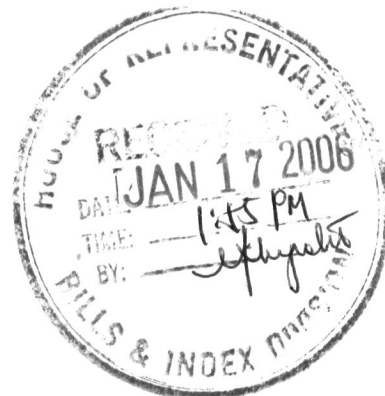


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Thirteenth Congress
First Regular Session

HOUSE BILL NO. 5004



Introduced by: Representatives Eduardo C. Zialcita, Rodante D. Marcoleta,
Jose G. Solis and Robert "Dodot" B. Jaworski, Jr.

EXPLANATORY NOTE

This bill seeks to strengthen the National Housing Authority (NHA) to ensure a continuous shelter delivery by defining clearly and expanding its objectives as well as its powers and functions.

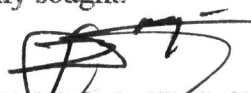
To address the problem of homelessness, especially among the urban poor families, this bill specifies the low-income families in urban areas as its target beneficiaries, giving emphasis on security of tenure.

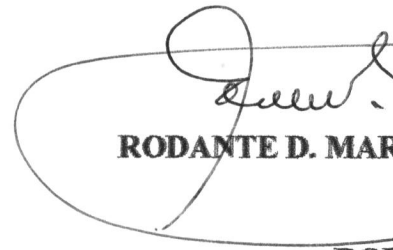
This bill gives the Authority the power to condone the penalties and surcharges imposed on the delinquent loans of its members who defaulted in the payment of their monthly amortization due to the country's lingering economic crisis in the immediate past which affected the majority of our citizens.

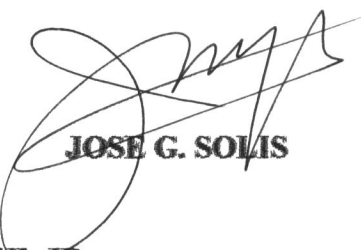
For practical purposes and to ensure a more functional Board of Directors, this bill proposes to limit its composition to those who have direct involvement in the Authority's housing production functions.

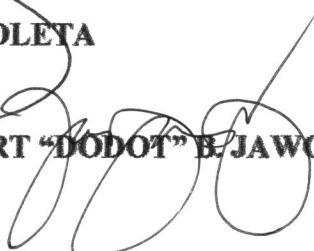
These proposed amendments to the charter of the NHA are timely and will undoubtedly address the current issues and concerns in shelter delivery, especially for those of our countrymen who most need them.

Approval of this bill is earnestly sought.


EDUARDO C. ZIALCITA


RODANTE D. MARCOLETA


JOSE G. SOLIS


ROBERT "DODOT" B. JAWORSKI, JR.

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

13th Congress

Second Regular Session

House Bill No. **5004**

Introduced by: Reps. Eduardo C. Zialcita, Crispin B. Beltran, Rodante D. Marcoleta and Jose G. Solis

AN ACT
TO STRENGTHEN THE NATIONAL HOUSING AUTHORITY, AMENDING
FOR THE PURPOSE PRESIDENTIAL DECREE NO. 757, AS AMENDED, AND
FOR OTHER PURPOSES

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

Section 1. Section 2 of Presidential Decree No. 757 is hereby amended to read as follows:

SECTION 2. Creation of the National Housing Authority. - There is hereby created a government corporation to be known as the National Housing Authority hereinafter referred to as the "Authority" ~~[to develop and implement the housing program above mentioned.]~~ **which shall be the national government arm for housing development.** The Authority shall have its principal office in ~~[the Greater Manila Area]~~ **Metropolitan Manila** but may have such branch offices, agencies, or subsidiaries in other areas as it may deem proper and necessary. The Authority shall ~~[be under the Office of the President and shall]~~ exist for fifty (50) years **from July 31, 2006** ~~[but]~~ **which period** may be extended.

Section 2. Section 3 is hereby amended to read as follows:

SECTION 3. Purpose and Objectives. - The Authority shall have the following purposes and objectives:

- (a) To provide and maintain adequate housing for the greatest number of people.
- (b) To undertake ~~[housing development, resettlement, or other activities as would enhance the provision of housing to every Filipino]~~ **the development and implementation of a viable and continuing program of housing development, resettlement, security of land tenure and other housing activities which will effectively address the housing need primarily of homeless low-income families in urban areas;**
- (c) To harness and promote private participation in housing ventures in terms of capital expenditures, land, expertise, financing and other facilities for the sustained growth of the housing industry.

