

# THE MARIKINA CITY RESETTLEMENT PROGRAM: A MODEL FOR COMMUNITY AND GOVERNMENT PARTNERSHIP FOR DEVELOPMENT<sup>1</sup>

by

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## Abstract

Local Government Units (LGUs) in the Philippines are faced with a compounding problem of resources especially for housing.

This case study showcases an innovation in public administration and governance where the Marikina City government, in a very unique and effective interaction of politics, administration and civil society, contributed to social and human development through its resettlement program. The manifest balancing of good leadership and participative governance resulted in the achievement of the City government's twin goals of development and socio-economic progress.

Typical to any urbanizing City, the economic growth of Marikina City was planned holistically taking into consideration the mushrooming of squatter colonies within its jurisdiction. The City adopted its own formula for the resettlement of squatters vis-à-vis the available resources of the City government for housing. Pursuant to the Urban Development and Housing Act of 1992, the City assumed the challenge of being at the forefront of providing socialized housing to the underprivileged and homeless<sup>4</sup>-- the social group living in unfavorable conditions in a developing and urbanizing city.

The "In-City Resettlement Program of Squatters" in Marikina City can be considered as a best practice in community development and economic growth. The program is integral to the urban renewal and development of the City. In order to achieve its policy of providing land for the landless, the City enforced the containment of squatter dwellers

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<sup>4</sup> **CESR General Comment 4 (1991)**, stated that the right to housing includes the right to human dignity, the principle of non-discrimination, the right to an adequate standard of living, the right to freedom to choose one's residence, the right to freedom of association and expression and the right not to be subjected to arbitrary interference with one's privacy, family, home or correspondence, pp 22-26.

within the city and the provision of 24 square meter lot to each squatter structural owner. It was able to achieve the desired result of relocating 30,015 families of informal settlers<sup>5</sup> and liberating approximately 500 hectares of land, which the urban poor used to occupy. The City government successfully linked up the use of all available resources human, technical and financial both at the local and national level in order to provide decent shelter to the underprivileged and homeless in a span of thirteen years from 1993-2006. The number of relocated families represents about 40% of the 120,000 (1/3 of the population) residing in about 114 depressed areas.<sup>6</sup>

On account of the long-term benefits of the resettlement program, the leadership of the City and the community development interventions of the Marikina Settlement Office (MSO) proved to be effective. The mechanisms of consultation and dialogue for people empowerment effectively worked except for a number of incidents resulting to the filing of alleged human rights violation cases with the Commission on Human Rights (CHR). The City Government recognized communities' right of empowerment through the organization of Community Housing Associations (CHAs). The development of relocation sites reflects good faith of the local government to provide housing to the maximum of its available resources. Development of more innovative approaches for achieving improved level of people empowerment and sustainability of the program are major areas for future consideration.

## **Part I. Overview of the Case Study**

### **A. Purpose of the Study**

The study seeks to analyze the underpinnings of the Marikina City's Resettlement Program to include the context under which it was implemented; the mix approaches that were utilized; the results of the reform initiatives to the communities and to the city as a whole; and, the successes and gains achieved by the program.

### **B. Outline of the reform initiatives**

The proliferation of squatters and marginalized communities in the early 1990s and its concomitant hazardous effects in the environment of the urbanizing city prompted the local government of Marikina to undertake initiative on resettlement. The initiative was attached to the urban renewal and resettlement program options under Republic Act No. 7279, otherwise known, as the Urban Development and Housing Act (UDHA 1992). An in-city resettlement program was planned through the conversion of idle lands in the city located at Sto. Nino, Malanday, Tumana, Balubad and Nangka. The LGU created the Marikina Settlement Office (MSO) in February 1992 to administer the relocation program. The MSO took charge of all aspects of program delivery and management. The National Home Mortgage Financing Corporation (NHMFC) provided funding for land acquisition. LGU allotted 10% of its budget for the implementation of the CMP in the city to cover expenses of the MSO operations. Community Housing Associations (CHAs) were organized and assigned tasks for the development and maintenance of communities. Initially, a prototype community was put up by the MSO and latter rolled out to the rest of the converted idle lands. In order to effect swift implementation of the

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<sup>5</sup> Marikina's *Informal Settlers*. Revised and Printed: 03 January 2006.

<sup>6</sup> *The Marikina Settlements Program Brochure*. January 2006.

initiative, surveys of marginalized communities were undertaken and feedback mechanism was installed. Project Officers of the MSO were hired from the resettled communities to establish closer links for monitoring and feedback of community concerns. Community resistance was encountered in the beginning but this was managed gradually with the organization and involvement of the Community Housing Associations.

### C. Outline of gains

The program relocated 30,015 household beneficiaries representing about 40% of the total 120,000 people residing in 114 depressed areas of the city. Six (6) big relocation sites and other government and private lands were developed through the CMP Originatorship in adequate space of 24 sq. meter single housing structure and adequate in-city relocation accessible to work and basic facilities. About 249 Community Housing Associations were organized and given purposive participation. Progressive realization<sup>7</sup> of the right to housing yielded to the increasing number of communities responding to the program and apparent improvement in infrastructural and basic services at reasonable cost. A resettlement community provides legal security of tenure<sup>8</sup> for settlers and other allied services such as livelihood programs and trainings, potable tap water and electrical connections, solid waste disposal, health and sanitation, garbage collection, telephone lines and other social services. Concreting or cementing of pavements and alleys of resettlement areas is one infrastructural service which was also progressively implemented in the various resettlement areas. Infrastructural services such as water, electric and telephone lines were expedited with the participation of the private sector. A local ordinance was issued by the city government exempting utility companies of clearance requirements from the private landowners of resettlement sites in consonance with the city's social goal on rehabilitating urban lands.<sup>9</sup>

### D. Outline of Lessons Learnt

The principal challenge of balancing good leadership and participative governance is a major area of learning. The MSO is the institutional arrangement that sustained the housing services. The city government demonstrated every effort to use all resources at its disposal.<sup>10</sup> However, if the resettlement program is to be implemented again or replicated in other areas, the formation of an inter-agency advisory group on urban renewal and resettlement should be done first. In addition, the formation of core group in targeted communities for resettlement should be considered at the very beginning to ensure people's participation in decision-making. These two groups should have helped manage to a greater extent, the community resistance that was encountered significantly at the beginning of the resettlement program in Marikina City. The resettlement should have been identified more as a city government program rather than the pure initiative of

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<sup>7</sup> See *UNDP (2002) Rights-Based Development* where the State is under obligation to take steps, to the maximum of its available resources with a view to achieving progressively the full realization of the rights, p 61.

