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SENATE

SENATE BILL NO. **2852**

RECEIVED BY: *J*

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INTRODUCED BY **SENATOR JOSEPH VICTOR G. EJERCITO**

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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"**

**EXPLANATORY NOTE**

The 1987 Philippine Constitution, Article XIII, Section 9 and 10 provides:

*"The State shall, by law, and for the common good, 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 underprivileged and homeless citizens in urban centers and resettlement areas. It shall also promote adequate employment opportunities to such citizens. In the implementation of such program the State shall respect the rights of small property owners"*  
(Section 9);

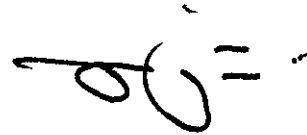
*"Urban or rural poor dwellers shall not be evicted nor their dwelling demolished, except in accordance with law and in a just and humane manner.*

*No resettlement of urban or rural dwellers shall be undertaken without adequate consultation with them and the communities where they are to be relocated. "(Section 10)*

According to the latest data provided by the Housing and Urban Development Coordinating Council (HUDCC), the total housing need now reaches 5,556,463 until the year 2016. And about 30 percent of the country's total population is recounted to be living in informal settlements, with about 2.4 million or over 0.5 million informal settler families (ISFs) residing in Metro Manila. This increasing number will continue to rise if we do not act on the problem now.

This bill seeks to amend Republic Act 7279 or the *Urban Development and Housing Act* to guarantee sustainability and viability of resettlement projects for informal settler families (ISFs) by assuring access to their employment and empower them by making them active partners in government's resettlement program.

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

A handwritten signature in black ink, appearing to read 'J. Ejercito', with a horizontal line extending to the left.

**JOSEPH VICTOR G. EJERCITO**



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

15 JUL -1 P4:03

SENATE

RECEIVED BY: *J*

SENATE BILL NO. 2852

INTRODUCED BY SENATOR JOSEPH VICTOR G. EJERCITO

**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,**  
2 **In-City or Near-City Resettlement Act"**.

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

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

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

10 "x x x

11 "(w) x x x; **[and]**

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

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

1           “(1) EFFECTIVE DISSEMINATION OF RELEVANT  
2 INFORMATION AND DOCUMENTS INCLUDING LAND RECORDS,  
3 HOUSING BUDGETS, THE PROPOSED PLAN OR PROJECT,  
4 ALTERNATIVE HOUSING OPTIONS, AND COMPREHENSIVE  
5 RESETTLEMENT PLANS;

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

9           “(3) PROVISION BY THE GOVERNMENT OR NON-  
10 GOVERNMENT ORGANIZATIONS OF LEGAL, TECHNICAL, AND  
11 OTHER ADVICE TO AFFECTED PERSONS ON THEIR RIGHTS  
12 AND OPTIONS;

13           “(4) PUBLIC HEARINGS THAT PROVIDE AFFECTED ISFs  
14 AND THEIR ADVOCATES WITH OPPORTUNITIES TO CHALLENGE  
15 THE EVICTION DECISION OR PRESENT ALTERNATIVE  
16 PROPOSALS AND TO ARTICULATE THEIR DEMANDS AND  
17 DEVELOPMENT PRIORITIES; AND

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

23           “(Z) ‘CIVIL SOCIETY ORGANIZATIONS OR CSOs’ REFERS  
24 TO NON-GOVERNMENTAL ORGANIZATIONS (NGOs), PEOPLE’S  
25 ORGANIZATIONS (POs), COOPERATIVES, TRADE UNIONS,  
26 PROFESSIONAL ASSOCIATIONS, FAITH-BASED ORGANIZATIONS,  
27 MEDIA GROUPS, INDIGENOUS PEOPLES MOVEMENTS,  
28 FOUNDATIONS AND OTHER CITIZEN’S GROUPS FORMED  
29 PRIMARILY FOR SOCIAL AND ECONOMIC DEVELOPMENT TO  
30 PLAN AND MONITOR GOVERNMENT PROGRAMS AND  
31 PROJECTS, ENGAGE IN POLICY DISCUSSIONS, AND ACTIVELY  
32 PARTICIPATE IN COLLABORATIVE ACTIVITIES WITH THE  
33 GOVERNMENT;

