

REPUBLIKA NG PILIPINAS
PAMAHALAANG LUNGSOD NG MUNTINLUPA
KALAKHANG MAYNILA

Sangguniang Panglungsod

ORDINANCE NO. 02-039

AN ORDINANCE REQUIRING ALL PRIVATE AND GOVERNMENT ORIGINATORS OPERATING AND DOING BUSINESS OR SERVICES WITHIN THE CITY OF MUNTINLUPA TO SECURE ACCREDITATION FROM THE SANGGUNIANG PANLUNGSOD AND REGISTER WITH THE BUSINESS PERMIT AND LICENCE OFFICE (BPLO), AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

- Sponsored: *Hon. Mamerto T. Sevilla, Jr.*
Hon. Rufino B. Joaquin
Hon. Francis Ian T. Bagatsing
Hon. Rene Carl S. Cayetano
Hon. Patricio L. Boncayao, Jr.
Hon. Nicanor L. Echavez, Jr.
Hon. Allan Rey A. Camilon
Hon. Raul R. Corro
Hon. Icasiano M. Dela Rea
Hon. Elmer S. Espeleta
Hon. Mario E. Bulay, Jr.

WHEREAS, under Article 1, Section 1 (a) of Republic Act 7279, otherwise known as the Urban Development and Housing Act of 1992, it shall be the policy of the State to undertake, in cooperation with the private sector, a comprehensive and continuing Urban Development and Housing Program by uplifting the conditions of the underprivileged and homeless citizens in urban areas and in resettlement areas by making available to them decent housing at affordable cost xxxxx;

WHEREAS, Section 34 of Republic Act 7160, otherwise known as the Local Government Code of 1991 provides that Local government units shall promote the establishment and operation of people's and non-governmental organizations to become active partners in the pursuit of local autonomy;

WHEREAS, as embodied in Section 16 of the same Code, the preservation of comfort and convenience of the inhabitants are essential to the promotion of the general welfare;

WHEREAS, an originator is an organization or a non-governmental organization who is supposed to help the community association (CA) to get organized and registered with the appropriate government agency, document the loan and mortgage, assist the CA in the negotiations with the landowner for the purchase of the property and act as the creditor-mortgagee, then assign the rights to the loan and mortgage to the National Home Mortgage Finance Corporation (NHMFC), yet these functions have been abused by some originators, to the detriment of the poor community association's welfare;



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WHEREAS, there is an urgent need to accredit private originators to prevent situations where bogus or "fly-by-night" originators promise to commit their services to the CA with the assurance of expediting the documentation and processing of its application for a community mortgage program under the government, only to end up collecting the CA's money without fulfilling any of its promises;

NOW, THEREFORE, BE IT ORDAINED AS IT IS HEREBY ORDAINED by the Sangguniang Panglungsod of Muntinlupa that:

Section 1. **SCOPE OF THE ORDINANCE.** This Ordinance shall cover all private and government originators operating and doing business or services within the City of Muntinlupa to secure accreditation with the Sangguniang Panglungsod and thereafter, register and pay the corresponding fees/taxes with the BPLO.

Section 2. **DEFINITION OF TERMS:** As used in this Ordinance, the following terms are hereby defined as follows:

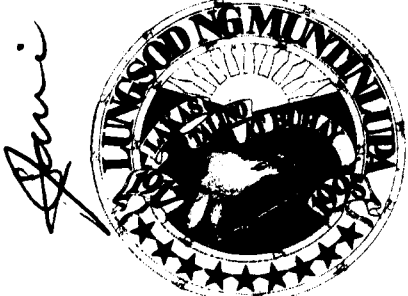
- a. **PRIVATE ORIGINATOR-** shall be an organization or a non-governmental organization who will help the CA to get organized and registered with the appropriate government agency, document the loan and mortgage, assist the CA in the negotiations with the landowner for the purchase of the property and act as the creditor-mortgagee, then assign the rights to the loan and mortgage to NHMFC;
- b. **COMMUNITY ASSOCIATION-** may be the basic organization, who is a borrower composed of the beneficiaries of the loan and is registered with the appropriate government agencies, either with the Securities and Exchange Commission, Cooperative Development Authority, or Housing and Land Use Regulatory Board;
- c. **CA-** Community Association;
- d. **BPLO-** Business Permit and License Office;
- e. **UPAO-** Urban Poor Affairs Office;
- f. **SHOPCOM-** the recognized Local Housing Board of the City, known as the Socialized Housing Program Committee;
- g. **NHMFC-** National Home Mortgage Finance Corporation;
- h. **HULRB-** Housing and Land Use Regulatory Board

