



HOUSE OF REPRESENTATIVES

H. No. 5446

BY REPRESENTATIVES HERRERA-DY, TEODORO, MERCADO-REVILLA, BELLO,
BAG-AO, VALENCIA, LAZATIN, CASTELO, LEONEN-PIZARRO, OLIVAREZ,
ALCALA, TINGA, PALMONES, TY, LICO, DE JESUS, SARMIENTO (M.) AND
LAPUS, PER COMMITTEE REPORT NO. 1498

AN ACT STRENGTHENING THE BALANCED HOUSING
DEVELOPMENT PROGRAM, AMENDING FOR THE PURPOSE
REPUBLIC ACT NO. 7279, ENTITLED: "AN ACT TO PROVIDE
FOR A COMPREHENSIVE AND CONTINUING URBAN
DEVELOPMENT AND HOUSING PROGRAM, ESTABLISH THE
MECHANISM FOR ITS IMPLEMENTATION, AND FOR OTHER
PURPOSES"

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

1 SECTION 1. *Short Title.* – This Act shall be known as the “Balanced
2 Housing Development Program Amendment of 2011”.

3 SEC. 2. *Amendatory Provisions.* – For purposes of this Act, the
4 following provisions of Republic Act No. 7279, entitled: “An Act to Provide
5 for a Comprehensive and Continuing Urban Development and Housing
6 Program, Establish the Mechanism for its Implementation, and for Other
7 Purposes”, are hereby amended:

1 (a) Section 18 of Republic Act No. 7279 is hereby amended to read as
2 follows:

3 "SEC. 18. *Balanced Housing Development.* – The Program
4 shall include a system to be specified in the Framework plan
5 whereby OWNERS AND/OR developers of proposed subdivision
6 AND CONDOMINIUM projects shall be required to develop an area
7 for socialized housing equivalent to at least twenty percent
8 (20%) of the total subdivision OR CONDOMINIUM area or total
9 subdivision OR CONDOMINIUM project cost, at the option of the
10 developer, within the same city or municipality, whenever
11 feasible, and in accordance with the standards set by the Housing
12 and Land Use Regulatory Board and other existing laws[.];

13 **PROVIDED, THAT OWNERS AND/OR DEVELOPERS OF PROPOSED**
14 **SOCIALIZED HOUSING SUBDIVISION PROJECTS AND OWNERS**
15 **AND/OR DEVELOPERS OF PROPOSED CONDOMINIUM PROJECTS**
16 **TO BE SOLD AT SOCIALIZED HOUSING PRICES SHALL BE**
17 **EXEMPT THEREFROM.** The balanced housing development as
18 herein required may also be complied with by the OWNERS
19 AND/OR developers concerned in any of the following manner:

20 "(a) Development of new settlement;

21 "(b) Slum upgrading or renewal of areas for priority
22 development either through zonal improvement programs or
23 slum improvement and resettlement programs;

24 "(c) Joint-venture projects FOR SOCIALIZED HOUSING with
25 either the local government units or any of the housing
26 agencies[;] or WITH ANOTHER PRIVATE DEVELOPER:

27 **PROVIDED, THAT, THE OWNER AND/OR DEVELOPER OF THE**
28 **MAIN SUBDIVISION OR CONDOMINIUM PROJECT SHALL BE**

1 **SOLIDARILY LIABLE WITH THE OWNER AND/OR DEVELOPER OF**
2 **THE SOCIALIZED HOUSING PROJECT FOR THE DEVELOPMENT**
3 **OF THE LATTER, IRRESPECTIVE OF THE PROVISIONS OF THEIR**
4 **JOINT VENTURE AGREEMENT;**

5 “(d) Participation in the community mortgage program[.],
6 **EITHER AS FINANCIER OR DEVELOPER;**

7 “(e) INVESTMENT IN LONG-TERM RESETTLEMENT
8 HOUSING BONDS; OR

9 “(f) DEVELOPMENT OF EDUCATION FACILITIES WITHIN
10 **THE PROJECT, WHENEVER FEASIBLE, OR WITHIN THE CITY OR**
11 **MUNICIPALITY, WHEREVER FEASIBLE, IN ACCORDANCE WITH**
12 **SECTION 21 HEREOF.**

13 “NO OTHER FORM OF COMPLIANCE TO THIS SECTION MAY
14 BE PRESCRIBED EXCEPT THROUGH THE ENACTMENT OF A
15 SUBSEQUENT LAW.

