

FIFTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
FIRST REGULAR SESSION)

HOUSE OF REPRESENTATIVES

HOUSE BILL NO. **3403**

Introduced by Representative Lorenzo R. Tañada III

Our Constitution is one that gives premium to social justice for the benefit of the marginalized, powerless, and oppressed citizens of this country. Section 10, Article XIII of the Constitution of the Republic of the Philippines states 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."

In response to the entire Article XIII, which covers urban land reform and housing, Republic Act No. 7279 or the Urban Development and Housing Act was crafted. This seemingly progressive piece of legislation aims to provide safeguards against unjust eviction of underprivileged and homeless citizens and the demolition of their homes. However, in light of various incidents of violence that constantly prevail in situations where informal settlers are being evicted and their homes being demolished, we find that there is still room for improvement in this particular law.

In this light, this bill seeks to amend specific provisions of the Urban Development and Housing Act in order to further social justice for our urban poor citizens. Amendments include the following:

- Clarification of the definition of "resettlement areas" (Section 3);
- Equal application of the eligibility criteria for socialized housing program beneficiaries for all citizens (Section 16);
- Inclusion of condominiums with subdivisions in providing for balanced housing development (Section 18);
- Provision of strengthened requirements in cases of eviction of informal settlers and demolition of their residential structures (Section 28); and
- Broadening of the penalties on the violation of the Urban Development and Housing Act (Section 45).

In view of the foregoing, the immediate passage of this measure is earnestly sought.


LORENZO R. TAÑADA III
Representative
4th District, Quezon

FIFTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
FIRST REGULAR SESSION)

HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 3403

Introduced by Representative Lorenzo R. Tañada III

AN ACT
STRENGTHENING THE RIGHT OF UNDERPRIVILEGED AND HOMELESS
CITIZENS TO ADEQUATE HOUSING AMENDING FOR THIS PURPOSE
REPUBLIC ACT NO. 7279 OTHERWISE KNOWN AS "AN ACT TO PROVIDE FOR A
COMPREHENSIVE AND CONTINUING URBAN DEVELOPMENT AND HOUSING
PROGRAM, ESTABLISH THE MECHANISM FOR ITS IMPLEMENTATION, AND
FOR OTHER PURPOSES" OR THE "URBAN DEVELOPMENT AND HOUSING ACT
OF 1992".

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

SECTION 1. Section 3 of Republic Act 7279 is hereby amended as follows:

Sec. 3. Definition of Terms. — For purposes of this Act:

x x x

n) "Resettlement areas" refers to areas identified by the appropriate national agency or by the local government unit with respect to areas within its jurisdiction, which shall be used for the relocation of the underprivileged and homeless citizens **UNDER THE JURISDICTION OF THE LOCAL GOVERNMENT UNIT CONCERNED. IF IT IS SUBSTANTIALLY PROVEN THAT RESETTLEMENT IN AREAS WITHIN THE JURISDICTION OF THE LOCAL GOVERNMENT UNIT IS NOT FEASIBLE OR PRACTICABLE, RESETTLEMENT MAY BE ESTABLISHED OUTSIDE THEREOF.**

SECTION 2. Section 16 of Republic Act 7279 is hereby amended as follows:

Sec. 16. Eligibility Criteria for Socialized Housing Program Beneficiaries. — To qualify for the socialized housing program, a beneficiary:

- (a) Must be a Filipino citizen;
- (b) Must be an underprivileged and homeless citizen, as defined in Section 3 of this Act;

- (c) Must not own any real property whether in the urban or rural areas; and
- (d) Must not be a professional squatter or a member of squatting syndicates.

ASIDE FROM THE ABOVEMENTIONED, NO OTHER REQUISITES ARE NEEDED TO CONFER BENEFICIARY STATUS ON AN INDIVIDUAL. PROVIDED FURTHER, TO FORESTALL ANY DISCRIMINATION, THERE SHALL BE NO CUT-OFF DATE FOR ONE TO BE CONSIDERED A BENEFICIARY UNDER THIS LAW.

SECTION 3. Section 18 of Republic Act 7279 is hereby amended as follows:

Sec. 18. Balanced Housing Development. — The Program shall include a system to be specified in the Framework plan whereby developers of proposed subdivision **AND CONDOMINIUM** projects shall be required to develop an area for socialized housing equivalent to at least twenty percent (20%) of the total subdivision **OR CONDOMINIUM** area or total subdivision **OR CONDOMINIUM** project cost, at the option of the developer, within the same city or municipality, whenever feasible, and in accordance with the standards set by the Housing and Land Use Regulatory Board and other existing laws. The balanced housing development as herein required may also be complied with by the developers concerned in any of the following manner:

- (a) Development of new settlement;
- (b) Slum upgrading or renewal of areas for priority development either through zonal improvement programs or slum improvement and resettlement programs;
- (c) Joint-venture projects with either the local government units or any of the housing agencies; or
- (d) Participation in the community mortgage program.

