

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Philippines

SIXTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 2787



INTRODUCED BY: HON. MARCELINO "MARCY" R. TEODORO

EXPLANATORY NOTE

In the Philippines, the youth have been highly encouraged to participate in politics and governance. For this reason, our country is the only nation in the world to have a mechanism, the Sangguniang Kabataan, for involving the youth sector in governance. This is the government's response to the United Nations Convention on the rights of children to create an avenue wherein they engage and represent their sector towards active participation in the affairs of the government and in the country as a whole.

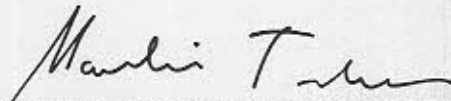
The SK is mandated to perform, among others, to carry out the objectives of the youth in the barangay, and initiate programs designed to enhance the social, political, economic, cultural, intellectual, moral, spiritual and physical development of the youth.

It is sad to note that despite the lofty ideals surrounding its creation, the Sangguniang Kabataan as an institution has been mired with allegations of corruption and inefficient governance. Allegations include vote-buying, gathering kickbacks from SK-initiated projects and programs, and colluding with higher barangay officials to secure their vested interests.

However, it is the belief of this representation that the body as a whole should not suffer from the wrongdoings of the unscrupulous few. The mandate of the SK should be carefully reviewed but not totally abolished. The proposed measure for Liga ng Bayaning Kabataan (LBK) hopes to uphold youth representation by returning to the true spirit of volunteerism and taking youth participation away from the clutches of partisan politics.

The bill proposes that youth representatives shall no longer be elected at large in barangay elections, but they shall be chosen through a collegial body composed of representatives of youth organizations registered with the National Youth Commission (NYC). The measure likewise intends a major change on budgeting mechanism, to ensure that projects will be effective; reflect the true conditions and needs of youth in the community; respond appropriately to those pressing concerns; and have the engagement and ownership of youth community, from conceptualization to implementation and review.

In view of the foregoing, the urgent passage of this bill is hereby sought.


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AN ACT
ESTABLISHING THE LIGA NG BAYANING KABATAAN (LBK) AMENDING FOR
THAT PURPOSE THE PERTINENT PROVISIONS OF REPUBLIC ACT NO. 7160,
OTHERWISE KNOWN AS THE LOCAL GOVERNMENT CODE OF 1991

Section 1. Section 1 Chapter VIII Title I, Book III of RA 7160 otherwise known as The Local Government Code of 1991 is hereby renamed as "Liga ng Bayaning Kabataan".

Section 2. Section 423 of Chapter 8 of Republic Act No. 7160 is hereby amended to read as follows:

Section 423. [Creation and Election. -

[(a) There shall be in every barangay a sangguniang kabataan to be composed of a chairman, seven (7) members, a secretary, and a treasurer;

(b) A sangguniang kabataan official who, during his term of office, shall have passed the age of twenty-one (21) years shall be allowed to serve the remaining portion of the term for which he was elected.]

Creation of the Katipunan ng Bayaning Kabataan.

(A) ALL EXISTING YOUTH ORGANIZATIONS IN EVERY CITY AND MUNICIPALITY SHALL REGISTER WITH THE NATIONAL YOUTH COMMISSION. FOR THIS PURPOSE, A YOUTH ORGANIZATION SHALL HAVE:

I. AT LEAST TWENTY (20) MEMBERS BETWEEN THE AGES FIFTEEN (15) TO TWENTY FOUR (24) YEARS OLD WHO ARE RESIDENTS OF THE CITY OR MUNICIPALITY WHERE THE ORGANIZATION INTENDS TO REGISTER; AND

II. A VISION, MISSION, LIST OF MEMBERS AND OFFICERS, AND/OR A REPORT OF A RECENTLY CONCLUDED PROJECT.

(B) THE NATIONAL YOUTH COMMISSION SHALL PROVIDE AN INTERNET-BASED REGISTRATION PROCESS.

(C) THE NATIONAL YOUTH COMMISSION, IN COORDINATION WITH THE DILG THROUGH ITS MUNICIPAL OR CITY LOCAL GOVERNMENT

OPERATIONS OFFICER, SHALL VERIFY THE REGISTRATION INFORMATION PROVIDED BY THESE ORGANIZATIONS.

(D) THE REGISTRATION OF YOUTH ORGANIZATIONS SHALL BE CONDUCTED BY THE NATIONAL YOUTH COMMISSION EVERY THREE (3) YEARS.

Section 3. Section 424 of Chapter 8 of Republic Act No. 7160 is hereby amended to read as follows:

Section 424. [Katipunan ng Kabataan. -The katipunan ng kabataan shall be composed of all citizens of the Philippines actually residing in the barangay for at least six (6) months, who are fifteen (15) but not more than twenty-one (21) years of age, and who are duly registered in the list of the sangguniang kabataan or in the official barangay list in the custody of the barangay secretary.]

CREATION OF THE LIGA NG BAYANING KABATAAN (LBK).-

A. THERE SHALL BE A LIGA NG BAYANING KABATAAN (LBK) IN EVERY MUNICIPALITY AND CITY, COMPOSED OF THE DESIGNATED REPRESENTATIVES OF THE REGISTERED YOUTH ORGANIZATIONS.

B. THE DESIGNATED REPRESENTATIVES OF THE REGISTERED YOUTH ORGANIZATIONS SHALL BE ELECTED BY ITS MEMBERS IN A MEETING CALLED FOR THAT PURPOSE.

C. A NOTARIZED CERTIFICATE OF DESIGNATION SIGNED BY THE ORGANIZATION'S PRESIDENT OR SECRETARY SHALL BE SUBMITTED TO THE MUNICIPAL/CITY LOCAL GOVERNMENT OPERATIONS OFFICER.

D. THE MUNICIPAL/CITY LOCAL GOVERNMENT OPERATIONS OFFICER SHALL CONVENE THE LBK ONCE A YEAR TO ELECT AMONG THEMSELVES THEIR OFFICERS INCLUDING A PRESIDENT, VICE-PRESIDENT, SECRETARY, TREASURER AND INFORMATION OFFICER. THE LBK PRESIDENT SHALL BE AN EX-OFFICIO MEMBER OF THE MUNICIPAL OR CITY COUNCIL AS THE REPRESENTATIVE OF THE YOUTH SECTOR.

Section 4. Section 425 of Chapter 8 of Republic Act No. 7160 is hereby amended to read as follows:

Section 425. [Meetings of the Katipunan ng Kabataan. -The Katipunan ng kabataan shall meet at least once every three (3) months, or at the call of the chairman of the sangguniang kabataan or upon written petition of at least one-twentieth (1/20) of its members, to decide on important issues affecting the youth of the barangay.]

POWERS AND FUNCTIONS OF THE LIGA NG BAYANING KABATAAN. -THE MEMBERS OF THE LBK SHALL:

(A) ELECT OFFICERS WHO SHALL UPHOLD THE RIGHTS AND INTERESTS OF THE YOUTH IN THEIR CITY OR MUNICIPALITY;

(B) PROMULGATE RESOLUTIONS NECESSARY TO CARRY OUT THE OBJECTIVES OF THE YOUTH IN THE CITY OR MUNICIPALITY IN ACCORDANCE WITH THE APPLICABLE PROVISIONS OF THIS CODE;

(C) INITIATE PROGRAMS DESIGNED TO ENHANCE THE SOCIAL, POLITICAL, ECONOMIC, CULTURAL, INTELLECTUAL, MORAL, SPIRITUAL, AND PHYSICAL DEVELOPMENT OF THE MEMBERS;

(D) HOLD FUNDRAISING ACTIVITIES, THE PROCEEDS OF WHICH SHALL BE TAX EXEMPT AND SHALL ACCRUE TO THE GENERAL FUND OF THE LBK: PROVIDED, HOWEVER, THAT IN THE APPROPRIATION THEREOF, THE SPECIFIC PURPOSE FOR WHICH SUCH ACTIVITY HAS BEEN HELD SHALL BE FIRST SATISFIED;

(E) CREATE SUCH BODIES OR COMMITTEES AS IT MAY DEEM NECESSARY TO EFFECTIVELY CARRY OUT ITS PROGRAMS AND ACTIVITIES;

(F) SUBMIT ANNUAL AND END-OF-TERM REPORTS TO THE SANGGUNIANG BAYAN/PANGLUNGSOD ON THEIR PROJECTS AND ACTIVITIES FOR THE DEVELOPMENT OF THE YOUTH IN THE MUNICIPALITY/CITY;

(G) CONSULT AND COORDINATE WITH ALL YOUTH ORGANIZATIONS AND THE LOCAL YOUTH DEVELOPMENT COUNCIL IN THE MUNICIPALITY/CITY FOR POLICY FORMULATION AND PROGRAM IMPLEMENTATION;

(H) COORDINATE WITH THE APPROPRIATE NATIONAL AGENCY FOR THE IMPLEMENTATION OF YOUTH DEVELOPMENT PROJECTS AND PROGRAMS AT THE NATIONAL LEVEL;

(I) EXERCISE SUCH OTHER POWERS AND PERFORM SUCH OTHER DUTIES AND FUNCTIONS AS THE SANGGUNIANG BAYAN/PANGLUNGSOD MAY DETERMINE OR DELEGATE; AND

(J) EXERCISE SUCH OTHER POWERS AND PERFORM SUCH OTHER DUTIES AND FUNCTIONS AS MAY BE PRESCRIBED BY LAW OR ORDINANCE.

Section 5. Section 426 of Chapter 8 of Republic Act No. 7160 is hereby amended to read as follows:

Section 426. [Powers and Functions of the Sangguniang Kabataan. -The sangguniang kabataan shall:

(a) Promulgate resolutions necessary to carry out the objectives of the youth in the barangay in accordance with the applicable provisions of this Code;

(b) Initiate programs designed to enhance the social, political, economic, cultural, intellectual, moral, spiritual, and physical development of the members;

(c) Hold fund-raising activities, the proceeds of which shall be tax-exempt and shall accrue to the general fund of the sangguniang kabataan: Provided, however, That in the appropriation thereof, the specific purpose for which such activity has been held shall be first satisfied;

- (d) Create such bodies or committees as it may deem necessary to effectively carry out its programs and activities;
- (e) Submit annual and end-of-term reports to the sangguniang barangay on their projects and activities for the survival and development of the youth in the barangay;
- (f) Consult and coordinate with all youth organizations in the barangay for policy formulation and program implementation;
- (g) Coordinate with the appropriate national agency for the implementation of youth development projects and programs at the national level;
- (h) Exercise such other powers and perform such other duties and functions as the sangguniang barangay may determine or delegate; and
- (i) Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.]

MEETINGS OF THE LIGA NG BAYANING KABATAAN. - THE LBK SHALL MEET AT LEAST ONCE EVERY THREE (3) MONTHS, OR AT THE CALL OF THE LBK PRESIDENT OR UPON WRITTEN PETITION OF AT LEAST MAJORITY OF ITS MEMBERS, TO DECIDE ON IMPORTANT ISSUES AFFECTING THE YOUTH OF THE MUNICIPALITY/CITY.

Section 6. Section 427 of Chapter 8 of Republic Act No. 7160 is hereby amended to read as follows:

Section 427. [Meetings of the Sangguniang Kabataan. -The sangguniang kabataan shall meet regularly once a month on the date, time, and place to be fixed by the said sanggunian. Special meetings may be called by the sangguniang kabataan chairman or any three (3) of its members by giving written notice to all members of the date, time, place and agenda of the meeting at least one (1) day in advance. Notices of regular or special meetings shall be furnished the punong barangay and the sangguniang barangay.

