



# NEWS CAP

ANG PAHAYAGAN NG NEW CAPITOL ESTATES HOMEOWNERS ASSOCIATION

February 2015 Issue

"Honesty is the first chapter in the book of wisdom" – Thomas Jefferson

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## ROBBERY-HOLDUP AT OUR MAIN STREET ◀ CRIMINAL ELEMENTS ARE GETTING MUCH BOLDER ▶

### Armed robbers strike at the very heart of the subdivision

On January 19, 2015 two men representing themselves as walk-in patients entered the Dental Clinic of Dr. Paulina Sicat at Blk.27, lot 26 along J.P. Rizal St. Once inside, they drew out firearms and announced a heist. After letting two more armed men into the clinic, they hog-tied and duct-taped the mouths of Dr. Paulina Sicat, 53, and her assistant, Corazon Geocaniga, 52.



While they were ransacking the place for valuables, Dr. Sicat's driver, Clemente Corbis arrived, almost surprising the robbers, but he too was over-powered, tied up and his mouth taped shut.

The robbers took the victims' mobile phones, ATM cards, ₱80,000 in cash and identification cards.

Several neighbors, suspicious that something was wrong were about to report their misgivings to the security guards at the subdivision's only entrance and exit point. However, the robbers, fearing that an alarm was about to be raised, took off at high speed and escaped in Dr. Sicat's Toyota Fortuner with plate number TQD-833. The carnapped vehicle was estimated to be worth ₱1.3 million.

According to Police investigator SPO4 Alejandro Camacho of Quezon City Police District Station 6, the carnapped vehicle was found abandoned the following day, January 20. He added that the robbers' modus operandi was similar to that of the "Dentis-tirador" gang who prey on dental

clinics.

Police investigators believe that the armed robbers entered the subdivision via the breached perimeter wall along Commonwealth Avenue (see Merlita Macalalad's role in the item *Sidebar on security issues*).

That armed robbers were able to strike right into the very heart of our subdivision has made residents aware of our vulnerability to criminal elements. Even as security has been tightened, there is a glaring lack of funds needed to beef up our security force.



### Sidebar on security issues

November 18, 2014 – Resolution 29-14 to expel undesirable persons in our subdivision through the help of proper government authorities was passed by the Board. The Resolution reads:

*Whereas, our Constitution and By Laws mandates "that preservation of peace, order, safety and protection of homeowners is the paramount duty of the Association";*

*Whereas, the following are known to be highly undesirable persons whose anti-social and criminal activities have caused a lot of problems within the subdivision, to wit:*

1. *Mr. Dennis Duhatin, a helper of Mrs. Julieta Valdez residing at the Flexihomes who is mentally ill, and as such is dangerous and unpredictable. He has stabbed three (3) pedestrians namely, a Convergys employee, a student, and a vendor. He also stoned the left chest of Mr. Rufino Bondoc, a senior citizen homeowner also of Flexihomes while he was walking along the sidewalk in Commonwealth Avenue fronting the New Capitol Estates.*
2. *Mrs. Merlita Macalalad, a squatter who destroyed portions of our perimeter wall and illegally sold "rights" for these to be occupied by Major Usam, Ruel Rullan and the other eatery establishments. Said establishments operated for over ten (10) years until they were ordered by the Que-*

*zon City Building Official to cease and desist from operating. She then tried to sell the vacated space to a Korean national residing in the subdivision for ₱120,000.00, which fortunately was aborted. She continues to maintain the illegal opening of the perimeter wall where teenagers are allowed to engage in pot sessions for a fee.*

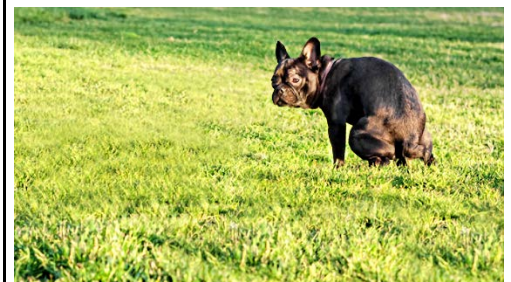
3. *Mr. Harjinder Singh, an Indian national, renter at Block 24 Lot 8. He is a known drug addict with a record of arrests for drug-pushing and treatment at the Molave Rehabilitation Center. He has been identified by his Filipino cohorts who were arrested by our concerned citizens as the mastermind in the kidnapping of Indian nationals as well as a major drug pusher operating inside our subdivision.*

