



Republic of the Philippines
CITY OF CAGAYAN DE ORO
OFFICE OF THE CITY COUNCIL
(088) 857-4026; 857-4029; 857-4032; 857-4035; 857-2258



ORDINANCE NO. 13178 - 2016

AN ORDINANCE CONSOLIDATING AND FURTHER AMENDING ORDINANCE NO. 9888-2005 AND ORDINANCE NO. 10046-2006, OTHERWISE KNOWN AS THE COMPREHENSIVE SOCIALIZED HOUSING PROGRAM FOR THE UNDERPRIVILEGED AND HOMELESS CITIZENS OF CAGAYAN DE ORO CITY, FORMERLY PISO-PISO PROGRAM, SO AS TO PROVIDE HEREIN ADDITIONAL GUIDELINES AND TO PROVIDE PENALTY FOR VIOLATION THEREOF AND FOR OTHER PURPOSES

Whereas, the previous socialized housing program spearheaded by the different national agencies failed to accomplish their mandate to provide socialized housing benefits to the targeted beneficiaries and this is due to the fact that the beneficiaries failed to pay the cost of the house and lot through monthly amortization whereby the beneficiaries ultimately sold the awarded house and lot and transfer to another area or other areas in order to squat; hence, there is a repeated cycle of the housing problem not only in the city but in all areas where there are displaced settlers;

Whereas, social justice as mentioned in the Constitution says that it is the duty of the government to promote social justice and make available decent housing and basic services in urban and resettlement sites;

Whereas, RA 7279 provides that it shall be the policy of the state to undertake in cooperation with the private sector a comprehensive and continuing urban development and socialized housing program to uplift the condition of homeless citizen in urban areas by making available to them decent housing and basic services.

Whereas, Section 13 of RA 7279 provides that the local government unit has the authority to provide other variations in their socialized housing program;

Whereas, per data from the City Shelter Plan CY 2014-2022 of Cagayan de Oro, the housing backlog and future housing needs of the population is 79,073 units in 2022 at a population growth rate of 2.69% annually;

Whereas, the emancipation of underprivileged and homeless people thru ownership of decent housing is a basic human right and people empowering on the following reasons;

1. Pursuant to the provisions of the Constitution the State values the dignity of every person and guarantees full respect of human rights;
2. That the benefits of this specific program, though cannot be quantified, surpass the value or the cost of the property given to the beneficiaries in terms of the city's expense on health, safety, security and financial aid during calamities.
3. That upon the adoption of this program on a particular housing project the resultant effect would be to create a wholesome community and humanize the conditions in the originally blighted areas;
4. That by being made to pay for the acquisition cost of the land under this program the money would be used to purchase additional area as part of the city's land banking program.
5. That this Program creates a real sense of security on the part of the beneficiaries who would no longer be threatened by actual demolition and thereby changing their attention to a more productive endeavour.

Whereas, Piso-Piso Program is a social policy and its objective is simply to provide permanency and complete solution to the housing problem of the poor and lowly-paid members of law enforcement agencies;

Whereas, the Local Government pursuant to its autonomy granted by the Constitution develops and implements this program by enacting Ordinance No. 5603-96, Establishing the Guidelines, Rules and Regulations for the Resettlement and Socialized Housing Projects of the City, and Ordinance No. 7597-2001, Establishing a Policy on Assistance for the Resettlement and Socialized Housing Program of the City;

Whereas, after consultation and serious consideration, there is a need to merge the provisions of the two ordinances and address some inadequacies in their provisions; thus, it is imperative to formulate and enact a



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comprehensive socialized housing program that will become the basic foundation in the resolution of the housing backlog of the marginal poor and underprivileged citizens of the city;

Now, Therefore:

BE IT ENACTED by the City Council (*Sangguniang Panlungsod*) of Cagayan de Oro City in session assembled, that:

SECTION 1. – TITLE. – This Ordinance shall be known and cited as the Comprehensive Socialized Housing Program of 2016.

SECTION 2. – DECLARATION OF POLICY. – It is the Policy of the City Government to provide and implement a comprehensive and continuing program which shall uplift the condition of the underprivileged and homeless citizens in urban areas and resettlement areas by making available to them adequate home lots and/or decent housing and other basic services.

