

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

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 5882



Introduced by Representative LEILA M. DE LIMA

AN ACT
AMENDING SECTION 6, PARAGRAPH IV (D) OF REPUBLIC ACT NO. 12216,
OTHERWISE KNOWN AS THE "NATIONAL HOUSING AUTHORITY ACT," BY
DELETING THE PROVISION ON THE POWER TO SUMMARILY EVICT
INFORMAL SETTLER FAMILIES AND ILLEGAL OCCUPANTS

EXPLANATORY NOTE

The right to housing is not a matter of administrative convenience; it is a fundamental human right recognized by our Constitution and international laws. The National Housing Authority must remain a builder of homes, not an instrument of homelessness.

Section 6, Sub-section IV(d) of Republic Act No. 12216, or the "National Housing Authority (NHA) Act", presently authorizes the NHA to "summarily eject and dismantle, without the necessity of judicial order, any and all informal settler families, as well as any illegal occupant" in NHA-administered projects and properties.

This clause is legally defective, substantively inconsistent, and fundamentally unjust. It is a rider provision — inserted without proper relation to the subject matter of Section 6, Sub-section IV(d), which pertains solely to the collection and recovery of indebtedness and obligations. Legislative records reveal that the House-approved version, House Bill No. (HBN) 10172 of the 19th Congress, did not contain such a clause. Its eventual appearance in the law as it is now written, appears to be the product of legislative inadvertence. Senate Bill No. (SBN) 2818 was transmitted to the House of Representatives (HoR) on February 03, 2025 for its concurrence, which on the same day, the HoR adopted in haste SBN 2818 as an amendment to HBN 10172¹.

Beyond its procedural irregularity, this provision runs counter with the very mandate of the NHA. Presidential Decree No. 757 established the NHA as the government's principal agency in charge of implementing housing programs. Its

¹ Senate of the Philippines. Legislative History of SBN2818. Retrieved from:
https://web.senate.gov.ph/lis/bill_res.aspx?congress=19&q=SBN-2818

original charter clearly defined NHA's policymaking and enforcement functions in the field of government housing.²

As a government-owned and controlled corporation (GOCC), the NHA serves as the sole national government agency responsible for direct shelter production and the implementation of a comprehensive national housing program. Under Republic Act (RA) No. 12216, NHA's mandate was expanded and clarified. Under this law, the NHA is expressly tasked to develop and implement a comprehensive, integrated, and affordable housing program.³

While the NHA operates as a corporate entity, its functions are inherently public in character. It fulfills a crucial social role by developing and executing programs related to shelter production, resettlement, and housing finance. RA No. 12216 broadened the NHA's powers and responsibilities beyond those provided under its original charter, directing it not only to formulate and implement integrated housing programs but also to sustain affordable, inclusive, and resilient communities through innovative housing solutions.

Given this legislative intent, the grant of authority under Section 6, Sub-section IV(d) of the same law, empowering the NHA to "summarily eject and dismantle, without the necessity of judicial order, any and all informal settler families, as well as any illegal occupant" in its properties, appears inconsistent with both the spirit and purpose of the statute. This provision, which confers upon the NHA the power to carry out extrajudicial evictions and demolitions, runs counter to the expanded social housing mandate of the agency.

Furthermore, the said provision is not aligned with RA No. 7279, or the "Urban Development and Housing Act (UDHA)", which allows eviction or demolition only in three specific instances, namely : (1) when the area is a danger zone; (2) when a government infrastructure project with available funding is to be implemented; or (3) when a valid court order has been issued⁴. RA No. 12216 does not expressly repeal or amend any part of the UDHA, and therefore the two laws must be read in harmony. Allowing the NHA to conduct extrajudicial evictions would effectively circumvent the due process safeguards established under RA No. 7279 or the UDHA.

