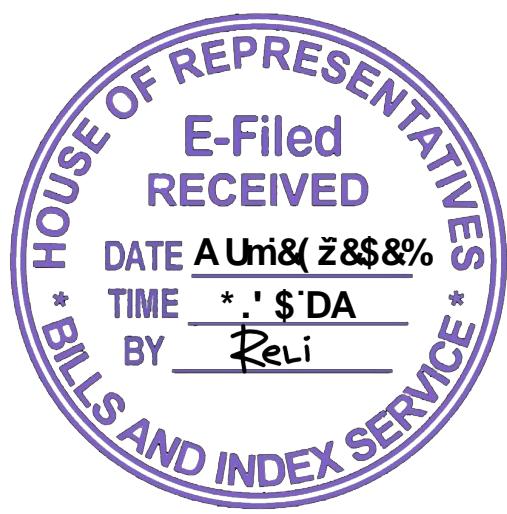


Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City

EIGHTEENTH CONGRESS  
Second Regular Session

**HOUSE BILL NO.9446**



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Introduced by **HON. LUIS RAYMUND "LRAY" F. VILLAFUERTE, JR.**

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**AN ACT  
ESTABLISHING THE POLICY TOWARDS THE LEAST DISPLACEMENT OF  
INFORMAL SETTLER FAMILIES THROUGH ON-SITE, IN-CITY AND NEAR-CITY  
RESETTLEMENT STRATEGIES PURSUANT TO THE PEOPLE'S PLAN AND  
MANDATING LOCAL GOVERNMENT UNITS TO PROVIDE BASIC SERVICES  
AND  
LIVELIHOOD COMPONENTS IN RESETTLEMENT SITES**

This measure seeks to elevate the involvement of the urban poor who have long been marginalized in decision-making processes on and the enjoyment of urban resources. It primarily seeks to amend the three-decade old Republic Act No. 7279 or the Urban Development and Housing Act of 1992 ("UDHA"), to ensure the urban poor's access to and participation in the development of their cities.

The bill seeks to strengthen the policy of least displacement that is already present in the UDHA by prioritizing on-site development and in-city resettlement as housing strategies in order to uphold the right of urban dwellers to enjoy the resources that they generate in their cities. In doing so, we try to mitigate the problems of lack of opportunities for employment and livelihood and access to basic services and facilities, among others.

Moreover, this proposal is a step towards actualizing the Philippines' adoption of the New Urban Agenda, together with other Member States of the United Nations gathered at the United Nations Conference on Housing and Sustainable Urban Development (III) in Quito.

The immediate passage of this measure is earnestly sought.

  
**LUIS RAYMUND "LRAY" F. VILLAFUERTE, JR.**

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**AND**  
**LIVELIHOOD COMPONENTS IN RESETTLEMENT SITES**

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

**SECTION 1.** Short Title. – This Act shall be known as the "Least Displacement of Informal Settler Families Act."

**SECTION 2.** Amendatory Provisions. – For purposes of this Act, the following provisions of Republic Act No. 7279, otherwise known as the "Urban Development and Housing Act of 1992," are hereby amended as follows:

a. Section 2 of Republic Act No. 7279 is hereby amended to read as follows:

"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 and Development and Housing Program, hereinafter referred to as the Program, which shall:

- (a) x x x
- (b) x x x
- (c) x x x
- (d) x x x

(e) Recognize that issues relating to adequate housing, forced evictions or homelessness have a profound impact on children due to their vulnerabilities and specific needs which are often overlooked by the government, thus, undertaking to promote and protect the fundamental rights of the children before, during, and after relocation guided by the principles on survival and development, child participation, non-discrimination, and best interest of the child, and consistent with the United Nations Convention on the Rights of the Child.

