



**HOUSE OF REPRESENTATIVES**

**H. No. 5144**

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BY REPRESENTATIVES GUTIERREZ, BELLO (W.), FERRER (L.), BINAY, ILAGAN, HICAP, BENITEZ, PADUANO, CORTUNA, SALIMBANGON, BELMONTE (J.), TY, BAGATSING, BATOCABE, ROBES, SY-ALVARADO, DAYANGHIRANG, REVILLA, CHIPECO, CASTELO AND CAYETANO, PER COMMITTEE REPORT NO. 469

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

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

1           SECTION 1. *Short Title.* — This Act shall be known as the "On-site,  
2 In-City or Near-City Resettlement Act".

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

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

1                   “SEC. 3. *Definition of Terms.* – For purposes of this

2                   Act:

3                   “x x x

4                   “(w) x x x; [and]

5                   “(x) ‘Zonal Improvement Program or ZIP’ refers to the  
6                   program of the National Housing Authority of upgrading and  
7                   improving blighted squatter areas within the cities and  
8                   municipalities of Metro Manila pursuant to existing statutes and  
9                   pertinent executive issuances[.];

10                   “(Y) ‘ADEQUATE AND GENUINE CONSULTATION’ REFERS  
11                   TO THE STANDARD OF CONSULTATION WITH THE AFFECTED  
12                   INFORMAL SETTLER FAMILIES (ISFs) WHICH SHALL REQUIRE  
13                   THE FOLLOWING:

14                   “(1) EFFECTIVE DISSEMINATION OF RELEVANT  
15                   INFORMATION AND DOCUMENTS INCLUDING LAND RECORDS,  
16                   HOUSING BUDGETS, THE PROPOSED PLAN OR PROJECT,  
17                   ALTERNATIVE HOUSING OPTIONS, AND COMPREHENSIVE  
18                   RESETTLEMENT PLANS;

19                   “(2) REASONABLE TIME FOR THE PUBLIC TO REVIEW,  
20                   COMMENT AND OBJECT TO THE PROPOSED PLAN OR PROJECT;

21                   “(3) PROVISION BY THE GOVERNMENT OR  
22                   NONGOVERNMENT ORGANIZATIONS OF LEGAL, TECHNICAL,  
23                   AND OTHER ADVICE TO AFFECTED PERSONS ON THEIR RIGHTS  
24                   AND OPTIONS;

25                   “(4) PUBLIC HEARINGS THAT PROVIDE AFFECTED ISFs  
26                   AND THEIR ADVOCATES WITH OPPORTUNITIES TO CHALLENGE  
27                   THE EVICTION DECISION OR PRESENT ALTERNATIVE  
28                   PROPOSALS AND TO ARTICULATE THEIR DEMANDS AND  
29                   DEVELOPMENT PRIORITIES; AND

1           **“(5) IN CASE NO AGREEMENT IS REACHED ON THE**  
2           **PROPOSALS OF THE CONCERNED PARTIES, AN INDEPENDENT**  
3           **BODY HAVING CONSTITUTIONAL AUTHORITY, SUCH AS A**  
4           **COURT OF LAW, SHOULD MEDIATE, ARBITRATE OR**  
5           **ADJUDICATE AS MAY BE APPROPRIATE;**

6           **“(Z) ‘CIVIL SOCIETY ORGANIZATIONS OR CSOS’**  
7           **REFERS TO NONGOVERNMENTAL ORGANIZATIONS (NGOs),**  
8           **PEOPLE’S ORGANIZATIONS (POs), COOPERATIVES, TRADE**  
9           **UNIONS, PROFESSIONAL ASSOCIATIONS, FAITH-BASED**  
10           **ORGANIZATIONS, MEDIA GROUPS, INDIGENOUS PEOPLES**  
11           **MOVEMENTS, FOUNDATIONS AND OTHER CITIZEN’S GROUPS**  
12           **FORMED PRIMARILY FOR SOCIAL AND ECONOMIC**  
13           **DEVELOPMENT TO PLAN AND MONITOR GOVERNMENT**  
14           **PROGRAMS AND PROJECTS, ENGAGE IN POLICY DISCUSSIONS,**  
15           **AND ACTIVELY PARTICIPATE IN COLLABORATIVE ACTIVITIES**  
16           **WITH THE GOVERNMENT;**

