IMPLEMENTING RULES AND REGULATIONS OF EXECUTIVE ORDER NO. 69, SERIES OF 2012, OTHERWISE KNOWN AS "STRENGTHENING THE PRESIDENTIAL COMMISSION FOR THE URBAN POOR"

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WHEREAS, Section 10, Article XIII of the 1987 Constitution provides that "Urban or rural poor dwellers shall not be evicted nor their dwellings demolished, except in accordance with law and in just and humane manner;"

WHEREAS, Article 25 of the Universal Declaration of Human Rights as well as Article 11.1 of the International Covenant on Economic Social and Cultural Rights enshrine a right to adequate housing to be enjoyed by every person, especially the poor and marginalized informal settlers;

WHEREAS, on September 29, 2011, the Commission on Human Rights (CHR) issued an "Advisory on the Right to Adequate Housing and Humane Treatment of Informal Settlers";

WHEREAS, Republic Act (RA) No. 7279, otherwise known as "Urban Development and Housing Act (UDHA) of 1992," requires local government units (LGUs), in coordination with PCUP, to afford program beneficiaries an opportunity to be heard and to participate in the decision-making process over matters involving the protection and promotion of their collective interests;

WHEREAS, Section 28 of RA No. 7279 and its implementing rules and regulations uphold the constitutionally-guaranteed rights of the homeless and underprivileged citizens;

WHEREAS, Executive Order (EO) No. 82 (s. 1986), as amended, created the Presidential Commission for the Urban Poor (PCUP) under the Office of the President (OP) to coordinate the speedy implementation of government policies and programs for the urban poor;

WHEREAS, Administrative Order (AO) No. 111 (s. 1989) directed concerned government departments, agencies and offices to coordinate with PCUP and actively participate in tri-sectoral dialogues and activities concerning the urban poor;

WHEREAS, in the need to strengthen the mandate of PCUP to achieve the strict observance of the law and the Ten-Point Covenant of the President with the urban poor, EO No. 69 was issued on 29 March 2012;

NOW, THEREFORE, pursuant to EO No. 69 (s. 2012), the following rules and regulations are hereby promulgated and adopted.

PRELIMINARY PROVISIONS

Section 1. Title. - These Rules shall be known as the Implementing Rules and Regulations of Executive Order No. 69, Series of 2012 and shall hereinafter be referred to as the Rules.

Sec. 2. Coverage. - These Rules shall apply to the powers conferred upon the Presidential Commission for the Urban Poor (PCUP) to effectively address the principal concerns of the underprivileged and homeless citizens, such as access to housing, demolition and eviction, relocation and resettlement, asset reform, human development and basic social services, employment and livelihood, and other programs of the government for this marginalized

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sector.

Sec. 3. Objectives. - These Rules are aimed at:

- Effectively coordinating the actions and facilitating the performance of the mandated functions, roles and responsibilities of the different government agencies and instrumentalities involved in the conduct of just and humane eviction and demolition activities;

- Uplifting the conditions of the underprivileged and homeless citizens, focusing not only on the continuing urban land reform and housing but also includes the totality of all factors that will provide for decent living and support services designed to alleviate the plight of these marginalized citizens.

Sec. 4. Definition of Terms. - For purposes of these Rules, the terms or words and phrases used herein shall be construed as follows:

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

Asset Reform - refers to the redistribution of wealth from one group of entities to a broader range of entities, usually by utilizing some sort of mechanisms put in place. The idea is to allocate available resources in a manner that a wider range of people receive some degree of benefit from those assets. In achieving this, the government formulates welfare programs for the underprivileged and homeless families which make it possible for them to enjoy basic amenities that are essential to quality of life.

Certificate of Compliance (CoC) - refers to the certificate duly issued by the Local Housing Board (LHB) or a substantially equal body of the concerned Local Government Units (LGU) mandated as the sole clearing house prior to the conduct of eviction or demolition showing that all the legal requirements have been satisfactorily complied with by the proponent or the agency authorized to evict and demolish.

Human Development - refers to the process of enlarging people's choices and enhancing human capabilities and freedoms, enabling them to: live a long and healthy life, have access to knowledge and a decent standard of living, and participate in the life of their community and decisions affecting their lives, in accordance with human rights standards, norms and principles.

