

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 5443



INTRODUCED BY ANAKPAWIS PARTY-LIST REPRESENTATIVE
RAFAEL V. MARIANO

EXPLANATORY NOTE

Several international treaties, conventions and other standards, including the 1948 Universal Declaration of Human Rights and the 1966 International Covenant on Economic, Social and Cultural Rights (ICESCR), recognize the right to adequate housing as a fundamental right, to which all persons are entitled. Both international documents have established the right of adequate housing as one of the economic, social and cultural rights to have gained increasing attention and promotion.

For the first time, the right to adequate housing was recognized at the international level in the 1948 Universal Declaration of Human Rights. Article 25.1 thus proclaims that, *"Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control."*

In 1966, almost 20 years after the Universal Declaration of Human Rights, the United Nations Member States adopted the International Covenant on Economic, Social and Cultural Rights (ICESCR), in which they recognized the right to adequate housing. Article 11.1 of the Covenant declares that, *"The State Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent."*

Moreover, the United Nations Special Rapporteur on the Right to Adequate Housing, Miloon Kothari stressed that "the human right to adequate housing is the right of every woman, man, youth and child to gain and sustain a secure home and community in which to live in peace and dignity." The Special Rapporteur further emphasized that the realization of the right to adequate housing is intimately linked to the realization of other basic human rights, such as the right to life, the right to protection of one's private life, of one's family and one's home, the right to not be subjected to inhuman or degrading treatment, the right to land, the right to food, the right to water and the right to health.

In the Philippine context, apart from its international commitment to the right to housing, the 1987 Philippine Constitution embodies the aspects of this right. In fact, Sections 9 and 10, Article XIII of the Constitution not only mentioned the Right to Adequate Housing but also that of the Right against Forced Evictions, as much of its recognition to the dignity of every human person and respect for his rights and promotion of social justice.

It is very important that any local legislation or enabling law must be in compliance with the abovementioned principles on the right to adequate housing. Unfortunately, realities and concrete experiences of the country's urban poor communities are different with the implementation of the Republic Act No. 7279 or the Urban Development and Housing Act of 1992 (UDHA), making them more vulnerable to forced evictions and demolitions.

Despite recognition of the right to adequate housing in international laws, the Philippines continues to evict hundreds of thousands of people in its cities in the name of "beautification" and "development". The landless urban poor are the most affected by these forced evictions. In 2006, Geneva-based Center on Housing Rights and Evictions (COHRE), an international non-government organization that upholds the housing rights of communities, cited the Philippines as one of the world's worst housing rights violator. It scored the country for its blatant disregard of the human right to adequate housing and continued failure to abide by its international obligation.

For urban poor families, threat of demolition is a threat to their lives and livelihood. Usually, it highlights confrontations between the residents and the demolition teams. Supposedly, there is a law that ensures the welfare of poor families living in urban poor communities. Republic Act No. 7279 or the Urban Development and Housing Act of 1992 (UDHA) was enacted to supposedly "uplift the conditions of the underprivileged and homeless citizens in urban areas and in resettlement areas" through the provision of "decent housing at [an] affordable cost, basic services, and employment opportunities. It is an Act that was formulated to provide for a comprehensive and continuing urban development and housing program. As stipulated in the law, it covers "all lands in urban and urbanizable areas, including existing "priority development sites, zonal improvement sites, slum

improvement and resettlement sites" and those which the local government identifies as "suitable for socialized housing."

But according to Kalipunan ng Damayang Mahihirap (KADAMAY), an alliance of urban poor organizations, UDHA did not serve the interest of the poor but only of the few ruling classes. The issue of forced eviction still occurs. The enactment of UDHA has led to demolitions of urban poor communities to give way to development projects that favor big foreign and local businesses pursuant to neo-liberal policies. Consequently, there is a significant increase in the number of evictions in Metro Manila due to "development projects" such as the rehabilitation of the Philippine National Railway System, Quezon City Central Business District Project, among others.

To begin with, Article III, Section 6 of UDHA specifies the formulation of a National Urban Development and Housing Framework (NUDHF). It is intended to be a macro framework for urban development and housing that consist of policy guidelines and strategies to steer the country towards efficient management of the urbanization process. However, the "development" and "transformation" serve on the interest of foreign and local businesses. It specifies "development of urban areas conducive to commercial and industrial activities" (Article I, Section 2.b.3) and "reduction in urban dysfunctions" (Article I, Section 2.b.4). Urban dysfunctions refer indirectly to the communities of the urban poor which are mostly danger zones, such as *esteros* (big canals), beside the railroad tracks and similar areas. On the other hand, "blighted lands" or areas where the "structures are dilapidated, obsolete and unsanitary, tending to depreciate the value of the land and prevent normal development" are therefore not "conducive to commercial and industrial activities."