SECTION 3. – DEFINITION OF TERMS. – For purposes of understanding and guidance, the terms herein used shall be defined as follows:

- a. **Household** – a group of persons who live in the same dwelling unit structure and have a common arrangement for the preparation and consumption of food; a family living together.
- b. **Censused household** – any household who is in the official list of the City Housing and Urban Development Department (CHUDD), formerly Shelter and Housing Development Multi-Sectoral Task Force.
- c. **Household head** – the legitimate and legal head of the family with at least one dependent legitimately entitled to a support within a structure.
- d. **Resettlement areas** – refer to areas identified by the appropriate national agency or by local government unit with respect to areas within its jurisdiction, which shall be used for the relocation of the underprivileged and homeless citizens.
- e. **Socialized housing** – refers to the housing program and projects covering house and lot or home lot only undertaken by the government for the underprivileged homeless citizens which shall include sites and services development, and such other benefits in accordance with the provisions of R.A. 7279
- f. **Underprivileged and homeless citizens** – refer to the beneficiaries of the RA 7279 and to individuals or families residing in urban and urbanizable areas whose income or combined household income falls below P10,000 and who do not own housing units. This shall include those who live in makeshift dwelling units and do not enjoy security of tenure.
- g. **On-site Relocation Projects** – refer to housing projects or areas owned by the government or private person or entity actually occupied by a group of people with common desire to acquire security of tenure and subject areas are proposed for upgrading and rehabilitation including provision of basic services.
- h. **Off-Site Relocation Projects** – refer to housing projects or areas identified by the local government unit for use as resettlement of the unprivileged and homeless citizens that have been or may be displaced due to demolition through court order, affected by the implementation of infrastructure projects or victims of calamity.
- i. **Hereditary Succession** – refers to the transfer of the mode of acquisition by virtue of which the property, rights and obligations to the extent of the value of the inheritance, of a person are transmitted through his death to compulsory heirs, to wit:
 - a. Legitimate children and descendants, with respect to their legitimate parents and ascendants;
 - b. In default of the foregoing, legitimate parents and ascendants, with respect to their legitimate children and descendants



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- c. The widow or widower;
- d. Acknowledged natural children, and natural children by legal fiction;
- e. Other illegitimate children mentioned referred to in Article 287 of the Civil Code of the Philippines;

Compulsory heirs mentioned in (c), (d) and (e) are not excluded by those in (a) and (b); neither do they exclude one another.

- j. **In Active Service** – refers to members of the Cagayan de Oro City Police Office (COCPO) or the Cagayan de Oro City Fire Station (COFS) who are currently receiving remuneration as such and rendering protective services and whose families are already residing in Cagayan de Oro City.
- k. **Professional Squatters** – refers to individuals or groups who occupy lands without the express consent of the landowner and who have sufficient income for legitimate housing. The term shall also apply to persons who have previously been awarded home lots or housing units by the Government but who sold, leased or transferred the same to settle illegally in the same place or in another urban areas, and non-bonafide occupants and intruders of lands reserved for socialized housing. The term shall not apply to individuals or groups who simply rent land and housing from professional squatting syndicates.
- l. **Squatting Syndicates** – refers to groups of persons engaged in the business of squatter housing for profit or gain.

SECTION 4. - BENEFICIARY SELECTION AND LOT ALLOCATION. – Any qualified beneficiary shall only be entitled to one lot.

In the awarding and allocation of residential lots, the beneficiaries shall be those:

- 1. Households that will be affected with the implementation of infrastructure with government funding;
- 2. Households who are living along riverbanks and creeks, and on road-right-of-way;
- 3. Household issued with court ejectment orders for demolition
- 4. Registered households recorded in the master list of Socialized Housing Registration conducted in the urban and urbanizable barangays in 1994 and thereafter;
- 5. Landless City Hall employees.
- 6. Qualified members of the Cagayan de Oro City Police Office (COCPO).
- 7. Qualified members of the Bureau of Fire Protection assigned at the Cagayan de Oro City Fire Station (COFS).
- 8. Qualified members of the Armed Forces of the Philippines enlisted personnel based in or within the jurisdiction of the 4th Infantry Division command located at Camp Edilberto Evangelista, Patag, Cagayan de Oro City.

