



REPUBLIKA NG PILIPINAS
PAMAHALAANG LUNGSOD NG MUNTINLUPA
KALAKHANG MAYNILA

Sangguniang Panglungsod

ORDINANCE NO. 98-010

AN ORDINANCE ESTABLISHING FAULT ZONES IN THE CITY OF MUNTINLUPA, PROHIBITING HUMAN ACTIVITY AND USE OF PROPERTY, GRANTING TAX RELIEF AND/OR LAND FOR RELOCATION AND FINANCIAL ASSISTANCE TO PERSONS AFFECTED THEREBY, AND PROVIDING FUNDS THEREFORE.

SPONSORED BY: COUN. JO JASON T. ALCARAZ
COUN. MARIO E. BULAY, JR.
COUN. PATRICIO L. BONCAYAO, JR.
COUN. LUCIO B. CONSTANTINO
COUN. NICANOR L ECHAVEZ, M.D.
COUN. ALDRIN S. SAN PEDRO
COUN. RAUL R. CORRO
COUN. BAL NIEFES
COUN. VICTOR L. ULANDAY
COUN. DANTE S. ALMARIO
COUN. ELMER S. ESPELETA
COUN. REYNALDO A. ABAS, JR.
COUN. ARTEMIO A. SIMUNDAC
COUN. ALLAN REY A. CAMILON

WHEREAS, there exist faults in the City of Muntinlupa which need to be effectively identified, zoned and delineated to promote safety of and provide guidance to the inhabitants of Muntinlupa City and general public;

WHEREAS, it is imperative to prohibit continued human activity and occupancy or use of property on said identified and delineated seismic hazard zones under certain conditions to avoid loss of life and mitigate waste of property;

WHEREAS, under Section 458, in relation to Section 16, of the Local Government Code, the Sangguniang Panglungsod shall have the power to enact ordinances for the promotion of the general welfare by adopting measures to protect the inhabitants of the City from the harmful effects of natural disasters, calamities and any form of nuisance and to provide relief services and assistance, including tax exemption under certain conditions, for victims during and in the aftermath of said disasters or calamities and in their return to productive livelihood following said events;

WHEREAS, appropriate funds are necessary to effect proper implementation of the foregoing related purposes;

WHEREAS, Section 129 of the *Local Government Code of 1991* empowers **Local Government Units** to create its own sources of revenue and to levy taxes, fees, and charges, consistent with the basic policy of local autonomy.

[Handwritten signature]

[Handwritten signature]
[Handwritten signature]

[Handwritten signature]

[Handwritten signature]



REPUBLIKA NG PILIPINAS
PAMAHALAANG LUNGSOD NG MUNTINLUPA
KALAKHANG MAYNILA

Sangguniang Panglungsod

Page 2
Ordinance No. 98-010

NOW, THEREFORE, be it ordained by the Sangguniang Panglungsod of Muntinlupa City the following:

Section 1. This Act shall be otherwise known as the "Fault Zone Ordinance of 1998".

Section 2. Definition of Terms-

- (1) **Fault** – A fracture in the Earth's crust accompanied by a displacement of one side of the fracture with respect to the other and in a direction parallel to the fracture.
- (2) **Danger Zone** – an area of land 5 meters in width from and perpendicular the outer line of each side of the fault and extending the full length thereof up to additional 5 meters on both ends.


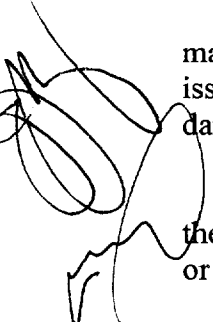
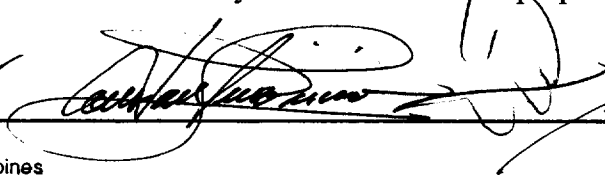
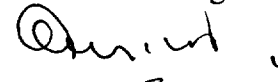

Section 3. The *City Zoning Administrator* shall, within three (3) months from effectivity hereof, be responsible in the production of a comprehensive map defining and delineating the faults and danger zones and shall have the power to engage the services of **Philippine Institute of Volcanology (PHILVOCS)**. The *City Zoning Administrator* shall mark the ground of those found to be within the danger zone by using *color-red* public monuments.

