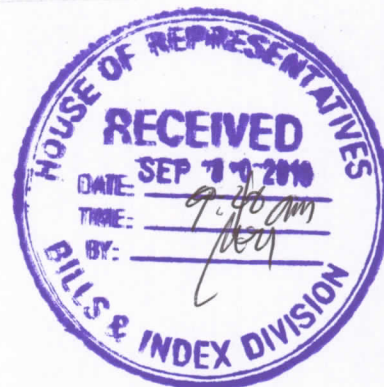


EIGHTEENTH CONGRESS)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



HOUSE OF REPRESENTATIVES

Introduced by Representative Rufus B. Rodriguez

House Bill No. 4869

EXPLANATORY NOTE

This bill was approved during the 17th Congress by the House of Representatives.

Article XIII, Section 9 of the 1987 Constitution states that, "The State shall, by law, and for the common good, undertake, in cooperation with the private sector, a continuing program of urban land reform and housing which will make available at affordable cost, decent housing and basic services to under-privileged and homeless citizens in urban centers and resettlement areas".

Based on a 2016 study conducted by the University of Asia and the Pacific, it is estimated that the Philippines will have a housing need of 12.3 million by 2030. In the same study, it was found out that in 2015, there was an excess of around 253,300 high-end (or open market) houses and 307,740 mid-priced homes, many of which were situated within the National Capital Region (NCR) and the country's other urban centers.

At present, the government's policy housing and resettlement is primarily off-site relocation. Under this policy, the Government builds houses for informal settler families in areas outside Metro Manila where there is lack of employment, sustainable livelihoods, and social services. This measure seeks to institutionalize on-site, in-city or near-city resettlement which upholds the urban poor's right to the city in order to comply with our Constitution's mandate to give Filipinos affordable and decent housing.

In view of the foregoing, the immediate approval of this measure is earnestly requested.


RUFUS B. RODRIGUEZ

EIGHTEENTH CONGRESS)
REPUBLIC OF THE PHILIPPINES)
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HOUSE OF REPRESENTATIVES

Introduced by Representative Rufus B. Rodriguez

House Bill No. **4869**

AN ACT

ESTABLISHING A LOCAL GOVERNMENT RESETTLEMENT PROGRAM THAT IMPLEMENTS AN ON-SITE, IN-CITY OR NEAR-CITY STRATEGY FOR INFORMAL SETTLER FAMILIES IN ACCORDANCE WITH A PEOPLE'S PLAN AND MANDATING RELOCATING LOCAL GOVERNMENT UNITS TO PROVIDE OTHER BASIC SERVICES AND LIVELIHOOD COMPONENTS IN FAVOR OF THE RECIPIENT LOCAL GOVERNMENT UNIT, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 7279, AS AMENDED, OTHERWISE KNOWN AS THE "URBAN DEVELOPMENT AND HOUSING ACT OF 1992"

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

SECTION 1. Short Title. – This Act shall be known as the "Local Government Unit-led On-site, In-City or Near-City Resettlement Act".

SEC 2. Amendatory Provisions. – For purposes of this Act, the following provisions of Republic Act No. 7279, otherwise known as the "Urban Development and Housing Act of 1992", are hereby amended as follows:

(a) Section 3 of Republic Act No. 7279 is hereby amended to read as follows:

"SEC. 3. Definition of Terms. – For purposes of this Act:

"x x x "

(w) x x x; [and]

"(x) 'Zonal Improvement Program or ZIP' refers to the program of the National Housing Authority of upgrading and improving blighted squatter areas within the cities and municipalities of Metro Manila pursuant to existing statutes and pertinent executive issuances[.];

"(Y) 'ADEQUATE AND RESPONSIVE CONSULTATION' REFERS TO THE STANDARD OF CONSULTATION WITH THE AFFECTED INFORMAL SETTLER FAMILIES (ISFS) WHICH SHALL REQUIRE THE FOLLOWING:

"(1) EFFECTIVE DISSEMINATION OF RELEVANT INFORMATION AND DOCUMENTS INCLUDING LAND RECORDS, HOUSING BUDGETS, THE PROPOSED PLAN OR PROJECT, ALTERNATIVE HOUSING OPTIONS, AND COMPREHENSIVE RESETTLEMENT PLANS;

