

ORDINANCE NO. 8185

AN ORDINANCE CREATING THE CITY OF MANILA HOUSING BOARD, DEFINING ITS CLEARINGHOUSE FUNCTIONS PURSUANT TO EXECUTIVE ORDER NO. 708, SERIES OF 2008, DEFINING ITS COMPOSITION, AND FOR OTHER PURPOSES.

Be it ordained by the City Council of Manila, in session, assembled, THAT:

**SECTION 1. Creation.** - Pursuant to Executive Order No. 708, Series of 2008, there is hereby created a local housing board which shall be called as the "City of Manila Housing Board" or CMHB, for brevity.

**SEC. 2. Composition.** - The CMHB shall be composed of the following:

Chairperson : The City Mayor

Members :

1. Chairman of the City Council Committee on Housing, Land, Urban Planning Development and Resettlement
2. City Planning and Development Officer
3. City Engineer
4. City Urban Settlements Officer
5. A representative from the Presidential Commission for the Urban Poor (PCUP)
6. A representative from the National Housing Authority (NHA)
7. Representatives from People's Organizations (POs) operating in the City, who shall constitute not less than one-fourth (1/4) of the members of the fully organized Board: *PROVIDED, That a PO which is already represented in the City Development Council may be concurrently represented in the CMHB*
8. Representatives from SEC-registered Non-Governmental Organizations (NGOs) operating in the City, who shall constitute not less than one-fourth (1/4) of the members of the fully-organized Board: *PROVIDED, That an NGO which is already represented in the City Development Council may be concurrently represented in the CMHB*

**SEC. 3. Powers and Functions.** - As the sole clearinghouse for eviction and demolition activities concerning informal settlers in danger areas, public places and government projects, the CMHB shall exercise the following powers and functions:

1. Monitor all evictions and demolitions, whether voluntary, extra-judicial, summary, or court-ordered;



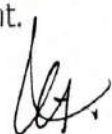
2. Require the proponent of eviction and demolition, i.e. national government department, agency, institution or local government, or its duly authorized representatives, to first secure from the CMHB the Checklist, Guidelines and Eviction and Demolition Compliance Certificate prior to the actual implementation thereof and, thereafter, to submit to the CMHB the completed Checklist which should be attested to, under oath, by the proponent indicating that:
  - a. Adequate consultations with the affected families were undertaken;
  - b. Adequate resettlement site and relocation facilities were made available; and,
  - c. The provisions of Section 3, paragraph 1 of the Implementing Rules and Regulations of Section 28 of Republic Act No. 7279 (relocation) have been complied with.
3. Based on the completed Checklist, and subject to further verification, issue an Eviction and Demolition Compliance Certificate on proposed eviction and demolition involving the homeless and under-privileged citizens.

**SEC. 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 CMHB. 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 CMHB, 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.

*In the case of a summary eviction and demolition, the proponent shall likewise obtain an application for certificate of compliance: PROVIDED, That the said application shall be submitted at least seven (7) working days prior to the conduct of the same, pursuant to the rules on summary demolitions: PROVIDED FURTHER, That in the event that the affected persons are found to be among those subject to administrative eviction or demolition, the CMHB shall immediately inform the proponent and require the proper application for certification of compliance: PROVIDED FURTHERMORE, That in the case of a voluntary eviction and demolition, the proponent shall obtain from the CMHB, 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) working days prior to the actual conduct of eviction and demolition.*

2. If the application is sufficient in form and substance, the CMHB, upon verification, approves the application, issues the proper certificate of compliance and notifies the proponent.



5. In any other case of eviction and demolition where police assistance is necessary to preserve peace and order: *PROVIDED, HOWEVER, That the duly authorized official of the CMHB 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 CMHB. In lieu of the approval of the CMHB, the concerned PNP Officer shall merely inform the CMHB, 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 provision of police action or assistance.

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

**SEC. 7. Oversight.** - The CMHB shall, in coordination with other government agencies including the proponent, oversee the conduct of evictions and demolitions in accordance with Sections 27, 28 and 30 of RA 7279 and its Implementing Rules and Regulations.

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

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

In monitoring the actual conduct of demolition, the CMHB has to observe the conduct of an actual eviction and demolition and prepare a detailed report on the compliance or non-compliance of said activity to Sections 27, 28 and 30 of RA 7279 and its Implementing Rules and Regulations.

**SEC. 8. Meeting and Quorum.** - The CMHB 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.

**SEC. 9. Secretariat.** - The City Urban Settlements Office shall serve as Secretariat and shall be responsible for providing technical and administrative support, documentation proceedings, preparing reports and providing such other assistance as may be required by the CMHB. It may avail of the services of any NGO or educational or research institutions for this purpose.