SECTION 4. Section 28 of Republic Act 7279 is hereby amended as follows:

Sec. 28. Eviction and Demolition. — **AS A GENERAL RULE, EVICTION UNDERPRIVILEGED AND HOMELESS CITIZENS OR DEMOLITION OF AND THEIR RESIDENTIAL STRUCTURES SHALL BE PROHIBITED.** [Eviction or demolition as a practice shall be discouraged.] Eviction or demolition, however, may be allowed under the following situations:

- (a) When persons or entities occupy danger areas such as esteros, railroad tracks, garbage dumps, riverbanks, shorelines, waterways, and other public places such as sidewalks, roads, parks, and playgrounds;
- (b) When government infrastructure projects with available funding are about to be implemented; or
- (c) When there is a court order for eviction and demolition.

PROVIDED, HOWEVER, THAT BEFORE THE EXECUTION OF ANY EVICTION OR DEMOLITION OR COURT ORDERED DEMOLITIONS OR EVICTIONS INVOLVING UNDERPRIVILEGED AND HOMELESS CITIZENS IN THE INSTANCES MENTIONED ABOVE, THE AGENCY WHICH SEEKS TO IMPLEMENT THE DEMOLITION MUST ENSURE THAT THE

AFFECTED COMMUNITIES SHALL HAVE ALREADY BEEN PROVIDED WITH A RELOCATION OR RESETTLEMENT SITE WITH BASIC SERVICES AND FACILITIES AND ACCESS TO EMPLOYMENT AND LIVELIHOOD OPPORTUNITIES SUFFICIENT TO MEET THE BASIC NEEDS OF THE AFFECTED FAMILIES.

PROVIDED FURTHER, IN THE EXECUTION OF EVICTION OR DEMOLITION IN THE ABOVE CASES AS WELL AS IN ALL OTHER INSTANCES INVOLVING UNDERPRIVILEGED AND HOMELESS CITIZENS, THE FOLLOWING SHALL BE MANDATORY:

X X X

(8) Adequate relocation, whether temporary or permanent: Provided, however, That in cases of eviction and demolition pursuant to a court order involving underprivileged and homeless citizens, relocation shall be undertaken by the local government unit concerned and the National Housing Authority with the assistance of other government agencies within forty-five (45) days from service of notice of final judgment by the court, after which period the said order shall be executed: Provided, further, That should relocation not be possible within the said period (45 days), financial assistance in the amount equivalent to the prevailing minimum daily wage multiplied by sixty (60) days shall be extended to the affected families by the local government unit concerned. **PROVIDED FINALLY THAT THE FINANCIAL ASSISTANCE RECEIVED BY THE RELOCATEE SHALL NOT BE CONSIDERED A WAIVER OF THE OBLIGATION OF THE LOCAL GOVERNMENT UNIT TO PROVIDE PROPER RELOCATION.**

COMPLIANCE WITH THE ABOVEMENTIONED REQUIREMENTS SHALL BE MANDATORY IN ALL INSTANCES OF EVICTION AND DEMOLITION WITHOUT PREJUDICE TO WHETHER OR NOT SUCH RESIDENCES OF UNDERPRIVILEGED AND HOMELESS CITIZENS WERE CONSTRUCTED AFTER THE EFFECTIVITY OF THIS ACT.

SECTION 5. Section 45 of Republic Act 7279 is hereby amended as follows:

Sec. 45. Penalty Clause. — Any person who violates any provision of this Act shall be imposed the penalty of not more than six (6) years of imprisonment or a fine of not less than **TWENTY-FIVE [Five] thousand pesos (P25,000) [(P5,000)]** but not more than One hundred thousand pesos (P100,000), or both, at the discretion of the court: Provided, That, if the offender is a corporation, partnership, association, **THE GOVERNMENT OR ANY OF ITS POLITICAL SUBDIVISIONS, INSTRUMENTALITIES OR AGENCIES, INCLUDING GOVERNMENT-OWNED OR CONTROLLED CORPORATIONS,** or other juridical entity, the penalty shall be imposed on the officer or officers of said corporation, partnership, association, **GOVERNMENT ENTITY,** or juridical entity who caused the violation.

SECTION 6. *Separability Clause.* — If any provision of this Act, or any part thereof, is declared unconstitutional, the same shall not affect the validity and effectivity of the other portions.

SECTION 7. *Repealing Clause.* – All laws, executive orders, presidential decrees, proclamations, rules, regulations, issuances, and enactments or parts thereof inconsistent with this Act are hereby repealed or modified accordingly.

SECTION 8. *Effectivity.* – This Act shall take effect after fifteen (15) days from its complete publication either in the Official Gazette or in a newspaper of general circulation in the Philippines.

Approved,