- (f) Encourage more effective people's participation in the urban development process through a mechanism of adequate and genuine consultation in all stages of the relocation and resettlement process with the affected communities, which should include a space for children, women and other marginalized groups.
- (g) Adopt as a policy the least displacement of people from their dwelling places."

b. Section 3 of Republic Act No. 7279 Is hereby amended to read as follows:

"SEC. 3. Definition of Terms. - For purposes of this Act:

"x x x

"(w) x x x;

"(x) 'Zonal Improvement Program or ZIP' refers to the program of the National Housing Authority of upgrading and improving Informal Settlements within the cities and municipalities of Metro Manila pursuant to existing statutes and pertinent executive issuances; "(y) 'Adequate and Genuine Consultation' refers to the standard of consultation with affected informal settler families (ISFs) which shall require the concurrence of all of the following:

1. Effective dissemination and full access, to the public, of relevant information and documents, including but not limited to land records, housing budgets, the proposed plan or project, alternative housing options, technical studies, and comprehensive resettlement plans.
2. Reasonable time, which shall not be less than thirty (30) days, for the public to review, comment, and object to the proposed plan, project, eviction, or demolition;
3. Provision by the government or non-government organizations of legal, technical and other advice to the affected persons on their rights and options;
4. Separate sessions of open and public consultations with affected households in general and affected subsectors in particular, including but not limited to women, children, youth, senior citizens, persons with disabilities (PWDs), workers, farmers, fisherfolk, and lesbians, gays, bisexuals, and transgenders (LGBT);
5. Public hearings that provide affected ISFs and their advocates with opportunities to challenge the eviction decision or present alternative proposals and to articulate their demands and development priorities; and
6. The conclusion of any mediation, arbitration, or adjudication proceedings by an independent body vested with constitutional authority such as a court of law, when appropriate and availed of, in case no agreement is reached on the proposals of the concerned parties.

"(z) 'Civil Society Organizations or CSOs' refers to non-governmental organizations (NGOs), people's organizations (POs), cooperatives, trade unions, professional associations, faith-based organizations, media groups, indigenous peoples movements, foundations and other citizen's groups formed primarily for social and economic development to plan and monitor government programs and projects, and engage in policy discussions, and actively participate in collaborative activities with the government;

"(aa) 'In-City Resettlement' refers to a relocation site within the jurisdiction of the local government unit (LGU) where the affected ISFs are living;

"(bb) 'Informal Settlements' refers to:

1. Residential areas where housing units have been constructed by settlers on

land which they occupy illegally; or

2. Unplanned settlements and areas where housing is not in compliance with existing planning and building regulations;

“(cc) ‘Informal Settler Families (ISFs)’ are individuals or households living in any of

the following places:

1. Lots, buildings, dwelling units, or other structures without the consent of the property owner;

2. Danger areas;

3. Areas for government infrastructure projects;

4. Protected or forest areas, except for indigenous peoples;

5. Areas for priority development as declared under Proclamation No. 1967, series of 1980, if applicable;

6. Government or public lands or facilities not intended for human habitation; or

7. Any other places, after being displaced due to natural or man-made hazards.

“(dd) “Near-City Resettlement” refers to a relocation site within the jurisdiction of a local government unit adjacent to the local government unit having jurisdiction over the present settlements of the KFs;

“(ee) “Non-government Organization or NGO” refers to a duly registered non-stock, non-profit organization focusing on the upliftment of the basic or disadvantaged sectors of society by providing policy advocacy, training, community organizing, research, access to resources, and other similar activities, as defined under Republic Act No. 8425, otherwise known as the ‘Social Reform and Poverty Alleviation Act and organized and operated exclusively for scientific, research, educational, character-building and youth and sports development, health, social welfare, cultural or charitable purposes, or a combination thereof, and no part of the net income of which insures to the benefit of any private individual pursuant to Section 34 (H) (2) (c) (1) of Republic Act No. 8424, as amended, otherwise known as the Tax Reform Act of 1997’;

“(ff) ‘Off-City Resettlement’ refers to a relocation site developed outside and not adjacent to the local government unit where the affected ISFs have their settlements;

