

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



SENATE

S.B. No. 2463

INTRODUCED BY: SENATOR EMMANUEL D. PACQUIAO

AN ACT PROVIDING FOR A FREE PUBLIC HOUSING PROGRAM, AMENDING FOR THAT PURPOSE REPUBLIC ACT NO. 11201, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

Section 9, Article XIII of the 1987 Constitution primarily provides that: "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 resettlements areas. It shall also promote adequate employment opportunities to such citizens."

The State's Constitutional provisions approximate the United Nations' Universal Declaration of Human Rights Section 25 that provides in part that: "Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services."

In echoing the U. N. Declaration, the U. N. Committee on Economic, Social and Cultural Rights stresses that the right to adequate housing should be seen as the right to live somewhere in security, peace and dignity, that among others, includes the elements of security of tenure and equal and non-discriminatory access to adequate housing.

Pursuant to the country's Constitutional mandate, Congress enacted Republic Act No. 7279, otherwise known as "AN ACT TO PROVIDE FOR A COMPREHENSIVE AND CONTINUING URBAN DEVELOPMENT AND HOUSING PROGRAM, ESTABLISH THE MECHANISM FOR ITS IMPLEMENTATION, AND FOR OTHER PURPOSES," which reiterated among its laudable objectives the same eminent purpose to "[u]plift the conditions of the underprivileged and homeless citizens in urban areas and in resettlement areas by making available to them decent housing at affordable cost, basic services, and employment opportunities;"

R. A. No. 7279 also importantly stressed the policy and objective to "[a]dopt workable policies to regulate and direct urban growth and expansion towards a dispersed urban net and more balanced urban-rural interdependence;"

During the 17th Congress, this humble representation co-authored Senate Bill No. 328 entitled "AN ACT CREATING THE DEPARTMENT OF HUMAN SETTLEMENT AND URBAN DEVELOPMENT, DEFINING ITS MANDATES, POWERS AND FUNCTIONS, PROVIDING FUNDS THEREFOR AND FOR OTHER PURPOSES."

One of the goals of SBN 328 is to resolve the prevailing and worsening housing backlog in the country by providing a centralized agency that would have the power of control and supervision among all the housing agencies in the government;

In 2019, Congress enacted Republic Act No. 11201, otherwise known as "AN ACT CREATING THE DEPARTMENT OF HUMAN SETTLEMENTS AND URBAN DEVELOPMENT, DEFINING ITS MANDATE, POWERS AND FUNCTIONS, AND APPROPRIATING FUNDS THEREFORE," which created the Department of Human Settlements and Urban Development through the consolidation of the Housing and Urban Development Coordinating Council (HUDCC) and the Housing and Land Use Regulatory Board (HLURB), and which intended the Department to become the primary national government entity responsible for the management of housing, human settlement and urban development;

Despite these legislative reforms, millions of Filipino families are still recognized to be homeless or considered as informal settlers, mainly in urban centers led by Metro Manila and other metropolitan areas or urban cities, and these include the most vulnerable and marginalized groups;

The Department of Human Settlements and Urban Development has reported that the country's housing backlog at last estimate stood at 6.75 million units, and worse, the Department projects that the number could balloon to 22 million units in 2040 if not "properly addressed today;"

This reflects the dehumanizing state of poverty in the country, as well as the wide cleavage of the development imbalance between urban and rural areas, both of which the government must urgently address in order to fulfill its mandate of uplifting the conditions of the underprivileged and homeless citizens, providing them with broader access to economic opportunities and ensuring the promotion and protection of their legitimate collective interests;

A detached approach to solving the twin challenges of the housing shortage in urban centers and of the imbalance in urban-rural interdependence and development can only worsen both problems.

Concomitant to the foregoing, and in line with the mandatory review of the implementation of Republic Act No. 11201, otherwise known as the Department of Human Settlements and Urban Development Act, the amendment of the said Act is proposed in order to address the recognized need of the homeless, and especially those belonging to the most vulnerable and marginalized groups, thereby giving new life to President Ramon Magsaysay's enunciated ideal that: "Those who have less in life should have more in law."

In view of the foregoing, early approval of this bill is requested.



EMMANUEL D. PACQUIAO

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

1 **Section 1. Title of the Act.** – This Act shall be known as "*The Free Public Housing Act.*"

2 **Section 2.** Section 2 of Republic Act No. 11201, otherwise known as the *Department of Human*
3 *Settlements and Urban Development Act*, is hereby amended to read as follows:

4

5 **Section 2. Declaration of Policy.** - The State shall, pursuant to Section
6 9, Article XIII of the Constitution, ensure that underprivileged and homeless
7 citizens, **AND ESPECIALLY THOSE FROM THE MOST**
8 **VULNERABLE AND MARGINALIZED GROUPS, HAVE EQUAL AND**
9 **NON-DISCRIMINATORY ACCESS TO FREE PUBLIC HOUSING**
10 **WITH A SECURITY OF TENURE THAT IS PROGRAMMED IN**
11 **PARTNERSHIP WITH THE GOVERNMENT, THEREBY ENSURING**
12 **LEGAL PROTECTION AGAINST FORCED EVICTIONS,**
13 **HARASSMENT AND OTHER THREATS, AND FACILITATING THE**
14 **AVAILABILITY OF SERVICES AND FACILITIES FOR BETTER**
15 **HABITATION. AS SUCH, THE HOMELESS SHALL BE ASSISTED**
16 **WITH** an adequate, safe, secure, habitable, sustainable, resilient and affordable
17 home. The State shall, by law and for the common good, undertake, in
18 cooperation with the private sector, a continuing program of housing and urban
19 development which shall make available ~~{at affordable cost,}~~ decent housing
20 and basic services to underprivileged and homeless citizens in urban centers and
21 resettlement areas. ~~{It shall also promote adequate employment opportunities to~~
22 ~~such citizens.}~~ In the implementation of the program, the State shall respect the
23 rights of small property owners.

