



CITY ORDINANCE NO. 269

December 7, 2000

AN ORDINANCE DEFINING THE POLICIES GOVERNING THE RELOCATION AND RESETTLEMENT PROJECTS OF BACOLOD.

Be it ordained by the Sangguniang Panlungsod, that:

PREMISES:

WHEREAS, Bacolod City has two existing relocation and resettlement projects;

WHEREAS, until today, there are no policies and guidelines that govern the qualification, selection of beneficiaries, the disposition and allocation of residential lots, lot pricing and cost recovery;

WHEREAS, the National Housing Authority has given Bacolod City more than P42.0 Million for its resettlement projects with the condition that the cost be recovered through sale of the lots and proceeds therefrom be used for additional resettlement projects;

WHEREAS, in the light of the City's plan to go on landbanking for eventual implementation of relocation and resettlement projects, there is an urgent need for the promulgation of policies and guidelines.

NOW THEREFORE, realizing the urgent need to set the policies and guidelines to govern the City's relocation and and resettlement projects, the following are proposed:

RULE I

TITLE, OBJECTIVES AND DEFINITION OF TERMS

Section 1. Title. This ordinance shall be known as the "Policies Governing the Relocation and Resettlement Projects of Bacolod City".

Section 2. General Objectives. Relocation and Resettlement Projects of the City are designed to address the urgent need of the landless urban poor by providing security of land tenure and improve their environmental and socio-economic conditions.

Section 3. Specific Objectives.

a.) To identify, develop and manage the Relocation and resettlement projects of the City.

b.) To implement policies and guidelines that would govern the qualifications, selection of beneficiaries, the disposition and allocation of residential lots, lot pricing and cost recovery.

d.) To provide an effective and efficient delivery of basic services in the Project Areas.

Section 4. Definition of Terms. For the purpose of this Policy the terms used herein shall mean:

4.1 "**Absentee Owner**" any awardee who vacates its structure from project area for a continuous period of six (6) months or more without approval by the Bacolod Housing Authority.

4.2 "**Alteration**" any change, addition or modification in construction of structure.

4.3 "**Awardee**" refers to an applicant allocated with residential lot within a project area.

4.4 "**Beneficiary**" refers to a censused household who complies with the provisions of these policies and implementing guidelines, rules and regulations of the Relocation and Resettlement Project.

4.5 "**Case Review Committee**" refers to a body created under this Ordinance which is tasked to investigate, review and resolved cases involving security of land and tenure and other related cases endorsed by the Bacolod Housing Authority.

4.6 "**Census**" refers to the registration of all structure owners and its household members conducted by the Bacolod Housing Authority which would serve as the basis for award and lot allocation in Relocation and Resettlement Projects.

4.7 "**Censused Household**" refers to any household registered in the official census.

4.8 "**City**" refers to the local government of Bacolod City, as represented by the City Mayor.

4.9 "**Bacolod Housing Authority**" (BHA) refers to the office mandated to undertake planning, design implementation, management and monitoring of Relocation and Resettlement Projects.

4.10 "**Dismantling**" refers to the act of physically removing a structure, wholly or partially or any similar or related physical alteration thereon upon the authorization of the City.

4.11 "**Disqualification**" refers to the official exclusion of an awardee from the benefits under the Relocation and Resettlement Program.

4.12 "**Dwelling Unit**" refers to one or more habitable rooms which are occupied or are intended or designated to be occupied by one family with facilities for living, sleeping, cooking and eating.

4.13 "**Eviction**" refers to any lawful act taken by the owner to recover right to possession over his lot, structure, dwelling unit, or portion(s) thereof from other occupants.

4.14 "Extention" refers to any addition to the existing area of a structure.

4.15 "Formal Notice" refers to an official written communication to a residing or absentee awardee of a project area pursuant to any of the laws, policies, rules and regulations governing the Relocation and Resettlement Project.

4.16 "Household Affordability" refers to the portion of a household's income which may reasonably be directed to meeting a residential lot lease or purchase payment of obligations in the Relocation and Resettlement Project.

4.17 "Owner" refers to structure owner which inhabits and can prove ownership of a structure within the project area.

4.18 "Project Area" refers to any site within Bacolod City identified by the BHA and approved by the City as a Relocation and Resettlement Project.

