

ARTICLES OF INCORPORATION

SOUTHVIEW HOMES HOMEOWNERS' ASSOCIATION INCORPORATED [SVHHOAI]

KNOW ALL MEN BY THESE PRESENTS:

That we, the undersigned, all of legal age, Filipino citizens and residents of the Philippines, have this day voluntarily associated ourselves for the purpose of forming a non-stock, non-profit association under the laws of the Republic of the Philippines particularly Section 2 [a] of Executive Order No. 535 and Section 26, Republic Act No. 8763 and Republic Act No. 9904.

AND WE HEREBY CERTIFY:

FIRST: That the name of said association shall be **Southview Homes Homeowners' Association Incorporated. [SVHHOAI]**.

SECOND: That the purpose for which said association is formed are as follows:

1. To construct, manage, maintain and operate adequate facilities and services for its members;
2. To initiate and organize socio-cultural projects and activities to awaken community consciousness and belonging;
3. To promote, enhance and foster the development and improvement of the quality of life of the members through livelihood projects and other economic activities;
4. To acquire, accept donations, purchase, own, hold, develop, lease, mortgage, pledge, exchange, sell, transfer or otherwise invest, deal in or trade, in manner permitted by law and the rules and regulations of government regulatory or licensing agencies, real and personal property of every kind and description, or any interest therein, as may be necessary for the accomplishment of the purposes of the association;
5. To borrow and otherwise contract indebtedness and issue notes, bonds and other evidence of indebtedness and to secure payment therefore by mortgage, pledge or deed of trust, or through encumbrances on any and, all of its then-owned or after-acquired real or personal properties and assets as may be permitted by law;
6. To enter into, make, perform and carry out, or cancel and rescind contracts of every kind and for any lawful purpose with any person, firm, association, corporation, syndicate, domestic or foreign, or others;
7. To do and perform any other acts and things, and to have and exercise any other powers, which may be necessary, convenient and appropriate to accomplish the purpose for which the association is organized.

THIRD: That the principal office of the association is located at SVH Multi-Purpose Building, Block 4 [community facility area at the parks and playground], Southview Homes Subdivision, Macasandig, Cagayan de Oro City.

FOURTH: That the term for which the said association is to exist to FIFTY [50] years from and after the date of its incorporation.

FIFTH: That the current names, citizenship and residences of the incorporation of said association are as follows:

NR	NAME	CITIZENSHIP	RESIDENCE
1.	Mr Dindo Barrientos	Filipino	B1, L16, SVH Subd., Macasandig, CDOC
2.	Mrs Ruth L. Degracia	Filipino	B8, L27, SVH Subd., Macasandig, CDOC
3.	Mr Adolfo O. Emia Sr	Filipino	B2, L14, SVH Subd., Macasandig, CDOC
4.	Mr Melvin Enterina	Filipino	B8, L23, SVH Subd., Macasandig, CDOC
5.	Atty Manuel C. Felecia	Filipino	B2, L13, SVH Subd., Macasandig, CDOC
6.	Mr Edgardo Gablines	Filipino	B10, L9, SVH Subd., Macasandig, CDOC
7.	Mr Cesar Golle	Filipino	B5, L18, SVH Subd., Macasandig, CDOC
8.	Mrs Veronica J. Joloyohoy	Filipino	B9, L2, SVH Subd., Macasandig, CDOC
9.	Mr Eugene Y. Lanzaderas	Filipino	B11, L7, SVH Subd., Macasandig, CDOC
10.	Mr Charlie A. Mundal	Filipino	B5, L8, SVH Subd., Macasandig, CDOC
11.	Arch Jovel K. Pangan	Filipino	B11, L6, SVH Subd., Macasandig, CDOC
12.	Mr Antonieto Sanoria	Filipino	B3, L6, SVH Subd., Macasandig, CDOC
13.	Mr Angelo S. Serojales	Filipino	B11, L3, SVH Subd., Macasandig, CDOC
14.	Mr. Nestor Urbina	Filipino	B7, L1, SVH Subd., Macasandig, CDOC
15.	Mr Rudel O. Yanez	Filipino	B3, L2, SVH Subd., Macasandig, CDOC