17           **“(AA) ‘IN-CITY RESETTLEMENT’ REFERS TO A**  
18           **RELOCATION SITE WITHIN THE JURISDICTION OF THE CITY**  
19           **WHERE THE AFFECTED ISFs ARE LIVING;**

20           **“(BB) ‘INFORMAL SETTLEMENTS’ REFERS TO:**

21           **“(1) RESIDENTIAL AREAS WHERE HOUSING UNITS HAVE**  
22           **BEEN CONSTRUCTED BY SETTLERS ON LAND WHICH THEY**  
23           **OCCUPY ILLEGALLY; OR**

24           **“(2) UNPLANNED SETTLEMENTS AND AREAS WHERE**  
25           **HOUSING IS NOT IN COMPLIANCE WITH EXISTING PLANNING**  
26           **AND BUILDING REGULATIONS;**

1           “(CC) ‘INFORMAL SETTLER FAMILIES’ COLLECTIVELY  
2 REFERRED TO AS ISFs, REFERS TO FAMILIES LIVING IN  
3 INFORMAL SETTLEMENTS AS THE LATTER IS DEFINED IN THIS  
4 ACT;

5           “(DD) ‘NEAR-CITY RESETTLEMENT’ REFERS TO A  
6 RELOCATION SITE IN A CITY OTHER THAN THE CITY OF THE  
7 AFFECTED INFORMAL SETTLEMENTS: *PROVIDED, HOWEVER,*  
8 THAT THE RELOCATION SITE IS ADJACENT TO THE CITY  
9 WHERE THE AFFECTED ISFs HAVE THEIR SETTLEMENTS;

10           “(EE) ‘NONGOVERNMENT ORGANIZATION OR NGO’  
11 REFERS TO A DULY REGISTERED NONSTOCK, NONPROFIT  
12 ORGANIZATION FOCUSING ON THE UPLIFTMENT OF THE BASIC  
13 OR DISADVANTAGED SECTORS OF SOCIETY BY PROVIDING  
14 ADVOCACY, TRAINING, COMMUNITY ORGANIZING, RESEARCH,  
15 ACCESS TO RESOURCES, AND OTHER SIMILAR ACTIVITIES, AS  
16 DEFINED UNDER REPUBLIC ACT NO. 8425, OTHERWISE KNOWN  
17 AS THE ‘SOCIAL REFORM AND POVERTY ALLEVIATION ACT’  
18 AND ORGANIZED AND OPERATED EXCLUSIVELY FOR  
19 SCIENTIFIC, RESEARCH, EDUCATIONAL, CHARACTER-BUILDING  
20 AND YOUTH AND SPORTS DEVELOPMENT, HEALTH, SOCIAL  
21 WELFARE, CULTURAL OR CHARITABLE PURPOSES, OR A  
22 COMBINATION THEREOF, AND NO PART OF THE NET INCOME  
23 OF WHICH INURES TO THE BENEFIT OF ANY PRIVATE  
24 INDIVIDUAL PURSUANT TO SECTION 34 (H)(2)(C)(1) OF  
25 REPUBLIC ACT NO. 8424, AS AMENDED, OTHERWISE KNOWN  
26 AS THE ‘TAX REFORM ACT OF 1997’;

27           “(FF) ‘OFF-CITY RESETTLEMENT’ REFERS TO A  
28 RELOCATION SITE DEVELOPED OUTSIDE AND NOT ADJACENT

1 TO THE CITY WHERE THE AFFECTED ISFS HAVE THEIR  
2 SETTLEMENTS;

3 “(GG) ‘PEOPLE’S PLAN’ REFERS TO THE PLAN  
4 FORMULATED BY THE BENEFICIARY-ASSOCIATION, IN  
5 COORDINATION WITH THE PRESIDENTIAL COMMISSION FOR  
6 THE URBAN POOR WITH OR WITHOUT THE SUPPORT OF CSOs,  
7 WHICH SHALL CONTAIN A SITE DEVELOPMENT PLAN,  
8 INCLUDING NONPHYSICAL DEVELOPMENT COMPONENTS  
9 SUCH AS SELF-HELP HOUSING COOPERATIVE, LIVELIHOOD,  
10 SELF-HELP DEVELOPMENT, AND CAPABILITY BUILDING; AND

