

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 82

HOUSE OF REPRESENTATIVES	
RECEIVED	
DATE:	30 JUN 2016
TIME:	7:25 PM
BY:	
REGISTRATION UNIT BILLS AND INDEX SERVICE	

Introduced by **REP. ALFREDO "ALBEE" B. BENITEZ**

EXPLANATORY NOTE

More than a decade after the passage of the landmark legislation that is Republic Act No. 7279 or the Urban Development and Housing Act of 1992 (UDHA), the Philippines is still struggling to improve its housing indicators. The housing backlog is high at 6 million housing units as majority of Filipinos do not have access to affordable housing units. Another major housing concern is the issue of informal settlers. There are about 1.5 million informal settler families (ISFs) in the country of which, almost 600,000 are found in Metro Manila. The government is having a difficulty in catching up with the housing demands of the burgeoning population of the country.

Government programs before were focused on the relocation of informal settlers to areas outside Metro Manila where they have no access to livelihood and other basic services. The scenario is that the ISFs are pushed to go back to informal settlements in the urban centers again because of their need to find a source of income for their family's daily needs.

This measure proposes the adoption of an on-site, in-city or near-city resettlement which upholds the right to the city of the ISFs. More importantly, the bill also promotes the People's Plan as a tool that recognizes the need for adequate consultation and participation of the beneficiaries themselves in planning their resettlement.

This bill is the approved Third Reading version of the bill that was originally filed by Rep. Barry Gutierrez in the 16th Congress, which underwent several consultations with stakeholders and relevant government agencies.

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


ALFREDO "ALBEE" B. BENITEZ
3rd District, Negros Occidental

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 82

Introduced by **REP. ALFREDO "ALBEE" B. BENITEZ**

AN ACT ESTABLISHING AN ON-SITE, IN-CITY OR NEAR-CITY RESETTLEMENT PROGRAM 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 "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 GENUINE 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, COMMENT AND OBJECT TO THE PROPOSED PLAN PROJECT;

"(3) PROVISION BY THE GOVERNMENT OR NON-GOVERNMENT 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 CHALLENGE THE EVICTION DECISION 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 THE CITY 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) 'NEAR-CITY RESETTLEMENT' REFERS TO A RELOCATION SITE IN A CITY OTHER THAN THE CITY OF THE AFFECTED INFORMAL SETTLEMENTS: *PROVIDED, HOWEVER,* THAT THE RELOCATION SITE IS ADJACENT TO THE CITY WHERE THE AFFECTED ISFs HAVE THEIR SETTLEMENTS;

"(EE) 'NON-GOVERNMENT ORGANIZATION OR NGO' REFERS TO A DULY REGISTERED NON-STOCK, NON-PROFIT 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';

"(FF) 'OFF-CITY RESETTLEMENT' REFERS TO A RELOCATION SITE DEVELOPED OUTSIDE AND NOT ADJACENT TO THE CITY WHERE THE AFFECTED ISFs HAVE THEIR SETTLEMENTS;

"(GG) 'PEOPLE'S PLAN' REFERS TO THE PLAN FORMULATED BY THE BENEFICIARY-ASSOCIATION, IN COORDINATION WITH THE PRESIDENTIAL COMMISSION FOR THE URBAN POOR OR WITHOUT THE SUPPORT OF CSOs, WHICH SHALL CONTAIN A SITE DEVELOPMENT PLAN, INCLUDING NONPHYSICAL DEVELOPMENT COMPONENTS SUCH AS SELF-HELP HOUSING COOPERATIVE, LIVELIHOOD, SELF-HELP DEVELOPMENT, AND CAPABILITY BUILDING; AND

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

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

"SEC. 23. Participation of **PROGRAM Beneficiaries OR AFFECTED ISFs, FORMATION OF BENEFICIARY-ASSOCIATION, 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 AFFECTED ISFs** 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 organized 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 COORDINATION WITH THE PRESIDENTIAL COMMISSION FOR THE URBAN POOR WITH OR WITHOUT THE SUPPORT OF CSOs, SHALL FORMULATE A 'PEOPLE'S PLAN' THROUGH A PROCESS OF CONSULTATION WHICH SHALL CONTAIN A SITE DEVELOPMENT PLAN, INCLUDING NONPHYSICAL DEVELOPMENT COMPONENTS SUCH AS SELF-HELP HOUSING COOPERATIVE, LIVELIHOOD, SELF-HELP DEVELOPMENT, AND CAPABILITY-BUILDING TRAININGS.

"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 INDESPENSABLE 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 ADAPTION 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.';

(c) 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 OF 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 GENUINE CONSULTATION PRIOR TO RELOCATION.”; and

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

“SEC. 29. Resettlement. – Within two (2) years from the effectivity of this Act, the local government units, in coordination with the National Housing Authority, shall implement the relocation and resettlement of persons 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, 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.

“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 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 shall be consistent with the provisions of this Act, particularly with the amendments, parameters, and standards introduced to Section 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,