<sup>8</sup> *CESCR Comment 4, Art. 11 (1) Sixth Session (1991)*, where legal security of tenure is described to be tenure taking a variety of forms including rental (public and private) accommodation, cooperative housing, lease, owner-occupation, emergency housing and informal settlements, including occupation of land or property, p.21.

<sup>9</sup> See MSO. Background on the Marikina Resettlement Program. 2006

<sup>10</sup> *Ibid.* stating that available resources include national financial resources, loans and assistance programmes, pp. 23-25.

the City Mayor, who unfortunately had to face a lot of criticisms about his perceived “assertive style” of managing the resettlement. Moreover, the creation of the MSO should have been legislated earlier through a city ordinance making it a city government-housing arm rather than the City Mayor’s implementing arm. The City Mayor and the MSO, though highly commendable with their performance and strong determination in implementing swiftly the resettlement program, could have avoided unnecessary criticisms from their detractors, if there were mechanisms in place initially to ensure more participative and broader representation in decision-making.

## **Part II. Profile of the institution/organization**

### **A. Mission and key functions/services**

Inspired with the vision to make “Marikina City squatter free,” the city established the Marikina Settlements Office (MSO) in February 1992. The Office was elevated into a Department in 2001 through a city ordinance. Section 4, Chapter IV of the Marikina Settlement Code of 2001 provides that the MSO is a policy-making and implementing body of the socialized housing program of the City Government of Marikina. Over time, the MSO has systematized its activities and processes particularly in gathering information for purposes of planning and programming. It is engaged in physical survey, mapping and household listing, conduct of census and occupancy checking, census data evaluation, processing masterlist preparation, structural mapping, survey and identification of mini-resettlement sites, model housing design and development, government land disposition process, preparation of site development, community relations operations, geographical information system for all resettlement sites, demolition and relocation operations, re-blocking operations, clearing and cleaning of sites, basic services coordination, regularized identification cards of community residents, pre-qualification processing of community residence and assistance in availing housing loan under the Community Mortgage Program.

The principal functions and services of the MSO include, among other things, the provision of decent housing at affordable cost, clean and healthy environment, basic services and employment opportunities, rehabilitation and development of blighted slum areas and resettlement of program beneficiaries, provision of rational use and development of urban land, provision of equitable land tenure system that shall guarantee security of tenure and respect the rights of small property owners, encouragement of more effective people participation, adoption of workable policies for sustaining the program and institutionalization of the MSO services among the underprivileged and homeless .

### **B. Mandate, Structure and Processes**

As a Central Local Government Agency, the MSO is mandated to develop, regulate and maintain the “Squatter Free” vision of the city. To discharge this mandate, it is endowed with the power to formulate policy guidelines and implement an overall urban poor development program, to identify and develop lands for conversion into housing projects, to develop a comprehensive housing program grounded on sustainable and equitable land distribution, effect efficient housing delivery and basic services. The MSO performs its mandates through its three divisions namely: Administrative, Resettlement

management and Operations and Housing and Home site Management (Refer to Appendix A).

A systematic operations of the MSO involves processes of dismantling and prevention of illegal structures, land survey assistance, community development services and other specific assistance to include the clearing and cleaning of community sites; community organizing and accreditation; complaints management and disputes settlement; disaster preparedness assistance and response and prevention of illegal vendors. In addition to the system of operation of MSO as described in earlier section, the MSO's structure provides for the formulation and implementation of services that enhance the quality of life of the urban poor in the different settlements. The MSO set up helps in engaging resettlement communities in team building, values orientation, leadership development, conflict management, formation of livelihood programs and leaders' congress and other community services. Also, the set up allows effective resettlement operations to facilitate land acquisition and development of new settlement sites, to implement land improvement to include road and alley concreting, drainage construction/improvements and other infrastructure development, building and structure such as the installation of community billboards, street signages, angular frames, construction of multi-purpose hall, day care centers, development of parks and playgrounds and other recreational facilities in the resettlement areas.

### **Part III. Institutional/Organizational Issues and Constraints**

#### **A. Description of performance**

Generally, the MSO has provided options for housing delivery from which urban poor<sup>11</sup> can choose from.<sup>12</sup> Following the upgrading of the MSO into a Department, program delivery was enhanced. As of January 3, 2006, LGU Originatorship Project of the CMP in Marikina City improved showing the following performance in terms of the status of loans under LGU Originatorship and other cooperation programs with other agencies of government and non-government organizations. Specifically, the MSO has facilitated organization of 249 Community Housing Associations, which are now availing of the CMP. 111 LGU Originated CMP projects with the following statuses: loans taken out (49); for take out (5); for Loan LOG preparation and approval (2); for PCL Approval (2); for PCL preparation/documentation (6); for MOA (12); and Potential CMP (35). Other housing delivery projects were also implemented in government lands (12), public land (1), NHA projects (12), direct purchase (13), NGO originated projects (14), donated land (3), APD (65) and urban renewal and resettlement colony (17). But the lack of adequate resources to fully implement the plans and programs of the MSO is a big constraint. Infrastructural projects could not be implemented in all resettlement sites. Not all sites have the concreting of alleys and pavements completed. Eleven (11) resettlement communities are equipped with infrastructural services to include power and water services and concreting of alleys. The rest of the other resettlement communities are in different stages of infrastructure services delivery. Livelihood projects are inadequate to support generation of sufficient savings among settlers. Internally, the MSO needs

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<sup>11</sup> *CESR General Comment (1991)*, where it is stated that State parties must give priority to those social groups living in unfavorable conditions giving them particular considerations, p. 25.

