

REPUBLIKA NG PILIPINAS
TANGGAPAN NG SANGGUNIANG PANLUNGSOD
LUNGSOD NG BAKOLOD
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CITY ORDINANCE NO. 1040
June 20, 2023

HOMELOT ORDINANCE OF BACOLOD CITY, PROVIDING THE POLICIES AND GUIDELINES FOR ALL HOMELOT RELOCATION AND RESETTLEMENT PROJECTS OF THE CITY, REVISING CITY ORDINANCE (C.O.) 269, AND FOR OTHER PURPOSES.

WHEREAS, Bacolod City has existing relocation and resettlement projects and sites, namely: the Phase 1 MRRP and Phase 2 MSSP, Phase 3, 4, 5, 6A, 6B in Barangay Handumanan, the Fortune Towne Resettlement project located in Barangay Estefania, the Progreso Village Relocation Site 1 (previously Abada Escay), Progreso Village Site 2 (previously Arao) located in Barangay Vista Alegre, of which, Phase 1 MRRP and Phase 2 MSSP, were particularly covered and referred to by City Ordinance (C.O.) 269, Series of 2000;

WHEREAS, under C.O. 269, Rule VI, Cost Recovery, Section 1, "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,"; and that such recovery measures are necessary for the recovery of the P42.0 Million fund granted by the National Housing Authority (NHA) to the City on the condition that the recovered fund shall be used for additional resettlement projects of the City;

WHEREAS, under Section 2 of the same rule, "all original awardees in Phase 1 (MRRP) Barangay Handumanan, 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 the Ordinance", while, "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 the ordinance"; and that, non-compliance with the said periods shall mean forfeiture of the said privileges. *They may however acquire ownership of the lots occupied by them based on the terms and conditions to be formulated for non-original awardees of Phase 1 (MRRP) and Phase 2 (MSSP);*

WHEREAS, as under the same rule, "the Bacolod Housing Authority shall submit to the Sangguniang Panlungsod for its approval of the proposed terms and conditions including the lot price and amortization scheme for non-original awardees, and all other phases of Barangay Handumanan and Fortune Towne Relocation Projects, within thirty (30) days from effectivity of the Ordinance";

WHEREAS, until today, there are no policies and guidelines that govern the disposition and allocation of residential lots, for original and non-original awardees, actual occupants, renters, sharers, vacant lots, institutional, commercial, and other lots at City relocation and resettlement sites, specifically the mode of dispositions and the corresponding terms and conditions, homelot price, amortization, cost recovery schemes, sanctions for violations, and other policies and regulations;

WHEREAS, the National Housing Authority has given the Bacolod City more than P42.0 million financial assistance 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; and

WHEREAS, in the light of the City's plan to expand its housing project and to help fund and effectively and efficiently manage the socialized housing relocation and resettlement program of the City, there is an urgent need for the promulgation of policies and guidelines, and the same policies and guidelines shall also cover the relocation and resettlement sites at Progreso Village and in all other similarly situated projects of Bacolod City.

NOW THEREFORE, LET IT BE ORDAINED by the Sangguniang Panlungsod of Bacolod City in regular session assembled, that:

Section 1. TITLE. This ordinance shall be known as the "**HOMELOT ORDINANCE OF BACOLOD CITY, PROVIDING THE POLICIES AND GUIDELINES FOR ALL HOMELOT RELOCATION AND RESETTLEMENT PROJECTS OF THE CITY, REVISING CITY ORDINANCE (C.O.) 269, AND FOR OTHER PURPOSES.**"

This Ordinance shall be otherwise known as the **HOMELOT ORDINANCE OF BACOLOD CITY.**

Section 2. COVERAGE.

The Ordinance shall govern the policies and guidelines with regards to the awarding and cost recovery schemes and measures at Phase 1 MRRP and Phase 2 MSSP, Phase 3, 4, 5, 6A, 6B in Barangay Handumanan, the Fortune Towne Resettlement Project located in Barangay Estefania, the Progreso Village Relocation Site 1 (previously Abada Escay), Progreso Village Site 2 (previously Arao) located in Barangay Vista Alegre. It may however be applied to all socialized housing or homelot relocation and resettlement projects of Bacolod City, which are similarly situated.

Section 3. OBJECTIVES.

3.1 General Objectives: This ordinance is enacted for the purpose of providing guidelines in the implementation of the socialized housing program and resettlement projects of Bacolod City, particularly in the sale, awarding and distribution of homelots at Barangay Handumanan Resettlement Site, known as Mansilingan Resettlement and Relocation Project (MRRP) and Mansilingan Site and Services Project (MSSP), the Fortune Towne Resettlement Project, the Progreso Village Relocation Projects, and all other similarly situated socialized housing or homelot relocation and resettlement projects of Bacolod City.

3.2 Specific Objectives:



- 3.2.1 To effectively and efficiently manage the Relocation and Resettlement Projects of the City, specifically, Phase 1 MRRP and Phase 2 MSSP, Phase 3, 4, 5, 6A, 6B in Barangay Handumanan, the Fortune town Resettlement project located in Barangay Estefania, the Progreso Village Relocation Site 1 (previously Abada Escay), Progreso Village Site 2 (previously Araw) located in Barangay Vista Alegre, and other similarly situated projects;
- 3.2.2 To provide and implement policies and guidelines that would govern the individual allocation and distribution of a homelot for each beneficiary, the qualifications, selection of beneficiaries, the valuation, pricing and cost recovery schemes of the resettlement and relocation projects, including the institutional, commercial areas, and other uses therein designated and allowed by the City;
- 3.2.3 To implement collection and cost recovery schemes and mechanisms in the City socialized homelot, relocation and resettlement projects;
- 3.2.4 To promote peace and order towards a wholesome community life in City socialized homelot relocation and resettlement sites/communities;
- 3.2.5 To implement health and environmental programs, projects and regulations alongside the implementation of relocation and resettlement programs and projects;
- 3.2.6 To provide an effective and efficient delivery of basic services in the project areas;
- 3.2.7 To implement site development projects, such as but not limited to public market, schools and daycare centers, barangay offices, health centers, peace and order centers, transport terminals, economic and employment zones, and other projects;
- 3.2.8 To establish policies and program/project proposals to generate and access local, national and international funding agencies and programs, in support of the projects.

Section 4. DEFINITION OF TERMS.

- 4.1 **"AWARDEE"** refers to an applicant allocated with residential lot within a project area.
- 4.2 **"BACOLOD HOUSING AUTHORITY" (BHA)** refers to the office, or its successor agency, mandated to undertake planning, design implementation, management and monitoring of Relocation and Resettlement Projects.
- 4.3 **"BENEFICIARY"** refers to a censused/enumerated/surveyed household who complies with the provisions of these policies and implementing guidelines, rules and regulations of the Relocation and Resettlement Project.



