



SENATE
S. No. 2092

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Introduced by **SENATOR LEILA M. DE LIMA**

**AN ACT
CREATING LOCAL HOUSING BOARDS
IN ALL CITIES AND FIRST TO THIRD CLASS MUNICIPALITIES,
ADOPTING THE PEOPLE'S PLANNING APPROACH IN THE DELIVERY
OF SHELTER AND SUPPORT SERVICES FOR INFORMAL SETTLERS,
AMENDING CERTAIN PROVISIONS OF REPUBLIC ACT NO. 7279,
AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

The problem of homelessness is widespread. There are about 1,502,336 informal settler families (ISFs) all over the country, according to the Philippine Development Plan 2017-2022. 40% of these ISFs are in Metro Manila. The current housing backlog stands at 2.02 million.¹

In a joint 2014 report of the Institute for Popular Democracy (IPD) and the Commission on Human Rights (CHR) entitled "*Human Rights in the Rubble: A Review of Forced Eviction and Resettlement Law and Practice in Metro Manila*" several loopholes were identified in Republic Act No. 7279, otherwise known as the Urban Development and Housing Act of 1992 (UDHA), that result in inadequate protection for the rights of the ISFs.² This is certainly appalling considering that no less than Section 10, Article XIII of the 1987 Constitution provides that:

¹ Trinidad, Gino Antonio, "*Rethinking the Urban Development and Housing Act of 1992*". Available at <https://www.bworldonline.com/rethinking-urban-development-housing-act-1992/> <last visited on 31 October 2018>

² Teodoro, John Iremit, and Rayos, Jason Christopher, "*Community-driven land tenure strategies: the experiences of the Homeless People's Federation of the Philippines*". 2014. Available at <https://knowyourcity.info/wp-content/uploads/2015/04/EU2009212TeodoroRayos1.pdf> <last visited on 31 October 2018>

"Urban or 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 relocated."

Section 4 of the UDHA commands the government to implement a comprehensive and continuing urban development and housing program, while Section 6 thereof calls for a broad plan for urban and urbanizable areas. In this plan, several responsibilities have been assigned to the local government units (LGUs). However, a study of 25 leading urban LGUs shows that only less than half of them have fully complied with the tasks of land inventory, land acquisition, disposition of lands for socialized housing, registration of program beneficiaries, balanced housing development, prohibition and monitoring of evictions and demolitions, and the establishment of local implementation mechanisms.³

Given these LGU mandates under the UDHA, coupled with the constitutional requirement of adequate consultation with affected families and communities, and the guarantees against unjust and inhumane evictions and demolitions, it is obvious that LGUs have key roles to play in the areas of shelter and urban development, and that affected communities need to be involved in the housing and resettlement processes.

This bill seeks to fill some of those identified gaps in the law. It introduces the people's planning approach as a primary mode of delivering shelter and related services for the urban poor. Such an approach can help make the government housing program more responsive to the needs of poor families as it emphasizes community-initiated development plans that are being formulated by people's organizations themselves.

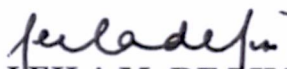
Likewise, this bill proposes to create local housing boards (LHBs) in all cities and first-class and second-class municipalities. The LHBs will be given significant role in the formulation, development, implementation, and monitoring of important local policies, including the preparation and approval of local shelter plans, and

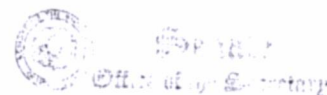
³ Trinidad, Gino Antonio, *Id.*

recommendations for socialized housing sites and acquisition of lands for socialized housing and resettlement. Also, the LHBs will have the power to grant or deny certificates of compliance on the availability and accessibility of basic services in any housing project or relocation site.

Therefore, this bill supports the objectives of a comprehensive and continuing urban development and housing program, the success of which largely depends on the direct and meaningful participation and cooperation of all stakeholders – particularly the affected communities and concerned LGUs – in the planning, implementation and monitoring processes. It is hoped that the adoption of people’s planning approach and the institutionalization of local housing boards can help make the housing and urban development program of the government truly transparent, participatory and inclusive.

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


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AND FOR OTHER PURPOSES

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

- 1 SECTION 1. **Title.** - This Act shall be known as the "Local Housing Board and
2 People's Planning Act of 2018."
- 3 Sec 2. **Declaration of Policy.** - It is hereby declared the policy of the State to:
- 4 a) Promote a just and dynamic social order that shall ensure the prosperity and
5 independence of the nation and free the people from poverty through policies
6 that provide adequate social services, promote full employment, a rising
7 standard of living and an improved quality of life for all;
- 8 b) Adopt and sustain a program that shall make available decent and affordable
9 housing and adequate basic services for all, especially the underprivileged and
10 homeless;
- 11 c) Protect urban and rural poor dwellers from unjust or unlawful evictions or
12 demolitions;

- 1 d) Require all national agencies and offices to conduct regular consultations with
2 appropriate local government units (LGUs), non-governmental and people's
3 organizations and other concerned sectors of the community before any project
4 or program is implemented in their respective jurisdictions;
- 5 e) Foster genuine and meaningful local autonomy of the LGUs to enable them to
6 attain their fullest development as self-sufficient communities and make them
7 more effective partners in the attainment of national goals.
- 8 f) Institutionalize the participation of the private sector, non-government
9 organizations (NGOs) and people's organizations (POs) in urban and rural
10 development processes; and
- 11 g) Adopt the people's planning approach as a primary mode to deliver the needed
12 shelter and support services for informal settlers.

13 Toward these ends, the State shall adopt a more responsive and accountable local
14 government structure instituted through a system of decentralization whereby LGUs,
15 through the creation of local housing boards, shall be given more powers, authority,
16 responsibilities and resources in the planning and execution of their housing
17 programs.

18 Sec. 3. **Definition of Terms.** - For purposes of this Act, the following terms shall
19 be understood as follows:

- 20 a) *Balanced Housing Requirement* refers to the responsibility given to developers
21 of subdivision projects pursuant to Section 18 Republic Act No. 7279, otherwise
22 known as the Urban Development and Housing Act (UDHA) of 1992;
- 23 b) *Comprehensive Land Use Plan* refers to the primary and dominant bases for
24 land use, applying a rational approach for allocating available land resources as

1 equitably as possible among competing user-groups and for different functions,
2 consistent with the development and zoning plan of the area and the provisions
3 of the UDHA;

4 c) *Economic Housing* refers to a type of housing project provided to moderately
5 low-income families with lower interest rates and longer amortization periods;

6 d) *Local Shelter Plan* refers to a general framework that effectively provides a step-
7 by-step procedure by which cities and municipalities may formulate solutions
8 to their housing problems. It shall include measures to enable cities and
9 municipalities to plan and implement their specific mandates based on the
10 UDHA, cognizant of the requirements of the comprehensive land use plan;