34           “(AA) ‘IN-CITY RESETTLEMENT’ REFERS TO A  
35 RELOCATION SITE WITHIN THE JURISDICTION OF THE CITY  
36 WHERE THE AFFECTED ISFs ARE LIVING;

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

38           “(1) RESIDENTIAL AREAS WHERE HOUSING UNITS HAVE  
39 BEEN CONSTRUCTED BY SETTLERS ON LAND WHICH THEY  
40 OCCUPY ILLEGALLY; OR

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

1           “(CC) ‘INFORMAL SETTLER FAMILIES’ COLLECTIVELY  
2 REFERRED TO AS ISFs, REFERS TO FAMILIES LIVING IN  
3 INFORMAL SETTLEMENTS AS THE LATTER IS DEFINED IN THIS  
4 ACT;

5           “(DD) ‘NEAR-CITY RESETTLEMENT’ REFERS TO A  
6 RELOCATION SITE IN A CITY OTHER THAN THE CITY OF THE  
7 AFFECTED INFORMAL SETTLEMENTS: PROVIDED, HOWEVER,  
8 THAT THE RELOCATION SITE IS ADJACENT TO THE CITY  
9 WHERE THE AFFECTED ISFs HAVE THEIR SETTLEMENTS;

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

27           “(FF) ‘OFF-CITY RESETTLEMENT’ REFERS TO A  
28 RELOCATION SITE DEVELOPED OUTSIDE AND NOT ADJACENT  
29 TO THE CITY WHERE THE AFFECTED ISFs HAVE THEIR  
30 SETTLEMENTS;

31           “(GG) ‘PEOPLE’S PLAN’ REFERS TO THE PLAN  
32 FORMULATED BY THE BENEFICIARY-ASSOCIATION, IN  
33 COORDINATION WITH THE PRESIDENTIAL COMMISSION FOR  
34 THE URBAN POOR WITH OR WITHOUT THE SUPPORT OF CSOS,  
35 WHICH SHALL CONTAIN A SITE DEVELOPMENT PLAN,  
36 INCLUDING NONPHYSICAL DEVELOPMENT COMPONENTS SUCH  
37 AS SELF-HELP HOUSING COOPERATIVE, LIVELIHOOD, SELF-  
38 HELP DEVELOPMENT, AND CAPABILITY BUILDING; AND

39           “(HH) ‘SOCIAL PREPARATION’ REFERS TO THE PROCESS  
40 OF ESTABLISHING SOCIAL, ORGANIZATIONAL, AND  
41 INSTITUTIONAL NORMS AND MECHANISMS. SUCH NORMS AND  
42 MECHANISMS WILL: (1) ENABLE THE SETTLERS TO COPE WITH  
43 CHANGES; AND (2) IN PARTNERSHIP WITH CONCERNED  
44 INSTITUTIONS AND STAKEHOLDERS, ENCOURAGE THE  
45 SETTLERS NOT ONLY TO WORK AMONG THEMSELVES FOR THE

1 **PURPOSE OF DRAWING UP AND UNDERTAKING THEIR HOUSING**  
2 **RESETTLEMENT PROPOSALS BUT ALSO TO ACTIVELY AND**  
3 **MEANINGFULLY PARTICIPATE IN HOUSING RESETTLEMENT**  
4 **PROJECTS UNDERTAKEN IN THEIR BEHALF, THUS RESOLVING**  
5 **COLLECTIVE ACTION PROBLEMS AMONG COMMUNITY**  
6 **MEMBERS AND COORDINATION PROBLEMS WITH**  
7 **GOVERNMENT AND OTHER ENTITIES.”;**

