

minimized by the presence of Timber License Agreement holders.

Therefore, because of these above observations, I vote in the negative.

EXPLANATION OF VOTE OF SENATOR LAUREL

Senator Laurel. I realize that this logging ban is complete. The ban is against total commercial logging. I realize also that this will affect adversely many people, particularly those already engaged in the business of logging, and also those employed by these concessionaires. However, in the national interest, I vote in favor of the complete commercial logging ban. By national interest, I mean the long-range national interest--the interest of the great majority of our people whose heritage includes the resources represented by the trees planted that used to be quite widespread and now are almost entirely denuded. I vote in the affirmative.

**BILL ON THIRD READING
(Senate Resolution No. 1075--Global System
of Trade Preferences)**

Senator Guingona. I move that we vote on Third Reading on Proposed Senate Resolution No. 1075. Copies of the bill were distributed to all Members of the Senate on August 28, 1991.

The Presiding Officer [Senator Laurel]. Voting on Third Reading on Proposed Senate Resolution No. 1075 is now in order. The Secretary will please read only the title of the bill, if there is no objection. *[There was none.]*

The Secretary. Proposed Senate Resolution No. 1075, entitled

**RESOLUTION CONCURRING IN THE
RATIFICATION OF THE AGREEMENT ON
THE GLOBAL SYSTEM OF TRADE
PREFERENCES AMONG DEVELOPING
COUNTRIES.**

The Presiding Officer [Senator Laurel]. The Senate will now proceed to vote on the bill. The Secretary will please call the roll.

The Secretary called the roll and the result of the

voting was as follows:

YES - 21

Senator Alvarez	Senator Osmeña
Senator Angara	Senator Paterno
Senator Aquino	Senator Pimentel
Senator Enrile	Senator Rasul
Senator Estrada	Senator Romulo
Senator Gonzales	Senator Saguisag
Senator Guingona	Senator Shahani
Senator Laurel	Senator Tamano
Senator Lina	Senator Tañada
Senator Maceda	Senator Ziga
Senator Mercado	

NO - 0

ABSTENTION - 0

RESULT OF VOTING

The Presiding Officer [Senator Laurel]. With 21 affirmative votes, no negative vote, and no abstention, Proposed Senate Resolution No. 1075 is approved on Third Reading.

SUSPENSION OF THE SESSION

With the permission of the Majority Floor Leader, the Chair would like to declare a one minute recess, if there is no objection. *[There was none.]*

It was 6:19 p.m.

RESUMPTION OF THE SESSION

At 6:20 p.m., the session was resumed, with the Honorable Orlando Mercado, presiding.

The Presiding Officer [Senator Mercado]. The session is resumed.

The Majority Floor Leader.

**BILL ON SECOND READING
Senate Bill No. 234 - Urban Development
and Social Housing Program**

Senator Guingona. I move that we consider Senate

Bill No. 234 as reported out under Committee Report No. 1397.

The Presiding Officer [Senator Mercado]. Consideration of Senate Bill No. 234 is now in order.

With the permission of the Body, the Secretary will read only the title of the bill, without prejudice to inserting in the *Record* the whole text thereof.

The Secretary. Senate Bill No. 234, entitled

AN ACT TO DECLARE A NATIONAL POLICY AND PROGRAM ON URBAN LAND REFORM AND HOUSING, ESTABLISH THE INSTITUTIONAL MACHINERY FOR THE IMPLEMENTATION THEREOF, AUTHORIZE THE APPROPRIATION OF FUNDS THEREFOR, AND FOR OTHER PURPOSES.

The following is the full text of Senate Bill No. 234:

AN ACT TO DECLARE A NATIONAL POLICY AND PROGRAM ON URBAN LAND REFORM AND HOUSING, ESTABLISH THE INSTITUTIONAL MACHINERY FOR THE IMPLEMENTATION THEREOF, AUTHORIZE THE APPROPRIATION OF FUNDS THEREFOR, AND FOR OTHER PURPOSES

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

SEC. 1. *Title.* - This Act shall be known as the "Urban Land Reform and Housing Act."

SEC. 2. *National Policy and Program.* - It is hereby declared to be the policy of the State to undertake, in cooperation with the private sector, a comprehensive and continuing national program of urban land reform and housing which will make available at affordable cost decent housing and basic services to underprivileged and homeless citizens in urban centers and resettlement areas. The State shall promote adequate employment opportunities for such citizens. In the implementation of this program, the State shall respect the rights of small property owners.

The State shall ensure that urban and rural development shall be complementary and mutually supportive. For this purpose, the State shall adopt such measures which will encourage workers to remain in the rural areas through incentives for rural development, equal employment for workers, and the rational and just sharing of benefits from resources of the State.

In the implementation of the program, the State shall institute an equitable urban land system which shall rationalize the distribution of urban land, prescribe a fair and just retention limit for ownership, and ensure just compensation for seller-owners.

Urban land reform shall include renewal of blighted areas and the just and humane relocation of dwellers. Urban and rural dwellers shall not be evicted nor their dwellings demolished except in accordance with law. No resettlement of urban or rural dwellers shall be undertaken without adequate consultation with the dwellers; the leaders of the communities where they are to be relocated, and such other groups or communities to be affected by the resettlement.

SEC. 3. *Land Covered by the Program.* - The program shall cover all urban lands suitable for housing, whether public or private, and regardless of the contractual or other tenurial arrangements between the owners and the occupants thereof; with due regard for the rights of small property owners.

Sequestered lands in the urban areas and all lands suitable for housing which may revert to the State in accordance with Sections 21, Article XVIII of the Constitution of the Philippines shall be deemed to be within the coverage of this Act.

SEC. 4. *Land Not Covered by the Program.* - The following land shall be exempt from coverage of this Act.

1. Land actually used and necessary for national defense and security of the State;
2. Land used or otherwise set aside for government offices, facilities and other installations, whether national or owned by a local government unit or political subdivision;
3. Land used or set aside for parks, reserves for

flora and/or fauna, or otherwise planned to maintain ecological balance or environmental protection;

4. Land designated in national and/or local government plans approved in accordance with existing law to be suitable for purposes other than housing;

5. Land devoted to religious or charitable purposes, school sites and campuses, public or private, and land actually used by small property owners within the just and equitable retention limit as provided under this Act.

SEC. 5. *Definition of Terms.*

1. *Consultation* - refers to the provision in Section 9 of Article XIII of the Constitution of the Philippines whereby dwellers to be resettled, leaders of the communities where they are to be relocated, and such other groups of communities to be directly affected by the resettlement are provided the opportunities to participate in the decision-making process prior to the adoption of the resettlement plan, before and during the implementation of the relocation dwellers, and even when the dwellers are physically resettled when the issue of basic services to be established in the site or the general welfare of the dwellers resettled are involved. The consultation may be at the initiative of the government, or that of the dwellers and the leaders of the communities where they are to be relocated.

2. *Resettlement Areas* - are identified by the proper government agency, national or local, and will be used to relocate dwellers in urban centers or from blighted urban areas. These areas will be provided the basic services and amenities, including water, electricity or other sources or energy suitable for the site, employment opportunities, or decent housing at affordable cost for the underprivileged and homeless citizens, pursuant to this Act. Site development shall include roads, and other infrastructure essential to meet the basic needs of the dwellers relocated or to be relocated at the identified resettlement area.

3. *Security of Tenure* - refers to the right of the lawful tenant or possessor of land and/or improvements thereon by virtue of ownership or contractual agreement with the owner such as lease or usufruct, to be protected from infringement of such right or from unjust, unreasonable or unlawful

eviction or dispossession.

4. *Small Property Owners* - are those whose rights are protected under Section 9, Article XIII of the Constitution of the Philippines, who own small parcels of land within the fair and just retention limit provided under this Act and which are adequate to meet the reasonable needs of the small property owner's family and their means of livelihood.

5. *Tenants* - are the lawful occupants of the urban land/or improvements thereon pursuant to a lease or other contractual agreement with the owner of said land/or improvements thereon. The term does not include persons whose presence on the urban land and/or improvements thereon are merely tolerated, or whose occupancy is done without the knowledge or express permission of the owner, or who occupy the land or premises by force or intimidation, deceit or fraud, or in violation of the terms of the agreement, or other unlawful means.

6. *Underprivileged and Homeless Citizens* - are those referred to in Section 9, Article XIII of the Constitution of the Philippines who reside in urban centers or resettlement areas, have an income level within subsistence level or below the poverty line, and who do not own homes whether in the urban or rural area. These citizens include those who are: (a) dependent mainly on government assistance or from non-governmental charitable organizations for their subsistence; (b) unemployed, underemployed, or do not have regular employment due largely to their lack of skill, training or education; (c) itinerant workers who, as marginal members of the labor force, receive low wages and/or do not enjoy benefits due regularly-employed workers; (d) slum-dwellers; (e) residing along railroad tracks, sidewalks, waterways or banks of rivers, lakes or seas, cemeteries, dump or garbage sites, or other blighted areas which constitute a hazard to themselves or to the general public; (f) relocated families; (g) rendered homeless due to calamities or the insurgency situation; and (h) living in substandard housing due to lack of affordable decent housing owned or rented by them where they reside or where they work.

7. *Urban Area* - refers to land in a metropolitan political subdivision, chartered city and urbanized municipality.

8. *Urban Land Reform and Housing Program* -

refers to the program mandated in Sections 9 and 10, Article XIII of the Constitution of the Philippines and which is provided for under this Act.

SEC. 6. Components of the Program. - The urban land reform and housing program shall have the following components:

1. A system of land acquisition, development, management and disposition which shall facilitate and maximize access of underprivileged and homeless citizens in urban centers and resettlement areas to land for the purpose of housing, basic services, and to promote employment opportunities;
2. A framework plan for ensuring the rational development of urban areas, particularly designated urban centers and relocation areas vis-a-vis other lands adjacent to these centers or relocation areas;
3. A national shelter program of low-cost, decent housing at affordable levels to underprivileged and homeless citizens;
4. An urban renewal and resettlement program, particularly in blighted and slum areas;
5. A land tenure scheme which shall make available several alternatives to underprivileged and homeless citizens to maximize access to decent housing at affordable cost to the greater number;
6. A package of fiscal and other forms of incentives to encourage the maximum participation of the private sector in the urban land reform and housing program;
7. A system for ensuring that unearned increments arising from the implementation of the comprehensive and continuing urban land reform and housing program shall accrue equitably to the government and to those who invest and participate in the Program from the private sector; and
8. Coordination among the National Government Agencies implementing the program, the Local Government Units concerned, and the private sector.

SEC. 7. System of Land Acquisition,

Development, Management and Disposition or Use. -

1. *Identification of Urban Land for Housing.* The National Government and the Local Government Units concerned shall identify urban lands suitable for housing.

2. *Registry of Identified Urban Land.* As soon as the sites for housing have been identified, the Local Governments and the National Government Agencies implementing the program shall establish a registry. The Registry shall document the various interests existing on the land and/or the improvements thereon, including: the contractual agreements governing the same, the parties to such agreements, existing mortgages or other encumbrances thereon, and such other data or information useful in rationalizing future contractual agreements among the parties in order to guarantee security of tenure.

Local Government shall establish a registry of urban land within their jurisdiction. The National Government shall set up a registry of land under the National Government's jurisdiction and collate data on land registered with Local Governments.

3. *Registry of Small Property Owners.* Small property owners may register their urban land and give notice that they shall retain the same or that they are voluntarily selling the land. Small property owners shall be entitled to the retention of what is just, reasonable and fair for their residence and for the livelihood of their family.

4. *Acquisition of Land for Housing.* Housing shall first be provided on public land available for the purpose. Acquisition of public lands shall be prioritized according to which land are owned or in the possession of the government, lands provided with basic services and amenities, and sites where employment opportunities are already available. Only when public lands are not available, will private lands be acquired for housing.

The government shall provide financial and other forms of assistance to enable the underprivileged and the homeless to acquire ownership of land and/or the improvement thereon, should the owner voluntarily decide to sell or transfer the same. Land acquisitions arrangements shall include, among others, land exchange of public land for private land, donations to the government by the

private sector; only when other arrangements have been exhausted should the government expropriate private lands to be used for housing and sites and services: *Provided*, That small parcels of land owned by small property owners shall not be subject to expropriation if within the just and reasonable retention limits provided under this Act.

4. *Disposition of Land.* The Government shall make available alternative schemes for the use or disposition of land and houses thereon to underprivileged and homeless citizens. Preference shall be given to schemes which enable the Government to retain ownership and/or control over lands acquired for housing vis-a-vis transfer of absolute ownership to those who will be given housing under this Act. The Government should retain control over the land until the amortization thereon have been paid and the occupants have been prepared to assume the responsibilities of a home and lot owner. No house or lot shall be transferred to another by a grantee-occupant until the full ownership thereof has been transferred to said grantee-occupant by the government; nor shall housing site grants be subject to lease to another person. Violation of the conditions of a housing site grant shall result in the loss of the site and the amortizations paid thereon paid to the said violation.

Schemes other than transfer of ownership of housing site grants include: leasehold tenure, leasehold with option to purchase, or variations of transfer without ownership to the land and house.

SEC. 8. *Framework for Rational Development.* - The National Government Agencies implementing the program and Local Governments concerned shall prepare development plans for the areas identified as urban land reform and housing sites. The framework plan shall conform to the regional and local development plans for the urban areas and shall include development control regulations including: zoning, subdivision and building regulations, infrastructure construction and maintenance, roads and waterways, traffic engineering and management, public safety and sanitation and other basic services. The overall urban reform and housing development plan for the region and for the specific chartered city, urban municipality or metropolitan political subdivision shall be approved by the appropriate regulatory board in accordance with existing laws. Any major changes in the regional or local

government plan shall require the prior approval of the appropriate regulatory board which approved the original regional or local government plan.

SEC. 9. *National Shelter and Housing Program.* The urban land reform and housing program shall be undertaken within the framework of the National Shelter and Housing Program of the government which requires that housing assistance shall be primarily directed to the lowest thirty percent (30%) of underprivileged and homeless citizens. The shelter program for urban areas include the construction of core housing units and installation of the required basic services infrastructure for water, electricity or energy source, drainage, sewerage and flood control, roads, and waterways, if appropriate.

SEC. 10. *Urban Renewal and resettlement.* - The urban land reform and housing program shall include urban renewal of blighted and slum areas, relocation of dwellers pursuant to law and a just and humane approach, and technical or other assistance to private developers engaged in low-cost housing.

Relocation and resettlement of urban dwellers or the homeless from their existing places of residence shall be undertaken only where the on-site and sites and services projects are not practicable.

Consultations will cover sites, services to be delivered prior to and during relocation, guidelines on determination of relocatees, and other matters which need to be decided so that relocation or demolition of dwellings will be just and humane.

SEC. 11. *Balanced Housing Development.* - To the extent possible, the urban land reform and housing program shall include a system whereby for every three units built by the government or the private sector for the lower and upper middle-income group, one unit shall be built for the underprivileged and homeless citizens.

Twenty percent (20%) of the amount allocated for housing for the lower and upper middle-income group shall be spent for the underprivileged and homeless citizens by both the public and private sectors.

SEC. 12. *Role of the Non-Governmental Organizations.* - The government in planning and implementing the urban land reform and housing

program shall consult not only the beneficiaries of the housing program, but other non-governmental organizations whose objectives and programs are related to or intended to improve the well-being of the underprivileged and homeless citizens in urban areas and resettlement sites.

The government shall promote, encourage and provide assistance to the underprivileged and homeless to form their own organizations to manage their subdivisions or places of residence as well as form a homeowners' association. A majority of the members of the governing board of directors of the organization shall be residents of the subdivision or places of residence of these members.

SEC. 13. Department of Urban Land Reform and Housing. - There is hereby created a Department of Urban Land Reform and Housing headed by a Secretary. The Secretary shall be assisted by an Undersecretary for Urban Land Reform and an Undersecretary for Housing. The Department shall be the primary agency, together with the local Government Units concerned, in planning, implementing, and coordinating the activities related to the policy and program provided for under this Act.

SEC. 14. Funding Sources. - The sources of funds for the implementation of this Program shall be derived from, among others, (a) the twenty percent (20%) ad valorem tax on log exports under Letter of Instruction 932; (b) one percent (1%) of the real property tax to be derived from the special education fund; (c) proceeds from the sequestration of lands, properties and businesses of the deposed regime; (d) other sources as provided by law.

For the initial operations of the Program the amount of Fifty million (P50,000,000) is hereby authorized to be allocated from existing and sequestered funds and made available as seed capital for 1988. Thereafter, such amount as may be needed to implement this Act shall be provided for in the annual appropriations act.

SEC. 15. Rule-Making Powers. - The Department shall promulgate rules and regulations to implement this Act and set guidelines for land acquisition, urban land retention, determination of beneficiaries, and other matters necessary to implement this Act. Rules and regulations shall be

promulgated after public hearings and shall take effect upon completion of publication in at least two national newspapers of general circulation.

SEC. 16. Penalties. - For the violation of provisions of this Act or for violation of Rules and Regulations issued by the Department pursuant to this Act, the fine shall be not more than Twenty thousand pesos (P20,000) and/or cancellation or suspension of the judicial entity to continue operations in the construction of housing and other activities related to urban land reform and housing. Where the violator is a corporation, partnership or association, the penalty shall be imposed on the president or managing partner/director and/or responsible officers thereof.