- 4.4 **"CENSUSED HOUSEHOLD"** refers to any household registered in the official census or survey of the BHA or its authorized agency as belonging to the Informal Settler Families.
- 4.5 **"CITY"** refers to the local government of Bacolod City, as represented by the City Mayor.
- 4.6 **"CITY ADJUDICATION COMMITTEE"** refers to the body herein created by the City Housing Board and appointed by the City Mayor to hear and adjudicate over issues, problems, controversies and appeals arising from the implementation of this Ordinance. It shall be headed by the representative of the City Legal Office, and with members from the Bacolod Housing Authority, the Bacolod Housing Board representing the Non-government organization and the People's Organization, the Homeowners Association of the project site which is subject of the controversy, and the Barangay Chairperson of the Barangay having jurisdiction over the project site. The Committee shall be created by the Housing Board immediately after the effectivity of this Ordinance. It shall promulgate its own rules and regulation, *subject to the approval of the Sangguniang Panlungsod.*
- 4.7 **"FAIR MARKET VALUE"** refers to the price at which buyers and sellers with a reasonable knowledge of pertinent facts and not acting under any compulsion are willing to do business.
- 4.8 **"HOMELot APPRAISAL COMMITTEE"** refers to the committee herein created to determine the appraisal/re-appraisal value of the property or homelot being sold by the City Government, pursuant to the guidelines and standards provided in this Ordinance, and Commission on Audit (COA) rules and regulations.
- 4.9 **"DISQUALIFICATION"** refers to the official exclusion of an awardee from the benefits under the Relocation and Resettlement Program.
- 4.10 **"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.
- 4.11 **"HOMELot"** refers to a parcel of residential lot intended for or occupied by qualified beneficiaries prescribed in this Ordinance.
- 4.12 **"PROFESSIONAL SQUATTER"** shall refer to any of the following:
- a. Persons who have previously been awarded home lots or housing units by the government who sold, leased or transferred the same to settle illegally in the same place or in another urban area;

The term shall include any person who knowingly bought rights over a parcel of land from another person who has no title or right over the same.

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The term shall not apply to individual or groups who rent lands and improvements thereon from professional squatters or squatting syndicates.

- b. Non-bona fide beneficiary who is defined as an individual who is not qualified to avail of socialized government housing program or a bona fide beneficiary who refused to comply with the terms and conditions of the housing program but continues to occupy the property reserved for the same.

4.13 **"SQUATTING SYNDICATES"** - The term shall refer to two (2) or more persons committing, for profit or gain, any of the following acts:

- a. Falsely claiming ownership or authority to dispose of and/or convey proprietary rights over a piece of land or a portion thereof;
- b. Making use of any of the following:
 - 1. Fake or falsified Transfer of Certificates of Title (TCT) or titles based on spurious approved plans;
 - 2. Spanish titles that are without force and effect for lack of registration pursuant to Presidential Decree No. 892 or their derivatives such as Titulo de Propiedad 4136 and other titles that suffer from similar legal defects;
 - 3. False ownership based on acquisitive prescription over lands of public domain that are neither surveyed/relocated with finality nor registered under the Torrens System;
 - 4. Expired residential use permits over unclassified forest lands regardless of the length of possession; or Making use of any of the following:
 - 1. Fake or falsified Transfer of Certificates of Title (TCT) or titles based on spurious approved plans;
 - 2. Spanish titles that are without force and effect for lack of registration pursuant to Presidential Decree No. 892 or their derivatives such as Titulo de Propiedad 4136 and other titles that suffer from similar legal defects;
 - 3. False ownership based on acquisitive prescription over lands of public domain that are neither surveyed/relocated with finality nor registered under the Torrens System;
 - 4. Expired residential use permits over unclassified forest lands regardless of the length of possession;

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5. Other similar documents for the purpose of deceiving individuals or entities and depriving rightful owners/possessors of their rights.
- c. Organizing associations, cooperatives or other similar groups, and/or collecting fees, with intent to deceive individuals or entities or to deprive the rightful owners/possessors of their rights;
- 4.14 **"OWNER"** refers to structure owner which inhabits and can prove ownership of a structure within the project area.
- 4.15 **"LOW-INCOME FAMILY"** refers to a family whose income is below the poverty threshold as defined by the National Economic Development Authority (NEDA).
- 4.16 **"PROJECT AREA"** refers to the socialized housing or homelot site within Bacolod City identified by the BHA and approved by the City as a Relocation and Resettlement Project.
- 4.17 **"SHARER"** refers to any household or homelot occupant or persons other than the owner occupying a portion of an awardee's structure or lot without monetary consideration.
- 4.18 **"RENTER OR TENANT"** refers to household or homelot occupant or persons other than the owner occupying a portion of an awardee's structure or lot with monetary consideration.
- 4.19 **"RESETTLEMENT AREAS"** refers to sites identified by the appropriate national government agency or the local government unit with respect to areas within its jurisdiction, which shall be used for the relocation of the underprivileged and homeless citizens and other qualified households.
- 4.20 **"SITES AND SERVICES DEVELOPMENT"** entails the acquisition and development of raw lands into service homelots which shall serve as an alternative informal settlement as well as catchment areas for in-migration and population growth. The approach shall be in urban centers whose population growth and overspill is anticipated and where beneficiaries intend to acquire housing on increment basis.

Section 5. Homelot Sale and Other Dispositions

5.1 HOMELOT DISPOSITION AS PER SEC. 2, RULE VI, OF C.O. 269

"Section 2 of the same rule, "all original awardees in Phase 1 (MRRP) Barangay Handumanan, 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 the Ordinance", while, "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

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effectivity of the ordinance"; and that, non-compliance with the said periods shall mean forfeiture of the said privileges. They may however acquire ownership of the lots occupied by them based on the terms and conditions to be formulated for non-original awardees of Phase 1 (MRRP) and Phase 2 (MSSP)."

5.2 HOMELOT DISPOSITION FOR NON-ORIGINAL AWARDEES

Pursuant to Sec. 2 Rule VI of C.O. 269, Non-Original awardees of Phase 1 (MRRP) and Phase 2 (MSSP) may still avail of lots pursuant to the following terms and conditions:

- 5.2.1 If the Lot has not yet been awarded to a new awardee-beneficiary;
- 5.2.2 If the Lot is presently occupied by the Non-Original Awardee and is being used exclusively as residence by his/her family and not by other persons who are not members of his immediate family, either on lease or rent-free basis; and
- 5.2.3 The Non-Original Awardee is willing to pay the lot under the new terms and conditions, and pricing under this Ordinance, provided that payments already made shall be applied under the new account.

5.3 SPOT CASH SALE:

- 5.3.1 The total selling price of the Homelot shall be paid through a one-time cash payment within thirty (30) days from receipt of the Certificate of Homelot Award (CHA).
- 5.3.2 A Deed of Sale (DS) shall be executed by the City and the Awardee. A certificate of full payment and title shall be issued to the awardee upon full payment.
- 5.3.3 The City may provide a discount for spot cash purchase of not more than five percent (5%) of selling price.

5.4 STAGGERED CASH SALE.

- 5.4.1 The total selling price shall be payable in twelve (12) equal monthly installments, or in an accordance with the agreed period and number of installments at zero percent (0%) interest. A one-half percent (0.5%) surcharge shall be charge for non-payment of the monthly or agreed period of installment.
- 5.4.2 The first monthly payment and execution of Sales Contract shall be made within thirty (30) days from receipt of the Certificate of Homelot Award.

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- 5.4.3 Succeeding monthly payment shall be made on or before the fifth(5th) day of the month without demand. At anytime within the one {1} year period, a Deed of Sale (DS) shall be executed in favor of the awardee upon full payment.