<sup>12</sup> See *The Convention on Economic Social and Cultural Rights* where the right to freedom to choose one's residence is primordial.

resources for building capacities among its personnel.<sup>13</sup> Based on reports of the MSO, the indicators it uses to gauge its performance include the number of marginalized residents resettled, number of residents given jobs and alternative livelihood, number of physical infrastructural services available in the community, number of community housing associations and their community plans, number of housing loans taken out through the Community Mortgage program and the improvements effected by the associations through self help.

To date, the Marikina Resettlement Program has already received the following major awards: **Galing Pook Award**, by the Asian Institute of Management in 1997; **Gawad Galing Pook Award for Innovation and Excellence in Local Governance** in 1998 for Squatter-Free Marikina Program jointly sponsored by the Department of Interior and Local Government, Ford Foundation, Canadian International Development Agency and Asian Institute of Management<sup>14</sup>

#### B. User satisfaction ratings

There are no official reports showing satisfaction ratings of the communities. However, the growth in the number of families and communities availing of the CMP and other resettlement cooperation program with other government and private entities is indicative of their favorable response. Indicators of dissatisfaction are the eleven (11) cases, which were filed with the Commission on Human Rights.<sup>15</sup> (Appendix B). In addition, interviews and testimonials were obtained from about 31 residents of six resettlement sites such as Nangka, Tumana, Sto. Nino, and San Miguel Realty in Fortune, Parang. Of the 31 respondents, 25 residents expressed satisfaction over their transfer in the resettlement area who felt sense of security of tenure and contentment with the services they avail in their respective communities such as water, light, livelihood, clean and peaceful place. They also cited their lost of fear from being demolished and evicted from their residence. Moreover, 15 residents cited various suggestions to improve their resettlement areas to include more livelihood training and job opportunities, facilitation of improvement of roads and alleys, educational assistance and medical missions. They were asked also the question as to how they could help improve their communities. Nineteen (19) of the interviewed residents gave different suggestions on how they could help improve their communities. These include: cooperation in waste segregation and maintenance of the cleanliness of their communities to avoid flood and pollution. The same significant number of 19 residents expressed that they need to comply with local ordinance and rules and regulations to enhance the condition of their communities (Appendix C ).

### Part IV. Description of specific reform initiatives

#### A. Unique and exceptional features of programs/initiatives

Following the city's vision of transforming Marikina "through discipline, good taste and excellence," the relocation program was implemented consistent with the standard

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<sup>13</sup> See Charito Chiucio Tordicilla (1998). *The Gatekeepers of Marikina: A Case of In-City Relocation and Management of A Squatter Free Community*. Ateneo School of Government.

<sup>14</sup> *Marikina Settlements Office. MSO Brochure*. January 2006.

<sup>15</sup> *CESR (1991)*. General Comment 10 where item 3g stipulates that national human rights institutions are tasked with the role of examining complaints alleging infringement of applicable rights, p.66

features and processes under the CMP (Refer to Appendix D). Consistent with the requirements of the CMP, the MSO conducts an initial assessment on the organizational capacity of the community association, as well as, conduct seminars on community-organizing among target beneficiaries, who are encouraged to organize themselves into a community housing association (CHA) for purposes of acquiring land and owning their own houses. The CHA followed the set of criteria (minimum monthly income, minimum length of stay, and age limit) set by the local government based on UDHA provisions or its own set of criteria. After the community is organized, the City of Marikina then initiates the process for land acquisition.

In contrast with the program implementation in other cities like Bacolod, Mandaluyong, Naga and Muntinlupa, the City of Marikina did not allocate budget for land acquisition. It banked on the NHMFC to pay for the acquisition of private lands. It allocated 10% of the city's budget to fund CMP operations in terms of mobilization and technical requirements. One very unique feature of the housing program of Marikina City is the hiring of some beneficiaries of the relocation program as project officers. Community needs and demands are brought to the attention of the city government through these project officers. They also help manage Community Housing Associations by coordinating and working with the local barangay officials and association leaders in the organization and monitoring of all activities in their designated areas. This mechanism directly links community with the city government making the latter more prompt in responding to community problems and concerns. The mechanism is non-traditional in the sense that communities need not go through bureaucratic processes of bringing to government's attention their concerns. The mechanism was conceived to ensure that issues and problems are brought to the attention of the MSO and corresponding actions are taken with dispatch. This practice has managed resistance and conflict in the resettlement areas. The project officers were deployed in the areas the whole day and reports back to the MSO to report issues and concerns. Best effort is exerted by the project officers to resolve conflicts and problems in the community otherwise; they raised them to the MSO for action the following day.

