



REPUBLIKA NG PILIPINAS
 PAMAHALAANG LUNGSOD NG MUNTINLUPA
 KALAKHANG MAYNILA
 Telephone no. 861-0181/ Fax: 862-6473
 Email address: sangguniangpanlungsod2k16@gmail.com



ORDINANCE NO. 18-174

AN ORDINANCE CREATING THE SQUATTING PREVENTION AND CONTROL DIVISION AND ITS STAFFING PATTERN UNDER THE OFFICE OF THE MAYOR OF MUNTINLUPA, PRESCRIBING FUNCTIONS AND RESPONSIBILITIES AND APPROPRIATING FUNDS FOR ITS OPERATIONAL AND PERSONNEL REQUIREMENTS.

Sponsored by: *Hon. Coun. Mark Lester M. Baes*
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. Marissa Cole-Rongavilla
Hon. Coun. Victor L. Ulanday
Hon. Coun. Walter A. Arcilla – ABC

WHEREAS, Section 76 of the Local Government Code of 1991 provides that: "Each local government unit shall design and implement its own organizational structure and staffing pattern taking into consideration its service requirements and financial capability subject to the minimum standards and guidelines prescribed by the Civil Service Commission."

WHEREAS, the Sangguniang Panglungsod as the legislative body of the city, shall approve ordinances and pass resolutions for an efficient and effective governance and as provided by Section 454 (c)(2) of the aforementioned Code, "may create such other offices as may be necessary to carry out the purposes of the city government;"

WHEREAS, Section 458 (1) of the same Code has likewise provided that the Sangguniang Panglungsod sha "(viii) Determine the positions and the salaries, wages, allowances and other emoluments and benefits of officials paid wholly or mainly from city funds and provide for expenditures necessary for the proper conduct of programs projects, services, and activities of the city government;"

WHEREAS, Sec. 27 of Republic Act No. 7279, otherwise known as the "Urban and Housing Development Act of 1992", mandates the Local Government Units in cooperation with the Philippine National Police, Presidential Commission for the Urban Poor-accredited Urban Poor Organization xxx to adopt measures to identify and effectively curtail the nefarious and illegal activities of professional squatters and squatting syndicates, as defined in Art. I, Sec. 3, Par. (m) and (s) of said Act;

WHEREAS, Sec. 28 of the aforementioned Act likewise allows eviction or demolition under the following situations:



Signature

Signature

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Signature

Victor L. Ulanday

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a) When persons or entities occupy danger areas, such as esteros, railroad tracks, garbage dumps, riverbanks, shorelines, waterways, and other public places such as sidewalks, roads, parks and playgrounds;

b) When government infrastructure projects with available funding are about to be implemented; or

c) When there is a court order for eviction and demolition.

WHEREAS, Sec. 30. (*Prohibition against New Illegal Structure*) of the said Act further provides that: "It shall be unlawful for any person to construct any structure in areas mentioned in Sec. 28 of RA 7279". In addition, paragraph 2 of the said Section also provides that: "After the effectivity of RA 7279, the barangay, municipal or city government units shall prevent the construction of any kind of illegal dwelling units or structure within their respective localities. The head of any local government unit concerned, who allows, abets or otherwise tolerates the construction of any structure in violation of this section shall be liable for administrative sanction(s) under existing laws and for penal sanction(s) provided for in this Act";

WHEREAS, Article 638 of Republic Act No. 386, the "Civil Code of the Philippines" provides that riverbanks and streams, even in case they are of private ownership are subject throughout their entire length and within a zone of three (3) meters along margins, are subject to the easement of public use in the interest of recreation, navigation, floatage, fishing and salvage.

WHEREAS, Article 51 of Presidential Decree No. 1067, otherwise known as the "Water Code of the Philippines" also provides that the banks or rivers and streams and the shores of the seas and lakes through their entire length and the within the zone of three (3) meters in urban areas, twenty (20) meters in agricultural areas and forty (40) meters in forest areas, along their margins are subject to the easement of public use in the interest of recreation, navigation, floatage, fishing and salvage. No person shall be allowed to stay in this zone longer than what is necessary for recreation, navigation, floatage, fishing or salvage or to build structure of any kind;

WHEREAS, on December 10, 2002, Her Excellency President Gloria Macapagal Arroyo issued Executive Order No. 153 instituting the national drive to suppress and eradicate Professional Squatting and Squatting Syndicates, amending Executive Order Nos. 178, Series of 1999 and Executive Order 129, Series of 1993;

