

EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

SENATE



SENATE

Office of the Secretary

Senate Bill No. 690

'19 JUL 22 P 3:53

Introduced by Senator FRANCIS N. PANGILINAN

RECEIVED

AN ACT

ESTABLISHING AN ON-SITE, IN-CITY OR NEAR-CITY RESETTLEMENT PROGRAM FOR INFORMAL SETTLER FAMILIES IN ACCORDANCE WITH A PEOPLE'S PLAN AND MANDATING RELOCATING LOCAL GOVERNMENT UNITS TO PROVIDE OTHER BASIC SERVICES AND LIVELIHOOD COMPONENTS IN FAVOR OF THE RECIPIENT LOCAL GOVERNMENT UNIT, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 7279, AS AMENDED, OTHERWISE KNOWN AS THE "URBAN DEVELOPMENT AND HOUSING ACT OF 1992"

EXPLANATORY NOTE

Republic Act No. 7279 or the Urban Development Housing Act of 1992, as amended (UDHA) was enacted to establish a comprehensive and continuing Urban Development and Housing Program in order to provide socialized housing to the underprivileged and homeless.

According to the Commission on Audit, the National Housing Authority (NHA) constructed 8,644 housing units for informal settler families (ISFs) between 2011 and 2016. However, only 3,656 ISFs or approximately 42% have moved into their new homes. Since most of these housing units (around 83%) were located off-city rather than in-city or near-city, ISFs refused to occupy housing units offered to them because these were too far from their work or source of livelihood.

This bill seeks to amend the UDHA to prioritize on-site or in-city resettlement for ISFs. By requiring adequate and genuine consultation and providing livelihood and basic services to the ISFs, this bill seeks to increase the number of ISFs who move-in to resettlement areas.

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

FRANCIS N. PANGILINAN

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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-*
2 *City Resettlement Act*"

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

6 (a) Section 3 of Republic Act No. 7279

7 "**SEC. 3. Definition of Terms.** - For this purposes of this Act:

8 "x x x

9 "(w) x x x; [and]

10 "(x) 'Zonal Improvement Program or ZIP' refers to the program of the
11 National Housing Authority of upgrading and improving blighted squatter areas
12 within the cities and municipalities of Metro Manila pursuant to existing statutes
13 and pertinent executive issuances[.];

1 “(Y) ‘ADEQUATE AND GENUINE CONSULTATION’ REFERS TO THE
2 STANDARD OF CONSULTATION WITH THE AFFECTED INFORMAL
3 SETTLER FAMILIES (ISFS) WHICH SHALL REQUIRE THE FOLLOWING:

4 “(1) EFFECTIVE DISSEMINATION OF RELEVANT INFORMATION AND
5 DOCUMENTS, INCLUDING LAND RECORDS, HOUSING BUDGETS, THE
6 PROPOSED PLAN OR PROJECT, ALTERNATIVE HOUSING OPTIONS, AND
7 COMPREHENSIVE RESETTLEMENT PLANS;

8 “(2) REASONABLE TIME FOR THE PUBLIC TO REVIEW, COMMENT,
9 AND OBJECT TO THE PROPOSED PLAN OR PROJECT;

10 “(3) PROVISION BY THE GOVERNMENT OR NON-GOVERNMENT
11 ORGANIZATIONS OF LEGAL, TECHNICAL, AND OTHER ADVICE TO
12 AFFECTED PERSONS ON THEIR RIGHTS AND OPTIONS;

13 “(4) PUBLIC HEARINGS THAT PROVIDE AFFECTED ISFS AND THEIR
14 ADVOCATES WITH OPPORTUNITIES TO CHALLENGE THE EVICTION
15 DECISION, PRESENT ALTERNATIVE PROPOSALS, AND ARTICULATE THEIR
16 DEMANDS AND DEVELOPMENT PRIORITIES; AND

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

21 “(Z) ‘CIVIL SOCIETY ORGANIZATIONS OR CSOS’ REFERS TO NON-
22 GOVERNMENTAL ORGANIZATIONS (NGOS), PEOPLE’S ORGANIZATIONS
23 (POS), COOPERATIVES, TRADE UNIONS, PROFESSIONAL ASSOCIATIONS,
24 FAITH-BASED ORGANIZATIONS, MEDIA GROUPS, INDIGENOUS PEOPLES
25 MOVEMENTS, FOUNDATIONS, AND OTHER CITIZEN’S GROUPS FORMED
26 PRIMARILY FOR SOCIAL AND ECONOMIC DEVELOPMENT TO PLAN AND
27 MONITOR GOVERNMENT PROGRAMS AND PROJECTS, ENGAGE IN

