

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

House Bill No. 4245



Introduced by Hon. Francis Gerald Aguinaldo Abaya

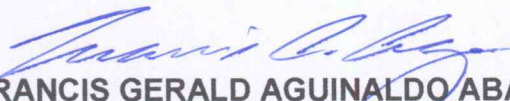
EXPLANATORY NOTE

Those who have less in life must have more in law. Social justice is held to be of such significance by the framers of our constitution that an entire Article was devoted to its protection. In particular, Article XIII, Section 9 provides that the State shall undertake a continuing program of urban land reform and housing which will make available decent housing to underprivileged citizens at affordable cost. Section 10 of the same Article further provides that urban and rural poor dwellers shall not be evicted, nor their dwellings demolished, except in accordance with law and in a just and humane manner.

In line with this constitutional mandate, Republic Act No. 7279 or the Urban Development and Housing act was enacted. However, despite the lapse of more than 20 years, it hardly appears that the social justice sought to be attained was achieved.

This bill seeks to strengthen our country's housing program by adopting On-Site, In-City, or Near-City Resettlement. Such will be based on plans submitted by the affected informal settlers in accordance with the principle of public participation, a fundamental aspect of democracy.

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


FRANCIS GERALD AGUINALDO ABAYA
Representative, First District, Cavite

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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:

1 **SECTION 1. Short Title.** – This Act shall be known as the "On-site, In-City or
2 Near-City Resettlement Act".
3

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

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

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

9 "x x x

10 "(w) x x x; [and]

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

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

18 **"(1) EFFECTIVE DISSEMINATION OF RELEVANT INFORMATION**
19 **AND DOCUMENTS INCLUDING LAND RECORDS, HOUSING BUDGETS,**

1 THE PROPOSED PLAN OR PROJECT, ALTERNATIVE HOUSING
2 OPTIONS, AND COMPREHENSIVE RESETTLEMENT PLANS;

3 “(2) REASONABLE TIME FOR THE PUBLIC TO REVIEW, COMMENT
4 AND OBJECT TO THE PROPOSED PLAN OR PROJECT;

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

8 “(4) PUBLIC HEARINGS THAT PROVIDE AFFECTED ISFS AND
9 THEIR ADVOCATES WITH OPPORTUNITIES TO CHALLENGE THE
10 EVICTION DECISION OR PRESENT ALTERNATIVE PROPOSALS AND TO
11 ARTICULATE THEIR DEMANDS AND DEVELOPMENT PRIORITIES; AND

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

16 “(Z) ‘CIVIL SOCIETY ORGANIZATIONS OR CSOS’ REFERS TO
17 NONGOVERNMENTAL ORGANIZATIONS (NGOs), PEOPLE’S
18 ORGANIZATIONS (POS), COOPERATIVES, TRADE UNIONS,
19 PROFESSIONAL ASSOCIATIONS, FAITH-BASED ORGANIZATIONS,
20 MEDIA GROUPS, INDIGENOUS PEOPLES MOVEMENTS, FOUNDATIONS
21 AND OTHER CITIZEN’S GROUPS FORMED PRIMARILY FOR SOCIAL AND
22 ECONOMIC DEVELOPMENT TO PLAN AND MONITOR GOVERNMENT
23 PROGRAMS AND PROJECTS, ENGAGE IN POLICY DISCUSSIONS, AND
24 ACTIVELY PARTICIPATE IN COLLABORATIVE ACTIVITIES WITH THE
25 GOVERNMENT;

26 “(AA) ‘IN-CITY RESETTLEMENT’ REFERS TO A RELOCATION SITE
27 WITHIN THE JURISDICTION OF THE CITY WHERE THE AFFECTED ISFS
28 ARE LIVING;

29 “(BB) ‘INFORMAL SETTLEMENTS’ REFERS TO:

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

33 “(2) UNPLANNED SETTLEMENTS AND AREAS WHERE HOUSING
34 IS NOT IN COMPLIANCE WITH EXISTING PLANNING AND BUILDING
35 REGULATIONS;

36 “(CC) ‘INFORMAL SETTLER FAMILIES’ COLLECTIVELY
37 REFERRED TO AS ISFS, REFERS TO FAMILIES LIVING IN INFORMAL
38 SETTLEMENTS AS THE LATTER IS DEFINED IN THIS ACT;

39 “(DD) ‘NEAR-CITY RESETTLEMENT’ REFERS TO A RELOCATION
40 SITE IN A CITY OTHER THAN THE CITY OF THE AFFECTED INFORMAL
41 SETTLEMENTS: PROVIDED, HOWEVER, THAT THE RELOCATION SITE
42 IS ADJACENT TO THE CITY WHERE THE AFFECTED ISFS HAVE THEIR
43 SETTLEMENTS;

