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**Republic of the Philippines
HOUSE OF REPRESENTATIVES
THIRTEENTH CONGRESS**

First Regular Session

House Bill No. 2800



Introduced by
**Anakpawis Representatives Crispin B. Beltran, Rafael V. Mariano;
Gabriela Women's Party Rep. Liza Largoza-Maza;
Bayan Muna Representatives Satur C. Ocampo, Joel G. Virador, Teodoro A. Casiño**

EXPLANATORY NOTE

Section 9, Article 13 of the Philippine Constitution explicitly states the State's responsibility to provide its citizens with adequate shelter in the provision which reads: "the State shall undertake...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."

Adequate shelter is a right guaranteed by the Philippine Constitution and by many international covenants, such as the Istanbul Declaration on Human Settlements and the Habitat Agenda of the United Nations Commission on Human Settlements (which was endorsed by 171 members of the General Assembly including the Philippines) calling for "the full and progressive realization of the right to adequate housing").

Despite recognition of the right to decent housing, about 1.5 million Filipino families in the cities are homeless. In 1990, the Presidential Commission for the Urban Poor (PCUP) reported that in 123 major urban centers throughout the country, there were 618 slums and squatter areas with populations accounting for 36% of the urban poor. More than 60% of these slums are in Metro Manila. In 1992, the same institution said the number of urban poor had grown to 15 million, 65% or 9.75 million of whom are living in slums and squatter areas. In Metro Manila alone, 3.5 million people or approximately 700,000 families are informal settlers.

Over the next four years, the country's housing need is projected to reach 3.36 million units, assuming that there will be a 100% growth in the number of households. Of the total housing need, more than 1.12 million units comprise what is called the housing backlog. With a population skewed at over 50% under the age of 20, a population growth of 2.32% annually and some 250, 000 households formed every year, the demand for housing poses a serious social threat if not dealt with effectively.

Even without these figures, the "visible homeless" or those who live in high-risk areas - under bridges, along railroads- are silent but undeniable proof that the country suffers from a serious housing crisis.

The housing crisis is primarily results from the people's lack of purchasing power to build or buy their own houses. Around 4.5 million Filipinos are unemployed and among those considered employed are actually mere unpaid family workers. In addition, at least 17.5% of the labor force is underemployed. Those who are employed, on the other hand, still do not earn enough to get access to housing since the current minimum wage is only P250 (NCR) while the daily cost of living is P552.96.

A glaring case of urban poor plight and the government's negligence is what is happening to residents of the communities at the National Government Center (NGC), Payatas in Quezon City. Alternately muddy and cogon grass-choked, snake-infested, and with no electricity or water facilities within the area except for a river and a deep well, the NGC used to be a no-man's land. Through the years, however, NGC Payatas has become home to thousands of families who have been driven from their

own homes by the Marcos dictatorship's military operations in the provinces. Their humble houses were demolished to give way to governmental projects.

The people of NGC Payatas have occupied the area for almost 20 years now. Through their efforts, the once uninhabitable place was transformed into a community. While a large portion of the population became laborers and quasi-laborers, some tilled the lands and planted root crops, vegetables and fruit-bearing trees such as banana. Years passed and they shaped the place into a full-blown community - with roads and streets, chapels, and markets. Then came 1979 - Proclamation No. 1826 was effected formally recognizing NGC which, at present, is composed of five barangays: Brgy. Holy Spirit, Brgy. Commonwealth, Brgy. Payatas A, Brgy. Payatas B, and Brgy. Batasan Hills.

Today, however, the people of NGC are in danger of losing their homes for the second time, their homes. The implementing rules and regulations (IRR) of Republic Act No. 9207 also known as the National Government Center Housing and Land Utilization Act of 2003 requires the residents to enlist/apply as beneficiaries of the government's NGCHP (National Government Center Housing Project) or they will be forcefully evicted from their homes.

It should be noted that residents are being forced to apply not as land owners, but only as lessees. It is compulsory that they first sign Contracts to Sell (CTS) within six months. This, by itself, is already suspicious. It is stated in Article 3 of the Contracts to Sell (CTS) being promulgated under RA 9207 and its IRR that

"Upon execution of this contract, and payment of the initial amount stated in Article 1.02 (2) hereof, the buyer shall take possession of the above - described property in the concept of a lessees or tenant. The buyer may introduce improvements thereon in accordance with the plans and specification as approved by the committee within 364 days from the receipt of the Notice of Award...."