#### B. Specific policies and practices that were put in place<sup>16</sup>

The program started with the enforcement of a controversial ordinance that no structures could be built without securing permit from the City Hall. Illegal structures were closely monitored through the help of the barangay officials. This action needs strong political will, which the former City Mayor was able to display, which probably other LGUs could emulate. All illegal structures especially in risky and dangerous areas are prohibited. The former City Mayor did not compromise the implementation of this ordinance even if this should mean lost of support from a number of electorate. A few months before election time, he ordered the demolition of the Agus squatter shanties. This was perceived to be a big surprise to many because election time was usually not the best time for a Chief Executive to be involved in such a highly political act.<sup>17</sup>

At all times, however, outright demolition without notice was enforced as a policy. A demolition team was set up to enforce the ordinance. The strong enforcement of the ordinance yielded to a fast clearing of squatter communities along the riverbanks,

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<sup>16</sup> See, Charito Chiuco Tordicilla (1998). *The Gatekeepers of Marikina: A Case of In-City Relocation and Management of A Squatter Free Community*. Ateneo School of Government.

<sup>17</sup> Ibid. p.5.

*esteros* and creeks, in private lands and areas identified for infrastructure development. A re-zoning of land was likewise undertaken, which did not only allocate portions of Marikina in resettling its squatters but also adopted a policy on the standard size of land that can be owned in Marikina to 100 square meters. This is one control measure of the city government to maintain the density of population in the city, as well as, stringent parameter for selling of lots by future land developers. With the rapid population growth of the city attributed to migration, the government needed to enforce stricter measure to maximize efficient land use for residential areas, which make up 46% of the city's total land area. Moreover, the standard size of lot for distribution to qualified beneficiaries is limited to 24 square meters. The city government decided on this size, which is ideal only for a single family, to discourage the resettled families' relatives from provinces to migrate and live with them.<sup>18</sup> The relocation program also was tied up with the "clean and green" policy, which included the reviving of the Marikina River and transforming it into a Recreational Park.

#### C. How did the change management process unfold

The exercise of a strong but humane political will of the Mayor, which the city government supported, marked the beginning of the program. A census of squatters was done from 1992-1994. A listing of both renters and absentee homeowners was also done, which sorted out informal settlers from professional squatters. As a result of the survey, studies were made on two options: on-site development or off-site project depending on the areas occupied by the squatters. Those who live along the river banks, *esteros*, creeks and areas identified for the city's infrastructure development were automatically considered for relocation. Others who occupied privately owned properties were considered for on-site development after negotiations with owners. Negotiating with private landowners was one big challenge. Holding of dialogue with squatter communities was a prerequisite and they were made to choose among the six (6) relocation sites. Those who decided to go back to their respective provinces were handled by the (DSWD) workers who made arrangements for their evacuation and transportation fare. Those who have long been suffering from the inconveniences of floodwaters especially those living in the riverbanks were brought to a safer ground where they were provided temporary shelter under the care of the city government while their relocation houses were being constructed.<sup>19</sup>

#### D. How was support mobilized

Generally, the Mayor used his authority to mobilize support. He presents his relocation program and its benefits but he never consulted everything to the people. He demonstrated such discipline to relocated communities by bringing a hammer whenever he visited them and pulling out protruding nails he noticed in the houses.<sup>20</sup>

The Mayor solicited the support of the city government for the enforcement of the Ordinance that gave full force to the encroachment of new squatters in the city and in the implementation of its provision requiring a permit from city hall before structures could be built in the city. Private landowners were also enticed into agreeing to sell their lands

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<sup>18</sup> Ibid. p. 8.

<sup>19</sup> CESR (1991) General Comment 4 explains the right not to be forcefully evicted without adequate protection, p. 51.

<sup>20</sup> Ibid. p. 8.



through the representations done by the MSO and the Mayor. Hence, the organization of community associations provided support to the program.

## **Part V. Results and Outcomes**

### **A. Successes and Shortcomings**

The city government sustained the management of a “squatter-free city”. It has effectively controlled the mushrooming of squatter colonies. The revival of the Marikina River was transformed as a source of economic opportunities for the city government. The city government demonstrated its improved capacity in responding to obligation on housing rights under the UDHA. Realization of the right to housing shows progression. The city sustained giving lands to landless urban poor of the city notwithstanding the limited financial resources and inadequacy of lands of the city.

### **B. Evidence-based description of the gains**

Nothing could surpass the security of tenure attained for the settlers, which guarantees protection against forced eviction, harassment and other threats.<sup>21</sup> The program experienced gains from relocation of 13,771 families as of 1998 and expanded coverage of 30,015 families<sup>22</sup> as of January 3, 2006, involving the systematic transfer of squatters from the original hazardous, flooded and risky places they used to occupy, to habitable and healthy places where they have human security having legally acquired housing structure under the CMP,<sup>23</sup> and allied services such as safe drinking water, energy for cooking and lighting, refuse disposal, site drainage and livelihood opportunities. The families now enjoy human security without threat of being demolished.

### **C. Observations and findings of independent groups**

The impression of independent groups like the Philippines-CIDA Local Government Support Program is successful except for some reported limitations and constraints. The in-city resettlement feature of the program and the ability of the city government to link marginalized communities with the government’s Community Mortgage Program were cited as viable indicators of success of the Marikina City Government.<sup>24</sup> On the part of CHR, it is still in the process of examining reported incidents of demolition that may run contrary to the provisions of UDHA and other international human rights conventions.<sup>25</sup>

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<sup>21</sup> CESR (1991) General Comment 4 where item 8a specifies that security of tenure guarantees legal protection against forced eviction, harassment and other threats, p. 23.

<sup>22</sup> UNDP (2002) Rights-Based Development. p. 25 - 30.

<sup>23</sup> CESR General Comment 4.

<sup>24</sup> Local Government Support Program. Enhancing Shelter Provision at the Local Level. Service Delivery with Impact: A Resource Book for Local Government pp.1-105.

<sup>25</sup> CESR (1991). General Comment 4 where forced eviction as defined does not apply to evictions carried out by force in accordance with the law and in conformity with the provisions of the International Covenant on Human Rights, p. 51.