1 POLICY DISCUSSIONS, AND ACTIVELY PARTICIPATE IN COLLABORATIVE
2 ACTIVITIES WITH THE GOVERNMENT;

3 “(AA) ‘IN-CITY RESETTLEMENT’ REFERS TO A RELOCATION SITE
4 WITHIN THE JURISDICTION OF THE CITY WHERE THE AFFECTED ISFS ARE
5 LIVING;

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

7 “(1) RESIDENTIAL AREAS WHERE HOUSING UNITS HAVE BEEN
8 CONSTRUCTED BY SETTLERS ON LAND WHICH THEY OCCUPY
9 ILLEGALLY; OR

10 “(2) UNPLANNED SETTLEMENTS AND AREAS WHERE HOUSING IS
11 NOT IN COMPLIANCE WITH EXISTING PLANNING AND BUILDING
12 REGULATIONS;

13 “(CC) ‘INFORMAL SETTLER FAMILIES’ COLLECTIVELY REFERRED TO
14 AS ISFS, REFERS TO FAMILIES LIVING IN INFORMAL SETTLEMENTS AS THE
15 LATTER IS DEFINED IN THIS ACT;

16 “(DD) ‘NEAR-CITY RESETTLEMENT’ REFERS TO A RELOCATION SITE
17 IN A CITY OTHER THAN THE CITY OF THE AFFECTED INFORMAL
18 SETTLEMENTS: PROVIDED, HOWEVER, THAT THE RELOCATION SITE IS
19 ADJACENT TO THE CITY WHERE THE AFFECTED ISFS HAVE THEIR
20 SETTLEMENTS;

21 “(EE) ‘NON-GOVERNMENT ORGANIZATIONS’ REFERS TO DULY
22 REGISTERED NON-STOCK, NON-PROFIT ORGANIZATIONS FOCUSING ON
23 THE UPLIFTMENT OF DISADVANTAGED SECTORS OF SOCIETY PY
24 PROVIDING ADVOCACY, TRAINING, COMMUNITY, ORGANIZING,
25 RESEARCH, ACCESS TO RESOURCES, AND OTHER SIMILAR ACTIVITIES, AS
26 DEFINED UNDER REPUBLIC ACT NO. 8425, OTHERWISE KNOWN AS THE
27 ‘SOCIAL REFORM AND POVERTY ALLEVIATION ACT’ AND ORGANIZED

1 AND OPERATED EXCLUSIVELY FOR SCIENTIFIC, RESEARCH,
2 EDUCATIONAL, CHARACTERBUILDING AND YOUTH AND SPORTS
3 DEVELOPMENT, HEALTH, SOCIAL WELFARE, CULTURAL OR CHARITABLE
4 PURPOSES, OR A COMBINATION THEREOF, AND NO PART OF THE NET
5 INCOME OF WHICH INURES TO THE BENEFIT OF ANY PRIVATE
6 INDIVIDUAL PURSUANT TO SECTION 34 (H)(2)(C)(1) OF REPUBLIC ACT NO.
7 8424, AS AMENDED, OTHERWISE KNOWN AS THE 'TAX REFORM ACT OF
8 1997';

9 "(FF) 'OFF-CITY RESETTLEMENT' REFERS TO A RELOCATION SITE
10 DEVELOPED OUTSIDE AND NOT ADJACENT TO THE CITY WHERE THE
11 AFFECTED ISFS HAVE THEIR SETTLEMENTS;

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

19 "(HH) 'SOCIAL PREPARATION' REFERS TO THE PROCESS OF
20 ESTABLISHING SOCIAL, ORGANIZATIONAL, AND INSTITUTIONAL
21 NORMS AND MECHANISMS. SUCH NORMS AND MECHANISMS WILL: (1)
22 ENABLE THE SETTLERS TO COPE WITH CHANGES; AND (2) IN
23 PARTNERSHIP WITH CONCERNED INSTITUTIONS AND STAKEHOLDERS,
24 ENCOURAGE THE SETTLERS NOT ONLY TO WORK AMONG THEMSELVES
25 FOR THE PURPOSE OF DRAWING UP AND UNDERTAKING THEIR
26 HOUSING RESETTLEMENT PROPOSALS BUT ALSO TO ACTIVELY AND
27 MEANINGFULLY PARTICIPATE IN HOUSING RESETTLEMENT PROJECTS