"(2) REASONABLE TIME FOR THE PUBLIC TO REVIEW AND COMMENT ON THE PROPOSED PLAN OR PROJECT;

"(3) PROVISION BY THE GOVERNMENT OR NONGOVERNMENT ORGANIZATIONS OF LEGAL, TECHNICAL, AND OTHER ADVICE TO AFFECTED PERSONS ON THEIR RIGHTS AND OPTIONS;

"(4) PUBLIC HEARINGS THAT PROVIDE AFFECTED ISFS AND THEIR ADVOCATES WITH OPPORTUNITIES TO COMMENT ON THE PROPOSED RESETTLEMENT ACTION PLAN OR PRESENT ALTERNATIVE PROPOSALS AND TO ARTICULATE THEIR DEMANDS AND DEVELOPMENT PRIORITIES; AND

"(5) IN CASE NO AGREEMENT IS REACHED ON THE PROPOSALS OF THE CONCERNED PARTIES, AN INDEPENDENT BODY HAVING CONSTITUTIONAL AUTHORITY, SUCH AS A COURT OF LAW, SHOULD MEDIATE, ARBITRATE OR ADJUDICATE AS MAY BE APPROPRIATE;

"(Z) 'CIVIL SOCIETY ORGANIZATIONS OR CSOS' REFERS TO NONGOVERNMENTAL ORGANIZATIONS (NGOs), PEOPLE'S ORGANIZATIONS (POs), COOPERATIVES, TRADE UNIONS, PROFESSIONAL ASSOCIATIONS, FAITH-BASED ORGANIZATIONS, MEDIA GROUPS, INDIGENOUS PEOPLES MOVEMENTS, FOUNDATIONS AND OTHER CITIZEN'S GROUPS FORMED PRIMARILY FOR SOCIAL AND ECONOMIC DEVELOPMENT TO PLAN AND MONITOR GOVERNMENT PROGRAMS AND PROJECTS, ENGAGE IN POLICY DISCUSSIONS, AND ACTIVELY PARTICIPATE IN COLLABORATIVE ACTIVITIES WITH THE GOVERNMENT;

"(AA) 'IN-CITY RESETTLEMENT' REFERS TO A RELOCATION SITE WITHIN THE JURISDICTION OF A LOCAL GOVERNMENT UNIT WHERE THE AFFECTED ISFs ARE LIVING;

"(BB) 'INFORMAL SETTLEMENTS' REFERS TO:

"(1) RESIDENTIAL AREAS WHERE HOUSING UNITS HAVE BEEN CONSTRUCTED BY SETTLERS ON LAND WHICH THEY OCCUPY ILLEGALLY; OR

"(2) UNPLANNED SETTLEMENTS AND AREAS WHERE HOUSING IS NOT IN COMPLIANCE WITH EXISTING PLANNING AND BUILDING REGULATIONS;

"(CC) 'INFORMAL SETTLER FAMILIES' COLLECTIVELY REFERRED TO AS ISFs, REFERS TO FAMILIES LIVING IN INFORMAL SETTLEMENTS AS THE LATTER IS DEFINED IN THIS ACT;

"(DD) 'KEY SHELTER AGENCIES' (KSAS) REFER TO THE GOVERNMENT HOUSING AGENCIES DESIGNATED UNDER EXECUTIVE ORDER NO. 90, SERIES OF 1986, TO BE UNDER THE COORDINATIVE SUPERVISION OF THE HOUSING AND URBAN DEVELOPMENT COORDINATING COUNCIL, NAMELY: NATIONAL HOUSING AUTHORITY, NATIONAL HOME MORTGAGE FINANCE CORPORATION, HOUSING AND LAND USE REGULATORY BOARD, HOME GUARANTY CORPORATION, AND HOME DEVELOPMENT MUTUAL FUND, INCLUDING THE SOCIAL HOUSING FINANCE CORPORATION WHICH WAS AUTHORIZED TO BE CREATED BY VIRTUE OF EXECUTIVE ORDER NO. 272, SERIES OF 2004"

(EE) 'NEAR-CITY RESETTLEMENT' REFERS TO A RELOCATION SITE WITHIN THE JURISDICTION OF A LOCAL GOVERNMENT UNIT, CLOSER TO THE ORIGINAL LOCATION OF THE AFFECTED ISFS, WITH MINIMAL TRANSPORTATION COST BASED ON THEIR INCOME PROFILE AND ADJACENT TO THE LOCAL GOVERNMENT UNIT HAVING JURISDICTION OF THEIR PRESENT SETTLEMENTS;