11 “(HH) ‘SOCIAL PREPARATION’ REFERS TO THE  
12 PROCESS OF ESTABLISHING SOCIAL, ORGANIZATIONAL, AND  
13 INSTITUTIONAL NORMS AND MECHANISMS. SUCH NORMS AND  
14 MECHANISMS WILL: (1) ENABLE THE SETTLERS TO COPE WITH  
15 CHANGES; AND (2) IN PARTNERSHIP WITH CONCERNED  
16 INSTITUTIONS AND STAKEHOLDERS, ENCOURAGE THE  
17 SETTLERS NOT ONLY TO WORK AMONG THEMSELVES FOR THE  
18 PURPOSE OF DRAWING UP AND UNDERTAKING THEIR HOUSING  
19 RESETTLEMENT PROPOSALS BUT ALSO TO ACTIVELY AND  
20 MEANINGFULLY PARTICIPATE IN HOUSING RESETTLEMENT  
21 PROJECTS UNDERTAKEN IN THEIR BEHALF, THUS RESOLVING  
22 COLLECTIVE ACTION PROBLEMS AMONG COMMUNITY  
23 MEMBERS AND COORDINATION PROBLEMS WITH  
24 GOVERNMENT AND OTHER ENTITIES.”;

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

26 “SEC. 23. *Participation of PROGRAM Beneficiaries OR*  
27 *AFFECTED ISFS, FORMATION OF BENEFICIARY-ASSOCIATION,*  
28 *AND FORMULATION AND IMPLEMENTATION OF A PEOPLE’S*  
29 *PLAN.* -- The local government units, in coordination with the

1 Presidential Commission for the Urban Poor and concerned  
2 government agencies, shall afford Program beneficiaries **OR**  
3 **AFFECTED ISFS** or their duly designated representatives an  
4 opportunity to be heard and to participate in the decision-making  
5 process over matters involving the protection and promotion of  
6 their legitimate collective interests which shall include  
7 appropriate documentation and feedback mechanisms. They  
8 shall also be encouraged to organize themselves [and undertake  
9 self-help cooperative housing and other livelihood activities]  
10 **INTO AN ASSOCIATION FOR ACCREDITATION AS BENEFICIARIES**  
11 **OR AWARDEES OF OWNERSHIP RIGHTS UNDER THE**  
12 **RESETTLEMENT PROGRAM, COMMUNITY MORTGAGE**  
13 **PROGRAM, LAND TENURE ASSISTANCE PROGRAM, AND OTHER**  
14 **SIMILAR PROGRAMS IN RELATION TO A SOCIALIZED HOUSING**  
15 **PROJECT ACTUALLY BEING IMPLEMENTED BY THE NATIONAL**  
16 **GOVERNMENT OR BY THE LOCAL GOVERNMENT UNITS.** They  
17 shall assist the government in preventing the incursions of  
18 professional squatters and members of squatting syndicates into  
19 their communities.

20 "In instances when the affected beneficiaries have failed to  
21 organize themselves or form an [alliance] **ASSOCIATION** within a  
22 reasonable period prior to the implementation of the program or  
23 projects affecting them, consultation between the implementing  
24 agency and the affected beneficiaries shall be conducted with the  
25 assistance of the Presidential Commission for the Urban Poor  
26 and the concerned nongovernment organization **UNTIL AN**  
27 **ASSOCIATION IS FORMED IN PLACE.**

1           “THE ASSOCIATION, IN COORDINATION WITH THE  
2           PRESIDENTIAL COMMISSION FOR THE URBAN POOR WITH OR  
3           WITHOUT THE SUPPORT OF CSOs, SHALL FORMULATE A  
4           ‘PEOPLE’S PLAN’ THROUGH A PROCESS OF CONSULTATION  
5           WHICH SHALL CONTAIN A SITE DEVELOPMENT PLAN,  
6           INCLUDING NONPHYSICAL DEVELOPMENT COMPONENTS  
7           SUCH AS SELF-HELP HOUSING COOPERATIVE, LIVELIHOOD,  
8           SELF-HELP DEVELOPMENT, AND CAPABILITY-BUILDING  
9           TRAININGS.

