



1996 demolition operation at Sitio Mendes, Proj. 8, Q.C.

■ By Luis B. Gorgonio

THE policemen were idly sitting on tombstones inside the Our Lady of Lourdes Cemetery as the residents of the slum area in Barangay Tonsuya, Malabon City clashed with the members of the demolition team on March 11, 2005.

VIOLENT ILLEGAL DEMOLITION



Demolition operation in North Triangle, Q.C. in 1996

As the demolition activity began, gunshots rang out, stones flew from all directions; walls, doors, and roofs of houses crumbled, there was wailing of children and women. Yet, the cops were there, keeping their individual peace as they relished every puff of smoke from their cigarettes, unmindful of the violence just under their noses.

The Presidential Commission on the Urban Poor (PCUP) did not seem to know of the demolition activity even if it is the sole clearing-house for all demolitions and evictions. It is also PCUP's mandate to require the concerned departments and agencies, including Local Government Units, to issue checklists, guidelines, and compliance certificates on demolition and eviction activities prior and after the implementation thereof. Officials from the city government came only after 40 houses have been ravaged.

In those three long hours of fight, the residents felt abandoned by the people whom they believed could defend them from illegal demolition.

Guns, clubs, stones

As early as six o'clock in the morning on March 11, the residents noticed the arrival of some members of the demolition team. They also noticed, on the evening of March 10, the unusual massing up of about 200 security guards inside the Our Lady of Lourdes Cemetery adjacent to the 5.8-hectare slum area.

Sensing something ominous, the residents rounded up some members of the demolition team earlier in the day and called the Police Community Precinct-3 to turn over those they apprehended.

To prepare for the looming demolition attack, groups of residents massed up on the bridge serving as entry point to the area, fronting the main road. They mounted hurdles made of planks of wood and other roadblocks.





Demolition operation in Brgy. Manggahan, Q.C. in 1996.

DEMOLITION BACKGROUND

THE 5.8-hectare informal settlers' colony in Barangay Tonsuya, Malabon City has 2,000 structures occupied by around 6,000 families (more or less 30,000 individuals).

Fernando Gozon, Inc. claims ownership of the area. He has a land title, the authenticity of which is being questioned by the occupants. They have reasons to do so because the area used to be a marshland. It should be under the supervision of the Bureau of Fisheries and Aquatic Resources (BFAR).

During the early '80s the area was reclaimed by the Ministry of Human Settlements, for a housing program for employees and teachers of Malabon and Navotas.

At the height of the EDSA People Power uprising on February 24 and 25, 1986, people began occupying the area.

The National Housing Authority (NHA) filed a case contesting the authenticity of the Gozon family's land title but lost in 1992. In 1996, the Gozon Family filed a case against the 365 couples residing in the reclaimed area.

In 1997 the 365 couples filed a counter suit versus the Gozon family at the Malabon Municipal Trial Court, Branch 56, but lost in the case.

On August 12, 2001, the Supreme Court's First Division ordered the 365 families to vacate the area. And each of the 365 families was to pay the Gozon Family P1,500 per month starting September 1997 up to the present, on top of it, they also have to pay P1,000.00 each for attorney's fee and the cost of the suit.

On June 6, 2002, the first notice of eviction was served, and on July 19, 2003 came the 2nd notice of eviction.

In 2003, the respondents petitioned for a Temporary Restraining Order (TRO) but it was denied due to technicality. After a couple of months, the respondents filed a case again invoking their rights as beneficiaries under the Urban Development and Housing Act (UDHA)—R.A. 7279. The regional court rejected their plea.

On February 4, 2003, the Malabon City council passed an expropriation ordinance for housing purposes. The ordinance was not enforced because city officials were then busy for the forthcoming elections as alleged by the residents.

On April 11, 2004, respondents resurrected the expropriation case at the RTC, Branch 170. On July 2004, the RTC sent notice for the Gozon family to comment on the content of the case. The Gozons did not give a comment. (At this instance the Gozons defaulted on their claim), and a motion to take possession of the area could have been possible if the city government acted on it.

In October 2004, the Gozons wrote to the court asking for the implementation of the special order of demolition.

