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SENATE

P.S. Res. No. 927

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Introduced by **SENATOR LEILA M. DE LIMA**

RESOLUTION

URGING THE APPROPRIATE SENATE COMMITTEES TO CONDUCT AN INVESTIGATION, IN AID OF LEGISLATION, ON THE IMPENDING DEMOLITION OF THOUSANDS OF HOUSES AND THE DISPLACEMENT AND RELOCATION OF ITS RESIDENTS IN THIRTY-EIGHT (38) BARANGAYS IN THE CITY OF MANILA IN ORDER TO MAKE WAY FOR THE NLEX-SLEX CONNECTOR ROAD AND THE PNR NORTH-SOUTH COMMUTER RAILWAY PROJECT

1 WHEREAS, the 1987 Constitution, Article XII, Section 10 declares that
2 “[u]rban or rural poor dwellers shall not be evicted nor their dwelling demolished,
3 except in accordance with law and in a just and humane manner”;

4 WHEREAS, the same provision also asserts that “[n]o resettlement of urban
5 or rural dwellers shall be undertaken without adequate consultation with them and
6 the communities where they are to be relocated”;

7 WHEREAS, Metro Manila’s population has been continuously increasing
8 going back to the 1970s when it was still reportedly inhabited by approximately 3.54
9 million people¹;

10 WHEREAS, in the decades since, Metro Manila has experienced a relatively
11 steady rise in its population until it reached 12.1 million inhabitants in 2010².
12 However, in 2020, the population is projected to balloon up to 19.43 million, which

¹ Porio, E. (2011). *Vulnerability, Adaptation, and Resilience to Floods and Climate Change-Related Risks among Marginal, Riverine Communities in Metro Manila*. *Asian Journal of Social Science*. 39. 425-445. 10.1163/156853111X597260.

² *Ibid.*

1 represents a surge almost equivalent to the total population increase in the four
2 decades prior³;

3 WHEREAS, the population of Metro Manila swells during the daytime to
4 around 15 million⁴, as workers travel into the city to work and toil in its many
5 commercial, business, and industrial districts. This daily search for economic
6 opportunities places a tremendous strain on urban services, particularly on
7 transportation networks. This network is highly susceptible to grinding to a halt in
8 the event of typhoons, flash flooding, and other natural and man-made disasters as
9 cascading infrastructure failure can potentially cripple already overburdened
10 transportation networks⁵;

11 WHEREAS, the state of transportation networks in Metro Manila can be
12 adequately characterized by gross inefficiency and State neglect, with the country
13 reportedly losing ₱3.5 Billion a day in 2017 due to Metro Manila traffic alone,
14 according to the Japan International Cooperation Agency (JICA)⁶. This cost is
15 projected to rise even further to ₱5.4 Billion a day by 2035 if no interventions are
16 made⁷;

17 WHEREAS, the supposed panacea to Metro Manila's worsening traffic
18 conditions being flaunted by the Duterte administration is the "Build, Build, Build"
19 (BBB) Program. Under the BBB, the Philippines is touted to have the largest
20 infrastructure boom since the time of the late-dictator Ferdinand Marcos. With this,
21 the government is "set to embark on an ambitious \$180 billion infrastructure
22 spending bonanza" which supposedly will transform the economic landscape of the
23 Philippines by helping lower costs of production, improve rural incomes, encourage

³ *ibid.*

⁴ *Manila Population 2018*. (n.d.). Retrieved from <http://worldpopulationreview.com/world-cities/manila-population/>

⁵ Mitchell, C. & Laycock, K. (2017). *Planning for adaptation to climate change: exploring the climate science-to-practice disconnect*. Climate and Development. 1-9. 10.1080/17565529.2017.1411243.

