EXCERPT FROM THE MINUTES OF THE 32ND REGULAR SESSION OF SANGGUNIANG PANLUNGSOD OF CITY OF SANTA ROSA, LAGUNA HELD ON MONDAY, AUGUST 13, 2012 AT THE SANGGUNIANG PANLUNGSOD SESSION HALL.

Presents:
1. Hon. ARNEL DC. GOMEZ - City Vice-Mayor, Presiding Officer
2. Hon. LUISITO B. ALGABRE - SP Member
3. Hon. MYTHOR C. CENDANA - SP Member
4. Hon. LAUDEMER A. CARTA - SP Member
5. Hon. PETRONIO C. FACTORIZA - SP Member
6. Hon. RAYMOND RYAN F. CARVAJAL - SP Member
7. Hon. ANTONIA T. LASERNA - SP Member
8. Hon. ERIC T. PUZON - SP Member
9. Hon. PAULINO Y. CAMACLANG, JR. - SP Member
10. Hon. RODRIGO B. MALAPITAN - SP Member, ABC President

Absent:
1. Hon. MA. THERESA C. AALA - SP Member
2. Hon. EDWARD FERNANDITO S. TIONGCO - SP Member
3. Hon. INA CLARIZA B. CARTAGENA - SP Member, SK President

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ORDINANCE NO. 1840-2012
(Motioned by the Committee on Housing & Urban Planning)

AN ORDINANCE DEFINING THE POWERS AND FUNCTIONS, AND OTHER PURPOSES OF THE CITY URBAN DEVELOPMENT AND HOUSING BOARD

WHEREAS, Section 9, Article XIII of the 1987 Constitution provides that "the state shall, by law and for the common good, undertake, in cooperation with the private sector a continuing program of urban land reform and housing which will make available at affordable cost decent housing and basic services to underprivileged and homeless citizens in urban centers and resettlement area";

WHEREAS, Section 10, Article XIII of the same statute further provides 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";

WHEREAS, all inherent power of the City Chief Executive under R.A. 7160, specifically Sections 17, 19, 20, 444 and sitting as Chairman of the Local Housing Board be assigned, transferred and executed thru the City Urban Development and Housing Board by virtue of Executive Orders, Memorandums and Circulars, only on matter concerning Local Shelter programs for Homeless and Underprivileged constituents of the City;

WHEREAS, the authority emanating from R.A. 7279, particularly Article V, Section 15, 16, 17, 18 and Article VII, Section 27, shall be lodged for implementation to the CUDHB.

WHEREAS, Municipal of Santa Rosa Ordinance No. 888, Series of 1999 or Santa Rosa Land Development Guidance System provides the regulatory measure for the implementation of the Comprehensive Land Use Development Plan;

WHEREAS, Sanggunian Panglunsod Resolution No. 204-’99 provides the creation of the City Urban Development and Housing Board of the City of Santa Rosa, Laguna as mandated by the National Housing Authority under the Resettlement Assistance Program of Local Government Unit (RAP-LGU);

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WHEREAS, Sanggunian Panglunsod Resolution No. 205-99 provides the creation of the City Urban Development and Housing Office under the Office of the City Mayor;

WHEREAS, Section 5, paragraph 2 of Memorandum Order No. 74 issued by President Gloria Macapagal-Arroyo last September 13, 2002, directed the LGUs without local housing boards to "create their respective housing boards, or their equivalent, within thirty (30) days from the effectivity of this Order;"

WHEREAS, City Executive Order No. 11, Series of 2007, provides the constitution the City Urban Development and Housing Board;

WHEREAS, Executive Order No. 152, Series of 2002 as amended by Executive Order No. 708, Series of 2008, and devolving the function of the Presidential Commission for the Urban Poor as the clearing house for the conduct of demolition and eviction activities involving the homeless and underprivileged citizens to the respective local government units having territorial jurisdiction over the demolition and eviction activities of government agencies

WHEREAS, DILG Memorandum Circular No. 2008-143 provides the guidelines relative to the creation of local housing boards or similar bodies;

WHEREAS, City Executive Order No. 05, Series of 2010, provides the reconstitution of the composition of the City Urban Development and Housing Board;

NOW, THEREFORE:

BE IT ENACTED by the Sangguniang Panlungsod of the City of Santa Rosa, in session assembled

Section 1. Title of Ordinance. This act shall be known as the "City Urban Development and Housing Ordinance".

