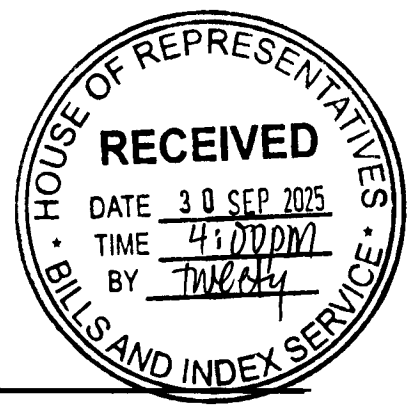


HOUSE OF REPRESENTATIVES
House Bill. No. 5011



BY REPRESENTATIVE SUN J. SHIMURA

1 **AN ACT PRESCRIBING A CODE OF CONDUCT FOR THE EVICTION OF**
2 **UNDERPRIVILEGED AND HOMELESS CITIZENS OR THE DEMOLITION OF**
3 **THEIR DWELLINGS, PROVIDING PENALTIES FOR VIOLATION THEREOF,**
4 **AND APPROPRIATING FUNDS THEREFOR, AMENDING FOR THE**
5 **PURPOSE REPUBLIC ACT NUMBERED 7279, OTHERWISE KNOWN AS**
6 **THE "URBAN DEVELOPMENT AND HOUSING ACT OF 1992"**

7
8 **EXPLANATORY NOTE**

9 **I. Legislative History**

10
11 This bill represents a critical and continuous effort to institutionalize a **Code**
12 **of Conduct for the eviction and demolition of dwellings of**
13 **underprivileged and homeless citizens**. The measure has a history
14 spanning multiple Congresses, demonstrating its enduring necessity and
15 bipartisan support.

16
17 A version of this measure, House Bill (HB) No. 5266, was originally filed by
18 then Representative Jose Christopher Y. Belmonte in the **16th Congress**. The
19 bill underwent thorough deliberation and was consolidated with similar
20 proposals: HB Nos. 182, 904, 2618, 2791, 2824, and the original 5266. The
21 legislative process included considering House Resolution No. 120 and
22 Privileged Speeches Nos. 0005 (July 30, 2014) and 0131 (January 29,
23 2014). This consolidated version was eventually adopted in **Committee**
24 **Report No. 1025 on February 3, 2016**, during the 16th Congress.

25
26 The same version was subsequently **filed again in the 17th Congress** and
27 refiled as HB No. 4125 in the **18th Congress**, remaining under deliberation
28 across all terms.

29
30 Now, through the initiative of **Representative Sun J. Shimura**, in
31 coordination with the Presidential Commission for the Urban Poor, this bill is
32 refiled in the **20th Congress** to finally pass and institutionalize this crucial
33 human rights safeguard.
34

II. Statement of Urgency and Constitutional Basis

The importance of this bill in the pursuit of **social justice for informal settler families (ISFs)** cannot be over-emphasized.

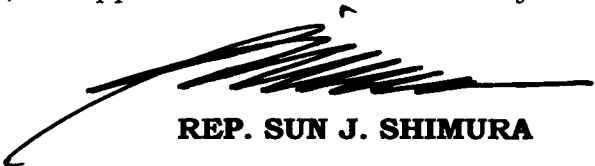
This measure is anchored in **Section 10, Article XIII of the 1987 Constitution**, which strictly provides that "urban and rural poor dwellers shall not be evicted nor their dwellings demolished, except in accordance with law and in a just and humane manner".

Pursuant to this constitutional mandate, **Section 28 of Republic Act No. 7279**, otherwise known as the "**Urban Development and Housing Act (UDHA) of 1992**", already stresses that eviction or demolition as a practice shall be discouraged. Eviction or demolition is only allowed under three specific situations: (a) when persons occupy danger areas, (b) when government infrastructure projects with available funding are about to be implemented, or (c) when there is a court order.

