

EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



19 SEP 16 P5:27

SENATE
S. No. 1053

RECEIVED BY: J

Introduced by Senator Francis "Tol" N. Tolentino

AN ACT

MANDATING THE APPOINTMENT OF A HUMAN SETTLEMENTS AND HOUSING OFFICER IN PROVINCES, CITIES AND MUNICIPALITIES, PROVIDING FOR ITS POWERS AND FUNCTIONS, AMENDING SECTIONS 17, 443, 454, 463, AND TITLE FIVE OF BOOK II OF REPUBLIC ACT NO. 7160, OTHERWISE KNOWN AS THE "LOCAL GOVERNMENT CODE OF 1991", AND FOR OTHER PURPOSES

EXPLANATORY NOTE

Section 9, Article XIII of the 1987 Constitution provides that the State shall undertake, in cooperation with the private sector, a continuing program of urban land reform and housing which will make available at affordable cost, decent housing and basic services to under-privileged and homeless citizens in urban centers and resettlement areas.

To strengthen the State's housing programs, Republic Act No. 11201, creating the Department of Human Settlements and Urban Development (DHSUD) was recently passed into law. However, there is no law mandating local government units to create an office equivalent to the DHSUD specifically to implement the programs for housing and urban development in the local level.

While some local government units voluntarily created local housing boards, local housing offices and their equivalents in their jurisdictions, not all local government units have an office directly spearheading housing related programs. As a result, there are local

government units which failed to comply with the requirements of Republic Act No. 7279, otherwise known as the Urban Development and Housing Act of 1992, especially in the inventory of lands, preparation of Comprehensive Land Use Plan and Land Shelter Plan, inventory of housing stocks, and list of beneficiaries of socialized housing.

Moreover, the new DSHUD is mandated by its charter to develop and maintain data on inventory of idle lands, CLUPs and LSPs, inventory of housing stocks, and list of beneficiaries. However, such data is hard to generate and maintain since no information of such kind was collected and maintained by all local government units.

This measure proposes to create a Housing and Human Settlements Office, and mandates the appointment of a Human Settlements and Housing Officer in all provinces, cities and municipalities, by amending the Local Government Code, in order to have an implementing arm for housing and urban development programs in all local government units.

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



FRANCIS "TOL" N. TOLENTINO

Senator

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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 "Local Human
2 Settlements and Housing Officer Act of 2019."

3 Sec. 2. Declaration of Policy. – It is hereby the declared policy of the State to:

4 a) Promote social justice in all phases of national and local development that
5 will ensure the adequacy of social services, a rising standard of living, and an
6 improved quality of life for all through a continuing housing program that will
7 secure an affordable and decent housing and basic services to the
8 underprivileged and homeless citizens in urban, rural and resettlement
9 areas;

10 b) Ensure and promote the autonomy of local governments to accelerate the
11 economic and social growth and development of the political subdivisions of
12 the State through a system of decentralization by giving powers and

- functions regarding the implementation of housing programs to Human Settlements and Housing Officers in all local government units;
- c) Act in accordance with law and in a just and humane manner in the eviction and resettlement of informal settler families and ensure adequate consultation with the local communities and stakeholders where the informal settler families are to be resettled and relocated;
 - d) Promote the participation of the private sector in the achievement of an effective and sustainable urban and rural development; and
 - e) Recognize and promote the rights of indigenous cultural communities/indigenous peoples within the framework of the urban and rural development plans of the State.

Sec. 3. Section 17 (b) (2) of Republic Act No. 7160 is hereby amended to read as follows:

"SECTION 17. Basic Services and Facilities.

