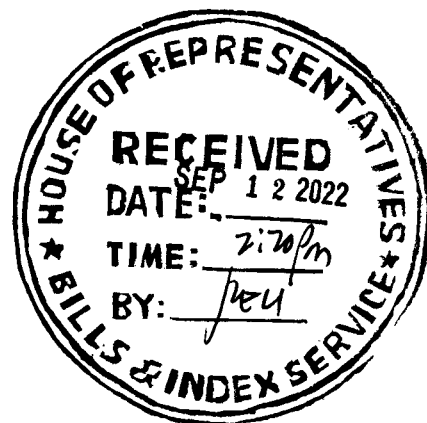




Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL No. 4671



Introduced by HONORABLE ERNESTO "ERNIX" M. DIONISIO, JR.

EXPLANATORY NOTE

Natural disasters are inevitable and uncontrollable. The Philippines being an archipelago and due to its geographical location is prone to tropical cyclones¹. Annually, there are 20 major storms that hit the Philippines.

One of the historical and most notorious tropical cyclones that hit the Philippines was Typhoon Haiyan or locally known as typhoon Yolanda that hit Eastern Samar on November 7, 2013. It was reported to be the deadliest typhoon that hit the Philippines. According to reports, over 14 million people were affected by Yolanda across 46 provinces. Further, reportedly, there were 550,000 houses destroyed and around 580,000 houses were severely damaged. The government of the Philippines reported that there were more than 6,201 deaths brought about by Yolanda².

Recently, Typhoon Rai or locally known as Odette brought rains, violent winds, landslides and storm surges in the provinces in Visayas and Mindanao. The reports stated that there were around 513,000 families affected and approximately 1,947,000 individuals³.

The effects of these disastrous tropical cyclones are not limited to loss of property or worse loss of life, another effect of a tropical cyclone is the loss of income. Economic activities such as business are disrupted and flow of income is also suspended. Minimum wage earners or small business owners are faced with the problem as to how to earn money. Regardless of these circumstances, unfortunately, rentals, expenses for food, utilities and other expenditures are not suspended.

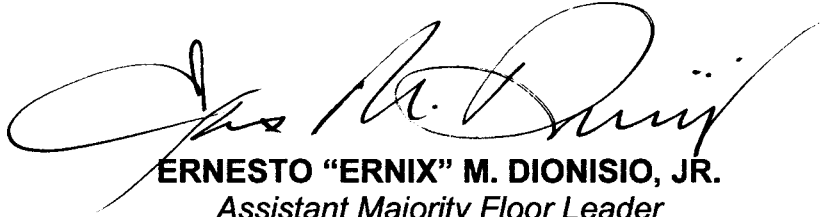
¹ About Tropical Cyclones, Available at <https://www.pagasa.dost.gov.ph/information/about-tropical-cyclone> (last accessed September 10, 2022).

² Philippines Typhoon Facts and Figures at <https://www.dec.org.uk/article/philippines-typhoon-facts-and-figures> (last accessed September 10, 2022).

³ Super Typhoon Rai (Odette) at <https://www.unhcr.org/ph/typhoon-rai-odette> (last accessed September 10, 2022).

During these trying times, the people who are affected by the disastrous natural calamities must be afforded aid and support by the government. The government can help them by providing a moratorium with regard to the payment of costs relating to rentals during the duration of a national or local state of calamity or emergency. Further, this moratorium may also apply to commercial rentals with regard to small business.

It is the duty of the State to protect and give aid to those who are in great need. At the rate of how many calamities occur in the Philippines, the immediate approval of this bill is necessary.

A handwritten signature in black ink, appearing to read 'Ernesto M. Dionisio, Jr.', with a large, stylized flourish at the end.

ERNESTO "ERNIX" M. DIONISIO, JR.

Assistant Majority Floor Leader

Congressman

First Congressional District of Manila



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HOUSE BILL No. 4671

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AN ACT
PROVIDING FOR A MORATORIUM ON RENTAL PAYMENT AND EVICTION
DURING DISASTERS AND OTHER EMERGENCIES

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

SECTION 1. Short Title. - This Act shall be known as the "Rental Payment and Eviction Moratorium during Disasters and Emergencies Act."

SECTION 2. Declaration of Policy. - In the interest of promoting the common good and the general welfare, it is hereby declared the policy of the State to provide adequate relief and protection to those suffering from the ravages of calamities and other emergency situations.

