The Herculean Task of Relocating 40,000 NorthRail Families

The second half of 2005 was crunch time for both the government, hell-bent on starting the long-delayed construction of the North Rail project, and the families living along the proposed railroad track clamoring for adequate relocation package.

Vice President Noli de Castro gave the National Housing Authority up to December to relocate the families residing along the Philippine National Railways (PNR) railroad track that will be utilized for the North Rail project.

As early as the latter part of November, NHA reported that they already relocated 11,200 families or 96% of the affected families in Bulacan. The agency further reported that the remaining 400 families accepted the “Balik Probinsya” assistance amounting to P14,000 for each family.

So, as far as the government is concerned, it already accomplished the grim task of relocating the 20,000 families uprooted by the first phase of the NorthRail project. Housing officials are now eyeing the relocation of 19,500 families in Pampanga that will be displaced by the second phase of the said project.

The NorthRail contract

The first phase of this project, which aims to rehabilitate the 32-km railroad track and operationalize a modern railway system from Caloocan to Malolos, Bulacan would cost $503M, of which $400M would come as loan from China’s Export Import Bank and the remaining amount would be the counterpart of the Philippine government.

The infrastructure project is one of the centerpiece economic programs of the Arroyo administration since its ascension to power in 2001. By
interlinking La Union, Clark Economic Zone in Pampanga, and Metro Manila, Northrail was expected to spur growth and development in Central and Northern Luzon.

But early this year, Senator Juan Ponce Enrile exposed that the 503$ M contract awarding the North Rail project to China National Machinery and Equipment Corp (CNMEC) did not go through a public bidding. Critics said that it was also overpriced and experts claim that the absence of the project’s specifications in the contract was highly irregular and favored the contractor.

And bad news for the almost 200,000 residents along the target railroad track, the deal failed to consider the cost for relocating them, which according to estimates would amount to P6 billion pesos.

The National Housing Authority (NHA), the agency tasked to spearhead the relocation, claimed during a Senate hearing that it only has P1.6 billion pesos for the NorthRail residents. NHA also got an interest-free loan of P100 million from the North Luzon Railways Corp. (NLRC).

So, how could the government possibly provide adequate relocation to the NorthRail families given this deficit and not to mention the corrupt and anomalous practices “normally” associated with government resettlement projects?

Resistance of residents

Last October 11, residents through the League of Urban Poor for Action (Lupa)-Bulacan Chapter, with Atty. Harry Roque as their counsel, sought the intervention of the Supreme Court to stop the implementation of the NorthRail project.

In their petition for certiorari and prohibition, the residents alleged that the contract awarding the construction of the said infrastructure to CNMEC is void and illegal since it did not undergo the required bidding as mandated by Republic Act 9184 or the Procurement Reform Act.

But the Chinese embassy quickly denied these allegations and stated that the NorthRail contract was “just and legal.” Chinese Ambassador Wu Hongbo also warned anti-Arroyo politicians not to use the project in their attempt to discredit the government.

On October 19, the Supreme Court rejected the residents’ petition, saying that it has no jurisdiction over the case since the complainants raised factual issues that should be resolved in a lower court.

Atty. Roque filed a motion for reconsideration and also asked the Supreme
Court to issue a Temporary Restraining Order (TRO) against the scheduled demolition of houses along the NorthRail track in Bulacan in mid-November. According to Roque, his clients received eviction notices from PNR only on October 14.

While waiting for the SC verdict on their motion for reconsideration, the residents vowed to go to the streets to stop the demolitions and to protest the “deception, intimidation, and force” applied against them just to remove them along the railroad track.

They further decried that many of the government promises to convince them to leave remained unfulfilled and that their long-term problem of landlessness was not sincerely addressed.

