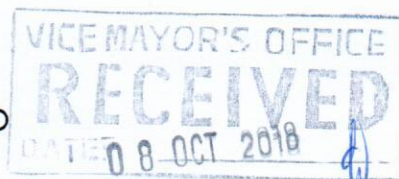




REPUBLIKA NG PILIPINAS
SANGGUNIANG PANLUNGSOD
LUNGSOD NG ORMOC



EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE
FOURTEENTH SANGGUNIANG PANLUNGSOD NG ORMOC HELD
AT THE SANGGUNIANG PANLUNGSOD SESSION HALL,
ORMOC CITY HALL BUILDING
ON OCTOBER 04, 2018

PRESENT:

Leo Carmelo L. Locsin, Jr.	City Vice Mayor & Presiding Officer
Vincent L. Rama,	SP Member, Majority Floor Leader
Mario M. Rodriguez,	SP Member, Presiding Officer "Pro-Tempore"
Tomas R. Serafica,	SP Member, Asst. Majority Floor Leader
Benjamin S. Pongos, Jr.,	SP Member
Eusebio Gerardo S. Penserga,	SP Member
Gregorio G. Yrastorza III,	SP Member
Nolito M. Quilang,	SP Member
John Eulalio Nepomuceno O. Aparis II,	SP Member
	Minority Floor Leader
Lea Doris C. Villar,	SP Member, Asst. Minority Floor Leader
Esteban V. Laurente,	Ex-Officio SP Member, Chapter President, Liga ng mga Barangay ng Ormoc
Jasper C. Yerro,	Ex-Officio SP Member, Chapter President, Panlungsod Pederasyon ng mga Sangguniang Kabataan ng Ormoc

RESOLUTION NO. 2018-250

**A RESOLUTION RECOGNIZING THE AUTHORITY OF THE CITY
ENGINEERING OFFICE (CEO) TO ISSUE THE OCCUPANCY
PERMIT AND TO WAIVE ALL FEES AND CHARGES
CORRESPONDING TO THE SAME OF THE NATIONAL
HOUSING PROGRAM'S (NHA) "RISE INFINITY GROOVE"
YOLANDA PERMANENT HOUSING PROGRAM PROJECT AT
BARANGAY MARGEN, THIS CITY, PURSUANT TO BATASANG
PAMBANSA (BP) NUMBER 220 AND REPUBLIC ACT (RA)
NUMBER 7279.**

WHEREAS, this Sanggunian received a communication dated August 17, 2018 from Mr. Rogelio N. Relucio, Authorized Managing Officer of Edison Development and Construction/ 3R Metal Craft (JV), Contractor of the National Housing Authority's (NHA) "Rise Infinity Groove" Yolanda Permanent Housing Program Project (the Project) at Brgy. Margen, Ormoc City, requesting for the passage of a resolution for the City Planning and Development Office to accept their Application for Occupancy Permit for the Project's Phases 1 and 2 based on Section 1 of Executive Order No. 71 dated March 23, 1993 devolving the issuance of permits of BP 220 projects to the Local Government Units and, further requesting that Occupancy Permit Fees of Two Hundred Sixteen Philippine Pesos (Php216.00) per housing unit and One Thousand Five Hundred Philippine Pesos (Php1,500.00) Inspection Fee be waived in their favor based on Section 19 of RA 7279.

WHEREAS, per request of this august Body's Committee on Zoning, Housing and Land Use for a legal opinion by Atty. Jasper M. Lucero, the City Legal Officer, on said issue, in response he submitted a position paper dated September 4, 2018, citing that since under Section 9, Rule III of the Revised Implementing Rules and Regulations of BP 220 dated November 2008, the proposed building plans for economic and socialized housing projects, of which the Project falls under are submitted to the CEO for approval, logically it follows therefore that it's also the CEO that must approve the occupancy permit of the same as by practice, whoever issues the building permit also issues the occupancy permit, a copy of the position paper is hereto attached as Annex "A" and made an integral part hereof;

WHEREAS, Atty. Lucero also cited in the said position paper that under Section 19 of RA 7279 otherwise known as the "Urban Development and Housing Act of 1992" (UDHA Law), the NHA shall also be exempt from the payment of any fees and charges for the issuance of an occupancy permit;

WHEREAS, this august Body agrees with the findings and conclusions in the said position paper and finds that the pertinent provisions of relevant laws cited lay down the correct and sufficient legal basis for the CEO's authority to issue the occupancy permits of the housing units of the Project and to waive the corresponding occupancy permit fees and inspection fee and therefore, most respectfully urges the said Office to perform and comply its said obligations in accordance with law;

