



THE PARTY LIST

The alleged “representatives” of marginalized sectors have viciously maligned CREBA. They have petitioned COMELEC to de-list CREBA from the Party List, claiming that CREBA does not represent the marginalized, and the Party List is exclusively for the marginalized. This claim is false, malicious, and without basis under the law and the Constitution.

The Facts

Under our Constitution, the Party List is not for the marginalized sectors only. Under Article VI Section 5 of the Constitution, “registered **national, regional, and sectoral parties or organizations**” may be elected to Congress through the Party List System, without qualification that they must be marginalized.

The Constitution’s intent to **open** the Party List to **all sectors ~ whether marginalized or not** ~ is very clear from the records of the Constitutional Commission (ConCom) where, in its plenary session of 01 August 1986, **the ConCom overwhelmingly voted 32 to zero in favor of an “open Party List System”**.

However, as a concession, the Constitution reserved for the marginalized sectors one-half (50%) of the allocated Party List seats in Congress, but **only for 3 consecutive terms after its ratification**.

The Framers were clear that this concession was granted only to enable the marginalized sectors to consolidate and strengthen their forces, so that when the Party List shall have been opened to all sectors after the 3-term period, the marginalized would have achieved sufficient political and/or economic clout.

This reservation, limited as it was only to 50% of Party List seats, was not meant to be perpetual. Again this is very clear from the same plenary session of August 1986 where the **Concom ~ by a vote of 22 to 19 ~ rejected the proposal to lift the 3-consecutive-term limitation**.

This 3-consecutive-term period has already expired. Therefore, the entire 20% of all of the Congressional seats reserved for the Party List by the Constitution, are now open to all sectors ~ whether marginalized or not.

This is what the Party List Law provides, fully consistent with the letter and intent of the Constitution. This is what the COMELEC has faithfully implemented, in accrediting **CREBA** to participate in this coming Party List election as a national organization of professionals in the housing sector. **Any attempt to limit Party List participation to**

the marginalized sectors only, would require a Constitutional amendment, not simply an act by the Comelec nor an amendment to the Party List Law.

Nothing should stop the non-marginalized from pursuing the cause of the marginalized

The legal issues aside, it is a fallacy to assume that only the marginalized can pursue the concerns and interests of the marginalized. Numbering by the millions, **the marginalized need all the help** they can get. For their alleged “representatives” to claim a monopoly of concern, and reject or attempt to block the efforts of the non-marginalized to help the marginalized, may be construed as arrogance and selfishness, if not irresponsibility.

During the entire 3-consecutive term, the alleged “representatives” of the marginalized sectors virtually had a monopoly of Party List seats in Congress, and enjoyed the same rights and privileges as the district representatives, including shares in the Countryside Development Fund (CDF).

If, despite this, the marginalized remained marginalized, perhaps it is because their alleged “representatives” failed to fully exploit this opportunity.

Can CREBA’s critics claim a greater right under the law or Constitution ~ or better credentials ~ than CREBA, in seeking a Party List seat in Congress?

CREBA has been fighting for the cause of the marginalized for 27 years. Though CREBA is non-marginalized, it is a matter of public record that in its 27 years of existence, its **initiatives and advocacies have been consistently focused** not just on the interest of its members, but more on **enabling the millions of homeless families** to acquire their own decent homes. There are now some 4.5 million of these homeless families (about 27 million individuals). Some 75% of them are squatters or illegal settlers, lumped under the term “urban poor”. They are marginalized and underrepresented in terms of housing and other economic opportunities.

Many housing reforms that have benefited these underprivileged homeless families, and the entire nation, have resulted in large measure from CREBA’s unrelenting efforts. Just a few of these are:

- **Suspension of Bills on land use and shelving of Bills on land conversion taxes**, filed by alleged representatives of the marginalized, which sought to lock up practically all of the country’s lands and block their use for anything but agriculture. These Bills would have been not only violative of the Constitution, but would have been highly detrimental not only to the marginalized sectors themselves but to the entire nation as well, since they would have prevented ~ among others ~ the production of housing for millions of homeless families and

the establishment of industries that could provide jobs and income opportunities for millions of the unemployed.

