



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH (18th) CONGRESS
First Regular Session

HOUSE BILL NO. 159

Introduced by REP. JOSE CHRISTOPHER Y. BELMONTE

EXPLANATORY NOTE

The bill entitled "*An Act Strengthening the Right of Government to Expropriate Lands for Socialized Housing, Amending for the Purpose Sections 9, 10, and 11 of Republic Act No. 7279, Otherwise Known as the 'Urban Development And Housing Act Of 1992'*" was originally filed as House Bill No. 5479 by this Representation in the 16th Congress, and was re-filed as House Bill No. 159 in the 17th Congress. Both Congresses passed the measure on its 3rd Reading and transmitted the said bills to the Senate for appropriate action.

This measure is part and parcel of the commitment of the State to undertake a continuing program of urban land reform and housing as provided for under Section 9, Article XII of the 1987 Constitution. Further, this measure is in line with the policy of Republic Act No. 7279 (*Urban and Housing Development Act of 1992*) providing for the rational use and development of urban land in order to bring about, among others, equitable utilization of residential lands in urban and urbanizable areas.

Sections 9 and 10 of RA 7279 provides for the order and mode of land acquisition by the Local Government, while Section 11 mandates that all idle lands in urban and urbanizable areas shall be expropriated and shall form part of the public domain, residential lands the ownership of which are subject of pending litigation are exempted from said provision.

More than two decades after the enactment of RA 7279, majority of informal settlers cannot enjoy the benefits of the provisions of said law. Moreover, ironically, while being a social justice legislation, RA 7279 provides more stringent requirements for expropriation of land for public use, in this case, for socialized housing, than as provided for under Rule 67 of the Rules of Court.

Amending section 9, 10 and 11 of RA 7279 will provide more power to the Local Government in using idle lots in its jurisdiction by rationalizing the order and

mode of land acquisition and lifting the exemption on residential lands the ownership of which are subject of pending litigation. It will likewise ensure that the intended beneficiaries of RA 7279 will indeed enjoy the benefits of this social justice legislation.

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

Jcy Belmonte



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AN ACT
STRENGTHENING THE RIGHT OF GOVERNMENT TO EXPROPRIATE LANDS
FOR SOCIALIZED HOUSING, AMENDING FOR THE PURPOSE SECTIONS 9, 10,
AND 11 OF REPUBLIC ACT NO. 7279, 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:

1 SECTION 1. Sections 9, 10, and 11 of Republic Act No. 7279 are hereby amended to
2 read as follows:

3 "SEC. 9. [*Priorities in the*] *Acquisition of Land* **FOR SOCIALIZED**
4 **HOUSING.** – [Lands for socialized housing shall be acquired in the following order]
5 **THE FOLLOWING LANDS MAY BE ACQUIRED FOR SOCIALIZED**
6 **HOUSING:**

7 "(a) Those owned by the Government or any of its subdivisions,
8 instrumentalities, or agencies, including government-owned or -controlled
9 corporations and their subsidiaries;

10 "(b) Alienable lands of the public domain;

11 "(c) Unregistered or abandoned and idle lands;

12 "(d) Those within the declared Areas for Priority Development, Zonal
13 Improvement Program sites, and Slum Improvement and Resettlement Program sites
14 which have not yet been acquired;

“(e) Bagong Lipunan Improvement of Sites and Services or BLISS sites which have not yet been acquired; and

“(f) Privately-owned lands.

“[Where on-site development is found more practicable and advantageous to the beneficiaries, the priorities mentioned in this section shall not apply. The local government units shall give budgetary priority to on-site development of government lands.]

“THE POWER TO IDENTIFY AND TO PRIORITIZE THE PARTICULAR AREA TO BE ACQUIRED SHALL BE WITH THE LOCAL GOVERNMENT UNIT OR THE PROPER AGENCY ACQUIRING LAND FOR SOCIALIZED HOUSING. FOR THIS PURPOSE, THE ENUMERATION IN THIS SECTION SHALL NOT, IN ANY WAY, BE INTERPRETED AS SETTING AN ORDER OF PRIORITY.”

“SEC. 10. *Modes of Land Acquisition.* – The modes of acquiring lands for purposes of this Act shall include, among others, community mortgage, land swapping, land assembly or consolidation, land banking, donation to the Government, joint-venture agreement, negotiated purchase, and expropriation: *Provided, [however,* That expropriation shall be resorted to only when other modes of acquisition have been exhausted: *Provided, further,*] That where expropriation is resorted to, parcels of land owned by small property owners shall be exempted for purposes of this Act: *Provided, [finally]* **FURTHER**, That abandoned property, as herein defined, shall be reverted and escheated to the State in a proceeding analogous to the procedure laid down in Rule 91 of the Rules of Court.

“For the purpose of socialized housing, government-owned and foreclosed properties shall be acquired by the local government units, or by the National Housing Authority primarily through negotiated purchase: *Provided,* That qualified beneficiaries who are actual occupants of the land shall be given the right of first refusal.”

“SEC. 11. *Expropriation of Idle Lands.* – All idle lands in urban and urbanizable areas, as defined and identified in accordance with this Act, shall be expropriated and shall form part of the public domain. These lands shall be disposed of or utilized by the Government for such purposes that conform with their land use plans. Expropriation proceedings shall be instituted if, after the lapse of one (1) year

1 following receipt of notice of acquisition, the owner fails to introduce improvements
2 as defined in Section 3(f) hereof, except in the case of *force majeure* and other
3 fortuitous events. Exempted from this provision, however, are residential lands owned
4 by small property owners [or those the ownership of which is subject of a pending
5 litigation].”

6 SEC. 2. *Repealing Clause.* – All laws, decrees, executive orders, proclamations, rules
7 and regulations, or any part thereof which are inconsistent with this Act, are hereby repealed
8 or modified accordingly.

9 SEC. 3. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication
10 in the *Official Gazette* or in a newspaper of national circulation.

11 *Approved,*