

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

NINETEENTH CONGRESS
Second Regular Session

House Bill No. **9550**



**INTRODUCED BY REPRESENTATIVES RALPH WENDEL P. TULFO,
JOCELYN P. TULFO, AND ERWIN T. TULFO**

**AN ACT PROVIDING FOR A NATIONAL HOUSING DEVELOPMENT,
PRODUCTION, AND FINANCING PROGRAM, AND REGULARIZING ITS
APPROPRIATION FOR ITS IMPLEMENTATION**

EXPLANATORY NOTE

Article XIII, Section 9 of the 1987 Philippine Constitution mandates decent housing and basic services to underprivileged and homeless citizens in urban centers and resettlement areas. It is also the policy of the State to provide for a comprehensive and continuing urban development and housing program which shall make available decent housing at affordable cost, as well as the rational use and development of urban land. This is in pursuant to Republic Act No. 7279, otherwise known as the "Urban Development and Housing Act of 1992".

There has been a large demand for housing which is not sufficiently met by the supply of housing units, especially for the marginalized sector. The demand-supply gap is attributed to at least three important factors: (1) poor households are unable to pay for the high cost of housing; (2) government has limited resources, which constrain its ability to meet the rising demand for housing; and (3) there is lack of incentives for the private sector to engage in the provision of housing for the lower segment of the market.¹

The government remains the main provider of housing, especially to the poor. To encourage greater private sector participation in the housing sector, the government's thrust is geared towards a market-oriented housing finance system.² Considering the inadequate financial capacity at the lower end of the market, there has to be a long-term mechanism and fund support which would ensure the continuous production and effective implementation of national housing development projects, giving priority to homeless and underprivileged citizens in the country.

¹ Cacnio, Faith, *Community-Based Housing Finance Initiatives: The Case of Community Mortgage Programme in the Philippines*, UN-HABITAT, 2009: 5.

² *Id.* at 6.

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



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1 **AN ACT PROVIDING FOR A NATIONAL HOUSING DEVELOPMENT,**
2 **PRODUCTION, AND FINANCING PROGRAM, AND REGULARIZING ITS**
3 **APPROPRIATION FOR ITS IMPLEMENTATION**
4

5 *Be it enacted by the Senate and the House of Representatives of the Philippines in Congress*
6 *assembled:*
7

8 **SECTION 1. *Short Title.*** – This Act shall be known as the “National Housing
9 Development, Production, and Financing (NHDPF) Act”.
10

11 **SEC. 2. *Declaration of Policy.*** – It is hereby declared a policy of the State to:
12

13 (a) Undertake, in cooperation with the private sector, a continuing program of
14 housing and urban development which shall make available at affordable cost,
15 decent housing and basic services, especially to the underprivileged and
16 homeless citizens;
17

18 (b) Pursue the realization of a modern, humane, economically viable, and
19 environmentally sustainable society where the urbanization process is manifest
20 in towns and cities being centers of productive economic activity and is led by
21 market forces; where urban and rural areas have affordable housing, sustainable
22 physical and social infrastructure, and services facilitated under the democratic
23 and decentralized system of governance; and where urban and rural areas

1 provide the opportunities for an improved quality of life and eradication of
2 poverty;

3
4 (c) Ensure that poor dwellers shall be provided with appropriate and innovative
5 housing programs and support mechanisms to discourage further growth of
6 blighted communities; and

7
8 (d) Encourage on-site development, whenever feasible, in the implementation of
9 housing programs, and promote the creation of new settlements with basic
10 facilities and utilities and development of sustainable urban renewal programs.

11
12 Cognizant of the role of housing as stimulus of economic growth and development,
13 it is hereby declared a policy of the State to strengthen, promote, and support the
14 component activities of housing production and finance by ensuring
15 continuous/sustained funding support to scale up the implementation of the major
16 components of the NHDPF Program.

17
18 **SEC. 3. *Statement of Objectives.*** – Towards this end, the State shall:

19
20 (a) Increase housing production by forging partnership among housing stakeholders
21 to address the housing needs of Filipino families by 2040;

22
23 (b) Generate and mobilize funds for housing purposes of Filipino families, giving
24 priority to the homeless and underprivileged;

25
26 (c) Ensure the provision of support mechanisms/subsidy programs to improve
27 access of Filipino families to a variety of housing options;

28
29 (d) Guarantee the development of a strong, sustainable, accessible, and affordable
30 housing finance system; and
31

- 1 (e) Encourage public and private sector participation in the implementation of the
2 government NHDPF Program.

