



# Evictions and fear of evictions in the Philippines

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## I. INTRODUCTION

**THIS PAPER REVIEWS** the scale of evictions in urban areas in Asia and describes in detail recent evictions in Manila and the efforts made to halt them. It also considers their impact on those evicted or threatened with eviction and includes a case history of a recent eviction of people from "Muelle de la Industria" in Manila and the actions they took to fight it.

The fear of eviction hangs over the slums and squatter areas of Asia. Approximately 200,000-300,000 families, or 1-2 million people, are evicted forcibly each year in Asia. It is a very uncertain estimate but probably the best that can be made at present. The Asian Coalition for Housing Rights will undertake an Asian-wide eviction monitoring service beginning in early 1994; by 1995 it should be possible to give a more accurate figure.

The number of evictions is huge. In the Philippines and India alone, more than 200,000 people are evicted each year. This is still only a small fraction of Asia's poor urban population of about 500 million people. But the fear of eviction on the other hand affects whole urban centres and hundreds of millions of people. It is a rare squatter family in Asia that at some time in their life does not worry about government demolition teams and police arriving some morning to destroy their home.

The fear of eviction settles into the bones of squatter people, helping to destroy their confidence in themselves and their associations - "we're only squatters" they say, as if they had little value. The fear of eviction helps make people fatalistic and puts an end to their determination to improve their homes and neighbourhoods.

One reason we have slums is because people ask whether it is worthwhile building decent homes when they can be evicted at any time. Paradoxically, it is the government officials, who instill fear in the urban poor, who are responsible for the shabby state

of the slums and squatter areas. Ordinary people with security of land tenure keep their areas neat and spend to improve them.

Over the next few years the Philippines government says it plans to evict 200,000 families because of its public works programmes; in Bangkok, 30,000 will be evicted over the next two years. Countries that previously did not generally evict people are now doing so: in Vietnam, 10,000 families living along a canal in Ho Chi Minh City will be evicted; in Malaysia which, a few years ago, seemed to be without a squatter problem, several violent evictions have recently taken place and an estimated further 10,000 people are likely to be evicted; and in Dhaka, people are also being evicted in increasing numbers.

The suffering caused by or associated with these demolitions is little understood. In Manila, at least 20 people have been killed in demolitions over the past eight years. Miscarriages occur in almost every violent eviction incident. Hundreds have been injured. Twenty people died in Seoul in violent battles between squatters and demolition crews (which included gangsters) in the years 1985-1988, when over 750,000 poor people were evicted. Evictions are so traumatic that psychiatric social workers in some cities, including Manila, now care for the victims, especially the women and children.

What does it do to a young child to see his or her mother screaming as she battles with a policeman for her house and loses? What does it do when they have to pick up their few belongings and move away to find a place in another slum? If relocation to some distant settlement is involved, families often permanently fracture, with the men remaining in the city to work and the wife and children going to the relocation camp. The whole social, economic, and school life of the family is subverted and rarely restored.

Governments in Asia, from the days of the emperors and colonizers have, until very recently, evicted people with impunity whenever they wished to do so. The first Spaniards to settle permanently in Manila in 1571 demolished the native village they found there and evicted the Malay survivors, relocating them to an open area just south of the old settlement. Over the years, opponents of eviction found little support in law, although they did in the region's religions: Islam, for example, has taught "...the man who occupies an unclaimed piece of land, owns that land." Perhaps this Islamic teaching explains Pakistan's unique treatment of urban squatters: over the last two decades the government has regularized many of the squatter areas of Karachi, so that people there cannot be evicted.

Beginning in around 1970, however, a new consciousness of housing rights began to form. As in the immediate post-World War II period, Asian governments had to come to terms with labour legislation and workers' rights so, after 1970, they had to accommodate housing rights. This period coincided with the promulgation of the United Nations Covenant on Economic Social and Cultural Rights of 1974 (where housing rights are most firmly stated) and the 1976 UN Conference on Human Settlements (Habitat) in Vancouver.