4.19 "Reblocking" refers to the process of modifying, realigning, cutting, dismantling and transferring of structure within a project area to allow introduction of site improvement.

4.20 "Renter" refers to any household other than the owner, occupying or using a structure or portion thereof for monetary consideration.

4.21 "Repair" reconstruction or renewal of any part or parts of an existing building for the purpose of its maintenance. The word repair shall not apply to any change in construction.

4.22 "Sharer" refers to any household/person other than the owner occupying a prortion of an awardee's structure without monetary consideration.

4.23 "Structure" refers to a man-made facility erected for the support, shelter or enclosure of persons, animals, goods or property of any kind.

4.24 "Structure Owner" refers to any person or persons who can demonstrate ownership of a structure.

4.25 "Security of Tenure" refers to the right to own a residential lot without fear of being evicted from a project area except on lawful grounds.

4.26 "Tag" refers to the official registration number issued to all structures existing within the project area (s) prior to the closure of the official census and tagging of censused household.

4.27 "Urban Poor" refers to families who are residents of Bacolod City classified by NEDA as indigent.

4.28 "Vacant Lot" refers to a residential lot within the Relocation and Resettlement Project, unoccupied and without a dwelling unit.

RULE II
QUALIFICATION OF POTENTIAL BENEFICIARIES AND LOT ALLOCATION

Section 1. Qualification. The results of the census and tagging survey to be conducted by the BHA shall be the primary basis in determining qualified beneficiaries in the relocation and resettlement projects.

A. General Qualifications of Beneficiaries:

1. Must be a Filipino citizen and of legal age;

2. Must be landless, indigent and a resident of Bacolod City for at least five (5) consecutive years immediately prior to the filing of application as evidenced by:

2.1 An affidavit under oath of the applicant to the effect that he/she is landless, indigent and a resident of Bacolod City for at least five (5) consecutive years;

2.2 A certification under oath by the Purok President or in the absence of one, at least two (2) Barangay Kagawads and the Barangay Captain.

2.3 Voter's Affidavit.

3. Must not own any lot within Bacolod City as certified by the City Register of Deeds and within Negros Occidental as certified by the Provincial Register of Deeds.

4. Must not be CLOA beneficiary as certified by the Department of Agrarian Reform or a lease patent holder as certified by the Department of Environment and Natural Resources.

5. Has not been previously awarded a lot or dwelling unit within any government or privately sponsored housing projects; or not in present possession of a lot under a contract on installment basis with any government/private entity as certified by the Bacolod Housing Authority. The Bacolod Housing Authority is hereby mandated to maintain a list of awardees of housing projects and buyers of government and private subdivisions.

6. Neither be a professional squatter nor a member of squatting syndicates defined in Republic Act No. 7279 as follows:

6.1 "Professional squatters" refers to individuals or groups who occupy lands without the express consent of the landowners and who have income for legitimate housing. The term shall also apply to persons who have previously been awarded homelots 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 land 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.

6.2 "Squatting syndicates" refers to group of persons engaged in the business of squatter housing for profit or gain.

B. Priority Qualifications for Beneficiary Selection:

1. A structure owner occupying danger areas such as esteros, railroad tracks, garbage dumps, riverbanks, shorelines, waterways, NAPOCOR transmission lines right-of-way and other public places such as sidewalks, roads, parks and playgrounds.
2. A structure owner occupying land where government infrastructure projects with available funding are about to be implemented.
3. A structure owner who is the subject of eviction by virtue of a Court Order.
4. A structure owner who is the subject of a letter of demand to vacate from the landowner.
5. A structure owner who is the subject of a letter of demand to vacate from the landowner.
6. A structure owner within the project area prior to site development who have been residing in the area for at least five (5) consecutive years.

RULE III

TRANSFER, CONSTRUCTION, AND OCCUPATION OF STRUCTURES

Section 1. Transfer. Awardee shall dismantle their original structure, transfer and/or construct the same and occupy the new structure in the Relocation Site within 30 days from the date of lot award and continuously reside therein. Failure to do so shall be a ground for the cancellation of award. However, on meritorious case, the said period may be extended to a maximum of 90 days as determined by the Case Review Committee (CRC). Failure to comply after the extension shall mean automatic cancellation of award.