SEC. 17. Compliance Monitoring. - The Department is empowered to investigate or inquire into any existing transaction or situation related to urban land reform and housing, whether by the government or the private sector; and to require enforcement of the provisions of this act or compliance with Rules and Regulations. For this purpose, it may call upon the national police or the constabulary to assist the Department in the investigation or to require enforcement of Department Orders.

The Department may also order the cancellation or titles, contracts or housing site grants or any other benefit issued under this Act upon a proper showing of a violation of the conditions required by the law or by the grant of the housing site.

SEC. 18. Operations and Personnel. - The Department Secretary shall issue appropriate orders and directives for the operations and personnel of the Department which are necessary for the implementation of this Act, subject to existing rules and regulations of the Department of Budget and Management, the Civil Service Commission and the Commission on Audit.

SEC. 19. Separability Clause. - If for any reason, any provision of this Act is declared invalid or unconstitutional, the remaining provisions not affected thereby shall continue to be in full force and effect.

SEC. 20. Repealing Clause. - All laws, decrees, orders or regulations or parts thereof inconsistent

with this Act are hereby repealed or modified accordingly.

SEC. 21. *Effectivity Clause.* - This Act shall take effect upon its approval and completion of its publication in at least two (2) national newspapers of general circulation.

Senator Guingona. I ask that we recognize Senator Lina to sponsor the bill.

The Presiding Officer [Senator Mercado]. Senator Lina is recognized.

SPONSORSHIP SPEECH OF SENATOR LINA
(Isulong ang Pagpapatatag ng Programa sa
Pagpapaunlad-Kalunsuran at Pabahay
Pampamayanan)

Senator Lina. G. Pangulo, mga minamahal at giniliw kong Kasamahan dito sa Senado:

Sa nakaraang tatlong linggo, marami po tayong mga kababayang nagpupunta rito sa Senado at kinakausap ang bawat isa sa atin para maipasa na natin itong panukalang-batas na magpapatatag ng "Programa sa Pagpapaunlad-kalunsuran at Pabahay Pampamayanan." Marami po sa ating mga maralitang taga-lunsod ang nasa labas ng Gusinging ito ngayon. Palagi po silang pumupunta rito at humihingi ng kalinga kahit na matindi ang init ng araw at malakas na pagbuhos ng ulan.

Dalawa po ang pangunahing reporma na tuwirang kaugnay sa lupain ng bansa ang itinatadhana ng Saligang-Batas. Ito po ang repormang pansakahan at reporma sa lupang kalunsuran. Maaaring lupa ang pinakamahalaga at may hangganang likas-yaman ng ating kapuluan. Umaayon lamang sa mga batayang karapatang pantao na maipamahagi ang lupa--pamamahagi na walang kinikilingan at makatarungan sa mga mamamayang Pilipino. Ito po ang magiging matibay na muhon ng pagkalinga natin sa sambayanang Pilipino. Ipinapatupad na ang programa sa repormang pansakahan at nagbubunga ng mga pagbabago sa mga sakahing lupa. Saklaw naman ng pagpapaunlad sa mga kalunsuran ang pagmamay-ari ng lupa sa mga lupang urbanisado at magiging urbanisado. Kaugnay din dito ang maselang usapin ng pabahay pampamayanan o *social housing* para sa mga hikahos na

pamilya, lalo na yaong saklaw ng tinatawag na *poverty threshold*. Anupa't hinihingi ng mga tumitinding kalagayan na ipatupad na rin sa bansa ang reporma sa lupang kalunsuran or *urban land*.

Ang panukalang-batas na hangad nating itangkilik ngayon ay nagsasaad ng isang pambansang patakaran o *policy* at bubuo ng isang pambansa, malawakan at patuloy na palatuntunan sa *urban land reform* at pabahay sa mga walang tahanan at sa mga higit na nangangailangang maralitang taga-lunsod.

Bakit po natin kailangan ng isang palatuntunan sa pagpapaunlad-kalunsuran at pabahay pampamayanan o iyong tinatawag sa wikang Ingles na *Urban Development and Housing Act*?

Sa may 61 milyong Pilipino na kabilang sa 11 milyong sambahayan, aabot sa humigit-kumulang 50 porsiyento ang saklaw ng karalitaan o nasa *poverty threshold*. Iniulat na mahigit tatlo sa bawat sampung naninirahan sa Metro Manila ang hikahos. At hindi na rin maipagwawalang-bahala ang mga maralita sa iba pang rehiyon ng bansa. Six out of ten households sa Kabikulan, Kanluran, at Silangang Kabisayaan ang disapat ang kita para tustusan ang anim na kataong pamilya. Noon pa pong 1988 umiiral ang ganitong masaklap na kalagayan sa ating bansa.

Sa ngayon po, matapos ang malaking pagkasalanta mula sa pagsambulat ng bundok Pinatubo, pati na ang pagdaluhong ng lahar sa maraming lugar sa Luzon, tiyak na lalala o iigting ang paghihikahos sa mga naturang lugar.

Idagdag pa po natin dito ang magkakasunod na trahedyang humaplit sa sambayanan, ang magkakasunod na lindol at bagyo ng 1990 na pinalubha pa ng pagputok ng bulkan, tuluyan nang nasaid ang ating inilalaang bahay para sa mga maralita sa mga kanayunan, maging sa mga maralitang taga-lunsod, at ikinalugmok naman ng kabuhayan ng mga entrepreneur na dating may panustos sa kani-kanilang pamilya.

Aabot sa halos 44 bahagdan ng kabuuang mahigit na 60 milyon ng pambansang populasyon sa 1991 o 27 milyon ang mga taga-lunsod--mahigit sa 13 milyon sa kanila ang tinagurian nating maralitang taga-lunsod. Sa

may halos limang milyong sambahayan sa ating mga lunsod, or five million households in the cities, tinatayang halos tatlong milyon ang hindi makatugon maging sa mga pangunahing pangangailangang pansarili at pam-pamilya.

G. Pangulo, higit lalo po nilang kailangan ngayon ng lupang matitindigan ng kahit isang dampa man lamang at pagkakaroon ng marangal na hanapbuhay. Masaklap pong isipin na sa ngayon ay libu-libong pamilya ang ni hindi na kumakain ng tatlong beses isang araw. At kapagka ganitong napakasungit ng ating panahon, paano na kaya ang mangyayari sa ating mga kapwa Pilipinong ni walang tahananang sapat masisilungan upang magsilbing kanlungan laban sa karahasan ng tao at haplit ng mga unos na likha ng kalikasan?

Noong 1985 o anim na taon na ang nakalilipas, umaabot sa halos dalawang milyong pamilyang tagalungsod ang kumikita ng kulang sa ₱30,000 santaon--na sadyang kapos para makapangupahan ng isang mainam na tirahan o makabili ng sariling bahay at lupa.

Ang mga nabanggit na masaklap at busabos na kalagayan ng ating mga kababayan ang nag-udyok sa inyong abang lingkod upang igiit ang pagpapatibay ng panukalang batas na ito, ang Senate Bill No. 234, na magiging unang hakbang para maisakatuparan ang reporma sa lupang kalunsuran at mabigyan ng pagkakataong magkaroon ng bahay ang mga hikahos at maralitang pamilya mula sa lungsod.

Batay po sa pakikipagsangguni ko sa mga manggagawa at sa kani-kanilang mga pamilya, lalo na sa mga manggagawang nangingibang bansa, lumilitaw na ang matinding dahilan kung bakit nangingibang-bansa ang mga ama o ina ng tahanan, o maging ng kanilang mga anak, at iniwanan ang kanilang pamilya ay upang magkaroon ng bahay at lupa. Nadarama nila, at aaminin nating tumpak sila, na sa antas ngayon ng implasyon at sa hina ng kita, hindi matutupad ang kanilang pangarap na magkaroon ng bahay at lupa kung hindi lalabas o aalis ng bansa.

Nabanggit po natin ang implasyon. Lalo pa pong tumaas mula sa pambansang antas na halos 19 bahagdan nitong Marso, 1991. Ang umiral namang antas sa Metro Manila ay 22 porsiyento habang 24 porsiyento sa Kanlu-

rang Kabisayaan na gaya po ng nasabi ko kanina, may pinakamataas na antas na umiiral sa kahirapan--tatlo sa bawat limang pamilya ang naghihikahos.

Mga Kasama, nagtutulak ang karalitaan sa milyun-milyong manggagawa at propesyonal para mangibangbansa. Sanhi rin ito ng patuloy na migrasyon sa mga lugar na hitik sa populasyon, lalo na sa mga higit na urbanisadong lunsod at munisipalidad.

Sa ngayon, maaaring umabot ang bilang ng mga iskwater sa 20 porsiyento ng populasyon sa loob ng Metro Manila; mula 10 hanggang 15 porsiyento naman sa mga karatig pook. Nasasaksihan natin araw-araw ang pagsulpot ng tila kabuteng kidlat na mga ilegal na konstruksiyon, mga pamilyang tumitira sa mga kariton, mga pamilyang naninirahan sa mismong kalsada habang ang kanilang mga paslit na anak ay kalaro ng samut-samot na panganib. Mailipat man sila sa mga relocation areas, napipilitan ding bumalik dahil sa kalayuan ng kanilang pinamamasukan. Kaya, paulit-ulit na magiging saksi tayo sa pagsiklab ng karahasan, pagdaloy ng dugo at panlulumo sa bawat demolisyon ng kanilang mga itinayong tahanan sa ibat't ibang sulok ng mga lungsod.

Pinagtibay po ng Senado nitong nakaraang taon ang Abot-Kaya Pabahay Fund. Matagal nang ipinapatupad ng mga pambansang ahensiya sa pabahay ang Community Mortgage Program. Nakapaloob naman sa mapagtitibay na Local Government Code ang pagbibigay-kapangyarihan sa mga local government units upang magsagawa ng mga proyektong pabahay sa iba't ibang pamamaraan para sa kani-kanilang saklaw na mamamayan.

Ngayon naman po, inihaharap namin ang panukalang-batas na ito na magiging katuwang ng programang Unified Home Lending Program, ang pinagsanib na pagpapautang para sa pabahay ng Pamahalaan, at magiging katuwang din sa pagpapatupad ng Abot-Kaya Pabahay Fund, pati na sa pagpapalaganap ng pag-uugnay ng mga ahensiyang naglilingkod upang mapasulong ang kaunlaran sa mga kalunsuran at pabahay pampamayanan.

Mananatiling nakapinid at may balakid ang landas tungo sa mainam na pagpapabahay, pagkakaloob ng mga pangunahing paglilingkod-bayan para sa mga kulangpalad na tagalungsod, at pagbibigay ng sapat na

hanapbuhay. Ang panukalang-batas pong ito ang magagamit na susi upang mabuksan ang nakapinid na pinto at maiwaksi ang balakid na matagal na nilang inaasam-asam na mawala.

Sinasaklaw po nito ang mga lugar na urbanisado at magiging urbanisado na angkop para sa pabahay pam-pamayanan, kabilang na ang mga tinukoy na areas for priority development, zonal development sites, slum improvement and rehabilitation sites at iba pang kauring lugar na maaaring ideklara ng Pangulo ng Pilipinas na saklaw ng programa.

Hindi ko na po ilalahad ang mga bahagi o components ng programa. Ito po ay nakasaad sa ating panukalang batas.

Habang idinudulog ang pagtangkilik sa panukalang-batas na ito, dumadagsa naman ang mga mungkahi mula sa iba't ibang sektor, kabilang na ang Task Force ng mga maralitang taga-lungsod at ng mga taong nakauunawa sa mga usapin hinggil sa real estate at pagmamay-ari ng lupa upang lubusan nating maisaalang-alang at mapahusay pa ang panukalang batas na ito.

Atin po ring inilagay sa panukalang-batas kung saan tayo hahanap ng pondo upang matustusan ang isang malawak na programang pambahay para sa ating mga kababayan. Naniniwala tayo na sa pamamagitan ng pabahay pampamayanan at pagpapaunlad ng lupa ay lubos nating mapapasigla ang pagsasalin ng higit pang poder sa mga local government units na siyang itinatadhana ng mapagtitibay na Local Government Code.

G. Pangulo at mga minamahal kong Kasamahan, patungo na tayo sa ika-21 siglo at naniniwala tayo na matututuhan din natin ang angkop at makatwirang pag-aari at paglalaan sa ating mga lupain. Ang panukalang-batas na ito, Senate Bill No. 234, ang sagot ng ating Senado sa malawak na problema sa pabahay sa ating bansa na ngayon ay dinaranas ng milyun-milyong maralitang taga-lungsod.

Inihahain ko po ito sa ating Senado at nawa, sa tulong ng Poong Maykapal, ay mapagtibay natin ang Senate Bill No. 234, ang unang hakbang upang mapalaya natin ang maralitang tagalungsod sa balon ng kahirapan, lalunglalo na iyong mga walang lupa at bahay.

Maraming salamat po, at nagpapasalamat ang maralitang taga-lungsod. [*Applause*]

The Presiding Officer [Senator Mercado]. The Majority Floor Leader is recognized.

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 234

Senator Guingona. Mr. President, I move that we suspend consideration of this measure.

The Presiding Officer [Senator Mercado]. Is there any objection? [*Silence*] Hearing none, the motion is approved.

Senator Guingona. We were supposed to call for the Dangerous Drugs Act but in view of the fact that both Proponents are tired, we are moving it for tomorrow instead.

BILL ON SECOND READING Senate Bill No. 1861--Synchronized Elections (Continuation)

So, I move that we resume consideration of Senate Bill No. 1861, as reported out under Committee Report No. 1373.

The Presiding Officer [Senator Mercado]. Resumption of the consideration of the measure is now in order.

Senator Guingona. We are still in the period of interpellations. I ask that we recognize Senator Gonzales.

The Presiding Officer [Senator Mercado]. Senator Gonzales is recognized.

Are there any other questions or interpellations on this measure? [*Silence*]

Senator Guingona. I was just wondering, if the Sponsor will agree that we terminate the interpellations with the understanding that interpellations will be allowed during the period of amendments. Anyway, we are consolidating all the amendments we talked about in the caucus.

Senator Gonzales. That has been my plea ever since and we would appreciate it if we terminate the period of interpellations, and go into the period of amendments, without prejudice, of course, to ask questions on the proposed amendments.

The Presiding Officer [Senator Mercado]. There is a motion to terminate the period of interpellations on this measure, Senate Bill No. 1861.

Is there any objection to the motion? [*Silence*] There being none, the period of interpellations is terminated.

We are now in the period of Committee Amendments.

Senator Guingona. Yes, Mr. President. I think the distinguished Author will distribute copies.

The Presiding Officer [Senator Mercado]. Do we have any Committee amendments to be read into the Record?

COMMITTEE AMENDMENTS

Senator Gonzales. We have the following Committee Amendments, Mr. President, and I could read them into the record.

The Presiding Officer [Senator Mercado]. Please proceed.

Senator Gonzales. On page 4, Section 4, line 10, change the last word "an" to A.

The Presiding Officer [Senator Mercado]. Is there any objection? [*Silence*] Hearing none, the amendments approved.

Senator Gonzales. On line 11, delete the words "actual bonafide". The rationale for that, is that these terms would impose requirements more stringent than existing jurisprudence, and in the case of *Fai Pon vs. Quirino*, *Lim vs. Pelaez*, and other cases, "residence" for purposes of suffrage have been interpreted to mean a legal or constructive residence. That is the place where a person has his established home, and when he departs he intends to return.

It is always better that we shall have consistency in our statutes regarding residence and registered voter so that there will also be consistency in legislative meaning, Mr. President.

The Presiding Officer [Senator Mercado]. Is there any objection? [*Silence*] Hearing none, the amendment is approved.

Senator Gonzales. On page 4, between lines 18 and 19, insert a new paragraph to read as follows:

THE ABOVE APPORTIONMENT OR DISTRICTING NOTWITHSTANDING THE SECTORAL REPRESENTATIVES FOR WOMEN, WORKERS AND OTHER SEGMENTS IN THE *SANGGUNIAN BAYAN* AS PROVIDED BY LAW SHALL BE ELECTED AT LARGE BY THE QUALIFIED VOTERS OF THE MUNICIPALITY CONCERNED. ACCORDINGLY, THREE ADDITIONAL SPACES SHALL BE PROVIDED FOR THEM IN THE OFFICIAL BALLOTS.

We have to insert this provision because, as we had pointed out last time, under the proposed Local Government Code--and this is already almost through and nearing the signing stage--there are three sectoral representatives in the *Sangguniang Bayan*. They are the Sectoral Representative for Women, the Sectoral Representative for Workers--meaning agricultural or industrial workers--and another Sectoral Representative for the other sectors like the Cultural Communities.

We have really tried very hard to fit their election in the system of apportionment that we have previously adopted; however, we cannot do so. The only remedy left to us is to propose that they be elected at large by the qualified electors of the municipality.

In this connection, this proposal even has been initiated by Senator Rasul, who is most concerned about the women representative in the *Sangguniang Bayan*.

Senator Osmeña. Mr. President.

The Presiding Officer [Senator Mercado]. Senator Osmeña is recognized.

