



Republic of the Philippines  
Province of Iloilo  
**MUNICIPALITY OF OTON**  
OFFICE OF THE SANGGUNIANG BAYAN

**EXCERPT** from the Minutes of Session of the Sangguniang Bayan of Oton, Iloilo recorded during its Regular Session held at the SB Session Hall last **October 12, 2011** at 9:30 in the morning.

<b>PRESENT:</b>	Hon. Jose Neil P. Olivares	Vice Mayor (Presiding Officer)
	Hon. Leonida C. Alison	SB Member
	Hon. Felix L. Flores	SB Member
	Hon. Jafet P. Salinas	SB Member
	Hon. Francisca C. Ezpeleta	SB Member
	Hon. Juan Miguel M. Flores	SB Member
	Hon. Serafin N. Clavel II	SB Member
	Hon. Virginia F. Olivares	SB Member
	Hon. Rodefo Z. Alconga, Jr.	SB Member
	Hon. Margarito T. Clavel III	SB Member (Liga ng mga Barangay Representative)
	Hon. Eust Brian U. Villavicencio, Jr.	SB Member (SKMF Representative)
<b>ON OFFICIAL BUSINESS:</b>		
<b>ABSENT:</b>	None.	

**ORDINANCE 2011 – 240**  
**AN ORDINANCE CREATING THE LOCAL HOUSING BOARD OF THE MUNICIPALITY OF OTON**

As requested by Mayor Vicente B. Flores, Jr. and drafted by Vice Mayor Jose Neil P. Olivares, on motion of the Committee on Urbanization and Community Development composed by Hon. Serafin N. Clavel II, Hon. Francisca C. Ezpeleta and Hon. Leonida C. Alison which was duly seconded by Hon. Virginia F. Olivares, be it

Ordained by this Sanggunian that:

**Section I. Introductory Clause.**

- a. Executive Order No. 152, series of 2002, designated the Presidential Commission for the Urban Poor (PCUP) as the sole clearing house for the conduct of demolition and eviction activities involving the homeless and underprivileged citizens. Said Executive Order granted the PCUP such powers to fulfil its mandate of ensuring strict compliance with the requirements of just and humane demolition and eviction under the Urban Development and Housing Act of 1992.
- b. By virtue of Executive Order No. 708, series of 2008, issued by then President Gloria Macapagal – Arroyo, and pursuant to the established policy of local autonomy and decentralization, the functions and mandate of the PCUP have been devolved to respective Local Government Units (LGUs) in whose territorial jurisdiction the proposed demolition and eviction activities of government agencies are to be undertaken.
- c. Section 2 of E.O 708 states that LGUs must create their own Local Housing Boards or any similar body through an appropriate ordinance before conducting the clearinghouse functions granted to them by the said E.O.

**Section II. Definition of Terms.** For purposes of this ordinance, the following terms are defined as:

- a. **Danger areas** – refer to areas whose condition pose danger to the safety of the people living thereat. These include: asteros, garbage dumps, railroad tracks, landfills, creeks, riverbanks, shorelines and waterways;
- b. **Public places** – shall mean places used by the general public which include sidewalks, public cemeteries, roads, parks, and playgrounds;
- c. **Government project sites** – shall mean project sites of national government agencies or of the local government unit;
- d. **Clearinghouse** – refers to the Local Housing Board (LHB) and its powers and functions as enumerated in Section 5 hereof.
- e. **Eviction** – the physical expulsion of someone from land by the assertion of paramount title or through legal proceedings.
- f. **Demolition** – the act or process of destroying or dismantling one's dwelling after observing substantive or procedural due process by courts of competent jurisdiction or by government agencies.

### **Section III. Creation and Nature of the Local Housing Board.**

- a. By virtue of Section 2 of E.O. 708, series of 2008, the Local Housing Board (LHB) of the Municipality of Oton is hereby created as a general policy-making, oversight, recommendatory and monitoring body for housing services of the local government.
- b. The LHB shall also be the sole clearinghouse body for eviction and demolition activities concerning informal settlers in danger areas, public places and sites of government projects.
- c. The LHB shall be comparable with other local special bodies, thus, it shall have a focused vision and mission for housing services.

### **Section IV. Composition of the Local Housing Board.**

- A. The LHB shall be headed by the Municipal Mayor as Chairman with the following as members:
  - 1. Chair of the Sangguniang Bayan Committee on Urbanization and Community Development;
  - 2. Municipal Planning and Development Coordinator;
  - 3. Municipal Engineer;
  - 4. Municipal Environment and Natural Resources Officer;
  - 5. General Services Officer;
  - 6. Municipal Social Welfare and Development Officer;
  - 7. Liga ng mga Barangay Representative;
  - 8. Representative from the PCUP;
  - 9. Representative of a duly accredited People's Organizations;

10. Representative of a SEC – registered and duly accredited Non-Government Organizations;
  11. Representatives of Key Shelter Agencies (KSAs): HUDCC, NHA, HLURB
  12. Representative of any housing related organization
- B. The Mayor as Chairman of the LHB shall, through an Executive Order, appoint a Secretariat from among the members of the LHB.

