

The Elusive Dream: Decent Housing

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Anecdote

On March 8, 2017 the KaDAMAY (Kalipunan ng Damayang Mahihirap) or "Federation for the Aid of the Poor," an urban poor group, led an occupation of about 5,000 pending housing units in five relocation sites in Bulacan. Members of KaDAMAY vowed to defend their barricades and occupation of these idle government housing sites and units. They appealed to President Rodrigo Duterte to heed their call.¹

The same stealthy resurgence of the group had been replicated as about 500 Kadamay members tried to occupy another housing project in Brgy San Isidro, Rodriguez, Rizal on the dawn of June 14, 2018.² However, the said attempt had been successfully thwarted by the active cooperation of the legitimate residents of the village and the proactive response of the PNP and AFP.

Introduction

The unprecedented resurgence of the KaDAMAY to the government housing projects intended otherwise has made headlines. It undeniably opened a wide array of social issues the government must consider.

However, considering the dynamics of an individual's ideal and aspiration, the writer has no intention to defray stand on behalf of KaDAMAY or of that the government. Invoking the exercise of the political right, being a citizen of the Philippines, it is imperative to share perspectives regarding the controversy.

Right for a Decent Housing: On the verge of Anarchy

Owning a house is the ultimate dream of every person. It confers a feeling of pride, security, and well-being. Thus, we cannot blame the urban poor absolutely, as they resort to such actions. This is a manifesto that, over the generation, our government has failed to address the most crucial thing: poverty.

The urban poor is one of the most impoverished sectors in Philippine society. They are highly harassed and often evicted from their abodes to be relocated to distant areas where water, schools, and jobs are virtually nonexistent. Studies show that there are available vacant lots in the cities, making in-city relocation of the urban poor possible and practicable. Some are government; others are private. The private lots could be made available to the urban poor if their owners and government could agree on a mutually advantageous purchase price.³

Anarchy: The By-product of Social Injustice

In speculation, the Kadamay resorted to such action because of desperation, perhaps. After all, some of the units of the government housing projects could not be awarded to legitimate recipients (such as the informal settlers in danger zones in the urban area who need to be relocated, the PNP, or the AFP). The units virtually stay idle, notwithstanding the rust, the grass, and the grime, to the point that some units become unsuitable to be made as home already. Thus, gives a hint to the KaDAMAY to occupy the units instead.

I shall not comment on behalf of the Kadamay to not draw their sentiments and social outcry solidarity. Nonetheless, their relentless housing takeover constitutes a so-called "legal anarchy." Anarchy is defined as a state or a situation of confusion and wild behavior in which the people in a country, group, organization, etc., are not controlled by rules or laws.⁴

Indeed, their actions constitute the concept that they were in the state where the group had taken the properties that belong to other people, and they took it out of power which is not enshrined well with the precepts of our Constitution.

Even though the end purpose of such a takeover is to acquire government aid by acquiring the housing units for the benefits, at least, it is still beyond reproach. After all, the ends cannot be justified by the means.

Indeed, whichever standpoint,

the relentless actions undertaken by the group to meet their end agenda are always off-beam. It contemplates illegal occupation, trespassing, or robbery for having taken properties of others in coercive ways and manners. It also envisages legal anarchy because the group did the stealth occupation as if there had no rule of law, and no government existed. Their methodology applied to meet their end is somehow in a state of disorder and confusion.

Government as *Parents Patriae*

Everyone has a fundamental human right to housing, which ensures access to a safe, secure, habitable, and affordable home with freedom from forced eviction. The government must guarantee that everyone can exercise this right to live in security, peace, and dignity. This right must be provided to all persons irrespective of income or access to economic resources.⁵

With this view, it is thus a first duty of the government to ensure this very fundamental human right in every citizen. They must be considered more of standards to be observed by the state. The right to an adequate standard of living, adequate food, clothing, and housing⁶, which has been categorized under economic, social, and cultural rights⁶ of every* citizen that the government must promote and ensure.

