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SENATE

S. B. No. 936

RECEIVED BY: 

INTRODUCED BY SENATOR ANA THERESIA "RISA" HONTIVEROS BARAQUEL

AN ACT ESTABLISHING AN ON-SITE, IN-CITY OR NEAR-CITY RESETTLEMENT PROGRAM FOR INFORMAL SETTLER FAMILIES AND, IN CONNECTION THEREWITH, MANDATING THAT LOCAL GOVERNMENT UNITS PROVIDE LIVELIHOOD ASSISTANCE AND OTHER BASIC SERVICES, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 7279, AS AMENDED, OTHERWISE KNOWN AS THE "URBAN DEVELOPMENT AND HOUSING ACT OF 1992"

EXPLANATORY NOTE

Article XIII (Social Justice and Human Rights) of the 1987 Philippine Constitution provides that:

"Section 9. 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 resettlement areas. It shall also promote adequate employments of such programs that the State shall respect the rights of small property owners."

"Section 10. Urban and rural poor dwellers shall not be evicted nor their dwellings demolished, except in accordance with law and in a just and humane manner.

No resettlement of urban or rural dwellers shall be undertaken without adequate consultation with them and the communities where they are to be located."

In response to this directive, Congress passed Republic Act No. 7279, otherwise known as the "Urban Development and Housing Act of 1992," and, on March 24, 1992, it was signed into law by President Corazon C. Aquino. The law prescribes the coverage of socialized housing, mandates the formulation of a national urban development and housing framework, requires local governments to conduct an inventory of all lands within their respective territorial jurisdictions, and provides the overall framework for a continuing and comprehensive urban development and housing program in the country.

However, more than two (2) decades after the passage of the Urban Development and Housing Act, the nation seems to have scarcely progressed towards achieving the goal therein of decent and affordable housing for the homeless and under-privileged. Figures from the Housing and Urban Development Coordinating Council (HUDCC) reveal a national backlog of 3,756,072 housing units as of 2011, which translates into more than 3.7 million Filipino families without homes or secure dwellings; a backlog that continues to rise considering the rapidly increasing population and the influx of migrants towards urban centers.

Thus, there is an urgent need to arrest this trend and strengthen the country's housing program by, among others, adopting On-Site, In-City, or Near-City Resettlement on the basis of People's Plans or Proposals submitted by affected Informal Settler Families as a primary and preferred policy of the State. Furthermore, this proposed bill also addresses concerns of Informal Settler Families *vis-a-*

its employment, access to markets for micro-enterprises, and basic services.

The immediate passage of this measure is earnestly sought.

Ana THERESA HONTIVEROS-BARAQUEL
ANA THERESA "RISA" HONTIVEROS-BARAQUEL

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

1 SECTION 1. *Short Title.* – This Act shall be known as the "On-site, In-City or Near-City
2 Resettlement Act."

3
4 SECTION 2. *Amendatory Provisions.* – For purposes of this Act, the following provisions of Republic
5 Act No. 7279, otherwise known as the "Urban Development and Housing Act of 1992", are hereby
6 amended as follows:

7
8 (a) Section 3 of Republic Act No. 7279 is hereby amended to read as follows:

9
10 "SEC. 3. Definition of Terms. – For purposes of this Act:

11
12 "x x x

13
14 "(w) x x x; [and]

15
16 " 'Zonal Improvement Program or ZIP' refers to the program of the National
17 Housing Authority of upgrading and improving blighted squatters areas within the cities
18 and municipalities of Metro Manila pursuant to existing statutes and pertinent executive
19 issuances[.] ;

20
21 "(Y) 'ADEQUATE AND GENUINE CONSULTATION' REFERS TO
22 THE STANDARD OF CONSULTATION WITH THE AFFECTED
23 INFORMAL SETTLER FAMILIES (ISFs) WHICH SHALL REQUIRE THE
24 FOLLOWING:

