

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 July 18, 2018 at the Session Hall, Legislative Building, City of Naga, Cebu.

Present:

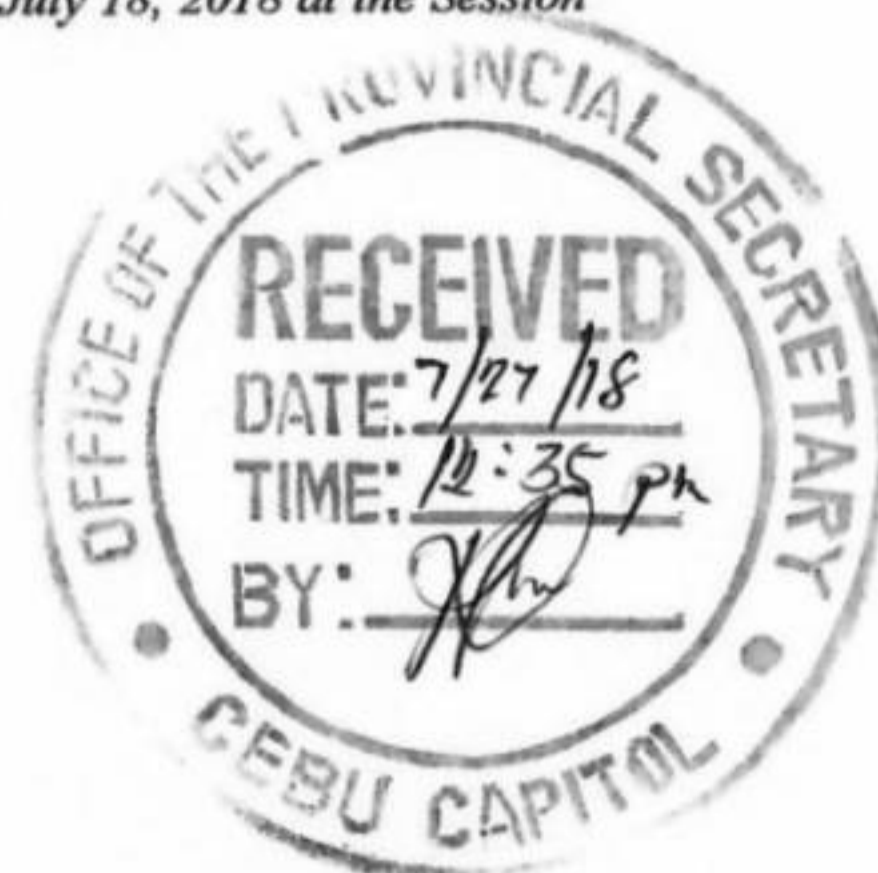
HON. OTHELLO M. CHIONG
HON. ALEXANDER R. LARA
HON. CARMELINO N. CRUZ, JR.
HON. VIRGILIO M. CHIONG
HON. DELFIN R. SEÑOR
HON. AFSHIN MARK K. SEÑOR
HON. PABLO A. ABANGAN
HON. LUZMINDA R. LAPITAN
HON. RODRIGO A. NAVARRO
HON. PORFERIO V. RESABA, JR.
HON. SCOTT JUVENAL A. CHIONG
HON. JHUN MARK T. SISMAR

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

On Leave:

HON. AURELIO B. ALINSONORIN

- Sangguniang Panlungsod Member



ORDINANCE NO. 2018-014

AN ORDINANCE CREATING THE CITY OF NAGA URBAN DEVELOPMENT AND HOUSING BOARD (CONUDHOB) OF THE CITY OF NAGA, CEBU

Hon. Rodrigo A. Navarro - Sponsor

SP Committee Chairman on Housing and Land Utilization

EXPLANATORY NOTE

Section 18 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, authorizes local government units (LGUs) to establish an organization that shall be responsible for the efficient and effective implementation of their development plans, programs, objectives and priorities.

To uplift the conditions of the underprivileged and homeless, the City Government of Naga, Cebu deems it essential to create a special body that will formulate policies and guidelines for the implementation of local shelter and housing programs pursuant to Republic Act (RA) 7279, otherwise known as the Urban Development and Housing Act (UDHA) of 1992, as amended by RA 10884.

