

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 6040



Introduced by **HON. LUIS RAYMUND "LRAY" F. VILLAFUERTE, JR.**

EXPLANATORY NOTE

Located along the Pacific Ring of Fire, the Philippines is one of the countries most prone to natural disasters such as typhoons, earthquakes, and even volcanic eruptions. Almost 20 typhoons enter the Philippine area of responsibility annually with six to nine of them making landfall. In their wake, they leave damaged infrastructure, properties, and livelihood – in worse cases, thousands of casualties.

After Super Typhoon Yolanda struck in 2013, the country scrambled to rebuild itself from the unprecedented level of devastation. While the government soon started the rehabilitation of disaster-struck areas, most of the survivors have remained in their makeshift tents and substandard bunkhouses with no access to potable water and electricity. By 2015, the National Housing Authority (NHA) only managed to complete 29,000 out of the 205,000 units needed for the relocation of the survivors. In 2016, only 2,500 families have been transferred to their permanent homes in Tacloban, while almost 10,000 families were still waiting for theirs to be completed. At least 30 more destructive tropical cyclones have rocked the country since Super Typhoon Yolanda but complete rehabilitation of survivors remains elusive. Meanwhile, critics decried this slow pace of construction and the prolonged discomfort of our fellowmen.

In a report by the NHA, it reasoned that the lamentable delay in the completion of permanent housing units was due to several challenges such as the determination of lands suitable for resettlement, acquisition of required government permits and licenses, and even the length of bidding and procurement processes. On top of

which were other issues cited such as poor coordination among local and national agencies, and their differences in policies.

In light of the above, this bill seeks to ensure that our people shall not again suffer from prolonged homelessness due to geographical constraints as well as bureaucratic inconsistencies and entanglements after a disaster that devastated their properties and livelihood. Those who experience disasters shall be quickly and efficiently rehabilitated, and provided safe, secure, and sustainable housing which meets international humanitarian standards through the creation of a comprehensive and continuing Resilient Housing and Human Resettlements Program. This bill is also a counterpart bill to Senator Poe's version in the Senate.

The Program shall be undertaken by State departments and agencies in close cooperation with the private sector, civil society, select experts, and the academe. The Housing and Urban Development Coordinating Council (HUDCC) shall lead the formulation of a *National Framework for Resilient Housing and Human Settlements* which will lay out concrete plans and guidelines to serve as the basis for measures or mechanisms for post-disaster housing and resiliency planning, research and development, extension, monitoring and evaluation of programs, projects, and activities to protect vulnerable communities from the adverse effects of climate change and disasters.

Research studies on innovative, ingenious, and low-cost but resilient and sustainable resettlements shall also be administered to aid the State in related policy development and implementation. Through this bill, the State will be prepared to meet the Constitutional mandate of promoting the welfare of its people, and upholding their dignity and human rights – even in the midst of a disaster.

In consideration of the foregoing, the approval of this bill is most urgently sought.



LUIS RAYMUND "LRAY" F. VILLAFUERTE, JR.

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Introduced by **HON. LUIS RAYMUND “LRAY” F. VILLAFUERTE, JR.**

AN ACT
INSTITUTING A NATIONAL COMPREHENSIVE FRAMEWORK ON RESILIENT
HOUSING AND HUMAN SETTLEMENTS, APPROPRIATING FUNDS THEREFOR
AND FOR OTHER PURPOSES

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 as the “Resilient Housing and Human Settlements Act of 2017.”

SECTION 2. *Declaration of Principles and State Policies.* — Pursuant to Article 2, Sections 5 and 11 of the Philippine Constitution which states that the maintenance of peace and order, the protection of life, liberty, and property, and the promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy; the State values the dignity of every human person and guarantees full respect for human rights.

To protect, promote, and fulfill the right to adequate housing as a component of the people’s right to an adequate standard of living—concomitant with the goal of enhancing the resiliency of communities to disasters—the State shall undertake, in cooperation with the private sector, a comprehensive and continuing Resilient Housing and Human Settlements Program, which shall, among other things, lay out a clear and concrete plan to ensure that Filipinos who will experience disasters will be

quickly rehabilitated in safe, secure, and sustainable housing, with attendant basic services and access to livelihood.