SECTION 5. – BASIC QUALIFICATION OF A BENEFICIARY. – To qualify as beneficiary, he or she must have the following qualifications;

- 1. A Filipino citizen, at least twenty-one (21) years old, and head of the family with at least one (1) dependent living within a structure;
- 2. Must be an underprivileged and homeless citizen as defined in Section 2 of this guidelines;
- 3. Physical resident in the City prior to March 1992 (signing of RA 7279 (UDHA) as may be evidenced by Voter's Affidavit, Income Tax Returns, Residence Certificate or Community Tax or any other records or those who may not be a physical resident prior to March 1992 provided that there is an urgent and immediate need for the award as certified to by the Estate Management Division and approved by the City Mayor;



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4. He/She shall not be beneficiary of any housing project of the government or private entity unless he or she is an actual occupant of an active On-Site Socialized Housing Project of the LGU. In which case, he or she shall waive such privilege to his/her direct qualified ascendant of his/her choice.
5. He/She or any member of the family must not be a professional squatter or member of a squatting syndicate.
6. He/She or any member of the family must not be guilty of premature entry in any land owned by the City Government intended for resettlement and socialized housing purposes or in any public or private land on the basis of certifications issued by authorized government official or employee.
7. For members of the COCPO, COFS and AFP, he/she must be in active service, a non-commissioned officer, Filipino, citizen, of legal age and head of the family with at least one (1) dependent living within a structure.

SECTION 6. – PROHIBITIONS AND LIMITATIONS:

- a. Lots awarded including any fixed improvements therein shall not be transferable except thru hereditary succession. In the event that the beneficiary has no legitimate descendant or ascendant who will qualify under this program, the ownership of the awarded lots shall revert back to the City Government. Upon issuance of Transfer Certificate of Title to the awardee, the Register of Deeds of Cagayan de Oro is hereby directed to annotate at the back thereof the above limitations.
- b. Final transfer of ownership shall be made upon execution of Deed of Sale and upon full payment of the acquisition cost corresponding to the awarded area. For this purpose, the City Mayor is hereby authorized to sign the corresponding Deed/s of Sale in favor of the qualified beneficiaries/awardees.
- c. Awardee/beneficiary who sells, transfers, leases or disposes of his rights and/or acts as broker or middleman shall thereafter be disqualified from any City Shelter or resettlement program including those who allowed other persons not immediate member of the family to occupy and stay in the awarded lot.
- d. All private lots subsequently acquired by the City Government by purchase shall be under the control, management and supervision of the latter.
- e. The City Government shall have the absolute right to rearrange and re-plot the lots acquired for the introduction of the necessary amenities such as roads, drainage, open areas and other related activities;
- f. Any urban poor association or organization who becomes a beneficiary of this program is hereby obliged and mandated not to allow entry of new occupants to the said lot after the Estate Management Division has conducted a socio-economic survey even before the final payment of the lot. The government is not obliged to accept or admit these new occupants who shall be removed from the premises at any time.
- g. Any individual or entity who is a previous and permanent occupant of an acquired On-Site Relocation area and who has introduced permanent improvement on the lot he/she has already occupied and is not qualified under this program the City government has the option to initiate ejectment proceedings against such person/s or may allow said occupants/s to acquire the same at a cost of three times (3x) the acquisition cost paid by the city.
- h. All awardees/beneficiaries of any resettlement or socialized housing project awarded with lots only shall be given three (3) months to establish improvements at or occupy their respective lots from the date of raffle or issuance of the Certificate of Award, whichever occurred earlier. In case of house and lot are awarded, any improvement or construction should be approved by the CHUDD.
- i. In case of Donated Land, the purchase value/cost shall be determined by the City Appraisal Committee, which shall take into account the allocable development cost of the land concern.

SECTION 7. PROHIBITION TO BUY LOTS UNDER THE PROGRAM. – It shall be unlawful for any person, natural or juridical, to acquire, buy, purchase or lease the awarded lot under this Program from the beneficiary thereof or his/her heir.

SECTION 8. TYPE OF HOUSING UNIT. – The type of housing unit on the awarded lots shall be in accordance with the National Building Code.



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SECTION 9. DUTIES AND FUNCTIONS OF THE CITY HOUSING AND URBAN DEVELOPMENT DEPARTMENT (CHUDD) – Official and regular duties and responsibilities of the CHUDD, notwithstanding the following, are the additional role and functions of said office relative to the implementation of this Ordinance.

1. To keep and maintain individual folder of all records, documents, pictures and others of every beneficiary of this program and to maintain the same in mythological and efficient manner for easy access, retrieval and review;
2. To secure regularly and keep pictures of a beneficiary and members of his/her family actually residing on the awarded lot on a semestral basis (e.g. 6 months);
3. To conduct regularly actual and ocular inspection of the beneficiary/ies under this program to determine whether the terms and conditions of the award are observed;
4. To submit a semestral report to the City Mayor and to the City Council on the progress and status of this program including, but not limited to, violations by any person.
5. To initiate and secure immediate police assistance of any encroachment by any person in any on-site relocation project under this program and physically remove any person found to have illegally intruded the said projects.
6. The said office is also authorized to seek assistance from barangay officials concerned of the use of barangay police and from the city police.
7. All cases to be initiated by the CHUDD shall have the assistance and support by the City Legal Office.