Through the local housing board, the City Government, under the present leadership, will be able to implement the mandates of the law such as the formulation of housing-related regulations and development concerns, including affordability of basic human needs of the less fortunate.

BE IT ORDAINED, as it is hereby ORDAINED by the Sangguniang Panlungsod (SP) of the City of Naga, Cebu, in session assembled, that:

SECTION 1. TITLE. This Ordinance shall be known as "AN ORDINANCE CREATING THE CITY OF NAGA URBAN DEVELOPMENT AND HOUSING BOARD (CONUDHOB) OF THE CITY OF NAGA, CEBU."

SECTION 2. DEFINITION OF ROLE/FUNCTIONS.

ROLE: The Board shall be the policy-making body on shelter and housing programs and act as the **ONE-STOP SHOP HOUSING PROCESSING CENTER** of the City Government of Naga, Cebu;

FUNCTIONS:

- a. Ensure the creation of the City of Naga Urban Development and Housing Office (CONUDHO) directly responsible under the Office of the City Mayor.
- b. Recommend all proposals for the budgetary requirements pertinent to the operation of the CONUDHO.
- c. Promulgate policies/guidelines pertinent to the implementation of the local shelter and housing programs in accordance with RA 7279, otherwise known as the UDHA of 1992, as amended by RA 10884.
- d. Approve/disapprove the Comprehensive City Shelter Plan submitted by the CONUDHO.
- e. Act as One Stop Housing Processing Center to process all housing related permits, clearances and certifications, but not limited to land-use reclassification, development permits, locational clearances and other housing related activities.
- f. Recommend for approval of the SP the certifications, clearances, development permits and other housing related activities of a project proponent (s).
- g. Recommend for approval of the SP the Comprehensive Land Use Plan (CLUP).
- h. Ensure the creation of the Community-Based Housing Coordinating Committee (CHCC) and its implementing guidelines.
- i. Advise the SP on matters of local taxation which may affect the local government's different community-based housing programs.
- j. Recommend for the approval of the Local Chief Executive (LCE) partnership agreements with any other government housing or private entity or organizations, including but not limited to the following programs: Housing Production Assistance, Resettlement Development, Local Housing and Cost Recoverable Joint Venture.
- k. Recommend for approval of the SP the accreditation any Community Housing Associations (CHAs) on any related housing projects and other private originators for Community Mortgage Programs (CMP).
- l. Recommend for approval of the Local Chief Executive and or the SP hiring of consultants in various housing related activities not limited to preparation of CLUP but also of technical assistance of implementation of different housing programs and preparation of comprehensive shelter plan of the city government.
- m. Act as Community Mortgage Program (CMP) originator and enabler of any different housing projects;
- n. Recommend for the approval of the LCE agreements with any government or private entity for the conduct of proper planning sessions, trainings, seminars, conferences and capability building in any housing related activities or issues;
- o. Authorize the City Treasurer, as the case may be, to disburse funds from the Special Housing Trust Fund to the board approved appropriation prepared in accordance with applicable existing rules and regulations.
- p. Serve as Advisory Committee to the SP on Urban Development and Housing Programs such as, but not limited to, necessity of local appropriations for the use of the Urban Development and Housing Programs.

- q. The office of the CITY PLANNING & DEVELOPMENT COORDINATOR shall serve as the Housing Coordinator/ Officer under the Office of the CITY MAYOR in temporary capacity until such time that the city government is already capable of hiring a permanent and qualified housing coordinator/officer.

SECTION 3. COMPOSITION. The City Urban Development and Housing Board shall be composed of the following:

- Chairman : Mayor
Co-Chairman : Chairman, Land Use and Housing Committee of the SP
Members : City Planning and Development Coordinator (CPDC)
City Administrator
City Engineer
City Legal Officer
City Assessor
City Building Official
City Urban Development and Housing Officer
City Social Welfare and Development Officer
City Environment and Natural Resources Officer (CENRO)
DILG representative and/or ABC President
Local Commission on Audit (COA)
Representative of Key Shelter Agencies (KSA)
Representative of Federation of different Community Housing Associations (urban poor) existing in a locality if there is any, and/or any NGO/PO on housing related issues Representative of any private professional practitioners in housing like CREBA, SHDA and other housing related organizations existing in a locality city/municipal or at provincial level, if there is any.
(SP could add any Sangguniang members as many as they can, if necessary, as members)

SECTION 4. MEETING AND QUORUM.

