



Republic of the Philippines
Tanggapan ng Sangguniang Panlungsod
City of Naga



ORDINANCE NO. 2001-078

AN ORDINANCE ESTABLISHING THE BAYADNIHAN PROGRAM FOR BENEFICIARIES OF THE NAGA KAANTABAY SA KAUSWAGAN PROGRAM:-

Sponsor: Hon. Simeon F. Adan

SECTION 1. - TITLE. - This ordinance shall be known as the “Bayadnihan Ordinance.”

SECTION 2. - SCOPE. - The Bayadnihan Program shall cover urban poor beneficiaries of the Naga Kaantabay sa Kauswagan Program who are amortizing their homelots to the Naga City Government, whether current or past due in their amortization payments.

SECTION 3. - NATURE OF THE BAYADNIHAN PROGRAM. - The Bayadnihan Program is a homelot acquisition scheme which can be availed of by urban poor beneficiaries to settle their lot amortizations, whether current or past due, inclusive of fines and penalties, thru participation in the implementation of the city’s infrastructure projects, their maintenance, or by rendering frontline services.

SECTION 4. - OBJECTIVES. - The Bayadnihan Program has the following objectives:

- a. To provide an opportunity to urban poor beneficiaries to work for and apply their earnings for the settlement of their homelot amortization payments and thus ensure transfer of ownership of the homelots to their rightful beneficiaries;
- b. To develop a sense of responsibility among urban poor beneficiaries and for them to appreciate gainful work;
- c. To promote employment and improve the economic usefulness of family members of homelot beneficiaries;
- d. To prevent beneficiaries from mortgaging, selling or otherwise disposing their homelots due to their inability to pay their amortization thus defeating the purpose of the Naga Kaantabay sa Kauswagan Program.;

SECTION 5. - ELIGIBLE WORK OR SERVICES. - Urban poor beneficiaries or their family members may avail of the Bayadnihan Program through the following:

- a. Construction of city government infrastructure projects;
- b. Maintenance of existing city government infrastructure facilities such as buildings, drainage system, water supply systems, electrical installations, city streets and sports facilities;

- c. Cleaning and beautification of public facilities such as city streets, parks, plazas, playgrounds, and street islands;
- d. Garbage collection and disposal;
- e. Other frontline services as may be determined by the City Mayor.

SECTION 6. - MANNER OF CREDITING EARNED WAGES. - (a) Bayadnihan infrastructure and maintenance projects may be implemented either by administration or by contract.

If by administration, the earned wages of the participating urban poor beneficiary shall be credited directly by the city government against the account of the beneficiary.

If by contract, the earned wages of the participating urban poor beneficiary shall be withheld by the city from the contractor and credited against the account of the beneficiary.

- b. Bayadnihan frontline services shall be implemented by the Environment and Natural Resources Office and the earned wages of the participating urban poor beneficiaries shall be credited directly by the city government against the account of the beneficiary.

SECTION 7. - PROCESSING OF APPLICATIONS. - (a) The Urban Poor Affairs Office shall process applications from those who wish to avail of this program. UPAO shall categorize the applicants into two: Category A are those skilled in specific crafts or trades; all others shall fall under Category B.

Applicants shall then sign the Bayadnihan contract which shall stipulate among others:

1. That the applicant is participating in the program in his own free will;
2. That the applicant is willing to work for projects of the city government implemented by administration or for frontline services, or to work for a private contractor undertaking projects of the city government;
3. That the applicant is voluntarily remitting to the city government any payments due him from his participation in the Bayadnihan Program to settle his homelot obligations under the Naga Kaantabay sa Kauswagan Program;

The contract shall further indicate:

1. The category of the applicant's skill, whether unskilled or skilled, and if the latter, the type of skill;
2. The daily rate the applicant shall receive from the city government or the private contractor which shall be commensurate to his or her being an unskilled or skilled worker.

The list of applicants under Category A and B shall then be endorsed to the City Engineer's Office and the ENRO.

- b. The City Engineer's Office shall pick from both categories those required for specific projects of the city government. If the project is implemented by administration, the City Engineer shall inform the urban poor beneficiary, through UPAO, of his or her

selection and the details of their work assignment, and supervise his or her work accordingly.

If the project is implemented by contract, the City Engineer shall, in consultation with the contractor, determine the number of laborers required by the project, select from both categories the names of the urban poor beneficiaries who will work in the project whose number shall not be less than half of the required number of laborers and, through UPAO, inform the beneficiaries of their selection and the details of their work assignment, and formally endorse the names to the contractor who shall subsequently supervise their work accordingly.

- b. The Environment and Natural Resources Office shall select from both categories the names of the urban poor beneficiaries and, through UPAO, inform the beneficiaries of their selection and the details of their work assignment and subsequently supervise their work accordingly.
- c. The City Engineer and the Environment and Natural Resources Officer shall settle between themselves which office should get to hire a particular urban poor beneficiary in case they happen to select the same person.
- d. A labor payroll exclusively for Bayadnihan participants shall be prepared by the supervising office and submitted to UPAO upon completion of the work assignment. UPAO shall then issue a corresponding Certificate of Amortization Payment to each of the participating urban poor beneficiary. In case work rendered results in the full settlement of homelot obligations, the absolute deed of sale shall be released by UPAO to the beneficiary within three days from receipt of the labor payroll along with a Certificate of Full Payment. The Certificate of Amortization Payment and the Certificate of Full Payment issued by UPAO shall serve as proof of payment and shall have the same force and effect as an official receipt issued by the City Treasurer's Office.
- e. UPAO shall then forward copies of the labor payroll to the City Treasurer's and Accountant's Office for proper recording to ensure that the amortizations of the participating urban poor beneficiaries are properly credited to their respective associations. The Bayadnihan Coordinating Committee created under this ordinance shall formulate detailed procedures and prescribe the forms necessary to ensure the proper flow and recording of Bayadnihan transactions.

