

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



23 MAY -9 A8 :44

SENATE
S. No. 2144

RECEIVED BY:

Introduced by Senator Jinggoy Ejercito Estrada

AN ACT
STRENGTHENING THE RIGHT OF GOVERNMENT TO EXPROPRIATE LANDS
FOR SOCIALIZED HOUSING, AMENDING FOR THE PURPOSE SECTIONS 9,
10, AND 11 OF REPUBLIC ACT NO. 7279, OTHERWISE KNOWN AS THE
"URBAN DEVELOPMENT AND HOUSING ACT OF 1992"

EXPLANATORY NOTE

Pambansang Pabahay Para sa Pilipino Housing (4PH) program is the flagship program of President Ferdinand Marcos, Jr. regarding socialized housing. It is part of administration's socioeconomic agenda that focuses on providing Filipinos with better living conditions by establishing inclusive, livable, and sustainable settlements and well-planned communities. It aims to build one (1) million housing units each year or six (6) million homes in six (6) years to address the country's housing backlog.

To address the problem usually encountered in socialized housing, this bill proposes to strengthen and boost the government's socialized housing program and will address the country's worsening housing problem since this will relax rules of land acquisition. It seeks to amend Sections 9, 10, and 11 of Republic Act 7279, otherwise known as the "Urban Development and Housing Act of 1992."

The amendment to Section 9, which is entitled "Acquisition of Land for Socialized Housing," provides that the following lands may be acquired for socialized housing: (a) Those owned by the Government or any of its subdivisions,

instrumentalities, or agencies, including government-owned or-controlled corporations and their subsidiaries; (b) Alienable lands of the public domain; (c) Unregistered or abandoned and idle lands; (d) Those within the declared Areas for Priority Development, Zonal Improvement Program sites, and Slum Improvement and Resettlement Programs sites which have not yet been acquired; (e) Bagong Lipunan Improvement of Sites and Services or BLISS sites which have not yet been acquired; and (f) Privately-owned lands.

The power to identify and to prioritize the particular area to be acquired shall be with the local government unit or the proper agency acquiring land for socialized housing. For this purpose, the enumeration in this section shall not, in any way, be interpreted as setting an order of priority, the amendment provides.


The amendment to Section 10 of RA 7279 entitled "Modes of Land Acquisition" provides that the modes of acquiring lands shall include, among others, community mortgage, land swapping, land assembly or consolidation, land banking, donation to the government, joint-venture agreement, negotiated purchase, and expropriation.

Where expropriation is resorted to, parcels of lands owned by small property owners shall be exempted for purposes of the Act. Abandoned property, as herein defined, shall be reverted and escheated to the State in a proceeding analogous to the procedure laid down in Rule 91 of the Rules of Court. For the purpose of socialized housing, government-owned and foreclosed properties shall be acquired by local government units, or by the National Housing Authority primarily through negotiated purchase provided that qualified beneficiaries who are actual occupants of the land shall be given the right of first refusal.

The bill also amends Section 11 entitled "Expropriation of Idle Lands" so that all idle lands in urban and urbanized areas, as defined and identified in accordance with the Act, shall be expropriated and shall form part of the public domain.

These lands shall be disposed of or utilized by the government for such purposes that conform with their land use plans. Expropriation proceedings shall be instituted if, after the lapse of one year following receipt of notice of acquisition, the owner fails to introduce improvements as defined in Section 3(f) hereof, except in the case of force majeure and other fortuitous events. Exempted from this provision, however, are residential lands owned by small property owners.

In view of the foregoing, the immediate passage of this bill is highly recommended.



