

Republic of the Philippines
HOUSE OF REPRESENTATIVES

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 5404



Introduced by Honorable Rex Gatchalian

AN ACT
INSTITUTIONALIZING THE CREATION OF LOCAL HOUSING BOARDS IN ALL
LOCAL GOVERNMENT UNITS, PROVIDING FOR ITS POWERS AND FUNCTIONS,
AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 7160, OTHERWISE
KNOWN AS THE LOCAL GOVERNMENT CODE OF 1991

EXPLANATORY NOTE

No less than the Constitution mandates the provision of affordable and decent socialized housing, within the proximity of facilities for basic service and economic opportunities, to underprivileged and homeless Filipinos, especially those in urban areas.¹ Ultimately, the goal is to uphold the dignity of marginalized Filipinos by providing adequate housing and opportunities for a better quality of life. This policy is buttressed by Republic Act (R.A.) No. 7279, otherwise known as the Urban Development and Housing Act of 1992, which calls for a comprehensive plan for urban and urbanizable areas.²

The policy is also reinforced by the Executive Order (E.O.) No. 708, series of 2008, mandating local government units (LGUs) to create their own local housing boards or any similar body to serve as a clearing house for demolition and eviction activities involving the homeless and underprivileged citizens.³ This is, however, limited to cities and municipalities outside the old Autonomous Region in Muslim Mindanao.⁴ Nonetheless, through the provision of the Local Government Code on the

¹ 1987 CONST., §. 9, art. XIII.

² Rep. Act No. 7279, §. 6.

³ Exec. Order No. 708 (2008), §. 2.

⁴ DILG, Mem. Circ. No. 2008-143 (2008).

power of LGUs to generate and apply resources, provinces can also constitute their own housing boards.⁵

A 2018 Philippine Institute for Development Studies discussion paper revealed that of the 178 LGUs they examined, only 123 institutionalized a local housing board through a local ordinance. Most of the LGUs that did not comply were municipalities. Such defiance is attributed to the trivial amount of informal settler families (ISFs) in such localities.⁶ As for those with growing numbers of ISFs, especially in cities, LGUs are steadfast in providing adequate housing solutions through their housing boards.

Unfortunately, most of the socialized housing programs by cities significantly displace ISFs in remote locations outside the LGU's territory. Worse, these locations are usually far from basic facilities, as well as the ISF's current employment place and educational institution, among others. Consequently, the ISFs are left with no choice but to return to their old dwellings for better opportunities. Incompatibility between the socialized housing programs of LGUs and the needs of ISFs could be attributed to a lack of proper land management and urban planning, as well as appropriate communication with the relevant stakeholders.

This bill seeks to institutionalize the creation of local housing boards in all provinces, cities, and municipalities in the Local Government Code to ensure an effective formulation of socialized housing programs and its efficient execution for the target beneficiaries. More specifically, it seeks to mandate:

- (1) The representation of all the relevant local government officials and stakeholders on the board;
- (2) The enforcement of the right of informal settlers to just and human evictions and demolitions;
- (3) The inclusion of a social housing program in the local Comprehensive Land Use Plan (CLUP); Provided, That in the case of cities, the program shall generally be limited to in-city resettlement unless such is impossible or impractical;

⁵ LOCAL GOV'T CODE, sec. 18; see example: Province of La Union Ordinance No. 021-2012 at <https://launion.gov.ph/wp-content/uploads/2018/04/Ordinance-021-2012-Housing-Board.pdf>

⁶ Marife Ballesteros and Jenica Ancheta, Participatory Governance in the Public Provision of Housing: The Case of Local Housing Boards in the Philippines, *Philippine Institute for Development Studies*, Discussion Paper Series No. 2018-29 at <https://pidswebs.pids.gov.ph/CDN/PUBLICATIONS/pidsdps1829.pdf>.

