



14 MAR -4 P2 57

SENATE
Senate Bill No. 2161

RECEIVED BY: *js*

Introduced By Senator Vicente C. Sotto III

EXPLANATORY NOTE

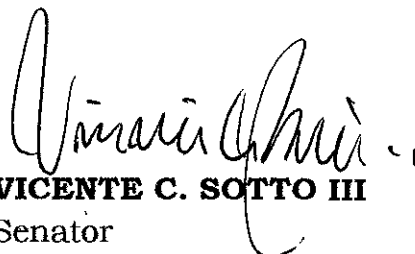
The 1987 Constitution provides that the State shall ensure the autonomy of local government units. It also provides that the local government units shall have the power to create its own sources of revenues subject to such guidelines and limitation as Congress may provide, consistent with the basic policy of local autonomy. As such, the State upholds the autonomy and the decentralization to the local government of urban renewal projects and programs for the delivery of basic services such as low-cost or socialized housing, health services, education and livelihood within its jurisdiction.

The bill seeks to create the Quezon City Development Authority (QCDA). It shall address Quezon City's pressing housing, development and urban renewal concerns. If passed into law, it will stand as a government-owned and controlled corporation, covered by the provisions of Republic Act No. 10149 (The GOCC Governance Act of 2011) and subject to the jurisdiction of the Governance Commission for GOCCs (GCG).

The QCDA will address socialized housing and urban renewal concerns within Quezon City, including:

- To provide adequate and affordable housing to marginal and low-income families in Quezon City;
- To encourage the participation of the private sector in housing ventures and urban renewal;
- To promote greening and development of vacant, blighted and underutilized lands in Quezon City owned by the local government; and,
- To provide to the constituency of Quezon City projects that will improve their quality of life, such as affordable means and schemes of transportation, energy, telecommunication, information technology and manufacturing.

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


VICENTE C. SOTTO III
Senator



1 CONGRESS OF THE PHILIPPINES)
2 SIXTEENTH CONGRESS)
3 *First Regular Session*)

14 MAR -4 P2 58

6 **SENATE**

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8 **Senate Bill No. 2161**

11 **Introduced By Senator Vicente C. Sotto III**

14 **AN ACT**

15 **CREATING THE QUEZON CITY DEVELOPMENT AUTHORITY (QCDA),**
16 **DEFINING ITS POWERS AND FUNCTIONS, PROVIDING FOR ITS**
17 **ORGANIZATIONAL STRUCTURE AND CAPITALIZATION**

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

23 SECTION 1. *Short Title.* - This Act shall be known as the "Charter of the
24 Quezon City Development Authority".

26 SEC. 2. *Declaration of Policy.* - The 1987 Constitution provides that the
27 State shall ensure the autonomy of local government units. It also provides
28 that the local government units shall have the power to create its own sources
29 of revenues subject to such guidelines and limitation as Congress may provide,
30 consistent with the basic policy of local autonomy. As such, the State upholds
31 the autonomy and the decentralization to the local government of urban
32 renewal projects and programs for the delivery of basic services such as low-
33 cost or socialized housing, health services, education and livelihood within its
34 jurisdiction.

36 The State shall undertake, in cooperation with the private sector, a
37 continuing program of urban land reform and development through investment
38 schemes, infrastructure projects such as low-cost housing programs,
39 telecommunication projects, transportation programs, information technology
40 and manufacturing projects in order to provide affordable and decent housing
41 as well as basic services.

43 SEC. 3. *Definition of Terms.*-As used in this Act:

45 (a) *Areas for priority development* refer to those areas declared as such
46 under existing statutes, ordinances, and pertinent executive issuances;

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1 (b) *Blighted urban communities* refer to the areas where the structures
2 are dilapidated, obsolete and unsanitary, tending to depreciate the value of the
3 land and prevent normal development and use of the area;
4

5 (c) *Consultation* refer to the constitutionally mandated process whereby
6 the public, on their own or through people's organizations, is provided an
7 opportunity to be heard and to participate in the decision-making process on
8 matters involving the protection and promotion of their legitimate collective
9 interest, which shall include appropriate documentation and feedback
10 mechanisms;
11

12 (d) *Idle lands* refer to non-agricultural lands in urban and urbanized
13 areas on which no improvements, as herein defined, have been made by the
14 owner, as certified by the city assessor;
15

