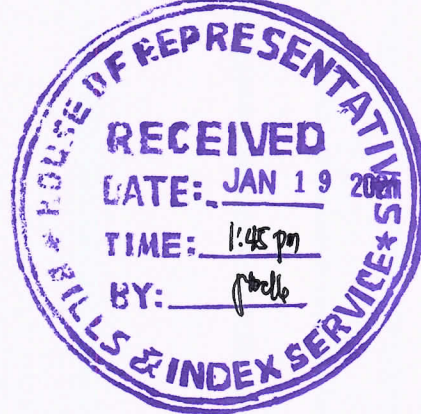


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City Metro Manila

EIGHTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 8425



INTRODUCED BY REP. ELIZALDY S. CO and REP. ALFREDO A. GARBIN, JR.

EXPLANATORY NOTE

The Constitution expressly provides in Article II Section 10 that, "The State shall promote social justice in all phases of national development." Parenthetically, a law was enacted by way of REPUBLIC ACT No. 11310 otherwise known as the Pantawid Pamilyang Pilipino Program (4Ps). The said law is a human development measure of the national government that provides conditional cash grants to the poorest of the poor, to improve the health, nutrition, and the education of children aged 0-18. Corollary to the classification of its recipients who belong to the poorest of the poor members of the Philippine society, it is important that their shelter must also be provided with protection being one of the three basic needs of every person. Hence, it is imperative that the government must provide a Core Shelter Assistance (CSA) Program that is by nature a Disaster Resilience Program to those who had been classified and identified by the Department of Social Welfare and Development (DSWD) as the most vulnerable.

Core Shelter Assistance Program is currently implemented by DSWD to assist homeless families who had been displaced by different kinds of calamities. However, it is the vision of the undersigned member of the House of Representatives to create a shelter that is strong and reliable to withstand powerful typhoons. That being the case, only those Filipino Citizens who are recipient of 4p's program that lives in typhoon belts and eastern seaboard who frequently suffer from strong storms should be covered by this program.

It is important to consider that each family who are identified to belong to 4P's programs are living in houses that are made of light materials. For that reason, natural calamities like typhoons can easily demolish or damage their homes. The traumatic experiences of each family whose houses were demolished or even suffered from death of their respective love ones appear to be an ordinary occurrence every time that a typhoon should ravage their locality. This happens a lot of times in the eastern seaboard for the reason that the strong typhoons oftentimes develop in the Pacific Ocean and every land fall shall certainly cause disaster upon them.

The National Government and the Local Government Units are providing these poorest of the poor members of the Philippine society the appropriate financial assistance to rebuild and/or repair their shelter every time a typhoon would cause disaster upon them. Such financial assistance will just be used, most of the time, to rebuild their houses that are made of light materials. The next typhoon will again destroy them and rebuilding and/or refurnishing shall again be made and there shall be another assistance by the National Government and the corresponding Local Government Unit, and such cycle will continue if not addressed properly. These forms of difficulties, suffering and rehabilitation has been a cycle all together with future experiences of another destruction due to typhoon. That should come to an end because the entire situation can be provided with the corresponding remedy by way of Core Shelter Assistance (CSA) Program, by building a small yet strong structure which can withstand a wind power of up to 380 kilometers per hour. The evacuation and movement of these people by the government can also be avoided hence shall provide confidence among them and limit the usage of public funds for the afore-stated purpose.

This package and form of assistance can be realized by way of a five (5) year program that shall be a partnership between the National Government and the Local Government Unit. It shall be the obligation of the former to provide funding for this housing and/or shelter project that shall be approximately on the minimal amount of One Hundred Twenty Thousand Pesos (PhP120,000.00) with rough finishing and the same will be exclusively designed to withstand a wind that is around 380 km/h.

The latter however, shall be responsible for the provision of the corresponding land. For apparent reason the Local Government Unit has the ability to determine the safety of the territory from calamities like flooding and erosion. This safety measures can further be augmented by the LGU by working with the Disaster Risk Reduction Management Council of the corresponding city or the municipality.

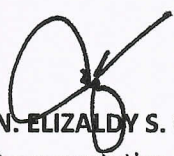
Likewise, the Constitution provides in Article II, Section 17, that, "The State shall give priority to education, science and technology, arts, culture, and sports to foster patriotism and nationalism, accelerate social progress, and promote total human liberation and development." The existing free public education in elementary and high school levels are very important in attaining that policy of the State.

