as to the nature and scope of the obligations of States Parties to the ICESCR.

¹¹ *Id.* par. 17.

¹² *Id.* par. 19.

¹³ CESCR General Comment No. 4, Sixth Session (1991), UN Document E/1992/23, par. 17.

¹⁴ *Supra* note 10 at par. 21.

¹⁵ *Id.* par. 22.

¹⁶ See A.H.M. Kabir, *Development and Human Rights: Litigating the Right to Adequate Housing*, 1 Asia-Pacific Journal on Human Rights and the Law 97, 98 (2002).

only require the abstention by the Government from certain practices and a commitment to facilitating "self-help" by affected groups.¹⁷

Likewise, due priority must be given by States Parties to social groups living in unfavorable conditions by giving them particular consideration when acting towards the realization of the right.¹⁸

The exact nature of these obligations was further expounded upon in the Maastricht Guidelines on Violations of Economic, Social and Cultural Rights drafted in January 1997, ten years from the drafting of the Limburg Principles. Under these guidelines, three specific obligations of States related to economic, social and cultural rights were identified – the obligations to respect, protect, and fulfill.¹⁹ The guidelines specifically mentioned that in the case of the right to housing, a State Party would be breaching its obligation to respect the right if it engaged in arbitrary forced evictions.²⁰

Furthermore, the Maastricht Guidelines established that State Parties to the ICESCR had both *obligations of conduct*, i.e. to undertake actions intended to achieve realization of the economic, social and cultural rights, and *obligations of result*, i.e. to meet targets to satisfy a detailed substantive standard.²¹ The measures adopted by States Parties must therefore deal with both specific actions intended to promote realization of the right and ensure that specific goals relating to standards established for the right are met.

Insofar as standards are concerned, the CESCR has identified seven factors that must be taken into account when measuring the adequacy of housing in relation to the obligation to uphold the right.²² These are legal security of tenure, availability of services and infrastructure, affordability, habitability, accessibility, location, and cultural adequacy.²³ While these factors are by no means exclusive, they do provide a fundamental guide to determining the adequacy and efficacy of State action to comply with its obligations to respect, protect, and fulfill the right to housing.

The first factor enumerated above, security of tenure, is particularly significant since it relates to another important aspect of State obligations with respect to the right to housing – protection from forcible eviction. The

¹⁷ *Supra* note 13 at par. 10.

¹⁸ *Id.* par. 11.

¹⁹ Maastricht Guidelines on Violations of Economic, Social and Cultural Rights, Maastricht, January 22-26, 1997, par. 6.

²⁰ *Id.*

²¹ *Id.* par. 7.

²² *Supra* note 13 at par.8.

²³ *Id.*

CESCR in its General Comment No. 7 (1997) deals specifically with State obligations with regard to forced evictions.²⁴

According to this document, "in view of the nature of the practice of forced evictions, the reference in article 2.1 to progressive achievement based on the availability of resources will rarely be relevant. The State itself must refrain from forced evictions and ensure that the law is enforced against its agents or third parties who carry out forced evictions."²⁵ To this end, legislation punishing private persons or bodies that commit forcible eviction should be promulgated.²⁶ Furthermore, States are enjoined to enact legislation that included measures which (a) provide the greatest possible security of tenure to occupants of houses and land, (b) conform to the Covenant and (c) are designed to control strictly the circumstances under which evictions may be carried out.²⁷

These provisions and the corresponding guidelines form a set of standards by which to gauge the compliance of States Parties to their obligations in realizing the right to housing. For the Philippines, these are standards that will be applied in reviewing the sufficiency of its laws and policies relating to the said right.

III. PHILIPPINE HOUSING LAW AND POLICY

Apart from its commitment to the right to housing as a State Party to various international conventions, the Philippines has likewise recognized aspects of the same right in its own organic law. Under the Philippine Constitution's provisions on "Urban Land Reform and Housing," it is provided that:

The State shall, by law, and for the common good, undertake, in cooperation with the private sector, a continuing program of urban land reform and housing which will make available at affordable cost decent housing and basic services to underprivileged and homeless citizens in urban centers and resettlement areas. It shall also promote adequate employment opportunities to such citizens. In the implementation of such program the State shall respect the rights of small property owners.²⁸

²⁴ CESCR General Comment No. 7, Sixteenth Session (1997), UN Document E/1998/22 Annex IV.

²⁵ *Id.* par. 8.

²⁶ *Id.* par 9.

²⁷ *Id.*

²⁸ Philippine Constitution, Art. XIII, § 9.