On January 31, 2005, the case was dismissed for lack of interest on the part of the defendants but the slum dwellers learned about it only on March 3, 2005. It was also during this time that the notice of eviction was served, giving the residents five days to vacate the area.

On March 7, 2005, the residents conducted an indignation rally that resulted in a dialogue attended by the Office of the Presidential Adviser on the Peace Process (OPAPP) and Malabon Mayor Tito Oreta. It was during that occasion when Mayor Oreta declared that there would be no police assistance that would be given to the demolition team.

Five days prior to the demolition, copies of the notice to vacate were given to some residents of the area. One copy was given to Maximo Almasora (a non-resident who was there for a visit to relatives), and who was then photographed as the paper was handed to him.



In those three long hours of fight, the residents felt abandoned by the people whom they believed could defend them from illegal demolition.

But the demolition team launched the assault from along the wall of the cemetery where there was no blocking force, and where some of the houses were vacated earlier on.

Residents said truckloads of youths numbering more than a thousand (whose ages range between 23 and below) went straight inside the cemetery and climbed over the cemetery wall (also serving as the walls to some houses of the residents) and onto the roofs of the houses and began tearing down walls and roofs. Wearing red, green, blue, and orange uniforms, the demolition team members were armed with mallets, hammers, jackhammers, clubs, and stones. A few of them attempted to torch houses using Molotov bombs but didn't succeed.

The residents claimed that the demolition team looted their houses, carting away any valuables (cell phones, clothing, necklaces, wedding rings, television sets, pants, clothes, and cash, among others) they chanced upon inside the rooms, kitchen, and the living rooms.

Meanwhile the "white guards", armed with .45, .38 caliber pistols, and shotguns

were firing their guns at the houses while those with mallets and hammers began tearing down walls, roofs, and doors of houses. As concrete walls began to cave in, the guards were ready with their guns pointed at any resident showing resistance.

The riot that lasted for three hours began at around 10 o' clock in the morning. The residents fought with clubs and stones as they tried to stop the demolition crew. More than an hour later, several homes were riddled with bullets and 13 persons sustained contusions and bruises in their arms, feet, faces, and heads.

The residents saw some policemen seated on tombstones inside the cemetery — they did not intervene. The one who was in command of the demolition team was a short, stout guy wearing a suit resembling that of a presidential guard's. Team members addressed him as OIC.

As fighting between the residents and members of the demolition team rages, a second batch of children and women were brought to safety inside the covered barangay basketball court outside the slum area, on

the order of Barangay Chairman Antonio Criss Jr. The first batch was brought in on the eve of the demolition.

Meanwhile, a news report (Philippine Inquirer March 16, 2005) says that a certain Osmundo Manapat, 50, supervisor of Malabon City Solid Waste Management Office, allegedly a recruiter of demolition team, was shot dead by three unidentified men inside the city dump in Barangay Catmon.

Avoiding possible fatalities from indiscriminate firing of guns, torching of houses, looting, and destruction of their properties, 40 families transferred for three nights and four days to tents they set up along the sidewalks of Letre Road.

"Had the police force acted promptly, they could have prevented the demolition crew from destroying and looting our homes," a resident said during a fact-finding mission conducted by representatives from POs and NGOs namely: Phil-Rights, Initiatives for Peace and Justice, Alab Katipunang, and UMALAB-KA.

Had the PCUP done its job...; had the municipal local

government...; and a host of subjunctives is all the residents could say.

PCUP should require under oath the proponent of demolition that: a) adequate consultations with the affected families have already been undertaken at least twice; b) adequate resettlement site and relocation facilities are available and; c) the provisions of Section 3 paragraph 1 of Implementing Rules and Regulations of Section 28 of Republic Act 7279 (Pre-Relocation) have been complied with. Such field trip to the proposed relocation area, posting of demolition order in conspicuous areas, explaining the reason for demolition and for what purposes the contested land will be used.

One item in the demolition checklist was not complied with during the demolition as we can see from the agreement reached during the dialogue of March 11 done after the incident. Agreement No. 6 says: ...The two areas will be inspected (Panghulo and Dampalit) as possible relocation sites the next day (March 12) at 9 a.m. by the three association leaders in the slum area, LGU, and PCUP.