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**SANGGUNIANG
BAYAN**



MONCADA, TARLAC

EXCERPT FROM THE MINUTES OF THE 17th REGULAR SESSION OF THE 11th SANGGUNIANG BAYAN OF MONCADA, TARLAC FOR CY 2023 HELD ON THE 29th DAY OF MAY 2023 AT THE SB SESSION HALL, NEW SB-ABC-SK BUILDING.

PRESENT:

HON. RAMON BENITO M. AQUINO

..VICE MAYOR / PRESIDING OFFICER

HON. JANIUS M. YASAY

..MEMBER

HON. RODOLFO C. ESPEJO, JR.

..MEMBER

HON. ALBERTO C. MARZAN, JR., MD

..MEMBER

HON. THELMAFLOR A. ESPEJO

..MEMBER

HON. CELESTE A. AYSON

..MEMBER

HON. GEORGE MICHAEL P. AGUILAR

..MEMBER

HON. CONSTANCE NESTOR A. FAVIS

..MEMBER

HON. DEAN MICHAEL V. DUQUE

..MEMBER

HON. GEORGE R. CUCHAPIN, MD

..LnB PRESIDENT

HON. EZEKIEL C. RIVERA

..SKF PRESIDENT

ABSENT:

NONE

**MUNICIPAL ORDINANCE NO. 12
Series of 2023**

AN ORDINANCE PROHIBITING THE DEVELOPMENT OF SUBDIVISION PROJECTS AND FURTHER SELLING SUBDIVIDED LOTS WITHOUT COMPLYING WITH THE REQUIREMENTS SET BY THE LOCAL GOVERNMENT UNIT OF MONCADA AND NATIONAL GOVERNMENT AGENCIES, AND IMPOSING PENALTIES FOR VIOLATIONS THEREOF

**Principal Author & Sponsor: Coun. Janius M. Yasay
Chairperson, Committee on Rules, Ordinances and Legal Matters**

WHEREAS, some local officials observed that there are indeed developers of subdivision project selling subdivided lots without complying first with the standard requirements set by the Municipal Government of Moncada and national government agencies;

WHEREAS, the said practices are tantamount to the violation of existing laws, rules and regulations concerning the development of subdivision projects;

WHEREAS, the same is in contrast to the provisions of PD 957, otherwise known as the Subdivision and Condominium Buyer's Protective Decree; R.A. 7160, otherwise known as the Local Government Code of 1991; Local Zoning Ordinance of Moncada, Tarlac and other related laws, rules and regulations;

NOW THEREFORE, on motion by Coun. Janius M. Yasay, duly seconded;

BE IT ENACTED by the Sangguniang Bayan of Moncada in session assembled, that:



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SECTION 1. Declaration of Policy. – The Municipality of Moncada joins the efforts of the national government to check the fraudulent sales of subdivision lots to innocent purchasers for value. To do so, it prohibits the development of subdivision projects without complying first with the standard requirements set by the LGU of Moncada and national government agencies.

SEC 2. Definition of Terms and Acronyms.

- 1) Subdivision project – a tract or a parcel of land registered which is partitioned primarily for residential purposes into individual lots with or without improvements thereon, and offered to the public for sale. It shall include all residential, commercial, industrial and recreational areas as well as open spaces and other community and public areas in the project.
- 2) Subdivision Lots – any of the lots, whether residential, commercial, industrial or recreational in a subdivision project.
- 3) Owner – registered owner of the land subject of a subdivision project.
- 4) Developer – the person who develops or improves the subdivision project for and on behalf of the owner thereof.
- 5) Juridical Person – refers to a business firm whether a corporation, partnership, cooperative or association or a single proprietorship.
- 6) Dealer/Broker/Sales Agent - refers to the person who acts as a seller of subdivision lots on behalf of the owner.
- 7) DHSUD – Department of Human Settlements and Urban Development (formerly the HLURB), the primary national government entity responsible for the management of housing, human settlements and urban development.
- 8) NHA – National Housing Authority
- 9) Office of the Zoning Administrator – The office in-charged in the issuance of Preliminary Approval for Locational Clearance (PALC).
- 10) MEO – Municipal Engineering Office. The office in-charged in issuance of Building Permit.
- 11) Development Permit – a final document issued by the Local Chief Executive to proponent developer once have been fully complied with the official requirements and after the approval of the Sangguniang Bayan.
- 12) Zoning Ordinance – the implementing arm or instrument of the Comprehensive Land Use Plan (CLUP).
- 13) CLUP – a development tool for the proper utilization of land resources of the municipality. It is a long term development plan.

