



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

Nineteenth Congress

First Regular Session

House Bill No. 5903



Introduced by:

HON. MARISSA "DEL MAR" MAGSINO
OFW PARTYLIST

EXPLANATORY NOTE

Housing problems in the Philippines are a serious issue that can stall the rapid development and growth of the country. The current (2021) housing backlog in the Philippines is a whopping 6.5 million units, which means there are 6.5 million homeless Filipino families. Additionally, there are over 4 million Filipino families that are living in unsustainable housing conditions or in danger zones such as river banks, under bridges and along railroad tracks. They lack security and safety with no access to clean water and electricity.

Republic Act No. 7279, as amended, also known as the 'Urban Development and Housing Act', mandates the government, in cooperation with the private sector and local government units (LGUs), to engage in the production of socialized and public housing, establish resettlement sites and improve access to home financing for the benefit of underprivileged and homeless citizens, particularly those who live in danger zones.

The law, besides providing a general penalty clause for any violation of the Act, also prohibits and penalizes the following specific acts:

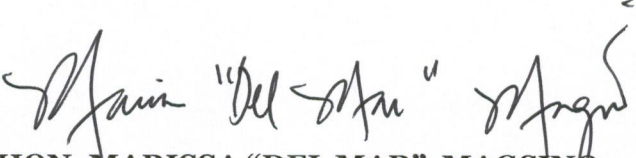
- 1) Professional squatting;
- 2) Construction of illegal structures or dwellings in resettlement areas, danger zones and in private and public lands;
- 3) Allowing, abetting or otherwise tolerating, by public officials, the commission of the preceding prohibited acts.

Last September 2022, the undersigned author organized a policy dialogue on housing and land use issues participated by the Department of Human Settlements and Urban Development (DHSUD) and its attached agency, the National Housing Authority (NHA), together with the Department of the Interior and Local Government (DILG), Presidential Commission for the Urban Poor (PCUP), Philippine National Police (PNP), other concerned government agencies, and stakeholders from the private sector and civil society.

During the dialogue, among the significant issues raised were the ineffective implementation of the prohibition against professional squatting and the construction of illegal structures and dwellings by informal settlers in areas specified in the law, due to, among other things, lack of political will or toleration by politicians and public officials. Hence, the recommendation was to 'put more teeth to the law' by way of increasing the existing penalties to serve as further deterrent to the commission of the prohibited acts. Furthermore, there is an apparent confusion or loophole in the law as to which government agency and/or law enforcement authority has the duty to commence and prosecute criminal actions against violators of the law. This has led to the adamant and passive posturing of the agencies in the enforcement of the law.

This bill seeks to address the foregoing issues by increasing the existing penalties in the law, and by expressly providing for the authority and duty of concerned government agencies and law enforcement authorities to commence and prosecute criminal actions against violators of the law.

Premises considered, the immediate passage of the proposed measure is earnestly urged.



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AN ACT
INCREASING THE PENALTIES FOR VIOLATION OF REPUBLIC ACT NO. 7279,
OTHERWISE KNOWN AS THE 'URBAN DEVELOPMENT AND HOUSING ACT
OF 1992', AS AMENDED, AND FOR OTHER PURPOSES

SECTION 1. Section 27 of Republic Act No. 7279, otherwise known as the 'Urban Development and Housing Act of 1992', as amended, is hereby amended to read as follows :

Section 27. Action Against Professional Squatters and Squatting Syndicates. – The local government units, in cooperation with the Philippine National Police, the Presidential Commission for the Urban Poor (PCUP), and the PCUP-accredited urban poor organization in the area, shall adopt measures to identify and effectively curtail the nefarious and illegal activities of professional squatters and squatting syndicates, as herein defined.

Any person or group identified as such shall be summarily evicted and their dwellings or structures demolished, and shall be disqualified to avail of the benefits of the Program. A public official who tolerates or abets the commission of the abovementioned acts shall be dealt with in accordance with existing laws.

For purposes of this Act, professional squatters or members of squatting syndicates shall be imposed the penalty of **TEN (10) [six-(6)]** years imprisonment or a fine of not less than **TWO HUNDRED [Sixty]** thousand pesos (**P 200,000.00) [(P60,000.00)]** but not more than **FIVE HUNDRED [One hundred]** thousand pesos **P 500,000.00 [(P100,000)]**, or both, at the discretion of the court.

SECTION 2. Section 45 of Republic Act No. 7279, otherwise known as the 'Urban Development and Housing Act of 1992', as amended, is hereby amended to read as follows :

Section 45. Penalty Clause. – Any person who violates any provision of this Act shall be imposed the penalty of **EIGHT (8)** [~~not more than six (6)~~] years of imprisonment or a fine of not less than **FIFTY [Five]** thousand pesos (**P 50,000.00**) [~~(P5,000)~~] but not more than **THREE [One]** hundred thousand pesos (**P 300,000.00**) [~~(P100,000)~~], or both, at the discretion of the court: *Provided, That*, if the offender is a corporation, partnership, association or other juridical entity, the penalty shall be imposed on the officer or officers of said corporation, partnership, association or juridical entity who caused the violation.

SECTION 3. A new Section 45-A is hereby incorporated in Republic Act No. 7279, otherwise known as the 'Urban Development and Housing Act of 1992', as amended, which shall read as follows :

SECTION 45-A. COMMENCEMENT AND PROSECUTION OF CRIMINAL ACTION; DEPUTIZATION OF THE PHILIPPINE NATIONAL POLICE AND OTHER LAW ENFORCEMENT AGENCIES– CRIMINAL ACTION ARISING FROM ANY VIOLATION OF THE PROVISIONS OF THIS ACT, OR OF THE IMPLEMENTING RULES AND REGULATIONS OF THIS ACT, OR IN APPROPRIATE CASES UNDER THE REVISED PENAL CODE OR APPLICABLE SPECIAL LAWS, MAY BE COMMENCED AND PROSECUTED BY THE NATIONAL HOUSING AUTHORITY (NHA) THROUGH ITS GENERAL MANAGER, OR BY THE DEPARTMENT OF INTERIOR AND LOCAL GOVERNMENT (DILG) THOROUGH ITS UNDERSECRETARY FOR LOCAL GOVERNMENT, OR BY ANY REAL PARTY-IN-INTEREST IN COORDINATION WITH THE PRECEDING CONCERNED AGENCIES.

THE PHILIPPINE NATIONAL POLICE AND OTHER LAW ENFORCEMENT AGENCIES MAY BE DEPUTIZED BY THE NHA AND THE DILG, IN APPROPRIATE CASES, IN THE APPREHENSION AND/OR ARREST OF VIOLATORS OF THIS ACT, SUBJECT TO DUE PROCESS.

SECTION 4. The NHA, PCUP and the DILG, within sixty (60) days from the effectivity of this Act, shall promulgate the rules and regulations necessary for the effective implementation of this Act.

SECTION 5. *Separability Clause.* - If any portion of this Act is declared unconstitutional or invalid, the other provisions not affected shall continue in full force and effect.

SECTION 6. *Repealing Clause.* - Any provision of laws, decrees, executive orders, proclamations, rules and regulations, or parts thereof, which are inconsistent with this Act are hereby repealed, amended or modified accordingly.

SECTION 7. *Effectivity Clause.* - This Act shall take effect fifteen (15) days following the completion of its publication in two (2) newspapers of general circulation.

Approved.