

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

Seventeenth Congress
First Regular Session

HOUSE BILL NO. 4217



Introduced by: Hon. RODEL M. BATOCABE and Hon. TEDDY BRAWNER BAGUILAT

Explanatory Note

The right to adequate housing is a human right. Article 1, Paragraph 1 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) includes housing in the components of the right to an adequate standard of living:

“The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions.”

As a signatory to this Covenant, the Philippine government has the obligation to fully realize the right to adequate housing and, at the minimum, show that it is making every possible effort, within its available resources, to better protect and promote this right.

Committed to the bigger challenges of the Sustainable Development Goals (SDGs) which integrate the social, economic and environmental agenda, the Philippine government must contribute to the Sustainable Development Goal 11 indicators, where investment and financing requirements are to ensure access to safe and affordable housing with an inclusive approach to public transport, creating green public spaces, and improving urban planning and management.

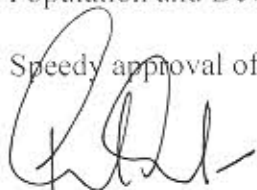
In adherence to Sendai Framework -successor instrument to the Hyogo Framework for Action - the government should also focus on building resilience and promoting participatory disaster risk reduction to housing and human settlements stressing that both communities and local authorities should be empowered to manage and reduce disaster risk by having access to the necessary information, resources, and authority to implement.

Since the typhoon Yolanda devastated the Visayas region, only 16,544 or less than 10 percent of the target 205,128 permanent houses had been constructed by the National Housing Authority.

The significant delay in the delivery of emergency housing assistance for survivors was attributed to a host of problems including gaps and inconsistencies in the policies of local and national governments and poor coordination between implementing agencies tasked to implement rehabilitation and resettlement in Yolanda affected areas.

This bill seeks to resolve the absence of a responsive land use plan in many disaster – risk areas, which should integrate risk analysis of natural hazards, and bottlenecks in identifying and acquiring land appropriate for resettlement of residents living in unsafe zones. The proposed measure mandates the state to undertake, in cooperation with the private sector, a comprehensive and continuing Resilient Housing and Human Settlements Program, which shall lay out a clear and concrete plan to ensure that Filipinos who will experience disasters will be quickly rehabilitated in safe, secure and sustainable housing, with attendant basic services and access to livelihood. This bill is part of the legislative agenda of the Philippine Legislators’ Committee on Population and Development Foundation.

Speedy approval of this measure is eagerly sought.



RODEL M. BATOCABE

Representative

Ako Bicol Pary List



TEDDY B. BAGUILAT

Representative

Lone District, Ifugao

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HOUSE BILL NO. **4217**

Introduced by: Hon. RODEL M. BATOCABE/ Hon. TEDDY BRAWNER BAGUILAT

AN ACT INSTITUTING A NATIONAL COMPREHENSIVE FRAMEWORK ON
RESILIENT HOUSING AND HUMAN SETTLEMENTS, APPROPRIATING FUNDS
THEREFOR AND FOR OTHER PURPOSES

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

SEC. 1. *Short Title* — This Act shall be known as the “Resilient Housing and Human
Settlements Act of 2016.”

SEC. 2. *Declaration of Principles and State Policies* — Pursuant to Article 2, Sections 5
and 11 of the Philippine Constitution which states that the maintenance of peace and order,
the protection of life, liberty, and property, and the promotion of the general welfare are
essential for the enjoyment by all the people of the blessings of democracy; the State values
the dignity of every human person and guarantees full respect for human rights.

To protect, promote, and fulfill the right to adequate housing as a component of the people’s
right to an adequate standard of living—concomitant with the goal of enhancing the
resiliency of communities to disasters—the State shall undertake, in cooperation with the
private sector, a comprehensive and continuing Resilient Housing and Human Settlements
Program, which shall, among other things, lay out a clear and concrete plan to ensure that
Filipinos who will experience disasters will be quickly rehabilitated in safe, secure, and
sustainable housing, with attendant basic services and access to livelihood.