Proponent - refers to the entity or entities which is undertaking or proposing to undertake a project or program that impacts on the right to adequate housing of the urban poor and marginalized communities. It shall have overall control and responsibility for the project together with concerned government agencies duly constituted in a committee or board.

Relocation Action Plan (RAP) - refers to the plan prepared and unanimously concurred in by the Local Government Unit (LGU) or the project proponent agency with the affected underprivileged and homeless families that details the implementation of the relocation. This plan shall include prioritize, to the extent feasible in descending order, on-site, in-city, near-city, public rental housing as well as options for medium-rise buildings (MRBs), and off-city options. It shall also include the basic services and facilities relative to the health, education, communication, security, recreation, relief and welfare, livelihood and transportation needs of the relocatees.

Relocation or Resettlement Area - refers to the area identified by any of the appropriate national agency or by the concerned LGU and the affected underprivileged and homeless families, with respect to areas within its

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jurisdiction, which shall be used for the relocation. The relocation or resettlement site so provided shall have basic services and facilities and access to employment and livelihood opportunities sufficient to meet the basic needs of the affected underprivileged and homeless families, in accordance with Section 29 of Republic Act No. 7279, otherwise known as Urban Development and Housing Act (UDHA) of 1992.

Security of tenure - refers to the high 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.

Socialized housing - refers to the housing programs and projects covering houses and lots or homelots undertaken by the Government or the private sector for the underprivileged and homeless citizens which shall include sites and services development, public rental housing, long-term financing, liberalized terms on interest payments, and such other benefits in accordance with RA 7279.

Social Preparation - refers to the series of activities designed to prepare the underprivileged and homeless families to cope with the changes brought about by government infrastructure or development projects and to encourage them to actively participate and prepare their societal, community and personal responsibilities in their quest for tenurial security, human development and basic social services, employment and livelihood, and other government programs for the urban poor. This includes their participation in the conduct of dialogue, meetings or community assemblies; organizations and identification of volunteers respected by community people; coordination with the local officials; validation of list of affected families; discussion and presentation of needs assessment survey; action planning for their eventual relocation and other activities.

Underprivileged and homeless citizens - refers 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 (NEDA) and who do not own housing facilities. This shall include those who live in makeshift dwelling units and do not enjoy security of tenure.

MANDATORY GUIDELINES FOR SOCIAL PREPARATION ON ASSET REFORM, HUMAN DEVELOPMENT AND BASIC SOCIAL SERVICES, EMPLOYMENT AND LIVELIHOOD

Sec. 5. PCUP's Functions. - The PCUP shall ensure adequate social preparation for the underprivileged and homeless families affected by demolition or eviction, and warrant that government programs pertaining to asset reform, human development and basic social services, employment and livelihood are implemented for the benefit of these families. To achieve this goal, the PCUP in coordination with other government agencies, shall undertake the following:

- On Eviction and Demolition and Asset Reform:

- Consultation;

- Information, Education and Communication (IEC);

- Advocacy on people's participation;

- Community organizing;

- Conflicts management;

- Multi-sectoral dialogues; and Coordination

- On Human Development and Basic Services:

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- Basic Orientation Seminar (BOS) on the programs and projects of the government;

- Capability building program;

- Values formation;

- Gender and Development programs; and

- Linkaging with the concerned agencies as regards the provision of basic services and facilities such as roads, schools, livelihood sites, Material Recovery Facilities (MRFs), clinics and the like.

- On Employment and Livelihood:

- Human resource development which essentially enhances the individuals' existing lines of work, refining their innate entrepreneurial capabilities and reinventing their values;

- Skills training that will upgrade their abilities for livelihood and employment; and

- Fund sourcing for the livelihood component of the relocation or resettlement site to finance income-generating projects in order to sustain the basic needs of the homeless and underprivileged families.