*Whereas, to prevent the commission of more criminal offenses in our subdivision's premises, there is need for the Association to exert all legal means and seek the help of the proper authorities to evict these persons from our subdivision.*

*Resolved, to expel as it hereby expels the aforementioned persons from our subdivision through the help of the proper government authorities on the grounds of being notoriously undesirable for the above-cited reasons.*

*Resolved further, to coordinate with the PNP Station 6 Chief and concurrent head of MDAD Col. Lagundi; Punong Barangay John Abad; Hon. Councilor Rannie Ludovica; and Hon. Mayor Herbert Bautista, thru the City Secretary Mr. Tadeo Palma and furnish them copies of this resolution for their information and prompt action.*

The resolution was passed by a majority of the members of the Board of Directors.

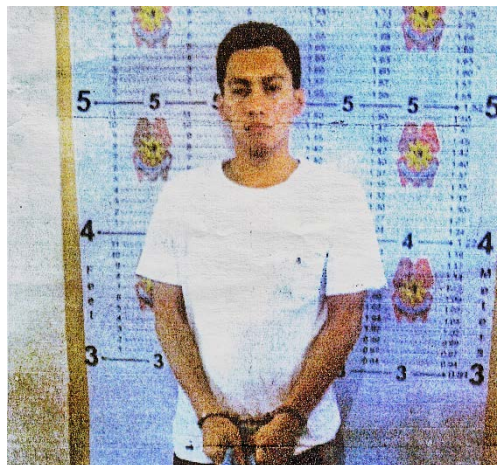


Curb your pet!

**Late breaking news**

**Suspect in murder and a string of robbery and rape charges arrested**

Mark Soque y Malubay, one of four suspects in the robbery-holdup of Dr. Paulina Sicat's Dental Clinic at Blk.27, lot 26 along J.P. Rizal St. was arrested at 10:30 AM on Thursday, February 12 at Ever-Gotesco, Commonwealth Ave. while was casing the area for possible victims.



Mark Soque y Malubay

The suspect, a jobless person who lives at No. 1687 Riverside Ext., Barangay Commonwealth, QC was spotted and accosted by police operatives who found his actuations highly suspicious.

Taken from him at the time of arrest were a hand grenade, a .45 caliber pistol, sachets of shabu, and a Yamaha motorcycle. Soque did not resist when arrested.

According to QCPD Director Joel Pagdilao, the modus operandi of his gang was enter establishments posing as customers or clients, and once inside they would hogtie the victims, ransack the place for valuables, and rape women whom they took fancy to.

Among the robbery-holdup cases attributed to the suspect and his gang are those of:

1. Genilo Derma Solutions, Maginhawa St., UP Village
2. Kape Hugo, Tomas Morato Ave.
3. LeJozz Spa, Tomas Morato Ave.
4. Fiesta Food, Inc., East Ave.
5. Infinity Tea House, Regalado Ave., Fairview
6. VM Design, Blue Ridge, Katipunan Ave.
7. Hoy Panga Restaurant, Commonwealth Ave.
8. Bean Leaf Coffee House, Holy Spirit Drive, Don Antonio Heights, Barangay Holy Spirit where a Korean customer was shot dead just last Feb. 9.

At the Bean Leaf Coffee House, Soque shot dead Park Mi-kyung when she refused to give up her cell phone. Before killing Park, Soque raped two female crew members of

the establishment.

Dr. Paulina Sicat said that Soque looked like one of the robbers who barged into her clinic.

**Suspect shot dead attempting to escape**

On Monday, February 16, as he was being taken to the Quezon City Prosecutor's Office around 11:30 pm for inquest proceedings, Soque attempted to escape from his police escorts then tried to take PO3 Juvy Jumud's firearm. The lady officer managed to shoot him in the chin during the scuffle.