Section 2. Construction. All constructions shall conform to the provisions of the National Building Code and other applicable laws or ordinances.

2.1 Any construction whether temporary or permanent shall be subject to the approval of the Bacolod Housing Authority (BHA).

Section 3. Occupation. Awardee must continuously occupy his/her structure as stipulated in Section 1 of this Rule. In cases where the awardee leaves the structure for a continuous period of six (6) months without written notice to the Bacolod Housing Authority, such shall be a ground for the cancellation of the award.

Section 4. Illegal Entrant. Any person who illegally constructs a dwelling unit within the Project Area shall be automatically excluded as a beneficiary of the Project nor of any future relocation Project and the structure shall be subject to immediate demolition.

RULE IV
SALE/TRANSFER OF AWARD OR TITLE AND/OR ABANDONED OF STRUCTURES

Section 1. General Provision. Sale, transfer, lease, mortgage, assignment or abandonment of award and/or structure at the relocation and resettlement project is strictly prohibited. If, upon the survey of the BHA, the occupant is no longer the awardee, it shall be deemed a violation of this Ordinance. Any appeal for reconsideration before the cancellation or revocation of the Certificate of Occupying or Award shall be submitted to the Case Review Committee.

1.1 Exception. In the event of the death of an awardee, the Certificate of Award shall be transferred to his/her heirs as declared and contained in the Certificate. The transferer shall assume all outstanding obligations of the Award.

Section 2. Sale or transfer of Award and/or Structure. Sale or transfer of Certificate of Occupancy or Award is strictly prohibited. Sale of structure is deemed sale of Award and is likewise strictly prohibited.

2.1 Transitory Provision. In cases where sale or transfer of award has been consummated before the effectivity of this Ordinance, the following conditions must be present:

- a. The original awardee is no longer a resident of Bacolod City or has opted to transfer to a private property acquired by him/her.
- b. Buyer/transferee is a qualified beneficiary.

Section 3. Lease Agreement. An awardee is prohibited from entering into any agreement to lease the whole or part of the lot or of any structure constructed therein unless the lot has been fully paid and the Title to the lot transferred to the Awardee.

Section 4. Abandonment. In case of abandonment of structure as defined in Section 3, Rule II of this Ordinance, the Bacolod Housing Authority shall give notice and take over possession of the lot. Upon receipt of notice; the original Awardee may exercise any of the following options:

- a. Sell the structure to a beneficiary qualified by the BHA. Such intent of sell shall be made in writing to the BHA within fifteen (15) days from receipt of notice.
- b. Demolish all existing structures on the lot within fifteen (15) days from receipt of notice and remove the materials thereon.

Upon failure of the original Awardee to exercise any of the above-mentioned options, the City, through the Bacolod Housing Authority, shall declare the structure as illegal per se and shall have the authority to dispose of the same in accordance with existing laws and ordinances.

Section 5. Mortgage of Lot. No mortgage of the lot, whether secondary, shall be allowed until full payment has been made and the Title transferred to the Awardee.

RULE V LAND USE POLICY

Section 1. *Land Use.* Land use for the existing relocation projects shall be in accordance with City Ordinance No. 216, Series of 1998 titled "An ordinance approving the Comprehensive Zoning Ordinance of Bacolod City". For future relocation projects, a subdivision plan shall be prepared by the Bacolod Housing Authority in coordination with the City Planning and Development Office defining therein its land use policies to be incorporated in the form of amendment to the existing Comprehensive Zoning Ordinance of Bacolod City.

Section 2. *Transitory Provisions.*

2.1 **Barangay Handumanan.** City Ordinance No. 216, Series of 1998 declares Barangay Handumanan as a "Growth Point Area" where Commercial - 1, Residential and Institutional land uses are allowed. The City Planning and Development Office in coordination with the Bacolod Housing Authority, shall, within sixty (60) days from approval of this Ordinance, prepare a detailed land use plan specifying therein the areas where Commercial - 1 are allowed for approval of the Sangguniang Panlungsod.

2.2 **Handumanan Relocation Project** within the territorial jurisdiction of Barangay Felisa. The City Planning and Development Office in coordination with the Bacolod Housing Authority, shall, within sixty (60) days from approval of this Ordinance, prepare a detailed land use plan specifying therein the areas where Commercial 1 - Institutional and Residential Zones are to be located in the areas covered by this sub-section.