Moreover, to achieve "development" and "transformation", UDHA offers "urban renewal and resettlement" (Article VII, Section 26). This includes the "rehabilitation and development of blighted and slum areas and the resettlement of Program beneficiaries." Part of this rehabilitation and development is the determination of Areas for Priority Development to undergo Zonal Improvement Program in form of on-site development within Metro Manila and the Slum Improvement and Resettlement Program for those who will be demolished and relocated outside Metro Manila. Although there is an option of an "on-site development" or "in-city relocation", mostly off-city resettlement has been the default option. Thus, it only allows demolition and eviction of urban poor communities.

Article VIII, Section 28 of the law also provided a list of prerequisites that must be fulfilled before any eviction or demolition would take place, which according to KADAMAY, in effect, has only "legalized demolition". It contradicts the government's principle of discouraging eviction and demolition.

Furthermore, the housing provision for the poor is defined in Article V of UDHA. It stipulated the Balanced Housing Development, wherein the role of private developers in socialized housing shall be in any of the following manner: development of new settlement; slum improvement and resettlement, zonal improvement programs, joint venture projects with either local government units or any of the housing agencies, and participation in the Community Mortgage Program (CMP). To encourage greater private sector participation in socialized housing, the law has granted tax incentive schemes (Article V, Section 20).

However, KADAMAY criticized the existing policy in connection with the State's socialized housing projects for being "profit-driven." The government housing agencies and the private sector collude, to extract as much profits and kickbacks as possible from what is supposed to be a social service especially to the poor, making mass housing costly to poor informal settlers. The housing sector will most likely turn mass housing into a profit-making enterprise for big companies instead of providing service to the poor. While CMP is a housing program for the relocatees where a piece of land is awarded to the resident's association, residents could hardly pay for the monthly amortization as most of them do not have a stable source of income. It is inevitable for residents abandoning or transferring the home-lots awarded to them, due to lack of opportunities and services.

The absence of basic social services and the lack of employment opportunities in the resettlement areas and tenement houses are prevalent. Their inability to find jobs and livelihoods in far-flung sites make it difficult for them to pay for rent/amortization, electricity, water and other housing-related charges, resulting in denial of essential services and threats of eviction.

Contrary to the significant aspects of the right to housing reflected in various international documents and in the Philippine Constitution, domestic legislation such as the UDHA has been instrumental to violate this right. UDHA does not effectively protect and promotes the rights and welfare of the urban poor as it renders them vulnerable to forced eviction and displacement. Moreover, over relying on private sector participation in the housing provision turns mass housing to a business venture.

Also, the widespread legal recognition of right to adequate housing is not a political option. Its recognition implies legal obligations. It requires specific steps to which Governments should take turn these legal rights into concrete realities. Sometimes, the right to housing is mistakenly thought as simply requiring Governments to provide sufficient funds and subsequent allocation of monetary resources towards this end. However, the right to housing and, indeed, all economic, social and cultural rights, confer lengthy and complex series of obligations on states. Government should realized the right to adequate housing should not be narrowly or restrictedly interpreted as merely providing a roof over one's head or views shelter exclusively as

commodity. Rather it should be seen as the right to live somewhere in security, peace and dignity.

Due to the lack of genuine agrarian reform and national industrialization programs - two basic requisites to develop the country's economy, people in the countryside are forced to migrate to the cities because of underdeveloped, export-oriented and import-dependent agriculture and industries.

Economic development should benefit the majority of the population and can be achieved if the basic problems of our economy would be resolved. It cannot be achieved by forced evictions and demolitions and throwing back the urban poor to the countryside and remote places without decisively resolving the roots of poverty and oppression.

In view of the foregoing, the immediate deliberation and approval of this measure is earnestly sought.



RAFAEL V. MARIANO

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HOUSE BILL NO. 5448

**INTRODUCED BY ANAKPAWIS PARTY-LIST REPRESENTATIVE
RAFAEL V. MARIANO**

AN ACT
PROVIDING FOR THE REPEAL OF 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"

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

Section 1. Any provision of law to the contrary notwithstanding, 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" is hereby repealed.

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

Approved.