5.5 CONDITIONAL CONTRACT TO SELL (CCS).

- 5.5.1 New applicants may apply for a Conditional Contract to Sell payable in thirty (30) annual amortization, subject to three percent (3%) annual interest and payable through monthly installments, or as maybe agree upon by the parties as stipulated in the contract. A surcharge of one half (1/2) of one percent (1%) maybe charge for failure to pay on time.
- 5.5.2 The moratorium period on payments and the effectivity of payment of first monthly amortization is from date of occupancy or issuance of Entry Pass whichever comes first. A five-day grace period on the succeeding month is granted in the payment of the current monthly amortization without penalty.
- 5.5.3 Succeeding monthly payment shall be made on or before the fifth(5th) day of the month without demand, except as otherwise agreed upon between the City and the applicant, as stipulated in the CCS.
- 5.5.4 If an applicant and awardee of the Spot Cash or Staggered Payment **Schemes** is unable to comply and or complete the required payment within the one (1) year period, the Sales Contract shall be converted to a Conditional Contract to Sell (CCS), upon notice to the concerned awardee and upon his written consent and application. All payments made shall be applied to the purchase price under CCS based on the effectivity date of the executed CCS.
- 5.5.5 The CCS is subject to age limit of the applicant, which shall in no case be more than seventy (70) years old at the time of the application. In no case shall the repayment period exceed the difference between the buyers age at the time of the application and age seventy (70).

5.6 LEASE OR LEASE WITH OPTION TO PURCHASE

- 5.6.1 Occupants or applicants who at the time of the sale of the lots are unable to pay the selling price on Spot Cash, or who cannot afford to pay on Staggered Cash payment or on Conditional Contact to Sell (CCS) for thirty (30) years, maybe granted an option to Lease the lot for five (5) years renewable for another five (5) years, or to enter into a Contract of Lease with Option to Purchase.

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- 5.6.2 The monthly lease rate shall be equivalent to fifty (50%) percent of the current monthly amortization for the lot but not less than Five Hundred Pesos (Php 500.00);
- 5.6.3 The monthly lease rate shall be uniform for the first five (5) years. The renewed lease shall be subject to a five percent (5%) increase every five (5) years thereafter;
- 5.6.4 Lease rights are non-transferrable except by hereditary succession which shall take place only if account is updated. Failure of the heirs to assume such obligations, the Homelot shall revert back to the City for disposition to other qualified beneficiaries;
- 5.6.5 Non-Conferment of Preemptive Rights. The lease arrangement shall not confer preemptive rights on lot occupants affected by a legal case/conflict of claims and technical issues. Lease is subject to immediate revocation after resolution of the technical issue or legal case/conflict of claims, where the appropriate/winning party shall apply for purchase of the Homelot. If the occupant loses his claim, he/she shall voluntarily vacate the Homelot and dispose of the structure through sale or mutual agreement to the winning party or by dismantling the same.
- 5.6.6 A Lease with Option to Purchase is a contract in which the applicant is given the option of lease the lot for five (5) years, within which the Awardee may convert the Contract into a Contract of Conditional Sale, based on the following conditions:
- 5.6.6.1 Occupants who, at the time of availment, are not financially capable of paying the required monthly amortization under a Conditional Contract to Sell;
- 5.6.6.2 Occupants whose lots are subject of legal and technical issues;
- 5.6.6.3 All the terms and conditions under Lease shall also apply to Lease with Option to Purchase.
- 5.6.7 Total lease payments for the first five (5) years of up-to-date accounts shall be credited to the selling price upon the purchase of the lot by the lessee. However, beyond five (5) years, lease payments are no longer creditable to the selling price. Both delinquency and penalty interests/charges are not creditable for the whole term of lease;
- 5.6.8 The selling price shall be the valid price at the time of the execution of the lease contract;
- 5.6.9 In case of resolved legal cases/conflict of claims and technical issues where the winning party is not the occupant, the selling price shall be the valid price at the time of purchase.

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5.7 SALE THROUGH END-USER FINANCING.

5.7.1 The awardee must be qualified to purchase the homelot under the terms and conditions of the end-user financing program, such as the **Home Development Mutual Fund (HDMF)-Pag-Ibig Fund**, or other similar government agencies.

5.8 SALE THROUGH COMPROMISE AGREEMENTS.

The City through the Mayor may enter into compromise settlements and agreements, through applicable deed of conveyances, subject to the review and approval of the Commission on Audit and Sangguniang Panlungsod, on other lots not otherwise classified under any of the above mode of homelot dispositions under this Section, such as those lots actually used by actual occupants as institutional, commercial, and other uses, as allowed by existing City zoning and building regulations, always taking into account the best interest and welfare of the City.

Section 6. PRIORITY AND ELIGIBILITY CRITERIA.

6.1 PRIORITIES:

- 6.1.1 Homelot occupants and owners of lots, which were awarded homelots under City Ordinance 269 series of 2000 which were fully paid, as evidence by Certificate of Homelot Award (CHA) and Deed of Sale entered into by the City and the Lot owner, and a Certificate of Full Payment;
- 6.1.2 Homelot occupants which were awarded homelots under City Ordinance 269 series of 2000 with duly signed Conditional Deed of Sale, which were duly signed by the City and the Homelot awardee, and with evidence of down payments, monthly installments or amortization payments, and other evidence of partial payments, but which were not fully paid, and considered as non-original awardees under City Ordinance 269;
- 6.1.3 Actual occupants and new applicants of Phase 1 MRRP and Phase 2 MSSP, Phase 3, 4, 5, 6A, 6B in Barangay Handumanan, the Fortune Towne Resettlement project located in Barangay Estefania, the Progreso Village Relocation Site 1 (previously Abada Escay), Progreso Village Site 2 (previously Arao) located in Barangay Vista Alegre, and other Homelot sites, resettlement and relocation projects of the City subject to the eligibility criteria pursuant to Section 16, of Republic Act 7279 and City rules and regulations;
- 6.1.4 ISFs on government lands;
- 6.1.5 ISFs affected by government improvements infrastructure projects;

- 6.1.6 ISFs covered by eviction or demolition orders issued by the Courts;
- 6.1.7 ISFs with pending court cases for ejection;
- 6.1.8 ISFs occupying danger zones or risk prone areas such as public right of ways and easements, parks, public roads, parks, recreation areas, protected forests, coastal zones, dumpsites, esteros, rivers and river banks, and other waterways and easements;
- 6.1.9 ISFs living on a lot whether public or private without the consent of the property owner or those without legal claim over the property they are occupying;
- 6.1.10 Homeless low salaried government or non-government employees;
- 6.1.11 Renters, sharers and tenants;
- 6.1.12 Other ISFs that may qualify under this ordinance as may be determined by City Mayor and recommended by the Housing Board or determined by the Sangguniang Panlungsod in an appropriate City Ordinance.

6.2 GENERAL QUALIFICATIONS: All the potential beneficiaries under the above cited priorities must possess the following qualifications:

- 6.2.1 Must be a Filipino citizen, of legal age, married or single but head of the family, or solo parent (duly certified by the CSWD);
- 6.2.2 Must be an underprivileged and homeless citizen as defined in Section 3 of RA 7279, belonging to the surveyed/censused and tagged and housing backlog or qualified ISFs as reflected in the records of the City;
- 6.2.3 Must be a registered voter and a resident of Bacolod City for at least two (2) years;
- 6.2.4 Combined household income is below poverty threshold set by NEDA;
- 6.2.5 Must not own any real property in the urban and rural areas;
- 6.2.6 Must not be a professional squatter, or a member of any squatting syndicate, as defined by Section 3 of this Ordinance;
- 6.2.7 Must not be a homelot or housing awardee or beneficiary in any of the government or private housing projects;



6.2.8 Has not violated any existing ordinances, laws, or executive orders pertaining to the socialized housing or homelot program of the government or any internal rules and regulation issued by Bacolod City, with disqualification as penalty, by securing a clearance from the Bacolod Housing Authority.