3
4 **SEC. 4. *National Housing Development, Production, and Financing Program***
5 ***Implementation.*** – Consistent with the aforementioned policy and objectives, the
6 Department of Human Settlement and Urban Development (DHSUD) and its attached
7 key shelter agencies shall intensify the implementation of the vital components of the
8 NHDPF Program. The implementation of this program shall be carried out by the
9 following agencies:

- 10
11 (a) National Housing Authority (NHA) – the sole national government agency
12 tasked to implement and develop the following housing programs intended for
13 the bottom thirty percent (30%) of the income population:

- 14
15 (1) *Resettlement* – addresses the requirements of families affected by (i)
16 government infrastructure projects, (ii) those living along danger areas, and
17 (iii) those affected by a writ of mandamus issued by the Supreme Court. It
18 entails the provision of vertical (from 5- to 15-storey residential buildings)
19 and/or horizontal housing units, community facilities, socioeconomic, and
20 other community support programs.

21
22 The program also involves the implementation of local/regional resettlement
23 projects as joint national government-local government undertakings to
24 address the resettlement requirements of local government units (LGUs)
25 outside Metro Manila involving families in danger areas, those affected by
26 infrastructure projects, indigenous peoples, and former rebels.

27
28 The government infrastructure agencies shall submit an inventory of informal
29 settler families (ISFs) to be affected by their projects and their location to the
30 appropriate housing agencies at least two years prior to its implementation,

1 and shall incorporate in their respective project costs the amount needed for
2 their relocation and resettlement of affected families;

3
4 (2) *Government Employees Housing Program* - seeks to provide decent and
5 affordable housing to low-salary government employees;

6
7 (3) *Settlements Upgrading* - addresses the security of tenure and infrastructure
8 requirements of informal settlements on government-owned lands
9 proclaimed and designated as socialized housing sites;

10
11 (4) *Housing Program for Calamity Victims* - seeks to respond to the housing needs
12 of low and marginal income and/or informal shelter families for transitional
13 and/or permanent shelter affected by calamities, such as typhoons,
14 landslides, earthquakes, and fires, for relocation to safe areas; and

15
16 (5) *Land Banking* - refers to the acquisition of land, which includes idle
17 government lands, at values based on existing use in advance of actual need
18 to promote planned development and socialized housing programs with a
19 view to distribute the land to qualified socialized housing beneficiaries. It
20 covers survey and titling of individual lots for disposition to qualified
21 occupants, infrastructure development, housing construction, and
22 rehabilitation of existing project sites;

23
24 (b) Social Housing Finance Corporation (SHFC) - mandated to undertake social
25 housing programs that will cater to the formal and informal sectors in the low-
26 income bracket and to take charge of developing and administering social
27 housing programs, particularly the Community Mortgage Program and its
28 different modalities:

29
30 (1) *Community Mortgage Program (CMP)* - a mortgage financing program which
31 assists legally organized associations of underprivileged and homeless

1 citizens to purchase and develop a tract of land under the concept of
2 community ownership. The primary objective of the program is to assist
3 residents of blighted or depressed areas to own the lots they occupy, or where
4 they choose to relocate to, and eventually improve their neighborhood and
5 homes to the extent of their affordability. The different modalities of the CMP
6 are as follows:

- 7
- 8 (i) *Sectoral CMP* – caters to the different sectoral groups including, but not
9 limited to, the basic sector groups needing resettlement assistance. A
10 sectoral group represents a group or coalition of persons who share
11 similar concerns and interests and intend to avail of resettlement
12 assistance from SHFC, including Indigenous Peoples (IPs), Indigenous
13 Cultural Communities (ICCs), and other ethnic minority groups;
14
 - 15 (ii) *Housing for Peace Process and Nation-Building CMP* – seeks to achieve
16 national peace and development through the provision of housing to
17 former rebels/rebel returnees. This also includes rebuilding damaged
18 or destroyed homes in post-conflict areas of internally displaced
19 persons;
20
 - 21 (iii) *Post-Disaster Rehabilitation and Reconstruction CMP* – provides
22 assistance to community housing projects in times of disaster. This
23 program allows the communities to immediately embark on house
24 construction and site development, which adhere to the minimum
25 standards and specifications of the design and structural components
26 of disaster-resilient housing projects as well as materials;
27
 - 28 (iv) *Industrial Workers CMP* – caters primarily to low-income employees of
29 companies engaged in agro-industrial, industrial processing zone,
30 tourist, recreational, commercial, and other enterprises;
31