Section 2. Objective. The City Urban Development and Housing Board shall formulate, monitor and implement policies in housing project and programs, estate and urban development, ensure compliance with R.A. 7160 (Local Government Code) and R.A. 7279 (UDHA), P.D. No. 1096 (National Building Code of the Philippines), other laws and ordinances of the City.

Section 3. Definition of Terms

a. CUDHB – refers to the CITY URBAN DEVELOPMENT AND HOUSING BOARD of the City of Santa Rosa, Laguna.

b. Community Associations (CA's) – refer to bonafide associations of underprivileged and homeless citizens with demonstrated capacity to promote the public interest and with identifiable leadership, membership, and structure.

c. Community Mortgage Program – refers to the innovative system of mortgage financing of the Social Housing Finance Corporation (SHFC) which assist legally organized community associations of underprivileged and homeless citizens to purchase and develop a tract of land under the concept of community ownership.

d. Comprehensive land Use Plan – refers to the City's primary and dominant bases for land use, applying rational approach of allocating available land resources as equitably as possible among competing user groups and for different functions consistent with the development plan of the City of Santa Rosa and the provision of the Urban Development and Housing Act of 1992 (UDHA).
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e. Demolition - refers to dismantling by any legally authorized agency of government of all structures within the premises subject of clearing.

f. Economic Housing – refers to the type of housing project provided to the moderately low income families with lower interest rates and longer amortization periods.

g. Eviction – refers to the removal of persons and their belongings from a subject building/structure or area, or both, in accordance with the law.

h. Illegal structure – refers to any structure or improvement, whether built in private or public land, that does not have the required Zoning Clearance from the City Zoning Office, or does not have the necessary Building Permit from the City Engineer’s Office, or a structure or improvement put up on property not covered by any development permit.

i. Improvements – refers to all types of buildings and residential units, walls, fences, structures or construction of all kinds fixed in character or which are adhered to the soil, but shall not include trees, plants and growing fruits, and other fixtures that are mere superimposition on the land.

j. Localized Community Mortgage Program – is an innovative scheme whereby qualified partner-LGUs may apply for Omnibus Commitment Line, no to exceed Php. 50 Million, made available by Social Housing Finance Corporation to accommodate priority social housing projects identified by the partner-LGUs.

k. Local Shelter Plan – refers to a general framework which effectively provides a step-by-step procedure by which the City government could formulate solutions to housing problems. It shall include measures to enable the City to plan and implement specific mandates based on the UDHA, and to facilitate a linkage with comprehensive land use plans as defined under this Ordinance.

l. National Housing Authority (NHA) – refers to the agency created by virtue of Presidential Decree No. 757 and is the sole government agency engaged in direct shelter production.

m. New Illegal structure – refers to any structure or improvement that is still under construction or completed after March 28, 1995.

n. Informal Settlers – refers to individuals or groups who occupy land without the express written consent of the landowner.

o. Non-Government Organizations – refer to duly-registered, non-stock, non-profit organizations focusing on socialized housing programs, upliftment of the basic or disadvantaged sectors of society by providing advocacy, training, community organizing, research, access to resources, and other similar activities.

p. Mobilizer – the entity responsible for the processing of Community Mortgage Program documents and acts as coordinating body between the SHFC, community association and the City Government of Santa Rosa. It could be a Local Government Unit (LGU), Non-Government Organization (NGO) or the National Housing Authority (NHA).

