Republic of the Philippines
Quezon City
13th CITY COUNCIL

46th Regular Session

ORDINANCE NO. SP-396, S-96

AN ORDINANCE AMENDING, BY WAY OF SUBSTITUTION, RESOLUTION NO. 532, S-95, AUTHORIZING THE QUEZON CITY GOVERNMENT, REPRESENTED BY HIS HONOR, ISMAEL A. MATHAY, JR., TO ENTER INTO A JOINT PROJECT AGREEMENT WITH PHINMA PROPERTY HOLDINGS CORPORATION FOR THE DEVELOPMENT AND CONSTRUCTION OF THE SMILE CITHOMES I, LOCATED AT BARANGAY KALIGAYAHAN, NOVALICHES, QUEZON CITY.

Introduced by Councilors WINSTON "Winnie" T. CASTELO, GODOFREDO T. LIBAN II, ENRICO S. SERRANO and JOSEPH PETER S. SISON.

Sponsored by Councilors Antonio L. Sioson, Emilio G. Tamayo, Marciano P. Medalla, Jorge L. Banal, Michael F. Planas, Eufemio C. Lagumbay, Cesar A. Dario, Jr., Guillermo C. Altuna and Bayani V. Hipol.

WHEREAS, the City Council in its Resolution No. 532 S-95, has authorized the Quezon City Government as represented by His Honor, Mayor Ismael A. Mathay, Jr., to enter into a Joint Venture Agreement with PHINMA Property Holdings Corporation, or any reputable firm for the land development works and housing construction of SMILE CITHOMES I, located at Barangay Kaligayahan, Novaliches, Quezon City, a City Government Socialized Housing Project for the benefit of the Quezon City Hall employees;

WHEREAS, under the said Resolution, the Quezon City Council intended to have the parcel of land with an area of Twenty Four Thousand and Twenty Square Meters (24,020 Sq. M.), covered by Transfer Certificate of Title No. 135924 of the Register of Deeds, Quezon City and registered in the name of the Quezon City Government, developed into an entirely socialized housing project; however given pricing and cost constraints and the fact that the present finances of the Quezon City Government cannot afford to fund the development of such project, the Quezon City Council deems it preferable that the project be, instead, a mass housing project composed of medium-rise buildings with the socialized housing component so that the same could be developed at no further cost to the Quezon City Government;

WHEREAS, it is the desire of the Quezon City Council that the Quezon City Hall employees be the beneficiaries of the socialized housing component of the project and that they be given priority in the said thereof;

WHEREAS, being aware of the very limited availability and conditions of other socialized housing projects within the vicinity of the land to be developed, the City Council is committed to provide not only affordable but livable and decent housing

WHEREAS, the City Council recognizes that the development of this project will translate into higher value of the socialized housing units, compared to others in the vicinity, the benefit resulting therefrom to be passed on to the Quezon City Hall employees.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF QUEZON CITY IN SESSION ASSEMBLED:

SECTION 1. Resolution No. 532, S-95, authorizing the Quezon City Government represented by His Honor, Mayor Ismael A. Mathay, Jr., to enter into a joint project agreement with PHINMA PROPERTY Holdings Corporation for the development and construction of Smile Citihomes I at Barangay Kaligayahan, Novaliches, Quezon City, is hereby amended by way of substitution with the following revised terms and conditions.

a.   The developer shall allocate 500 units of the Project for the City Hall employees as priority housing beneficiaries at the socialized prize of P150,000 per unit and each of such units is to have a floor area of not less than thirty (30)square meters and a flush toilet;

b.   The developer shall pay to the Bureau of Internal Revenue the capital gains tax for and in behalf of the former owner of the aforementioned land;

c.   The appraisal value of the socialized housing units, to be determined by the Home Development Mutual Fund (PAG-IBIG) must be 50% higher than the purchase price of P150,000.00 per unit to enable the Quezon City Hall employees, who are given priority to buy such units, to apply for financing, if they are qualified, with minimal cash out on their part;

d.   The financing of the project and all costs and expenses in the development of the project will be the sole expense of the developer;

e.   The developer is to be given sufficient power to enable the said party to develop the project, under such reasonable terms and conditions as the City Mayor may prescribe;

f.   The developer shall pay to the Quezon City Government its share under the Agreement amounting to P24,040,000.00 within one (1) year from the commencement of the project to be covered by a guarantee bond to insure its payment;

g.   The developer shall complete the project within two (2) years from the commencement of the project. For this purpose, it shall post a performance bond equal to 30% of the cost of the project and shall pay liquidated damages equivalent of 1/10 of 1% for everyday of delay, in case it fails to complete the project within the specified period;

h.   The developer shall comply with all requirements of laws/city ordinances relating to the project;

i.   The Quezon City Government, for its part, shall cause the issuance of all city permits required for the development/ construction of the project;

j.   The developer with the conformity of the Quezon City Government will initiate and cause the establishment of a condominium corporation for the project in whose favor the common areas, including the land, are to be transferred and turned over, and;

k.   The joint project agreement with the developer shall be attached herewith and shall form part of this Ordinance.

SECTION 2. All ordinances/resolutions, proclamations and other decrees which are inconsistent with the provisions of this Ordinance shall be considered repealed, amended and modified accordingly.

SECTION 3. This Ordinance shall take effect upon its approval.

ENACTED   May 7, 1996.

                                                    (SGD.) HERBERT M. BAUTISTA
                                                              Vice Mayor
                                                           Presiding Officer

ATTESTED:

(SGD.) EUGENIO V. JURILLA
      City Secretary

                                                    APPROVED: May 23, 1996

(SGD.) ISMAEL A. MATHAY, JR.
              City Mayor