11 e) *Non-Government Organization* refers to a non-stock, non-profit domestic
12 corporation or organization, as defined under Section 34 (H) (2) (c) of the
13 National Internal Revenue Code (NIRC), that is organized and operated
14 exclusively for scientific, research, educational, character building, youth and
15 sports development, health, social welfare, cultural or charitable purposes, or a
16 combination thereof, with no part of its net income inuring to the benefit of any
17 private individual;

18 f) *NUDHF* refers to National Urban Development and Housing Framework which
19 is the comprehensive plan for urban and urbanizable areas aimed at achieving
20 the objectives set forth under the UDHA;

21 g) *People's Organization* refers to a bonafide association of citizens with
22 demonstrated capacity to promote the public interest and with identifiable
23 leadership, membership, and structure;

24 h) *People's Plan* refers to community-initiated development plans formed by
25 people's organizations and having undergone a process of initiation by and/or
26 consultation with and indorsement by the beneficiaries, which contains a site

1 development plan, and shall include non-physical development, and capability
2 building trainings, among others;

3 i) *Rural Areas* refer to those areas that are outside areas classified as urban under
4 this Act;

5 j) *Socialized Housing* refers to housing programs and projects covering houses
6 and lots or home lots undertaken by the government or the private sector for
7 the underprivileged and homeless citizens which shall include sites and services
8 development, long-term financing, liberalized terms on interest payments, and
9 such other benefits in accordance with the provisions of the UDHA;

10 k) *UDHA* refers to the Urban Development and Housing Act of 1992 or Republic
11 Act No. 7279 (R.A. No. 7279);

12 l) *Underprivileged and Homeless Rural or Urban Poor Dwellers* refer to
13 individuals or families residing in rural and urban areas whose income or
14 combined household income falls within the poverty threshold, as defined by
15 the National Economic Development Authority (NEDA) and who do not own
16 housing facilities, and shall include those who live in makeshift dwelling units
17 and do not enjoy security of land tenure;

18 m) *Urban Areas* refer to all cities regardless of their population density and to
19 municipalities with a population density of at least five hundred (500) persons
20 per square kilometer;

21 n) *Local Housing Boards* refer to all housing boards in cities and first to third class
22 municipalities created under this Act; and

23 o) *Local Housing Office* refers to the implementing body of the local housing
24 board.

1 Sec. 4. ***People's Planning Approach.***- People's planning approach is hereby
2 adopted as a primary mode to deliver the needed shelter and support services for
3 informal shelters.

4 People's plan shall refer to community-initiated development plans formed by
5 people's organizations and having undergone a process of initiation by and/or
6 consultation with and indorsement by the beneficiaries, which contains a site
7 development plan, and shall include non-physical development, and capability
8 building trainings, among others.

9 Implementation of people's plans for informal settlers along danger areas,
10 government infrastructure projects and court-ordered demolition specified in Section
11 28 of Republic Act No. 7279 may be through negotiated procurement in accordance
12 with Republic Act No. 9184.

13 The Housing Land Use and Regulatory Board (HLURB), in consultation with the
14 Presidential Commission for the Urban Poor (PCUP) and the National Anti-Poverty
15 Commission (NAPC), shall promulgate appropriate rules to establish and set levels of
16 standards and technical requirements consistent with people's planning, including
17 provisions for densified housing, in accordance with Sections 3 and 4 of Batas
18 Pambansa Blg. 220.

19 Densified housing projects for informal settlers shall be exempt from the coverage
20 of Republic Act No. 4726, otherwise known as the "Condominium Act", in terms of
21 management structure. For this purpose, management structure and conflict
22 resolution mechanism shall be incorporated in the people's plan. In cases of conflict,
23 the HLURB may intervene on the conflict resolution designed in the people's plan.

1 Sec. 5. *Amendments to Section 21 of RA No. 7279.* – Section 21 of Republic
2 Act No. 7279 is hereby amended to read, as follows:

3 “Sec. 21-A. *Basic Services.* – Socialized housing or resettlement
4 areas shall be provided by the local government unit of the National
5 Housing Authority in cooperation with the following basic services and
6 facilities:

7 a) Potable water **SUPPLY**;

8 b) Power and electricity and an adequate power distribution
9 system;

10 c) **SANITATION FACILITIES INCLUDING** sewerage **AND**
11 **MATERIAL RECOVERY** facilities, **GARBAGE**
12 **COLLECTION** and an adequate solid waste disposal system;

13 d) Access to primary roads and **SUFFICIENT** transportation
14 facilities; and

15 e) **SPACES WHERE CHILDREN CAN PLAY AND**
16 **INTERACT WITH EACH OTHER, SUCH AS PARKS,**
17 **PLAYGROUNDS AND/OR SPORTS COMPLEX,**
18 **AMONG OTHERS.**

19 **ALL RESETTLEMENT ACTIONS INITIATED BY THE**
20 **LOCAL GOVERNMENT UNIT OR BY THE NATIONAL**
21 **GOVERNMENT AGENCY, INCLUDING THE NATIONAL**
22 **HOUSING AUTHORITY, SHALL REQUIRE PRIOR**
23 **CONCURRENCE BY THE LOCAL HOUSING BOARD. PRIOR**
24 **TO ANY RELOCATION, THE GOVERNMENT AGENCY**

1 **IMPLEMENTING THE RELOCATION SHALL FIRST**
2 **SECURE A COMPLIANCE CERTIFICATE FROM THE LOCAL**
3 **HOUSING BOARD, WHICH SHALL STATE THAT ALL THE**
4 **BASIC SERVICES REQUIRED BY THIS ACT ARE**
5 **AVAILABLE AND SUFFICIENT FOR THE INTENDED**
6 **BENEFICIARIES. THE CERTIFICATION SHALL CERTIFY**
7 **THE EXISTENCE OF THE BASIC SERVICES AND**
8 **FACILITIES, IDENTIFYING LOCATIONS AND**
9 **PRODUCTION CAPACITIES FOR WATER AND**
10 **ELECTRICITY, SERVICING CAPACITY TO ACTUAL**
11 **NUMBER OF BENEFICIARIES, AND THE DESIGNATION OF**
12 **RESPONSIBILITIES AND ACCOUNTABILITIES FOR**
13 **OPERATIONS AND MAINTENANCE OF SUCH SERVICES**
14 **AND FACILITIES.**

15 The provisions of other basic services and facilities, such as
16 health, education, communications, security, recreation, relief and
17 welfare shall **LIKEWISE** be planned **THROUGH THE LOCAL**
18 **HOUSING BOARDS OF THE AFFECTED LOCAL**
19 **GOVERNMENT UNITS** and shall be [~~given priority~~] **INCLUDED**
20 for implementation by the local government unit **IN CASE OF IN-**
21 **CITY RESETTLEMENT, OR UPON JOINT AGREEMENT OF**
22 **THE SENDING AND RECEIVING LOCAL GOVERNMENT**
23 **UNITS IN CASE OF OFF-CITY RESETTLEMENT,** and
24 concerned agencies in cooperation with the private sector and the
25 beneficiaries themselves. **THE LOCAL HOUSING BOARD MAY**

1 **SET UP A TRUST FUND MECHANISM FOR COMMUNITY-**
2 **INITIATED SHELTER PROJECTS.**

3 The local government unit **APPROVING THE**
4 **RESETTLEMENT, THROUGH THE LOCAL HOUSING**
5 **BOARD**, in coordination with the concerned national agencies, shall
6 ensure that these basic services are provided at the most cost-efficient
7 rates, and shall set a mechanism to coordinate operationally the
8 thrusts, objectives and activities of other government agencies
9 concerned with providing basic services to housing projects.

