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

PO19CC-244

28th Regular Session

ORDINANCE NO. SP- 2298 *, S-2014*

AN ORDINANCE DECLARING ABANDONED ROADS, ALLEYS, OPEN SPACES, AND EXCESS LOTS IN ALL SUBDIVISIONS IN QUEZON CITY AS PROPERTIES FOR PUBLIC USE BY THE CITY GOVERNMENT, THEREBY SETTING THE GUIDELINES FOR THE USE THEREOF AND FOR OTHER PURPOSES.

Introduced by Councilors JESUS MANUEL C. SUNTAY and GODOFREDO T. LIBAN II.

Co-Introduced by Councilors Anthony Peter D. Crisologo, Ricardo T. Belmonte, Jr., Dorothy A. Delarmente, Lena Marie P. Juico, Victor V. Ferrer, Jr., Alexis R. Herrera, Precious Hipolito Castelo, Voltaire Godofredo L. Liban III, Roderick M. Paulate, Ranulfo Z. Ludovica, Ramon P. Medalla, 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, Andres Jose G. Yllana, Jr., Allan Butch T. Francisco, Karl Edgar C. Castelo, Candy A. Medina, Marivic Co-Pilar, Rogelio "Roger" P. Juan, Melencio "Bobby" T. Castelo, Jr., Donato C. Matias and Ricardo B. Corpuz.

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WHEREAS, Quezon City is empowered to enact ordinances for purposes set forth in the Local Government Code of 1991 (RA 7160) and prescribe reasonable regulations to protect the lives, health, and property of its constituents and maintain peace and order within its territorial jurisdiction;

WHEREAS, on April 23, 1964, the 8th Quezon City Council enacted Ordinance No. 5852, S-64 requiring a six (6) percent mandatory open space for any proposed subdivision be turned over to the City, without lien or encumbrance, as a condition for the approval of the subdivision plan.

WHEREAS, Presidential Decree No. 1216 defined the term "open space" in residential subdivisions to mean areas reserved exclusively for parks, playgrounds, recreational uses, schools, roads, places of worship, hospitals, health centers, barangay centers and other similar facilities and amenities;

WHEREAS, Section 2 of Presidential Decree No. 1216 amending Section 31 of Presidential Decree No. 957 likewise compels the owner/developer of any subdivision to donate its roads, alleys, sidewalks and playgrounds to the City;

WHEREAS, in the same case, known as the White Plains Doctrine, the donation of the "open space" by the owner/developer to the government constitutes A MERE FORMALITY. However, the standard practice is that a developer must, among its mandatory obligations, develop the road lots in its subdivision before it can turn over the same to the government by way of donation;

WHEREAS, Section 30 of Ordinance No. SP-56, S-1993 explicitly provides that upon issuance of the Certificate of Completion by the City, or at the time the subdivision owner/developer starts selling subdivision lots, whichever is earlier, all road networks in the subdivision must be open to and made accessible for free passage/use by general public;

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WHEREAS, numerous reports from the City Engineering and General Services Departments reveal that many real estate and subdivision owners, developers and operators have abandoned their obligations to properly maintain subdivision roads, drainage systems, lighting systems, and similar basic requirements, thus, endangering the health and safety of home and lot buyers;

WHEREAS, in instances where a subdivision owner or developer has been dissolved or ceases to exist, the City Government can no longer compel the same to officially turn-over roads, alleys and other open spaces, pursuant to Section 2 of Presidential Decree No. 1216, hence the need for the immediate enactment of this ordinance.

NOW, THEREFORE,

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

SECTION 1. DECLARATION OF POLICY. – It is the policy of the Quezon City government to ensure that all abandoned roads, alleys, open spaces, and excess lots located in subdivisions within the territorial jurisdiction of Quezon City are properly maintained and preserved for public use. The dissolution or cessation to exist of developers, owners or operators that have not officially turned-over such open spaces to the City shall not preclude the City government from maintaining, preserving and developing the same for the benefit of the general public.

SECTION 2. COVERAGE. – All abandoned roads, alleys, parks, playgrounds, open spaces, and excess lots in all subdivisions in Quezon City are hereby declared properties for public use by the City government.

