



REPUBLIKA NG PILIPINAS  
PAMAHALAANG LUNGSOD NG MUNTINLUPA  
KALAKHANG MAYNILA



Sangguniang Panlungsod



ORDINANCE NO. 17-091

AN ORDINANCE DESIGNATING THE LOCAL HOUSING BOARD OF THE CITY OF MUNTINLUPA AS THE SOLE DEMOLITION CLEARING HOUSE IN THE CONDUCT OF DEMOLITION AND EVICTION UNDER SECTION 28 OF REPUBLIC ACT 7279 AND DEFINING ITS POWERS AND FUNCTIONS AS SUCH, AMENDING SECTION 9 OF MUNTINLUPA CITY ORDINANCE NO. 03-084, AND ESTABLISHING THE COVERAGE AND APPLICATION FOR EVICTION AND DEMOLITION CERTIFICATES OF COMPLIANCE.

Sponsored by: *Hon. Coun. Mark Lester M. Baes*  
*Hon. Coun. Atty. Patricio L. Boncayao, Jr.*  
*Hon. Coun. Bal Niefes*  
*Hon. Coun. Stephanie G. Teves*  
*Hon. Coun. Allan Rey A. Camilon*  
*Hon. Coun. Ringo A. Teves*  
*Hon. Coun. Louisito A. Arciaga*  
*Hon. Coun. Alexander Diaz*  
*Hon. Coun. Ivey Rhia Arciaga-Tadefa*  
*Hon. Coun. Ma. Dhesiree G. Arevalo*  
*Hon. Coun. Marissa Cole-Rongavilla*  
*Hon. Coun. Lucio B. Constantino*  
*Hon. Coun. Rafael T. Sevilla*  
*Hon. Coun. Victor L. Ulanday*  
*Hon. Coun. Walter A. Arcilla - ABC*

**WHEREAS**, Section 10, Article XIII of the 1987 Constitution dealing with Social Justice and Human Rights states that: "Urban and rural poor dwellers shall not be evicted nor their dwellings demolished, except in accordance with law and in a just and humane manner."

**WHEREAS**, pursuant to such constitutional mandate, Section 28 of Republic Act No.7279 or the Urban Development and Housing Act (UDHA) of 1992 prescribes the instances where evictions maybe undertaken as well as imposes certain requirements that must be met for an eviction involving homeless and underprivileged citizens to become valid.

**WHEREAS**, Executive Order 152, series of 2002 designated the Presidential Commission for the Urban Poor as the sole Clearing House for the conduct of demolition and eviction activities involving homeless and underprivileged citizens and establishing for the purpose a mechanism to ensure strict compliance with the requirements of just and humane demolition and eviction under the Urban Development and Housing Act of 1992 and for other purposes.

*[Handwritten signatures on the left margin]*

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**YAN ANG TAMA YAN ANG MUNTINLUPA!**



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**WHEREAS**, Executive Order 708, series of 2008, amended Executive Order 152, series of 2002, and devolved the functions of the Presidential Commission for the Urban Poor as the clearing house for the conduct of demolition and eviction activities involving homeless and underprivileged citizens to the respective Local Government Units (LGUs) having territorial jurisdiction over the proposed demolition and eviction activities of government agencies.

**WHEREAS**, Section 2 of Executive Order 708 series of 2008 also required the creation of a Local Housing Board or any similar body through an appropriate ordinance before conducting the clearing house functions mandated in above-mentioned Executive Order 708

**WHEREAS**, City Ordinance No. 03-084 converted the then Socialized Housing Program Committee of the City of Muntinlupa into its Local Housing Board and provided for its composition as well as defined its powers and functions.

**WHEREAS**, Section 2 of City Ordinance No. 06-097, which amended City Ordinance No. 03-084, read as follows: "Section 9 of City Ordinance No. 03-084 hereby amends its title 'Demolition Clearing House' and shall now be read as 'Role of the Local Housing Board in the conduct of Demolition'."

**WHEREAS**, the Department of Interior and Local Government (DILG) Memorandum Circular 2009-05, which amended DILG Memorandum Circular 2008-143, prescribes the exemptions to the requirements for Compliance Certificates in the conduct of eviction and demolitions.

**WHEREAS**, there is a need to clearly designate the Local Housing Board of the City of Muntinlupa as the sole clearing house in the conduct of eviction and demolition in compliance with existing laws, executive orders, rules and regulation and define its powers and functions as such.