- a. The local board shall meet at least once a month or as often as may be necessary.
b. The Chairman or the co-chairman or any five (5) members may call a meeting. A majority of all of its members shall constitute a quorum.

SECTION 5. BENEFITS. The Board may submit to the SP for approval a scheduled honorarium for the members of the Board for each meeting, if funds are available subject to existing rules and regulations.

SECTION 6. BUDGET REQUIREMENT.

- a. The Board shall submit to the SP for approval, its operational requirements for the administrative operations of the CONUDHOB for the current year, and every year thereafter, that will cover the salaries and wages, benefits, travel expenses (accommodation/transportation, meals allowances, etc.) and other incidental expenditures.
b. The Board shall also submit to the SP for consideration and approval an annual supplemental budget when necessary, that will be appropriated or shall be taken from its share of the one half (.05%) socialized housing tax on real properties.

SECTION 7. PRIORITIES FOR FINANCIAL ASSISTANCE. The CONUDHOB shall extend financial assistance as priorities to the following:

- a. Victims of evictions and demolitions, if there is no available relocation or resettlement project as defined under Sec. 28 of UDHA.
b. Financial assistance to registered and accredited community housing associations for the purpose of equity and other incidental expenses of housing related projects.

- c. Earnest money to pay private landowners for housing projects.
- d. Down payment for the acquisition of private property/right of way for housing related projects.
- e. Expropriation proceedings of private properties/for low-cost and socialized housing projects.

Financial assistance extended to Community Housing Associations (CHA) shall be in the form of a loan with 6% interest rate per annum and payable in installment basis.

SECTION 8. SPECIAL HOUSING AND TRUST FUND.

- a. This provision establishes a Special Account to be called "Special Housing and Trust Fund," to be utilized exclusively for housing purposes.
- b. The proceeds generated from the collection of the additional one half Percent (.05%) tax on real properties shall accrue to the SPECIAL HOUSING AND TRUST FUND (SHTF).
- c. All funds/monies generated and collected from various sources intended for housing and other related development programs shall be deposited by the City Treasurer in any government bank for the exclusive account of the SHTF, in pursuance of the goals and objectives of the Board.
- d. All payments, remittances, accrued interests, penalties and other from the community housing associations which benefited from any financial assistance extended to them by the LGU or from any other sources should be deposited in the same account.
- d. Payments of accreditation of Community Housing Associations (CHA) and Community Mortgage Program (CMP) private originators, CMP Origination fees, share in payment of development permits, locational clearances and land use conversion fees and other fees for housing related activities are sample of sources of funds for the Special and Housing Trust Fund (SHTF)

SECTION 9. COMPENSATION AND RENUMERATION.

- a. The Chairman, Co-chairman and members of the CONUDHOB shall perform their duties and responsibilities without any compensation and remuneration except honorariums as may be granted by the SP in its annual appropriation or supplemental budget.
- b. Members of the Board who are not government employees, either appointed or elected, shall be entitled to necessary traveling expenses and allowances as provided for in its annual appropriation or supplemental budget, subject to existing rules and regulations.

SECTION 10. CITY OF NAGA URBAN DEVELOPMENT AND HOUSING OFFICE (CONUDHO).

- a. To ensure that the policies of the Board are implemented and made operational, the CONUDHO under the Office of the City Mayor is hereby created.

The CONUDHO shall be headed by a person whose rank and position is equivalent to a City Department Head. He/She shall hold the position of Urban Development and Housing Officer. The Office shall be composed of the following personnel:

POSITION	NO. OF PERSONNEL
Urban Development & Housing Officer	1
Secretary	1

Administrative Chief III	1
Draftsman	1
Computer Operator	2
Clerks	3
Community Affairs Staff	3
Project Development Staff	3
Project Evaluation Staff	3
Loan Examiner/Financial Analyst	1

- b. The office will design, program, execute and coordinate all plans, projects and activities relating to the implementation of community-based housing and other appropriate social housing program packages for designated target clientele/beneficiaries.
- c. The office shall have three sections: (1) administrative and services section (2) field operations section (3) technical services section.
- d. The Office shall develop programs and projects meant to enhance community awareness and participation in housing project planning and implementation. It shall also work to hasten access to the delivery of necessary social services (in the areas of education, health and environmental sanitation) to its project communities' residents in the line with the call for a wholistic and integrated development.