As can be seen from the above statistics, people are still evicted

but now evictions are seen as violations of international law and also in most cases of national law. Overall, the total number of evictions in Asia may not be less than in the past; however, because of increased populations and pressure on land, the eviction totals might be much higher if it were not for the laws now in place.

## II. THE UNITED NATIONS AND ASIAN HOUSING RIGHTS

**IN DECEMBER 1993**, the United Nations Committee on Economic Social and Cultural Rights wrote to the Philippines' Foreign Secretary Roberto Romulo asking that he respond to charges that the Philippines government had consistently violated the housing rights of thousands of its citizens. The Committee's short letter, though bland and non-threatening for diplomatic reasons, is historic, for it marks the first time that the United Nations has involved itself with housing rights abuses in the Philippines and, as far as the authors know, in Asia. It starts a process that may lead to a UN investigative mission to the Philippines and, if there is no change of policy, to censure and condemnation. It can also lead to further UN involvement in Asia's housing problems. Such a trend would surely limit evictions in the future, especially if the UN worked with governments to show that there are creative, less expensive and more satisfactory solutions to urban problems than mass evictions.

This article is written as the Philippines government prepares its response, which it must present to the Committee in May 1994. It is not an easy task, since the country has been one of the most profligate violators of housing rights in Asia. Other countries have forcibly evicted great numbers of people at certain periods of time, such as Burma (Myanmar) in 1991-92, but the Philippines has few equals for steady high annual rates of eviction over the past 20 years.

Habitat International Coalition, the international coalition of NGOs working on human settlements issues, presented the evidence of Philippines housing rights abuses that led to the letter to Secretary Romulo. This Coalition relied heavily on documentation from the Manila based Urban Poor Associates where the authors work and where they have tracked forced evictions in the Metro Manila area for several years. This section of the article deals mainly with the Philippines since the authors have studied the matter of evictions in that country. In the future they will participate in an Asian-wide eviction monitoring effort, patterned on Amnesty International, that will provide up-to-date information on evictions in all Asian countries. To date such information does not exist in easily accessible form.

## III. EVICTIONS IN MANILA

**THE CHARGES OF** Habitat International Coalition against the

Philippines are contained in a paper entitled "*Prima Facie* Violations of Article 11 (1) of the Covenant on Economic, Social and Cultural Rights." The report begins with an account of a demolition that UN and Habitat International Coalition people witnessed first hand, a demolition typical of many. Following that are other excerpts from the paper, as illustrated in Box 1.

Such was the tenor of the data presented to the UN Committee in December 1993. It is useful to add that evictions on private property usually occurred just before or just after a land sale took place. The land was cleared of urban poor people and then held for speculation purposes or until the owner had money to construct a factory or apartments. Near Cubao, Quezon City, one of Manila's busiest shopping and entertainment areas, a four-hectare lot stands empty that once held 700 squatter families. The land where two young people were killed by marines during an eviction in 1985 in Talalon, Quezon City, remains unused, as if even life were secondary to the land market's demands.

Not once in all the eviction incidents studied did a landowner observe all the requirements of the 1992 Housing Law or of earlier agreements made between mayors that governed evictions before the law was passed.

#### IV. VIOLENCE AND ANGUISH

**DEMOLITIONS HAVE OFTEN** been violent. Hundreds have been injured and perhaps as many as 20 people killed in demolitions since 1986. Urban poor people in Barrio Manresa, Quezon City, claim 18 people have died there as a direct result of demolitions, or from disease and hunger occasioned by the demolitions.

It should not be hard to appreciate the suffering of a family caught in a demolition. The wife and children may be relocated, while the husband stays behind to continue his work. He may, in time, start another family. Women resisting demolitions know that they are fighting for their families. Demolitions interfere with the children's schooling. And urban poor children's health, which is never good, is further strained, especially when demolitions occur in the rainy season.

