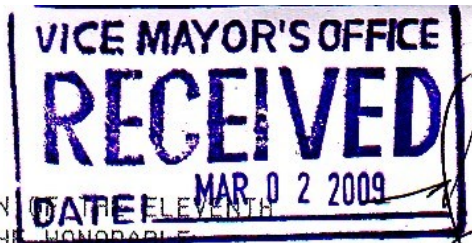


REPUBLIKA NG PILIPINAS  
SANGGUNIANG PANLUNGSOD  
LUNGSOD NG ORMOC



EXCERPT FROM THE MINUTES OF THE REGULAR SESSION  
SANGGUNIANG PANLUNGSOD NG ORMOC HELD AT THE HONORABLE  
PLACIDO ENECIO HALL, SANGGUNIANG PANLUNGSOD  
BUILDING ON FEBRUARY 26, 2009

**PRESENT:**

Hon. Nepomuceno P. Aparis I,	Vice Mayor & Presiding Officer
Hon. Claudio P. Larrazabal,	City Councilor, Floor Leader
Hon. Sotero M. Pepito,	City Councilor, Assist. Floor Leader
Hon. Demosthenes F. Tugonon,	City Councilor
Hon. Ruben R. Capahi,	City Councilor
Hon. Mariano Y. Corro,	City Councilor
Hon. Filomeno P. Maglasang,	City Councilor
Hon. Rafael C. Omega, Jr.,	City Councilor
Hon. Fernando P. Parrilla,	City Councilor
Hon. Lea Doris C. Villar,	Ex-Officio City Councilor,
	Chapter President, Liga ng mga Barangay ng Ormoc

**ABSENT:**

Hon. Fe S. Lladoc,	(On Leave), City Councilor
Hon. Jose C. Alfaro, Jr.,	(O.B. Vietnam), City Councilor
Hon. Corinne M. Corro,	(On Leave), Ex-Officio City Councilor,
	SK Federation President

**PREFATORY STATEMENT**

This august Body is in receipt of a Memorandum Circular No. 2008-143 dated September 19, 2008 from the Department of Interior and Local Government (DILG) which directs the creation of Local Housing Boards in the respective Local Government Units and explicitly provide the guidelines on the manner of creating the same.

The said Memorandum is in consonance with Executive Order No. 708, S. 2008 of Her Excellency President Gloria Macapagal-Arroyo, entitled: "AMENDING EXECUTIVE ORDER NO. 152 SERIES OF 2002, AND DEVOLVING THE FUNCTION OF THE PRESIDENTIAL COMMISSION ON URBAN POOR AS THE CLEARINGHOUSE FOR THE CONDUCT OF DEMOLITION AND EVICTION ACTIVITIES INVOLVING THE HOMELESS AND UNDERPRIVILEGED CITIZENS TO THE RESPECTIVE LOCAL GOVERNMENT UNITS (LGUs) HAVING TERRITORIAL JURISDICTION OVER THE PROPOSED DEMOLITION AND EVICTION ACTIVITIES OF GOVERNMENT AGENCIES.

The need to devolve the functions and mandate of the Presidential Commission for the Urban Poor (PCUP) to the respective LGUs is in accordance with the established policy of local autonomy and decentralization.

The enactment of a local ordinance as required in DILG MC no. 2008-143 is deemed necessary for the proper commissioning of the subject housing board to be created which will hopefully lead to a more effective public governance and administration.

FOREGOING PREMISES CONSIDERED, on motion of the City Councilor Rafael C. Omega, Jr., Chairman, Committee on Zoning and Urban Development, severally by City Councilors Fernando P. Parrilla, Sotero M. Pepito and Mariano Y. Corro; be it

RESOLVED, to enact:



ORDINANCE NO. 152

AN ORDINANCE CREATING THE ORMOC CITY HOUSING BOARD, DEFINING ITS CLEARINGHOUSE FUNCTIONS PURSUANT TO EXECUTIVE ORDER NO. 708, S. 2008, AND FOR OTHER PURPOSES.