- (v) *Site Upgrading/Development CMP* - seeks to provide site development and housing/building construction loans for projects whose lands are donated by private or public entities applicable to both on-site and resettlement projects; and
- (vi) *Mixed-Use CMP* - seeks to develop a self-sustaining community by having a balanced mix of residential and commercial spaces, well-developed infrastructure, and recreational amenities along with green and open spaces and wellness areas. Under this modality, 9% of the project area shall be allotted for green spaces and 1% of the project area for friendly facilities of persons with disabilities (PWDs);
- (c) National Home Mortgage Finance Corporation (NHMFC) - a government corporation mandated to increase the availability of affordable housing loans to finance the Filipino homebuyers on their acquisition of housing units through the development and operation of a secondary market for home mortgages;
- (1) *Securitization* - involves the development of the secondary market for home mortgages and other housing-related receivables, conveyances, and financial instruments and the development/promotion of and investments in new housing-related financial instruments and investment vehicles and the capital markets thereof. Furthermore, this would also increase and sustain funds available for housing and home development;
- (d) Department of Human Settlements and Urban Development (DHSUD) - the primary national government entity responsible for the management of housing, human settlements, and urban development, including the implementation of the following programs:
- (1) *Public Housing* - involves owning and/or managing by the government for the purpose of providing security of tenure to the underserved families

1 including, but not limited to, the development of proclaimed socialized
2 housing sites intended to promote the establishment of new towns and
3 settlements and urban renewal. The term “underserved families” refers to
4 those who are disadvantaged in terms of access to basic services because of
5 inability to pay or other disparities by reason of economic or social status,
6 ethnicity, geographical isolation, and other circumstances;

7
8 (2) *Subsidy* – involves a financing assistance scheme intended to enhance the
9 affordability of well-targeted and most financially-incapable segments of the
10 society. It is a grant extended to qualified low-income beneficiaries under the
11 NHDPF Program under any of the following alternative subsidy schemes:

- 12
13 (i) Extension of Interim Shelter Fund to each of the family-beneficiaries
14 which they can use to find safe residency and livelihood to support
15 their families pending the completion of their housing units in the
16 relocation sites;
- 17
18 (ii) Payment for upfront cost equivalent to 5% of the project cost (e.g.,
19 mortgage insurance, titling, etc.); and
- 20
21 (iii) Monthly payment subsidy for the first five years of the loan period in
22 accordance with Section 3 (a) of Republic Act No. 6486, otherwise
23 known as the “Social Housing Support Fund Act”. The DHSUD shall
24 be authorized to establish the qualification and income requirements
25 of borrowers who will qualify for the amortization support subsidy.

26
27 The DHSUD, in coordination with the LGUs and other national government
28 agencies (NGAs), shall be authorized to formulate the criteria and guidelines
29 to select the beneficiaries that may qualify for the subsidy program;

1 (3) *Public Rental Housing* - involves the extension of fiscal assistance of up to a
2 maximum of fifty percent (50%) of the total construction cost for the NGAs
3 and LGUs that shall construct and operate public rental accommodation to
4 eligible low-income families and housing safety net for the vulnerable sectors
5 (e.g., senior citizens, PWDs, etc.);
6

7 (4) Survey of proclaimed lands for socialized housing and inventory of
8 government idle lands - involves the survey of all occupied government lands
9 proclaimed by the President as suitable for socialized housing and conduct of
10 inventory of government lands which have been idle for more than ten (10)
11 years, except lands owned by the GOCCs and government financial
12 institutions engaged in shelter financing as part of its fiduciary obligations to
13 its members and/or taken possession of in their ordinary conduct of business;
14 and
15

