



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

PO19CC-148

22nd Regular Session

ORDINANCE NO. SP- 2286, S-2014

AN ORDINANCE CREATING THE JOINT TASK FORCE PUGAD LAWIN CONSISTING OF MEMBERS OF THE EXECUTIVE DEPARTMENT AND THE SANGGUNIANG PANLUNGSOD TO ESTABLISH SOCIALIZED HOUSING IN SITIO MILITAR, BARANGAY BAHAY TORO, DISTRICT 1, QUEZON CITY, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES.

Introduced by Councilor VICTOR V. FERRER JR.

Co-Introduced by Councilors Allan Peter D. Crisolago, Ricardo T. Belmonte, Jr. Dorothy A. Delarmente, Lena Marie P. Juico, Alexis R. Herrera, Precious Hipolito Castelo, Voltaire Godofredo L. Liban III, Ranulfo Z. Ludovica, Ramon P. Medalla, Estrella C. Valmocina, Allan Benedict S. Reyes, Franz S. Pamaren, Eufemio C. Lagumbay, Jose Mario Don S. De Leon, Jaime F. Borres, Jesus Manuel C. Suntay, Vincent DG. Belmonte, Raquel S. Malangan, Jessica Castelo Daza, Bayani V. Hipol, Julienne Alyson Rae V. Medalla, Godofredo T. Liban II, Allan Butch T. Francisco, Karl Edgar C. Castelo, Candy A. Medina, Diorella Maria G. Sotto, Rogelio "Roger" P. Juan, Melencio "Bobby" T. Castelo, Jr. and Ricardo B. Corpuz.

WHEREAS, the Local Government of Quezon City owns three (3) parcels of land covered by Transfer Certificates of Title Nos 109401, 109402 and 109403 of the Register of Deeds for Quezon City, with an area of about fourteen (14) hectares located at Barangay Bahay Toro, District 1, Quezon City;

WHEREAS, the Quezon City General Hospital occupies an area of about three (3) hectares of said parcels of land;

WHEREAS, the Local Government entered into a Memorandum of Agreement in June 1989 with a private developer named JC Resources Development Inc. for the construction of housing project on a portion of said lands not occupied by the Hospital;

WHEREAS, the title to the properties were transferred to other parties in the meantime and the parcels of land they cover had consequently been subdivided and new certificates of title issued;

WHEREAS, the Pugad Lawin Housing Corporation was incorporated pursuant to the Memorandum of Agreement to which the Local Government had conveyed a portion of the lands covering an area of about sixty-five thousand two hundred twenty-five (65,225) square meters in which the housing project should be built under Transfer Certificates of Title Nos. 15221, 15222, 15223 and 15224 of the Register of Deeds of Quezon City;


WHEREAS, audit shows that JC Resources Development, Inc. had violated the terms and conditions of the Memorandum of Agreement resulting to economic losses of the Local Government;

WHEREAS, the aforesaid Memorandum of Agreement had not been enforced for more than ten (10) years;

WHEREAS, the subject properties are home to thousands of families consisting of a community called Sitio Militar, a number of whom had been residents therein for more than thirty (30) years;

WHEREAS, the state of human settlement in Sitio Militar had deteriorated as a consequence of over-population and poverty, where open spaces for parks and roads gave way to poorly-built tenements, as a result, infrastructure cannot be constructed and social facilities undelivered;





WHEREAS, several, if diverse, efforts by the residents and the political leaderships in the Local Government and Barangay demonstrate a necessity to finally lay to rest the issue of land ownership in Sitio Militar.

NOW, THEREFORE,

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

SECTION 1. *Title of Ordinance.* - This Ordinance shall be known and cited as the Pugad Lawin Socialized Housing Ordinance of 2013.

SECTION 2. *Declaration of Policy.* - It is hereby declared a policy of the Local Government of Quezon City to preserve and maximize the use of its resources for the benefit of its residents especially the underprivileged and, toward this end, shall review and take necessary action on land ownership, housing projects, other land use programs, and similar activities.

