Republic of the Philippines
Province of Ilocos Sur
MUNICIPALITY OF SAN VICENTE
OFFICE OF THE SANGGUNIANG BAYAN

Sangguniang Bayan Members:

HON. PAULA CYNTHIA R. VALENCIA

HON. CONRADO R. ROJO

HON. FIDEL R. ALDOS

HON. JUANITA R. RAGIL

HON. ALBERT R. ROLA

HON. WARLITO R. RIDULME

HON. RENATO T. ROJAS

HON. LOU BERNARD R. LAZO

Ex-Officio Members

HON. MELECIO G. DAQUEP SR.

HON. MARK JINDREI L. CAJIGAL

ORDINANCE NO. 10
SERIES 2024

"AN ORDINANCE UPDATING THE SAN VICENTE MUNICIPAL HOUSING BOARD"

WHEREAS, Article XIII, Section 9 of the 1987 Philippine Constitution states that the State shall, among others, "by law, and for the common good, undertake, in cooperation with the private sector, a continuing program of urban land reform and housing which will make available at affordable cost, decent housing and basic services to under-privileged and homeless citizens in urban centers and resettlement areas";

WHEREAS, the Local Government Code (LGC) of 1991 mandates the Local Government Unit (LGU) with the responsibility to provide basic services and facilities including programs and projects for low-cost housing mass dwellings;

WHEREAS, Republic Act No. 7279 (Urban Development and Housing Act) also provides for the preparation for a comprehensive and continuing housing program, establishes the mechanism for each implementation and for other purposes;

WHEREAS, Executive No. 152, series of 2002, establishes for the purpose a mechanism that ensures strict compliance with the requirement of just and humane demolition and eviction under the Urban Development and Housing Act of 1992;

WHEREAS, Executive Order No. 708, series of 2008 amended EO No. 152, series of 2002 and devolved the function of the Presidential Commission for the Urban Poor as the clearing house of the conduct of demolition and eviction activities involving homeless and underprivileged citizens to the respective LGUs having territorial jurisdiction over the proposed demolition and eviction activities of government agencies;

WHEREAS, DILG Memorandum Circular No. 2008-143 dated September 19, 2008, mandates the creation of the Local Housing Board in every municipality that shall undertake activities related to demolition and eviction involving homeless and underprivileged citizens;

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WHEREAS, the Local Government of San Vicente recognizes the need for a long-term housing plan through the adoption of the Local Shelter Plan and as an integral part of the socio-economic development of the Municipality;

NOW THEREFORE, be it ordained, by the Sangguniang Bayan of San Vicente in session assembled:

Section 1. Creation. Pursuant to Executive Order No. 708, S. 2008, there is hereby created a Local Housing Board which shall be called as the ***San Vicente Municipal Housing Board of 2024***.

Section 2. Composition. The San Vicente Municipal Housing Board, which shall hereinafter be referred to as the "Board" shall be composed of the following:

Chairperson:	**HON. JONAN D. TABANDA** Municipal Mayor
Co-chairperson:	**HON. JOSE C. TABANDA III** Municipal Vice-Mayor
Members:	
	HON. RENATO T. ROJAS SBM,Chairman, Committee on Housing
	HON. MELECIO G. DAQUEP Liga ng Barangay (LNB) President
	MR. JOE MAR CASTILLO Municipal Planning & Development Coordinator
	ENGR. JOSHUA RODILLAS Municipal Engineer
	MRS. JOSEFINA TAMARGO San Vicente Multipurpose Cooperative/ CSO Representative
	MRS. GILDA RAGASA Rural Improvement Club President
	Representative from the Presidential Commission for the Urban Poor

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Section 3. Powers and Functions. As the sole clearing house for eviction and demolition activities concern places and government projects, the Board shall exercise the following powers and functions:

1. Monitor all evictions and demolitions, whether voluntary, extra-judicial. summary, a 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; and

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.

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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 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 (15) working 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 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 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 within the period 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.

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Section 5. Authorized Police Assistance. A proponent of an eviction and demolition, may be provided with duly authorized police assistance only upon prior compliance with the statutory requirements under section 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 a 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 purposes of the above, a written request by the sheriff for police assistance in the implementation of a court order or 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 the date of eviction or 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.

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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 Section 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 Boards' presence or its representative during the conduct of an eviction and demolition.

In the 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 conduct of an actual eviction and demolition and prepares a detailed report on the compliance or non-compliance of said activity to Section 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 (Exe Com) from among its members to represent it and 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. The Municipal Government shall appropriate at least one percent (%) of its Annual Internal Revenue Allotment (IRA) for the operations and activities of the Board.

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Section 11. Cooperation of Concerned Agencies. The Board shall coordinate with all concerned government agencies, such as the Department of 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), 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. Submission of Periodic Reports. The Board shall submit quarterly reports to the Department of Interior and Local Government through the DILG Regional Office, relative to the status of compliance with the provision of this Ordinance and the pertinent provisions of laws governing eviction, demolition and relocation activities.

Section 13. Penalties. 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:

1. Disciplinary action under Book 1, Title Two, Chapter 4 of the Local Government Code; or
2. Prosecution under the penalty clause of RA No. 7279, quote: Section 45. Penalty Clause- Any person who violates any provision of this Act shall be imposed the penalty of not more than six (6) years of imprisonment or a fine of not less than Five Thousand Pesos (P5,000.00) but not more than one Hundred Thousand Pesos (P100,000.00) or both, at the discretion of the court.

Section 14. Repealing Clause. All ordinances and other municipal issuances, or any part or parts thereof, which are inconsistent with the provisions of this ordinance are hereby repealed or modified accordingly.

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Section 15. Separability Clause. Should any provision of this Ordinance declared invalid, the validity of the other provisions hereof shall unaffected thereby.

Section 16. Effectivity. This ordinance shall take effect upon its approval.

ENACTED: June 25, 2024.

Certified Correct:

Sgd.
MARIUS CLIFFORD R. BILLEDO
SB Secretary

ATTESTED:

Sgd.
JOSE C. TABANDA III
Vice Mayor/Presiding Officer

APPROVED:

Sgd.
JONAN D. TABANDA
Municipal Mayor