q. Professional Squatter – refers to individuals or groups who occupy land without express written consent of the land owner and who have sufficient income for legitimate housing. The term shall also apply to persons who have been previously awarded home lots or housing units either by National or Local Government but who sold, leased or transferred the same to settle illegally in the same place or another urban area. The term covers illegal occupants and intruders of lands reserved for socialized housing programs. The term shall not apply to individuals or groups who lease land and housing units from professional squatters or squatting syndicates.
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r. Public places – refers to any open space, which shall include among others, parks, streets, alleys, sidewalks, national roads and highways, public parking, churches, public cemeteries, public or private markets, groceries or "talipapa", recreation centers and cinemas.

s. Recalcitrants – refers to individuals or groups who are qualified to join the housing program undertaken by the community association organized by the potential beneficiaries in an area but refuses to take part therein and vacate the program area upon demand.

t. Socialized Housing – refers to the housing programs covering houses and lots or home lots only undertaken by the government or the private sector for the underprivileged and homeless citizen.

u. Substitution – refers to the process of substituting any member of the association who is in default of payment of at least three (3) monthly amortization due, do not follow the rules and regulations of the associations and do not comply on the requirements of the land acquisition.

v. Sufficient income – shall mean that the person's gross family income is at least up to the poverty threshold, as defined by the National Economic Development Authority (NEDA) for a family of six (6), subject to regular adjustment as provided by NEDA guidelines.

w. Squatting Syndicate – refers to group of persons or any person engaged in the illegal business of squatter-housing for gain or profit.

x. Summary demolition or eviction – refers to immediate dismantling of new illegal structure by the Local Government of Santa Rosa, Laguna or government agency authorized to demolish in coordination with the private property owner and affected urban poor organization without providing the structure owner(s) any financial benefit or relocation.


z. Underprivileged and homeless citizens – refers to individuals or families residing in urban and urbanizable area whose income or combined household income falls within the poverty threshold as defined by the NEDA and who do not own housing facilities, and shall include those who live in makeshift dwelling units and do not enjoy security of land tenure.

Section 4. Composition. The City Urban Development and Housing Board, which shall hereinafter be referred to as the Board, shall be composed of the following:

Chairperson: City Mayor
Vice-Chairperson: City Urban Development and Housing Officer

Members:
1. Chairperson, Sanggunian Committee on Urban Planning and Housing
2. City Planning Development Coordinator
3. City Engineer
4. Representative of the Presidential Commission for the Urban Poor
5. Representative of a duly accredited People's Organization and operating in the city may be concurrently represented in the Board
6. Representative of a SEC-registered and duly accredited Non-Governmental Organization and operating in the city may be concurrently represented in the Board
Section 5. Cooperation of Concerned Agencies. The Board shall coordinate with all concerned government agencies, such as the Department of the Interior and Local Government (DILG), Philippine National Police (PNP), Department of Social Welfare and Development (DSWD), Department of Public Works and Highways (DPWH), Department of Health (DOH), Housing and Urban Development Coordinating Council (HUDCC) and the National Housing Authority (NHA) to ensure the effective and efficient implementation of this ordinance.

Section 6. The Secretariat. The City Urban Development and Housing Office (CUDHO) shall serve as Secretariat of the CUDHB. It shall provide the machinery to coordinate policies, functions and Implementation of programs and projects, as may be required by the CUDHB in the exercise of its functions.

Section 7. Powers and Functions. The City Urban Development and Housing Board shall:

a) Prepare, based on local shelter plan and guidelines and with the assistance of the Housing and Urban Development Coordinating Council (HUDCC) and other concerned government agencies, a comprehensive city shelter plan which shall form part of the city development plan: Provided, that public hearings shall be conducted for the purpose;

b) Assist the City Development Council in the formulation of its Comprehensive Land Use Plan (CLUP);

c) Ensure compliance with the balanced housing requirement as provided for in Section 18 of RA 7279 and its implementing rules and regulations;

d) Ensure the availability of land inventory of all lands within the city, and update the same every three (3) years, in accordance with Section 7 of RA 7279 and the guidelines issued for the purpose;

e) Identify sites for socialized housing, subject to the requirements prescribed by Section 8 of RA 7279 and guidelines issued for the purpose;

f) Advise the Sanggunian on matters of local taxation which may affect the city/municipal government socialized housing program, including but not limited to, the formulation of a socialized housing tax, idle lands tax, and an additional levy on the real property tax to constitute a Special Socialized Housing Fund;

g) Recommend, for approval of the city mayor, formulated schemes for the acquisition and disposition of lands within the city for socialized housing purposes, subject to Sections 9 to 14 of RA 7279 and the implementing guidelines enacted for the purpose: Provided, that such schemes shall ensure that the valuation of a particular land for socialized housing process shall be within the affordability levels of prospective beneficiaries;

h) Recommend, for approval of the mayor, partnership arrangements with the national government and private sector on, but not limited to, the following programs:

I. Housing Production Assistance, Resettlement Assistance, Local Housing, Cost Recoverable Joint Venture and other relevant programs of the National Housing Authority (NHA);

II. Local government housing assistance programs of the Home Development Mutual Fund (HDMF), National Home Mortgage Finance Corporation (NHMFC), and the Home Guaranty Corporation (HGC), and for this purpose, the Board shall coordinate with the Advisory Committee created to oversee the Implementation of the Local Government Pabahay Program; and
III. Other socialized housing projects undertaken by other national government agencies (NGAs) and government-owned and controlled corporations (GOCCs) within the city/municipality;

i) Recommend for approval of the City Council applications for Accreditation of Community Associations and Community Mobilizers undertaking a socialized housing project or any mode of land acquisition within the City of Santa Rosa, Laguna.

j) Coordinate with government agencies and instrumentalities performing functions which may affect housing and urban development;

k) Submit to the President and the Congress of the Philippines an annual report as provided by Section 41 of RA 7279;

l) Conduct consultation, investigation and evaluation of recalcitrants and relative thereto, issue notices, order disqualification from the project and issue demolition or eviction order if an individual is proven to be obstructing the implementation of the program;

m) Formulate plans and programs relative to the curtailment of the activities of squatting syndicates and professional squatters and in the prevention and removal of any kind of illegal structure or dwelling unit within the jurisdiction of the City of Santa Rosa, Laguna, and the removal or demolition of illegal structures or improvements;

n) Recommend the institution of appropriate locking-up mechanism to ensure continuity and success in the negotiation and ultimate acquisition of land for the housing program;

o) Issue Summary Eviction Notices to professional squatters and squatting syndicates and new informal settlers whose structures were built after March 28, 1992 and which structures are covered by summary evictions as provided for in R.A. 7279 and its Implementing Rules and Regulation;

p) Recommend to the Local Chief Executive, to institute proper legal action against unscrupulous parties preying on the homeless and underprivileged sector of the city;

q) Implement the provision as provided for Executive Order 708 and DILG Memorandum Circular No. 2008-143, in so far as the subject of clearing house function is concerned;

r) Oversee and coordinate government activities relative to consultation, relocation, and resettlement of underprivileged and homeless urban or rural poor dwellers in cases when evictions and demolitions affecting them are necessary and allowed by existing laws;

s) Recommend policy measures and undertake appropriate action to ensure full compliance with the constitutional mandate and statutory requirements prior to the evictions and/or demolitions affecting underprivileged and homeless urban and rural poor dwellers;

t) Issue directives, rules and regulations, not otherwise inconsistent with existing laws, as it may deem necessary to effectively carry out the purposes of the constitutional mandate to ensure just and humane evictions and demolitions; and

u) Perform such other related functions to implement the mandate of the Local Government Unit (LGU) under the R.A. 7160, R.A. 7279, P.D. 1096 and other applicable laws and ordinances of the City.

Section 8. Resources. The Board is hereby constituted as the primary entity tasked to advise the city mayor on matters of sourcing of funds for socialized housing. For this purpose, the Board may recommend the following schemes for funding socialized housing projects:
a) In consonance with R.A. 7279 Sec. 43 (Socialized Housing Tax): Proceeds from Additional Housing Tax at the rate of half percentage (0.5%) of assessed value of all lands in urban areas in excess of Fifty Thousand Pesos (Php. 50,000.00);

b) Proceeds from the Joint Memorandum of Department of Budget and Department of the Interior Local Government No. 2003-1, dated March 20, 2003;

c) Build-operate-transfer and other related schemes;

d) Bond flotation and other credit financing arrangements;

e) Availment of foreign or local grants for which the Board is authorized by this Ordinance to receive foreign and local grants, which shall be remitted to the city treasury, and shall be credited to the socialized housing account of the City of Santa Rosa, Laguna;

f) Loan packages from government financing or lending institutions;

g) Joint venture projects with private sector groups or developers; and

h) Pooling of resources with other LGUs, the private sector, NGOs, and POs.