16 (e) *Improvements* refer to all types of buildings and residential units,
17 walls, fences, structures and constructions of all kinds of a fixed character or
18 which are adhered to the soil but shall not include trees, plants and growing
19 fruits except for urban community vegetable and fruit gardens maintained by
20 the landowner, an existing homeowner, a neighborhood association, the
21 barangay and the landowner's authorized representative;
22

23 (f) *Marginal and low-income families* refer to individuals or families
24 residing in urban and urbanized areas whose income or combined household
25 income falls within the poverty threshold as defined by the National Economic
26 and Development Authority and who do not own any housing facility or home
27 lot. These shall include those who live in makeshift dwelling units and do not
28 enjoy security of tenure;
29

30 (g) *Monitoring* refers to the collection, analysis, reporting and use of
31 information about the progress of resettlement, and focuses on physical and
32 financial targets and delivery of entitlements to people;
33

34 (h) *On-site development* refers to the process of upgrading and
35 rehabilitation of blighted urban areas with a view of minimizing displacement
36 of dwellers in said areas, and with provisions for basic services;
37

38 (i) *Professional squatters* refer to individuals or groups who occupy lands
39 without the expressed consent of the landowner and who have sufficient
40 income for legitimate housing. The term also applies to persons who were
41 previously awarded home lots or housing units by the government but who
42 sold, leased or transferred the same to settle illegally in the same place or in
43 another urban area and non-*bona fide* occupants and intruders of land
44 reserved for socialized housing. The term shall not apply to individuals or
45 groups who simply rent land and housing from professional squatters or
46 squatting syndicates;
47

48 (j) *Resettlement areas* refer to areas identified by the local government
49 unit which shall be used for the relocation of the underprivileged and homeless
50 families; and,

1
2 (k) *Socialized housing* refers to the housing programs and projects
3 covering real properties with or without existing houses undertaken by the
4 government or the private sector for underprivileged and homeless citizens
5 which shall include sites and services development, long term financing,
6 liberalized terms on interest payments, and such other benefits in accordance
7 with the provisions of Republic Act No. 7279, otherwise know as the "Urban
8 Development and Housing Act of 1992".
9

10 SEC. 4. *Creation.* There is hereby created a government-owned or -
11 controlled corporation to be known as the Quezon City Development Authority
12 (QCDA). It shall have its principal office in Quezon City.
13

14 The QCDA shall exist for a period of fifty (50) years from the effectivity of
15 this Act.
16

17 The QCDA shall be covered by the provisions of Republic Act No. 10149,
18 otherwise known as the "GOCC Governance Act of 2011," and be subject to the
19 regulatory jurisdiction of the Governance Commission for GOCCs (GCG).
20

21 SEC. 5. *Socialized Housing Development.* - The QCDA shall maintain as
22 its primary focus the development of socialized housing and urban renewal
23 which may be accomplished in any of the following ways:
24

25 (a) Development of new settlement areas in the following order of priority:
26 on-site, near site, in-city, and near city;
27

28 (b) Slum upgrading or renewal of areas for priority development and
29 environmental improvement and resettlement program; and,
30

31 (c) Relocation of urban residents, including squatters and informal
32 settlers who are involuntarily displaced due to the housing and urban renewal
33 program.
34

35 For this purpose, the QCDA shall be required to develop an area for
36 socialized housing equivalent to at least sixty percent (60%) of its total
37 landholding.
38

39 SEC. 6. *Objectives.* - The QCDA shall have the following objectives:
40

41 (a) To provide adequate and affordable housing to marginal and low-
42 income families in Quezon City;
43

44 (b) To encourage the participation of the private sector in housing
45 ventures and urban renewal;
46

47 (c) To promote greening and development of vacant, blighted and
48 underutilized lands in Quezon City owned by the local government; and,
49

1 (d) To provide to the constituency of Quezon City projects that will
2 improve their quality of life, such as affordable means and schemes of
3 transportation, energy, telecommunication, information technology and
4 manufacturing.
5

6 *SEC. 7. Capitalization and Funding.* - The QCDA shall have an authorized
7 capital stock of One billion pesos (Php1,000,000,000.00) divided into one
8 billion (1,000,000,000) shares having a par value of One peso (P1.00) each,
9 which shall be fully subscribed by the Quezon City government, the initial
10 payment for which shall be made as follows:
11