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.²⁹

These provisions highlight two mandates in the Philippine constitutional order. The first is the commitment of the State to undertake a continuing program of urban land reform and housing with the end view of securing affordable housing and basic services to the underprivileged. The second is the State obligation to respect and protect the right of the poor against forcible eviction. While neither statement expressly recognizes a definite and specific "right to housing," these provisions nonetheless constitutionalize two important facets of the broader Philippine commitment to recognize such a right, namely the obligation to provide affordable housing to vulnerable groups and the prevention of forced eviction.

The above mentioned provisions of the Philippine Constitution were given statutory "teeth" with the enactment of the Urban Development and Housing Act of 1992 (UDHA).³⁰ The UDHA had two major components – the first dealt with the details of the constitutionally mandated program to provide affordable housing to the underprivileged,³¹ while the second provided protection against forcible evictions.³²

Under the UDHA, the State was commanded to undertake "a comprehensive and continuing Urban Development and Housing Program" with the following objectives:

- (a) Uplift the conditions of the underprivileged and homeless citizens, in urban areas and in resettlement areas by making available to them decent housing at affordable cost, basic services, and employment opportunities;
- (b) Provide for the rational use and development of urban land in order to bring about the following:
 - (1) Equitable utilization of residential lands in urban and urbanizable areas with particular attention to the needs and requirements of the underprivileged and homeless citizens and not merely on the basis of market forces;

²⁹ Philippine Constitution, Art. XIII, § 10.

³⁰ Republic Act No. 7279.

³¹ See note 28 *supra*.

³² See note 29 *supra*.

Optimization of the use and productivity of land and urban resources;

(2) Development of urban areas conducive to commercial and industrial activities which can generate more economic opportunities for the people;

(3) Reduction in urban dysfunctions, particularly those that adversely affect public health, safety and ecology; and

(4) Access to land and housing by the underprivileged and homeless citizens.

(5) Adopt workable policies to regulate an direct urban growth and expansion towards a dispersed urban net and more balanced urban-rural interdependence;

(c) Provide for an equitable land tenure system that shall guarantee security of tenure to Program beneficiaries but shall respect the rights of small property owners and ensure the payment of just compensation;

(d) Encourage more effective people's participation in the urban development process; and

(e) Improve the capability of local government units in undertaking urban development and housing programs and projects.³³

This program would be carried out principally by providing socialized housing – defined as “housing projects for the underprivileged and homeless characterized by sites and services development, long term financing, liberalized terms on interest payments, and other benefits and incentives³⁴ – either through direct construction by the government or in cooperation with private developers.”³⁵ These housing projects would be undertaken on land secured by local government units within their respective jurisdictions, either through negotiated purchase or, in exceptional circumstances, expropriation.³⁶ In addition, all new (non-socialized) private housing projects were required to develop an area for socialized housing

³³ *Supra* note 30 at § 2.

³⁴ *Id.* at § 3(g).

³⁵ *Id.* at § 15.

³⁶ *Id.* at § 7-12. Under § 11, expropriation would only be allowed in the case of idle urban lands. Also in *Filtream Internationals, Inc. v. Court of Appeals*, G.R. No. 125218, 23 January 1998, the Supreme Court stated that:

“Very clear from the abovequoted provisions are the limitations with respect to the order of priority in acquiring private lands and in resorting to expropriation proceedings as means to acquire the same. Private lands rank last in the order of priority for purposes of socialized housing. In the same vein, expropriation proceedings are to be resorted to only when the other modes of acquisition have been exhausted. Compliance with these conditions must be deemed mandatory because these are the only safeguards in securing the right of owners of private property to due process when their property is expropriated for public use.”

equivalent to at least twenty percent (20%) of the total project area or total project cost.³⁷

One novel component of the housing program under the UDHA was the Community Mortgage Program (CMP). Under this approach, government would finance (through long term loans) the acquisition and development of land by legally organized associations of the underprivileged. Its principal intent was to assist the residents of blighted or depressed areas in purchasing the land they already occupied from the legal owners.³⁸

Socialized housing projects under the UDHA, were required to have certain amenities and facilities to be considered legally “adequate.” These were –

- (a) Potable water;
- (b) Power and electricity and an adequate power distribution system;
- (c) Sewerage facilities and an efficient and adequate solid waste disposal system; and
- (d) Access to primary roads and transportation facilities.³⁹

Other services such as health, education, communications, security, recreation, relief, and welfare were to be planned and given priority.⁴⁰ Likewise, accessibility of employment was to be considered “to the extent feasible,” in determining the location of socialized housing projects.⁴¹

The other significant aspect of the UDHA was the protection afforded to underprivileged and homeless citizens from forcible eviction. The statute, as a general rule, prohibited eviction as a practice, but allowed for three exceptions – (1) when persons or entities occupied danger areas (such as railroad tracks or riverbanks) or public places (such as sidewalks or roads), (2) when government infrastructure projects were being implemented, and (3) when there was a court order for demolition.⁴² In any of these “authorized” evictions, however, the State was mandated to ensure compliance with eight requirements. These were –

³⁷ *Id.* at § 18.