Soque was brought to East Avenue Medical Center for treatment but he was pronounced dead on arrival.



**Meet your Board [continued from our last issue]**



**LEANDRO C. Palma**  
Zone 8 Representative and President

Nicknamed "Andy" by his family and friends, he hails from Sta. Cruz, Marinduque.

Andy began his NCEHAI Community Service as a member of the Board from 2011 to 2012. He then served as President from 2013 to the present.

He graduated from San Beda College, Mendiola, Manila with a Bachelor of Arts degree, Major in Philosophy in 1971.

He holds a Master's degree in Union Organizing conferred by the Asian-American Free Labor Institute (AFFLI) after taking the course in 1983-1985 as a scholar under the auspices of the Trade Union Congress of the Philippines.

Andy also holds a Master's degree in Public Management, Major in Local Government Management which he took from 2005-2006 at the Development Academy of the Philippines.

From 1991-1994 he served Quezon City as a member of the Peoples Law Enforcement Board (PLEB). He served the Provincial Government of Marinduque as a Board Member in 1998-2004 and then as Vice-Governor in 2004-2007.

From 1973 to 1982 he served as President of Marcopper Employees Labor Union. He was an Organizer for the Trade Union Congress of the Philippines from 1980 to 1984, and from 1985 to 1998 he served as President of

GRP Corporation.

Andy is also actively involved in religious and civic organizations. Since 2012 he has held the position of Chairman of St. Peter Parish and Shrine of Leaders. He is the Chapter Head of Couples for Christ North B2C, a position he has held since 2007. Since 2012 he also served as a Director of Quezon City's Association of Quezon City Homeowners Associations, Inc. (AQCHAI).

Currently a Major of the Armed Forces Reserve Command (AFPRESKOM), from 1970-1971 during his college years he was a Battalion Commander of San Beda College's ROTC and concurrently served under the 1<sup>st</sup> Rainbow Ranger Battalion with the UP Vanguard in 1970.

He represents Zone 8 which consists of 32 home units: Lots 1-18 of Block 25 and Lots 15-28 of Block 27 along JP Rizal Street.

Andy has resided at Lot 28, Block 27 for the last 15 years. He can be contacted via his mobile at 09178518633.



**Dr. Lydia S. Depra-Ramos**

Zone 3 Representative and Treasurer



Lydia S. Depra-Ramos is a Doctor of Medicine from the University of Santo Tomas.

Dr. Ramos has a Master's Degree in Public Health from the University of the Philippines. She is a Fellow of the Academy of Family Physicians.

She served the Department of Health in various levels of managerial positions and retired as Regional Director (Director IV) of the Department of Health, a position she held in the final ten years of her public service. As Regional Director she was assigned in Western Visayas and Cagayan Valley. She is a Career Executive Service Officer. She is also an Alumna of the Asian Institute of Management where she learned more on Policy and Finance Management.

She is married to Dr. Lazaro Ramos from Ballesteros, Cagayan and they have three children who are all professionals.

Zone 3 which she represents consists of 36 home units: Lots 9 to 16 of Block 7, Lots 1 to 12 Of Block 8, Lots 1 to 9 of Block 9, and Lots 22 to 28 of Block 25.

She resides at Block 8, Lot 8 G. Silang Street where she may be contacted. Her mobile number is 09173031271.



### NCEHAI Recycling and beautification drive

Fortunately for us, the damage wrought by Typhoon Yolanda was quite minimal. However, the typhoon blew down lots of trees in our subdivision, especially in the park.

Cleaning up after the storm was not difficult. The problem lay in how to dispose of the downed huge tree trunks, sacks and sacks of branches, twigs and leaves.

The ladies of the Board saw an opportunity to put to good use the huge tree trunks by having them sawn lengthwise and turned into park benches and tables. Tree stumps were turned into stools.

Here are some pictures of the ladies' innovative approach: recycling and beautification rolled into one.



Flowering shrubs were planted around the trees in the park.

Mr. Antonio Lacaba of Lot 7, Block 31 personally undertook a vermi-composting project which the ladies enthusiastically supported.



