



Republic of the Philippines
PROVINCE OF LEYTE
City of Baybay

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Office of the Sangguniang Panlungsod



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6TH SANGGUNIANG PANLUNGSOD

CITY ORDINANCE NO. 09, S. 2023
18th Regular Session

**“AN ORDINANCE CREATING THE BAYBAY CITY LOCAL HOUSING BOARD,
DEFINING ITS POWERS AND FUNCTIONS, AND FOR OTHER PURPOSES”**

Sponsored by: Hon. Jose Rommel A. Peñaranda

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 for a just and humane eviction and demolition processes at the local government level;

WHEREAS, while 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, people's organizations (POs), civil society organizations (CSOs) and Non-Governmental Organizations (NGOs) more direct participation in the planning and implementation of local housing programs;

WHEREAS, Section 5, paragraph 2 of Memorandum Order No. 74 dated September 13, 2002, issued by then President Gloria Macapagal-Arroyo, directed the LGUs without local housing boards to "create their respective housing boards, or their "equivalent" to address housing concerns in the locality;

NOW THEREFORE, BE IT ORDAINED, as it is hereby ordained by the *Sangguniang Panlungsod* of the City of Baybay, Province of Leyte, in its Regular Session duly assembled that:

Section 1. Creation—There is hereby created a local housing board in the City of Baybay which shall be called as the **“Baybay City Local Housing Board or BCLHB.”**

Section 2. Composition— The Baybay City Local Housing Board or BCLHB., which shall hereinafter be referred to as the “Board,” shall be composed of the following:

Chairperson: City Mayor
Vice-Chair: City Vice-Mayor

Members :

1. Chairperson of the *Sangguniang Panlungsod* (SP) Special Committee on Urban Housing and Land Use
2. City Planning and Development Officer
3. City Engineer
4. City Environment and Natural Resources Officer
5. Chairperson of the SP Committee on Social Welfare
6. A representative from the Housing and Urban Development Coordinating Council (HUDCC)
7. A representative from the private or business sector
8. Two (2) Representatives from accredited CSOs operating in the City who are involved or with advocacy on housing and land use matters; and
9. Two (2) Representatives from NGOs operating in the City who are involved or with advocacy on housing, land use, or civic matters.

Section 3. Policies - The Board shall, among other things, 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 just and humane eviction and demolition.

Section 4. Powers and Functions - The Board shall have the following powers and functions:

- A. Prepare, based on local shelter plan guidelines and with the assistance of the HUDCC and other concerned government agencies, a comprehensive city shelter plan which shall form part of the city development plan. Provided, that public hearings shall be conducted for the purpose;
- B. Designate at least one (1) representative of the Board to the City Development Council. Provided, that said representative is not already a member of the said Council;
- C. Assist the City Development Council in the formulation of its Comprehensive Land Use Plan (CLUP);
- D. Approve preliminary and final subdivision schemes and development plans of subdivisions, residential, commercial, industrial, and other purposes, in accordance with the provisions of Presidential Decree No. 957, as amended, otherwise known as the Subdivision and Condominium Buyer's Protective Decree, and its implementing standards, rules and regulations concerning approval of subdivisions plans;
- E. Approve preliminary and final subdivision schemes and development plans of all economic and socialized housing projects as well as individual or group building and occupancy permits covered by Batas Pambansa Bldg. 220 and its implementing standards, rules, and regulations;
- F. Evaluate and resolve any opposition to the issuance of development permits for any of the projects stated in the two (2) preceding subsections, in accordance with the said laws and rules of procedure promulgated by the Housing and Land Use Regulatory Board (HLURB);
- G. Monitor the nature and progress of land development projects it has approved, as well as the housing constructions in the case of house and lot packages, to ensure their faithful compliance with the approved plans and specifications, and the imposition of appropriate measures to enforce compliance therewith;