Section 7. DOCUMENTARY REQUIREMENTS

7.1 The applicant shall submit to the Bacolod Housing Authority (BHA) Office the required notarized application form and documentary requirements in original or certified true copies or duplicate copies, as the case maybe, as follows:

7.1.1 Duly notarized Sworn Application To Purchase (SAP) Lot, with all the required documentary requirements attached, as listed in the SAP;

7.1.2 Barangay Certificate of Residency, for both husband and wife or a single applicant;

7.1.3 Proof of Identity — Photocopies of any of the following Government-Issued Identification Card subject to verification/comparison with the original I.D.

List of Valid Identification Cards

Primary Identification Cards	Secondary Identification Cards
Philippine Passport	TIN ID
SSS ID or SSS UMID	Postal ID (issued 2015 onwards)
GSIS ID	GSIS e-Card
Driver's License	DSWD Certification
PRC ID	Police Clearance
OWWA ID	Employment ID
iDOLE ID	Barangay ID
VOTER'S ID	
Firearms License	
Senior Citizen's ID	
PWD ID	
NBI Clearance	
Philhealth ID (digitized PVC)	
Updated Solo Parent ID	
Pag-IBIG ID	

7.1.4 Proof of Civil Status

a.	For Single Applicants	Certificate of Live Birth issued by the Philippine Statistics Authority (PSA)
b.	For Married Applicants	Marriage Certificate issued by the PSA
c.	For Solo Parent	Updated Solo Parent ID issued by DSWD
d.	For Common-Law Relationship	Birth Certificate issued by PSA submitted by each applicant along with a Notarized Affidavit of Cohabitation
e.	For de facto Separation	Birth Certificate issued by PSA submitted by each applicant along with a Notarized Affidavit of <i>de facto</i> Separation of Applicant Spouse
f.	For Legally Separated	Certified True Copy of the Decree of Legal Separation issued by the Court
g.	For Annulled Marriage	Certified True Copy of the Decree of Annulment issued by the Court

7.1.5 Proof of Award or Title (For Original Allocatee/Awardee);

7.1.6 Certificate as to aggregate landholding of no land holding (for both husband and wife, if such are the applicants);

7.1.7 Certificate of non-availing of housing loan;

7.1.8 2"x2" picture of both husband and wife, or the applicant;

7.1.9 Proof of Income (If applicable) which may be any of the following:

7.1.10 Employer's Certificate of Compensation issued by the applicant's employer;

7.1.11 BIR certified latest Income Tax Return (original to be presented); or

7.1.12 Sworn Affidavit of Income. (City Mayor's Oath)



- 7.2 In order to effect the immediate processing of awards, submission of the notarized Sworn Application to Purchase (SAP) should suffice, subject to the completion of other requirements within three (3) months upon submission and receipt of the notarized SAP.
- 7.3 Upon submission of the said requirements, proper verification of the documents and IDs shall be made by the BHA by:
- 7.3.1 Reviewing the submitted originals and/or certified true copies of the required affidavits and or/documents; and
- 7.3.2 By examining the IDs and comparing it with the photocopies submitted by the applicant.
- 7.4 If upon verification the submitted documents and/or IDs are found falsified, notwithstanding the fact that the applicant has already been awarded of or is already in possession their respective lots, such ground shall cause the immediate disqualification and eviction of the occupant, without prejudice to the filing of appropriate civil and criminal actions against them.

Section 8. PROCEDURES IN THE DISPOSITION OF HOMELOTS

DETERMINATION OF STATUS OF HOMELOTS AND OCCUPANTS

- 8.1 Assessment, validation and consolidation of existing City Sites, Relocation and Resettlement Areas or projects, as to their property description, titles, zoning classification, subdivision plans, tax declaration, fair market value, appraise valuation, number of homelots, size, allowed uses, present use, and other important considerations as determined by the BHA;
- 8.2 Assessment and validation of original lot awardees and status of lot ownership and or occupation, use, and other considerations, as provided for in C.O. 269 and this ordinance;
- 8.3 Based on existing ordinances governing the qualifications, awarding and disposition of the Socialize Homelot Sale, Resettlement and Relocation Projects, which are the subject of this Ordinance, the *list of the beneficiaries shall be prepared by the BHA, and marked and annotated as to their status, and lot(s) occupied, such as:*
- 8.3.1 Beneficiaries with Consummated Contracts - Actual Occupants which are considered as Original Awardees with full payment, at Phase 1 MRRP and Phase 2 MSSP under City Ordinance 269;
- 8.3.2 Beneficiaries considered as Non-Original Awardees- Actual occupants under Phase 1 MRRP and Phase 2 MSSP, and other phases, which were not able to consummate their contracts under the terms or period for full payment under City Ordinance 269;

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- 8.3.3 Actual Occupants and lots occupied of Phase 1 MRRP and Phase 2 MSSP and other phases which are not among the categories in 8.2.1 and 8.2.2 above;
- 8.3.4 Original Awardees and Occupants, and lots occupied, of Fortune Towne, and Progreso Village 1 and 2 Relocation and Resettlement Projects;
- 8.3.5 Actual Occupants and lots occupied, which are not in the list of the original awardees in 8.2.4 above.
- 8.4 All actual occupants occupying homelots shall be listed with lot technical description; status or mode of occupation- by purchase, lease or rent, donation, usufruct, or any mode of acquisition. (Based on Actual Validation Survey by BHA or its representative;
- 8.5 Prepare the Consolidated list and status of Occupants with Notice of Sale of Salable Lots which contains the list of all salable lots, including the qualifications, requirements and procedures, and where to apply and get application forms. Occupants of salable lots shall be the first priority;
- 8.6 Prepare and submit the Deed of Conveyances including the lot valuation, fair market value and selling price, and other requirements, for review and approval of the Commission on Audit (COA).

NOTICE OF SALE OF HOMELOTS

- 8.7 Prepare the Notice of Sale of Vacant/Occupied and Saleable Lots which contains the list of all vacant/salable lots, including the qualifications, requirements and procedures, and where to get application forms, and where to apply;
- 8.8 Post the Notice of Sale in conspicuous places such as in the Actual Site and Barangay Hall where the Site is located, and the Bulletin Board and Website of the City, for seven (7) consecutive days;
- 8.9 Issuance of Certification of Posting Compliance duly signed by BHA Head, Barangay Chairperson, and representative of the Homeowners Association if available;

APPLICATION AND EVALUATION

- 8.10 Filling-up of Notarized Application to Purchase Homelot, Acceptance and Evaluation of Application. This shall be done by the BHA;
 - 8.11 BHA shall conduct ocular inspection and investigation based on the approved subdivision plan and records of the lot applied for;
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8.12 Prepare the Field Investigation Report and Sketch Plan, evaluate and process the Application and supporting documents and prepare the Individual Land Distribution Folder (ILDF) for further evaluation and processing.