**NOW THEREFOR, BE IT ORDAINED, AS IT IS HEREBY ORDAINED**, by the 8<sup>th</sup> Sangguniang Panglungsod of Muntinlupa, Metro Manila, by virtue of the powers vested in it by law, in Session assembled, that:

**SECTION 1. Title.** This ordinance shall be known as "**An Ordinance Designating the Local Housing Board of the City of Muntinlupa as the Clearing House for Eviction and Demolition under Section 28 of the Urban Development and Housing Act of 1992 and defining its powers and functions as such.**"

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**SECTION 2. Definition of Terms.** For purposes of this ordinance:

1. **Available Funding** – refers to the money available, sufficient and disburseable for the commencement and usability of a government infrastructure project as formally certified by the appropriate government agency.
2. **Certificate of Compliance (COC)** – refers to the certificate duly issued by the Local Housing Board (LHB) or a substantially equal body of the concerned Local Government Units mandated as the sole clearing house prior to the conduct of eviction or demolition showing that all the legal requirements have been satisfactorily complied with by the proponent or the agency authorized to evict and demolish.
3. **Clearing House** – refers to the local government and/or its authorized body or any government agency legally authorized to issue the Certificate of Compliance prior to the conduct of eviction and/or demolition under the Urban Development and Housing Act of 1992.
4. **Court Order** – refers to a writ of execution and/or demolition issued by a court of competent jurisdiction. This does not include orders and decisions of courts of competent jurisdiction which merely grant or lift temporary restraining orders, permanent or indefinite injunctions/prohibitions arising from actions filed relative to initial Extra-judicial Eviction and Demolition orders as defined herein. Neither does this include writs, orders and/or decisions of courts of competent jurisdiction that do not involve underprivileged and homeless citizens.
5. **Danger Areas** – refers to areas which when occupied for residential purposes actually pose danger to the life, safety and property of either the concerned residents or of the general community. The danger is due to an unavoidable source of probable harm to human life or well-being.
6. **Demolition** – refers to the dismantling by the Local Government Unit, any legally authorized agency or personnel of the government of all structures within the premises subject for clearing.
7. **Extra-judicial Eviction and Demolition** – refers to the Eviction of underprivileged and homeless citizens and/or the demolition of their dwellings located in danger areas such as “esteros”, railroad tracks, garbage dumps, riverbanks, shorelines, waterways, public places such as sidewalks, public cemeteries, roads, parks and playgrounds; or the Eviction of underprivileged and homeless citizens and/or the demolition of their dwellings because of government infrastructure projects with available funding that are about to be implemented by the national or local governments or any legally authorized government agency without need of a court order pursuant to section 28 (a) and (b) of the UDHA Law.



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- 8. **Eviction** – refers to the removal of a person and their belongings from a subject building, structure or area, or both.
- 9. **Government-Funded Infrastructure Project** – refers to a government initiated project for purposes of enhancing, introducing or adding to the local or national infrastructure, such as the interrelated web of roads, highways, public buildings, socialized housing projects, public utilities, flood control projects and the like.
- 10. **New Squatter** – refers to individuals or groups who occupy land without the express consent of the landowner after March 28, 1992. Their structures shall be dismantled and appropriate charges shall be filed against them by the proper authorities if they refuse to vacate the premises.
- 11. **Professional Squatters** – refers to individuals or groups who occupy lands without the express consent of the landowner and who have sufficient income for legitimate housing. The term shall also apply to persons who have previously been awarded home lots or housing units by the Government but who sold, leased or transferred the same to settle illegally in the same place or in another urban area and non-bona fide occupants and intruders of lands reserved for socialized housing. The term shall not apply to individuals or groups who simply rent land and housing from professional squatters or squatting syndicates.
- 12. **Proponent** – refers to the entity or entities which is undertaking or proposing to undertake a project or program that impacts on the right to adequate housing of the urban poor and marginalized communities. It shall have overall control and responsibility for the project together with concerned government agencies duly constituted in a committee or board.
- 13. **Summary Eviction and Demolition** – refers to the immediate dismantling of new illegal structures by the LGUs or the government agency authorized to conduct Demolition activities and the immediate removal of professional squatters and members of squatting syndicates pursuant to sections 27 and 30 of the UDHA.
- 14. **Underprivileged and Homeless Citizens** – refers to the beneficiaries of the UDHA and to individuals or families residing in urban and urbanizable areas whose income or combined household income falls within the poverty threshold as defined by the National Economic and Development Authority and who do not own housing facilities. This shall include those who live in makeshift dwelling units and do not enjoy the security of tenure.