III. The Need for Stronger Safeguards

Despite these existing legal provisions in the Constitution and the UDHA, **violence still erupts** during the conduct of evictions and demolitions involving ISFs. This unfortunately leads to instances of severe injuries and sometimes, loss of lives, especially among the poor and vulnerable dwellers. Moreover, these instances of violence are often publicized in local, national, and international media, which reflects negatively on the country's reputation as a signatory to various human rights covenants and agreements. This bill aims to **strengthen the safeguards** already provided for under Section 28 of the UDHA. It mandates the calling of an **Inter-Agency Pre-Eviction or Pre-Demolition Conference** to coordinate all relevant stakeholders and government agencies tasked to provide the basic needs of the ISFs. This practice of peaceful dialogue guarantees an inclusive process that brings together conflicting opinions, with the ultimate goal of ensuring that all forms of aggression related to demolition and eviction are **reduced, if not eliminated**.

In view of the foregoing reasons and the persistent need to codify a humane and just procedure for property regulation, the approval of this bill is earnestly sought.



REP. SUN J. SHIMURA

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1 **AN ACT PRESCRIBING A CODE OF CONDUCT FOR THE EVICTION OF**
2 **UNDERPRIVILEGED AND HOMELESS CITIZENS OR THE DEMOLITION OF**
3 **THEIR DWELLINGS, PROVIDING PENALTIES FOR VIOLATION THEREOF,**
4 **AND APPROPRIATING FUNDS THEREFOR, AMENDING FOR THE**
5 **PURPOSE REPUBLIC ACT NUMBERED 7279, OTHERWISE KNOWN AS**
6 **THE "URBAN DEVELOPMENT AND HOUSING ACT OF 1992"**
7

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

10 **SECTION 1.** Section 28 of Republic Act Numbered 7279 is hereby amended
11 to read as follows:

12 **"Sec. 28. Eviction and Demolition.** - Eviction or demolition as a practice
13 shall be discouraged. [Eviction or demolition, however, may be allowed
14 under the following situations:]
15

16 a. **EVICTION OR DEMOLITION, WHEN ALLOWED.** - EVICTION OR
17 DEMOLITION MAY BE ALLOWED UNDER THE FOLLOWING SITUATIONS:

18 [(a)] **1.** When persons or entities occupy a danger area [s such as *esteros*,
19 railroad tracks, garbage dumps, riverbanks, shorelines, waterways, and other
20 public places such as sidewalks, roads, parks, and playgrounds] **OR HIGH**
21 **RISK AREA WHICH POSES A HIGH LEVEL OF THREAT TO PUBLIC**
22 **WELFARE AND SAFETY THAT CANNOT BE ADDRESSED THROUGH OR**
23 **REMEDIED BY SCIENTIFIC, PHYSICAL, AND ENGINEERING METHODS**
24 **AND, THEREBY, UNSUITABLE FOR SETTLEMENT AND PERMANENT**
25 **STRUCTURES: PROVIDED, THAT AN AREA CAN ONLY BE DECLARED AS**
26 **A DANGER AREA OR HIGH RISK AREA THROUGH AN APPROPRIATE**
27 **TECHNICAL STUDY AND ADEQUATE PUBLIC CONSULTATION WITH THE**
28 **AFFECTED PERSONS OR ENTITIES;**
29

30 [(b)] **2.** When government infrastructure projects with available funding are
31 about to be implemented: **PROVIDED, THAT THE AGENCY WHICH SEEKS**
32 **TO IMPLEMENT THE EVICTION OR DEMOLITION SHALL ESTABLISH**
33 **THE PURPOSE OF THE PROPOSED PROJECT AND THE BUDGET**
34 **PERTAINING TO IT UPON ITS APPLICATION TO THE PRESIDENTIAL**
35 **COMMISSION FOR THE URBAN POOR FOR AN EVICTION OR**
36 **DEMOLITION CERTIFICATE OF COMPLIANCE;**

37 [or] **AND**
38

39 [(c)] **3.** When there is a court order for eviction and demolition: **PROVIDED,**
40 **HOWEVER, THAT NO EXECUTION OF EVICTION OR DEMOLITION**

1 **ORDER SHALL PROCEED AND BE CARRIED OUT DURING THE**
2 **PENDENCY OF AN APPEAL, NOTWITHSTANDING THE FAILURE TO FILE**
3 **A SUPERSEDEAS BOND TO STAY THE EXECUTION OF THE ORDER IF**
4 **THE APPELLANT IS AN UNDERPRIVILEGED AND HOMELESS CITIZEN.**

