

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session



HOUSE BILL NO. 1337

Introduced by: HON. AMADO S. BAGATSING

EXPLANATORY NOTE

It has been observed that during rainy season, the Metro Manila Development Authority (MMDA) aggressively keeps track of locating lost *esteros* within Metro Manila to pinpoint possible danger areas. In order to avoid disasters from happening, demolition of houses along the danger areas are resorted to. As a result, thousands of families are displaced by such demolitions. To make matters worse, these families have been found to be relocated from one danger area to another danger zone, in many cases from the *esteros* to the sidewalks or alongside roads, or inside parks, playgrounds and other public places.

As a protection to Filipino citizens, our 1987 Constitution under Section 10, Article XIII, provides that: "Urban or rural poor dwellers shall not be evicted nor their dwellings demolished, except in accordance with law and in a just and humane manner."

Despite this constitutional provision, it is apparent that our local government is not fully aware of said policy since the implementation of the law is rather confusing. We find the law providing social justice for the underprivileged and homeless citizens of the State on one hand, while on the other, eviction and demolition of these citizens is resorted to when expediency arises. Somehow the public has learned to accept the measure since they find that under this situation these shanties have to be removed in order to clear the passage or flow of water and to avoid flooding from happening.

However, it is not to be said that Congress has been remiss in its responsibility. To address this situation, Congress passed into law Republic Act No. 7279, or the Urban Development and Housing Act (UDHA) of 1992. Under Section 29 of this Act, the provision states that: "The local government units, in coordination with the National Housing Authority, shall implement the relocation and resettlement of persons living in danger areas and shall provide relocation or resettlement sites with basic services and facilities and access to employment and livelihood opportunities sufficient to meet the basic needs of the affected families." Another law passed by Congress is Republic Act No. 7835 or the Comprehensive Integrated Shelter Finance Act (CISFA) of 1994 which states under Section 4-a that: "the program shall involve land acquisition and site development by the National Housing Authority to generate serviced homelots for families displaced from sites earmarked

for government infrastructure projects, those occupying danger areas such as waterways, *esteros*, railroad tracks, and those qualified for relocation and resettlement assistance under RA 7279."

In the course of time, the above provisions were not implemented effectively by government since the needs of the displaced families were not properly met. In particular, the relocation sites did not offer any employment and livelihood opportunities hence they had to return back to the city to seek work. Under this situation, it is about time that Congress review this policy and provide for the necessary assistance to the urban poor relocatees.

Statistical data gathered reveal that approximately 12,082 families within Metro Manila have been affected by infrastructure projects of the government, while 126,320 families have been found to be living in danger areas. The breakdown of these families living in danger areas is as follows:

1.	<i>Esteros</i>	14,132 families
2.	Road right of way	11,340 families
3.	Waterways	67,949 families
4.	Transmission lines	14,072 families
5.	MWSS	3,014 families
6.	Dump Site	767 families
7.	Market place	11 families
8.	Near airport	2,821 families
9.	Areas for Priority Development	12,714 families
Total		126,320 families

The number of affected families living in danger areas speak for itself. Unless measures are taken to eliminate the reasons that drive them back to the danger areas this problem will keep on recurring. Immediate funding assistance to provide relief for the needs of the displaced underprivileged families and homeless citizens through the establishment of resettlement centers, home sites, or town sites is much desired.

This bill will seek to provide the solutions to the much needed assistance to these homeless poor. It is therefore urgently requested that this bill be immediately approved.



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AN ACT
PROVIDING FOR THE SETTLEMENT, AID, AND REHABILITATION
SERVICES FOR THE UNDERPRIVILEGED AND HOMELESS CITIZENS
AFFECTED BY THE DEMOLITION OF HOUSES/DWELLINGS ALONG
DANGER AREAS SUCH AS ESTEROS, GARBAGE DUMPS, RIVERBANKS,
SHORELINES, WATERWAYS, AND OTHER PUBLIC PLACES SUCH AS
SIDEWALKS, ROADS, PARKS, AND PLAYGROUNDS AS WELL AS THE
VICTIMS OF DISASTERS AND CALAMITIES AND THOSE AFFECTED BY
GOVERNMENT INFRASTRUCTURE PROJECTS IN METRO MANILA AND
FOR OTHER PURPOSES

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

1 Section 1. *Declaration of Policy.* – It is hereby declared the policy of the State to
2 assist the underprivileged and homeless citizens in urban areas adversely affected by the
3 demolition of houses/dwellings along danger areas such as *esteros*, garbage dumps,
4 riverbanks, shorelines, waterways and other public places such as sidewalks roads, parks,
5 and playgrounds as well as the victims of disasters and calamities and those affected by
6 government infrastructure projects.