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15. **Squatting Syndicates** – refers to groups of persons engaged in the business of squatter housing for profit or gain.

16. **Voluntary Demolition and Relocation** – refers to the act of willingly vacating subject premises and the dismantling or demolition or allowing the dismantling or demolition of one's structure.

**SECTION 3.** Section 9 of City Ordinance No. 03-084, as amended by City Ordinance 06-07, is hereby amended as follows:

***“Section 9. CLEARING HOUSE. The Local Housing Board of Muntinlupa shall be the sole Clearing House in the conduct of the demolition and eviction under Section 28 Republic Act 7279 and its implementing rules and regulations. No eviction or demolition shall be implemented without the prior approval of the Local Housing Board of the City and in this regard the Board shall perform the following functions:***

1. Monitor and coordinate government activities relative to consultation, relocation and resettlement of underprivileged and homeless citizens in cases of UDHA beneficiaries where eviction and demolition affecting them are necessary and allowed under existing laws.
2. Recommend policy measure and/ or 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 citizens.
3. Monitor all eviction and demolitions, whether voluntary, extra-judicial summary, or court ordered.
4. Require the proponents of an eviction and demolition to first secure from the board the checklists, guidelines, and eviction and demolition Certificate of Compliance, if not exempted, prior to the actual implementation thereof and, thereafter, submit to the board the completed checklist, attested to under oath by the proponents and indicating that:
  1. Adequate consultations with the affected families have already been undertaken;
  2. Adequate resettlement site and relocation facilities are available; and,

*[Handwritten signatures and names: Victor J. Wandy, Margarita]*



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3. The provision of Section 3, paragraph 1 of the implementing rules and regulation of Section 28 of Republic Act No. 7279 have been complied with.
4. Based on the completed checklist, and subject to further verification, issue demolition and eviction compliance certificates to proposed demolitions and evictions involving homeless and underprivileged citizens.

**SECTION 4. Exemptions on Certificate of Compliance.** The Eviction and Demolition Certificate of Compliance shall not cover the following:

1. Court-order evictions and demolitions;
2. Voluntary Demolition and Relocation;
3. Summary Eviction and Demolition of professional squatters and squatting syndicates and dismantling of new illegal structures; and
4. Evictions and Demolitions undertaken by the National Housing Authority (NHA) within its housing projects pursuant to Presidential Decree No. 1472 against illegal occupants of said housing projects and for violation by awardees of housing and other types of units of the terms and conditions of Lease Contracts, Deeds, or Contracts of Sale other types of agreements executed with the NHA.

**SECTION 5. Application for Certificate of Compliance (COC).**

Proponents of an eviction and demolition that is not covered by the exemptions set forth in the preceding section shall, prior to actual eviction and demolition, secure a Certificate of Compliance from the Board. The process of applying for the said Certificate shall be as follows:

- a) The proponent shall obtain from the Board, the proper application form for the COC 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.
- b) If the application is sufficient in form and substance, the Board, upon verification, approves the application, issues the proper COC and notifies the proponent.
- c) The COC 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 period, an authorization or approval for the rendering of police assistance, validity period, the date of issuance, and the authorized signature.

*Yan Ang Tama*  
**YAN ANG TAMA YAN ANG MUNTINLUPA!**



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- d) 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.

In the event that the deficiency is not complied with the periods mentioned herein, the proponents shall be required to re-apply for a new compliance certificate.

- e) In case where the board issues a COC or the proponent has already complied with the deficient requirements for application and thus acquired a COC, the eviction and demolition proceeds as a matter of course.

**SECTION 6. Penalties and Sanctions.** Failure to comply with the requirements as stated in this Ordinance or any act of misrepresentation or fraud in connection with any information contained in any application for the Certificate of Compliance or in securing the same, shall subject government officials or employees responsible for such omission, misrepresentation or fraud to:

1. Disciplinary action under Book 1, Title Two, Chapter 4 of Republic Act 7160 or the Local Government Code; or
2. Prosecution under the penalty clause of Republic Act 7279 or the UDHA Law, 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 (Php5,000) but not more than One Hundred thousand pesos (Php100,000), or both, at the discretion of the court xxx.”**

**SECTION 7. Separability Clause.** If for any reason, any part/s or provision/s 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 8. Repealing Clause.** All ordinances, resolutions, executive orders, rules and regulations or part/s thereof, which are inconsistent with any of the provisions of this Ordinance are hereby repealed or modified accordingly.