"(FF) 'NONGOVERNMENT ORGANIZATION OR NGO' REFERS TO A DULY REGISTERED NONSTOCK, NONPROFIT ORGANIZATION FOCUSING ON THE UPLIFTMENT OF THE BASIC OR DISADVANTAGED SECTORS OF SOCIETY BY PROVIDING ADVOCACY, TRAINING, COMMUNITY ORGANIZING, RESEARCH, ACCESS TO RESOURCES, AND OTHER SIMILAR ACTIVITIES, AS DEFINED UNDER REPUBLIC ACT NO. 8425, OTHERWISE KNOWN AS THE 'SOCIAL REFORM AND POVERTY ALLEVIATION ACT' AND ORGANIZED AND OPERATED EXCLUSIVELY FOR SCIENTIFIC, RESEARCH, EDUCATIONAL, CHARACTER-BUILDING AND YOUTH AND SPORTS DEVELOPMENT,

HEALTH, SOCIAL WELFARE, CULTURAL OR CHARITABLE PURPOSES, OR A COMBINATION THEREOF, AND NO PART OF THE NET INCOME OF WHICH INURES TO THE BENEFIT OF ANY PRIVATE INDIVIDUAL PURSUANT TO SECTION 34 (H)(2)(C)(1) OF REPUBLIC ACT NO. 8424, AS AMENDED, OTHERWISE KNOWN AS THE 'TAX REFORM ACT OF 1997';

"(GG) 'OFF-CITY RESETTLEMENT' REFERS TO A RELOCATION SITE DEVELOPED OUTSIDE AND NOT ADJACENT TO THE LOCAL GOVERNMENT UNIT WHERE THE AFFECTED ISFS HAVE THEIR SETTLEMENTS;

" (HH) 'PEOPLE'S PLAN' REFERS TO THE PLAN FORMULATED BY THE BENEFICIARY-ASSOCIATION, IN COORDINATION WITH THE PRESIDENTIAL COMMISSION FOR THE URBAN POOR WITH OR WITHOUT THE SUPPORT OF CSOS, WHICH SHALL CONTAIN A SITE DEVELOPMENT PLAN THAT CONFORMS TO THE COMPREHENSIVE LAND USE PLAN OF THE LOCAL GOVERNMENT UNIT UNDER WHOSE JURISDICTION THE PROJECT SITE IS PROPOSED TO BE LOCATED, INCLUDING COMMUNITY HEALTH, SANITATION, AND SECURITY PLANS, AS WELL AS NONPHYSICAL DEVELOPMENT COMPONENTS SUCH AS SELF-HELP HOUSING COOPERATIVE, LIVELIHOOD, SELF-HELP DEVELOPMENT, CAPABILITY BUILDING TRAININGS, AND A SYSTEM OF ALLOCATION OF SOCIALIZED HOUSING UNITS THAT PROMOTE AND PROTECT THE WELFARE OF THE ELDERLY, PERSONS WITH DISABILITY, AND CHILDREN; AND

"(II) RESETTLEMENT ACTION PLAN (RAP) REFERS TO THE PLAN PREPARED AND UNANIMOUSLY CONCURRED IN BY THE LOCAL GOVERNMENT UNIT (LGU) OR THE PROJECT PROPONENT AGENCY WITH THE AFFECTED UNDERPRIVILEGED AND HOMELESS FAMILIES THAT DETAILS THE IMPLEMENTATION OF RELOCATION. THIS PLAN SHALL INCLUDE OR PRIORITIZE, TO THE EXTENT FEASIBLE, IN DESCENDING ORDER: ON-SITE, IN-CITY, NEAR-CITY PUBLIC RENTAL HOUSING AS WELL AS OPTIONS FOR MEDIUM-RISE BUILDINGS AND OFF-CITY OPTIONS. IT SHALL ALSO INCLUDE THE BASIC SERVICES AND FACILITIES RELATIVE TO THE HEALTH, EDUCATION, COMMUNICATION, SECURITY, RECREATION, RELIEF AND WELFARE, LIVELIHOOD AND TRANSPORTATION NEEDS OF THE RELOCATEES."