16 (5) Such other program components as may be determined by the DHSUD.
17

18 **SEC. 5. Appropriations by the National Government.** - The amount of One Hundred
19 Thirty-Five Billion, One Hundred Fourteen Million Pesos (PhP135,114,000,000.00) or
20 such amount necessary to carry out the provision of this Act is hereby authorized to be
21 appropriated annually through the General Appropriations Act over a period of twenty
22 (20) consecutive years, commencing from the year immediately succeeding the
23 effectivity of this Act, or until such time that the total fund requirements provided for
24 in this Act shall have been fully released.
25

26 A total amount of Two Trillion, Six Hundred Sixty-Seven Billion, Two Hundred
27 Ninety-Three Million Pesos (PhP2,667,293,000,000.00) covering the continuing
28 requirement of this Act shall be appropriated to the DHSUD and key shelter agencies
29 for the implementation of the following component programs of the NHDPP Program:
30

1 (a) One Trillion, Seven Hundred Twenty-Two Billion, Four Hundred Forty-Six
2 Million Pesos (PhP1,722,446,000,000.00) for the implementation of the following
3 programs of the NHA:

4
5 (1) Eight Hundred Billion, Six Hundred Ninety-Nine Million Pesos
6 (PhP800,699,000,000.00) to finance the Resettlement Program under Section
7 4(a)(1) of this Act;

8
9 (2) Five Hundred Forty-Three Billion, Four Hundred Nineteen Million Pesos
10 (PhP543,419,000,000.00) as subsidy for Government Employees Housing
11 under Section 4(a)(2) of this Act;

12
13 (3) One Hundred Sixty-Four Billion, Two Hundred Sixty-Five Million Pesos
14 (PhP164,265,000,000.00) for the Settlements Upgrading under Section 4(a)(3)
15 of this Act;

16
17 (4) One Hundred One Billion, Seven Million Pesos (PhP101,007,000,000.00) for
18 the Housing Program for Calamity Victims Section 4(a)(4) of this Act; and

19
20 (5) Sixty-Three Billion, Fifty-Six Million Pesos (PhP63,056,000,000.00) for the
21 Land Banking under Section 4(a)(5) of this Act.

22
23 (b) Four Hundred Fifty-Three Billion, Two Hundred Million Pesos
24 (PhP453,200,000,000.00) for the implementation of the Community Mortgage
25 Program under Section 4(b)(1) of this Act;

26
27 (c) Fifty Billion Pesos (PhP50,000,000,000.00) for the Capitalization of the NHMFC
28 under Section 4(c)(1) of this Act;

29
30 (d) Four Hundred Seventy-Six Billion, Six Hundred Forty-Seven Million Pesos
31 (PhP476,647,000,000.00) for the implementation of the following programs of the
32 DHSUD:

- (1) Three Hundred Sixty-Five Billion, Nine Hundred Seventy-Nine Million Pesos (PhP365,979,000,000.00) to finance the Public Housing under Section 4(d)(1);
- (2) Eighty-Nine Billion, One Hundred Thirty-One Million Pesos (PhP89,131,000,000.00) as subsidy under 4(d)(2), broken down as follows:
- (i) Eighteen Billion, Five Hundred Thirty-One Million Pesos (PhP18,531,000,000.00) as interim shelter finance assistance for the informal settler families who will be relocated under Section 4(d)(2)(i);
 - (ii) Sixty-Three Billion, Seven Hundred Ninety-Six Million Pesos (PhP63,796,000,000.00) as upfront subsidy under Section 4(d)(2)(ii);
 - (iii) Six Billion, Eight Hundred Four Million Pesos (6,804,000,000.00) as amortization support under Section 4(d)(2)(iii);
- (3) Twenty Billion, Four Hundred Fifty-Six Million Pesos (PhP20,456,000,000.00) to finance public rental housing under Section 4(d)(3); and
- (4) One Billion, Eighty-One Million (PhP1,081,000,000.00) to finance survey of proclaimed lands and conduct of inventory of government idle lands suitable for socialized housing under Section 4(d)(4).