7 Sec. 2. *Statement of Objectives and Guidelines.* – This Act is intended to help
8 the underprivileged and homeless citizens who suffered damages resulting from the
9 demolition in or the clearing up of the danger areas such as *esteros*, garbage dumps,
10 riverbanks, shorelines, waterways, and other public places such as sidewalks, roads,
11 parks and playgrounds as well as the victims of disasters and calamities and those
12 affected by government infrastructure projects in Metro Manila. It aims to provide funds
13 for the immediate relief of the displaced underprivileged families and homeless citizens
14 through the establishment of resettlement centers, home sites, or town sites, whether off-

1 site or beneficiary-led, through the Community Mortgage Program or other socialized
2 housing programs.

3 Sec. 3. *Guidelines in the Allocation of Funds.* – Government funds and
4 resources shall be spent effectively in consonance with the principle of providing the
5 greatest good for the greatest number. Accordingly, the following guidelines shall be
6 observed in allocating the funds made available for the implementation of this Act.

7 a. Funds shall be allocated exclusively for the underprivileged and homeless
8 citizens affected by the demolition of their houses/dwellings in Metro Manila;

9 b. Funds shall be exclusively for relocation or resettlement sites that will be
10 beneficiary-led or off-site under the Community Mortgage Program of the
11 Social Housing Finance Corporation or under the other socialized housing
12 programs of other agencies;

13 c. Funds shall, when necessary, be for the construction of basic services and
14 facilities such as schools and health centers as well as roads or access to
15 employment and livelihood opportunities sufficient to meet the basic needs of
16 the affected families; and

17 d. In no case shall any portion of the sum herein appropriated be used in
18 payment of any subsisting obligation contracted before the passage of this
19 Act.

20 Sec. 4. *Appropriations.* – The amount necessary for the implementation of this
21 Act shall be included in the Annual General Appropriations Act of the current year and
22 thereafter until such time that the total requirements for this purpose shall have been
23 implemented.

24 Sec. 5. *Determination of Beneficiaries and Projects.* – The Office of the
25 President through the Housing and Urban Development Coordinating Council (HUDCC),
26 in consultation with the Metro Manila Inter-Agency Committee (MMIAC) and the Local
27 Government Unit as host site, shall assist in the resettlement of beneficiaries through a
28 beneficiary-led or off-site Community Mortgage Program or other socialized housing
29 programs. The Presidential Commission for the Urban Poor, in coordination with the
30 MMIAC and the Local Government Unit concerned, shall take the census of beneficiaries
31 and cross-check the same with the census of the National Housing Authority (NHA).

32 Sec. 6. *Alpha Listing of Beneficiaries.* – The HUDCC, in coordination with the
33 MMIAC, shall produce an alpha listing of the beneficiaries covered under this Act.

1 Sec. 7. *Rules and Regulations.* – The HUDCC, in coordination with the MMIAC,
2 shall, within thirty (30) days from the approval of this Act, issue the necessary rules and
3 regulations for the effective implementation of this Act.

4 Sec. 8. *Penalty Clause.* – Any person or persons who shall take advantage of the
5 situation for undue personal and private gain by committing an act of profiteering in the
6 purchase of lots or materials, or by committing an act of misrepresentation in the
7 documentation, or by falsifying reports, shall be imposed the penalty of not more than six
8 (6) years of imprisonment or a fine of not less than five thousand pesos (P5,000.00) but
9 not more than one hundred thousand pesos (P100,000.00). Any other illegal act that may
10 be committed in relation thereto shall be prosecuted to the full extent of the law.

11 Sec. 9. *Separability Clause.* – If any provision of this Act shall be held
12 unconstitutional or invalid, the other provisions not otherwise affected shall remain in full
13 force and effect.

14 Sec. 10. *Repealing Clause.* – Any law, decree, rules and regulations which are
15 inconsistent with or contrary to the provisions of this Act are hereby amended or repealed
16 accordingly.

17 Sec. 11. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its
18 publication in at least two (2) national newspapers of general circulation.

19 Approved,