A majority of the members of the sangguniang kabataan shall constitute a quorum.]

MEETINGS OF THE LIGA NG BAYANING KABATAAN OFFICERS. - THE LBK OFFICERS SHALL MEET AT LEAST ONCE A MONTH ON THE AGREED DATE, TIME, AND PLACE. SPECIAL MEETINGS MAY BE CALLED BY THE LBK PRESIDENT BY GIVING WRITTEN NOTICE TO THE OTHER OFFICERS OF THE DATE, TIME, PLACE AND AGENDA THE MEETING AT LEAST ONE (1) DAY IN ADVANCE. NOTICES OF REGULAR OR SPECIAL MEETINGS SHALL BE FURNISHED TO THE CITY/MUNICIPAL MAYOR AND THE SANGGUNIAN BAYAN/PANGLUNGSOD.

A MAJORITY OF THE MEMBERS OF THE LBK OFFICERS SHALL CONSTITUTE A QUORUM.

Section 7. Section 428 of Chapter 8 of Republic Act No. 7160 is hereby amended to read as follows:

Section 428. Qualifications. [- An elective official of the sangguniang kabataan must be a citizen of the Philippines, a qualified voter of the katipunan ng kabataan, a resident of the barangay for at least one (1) year immediately prior to election, at least fifteen (15) years but not more than twenty- one (21) years of age on the day of his election, able to read and write Filipino, English, or the local dialect, and must not have been convicted of any crime involving moral turpitude.]

AN ELECTIVE OFFICIAL OF THE LBK MUST BE A DULY AUTHORIZED REPRESENTATIVE OF A REGISTERED ORGANIZATION IN THE CITY OR MUNICIPALITY, MEMBER OF THE ORGANIZATION IN GOOD STANDING, CITIZEN OF THE PHILIPPINES, A RESIDENT OF THE CITY OR MUNICIPALITY FOR AT LEAST ONE (1) YEAR IMMEDIATELY PRIOR TO ELECTION, AT LEAST EIGHTEEN (18) YEARS BUT NOT MORE THAN TWENTY FOUR (24) YEARS OF AGE ON THE DAY OF HIS ELECTION, ABLE TO READ AND WRITE FILIPINO, ENGLISH, OR THE LOCAL DIALECT, AND MUST NOT HAVE BEEN CONVICTED OF ANY CRIME INVOLVING MORAL TURPITUDE.

Section 8. Section 429 of Chapter 8 of Republic Act No. 7160 is hereby amended to read as follows:

Section 429. Term of Office. - [The sangguniang kabataan chairman and members shall hold office for a period of three (3) years, unless sooner removed for cause as provided by law, permanently incapacitated, die or resign from office.]

THE LBK PRESIDENT AND OTHER OFFICERS SHALL HOLD OFFICE FOR A PERIOD OF ONE (1) YEAR, UNLESS SOONER REMOVED FOR CAUSE AS PROVIDED BY LAW, PERMANENTLY INCAPACITATED, OR IN CASE OF DEATH OR RESIGNATION FROM OFFICE.

Section 9. Section 430 of Chapter 8 of Republic Act No. 7160 is hereby amended to read as follows:

Section 430. [Sangguniang Kabataan Chairman. -The registered voters of the katipunan ng kabataan shall elect the chairman of the sangguniang kabataan who shall automatically serve as an ex officio member of the sangguniang barangay upon his assumption to office. As such, he shall exercise the same powers, discharge the same duties and functions, and enjoy the same privileges as the regular sangguniang barangay members, and shall be the chairman of the committee on youth and sports development in the said sanggunian.]

LIGA NG BAYANING KABATAAN PRESIDENT. - MEMBERS OF THE LBK SHALL ELECT THE LBK PRESIDENT WHO SHALL AUTOMATICALLY SERVE AS AN EX-OFFICIO MEMBER OF THE SANGGUNIANG BAYAN/PANGLUNGSOD UPON HIS ASSUMPTION TO OFFICE. AS SUCH, HE SHALL EXERCISE THE SAME POWERS, DISCHARGE THE SAME DUTIES AND FUNCTIONS, AND ENJOY THE SAME PRIVILEGES AS THE REGULAR SANGGUNIANG BAYAN/PANGLUNGSOD MEMBERS, AND SHALL

BE THE CHAIRMAN OF THE COMMITTEE ON YOUTH AND SPORTS DEVELOPMENT IN THE SAID SANGGUNIAN.

Section 10. Section 431 of Chapter 8 of Republic Act No. 7160 is hereby amended to read as follows:

Section 431. [Powers and Duties of the Sangguniang Kabataan Chairman. - In addition to the duties which may be assigned to him by the sangguniang barangay, the sangguniang kabataan chairman shall:

- (a) Call and preside over all meetings of the katipunan ng kabataan and the sangguniang kabataan;
- (b) Implement policies, programs, and projects within his jurisdiction in coordination with the sangguniang barangay;
- (c) Exercise general supervision over the affairs and activities of the sangguniang kabataan and the official conduct of its members, and such other officers of the sangguniang kabataan within his jurisdiction;
- (d) With the concurrence of the sangguniang kabataan, appoint from among the members of the sangguniang kabataan, the secretary and treasurer and such other officers as may be deemed necessary; and
- (e) Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.]

POWERS AND DUTIES OF THE LIGA NG BAYANING KABATAAN PRESIDENT. -IN ADDITION TO THE DUTIES WHICH MAY BE ASSIGNED TO HIM BY THE SANGGUNIAN BAYAN/PANGLUNGSOD, THE LBK PRESIDENT SHALL:

- (A) CALL AND PRESIDE OVER ALL MEETINGS OF THE LBK AND ITS OFFICERS;
- (B) IMPLEMENT POLICIES, PROGRAMS, AND PROJECTS WITHIN HIS JURISDICTION IN COORDINATION WITH THE SANGGUNIAN BAYAN/PANGLUNGSOD;
- (C) EXERCISE GENERAL SUPERVISION OVER THE AFFAIRS AND ACTIVITIES OF THE LBK AND THE OFFICIAL CONDUCT OF ITS MEMBERS, AND OTHER OFFICERS WITHIN HIS JURISDICTION; AND
- (D) EXERCISE SUCH OTHER POWERS AND PERFORM SUCH OTHER DUTIES AND FUNCTIONS AS MAY BE PRESCRIBED BY LAW OR ORDINANCE.

SECTION 431-A. POWERS AND DUTIES OF THE LIGA NG BAYANING KABATAAN VICE-PRESIDENT. - THE VICE-PRESIDENT SHALL DISCHARGE THE POWERS AND DUTIES OF THE PRESIDENT WHEN THE PRESIDENT IS ABSENT FOR ONE OR MORE DAYS; WHEN THE PRESIDENT IS TEMPORARILY INCAPACITATED; AND IN THE EVENT OF RESIGNATION, REMOVAL, DEATH OR ABSOLUTE INCAPACITY OF THE PRESIDENT.

Section 11. Section 432 of Chapter 8 of Republic Act No. 7160 is hereby amended to read as follows:

Section 432. [Sangguniang Kabataan Secretary. - The sangguniang kabataan secretary shall:

- (a) Keep all records of the katipunan ng kabataan and sangguniang kabataan;
- (b) Prepare and keep the minutes of all meetings of the katipunan ng kabataan and sangguniang kabataan;
- (c) Prepare all forms necessary for the conduct of registrations, elections, initiatives, referenda, or plebiscites, in coordination with the barangay secretary and the COMELEC; and
- (d) Perform such other duties and discharge such other functions as the chairman of the sangguniang kabataan may prescribe or direct.]

LIGA NG BAYANING KABATAAN SECRETARY. - THE LBK SECRETARY SHALL:

- (A) KEEP ALL RECORDS OF THE LBK;
- (B) PREPARE AND KEEP THE MINUTES OF ALL MEETINGS OF THE LBK;
- (C) KEEP RECORDS ON THE CONDUCT OF THE REGISTRATION OF ORGANIZATIONS,
- (D) ELECTION OF OFFICERS; INITIATIVES, REFERENDA, OR PLEBISCITES, IN COORDINATION WITH THE CITY/MUNICIPAL SECRETARY AND THE NATIONAL YOUTH COMMISSION; AND
- (E) PERFORM SUCH OTHER DUTIES AND DISCHARGE SUCH OTHER FUNCTIONS AS THE LBK PRESIDENT MAY PRESCRIBE OR DIRECT.

Section 12. Section 433 of Chapter 8 of Republic Act No. 7160 is hereby amended to read as follows:

Section 433. [Sangguniang Kabataan Treasurer. -The sangguniang kabataan treasurer shall:

- (a) Take custody of all sangguniang kabataan property and funds not otherwise deposited with the city or municipal treasurer;
- (b) Collect and receive contributions, monies, materials, and all other sources intended for the sangguniang kabataan and katipunan ng kabataan;
- (c) Disburse funds in accordance with an approved budget of the sangguniang kabataan;
- (d) Certify to the availability of funds whenever necessary;
- (e) Submit to the sangguniang kabataan and to the sangguniang barangay certified and detailed statements of actual income and expenditures at the end of every month; and

(f) Perform such other duties and discharge such other functions as the chairman of the sangguniang kabataan may direct.]

LIGA NG BAYANING KABATAAN TREASURER. - THE LBK TREASURER SHALL:

(A) TAKE CUSTODY OF ALL LBK PROPERTY AND FUNDS NOT OTHERWISE DEPOSITED WITH THE CITY OR MUNICIPAL TREASURER;

(B) COLLECT AND RECEIVE CONTRIBUTIONS, MONIES, MATERIALS, AND ALL OTHER SOURCES INTENDED FOR THE LBK;

(C) DISBURSE FUNDS IN ACCORDANCE WITH AN APPROVED BUDGET OF THE LBK;

(D) CERTIFY TO THE AVAILABILITY OF FUNDS WHENEVER NECESSARY;

(E) SUBMIT TO THE LBK AND TO THE SANGGUNIANG BAYAN/PANGLUNGSOD CERTIFIED AND DETAILED STATEMENTS OF ACTUAL INCOME AND EXPENDITURES AT THE END OF EVERY MONTH; AND

(F) PERFORM SUCH OTHER DUTIES AND DISCHARGE SUCH OTHER FUNCTIONS AS THE CHAIRMAN OF THE LBK MAY DIRECT.

Section 13. Section 434 of Chapter 8 of Republic Act No. 7160 is hereby amended to read as follows:

Section 434. [Privileges of Sangguniang Kabataan Officials. - The sangguniang kabataan chairman shall have the same privileges enjoyed by other sangguniang barangay officials under this Code subject to such requirements and limitations provided herein. During their incumbency, sangguniang kabataan officials shall be exempt from payment of tuition and matriculation fees while enrolled in public tertiary schools, including state colleges and universities. The national government shall reimburse said college or university the amount of the tuition and matriculation fees: Provided, That, to qualify for the privilege, the said officials shall enroll in a state college or university within or nearest their area of jurisdiction.]

POWERS AND DUTIES OF THE LIGA NG BAYANING KABATAAN INFORMATION OFFICER. - THE LBK INFORMATION OFFICER SHALL:

(A) PROVIDE THE INFORMATION AND DATA REQUIRED BY THE OFFICERS IN DELIVERING PROJECTS FOR THE LBK;

(B) PROVIDE RELEVANT, ADEQUATE AND TIMELY INFORMATION AND UPDATES TO THE KATIPUNAN NG BAYANING KABATAAN;

(C) RECOMMEND TO THE OFFICERS RELEVANT PUBLIC INFORMATION AND RESEARCH DATA THAT MAY BE NECESSARY TO THE FULFILLMENT OF THEIR DUTIES;

(D) PERFORM SUCH OTHER DUTIES AND DISCHARGE SUCH OTHER FUNCTIONS AS THE LBK PRESIDENT MAY DIRECT.

