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SENATE

S. No. 1202

RECEIVED BY: _____

Introduced by Senator Manuel "Lito" M. Lapid

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

The Philippines is urbanizing in an unprecedented pace and this entails challenges. The country sees the increasing number of people leaving the rural areas and moving to urban centers in search for employment opportunities, quality education, modern infrastructure facilities, health care, better standard of living, etc. As the country struggle to keep pace with the rapid urbanization, informal settlements grow and demands for housing, basic services, functional transport systems, and jobs are piling up.

According to the World Bank, in 2014, about forty five percent (45%) of the total Filipino population lived in cities, and by 2050, over 56 percent are expected to be living in urban areas. The National Housing Authority (NHA) estimates that there are about 1.5 million informal settler families or ISFs across the Philippines and a study by the University of Asia and the Pacific, projected the country to have a housing need of 12.3 million by 2030.

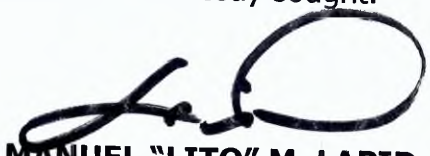
The Government must do its best to provide its constituents not just four walls and a roof but an adequate housing. Where occupants have a degree of tenure security which guarantees them legal protection against forced evictions, harassment and other threats. Where basic services, social facilities and modern infrastructure are available. And where housing is affordable, livable and accessible.

This bill seeks to amend Republic Act No. 7279 or the Urban Development and Housing Act of 1992 [UDHA] to prioritize on-site, in-city or near-city resettlement for informal settler families. By requiring genuine consultation and people's participation in the planning and implementation of the Government's policy and programs on national housing, this bill seeks to uphold every Filipino's right to adequate housing and standard of living.

Under this bill, priority shall be given to in-city or near-city resettlement program if revitalization of occupied properties is not possible.

Part of this effort is giving a greater role for the ISF-beneficiaries in crafting the policies concerning their housing and resettlement. By taking part in the process, the ISF-beneficiaries are given their share of ownership of our country's housing program.

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


MANUEL "LITO" M. LAPID
Senator

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

5 (Y) 'ADEQUATE AND GENUINE CONSULTATION' REFERS TO THE
6 STANDARD OF CONSULTATION WITH THE AFFECTED INFORMAL
7 SETTLER FAMILIES (ISFS) WHICH SHALL REQUIRE THE FOLLOWING:

8 (1) EFFECTIVE DISSEMINATION OF RELEVANT INFORMATION
9 AND DOCUMENTS, INCLUDING LAND RECORDS, HOUSING
10 BUDGETS, THE PROPOSED PLAN OR PROJECT, ALTERNATIVE
11 HOUSING OPTIONS, AND COMPREHENSIVE RESETTLEMENT
12 PLANS;

13 (2) REASONABLE TIME FOR THE PUBLIC TO REVIEW, COMMENT,
14 AND OBJECT TO THE PROPOSED PLAN OR PROJECT;

15 (3) PROVISION BY THE GOVERNMENT OR NON-GOVERNMENT
16 ORGANIZATIONS OF LEGAL, TECHNICAL, AND OTHER ADVICE TO
17 AFFECTED PERSONS ON THEIR RIGHTS AND OPTIONS;

18 (4) PUBLIC HEARINGS THAT PROVIDE AFFECTED ISFS AND
19 THEIR ADVOCATES WITH OPPORTUNITIES TO CHALLENGE THE
20 EVICTION DECISION, PRESENT ALTERNATIVE PROPOSALS, AND
21 ARTICULATE THEIR DEMANDS AND DEVELOPMENT PRIORITIES;
22 AND

23 (5) IN CASE NO AGREEMENT IS REACHED ON THE PROPOSALS
24 OF THE CONCERNED PARTIES, THE MATTER SHALL BE BROUGHT

1 BEFORE THE HUMAN SETTLEMENTS ADJUDICATION
2 COMMISSION;

3 (Z) 'CIVIL SOCIETY ORGANIZATIONS OR CSOS' REFERS TO NON-
4 GOVERNMENTAL ORGANIZATIONS (NCOS), PEOPLE'S ORGANIZATIONS
5 (POS), COOPERATIVES, TRADE UNIONS, PROFESSIONAL
6 ASSOCIATIONS, FAITH-BASED ORGANIZATIONS, MEDIA GROUPS,
7 INDIGENOUS PEOPLES MOVEMENTS, FOUNDATIONS, AND OTHER
8 CITIZEN'S GROUPS FORMED PRIMARILY FOR SOCIAL AND ECONOMIC
9 DEVELOPMENT TO PLAN AND MONITOR GOVERNMENT PROGRAMS AND
10 PROJECTS, ENGAGE IN POLICY DISCUSSIONS, AND ACTIVELY
11 PARTICIPATE IN COLLABORATIVE ACTIVITIES WITH THE
12 GOVERNMENT;

