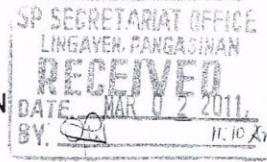




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**MUNICIPALITY OF ASINGAN**  
 Province of Pangasinan  
 Tel. No. (075) 563-4125  
 Tele Fax No. (075) 563-3242



**OFFICE OF THE SECRETARY TO THE SANGGUNIANG BAYAN**

EXCERPTS FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG BAYAN OF ASINGAN, PANGASINAN HELD ON FEBRUARY 15, 2011 AT THE ASINGAN MUNICIPAL SESSION HALL

**PRESENT:**

- |                                  |                      |
|----------------------------------|----------------------|
| 1. Hon. Eleanor V. Viray         | Municipal Vice Mayor |
|                                  | Presiding Officer    |
| 2. Engr. Carlos F. Lopez, Jr.    | Municipal Councilor  |
| 3. Hon. Porferio R. Tendaro      | "                    |
| 4. Dr. Jesus G. Cardinez         | "                    |
| 5. Hon. Melchor J. Cardinez, Sr. | "                    |
| 6. Hon. Artemio R. Gonzalez      | "                    |
| 7. Engr. Virgilio I. Amistad     | "                    |
| 8. Hon. Darly John G. Apuyod     | "                    |
| 9. Hon. Roseller A. Viray        | "                    |
| 10. Hon. Crispin G. Villanueva   | "Liga President      |
| 11. Hon. Stephanie Kaye A. Tabin | "PPSK President      |

ABSENT: None

**EXPLANATORY NOTE**

WHEREAS, one of the basic necessities that needs proper attention is adequate plans and programs in housing;

WHEREAS, the housing programs in the municipality should anticipate the growing problems of illegal settlers, zoning, demolition or evictions and prepare a conducive approach to maintain good relationship with the stakeholders;

WHEREAS, there is a need to regulate housing programs in the Municipality of Asingan, Pangasinan;

NOW THEREFORE, on motion of Councilor Roseller A. Viray, duly seconded by Councilors Jesus G. Cardinez, Melchor J. Cardinez, Sr. and Artemio R. Gonzalez, it was;

RESOLVED, as it is hereby resolved, to approve the following Ordinance, to wit:

**MUNICIPAL ORDINANCE NO. 1  
 SERIES 2011**

**AN ORDINANCE CREATING THE ASINGAN MUNICIPAL HOUSING BOARD, DEFINING ITS CLEARING HOUSE FUNCTIONS PURSUANT TO EXECUTIVE ORDER NO. 708, S.2008, AND FOR OTHER PURPOSES.**

Be it ordained by the Sangguniang Bayan of Asingan, Pangasinan during its regular session duly assembled, that:

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**Section 1. Creation-** Pursuant to Executive Order No. 708, s. 2008, there is hereby created a local housing board which shall be called as the **"Asingan Municipal Housing Board."**

**Section 2. Composition -** The Asingan Municipal Housing Board, which shall, hereinafter be referred to as the **"Board"**, shall be composed of the following:

Chairperson : Municipal Engineer  
Vice Chairperson : Chief of Police  
Members:

1. Chairperson, SB Committee on Zoning, Land Use and Rural Development;
2. Municipal Planning and Development Coordinator;
3. Chairman, SB Committee on Health;
4. Chairman, SB Committee on Infrastructure;
5. Liga ng mga Barangay President;
6. Representative from the Office of the Mayor;
7. Sangguniang Bayan Secretary;
8. President of the Association of Barangay Kagawad;
9. President of the Asingan Retirees Association;
10. President of the Knights of Columbus;
11. Representative of the Religious Sector; and
12. Representative of the Sangguniang Panlalawigan

**Section 3. Powers and Functions.** As the sole clearing house for eviction and demolition activities concerning informal settlers in danger areas, public places and government projects, the Board shall exercise the following powers and functions:

1. Monitor all evictions and demolitions, whether voluntary, extrajudicial, summary, or court-ordered;
2. Require the proponent of eviction and demolition, i.e. national government department, agency, institution or local government, or its duly authorized representative, to first secure from the Board the Checklist, Guidelines and Eviction and Demolition Compliance Certificate prior to the actual implementation thereof and, thereafter, to submit to the Board the completed Checklist, attested to under oath by the proponent and indicating that:
  - a. Adequate consultations with the affected families were undertaken;