As a state party to United Nations International Covenant on the Economic, Social and
Cultural Rights (ICESCR) and the UN Sustainable Development Goals, we will pursue
Sustainable Development Goal 11 and the Rights-Based Approach to ensure the right of
everyone to an adequate standard of living, including adequate privacy, adequate space,
adequate security, adequate lighting and ventilation, adequate basic infrastructure and
adequate location with regard to work and basic facilities – all at a reasonable cost.

Pursuant to Article 13, Section 16 of the Philippine Constitution, the right of the people and
their organizations to effective and reasonable participation at all levels of social, political,
and economic decision-making shall not be abridged. The State shall, by law, facilitate the
establishment of adequate consultation mechanisms.

1
2 It is the policy of the State to complement and supplement the provisions of the Philippine
3 Disaster Risk Reduction and Management Act of 2010 (Republic Act No. 10121), and in
4 consonance with the Climate Change Act of 2009 (as amended by Republic Act No. 10174)
5 and other existing laws related to climate change adaptation and DRRM in relation to
6 upholding the people's constitutional rights to life and property by addressing the root causes
7 of vulnerabilities to disasters and building the resilience of local communities to climate
8 change impacts; and in terms of mainstreaming climate change adaptation in development
9 processes such as policy formulation, budgeting, and governance particularly with respect to
10 housing and land use, it is hereby declared the policy of the State to work for the attainment
11 of a more inclusive, safe, resilient, and sustainable human settlements.

12
13 Towards this end, the government shall pursue a comprehensive, rights-based, gender-
14 responsive, participatory and sustainable approach to resilient human settlements.

15
16 This Act declares the following as guiding principles:

- 17
18 a) The Right to Adequate Housing according to the ICESCR covers the following
19 elements: accessibility; affordability; habitability; security of tenure; cultural
20 adequacy; resiliency; suitability of location; access to essential services such as health
21 and education; and respect for safety standards aimed at reducing damage in cases of
22 future disasters;
23
24 b) The State bears the primary responsibility for protecting the people, infrastructure,
25 and other national assets from the impact of disasters and will mobilize adequate and
26 make efficient use of existing resources, including financial, scientific, and
27 technological means in nurturing resiliency;
28
29 c) The fulfillment of resilient human settlements requires that responsibilities shall be
30 shared by the national and local government units and relevant national authorities,
31 sectors, stakeholders and communities. This entails the importance of convergence of
32 resources and involvement of various stakeholders to the development and
33 strengthening of institutions, mechanisms and capacities at all levels, in particular at
34 the community level that can systematically contribute to building resiliency in the
35 overall context of sustainable development and resilient human settlements;
36
37 d) Ensure accountability and transparency of all sectors to monitor and evaluate
38 programs and initiatives for resilient housing and human settlements; and
39
40 e) Uphold gender equity and equality, cultural diversity and the rights of vulnerable
41 groups such as children, elderly and people with disabilities when planning for
42 resilient and sustainable settlements development.
43

44 SEC. 3. *General Objectives* – This Act seeks to:

- 45 (a) Provide a framework for resilient housing and human settlements;
46 (b) Guide various stakeholders to take well-planned, concerted, transparent, inclusive,
47 livable, safe, resilient, sustainable, and pro-poor housing initiatives in the best
48 possible manner;

- (c) Strengthen the participation of all sectors especially the communities and the civil society organizations in the planning of resilient housing and human settlements;
- (d) Build synergy, convergence and integration of housing-related and livelihood intervention for the attainment of resilient and sustainable human settlements
- (e) Foster policy and program coherence related to poverty alleviation, income generation and employment, and delivery channels to achieve the overall objective of housing for all and the attainment of resilient and sustainable development of human settlements
- (f) Support innovation, and research and development into new, indigenous, low-cost for resilient and sustainable human settlements

