Republic of the Philippines
Province of Cavite
MUNICIPALITY OF BACOOR
Office of the Sangguniang Bayan

MUNICIPAL RESOLUTION NO. 33-A
Series of 2011

A RESOLUTION TEMPORARILY LIFTING THE EFFECTIVITY OF MUNICIPAL RESOLUTION NO. 64-S-2010 FROM 28 FEBRUARY 2011 UNTIL 21 MARCH 2011.

Sponsored by Councillor Bayani M. De Leon

WHEREAS, a number of real estate developers filed separate applications for development permits with the Sangguniang Bayan approval of Municipal Resolution No. 64-S-2010 which declared a moratorium in the issuance of development permits while the existing Comprehensive Land Use Plan (CLUP) and Zoning Ordinance of Bacoor, Cavite is being revised by the municipal government.

WHEREAS, the said developers requested the Sangguniang Bayan to suspend the moratorium embodied in Municipal Resolution No. 64-S-2010 and approve the said applications for development permits.

WHEREAS, the Sangguniang Bayan consulted with the Office of the Municipal Mayor with regard to the request of the said real estate developers.

WHEREAS, the Municipal Mayor agreed to the suspension of the moratorium in the approval of development permit applications provided that the real estate developers will formally agree to strictly comply with all existing resolutions, ordinances, policies and regulations being imposed by the Municipal Government.

WHEREAS, after thoroughly deliberating on the said matter, the Sangguniang Bayan decided to balance the lawful interests of the real estate developers mentioned above with the right and duty of the Municipal Government to come up with a well-crafted CLUP and zoning ordinance that will redound to the benefit of all persons residing or doing business in Bacoor, Cavite.

NOW THEREFORE, upon motion of Councillor Bayani M. De Leon, unanimously approved by the Sangguniang Bayan in regular session assembled, BE IT RESOLVED AS IT IS HEREBY RESOLVED to temporarily lift the effectivity of Municipal Resolution No. 64-S-2010 and allow the issuance and approval of development permits. Provided, that the lifting of the effectivity of Municipal Resolution No. 64-S-2010 shall only last between 28 February 2011 until 21 March 2011.

RESOLVED FURTHER, that only real estate developers who submitted an application for development permit together with all the requirements for their approval before 28 February 2011 shall be allowed to benefit under this Resolution.

RESOLVED MOREOVER, that in order to benefit under this Resolution, the duly-authorized representative/s of the real estate developers concerned should first execute a Deed of Undertaking that shall include the following provisions, to wit:

1. The Developer must manifests that it is the registered owner of the property subject of the above-mentioned application for a Development Permit, that its title over the same is free from any legal infirmity, that it has not received any order issued by any court in the Philippines restraining it from proceeding with the development of the above-mentioned project, that no tenant shall be adversely affected by the said development, and that the said corporation has complied and will continue to comply with all the requirements for such a development project set under prevailing laws and under the various policies of the national government and its various instrumentalities;
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2. The Developer must undertake to pay all corresponding government fees and taxes equivalent to the area/s covered by its application for a development permit before such permit is issued;

3. The Developer must undertake to hold the Municipal Government, and all of its elected and appointed officials, free and harmless from any and all claims, demand, account or action arising out of any infirmity in its title/s to the above-mentioned property or to any person or tenant caused by the development or construction of the above-mentioned project;