5 [In the execution of eviction or demolition orders involving underprivileged
6 and homeless citizens, the following shall be mandatory:]
7

8 b. MANDATORY REQUIREMENTS BEFORE THE CONDUCT OF EVICTION OR
9 DEMOLITION. - NO EVICTION OR DEMOLITION ACTIVITIES INVOLVING
10 UNDERPRIVILEGED AND HOMELESS CITIZENS SHALL BE EXECUTED
11 ABSENT COMPLIANCE WITH THE FOLLOWING MANDATORY
12 REQUIREMENTS:
13

14 1. CONDUCT OF SOCIAL PREPARATION ACTIVITIES RELATED TO
15 ASSET REFORM, HUMAN DEVELOPMENT AND BASIC SERVICES,
16 EMPLOYMENT AND LIVELIHOOD, AND OTHER PROGRAMS OF THE
17 GOVERNMENT FOR THE AFFECTED UNDERPRIVILEGED AND
18 HOMELESS CITIZENS;

19 [(1)] 2. Notice upon the effected persons or entities at least thirty (30) days
20 prior to the date of eviction or demolition;

21 [(2)] 3. Adequate consultations on the matter of resettlement with the duly
22 designated representatives of the families to be resettled and the affected
23 communities in the areas where they are to be relocated: **PROVIDED, THAT**
24 **A CONSULTATION IN THE FORM OF AN INTER-AGENCY PRE-EVICTION**
25 **OR PRE-DEMOLITION CONFERENCE WITH THE AFFECTED**
26 **UNDERPRIVILEGED AND HOMELESS CITIZENS SHALL BE CONVENED**
27 **BY THE NATIONAL GOVERNMENT AGENCY OR THE LOCAL**
28 **GOVERNMENT UNIT AUTHORIZED TO EVICT OR DEMOLISH AND THE**
29 **SAME SHALL BE COMPLIED WITH UNDER THE FOLLOWING**
30 **CONDITIONS:**
31

32 i. THE LOCAL PHILIPPINE NATIONAL POLICE PERSONNEL,
33 WHOSE FUNCTION IS TO PROVIDE LAW ENFORCEMENT
34 AND CIVIL DISTURBANCE CONTROL BUT NOT TO
35 PARTICIPATE IN THE PHYSICAL DISMANTLING OF ANY
36 STRUCTURE, SHALL ACTIVELY PARTICIPATE IN THE
37 CONSULTATION PROCESS AND THEIR ROLE SHALL BE
38 CLEARLY SET FORTH;
39

40 ii. THE FOLLOWING AGENCIES SHALL BE REPRESENTED
41 DURING THE INTERAGENCY PRE-EVICTION OR PRE-
42 DEMOLITION CONFERENCE WITH THE AFFECTED
43 UNDERPRIVILEGED AND HOMELESS CITIZENS: THE
44 DEPARTMENT OF HUMAN SETTLEMENTS AND URBAN
45 DEVELOPMENT, THE DEPARTMENT OF INTERIOR AND
46 LOCAL GOVERNMENT, THE DEPARTMENT OF SOCIAL
47 WELFARE AND DEVELOPMENT, THE DEPARTMENT OF
48 EDUCATION, THE DEPARTMENT OF PUBLIC WORKS
49 AND HIGHWAYS, THE NATIONAL HOUSING AUTHORITY,

1 THE PRESIDENTIAL COMMISSION FOR THE URBAN
2 POOR, THE DEPARTMENT OF HEALTH, THE
3 COMMISSION ON HUMAN RIGHTS, APPROPRIATE KEY
4 SHELTER AGENCIES, AND THE BARANGAY
5 CONCERNED;

6
7 iii. THE INTER-AGENCY PRE-EVICTION OR PRE-
8 DEMOLITION CONFERENCE WITH THE AFFECTED
9 UNDERPRIVILEGED AND HOMELESS CITIZENS SHALL
10 BE PRESIDED BY THE DEPARTMENT OF HUMAN
11 SETTLEMENTS AND URBAN DEVELOPMENT AND THE
12 PRESIDENTIAL COMMISSION FOR THE URBAN POOR,
13 WHICH MAY CALL ON THE ASSISTANCE OF OTHER
14 AGENCIES WHENEVER NECESSARY;

