

CREATING THE HUMAN SETTLEMENTS COMMISSION

PRESIDENTIAL DECREE NO. 933, May 13, 1976

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WHEREAS, it is a declared objective of the New Society to effect social, economic and political reforms attuned to the establishment of a secure national community and to an improved quality of life for all citizens and for all other who may sojourn upon our shores;

WHEREAS, the quality of human life in our times is inescapably determined by the relationship amongst human populations, resources, the environment, and intelligent policies;

WHEREAS, human settlements is an integrative concept embracing the interdependence of man's environment, human shelters and structures, and the design and organization of human communities consistently with a national framework plan, all for the people's security and well-being.

WHEREAS, our programs of reform now call for the organization of a body that is adequate and responsive to the manifold tasks of formulating human settlements perspectives and policies, designing operational programs for the control of all forms of environmental blight or deterioration, and adopting and implementing measures for ensuring the safety and wholesomeness of life in our communities with due regard to considerations of space, efficient land use, equity in resource distribution, and rational relationship amongst our communities.

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers vested in me by the Constitution, do hereby order and decree and make as. part of the laws of the land the following:

SECTION 1. Declaration of Policy.—It is hereby declared to be the policy of the Government (a) to liberate our human communities from blight, congestion, and hazard, and to promote their development and modernization; (b) to bring about the optimum use of land as a national resource for public welfare rather than as a commodity of trade subject to price speculation and indiscriminate use; (c) to effect rational interdependence of communities both within as well as amongst the various regions; (d) to preserve and promote a dynamic balance between the physical beauty of our land and waters on the one hand, and the handiwork of human technology on the other; and finally, (e) to realize those policies through the human settlements approach; engaging in these activities the best efforts of the private and public sectors.

SEC. 2. Definitions.—As used in this Decree, the following words or phrases shall have the following meanings or definitions:

- "Development Plan" refers to the document/documents, including maps, charts and other materials embodying goals and objectives, policy guidelines, strategies and proposals for the overall socio-economic growth and development of an area. The term covers both national and regional development plans.
- "Human Settlements" means the habitat or built environment of human beings encompassing both rural and urban areas where man settles himself to live.
- "Human Settlements Approach" means the physical planning, improvement, and management of human settlements. This includes consideration of shelter and related facilities which affect habitability and efficiency

from the viewpoints of equality of life and economic and social opportunity.

- "Human Settlements Plan" refers to the major goals, objectives, and policies for the planning of human settlements, translated into a broad program of physical planning activities, programs and projects, including its phasing, priorities, and financing.

- "Land Resource Management" means the formulation of policies and programs relating to the general use of land, the preparation of land use, plans, reflecting these policies and programs; the coordination of efforts relating to land resources among government agencies and between various levels of government, and the administration of programs and implementation of mechanisms in support of these policies.

- "Local Planning Bodies" refer to the existing offices or agencies or those which may be created in the future which are lawfully entrusted with physical planning functions in the local governments.

- "Physical Planning" means the art and the science of ordering and managing the use of land and its environment and the character and siting of buildings and communication routes so as to secure the maximum practicable degree of economy, convenience and beauty.

- "Pilot or Experimental Projects" refers to any undertaking, activity, or operation, of more or less limited duration, involving investments carried out with the end in view of trying out alternative and innovative approaches to managing and planning human settlements.

- "Planned Area for New Development" refers to any areas/area identified and segregated for overall and integrated planning and development as a single unit or physical area.

- "Regional Planning Bodies" refer to the existing offices or agencies such as the Regional Development Councils (RDCs) or those which may be created in the future which are lawfully entrusted with physical planning functions in the region.

SEC. 3. Creation of the Human Settlements Commission.—For the purpose of carrying out the above declared policy, there is hereby created a Human Settlements Commission, hereinafter referred to as the Commission, which shall be under the Office of the President of the Philippines."

The Commission shall be composed of the following members: (1) the Deputy Director-General, National Economic and Development Authority; (2) the Undersecretary, Department of Public Works, Transportation and Communications; (3) the Undersecretary Department of Public Highways; (4) the Undersecretary, Department of Natural Resources; (5) the Undersecretary, Department of Justice; (6) the Undersecretary, Department of Local Government and Community Development; (7) the General Manager, National Housing Authority; (8) the full-time Commissioner of the National Pollution Control Commission; (9) Undersecretary of Agriculture; (10) Deputy Commissioner of the Budget and (11) a Chairman appointed by the President who shall be a member of the National Economic and Development Authority.

