

Republic of the Philippines  
Province of Cebu  
CITY OF NAGA



Excerpt from the minutes of the Regular Session of the Sangguniang Panlungsod of the City of Naga, Cebu held on June 07, 2017 at the Session Hall, Legislative Building, City of Naga, Cebu.

Present:

HON. OTHELLO M. CHIONG  
HON. ALEXANDER R. LARA  
HON. VIRGILIO M. CHIONG  
HON. AURELIO B. ALINSONORIN  
HON. DELFIN R. SEÑOR  
HON. AFSHIN MARK K. SEÑOR  
HON. RODRIGO A. NAVARRO  
HON. PABLO A. ABANGAN  
HON. LUZMINDA R. LAPITAN  
HON. PORFERIO V. RESABA, JR.  
HON. JUSTINO L. DAKAY

- Vice Mayor/Presiding Officer  
- Sangguniang Panlungsod Member  
- Sangguniang Panlungsod Member  
- Sangguniang Panlungsod Member  
- Sangguniang Panlungsod Member  
- Sangguniang Panlungsod Member  
- Sangguniang Panlungsod Member  
- Sangguniang Panlungsod Member  
- Sangguniang Panlungsod Member  
- Sangguniang Panlungsod Member  
- ABC President

On leave:

HON. CARMELINO N. CRUZ, JR.

-Sangguniang Panlungsod Member



**ORDINANCE NO. 2017- 013**

**Hon. Rodrigo A. Navarro – Sponsor**  
Chairman, Committee on Housing and Land Utilization

**AN ORDINANCE CREATING THE LOCAL HOUSING BOARD TASK FORCE OF THE CITY OF NAGA, CEBU FOR THE CONTROL, PREVENTION AND/OR REMOVAL OF ILLEGAL SETTLERS**

**EXPLANATORY NOTE**

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.

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.

Section 5, paragraph 2 of Memorandum Order No. 74 s. of 2002, directed the LGUs without local housing boards to “create their respective housing boards, or their equivalent, within thirty (30) days from the effectivity of this Order;”

Section 3 of Executive Order No. 708 s. of 2008, titled, “Amending Executive Order No. 152 s. of 2002, and Devolving the Function of the Presidential Commission for the Urban Poor as the Clearing House for the Conduct of Demolition and Eviction Activities Involving the Homeless and Underprivileged Citizens to the Respective Local Government Units (LGUs) having Territorial Jurisdiction Over the Proposed Demolition and Eviction Activities of Government Agencies” mandates for the enactment of ordinances creating the Local Housing Board that shall be the sole clearing house for eviction and demolition activities concerning informal settlers.

**BE IT ORDAINED**, as it is hereby **ORDAINED** by the Sangguniang Panlungsod of the City of Naga Cebu, in session assembled that: (\*Note: Provisions in the following sections are as provided in DILG Memo Circ. No. 2008-143, s. of 2008)

**SECTION 1. CREATION.** There is hereby created in the City of Naga, Cebu, a Local Housing Board Task Force, that 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 2. COMPOSITION.** The Local Housing Board Task Force, which shall hereinafter be referred to as the "Board," shall be composed of the following:

Chairperson : Atty. Kristine Vanessa T. Chiong, City Mayor  
Vice-Chair : Hon. Othello M. Chiong, City Vice-Mayor  
Members : Hon. Rodrigo A. Navarro, SP Chair, Committee on Housing and Urban Development or its equivalent  
Engr. Joveno Garcia, CPDO  
Engr. Ma. Alpha P. Alojado, City Engineering Office  
Representative, Housing and Urban Development Coordinating Council (HUDCC)  
*Representative from the private or business sector*  
Representative PO operating in the city  
Representative NGO operating in the city

**SECTION 3. POWERS AND FUNCTIONS.** As per letter B of the Department of the Interior and Local Government (DILG) Memorandum Circular No. 2008-143 s. of 2008 or the Guideline for the Creation of the Local Housing Board, 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 demolition, 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 unit), 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 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 IRR of Section 28 of RA 7279 on Pre-relocation, have been complied with;
3. Based on the completed Checklist, and subject to further verification, issue and *Eviction and Demolition Compliance Certificate on a proposed eviction and demolition.*

**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.

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.