"(JJ) 'SOCIAL PREPARATION' REFERS TO THE PROCESS OF ESTABLISHING SOCIAL, ORGANIZATIONAL, AND INSTITUTIONAL NORMS AND MECHANISMS. SUCH NORMS AND MECHANISMS WILL: (1) ENABLE THE BENEFICIARIES TO COPE WITH CHANGES; AND (2) IN PARTNERSHIP WITH CONCERNED INSTITUTIONS AND STAKEHOLDERS, ENCOURAGE THE BENEFICIARIES NOT ONLY TO WORK AMONG THEMSELVES FOR THE PURPOSE OF DRAWING UP AND UNDERTAKING THEIR HOUSING PROJECT PROPOSALS BUT ALSO TO ACTIVELY AND MEANINGFULLY PARTICIPATE IN HOUSING PROJECTS UNDERTAKEN IN THEIR BEHALF, THUS RESOLVING COLLECTIVE ACTION PROBLEMS AMONG COMMUNITY MEMBERS AND COORDINATION PROBLEMS WITH GOVERNMENT AND OTHER ENTITIES.";

(b) Section 22 of Republic Act No. 7279 is hereby amended to read as follows:

"Section 22. Livelihood Component. - To the extent feasible, socialized housing and resettlement projects shall be located near areas where employment opportunities are accessible. The government agencies dealing with the PROVISION OF SKILLS AND LIVELIHOOD TRAINING,

development of livelihood programs, and grant of livelihood loans, NAMELY: DEPARTMENT OF LABOR AND EMPLOYMENT, DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT, DEPARTMENT OF SCIENCE AND TECHNOLOGY, TECHNICAL EDUCATION AND SKILLS DEVELOPMENT AUTHORITY, AND PHILIPPINE TRADE AND TRAINING CENTER shall give priority to the beneficiaries of the Program.

(c) Section 23 of the same Act is hereby amended to read as follows:

"SEC. 23. Participation of PROGRAM Beneficiaries, FORMATION OF BENEFICIARY-ASSOCIATION, MAINSTREAMING SOCIAL PREPARATION, AND FORMULATION AND IMPLEMENTATION OF A PEOPLE'S PLAN. – The local government units, in coordination with the Presidential Commission for the Urban Poor and concerned government agencies, shall afford Program beneficiaries or their duly designated representatives an opportunity to be heard and to participate in the decision-making process over matters involving the protection and promotion of their legitimate collective interests which shall include appropriate documentation and feedback mechanisms. They shall also be encouraged to organize themselves [and undertake self-help cooperative housing and other livelihood activities] INTO AN ASSOCIATION FOR ACCREDITATION AS BENEFICIARIES OR AWARDEES OF OWNERSHIP RIGHTS UNDER THE RESETTLEMENT PROGRAM, COMMUNITY MORTGAGE PROGRAM, LAND TENURE ASSISTANCE PROGRAM, AND OTHER SIMILAR PROGRAMS IN RELATION TO A SOCIALIZED HOUSING PROJECT ACTUALLY BEING IMPLEMENTED BY THE NATIONAL GOVERNMENT OR BY THE LOCAL GOVERNMENT UNITS. They shall assist the government in preventing the incursions of professional squatters and members of squatting syndicates into their communities.

"In instances when the affected beneficiaries have failed to organize themselves or form an [alliance] ASSOCIATION within a reasonable period prior to the implementation of the program or projects affecting them, consultation between the implementing agency and the affected beneficiaries shall be conducted with the assistance of the Presidential Commission for the Urban Poor and the concerned nongovernment organization UNTIL AN ASSOCIATION IS FORMED IN PLACE.

"THE ASSOCIATION, IN CONSULTATION WITH THE PRESIDENTIAL COMMISSION FOR THE URBAN POOR SHALL, WITH OR WITHOUT THE SUPPORT OF CSOS, FORMULATE A 'PEOPLE'S PLAN'.