Section 14. Section 435 of Chapter 8 of Republic Act No. 7160 is hereby amended to read as follows:

Section 435. [Succession and Filling of Vacancies.-

(a) In case a sangguniang kabataan chairman refuses to assume office, fails to qualify, is convicted of a felony, voluntarily resigns, dies, is permanently incapacitated, is removed from office, or has been absent without leave for more than three (3) consecutive months, the sangguniang kabataan member who obtained the next highest number of votes in the election immediately preceding shall assume the office of the chairman for the unexpired portion of the term, and shall discharge the powers and duties, and enjoy the rights and privileges appurtenant to the office. In case the said member refuses to assume the position or fails to qualify, the sangguniang member obtaining the next highest number of votes shall assume the position of the chairman for the unexpired portion of the term.

(b) Where two (2) or more sangguniang kabataan members obtained the same next highest number of votes, the other sangguniang kabataan members shall conduct an election to choose the successor to the chairman from among the said members.

(c) After the vacancy shall have been filled, the sangguniang kabataan chairman shall call a special election to complete the membership of said sanggunian. Such sangguniang kabataan member shall hold office for the unexpired portion of the term of the vacant seat.

(d) In case of disqualification of the sangguniang kabataan chairman, the successor, as determined in subsections (a) and (b) of this Section shall assume the position during the period of such suspension.]

PRIVILEGES OF LIGA NG BAYANING KABATAAN OFFICIALS. - THE LBK PRESIDENT SHALL HAVE THE SAME PRIVILEGES ENJOYED BY OTHER SANGGUNANG BAYAN/PANGLUNGSOD OFFICIALS UNDER THIS CODE SUBJECT TO SUCH REQUIREMENTS AND LIMITATIONS PROVIDED HEREIN.

DURING THEIR INCUMBENCY, LBK OFFICIALS SHALL BE EXEMPT FROM PAYMENT OF TUITION AND MATRICULATION FEES WHILE ENROLLED IN PUBLIC TERTIARY SCHOOLS, INCLUDING STATE COLLEGES AND UNIVERSITIES. THE NATIONAL GOVERNMENT SHALL REIMBURSE SAID COLLEGE OR UNIVERSITY THE AMOUNT OF THE TUITION AND MATRICULATION FEES: PROVIDED, THAT, TO QUALIFY FOR THE PRIVILEGE, THE SAID OFFICIALS SHALL ENROL IN A STATE COLLEGE OR UNIVERSITY WITHIN OR NEAREST THEIR AREA OF JURISDICTION.

Section 15. Chapter 9 of Book "" of RA 7160 is hereby amended to read as Youth Development Fund.

Section 16. Section 436 of Chapter 9 of Republic Act No. 7160 is hereby amended to read as follows:

Section 436. [Pederasyon ng mga Kabataan. -

(a) There shall be an organization of all the pederasyon ng mga sangguniang kabataan to be known as follows:

- (1) in municipalities pambayang pederasyon ng mga sangguniang kabataan;
- (2) in cities, panlungsod na pederasyon ng mga sangguniang kabataan;
- (3) in provinces, panlalawigang pederasyon ng mga kabataan;
- (4) in special metropolitan political subdivisions, pangmetropolitan pederasyon ng mga sangguniang kabataan; and
- (5) on the national level pambansang pederasyon ng mga sangguniang kabataan.

(b) The pederasyon ng mga sangguniang kabataan shall, at all levels, elect from among themselves the president, vice- president and such other officers as may be necessary and shall be organized in the following manner:

- (1) The panlungsod and pambayang pederasyon shall be composed of the sangguniang kabataan chairmen of barangays in the city or municipality, respectively;
- (2) The panlalawigang pederasyon shall be composed of presidents of the panlungsod and pambayang pederasyon;
- (3) The pangmetropolitang pederasyon shall be composed of presidents of the panlungsod and pambayan pederasyon;
- (c) The elected presidents of the pederasyon at the provincial, highly urbanized city, and metropolitan political subdivision levels shall constitute the pambansang katipunan ng mga sangguniang kabataan.]

YOUTH DEVELOPMENT FUND FOR LBK PROJECTS. -

(A) A YOUTH DEVELOPMENT FUND SHALL BE ESTABLISHED BY THE NATIONAL YOUTH COMMISSION IN THE AMOUNT OF ONE BILLION PESOS (PHP 1,000,000,000.00) TO SUPPORT LBK DEVELOPMENT PROJECTS AND PROGRAMS.

(B) THE LBK SHALL HAVE A SEPARATE ANNUAL APPROPRIATION APPROVED BY THE NATIONAL YOUTH COMMISSION WHICH SHALL BE PROVIDED IN THE GENERAL APPROPRIATIONS ACT STARTING IN THE FISCAL YEAR IMMEDIATELY FOLLOWING THE APPROVAL OF THIS ACT.

(C) THE AMOUNT NECESSARY TO CARRY OUT THE INITIAL IMPLEMENTATION OF THIS ACT SHALL BE CHARGED TO THE OFFICE OF THE PRESIDENT.

Section 17. Section 437 of Chapter 9 of Republic Act No. 7160 is hereby amended to read as follows:

Section 437. [Constitution and By-Laws. - The term of office, manner of election, removal and suspension of the officers of the pederasyon ng mga sangguniang kabataan at all levels shall be governed by the constitution and by-laws of the

pederasyon in conformity with the provisions of this Code and national policies on youth.]

SECTION 437. PROJECT BARANGAY FUNDS - PURSUANT TO SEC. 329 OF THIS CODE, THE BARANGAY COUNCIL SHALL CONSULT THE YOUTH WITHIN ITS TERRITORIAL JURISDICTION IN THE FORMULATION OF THE PLANS AND PROGRAMS FOR YOUTH DEVELOPMENT. THE YOUTH DEVELOPMENT EXPENDITURE PROGRAM SHALL FORM PART OF THE ANNUAL BARANGAY BUDGET WHICH SHALL BE SUBMITTED TO THE SANGGUNIANG BAYAN/PANGLUNGSOD FOR REVIEW AND APPROVAL.

Section 18. Section 438 of Chapter 9 of Republic Act No. 7160 is hereby amended to read as follows:

Section 438. [Membership in the Sanggunlan. -

(a) A sangguniang kabataan chairman shall, upon certification of his election by the COMELEC and during his tenure of office is elected as pederasyon president, serve as an ex-officio member of the sangguniang panlalawigan, sangguniang panlungsod, and sangguniang bayan, as the case may be, without need of further appointment.

(b) The vice-president of the pederasyon whose president has been elected as president of a higher pederasyon shall serve as ex-officio member of the sanggunian concerned without need of further appointment.

(c) The pederasyon president or vice-president, as the case may be, shall be the chairman of the committee on youth and sports development of the sanggunian concerned.]

ALIGNMENT OF YOUTH PROGRAMS. - ALL PLANS, PROGRAMS, PROJECTS AND INITIATIVES UNDERTAKEN BY THE LBK AND PROJECTS AND PROGRAMS FUNDED BY THE BARANGAY YOUTH DEVELOPMENT FUND SHALL BE IN ACCORDANCE WITH THE PHILIPPINE YOUTH DEVELOPMENT PLAN UNDER THE NATIONAL YOUTH COMMISSION.

Section 19. Section 439 of Chapter 10 of Republic Act No. 7160 is hereby amended to read as follows:

Section 439. Observance of Linggo ng Kabataan. -

[(a) Every barangay, municipality, city and province shall, in coordination with the pederasyon ng mga sangguniang kabataan at all levels, conduct an annual activity to be known as the Linggo ng Kabataan on such date as shall be determined by the Office of the President.

(b) The observance of the Unggo ng Kabataan shall include the election of the counterparts of all local elective and appointive officials, as well as heads of national offices or agencies stationed or assigned in the territorial jurisdiction of the local government unit, among in-school and community youth residing in the local government unit concerned from ages thirteen (13) to seventeen (17). During said week, they shall hold office as boy and girl officials and shall perform such duties and conduct such activities as may be provided in the ordinance enacted pursuant to this Chapter.]

(A) EVERY MUNICIPALITY, CITY AND PROVINCE SHALL, IN COORDINATION WITH THE LBK, CONDUCT AN ANNUAL ACTIVITY TO BE KNOWN AS THE LINGGO NG KABATAAN ON SUCH DATE AS SHALL BE DETERMINED BY THE OFFICE OF THE PRESIDENT.

(B) THE OBSERVANCE OF THE LINGGO NG KABATAAN SHALL INCLUDE THE ELECTION OF THE COUNTERPARTS OF ALL LOCAL ELECTIVE AND APPOINTIVE OFFICIALS, AS WELL AS HEADS OF NATIONAL OFFICES OR AGENCIES STATIONED OR ASSIGNED IN THE TERRITORIAL JURISDICTION OF THE LOCAL GOVERNMENT UNITS, AMONG IN-SCHOOL AND COMMUNITY YOUTH RESIDING IN THE LOCAL GOVERNMENT UNIT CONCERNED FROM AGES THIRTEEN (13) TO TWENTY FOUR (24). DURING SAID WEEK, THEY SHALL HOLD OFFICE AS BOY AND GIRL OFFICIALS AND SHALL PERFORM SUCH DUTIES AND CONDUCT SUCH ACTIVITIES AS MAY BE PROVIDED IN THE ORDINANCE ENACTED PURSUANT TO THIS CHAPTER.

Section 20. Transitory Provisions. - All incumbent Sangguniang Kabataan officials shall remain in office unless sooner removed or suspended for cause until the Liga ng Bayaning Kabataan and their Officers have been constituted.

Section 21. Separability Clause. - If any section or provision of this Act shall be declared unconstitutional, the remaining sections or provisions shall not be affected thereby.

Section 22. Repealing Clause. - The provisions of existing laws, decrees, issuances, rules and regulations or portions thereof, which are inconsistent herewith are hereby repealed, modified or amended accordingly.

Section 23. Effectivity Clause. - This Act shall take effect fifteen (15) days after the completion of its publication in the Official Gazette or in any newspaper of general circulation.

Approved

SIXTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
FIRST REGULAR SESSION

)
)
)
HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 2791



Introduced by **HON. CRESENTE C. PAEZ, HON. ANTHONY M. BRAVO, HON. ALFREDO B. BENITEZ, HON. KAKA BAG-AO, HON. MARIA LEONOR G. ROBREDO, HON. WALDEN BELLO, HON. IBARRA GUTIEREZ III, HON. BENJAMIN D. ASILO, HON. JOSE CHRISTOPHER Y. BELMONTE, HON. GARY C. ALEJANO, HON. ALFREDO VARGAS III, HON. ENRICO R. ECHIVERRI, HON. EDGAR R. ERICE, HON. ROMAN T. ROMULO**

EXPLANATORY NOTE

No less than the Constitution protect the marginalized, powerless, and oppressed citizens of this country against any violent eviction and/or demolition and mandates provision for a decent housing at affordable cost, with basic services and livelihood opportunities. 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."

To carry out this constitutional mandate, Republic Act No. 7279 or the Urban Development and Housing Act was enacted which likewise covers urban land reform program. This seemingly progressive piece of legislation however failed to meet the expectations of the urban poor taking into considerations the recent various incidents of violent evictions and demolitions involving urban poor communities. Thus, the need to amend and consequently improve the law.

