



Republic of the Philippines
QUEZON CITY COUNCIL

Quezon City
19th City Council

PR19CC-885

66th Regular Session

RESOLUTION NO. SP- **643 9**, S-2015

A RESOLUTION URGING THE SOCIAL HOUSING FINANCE CORPORATION (SHFC) TO EXCLUDE ROAD LOTS, ALLEYS, EASEMENTS AND OPEN SPACES OF SUBDIVISION PROJECTS UNDER THE COMMUNITY MORTGAGE PROGRAM FROM COVERAGE OF LOAN TO PREVENT ANNOTATIONS OF MORTGAGES IN THEIR RESPECTIVE TRANSFER CERTIFICATES OF TITLE (TCT).

Introduced by Councilor PRECIOUS HIPOLITO CASTELO.

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, Voltaire Godofredo I. Liban III, Roderick M. Paulate, Ramulfo Z. Iudovica, 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, Jaime F. Borres, Jesus Manuel C. Suntay, Marvin C. Rillo, Vincent DG. Belmonte, Raquel S. Malañgen, Jessica Castelo Daza, Bayani V. Hipol, Jose A. Visaya, Julianne 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, pursuant to Presidential Decree No. 1216, open spaces, roads, alleys and sidewalks in residential subdivisions are for public use and are therefore beyond the commerce of men and shall be non-alienable public lands;

WHEREAS, Presidential Decree No. 1216 also stated that it shall be mandatory for local governments to accept donations of said roads and open spaces of residential subdivisions;

WHEREAS, under the Community Mortgage Program (CMP) financed by the Socialized Housing Finance Corporation (SHFC) for the acquisition of land for the benefit of the poor and underprivileged citizens of the city, it was observed that the Transfer of Certificate of Titles covered on the roads and open spaces of the project contained annotations of mortgages which becomes a hindrance for the City Government to accept the donation by the community associations who are donors and registered owner's of the roads and open spaces;

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WHEREAS, due to the abovementioned constraint to accept the said donations, the City Government cannot undertake the necessary infrastructure projects intended primarily to uplift the living conditions of the aforesaid communities;

WHEREAS, since these roads and open spaces are beyond the commerce of men and are non-alienable lands, subjecting the same to a lien of mortgage will violate the provisions of pertinent laws, i.e. P.D. No. 1216 (Open Space Law), Section 50 of P.D. No. 1529 (Property Registration Decree), and Article 1409 of the Civil Code;


WHEREAS, by excluding the said open spaces from possible mortgage annotations, it will the same will greatly facilitate to the City's capacity to undertake infrastructure facilities intended primarily to service the needs of its constituents, particularly the CMP applicants, in order to raise and enhance the latter's living conditions;

WHEREAS, the City Government expresses its commitment and involvement to continuously implement a policy that will encourage and assist in the establishment of socialized housing projects for the benefit of the poor and underprivileged citizens of the city.

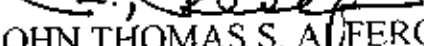
NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF QUEZON CITY IN REGULAR SESSION ASSEMBLED, to urge, as it does hereby urge, the Social Housing Finance Corporation (SHFC) to exclude road lots, alleys, easements and open spaces of subdivision projects under Community Mortgage Program from the coverage of loan to prevent annotations of mortgages in their respective Transfer Certificate of Title (TCT).

ADOPTED: June 29, 2015.



MA. JOSEFINA G. BELMONTE
Vice Mayor
Presiding Officer

ATTESTED:


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

CERTIFICATION

This is to certify that this Resolution was APPROVED by the City Council on Second Reading on June 29, 2015 and was CONFIRMED on August 10, 2015.


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