"THE ASSOCIATION, WITH THE ASSISTANCE OF CSOS AND GOVERNMENT AGENCIES INCLUDING THE NATIONAL ANTI-POVERTY COMMISSION (NAPC), PRESIDENTIAL COMMISSION FOR THE URBAN POOR, NATIONAL HOUSING AUTHORITY, CITY OR MUNICIPAL SOCIAL WELFARE AND DEVELOPMENT OFFICE, SOCIAL HOUSING FINANCE CORPORATION, LOCAL GOVERNMENT UNITS, AND OTHER RELEVANT AGENCIES OF GOVERNMENT, SHALL AGREE ON, DEVELOP, AND IMPLEMENT THE PEOPLE'S PLAN.

"IN ACCORDANCE WITH THE PROTECTION GUIDELINES PROVIDED UNDER SECTION 28 OF THIS ACT, A RELOCATION ACTION PLAN SHALL BE AN INDISPENSABLE COMPONENT OF THE PEOPLE'S PLAN. THE RELOCATION ACTION PLAN SHALL INCLUDE THE FOLLOWING OBJECTIVES:

"(A) ENSURE SAFE, AFFORDABLE, DECENT, AND HUMANE CONDITION OF RELOCATION, INCORPORATING THEREIN APPROPRIATE DISASTER RISK REDUCTION MANAGEMENT AND CLIMATE CHANGE ADAPTATION STANDARDS;

"(B) PROVIDE ADEQUATE SOCIAL PREPARATION; AND

"(C) PREVENT FORCED EVICTION: PROVIDED, THAT PRIMARY CONSIDERATION SHALL BE GIVEN TO THE HOUSING FINANCIAL SCHEME SUGGESTED IN THE PEOPLE'S PLAN".

(d) Section 26 of the same Act is hereby amended to read as follows:

"SEC. 26. Urban Renewal and Resettlement. - [This] URBAN RENEWAL AND RESETTLEMENT shall include the rehabilitation and development of blighted and slum areas and the resettlement of Program beneficiaries in accordance with the provisions of this Act. On-site development shall be implemented [whenever possible] AFTER ADEQUATE AND GENUINE CONSULTATION WITH THE AFFECTED ISFS, AND IN ACCORDANCE WITH THE PEOPLE'S PLAN FORMULATED PURSUANT TO SECTION 23 OF THIS ACT, in order to ensure minimum movement of occupants of blighted lands and slum areas.

"[The] WHERE DEMOLITION OR EVICTION IS ALLOWED IN THE AREA OCCUPIED BY THE PROGRAM BENEFICIARIES PURSUANT TO SECTION 28 OF THIS ACT, AND ON-SITE RESETTLEMENT CANNOT BE UNDERTAKEN BY REASON THEREOF, THE IN-CITY resettlement of the beneficiaries of the Program from their existing places of occupancy shall be undertaken only [when on-site development is not feasible and] after compliance with the procedures laid down in [Section 28 of this Act] THE SAME SECTION OF THIS ACT AND IN ACCORDANCE WITH THE PREFERENCE OF THE AFFECTED ISFS AS CONTAINED IN THE PEOPLE'S PLAN.

"SHOULD IN-CITY RESETTLEMENT NOT BE FEASIBLE, NEAR-CITY RESETTLEMENT SHALL BE CONSIDERED. OFF-CITY RESETTLEMENT SHALL ONLY BE RESORTED TO WHEN DIRECTLY REQUESTED BY THE AFFECTED ISFS THEMSELVES, AND MUST SATISFY THE REQUIREMENTS OF ADEQUATE AND RESPONSIVE CONSULTATION PRIOR TO RELOCATION. "; and

(e) Section 29 of the same Act is hereby amended to read as follows:

"SEC. 29. Resettlement. - THE LOCAL GOVERNMENT UNITS SHALL BE CHARGED WITH THE PRIMARY RESPONSIBILITY OF IMPLEMENTING RESETTLEMENT IN THEIR RESPECTIVE LOCALITIES, IN COORDINATION WITH THE APPROPRIATE KEY SHELTER AGENCIES. Within two (2) years from the effectivity of this Act, the local government units, in coordination with the [~~National Housing Authority~~] KEY SHELTER AGENCIES, shall implement the relocation and resettlement of [persons] ISFS living in danger areas such as esteros, railroad tracks, garbage dumps, riverbanks, shorelines, waterways, and in other public places such as sidewalks, roads, parks, and playgrounds. The local government unit, in coordination with the [~~National Housing Authority~~] KEY SHELTER AGENCIES, shall provide relocation or resettlement sites with basic services and facilities and access to employment and livelihood opportunities sufficient to meet the basic needs of the affected families. FOR THIS PURPOSE, THE LOCAL GOVERNMENT UNIT MAY PURCHASE LANDS OUTSIDE ITS JURISDICTION.