13 (AA) 'IN-CITY RESETTLEMENT' REFERS TO A RELOCATION SITE
14 WITHIN THE JURISDICTION OF THE CITY WHERE THE AFFECTED ISFS
15 ARE LIVING;

16 (BB) 'INFORMAL SETTLEMENTS' REFERS TO:

17 (1) RESIDENTIAL AREAS WHERE HOUSING UNITS HAVE BEEN
18 CONSTRUCTED BY SETTLERS ON LAND WHICH THEY OCCUPY
19 ILLEGALLY; OR

20 "(2) UNPLANNED SETTLEMENTS AND AREAS WHERE HOUSING IS
21 NOT IN COMPLIANCE WITH EXISTING PLANNING AND BUILDING
22 REGULATIONS;

1 (CC) 'INFORMAL SETTLER FAMILIES' COLLECTIVELY REFERRED
2 TO AS ISFS, REFERS TO FAMILIES LIVING IN INFORMAL SETTLEMENTS
3 AS THE LATTER IS DEFINED IN THIS ACT;

4 (DD) 'NEAR-CITY RESETTLEMENT' REFERS TO A RELOCATION
5 SITE IN A CITY OTHER THAN THE CITY OF THE AFFECTED INFORMAL
6 SETTLEMENTS: PROVIDED, HOWEVER, THAT THE RELOCATION SITE IS
7 ADJACENT TO THE CITY WHERE THE AFFECTED ISFS HAVE THEIR
8 SETTLEMENTS;

9 (EE) 'NON-GOVERNMENT ORGANIZATIONS' REFERS TO DULY
10 REGISTERED NON-STOCK, NON-PROFIT ORGANIZATIONS FOCUSING
11 ON THE UPLIFTMENT OF DISADVANTAGED SECTORS OF SOCIETY BY
12 PROVIDING ADVOCACY, TRAINING, COMMUNITY, ORGANIZING,
13 RESEARCH, ACCESS TO RESOURCES, AND OTHER SIMILAR ACTIVITIES,
14 AS DEFINED UNDER REPUBLIC ACT NO. 8425, OTHERWISE KNOWN AS
15 THE 'SOCIAL REFORM AND POVERTY ALLEVIATION ACT' AND
16 ORGANIZED AND OPERATED EXCLUSIVELY FOR SCIENTIFIC,
17 RESEARCH, EDUCATIONAL, CHARACTER-BUILDING AND YOUTH AND
18 SPORTS DEVELOPMENT, HEALTH, SOCIAL WELFARE, CULTURAL OR
19 CHARITABLE PURPOSES, OR A COMBINATION THEREOF, AND NO PART
20 OF THE NET INCOME OF WHICH INURES TO THE BENEFIT OF ANY
21 PRIVATE INDIVIDUAL PURSUANT TO SECTION 34 (H)(2)(C)(1) OF
22 REPUBLIC ACT NO. 8424, AS AMENDED, OTHERWISE KNOWN AS THE
23 TAX REFORM ACT OF 1997';

1 (FF) 'OFF-CITY RESETTLEMENT' REFERS TO A RELOCATION SITE
2 DEVELOPED OUTSIDE AND NOT ADJACENT TO THE CITY WHERE THE
3 AFFECTED ISFS HAVE THEIR SETTLEMENTS;

4 (GG) 'PEOPLE'S PLAN' REFERS TO THE PLAN FORMULATED BY
5 THE BENEFICIARY-ASSOCIATION, IN COORDINATION WITH THE
6 PRESIDENTIAL COMMISSION FOR THE URBAN POOR, WITH OR
7 WITHOUT THE SUPPORT OF CSOS, WHICH SHALL CONTAIN A SITE
8 DEVELOPMENT PLAN, INCLUDING NON-PHYSICAL DEVELOPMENT
9 COMPONENTS, SUCH AS SELF-HELP HOUSING COOPERATIVE,
10 LIVELIHOOD, SELF-HELP DEVELOPMENT, AND CAPABILITY BUILDING;
11 AND

12 (HH) 'SOCIAL PREPARATION' REFERS TO THE PROCESS OF
13 ESTABLISHING SOCIAL, ORGANIZATIONAL, AND INSTITUTIONAL
14 NORMS AND MECHANISMS. SUCH NORMS AND MECHANISMS WILL:

15 (1) ENABLE THE SETTLERS TO COPE WITH CHANGES; AND

16 (2) IN PARTNERSHIP WITH CONCERNED INSTITUTIONS AND
17 STAKEHOLDERS, ENCOURAGE THE SETTLERS NOT ONLY TO
18 WORK AMONG THEMSELVES FOR THE PURPOSE OF DRAWING UP
19 AND UNDERTAKING THEIR HOUSING RESETTLEMENT
20 PROPOSALS BUT ALSO TO ACTIVELY AND MEANINGFULLY
21 PARTICIPATE IN HOUSING RESETTLEMENT PROJECTS
22 UNDERTAKEN IN THEIR BEHALF, THUS RESOLVING COLLECTIVE
23 ACTION PROBLEMS AMONG COMMUNITY MEMBERS AND

1 COORDINATION PROBLEMS WITH GOVERNMENT AND OTHER
2 ENTITIES.;

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

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

1 the incursions of professional squatters and members of squatting
2 syndicates into their communities.