WHEREAS, the City Government of Muntinlupa signifies its full support to the said campaign against professional squatters and squatting syndicates, thus the issuance by the honourable City Mayor of Muntinlupa, ATTY. JAIME R. FRESNEDI of an Executive Order No. 19, Series 2014, as amended by Executive Order No. 38, Series of 2014, entitled: "Providing for the reorganization of the **Muntinlupa City Special Task Force On Squatting Prevention**";

Victor L. Alandy





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WHEREAS, the *Department of Interior and Local Governments (DILG)* issued a *Memorandum Circular No. 2017-89* dated July 18, 2017 directing all Cities and Municipalities to enact ordinances declaring danger areas as no build zones. It also directs LGUs to prevent the construction of any kind of illegal dwelling units or structures within their respective areas of jurisdiction.

WHEREAS, in order for the city to ensure the effectivity and *sustainability* of its programs and services, there is an urgent need to further strengthen the campaign against illegal settlements, professional squatters and squatting syndicates through the creation of a dedicated division for this sole purpose with its own operational capabilities and specialized training.

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

Section 1. Creation – There is hereby created a *Squatting Prevention and Control Division (SPCD, for brevity)* under the Office of the Mayor of Muntinlupa, to be headed by a Project Development Officer as Division Head, with a monthly compensation equivalent to Salary Grade-22. The SPCD shall be composed of two (2) sections, namely: (1) Administrative Section and (2) Prevention, Control and Enforcement Section.

Section 2. Mandate – The SPCD shall plan, coordinate, implement and intensify the City Government campaign against professional squatters, squatting syndicates and new illegal settlements of informal settler families (ISFs) along prohibited areas as enumerated by Sec. 29 of RA 7279 (UDHA), Executive Order No. 153 and related laws and issuances. It shall be responsible in the implementation of the Implementing Rules and Regulations (IRR) governing Summary Eviction as provided by Section 27, 28 and 30 of the said Act.

Section 3. Staffing Pattern – There is hereby created the following plantilla positions for the Squatting Prevention and Control Division under the Office of the Mayor:

I. Division Chief:

- a.) 1 Project Development Officer IV (SG-22)

II. Administrative Section:

- b.) 1 Administrative Officer V (Admin Officer III SG-18)
- c.) 1 Administrative Officer I (Records Officer I (SG-10)
- d.) 1 Administrative Aide III (Clerk I (SG-3)
- e.) 1 Administrative Aide II (Messenger (SG-2)

III. Prevention, Control and Enforcement Section

- f.) 1 Project Development Officer III (SG-18)
- g.) 1 Project Development Officer II (SG-15)
- h.) 1 Project Development Officer I (SG-11)





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Section 4. Functions and Responsibilities – The functions, duties, responsibilities of the above-cited positions are more particularly described as follows

I. Division Chief:

a.) Project Development Officer IV (SG-22)

1. Undertake continuous (24/7) surveillance and monitoring of new, on-going illegal settlements by informal settler families (ISFs) in dangers areas and government lands within the territorial jurisdiction of the City and immediately dismantle the same without notice;

For unoccupied structures whether under construction or completed, notice shall be immediately served addressed to the Punong Barangay. Dismantling of structures shall be enforced within 24 hours; and

For occupied structures, notice shall be issued seven (7) days prior to actual dismantling to provide the occupants enough time to voluntarily vacate and dismantle their structures;

2. Coordinate with Muntinlupa Committee Against Squatting Syndicates and Professional Squatters (MCSSPS) regarding the demolition of informal settler families (ISFs);
3. Identify professional squatters/squatting syndicates in each Barangay;
4. Coordinate with the Urban Poor Affairs Office (UPAO) and Office of the City Engineer (OCE) regarding census survey of ISFs and mapping of illegal structures, respectively;
5. Prepare lists of government lands occupied by ISFs;
6. Undertake demolition in government land in coordination with the following City Offices: UPAO, OCE, Environmental Sanitation Center (ESC), Social Services Department (SSD), City Health Office (CHO), Lake Management Office (LMO), Office of the City Attorney (OCA), Public Order and Safety Office (POSO), Muntinlupa City Traffic Management Bureau (MTMB) and Muntinlupa City Police Office (MCPO) and the barangay concerned.
7. Perform such other functions as may be necessary.

