



Republic of the Philippines
Province of Cavite
OFFICE OF THE SANGGUNIANG PANLALAWIGAN
Trece Martires City



MINUTES OF THE 1st SPECIAL SESSION OF THE SANGGUNIANG PANLALAWIGAN OF CAVITE HELD ON 18 JANUARY 2007 AT TEMPURA SAM RESTAURANT, MANGGAHAN, GEN. TRIAS, CAVITE.

PRESENT:

Hon. Alex L. Advincula	Actg. Vice-Governor/Presiding Officer
Hon. Recto M. Cantimbuhan	Pro-Tempore
Hon. Cesario R. del Rosario, Jr.	Temporary Majority Floor Leader
Hon. Eileen R. Beratio	Sanggunian Member
Hon. Dencito P. Campaña	Sanggunian Member
Hon. Iluminada F. Silao	Sanggunian Member
Hon. Luis T. Pagtakhan	Sanggunian Member
Hon. Arleen C. Arayata	ABC Prov'l. Fed. Pres.
Hon. Manolito H. Credo	SB Prov'l. Fed. Pres.

ABSENT:

Hon. Hermogenes C. Arayata III	Majority Floor Leader
Hon. Hilda P. Mendoza	Sanggunian Member
Hon. Rafael S. Rodriguez	Sanggunian Member
Hon. Sophia Marie G. Pagtakhan	SK Prov'l. Fed. Pres.

PROVINCIAL ORDINANCE NO. 2007-001

AN ORDINANCE PROVIDING FOR THE INSTITUTIONAL, ADMINISTRATIVE AND FUNDING REQUIREMENTS OF THE RESETTLEMENT AND HOUSING PROGRAM OF THE PROVINCE OF CAVITE.

(Sponsored by: Hon. Rafael S. Rodriguez, Hon. Dencito P. Campana, Hon. Alex L. Advincula and Hon. Recto M. Cantimbuhan)

Be it ordained and enacted by the Sanggunian Panlalawigan of the Province of Cavite.

ARTICLE I

TITLE, POLICY AND DEFINITION OF TERMS

Section 1. Title. - An Ordinance providing for the Institutional Administrative and Funding Requirements of the Resettlement and Housing Program of the Province of Cavite.

Section 2. Statement of Policy and Program Objectives - It shall be the overall policy of the government of the Province of Cavite to vigorously pursue a comprehensive, viable and sustainable urban development and housing program, which shall uplift the living conditions of the deprived sector of the community, particularly the homeless, undertaken in cooperation with concerned national government agencies, the private sector and with the direct participation of the program beneficiaries themselves.

The overriding goal is the provision of adequate and decent low-cost housing for the poor and low-income families. Specifically, this ordinance aims to:

1. Provide the Province's homeless families, and the underprivileged, access to housing projects at the most affordable cost possible including basic social services and opportunities for a viable source of income;



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2. Curb the proliferation of slum and blighted areas in the Province thereby reducing urban dysfunctions;
3. Encourage a more effective people's participation in the urban development process;
4. Ensure not only the compliance of the private sector to the socialized housing requirements pursuant to the express provisions of law but also encourage their participation in the process of urban development and in undertaking housing projects either on their own initiative or in partnership with the Provincial Government;
5. Enhance the capability of the Provincial Government in undertaking urban development and housing program and projects; and
6. Effectively prevent encroachments on environmentally critical areas and squatting in government and private lands.

Section 3. Definition of Terms. - As may herein apply, the definition of some of the terms used under the Urban Development and Housing Act (UDHA) of 1992, or R.A. 7279, are hereby adopted:

- a.) "Affordable Cost" refers to the most reasonable price of land and shelter based on the needs and financial capability of program beneficiaries and appropriate financing schemes;
- b.) "Blighted areas" shall refer to areas within the province where the structures are dilapidated, obsolete and unsanitary, tending to depreciate the value of the land and prevent normal development and use of the area;
- c.) "Consultation" refers to the constitutionally mandated process whereby the public on their own or through people's organizations, is provided an opportunity to be heard and to participate in the decision-making process on matters involving the protection and promotion of its legitimate collective interests, which shall include appropriate documentation and feedback mechanisms;
- d.) "KaBahay" refers to the Special Housing Trust Fund of the Province of Cavite created under Section 14 of this Ordinance;
- e.) "Idle lands" refers to non-agricultural lands in urban and urbanizable areas on which no improvements have been made by the owner, as certified to by the Provincial Assessor;
- f.) "Joint Venture" refers to the commitment or agreement by two (2) or more persons to carry out a specific or single business enterprise for their mutual benefit, for which purpose they combine their funds, land resource, facilities and services;
- g.) "Land assembly or consolidation" refers to the acquisition of lots or varying ownership through purchase or expropriation for the purpose of planned and rational development and socialized housing programs without individual property boundary restrictions;
- h.) "Land banking" refers to the acquisition of land at values based on existing use in advance of actual need to promote planned development and socialized housing programs;