³⁸ *Id.* at § 31.

³⁹ *Id.* at § 21.

⁴⁰ *Id.*

⁴¹ *Id.* at § 22.

⁴² *Id.* § 28.

- (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 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 wage multiplied by sixty (60) days shall be extended to the affected families by the local government unit concerned.⁴³

Failure to comply with the above requirements would give rise to criminal prosecution under the same law.⁴⁴

One limitation on the efficacy of this protection, however, was that the law itself only extended it to persons who had constructed their dwellings prior to the effectivity of the UDHA.⁴⁵ "New illegal structures," or

⁴³ *Id.*

⁴⁴ *Id.* at § 45.

⁴⁵ March 29, 1992.

those erected after the said date, were not afforded the protection of the law and were subject to summary demolition.⁴⁶

While at present the UDHA is the primary Philippine statute concerned with housing, there are other laws which have bearing on the same subject. Civil laws on property⁴⁷ and ejectment,⁴⁸ for instance, form the traditional legal framework on property rights, and grant lawful owners the right to resort to court action to expel squatters from their land – forcibly if necessary.

In a similar vein, the laws on nuisance,⁴⁹ the provisions of the National Building Code⁵⁰ and the Local Government Code of 1991,⁵¹ allow the national and local governments to summarily evict persons whose dwellings are considered as nuisances or do not have the requisite building permits.

More recently, the Metro Manila Council enacted Metropolitan Manila Development Authority (MMDA) Resolution 02-28, which directs the MMDA and local government units within Metro Manila to “clear the sidewalks, streets, avenues, alleys, bridges, parks and other public places” of all illegal structures and obstructions. This resolution completely ignores the UDHA, and in flagrant disregard of the procedural requirements set forth in Section 28, declares that “that all items, goods and structures found on or along roads, streets, avenues, alleys, sidewalks, bridges, parks and other public places shall be confiscated by the government without prior notice” and “treated as common or ordinary garbage and shall be disposed of as such.”

One would think that the seeming conflict between these laws and the provisions of the UDHA against forcible evictions would have been resolved by the courts. But thus far, there has been a dearth in UDHA-based litigation, and consequently, a scarcity of court decisions applying and interpreting the statute. The few decisions that have been decided by the Philippine Supreme Court do not rule squarely on the issue. In fact, rather negatively, the few decisions that have been penned tend to limit the scope of the protections afforded by the law with regard to forcible evictions,

⁴⁶ *Supra* note 30 at § 30.

⁴⁷ Republic Act No. 386, An Act to Ordain and Institute the Civil Code of the Philippines (1950), Arts. 429, 450.

⁴⁸ *Id.* Arts. 433, 539.

⁴⁹ *Id.* Arts. 694, 695, 699, 702, 705.

⁵⁰ Presidential Decree No. 1096, § 301.

⁵¹ Republic Act No. 7160, § 444(B)2-vi, 455(b)3-vi, 447(a)4-1, 458(a)4-1.

particularly with regard to demolitions brought about by court orders.⁵² In many of these cases, the high court has refused to apply the mantle of protection, as embodied in the eight mandatory requirements, afforded by Section 28 of the UDHA.

On the other hand, decisions of the Philippine Court of Appeals have even upheld the authority of government to conduct forcible evictions under the authority of prior laws, even as against the clear protection provided by the UDHA. For instance, in *Kahanding Neighborhood Association v. Ponferrada*,⁵³ the Court of Appeals placed the power of local governments to abate nuisances under the Local Government Code over the protections guaranteed by the UDHA. Similarly, in *City of Makati v. Tensuan*,⁵⁴ the court upheld the primacy of the provisions of the Civil Code concerning nuisances over and above Section 28 of the UDHA.

IV. SUFFICIENCY OF PHILIPPINE LAWS AND POLICIES

While significant aspects of the right to housing have been reflected in both the Philippine Constitution and its domestic legislation, there are nonetheless serious questions as to sufficiency of this incorporation.