25
26 "(1) EFFECTIVE DISSEMINATION OF RELEVANT INFORMATION
27 AND DOCUMENTS INCLUDING LAND RECORDS, HOUSING
28 BUDGETS, THE PROPOSED PLAN OR PROJECT, ALTERNATIVE
29 HOUSING OPTIONS, AND COMPREHENSIVE RESETTLEMENT PLANS;

30
31 "(2) REASONABLE TIME FOR THE PUBLIC TO REVIEW, COMMENT
32 AND OBJECT TO THE PROPOSED PROJECT;

33
34 "(3) PROVISION BY THE GOVERNMENT OR NONGOVERNMENT
35 ORGANIZATIONS OF LEGAL, TECHNICAL, AND OTHER ADVICE TO
36 AFFECTED PERSONS ON THEIR RIGHTS AND OPTIONS;

1
2 “(4) PUBLIC HEARINGS THAT PROVIDE AFFECTED ISFs AND
3 THEIR ADVOCATES WITH OPPORTUNITIES TO CHALLENGE THE
4 EVICTION DECISION OR PRESENT ALTERNATIVE PROPOSALS AND
5 TO ARTICULATE THEIR DEMANDS AND DEVELOPMENT
6 PRIORITIES; AND
7

8 “(5) IN CASE NO AGREEMENT IS REACHED ON THE PROPOSALS
9 OF THE CONCERNED PARTIES, AN INDEPENDENT BODY HAVING
10 CONSTITUTIONAL AUTHORITY, SUCH AS A COURT OF LAW, SHOULD
11 MEDIATE, ARBITRATE OR ADJUDICATE AS MAY BE APPROPRIATE;
12

13 “(Z) ‘CIVIL SOCIETY ORGANIZATIONS OR CSOS’ REFER TO
14 NONGOVERNMENTAL ORGANIZATIONS (NGOs), PEOPLE’S
15 ORGANIZATIONS (POs), COOPERATIVES, TRADE UNIONS,
16 PROFESSIONAL ASSOCIATIONS, FAITH-BASED ORGANIZATIONS,
17 MEDIA GROUPS, INDIGENOUS PEOPLES MOVEMENTS,
18 FOUNDATIONS AND OTHER CITIZEN’S GROUPS FORMED
19 PRIMARILY FOR SOCIAL AND ECONOMIC DEVELOPMENT TO PLAN
20 AND MONITOR GOVERNMENT PROGRAMS AND PROJECTS, ENGAGE
21 IN POLICY DISCUSSIONS, AND ACTIVELY PARTICIPATE IN
22 COLLABORATIVE ACTIVITIES WITH THE GOVERNMENT;
23

24 “(AA) ‘IN-CITY RESETTLEMENT’ REFERS TO A RELOCATION SITE
25 WITHIN THE JURISDICTION OF A CITY WHERE THE AFFECTED ISFs
26 ARE LIVING;
27

28 “(BB) ‘INFORMAL SETTLEMENTS’ REFERS TO:

29 “(1) RESIDENTIAL AREAS WHERE HOUSING UNITS HAVE BEEN
30 CONSTRUCTED BY SETTLERS ON LAND WHICH THEY OCCUPY
31 ILLEGALLY; OR
32

33 “(2) UNPLANNED SETTLEMENTS AND AREAS WHERE HOUSING IS
34 NOT IN COMPLIANCE WITH EXISTING PLANNING AND BUILDING
35 REGULATIONS;
36

37 “(CC) ‘INFORMAL SETTLER FAMILIES’ COLLECTIVELY REFERRED
38 TO AS ISFs, REFERS TO FAMILIES LIVING IN INFORMAL
39 SETTLEMENTS AS THE LATTER IS DEFINED IN THIS ACT;
40