XXX

"(b) Such basic services and facilities include, but are not limited to, the following:

XXX

"(2) For a municipality:

XXX

"(XIII) PROGRAMS AND PROJECTS FOR LOW-COST HOUSING AND OTHER MASS DWELLINGS, EXCEPT THOSE FUNDED BY THE SOCIAL SECURITY SYSTEM (SSS), GOVERNMENT SERVICE INSURANCE SYSTEM (GSIS), AND THE HOME DEVELOPMENT MUTUAL FUND (HDMF): PROVIDED, THAT NATIONAL FUNDS FOR THESE PROGRAMS AND PROJECTS SHALL BE EQUITABLY ALLOCATED AMONG THE REGIONS IN PROPORTION TO THE RATIO OF THE HOMELESS TO THE POPULATION."

Sec. 4. Section 443 (a) of Republic Act No. 7160 is hereby amended to read as follows:

"SECTION. 443. Officials of the Municipal Government. - (a) There shall be in each municipality a municipal mayor, a municipal vice-mayor,

1 Sangguniang Bayan members, a secretary to the Sangguniang Bayan, a
2 municipal treasurer, a municipal assessor, a municipal accountant, a
3 municipal budget officer, a municipal planning and development coordinator,
4 a municipal engineer/building official, a municipal health officer, [and] a
5 municipal civil registrar, **AND A MUNICIPAL HUMAN SETTLEMENTS AND**
6 **HOUSING OFFICER.**

7 **XXX"**

8 Sec. 5. Section 454 (a) of Republic Act No. 7160 is hereby amended to read
9 as follows:

10 "SECTION. 454. Officials of the City Government. - (a) There shall be in each
11 city a mayor, a vice-mayor, Sangguniang Panlungsod members, a secretary to
12 the Sangguniang Panlungsod, a city treasurer, a city assessor, a city
13 accountant, a city budget officer, a city planning and development
14 coordinator, a city engineer, a city health officer, a city civil registrar, a city
15 administrator, a city legal officer, a city veterinarian, a city social welfare and
16 development officer, [and] a city general services officer, **AND A CITY**
17 **HUMAN SETTLEMENTS AND HOUSING OFFICER.**

18 **XXX"**

19 Sec. 6. Section 463 (a) of Republic Act No. 7160 is hereby amended to read
20 as follows:

21 "SECTION. 463. Officials of the Provincial Government. - (a) There shall be in
22 each province a governor, a vice-governor, members of the Sangguniang
23 Panlalawigan, a Secretary to the Sangguniang Panlalawigan, a provincial
24 treasurer, a provincial assessor, a provincial accountant, a provincial engineer,
25 a provincial budget officer, a provincial planning and development
26 coordinator, a provincial legal officer, a provincial administrator, a provincial
27 health officer, a provincial social welfare and development officer, a provincial
28 general services officer, a provincial agriculturist, [and] a provincial
29 veterinarian, **AND A PROVINCIAL HUMAN SETTLEMENTS AND**
30 **HOUSING OFFICER.**

31 **XXX"**

1 Sec. 7. Title Five, Book II of Republic Act No. 7160 is hereby amended to
2 include the following provisions after Section 490:

3 **"ARTICLE TWENTY-ONE. - HUMAN SETTLEMENTS AND HOUSING**
4 **OFFICER**

5 **"SECTION. 490-A. QUALIFICATIONS, POWERS AND DUTIES. - (A)**
6 **THE HUMAN SETTLEMENTS AND HOUSING OFFICER SHALL BE**
7 **APPOINTED BY THE GOVERNOR OR MAYOR, AS THE CASE MAY BE,**
8 **SUBJECT TO CIVIL SERVICE LAW, RULES AND REGULATIONS;**

