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SENATE
SENATE BILL NO. 1393
(In substitution of Senate Bill Nos. 331, 936 and 1216)

Prepared and submitted jointly by the Committees on Urban Planning, Housing and Resettlement; and Local Government with Senators Ejercito, Hontiveros, Poe and Angara as authors thereof

"AN ACT
ESTABLISHING ON-SITE, IN-CITY, OR NEAR-CITY STRATEGY FOR INFORMAL SETTLER FAMILIES IN CONSIDERATION WITH A PEOPLE'S PLAN AND MANDATING LOCAL GOVERNMENT UNITS TO PROVIDE OTHER BASIC SERVICES AND LIVELIHOOD COMPONENTS IN RESETTLEMENT SITES, 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-
2 City or Near-City Resettlement Program Act".

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

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

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

9 "xxx

1 “(w) x x x; [and]

2 “(x) ‘Zonal Improvement Program or ZIP’ refers to the program of
3 the National Housing Authority of upgrading and improving
4 INFORMAL SETTLEMENTS within the cities and municipalities of
5 Metro Manila pursuant to existing statutes and pertinent executive
6 issuances[.];

7 “(Y) ‘ADEQUATE AND GENUINE CONSULTATION’ REFERS
8 TO THE STANDARD OF CONSULTATION WITH THE AFFECTED
9 INFORMAL SETTLER FAMILIES (ISFs) WHICH SHALL REQUIRE
10 THE FOLLOWING:

11 “(1) EFFECTIVE DISSEMINATION AND FULL ACCESS TO
12 RELEVANT INFORMATION AND DOCUMENTS INCLUDING BUT
13 NOT LIMITED TO LAND RECORDS, HOUSING BUDGETS, THE
14 PROPOSED PLAN OR PROJECT, ALTERNATIVE HOUSING
15 OPTIONS, AND COMPREHENSIVE RESETTLEMENT PLANS;

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

19 “(3) PROVISION BY THE GOVERNMENT OR NON-
20 GOVERNMENT ORGANIZATIONS OF LEGAL, TECHNICAL, AND
21 OTHER ADVICE TO AFFECTED PERSONS ON THEIR RIGHTS
22 AND OPTIONS;

23 “(4) PUBLIC HEARINGS THAT PROVIDE AFFECTED ISFs
24 AND THEIR ADVOCATES WITH OPPORTUNITIES TO

1 CHALLENGE THE EVICTION DECISION OR PRESENT
2 ALTERNATIVE PROPOSALS AND TO ARTICULATE THEIR
3 DEMANDS AND DEVELOPMENT PRIORITIES; AND

4 "(Z) 'CIVIL SOCIETY ORGANIZATIONS OR CSOs' REFERS
5 TO NON-GOVERNMENTAL ORGANIZATIONS (NGOs), PEOPLE'S
6 ORGANIZATIONS (POs), COOPERATIVES, TRADE UNIONS,
7 PROFESSIONAL ASSOCIATIONS, FAITH-BASED
8 ORGANIZATIONS, MEDIA GROUPS, INDIGENOUS PEOPLES
9 MOVEMENTS, FOUNDATIONS AND OTHER CITIZEN'S GROUPS
10 FORMED PRIMARILY FOR SOCIAL AND ECONOMIC
11 DEVELOPMENT TO PLAN AND MONITOR GOVERNMENT
12 PROGRAMS AND PROJECTS, ENGAGE IN POLICY
13 DISCUSSIONS, AND ACTIVELY PARTICIPATE IN
14 COLLABORATIVE ACTIVITIES WITH THE GOVERNMENT;

15 "(AA) 'IN-CITY RESETTLEMENT' REFERS TO A
16 RELOCATION SITE WITHIN THE JURISDICTION OF THE LOCAL
17 GOVERNMENT UNIT (LGU) WHERE THE AFFECTED ISFs ARE
18 LIVING;

19 "(BB) 'INFORMAL SETTLEMENTS' REFERS TO:

20 "(1) RESIDENTIAL AREAS WHERE HOUSING UNITS
21 HAVE BEEN CONSTRUCTED BY SETTLERS ON LAND
22 WHICH THEY OCCUPY ILLEGALLY; OR

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

4 “(CC) INFORMAL SETTLER FAMILIES (ISFs) -

5 INDIVIDUALS OR HOUSEHOLDS LIVING UNDER ANY OF THE
6 FOLLOWING CONDITIONS:

7 1. A LOT/DWELLING UNIT WITHOUT CONSENT OF THE
8 PROPERTY OWNER;

9 2. DANGER AREAS;

10 3. AREAS FOR GOVERNMENT INFRASTRUCTURE
11 PROJECTS;

12 4. PROTECTED/FOREST AREAS (EXCEPT FOR
13 INDIGENOUS PEOPLES);

14 5. AREAS FOR PRIORITY DEVELOPMENT AS DECLARED
15 UNDER PROCLAMATION NO. 1967, SERIES OF 1980, IF
16 APPLICABLE; AND

17 6. OTHER GOVERNMENT/PUBLIC LANDS OR FACILITIES
18 NOT INTENDED FOR HUMAN HABITATION.

19 “(DD) ‘NEAR-CITY RESETTLEMENT’ REFERS TO A

20 RELOCATION SITE WITHIN THE JURISDICTION OF A LOCAL
21 GOVERNMENT UNIT ADJACENT TO THE LOCAL GOVERNMENT
22 UNIT HAVING JURISDICTION OVER THE PRESENT
23 SETTLEMENTS OF THE INFORMAL SETTLER FAMILIES.

1 "(EE) 'NON-GOVERNMENT ORGANIZATION OR NGO
2 REFERS TO A DULY REGISTERED NON-STOCK, NON-PROFIT
3 ORGANIZATION FOCUSING ON THE UPLIFTMENT OF THE
4 BASIC OR DISADVANTAGED SECTORS OF SOCIETY BY
5 PROVIDING ADVOCACY, TRAINING, COMMUNITY
6 ORGANIZING, RESEARCH, ACCESS TO RESOURCES, AND
7 OTHER SIMILAR ACTIVITIES, AS DEFINED UNDER REPUBLIC
8 ACT NO. 8425, OTHERWISE KNOWN AS THE 'SOCIAL REFORM
9 AND POVERTY ALLEVIATION ACT' AND ORGANIZED AND
10 OPERATED EXCLUSIVELY FOR SCIENTIFIC, RESEARCH,
11 EDUCATIONAL, CHARACTER-BUILDING AND YOUTH AND
12 SPORTS DEVELOPMENT, HEALTH, SOCIAL WELFARE,
13 CULTURAL OR CHARITABLE PURPOSES, OR A COMBINATION
14 THEREOF, AND NO PART OF THE NET INCOME OF WHICH
15 INURES TO THE BENEFIT OF ANY PRIVATE INDIVIDUAL
16 PURSUANT TO SECTION 34 (H) (2) (C) (1) OF REPUBLIC ACT NO.
17 8424, AS AMENDED, OTHERWISE KNOWN AS THE 'TAX REFORM
18 ACT OF 1997';

19 "(FF) OFF-CITY RESETTLEMENT REFERS TO A
20 RELOCATION SITE DEVELOPED OUTSIDE AND NOT ADJACENT
21 TO THE LOCAL GOVERNMENT UNIT WHERE THE AFFECTED
22 INFORMAL SETTLER FAMILIES HAVE THEIR SETTLEMENTS.