10 **FOR THESE PURPOSES, AT LEAST FIFTY**
11 **PERCENT(50%) OF THE VOTING MEMBERS OF LOCAL**
12 **HOUSING BOARDS SHALL BE REPRESENTATIVES OF THE**
13 **UNDERPRIVILEGED AND HOMELESS RURAL/URBAN**
14 **POOR DWELLERS IDENTIFIED IN THE COMPREHENSIVE**
15 **LOCAL SHELTER PLAN. LOCAL SHELTER PLANS SHALL**
16 **BE MANDATORY FOR ALL CITIES AND FIRST TO THIRD**
17 **CLASS MUNICIPALITIES, AND DISCRETIONARY FOR**
18 **FOURTH TO SIXTH CLASS MUNICIPALITIES. THE LOCAL**
19 **HOUSING BOARD SHALL REQUIRE PROPONENT LOCAL**
20 **GOVERNMENT UNIT AND/OR NATIONAL AGENCY TO**
21 **SUBMIT A COMPREHENSIVE AND RIGHTS-BASED**
22 **RELOCATION AND RESETTLEMENT PLAN (RRAP) AT**
23 **LEAST ONE (1) YEAR BEFORE THE CONDUCT OF ANY**
24 **DEVELOPMENT PROJECT THAT WILL CAUSE**
25 **DISPLACEMENT OF INFORMAL SETTLER FAMILIES.**

1 THE DEPARTMENT OF INTERIOR AND LOCAL
2 GOVERNMENT, THE HOUSING AND URBAN
3 DEVELOPMENT COORDINATING COUNCIL, THE
4 PRESIDENTIAL COMMISSION FOR THE URBAN POOR,
5 AND THE NATIONAL POVERTY COMMISSION SHALL
6 JOINTLY PROMULGATE THE NECESSARY RULES AND
7 REGULATIONS TO CARRY OUT THE ABOVE PROVISION.

8 **SEC. 21-B. LOCAL HOUSING BOARDS; CREATION;**
9 **COMPOSITION.** - THERE SHALL BE CREATED A LOCAL
10 HOUSING BOARD, HEREINAFTER REFERRED TO AS THE
11 BOARD, IN ALL CITIES AND FIRST TO THIRD CLASS
12 MUNICIPALITIES AS CLASSIFIED BY THE SECRETARY OF
13 FINANCE. *PROVIDED*, THAT FOURTH AND FIFTH
14 MUNICIPALITIES MAY CREATE THEIR OWN LOCAL
15 HOUSING BOARD IF THEY SO DESIRE.

16 THE BOARD SHALL BE COMPOSED OF THE
17 FOLLOWING:

- 18 a) THE CITY/MUNICIPAL MAYOR AS CHAIRPERSON;
19 b) THE VICE MAYOR AS VICE CHAIRPERSON;
20 c) THE CHAIRPERSON OF THE SANGGUNIANG BAYAN
21 COMMITTEE ON HOUSING AND URBAN
22 DEVELOPMENT, OR ITS EQUIVALENT, AS MEMBER;
23 d) THE CITY/MUNICIPAL PLANNING AND
24 DEVELOPMENT COORDINATOR AS MEMBER;

- 1 e) THE CITY/MUNICIPAL ENGINEER AS MEMBER;
- 2 f) A REPRESENTATIVE OF THE HOUSING AGENCIES
3 TO BE DESIGNATED BY THE HUDCC AS MEMBER;
- 4 g) A REPRESENTATIVE FROM A PRIVATE
5 ORGANIZATION ENGAGED IN SUBDIVISION AND
6 HOUSING DEVELOPMENT OPERATING IN THE CITY
7 OR MUNICIPALITY AS MEMBER;
- 8 h) FIVE (5) REPRESENTATIVES FROM PEOPLE'S
9 ORGANIZATIONS (POS) OPERATING IN THE CITY
10 OF MUNICIPALITY AS MEMBER: *PROVIDED*, THAT
11 A PO ALREADY REPRESENTED IN ANY LOCAL
12 SPECIAL BODY MAY BE CONCURRENTLY
13 REPRESENTED IN ANY LOCAL HOUSING BOARD;
14 AND
- 15 i) A REPRESENTATIVE FROM NGOS OPERATING IN
16 THE CITY OR MUNICIPALITY AS MEMBER:
17 *PROVIDED*, THAT AN NGO ALREADY
18 REPRESENTED IN ANY LOCAL SPECIAL BODY MAY
19 BE CONCURRENTLY REPRESENTED IN ANY LOCAL
20 HOUSING BOARD. REPRESENTATIVES TO THE
21 BOARD FROM ORGANIZATIONS MENTIONED IN
22 THE LAST THREE PARAGRAPHS OF THIS SECTION
23 SHALL BE SELECTED THROUGH THE SAME
24 PROCESS AS THAT OF FILLING UP THE
25 REPRESENTATIVES OF THE LOCAL SPECIAL
26 BODIES.

1 REPRESENTATIVES TO THE BOARD FROM THE
2 PRIVATE ORGANIZATION AND THE NGO SHALL BE
3 SELECTED THROUGH THE SAME PROCESS AS THAT OF
4 FILLING OF THE REPRESENTATIVES TO OTHER LOCAL
5 SPECIAL BODIES. REPRESENTATIVES OF THE POS SHALL
6 BE SELECTED IN ACCORDANCE WITH THE RULES AND
7 REGULATIONS THAT THE DEPARTMENT OF INTERIOR
8 AND LOCAL GOVERNMENT, THE HOUSING AND URBAN
9 DEVELOPMENT COORDINATING COUNCIL, THE
10 PRESIDENTIAL COMMISSION FOR THE URBAN POOR,
11 AND THE NATIONAL ANTI- POVERTY COMMISSION
12 SHALL JOINTLY PROMULGATE.

13 THE COMMISSION ON HUMAN RIGHTS (CHR), AS
14 THE NATIONAL INSTITUTION FOR THE PROTECTION
15 AND PROMOTION OF HUMAN RIGHTS, MAY BE INVITED
16 AS AN OBSERVER IN THE LOCAL HOUSING BOARD, TO
17 ENSURE THAT THE BASIC RIGHT TO ADEQUATE
18 HOUSING, INCLUDING ITS NORMATIVE CONTENT SUCH
19 AS AVAILABILITY, AFFORDABILITY, ACCESSIBILITY AND
20 HABITABILITY, AMONG OTHERS, ARE PROTECTED AND
21 FULFILLED.

