



Republic of the Philippines
MUNICIPALITY OF CAINTA
Province of Rizal



OFFICE OF THE SANGGUNIANG BAYAN

**EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE 11th SANGGUNIANG BAYAN HELD AT
THE SANGGUNIANG BAYAN SESSION HALL, CAINTA, RIZAL
ON FEBRUARY 13, 2023 AT 10:00 IN THE MORNING**

PRESENT:

HON. ACE B. SERVILLON	---	Vice Mayor & SB Presiding Officer
HON. LINCOLN M. FELIX	---	SB Member
HON. EZEKIEL L. TAJUNA	---	SB Member
HON. SITTI RUAINA K. FERRIOLS	---	SB Member
HON. MANUEL S. JACOB, JR.	---	SB Member
HON. EDWIN F. CRUZ	---	SB Member
HON. LEOPOLDO P. GARCIA, JR.	---	SB Member
HON. SNOOKY D. MALICDEM	---	SB Member
HON. FELIPE A. SAURO	---	SB Member
HON. JOSE A. FERRER	---	SB Member/ABC President
HON. ROMINA CASSANDRA G. VALENCIA	---	SB Member/SK President

ORDINANCE NO. 2023-003

AN ORDINANCE REQUIRING ALL DEVELOPERS TO SECURE A DEVELOPMENT PERMIT FROM THE SANGGUNIANG BAYAN PRIOR TO EXCAVATION, EARTH MOVEMENT, ERECTION, OR CONSTRUCTION OF ANY LATERAL OR VERTICAL FACILITY WITHIN THE MUNICIPALITY OF CAINTA.

Introduced by: Hon. Councilor Edwin F. Cruz

Sponsored by: Councilor Lincoln M. Felix, Chairman, SB Committee on Land Use

WHEREAS, in last twenty years, Cainta has immensely shown great improvement and has become one of the most competitive and recently became the richest municipality in the entire Philippines;

WHEREAS, there is a government policy towards industrialization, identifying the CALABARZON area and Thirteen Regional Centers (RIC) as area for development;

WHEREAS, the liberalization of existing Rules and Regulations on industrial subdivisions is deemed supportive of the industrialization program to spur development in the countryside;

WHEREAS, RA 7160 provides that the Sangguniang Bayan, shall subject to national law, process and approve subdivision plan for residential, commercial, or industrial purposes or other development processes;

NOW THEREFORE, BE IT ORDAINED AS IT IS HEREBY ORDAINED BY THE SANGGUNIANG BAYAN IN A SESSION DULY ASSEMBLED THAT:

Section 1. Title: This ordinance shall be called, **"2021 Development Permit Policy of Cainta."**

Section 2: Scope of Application: This ordinance shall be applicable to commercial and industrial establishments, with buildings, infrastructure, or any improvement whose lot area exceeds one thousand square meters (1000 sqm.)

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Section 3: Requirements and Conditions for the Development Permit

1. This ordinance shall cover all developers of subdivisions, condominiums, townhouses, residential houses, and villages intended for individual sale, owners of commercial establishments such as privately-owned markets, malls, groceries, events place, restaurants, casinos, hotels, motels, inns, apartelles, gasoline stations, car dealership, cell sites (telecommunication towers) and land transportation terminals, among others, and industrial plants such as factories, warehouses, slaughter houses, cold storage houses, among others, and privately-owned schools and hospitals and golf courses and funeral homes, memorial parks and columbarium, among others.

2. This ordinance will only cover those whose lot area exceeds one thousand square meters (1000sq.) regardless of the floor area of the improvement to be done.

(This is not applicable to renovations or additional improvements to be made on a lot area exceeding 1000 sqm; hence it does not need to secure a Development Permit from the Sangguniang Bayan, provided it complies with other existing laws and ordinances not pertaining to this ordinance)

3. Individual or juridical persons, who in the course of undertaking business, who shall build, construct or develop on any site for the purpose of establishing a commercial, industrial or business enterprise that is open to the public shall apply for a development permit from the Sangguniang Bayan of the Municipality of Cainta prior to any land development or improvement including excavation, earth movement, erection or construction of any lateral or vertical facility within this municipality.

The term development and/or construction shall be deemed to include the initial groundwork or the preparation of the site and/or preparation of the structures on the site.