SIXTH: That the number of directors of the association shall be fifteen [15] and the names, citizenship and residences of the directors of said association are as follows:

NR	NAME	CITIZENSHIP	RESIDENCE
1.	Mr Dindo Barrientos	Filipino	B1, L16, SVH Subd., Macasandig, CDOC
2.	Mrs Ruth L. Degracia	Filipino	B8, L27, SVH Subd., Macasandig, CDOC
3.	Mr Adolfo O. Emia Sr	Filipino	B2, L14, SVH Subd., Macasandig, CDOC
4.	Mr Melvin Enterina	Filipino	B8, L23, SVH Subd., Macasandig, CDOC
5.	Atty Manuel C. Felecia	Filipino	B2, L13, SVH Subd., Macasandig, CDOC
6.	Mr Edgardo Gablines	Filipino	B10, L9, SVH Subd., Macasandig, CDOC
7.	Mr Cesar Golle	Filipino	B5, L18, SVH Subd., Macasandig, CDOC
8.	Mrs Veronica J. Joloyohoy	Filipino	B9, L2, SVH Subd., Macasandig, CDOC
9.	Mr Eugene Y. Lanzaderas	Filipino	B11, L7, SVH Subd., Macasandig, CDOC
10.	Mr Charlie A. Mundal	Filipino	B5, L8, SVH Subd., Macasandig, CDOC
11.	Arch Jovel K. Pangan	Filipino	B11, L6, SVH Subd., Macasandig, CDOC
12.	Mr Antonieto Sanoria	Filipino	B3, L6, SVH Subd., Macasandig, CDOC
13.	Mr Angelo S. Serojales	Filipino	B11, L3, SVH Subd., Macasandig, CDOC
14.	Mr. Nestor Urbina	Filipino	B7, L1, SVH Subd., Macasandig, CDOC
15.	Mr Rudel O. Yanez	Filipino	B3, L2, SVH Subd., Macasandig, CDOC

SEVENTH: That the incorporators and directors [officers named herein] and these persons/officers whose names are included in the list of members/officers attached hereto are members of this association. Additional members may be admitted in accordance with the By-Laws and whose names shall be submitted to the Housing and Land Use Regulatory Board [HLURB] from time to time;

EIGHTH: That the association shall be maintained by fees, dues, assessments or charges paid by its members and other income as the association may derive from the pursuit of its livelihood and economic activities as well as voluntary contributions, donations or loans from persons, partnerships, corporations and other entities;

NINTH: That the additional operating capital of the association is three thousand pesos [Php 3,000.00] contributed by the following:

NR	NAME	AMOUNT
1.	Mr Dindo Barrientos	Php 200.00
2.	Mrs Ruth L. Degracia	Php 200.00
3.	Mr Adolfo O. Emia Sr	Php 200.00
4.	Mr Melvin Enterina	Php 200.00
5.	Atty Manuel C. Felecia	Php 200.00
6.	Mr Edgardo Gablines	Php 200.00
7.	Mr Cesar Golle	Php 200.00
8.	Mrs Veronica J. Joloyohoy	Php 200.00
9.	Mr Eugene Y. Lanzaderas	Php 200.00
10.	Mr Charlie A. Mundal	Php 200.00
11.	Arch Jovel K. Pangan	Php 200.00
12.	Mr Antonieto Sanoria	Php 200.00
13.	Mr Angelo S. Serojales	Php 200.00
14.	Mr. Nestor Urbina	Php 200.00
15.	Mr Rudel O. Yanez	Php 200.00

TENTH: That Mrs. Ruth L. Degracia has been elected by the members of the board as Treasurer of the association to act as such until her successor is duly elected and qualified in accordance with the By-Laws, and that as such Treasurer, she has been authorized to receive for and in the name and for the benefit of the association, all fees, contributions, income or donations paid or given by the members or acquired from other entities/sources.