16 “FURTHERMORE, NO SUBDIVISION PLAN SHALL BE
17 APPROVED BY ANY LOCAL GOVERNMENT UNIT OR
18 GOVERNMENT AGENCY UNLESS THE SAME IS ACCOMPANIED BY
19 A WRITTEN UNDERTAKING, MADE UNDER OATH, BY THE
20 OWNER AND/OR DEVELOPER, SETTING FORTH IN DETAIL THE
21 MANNER IN WHICH COMPLIANCE WITH THIS SECTION IS
22 PROPOSED.”

23 (b) Section 21 of Republic Act No. 7279 is hereby amended to read as
24 follows:

25 “SEC. 21. *Basic Services.* – Socialized housing or
26 resettlement areas shall be provided by the local government unit
27 or the National Housing Authority in cooperation with the

1 private OWNERS AND/OR developers and concerned agencies
2 with the following basic services and facilities:

3 “(a) Potable water;

4 “(b) Power and electricity and an adequate power
5 distribution system;

6 “(c) Sewerage facilities and an efficient and adequate solid
7 waste disposal system; and

8 “(d) Access to primary roads and transportation facilities.

9 “The provision of other basic services and facilities such as
10 health, education, communications, security, recreation, relief
11 and welfare shall be planned and shall be given priority for
12 implementation by the local government unit and concerned
13 agencies in cooperation with the private sector and the
14 beneficiaries themselves[.]: **PROVIDED, THAT THE PROVISION**
15 **OF EDUCATION FACILITIES BY AN OWNER AND/OR A**
16 **DEVELOPER IN SOCIALIZED HOUSING AREAS PURSUANT TO**
17 **SECTION 18(F) HEREOF SHALL BE ACCORDED A HIGH**
18 **PRIORITY.**

19 “The local government unit, in coordination with the
20 concerned national agencies, shall ensure that these basic
21 services are provided at the most cost-efficient rates, and shall
22 set a mechanism to coordinate operationally the thrusts,
23 objectives and activities of other government agencies concerned
24 with providing basic services to housing projects.”

25 (c) Section 45 of Republic Act No. 7279 is hereby amended to read as
26 follows:

27 “SEC. 45. *Penalty Clause.* – Any person who violates any
28 provision of this Act shall be imposed the penalty of not more

1 than six (6) years of imprisonment or a fine of not less than Five
2 thousand pesos (P5,000) but not more than One hundred
3 thousand pesos (P100,000), or both, at the discretion of the
4 court: **PROVIDED, THAT, ANY PERSON WHO VIOLATES THE**
5 **PROVISION OF SECTION 18 HEREOF SHALL BE IMPOSED A**
6 **PENALTY OF NOT MORE THAN SIX (6) YEARS OF**
7 **IMPRISONMENT OR A FINE OF NOT LESS THAN FIVE HUNDRED**
8 **THOUSAND PESOS (P500,000) BUT NOT MORE THAN TEN**
9 **MILLION PESOS (P10,000,000), OR BOTH, AT THE DISCRETION**
10 **OF THE COURT FOR THE FIRST OFFENSE AND CANCELLATION**
11 **OF LICENSE TO DO BUSINESS FOR THE SECOND OFFENSE:**
12 *Provided, FURTHER, That, if the offender is a corporation,*
13 *partnership, association or other juridical entity, the penalty shall*
14 *be imposed on the officer or officers of said corporation,*
15 *partnership, association or juridical entity who caused the*
16 *violation.”*

17 **SEC. 3. *Implementing Rules and Regulations.*** – Within sixty (60)
18 days from the effectivity of this Act, the Housing and Land Use Regulatory
19 Board shall promulgate a new set of implementing rules and regulations for the
20 amended Sections 18, 21 and 45 of Republic Act No. 7279, consistent with the
21 parameters and standards set forth in said sections. Nongovernment
22 organizations and people’s organizations involved in housing rights and urban
23 poor advocacy, as well as the private sector, shall be consulted in the process
24 of drafting these implementing rules and regulations.

25 **SEC. 4. *Separability Clause.*** – If, for any reason, any provision of this
26 Act is declared invalid or unconstitutional, the remaining provisions not
27 affected thereby shall continue to be in force and effect.

1 SEC. 5. *Repealing Clause.* – All laws, decrees, executive orders,
2 proclamations, rules and regulations, and other issuances, or part or parts
3 thereof which are inconsistent with the provisions of this Act are hereby
4 repealed or modified accordingly.

5 SEC. 6. *Effectivity Clause.* – This Act shall take effect fifteen (15)
6 days after the completion of its publication in the *Official Gazette* or in at least
7 two (2) newspapers of general circulation.

Approved,

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