SEC. 6. LGU Sources of Funds. – Section 43 of RA 7279, otherwise known as the “Urban Development and Housing Act of 1992”, is hereby amended to read as follows:

“SEC. 43. Socialized Housing Tax. – Consistent with the constitutional principle that the ownership and enjoyment of property bear a social function and to raise funds for the Program, all local government units are hereby authorized to impose an additional one-half percent (0.5%) tax on the assessed value of all lands in urban areas [~~in excess of Fifty thousand pesos (P50,000)]~~. THE PROCEEDS FROM THE IMPOSITION OF SOCIALIZED HOUSING TAX SHALL ACCRUE TO THE SPECIAL FUNDS OF THE LGUS, WHICH SHALL BE USED FOR THE

1 DEVELOPMENT OF SOCIALIZED HOUSING PROJECTS AND
2 CONSTRUCTION AND ESTATE MANAGEMENT OF PUBLIC RENTAL
3 HOUSING OF THE LGUS."
4

5 **SEC. 7. *Implementation of the Securitization, Capital, and Secondary Mortgage***
6 ***Operations Program.*** - The NHDPF Securitization for the development of the
7 secondary market for home mortgages of and other housing-related receivables,
8 conveyances, and financial instruments, investment vehicles and the capital markets
9 thereof, to increase and sustain funds available for housing and home development
10 shall be implemented as follows:
11

12 (a) The NHMFC shall be the sole implementing agency for the NHDPF
13 securitization; /
14

15 (b) The NHMFC, in coordination with the DHSUD, DOF, and BSP and other
16 concerned agencies and private sector organizations, shall formulate a program,
17 the proceeds of which shall accrue to the Centralized Housing Fund;
18

19 (c) The mortgages to be generated as a result of the implementation of the component
20 programs of the NHDPF Program shall be sold and transferred to NHMFC,
21 which shall also serve as an asset pool for securitization; /
22

23 (d) The NHMFC as the sole agency for the implementation of the NHDPF
24 Securitization shall manage the whole securitization process which includes the
25 following activities: determining the eligibility criteria for the asset pool; defining
26 the preliminary structure of the notes, bonds, and/or instruments to be issued;
27 third parties to be hired; and education/briefing of target investors for all the
28 issues;
29

30 (e) The NHMFC- and NHDPF-issued bonds, notes, and securities shall be exempt
31 from the registration requirements under RA 8799, otherwise known as "The

Securities Regulation Code”, in order to accelerate the issuance of its housing-related securities/financial instruments and, thus, more reasonably provide the necessary fund for housing developments;

(f) Transactions by banks involving the purchase and sale of housing bonds, debentures, and such other similar instruments shall be exempt from the twenty percent (20%) final tax on income, documentary stamp tax, gross receipts tax, and value added tax;

(g) The investors’ yield or income from any socialized housing or economic housing-related bond or asset-backed securities issued by NHMFC directly or through a special purpose entity under RA 9267, otherwise known as “The Securitization Act of 2004”, shall be exempt from income tax. Such issuances shall enjoy all the tax exemptions granted under RA 9267, pursuant to the State’s policy of promoting the securitization of mortgage and housing-related receivables of government housing agencies, to generate investment and accelerate the growth of the housing finance sector, especially for socialized and economic housing;

(h) Bonds purchased by private real estate developers shall be considered as an alternative compliance to the balanced housing requirements under Section 18 of RA 7279, as amended by RA 10884, subject to the rules promulgated by the DHSUD; and

(i) The Philippine Guaranty Corporation, created pursuant to Executive Order No. 58, s. 2018, shall guarantee payment of the balance outstanding and due on the guaranteed principal obligation, plus interest and yields thereon up to eleven percent (11%) per annum for socialized housing packages, ten percent (10%) per annum for low-cost housing packages, nine and one-half percent (9.5%) per annum for medium-cost housing packages, and eight and one-half percent (8.5%) per annum for open housing packages.

1 **SEC. 8. Capitalization of NHMFC.** – The authorized capital stock of the NHMFC is
2 hereby increased from Five Billion Five Hundred Million Pesos (PhP5,500,000,000.00)
3 to Fifty Billion Pesos (PhP50,000,000,000.00) to expand its leveraging capacity based on
4 the volume of mortgage loans being serviced to improve its profitability by reducing
5 the average cost of its fund made available for home-lending programs.