WHERE THE LAND OCCUPIED BY THE ISFS IS PRIVATELY-OWNED, THE LOCAL GOVERNMENT UNIT SHALL, IN COORDINATION WITH THE APPROPRIATE KEY SHELTER AGENCIES, NEGOTIATE WITH THE OWNER FOR THE PURCHASE OF THE OCCUPIED PROPERTY. SHOULD NEGOTIATION FAIL, THE LOCAL GOVERNMENT UNIT MAY RESORT TO EXPROPRIATION.

"IN INSTANCES WHEN THE RELOCATION OR RESETTLEMENT SITE IS LOCATED IN ANOTHER LOCAL GOVERNMENT UNIT, THE LOCAL GOVERNMENT UNIT THAT IMPLEMENTS THE RELOCATION OR

RESETTLEMENT AND THE CONCERNED NATIONAL GOVERNMENT AGENCIES SHALL, THROUGH A MEMORANDUM OF AGREEMENT, PROVIDE THE OTHER BASIC SERVICES AND FACILITIES ENUMERATED UNDER SECTION 21 OF THIS ACT, INCLUDING A LIVELIHOOD COMPONENT FOR THE BENEFICIARIES BEING RELOCATED, TO THE RECIPIENT LOCAL GOVERNMENT UNIT WHERE THE RELOCATION OR RESETTLEMENT SITE IS LOCATED.

"THE HOUSING AND URBAN DEVELOPMENT COORDINATING COUNCIL AND THE DEPARTMENT OF FINANCE – BUREAU OF LOCAL GOVERNMENT FINANCE SHALL FORMULATE THE IMPLEMENTING RULES AND REGULATIONS ON THE COST-SHARING MECHANISM NECESSARY TO FULLY IMPLEMENT THE PROVISION OF SUCH OTHER BASIC SERVICES AND FACILITIES.

"IN ADDITION TO THE FUNDING SOURCES PROVIDED UNDER SECTION 42 OF THIS ACT, THE ALLOCATION FOR THE BASIC SERVICES AND FACILITIES MAY BE TAKEN BY THE LOCAL GOVERNMENT UNIT IMPLEMENTING THE RELOCATION OR RESETTLEMENT FROM THE TWENTY PERCENT (20%) OF THE INTERNAL REVENUE ALLOTMENT APPROPRIATED FOR DEVELOPMENT PROJECTS AS MANDATED UNDER SECTION 287 OF REPUBLIC ACT NO. 7160, OTHERWISE KNOWN AS THE 'LOCAL GOVERNMENT CODE OF 1991'."

SEC 3. *Implementing Rules and Regulations.* – The principles, policies and provisions of this Act shall be incorporated in the National Shelter Program.

The Housing and Urban Development Coordinating Council and the Department of the Interior and Local Government, in consultation and coordination with appropriate government agencies, CSOs, NGOs, representatives from the private sector, and ISFs, shall promulgate a new set of implementing rules and regulations within sixty (60) days from the effectivity of this Act. The implementing rules and regulations shall be consistent with the provisions of this Act, particularly with the amendments, parameters, and standards introduced to Sections 23, 26, and 29 of the "Urban Development and Housing Act of 1992", and shall include the following:

(a) A People's Plan template to guide ISFs in the development of their own People's Plan: Provided, That such template shall be a complete pro forma People's Plan: Provided, however, That such a template shall be used to benchmark the minimum standards in a People's Plan; and

(b) A guide to effective implementation of the People's Plan, including details on the necessity of the issuance of internal memoranda by concerned agencies.

The implementing rules and regulations issued pursuant to this section shall take effect thirty (30) days after its publication in two (2) national newspapers of general circulation.

SEC 4. Repealing Clause. – All laws, decrees, executive orders, proclamations, rules and regulations, and other issuances, or parts thereof which are inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SEC 5. Separability Clause. – If, for any reason, any part, section or provision of this Act is held invalid or unconstitutional, the remaining provisions not affected thereby shall continue to be in full force and effect.

SEC 6. Effectivity. – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,