

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

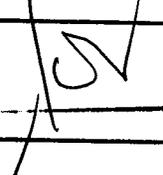


Senate
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SENATE
S. No. 1497

20 MAY 14 P 4:01

Introduced by Senator Grace Poe

RECEIVED BY: 

AN ACT
INSTITUTING A NATIONAL COMPREHENSIVE FRAMEWORK ON RESILIENT
HOUSING AND HUMAN SETTLEMENTS, APPROPRIATING FUNDS
THEREFOR AND FOR OTHER PURPOSES

Explanatory Note

The right to adequate housing is an essential human right. Article 1, Paragraph 1 of the International Covenant on Economic, Social and Cultural Rights includes housing in the components of the right to an adequate standard of living:

“The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and *housing*, and to the continuous improvement of living conditions.”

The constant barrage of typhoons which enter the Philippines annually is a major challenge to the right to adequate housing. Eight to nine typhoons strike the country every year, costing billions in terms of destroyed property and foregone productivity. In 2013, Typhoon Haiyan (locally known as “Yolanda”) cost approximately \$15 billion.

The case of Yolanda is instructive, as it shows the government’s inability to guarantee the right to adequate housing immediately after a typhoon. In an inquiry in aid of legislation on the matter, the Senate Committee on Public Works in the 16th Congress found that bunkhouses constructed by the Department of Public Works and

Highways were substandard.¹ Furthermore, the Committee stated that “the bunkhouses (were) not in compliance with the international standards in building transitional houses.”

This bill provides a simple remedy. The proposed measure mandates the State to undertake, in cooperation with the private sector, a comprehensive and continuing Resilient Housing and Human Settlements Program, which shall lay out a clear and concrete plan to ensure that Filipinos who will experience disasters will be quickly rehabilitated in safe, secure, and sustainable housing, with attendant basic services and access to livelihood. This bill is part of the legislative agenda of the Philippine Legislator’s Committee on Population and Development Foundation.

Immediate approval of this measure is eagerly sought.



GRACE POE

¹ Senate of the Philippines (16th Congress). Committee Report No. 30. On Senate Resolutions No. 436 and 439. Retrieved from <https://www.senate.gov.ph/lisdata/1916916292!.pdf>



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AN ACT
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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 “Resilient Housing and
2 Human Settlements Act of 2020.”

3 Sec. 2. *Declaration of Principles and State Policies.* — Pursuant to Article 2,
4 Sections 5 and 11 of the Philippine Constitution which states that the maintenance of
5 peace and order, the protection of life, liberty, and property, and the promotion of
6 the general welfare are essential for the enjoyment by all the people of the blessings
7 of democracy; the State values the dignity of every human person and guarantees
8 full respect for human rights.

9 To protect, promote, and fulfill the right to adequate housing as a component
10 of the people’s right to an adequate standard of living—concomitant with the goal of
11 enhancing the resiliency of communities to disasters—the State shall undertake, in
12 cooperation with the private sector, a comprehensive and continuing Resilient
13 Housing and Human Settlements Program, which shall, among other things, lay out a
14 clear and concrete plan to ensure that Filipinos who will experience disasters will be
15 quickly rehabilitated in safe, secure, and sustainable housing, with attendant basic
16 services and access to livelihood.

17 As a state party to United Nations International Covenant on the Economic,

1 Social and Cultural Rights (ICESCR) and the UN Sustainable Development Goals, we
2 will pursue Sustainable Development Goal 11 (Make cities inclusive, safe, resilient
3 and sustainable) and the Rights-Based Approach.

4 Pursuant to Article 13, Section 16 of the Philippine Constitution, the right of
5 the people and their organizations to effective and reasonable participation at all
6 levels of social, political, and economic decision-making shall not be abridged. The
7 State shall, by law, facilitate the establishment of adequate consultation mechanisms.

8 It is the policy of the State to complement and supplement the provisions of
9 the Philippine Disaster Risk Reduction and Management Act of 2010 (Republic Act
10 No. 10121), and in consonance with the Climate Change Act of 2009 (as amended by
11 Republic Act No. 10174) and other existing laws related to climate change adaptation
12 and DRRM in relation to upholding the people's constitutional rights to life and
13 property by addressing the root causes of vulnerabilities to disasters and building the
14 resilience of local communities to climate change impacts; and in terms of
15 mainstreaming climate change adaptation in development processes such as policy
16 formulation, budgeting, and governance particularly with respect to housing and land
17 use, it is hereby declared the policy of the State to work for the attainment of a more
18 inclusive, safe, resilient, and sustainable human settlements.