Senator Osmeña. Mr. President, will the Sponsor

just yield to a few questions on this matter?

Senator Gonzales. Yes, Mr. President.

Senator Osmeña. Who will determine whether a sectoral representative representing the workers is an industrial or an agricultural worker?

Senator Gonzales. I have read the pertinent provisions of the Local Government Code. The same has not been provided.

Senator Osmeña. It has not been provided.

Senator Gonzales. Yes. In fact, I would think that this is merely a temporary measure awaiting for a definition of law as to how they are to be determined, whether or not it is right that those who are not members of their respective sectors should be allowed to vote for them; but until such time, we have to provide for the election of sectoral representatives.

Senator Osmeña. How about the third sectoral representative? Who is going to identify the sector?

Senator Gonzales. In the pertinent provision of the proposed Local Government Code, it merely says "and/ or other sectors like cultural communities," et cetera.

So, I think, we have to fill in these matters of details and I do not think that we should wait for the same, but instead put them in place before we enact this synchronization law, because that would incur much delay.

I expect that there will be enacted a detailed legislation concerning these sectoral representatives, as provided for in the Local Government Code.

Senator Osmeña. Thank you, Mr. President.

The Presiding Officer [Senator Mercado]. Is there any objection to this Committee amendment? [*Silence*] Hearing none, the amendment is approved.

Senator Guingona. With the permission of the distinguished Sponsor.

Senator Gonzales. Yes, Mr. President.

Senator Guingona. May I suggest that all the proposed amendments be embodied already in the new bill.

Senator Gonzales. Yes, we are going to do that, but I thought that we should first approve it one by one; but if not, then that would make the work of the Committee easier. We can incorporate all of these amendments and prepare a version that would already incorporate the same. We will probably be ready by tomorrow.

The Presiding Officer [Senator Mercado]. If there are no objections, then we can approach this particular procedure in that manner. We will have a new draft, incorporating the Committee amendments, and approve the same before tackling the individual amendments.

Senator Guingona. In view of that, I move that we suspend consideration of this measure.

The Presiding Officer [Senator Mercado]. Senator Romulo.

Senator Romulo. Mr. President, I had raised my hand to interpellate, because I was on the phone and the Committee amendments were proposed, without prejudice to the interpellation continuing. May we know if we can interpellate now or it would be tomorrow?

Senator Gonzales. We are willing to subject ourselves to the pleasure of our esteemed Colleague.

Senator Romulo. I am given the signal that *mabuti raw siguro bukas na. So, bukas na po.*

Senator Gonzales. Medyo pagod na nga tayo dahil buong maghapon tayo naririto. Pinakamahirap po sa lahat iyong nakaupo at nakikinig.

The Presiding Officer [Senator Mercado]. At any rate, we will have also the Committee amendments incorporated in the new draft, and it will be submitted to the Body.

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1861

Senator Guingona. With that, Mr. President, I move that we suspend consideration of this measure.

(Sgd.) DAVID B. TIROL

(Sgd.) LORNA VERANO-YAP

BILL ON SECOND READING
Senate Bill No. 234--Urban Development
and Social Housing Program
(Continuation)

Senator Guingona. Mr. President, there is an Additional Reference of Business. I ask the Secretary to read the Additional Reference of Business.

Senator Guingona. Mr. President, I move that we resume consideration of Senate Bill No. 234 as reported out under Committee Report No. 1397.

The President. The Secretary will read the Additional Reference of Business.

The President. Resumption of consideration of Senate Bill No. 234 is now in order.

ADDITIONAL REFERENCE OF BUSINESS

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

Senator Guingona. Mr. President, we are still in the period of interpellations. I ask that we recognize Senator Lina.

The Acting Secretary [Atty. Raval].

The President. Senator Lina is recognized.

October 17, 1991

Senator Lina. Thank you, Mr. President.

Mr. President:

I have been directed to inform the Senate that the House of Representatives on October 16, 1991, passed House Bill No. 31200, entitled

Just to refresh the memories of our Colleagues here. This is "AN ACT TO STRENGTHEN THE URBAN DEVELOPMENT AND SOCIAL HOUSING PROGRAM, PROVIDE FOR A SOCIAL HOUSING TAX, APPROPRIATE FUNDS FOR THE PROGRAM, AND FOR OTHER PURPOSES."

AN ACT GRANTING THE RADIO VERITAS GLOBAL BROADCASTING SYSTEM, INCORPORATED, A FRANCHISE TO CONSTRUCT, INSTALL, OPERATE AND MAINTAIN FOR RELIGIOUS, EDUCATIONAL, CULTURAL AND COMMERCIAL PURPOSES RADIO BROADCASTING STATIONS IN THE PHILIPPINES AND FOR OTHER PURPOSES

The objective of the bill, Mr. President, is to provide shelter for the underprivileged and the homeless in our country following Sections 9 and 10, Article XIII of the Constitution.

to which it requests the concurrence of the Senate.

I have already sponsored this bill and discussed the components of the program. I would like to state that this will be the major legislation to be passed by the Senate regarding urban development and housing.

Very respectfully,

(Sgd.) CAMILO L. SABIO
Secretary General

We have simplified the bill so that the controversial aspects of it have already been removed. Basically, this bill is an institutionalization of existing programs being undertaken by the various housing agencies, but what is needed is to strengthen said programs and institutionalize the same.

The Honorable
JOVITO R. SALONGA
President of the Senate
Manila

The bill also takes into account the new role that local government units will play in providing solution to the housing problems of our people.

The President. Referred to the Committees on Public Services; and Ways and Means.

I am ready for any question, Mr. President.

The President. Is there any interpellation?

I was made to understand, Senator Lina, that around 60 percent of the population in Navotas are squatters. How do we propose to solve that problem?

Senator Lina. First, Mr. President, the local government unit or the local government of Navotas will, under this bill, identify the land in Navotas which is suitable for housing, whether it is owned by the private sector or by the government sector. There will be a system, first, of registration.

The President. Wala na po yata roon, kaya 60 percent. Iyong squatter population sa Navotas ang pinakamataas sa buong Metro Manila.

Senator Lina. What will be done, Mr. President, is to rationalize land use. If the whole area or majority of the land area is being squatted on, what will be done under this program is to determine, first, whether the land being squatted on is owned by the private or public sector. There will be a system of registration to identify the land, Mr. President.

Second, the local government unit will formulate a framework plan so that land use is rationalized and optimized. Under the program, there is one scheme that can be used after formulating a framework plan for Navotas, and after identifying which land is suitable for housing. There are various programs that can be undertaken by the Government.

One, the community mortgage program whereby members of the community are organized so that they themselves--and this is already being done--will, through their organization, purchase the land. In Navotas, Mr. President, there are various community mortgage programs that are being undertaken. So, that is one.

Another program that can be undertaken by the local government unit is the acquisition by the Government through land-swapping. That is also included in the program. They swap the land with other government lands if the private owner would agree to such an arrangement.

Another program that can be undertaken is land-sharing. Under this scheme, the private owner will be persuaded to enter into an arrangement with the Government whereby portion of his land that is being squatted on will be cleared of the squatters so that he can use that portion of land. As to the other portions, he will be asked to enter into a joint venture housing program with the Government, but the land will not be taken by the Government. Under this bill, the landowner will be given various incentives so that the landowner can be convinced or persuaded that instead of his land being squatted on for many years and making the land unproductive and useless as far as he is concerned, he will be asked to enter into a land-sharing or joint venture agreement with the local government.

Some of the incentives that are included in this bill are, for example, exemption from the payment of capital gains tax and other kinds of taxes that are normally imposed when there is a transfer of property. Even income tax on the joint venture project will be waived for a number of years so that the landowner will really be enticed to go into a land-sharing or joint venture agreement with the Government. If the place is saturated with squatters, the rationalization or use of the land will give rise to the construction of medium-rise housing projects so that some areas can be freed, and there will be rationalization of land use and new communities can be created.

The various programs are enumerated in this bill, Mr. President. It will depend on the situation of the place or the municipality. For example, if it is Navotas, on how the local government unit will formulate the best comprehensive framework plan for Navotas, identify lands that are suitable for housing, and with the assistance of the National Housing Authority, develop a package of housing programs in the area.

The President. Karamihan po ng mga iskuwater sa Navotas ay nasa baybaying-dagat. Katulad nitong pupuntahan ng buong Kongreso, malapit diyang sa Philippine National Bank, ano ang gagawin natin sa mga iskuwater doon? Napakakapal na ngayon ng mga iskuwater doon.

Senator Lina. May sagot na po tayo tungkol sa problema sa reclamation area. Pumayag na po iyong mga

nakatira sa reclamation area na lumipat sa isang bayan sa Cavite. Sa ngayon po, dini-develop na iyong area sa Cavite. Nakalimutan ko lamang po iyong bayan.

The President. Ang ibig po ba ninyong sabihin ay malulutas na ang problemang ito?

Senator Lina. Opo. December po ang target month para lumikas iyong nakatira nating mga kababayan sa nasabing reclamation area.

The President. Kailan naman po mangyayari iyan?

Senator Lina. Sa Disyembre po. The various financial institutions which own the land in the reclamation area, Mr. President, are the ones providing the funds in the relocation of the squatters, and in the development of the resettlement areas.

I, for one, went to the reclamation area. I had the occasion to talk with the urban poor there, especially with the leaders, and majority of them have agreed. So, we foresee little problem in the relocation of our brethren who are residing in the reclamation area.

If there is political will, Mr. President, on the part of the local government unit, and they have no choice at this point in time, with the passage of the Local Government Code. One of the functions that have also been devolved from the national down to the local government unit is the function of housing, based on a bill which I introduced here in the Senate and which has been incorporated in the Local Government Code.

The local government unit will play a major role in coming up with solutions to the housing problem in the country, and this is a good development--positive at that--because housing really became an enormous problem, because the tendency of the local executives is to pass to the National Government this problem of housing. So, no fresh ideas are being introduced from the local level on how to lick this problem of housing. But this bill, will provide the component programs on how to minimize, if not totally eradicate the acute housing shortage in our country.

The President. December is very, very close already, and the Gentleman says that that problem will be

resolved this December.

Senator Lina. The reclamation area, Mr. President?

The President. Yes.

Senator Lina. Yes, Mr. President. I just talked to the Public Estate Authority--because I am monitoring this development, this problem--and the Public Estate Authority assured me that money is available. The PNB, GSIS, PNCC, I think, and other institutions, which own the lands in the reclamation area, have already put up the necessary funds so that the resettlement of the people there can be effected within this year.

The President. Harinawang mangyari iyan sinasabi ninyo.

Senator Lina. Kasama ninyo po ako doon, Mr. President. Pinagdadasal po natin.

The President. All right, Senator Guingona.

SUSPENSION OF CONSIDERATION
OF SENATE BILL NO. 234

Senator Guingona. Mr. President, in view of the lateness of the hour, I move that we suspend consideration of this measure.

The President. Is there any objection? [*Silence*] Hearing none, the motion is approved.

Senator Lina. Thank you, Mr. President.

Senator Guingona. Mr. President, in view of the absence of Senator Angara, we have two Conference Committee Reports.

APPROVAL OF CONFERENCE COMMITTEE REPORT
ON SENATE BILL NO. 108/HOUSE BILL NO. 31366

The first is on Senate Bill No. 108, requiring all elementary and secondary schools to integrate the teaching of the dangers and evil effects of drug dependency, drug addiction, and drug abuse, and the counterpart House Bill No. 31366. And the recommendation is to adopt the House version, Mr. President.

It was 6:17 p.m.

RESUMPTION OF THE SESSION

At 6:45 p.m., the session was resumed.

The Presiding Officer [Senator Tañada]. The session is resumed.

The Majority Floor Leader.

**SUSPENSION OF CONSIDERATION
OF SENATE BILL NO. 1765**

Senator Guingona. Mr. President, I move that we suspend consideration of Senate Bill No. 1765.

The Presiding Officer [Senator Tañada]. Is there any objection? [*Silence*] Hearing none, the motion is approved.

**BILL ON SECOND READING
Senate Bill No. 234--Urban Development and
Social Housing Program
(Continuation)**

Senator Guingona. Mr. President, I move that we resume consideration of Senate Bill No. 234 as reported out under Committee Report No. 1397.

The Presiding Officer [Senator Tañada]. Resumption of consideration of Senate Bill No. 234 is now in order.

Senator Guingona. Mr. President, we are still in the period of interpellations. I ask that we recognize Senator Lina.

The Presiding Officer [Senator Tañada]. Senator Lina is recognized.

Senator Lina. I am ready to yield to any interpellations, Mr. President, and my yielding will not just be to tolerate any question.

The Presiding Officer [Senator Tañada]. Is there any interpellation?

The Majority Floor Leader.

Senator Guingona. May we ask that the other Senators be requested to come, Mr. President.

The Presiding Officer [Senator Tañada]. Mr. Sergeant at Arms, can we have the Senators fetched?

At this juncture, the Sergeant at Arms fetched the Senators from the Lounge.

SUSPENSION OF THE SESSION

Senator Guingona. Mr. President, some Members apparently need time to look into this more closely. May we have a five-minute suspension, Mr. President?

The Presiding Officer [Senator Tañada]. The session is suspended, if there is no objection. [*There was none.*]

It was 6:48 p.m.

RESUMPTION OF THE SESSION

At 6:54 p.m., the session was resumed.

The Presiding Officer [Senator Tañada]. The session is resumed.

The Majority Floor Leader.

Senator Guingona. Mr. President, will the distinguished Sponsor yield to some questions?

**MANIFESTATION OF SENATOR LINA
(Coauthors of Senate Bill No. 234)**

Senator Lina. Willingly, Mr. President, but before I answer the questions that will be propounded by the Majority Floor Leader, let me manifest that Senators Estrada, Saguisag, Tañada, Herrera, and Romulo are coauthors of this proposed measure.

Senator Guingona. Mr. President, the major component of this program is a system of urban land acquisition, identification, registration, and utilization. In order to make the questions clearer, may I refer to a specific

area, let us say the area surrounding the GSIS building and the Philippine National Bank building along Roxas Boulevard. Now, may we know how many families are there at present?

Senator Lina. About 7000 to 10,000 families, Mr. President.

Senator Guingona. May we know who owns the land upon which they are settled.

Senator Lina. It is owned by various government financial institutions, such as the GSIS, Philippine National Bank, SSS, and PNCC. Those are the four major government financial institutions.

Senator Guingona. There are no private owners?

Senator Lina. There is no private owner in that portion, Mr. President.

Senator Guingona. So, in that instance, the case does not seem to be very complicated, sapagkat ang may-ari ng lupa ay ang Gobyerno o government agencies.

Senator Lina. Yes, Mr. President.

Senator Guingona. Paano po ba isasakatuparan ang implementasyon nito ayon sa panukalang batas na ito?

Senator Lina. Ang gagawin po doon sa mga lupain pag-aari ng Pamahalaan ay magkakaroon ng determination ang National Government kung alin sa mga lupang pag-aari nito ang maaaring gamitin or suitable for housing. Kaya, iyon pong sa reclamation area, kung ito ay hindi gagamitin for housing because it is going to be used already for certain purposes, ang maaaring gawing hakbang dito ay resettlement. The Government will have to look for areas where the families will be relocated. That is part of the program, Mr. President.

And as to the question raised by the Senate President the last time, I responded that the families in the reclamation area will be moved to a town in Cavite, with the consent of the families themselves. Through their leaders in the various organizations in the reclamation area, they have agreed to a resettlement area in Cavite, and, right now, there is development in the resettlement area, and

the target date for the moving is December this year.

Senator Guingona. So that there has already been a determination, that those areas where they are living at present are not suitable for housing.

Senator Lina. At this point, Mr. President, even without this bill being enacted into law, a determination has been made by the National Government, through the Public Estates Authority, in coordination with the owners of the land. Because the owners of the land, while they are government-owned and -controlled corporations, have seen to it that the families will be given resettlement area, and the basic services will be made available in the resettlement area, even the guidelines on how the resettlement will be undertaken are incorporated into this bill.

Senator Guingona. But may we know if the Gentleman already knows why were those areas found not suitable for housing?

Senator Lina. Because in the comprehensive framework plan that was formulated even before this new Government took over, there is a comprehensive framework plan for the area, Mr. President, and the land has been earmarked for certain purposes. So, even at that time when it was being reclaimed, there was already a plan for it, and it was the Government that determined what is the land use plan for this specific area that we are talking about.

The same is true in the case of Manila. While off-hand we can say that there is no more available land space in the City of Manila, the truth of the matter is that in the NDC, in Sta. Mesa, there is still an available land space of some 30 to 40 hectares which, under this bill, if enacted into law, the city government can make a determination because it is already assuming the function of housing, that that area owned by the city government be set aside for social housing purposes.

If this bill is enacted into law, the city government will already be mandated to undertake social housing project for the people in the City of Manila who are classified as underprivileged and homeless. It is so defined in the bill who are the underprivileged and homeless. This is also provided for in the Constitution, Mr. President, that the Government shall undertake, in coop-

eration 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.

The city government or any urban area under the jurisdiction of a city or a municipality will have to come up with a comprehensive framework plan for the city which will include housing sites.

Senator Guingona. Mr. President, my questions were limited to the area in question. I am asking why that place whereon the settlements are presently located are not suited for housing?