In the same vein, these typhoons are causing destruction to the school buildings which impedes learners' attendance juxtaposition with the damages or wastages of the books and other educational materials. Public funds shall be used for the rehabilitation of these buildings and purchase of those scholastic materials by the government. There is a need to implement a new strategy on this aspect through the construction of a strong edifice which can withstand powerful and destructive winds that is around 380 kilometers per hour. Buildings that are made of concrete materials and slab is a solution to this continuing problem. It can save government coffers and bring confidence to the community and promote human achievements in totality.

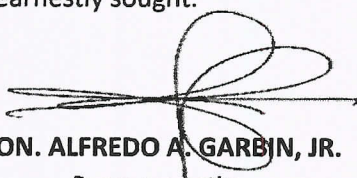
It is evident that the manner that this intention can be achieved is by way of rebuilding these educational infrastructures which are erected in their respective school campus. The Congress shall appropriate funds for them and the Local Government Units' (LGU) obligation is to ensure that the school campus is safe as learning premises.

Social justice is "neither communism, nor despotism, nor atomism, nor anarchy," but the humanization of laws and the equalization of social and economic forces by the State so that justice in its rational and objectively secular conception may at least be approximated. Social justice means the promotion of the welfare of all the people, the adoption by the Government of measures calculated to insure economic stability of all the competent elements of society, through the maintenance of a proper economic and social equilibrium in the interrelations of the members of the community, constitutionally, through the adoption of measures legally justifiable, or extra-constitutionally, through the exercise of powers underlying the existence of all governments on the time-honored principle of *salus populi est suprema lex*.¹

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



HON. ELIZALDY S. CO
Representative
Ako Bicol Partylist



HON. ALFREDO A. GARBIN, JR.
Representative
Ako Bicol Partylist

¹ MAXIMO CALALANG, Petitioner, v. A. D. WILLIAMS, ET AL., Respondents. G.R. No. 47800. December 2, 1940.

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EIGHTEENTH CONGRESS
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HOUSE BILL NO. 8425

INTRODUCED BY REP. ELIZALDY S. CO and REP. ALFREDO A. GARBIN, JR.

“AN ACT PROVIDING FOR THE CORE SHELTER ASSISTANCE PROGRAM THAT IS A DISASTER RESILIENT FOR THE FAMILIES OF THE 4P’S BENEFICIARIES IN THE TYPHOON BELTS AND EASTERN SEABOARDS OF THE PHILIPPINES AND RECONSTRUCTION OF SCHOOL BUILDINGS THAT ARE SITUATED IN THE SAME LOCATION.”

CHAPTER 1
Preliminary Provisions:

Section 1. The title- This Act shall be known as, “An Act Providing for the Typhoon Resilient, Core Shelter Assistance (CSA) and School Buildings in Typhoon Belt Areas in Eastern Seaboards of the Philippines.”

Section 2. Declaration of Policy- The Constitution expressly provides in Article II Section 10 that, “The State shall promote social justice in all phases of national development.” The growth of the nation can be guaranteed by provision of assistance to those poorest of the poor members of the Philippine Society. The Pantawid Pamilyang Pilipino Program (4Ps) under R.A. No. 11310 classified the Filipino families who belong to the poorest of the poor and thus, they shall be the same group of citizens that shall derive from the benefits of this law. Pursuant to the regulations set for by the Department of Social Welfare and Development (DSWD) only those Filipino Citizens who are recipient of 4p’s program that only and exclusively lives in typhoon belts and eastern seaboard who frequently suffer from strong storms should be covered by this law.

In view of the foregoing, the State shall adopt measures that will create a system that can protect the life of the poorest of the poor who are exposed to typhoon calamities and at the same time shall create a remedy that must provide efficient and reliable solution with due regard to government expenditure. The intention of this Act can be rendered by creating a Core Shelter Assistance (CSA) that is a Program to augment the Disaster Resilience of these communities living in the Typhoon Belt as defined in this Act. Furthermore, the Constitution also states in Article II, Section 17, that, “The State shall give priority to education, science and technology, arts, culture, and sports to foster patriotism and nationalism, accelerate social progress, and promote total human liberation and development.” In this regard public schools in elementary and high school levels should also be strengthened to withstand a similar powerful typhoon with the intention of imploring the said Constitutional provision.

Chapter II
Coverage and Strategic Provisions

Section 3. Definition of Terms- For the purpose of this Act, the following terms are hereby defined as follows:

- a) **Beneficiary** – refers to each family being represented by its head who has been classified and identified by the Department of Social Welfare and Development (DSWD) as a 4Ps recipient and is living within the area which is declared to be in the typhoon belt according to the definition of this Act.