BE IT ORDAINED by the Eleventh Sangguniang Panlungsod ng Ormoc, That:

SECTION 1. CREATION - Pursuant to Executive Order No. 708, s. 2008, there is hereby created a local housing board which shall be called as the "Ormoc City Housing Board".

SECTION 2. COMPOSITION - The Ormoc City Housing Board, which shall hereinafter be referred to as the "Board," shall be composed of the following:

Chairperson : City Mayor

Members :

1. Chairperson, Sanggunian Committee on Housing and Urban Development or its equivalent;
2. City Planning and Development Coordinator;
3. City Engineer;
4. A representative from the Presidential Commission for the Urban Poor;
5. A representative of a duly accredited People's Organization and Operating in the city: Provided, that a People's Organization which is already represented in the Local Development Council may be concurrently represented in the Board; and
6. A representative of a SEC-registered and duly accredited Non-Governmental Organization and operating in the city: Provided, that a Non-Governmental Organization which is already represented in Local Development Council may be concurrently represented in the Board;

SECTION 3. DEFINITION OF TERMS. As defined in Sec. 3 of RA 7274

- a) Affordable Cost - refers to the most reasonable price of land and shelter based on the needs and financial capability of Program beneficiaries, and appropriate financing schemes;
- b) Areas for Priority Development - refers to the areas declared as such under existing statutes and pertinent executive issuances;
- c) Blighted Lands - refers to the areas where the structures are dilapidated, obsolete and unsanitary, tending to depreciate, the value of the land and to prevent normal development and use of the area;
- d) Consultation - refers to the constitutionally mandated process whereby the public on their own or through people's organizations, is provided an opportunity to be heard and to participate in the decision-making process on matters involving the protection and promotion of its legitimate collective interests, which shall include appropriate documentation and feedback mechanisms;



- e) Idle Lands - refers to non-agricultural lands in urban and urbanizable areas on which no improvements, as herein defined, have been made by the owner as certified by the city, municipal or provincial assessor;
- f) Improvements - refers to all types of buildings and residential units, walls, fences, structures or constructions of all kinds of a fixed character or which are adhered to the soil but shall not include trees, plants and growing fruits, and other fixtures that are superimposed on the land, and the value of improvements shall not be less than fifty percent (50%) of the assessed value of the property;
- g) Joint Venture - refers to the commitment or agreement by two (2) or more persons to carry out a specific or single business enterprise for their mutual benefit, for which purpose they combine their funds, land resources, facilities and services;
- h) Land Assembly or Consolidation - refers to the acquisition of lots of varying ownership through purchase or expropriation for the purpose of planned and rational development and socialized housing programs without individual property boundary restrictions;
- i) Land Banking - refers to the acquisition of land at values based on existing use in advance of actual need to promote planned development and socialized housing programs;
- j) Land Swapping - refers to the process of land acquisition by exchanging land for another piece of land of equal value, or for shares of stock in a government or quasi-government corporation whose book value is of equal value to the land being exchanged, for the purpose of planned and rational development and provision for socialized housing where land values are determined based on land classification, market value and assessed value taken from existing tax declarations:  
Provided, that more valuable lands owned by private persons may be exchanged with less valuable lands to carry out the objectives of this Act;
- k) Land Use Plan - refers to the rational approach of allocating available land resources as equitably as possible as among competing user groups and for different functions consistent with the development plan of the area and the Program under this Act;
- l) On-Site Development - refers to the process of upgrading and rehabilitation of blighted and slum urban areas with a view of minimizing displacement of dwellers in said areas, and with provisions for basic services as provided for in Section 21 hereof;
- m) Professional Squatters - refers to the individuals or groups who occupy lands without the express consent of the landowner and who have sufficient income for legitimate housing. The term shall also apply to persons who have previously been awarded homelots of housing units by the Government but who sold, leased or transferred the same to settle illegally in the same place or in another urban area and non-bonafide occupants and intruders of lands reserved for socialized housing. The term shall not apply to individuals or groups who simply rent land and housing from professional squatters or squatting syndicates;