**What is adequate relocation?**

The United Nation’s Committee on Economic Social and Cultural Rights (UNCESCR) enumerated seven elements of adequate housing or settlement based on the International Covenant on Economic, Social, and Cultural Rights (ICESCR) to which the Philippines is a State Party:

a) Security of tenure;

b) Habitability of the housing unit, (meaning the protection, comfort, health, and privacy of the occupants must be ensured);

c) Accessibility, both economically and physically, of housing projects for the marginalized sectors in society;

d) Availability of materials, services, facilities, and infrastructure;

e) Affordability, (meaning housing expenses must not compromise the enjoyment of other basic needs);

f) Location, (meaning residents must have easy access to centers of employment and other social services and that housing areas must be far from pollutants and danger zones); and

g) Cultural adequacy, which allows the occupants to express their cultural identity.

At the national level, the Urban Development Housing Act (UDHA) of 1992 clearly outlined the standards for housing projects or resettlements:

a) The local government unit or the National Housing Authority with the cooperation of private developers should provide ‘relocatees’ with the following basic services:
o Power and electricity and an adequate power distribution system;
o Sewerage facilities and an efficient and adequate water distribution system; and
o Access to primary roads and transportation facilities.

b) Delivery of basic social services such as health, education, communications, security, recreation, relief, and welfare should be prioritized by the local government units in cooperation with concerned agencies, the private sector, and the residents.

c) Socialized housing or resettlements should be near as much as possible to places where employment opportunities are available. Government agencies implementing livelihood programs and/or loans should give priority to beneficiaries of socialized housing.

d) Socialized housing beneficiaries should be allowed to participate and be heard in decision-making processes on matters affecting them.

These are the legal standards that must be strictly observed in relocating families affected by government projects and/or in respecting and fulfilling the housing entitlements of the people. Now, the big question is, were these criteria and pre-requisites followed in the case of NorthRail relocation?

Actual relocation

In May, the Housing and Urban Development Coordinating Council (HUDCC) led by De Castro announced that the relocation package for NorthRail families include the following: lots worth P100,000, housing materials loan assistance of P50,000, community facilities in the relocation areas, P12,500 for trucking and tents at the staging area, and food allowance.

President Arroyo also granted in August an additional P25,000 subsidy for the ‘relocatees’. This amount will be subtracted from the P50,000 housing materials loan, meaning the families will still get the whole amount but will only pay half of the loan.

According to a Philippine Center for Investigative Journalism (PCIJ) report, as of October, the government has already relocated 7,297 families in Metro Manila and 1,401 in Bulacan, and by the end of October, housing officials hope to clear the 11,477 families in the same province.

However, the NorthRail ‘relocatees’ were not spared from the age-old
MAMAMAYAN MAGKAISA!!
IBASURA PROGRAMANG PARKHA
AT RELOKASYON NG REHIMENG
ARROYO!!!
problems that have been the trademark of government-led resettlement initiatives. Hopes of starting life anew for these families were quickly dashed by lack of basic services such as water and electricity, infrastructure, livelihood, health centers, and schools.

**Corruption**

Since the North Rail relocation itself is a huge government project, of course it was also not immune to corruption and under-the-table deals that inevitably compromised the quality and efficiency of the government to provide adequate relocation sites to the displaced families.

The PCIJ study disclosed that Towerville relocatees were forced to purchase overpriced and inferior construction materials from NHA-endorsed suppliers, thus making the P50,000 housing materials loan—already a small amount to begin with—insufficient to build a decent house.

In Marilao, Mayor Epifanio Guillermo and NHA official Federico Laxa were accused of forcing the evicted families to move to the Lambakin relocation site, although the relocatees preferred to transfer to Brgy. Loma de Gato. This bolstered allegations that the two officials were favoring the Lambakin developer who was close to actor Tony Ferrer (whose real name is Antonio Laxa) and Azor Sitcho, a Pampanga politician.

In Valenzuela, around 200 families from Malabon could not construct their houses and have remained exposed to the elements for months now because Mayor Sherwin Gatchalian would not permit them to resettle in the said city. He claimed that the construction violates the city’s zoning laws, but according to Danny Calderon of League of Urban Poor for Action (LUPA), the mayor wants to give the 3% of the housing units allocation in the relocation area to his own constituents, even if they are not NorthRail relocatees.

