

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

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 1852



Introduced by Rep. Rodante D. Marcoleta and Rep. Caroline L. Tanchay

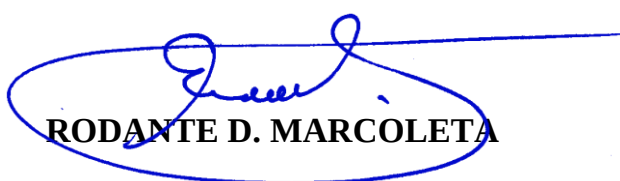
EXPLANATORY NOTE

Section 9, Article XIII of the 1987 Constitution provides: “The State shall, by law, and for the common good, undertake, in cooperation with the private sector, a continuing program of urban land reform and housing which will make available at affordable cost decent housing and basic services to underprivileged and homeless citizens in urban centers and resettlement areas. x x x”

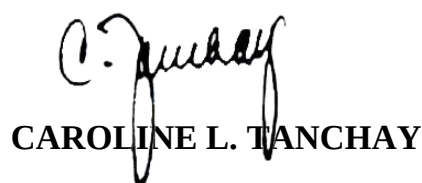
Republic Act (RA) No. 7279, otherwise known as the “Urban Development and Housing Act of 1992” was enacted primarily to uplift the conditions of the underprivileged and homeless citizens in urban areas and in resettlement areas by making available to them decent housing at affordable cost, basic services, and employment opportunities. Section 28 of RA 7279 provides for the situations when eviction and demolition shall be allowed. Among others, eviction and demolition shall be allowed “when there is a court order.”

This bill seeks to amend Section 28 (c) of RA No 7279 by emphasizing that the “court order” referred to therein shall apply only to final and executory judgments. Likewise, the proposed measure provides for an exemption for the underprivileged and homeless citizens to pay the required supersedeas bond to perfect an appeal who are beneficiaries under RA No. 7279. This means that the individuals who have no capacity to pay the appeal fees or to post supersedeas bond but who are in danger of eviction and demotion may still stay the execution of judgment against them. Hence, this bill.

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



RODANTE D. MARCOLETA



CAROLINE L. TANCHAY

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AN ACT
EXEMPTING THE UNDERPRIVILEGED AND HOMELESS FROM THE
REQUIRED PAYMENT OF SUPERSEDEAS BOND TO PERFECT AN
APPEAL IN RELATION TO EJECTMENT CASES FILED AGAINST THEM,
AMENDING FOR THE PURPOSE REPUBLIC ACT NUMBER SEVENTY-
TWO HUNDRED AND SEVENTY-NINE OTHERWISE KNOWN AS THE
URBAN DEVELOPMENT HOUSING ACT

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

SECTION 1. Paragraph (c) of Section 28 of Republic Act No. 7279 is hereby amended to read as follows:

“SEC. 28. *Eviction and Demolition* – Eviction or demolition as a practice shall be discouraged. Eviction or demolition, however, may be allowed under the following situations:

(a)	x	x	x
	xxx	xxx	xxx

“(c) When there is a court order for eviction and demolition [.]
BASED ON A FINAL AND EXECUTORY JUDGMENT:
PROVIDED, HOWEVER, IN CASES OF EVICTION AND
DEMOLITION INVOLVING UNDERPRIVILEGED AND

HOMELESS CITIZEN AS DEFINED IN THIS ACT, THEY MAY PERFECT AN APPEAL WITHOUT THE NECESSARY BOND. A CERTIFICATE OF INDIGENCY DULY ISSUED BY THE BARANGAY, OR OTHER ANALOGOUS DOCUMENT, MAY BE ACCEPTED BY THE COURTS IN LIEU OF THE NECESSARY BOND. THE APPEAL TOGETHER WITH THE CERTIFICATE OF INDIGENCY OR ITS EQUIVALENT SHOULD BE SUFFICIENT FOR THE COURTS TO STAY THE EXECUTION OF JUDGMENT.”

X

X

X

SEC. 2. This Act shall take effect fifteen (15) days after its publication in at least two (2) national newspapers of general circulation.

Approved,