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Section 3. The Urban Poor Affairs Office (UPAO), through the Socialized Housing Program Committee (SHOPCOM) shall evaluate and screen the application for accreditation of any private originator.

Section 4. REQUIREMENTS FOR ACCREDITATION. Any private originator applying for accreditation shall be required to submit the following documents to the Sangguniang Panlungsod, to wit:

- a. SEC Registration;
- b. Original copy of originator's accreditation from NHMFC;
- c. Previous year's Financial Statement;
- d. NBI Clearance;
- e. Favorable recommendation from UPAO (SHOPCOM);

Section 5. IMPLEMENTING AGENCY. The BPLO, in coordination with the UPAO shall be the implementing agency in case of non-accreditation and or registration by any of the originators.

Section 6. EXEMPTION. This Ordinance shall not apply if the originator is the City Government of Muntinlupa.

Section 7. PENALTY CLAUSE. Any private or government originator who violates the provision of this Ordinance shall be penalized with a fine of Five Thousand Pesos (P5,000.00) or an imprisonment of six (6) months to one (1) year, or both at the discretion of the court. Provided that, if the offender is a corporation, foundation or association, the penalty shall be imposed on the officers who caused the violation.

The fine imposed under this Ordinance must be paid within thirty (30) days, otherwise the case shall be filed in court.

Aside from the fine and/or imprisonment abovementioned, the UPAO (SHOPCOM) shall recommend to the NHMFC the revocation/cancellation of the private originator's accreditation.

Section 8. SEPARABILITY CLAUSE. If, for any reason, any part or provision of this Ordinance shall be declared unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

Section 9. REPEALING CLAUSE. All ordinances or part or parts thereof, which are inconsistent with any of the provisions of this Ordinance are hereby repealed or modified accordingly.

Section 10. EFFECTIVITY CLAUSE. This Ordinance shall take effect immediately after publication in any newspaper of general circulation in the City.

Bagatsing

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APPROVED, by the Sangguniang Panlungsod of Muntinlupa during its 25th Regular Session on the 14th day of March, 2002.

CONCURRED:

DR. NICANOR L. ECHAVEZ
Councilor

ELMER S. ESPELETA
Councilor

ATTY. PATRICIO L. BONCAYAO, JR.
Councilor

FRANCIS IAN T. BAGATSING
Councilor

ALLAN REY A. CAMILON
Councilor

RENE CARL S. CAYETANO
Councilor

ATTY. RAUL R. CORRO
Councilor

MARIO E. BULAY, JR.
Councilor

ATTY. ICASIANO M. DELA REA
Councilor

MAMERTO T. SEVILLA, JR.
Councilor

RUFINO B. JOAQUIN
Councilor

ABSENT:

BAL NIEFES
Councilor

VICTOR L. ULANDAY
Councilor

MELCHOR R. TEVES
Councilor

LUCIO B. CONSTANTINO
Councilor



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ARTEMIO A. SIMUNDAC
Sectoral Representative
President
Association of Barangay Captains

I HEREBY CERTIFY, as to the correctness of the foregoing Ordinance.

ATTY. ISIDORO L. SORIANO, JR.
Secretary
SANGGUNIANG PANLUNGSOD

ATTESTED:

ALDRIN L. SAN PEDRO
Acting Vice Mayor/Presiding Officer

APPROVED:

ATTY. JO JASON T. ALCARAZ
Acting City Mayor
Date: _____

LITO B. SALAMAT, JR. 01/03/02
/NORY