⁶ *PH loses ₱3.5B a day due to Metro Manila traffic – JICA*. (2018, February 24). Retrieved from <http://cnnphilippines.com/transportation/2018/02/23/JICA-P3.5-billion-traffic.html>

⁷ *PH traffic may worsen, to cost ₱5.4 billion daily - JICA*. (2018, September 19). Retrieved from <http://cnnphilippines.com/news/2018/09/19/JICA-study-traffic-5-billion.html>

1 countryside investments, make the movement of goods and people more efficient,
2 and create more jobs for the Filipino people⁸;

3 WHEREAS, two such projects that are expected to be expedited as a result of
4 the BBB Program are the NLEX-SLEX Connector Road and the PNR North-South
5 Railway (NSRP) Project;

6 WHEREAS, the proposed NLEX-SLEX Connector Road Project is an 8-
7 kilometer all elevated 4-lane toll expressway which extends the NLEX southward
8 from the end of Segment 10 in C3 Road Caloocan City to PUP Sta. Mesa, Manila and
9 connects to the Skyway Stage 3. While mostly traversing the PNR rail track, the
10 project also includes two (2) interchanges located at C3 Road, Caloocan and España,
11 Manila⁹;

12 WHEREAS, the NLEX-SLEX Connector Road traces its inception back to the
13 year 2010, when the tollways unit of the Manuel Pangilinan-led Metro Pacific
14 Investments Corporation (MPIC) secured an unsolicited proposal for project. Later
15 on, in 21 January 2014, the NLEX Corporation signed a joint venture agreement with
16 the Philippine National Construction Corporation (PNCC) to build the road¹⁰;

17 WHEREAS, the Department of Justice (DOJ) subsequently issued a statement
18 declaring that the approval by the National Economic and Development Authority
19 (NEDA) Board of the agreement was “without factual basis or justification” which led
20 to the proposal to once more be subject to review by NEDA¹¹;

21 WHEREAS, in 2015, the NEDA Board ruled that the NLEX Corporation’s offer
22 should be bid out through a Swiss challenge, which would require an invitation to
23 third parties to make competing offers while allowing for the original proponent the
24 right to match them¹². Nevertheless, the tollroads unit of the MPIC was able to secure
25 the contract to build the ₱23.2 Billion NLEX-SLEX Connector Road in September

⁸ Heydarian, R. J. (2018, February 28). *Duterte's ambitious 'build, build, build' project to transform the Philippines could become his legacy*. Retrieved from <https://www.forbes.com/sites/outofasia/2018/02/28/dutertes-ambitious-build-build-build-project-to-transform-the-philippines-could-become-his-legacy/#69d9782f1a7f>

⁹ *NLEX-SLEX Connector Road Project*. (n.d.). Retrieved from <http://www.dpwh.gov.ph/dpwh/PPP/projs/NLEX-SLEX>

¹⁰ Dela Paz, C. (2018, April 01). *Construction of NLEX-SLEX connector road to start by July*. Retrieved from <https://www.rappler.com/business/199349-nlex-slex-connector-road-construction-start-july-2018>

¹¹ *Ibid.*

¹² *Ibid.*

1 2016¹³ and is expected to commence within the fourth quarter of 2018, and go “full
2 blast” by the first quarter of 2019¹⁴;

3 WHEREAS, the North-South Railway Project (NSRP) is a proposed railway
4 line traversing Metro Manila and Legaspi City, Albay. The project is a part of the
5 government’s objective to catalyse economic and urban growth in the most populous
6 regions of the islands by providing essential connectivity through a world-class
7 passenger rail service. The NSRP revitalises the oldest rail system in Southeast Asia,
8 by delivering a 56km-long commuter rail and a 653km long-haul passenger rail
9 service between Metro Manila and the under-served regions in South Luzon¹⁵;

10 WHEREAS, mega-infrastructure projects such as these rarely – if at all –
11 mention the social costs of these endeavors, particularly the physical and economic
12 displacement of thousands of people just to give way for their construction in Metro
13 Manila’s densely populated areas;

14 WHEREAS, the 1987 Constitution, Article III otherwise known as the Bill of
15 Rights, Section 9 declares that “[p]rivate property shall not be taken for public use
16 without just compensation”;