**Section V. Powers and Functions of the Local Housing Board as Clearing House for Eviction and Demolition.**

- A. The LHB shall exercise the following powers and functions:
1. Monitor all evictions and demolitions, whether voluntary, extra-judicial, summary, or court ordered;
  2. Require proponent of an eviction and/or demolition to first secure from the LHB the Checklist, Guidelines and Eviction and Demolition Compliance Certificate prior to the actual implementation thereof and, thereafter, to submit to the LHB the completed checklist, attested to under oath by the proponent and indicating that:
    - a. adequate consultation with affected families was undertaken;
    - b. adequate resettlement sites and relocation facilities are made available; and
    - c. provision of Section 3, paragraph 1 of the IRR of Section 28 of RA 7279 (pre-relocation) have been complied with.
- B. The LHB shall, based on the completed checklist and subject to further verification, issue an Eviction and Demolition Compliance Certificate on a proposed eviction and demolition.

**Section VI. Exemption Clause.** The Compliance Certificate Requirement as required by the preceding section shall not cover court - ordered evictions and demolitions.

**Section VII. The LHB as a Policy – Making Body.** The LHB, as a policy-making body shall:

- a. create the Local Housing Unit, considered as a task unit directly responsible under the Office of the Mayor and shall be the implementing unit of the LHB;
- b. formulate policies relative to shelter and different housing programs of the LGU, and recommend all proposals for budgetary requirements pertinent to the operation of the Local Housing Unit;
- c. promulgate policies/guidelines pertinent to the implementation of the local shelter and housing programs in accordance with RA 7279;
- d. approve/disapprove the Local Shelter Plan submitted by the Local Housing Unit;
- e. recommend for approval of the Sangguniang Bayan the certifications, clearances, development permits and other housing related activities of a project proponent.

**Section VIII. The LHB as an Oversight Body.** as an Oversight Body, the LHB shall:

- a. recommend to the Sangguniang Bayan programs, projects or activities in the Comprehensive Land Use Plan (CLUP), particularly on the Housing Sub-sector portion;
- b. oversee the implementation of the different housing programs in a specific Barangay, either it be by local, provincial or national government and of other agencies for the urban and rural poor and other bonafide residents of the municipality who are homeless.

**Section IX. The LHB as a Recommendatory or Advisory Body.** As a Recommendatory Body, the LHB shall:

- a. recommend to the Mayor the approval of Partnership Agreements with any other housing agencies or private entity or organization for:
  - a.1. Housing Production Assistance
  - a.2. Resettlement Development
  - a.3. Local Housing and
  - a.4. other related projects (i.e. conduct of planning sessions, trainings, seminars, conferences and capability building)
- b. serve as Advisory Body to the Sangguniang Bayan on urban development and housing programs such as, but not limited to, local appropriations for urban development and housing programs.

**Section X. Repealing Clause.** All municipal ordinances or parts of any municipal ordinance inconsistent with the provisions of this Ordinance are hereby repealed or modified accordingly.

**Section XI. Separability Clause.** If any provision of this Ordinance is held invalid, the other provisions not affected thereby shall continue in operation.

**Section XII. Effectivity Clause.** This Ordinance shall take affect upon approval.

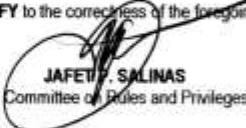
**Section XIII. Copies.** This Ordinance shall be furnished to the following: Office of the Mayor; Chair, Committee on Urbanization and Community Development; MPDO; MEO; MENRO; GSO; MSWDO; MTO; MBO; Accounting Office; Liga ng mga Barangay; PCUP; Provincial Housing Board and the Sangguniang Panlalawigan for information, guidance and review respectively.


**UNANIMOUSLY APPROVED.**

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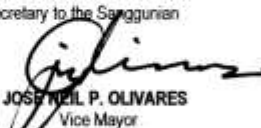
I HEREBY CERTIFY to the correctness of the foregoing Ordinance.

Concurred:

  
**JAFET S. SALINAS**  
 Chair, Committee on Rules and Privileges

  
**KERRY ANN T. LACIFICAR**  
 Secretary to the Sanggunian

Attested:

  
**JOSE NEIL P. OLIVARES**  
 Vice Mayor  
 Presiding Officer

Approved:

  
**VICENTE B. FLORES, JR.**  
 Municipal Mayor

Date Approved:

NOV 03 2011

Date Posted:

NOV 03 2011

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