15
16 iv. THE DETAILS OF THE INTER-AGENCY PRE-EVICTION OR
17 PRE-DEMOLITION CONFERENCE WITH THE AFFECTED
18 UNDERPRIVILEGED AND HOMELESS CITIZENS SHALL
19 BE DOCUMENTED OR RECORDED, AND A SUMMARY OF
20 THE POINTS OF THE AGREEMENTS ARRIVED AT AS
21 WELL AS THE DISAGREEMENTS THEREON SHALL FORM
22 PART OF THE DOCUMENTATION, COPIES OF WHICH
23 SHALL BE PROVIDED TO ALL THE STAKEHOLDERS
24 PRESENT; AND

25
26 v. THE INTER-AGENCY PRE-EVICTION OR PRE-
27 DEMOLITION CONFERENCE WITH THE AFFECTED
28 UNDERPRIVILEGED AND HOMELESS CITIZENS SHALL
29 BE CONDUCTED NOT LATER THAN SEVENTY-TWO (72)
30 HOURS PRIOR TO THE INTENDED DATE OF EVICTION
31 OR DEMOLITION, AND IN NO CASE SHALL THE
32 CONFERENCE BE HELD WITHIN THE SAME
33 PRESCRIPTIVE PERIOD: PROVIDED, THAT A REQUEST
34 FOR POLICE ASSISTANCE SHALL BE ACCOMPANIED BY
35 A CERTIFICATION FROM THE DEPARTMENT OF HUMAN
36 SETTLEMENTS AND URBAN DEVELOPMENT AND THE
37 PRESIDENTIAL COMMISSION FOR THE URBAN POOR
38 THAT AN INTER-AGENCY PREEVICTION OR PRE-
39 DEMOLITION CONFERENCE WITH THE AFFECTED
40 UNDERPRIVILEGED AND HOMELESS CITIZENS WAS
41 CONDUCTED;

42
43 4. A CERTIFICATE OF COMPLIANCE SECURED FROM THE PRESIDENTIAL
44 COMMISSION FOR THE URBAN POOR PRIOR TO THE ACTUAL
45 IMPLEMENTATION OF THE EVICTION OR DEMOLITION ACTIVITY;

46
47 5. SUBMISSION TO THE BARANGAY OFFICIALS OF THE FOLLOWING:

48
49 i. CERTIFICATE OF COMPLIANCE;

- 1 ii. NAMES OF ALL PERSONNEL, STAFF, AND CREW TAKING PART IN
2 THE EVICTION OR DEMOLITION ACTIVITY, INCLUDING PRIVATE
3 SECURITY, AND THE NAMES OF THE PHILIPPINE NATIONAL POLICE
4 PERSONNEL ASSIGNED TO MAINTAIN LAW AND ORDER;
5 iii. NOTICE OF THE DATE OF DEMOLITION WHICH SHALL BE AT
6 LEAST FIVE (5) CALENDAR DAYS FROM SUCH NOTICE; AND
7 iv. LIST OF OFFICERS OF THE AGENCIES FORMING PART OF THE
8 INTERAGENCY BODY CONVENED TO EXTEND SUPPORT AND
9 ASSISTANCE.

10
11 [[3]] **6.** Presence of local government officials or their representatives during
12 eviction or demolition;

13
14 [[4]] **7.** Proper identification of all persons taking part in the demolition;

15
16 [[5]] **8.** Execution of eviction or demolition only during regular office hours
17 from Mondays to Fridays and during good weather, unless the affected
18 families consent otherwise;

19
20 [[6]] **9.** No use of heavy equipment for demolition except for structures that
21 are permanent and of concrete materials;

22
23 [[7]] **10.** Proper uniforms for members of the Philippine National Police who
24 shall occupy the first line of law enforcement and observe proper disturbance
25 control procedures;

