

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City
TWENTIETH CONGRESS
First Regular Session
House Bill No. 1743



Introduced by Representative

BRIAN DANIEL POE LLAMANZARES, PhD, MNSA

AN ACT ESTABLISHING AN ON-SITE, IN-CITY OR NEAR-CITY RESETTLEMENT PROGRAM FOR INFORMAL SETTLER FAMILIES IN ACCORDANCE WITH A PEOPLE'S PLAN AND MANDATING RELOCATING LOCAL GOVERNMENT UNITS TO PROVIDE OTHER BASIC SERVICES AND LIVELIHOOD COMPONENTS IN FAVOR OF THE RECIPIENT LOCAL GOVERNMENT UNIT, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 7279, OTHERWISE KNOWN AS THE "URBAN DEVELOPMENT AND HOUSING ACT OF 1992", AS AMENDED

EXPLANATORY NOTE

This proposed measure seeks to enhance the Urban Development and Housing Act of 1992 by mandating the development of a People's Plan which will establish an on-site, in-city or near-city resettlement program for informal settlers. It will also mandate the provision of basic services and livelihood components for the resettled communities.

This proposal also strengthens and empowers associations of informal settler families that will promote and protect their welfare against abusive elements. Furthermore, this proposal gives emphasis on public consultation and dialogue with stakeholders.

This bill takes significance in the fact that shelter is a basic human right. The People's Plan is a tool—not to encourage professional squatters—but an economic and social apparatus to

support our many fellow Filipinos who are left with no other choice but to settle informally in urban areas. Let us give them the chance for a more humane and civilized settlement by supporting a genuine and real People's Plan.

The passage of the bill is earnestly sought.

A handwritten signature in black ink, reading "Brian Poe", with a stylized flourish extending to the right.

HON. BRIAN DANIEL POE LLAMANZARES, PhD, MNSA
Representative
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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 "On-site, In-city or Near-City Resettlement Act".

Section 2. Amendatory Provisions. — For purposes of this Act, the following provisions of Republic Act No. 7279, otherwise known as the "Urban Development and Housing Act of 1992," are hereby amended as follows:

(a) Section 3 of Republic Act No. 7279 is hereby amended to read as follows:

"SEC. 3. Definition of Terms. — For purposes of this Act:

"(x) 'Zonal Improvement Program or ZIP' refers to the program of the National Housing Authority of upgrading and improving INFORMAL SETTLEMENTS

within the cities and municipalities of Metro Manila pursuant to existing statutes and pertinent executive issuances.

"(y) 'ADEQUATE AND GENUINE CONSULTATION' refers to the standard of consultation with the affected informal settler families (ISFs) which shall require the following:

(1) Effective dissemination and full access to relevant information and documents including land records, housing budgets, the proposed plan or project, alternative housing options, and comprehensive resettlement plans;

(2) Reasonable time for the public to review, comment and object to the proposed plan or project;

(3) Provision by the government or non-government organizations of legal, technical, and other advice to affected persons on their rights and options;

(4) Public hearings that provide affected ISFs and their advocates with opportunities to challenge the eviction decision or present alternative proposals and to articulate their demands and development priorities;

"(z) 'CIVIL SOCIETY ORGANIZATIONS or CSOs' refer to non-governmental organizations (NGOs), people's organizations (POs), cooperatives, trade unions, professional associations, faith-based organizations, media groups, indigenous peoples movements, foundations and other citizen's groups formed primarily for social and economic development to plan and monitor government programs and projects, engage in policy discussions, and actively participate in collaborative activities with the government;

"(aa) 'IN-CITY RESETTLEMENT' refers to a relocation site within the jurisdiction of the city where the affected ISFs are living;

"(bb) 'INFORMAL SETTLEMENTS' refers to:

(1) Residential areas where housing units have been constructed by settlers on land which they occupy illegally; or

(2) Unplanned settlements or areas where housing is not in compliance with existing planning and building regulations;

"(cc) 'INFORMAL SETTLER FAMILIES (ISFs)' — individuals or households living under any of the following conditions:

1. A lot / dwelling unit without consent of the property owner;
2. Danger areas;
3. Areas for government infrastructure projects;
4. Protected / forest areas (except for indigenous peoples);
5. Areas for priority development as declared under Proclamation No. 1967, Series of 1980, if applicable; and
6. Other government / public lands or facilities not intended for human habitation;

"(dd) 'NEAR-CITY RESETTLEMENT' refers to a relocation site within the jurisdiction of a local government unit adjacent to the local government unit having jurisdiction over the present settlements of the informal settler families;