The rich compost yield is to be used to grow herbs and vegetables.



A waste management facility was put up in order to reduce, reuse and recycle materials thereby saving money, energy, and natural resources.



The facilities of the children's playground were repaired and painted too.





# ◀ Important Announcements ▶

## NCEHAI Annual General Assembly to be held on March 7

In line with the provisions of Art. X of our Constitution and By-Laws (CBL), the annual General Assembly of all members of the Association shall be held on the first Saturday of March, or on March 7, 2015 within the premises of the main subdivision park from 9 a.m. to 12 noon.

This announcement serves as a written notice in accordance with Sec. 3. The order of business of the Annual General Assembly shall be as follows in accordance with Sec. 4:

- Proof that the required notice of the meeting have been made;
- Reading of the minutes of the previous meeting;
- Financial report of the Treasurer; and
- Report by the President on the accomplishments and proposed projects of the Board.

This is an important meeting of homeowners. Everyone is invited to attend.



## Upcoming elections to the NCEHAI Board of Directors

### *What is this election all about?*

The Association shall be governed, and its affairs managed and controlled by a Board of Directors, hereinafter referred to as the "Board", which shall be comprised of fifteen (15) members allocated by Zone according to Article IV hereof, and who shall serve until their successors shall have been duly elected and qualified. (Art. VI, Sec. 1)

### *When shall elections be held?*

The elections for the members of the Board shall be held every two (2) years on the second Sunday of April at venues located in each Zone suited for the purpose. As the last election to the Board was held on April 14, 2013, the next election will be held on April 12, 2015. (Art. VI, Sec. 2, Par. d)

### *How shall members of the Board be elected?*

The members of the Board shall be elected by secret ballot by the qualified voters in the different zones of the Subdivision as provided for under Article IV of this Constitution and By-Laws; Provided, that in zones that are allocated one (1) representative,

the candidate with the highest number of votes shall be the Director who shall represent said zone in the Board; Provided further, that in zones that are allocated two (2) representatives, the two (2) candidates with the highest number of votes shall be the Directors who shall represent the zone in the Board; Provided finally, that in zones that are allocated three (3) representatives, the three (3) candidates with the highest number of votes shall be the Directors who shall represent said zone in the Board. (Art. VI, Sec. 2, Par. a)

### *Who may run?*

Only **regular members in good standing** shall be eligible to run for the Board of Directors of the Association; Provided, that said regular member running for office is the actual occupant of his property, and has been so for at least six (6) months prior to the date of elections. (Art. II, Sec. 2, 2<sup>nd</sup> Par.)

Every unit owner shall automatically become a regular member of the Association, whether or not said owner actually occupies the said property. This definition shall mean to include the spouse, heirs or successors-in-interest of said owner. (Art. II, Sec. 2, 1<sup>st</sup> Par.)

### *What about those who are not owners of the unit but are legal occupants thereof?*

A lessee or legal occupant of a house may be admitted for special membership with the Association upon application in writing by the homeowner subject to approval by the Board of Directors of the Association: Provided, that such membership does not violate existing laws, rules or regulations promulgated by the government of the Republic of the Philippines or any of its agencies and instrumentalities; Provided further, that the leased property shall not be used for illegal or nefarious purposes; Provided finally, that said special member shall assume all the obligations, duties and responsibilities appurtenant to Sec. 5 of Article II (Members in Good Standing) hereof. (Art. II, Sec. 3, 1<sup>st</sup> Par.)

Special membership shall cease and be terminated upon receipt by the Association of the lessor/homeowner's Notice of Termination or upon expiry of the Lease Contract with the homeowner, whichever occurs first. The Board of Directors may also terminate the privilege granted any time if this be in the best interests of the community in general and the Association in particular. (Art. II, Sec. 3, 4<sup>th</sup> Par.)

