

FOURTEENTH CONGRESS OF THE REPUBLIC
OF THE PHILIPPINES
Third Regular Session

OFFICE OF THE SECRETARY

9 OCT 27 2007

SENATE
P. S. R. No. **1431**

RECEIVED BY

Introduced by Senator Miriam Defensor Santiago

RESOLUTION

DIRECTING THE PROPER SENATE COMMITTEE TO CONDUCT AN INQUIRY,
IN AID OF LEGISLATION, ON THE PROLIFERATION OF INFORMAL
SETTLEMENTS IN METRO MANILA, PARTICULARLY IN FLOOD PRONE
AREAS, THUS ALLEGEDLY INTERFERING WITH THE OPERATION
AND PERFORMANCE OF THE FLOODWAY SYSTEM

WHEREAS, Presidential Decree No. 1096, Adopting a National Building Code of the Philippines, Section 105 provides: "The land or site upon which will be constructed any building or structure, or any ancillary or auxiliary facility thereto, shall be sanitary, hygienic or safe. *In the case of sites or buildings intended for use as human habitation or abode, the same shall be at a safe distance, as determined by competent authorities, from streams or bodies of water and/or sources considered to be polluted; from a volcano or volcanic site and/or any other building considered to be a potential source of fire or explosion*" (emphasis supplied);

WHEREAS, on the matter of easements, the 2004 Revised Implementing Rules and Regulations of P.D. No. 1096, Rule VIII states:

"As it is situated outside of private property limits, the easement is public land, i.e. public domain, that should be equally enjoyed by all members of the community. The easement is not to be used for any form of building/structure that may go against its public recreational character [...]"

a. No portion of the easement whether at grade (on the ground), below grade or above grade may be leased or developed by the government or by private entities for purposes inconsistent with its character and intended function. In particular, any form of semi-permanent/permanent or semi-enclosed/enclosed residential, commercial, industrial, institutional or government structure/use and like, structures/uses at any portion of the public easement is prohibited;

b. All semi-enclosed or enclosed, semi-permanent or permanent habitable building projections xxx or structural element (eaves, roof, cantilevered beams, foundations and the like) located above or below the easement are absolutely prohibited; and

c. All forms of enclosures such as fences, perimeter walls and the like, intended to limit the use of the easement for private enjoyment/benefit or to restrict full access to the public easement are absolutely prohibited unless the same are erected for reason of public safety";

WHEREAS, according to a study conducted by Architect Armando Alli, Chairman of the Professional Regulatory Board of Architecture, informal settlers occupy forty percent (40.0%) of the floodway causing an estimated 25-30% reduction of the supposed capacity of the floodway during storm events;

WHEREAS, the same study reports an estimated 25,000 illegal structures on the Manggahan floodway and an estimated informal settler population of up to 250,000 excluding transients;

WHEREAS, the Department of Public Works and Highways (DPWH) reportedly identified informal settlers as one of the reasons why the flood mitigation projects in the National Capital Region did not work well;

WHEREAS, according to the DPWH, the illegal occupation of informal settlers along the floodplains, waterways, and waterway easements cause obstruction to the free flow of floodwaters to the rivers;

WHEREAS, the proliferation of informal settlements particularly along critical floodway areas is indicative of poor implementation of responsible government agencies and local government units of the governing laws particularly P.D. No.1096;

WHEREAS, aside from the possible implementation lapses, rapid urban expansion is reportedly one of the culprits in the growing number of informal settlements in the NCR; hence, rapid urban expansion and how the country can cope with this phenomenon are critical areas that must be addressed by concerned government agencies and local government units;

WHEREFORE, be it hereby resolved by the Philippine Senate, to conduct an inquiry in aid of legislation, on the reported proliferation of informal settlements in Metro Manila, particularly in the flood prone areas, allegedly interfering with the operation and performance of the floodway system.

Adopted,


MIRIAM DEFENSOR SANTIAGO

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