Senator Lina. Because, No. 1, the...

Senator Guingona. Permit me to finish. We have had resettlements in the past. Squatters were moved from Intramuros to Bulacan. Some of them were moved to Kalookan. In the case of San Juan, they were moved to Antipolo. The experience is that because the employment factor comes in, because the place is very far and the employment opportunities are minimal and the transportation costs are also a factor to be considered, many of them returned either to the same place or to another settlement area.

So, I am asking, in this particular case to make it more concrete why the Government, which is supposed to own those lands, did not consider making available those lands whereon the settlers are at present owning housing units. Why transfer them to Cavite?

Senator Lina. The answer, Mr. President, is that, first, the reclamation project would not have been undertaken if the purpose was for using the reclamation area for housing purposes. So, right from the very start the reclamation project was not undertaken for housing purposes. There was a definite purpose for which the project was undertaken. So, the investment did not approximate the requirement of housing purposes in the sense that it would be foolhardy, and unwise to undertake a reclamation project for social housing purposes.

Second the social housing program that will be undertaken by the Government will not be on a dole-out basis. The beneficiaries of the housing program will have

to shell out some amount that will make them participants of the housing scheme that will be implemented by the Government.

As to the other areas that have been used as resettlement, the reason why these resettlement areas have failed was that the objective for which the resettlement areas were established have not been attained.

There was no adequate consultation conducted between the Government and the people who were to be resettled.

Under our Constitution the procedure of consultation is mandatory. In the case of the families living in the reclamation area, they have agreed through a series of consultation that they will be resettled. They have agreed on the manner of resettlement or relocation. They agreed on how much will be the amortization amount they will have to pay in the area where they will be relocated.

Mr. President, the resettlement area is complete by itself. There will be schools, there will be health centers, there will be playgrounds; there will be provision for other services needed by the people in the area. This is not true as far as the previous resettlement projects were concerned.

This resettlement project in the reclamation area, is to be funded by the government financial institutions themselves. So, there will be little worry as far as the funding is concerned in this very specific problem that the Gentleman has adverted to.

Senator Guingona. What happens if the occupant has employment in, let us say, Kalookan, and he is transferred to Cavite? Suppose he does not agree because it will cost him his employment and the additional cost of traveling?

Senator Lina. Based on the dialogue that was conducted by the Public Estate Authority with the people in the reclamation area, many of them are working in the vicinity of Pasay and the transportation is convenient to the place in Cavite. I forgot the name of the place in Cavite, but it is accessible. Those who happen to be working in Kalookan, Mr. President, there are still areas in Bagong Silang, Kalookan where they can be relocated,

and that is open to all Filipino families who are having problems with housing. It is still open, Mr. President. It is a big area in Bagong Silang, Kalookan City.

Senator Guingona. The distinguished Sponsor did not answer the question. Supposing an occupant does not agree to being relocated, what happens?

Senator Lina. The State has to do something about it. The law has to be observed. Provisions are being made available to the families. Consultations were conducted. It will be the majority decision, Mr. President. There will always be a minority, based on experience, in any resettlement undertaking that will oppose the resettlement move.

There is also the existence of professional syndicates, Mr. President, that agitate those who are already being given assistance by the Government, to oppose also the move of the Government that has already met approval of majority of the people in an area, like the reclamation area here at the Manila Bay.

Senator Guingona. In the case of professional syndicates, they would constitute the majority. And I was just wondering what measures this proposed bill has, to meet that kind of situation.

Senator Lina. I must confess, Mr. President, that we were not very particular about the problem of the squatter syndicates. Maybe, at the appropriate time, an amendment can be introduced so as to balance the impact of this proposed legislation.

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 234

Senator Guingona. Mr. President, this Representation has many more questions, but in view of the lateness of the hour, I ask that we suspend it with reservation to continue during the next deliberation.

The Presiding Officer [Senator Tañada]. Is there any objection? [*Silence*] Hearing none, the motion is approved.

Senator Guingona. Mr. President, tomorrow morning we will have a very long calendar because it is our

last day prior to the recess. So, I would like to move that we suspend the session until nine o'clock tomorrow morning. It is our last day before the recess. We resume the session at nine o'clock, Mr. President.

Senator Maceda. Mr. President.

The Presiding Officer [Senator Tañada]. Senator Maceda is recognized.

Senator Maceda. I just want to state for the record that in this morning's Committee hearings of the Commission on Appointments, the Members of the House have called our attention to the fact that they have passed a proposed revision of the legislative calendar for the rest of our term.

Maybe, the Majority Floor Leader and the Senate leadership should look into this matter, as to whether we should have sessions in January, February, March, because it will really control the pace of our work for November to December. If there is no such extension, I am afraid that the pace of work in November and December will be very frenetic and frantic. So, I just want to be informed by the Senate leadership, as soon as possible, as to what their decision is on this proposed revision and extension of the calendar.

Senator Guingona. Yes, Mr. President. We are awaiting the outcome, of course, of the Synchronized Election bill, and we will make the corresponding adjustments. Should the campaign period be shortened, then we can have sessions in January; otherwise, when the campaign period starts, it may entail a number of Senators campaigning, Mr. President. So, we will in due time make the proper adjustments.

SUSPENSION OF THE SESSION

In view thereof, Mr. President, I move that we suspend the session until nine o'clock tomorrow morning.

The Presiding Officer [Senator Tañada]. The session is suspended until nine o'clock tomorrow morning, if there is no objection. [*There was none.*]

It was 7:19 p.m.

Treaty and in the issue of the Land Reform Act, which I opposed vigorously, I have never taken the Floor to deliberately delay a measure, to endlessly and repeatedly ask questions that have already been answered.

So if the distinguished Sponsor wants to abbreviate the proceedings, I will just present for my amendments and we can vote on them line by line, word by word, comma by comma, until we finish all of these, because I am going to ask for an explanation of the vote every time we vote on an amendment. That is my right, and under the *Rules* of this Chamber, if I am voted down, I will ask for a nominal voting, and then I can ask for a roll call vote, and each amendment, each comma, will have to be subjected to a roll call vote. The first roll call vote might reveal the absence of a quorum.

Senator Shahani. Mr. President, I just want to make something clear. When I said "I do not want to argue," I meant that I did not want to argue about the figures or the figures being arrived at in a cavalier fashion. I was just limiting myself to that particular aspect of the discussion, Mr. President. But certainly, our Colleague from Cebu has every right to introduce amendments until hell freezes over.

Senator Guingona. Mr. President.

The Presiding Officer [Senator Tañada]. The Majority Floor Leader.

SUSPENSION OF CONSIDERATION
OF SENATE BILL NO. 1648

Senator Guingona. In view of the reservations made, I move that we suspend consideration of this measure.

The Presiding Officer [Senator Tañada]. Is there any objection? [*Silence*] Hearing none, the motion is approved.

BILL ON SECOND READING
Senate Bill No. 234 — Urban Development
and Social Housing Program
[*Continuation*]

Senator Guingona. Mr. President, I move that we

resume consideration of Senate Bill No. 234 as reported out under Committee Report No. 1397.

The Presiding Officer [Senator Tañada]. Resumption of consideration of Senate Bill No. 234 is now in order.

Senator Guingona. I move that we recognize Senator Lina.

The Presiding Officer [Senator Tañada]. Senator Lina is recognized.

Senator Lina. Thank you, Mr. President.

The parliamentary status is that we are in the period of interpellations.

The Presiding Officer [Senator Tañada]. Is there any interpellation from the Floor?

Senator Guingona. The last time, Mr. President, Senator Neptali Gonzales had some objections, but I do not recall whether he reserved his right to interpellate. I do not remember that, and we have appealed to the *Record*, Mr. President.

At any rate, if he did, we can always reopen.

If there are no other interpellations, Mr. President, I move that we close the period of interpellations.

Senator Maceda. Mr. President.

The Presiding Officer [Senator Tañada]. Senator Maceda is recognized.

Senator Maceda. Just on one point, Mr. President. Is there a new tax being imposed in connection with this measure?

Senator Lina. Yes, Mr. President. It is called the social housing tax, which will serve as one source of funds that will be used for social housing projects in the various towns and cities where social housing programs will be undertaken to service the housing needs of the lowest 30 percent of the population in terms of income, Mr. President.

The social housing tax will be imposed in the following manner:

For the first 500 square meters, Mr. President, that will not be taxable; it will be exempt. The next 501 to 2000 square meters, the tax rate will be .5 percent, and then the succeeding 2001 to 4000 square meters, 1 percent; in excess of 4000 square meters, 1.5 percent tax rate.

That is the structure of the Social Housing Tax. It is progressive. The first 500 square meters of residential land will be exempted from this social housing tax.

Senator Maceda. When we say .5 percent, is that of the market value or assessed value? What is the basis for the computation?

Senator Lina. The assessed value, Mr. President, which we know is much, much lower than the market value.

Senator Maceda. At the present time, what is the average tax that is imposed now on residential land, first, by the National Government, and second, by the cities and local government units?

Senator Lina. The situation varies, Mr. President. In certain cities, there is a new scheme that is being used.

In other areas, the Real Property Tax Code is the one that is being used. Mr. President, I just did not bring my copy of the Real Property Tax Code, but it is in the vicinity of 1.5 percent of the assessed value of the property.

Senator Maceda. Well, let us take the specific example then of Quezon City where there was a big controversy about increase in real state tax payments. My impression in the past—I really have not kept up to date with it, whether it is in the City of Manila or Quezon City—it is about 1.5 percent that is usually the maximum. So, in effect, what the Gentleman is saying is, we are increasing the tax rate anywhere from one third to one half or to even 100 percent, depending on the size of the lot.

Senator Lina. First, we have to reckon with the

exemption, Mr. President.

Senator Maceda. Yes, 500 square meters.

So, from 501 to 1000 is one-half percent.

Senator Lina. It is .5 percent of the assessed value. So on top of the 500 square meters, the addition is .5 percent when the land area is 501 to 2000 square meters. So the effective increase or additional imposition is .5 percent.

Senator Maceda. Now, I did not quite go over the report. But, is it my impression that this matter was not really taken up by the Committee on Ways and Means?

Senator Lina. Yes, Mr. President. Although, the matter has been under discussion for a long time.

Senator Maceda. All right. Be that as it may, may we know if the Committee has drawn up the estimate and the breakdown of the total tax collection that is going to be collected under this scheme.

Senator Lina. We have no complete estimate for the entire country, Mr. President, But Quezon City, if this scheme is adopted, can collect as much as P80 million to P120 million additional social housing tax, Mr. President.

In the City of Manila, we are just computing the figure, but it will be much lower in this city, Mr. President, because the sizes of land here are very much different compared to Quezon City. Here, there are very few areas or land sizes that go beyond 500 square meters. But, just the same, in the City of Manila this bill, if enacted into law, will also be applicable, because the city, being the premier city has extra money, or will have other sources of funds to implement a social housing program.

Senator Maceda. The Gentleman knows, Mr. President, first, this Representation has been consistently opposing all new tax measures. Second, the Gentleman heard the distinguished Chairman of the Committee on Finance earlier, suggesting that the budget for 1992 is going to be financed by a package of new revenue measures which would bring in around P26 or P27 billion, without which correspondingly will be an increase

in the deficit.

I would really like to look at it from a macro standpoint. I want to know, as a result of this tax, how much is going to be collected nationwide, because the law is going to be applicable nationwide.

Meaning to say, in the order of things, the first priority is to fund the national government budget which is proposed to be funded by not only about P250 billion in existing BIR taxes and customs duties, but a new package of P25 billion.

For example, if the Gentleman could give me an estimate—let us say, he tells me that this proposed social housing tax would collect P50 billion nationwide, I would like to square that with the macro picture of whether the economy, the property owners and the population as a whole, can absorb a P50 billion social housing tax, in addition to the P26 billion that is being proposed to be collected under the new package of tax measures of which this is not a part, and the increase in BIR and Bureau of Customs collections. That is what I exactly just want to find out. Whatever it is, can the people who are supposed to pay this tax, really, from a macro standpoint, afford to pay this tax?

Secondly, can they afford to pay this tax, in relation to the other new tax measures that are being proposed? If not, where does the priority lie, on this tax, on this program, or on the government budget that really applies to all programs, including housing?

Senator Lina. I appreciate the point raised by my distinguished Colleague. His concern is valid. We really have to see how the social housing tax is placed in the whole total revenue-raising measures that will be adopted in order to finance the operations of the entire Government next year.

However, there is something that differentiates this social housing tax from the taxes that are being contemplated, Mr. President. The social housing tax or the collection of the same shall go to the Social Housing Program of the local government unit where the tax will be collected. So, it is immediately localized, Mr. President.

For example, in Quezon City. If Quezon City is able to collect, let us say, P80 million under this Social Housing Tax Scheme, the funds will remain in Quezon City and will be placed in a trust fund exclusively for the Social Housing Program to be administered by the Quezon City government.

Number two, Mr. President. This housing program will have a macro effect on the economy. We all know that 60 to 70 products are involved in housing construction.

If we are able to push a social housing program in the country, the boost that can be generated in the economy through this housing program is something that will definitely be most welcome. This can increase employment; this can increase productivity of manufacturers of items used in housing construction.

These are also some of the benefits that we can derive out of this tax measure.

But the Gentleman is correct, Mr. President, I see the validity of the point. That we have to see the totality of the tax measures that are being contemplated by the Government in order to finance our operations in 1992.

Senator Maceda. Well, Mr. President, another point or another angle—and probably the Chairman of the Committee on Local Government will take this up—it is my impression that we consider real estate taxes as basically a local tax. Is that not correct, Mr. President?

Senator Lina. Yes, basically, Mr. President.

Senator Maceda. And we have, in effect, under the principle of local autonomy under the Local Government Code, reconfirmed and given that to the local government units.

Are we not going against that principle by now legislating from a national standpoint an additional percentage of a tax which is basically a local government tax?

Senator Lina. Mr. President, because after all, the tax will go to the local government units.

In the Local Government Code, we did assign housing as a major function of the local government units, Mr. President.

If at all, we can assign a ceiling or a range, and it is up to the local government unit to determine the applicable tax structure or the applicable rate that will be imposed in a given locality, that can be a compromise, that can be arranged, Mr. President.

But there has to be a national policy on this matter, because the housing problem is not just a concern of one town, say, an urban center in the Visayas or in Mindanao. Housing is a national problem, Mr. President.

If housing programs are concentrated in some urban centers, the tendency of the people in other areas is to go to areas where there are more opportunities, for example, for housing and for other basic services. So that if there is no national housing policy involving the appropriate taxation measure, there will not be a concerted or united approach to the housing program in the country.

We want to see the day when in Cagayan de Oro, an urban area, there is an ongoing massive housing program for the people; in Davao City, for the lowest 30 percent, there is also an ongoing massive housing program; in Zamboanga City, the same; in General Santos City, the same; in Cebu, in Iloilo and in all the urban areas, there should be a simultaneous approach to the housing program. Otherwise, if other areas are heavily benefiting or there is a massive and ongoing housing program, the tendency of the people also is to look for these areas where these opportunities are available, in addition to other economic benefits that are available in a certain area.

There is a need to set a national policy, Mr. President. But I agree that the local government units must have a hand in the imposition of this tax.

Senator Maceda. So, with that agreement, Mr. President, would it not be logical to consider that instead of our, again, arrogating unto ourselves what is basically a local government tax, just like in the Local Government Code, to authorize the local government units to impose this kind of a tax?

If that is their decision and they want to go into that type of a housing program in their city, understandably, out of 61 cities and, probably, out of 75 provincial capitals, I would guess that there would be at least one fourth, to be very conservative, that may not have any need for a government style mass-housing program at this time.

In that situation, they may feel, as a local government decision, that they would rather not burden their citizenry with the additional social-housing tax.

Senator Lina. I must disagree with the observation that there may be some areas in the country, cities or urban centers, where there is no necessity for a social-housing program, Mr. President. I made a study on the matter.

Just on the income profile of workers in Government, Mr. President, there is no way by which a teacher or a policeman, especially if there is only one breadwinner in the family, who can afford to have his own house and lot, no matter how small it is, with the present cost of housing construction. If we talk of a decent and affordable housing, it is almost beyond the reach of a common or even an average family—a teacher or a policeman. That is based on the initial studies, that is based on the general knowledge that we have obtained as we go around the various urban centers, that there is a clamor always for a housing program that is based on the affordability level of the workers, say, teachers, policemen or rank and file employees.

The difficulty, Mr. President, is that housing is somehow neglected even in many parts of the country. There seems to be no serious and earnest effort on the part of many local executives because they thought that housing is the function of the National Government.

By that Local Government Code provision assigning housing as one of the functions of the local government units, they really have to be somehow directed to go towards this objective of providing housing to their constituents.

Senator Maceda. Mr. President, I do not disagree with the Gentleman. But my own estimate of the situation is that not so much that there is not enough priority

being given for housing, but because the principal priority has got to be, at this time, to allow our people to eat three times a day. Meaning to say that when we have a situation where we have five million unemployed, the main thrust of any program, whether national, provincial, or local has got to be to allow them to eat three times a day before we even think of devoting such a substantial amount of money to housing over and above what they have right now.

I would think that that is the real score.

Senator Lina. There is no question that of the three basic needs, food would rank number one. But there is also the factor, the study that has been conducted that by making a family secure in their homes, productivity increases.