As a state party to United Nations International Covenant on the Economic, Social and Cultural Rights (ICESCR) and the UN Sustainable Development Goals, we will pursue Sustainable Development Goal 11 (Make cities inclusive, safe, resilient and sustainable) and the Rights-Based Approach.

Pursuant to Article 13, Section 16 of the Philippine Constitution, the right of the people and their organizations to effective and reasonable participation at all levels of social, political, and economic decision-making shall not be abridged. The State shall, by law, facilitate the establishment of adequate consultation mechanisms.

It is the policy of the State to complement and supplement the provisions of the Philippine Disaster Risk Reduction and Management Act of 2010 (Republic Act No. 10121), and in consonance with the Climate Change Act of 2009 (as amended by Republic Act No. 10174) and other existing laws related to climate change adaptation and DRRM in relation to upholding the people's constitutional rights to life and property by addressing the root causes of vulnerabilities to disasters and building the resilience of local communities to climate change impacts; and in terms of mainstreaming climate change adaptation in development processes such as policy formulation, budgeting, and governance particularly with respect to housing and land use, it is hereby declared the policy of the State to work for the attainment of a more inclusive, safe, resilient, and sustainable human settlements.

Towards this end, the government shall pursue a comprehensive, rights-based, gender-responsive, participatory and sustainable approach to resilient human settlements.

This Act declares the following as guiding principles:

- a) The Right to Adequate Housing according to the ICESCR covers the following elements: accessibility; affordability; habitability; security of tenure; cultural adequacy; resiliency; suitability of location; access to essential services such

as health and education; and respect for safety standards aimed at reducing damage in cases of future disasters.

- b) The State bears the primary responsibility for protecting the people, infrastructure, and other national assets from the impact of disasters and will mobilize adequate and make efficient use of existing resources, including financial, scientific, and technological means in nurturing resiliency.
- c) The building/achievement/fulfillment of resilient human settlements require that responsibilities be shared by the national and local government units and relevant national authorities, sectors, stakeholders and communities. This entails the development and strengthening of institutions, mechanisms and capacities at all levels, in particular at the community level that can systematically contribute to building resiliency. Convergence of resources and involvement of various stakeholders are essential to the supply of housing and infrastructure in the overall context of sustainable development and resilient human settlements.
- d) Ensure accountability and transparency of all sectors to monitor and evaluate programs and initiatives
- e) Uphold gender equity and equality, cultural diversity and the rights of vulnerable groups such as children, elderly and, people with disabilities when planning for resilient and sustainable settlements development.

SECTION 3. *General Objectives.* – This Act seeks to:

- a) Provide a framework for resilient housing and human settlements;
- b) Guide various stakeholders to take well-planned, concerted, transparent, inclusive, livable, safe, resilient, sustainable, and pro-poor housing initiatives in the best possible manner;

- c) Strengthen the participation of all sectors especially communities and civil society in the planning of resilient housing and human settlements;
- d) Build synergy, convergence and integration of housing-related and livelihood intervention for the attainment of resilient and sustainable human settlements;
- e) Foster policy and program coherence related to poverty alleviation, income generation and employment, and delivery channels to achieve the overall objective of housing for all and the attainment of resilient and sustainable development of human settlements;
- f) Support innovation and research and development into new, indigenous, low-cost resilient and sustainable human settlements;

SECTION 4. *Definition of Terms.* – As used in this Act, the following terms shall mean:

- a) *“Adequate housing”* – defined as that which affords its occupants the following conditions:
 - 1. legal security of tenure, including protection against forced evictions;
 - 2. available services and infrastructure (access to water; energy for cooking, heating, and lighting; sanitation and washing facilities; food storage; and waste disposal (solid, septage and sewerage); communication and information; sufficient road networks especially for emergencies and so on);
 - 3. affordable housing costs and financing options such that the attainment of other basic needs is not threatened;
 - 4. habitability in the sense of adequate spaces, security, physical safety, and protection from cold, damp, heat, rain, wind, structural hazards, and

disease vectors;