23 "(GG) 'PEOPLE'S PLAN' REFERS THE PLAN FORMULATED
24 AND INITIATED BY THE BENEFICIARY-ASSOCIATION, WITH

1 THE ASSISTANCE OF CONCERNED GOVERNMENT AGENCIES;
2 AND

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

17 (b) Section 21 of the same Act is hereby amended to read as follows:

18 "SEC. 21. Basis Services - Socialized housing or resettlement areas
19 shall be provided by the local government unit, IN
20 COORDINATION WITH [or] the [National Housing Authority]
21 HOUSING AND URBAN DEVELOPMENT COORDINATING
22 COUNCIL (HUDCC) AND ITS ATTACHED AGENCIES, OTHER
23 RELEVANT GOVERNMENT AGENCIES, AND [in cooperation

1 with the] private developers [and concerned agencies] with the
2 following basic services and facilities:

- 3 a) Potable AND TREATED water SUPPLY;
- 4 b) Power and electricity and an adequate power distribution system;
- 5 c) SANITATION FACILITIES INCLUDING [S]sewerage
6 [facilities], MATERIAL RECOVERY FACILITEIS, GARBAGE
7 COLLECTION and an efficient and adequate solid waste disposal
8 system;
- 9 d) Access to primary roads and transportation facilities.

10 "The provision of other basic services and facilities such as health,
11 education, communications, security, recreation, relief welfare, **AND**
12 **LIVELIHOOD COMPONENTS** shall be planned and shall be given
13 priority for implementation by the local government unit and
14 concerned agencies in cooperation with the private sector and the
15 beneficiaries themselves. **THE CONCERNED LOCAL**
16 **GOVERNMENT UNITS AND NATIONAL GOVERNMENT**
17 **AGENCIES SHALL SIGN A MEMORANDUM OF AGREEMENT**
18 **(MOA)** **WHICH SHALL SPECIFY THEIR DUTIES,**
19 **RESPONSIBILITIES, AND TIMETABLES FOR THEIR**
20 **COMPLETION. COPIES OF THE MOA SHALL BE PUBLISHED**
21 **IN THE WEBSITE OF THE LEAD LOCAL GOVERNMENT UNIT**
22 **AND GIVEN TO THE AFFECTED ISFS AT LEAST THIRTY (30)**
23 **DAYS PRIOR TO THE START OF THE RESETTLEMENT**
24 **PROCESS; PRVIDED, THAT THE RECIPIENT LOCAL**

1 GOVERNMENT UNITS IN CASES OF NEAR CITY OR OFF-CITY
2 RESETTLEMENT SHALL ALSO BE CONSULTED AND SHALL
3 PARTICIPATE IN THE PROVISION OF BASIC SERVICES AS
4 REQUIRED UNDER THIS PROVISION."

5 The local government unit, in coordination with the concerned
6 national agencies, shall ensure that these basic services are provided
7 at the most cost efficient rates, and shall set as mechanism to
8 coordinate operationally the thrusts, objectives and activities of other
9 government agencies concerned with providing basic services to
10 housing projects. THE HUDCC AND THE BUREAU OF LOCAL
11 GOVERNMENT FINANCE OF THE DEPARTMENT OF
12 FINANCE SHALL JOINTLY WORK ON THE COST-SHARING
13 MECHANISM NECESSARY TO FULLY IMPLEMENT THE
14 PROVISION OF SUCH OTHER BASIC SERVICES AND
15 FACILITIES."

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

17 "SEC. 23. *Participation of PROGRAM Beneficiaries OR AFFECTED*
18 *ISFs, FORMATION OF BENEFICIARY-ASSOCIATION, AND*
19 *FORMULATION AND IMPLEMENTATION OF A PEOPLE'S*
20 *PLAN.* - The LGUs, in coordination with the PCUP and concerned
21 government agencies, shall afford Program beneficiaries OR
22 AFFECTED ISFs or their duly designated representatives an
23 opportunity to be heard and to participate in the decision-making
24 process over matters involving the protection and promotion of their

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

15 “**In instances when the affected beneficiaries have failed to**
16 **organize themselves or form an [alliance] ASSOCIATION within a**
17 **reasonable period prior to the implementation of the program or**
18 **projects affecting them, consultation between the implementing**
19 **agency and the affected beneficiaries shall be conducted with the**
20 **assistance of the PCUP and the concerned NGO UNTIL AN**
21 **ASSOCIATION IS FORMED IN PLACE.**

22 “**THE ASSOCIATION, IN COORDINATION WITH THE**
23 **PCUP WITH OR WITHOUT THE SUPPORT OF CSOs, SHALL**
24 **FORMULATE A ‘PEOPLE’S PLAN’ THROUGH A PROCESS OF**

1 CONSULTATION WHICH SHALL CONTAIN A SITE
2 DEVELOPMENT PLAN, INCLUDING NON-PHYSICAL
3 DEVELOPMENT COMPONENTS SUCH AS SELF-HELP
4 HOUSING COOPERATIVE, LIVELIHOOD, SELF-HELP
5 DEVELOPMENT, AND CAPABILITY-BUILDING TRAININGS.