SECTION 11. DEMOLITION. The Local Housing Board shall oversee the implementation of Section 28 of The UDHA or R.A. 7279 and its implementing rules and regulations. Provided, however, that the application of the rules and regulations pertaining to just and humane evictions and demolition shall not require proof of the blighted status of the area in question or subject to court resolution. In this regard, the CONUDHOB shall:

- a. Oversee and coordinate government activities relative to consultations, relocations and resettlement of the underprivileged and homeless citizens in cases when evictions and demolitions affecting them are necessary and allowed by existing laws.
- c. Recommend policy measure and/or undertake appropriate action to ensure full compliance with the constitutional mandate and statutory requirements prior to the eviction and/or demolition affecting the underprivileged and homeless citizens; and
- d. Issue directives, rules and regulations, not otherwise inconsistent with existing laws, as it may deem necessary to effectively carry out the purpose of the constitutional mandate to ensure just and humane eviction and demolition.

SECTION 12. COMPLIANCE REPORT. Before undertaking eviction and/or demolition affecting the underprivileged and homeless citizens, the LGU, national government agencies or other proponents of eviction and demolition activities, including employees of judiciary shall submit a compliance report to the local housing board with a statement under oath, that:

- a. Adequate relocation as defined and outlined under pertinent laws, rules and regulations have been sufficiently undertaken.
- b. The pre-relocation and post-relocation phases outlined under pertinent laws, rules and regulations have been carefully observed.

The compliance report shall include a certified list of families to be evicted and/or relocated. It shall be the responsibility of the local development and housing board to submit a regular monthly accomplishment report on all the activities of the said board to DILG and HUDCC Regional Offices which in turn will be sent to DILG/HUDCC central offices respectively.

SECTION 13. COURT ORDERED EVICTION AND DEMOLITION. The CONUDHOB shall represent the LGU in any case before any court, tribunal, quasi-judicial body or agency on eviction and demolition of the underprivileged and homeless citizens as a remedy is sought by the complaining party. In this regard, all complaints for ejection shall include a prayer for the court with proper jurisdiction:

- a. to determine whether the party defendant is an underprivileged and homeless citizen; and
- b. to compel the local government unit and/or party defendant, to establish that the complainant is indeed an underprivileged or homeless citizen, by a preponderance of evidence.

All complaints for ejection which do not contain such prayer shall be treated as a mere "scrap of paper" and shall be dismissed without prejudice to the re-filing of another complaint. Provided, however, that prescriptive period provided for law has not lapsed.

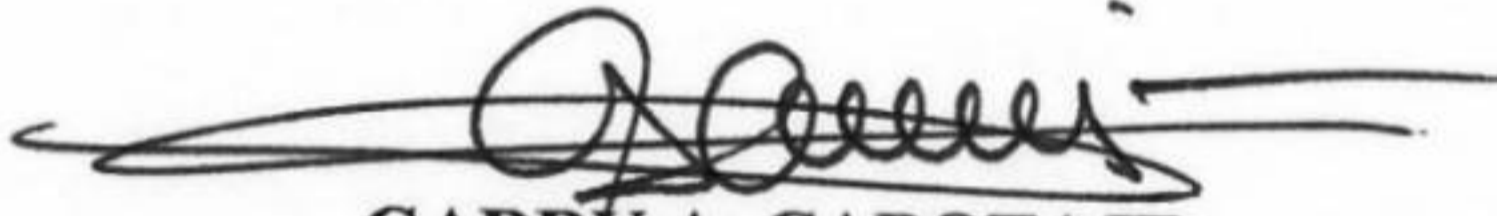
SECTION 14. REPEALING CLAUSE. All ordinances, executive orders or any issuances by the City Mayor inconsistent with the provisions of this Ordinance are hereby repealed or modified accordingly.

SECTION 15. SEPARABILITY CLAUSE. Should any provision of this ordinance be thereafter declared invalid or unconstitutional other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

SECTION 16. EFFECTIVITY. This Ordinance shall take effectively upon its approval in accordance with law.


UNANIMOUSLY APPROVED this 18th day of July 2018, 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:



KRISTINE VANESSA T. CHIONG
City Mayor