(d) To enhance local government capabilities for provision and delivery of housing benefits to their constituents through the provision of technical assistance in the planning and implementation of local housing programs.

Section 3. Section 6 is hereby amended to read as follows:

SECTION 6 . Powers and Functions of the Authority. - The Authority shall have the following powers and functions to be exercised by the Board ~~[in accordance with the established national human settlements plan prepared by the Human Settlements Commission]:~~

(a) Develop and implement ~~[the comprehensive and integrated program provided in Section 1 hereto]~~ **a program of housing development, resettlement, security of land tenure and other housing assistance primarily for homeless low-income families.**

(b) Formulate and enforce general and specific policies for ~~[housing development and resettlement]~~ **the implementation of its housing programs;**

(c) ~~[Prescribe guidelines and standards for the reservation, conservation And utilization of public land identified for housing and resettlement]~~ **Administer all government lands proclaimed or transferred to the Authority for socialized housing purposes and prescribe guidelines for the utilization of the same;**

(d) Exercise the right of eminent domain or acquire by purchase privately owned lands for purposes of housing development, resettlement and related services and facilities;

(e) Develop and undertake housing development and/or resettlement projects through joint ventures or other arrangements with public and private entities;

(f) **Provide technical and other capability building assistance to local governments in housing development and delivery;**

(g) **Condone, in whole or in part, penalties and unpaid interest imposed on the loans of its housing beneficiaries, who, for justifiable reasons prescribed by the Board, failed to pay on time any obligation due to the Authority: Provided, That a beneficiary may apply only once for the condonation of penalties and surcharges;**

~~[(f)]~~ (h) Issue bonds or contract loans, credit or indebtedness, including suppliers credit or any deferred payment arrangements with any person or entity, domestic or foreign, for the implementation of its housing programs;

~~[(g)]~~ (i) Discharge all responsibilities of the government as may arise from treaties, agreements, and other commitments on housing and resettlement to which it is a signatory, including the determination of forms of assistance for housing development to be extended through multilateral or bilateral assistance programs;

~~[(h)]~~ (j) Promote housing development by providing technical assistance;

~~[(i)]~~ (k) Sue and be sued;

~~[(j)]~~ (l) Adopt and use a seal which shall be judicially noticed;

~~[(k)]~~ (m) Enter into contracts whenever necessary under such terms and conditions as it may deem proper and reasonable;

~~[(l)]~~ (n) Acquire property rights and interests, **utilize the properties** and encumber or otherwise dispose **of the same or any interests therein, in any manner recognized by law as may be necessary to carry out the purposes and objectives of the Authority;** ~~[the same as it may deem appropriate] ;~~

~~[(m)]~~ (o) Invest its funds, as it may deem proper, in bonds and securities issued and guaranteed by the government or by the Central Bank of the Philippines;

(p) Invest, own, or otherwise participate in equity in any establishment, firm or entity; enter, form, organize or establish such viable or commercial ventures in relation to any of its purposes;

~~[(n)]~~ (q) Receive donations, grants, and bequests and utilize the same for the attainment of its objectives. Such donations, grants and bequests shall be exempt from the payment of transfer taxes and be fully deductible from the gross income of the donor or grantor for income tax purposes;

~~[(o)]~~ (r) Adopt its by-laws to supplement this [Decree] **Act**

~~[(p)]—Prescribe and enforce guidelines, standards and rules in the manner provided for in such rules and regulations promulgated and adopted by the Authority designed to protect home and lot buyers through the regulation of the real estate trade and business ;]~~

(s) Exercise original and exclusive jurisdiction to resolve and adjudicate issues involving conflict of claims between or among beneficiaries or claimants concerning the award and/or disposition of lots or housing units within each own or administered projects;

~~[(q)]—Regulate the relationship between owners and lessees of residential properties in conformity with such rules and regulations as may be promulgated and adopted by the Authority;]~~

~~[(r)]~~ (t) Promulgate, adopt, amend/or repeal such rules and regulations necessary to implement the intention and purposes of this Decree. Such rules and regulations shall be submitted to the President for his approval. Upon approval, the same shall have the force and effect of law and shall take effect immediately after their publication ~~[three times a week]~~ for two weeks in any newspaper of general circulation;

(u) To design and adopt an early separation and incentive plan and/or financial assistance for the purpose of early separation of its own personnel. All those who shall be separated as a result of reorganization/restructuring shall be entitled to such incentives which shall be in addition to all gratuities and benefits to which they may be entitled under existing laws; and

~~[(s)]~~ (v) Exercise such other powers and ~~[Perform]~~ perform such other acts ~~[not inconsistent with this Decree, as may be necessary]~~ as implied, necessary, or incidental to effect the policies and objectives herein declared.