This bill aims, therefore, to further secure the urban poor from eviction and demolition of their homes and relocating them in distant places lacking basic services and livelihood opportunities thus clarifying the definition of "resettlement areas" that it must be within and/or near city areas. The bill further provides that consultation must be effectively done with the active participation of the affected communities with the right to offer and make counter-offer for relocation sites when reasonable and allowable. This expands likewise the mandate of the law by requiring developers to develop an area for socialized housing equivalent to at least twenty percent (20%) of the total area or project cost, at the option of the developer, not only on proposed subdivision projects but also on proposed condominiums, memorial parks, golf courses and all other land development projects. The bill ensures strengthening the requirements in cases of eviction of informal settlers and demolition of their residential structures and broadening of the penalties on the violation of the Urban Development and Housing Act.

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

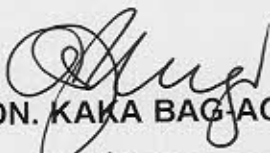


HON. CRESENTE C. PAEZ



HON. ANTHONY M. BRAVO

HON. ALFREDO B. BENITEZ



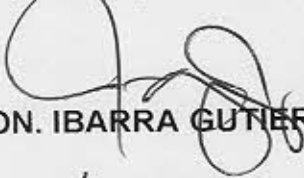
HON. KAKA BAG-AO



HON. MARIA LEONOR G. ROBREDO



HON. WALDEN BELLO



HON. IBARRA GUTIEREZ III



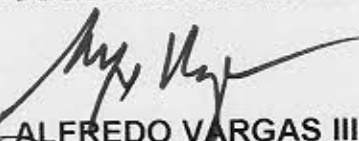
HON. GARY C. ALEJANO



HON. JOSE CHRISTOPHER Y. BELMONTE



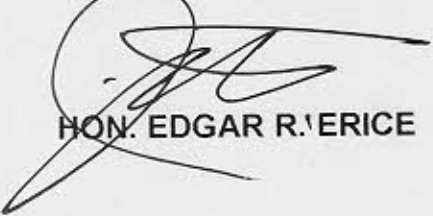
HON. BENJAMIN D. ASILO



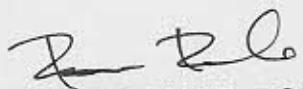
HON. ALFREDO VARGAS III



HON. ENRICO R. ECHIVERRI



HON. EDGAR R. ERICE



HON. ROMAN T. ROMULO
(amendment to 7279)

SIXTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
FIRST REGULAR SESSION

)
)
)

HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 2791

Introduced by HON. CRESENTE C. PAEZ, HON. ANTHONY M. BRAVO, HON.
ALFREDO B. BENITEZ, HON. KAKA BAG-AO, HON. MARIA LEONOR G.
ROBREDO, HON. WALDEN BELLO, HON. IBARRA GUTIEREZ III, HON. BENJAMIN
D. ASILO, HON. JOSE CHRISTOPHER Y. BELMONTE, HON. GARY C. ALEJANO,
HON. ALFREDO VARGAS III, HON. ENRICO R. ECHIVERRI, HON. EDGAR R.
ERICE, HON. ROMAN T. ROMULO

AN ACT

STRENGTHENING AND SECURING THE RIGHTS OF THE URBAN POOR AGAINST
EVICTIONS AND/OR DEMOLITIONS AND TO PROVIDE 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

(d) **Blanket Loan/Wholesale Loan** — shall refer to a housing loan contracted/obtained by
a **housing cooperative** intended to identify member-beneficiaries for land acquisition,
land improvement, house construction, home improvement, or renovation and other
similar purposes.

e) **Danger Zone/High Areas** — Danger Zone/High Risk Areas are areas with high level
of threat to the lives and well-being of people that cannot be addressed through
scientific, physical and engineering methods, and thus not suitable for resettlement and
permanent structures. Areas can only be declared as Danger Zone/High Risk Area for
conducting proper technical study and public consultations with affected families.

promotion of this legitimate collective interests, which shall include appropriate documentation and feedback mechanisms. **This includes the right of the program beneficiaries to decide on the location of the relocation sites, to make an offer or counter-offer, and to have the same be heeded when reasonable and allowable.**

(g) ***"Housing Cooperative"*** is one organized to assist or provide access to housing for the benefit of its regular members who actively participate in the savings program for housing. It is co-owned and controlled by its members" (Cooperative Code of 2008 [RA 9520])

h) "Resettlement areas" refers to areas identified by the appropriate national agency or by the LGU with respect to areas within its jurisdiction, which shall be used for the relocation of the underprivileged and homeless citizens. **The resettlement areas must be within the same city or municipality unless it is substantially proven that such is not feasible or practicable that resettlement may be established outside thereof.**

SECTION 2. Section 5 of Republic Act 7279 is hereby amended as follows:

Section 5. **Exemptions.** – The following lands shall be exempt from the coverage of this Act:

- a) Those included in the coverage of Republic Act No. 6657, otherwise known as the Comprehensive Agrarian Reform Law;
- b) Those actually used for national defense and security of the State;
- c) Those used, reserved or otherwise set aside for government offices, facilities and other installations, whether owned by the National Government, its agencies and instrumentalities, including government-owned or controlled corporations, or by the local government units: Provided, however, That the lands herein mentioned, or portions thereof, which have not been used for the purpose for which they have been reserved or set aside for the past ten (10) years from the effectivity of this Act, shall be covered by this Act;
- d) Those used or set aside for parks, reserves for flora and fauna, forests and watersheds, and other areas necessary to maintain ecological balance or environmental protection, as determined and certified to by the proper government agency; and
- e) Those actually and primarily used for religious, charitable, or educational purposes, cultural and historical sites, hospitals and health centers, and cemeteries or memorial parks. The exemptions herein provided shall not apply when the use or purpose of the abovementioned lands has ceased to exist.

PROVIDED, THAT ANY EVICTION OR DEMOLITION ON THE AFOREMENTIONED LANDS SHALL STILL COMPLY STRICTLY WITH SECTION 28 HEREOF BEFORE ANY DEMOLITION OR EVICTION CAN BE EFFECTED.

SECTION 3. Section 8 of Republic Act 7279 is hereby amended as follows:

Section 8. Identification of Sites for Socialized Housing. - After the inventory the local government units, in coordination with the National Housing Authority, the Housing and Land Use Regulatory Board, the National Mapping Resource Information Authority, and the Land Management Bureau, shall identify lands for socialized housing and resettlement areas for the immediate and future needs of the underprivileged and homeless in the urban areas, taking into consideration and degree of availability of basic services and facilities, their accessibility and proximity of jobs sites and other economic opportunities, and the actual number of registered beneficiaries.

Government-owned lands under paragraph (b) of the preceding section which have not been used for the purpose for which they have been reserved or set aside for the past ten (10) years from the effectivity of this Act and certified as suitable for socialized housing, shall **AUTOMATICALLY** be transferred to the National Housing Authority **WITHOUT NEED OF APPROVAL** from the President of the Philippines or from the Local Government Unit for proper disposition in accordance with this Act.

SECTION 4. Section 10 of Republic Act 7279 is hereby amended as follows:

Section 10. Modes of Land Acquisition. - The modes of acquiring lands for purposes of this Act shall include, among others, community mortgage, **housing cooperative** project as defined under Republic Act No. 9520, otherwise known as the Cooperative Code of 2008, land swapping, land assembly or consolidation, land banking, donation to the Government, joint-venture agreement, negotiated purchase, and **expropriation**. *[Provided, however, That expropriation shall be resorted to only when other modes of acquisition have been exhausted.]* Provided, that where expropriation is resorted to, parcels of land owned by small property owners shall be exempted for purposes of this Act. Provided, further, that abandoned property, as herein defined, shall be reverted and escheated to the State in a proceeding analogous to the procedure laid down in Rule 91 of the Rules of Court.

PROVIDED FINALLY, THAT THE MODES OF LAND ACQUISITION MAY BE RESORTED TO IN ANY ORDER. EXPROPRIATION MAY BE AVAILED OF WITHOUT EXHAUSTING OTHER MODES. LAND ACQUISITION FOR SOCIALIZED HOUSING THROUGH EXPROPRIATION ONLY REQUIRES A DEPOSIT OF TEN PERCENT (10%) OF THE MARKET VALUE OF THE LAND, AS INDICATED IN THE TAX DECLARATION.

For the purpose of socialized housing, government-owned and foreclosed properties shall be acquired by the local government units, or by the National Housing Authority primarily through negotiated purchase: Provided, that qualified beneficiaries who are actual occupants of the land shall be given the right of first refusal.

SECTION 5. Section 16 of Republic Act 7279 is hereby amended as follows:

Section 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 6. Section 18 of Republic Act 7279 is hereby amended as follows:

“Section 18. Balanced Housing Development. The Program shall include a system to be specified in the Framework plan whereby developers of proposed subdivision projects, condominiums, memorial parks, golf courses and all other land development projects shall be required to develop an area for socialized housing equivalent to at least twenty percent (20%) of the total land area sought to be developed or total land development cost at the option of the developer and in accordance with the standards set by the Housing and Use and Regulatory Board and other existing laws.xxx.

However, such option must be clearly defined and made manifest in its application for the project. Furthermore, the said 20% compliance must be within the same city or municipality. Only when the developer has substantially proven that such compliance is not feasible in the same city or municipality can such compliance be made outside thereof.

However, said compliance must be made in the adjacent city or municipality where the project is to be undertaken. In no case shall compliance be outside, unless approved by the local Sanggunian and only after a favorable recommendation from the Local Housing Board or similar office.

Although not limited to the following list, the balanced housing development as herein required may be complied with by the developers concerned in 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 7. Section 23 of Republic Act 7279 is hereby amended to read as follows:

Section 23. Participation of beneficiaries. "The local government units, in coordination with the PCUP and concerned government agencies, shall afford program beneficiaries or their duly designated representatives an opportunity to be heard and to participate in the decision-making process over matters involving the protection and promotion of their legitimate collective interests which shall include the right of the program beneficiaries to decide on the location of the relocation sites, to make an offer or counter-offer, and to have the same be heeded when reasonable and allowable, appropriate documentation and feedback mechanisms. They shall also be encouraged to organize themselves and undertake self-help cooperative-housing and other livelihood activities. They shall assist the government in preventing the incursions of professional squatting syndicates into their communities.

In the instances when the affected beneficiaries have failed to organize themselves or form an alliance within a reasonable period prior to the implementation of the program or projects affecting them, consultation between the implementing agency and the affected beneficiaries shall be conducted with the assistance of the PCUP and the concerned government organization."

SECTION 8. Section 28 of Republic Act 7279 is hereby amended as follows:

Section 28. Eviction and Demolition.- AS A GENERAL RULE, EVICTION OF UNDERPRIVILEGED AND HOMELESS CITIZENS OR DEMOLITION OF THEIR RESIDENTIAL STRUCTURES SHALL BE PROHIBITED. EVICTIONS OF UNDERPRIVILEGED AND HOMELESS CITIZENS AND/OR DEMOLITIONS OF THEIR RESIDENTIAL STRUCTURES MUST ALWAYS BE COVERED WITH A COURT ORDER INCLUDING BUT NOT LIMITED TO EVICTIONS AND/OR DEMOLITIONS 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; and
- b) When government infrastructure projects with available funding are about to be implemented.

