



REPUBLIC OF THE PHILIPPINES
Province of Eastern Samar
MUNICIPALITY OF GUIUAN

- OFFICE OF THE SANGGUNIANG BAYAN -

EXCERPTS FROM THE MINUTES OF THE REGULAR SESSION OF THE
SANGGUNIANG BAYAN OF GUIUAN, EASTERN SAMAR HELD ON March 12, 2015 AT
THE MUNICIPAL SESSION HALL.

Ordinance No. 09, Series of 2015

**AN ORDINANCE
CREATING THE MUNICIPAL URBAN DEVELOPMENT AND HOUSING BOARD OF
THE MUNICIPALITY OF GUIUAN, PROVINCE OF EASTERN SAMAR**

WHEREAS, Section 9, Article XIII of 1987 Constitution provides that the State shall by law, and for the common good undertake, in cooperation with the private sector, continuing program of urban land reform and housing which will make available at affordable decent housing and basic services to underprivileged and homeless citizens in urban centers and resettlement areas. It shall also promote adequate employment opportunities to such citizens. In the implementation of such programs, the State shall respect the rights of small property owners;

WHEREAS, Section 17, Republic Act 7160, provides that LGUs shall endeavor to be self-reliant and shall continue exercising the powers and discharging the duties and functions currently vested upon them as are necessary, appropriate or incidental to efficient and effective provision of basic services and facilities enumerated herein (viii) Programs and projects for low-cost housing and other mass dwelling, except those funded by the SSS, GSIS and the HMDF; Provided that national funds for those programs and projects shall be equitably allocated among the regions in promotion to be ration of the homeless to the population.

WHEREAS, Section 18, Republic Act 7160, provides that LGUs shall have the power and authority to establish an organization that shall be responsible for the efficient and effective implementation of their development plans, programs objectives and priorities: to acquire, develop, lease, encumber, alienate or otherwise dispose of real or personal property held by them in their propriety capacity, and to apply their resources and assets for productive, developmental, or welfare purpose, in the exercise or furtherance of their governmental or proprietary powers and functions;

WHEREAS, Republic Act 7279, provides for a decent shelter to the underprivileged and homeless citizens in urban areas and resettlement areas whose lives are generally marked by economic insecurities and whose occupancy on the land is uncertain;

WHEREAS, as provided in the Presidential Executive Order No. 45 dated October, 2001 *Prescribing Time Periods for Issuance of Housing Related Certifications, Clearances and Permits, and Imposing Sanctions for Failure to Observe the Same*, the government is committed to reducing the period for processing of housing related documents and has directed the

concerned agencies to designate responsible officers at the Regional Level with sufficient authority to accept, process, and dispose of applications for housing related certifications, clearances, or permits;

WHEREAS, The Municipal Government of Guiuan, Eastern Samar recognizes the necessity of creating a **Municipal Urban Development and Housing Board** that will oversee not only in the implementation of a different housing programs in a specific barangay, the poor and other bonafide residents of the municipality who are homeless, but also to act as **one-stop shop for the processing of public concerns regarding shelter**;

WHEREAS, the significance of creating the **“Municipal Urban Development and Housing Board”** as opportunely mandated is highly needed as it shall be responsible in taking changes and shall be tasked in the formulation of policies relative to shelter and different housing programs of this municipality;

NOW THEREFORE, on motion of Hon. Antonia R. Cablao, duly seconded by Hon. Dominador G. Chua;

BE IT ORDAINED, by this Sangguniang Bayan in its Special Session duly assembled that -

SECTION 1. TITLE. An Ordinance Creating the Municipal Urban Development and Housing Board of the Municipality of Guiuan, Province of Eastern Samar.

SECTION 2. DEFINITION OF ROLE/FUNCTIONS.

Role:

The Board shall be the policy making body on shelter and housing Programs and to act as the **one-stop shop for the processing of public concerns regarding shelter** of the municipal government of Guiuan, Eastern Samar.

