

Republic of the Philippines
HOUSE OF REPRESENTATIVES

NINETEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 9125



Introduced by Hon. Representatives Florida "Rida" P. Robes of the
Lone District of the City of San Jose del Monte, Bulacan

EXPLANATORY NOTE

Section 9 of Article XIII, of the 1987 Constitution provides that the:

Section 9. 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. It shall also promote adequate employment opportunities to such citizens. In the implementation of such program the State shall respect the rights of small property owners.

Further, in *Section 10* of the same Article, states that:

Section 10. Urban or rural poor dwellers shall not be evicted nor their dwelling demolished, except in accordance with law and in a just and humane manner.

No resettlement of urban or rural dwellers shall be undertaken without adequate consultation with them and the communities where they are to be relocated.

The National Housing Authority (NHA) is the national agency mandated to engage in housing production for low-income families. It was mandated through *Presidential Decree No. 757* and *Executive Order No. 90* to focus on socialized housing through the development and implementation of comprehensive and integrated housing and development and resettlement.

It has been discovered that there are low occupancy rate for the government housing program mainly due to failure to pay the monthly amortization and/or association dues, resulting to selling their rights or leasing-out their units to other individuals and entities. Worse, there have been reports using their units as collateral for unregulated private and personal loans by the Bangko Sentral ng Pilipinas (BSP) which gives the creditor unilateral right to transfer the units to their

possession. In effect, it defeats the very purpose of the government housing programs and NHA initiatives to provide decent and affordable housing for the underprivileged and marginalized Filipino Citizens.

This Bill aims to provide authority to the NHA grant amnesty or condone to the unpaid amortization/lease payments to ease the burden of the beneficiaries, or acquire the units from the original awardees in order to be allocated and awarded to qualified beneficiaries through the *Build Better and More (BBM)* and the *Pambansang Pabahay Para sa Pilipino Housing (4PH) Program*.

It seeks to strengthen the mandate of the NHA by undertaking adaptive strategies in providing quality and affordable homes, as well as livable and sustainable communities for the Filipino people in the country's journey to a *Bagong Pilipinas*.

In view of the foregoing, the early passage of this proposed measure is earnestly sought.


FLORIDA P. ROBES

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**Introduced by Hon. Representatives Florida “Rida” P. Robes of the
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AN ACT

PRESCRIBING THE AUTHORITY OF THE NATIONAL HOUSING AUTHORITY (NHA) TO GRANT AMNESTY TO ITS SOCIALIZED HOUSING BENEFICIARIES WITH DELINQUENT ACCOUNTS, CONDONING THEREBY ANY UNPAID AMORTIZATION, ASSOCIATION DUES OR ANY MISCELLANEOUS FEES, AND TO INSTITUTE A PAYMENT RESTRUCTURING PROGRAM; OR ACQUIRE AND AWARD THE SAME TO QUALIFIED BENEFICIARIES THROUGH THE PAMBANSANG PABAHAY PARA SA PILIPINO (4PH) PROGRAM AND APPROPRIATING FUNDS THEREFOR

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 “*NHA Amnesty and Acquisition Act of 2023*”

Section 2. Declaration of Policy. – It is the policy of the State to ensure a continuing and sustainable program for urban land reform and housing which shall make available affordable, and decent housing with basic services to underprivileged and homeless citizens, in order to guarantee freedom from poverty, higher standard of living, and improved quality of life for all

The State, in partnership with the private sector, and its stakeholders shall also:

- a. Expand people’s access to affordable, adequate, safe and secure shelter in well-planned communities;
- b. Enable informal settler families to live in resilient, vibrant, and connected urban communities;
- c. Promote inclusive and integrated housing that are culturally sensitive, responsive to local context and/or special needs, and in accordance with appropriate standards and designs;

- d. Encourage and sustain investments in the housing and urban development sector by, among others, promoting partnerships, improving market linkages, simplifying government procedures and facilitating access to finance;
- e. Improve affordability of housing programs and projects;
- f. Promote climate change, resilient housing and basic infrastructure; and
- g. Make land available and accessible for housing.

Section 3. Statement of Objectives. – The State shall integrate all laws relating to the National Housing Authority (NHA) to effectively achieve the following objectives:

- a. Develop integrated, sustainable, safe, affordable and resilient communities, particularly for the underprivileged and homeless, as well as low-income households;
- b. Implement innovative and alternative solutions in addressing the housing needs of informal settlers families, the lower-income classes, and the vulnerable sector;
- c. As a government-owned and – controlled corporations, to generate income through the efficient utilization of existing and future assets to support the programs of the authority;
- d. Adopt viable land acquisition and management approached;
- e. Strengthen housing as a platform to reduce poverty, promote climate resilience, improve social outcome; and
- f. Intensify and widen its authority and functions to effectively fulfill their mandate

Section 4. Coverage. – This Act covers all NHA Projects such as house and lot, medium rise buildings, and condominiums including the improvement and rights that are:

- a. Delinquent Accounts;
- b. Illegally/Unlawfully Transferred, Sold, leased, sublet encumbered and mortgaged illegally by the original awardees or otherwise dispose of his/her lot and/ or units;
- c. Abandoned;
- d. Unoccupied - has no legitimate record of award and/or registration under the name of any beneficiary; and
- e. Cancelled, and Surrendered due to violation of the NHA Occupancy Rules and Regulations.