#### D. Extent to which program was institutionalized

The Marikina Settlement Code of 2001 institutionalized and sustained the resettlement program from 1993 to date. The code institutionalized MSO as a policy and implementing body, qualifications of beneficiaries and limitation of ownership of lands, building constructions, prohibited business activities, provision of sanitary toilet, land reclassification and conversion to include tax exemptions and requirements, areas declared as danger zone, accreditation of community association and penal provisions.

### **Part VI. Lessons Learned**

#### A. Common issues, challenges, constraints, and risks faced by executives / change managers

The most common issue encountered in the course of the implementation of the relocation program was that of managing resistance to the said program. While the exercise of authority by the Mayor proved to be very effective, there were perceived excesses on the part of those executing the program. Also, there is a perception that mending of differences along with the implementation of the relocation program could have been facilitated were it not for the political differences between the Congressman and the Mayor. Perennial constraints involving financial resources were experienced to constitute most of the bottlenecks of the program. However, the support of the city government and the MSO eased up the problems. As experienced by the Mayor and the MSO, there is always that risk of being charged with human rights violation in sensitive program such as resettlement and the only way to counteract that risk is to uphold the rule of law.

One other challenge shaped up after the communities have been resettled and organized. As inputted by the MSO Administrative Head, the city government had to reinforce social reorientation of the communities, as the communities became more demanding of services that are offered to them rather than undertaking their responsibilities. As a result the city government runs the risk of prioritizing communities for infrastructure services. Communities which have demonstrated cooperation of improving their resettlement areas are prioritized for infrastructure services such as light, water and concreting of alleys.

#### B. Methods and techniques to prevent or manage problems

The issues and problems encountered in the implementation of the program could have been managed better if provisions and guidelines under the UDHA and CMP and the role of LGUs were clearly understood by the communities. There were communities which did not comprehend very well the link of the CMP with the city government. Some of these communities thought that once their loans are taken out, the MSO did not have anything to do with the communities anymore. At present, the city government is in the stage of mobilizing "Presidents' Circle" of Resettled communities, to serve as avenue where information could be better communicated. After sometime, the system of project officers hired from the communities did not work well anymore. Some miscommunications arose from the dual representations of the project officers, which affected much some aspects of the operations of the MSO.

C. Policies, institutional arrangements, and practices that are likely to bring about the desired results and outcomes

Policies on relocation program should be brought to a higher level. The human right to adequate housing, which is derived from the right to an adequate standard of living, is of central importance for the enjoyment of all economic, social and cultural rights.<sup>26</sup> This basic policy should guide all change managers or reform managers in observing maximum tolerance in the implementation of relocation as housing has a lot of implications to the daily lives of the people.

The existence of a well-entrenched shelter financing system like that of the CMP is a plus factor, but still housing should not be treated as a commodity, that of merely having a roof over one's head. More often than not, the resistance of people to relocation stems from a number of considerations. These are legal security of tenure, availability of services, facilities and infrastructure, affordability, habitability, accessibility location and cultural adequacy. On the basis of these considerations extensive genuine consultation with, participation by all those affected, including the homeless, the inadequately housed and their representatives, must be observed. Furthermore, steps should be complied with to ensure coordination among government agencies at the national, regional and local levels to include in seeing to it that partnership forged among them would redound to the interest of the affected people.

The UDHA provisions on evictions should be seriously considered by LGUs, Marikina City in this case. These are consistent with international guarantees where the Philippines as a state party, should undertake substantive and procedural protection and process in relation to forced evictions. These procedural protections include: a) an opportunity for genuine consultation with those affected; b) adequate and reasonable notice for all affected persons prior to the scheduled eviction; c) information on the proposed evictions and where applicable, on the alternative purpose for which the land or housing is to be used to be made available to those affected in reasonable time; d) especially where groups of people are involved, government officials or their representatives to be present during eviction; e) all persons carrying out the eviction to be properly identified; f) eviction not to take place during bad weather or at night; g) provision of legal remedies to those affected; and, h) provision of legal aid to persons who are in need to seek redress from the courts.<sup>27</sup> In the case of Marikina City, it would seem these guarantees were not observed despite the very clear provisions of UDHA.

In the area of sources of livelihood for relocated communities, there is a need to strengthen the linkage of the city government with the business sector especially in relocation sites. It was reported that the CMP implementation was delayed due to poor turnout of savings on the part of the beneficiaries. As is usually the case in other housing program, there is a need to perfect intervention of local government in this respect. The latest program of the city government of Marikina in its survey of unemployed labor force in Marikina and its training program is a big boost to the inadequacy of source of livelihood for the urban poor.

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<sup>26</sup> See, UNHCHR. *Compilation of General Comments Adopted by the Committee on Economic, Social and Cultural Rights. UNCHR Treaty Body Database.* June 2004. pp. 22 –24.

<sup>27</sup> *Ibid.* pp. 50-53

#### D. How can resources be better mobilized and organized

The funds allocated by city government equivalent to 10% of its budget should be revisited. The resettlement program has been there over a decade and should show gradual progression considering the infrastructural facilities and services, which need completion to cover all resettlement areas.

Lack of funds to adequately service resettlement communities will always be a problem. The city government could pass an ordinance providing tax incentives to industrial establishments in the city, which will provide resettlement improvement subsidies.

On the part of the NHMFC, the funds allocated for the countrywide implementation of the CMP should have parallel augmentation to adequately provide for the facilitation of speedy take out of loans of CMP beneficiaries.

#### E. How to sustain initiatives

The passage of the Marikina Settlement Code is more than enough measure to institutionalize and sustain the program. A template program for each of the resettlement area to be managed jointly by the MSO and the Community Association should be adopted and institutionalized with funding support from the city government. The template should primarily cover the education and training of the resettlement community association on community problem solving and community planning and management. The program should cover training of the project officers hired from the communities on participative-leadership, management, conflict resolution and mediation. Further the organization mechanics of the community associations should be strengthened to ensure sustainability of community empowerment.