8.12.1 If in order, undertake the following:

8.12.1.1 Generate the CHA, regardless of whether the lot is fully paid or not; and

8.12.1.2 Annotate on the CHA, the encumbrance/lien in favor of the City or other qualified assignee.

8.13 If the number of homelots allotted to the beneficiaries is less than the number of applicants, the BHA shall first conduct a raffle to be participated by the applicants in accordance with the following provisions;

8.13.1 To give equal chances to qualified low-income applicants for government homelots benefits in the award of real properties whether for sale or lease, conduct of public raffle is prescribed in the following situation:

8.13.1.1. Where the number of qualified applicants is more than the number of lots for disposition;

8.13.1.2 To determine the lot, assignment of relocated beneficiaries;

8.13.1.3. A Raffle Committee shall be constituted by the City Housing Board with the following composition:

Chairman : BHA Head

Members : Chairman, SP Committee on Urban Poor

: Representative of the Housing Board

: Representative of the Home Owners Association

: Barangay Chairperson or his/her representative, of the Barangay where the project site is located. If located in two(2) or more barangays, Barangays Chairpersons or their representatives, where the projects is located.

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- 8.3.3 Actual Occupants and lots occupied of Phase 1 MRRP and Phase 2 MSSP and other phases which are not among the categories in 8.2.1 and 8.2.2 above;
- 8.3.4 Original Awardees and Occupants, and lots occupied, of Fortune Towne, and Progreso Village 1 and 2 Relocation and Resettlement Projects;
- 8.3.5 Actual Occupants and lots occupied, which are not in the list of the original awardees in 8.2.4 above.
- 8.4 All actual occupants occupying homelots shall be listed with lot technical description; status or mode of occupation- by purchase, lease or rent, donation, usufruct, or any mode of acquisition. (Based on Actual Validation Survey by BHA or its representative;
- 8.5 Prepare the Consolidated list and status of Occupants with Notice of Sale of Salable Lots which contains the list of all salable lots, including the qualifications, requirements and procedures, and where to apply and get application forms. Occupants of salable lots shall be the first priority;
- 8.6 Prepare and submit the Deed of Conveyances including the lot valuation, fair market value and selling price, and other requirements, for review and approval of the Commission on Audit (COA).

NOTICE OF SALE OF HOMELOTS

- 8.7 Prepare the Notice of Sale of Vacant/Occupied and Saleable Lots which contains the list of all vacant/salable lots, including the qualifications, requirements and procedures, and where to get application forms, and where to apply;
- 8.8 Post the Notice of Sale in conspicuous places such as in the Actual Site and Barangay Hall where the Site is located, and the Bulletin Board and Website of the City, for seven (7) consecutive days;
- 8.9 Issuance of Certification of Posting Compliance duly signed by BHA Head, Barangay Chairperson, and representative of the Homeowners Association if available;

APPLICATION AND EVALUATION

- 8.10 Filling-up of Notarized Application to Purchase Homelot, Acceptance and Evaluation of Application. This shall be done by the BHA;
- 8.11 BHA shall conduct ocular inspection and investigation based on the approved subdivision plan and records of the lot applied for;



Homelots disposition through End-User Financing shall be governed by the rules and regulations provided for in their deed of conveyances, subject to the memorandum of agreement signed by them and the City Government.

Section 9. SELLING PRICE OF HOMELOTS.

9.1. Based on Section 2, Rule VI of City Ordinance 269 (Transitory Provisions)

All original awardees of Phase 1 (MRRP) and Phase 2 (MSSP), as certified to by the Bacolod Housing Authority, shall have the option to purchase the lots awarded to them at a price of P5.40 within one (1) year from the effectivity of the Ordinance (No. 269), and P57.96 within two (2) years from the effectivity of C.O. No. 269, respectively, who had fully paid their occupied homelots, under the terms of the Deed of Sale. Non-compliance with the above conditions shall constitute a forfeiture of the said privilege by the City.

9.2. For non-original awardees and new qualified applicants, the cost of the vacant/salable lots shall be computed based on the appraised value and Fair Market Value computed and arrived at by the Homelot Appraisal Committee (HAC), pursuant to COA Circular 2019-003 which provides for the Guidelines on the Disposal of Real Properties and Improvements- Real Estate and their improvements by the local government units, i.e., "sold to private entity by negotiated sale". "The contract of conveyance shall be executed by the local chief executive in behalf of the local government unit concerned in accordance with the formalities required by law on the matter and shall be approved by the local Sanggunian. The disposal shall also be subject to the approval of the Commission on Audit in case the disposal is through negotiation regardless of the value of the property to be disposed. The request for approval shall be made prior to the perfection of the contract of sale through negotiation".....subject to documentary requirements, such as but not limited to "(2i): Appraisal Report of the LGU's Appraisal Committee stating the Fair Market Value (FMV) of the real property."

Section 10. THE HOMELOT APPRAISAL COMMITTEE.

10.1 **APPOINTMENT AND TERM OF OFFICE.** The officers and members of the Committee shall be appointed by the City Mayor for a term of three (3) years, unless sooner removed.

10.2 **COMPOSITION.** The composition of the Committee shall be the following:

- Chairperson** : City Assessor
- Vice-Chairperson** : City Accountant
- Members** : City Engineer
City Treasurer
Sangguniang Panlungsod Members:
Chairman, Committee on Ways and Means



Chairman, Committee on Urban Poor, Housing and
Resettlement
Observers

The signatures of the majority members of the Appraisal Committee shall be necessary for the City to determine the appraised/re-appraised value of the Homelots. Any dissenting opinion relative to the submitted recommendation shall be stated in the Homelot Appraisal Committee Report.

- 10.3 OBSERVERS. To enhance transparency of the process, the Appraisal Committee shall invite at least two observers to sit in its deliberations/proceedings, one from the sector/association/discipline that deals with real property, and the other from a non-government organization working for ISF programs and projects. Observers have no voting rights.
- 10.4 FUNCTIONS AND RESPONSIBILITIES OF THE HOMELOT APPRAISAL COMMITTEE:
 - 10.4.1 Determine the appraisal/re-appraisal value of the property being sold by the City Government, pursuant to the guidelines and standards provided in this Ordinance;
 - 10.4.2 Conduct ocular inspection of property;
 - 10.4.3 Conduct interviews with the owners of the real property as well neighboring estates, to determine the actual selling price of lots within the vicinity or the barangay for the last three (3) years;
 - 10.4.4 Secure and consolidate relevant documents and data relative to the property being acquired;
 - 10.4.5 Prepare Appraisal Committee Report, which shall state the Committee's findings, recommendations, as well as, the factual and legal basis for the said recommendation.
- 10.5 The HAC shall adopt a formula or means of determination of the appraisal or reappraisal value of the homelots, in order to arrive at a fair market value and selling price of the homelots, such as but not limited to, the cost of acquisition cost of development, soft infrastructures, other expenses, reasonable interest to adjustment to inflation. The following standards for the assessment of the value of the property subject to negotiated sale or deed of conveyance shall be observed by the HAC:
 - 10.5.1 The classification and use for which the property is suited;
 - 10.5.2 The development cost for improving the land;
 - 10.5.3 The value declared by the City;

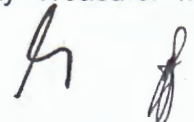
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- 10.5.4 The current selling price of similar lands in the vicinity;
 - 10.5.5 The selling price of the subject property or similar properties in the vicinity within last three years immediately preceding the negotiated sale;
 - 10.5.6 The size, shape or location of the property;
 - 10.5.7 Tax declaration and zonal valuation of the land;
 - 10.5.8 The price of the land as manifested in the ocular findings, oral, as well as documentary evidence presented.
- 10.6 The Appraisal shall be undertaken every three (3) years and the Appraisal Committee shall submit an Appraisal Report to the City Mayor and the Sangguniang Panlungsod for approval.