Functions:

- a. Ensure the creation of the Municipal Urban Development and Housing Unit (MUDHU) or Team directly responsible under the Office of the Municipal Mayor .
- b. Recommends all proposals for the budgetary requirements pertinent to the operation of the Municipal Development and Housing Unit.
- c. Promulgate policies/guidelines pertinent to the implementation of the Local shelter and housing programs in accordance with RA 7279.
- d. Approves/disapproves the Comprehensive City/Municipal Shelter Plan submitted by the City/Municipal Development and Housing Unit.
- e. To act as one-stop shop for the processing of all housing related permits, clearances and certifications, but not limited to land-use reclassification, development permits, locational clearances and other housing related activities.
- f. Recommends for approval of the Sangguniang Bayan the certifications, clearances, development permits and other housing related activities of a project proponent (s).
- g. Recommends for approval of the Sangguniang Bayan the Comprehensive Land Use Plan (CLUP).
- h. Ensures the creation of the Community-Based Housing Coordinating Committee and

its implementing guidelines.

- i. Advises the Sangguniang Bayan on matters of local taxation, which may affect the local government's different community-based housing programs.
- j. Recommends for the approval of the Local Chief Executive (LCE) partnership agreements with any other government housing or private entity or organizations, including but not limited to the following programs: Housing Production Assistance, Resettlement Development, Local Housing and Cost Recoverable Joint Venture.
- k. Recommends for approval of the Sangguniang Bayan the accreditation any Community Housing Associations (CHAs) on any related housing projects and other private originators for CMP.
- l. Recommends for approval of the Local Chief Executive and or the Sangguniang Bayan hiring of consultants in various housing related activities not limited to preparation of Comprehensive Land Use Plan but also of technical assistance of implementation of different housing programs and preparation of comprehensive shelter plan of the city/ municipal government.
- m. Acts as CMP originator and enabler of any different housing projects;
- n. Recommends for the approval of the Local Chief Executive agreements with any government or private entity for the conduct of proper planning sessions, training, seminars, conferences and capability building in any housing related activities or issues;
- o. Authorize the City/Municipal Treasurer, as the case may be, to disburse funds from the Special Housing Trust Funds to the board approved appropriation prepared in accordance with applicable existing rules and regulations.
- p. Serve as Advisory Committee to the Sangguniang on Urban Development and Housing Programs such as, but not limited to, necessity of local appropriations for the use of the Urban Development and Housing Programs.
- q. The office of the MPDC shall serve as the Housing Coordinator/Officer under the Office of the Mayor in temporary capacity until such time that the Municipal government is already capable of hiring a permanent and qualified housing coordinator/officer or a unit shall have been created to handle the affairs of the Office.

SECTION 3. COMPOSITION. The Municipal Urban Development and Housing Board shall be composed of the following:

Chairman: Municipal Mayor

Co-Chairman: Chairman, Land Utilization and Housing Committee of the SB

Members: Municipal Planning and Development Coordinator (MPDC)

Municipal Engineer

Municipal Assessor

Municipal Social Welfare and Development Officer

Municipal Accountant

Municipal Urban Development and Housing Officer

Municipal Disaster Risk Reduction and Management Officer

ABC President

Sangguniang Bayan Secretary

Local Commission on Audit Representative of Key Shelter Agencies (KSA)

Representative of Federation of different Community Housing

Associations (urban poor) existing in a locality if there is any and/or any NGO/PO on housing related issues

Representative of any private professional practitioners in housing like CREBA, SHDA and other housing related organizations existing in the locality, if there is any.

Representative of Provincial Urban Development and Housing Office

SECTION 4. MEETING AND QUORUM

- a. The local board shall meet at least once a month or as often as may be necessary.
- b. The chairman or the co-chairman or any five (5) members may call a meeting. A majority of all of its members shall constitute a quorum.

SECTION 5. BENEFITS. The Board may submit to the Sangguniang Bayan for approval a scheduled honorarium for the members of the Board for each meeting, if funds are available subject to existing rules and regulations.

SECTION 6. BUDGET REQUIREMENT.

- a. The Board shall submit to the Sangguniang Bayan for approval its operational requirement for the year of the administrative operations of the Municipal Urban Development and Housing Board Office/unit and thereafter that will cover the salaries and wages its benefits, travel expenses (accommodation/ transportation, meals allowances, etc.) and other incidental expenditures.
- b. The Board shall also submit to the Sangguniang Bayan for consideration and approval an annual supplemental budgetary needs when necessary arises that will be appropriated or shall be taken from its share of the five percent (5%) of the realty tax on real properties.

