

**SEVENTEENTH CONGRESS OF THE REPUBLIC
OF THE PHILIPPINES**
First Regular Session

Senate
Office of the Secretary

2016 15 15 13

SENATE
S.B. No. **1023**

by: *[Signature]*

Introduced by Senator Poe

AN ACT
**INSTITUTING A NATIONAL COMPREHENSIVE FRAMEWORK ON RESILIENT
HOUSING AND HUMAN SETTLEMENTS, APPROPRIATING FUNDS THEREFOR
AND FOR OTHER PURPOSES**

Explanatory Note

The right to adequate housing is an essential human right. Article 1, Paragraph 1 of the International Covenant on Economic, Social and Cultural Rights includes housing in the components of the right to an adequate standard of living:

“The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and *housing*, and to the continuous improvement of living conditions.”

The constant barrage of typhoons which enter the Philippines annually is a major challenge to the right to adequate housing. Eight to nine typhoons strike the country every year, costing billions in terms of destroyed property and foregone productivity. In 2013, Typhoon Haiyan (locally known as “Yolanda”) cost approximately \$15 billion.

The case of Yolanda is instructive, as it shows the government’s inability to guarantee the right to adequate housing immediately after a typhoon. In an inquiry in aid of legislation on the matter, the Senate Committee on Public Works in the 16th Congress found that

bunkhouses constructed by the Department of Public Works and Highways were substandard.¹ Furthermore, the Committee stated that “the bunkhouses (were) not in compliance with the international standards in building transitional houses.”

This bill provides a simple remedy. The proposed measure mandates the State to undertake, in cooperation with the private sector, a comprehensive and continuing Resilient Housing and Human Settlements Program, which shall lay out a clear and concrete plan to ensure that Filipinos who will experience disasters will be quickly rehabilitated in safe, secure, and sustainable housing, with attendant basic services and access to livelihood. This bill is part of the legislative agenda of the Philippine Legislator’s Committee on Population and Development Foundation.

Speedy approval of this measure is eagerly sought.



GRACE POE

¹ Senate of the Philippines (16th Congress). Committee Report No. 30. On Senate Resolutions No. 436 and 439. Retrieved from <https://www.senate.gov.ph/lisdata/1916916292!.pdf>

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

3
4 **SECTION 1. *Short Title.*** — This Act shall be known as the “Resilient Housing and
5 Human Settlements Act of 2016.”
6

7 **SECTION 2. *Declaration of Principles and State Policies.*** — Pursuant to Article 2,
8 Sections 5 and 11 of the Philippine Constitution which states that the maintenance of peace
9 and order, the protection of life, liberty, and property, and the promotion of the general
10 welfare are essential for the enjoyment by all the people of the blessings of democracy; the
11 State values the dignity of every human person and guarantees full respect for human rights.
12

13 To protect, promote, and fulfill the right to adequate housing as a component of the
14 people’s right to an adequate standard of living—concomitant with the goal of enhancing the
15 resiliency of communities to disasters—the State shall undertake, in cooperation with the
16 private sector, a comprehensive and continuing Resilient Housing and Human Settlements
17 Program, which shall, among other things, lay out a clear and concrete plan to ensure that
18 Filipinos who will experience disasters will be quickly rehabilitated in safe, secure, and

1 sustainable housing, with attendant basic services and access to livelihood.

2
3 As a state party to United Nations International Covenant on the Economic, Social and
4 Cultural Rights (ICESCR) and the UN Sustainable Development Goals, we will pursue
5 Sustainable Development Goal 11 (Make cities inclusive, safe, resilient and sustainable) and
6 the Rights-Based Approach.

7
8 Pursuant to Article 13, Section 16 of the Philippine Constitution, the right of the people
9 and their organizations to effective and reasonable participation at all levels of social,
10 political, and economic decision-making shall not be abridged. The State shall, by law,
11 facilitate the establishment of adequate consultation mechanisms.

12
13 It is the policy of the State to complement and supplement the provisions of the
14 Philippine Disaster Risk Reduction and Management Act of 2010 (Republic Act No. 10121),
15 and in consonance with the Climate Change Act of 2009 (as amended by Republic Act No.
16 10174) and other existing laws related to climate change adaptation and DRRM in relation to
17 upholding the people's constitutional rights to life and property by addressing the root causes
18 of vulnerabilities to disasters and building the resilience of local communities to climate
19 change impacts; and in terms of mainstreaming climate change adaptation in development
20 processes such as policy formulation, budgeting, and governance particularly with respect to
21 housing and land use, it is hereby declared the policy of the State to work for the attainment of
22 a more inclusive, safe, resilient, and sustainable human settlements.