The Chairman and members of the Commission may be allowed to receive per diems and allowances as may be necessary for the performance of their duties.

The Commission is authorized to create such working subcommittees as may be needed for carrying out the functions of the Commission.

The Commission shall appoint and maintain an adequate technical and administrative staff, which will be headed by an Executive Director. The Task Force on Human, Settlements created and organized pursuant to Executive Order No. 419 and Presidential Decree No. 297, both dated September 19, 1973, shall be abolished upon the organization of the Commission herein created and its pertinent functions together with the applicable personnel,

balance of appropriations, records, equipment and property shall be transferred to the Commission.

The pertinent physical planning functions of the Planning and Project Development Office (PPDO) created by Department Order No. dated June 27, 1972 of the Department of Public Works, Transportation and Communications (DPWTC) are hereby transferred to the Commission, together with such applicable personnel, appropriations, records, equipment, and property as maybe mutually determined by the DPWTC and the Commission. However, the DPWTC shall retain such physical planning functions as are essential to and supportive of the infra-structure program and operations of the DPWTC and of the corporations attached to the Department.

The regular professional and technical personnel of the Commission shall be exempt from WAPCO rules and regulations.

SEC. 4. Functions.—The Commission shall have the following functions:

- Formulate a multi-year integrated national plan on human settlements and identify and develop the spatial implications and components of national and regional development plans, policies, and programs.
- Undertake, promote, commission and/or contract the gathering of data, the conduct of studies, and the development and applications of technology pertaining to human settlements necessary for the formulation of human settlements policies, plans and pr grams; and monitor the implementation of such policies plans and programs for the different levels of government and for the public and private sectors.
- Conduct public hearings on all human settlements plans before their submission to the NEDA. The Com mission may likewise conduct public hearing on all other plans prepared by it as it may deem necessary.
- Promulgate rules and regulations to ensure compliance with policies, plans, standards and guidelines on human settlements formulated under Paragraph 2 of this Section which shall be enforced by the appropriate implementing agencies of the government such as those concerned with land resources management, ecological conservation and development and control of urban/industrial pollution and hazards.
- Act as appellate body in case of conflicting decisions and actions arising from the exercise of the physical planning functions of the regional and/or local planning agencies.
- With the concurrence of the NEDA, recommend for the approval of the President selected human settlements as Planned Areas for New Development, in accordance with modern comprehensive physical planning techniques, indicating the preferred implementing entity. If deemed necessary, an implementing legislation shall be enacted for this purpose which may include the grant of eminent domain to the implementing entity. Under such terms and conditions as the President may further prescribe, the Commission may be authorized to directly develop and implement a Planned Area for New Development, either by itself or as part of an inter-agency group and/or by contract with such appropriate public and/or private entities as it may deem proper.
- Promote, encourage, coordinate, and assist private enterprises and government agencies and instrumentalities in planning, developing and coordinating human settlements programs and to furnish, to the extent possible, technical professional assistance and guidance.
- Promulgate guidelines, standards and reporting sys tem for monitoring of physical planning activities in the national, regional and local levels.
- Call on any department, bureau, office, agency or instrumentality of the government, and on private entities and organizations for cooperation and assistance in the performance of its functions.

- Adopt rules and procedures for the transaction of its business.
- Perform such other activities which are necessary for the effective performance of the above-mentioned functions and objectives.

SEC. 5. National Planning Functions.—The Commission shall submit the integrated national multi-year and annual Human Settlements Plans to the NEDA Board for coordination and integration with the national development plan. It shall also submit the proposed draft legislation, if necessary, for the implementation of such plans. Once the Human Settlements Plan has been approved and the implementing legislation promulgated, all plans, programs and projects of the government and the private sectors related to human settlements shall conform to the guidelines and standards set forth therein.

The Commission shall also submit to the NEDA an Annual Human Settlements Plan consistent with the annual development budget and such annual plans which NEDA may prepare, for integration into the national development plan. Said Annual Plan shall be submitted in time for consideration in the preparation of the development budget and the national development plan.