41 “(DD) ‘NEAR-CITY SETTLEMENT’ REFERS TO A RELOCATION
42 SITE IN THE CITY OTHER THAN THE CITY OF THE AFFECTED
43 INFORMAL SETTLEMENTS: PROVIDED, HOWEVER, THAT THE
44 RELOCATION SITE IS ADJACENT TO THE CITY WHERE THE
45 AFFECTED ISFs HAVE THEIR SETTLEMENTS;
46

47 “(EE) ‘NONGOVERNMENT ORGANIZATION OR NGO’ REFERS TO
48 A DULY REGISTERED NONSTOCK, NONPROFIT ORGANIZATION
49 FOCUSING ON THE UPLIFTMENT OF THE BASIC OR
50 DISADVANTAGED SECTORS OF SOCIETY BY PROVIDING ADVOCACY,
51 TRAINING, COMMUNITY ORGANIZING, RESEARCH, ACCESS TO
52 RESOURCES, AND OTHER SIMILAR ACTIVITIES, AS DEFINED UNDER
53 REPUBLIC ACT NO. 8425, OTHERWISE KNOWN AS THE ‘SOCIAL
54 REFORM AND POVERTY ALLEVIATION ACT’ AND ORGANIZED AND
55 OPERATED EXCLUSIVELY FOR SCIENTIFIC, RESEARCH,
56 EDUCATIONAL, CHARACTER-BUILDING AND YOUTH AND SPORTS
57 DEVELOPMENT, HEALTH, SOCIAL WELFARE, CULTURAL AND
58 CHARITABLE PURPOSES, OR A COMBINATION THEREOF, AND NO

1 PART OF THE NET INCOME OF WHICH INURES TO THE BENEFIT OF
2 ANY PRIVATE INDIVIDUAL PURSUANT TO SECTION 34 (H)(2)(c)(1) OF
3 REPUBLIC ACT NO. 8424, AS AMENDED, OTHERWISE KNOWN AS THE
4 'TAX REFORM ACT OF 1997';

5
6 "(FF) 'OFF-CITY RESETTLEMENT' REFERS TO A RELOCATION
7 SITE DEVELOPED OUTSIDE AND NOT ADJACENT TO THE CITY
8 WHERE THE AFFECTED ISFs HAVE THEIR SETTLEMENTS;

9
10 "(GG) 'PEOPLE'S PLAN' REFERS TO THE PLAN FORMULATED BY
11 THE BENEFICIARY-ASSOCIATION, IN COORDINATION WITH THE
12 PRESIDENTIAL COMMISSION ON THE URBAN POOR WITH OR
13 WITHOUT THE SUPPORT OF CSOs, WHICH SHALL CONTAIN THE
14 SITE DEVELOPMENT PLAN, INCLUDING NONPHYSICAL
15 DEVELOPMENT COMPONENTS SUCH AS SELF-HELP HOUSING
16 COOPERATIVE, LIVELIHOOD, SELF-HELP DEVELOPMENT, AND
17 CAPABILITY BUILDING; AND

18
19 "(HH) 'SOCIAL PREPARATION' REFERS TO THE PROCESS OF
20 ESTABLISHING SOCIAL, ORGANIZATION, AND INSTITUTIONAL
21 NORMS AND MECHANISMS. SUCH NORMS AND MECHANISMS WILL:
22 (1) ENABLE THE SETTLERS TO COPE WITH CHANGES; AND (2) IN
23 PARTNERSHIP WITH CONCERNED INSTITUTIONS AND
24 STAKEHOLDERS, ENCOURAGE THE SETTLERS NOT ONLY TO WORK
25 AMONG THEMSELVES FOR THE PURPOSE OF DRAWING UP AND
26 UNDERTAKING THEIR HOUSING RESETTLEMENT PROPOSALS BUT
27 ALSO TO ACTIVELY AND MEANINGFULLY PARTICIPATE IN
28 HOUSING RESETTLEMENT PROJECTS UNDERTAKEN IN THEIR
29 BEHALF, THUS RESOLVING COLLECTIVE ACTION PROBLEMS
30 AMONG COMMUNITY MEMBERS AND COORDINATION PROBLEMS
31 WITH GOVERNMENT AND OTHER ENTITIES.";