- H. Ensure compliance with the balanced housing requirement as provided for in Section 18 of RA 7279 and its implementing rules and regulations;
- I. Conduct an inventory of all lands within the city, and update the same every three (3) years, in accordance with Section 7 of RA 7279 and the guidelines issued for the purpose;
- J. Identify sites for socialized housing, subject to the requirements prescribed by Section 8 of RA 7279 and guidelines issued for the purpose;
- K. Advise the *Sanggunian* on matters of local taxation which may affect the city government socialized housing program, including but not limited to, the formulation of a socialized housing tax, idle lands tax, and an additional levy on the real property tax to constitute a Special Socialized Housing Fund;
- L. Recommend, for approval of the city mayor, formulated schemes for the acquisition and disposition of lands within the city for socialized housing purposes, subject to Sections 9 to 14 of RA 7279 and the implementing guidelines enacted for the purpose: Provided, that such schemes shall ensure that the valuation of a particular land for socialized housing process shall be within the affordability levels of prospective beneficiaries;
- M. Recommend, for approval of the mayor, partnership arrangements with the national government or private sector on, but not limited to, the following programs;
- Housing Production Assistance, Resettlement Assistance, Local Housing, Cost Recoverable Joint Venture and other relevant programs of the National Housing Authority (NHA);
 - Local government housing assistance programs of the Home Development Mutual Fund (HDMF), National Home Mortgage Finance Corporation (NHMFC), and the Home Guaranty Corporation (HGC), and for this purpose, the Board shall coordinate with the Advisory Committee created to oversee the implementation of the Local Government Tabaha Program; and
 - Other socialized housing projects undertaken by other national government agencies (NGAs) and government-owned and controlled corporations (GOCCs) within the city or the private sectors engaged in such housing projects.
- N. Ensure the registration of underprivileged and homeless urban or rural dwellers as socialized housing beneficiaries under Sections 16 and 17 of RA 7279. Provided, that the Board shall assume the functions of the city registration committee as constituted under the implementing rules and regulations of the same Sections;
- O. Coordinate with government agencies and instrumentalities performing functions which may affect housing and urban development; and
- P. Perform such other related functions established by law or by ordinance as necessary to implement the mandate of local government units under the Urban Development and Housing Act.

Section 5. Resources - The Board is hereby constituted as the primary entity tasked to advise the city mayor on matters of sourcing of funds for socialized housing. For this purpose, the Board may recommend the following schemes for funding socialized housing projects:

- Build-operate-transfer and other related schemes;
- Bond floatation and other credit financing arrangements;

- c. Ailment of foreign or local grants for which the Board is authorized by this Ordinance to receive foreign and local grants, which shall be remitted to the city treasury, and shall be credited to the socialized housing account of the city government;
- d. Loan packages from government financing or lending institutions;
- e. Joint venture projects with private sector groups or developers; and
- f. Pooling of resources with other LGUs, the private sector, NGOs, and CSOs.

Section 6. Eviction and Demolition - The Board is hereby tasked to oversee implementation of Section 28 of the RA 7279 and its implementing rules and regulations. Provided, that just and humane eviction and demolition procedures under the said provision of law are likewise made applicable to rural areas of the city. For this purpose, the Board shall:

- a. Oversee and coordinate government activities relative to consultation, relocation, and resettlement of underprivileged and homeless urban or rural poor dwellers in cases when evictions and demolitions affecting them are necessary and allowed by existing laws;
- b. Recommend policy measures and undertake appropriate action to ensure full compliance with the constitutional mandate and statutory requirements prior to the evictions and/or demolitions affecting underprivileged and homeless urban and rural poor dwellers; and
- c. Issue directives, rules and regulations, not otherwise inconsistent with existing laws, as it may deem necessary to effectively carry out the purposes of the constitutional mandate to ensure just and humane evictions and demolitions.