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 CMHB shall inform 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: *PROVIDED, That* 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 CMHB issues a certificate 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.

**SEC. 5. Exemption Clause.** - The Compliance Certificate requirement mentioned in the preceding sections shall not cover court-ordered evictions and demolitions. As such, the concerned courts or their officers shall not be required to apply for Compliance Certifications, pursuant to Section 2 of the Implementing Guidelines of Executive Order No. 152, Series of 2002.

**SEC. 6. 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 and 30 of Republic Act No. 7279 and its Implementing Rules and Regulations, Checklist and Compliance Certificate requirements, or with the written notice requirement when applicable, as certified or authorized by the CMHB.

In the case of a 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 CMHB;
3. In the case of a local infrastructure project where police assistance is approved, in writing, by the duly authorized official of the CMHB;
4. In the case of national infrastructure projects: *PROVIDED, That* the duly authorized official of the CMHB has approved the same in writing; and,



**SEC. 10. Selection of POs and NGOs Representatives.** - The City Urban Settlements Office shall, within thirty (30) days from the effectivity of this Ordinance, gather all representatives of POs and NGOs operating within the City of Manila for purposes of choosing among themselves who will sit as board members in the CMHB. The application and election of representatives in the Board shall be guided by the rules promulgated by the City Urban Settlements Office prior to the actual day of deadline of the filing of applications.

**SEC. 11. Budget.** -

- a. The City Government shall appropriate at least one percent (1%) of its annual Internal Revenue Allotment (IRA) for the operations and activities of the CMHB; and,
- b. Members of the CMHB shall receive no compensation, but shall be entitled to traveling, representation and other allowances/honoraria.

**SEC. 12. Cooperation of Concerned Agencies.** - The CMHB shall coordinate with all concerned government agencies, such as the Department of Interior and Local Government (DILG), the Philippine National Police (PNP), the Department of Social Welfare and Development (DSWD), the Department of Public Works and Highways (DPWH), the Department of Health (DOH), the 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.

**SEC. 13. Submission of Periodic Reports.** - The CMHB shall, thru the Secretariat, submit quarterly reports to 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.

**SEC. 14. Penalties.** - Failure to comply with the statutory requirements specified herein and other relevant laws, 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:

1. Disciplinary action under Book 1, Title Two, Chapter 4 of the Local Government Code; or
2. Prosecution under the penalty clause (Section 45) of Republic Act No. 7279.

**SEC. 15. Special Provision.** - All resolutions or Compliance Certificates issued after the effectivity of Executive Order No. 708, Series of 2008, by any body or committee in the City of Manila performing the functions of a Local Housing Board are hereby repealed or withdrawn by this Ordinance.

Thirty (30) days from the formal constitution of the CMHB, all resolutions or issuances mentioned in the preceding paragraph shall be resolved by the newly-constituted Board.



**SEC. 16. Repealing Clause.** – All ordinances and other City issuances, or any part or parts thereof, which are inconsistent with the provisions of this Ordinance are hereby repealed or modified accordingly.

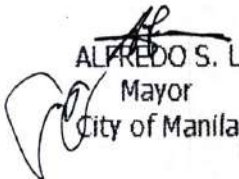
**SEC. 17. Separability Clause.** – If for any reason or reasons, any provision of this Ordinance shall be held to be unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

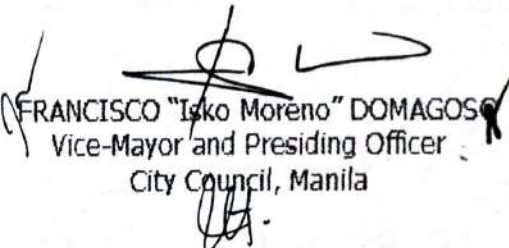
**SEC. 18. Effectivity Clause.** - This Ordinance shall take effect upon approval.

Enacted by the City Council of Manila at its regular session today, April 2, 2009.

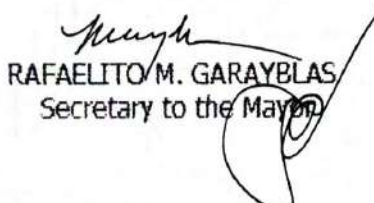
Approved by His Honor, the Mayor, on

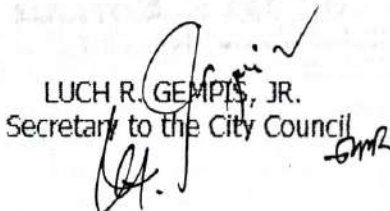
APPROVED:

  
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Mayor  
City of Manila

  
FRANCISCO "Isko Moreno" DOMAGOSA  
Vice-Mayor and Presiding Officer  
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ATTESTED:

  
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