



Republika ng Pilipinas
Lungsod Quezon
SANGGUNIANG PANLUNGSOD
(City Council)

PO97-150

112th Regular Session

RESOLUTION NO. SP- 808 —, S-97

A RESOLUTION DIRECTING THE REFERRAL OF ALL APPLICATIONS FOR APPROVAL OF SUBDIVISION PLANS AND ISSUANCE OF DEVELOPMENT PERMITS FOR RESIDENTIAL SUBDIVISIONS TO THE COMMITTEE ON URBAN POOR AFFAIRS FOR STRICT COMPLIANCE OF THE PROVISIONS OF SECTION 18 OF REPUBLIC ACT NO. 7279 AS WELL AS THE IMPLEMENTING RULES AND REGULATIONS THEREOF.

Introduced by Councilor NANETTE CASTELO DAZA.

Co-Introduced by Councilors Moises S. Samson, Godofredo T. Liban II, Marciano P. Medalla, Eufemio C. Lagumbay, Cesar A. Dario, Jr., Joseph Peter S. Sison and Herminia C. Altuna.

WHEREAS, the single most enormous problem that the government of Quezon City faces today is the social problem of hundreds of thousands of landless and homeless residents, who, by force of necessity, are compelled to squat in private and government lands, thus creating squatter colonies which breed other social problems, such as drugs, criminality, health, sanitation, etc.;

WHEREAS, majority of these so-called squatters are continuously in search of relocation and socialized homes that they can legally acquire thru government financing such as Pag-ibig, SSS, GSIS, etc., but unfortunately, the sad reality is that there are no such lands or homes that are available for sale;

WHEREAS, Article 1 of Republic Act No. 7279 otherwise known as the URBAN DEVELOPMENT AND HOUSING ACT OF 1992, provides that:

“Article I

SECTION 2. DECLARATION OF STATE POLICY AND PROGRAM OBJECTIVES. - It shall be the policy of the State to undertake, in cooperation with the private sector, a comprehensive and continuing Urban Development and Housing Program, hereinafter referred to as the Program, which shall:

- a) Uplift the condition of the underprivileged and homeless citizens in urban areas by making available to them decent housing at affordable cost, basic services and employment opportunities;
- b) Provide for the rational use and development of urban land in order to bring about the following:

- 1) Equitable utilization of residential lands in urbanized areas with particular attention to the needs and requirements of the underprivileged and homeless citizens and not merely on the basis of market forces.”

WHEREAS, to address the problem of the homeless, Article 5 of said UDHA law further provides that:

“Article V
SOCIALIZED HOUSING

SECTION 15. POLICY. - Socialized housing, as defined in Section 3 hereof, shall be the primary strategy in providing shelter for the underprivileged and homeless.

SECTION 18. BALANCED HOUSING DEVELOPMENT. - The program shall include a system to be specified in the Framework plan whereby developers of proposed subdivision projects shall be required to develop an area for socialized housing equivalent to at least twenty percent (20%) of the total subdivision area or total subdivision project cost, at the option of the developer, within the same city or municipality, whenever feasible, and in accordance with the standards set by the Housing and Land Use Regulatory Board and other existing laws.”

WHEREAS, to enforce Section 18 of Article V of the UDHA law, the Housing and Land Use Regulatory Board approved the Implementing Rules and Regulations to govern Section 18 in the HUDCC Resolution 511, Series of 1992 dated June 8, 1992, which provides that:

“SECTION 2. SCOPE OF APPLICATION. - These rules and regulations shall apply to residential subdivision and residential condominium projects and/or proposed expansion of existing residential subdivisions and residential condominiums.

SECTION 3. MODE OF COMPLIANCE.

- (a) For main subdivision projects which are limited to the sale of lots only:
 - (1) Land equivalent to twenty percent (20%) of the total area of the main subdivision project shall be developed for socialized housing; or
 - (2) A socialized housing project equivalent to twenty percent (20%) of the main subdivision total project cost.