9 **"(B) NO PERSON SHALL BE APPOINTED HUMAN SETTLEMENTS AND**
10 **HOUSING OFFICER UNLESS HE IS A CITIZEN OF THE PHILIPPINES,**
11 **A RESIDENT OF THE LOCAL GOVERNMENT UNIT CONCERNED, OF**
12 **GOOD MORAL CHARACTER, A HOLDER OF A COLLEGE DEGREE**
13 **RELATED TO HOUSING, REAL ESTATE AND URBAN PLANNING FROM**
14 **A RECOGNIZED COLLEGE OR UNIVERSITY, AND A FIRST GRADE**
15 **CIVIL SERVICE ELIGIBLE OR ITS EQUIVALENT. HE MUST HAVE**
16 **ACQUIRED EXPERIENCE IN HOUSING, REAL ESTATE, URBAN**
17 **PLANNING AND URBAN DEVELOPMENT, OF AT LEAST FIVE (5)**
18 **YEARS IN THE CASE OF THE PROVINCIAL OR CITY HUMAN**
19 **SETTLEMENTS AND HOUSING OFFICER, AND AT LEAST THREE (3)**
20 **YEARS IN THE CASE OF THE MUNICIPAL HUMAN SETTLEMENTS AND**
21 **HOUSING OFFICER.**

22 **"THE APPOINTMENT OF A HUMAN SETTLEMENTS AND HOUSING**
23 **OFFICER IS MANDATORY FOR THE PROVINCIAL, CITY AND**
24 **MUNICIPAL GOVERNMENTS.**

25 **"(C) THE HUMAN SETTLEMENTS AND HOUSING OFFICER SHALL**
26 **TAKE CHARGE OF THE HUMAN SETTLEMENTS AND HOUSING OFFICE**
27 **AND SHALL:**

28 **"(1) ADVISE THE GOVERNOR OR MAYOR, AS THE CASE MAY**
29 **BE, THE SANGGUNIAN, AND OTHER LOCAL GOVERNMENT**
30 **OFFICIALS CONCERNED REGARDING HOUSING,**
31 **RESETTLEMENT, URBAN PLANNING AND URBAN**

1 DEVELOPMENT, AND ON SUCH OTHER MATTERS RELATIVE TO
2 HOUSING AND RESETTLEMENT;

3 "(2) FORMULATE PROGRAMS AND MEASURES FOR THE
4 CONSIDERATION OF THE SANGGUNIAN AND PROVIDE
5 TECHNICAL ASSISTANCE AND SUPPORT TO THE GOVERNOR
6 OR MAYOR, AS THE CASE MAY BE, IN CARRYING OUT
7 MEASURES TO ENSURE THE DELIVERY OF BASIC SERVICES
8 PURSUANT TO SECTION 17 OF THIS CODE AND WHICH
9 REQUIRE HOUSING, RESETTLEMENT, REAL ESTATE AND
10 URBAN PLANNING EXPERTISE AND TECHNICAL SUPPORT
11 SERVICES;

12 "(3) IN ADDITION TO THE FOREGOING DUTIES AND
13 FUNCTIONS, THE HUMAN SETTLEMENTS AND HOUSING
14 OFFICER SHALL:

15 " "(I) CONDUCT AN INVENTORY OF LANDS, AND UPDATE
16 THE INVENTORY EVERY THREE (3) YEARS THEREAFTER,
17 WITHIN THEIR JURISDICTION;

18 " "(II) PREPARE, FORMULATE OR UPDATE THE
19 COMPREHENSIVE LAND USE PLAN AND LOCAL SHELTER
20 PLAN, IN COORDINATION WITH THE LOCAL PLANNING
21 AND DEVELOPMENT OFFICER, AND UPDATE THE SAME
22 AT LEAST ONCE EVERY THREE (3) YEARS;

23 " "(III) IDENTIFY SITES COMPATIBLE FOR SOCIALIZED
24 HOUSING PROJECTS AND RESETTLEMENT AREAS FOR
25 THE IMMEDIATE AND FUTURE NEEDS OF THE
26 UNDERPRIVILEGED, HOMELESS AND INFORMAL
27 SETTLER FAMILIES;

28 " "(IV) IDENTIFY AND REGISTER SOCIALIZED HOUSING
29 BENEFICIARIES;

