

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
Third Regular Session

HOUSE BILL NO. **10908**



Introduced by **HON. BRIAN RAYMUND S. YAMSUAN**

EXPLANATORY NOTE

Homeowners' associations (HOAs) play an important role in maintaining peaceful residential communities. They have a unique social dynamic, where the proximity of its members and frequent interactions often intensify the impact of unresolved disputes. Whether minor misunderstandings or complex legal matters, these conflicts can significantly disrupt the harmony in the community.

At present, many of the disputes are first brought to the barangay for mediation through the Katarungang Pambarangay. In some cases, they escalate to the courts, where parties must navigate the costly and technical procedure of filing pleadings, attending proceedings, and presenting evidence, among others. Yet, many of these disagreements can be resolved internally and amicably through mechanisms that encourage dialogue, understanding, and compromise. Recognizing this, Section 15(n) of Republic Act No. 9904, otherwise known as the "Magna Carta for Homeowners' Associations," mandates that association bylaws should include provisions for: "The creation of election, grievance and audit committees, and such other committees which the association may deem necessary; as well as a conciliation or mediation mechanism for the amicable settlement of disputes among members, directors or trustees, officers and committee members of the association;".

The proposed amendment seeks to give life to the provision by creating a mediation or conciliation committee composed of three (3) members of the board of directors or trustees of the association, who shall be chosen from among its members.

This measure is a recognition that the ties among residents within the HOA is not merely legal, but personal. By providing a venue for mediation and conciliation at the

HOA level, not only do we help ease the burden on our congested court dockets but, more importantly, we provide our people with a simplified and inexpensive means for a speedy administration of justice, while also promoting harmonious and unified communities.

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



BRIAN RAYMUND S. YAMSUAN
Representative
Bicol Saro Party-list

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**AN ACT
PROVIDING FOR AN ALTERNATIVE SETTLEMENT OF DISPUTES AMONG
MEMBERS OF HOMEOWNERS' ASSOCIATIONS, AMENDING FOR THE PURPOSE
REPUBLIC ACT NO. 9904, OTHERWISE KNOWN AS THE "MAGNA CARTA FOR
HOMEOWNERS AND HOMEOWNERS' ASSOCIATIONS"**

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

SECTION 1. Sec. 15(n) of Republic Act no. 9904 is hereby amended to read as follows:

Section 15. Association Bylaws. - The bylaws of the association shall be adopted by a simple majority of the members of the association. Consistent with the provisions of this Act, it shall provide for:

(a) xxx

xxx

xxx

xxx

(n) The creation of election, grievance and audit committees, and such other committees which the association may deem necessary; as well as a conciliation or mediation mechanism for the amicable settlement of disputes among members, directors or trustees, officers and committee members of the association.

THE CONCILIATION OR MEDIATION COMMITTEE SHALL BE COMPOSED OF THREE (3) MEMBERS WHO SHALL BE CHOSEN FROM AMONG THE BOARD OF DIRECTORS OR TRUSTEES OF THE HOMEOWNERS' ASSOCIATION.

THE AGREEMENT REACHED AT THE MEDIATION OR CONCILIATION COMMITTEE SHALL HAVE THE FORCE AND EFFECT OF A FINAL JUDGMENT. IN CASE OF FAILURE TO SETTLE THE DISPUTE, HOWEVER, THE COMMITTEE SHALL ISSUE A CERTIFICATION FOR SUBMISSION TO THE KATARUNGANG PAMBARANGAY.

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XXX.”

Sec. 2 Effectivity. — This Act shall take effect after fifteen (15) days following its publication in the Official Gazette or in at least two (2) national newspapers of general circulation.

Approved,