



Administrative Order No. 09
Series of 2013

Subject: On-site, Near-site, and In-city Shelter Assistance for Informal Settler Families (ISFs) along the waterways and danger zones of Metro Manila

I. Rationale:

Under Executive Order 292 or the Revised Administrative Code of 1987, the Department of Social Welfare and Development (DSWD) is mandated, among other things, to arrest the deterioration of socially disabling or dehumanizing conditions of the disadvantaged segment of the population at the community level, and to undertake projects which address social welfare concerns. Undoubtedly, one of these dehumanizing conditions experienced by our more disadvantaged brethren, and a social welfare concern also, is the absence of safe shelters and the agglomeration of these poorly constructed shelters into communities in dangerous areas such as esteros and waterways. Informal Settler Families (ISFs), who typically make up the inhabitants of such communities, are more prone to disease and disaster as a result of this arrangement.

Thus, as part of this social protection mandate of the DSWD, the "On-site, Near-site, and In-city Relocation and Shelter Assistance Project" aims to assist families living in areas such as esteros and waterways by providing them access to safer homes with the aim of building stronger and more resilient communities, without, however, necessarily displacing them from their sources of livelihood and social capital. The on-site, near-site, and in-city relocation is preferred to off-site relocation since the latter often leads to lost livelihood, lost sense of community and social capital, and to the eventual abandonment of the new sites in favor of the location of the original community by the ISFs

Because of the project's emphasis on helping ISFs avoid a loss of livelihood and income, all of which are intertwined within the general location of where they have resided before, this project is consistent with the many poverty alleviation and sustainable development programs of the DSWD, which has the mandate to do so under the 1987 Revised Administrative Code and Executive Order 15 as amended by Executive Order 221.

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Further, this Administrative Order seeks to expand the existing coverage of the Administrative Order no. 17 series of 2010 re: Omnibus Guidelines on Shelter Assistance by introducing a project that would provide safer housing to ISF's without such ISF's losing their livelihood, income, and sense of community.

II. Legal and Policy Framework

The legal basis and framework in implementing this project are the following national laws and DSWD policy guidelines:

1. **Republic Act Number 7160** or the Local Government Code of 1991 which strengthen local autonomy through devolution of the basic services and functions of national agencies to local government units (LGUs) as well as supports efforts along disaster risk reduction and management;
2. **Executive Order Number 15, Series of 1998**. Redirecting the Functions and Operations of the DSWD and **Executive Order Number 221, Series of 2003** (Amending E.O. 15, Series of 1998) emphasizing the role of the DSWD as the lead public sector agency in social welfare development, policy development and program implementation;
3. **Executive Order 292 (the Administrative Code), Title XVI Chapter 1 Section 2**. The Department shall provide a balanced approach to welfare whereby the needs and interests of the population are addressed not only at the outbreak of crisis but more importantly at the stage which would inexorably lead to such crisis. **The Administrative Code mandates that: first, the DSWD coordinate with other departments to provide integrated welfare services; that second, it arrest the further deterioration of the socially disabling or dehumanizing conditions of the disadvantaged segment of the population at the community level; and finally, that the DSWD undertake projects that seek to address social welfare concerns.**
4. **Joint Memorandum Circular (JMC) of the Informal Settler Families – National Technical Working Group (ISF-NTWG) as of 20 June 2013** re: Policy Guidelines on the Operationalization and Utilization of the P50 Billion Housing Fund for ISFs in Danger Areas of the NCR.
 - The DSWD is identified as co-chair of the ISF-NTWG
 - The DSWD is identified as one of the implementing agencies of the JMC together with NHA, SHFC, and concerned Local Government Units.

- Project Proposals/Program of works shall be submitted to the Project Management Office (PMO), headed by the DILG for funding request to the DBM.

5. **DSWD Memorandum Circular Number 15, Series of 2012** entitled “Guidelines on Internal Convergence of the DSWD Core Social Protection Programs” articulating mechanism in the integration of poverty reduction programs and projects of the Department for a more effective and cost-efficient project implementation; and,

6. **DSWD Memorandum Circular Number DSWD Administrative Order Number 17, Series of 2010** or the Omnibus Guidelines on Shelter Assistance, explicitly defining the project mechanisms in the availment and implementation of emergency shelter, modified and core shelter assistance.

III. Objectives:

The overall objective is to make communities safe, livable and sustainable for the Informal Settler Families in Danger Areas of NCR. Strategic objectives have been identified to achieve the overall goal:

1. To provide informal settler families living in danger areas access to safe, decent, and affordable shelter.
2. Relocate and provide either an “on-site”, “in - city” or “near city” shelter for the poor informal settlers families living along waterways and esteros.
3. Provide support toslum renewal and redevelopment that is consistent with the flood resiliency efforts of the Department of Public Works and Highways (DPWH) and the Metropolitan Manila Development Authority (MMDA).