1 THE STATE SHALL PROMOTE FURTHER UPLIFTMENT BY
2 STRENGTHENING AWARDEES IN THE RESETTLEMENT SITES
3 WITH ELEMENTS OF SELF-DEVELOPMENT, INCLUDING
4 ACCESSIBILITY TO EMPLOYMENT OPPORTUNITIES, HEALTH-
5 CARE SERVICES, SCHOOLS, AND OTHER NECESSARY SOCIAL
6 FACILITIES, THAT MAY ENHANCE THEIR CAPABILITY TO
7 PROGRESS AND MAKE AN UPWARD SOCIAL MOVEMENT
8 PURSUING SUFFICIENT HUMAN SETTLEMENT CONDITIONS OF
9 THEIR CHOICE.

10 The State shall pursue the realization of a modern, humane,
11 economically-viable, and environmentally-sustainable society where the
12 urbanization process is manifest in towns and cities being centers of productive
13 economic activity and is led by market forces; where urban areas have
14 affordable housing, sustainable physical and social infrastructure and services
15 facilitated under a democratic and decentralized system of governance; and
16 where urban areas provide the opportunities for an improved quality of life and
17 the eradication of poverty.

18 NONETHELESS, THE STATE SHALL CONSIDER A COUPLED
19 SOLUTION TO OBTAIN THE OBJECTIVE OF A DISPERSED URBAN
20 NET AND A MORE BALANCED URBAN-RURAL
21 INTERDEPENDENCE.

22 The State shall ensure that poor dwellers in urban and rural areas shall
23 not be evicted nor their dwelling demolished, except in accordance with law.

24 In addition, the State shall encourage on-site development in the
25 implementation of housing programs and shall promote the creation of new
26 settlements and development of sustainable urban renewal programs while
27 guaranteeing the preservation of agricultural lands necessary for food security.

28 **Section 3.** Section 3, Subparagraph (c), of Republic Act No. 11201, is hereby amended to read
29 as follows:

30 **Section 3. Definition of Terms.** - As used in this Act, the following terms
31 are defined as follows:

32 "xxx xxx xxx

33 (c) Housing refers to a multi-dimensional concept relating to the process
34 of residing and the objects of dwelling whose main attributes are location
35 relative to access to livelihood, tenure arrangements, cost and physical structure,
36 as well as their environment, **INCLUDING SAFE DRINKING WATER,**
37 **ADEQUATE SANITATION, AND ENERGY FOR COOKING,**
38 **LIGHTING, AND FOOD STORAGE.** Housing is likewise a physical
39 structure as well as a social structure, functioning at different spatial scales from
40 homes, neighborhoods, communities, municipalities, cities, provinces, and
41 regions. It is also a sector of the economy, an important category of land use in

1 both urban and rural areas, especially in cities, and is an important factor in the
2 overall dynamics of the urban system;

3 **Section 4.** Section 5, Part I, Subparagraph (a), of Republic Act No. 11201, is hereby amended
4 to read as follows:

5 **Section 5. Powers and Functions.** - The Department shall exercise the
6 following powers and functions:

7
8 **I. Policy Development, Coordination, Monitoring and Evaluation**

9 (a) Formulate national housing and urban development policies,
10 strategies and standards that are consistent with the Philippine Development
11 Plan to promote social and economic welfare, in coordination and in
12 consultation with national and local stakeholders, local government units
13 (LGUs), and other government agencies, **INCLUDING A REVIEW OF**
14 **PRESENT HOUSING PROGRAM MECHANISMS IN RELATION TO**
15 **REALISTIC PROJECTIONS MOVING FORWARD TO ENSURE A**
16 **MORE SUSTAINABLE IMPLEMENTATION OF THE NATIONAL**
17 **HOUSING PROGRAM THAT WILL INCLUDE FREE PUBLIC**
18 **HOUSING FOR THE HOMELESS, AND ESPECIALLY THOSE FROM**
19 **THE MOST VULNERABLE AND MARGINALIZED GROUPS, WITH**
20 **A SECURITY OF TENURE THAT IS PROGRAMMED IN**
21 **PARTNERSHIP WITH THE GOVERNMENT;**

22 **Section. 5.** Implementing Rules and Regulations. Pursuant to Section 7, Subparagraph (c) of
23 Republic Act No. 11201, the Secretary of the Department of Human Settlements and Urban
24 Development shall promulgate the rules and regulations and make other issuances necessary
25 to carry out the policies and objectives of this Act within one (1) year from its effectivity.

26 **Section. 6.** Repealing Clause. Republic Act No. 11201 is accordingly amended. All other laws,
27 presidential decrees and issuances, executive orders, rules and regulations or parts thereof
28 inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

29 **Section 7.** Separability Clause. If, for any reason or reasons, any part or provision of this Act
30 shall be held to be unconstitutional or invalid, other parts or provisions hereof which are not
31 affected thereby shall continue to be in full force and effect.

32 **Section 8.** Effectivity Clause. This Act shall take effect fifteen (15) days after its publication
33 in two (2) national newspapers of general circulation. The publication shall not be later than
34 seven (7) days after the approval hereof.

Approved,