Based on our readings, the productivity of a family increases almost double, or almost triple, if they feel that their house will not be demolished. For example, here in the urban areas, and as Senator Tanada would also attest, we are always deluged with letters or complaints asking our help to stop demolitions. When people get this feeling that their houses will be demolished, even if they are able to work, their productivity is diminished to a big extent.

While we prioritize on food, we have to think also of the housing requirements of the people. We are not talking of building big houses, Mr. President. For those who have gone to social housing programs, *ang hinihingi po lamang nila ay 20 square meter floor area of a house in a 60 square meter lot. Iyan lamang ang requirement. Puwedeng i-start up ito sa areas na malalaki pa ang lupa, mga 100 square meters, dahil mababa naman iyong presyo ng lupa. Kahit na 20 square meters lamang iyong bahay ay puwede naman. Hindi po naman P50 billion itong ating pinag-uusapan.*

Senator Maceda. *Wala pa nga tayong figure kung magkano ang lalabas sa tax na ito.*

Senator Lina. We can only make examples of some

cities that have available computation, Mr. President. Based on that sample, we can make a general conclusion by citing some parameters or guideposts in the final tax structure that will be allowable under a formula that we have initially suggested whereby the local government units will be the one given the greater responsibility in the imposition of the tax.

Senator Guingona. Mr. President.

The Presiding Officer [Senator Tañada]. The Majority Floor Leader.

SUSPENSION OF CONSIDERATION
OF SENATE BILL NO. 234

Senator Guingona. Mr. President, with the permission of the two Gentleman on the Floor, due to time constraint, I move that we suspend consideration of this measure, with the reservation that Senator Maceda will continue with his interpellation.

The Presiding Officer [Senator Tañada]. Is there any objection? [*Silence*] Hearing none, the same is approved.

Senator Guingona. Mr. President, tomorrow, we will take up the General Appropriations Bill, the bill Creating the Baselands Conversion Authority, the Postal Delivery Corporation, the Overseas Shipping Bill, the Urban Development and Housing Program, the Build, Operate and Transfer Act, the motion for reconsideration of the Palawan Development, the Civil Service Code, and Third Reading on ten local bills.

ADJOURNMENT OF THE SESSION

Mr. President, I move that we adjourn the session until three o'clock tomorrow afternoon.

The Presiding Officer [Senator Tañada]. The session is adjourned until three o'clock tomorrow afternoon, if there is no objection. [*There was none.*]

It was 7:01 p.m.

BILL ON SECOND READING
Senate Bill No. 234--Strengthening Urban
Development and Social Housing Program
(Continuation)

Senator Guingona. Mr. President, I move that we resume consideration of Senate Bill No. 234 as reported out under Committee Report No. 1397.

The Presiding Officer [Senator Tamano]. Resumption of consideration of Senate Bill No. 234 is now in order.

Senator Guingona. Mr. President, we are still in the period of interpellations.

I ask that we recognize Senator Pimentel, coauthor of this bill.

The Presiding Officer [Senator Tamano]. Senator Pimentel is recognized.

Senator Pimentel. Mr. President, the status of this bill is that it is under interpellation.

The last time the bill was discussed, Senator Maceda had asked for clarification on the social tax aspect of this bill. We are willing to accept any formula that may facilitate the passage of this bill, particularly with reference to that issue of social tax, Mr. President.

Perhaps Senator Maceda can make a proposal.

Senator Maceda. Yes. Mr. President, based on the fact that under the Local Government Code, the tax on real estate properties is basically a local tax, in view of the fact that this measure can stand on its own merits without such a tax, and in view of the fact, anyway, that there is an initial appropriation of P50 million in the bill, I am willing to accommodate the request of the Sponsors as well as the leaders of the urban poor that they would be happy to have this bill passed without a social housing tax being attached to it because, as the Gentleman knows, that tax has not even been discussed by the Committee on Ways and Means.

On the understanding that in the period of amendments-- if the Sponsors are willing--the social housing

tax will be deleted, I will have no further interpellations on this measure.

Senator Pimentel. Yes. May we close the period of interpellations, Mr. President, and then proceed to the period of amendments.

Senator Guingona. Mr. President, since there are no further interpellations, I move that we close the period of interpellations.

The Presiding Officer [Senator Tamano]. Senator Saguisag wishes to interpellate.

Senator Saguisag. Thank you, Mr. President. I have not realized that this might be taken up this morning. I just called the Office to send to me some things that I tried to put together last night, I am trying to locate its proper placement here, but it has to do, Mr. President, with the sources of the property or the lands that may be the subject of this Act.

What I have noted is that there is no provision here that may cover many places in the country beginning with Metro Manila or indeed even on Roxas Boulevard where I hold office. I am referring, Mr. President, to many vacant lots in Metro Manila that have appeared unutilized for years, if not decades.

I was wondering whether in the period of amendments, if the Gentleman would yield--only on this point-- if our staff can work on the possibility of an escheat type of provision.

Sa halip po, na mga negotiated expropriation, tax sales, since property has a social function, instead of intensifying the tension between members of the lower middle class or the middle classes, mayroon pong napakayaman diyan who have more property than they know what to do with, and I would hope to introduce in the period of amendments a provision that would be in the nature of some kind of an escheat proceeding, either libre po o murang-mura.

In other words, for a certain number of years, if valuable property does not appear to be used, that should, in fact, be the first target, dahil unoccupied po. Mahirap kasi kung may nakatira na, mayroong ibang tumira, the

tension is predictable, understandable, and natural.

Is that something, Mr. President, that can be accommodated in this Act?

Senator Pimentel. Certainly, Mr. President. As a matter of fact, one of the things that we should probably do here is strengthen the hand of the Local Government Units, because they are in a better position to identify lands that should be the object of take-overs by the government for purposes of this low-cost housing, either by means of escheat, as the Gentleman said, expropriation or negotiated sale, whatever would be the most expedient way of doing it to attain the social ends of this bill.

Senator Saguisag. Salamat ho. Kasi iyon nga ang gusto naming imungkahi na, maybe, in the period of six months, the national agency and the local governments should immediately undertake an inventory of idle and unutilized land. And to me, that is where we should have first crack, at sayang po dahil marami pong nakatiwangwang diyay.

Iyon lamang po, and at the proper time we will be ready with an amendment to be proposed along that line.

Salamat po.

Senator Pimentel. Yes, Mr. President, thank you very much.

Senator Guingona. If there are no further interpellations, I move that the period of interpellations be closed.

The Presiding Officer [Senator Tamano]. Is there any objection? [*Silence*] Hearing none, the motion is approved.

Senator Pimentel. Let us go to the period of amendments, Mr. President.

Senator Guingona. If there are Committee amendments.

COMMITTEE AMENDMENT

Senator Pimentel. Mr. President, just a very brief Committee amendment, which we would like to be con-

sidered as an omnibus amendment which should start with the Declaration of Policy.

On line 6 of Section 2, page 1, which begins in this wise: "It is hereby declared the policy of the State to undertake", we insert the words "WITH THE LOCAL GOVERNMENT UNITS."

The Presiding Officer [Senator Tamano]. Is there any objection? [*Silence*] Hearing none, the amendment is approved.

Senator Pimentel. Mr. President, we are requesting that insertion on the participation of the Local Government Units be considered an omnibus amendment.

The Presiding Officer [Senator Tamano]. Is there any objection? [*Silence*] Hearing none, the amendment is approved.

Senator Pimentel. Well, that is about all, Mr. President, for the Committee amendments.

Senator Guingona. I move that we close the period of amendments, Mr. President.

The Presiding Officer [Senator Tamano]. Is there any objection? [*Silence*] Hearing none, the motion is approved.

Senator Guingona. I move that we suspend consideration...

Senator Pimentel. There is an amendment by Senator Saguisag, Mr. President.

Senator Saguisag. Mr. President.

The Presiding Officer [Senator Tamano]. Senator Saguisag is recognized.

Senator Saguisag. Mr. President, if we may just reopen the period of amendments. I just got my proposed amendment faxed in a minute ago, and I would like to turn to page 6. Kung makikinig po iyong kaibigan nating taga-Cagayan de Oro.

The Presiding Officer [Senator Tamano]. I hereby

close the period of amendments. Is the Gentleman moving to reconsider the closure?

Senator Saguisag. Yes, Mr. President, just to make a proposed amendment along the lines that I brought out during the interpellation.

The Presiding Officer [Senator Tamano]. Is there any objection? [Silence] Hearing none, the same is approved.

Senator Pimentel. We accept the escheat idea.

SAGUISAG AMENDMENT

Senator Saguisag. This is subject to style: Page 6, line 13, after the word "Act.", the period (.) should be changed to semicolon (;), and the following is proposed:

"PROVIDED, FINALLY,

THAT IDLE PROPERTY NOT DEVOTED TO ANY USEFUL PURPOSE, OR APPEARS UNUTILIZED FOR A PERIOD OF THREE CONSECUTIVE YEARS SHALL BE REVERTED AND ESCHEATED TO THE STATE IN A PROCEEDING ANALOGOUS TO THE PROCEDURE LAID DOWN IN RULE 91 OF THE RULES OF COURT.

AN INVENTORY OF SUCH PROPERTY SHALL BE CONDUCTED AND CONCLUDED BY THE HOUSING AND LAND REGULATORY BOARD IN COORDINATION WITH THE LOCAL GOVERNMENT UNIT CONCERNED WITHIN A PERIOD OF SIX MONTHS FROM THE EFFECTIVITY OF THIS ACT FOR PROPER DISPOSITION."

Under Rule 91, there will be due process.

Senator Pimentel. Yes.

Senator Saguisag. Everyone will be notified that it is not true that it is not utilized or that there are really plans to devote it to some useful purpose.

Senator Pimentel. We accept the amendment, subject to style, Mr. President.

The Presiding Officer [Senator Tamano]. Is there any

objection? [Silence] Hearing none, the amendment is approved.

Senator Saguisag. Thank you, Mr. President.

MACEDA AMENDMENTS

Senator Maceda. Mr. President, on page 14, Article XI, Section 29, to begin with, may I move to delete the entire Section starting with "The Social Housing Tax and Other" all the way to page 15 on line 15; retain the words *Sources of Funding* on lines 11 and 12 on page 14; meaning to say that the last paragraph shall be retained.

Can we first delete from line 11...

Senator Pimentel. Section 29, line 11.

Senator Maceda. We will keep Section 29, because there will be one or two paragraphs left.

Senator Pimentel. All right.

Senator Maceda. Section 29 will read: "*Sources of Funding*." Then delete all the paragraphs that refer to the social housing tax.

Senator Pimentel. We accept, Mr. President, subject to style.

The Presiding Officer [Senator Tamano]. Is there any objection? [Silence] Hearing none, the amendment is approved.

Senator Maceda. Mr. President, as I said, we will retain lines 16-25. In addition to that, maybe we can put a new paragraph to read, subject to style: "IN ADDITION TO THOSE AUTHORIZED UNDER THE LIMITS PROVIDED IN THE LOCAL GOVERNMENT CODE, ALL LOCAL GOVERNMENT UNITS ARE HEREBY AUTHORIZED TO IMPOSE AN ADDITIONAL .5 PERCENT ON ALL RESIDENTIAL URBAN LANDS FOR PURPOSES OF THIS ACT."

Senator Pimentel. Subject to style, I accept, Mr. President.

The Presiding Officer [Senator Tamano]. Is there

any objection? [*Silence*] Hearing none, the amendment is approved, subject to style.

Senator Guingona. If there are no further amendments, Mr. President, I move that we close the period of amendments.

The Presiding Officer [Senator Tamano]. The period of amendments is closed.

APPROVAL OF SENATE BILL NO. 234
ON SECOND READING

Senator Guingona. Mr. President, I move that we vote on Senate Bill No. 234 (as amended) on Second Reading.

The Presiding Officer [Senator Tamano]. Is there any objection? [*Silence*] There being none, Senate Bill No. 234 (as amended) is approved on Second Reading.

Senator Enrile. Mr. President.

The Presiding Officer [Senator Tamano]. The Minority Floor Leader is recognized.

Senator Enrile. Mr. President, we are approving bills here. I did not object to the approval of this Urban Land Reform Bill because I promised the beneficiaries that I will support this bill; but evidently, we do not have a quorum, and I am raising the question of quorum because we are approving bills where we do not have the required number to do it.

SUSPENSION OF THE SESSION

The Presiding Officer [Senator Tamano]. The session is suspended for one long minute, if there is no objection. [*There was none.*]

It was 10:18 p.m.

RESUMPTION OF THE SESSION

At 10:36 a.m., the session was resumed.

The Presiding Officer [Senator Tamano]. The session is resumed.

Senator Guingona. Mr. President, Senator Alvarez would like to make a manifestation or motion. Since he is here now, I ask that we recognize him.

The Presiding Officer [Senator Tamano]. Senator Alvarez is recognized.

Senator Alvarez. Mr. President, I move that the Committee on Natural Resources with the Committee on Mindanao Affairs, be authorized to hold a joint hearing with the Committee on Natural Resources and Environment of the House on Senate Resolution No. 1304 and House Resolution No. 2423. The Resolution has something to do with the Ormoc destruction.

The Presiding Officer [Senator Tamano]. Is there any rejoinder or objection to the motion?

Senator Guingona. Mr. President, Senator Enrile would like to make a manifestation.

The Presiding Officer [Senator Tamano]. Senator Enrile is recognized.

Senator Enrile. Mr. President, I am willing not to pursue the issue of quorum for as long as we only take local bills, and no discussion of any substantial or major bills including franchises.

The Presiding Officer [Senator Tamano]. Is the Gentleman withdrawing his motion?

Senator Enrile. Yes. I will withdraw my issue of quorum on that condition.

The Presiding Officer [Senator Tamano]. Let it stand on the record.

Let us resume.

Senator Guingona. Mr. President, on the motion of Senator Alvarez to have joint hearings for the two Committees--

Senator Osmeña. May we know what is the title, at least, of the resolution? If it is the flooding in Ormoc, why involve the Committee on Mindanao Affairs?

Senator Pimentel. Mr. President.

The Presiding Officer [Senator Tamano]. Senator Pimentel is recognized.

Senator Pimentel. As a matter of fact, Mr. President, the Resolution was premised upon the reclassification of forest reserves in Mindanao. Ormoc was mentioned incidentally as "palabok" lamang.

Senator Osmeña. We should at least be told, Mr. President, what is the resolution all about. Because when I asked Senator Alvarez, he said it is about Ormoc. I was surprised why Senator Pimentel's Committee would be involved in Ormoc.

The Presiding Officer [Senator Tamano]. That is right.

May we ask Senator Alvarez to restate his motion?

Senator Alvarez. Mr. President, may we ask for an authorization from the Chamber for the Committee on Natural Resources and Ecology, with the Committee on Mindanao Affairs to hold a joint hearing on Senate Resolution No. 1308 and House Resolution No. 2423.

The Presiding Officer [Senator Tamano]. What are the titles of these two Resolutions?

Senator Pimentel. It is a resolution directed to inquire as to the legal basis of the changes being made by the Department of Environment and Natural Resources on the classification of lands in Mindanao.

The Presiding Officer [Senator Tamano]. I see.

Is the Gentleman from Cebu satisfied?

Senator Osmeña. I am satisfied, Mr. President, on the basis of what has been transmitted to us by Senator Pimentel, on the subject of the resolution.

The Presiding Officer [Senator Tamano]. What is the pleasure of the Body?

Is there any objection to the resolution of Senator Alvarez to hold the joint hearing? [Silence]

There being none, the motion is approved.

Senator Guingona. Mr. President, Senator Saguisag wanted to make a manifestation also.

The Presiding Officer [Senator Tamano]. Senator Saguisag is recognized.

MANIFESTATION OF SENATOR SAGUISAG
(Amendment on Senate Bill No. 234)

Senator Saguisag. I would just want to spread upon the *Record*, Mr. President, that in regard to the amendment on the Urban Poor Bill, which has been accepted by the Body subject to style, to avoid any misunderstanding and any possible necessary complications, in conference with some of our Colleagues, we have agreed that the word "idle" should be changed to "ABANDONED". It is just a manifestation, we are not even asking for the formal reopening.

Dahil mayroon namang authority na ito ay subject to style. Papalitan lamang natin iyong "idle" sa "abandoned". Mabuti na *sigurong nasa Record po iyon*. We are not seeking the formal reopening.

The Presiding Officer [Senator Tamano]. Is the Gentleman referring to Senate Bill No. 234?

Senator Saguisag. Yes, Mr. President.

The Presiding Officer [Senator Tamano]. Let that stand in the *Record*.

Senator Saguisag. Thank you, Mr. President.

Senator Guingona. Since Senator Saguisag is already on the Floor, Mr. President, he would like to reopen the issue on the Centennial just to make some clarifications.

The Presiding Officer [Senator Tamano]. Senator Saguisag is recognized.

MOTION OF SENATOR SAGUISAG
(Reconsideration of the Approval
of Senate Bill No. 1582)

Senator Saguisag. Thank you, Mr. President.

even lands that are not idle, as pointed out by Senator Lina, are subject to expropriation even today. And thirdly, there is a provision here that there must be an inventory precisely to be conducted in response to the question about hectarage.