The seismic fault map so produced shall be regularly updated to reflect the existence of subsequent faults and danger zones. The map shall be kept by the *City Zoning Administrator* and be made available to the public upon such reasonable guideline issued by said official.

Section 4. The owner of the real property located within the danger zone and his transferee, shall be required to execute a joint affidavit stating the fact that the property or portion thereof being transferred lies within the danger zones and that said transferee takes the property despite the disclosed risk and restrictions provided herein. The *City Assessor* shall not issue a new tax declaration in favor of the transferee absent said joint affidavit.

Independent of the required joint affidavit, however, the *City Assessor* is hereby mandated to annotate on the existing and subsequent tax declaration the certification issued by the *City Zoning Administrator* that the property or portion thereof lies on a danger zone,

Section 5. Any human activity or occupancy and use of property located within the danger zone maybe prohibited and any existing building or structure therein, in whole or in part, may be condemned and may be demolished after proper notice and hearing.



REPUBLIKA NG PILIPINAS
PAMAHALAANG LUNGSOD NG MUNTINLUPA
KALAKHANG MAYNILA

Sangguniang Panglungsod

Page 3
Ordinance No. 98-010

The **City Engineer** shall have the power and responsibility to issue the notice of condemnation or demolition and, in case of unlawful refusal of occupants or property owners to voluntarily vacate within the grace period stated in the notice, to effect said condemnation or demolition in accordance with **Section 215 of the National Building Code of the Philippines**, other existing laws, ordinances or court decisions.

No building permit shall be issued for the construction of any structure within the danger zone nor shall a permit be issued for the repair of any condemned structure.

Section 6. Financial assistance in an amount not greater than **thirty percent (30%)** of the assessed value, as appearing in the recent tax declaration, of the residential building or structure or portion thereof to be condemned actually used by the owner as the family's dwelling place, but not exceeding **Thirty Thousand Pesos (P 30,000.00)**, shall be granted to the owner of the building or structure who voluntarily vacates the affected area within one (1) month from receipts of condemnation.

If the owner of the affected residential building or structure as mentioned in the preceding paragraph also owns the land where the residential building or structure lies, said owner is entitled to receive a piece of land for relocation in an area yet to be identified by the City Government. Said land to be given shall not be smaller than **thirty square metes (30 sq. m.)** in area but not to exceed **thirty-six square meters (36 sq. m.)**.

Section 7. Tax relief may be granted to an owner of property affected by the fault in accordance to the following:

- a) Any property owner whose vacant land has been declared within the danger zone shall be granted One Hundred Percent (100%) Real Estate Tax exemption;
- b) If there exists a sizeable portion of the land mentioned in the preceding paragraph which may still be utilized by the landowner, said portion shall be taxed accordingly but may be granted a thirty percent (30%) reduction in the fair market value as determined by the Assessor. Provided that if said portion is left unutilized or vacant, a one hundred percent (100%) Real Estate Tax exemption shall be granted.
- c) Any property owner whose land has been declared to be within the danger zone and the improvements thereon condemned, shall be granted One hundred Percent (100%) Real Estate Tax exemption, provided that the property owner voluntarily vacate the building or structure.