JINGGOY EJERCITO ESTRADA

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"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. Sections 9, 10, and 11 of Republic Act No. 7279 are hereby
2 amended to read as follows:

3 "Sec. 9. [~~Priorities in the~~] *Acquisition of Land* **FOR**
4 **SOCIALIZED HOUSING.** – [~~Lands for socialized housing shall~~
5 ~~be acquired in the following order~~] **THE FOLLOWING LANDS**
6 **MAY BE ACQUIRED FOR SOCIALIZED HOUSING:**

7 "(a) Those owned by the Government or any of its
8 subdivisions, instrumentalities, or agencies, including
9 government-owned or -controlled corporations and their
10 subsidiaries;

11 "(b) Alienable lands of the public domain;

12 "(c) Unregistered or abandoned and idle lands;

13 "(d) Those within the declared Areas for Priority
14 Development, Zonal Improvement Program sites, and Slum
15 Improvement and Resettlement Program sites which have not
16 yet been acquired;

1 “(e) Bagong Lipunan Improvement of Sites and Services
2 or BLISS sites which have not yet been acquired; and,

3 “(f) Privately-owned lands.

4 “~~[Where on-site development is found more practicable~~
5 ~~and advantageous to the beneficiaries, the priorities mentioned~~
6 ~~in this section shall not apply. The local government units shall~~
7 ~~give budgetary priority to on-site development of government~~
8 ~~lands.]~~ **THE POWER TO IDENTIFY AND TO PRIORITIZE**
9 **THE PARTICULAR AREA TO BE ACQUIRED SHALL BE**
10 **WITH THE LOCAL GOVERNMENT UNIT OR THE PROPER**
11 **AGENCY ACQUIRING LAND FOR SOCIALIZED HOUSING.**
12 **FOR THIS PURPOSE, THE ENUMERATION IN THIS**
13 **SECTION SHALL NOT, IN ANY WAY, BE INTERPRETED AS**
14 **SETTING AN ORDER OF PRIORITY.”**

15 “Sec. 10. *Modes of Land Acquisition.* – The modes of
16 acquiring lands for purposes of this Act shall include, among
17 others, community mortgage, land swapping, land assembly or
18 consolidation, land banking, donation to the government, joint-
19 venture agreement, negotiated purchase, and expropriation:
20 *Provided,* ~~[however, That expropriation shall be resorted to only~~
21 ~~when other modes of acquisition have been exhausted:~~
22 ~~Provided, further,]~~ That where expropriation is resorted to,
23 parcels of land owned by small property owners shall be
24 exempted for purposes of this Act: *Provided,* ~~[finally,]~~
25 **FURTHER,** That abandoned property, as herein defined, shall
26 be reverted and escheated to the State in a proceeding
27 analogous to the procedure laid down in Rule 91 of the Rules of
28 Court.

29 “For the purpose of socialized housing, government-
30 owned and foreclosed properties shall be acquired by the local
31 government units, or by the National Housing Authority
32 primarily through negotiated purchase: *Provided,* That qualified

1 beneficiaries who are actual occupants of the land shall be
2 given the right of first refusal.”

3 “Sec. 11. *Expropriation of Idle Lands.* – All idle lands in
4 urban and urbanizable areas, as defined and identified in
5 accordance with this Act, shall be expropriated and shall form
6 part of the public domain. These lands shall be disposed of or
7 utilized by the Government for such purposes that conform with
8 their land use plans. Expropriation proceedings shall be
9 instituted if, after the lapse of one (1) year following receipt of
10 notice of acquisition, the owner fails to introduce improvements
11 as defined in Section 3(f) hereof, except in the case of *force*
12 *majeure* and other fortuitous events. Exempted from this
13 provision, however, are residential lands owned by small
14 property owners [~~or those the ownership of which is subject of~~
15 ~~a pending litigation~~].”

16 Sec. 2. *Separability Clause.* – If any provision or part hereof is held invalid or
17 unconstitutional, the remainder of the law or the provision or part not otherwise
18 affected shall remain valid and subsisting.

19 Sec. 3. *Repealing Clause.* – Any law, presidential decree or issuance,
20 executive order, letter of instruction, administrative order, rule, or regulation
21 contrary to or inconsistent with the provisions of this Act are hereby repealed,
22 modified, or amended accordingly.

23 Sec. 4. *Effectivity.* – This Act shall take effect fifteen (15) days after its
24 publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,