Section 11. COLLECTION OF PAYMENT

The allocated/awarded lot shall be paid by the awardee directly to the City Treasurer or his/her duly designated bonded collector/agent, or an end user collector or agent, in case of a "sale through end user financing", in accordance with the existing COA accounting and auditing rules and regulations.

- 11.1 At the option of the awardee, the mode of payment shall be, as follows:
 - 11.1.1 Cash payment in full;
 - 11.1.2 Installment basis;
 - 11.1.3 Monthly Rent (including rent to own scheme)
- 11.2 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 and contractual obligations and for other projects associated with the Housing Program of the City. Such Fund shall be managed by the BHA in accordance with the rules and regulations of the City Accounting Office and the Commission on Audit (COA);
- 11.3 **DEPUTIZED COLLECTORS.** Bonded officers maybe authorized and deputized by the City Treasurer to demand and collect amortization payments from lot awardees of the City socialized housing or relocation projects, if allowed by law or government rules and regulations. Such collections shall be acknowledged by official City Receipts and remitted to the City Treasurer on the date of collection, or not later than the day next following the date the amount was collected as reflected in the official receipt, if allowed by the rules and regulation of the City Treasurer. However, the City Treasurer may



arrange for other efficient and effective collection schemes, such as a daily or weekly system of payment, subject to government auditing rules and procedures.

Section 12. TERMS AND CONDITIONS

12.1 The down payment and processing fee requirement in all modes of disposition shall be waived;

12.1.1 Moratorium and Effectivity Date of first Monthly Amortization for Resettlement Projects covered by this Ordinance.

Program	Moratorium Period (CCS) and Rent to Own	Effective date of 1st Monthly Amortization
Homelot Resettlement and Relocation	Three (3) months	4th month

The moratorium period on payments and the effectivity of payment of first monthly amortization is from date of occupancy or issuance of Entry Pass whichever comes first. A five-day grace period on the succeeding month is granted in the payment of the current monthly amortization without penalty.

12.2 MISCELLANEOUS FEES

Application for the installation of utilities such as power, water, telephone and use of other services and its consumption charges shall also be for the account of the awardee. Likewise the cost of titling will be paid by the awardee, which maybe included in his monthly amortization payment.

12.3 TAXATION

Real Estate Tax/Beneficial User's Tax shall be for the account of the awardee upon execution of contract and shall be paid directly to the government agency concerned.

12.4 CONDITIONS AND RESTRICTIONS

Except by hereditary succession, the awardee shall not sell, encumber, mortgage, lease, sublet or in any manner alter or dispose of his/her lot or rights and interests thereon at any time, in whole or in part, within ten (10) years from issuance of the title in his/her name without prior written approval of the BHA or its successor-in-interest. Provided, further, that the lot shall be disposed only to those eligible under Section 16 of RA 7279 or other



guidelines, as applicable, including but not limited to other Conditions and restrictions stipulated in this Ordinance, other enabling laws governing the specific project/s shall apply.

The encumbrance/restriction above mentioned shall be annotated on the Certificate of Homelot Award and Transfer Certificate of Title to be issued in favor of the Awardee. Further, the said encumbrance/restriction shall be cancelled upon the lapse of the restrictive period stated therein as per request by the awardee and payment of the required cancellation fee.

12.5 STIPULATIONS IN THE CONTRACT

- 12.5.1 The Awardees, except the actual occupants, shall upon the issuance of CHA and Entrance Pass to their resettlement and relocation sites shall immediately occupy their respective lots, or in justifiable cases, upon express consent of the BHA, not later than six (6) months from the issuance of the Award or Pass;
- 12.5.2 The Awardee shall not change nor convert the use of the residential lot/Homelot, otherwise, after due process and hearing, the award maybe cancelled and revert back to the City;
- 12.5.3 The awarded homelot shall not be abandoned without cause and the consent of the BHA. In case the Awardee abandons the lot without informing BHA or its successor agency, the Awardee's award shall be cancelled and he/she shall be disqualified from the project and any assistance under the City government's housing program and the lot shall revert to the City-. The Awardee may remove any of his/her improvements made therein by informing the BHA, otherwise, the City may not be held liable for the cost of the improvements. Abandonment shall arise if an Awardee shall intentionally leave his homelot without cause without informing the BHA and without its consent for a period of six (6) months.
- 12.5.4 Upon occupancy of the lot, Awardee shall assume payment of power, water, and basic charges including real property taxes for the lot and its improvements. The Awardee shall likewise pay monthly assessment fees to the homeowner's association for maintenance, security, garbage collection and other appropriate fees, if any;
- 12.5.5 Apply and be accepted as member of the duly accredited Home Owners Association, attend its basic membership orientation seminar, abide by its constitution and by-laws and the rules and regulations adopted for responsible lot and home owners for a peaceful and progressive community;

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- 12.5.6 Other terms and conditions expressly stipulated and agreed upon by the parties under the terms and conditions of the contract, including but not limited to, amortization payments, rental, interests, surcharges and other fees;
- 12.5.7 In case of dispute and/or litigation, the venue of actions shall be in the City Adjudication Committee or the proper court with competent jurisdiction within Bacolod City;
- 12.5.8 Agreements and restrictions shall be binding upon the heirs, executors, administrators, assigns and successors-in-interest of the respective parties thereto.

Section 13. SUPPORT SERVICES

All resettlement and relocation sites and projects of the City shall be provided by the City Government in coordination with other government and private agencies with the following basic services and facilities:

- 13.1 Access to or provision of safe and potable water and sewerage system;
- 13.2 Access to or provision of power and electricity;
- 13.3 Access to or provision of free schools, scholarships and daycare services;
- 13.4 Health facilities and personnel;
- 13.5 Effective and safe solid waste disposal system;
- 13.6 Access to primary roads and transportation systems and terminals;
- 13.7 Markets and supplies of food, household needs, and other necessities of the communities;
- 13.8 Provisions for livelihood and income opportunities;
- 13.9 Housing loan and assistance;
- 13.10 Recreational facilities and community centers;
- 13.11 Police Assistance, Emergency Response and other government services.