REPUBLIKA NG PILIPINAS
PAMAHALAANG LUNGSOD NG MUNTINLUPA
KALAKHANG MAYNILA

Sangguniang Panglungsod

Page 4
Ordinance No. 98-010

- d) If the property owner in the preceding paragraph refuses to vacate notwithstanding the notice of condemnation, a reduction in property value not exceeding fifty percent (50%) of the fair market value as determined by the assessor may still be granted. Provided, however, that the property is used by the owner as dwelling place of the family.
- e) For properties a portion of which is declared to be within the danger zone but the improvement thereon, in whole or in part is not condemned, the property owner is granted one hundred percent (100%) Real Estate Tax exemption over the portion within the danger zone. A reduction in property value not exceeding thirty percent (30%) of the fair market value as determined by the Assessor, maybe granted over the portion not within the danger zone. Provided, however, that the property covered by this provision is not used for any economic activity.



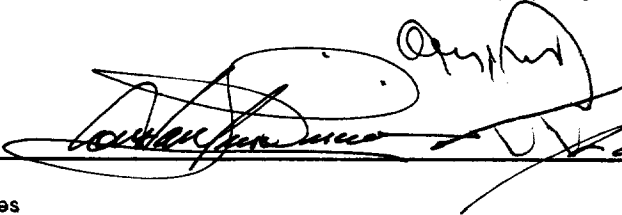


Section 8. For the purpose of financing the activities of this ordinance, there is hereby created a special **Muntinlupa Fault Hazard Fund** to be collected by way of **Hazard Mitigation** fee in all issuance of **Building Permits** based on the following schedule of rates:

- a. One peso and 50/100 (P1.50) per square meter of total floor area for all residential building construction;
- b. Five Pesos (P5.00) per square meter of total floor area for all commercial and industrial building construction;
- c. Five Pesos (P5.00) per square meter of total land area for subdivision, commercial or industrial land development.

The **City Treasurer** shall deposit the **Muntinlupa Fault Hazard Fund** under a separate and distinct account, and its administration or disposition shall be the responsibility of the **City Mayor** in accordance with **Section 6 of this ordinance**. Said fund may also be utilized for the acquisition of land to be used as relocation site provided for in Section 6.

Since the **Muntinlupa Fault Hazard Fund** has yet to be implemented the **Calamity Fund** may initially be used to finance the activities of this ordinance, subject to compliance with the legal requirements governing the use of the Calamity Fund.

Section 9. This ordinance shall be effective **Ten (10)** days from publication.



REPUBLIKA NG PILIPINAS
PAMAHALAANG LUNGSOD NG MUNTINLUPA
KALAKHANG MAYNILA

Sangguniang Panglungsod

Page 5
Ordinance No. 98-010

ENACTED, by the *Sangguniang Panlungsod of Muntinlupa*, this 9th day of November 1998, on its 17th Regular Session.

CONCURRED:

ALDRIN L. SAN PEDRO
Councilor

ATTY. RAUL R. CORRO
Councilor

ATTY. JO JASON T. ALCARAZ
Councilor

ATTY. PATRICIO L. BONCAYAO, JR.
Councilor

BAL NIEFES
Councilor

DR. NICANOR L. ECHAVEZ
Councilor

ARTEMIO A. SIMUNDAC
Sectoral Representative/
President
Association of Barangay Captain

VICTOR L. ULANDAY
Councilor

DANTE S. ALMARIO
Councilor

ELMER S. ESPELETA
Councilor

REYNALDO A. ABAS, JR.
Councilor

LUCIO B. CONSTANTINO
Councilor

MARIO E. BULAY
Councilor

ALLAN KEY A. CAMILON
Sectoral Representative/
President, Federation of
Sangguniang Kabataan

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

NECITO M. GUICO
Secretary
SANGGUNIANG PANLUNGSOD



REPUBLIKA NG PILIPINAS
PAMAHALAANG LUNGSOD NG MUNTINLUPA
KALAKHANG MAYNILA

Sangguniang Panglungsod

Page 6
Ordinance No. 98-010

ATTESTED:

VICENTE Y. CHUA
Vice Mayor/Presiding Officer

APPROVED:

ATTY. JAIME R. FRESNEDI
City Mayor

Date: _____