**SECTION 9. Effectivity Clause.** This Ordinance shall take effect immediately upon its approval.

ENACTED, by 8<sup>th</sup> Sangguniang Panlungsod of Muntinlupa this 29<sup>th</sup> day of May, 2017 on its 36<sup>th</sup> Regular Session.

*[Handwritten signatures and names: Wanda, Maragido]*  
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CONCURRED:

DISTRICT I:

*[Signature]*  
COUN. ATTY. PATRICIO L. BONCAYAO, JR.  
Member

*[Signature]*  
COUN. BAL NIEFES  
Member

*[Signature]*  
COUN. STEPHANIE G. TEVES  
Member

*[Signature]*  
COUN. ALLAN REY A. CAMILON  
Member

*[Signature]*  
COUN. RINGO A. TEVES  
Member

*[Signature]*  
COUN. LOUISITO A. ARCIAGA  
Member

*[Signature]*  
COUN. ALEXANDER B. DIAZ  
Member

*[Signature]*  
COUN. IVEE RHIA A. TADEFA  
Member

DISTRICT II:

*[Signature]*  
COUN. MA. DHE SIREE G. AREVALO  
Member

*[Signature]*  
COUN. MARISSA C. RONGAVILLA  
Member

*[Signature]*  
COUN. MARK LESTER M. BAES  
Member

*[Signature]*  
COUN. LUCIO B. CONSTANTINO  
Member

*[Signature]*  
COUN. RAFAEL T. SEVILLA  
Member

*[Signature]*  
COUN. VICTOR L. ULANDAY  
Member





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**COUN. WALTER A. ARCILLA**  
*Sectoral Representative*  
*President*  
*League of Barangay Captains*

**ABSENT:**

**COUN. ATTY. PATRICIO L. BONCAYAO, JR.**  
*Member*

**COUN. CHRISTINE MAY A. ABAS**  
*Member*

**COUN. GRACE B. GONZAGA**  
*Member*

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

**CECILIA C. LAZARTE**  
*Secretary*

**ATTESTED:**

**CELSO C. DIOKO**  
*City Vice-Mayor/Presiding Officer*

**APPROVED:**

**ATTY. JAIME R. FRESNEDI**  
*City Mayor*

Date: 06 JUN 2017

Norie/8<sup>th</sup> SP



File



REPUBLIC OF THE PHILIPPINES  
**CITY OF MUNTINLUPA**  
OFFICE OF THE CITY ATTORNEY



10 April 2017

**COUNILOR LESTER BAES**  
Sanguniang Panlungsod

RE: Ordinance Designating LHB as Sole Demolition/Evictor Clearing House

Dear **Councilor Baes**:

This refers to the draft ordinance entitled, "AN ORDINANCE DESIGNATING THE LOCAL HOUSING BOARD OF THE CITY OF MUNTINLUPA AS THE SOLE DEMOLITION CLEARING HOUSE IN THE CONDUCT OF DEMOLITION AND EVICTION UNDER SECTION 28 OF REPUBLIC ACT 7279, AND DEFINING ITS POWERS AND FUNCTIONS AS SUCH, AMENDING SECTION 9 OF MUNTINLUPA CITY ORDINANCE NO. 03-084, AND ESTABLISHING THE COVERAGE AND APPLICATION FOR EVICTION AND DEMOLITION CERTIFICATES OF COMPLIANCE", referred to this Office for review.

The proposed ordinance designates the Local Housing Board (LHB) of the City of Muntinlupa as the sole clearing house in the conduct of demolition and eviction under Section 28 of RA No. 7279 and defines its duties and functions as such.


Upon careful perusal of the subject ordinance, this Office interposes no objection to the designation of the Local Housing Board as sole clearing house for demolition and eviction activities of homeless and underprivileged citizens as the same is consistent with the mandate of Executive Order No. 708, Series of 2008, and implemented in DILG Memorandum Circular No. 2008-143.

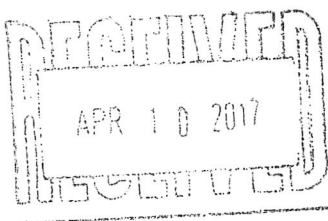
We hope the foregoing addresses your concerns.

Very truly yours,


  
**ATTY. CHONA M. ORBITA**  
Attorney IV

Noted by:

  
**ATTY. GENALYN C. ESTRERA**  
Officer-In-Charge



KAREN  
COUN. Baes  
862-23-77 loc. 150

  
5-29-2017  
862-23-77 loc. 150



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