

Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City

**TWENTIETH CONGRESS**  
First Regular Session

**HOUSE BILL NO. 1642**



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**Introduced by Representative Paolo Henry M. Marcoleta**

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**EXPLANATORY NOTE**

Just as President Ramon Magsaysay embraces the principle that stresses the significance of social justice and safeguarding equal access to the disadvantaged, the 1987 Constitution likewise values the same as it states under Article II, Section 10 that the State shall “promote social justice in all phases of national development.”

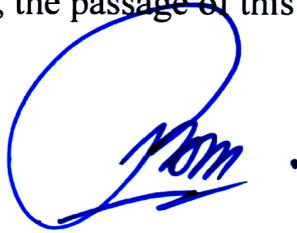
Focusing on the poor and marginalized, Article XIII, Section 9 of the 1987 Constitution provides that the State establish “a continuing program of urban land reform and housing which will make available at affordable cost, decent housing and basic services to under-privileged and homeless citizens in urban centers and resettlement areas. X x x”. Furthermore, Section 10 of the same article orders that the “Urban or rural poor dwellers shall not be evicted nor their dwellings demolished, except in accordance with law and in a just and humane manner”.

Motivated to improve the living situation of the underprivileged citizens, Republic Act No. 7279 (RA 7279) also known as the “Urban Development and Housing Act of 1992” was enacted mainly to provide access to decent and affordable housing to underprivileged and homeless citizens in urban and resettlement areas, as well as provide basic services and employment opportunities. With regard to eviction and demolition, Section 28 of RA 7279 provides that eviction and demolition shall be discouraged but may be allowed following certain situations.

In pursuit of achieving social justice, this bill seeks to amend Section 28(c) of RA 7279 by pointing out that the “court order” indicated shall apply only to final and executory decrees. Moreover, the bill aims to exempt the poor and homeless citizens from paying the obligatory supersedeas bond, required to

complete an appeal. This will make indigent families incapable of paying the required supersedeas bond and are at risk of eviction to still stay the execution of judgement and attain suitable remedies without the horror of losing their homes.

In view of the foregoing, the passage of this bill is earnestly requested.

A handwritten signature in blue ink, appearing to read 'PHM', enclosed within a large, loopy blue circle.

**PAOLO HENRY M. MARCOLETA**  
Representative, SAGIP Partylist

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**AN ACT**  
**EXEMPTING THE UNDERPRIVILEGED AND HOMELESS**  
**FROM THE REQUIRED PAYMENT OF SUPERSEDEAS BOND**  
**TO PERFECT AN APPEAL IN RELATION TO EJECTMENT**  
**CASES FILED AGAINST THEM, AMENDING FOR THE**  
**PURPOSE REPUBLIC ACT NO. 7279 OTHERWISE KNOWN AS**  
**THE URBAN DEVELOPMENT HOUSING ACT**

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

1           **SECTION 1. Short Title.** - This Act shall be known as “*Libreng Laban*  
2 *para sa Tahanan Act*”

3  
4           **Section 2.** Paragraph (c) of Section 28 of Republic Act No. 7279 is hereby  
5 amended to read as follows:

6  
7           “Sec. 28. *Eviction and Demolition.* – Eviction or demolition as a  
8 practice shall be discouraged. Eviction or demolition, however, may  
9 be allowed under the following situations:

10  
11           X x x

12           (c) When there is a court order for eviction and demolition[.]  
13           **BASED ON A FINAL AND EXECUTORY JUDGMENT:**  
14           **PROVIDED, HOWEVER, THAT IN CASES OF**

1           EVICTION    AND    DEMOLITION    INVOLVING  
2           UNDERPRIVILEGED AND HOMELESS CITIZENS AS  
3           DEFINED UNDER THIS ACT, THEY MAY PERFECT  
4           AN    APPEAL    WITHOUT    THE    NECESSARY  
5           SUPERSEDEAS BOND, A CERTIFICATE    OF  
6           INDIGENCY DULY ISSUED BY THE BARANGAY, OR  
7           OTHER    ANALOGOUS    DOCUMENTS    THEREIN,  
8           MAY BE ACCEPTED BY THE COURTS IN LIEU OF  
9           THE REQUIRED BOND. THE APPEAL TOGETHER  
10          WITH THE CERTIFICATE OF INDIGENCY OR ITS  
11          EQUIVALENT    DOCUMENT    OR    DOCUMENTS  
12          SHOULD BE SUFFICIENT FOR THE COURTS TO  
13          STAY THE EXECUTION OF JUDGMENT.

14          X x x.”

15  
16           **Sec. 3. *Repealing Clause.*** – All laws, presidential decrees, executive  
17 orders, letters of instructions, administrative orders, proclamations or  
18 administrative regulations that are inconsistent with the provisions of this Act are  
19 hereby repealed, amended, or modified accordingly.

20  
21           **Sec. 4. *Effectivity.*** – This Act shall take effect fifteen (15) days following  
22 its complete publication in the *Official Gazette* or in a newspaper of general  
23 circulation.

24  
25           *Approved,*