### *Who may vote?*

Each unit, represented by a Regular or Special Member as the case may be, shall be entitled to one (1) vote. Qualified voters must be at least eighteen (18) years old and members in *good standing* as provided for in Section 5 of Article II hereof. (Art. VI, Sec. 3, Par. b)

An Association member in *good standing* shall have the right to participate in Association meetings, elections and referenda as long as his membership subsists. (Art. III, Sec. 1, Par. d)

An Association member in *good standing* has the right to participate, vote, and in the case of Regular Members, be eligible for any elective or appointive office of the Association subject to the pertinent provisions of Articles II and VI.

Special members shall, in lieu of the homeowner and subject to Section 2 of Article VI hereof, be eligible to vote for members of the Board of Directors of the Association. However, they shall not be eligible to run for such positions, which is a right reserved exclusively for regular members who actually reside in the subdivision. (Art. 2, Sec. 3, 3<sup>rd</sup> Par.)

### *What about Proxy Voting?*

Proxy voting shall be allowed as long as the proxy is a relative of the Member within the first degree of affinity or consanguinity and duly authorized by the member in writing. (Art. III, Sec. 1, Par. c)

### *Who shall oversee the elections?*

There shall be an **Election Committee**, the members of whom are to be appointed and convened by the Board at least one (1) month prior to the elections for purposes of overseeing the elections; Provided, that in case of a failure by the Board to convene the Election Committee, the members of the Election Committee during the immediately preceding election shall *motu proprio* convene for the purpose of conducting the elections; Provided further, that the Election Committee thus convened may appoint the necessary number of members in the event that there are vacancies thereto; Provided finally, that should there still be a failure of the Election Committee to convene, the applicable rules of the HLURB on the non-holding or postponement or regular or special elections shall take effect. The composition, duties and responsibilities of

the Election Committee are specified in Section I of Article IX. (Art. VI, Sec. 2, Par. e)

**What is the Term of Office of Board Members?**

The members of the Board shall serve for a term of two (2) years. No member of the Board shall serve for more than three (3) consecutive terms. For purposes of this Section, the disqualification shall attach to the unit. Voluntary renunciation of his office shall not be considered as an interruption in the continuity of his service for the full term for which he was elected. (Art. VI, Sec. 3)

**Aside from being a regular member in good standing, what are the other qualifications for candidates to the Board?**

- a) He must be a Filipino citizen, a regular member in good standing and an actual resident of his unit for a period of not less than 6 months prior to the date of election.
- b) He must have filed his certificate of candidacy for the position;
- c) He must be at least twenty one (21) years old on the day of the election; and
- d) He must not have been convicted of an offense involving moral turpitude or found guilty of any wrongdoing by the Association's Grievance and Adjudication Committee.

(Art. VI, Sec. 5, Par. a to d)



**Creation of a Delinquency Watch Committee**

The Board of Directors approved last December 20, 2014 Resolution No. 31-14 creating a Committee on Discipline to Be Known As "Delinquency Watch Committee." The Resolution reads as follows:

WHEREAS, Rule 2, Section 7 of the Implementing Rules and Regulations (IRR) of RA 9904 defines the Rights of Every Homeowner as follows: "Every homeowner has the right to enjoy the basic community services and facilities provided that the homeowner pays the necessary fees and other pertinent charges;

WHEREAS, Rule 2, Section 8 also defines the Duties and Responsibilities of Homeowners thus: Every homeowner must pay the necessary fees, charges pertaining to basic community services, and other special assessments such as but not limited to

construction bond and stickers;

WHEREAS, Rule 3, Section 11 defines six (6) rights of a member in good standing, while Section 12(a) stipulates that one of the duties of a member is "To pay membership fees, dues and special assessments;"

WHEREAS, Rule 3, Section 13 stipulates that "Unless otherwise provided in the by-laws, a member who has failed to pay three (3) cumulative monthly dues or membership fees, or other charges/assessment despite demands by the association, or has repeatedly violated the association's by-laws and/or declared policies, may be declared delinquent by the Board of Directors in accordance with the procedure in the succeeding section;"

WHEREAS, Rule 3, Section 14 (the succeeding section referred to above) stipulates that "The Board or a committee assigned by the Board shall observe the following procedure in declaring a member delinquent or not in good standing:

- a. The Board or the committee shall determine whether a member [1] failed to pay at least three (3) cumulative monthly dues, fees or other charges based on the report of the treasurer or as reflected in the association's financial records, or [2] repeatedly or grossly violated the by-laws or policies of the association as reflected in the book of records of the association.
- b. The President or the designated officer of the association shall forthwith notify the said member in writing of the violation and require him to explain in writing, within fifteen (15) days from receipt of notice, why he should not be declared delinquent.
- c. After the lapse of fifteen (15) days, with or without a written explanation, the President or the designated officer shall submit the matter to the Board or committee for hearing and deliberation.
- d. Thereafter, the member may be declared delinquent by majority vote of all members of the Board.

WHEREAS, Rule 3, Section 15, provides Sanctions for a Delinquent Member as follows: "The rights and privileges of a member as provided in Section 11 are suspended upon the declaration of delinquency by the Board;"

WHEREAS, Rule 3, Section 16 provides for the Reinstatement of a Delinquent Member as follows: The Board shall, by majority vote of all members, reinstate the membership of the delinquent member, provided

that unpaid dues, fees or charges are paid or the sanctions imposed are satisfied.

WHEREAS, the last paragraph under Rule 3 of the IRR of RA 9904 provides that "Nothing in these Rules shall prevent the association from imposing other sanctions against the delinquent member in accordance with the by-laws;"

WHEREAS, Section 5 of Article II of the NCEHAI Constitution and By-Laws enumerates the qualifications of Association members who are in good standing, one of which is that "All his monthly association dues are paid on time;"

WHEREAS, Section 6 of Article II of the same Constitution and By-Laws empowers the Board as follows: "The Board of Directors of the Association shall have the sole and exclusive prerogative to discipline and otherwise impose sanctions in such form and manner as it may deem fit and proper, to any erring Member of the Association; Provided, that due notice and hearing is given to such member;"

WHEREAS, the biggest problem of the Association ever since it came into being is the collection of outstanding dues which as of December 15, 2014 totals more than Two Million Pesos (P2,000,000.00);

WHEREAS, previous Boards have failed to solve this problem because they chose not to confront members who have consistently refused to pay their share of the community's expenses;

WHEREAS, this non-confrontational attitude towards those who are incorrigibly recalcitrant in paying their dues sets a bad precedent to those Association members who in good standing;

WHEREAS, despite repeated notices, reminders and increased efforts to collect from them, these recalcitrants have instead become abusive, to extent that they question the legality of the Board's actions, including its very existence itself;

WHEREAS, the Association has no recourse but to take any and all possible action, including litigation, to impose the provisions of RA 9904, its subsequent IRR, and the NCEHAI constitution and By-Laws;

RESOLVE, AS IT IS HEREBY RESOLVED, that a Special Committee on Discipline be created to review with finality the existing records on collection and payments as of the date this resolution is adopted; determine and list the delinquent members of the Association; enumerate

how much and how long their accounts have been outstanding; conduct a hearing after due notice on their arrearages; and recommend sanctions thereof without delay.

RESOLVE FURTHER, that the following constitute the Delinquency Watch Committee:

- |                       |          |
|-----------------------|----------|
| Atty. Joan Basco      | Chairman |
| Mr. Peter Paul Pineda | Member   |
| Mr. Antonio Santos    | Member   |
| Mr. Marcos Marcelo    | Member   |
| Mr. Albert Lesaca     | Member   |

RESOLVE FINALLY, that the Secretary, Treasurer, and Auditor shall furnish the Special Committee with officially certified records needed by the Special Committee to perform the duties and responsibilities they are hereby charged with, namely:

1. To review with finality the existing records on collection and payments as of the date the date Resolution 31-14 was adopted;
2. To determine and list the delinquent members of the Association, enumerating how much and how long their accounts have been outstanding

3. To notify in writing each delinquent member of the Committee's findings;
4. To schedule and conduct a hearing for each delinquent member regarding their arrearages; and
5. To report its findings and recommendations on any sanctions thereof to the Board without delay.

ADOPTED, this 20<sup>th</sup> day of December, 2014.