12 (a) Two hundred fifty million pesos (Php250,000,000.00) in cash upon
13 the effectivity of this Act; and,
14

15 (b) The equivalent sum of Two hundred million pesos
16 (Php200,000,000.00) in terms of properties to be conveyed by the Quezon City
17 government to QCDA within two (2) years after the effectivity of this Act.
18

19 *SEC. 8. Powers and Functions of the QCDA.* - The QCDA shall have the
20 following powers and functions in accordance with the established urban
21 development and housing plan prepared by the Quezon City government:
22

23 (a) Develop and implement a comprehensive and integrated urban
24 renewal program for Quezon City;
25

26 (b) Upgrade, renew or redevelop slums and other blighted urban
27 communities; develop resettlement sites, whether in-city or outside Quezon
28 City, with due consideration to ecological balance; and in general, enhance and
29 promote urban development in Quezon City;
30

31 (c) Purchase, develop, build, alter, construct, erect, enlarge, occupy,
32 manage, or otherwise deal in lands and buildings of every kind and character
33 whatsoever, whether belonging to or to be acquired by the QCDA;
34

35 (d) Invest its funds as it may deem proper, in bonds and securities issued
36 and guaranteed by the city government or the national government;
37

38 (e) Promote housing development by providing technical assistance to
39 any related development project;
40

41 (f) Receive donations, grants and bequests and use the same for the
42 resettlement of displaced families and development of socialized housing;
43

44 (g) Enter into joint ventures, accept investments, enter into partnerships
45 and perform such other acts necessary to effect the policies and achieve the
46 objectives herein declared;
47

48 (h) Formulate and implement the recommendations of the Quezon City
49 Local Housing Board;
50

1 (i) Plan, implement and monitor urban renewal programs, in coordination
2 with the Environmental Management Bureau of the Department of
3 Environment and Natural Resources, to protect and conserve unique, vital and
4 sensitive ecosystems, watershed areas, scenic landscapes, cultural sites and
5 provide resources in terms of capital expenditures, lands, expertise, financing
6 and other facilities for the sustained growth of Quezon City;
7

8 (j) Own lands, buildings, estates and other forms of real property
9 transferred to it or which it may acquire in the future;
10

11 (k) Develop, improve, administer, subdivide or lease any and all kinds of
12 lands, buildings, estates and other forms of real property turned over to the
13 QCDA by the national government and the Quezon City government;
14

15 (l) Invest in various proprietary ventures to earn income to pursue its
16 primary objective of urban renewal; and,
17

18 (m) Exercise all necessary corporate powers under Batas Pambansa Blg.
19 68, or the Corporation Code of the Philippines.
20

21 SEC. 9. *Board of Directors.* - The QCDA shall be governed by a board of
22 directors, hereinafter referred to as the "Board," which shall be composed of
23 nine (9) members, who shall be the following:
24

25 (a) The Quezon City Administrator as Chairperson;
26

27 (b) The head of the Quezon City Department of Housing;
28

29 (c) The head of the Quezon City Planning Department;
30

31 (d) One (1) representative from the Quezon City Local Housing Board who
32 shall not be an elected public official, to be nominated by the Local Housing
33 Board members themselves;
34

35 (e) Four (4) representatives from the private sector, all *bonafide* residents
36 of Quezon City; and,
37

38 (f) One (1) representative from the City Development Council who shall
39 not be an elected public official and who shall be nominated by the officers of
40 the City Development Council.
41

42 Every member of the Board must be qualified by the Fit and Proper Rule
43 as determined by the GCG in accordance with the provisions of Republic Act
44 No. 10149.
45

46 The members of the Board shall be appointed by the President of the
47 Philippines from a shortlist submitted by the GCG in accordance with the
48 provisions of Republic Act No. 10149: *Provided*, That in all Board positions, the
49 GCG shall give primacy to the nominees recommended by the City Mayor and
50 the City Council of Quezon City.

