



CITY ORDINANCE NO. 312

November 7, 2002

AN ORDINANCE GOVERNING THE ACCEPTANCE OF DONATIONS OF ROAD LOTS, FOOTWALKS, ALLEYS AND OPEN SPACES OF ALL ON-SITE COMMUNITY BASED SOCIALIZED HOUSING PROJECTS IN THE CITY OF BACOLOD.

WHEREAS, the City Government of Bacolod is cognizant of the plight of many landless and homeless residents of the City;

WHEREAS, every year the City is confronted with the ever-growing problem of squatting, eviction and demolition resulting to the displacement of some of our constituents;

WHEREAS, under the Local Government Code, Local Government Units are authorized to exercise such powers and discharges such other functions as are necessary, appropriate or incidental to the efficient and effective provision of the basic services and facilities for its constituents;

WHEREAS, R.A. 7279 otherwise known as the Urban Development and Housing Act (UDHA) authorizes different modes of land acquisition for purposes of Socialized Housing;

WHEREAS, the Community Mortgaged Program (CMP) is one mode authorized by R.A. 7279 for land acquisition;

WHEREAS, the CMP is an innovative concept of low-income home financing whereby an undivided tract of land may be acquired by several beneficiaries through community ownership. The program assists organized residents of blighted/depressed areas or Areas for Priority Development to own the lot they occupy or where they will be relocated to and eventually build decent houses according to their affordability;

WHEREAS, in support of the said program and in line of the City Government's thrust of poverty alleviation and socio-economic development, the Sangguniang Panlungsod of Bacolod City passed Resolution No. 207, authorizing the Office of the Bacolod Housing Authority to act as the Originator/Lead agency for the City Government of Bacolod in the implementation of Community Mortgage Program (CMP);

WHEREAS, at present the City has originated more than 40 community associations benefiting more than 4,000 member-beneficiaries;

WHEREAS, it has been observed that due to financial and budgetary constraints of the member-beneficiaries, road lots including footwalks, alleys and open spaces of all Community Mortgage Program (CMP) assisted communities and other On-site community based socialized housing projects in the City of Bacolod remained underdeveloped;

WHEREAS, under Section 9 of BP 220, otherwise known as the Revised Rules and Standards for Economic and Socialized Housing Projects, CMP assisted communities may be treated as variance or may be exempted from compliance of its Rules and Standards, which provision is hereunder quoted, to wit:

"Section 9. Variances/Exemptions

Variances from these standards and requirements may be granted pursuant to the conditions stipulated in Board Resolution No. R-97, Series of 1982 under strict observance hereof will cause unnecessary hardship to the owner/developer or prejudice intended beneficiaries such as in the case of regional considerations/characteristics, peculiarities of the location and other relevant factors."

WHEREAS, there is a need to set the policies and guidelines to govern the donations of road lots, footwalks, alleys and open spaces of all On-site community based socialized housing projects in the City of Bacolod;

Be it ordained by the Sangguniang Panlungsod of Bacolod, that:

**ARTICLE I
TITLE AND DEFINITION OF TERMS**

Section 1 - TITLE. This ordinance shall be known as an "Ordinance governing the acceptance of donations of road lots, footwalks, alleys and open spaces of all on-site community based Socialized Housing Projects in the City of Bacolod."

SECTION 2 - DEFINITION OF TERMS.

For the purpose of this Ordinance, the terms or words and phrases used herein shall mean or be understood as follows:

- A. **ALLEY** - a way intended to break a block and to serve both pedestrian and emergency vehicles, both ends always connecting to streets.
- B. **FOOTWALK** - a way intended for pedestrian to provide access to adjacent streets or property.
- C. **OPEN SPACE** - shall refer to an area reserved exclusively for parks, playgrounds, recreational uses, schools, places of worship, hospitals, health centers, barangay centers and other similar facilities and amenities.
- D. **ROAD LOT** - refers to the strip of land over which passage can be done.
- E. **COMMUNITY MORTGAGE PROGRAM** - is a mortgage financing program of the National Home Mortgage Finance Corporation which assists legally organized association of underprivileged and homeless citizens to purchase and develop a tract of land under the concept of community ownership.
- F. **ASSOCIATION** - refers to residents of blighted/depressed areas who organized themselves into an association to secure housing loans from the National Home Mortgage Finance Corporation under the existing Community Mortgage Program for the purpose of acquiring a tract of land under the concept of community ownership.