- **Enactment of 2 landmark social housing laws:**
 - 1) The **Social Housing Act** (BP 220), from CREBA's proposal to liberalize land development and housing standards. **Without this law, the production of socialized and low-income housing would not have been possible.**
 - 2) The **Urban Development and Housing Act** (RA 7279), for which CREBA and the Bishops-Businessmen's Conference (BBC) worked closely. Despite reservations as to its Constitutionality, CREBA supported the imposition of a mandatory **20% Social Housing Quota** under this law, coupled with more incentives for social housing developers. Because of this Quota, developers producing high- and middle-income housing are compelled to also produce socialized housing.
- **Creation of the National Housing Authority** (NHA) under PD 757 of 1975, as a result of **CREBA's** proposal. Since then, despite meager funding, the NHA has provided the cheapest land and dwellings to close to a million squatter families.
- **Creation of the Pag-IBIG Fund**, from CREBA's proposal for a savings/fund pooling scheme of employee-employer contributions, to generate a special provident and housing fund for employees. The act of the Aquino administration to emasculate Pag-IBIG by making membership voluntary, was vigorously opposed by CREBA, resulting in the subsequent restoration of its mandatory character.
- **Institution of the Social Housing Program** by the Aquino administration, resulting from the collaborative work of CREBA and HUDCC, which have benefited hundreds of thousands of homeless poor families.
- **Enactment of the CISFA** (RA 7835 ~ Comprehensive & Integrated Shelter Finance Act) which incorporates many of CREBA's proposed funding assistance measures for socialized and low-income housing.
- **Imposition of the Idle Lands Tax**, which CREBA proposed despite strong opposition by landowners, to curb land speculation and arrest the price spiral of land, which is one of the major cost components not only in housing production but in all businesses as well.
- **Creation of the National Home Mortgage Finance Corporation** (NHMFC) in 1980, from **CREBA's** proposal for a system that will encourage the flow of private funds from the capital markets into housing, in order to relieve Government of the heavy funding burden of a larger-scale middle- and low-income housing program.
- **Construction of water mains** throughout Metro Manila in 1975, as a result of **CREBA's** representations with the MWSS to answer the water needs of a burgeoning urban population.

- **Exemption of housing packages worth P1 Million and below from the VAT.** Without this exemption which CREBA vigorously pushed for, the prices of socialized, low- and middle-income housing would have been more unaffordable.
- **Creation of the SHOPC** (Social Housing One-Stop Processing Center) under EO 184, for which CREBA and HUDCC worked closely, to reduce the bureaucratic red tape and concomitant costs and speed up social housing projects. CREBA also donated the use of its building and facilities for the SHOPC.
- **Amendment** of the Martial Law regime's PD 25 which imposed a confiscatory and oppressive tax on 100% of the assessed value of all real property. Because of CREBA this was revised via PD 76, down to a tax base of only 30%, 40% and 50% respectively, for residential, agricultural and industrial/commercial property.
- **Revision** of the Martial Law regime's 30% open space requirement (exclusive of roads) for subdivisions, which would have considerably raised housing production costs. Because of CREBA, this 30% open space requirement now includes roads.
- **Vigorous and vocal opposition** to the Martial Law regime's proposed Constitutional amendment on land grants, which would have allowed the Marcos government to dole out State-owned lands to its favored few. The CREBA-led opposition helped in the rejection of this proposed amendment.
- **Vigorous opposition** to the Estrada government's Multi-Window Lending System (MWLS) which is biased against socialized and low-income housing borrowers, particularly the non-members of SSS, GSIS and Pag-IBIG. Because CREBA formulated and pushed for an alternative home financing program exclusively for homebuyers and inclusive of all underprivileged homeless, it has incurred the wrath of powerful forces in government.

There may be other organizations which may claim to have been as earnest, as persevering, as vigorous, and as vocal as CREBA in fighting for the cause of millions of underprivileged, "marginalized and underrepresented" homeless families nationwide. Few, if any, can claim to have been as effective as CREBA.

CREBA's legislative agenda is not just for the homeless poor

It is also for all the marginalized and the entire nation. This agenda is designed not only to solve the critical housing problem, but also to create millions of jobs for the unemployed in both urban and rural areas, to generate billions of pesos of revenues for Government, and to pump-prime the economy towards recovery and growth, through the following, among others:

- **Establishment of a permanent and sustainable homebuyer financing program for all homeless families** whether or not members of SSS, GSIS or Pag-IBIG, utilizing purely private funds, sufficient to continually finance at least 500,000 socialized and low-income housing units per year for the next 20 years,

without government subsidy. This production volume nationwide will mean expanded business activities for 65 other industries dependent on housing.

- **Consolidation and rationalization of existing land use laws** (RA 6657, PD 399, RA 7279, RA 7160 and RA 7916) that will ensure their proper understanding and application, thus enabling all sectors of the economy (agricultural, residential, industrial, commercial, tourism, etc) to grow as Constitutionally mandated, in an environmentally sustainable manner as provided under existing laws.
- **A legislated cap on bank lending rates** comparable to the old Anti-Usury Law, but supported with a package of tax-exemptions to maintain the strength and viability of the banking system. This will substantially lower production costs, encourage new business formation and the expansion and growth of existing ones, and ensure price stability of all goods and services.
- **A legislated increase in minimum wages**, simultaneous with the cap on lending rates, to improve the peso's purchasing power, raise effective demand and thus spur greater production, and implant the beginnings of a strong and healthy middle class. The cost savings that will result from the reduction in interest rates will enable businesses to sustain this wage increase.
- **Regulation of foreign exchange rate and foreign portfolio investments**, to stabilize the peso and prevent severe economic dislocations, by avoiding over-dependence on short-term foreign investments and insulating the economy from exploitation by foreign speculators, without hampering foreign direct investments.