ANY EVICTION OR DEMOLITION INVOLVING UNDERPRIVILEGED AND HOMELESS CITIZENS, THE AGENCY WHICH SEEKS TO IMPLEMENT THE DEMOLITION MUST SUFFICIENTLY PROVE THE FOLLOWING FACTS:

(A) IN CASES OF EVICTIONS OR DEMOLITIONS INVOLVING DANGER AREAS,

THE DANGEROUS CIRCUMSTANCES AFFECTING THE RESIDENTS TO BE EVICTED AND HOUSES TO BE DEMOLISHED;

(B) IN CASES OF EVICTIONS OR DEMOLITIONS INVOLVING GOVERNMENT INFRASTRUCTURE PROJECTS, THE SUBSTANCE OF THE PROPOSED PROJECT AND THE BUDGET PERTAINING TO IT;

(C) IN ALL CASES, 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, ANY FINANCIAL ASSISTANCE OFFERED AND/OR RECEIVED BY THE RELOCATEE SHALL NOT BE CONSIDERED A WAIVER OF THE OBLIGATION OF THE IMPLEMENTING AGENCY AND/OR LOCAL GOVERNMENT UNIT TO PROVIDE PROPER RELOCATION.

PROVIDED FURTHER, IN THE EXECUTION OF EVICTION OR DEMOLITION INVOLVING UNDERPRIVILEGED AND HOMELESS CITIZENS, THE FOLLOWING SHALL LIKEWISE BE MANDATORY:

- (1) Notice upon the effected persons or entities at least thirty (30) days prior to the date of eviction or demolition;
 - (2) Adequate consultations on the matter of resettlement with the duly designated representatives of the families to be resettled and the affected communities in the areas where they are to be relocated;
 - (3) Presence of local government officials or their representatives during eviction or demolition;
 - (4) Proper identification of all persons taking part in the demolition;
 - (5) Execution of eviction or demolition only during regular office hours from Mondays to Fridays and during good weather, unless the affected families consent otherwise;
 - (6) No use of heavy equipment for demolition except for structures that are permanent and of concrete materials;
 - (7) Proper uniforms for members of the Philippine National Police who shall occupy the first line of law enforcement and observe proper disturbance control procedures.
- The Department of the Interior and Local Government and the Housing and Urban Development Coordinating Council shall jointly promulgate the necessary rules and regulations to carry out the above provision.

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 9. Section 40 of Republic Act 7279 is hereby amended as follows:

Section 40. Role of Government Housing Agencies. – In addition to their respective existing powers and functions, and those provided for in this Act, the hereunder mentioned housing agencies shall perform the following:

- (a) The Housing and Urban Development Coordinating Council shall, through the key housing agencies, provide local government units with necessary support such as: (1) Formulation of standards and guidelines as well as providing technical support in the preparation of town and land use plans; (2) In coordination with the National Economic and Development Authority and the National Statistics Office, provide data and information for forward-planning by the local government units in their areas, particularly on projections as to the population and development trends in their localities and the corresponding investment programs needed to provide appropriate types and levels of infrastructure, utilities, services and land use patterns; and (3) Assistance in obtaining funds and other resources needed in the urban development and housing programs in their areas or responsibility.
- (b) The National Housing Authority, upon request of local government units, shall provide technical and other forms of assistance in the implementation of their respective urban development and housing programs with the objective of augmenting and enhancing local government capabilities in the provision of housing benefits to their constituents;
- (c) The National Home Mortgage Finance Corporation shall administer the Community Mortgage Program under this Act and promulgate rules and regulations necessary to carry out the provisions of this Act; and
- (d) The Home Insurance Guaranty Corporation shall design an appropriate guarantee scheme to encourage financial institutions to go into direct lending for housing.

SEC. 40-A. –CREATION OF SOCIALIZED HOUSING COMMISSION.
SOCIALIZED HOUSING COMMISSION SHALL BE ESTABLISHED WITH QUASI-JUDICIAL POWERS AND AUTHORITY WITH EXCLUSIVE JURISDICTION OVER ALL ISSUES ARISING FROM THE IMPLEMENTATION OF THIS ACT, ITS IMPLEMENTING RULES AND REGULATIONS, PARTICULARLY HOUSING RIGHTS OF THE HOMELESS AND UNDERPRIVILEGED, INCLUDING BUT NOT LIMITED TO ISSUES INVOLVING DEMOLITION, EVICTION, RESETTLEMENT, RELOCATION PARTICULARLY IN RELATION TO SECTION 28 AND IMPLEMENTATION OF BALANCED HOUSING DEVELOPMENT UNDER SECTION 18 HEREOF, COMMUNITY MORTGAGE PROGRAM, AND HOUSING RIGHTS PROVIDED IN THE CONSTITUTION, INTERNATIONAL COVENANTS OF WHICH THE PHILIPPINES IS A SIGNATORY.

SECTION 10. 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 11. *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 12. *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 13. *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,



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

SIXTEENTH CONGRESS
First Regular Session

HOUSE BILL No. 2792

Introduced by: **HON. SALVIO B. FORTUNO**

EXPLANATORY NOTE

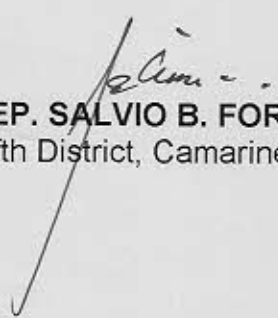
This bill seeks to convert the Sta. Maria, Iriga City –Buhi in the Province of Camarines Sur with a net length of 24.298 kilometers (KO 473 + 037 – KO 497 + 335) to a national secondary road.

The said provincial road which stretches from Barangay Sta. Maria in the City of Iriga to the Municipality of Buhi in the Province of Camarines Sur serves as a vital route connecting City of Iriga and the Municipalities of Buhi.

The dilapidated condition of this important road artery is mainly attributable to the inadequacy of funds for the upgrading, rehabilitation and year-round maintenance by the provincial government. This situation therefore made the transportation of agricultural products and other commodities extremely difficult and expensive. In fact, many people and local officials have been clamoring to rehabilitate the sorry state of this provincial road.

There is an urgent need therefore to convert the said provincial road into a secondary national road to continuously make it as a vital route to be properly maintained by the national government for the great benefit of the people, particularly the poor residents in these remote areas.

In view of the foregoing reasons, the approval of this bill is earnestly sought.


REP. SALVIO B. FORTUNO
Fifth District, Camarines Sur

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

SIXTEENTH CONGRESS
First Regular Session

HOUSE BILL No. 2792

Introduced by: **HON. SALVIO B. FORTUNO**

AN ACT
CONVERTING THE STA. MARIA, IRIGA CITY – BUHI PROVINCIAL ROAD IN
THE PROVINCE OF CAMARINES SUR TO A NATIONAL SECONDARY ROAD
AND APPROPRIATING FUNDS THEREFOR

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

SECTION 1. The Sta. Maria, Iriga City – Buhi in the Province of Camarines Sur with a net length of 24.298 kilometers (KO 473 + 037 – KO 497 + 335) is hereby converted and declared as a national secondary road.

SEC. 2. The Department of Public Works and Highways (DPWH) is hereby directed to implement this Act.

SEC. 3. The amount necessary to cover the improvement, repairs and maintenance of the said road shall be included in the General Appropriations Act of the year following its enactment into law and thereafter.

SEC. 4. This Act shall take effect fifteen (15) days after its complete publication in any national newspaper of general circulation.

Approved,

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

Sixteenth Congress
First Regular Session

HOUSE BILL NO. 2793



Introduced by Honorable **EMMANUEL D. PACQUIAO**

EXPLANATORY NOTE

This bill seeks to establish a district office of the Land Transportation Office (LTO) in the Municipality of Alabel, Sarangani Province.

In 1996, the LTO Extension Office in Alabel, Sarangani was established with funding coming from the congressional allocation of Congressman James Chiongbian. Presently, the appropriation for its operation is from the provincial government of Sarangani. The records will show that the LTO Extension Office ranks second highest among the ten district offices of Region IX in terms of revenue contribution to the national government.

It is therefore, being proposed that an LTO District Office be established for the province of Sarangani in the municipality of Alabel to be able to serve the people in the province more effectively and efficiently. Because pertinent documents which require verification from an approving authority is in the mother office, any application for or renewal of driving license or registration of motor vehicles have to be sent back to mother office for action. By establishing a district office, the time spent for such application, renewal, or registrations will be minimized.

Moreover, it is the best that the funds for the operations of the Sarangani LTO Extension Office come from the national government. In such case, the provincial funds otherwise spent for the operation of the LTO Extension Office can be used for projects towards provincial development.

Premises considered, it is prayed that this bill be approved.


HON. EMMANUEL D. PACQUIAO

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

Sixteenth Congress
First Regular Session

HOUSE BILL NO. 2793

Introduced by Honorable EMMANUEL D. PACQUAO

AN ACT
ESTABLISHING A DISTRICT OFFICE OF THE LAND TRANSPORTATION OFFICE FOR THE PROVINCE OF
SARANGANI, AND APPROPRIATING FUNDS THEREOF

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

SECTION 1. There shall be established, under the Department of Transportation and Communications, a district office of the Land Transportation Office of the Province of Sarangani be located in the municipality of Alabel of the said province.

SECTION 2. The officers and employees of the LTO Extension Office shall be absorbed by the District office to such extent as it may be administratively feasible under *Act: Provided*, That the officers or employees who have been employed in the LTO extension office for the past three (3) consecutive years shall have right to choose between *Provided further*, That nothing shall be construed to prevent a qualified and competent officers and employee who opted for an early retirement, or separation with pay from seeking reemployment. *Provided, finally*, That those officers and employees who cannot be absorbed by the District office shall be entitled to such benefits accorded to separated or retrenched government employees, as provided under existing laws.

SECTION 3. The amount necessary for the implementation of this Act shall be charged to the appropriations for the Department of Transportation's and Communications under the current General Appropriations Act. Thereafter, such sum as maybe necessary for the operations and maintenance of the District Land Transportations Office shall be included in the annual General Appropriations Act.

SECTION 4. The Act shall take effect upon its approval.

Approved,


HON. EMMANUEL D. PACQUIAO

1 Republic of the Philippines

2
3 **House of Representatives**
4 Quezon City

5
6 *SIXTEENTH CONGRESS*
7 First Regular Session

8
9 HOUSE BILL NO. **2794**



10
11 **Introduced by Honorable Anthony M. Bravo and Honorable**
12 **Cresente C. Paez**

EXPLANATORY NOTE

The arrival of the cellular phone in the early 1980s was a turning point in telecommunications. For the first time, people made and received telephone calls without being tied to a specific location.

Cellular phones have become an essential part of many Filipinos lives with the number of cellular phone users increasing daily. However, cellular phones companies have failed to cope with the increasing demand for cellular phone services, and National Telecommunications Commission has received numerous complaints on poor services by these companies.

This bill seeks to establish minimum standards regarding the quality of wireless telephone service and to monitor complaints regarding such service.


HON. ANTHONY M. BRAVO


HON. CRESENTE C. PAEZ

1 Republic of the Philippines

2
3 **House of Representatives**
4 Quezon City

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6 *SIXTEENTH CONGRESS*
7 First Regular Session

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9 HOUSE BILL NO. **2794**

10
11 **Introduced by Honorable Anthony M. Bravo and Honorable**
12 **Cresente C. Paez**

13 **AN ACT**
14 **TO ESTABLISH MINIMUM STANDARDS REGARDING THE QUALITY**
15 **OF WIRELESS TELEPHONE SERVICE AND TO MONITOR**
16 **COMPLAINTS REGARDING SUCH SERVICE**

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

17 SECTION 1. *Short Title.* – This Act shall be known as the “Cell Phone Subscriber
18 Protection Act of 2013.”

19 SECTION 2. *Declaration of Policy.* – It is the policy of the State to recognize the vital
20 role of communication and information in nation-building.