SECTION 7. PRIORITIES FOR FINANCIAL ASSISTANCE. The Municipal Urban Development and Housing Board shall extend financial assistance as priorities to the following:

- a. Victims of evictions and demolitions, if there is no available relocation or resettlement project as defined under Sec. 28 of UDHA.
- b. Financial assistance to registered and accredited community housing associations for the purpose of equity and other incidental expenses of housing related projects.
- c. Earnest money to pay private landowners for housing projects.
- d. Down payment for the acquisition of private property/right of way for housing related projects.
- e. Expropriation proceedings of private properties/for low-cost and socialized housing projects.

Financial assistance extended to community housing association shall be in the form of a loan with 6% interest rate to be charged per annum and payable in installment basis.

SECTION 8. SPECIAL HOUSING AND TRUST FUNDS

- a. This provision establishes a special account to be called "Special Housing and Trust

Funds exclusively for housing purposes.

- b. The proceeds generated from the collection of the five percent (5%) of the tax on real properties shall accrue to the SPECIAL HOUSING AND TRUST FUNDS (SHTF). In case of the province, the proceeds shall be equally shared between the province and municipal development and housing boards; Provided, however, that the proceeds shall be allocated in accordance with the implementing rules and guidelines formulated by the Provincial/City/ Municipal Development and Housing Board concerned.
- c. All funds/monies generated and collected from various sources intended for housing and other related development programs shall be deposited by the Municipal Treasurer for the exclusive account of the Special Housing and Trust Fund (SHTF) for the purpose of pursue the goals and objectives of the Board in any government bank.
- d. All payments, remittances, accrued interests, penalties and other from the community housing associations which benefited from any financial assistance extended to them by the LGU or from any other sources should be deposited in the same account.
- e. Payments of accreditation of CHA and CMP private originators, CMP Origination fees, share in payment of development permits, locational clearances and land use conversion fees and other fees for housing related activities are sample of sources of funds for Special and Housing Trust Funds.

SECTION 9. COMPENSATION AND REMUNERATION

- a. The Chairman, Co-chairman and members of the Municipal Urban Development and Housing Board shall perform their duties and responsibilities without any compensation and remuneration except honorariums as may be granted by the Sangguniang Bayan in its annual appropriation or supplemental budget.
- b. Except for members of the Board who are not government employees either appointed or elected shall be entitled to necessary traveling expenses and allowance as provided for in its annual appropriation or supplemental budget, subject to existing rules and regulations.

SECTION 10. MUNICIPAL URBAN DEVELOPMENT AND HOUSING UNIT

- a. This provision enables the creation of Municipal Urban Development and Housing Unit. This unit or office under the Office of The Mayor designs, programs, executes and coordinates all plans, projects and activities relating to the implementation of community-based housing and other appropriate social housing program packages for designated target clientele/beneficiaries.
- b. This unit or office will be having three sections; administrative and services section, field operations section and technical services section.
- c. This enables to hire professional staff with a plantilla position to man the said office/unit subject to availability of funds.
- d. The main focus will be the provision of housing to the lowest 30% of population who have no lots yet for their housing.
- f. It will develop programs and projects meant to enhance community awareness and participation in housing project planning and implementation. It also concerned itself with the development of access for the delivery of necessary social services (in the

areas of education, health and environmental sanitation) to its project communities' residents in the line with the call for holistic and integrated development.

SECTION 11. DEMOLITION. Local Housing Board shall oversee the implementation of Section 28 of The UDHA or R.A. 7279 and its implementing rules and regulations. Provided, however, that the application of the rules and regulations pertaining to just and humane evictions and demolition shall not require proof of the blighted status of the area in question or subject to court resolution.

In this regard, the Municipal Urban Development and Housing Board shall:

- a. Oversee and coordinate government activities relative to consultations, relocations and resettlement of the underprivileged and homeless citizens in cases when evictions and demolitions affecting them are necessary and allowed by existing laws.
- b. Recommend policy measure and/or undertake appropriate action to ensure full compliance with the constitutional mandate and statutory requirement prior to the eviction and/or demolition affecting the underprivileged and homeless citizens; and
- c. Issues directives, rules and regulations, not otherwise inconsistent with existing laws, as it may deem necessary to effectively carry out the purpose of the constitutional mandate to ensure just and humane eviction and demolition.

