

[PRESIDENTIAL DECREE NO. 933, May 13, 1976]

CREATING THE HUMAN SETTLEMENTS COMMISSION

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:

- a. "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.
- b. "Human Settlements" means the habitat or built environment of human beings encompassing both rural and urban areas where man settles himself to live.

- c. "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.
- d. "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.
- e. "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.
- f. "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.
- g. "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.
- h. "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.
- i. "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.
- j. "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:

1. 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.
2. 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 programs; and monitor the implementation of such policies plans and programs for the different levels of government and for the public and private sectors.
3. Conduct public hearings on all human settlements plans before their submission to the NEDA. The Commission may likewise conduct public hearing on all other plans prepared by it as it may deem necessary.
4. 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.
5. 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.
6. 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.

7. 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.
8. Promulgate guidelines, standards and reporting system for monitoring of physical planning activities in the national, regional and local levels.
9. 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.
10. Adopt rules and procedures for the transaction of its business.
11. 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.