“(gg) ‘People’s Plan’ refers to the plan formulated and initiated by the beneficiary associations, with the assistance of the concerned government agencies, in cooperation with the Presidential Commission for the Urban Poor, with or without the support of CSOs, which shall contain a site development plan that conforms to standards of adequate housing and to the comprehensive land use plan of the local government unit under whose jurisdiction the project site is proposed to be located. Including architecture and engineering house design, community health, sanitation and security plans, as well as nonphysical development components such as self-help development, capability building, and a system of allocation of socialized housing units. The formulation and the resulting plan should promote and protect the welfare of women, children, persons with disabilities, and senior citizens;

“(hh) ‘Social Preparation’ refers to the process of establishing social, organizational, and institutional norms and mechanisms which will: (1) enable the settlers to cope with changes; and (2) in partnership with concerned institutions and stakeholders, encourage the settlers not only to work among themselves for the purpose of drawing up and undertaking their housing resettlement proposals but also to actively and meaningfully participate in

housing resettlement projects undertaken on their behalf, thus, resolving collective action problems among community members and coordination problems with government and other entities. There shall be separate social preparation for children, and for the affected communities of the receiving local government unit in case of near-city and off-city relocation;

"(ii) 'Adequate Housing' refers to standards requiring more than just providing four walls and a roof. For housing to be adequate, it must, at a minimum, meet the following criteria in accordance with the Commission on Human Rights (CHR) IV ADV. NO. A2011-003:

- a. Security of Tenure. - Housing is not adequate if its occupants do not have a degree of tenure security which guarantees legal protection against forced evictions, harassment and other threats.
- b. Availability of Services. - Housing is not adequate if its occupants do not have safe drinking water adequate sanitation/ energy for cooking, heating, lighting, food storage, or refuse disposal.
- c. Affordability. - Housing is not adequate if its cost threatens or compromises the occupant's enjoyment of their other human rights.
- d. Habitability. - Housing is not adequate if it does not guarantee physical safety or provide adequate space, as well as protection against cold, damp, heat; rain, wind and other threats to health, and structural hazards.
- e. Accessibility. - Housing is not adequate if the specific needs of the disadvantaged and marginalized groups are not taken into account.
- f. Location. - Housing is not adequate if it is cut off from employment opportunities, health care services, schools, child care centers and other social services, or if located in polluted or dangerous areas.
- g. Cultural Adequacy. - Housing is not adequate if it does not respect and take into account the expression of cultural identity;

"(jj) 'Danger Area' refers to a danger or high risk area which poses a high level of threat to public welfare and safety that cannot be addressed through or remedied by scientific, physical and engineering methods and, thereby, is unsuitable for settlement and permanent structures; Provided, that an area can only be declared as a danger or high risk area through an appropriate technical study, adequate and genuine public consultation with the affected persons or entities, and certification by the appropriate government agency."

c. Section 4 of the same Act is hereby amended to read as follows:

"SEC. 4. Coverage. - The program shall cover all lands in urban and urbanizable areas, including existing areas for priority development sites, and in other areas that may be identified by the local government units as suitable for socialized housing. The program shall also cover all persons whose dwelling places are at a risk of lawfully being evicted or demolished or being displaced due to man-made or natural hazards."

d. Section 21 of the same Act is hereby amended to read as follows:

"SEC. 21. Basic Services. - Socialized housing or resettlement areas shall be provided by the local government unit undertaking relocation and resettlement, in coordination with the Department of Human Settlements and Urban Development (DHSUD) and, when applicable, with private developers, with the

following basic services and facilities:

- i. Potable and treated water supply;
- ii. Power and electricity and an adequate power distribution system;
- iii. Sanitation facilities including sewerage facilities, material recovery facilities, garbage collection and an efficient and adequate solid waste disposal system;
- iv. Access to primary roads and transportation facilities; and
- v. Spaces where children can play and interact with each other such as parks, sports complexes, and/or playgrounds, among others.

The provision of other basic services and facilities such as health, education, communications, security, recreation, relief welfare, and livelihood components 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 concerned local government unit undertaking relocation and resettlement and the DHSUD shall sign a memorandum of agreement (MOA) which shall specify their duties and responsibilities and timetables for their completion. Copies of the MOA shall be published in the website of the lead local government unit and given to the affected ISFs at least thirty (30) days prior to the start of the resettlement process; Provided, that the recipient local government units in cases of near-city or off-city resettlement shall also be consulted and shall participate in the provision of the basic services as required under this provision.