23
24 Towards this end, the government shall pursue a comprehensive, rights-based, gender-
25 responsive, participatory and sustainable approach to resilient human settlements.

26
27 This Act declares the following as guiding principles:

- 28
29 a) The Right to Adequate Housing according to the ICESCR covers the following
30 elements: accessibility; affordability; habitability; security of tenure; cultural
31 adequacy; resiliency; suitability of location; access to essential services such as health
32 and education; and respect for safety standards aimed at reducing damage in cases of
33 future disasters.

- 1
- 2 b) The State bears the primary responsibility for protecting the people, infrastructure, and
- 3 other national assets from the impact of disasters and will mobilize adequate and make
- 4 efficient use of existing resources, including financial, scientific, and technological
- 5 means in nurturing resiliency.
- 6
- 7 c) The building/achievement/fulfillment of resilient human settlements require that
- 8 responsibilities be shared by the national and local government units and relevant
- 9 national authorities, sectors, stakeholders and communities. This entails the
- 10 development and strengthening of institutions, mechanisms and capacities at all levels,
- 11 in particular at the community level that can systematically contribute to building
- 12 resiliency. Convergence of resources and involvement of various stakeholders are
- 13 essential to the supply of housing and infrastructure in the overall context of
- 14 sustainable development and resilient human settlements.
- 15
- 16 d) Ensure accountability and transparency of all sectors to monitor and evaluate
- 17 programs and initiatives
- 18
- 19 e) Uphold gender equity and equality, cultural diversity and the rights of vulnerable
- 20 groups such as children, elderly and, people with disabilities when planning for
- 21 resilient and sustainable settlements development.
- 22

23 **SECTION 3. *General Objectives.*** – This Act seeks to:

24

- 25 a) Provide a framework for resilient housing and human settlements;
- 26
- 27 b) Guide various stakeholders to take well-planned, concerted, transparent, inclusive,
- 28 livable, safe, resilient, sustainable, and pro-poor housing initiatives in the best possible
- 29 manner;
- 30
- 31 c) Strengthen the participation of all sectors especially communities and civil society in
- 32 the planning of resilient housing and human settlements;
- 33

- 1 d) Build synergy, convergence and integration of housing-related and livelihood
2 intervention for the attainment of resilient and sustainable human settlements;
3
4 e) Foster policy and program coherence related to poverty alleviation, income generation
5 and employment, and delivery channels to achieve the overall objective of housing for
6 all and the attainment of resilient and sustainable development of human settlements;
7
8 f) Support innovation and research and development into new, indigenous, low-cost
9 resilient and sustainable human settlements;
10

11 **SECTION 4. *Definition of Terms.*** – As used in this Act, the following terms shall mean:
12

- 13 a) “*Adequate housing*” – defined as that which affords its occupants the following
14 conditions:
15
16 1. legal security of tenure, including protection against forced evictions;
17
18 2. available services and infrastructure (access to water; energy for cooking, heating,
19 and lighting; sanitation and washing facilities; food storage; and waste disposal
20 (solid, septage and sewerage); communication and information; sufficient road
21 networks especially for emergencies and so on);
22
23 3. affordable housing costs and financing options such that the attainment of other
24 basic needs is not threatened;
25
26 4. habitability in the sense of adequate spaces, security, physical safety, and
27 protection from cold, damp, heat, rain, wind, structural hazards, and disease
28 vectors;
29
30 5. sufficient accessibility that disadvantaged or vulnerable groups such as persons
31 with disabilities, elderly, children and women are not left without shelter
32 appropriate to their particular needs;
33