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- i.) "Land swapping" refers to the process of land acquisition by exchanging land for another piece of land of equal value, or for shares of stock in a government or quasi-government corporation whose book value is of equal value to the land being exchanged, for the purpose of planned and national development and provision for socialized housing where land values are determined based on land classification, market value and assessed taken from existing tax declarations; Provided, that more valuable lands owned by private persons may be exchanged with less valuable lands to carry out the objectives of this Ordinance;

- j.) "Land use plan" refers to the rational approach of allocating available land resources as equitably as possible among competing user groups and for different functions consistent with the development plan area and the program under this Ordinance;

- k.) "Resettlement areas" refers to areas identified by the province, which shall be utilized for the relocation of its underprivileged and homeless constituents;

- l.) "Security of tenure" refers to the degree of protection afforded to qualified program beneficiaries against infringement or unjust, unreasonable and arbitrary eviction or disposition, by virtue of the right of ownership, lease agreement, usufruct and other contractual arrangements;

- l.) "Socialized housing" refers to housing programs and projects covering houses and lots or home lots only undertaken by the government or the private sector for the underprivileged and homeless citizens which shall include sites and services development, long term financing, liberalized terms on interest payments, and such other benefits in accordance with the provisions of this Ordinance;

- n.) "Underprivileged and homeless citizens" refers to the beneficiaries of this ordinance and to individual or families residing in the province whose income or combined household income falls within the poverty threshold as defined by the National Economic and Development Authority and who do not own housing facilities. This shall include those who live in makeshift dwelling units and do not enjoy security of tenure;

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ARTICLE II

AUTHORITY AND PURPOSE

Section 4. Authority. - This Ordinance is enacted pursuant to the provisions of Section 16, General Welfare, and Section 17, Basic Services and Facilities, of the Local Government Code of 1991 (R.A. 7160) which define in general and specific terms the responsibilities of the local government in providing programs and projects to meet the economic and social needs of its constituents amongst which are low-cost housing and mass dwellings. Further, Section 29, Article VII of the Urban Development and Housing Act (UDHA) of 1992 (R.A. 7279) mandated the Local Government Units (LGUs) to resettle persons living in danger areas such as esteros, railroad tracks, riverbanks, garbage dumps, shorelines, waterways, and in other public places such as sidewalks, roads, parks and playgrounds and Section 39, thereof, which charge LGUs with the responsibility of implementing the UDHA of 1992 in their respective localities in coordination with public and private agencies/instrumentalities/organizations which are invariably involved in housing and urban development. Finally, Presidential Memorandum Order No. 74, dated September 13, 2002, directing LGUs to create their respective housing boards to implement activities in areas proclaimed as socialized housing sites.

ARTICLE III

THE PROVINCIAL URBAN DEVELOPMENT AND HOUSING BOARD OF CAVITE

Section 5. Policy-making body. The Provincial Urban Development and Housing Board of Cavite, created pursuant to Provincial Ordinance No. 2005-03, shall formulate policies, operational guidelines, provide effective coordination, and oversee the implementation of the shelter plan of the province.

Section 6. Composition. The Board shall be composed of the Provincial Governor as Chairman; the Chairman on Committee on Land Use, Zoning, Urban and Rural Development as Vice Chairman; the Chairman on Budget and Appropriations, the Chairman on Committee on Ways and Means and Chairman on Committee on Peace and Order as Advisers; the Provincial Administrator, the Provincial Planning and Development Officer, the Provincial Budget Officer, the Provincial Treasurer, the Provincial Assessor; the Provincial Social Welfare and Development Officer, the Provincial Engineer, the Provincial Housing Officer, the PG-ENRO, DPWH Representative, Urban Poor Affairs Office Representative, NHA representative and Consultant on Urban Development and Housing as members.