RULE VI COST RECOVERY

Section 1. *Lot Ownership.* For new Relocation and Resettlement Projects, the Bacolod Housing Authority shall include in each Project Study the suggested cost recovery scheme detailing therein the various schemes available to the beneficiary for the acquisition of his/her awarded lot for approval of the Sangguniang Panlungsod.

Section 2. *Transitory Provisions.*

2.1 **Phase 1 (MRRP) Barangay Handumanan.** All original awardees of Phase 1 (MRRP) as certified by the Bacolod Housing Authority shall have the option to purchase their lots at a price of P5.40 per square meter within one year from effectivity of this ordinance. Non-compliance with the said period shall mean forfeiture of said privilege and the awardee may acquire ownership of the lot based on the terms and conditions to be formulated for non-original awardees of Phase 1 (MRRP). The Bacolod Housing Authority shall submit to the Sangguniang Panlungsod for its approval the lot price and amortization scheme for non-original awardees within thirty (30) days from effectivity of this ordinance.

2.2 **Phase 2 (MSSP) Barangay Handumanan.** All original awardees of Phase 2 (MSSP), as certified by the Bacolod Housing Authority, shall have the option to purchase their lots at a price of P57.96 per square meter within two years from effectivity of this ordinance. Non-compliance within the said period shall mean forfeiture of said privilege and the awardee may acquire ownership of the lot based on the terms and conditions to

be formulated for non-original awardees of Phase 2 (MSSP). The Bacolod Housing Authority shall submit to the Sangguniang Panlungsod for its approval the lot price and amortization scheme for non-original awardees within thirty (30) days from effectivity of this Ordinance.

2.3 All other Phases of Barangay Handumanan and Fortune town Relocation Project. Within thirty (30) days from effectivity of this Ordinance, the Bacolod Housing Authority shall submit to the Sangguniang Panlungsod for its approval the proposed terms and conditions including lot price for the acquisition of an awardee of his/her lot either by absolute ownership and title over the awarded lot or lease with option to purchase said lot.

2.4 Non-conforming Use. The Bacolod Housing Authority shall include in its survey all existing non-conforming uses/establishments operating in spite of the non-conformity to the provisions of the City Ordinance No. 216, Series of 1998 with the recommendation whether such activity should be allowed to continue to operate. Further, the report shall include a recommendation on lot price and amortization scheme taking into consideration that such does not conform with the initial objective of the project but has become a need of the community.

Section 3. Amortization Payment. Amortization payments for lots shall be a minimum period of seven (7) years and no prepayment shall be allowed unless otherwise stipulated in this Ordinance.

Section 4. Collection. The City Treasurer shall be responsible for administering the collection of payment from beneficiaries and other revenue which may be generated under the Housing Program. All collections shall be deposited in a Shelter Trust Fund which shall be established and exclusively used by the City for meeting loan obligation and for other projects associated with the Housing Program of the City.

Section 5. Schedule of Payments. Unless otherwise decreed by the City, beneficiary amortization payments shall be due and payable on the fifth (5th) of each month without necessity for demand.

Section 6. Arrears. Whenever a beneficiary fails to meet his monthly amortization on the specified date, it shall be considered in arrears. In cases of arrears, an additional fee corresponding to 1% per month on the installment due and payable shall be automatically added to the beneficiary's amortization charge.

Section 7. Defaults. Where a beneficiary fails to make payments equal to three (3) months amortizations, he shall be considered in default. In cases of default, the beneficiary's contract of lease with option to purchase or deed of sale with mortgage is automatically cancelled. In addition, disqualification and ejection proceedings shall be initiated against the beneficiary without prejudice to any other appropriate legal action the City may take with regard to existing policies, rules and regulations.

RULE VII CASE REVIEW COMMITTEE

A *Case Review Committee (CRC)* is hereby created to investigate, review and resolved cases involving security of land tenure and Relocation/Resettlement Projects related cases.