26
27 **11. OBSERVANCE OF A MINIMUM STANDARD OF CONDUCT BASED ON**
28 **RULES OF ENGAGEMENT THAT APPLY MAXIMUM TOLERANCE IN ORDER**
29 **TO PREVENT THE OUTBREAK OF VIOLENCE OR THE ESCALATION**
30 **THEREOF;**

31
32 [[8]] **12.** Adequate relocation, whether temporary or permanent: Provided,
33 however, That in cases of eviction and demolition pursuant to a court order
34 involving underprivileged and homeless citizens, relocation shall be
35 undertaken by the local government unit concerned and the National Housing
36 Authority with the assistance of other government agencies within forty-five
37 (45) days from service of notice of final judgment by the court, after which
38 period the said order shall be executed: Provided, further, That should
39 relocation not be possible within the said period, financial assistance in the
40 amount equivalent to the prevailing minimum daily wage multiplied by sixty
41 (60) days shall be extended to the affected families by the local government
42 unit concerned.

43
44 **OBSERVANCE OF THE ABOVE REQUIREMENTS SHALL BE MANDATORY**
45 **IN ALL CASES INVOLVING THE EVICTION AND DEMOLITION OF**
46 **UNDERPRIVILEGED AND HOMELESS CITIZENS, REGARDLESS OF**
47 **WHETHER OR NOT THEIR DWELLINGS OR RESIDENTIAL STRUCTURES**
48 **WERE CONSTRUCTED AFTER THE EFFECTIVITY OF THIS ACT.**

1 [The Department of Interior and Local Government and the Housing and
2 Urban Development Coordinating Council shall jointly promulgate the
3 necessary rules and regulations to carry out the above provision.]
4

5 c. PROHIBITION AGAINST EVICTION BY THE CONSTRUCTION OF A FENCE
6 ENCLOSING A PROPERTY INHABITED BY UNDERPRIVILEGED AND
7 HOMELESS CITIZENS WHICH IS RAZED TO THE GROUND BY A FIRE OR
8 RUINED BY A NATURAL CALAMITY. - **NO PERSON SHALL SECURE OR**
9 **BUILD A PERIMETER FENCE ON AN AREA OR PROPERTY INHABITED BY**
10 **UNDERPRIVILEGED AND HOMELESS CITIZENS AFTER THE SAME IS**
11 **RAZED TO THE GROUND BY A FIRE OR RUINED BY A NATURAL**
12 **CALAMITY: PROVIDED, THAT THE FENCING OF THE PROPERTY SHALL**
13 **BE ALLOWED IF THE PERSON CAUSING THE FENCING CAN SHOW A**
14 **DULY-SIGNED COURT ORDER ALLOWING THE SAME.**
15

16 d. DESIGNATION OF A CENTRAL COORDINATING BODY FOR EVICTION
17 AND DEMOLITION. THE PRESIDENTIAL COMMISSION FOR THE URBAN
18 **POOR IS HEREBY DESIGNATED AS THE CENTRAL COORDINATING**
19 **BODY FOR THE CONDUCT OF EVICTION AND DEMOLITION ACTIVITIES**
20 **INVOLVING UNDERPRIVILEGED AND HOMELESS CITIZENS. IT SHALL**
21 **EXERCISE THE FOLLOWING POWERS AND FUNCTIONS:**
22

23 1. MONITOR ALL EVICTIONS AND DEMOLITIONS, WHETHER EXTRA-
24 JUDICIAL OR COURT-ORDERED, INVOLVING UNDERPRIVILEGED
25 AND HOMELESS CITIZENS;
26

27 2. REQUIRE A GOVERNMENT AGENCY OR LOCAL GOVERNMENT
28 UNIT PROPOSING TO UNDERTAKE EVICTION OR DEMOLITION
29 ACTIVITIES TO SECURE FIRST FROM THE PRESIDENTIAL
30 COMMISSION FOR THE URBAN POOR CENTRAL OFFICE, IN THE
31 CASE OF NATIONAL PROJECTS, OR FROM ITS REGIONAL OFFICE, IN
32 THE CASE OF LOCAL PROJECTS, THE CHECKLIST AND GUIDELINES
33 FOR THE NATIONAL PROJECTS OR LOCAL PROJECTS,
34 RESPECTIVELY, ON EVICTION OR DEMOLITION PRIOR TO THE
35 ACTUAL IMPLEMENTATION THEREOF AND, SUBSEQUENTLY,
36 SUBMIT TO THE PRESIDENTIAL COMMISSION FOR THE URBAN
37 POOR THE COMPLETED CHECKLIST, ATTESTED TO UNDER OATH
38 BY THE PROPONENT INDICATING THAT:
39