SECTION 10. DUTIES AND RESPONSIBILITIES OF PRIVATE LAND OWNERS – Any private landowner with appropriate Writ of Demolition against qualified beneficiaries under this program, shall reimburse the City Government at Five Thousand (₱5,000.00) per beneficiary that shall be paid upon the transfer of said beneficiary to any on-/off-site relocation project of this program plus 50% of the acquisition cost corresponding to the awarded area.

Failure on the part of said Land Owner to pay the City Government, the same shall be enforced in ordinary civil action.

SECTION 11. EFFECTIVE IMPLEMENTATION. – The CHUDD shall be primarily responsible for the effective implementation of the provisions of these guidelines.

SECTION 12. COMMON PROVISIONS:

- a. *Penalty Clause* – Any person/s, juridical or natural, who violate/s any provision of Section 5 and Section 6 of this Ordinance shall be:
 1. Sentenced to a fine of Five Thousand Pesos (₱5,000.00) or six (6) months imprisonment at the discretion of the court: Provided that, if the offender is a corporation, partnership, association or other juridical entity, the penalty shall be imposed on the officer or officers of said corporation, partnership, association or juridical entity who caused the violation.
 2. Perpetual disqualification from the benefits of the Socialized Housing Program of the City Government.
- b. *Separability Clause* – If for any reason, any provision of this Ordinance is declared invalid or unconstitutional, the remaining provisions not affected thereby shall continue to be in full force and effect.
- c. *Repealing Clause* – All Ordinances, Executive Orders, Proclamation, Rules and Regulations, and other issuances, or parts thereof which are inconsistent with the provisions of this Ordinance, are hereby repealed or modified accordingly.



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- d. *Effectivity Clause* – This Ordinance shall take effect after fifteen (15) days upon its publication in a newspaper of general circulation in the City of Cagayan de Oro.

UNANIMOUSLY APPROVED.

Present:

1ST District:

- Councilor Zaldy O. Ocon
- Councilor Jay R. Pascual
- Councilor George S. Goking
- Councilor Reuben R. Daba
- Councilor Edna M. Dahino
- Councilor Romeo V. Calizo
- Councilor Annie Y. Daba

2nd District:

- Councilor Maria Lourdes S. Gaane
- Councilor Suzette G. Magtajas-Daba
- Councilor Teodulfo E. Lao, Jr.
- Councilor Enrico D. Salcedo

Abstained:

- Councilor Ian Mark Q. Nacaya

Out of the Session Hall:

- Councilor Lordan G. Suan
- Councilor Dometilo C. Acenas, Jr.
- Councilor Nadya B. Emano-Elipe
- Councilor Leon D. M. Gan, Jr.

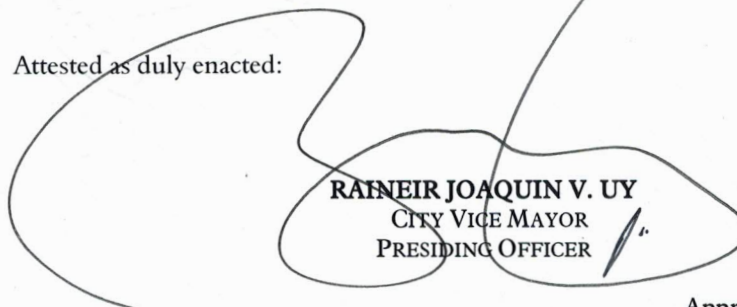
On Official Business:

- Councilor Yan Lam S. Lim, *Liga Ng Mga Barangay (President)*

ENACTED this 19TH day of December 2016 in the City of Cagayan de Oro.

I hereby certify to the correctness of the foregoing Ordinance.

Attested as duly enacted:



RAINEIR JOAQUIN V. UY
 CITY VICE MAYOR
 PRESIDING OFFICER



ARTURO S. DE SAN MIGUEL
 CITY COUNCIL SECRETARY

Approved:



OSCAR S. MORENO
 CITY MAYOR

Attested:



DIONNIE P. GERSANA
 ASSISTANT CITY ADMINISTRATOR