II. Administrative Section

a.) Administrative Officer III (SG-18)

1. Act as the Head of the Administrative Section;





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2. Assist the Division Head in the supervision and implementation of the salient provisions of R.A. 7279;
3. Provide administrative support duties involving records management, budget, personnel, office facilities, supplies and equipment; and
4. Perform such other functions as may be necessary.

b.) Administrative Officer I (Records Officer I, SG-10)

1. Provide efficient creation, utilization, maintenance, retention, preservation, conservation and disposal of public records including the adoption of security measures and vital records protection program; and
2. Perform such other functions as may be necessary.

c.) Administrative Aide III (Clerk I, SG-3)

1. Perform a wide variety of public services to assist clients with daily operational need of the Office, such as encoding, photocopying, cataloguing, circulation and filing records materials and
2. Perform such other functions as may be necessary.

d.) Administrative Aide II (Messenger, SG-2)

1. Collect mails, records, documents and/or any other written inter-office communications and ensure its delivery and dissemination to City Offices and Departments concerned; and
2. Perform such other functions as may be necessary.

III. Prevention, Control and Enforcement Section

a.) Project Development Officer III (SG-18)

1. Over-all in charge of the actual eviction of ISFs and demolition of their illegal structures and shall prepare the eviction report which shall substantially articulate the proceedings, the inventory of belongings removed and structures dismantled;
2. Oversee, monitor and implement Sec. 30 of R.A. No. 7279 regarding new illegal entrants, defined as those guilty of squatting after the effectivity of said Act; and
3. Perform such other functions as may be necessary.



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b.) **Project Development Officer II (SG-15)**

1. Effect summary eviction of illegal structures;
2. Act on all problems relating to squatting and/or new illegal structures of ISFs; and
3. Perform such other functions as may be necessary.

c.) **Project Development Officer I (SG-11)**

1. Effect summary eviction of illegal structures; and
2. Perform such other functions as may be necessary.

Section 5. Personnel Qualifications – The required qualifications of each position shall be those that are prescribed by the Civil Service Commission.

Section 6. Appropriations – Funds necessary for the SPCD's operational and personnel requirements shall be appropriated and included in the City of Muntinlupa General Appropriation Ordinance for the year following the enactment into law and every year thereafter.

Section 7. Separability Clause – If for any reason, any portion or provision of this Ordinance be declared unconstitutional or invalid, the remaining provisions which are not affected thereby shall continue to be in full force and effect.

Section 8. Repealing Clause - All ordinances, resolutions, 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 – This Ordinance shall take effect immediately upon its approval.

ENACTED, by the 8th Sangguniang Panlungsod of Muntinlupa, this 18th day of June 2018, on its 76th Regular Session.

CONCURRED:

DISTRICT I:

COUN. BAL NIEFES
Member

COUN. STEPHANIE G. TEVES
Member

John L. Manday





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COUN. ALLAN REY A. CAMILON
Member


COUN. RINGO A. TEVES
Member

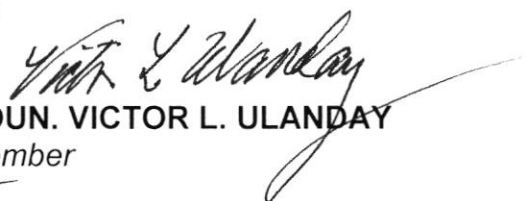

COUN. LOUISITO A. ARCIAGA
Member



COUN. ALEXANDER B. DIAZ
Member


COUN. IVEE RHIA A. TADEFA
Member

DISTRICT II:


COUN. MARK LESTER M. BAES
Member


COUN. VICTOR L. ULANDAY
Member


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

ABSENT:

CELSO C. DIOKO
City Vice-Mayor/Presiding Officer

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


COUN. MA. DHESIREE G. AREVALO
Member

COUN. CHRISTINE MAY A. ABAS
Member

COUN. LUCIO B. CONSTANTINO
Member

COUN. RAFAEL T. SEVILLA
Member

COUN. GRACE B. GONZAGA
Member




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


CECILIA C. LAZARTE
Secretary to the Sanggunian



ATTESTED:


COUN. MARISSA C. RONGAVILLA
Acting Presiding Officer

APPROVED:


ATTY. JAIME R. FRESNEDI
City Mayor

Date: 28 JUN 2018

Norie/8th SP