Section 9. Application for an Eviction and Demolition Compliance Certificate. Every proponent of an extrajudicial eviction and demolition, whether administrative or summary, shall, prior to actual eviction and demolition, secure a Compliance Certificate from the Board, through the Secretariat. The process of applying for the said certificate shall be as follows:

1. In the case of an administrative eviction and demolition involving the underprivileged and homeless, the proponent shall obtain from the Board, the proper application form for certificate of compliance and submit the same together with the required documents as listed in the appropriate Checklist at least fifteen working (15) days prior to the actual conduct of eviction and demolition.

In the case of a summary eviction and demolition, the proponent shall likewise obtain an application for certificate of compliance. Provided, that the said application shall be submitted at least seven (7) working days prior to the conduct of the same, pursuant to the rules on summary demolitions. However, in the event that the affected persons are found to be among those subject to administrative eviction or demolition, the Board shall immediately inform the proponent and require the proper application for certificate of compliance.

In the case of a voluntary eviction and demolition, the proponent shall obtain from the Board, the proper application for certificate of compliance and submit the same together with the required documents as listed in the appropriate Checklist at least fifteen working (15) days prior to the actual conduct of eviction and demolition.

2. If the application is sufficient in form and substance, the Board, upon verification approves the application, issues the proper certificate of compliance and notifies the proponent.
3. The certification shall indicate the name of the proponent, the purpose and location of the area applied for eviction and demolition, a statement of compliance to the pertinent rules covering eviction or demolition applied for, an authorization or approval for the rendering of police assistance, validity period, the date of issuance, and the authorized signature.

4. If the application is incomplete in form and substance, the Board informs the proponent and the latter has to comply with the deficiency within ten working (10) days from notification, with the exception of a summary eviction and demolition which shall be compiled within three working days from notification.

In the event that the deficiency is not complied with within the periods mentioned herein, the proponents shall be required to re-apply for a new compliance certificate.

5. In cases where the Board issues a certification or the proponent has already complied with the deficient requirements for application and thus acquired a certification, the eviction and demolition will proceed as a matter of course.

Section 10. Eviction and Demolition. The Board is hereby tasked to oversee implementation of Section 28 of the RA 7279 and its implementing rules and regulations: Provided, that just and humane eviction and demolition procedures under the said provision of law are likewise made applicable to rural areas of the city.

For this purpose, the Board shall:

a) Require a certification from the Barangay that the subject demolition of eviction are new informal settlers as defined by this Ordinance and R.A. 7279;

Section 11. Monitoring and Containment. The City Urban Development and Housing Office, City Engineer’s Office and the Barangay Officials shall constantly monitor constructions of any kind in the City. A written report of any presence of new informal settlers, squatting syndicates operating within the City, and illegal structures shall be prepared and submitted to the Chairman for immediate action.

Section 12. Authorized Police Assistance. A proponent of an eviction and demolition, may be provided with duly authorized police assistance only upon prior compliance with the statutory requirements under Section 27, 28 and 30 of Republic Act 7279 and their implementing rules and regulations, checklist and compliance certificate requirements, or with the written notice requirement when applicable, as certified or authorized by the Board.

In the case of a court-ordered demolition, police assistance shall only be allowed under the following circumstances:

1. In pursuance of any court order specifying police action or assistance;

2. In any case or event where voluntary eviction and dismantling of structures are agreed upon, in writing by the concerned parties, and approved by the Board;

3. In the case of a local infrastructure project where police assistance is approved, in writing, by the duly authorized official of the Board;
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4. In the case of a national infrastructure projects. Provided however that the duly authorized official of the Board has approved the same in writing; and

5. In any other case of eviction and demolition where police assistance is necessary to preserve peace and order. Provided, however, that the duly authorized official of the Board has approved the same in writing.

