

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



'22 AUG 31 P 6 :44

SENATE
S. No. 1257

RECEIVED BY: _____

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INTRODUCED BY SENATOR JOSEPH VICTOR G. EJERCITO

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 1987 Philippine Constitution, Article XIII, Section 9 provides that, "The State shall, by law, and for the common good, undertake, in cooperation with the private sector, a continuing program of urban land reform and housing which will make available at affordable cost, decent housing and basic services to underprivileged and homeless citizens in urban centers and resettlement areas. It shall also promote adequate employment opportunities to such citizens. In the implementation of such program the State shall respect the rights of small property owners."

Further, Section 10 declared that "Urban or rural poor dwellers shall not be evicted nor their dwelling 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. "

It is not humane to just produce houses for informal settler families (ISFs) and relocate them in the provinces. If we build a structure for our people to dwell in, but is far from their work and the school of their children, yes we may have built a house, but it will never be a home. The ISF occupying the housing unit provided by government will leave and go back to the city. They will again build homes in prohibited places—both the government and the ISFs are now caught in a vicious cycle.

In relocating ISFs, the government should not just be simply complying in providing shelters. We want our fellow Filipinos not just to survive, but thrive in their communities. The resources they need to live a fruitful and meaningful life should be accessible to them.

Thus, in-city housing development should be considered, wherein relocation site or housing development will take place within the jurisdiction of the city where the affected ISFs and projected beneficiaries are located. Informal settler families and households with unsafe housing and experiencing dismal poverty will have better access to services and employment opportunities and will be fully integrated into city's socio-economic fabric and urban government system, compared to off-site resettlement.

This bill seeks to amend Republic Act 7279 or the Urban Development and Housing Act to guarantee sustainability and viability of resettlement projects for informal settler families (ISFs) by assuring access to their employment and empower them by making them active partners in government's resettlement program. It is intended to address the need for shelter and close the gap in the delivery of affordable shelter for the vulnerable and disadvantaged families.

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



JOSEPH VICTOR G. EJERCITO

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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 **"On-site, In-City**
2 **or Near-City Resettlement Act"**.

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

6 (a) Section 3 of Republic Act No. 7279 is hereby amended to read as
7 follows:

8 SEC. 3. Definition of Terms. – For purposes of this Act:

9 "x x x

10 "(w) x x x; **[and]**

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

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

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

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

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

16 “(4) PUBLIC HEARINGS THAT PROVIDE AFFECTED ISFs
17 AND THEIR ADVOCATES WITH OPPORTUNITIES TO CHALLENGE
18 THE EVICTION DECISION OR PRESENT ALTERNATIVE
19 PROPOSALS AND TO ARTICULATE THEIR DEMANDS AND
20 DEVELOPMENT PRIORITIES; AND

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

26 “(Z) ‘CIVIL SOCIETY ORGANIZATIONS OR CSOs’ REFERS
27 TO NON-GOVERNMENTAL ORGANIZATIONS (NGOs), PEOPLE’S
28 ORGANIZATIONS (POs), COOPERATIVES, TRADE UNIONS,
29 PROFESSIONAL ASSOCIATIONS, FAITH-BASED
30 ORGANIZATIONS, MEDIA GROUPS, INDIGENOUS PEOPLES
31 MOVEMENTS, FOUNDATIONS AND OTHER CITIZEN’S GROUPS
32 FORMED PRIMARILY FOR SOCIAL AND ECONOMIC

1 DEVELOPMENT TO PLAN AND MONITOR GOVERNMENT
2 PROGRAMS AND PROJECTS, ENGAGE IN POLICY DISCUSSIONS,
3 AND ACTIVELY PARTICIPATE IN COLLABORATIVE ACTIVITIES
4 WITH THE GOVERNMENT;

5 "(AA) 'IN-CITY RESETTLEMENT' REFERS TO A RELOCATION
6 SITE WITHIN THE JURISDICTION OF THE CITY WHERE THE
7 AFFECTED ISFs ARE LIVING;

8 "(BB) 'INFORMAL SETTLEMENTS' REFERS TO:

9 "(1) RESIDENTIAL AREAS WHERE HOUSING UNITS HAVE
10 BEEN CONSTRUCTED BY SETTLERS ON LAND WHICH THEY
11 OCCUPY ILLEGALLY; OR

12 "(2) UNPLANNED SETTLEMENTS AND AREAS WHERE
13 HOUSING IS NOT IN COMPLIANCE WITH EXISTING PLANNING
14 AND BUILDING REGULATIONS;

15 "(CC) 'INFORMAL SETTLER FAMILIES' COLLECTIVELY
16 REFERRED TO AS ISFs, REFERS TO FAMILIES LIVING IN
17 INFORMAL SETTLEMENTS AS THE LATTER IS DEFINED IN THIS
18 ACT;

19 "(DD) 'NEAR-CITY RESETTLEMENT' REFERS TO A
20 RELOCATION SITE IN A CITY OTHER THAN THE CITY OF THE
21 AFFECTED INFORMAL SETTLEMENTS: PROVIDED, HOWEVER,
22 THAT THE RELOCATION SITE IS ADJACENT TO THE CITY WHERE
23 THE AFFECTED ISFs HAVE THEIR SETTLEMENTS;