SECTION 3. *Definition of Terms.* - As used in this Ordinance, the following terms shall be understood to mean:

3.1 *Audit Findings.* - Refer to the Reports dated 13 September 2007 and 19 October 2011 of the Interim Fixed Assets Management and Control Division of the City General Services Department, and the Audit Observation Memorandum dated 18 March 2010 of the Commission on Audit-Quezon City.

3.2 *Barangay.* - Refers to Barangay Bahay Toro in District 1, Quezon City unless another barangay is otherwise identified.

3.3 *Housing Corporation.* - Refers to the private corporation called Pugad Lawin Housing Corporation.



3.4 Developer. --Refers to JC Resources Development Inc.

3.5 Local Government. - Refers to Quizon City as a geographic subdivision and as a political entity with government consisting of the Executive Department, the Sangguniang Panlungsod, and all offices under them.

3.6 Memorandum of Agreement. - Refers to the Memorandum of Agreement executed on 5 June 1989 between the Local Government and the Developer.

3.7 Project. - Shall mean the socialized housing project to be established on the Properties hereafter described.

3.8 Properties. - Refer to the parcels of land covered by Transfer Certificates of Title Nos. 15221, 15222, 15223 and 15224 mentioned in the Fifth Whereaus Clause hereof, and other lands that the Local Government may have conveyed to the Developer or the Housing Corporation, regardless of subsequent subdivision and transfer of ownership and possession.

3.9 Residents. - Shall mean those who have permanently established abode in Sitio Militar hereafter defined, whether as home-owners or as lessees of dwelling spaces. Voter registration, census and other records of the National Statistics Office, the Local Government and the Barangay shall be deemed, although not exclusive, proof of residence.

3.10 Sitio Militar. - Refers to the communities established at the Properties, including Sitio Militar Proper, Sitio Militar Itaas, Sitio Militar Ibaba, Sitio Incenerator and Sitio Yagit.

3.11 Task Force. - Refers to the Joint Pugad Lawin Task Force created herein among the members of the Executive Department and the Sangguniang Panlungsod. X



SECTION 4. Creation and Composition of the Task Force. - Joint Pugad Lawin Task Force is hereby created the primary purpose of which is to establish a socialized housing project on the Properties. It shall be composed of the following members:

- 4.1 The Mayor as Ex-officio Chairman.
- 4.2 The Vice Mayor as Ex-officio Vice Chairman.
- 4.3 The Sanggunian Member-Principal Proponent of this Ordinance as Ex-officio Member
- 4.4 The City Legal Officer as Member
- 4.5 The City Treasurer as Member
- 4.6 The City Engineer as Member
- 4.7 The Head of the Housing, Community Development and Resettlement Department
- 4.8 The Chairperson of the Committee on Patrimonial and Proprietary Property as Member
- 4.9 Two (2) Members from the 1st District of the Sangguniang Panlungsod designated in accordance with the internal rules.

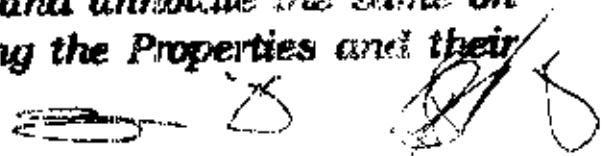
SECTION 5. Powers and Functions of the Task Force. - Joint Pugad Lawin Task Force shall exercise the following powers and functions:

5.1 Gather and review all documents affecting the Properties to determine the status of their ownership, possession and other circumstances.

5.2 Review the Memorandum of Agreement and the circumstances of its signing, execution and implementation.

5.3 Address the recommendations on the Audit Findings.

5.4 Register an affidavit of adverse claim and, upon institution of legal action, a notice of lis pendens with the Register of Deeds through and in coordination with the Office of the Mayor and annotate the same on the certificates of title covering the Properties and their derivative titles.)