For purposes of the above, a written request by the sheriff for police assistance in the implementation of a court order or writ with certified copies of the said order or writ annexed therein shall suffice for the police to render assistance without further need of obtaining the approval of the Board, the concerned PNP Officer shall merely inform the Board in writing of the date of eviction and demolition at least three (3) days prior to the actual conduct of the same. The written notice shall contain copies of the sheriff’s request for police assistance, the order or writ to be implemented and other pertinent documents.

In any of the circumstances specified above, the members of the PNP tapped to provide police assistance must be in proper uniform and in appropriate cases, carry with them the necessary documents supporting the provision of police action or assistance.

The provisions of the above notwithstanding, the request for police assistance shall still be subject to the pertinent guidelines and regulations of the Philippine National Police.

Section 13. Executive Committee. The Board shall create a three-member Executive Committee (ExeCom) from among its members to represent it and act in its behalf when it is not in session. The Mayor or his duly designated representative shall head the Execom.

Section 14. Per Diems and Allowances. Members of the Board and Resource person(s) upon invitation shall be entitled to the necessary traveling expenses, allowances and enhancement trainings chargeable against the funds of the Board, subject to existing accounting and auditing rules and regulations.

Section 15. Meeting and Quorum. The Board shall meet at least once a month or as often as may be deemed necessary. The presence of the Chairman or the Vice-Chairman and the majority of the members of the Board shall constitute a quorum to transact official business.

Section 16. Budget. The city government shall appropriate at least one percent (1%) of its annual Internal Revenue Allotment (IRA) for the operations and activities of the Board.

Section 17. Trust Fund. That in order to institutionalize sustainability and the apolitical stature of the Local Shelter Program and the developmental programs that will impact on the Homeless and the marginalized sector of the City of Santa Rosa, the CUDHB shall be allowed to establish, maintain and use a “Trust Fund” exclusively sourced from outside of the budgetary allocation from the National and/or Local Government Units and entities.

Provided, that the fund shall be subjected to the rules and regulations of the Commission on Audit and other accounting and auditing practices.

Section 18. Penalties. Failure to comply with the statutory requirements as stated in this ordinance, or any act of misinterpretation or fraud in connection with any information contained in any verification report or any application for certificate of compliance or in securing the same shall subject the government officials or employees responsible for such omission, misinterpretation or fraud to:

1. Disciplinary action under Book 1, Title 2, Chapter 4 of the Local Government Code, Republic Act 7160; or

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2. Prosecution under the penalty clause of Republic Act no. 7279, quote:

"Section 45. Penalty Clause- Any person who violates any provision of this Act shall be imposed the penalty of not more than six (6) years of imprisonment or a fine of not less than Five thousand pesos (Php 5,000.00) but not more than One Hundred Thousand Pesos (Php 100,000.00) or both, at the discretion of the court xo".

Section 19. Implementing Rules and Regulations. The City Mayor may issue and prescribe the rules and regulations to implement the provisions of this Ordinance.

Section 20. Separability Clause. If for any reason, any provisions of this Ordinance are declared invalid or unconstitutional, the remaining provisions not affected thereby shall continue to be in force and effect.

Section 21. Repealing Clause. All Ordinances and other city issuances, or part or parts thereof, which are inconsistent with the provisions of this Ordinance are hereby repealed or modified accordingly.

Section 22. Effectivity Clause. This Ordinance shall take effect upon satisfaction of the required publication period provided by law.

UNANIMOUSLY APPROVED.

CERTIFICATION:

I hereby certify to the correctness of the quoted ordinance.

CYNTHIA M. GOMEZ
Secretary to the Sangguniang Panlungsod

Certified Correct:

ARNEL D.C. GOMEZ
City Vice-Mayor

Approved:

ARLENE B. ARCILLAS
City Mayor