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- (b) For main subdivision projects which consist of the sale of house and lot packages:
- (1) Land equivalent to twenty percent (20%) of the total area of the main subdivision project shall be developed and housing units equivalent to twenty percent of the aggregate floor area of all housing units of the main subdivision project shall be constructed; or
 - (2) A socialized housing project equivalent to twenty percent (20%) of the main subdivision total project cost.
- (c) For residential condominium units a socialized housing project equivalent to twenty percent (20%) of the total condominium project cost;

SECTION 4. PROJECT LOCATION AND ZONING COMPLIANCE. - Where a contiguous area equivalent to the required twenty percent (20%) is not available, development of separate sites within the same city or municipality, whenever feasible, may be allowed provided that the aggregate total sums up to at least twenty percent (20%) of the main subdivision project's total area. In metropolitan areas, location of socialized housing projects may be allowed within the provinces contiguous to the physical configuration of the metropolitan area.

SECTION 6. PERMITS AND LICENSES.

- (a) Development Permit - The developer shall secure simultaneously development permits for the main project and the socialized housing project except when the socialized housing project is developed in advance.

SECTION 7. TIME OF COMPLETION. - Socialized housing projects shall be completed within one (1) year from the date of issuance of the license to sell for the subdivision or condominium project or as approved by the Board and in accordance with the rules and regulations implementing PD 957 and BP 220."

WHEREAS, there are no exemptions to this rule except when the project itself is a socialized housing project or when the developer has an inventory of socialized housing programs which it has previously undertaken to conform with the twenty percent (20%) requirement of the new project to be undertaken;

WHEREAS, the powers of the Housing and Land Use Regulatory Board in approving Preliminary Locational Clearances, Subdivision Plans, Development Permits, Occupancy Permits, including the monitoring and compliance of the said provisions of law have been devolved to the City government by virtue of Executive Order No. 71 and in consonance with Article X of the UDHA Law which provides:



"Article X
PROGRAM IMPLEMENTATION

SECTION 39. ROLE OF LOCAL GOVERNMENT UNITS. - The local government units shall be charged with the implementation of the Act in their respective localities, in coordination with the Housing and Urban Development Coordinating Council, the national housing agencies, the Presidential Commission for the Urban Poor, the private sector and other non-government organizations.

They shall prepare a comprehensive land use plan for their respective localities in accordance with the provisions of this Act."

WHEREAS, the above provisions of law, if properly implemented, shall effectively solve the squatting problem, now proliferating in the City, by providing opportunities to the underprivileged and homeless to avail of socialized housing to be generated by this Act; specifically that portion which compels developers to provide for socialized housing;

WHEREAS, while this law has been in effect since 1993, it has not been enforced effectively by the respective agencies of the government, city or national; therefore, it is necessary that the specific task be assigned to a standing committee of the City Council which shall solely have the responsibility and authority to enforce Section 18 of R.A 7279, monitor the compliance by developers to ensure their faithfulness to the approved plans and specifications thereto, and, impose appropriate measures to enforce compliance therewith;

WHEREAS, since the major beneficiaries of this Act are the urban poor, it stands to reason that the committee that should be tasked to enforce said Section 18 of R.A. 7279 should be the Committee on Urban Poor;

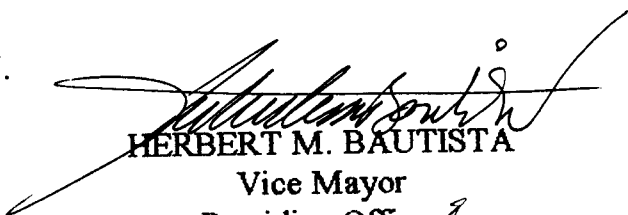
NOW, THEREFORE

BE IT RESOLVED BY THE CITY COUNCIL OF QUEZON CITY IN SESSION ASSEMBLED, to direct, as it does hereby direct, the referral of all applications for approval of subdivision plans and issuance of development permits for residential subdivisions to the Committee on Urban Poors Affairs for strict compliance of the provisions of Section 18 of R.A 7279, as well as the Implementing Rules and Regulations thereof.

ADOPTED: November 18, 1997.

ATTESTED:

EUGENIO V. JURILLA
City Secretary


HERBERT M. BAUTISTA
Vice Mayor
Presiding Officer

gpa