In addition, programmatic application of the standards on the right to housing as exemplified in the UDHA and International Convention on Economic, Social and Cultural Rights should be observed in the annual planning of the city government on housing program delivery.

#### F. Appropriate role/relationship of leaders and citizens

The mix of leadership of the city government, the support given by the City Council, the duly constituted MSO and the organized Community Housing Associations all contributed to an improved relationship in the city. But this did not happen overnight. It took strong determination and guts for the Mayor to establish this cordial and productive relationship to set in over time. As observed in and outside Marikina City, the Mayor talks less and demonstrates by example his vision of the city. Performance and credibility of the leadership were the dominant factors that made the roles of leaders and citizens more understood in context. For a little over a decade, community resettlements proved compatible with the development and growth of the city. The hiring of project officers from the resettlement communities contributed to the bridging of gap between the people and the leaders in Marikina City. Communication of the people and the city government is direct and speedy as these project officers reported to MSO in the morning, deployed in the communities during the day and reported back to MSO at the end of the day to relay feedback on issues and concerns of resettlement communities. But the effectiveness of this feedback system waned after sometime. The juridical personality of the community associations having been enshrined not only under the

UDHA and CMP but also in the Marikina Settlement Code is a strong proof of power relations between the city leadership and the people. Human Rights involve power relations between those instrumentalities of government, which have the duty and obligation to provide service and the people who, individually and collectively have the entitlements and obligations to exercise their rights responsibly.

Such power relations between leaders and the people should provide a genuine definition of the role of leaders as the enablers of development and the people as contributors and subjects-objects of such development. As in the case of Marikina City, such power relations is institutionalized and sustained through the rule of law and social reorientation on the people's role in achieving the development vision of the city.

## VII. Future directions

### A. Plans and programs

The future plans and programs for resettlement are focused on physical development cum social reorientation. In order to improve housing delivery in Marikina City especially for the urban poor, the city government has adopted the following plans for 2006: acquisition of new settlement site to accommodate more or less 810 unsettled households affected by the road right of way and creek legal easement in line with its minimal effect in on-site development approach; routine inspection and tight coordination with local residents and leaders to thwart any new illegal construction of dwelling; introduction and promotion of colored housing design scheme as part of the Home Improvement Program; promotion of model low cost housing design from typical three storey housing design with parking concept and distribution of blueprints to every community association to give reference on the plan details and specifications; continuing physical development with P 54 M cost of infrastructure projects to various community sites; and completion of individual land title to more or less 14,000 households and recipients of the city housing program. Social reorientation underscores empowerment of communities to participate and make available their respective community action plans to match the housing services of the city government.

Based on the Justification Statement issued by the MSO, it would require the following budgetary support from the city government:

<b>Plans and Programs</b>	<b>Amount</b>
1. Land Acquisition & Development	P 62.0 M
2. Land Improvement; road concreting, drainage and other infrastructure projects	47.2 M
3. Building & Structures Outlay; community billboards, signages, children center, parklanes, facelifting of houses, etc.	34.2 M

## B. Institutional Strengthening

The MSO is now in the stage of revisiting its functions and services. After the term of Mayor Bayani Fernando, there was realignment of functions and services among the city government departments. Infrastructural services were transferred to the engineering department, demolition to a separate Anti-Squatting Unit, livelihood to a Women's Circle. MSO is consolidating its plans and services especially in the area of infrastructural services and livelihood, which are the basic assistance of the MSO to the resettlement communities. It has almost scrapped the "Project Officers Arrangements" and considered the "Presidents' Circle" as a better alternative for dialogue and feedback.

## C) Building Capacities

The capacity-building program of communities should be sought by the associations. Social reorientation is of highest consideration. Empowerment and not dole out is the order of the day.

## **Part VIII. Replicability of Practices**

### *Resettlement Areas*

The "in-city" location of the resettlement program is one approach worth replicating. It is a manifestation of the care and attention that socially disadvantaged group like squatters should deserve as part of the family of the City of Marikina. They were not displaced. Instead, they were given the opportunity to exercise their right to property while regulating the right of the socially advantaged group to own more property. They participated in decisions and policy-making that affected their lives and the lives of those for whom they're responsible for.

### *Institutionalization through Marikina Settlement Code*

The codification of the resettlement program into the Marikina Settlement Code is also a replicable practice. The code institutionalized the program and the institutional arrangement, which any administration could continue or sustain. The MSO as an institutional arrangement fully supported administratively and financially by the city government delivered the resettlement program alongside the vision and thrust of an equally successful economy of the city characterized by urban renewal and a booming business environment in the city.

### *Community Monitoring and Feedback System*

The "project officer's system", which was scrapped in the latter stage, is a replicable practice at the initial stage of a resettlement program. The city government was able to penetrate the communities and was able to work on the information and feedback learned from the project officers who were residents of the communities. The system bridged the gap between the community and the city government.

### *Risk Management of Originatorship Scheme*

The City Government assumed full responsibility and commitment under the originatorship scheme of the CMP. The city matched the CMP funds with 10% of its city budget to cover the cost of infrastructural services for the resettlement communities.

### *Social Reorientation*

The city government enforced social reorientation in empowering and building the capacities of resettlement communities. This is one replicable practice that made communities more self-reliant in managing their affairs. During the latter stage of the resettlement program, the city government changed its approach. Only those community associations with proven commitment and capability to enhance the improvement of the community are given priority by the city government's infrastructure and livelihood projects. The shift was made due to the shaping up of the "dole-out" mentality among resettled communities. Meaning, communities were encouraged to exert its best effort at facilitating the take out of their loans under the CMP before such other services could be availed. These services also come in the form of trainings and other activities.