3 In instances when the affected beneficiaries have failed to
4 organize themselves or form an [alliance] ASSOCIATION within a
5 reasonable period prior to the implementation of the program or projects
6 affecting them, consultation between the implementing agency and the
7 affected beneficiaries shall be conducted with the assistance of the
8 [Presidential Commission for the Urban Poor] PCUP and the concerned
9 nongovernment organization UNTIL AN ASSOCIATION IS FORMED IN
10 PLACE.

11 THE ASSOCIATION, IN COORDINATION WITH THE PCUP, WITH
12 OR WITHOUT THE SUPPORT OF CSOS, SHALL FORMULATE A 'PEOPLE'S
13 PLAN' THROUGH A PROCESS OF CONSULTATION WHICH SHALL
14 CONTAIN A SITE DEVELOPMENT PLAN, INCLUDING NON-PHYSICAL
15 DEVELOPMENT COMPONENTS SUCH AS SELF-HELP HOUSING
16 COOPERATIVE, LIVELIHOOD, SELF-HELP DEVELOPMENT, AND
17 CAPABILITY-BUILDING TRAININGS.

18 THE ASSOCIATION, WITH THE ASSISTANCE OF CSOS AND
19 GOVERNMENT AGENCIES INCLUDING THE DEPARTMENT OF HUMAN
20 SETTLEMENTS AND URBAN DEVELOPMENT (DHSUD), NATIONAL
21 ANTIPOVERTY COMMISSION (NAPC), PCUP, NATIONAL HOUSING
22 AUTHORITY (NHA), CITY OR MUNICIPAL SOCIAL WELFARE AND
23 DEVELOPMENT OFFICE, SOCIAL HOUSING FINANCE CORPORATION,
24 LOCAL GOVERNMENT UNITS, AND OTHER RELEVANT AGENCIES OF

1 GOVERNMENT, SHALL AGREE ON, DEVELOP, AND IMPLEMENT THE
2 PEOPLE'S PLAN.

3 IN ACCORDANCE WITH THE PROTECTION GUIDELINES
4 PROVIDED UNDER SECTION 28 OF THIS ACT, A RELOCATION ACTION
5 PLAN SHALL BE AN INDISPENSABLE COMPONENT OF THE PEOPLE'S
6 PLAN. THE RELOCATION ACTION PLAN SHALL INCLUDE THE
7 FOLLOWING OBJECTIVES:

8 (A) ENSURE SAFE, AFFORDABLE, DECENT, AND HUMANE
9 CONDITION OF RELOCATION, INCORPORATING THEREIN
10 APPROPRIATE DISASTER RISK REDUCTION MANAGEMENT AND
11 CLIMATE CHANGE ADAPTATION STANDARDS;

12 (B) PROVIDE ADEQUATE SOCIAL PREPARATION; AND

13 (C) PREVENT FORCED EVICTION;

14 PROVIDED, THAT PRIMARY CONSIDERATION SHALL BE GIVEN
15 TO THE HOUSING FINANCIAL SCHEME SUGGESTED IN THE PEOPLE'S
16 PLAN.";

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

18 SECTION 26. *Urban Renewal and Resettlement.* - [This] URBAN
19 RENEWAL AND RESETTLEMENT shall include the rehabilitation and
20 development of blighted and slum areas and the resettlement of Program
21 beneficiaries in accordance with the provisions of this Act. On-site
22 development shall be implemented [whenever possible] AFTER
23 ADEQUATE AND GENUINE CONSULTATION WITH THE AFFECTED ISFS,

1 AND IN ACCORDANCE WITH THE PEOPLE'S PLAN FORMULATED
2 PURSUANT TO SECTION 23 OF THIS ACT, in order to ensure minimum
3 movement of occupants of blighted lands and slum areas.