19 Towards this end, the government shall pursue a comprehensive, rights-
20 based, gender-responsive, participatory and sustainable approach to resilient human
21 settlements.

22 This Act declares the following as guiding principles:

- 23 a) The Right to Adequate Housing according to the ICESCR covers the following
24 elements: accessibility; affordability; habitability; security of tenure; cultural
25 adequacy; resiliency; suitability of location; access to essential services such
26 as health and education; and respect for safety standards aimed at reducing
27 damage in cases of future disasters;
- 28 b) The State bears the primary responsibility for protecting the people,
29 infrastructure, and other national assets from the impact of disasters and will
30 mobilize adequate and make efficient use of existing resources, including
31 financial, scientific, and technological means in nurturing resiliency;

- 1 c) The building/achievement/fulfillment of resilient human settlements requires
2 that responsibilities be shared by the national and local government units and
3 relevant national authorities, sectors, stakeholders and communities. This
4 entails the development and strengthening of institutions, mechanisms and
5 capacities at all levels, in particular at the community level that can
6 systematically contribute to building resiliency. Convergence of resources and
7 involvement of various stakeholders are essential to the supply of housing and
8 infrastructure in the overall context of sustainable development and resilient
9 human settlements;
- 10 d) Ensure accountability and transparency of all sectors to monitor and
11 evaluate programs and initiatives;
- 12 e) Uphold gender equity and equality, cultural diversity and the rights of
13 vulnerable groups such as children, elderly and, people with disabilities when
14 planning for resilient and sustainable settlements development.

15 *Sec. 3. General Objectives.* – This Act seeks to:

- 16 a) Provide a framework for resilient housing and human settlements;
- 17 b) Guide various stakeholders to take well-planned, concerted, transparent,
18 inclusive, livable, safe, resilient, sustainable, and pro-poor housing initiatives in
19 the best possible manner;
- 20 c) Strengthen the participation of all sectors especially communities and civil
21 society in the planning of resilient housing and human settlements;
- 22 d) Build synergy, convergence and integration of housing-related and livelihood
23 intervention for the attainment of resilient and sustainable human settlements;
- 24 e) Foster policy and program coherence related to poverty alleviation, income
25 generation and employment, and delivery channels to achieve the overall
26 objective of housing for all and the attainment of resilient and sustainable
27 development of human settlements;
- 28 f) Support innovation and research and development into new, indigenous, low-
29 cost resilient and sustainable human settlements;

30 *Sec. 4. Definition of Terms.* – As used in this Act, the following terms shall
31 mean:

- 1 a) *Adequate housing* – defined as that which affords its occupants the following
2 conditions:
- 3 1. legal security of tenure, including protection against forced evictions;
 - 4 2. available services and infrastructure (access to water; energy for cooking,
5 heating, and lighting; sanitation and washing facilities; food storage; and
6 waste disposal (solid, septage and sewerage); communication and
7 information; sufficient road networks especially for emergencies and so
8 on);
 - 9 3. affordable housing costs and financing options such that the attainment of
10 other basic needs is not threatened;
 - 11 4. habitability in the sense of adequate spaces, security, physical safety, and
12 protection from cold, damp, heat, rain, wind, structural hazards, and
13 disease vectors;
 - 14 5. sufficient accessibility that disadvantaged or vulnerable groups such as
15 persons with disabilities, elderly, children and women are not left without
16 shelter appropriate to their particular needs;
 - 17 6. a physical location allowing proximate access to employment and livelihood
18 options, health care services, schools, child-care centers, and other social
19 facilities and avoiding risks from pollution sources;
 - 20 7. available, resilient, environmentally-friendly and appropriate construction
21 materials, settlements design and process with respect to the expression of
22 cultural and religious identity and geographical location;
 - 23 8. compliance with safety and resilience standards aimed at minimizing
24 damage from future disasters.
- 25 b) *Adequate open spaces* – which includes roads, green spaces, areas for
26 persons with disabilities, elderly, children and materials recovery facilities.
- 27 c) *Climate-resilient housing* – Refers to housing that is equipped and structurally-
28 designed to resist, absorb and accommodate the effects of climate hazards
29 like heat waves, extreme weather variabilities without significant changes to
30 its basic functions.
- 31 d) *Comprehensive Resilient Housing Program for Disaster Survivors* – Refers to