22 **SEC. 21-C. POWERS AND FUNCTIONS.** – LOCAL HOUSING
23 BOARDS SHALL HAVE THE FOLLOWING POWERS AND
24 FUNCTIONS:

1 a) FORMULATE, DEVELOP, AND RECOMMEND TO THE
2 SANGGUNIAN, POLICIES, DIRECTIVES, RULES AND
3 REGULATIONS, CONSISTENT WITH LAWS, AS IT
4 MAY DEEM NECESSARY, ON THE PROVISION OF
5 DECENT AND AFFORDABLE HOUSING AND
6 RESETTLEMENT AREAS AND ON THE OBSERVANCE
7 OF THE RIGHT OF THE UNDERPRIVILEGED AND
8 HOMELESS TO JUST AND HUMANE EVICTIONS AND
9 DEMOLITIONS;

10 b) WITH THE ASSISTANCE OF THE HUDCC AND
11 OTHER CONCERNED GOVERNMENT AGENCIES,
12 PREPARE AND APPROVE LOCAL SHELTER PLAN
13 WHICH SHALL FORM PART OF THE
14 CITY/MUNICIPALITY DEVELOPMENT PLAN:
15 *PROVIDED*, THAT SUCH PLAN SHALL BE
16 CONSISTENT WITH THE CITY/MUNICIPAL LAND
17 USE PLAN: *PROVIDED FURTHER*, THAT PUBLIC
18 HEARINGS SHALL BE CONDUCTED FOR THE
19 PURPOSE;

20 c) APPROVE PRELIMINARY AND FINAL SUBDIVISION
21 SCHEMES AND DEVELOPMENT PLANS OF
22 SUBDIVISIONS AND CONDOMINIUMS IN
23 ACCORDANCE WITH THE PROVISIONS OF
24 PRESIDENTIAL DECREE NO. 957, AS AMENDED,
25 OTHERWISE KNOWN AS THE SUBDIVISION AND
26 CONDOMINIUM BUYERS' PROTECTIVE DECREE,

1 AND ITS IMPLEMENTING STANDARDS, RULES AND
2 REGULATIONS CONCERNING SUBDIVISION AND
3 CONDOMINIUMS;

4 d) APPROVE PRELIMINARY AND FINAL SUBDIVISION
5 SCHEMES AND DEVELOPMENT PLANS OF ALL
6 ECONOMIC AND SOCIALIZED HOUSING PROJECTS,
7 PEOPLE'S PLANS, AS WELL AS INDIVIDUAL OR
8 GROUP BUILDING OCCUPANCY PERMITS COVERED
9 BY BATAS PAMBANSA BLG. 220 AND ITS
10 IMPLEMENTING STANDARDS, RULES AND
11 REGULATIONS;

12 e) EVALUATE AND RESOLVE THE OPPOSITION TO THE
13 ISSUANCE OF DEVELOPMENT PERMITS FOR ANY
14 OF THE PROJECTS STATED IN THE TWO (2)
15 PRECEDING SUB-SECTIONS, IN ACCORDANCE
16 WITH THE SAID LAWS AND THE RULES OF
17 PROCEDURE PROMULGATED BY THE HOUSING
18 AND LAND USE REGULATORY BOARD (HLURB)
19 INCIDENT THERETO;

20 f) DESIGNATE AT LEAST ONE (1) REPRESENTATIVE
21 TO THEIR RESPECTIVE LOCAL DEVELOPMENT
22 COUNCILS: *PROVIDED*, THAT SAID
23 REPRESENTATIVE IS NOT ALREADY A MEMBER OF
24 THE COUNCIL;

25 g) RECOMMEND TO THE SANGGUNIAN, THE SITES
26 FOR SOCIALIZED HOUSING, SUBJECT TO THE

1 REQUIREMENTS PRESCRIBED BY SECTION 8 OF
2 R.A. 7279 AND GUIDELINES ISSUED FOR THE
3 PURPOSE;

4 h) ADVISE THE SANGGUNIAN ON MATTERS OF LOCAL
5 TAXATION, WHICH MAY AFFECT THE LOCAL
6 GOVERNMENT HOUSING PROGRAM, WHICH
7 INCLUDES, BUT SHALL NOT BE LIMITED TO, THE
8 FORMULATION OF A SOCIALIZED HOUSING TAX,
9 IDLE LAND TAX, AND AN ADDITIONAL LEVY ON
10 THE REAL PROPERTY TAX TO CONSTITUTE A
11 SPECIAL SOCIALIZED HOUSING FUND;

12 i) RECOMMEND, FOR APPROVAL OF THEIR
13 RESPECTIVE LOCAL CHIEF EXECUTIVES (LCES),
14 FORMULATED SCHEMES FOR THE ACQUISITION
15 AND DISPOSITION OF LANDS WITHIN THEIR
16 LOCALITIES FOR SOCIALIZED HOUSING
17 PURPOSES, SUBJECT TO SECTION 9 TO 14 OF R.A.
18 7279 AND ITS IMPLEMENTING GUIDELINES:
19 *PROVIDED*, THAT SUCH SCHEMES SHALL ENSURE
20 THAT THE VALUATION OF A PARTICULAR LAND
21 FOR SOCIALIZED HOUSING PURPOSES SHALL BE
22 WITHIN THE AFFORDABILITY LEVELS OR
23 PROSPECTIVE BENEFICIARIES;

24 j) RECOMMEND FOR APPROVAL OF THEIR
25 RESPECTIVE LCES, PARTNERSHIP
26 ARRANGEMENTS WITH THE NATIONAL

1 GOVERNMENT ON THE PROVISION OF DECENT
2 AND AFFORDABLE SHELTER, ADOPTING THE
3 PEOPLE'S PLANNING APPROACH AS A PRIMARY
4 MODE TO DELIVER THE NEEDED SHELTER AND
5 SUPPORT SERVICES FOR INFORMAL SETTLERS;

6 k) PERFORM THE POWERS AND FUNCTIONS
7 MENTIONED IN SECTION 21-A OF THIS ACT; AND

8 l) PERFORM SUCH OTHER RELATED FUNCTIONS
9 ESTABLISHED BY LAW OR ORDINANCE, AS
10 NECESSARY TO IMPLEMENT THE MANDATE OF
11 LOCAL GOVERNMENT UNITS UNDER THE UDHA.