- (4) The conduct of adequate and genuine public hearings or consultations with relevant stakeholders prior to the creation of the CLUP in order to afford them the opportunity to be heard and to participate in the decision-making process over the local socialized housing program and other matters involving the protection and promotion of their legitimate collective interests;
- (5) The creation of a Local Housing Office in every LGU, which shall serve as the implementing arm of the board; and
- (6) The minimum standards for the local socialized housing program.

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



Hon. Rex Gatchalian
Representative
1st District of Valenzuela

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

1 **SECTION 1.** *Short Title.* – This Act shall be known as the “Local Housing
2 Board Act.”

3
4 **SEC. 2.** *Declaration of Policy.* – It is hereby declared the policy of the State to
5 provide a more responsive and accountable local government structure through the
6 creation of local housing boards. Through this, local government units shall be given
7 more powers, authority, responsibilities, and resources in the planning and
8 execution of their housing programs. Towards this end, the State shall:

9 (a) Adopt a just and humane socialized housing program, to be incorporated
10 in the local Comprehensive Use Plan, that provides decent housing and basic
11 services to all Filipinos, especially the underprivileged and homeless. This shall
12 include the institutionalization of minimum standards for local socialized housing
13 programs, requirement of in-city resettlement for informal settler families in cities,
14 as well as the protection of the urban and poor rural dwellers from evictions or
15 demolitions undertaken in violation of the law; and

16 (b) Promote and institutionalize the participation of relevant stakeholders –
17 such as the private and public sectors, non-governmental organizations, and
18 people’s organizations – in the urban and rural development process, through
19 adequate and genuine public hearings or consultations.

1 **SEC. 3. Local Housing Board.** – A Local Housing Board shall be
2 institutionalized in every province, city, and municipality in Republic Act (R.A.) No.
3 7160, otherwise known as the Local Government Code of 1991. Accordingly, a new
4 Title to be known as Title V-A shall be incorporated in Book I of the same Code, to
5 read as follows:

6
7 **“TITLE V-A.”**
8 **“LOCAL HOUSING BOARDS”**
9

10 **SEC. 105-A. Creation and Composition.** – There shall be created
11 a Local Housing Board in every province, city, and municipality. The
12 composition of the Board shall be as follows:

13 (1) The governor shall head the provincial housing board as
14 the chairperson; the vice governor as the vice chairperson; and the
15 chairperson of the *sangguniang panlalawigan* committee on housing
16 and urban development or its equivalent, the provincial planning and
17 development coordinator, the provincial engineer, a representative from
18 the Department of Human Settlements and Urban Development
19 (DHSUD), a representative from a private sector engaged in subdivision
20 and housing development, a representative from a people’s organization
21 interested in socialized housing development, and a representative from
22 a non-governmental organization (NGO) interested in socialized
23 housing development, as members: *Provided*, That the representatives
24 from the last three (3) entities should be operating in the province
25 concerned;

26 (2) The city mayor shall head the city housing board as the
27 chairperson; the vice mayor as the vice chairperson; and the
28 chairperson of the *sangguniang panlungsod* committee on housing and
29 urban development or its equivalent, the city planning and development
30 coordinator, the city engineer, a representative from the Department of
31 Human Settlements and Urban Development (DHSUD), a
32 representative from a private sector engaged in subdivision and housing
33 development, a representative from a people’s organization interested
34 in socialized housing development, and a representative from a non-
35 governmental organization (NGO) interested in socialized housing
36 development, as members: *Provided*, That the representatives from the

1 last three (3) entities should be operating in the city concerned;

2 (3) The municipal mayor shall head the municipal housing
3 board as the chairperson; the vice mayor as the vice chairperson; and
4 the chairperson of the *sangguniang bayan* committee on housing and
5 urban development or its equivalent, the municipal planning and
6 development coordinator, the municipal engineer, a representative from
7 the Department of Human Settlements and Urban Development
8 (DHSUD), a representative from a private sector engaged in subdivision
9 and housing development, a representative from a people's organization
10 interested in socialized housing development, and a representative from
11 a non-governmental organization (NGO) interested in socialized
12 housing development, as members: *Provided*, That the representatives
13 from the last three (3) entities should be operating in the municipalities
14 concerned.

