



Republic of the Philippines
QUEZON CITY COUNCIL

Quezon City
19th City Council

PO19CC-057

15th Regular Session

ORDINANCE NO. SP- 2247 S-2013

AN ORDINANCE MANDATING ALL PUNONG BARANGAYS AND THE TASK FORCE COPRISS IN QUEZON CITY TO SUMMARILY EVICT ALL PERSONS CONDUCTING ON-GOING CONSTRUCTION OF ANY STRUCTURE IN PUBLIC OR PRIVATE LANDS WITHIN THE TERRITORIAL JURISDICTION OF QUEZON CITY, PURSUANT TO REPUBLIC ACT NO. 7279, WITHOUT THE EXPRESS CONSENT OF THE REGISTERED LAND OWNER OR THE NECESSARY BUILDING PERMIT FROM THE CITY GOVERNMENT AND TO DEMOLISH SUCH STRUCTURE.

Introduced by Councilor RANULFO Z. LUDOVICA.

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, Ramon P. Medalla, Estrella C. Valmocina, Allan Benedict S. Reyes, Gian Carlo G. Sotto, Franz S. Pumaren, Eufemio C. Lagumbay, Jose Mario Don S. De Leon, Jaine F. Borres, Jesus Manuel C. Surtay, Marvin C. Rillo, Vincent DG. Belmonte, Raquel S. Malañgen, Jessica Castelo Daza, Bayani V. Hipol, Jose A. Visaya, Julienne Alyson Roe 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 Richard N. Yu.

[Handwritten signatures and initials]




WHEREAS, in view of the incessant nefarious activities of professional squatters and squatting syndicates, construction of illegal structures in both public and private lands in the barangay continue to proliferate to the great prejudice, damage, and disadvantage of the registered landowner and legitimate barangay inhabitants;

WHEREAS, for profit or gain or taking advantage of the absence or tolerance of the landowner, there are unscrupulous persons who, despite having their own house and lot or already occupying a certain parcel of land, are willfully and deliberately constructing illegal structures in any vacant lot/s found within the barangay to lease or sell to an innocent person/s, either for dwelling or business purpose;

WHEREAS, as a consequence thereof, the registered land owner of the illegally occupied property is being deprived of his/her right to peacefully utilize, possess, and enjoy the same. However, in spite of that, they are still the one shouldering the burden of religiously paying the required real property taxes;

WHEREAS, the influx of illegal structures in the barangay likewise adversely affect the legitimate occupants therein as their space for barangay facilities and other services such as the health center, school building, sports complex, multi-purpose hall, and the like gradually dwindles or totally dissipates;

WHEREAS, due to unlawful occupation of public and private lands in the barangay, the Social Housing Program of the government is terribly hampered, thereby forcing the qualified beneficiaries and other underprivileged and homeless citizens to settle in far-flung areas, blighted lands, and even in danger zones;

WHEREAS, the limited, unutilized, and abandoned real properties in the barangay, whether of public or private ownership, shall be used and occupied properly either by the government or by the genuine underprivileged and homeless citizens registered in the barangay, and should not be used for business and personal gain; x   

WHEREAS, as persons in authority and primary responsible in the maintenance of peace and order, and in protecting public and private interests, the punong barangay and his fellow barangay officials should spearhead in eradicating or curtailing construction of illegal structures, the same being a clear violation of the National Building Code and other pertinent laws;

WHEREAS, Section 16 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, explicitly provides that:

"Sec. 16. General Welfare. - Every local government unit shall exercise the powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate, or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare. x-x-x"

WHEREAS, Section 27, Article VII of Republic Act No. 7279, otherwise known as the Urban Development and Housing Act of 1992, likewise states that:

"Sec. 27. Action Against Professional Squatters and Squatting Syndicates. - The local government units, in cooperation with the Philippine National Police, the Presidential Commission for the Urban Poor (PCUP), and the PCUP-accredited urban poor organization in the area, shall adopt measures to identify and effectively curtail the nefarious and illegal activities of professional squatters and squatting syndicates, as herein defined.

Any person or group identified as such shall be SUMMARILY EVICTED and their dwelling or structures DEMOLISHED, and shall be disqualified to avail of the benefits of the Program. x-x-x"

[Handwritten signatures]

NOW, THEREFORE,

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

SECTION 1. Mandate. - All Punong Barangays and the Task Force COPRISS in Quezon City are hereby mandated to summarily evict all persons conducting an on-going construction of any structure in public and private lands within the territorial jurisdiction of Quezon City, pursuant to Republic Act No. 7279, without the express consent of the registered landowner or the necessary building permit from the city government and to demolish such structure.