Section 4. Section 7 is hereby amended to read as follows:

SECTION 7. Board of Directors. - The Authority shall be governed by a Board of Directors, hereinafter referred to as the Board, which shall be composed of the **following**: ~~[Secretary of Public Works, Transportation and Communications, the Director-General of the National Economic and Development Authority, the Secretary of Finance, the Secretary of Labor, the Secretary of Industry, the Executive Secretary and the General Manager of the Authority. From among the members, the President will appoint a chairman. The members of the Board may have their respective alternates who shall be the officials next in rank to them and whose acts shall be considered the acts of their principal with the right to receive their benefits: Provided, that]~~

- (a) The Chairperson of the Housing and Urban Development Coordinating Council as the *ex-officio* Chairman;
- (b) The General Manager of the National Housing Authority , as Vice-Chairman;
- (c) Representatives from the following government agencies with rank not lower than Assistant Secretary as members, to be appointed by the President of the Philippines :
 - (1) Department of Finance
 - (2) Department of Justice
 - (3) Department of Interior and Local Government
 - (4) Department of Public Works and Highways
 - (5) Department of Environment and Natural Resources
- (d) A representative from People's Organizations (POs) to be appointed by the President of the Philippines

~~[In the absence of the Chairman, the Board shall elect a temporary presiding officer.]~~

The General Manager of the Authority who shall be appointed by the President shall serve on a full-time basis. He must possess managerial ability and must be a recognized authority on housing and/or related fields. He shall be the chief executive officer of the Authority ~~[and be entitled to receive a salary to be determined by the Board and approved by the President].~~

The Authority shall have ~~[an]~~ **two (2)** Assistant General Managers who shall ~~[likewise]~~ be appointed by the ~~[President and shall receive a salary to be determined in the same manner as that of the General Manager]~~ **Board of Directors.**

The Chairman, Vice-Chairman and the members of the Board, ~~[excluding the General Manager, may receive]~~ shall be entitled to per diems per meeting actually attended at such amount as may be fixed by the Board ~~[but not to exceed one thousand pesos per month]~~ in accordance with existing laws, rules and regulations.

The Board shall meet regularly at least once a month, but special meetings may be called either by the Chairman or by four members of the Board as and when necessary. ~~[Four members of the Board shall constitute a quorum and all decisions of the Board shall require the concurrence of at least four members.]~~ **The decisions of the Board shall be made by a vote of the majority of all its members.**

Section 5. The following additional sections are hereby provided and subsequent sections renumbered:

SECTION 14. Incentives . The Authority, being the primary government agency tasked with providing housing for homeless low-income families, shall be exempted from the payment of all fees and charges of any kind whether local or national, such as income and real taxes. Private persons or entities leasing commercial or industrial properties owned by the Authority, shall however be subject to payment of taxes, as beneficial users of said properties.

All documents or contracts executed by and in favor of the Authority shall also be exempted from the payment of documentary stamp and registration fees, including fees required for the issuance of transfer certificates of titles.

SECTION 15. Funding for Resettlement. In the implementation by the Authority of the relocation and resettlement of informal settlers, the national government shall provide subsidy support to the Authority out of funds appropriated under the General Appropriations Act. An amount equivalent to not less than One Billion Pesos (P1,000,000,000) shall be appropriated annually for the Authority for purposes of the implementation of the Resettlement Program.

SECTION 16. Exemption of Funds From Legal Processes and Liens. All funds of the corporation shall not be subject to attachment, garnishments, levy or seizure under any legal or equitable process.

Section 6. Repeal. - Any provisions of law, decree, executive issuances, rules and regulations inconsistent herewith are hereby repealed, amended or modified accordingly.

Section 7. Separability Clause. - If for any reason any section or provision of this Act is declared to be unconstitutional or invalid, the other sections or provisions hereof which are not affected thereby shall continue in full and force and effect.

Section 8. Effectivity. - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,