

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

House Bill No. 5986




Introduced by **MAGDALO Party-List Representative**
HON. MANUEL DG. CABOCHAN III

EXPLANATORY NOTE

The local government units are granted the inherent power of the State of eminent domain. It affirms that local government units may expropriate lands for the implementation of land reforms and housing programs. However, the process of expropriation has been a slow process for the government to acquire lands for socialized housing to provide land for the homeless and poor. It has also proven burdensome for local government units to assert its function due to delays and ambiguities in the law and judicial process.

This measure seeks to strengthen and streamline the right of the government to expropriate lands for purposes of socialized housing. This bill also aims to empower local government units to classify and prioritize particular areas appropriate for socialized housing in accordance with pertinent expropriation laws and the Constitution.

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


MANUEL DG. CABOCHAN III
Representative
Magdalo Para Sa Pilipino Party-List

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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 the House of Representatives of the Philippines in Congress assembled:

1 **SECTION 1.** Section 9 of Republic Act No. 7279 is hereby amended to read as
2 follows:
3

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

- 7 (a) Those owned by the Government or any of its subdivisions, instrumentalities,
8 or agencies, including government-owned or controlled corporations and their
9 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
14 Program sites which have not yet been acquired;
15 (e) Bagong Lipunan Improvement of Sites and Services or BLISS sites which
16 have not yet been acquired; and
17 (f) Privately-owned lands.

18
19 [Where on-site development is found more practicable mentioned in this section shall
20 not apply. The local government units shall give budgetary priority to on-site
21 development of government lands.]
22

23 **THE POWER TO IDENTIFY AND TO PRIORITIZE THE PARTICULAR**
24 **AREA TO BE ACQUIRED SHALL BE WITH THE LOCAL GOVERNMENT**
25 **UNIT OR THE PROPER AGENCY ACQUIRING LAND FOR SOCIALIZED**
26 **HOUSING. FOR THIS PURPOSE, THE ENUMERATION IN THIS SECTION**
27 **SHALL NOT, IN ANY WAY, BE INTERPRETED AS SETTING AN ORDER**
28 **OF PRIORITY."**
29

1 **SEC. 2.** Section 10 of Republic Act No. 7279 is hereby amended to read as follows:

2
3 “SEC. 10. *Modes of Land Acquisition.* – The modes of acquiring lands for purposes of
4 this Act shall include, among other, community mortgage, land swapping, land
5 assembly or consolidation, land banking, donation to the Government, joint-venture
6 agreement, negotiated purchase, and expropriation: *Provided*, [however, That
7 expropriation shall be resorted to only when other modes of acquisition have been
8 exhausted: *Provided, further,*] That where expropriation is resorted to, parcels of land
9 owned by small property owners shall be exempted for purpose of this Act: *Provided*,
10 [finally] **FURTHER**, That abandoned property, as herein defined, shall be reverted
11 and escheated to the State in a proceeding analogous to the procedure laid down in
12 Rule 91 of the Rules of Court.

13
14 For the purpose of socialized housing, government-owned and foreclosed properties
15 shall be acquired by local government units, or by the National Housing Authority
16 primarily through negotiated purchase: *Provided*, That qualified beneficiaries who are
17 actual occupants of the land shall be given the right of first refusal.”

18
19 **SEC. 3.** Section 11 of Republic Act No. 7279 is hereby amended to read as follows:

20
21 “SEC. 11. *Expropriation of Idle Lands.* – All idle lands in urban and urbanizable
22 areas, as defined and identified in accordance with this Act, shall be expropriated and
23 shall form part of the public domain. These lands shall be disposed of or utilized by
24 the Government for such purposes that conform with their land use plans.
25 Expropriation proceedings shall be instituted if, after the lapse of one (1) year
26 following receipt of notice of acquisition, the owner fails to introduce improvements
27 as defined in Section 3(f) hereof, except in the case of force majeure and other
28 fortuitous events. Exempted from this provision, however, are residential lands owned
29 by small property owners [or those the ownership of which is subject of a pending
30 litigation].”

31
32 **SEC. 4. *Repealing Clause.*** – All laws, decrees, executive orders, proclamation, rules
33 and regulations or any part thereof which are inconsistent with this Act are hereby repealed or
34 modified accordingly.

35
36 **SEC. 5. *Effectivity.*** – This Act shall take effect fifteen (15) days after its publication
37 in the *Official Gazette* or in a newspaper of national circulation.

Approved,