SECTION 3. DEFINITION OF TERMS. – The following terms are hereby defined as follows:

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a. *Abandonment – shall mean physical relinquishment by the subdivision owner or developer of roads, alleys, sidewalks and playgrounds that have not been officially turned over to the Quezon City government pursuant to Ordinance No. 5852, S-64 and Ordinance No. SP-56, S-1993 by reason of dissolution of the corporation or when the owner/developer has reneged on its mandatory obligation to develop road lots and other open spaces of the subdivision for ten (10) years from the date of completion of the subdivision, and with no official turn-over to the City having occurred.*

b. *Alley – public access intended to serve both pedestrian and emergency vehicles as well as entry to lots with both sides always connecting to streets.*

c. *Completion – shall mean upon the issuance of the Certificate of Completion by the City or any time the subdivision owner or developer commences to sell subdivision lots whichever is earlier.*

d. *Dissolution – shall mean voluntary or involuntary dissolution governed by Title XIV of Batas Pambansa Blg. 68, otherwise known as the Corporation Code of the Philippines*

The term "dissolution" shall include individuals, whether subdivision owners or developers, who have died or who cannot be located despite diligent inquiry.

e. *Open space – shall mean an area reserved exclusively for parks, playgrounds, recreational uses, schools, roads, [illegible] worship, hospitals, health centers, barangay centers and other similar facilities and amenities.*

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f. *Road – shall include sidewalks, alleys, plating strips, gutters, drainage, and sewerage.*

SECTION 4. IDENTIFICATION OF ABANDONED ROADS, ALLEYS AND OTHER OPEN SPACES.

a. *The Quezon City Subdivision Administrator, City Assessor and the City Planning and Development Officer are hereby directed to: conduct ocular inspections of all subdivisions and community roads, alleys and other open spaces; identify whether they have been abandoned by their owners/developers, or donated to the City Government, within six (6) months from the effectivity of this Ordinance; obtain the necessary documents pertaining to these open spaces from different sources; and if necessary, engage in discussions with homeowners residing thereat to formally request for an official turn-over of such.*

b. *For abandoned properties, verify the status of the owner/developer with the Securities and Exchange Commission or Housing and Land Use Regulatory Board.*

SECTION 5. REHABILITATION AND REGULATION OF ABANDONED SUBDIVISION AND COMMUNITY ROADS AND ALLEYS.

a. *The Quezon City Government through the City Engineering Department shall undertake the rehabilitation of abandoned subdivision and community roads and all*

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b. All abandoned subdivision and community roads within the territorial jurisdiction of Quezon City shall be open for use by the general public. Consequently, it shall be unlawful for any person, firm or corporation, to close, prevent, or otherwise refuse the public or vehicular traffic from the use of or free access to said abandoned subdivision and community roads. The Department of Public Order and Safety shall regulate vehicular traffic in the area.

SECTION 6. MAINTENANCE OF ABANDONED OPEN SPACES FOR PARKS AND PLAYGROUNDS. – All abandoned open spaces for parks and playgrounds in Quezon City shall be maintained, regulated, controlled and secured by the City Government.

SECTION 7. The City Government shall maintain, repair, preserve and develop the roads, alleys, open spaces and excess lots in abandoned subdivisions exclusively for public use.

SECTION 8. APPROPRIATION. – The funds necessary for the implementation of this Ordinance, including the rehabilitation and maintenance of subdivision and community roads, alleys and open spaces, shall be sourced from any available funds of the City.

SECTION 9. REPEALING CLAUSE. – All ordinances, resolutions, executive orders, memorandum circulars and all other issuances or parts thereof which are inconsistent with any provisions of this ordinance are hereby repealed or modified accordingly.

SECTION 10. SEPARABILITY CLAUSE. – The provisions of this ordinance are separable, and in the event that any provisions are declared invalid, the validity of all other provisions shall not be affected thereby.

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SECTION 11. EFFECTIVITY. – This ordinance shall take effect upon its approval.

ENACTED: June 23, 2014.

MA. JOSEFINA G. BELMONTE
Vice Mayor
Presiding Officer

ATTESTED:

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

APPROVED: 11 JUL 2014

HERBERT M. BAUTISTA
City Mayor

CERTIFICATION

This is to certify that this Ordinance was APPROVED by the City Council on Second Reading on June 23, 2014 and was PASSED on Third/Final Reading on June 30, 2014.

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

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