6 "THE ASSOCIATION, WITH THE ASSISTANCE OF CSOs
7 AND GOVERNMENT AGENCIES INCLUDING THE NATIONAL
8 ANTI-POVERTY COMMISSION (NAPC), PCUP, NATIONAL
9 HOUSING AUTHORITY (NHA), CITY OR MUNICIPAL SOCIAL
10 WELFARE AND DEVELOPMENT OFFICE, SOCIAL HOUSING
11 FINANCE CORPORATION (SHFC), AND OTHER RELEVANT
12 GOVERNMENT AGENCIES, SHALL AGREE ON, DEVELOP,
13 AND IMPLEMENT THE PEOPLE'S PLAN.

14 "IN ACCORDANCE WITH THE PROTECTION GUIDELINES
15 PROVIDED UNDER SECTION 28 OF THIS ACT, A
16 RELOCATION ACTION PLAN SHALL BE AN INDISPENSABLE
17 COMPONENT OF THE PEOPLE'S PLAN. THE RELOCATION
18 ACTION PLAN SHALL INCLUDE THE FOLLOWING
19 OBJECTIVES:

20 "(A) ENSURE SAFE, AFFORDABLE, DECENT, AND
21 HUMANE CONDITION OF RELOCATION, INCORPORATING
22 THEREIN APPROPRIATE DISASTER RISK REDUCTION
23 MANAGEMENT AND CLIMATE CHANGE ADAPTATION
24 STANDARDS;

1
2 “(B) PROVIDE ADEQUATE SOCIAL PREPARATION; AND
3 “(C) PREVENT FORCED EVICTION: PROVIDED,
4 THAT PRIMARY CONSIDERATION SHALL BE GIVEN TO THE
5 HOUSING FINANCIAL SCHEME SUGGESTED IN THE
6 PEOPLE'S PLAN.”;

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

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

18 “[The] WHERE DEMOLITION OR EVICTION IS ALLOWED
19 IN THE AREA OCCUPIED BY THE PROGRAM BENEFICIARIES
20 PURSUANT TO SECTION 28 OF THIS ACT, AND ON-SITE
21 RESETTLEMENT CANNOT BE UNDERTAKEN BY REASON
22 THEREOF, THE IN-CITY resettlement of the beneficiaries of the
23 Program from their existing places of occupancy shall be undertaken
24 only [when on-site development is not feasible and] after compliance

1 with the procedures laid down in [Section 28 of this Act] THE SAME
2 SECTION OF THIS ACT AND IN CONSIDERATION WITH THE
3 PREFERENCE OF THE AFFECTED ISFs AS CONTAINED IN THE
4 PEOPLE'S PLAN.

5 “SHOULD IN-CITY RESETTLEMENT NOT BE FEASIBLE,
6 NEAR-CITY RESETTLEMENT SHALL BE CONSIDERED. OFF-
7 CITY RESETTLEMENT SHALL BE THE LAST RESORT AND
8 MUST SATISFY THE REQUIREMENTS OF ADEQUATE AND
9 GENUINE CONSULTATION PRIOR TO RELOCATION.”

