

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

MUNICIPAL ORDINANCE NO. 22
SERIES OF 2009

**A PROPOSED ORDINANCE REGULATING THE DEVELOPMENT OF
REAL ESTATE IN THE MUNICIPALITY OF BACOOR.**

Sponsored by Councilor Bayani De Leon

WHEREAS, the Municipal Government has received numerous complaints over the years coming from buyers of residential lots being sold by real estate developers with projects within Bacoor, Cavite.

WHEREAS, the said complaints range from dilapidated road lots to unimproved open spaces that the said real estate developers have either abandoned or refused to repair or improve.

WHEREAS, a number of the said real estate developers have even refused to pay real estate taxes due to the Municipal Government even after their development permit have already been issued. Worse, some real estate developers even sell residential lots to the public or develop their project/s without first securing a development permit from the Municipal Government.

WHEREAS, the reprehensible activities of the said real estate developers have resulted in injury to the residents of the said real estate development projects and to the Municipal Government which had been forced to spend public funds for the repair or maintenance of the above-mentioned facilities in the interest of the general welfare.

WHEREAS, Section 16 of R.A. 7160 (the "Local Government Code of 1991") gave local government units such powers to which are essential to the promotion of the general welfare.


WHEREAS, Section 447, par. (2) (x) of the Local Government Code of 1991 empowers the Sangguniang Bayan to process and approve subdivision plans for residential, commercial, or industrial purposes and other developmental purposes and collect processing fees and other changes.

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WHEREAS, protecting the interests and rights of the buyers of the said residential lots is the paramount concern of the Municipal Government.


NOW, THEREFORE, upon motion of Councilor Bayani De Leon, **BE IT ORDAINED AS IT IS HEREBY ORDAINED** by the Sangguniang Bayan in regular session assembled that:

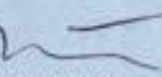
Section 1. Short Title. This Ordinance shall be known as the **"Real Estate Development Ordinance of Bacoor"**



ROLANDO S. REMULLA
Councilor

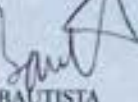

AVELINO B. SOLIS
Councilor



HUBERT V. GERVACIO
Councilor


REYNALDO M. FABIAN
Councilor


NORMITA D. CELESTINO
Councilor


AVELINO S. DE CASTRO
Councilor



MIGUEL N. BAUTISTA
Councilor


BAYANI M. DE LEON
Councilor

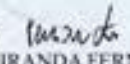

CATHERINE H. SARINO
Councilor - President


GENNE LOUISE A. OLEGARIO
Councilor - SK President

Attested by:


ATTY. KHALID A. ATEGA, JR.
Secretary of the Sangguniang

Complied by:


ROSETTE MIRANDA FERNANDO
Municipal Vice Mayor / Presiding Officer

Approved by:


STRIK REVILLA
Municipal Mayor



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ROLANDO S. REMULLA
 Councilor

AVELINO B. SOLIS
 Councilor

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 Councilor

AVELINO S. DE CASTRO
 Councilor

MIGUEL N. BAUTISTA
 Councilor

BAYAN M. DE LEON
 Councilor

CATHERINE R. SARINO
 Councilor - ABC President

GAELNE LOUISE A. OLEGARIO
 Councilor - SK President

ATTY. KHALID A. ATENA, JR.
 Secretary to the Sangguniang

ROSETTE MIRANDA FERNANDO
 Municipal Vice Mayor / Presiding Officer

STRIKE REVILLA
 Municipal Mayor

Section 2. Scope. This Ordinance shall cover all juridical or natural persons engaged in the development of any residential, commercial, or industrial development project or any other developmental project within Bacoor, Cavite.

Section 3. Prohibited Acts. The following acts shall be considered punishable under this Ordinance:

1. Failure or refusal to pay all the required Municipal Fees including real estate taxes corresponding to the areas covered by all of its existing development projects located within Bacoor, Cavite;
2. Failure or refusal to comply with the requirements of Provincial Ordinance No. 2003-005, Municipal Resolution No. 35-S-96 and Municipal Ordinance No. 9-S-99 of the Sangguniang Bayan of Bacoor;
3. Willful violation of any of the conditions contained in the development permit issued to the developer or any misrepresentation in any of the documents submitted by the developer or its authorized representative in relation to its application for a subdivision plan or development permit;
4. Failure or refusal of the developer to devote at least thirty percent (30%) of the total lot area of its development project for roads and other open recreational spaces in accordance with either Presidential Decree No. 957 or Batas Pambansa Blg. 220;
5. Failure or refusal of the developer to build or maintain access roads or recreational facilities such as playgrounds, covered basketball courts, and the like within any development project located within the municipality of Bacoor prior to the turn over of the said roads or facilities to the homeowners association or the municipal government of Bacoor;
6. Failure or refusal of the developer to require its employees working on any development project within Bacoor, which shall include security guards and maintenance crews working or assigned to the site of the development project concerned, to apply and secure a working permit from the Office of the Municipal Mayor of Bacoor;
7. Failure or refusal of the developer or any of its authorized representatives or employees to allow municipal employees and officials to enter the site of any development project within Bacoor for purposes of monitoring compliance by the developer with any law, ordinance, or government regulation;