12 **SEC. 21-D. LOCAL HOUSING OFFICE; CREATION;**
13 **FUNCTIONS.** – THERE SHALL BE CREATED A LOCAL
14 HOUSING OFFICE IN ALL CITIES AND MUNICIPALITIES,
15 WHICH SHALL HERETOFORE BECOME A REGULAR
16 OFFICE UNDER THE LOCAL GOVERNMENT UNIT AND
17 SERVE AS THE IMPLEMENTING ARM OF THE BOARD.
18 THE URBAN POOR AFFAIRS OFFICE OR ITS EQUIVALENT
19 OFFICE IN THE CITIES OR MUNICIPALITIES SHALL BE
20 CONVERTED INTO THE LOCAL HOUSING OFFICE AND IN
21 ADDITION TO ITS EXISTING FUNCTIONS, SHALL HAVE
22 THE FOLLOWING ADDITIONAL FUNCTIONS:

23 a) PREPARE LOCAL SHELTER PLAN FOR THE
24 APPROVAL OF THE LOCAL HOUSING BOARD;

- 1 **b) ASSIST THE CITY/MUNICIPAL DEVELOPMENT**
2 **COUNCILS IN THE FORMULATION OF THEIR**
3 **RESPECTIVE COMPREHENSIVE LAND USE PLANS;**
- 4 **c) OVERSEE AND COORDINATE GOVERNMENT**
5 **ACTIVITIES RELATIVE TO CONSULTATION,**
6 **RELOCATION, AND RESETTLEMENT OF**
7 **UNDERPRIVILEGED AND HOMELESS URBAN OR**
8 **RURAL POOR DWELLERS IN CASES WHERE**
9 **EVICCTIONS AND DEMOLITIONS AFFECTING THEM**
10 **ARE NECESSARY AND ALLOWED BY EXISTING**
11 **LAWS;**
- 12 **d) ENSURE THAT THE BALANCED HOUSING**
13 **REQUIREMENTS AS PROVIDED IN SECTION OF R.A.**
14 **7279 AND ITS IMPLEMENTING RULES AND**
15 **REGULATIONS ARE IMPLEMENTED AND**
16 **ENFORCED;**
- 17 **e) IN COORDINATION WITH OTHER OFFICES WITHIN**
18 **THE LGU, MONITOR THE NATURE AND PROGRESS**
19 **OF LAND DEVELOPMENT OF PROJECTS THAT THE**
20 **BOARD HAS APPROVED, AS WELL AS HOUSING**
21 **CONSTRUCTION IN THE CASE OF HOUSE AND LOT**
22 **PACKAGES, TO ENSURE THEIR FAITHFULNESS TO**
23 **THE APPROVED PLANS AND SPECIFICATIONS**
24 **THEREOF, AND IMPOSE APPROPRIATE MEASURES**
25 **TO ENFORCE COMPLIANCE THEREWITH;**

- 1 f) CONDUCT AN INVENTORY OF ALL LANDS WITHIN
2 THEIR RESPECTIVE LOCALITIES, AND UPDATE THE
3 SAME EVERY THREE (3) YEARS, IN ACCORDANCE
4 WITH SECTION 7 OF R.A. 7279 AND GUIDELINES
5 ISSUED FOR THE PURPOSE;
- 6 g) IDENTIFY THE SITES FOR SOCIALIZED HOUSING,
7 SUBJECT TO THE REQUIREMENTS PRESCRIBED BY
8 SECTION 8 OF R.A. 7279 AND GUIDELINES ISSUED
9 FOR THE PURPOSE;
- 10 h) ENSURE THE REGISTRATION OF
11 UNDERPRIVILEGED AND HOMELESS URBAN OR
12 RURAL DWELLERS AS SOCIALIZED HOUSING
13 BENEFICIARIES UNDER SECTIONS 16 AND 17 OF
14 R.A. 7279: *PROVIDED*, THAT THE LOCAL HOUSING
15 OFFICE SHALL ASSUME THE FUNCTIONS OF CITY
16 OF MUNICIPAL REGISTRATION COMMITTEES AS
17 CONSTITUTED UNDER THE IMPLEMENTING RULES
18 AND REGULATIONS OF THE SAME SECTIONS;
- 19 i) ENSURE THE PREVENTION OF PROLIFERATION OF
20 PROFESSIONAL SQUATTERS AND SQUATTING
21 SYNDICATES WITHIN ITS JURISDICTION;
- 22 j) ENSURE THE ENFORCEMENT OF LAWS, POLICIES,
23 AND PROGRAMS ON HOUSING AND SHELTER AS
24 PROVIDED FOR UNDER LAWS AND SUCH
25 DIRECTIVES, RULES AND REGULATIONS ADOPTED
26 BY THE BOARD;

1 k) ASSIST IN THE ORGANIZATION OF HOUSING AND
2 SHELTER COOPERATIVES, ASSOCIATIONS OR
3 ORGANIZATIONS IN ESTABLISHING LINKAGES
4 WITH GOVERNMENT AGENCIES AND NGOS
5 INVOLVED IN THE PROMOTION AND INTEGRATION
6 OF THE CONCEPT OF SHELTER DEVELOPMENT
7 AND GENERATION, TAKING INTO ACCOUNT THE
8 LIVELIHOOD OF THE PEOPLE AND OTHER
9 COMMUNITY ACTIVITIES;

10 l) PROVIDE TECHNICAL AND OTHER FORMS OF
11 ASSISTANCE TO EXISTING HOUSING
12 ASSOCIATIONS OR COOPERATIVE TO ENHANCE
13 THEIR VIABILITY AS ECONOMIC ENTERPRISES
14 AND SOCIAL ORGANIZATIONS;

15 m) COORDINATE WITH THE GOVERNMENT AGENCIES
16 AND INSTRUMENTALITIES PERFORMING
17 FUNCTIONS WHICH MAY AFFECT HOUSING AND
18 URBAN DEVELOPMENT; AND

19 n) PERFORM SUCH OTHER DUTIES AND FUNCTIONS
20 AS MAY BE PRESCRIBED BY LAW OR ORDINANCE.

21 SEC. 21-E. *LOCAL HOUSING OFFICER.* – A LOCAL
22 HOUSING OFFICER SHALL BE A CAREER OFFICIAL WHO
23 SHALL HEAD THE LOCAL HOUSING OFFICE. NO PERSON
24 SHALL BE APPOINTED LOCAL HOUSING OFFICER
25 UNLESS HE IS A CITIZEN, A HOLDER OF A COLLEGE

1 DEGREE EITHER IN PUBLIC ADMINISTRATION, URBAN
2 PLANNING, CIVIL ENGINEERING, ECONOMICS,
3 DEVELOPMENT STUDIES OR SUCH OTHER RELATED
4 COURSES. HE MUST HAVE AT LEAST FIVE (5) YEARS OF
5 EXPERIENCE IN THE CASE OF CITIES, AND THREE (3)
6 YEARS OF EXPERIENCE IN THE CASE OF
7 MUNICIPALITIES, EITHER IN HOUSING DEVELOPMENT
8 PROJECTS, ORGANIZATION OF HOUSING ASSOCIATIONS
9 OR COOPERATIVES, MANAGEMENT AND OPERATION OF
10 HOUSING AND SHELTER PROGRAMS OR SUCH OTHER
11 RELATED ACTIVITIES.