IN WITNESS WHEREOF, we the incorporators have hereunto set our hands this 28th day of April 2015 at Southview Homes Multi-Purpose Hall, Southview Homes Subdivision, Macasandig, Cagayan de Oro City, Philippines.

NAME OF INCORPORATORS

REFER THE FOLLOWING NUMBERS FOR THEIR SIGNATURE ON THE RIGHT AND LEFT SIDE FROM 1 TO 3 PAGES OF THIS ARTICLES OF INCORPORATION

Mr Dindo Barrientos	1
Mrs Ruth L. Degracia	2
Mr Adolfo O. Emia Sr	3
Mr Melvin Enterina	4
Atty Manuel C. Felecia	5
Mr Edgardo Gablines	6
Mr Cesar Golle	7
Mrs Veronica J. Joloyohoy	8
Mr Eugene Y. Lanzaderas	9
Mr Charlie A. Mundal	10
Arch Jovel K. Pangan	11
Mr Antonieto Sanoria	12
Mr Angelo S. Serojales	13
Mr. Nestor Urbina	14
Mr Rudel O. Yanez	15

SIGNED IN THE PRESENCE OF:

(Sgd)
Mrs. Joy Lanzaderas

Mrs Nandy Valmores

(Sgd)
Mrs. Veronica J. Joloyohoy
[Board Secretary]

SUBSCRIBED AND SWORN to before me in Cagayan de Oro City, Philippines, this 25th day of May 2015. The affiant exhibiting to me her Community Tax Certificate No. 30052891 issued on March 4, 2015 at Cagayan de Oro City, Philippines.

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Book No. 19
Series of 2015

(Sgd)
Atty. Stalin A. Baguio
Notary Public

ADOPTION AND AMENDMENT OF SVHHOAI BY-LAWS

SOUTHVIEW HOMES HOMEOWNERS' ASSOCIATION INCORPORATED [SVHHOAI]

ARTICLE I

DECLARATION OF PURPOSE

The purposes of this association are those set forth in its Articles of Incorporation. Its primary concern is to facilitate the delivery of adequate social services and economic advantages for the association to improve the quality of life and well-being of its members.

ARTICLE II

NAME AND LOCATION

The name of this Association is SOUTHVIEW HOMES HOMEOWNERS' ASSOCIATION INCORPORATED [SVHHOAI]. Its principal Office shall be located at SVH Multi-purpose building, Block 4 [Parks and Playground area], Southview Homes Subdivision, Macasandig, Cagayan de Oro City.

ARTICLE III

MEMBERSHIP

SECTION 1. MEMBERS - Every homeowners shall be qualified to be a member of the association. Unless otherwise provided in the Contract to Sell, Deed of Sale, or other instruments of conveyance, or annotated in the title of the property, membership in the association is optional.

The right of membership, including the right to vote and to be voted for, shall be exercised by the head of the family of each homeowner, lot owner/buyer, or bona fide occupant, of a house or lot.

A lessee of a homeowner under a contract with a term of at least one (1) year may qualify to be a member and shall have the rights of a member upon complying with the requirements of membership under the by-laws and the law.

SECTION 2. MEMBER IN GOOD STANDING - Every member in good standing is one who complies faithfully with all the duties and obligations of a member as determined by the Board of Directors.



SECTION 3. RIGHTS AND PRIVILEGES OF MEMBERSHIP - Every member of this association shall be entitled to participate in any meeting and vote on the following matters:

- a. Amendment of the articles of incorporation;
- b. Adoption and amendment of by-laws;
- c. Sale, lease exchange, mortgage, pledge or other disposition of all or substantially all of the association's assets;
- d. Incurring, creating or increasing bonded indebtedness;
- e. Increases or decreases of association capitalization or dues;
- f. Merger or consolidated of the association with another association or other association;
- g. Investment of association funds in another association;
- h. Dissolution of the association, and;
- i. The use, enjoyment, and to benefit from, or take advantage of all facilities, amenities and services of the association.