1 ORGANIZING, RESEARCH, ACCESS TO RESOURCES, AND
2 OTHER SIMILAR ACTIVITIES, AS DEFINED UNDER REPUBLIC ACT NO.
3 8425, OTHERWISE KNOWN AS THE 'SOCIAL REFORM AND POVERTY
4 ALLEVIATION ACT' AND ORGANIZED AND OPERATED EXCLUSIVELY
5 FOR SCIENTIFIC, RESEARCH, EDUCATIONAL, CHARACTER-BUILDING
6 AND YOUTH AND SPORTS DEVELOPMENT, HEALTH, SOCIAL
7 WELFARE, CULTURAL OR CHARITABLE PURPOSES, OR A
8 COMBINATION THEREOF, AND NO PART OF THE NET INCOME OF
9 WHICH INURES TO THE BENEFIT OF ANY PRIVATE INDIVIDUAL
10 PURSUANT TO SECTION 34 (H)(2)(C)(1) OF REPUBLIC ACT NO. 8424, AS
11 AMENDED, OTHERWISE KNOWN AS THE 'TAX REFORM ACT OF 1997';

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

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

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

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

37 "SEC. 23. *Participation of PROGRAM Beneficiaries OR AFFECTED ISFS,*
38 *FORMATION OF BENEFICIARY-ASSOCIATION, AND FORMULATION*
39 *AND IMPLEMENTATION OF A PEOPLE'S PLAN.* – The local government
40 units, in coordination with the Presidential Commission for the Urban Poor and
41 concerned government agencies, shall afford Program beneficiaries OR
42 AFFECTED ISFs or their duly designated representatives an opportunity to be
43 heard and to participate in the decision-making process over matters involving
44 the protection and promotion of their legitimate collective interests which shall

1 include appropriate documentation and feedback mechanisms. They shall also
2 be encouraged to organize themselves [and undertake self-help cooperative
3 housing and other livelihood activities] **INTO AN ASSOCIATION FOR**
4 **ACCREDITATION AS BENEFICIARIES OR AWARDEES OF OWNERSHIP**
5 **RIGHTS UNDER THE RESETTLEMENT PROGRAM, COMMUNITY**
6 **MORTGAGE PROGRAM, LAND TENURE ASSISTANCE PROGRAM, AND**
7 **OTHER SIMILAR PROGRAMS IN RELATION TO A SOCIALIZED HOUSING**
8 **PROJECT ACTUALLY BEING IMPLEMENTED BY THE NATIONAL**
9 **GOVERNMENT OR BY THE LOCAL GOVERNMENT UNITS.** They shall
10 assist the government in preventing the incursions of professional squatters
11 and members of squatting syndicates into their communities.

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

19 “**THE ASSOCIATION, IN COORDINATION WITH THE PRESIDENTIAL**
20 **COMMISSION FOR THE URBAN POOR WITH OR WITHOUT THE**
21 **SUPPORT OF CSOS, SHALL FORMULATE A ‘PEOPLE’S PLAN’**
22 **THROUGH A PROCESS OF CONSULTATION WHICH SHALL CONTAIN A**
23 **SITE DEVELOPMENT PLAN, INCLUDING NONPHYSICAL DEVELOPMENT**
24 **COMPONENTS SUCH AS SELF-HELP HOUSING COOPERATIVE,**
25 **LIVELIHOOD, SELF-HELP DEVELOPMENT, AND CAPABILITY-BUILDING**
26 **TRAININGS.**

27 “**THE ASSOCIATION, WITH THE ASSISTANCE OF CSOS AND**
28 **GOVERNMENT AGENCIES INCLUDING THE NATIONAL ANTI-POVERTY**
29 **COMMISSION (NAPC), PRESIDENTIAL COMMISSION FOR THE URBAN**
30 **POOR, NATIONAL HOUSING AUTHORITY, CITY OR MUNICIPAL SOCIAL**
31 **WELFARE AND DEVELOPMENT OFFICE, SOCIAL HOUSING FINANCE**
32 **CORPORATION, LOCAL GOVERNMENT UNITS, AND OTHER RELEVANT**
33 **AGENCIES OF GOVERNMENT, SHALL AGREE ON, DEVELOP, AND**
34 **IMPLEMENT THE PEOPLE’S PLAN.**

35 “**IN ACCORDANCE WITH THE PROTECTION GUIDELINES PROVIDED**
36 **UNDER SECTION 28 OF THIS ACT, A RELOCATION ACTION PLAN SHALL**
37 **BE AN INDISPENSABLE COMPONENT OF THE PEOPLE’S PLAN. THE**
38 **RELOCATION ACTION PLAN SHALL INCLUDE THE FOLLOWING**
39 **OBJECTIVES:**