However, considering the status quo of government socialized housing, it is good to pose questions such as: why had the awardees not moved in? Why had the units remained unoccupied for years? Why had the housing projects allocated to another recipient always been a favorite subject of the coercive occupation of the urban poor (KaDAMAY)?

These are the questions that are political in treatment that the government must consider. The House and proper authorities must probe it. It must be investigated, so pertinent laws "in aid of the legislation" must be made and strictly enforced.

It is disturbing to note that despite a 5.7-million housing backlog, housing units numbering in the tens of thousands are unoccupied.⁷



Moreover, the government allocated a considerable budget under its annual appropriation to agencies in charge of socialized housing, such as the National Housing Authority (NHA) and the Housing and Urban Development Coordinating Council (HUDCC), its attached agency.

Ironically, the collapse of a footbridge at a housing project in Zamboanga City, with various officials dropping along with it into the murky water last April 26, would have been hilarious and an occasion for *schadenfreude*. But it ceases to be funny when one realizes that the rickety footbridge fairly represents the state of the government's housing projects.

Conclusion

Drawing up the stealth occupation of the marginalized urban poor *KaDAMAY* to the government social housing intended for the legitimate beneficiaries, their unprecedented action could be attributed as beyond the rule of law. Such 'extrajudicial' action and unlawful occupation of government properties constitute a severe infraction against the law. Hence, the precursors and leaders of such illegal occupations in government houses must be held accountable for their acts. The wrong deed is always wrong and should not be consented to by the authorities. It can't always defeat the doctrine of *dura sed lex* as enshrined by the Constitution. It is a moral necessity in nature. Otherwise, the same illegal occupation shall always be invoked.

On the other hand, it is inherent

that the government shall always consider the common good of its citizen. This is of paramount consideration. That is the essence of the existence of the government. A sufficient amount in its annual budget must be allocated for socialized housing. It must also ensure that the funds are actively, exclusively, and comprehensively for the legitimate beneficiaries. Moreover, it shall lambast, deride, and hold responsible those agencies and government officials who had maliciously maligned, misused, and misappropriated housing funds which is rampant and covert in any government projects such as socialized housing.

After all, the doctrine of *parens patriae* can always be invoked. The government shall act as the 'good father,' which provides the necessity of its subjects. Moreover, the situation of the citizen's standard of living always reflects a kind of government that the people do have.

However, the writer prays to emphasize that the doctrine must be carefully restrained by the government because it is subjective-wise. After all, the principle tends to be corruptible. It can always be invoked by the subject recipients, whether legitimate or not, that each citizen needs a decent home. The government must ensure that only those genuinely needy, the poorest of the poor, must be benefited. After all, the government had other projects that shall be prioritized otherwise, the limited funding of the government could be compromised. The conditional cash transfer (CCTs) of the government can be best attributed to the such

hullabaloo. After all, the Philippines were not such a progressive country and had limited resources to meet citizens' need.

Recommendation

The writer wishes to recommend in-depth reading for a thorough shed of ideas on the concept of Philippine socialized housing, particularly the Urban Development and Housing Act (for the updated jurisprudence and laws about urban and social housing), National Housing Authority Charter (as for the legal beneficiaries of the housing projects of the government), the various cases decided for housing programs in toto, and some current events and commentaries/ opinions about the *KaDAMAY* occupations on the government social housing which are available on-line.

¹ "House inquiry into gov't housing takeover sought". Manila Bulletin.

² "Anarkiya: Aksyon Ngayon". Al G Pedroche, Opinion, Ngayon, June 14, 2018.

³ Philippine Daily Inquirer, 12:12 A.M. April 12, 2017

⁴ Merriam-Webster Dictionary, cellphone application

⁵ R.A 1161; R.A. 8282; No. 9 Section XIII: Social Justice and Human Right, 1987 Philippine Constitution

⁶ Human Rights Principles, Defensor-Santiago, M., Quezon City, 2013 p. 14

⁷ Kreeger Bonagua, @inquirerdotnet, Philippine Daily Inquirer, 12:10 A.M May 13, 21017