Sec. 6. Project or Program Proponent's Role. - It shall be the duty of the proponent to strictly comply with the requirements imposed by all laws, orders, rules and regulations related to the right to adequate housing of the urban poor and marginalized communities. Social preparation shall be a mandatory component of all projects involving them. To ensure this, the PCUP shall warrant that the LGUs, implementing government agency and/or proponent shall have undertaken the socio-economic profiling, affordability analysis, housing modalities, provision of technical assistance in the development of a people's plan, census of households and tagging of structures, structural mapping, data validation and consolidation and analysis of the profiles of the families and valuation of structures subject of eviction and demolition activities.

Sec. 7. Eviction and demolition, asset reform, human development and basic services, employment and livelihood.

- The PCUP, in coordination with the Key Shelter Agencies (KSAs), shall conduct social preparation activities:

- For the areas covered by Presidential Proclamations, Community Mortgage Program (CMP), Direct Negotiated Installment Purchase (DNIP), Relocation or Resettlement, Medium-Rise Buildings (MRBs) and other alternative housing programs to facilitate access by the urban poor to the asset reform program of the government;

- The PCUP, in coordination with the concerned agencies, shall conduct social preparation activities to assist the underprivileged and homeless citizens in getting access to human development and basic social services, livelihood and employment opportunities, which activities shall include:

2.1

Orientation-seminars to disseminate information on the existing programs and basic social services of the government for the underprivileged and homeless citizens;

2.2

Capability-building activities geared towards the empowerment of the underprivileged and homeless citizens and ensuring their meaningful participation in governance and nation-building: and

2.3

Provision of all aspects of decent living and support services to the affected underprivileged and homeless

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families at the relocation or resettlement sites by the concerned LGU or the government agency authorized to demolish, with the assistance of the concerned government agencies and Civil Society Organizations (CSOs).

- The concerned LGU or the government agency authorized to demolish shall coordinate with the PCUP in cases where a government infrastructure project or clearing of a danger area is about to be implemented which will affect the underprivileged and homeless families living therein;

- The PCUP shall secure lists of projects under the Community Mortgage Program (CMP) from the Social Housing Finance Corporation (SHFC), which involves the underprivileged and homeless beneficiaries, for its periodic monitoring pursuant to Executive Order No, 82. Series of 1986;

- The PCUP shall regularly secure updates from all government agencies involved in the implementation of poverty alleviation programs, specifically in urban centers and resettlement areas, to increase the people's awareness on government programs for the underprivileged and homeless citizens, and to promote the participation of prospective program for the beneficiaries; and

- When it is not possible to undertake the social preparation activities, PCUP may enter into contract with the CSO for assistance.

PCUP'S REPRESENTATION IN VARIOUS BOARDS AND BODIES

Sec. 8. Representation of PCUP in the HUDCC and the Governing Boards of the Key Shelter Agencies (KSAs). - The PCUP shall sit as a representative in the council meetings of the Housing and Urban Development Coordinating Council (HUDCC) and board meetings of the Key Shelter Agencies (KSAs) and, as such, shall:

- Participate in all policy discussions and submit policy recommendations relating to underprivileged and homeless citizens based on its existing policies for inclusion in the agenda or order of business of the board meetings of the HUDCC, National Housing Authority (NHA), Social Housing and Finance Corporation (SHFC), National Home Mortgage Finance Corporation (NHMFC), Home Development Mutual Fund (HDMF), Home Guarantee Corporation (HGC) and Housing and Land Use Regulatory Board (HLURB);

- PCUP shall be notified by the HUDCC and the KSAs in writing, of any Council or Board meeting at least seven (7) days prior thereto on meetings where the issues focused primarily on the underprivileged and homeless citizen;

- In coordination with HUDCC and other Key Shelter Agencies (KSAs), study the on-going and completed housing-related projects of the government, as regards on-site and resettlement areas of the underprivileged and homeless families, based on the consultations made with beneficiary communities and recommend appropriate actions thereon directly to the concerned Council or Board.