What demolitions do psychologically to poor people, especially the children, is harder to imagine. Perhaps the best way to appreciate the trauma is for the reader to ask how he or she would feel if one day the government arrived in force to destroy their home and leave them in the rain in the street. Anyone who hears the wails of despair from the women as they watch their homes come down knows such demolitions are inhuman. If ordinary citizens saw the horror first hand, they would take steps to stop the practice. The suffering affects women and children most of all: "...Men can live and sleep anywhere, on a street, in an alley, but women need a home" a Bombay pavement dweller told the authors. "...When you take away her home, you take away her identity as a person." This paper makes no claim to explain this suffering but suggests it would be a worthwhile area of study for those interested in understanding the urban poor and their problems.

**Box 1: Excerpts from the Paper entitled "Prima Facie Violations of Article 11 (1) of the Covenant on Economic, Social and Cultural Rights"**

**\* On 29 September 1993, a delegation from Habitat International Coalition, accompanied by UN Special Rapporteur on Housing Rights Justice Rajindar Sachar (India), visited the community of Tagumpay in Quezon City, Manila. Twenty-four hours before the representatives arrived, the 2,000 residents of Tagumpay, who had lived on their site for over 30 years, awoke at 6:30 a.m. to find present a 500-man strong demolition team commanded by an armed police force numbering over 80 officers. By the end of the day all of the dwellings in the area had been demolished, with those made of stone or brick reduced to piles of rubble.**

**Tear gas was shot randomly into the settlement and residents were forced to flee by scaling a wall and jumping into a polluted river some three metres below. Many injuries were incurred, especially by children. The residents of Tagumpay received no warning, no compensation, no relocation and no consultation. Two days later, the community was evicted again, despite having received a visit from a representative from the Philippines Human Rights Commission. The dwellers of Tagumpay, many of whom were born in the area, are now living as pavement dwellers near the community they once called home. Unfortunately, this event was by no means an isolated one.**

**\* According to a 1992 report by the Asian Coalition for Housing Rights, forced and usually violent evictions affected a total of over 120,000 urban poor dwellers in Manila each year from 1987-1992, while the squatter population in Manila is estimated to have surpassed 3 million. This survey demonstrated the random nature of many of the evictions carried out in Manila by showing that between 80-90 per cent of all public and private land cleared of squatters remained vacant and idle. In nine out of ten cases, neither relocation sites nor compensation was provided to those evicted in Metro Manila.**

**\* Between July 1992 and August 1993, a total of 12,686 families (76,116 persons) in Metro Manila were forcibly evicted from their homes. This was according to monitoring carried out by the Urban Poor Associates who admit that its figures do not represent a systematic survey of evictions in Metro Manila and that the real number is substantially higher.**

**\* In none of the cases listed above did adequate, mutually satisfactory consultation with the affected groups take place. Those carrying out the study concluded that, "...In most cases the government and the courts did not observe the provisions and implementing rules of Republic Act 7279 approved in March 1992 and thus these demolitions were illegal." Prior to March 1992 there was an agreement governing evictions signed by most Metro Manila mayors that contained basically the same provisions as Republic Act 7279. These provisions were never fully observed in any demolition.**

**\* From 1987 to 1993, at least 350 separate incidents of demolition supported by the government were undertaken in Metro Manila. Brigadier-General Levi Macasiano, head of the government's Task Force on Demolition, claims that he and his men alone demolished 20,000 houses during 1991, affecting in excess of 100,000 people. Demolitions of squatter areas are principally carried out at the request of the Department of Public Works and Highways.**

**In 1993, Brigadier-General Macasiano filed a case in the Philippine Supreme Court alleging the illegal nature of Republic Act 7279, the Urban Development and Housing Act of 1992 which afforded some protection to people against arbitrary evictions. The case was dismissed by the Court on the grounds that it was based on spurious arguments.**

Violence in one form or another in demolitions has been routine. For example, Box 2 illustrates three cases from the records of the Philippines Catholic Bishop's Urban Poor Office which took place within a period of one month.