15 Provinces, cities, and municipalities which have existing
16 housing boards shall continue to maintain such offices and shall
17 incorporate the provisions of this Title to their existing mandate.
18

19 **SEC. 105-B. Powers and Functions.** – the Board shall have the
20 following powers and functions:

21 (1) Formulate, develop, and recommend to the *sanggunian*
22 concerned policies, directives, rules, and regulations, consistent with
23 laws, as it may deem necessary, on the provision of socialized housing
24 programs and the observance of the right of the informal settlers to just
25 and humane evictions and demolitions;

26 (2) Prepare the local Comprehensive Land Use Plan (CLUP)
27 mandated under Section 20(c) of this Code, which shall include a
28 socialized housing program in coordination with the local development
29 council, DHSUD, and other concerned local offices and government
30 agencies:

31 *Provided*, That in the case of a city housing board, it shall include
32 an in-city resettlement plan in its CLUP. However, when in-city
33 resettlement is impracticable or impossible, it shall instead include a
34 near-city resettlement plan. Where near-city resettlement is not feasible
35 or is impracticable, a near-city resettlement plan shall be formulated
36 by the Board: *Provided* further, That where near-city resettlement is

1 impracticable or impossible, it shall include an off-city resettlement
2 plan;

3 (3) Conduct adequate and genuine public hearings or
4 consultations with the relevant stakeholders to afford them the
5 opportunity to be heard and to participate in the decision-making
6 process over the local socialized housing program and other matters
7 involving the protection and promotion of their legitimate collective
8 interests;

9 (4) Designate at least one (1) representative to their respective
10 local development councils: *Provided*, That said representative is not
11 already a member of the council;

12 (3) Through the local chief executive, submit to the President
13 and the Congress of the Philippines an annual report, as provided in
14 Section 41 of R.A. No. 7279; and

15 (4) Perform other related functions established by law or
16 ordinance as necessary to implement the mandate of local government
17 units (LGU).

18
19 **SEC. 105-C. Local Housing Office; Creation; Functions.** – There
20 shall be created a Local Housing Office in all provinces, cities, and
21 municipalities, which shall become a regular office under the local
22 government unit and serve as the implementing arm of the Board. Local
23 Housing Offices shall have the following functions:

24 (1) Assist in the creation of the local CLUP;

25 (2) Oversee and coordinate government activities relative to
26 consultation, relocation, and resettlement of informal settlers in cases
27 where evictions and demolitions affecting them are necessary and
28 allowed by existing laws;

29 (3) Ensure that the balanced housing requirements, as
30 provided in Section 18 of R.A. No. 7279 and its implementing rules and
31 regulations are implemented and enforced;

32 (4) In coordination with other offices within the LGU, monitor
33 the nature and progress of land development of projects that the Board
34 has approved, as well as housing construction in the case of house and
35 lot packages, to ensure their faithfulness to the approved plans and
36 specifications thereof, and impose appropriate measures to enforce

1 compliance therewith;

2 (5) Conduct an inventory of all lands within their respective
3 localities, and update the same every three (3) years, in accordance with
4 Section 7 of R.A. No. 7279 and guidelines issued for the purpose;

5 (6) Identify the sites for socialized housing, subject to the
6 requirements prescribed by Section 8 of R.A. No. 7279 and guidelines
7 issued for the purpose;

8 (7) Ensure the registration of underprivileged and homeless
9 informal settlers within its jurisdiction as socialized housing
10 beneficiaries under Sections 16 and 17 of R.A. No. 7279: *Provided, That*
11 the Local Housing Office shall assume the functions of provincial, city,
12 or municipal registration committees as constituted under the
13 implementing rules and regulations of the same sections;

14 (8) Ensure the prevention or proliferation of professional
15 squatters and squatting syndicates within its jurisdiction;

16 (9) Ensure the enforcement of laws, policies, and programs on
17 housing and shelter as provided for under laws, and such directives,
18 rules, and regulations, adopted by the Board;