12 **SEC. 21-F. GENERATION AND MOBILIZATION OF**
13 **RESOURCES.** – THE BOARDS ARE HEREBY CONSTITUTED
14 AS THE PRIMARY ENTITIES TASKED TO ADVISE LOCAL
15 DEVELOPMENT COUNCILS ON MATTERS OF SOURCING
16 OF FUNDS FOR SOCIALIZED HOUSING. FOR THIS
17 PURPOSE, THE BOARDS MAY RECOMMEND THE
18 FOLLOWING SCHEMES FOR FUNDING SOCIALIZED
19 HOUSING PROJECTS:

20 a) BUILD-OPERATE-TRANSFER AND OTHER RELATED
21 SCHEMES;

22 b) BOND FLOTATION AND OTHER CREDIT FINANCING
23 ARRANGEMENTS;

24 c) AVAILMENT OF FOREIGN OR LOCAL GRANTS:
25 PROVIDED, THAT LOCAL HOUSING BOARDS ARE

1 HEREBY AUTHORIZED TO RECEIVE FOREIGN AND
2 LOCAL GRANTS WHICH SHALL BE REMITTED TO
3 THE LOCAL TREASURY, AND SHALL BE CREDITED
4 TO THE SOCIALIZED HOUSING ACCOUNT OF THE
5 LOCAL GOVERNMENT UNIT CONCERNED;

6 d) LOAN PACKAGES FROM GOVERNMENT
7 FINANCING/LENDING INSTITUTIONS;

8 e) JOINT VENTURE PROJECTS WITH PRIVATE
9 SECTOR GROUPS OR DEVELOPERS AND WITH
10 NGOS AND POS; AND

11 f) POOLING OF RESOURCES BETWEEN AND AMONG
12 LGUS, THE PRIVATE SECTOR, NGOS AND POS.

13 SEC. 21-G. *MEETINGS AND QUORUM.* – THE BOARD
14 SHALL HAVE ITS MEETING AT LEAST ONCE A MONTH AS
15 OFTEN AS MAY BE DEEMED NECESSARY. THE PRESENCE
16 OF THE CHAIRPERSON OR VICE-CHAIRPERSON AND A
17 MAJORITY OF THE MEMBERS OF THE BOARD SHALL
18 CONSTITUTE A QUORUM. SPECIAL MEETINGS MAY BE
19 CALLED BY THE CHAIRPERSON OR BY A MAJORITY OF
20 THE MEMBERS WHEN SITUATIONS SO WARRANT. THE
21 BOARD THROUGH A SIMPLE MAJORITY SHALL REACH
22 DECISIONS.

23 A WRITTEN NOTICE OF THE DATE, TIME, PLACE,
24 AND AGENDA OF THE MEETING SHALL BE SENT TO EACH
25 MEMBER OF THE BOARD AT LEAST THREE (3) DAYS

1 PRIOR TO THE SCHEDULED MEETING OR AT LEAST ONE
2 (1) DAY, IF IT IS A SPECIAL MEETING.

3 SEC. 21-H. *COMPENSATION AND REMUNERATION.* –
4 MEMBERS OF THE BOARD WHO ARE NOT GOVERNMENT
5 OFFICIALS OR EMPLOYEES SHALL BE ENTITLED TO THE
6 NECESSARY TRAVELLING EXPENSES AND ALLOWANCES
7 CHARGEABLE AGAINST THE FUNDS OF THE LOCAL
8 HOUSING BOARD, SUBJECT TO EXISTING ACCOUNTING
9 AND AUDITING RULES AND REGULATIONS.

10 THIS DOES NOT PRECLUDE CITIES AND MUNICIPALITIES
11 FROM MOBILIZING OTHER POSSIBLE FUNDING
12 SOURCES FOR THE COMPENSATION AND
13 REMUNERATION OF MEMBERS OF THE BOARD WHO ARE
14 NOT GOVERNMENT OFFICIALS AND EMPLOYEES.

15 SEC. 21-I. *SPECIAL HOUSING TRUST FUND.* – CITIES AND
16 MUNICIPALITIES SHALL ESTABLISH A SPECIAL
17 ACCOUNT TO BE CALLED THE “SPECIAL HOUSING TRUST
18 FUND” TO INITIALLY ESTABLISH FOR LOCAL HOUSING
19 OFFICE AND AS SOURCE OF FUNDS FOR THE HOUSING
20 PROGRAMS OF THE CITY/MUNICIPALITY FOR THE
21 UNDERPRIVILEGED AND HOMELESS. SOURCES OF SAID
22 TRUST SHALL COME FROM, BUT NOT LIMITED TO, THE
23 FOLLOWING:

- 1 a) PROCEEDS GENERATED FROM THE COLLECTION
2 OF THE ADDITIONAL ONE-HALF PERCENT (0.5%)
3 TAX ON REAL PROPERTIES;
- 4 b) ALL FUNDS/MONIES GENERATED FROM VARIOUS
5 SOURCES INTENDED FOR HOUSING AND OTHER
6 RELATED DEVELOPMENT PROGRAMS; AND
- 7 c) ALL PAYMENTS, REMITTANCES, ACCRUED
8 INTEREST, PENALTIES, AND SUCH OTHER FEES
9 GENERATED FROM HOUSING RELATED
10 ACTIVITIES.

11 **SEC. 21-J. ROLES OF STAKEHOLDERS.** – IN ORDER TO
12 FACILITATE THE WORK OF THE BOARD, THE ROLES OF
13 THE STAKEHOLDERS ARE PROVIDED FOR UNDER THIS
14 SECTION, AMONG OTHERS, UNDER EXISTING LAWS:

- 15 a) THE LOCAL GOVERNMENT UNIT SHALL:
- 16 1) IDENTIFY AND PRIORITIZE AREAS FOR
17 HOUSING DEVELOPMENT;
- 18 2) PLAN ON THE TOTAL HOUSING NEED FOR ITS
19 CONSTITUENTS;
- 20 3) PROVIDE BASIC INFORMATION RELATIVE TO
21 THE AREAS THAT MAY BE PROPOSED FOR
22 ISSUANCE OF PRESIDENTIAL PROCLAMATION;
- 23 4) ASSIST IN THE CONDUCT OF VERIFICATION
24 SURVEY;

- 1 5) MONITOR AND OVERSEE THE
2 IMPLEMENTATION OF THE ACTIVITIES IN
3 ACCORDANCE WITH THEIR RESPECTIVE WORK
4 PROGRAMS; AND
5 6) PREPARE THE DETAILED WORK PROGRAM FOR
6 APPROVED HOUSING PROJECTS.