- 40 i. ADEQUATE CONSULTATION WITH THE AFFECTED FAMILIES
41 HAVE ALREADY BEEN UNDERTAKEN;
42 ii. ADEQUATE RESETTLEMENT SITE AND RELOCATION
43 FACILITIES ARE AVAILABLE; AND
44 iii. THE PRE-RELOCATION REQUIREMENTS HAVE BEEN
45 COMPLIED WITH.
46

47 3. REVIEW THE BASIS FOR APPLICATION FOR THE CONDUCT OF
48 EVICTION OF UNDERPRIVILEGED AND HOMELESS CITIZENS OR
49 THE DEMOLITION OF THEIR **DWELLINGS IN A DANGER AREA OR**

HIGH RISK AREA, OR IN AN AREA WHERE A GOVERNMENT INFRASTRUCTURE PROJECT WITH AVAILABLE FUNDING IS ABOUT TO BE IMPLEMENTED;

4. BASED ON THE COMPLETED CHECKLIST, SUBJECT TO FURTHER VERIFICATION, AND THE REVIEW OF THE BASIS FOR APPLICATION FOR EVICTION OR DEMOLITION IN THE PRECEDING SUB-PARAGRAPH, ISSUE A DEMOLITION AND EVICTION CERTIFICATE OF COMPLIANCE TO THE ENDORSER OF A PROPOSED EVICTION OR DEMOLITION INVOLVING UNDERPRIVILEGED AND HOMELESS CITIZENS;

5. INITIATE, IN COORDINATION WITH RELEVANT GOVERNMENT AGENCIES, RULES OF ENGAGEMENT IN THE IMPLEMENTATION OF EVICTION OR DEMOLITION BASED ON MAXIMUM TOLERANCE;

6. INVESTIGATE MOTU PROPRIO OR UPON COMPLAINT BY ANY PARTY, ANY VIOLATION OF THE PROVISIONS OF SUBSECTIONS A, B, AND C HEREOF OR THE RULES AND REGULATIONS ISSUED TO IMPLEMENT THEM;

7. FILE MOTU PROPRIO OR BY WAY OF ASSISTANCE TO ANY AGGRIEVED PARTY, THE APPROPRIATE CRIMINAL, CIVIL OR ADMINISTRATIVE CASE AGAINST ANY PERSON OR PERSONS FOUND TO HAVE VIOLATED THE PROVISIONS OF SUBSECTIONS A, B, AND C HEREOF OR THE RULES AND REGULATIONS ISSUED TO IMPLEMENT THEM;

8. RECOMMEND TO THE PRESIDENT APPROPRIATE MEASURES FOR THE IMPLEMENTATION AND ENFORCEMENT OF THIS SECTION AND THE RULES AND REGULATIONS ISSUED TO IMPLEMENT THEM, INCLUDING POSSIBLE ADMINISTRATIVE SANCTIONS AGAINST NATIONAL OR LOCAL GOVERNMENT OFFICIALS WHO HAVE VIOLATED THE SAID LAW, RULES AND REGULATIONS;

9. REQUEST ANY GOVERNMENT AGENCY FOR ASSISTANCE AND NECESSARY INFORMATION IN THE DISCHARGE OF THEIR RESPECTIVE FUNCTIONS UNDER THIS ACT;

10. PUBLICIZE MATTERS COVERED BY ITS INVESTIGATION OF VIOLATIONS OF THE PROVISIONS OF SUBSECTIONS A, B, AND C HEREOF OR THE RULES AND REGULATIONS ISSUED TO IMPLEMENT THEM, WHEN CIRCUMSTANCES SO WARRANT AND WITH DUE PRUDENCE: PROVIDED, HOWEVER, THAT THE PRESIDENTIAL COMMISSION FOR THE URBAN POOR SHALL, UNDER THE RULES AND REGULATIONS THAT SHALL HEREAFTER BE PROMULGATED, DETERMINE WHAT CASES MAY NOT BE MADE PUBLIC: PROVIDED, FURTHER, THAT ANY PUBLICITY ISSUED BY