19 (10) Assist in the organization of housing and shelter
20 cooperatives, associations, or organizations in establishing linkages
21 with government agencies and NGOs involved in the promotion and
22 integration of shelter development and generation, taking into account
23 the livelihood of the people and other community activities;

24 (11) Provide technical and other forms of assistance to existing
25 housing associations or cooperatives to enhance their viability as
26 economic enterprises and social organizations;

27 (12) Coordinate with government agencies and
28 instrumentalities performing functions that may affect housing and
29 urban development; and

30 (13) Perform other duties and functions as may be prescribed
31 by law or ordinance.

32
33 **SEC. 105-D. Socialized Housing Program.** - The Board shall
34 prepare socialized housing programs, and it shall comprehensively
35 detail how the LGU intends to resettle its registered informal settlers:
36 *Provided, That* in the case of a city housing board, it shall formulate

1 and implement socialized housing programs within its jurisdiction,
2 except when in-city resettlement is impracticable or impossible.
3 *Provided further*, That a city housing board must include its socialized
4 housing program in its CLUP.

5
6 The LGU shall consider the following factors in its preparation of
7 the socialized housing program:

8 (1) The inclusion of potable water; adequate power distribution
9 system; and adequate sewerage facilities in every socialized housing
10 unit;

11 (2) The proximity to the socialized housing location and access of
12 the beneficiaries to basic services such as health, education,
13 communications, security, public transportation, recreation, relief, and
14 welfare;

15 (3) The proximity to the socialized housing location and access of
16 the beneficiaries to areas with employment opportunities;

17 (4) The integration to the socialized housing infrastructures of
18 appropriate disaster risk reduction management and climate change
19 adaption standards; and

20 (5) Such other factors that may be relevant in improving and
21 uplifting the conditions of the informal settlers.

22
23 **SEC. 105-E. Local Housing Officer.** – The Local Housing Office
24 shall be headed by a Local Housing Officer who shall be a career official.
25 Such person must be a citizen of the Philippines, a resident of the LGU
26 concerned, of good moral character, and a holder of a bachelor's degree
27 in public administration, urban planning, civil engineering, economics,
28 development studies, or other related degrees. Such person must have
29 at least five (5) years of experience in case of provinces and cities, and
30 three (3) years of experience in case of municipalities, either in housing
31 development projects, organization of housing associations or
32 cooperatives, management and operation of housing and shelter
33 programs or such other related activities.

34
35 **SEC. 105-F. Meetings and Quorums.** – (a) The Board shall have
36 its meeting at least once a month or as often as may be deemed

1 necessary.

2 (b) The presence of the chairperson or the vice chairperson and
3 a majority of the members of the Board shall constitute a quorum.
4 Special meetings may be called by the chairperson or a majority of the
5 members when situations so warrant. The Board shall reach decisions
6 through an affirmative vote of the majority of the members.

7
8 **SEC. 105-G. Compensation and Remuneration.** – The chairman,
9 vice chairman, and members of the Board shall perform their duties
10 without compensation or remuneration. Members who are not
11 government officials or employees shall be entitled to necessary
12 traveling expenses and allowances chargeable against the funds of the
13 local housing board concerned, subject to existing accounting and
14 auditing rules and regulations.

15
16 **SEC. 4. Separability Clause.** – If, for any reason, any part, section, or
17 provision of this Act is held invalid or unconstitutional, the remaining provisions
18 not affected thereby shall continue to be in full force and effect.

19
20 **SEC. 5. Repealing Clause.** – All laws, decrees, executive orders,
21 proclamations, rules and regulations, and other issuances, or parts thereof which
22 are inconsistent with the provisions of this Act are hereby repealed, amended, or
23 modified accordingly.

24
25 **SEC. 6. Effectivity Clause.** – This Act shall take effect fifteen (15) days after
26 its publication in the *Official Gazette* or a newspaper of general circulation.

Approved,