But closer inspection of the CTS would reveal that the title of the lands under the CTS will remain with the Seller which is the NGC. There is the illusion that the Buyer will only be able to have the title transferred to his or her name when he/she has completed all the payments and other obligations stated in the contract, after the Seller supposedly agrees to the creation of the Final Deed of Sale (DOA) which is favorable to the Buyer. Closer scrutiny of the CTS would also reveal that there will never be a land or title transfer between Seller and Buyer. As stated in the contract, titles cannot be transferred even after the release of Notice Award and without the permission of the NGCHC.

The CTS is only effective for 15 years, but can be easily revoked on the following grounds:

1. If resident-applicants for a CTS are unable to pay their monthly financial obligations under the contract;
2. Violations of other provisions in the contract;
3. Failure to cooperate with the Housing authorities and refusal to allow their homes to be reblocked;
4. Expulsion from the government-accredited housing association because of violations of policy, rules and regulations of the NGCHC and the Charter of the housing association.

It is evident that the stringent rules are meant to work against urban poor residents and discourage their chances of ever owning the lands their houses are built on. Residents are being forced to apply as mere "beneficiaries;" this does not give an assurance to the settlers that they will eventually own the land.

RA 9207 does not in any way help diminish the housing crisis that Filipinos are suffering. It will only pave the way for violent demolitions and forceful evictions of thousands of families who have no other place to run to, hence increasing the already huge population of homeless Filipinos.

Instead, the government, before hurrying the execution of a new housing scheme, should first review and assess the previous ones so that it may know what went wrong and what not to do again. Failure of housing schemes, the government admits, is due to failure to generate income from such undertakings.

Despite actively engaging in shelter production and aggressively implementing the CMP etc., the quasi government agency NHA admits of bankruptcy. No housing project/scheme will be successful unless it is not aimed at generating income. The economic circumstances of the target beneficiaries should be the first considerations, and not profit for the contractors or land developers. The urban poor who are the supposed beneficiaries are, after all, mostly unemployed and thus financially incapable of paying monthly rates at a regular basis. Urban poor laws, however, tend to work against the urban poor.

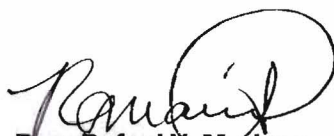
Finally, RA 9207 has only worsened the impact of RA 7279 or the Urban Development Housing Act, removing all the qualifications for the urban poor to avail of socialized housing program of the government. The law, and its implementing rules and regulations (IRR) has increased the threat of homelessness for thousands of urban poor residents in the NGC.

It is for the abovementioned reasons that this statute provides for the repeal of RA 9207 known as the "National Government Center (NGC) Housing and Land Utilization Act of 2003."

In view of the aforementioned concerns, the urgent passage of this bill is earnestly sought.



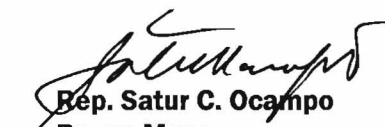
Rep. Crispin B. Beltran
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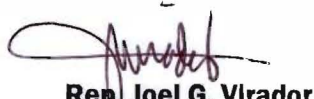
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**AN ACT
REPEALING REPUBLIC ACT 9207, OTHERWISE KNOWN AS THE NATIONAL GOVERNMENT
CENTER (NGC) HOUSING AND LAND UTILIZATION ACT OF 2003**

SECTION 1. Any provision of law to the contrary notwithstanding, Republic Act 9207 entitled "AN ACT DECLARING CERTAIN PORTIONS OF THE NATIONAL GOVERNMENT CENTERS SITE OPEN FOR DISPOSITION TO BONA FIDE RESIDENTS AND LOCAL GOVERNMENT OR COMMUNITY FACILITIES, CHARITABLE, EDUCATIONAL, AND RELIGIOUS INSTITUTIONS ACTUALLY OCCUPYING THE SAME FOR SOCIO-ECONOMIC, CIVIC AND RELIGIOUS PURPOSES, AMENDING FOR THIS PURPOSE PROCLAMATION NO. 1836, SERIES OF 1979 AND FOR OTHER PURPOSES is hereby repealed.

SECTION 2. This Act shall take effect fifteen (15) days after its publication in at least two (2) national newspapers of general circulation.

Approved,