### **Box 2: Examples of Violent Eviction**

**\* January 31, 1990:** A 75-man demolition crew and 40 policemen arrived in Barangay Katipunan, Quezon City, to eject 20 families from private land. The Church agency report reads as follows: "A seven-year old boy was hit by a stone, another resident suffered a broken limb after being clubbed by a demolition team member. The team disregarded an injunction of a Quezon City judge."

**\* February 1, 1990:** "A 100-man demolition team and 40 policemen came to a private lot at 1199 EDSA, Quezon City, to evict 200 families. At least 17 persons were hurt during the eviction, some seriously."

**\* February 19, 1990:** "In Paranaque a 100-man crew plus 13 policemen arrived to evict 15 families living on public land. Five residents were injured. People said the demolition team stole some of their belongings, including cash."

**SOURCE:** Records of the Philippines' Catholic Bishop's Urban Poor Office.

Violence has continued in the demolitions that have taken place since President Ramos took office. In Bolante, Pasig, in July 1992, soon after the passage of Republic Act number 7279 and President Ramos's installation, a young boy was shot in the stomach by police in an eviction and a dozen people were injured. (The main provisions of this Act include guidelines on evictions, prescriptions for urban and national land use plans with adequate provision for social housing, and financial incentives for developers of low-cost housing. There is also a section calling for a listing of all squatter settlements in place before March 28 1992, the day the law was signed.)

It should be noted that all the evictions mentioned above took place in the Metro Manila area. There were many other evictions in cities and towns throughout the Philippines, but, unfortunately, no accurate record has been kept by the government or the NGOs. The government does not keep records of demolitions. Even the Philippines Commission on the Urban Poor, which is charged with doing so, keeps no records.

## **V. RESISTANCE**

**OF COURSE, POOR** people do not submit passively. When their homes are threatened they consult lawyers, march to City Hall,

negotiate with landlords and seek help from Church leaders or politicians. In the end they barricade their areas and physically resist the police and demolition crews if all else fails. Various NGO groups and lawyers help the people.

Box 3 tells the story of how one group of people resisted, the people of Muelle de la Industria. It is a mix of success and failure.

### **Box 3: Resistance Action by the People of "Muelle de la Industria"**

**This area lies along the north bank of the Pasig River in central Manila just where the river flows into Manila Bay. Hundreds of families lived in huts that averaged about four square metres in size. The houses were on a narrow strip of sidewalk between the river and the service road used by cranes and trucks. The men worked as stevedores unloading barges that tie up alongside their huts. The women were vendors or washed clothes.**

**On the morning of August 10, 1993, the people received a notice of demolition for September 4 from City Hall but the same day a local official informed them that the demolition would take place the very next day. Very early on August 11, Aling Lydia and other leaders rushed to City Hall but they were not able to see Mayor Alfredo Lim or any other official. On their return, they found their houses in the process of being demolished.**

**A demolition crew from the City Engineer's Office with three truckloads of police demolished their shanties. Nearby, an armoured personnel carrier menacingly pointed its machine guns at the people. The people received one day's food. The demolition operation went on from August 11-13 in spite of heavy monsoon rains. One story in the papers said the Mayor himself led the demolition team. Three hundred families from Muella de la Industria and 100 families on the other side of the river were literally thrown into the streets. There was no relocation or talk of relocation. A woman who had recently undergone a Caesarean operation was rushed to the hospital. A baby fell into the river but luckily was rescued. A young child suffered terrible burns because a pot of hot water fell on him.**