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 Councilor

BAYANI M. DE LEON
 Councilor

CATHERINE P. SARINO
 Councilor - SAC President

JOHANNE LOUISE A. OLEGARIO
 Councilor - SK President

Attested by:

ATTY. KHALID A. ATEGA, JR.
 Secretary to the Sanggunian

Certified by:

ROSETTE MIRANDA FERNANDO
 Municipal Vice Mayor / Presiding Officer

Approved by:

STRIK REYLLA
 Municipal Mayor

8. Failure or refusal of the developer to devote parcel of land within its development project for a materials recovery facility (MRF) in accordance with the Republic Act No. 9003 also known as the "Ecological Solid Waste Management Act of 2000" within three (3) years after the issuance of a development permit;

9. Failure or refusal of the developer 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 and Work Permits that the municipal government should charge against the said contractors/suppliers within sixty (60) days from the date of approval of its development permit;

10. Failure or refusal of the developer 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 concerned within sixty (60) days after the approval of a development permit;

11. Failure or refusal of the developer to pay all municipal fees and taxes within thirty (30) days after written demand

12. Failure or refusal of the developer to build access roads within its development project which is interconnected or may be interconnected with existing public road systems or still to be constructed public road systems; and

13. Failure or refusal of the developer to comply with any municipal ordinance, resolution or executive order that has a relation to the operation of a residential subdivision.

Section 4. Penalties.

a. Any officer or employee of any developer covered by this Ordinance who violates any provision hereof shall be imprisoned for not more than six (6) months or be required to pay a fine of not more than Two Thousand Five Hundred Pesos (PhP 2,500.00) or both.





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 Councilor

BAYANI M. DE LEON
 Councilor

CATHERINE M. SARINO
 Councilor - SAC, President

GLORIE LUISA A. OLEGARIO
 Councilor - SK, President

Attested by:

ATTY. KHALID A. ATEGA, JR.
 Secretary to the Sanggunian

Certified by:

ROSETTE MIRANDA FERNANDO
 Municipal Vice Mayor / Presiding Officer

Approved by:

STRIFE REVILLA
 Municipal Mayor

b. Any developer who violates this Ordinance shall be required to pay a fine of not more than Two Thousand Five Hundred Pesos (PhP 2,500.00) for every violation of any provision hereof. Provided, that should the nature of the violation consist of non-payment or refusal to pay taxes or municipal fees or the selling of lots without the necessary development permit—the fine to be imposed upon the developer shall be multiplied by the number of houses already built or sold. Provided, further that should the nature of the violation consist of the development of a project without the necessary permit, a fine of Two Thousand Five Hundred Pesos (PhP 2,500.00) for every one hundred (100) square meters of land comprising the development project shall be imposed upon the developer.

c. Aside from the foregoing penalties, the Municipal Mayor is hereby empowered to revoke any development permit already granted or disapprove any application for development permit by any developer found to have violated any provision hereof.

Section 5. Exemptions. Applicants for a development permit for purposes of qualifying under the Community Mortgage Program of the government are exempted from the provisions of this Ordinance. The Sangguniang Bayan reserves the right to grant additional exemptions as the public welfare so requires it.

Section 6. Separability Clause. Any provision of this Ordinance found void by a court of competent jurisdiction shall not affect the rest of this Ordinance not affected by the said judicial finding of invalidity.

Section 7. Effectivity. This Ordinance shall take effect within fifteen (15) days after it has been published in a newspaper of general circulation within the Municipality of Bacoor, Cavite.

Section 8. Repealing Clause. – Any ordinance, resolution, executive order, or municipal regulation in conflict with this Ordinance is hereby repealed and/or modified.



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ENACTED by Sangguniang Bayan of Bacoor, Province of Cavite
 this 9th day of November 2009.

Attested by:



ATTY. KHALID A. ATEGA JR.
Secretary to the Sangguniang Bayan


Certified by:



HON. ROSETTE M. FERNANDO
Vice Mayor/Presiding Officer


Approved by:

 02/10
HON. STRIKE B. REVILLA
Municipal Mayor



ROLANDO S. REMULLA
Councilor



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Councilor



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Municipal Mayor

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 Tapat sa Serbisyo, Nagkakaibig sa Pagbabago...