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- b. Adequate resettlement site and relocation facilities are made available; and
  - c. The provisions of Section 3, paragraph 1 of the Implementing Rules and Regulations of Section 28 of Republic Act 7279 (Pre-relocation) have been complied with;
3. Ensure the creation of the Municipal Urban Development and Housing Office (MUDHO) directly responsible under the Office of the Municipal Mayor;
  4. Recommend all proposals for the budgetary requirements pertinent to the operation of the Municipal Urban Development and Housing Office;
  5. Promulgate policies/guidelines pertinent to the implementation of the Local Shelter and Housing Programs in accordance with R.A. 7279;
  6. Act on the comprehensive Municipal Urban Shelter Plan formulated and submitted by the Municipal Development and Housing Office;
  7. Act as One-Stop Housing Processing Center to process all housing-related permits, clearances and certifications, but not limited to land-use reclassification, development permits, locational clearances and other housing-related activities;
  8. Recommend for the approval of the Sangguniang Bayan the certifications, clearances, development permits and other housing-related activities of the project proponent(s);
  9. Recommend for the approval of the Sangguniang Bayan the Comprehensive Land Use Plan (CLUP);
  10. Ensure the creation of the Community-Based Housing Coordinating Committee and its implementing guidelines;
  11. Advise the Sangguniang Bayan on matters of local taxation which may affect the local government's different community-based housing programs;
  12. Recommend for the approval of the Local Chief Executive (LEC) partnership agreements with any other government housing office or private entity or organization including, but not limited to the following programs: Housing Production Assistance, Resettlement Development, Local Housing and Cost Recoverable Joint Venture;

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13. Recommend for the approval of the Sangguniang Bayan the accreditation of any Community Housing Association (CHA) on any related housing project and other private originators for Community Mortgage Programme (CMP);
14. Recommend for the approval of the Local Chief Executive and the Sangguniang Bayan the hiring consultants in various housing-related activities not limited to preparation of the Comprehensive Land Use Plan but also of technical assistance on the implementation of different housing programs and preparations of Comprehensive Shelter Plan of the municipal government;
15. Act as CMP originator and enable of any housing project;
16. Recommend for the approval of the Local Chief Executive agreements with any government office/agency for the conduct of proper planning sessions, trainings, seminars, conferences and capability building in any housing-related activities or issues;
17. Authorize the Municipal Treasurer to disburse fund from the Special Housing Trust Funds to the board-approved appropriation prepared in accordance with applicable existing rules and regulations;
18. Serve as Advisory Committee to the Sanggunian on Urban Development and Housing Programs such as, but not limited to, necessity of local appropriations for the use of the Urban Development and Housing Programs; and
19. The office of the MPDC shall serve as the Housing Coordinator/Officer under the Office of the Mayor in temporary capacity until such time that the municipal government is already capable of hiring a permanent and qualified housing coordinator/officer. The Board will set the qualification of the housing coordinator in consultation of the Civil Service Commission.

**Section 4. Application for an Eviction and Demolition Compliance Certificate** - Every proponent of an extra-judicial eviction and demolition, whether administrative or summary, shall, prior to actual eviction and demolition, secure a Compliance Certificate from the Board. The process of applying for the said certificate shall be as follows:

1. In the case of an administrative eviction and demolition involving the underprivileged and homeless, the proponent shall obtain from the Board, the proper application form for certificate of compliance and submit the same together with the required documents as listed in the appropriate Checklist at least fifteen (15) working days prior to the actual conduct of eviction and demolition;

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In the case of a summary eviction and demolition, the proponent shall likewise obtain an application which shall be submitted at least seven (7) working days prior to the conduct of the same, pursuant to the rules on summary demolitions. However, in the event that the affected persons are found to be among those subject to administrative eviction or demolition, the Board shall immediately inform the proponent and require the proper application for certificate of compliance;

In the case of a voluntary eviction and demolition, the proponent shall obtain from the Board, the proper application for certificate of compliance and submit the same together with the required documents as listed in the appropriate Checklist at least fifteen (15) days prior to the actual conduct of eviction and demolition;

- 
2. The application is sufficient in form and substance, the Board, upon verification approves the application, issues the proper certificate of compliance and notifies the proponent;
  3. The certification shall indicate the name of the proponent, the purpose and location of the area applied for eviction and demolition, a statement of compliance to the pertinent rules covering the eviction or demolition applied for, an authorization or approval for the rendering of police assistance, validity period, the date of issuance, and the authorized signature;
  4. If the application is incomplete in form and substance, the Board informs the proponent and the latter has to comply with the deficiency within ten (10) working days from notification, with the exception of a summary eviction and demolition which shall be complied with within three (3) working days from notification; and

In the event that the deficiency is not complied with within the periods mentioned herein, the proponents shall be required to re-apply for a new compliance certificate.