1
2 The Board shall elect a presiding officer in the absence of the
3 Chairperson.
4

5 The General Manager shall be elected by members of the Board from
6 among their ranks. The General Manager must possess either: (1) a Career
7 Service Executive Eligibility (CSEE) or Career Executive Service Officer (CESO)
8 eligibility; (2) a post- graduate degree related to law, management or public
9 administration; or (3) a minimum of ten (10) years of management experience;
10 and, must be a recognized authority in housing or related field.
11

12 The General Manager shall be the Chief Executive Officer of QCDA and
13 shall be entitled to receive a salary in accordance with the guidelines
14 promulgated by the GCG, and shall serve for a fixed term of one (1) year,
15 unless sooner removed by the Board for cause.
16

17 The members of the Board may receive *per diems*, allowances, and
18 incentives in accordance with the guidelines promulgated by the GCG.
19

20 The Board shall meet regularly at least once a month, but special
21 meetings may be called either by the Chairperson or by five (5) members of the
22 Board, when necessary. Five (5) members of the Board shall constitute a
23 quorum and any approval of business shall require the concurrence of at least
24 five (5) members.
25

26 The Board may hire from time to time up to a maximum of two (2)
27 consultants from the private sector who are known professionals in the urban
28 renewal and housing industry, with proven track record. They shall be entitled
29 to receive honoraria to be determined by the Board.
30

31 SEC. 10. *Powers and Duties of the Board.* - The Board shall have the
32 following powers and duties:
33

34 (a) Formulate, prescribe and promulgate the implementing rules and
35 regulations required by this Act;
36

37 (b) Act upon the annual budget and such supplemental budgets of QCDA
38 submitted by the General Manager: *Provided*, That the Board may reduce but
39 may not increase any item proposed by the General Manager;
40

41 (c) Approve the organizational structure of the QCDA as well as its
42 staffing pattern, the salaries of the personnel and their powers and duties as
43 submitted by the General Manager: *Provided*, That the QCDA shall be covered
44 by Republic Act No. 6758, as amended by the Joint Resolution Nos. 1, series of
45 1994, and 4, series of 2009, the Compensation and Position Classification
46 System for GOCCs under Republic Act No. 10149, as approved by the
47 President of the Philippines: *Provided, further*, That prior approval from the
48 GCG shall be obtained therefor;
49

1 (d) Formulate and enforce general and specific policies for housing
2 development, resettlement and urban renewal and other policies that the
3 QCDA may require for the effective discharge of its duties which are not
4 contrary to existing laws;

5
6 (e) Order, authorize, direct and coordinate with offices and task forces of
7 the Quezon City government in areas important to the implementation of its
8 projects;

9
10 (f) Enter into contracts or agreements as may be necessary for the
11 attainment of the objectives of this Act with parties other than members of the
12 Board, Quezon City officials and employees and their relatives up to the fourth
13 civil degree of consanguinity or affinity, or any judicial entity where such
14 persons mentioned have pending cases or interest;

15
16 (g) Acquire by purchase privately owned lands for purposes of urban
17 renewal, housing development, resettlement and related services and
18 facilities: *Provided*, That the acquisition is with consent of the City Council
19 through a resolution;

20
21 (h) Design, formulate, negotiate, and implement financial or investment
22 schemes;

23
24 (i) Enable private sector assistance and participation in the achievement
25 of the goals of the QCDA and in carrying out its operations;

26
27 (j) Render annual reports and special reports, as may be requested, in
28 relation to Section 18 of this Act; and,

29
30 (k) Enter into and execute memoranda of agreements, joint ventures,
31 long-term leases and management contracts with private sector entities, to
32 include real estate developers or construction companies with dependable
33 repute and proven track record in developing and managing real estate
34 ventures.

35
36 SEC. 11. *Duties and Responsibilities of the General Manager.* - The
37 General Manager, as the Chief Executive Officer of QCDA, shall have the
38 following duties and responsibilities:

39
40 (a) Execute, administer and implement the policies and measures
41 approved by the Board;

42
43 (b) Directly supervise the operation and internal affairs of the QCDA. The
44 General Manager may delegate certain administrative responsibilities to other
45 officers subject to the rules and regulations promulgated by the Board;

46
47 (c) Prepare the agenda for the meetings of the Board and submit for the
48 consideration of the Board the policies and measures necessary to carry out
49 the purposes of this Act;

50

1 (d) Recommend the number and salaries of, appoint the subordinate
2 officers and personnel of the QCDA, and remove or otherwise discipline for
3 cause any officer or employee: *Provided*, That the QCDA shall be covered by
4 Republic Act No. 6758, as amended by Joint Resolution Nos. 1, series of 1994,
5 and 4, series of 2009, the Compensation and Position Classification System for
6 GOCCs under Republic Act No. 10149, as approved by the President of the
7 Philippines: *Provided, further*, That prior approval from the GCG shall be
8 obtained therefor;