IV. Description of the Project:

The on-site, near-site, and in-city shelter assistance is primarily intended to provide access for informal settlers families living within high-risk areas of Metro Manila such as those houses built in waterways, rivers, creeks and tributaries vulnerable to flashfloods, flooding, and landslides, to decent shelters within the proximity of their current locations. The provision of assistance will be done in coordination with people’s organizations and other relevant government agencies, including, but not limited to the Department of Local Government (DILG), Department of Public Works and Highways (DPWH), Department of Environment and Natural Resources (DENR), Social Housing Finance Corporation (SHFC).

Disaster-resilient micro medium-rise buildings (Micro-MRBs) will be constructed on the identified available project sites. The design of the structure incorporates a rain water collection system and a grey-water reuse

system. The ground floor of the Micro-MRBs will be utilized as a flood buffer wherein home-based enterprises (HBE) may be conducted.

Pilot implementation of the project would involve the Estero de San Miguel site at Legarda, Manila. Pipeline projects relative to this Administrative Order would include the Esteros at P. Casal, San Sebastian and Quiapo in the City of Manila. Additional projects for funding by the Department shall be evaluated based on the People's Plans. Guidelines governing the acceptance and approval of People's Plans shall be formulated and established in coordination with other relevant government agencies and instrumentalities, as well as concerned people's organizations and non-government organizations.

The sites identified for the project will be acquired through different means. In order of priority--on-site, near-site and in-city availability of lands shall be ensured in accordance to the existing laws and regulations prevailing over public lands and private lands.

V. **Definition of Terms :**

1. **Beneficiaries** - refers to the actual occupants such as structure owners, renters and sharers/rent free occupants residing in danger zones within the National Capital Region (NCR) who will receive assistance through this program.
2. **Civil Society Organization (CSOs)** - refers to the Non-Government Organizations (NGOs), People's Organization (POs), cooperatives, trade unions, professional association, faith-based organizations, media groups, indigenous people's movements, foundations and other citizen group formed primarily for social and economic development to plan, monitor governments program and projects engage in policy discussion and actively participate in collaborative activities with the government.
3. **Danger Areas** - refers to the esterros, railroad tracks, garbage dumps, riverbanks, shorelines, water ways, and other public places such as sidewalks, roads, parks and playgrounds.
4. **In –City** - refers to a relocation site within the jurisdiction of the city where the informal settler families (ISFs) are living.
5. **Informal Settler Families** – refer to families living in housing units or facilities constructed in danger areas within the NCR.
6. **Near-City** - refers to a relocation site in a city other than the city of the present settlement of the informal settler families (ISFs). Provided however said relocation site is adjacent the present settlements of the ISFs within NCR.

7. **Non-Government Organizations (NGO)** – refer to non-profit, voluntary organization committed to the task of socio-economic development and established primarily for services such as assisting citizens or people's organizations in various ways by educating, training, or giving funds to them.
8. **On-site** – refers to a site developed within the area where the ISFs are currently living which is outside the boundaries of the required three (3)-meter legal easement as mandated by law, and subject to approval through legal, technical, and environmental assessment.
9. **People's Plan** – is formed by People's Organizations, with or without the support of NGOs or NGAs, and refers to a community development plan, having undergone a process of consultation and endorsement by the beneficiaries, which contains a site development plan and may include non-physical development such as livelihood, self-help development, capability building trainings, among others.
10. **People's Organization** - refers to an independent community and/ or sector –based organizations or associations established to protect and advance their common shelter interest.
11. **Social Preparations** - refers to the process of establishing the social, organizational, and institutional norms and mechanism that will enable the settlers to cope with the changes and encourage the settlers to work together in drawing up and in undertaking their resettlement proposal in partnership with concerned institutions and stakeholders, and actively participate in resettlement projects, thus resolving collective action problems among community members and coordination problem with government and other entities.

VI. Project Components

a. Pre-Construction Phase

i. **Submission of Budget Proposal to the Department of Budget and Management (DBM)**

Prior to the release of funds for the implementation of the project, the DSWD shall submit to DBM a proposal outlining the budgetary requirements and timelines of specific on-site, near-site, and in-city shelter assistance for ISFs.

Proposals shall be based on the People's Plans accepted and approved by the Department.

ii. **Execution of necessary legal instruments among stakeholders and partner government agencies, as may be determined in the course of implementation of specific projects**

As may be necessary, the DSWD shall enter into agreements with other government agencies as well as concerned people's organizations, and non-government organizations in order to facilitate timely, simplified, and effective implementation of project activities.

iii. **Site Evaluation and Site Acquisition**

Through the assistance of the relevant field offices of the Department of Environment and Natural Resources (DENR), the proposed site/s shall be subject to their technical review and survey.