1 the delivery of resources and activities in the rehabilitation and reconstruction
2 of damaged and destroyed housing and development of other new permanent
3 housing options for persons and families affected by disasters. It shall follow
4 humanitarian standards for their protection and their rights to adequate
5 housing through the provision of safe, habitable emergency and transitional
6 shelter during displacement and permanent housing that meets the basic
7 standards of adequacy and decency. Providing for a comprehensive, multi-
8 sectoral, inter-agency, and community-based approach to post-disaster
9 housing rehabilitation, reconstruction, and recovery.

- 10 e) *Gender equity and equality* – Refers to the principle asserting the equality of
11 men and women and their right to enjoy equal conditions realizing their full
12 human potentials to contribute to and benefit from the results of development,
13 and with the State recognizing that all human beings are free and equal in
14 dignity and rights. Gender equity refers to the policies, instruments, programs,
15 services, and actions that address the disadvantaged position of women in
16 society by providing preferential treatment and affirmative action. Such
17 temporary special measures aimed at accelerating de facto equality between
18 men and women shall not be considered discriminatory but shall in no way
19 entail as a consequence the maintenance of unequal or separate standards.
- 20 f) *Land-Use Planning* – the process undertaken by national and local government
21 authorities, communities, private sector, and civil society to identify, evaluate,
22 and decide on different options for the use of land, including consideration of
23 long-term economic, social and environmental objectives and the implications
24 for different communities and interest group, and the subsequent formulation
25 and promulgation of plans that describe the permitted or acceptable uses.
26 *People's Plan* - a resettlement option and community development plan
27 formulated by POs, with or without the support of NGOs, LGUs and NGAs
- 28 g) *Post-Disaster Recovery* – the restoration and improvement where appropriate,
29 of facilities, livelihood, and living condition of disaster-affected communities,
30 including efforts to reduce disaster risk factors and enhancing resiliency, in
31 accordance with the principles of "build back better," as defined in Republic

1 Act No. 10121 or the Philippine Disaster Risk Reduction and Management Act
2 of 2010.

3 h) *Resilience* – the capacity of a system, community or society exposed to
4 hazards to resist, adapt, and transform to an acceptable level of functioning
5 and structure. This is determined by the degree to which the system is
6 capable of organising itself to increase this capacity by learning from
7 experiences for better future protection and to improve risk reduction
8 measures.

9 *Sec. 5. National Framework for Resilient Housing and Human Settlements. –*

10 This is the National Framework for Resilient Human Settlements (hereinafter referred
11 to as the Framework) to be formulated by the Housing and Urban Development
12 Coordinating Council (HUDCC) within six (6) months from the effectivity of this Act in
13 coordination and in partnership with the following:

- 14 a) The HUDCC and its attached agencies;
- 15 b) National Economic and Development Authority (NEDA);
- 16 c) Climate Change Commission (CCC) ;
- 17 d) Office of Civil Defense (OCD);
- 18 e) Government Service Insurance Service System (GSIS) ;
- 19 f) Department of Social Welfare and Development (DSWD);
- 20 g) Department of Science and Technology (DOST);
- 21 h) Department of Environment and Natural Resources (DENR);
- 22 i) Department of Public Works and Highways (DPWH);
- 23 j) Department of Labor and Employment (DOLE);
- 24 k) Department of Trade and Industry (DTI);
- 25 l) Department of Budget and Management (DBM);
- 26 m) Department of Interior and Local Government (DILG);
- 27 n) Office of Presidential Adviser on Peace Process (OPAPP);
- 28 o) National Commission on Indigenous Peoples (NCIP);
- 29 p) National Anti-Poverty Commission (NAPC);
- 30 q) Insurance Commission (IC);
- 31 r) Union of Local Authorities of the Philippines (ULAP);

- 1 s) Built environment and disaster-resilient housing design experts;
- 2 t) Academe;
- 3 u) Civil society;
- 4 v) Communities and other concerned public and private entities.

5 The Framework shall serve as the basis for measures or mechanisms for post-
6 disaster housing and resiliency planning, research and development, extension,
7 monitoring and evaluation of programs, projects, and activities to protect vulnerable
8 communities from the adverse effects of climate change and disasters.