- b) Certificate of Occupancy – refers to the document that shall be issued by the Local Government Unit to the Beneficiary after the issuance of the Resolution regarding the safety of the shelter and Disaster Resilient Land (DLR), or to the school administrator (How about DepEd’s jurisdiction?) after the issuance of the Resolution regarding the safety of the rehabilitated and/or constructed structure of the public elementary school and/or high school that is/are known as Disaster Prone Edifice (DPE).
- c) Core Shelter Assistance (CSA) – refers to the program designed to provide a rough finished structure measuring four (4) meters by five (5) meters circumference and two and a half (2.5) meters ceiling height, with hollow block walls, slab roofing and four pillars with two (2) windows, two (2) doors and a multipurpose emergency exit hole on its roof and can withstand a wind power up to Three Hundred Eighty (380) kilometers per hour.
- d) Disaster Prone Edifice (DPE) – refers to those educational buildings that are used for the elementary school and high school levels which are located in the typhoon belt according to this Act and are at the same time situated in the eastern seaboard.
- e) Disaster Resilient Land (DRL) – refers to the land that shall be provided by the Local Government Unit and acquired by it through expropriation and other lawful means as stated in Section 4 of this Act which is/are declared safe through the issuance of a Resolution by the Municipal Council or by the City Council and duly approved by the Municipal Mayor or the City Mayor.
- f) Reconstructed Disaster-Prone Edifice (RDPE) – refers to the reconstructed structure as stated in paragraph (d) of Section 3 of this Act.
- g) Typhoon Belt – refers to those areas in the Philippines facing the eastern seaboard that are within the five (5) kilometer distance from the seashore.

Section 4. Acquisition of the areas to be declared as Disaster Resilient Land- It shall be the obligation of the Local Government Unit to provide Disaster Resilient Land (DRL) which can be taken in this order:

- a) Land belonging to the government, or by any government owned or controlled corporation and their subsidiaries;
- b) Alienable lands of public domain; and
- c) Privately owned lands that can be expropriated.

Section 5. Funding of the Project- The Congress of the Republic of the Philippines shall provide the appropriate funding for every unit of the Core Shelter Assistance in the amount of PhP120,000.00 that shall be endowed to the beneficiary after proper identification of the latter by DSWD. For the building and/or reconstruction of school buildings for the elementary and high school levels, which are defined in this Act as Disaster Prone Edifice (DPE) the Congress will designate at least ten (10%) percent of the budgetary allocation for the infrastructure projects of every fiscal year within a period of five (5) years from the implementation of this Act.

Section 6. Program Implementation- The corresponding, Local Government Unit by virtue of this Act with observance of due diligence shall locate a Disaster Resilient Land (DLR) where the Core Shelter Assistance shall be constructed, provided further that:

- a) The beneficiaries had been duly identified by DSWD being one of the 4Ps recipient whose house is located within the area that is in the typhoon belt as defined in this Act;
- b) The construction of the edifice shall be monitored by the Local Government Unit concerned which shall issue the corresponding Certificate of Occupancy after evaluation that it is fit and safe as shelter;
- c) The construction and/or reconstruction of the Disaster-Prone Edifice (DPE) shall be monitored by the Local Government Unit concerned which shall issue the corresponding Certificate of Occupancy after evaluation that it is fit and safe for the faculty and learners; and

- d) The budget allocated by the Congress for this purpose shall not be delayed by any form of issuance such as for later release and the like because it is by nature a form of emergency fund that is urgent in character thus its construction by DPWH shall be immediately executory upon the approval of the budget and referral of the location by LGU which is decreed by way of their Resolution as Disaster Resilient Land (DLR).

Chapter III

Penal Provisions

Section 7. Penalties and administrative liabilities- The following shall be considered a criminal and administrative violations under this act:

- a) Misrepresentation by any person as a 4P's beneficiary and/or collaboration by the DSWD official to commit the same act; and
- b) Failure by the Local Government Unit Officials to observe due diligence in the issuance of the Resolution decreeing that the area is Disaster Resilient Land (DLR) and the issuance of the Certificate of Occupancy to the beneficiaries and to the school administrator of the constructed and/or repaired school buildings.

Section 7.1. The penalty for the afore-stated violations shall be imprisonment of six (6) years and/or fine of not less than One Hundred Thousand Pesos but not more than Three Hundred Thousand Pesos and permanent disqualification from holding public office to the convicted government officials.

Chapter IV

Common Provisions

Section 8. Repealing Clause- All laws, decrees, executive orders, rules and regulations that are inconsistent with this Act, are hereby repealed and modified.

Section 9. Effectivity- This Act shall take effect within fifteen (15) days from its publication in two (2) newspapers of general circulation in the Republic of the Philippines.

Approved.