1 UNDERTAKEN IN THEIR BEHALF, THUS RESOLVING COLLECTIVE ACTION
2 PROBLEMS AMONG COMMUNITY MEMBERS AND COORDINATION
3 PROBLEMS WITH GOVERNMENT AND OTHER ENTITIES.”;

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

5 “SEC. 23. Participation of PROGRAM Beneficiaries *OR AFFECTED ISFS,*
6 *FORMATION OF BENEFICIARY-ASSOCIATION, AND FORMULATION AND*
7 *IMPLEMENTATION OF A PEOPLE’S PLAN.* – The local government units, in
8 coordination with the Presidential Commission for the Urban Poor and
9 concerned government agencies, shall afford Program beneficiaries *OR*
10 *AFFECTED ISFs* or their duly designated representatives an opportunity to be
11 heard and to participate in the decision-making process over matters involving
12 the protection and promotion of their legitimate collective interests which shall
13 include appropriate documentation and feedback mechanisms. They shall also
14 be encouraged to organize themselves [and undertake self-help cooperative
15 housing and other livelihood activities] INTO AN ASSOCIATION FOR
16 ACCREDITATION AS BENEFICIARIES OR AWARDEES OF OWNERSHIP
17 RIGHTS UNDER THE RESETTLEMENT PROGRAM, COMMUNITY
18 MORTGAGE PROGRAM, LAND TENURE ASSISTANCE PROGRAM, AND
19 OTHER SIMILAR PROGRAMS IN RELATION TO A SOCIALIZED HOUSING
20 PROJECT ACTUALLY BEING IMPLEMENTED BY THE NATIONAL
21 GOVERNMENT OR BY THE LOCAL GOVERNMENT UNITS. They shall assist
22 the government in preventing the incursions of professional squatters and
23 members of squatting syndicates into their communities.

24 “In instances when the affected beneficiaries have failed to organize
25 themselves or form an [alliance] ASSOCIATION within a reasonable period
26 prior to the implementation of the program or projects affecting them,
27 consultation between the implementing agency and the affected beneficiaries

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

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

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

19 "IN ACCORDANCE WITH THE PROTECTION GUIDELINES PROVIDED
20 UNDER SECTION 28 OF THIS ACT, A RELOCATION ACTION PLAN SHALL
21 BE AN INDISPENSABLE COMPONENT OF THE PEOPLE'S PLAN. THE
22 RELOCATION ACTION PLAN SHALL INCLUDE THE FOLLOWING
23 OBJECTIVES:

24 "(A) ENSURE SAFE, AFFORDABLE, DECENT, AND HUMANE
25 CONDITION OF RELOCATION, INCORPORATING THEREIN
26 APPROPRIATE DISASTER RISK REDUCTION MANAGEMENT AND
27 CLIMATE CHANGE ADAPTATION STANDARDS;

1 “(B) PROVIDE ADEQUATE SOCIAL PREPARATION; AND

2 “(C) PREVENT FORCED EVICTION:

3 PROVIDED, THAT PRIMARY CONSIDERATION SHALL BE GIVEN TO
4 THE HOUSING FINANCIAL SCHEME SUGGESTED IN THE PEOPLE’S
5 PLAN.”;

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

7 “SEC. 26. Urban Renewal and Resettlement. - [This] URBAN RENEWAL
8 AND RESETTLEMENT shall include the rehabilitation and development of
9 blighted and slum areas and the resettlement of Program beneficiaries in
10 accordance with the provisions of this Act. On-site development shall be
11 implemented [whenever possible] AFTER ADEQUATE AND GENUINE
12 CONSULTATION WITH THE AFFECTED ISFS, AND IN ACCORDANCE
13 WITH THE PEOPLE’S PLAN FORMULATED PURSUANT TO SECTION 23 OF
14 THIS ACT, in order to ensure minimum movement of occupants of blighted
15 lands and slum areas.

16 “[The] WHERE DEMOLITION OR EVICTION IS ALLOWED IN THE
17 AREA OCCUPIED BY THE PROGRAM BENEFICIARIES PURSUANT TO
18 SECTION 28 OF THIS ACT, AND ON-SITE RESETTLEMENT CANNOT BE
19 UNDERTAKEN BY REASON THEREOF, THE IN-CITY resettlement of the
20 beneficiaries of the Program from their existing places of occupancy shall be
21 undertaken only [when on-site development is not feasible and] after
22 compliance with the procedures laid down in [Section 28 of this Act] THE SAME
23 SECTION OF THIS ACT AND IN ACCORDANCE WITH THE PREFERENCE
24 OF THE AFFECTED ISFS AS CONTAINED IN THE PEOPLE’S PLAN.