9 The Framework shall describe how the State and all relevant stakeholders can
10 work together to achieve adequate and resilient housing for all, including and most
11 especially those affected by disasters; and chart the new direction that our national
12 and local housing programs and efforts must take in order to make human
13 settlements and communities more inclusive, safe, resilient, and sustainable.

14 The Framework shall include, but not limited to, the following components:

- 15 a) National Resilient Housing Agenda, which shall be derived from the threats,
16 hazards, and vulnerabilities identified; adaptation needs and requirements;
17 risk and resiliency assessment for the Philippine housing sector;
- 18 b) National and local resilient housing priorities; outline the most efficient and
19 cost effective housing projects that will best meet the short-term and long-
20 term resilient housing needs of individuals and households;
- 21 c) National Standards for Resilient Housing Design and Construction;
- 22 d) National Post-Disaster Housing Recovery Strategy, which shall focus on
23 how best to restore, rehabilitate, redevelop, and revitalize disaster-
24 impacted communities; restoring livelihoods; effectively preventing the
25 recurrence of disasters and harnessing conditions for future development;
- 26 e) Promotion of local government rehabilitation and recovery plans;
- 27 f) Rules and Guidelines for Post-Disaster Housing Rehabilitation,
28 Reconstruction, and Relocation;
- 29 g) Comprehensive Resilient Housing Program for Disaster Survivors;
- 30 h) Investment and financing requirements;
- 31 i) Institutional arrangements, including public-private partnership; national

1 government roles; local government support functions; and private sector
2 responsibilities;

3 j) Implementation arrangements;

4 k) Reporting, monitoring, and evaluation.

5 *Sec. 6. Monitoring of Compliance with this Act.* – HUDCC shall take the lead to
6 periodically monitor the compliance with this Act. Other agencies will participate in
7 the monitoring such as attached agencies of HUDCC; DILG; Office of Civil Defense;
8 NEDA; and CCC. There shall be a mechanism for civil society to participate in the
9 monitoring process.

10 *Sec. 7. Joint Congressional Oversight Committee.* – There is hereby created a
11 Joint Congressional Oversight Committee to monitor the implementation of this Act.
12 The Oversight Committee shall be composed of five (5) Senators and five (5)
13 Representatives to be appointed by the Senate President and the Speaker of the
14 House of Representatives, respectively.

15 The Oversight Committee shall be co-chaired by a Senator and a
16 Representative to be designated by the Senate President and the speaker of the
17 House of Representatives, respectively. Its funding requirement shall be charged
18 against the appropriations of Congress.

19 *Sec. 8. Annual Report.* – The HUDCC shall submit to the President, Senate
20 President and House Speaker not later than March 30 of every year following the
21 effectivity of this Act, or upon the request of the Congressional Oversight Committee,
22 a report giving a detailed account of the status of the implementation of this Act, a
23 progress report on the implementation of the National Resilient Housing and Human
24 Settlements Action Plan, policy gaps, and recommended legislation, where applicable
25 and necessary. LGUs shall submit annual progress on the implementation of their
26 respective local action plan to HUDCC within the first quarter of the following year.

27 *Sec. 9. Appropriations.* – The amount necessary for the initial implementation
28 of this Act shall be charged against the current appropriation of the HUDCC.
29 Thereafter, the amount needed for the continued implementation of this Act shall be
30 included in the annual General Appropriations Act.

31 *Sec. 10. Implementing Rules and Regulations.* – Within ninety (90) days from

1 the effectivity of this Act, the key shelter agencies shall, upon consultation and
2 coordination with the pertinent government agencies, LGUs, private sector, NGOs,
3 POs, build environment expert and professionals, promulgate the necessary rules and
4 regulations for the effective implementation of this Act: *Provided*, That failure to
5 issue rules and regulations shall not in any manner affect the executory nature of the
6 provisions of this Act.

7 Sec. 11. *Separability Clause.* – If, for any reason, any provision or part of this
8 Act is declared invalid or unconstitutional, the remaining parts or provisions not
9 affected thereby shall remain in full force and effect.

10 Sec. 12. *Repealing Clause.* – All laws, executive orders, presidential decrees,
11 issuances, rules and regulations or parts thereof inconsistent with any provision of
12 this Act are hereby modified, amended, or repealed accordingly.

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

Approved,