9
10 (e) Represent the QCDA in all dealings with other offices, agencies, and
11 instrumentalities of the government and with all persons and entities public or
12 private, domestic or foreign; and,

13
14 (f) Exercise such other powers and perform such other duties as may be
15 vested by the Board;

16
17 SEC. 12. *Organizational Structure of the QCDA.* - The General Manager
18 shall prepare the organizational structure of QCDA that would best carry out
19 its powers and functions, and attain the objectives of this Act and shall present
20 the same to the Board for its approval.

21
22 Subject to approval of the Board, the General Manager shall likewise
23 determine the rates of allowances, honoraria and other additional
24 compensation, which the QCDA is hereby authorized to grant its officers,
25 technical staff, consultants and personnel detailed to it.

26
27 In all cases, the QCDA shall be covered by Republic Act No. 6758, as
28 amended by the Joint Resolution Nos. 1, series of 1994, and 4, series of 2009,
29 the Compensation and Position Classification System for GOCCs under
30 Republic Act No. 10149, as approved by the President of the Philippines:
31 *Provided*, That prior approval from the GCG shall be obtained therefor.

32
33 SEC. 13. *Inventory of Lands.* - Within three (3) months from the effectivity
34 of this Act, an inventory of all kinds of lands and improvements thereon within
35 the territorial jurisdiction of Quezon City shall be conducted by three (3)
36 reputable independent appraisers as chosen by the Board. The inventory shall
37 include the following:

38
39 (a) Lands owned by the national government in Quezon City;

40
41 (b) Lands owned by the Quezon City government;

42
43 (c) Unregistered or abandoned and idle lands; and,

44
45 (d) Other lands which may be of use to the Quezon City Government in
46 pursuit of the objectives of this Act.

47
48 In conducting the inventory, the independent appraisers shall indicate
49 the type of land use, the degree of land utilization and other data or information
50 necessary to carry out the purposes of this Act. They shall submit their report

1 on the appraisal and inventory of lands to the Board, the Quezon City Mayor
2 and the Quezon City Council.

3
4 SEC. 14. *Identification of Sites for Socialized Housing.*— After the inventory,
5 the QCDA, in coordination with the Quezon City Council, shall identify lands
6 for socialized housing and resettlement areas suited for the immediate and
7 future needs of marginal and low-income families in Quezon City, taking into
8 consideration the degree of availability of basic services and facilities, their
9 accessibility and proximity to job sites and other economic opportunities, and
10 the actual number of registered beneficiaries.

11
12 Lands for socialized housing shall be acquired in the following order:

13
14 (a) Those owned by the Quezon City government;

15
16 (b) Alienable lands of the public domain;

17
18 (c) Unregistered or abandoned and idle lands;

19
20 (d) Those within the declared areas for priority development Zonal
21 Improvement Program sites, and Slum Improvement and Resettlement Program
22 sites which have not yet been acquired;

23
24 (e) Donated privately owned lands; and,

25
26 (f) Private lands offered for sale by the owners.

27
28 Where on-site development is found by the Board to be more practicable
29 and advantageous to the beneficiaries, the priorities mentioned in this section
30 shall not apply. The QCDA shall give budgetary priority to on-site development
31 of government lands.

32
33 SEC. 15. *Completed Projects: Management and Disposition.* - The QCDA
34 shall determine, establish and maintain the most feasible and effective program
35 for the management or disposition of specific urban renewal, housing or
36 resettlement projects undertaken by it. Unless otherwise decided by the Board,
37 completed housing or resettlement projects of the Quezon City government
38 shall be managed and administered by the QCDA: *Provided*, That the
39 communities and residents have been fully consulted on such arrangements.

40
41 SEC. 16. *Eligibility Criteria for Socialized Housing Program Beneficiaries.*—
42 To qualify for the socialized housing program, a beneficiary:

43
44 (a) Must be a Filipino citizen;

45
46 (b) Must belong to the marginal and low-income families in Quezon City;

47
48 (c) Must not own any real property in the urban area; and,
49

1 (d) Must not be a professional squatter or a member of squatting
2 syndicates.