In instances wherein the subject property is classified as public land, the Department shall engage the assistance of DENR in order to facilitate the process of proclaiming the subject property suitable for the on-site, near-site, and in-city relocation of the beneficiary ISFs.

Depending on specific site conditions, the DSWD shall acquire lots available once the prescribed legal requirements are met.

iv. **Design Evaluation**

In accordance with the relevant housing laws; principles of green design; disaster-resiliency; and cost-efficiency, the proposed structure design will undergo concurrent evaluation from the Department and the implementer of the construction activities.

v. **Social Preparation**

Activities relative to the Social Preparation of the community and beneficiary ISFs shall be primarily facilitated by the partner NGO and/or PO of the community. A background of completed activities such as, but not limited to establishing the social, organizational, and institutional norms and mechanism that will enable the settlers to cope with the changes and encourage the settlers to work together in drawing up and in undertaking their resettlement proposal, shall be provided to the Department.

vi. **Community Disaster Risk Reduction and Management Plan**

In addition to the engineering and structural measures that would withstand and mitigate the effects of disaster events, the community, together with their partner NGO shall formulate their community-level disaster risk reduction and management plan that would outline the roles and responsibilities of each community member in responding to pre-disaster, during, and post-disaster phases.

vii. **Counterpart of ISFs**

To ensure sustainability and continuity of the project, the ISF will be required to provide a counterpart, i.e., payment for rights to the shelter, but without any grant of ownership either to the land or the structure itself. The amount shall be determined based on the capacity to pay of the ISF beneficiaries together with the assistance of their respective partner NGOs. A consolidated payment scheme shall be submitted to the Department by the ISF beneficiaries

b. Construction Phase - Engagement with relevant Department of PublicWorks and Highways (DPWH) regional offices or other implementing agencies with technical expertise on construction.

The Department shall engage the assistance of the DPWH, being the engineering and construction arm of the Government, for the implementation of the construction activities relative to this project.

c. Post-Construction Phase

i. Coordination with the DILG

Coordination with the DILG shall be done in accordance with the provisions of AO 17 series of 2010.

ii. Engagement with Social Housing Finance Corporation (SHFC)

The Department shall authorize SHFC to collect payments from the Beneficiary ISFs and keep the same in a trust fund separate from the regular funds of SHFC. Once payment has been completed by the beneficiary ISF's, ownership over the housing units will be transferred to them, subject to specific limitations and conditions, the details of which will be provided in future memorandum circulars by the DSWD. The funds shall be utilized only for related programs for the ISFs upon approval by the DSWD.

iii. Estate Management

To manage the day-to-day upkeep, control and oversight of the relocation sites, the community members themselves shall form an entity or make use the existing people's organization to serve as an estate management arm of the community. The ISF beneficiaries will be on top of crafting of their community estate management guidelines.

iv. Lakbay Aral

Visits of the ISF beneficiaries to other similar communities that underwent similar transformation, that is from danger zones to disaster resilient communities, shall be conducted. Best practices from other communities shall be noted and adopted so as to improve sustainability in the home communities.

VII. Roles and Responsibilities:

A. DSWD Central Office:

1. The DSWD is one of the windows and funding agencies for the people's plans.
2. The management office of the on-site, near-site and in-city relocation is lodged under the Office of the Assistant Secretary for Special Concerns; It shall:
 - a. Review the components of the submitted people's plans.
 - b. Monitor the status of the program as well as the utilization of fund where the project is implemented or in operation;
 - c. Facilitate the engagement with other government agencies and entities which are essential to the implementation of the project.
 - d. Monitor and undertake coordination meetings among relevant stakeholders to assess the progress of the project implementation.
 - e. Submit a periodic report to the Assistant Secretary for Special Concerns and partner stakeholders.
 - f. Document the processes undergone as the project progresses.
 - g. Prepare relevant communication plans and information dissemination campaigns regarding the project.

B. People's Organization / Non-Government Organizations / Civil Society Organizations:

1. Facilitate the submission of the people's plan with preliminary proposal on the target site/s; structure design; community profile; and proposed repayment scheme
2. Ensure the day-to-day management of the community;
3. Update the DSWD with relevant developments in the community;
4. Direct all project-related communications to the DSWD;
5. Facilitate community development and social preparation sessions to help the ISF beneficiaries adjust to the change in their living conditions;

6. Engage the ISF beneficiaries in the drafting of estate management guidelines to maintain the upkeep of the surroundings.

C. Other National Government Agencies and Local Government Units

1. As may be determined, the DSWD shall engage the assistance of other NGAs and LGUs in activities such as but not limited to:
 - a. Site Evaluation and Survey
 - b. Construction Activities
 - c. Collection of counterparts of the ISF beneficiaries
 - d. Processing of local permits

VIII. Effectivity:

This Order shall take effect immediately.


CORAZON JULIANO-SOLIMAN
Secretary