

FOURTEENTH CONGRESS OF THE REPUBLIC )  
OF THE PHILIPPINES )  
Third Regular Session )

SENATE  
OFFICE OF THE SECRETARY

9 NOV 18 P1:35

SENATE  
S.B. No. 3538

RECEIVED

Introduced by Senator Miriam Defensor Santiago

#### EXPLANATORY NOTE

The Constitution, Article 2, Section 9 provides that:

The State shall promote a just and dynamic social order that will ensure the prosperity and independence of the nation and free the people from poverty through policies that provide adequate social services, promote full employment, a rising standard of living, and an improved quality of life for all.

According to Homeless International, a UK-based charitable organization, 40% of the Philippines' total population of 82 million lives in slums. These slum areas are characterized by limited access to basic services, no legal land tenure, and insecure shelter on the least appealing plots of land. A high percentage of Filipino slum dwellers live in areas where they are vulnerable to natural and man-made disasters such as along shorelines, around dumpsites, under bridges and on hillsides.

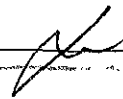
According to the Asian Coalition for Housing Rights, without secure land, houses, and communities, more and more of the poor's scanty resources go into just surviving, catching people up in a hopeless cycle of squatting and eviction which only further impoverishes the poor, and prevents them from developing themselves.

This Bill seeks to provide assistance to the homeless, which includes informal settlers living in slum areas with no legal land tenure.

*Miriam Defensor Santiago*  
MIRIAM DEFENSOR SANTIAGO

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1 AN ACT PROVIDING ASSISTANCE TO THE HOMELESS

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

2 SECTION 1. *Short Title.* – This Act shall be known as the “Homeless Assistance Act of  
3 2009.”

4 SECTION 2. *Declaration of Policy.* – It is hereby declared the policy of the State to  
5 promote the general welfare and uphold the dignity of every person by establishing an assistance  
6 program for the homeless.

7 SECTION 3. *Definitions.* – In this Act, unless the context requires a different meaning,  
8 the term –

9 (a) “shelter” means any facility with sleeping accommodations and acceptable  
10 sanitary facilities, the primary purpose of which to provide temporary shelter to the  
11 homeless. This definition encompasses transitional housing and similar arrangements that  
12 provide longer term accommodations, so long as the maximum length of stay does not  
13 exceed twelve (12) months;

14 (b) “Department” means the Department of Social Welfare and Development;

15 (c) “homeless” means families or individuals who are economically disadvantaged  
16 and have no access to shelter. This definition encompasses informal settlers living in slum  
17 areas, with limited access to basic services, no legal land tenure, and insecure shelter; and

1 (d) "Secretary" means the Secretary of Social Welfare and Development.

2 SECTION 4. *Administration.* – It is the duty and responsibility of the Department to  
3 initiate and administer a pilot program for the homeless. The Department shall with its own  
4 personnel and facilities:

5 (a) Conduct a nationwide assessment of the homeless situation. Such survey must  
6 include the following: numbers, ages, gender, the nature and extent of the problems relating to  
7 homelessness, the immediate and long term needs of the homeless;

8 (b) Survey existing programs that provide to the homeless population;

9 (c) Establish criteria for eligibility to services under this Act, which criteria should  
10 include consideration of:

11 (1) individuals who because of personal, domestic, and/or financial problems are  
12 forced to move out of their place of residence;

13 (2) elderly and disabled adults who are not wanted by their families;

14 (3) persons who temporarily reside with friends or families; and

15 (4) families with children.

16 (d) Formulate plans and policies with other departments, agencies, and bureaus of  
17 the government for job training and job placement for the homeless in order to enable them to  
18 develop and maintain their potential skills and abilities;

19 (e) Cooperate with civic, businesses, and community organizations or groups  
20 which provide or sponsor programs and services beneficial to the homeless;

21 (f) Keep the President, Congress, local government officials, and the general public  
22 informed on all major developments and achievements in programs and services for the  
23 homeless; and

24 (g) Apply and receive grants or other forms of assistance for the homeless.

25 SECTION 5. *Eligible Activities.* – Appropriations under this Act shall be used for:

26 (a) Contracting shelter for the homeless;

1 (b) Renovation or conversion of government-owned buildings for use as shelters  
2 for the homeless; and

3 (c) Essential services to the homeless, including, but not limited to, services  
4 concerned with employment, physical health, mental health, substance abuse, education, or  
5 food.

6 SECTION 6. *Ineligible Activities.* – Appropriations under this Act shall not be used for:

7 (a) Acquisition or construction of shelters for the homeless;

8 (b) Renovation, rehabilitation, or converting buildings owned by religious  
9 organizations or by private entities.

10 SECTION 7. *Rules and Regulations.* – The Secretary shall issue the necessary rules and  
11 regulations to carry out the objectives of this Act.

12 SECTION 8. *Authorization of Appropriations.* – To carry out the provisions of this Act,  
13 there are authorized to be appropriated such sums as may be necessary for each fiscal year.

14 The Homeless Assistance pilot program shall be established within one (1) year after the  
15 effectivity of this Act.

16 SECTION 9. *Reportorial Requirement.* – Within two (2) years after the establishment of  
17 the Homeless Assistance pilot program, the Secretary shall submit a report to Congress on the  
18 costs and means to implement the provisions of this Act. Thereafter, the Secretary shall submit  
19 an annual report to Congress.

20 SECTION 10. *Separability Clause.* – If any provision, or part hereof, is held invalid or  
21 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain  
22 valid and subsisting.

23 SECTION 11. *Repealing Clause.* – Any law, presidential decree or issuance, executive

1 order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent  
2 with, the provisions of this Act is hereby repealed, modified, or amended accordingly.

3 SECTION 12. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its  
4 publication in at least two (2) newspapers of general circulation.

Approved,

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