SEC. 4. *Definition of Terms* – As used in this Act, the following terms shall mean:

- (a) *Adequate housing* – defined as that which affords its occupants the following conditions:
 - i) legal security of tenure, including protection against forced evictions, harassment and other threats;
 - ii) available services, materials, facilities and infrastructure (access to water; energy for cooking, heating, and lighting; sanitation and washing facilities; food storage; and waste disposal [solid, septage and sewerage]; communication and information; sufficient road networks especially for emergencies, etc.);
 - iii) affordable housing costs and financing options such that the attainment of other basic needs is not threatened;
 - iv) habitability in the sense of adequate spaces, security, physical safety, and protection from cold, damp, heat, rain, wind, structural hazards, and disease vectors;
 - v) sufficient accessibility that disadvantaged or vulnerable groups such as persons with disabilities, elderly, children and women are not left without shelter appropriate to their particular needs;
 - vi) a physical location allowing proximate access to employment and livelihood options, health care services, schools, child-care centers, and other social facilities and avoiding risks from pollution sources;
 - vii) available, resilient, and environmentally-friendly and appropriate construction materials, settlements design and process with respect to the expression of cultural and religious identity and geographical location;
 - viii) compliance with safety and resilience standards aimed at minimizing damage from future disasters.
- (b) *Adequate open spaces* – landscapes which includes roads, green spaces, and areas for persons with disabilities, elderly, children with access to materials recovery and recreation facilities
- (c) *Climate-resilient housing* – housing that is equipped and structurally-designed to resist, absorb and accommodate the effects of climate hazards like heat waves, extreme weather variabilities without significant changes to its basic functions.
- (d) *Comprehensive Resilient Housing Program for Disaster Survivors* – refers to the delivery of resources and activities in the rehabilitation and reconstruction of

1 damaged and destroyed housing and development of other new permanent housing
2 options for persons and families affected by disasters. The program shall follow
3 humanitarian standards for survivors' protection and rights to adequate housing
4 through the provision of safe, habitable emergency and transitional shelter during
5 displacement and permanent housing that meets the basic standards of adequacy and
6 decency. It shall provide a comprehensive, multi-sectoral, inter-agency, and
7 community-based approach to post-disaster housing rehabilitation, reconstruction, and
8 recovery.
9

10 (e) *Gender equity and equality*: Gender equality refers to the principle asserting the
11 equality of men and women and their right to enjoy equal conditions realizing their
12 full human potentials to contribute to and benefit from the results of development, and
13 with the State recognizing that all human beings are free and equal in dignity and
14 rights. Gender equity refers to the policies, instruments, programs, services, and
15 actions that address the disadvantaged position of women in society by providing
16 preferential treatment and affirmative action. Such temporary special measures aimed
17 at accelerating de facto equality between men and women shall not be considered
18 discriminatory but shall in no way entail as a consequence the maintenance of unequal
19 or separate standards.
20

21 (f) *Human settlements* – an integrative model embracing the interdependence of man's
22 environment, human shelters and structures, and the design and organization of
23 communities consistent with a national framework plan that provides support and
24 access to education, health, culture, welfare, recreation and nutrition services, all for
25 the people's security and well-being.
26

27 (g) *Land-Use Planning* – the process undertaken by national and local government
28 authorities, communities, private sector, and civil society to identify, evaluate, and
29 decide on different options for the use of land, including consideration of long-term
30 economic, social and environmental objectives and the implications for different
31 communities and interest group, and the subsequent formulation and promulgation of
32 plans that describe the permitted or acceptable uses.
33

34 (h) *Local leadership* – refers to local governments and local indigenous organizations in a
35 certain community.
36

37 (i) *People's Plan* - a resettlement option and community site development plan
38 formulated by peoples' organizations, with or without the support of NGOs, LGUs,
39 NGAs and CSO. The plan shall include non-physical development components such
40 as self-help housing cooperative, livelihood, self-help development, and capability
41 building.
42

