



Republic of the Philippines  
PROVINCE OF NEGROS ORIENTAL  
City of Bayawan  
*Office of the Sangguniang Panlungsod*

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION HELD BY THE CITY COUNCIL OF BAYAWAN, NEGROS ORIENTAL ON NOVEMBER 4, 2024 AT 10:00 AM AT THE SP SESSION HALL, LEGISLATIVE BUILDING GOVERNMENT CENTER.

RECORD OF ATTENDANCE

HON. HENRY E. CARREON, JR.	Vice Mayor & Presiding Officer	Present
HON. MARK FIDENCIO L. AURELIA		Present
HON. NARCISO N. CASIPONG		Present
HON. RUSMAR IAN D. TIJING		Present
HON. MERLITA R. GAUDIEL		Present
HON. NICO ANGELO L. LIM		Present
HON. ROLANDO B. ABRASALDO		Present
HON. KARL T. SARAÑA		Present
HON. LUIS J. SUMALPONG		Present
HON. FELIPE O. SANTIAGO, JR.		Present
HON. MA. LUCIANA T. TIZON		Present
HON. SEVERINO SALVADOR M. CAPULSO	LNMB President	Present
HON. EDILBERT J. BOLTADOR	SK Federated President	Present

RESOLUTION NO. 880

Sponsored by:

HON. RUSMAR IAN D. TIJING

“WHEREAS, Local Housing Boards are local special bodies tasked to formulate, develop, implement and monitor policies on the provision for housing and resettlement areas, and on the observance of the right of the underprivileged and homeless to a just and humane eviction and demolition;

“WHEREAS, Republic Act No. 7279 or the Urban Development and Housing Act (UDHA) of 1992 provided a blueprint for socialized housing, and just and humane eviction and demolition processes at the local government level;

“WHEREAS, while Urban Development and Housing Act (UDHA) spells out “local government units” as its main implementing entity, urban poor sectoral advocates who call for effective people's participation at the local government level are at a loss as to which particular department or division of their respective LGUs will provide such a genuine opportunity;

“WHEREAS, local housing boards are envisioned to provide urban poor communities, POs and NGOs, more direct participation in the planning and implementation of local housing programs;

“WHEREFORE, on motion of Honorable Councilor Rusmar Ian D. Tijing and duly seconded by Honorable Councilor Luis J. Sumalpong, the Council

“RESOLVED, To enact, as it hereby enacts the following ordinance:

ORDINANCE NO. 61

AN ORDINANCE CREATING THE BAYAWAN CITY LOCAL HOUSING BOARD, DEFINING ITS POWERS AND FUNCTIONS, AND FOR OTHER PURPOSES.

Be it ordained by the Sangguniang Panlungsod of Bayawan, in a session assembled, that:

Section 1. Creation - There is hereby created a local housing board in the City of Bayawan which shall be known as "An Ordinance Creating the Bayawan City Local Housing Board".

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

Chairperson : City Mayor

Members :

1. Chairperson Sanggunian Committee on Housing and Urban Development or its equivalent;
2. City Planning and Development Coordinator
3. City Engineer
4. A representative from the Presidential Commission for the Urban Poor
5. 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
6. A representative of a SEC-registered and duly accredited Non-Governmental Organization and operating in the city. 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 (Pre-relocation) have been complied with;

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 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 and 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 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 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 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 will proceed as a matter of course.

Section 5. Authorized Police Assistance - A proponent of an eviction and demolition, may be provided with a duty authorized police assistance only upon prior compliance with the statutory requirement 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 of 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 any case of a local infrastructure project where police assistance is approved in writing, by duly authorized official of the Board;
4. In the case of 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 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 be subject to the pertinent guidelines and regulations of the Philippine National Police.

Section 6. Additional Functions: The Board shall also have the following functions:

- a) Prepare a comprehensive city shelter plan with public hearings, based on guidelines and with assistance from Department of Human Settlement and Urban Development (DSHUD), and other agencies.
- b) Appoint at least one representative to the City Development Council, ensuring they are not already a member.
- c) Assist in the formulation of the City's Comprehensive Land Use Plan (CLUP).
- d) Approve preliminary and final subdivision schemes and development plans in accordance with Presidential Decree No. 957.
- e) Approve subdivision schemes and development plans for economic and socialized housing projects, and building permits under Batas Pambansa Blg. 220.
- f) Resolve opposition to development permits according to relevant laws and procedures.
- g) Monitor approved land developments and housing constructions to ensure compliance with plans and specifications.
- h) Ensure compliance with the balanced housing requirement.
- i) Conduct and update a land inventory every three years.
- j) Identify sites for socialized housing.

- k) Advise on local taxation affecting socialized housing programs, including socialized housing tax and idle lands tax.
- l) Recommend schemes for land acquisition and disposition for socialized housing, ensuring affordability for beneficiaries.
- m) Propose partnership arrangements with the national government for housing programs, coordinating with relevant agencies.
- n) Register underprivileged and homeless individuals as socialized housing beneficiaries.
- o) Coordinate with agencies affecting housing and urban development.
- p) Submit an annual report to the President and Congress as required by Section 41 of RA 7279.
- q) Perform other related functions established by law or ordinance necessary to implement the Urban Development and Housing Act.

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 Sections 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 of its representative during the conduct of an eviction and demolition.

In 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 Implementing Rules and Regulations.

Section 7. Meeting and Quorum - The Board shall meet at least once a month or as often as may 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 on its behalf when it is not in session.

Section 9. Secretariat - The Board shall appoint at least two (2) staff who will act as Secretariat of the Board.

Section 10. Allowances - Members of the Board who are not government officials or employees shall be entitled to the necessary traveling expenses and allowances chargeable against the funds of the Board, subject to existing accounting and auditing rules and regulations. This shall not preclude the city 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 11. Penalties - Failure to submit the Compliance Reports as required under Section 7 of this Ordinance, or any act of misrepresentation or fraud in connection with any information contained in a submitted Compliance Report, shall subject the government officials or employees responsible for such omission, misrepresentation 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.

Section 12. Implementing Rules and Regulations - Within sixty (60) days after the enactment of this Ordinance, the city 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 implement any or all of the provisions of this Ordinance.

Section 13. Cooperation of Concerned Agencies - The Board shall coordinate with all concerned government agencies, such as 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), Department of Human Settlement and Urban Development (DSHUD), National Housing Authority (NHA), and the Presidential Commission for the Urban Poor (PCUP) to ensure the effective and efficient, implementation of this Ordinance.

Section 14. Repealing Clause - All Ordinances and other city issuances, or part or parts thereof, which are inconsistent with the provisions of this Ordinance are hereby repealed or modified accordingly.

Section 15. Separability Clause - If for any reason, any provisions of this Ordinance are declared invalid or unconstitutional, the remaining provisions not affected thereby shall continue to be in force and effect.


Section 16. Effectivity Clause - This Ordinance shall take effect upon its approval.

“Enacted.”

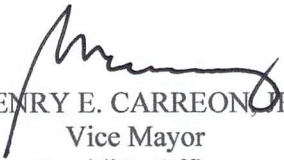
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I hereby certify to the correctness of the foregoing resolution.


\* \* \*

  
JULIUS T. ESPARTERO  
Secretary to the Sangguniang Panlungsod

ATTESTED:

  
HENRY E. CARREON, JR.  
Vice Mayor  
Presiding Officer

APPROVED:

  
JOHN T. RAYMOND, JR.  
Mayor  
Date: NOV 15 2024

Copy for:

- The Honorable Provincial Board, Dumaguete City