"(ee) 'NON-GOVERNMENT ORGANIZATION or NGO' refers to a duly registered nonstock, nonprofit organization focusing on the upliftment of the basic or disadvantaged sectors of society by providing advocacy, training, community organizing, research, access to resources, and other similar activities, as defined under Republic Act No. 8425, otherwise known as the 'Social Reform and Poverty Alleviation Act' and organized and operated exclusively for scientific, research, educational, character-building and youth and sports development, health, social welfare, cultural or charitable purposes, or a combination thereof, and no part of the net income of which inures to the benefit of any private individual pursuant to Section 34 (H)(2)(C)(1) of Republic Act No. 8424, as amended, otherwise known as the 'Tax Reform Act of 1997';

"(ff) 'OFF-CITY RESETTLEMENT' refers to a relocation site developed outside and not adjacent to the local government unit where the affected informal settler families have their settlements;

"(gg) 'PEOPLE'S PLAN' refers to the plan formulated and initiated by the beneficiary-association, with the assistance of concerned government agencies; and

"(hh) 'SOCIAL PREPARATION' refers to the process of establishing social, organizational, and institutional norms and mechanisms. Such norms and mechanisms will:

(1) Enable the settlers to cope with changes; and

(2) In partnership with concerned institutions and stakeholders, encourage the settlers not only to work among themselves for the purpose of drawing up and undertaking their housing resettlement proposals but also to actively and meaningfully participate in housing resettlement projects undertaken in their behalf,

thus resolving collective action problems among community members and coordination problems with government and other entities."

(b) Section 21 of the same Act is hereby amended to read as follows:

"SEC. 21. Basic Services. — Socialized housing or resettlement areas shall be provided by the local government unit, in coordination with [or] the [National Housing Authority] Housing and Urban Development Coordinating Council and Urban Development Coordinating Council (HUDCC) and its attached agencies, other relevant government agencies, and [in cooperation with the] private developers [and concerned agencies] with the following basic services and facilities:

- a) Potable and treated water supply;
- b) Power and electricity and an adequate power distribution system;
- c) Sanitation facilities including [s]ewerage [facilities], material recovery facilities, garbage collection and an efficient and adequate solid waste disposal system;
- d) Access to primary roads and transportation facilities.

The provision of other basic services and facilities such as health, education, communications, security, recreation, relief welfare, **and livelihood components** shall be planned and shall be given priority for implementation by the local government unit and concerned agencies in cooperation with the private sector and the beneficiaries themselves.

The concerned local government units and national government agencies shall sign a Memorandum of Agreement (MOA) which shall specify their duties, responsibilities, and timetables for their completion. Copies of the MOA shall be published in the website of the lead local government unit and given to the affected ISFs at least thirty (30) days prior to the start of the resettlement process: Provided, That the recipient local government units in cases of near-city or off-city resettlement shall also be consulted and shall participate in the provision of basic services as required under this provision.

The local government unit, in coordination with the concerned national agencies, shall ensure that these basic services are provided at most cost-efficient rates, and shall set as mechanism to coordinate operationally the thrusts, objectives and activities of other government agencies concerned with providing basic services to housing projects.

The HUDCC and the Bureau of Local Government Finance of the Department of Finance shall jointly work on the cost-sharing mechanism necessary to fully implement the provision of such other basic services and facilities.

(c) Section 23 of the same Act is hereby amended to read as follows:

"SEC. 23. Participation of Program Beneficiaries or Affected ISFs, Formation of Beneficiary-Association, and Formulation and Implementation of a People's Plan. — The local government units, in coordination with the Presidential Commission for the Urban Poor and concerned government agencies, shall afford program beneficiaries or affected ISFs or their duly designated representatives an opportunity to be heard and to participate in the decision-making process over matters involving the protection and promotion of their legitimate collective interests which shall include appropriate documentation and feedback mechanisms.

They shall also be encouraged to organize themselves [and undertake self-help cooperative housing and other livelihood activities] **into an association** for accreditation as beneficiaries or awardees of ownership rights under the resettlement program, community mortgage program, land tenure assistance program, and other similar programs in relation to a socialized housing project actually being implemented by the national government or by the local government units.

They shall assist the government in preventing the incursions of professional squatters and members of squatting syndicates into their communities.

In instances when the affected beneficiaries have failed to organize themselves or form an [alliance] association within a reasonable period prior to the implementation of the program or projects affecting them, consultation between the implementing agency and the affected beneficiaries shall be conducted with the assistance of the Presidential Commission for the Urban Poor and the concerned nongovernment organization until an association is formed in place.

The association, in coordination with the Presidential Commission for the Urban Poor with or without the support of CSOs, shall formulate a People's Plan through a process of consultation which shall contain a site development plan, including nonphysical development components such as self-help housing cooperative, livelihood, self-help development, and capability-building trainings.

The association, with the assistance of CSOs and government agencies including the National Anti-Poverty Commission (NAPC), Presidential Commission for the Urban Poor, National Housing Authority, City or Municipal Social Welfare and Development Office, Social Housing Finance Corporation, local government units, and other relevant agencies of government, shall agree on, develop, and implement the People's Plan.