24 "(EE) 'NON-GOVERNMENT ORGANIZATION OR NGO
25 REFERS TO A DULY REGISTERED NON-STOCK, NON-PROFIT
26 ORGANIZATION FOCUSING ON THE UPLIFTING OF THE BASIC
27 OR DISADVANTAGED SECTORS OF SOCIETY BY PROVIDING
28 ADVOCACY, TRAINING, COMMUNITY ORGANIZING, RESEARCH,
29 ACCESS TO RESOURCES, AND OTHER SIMILAR ACTIVITIES, AS
30 DEFINED UNDER REPUBLIC ACT NO. 8425, OTHERWISE KNOWN
31 AS THE 'SOCIAL REFORM AND POVERTY ALLEVIATION ACT' AND
32 ORGANIZED AND OPERATED EXCLUSIVELY FOR SCIENTIFIC,

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

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

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

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

1 **AND COORDINATION PROBLEMS WITH GOVERNMENT AND**
2 **OTHER ENTITIES.”;**

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

4 “SEC. 23. Participation of **PROGRAM** Beneficiaries **OR AFFECTED**
5 **ISFs, FORMATION OF BENEFICIARY-ASSOCIATION, AND**
6 **FORMULATION AND IMPLEMENTATION OF A PEOPLE’S PLAN.**

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

26 “In instances when the affected beneficiaries have failed to
27 organize themselves or form an [alliance] **ASSOCIATION** within a
28 reasonable period prior to the implementation of the program or
29 projects affecting them, consultation between the implementing
30 agency and the affected beneficiaries shall be conducted with the
31 assistance of the Presidential Commission for the Urban Poor and the

1 concerned non-government organization **UNTIL AN ASSOCIATION**
2 **IS FORMED IN PLACE.**

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

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

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

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

30 **"(B) PROVIDE ADEQUATE SOCIAL PREPARATION; AND**

31 **"(C) PREVENT FORCED EVICTION: PROVIDED, THAT**
32 **PRIMARY CONSIDERATION SHALL BE GIVEN TO THE**

1 **HOUSING FINANCIAL SCHEME SUGGESTED IN THE PEOPLE'S**
2 **PLAN.”;**

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

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

14 “[The] **WHERE DEMOLITION OR EVICTION IS ALLOWED IN**
15 **THE AREA OCCUPIED BY THE PROGRAM BENEFICIARIES**
16 **PURSUANT TO SECTION 28 OF THIS ACT, AND ON-SITE**
17 **RESETTLEMENT CANNOT BE UNDERTAKEN BY REASON**
18 **THEREOF, THE IN-CITY** resettlement of the beneficiaries of the
19 Program from their existing places of occupancy shall be undertaken
20 only [when on-site development is not feasible and] after compliance
21 with the procedures laid down in [Section 28 of this Act] **THE SAME**
22 **SECTION OF THIS ACT AND IN ACCORDANCE WITH THE**
23 **PREFERENCE OF THE AFFECTED ISFs AS CONTAINED IN THE**
24 **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
28 AFFECTED ISFs THEMSELVES, AND MUST SATISFY THE
29 REQUIREMENTS OF ADEQUATE AND GENUINE CONSULTATION
30 PRIOR TO RELOCATION.”; and

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

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

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

22
23 **"THE HOUSING AND URBAN DEVELOPMENT
24 COORDINATING COUNCIL AND THE DEPARTMENT OF
25 FINANCE – BUREAU OF LOCAL GOVERNMENT FINANCE SHALL
26 FORMULATE THE IMPLEMENTING RULES AND REGULATIONS
27 ON THE COST-SHARING MECHANISM NECESSARY TO FULLY
28 IMPLEMENT THE PROVISION OF SUCH OTHER BASIC
29 SERVICES AND FACILITIES.**

30 **"IN ADDITION TO THE FUNDING SOURCES PROVIDED
31 UNDER SECTION 42 OF THIS ACT, THE ALLOCATION FOR THE
32 BASIC SERVICES AND FACILITIES MAY BE TAKEN BY THE**

1 **LOCAL GOVERNMENT UNIT IMPLEMENTING THE**
2 **RELOCATION OR RESETTLEMENT FROM THE TWENTY**
3 **PERCENT (20%) OF THE INTERNAL REVENUE ALLOTMENT**
4 **APPROPRIATED FOR DEVELOPMENT PROJECTS AS**
5 **MANDATED UNDER SECTION 287 OF REPUBLIC ACT NO. 7160,**
6 **OTHERWISE KNOWN AS THE 'LOCAL GOVERNMENT CODE OF**
7 **1991'."**

8 *Sec. 3. Implementing Rules and Regulations.* – The principles, policies and
9 provisions of this Act shall be incorporated in the National Shelter Program.

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

- 19 a. A People's Plan template to guide ISFs in the development of their own
20 People's Plan: Provided, That such template shall be a complete pro
21 forma People's Plan: Provided, however, That such a template shall be
22 used to benchmark the minimum standards in a People's Plan; and
23 b. A guide to effective implementation of the People's Plan, including
24 details on the necessity of the issuance of internal memoranda by
25 concerned agencies.

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

29 *Sec. 4. Repealing Clause.* – All laws, decrees, executive orders, proclamations,
30 rules and regulations, and other issuances, or parts thereof which are
31 inconsistent with the provisions of this Act are hereby repealed, amended or
32 modified accordingly.

1 Sec. 5. *Separability Clause.* –If, for any reason, any part, section or provision
2 of this Act is held invalid or unconstitutional, the remaining provisions not
3 affected thereby shall continue to be in full force and effect.

4 Sec. 6. *Effectivity.* – This Act shall take effect fifteen (15) days after its
5 publication in the Official Gazette or in a newspaper of general circulation.

Approved,