

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

House Bill No. **5147**



Introduced by
ANAKALUSUGAN REPRESENTATIVE MICHAEL T. DEFENSOR

AN ACT CREATING THE NATIONAL COMMISSION FOR THE URBAN POOR
AMENDING EXECUTIVE ORDER 82 OF 1986, AS AMENDED, WHICH CREATED
THE PRESIDENTIAL COMMISSION FOR THE URBAN POOR, APPROPRIATING
FUNDS THEREFOR AND FOR OTHER PURPOSES

EXPLANATORY NOTE

The State has tried to address the needs of the urban poor through the creation of Presidential Commission for the Urban Poor under the leadership of then President Corazon C. Aquino through EO 82 in 1996 which was strengthened by EO 69 during the time of President Benigno Aquino with the defined functions such as:

1. Formulation of policy recommendations;
2. Setting up of consultative mechanisms between the government and the urban poor sector;
3. Accreditation of urban poor organization;
4. Facilitating of the convergence of various agencies in providing services for the urban poor like social preparation ns, pre-demolition conferences, and different economic interventions.

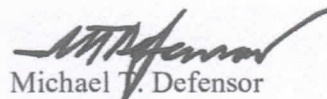
Despite such measures, the service delivery for the sector was not enough. Hence, the institutionalization of the PCUP and strengthening its powers through the passage of a National Commission for the Urban Poor (NCUP) will definitely address the policy gaps for the urban poor. This proposed measure will introduce the following:

1. Social preparations in resettlement and relocation of the urban poor;
2. Amendments to some provisions of RA 7279 (UDHA Law) that will conform with the present challenges of the urban poor sector;
3. Institutionalization of new programs and activities of the commission particularly on the forthcoming shift of the political system of the government towards full decentralization and federalization.

As the forefront agency in the fight for the eradication of poverty and providing services for the most marginalized sector it is but just that we strengthen this vehicle that brings the

government nearer to the people. With this proposed measure, the realization of a LIPUNANG WALANG MARALITA will be made possible.

Hence, the approval of this bill is earnestly sought.

A handwritten signature in black ink, appearing to read "M. Defensor", written in a cursive style.

Michael T. Defensor
Representative

ANAKALUSUGAN PARTYLIST

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*Be enacted by the Senate and House of Representatives of the Philippines in Congress
assembled:*

SECTION 1. TITLE. - This act shall be known as "**The National Commission for the Urban
Poor of 2019**".

SECTION 2. DECLARATION OF POLICY. - The State acknowledges that to focus the
government efforts to alleviate the plight of the urban poor, there is a need to establish a
government agency which shall serve as a direct link of the urban poor to the government in
policy formulation and program implementation addressed to their needs.

SECTION 3. COMPOSITION AND TERM OF OFFICE. The National Commission for the
Urban Poor is hereby created and shall be composed of:

- a. A Chairperson who will act as the Chief Executive Officer; and
- b. Four Commissioners representing the National Capital Region, Luzon, Visayas, and
Mindanao; and
- c. An Executive Director

The chairperson and commissioners shall have a term of office of three (3) years who shall all
be appointed by the President of the Philippines from among the list of nominees submitted by
a duly organized and accredited urban poor organization or institutions with national or
regional constituencies.

The Chairperson shall have the rank and privileges of a department undersecretary while the
appointive Commissioners shall have the rank and privileges of assistant secretaries of a
department. The Chairperson and the Commissioners are subject to a one-time reappointment
of three (3) years.

A Commissioner who shall replace the Chairperson shall only serve the unexpired portion of
the term of the Chairperson replaced and shall likewise be subject to the one-time
reappointment limit for the former's original term.

Any person who shall replace the Chairperson or any of the Commissioners shall serve only
the unexpired term of the person replaced.

The Commissioners will directly supervise and be held accountable for the operations and activities of the Regional Centers/ Field Operations Division. The Executive Director shall be appointed by the Chairman of the Commission and to be concurred in by all the Commissioners for a term of one (1) year subject to yearly re-appointment.

SECTION 6. QUALIFICATIONS - The Chairperson and Commissioners must be natural born citizens of the Philippines, have occupied positions of responsibility and leadership in duly registered or affiliated urban poor organization or institution serving the interest of the sector; with good moral character, and have not been convicted of any crime involving moral turpitude.

In addition, a Commissioner a resident of the FOD / Regional Center for not less than two years immediately preceding the day of appointment.

The Executive Director must possess the following qualifications:

- a. Executive and management experience of at least three (3) years and with considerable exposure to the urban poor sector, programs and project management.
- b. Must possess qualifications, ranks and privileges of a Bureau Director IV.