Sec. 9. Representation in Local Housing Boards (LHBs). - The PCUP shall sit as a regular member in the Local Housing Boards (LHBs), and, for that purpose, shall:

- Ensure that the LGU implements the provisions of RA 7279 which are intended to realize the right to adequate housing of the urban poor, underprivileged and informal settler families such as, but not limited to, the inventory, identification, disposition and acquisition of lands for socialized housing, implementation of the twenty percent (20%) balanced housing provision, registration of beneficiaries, participation of beneficiaries and socialized housing tax;

- Promote and ensure strict compliance by all concerned with the legal provisions on adequate consultation and relocation and the pre-relocation phase procedure set forth under Section 3 of the "Implementing Rules and

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Regulations to Ensure the Observance of Proper and Humane Relocations and Resettlement Procedures Mandated by the Urban and Development Act of 1992," prior to the issuance of the Certificate of Compliance (COC) provided for under Executive Order No. 708 entitled, "Amending Executive Order No. 152 Devolving the Function of the Presidential Commission for the Urban Poor as the Sole Clearing House for the Conduct of Demolition and Eviction;"

- Ensure the strict compliance by the Local Government Unit with the Commission on Human Rights Advisory on the Right to Adequate Housing and Humane Treatment of Informal Settlers, in accordance with DILG Memorandum Circular No. 2011-182 issued on December 7, 2011;

- Ensure the formulation of a Local Shelter Plan (LSP) and implementation of housing programs for the underprivileged and homeless citizens in each LGU. This plan shall include on-site, in-city, near-city or off-city relocations, public rental housing and options for MRBs; basic services such as health, education, and other basic facilities or services, as well as livelihood and transportation assistance in case of off-city relocation;

- Ensure that the LGUs and the project proponents shall consider that the cost of lands for the underprivileged and homeless families be made affordable, taking into consideration their income and land valuation required under Section 13 of RA 7279; and

- Ensure that the LGUs and the project proponents strictly comply with Section 21 of RA 7279 and the Site Selection Criteria found in Section 6.3 of the "Guidelines for the Inventory and Identification of Lands for Socialized Housing pursuant to RA 7279."

OPERATIONAL MECHANISMS AND GUIDELINES FOR THE STRICT IMPLEMENTATION OF SECTION 28 OF RA 7279 AND RELATED ISSUANCES

Sec. 10. Operational Mechanism. - To ensure strict implementation and compliance with Section 28 of RA 7279 and its IRR, the following operational mechanisms and guidelines shall be observed by the concerned agencies, instrumentalities and organizations for minimum displacement of underprivileged and homeless citizens:

- The PCUP and the Department of the Interior and Local Government shall ensure that the concerned LGUs create their Local Housing Boards and that local officials are sufficiently conscious of their roles, duties and responsibilities relative to the right to adequate housing as well as the conduct of just and humane evictions and demolitions. No eviction or demolition shall be implemented without the prior approval of the concerned Local Housing Board in accordance with RA 7279, RA 7160 and related laws, orders, rules and regulations.

Apart from being a sole clearing house, LHBs as a local special body must address shelter concerns in the formulation, development, and implementation of LGU's comprehensive and integrated housing and land development program. Thus, LHBs shall:

- Prepare local shelter plans which shall form part of, and are consistent with, their respective city or municipal development plans. These shelter plans shall be the general framework which effectively provides a step-by-step procedure by which cities and municipalities could formulate solutions to its housing problems;

- Assist city or municipal development councils in the formulation of their respective comprehensive land use plans. Further, the LHBs shall conduct and inventory all lands within their respective localities, identify and register UDHA beneficiaries;

- Monitor the nature and progress of land development projects it has approved in compliance with the Balanced Housing Requirement;

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- Coordinate with government agencies and instrumentalities performing functions which may affect housing and urban development;

- Recommend partnership arrangements with the national government on housing for the underprivileged and homeless; and

- In addition to the checklist of the requirements enumerated in DILG MC- 2008-143, entitled “Creation of Local Housing Boards,” the following documents shall also be submitted by the applicant-proponent to the LHB for the purpose of securing the required CoC for the implementation of administrative demolition and eviction:

6.1

Relocation Action Plan (RAP) which shall include various relocation options;

6.2

Documentation of RAP formulation, including photographs thereof;

6.3

Attendance sheet and minutes of consultation proceedings;

6.4

Specific agreements reached during the consultation;

6.5

Excerpts of public hearings conducted by the concerned Sangguniang Panlungsod or Sangguniang Bayan and participated in by the affected underprivileged and homeless families;

6.6

Name, contact information and terms of reference of the officer formally designated by the concerned LGU or proponent agency to be in charge of the entire eviction and demolition process; and

6.7

Guidelines for the selection of beneficiaries adopted by the proponent in consultation with the affected families or community.