40 “(A) **ENSURE SAFE, AFFORDABLE, DECENT, AND HUMANE**
41 **CONDITION OF RELOCATION, INCORPORATING THEREIN**
42 **APPROPRIATE DISASTER RISK REDUCTION MANAGEMENT AND**
43 **CLIMATE CHANGE ADAPTATION STANDARDS;**

1 “(B) PROVIDE ADEQUATE SOCIAL PREPARATION; AND

2 “(C) PREVENT FORCED EVICTION:

3 **PROVIDED, THAT PRIMARY CONSIDERATION SHALL BE GIVEN TO**
4 **THE HOUSING FINANCIAL SCHEME SUGGESTED IN THE PEOPLE’S**
5 **PLAN.”;**

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

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

16 **“[The] WHERE DEMOLITION OR EVICTION IS ALLOWED IN THE AREA**
17 **OCCUPIED BY THE PROGRAM BENEFICIARIES PURSUANT TO SECTION**
18 **28 OF THIS ACT, AND ON-SITE RESETTLEMENT CANNOT BE**
19 **UNDERTAKEN BY REASON THEREOF, THE IN-CITY** resettlement of the
20 beneficiaries of the Program from their existing places of occupancy shall be
21 undertaken only [when on-site development is not feasible and] after
22 compliance with the procedures laid down in [Section 28 of this Act] **THE**
23 **SAME SECTION OF THIS ACT AND IN ACCORDANCE WITH THE**
24 **PREFERENCE OF THE AFFECTED ISFS AS CONTAINED IN THE**
25 **PEOPLE’S PLAN.**

26 **“SHOULD IN-CITY RESETTLEMENT NOT BE FEASIBLE, NEAR-CITY**
27 **RESETTLEMENT SHALL BE CONSIDERED. OFF-CITY RESETTLEMENT**
28 **SHALL ONLY BE RESORTED TO WHEN DIRECTLY REQUESTED BY THE**
29 **AFFECTED ISFS THEMSELVES, AND MUST SATISFY THE**
30 **REQUIREMENTS OF ADEQUATE AND GENUINE CONSULTATION PRIOR**
31 **TO RELOCATION.”; and**

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

33 **“SEC. 29. *Resettlement.*** Within two (2) years from the effectivity of this Act,
34 the local government units, in coordination with the National Housing Authority,
35 shall implement the relocation and resettlement of persons living in danger
36 areas such as esteros, railroad tracks, garbage dumps, riverbanks, shorelines,
37 waterways, and in other public places such as sidewalks, roads, parks, and
38 playgrounds. The local government unit, in coordination with the National
39 Housing Authority, shall provide relocation or resettlement sites with basic
40 services and facilities and access to employment and livelihood opportunities
41 sufficient to meet the basic needs of the affected families.

1 “IN INSTANCES WHEN THE RELOCATION OR RESETTLEMENT SITE
2 IS LOCATED IN ANOTHER LOCAL GOVERNMENT UNIT, THE LOCAL
3 GOVERNMENT UNIT THAT IMPLEMENTS THE RELOCATION OR
4 RESETTLEMENT AND THE CONCERNED NATIONAL GOVERNMENT
5 AGENCIES SHALL, THROUGH A MEMORANDUM OF AGREEMENT,
6 PROVIDE THE OTHER BASIC SERVICES AND FACILITIES ENUMERATED
7 UNDER SECTION 21 OF THIS ACT TO THE RECIPIENT LOCAL
8 GOVERNMENT UNIT WHERE THE RELOCATION OR RESETTLEMENT
9 SITE IS LOCATED.

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

16 “IN ADDITION TO THE FUNDING SOURCES PROVIDED UNDER
17 SECTION 42 OF THIS ACT, THE ALLOCATION FOR THE BASIC SERVICES
18 AND FACILITIES MAY BE TAKEN BY THE LOCAL GOVERNMENT UNIT
19 IMPLEMENTING THE RELOCATION OR RESETTLEMENT FROM THE
20 TWENTY PERCENT (20%) OF THE INTERNAL REVENUE ALLOTMENT
21 APPROPRIATED FOR DEVELOPMENT PROJECTS AS MANDATED
22 UNDER SECTION 287 OF REPUBLIC ACT NO. 7160, OTHERWISE KNOWN
23 AS THE ‘LOCAL GOVERNMENT CODE OF 1991’.”
24

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

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

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

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

41 The implementing rules and regulations issued pursuant to this section shall
42 take effect thirty (30) days after its publication in two (2) national newspapers of
43 general circulation.
44

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

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

9
10 **SEC. 6. *Effectivity.*** – This Act shall take effect fifteen (15) days after its
11 publication in the Official Gazette or in a newspaper of general circulation.

12
13 *Approved,*
14
15