7 b) HOUSING AND URBAN DEVELOPMENT
8 COORDINATING COUNCIL SHALL:

- 9 1) RECOMMEND TO THE LOCAL HOUSING BOARD,
10 OPTIONS FOR THE DEVELOPMENT OF SITES OR
11 DISPOSITION SCHEMES TO THE INTENDED
12 BENEFICIARIES;
13 2) PROCESS AND RECOMMEND TO THE PRESIDENT
14 IDLE OR UNDERUTILIZED GOVERNMENT LANDS
15 IDENTIFIED BY THE LOCAL HOUSING BOARD AS
16 SITES WHICH ARE SUITABLE FOR HOUSING
17 PURPOSES;
18 3) SOLICIT ASSISTANCE FROM OTHER NATIONAL
19 GOVERNMENT AGENCIES WHOSE FUNCTIONS
20 AND SERVICES ARE NECESSARY IN THE
21 PROVISION OF HOUSING AND DELIVERY OF
22 BASIC SERVICES;
23 4) THROUGH THE NATIONAL HOUSING
24 AUTHORITY, PREPARE THE MASTER
25 DEVELOPMENT PLANS OF PROCLAIMED AREAS
26 IDENTIFIED FOR SOCIALIZED HOUSING;

1 5) IDENTIFY AND RECOMMEND HOUSING
2 PROJECTS/PROGRAMS WHICH CAN BE
3 IMPLEMENTED AND FUNDED THROUGH
4 ALTERNATIVE SCHEMES; AND

5 6) DRAW-UP GUIDELINES AS WELL AS TERMS OF
6 REFERENCE TO COVER THE IMPLEMENTATION
7 OF IDENTIFIED PRIORITY HOUSING PROJECTS.

8 c) THE PO AND NGO REPRESENTATIVES SHALL:

9 1) ASSIST IN THE HOLDING OF DIALOGUES AND
10 CONSULTATIONS WITH THE AFFECTED
11 FAMILIES LEADING TO THEIR FULL
12 ACCEPTANCE AND SUPPORT TO THE PROGRAM;

13 2) PROVIDE FEEDBACK MECHANISM TO THE
14 LOCAL HOUSING BOARD AND ENSURE URBAN
15 POOR PARTICIPATION IN THE DECISION-
16 MAKING PROCESS;

17 3) ASSIST THE LOCAL HOUSING BOARD IN
18 PROCESSING APPLICATIONS AND DOCUMENTS;

19 4) PROVIDE SUPPORT TO THE LOCAL HOUSING
20 BOARD IN THE COMMUNITY RELATIONS,
21 SOCIAL PREPARATIONS AND INFORMATION
22 DISSEMINATIONS AND MOTIVATION
23 ACTIVITIES AT THE IDENTIFIED HOUSING
24 SITES;

- 1 5) ACTIVELY PARTICIPATE IN THE DRAWING UP
2 OF THE DEVELOPMENT PLAN FOR THE AREA;
3 AND
4 6) IDENTIFY PRO-POOR PROGRAMS TO UPLIFT
5 THE SOCIO-ECONOMIC CONDITIONS OF THE
6 AFFECTED URBAN POOR RESIDENTS.

7 **SEC. 21-K. PENALTIES.** – UNJUSTIFIED FAILURE OR
8 REFUSAL OR A MAYOR TO CONSTITUTE THE LOCAL
9 HOUSING BOARD AS CREATED AND DEFINED BY THIS
10 ACT, SHALL SUBJECT THE NATIONAL AND LOCAL
11 GOVERNMENT OFFICIALS AND EMPLOYEES
12 RESPONSIBLE FOR SUCH OMISSION,
13 MISREPRESENTATION, FRAUD, OR UNJUSTIFIED
14 FAILURE OR REFUSAL TO:

- 15 a) DISCIPLINARY ACTION UNDER BOOK I, TITLE TWO,
16 CHAPTER 4 OF THE LOCAL GOVERNMENT CODE;
17 AND/OR
18 b) PROSECUTION UNDER THE PENALTY CLAUSE OF
19 THE UDHA.”

20 Sec. 6. *Amendments to Section 23 of RA No. 7279.* – Section 23 of Republic
21 Act No. 7279 is hereby amended to read, as follows:

22 “Sec. 23. *Participation of Beneficiaries.* – The local government
23 units, in coordination with the Presidential Commission for the Urban
24 Poor and concerned government agencies, shall afford Program

1 beneficiaries or their duly designated representatives an opportunity
2 to be heard and to participate in the decision-making process over
3 matters involving the protection and promotion of their legitimate
4 collective interest which shall include appropriate documentation and
5 feedback mechanisms. They shall also be encouraged to organize
6 themselves and undertake self-help cooperative housing and other
7 livelihood activities. They shall assist the Government in preventing
8 the incursions of professional squatters and members of squatting
9 syndicates into their communities.

10 In instances when the affected beneficiaries have failed to
11 organize themselves or form an alliance within a reasonable period
12 prior to the implementation of the program of projects affecting them,
13 consultation between the implementing agency and the affected
14 beneficiaries shall be conducted with the assistance of the Presidential
15 Commission for the Urban Poor and the concerned nongovernment
16 organization.

17 **SUCH PARTICIPATION OF BENEFICIARIES SHALL**
18 **CONFORM WITH SECTION 21 OF THIS ACT.”**

19 **Sec. 7. Amendments to Section 26 of RA No. 7279.** – Section 26 of Republic
20 Act No. 7279 is hereby amended to read, as follows:

21 “Sec. 26. **Urban Renewal and Resettlement.** – This shall include
22 the rehabilitation and development of blighted and slum areas and the
23 resettlement of Program beneficiaries in accordance with the
24 provisions of this Act. On-site development shall be implemented

1 whenever possible in order to ensure minimum resettlement of the
2 beneficiaries of the Program from their existing places of occupancy
3 shall be undertaken only when on-site development is not feasible and
4 after compliance with the procedures laid down in Section 28 of this
5 Act.

6 **THE FEASIBILITY OF ON-SITE, IN-CITY OR OFF-CITY**
7 **RESETTLEMENT SHALL BE DETERMINED BY THE LOCAL**
8 **HOUSING BOARD, BASED ON THE LOCAL SHELTER**
9 **PLAN, THE COMPREHENSIVE LAND USE PLAN, AND THE**
10 **LOCAL DEVELOPMENT PLAN OF THE LOCAL**
11 **GOVERNMENT UNIT.”**

12 **Sec. 8. *Amendments to Section 28 of RA No. 7279.*** – Section 28 of Republic
13 Act No. 7279 is hereby amended to read as follows:

14 “Sec. 28. ***Eviction and Demolition.*** – Eviction or demolition as a
15 practice shall be discouraged. Eviction or demolition, however, may be
16 allowed under the following situations:

- 17 a) When persons or entities occupy danger areas such as esteros,
18 railroad tracks, garbage dumps, riverbanks, shorelines,
19 waterways, and other public places such as sidewalks, roads,
20 parks, and playgrounds;
- 21 b) When government infrastructure projects with available
22 funding are about to be implemented; or
- 23 c) When there is a court order for eviction and demolition.