- Meaningful and adequate consultation with the affected underprivileged and homeless families shall be in accordance with the Constitution, RA No. 7279 and “Advisory on the Right to Adequate Housing and Humane Treatment of Informal Settlers” of the Commission on Human Rights (CHR). In addition, the following activities shall serve as mandatory guidelines to be observed by the LGU and/or the proponent government agency authorized to conduct demolition or eviction:

- The LGU or proponent government agency authorized to demolish or evict shall preside over the consultation meetings to be attended by the punong barangay, the affected families and the landowners or their duly authorized representatives. Officials or representatives of concerned agencies and CSOs shall also be invited;

- In every consultation meeting, attendance shall be properly recorded. If a majority of the affected underprivileged and homeless families are certified to be present, the meeting shall proceed; otherwise, another meeting shall be called within five (5) days therefrom. If still the majority of the concerned residents cannot be obtained, the consultation requirement for this case shall be deemed satisfied;

- The LGU or concerned government agency shall summarize the points of agreement and disagreement arrived at through the formal consultations and provides copies thereof to the participating agencies and entities for their concurrence and signatures. Should any party refuse to sign the agreement, the same shall be posted in conspicuous places in the affected area;

- The schedule of the succeeding meetings, including two (2) feedback meetings, shall be set within twenty (20) days from the issuance of the notice of eviction and demolition and there shall be one (1) final meeting before the conduct of actual eviction and demolition; and

- The LGU or proponent government agency authorized to demolish or evict shall convene to discuss the details of the actual pre-relocation and post-relocation operations and to ensure the support and assistance of the participating agencies.

- To safeguard the security and well-being of the affected underprivileged and homeless families as well as the representatives of government agencies and police personnel within the context of demolition and eviction, the PCUP shall ensure that the directives issued by the DILG Secretary to the Philippine National Police (PNP) dated May 02, 2012, that prior to the actual demolition of structures and eviction of the underprivileged and homeless families, a Pre-Demolition Conference (PDC) on the request for police assistance must be conducted, are strictly complied with. The following are the procedures:

- The proponent (sheriff, in the case of a court ordered demolition, the head of the quasi-judicial body; the city mayor, municipal mayor or governor in the case of LGU; the head of the national government agency/department; or the project committee head in case of public-private partnerships and similar arrangements) shall submit a formal written request for police assistance to the PNP;

- Upon receipt of the request for police assistance from the proponent, PNP shall ascertain the attachment of the necessary documents to grant the same. After which, the PNP shall notify the PCUP of the said request and advice the latter to issue notices of invitation to DILG, Department of Social Welfare and Development (DSWD), NHA, PCUP, CHR, the LGU and proponent authorized to evict or demolish, representatives of the affected underprivileged and homeless families, landowners (if the property involved in the case is privately owned) and other concerned government agencies;

- The PCUP shall preside over the Pre-Demolition Conference, serve as Secretariat during the proceedings and may call on other agencies for assistance whenever necessary under the circumstances;

- The details of the conference must be documented and the attendance must be properly recorded by the PCUP's Secretariat, summarizing the points of agreements and disagreements arrived at, and copies thereof be furnished to all parties concerned. Further, the setting up of a command center which shall manage the activities on the day of eviction and demolition must also be discussed and agreed upon; and

- The project proponent of demolition and eviction shall provide the logistical support during the conduct of PDCs.