May I be allowed to amplify on this in writing?

Thank you.

APPROVAL OF CONFERENCE COMMITTEE REPORT
ON SENATE BILL NO. 234/HOUSE BILL NO. 34310

The President. Is there any objection to the acceptance of this Conference Committee Report? [Silence] The Chair hears none; the Conference Committee Report on the disagreeing provisions on House Bill No. 34310 and Senate Bill No. 234 is hereby approved.

The following is the full text of the Conference Committee Report:

CONFERENCE COMMITTEE REPORT

The Conference Committee on the disagreeing provisions of House Bill No. 34310, entitled

AN ACT PROVIDING FOR A COMPREHENSIVE AND SUSTAINABLE PROGRAM ON URBAN DEVELOPMENT AND HOUSING, PROVIDING THE MECHANISM FOR ITS IMPLEMENTATION, AND FOR OTHER PURPOSES

and Senate Bill No. 234, entitled

AN ACT TO STRENGTHEN THE URBAN DEVELOPMENT AND SOCIAL HOUSING PROGRAM, PROVIDE FOR A SOCIAL HOUSING TAX, APPROPRIATE FUNDS FOR THE PROGRAM, AND FOR OTHER PURPOSES,

has met and, after full and free conference, has agreed to recommend and hereby recommends to the Senate and the House of Representatives, that House Bill No. 34310, in consolidation with Senate Bill No. 234 be approved in accordance with the attached version as reconciled and approved by the Conferees.

Approved,

CONFEREES ON THE PART OF
THE SENATE

(Sgd.) JOSE D. LINA, JR.

(Sgd.) ORLANDO S. MERCADO

(Sgd.) AQUILINO Q. PIMENTEL, JR.

(Sgd.) RENE A. V. SAGUISAG

(Sgd.) JUAN PONCE ENRILE
(with reservation)

CONFEREES ON THE PART OF THE
HOUSE OF REPRESENTATIVES

(Sgd.) CONSUELO PUYAT-REYES

(Sgd.) ANTONIO L. AQUINO

(Sgd.) AMADO S. BAGATSING

(Sgd.) MARTIN B. ISIDRO

(Sgd.) SALVADOR S. LAGUDA

(Sgd.) HERNANI B. PANGANIBAN

(Sgd.) REY MAGNO TEVES

ANTONIO M. SERAPIO

AN ACT TO PROVIDE FOR A COMPREHENSIVE AND CONTINUING URBAN DEVELOPMENT AND HOUSING PROGRAM, ESTABLISH THE MECHANISM FOR ITS IMPLEMENTATION, AND FOR OTHER PURPOSES

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

ARTICLE I

TITLE, POLICY, PROGRAM AND DEFINITION
OF TERMS

SECTION 1. Title. - This Act shall be known as the "Urban Development and Housing Act of 1992".

SEC. 2. Declaration of State Policy and Program Objectives. - It shall be the policy of the State to undertake, in cooperation with the private sector, a comprehensive and continuing Urban Development and Housing Program, hereinafter referred to as the "Program", which shall:

a) Uplift the conditions of the underprivileged and homeless citizens in urban areas and in resettlement areas by making available to them decent housing at affordable cost, basic services, and employment opportunities;

b) Provide for the rational use and development of urban land in order to bring about the following:

(1) Equitable utilization of residential lands in urban and urbanizable areas with particular attention to

the needs and requirements of the underprivileged and homeless citizens and not merely on the basis of market forces;

- (2) Optimization of the use and productivity of land and urban resources;
- (3) Development of urban areas conducive to commercial and industrial activities which can generate more economic opportunities for the people;
- (4) Reduction in urban dysfunctions, particularly those that adversely affect public health, safety, and ecology; and
- (5) Access to land and housing by the underprivileged and homeless citizens;

c) Adopt workable policies to regulate and direct urban growth and expansion towards a dispersed urban net and more balanced urban-rural interdependence;

d) Provide for an equitable land tenure system that shall guarantee security of tenure to Program beneficiaries but shall respect the rights of small property owners and ensure the payment of just compensation;

e) Encourage more effective people's participation in the urban development process; and

f) Improve the capability of local government units in undertaking urban development and housing programs and projects.

SEC. 3. Definition of terms. - For purposes of this Act:

a) **Affordable Cost** - refers to the most reasonable price of land and shelter based on the needs and financial capability of Program beneficiaries and appropriate financing schemes.

b) **Areas for Priority Development** - refers to those areas declared as such under existing statutes and pertinent executive issuances.

c) **Blighted Lands** - refers to the areas where the structures are dilapidated, obsolete and unsanitary, tending to depreciate the value of the land and prevent normal development and use of the area.

d) **Consultation** - refers to the constitutionally mandated process whereby the public, on their own or through people's organizations, is provided an opportunity to be heard and to participate in the decision-making process on matters involving the protection and promotion of its legitimate collective interests, which shall include appropriate documentation and feedback mechanisms.

e) **Idle Lands** - refer to non-agricultural lands in urban and urbanizable areas on which no improvements, as herein defined, have been made by the owner, as certified by the city, municipal or provincial assessor.

f) **Improvements** - refers to all types of buildings and residential units, walls, fences, structures or constructions of all kinds of a fixed character or which are adhered to the soil but shall not include trees, plants and growing fruits, and other fixtures that are mere superimpositions on the land, and the value of improvements shall not be less than fifty percent (50%) of the assessed value of the property.

g) **Joint Venture** - refers to the commitment or agreement by two or more persons to carry out a specific or single business enterprise for their mutual benefit, for which purpose they combine their funds, land resources, facilities and services.

h) **Land Assembly or Consolidation** - refers to the acquisition of lots of varying ownership through purchase or expropriation for the purpose of planned and rational development and socialized housing progress without individual property boundary restrictions.

i) **Land Banking** - refers to the acquisition of land at values based on existing use in advance of actual need to promote planned development and socialized housing programs.

j) **Land Swapping** - refers to the process of land acquisition by exchanging land for another piece of land of equal value, or for shares of stock in a government or quasi-government corporation whose book value is of equal value to the land being exchanged, for the purpose of planned and rational development and provision for socialized housing where land values are determined based on land classification, market value and assessed value taken from existing tax declarations: Provided, That more valuable lands owned by private persons may be exchanged with less valuable lands to carry out the objectives of this Act.

k) **Land Use Plan** - refers to the rational approach of allocating available land resources as equitably as possible among competing user groups and for different functions consistent with the development plan of the area and the Program under this Act.

l) **On-site Development** - refers to the process of upgrading and rehabilitation of blighted and slum urban areas with a view of minimizing displacement of dwellers in said areas, and with provisions for basic services as provided for in Section 21 hereof.

m) **Professional Squatters** - refers to individuals or groups who occupy lands without the express consent of the landowner and who have sufficient income for legitimate housing. The term shall also apply to persons who have

previously been awarded homelots or housing units by the government but who sold, leased or transferred the same to settle illegally in the same place or another urban area, and non-bona fide occupants and intruders of lands reserved for socialized housing. The term shall not apply to individuals or groups who simply rent land and housing from professional squatters or squatting syndicates.

n) Resettlement Areas - refers to areas identified by the appropriate national agency or by the local government unit with respect to areas within its jurisdiction, which shall be used for the relocation of the underprivileged and homeless citizens.

o) Security of tenure - refers to the degree of protection afforded to qualified Program beneficiaries against infringement or unjust, unreasonable and arbitrary eviction or disposition, by virtue of the right of ownership, lease agreement, usufruct and other contractual arrangements.

p) Slum Improvement and Resettlement Program or SIR - refers to the program of the National Housing Authority of upgrading and improving blighted squatter areas outside of Metro Manila pursuant to existing statutes and pertinent executive issuances.

q) Small Property Owners - refers to those whose only real property consists of residential lands not exceeding three hundred square meters (300 sq.m.) in highly urbanized cities and eight hundred square meters (800 sq.m.) in other urban areas.

r) Socialized housing - refers to housing programs and projects covering houses and lots or homelots only undertaken by the government or the private sector for the underprivileged and homeless citizens which shall include sites and services development, long term financing, liberalized terms on interest payments, and such other benefits in accordance with the provisions of this Act.

s) Squatting syndicates - refers to groups of persons engaged in the business of squatter housing for profit or gain.

t) Underprivileged and Homeless Citizens - refers to the beneficiaries of this Act and to individuals or families residing in urban and urbanizable areas whose income or combined household income falls within the poverty threshold as defined by the National Economic and Development Authority and who do not own housing facilities. This shall include those who live in makeshift dwelling units and do not enjoy security of tenure.

u) Unregistered or Abandoned Lands - refers to lands in urban and urbanizable areas which are not registered with the Register of Deeds, or with the city or municipal assessor's office concerned, or which are uninhabited by the owner and have not been developed or devoted for any useful purpose, or appears unutilized for a period of three (3) consecutive years immediately prior to the issuance and receipt or

publication of notice of acquisition by the government as provided under this Act. It does not include land which has been abandoned by reason of *force majeure* or any other fortuitous event: Provided, That prior to such event, such land was previously used for some useful or economic purpose.

v) Urban Areas - refers to all cities regardless of their population density and to municipalities with a population density of at least five hundred (500) persons per square kilometer.

w) Urbanizable Areas - refer to sites and lands which, considering present characteristics and prevailing conditions, display marked and great potential of becoming urban areas within the period of five (5) years.

x) Zonal Improvement Program or ZIP - refers to the program of the National Housing Authority of upgrading and improving blighted squatter areas within the cities and municipalities of Metro Manila pursuant to existing statutes and pertinent executive issuances.

ARTICLE II COVERAGE AND EXEMPTIONS

SEC. 4. *Coverage.* - The Program shall cover all lands in urban and urbanizable areas, including existing areas for priority development, zonal improvement sites, slum improvement and resettlement sites, and in other areas that may be identified by the local government units as suitable for socialized housing.

SEC. 5. *Exemptions.* - The following lands shall be exempt from the coverage of this Act:

a) those included in the coverage of Republic Act No. 6657, otherwise known as the Comprehensive Agrarian Reform Law;

b) Those actually used for national defense and security of the State;

c) Those used, reserved or otherwise set aside for government offices, facilities and other installations, whether owned by the National Government, its agencies and instrumentalities, including government-owned or controlled corporations, or by the local government units: Provided, however, That the lands herein mentioned, or portions thereof, which have not been used for the purpose for which they have been reserved or set aside for the past ten (10) years from the effectivity of this Act, shall be covered by this Act;

d) Those used or set aside for parks, reserves for flora and fauna, forests and watersheds, and other areas necessary to maintain ecological balance or environmental protection, as determined and certified to by the proper government agency; and

e) Those actually and primarily used for religious, charitable, or educational purposes, cultural and historical sites, hospitals and health centers, and cemeteries or memorial parks.

The exemptions herein provided shall not apply when the use or purpose of the abovementioned lands has ceased to exist.

ARTICLE III NATIONAL URBAN DEVELOPMENT AND HOUSING FRAMEWORK

SEC. 6. *Framework for Rational Development.* - There shall be a National Urban Development and Housing Framework to be formulated by the Housing and Land Use Regulatory Board under the direction of the Housing and Urban Development Coordinating Council in coordination with all local government units and other concerned public and private sectors within one (1) year from the effectivity of this Act.

The Framework shall refer to the comprehensive plan for urban and urbanizable areas aimed at achieving the objectives of the Program. In the formulation of the Framework, a review and rationalization of existing town and land use plans, housing programs, and all other projects and activities of government agencies and the private sector which may substantially affect urban land use patterns, transportation and public utilities, infrastructure, environment and population movements shall be undertaken with the concurrence of the local government units concerned.

ARTICLE IV LAND USE, INVENTORY, ACQUISITION AND DISPOSITION

SEC. 7. *Inventory of Lands.* - Within one (1) year from the effectivity of this Act, all city and municipal governments shall conduct an inventory of all lands and improvements thereon within their respective localities. The inventory shall include the following:

- a) Residential lands;
- b) Government-owned lands, whether owned by the National Government or any of its subdivisions, instrumentalities, or agencies, including government-owned or-controlled corporations and their subsidiaries;
- c) Unregistered or abandoned and idle lands; and
- d) Other lands.

In conducting the inventory, the local government units concerned, in coordination with the Housing and Land Use Regulatory Board and with the assistance of the appropriate government agencies, shall indicate the type of land use and

the degree of land utilization, and other data or information necessary to carry out the purposes of this Act.

For planning purposes, the Housing and Urban Development Coordinating Council shall be furnished by each local government unit a copy of its inventory which shall be updated every three (3) years.

SEC. 8. *Identification of Sites for Socialized Housing.* - After the inventory, the local government units, in coordination with the National Housing Authority, the Housing and Land Use Regulatory Board, the National Mapping Resource Information Authority, and the Land Management Bureau, shall identify lands for socialized housing and resettlement areas for the immediate and future needs of the underprivileged and homeless in the urban areas, taking into consideration the degree of availability of basic services and facilities, their accessibility and proximity to job sites and other economic opportunities, and the actual number of registered beneficiaries.

Government-owned lands under paragraph b) of the preceding section which have not been used for the purpose for which they have been reserved or set aside for the past ten (10) years from the effectivity of this Act and identified as suitable for socialized housing, shall immediately be transferred to the National Housing Authority subject to the approval of the President of the Philippines or by the local government unit concerned, as the case may be, for proper disposition in accordance with this Act.

SEC. 9. *Priorities in the Acquisition of Land.* - Lands for socialized housing shall be acquired in the following order:

- a) Those owned by the government or any of its subdivisions, instrumentalities, or agencies, including government-owned or -controlled corporations and their subsidiaries;
- b) Alienable lands of the public domain;
- c) Unregistered or abandoned and idle lands;
- d) Those within the declared Areas for Priority Development, Zonal Improvement Program Sites, and Slum Improvement and Resettlement Program sites which have not yet been acquired;
- e) Bagong Lipunan Improvement of Sites and Services or BLISS sites which have not yet been acquired; and
- f) Privately-owned lands.

Where on-site development is found more practicable and advantageous to the beneficiaries, the priorities mentioned in this section shall not apply. The local government units shall give budgetary priority to on-site development of government lands.

SEC. 10. *Modes of Land Acquisition.* - The modes of

acquiring lands for purposes of this Act shall include, among others, community mortgage, land swapping, land assembly or consolidation, land banking, donation to the government, joint-venture agreement, negotiated purchase, and expropriation: *Provided, however*, That expropriation shall be resorted to only when other modes of acquisition have been exhausted: *Provided, further*, That where expropriation is resorted to, parcels of land owned by small property owners shall be exempted for purposes of this Act: *Provided, finally*, That abandoned property, as herein defined, shall be reverted and escheated to the State in a proceeding analogous to the procedure laid down in Rule 91 of the Rules of Court.

For the purpose of socialized housing, government-owned and foreclosed properties shall be acquired by the local government units, or by the National Housing Authority primarily through negotiated purchase: *Provided*, That qualified beneficiaries who are actual occupants of the land shall be given the right of first refusal.

SEC. 11. Expropriation of Idle Lands. - All idle lands in urban and urbanizable areas, as defined and identified in accordance with this Act, shall be expropriated and shall form part of the public domain. These lands shall be disposed of or utilized by the government for such purposes that confers with their land use plans. Expropriation proceedings shall be instituted if, after the lapse of one (1) year following receipt of notice of acquisition, the owner fails to introduce improvements as defined in Section 3 (f) hereof, except in the case of *force majeure* and other fortuitous events. Exempted from this provision, however, are residential lands owned by small property owners or those the ownership of which is subject of a pending litigation.

SEC. 12. Disposition of Lands for Socialized Housing. - The National Housing Authority, with respect to lands belonging to the national government, and the local government units with respect to other lands within their respective localities, shall coordinate with each other to formulate and make available various alternative schemes for the disposition of lands to the beneficiaries of the Program. These schemes shall not be limited to those involving transfer of ownership in fee simple but shall include lease, lease with option to purchase, usufruct or such other variations as the local government units or the National Housing Authority may deem most expedient in carrying out the purposes of this Act.

Consistent with this provision, a scheme for puroic rental housing may be adopted.

SEC. 13. Valuation of Lands for Socialized Housing. - Equitable land valuation guidelines for socialized housing shall be set by the Department of Finance on the basis of the market value reflected in the zonal valuation, or in its absence, on the latest real property tax declaration.

For sites already occupied by qualified Program beneficiaries, the Department of Finance shall factor into the

valuation the blighted status of the land as certified by the local government unit or the National Housing Authority.

SEC. 14. Limitations on the Disposition of Lands for Socialized Housing. - No land for socialized housing, including improvements or rights thereon, shall be sold, alienated, conveyed, encumbered or leased by any beneficiary of this Program except to qualified program beneficiaries as determined by the government agency concerned.

Should the beneficiary unlawfully sell, transfer or otherwise dispose of his lot or any right thereon, the transaction shall be null and void. He shall also lose his right to the land, forfeit the total amortization paid thereon, and shall be barred from the benefits under this Act for a period of ten (10) years from the date of violation.

In the event the beneficiary dies before full ownership of the land is vested on him, transfer to his heirs shall take place only upon their assumption of his outstanding obligations. In case of failure by the heirs to assume such obligations, the land shall revert to the government for disposition in accordance with this Act.