SEC. 6. Regional Planning Functions.—For the effective integration of economic planning with the physical planning of human settlements, the NEDA and the Commission shall be in constant and regular consultation with each other and shall effect a mutual reporting system.

At the request of a Regional Development Council (RDC) the Commission may prepare the regional plan for that region and/or may provide such necessary technical and planning assistance as may be necessary. The Commission may help the RDCs to establish their respective physical planning units.

SEC. 7. Project Implementation.—Except as otherwise provided herein, the Commission may not undertake project implementation involving specific sites except in the case of pilot or experimental projects which may or may not form part of the Planned Development Units. For this purpose, with the prior concurrence of the NEDA, it may undertake the project itself or designate any suitable government agency or agencies, any qualified private organization, or any other qualified group of persons to undertake said pilot or experimental projects. In the latter case, it shall issue a designating order with the approval of and through the President which shall embody the powers and functions of said organizations including the nature, extent and duration of its special authority, consistent with existing laws.

SEC. 8. Regulatory Functions—

- The Commission shall assist and coordinate with the National Pollution Control Commission (NPCC) in the performance of its functions such as the setting of performance standards for emitants, industrial wastes, fire hazards and the like to ensure that factories, plants, industries and the like shall provide adequate and effective devices for the healthy and safe disposal of industrial wastes and shall install anti-pollution devices, safety devices and the like and otherwise use their property in accordance with prescribed policies, rules and regulations promulgated by the Commission.

- The Commission shall formulate—

- National standards, rules and regulations to be followed and observed by the regional and local planning authorities in the preparation and implementation of human settlements policies, plans and programs.
- Regional standards and guidelines on land use, classification, and readjustment schemes in coordination with the appropriate government entities and with the concurrence of the Regional Development Councils concerned.

- Model ordinances and development regulations such as zoning, subdivision and building regulations, and housing and rental codes for the guidance of and possible consideration, by regional and local planning authorities, including local governments.

- Within the context of the national and regional standards and guidelines, the preparation of local physical or zoning plans shall be undertaken by the appropriate local governments, to be embodied in local ordinances: Provided, however, That the concurrence of the Commission shall be obtained beforehand and: Provided, further, That such concurrence shall be limited to the consistency of the local ordinance to the national and regional standards and guidelines and shall not extend to the utilization and/or classification of specific individual plots of land.

SEC. 9. General Powers of the Commission.—In order to perform its various functions, the Commission shall have the following general powers, subject to existing laws:

- Enter into contracts, either domestic or foreign, whenever necessary under such terms and conditions as it may deem proper and reasonable.
- Receive, take and hold by bequest, devise, gift, purchase or lease, either absolutely or in trust for any of its purposes from foreign and domestic sources, any asset, grant or property, real or personal, subject to such limitations as are provided in existing laws and regulations; to convey such asset, grant or property, invest and reinvest the same under this provision and deal with and expand its assets and income in such manner as will best promote its public welfare objectives.
- Develop and maintain in conjunction with cooperating agencies a responsive information system through the establishment of a data bank to support the Commission at various specific levels in the planning, monitoring, execution, coordination and control of its various activities, programs and/or projects.
- To do and perform any and all such acts as may be necessary and proper to carry out the objectives of this Decree.

SEC. 10. Powers of the Commission Upon Notice and Hearing.—The Commission shall have the following powers, upon proper notice and hearing:

- Formulate the national and regional human settlements plans.
- Formulate national or regional plans showing the area or areas for the location of factories, plants, industries, which shall be subject to regulation.

SEC. 11. Powers of the Commission Without Hearing.— The Commission shall have the power to do the following without hearing:

- Require all persons, corporations or other entities to furnish it with such physical and operational plans, maps and other relevant information as it may need to discharge its duties under this Decree.
- Issue subpoena and subpoena duces tecum on any inquiry, study, hearing, investigation or proceeding which it may decide to undertake in the exercise of its functions powers and duties under this Decree.
- Call on any department, bureau, office, agency, or instrumentality of the government or any of its political subdivisions for cooperation and assistance in the performance of its duties and functions.
- Promulgate rules and regulations relevant to procedures governing hearing before the Commission and enforce compliance with any rule, regulation, order or other requirements of this Decree or of the Commission: Provided, That the said rules and regulations shall take effect fifteen (15) days after publication in a newspaper of general

circulation.