Unless otherwise stated in the Articles of Incorporation or in these by-laws, and in addition to the foregoing rights and privileges, every member in good standing of this association shall have the following rights:

- a. To vote at all election of directors or trustees, either in person or by representative authorized to act by written proxy.
- b. To be eligible to any elective or appointive office of the association.
- c. To participate and vote on all matters brought before any meeting or deliberation of the members of the association, and;
- d. To use, enjoy, benefit from, or take advantage of all facilities and services of the association.

SECTION 4. DUTIES OF MEMBERS - Every member of this association shall have the following duties:

- a. To pay his/her membership fee, association dues, special assessment and such other fees which may be levied on him/her by the association;
- b. To participate in important activities or social affairs of the association as may be determined by the board of directors;
- c. To attend all meetings, assembly and seminars as may be called by the association, the board of directors or its committees;
- d. Not all of our housing units have a parking garage. To avoid road congestion, half of our vehicle must be parked in pedestrian gutter in front of our house. Erection of mobile canopy as temporary car shelter must be closed to our gate or wall to make it free from all types of light vehicles passing in our streets. Erection of same occupying almost one lane of our street is definitely discouraged;
- e. To all vehicles, motorela and motorcycle owners passing within our streets shall maintain the speed limit of 20 kms per hour to prevent accident.
- f. To obey and comply with this by-laws and such other rules and regulations as may be promulgated by the board of directors and approved by the majority of the members.

SECTION 5. DELINQUENT MEMBER - 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.

SECTION 6. PROCEDURE IN DECLARING A MEMBER DELINQUENT - 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 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 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 or not be declared delinquent.
- c. After the lapse of fifteen [15] days, with or without a written explanation, the President of the association shall submit the matter to the Board or Committee for hearing and deliberation.
- d. Thereafter, the member may be declared delinquent by the majority vote of all the members of the board.

SECTION 7. SANCTIONS FOR A DELINQUENT MEMBER - All the rights and privileges of a member as provided in Section 3 is suspended upon the declaration of delinquency by the board. Likewise, issuance of certification for barangay clearance is also temporarily suspended.

SECTION 8. REINSTATEMENT OF A DELINQUENT MEMBER - The board shall, by majority vote, reinstate the membership of the delinquent member, provided that unpaid dues, fees or charges are paid or the sanctions imposed are satisfied.

SECTION 9. MEMBERSHIP ROLL - The association shall keep and maintain under the custody of the Secretary, a membership roll containing the list of all members and such additional members as may be admitted from time to time, including information and data which may be required by the board of directors.

SECTION 10. EXPULSION FROM THE ASSOCIATION - Any member may be expelled from the association on the following grounds:

- a. Default in the payment of association dues specified in Article IV hereof, for a period of thirty [30] days from written demand.
- b. Ceasing to be a member in good standing, as determined by the board of directors, after due notice and hearing, and;
- c. Repeated violation of any of the provisions of the articles of incorporation, this By-Laws or existing rules and regulations of the association and exhibiting conduct inimical to the interest of the association as determined by the board of directors, after due notice and hearing.

ARTICLE IV

FEES AND DUES

SECTION 1. MEMBERSHIP FEE - Upon the organization of this association, or the admission of any person as member hereof, every member of the association shall pay a membership fee of Fifty Pesos [PhP 50.00] or in such amount as may be determined by the Board of Directors upon approval of the majority of the general membership in a meeting duly called for the purpose.

SECTION 2. ASSOCIATION OR MAINTENANCE DUES - Monthly association and/or maintenance dues of Fifty Pesos (PhP 50.00) shall be collected from every member to defray the administrative cost and operational expenses of the association. These amount may be increased as the need arises to be determined by the board of directors upon approval of the majority of the general membership in a meeting duly called for the purpose.

SECTION 3. CONTRIBUTIONS - The association may raise funds for its program and activities through contributions, donations and/or other forms.

SECTION 4. SPECIAL ASSESSMENT - The board of directors, may from time to time, assess and collect from each member reasonable amounts may be necessary to fund special community projects for the common good and benefit of the association as approved by the majority of the members of the board and members of the association.