21 SECTION 3. *Definition.* – As used in this Act, the term:

22 (A) “Public Telecommunications Entity” or “PTE” means any person, firm,
23 partnership or corporation, government or private, engaged in the provision
24 of telecommunications services to the public for compensation; and

25 (B) “Commission” means the National Telecommunications Commission.

26 SECTION 4. *Establishment of Standards Regarding Quality of Commercial Mobile*
27 *Service and Monitoring of Complaints Regarding Such Service.* –

28 (A) *In General.* – The Commission shall, by regulation, establish such requirements as
29 the Commission considers appropriate to ensure that Public Telecommunications Entities meet

1 minimum standards regarding the quality and performance of such service, which shall include
2 standards regarding connection, reception, and billing practices.

3 (B) *Complaint System.* –

4 (1) *Establishment.* – The Commission shall establish and administer a system that makes
5 available a procedure for any subscriber of a commercial mobile service to register a complaint
6 regarding the quality or performance of the service.

7 (2) *Toll-Free Number.* – Such system shall include establishment of a toll-free number
8 applicable to commercial mobile services for reporting a complaint.

9 (3) *Records.* – The Commission shall maintain a record of each complaint made under
10 the system established pursuant to this Act.

11 (4) *Notice.* – The Commission shall require each Public Telecommunications Entity of
12 commercial mobile service to include, in each subscriber's bill for such service, a statement
13 informing the subscriber that a complaint regarding the quality or performance of the service
14 may be registered with the Commission and providing the toll-free number under subparagraph
15 (2) and an address for mailing a complaint. The Commission shall take such other actions as
16 may be appropriate to publicize the availability of the complaint system to subscribers of
17 commercial mobile services.

18 (C) *Reporting of Complaints to Congress.* – Every six (6) months, the Commission shall
19 submit a report to the Congress regarding complaints received under the complaint system
20 required under paragraph (B), which shall –

21 (1) Indicate the number of complaints received, during the period for which the report is
22 made, regarding the service of the Public Telecommunications Entity for which a complaint is
23 made; and

24 (2) Indicate the types of complaints received during such period, including complaints
25 regarding dead spots, dropped calls, network busy signals, and improper billing practices, and
26 the number of each type of complaint received during such period.

1 Upon submission to the Congress of each report under this subparagraph, the
2 Commission shall make such report publicly through publication in at least two (2) newspapers
3 of general circulation.

4 (D) *Effect on Consumer Protection Laws.* – This paragraph may not be construed as
5 relieving any Public Telecommunications Entities from the obligation to comply with any law,
6 presidential decree or issuance, executive order, letter of instruction, administrative order, rule or
7 regulation relating to consumer protection or unfair trade.

8 (E) *Rules and Regulations.* – The Commission shall prescribe such regulations as may be
9 necessary to carry out the provisions of this Act.

10 SECTION 5. *Separability Clause.* – If any provision or part hereof is held invalid or
11 unconstitutional, the remainder of the law of the provision not otherwise affected shall remain
12 valid and subsisting.

13 SECTION 6. *Repealing Clause.* – Any law, presidential decree or issuance, executive
14 order, letter of instruction, administrative order, rule or regulation contrary to, or inconsistent
15 with, the provisions of this Act is hereby repealed, modified, or amended accordingly.

16 SECTION 7. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its
17 publication in at least two (2) newspapers of general circulation.

18

Approved,

1 Republic of the Philippines

2
3 **House of Representatives**
4 Quezon City

5
6 *SIXTEENTH CONGRESS*
7 First Regular Session

8
9 HOUSE BILL NO. **2795**



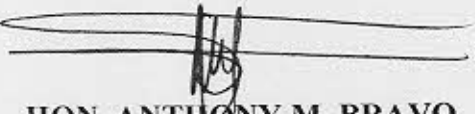
10
11 **Introduced by Honorable Anthony M. Bravo and Honorable**
12 **Cresente C. Paez**

EXPLANATORY NOTE

Technology in the schools is a central component of preparing students for the 21st century. Equipping schools with technology is no longer a luxury, it is a necessity. Technology in the classroom improves students' mastery of basic skills, test scores, writing, and engagement in school. With these gains come decreases in dropout rates and decreases in attendance and discipline problems.

Not enough students have access to computers, distance learning, and telecommunications technologies. In fact, many public schools do not have any computers, while few have older models that do not have the power to perform advanced functions, such as those involving video and the Internet.

The purpose of this bill is to establish educational technology clearinghouses to facilitate the donation of surplus equipment and technology to schools and libraries from governmental agencies, businesses, and other private entities.


HON. ANTHONY M. BRAVO


HON. CRESENTE C. PAEZ

1 Republic of the Philippines

2
3 **House of Representatives**
4 Quezon City

5
6 *SIXTEENTH CONGRESS*
7 First Regular Session

8 HOUSE BILL NO. **2795**
9

10
11 **Introduced by Honorable Anthony M. Bravo and Honorable**
12 **Cresente C. Paez**

13 **AN ACT**
14 **ESTABLISHING EDUCATIONAL EQUIPMENT**
15 **AND TECHNOLOGY CLEARINGHOUSES**

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

16 SECTION 1. *Short Title.* - This Act shall be known as the "Educational Equipment and
17 Technology Clearinghouse Act of 2013."

18 SECTION 2. *Purpose.* - It is the purpose of this Act to authorize a program to support
19 regional educational technology clearinghouses that facilitate the donation of surplus equipment
20 and technology to schools and libraries from governmental agencies, businesses, and other
21 private entities.

22 SECTION 3. *Authority.* - The Secretary of Education shall make grants to or enter into
23 contracts with regional public or private nonprofit entities for the purpose of supporting a system
24 of regional educational technology clearinghouses.

25 In awarding the grants or contract, the Secretary shall ensure that each geographic region
26 of the country is served by such an entity.

27 SECTION 4. *Requirements.* - Each entity receiving a grant or contract under this Act
28 shall-

29 (A) In cooperation with regional program to support a clearinghouse that facilitates
30 the transfer of surplus equipment and technology to schools and libraries from
31 governmental agencies, businesses, and other private entities;

32 (B) Disseminate information to regional educational agencies about the availability
33 and procurement of the equipment and technology through the clearinghouse;

1 (C) Disseminate information to the public about activities assisted under this Act,
2 including information about the donations being accepted by the clearinghouse;

3 (D) Have in place a process or ensuring that surplus equipment and technology is
4 distributed in a fair and equitable manner, with school districts with the greatest
5 need for such equipment and technology receiving priority for donations under
6 this Act;

7 (E) Provide technical assistance to a school or library to ensure the equipment and
8 technology being donated is consistent with the short-term and long-term
9 educational technology plans for the school or library, respectively;

10 (F) Use finds under this Act to upgrade equipment or technology only if the entity
11 determines such upgrading meets the short-term and long-term educational plan
12 of the school or library receiving the equipment or technology; and

13 (G) Ensure that the transfer of equipment and technology does not violate copyright,
14 patents, or trademark laws.

15 SECTION 5. *Authorization of Appropriations.* - There are authorized to be appropriated
16 to carry out this Act such sums as may be necessary for each fiscal year to carry out the
17 provisions of this Act.

18 SECTION 6. *Separability Clause.* - If any provision or part hereof is held invalid or
19 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain
20 valid and subsisting.

21 SECTION 7. *Repealing Clause.* - Any law, presidential decree or issuance, executive
22 order, letter of instruction, administrative order, rule or regulation contrary to, or inconsistent
23 with, the provision of this Act is hereby repealed, modified or amended accordingly.

24 SECTION 8. *Effectivity Clause.* - This Act shall take effect fifteen days (15) days after its
25 publication in at least two (2) newspapers of general circulation.

Approved,

Republic of the Philippines

House of Representatives
Quezon City

SIXTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. **2796**



**Introduced by Honorable Anthony M. Bravo and Honorable
Cresente C. Paez**

EXPLANATORY NOTE

The Philippines is well known for its extraordinary beaches. Hence, the beaches, especially those used most by the public, should be tested to make sure the water is safe for swimming for both locals and tourists.

This bill requires the Secretary of the Department of Environment and Natural Resources (DENR) to: (1) prepare an annual assessment of the compliance of local governments with program requirements; (2) update within 12 months after the effectivity of this Act and biennially after the enactment, the list indicating which coastal recreational waters adjacent to beaches used by the public are, and which of such waters are not, subject to a monitoring and notification program; and (3) study and report to Congress on the long-term impact of climate change on pollution of coastal recreational waters.

This bill further proposes a 2015 deadline for the DENR Secretary to complete its validation of a rapid testing method, which would provide beachgoers with same day information on beach water safety.


HON. ANTHONY M. BRAVO


HON. CRESENTE C. PAEZ

1 Republic of the Philippines

2
3 **House of Representatives**
4 Quezon City

5
6 *SIXTEENTH CONGRESS*
7 First Regular Session

8 HOUSE BILL NO. **2796**
9

10
11 **Introduced by Honorable Anthony M. Bravo and Honorable**
12 **Cresente C. Paez**

13 **AN ACT**
14 **PROVIDING PROGRAMS FOR BEACH MONITORING**

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

15 SECTION 1. *Short Title.* – This Act shall be known as the “Clean Coastal Environment
16 and Public Health Act of 2013.”

17 SECTION 2. *Definition of Terms.* – As used in this Act, the following terms shall mean:

- 18 (A) *Rapid Testing Method* means a method of testing the water quality of coastal
19 recreation waters for which results are available as soon as practicable and
20 not more than 2 hours after the commencement of the rapid testing method;
21 (B) *Secretary* means the Secretary of the Department of Environment and Natural
22 Resources;

23 SECTION 3. *Contents of Monitoring and Notification Programs.* – A program for
24 monitoring and notification shall include monitoring consistent with the performance criteria as
25 determined by the Secretary, public notification, source tracking, sanitary surveys, and
26 prevention efforts to address identified sources of contamination by pathogens and pathogen
27 indicators in coastal recreation waters adjacent to beaches or similar points of access that are
28 used by the public.

29 SECTION 4. *Validation of Rapid Testing Methods.* – Not later than two years after the
30 effectivity of this Act, the Secretary shall complete an evaluation and validation of a rapid testing
31 method for the water quality criteria and standards for pathogens and pathogen indicators.

1 SECTION 5. *Guidance for Use of Rapid Testing Methods.* – Not later than 180 days after
2the date of completion of the validation and after providing notice and an opportunity for public
3comment, the Secretary shall publish guidance for the use at coastal recreation waters adjacent to
4beaches or similar points of access that are used by the public of rapid testing methods that will
5enhance the protection of public health and safety through rapid public notification of any
6exceedance of applicable water quality standards for pathogens and pathogen indicators.

7 In developing guidance, the Secretary shall require the use of rapid testing methods at
8those beaches or similar points of access that are the most used by the public.

9 SECTION 6. *Information Dissemination.* – The Secretary shall provide information to
10the public about coastal recreation waters, which is publicly accessible and searchable on the
11Internet; organized by beach or similar point of access; identifies applicable water quality
12standards, monitoring protocols, sampling plans and results, and the number and cause of coastal
13recreation water closures and advisory days; and updated within 24 hours of the availability of
14revised information;

15 SECTION 7. *National List of Beaches.* – Not later than 1 year after the effectivity of this
16Act, the Secretary shall make a National List of Beaches, which shall be updated biennially.

17 SECTION 8. *Compliance Review.* – On or before 31 July of each calendar year beginning
18after the effectivity of this Act, the Secretary shall:

- 19 (A) prepare a written assessment of compliance with all statutory and regulatory
20 requirements of this Act for each local government;
21 (B) notify the local government of each such assessment; and
22 (C) make each of the assessments available to the public in a searchable database on the
23 Internet on or before 31 December of the applicable calendar year.