SECTION 12. COMPLIANCE REPORT. Before undertaking eviction and/or demolition affecting the underprivileged and homeless citizens, local government unit, national government agencies or other proponents of eviction and demolition activities, including employees of judiciary shall submit a compliance report to the local housing board with a statement under oath, that:

- a. Adequate relocation as defined and outlined under pertinent laws, rules and regulations have already undertaken and sufficiently with the affected residents.
- b. The pre-relocation and post-relocation phases outlined under pertinent laws, rules and regulations have been carefully observed.

The compliance report shall include a certified list of families to be evicted and/or relocated.

It shall be the responsibility of the local development and housing board to submit a regular monthly accomplishment report on all the activities of the said board to provincial urban development and housing board copy to DILG and HUDCC Regional Offices which in turn will be sent to DILG/HUDCC Central offices respectively.


SECTION 13. COURT ORDERED EVICTION AND DEMOLITION. Local Urban Development Housing Board shall represent the local government unit in any case before any court, tribunal, quasi-judicial body or agency on eviction and demolition of the underprivileged and homeless citizen as a remedy is sought by the complaining party. In this regard, all complaints for ejectment shall include a prayer for the court with proper jurisdiction:

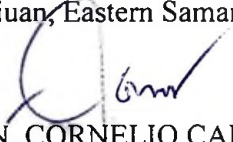
- a. to determine whether the party defendant is an underprivileged and homeless citizen; and
- b. to compel the local government unit and/or party defendant, if indeed such underprivileged or homeless citizen or the status of a citizen has been established by a preponderance of evidence.

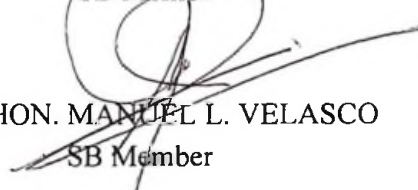
All complaints for ejection which do not contain such prayer shall be treated as a mere "scrap of paper" and shall be dismissed without prejudice to the re-filing of another complaint. Provided, however, that prescriptive period provided for law has not lapsed.


SECTION 14. EFFECTIVITY. This ordinance shall take effect immediately upon its approval.

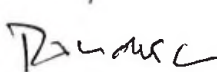
ENACTED AND APPROVED: March 12, 2015, at Guiuan, Eastern Samar.

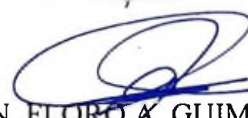

HON. VERONICA C. RAMIREZ
SB Member

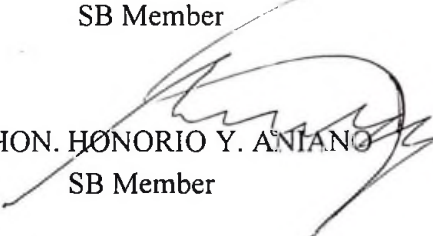

HON. CORNELIO CARLO A. SISON
SB Member

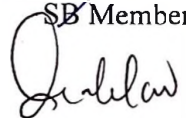

HON. MANUEL L. VELASCO
SB Member



HON. CONSTANCIO A. OPANA
SB Member


HON. DOMINADOR G. CHUA
SB Member



HON. FLORO A. GUIMBAOLIBOT
SB Member

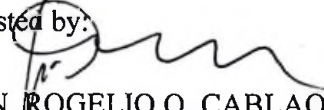

HON. HONORIO Y. ANIANO
SB Member


HON. ANTONIA R. CABLAO
SB Member

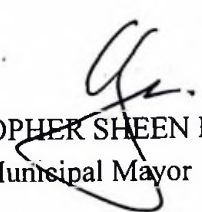

HON. MARK POL P. GONZALES
ABC Federation President/SB Member

I hereby certify to the correctness of the foregoing Ordinance:


RECTITO A. MELQUIADES
Secretary to the Sangguniang Bayan

Attested by:

HON. ROGELIO O. CABLAO
Mun. Vice-Mayor & Presiding Officer

Approved:


HON. CHRISTOPHER SHEEN P. GONZALES
Municipal Mayor