Section 7. Functions. The Board shall have the following functions:

- a. Formulate policies and operational guidelines pertinent to the implementation of the province's shelter program;
- b. Consistent with the land use plan of the province, approve specific areas identified by the Provincial Housing Development and Management Office (PHDMO) as suitable for socialized housing projects;



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- c. Act as originators for socialized projects in the province;
- d. Accredite originators for socialized housing projects to be put up within the province;
- e. Authorize the Provincial Treasurer to disburse funds from the province's special housing trust fund, or the KaBahay in accordance with the requirements of government accounting and auditing rules and regulations;
- f. Submit for the consideration of the Sanggunian Panlalawigan, proposals on taxation and such other modes of revenue generation to ensure the viability and sustainability of the Province's housing program;
- g. Enter into agreements or partnership arrangements with government agencies engaged in housing and related activities such as, but not limited to the National Housing Authority (NHA), Home Development Mutual Fund (HDMF), Housing and Urban Development Coordinating Council (HUDCC), National Home Mortgage Finance Corporation (NHMFC) and those of the private sector upon the authorization of the Sanggunian Panlalawigan;
- h. Review and recommend for the approval of the Sangguniang Panlalawigan the budgetary requirements of the Province's housing program as prepared by the PHDMO;
- i. Review, approve and/or disapprove the province's housing project proposals as submitted by the PHDMO;
- j. Call on any provincial office/department and representatives of national government agencies assigned in the province such as the Agrarian Reform Officer, Department of Agrarian Reform and the Station Commander, Philippine National Police to lend their assistance in the planning and implementation of the housing program
- k. Act to amicably settle or arbitrate on issues and complaints arising from the implementation of the province's housing projects including similar issues and complaints lodge against housing subdivision owners/developers, who are operating within the province , and, as the case may warrant, endorse the same for final disposition by the Housing and Land use regulatory Board (HLURB);
- l. Upon the authorization of the Sanggunian Panlalawigan, acquire lands to be utilized for the housing projects of the province either through negotiated sale or through expropriation proceedings, land swapping, land banking, land assembly or consolidation, joint venture and such other modes of acquisition as maybe lawfully allowed;
- m. Conduct community consultations as often a possible to ensure transparency and elicit the commitment of all stakeholders in the shelter plan in the province;
- n. Legitimate the list of the province's housing project beneficiaries as submitted to it by the PHDMO; and
- o. Perform such other functions as may be necessary the success of the implementation of the housing program and projects of the province.

Section 8. Secretariat. The Chairman of the Board is hereby empowered to designate an employee or, an office, who shall provide for the clerical, records keeping and related services for the PHDMO.



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Section 9. Compensation and Remuneration. As maybe determined by the PUDHB, all members shall be entitled to honoraria as ratified by the Sanggunian Panlalawigan. In addition, members thereof who are not government officials or employees shall be entitled to necessary traveling expenses and allowances chargeable against the funds of the PHDMO subject to existing accounting and auditing rules and regulations.

ARTICLE IV

PROVINCIAL URBAN DEVELOPMENT AND HOUSING OFFICE

Section 10. Creation. There shall be created a Provincial Housing Development and Management Office (PHDMO), which shall be mainly responsible in planning and implementing the province's housing projects;

Section 11. Structure. It shall be headed by a Housing and Home site Regulation Officer V (Salary Grade 22) with one assistant whose position shall be that of a Housing and Home site Regulation Officer IV (Salary Grade 19) and office staff with the following positions: Clerk III, Clerk II, Clerk I and Driver. It shall have three main implementing groups: Settlements Planning and Development Services (SPDS), Institutional and Social Development Services (ISDS) and Livelihood and Employment Development Services (LEDS). The provincial governor shall organize the PHDMO, define the specific functions of its three main service groups and designate the members thereof from the various offices/departments of the province as follows:

- 1.) Settlements Planning and Development Services (SPDS)
 - 1a) Provincial Engineering Department (PED)
 - 1b) Provincial Planning and Development Office (PPDO)
 - 1c) Cavite Environmental and Natural Resources Office
 - 1d) Provincial Agrarian Reform Office (PARO)

- 2.) Institutional and Social Development Services (ISDS)
 - 2a) Provincial Social Welfare and Development Office
 - 2b) Youth and Sports Division Office
 - 2c) Provincial Health Department
 - 2d) Provincial Information, Community Affairs and Development (PICAD)
 - 2e) Urban Poor Affairs Office
 - 2f) Concerned Barangays

- 3.) Livelihood and Employment Development Services (LEDS)
 - 3a) Provincial Agriculture Office
 - 3b) Provincial Cooperative, Livelihood, Entrepreneurship Development Office (PCLEDO)
 - 3c) Public Employment Service Office (PESO)

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Section 12. Functions. The PHDMO shall have the following functions:

1. Prepare and recommend for the approval of the PUDHB the province's specific projects on resettlement and housing;
2. Conduct community survey's in close coordination with the concerned Barangay Officials, prepare a profile or prospective beneficiaries to the province's housing and resettlement projects;
3. Conduct direct consultations with would-be beneficiaries to the province's housing and resettlement projects;
4. Consistent with the land use plan of the province, identify areas suitable for the housing projects and also assists in the acquisition thereof;
5. Provide community organizing assistance to the province's housing project beneficiaries to include among others the organization and development of cooperatives;
6. Assist the PUDHB in the sourcing of fund to defray the cost of resettlement and housing project implementation;
7. Prepare site development plans, housing designs and costing, for the housing and resettlement projects of the province taking into consideration the existing policies and standards set forth by the national government agencies and the province's zoning ordinance;
8. Provide the resettlement/housing beneficiaries with livelihood development assistance such as the conduct of entrepreneurial and skills training and the extension of credit facilities under the province's Livelihood Development Fund, including access to employment opportunities;
9. Ensure the delivery of social and other vital community services such as on health, family planning, maternal and child care and the like to the resettlement/housing beneficiaries;
10. Coordinate and/or secure the assistance of other government agencies and private entities in the implementation of the province's resettlement and housing projects;
11. Closely monitor the implementation of regulatory measures which are aimed to effectively contain the proliferation of squatters in the Barangays in close coordination with the officials herein;
12. Recommend to the PUDHB amendments, which are deemed essential, to further improve the policies, plans, program and operational guidelines covering the implementation of the province's resettlement and housing projects;
13. Prepare and submit periodic reports to the PUDHB on the progress of implementation of the resettlement and housing projects of the provincial government;
14. Perform such other functions that may be assigned to it from time to time.

Section 13. Compensation and Remuneration. - Except for the head and the assistant head who will occupy plantilla positions in the PHDMO, the other members who are designated by the Provincial Governor shall perform their duties as such without additional compensation or remuneration. However, as may be allowed by law or an ordinance they may be granted a fixed monthly allowance chargeable against the funds of PUDHB.



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ARTICLE V

FUNDING

Section 14. Special Housing Trust Fund - A Special Housing Trust Fund, which shall hereinafter be referred to as the KaBahay, is hereby created for the purpose of ensuring the viability and sustainability of the implementation of the resettlement and housing projects of the province.

Section 15. Sources. The KaBahay shall be sourced out from the following:

- a.) As may be authorized by the Sanggunian Panlalawigan, the calamity fund set aside for housing pursuant to Memorandum-Circular No. 2003-1, as amended, issued jointly by the Department of Budget and Management (DBM) and the Department of Interior and Local Governments (DILG) on March 20, 2003;
- b.) Loans as maybe authorized by the Sanggunian Panlalawigan and
- c.) Donations and grants for the resettlement and housing projects of the Province.
- d.) A special account separate from the General Fund of the Provincial Government shall be opened in any government bank which shall be exclusively used for the implementation of urban development and housing programs. The opening of the bank account, which shall be known as the Special Housing Fund, shall be subject to the usual government accounting and auditing rules.
- e.) One percent (1%) of the proceeds generated from the collection of the idle land tax shall accrue to the Special Housing Fund (SHF). The proceeds shall be allocated in the accordance with the implementing rules and guidelines formulated by the board and subject always to government accounting and auditing rules.
- f.) Fund generated from the collection of the socialized housing tax, which is equivalent to one-half percent (1/2%) of the assessed value of all lands in urban areas in excess of PhP50, 000.00, shall accrue to the Special Housing Fund.
- g.) Funds generated and collection from values sources intended for housing development programs in the province shall be deposited by the Provincial Treasurer to the exclusive account of the Special Housing Fund for the purpose of pursuing the goals and objectives of the board.



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Section 16. Use and Disbursement - The KaBahay shall be used solely for the acquisition of properties, site planning and development, housing construction for the province's resettlement and housing projects; and payment of financial assistance to underprivileged and homeless families affected by an eviction and demolition pursuant to a court order and whereby relocation is not possible within the forty-five (45) days from service of notice of final judgment by the court, pursuant to Section 28, Article III of R.A. 7279. The PUDHB, however, may set aside a reasonable amount for its own operational expense and that of the PHDMO. The KaBahay may only be disbursed upon the authorization of the PUDHB subject, however, to the requirements of the government accounting and auditing rules and regulations.

ARTICLE VI

FINAL PROVISIONS

Section 17. Repealing Clause. All ordinances and rules and regulations part or parts thereof which are inconsistent with any of the provisions of this Ordinance, are hereby repealed or modified accordingly.

Section 18. Separability Clause. Should any section provision of this Ordinance be declared unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force and affect.

Section 19. Effectivity Clause. This Ordinance shall take ten (ten) days after its publication in a local newspaper or after its posting in at least three (3) conspicuous places in the province.

UNANIMOUSLY APPROVED.

I hereby certify to the correctness of the foregoing.

JOSE R. DE CASTRO, SR.
Provincial Board Secretary

ATTESTED:

ALEX L. ADVINCULA
Acting Vice-Governor/Presiding Officer

APPROVED:

JUANITO VICTOR C. REMULLA, JR.
Acting Provincial Governor

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