

Judicial Interpretation of the Law on Just and Humane Evictions

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AND HOUSING ACT*

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For the Author, “just and humane evictions” seem to be a paradox in that legal and rightful owners of property are given an expeditious remedy to enforce their ownership rights. This clause can be found in Section 10 of the Article XIII of the 1987 Constitution. The Author explains the contradictory treatment of respecting the rights of those who violate the rights of others, specifically in the due process component of the eviction and in the context of executive initiatives of urban land reform and housing.

The Article examines the laws on eviction and demolition involving the Civil Code provisions on ejectment and nuisance, the procedures and remedies under the Rules of Court, Letters of Instruction issued by Pres. Ferdinand E. Marcos, the National Building Code, and the Local Government Code.

However, the focus is really on Republic Act No. 7279 or the Urban Development and Housing Act which determines the justness and humaneness of the eviction. The law requires a three-fold duty before urban poor dwellers and informal sellers may be evicted: adequate consultation, adequate relocation, and mandatory procedures before, during, and after the eviction process.

The last part of the Article illustrates the relevant laws and procedures as applied by the Supreme Court and the Court of Appeals. Surprisingly, the validity of the Urban Development and Housing Act has been challenged on constitutional grounds with respect to just and humane evictions. The Author also enumerates possible defenses by both land owners and urban settlers.