SECTION 3. Definition of Terms. - For purposes of this Act, these terms are defined as follows:

- a. "*Disaster*" refers to a serious disruption of the functioning of a community or a society involving widespread human, material, economic or environmental losses and impacts, which exceeds the ability of the affected community or society to cope using its own resources. Disasters are often described as a result of the combination of: the exposure to a hazard; the conditions of vulnerability that are present; and insufficient capacity or measures to reduce or cope with the potential negative consequences. Disaster impacts may include loss of life, injury, disease and other negative effects on human, physical, mental and social well-being, together with damage to property, destruction of assets, loss of services, social and economic disruption and environmental degradation;
- b. "*Emergency*" refers to unforeseen or sudden occurrence, especially danger, demanding immediate action;

- c. "*State of Calamity*" refers to a condition involving mass casualty and/or major damages to property, disruption of means of livelihoods, roads and normal way of life of people in the affected areas as a result of the occurrence of natural or human-induced hazard.
- d. "*Rent*" refers to the amount paid for the use or occupancy of a residential unit whether payment is made on a monthly or other basis.
- e. "*Residential unit*" refers to an apartment, house and/or land on which another's dwelling is located and used for residential purposes and shall include not only building houses, dormitories, rooms and bed spaces offered for rent by their owners, except motels, motel rooms, hotels, hotel rooms, but also those used for home industries, retail stores or other business purposes if the owner thereof and his or her family actually live therein and use it principally for dwelling purposes.
- f. "*Lessee*" refers to the person renting a residential unit.
- g. "*Owner/Lessor*" refers to the owner or administrator or agent of the owner of the residential unit.
- h. "*Sublessor*" refers to the person who leases or rents out a residential unit leased to him by an owner.
- i. "*Sublessee*" refers to the person who holds a lease which was given to another person for all or part of a property.

SECTION 4. Scope of Application. - This Act shall cover disasters and other kinds of emergencies which are (1) national in scope, as declared through a State of Calamity or State of National Emergency by the President of the Philippines, and (2) provincial, city or municipal in scope, as declared through a State of Calamity or Emergency by the appropriate local government unit.

SECTION 5. Moratorium on Rental Payments. - There shall be a moratorium on the enforcement of payment of all fees, charges, and costs relating to the rental of residential units, whether in a lease or sublease arrangement and whether reduced in a written form or not, for the duration of the State of Calamity or Emergency mentioned in Section 4 of this Act and for thirty (30) days from the termination of said State of Calamity or Emergency; Provided, that if the covered period exceed a total of sixty (60) days, the payment of the deferred fees, charges and costs shall be spread out for a six-month period of equal installments; Provided further, That no penalties or interests shall be collected on the payments by virtue of this Act.

The benefit of this moratorium on rental payment may be applied to commercial or office space rental of Micro, Small and Medium Enterprises (MSMEs), at the discretion of the Secretary of the Department of Trade and Industry (DTI), taking into consideration the fact of closure/shutting down of businesses, community quarantine orders, or any other circumstances that may hamper their operations.

Nothing in this Act shall prevent the contractual parties from mutually agreeing on other forms of payment relief or assistance, or from voluntarily waiving the benefit of the moratorium on rental payments.

SECTION 6. Moratorium on Eviction. - During the same period stated in Section 5 of this Act, the lessor, sublessor or owner of a residential unit may not make, or cause to be made, any eviction or similar legal proceeding to recover possession

of the residential unit from the lessee/sublessee regardless of cause, except when a lessee/sublessee perpetrates a criminal act that threatens the life, limb and property of the lessor, sublessor or owner, or his/her immediate family, other tenants or staff of the property in which the residential unit is located.

The benefit of this moratorium on eviction may be applied to commercial or office space rental of Micro, Small and Medium Enterprises (MSMEs), at the discretion of the Secretary of the Department of Trade and Industry (DTI), taking into consideration the fact of closure/shutting down of businesses, community quarantine orders, or any other circumstance that may hamper their operations.

SECTION 7. Implementing Rules and Regulations. - Within sixty (60) days from the effectivity of this Act, the Department of Trade and Industry (DTI) and the Department of Human Settlements and Urban Development, in consultation with other relevant government agencies and stakeholders, shall issue the necessary rules and regulations to implement the provisions of this Act.

SECTION 8. Repealing Clause. - All laws, presidential decrees, executive orders, proclamations, rules and regulations, or any part thereof, which are inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 9. Separability Clause. - If any provision or part of this Act, or the application thereof to any person or circumstance, is held unconstitutional or invalid, the remainder of this Act shall not be affected thereby.

SECTION 10. Effectivity Clause. - This Act shall take effect fifteen (15) days from its publication in the Official Gazette or in at least two (2) newspaper of general circulation.