



PAMAHALAANG BAYAN NG TAYTAY TANGGAPAN NG SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF THE SPECIAL SESSION OF THE 8th
SANGGUNIANG BAYAN, TAYTAY, RIZAL, HELD ON DECEMBER 29, 2011 AT THE
SESSION HALL OF THE MUNICIPAL BUILDING, TAYTAY, RIZAL

PRESENT:

Hon. Janet DL. Mercado	- Vice Mayor/Presiding Officer
Hon. Jan Victor B. Cabitac	- Councilor
Hon. Carlito G. Gonzaga	- "
Hon. Archie L. Calderon	- "
Hon. Michell B. Bermundo	- "
Hon. Allan Martine S. de Leon	- "
Hon. Glenviano G. Valera	- "
Hon. Anastacio V. Alcantara	- "
Hon. Kristofer Charls S. Esguerra	- "
Hon. Joselito T. Calderon	- ABC President
Hon. Ma. Jeca B. Villanueva	- SK President

Authored/Sponsored by: Vice Mayor Janet DL. Mercado
Coun. Glenviano G. Valera
ABC Pres. Joselito T. Calderon
Coun. Kristofer Charls S. Esguerra
Coun. Anastacio V. Alcantara
Coun. Allan Martine S. De Leon

Co-Sponsored by: Coun. Jan Victor B. Cabitac
Coun. Carlito G. Gonzaga
Coun. Archie L. Calderon
Coun. Michell B. Bermundo
SK.Pres. Ma. Jeca B. Villanueva

ORDINANCE NO. 10

CREATING THE TAYTAY MUNICIPAL HOUSING BOARD, DEFINING ITS CLEARING HOUSE FUNCTIONS PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF AND FOR OTHER PURPOSES

WHEREAS, the clearing house function of the Presidential Commission on Urban Poor for the conduct of demolition and eviction activities involving the homeless and underprivileged residents has been devolved to the Local Government Units through Executive Order No. 708, s. 2008;

WHEREAS, such devolution of function will ensure better coordination in safeguarding the lives and properties of informal settler in danger zones/areas like the esteros, garbage dumps, landfilled, creeks, waterways in public places such as

sidewalks, cemeteries ,roads, parks, playgrounds and in government projects namely, school building, bridges, hospitals, gyms, markets, etc;

WHEREAS, foremost among the functions of every local government units is the promotion of public welfare, hence, sound and necessary measures should be adopted to address the mounting problems confronting the homeless and underprivileged residents of the municipality;

NOW THEREFORE, BE IT ENACTED BY THE SANGGUNIANG BAYAN OF TAYTAY, RIZAL IN SESSION DULY ASSEMBLED THAT;

SECTION 1. CREATION- There is hereby created a Local Housing Board which shall be known and may be cited as the Taytay Municipal Housing Board.

SECTION 2. DEFINITION OF TERMS – The following terms as used in this ordinance, shall be understood, respectively, to mean;

- a) Danger Zone – shall mean areas and/or places, such as but not limited to esteros, garbage dumps, landfill, creeks, waterways, steep slopes, easement on natural drainage of water and the like;
- b) Public Place – refers to any open space, which shall include among others, parks, streets, alleys, sidewalks, national road and highways, public parking, churches, public cemeteries, public or private markets, groceries or “talipapa”;
- c) Government Project – shall mean infrastructure project and other facilities such as but not limited to school buildings, bridges, hospitals, gyms, markets and the likes;
- d) Summary Demolition or Eviction – refers to immediate dismantling of new illegal structures by the Local Government of Taytay, Rizal or a Government Agency authorized to demolish in coordination with the private property owner and affected urban poor organization without providing the structure owners any financial benefit or relocation;
- e) Demolition – refers to dismantling by any legally authorized agency of the government of all structures within the premises subject of clearing;
- f) Eviction –refers to the removal of persons and their belongings from a subject building/structures or area or both in accordance with law;
- g) Illegal Structures – refers to any structure or improvement whether built on private or public land that does not have the required Zoning Clearance from Municipal Planning and Development Office or does not have necessary Building Permit from the Municipal Engineer’s Office of the Municipal Building Official, or a structure or improvement put up on a property not covered by any development permit;

- h) New Illegal Structure – refers to any structure or improvement that is still under construction or one that had been finished and occupied for only seven (7) days

SECTION 3. COMPOSITION –The Taytay Municipal Housing Board which shall hereinafter be referred to as the “Board” shall be composed of the following:

Chairperson: Municipal Mayor

Members:

1. Chairperson, Sangguniang Committee on Housing and Urban Development or its equivalent;
2. Municipal Planning and Development Coordinator
3. Municipal Engineer
4. A representative from the Urban Poor Affairs Office
5. All Barangay Captains
6. A representative of a SEC-registered and duly accredited People’s Organization operating in the municipality. Provided that a People’s Organization which is already represented in Local Development Council may be concurrently represented in the Board.
7. A representative of a SEC-registered and duly accredited Non-Government Organization which is already represented in Local Development Council may be concurrently represented in the Board.