43 (j) *Post-Disaster Recovery* – the restoration and improvement where appropriate, of
44 facilities, livelihood, and living condition of disaster-affected communities, including
45 efforts to reduce disaster risk factors and enhancing resiliency, in accordance with the
46 principles of "build back better," as defined in Republic Act No. 10121 or the
47 Philippine Disaster Risk Reduction and Management Act of 2010.
48

49 (j) *Resilience* – the capacity of a system, community or society exposed to hazards to
50 resist, adapt, recover and transform to an acceptable level of functioning and
51 structure. This is determined by the degree to which the system is capable of

organising itself to increase this capacity for learning from experience for better future protection, to improve risk reduction measures and to ensure the more equitable sharing of risk.

(k) *Resilient housing* – refers to the capacity of the structure and design of buildings, landscapes, communities, and regions to respond to natural and manmade disasters and disturbances—as well as long-term changes resulting from climate change—including sea level rise, increased frequency of heat waves, and regional drought.

(l) *Resilient human settlement* - refers to the capacity of human settlements to withstand and to recover quickly from any plausible hazards. Resilience against crises not only refers to reducing risks and damage from disasters (i.e. loss of lives and assets), but also the ability to quickly bounce back to a stable state which shall address the concerns of adaptation to climate change in the wider community

SEC. 5. *National Framework for Resilient Housing and Human Settlements.* – This National Framework for Resilient Housing and Human Settlements (hereinafter referred to as the Framework) shall serve as the basis for standards, measures, and mechanisms for resilient housing and human settlements planning, research and development, monitoring and evaluation of programs, projects, and activities to protect vulnerable communities from the adverse effects of climate change and disasters.

The Framework describes how the State, headed by the lead agency, HUDCC, and all relevant stakeholders should work together to achieve adequate and resilient housing for all, including and most especially anticipating the increasing frequency of disasters and climate change; and chart the new direction that our national and local housing programs and efforts must take in order to make human settlements and communities more inclusive, safe, resilient, and sustainable.

The Framework shall include, but not limited to, the following components:

- a) National Resilient Housing and Human Settlements Agenda, which shall be informed by the threats, hazards, and vulnerabilities as already identified by relevant agencies such as DOST and DENR and other stakeholders and the long-term Philippine Development Plan, shall strengthen the National Shelter Program; adaptation needs and requirements; risk and resiliency assessment for the Philippine housing sector;
- b) An integrated database system on available land for housing, multi-hazard vulnerability assessment, climate models, and other relevant information for planning and informed decision making;
- c) Governance/organizational structure, policy formulation processes and implementation that puts premium to local leadership; clearly define roles and responsibilities of government authorities, private sectors, civil society and people's organization including foreign aid institutions to ensure timely, efficient and sustainable response;
- d) Convene a panel of multidisciplinary technical experts to help the government update the current guidelines and standards on housing, propose and develop new, indigenous, affordable and innovative designs and strategies for resilient housing and human settlements;

- 1 e) Create a multi-sectoral team of behavior change experts to implement an advocacy
2 and information campaign to promote resilient housing and human settlements
3 designs and strategies in partnership with the local government units, private sectors,
4 people's organizations and other relevant stakeholders such as media, etc.;
- 5 f) Strengthen local government units' capacity to implement the Local Shelter Plan with
6 the national government agencies' adequate support through their housing and
7 financing programs and subsidies by providing incentives and rewards; and
- 8 g) Formulate a guideline on post disaster shelter assistance which shall be the basis for
9 assisting individuals and families in disaster-affected areas to attend to their basic
10 needs and support their speedy recovery in compliance with humanitarian standards
11 for their protection and their rights to adequate housing through the provision of safe,
12 habitable emergency and transitional shelter during displacement and permanent
13 housing that meets the basic standards of adequacy and decency.

