MUNICIPAL ORDINANCE NO.13
Series of 2017

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

EXPLANATORY NOTES

WHEREAS, Article XII, Section 9 of the Constitution of the Republic of the Philippines 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 decent housing model, make available at affordable cost decent housing and basic services for the underprivileged and homeless citizens in urban center and resettlement areas;

WHEREAS, the Local Government Code of 1991 likewise mandates local government units with the responsibility to provide basic services and facilities to include program and projects for low cost housing and mass dwellings;

WHEREAS, Republic Act of 7279 (Urban Development and Housing Act), also provides for the preparation of a comprehensive and continuing urban development and housing program, establish the mechanism for each implementation and for other purposes;

WHEREAS, the influx of migrants to Bayambang is expected to generate pressure on land resources, which necessitates a rationalized and planned approach in the construction of dwelling units;

WHEREAS, the government of Bayambang recognizes the need of a long term housing plan as an integral part of the socio-economic development of the Bayambang;

NOW THEREFORE, on motion of **SB Member Amory M. Junio,** duly seconded;

Be it enacted by the Sangguniang Bayan in session assembled 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 "Bayambang Municipal Housing Board."

Section 2. Composition - The Bayambang Municipal Housing Board, which shall hereinafter be referred to as the "Board," shall be composed of the following:

Chairperson: Municipal Mayor

Members:

1) Chairperson of the Sangguniang Bayan Committee on Housing and Urban Development or its equivalent;
2) Municipal Planning and Development Coordinator
3) Municipal Engineer
4) A representative from the Presidential Commission for the Urban Poor
5) Representatives of duly accredited People's Organizations (POs) and operating in the municipality. *Provided*, that a Pos 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 municipality. Provided, that a Non-Governmental Organization which is already represented in Local Development Council may be concurrently represented in the Board.

Section 3. 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;

Section 4. 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 from 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 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 (15) working 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 authorize 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 (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 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 5. Authorized Police Assistance – A proponent of an eviction an 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. 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 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 b subject to the pertinent guidelines and regulations of the Philippine National Police.

Section 6. Oversight – The Board shall, in coordination with other government agencies including the proponent, oversee the conduct of evictions and demolitions in accordance with Section 27, 28 and 30 of RA 7279 and their implementing rules and regulations.

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 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 Sections 27, 28 and 30 of RA 7279 and their IRR.

Section 7. 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 8. 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 9. Technical Working Group and Secretariat – The Board shall appoint at least two (2) staff who will act as Secretariat of the Board. There shall be created a Municipal Housing Technical Working Group (MH-TWG) whose members and head shall be determined by the Board. This Technical Working Group (TWG) shall assist the Board in the performance of its functions.

Section 10. Budget - The municipal government shall appropriate at least one percent (1%) of its annual Internal Revenue Allotment (IRA) for the operations and activities of the Board.

Section 11. Compensation and Remuneration – Considering that the involved pose bodily harm and risk and/or danger to health and safety emanating from defiant and violent informal settles, vendors and illegal structure owners who most of the time are armed with deadly weapons, explosives or improvised explosives, the members of the Demolition Team who shall directly undertake the actual dismantling or demolition of structures and/or eviction of informal settlers and clearing operations involving sidewalks and other public places of illegal structures shall receive and be entitled to Occupational Duty Risk Pay as may be allowed under the provision of the existing laws, rules and regulations. Other personnel who may be assigned by the Board to form part of the team that augments/supports the same thru monitoring and survey of illegal structures shall also be entitled to the same. The rate of Occupational Duty Risk Pay shall be subject to the sound discretion of the Mayor.

The Municipal Mayor, his discretion, may grant allowances and other forms of remuneration to the members of the Board, the Technical Working Group and the Secretariat, subject to existing accounting and auditing rules and regulations.

Members of the Board who are not government officials or employees shall be entitled to the necessary travelling expenses and allowances, subject to existing accounting and auditing rules and regulations.

This shall not preclude the municipal government from mobilizing other possible funding sources for the compensation and remuneration of the services of the NGO and PO representatives in the Board.

Section 12. Medical Assistance. The Medical Assistance or hospital confinement shall be provide to any member of the demolition team whether regular, temporary, casual, or on-the-job employees and its support/augmentation group who will be injured accidentally or bodily harmed by lawless elements while in the actual performance of their work as described in Section 11 hereof upon recommendation by a doctor duly authorized by the Board. Moreover, on the job employees who are accidentally and bodily injured and subsequently confined at the hospital or at their homes shall continue to receive their daily salaries while recuperating thereat. Such salaries shall be discontinued once a medical clearance shall have been issued by a doctor duly authorized by the Board.

In case of death, the Board shall likewise provide appropriate financial assistance it may deem necessary to the immediate family members.

Section 13. Legal Assistance - The Attorney III assist the members of the Board, as well as the personnel assigned to the implementation of the projects and programs of the Board, in the preparation of their pleadings in court and other legal forms, correspondence and provide legal representation should a legal action be filed against any of them as a consequence of their official actions in connection with the implementation of the projects and programs of the Board.

Section 14. Implementing Rules and Regulations – Within sixty (60) days after the enactment of this Ordinance, Municipal Mayor shall, in consultation with the concerned government agencies, the private sector, and Pos and NGOs, formulate the appropriate rules and regulations necessary to effectively implemented any or all of the provisions of this Ordinance.

Section 15. 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), 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 16. 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 17. Penalties - Failure to comply with the statutory requirements as stated in this Memorandum Circular, or any act 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, misrepresented or fraud to:

a) Disciplinary action under Book I, Title Two, Chapter 4 of the Local Government Code; or

b) Prosecution under the penalty clause of the RA 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 (100,000), or both, at the discretion of the court xxx.*

Section 18. Repealing Clause - All Ordinances and other municipal issuances, or part or parts thereof, which are inconsistent with the provisions of this Ordinance are hereby repealed or modified accordingly.

Section 19. Separability Clause – Should any provision of this Ordinance be declared invalid, the validity of the other provisions hereof shall be unaffected thereby.

Section 20. Effectivity Clause - This Ordinance shall take effect upon its approval.

ENACTED this 8th of May 2017

Certified to be duly adopted and approved:

JOEL V. CAMACHO
Secretary to the Sanggunian

ATTESTED:

HON. RAUL R. SABANGAN
Municipal Vice-Mayor &
Presiding Officer

Republic of the Philippines
PROVINCE OF PANGASINAN
MUNICIPALITY OF BAYAMBANG
OFFICE OF THE SANGGUNIANG BAYAN
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RECORD HOLDER
THE LONGEST BARBECUE
Bayambang, Pangasinan, Philippines
April 4, 2014

WITH THE CONCURRENCE OF THE SANGGUNIANG BAYAN

HON. MYLVIN T. JUNIO

HON. JOSEPH VINCENT E. RAMOS
(absent)

HON. PHILIP R. DUMALANTA

HON. BENJAMIN FRANCISCO S. DE VERA

HON. JUNIE J. ANGELES

HON. MARTIN E. TERRADO II

HON. MA. CATALINA E. DE VERA

HON. AMORY M. JUNIO

HON. ROGELIO P. DUMALANTA
Pangulo, Liga ng mga Barangay

APPROVED:

HON. CEZAR T. QUIAMBAO
Municipal Mayor