In instances where the resettlement site is located in another local government unit such as near-city or off-city resettlement, the local government unit implementing the relocation and resettlement and the DHSUD, in coordination with the appropriate agencies, shall be responsible for ensuring the availability of basic services and facilities. Including a livelihood component for the beneficiaries being relocated. For this purpose, they shall enter into a memorandum of agreement (MOA) with the recipient local government unit in providing therein their duties, responsibilities, and timetables for the provision of basic services. Copies of the MOA shall be published in the website of the lead local government unit and given to the affected ISFs at least thirty (30) days prior to the start of the resettlement process.

The local government unit(s) involved. In coordination with DHSUD, 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. The DHSUD and the Bureau of Local Government Finance of the Department of Finance shall jointly work on the cost-sharing mechanism necessary to fully implement the provision of such other basic services and facilities.”

e. Section 23 of the same Act is hereby amended to read as follows:

"SEC. 23. Participation of Program Beneficiaries or Affected ISFs, Formation of Beneficiary-Association, and Formulation and Implementation of a People's Plan. - The LGUs, in coordination with DHSUD, PGUP and concerned government agencies, shall afford program beneficiaries or affected ISFs or their duly designated representatives an opportunity to process over matters involving the protection and promotion of their legitimate collective interests which shall include adequate and genuine consultation as well as appropriate

documentation and feedback mechanisms. They shall also be encouraged to organize themselves into an association for accreditation as beneficiaries or awardees of ownership rights under the resettlement program, community mortgage program, land tenure assistance program, and other similar programs in relation to a socialized housing project actually being implemented by the national government or by the local government units. 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 association within a reasonable period prior to the implementation of the program or project affecting them, adequate and genuine consultation between the DHSUD and the affected beneficiaries shall be conducted with the assistance of the PGUP and concerned non-government organizations until an association is formed in place.

The beneficiary association, in coordination with the PGUP, with or without the support of the CSOs, shall formulate a People's Plan through adequate and genuine consultation.

The association, with the assistance of CSOs and DHSUD, including the National Anti-Poverty Commission (NAPC), National Housing Authority (NHA), Qty or Municipal Social Welfare and Development Office (C/MSWDO), Social Housing Finance Corporation (SHFC), and other relevant government agencies, shall agree on, develop and implement the people's plan.

In accordance with the protection guidelines provided under Section 28 of this Act, a resettlement action plan shall be an indispensable component of the people's plan. The Resettlement Action Plan shall include the following objectives:

- (a) Ensure safe, affordable, decent, and humane conditions of relocation, incorporating therein appropriate disaster risk reduction management and climate change adaptation standards;
- (b) Provide adequate social preparation; and
- (c) Prevent forced eviction; Provided, that primary consideration shall be given to the housing financial scheme suggested in the people's plan.

f. Section 26 of the same Act is hereby amended to read as follows:

"SEC. 26. Urban Renewal and Resettlement. - Urban Renewal and Resettlement shall include the rehabilitation and development of informal settlements and resettlement of program beneficiaries in accordance with the provisions of this Act. On-Site development shall be implemented after adequate and genuine consultation with the affected ISFs, and in accordance with the people's plan formulated pursuant to Section 23 of this Act, in order to ensure minimum movement of informal settler families.

Where demolition or eviction is allowed in the area occupied by the program beneficiaries pursuant to Section 28 of this Act, and on-site development cannot be undertaken by reason thereof, the In-city resettlement of the beneficiaries of the program from their existing places of occupancy shall be undertaken only after conducting a child rights impact assessment and a risk reduction assessment, after compliance with the procedures laid down in Section 28 of Republic Act 7279, and in accordance with the preferences of the affected ISFs as contained in the People's Plan. A technical study conducted by the

concerned LGU shall be necessary as a means of verification that on-site development is not feasible.