ARTICLE V

BOARD OF DIRECTORS OR TRUSTEES

SECTION 1. POWERS AND DUTIES OF THE BOARD OF DIRECTORS - Unless otherwise provided in the articles of incorporation and this By-Laws, the powers of this association shall be exercised all business conducted and all of its property controlled and held by the board of directors or trustees elected from among the members in good standing o this association.

In addition to the duties and responsibilities stated in the By-Laws of the association, the board shall have the following duties and responsibilities:

- a. Regularly maintain an accounting system using generally accepted accounting principles, and keep books of accounts, which shall be open for inspection to any homeowners and duly authorized representatives of government agencies upon request, during reasonable hours on business days;
- b. Collect reasonable fees, dues and assessment that may be provided for in the By-Laws and approved by the majority of the members;
- c. Collect reasonable charges for assessment, and after due notice and hearing by the board in accordance with the procedure as provided in the By-Laws, and rules and regulations adopted by the board, charge reasonable fines for late payment and for violation of the By-Laws, rules and regulations of the association, in accordance with a previously established schedule adopted by the board and furnished to the homeowners;
- d. Propose measures to raise funds and the utilization of such funds and submit the same for consideration of the members of the association;

- e. Undergo a free orientation by the HLURB or any other competent agency deputized by it on how to conduct meetings, preparation of minutes, handling of accounts, laws and pertinent rules and regulations within thirty [30] days after election or appointment;
- f. Discharge the duties and responsibilities provided for in the association's By-Laws, and;
- g. Exercise such other powers as may be necessary and proper in accordance with this act and for the accomplishment of the purposes for which the association was organized.

The board shall act in all instances on behalf of the association, except to amend the articles of incorporation, to dissolve the association, to elect members of the board or to determine the qualifications, powers and duties, or terms of office of the board, and other instances that require the vote or approval of the members themselves. In the performance of their duties, the officers and members of the board shall exercise the degree of care and loyalty required by such position.

SECTION 2. NUMBER OF DIRECTORS OR TRUSTEES AND QUALIFICATIONS - The board of directors or trustees of this association shall be composed of fifteen [15] elected members. No person shall be elected as director or trustee unless he is a member in good standing of this association.

SECTION 3. NOMINATION - Not less than seven [7] days nor more than fourteen [14] days before the annual meeting at which the directors or trustees are to be elected, any fifteen [15] or more members, may, by written petition, nominate candidates to the board and post their name in the bulletin of the association.

SECTION 4. ELECTION AND TERM OF OFFICE - Directors shall be elected by secret ballot at the annual meeting of the members of the association. The directors or trustees elected shall hold office for a term of two [2] years and until their successors are elected and qualified.

SECTION 5. VERIFICATION AND VALIDATION OF PETITION FOR REMOVAL OF DIRECTORS OR TRUSTEES - The following procedure shall be observed in case of removal of a director or trustee of an association:

- a. A director or trustee may be removed from office, through a verified petition duly signed by the majority members in good standing of an association, for any cause provided in the By-Laws of the association;
- b. The duly signed petition, subscribed and sworn to before a notary public, shall be submitted to the Regional Office of the HLURB for purposes of verification and validation. Within five [5] days from the receipt of the petition, the Regional Office shall determine whether the petition complies with the required formalities and based on any of the grounds or causes for removal provided under the By-Laws. Upon being satisfied that the petition is sufficient in form and substance, the Regional Office shall determine, based on its record, whether the petition is signed by majority of the members of the association concerned;
- c. If the Regional Office determines that the petition is not signed by the required number of the members of the association, it shall then dismiss the petition and shall inform the member who filed the petition of its decision, furnishing a copy thereof to the board and the director or trustee subject of the petition. If, on the other hand, the petition is signed by the required number of the members of the association, the Regional Office shall then proceed with the validation of the petition. The Homeowners' Association Administration Division of the Regional Office shall compare the signature appearing in the petition with the records on file with the Regional Office;
- d. The Homeowner's Association Administration Division shall then prepare a report on the conduct of validating and submit the same to the Regional Director/Officer and shall then issue an order validating the petition and the removal of the director or trustee, furnishing a copy thereof to the director/trustee concerned and the board;
- e. Within [60] days from the receipt of the order from the Regional Director/Officer, an election shall be called by the remainder of the board for the purpose of determining who shall hold office for the unexpired term of the removed director or trustee;