SECTION 8. - ENROLMENT OF FAMILY MEMBERS. - An urban poor beneficiary may enroll any member or members of his or her family to the program under any of the following circumstance:

- a. The urban poor beneficiary is incapacitated or is otherwise unable to work;
- b. The urban poor beneficiary has substantial arrearages;
- c. The number of urban poor beneficiaries who applied for the Bayadnihan program are less than what the project or frontline service requires as may be determined by the City Engineer or the City Environment and Natural Resources Officer.

The family member(s) must reside in the same homelot, are at least 18 years old, fit to work, and are willing to have their services credited against the amortizations of the principal urban poor beneficiary.

SECTION 9. - HIRING OF SKILLED WORKERS. - In the event the project requires skills not possessed by any of the participating urban poor beneficiaries nor by their family members, the City Engineer may deploy CEO personnel or recommend the hiring of skilled workers on a project basis to ensure compliance with project standards.

SECTION 10. - VALUATION OF WORK OR SERVICES RENDERED. - Work or services rendered by urban poor beneficiaries and their family members shall be valued at:

- a. the prevailing minimum wage in the region if the nature of work fits under the category for unskilled workers; or
- b. the prevailing rates in the city for skilled workers if the nature of work fits the category for skilled worker.

For this purpose, the City Engineer's Office, in coordination with the Metro PESO, shall prepare a schedule of wage rates for skilled workers which shall be used as reference in crediting the accounts of the urban poor beneficiaries. The schedule of wage rates shall be kept up to date as to reflect market rates at the time the projects were implemented.

SECTION 11. - APPLICATION OF EXCESS EARNED WAGES. - As a rule, an urban poor beneficiary who has fully paid his past due and current amortization shall be dropped from the program to give way to other urban poor beneficiaries. However, if there are no other applicants but there is still a need for work services, then he or she may continue to render service and the earned wages will be credited against future amortizations.

SECTION 12. - SELECTION OF URBAN POOR BENEFICIARIES. - In the event there are more Bayadnihan applicants than are needed by the city government, they shall be prioritized on the basis of the following criteria in their order:

- a. Possession of skills needed by the project or service, priority to those with the skills;
- b. Size of arrearages, priority to those with the largest arrearages;
- c. Residence in the place of the project or service, priority to those nearest the project site

SECTION 13. - IMPLEMENTING OFFICES. - The Urban Poor Affairs Office, the City Engineer's Office, the City Environment and Natural Resources Office, the City Accountant's Office, the City Treasurer's Office and the Naga City Urban Poor Federation shall be responsible for the implementation of this ordinance.

SECTION 14. - BAYADNIHAN COORDINATING COMMITTEE. - (a) For purposes of expediting the coordination of efforts among the implementing offices, a Bayadnihan Coordinating Committee is herein created composed of the Urban Poor Affairs Officer, the City Engineer, the City Accountant, the Environment and Natural Resources Officer, the City Treasurer and the president of the Naga City Urban Poor Federation.

- a. The Committee shall meet regularly but anyone of the six members may call for a meeting at any time his or her office needs the assistance of, or requires information from, the other offices in the implementation of this ordinance.
- b. The Urban Poor Affairs Officer shall chair the meetings of this committee and his or her office, as Bayadnihan Secretariat, shall maintain a record of the proceedings of

all their meetings copies of which shall be periodically furnished the members of the Naga City Urban Development and Housing Board.

- c. Subject to the approval of the city mayor and in order to standardize implementation of this program, the Committee may, from time to time, issue guidelines to, among others, detail the operating procedures, clarify complementation and accountabilities of the offices and personnel involved, fix the timetable for the performance of their functions, and standardize the forms, documents and processes involved.

SECTION 15. - ROLE OF NAGA CITY URBAN DEVELOPMENT AND HOUSING BOARD. - The Naga City Urban Development and Housing Board shall exercise oversight functions over the Bayadnihan Coordinating Committee. As such, it shall review on a quarterly basis the implementation of the Bayadnihan Program by the implementing offices and, whenever warranted, recommend to the city mayor additional measures to enhance the program.

SECTION 16. - MONITORING OF INFRASTRUCTURE PROJECTS. - The Project Monitoring Committee shall, in addition to its usual functions, check for the actual presence and performance of work by the urban poor beneficiaries or their family members in infrastructure projects falling under the Bayadnihan Program.

SECTION 17. - MONITORING OF SERVICES RENDERED. - The UPAO shall monitor the actual presence and performance of frontline services by urban poor beneficiaries or their family members availing of the Bayadnihan Program.

SECTION 18. - SEPARABILITY CLAUSE. - If any portion or provision of this ordinance is declared unconstitutional, the same shall not affect the validity and effectivity of the rest of this ordinance.

SECTION 19. - REPEALING CLAUSE. - Ordinances, executive orders, rules and regulations, and other issuances of the city government, or parts thereof, inconsistent with this ordinance are hereby repealed or modified accordingly.

SECTION 20. - EFFECTIVITY. - This ordinance shall take effect upon its approval.

ENACTED: November 7, 2001.

WE HEREBY CERTIFY to the correctness of the foregoing ordinance.

JOSE C. RAÑOLA, M.D.
Acting City Vice Mayor & Presiding Officer

GIL A. DE LA TORRE
Board Secretary II
& Secretary Designate

APPROVED:

ESTEBAN R. ABONAL
Acting City Mayor