24 SECTION 9. *Impact of Climate Change on the Pollution of Coastal Recreation Waters.* –
25The Secretary shall conduct a study on the long-term impact of climate change on pollution of
26coastal recreation waters. A report on the study shall be submitted to Congress.

27 The report shall include information on potential contaminant impacts on ground and
28surface water resources; and public and ecosystem health in coastal communities. The report

1 shall also address monitoring required to document and assess changing conditions of coastal
2 water resources, recreational waters, and ecosystems; and review the current ability to assess and
3 forecast impacts associated with long-term change.

4 SECTION 10. *Impact of Algae on Coastal Recreation Waters.* – Not later than 1 year
5 after the date of effectivity of this Act, the Secretary shall submit to Congress a study on the
6 impact of algae on coastal recreation waters. The following should be considered in preparing
7 the study: (a) quantify the levels of algae that cause problems at recreational beaches; and (b)
8 quantify the concentrations of phosphorus that may be associated with algae problems;

9 SECTION 11. *Separability Clause.* – If any provision or part of this Act is held invalid or
10 unconstitutional, the remainder of the Act or the provision not otherwise affected shall remain
11 valid and subsisting.

12 SECTION 12. *Repealing Clause.* – Any law, presidential decree or issuance, executive
13 order, letter of instruction, administrative order, rule or regulation contrary to, or inconsistent
14 with the provisions of this Act is hereby repealed, modified or amended accordingly.

15 SECTION 13. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its
16 publication in at least two (2) newspapers of general circulation.

Approved,

1 Republic of the Philippines

2
3 **House of Representatives**
4 Quezon City

5 *SIXTEENTH CONGRESS*
6 First Regular Session

7
8 HOUSE BILL NO. **2797**
9



10
11 **Introduced by Honorable Anthony M. Bravo and Honorable**
12 **Cresente C. Paez**

EXPLANATORY NOTE

"Disaster" may be defined as a sudden calamitous event producing great material damage, loss and distress. It is a disturbing fact that disasters have remained a constant problem in the transportation industry, be it air, land or sea. These tragedies cause much damage to lives and properties, with losses amounting to at least 2 to 3% of the country's gross domestic product (GDP) each year. Further, the economic losses are reflected mainly in the victim's productive years that are taken away by their untimely deaths. The death and injuries due to various accidents result in considerable waste of a country's resources— from the grief caused to family and friends to the cost of enforcement of rights through the courts.

Recent events have shown that the transportation industry has experienced several major catastrophes. The government has responded to every transportation disaster by forming fact-finding bodies to investigate the cause or causes of the accident. These bodies were tasked to pinpoint responsibility for such tragedies and review such regulations and policies to prevent similar incidents from happening in the future. However, the recent disasters are testaments to the inadequate response of government towards the prevention of similar catastrophes. These tragedies could have been avoided had government initiated proactive measures designed to ensure "safety consciousness" among the owners of public utilities as well as the regulatory agencies mandated to monitor their operations.

To advance transportation safety consciousness, there is an urgent need to create the National Transportation and Safety Board (NTSB) which shall be independent, non-regulatory agency shall undertake to ensure thorough and impartial investigations of transportation accidents. It shall be primarily responsible for the analysis, evaluation and prevention of air, highway and marine transportation accidents, to include railway and pipeline systems, for the effective promotion of safety and prevent loss of life and property. Briefly, the mission of this Board is to engage in the investigation and determine probable cause(s) of transportation accidents, the issuance of safety recommendations and special studies directed at preventing recurrence of such accidents and evaluating the effectiveness of concerned government agencies in preventing transportation accidents.

The creation of an independent government agency to promote transportation safety by conducting independent accident investigations and by formulating safety improvement recommendations has come of age in the Philippine transport system. As envisioned, the proper conduct of responsibilities assigned to this independent Board requires vigorous investigation of major accidents involving all types of public utility vehicles or vessels regulated by other agencies of government. It demands continual review, appraisal, and assessment of the operating practices and regulations of all such agencies. It also envisions calling for the making of conclusions and recommendations that may be critical of or adverse to any such agency and its officials.

No government agency can properly perform such function unless it is totally separate and independent from any other department, bureau, commission, or agency. The current regulatory agencies involved in the transport industry cannot be expected to conduct a thorough and impartial investigation on any major accident for the simple reason that such agencies may be themselves liable due to the improper or lack of implementation of pertinent laws, rules and regulations regarding safety.

The importance and necessity of safe transportation system in our country cannot be over emphasized. The enactment of this measure is expected to ensure that all modes of transportation in the Philippines are conducted safely. We believe that the NTSB will be an effective vehicle for the realization of such a need.



HON. ANTHONY M. BRAVO



HON. CRESENTE C. PAEZ

1 Republic of the Philippines

2
3 **House of Representatives**
4 Quezon City

5
6 *SIXTEENTH CONGRESS*
7 First Regular Session

8
9 HOUSE BILL NO. **2797**

10
11 **Introduced by Honorable Anthony M. Bravo and Honorable**
12 **Cresente C. Paez**

AN ACT
CREATING A NATIONAL TRANSPORTATION SAFETY BOARD
AND APPROPRIATING FUNDS THEREFOR

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

SECTION 1. Short Title. - This act shall be known and cited as the "National Transportation Safety Act of 2013"

SECTION 2. Declaration of Policy. - It is the policy of the State to prevent accidents and save lives and property in transportation; promote safety in the transportation of people, property and goods by conducting independent accident investigations; by continual and objective review, appraisal and assessment of operating practices and regulations of government agencies implementing transportation laws; and, by formulating and promulgating safety improvement standards for observance and implementation, by said agencies and concerned private sectors.

SECTION 3. Creation. - There is hereby created a National Transportation Safety Board, non-regulatory and independent agency herein after referred to as the Board, to implement the foregoing policy

SECTION 4. Objectives. -The Board shall have the following objectives:

- (a) To prevent future accidents, save lives and reduce injuries and property damages;
- (b) To ensure the survivors and families of the victims of transportation accidents receive timely, compassionate assistance from the operators, other government agencies, and community service organizations;

- (c) To ensure implementation of safety improvements that have been identified by the government agencies responsible for transportation safety;
- (d) To conduct thorough accident and incident investigations, determining the probable causes, and publishing accident reports and safety studies that will convince other to act; and
- (e) To provide safety information to the public, safety managers, and Board employees to help them make more timely and informed decisions.

SECTION 5. Structure and Organization. - The Board shall be composed of five (5) fulltime members, including a Chairman and a Vice-chairman. All the members of the Board shall have extensive training and experience in the respective field of our marine, highway and rail transportation systems, and each must have adequate knowledge in investigation, analysis, and evaluation of transportation accidents, particularly in the field of accident reconstruction, safety engineering, or transportation safety,

Members of the Board shall be appointed by the President of the Philippines, with the consent of the Commission on Appointments, for a term of six (6) years. The member designated by the President as Chairman shall be with the consent of the Commission on Appointments. Of those first appointed, two members shall hold office for six years, two members for four years, and the last member for two years. Appointment to any vacancy shall be only for the unexpired term of the predecessor. Upon the expiration of his term of office, a member shall continue to serve until his successor is appointed and shall have qualified. In no case shall any Member be appointed or designated in a temporal) or acting capacity. Any member of the Board may be removed by the President for inefficiency, neglect of duty, malfeasance in office or any other legal cause.

No member of the Board shall hold concurrently any other government office or position, or be employed in any government-owned or controlled corporation or entity or any private, business enterprise whose interest may be conflict with the Board's function and duties. The Chairman and Vice-chairman of the Board each shall serve for a term of two (2) years. The Chairman shall be the chief executive officer of the Board and shall exercise the executive and administrative functions thereof with respect to the appointment and supervision of personnel

employed by the Board; the distribution of business among any administrative units of the Board; and the use and expenditures of funds. The vice-Chairmen shall act as Chairman in the event of the absence or incapacity of the Chairmen or in case of a vacancy in any office of the Chairman. The Chairman or Acting Chairman shall be governed by the policies established by the Board including any decisions, findings, determination, rules, regulations and formal resolutions.

Three (3) members of the Board shall constitute a quorum for the transaction of any function of the Board.

The Board shall establish and maintain distinct and appropriate staffed bureaus, divisions, or offices to investigate and report on accidents involving each of the following modes of transportation: (a) aviation; (b) highway and motor vehicle; and (c) railroad and tracked vehicles. The Board shall in addition establish and maintain any other such office as is needed, including an office as is needed, including an office to investigate and report on the safe transportation of hazardous materials.

SECTION 6. *Functions of the Executive Offices.* - For the proper management and effective implementation of the objectives of the Board, each executive office shall perform the following functions:

(a) *Office of the Managing Director.* - The Board shall have a Managing Director who shall be appointed by the President of the Philippines upon recommendation of the Board. The Managing Director shall have the following functions:

- (1) Assist the Chairman in the discharge of his functions as executive and administrative head of the Board;
- (2) Coordinate and direct the activities of the staff and is responsible for the day-to-day management of the affairs and activities of the Board;
- (3) Recommend and develop plans to achieve the Board's objectives; and
- (4) Provide executive secretarial services to the Board.

(b) *Office of Public Affairs.* - The Office of Public Affairs shall supply the public, the transportation industry and the news media with current, accurate information concerning the work, programs and objectives of the Board.

(c) *Office of Government Affairs.* - The Office of Government Affairs shall supply Congress and the different national agencies with information regarding the Safety Board's activities programs and objectives.

(d) *Office of the General Counsel.* - The Office of the General Counsel shall have the following functions:

- (1) Provide legal advice and assistance to the Board and its staff components;
- (2) Prepare Board rules, opinions and/or orders, and advice to all offices and bureaus on matters of legal significance; and
- (3) Represent the Board in court actions to which the Board is a party or to which the Board is interested.

(e) *Office of Aviation Safety.* - The Office of Aviation Safety shall have the following functions:

- (1) Conduct investigations of all aviation accidents within the Board's jurisdiction;
- (2) Prepare reports for submission to the Board and release to the public setting forth the facts and circumstances of such accidents, including a recommendation as to the probable cause(s);
- (3) Determine the probable cause(s) of accidents when delegated authority to do so by the Board;
- (4) Initiate safety recommendations to prevent future aviation accidents; and
- (5) Conduct special investigations into selected aviation accidents involving safety issues of concern to the Board.

(f) *Office of Surface Transportation Safety.* - The functions of the Office of Surface Transportation Safety shall be the following:

- (1) Conduct investigations of highway, railroad, marine, pipeline and hazardous materials accident within the Board's jurisdiction;
- (2) Prepare reports for submission to the Board and release to the public setting forth the facts and circumstances of such accidents, including a recommendation as to the probable cause(s);

- (3) Determine the probable cause(s) of accidents when delegated authority to do so by the Board;
- (4) Initiate safety recommendations to prevent future surface transportation accidents; and
- (5) Conduct special investigations into selected surface accidents involving safety issues of concern to the Board.

(g) *Office of Safety Recommendations.* - The Office of Safety Recommendations shall oversee the Board's safety recommendations program.

(h) *Office of Research and Engineering.* - The Office of Research and Engineering shall have the following functions:

- (1) Provide technical advice and services;
- (2) Conduct research and carry out analytical studies and tests on all aspects of the Board's accident investigation, accident prevention and safety promotion activities;
- (3) Conduct safety studies of specific safety issues;
- (4) Perform statistical analyses of transportation accident and incident data;
- (5) Maintain archival records of the Board's accident investigation and safety promotion activities and support public access to these records; and
- (6) Support the Board's data processing, computing and information management requirements.