10           “THE ASSOCIATION, WITH THE ASSISTANCE OF CSOs AND  
11           GOVERNMENT AGENCIES INCLUDING THE NATIONAL ANTI-  
12           POVERTY COMMISSION (NAPC), PRESIDENTIAL COMMISSION  
13           FOR THE URBAN POOR, NATIONAL HOUSING AUTHORITY,  
14           CITY OR MUNICIPAL SOCIAL WELFARE AND DEVELOPMENT  
15           OFFICE, SOCIAL HOUSING FINANCE CORPORATION, LOCAL  
16           GOVERNMENT UNITS, AND OTHER RELEVANT AGENCIES OF  
17           GOVERNMENT, SHALL AGREE ON, DEVELOP, AND IMPLEMENT  
18           THE PEOPLE’S PLAN.

19           “IN ACCORDANCE WITH THE PROTECTION GUIDELINES  
20           PROVIDED UNDER SECTION 28 OF THIS ACT, A RELOCATION  
21           ACTION PLAN SHALL BE AN INDISPENSABLE COMPONENT OF  
22           THE PEOPLE’S PLAN. THE RELOCATION ACTION PLAN SHALL  
23           INCLUDE THE FOLLOWING OBJECTIVES:

24           “(A) ENSURE SAFE, AFFORDABLE, DECENT, AND HUMANE  
25           CONDITION OF RELOCATION, INCORPORATING THEREIN  
26           APPROPRIATE DISASTER RISK REDUCTION MANAGEMENT AND  
27           CLIMATE CHANGE ADAPTATION STANDARDS;

1                   **“(B) PROVIDE ADEQUATE SOCIAL PREPARATION; AND**

2                   **“(C) PREVENT FORCED EVICTION:**

3                   ***PROVIDED, THAT PRIMARY CONSIDERATION SHALL BE GIVEN***  
4                   ***TO THE HOUSING FINANCIAL SCHEME SUGGESTED IN THE***  
5                   ***PEOPLE’S PLAN.”;***

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

7                   “*SEC. 26. Urban Renewal and Resettlement.* – [This]

8                   **URBAN RENEWAL AND RESETTLEMENT shall include the**  
9                   **rehabilitation and development of blighted and slum areas and**  
10                   **the resettlement of Program beneficiaries in accordance with the**  
11                   **provisions of this Act. On-site development shall be**  
12                   **implemented [whenever possible] AFTER ADEQUATE AND**  
13                   **GENUINE CONSULTATION WITH THE AFFECTED ISFs, AND IN**  
14                   **ACCORDANCE WITH THE PEOPLE’S PLAN FORMULATED**  
15                   **PURSUANT TO SECTION 23 OF THIS ACT, in order to ensure**  
16                   **minimum movement of occupants of blighted lands and slum**  
17                   **areas.**

18                   “[The] **WHERE DEMOLITION OR EVICTION IS ALLOWED**  
19                   **IN THE AREA OCCUPIED BY THE PROGRAM BENEFICIARIES**  
20                   **PURSUANT TO SECTION 28 OF THIS ACT, AND ON-SITE**  
21                   **RESETTLEMENT CANNOT BE UNDERTAKEN BY REASON**  
22                   **THEREOF, THE IN-CITY resettlement of the beneficiaries of the**  
23                   **Program from their existing places of occupancy shall be**  
24                   **undertaken only [when on-site development is not feasible and]**  
25                   **after compliance with the procedures laid down in [Section 28 of**  
26                   **this Act] THE SAME SECTION OF THIS ACT AND IN**  
27                   **ACCORDANCE WITH THE PREFERENCE OF THE AFFECTED ISFs**  
28                   **AS CONTAINED IN THE PEOPLE’S PLAN.**

1           “SHOULD IN-CITY RESETTLEMENT NOT BE FEASIBLE,  
2           NEAR-CITY RESETTLEMENT SHALL BE CONSIDERED. OFF-CITY  
3           RESETTLEMENT SHALL ONLY BE RESORTED TO WHEN  
4           DIRECTLY REQUESTED BY THE AFFECTED ISFS THEMSELVES,  
5           AND MUST SATISFY THE REQUIREMENTS OF ADEQUATE AND  
6           GENUINE CONSULTATION PRIOR TO RELOCATION.”; and