4. The developer must undertake that its non-compliance with the requirements of Provincial Ordinance No. 2003-005 (entitled: “An ordinance Requiring All Subdivision Developers Doing Business In The Province Of Cavite To Provide Slope Protection, A One-Meter Path Walk And Two-Meter Plant Strip, To Be Placed At The Edge Of The Property Line Of The Three-Meter Easement Before Commencement Construction Of Any Housing Unit, And Providing Penalties For Violation Thereof.”) Municipal Resolution No. 82-5-95 (entitled: “Resolution Increasing The Payment Of Development Permit Fee From Its Present Rate Of P0.50 Per Square Meter To P10.00 Per Square Meter In Accordance With The General Guidelines, Rules, Regulations, And Standards Being Implemented By The Housing And Land Use Regulatory Board In Processing And Approval Of Subdivision Plan.”), Resolution No. 35-S-96 (entitled: Resolution Requiring The Developers Of Subdivision To Plant Trees On Both Side Of The Roads Of Their Subdivision Including The Open Space After The Issuance Of A Development Permit Had Been Granted To The Owner Or Developer”), Municipal Ordinance No. 9-S-99 (entitled: “An Ordinance Requiring Subdivision Owners Or Developers To Identify Specific Plan For Parks And Playground Space And To Construct The Necessary Amenities For Their Subdivision Project In The Municipality And For Other Purposes”), Municipal Ordinance No. 4-S-2011 (entitled: “An Ordinance Mandating The Establishment Of A Water Impounding System In All Land Development Projects In Bacoor, Cavite”) and Municipal Ordinance No. 5-S-2011 (entitled: “An Ordinance Requiring The Installation Of A “Grease And Used Oil Waste Disposal System” In All Business Establishments Operating In Bacoor, Cavite”) and other pertinent ordinances or resolutions approved by the Sangguniang Bayan of Bacoor, or any misrepresentation committed by the Developer in connection with its application for a Development Permit, shall be deemed sufficient grounds for the revocation of any development permit or non-issuance of an Occupancy Permit in its favor;

5. The Developer must undertake to devote at least thirty percent (30%) of the total lot area for roads and other open recreational spaces in accordance with RA 7279;

6. The Developer must undertake to provide a Greenbelt area within the above-described development project where a materials recovery facility (MRF) will be placed in accordance with the provisions of the “Ecological Solid Waste Management Act of 2000” within one (1) year after the issuance of the above-mentioned development permit. The said MRF shall have an area equivalent to 5% of the 30% open spaces for recreational facilities provided under RA 7279;

7. For every hectare comprising the residential subdivision project subject of the application for a Development Permit, the Developer shall construct a multi-purpose hall building, classroom building, daycare center, or health center at any place within the municipality of Bacoor, the size, design, and location of which building shall be identified and approved by the Municipal Mayor. The said multi-purpose hall building, classroom building, daycare center or health center shall then be donated by the developer to the municipality within six (6) months after its

Certified by:

On Leave
ROSETTE MIRANDA FERNANDO
Municipal Vice Mayor/Presiding Officer

Approved by:

STRIKE REVILLA
Municipal Mayor
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completion to enable the municipal government to effectively meet the needs of prospective residents of the said residential subdivision project. Provided: that in case the said multi-purpose hall building, classroom building, daycare center or health center to be donated to the Municipal Government is located within the subdivision project, the homeowners of the said subdivision shall be given preference in using the same. Provided further: that the Municipal Government shall be allowed by the Developer and by the homeowners’ association to use the said facility to be donated during special public occasions or during a public emergency. Provided lastly: that the use, operation, and management of the said facility shall be subject to a Memorandum of Agreement between the Municipal Government, the Developer, and the homeowners’ association of the subdivision wherein the facility to be donated is located;

8. The Developer must undertake to pay a one-half percent (0.5%) tax on the assessed value of lands that it owns with an assessed value in excess of Fifty Thousand Pesos (PhP 50,000.00) pursuant to Republic Act No. 7279 subject to the applicable ordinance to be passed by the Sangguniang Bayan;

9. The Developer must undertake to require all its employees—or the employees of its contractors of suppliers—who will be reporting for work within the territorial jurisdiction of Bacoor, Cavite to obtain Work Permits from the Office of the Municipal Mayor;