17 WHEREAS, Republic Act No. 10752, otherwise known as The Right-of-Way
18 Act, Section 4, states that “[t]he government may acquire real property needed as
19 right-of-way site or location for any national government infrastructure project
20 through donation, negotiated sale, expropriation, or any other mode of acquisition as
21 provided by law”;

22 WHEREAS, controversies, particularly right-of-way issues, regarding the just
23 and proper acquisition of lands have loomed over the development of the
24 aforementioned projects;

25 WHEREAS, some residents of Sampaloc, Manila have long been apprehensive
26 of their forcible eviction and relocation in order to give way for the construction of

¹³ Cordero, T. (2018, August 02). *Right-of-way issues plague NLEX-SLEX connector road, says contractor*. Retrieved from <http://www.gmanetwork.com/news/money/companies/662777/right-of-way-issues-plague-nlex-slex-connectore-road-says-contractor/story/>

¹⁴ Valdez, D. (2018, June 10). *Preliminary work on NLEX-SLEX connector road to start by Q4*. Retrieved from <https://www.bworldonline.com/preliminary-work-on-nlex-slex-connector-road-to-start-by-q4/>

¹⁵ *North-South Railway Project*. (n.d.). Retrieved from <https://www.railway-technology.com/projects/north-south-railway-project/>

1 these projects. They have repeatedly stressed that the concerned agencies have failed
2 to adequately consult with them concerning the right-of-way negotiations;

3 WHEREAS, Brgy. 428 Homeowners Association and the Sampaloc People's
4 Alliance have appealed for the projects' suspension and review, citing the massive
5 demolition of houses in at least thirty-eight (38) barangays in Manila composed
6 mainly of homes and small businesses. According to the residents, thousands of
7 families will be evicted, and are likely to be relocated in far and inaccessible
8 relocation sites;

9 WHEREAS, in a petition signed by ninety-three (93) homeowners of Brgy.
10 428, the concerned parties claimed that the Department of Public Works and
11 Highways (DPWH) and the Department of Transportation (DOTr) did not
12 sufficiently heed their concerns such as requesting for a congressional review and
13 dialogue with the concerned agencies as well as conducting further studies into
14 possible alternative routes that will minimize the social and economic impacts to the
15 local communities;

16 WHEREAS, on 21 July 2018, two days before President Duterte was set to
17 deliver his 3rd State of the Nation Address (SONA), the Sampaloc People's Alliance
18 organized a 'unity walk' in order to express their dissent over the administration's
19 various anti-people policies and bring awareness into the issues of forced eviction,
20 demolition, and relocation being faced by the residents of Sampaloc, Manila¹⁶;

21 WHEREAS, no less than President Duterte himself previously gave assurances
22 that there will be no demolition if there is no relocation even going as far as decrying
23 the practice as "inhumane"¹⁷. Nevertheless, widespread, State-sanctioned
24 demolitions in Metro Manila have been a major issue of administrations past and
25 present as large-scale infrastructure projects are laid out to supposedly stimulate
26 economic growth and spur national development, forcing thousands of people to be
27 relocated in unfamiliar locales which are devoid of opportunities for employment or
28 livelihood and lack access to basic social services that enable them to lead full and
29 dignified lives;

¹⁶ Anacta, P. A. (2018, July 21). *Sampaloc residents conduct 'unity walk' vs massive eviction*. Retrieved from <http://www.manilatoday.net/sampaloc-residents-conduct-unity-walk-vs-massive-eviction>

¹⁷ Ranada, P. (2016, 18 July). *Duterte: No demolition without relocation under my watch*. Retrieved from <http://www.rappler.com/nation/140094-rodrido-duterte-no-demolition-without-relocation>

