

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Thirteenth Congress
First Regular Session

House Bill No. 4547



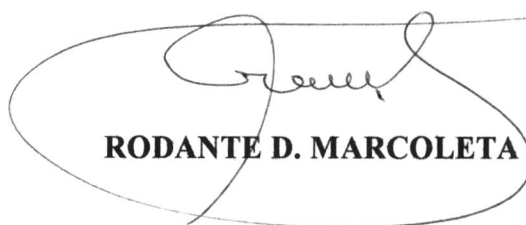
INTRODUCED BY REP. RODANTE D. MARCOLETA

EXPLANATORY NOTE

In order to make the Urban Development and Housing Act (RA 7279) more relevant to its purpose of protecting the underprivileged and homeless citizens, there is a need to amend Section 28 (c) of the said act. It is important to emphasize that the "court order" referred to therein applies only to final and executory judgments. Likewise, the said provision should also be enhanced by adding a modifying provision to the effect that no execution pending appeal shall be granted or allowed by the courts in cases involving underprivileged and homeless citizens who are beneficiaries under this act.

More often than not, underprivileged and homeless individuals have no money to pay the appeal fees or the supersedeas bond(s) necessary to stay the execution of an ejectment case pending appeal, even when the UDHA Law aspires to uplift and protect these marginalized litigants. In effect, the salutary purpose of the present law is rendered useless by the inability of the defendant to pay the fees for appeal and/or supersedeas bond(s) in ejectment cases prior to the exhaustion of all legal remedies.

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


RODANTE D. MARCOLETA

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AN ACT
AMENDING SECTION 28 PARAGRAPH (C) OF REPUBLIC ACT 7279
OTHERWISE KNOWN AS THE URBAN DEVELOPMENT AND HOUSING ACT.

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

Article I. Section 28 paragraph (c) of RA 7279 is hereby amended to read as follows:

“Sec. 28. Eviction and Demolition – Eviction or demolition as a practice shall be discouraged. Eviction or demolition, however, may be allowed under the following situations:

X X X

X X X

X X X

(c) When there is a court order for eviction or demolition based on a final and executory judgment. Provided, that no execution pending appeal shall be granted or allowed by the courts in cases involving underprivileged and homeless citizens who are beneficiaries under this act.

X X X

X X X

X X X”

Article II. Separability Clause. – If any part, section or provision of this Act is held invalid or unconstitutional, other provisions not affected thereby shall remain in force and effect.

Article III. Repealing Clause. – All other laws, decrees, orders, issuances, rules and regulations, which are inconsistent with the provisions of this Act, are hereby repealed, amended or modified accordingly.

Article IV. Effectivity Clause. – This Act shall take effect fifteen (15) days after its publication in at least (2) newspapers of general circulation in the Philippines.

Approved,