- Issue and promulgate such rules and regulations as it may deem necessary in the attainment of its objectives,
- Perform such other acts as may be necessary or conducive to the exercise of functions and powers and the discharge of its duties under this Decree.

SEC. 12. Submission of Annual Reports.—The Commission shall render an Annual Report and such other reports as may be necessary to the Office of the President.

SEC. 13. Commission Procedure.—All inquiries, studies, hearings, investigations and proceedings conducted by the Commission shall be governed by rules adopted by the Commission, and in the conduct thereof the Commission shall not be bound by technical rules of evidence: Provided, That the Commission may summarily punish for contempt, by a fine not exceeding five hundred pesos (P500.00) or, upon order of the Court upon application of the Commission in the appropriate contempt proceedings, by imprisonment of not exceeding thirty (30) days or both, any person guilty of such misconduct in the presence of the Commission or so near thereto as to seriously interrupt any hearing or session or any proceeding before it, including cases wherein a person willfully fails or refuses, without just cause, to comply with a summons, subpoena, or subpoena duces tecum legally issued by the Commission, or, being present at a hearing, session or investigation, refuses to be sworn as a witness or to answer questions when lawfully required to do so, or to furnish information required by the Commission under this Decree. The sheriff or other police agencies of the place where the hearing or investigation is conducted shall, upon the request of the Commission, assist it to enforce the provisions of this Section.

SEC. 14. Review of Commission's Decision or Order.—A party adversely affected by any decision or order of the Commission in the exercise of its powers subject to hearing, may, within a period of thirty (30) days from receipt of said decision or order, appeal to the Office of the President in accordance with the provisions of Executive Order No. 19, series of 1966. A motion for reconsideration filed with the Commission within the period for appeal shall stop or suspend the running of the period for appeal to the Office of the President and the period for appeal shall continue to run again from the date of receipt by the party concerned of the denial of his motion for reconsideration by the Commission.

SEC. 15. Penalties.—(a) Any person who shall give false or misleading data or information or willfully or through gross negligence, conceals or falsifies a material fact, in any investigation, inquiry, study or other proceedings held pursuant to this Decree, shall be punished with imprisonment of not less than four nor more than six months with a fine of not less than five hundred pesos nor more than one thousand pesos: Provided, That if the false or misleading data or information shall have been given under oath, the maximum penalty for giving false testimony or perjury shall be imposed.

(b) Any person or establishment who violates any provision of this Decree or any order, decision, ruling or regulation of the Commission shall, upon conviction for the first time, be warned and placed on probation under such terms and conditions as the proper Court may impose. On second conviction, the penalty to be imposed shall be the removal, withdrawal, cessation or refusal of infrastructure support, namely: highways, sewage, water electric power and the like. On the third and subsequent convictions, the offender shall, in addition to the penalty imposed on second conviction, be sentenced to imprisonment for a period of not less than six months nor more than five years and a fine of not less than five thousand pesos: Provided, That if the offender is a corporation, partnership or juridical person, the penalty of imprisonment shall be imposed on the officer or officers responsible for permitting or causing the violation.

SEC. 16. Domicile.—The principal office of the Commission shall be established in Metropolitan Manila. The

Commission may also have branches or offices at such other place or places in the Philippines, as the operations and activities of the Commission may require.

SEC. 17. Appropriations.—The budget of the Commission shall be twenty-nine million pesos (P29,000,000 00) for calendar year 1976 which is hereby appropriated out of any funds in the National Treasury. Thereafter, such amount as necessary to carry out the provisions of this Decree shall be included in the Annual Appropriations Act.

SEC. 18. Separability Clause.—If any provision of the Decree shall be held invalid, the remainder shall not be affected thereby.

SEC. 19. Repealing Clause.—Any provision of law, executive order, rule or regulation inconsistent with this Decree are hereby repealed or modified accordingly.

SEC. 20. Effectivity.—This Decree shall take effect immediately.

Done in the City of Manila, this 13th day of May in the year of Our Lord, nineteen hundred and seventy-six.

(Sgd.)

FERDINAND E. MARCOS

President

Republic of the Philippines

By the President:

(Sgd.)

JACOBO C. CLAVE

Presidential Executive Assistant

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