2. 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.
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 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 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 national infrastructure projects, provided, however, that the duly authorized official of the Board has approved the same in writing;
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 be 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 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 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. SECRETARIAT.** The Board shall appoint at least two (2) staff who will act as Secretariat of the Board.

**SECTION 10. BUDGET PROVISION.** Such availability of funds maybe appropriated, subject to existing auditing rules and regulations.

**SECTION 11. COOPERATION OF CONCERNED AGENCIES.** *The Board shall coordinate with all concerned government agencies, such as 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.

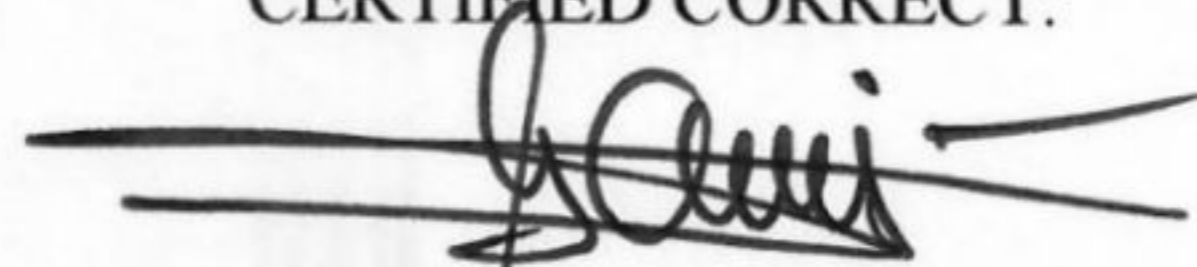
**SECTION 12. APPLICABILITY CLAUSE.** The provisions of existing ordinances dealing on the same subject matter which are not in conflict with, or contrary to the provisions of this Ordinances are hereby adopted and made an integral part of this Ordinance.

**SECTION 13. REPEALING CLAUSE.** All ordinances, rules and regulations, or parts thereof, provisions of which are in conflict with, or contrary to, the provisions of this ordinance are hereby repealed, amended, or modified accordingly.

**SECTION 14. EFFECTIVITY CLAUSE.** This ordinance shall take effect upon its approval in accordance with law.

**UNANIMOUSLY APPROVED** this 7<sup>th</sup> day of June 2017, on motion of Hon. Rodrigo A. Navarro, seconded by Hon. Porferio V. Resaba, Jr.

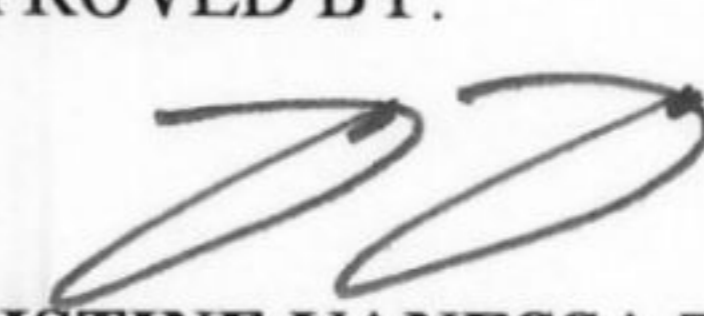
CERTIFIED CORRECT:

  
**GARRY A. CABOTAJE**  
Secretary to the Sanggunian

ATTESTED BY:

  
**OTHELLO M. CHIONG**  
Vice Mayor/Presiding Officer

APPROVED BY:

 K.V.C. 6/9/17  
**KRISTINE VANESSA T. CHIONG**  
City Mayor