5. sufficient accessibility that disadvantaged or vulnerable groups such as persons with disabilities, elderly, children and women are not left without shelter appropriate to their particular needs;
 6. a physical location allowing proximate access to employment and livelihood options, health care services, schools, child-care centers, and other social facilities and avoiding risks from pollution sources;
 7. available, resilient, environmentally-friendly and appropriate construction materials, settlements design and process with respect to the expression of cultural and religious identity and geographical location;
 8. compliance with safety and resilience standards aimed at minimizing damage from future disasters.
- b) *“Adequate open spaces”*- which includes roads, green spaces, areas for persons with disabilities, elderly, children and materials recovery facilities.
- c) *Climate-resilient housing* – Refers to housing that is equipped and structurally-designed to resist, absorb and accommodate the effects of climate hazards like heat waves, extreme weather variabilities without significant changes to its basic functions.
- d) *“Comprehensive Resilient Housing Program for Disaster Survivors”* – Refers to the delivery of resources and activities in the rehabilitation and reconstruction of damaged and destroyed housing and development of other new permanent housing options for persons and families affected by disasters. It shall follow humanitarian standards for their protection and their rights to adequate housing through the provision of safe, habitable emergency and transitional shelter during displacement and permanent housing that meets the basic standards of adequacy and decency. Providing for a comprehensive, multi-

sectoral, inter-agency, and community-based approach to post-disaster housing rehabilitation, reconstruction, and recovery.

- e) *"Gender equity and equality"* - Refers to the principle asserting the equality of men and women and their right to enjoy equal conditions realizing their full human potentials to contribute to and benefit from the results of development, and with the State recognizing that all human beings are free and equal in dignity and rights. Gender equity refers to the policies, instruments, programs, services, and actions that address the disadvantaged position of women in society by providing preferential treatment and affirmative action. Such temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discriminatory but shall in no way entail as a consequence the maintenance of unequal or separate standards.
- f) *"Land-Use Planning"* – the process undertaken by national and local government authorities, communities, private sector, and civil society to identify, evaluate, and decide on different options for the use of land, including consideration of long-term economic, social and environmental objectives and the implications for different communities and interest group, and the subsequent formulation and promulgation of plans that describe the permitted or acceptable uses.
- g) *People's Plan* - a resettlement option and community development plan formulated by POs, with or without the support of NGOs, LGUs and NGAs
- h) *"Post-Disaster Recovery"* – the restoration and improvement where appropriate, of facilities, livelihood, and living condition of disaster-affected communities, including efforts to reduce disaster risk factors and enhancing resiliency, in accordance with the principles of "build back better," as defined in Republic Act No. 10121 or the Philippine Disaster Risk Reduction and Management Act of 2010.
- i) *"Resilience"* – the capacity of a system, community or society exposed to

hazards to resist, adapt, and transform to an acceptable level of functioning and structure. This is determined by the degree to which the system is capable of organising itself to increase this capacity by learning from experiences for better future protection and to improve risk reduction measures.

SECTION 5. *National Framework for Resilient Housing and Human Settlements.*

– This is the National Framework for Resilient Human Settlements (hereinafter referred to as the Framework) to be formulated by the Housing and Urban Development Coordinating Council (HUDCC) within six (6) months from the effectivity of this Act in coordination and in partnership with the following:

- a) The HUDCC and its attached agencies;
- b) National Economic and Development Authority (NEDA);
- c) Climate Change Commission (CCC) ;
- d) Office of Civil Defense (OCD);
- e) Government Service Insurance Service System (GSIS) ;
- f) Department of Social Welfare and Development (DSWD);
- g) Department of Science and Technology (DOST);
- h) Department of Environment and Natural Resources (DENR);
- i) Department of Public Works and Highways (DPWH);
- j) Department of Labor and Employment (DOLE);
- k) Department of Trade and Industry (DTI);
- l) Department of Budget and Management (DBM);
- m) Department of Interior and Local Government (DILG);
- n) Office of Presidential Adviser on Peace Process (OPAPP);
- o) National Commission on Indigenous Peoples (NCIP);
- p) National Anti-Poverty Commission (NAPC);
- q) Insurance Commission (IC);
- r) Union of Local Authorities of the Philippines (ULAP);
- s) Built environment and disaster-resilient housing design experts;
- t) Academe;
- u) Civil society;
- v) Communities and other concerned public and private entities.