In accordance with the protection guidelines provided under Section 28 of this Act, a relocation action plan shall be an indispensable component of the People's Plan. The relocation action plan shall include the following objectives:

- a) Ensure safe, affordable, decent, and humane condition of relocation, incorporating therein appropriate disaster risk reduction management and climate change adaptation standards;
- b) Provide adequate social preparation; and
- c) Prevent forced eviction:

Provided, That primary consideration shall be given to the housing financial scheme suggested in the People's Plan.

(d) Section 26 of the same Act is hereby amended to read as follows:

"SEC. 26. Urban Renewal and Resettlement — [This] URBAN RENEWAL AND RESETTLEMENT shall include the rehabilitation and development of blighted and slum areas and resettlement of program beneficiaries in accordance with the provisions of this Act.

On-site development shall be implemented [whenever possible] after adequate and genuine consultation with the affected ISFs, and in accordance with the People's Plan formulated pursuant to Section 23 of this Act, in order to ensure minimum movement of occupants of blighted lands and slum areas.

["The"] Where demolition or eviction is allowed in the area occupied by the program beneficiaries pursuant to Section 28 of this Act, and on-site resettlement cannot be undertaken by reason thereof, the in-city resettlement of the beneficiaries of the program from their existing places of occupancy shall be undertaken only [when on-site development is not feasible and] after compliance with the procedures laid down in [Section 28 of this Act] the same section of this Act and in accordance with the preference of the affected ISFs as contained in the People's Plan.

Should in-city resettlement not be feasible, near-city resettlement shall be considered. Off-city resettlement shall be the last resort and must satisfy the requirements of adequate and genuine consultation prior to relocation."

(e) Section 29 of the same Act is hereby amended to read as follows:

"SEC. 29. Resettlement — Within two (2) years from the effectivity of this Act, the local government units, in coordination with the National Housing Authority, shall implement the relocation and resettlement of persons living in danger areas such as esteros, railroad tracks, garbage dumps, riverbanks, shorelines, waterways, and in other public places such as sidewalks, roads, parks, and playgrounds, and those affected by government infrastructure projects.

The local government unit, in coordination with the concerned government agencies and affected LGUs in cases of near-city and off-city resettlement, shall provide relocation or resettlement sites with basic services and facilities and access to employment and livelihood opportunities sufficient to meet the basic needs of the affected families.

All local government units shall identify potential resettlement areas in their Comprehensive Land Use Plans (CLUPs).

In addition to the funding sources provided under Section 42 of this Act, the allocation for the basic services and facilities may be taken by the local government unit implementing the relocation or resettlement from the twenty percent (20%) of the Internal Revenue Allotment appropriated for development projects as mandated under Section 287 of Republic Act No. 7160, otherwise known as the "Local Government Code of 1991."

SEC. 3. Implementing Rules and Regulations. — The principles, policies and provisions of this Act shall be incorporated in the National Shelter Program.

The Housing and Urban Development Coordinating Council and the Department of the Interior and Local Government, in consultation and coordination with appropriate government agencies, CSOs, NGOs, representatives from the private sector, and ISFs, shall promulgate a new set of implementing rules and regulations within sixty (60) days from the effectivity of this Act.

The implementing rules and regulations shall be consistent with the provisions of this Act, particularly with the amendments, parameters, and standards introduced to Sections 23, 26, and 29 of the "Urban Development and Housing Act of 1992", and shall include the following:

(a) A People's Plan template to guide ISFs in the development of their own People's Plan: Provided, That such template shall be a complete *pro forma* People's Plan: Provided, further, That such a template shall be used to benchmark the minimum standards in a People's Plan; and

(b) A guide to effective implementation of the People's Plan, including details on the necessity of the issuance of internal memoranda by concerned agencies.

The implementing rules and regulations issued pursuant to this section shall take effect thirty (30) days after its publication in two (2) national newspapers of general circulation.

SEC. 4. Congressional Oversight Committee. — There is hereby created a Congressional Oversight Committee to oversee, monitor, and evaluate the implementation of this Act.

The Oversight Committee shall be composed of five (5) members from the Senate which shall include the Chairpersons of the Senate Committee on Urban Planning, Housing, and

Resettlement and five (5) members from the House of Representatives, which shall include the Chairperson of the House Committee on Housing and Urban Development.

The four (4) other members from each Chamber shall be designated by the Senate President and the Speaker of the House of Representatives, respectively. The Minority shall have at least one (1) representative from both Chambers.

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

SEC. 6. Separability Clause. — If, for any reason, any part, section, or provision of this Act is held invalid or unconstitutional, the remaining provisions not affected thereby shall continue to be in full force and effect.

SEC. 7. Effectivity. — This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved.

A handwritten signature in black ink, reading "Brian Poe", with a stylized, flowing script.

HON. BRIAN DANIEL POE LLAMANZARES, PhD, MNSA

Representative

FPJ Panday Bayanihan Party-List