10. The Developer must undertake to provide the Municipal Government through the Business Permits and Licensing Office (BPLO), with a list of the names and addresses of the various contractors/suppliers who will work on the above-mentioned development project for purposes of assessing the proper Business Permit Fees that the Municipal Government should charge to the said contractors/suppliers. Moreover, the Developer hereby undertakes to secure a business permit for the operation of any utility (water, cable TV, etc.) to be operated by the Developer—or its affiliates—within its development project;

11. The Developer must undertake to plant at least one hundred (100) trees within the territorial jurisdiction of Bacoor, Cavite for every one (1) hectare of the area consisting the development project subject of the above-mentioned application within one (1) year from the date of approval of the Development Permit. Provided: that the type of trees, the manner and schedule of planting of such trees, and the exact location where such trees shall be planted by the Developer shall be subject to the prior approval of the Mayor. Provided further, that types of trees to be planted by the Developer shall be subject to the recommendation of the Department of Environment and Natural Resources (DENR). Provided further, that the cost of planting and maintaining the said trees, which shall include but shall not be limited to the watering and fertilizing of the said trees, shall be borne exclusively by the Developer for the period of not less than one year from its planting.

12. The Developer must undertake to design its subdivision project in such a way that its entrance/exit gates are at least ten (10) meters away from the edge of the nearest national, provincial, or municipal road so that motor vehicles entering or exiting the said subdivision shall not impede the orderly flow of traffic;

13. The Developer must undertake to design the roads inside its development project in such a way that they may be interconnected with the road network of the Municipal Government and with that of adjoining residential subdivisions, if any;

14. The Developer must undertake to designate certain roads within its residential subdivision project to become part of the Municipal Government’s “Solidarity Route” project as provided under Municipal Ordinance No. 21-5-2009 (“An..."
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Ordinance Creating A Traffic Decongestion Scheme To Be Known As The “Solidarity Route” In The Municipality of Bacoor, Cavite) to help ease traffic on main thoroughfares within the municipality during certain periods of the day;

15. The Developer must undertake to comply with Section 18 of Republic Act No. 7279 which mandates that developers of proposed subdivision projects shall be required to develop an area for socialized housing equivalent to at least twenty percent (20%) of the total subdivision area or total subdivision project cost, at the option of the developer, within the same city or municipality, whenever feasible, and in accordance with the standards set by the Housing and Land Use Regulatory Board and other existing laws;

16. The Developer must undertake to install closed circuit television cameras at the entrance or exit gates of its residential subdivision project within one (1) year after the approval of its Development Permit in compliance with the Municipal Government’s crime prevention program pursuant to Municipal Ordinance No. 18-S-2009 which was passed by the Sangguniang Bayan on 22 October 2009 (entitled: “An Ordinance Requiring Business Establishments And Residential Subdivisions Operating In Bacoor, Cavite To Install Closed Circuit TV Cameras.”);

17. The Developer must undertake to require any security agency that it will hire to guard the residential subdivision to register with the Office of the Municipal Mayor and to pay the corresponding Business Permit Fee before it can operate;

18. The Developer must undertake to complete the perimeter fence of the residential subdivision covered by its application for a Development Permit within one (1) year from the date of approval of the said permit to ensure the security of homeowners from criminal elements; and

19. The Developer shall comply with all the foregoing and with other conditions that maybe set forth by the Municipal Mayor in accordance with law. Otherwise, the Municipal Government shall not approve the Developer’s application for a Development Permit and/or shall not grant the Developer an Occupancy Permit.

RESOLVED LASTLY, to furnish all real estate developers and government offices concerned with copies of this Resolution.

ADOPTED this 28th day of February 2011 by the Sangguniang Bayan during its regular session held in Bacoor, Cavite.

I hereby certify that the foregoing Resolution is true and correct.

Certified by: 
HON. EDWIN G. GAWARAN
Acting Vice Mayor/Acting Presiding Officer

Attested to:
ATTY. KHALID A. ATEGA, JR.
Sangguniang Bayan Secretary

Approved by:
HON. STRIKE B. REVILLA
Municipal Mayor

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