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

8           “SEC. 29. *Resettlement.* – Within two (2) years from the  
9           effectivity of this Act, the local government units, in  
10          coordination with the National Housing Authority, shall  
11          implement the relocation and resettlement of persons living in  
12          danger areas such as esteros, railroad tracks, garbage dumps,  
13          riverbanks, shorelines, waterways, and in other public places  
14          such as sidewalks, roads, parks, and playgrounds. The local  
15          government unit, in coordination with the National Housing  
16          Authority, shall provide relocation or resettlement sites with  
17          basic services and facilities and access to employment and  
18          livelihood opportunities sufficient to meet the basic needs of the  
19          affected families.

20          “IN INSTANCES WHEN THE RELOCATION OR  
21          RESETTLEMENT SITE IS LOCATED IN ANOTHER LOCAL  
22          GOVERNMENT UNIT, THE LOCAL GOVERNMENT UNIT THAT  
23          IMPLEMENTS THE RELOCATION OR RESETTLEMENT AND THE  
24          CONCERNED NATIONAL GOVERNMENT AGENCIES SHALL,  
25          THROUGH A MEMORANDUM OF AGREEMENT, PROVIDE THE  
26          OTHER BASIC SERVICES AND FACILITIES ENUMERATED UNDER  
27          SECTION 21 OF THIS ACT TO THE RECIPIENT LOCAL  
28          GOVERNMENT UNIT WHERE THE RELOCATION OR  
29          RESETTLEMENT SITE IS LOCATED.

1           **“THE HOUSING AND URBAN DEVELOPMENT**  
2           **COORDINATING COUNCIL AND THE DEPARTMENT OF FINANCE**  
3           **— BUREAU OF LOCAL GOVERNMENT FINANCE SHALL**  
4           **FORMULATE THE IMPLEMENTING RULES AND REGULATIONS**  
5           **ON THE COST-SHARING MECHANISM NECESSARY TO FULLY**  
6           **IMPLEMENT THE PROVISION OF SUCH OTHER BASIC SERVICES**  
7           **AND FACILITIES.**

8           **“IN ADDITION TO THE FUNDING SOURCES PROVIDED**  
9           **UNDER SECTION 42 OF THIS ACT, THE ALLOCATION FOR THE**  
10           **BASIC SERVICES AND FACILITIES MAY BE TAKEN BY THE**  
11           **LOCAL GOVERNMENT UNIT IMPLEMENTING THE RELOCATION**  
12           **OR RESETTLEMENT FROM THE TWENTY PERCENT (20%) OF**  
13           **THE INTERNAL REVENUE ALLOTMENT APPROPRIATED FOR**  
14           **DEVELOPMENT PROJECTS AS MANDATED UNDER SECTION 287**  
15           **OF REPUBLIC ACT NO. 7160, OTHERWISE KNOWN AS THE**  
16           **‘LOCAL GOVERNMENT CODE OF 1991’.”**

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

20           The Housing and Urban Development Coordinating Council and the  
21 Department of the Interior and Local Government, in consultation and  
22 coordination with appropriate government agencies, CSOs, NGOs,  
23 representatives from the private sector, and ISFs, shall promulgate a new set of  
24 implementing rules and regulations within sixty (60) days from the effectivity  
25 of this Act. The implementing rules and regulations shall be consistent with  
26 the provisions of this Act, particularly with the amendments, parameters, and  
27 standards introduced to Sections 23, 26, and 29 of the “Urban Development  
28 and Housing Act of 1992”, and shall include the following:

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

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

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

11           SEC. 4. *Repealing Clause.* – All laws, decrees, executive orders,  
12 proclamations, rules and regulations, and other issuances, or parts thereof  
13 which are inconsistent with the provisions of this Act are hereby repealed,  
14 amended or modified accordingly.

15           SEC. 5. *Separability Clause.* – If, for any reason, any part, section or  
16 provision of this Act is held invalid or unconstitutional, the remaining  
17 provisions not affected thereby shall continue to be in full force and effect.

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

Approved,

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