



Republic of the Philippines
Supreme Court
Office of the Court Administrator
Manila

OCA CIRCULAR NO. 328-2022

TO : ALL JUDGES, CLERKS OF COURT, BRANCH CLERKS OF COURT/ OFFICERS-IN-CHARGE AND SHERIFFS OF THE FIRST AND SECOND LEVEL COURTS

SUBJECT : PROCEDURAL GUIDELINES IN CASE OF DEMOLITION AND EVICTION

In accordance with the policy of executing demolition and eviction in a just and humane manner, the following guidelines shall be followed:

1. After the issuance of the *Writ of Execution* and the *Notice to Vacate*, the same shall be simultaneously served to the concerned and affected parties of the eviction and/or demolition, their counsels of record, the Philippine National Police and the Presidential Commission for the Urban Poor (PCUP);¹
2. The affected parties shall be given a reasonable period, which shall not be less than three (3) working days from the sheriff's demand, to voluntarily vacate the concerned premises;²
3. In case the affected parties fail to voluntarily vacate and turn-over the concerned premises within the period allowed, the sheriff shall make the necessary report to the concerned court;
4. In cases involving the underprivileged and homeless citizens, the court shall ensure that forty-five (45) working days before the intended implementation of the demolition or eviction, "copies of the *Decision, Writs of Eviction or Demolition* and/or orders of similar reports"³ issued shall be served to the following:
 - a. Office of the President,⁴

¹ OCA Circular No. 118-2013 dated 25 September 2013.

² Section 10 (c), Rule 39 of the Rules of Court.

³ OCA Circular No. 183-2018 dated 03 September 2018, and OCA Circular No. 16-2009 dated 10 November 2009, as supplemented by OCA Circular No. 183-2018 dated 03 September 2018.

⁴ OCA Circular No. 183-2018 dated 03 September 2018.

- b. National Urban Poor Sectoral Council-National Anti-Poverty Commission,⁵
- c. Concerned Local Government Unit,⁶
- d. Local Housing Board,⁷
- e. Housing and Urban Development Coordinating Council,⁸ and the
- f. PCUP;⁹

5. Thereupon, a required referral of the matter shall be made by the sheriff, subject to the following:

- 5.1 For demolition and eviction activities of government agencies involving the underprivileged and homeless citizens, the sheriff shall refer the case to the Local Housing Board (LHB) or any similar body in whose territorial jurisdiction the said activities shall take place;¹⁰ and,
- 5.2 For cases not involving the underprivileged and homeless citizens, the sheriff shall make a written request for the PCUP to certify that the case does not involve the underprivileged and homeless citizens;

6. After the LHB or any similar body has referred the case involving the underprivileged and homeless citizens to the PCUP, the sheriff shall secure a copy of the *Resolution* of the LHB or any similar body and shall thereafter indorse the same to the PCUP for the conduct of the Pre-Demolition Conference (PDC).¹¹ For emphasis, the conduct of the PDC is not necessary for cases not involving the underprivileged and the homeless;

7. The proponent, through the sheriff, shall make a written request for police assistance, if necessary.

7.1 For cases involving the underprivileged and the homeless citizens, the request for assistance shall contain the following attachments:¹²

- a. A certified true copy of the relevant Court Order and/or a certified true copy of the *Certificate of Compliance on Demolition or Eviction* issued by the Chairman of the

⁵ *Id.*, see footnote 4.

⁶ *Id.*

⁷ *Id.*

⁸ OCA Circular No. 160-2009 dated 10 November 2009, as supplemented by OCA Circular No. 183-2018 dated 03 September 2018.

⁹ OCA Circular No. 183-2018 dated 03 September 2018.

¹⁰ Executive Order No. 708 dated 26 February 2008.

¹¹ Department of the Interior and Local Government Memorandum Circular No. 2014-82 dated 17 July 2014, relative to Section 6 of the Guidelines on Requesting for Police Assistance in Demolition or Eviction Activities under the Urban Development Housing Act.

¹² *Id.*, see Section 5.

Local Housing Board pursuant to the Department of Interior and Local Government Memorandum Circular No. 2008-143;¹³

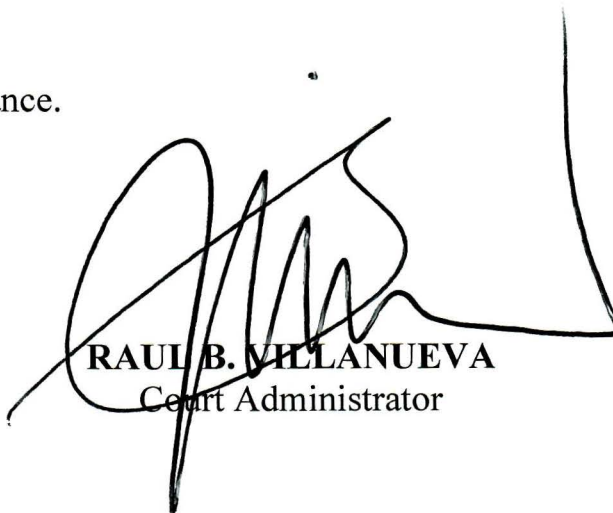
- b. A certified true copy of the proponent's formal letter request for assistance addressed to the PCUP Regional/Field Office or PCUP Head Office, marked as "Received";¹⁴
- c. Copy of the *Writ of Execution*; and,
- d. Other pertinent information in support of the request.¹⁵

8. The sheriff shall submit to the concerned court a list of estimated expenses for the conduct of the demolition or eviction activity. The court shall thereafter issue the corresponding *Order* directing the concerned party to deposit the required amount. After the conduct of the demolition or eviction, the sheriff shall make the necessary liquidation of expenses and any excess in the amount paid by shall be returned to the party; and

9. Upon completion of the demolition or eviction activity, the sheriff shall issue the *Certificate of Turn-Over* to the concerned party and report back to the concerned court.

For guidance and compliance.

22 November 2022



RAUL B. VILLANUEVA
Court Administrator

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¹³ *Id.*, see Section 5(b)(1).

¹⁴ *Id.*, see Section 5(b)(2).

¹⁵ *Id.*, see Section 5(b)(3).