- n) Resettlement Areas - refers to areas identified by the appropriate national agency or by the local government unit with respect to areas within its jurisdiction, which shall be used for the relocation of the underprivileged and homeless citizens;
- o) Security of Tenure - refers to the degree of protection afforded to qualified Program beneficiaries against infringement or unjust, unreasonable and arbitrary eviction or disposition, by virtue of the right ownership, lease agreement, usufruct and other contractual arrangements;
- p) Slum Improvement and Resettlement Program or SIR - refers to the program of the National Housing Authority of upgrading and improving blighted squatter areas outside of Metro Manila, pursuant to existing statutes and pertinent executive issuances;
- q) Small Property Owners - refers to those whose only real property consists of residential lands not exceeding three hundred square meters (300 sq.m.) in highly urbanized cities and eight hundred square meters (800 sq.m.) in other urban areas;
- r) Socialized Housing - refers to housing programs and projects covering house and lot or homelot only undertaken by the Government or the private sector for the underprivileged and homeless citizens which shall include sites and services development, long term financing, liberalized terms on interest payments, and such other benefits in accordance with the provisions of this Act;
- s) Squatting Syndicates - refers to groups of persons engaged in the business of squatter housing for profit or gain;
- t) Underprivileged and Homeless Citizens - refers to the beneficiaries of this Act and to individuals or families in urban and urbanizable areas whose income or combined household income falls within the poverty threshold as defined by the National Economic and Development Authority and who do not own housing facilities. This shall include those who live in makeshift dwelling units and do not enjoy security of tenure;
- u) Unregistered or Abandoned Lands - refers to lands in urban and urbanizable areas which are not registered with the Register of Deeds, or with the city or municipal assessor's office concerned, or which are uninhabited by the owner and have not been developed or devoted for any useful purpose, or appears unutilized for a period of three (3) consecutive years immediately prior to the issuance and receipt or publication of notice of acquisition by the Government as provided under this Act. It does not include land which has been abandoned by reason of force majeure or any other fortuitous event:
- Provided, that prior to such event, such land was previously used for some useful or economic purpose;
- v) Urban Areas - refers to all cities regardless of their population density and to municipalities with a population density of at least five hundred (500) persons per square kilometer;
- w) Urbanizable Areas - refers to sites and lands which, considering present characteristics and prevailing conditions, display marked and great potential of becoming urban areas within the period of five (5) years; and



- x) Zonal Improvement Program or ZIP - refers to the program of the National Housing Authority of upgrading and improving blighted squatter areas within the cities and municipalities of Metro Manila pursuant to existing statutes and pertinent executive issuances.

SECTION 4. POWERS AND FUNCTIONS - As the sole clearing house for eviction and demolition activities concerning informal settlers in danger areas, public places and government projects, the Board shall exercise the following powers and functions:

1. Monitor all evictions and demolitions, whether voluntary, extra-judicial, summary, or court-ordered;
2. Require the proponent of eviction and demolition, i.e., national government department, agency, institution or local government, or its duly authorized representative, to first secure from the Board the Checklist, Guidelines and Eviction and Demolition Compliance Certificate prior to the actual implementation thereof and, thereafter, to submit to the board the completed Checklist, attested to under oath by the proponent, and indicating that:
  - (a) Adequate consultations with the affected families were undertaken;
  - (b) Adequate resettlement site and relocation facilities are made available; and
  - (c) The provisions of Section 3, paragraph 1 of the implementing Rules and Regulations of Section 28 of Republic Act No. 7279 (Pre-relocation) have been complied with; and

SECTION 5. 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. 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 the 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 complied with within three (3) 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 6. 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 Sections 27, 28 and 30 of Republic Act No. 7229 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.
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. In lieu of 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 7. OVERSIGHT** - The Board shall, in coordination with other government agencies including the proponent, oversee the conduct of evictions and demolitions in accordance with Sections 27, 28 and 30 of RA 7279 and their implementing rules and regulations.