SEC.3. Purpose. – Primarily, the Ordinance serves as a deterrent measure against imprudent development and use of agricultural lands for non-agricultural purposes, hence, it is indispensable for the LGU to implement stern measures to



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ensure that developers are compliant with existing laws, rules and regulations relative to the development of subdivision projects that require necessary permits and clearances. These include, but not limited to, zoning clearance, development permit, reclassification ordinance when applicable, building permit and business permit, all from the local government unit. In addition, the following requirements may also be required by the national government agencies: conversion order from the Department of Agrarian Reform (DAR), when applicable; license to sell and certificate of registration from the Department of Human Settlements and Urban Development (DHSUD).

SEC.4. Imposition of Fines/Penalties

Any owner, dealer, broker or sales agent who engages in the business of selling subdivision lots without a valid Development Permit and approved reclassification, in case of agricultural lands; License to Sell and Certificate of Registration from the Moncada Local Government Unit and from the Department of Human Settlements and Urban Development (DHSUD), respectively, shall be penalized with a fine of two thousand five hundred pesos (P 2,500.00), notwithstanding the penalties to be imposed by the DHSUD.

Subdivision lots sold in violation of this Ordinance shall not be issued building and occupancy permits until their violations shall have been rectified and complied with.

The Local Government Unit of Moncada, upon cognizance of the aforesaid violations, shall refer and file the case before the DHSUD and/or other concerned agencies, court and/or quasi-judicial bodies with jurisdiction over the case.

SEC. 5. Information and Education Campaign (IEC)

5.1. The Office of the Mayor, through the Municipal Information Office (MIO) shall coordinate with the Liga ng mga Barangay regarding the dissemination and implementation of this Ordinance.

5.2 The Municipal Planning and Development Office, thru the Zoning Administrator, the Municipal Engineering Office and the Sangguniang Bayan shall assist in the information campaign and monitoring work.

SEC. 6. Implementing Rules and Regulations. – The Local Housing Board, in consultation with the Sangguniang Bayan shall formulate the implementing Rules and Regulations relative to the subject ordinance

SEC. 7. Repealing Clause. – On matters not provided in this ordinance, any existing applicable laws and their corresponding implementing rules and regulations, executive orders and relevant issuances thereof shall be applied in a supplemental manner.

SEC. 8. Effectivity Clause. – This Ordinance shall take effect fifteen (15) days following its posting in at least three (3) conspicuous places in the territorial jurisdiction of Moncada and on social media platforms of the LGU.

ENACTED, this 29th day of May, 2023 at Moncada, Tarlac.

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I **HEREBY CERTIFY** to the correctness of the foregoing Ordinance which was enacted on Third and Final Reading by the 11th Sangguniang Bayan of Moncada during its Regular Session held on the aforementioned date and place.

VICTOR SANDINO S. MOLINA
Secretary, Sangguniang Bayan

**ATTESTED AND CERTIFIED
TO BE DULY ENACTED:**

RAMON BENITO M. AQUINO
Vice Mayor & Presiding Officer

APPROVED BY HER HONOR, THIS 30th DAY OF May, 2023.

ESTELITA M. AQUINO
Municipal Mayor



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