SECTION 7. OBJECTIVES, POWERS, AND FUNCTIONS OF THE COMMISSION. - The National Commission for the Urban Poor shall have the following functions and responsibilities:

- a. To coordinate the speedy implementation of government policies and programs for the urban poor;
- b. To set up a consultative mechanism which shall provide a forum for continuing dialogue between the government and the urban poor on the proper planning and evaluation of programs and projects affecting them;
- c. To accredit legitimate urban poor organizations for purposes of representation in the formulation of recommendations to the President;
- d. To review existing legislation, policies and programs of the government relating to the Urban Poor, in consultation with the latter, and recommend appropriate actions thereon to the President;
- e. To evaluate post and ongoing shelter-related projects of the government in squatter and resettlement areas in consultation with beneficiary communities, and recommend appropriate action therein to the President;
- f. To help coordinate the various activities and services being rendered by different government organizations for the urban poor;
- g. To plan and monitor programs and projects for the development of urban poor communities in coordination with agencies involved.
- h. To request the assistance of any ministry, bureau, office or agency in the performance of its functions;
- i. To facilitate the funding of urban poor programs and projects both from foreign and domestic fund sources; and
- j. Shall directly handle all Social Preparations on government projects (Local and National Agencies) on matters affecting the urban poor sector. An automatic appropriation of 2% project cost shall be allocated for social preparations. Part of the strengthening of the powers of NCUP is amending certain provisions of RA 7279 UDHA LAW and recommending that the Commission be part of inter-agency formation, as follows:

1. Framework for Rational Development. The NCUP National Commission for the Urban Poor shall be included in formulating the National Urban Development and Housing Framework aside from the HLURB, HUDCC and LGUs.
2. Identification of Sites for Socialized Housing. Together with the LGU, in coordination with the NHA, HLURB, National Mapping Resource Information Authority, and the Land Management Bureau, the NCUP will be added as new inter-agency member that shall identify lands for socialized housing and resettlement needs.
3. Modes of Land Acquisition. The NCUP shall be included as member agency aside from NHA and LGU in terms of modes of acquiring lands.
4. Balanced Housing Development. There should be a project team that will directly monitor the compliance of it. The monitoring team shall be composed of ISF groups that are directly affected, LGU and representative from the Commission.
5. Basic Services. The NCUP shall act as a monitoring agency in resettlement areas where basic services are being provided by the LGU and NHA to include potable water; power / electricity; sewerage facilities and solid waste disposal system; access to primary needs and transportation facilities.
6. The Commission shall directly handle and determine the off-site resettlement and relocation whether temporary or permanent.

- k. The Commission shall coordinate with the DENR in taking measures that will plan and regulate urban activities for the conservation and protection of vital, unique and sensitive ecosystem, scenic landscapes, cultural sites and other similar resource areas.
- l. The Commission is hereby authorized to directly purchase and acquire land to be used for socialized housing.
- m. The Commission shall be authorized to directly fund livelihood projects for Urban Poor Settler Families.
- n. The Commission shall directly promote the concept of "TOWNSHIP" or "RESETTLEMENT SITES" within economic zones.
- o. The NCUP shall serve as an intermediary agency of the Urban Poor Sector with agencies whose mandate and service is providing food and security.
- p. The Commission shall call a yearly URBAN POOR SUMMIT as part of its mechanism in addressing the concern of the sector.
- q. To perform such other functions as may be authorized by the President of the Philippines.

SECTION 8. THE URBAN POOR DEVELOPMENT FRAMEWORK. - The Commission shall formulate a national policy which shall be the comprehensive approach by the national and local governments in promoting 1) participatory governance, 2) building capacities of the urban poor, 3) promoting environmental sustainability, 4) preparedness and resiliency to disasters and climate change adaptation, and 5) enabling reforms and linkages. The Urban Poor Development Framework shall be subject to the approval by the President and shall be reviewed

on a three (3)-year interval, or as may deemed necessary, in order to ensure its relevance to the times.

SECTION 9. STRUCTURE OF THE COMMISSION. -

A. Each Commissioner shall head one FOD / Regional Division 180 which are as follows:

- National Capital Region (NCR)
- Luzon
- Visayas
- Mindanao

B. Division in each FOD / Regional Center. —

1. Information and Communication Division. —

1.1. The division head will occupy a Directorial II position and in cases no one is qualified to occupy a directorial level, an OIC shall be appointed subject to the rules of the Civil Service Commission.

1.2. Composition. -

- Training Academy — 1 Unit Head
- Media Relations — 1 Unit Head
- Events Relation — 1 Unit Head

2. Research, Policy, Database / Data Analysis Center. -

2.1 The division head will occupy a Directorial II position and in cases no one is qualified to occupy a directorial level an OIC shall be appointed subject to the rules of the Civil Service Commission.