Beyond statutory inconsistency, the provision also conflicts with the constitutional framework of social justice and human rights, which directs the State to undertake, in cooperation with the private sector, a continuing program of urban land reform and housing which will make available at affordable cost decent housing and basic services to underprivileged and homeless citizens.⁵

Furthermore, as a signatory to the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Philippines is bound by international law to protect every person's right to adequate housing and security of tenure⁶. The United Nations

² Section 6. Presidential Decree No. 757 (July 31, 1975)

³ Section 3. Republic Act No. 12216 (May 29, 2025)

⁴ Section 28. Republic Act No. 7279 (March 24, 1992)

⁵ Article XIII, Section 13, 1987 Constitution (January 3, 1976)

⁶ Article 11, International Covenant on Economic, Social and Cultural Rights (ICESCR)

Committee on Economic, Social and Cultural Rights, in *Infante Díaz v. Spain*⁷, has made it clear that forced evictions are *prima facie* incompatible with the Covenant, and that States must ensure alternative housing before any displacement is carried out.

NHA's authority to conduct summary evictions and demolitions, as provided under RA No. 12216, stands in tension with these constitutional and international obligations. It risks undermining the State's duty to protect the right to housing and to pursue urban development with compassion, justice, and due regard for human dignity.

In light of the foregoing, this bill seeks to repeal the proviso in Section 6, Subsection IV(d) of Republic Act No. 12216, which grants the National Housing Authority the power to summarily and extrajudicially evict and demolish occupants from its projects and properties.

The proposed amendment aims to restore consistency in our housing laws, uphold the due process guarantees of the Constitution, and ensure alignment with international human rights standards. It likewise reaffirms the true mandate of the NHA — to serve as a builder of homes and communities, not as an agent of eviction and displacement.

In the name of social justice, legislative prudence, and constitutional fidelity, the immediate passage of this measure is earnestly sought.



LEILA M. DE LIMA

⁷ *Infante Díaz v. Spain*, Communication No. 134/2019 - The UN Committee on ICESCR. (2 May 2023).

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

1 SECTION 1. Section 6, paragraph IV(d) of Republic Act No. 12216, otherwise
2 known as the "National Housing Authority Act," is hereby amended to read, as follows:

3
4 "SEC. 6. Powers and Functions of the Authority. – The Authority shall
5 exercise the following powers and functions:

6
7 xxx

8
9 IV. Asset Management and Business Development

10
11 xxx

12
13 (d) Ensure the collection and recovery of all indebtedness, liabilities,
14 and accountabilities with the right to demand payment due from all obligors,
15 whether public or private. In case of failure or refusal of the obligor or debtor to
16 comply with the demand, the Authority shall initiate and institute the necessary
17 actions or suits, criminal, civil, administrative, or otherwise, before the courts,
18 tribunals, commissions, boards or bodies of proper jurisdiction.

19
20 The Authority may compromise or release, in whole or in part, any
21 interest, penalty, or obligation in connection with the collection of amortizations
22 from its awardees [;]. ~~Provided, That the Authority shall have the power to~~
23 ~~summarily eject and dismantle, without the necessity of judicial order,~~
24 ~~any and all informal settler families, as well as any illegal occupant in any~~
25 ~~homelot, apartment, or dwelling unit from government resettlement~~

1 ~~projects, as well as properties owned or administered by it. In all these~~
2 ~~cases, proper notice of ejectment, either by personal service or by~~
3 ~~posting the same on the lot or door of the apartment, as the case may be,~~
4 ~~shall be given to the informal settler family or illegal occupant concerned~~
5 ~~at least ten (10) days before the scheduled ejectment from the premises.~~
6 ~~In the exercise of such power, the Authority shall promulgate guidelines~~
7 ~~for the implementation of the eviction and dismantling process.” xxx~~
8

9 SEC. 2. *Repealing Clause.* – Any law, presidential decree or issuance,
10 executive order, letter of instruction, rule or regulation inconsistent with the provisions
11 of this Act is hereby repealed or modified accordingly.
12

13 SEC. 3. *Effectivity.* – This Act shall take effect fifteen (15) days following its
14 publication in the Official Gazette or in two (2) newspapers of general circulation in the
15 Philippines

Approved,