5.5 Initiate, prosecute, defend and maintain judicial and administrative actions to rescind the Memorandum of Agreement and re-acquire title over the Properties for the purpose of establishing a socialized housing project therein.

5.6 Enforce and collect pending obligations and liabilities of the Developer, the Housing Corporation and other persons and entities to the Local Government with respect to the Properties.

5.7 Establish the Project on the Properties.

5.8 Create working groups and deputize other personnel of the Local Government to assist in the performance of its functions.

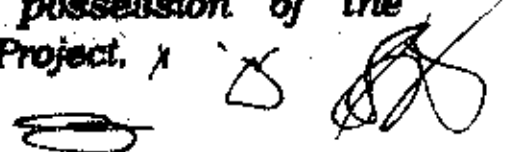
5.9 Grant reasonable per diem to its Members and other deputized personnel at its discretion.

5.10 Engage the services of private parties for the accomplishment of its undertakings, duties and responsibilities where no such services are available in the Local Government or if a particular expertise is required, and pay reasonable fees therefor.

5.11 Promulgate its own rules of procedure.

SECTION 6. Meetings of the Task Force. - The Task Force shall convene within thirty (30) days from the effectivity of this Ordinance upon call of the Ex-officio Member to deliberate on the Audit Findings and other relevant papers and submit a report to the Office of the Mayor and the Sangguniang Panlungsod within sixty (60) days therefrom.

The report shall include, inter alia, the actions and proceedings of the Local Government, the Developer and the Housing Corporation with respect to the Properties, rescission of the Memorandum of Agreement, enforcement of the liabilities of the Developer and Housing Corporation, the means of re-acquiring title to and possession of the Properties, and the establishment of the Project. X





Thereafter, the Task Force shall meet regularly at least once every month or call at such places, dates and times as may be provided in its internal rules for the performance of its functions. It shall also call a public hearing at its discretion among the residents and other stakeholders on the properties.

A majority of all the Members of the Task Force, including the Ex-officio Chairman, Vice Chairman and Member, shall constitute a quorum for the purpose of holding its meetings. The same number of affirmative votes is required to carry out its resolutions.

SECTION 7. Rescission and Legal Action on the Memorandum of Agreement. - The Memorandum of Agreement is hereby rescinded on the bases of violations of its terms and conditions committed by the Developer and Housing Corporation, and prescription brought about by non-enforcement of such terms and conditions. The Task Force shall perform any and all acts and cause the execution of any and all documents necessary for the purpose. As may be necessary, it shall commence, prosecute, defend and maintain judicial and administrative actions through and in coordination with the City Legal Officer to effect rescission, re-acquire title over the Properties, collect the liabilities of the Developer and Housing Corporation, claim damages against them, and seek other reasonable relief.

The Task Force, through and in coordination with the City Legal Officer, shall register an affidavit of adverse claim with the Register of Deeds and, upon the institution of judicial or administrative action, a notice of lis pendens in order to inform the public and protect its title and rights on the Properties.

The rights of innocent transferees for value, whether by virtue of absolute or conditional sale or other legal means of conveyance, shall be respected. Nevertheless, the Task Force shall collect its equitable share on the unpaid portions of the purchase prices due from such transferees.

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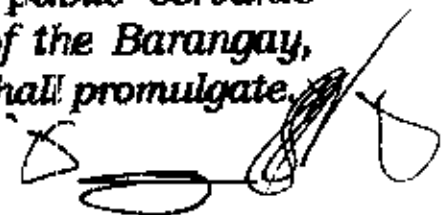
SECTION 8. Establishment of Socialized Housing. - A socialized housing Project shall be established on the Properties for which purpose the Task Force shall coordinate with the Housing and Urban Development Coordinating Council to avail the benefits of the Community Mortgage Program. However, if the facilities of Community Mortgage Program are unavailing or inapplicable for any reason, the Local Government shall provide the necessary funds to establish and maintain the Project.