Section 1. *Membership.* The CRC shall be composed of the following:

- | | |
|---|---------------|
| 1.1 City Legal Officer | - Chairperson |
| 1.2 Bacolod Housing Authority | - Member |
| 1.3 Brgy. Captain of the Project Area | - Member |
| 1.4 SP-Chairperson on Urban Development
Housing and Resettlement | - Member |

RULE VIII SANITATION AND MAINTENANCE

Section 1. *Maintenance of Facilities.* All residents shall be encouraged to take good care of all community facilities and fixtures in the project area. Vandals and acts of vandalism will be subject to appropriate punitive action.

Section 2. *Sanitation.* The project beneficiary shall maintain and observe strict cleanliness and sanitation within his premises particularly the pathways, alleys, streets and recreational parks and facilities. All residents therein shall refrain from littering the premises, pathways, alleys, and streets. Garbage should not be allowed to accumulate but shall be placed in receptacles. Trash or garbage shall not be thrown in alleys, pathways, riverside, streets or any open space, but should be properly disposed of.

Section 3. *Raising of Animals.* Raising of animals as pets or livelihood source may be tolerated but subject to strict compliance of health and sanitation rules and regulations of the City Health Department.

Section 4. *Obstruction.* Walkways, pathways, and alleys beings intended for the use of the residents, must be kept free from any obstructions, such as clotheslines, equipment, motor vehicles, junk, scrap materials, construction materials and the like.

Section 5. *Peace and Order.* Residents should cooperate in the overall maintenance of peace and order within their households in particular and the community in general. Individuals who are proven to habitually cause the disruption of harmony among and between residents, will be dealt accordingly.

Section 6. *Lot Utilization.* Primary use of lot shall be for residential purposes unless otherwise zoned in accordance with City Ordinance No. 216, Series of 1998.

Section 7. *Toilet Facilities.* Each awardee must construct and maintain a standard sanitary toilet.

Section 8. *Repair of Facilities.* Awardees shall undertake minor repairs of hand pumps and help maintain cleanliness of open drainage and other communal facilities.

Section 9. Observance of Occupancy Rules. Entry to the premises of an awardee by authorized representative(s) to the Bacolod Housing Authority shall be allowed:

9.1 In time of any emergency or imminent danger to the life and/or interests of the public or of the occupants(s) of the adjoining lots or for the purpose of enforcing the occupancy rules or removing the cause of any violation of any of these rules, whether the owner or occupant is present or not at such time; or

9.2 With prior notice to the owner/occupant of the lot on the basis of verified complaints coursed thru the CRC.

RULE IX PENALTY CLAUSE

Section 1. Gross violation of any of the provisions of these policies as determined by the CRC shall mean automatic cancellation of award.

Section 2. Any false statements, misinformation, deceit, fraud and misinterpretations in the required documents submitted for validation of application shall mean automatic disqualification/cancellation of award and confiscation of any improvement thereon.

RULE X EFFECTIVITY

Section 1. Effectivity. This policy governing the Relocation and Resettlement Projects of the City shall take effect upon approval and publication in a newspaper of Local Circulation as required by law.

CARRIED BY THE VOTE OF:

Affirmative:

Councilors: Archie S. Baribar, Juanito S. Amihan, Jr., Lorendo K. Dilag, Ramiro L. Garcia, Jr., Ana Marie V. Palermo, Celia Matea R. Flor, Roberto M. Rojas, Al Victor A. Espino, Elmer T. Sy, Pepito T. Malapitan, Christine Angelie M. Espinosa.

Negative : N o n e .

Author : Acting Floor Leader Ramiro L. Garcia.

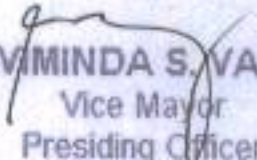
Official Leave: Councilor Jose Max S. Ortiz.

Absent : N o n e .

Passed : December 7, 2000 (118th Regular Session).

Comments : P a s s e d .

Councilors Alex A. Paglumotan and Ricardo L. Tan were not around when this ordinance was passed.


LUZVIMINDA S. VALDEZ
Vice Mayor
Presiding Officer

ATTESTED:

ATTY. NILO T. ALEJANDRINO
Secretary to the Sanggunian

By:



HELEN P. LEGASPI
Board Secretary IV

APPROVED: _____

30 DAYS LAPSED

AS OF 1/16/2001

OSCAR. R. VEDEFLORE
City Mayor