8 (b) Section 23 of the same Act is hereby amended to read as follows:  
9

10 “SEC. 23. *Participation of PROGRAM Beneficiaries* **OR AFFECTED**  
11 **ISFs, FORMATION OF BENEFICIARY-ASSOCIATION, AND**  
12 **FORMULATION AND IMPLEMENTATION OF A PEOPLE’S PLAN.**

13 – The local government units, in coordination with the Presidential  
14 Commission for the Urban Poor and concerned government  
15 agencies, shall afford Program beneficiaries **OR AFFECTED ISFS**  
16 or their duly designated representatives an opportunity to be  
17 heard and to participate in the decision-making process over  
18 matters involving the protection and promotion of their legitimate  
19 collective interests which shall include appropriate documentation  
20 and feedback mechanisms. They shall also be encouraged to  
21 organize themselves [and undertake self-help cooperative housing  
22 and other livelihood activities] **INTO AN ASSOCIATION FOR**  
23 **ACCREDITATION AS BENEFICIARIES OR AWARDEES OF**  
24 **OWNERSHIP RIGHTS UNDER THE RESETTLEMENT**  
25 **PROGRAM, COMMUNITY MORTGAGE PROGRAM, LAND**  
26 **TENURE ASSISTANCE PROGRAM, AND OTHER SIMILAR**  
27 **PROGRAMS IN RELATION TO A SOCIALIZED HOUSING**  
28 **PROJECT ACTUALLY BEING IMPLEMENTED BY THE**  
29 **NATIONAL GOVERNMENT OR BY THE LOCAL GOVERNMENT**  
30 **UNITS.** They shall assist the government in preventing the  
31 incursions of professional squatters and members of squatting  
32 syndicates into their communities.  
33

34 “In instances when the affected beneficiaries have failed to  
35 organize themselves or form an [alliance] **ASSOCIATION** within a  
36 reasonable period prior to the implementation of the program or  
37 projects affecting them, consultation between the implementing  
38 agency and the affected beneficiaries shall be conducted with the  
39 assistance of the Presidential Commission for the Urban Poor and  
40 the concerned nongovernment organization **UNTIL AN**  
41 **ASSOCIATION IS FORMED IN PLACE.**  
42

43 “**THE ASSOCIATION, IN COORDINATION WITH THE**  
44 **PRESIDENTIAL COMMISSION FOR THE URBAN POOR WITH**  
45 **OR WITHOUT THE SUPPORT OF CSOS, SHALL FORMULATE A**  
46 **‘PEOPLE’S PLAN’ THROUGH A PROCESS OF CONSULTATION**  
47 **WHICH SHALL CONTAIN A SITE DEVELOPMENT PLAN,**  
48 **INCLUDING NONPHYSICAL DEVELOPMENT COMPONENTS**

1           **SUCH AS SELF-HELP HOUSING COOPERATIVE, LIVELIHOOD,**  
2           **SELF-HELP DEVELOPMENT, AND CAPABILITY-BUILDING**  
3           **TRAININGS.**

4           **“THE ASSOCIATION, WITH THE ASSISTANCE OF CSOS**  
5           **AND GOVERNMENT AGENCIES INCLUDING THE NATIONAL**  
6           **ANTI-POVERTY COMMISSION (NAPC), PRESIDENTIAL**  
7           **COMMISSION FOR THE URBAN POOR, NATIONAL HOUSING**  
8           **AUTHORITY, CITY OR MUNICIPAL SOCIAL WELFARE AND**  
9           **DEVELOPMENT OFFICE, SOCIAL HOUSING FINANCE**  
10           **CORPORATION, LOCAL GOVERNMENT UNITS, AND OTHER**  
11           **RELEVANT AGENCIES OF GOVERNMENT, SHALL AGREE ON,**  
12           **DEVELOP, AND IMPLEMENT THE PEOPLE’S PLAN.**