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:

- 4.1. Monitor all eviction and demolition, whether voluntary, extra judicial summary or court-ordered;
- 4.2. 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, the completed checklist, attested to under oath by the proponent indicating that:
 - a). Adequate consultation with the effected families were undertaken
 - b). Adequate resettlement site and relocation facilities are made available, and

- c). The provision of section 3 paragraph 1 of the implementing rules and regulation of Section 28 of Republic Act No. 7279 (Pre-relocation) have been complied with.

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 (15) working days prior to the actual conduct of eviction and demolition.

In case of 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 demolition.

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 (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 the eviction and demolition, a statement of compliance to the pertinent rules covering the eviction and demolition applied for, an authorization or approval for the rendering of police assistance, and the authorized signature.
4. If the application is not complete in the form and substance, the Board informs the proponent and the latter has to comply with the deficiency within ten (10) working 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 proponent shall be required to re-apply for a new compliance certificate.

5. In case where the Board issues a certificate or the proponent has already complied with the deficient requirement 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 requirement under Section 27, 28 and 30 of Republic Act No. 7279 and their implementing rules and regulations, checklist and compliance certificate requirements, or with the written notice requirements when applicable, as certified or authorized by the Board.

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

1. In pursuance of any court order specifying police action assistance;
2. In any case or event where voluntary eviction and dismantling of structures are agreed upon in writing by the concerned parties, approved by the Board;
3. In the case of a local infrastructure project where police assistance is approved in writing by the duly authorized officials 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 the purpose 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 member 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 provision of the above, notwithstanding the request for police assistance shall still be subject to the pertinent guidelines and regulations of the Philippine National Police.


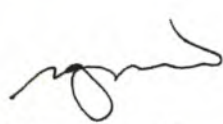

SECTION 7. OVERSIGHT – The Board shall, in coordination with other government agencies, including the proponent, oversee the conduct of eviction and demolitions in accordance with Section 27, 28 and 30 of R.A. 7279 and their Implementing Rules and Regulations (IRR).

In the case of an extra judicial eviction and demolition as defined in the implementing guidelines of Executive Order No. 152, s. 2002, the compliance certificate application shall constitute inputs for data banking activities and serve as advance notice. In the case of the 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 demolition, the Board shall and/or has to observe the conduct of an actual eviction and demolition and prepare a detailed report on the compliance or non-compliance of said activity to Sections 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 on its behalf when it is not in session. The Mayor or his duly designated representative shall head the ExeCom.



SECTION 10. SECRETARIAT – The Board shall appoint at least two (2) staff who will act as Secretariat of the Board.

SECTION 11. BUDGET – The Municipal Government shall appropriate at least one (1) percent 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 Department of 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), National Housing Authority (NHA) and the Presidential Commission for the Urban Poor (PCUP) to ensure the effective and efficient implementation of the Ordinance.

SECTION 13. SUBMISSION OF PERIODIC REPORTS - The Board shall submit quarterly reports to the Department of Interior and local Government (DILG), through the DILG Regional Office and to the Sangguniang Bayan, 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 – Any public officer or employees who violates any provisions of this ordinance or fails to comply with the requirements provided herein or commit any 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 be punished for such violation, omission, misrepresentation or fraud either under;

1. Disciplinary action under Book I, Title Two, Chapter 4 of the Local Government Code, or;
2. Prosecution under the penalty clause of R.A. 7279 which is herewith quoted as follows;

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, resolutions and other municipal 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 – In case any provision or part of this Ordinance is declared invalid, the remainder not affected by the declaration of invalidity shall remain in force.


SECTION 17. EFFECTIVITY – This Ordinance shall take effect upon its approval.

ENACTED, this 29th day of December 2011 at the Session Hall of the Municipal Building.

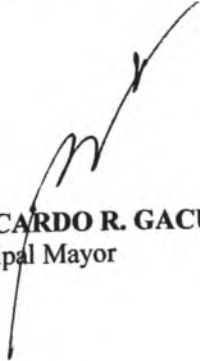
I HEREBY CERTIFY, to the correctness of the foregoing Ordinance which was duly enacted by the Sangguniang Bayan of Taytay during Special Session held on the 29th day of December, 2011.


NOLI G. DEL ROSARIO
SB Secretary

ATTESTED AND CERTIFIED TO BE DULY ENACTED BY HER HONOR


HON. JANET DL. MERCADO
Vice Mayor//Presiding Officer

APPROVED BY HIS HONOR THE MUNICIPAL MAYOR


HON. GEORGE RICARDO R. GACULA II
Municipal Mayor