2.2 Composition. -

- Social Preparation Evaluation Unit — 1 Unit Head
- Research Unit — 1 Unit Head
- Data Gathering / Data Base Analysis — 1 Unit Head

3. Resettlement / Relocation Division. -

3.1 The division head will occupy a Directorial II position and in cases no one is qualified to occupy a directorial level, an OIC shall be appointed subject to the rules of the Civil Service Commission.

3.2 Composition. -

- Corporate Social Responsibility — 1 Unit Head
- Livelihood / Economic Intervention — 1 Unit head
- Site selection / monitoring / inspection / evaluation / assessment — 1 Unit Head

4. Legal Division. -

4.1 The division head will occupy a Directorial II position and in cases no one is qualified to occupy a directorial level, an OIC shall be appointed subject to the rules of the Civil Service Commission.

4.2 Composition. -

- Pre Demolition Legal Unit — 1 Unit Head
- Peoples Action Center — 1 Unit Head
- Monitoring of Professional Squatters — 1 Unit Head
- Monitoring of False Land Titles — 1 Unit Head

5. Administration / Finance. -

5.1 The division head will occupy a Directorial II position and in cases no one is qualified to occupy a directorial level, an OIC shall be appointed subject to the rules of the Civil Service Commission.

5.2 Composition. -

- HR Personnel — 1 Unit Head
- Accounting — 1 Unit Head
- Cash — 1 Unit Head
- Records — 1 Unit Head
- GSU- 1 Unit Head

6. External Affairs. -

6.1 The division head will occupy a Directorial II position and in cases no one is qualified to occupy a directorial level, an OIC shall be appointed subject to the rules of the Civil Service Commission.

6.2 Composition

- Inter-Agency Liaison office, National Office – 1 Unit Head
- Local Government Units Liaison — 1 Unit Head
- Legislative Liaison Unit — 1 Unit Head
- Office of the President / Cabinet Secretaries Liaison Unit 1 Unit Head
- Urban Poor Organizations Liaison Unit - 1 Unit Head Office of Participatory Governance Liaison - 1 unit Head

SECTION 10. APPROPRIATIONS. -The Commission shall be allocated with the budget of THREE HUNDRED MILLION PESOS (Php 300,000,000.00) from the National Treasury starting from the effectivity of this Act.

Thereafter, the amount needed for the operation and maintenance of the Commission shall be included in the annual General Appropriations Act: Provided, that operating expenses of the Commission itself shall not exceed fourteen percent (14%) of the annual appropriation and that at least eighty six percent (86%) of said annual appropriation shall be disbursed for the development program, projects and activities.

SECTION 11. TRANSFER OF ASSETS. - Assets, properties and funds of Presidential Commission for the Urban Poor under the Office of the President pursuant to Executive Order No. 82, series of 1987 shall be transferred to the National Commission for the Urban Poor.

SECTION 12. EFFECT OF SEPARATION AS A RESULT OF THIS ACT. - Any official or employee of the Presidential Commission for the Urban Poor created under Executive Order No. 82 Series of 1987 and Executive Order 69 Series of 2012 separated from the service as a result of the operation and effect of this Act may be absorbed, if qualified, by the Commission for the good of the service, or where qualified therefor, may opt to transfer to another office or elect to apply for separation pay or retirement benefits: Provided, That the official or employee who may be absorbed by the Commission shall not suffer any loss or diminution of pay,

seniority or rank: Provided further, That benefits for separation or retirement of an official or employee of the Presidential Commission for the Urban Poor shall be derived from the funds of said Commission transferred to the National Commission for the Urban Poor.

SECTION 13. PRESIDENTIAL LAND GRANT. - The provisions of any existing law to the contrary notwithstanding, the President may, upon the authority of Congress, grant by donation, sale, lease, or otherwise to the Commission, portion of the land of the public domain as may be necessary for the establishment of urban poor development and training centers in all regions of the country and for the accomplishment of any of its purposes.

SECTION 14. TAX DEDUCTION OR EXEMPTION OF DONATIONS AND CONTRIBUTIONS. — Any donation, contribution, bequest and grant which may be made to the Commission shall constitute as allowable deduction from the income of the donor for income tax purposes and shall be exempt from donor's tax, subject to such conditions as provided under the National Internal Revenue Code, as amended.

SECTION 15. SEPARABILITY CLAUSE. If for any reason or reasons, any part or provision of this Act shall be held to be unconstitutional or invalid, other parts or provisions thereof not affected thereby shall continue to be in full force and effect.

SECTION 16. REPEALING CLAUSE. - Executive Order No. 82, series of 1986, Executive Order 69 series 2012 and all other laws, decrees, rules and regulations, other issuances or parts thereof which are inconsistent with this Act are hereby repealed or modified accordingly.

SECTION 17. EFFECTIVITY CLAUSE. - This Act shall take effect upon its publication in at least one (1) national newspaper of general circulation