Republic of the Philippines
QUEZON CITY COUNCIL
Quezon City
19th City Council

PO19CC-361

69th Regular Session

ORDINANCE NO. SP-2444, S-2015

AN ORDINANCE DISQUALIFYING AS BENEFICIARIES FROM THE SOCIALIZED HOUSING PROGRAM OF THE CITY GOVERNMENT OR ANY NATIONAL AGENCY THOSE WHO COMMIT ACTS OF UNJUSTIFIED AND DELIBERATE REFUSAL OF NON-CONFORMIST OCCUPANTS AND/OR RECALCITRANTS TO BE COVERED BY THE SAID PROGRAM.

Introduced by Councilors RANULFO Z. LUDOVICA and JESUS MANUEL C. SUNTAY.

Co-Introduced by Councilors Precious Hipolito Castelo, Voltaire Godofredo L. Liban III, Roderick M. Paulate, Ramon P. Medalla, Estrella C. Valmocina, Anthony Peter D. Crisologo, Dorothy A. Delarmente, Lena Marie P. Juico, Victor V. Ferrer, Jr., Alexis R. Herrera, Allan Benedict S. Reyes, Gian Carlo G. Sotto, Franz S. Pumaren, Eufemio C. Lagumbay, Jose Mario Don S. De Leon, Jaime F. Borres, Marvin C. Rillo, Vincent DG. Belmonte, Raquel S. Malañgen, Jessica Castelo Daza, Bayani V. Hipol, Jose A. Visaya, Julienne Alyson Rae V. Medalla, Godofredo T. Liban II, Andres Jose G. Yllana, Jr., Allan Butch T. Francisco, Karl Edgar C. Castelo, Candy A. Medina, Diorella Maria G. Sotto, Marivic Co-Pilar, Rogelio "Roger" P. Juan, Melencio "Bobby" T. Castelo, Jr., Donato C. Matias and Ricardo B. Corpuz.

WHEREAS, Section 9, Article XIII of the 1987 Constitution explicitly provides:

"The State shall, by law, and for the common good, undertake, in cooperation with the private sector, a continuing program of urban land reform and housing which will make available at affordable cost, decent housing and basic services to underprivileged and homeless citizens in urban centers and resettlement areas. It shall also promote adequate employment opportunities to such citizens. In the implementation of such program the State shall respect the rights of small property owners."

WHEREAS, socialized housing is one of the programs or projects of the Quezon City Government and other national agencies to give the underprivileged and homeless citizens the opportunity to own affordable houses and lots or homelots only through community mortgage, housing loans and other modes of housing/land acquisition;

WHEREAS, as a highly urbanized city, Quezon City has a huge number of informal settlers, including renters and sharers and those living in the so-called danger zones, who have no adequate shelter, and are merely occupying either government or privately-owned lots;

WHEREAS, the problem on housing becomes a potent avenue for professional squatters and squatting syndicates to take advantage of the idle, vacant and unguarded real properties of the government and private owners for personal gain;

WHEREAS, the Quezon City government and other agencies of the national government and the private sector, are undertaking socialized housing programs by making available to the poor or qualified beneficiaries decent housing or adequate homelots at affordable cost through community mortgage, direct sale, housing loan and the like;

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WHEREAS, despite the sustained and vigorous efforts of the city government to provide decent and affordable housing units and to acquire homelots for their inhabitants, there are potential beneficiaries who could have met the qualifications of socialized housing but who unjustifiably and deliberately refuse to be covered by the housing program of the government. These people are commonly called "non-conformist occupants" and/or "recalcitrants";

WHEREAS, it has been observed that many government projects involving socialized housing are hampered and prejudiced due to the unabated activities of non-conformist occupants or recalcitrants. Consequently, the city government and the qualified beneficiaries have suffered tremendous losses considering that to carry out the program it will take so much time and entail large amount of money for the preparation and approval of subdivision plan, land survey, architectural design, re-blocking, provisions of basic services and facilities and other related expenses;

WHEREAS, under Section 458 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, the City Council is empowered to enact ordinances x-x-x for the general welfare of the city and its inhabitants.