Section 5. Procedure. – NHA uniform guidelines to govern the amnesty/condonation; or cancellation, acquisition, and awarding of units to qualified beneficiaries.

I. Inventory and Verification

NHA through the aid of the concerned Local Government Units (LGUs) shall conduct an inventory and status of all covered NHA housing/units enumerated in Section 4.

II. Amnesty or Cancellation of Award

a. NHA Amnesty Program/Condonation

This Act shall cover the total condonation of all unpaid amortizations/lease payments and association dues of the awardees/beneficiaries in the Socialized Housing Program of the NHA, including any surcharges and penalties emanating thereto. Upon effectivity of this Act, the individual delinquent payments of the Awardees shall be condoned and written off by the Government thereby relieving them from the burden of payment thereof. Provided, the NHA shall submit the detailed list of the actual unpaid amortization/lease payment for each awardee plus penalties, interests, and surcharges in order to determine the amount of total debts. Such copy shall be furnished to the House of Representatives as part of Congressional Records.

DHSUD shall issue a Certificate of Condonation in favor of the Awardee which shall be annotated in their Certificate of Entitlement to Lot/Unit Allocation (CELA). Provided finally that the Condition and Restriction of use and possession of awarded housing project explicitly provided under RA 7279 shall still apply.

b. Cancellation - the award and/or rights for the following shall be cancelled by the NHA if:

- i. **Abandoned** - units not inhabited by the awardees/beneficiaries nor its successors or heirs continuously for at least one (1) year through Occupancy Verification Report (OVR) by the NHA project coordinator and LGU concerned.
- ii. **Unlawful transfer** – Awardee/s who unlawfully sold, transferred, mortgaged, or otherwise disposed of his/her lot/lot with housing unit/condominium unit or any right thereon, the transaction shall be null and void. The same shall lose the right to land or housing unit, and forfeit the payment fees made thereon and shall be barred from the benefits of RA 7279 for a period of ten (10) years from the date of violation;
- iii. **Illegally occupied** - NHA shall have the power to summarily eject, without necessity of judicial order, any and all illegal settlers on any of its projects, as well as any illegal occupants in any home lot, apartment, dwelling units, owned, and administered by it.
- iv. **Violation of Occupancy Rules and Regulations** - Any violation of the awardee of the Occupancy rules and Regulations as stipulated in the Contract shall be reported to the District Manager by the concerned staff/s who are undertaking the housing project. The Notice of Eviction shall be signed by the Regional Manager. The said awardee shall be given two (2) warnings for the reported violation.

Cancellation of the Award shall be rendered, if despite warnings the said awardee continues violating the said Occupancy Rules and Regulations.

III. Acquisition and Awarding of Units.

All cancelled awards due to grounds enumerated in *Section 5, II (b)* herein shall be acquired by the DHSUD, and shall be integrated in the housing allocation of the *Pambansang Pabahay Para sa Pilipino Housing (4PH) Program* to be awarded to qualified beneficiary/ies.

Upon cancellation, the DHSUD shall refund a cash surrender value equal to fifty percent (50%) of the total payments made by the Awardee, if any, except for those awardees who unlawfully disposed or transferred their units. The DHSUD shall provide for implementing rules for the payment thereof.

The procedure for awarding to other qualified beneficiary/ies shall follow the same manner of disposition for regular awards in *R.A. 7279*.

Section 6. Qualifications - Target beneficiaries of said housing units include walk-in applicants who submitted Housing Information Forms (HIFs) and letter requests in NHA offices and those endorsed to NHA by other government offices; LGUs informal settler families (ISFs) who are in danger areas and those affected by infrastructure projects; and LGU and National Government Agency employees where the housing project is located provided they pass the existing eligibility and criteria as provided in *Sec. 16 of R.A. 7279* and in addition:

- a. Those who do not have any record of violation of the NHA occupancy rules and regulations;
- b. No present record of any unpaid amortization and association dues upon application;
- c. Not been awarded with any NHA housing project (house/lot and lot, condominium); and
- d. Not occupying any illegally transferred units from original beneficiaries.

Section 7. Appropriation. - The funds necessary to carry out the initial implementation of this Act shall be charged against available appropriations of the NHA subject to existing budgeting, accounting and auditing laws, rules, and regulations. The appropriations necessary for the continued implementation of this Act in succeeding years shall be prepared in accordance with regular government budget procedures and shall be included in the budget under the annual General Appropriations Act (GAA).

Section 8. Separability Clause. - If any portion of provision of this Act is declared unconstitutional, the remainder of this Act or any provision not affected thereby shall remain in force and effect.

Section 9. Implementing Rules and Regulations. - There is hereby created an interagency committee, headed by the NHA and DHSUD, with the GFI's and private financial institution/s concerned, tasked to promulgate the implementing rules and regulations within sixty (60) days from the effectivity of this Act.

Section 10. Repealing Clause. – All other laws, acts, presidential decrees, executive orders, issuances, presidential proclamations, rules, and regulations or parts thereof, which are contrary to and inconsistent with any provision of this Act, are hereby repealed, amended or modified accordingly,

Section 11. Effectivity. – This Act shall take effect immediately upon its publication in the Official Gazette or in a newspaper of general circulation.

Approved,