(i) *Office of Administration.* -The office of Administration is responsible for the custody and control of all Board records required to be preserved and kept. Moreover, it shall provide administrative support for the Board in the following areas:

- (1) budget;
- (2) accounting and audit;
- (3) personnel, training and payroll;
- (4) information management and automatic data processing;
- (5) property, space, communications, facilities and transportation management;

(6) printing, publications, mail, procurement, contracting, and accident inquiry services.

SECTION 7. Compensation. - The salary of the Chairman and the members of the Board shall be the same as those of the Chairman and Members of the different Constitutional Commissioners. They shall also be entitled to computable representation and transportation allowances in the amount of Five Thousand Pesos (P 5,000.00) each per month. The salary of the Chairman and Members of the Board shall not be decreased during their tenure.

SECTION 8. Personnel. - Subject to the civil service laws, rules and regulations, the Board is authorized to select, appoint, employ, and fix the compensation of such officers and employees, including investigators, and attorneys, as shall be necessary to carry out its powers and duties.

SECTION 9. Duties and Powers of the Board. - The primary function of the Board is to promote safety in transportation.

(A) Duties of the Board. - The Board shall:

(1) Investigate or cause to be investigated (in such details as it shall prescribe), and determine the facts, conditions, and circumstances and the cause or probable cause or causes of any:

(a) aircraft accident within the scope of Subsection 11 of Section 32, Republic Act No. 776, as amended;

(b) highway accident, including any railroad grade crossing accident that it selects;

(c) railway accident in which there is a fatality, substantial property damage, or which involves a passenger train;

(d) pipeline accidents in which there is a fatality or substantial property damage;

(e) major marine casualties and marine accidents, except those involving only vessels used by the Armed Forces of the Philippines, occurring on the navigable waters or territorial seas of the Philippines, or involving a vessel

of the Philippines, in accordance with the regulations to be prescribed jointly by the Board and the Secretary of Transportation and Communication in which the Coast Guard is operating. Any marine accident involving a public vessel and any other vessel shall be investigated and the facts, conditions, and circumstances, and the cause or probable cause determined and made available to the public by either the Board or the Secretary of Transportation; and

(f) other accident which occurs in connection with transportation of people or property, equipment or hazardous materials which, in the judgment of the Board, is catastrophic, involves problems of a recurring character, or would otherwise carry out the above-stated policy of the State. Nothing therein shall prevent the Board from making further inquiries on accidents already investigated by existing accident-investigating bodies. Furthermore, the Board may require the submission of their records, reports, findings and recommendation of past investigation. The Board shall be the primary government body to conduct accident investigations under its jurisdiction. Other agencies mandated to investigate concurrently such accidents shall coordinate with the Board in the performance of its functions. In addition, it shall give full support to the actions and policies dictated by the Board during the conduct of such investigations.

Nothing therein shall prevent the Board from making further inquiries on accidents already investigated by existing accident-investigating bodies. Furthermore, the Board may require the submission of their records, reports, findings and recommendation of past investigation. The Board shall be the primary government body to conduct accident investigations under its jurisdiction. Other agencies mandated to investigate concurrently such accidents shall coordinate with the Board in the performance of its functions. In addition, it shall give full support to the actions and policies dictated by the Board during the conduct of such investigations.

(2) Report in writing on the facts, conditions, and circumstances of each accident

investigated pursuant to paragraph (1) of this subsection and cause such reports to be made available to the public at reasonable cause notice of the issuance and availability of such reports to be published in the Official Gazette;

(3) Issue periodic reports to Congress and government agencies concerned with transportation safety, and other interested persons recommending and advocating meaningful responses to reduce the likelihood of recurrence of transportation accidents similar to those investigated by the Board and proposing corrective steps to make the transportation of persons as safe and free from risk of injury as is possible, including steps to minimized human injuries from transportation activities.

(4) Make transportation safety recommendations to national agencies and private organizations to reduce the likelihood of recurrences of transportation accidents;

(5) Initiate and conduct special studies and special investigations on matters pertaining to safety in transportation and human injury avoidance.

(6) Assess and reassess techniques and methods of accident investigation and prepare and publish from time to time recommended procedures for accident investigations;

(7) Establish by regulation requirements binding on persons reporting accidents subjects to the Board's investigatory jurisdiction under this subsection;

(8) Evaluate, assess the effectiveness, and publish the findings of the Board with respect to the transportation safety consciousness and efficacy in preventing accidents of other government agencies, as well as promote transportation safety consciousness in both the national and local government;

(9) Evaluate the adequacy of safeguards and procedures concerning the transportation of hazardous materials and the performance of carriers and other government agencies charged with assuring the safe transportation of such materials;

(10) Gather, analyze and survey, and keep data and statistics and transportation accidents;

(11) Prepare and submit annual reports which shall include specific proposals for corrective legislation to the Department of Transportation and Communications, with copies simultaneously furnished to the appropriate committees of the Senate and House of Representative;

(B) *Powers of the Board.* - (1) The Board, or upon authority of the Board, any member thereof, or any officer or employee duly designated by the Chairman, may conduct such hearings, sit and act as such times and places, administer such oaths and require by subpoena or subpoena *duces tecum* the attendance and testimony of such witnesses and the production of such evidence as the Board or such officer may deem necessary. Subpoenas shall be issued under the signature of the Chairman, or the Vice-chairman, and may be served by any person designated by the Chairman.

(2) Any employee of the Board, upon presenting appropriate credentials and a written notice of inspection authority, is authorized to enter any property wherein a transportation accident has occurred or wreckage of any such accident is located and do all things therein necessary for the proper conduct of investigation. The employees may inspect, at reasonable times, records, files, processes, controls and facilities relevant to the investigations of such accident. Each inspection shall commence and be completed with reasonable promptness and the results of such inspection made available to the public.

(3) In case of contumacy or refusal to obey a subpoena, an order, or an inspection notice of the Board or any duly designated employee thereof, by any person who resides, is found, or transacts business within the jurisdiction of the Philippines, may be required to comply forthwith by a court of competent jurisdiction, upon the petition of the Board. Failure to obey such an order is punishable by such court as contempt of court.

(4) The Board is authorized to enter into such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of the functions and the duties of the Board under this Section, with any government entity or any person.

(5) The Board is authorized to:

(a) Use, on a reimbursable basis or otherwise, when appropriate, available services, equipment, personnel and facilities of the Department of Transportation and Communication, the Department of National Defense, the Department of Public Works and Highways and other agencies and instrumentalities of the government in the conduct of its investigation.

(b) Employ recognized experts and consultants on the accidents under investigation who shall be paid by compensation fixed by the Board: *Provided*, That not more than two consultants shall be appointed for each incident being investigated.

(c) Create advisory committees composed of qualified private citizens and government officials as it deems necessary or appropriate;

(d) Accept voluntary and uncompensated services notwithstanding any other provision of law;

(e) Accept gifts or donations of money or property, including real, personal, mixed, tangible or intangible; and Enter into contracts with public or private non-profit entities for the conduct of studies related to any of its functions.

(6) Whenever the Board submits or transmits any budget estimates, budget request, supplemental budget estimate, or other budget information, legislative recommendation, prepared testimony for Congressional hearings, or comment on legislation to the President or the Department of Budget and Management, it shall concurrently transmit a copy thereof to the Congress. No officer or agency of the Philippine government shall have any authority to require the Board to submit its budget requests or estimates, legislative recommendations, prepared testimony for congressional hearings, or comments on legislation to any officer or agency of the National Government for approval, comments, or review, prior to the submission of such recommendations, testimony, or comments to the Congress.

(7) The Board is empowered to designate representatives to serve or assist on such committees as the Chairmen determines to be necessary or appropriate to maintain effective liaison with executive departments. Other government agencies, and with independent standard setting bodies carrying out programs and activities related to transportation safety.

(8) The Board, or any employee of the Board duly designated by the Chairman, may conduct an inquiry to secure data with respect to any matter pertinent to transportation safety, upon publication of notice of such inquiry in the official Gazette; and may require, by special or general orders, government agencies and persons engaged in the transportation of people or property in commerce to submit written reports and answers to such requests questions as are propounded with respect to any matter pertinent to any function of the Board. Such reports and

answers shall be submitted to the Board or top such employee within such reasonable period of time and in such as the Board may determine. Copies thereof shall be made available for inspection by the public.

(9) The Board may delegate any of its power and functions to the heads of the different offices enumerated in Section 6 hereof, to further facilitate the implementation of the provisions of this Act.

(10) Establish such rules and regulations as may be necessary to the exercise of its powers and functions under this Act.

SECTION 10. *Recommendations of the Board.* - The Board shall recommend to the Department of Transportation the recall of defective conveyance and to cause the installation of the required part or parts to make it safe, and notify not only the distributor or purchasers but also the public of such defect. Likewise, it shall recommend the grounding of any defective conveyance pending the investigation of the cause or nature of its defect. Wherever the Board submits a recommendation regarding transportation safety to the secretary of transportation, he shall respond to each such recommendation formally and in writing not later than thirty (30) days after receipt thereof. The response to the Board by the Secretary shall indicate his intention to-

(1) initiate and conduct procedures for adopting such recommendation in full, pursuant to a proposed timetable. a copy of which shall be included:

(2) initiate and conduct procedures for adopting such recommendation in part, pursuant to a proposed timetable. a copy of which shall be included. Such response shall set forth in detail the reasons for the refusal to proceed as to the remainder of such recommendation;

(3) refuse to initiate or conduct procedures for adopting such recommendation, Such response shall set forth in detail the reasons for such refusal.

SECTION 11. *Use of Reports in Actions and Damages.* - No part of any report of the Board relating to any accident or the investigation thereof, shall be admitted as evidence or used in any suit or action for damages growing out of any matter mentioned in such report or reports. Furthermore, the Board shall have immunity from suits arising from its investigation, pronouncements and findings.

SECTION 12. *Seal.* -The Board shall have a seal, which shall be officially recognized.

SECTION 13. *Annual Report.* - The Board shall report to Congress on the second week of August of each year. Such report shall include, but shall not be limited to-

(1) a statistical and analytical summary of the transportation accident investigations conducted and reviewed by the Board during the preceding calendar year;

(2) a survey and summary, in such detail as the Board deems advisable, of the recommendations made by the Board to reduce the likelihood of recurrence of such accidents together with the observed response to each recommendation;

(3) an appraisal in detail of the accident investigation and accident prevention activities of other government agencies charged by law with responsibility in this field; and

(4) a biennial appraisal and evaluation and review, and recommendations for legislative and administrative action and change with respect to transportation safety.

SECTION 14. *Fiscal Autonomy.* - The Board shall enjoy fiscal autonomy. Their approved annual appropriations shall be automatically and regularly released.

SECTION 15. *Appropriations.* - The Board shall receive an appropriation in the amount of Thirty Million Pesos (P 30,000,000.00) to finance its operation for the first year to be appropriated out of the funds of the National Treasury not otherwise appropriated out of the funds of the National Treasury not otherwise appropriated and thereafter such amounts as may be sufficient to finance its operations and activities shall be incorporated in the annual General Appropriations Act.

SECTION 16. *Separability Clause.* - Any portion or provision of this Act which may be declared unconstitutional shall not have the effect of nullifying other portions or provisions hereof, as long as such remaining portions or provisions can still subsist and be given effect in their entirety.

SECTION 17. *Repealing Clause.* - All laws, decrees, orders, proclamation, rules and regulations, or parts thereof, which are inconsistent with any of this Act are hereby repealed, amended, or modified accordingly.

SECTION 18. *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,