5. In cases where the Board issues a certification or the proponent has already complied with the deficient requirements for application and thus acquired a certification, the eviction and demolition will proceed as a matter of course.

**Section 5. Authorized Police Assistance** - A proponent of an eviction and demolition may be provided with duly authorized police assistance only upon prior compliance with the statutory requirements under Sections 27, 28 & 30 of Republic Act 7279 and their implementing rules and regulations, checklist and compliance certificate requirements, or with written notice requirement when applicable, as certified or authorized by the Board.

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In the case of court-ordered demolition, police assistance shall only be allowed under the following circumstances:

1. In pursuance of any court order specifying police action or assistance;
2. In any case or event where voluntary eviction and dismantling of structures are agreed upon, in writing, by the concerned parties, and approved by the Board;
3. In the case of a local infrastructure project where police assistance is approved, in writing, by the duly authorized official of the Board;
4. In the case of a national infrastructure project. Provided, however, that the duly authorized official of the Board has approved the same in writing.

For purposes of the above, a written request by the sheriff for police assistance in the implementation of a court order or writ with certified copies of the said order or writ annexed therein shall suffice for the police to render assistance without further need of obtaining the approval of the Board. In lieu of the approval of the Board, the concerned PNP Officer shall merely inform the Board in writing of the date of eviction and demolition at least three (3) days prior to the actual conduct of the same. The written notice shall contain copies of the sheriff's request for police assistance, the order or writ to be implemented and other pertinent documents.

In any of the circumstances specified above, the members of the PNP tapped to provide police assistance must be in proper uniform and in appropriate cases, carry with them the necessary documents supporting the provisions of police action or assistance.

The provisions of the above notwithstanding, the request for police assistance shall still be subject to the pertinent guidelines and regulations of the Philippine National Police.

**Section 6. Oversight** - The Board, shall, in coordination with other government agencies including the proponent, oversee the conduct of evictions and demolitions in accordance with Sections 27, 28 & 30 of Republic Act 7279 and their implementing rules and regulations.

In any case of extra-judicial eviction and demolition as defined in the implementing guidelines of Executive Order No. 152, s. 2002, the compliance certificate applications shall continue inputs for data-banking activities, and serve as advance notice to ensure Board's presence or its representative during the conduct of an eviction and demolition.

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In the case of court-ordered eviction and demolition, the Board shall establish the appropriate schemes to monitor the same in coordination with the pertinent government agencies.

In monitoring the actual conduct of a demolition, the Board has to observe the conduct of an actual eviction and demolition and prepares a detailed report on the compliance or non-compliance of said activity to Sections 27, 28 & 30 of Republic Act 7279 and their implementing rules and regulations.

**Section 7. Meeting and Quorum** - The Board shall meet at least once a month or as often as may be deemed necessary. The presence of the Chairman and the majority of the members of the Board shall constitute a quorum to transact official business.

**Section 8. Executive Committee** - The Board shall create a three-member Executive Committee (Execom) from among its members to represent it and act in its behalf when it is not in session. The Mayor or his duly designated representative shall head the Execom.

**Section 9. Secretariat** - The Board shall appoint at least two (2) staff who will act as Secretariat of the Board.

**Section 10. Budget** - The municipal government shall appropriate at least one percent (1%) of its Annual Internal Revenue Allotment (IRA) for the operations and activities of the Board.

**Section 11. Cooperation of Concerned Agencies.** - The Board shall coordinate with all concerned government agencies, such as the Department of the Interior and Local Government (DILG), Philippine National Police (PNP), Department of Social Welfare and Development (DSWD), Department of Public Works and Highways (DPWH), Department of Health (DOH), Housing and Urban Development Coordinating Council (HUDCC), the National Housing Authority (NHA), and the Presidential Commission for the Urban Poor (PCUP) to ensure the effective and efficient implementation of this Ordinance.

**Section 12. Submission of Periodic Reports.** - The Board shall submit quarterly report to the Department of Interior and Local Government, thru the DILG Regional Office, relative to the status of compliance with the provisions of this Ordinance and the pertinent provisions of laws governing eviction, demolition and relocation activities.