4. Local permits such as business permit, excavation permit, construction permit, and the like from respective executive departments shall only be granted to the applicant upon issuance of a Development Permit approved by a majority of the members of the Sangguniang Bayan in a regular session. **EXCAVATION PERMIT** (MWSS, PLDT, DITO, SMART, GLOBE, etc.) which covers national and municipal roads must comply with the set timeline of the project to be completed. All excavations must be reconstructed to good road condition to avoid traffic congestion in the affected area. Failure of the developer to comply shall be dealt with according to the penalty clause in this ordinance.

Section 4: Exceptions

All projects planned and approved by the national government, the local government, government institutions and agencies, and government-owned and controlled corporations (GOCC) shall not be required to undergo the approval system as provided for in Section 3 of this ordinance.

Section 5: Obtaining a Development Permit

No building permit and location clearance from the Engineering Department, no business permit from the Business Permit and Licensing Office, and no zoning permit from the Municipal Planning and Development Office will be issued without first obtaining a Development Permit from the Sangguniang Bayan.

Omission of securing a Development Permit from the Sangguniang Bayan shall be penalized with a fine of two thousand five hundred (Php 2500.00) and imprisonment of not exceeding two months of the owner, as may be determined by the Sangguniang Bayan. The developer will likewise be banned from obtaining any more construction projects in this municipality, until full compliance with this ordinance is ensured.

Section 6: Suspension and Cancellation of Permits

A Development Permit issued by the Sangguniang Bayan of Cainta may be suspended or cancelled, as the case may be, upon the discretion of the council for any of the following causes:

- a. Upon a verified complaint filed or anonymous report by any interested party that construction has taken place, and is required under Section 3 of this ordinance to obtain a Development Permit but does not possess it;
- b. Submission of false, misleading, inadequate or incomplete statements in the application, supplemental information or other statement of facts required of the applicant and in the advertisement of the project which may work or tend to work a fraud.
- c. Submission of false, misleading, inadequate or incomplete statements in the application, supplemental information or other statement of facts required of the applicant in order to obtain the Development Permit.
- d. Failure to undertake the project in accordance with the conditions stipulated in the permit and licenses.
- e. When a portion of the project is subject to a request for alteration of plans, suspension is applicable only in such portion.

The Suspension Order maybe lifted upon proper application of Lifting of Suspension Order of the developer to the Sanggunian Bayan, in a hearing specially called for by the Sangguniang Bayan and it is convinced that the individual or entity has fully complied with the process or corrected the errors. Suspension order shall be terminated upon the dismissal of the complaint or upon proper action of the owner or developer to comply with the conditions stipulated in the permits and licenses.

Section 7. Compliance with Existing Laws and Standards

Development of all lateral and vertical structures shall conform with the comprehensive land use plan or zoning ordinance of Cainta, the pertinent provisions of the National Building Code (PD 1096), Sanitation Code (PD 856), the Accessibility Law for PWD's (BP 344), and all other existing laws, rules, and regulations.

Section 8. Penal Provision

The Sangguniang Bayan through its legislative power may order the suspension of any development work in any project within the municipality should the owner who is an individual, juridical entity or developer fail to secure a Development Permit from the Sangguniang Bayan prior to the start of the project.

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Section 9. Alteration Permit

Should there be any change from the original plans submitted, an **Alteration Permit** shall be applied to the same authorities that granted the Development Permit. Deviation from the original plans shall merit a penalty and suspension or termination of the construction, as the case may be.

Section 10. Separability Clause

In the event that any provision or part hereof of this ordinance is declared as contrary to law or is otherwise invalidated, the remainder hereof not affected thereby and which can be implemented independently and separately shall remain in force and in effect.

Section 11. Effectivity

This ordinance shall take effect immediately upon its approval.

Let copies of this Ordinance be furnished all concerned offices for their information, guidance and implementation.

I hereby certify to the correctness of the foregoing Ordinance which was duly enacted by the Sangguniang Bayan in its Regular Session held on February 13, 2023.


BLARDON C. MALLARI
Secretary to the Sanggunian

Approved by the Sangguniang Bayan Members:


LINCOLN M. FELIX


SITTI RUAINA K. FERRIOLS


EDWIN F. CRUZ


SNOOKY D. MALICDEM


JOSE A. FERRER

Attested by:


ACE B. SERVILLON

Vice Mayor & SB Presiding Officer


EZEKIEL L. TAUNA


MANUEL S. JACOB, JR.


LEOPOLDO P. GARCIA, JR.


FELIPE A. SAURO


ROMINA CASSANDRA G. VALENCIA

Approved by:


MARIA ELENITA D. NIETO
Mayor