With regard to the obligation to fulfill the right to housing, for instance, while the existence of a statutorily-mandated program for socialized housing is undoubtedly positive, the adequacy of the standards provided for by law fall short of the gauge established by the CESC. For while the Committee has mentioned seven minimum standards in its General Comment No. 4⁵⁵ – legal security of tenure, availability of services and infrastructure, affordability, habitability, accessibility, location, and cultural adequacy – Philippine law has not incorporated the same. Essential services such as health and education, as well as access to employment, which form part of the international standard, are, in essence, to be provided on a “best efforts” under the mandate of Philippine law.⁵⁶

The legal protections from forced evictions may also be seen to be somewhat inadequate. While the UDHA has generally disallowed eviction as a practice, it has created so many exceptions to this general rule – exceptions that in fact comprise most of the circumstances where forced evictions

⁵² See *Banson v. Court of Appeals*, 246 SCRA 42 (1995), *Galay v. Court of Appeals*, 250 SCRA 629 (1995), and *Puncio v. Gervina*, 252 SCRA 425 (1996).

⁵³ C.A.-G.R. SP No. 40146 (March 7, 1997).

⁵⁴ C.A.-G.R. SP No. 43708 (September 23, 1997).

⁵⁵ See note 22.

⁵⁶ See note 40 and 41.

occur in the first place⁵⁷ – that the prohibition is virtually rendered meaningless. And while the law has imposed eight requirements that must be complied with during evictions, these only apply to evictions of persons from structures built before the effectivity of the law – March 28, 1992. Thus a significant number of poor persons are in fact legally subject to forcible eviction, without the protection of law.

In addition, the few decisions that have emerged from the Philippine Supreme Court and Court of Appeals have further limited the scope of what existing protection there is. Despite express constitutional mandate and despite the clear wording of the statute, the courts have deemed fit to restrict the applicability of the UDHA in relation to nuisances and court ordered demolitions. Again, this has opened the floodgates to a whole slew of allowable evictions.

But while the law itself is rife with inadequacy, actual practice may even be worse. With respect to housing provision, the CESCR has even gone so far as to call attention to the fact that “existing expenditures on housing appear to benefit higher income groups at the expense of the poor.”⁵⁸ A 1998 study found that an estimated 2.5 million families in the Philippines still lived in illegal and substandard urban housing,⁵⁹ despite the fact that at that time, the UDHA had already been in effect for six years. More recent statistics compiled by the Senate Economic Planning Office, peg the total housing “backlog” – equivalent to the number of families that are homeless – at 3.7 million for the period from 2005-2010.⁶⁰

The practice of forced eviction has an even more dismal record. According to the 1995 report of the CESCR, large-scale evictions continue to occur frequently and are estimated to have affected hundreds of thousands of persons since the Philippines ratified the ICESCR.⁶¹ This is borne out by more recent statistics that indicate that from January 2004 to June 2005, over 43,488 people were forcibly evicted throughout the country,

⁵⁷ Under Section 28 of the UDHA, these are evictions of persons from danger areas and public places, evictions arising from government infrastructure projects, and court ordered evictions. *See* note 42.

⁵⁸ Concluding Observations of the CESCR: Philippines. 07/06/95. E/C.12/1995/7, par. 18.

⁵⁹ Erhard Berner, *Poverty Alleviation and the Eviction of the Poorest: Towards Urban Land Reform in the Philippines*, 24 *International Journal of Urban and Regional Research* 554, 562 (2000).

⁶⁰ Senate Economic Planning Office, *Housing Sector at a Glance*, <http://www.senate.gov.ph/publications/AG%202006-07%20-%20Housing%20Sector.pdf>.

⁶¹ *Supra* note 58 at par. 16.

mostly by local governments and national government agencies, in connection with infrastructure development and beautification drives.⁶²

The Philippine government has even taken the position that the Covenant does not provide protection from forced eviction, and the CESCR has criticized this view.⁶³

V. CONCLUSION

In the final analysis, despite the enactment of numerous laws relating to the right to housing, and the integration in its own Constitution of the certain aspects of the right, Philippine compliance has been far from adequate.

Weaknesses in the law itself, interpretations by the courts, and actual implementation of policy have all contributed to this situation.

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⁶² Asian Center for Human Rights: Eviction Watch and Housing Rights, <http://www.achr.net/Evictions/%20Asia/Trends/%20Evictions/%202005.html>.

⁶³ *Supra* note 58 at par. 17.