



HOUSE OF REPRESENTATIVES

H. No. 4963

BY REPRESENTATIVES OLIVAREZ, BIAZON, LOBREGAT AND
DEL ROSARIO (A.G.), PER COMMITTEE REPORT NO. 411

AN ACT CREATING A LOCAL HOUSING BOARD IN EVERY CITY
AND IN EVERY FIRST TO THIRD CLASS MUNICIPALITY,
PROVIDING FOR ITS POWERS AND DEFINING ITS DUTIES
AND FUNCTIONS

*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 “Local
2 Housing Board Act”.

3 SEC. 2. *Declaration of Policy.* – It is hereby declared the policy of the
4 State to:

5 (a) Promote a just and dynamic social order that will ensure the
6 prosperity and independence of the nation and free the people from poverty
7 through policies that provide adequate social services, promote full
8 employment, a rising standard of living and an improved quality of life for all;

9 (b) Adopt a continuing socialized housing program that will make
10 available at affordable cost decent housing and basic services to
11 underprivileged and homeless urban or rural poor dwellers;

1 (c) Protect urban or rural poor dwellers from evictions or demolitions
2 undertaken in violation of the law or in an unjust or inhumane manner;

3 (d) Advance and promote genuine and meaningful local autonomy of
4 territorial and political subdivisions of the State to enable them to attain their
5 fullest development as self-sufficient communities and make them more
6 effective partners in the attainment of national goals, and towards this end, the
7 State shall provide for a more responsive and accountable local government
8 structure instituted through a system of decentralization whereby local
9 government units (LGUs) shall be given more powers, authority,
10 responsibilities and resources in the establishment and implementation of their
11 own housing program;

12 (e) Promote and institutionalize the participation of the private sector,
13 nongovernment organizations (NGOs) and people's organizations (POs) in the
14 urban and rural development process; and

15 (f) Require all national agencies and offices to conduct periodic
16 consultations with appropriate LGUs, NGOs and POs and other concerned
17 sectors and stakeholders of the community before any project or program is
18 implemented in their respective jurisdictions.

19 SEC. 3. *Definition of Terms.* – As used in this Act, the following
20 terms or words and phrases shall mean or be understood as follows:

21 (a) *Balanced Housing Requirement* refers to the mandate pursuant to
22 Section 18 of Republic Act No. 7279 or the “Urban Development and Housing
23 Act of 1992”, whereby developers of proposed subdivision projects shall be
24 required to develop an area for socialized housing equivalent to at least twenty
25 percent (20%) of the total subdivision area or total subdivision project cost, at
26 the option of the developer, within the same city or municipality, whenever
27 feasible, and in accordance with the standard set by the Housing and Land Use
28 Regulatory Board (HLURB) and other existing laws;

- 1 (b) *Board* refers to the Local Housing Board created under this Act;
- 2 (c) *Comprehensive Land Use Plan* refers to the primary and dominant
3 basis for land use, applying a rational approach for allocating available land
4 resources as equitably as possible among competing user-groups and for
5 different functions, consistent with the provisions of Republic Act No. 7279
6 and the development and zoning plan of the area;
- 7 (d) *Economic Housing* refers to a type of housing project provided to
8 moderately low-income families with lower interest rates and longer
9 amortization periods;
- 10 (e) *Local Government Pabahay Program* refers to the program aimed
11 at synchronizing and coordinating efforts of all government housing agencies
12 involved in assisting LGUs in their respective socialized housing projects, in
13 the context of Executive Order No. 143, series of 1993, entitled: "Directing the
14 Housing and Urban Development Coordinating Council to Oversee the
15 Implementation of a Local Government Pabahay Program, and Defining the
16 Responsibilities of Certain Agencies Which Will be Involved Therein";
- 17 (f) *Local Shelter Plan* refers to a general framework that effectively
18 provides a step-by-step procedure by which cities and municipalities could
19 formulate solutions to their housing problems, and shall include policy
20 measures to enable cities and municipalities to plan and implement their
21 specific mandates of Republic Act No. 7279, and to facilitate a linkage with
22 comprehensive land use plans as defined under this Act;
- 23 (g) *Local Shelter Plan Guidelines* refer to a model for the preparation
24 of local shelter plans, as embodied in the National Urban Development and
25 Housing Framework (NUDHF), or that which was developed under the
26 PHI/89/F02 Project, implemented by the Housing and Urban Development
27 Coordinating Council (HUDCC) and executed by the United Nations Centre
28 for Human Settlements (UNCHS);