6
7 The capital of the NHMFC shall be Fifty Billion Pesos (PhP50,000,000,000.00), to be
8 fully subscribed by the Government of the Republic of the Philippines, hereafter
9 referred to as the “National Government”: *Provided*, That half of the capitalization shall
10 be funded from the General Appropriations Act, and the remaining half shall be funded
11 from the declared dividends of the NHMFC in favor of the National Government, For
12 this purpose, any and all declared dividends of the NHMFC in favor of the National
13 Government shall be deposited in a special account in the General Fund, and earmarked
14 for the payment of NHMFC’s increase in capitalization. Such payment shall be released
15 and disbursed immediately and shall continue until the increase in capitalization has
16 been fully paid.

17
18 **SEC. 9. Tax Exemptions.** – The NHMFC shall be absolutely exempt from all national,
19 provincial, municipal, and city taxes on income derived from its governmental
20 functions, specifically income from its activities or transactions in the exercise of its
21 mandates.

22
23 **SEC. 10. Multi-Year Obligational Authority.** – The Secretary of the DHSUD and
24 Heads of its attached housing agencies, pursuant to the NHDPF Program, projects and
25 appropriations approved by Congress, shall, subject to the provisions of existing laws
26 and regulations, including those of the Commission on Audit and other such terms and
27 conditions most favorable to the government, be given multi-year obligational
28 authority for housing programs or projects which will take more than one year to
29 complete that and requires multi-year appropriations.

1 **SEC. 11. *Private Sector Participation.*** - To fast track the approval and
2 implementation of housing projects and reduce the cost of socialized and low-cost
3 housing units, the Bureau of Internal Revenue, the Department of Agriculture, the
4 National Irrigation Authority, the Philippine Coconut Authority, the Sugar Regulatory
5 Administration, the Department of Agrarian Reform, the Department of Environment
6 and Natural Resources, the Mines and Geosciences Bureau, the Laguna Lake
7 Development Authority, the Department of the Interior and Local Government, the
8 LGUs, the Land Registration Authority, and the DHSUD shall facilitate the release of
9 the required housing-related permits, licenses, certifications, and tax
10 exemptions/rulings in accordance with RA 9485, otherwise known as the "Anti-Red
11 Tape Act of 2007", as amended by RA 11032, otherwise known as the "Ease of Doing
12 Business and Efficient Government Service Delivery Act of 2018".

13
14 In case the responsible officers of the agencies concerned fail or refuse to dispose of
15 the application within the periods prescribed under RA 11032, the applicable
16 administrative and criminal liability as stated in Section 22 of RA 11032 shall be
17 imposed.

18
19 All the incentives enumerated under Section 20 of RA 7279, as amended by RA 10884,
20 otherwise known as the "Balanced Housing Development Program Amendments",
21 shall be extended to the private sector engaged in socialized and low-cost housing
22 development including the construction and estate management of public rental
23 housing.

24
25 The participation of owners and/or developers in any of the component programs
26 of the NHDPF shall be treated as one of the manners of compliance to the balanced
27 housing requirements subject to the conditions set forth under RA 10884.

1 **SEC. 12. *Collection Efficiency.*** – In order to improve collection efficiency, the NHA,
2 SHFC, and NHMFC shall have authority to foreclose mortgages and/or evict
3 beneficiaries in accordance with existing laws.

4
5 **SEC. 13. *Implementing Rules and Regulations.*** – Within ninety (90) days upon the
6 effectivity of this Act, the DHSUD shall promulgate rules and regulations necessary for
7 the implementation of this Act.

8
9 **SEC. 14. *Separability Clause.*** – If, for any reason, any section, subsection, clause, or
10 term of this Act is held invalid or unconstitutional, such parts not affected by such
11 declaration shall remain in full force and effect.

12
13 **SEC. 15. *Repealing Clause.*** – All existing laws, orders, decrees, rules and regulations,
14 or parts thereof, inconsistent with the provisions of this Act are hereby amended,
15 modified, or repealed accordingly.

16
17 **SEC. 16. *Effectivity.*** – This Act shall take effect fifteen (15) days after its publication
18 in the Official Gazette or in a newspaper of general circulation.

19
20 *Approved,*