32
33 (b) Section 23 of the same Act is hereby amended to read as follows:

34
35 "SEC. 23. Participation of PROGRAM Beneficiaries OR AFFECTED ISFs,
36 FORMATION OF BENEFICIARY ASSOCIATION, AND FORMULATION
37 AND IMPLEMENTATION OF A PEOPLE'S PLAN. - The local government
38 units, in coordination with the Presidential Commission for the Urban Poor and
39 concerned government agencies, shall afford Program beneficiaries OR AFFECTED
40 ISFs or their duly designated representatives an opportunity to be heard and to
41 participate in the decision-making process over matters involving the protection and
42 promotion of their legitimate collective interests which shall include appropriate
43 documentation and feedback mechanisms. They shall also be encouraged to organize
44 themselves [and undertake self-help cooperative housing and livelihood activities]
45 INTO AN ASSOCIATION FOR ACCREDITATION AS BENEFICIARIES OR
46 AWARDEES OF OWNERSHIP RIGHTS UNDER THE RESETTLEMENT
47 PROGRAM, COMMUNITY MORTGAGE PROGRAM, LAND TENURE
48 ASSISTANCE PROGRAM, AND OTHER SIMILAR PROGRAMS IN
49 RELATION TO A SOCIALIZED HOUSING PROJECT ACTUALLY BEING
50 IMPLEMENTED BY THE NATIONAL GOVERNMENT OR BY THE
51 LOCAL GOVERNMENT UNITS. They shall assist the government in preventing
52 the incursions of professional squatters and members of squatting syndicates into their
53 communities.

54
55 "In instances when the affected beneficiaries have failed to organize themselves or
56 form an [alliance] ASSOCIATION within a reasonable period prior to the
57 implementation* of the program or projects affecting them, consultation between the
58 implementing agency and the affected beneficiaries shall be conducted with the

1 assistance of the Presidential Commission for the Urban Poor and the concerned
2 nongovernment organization UNTIL AN ASSOCIATION IS FORMED IN
3 PLACE.

4
5 "THE ASSOCIATION, IN COORDINATION WITH THE
6 PRESIDENTIAL COMMISSION FOR THE URBAN POOR WITH OR
7 WITHOUT THE SUPPORT OF CSOs, SHALL FORMULATE A 'PEOPLE'S
8 PLAN' THROUGH A PROCESS OF CONSULTATION WHICH SHALL
9 CONTAIN A SITE DEVELOPMENT PLAN, INCLUDING NONPHYSICAL
10 DEVELOPMENT COMPONENTS SUCH AS SELF-HELP HOUSING
11 COOPERATIVE, LIVELIHOOD, SELF-HELP DEVELOPMENT, AND
12 CAPABILITY-BUILDING TRAININGS.

13
14 "THE ASSOCIATION, WITH THE ASSISTANCE OF CSOs AND
15 GOVERNMENT AGENCIES INCLUDING THE NATIONAL ANTI-
16 POVERTY COMMISSION (NAPC), PRESIDENTIAL COMMISSION FOR
17 THE URBAN POOR, NATIONAL HOUSING AUTHORITY, CITY OR
18 MUNICIPAL SOCIAL WELFARE AND DEVELOPMENT OFFICE, SOCIAL
19 HOUSING FINANCE CORPORATION, LOCAL GOVERNMENT UNITS,
20 AND OTHER RELEVANT AGENCIES OF GOVERNMENT, SHALL
21 AGREE ON, DEVELOP, AND IMPLEMENT THE PEOPLE'S PLAN.