10 “ACQUISITION OF LANDS TO BE USED FOR
11 RESETTLEMENT PROGRAMS SHALL COMPLY WITH THE
12 PROVISION OF SEC. 9 OF THIS ACT”; and

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

14 “SEC. 29. *Resettlement.* – Within two (2) years from the effectivity
15 of this Act, the local government units, in coordination with the
16 NHA, shall implement the relocation and resettlement of persons
17 living in danger areas such as esteros, railroad tracks, garbage
18 dumps, riverbanks, shorelines, waterways, and in other public places
19 such as sidewalks, roads, parks, playgrounds AND THOSE
20 AFFECTED BY GOVERNMENT INFRASTRUCTURE PROJECTS.

21 The LGU, in coordination with the CONCERNED GOVERNMENT
22 AGENCIES AND AFFECTED LGUs IN CASES OF NEAR-CITY
23 AND OFF-CITY RESETTLEMENT, shall provide relocation or
24 resettlement sites with basic services and facilities and access to

1 employment and livelihood opportunities sufficient to meet the basic
2 needs of the affected families.

3 "ALL LOCAL GOVERNMENT UNITS SHALL IDENTIFY
4 POTENTIAL RESETTLEMENT AREAS IN THEIR
5 COMPREHENSIVE LAND USE PLANS (CLUPs)."

6 "IN ADDITION TO THE FUNDING SOURCES PROVIDED
7 UNDER SECTION 42 OF THIS ACT, THE ALLOCATION FOR
8 THE BASIC SERVICES AND FACILITIES MAY BE TAKEN BY
9 THE LGU IMPLEMENTING THE RELOCATION OR
10 RESETTLEMENT FROM THE TWENTY PERCENT (20%) OF THE
11 INTERNAL REVENUE ALLOTMENT APPROPRIATED FOR
12 DEVELOPMENT PROJECTS AS MANDATED UNDER SECTION
13 287 OF REPUBLIC ACT NO. 7160, OTHERWISE KNOWN AS THE
14 'LOCAL GOVERNMENT CODE OF 1991'."

15 SEC. 3. *Implementing Rules and Regulations.* - The principles,
16 policies and provisions of this Act shall be incorporated in the
17 National Shelter Program.

18 The HUDCC and the Department of the Interior and Local
19 Government (DILG), in consultation and coordination with
20 appropriate government agencies, CSOs, NGOs, representatives from
21 the private sector, and ISFs, shall promulgate a new set of
22 implementing rules and regulations within sixty (60) days from the
23 effectivity of this Act. The implementing rules and regulations shall
24 be consistent with the provisions of this Act, particularly with the

1 amendments, parameters, and standards introduced to Sections 23,
2 26, and 29 of the "Urban Development and Housing Act of 1992",
3 and shall include the following:

4 (a) A People's Plan template to guide ISFs in the development of
5 their own People's Plan: *Provided*, That such template shall be a
6 complete *pro forma* People's Plan: *Provided, however*, That such a
7 template shall be used to benchmark the minimum standards in a
8 People's Plan; and

9 (b) A guide to effective implementation of the People's Plan,
10 including details on the necessity of the issuance of internal
11 memoranda by concerned agencies.

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

15 **SEC. 4. CONGRESSIONAL OVERSIGHT COMMITTEE. -**
16 There is hereby created a Congressional Oversight Committee to
17 oversee, monitor, and evaluate the implementation of this Act.

18 The Oversight Committee shall be composed of five (5) members
19 from the Senate which shall include the Chairpersons of the Senate
20 Committee on Urban Planning, Housing and Resettlement, and five
21 (5) members from the House of Representatives, which shall include
22 the House of Representatives Committee on Housing and Urban
23 Development. The four (4) other members from each Chamber shall
24 be designated by the Senate President and the Speaker of the House

1 of Representatives, respectively. The Minority shall have at least one
2 (1) representative from both Chambers.

3 **SEC. 5. *Repealing Clause.*** – All laws, decrees, executive orders,
4 proclamations, rules and regulations, and other issuances, or parts
5 thereof which are inconsistent with the provisions of this Act are
6 hereby repealed, amended or modified accordingly.

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

11 **SEC. 7. *Effectivity.*** – This Act shall take effect fifteen (15) days
12 after its publication in the *Official Gazette* or in a newspaper of general
13 circulation.

14 *Approved,*