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

18  
19           **“(A) ENSURE SAFE, AFFORDABLE, DECENT, AND HUMANE**  
20           **CONDITION OF RELOCATION, INCORPORATING THEREIN**  
21           **APPROPRIATE DISASTER RISK REDUCTION MANAGEMENT**  
22           **AND CLIMATE CHANGE ADAPTATION STANDARDS;**

23  
24           **“(B) PROVIDE ADEQUATE SOCIAL PREPARATION; AND**

25  
26           **“(C) PREVENT FORCED EVICTION: PROVIDED, THAT**  
27           **PRIMARY CONSIDERATION SHALL BE GIVEN TO THE**  
28           **HOUSING FINANCIAL SCHEME SUGGESTED IN THE PEOPLE’S**  
29           **PLAN.”;**

30  
31           (c) Section 26 of the same Act is hereby amended to read as  
32           follows:

33  
34           **“SEC. 26. Urban Renewal and Resettlement. – [This] URBAN**  
35           **RENEWAL AND RESETTLEMENT shall include the rehabilitation**  
36           **and development of blighted and slum areas and the resettlement**  
37           **of Program beneficiaries in accordance with the provisions of this**  
38           **Act. On-site development shall be implemented [whenever**  
39           **possible] AFTER ADEQUATE AND GENUINE CONSULTATION**  
40           **WITH THE AFFECTED ISFs, AND IN ACCORDANCE WITH THE**  
41           **PEOPLE’S PLAN FORMULATED PURSUANT TO SECTION 23 OF**  
42           **THIS ACT, in order to ensure minimum movement of occupants**  
43           **of blighted lands and slum areas.**

44  
45           **“[The] WHERE DEMOLITION OR EVICTION IS ALLOWED IN**  
46           **THE AREA OCCUPIED BY THE PROGRAM BENEFICIARIES**  
47           **PURSUANT TO SECTION 28 OF THIS ACT, AND ON-SITE**  
48           **RESETTLEMENT CANNOT BE UNDERTAKEN BY REASON**  
49           **THEREOF, THE IN-CITY resettlement of the beneficiaries of the**

1 Program from their existing places of occupancy shall be  
2 undertaken only [when on-site development is not feasible and]  
3 after compliance with the procedures laid down in [Section 28 of  
4 this Act] **THE SAME SECTION OF THIS ACT AND IN**  
5 **ACCORDANCE WITH THE PREFERENCE OF THE AFFECTED**  
6 **ISFs AS CONTAINED IN THE PEOPLE'S PLAN.**

7  
8 "SHOULD IN-CITY RESETTLEMENT NOT BE FEASIBLE,  
9 NEAR-CITY RESETTLEMENT SHALL BE CONSIDERED. OFF-CITY  
10 RESETTLEMENT SHALL ONLY BE RESORTED TO WHEN  
11 DIRECTLY REQUESTED BY THE AFFECTED ISFs THEMSELVES,  
12 AND MUST SATISFY THE REQUIREMENTS OF ADEQUATE AND  
13 GENUINE CONSULTATION PRIOR TO RELOCATION."; and

14  
15 (d) Section 29 of the same Act is hereby amended to read as  
16 follows:

17  
18 "SEC. 29. *Resettlement.* - Within two (2) years from the  
19 effectivity of this Act, the local government units, in coordination  
20 with the National Housing Authority, shall implement the  
21 relocation and resettlement of persons living in danger areas such  
22 as esteros, railroad tracks, garbage dumps, riverbanks,  
23 shorelines, waterways, and in other public places such as  
24 sidewalks, roads, parks, and playgrounds. The local government  
25 unit, in coordination with the National Housing Authority, shall  
26 provide relocation or resettlement sites with basic services and  
27 facilities and access to employment and livelihood opportunities  
28 sufficient to meet the basic needs of the affected families.