4 [The] WHERE DEMOLITION OR EVICTION IS ALLOWED IN THE
5 AREA OCCUPIED BY THE PROGRAM BENEFICIARIES PURSUANT TO
6 SECTION 28 OF THIS ACT, AND ON-SITE RESETTLEMENT CANNOT BE
7 UNDERTAKEN BY REASON THEREOF, THE IN-CITY resettlement of the
8 beneficiaries of the Program from their existing places of occupancy shall
9 be undertaken only [when on-site development is not feasible and] after
10 compliance with the procedures laid down in [Section 28 of this Act] THE
11 SAME SECTION OF THIS ACT AND IN ACCORDANCE WITH THE
12 PREFERENCE OF THE AFFECTED ISFS AS CONTAINED IN THE PEOPLE'S
13 PLAN.

14 SHOULD IN-CITY RESETTLEMENT NOT BE FEASIBLE, NEAR-CITY
15 RESETTLEMENT SHALL BE CONSIDERED. OFF-CITY RESETTLEMENT
16 SHALL ONLY BE RESORTED TO UPON CONSENT OF THE AFFECTED ISFS
17 THEMSELVES, AND MUST SATISFY THE REQUIREMENTS OF ADEQUATE
18 AND GENUINE CONSULTATION PRIOR TO RELOCATION, SUCH
19 CONSENT SHALL NOT BE UNREASONABLY WITHHELD.; and

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

21 SECTION 29. *Resettlement.* Within two (2) years from the
22 effectivity of this Act, the local government units, in coordination with the
23 [National Housing Authority] NHA, shall implement the relocation and

1 resettlement of persons living in danger areas such as esteros, railroad
2 tracks, garbage dumps, riverbanks, shorelines, waterways, and in other
3 public places such as sidewalks, roads, parks, and playgrounds. The local
4 government unit, in coordination with the National Housing Authority, shall
5 provide relocation or resettlement sites with basic services and facilities
6 and access to employment and livelihood opportunities sufficient to meet
7 the basic needs of the affected families.

8 IN INSTANCES WHEN THE RELOCATION OR RESETTLEMENT SITE
9 IS LOCATED IN ANOTHER LOCAL GOVERNMENT UNIT, THE LOCAL
10 GOVERNMENT UNIT THAT IMPLEMENTS THE RELOCATION OR
11 RESETTLEMENT AND THE CONCERNED NATIONAL GOVERNMENT
12 AGENCIES SHALL, THROUGH A MEMORANDUM OF AGREEMENT,
13 PROVIDE THE OTHER BASIC SERVICES AND FACILITIES ENUMERATED
14 UNDER SECTION 21 OF THIS ACT TO THE RECIPIENT LOCAL
15 GOVERNMENT UNIT WHERE THE RELOCATION OR RESETTLEMENT SITE
16 IS LOCATED.

17 THE HOUSING AND URBAN DEVELOPMENT COORDINATING
18 COUNCIL AND THE DEPARTMENT OF FINANCE - BUREAU OF LOCAL
19 GOVERNMENT FINANCE SHALL FORMULATE THE IMPLEMENTING RULES
20 AND REGULATIONS ON THE COST-SHARING MECHANISM NECESSARY TO
21 FULLY IMPLEMENT THE PROVISION OF SUCH OTHER BASIC SERVICES
22 AND FACILITIES.

23 IN ADDITION TO THE FUNDING SOURCES PROVIDED UNDER
24 SECTION 42 OF THIS ACT, THE ALLOCATION FOR THE BASIC SERVICES

1 AND FACILITIES MAY BE TAKEN BY THE LOCAL GOVERNMENT UNIT
2 IMPLEMENTING THE RELOCATION OR RESETTLEMENT FROM THE
3 TWENTY PERCENT (20%) OF THE INTERNAL REVENUE ALLOTMENT
4 APPROPRIATED FOR DEVELOPMENT PROJECTS AS MANDATED UNDER
5 SECTION 287 OF REPUBLIC ACT NO. 7160, OTHERWISE KNOWN AS THE
6 'LOCAL GOVERNMENT CODE OF 1991'.

7 **SECTION 3. *Implementing Rules and Regulations.*** - The principles, policies
8 and provisions of this Act shall be incorporated in the National Shelter Program. The
9 Housing and Urban Development Coordinating Council and the Department of the
10 Interior and Local Government, in consultation and coordination with appropriate
11 government agencies, CSOs, NGOs, representatives from the private sector, and ISFs,
12 shall promulgate a new set of implementing rules and regulations within sixty (60)
13 days from the effectivity of this Act. The implementing rules and regulations shall be
14 consistent with the provisions of this Act, particularly with the amendments,
15 parameters, and standards introduced to Sections 23, 26, and 29 of the "Urban
16 Development and Housing Act of 1992", and shall include the following:

17 (a) A People's Plan template to guide ISFs in the development of their own
18 People's Plan: Provided, That such template shall be a complete pro forma People's
19 Plan: Provided, however. That such a template shall be used to benchmark the
20 minimum standards in a People's Plan; and

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

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

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

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

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

13 Approved,