**Section 13. Compensation and Remuneration** - The chairman, co-chairman and members of the Assign Municipal Housing Board shall perform their duties and responsibilities without any compensation and remuneration except honoraria as may be granted by the Sangguniang Bayan in its annual appropriation or supplemental budget.

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**Section 14. Municipal Urban Development and Housing Office**

1. This provision enables the creation of Municipal Urban Development and Housing Office.
2. This office under the Office of the Mayor will design, program, execute and coordinate all plans, projects and activities relating to the implementation of community-based housing and other appropriate social housing program for designated target clientele/beneficiaries.
3. This office will be having three sections: administrative and service section, field operations section and technical services section;
4. This provision enables the office to hire professional staff with a plantilla position to man the said office subject to availability of funds;
5. The main focus will be the provision of housing to the lowest 30% of population who have no lots yet for their housing;
6. It will develop programs and projects meant to enhance community awareness and participation in housing project planning and implementation. It will also concern itself with the development of access for the delivery of necessary social services (in the areas of education, health and environmental sanitation) to its project beneficiaries for a holistic and integrated development.

**Section 15. Penalties.** - Failure to comply with the statutory requirement as stated in this Memorandum Circular, or any act of misrepresentation or fraud in connection with any information contained in any verification report or any application for certificate of compliance or in securing the same, shall subject the government officials or employees responsible for such omission, misrepresentation or fraud to the following penalties:

- a.) For the first offense, an imprisonment of one (1) month or a fine of Php1,000.00 or both at the discretion of the court;
- b.) For the second offense, an imprisonment of two (2) months or a fine of Php1,500.00 or both at the discretion of the court.
- c.) For the third offense, an imprisonment of three (3) months or a fine of Php2,000.00 or both at the discretion of the court.

**Section 16. Repealing Clause.** - All Ordinances and other municipal issuances, or any part or parts thereof, which are inconsistent with the provisions of the Ordinance are hereby repealed or modified accordingly.

**Section 17. Separability Clause.** - Should any provision of this Ordinance be declared invalid, the validity of the other provisions hereof shall be unaffected thereby.

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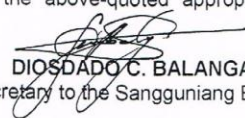
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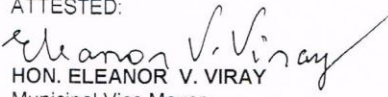
**Section 18. Effectivity.** - This Ordinance shall take effect immediately on the day following its publication in a newspaper of general circulation within the territorial jurisdiction of the local government unit, or at the end of the period of posting, whichever occurs later in conformity to the provisions of Section 511 of Republic Act 7160 otherwise known as the Local Government Code of 1991.

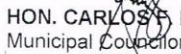
"UNANIMOUSLY APPROVED".

Date Approved – February 15, 2011.

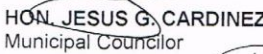
I HEREBY CERTIFY to the correctness of the above-quoted appropriation ordinance.

  
**DIOSDADO C. BALANGA**  
Secretary to the Sangguniang Bayan

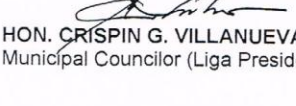
ATTESTED:  
  
**HON. ELEANOR V. VIRAY**  
Municipal Vice Mayor  
Presiding Officer

  
**HON. CARLOS F. LOPEZ, JR.**  
Municipal Councilor

  
**HON. PORFERIO R. TENDERO**  
Municipal Councilor

  
**HON. JESUS G. CARDINEZ**  
Municipal Councilor

  
**HON. MELCHOR J. CARDINEZ, SR.**  
Municipal Councilor

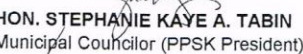
  
**HON. CRISPIN G. VILLANUEVA**  
Municipal Councilor (Liga President)

  
**HON. ARTEMIO R. GONZALEZ**  
Municipal Councilor

  
**HON. VIRGILIO I. AMISTAD**  
Municipal Councilor

  
**HON. DARLY JOHN G. APUYOD**  
Municipal Councilor

  
**HON. ROSELLER A. VIRAY**  
Municipal Councilor

  
**HON. STEPHANIE KAYE A. TABIN**  
Municipal Councilor (PPSK President)

APPROVED:  
  
**HON. HEIDEE G. CHUA**  
Municipal Mayor