14
15 Within six (6) months from the effectivity of this Act, the Housing and Urban and
16 Development Coordinating Council (HUDCC)—in coordination and partnership with
17 National Economic and Development Authority (NEDA); Housing and Land Use Regulatory
18 Board (HLURB); National Housing Authority (NHA); Climate Change Commission (CCC);
19 Office of Civil Defense (OCD); Government Insurance Service System (GSIS); Department
20 of Social Welfare and Development (DSWD); Department of Science and Technology
21 (DOST); Department of Environment and Natural Resources (DENR); Department of Public
22 Works and Highways (DPWH); Department of Labor and Employment (DOLE); Department
23 of Trade and Industry (DTI); Department of Budget and Management (DBM); Department of
24 Interior and Local Government (DILG); Department of Foreign Affairs (DFA); Commission
25 on Audit (COA); Office of Presidential Adviser on Peace Process (OPAPP); National
26 Commission on Indigenous Peoples (NCIP); National Anti-Poverty Commission (NAPC);
27 Insurance Commission (IC); Union of Local Authorities of the Philippines (ULAP); built
28 environment and disaster-resilient housing design experts; academe; civil society;
29 communities and other concerned public and private entities shall formulate a National
30 Resilient Housing and Human Settlement Action Plan to develop policies, programs, and
31 activities, ensuring the government's accountability to provide flexible and appropriate
32 planning information needed for identifying assets, resources, and stakeholders and promote
33 resilient housing and human settlements.

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35 SEC. 6. *Monitoring of Compliance with this Act.* – HUDCC shall take the lead to
36 periodically monitor the compliance with this Act. Other agencies will participate in the
37 monitoring such as attached agencies of HUDCC: DILG; Office of Civil Defense; NEDA;
38 and CCC. There shall be a mechanism for civil society to participate in the monitoring
39 process.

40
41 SEC. 7. *Joint Congressional Oversight Committee* – There is hereby created a Joint
42 Congressional Oversight Committee to monitor the implementation of this Act. The
43 Oversight Committee shall be composed of five (5) Senators and five (5) Representatives to
44 be appointed by the Senate President and the Speaker of the House of Representatives,
45 respectively. The Oversight Committee shall be co-chaired by a Senator and a Representative

to be designated by the Senate President and the speaker of the House of Representatives, respectively. Its funding requirement shall be charged against the appropriations of Congress.

SEC. 8. *Annual Report* – HUDCC shall submit to the President, Senate President and House Speaker not later than March 30 of every year following the effectivity of this Act, or upon the request of the Congressional Oversight Committee, a report giving a detailed account of the status of the implementation of this Act, a progress report on the implementation of the National Resilient Housing and Human Settlements Action Plan, policy gaps, and recommended legislation, where applicable and necessary. LGUs shall submit annual progress on the implementation of their respective local action plan to HUDCC within the first quarter of the following year.

SEC. 9. *Appropriations* – The amount necessary for the initial implementation of this Act shall be charged against the current appropriation of HUDCC. Thereafter, the amount needed for the continued implementation of this Act shall be included in the annual General Appropriations Act.

SEC. 10. *Implementing Rules and Regulations*. – Within ninety (90) days from the effectivity of this Act, the [key shelter agencies] shall, upon consultation and coordination with the pertinent government agencies, LGUs, private sector, NGOs, POs, build environment expert and professionals, promulgate the necessary rules and regulations for the effective implementation of this Act: *Provided*. That failure to issue rules and regulations shall not in any manner affect the executory nature of the provisions of this Act.

SEC. 11. *Separability Clause* – If, for any reason, any provision or part of this Act is declared invalid or unconstitutional, the remaining parts or provisions not affected thereby shall remain in full force and effect.

SEC. 12. *Repealing Clause* – All laws, executive orders, presidential decrees, issuances, rules and regulations or parts thereof inconsistent with any provision of this Act are hereby modified, amended, or repealed accordingly.

SEC. 13. *Effectivity*. – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,