22
23 "IN ACCORDANCE WITH THE PROTECTION GUIDELINES
24 PROVIDED UNDER SECTION 28 OF THIS ACT, A RELOCATION
25 ACTION PLAN SHALL BE AN INDISPENSIBLE COMPONENT OF THE
26 PEOPLE'S PLAN. THE RELOCATION ACTION PLAN SHALL INCLUDE
27 THE FOLLOWING OBJECTIVES:

28
29 "(A) ENSURE SAFE, AFFORDABLE, DECENT, AND HUMANE
30 CONDITION OF RELOCATION, INCORPORATING THEREIN
31 APPROPRIATE DISASTER RISK REDUCTION MANAGEMENT AND
32 CLIMATE CHANGE ADAPTATION STANDARDS;

33
34 "(B) PROVIDE ADEQUATE SOCIAL PREPARATION; AND

35
36 "(C) PREVENT FORCED EVICTION:

37
38 PROVIDED, THAT PRIMARY CONSIDERATION SHALL BE GIVEN TO
39 THE HOUSING FINANCIAL SCHEME SUGGESTED IN THE PEOPLE'S
40 PLAN.";

41
42 (c) Section 26 of the same Act is hereby amended to read as follows:

43
44 "SEC. 26. Urban Renewal and Resettlement. – [This] URBAN RENEWAL AND
45 RESETTLEMENT shall include the rehabilitation and development of blighted and
46 slum areas and the resettlement of Program beneficiaries in accordance with the
47 provisions of this Act. On-site development shall be implemented [whenever possible]
48 AFTER ADEQUATE AND GENUINE CONSULTATION WITH THE
49 AFFECTED ISFs, AND IN ACCORDANCE WITH THE PEOPLE'S PLAN
50 FORMULATED PURSUANT TO SECTION 23 OF THIS ACT, in order to
51 ensure minimum movement of occupants of blighted lands and slum areas.

52
53 "[The] WHERE DEMOLITION OR EVICTION IS ALLOWED IN THE
54 AREA OCCUPIED BY THE PROGRAM BENEFICIARIES PURSUANT TO
55 SECTION 28 OF THIS ACT, AND ON-SITE RESETTLEMENT CANNOT
56 BE UNDERTAKEN BY REASON THEREOF, THE IN-CITY resettlement of
57 the beneficiaries of the Program from their existing places of occupancy shall be
58 undertaken only [when on-site development is not feasible and] after compliance with

1 the procedures laid down in [Section 28 of this Act] THE SAME SECTION OF
2 THIS ACT AND IN ACCORDANCE WITH THE PREFERENCE OF THE
3 AFFECTED ISFs AS CONTAINED IN THE PEOPLE'S PLAN.
4

5 "SHOULD IN-CITY RESETTLEMENT NOT BE FEASIBLE, NEAR-
6 CITY RESETTLEMENT SHALL BE CONSIDERED. OFF-CITY
7 RESETTLEMENT SHALL ONLY BE RESORTED TO WHEN DIRECTLY
8 REQUESTED BY THE AFFECTED ISFs THEMSELVES, AND MUST
9 SATISFY THE REQUIREMENTS OF ADEQUATE AND GENUINE
10 CONSULTATION PRIOR TO RELOCATION."; and
11

12 (d) Section 29 of the same Act is hereby amended to read as follows:
13

14 "SEC. 29. Resettlement. - Within two (2) years from the effectivity of this Act, the
15 local government units, in coordination with the National Housing Authority, shall
16 implement the relocation and resettlement of persons living in danger areas such as esteros,
17 railroad tracks, garbage dumps, riverbanks, shorelines, waterways, and in public places such
18 as sidewalks, roads, parks and playgrounds. The local government unit, in coordination
19 with the National Housing Authority, shall provide relocation or resettlement sites with
20 basic services and facilities and access to employment and livelihood opportunities
21 sufficient to meet the basic needs of the affected families.
22