1 In the execution of eviction or demolition orders involving
2 underprivileged and homeless citizens, the following shall be
3 mandatory:

- 4 1) Notice upon the effected persons or entities at least thirty (30)
5 days prior to the date of eviction or demolition;
- 6 2) Adequate consultations **THROUGH THE LOCAL**
7 **HOUSING BOARD** on the matter of settlement with the duly
8 designated representatives of the families to be resettled and
9 the affected communities in the areas where they are to be
10 relocated;

11 **FOR THIS PURPOSE, 'ADEQUATE**
12 **CONSULTATION' SHALL INCLUDE THE**
13 **ESTABLISHMENT OF A SOCIAL PREPARATION**
14 **PROTOCOL IN ALL PHASES OF RESETTLEMENT**
15 **ACTIVITY. THE PROTOCOL SHALL INCLUDE,**
16 **AMONG OTHERS:**

17 **a) CONDUCT OF SOCIO-ECONOMIC PROFILING**
18 **OF AFFECTED FAMILIES ESSENTIAL IN**
19 **DESIGNING ANTI-POVERTY INTERVENTIONS**
20 **AND PROGRAM MONITORING;**

21 **b) ENGAGEMENT OF SENDING AD RECEIVING**
22 **LOCAL GOVERNMENT UNITS DURING PRE-**
23 **RELOCATION FOR COLLABORATION IN THE**

1 **IMPLEMENTATION OF THE RESETTLEMENT**
2 **PROGRAM OR PROJECT;**

3 **c) CONDUCT OF STRUCTURAL CONSULTATIONS**
4 **AND INSPECTIONS; AND**

5 **d) RIGHT OF TO BE RESETTLED FAMILIES TO**
6 **ACCEPT OR REJECT ASSIGNED HOUSING**
7 **UNIT IF NON-COMPLIANT WITH STANDARDS**
8 **FOR INTEGRITY AND ADEQUACY;**

- 9 3) Presence of local government officials or their representatives
10 during eviction or demolition;
- 11 4) Proper identification of all persons taking part in the
12 demolition;
- 13 5) Execution of eviction or demolition only during regular office
14 hours from Mondays to Fridays and during good weather,
15 unless the affected families consent otherwise;
- 16 6) No use of heavy equipment for demolition except for structures
17 that are permanent and of concrete materials;
- 18 7) Proper uniforms for members of the Philippine National Police
19 who shall occupy the first line of law enforcement and observe
20 proper disturbance control procedures; and
- 21 8) Adequate relocation, whether temporary or permanent:
22 *Provided*, however, That in cases of eviction and demolition
23 pursuant to a court order involving underprivileged and
24 homeless citizens, relocation shall be undertaken by the local
25 government unit concerned and the National Housing
26 Authority, **THROUGH THE LOCAL HOUSING BOARD**

1 **IN ACCORDANCE WITH SECTION 21**, with the assistance
2 of other government agencies within forty-five (45) days from
3 service of notice of final judgment by the court, after which
4 period the said order shall be executed: *Provided further*, That
5 should relocation not be possible within the said period,
6 financial assistance in the amount equivalent to the prevailing
7 minimum daily wage multiplied by sixty (60) days shall be
8 extended to the affected families by the local government unit
9 concerned. **FOR PURPOSES OF FORWARD-PLANNING**
10 **FOR COURT-ORDERED EVICTIONS OF THESE**
11 **UNDERPRIVILEGED AND HOMELESS CITIZENS,**
12 **THE LOCAL HOUSING BOARD SHALL REGULARLY**
13 **COORDINATE WITH THE LOCAL COURTS. THE**
14 **DATA GATHERED SHALL BE INCLUDED IN THE**
15 **LOCAL SHELTER PLAN.**

16 The Department of the Interior and Local Government and the
17 Housing and Urban Development Coordinating Council shall jointly
18 promulgate the necessary rules and regulations to carry out the above
19 provision.”

20 **Sec. 9. Amendments to Section 45 of RA No. 7279.** – Section 45 of Republic
21 Act No. 7279 is hereby amended to read, as follows:

22 “Sec. 45. **Penalty Clause.** – Any person who violates any provision
23 of this Act shall be imposed the penalty of not more than six (6) years
24 of imprisonment or a fine of not less than Five thousand pesos

1 (P5,000) but not more than One hundred thousand pesos (P100,000),
2 or both, at the discretion of the court: *Provided*, That, if the offender
3 is a corporation, partnership, association or other juridical entity, the
4 penalty shall be imposed on the officer or officers of said corporation,
5 partnership, association or juridical entity who caused the violation.

6 **UNJUSTIFIED FAILURE OR REFUSAL OF A MAYOR TO**
7 **CONSTITUTE THE LOCAL HOUSING BOARD AS CREATED**
8 **AND DEFINED BY THIS ACT, SHALL LIKEWISE SUBJECT**
9 **HIM AND SUCH GOVERNMENT OFFICIALS AND**
10 **EMPLOYEES RESPONSIBLE FOR SUCH UNJUSTIFIED**
11 **FAILURE OR REFUSAL, TO DISCIPLINARY ACTION**
12 **UNDER BOOK 1, TITLE TWO, CHAPTER 4 OF THE LOCAL**
13 **GOVERNMENT CODE.”**

14 Sec. 10. ***Implementing Rules and Regulations.*** – Within sixty (60) days after
15 the approval of this Act, the HUDCC and the DILG, in consultation with the concerned
16 government agencies, the private sector, POs and NGOs, shall formulate the
17 appropriate rules and regulations necessary to effectively implement any or all of the
18 provisions of this Act. Such rules and regulations shall include, among others,
19 guidelines on the following:

- 20 a) Resource generation and mobilization for socialized housing purposes;
21 b) Schemes for local government housing assistance; and
22 c) Accreditation and selection of representatives of the private sector, NGOs and
23 POs to the local housing board.

1 Sec. 11. **Transitory Provisions.** – Local Chief Executives of cities and first to
2 third class municipalities shall constitute their respective Boards within ninety (90)
3 days from the promulgation of the implementing rules and regulations of this Act.
4 Local Chief Executives of fourth to sixth class municipalities are given a minimum of
5 two (2) years from the promulgation of the implementing rules and regulations of this
6 Act to constitute their Boards. Failure to constitute the Board within the prescribed
7 period shall be *prima facie* evidence or unjustified failure or refusal to do so.

8 Cities and municipalities with existing local housing and urban development
9 boards or similar entities are hereby given ninety (90) days from the promulgation of
10 the implementing rules and regulations of this Act to conform with the provisions of
11 this Act: *Provided*, That nothing herein stated shall preclude cities and municipalities
12 from designating additional functions and/or appropriating additional funds to
13 achieve the objectives of this Act.

14 Sec. 12. **Repealing Clause.** – (a) Sections 447 (a) (2) (x) and 458 (a) (2) (x) of the
15 Local Government Code are hereby repealed; (b) Section 107 (b) of the Local
16 Government Code is hereby amended; and (c) All laws, decrees, executive orders,
17 proclamations, rules and regulations, and other issuances, or part of parts thereof,
18 which are inconsistent with the provisions of the Act are hereby repealed or modified
19 accordingly.

20 Sec. 13. **Separability Clause.** – If for any reason, any provision of this Act is
21 declared invalid or unconstitutional, the remaining provisions not affected thereby
22 shall continue to be in force and effect.

23 Sec. 14. **Effectivity Clause.** – This Act shall take effect fifteen (15) days after its
24 publication in at least two (2) newspapers of general circulation.

Approved,