NOW, THEREFORE,

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

Section 1.For the purpose of this Ordinance, the following terms shall be defined as follows:

a. *"Non-Conformist Occupants" –refers to any person who is a qualified beneficiary of socialized housing program of the city government or any national agencies but who unjustifiably or deliberately refuses to be covered by the said socialized housing program after giving him/her all the opportunities to be considered as a beneficiary. It also includes those who instigate or persuade other potential qualified beneficiaries not to recognize or avail of the said program.*

b. *"Recalcitrant" – refers to those who become beneficiaries but later on deliberately and unjustifiably disobey the existing policies and rules of the socialized housing program or who do not comply with the payment of their dues, monthly amortization and other legal fees. It also includes those who instigate or persuade other qualified beneficiaries to do the same;*

c. *"Socialized Housing"- refers to housing programs and projects undertaken by the City Government or National Government for the underprivileged and homeless citizens which shall include sites and services development, long term financing, liberalized terms on interest payments, and such other benefits in accordance with the provisions of Republic Act No. 7279, otherwise known as the Urban Development and Housing Act of 1992;*

d. *"Community Mortgage Program" (CMP) – refers to a mortgage financing program of the National Home Mortgage Finance Corporation (NHMFC) which assists legally organized associations of underprivileged and homeless citizens to purchase and develop a tract of land under the concept of community ownership. The primary objective of the program is to assist residents of blighted or depressed areas to own the lots they occupy, or where they choose to relocate to, and eventually improve their neighborhood and homes to the extent of their affordability;*

Section 2. The unjustified and deliberate refusal of the non-conformist and/or recalcitrant to be covered by the Socialized Housing Program of the City Government or National Government shall be dealt with in accordance with the following guidelines:

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a. *The Non-conformist Occupant and/or Recalcitrant shall be made to comply with the approved subdivision plan in order not to prejudice the rights of the other beneficiaries of the Socialized Housing Program.*

b. *The Non-Conformist Occupant who is a qualified beneficiary of the socialized housing program initiated by the Housing Community Development and Resettlement Department (HCDRD) of Quezon City or the National Housing Authority (NHA) who unjustifiably and deliberately refuse to be covered by or avail of the said housing program shall be deemed to have waived all of his/her rights to participate in the said program. Further, the Non-Conformist Occupant shall lose his/her right to purchase the property from the City Government or from any government agency without prejudice to the demolition or eviction of the non-conformist occupant from the dwelling unit or structure after observance of due process as provided for in Section 28 of Republic Act No. 7279, otherwise known as the Urban Development and Housing Act of 1992 and other existing and applicable laws;*

c. *The recalcitrant who do not comply with the existing rules or policies of the socialized housing program such as, but not limited to, non-payments of the required fees, monthly amortization, association dues, and special assessment, or refuse to cooperate with the project administrator shall also be deemed to have waived his/her right to avail and participate in the program. Payments for amortization made by the said recalcitrant beneficiary will be forfeited in favor of the government agency initiating the housing project. As regards the association dues and special assessments, the same shall be forfeited in favor of the Homeowners Association.*

The same is also without prejudice to the demolition or eviction of the recalcitrant from the dwelling unit or structure after observance of due process as provided for in Section 28 of Republic Act No. 7279, otherwise known as the Urban Development and Housing Act of 1992 and other existing and applicable laws;

Section 3. The Office of the Mayor, through the Housing Community Development and Resettlement Department (HCDRD) of Quezon City, shall be responsible for the implementation of this Ordinance and the drafting of the Implementing Rules and Regulations within sixty (60) days from approval hereof;

Section 4. Penalty Clause. Aside from the disqualification provided under of this ordinance, those who will be considered as non-conformist occupants and recalcitrants, as well as the instigators shall be fined Five Thousand Pesos (Php5,000.00).

Section 5. Repealing Clause. All ordinances contrary to or inconsistent with this Ordinance are hereby repealed or modified accordingly.

Section 6. Separability Clause. If any part or provision of this Ordinance is declared unconstitutional or invalid, the same shall not affect the validity and effectivity of the other parts or provisions hereof.

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Section 7. Effectivity Clause. This Ordinance shall take effect fifteen (15) days after its publication in a newspaper of general circulation.

ENACTED: August 24, 2015.

VINCENT DG. BELMONTE
President Pro-Tempore
Acting Presiding Officer

ATTESTED:

Atty. JOHN THOMAS S. ALFEROS III
City Gov't. Asst. Dept. Head III

APPROVED: 23 OCT 2015

HERBERT M. BAUTISTA
City Mayor

CERTIFICATION

This is to certify that this Ordinance was APPROVED by the City Council on Second Reading on August 24, 2015 and was PASSED on Third/Final Reading on September 1, 2015.

Atty. JOHN THOMAS S. ALFEROS III
City Gov't. Asst. Dept. Head III

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