### *Urban Poor network*

The Presidents' Circle among resettlement communities is a replicable practice for empowerment and responsible management of power relations with the city government. This practice is still in the infant stage but with great potentials of evolving as a good community level network that will help shape more purposive participation mechanism in the city.

### *Leadership*

The strong political will and the vision orientation of the leader made the resettlement of Marikina a great success. While the style of leadership of the former Mayor was attacked at all fronts in and outside the Marikina City, the outcome of the program vindicated him. As residents of Marikina City, we are witnesses to his "calibrated consultation and strong leadership," which facilitated to a large extent, the effective management of the development goals of the city vis-à-vis responding to the critical situation of housing of the urban poor. This is replicable in areas governed by leaders with high emotional quotient who could withstand pressures.

### *Assertion of Independence*

The city government's competence in responsibly exercising its independence while pursuing cooperation from national agencies was a remarkable practice. Such independent thinking and disposition helped shun away the interventionist attitude of most observers, especially at the time when the city leadership was at the helm of managing the risks and limitations of the resettlement program, as well as, the conflicting perceptions of supporters and critiques of the city government's leadership.

### *Compliance with Global Strategy on Shelter and Human Rights*

This is one best practice in keeping with some parameters of housing rights advocated under the Global strategy for shelter in year 2000 such as adequate privacy, adequate space, adequate security, adequate lighting and ventilation, adequate basic infrastructure, adequate location close to work and basic facilities, appropriate means – all at a reasonable cost.<sup>28</sup> One good thing about the resettlement program in Marikina City was its close link with urban renewal. In other traditional practices in the past, government assigns resettlement sites in far away places causing undue dislocation of families and households from their sources of livelihood and education for their children. Relocating families within the city is one way of operationalizing one basic human rights principle of “*giving attention to vulnerable sectors of society*”. Hence, the progressive planning and implementation of resettling communities in Marikina City is in keeping with the state obligation to provide housing to the maximum of its available resources. Its replication to be more successful should consider the enhancement of appropriate procedural protection and due process which are essential aspects of human rights pertinent to forced evictions. This procedural protection should be further enhanced in Marikina City and other LGUs, through their incorporation in their Settlement Code. These are: a) an opportunity for genuine consultation with those affected, b) adequate and reasonable notice for all affected persons prior to the scheduled date of eviction, c) information on the proposed eviction and where applicable on the alternative purpose for which the land or housing is to be used, d) especially where groups of people are involved, government officials or their representatives to be present during the eviction, e) all persons carrying the eviction to be properly identified, f) evictions not to take place in particularly bad weather or at night unless the affected persons consent otherwise, g) provision of legal remedies, and h) provision, where possible, of legal aid to persons who are in need of it to seek redress from the courts.

### *Acquiescence with Public Administration Concept*

The twin goals of development and socio-economic progress guided well the practice of public administration in the resettlement program of Marikina City. The city leadership played effectively the interaction of politics, administration and civil society<sup>29</sup> in the matter of responding to the housing problem in the city. The city leadership truly demonstrated political representation and accountability over the concerns and interest of the vulnerable and marginalized segments of the city. Hand-in-hand, the leadership also practiced genuine administration with its consistent implementation of settlement policies and code and the exercise of political power and observance of the rule of law in the resettlement program. In consonance with empowering civil society, the leadership also provided opportunities for the organization of communities for better representation of their development demands and contributions. The interplay of politics, administration and civil society surfaces when the need to bring about reforms and changes in society becomes pronounced, as demonstrated in the case of the resettlement program of Marikina City.

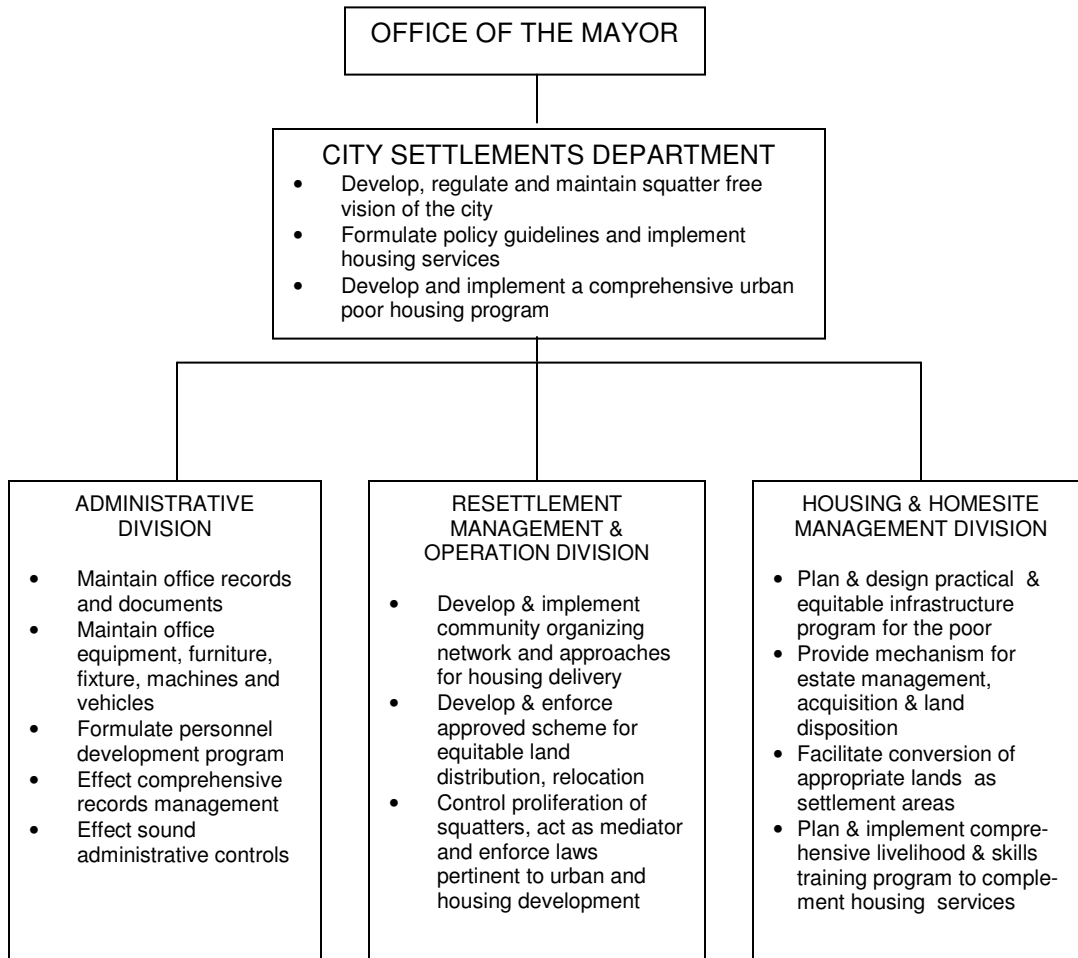
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<sup>28</sup> CESR General Comment 4. 1991 p. 23.