The Task Force shall recommend to the Office of the Mayor, through the Office of the City Engineer, the approval of location and building plans which shall provide open spaces for parks and roads in accordance with applicable laws and regulations. As far as practicable, low-cost high rise condominium-type buildings shall be constructed to maximize land use.

At least seventy-five percent (75%) of housing units in the Project shall be reserved for qualified Residents. Qualification shall be based primarily on length of residence and ability to pay amortizations. For this purpose, the Task Force shall promulgate criteria for qualification of Residents, taking into consideration the above requirement of percentage availment by the Residents.

Within ninety (90) days from effectivity of this Ordinance, the Task Force, with the assistance of the Barangay, shall conduct a census among the residents in Sitio Militar to update those already undertaken by the National Statistics Office and the Local Government to ascertain their population, length of residence, financial status, and other relevant data.

The remaining housing units in the Project not to exceed twenty-five percent (25%) shall be awarded to permanent employees of the Local Government and the Quezon City General Hospital, and public school teachers assigned, police officers permanently stationed, and other public servants employed within the territorial jurisdiction of the Barangay, under equitable criteria that the Task Force shall promulgate.



SECTION 9. Dissolution of the Task Force. - The Ex-Officio Chairman, with concurrence of at least two-thirds (2/3) of all the Members, shall dissolve the Task Force upon the accomplishment of the following:

9.1 Submission of the report required to be submitted to the Office of the Mayor and the Sangguniang Panlungsod under Section 6 of this Ordinance.

9.2 Return of the result of census required to be conducted under Section 8 of this Ordinance.

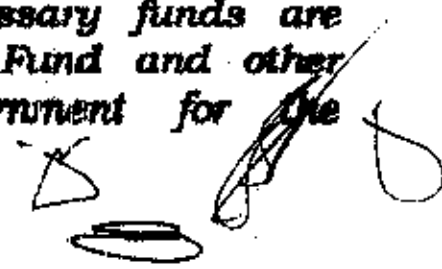
9.3 Registration of affidavit of adverse claim and notice of lis pendens with the Register of Deeds under Section 7 of this Ordinance.

9.4 Commencement of judicial or administrative action under the same section. Upon its dissolution, the Task Force shall transfer to the City Legal Officer the authority and duty to continue litigating such action and enforce whatever final decision may be rendered thereon.

9.5 Establishment of the Project, which shall be deemed already established upon the approval of location and building plans, qualification of Residents and other beneficiaries to all housing units, reservation of adequate funding for the Project, and commencement of building construction. Thereafter, the Task Force shall turn over the Project to the Office of the City Engineer.

Upon its dissolution, the Task Force shall turn over all its records to the Office of the City Secretary for safekeeping and dissemination of copies to other offices under the Local Government which may need or use the same, and of whatever remaining assets in its control to the Office of the Mayor for proper disposition.

SECTION 10. Appropriation. - Necessary funds are hereby appropriated from the General Fund and other available funds of the Local Government for the implementation of this Ordinance.



SECTION 11. Amendatory Clause. - All earlier ordinances and resolutions or part thereof that are inconsistent with the provisions of this Ordinance are hereby amended accordingly.

SECTION 12. Separability Clause. - If any part of this Ordinance should be annulled or declared ineffective by a court of competent jurisdiction, the portions unaffected by the declaration shall continue to be in full force and effect.

SECTION 13. Effectivity. - This Ordinance shall take effect fifteen (15) days after its publication in a newspaper of general circulation in Quezon City.

ENACTED: March 10, 2014.


DIORELLA MARIA G. SOTTO
City Councilor
Acting Presiding Officer

ATTESTED:


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

APPROVED: 09 MAY 2014


HERBERT M. BAUTISTA
City Mayor

CERTIFICATION

This is to certify that this Ordinance was APPROVED by the City Council on Second Reading on March 10, 2014 and was PASSED on Third/Final Reading on March 17, 2014.


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