1 WHEREAS, these are symptomatic of weak urban planning both at the
 2 national and local levels, the resulting lack of suitable lands for socialized housing as
 3 well as lack of basic services (e.g. access to livelihood, power and water) for
 4 implemented projects caused by wrong displacement, exacerbating economic and
 5 social problems which also result in other considerable factors such as zero-to-low-
 6 occupancy rates of certain government housing projects due to lack of access to
 7 livelihood opportunities, power, water, community facilities, and poor estate
 8 management causing resettlement projects to become new blighted areas;

9 WHEREAS, there is a need to closely scrutinize the plan of our government
 10 agencies with respect to urban development regarding these projects and give due
 11 consideration and proper recognition to the individuals and families who stand to be
 12 uprooted not only from their homes and sources of livelihood and income but also
 13 their communities as well. The government should ensure that the rights and
 14 interests of the people, first and foremost, are safeguarded and protected, and as
 15 such should exercise due diligence and exhaust all possible alternatives prior to the
 16 development of any infrastructure project that involves the acquisition of private
 17 lands and the relocation of its inhabitants;

18 WHEREAS, instead of focusing on displacement and resettlement alone of the
 19 informal settlers that do not solve the problem of blight and poverty, the executive
 20 branch and all concerned agencies are hereby strongly urged, before undertaking
 21 evictions of urban poor dwellers, to first make the following policy changes
 22 incorporated into the National Resettlement Policy Framework and operationalized
 23 through an Executive Order or law, to establish first a clear roadmap in line with
 24 participatory governance and to address implementation gaps, such as but not
 25 limited to:

FROM	TO
No prioritization among types of relocation. Determined by lands identified by proponent, resulting in many Off-City relocations.	In order of priority: On-Site, In-City or Near-City Relocation. Off-City as a last resort *Near-City to be determined based on transportation costs
Per Project Basis / Demand-Driven	City-Wide / Targeted Approach for “Ready LGUs”
Combination of Contractor-Driven	Mainstream Community-

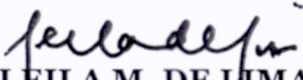
FROM	TO
and People's Plan or Community Driven Approach	Driven Approach / People's Plan
Planning and budgeting focused on housing	Mainstream Program Convergence Budgeting Utilities, infra and community facilities to be implemented by other agencies (e.g. LWUA, NEA, DSWD) will be identified early in the budget planning process
Resettlement Action Plans (RAPs) for government infrastructure projects are prepared <i>after</i> approval of the infrastructure project with little lead time for implementation	Institutionalize preparation of RAPs in infra planning by making HUDCC approval of RAP one of the requirements for NEDA approval of any infra project
Same subsidy per household irrespective of income level	Income-Based Subsidy Approach to bridge the gap in light of the varying affordability levels of the underserved

1 WHEREAS, there is a need for the government to insure that in its “Build,
2 Build, Build” program, essential institutional reforms are simultaneously
3 undertaken, for although housing and urban development has been decentralized to
4 LGUs under the Local Government Code of 1991 (RA No. 7160), holistic urban
5 development requires linking local, regional and national plans towards more
6 holistic settlements planning to deal with the challenges of urbanization, these
7 challenges include addressing agglomeration economies, managing the urban sprawl
8 while preserving/protecting the environment, improving mobility and connectivity,
9 and building disaster resilience, among others, which entails integration of sectors
10 such as transport, land use, housing, environmental management, health, and social
11 services, particularly in urban areas – the era of poverty caused by recklessness and
12 irresponsibility must come to an end;

13 NOW, THEREFORE, BE IT RESOLVED, to urge the appropriate Senate
14 committees to conduct an investigation, in aid of legislation, on the impending
15 demolition of thousands of houses and the displacement and relocation of its
16 residents in thirty-eight (38) barangays in the City of Manila in order to make way
17 for the NLEX-SLEX Connector Road and the PNR North-South Commuter Railway

- 1 Project, with the end in view of instituting innovative policy reforms and
- 2 mechanisms that will bring about holistic and sustainable urban development.

Adopted,


LEILA M. DE LIMA