Section 7. Compliance Report - Before undertaking evictions or demolitions that will affect underprivileged and homeless urban or rural poor dwellers, the city government, national government agencies or other proponents of evictions and demolition activities, including employees of the judiciary, shall submit a Compliance Report to the Board, with a statement under oath that:

- a. Adequate consultation as defined and outlined under pertinent laws, rules and regulations have already been undertaken with the affected residents;
- b. Adequate relocation, as defined and outlined under pertinent laws, rules and regulations, is available, ready, and sufficiently supported by relocation and resettlement funding; and
- c. The requirement and procedures prescribed under the implementing rules and regulations of Section 28 of RA 7279, specifically on the Pre-Relocation, Relocation, and Post-Relocation Phases of eviction or demolition activities have been or shall be observed, as the case may be. The Compliance Report shall include a certified list of families to be evicted or relocated. The Board shall have the power to review the Compliance Report and approve or disapprove the same.

Section 8. Meeting and Quorum - The Board shall meet at least once every quarter or as often as may be deemed necessary. The presence of the Chairman or the Vice-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 (Exeo) 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 Exeo.

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 CSO representatives in the Board.

Section 11. Budget - The city government shall appropriate at least one percent (1%) of its annual National Tax Allotment (NTA) for the operations and activities of the Board.

Section 12. 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 13. 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 CSOs and NGOs, formulate the appropriate rules and regulations necessary to effectively implement any or all of the provisions of this Ordinance. Such rules and regulations shall include, among others, guidelines on the following:

- a. Resource generation and mobilization for socialized housing purposes;
- b. Schemes for city government housing assistance; and
- c. Accreditation and selection of representatives of the private sector, NGOs and CSOs to the Board.

Section 14. SEPARABILITY CLAUSE - If for any reason, any section of this Ordinance shall be held unconstitutional or invalid, other sections which are not affected thereby shall continue to be in full force and effect.

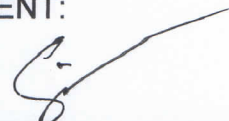
Section 15. REPEALING CLAUSE - All ordinances, rules, and regulations or parts thereof in conflict with this Ordinance are hereby repealed, provided that the rights that are vested upon the effectivity of this Ordinance shall not be impaired.

Section 16. EFFECTIVITY CLAUSE - This ordinance shall take effect fifteen (15) days after its publication in a newspaper of general circulation.

Enacted: May 11, 2023
Baybay City, Leyte, Philippines.

CARRIED BY ALL OF THE MEMBERS PRESENT:


ROMULO B. ALCALA
SP Member



SIMOUNE L. ASTORGA
SP Member

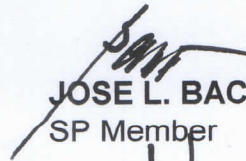

DR. FULTON IKE C. ARRADAZA
SP Member


FILEMON F. AVILA
SP Member


RAMON RONALD J. VELOSO
SP Member



DOMINIC JUNIE F. MURILLO
SP Member

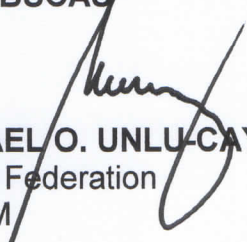

PHILIP L. SIU
President, LIGA Ng Mga Barangay
Ex-Officio SPM


JOSE L. BACUSMO
SP Member


CARMEN L. CARI
SP Member



ATTY. JOSE ROMMEL A. PEÑARANDA
SP Member


JORGE V. REBUCAS
SP Member


MARK MICHAEL O. UNLU-CAY
SK Chair, City Federation
Ex-Officio SPM

RESOLVED FURTHER, that certified copies of this ORDINANCE be furnished to the City Mayor Honorable Jose Carlos L. Cari, City Administrator Florante Cayunda Jr.; City Legal Officer, Atty. Avito C. Cahig, Jr.; City Budget Officer, Raul Mabini; City Accountant Jay Ryan Austero; City Treasurer Alberta A. Manatad, CLGOO Juvy C. Pedrera, and to all other offices/agencies/entities concerned for their information, guidance and appropriate action.

I HEREBY CERTIFY to the correctness of the foregoing Ordinance.


HARVEY A. CANO
Acting SP Secretary

Attested & Certified True & Correct:


ATTY. ERNESTO M. BUTAWAN
City Vice Mayor, Presiding Officer

Approved by His Honor:


ENGR. JOSE CARLOS L. CARI
City Mayor

Date Approved: 7/5/23