ARTICLE V SOCIALIZED HOUSING

SEC. 15. Policy. - Socialized housing, as defined in Section 3 hereof, shall be the primary strategy in providing shelter for the underprivileged and homeless. However, if the tenurial arrangement in a particular socialized housing program is in the nature of leasehold or usufruct, the same shall be transitory and the beneficiaries must be encouraged to become independent from the Program within a given period of time, to be determined by the implementing agency concerned.

SEC. 16. Eligibility Criteria for Socialized Housing Program Beneficiaries. - To qualify for the socialized housing program, a beneficiary:

- a) Must be a Filipino citizen;
- b) Must be an underprivileged and homeless citizen, as defined in section 3 of this Act;
- c) Must not own any real property whether in the urban or rural areas; and
- d) Must not be a professional squatter or a member of squatting syndicates.

SEC. 17. - Registration of Socialized Housing Beneficiaries. - The Housing and Urban Development Coordinating Council, in coordination with the local government units, shall design a system for the registration of qualified Program beneficiaries in accordance with the framework. The local government units, within one (1) year from the effectivity of this Act shall identify and register all beneficiaries within their respective localities.

SEC. 18. *Balanced Housing Development.* - The program shall include a system to be specified in the framework plan whereby developers of proposed subdivision projects shall be required to develop an area for socialized housing equivalent to at least twenty percent (20%) of the total subdivision area or total subdivision project cost, at the option of the developer, within the same city or municipality, whenever feasible, and in accordance with the standards set by the Housing and Land Use Regulatory Board and other existing laws. The balanced housing development as herein required may also be complied with by the developers concerned in any of the following manner:

- a) Development new settlement;
- b) Slum upgrading or renewal of areas for priority development either through zonal improvement programs or slum improvement and resettlement programs;
- c) Joint venture projects with either the local government units or any of the housing agencies; or
- d) Participation in the Community Mortgage Program.

SEC. 19. *Incentives for the National Housing Authority.* - The National Housing Authority, being the primary government agency in charge of providing housing for the underprivileged and homeless, shall be exempted from the payment of all fees and charges of any kind, whether local or national, such as income and real taxes. All documents or contracts executed by and in favor of the National Housing Authority shall also be exempt from the payment of documentary stamp tax and registration fees, including fees required for the issuance of transfer certificates of titles.

SEC. 20. *Incentives for Private Sector Participating in Socialized Housing.* - To encourage greater private sector participation in socialized housing and further reduce the cost of housing units for the benefit of the underprivileged and homeless, the following incentives shall be extended to the private sector:

- a) Reduction and simplification of qualification and accreditation requirements for participating private developers;
- b) Creation of one-stop offices in the different regions of the country for the processing, approval and issuance of clearances, permits and licenses: *Provided*, That clearances, permits and licenses shall be issued within ninety (90) days from the date of submission of all requirements by the participating private developers;
- c) Simplification of financing procedures; and
- d) Exemption from the payment of the following:
 - (1) project-related income taxes;

- (2) capital gains tax on raw lands used for the project;
- (3) value-added tax for the project contractor concerned;
- (4) transfer tax for both raw and completed projects; and
- (5) donor's tax for lands certified by the local government units to have been donated for socialized housing purposes:

Provided, That upon application for exemption, a lien on the title of the land shall be annotated by the Register of Deeds: *Provided, further*, That the socialized housing development plan has already been approved by the appropriate government agencies concerned: *Provided, finally*, That all the savings accrued by virtue of this provision shall accrue in favor of the beneficiaries subject to the implementing guidelines to be issued by the Housing and Urban Development Coordinating Council.

Appropriate implementing guidelines shall be prepared by the Department of Finance, in consultation with the Housing and Urban Development Coordinating Council, for the proper implementation of the tax exemption mentioned in this section within one (1) year after the approval of this Act.

Property owners who voluntarily provide resettlement sites to illegal occupants of their lands shall be entitled to a tax credit equivalent to the actual non-recoverable expenses incurred in the resettlement, subject to the implementing guidelines jointly issued by the Housing and Urban Development Coordinating Council and the Department of Finance.

SEC. 21. *Basic Services.* - Socialized housing or resettlement areas shall be provided by the local government unit or the National Housing Authority in cooperation with the private developers and concerned agencies with the following basic services and facilities:

- a) Potable water;
- b) Power and electricity and an adequate power distribution system;
- c) Sewerage facilities and an efficient and adequate solid waste disposal system; and
- d) Access to primary roads and transportation facilities.

The provision of other basic services and facilities such as health, education, communications, security, recreation, relief and welfare 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 local government unit, in coordination with the concerned national agencies, shall ensure that these basic services are provided at the most cost-efficient rates, and shall set a mechanism to coordinate operationally the thrusts, objectives and activities of other government agencies concerned with providing basic services to housing projects.

SEC. 22. Livelihood Component. - To the extent feasible, socialized housing and resettlement projects shall be located near areas where employment opportunities are accessible. The government agencies dealing with the development of livelihood programs and grant of livelihood loans shall give priority to the beneficiaries of the Program.

SEC. 23. Participation of Beneficiaries. - The local government units, in coordination with the Presidential Commission for the Urban Poor and concerned government agencies, shall afford Program beneficiaries 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. 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 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 non-government organization.

SEC. 24. Consultation with Private Sector. - Opportunities for adequate consultation shall be accorded to the private sector involved in socialized housing project pursuant to this Act.

**ARTICLE VI
AREAS FOR PRIORITY DEVELOPMENT,
ZONAL IMPROVEMENT PROGRAM SITES
AND SLUM IMPROVEMENT
AND RESETTLEMENT PROGRAM SITES**

SEC. 25. Benefits. - In addition to the benefits provided under existing laws and other related issuances to occupants of areas for priority development, zonal improvement program sites and slum improvement and resettlement program sites, such occupants shall be entitled to priority in all government projects initiated pursuant to this Act. They shall also be entitled to the following support services:

- a) Land surveys and titling at minimal cost;
- b) Liberalized terms on credit facilities and housing loans and one hundred percent (100%) deduction from every

homebuyer's gross income tax of all interest payments made on documented loans incurred for the construction or purchase of the homebuyer's house;

c) Exemption from the payment of documentary stamp tax, registration fees, and other fees for the issuance of transfer certificate of titles;

d) Basic services as provided for in Section 21 of this Act; and

e) Such other benefits that may arise from the implementation of this Act.

**ARTICLE VII
URBAN RENEWAL AND RESETTLEMENT**

SEC. 26. Urban Renewal and Resettlement. - This shall include the rehabilitation and development of blighted and slum areas and the resettlement of program beneficiaries in accordance with the provisions of this Act. On-site development shall be implemented whenever possible in order to ensure minimum movement of occupants of blighted lands and slum areas. The 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.

SEC. 27. Action Against Professional Squatters and Squatting Syndicates. - The local government units, in cooperation with the Philippine National Police, the Presidential Commission for the Urban Poor (PCUP), and the PCUP-accredited urban poor organization in the area, shall adopt measures to identify and effectively curtail the nefarious and illegal activities of professional squatters and squatting syndicates, as herein defined.

Any person or group identified as such shall be summarily evicted and their dwellings or structures demolished, and shall be disqualified to avail of the benefits of the Program. A public official who tolerates or abets the commission of the abovementioned acts shall be dealt with in accordance with existing laws.

For purposes of this Act, professional squatters or members of squatting syndicates shall be imposed the penalty of six (6) years imprisonment or a fine of not less than sixty thousand pesos (P60,000.00) but not more than one hundred thousand (P100,000.00), or both, at the discretion of the Court.

SEC. 28. Eviction and Demolition. - Eviction or demolition as a practice shall be discouraged. Eviction or demolition, however, may be allowed under the following situations:

- a) When persons or entities occupy danger areas such as esteros, railroad tracks, garbage dumps, riverbanks,

shorelines, waterways, and other public places such as sidewalks, roads, parks, and playgrounds;

b) When government infrastructure projects with available funding are about to be implemented; or

c) When there is a court order for eviction and demolition.

In the execution of eviction or demolition orders involving underprivileged and homeless citizens, the following shall be mandatory:

a) Notice upon the affected persons or entities at least thirty (30) days prior to the date of eviction or demolition;

b) Adequate consultations on the matter of resettlement with the duly designated representatives of the families to be resettled and the affected communities in the areas where they are to be relocated;

c) Presence of local government officials or their representatives during eviction or demolition;

d) Proper identification of all persons taking part in the demolition;

e) Execution of eviction or demolition only during regular office hours from Mondays to Fridays and during good weather, unless the affected families consent otherwise;

f) No use of heavy equipment for demolition except for structures that are permanent and of concrete materials;

g) Proper uniforms for members of the Philippine National Police who shall occupy the first line of law enforcement and observe proper disturbance control procedures; and

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

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

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. The local government unit, in coordination with the National Housing Authority, shall provide relocation or settlement sites with basic services and facilities and access to employment and livelihood opportunities sufficient to meet the basic needs of the affected families.

SEC. 30. *Prohibition Against New Illegal Structures.* - It shall be unlawful for any person to construct any structure in areas mentioned in the preceding section.

After the effectivity of this Act, the barangay, municipal or city government units shall prevent the construction of any kind of illegal dwelling units or structures within their respective localities. The head of any local government unit concerned who allows, abets or otherwise tolerates the construction of any structure in violation of this section shall be liable to administrative sanctions under existing laws and to penal sanctions provided for in this Act.

ARTICLE VIII COMMUNITY MORTGAGE PROGRAM

SEC. 31. *Definition.* - The Community Mortgage Program (CMP) is a mortgage financing program of National Home Mortgage Finance Corporation which assists legally organized associations of underprivileged and homeless citizens to purchase and develop a tract of land under the concept of community ownership. The primary objective of the program is to assist residents of blighted or depressed areas to own the lots they occupy, or where they choose to relocate to, and eventually improve their neighborhood and homes to the extent of their affordability.

SEC. 32. *Incentives.* - To encourage its wider implementation, participants in the CMP shall be granted with the following privileges or incentives:

a) Government-owned or -controlled corporations and local government units, may dispose of their idle lands suitable for socialized housing under the CMP through negotiated sale at prices based on acquisition cost plus financial carrying costs;

b) Properties sold under the CMP shall be exempted from the Capital Gains tax; and

c) Beneficiaries under the CMP shall not be evicted nor dispossessed of their land or improvements unless they have incurred arrearages in payments of amortizations for three (3) months.

SEC. 33. Organization of Beneficiaries. - Beneficiaries of the Program shall be responsible for their organization into associations to manage their subdivisions or places of residence, to secure housing loans under existing Community Mortgage Program and such other projects beneficial to them. Subject to such rules and regulations to be promulgated by the National Home Mortgage Finance Corporation, associations organized pursuant to this Act may collectively acquire and own lands covered by this Program. Where the beneficiaries fail to form an association by and among themselves, the National Home Mortgage Finance Corporation shall initiate the organization of the same in coordination with the Presidential Commission for the Urban Poor and the local government units concerned. No person who is not a bona fide resident of the area shall be a member or officer of such association.

ARTICLE IX
RELATED STRATEGIES

SEC. 34. Promotion of Indigenous Housing Materials and Technologies. - The local government units, in cooperation with the National Housing Authority, Technology Livelihood and Research Center, and other concerned agencies, shall promote the production and use of indigenous, alternative, and low-cost construction materials and technologies for socialized housing.

SEC. 35. Transport System. - The local government units, in coordination with the Departments of transportation and Communication, Budget and Management, Trade and Industry, Finance, and Public Works and Highways, the Home Insurance Guaranty Corporation, and other concerned government agencies, shall devise a set of mechanisms including incentives to the private sector so that a viable transport system shall evolve and develop in the urban areas. It shall also formulate standards designed to attain these objectives:

- b) Safety and convenience of travel;
- c) Minimum use of land space;
- d) Minimum damage to the physical environment;
and
- e) Adequate and efficient transport service to people and goods at minimum cost.

SEC. 36. Ecological Balance. - The local government units shall coordinate with the Department of Environment and Natural Resources in taking measures that will plan and regulate urban activities for the conservation and protection of vital, unique and sensitive ecosystems, scenic landscapes, cultural sites and other similar resource areas.

To make the implementation of this function more effective, the active participation of the citizenry in environmental rehabilitation and in decision-making process

shall be promoted and encouraged. The local government units shall recommend to the Environmental and Management Bureau the immediate closure of factories, mines and transport companies which are found to be causing massive pollution.

SEC. 37. Population Movements. - The local government units shall set up an effective mechanism, together with the appropriate agencies like the Population Commission, the National Economic and Development Authority and the National Statistics Office, to monitor trends in the movements of population from rural to urban, urban to urban, and urban to rural areas. They shall identify measures by which such movements can be influenced to achieve balance between urban capabilities and population, to direct appropriate segments of the population into areas where they can have access to opportunities to improve their lives and to contribute to national growth and recommend proposed legislation to Congress, if necessary.

The Population Commission, the National Economic and Development Authority, and the National Statistics Office shall likewise provide advanced planning information to national and local government planners on population projections and the consequent level of services needed in particular urban and urbanizable areas. This service will include early-warning systems on expected dysfunctions in a particular urban area due to population increases, decreases, or age structure changes.

SEC. 38. Urban-Rural Interdependence. - To minimize rural to urban migration and pursue urban decentralization, the local government units shall coordinate with the National Economic and Development Authority and other government agencies in the formulation of national development programs that will stimulate economic growth and promote socio-economic development in the countryside.

ARTICLE X
PROGRAM IMPLEMENTATION

SEC. 39. Role of Local Government Units. - The local government units shall be charged with the implementation of this Act in their respective localities, in coordination with the Housing and Urban Development Coordinating Council, the national housing agencies, the Presidential Commission for the Urban Poor, the private sector and other non-government organizations.

They shall prepare a comprehensive land use plan for their respective localities in accordance with the provisions of this Act.

SEC. 40. Role of government Housing Agencies. - In addition to their respective existing powers and functions, and those provided for in this Act, the hereunder mentioned housing agencies shall perform the following:

- a) The Housing and Urban Development Coordinating Council shall, through the key housing agencies, provide local government units with necessary support such as:

- 1) Formulation of standards and guidelines as well as providing technical support in the preparation of town and land use plans;
- 2) In coordination with the National Economic and Development Authority and the National Statistics Office, provide data and information for forward-planning by the local government units in their areas, particularly on projections as to the population and development trends in their localities and the corresponding investment programs needed to provide appropriate types and levels of infrastructure, utilities, services and land use patterns; and
- 3) Assistance in obtaining funds and other resources needed in the urban development and housing programs in their areas of responsibility.
 - b) The National Housing Authority, upon request of local government units, shall provide technical and other forms of assistance in the implementation of their respective urban development and housing programs with the objective of augmenting and enhancing local government capabilities in the provision of housing benefits to their constituents.
 - c) The National Home Mortgage Finance Corporation shall administer the Community Mortgage Program under this Act and promulgate rules and regulations necessary to carry out the provisions of this Act.
 - d) The Home Insurance Guaranty Corporation shall design an appropriate guarantee scheme to encourage financial institutions to go into direct lending for housing.

SEC. 41. *Annual Report.* - The Housing and Urban Development Coordinating Council and the local government units shall submit a detailed annual report with respect to the implementation of this Act to the President and the Congress of the Republic of the Philippines.

ARTICLE XI
FUNDING

SEC. 42. *Funding.* - Funds for the urban development and housing program shall come from the following sources:

- a) A minimum of fifty percent (50%) from the annual net income of the Public Estates Authority, to be used by the National Housing Authority to carry out its programs of land acquisition for resettlement purposes under this Act;
- b) Proceeds from the disposition of ill-gotten wealth, not otherwise previously set aside for any other purpose, shall be applied to the implementation of this Act and shall be administered by the National Home Mortgage Finance Corporation.

c) Loans, grants, bequests and donations, whether from local or foreign sources;

d) Flotation of bonds, subject to the guidelines to be set by the Monetary Board;

e) Proceeds from the social housing tax and, subject to the concurrence of the local government units concerned, idle lands tax as provided in Section 236 of the Local Government Code of 1991 and other existing laws;

f) Proceeds from the sale or disposition of alienable public lands in urban areas; and

g) Domestic and foreign investment or financing through appropriate arrangements like the build-operate-and-transfer scheme.

SEC. 43. *Socialized Housing Tax.* - Consistent with the constitutional principle that the ownership and enjoyment of property bear a social function and to raise funds for the Program, all local government units are hereby authorized to impose an additional one-half percent (0.5%) tax on the assessed value of all lands in urban areas in excess of Fifty thousand pesos (P50,000.00).

ARTICLE XII
TRANSITORY PROVISIONS

SEC. 44. *Moratorium on Eviction and Demolition.* - There shall be a moratorium on the eviction of all program beneficiaries and on the demolition of their houses or dwelling units for a period of three (3) years from the effectivity of this Act: Provided, That the moratorium shall not apply to those persons who have constructed their structures after the effectivity of this Act and for cases enumerated in Section 28 hereof.