1 (h) *National Urban Development and Housing Framework (NUDHF)*
2 refers to the comprehensive plan for urban and urbanizable areas issued by the
3 HUDCC and the HLURB in November 1994 aimed at achieving the objectives
4 of Republic Act No. 7279;

5 (i) *Nongovernmental organization or NGO* refers to a duly registered
6 non-stock, non-profit organization focusing on the upliftment of the basic or
7 disadvantaged sectors of society by providing advocacy, training, community
8 organizing, research, access to resources, and other similar activities as defined
9 under the Social Reform and Poverty Alleviation Act;

10 (j) *People's organization or PO* refers to a self-help group belonging
11 to the basic sectors and/or disadvantaged groups composed of members who
12 share a common interest and who voluntarily join together to achieve a lawful
13 common social or economic end as defined under the Social Reform and
14 Poverty Alleviation Act;

15 (k) *Rural Areas* refer to those areas that are not urban areas as defined
16 under this Act;

17 (l) *Socialized Housing* refers to housing programs and projects
18 covering houses and lots or homelots only undertaken by the government or
19 the private sector for the underprivileged and homeless citizens which shall
20 include sites and services development, long-term financing, liberalized terms
21 on interest payments, and such other benefits in accordance with the provisions
22 of Republic Act No. 7279;

23 (m) *UDHA* refers to the Urban Development and Housing Act of 1992
24 or Republic Act No. 7279;

25 (n) *Underprivileged and Homeless Rural or Urban Poor Dwellers*
26 refer to individuals or families residing in rural or urban areas whose income or
27 combined household income falls within the poverty threshold as defined by
28 the National Economic and Development Authority (NEDA) and who do not

1 own housing facilities, and shall include those who live in makeshift dwelling
2 units and do not enjoy security of land tenure; and

3 (o) *Urban Areas* refer to all cities regardless of their population density
4 and to municipalities with a population density of at least five hundred (500)
5 persons per square kilometer.

6 SEC. 4. *Coverage.* – This Act shall cover all cities and first to third
7 class municipalities in both urban and rural areas: *Provided*, That fourth and
8 fifth class municipalities may create their own Local Housing Board if they so
9 desire.

10 SEC. 5. *Mandate.* – The Local Housing Board in every city and
11 municipality covered under this Act shall formulate, develop, and recommend
12 to the Sanggunian policies and programs of the LGU on the provision of
13 decent housing and resettlement areas and on the observance of the right of the
14 underprivileged and homeless to a just and humane eviction and demolition;
15 and perform the devolved functions of the HLURB under Republic Act
16 No. 7160, otherwise known as the “Local Government Code of 1991” and
17 under Executive Order No. 71, series of 1993 insofar as socialized housing is
18 concerned.

19 SEC. 6. *Creation and Composition.* – There shall be created a Local
20 Housing Board in every city or municipality covered under this Act which shall
21 be composed of the following:

- 22 (a) The City/Municipal Mayor, as chairperson;
23 (b) The City/Municipal Vice Mayor, as vice chairperson;
24 (c) The Chairperson of the Sangguniang Panlungsod/Bayan Committee
25 on Housing and Urban Development or its equivalent, as member;
26 (d) The City/Municipal Planning and Development Coordinator, as
27 member;
28 (e) The City/Municipal Engineer, as member;

1 (f) A representative of the National Housing Authority (NHA), as
2 member;

3 (g) A representative of the POs in the city or municipality, as member;

4 (h) A representative of the NGOs operating in the city or municipality,
5 as member; and

6 (i) A representative of the private sector engaged in subdivision and
7 housing development in the city or municipality, as member.

8 In the case of a city, the Presidential Commission for the Urban Poor
9 (PCUP) shall be represented in the Board, as member.

10 A PO, NGO or private sector representative already represented in any
11 local special body may be concurrently represented in the Board: *Provided,*
12 That a PO, NGO or private sector representative to the Board shall each be
13 selected through the same process observed in the filling up of positions of
14 representatives of local special bodies.