23 "IN INSTANCES WHEN THE RELOCATION OR RESETTLEMENT
24 SITE IS LOCATED IN ANOTHER LOCAL GOVERNMENT UNIT, THE
25 LOCAL GOVERNMENT UNIT THAT IMPLEMENTS THE RELOCATION
26 OR RESETTLEMENT AND THE CONCERNED NATIONAL
27 GOVERNMENT AGENCIES SHALL, THROUGH A MEMORANDUM OF
28 AGREEMENT, PROVIDE THE OTHER BASIC SERVICES AND FACILITIES
29 ENUMERATED UNDER SECTION 21 OF THIS ACT TO THE RECIPIENT
30 LOCAL GOVERNMENT UNIT WHERE THE RELOCATION OR
31 RESETTLEMENT SITE IS LOCATED.
32

33 "THE HOUSING AND URBAN DEVELOPMENT COORDINATING
34 COUNCIL AND THE DEPARTMENT OF FINANCE - BUREAU OF LOCAL
35 GOVERNMENT FINANCE SHALL FORMULATE THE IMPLEMENTING
36 RULES AND REGULATIONS ON THE COST-SHARING MECHANISM
37 NECESSARY TO FULLY IMPLEMENT THE PROVISION OF SUCH OTHER
38 BASIC SERVICES AND FACILITIES.
39

40 "IN ADDITION TO THE FUNDING SOURCES PROVIDED UNDER
41 SECTION 42 OF THIS ACT, THE ALLOCATION FOR THE BASIC SERVICES
42 AND FACILITIES MAY BE TAKEN BY THE LOCAL GOVERNMENT UNIT
43 IMPLEMENTING THE RELOCATION OR RESETTLEMENT FROM THE
44 TWENTY (20%) OF THE INTERNAL REVENUE ALLOTMENT
45 APPROPRIATED FOR DEVELOPMENT PROJECTS AS MANDATED
46 UNDER SECTION 287 OF REPUBLIC ACT NO. 7160, OTHERWISE KNOWN
47 AS THE 'LOCAL GOVERNMENT CODE OF 1991'.
48

49 **SECTION 3. *Implementing Rules and Regulations.*** - The principles, policies and provisions of this Act
50 shall be incorporated in the National Shelter Program.
51

52 The Housing and Urban Development Coordinating Council and the Department of
53 Interior and Local Government, in consultation and coordination with appropriate government
54 agencies, CSOs, NGOs, representatives from the private sector, and ISFs, shall promulgate a new
55 set of implementing rules and regulations within sixty (60) days from the effectivity of this Act. The
56 implementing rules and regulations shall be consistent with the provisions of this Act, particularly
57 with the amendments, parameters, and standards introduced to Sections 23, 26, and 29 of the
58 "Urban Development and Housing Act of 1992", and shall include the following:

1
2 (a) A People's Plan template to guide ISFs in the development of their own People's Plan:
3 Provided, That such template shall be a complete pro forma People's Plan: Provided, however, That
4 such a template shall be used to benchmark minimum standards in a People's Plan; and
5

6 (b) A guide to effective implementation of the People's Plan, including details on the necessity
7 of the issuance of internal memoranda by concerned agencies.
8

9 The implementing rules and regulations issued pursuant to this Section shall take effect thirty
10 (30) days after its publication in two (2) national newspapers of general circulation.

11 SEC. 4. Repealing Clause. - All laws, decrees, executive orders, proclamations, rules and
12 regulations, and other issuances, or parts thereof which are inconsistent with the provisions of this
13 Act are hereby repealed, amended or modified accordingly.
14

15 **SECTION 5. *Separability Clause.*** - If, for any reason, any part, section or provision of this Act is
16 held invalid or unconstitutional, the remaining provisions not affected thereby shall continue to be
17 in full force and effect.
18

19 **SECTION 6. *Effectivity.*** - This Act shall take effect fifteen (15) days after its publication in the
20 Official Gazette or in a newspaper of general circulation.
21

22 Approved,