ARTICLE XIII
COMMON PROVISIONS

SEC. 45. *Penalty Clause.* - Any person who violates any provision of this Act shall be imposed the penalty of not more than six (6) years of imprisonment or a fine of not less than Five thousand pesos (P5,000) but not more than One hundred thousand pesos (P100,000.00) or both at the discretion of the court: Provided, That, if the offender is a corporation, partnership, association or other juridical entity, the penalty shall be imposed on the officer or officers of said corporation, partnership, association or juridical entity who caused the violation.

SEC. 46. *Appropriations.* - The amount necessary to carry out the purposes of this Act shall be included in the annual budget of implementing agencies in the General Appropriations Act of the year following its enactment into law and every year thereafter.

SEC. 47. *Separability Clause.* - If for any reason, any provision of this Act is declared invalid or unconstitutional, the remaining provisions not affected thereby shall continue to be in full force and effect.

SEC. 48. *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 or modified accordingly.

SEC. 49. *Effectivity Clause.* - This Act shall take effect upon its publication in at least two (2) national newspapers of general circulation.

BILL ON SECOND READING

House Bill No. 35227 — Judiciary Reorganization Act of 1981

Senator Romulo. Mr. President, I move that we consider House Bill No. 35227 as reported out under Committee Report No. 1906.

The President. Consideration of Senate Bill No. 35277 is now in order.

With the permission of the Body, the Secretary will read only the title of the bill, without prejudice to inserting in the *Record* the whole text thereof.

The Secretary. Senate Bill No. 35227, entitled

AN ACT AMENDING SECTION 1 OF REPUBLIC ACT NO. 7154 ENTITLED AN ACT TO AMEND SECTION FOURTEEN OF BATAS PAMBANSA BILANG 129, OTHERWISE KNOWN AS THE JUDICIARY REORGANIZATION ACT OF 1981 BY RESTORING THE REGIONAL TRIAL COURT BRANCH IN THE MUNICIPALITY OF CANDON AND CREATING TWO ADDITIONAL REGIONAL TRIAL COURT BRANCHES IN THE PROVINCE OF ILOCOS SUR, AND PROVIDING FUNDS THEREFOR.

The following is the full text of Proposed House Bill No. 35227:

HOUSE BILL NO. 35227

Introduced by Congressmen Singson (E.) and Singson (L.)

AN ACT AMENDING SECTION 1 OF REPUBLIC ACT NO. 7154 ENTITLED AN ACT TO AMEND SECTION FOURTEEN OF BATAS PAMBANSA BILANG 129, OTHERWISE KNOWN AS THE

JUDICIARY REORGANIZATION ACT OF 1981 BY RESTORING THE REGIONAL TRIAL COURT BRANCH IN THE MUNICIPALITY OF CANDON AND CREATING TWO ADDITIONAL REGIONAL TRIAL COURT BRANCHES IN THE PROVINCE OF ILOCOS SUR, AND PROVIDING FUNDS THEREFOR

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

SECTION 1. Section 14, paragraph (a), of Batas Pambansa Bilang 129 as amended, is hereby further amended to read as follows:

“(a) Seventy-TWO Regional Trial Judges shall be commissioned for the First Judicial Region. There shall be:

“Three branches with seats thereat for the Province of Abra, with seats at Bangued and Bucay;

“Fourteen branches with seats thereat for the Province of Benguet and the City of Baguio, with seats at Baguio City, La Trinidad, and Baguio;

“Ten branches with seats thereat for the Province of Ilocos Norte and the City of Laoag, with seats at Laoag City, Batac, and Bangui;

[Six] EIGHT branches with seats thereat for the Province of Ilocos Sur, with seats at Vigan, Narvacan, CANDON, Cabaogao, and Tagudin;

“Eleven branches with seats thereat for the Province of La Union, with seats at San Fernando, Agoo, Bauang, and Balaoan;

“Two branches with seats thereat for the Province of Mountain Province, with seats at Bontoc; and

“Twenty-four branches with seats thereat for the Province of Pangasinan and the Cities of Dagupan City, Urdaneta, Villasis, Tayug, Rosales, Alaminos, Burgos, and San Carlos City.”

Sec. 2. This Act shall take effect upon its approval.

Senator Romulo. This is a certified bill, Mr. President. I ask that we recognize the Sponsor, Senator Maceda.

The President. Senator Maceda is recognized.

SPONSORSHIP SPEECH OF SENATOR MACEDA

Senator Maceda. Mr. President, with the permission of the Chairman of the Committee on Justice, Senator Tañada, I rise to sponsor this bill because it happens to be in my hometown.

Mr. President, this was certified because, sad as it is to report, this is the result of a printing error. This establishment of an RTC Branch in Candon and two Branches in Ilocos Sur was in our Republic Act No. 7154, already approved by the Congress. But strange as it may seem, when the printed copy came out of the law, these particular provisions were omitted.

This is really just to correct a regrettable printing error. And because of which, Mr. President, I move that we approve the same without any amendment.

APPROVAL OF SENATE BILL NO. 35227 ON SECOND READING

The President. We shall now vote on the bill on Second Reading. As many as are in favor of the bill, will please say Aye. [Several Senators: Aye] As many as are against will please say Nay. [Silence] Senate Bill No. 35227 is approved on Second Reading.

Senator Romulo. Yes, Mr. President.

Mr. President, since this is a certified bill, I ask also that we approve this bill on Third Reading. And under the Rules of the Senate, I move that we read the number and the title in approving it on Second Reading.

BILL ON THIRD READING House Bill No. 35227 — Judiciary Reorganization Act of 1981

Senator Romulo. Mr. President, I move that we vote on Third Reading on House Bill No. 35227. Copies of the bill were distributed to all the Members of the Senate.

The President. Voting on Third Reading on House Bill No. 35227 is now in order. The Secretary will please read only the title of the bill, if there is no objection. [There was none.]

The Secretary. House Bill No. 35227, entitled

AN ACT AMENDING SECTION 1 OF REPUBLIC ACT NO. 7154 ENTITLED AN ACT TO AMEND SECTION FOURTEEN OF BATAS PAMBANSA BILANG 129, OTHERWISE KNOWN AS THE JUDICIARY REORGANIZATION ACT OF 1981 BY RESTORING THE REGIONAL TRIAL COURT BRANCH IN THE MUNICIPALITY OF CANDON AND CREATING TWO ADDITIONAL REGIONAL TRIAL COURT BRANCHES IN THE PROVINCE OF ILOCOS SUR, AND PROVIDING FUNDS THEREFOR.

The President. The Senate will now proceed to vote on the bill. The Secretary will please call the roll.

The Secretary called the roll and the result of the voting was as follows:

YES - 15

- | | |
|------------------|------------------|
| Senator Argara | Senator Paterno |
| Senator Aquino | Senator Romulo |
| Senator Enrile | Senator Saguisag |
| Senator Estrada | Senator Tamano |
| Senator Guingona | Senator Tafiada |
| Senator Lina | Senator Ziga |
| Senator Maceda | Senator Gonzales |
| Senator Mercado | |
- NO - 0

ABSTENTION - 0

RESULT OF THE VOTING

The President. With 15 affirmative votes, no negative vote, and no abstention, House Bill No. 35227 is approved on Third Reading.

CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 1165/HOUSE BILL NO. 35045 (Philippine Carabao Act of 1992)

Senator Romulo. Mr. President, to present the Conference Committee Report on the disagreeing provisions of Senate Bill No. 1165 and House Bill No. 35045, the Philippine Carabao Act of 1992, copies of which have already been distributed, may I ask that Senator Joseph Estrada be recognized.

The President. Senator Estrada is recognized.

SPONSORSHIP SPEECH OF SENATOR ESTRADA

Senator Estrada. Mr. President, may I ask the Chamber that the Conference Committee Report on the disagreeing provision of Senate Bill No. 1165, entitled

AN ACT CREATING THE PHILIPPINE CARABAO CENTER TO PROPAGATE AND PROMOTE THE PHILIPPINE CARABAO, AND FOR OTHER PURPOSES,

and House Bill No. 35045, entitled

AN ACT CREATING THE PHILIPPINE CARABAO CENTER TO PROPAGATE AND PROMOTE THE

The Presiding Officer [Senator Tañada]. The Majority Floor Leader.

NO - 0

ABSTENTION - 0

BILL ON THIRD READING
Senate Bill No. 234 - Urban Development
and Social Housing Program

EXPLANATION OF VOTE OF SENATOR MERCADO

Senator Guingona. If there are no further comments, Mr. President, I move that we vote on Third Reading for the consideration of Senate Bill No. 234. Copies of the bill were duly distributed to all the Members of the Senate on December 2, 1991.

Senator Mercado. G. Pangulo, may ilang mga dahilan kung bakit ako po ay naging Coauthor ng panukalang batas na ito, at ngayon nga ay bumoboto na pabor sa panukalang batas na ito. [Applause]

The Presiding Officer [Senator Tañada]. Voting on Third Reading on Senate Bill No. 234 is now in order. The Secretary will please read only the title of the bill, if there is no objection. [There was none.]

Sa kasalukuyang mga problemang kinakaharap ng ating mga kababayan, ang pinakamabigat na problema ay ang kawalan ng tirahan. Alam ko po ang problemang ito, dahil dati kaming squatter. Ako ay ipinanganak at lumaki sa Fable, Paco, Maynila, na kung saan ang aking ama na isang migrant mula sa Leyte ay unang nagtayo ng kubo malapit sa riles ng tren.

The Secretary. Senate Bill No. 234, entitled

AN ACT TO STRENGTHEN THE URBAN DEVELOPMENT AND SOCIAL HOUSING PROGRAM, PROVIDE FOR A SOCIAL HOUSING TAX, APPROPRIATE FUNDS FOR THE PROGRAM, AND FOR OTHER PURPOSES.

Noong siya ay maging public school teacher, ipin-aupa na sa amin ang lupang ito. Matagal nang panahon naming naririnig, mula noong ako ay bata pa, sa mga pulitiko ang kanilang pangako na magiging amin ang lupang iyon. Tumanda na po ako, pero hindi naging totoo iyon. Noon lamang 1978 akong nagkapalad na mabili ang maliit na lupaing iyon para sa aking mga magulang.

The Presiding Officer [Senator Tañada]. The Senate will now proceed to vote on the bill. The Secretary will please call the roll.

Bagamat ang aking puso ay para sa mga iskwater, dapat rin nating intindihin na sa paggawa ng mga batas na ito ay kinakailangang balansehin din natin ang mga karapatan ng iba't ibang sektor.

The Secretary called the roll and the result of the voting was as follows:

Hindi naman maaaring ipikit na lamang natin ang ating mga mata sa mga karapatan ng mga bumibili ng lupa; kadalasan ay mga empleyado na naghuhulog buwan-buwan. Ang panukalang-batas na ito ay mahalaga bagamat maaaring ito ay masakit sa mga mayroong malalaking mga lupain. Sa kasalukuyang kalagayan natin ay kinakailangang gawin natin ito, bagamat mayroon pong masasaktan.

YES - 20

Senator Angara
 Senator Aquino
 Senator Enrile
 Senator Estrada
 Senator Gonzales
 Senator Guingona
 Senator Herrera
 Senator Laurel
 Senator Lina
 Senator Maceda*

Senator Mercado*
 Senator Osmeña
 Senator Paterno
 Senator Rasul
 Senator Romulo*
 Senator Saguisag
 Senator Shahani
 Senator Tamano
 Senator Tañada
 Senator Ziga

Kaya ang aking boto ay isang maliwanag na maliwanag na *Oo* sa panukalang-batas na ito. [Applause]

Senator Maceda. Mr. President, In voting Yes, I would like to submit a written explanation of my vote.

The following is the written Explanation of Vote of

* With explanation of vote

Senator Maceda:

EXPLANATION OF AFFIRMATIVE VOTE OF SENATOR ERNESTO M. MACEDA ON SENATE BILL NO. 234, entitled

AN ACT TO STRENGTHEN THE URBAN DEVELOPMENT AND SOCIAL HOUSING PROGRAM, PROVIDE FOR A SOCIAL HOUSING TAX, APPROPRIATE FUNDS FOR THE PROGRAM, AND FOR OTHER PURPOSES.

The yearly exodus to urban areas by rural dwellers especially in Metro Manila, in search of livelihood opportunities exacerbates the already burgeoning problem of lack of mass housing facilities to accommodate the upsurge of urban population. People are squatting in all open spaces as long as nobody checks them at first. We are witness to the proliferation of shanties in river embankments in Quiapo and most of Metro Manila. Suburban public plazas are not exempted. Private lots that are left unoccupied suddenly sprout squatter colonies in no time at all.

All because these people cannot afford to rent a house at the present rate of rentals. They live an abject life shorn of many necessities, from lack of education to adequate food, medicine, dress, shelter. They belong to the lowest 30 percent of the poorest of the Philippines; squatters in their own homeland where land abound.

We have a situational gravamen here requiring its address. The twin requirements of housing and jobs are badly needed. We cannot be indifferent to the plight of our poor countrymen, their bleak shanties being inhumanly demolished and their belongings strewn all over, the majesty of the Government pointed at them through the barrels of guns. All because they are so poor as not to afford to even rent a small room.

It is a cruel structural injustice in which our poor countrymen are virtually forced to squat and become legal criminals, because they cannot afford legal housing and they then become prey to exploitations of professional squatters, of illegal housing syndicates and of unscrupulous politicians. Even the property owners' legitimate exercise of right to private property is likewise hindered by not facing squarely and seriously this situation.

We know that this imbalance in population density is mainly due to economic and peace and order considerations.

Senator Enrile. Mr. President.

The Presiding Officer [Senator Tañada]. Senator Enrile is recognized.

Senator Enrile. I vote *Yes*, Mr. President. [*Applause*]

Senator Romulo. Mr. President.

The Presiding Officer [Senator Tañada]. Senator Romulo.

Senator Romulo. May I inquire as to how my vote was registered?

The Secretary. It was an affirmative vote.

Senator Romulo. Well, I am voting *Yes*, and I would like to submit my written explanation on why we should approve this bill. [*Applause*]

The Secretary. Senator Tañada.

The Presiding Officer [Senator Tañada]. *Yes*.

Senator Gonzales is recognized.

Senator Gonzales. May I know how my vote was recorded.

The Secretary. It was an affirmative vote.

Senator Gonzales. I affirm that affirmative vote. [*Applause*]

RESULT OF VOTING

The Presiding Officer [Senator Tañada]. With 20 affirmative votes, no negative vote, and no abstention, Senate Bill No. 234 is approved on Third Reading. [*Applause*]

Senator Guingona. Mr. President, in order to con-

sider a possible amendment of Senator Rasul on Senate Bill No. 720, entitled--

The Presiding Officer [Senator Tañada]. Please keep order in the Hall.

Senator Guingona. -- AN ACT CREATING THE POSTAL DELIVERY CORPORATION OF THE PHILIPPINES, DEFINING ITS POWERS, FUNCTIONS AND RESPONSIBILITIES, PROVIDING FOR THE REGULATION OF THE INDUSTRY AND FOR OTHER PURPOSES CONNECTED THEREWITH," I ask that we recognize Senator Rasul, if she desires to pursue her motion for reconsideration.

The Presiding Officer [Senator Tañada]. Senator Rasul is recognized.

SUSPENSION OF THE SESSION

Senator Guingona. May I move for a minute suspension, Mr. President.

The Presiding Officer [Senator Tañada]. The session is suspended, if there is no objection. [*There was none.*]

It was 5:53 p.m.

RESUMPTION OF THE SESSION

At 5:56 p.m., the session was resumed.

The Presiding Officer [Senator Tañada]. The session is resumed.

Senator Guingona. Mr. President, since Senator Rasul will no longer pursue the motion for reconsideration, I ask that we vote on Third Reading on Senate Bill No. 720, entitled

AN ACT CREATING THE POSTAL DELIVERY CORPORATION OF THE PHILIPPINES, DEFINING ITS POWERS, FUNCTIONS AND RESPONSIBILITIES, PROVIDING FOR THE REGULATION OF THE INDUSTRY AND FOR OTHER PURPOSES CONNECTED THEREWITH.

Senator Rasul. Mr. President.

The Presiding Officer [Senator Tañada]. Before we start with the voting on this Senate Bill, Senator Rasul has the Floor.

Senator Rasul. Yes, Mr. President. I asked for time to ask clarificatory questions because on the day we were interpellating on this Senate Bill, we adjourned, and I reserved the right to interpellate. I have left my notes, Mr. President, because I did not know that this bill will be called today.

I would like to ask for time, maybe, later this evening, so I have time to read the bill.

Senator Guingona. We will defer it until later this evening, Mr. President. I withdraw the motion to vote on Third Reading.

Senator Rasul. Thank you, Mr. President.

The Presiding Officer [Senator Tañada]. All right.

Senator Guingona. Mr. President, in order to consider a possible amendment of Senator Saguisag on Senate Bill No. 1357, entitled, An Act Adopting A Civil Service Code Of The Philippines And For Other Purposes, I ask that we recognize Senator Saguisag for possible reconsideration of this measure.

The Presiding Officer [Senator Tañada]. Senator Saguisag has the Floor.

Senator Saguisag. May I be allowed also, to go over my notes. Maybe, I can start the process if we may have our usual break at this time. I will be ready after the break, if we are having one. It is a Code, and I have my materials. Some other parts are being brought up from the car.

The Presiding Officer [Senator Tañada]. All right.

Senator Guingona. I withdraw my motion, Mr. President.