Should In-city resettlement be not feasible, near-city resettlement shall be considered and undertaken in accordance with the requirements for In-city resettlement. Off-city resettlement shall be the last resort and must only be resorted to when directly requested by the ISFs themselves, and must satisfy the requirements of adequate and genuine consultation prior to relocation as well as the requirements for In-city resettlement.

Acquisition of lands to be used for resettlement programs shall comply with the provisions of Section 9 of this Act."

g. Section 29 of the same Act is hereby amended to read as follows:

"SEC. 29. Resettlement - Within two (2) years from the effectivity of this Act, the local government units, in coordination with the DHSUD, shall implement the relocation and resettlement of ISFs living in danger areas. The local government unit, in coordination with the DHSUD, shall provide relocation or resettlement sites that conform to adequate housing standards with basic services and facilities and access to employment and livelihood opportunities sufficient to meet the basic needs of the affected families. For this purpose, the local government unit may purchase lands outside of its jurisdiction.

Where the land occupied by the underprivileged and homeless persons is privately-owned, the local government unit shall, in coordination with the DHSUD, negotiate with the owner for the purchase of the occupied property. Should the negotiation fail, the local government unit may resort to expropriation as an exception to Section 10 of Republic Act 7279; Provided, that they have been in continuous and uninterrupted possession thereof for at least thirty (30) years.

All local government units shall identify potential resettlement areas in their Comprehensive Land Use Plans (CLUPs).

In addition to the funding sources provided under Section 42 of this Act, the allocation for the basic services and facilities may be taken by the local government unit implementing the relocation or resettlement from the twenty percent (20%) of the Internal revenue allotment appropriated for development projects as mandated under Section 187 of Republic Act No. 7160, otherwise known as the 'Local Government Code of 1991'."

**SECTION 3. Audit of resettlement sites.** – The Department of Human Settlements and Urban Development, in coordination with the Presidential Commission for the Urban Poor, shall conduct a regular audit of existing resettlement sites to determine the occupancy by the program beneficiaries in the said sites, and compliance with the standards of adequate housing and provision of basic services, as provided in this Act.

**SECTION 4. Implementing rules and regulations.** – The principles, policies and provisions of this Act shall be incorporated in the National Shelter Program.

The DHSUD, in consultation and in coordination with appropriate government agencies, CSOs, NGOs, and representatives from the private sector and ISFs, shall promulgate a new set of implementing rules and regulations within sixty (60) days

from the effectivity of this Act. The implementing rules and regulations shall be consistent with the provisions of this Act, particularly with the amendment, parameters, and standards introduced to Sections 2, 3, 4, 21, 23, 26, and 29 of the "Urban Development and Housing Act of 1992" and shall include the following:

- a. A People's Plan template to guide Informal settler families in the development of their own People's Plan; Provided, however, that such template shall be used to benchmark the minimum standards in a People's Plan; and
- b. A guide to effective implementation of the People's Plan, including details on the necessity of the issuance of internal memoranda by concerned agencies.

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

**SECTION 5.** Congressional oversight committee. – There is hereby created a Congressional Oversight Committee to oversee, monitor, and evaluate the implementation of this Act.

The Oversight Committee shall be composed of five (5) members from the Senate which shall include the Chairperson of the Senate Committee on Urban Planning, Housing and Resettlement, and five (5) members from the House of Representatives which shall include the Chairperson of the Committee on Housing and Urban Development. The four (4) other members from each Chamber shall be designated by the Senate President and the Speaker of the House of Representatives, respectively. The Minority in each Chamber shall have at least one (1) representative.

**SECTION 6.** 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, amended or modified accordingly.

**SECTION 7.** Separability Clause. – If, for any reason, any part, section or provision of this Act is held invalid or unconstitutional, the remaining provisions not affected thereby shall continue to be in full force and effect.

**SECTION 8.** Effectivity. – This Act shall take effect fifteen (15) days after publication in the Official Gazette or in a newspaper of general circulation.

*Approved,*