15 *SEC. 7. Powers and Functions.* — A city or municipal Local Housing
16 Board shall have the following powers and functions:

17 (a) Recommend to the Sanggunian, when the financial resources of the
18 LGU allow, the adoption of a socialized housing program targeting the lowest
19 income earners of the local population through on-site housing development or
20 relocation with sites and services development, core-housing construction, and
21 with integrated livelihood development component;

22 (b) Recommend policies on the prioritization, coordination, monitoring
23 and evaluation of all housing programs and projects within its jurisdiction,
24 including policies on the curtailment of the nefarious activities of professional
25 squatters and squatting syndicates;

26 (c) Prepare, based on local shelter plan guidelines under the NUDHF
27 and with the assistance of the HUDCC and other concerned government
28 agencies, long-term, medium-term and short-term local shelter plans which

1 shall form part of the city/municipal development plans: *Provided*, That public
2 hearings shall be conducted to engage the citizenry in the formulation of the
3 plans;

4 (d) Recommend the designation of sites for socialized housing, subject
5 to the requirements prescribed by Section 8 of Republic Act No. 7279 and the
6 guidelines issued for the purpose, and ensure the conduct by the LGU of the
7 inventory of all available lands within its locality and the updating of the same
8 every three (3) years pursuant to Section 7 of Republic Act No. 7279 and its
9 implementing guidelines;

10 (e) Recommend, for approval of the Sanggunian, formulated schemes
11 for the acquisition and disposition of lands within the locality for socialized
12 housing purposes, subject to Sections 9 to 14 of Republic Act No. 7279 and
13 their implementing guidelines: *Provided*, That such schemes shall ensure that
14 the valuation of a particular land for socialized housing purposes shall be
15 within the affordability levels of prospective beneficiaries;

16 (f) Recommend for approval of the local chief executive (LCE)
17 partnership arrangements with the national government or the private sector
18 and NGOs on, but not limited to, the following programs:

19 (1) Housing production assistance, resettlement assistance, local
20 housing, cost recoverable joint ventures and other relevant programs of the
21 NHA;

22 (2) *Local government housing assistance programs of the Home*
23 *Development Mutual Fund (HDMF), the National Home Mortgage Finance*
24 *Corporation (NHMFC), and the Home Guaranty Corporation (HGC), in*
25 *coordination with the Advisory Committee created to oversee the*
26 *implementation of the Local Government Pabahay Program;*

27 (3) *Localized Community Mortgage Program of the Social Housing*
28 *Finance Corporation;*

1 (4) Other socialized housing projects undertaken by other national
2 government agencies and government-owned or -controlled corporations
3 within the locality; and

4 (5) Socialized housing projects of the private sector or NGOs.

5 (g) Recommend to the Sanggunian matters of local taxation which may
6 affect the local government housing program, which shall include the
7 formulation of a socialized housing tax, idle lands tax, and an additional levy
8 on the real property tax to constitute the Special Socialized Housing Fund
9 provided in Section 15 of this Act;

10 (h) Approve preliminary and final subdivision schemes and
11 development plans of subdivisions in accordance with the provisions of
12 Presidential Decree No. 957, as amended, otherwise known as “The
13 Subdivision and Condominium Buyers’ Protective Decree”, and its
14 implementing standards, rules and regulations concerning subdivisions and
15 condominiums;

16 (i) Approve preliminary and final subdivision schemes and
17 development plans of all socialized housing projects as well as individual or
18 group building occupancy permits covered by Batas Pambansa Blg. 220,
19 entitled: “An Act Authorizing the Ministry of Human Settlements to Establish
20 and Promulgate Different Levels of Standards and Technical Requirements for
21 Economic and Socialized Housing Projects in Urban and Rural Areas from
22 Those Provided Under Presidential Decrees Numbered Nine Hundred
23 Fifty-Seven, Twelve Hundred Sixteen, Ten Hundred Ninety-Six and Eleven
24 Hundred Eighty-Five”, and its implementing standards, rules and regulations;

25 (j) Evaluate and resolve any opposition to the issuance of development
26 permits for any of the projects stated in the immediately preceding two (2)
27 subsections, in accordance with the law and the Rules of Procedure
28 promulgated by the HLURB pursuant thereto;

1 (k) Designate at least one (1) representative to each local development
2 council: *Provided*, That the representative is not already a member of the
3 council;

4 (l) Submit to the President and the Congress of the Philippines through
5 the LCE an annual report as provided in Section 41 of Republic Act No. 7279;
6 and

7 (m) Perform such other related functions established by law or
8 ordinance, as necessary to implement the mandate of LGUs under Republic
9 Act No. 7279.