30 " "(V) MONITOR AND ENSURE THE COMPLIANCE BY
31 DEVELOPERS OF THE BALANCED HOUSING

1 DEVELOPMENT REQUIREMENT UNDER REPUBLIC ACT
2 NO. 10884;

3 "(VI) ASSIST IN THE RELOCATION OF INFORMAL
4 SETTLER FAMILIES AND ENSURE THAT THE
5 RELOCATION SITE IS PROVIDED WITH ADEQUATE
6 BASIC SERVICES, FACILITIES, AND ACCESS TO
7 EMPLOYMENT AND LIVELIHOOD OPPORTUNITIES;

8 "(VII) OPEN ROADS OF SUBDIVISIONS TO THE PUBLIC
9 WHEN THE GENERAL WELFARE REQUIRES IT UPON
10 CONSULTATION WITH STAKEHOLDERS;

11 "(VIII) COORDINATE WITH AND PROVIDE TECHNICAL
12 AND OTHER FORMS OF ASSISTANCE TO THE PRIVATE
13 SECTOR, INTERNATIONAL AND DOMESTIC NON-
14 GOVERNMENT ORGANIZATIONS, AND PEOPLES
15 ORGANIZATIONS INVOLVED IN SOCIALIZED HOUSING;
16 AND

17 "(IX) EXERCISE SUCH OTHER POWERS AND PERFORM
18 SUCH OTHER DUTIES AND FUNCTIONS AS MAY BE
19 PRESCRIBED BY LAW OR ORDINANCE.

20 "(4) THE HUMAN SETTLEMENTS AND HOUSING OFFICER
21 SHALL CONSULT WITH THE INDIGENOUS CULTURAL
22 COMMUNITIES/ INDIGENOUS PEOPLES IN THE DESIGN OF
23 SOCIALIZED HOUSING DEDICATED FOR THEM TO ENSURE
24 THAT CULTURAL AND TRADITIONAL RIGHTS ARE RESPECTED,
25 AND SHALL PROMOTE THE USE OF INDIGENOUS,
26 ALTERNATIVE, AND LOW-COST CONSTRUCTION MATERIALS
27 AND TECHNOLOGIES FOR SOCIALIZED HOUSING; AND

28 "(5) THE HUMAN SETTLEMENTS AND HOUSING OFFICER
29 SHALL COORDINATE WITH NATIONAL GOVERNMENT
30 AGENCIES AND INSTRUMENTALITIES PERFORMING
31 FUNCTIONS WHICH MAY AFFECT HOUSING, RESETTLEMENT,
32 URBAN PLANNING AND URBAN DEVELOPMENT."

1 Sec. 8. Transitory Provisions. - Local chief executives shall constitute their
2 respective Human Settlements and Housing Office within ninety (90) days from the
3 promulgation of the implementing rules and regulations of this Act.

4 The Urban Poor Affairs Offices or its equivalent shall be converted into the
5 Human Settlements and Housing Office. All existing Local Housing Boards or its
6 equivalent are hereby abolished.

7 Sec. 9. Implementing Rules and Regulations. - Within sixty (60) days after the
8 effectivity of this Act, the Department of the Interior and Local Government, in
9 coordination with the Department of Human Settlements and Urban Development,
10 shall formulate the appropriate rules and regulations necessary for the
11 implementation of this Act.

12 Sec. 10. Repealing Clause. - All laws, decrees, executive orders,
13 proclamations and other executive issuances which are inconsistent with or contrary
14 to the provisions of this Act are hereby amended accordingly.

15 Sec. 11. Separability Clause. - If any provision of this Act shall be declared
16 unconstitutional or invalid, the other provisions not otherwise affected shall remain
17 in full force and effect.

18 Sec. 12. Effectivity Clause. - This Act shall take effect fifteen (15) days
19 following its complete publication in the Official Gazette or in two (2) national
20 newspapers of general circulation.

Approved,