<sup>29</sup> B. Guy Peters and John Piere. Introduction: The Role of Public Administration in Governing . Handbook of Public Administration. SAGE Publications. 2003. p 3.



**MSO STRUCTURE<sup>30</sup>**



<sup>30</sup> Marikina Settlements Office Brochure. November 2005.

## Appendix B

### Demolition Cases Filed with the Commission on Human Rights<sup>31</sup>

<b>Case No.</b>	<b>Complainants</b>	<b>Place of Incident</b>	<b>Date Filed</b>
26328	Community Resident	Victory Hills Suddv. Parang	4-23-02
22473	Community Resident	Victory Mill, Parang	3-06-99
22434	Community Resident	Marikina City	8-08-98
19866	Community Resident	Lower Paraiso, Marikina City	1-30-98
13962	Community Resident	Tandang Sora St., Parang	6-01-94
22445	Community Resident	Concepcion	12-14-90
6235	Community Resident	Bialba, Nangka	5-13-88
23684	Community Resident	Sitio Olanda	4-13-00
19704	Community Resident	Marikina City	no data
17557	Community Resident	Marikina City	no data
16044	Community Resident	Marikina City	No data

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<sup>31</sup> Taken from the Data Base of the Commission on Human Rights (CHR).

## Appendix C

### SAMPLE RESPONSES OF RESIDENTS INTERVIEWED<sup>32</sup>

#### Community Satisfaction Rating Slip

Questions	Responses	Frequency
1. Kayo po ba ay nagkaroon ng katiyakan o security of tenure sa lupa at pabahay dito sa inyong komunidad (Did you experience security of tenure in the resettlement site of your community)	Yes	25
	No Answer	6
2. Ano po ang mga serbisyong nakukuha ninyo sa pagtira dito sa komunidad (Which services are you getting while staying in the resettlement site)	• Tubig (Water)	5
	• Ilaw (Electricity)	7
	• Livelihood	10
	• Malinis at tahimik (Clean & Peaceful)	12
	• Seguridad sa lupa at bahay (Security to housing and land)	19
	• Medical	6
	• Kolekta ng basura (Collection of garbage)	19
3. Kayo po ba ay nasisiyahan sa pagtira dito sa inyong komunidad (Are you satisfied living in this community)	Yes	25
	No.	1
	No Answer	5
3. Ano po ang inyong mungkahi upang mapabuti ang inyong komunidad (What are your suggestions for the betterment of your community)	• Livelihood	15
	• Medical	10
	• Trabaho (Work/Livelihood)	14
	• Educational assistance	5
	• Kongkretong daan (Concrete road)	12
4. Ano po ang maaari ninyong maitulong upang umunlad ang inyong komunidad (What are the things that you can help to improve your community)	• Paghiwalay ng basura (Separation of the garbage)	10
	• Kalinisan (Cleanliness)	12
	• Pagsunod sa mga ordinansa at mga batas (To obey the local ordinances and laws)	19

<sup>32</sup> Data gathered during the interview conducted on 02-03 February 2006, with the beneficiaries of the program from Nangka, Tumana, Sto. Nino, and San Miguel Realty in Fortune, Parang, Marikina City.

## Appendix D

### HOW CMP OPERATES

The CMP is a mortgage financing program. The program caters to organized marginalized communities to purchase and develop a piece of land under the concept of community ownership. Its funding has been institutionalized in the government system through the comprehensive and Integrated Shelter and Finance Act (CISFA). The program conceives an incremental approach in developing the sites and facilities of the community and their respective homes depending on their affordability levels.<sup>33</sup> Mortgage payments are temporarily treated as rentals, and the title stays with the community, until the beneficiaries have paid the full amount of the loan. Individual titles are then given to them. In this program, residents of depressed areas are given the opportunity to own a lot they occupy, or legally own an area they choose to resettle in. They can also gradually improve this lot, the facilities available on it, and their own homes based on their capacity to pay. There are steps in the CMP process. It starts with a group of squatters applying for assistance from the local government or a Non – Government Organization to acquire a piece of land, which could be the area they currently occupy or intend to occupy as a relocation site. A key feature of this housing program is the Originator. This may either be a local government or a non –government organization that will assist the community association in setting up its organizational systems for the housing project as well as provide technical assistance in the preparation and submission of required documents.

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<sup>33</sup> See, *CESR Comment 4 (1991)* where provision on affordability requires that the state parties should establish housing subsidies for those unable to obtain affordable housing as well as form of housing finance, p. 24.

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