10 *SEC. 8. Housing and Urban Development Officer, Qualifications.*

11 – The housing and urban development policies, plans and programs
12 formulated by the Local Housing Board shall be implemented by an appointive
13 local official to be known as the Housing and Urban Development Officer.

14 No person shall be appointed Housing and Urban Development Officer
15 unless he/she is a citizen of the Philippines, a resident of the LGU concerned,
16 of good moral character, a holder of a college degree either in public
17 administration, urban planning, development studies, economics, civil
18 engineering, or other related course with special training in housing and urban
19 development programs and management from a recognized college or
20 university, and a first grade civil service eligible or its equivalent. The
21 *appointee must have a prior experience in housing development projects,*
22 *organization of housing associations, management and operation of housing*
23 *and shelter programs or other related activities for at least five (5) years in the*
24 *case of the City Housing and Urban Development Officer, and three (3) years*
25 *in the case of Municipal Housing and Urban Development Officer.*

26 The appointment of the Housing and Urban Development Officer shall
27 be mandatory for all the LGUs covered under this Act: *Provided, however,*
28 That cities and municipalities with existing Urban Poor Affairs Office or its

1 equivalent shall convert the same to the Office of the Housing and Urban
2 Development Officer.

3 SEC. 9. *Duties and Functions of the Housing and Urban Development*
4 *Officer.* – The Housing and Urban Development Officer shall:

5 (a) Implement the local shelter plans prepared by the Local Housing
6 Board;

7 (b) Ensure the enforcement of laws, policies and programs on housing
8 and shelter as provided for under existing laws and such directives, rules and
9 regulations adopted by the Board;

10 (c) Assist the city/municipal development council in the formulation of
11 its comprehensive land use plans;

12 (d) Monitor, in coordination with the HLURB, compliance with the
13 Balanced Housing Requirement as provided in Section 18 of Republic Act
14 No. 7279 and its implementing rules and regulations;

15 (e) Conduct an inventory of all lands within the locality, and update the
16 same every three (3) years, in accordance with Section 7 of Republic Act
17 No. 7279 and guidelines issued for the purpose;

18 (f) Identify the sites for socialized housing to be recommended by the
19 Board for designation as such, subject to the requirements prescribed by
20 Section 8 of Republic Act No. 7279 and the guidelines issued for the purpose;

21 (g) In coordination with other concerned offices within the LGU,
22 monitor the nature and progress of land development of projects approved by
23 the Board, as well as housing construction in the case of house and lot
24 packages, to ensure their faithfulness to the approved plans and specifications
25 thereof, and impose appropriate measures to enforce compliance therewith;

26 (h) Ensure the registration of underprivileged and homeless urban or
27 rural dwellers as socialized housing beneficiaries under Sections 16 and 17 of
28 Republic Act No. 7279: *Provided, That the Housing and Urban Development*

1 Officer shall assume the functions of the city or municipal registration
2 committee as constituted under the implementing rules and regulations of the
3 same sections;

4 (i) Coordinate with government agencies and instrumentalities
5 performing functions which may affect housing and urban development;

6 (j) Promote the development and sustainability of housing associations
7 and cooperatives within the locality by performing the following:

8 (1) Assist in the organization of housing and shelter associations and
9 cooperatives;

10 (2) In coordination with the other concerned LGU offices, assist in the
11 provision of technical and other forms of assistance to existing housing
12 associations and cooperatives to enhance their viability as an economic
13 enterprise and social organization;

14 (3) Assist the housing associations or cooperatives in establishing
15 linkages with government agencies and NGOs involved in the promotion and
16 integration of the concept of shelter development and generation, taking into
17 account the livelihood of the people and other community activities;

18 (4) Assist in the rehabilitation of or the viability-enhancement of
19 housing associations or cooperatives, particularly in the aftermath of
20 man-made and natural calamities and disasters, to aid in their survival; and

21 (k) Perform such other duties and functions as may be prescribed by
22 law or ordinance.