WHEREFORE, on motion of SP Member Benjamin S. Pongos Jr., Chairman, Committee on Zoning, Housing and Land Use, severally seconded by SP Members Vincent L. Rama, Mario M. Rodriguez, Tomas R. Serafica, Nolito M. Quilang, John Eulalio Nepomuceno O. Aparis II, Lea Doris C. Villar, Esteban V. Laurente and Jasper C. Yerro; be it


RESOLVED, AS IT IS HEREBY RESOLVED, to pass A RESOLUTION RECOGNIZING THE AUTHORITY OF THE CITY ENGINEERING OFFICE (CEO) TO ISSUE THE OCCUPANCY PERMIT AND TO WAIVE ALL FEES AND CHARGES CORRESPONDING TO THE SAME OF THE NATIONAL HOUSING PROGRAM'S (NHA) "RISE INFINITY GROOVE" YOLANDA PERMANENT HOUSING PROGRAM PROJECT AT BARANGAY MARGEN, THIS CITY, PURSUANT TO BATASANG PAMBANSA (BP) NUMBER 220 AND REPUBLIC ACT (RA) NUMBER 7279;

ADOPTED, October 04, 2018.


RESOLVED, FINALLY, to furnish copies of this resolution each to the City Mayor of Ormoc Richard I. Gomez, the City Administrator, Mr. Vincent L. Emnas; the City Legal Officer, Atty. Jasper M. Lucero; the City Engineering Office; Mr. Rogelio N. Relucio, Authorized Managing Officer, Edison Development & Construction / 3R Metal Craft (JV); the National Housing Authority (NHA); the OIC-City Director, DILG; and all other offices concerned for their information and guidance;

CARRIED UNANIMOUSLY.

I HEREBY CERTIFY to the correctness of the foregoing resolution.

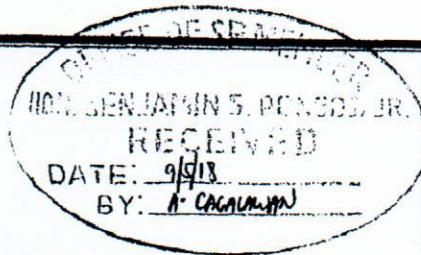

MARIA ANTONIETA G. CO HAT
(OIC - SP Secretary)
Supervising Administrative Officer

ATTESTED:


LEO CARMELO L. LOCSIN, JR.
City Vice Mayor & Presiding Officer



Republic of the Philippines
OFFICE OF THE CITY LEGAL OFFICER
Ormoc City, Leyte



04 September 2018

ATTY. BENJAMIN S. PONGOS JR.
Sangguniang Panlungsod Member
LGU-Ormoc

Re: Request for Opinion

Atty. Pongos:

The undersigned received your request for comment on the following queries:

1. Who grants Building Permits, Occupancy Permits, and all other ancillary permits for BP 220 projects?
2. Are BP 220 projects automatically exempt of (sic) the fees for the said permits? If yes, is there any (sic) action needed from SP.

Sec. 9, Rule III of the Revised IRR of BP 220 dated November 2008 provides, to wit:

"Individual lot owners who are average and low-income earners as defined under BP 220 may construct their individual residential houses in the manner provided by these Rules, provided that:

1. The development approval is secured from Local Government Unit thru Sangguniang Bayan or Sangguniang Panglungsod prior to their construction and;
2. The proposed building plans are submitted to the city/municipal engineer for approval." (underscoring supplied)

Because the proposed building plans are to be submitted to the City Engineer's Office for approval, then it follows that he is authorized to issue certificate of occupancy as in practice and by logic, whoever issues the building permit issues the occupancy permit.

As regards to fees and charges for the issuance of the permit, the applicable law is Sec. 19 of RA 7279, which provides:

Sec. 19. Incentives for the National Housing Authority.
— The National Housing Authority, being the primary government agency in charge of providing housing for the underprivileged and homeless, shall be exempted from the payment of all fees and charges of any kinds, whether local or national, such as income and real taxes. All documents or contracts executed by and in favor of the National Housing Authority shall also be exempt from the payment of documentary stamp tax and registration fees, including fees required for the issuance of transfer certificates of titles.

Based on the foregoing provision, it is a clear intention of the law to exempt the NHA from paying any fees and charges for the issuance of an occupancy permit. It is the suggestion of the undersigned that SP issues a resolution adopting the aforesaid provision of law by a resolution or ordinance so that the City Engineering will have both local and national law as basis for the issuance of the permit without any charges.

For your information and guidance.

Thank you.

Very Truly Yours,


ATTY. JASPER M. LUCERO
City Legal Officer