- 1 6. a physical location allowing proximate access to employment and livelihood
2 options, health care services, schools, child-care centers, and other social facilities
3 and avoiding risks from pollution sources;
4
- 5 7. available, resilient, environmentally-friendly and appropriate construction
6 materials, settlements design and process with respect to the expression of cultural
7 and religious identity and geographical location;
8
- 9 8. compliance with safety and resilience standards aimed at minimizing damage from
10 future disasters.
11
- 12 b) "*Adequate open spaces*"- which includes roads, green spaces, areas for persons with
13 disabilities, elderly, children and materials recovery facilities.
14
- 15 c) *Climate-resilient housing* – Refers to housing that is equipped and structurally-
16 designed to resist, absorb and accommodate the effects of climate hazards like heat
17 waves, extreme weather variabilities without significant changes to its basic functions.
18
- 19 d) "*Comprehensive Resilient Housing Program for Disaster Survivors*" – Refers to the
20 delivery of resources and activities in the rehabilitation and reconstruction of damaged
21 and destroyed housing and development of other new permanent housing options for
22 persons and families affected by disasters. It shall follow humanitarian standards for
23 their protection and their rights to adequate housing through the provision of safe,
24 habitable emergency and transitional shelter during displacement and permanent
25 housing that meets the basic standards of adequacy and decency. Providing for a
26 comprehensive, multi-sectoral, inter-agency, and community-based approach to post-
27 disaster housing rehabilitation, reconstruction, and recovery.
28
- 29 e) "*Gender equity and equality*"- Refers to the principle asserting the equality of men
30 and women and their right to enjoy equal conditions realizing their full human
31 potentials to contribute to and benefit from the results of development, and with the
32 State recognizing that all human beings are free and equal in dignity and rights.
33 Gender equity refers to the policies, instruments, programs, services, and actions that

1 address the disadvantaged position of women in society by providing preferential
2 treatment and affirmative action. Such temporary special measures aimed at
3 accelerating de facto equality between men and women shall not be considered
4 discriminatory but shall in no way entail as a consequence the maintenance of unequal
5 or separate standards.

6
7 f) "*Land-Use Planning*" – the process undertaken by national and local government
8 authorities, communities, private sector, and civil society to identify, evaluate, and
9 decide on different options for the use of land, including consideration of long-term
10 economic, social and environmental objectives and the implications for different
11 communities and interest group, and the subsequent formulation and promulgation of
12 plans that describe the permitted or acceptable uses. *People's Plan* - a resettlement
13 option and community development plan formulated by POs, with or without the
14 support of NGOs, LGUs and NGAs

15
16 g) "*Post-Disaster Recovery*" – the restoration and improvement where appropriate, of
17 facilities, livelihood, and living condition of disaster-affected communities, including
18 efforts to reduce disaster risk factors and enhancing resiliency, in accordance with the
19 principles of "build back better," as defined in Republic Act No. 10121 or the
20 Philippine Disaster Risk Reduction and Management Act of 2010.

21
22 h) "*Resilience*" – the capacity of a system, community or society exposed to hazards to
23 resist, adapt, and transform to an acceptable level of functioning and structure. This is
24 determined by the degree to which the system is capable of organising itself to
25 increase this capacity by learning from experiences for better future protection and to
26 improve risk reduction measures.

27
28 **SECTION 5. *National Framework for Resilient Housing and Human Settlements.*–**

29 This is the National Framework for Resilient Human Settlements (hereinafter referred to as
30 the Framework) to be formulated by the Housing and Urban Development Coordinating
31 Council (HUDCC) within six (6) months from the effectivity of this Act in coordination and
32 in partnership with the following:

- a) The HUDCC and its attached agencies;
- b) National Economic and Development Authority (NEDA);
- c) Climate Change Commission (CCC) ;
- d) Office of Civil Defense (OCD);
- e) Government Service Insurance Service System (GSIS) ;
- f) Department of Social Welfare and Development (DSWD);
- g) Department of Science and Technology (DOST);
- h) Department of Environment and Natural Resources (DENR);
- i) Department of Public Works and Highways (DPWH);
- j) Department of Labor and Employment (DOLE);
- k) Department of Trade and Industry (DTI);
- l) Department of Budget and Management (DBM);
- m) Department of Interior and Local Government (DILG);
- n) Office of Presidential Adviser on Peace Process (OPAPP);
- o) National Commission on Indigenous Peoples (NCIP);
- p) National Anti-Poverty Commission (NAPC);
- q) Insurance Commission (IC);
- r) Union of Local Authorities of the Philippines (ULAP);
- s) Built environment and disaster-resilient housing design experts;
- t) Academe;
- u) Civil society;
- v) Communities and other concerned public and private entities.

The Framework shall serve as the basis for measures or mechanisms for post-disaster housing and resiliency planning, research and development, extension, monitoring and evaluation of programs, projects, and activities to protect vulnerable communities from the adverse effects of climate change and disasters.

