

EXCERPT TAKEN FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG PANLUNGSOD OF THE CITY OF ALAMINOS, PANGASINAN HELD ON APRIL 24, 2009.

PRESENT: HON. CIRILO B. RADO, CPA, LI.B. - ACTING PRESIDING OFFICER

Hon. Joselito O. Fontelera	- Member
Hon. Carolyn D. Sison	- -do-
Hon. Earl James C. Aquino	- -do-
Hon. Ma. Angela A. Braganza	- -do-
Hon. Constante R. Carasi, M.D.	- -do-
Hon. Orlando “Ang Panday” R. Go	- -do-
Hon. Oscar A. Boling, C.E.	- -do-
Hon. Joseph T. Bacay	- -do-
Hon. Filemon R. Bacala, Jr.	- -do-
Hon. Helen B. Bumagat, LBP	- Ex-Officio Member

ABSENT: HON. VICE MAYOR TEOFILO G. HUMILDE, JR. - On Official Business
Hon. Gemarie C. Rabadon, SKP - On Official Business

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ORDINANCE NO. 2009-01

ORDINANCE CREATING THE LOCAL HOUSING BOARD OF THE CITY OF ALAMINOS, PANGASINAN, ITS COMPOSITION, POWER AND FUNCTIONS.

EXPLANATORY NOTE

Pursuant to Memorandum Circular No. 2008-143 and Section 3, Executive Order No. 708 S. 2008, mandates the LGU to enact ordinance creating Local Housing Board.

NOW, THEREFORE,

Be it ordained by the Sangguniang Panlungsod in session assembled, That:

SECTION I. There is hereby created Local Housing Board of the City of Alaminos, Pangasinan.

SECTION II. COMPOSITION

The Local Housing Board, hereinafter referred to as Board, shall be headed by the City Mayor or Municipal Mayor, with the following as members:

1. Chairperson, Sanggunian Committee on Housing and Urban Development or its equivalent;
2. City Planning and Development Coordinator;
3. City Engineer;
4. Representative from Zoning Office;
5. Representative from Health Office;
6. Representative from DSWD Office;
7. Representative from Assessor’s Office;
8. Representative from Cooperative Office;
9. Representative from PNP/POSO;
10. A representative from the Presidential Commission for the Urban Poor;
11. 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
12. A representative of a SEC registered and duly accredited Non-Governmental Organization and operating in the city or municipality. Provided, that a Non-Governmental Organization which is already represented in Local Development Council may be concurrently represented in the Board.
13. Representative from a certified and accredited Developer.

SECTION III. POWER 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 an 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 this Ordinance (Pre-relocation) have been complied with; and
3. Based on the completed Checklist, and subject to further verification, issue and Eviction and Demolition Compliance Certificate on a proposed eviction and demolition. See Application for Certificate of Compliance for Administrative Demolition, Application for Certificate of Compliance for Summary Eviction, Verification Report and Compliance Certificates, as Annexes A-1, A-2, B, C-1 & C-2, respectively.

A. 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 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. 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 proponents 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 compliances and notifies the proponent.
3. The certificate 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 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 proceed as a matter of course.

B. AUTHORIZED POLICE ASSISTANCE

A proponent of 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. 7279 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 orders specifying police action or assistance;
2. In any case or event where voluntary eviction and dismantling of structure 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 project. Provided, however, that the duly authorized official of the Board level 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 be subject to the pertinent guidelines and regulations of the Philippine National Police.

C. EXEMPTION CLAUSE

The compliance certificate shall not cover court-ordered evictions and demolitions. And such, the concerned courts or their officers shall not be required to apply for compliance certifications, pursuant to Section 2 of the Implementing Guidelines of Executive Order No. 152, s. 2002.

D. SANCTIONS

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.

SECTION IV. PENALTY

1. Disciplinary action under Book 1, Title Two, Chapter 4 of the Local Government Code; or
2. Prosecution under the penalty clause of the Ordinance, quote:

Section 45. Penalty Clause. Any person who violates any provisions of this Act shall be imposed the penalty of not more than one (1) year of imprisonment or a fine of not less than Five Thousand Pesos (₱ 5,000.00), or both, at the discretion of the court xxx.

(Cont. Ord. No. 2009-01, enacted on 24 April 2009)

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

APPROVED.....

Sponsor : HON. ORLANDO “Ang Panday” R. GO
Co-sponsor : HON. EARL JAMES C. AQUINO

I **HEREBY CERTIFY** to the correctness of the foregoing ordinance which consist some five (5) pages including this page.

ATTESTED:	GOLDEN G. DELA ROSA <i>Acting Secretary</i>		
CIRILO B. RADO <i>(City Councilor)</i> <i>Acting Presiding Officer</i>			
JOSELITO O. FONTELERA <i>Member</i>	CAROLYN D. SISON <i>Member</i>	EARL JAMES C. AQUINO <i>Member</i>	
MA. ANGELA A. BRAGANZA <i>Member</i>	CONSTANTE R. CARASI, M.D. <i>Member</i>	ORLANDO “Ang Panday” R. GO <i>Member</i>	
OSCAR A. BOLING, C.E. <i>Member</i>	JOSEPH T. BACAY <i>Member</i>	FILEMON R. BACALA, JR. <i>Member</i>	HELEN B. BUMAGAT, LBP <i>Ex-Officio Member</i>

APPROVED:
HERNANI A. BRAGANZA
City Mayor