**Members of the Urban Poor Associates visited the area a week later. Many of the children were sick. They were constantly wet because of the rains. Some people rebuilt their shanties on side streets while some built them on old barges. Because of the rains there was no work for the men on the barges and their families were hungry. Not a single government agency or non-government organization extended them aid after the demolition. Urban Poor Associates suggested a meeting at Caritas, the Catholic Church's social welfare agency, and the people readily agreed.**

**About 40 people from Muelle attended this meeting. They mentioned they used to have an association, inactive since the death of its president. They discussed what they could do to prevent the demolition of the huts they had rebuilt on the side streets, barges and even on the sidewalk along the river. The options that surfaced were: a mass action at City Hall; the filing of complaints at the Commission on Human Rights; the filing of court cases against Mayor Lim for violations of the new Urban Development and Housing Act which, among other matters, requires 30 days notice before eviction; public meetings to discuss the matter; and decent relocation. The people's demands were: no demolition without relocation, and delayed demolition until after the school year ended (March) so that the children's schooling wouldn't be affected.**

Very early Monday morning, 148 people from Muelle were at the Commission on Human Rights and took part in the flag-raising ceremonies. At around 11 a.m. Chairman Mary Concepcion Bautista arrived and was touched to see so many poor children and women. She vowed to do something about the spate of demolitions in Manila and issued a summons to Mayor Lim, Police General Roxas and the City Engineer to attend a hearing on September 4 at the Commission on Human Rights and to refrain from carrying out demolitions. "If they want war, I'll give them war," she said.

Urban Poor Associates distributed copies of the Commissioner's order to Mayor Lim to other communities in areas that also had demolition notices for September 4. These communities later joined the Muelle people's actions.

A children and women's mobilization to City Hall was scheduled for September 1 to protest against the demolitions and to ask the Mayor to stop further demolitions on September 4. They planned to bring an image of the Blessed Virgin with them to remind Lim, who had received several religious awards, of his devotion to religion. The women also asked for the support of Cardinal Jaime Sin, whom they were told was supportive of the urban poor, and who had worked hard for the passage of the new Urban Development Act. On August 30, they went to see the Cardinal. It turned out to be the day before his birthday. The people attended the Mass and later, the Cardinal talked to Manila Vice-Mayor Atienza who also had attended the Mass. The Vice-Mayor was not optimistic but he promised he would ask Mayor Lim to see the people on Monday. The people also approached Monsignor Tantoco, the head of Caritas, to help them secure an audience with the Mayor.

On August 31, the Muelle people cordoned off their shanties with yellow ribbons, a symbol of the Corazon Aquino years, and a big poster was erected proclaiming the area was under the protection of the Commission of Human Rights upon order of Chairman Bautista. Very early, 400 poor people from Muelle were at Manila City Hall. Monsignor Tantoco was also there. During the meeting with the people, Mayor Lim claimed that he had never ordered any demolition and those that had occurred were due to the initiative of the neighbourhood officials. The Mayor promised he would observe strictly the new housing law and had already initiated talks on a relocation site in Dasmarinas, Cavite.

As a result, demolitions in Manila were stopped, at least temporarily. Thousands of families throughout the city who had received demolition notices similar to those given to Muelle were spared, for some time at least.

Over the next few months Urban Poor Associates organized the Muelle people, and squatters in 16 other pockets along the river, into an association that tried to negotiate a lasting solution with Mayor Lim, through a formal agreement. In this agreement the people promised to keep their areas clean and free of petty criminals, to cooperate in campaigns to clean the rivers and *esteros* and to beautify the area and keep out new squatters. They would give P5 a week to a land/housing fund to be managed by them and the city. In turn they asked the Mayor to promise not to evict them for five years at least and to give them refuse cans, paint, trees and more police protection. The Mayor said he had "no objection" to the proposal and told his City Engineer to sign for him. The people insisted they wanted the Mayor to sign but they couldn't get him to do so. Discussions carried on but nothing tangible resulted.