- G. **SOCIALIZED HOUSING** - refers to housing programs and projects covering house and lot with an aggregate amount of not more than P180,000.00 undertaken by the government or the private sector for the underprivileged and homeless individuals or families residing in Bacolod City whose income or combined household income falls within the poverty threshold as defined by the National Economic and Development Authority (NEDA) and who do not own housing facilities.
- H. **NON GOVERNMENT ORGANIZATIONS** - refers to private non-profit organizations engaged in social development work related to the urban poor issues and concerns.

Section 3. AUTHORITY TO ACCEPT THE DONATION

The City Mayor upon the authority of the Sangguniang Panlungsod may accept the donation of road lots, footwalks, alleys and open spaces of all On-Site Community based Socialized Housing Projects in the City of Bacolod, subject however, to the limitations herein setforth.

Section 4. SCOPE AND COVERAGE

This ordinance shall only apply to all On-Site Community based Socialized Housing Projects in the City of Bacolod.

Section 5 - LIMITATIONS

Before any acceptance of donations can be made, the association concerned must first secure prior approval from the National Home Mortgage and Finance Corporation (NHMFC) and the following requirements needed by that office must be complied with by the association, to wit:

- A. Unitized title for roadlots, alleys, footwalks and open spaces;
- B. The association must have a collection efficiency of at least 85%; and
- C. The re-appraised value of the collateral must be more than enough to answer for the amount loan granted after deducting the area donated.

Section 6. DONATIONS BY THE NON-GOVERNMENT ORGANIZATIONS AND OFF-SITE COMMUNITY BASED SOCIALIZED HOUSING ASSOCIATIONS

Donation of roadlots, alleys, footwalks, and open spaces by Non-Government Organizations who are also engaged in community based socialized housing projects and Off-Site Community based socialized housing associations must comply with the requirements of BP 220 or PD 957 or any law, rules and regulations applicable.

Section 7. PAYMENT OF ELECTRICAL BILLS

All electric bills for the electrical consumption of street lights located within the donated road lots, footwalks, alleys and open spaces of all On-Site Community based socialized housing projects shall be borne by the association concerned and not by the City Government of Bacolod.

Section 8 - SITE INSPECTION

Before any acceptance of Donations shall be made, the City Engineer's Office and the Bacolod Housing Authority shall conduct an ocular inspection and proper verification of the site and their findings shall be submitted to the Office of the City Mayor.

The representative of the City Engineer's Office and the Bacolod Housing Authority shall ensure that the association should provide adequate means of ingress and egress in their footwalks and/or alleys to serve both the pedestrians and for emergency purposes.

**ARTICLE II
EFFECTIVITY**

This ordinance shall take effect immediately upon its approval.

CARRIED BY THE VOTE OF:

Affirmative:

Councilors: Archie S. Baribar, Roberto M. Rojas, Jude Thaddeus A. Sayson, Ana Marie V. Palermo, Celia Matea R. Flor, Jose H. Gabual, Lyndon P. Caña, Elmer T. Sy, Bobbie S. Lucasan, Greg G. Gasataya, Reynold I. Iledan, Sonya M. Verdeflor, Arturo V. Parreño, Marx Louie S. de la Rosa.

Negative : None.

Absent : None.

Author : Councilor Jude Thaddeus A. Sayson.

Passed : November 7, 2002 (71st Regular Session).

Comments: Passed.

RAMIRO L. GARCIA, JR.
Vice Mayor
Presiding Officer *11/15/02*

ATTESTED:

~~ATTY. NILO T. ALEJANDRINO~~
Secretary to the Sanggunian

APPROVED: November, 2002.

LUZVIMINDA S. VALDEZ
City Mayor

60 DAYS LAPSED
AS OF 11/26/02