The Framework shall describe how the State and all relevant stakeholders can work together to achieve adequate and resilient housing for all, including and most especially those affected by disasters; and chart the new direction that our national and local housing programs and efforts must take in order to make human settlements and communities more inclusive, safe, resilient, and sustainable.

1
2 The Framework shall include, but not limited to, the following components:
3

- 4 a) National Resilient Housing Agenda, which shall be derived from the threats,
5 hazards, and vulnerabilities identified; adaptation needs and requirements; risk and
6 resiliency assessment for the Philippine housing sector;
7
- 8 b) National and local resilient housing priorities; outline the most efficient and cost
9 effective housing projects that will best meet the short-term and long-term resilient
10 housing needs of individuals and households;
11
- 12 c) National Standards for Resilient Housing Design and Construction;
13
- 14 d) National Post-Disaster Housing Recovery Strategy, which shall focus on how best
15 to restore, rehabilitate, redevelop, and revitalize disaster-impacted communities;
16 restoring livelihoods; effectively preventing the recurrence of disasters and
17 harnessing conditions for future development;
18
- 19 e) Promotion of local government rehabilitation and recovery plans;
20
- 21 f) Rules and Guidelines for Post-Disaster Housing Rehabilitation, Reconstruction,
22 and Relocation;
23
- 24 g) Comprehensive Resilient Housing Program for Disaster Survivors;
25
- 26 h) Investment and financing requirements;
27
- 28 i) Institutional arrangements, including public-private partnership; national
29 government roles; local government support functions; and private sector
30 responsibilities;
31
- 32 j) Implementation arrangements;
33

1 k) Reporting, monitoring, and evaluation.

2
3 **SECTION 6. *Monitoring of Compliance with this Act.*** – HUDCC shall take the lead
4 to periodically monitor the compliance with this Act. Other agencies will participate in the
5 monitoring such as attached agencies of HUDCC; DILG; Office of Civil Defense; NEDA; and
6 CCC. There shall be a mechanism for civil society to participate in the monitoring process.
7

8 **SECTION 7. *Joint Congressional Oversight Committee.*** – There is hereby created a
9 Joint Congressional Oversight Committee to monitor the implementation of this Act. The
10 Oversight Committee shall be composed of five (5) Senators and five (5) Representatives to
11 be appointed by the Senate President and the Speaker of the House of Representatives,
12 respectively.
13

14 The Oversight Committee shall be co-chaired by a Senator and a Representative to be
15 designated by the Senate President and the speaker of the House of Representatives,
16 respectively. Its funding requirement shall be charged against the appropriations of Congress.
17

18 **SECTION 8. *Annual Report.*** – The HUDCC shall submit to the President, Senate
19 President and House Speaker not later than March 30 of every year following the effectivity
20 of this Act, or upon the request of the Congressional Oversight Committee, a report giving a
21 detailed account of the status of the implementation of this Act, a progress report on the
22 implementation of the National Resilient Housing and Human Settlements Action Plan, policy
23 gaps, and recommended legislation, where applicable and necessary. LGUs shall submit
24 annual progress on the implementation of their respective local action plan to HUDCC within
25 the first quarter of the following year.
26

27 **SECTION 9. *Appropriations.*** – The amount necessary for the initial implementation
28 of this Act shall be charged against the current appropriation of the HUDCC. Thereafter, the
29 amount needed for the continued implementation of this Act shall be included in the annual
30 General Appropriations Act.
31

32 **SECTION 10. *Implementing Rules and Regulations.*** – Within ninety (90) days from
33 the effectivity of this Act, the [key shelter agencies] shall, upon consultation and coordination

1 with the pertinent government agencies, LGUs, private sector, NGOs, POs, build environment
2 expert and professionals, promulgate the necessary rules and regulations for the effective
3 implementation of this Act: *Provided*, That failure to issue rules and regulations shall not in
4 any manner affect the executory nature of the provisions of this Act.

5
6 **SECTION 11. *Separability Clause*.** – If, for any reason, any provision or part of this
7 Act is declared invalid or unconstitutional, the remaining parts or provisions not affected
8 thereby shall remain in full force and effect.

9
10 **SECTION 12. *Repealing Clause*.** – All laws, executive orders, presidential decrees,
11 issuances, rules and regulations or parts thereof inconsistent with any provision of this Act are
12 hereby modified, amended, or repealed accordingly.

13
14 **SECTION 13. *Effectivity*.** – This Act shall take effect fifteen (15) days after its
15 publication in the Official Gazette or in a newspaper of general circulation.

16
17
18 Approved,