



HOUSE OF REPRESENTATIVES

H. No. 5144

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

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,

O