29  
30 **"IN INSTANCES WHEN THE RELOCATION OR**  
31 **RESETTLEMENT SITE IS LOCATED IN ANOTHER LOCAL**  
32 **GOVERNMENT UNIT, THE LOCAL GOVERNMENT UNIT THAT**  
33 **IMPLEMENTS THE RELOCATION OR RESETTLEMENT AND**  
34 **THE CONCERNED NATIONAL GOVERNMENT AGENCIES**  
35 **SHALL, THROUGH A MEMORANDUM OF AGREEMENT,**  
36 **PROVIDE THE OTHER BASIC SERVICES AND FACILITIES**  
37 **ENUMERATED UNDER SECTION 21 OF THIS ACT TO THE**  
38 **RECIPIENT LOCAL GOVERNMENT UNIT WHERE THE**  
39 **RELOCATION OR RESETTLEMENT SITE IS LOCATED.**

40  
41 **"THE HOUSING AND URBAN DEVELOPMENT**  
42 **COORDINATING COUNCIL AND THE DEPARTMENT OF**  
43 **FINANCE - BUREAU OF LOCAL GOVERNMENT FINANCE**  
44 **SHALL FORMULATE THE IMPLEMENTING RULES AND**  
45 **REGULATIONS ON THE COST-SHARING MECHANISM**  
46 **NECESSARY TO FULLY IMPLEMENT THE PROVISION OF**  
47 **SUCH OTHER BASIC SERVICES AND FACILITIES.**



1           **“IN ADDITION TO THE FUNDING SOURCES PROVIDED**  
2 **UNDER SECTION 42 OF THIS ACT, THE ALLOCATION FOR**  
3 **THE BASIC SERVICES AND FACILITIES MAY BE TAKEN BY**  
4 **THE LOCAL GOVERNMENT UNIT IMPLEMENTING THE**  
5 **RELOCATION OR RESETTLEMENT FROM THE TWENTY**  
6 **PERCENT (20%) OF THE INTERNAL REVENUE ALLOTMENT**  
7 **APPROPRIATED FOR DEVELOPMENT PROJECTS AS**  
8 **MANDATED UNDER SECTION 287 OF REPUBLIC ACT NO.**  
9 **7160, OTHERWISE KNOWN AS THE ‘LOCAL GOVERNMENT**  
10 **CODE OF 1991’.”**

11  
12           SEC. 3. *Implementing Rules and Regulations.* – The principles,  
13 policies and provisions of this Act shall be incorporated in the  
14 National Shelter Program.

15  
16           The Housing and Urban Development Coordinating Council  
17 and the Department of the Interior and Local Government, in  
18 consultation and coordination with appropriate government  
19 agencies, CSOs, NGOs, representatives from the private sector,  
20 and ISFs, shall promulgate a new set of implementing rules and  
21 regulations within sixty (60) days from the effectivity of this Act.  
22 The implementing rules and regulations shall be consistent with  
23 the provisions of this Act, particularly with the amendments,  
24 parameters, and standards introduced to Sections 23, 26, and 29  
25 of the “Urban Development and Housing Act of 1992”, and shall  
26 include the following:

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

32  
33           (b) A guide to effective implementation of the People’s Plan,  
34 including details on the necessity of the issuance of internal  
35 memoranda by concerned agencies.

36  
37           The implementing rules and regulations issued pursuant to  
38 this section shall take effect thirty (30) days after its publication in  
39 two (2) national newspapers of general circulation.

40  
41           SEC. 4. *Repealing Clause.* – All laws, decrees, executive orders,  
42 proclamations, rules and regulations, and other issuances, or  
43 parts thereof which are inconsistent with the provisions of this Act  
44 are hereby repealed, amended or modified accordingly.

45  
46           SEC. 5. *Separability Clause.* – If, for any reason, any part,  
47 section or provision of this Act is held invalid or unconstitutional,  
48 the remaining provisions not affected thereby shall continue to be  
49 in full force and effect.

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

Approved,