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Section 14. SANITATION, MAINTENANCE AND OTHER POLICIES

- 14.1 **MAINTENANCE OF FACILITIES.** All awardees and residents of the resettlement and relocation sites shall be encouraged to take good care of all community facilities and fixtures in the project area. Vandalism and other forms of destruction of properties are strictly prohibited and violators will be subjected to fines and penalties under existing rules and regulations, applicable City Ordinances and penal laws;
- 14.2 **SANITATION.** The project beneficiaries shall maintain and observe strict cleanliness and sanitation within the premises, particularly the alleys, streets, drainage and sewage system and recreational parks and facilities. All residents therein shall refrain from littering the premises, pathways, alleys and streets, parks, and other public places. Garbage or solid waste shall be managed, disposed and treated in accordance with the site rules and regulations and the City Solid Waste Management Ordinance.
- 14.3 All households are required to construct and maintain standard sanitary toilet facilities;
- 14.4 **REPAIR OF FACILITIES.** To encourage community volunteerism and empowerment, Awardees shall undertake minor repairs and maintenance of drainage and other communal or community owned facilities, which are not funded or subject to the control and supervision of the City Engineer's Office of the Government;
- 14.5 All project beneficiaries are required to participate in environmental protection projects, particularly through tree planting in site specific or other sites allocated by the City, as well as, planting of food and vegetable crops on available homelot areas and residences;
- 14.6 **Raising of Animals** as pets or livelihood source maybe tolerated but subject to strict compliance of health and sanitation rules and regulations of the City Health Department;
- 14.7 **OBSTRUCTION.** Walkways, pathways, alleys, and waterways and outlets being 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, garbage, poultry and livestock structures and the like;
- 14.8 **PEACE AND ORDER.** Residents should cooperate in the over-all 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 with accordingly;



- 14.9 **LOT UTILIZATION.** Primary use of lots shall be for residential purposes, unless otherwise zoned in accordance with City Ordinance 216 series of 1998, and allowed under this Ordinance and other City rules and regulations;
- 14.10 Visitorial powers of BHA and other City Authorities. To strictly enforce the observance of Occupancy Rules, and other authorized City ordinances, rules and regulations, authorized BHA and City Authorities may enter the premises of an awardee in the following cases:
- 14.10.1 In time of any emergency or eminent danger to the life and/or interests of the public or of the occupant(s) of the adjoining lots or for the purpose of enforcing the occupancy rules or removing the cause of any violation of any City rules and regulations, whether the owner or occupant is present or not during such time; or
- 14.10.2 With prior notice to the owner/occupant of the lot on the basis of verified complaints coursed thru the BHA, or other competent City authorities.

Section 15. SANCTIONS

GROUNDS FOR IMPOSITION OF SANCTIONS:

- 15.1 Failure of occupants to apply for award within thirty (30) days from issuance of a Final Notice to Apply, the BHA shall summarily eject without the necessity of the judicial order any illegal occupant in any homelot owned or administered by the City Government;
- 15.2 The Awardees, except the actual occupants, who failed to occupy their respective homelot awards within a period of four (4) months upon the issuance of CHA and Entrance Pass to their resettlement and relocation sites without justifiable reasons, shall be deprived of their homelot awards, and their respective Certificate of Homelot Award cancelled and revert back to the City, without prejudice to the filing of an appeal to the City Adjudication Committee.
- 15.3 The Awardee shall not change nor convert the use of the homelot shall revert back to the City without prejudice to the filing of an appeal to the City Adjudication Committee.
- 15.4 Delinquency charges of one-half percent (0.5%) shall be imposed on monthly delayed payment;

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- 15.5 Failure to pay three (3) consecutive monthly amortizations/lease payments shall cause the cancellation of the contract. Thereafter, the beneficiary shall be given a final grace period of thirty (30) days to update the account or to voluntarily vacate and surrender the Lot within ten (10) days from the expiration of the said grace period. Three (3) written demand notices shall be send to the beneficiary;
- 15.6 In the event that the beneficiary failed to exercise any of the above mentioned options, the Notice of Cancellation of Contract by notarial act signed by the BHA Head or its authorized office or representative, for non -compliance with the three (3) Demand Notices to comply with contractual obligations, such as payment of arrearages of three (3) or more months, shall constitute the final notice leading to eviction. The Notice of Eviction shall be signed by the BHA Head. Further, the guidelines governing the preparation and issuance of the Demand Notices both for non - compliance to the CHA and violations of contractual obligation as stipulated in the contract, shall be observed;
- 15.7 Any violation of the awardee of the Occupancy Rules and Regulations as stipulated in the Contract, shall be reported to the BHA by the concerned staff who are undertaking area or field work. The Home Owners Associations are also vested with this responsibility. The said awardee shall be given two (2) warnings for the reported violation. Cancellation of the Award and forfeiture of the homelots shall be rendered, if despite warnings, the said awardee continues violating the said Occupancy Rules and Regulations;
- 15.8 The BHA shall have the power to summarily eject with the assistance of City enforcement authorities, without the necessity of judicial order, any and all squatters' colonies on City government resettlement projects, as well as any illegal occupant in any homelot, owned or administered by it. All homelots occupied by them shall be forfeited in favor of the City;
- 15.9 Should the Awardee unlawfully sell, transfer, mortgage, or otherwise dispose of his/her lot or any right there on within the ten (10)-year restrictive period, the transaction shall be null and void. He/she shall also lose his/her right to the homelot which will be forfeited in favor of the City, forfeit the payment of fees made thereon, and shall be barred from the benefits of RA 7279 for a period often (10) years from the date of violation, without prejudice to the filing of other appropriate legal action by the City government.

EXCEPTIONS:

- 15.9.1 Sale or Transfer made before the effectivity of City Ordinance 269;
- 15.9.2 Sale or Transfer made after the prescriptive period of ten (10) years;
- 15.9.3 Transfer made by hereditary succession;

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15.9.4 Transfer made to the City of Bacolod; and

15.9.5 Transfer made by a disqualified beneficiary to a qualified beneficiary if approved by the BHA.

15.10 If, upon the survey of the BHA, the occupant is no longer the awardee, it shall be deemed an Abandonment and a violation of this Ordinance. Any appeal for reconsideration before the cancellation or revocation of the Certificate of Homelot Award shall be submitted to the City Adjudication Committee. Abandonment shall arise if an Awardee shall intentionally leave his homelot without cause without informing the BHA and without its consent for a period of six (6) months. Awards made in violation of this provision shall be cancelled and the awardee shall be disqualified from the project and any assistance under the City government's housing program and the lot shall revert to the City.

15.11 DISPOSITION OF ABANDONED/VACATED OR ILLEGALLY SOLD LOTS (including improvements and rights thereon).

15.11.1 The awards granted for the Lots which are abandoned/ vacated without payment continuously for more than six (6) months or those sold or otherwise illegally disposed of as provided in this Ordinance by the awardees shall be cancelled;

15.11.2 Disposition of cancelled award shall be treated as tenurial disposition. The process of awarding to qualified beneficiary shall follow the same manner for regular awards.

15.11.3 The following may become awardees of the lots which awards were cancelled provided they pass the existing eligibility criteria:

15.11.3.1 actual occupants of abandoned/vacated Lots who were verified by the BHA per Occupancy Verification Report (OVR);

15.11.3.2 walk in applicants and other interested parties who are homeless citizens as defined under RA 7279 for vacant abandoned Lots;

15.11.3.3 buyer of rights with proof of sale from the original awardee who are the actual occupants of the Lots per occupancy verification conducted by the BHA staff.

15.11.4 Pricing shall be subject to price adjustment based on the current appraised value or fair market value of the Homelot as determined by the Homelot Appraisal Committee;

- 15.11.5 The award shall be documented through a Conditional Contract to Sell or Deed of Sale whichever is applicable;
- 15.11.6 Legalization and Occupancy Fee of P500.00 shall be collected from applicants who are buyer of rights and those who illegally occupied the abandoned/vacated lots which shall be tacked- in to the selling price.
- 15.11.7 Incentives for cash/full payment and updated account shall apply.