SECTION 2. Definition of Terms. - As used in this ordinance, the following terms shall be defined:

- a) "Structure" - refers to all types of building, improvement, residential unit, wall, fence, and other structure of similar character or nature which are adhered to the soil but shall not include trees, plants and growing fruits, and other fixture that are mere superimpositions on the land;
- b) "On-going construction" - refers to the actual, present, and new construction of structure herein defined. It does not include the renovation or repair of the structure already constructed or finished prior to the effectivity of this ordinance;
- c) "Punong Barangays" - refers to the local chief executive defined under the Local Government Code of 1991;
- d) "Task Force COPRISS" - refers to the task force created under the Quezon City Government for the purpose of monitoring and curtailing squatting or illegal occupation of lands;



- e) "Registered Landowner" - refers to the owner of the land whose name appears in the land title registered in the appropriate Registry of Deeds;

SECTION 3. Self-Demolition and Removal of Valuable Things. - Upon discovery or receipt of the report of the on-going construction, the owner of the structure shall be notified in writing of said violation by the Punong Barangay concerned with the advice to undertake the self-demolition of the subject structure and to remove all valuable things inside the premises within the period of three (3) days from receipt of notice.

SECTION 4. Summary Eviction and Demolition. - In case of non-compliance with the provisions of the immediately preceding paragraph, summary eviction and demolition shall be executed jointly by the barangay concerned and the Task Force COPRISS without need of a court order subject to the following conditions:

- a) The construction of structure must be on-going;
- b) All persons taking part in the summary eviction or demolition must wear proper identification during the period of demolition;
- c) A number of Barangay Public Safety Officer (BPSO) and police officer from the nearest police station shall be deployed in the area to maintain peace and order, and to observe proper disturbance control procedure;
- d) Eviction or demolition may be executed only during regular office hours from Mondays to Fridays and during good weather; and
- e) No heavy equipment shall be used for the demolition, except for structures that are permanent and of concrete materials;

SECTION 5. Confiscation of Materials. - Construction materials of the demolished structure shall be confiscated in favor of the barangay should the owner thereof fails to claim the same within a period of three (3) days after the occurrence of demolition.



SECTION 6. Joint Activity Report. – *The Punong Barangay concerned and the Head of Task Force COPRISS shall submit a Joint Activity Report to the City Mayor, through the Secretary to the Mayor, briefly stating the vital information and the circumstances surrounding the demolition.*


SECTION 7. Assistance. – *The Punong Barangay concerned and the Head of Task Force COPRISS may ask or summon the assistance of other departments/offices under the Quezon City Government for the purpose of carrying out the provisions of this ordinance.*

SECTION 8. Exemption. – *All persons constructing new structure/s in the barangay or any place in Quezon City who are lawfully relocated by any branch of the government or by order of the court shall be exempt from the coverage of this ordinance.*

SECTION 9. Administrative Sanction. – *For violation of this ordinance, an administrative sanctions or penalties provided in the Administrative Code, Code of Conduct and Ethical Standards for Public Officials and Employees, Anti-Graft and Corrupt Practices Act and other pertinent laws shall be imposed after observance of substantive and procedural due process.*

SECTION 10. Separability Clause. – *If, for any reason, any section or provision of this ordinance is declared unconstitutional or invalid by the court, the other sections or provisions hereof not affected by such declaration shall remain in full force and effect.*

SECTION 11. Repealing Clause. – *City Ordinance No. NC-180, S-1990 and all other city ordinances, resolutions, local executive orders or any administrative issuances or parts thereof inconsistent with the provisions of this ordinance are hereby repealed or modified accordingly.* x




SECTION 12. Effectivity Clause. - This ordinance shall take fifteen (15) days after its publication in a newspaper of general circulation.

ENACTED: December 16, 2013.



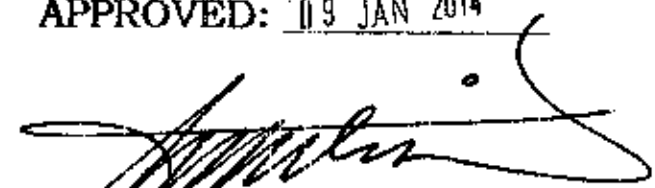
DOROTHY A. DELARMENTE
President Pro-Tempore
Acting Presiding Officer

ATTESTED:



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

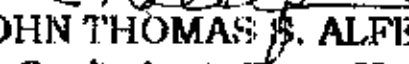
APPROVED: 119 JAN 2014



HERBERT M. BAUTISTA
City Mayor

CERTIFICATION

This is to certify that this Ordinance was APPROVED by the City Council on Second Reading on December 16, 2013 and was PASSED on Third/Final Reading on December 20, 2013.



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