ORDINANCE NO. 05-060

AN ORDINANCE PRESCRIBING FOR THE RULES AND REGULATIONS ON CITY GOVERNMENT OF MUNTINLUPA AND OTHER LOCAL GOVERNMENT UNIT INITIATED SOCIALIZED HOUSING PROJECTS FOR Awardees/Beneficiaries who sell, transfer, lease or dispose in any manner their right except by way of inheritance and providing penalties for violation thereof.

Hon. Allen F. Ampaya
Hon. Francis Ian T. Bagatsing
Hon. Lucio B. Constantino
Hon. Atty. Raul R. Corro
Hon. Rene Carl S. Cayetano
Hon. Allan Rey A. Camilon
Hon. Ma. Luisa Babaran-Echavez, M.D.
Hon. Melchor R. Teves
Hon. Atty. Icasiano M. dela Rea
Hon. Elmer S. Espeleta
Hon. Marissa Cole-Rongavilla
Hon. Joselito V. Arevalo
Hon. Mario E. Bulay, Jr.
Hon. Artemio A. Simundac
Hon. Christian Glenn D. Lorica

WHEREAS, Section 39 of Republic Act 7279, otherwise known as the Urban Development and Housing Act of 1992 states that "The local government units shall be charged with the implementation of this 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-governmental organizations";

WHEREAS, it has been observed that some awardees/beneficiaries of the Community Mortgage Program (CMP) and other similar socialized housing projects sell, transfer or lease their rights to other, thereby violating the provisions stated under the contract of lease and occupancy rules of any socialized housing projects that the lessee shall not transfer his/her leasehold rights in whole or in part;

WHEREAS, there is a need to prescribe said rules and regulations in order to curtail the wrong practice of any socialized housing projects awardees/beneficiaries in selling, transferring, leasing or disposing their properties and rights, and as such, to protect the rights of other beneficiaries who are very much willing and able to own a house;
NOW, THEREFORE, BE IT ORDAINED by the Sangguniang Panlungsod of Muntinlupa in session assembled that:

Section 1. This Ordinance hereby prescribes for the rules and regulations on City Government of Muntinlupa and other local government unit initiated socialized housing projects for awardees/beneficiaries who sell, transfer, lease or dispose in any manner their right except by way of inheritance.

Section 2. Definition of Terms. As used in this Ordinance, the following terms are hereby defined as follows:

a. OCCUPANCY RULES – rules and procedures of occupancy of any socialized housing projects as may be required or initiated by the National Government and Local Government Unit;

b. Awardees/Beneficiaries – refers to underprivileged and homeless citizens or to individuals residing in urban and urbanized areas whose income or combined household income falls within the poverty threshold and who do not own housing facilities. This shall include those who live in makeshift dwelling units and do not enjoy security of tenure, as may be defined under RA 7279 and selected by the local government unit concerned;

Section 3. OBJECTIVE. To curtail the wrong practice of any socialized housing projects awardees/beneficiaries in selling, transferring, leasing or disposing their properties and rights, and as such, to protect the rights of other beneficiaries who are very much willing and able to own a house.

Section 4. EXEMPTION. In the event of death of the awardee/beneficiary and in case his/her surviving spouse is not capable of paying the agreed rentals and other obligations under the contract, the same may be transferred to any legitimate children who is living with the awardee/beneficiary, and in the absence, any legitimate relative up to the third (3rd) degree of consanguinity.

Any owner/awardee who intends to waive or withdraw his right over the unit must turnover in writing the same to the community association/SHOPCOM, who in turn shall select a qualified beneficiary.

Section 5. PENALTY. Any awardees/beneficiaries who sold, transferred, or leased their leasehold rights to other shall mean the cancellation of the contract and shall be disqualified from availing of any government housing projects/assistance for a period of ten (10) years from the date of transfer, pursuant to Section 14 of RA 7279.
Ordinance No. 05-060

The buyer/renter of the unit under socialized housing or community mortgage program project shall be subject to ejectment proceedings by the proper court. Hence, the buyer/renter may recover from the seller/lessor what has been paid.

The disposition of such housing unit shall be subject to the policy guidelines on beneficiary selection set by the SHOPCOM.

Section 6. The Local Housing Board shall issue an implementing rules and regulations for the effective implementation of this Ordinance.

Section 7. SEPARABILITY CLAUSE. If, for any reason, any part/s or provision/s of this Ordinance shall be declared unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

Section 8. REPEALING CLAUSE. All ordinances or part or parts thereof which are inconsistent with any of the provisions of this Ordinance are hereby repealed or modified accordingly.

Section 9. EFFECTIVITY CLAUSE. This Ordinance shall take effect immediately after publication in any newspaper of local circulation.

ENACTED, by the Fourth (4th) Sangguniang Panlungsod of Muntinlupa this 7th day of July 2005, on its 41st Regular Session.

CONCURRED:

ATTY. RAUL R. CORRO
Councilor

RENE CARL S. CAYETANO
Councilor

ALLAN REY A. CAMILON
Councilor

ELMER S. ESPELETA
Councilor

MA. LUISA BABARAN-ECHAVEZ, M.D.
Councilor

FRANCIS IAN T. BAGATSING
Councilor
Sangguniang Panglungsod

Page 4
Ordinance No. 05-060

MELCHOR R. TEVES
Councilor

MARISSA COLE-RONGAVILLA
Councilor

ALLEN F. AMPAYA
Councilor

LUCIO B. CONSTANTINO
Councilor

ATTY. ICASIANO M. DELA REA
Councilor

MAMERTO T. SEVILLA, JR.
Councilor

JOSELITO V. AREVALO
Councilor

MARIO E. BULAY, JR.
Councilor

CHRISTIAN GLENN D. LORICA
Sectoral Representative
President, Federation of
Sangguniang Kabataan

ARTEMIO A. SIMUNDAC
Sectoral Representative
President, Association of
Barangay Captains

ABSENT:

BAL NIEFES
Councilor

KEVIN B. DELGADO
Councilor
HEREBY CERTIFY, as to the correctness of the foregoing Ordinance.

ATTORNEY: ATTY. JAIME R. FRESNEDO
City Mayor

APPROVED:

ALEXILN. SAN PEDRO
City Vice Mayor/Deputy Mayor

ATTESTED:

CECILIA D. DAZARTE
Secretary

Sangguniang Panlungsod

PAHANGA AANG LUNGSOD NG MUNTINLUPA
REPUBLICA NG PILIPINAS
KALAKHANG MANILA