15.12 RESTORATION OF CANCELLED AWARD

- 15.12.1 A cancelled award may be restored if the following conditions exist:
 - 15.12.1.1 If the Lot subject of request for restoration of award has not yet been awarded to a new awardee-beneficiary;
 - 15.12.1.2 If the Lot subject of request for restoration is presently occupied by the legal awardee who is requesting the restoration of cancelled award and is being used exclusively as residence by his family members and not by other persons who are not members of his immediate family, either on lease or rent-free basis;
 - 15.12.1.3 Account has not matured and the legal awardee is willing to pay the lot in full or under the terms imposed by the City;
 - 15.12.1.4 A restoration fee of Php500.00 shall be imposed. Restoration of Award shall be approved by the BHA Head and can be availed of only once.

15.13 SWAPPING AND CHANGE OF LOT AWARD

- 15.13.1 Swapping shall be allowed between two (2) awardees under the following circumstance subject to the submission of a notarized Joint Affidavit of Swapping of Lot:
 - 15.13.1.1 Beneficiaries who were awarded lots won through raffle conducted by the BHA and who find it necessary to exchange their lots for bigger/smaller sized lots depending on their capabilities to pay and accommodation requirements or simply for locational convenience;
 - 15.13.1.2 Change of lot award within the same Project shall be allowed if the title cannot be issued immediately by BHA, provided that:



- 15.13.1.2.1 Awardee files an application to change the lot assignment indicating therein his/her reason/s and commitment to occupy the structure;
 - 15.13.1.2.2 Awardee's total payment shall be applied to the new lot assignment;
 - 15.13.1.2.3 Awardee shall update the account upon approval of the change of lot assignment.
- 15.13.2 Change of Lot Award to another BHA Project may be considered for those who returned/waived their original award to BHA and provided further that the awarded Lot is still unoccupied/vacant;
- 15.13.3 Processing fee of Five Hundred Pesos (Php500.00) shall be charged to the awardee /applicant for an approved swapping of lot/change of Lot Award.
- 15.14 Any material misrepresentation or fraud in the filling up of the notarized application form, and all the requirements and forms required and attached therewith, shall constitute a violation of this Ordinance. The application, and the subsequent award shall be deemed null and void, without prejudice to any other legal charged that the City may file against the applicants or awardees under the provisions of this Ordinance or any applicable laws, rules and regulations.
- 15.15 "PROFESSIONAL SQUATTERS" as defines under Sec.4.12 of this Ordinance and under Sec. 3-m of R.A. 7279 shall be prosecuted under the provisions of this Ordinance, or any applicable laws, rules and regulations, or under Sec. 45 of R.A. 7279.
- 15.16 Barangay Officials who abets, tolerates, failed to prevent or demolish the construction of illegal structures and occupants within their area of jurisdiction shall be prosecuted under the provisions of this Ordinance, or any applicable laws, rules and regulations, or under Sec. 45 of R.A. 7279 for administrative and legal charges, as well as, under Sec.5 of City Ordinance No.833'
- 15.17 Public Officials and employees who abets, tolerates, failed to implement the provisions of this Ordinance, shall be prosecuted under the provisions of this Ordinance, or any applicable laws, rules and regulations, or under Sec. 45 of R.A. 7279 for appropriate administrative or penal charges, as well as, under Sec.5 of City Ordinance No.833.



Section 16. APPROPRIATIONS.

There is hereby appropriated for the implementation of this Ordinance an amount equivalent to the annual and supplemental expenditures submitted by the Bacolod Housing Authority as recommended through a Resolution of the Bacolod Housing Board or its equivalent agency.

The Sangguniang Panlungsod may however further appropriate, and the City Mayor may likewise request for additional appropriations or use the funds available under his/her office, for the implementation of this Ordinance.

Section 17. IMPLEMENTATION PROCEDURES

- 17.1 An Orientation Seminar shall be conducted by the BHA for the operating units within one month after the approval of this Ordinance for its proper implementation.
- 17.2 The BHA in coordination with Management Technology Computer Services (MITCS) Office shall immediately undertake the necessary modification in the existing computer program essential for the implementation of this Ordinance.

Section 18. MONITORING OF IMPLEMENTATION

- 18.1 The BHA shall monitor the implementation of this Ordinance and submit a quarterly report to Housing Board and the Office of the Mayor during its implementation period using the prescribed format.
- 18.2 The Bacolod Housing Authority or its Successor Agency and the Office of the Mayor shall, in turn, submit a consolidated report annually to the Sangguniang Panlungsod on the overall implementation of this Ordinance.

Section 19. IMPLEMENTING RULES AND REGULATIONS

To further strengthen and effectively implement the provisions of this Ordinance, the City Mayor is hereby authorized and may issue implementing rules and regulations within the scope and authority of this Ordinance.

Section 20. REPEALING CLAUSE

All City Ordinances, rules and regulations, or parts thereof, which are inconsistent with the provisions of this Ordinance are hereby amended, repealed, modified or repealed accordingly.

Section 21. SEPARABILITY CLAUSE

Should any provision(s) of this Ordinance be declared contrary to law by a competent court, the other provisions not affected shall remain in full force and effect.



Section 22. EFFECTIVITY

This ordinance shall take effect fifteen (15) days after its publication in a newspaper of general circulation within Bacolod City.

CARRIED BY THE VOTE OF:

Affirmative:

Councilors : Israel P. Salanga, Al Victor A. Espino, Vladimir S. Gonzalez, Renecito S. Novero, Jason Isidro S. Villarosa, Claudio Jesus Raymundo A. Puentevella, Simplicia Z. Distrito, Celia Matea R. Flor, Ayesha Joy Y. Villaflor.

Negative : N o n e .

Official Leave : Councilors Cindy T. Rojas, Em L. Ang, Psyche Marie E. Sy and Lady Gles Gonzales-Pallen.

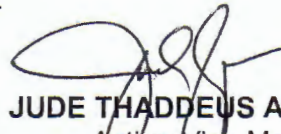
Absent : N o n e .

Author : Councilor Vladimir S. Gonzalez.

Co-Authors : Floor Leader Al Victor A. Espino, Councilors Jude Thaddeus A. Sayson, Jason Isidro S. Villarosa, Claudio Jesus Raymundo A. Puentevella, Simplicia Z. Distrito, Celia Matea R. Flor, Psyche Marie E. Sy, Renecito S. Noveor, Lady Gles Gonzales-Pallen, Ayesha Joy Y. Villaflor, Cindy T. Rojas, Em L. Ang and Israel P. Salanga.

Passed : June 20, 2023 (51st Regular Session of the 11th Council).

Comments : P a s s e d .
Vice Mayor El Cid M. Familiaran was designated as Acting City Mayor


JUDE THADDEUS A. SAYSON
Acting Vice Mayor
Presiding Officer

ATTESTED:


ATTY. VICENTE C. PETIERRE III
Secretary to the Sangguniang

APPROVED: June 26, 2023.


EL CID M. FAMILIARAN
Acting City Mayor

VCP/CGT/jbz

SANGGUNIANG PANTUNGGOD
Bacolod City
DRAFTING SECTION
Date: 7/19/23 Time: 1:15 PM

A CERTIFIED PHOTOCOPY
OF THE ORIGINAL
7/19/2023