3
4 Beneficiaries may also include employees of government entities with
5 offices situated in Quezon City whose salaries are not higher than salary grade
6 18 or its equivalent as certified by their offices' respective personnel
7 department: *Provided*, That they are not yet beneficiaries of any housing
8 program or own housing facilities.

9
10 In coordination with the Quezon City Council, the QCDA shall design a
11 system for the identification and registration of qualified program beneficiaries
12 in accordance with the objectives of this Act.

13
14 SEC. 17. *Issuance of Bonds and Power to Borrow.* – The QCDA may be
15 authorized to issue bonds and other securities and enter into any form of
16 indebtedness to finance the implementation of its urban renewal and housing
17 program: *Provided*, That only so much of such bonds and securities as the
18 annual project implementation would require shall be issued and sold:
19 *Provided, further*, That no bonds and securities shall be issued unless eighty
20 percent (80%) of those already issued have been sold: *Provided, finally*, the total
21 amount of the bonds or securities and long-term debts issued shall in no case
22 exceed twenty (20) times the paid-up capital and surplus of the QCDA.

23
24 The QCDA, in consultation with the Secretary of Finance and the
25 Monetary Board, shall prescribe the form, the rate of interest and
26 denomination, maturities, negotiabilities, call or redemption features and all
27 other terms and conditions for the bonds and securities to be issued.

28
29 The bonds and securities issued under this Act, including the income
30 thereof shall be exempted from all kinds of local taxes and from attachment,
31 execution and seizure which facts shall be stated on the face thereof.

32
33 SEC. 18. *Reports.*– The QCDA shall submit an annual report to the Office
34 of the President of the Republic of the Philippines, both Houses of Congress,
35 the Representatives of Quezon City, the Quezon City Mayor and to the Quezon
36 City Council indicating, among others, the urban renewal and housing
37 program being implemented, the stages of implementation and the financial
38 position of the QCDA. It shall likewise submit such periodic and other reports
39 as may be required by the GCG, the Quezon City Mayor and the Quezon City
40 Council.

41
42 The Quezon City Council shall undertake the internal and external
43 monitoring of the housing and urban development of the QCDA to ensure
44 complete and objective information about the progress of resettlement and
45 shall also:

46
47 (a) Assess whether resettlement objectives have been met and specifically
48 whether livelihoods and living standards have been restored or enhanced;
49

1 (b) Assess resettlement efficiency, effectiveness, impact and
2 sustainability; and,
3

4 (c) Ascertain whether the resettlement entitlements were appropriate in
5 meeting the resettlement objectives and whether the resettlement objectives
6 were suited to the conditions.
7

8 SEC. 19. *Dissolution.* – In the event the QCDA is dissolved for any reason,
9 all of its properties and other assets remaining at the time of such dissolution
10 shall revert to the Quezon City government.
11

12 SEC. 20. *Applicability of the Corporation Code.*– The provisions of the
13 Corporation Code, insofar as these are not inconsistent with the provisions and
14 policies provided in this Act, shall be applicable and suppletory.
15

16 SEC. 21. *Transitory Provision.* – The Quezon City Housing and Urban
17 Renewal Authority (QC-HURA), created by the Quezon City Ordinance No. SP-
18 1236 (series of 2003) shall be dissolved upon the effectivity of this Act. All
19 assets, liabilities, and projects of the QC-HURA shall automatically be
20 transferred to the QCDA, which will have the discretion to absorb the existing
21 manpower complement of the QC-HURA.
22

23 SEC. 22. *Separability Clause.*– Should any section or provision of this Act
24 be declared by the courts to be unconstitutional, the validity of this Act or any
25 part hereof other than the part so declared to be unconstitutional or invalid
26 shall not be affected. Any portion hereof not affected by such declaration shall
27 remain in full force and effect.
28

29 SEC. 23. *Repealing Clause.* – All laws, ordinances, executive orders,
30 administrative orders, rules, regulations, decrees and other issuances or parts
31 thereof which are inconsistent with the provisions of this Act are hereby
32 revoked, repealed or modified accordingly.
33

34 SEC. 24. *Effectivity.* - This Act shall take effect fifteen (15) days after its
35 publication in the *Official Gazette* or in a newspaper of general circulation in the
36 Philippines.
37

38 Approved,
39