

[**PRESIDENTIAL DECREE No. 406, March 04, 1974**]

CREATING THE HUMAN SETTLEMENTS AND PLANNING 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 improving quality of life for all citizens and for all others who may sojourn upon our shores;

WHEREAS, the quality of human life in our times is inescapably determined by the relationships 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, the New Society's reform programs now call for the organization of a body that is adequate and responsive to the manifold tasks of formulating intelligent long-term human settlements perspectives and policies, designing operational programs for the control of all forms of environment 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 relationships amongst our communities.

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers vested in me by the Constitution, as Commander-in-Chief of all the Armed Forces of the Philippines and pursuant to Proclamation No. 1081, dated September 21, 1972, General Order No. 1, dated September 22, 1972, as amended, and in order to effect the desired changes and reforms in the social, economic, and political structure of our society, do hereby order and decree and make as part of the law 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 urban communities from blight, congestion, and hazard, and to promote the modernization of our human communities; (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 inter-dependence 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 these policies through the human settlements approach, engaging in these activities the best efforts of the private and public sectors of the New Society.

SEC. 2. Creation of Human Settlements and Planning Commission. For the purpose of carrying out the above declared policy, there is hereby created a Human

Settlements and Planning 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 Secretary of National Defense, the Secretary of Public Works, Transportation and Communications, the Secretary of Local Government and Community Development, the Chairman of the Board of Investments, or their representatives, and the incumbent Chairman of the Task Force on Human Settlements.

The President of the Philippines shall appoint from among the above-mentioned officials the Chairman of the Commission, who shall also be an ex-officio member of the Development Budget Coordination Committee of the National Economic and Development Authority.

The Chairman and members of the Commission shall serve without compensation, but may receive allowances while engaged in official assignments for the Commission.

The Commission shall meet regularly at least once a month.

The Commission shall appoint and maintain an adequate Administrative staff. It shall also have a working staff which shall consist of the working staff of 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. The Planning and Project Development Office of the Department of Public Work, Transportation and Communications is hereby integrated with the working staff of the Task Force on Human Settlements. Their powers and functions, appropriations, records, assets and liabilities, rights, choses in action, and obligations are transferred to, vested in and assumed by the Commission.

The working staff shall undertake and perform such functions, duties and activities as are now assigned to it by the aforesaid Executive Order, and those that may be required by the Commission. The terms and conditions of employment of the members of the above-named working staff shall continue to be governed by the provisions of the aforesaid Executive Order. In view of the fact that human settlements approach is a new approach to development, even internationally, the personnel of the working staff, whether recruited by the Commission or detailed to its service upon its request, are hereby declared policy-determining, primarily confidential or highly technical: Provided, That except as to positions which are policy-determining, primarily confidential or highly technical, all positions in the administrative staff but not the working staff of the Commission are subject to the provisions of the Civil Service Law, rules and regulations, but are exempt from the rules and regulations of the Wage and Position Classification Office: Provided, further, That the professional and technical personnel of the working staff shall be permanent and career in status without prejudice to transfer, detail, assignment, promotion, discipline and dismissal in accordance with the Commission's personnel management program and shall be entitled to benefits and privileges normally accorded to government employees.

SEC. 3. Purposes, Powers, and Functions. The Commission shall have the following purposes:

(1) To promote, commission, assemble, contract, and otherwise obtain information and studies pertaining to human settlements to the end that it can formulate human

settlements policies, plans, and programs; and design the integrated and coordinated implementation of such policies, plans, and programs for the different levels of government and for the public and private sectors.

(2) To promulgate and ensure compliance with plans, policies, guidelines, and standards for land management and land use, ecological conservation and development, control of urban/industrial pollution and hazards.

To attain the above-mentioned purposes, the Commission shall have the following powers and functions:

(a) To formulate, adopt and promulgate a continuing and integrated national plan on human settlements, and to promulgate guidelines, standards and a reporting system for programming and planning in the national and local levels. Once said plan is promulgated, all development 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.

(b) To formulate, adopt, promulgate and coordinate the implementation of land classification, land valuation, land readjustment schemes, and land use and zoning policies, rules and regulations. All land resources management policies, plans, rules and regulations of all the different government and private entities shall conform to such policies, plans, rules and regulations adopted, promulgated and/or endorsed by the Commission.

(c) To set performance standards for emittants, industrial wastes, fire hazards and the like. Factories, plants, industries and the like shall provide adequate and effective devices to insure healthy and safe disposal of industrial wastes, 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.

(d) To identify, determine, declare and/or exercise the right of eminent domain on selected Human Settlements as integrated development areas which will be developed and zoned as Planned Development Units (PDUS) in accordance with modern development comprehensive planning and programming techniques and procedures under such terms and conditions as the Commission may prescribe, and in connection therewith to enfranchise, manage, contract and/or engage in such development program/projects either directly by itself and/or by creating subsidiaries for this purpose or indirectly through other agencies and instrumentalities of the Government and/or private entities.

(e) To review, revise, and approve development plans, programs, and projects related to human settlements, of national regional and local government agencies and instrumentalities, public corporations and private enterprise, and to determine whether they conform with the integrated national human settlement plan. No private or government plan, project or program related to the establishment and development of human settlements, or component activities thereof as determined by the Commission, shall take effect or be put into operation without the favorable concurrence of the Commission.

(f) To 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 and professional assistance and guidance.

(g) To provide for the assembly and dissemination of information and experience concerning all aspect of planning and development and to foster an increased awareness of urban and rural life and the importance of the environment in human settlements.

(h) When public interest and welfare so demand, the Commission shall institute expropriation, condemnation or abatement of nuisance proceedings in the manner as may now or hereinafter be provided by law, for the transfer, removal or cessation of operations of factories, plants, industries and the like that are considered pollutants, combustible and hazardous to the health, safety and welfare of the general public living in a particular vicinity. All persons affected shall have the right to notice and hearing before the Commission and to show cause why the property should not be made subject of expropriation, condemnation or abatement of nuisance proceedings.

(i) To issue bonds or contract loans, credits, or indebtedness, domestic or foreign, for the implementation of its programs and projects, the payment of which shall be guaranteed, absolutely and unconditionally, by the Government through the President of the Philippines or his duly authorized representative, as primary obligor and not as surety only.

(j) To enter into contracts, either domestic or foreign, to collect fees and/or to impose development charges in the performance of its quasi-judicial and regulatory functions, whenever necessary under such terms and conditions as it may deem proper and reasonable and to receive income from such contracts, fees and charges, all of which shall remain with the Commission and shall constitute part of the properties and funds principal or otherwise, of the Commission referred to in Section 3(k).

(k) To receive take, and hold by bequest, devise, gift, purchase, or lease, either absolutely or in trust, for any of its purposes, from foreign or domestic sources, any asset, grant, or property, real or personal, without limitation as to amount or value; 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.

(l) To develop and maintain in conjunction with cooperating agencies a computerized information system through the establishments 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.

(m) To call on any department, bureau, office, agency, instrumentality or political subdivision of the Government for cooperation and assistance in the performance of its duties and functions. Refusal of any such office or official to cooperate with and assist the Commission shall subject the official concerned to administrative disciplinary action.

(n) To do and perform any and all such acts as may be necessary and proper to carry out the objectives of this Decree.