In the case of extra-judicial eviction and demolition as defined in the implementing guidelines of Executive Order No. 152, s. 2002, the compliance certificate applications shall constitute inputs for data-banking activities, and serve as advance notice to ensure Board's presence or its representative during the conduct of an eviction and demolition.

In the case of a court-ordered eviction and demolition, the Board shall establish the appropriate schemes to monitor the same in coordination with the pertinent government agencies.

In monitoring the actual conduct of a demolition, the Board has to observe the conduct of an actual eviction and demolition and prepares a detailed report on the compliance or non-compliance of said activity to Section 27, 28 and 30 of RA 7279 and their IRR.

**SECTION 8. 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 and the majority of the members of the Board shall constitute a quorum to transact official business.

**SECTION 9. 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 10. SECRETARIAT** - The city office of the Urban Poor shall act as Secretariat of the Board.

**SECTION 11. BUDGET** - The city government shall appropriate at least one-tenth percent (0.1%) of its annual Internal Revenue Allotment (IRA) for the operations and activities of the Board.



SECTION 12. 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), Housing and Urban Development Coordinating Council (HUDCC), the National Housing Authority (NHA), and the Presidential Commission for the Urban Poor (PCUP) to ensure the effective and efficient implementation of this Ordinance.

SECTION 13. SUBMISSION OF PERIODIC REPORTS - The Board shall submit quarterly reports to the Department of the Interior and Local Government, through the DILG Regional Office, relative to the status of compliance with the provisions of this Ordinance and the pertinent provisions of laws governing eviction, demolition and relocation activities.

SECTION 14. PENALTIES - Failure to comply with the statutory requirements as stated in this Memorandum Circular, or any act of misrepresentation 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, misrepresentation or fraud to:

1. Disciplinary action under Book I, Title Two, Chapter 4 of the Local Government Code; or
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 (P5,000.00) but not more than One Hundred Thousand Pesos (P100,000.00), or both, at the discretion of the court xxx".

SECTION 15. REPEALING CLAUSE - All ordinances and other city issuances, or any part or parts thereof, which are inconsistent with the provisions of this Ordinance are hereby repealed or modified accordingly.

SECTION 16. SEPARABILITY CLAUSE - Should any provision of this Ordinance be declared invalid, the validity of the other provisions hereof shall be unaffected thereby.

SECTION 17. EFFECTIVITY - This Ordinance shall take effect after publication in a local newspaper of general circulation.

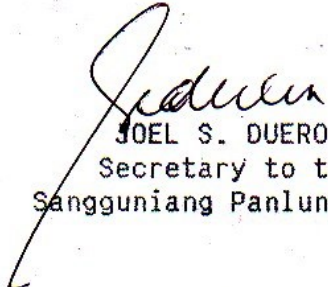
ENACTED, February 26, 2009.

RESOLVED, FURTHER, to furnish copies of this ordinance each to the Honorable City Mayor Eric C. Codilla, the City Administrator, the City Planning and Development Coordinator, the City Engineer, HLURB Tacloban City, the DILG-CGO Officer and others concerned, all in Ormoc City;

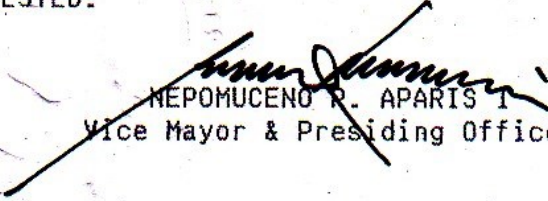
CARRIED UNANIMOUSLY.



I HEREBY CERTIFY to the correctness of the foregoing ordinance.

  
JOEL S. DUERO  
Secretary to the  
Sangguniang Panlungsod

ATTESTED:

  
NEPOMUCENO P. APARISI  
Vice Mayor & Presiding Officer

APPROVED:

  
ERIC O. CODILLA  
City Mayor

MAR 09 2009  
(Date)

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