23 SEC. 10. *Generation and Mobilization of Resources.* – The Local
24 Housing Board is hereby constituted as the primary entity tasked to advise the
25 Sanggunian on matters of sourcing of funds for socialized housing. For this
26 purpose, the Local Housing Board may recommend the following schemes for
27 the funding of socialized housing projects:

28 (a) Build-operate-transfer and other related schemes;

- 1 (b) Bond flotation and other credit financing arrangements;
- 2 (c) Availment of foreign or local grants: *Provided*, That the Local
- 3 Housing Board is hereby authorized to receive foreign and local grants which
- 4 shall be remitted to the local treasury, and shall be credited to the socialized
- 5 housing account of the LGU concerned;
- 6 (d) Loan packages from government financing/lending institutions;
- 7 (e) Joint venture projects with private sector groups or developers and
- 8 with NGOs and POs; and
- 9 (f) Pooling of resources between and among LGUs, the private sector,
- 10 NGOs and POs.

11 SEC. 11. *Demolition and Eviction Clearinghouse.* – The Local

12 Housing Board is hereby tasked to oversee the implementation of Section 28 of

13 Republic Act No. 7279 and its implementing rules and regulations: *Provided*,

14 That just and humane eviction and demolition procedures are likewise made

15 applicable to rural areas.

16 In this regard, the Local Housing Board shall:

- 17 (a) Oversee and coordinate government activities relative to
- 18 consultation, relocation and resettlement of underprivileged and homeless
- 19 urban or rural poor dwellers in cases where evictions and demolitions affecting
- 20 them are necessary and allowed by existing laws pursuant to a Relocation
- 21 Action Plan (RAP) which details the implementation of the relocation,
- 22 including, but not limited to, and to the extent feasible in descending order,
- 23 on-site, in-city, near city, public rental housing as well as options for
- 24 medium-rise buildings, and off-city options: *Provided*, That such RAP shall
- 25 also include the basic services and facilities relative to health, education,
- 26 communication, security, recreation, relief and welfare, livelihood and
- 27 transportation needs of the relocatees;

1 (b) Recommend policy measures or undertake appropriate action to
2 ensure full compliance with the constitutional mandate and statutory
3 requirements prior to evictions or demolitions affecting underprivileged and
4 homeless urban or rural poor dwellers; and

5 (c) Issue directives, rules and regulations, consistent with laws, as it
6 may deem necessary to effectively carry out the purposes of the constitutional
7 mandate to ensure just and humane evictions and demolitions.

8 SEC. 12. *Compliance Report.* – Before undertaking any eviction or
9 demolition that will affect underprivileged and homeless urban or rural poor
10 dwellers, the city or municipality concerned, national government agencies or
11 other proponents of eviction or demolition activities, including employees of
12 the Judiciary, shall submit a Compliance Report to the Local Housing Board,
13 with a statement under oath that:

14 (a) Adequate consultation as defined and outlined under pertinent laws,
15 rules and regulations have already been undertaken with the affected residents;

16 (b) Adequate relocation as defined and outlined under pertinent laws,
17 rules and regulations, is available, ready and sufficiently supported by
18 relocation and resettlement funding; and

19 (c) The requirements and procedures prescribed under the
20 implementing rules and regulations of Section 28 of Republic Act No. 7279,
21 specifically on the pre-relocation, relocation and post-relocation phases of
22 eviction or demolition activities have been or shall be observed.

23 The compliance report shall include a certified list of families to be
24 evicted or relocated. The Local Housing Board shall have the power to review
25 the compliance report and approve or disapprove the same.

1 SEC. 13. *Meetings and Quorum.* – The Local Housing Board shall
2 meet at least once a month or as often as may be deemed necessary. The
3 presence of the chairperson or the vice chairperson and a majority of the
4 members of the Board shall constitute a quorum.

5 Special meetings may be called by the chairperson or by a majority of
6 the members, with written notice, together with the agenda of the meeting,
7 served upon each member at least one (1) day before the intended meeting.

8 The chairperson or, in his absence, the vice chairperson shall preside
9 over the Board meetings.

10 SEC. 14. *Compensation and Remuneration.* – Members of the Local
11 Housing Board who are not government officials or employees shall be entitled
12 to the necessary travelling expenses and allowances chargeable against the
13 funds of the Local Housing Board concerned, subject to existing accounting
14 and auditing rules and regulations.

15 This does not preclude cities and municipalities from mobilizing other
16 possible funding sources for the compensation and remuneration of members
17 of the Local Housing Board who are not government officials or employees.