25 “SHOULD IN-CITY RESETTLEMENT NOT BE FEASIBLE, NEAR-CITY
26 RESETTLEMENT SHALL BE CONSIDERED. OFF-CITY RESETTLEMENT
27 SHALL ONLY BE RESORTED TO WHEN DIRECTLY REQUESTED BY THE

1 AFFECTED ISFS THEMSELVES, AND MUST SATISFY THE REQUIREMENTS
2 OF ADEQUATE AND GENUINE CONSULTATION PRIOR TO
3 RELOCATION.”; and

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

5 “SEC. 29. Resettlement. Within two (2) years from the effectivity of this Act,
6 the local government units, in coordination with the National Housing
7 Authority, shall implement the relocation and resettlement of persons living in
8 danger areas such as esteros, railroad tracks, garbage dumps, riverbanks,
9 shorelines, waterways, and in other public places such as sidewalks, roads,
10 parks, and playgrounds. The local government unit, in coordination with the
11 National Housing Authority, shall provide relocation or resettlement sites with
12 basic services and facilities and access to employment and livelihood
13 opportunities sufficient to meet the basic needs of the affected families.

14 “IN INSTANCES WHEN THE RELOCATION OR RESETTLEMENT SITE
15 IS LOCATED IN ANOTHER LOCAL GOVERNMENT UNIT, THE LOCAL
16 GOVERNMENT UNIT THAT IMPLEMENTS THE RELOCATION OR
17 RESETTLEMENT AND THE CONCERNED NATIONAL GOVERNMENT
18 AGENCIES SHALL, THROUGH A MEMORANDUM OF AGREEMENT,
19 PROVIDE THE OTHER BASIC SERVICES AND FACILITIES ENUMERATED
20 UNDER SECTION 21 OF THIS ACT TO THE RECIPIENT LOCAL
21 GOVERNMENT UNIT WHERE THE RELOCATION OR RESETTLEMENT
22 SITE IS LOCATED.

23 “THE HOUSING AND URBAN DEVELOPMENT COORDINATING
24 COUNCIL AND THE DEPARTMENT OF FINANCE - BUREAU OF LOCAL
25 GOVERNMENT FINANCE SHALL FORMULATE THE IMPLEMENTING
26 RULES AND REGULATIONS ON THE COST-SHARING MECHANISM

1 NECESSARY TO FULLY IMPLEMENT THE PROVISION OF SUCH OTHER
2 BASIC SERVICES AND FACILITIES.

3 "IN ADDITION TO THE FUNDING SOURCES PROVIDED UNDER
4 SECTION 42 OF THIS ACT, THE ALLOCATION FOR THE BASIC SERVICES
5 AND FACILITIES MAY BE TAKEN BY THE LOCAL GOVERNMENT UNIT
6 IMPLEMENTING THE RELOCATION OR RESETTLEMENT FROM THE
7 TWENTY PERCENT (20%) OF THE INTERNAL REVENUE ALLOTMENT
8 APPROPRIATED FOR DEVELOPMENT PROJECTS AS MANDATED UNDER
9 SECTION 287 OF REPUBLIC ACT NO. 7160, OTHERWISE KNOWN AS THE
10 'LOCAL GOVERNMENT CODE OF 1991'."

11 **SEC. 3. *Implementing Rules and Regulations.*** - The principles, policies and
12 provisions of this Act shall be incorporated in the National Shelter Program.

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

21 (a) A People's Plan template to guide ISFs in the development of their own
22 People's Plan: Provided, That such template shall be a complete pro forma People's Plan:
23 Provided, however, That such a template shall be used to benchmark the minimum
24 standards in a People's Plan; and

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

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

4 **SEC. 4. *Separability Clause.*** – If any provision of this Act is declared invalid or
5 unconstitutional, the other provisions not affected by such declaration shall remain in full
6 force and effect.

7 **SEC. 5. *Repealing Clause.*** – All laws, executive orders, administrative orders, and
8 rules and regulations inconsistent with this Act are hereby repealed or amended
9 accordingly.

10 **SEC. 6. *Effectivity Clause.*** – This Act shall take effect fifteen (15) days after its
11 complete publication in the Official Gazette or in two (2) newspapers of general
12 circulation.

Approved,