

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

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. **2582**



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

AN ACT AMENDING SECTION 18 OF REPUBLIC ACT NO. 9904, OTHERWISE KNOWN AS THE “MAGNA CARTA FOR HOMEOWNERS AND HOMEOWNERS’ ASSOCIATIONS” BY MANDATING LOCAL GOVERNMENT UNITS TO HOLD BI-ANNUAL PUBLIC CONSULTATIONS WITH MEMBERS OF HOMEOWNERS ASSOCIATIONS

EXPLANATORY NOTE

The Philippines is an archipelago comprising 7,641 islands, creating a unique geographical landscape where residential communities are dispersed across different locations. Each of these communities faces distinct needs due to differences in culture, infrastructure, and access to services. This underscores the need for mechanisms that uphold the people’s right to freedom of information¹ and foster collaboration between local government units (LGUs) and homeowners’ associations (HOAs), who serve as key grassroots organizations.

According to the most recent data from the Department of Human Settlements and Urban Development, there are more than 24,200 registered HOAs scattered across the country.² In the 2nd District of Parañaque alone, there are 30 registered HOAs. Despite being in one congressional district, the concerns and needs of these HOAs widely vary. Hence, the need for this amendment that aims to empower and provide to these associations improved access to their respective LGUs by establishing a structured mechanism for communication and feedback.

Mandating a bi-annual public consultation with HOAs aligns with the principles of participatory governance and decentralization. By fostering a regular engagement between LGUs and HOAs and making sure that all voices are heard, the bill also aims

¹ 1987 Constitution, Article III, Section 7.

²https://dhsud.gov.ph/list-of-homeowners-association/?appgw_azwaf_jsc=SNn4yFU0VSDj7wV-sNtKkJqDxr-JgFeVLDKMKLfP1zs

to enhance the accountability of local governance and improve service delivery to the people on the ground.

Finally, this amendment seeks to forge stronger partnerships between LGUs and their HOAs, resulting in a more inclusive decision-making process in matters of mutual concern.

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



BRIAN RAYMUND S. YAMSUAN
Representative
2nd District of Parañaque

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ANNUAL PUBLIC CONSULTATIONS WITH MEMBERS OF HOMEOWNERS
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*Be it enacted by the Senate and House of Representatives of the Philippines in
Congress assembled:*

SECTION 1. Section 18 of Republic Act No. 9904, otherwise known as the "Magna Carta for Homeowners and Homeowners' Associations" is amended to read as follows:

“Section 18. Relationship with LGUs. - Homeowners’ associations shall complement, support and strengthen LGUs in providing vital services to their members and help implement local government policies, programs, ordinances, and rules.

Associations are encouraged to actively cooperate with LGUs in furtherance of their common goals and activities for the benefit of the residents of the subdivisions/villages and their environs.

Where the LGUs lack resources to provide for basic services, the associations shall endeavor to tap the means to provide for the same. In recognition of the associations’ efforts to assist the LGUs in providing such basic services, association dues and income derived from rentals of their facilities shall be tax-exempt: *Provided*, That such income and dues shall be used for the cleanliness, safety, security and other basic services needed by the members, including the maintenance of the facilities of their respective subdivisions or villages.

LGUs shall, upon due notice, hold public consultations with the members of the affected associations, especially their officers and directors, where proposed rules, zoning and other ordinances, projects and/or programs affecting their jurisdiction and surrounding vicinity are to be implemented prior to the effectivity or implementation of such rules, zoning, ordinances, projects or programs: Provided, that in cases of zonal reclassification, the approval of a simple majority of homeowners shall be required.

Such public consultations shall conform to the manner as specified in Rule XI, Article 54 of the implementing rules and regulations of Republic Act No. 7160, otherwise known as the Local Government Code of 1991.

MOREOVER, LGUS SHALL CONDUCT BI-ANNUAL PUBLIC CONSULTATIONS WITH THE MEMBERS OF HOMEOWNERS' ASSOCIATIONS WITHIN THEIR JURISDICTION TO GATHER FEEDBACK, SUGGESTIONS, AND INPUTS ON MATTERS OF MUTUAL CONCERN, INCLUDING BUT NOT LIMITED TO PROPOSED PROGRAMS, PROJECTS, AND OTHER ISSUES IMPACTING LOCAL COMMUNITIES.

EACH LGU SHALL, IN COORDINATION WITH THE RELEVANT HOMEOWNERS' ASSOCIATIONS, SET A SCHEDULE FOR THESE BI-ANNUAL PUBLIC CONSULTATIONS. PROPER NOTICE OF THE MEETING, ALONG WITH A PRELIMINARY AGENDA, SHALL BE PROVIDED TO THE HOMEOWNERS ASSOCIATIONS AT LEAST TWO (2) WEEKS PRIOR TO THE SCHEDULED CONSULTATION. THE CONSULTATIONS SHALL BE HELD IN A PUBLIC VENUE ACCESSIBLE TO MEMBERS OF HOMEOWNERS' ASSOCIATIONS.

DOCUMENTATION OF EACH MEETING, INCLUDING MINUTES AND ACTION PLANS, SHALL BE MADE PUBLICLY AVAILABLE WITHIN THIRTY (30) DAYS AFTER EACH CONSULTATION. THE DOCUMENTATION SHALL OUTLINE, AMONG OTHERS, THE ISSUES DISCUSSED, FEEDBACK RECEIVED, AND THE LGU'S INTENDED COURSE OF ACTION.

NON-COMPLIANCE WITH THIS REQUIREMENT MAY RESULT IN ADMINISTRATIVE SANCTIONS AS PROVIDED UNDER THE LOCAL GOVERNMENT CODE AND RELEVANT LAWS AND REGULATIONS.”

SECTION 2. Implementing Rules and Regulations. — The Department of the Interior and Local Government (DILG) shall, within sixty (60) days from the effectivity of this Act, promulgate the rules and regulations necessary to implement the provisions of this Act.

SECTION 3. Repealing Clause. — All laws, executive orders, decrees, rules,

regulations, and other issuances, or parts thereof, inconsistent with this Act are hereby repealed or modified accordingly.

SECTION 4. 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,