1 THE PRESIDENTIAL COMMISSION FOR THE URBAN POOR SHALL BE
2 BALANCED, FAIR AND TRUE;

3
4 11. ADMINISTER OATHS, ISSUE SUBPOENA AND SUBPOENA DUCES
5 TECUM, AND TAKE THE TESTIMONIES OF WITNESSES IN THE
6 COURSE OF ITS INVESTIGATION;

7
8 12. ADOPT ITS OWN OPERATIONAL GUIDELINES AND RULES OF
9 PROCEDURES, AS WELL AS RULES AND REGULATIONS NOT
10 OTHERWISE INCONSISTENT WITH EXISTING LAWS, RULES AND
11 REGULATIONS, TO EFFECTIVELY CARRY OUT ITS MANDATE; AND

12
13 13. PERFORM SUCH OTHER FUNCTIONS AS MAY HEREAFTER BE
14 PROVIDED BY LAW. **FOR THIS PURPOSE, THE PRESIDENTIAL**
15 **COMMISSION FOR THE URBAN POOR SHALL DESIGNATE**
16 **ADDITIONAL PERSONNEL TO CARRY OUT ITS MANDATE.**

17
18 e. PENALTY FOR VIOLATION. - ANY PERSON WHO VIOLATES
19 SUBSECTIONS A, B, AND C HEREOF SHALL BE IMPOSED THE PENALTY
20 OF NOT MORE THAN SIX (6) YEARS OR IMPRISONMENT OR A FINE OF NOT
21 LESS THAN TWENTY-FIVE THOUSAND PESOS (P25,000) BUT NOT MORE
22 THAN ONE HUNDRED THOUSAND PESOS (P100,000), OR BOTH, AT THE
23 DISCRETION OF THE COURT: PROVIDED, THAT, IF THE OFFENDER IS A
24 CORPORATION, PARTNERSHIP, ASSOCIATION, OR THE GOVERNMENT OR
25 ANY OF ITS POLITICAL SUBDIVISIONS, INSTRUMENTALITIES OR
26 AGENCIES, INCLUDING GOVERNMENT-OWNED OR -CONTROLLED
27 CORPORATIONS, OR OTHER JURIDICAL ENTITIES, THE PENALTY SHALL
28 BE IMPOSED ON THE OFFICER OR OFFICERS OF SAID CORPORATION,
29 PARTNERSHIP, ASSOCIATION, GOVERNMENT ENTITY, OR JURIDICAL
30 ENTITY WHO CAUSED THE VIOLATION."

31
32 **SEC. 2.** Section 46 of Republic Act Numbered 7279 is also amended to read
33 as follows: "**Sec. 46. Appropriations.** The amount necessary to carry out the
34 purpose of this Act shall be included in the annual budget of implementing
35 agencies in the General Appropriations Act [of the year following its enactment
36 into law and every year thereafter]."

37
38 **SEC. 3. Implementing Rules and Regulations.** - Within one hundred
39 twenty (120) days from the effectivity of this Act, the Housing and Urban
40 Development Coordinating Council, Department of the Interior and Local
41 Government, and Presidential Commission for the Urban Poor shall, in
42 consultation with non-government organizations, people's organizations, and
43 the private sector, jointly promulgate the rules and regulations implementing
44 the provisions of this Act.

45
46 **SEC. 4. Separability Clause.** - If any provision of this Act is declared
47 unconstitutional, the remainder of this Act or any provision not affected
48 thereby shall remain in full force and effect.

1 **SEC. 5. *Repealing Clause.*** All laws, executive orders, presidential decrees,
2 proclamations, rules, regulations, issuances, and enactments or parts thereof
3 inconsistent with this Act are hereby repealed or modified accordingly.

4
5 **SEC. 6. *Effectivity.*** This Act shall take effect fifteen (15) days after its
6 publication in the Official Gazette or in a newspaper of general circulation.

7
8 **Approved,**