**In 1993, Mayor Lim evicted the people of Muelle. About one-third were relocated to Cavite. The rest have scattered to other squatter areas. Some families eventually came back to the Muelle area but they live in constant fear of demolition.**

1. Murphy, Denis (1990), *A Decent Place to Live - Urban Poor in Asia*, Asian Coalition for Housing Rights, Bangkok, 130 pages. Available from Asian Coalition for Housing Rights, PO Box 24-74 Klongchan, Bangkok, Bangkok 10240, Thailand.

2. For more details of this Coalition and its work, see the NGO Profile in *Environment and Urbanization*, Vol. 5, No. 2, pages 153-165.

3. See for instance the brief of Habitat International Coalition before the UN Committee on Economic, Social and Cultural Rights in the case of the Philippines.

### a. Resistance in Other Asian Countries

The reader interested in more information on methods used in Asia to resist evictions can consult the book *A Decent Place to Live*, where a chapter, "Evictions", is devoted to the subject.<sup>(1)</sup> The chapter is a transcript of the dialogue between Koreans, Indians, Thais, Papua New Guineans and Indonesians. The methods used to resist evictions include: building a moat around the besieged squatter area, throwing stones, rolling barrels downhill, seeking help from other squatter communities, executing strong non-violent resistance, going to court, having negotiations with the government and private owners leading to land-sharing and other compromise schemes, blocking traffic to highlight problems, using the media, and picketing the landlord and houses in private residential areas.

One Korean woman participating in the dialogue asked questions that echoed those of almost all urban poor women in Asia. Fr. John Daly, who is mentioned in her remarks, received the Ramon Magsaysay Award in 1985 for his work in defence of Seoul's urban poor. The woman asked: "...I wonder why we are not allowed to live in poverty here as we want? We are happy here. We do not claim much. We are not demanding free accommodation. We do not pretend that we are living like the American middle-class. We wish to live in a quiet way, shoulder to shoulder in humble housing. Why is it not allowed? I believe our resistance is just and right. Otherwise, why would outside people like Fr. John Daly come and assist us? He supported us with tears in the struggle while we had our bones broken by their hammers."

### b. Help to Resist

As can be seen, Asia's urban poor have resisted evictions in many dramatic and quiet behind the scenes ways. Efforts to involve the United Nations and the eviction monitoring service of the Asian Coalition for Housing Rights<sup>(2)</sup> are attempts to strengthen the people's efforts. United Nations warnings, for example, have caused Zambia and the Dominican Republic to abandon large-scale demolitions.<sup>(3)</sup> More UN activity in Asia cannot but help.

The monitoring service called "People Against Eviction" is, as noted earlier, patterned on Amnesty International. People in major Asian cities will keep accurate records of evictions in their areas (numbers of people involved, circumstance, causes, nature of people's resistance, etc.) and send the information regularly to centres in Bombay and Manila. An annual report will be published each year giving summaries of all that has happened, but adding some analysis of patterns, and perhaps listing countries in the order of their observance or non-observance of international housing law. The report will be distributed as widely as possible.

In addition, there will be fact-finding missions and international campaigns in support of people who face extremely difficult eviction problems.

The service will try in a small way to interest NGOs, governments and the general public in opposing forced evictions. Besides pointing out abuses of housing rights, the annual report can mention government initiatives that treat urban poor people fairly, such as the granting of security of land tenure, decent relocation (which almost always means in-city relocation) or upgrading of the settlements in which they live. It can campaign for certain practices, for example government refusal to evict poor people from private property.

## VI. CONCLUSIONS

**WHILE EVICTIONS CAN** take place with impunity, governments and private landowners will never negotiate seriously. It is only when easy eviction is impossible that sincere negotiations can start. For the urban poor, the ability to stop evictions is equivalent to a labour union's ability to strike. If a union does not have a strike capability, management does what it wants. If urban poor people cannot limit evictions, governments and owners do what they want. Stopping evictions is the first crucial step. It also ends the fear of eviction which poisons life for so many people in most Asian cities.