Calderon revealed that Valenzuela was given 3% of the total number of housing units in the relocation site developed in the said city. Gatchalian could have authorized the 200 families to enter the relocation area but he turned them down and stated that he would rather give these units to urban poor families from his city.

The PCIJ report also stated that NHA brought in highly controversial developers like the New San Jose Builders, the firm that renovated Erap’s Boracay Mansion, and is now reportedly linked to De Castro.

PCIJ also cited in its study the various overvalued lands acquired by the NHA for relocation purposes.
Resistance in Malahikan and Tugatog, Meycauayan

By late December of 2005, Vice President de Castro turned over the cleared Caloocan-to-Malolos stretch of the old PNR railroad track to North Luzon Railways Corporation for the NorthRail project. Little did he know that 93 families in Barangays Malahikan and Tugatog valiantly resisted the rash of demolitions carried out by the NHA in the whole month of December in Meycauayan.

The 93 families, part of the 3,341 total number of households in Meycauayan affected by the NorthRail project, refused to leave their homes along the railroad because they were fighting for their right to adequate relocation.

According to their leaders, Boy Alban of Kilusan ng Maralita sa Meycauayan (KMM) and Danny Calderon of LUPA, they will only leave their homes if the families will be assured that they could settle immediately, without a fuss, in Bayugo relocation site.

According to them, those families who voluntarily demolished their homes were not immediately installed in the resettlement site and were only given P6,000 so that they can rent temporary lodgings for at least three months while waiting for Bayugo to be developed.

“There is no provision in the Urban Development Housing Act (UDHA) that ‘relocatees’ may be given this amount of money for renting while waiting for a relocation site,” exclaimed Calderon.

Bayugo, the designated in-city relocation site for the Meycauayan residents affected by NorthRail, was actually a 15-hectare fishpond. It has to be filled with soil and levelled before the ‘relocatees’ could settle there. And because it was a former fishpond, the residents are raising questions on its safety especially during rainy season.

So far, only 1,050 out of the more than 3,000 Meycauayan families have transferred to Bayugo because only 9 hectares out of the 15 have been filled. Around 500 families opted for NHA’s “Balik Probinsya” program and received P14,000 in cash. This means that around 2,800 dislocated families are still renting temporary quarters while waiting for the resettlement area to be ready. These families will be needing additional money because they got the P6,000 in October, and its more than three months since then.
Development for whom

The North Rail Project may be a very vital undertaking for the country’s economy but it should by no means be an excuse or justification to trample on the rights of the affected communities. Its beneficiaries may far outnumber the more than 40,000 families that reside along the target railroad track but they should not be sacrificed at the altar of this so-called “development.”

Besides, the government had more than enough time, in fact more than ten years, to prepare an adequate relocation site for the North Rail families. But when the actual relocation came, the residents were still treated shabbily and were viewed as nuisance or obstruction to progress rather than human beings with legitimate rights.

The right to development and the rights-based approach mandate that the affected sectors of development initiatives should be consulted and should exercise meaningful participation in decision-making. Needless to say, this was something utterly lacking in the relocation of NorthRail residents, thus the confusion and dissatisfaction of the evicted residents.

Economic growth will remain hollow and superficial if rights were violated in the process of achieving it. Human rights for all should be strictly respected, protected, and fulfilled by the government while trying to lead this country out of its miseries; otherwise, what we will have is “selective” and not sustainable and rights-based development.

Based on the estimates of Calderon and Alban, Bayugo will not be enough for all the Meycauayan relocatees. If the developer has already cleared 9 hectares and only 1,050 families were accommodated, the remaining 6 hectares could only host around 700 families. But there are still 2,800 families that are not yet resettled.

The two community leaders also lamented that the families that have not secured a lot in Bayugo have to go to the NHA office everyday, line up and wait for their turn to get an entry pass, just so they can check if they can already move into the relocation site. They were given numbers indicating their turn and most of the time, people have to wait the whole day for their numbers to be called, only to be frustrated at the end of the day. The following day, the unlucky relocatees have to get another number and again wait for their turn.

Nobody knows when the waiting will end.
REFERENCES