The Framework shall serve as the basis for measures or mechanisms for post-disaster housing and resiliency planning, research and development, extension, monitoring and evaluation of programs, projects, and activities to protect vulnerable communities from the adverse effects of climate change and disasters.

The Framework shall describe how the State and all relevant stakeholders can work together to achieve adequate and resilient housing for all, including and most especially those affected by disasters; and chart the new direction that our national and local housing programs and efforts must take in order to make human settlements and communities more inclusive, safe, resilient, and sustainable.

The Framework shall include, but not limited to, the following components:

- a) National Resilient Housing Agenda, which shall be derived from the threats, hazards, and vulnerabilities identified; adaptation needs and requirements; risk and resiliency assessment for the Philippine housing sector;
- b) National and local resilient housing priorities; outline the most efficient and cost effective housing projects that will best meet the short-term and long-term resilient housing needs of individuals and households;
- c) National Standards for Resilient Housing Design and Construction;
- d) National Post-Disaster Housing Recovery Strategy, which shall focus on how best to restore, rehabilitate, redevelop, and revitalize disaster-impacted communities; restoring livelihoods; effectively preventing the recurrence of disasters and harnessing conditions for future development;
- e) Promotion of local government rehabilitation and recovery plans;
- f) Rules and Guidelines for Post-Disaster Housing Rehabilitation,

Reconstruction, and Relocation;

- g) Comprehensive Resilient Housing Program for Disaster Survivors;
- h) Investment and financing requirements;
- i) Institutional arrangements, including public-private partnership; national government roles; local government support functions; and private sector responsibilities;
- j) Implementation arrangements;
- k) Reporting, monitoring, and evaluation.

SECTION 6. *Monitoring of Compliance with this Act.* – HUDCC shall take the lead to periodically monitor the compliance with this Act. Other agencies will participate in the monitoring such as attached agencies of HUDCC; DILG; Office of Civil Defense; NEDA; and CCC. There shall be a mechanism for civil society to participate in the monitoring process.

SECTION 7. *Joint Congressional Oversight Committee.* – There is hereby created a Joint Congressional Oversight Committee to monitor the implementation of this Act. The Oversight Committee shall be composed of five (5) Senators and five (5) Representatives to be appointed by the Senate President and the Speaker of the House of Representatives, respectively.

The Oversight Committee shall be co-chaired by a Senator and a Representative to be designated by the Senate President and the speaker of the House of Representatives, respectively. Its funding requirement shall be charged against the appropriations of Congress.

SECTION 8. *Annual Report.* – The HUDCC shall submit to the President, Senate President and House Speaker not later than March 30 of every year following the

effectivity of this Act, or upon the request of the Congressional Oversight Committee, a report giving a detailed account of the status of the implementation of this Act, a progress report on the implementation of the National Resilient Housing and Human Settlements Action Plan, policy gaps, and recommended legislation, where applicable and necessary. LGUs shall submit annual progress on the implementation of their respective local action plan to HUDCC within the first quarter of the following year.

SECTION 9. *Appropriations.* – The amount necessary for the initial implementation of this Act shall be charged against the current appropriation of the HUDCC. Thereafter, the amount needed for the continued implementation of this Act shall be included in the annual General Appropriations Act.

SECTION 10. *Implementing Rules and Regulations.* – Within ninety (90) days from the effectivity of this Act, the [key shelter agencies] shall, upon consultation and coordination with the pertinent government agencies, LGUs, private sector, NGOs, POs, build environment expert and professionals, promulgate the necessary rules and regulations for the effective implementation of this Act: *Provided*, That failure to issue rules and regulations shall not in any manner affect the executory nature of the provisions of this Act.

SECTION 11. *Separability Clause.* – If, for any reason, any provision or part of this Act is declared invalid or unconstitutional, the remaining parts or provisions not affected thereby shall remain in full force and effect.

SECTION 12. *Repealing Clause.* – All laws, executive orders, presidential decrees, issuances, rules and regulations or parts thereof inconsistent with any provision of this Act are hereby modified, amended, or repealed accordingly.

SECTION 13. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,