18 SEC. 15. *Special Socialized Housing Fund.* – Cities and municipalities
19 shall establish a special account to be called the “Special Socialized Housing
20 Fund” to be administered by the Board which shall serve as source of funds for
21 the housing programs of the city/municipality for the underprivileged and
22 homeless. Sources of said trust fund shall come from, but not limited to, the
23 following:

24 (a) An appropriation from the Internal Revenue Allotment the amount
25 of which shall be determined by the LGU;

26 (b) Proceeds generated from the collection of the additional one-half
27 percent (0.5%) tax on real properties as mandated under Section 43 of
28 Republic Act No. 7279;

1 (c) All funds/monies generated from various sources intended for
2 housing and other related development programs; and

3 (d) All payments, remittances, accrued interests, penalties, and such
4 other fees generated from housing related activities.

5 SEC. 16. *Roles of Stakeholders.* -- In order to facilitate the work of the
6 Board, the roles of the stakeholders shall be as provided for under this section:

7 (a) The LGU shall:

8 (1) Identify and prioritize areas for housing development;

9 (2) Plan on the total housing need of its constituents;

10 (3) Provide basic information relative to the areas that the President
11 may designate as sites for socialized housing through Presidential
12 Proclamation;

13 (4) Assist in the conduct of verification survey of the areas identified as
14 suitable for socialized housing;

15 (5) Monitor and oversee the implementation of the activities in
16 accordance with their respective work programs; and

17 (6) Prepare the detailed work program for approved housing projects.

18 (b) The HUDCC shall:

19 (1) Recommend to the Board, options for the development of sites or
20 disposition schemes to the intended beneficiaries;

21 (2) Process and recommend to the President, idle or underutilized
22 government lands identified by the Board as sites which are suitable for
23 housing purposes;

24 (3) Solicit assistance from other national government agencies whose
25 functions and services are necessary in the provision of housing and delivery of
26 basic services;

1 (4) Through the NHA, and upon the request of the LGUs, assist in the
2 preparation of the master development plans of the areas identified for
3 housing;

4 (5) Through the HLURB, provide technical assistance to build the
5 capability of the Local Housing Board in urban development and management,
6 in general, and, in particular:

7 (i) In the preparation of the comprehensive land use plan pursuant to
8 Book 1, Title One, Chapter 2, Section 20(c) of Republic Act No. 7160, in
9 relation to Sections 3(k), 6, 7, 8, and 9 of Republic Act No. 7279, and Section
10 9(e) of Republic Act No. 10121, otherwise known as the Philippine Disaster
11 Risk Reduction and Management Act of 2010;

12 (ii) In the preparation of a local shelter plan based on the standards set
13 forth in the Local Shelter Plan Guidelines as embodied in the NUDHF
14 developed under the PHI/89/F02 Project under the auspices of the UNCHS
15 which shall form part of the city/municipal development plan; and

16 (iii) In the processing and approval of applications for preliminary and
17 final subdivision schemes and development plans of all subdivision projects as
18 well as building occupancy permits covered by Presidential Decree No. 957
19 and Batas Pambansa Blg. 220 and their implementing standards, rules and
20 regulations: *Provided*, That the HLURB shall likewise provide technical
21 assistance to enhance the capability of the Local Housing Officer in monitoring
22 the compliance with the Balanced Housing Development under Section 18 of
23 Republic Act No. 7279 in accordance with the standards set for the purpose.

24 (6) Identify and recommend housing projects/programs which can be
25 implemented and funded through alternative schemes; and

26 (7) Draw-up guidelines as well as terms of reference to cover the
27 implementation of identified priority housing projects.

28 (c) The Presidential Commission for the Urban Poor shall:

1 (1) Monitor all evictions or demolitions, whether extra-judicial or
2 court-ordered, involving homeless and underprivileged citizens;

3 (2) Investigate *motu proprio* or upon complaint by any party, any
4 violation of the provisions of Section 28 of Republic Act No. 7279 and its
5 implementing rules and regulations;

6 (3) File *motu proprio* or by way of assistance to any aggrieved party
7 the appropriate criminal, civil or administrative case against any person or
8 persons found to have violated the provisions of Section 28 of Republic Act
9 No. 7279 or its implementing rules and regulations; and

10 (4) Such other functions as may be provided for under Executive Order
11 No. 152, series of 2002, entitled: "Designating the Presidential Commission
12 for the Urban Poor as the Sole Clearing House for the Conduct of Demolition
13 and Eviction Activities Involving the Homeless and Underprivileged Citizens
14 and Establishing for the Purpose a Mechanism to Ensure Strict Compliance
15 With the Requirements of Just and Humane Demolition and Eviction Under
16 the Urban Development and Housing Act of 1992, and for Other Purposes".