Sec. 11. PCUP's functions in relation to violations of Section 28 of RA 7279. - In accordance with EO 152 as amended by EO 708, PCUP shall:

- Investigate motu propio or upon complaint by any party, any violation of the provision of Section 28 of RA 7279 or its IRR;

- File motu propio or by way of assistance to any aggrieved party, the appropriate criminal, civil or administrative case against any person or persons, including national or local government agencies, found to have violated the

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provisions of Section 28 of RA 7279 or its IRR;

- Publicize matters covered by its investigation of violations of the provisions of Section 28 of RA 7279 or its IRR, when circumstances so warrant and with due prudence: Provided, however, that the PCUP shall, under the rules and regulations it shall hereafter promulgate, determine what cases may not be made public: Provided, further, that any publication of cases made at the instance of the PCUP shall be balanced, fair and true;

- Administer oaths, issue subpoena and subpoena duces tecum, and take the testimonies of witnesses in the course of its investigation;

- Monitor all demolition and eviction involving underprivileged and homeless citizens, whether administrative, summary or pursuant to a court order. The PCUP shall prepare a post-eviction and demolition report and provide copies thereof to the PIAC and its member agencies; and

- Perform such other functions as may hereafter be provided by law or executive issuance.

The Department of Justice (DOJ), its attached agencies such as National Bureau of Investigation (NBI) and Public Attorney's Office (PAO), the DILG and the PNP, together with all other heads of departments, agencies, bureaus and offices including GOCCs as well as the concerned LGUs, CSOs or People's Organizations (POs), whenever necessary, shall each provide necessary assistance to the PCUP to enable the latter to effectively carry out its investigation, building and filing of cases for violations of Section 28 of RA 7279.

Sec. 12. Institutional Arrangement and Support. To ensure that the social preparation functions be effectively performed, the PCUP shall:

- Assist the affected underprivileged and homeless families in making the appropriate request for funding of their resettlement site or financial assistance, in case of court ordered demolition and eviction to LGU, KSAs and other government agencies.

- Request all government departments, agencies, bureaus and offices, including government owned and controlled corporations (GOCCs), the Civil Society Organizations (CSOs) and/or People's Organizations (POs) and LGUs to assist in the speedy implementation of projects and delivery of services for the benefit of the affected underprivileged and homeless families, pursuant to Administrative Order No. 111, Series of 1989.

Sec. 13. Monitoring of Eviction and Demolition. - As mandated by RA 7279 and other executive issuances to monitor eviction and demolition activities, the PCUP shall:

- Document the actual conduct of eviction and demolition and call the attention of the LGU or the proponent agency to the guidelines in the implementation and supervision of the actual demolition and eviction as embodied in Sections 27, 28 and 30 of RA 7279 and its IRRs;

- Deputize the National Urban Poor Sectoral Council (NUPSC) representatives of the National Anti-Poverty Commission (NAPC), the CSOs or the PCUP-accredited POs as civilian arms of the PCUP, when necessary, in the conduct of monitoring activities at the local level. The NUPSC and the deputized organizations shall report directly to the PCUP Central Office or its concerned Regional Office regarding their observations during the conduct of demolitions and evictions;

- Prepare report on the compliance or non-compliance of the activities in the actual demolition and eviction using the standard format provided under Sections 27, 28 and 30 of RA 7279 and its IRR; and

- Provide direct assistance to the independent monitoring activities conducted by the Commission on Human Rights pursuant to its Constitutional mandate.

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PERIODIC REPORTS TO THE OFFICE OF THE PRESIDENT

Sec. 14. Submission of Periodic Reports. - The PCUP shall submit quarterly reports to the Office of the President (OP) relative to the status of compliance with the provisions of EO 69 and pertinent laws governing eviction and demolition activities and relocation operations.

FUNDING

Sec. 15. Budget. – The PCUP shall prepare and submit to the OP and the Department of Budget and Management (DBM) its supplemental budget immediately after approval of these Rules to support the reorganization and effectively carry out its expanded functions under EO 69. Subsequent funding shall thereafter be included in PCUP's annual budget under the General Appropriations Act.

FINAL PROVISIONS

Sec. 16. Separability Clause. – If any provisions of these Rules are held invalid or unconstitutional, any other provisions not so affected shall continue to be valid and effective.

Sec. 17. Effectivity. – These Rules shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

(SGD.) JEJOMAR C. BINAY
Vice President of the Philippines
Chairman, Housing and Urban Development Coordinating Council

(SGD.) CORAZON JULIANO-SOLIMAN
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