17 (d) The PO and NGO representatives shall:

18 (1) Assist in the holding of dialogues and consultations with affected
19 families leading to their full acceptance and support of the program;

20 (2) Provide feedback mechanism to the Board and ensure urban poor
21 participation in the decision-making process;

22 (3) Assist the Board in processing applications and documents;

23 (4) Provide support to the Board in the community relations, social
24 preparation, information dissemination and motivation activities at the
25 identified housing sites;

26 (5) Actively participate in the drawing up of the development plan for
27 the area; and

1 (6) Identify pro-poor programs to uplift the socioeconomic conditions
2 of the affected urban poor residents.

3 SEC. 17. *Penalties.* – Failure to submit the compliance report as
4 required by Section 12 of this Act, or any act of misrepresentation or fraud in
5 connection with any information contained in a submitted compliance report,
6 or the unjustified failure of or refusal by the LCE to constitute the Local
7 Housing Board as created and defined by this Act, shall subject the concerned
8 *national and local government officials and employees responsible for such*
9 omission, misrepresentation, fraud or unjustified failure or refusal to:

10 (a) Disciplinary action under Book 1, Title Two, Chapter 4 of Republic
11 Act No. 7160 or the “Local Government Code of 1991”; or

12 (b) Prosecution under the penalty clause of Republic Act No. 7279 or
13 under other applicable laws.

14 For this purpose, the LCE of a city or municipality shall constitute such
15 Local Housing Board within ninety (90) days from the promulgation of the
16 implementing rules and regulations of this Act. Failure to constitute the Board
17 within this prescribed period shall be *prima facie* evidence of unjustified
18 failure or refusal to do so.

19 SEC. 18. *Transitory Provisions.* – Cities and municipalities with an
20 existing Local Housing and Urban Development Board or similar entity are
21 hereby given ninety (90) days from the promulgation of the implementing rules
22 and regulations of this Act within which to amend their respective ordinances
23 to conform with the provisions of this Act: *Provided,* That nothing herein
24 stated shall preclude cities and municipalities from assigning additional
25 functions to the Board or appropriating additional funds to achieve the
26 objectives of this Act: *Provided, further,* That the national government
27 agencies shall assist in the capability-building of the LGUs on matters of plan
28 preparation, financing, and housing regulation, especially in the performance

1 of the tasks relative to paragraphs (h), (i) and (j) of Section 7 hereof on the
2 approval of schemes and development plans of subdivision, residential,
3 commercial, industrial and other purposes.

4 SEC. 19. *Implementing Rules and Regulations.* – Within sixty (60)
5 days after the approval of this Act, the HUDCC and the Department of the
6 Interior and Local Government (DILG), in consultation with the concerned
7 government agencies, the private sector, the League of Cities and the League
8 of Municipalities, the POs and the NGOs, shall formulate the appropriate rules
9 and regulations necessary to effectively implement the provisions of this Act.
10 Such rules and regulations shall include, among others, guidelines on the
11 following:

12 (a) Resource generation and mobilization for socialized housing
13 purposes;

14 (b) Schemes for local government housing assistance; and

15 (c) Accreditation and selection of representatives of the private sector,
16 NGOs and POs to the Local Housing Board.

17 SEC. 20. *Repealing Clause.* – Sections 447(a)(2)(x) and 458(a)(2)(x)
18 of Republic Act No. 7160 or the “Local Government Code of 1991” on the
19 powers, duties, and functions of the Sangguniang Bayan and the Sangguniang
20 Panlungsod, respectively, are hereby amended. All other pertinent provisions
21 of Republic Act No. 7160 or the “Local Government Code of 1991” and
22 pertinent provisions of Executive Order No. 71, series of 1993, and all other
23 laws, decrees, executive orders, proclamations, rules and regulations, and other
24 issuances or part or parts thereof which are inconsistent with the provisions of
25 this Act are hereby amended or modified accordingly.

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

1 SEC. 22. *Effectivity Clause.* – This Act shall take effect fifteen (15)
2 days after its publication in the *Official Gazette* or in any newspaper of general
3 circulation.

Approved,

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