- f. The director or trustee who has been removed shall have the right to question his removal on the sole ground of the validity of the cause relied upon by the members of the association, through a petition filed before the Regional Office within fifteen [15] days from the receipt of the order of his removal, and;
- g. The pendency of the petition filed by the director or trustee shall not prevent the board from conducting the special election called for the purpose of filling up the vacancy. In the event the HLURB decides that the removal is invalid, the removed director or trustee shall then be reinstated to his former position and serve the remainder of his term. The tenure of the person who replaced the removed director from the time of his election up to the time of the reinstatement of the latter shall be respected.

SECTION 6. DISSOLUTION OF THE BOARD - In the event two-third [2/3] of the association's members submit a verified petition for the dissolution of the board, the following procedure shall be observed:

- a. The petition for the dissolution of the board shall be based solely on the grounds or causes provided in the association's By-Laws;
- b. The procedure provided in the subsections [b] to [g] of the immediately preceding Section shall be observed, and;
- c. Until the new board members shall have been elected and qualified, the HLURB shall designate an interim board: Provided, that such board shall be composed of association members in good standing: Provided, further that such interim board members shall not be eligible to run in the election called for the purpose of replacing the member of the dissolved board.
- d. This procedure shall also be adopted if a majority of the members of the board is removed, which shall be considered as a dissolution of the entire board.

SECTION 7. VACANCIES - Except as herein above provided, any other vacancies occurring in the Board either by resignation, death or incapacity, shall be filled by a majority vote or the members entitled to vote at a special meeting duly called and held for the purpose without compliance with the foregoing provisions with respect to unexpired term[s] of the resigning, incapacitated or deceased director[s] or trustee [s].

SECTION 8. REGULAR MEETING OF THE BOARD - The first regular meeting of the board shall without notice be held immediately after the annual meeting of the members. Thereafter, the regular meeting of the board shall also be held on the last Saturday of every quarter.

SECTION 9. SPECIAL MEETING OF THE BOARD - Special meeting of the board may be called by the President or majority of the members of the board and it shall thereupon be the duty of the Secretary to cause the notice of such meeting to be sent to each directors at least [2] days before the meeting.

SECTION 10. QUORUM - A majority of the directors or trustees shall constitute a quorum at any meeting of the board.

SECTION 11. COMPENSATION - The board of directors and officers may be entitled to a per diems of one hundred pesos only [PhP 100.00] for actual attendance to the regular board meeting and fifty pesos only [PhP 50.00] for actual attendance to the special board meeting. Board of directors or trustees and officers are exempted from a monthly maintenance dues of PhP 50.00.

ARTICLE VI

OFFICERS

SECTION 1. OFFICERS - The officers of the association shall be the President, Vice President, Secretary, Treasurer, Auditor and such other officers as may from time be determined by the board. Long-term lessees and tenants are not qualified to be elected or appointed as President, Vice-President and Treasurer of the association.

SECTION 2. ELECTION AND TERMS OF OFFICE - The officers mentioned in Section 1 hereof shall be elected at the annual meeting of the board held immediately after the annual meeting of members and shall hold office for a term of two [2] years and until their successor shall have been elected and qualified. If the election of officers cannot be held at such meeting, the election shall be held during the next regular meeting.

SECTION 3. COMPENSATION - The officers of the association who are occupying main position and at the same time, members of the board and also occupying different committees as their additional duties may receive a monthly honorarium of one hundred pesos [PhP 100.00] and exempted from a monthly maintenance dues of PhP 50.00.

SECTION 4. REMOVAL OF OFFICERS - Any officers of the association may be removed by a majority vote of the members of the board constituting a quorum whenever in its judgment the best interest of the association will be served thereby.

SECTION 5. PRESIDENT - The President shall be elected by the board of directors or trustees from their own number. He shall exercise such powers and perform such duties incident to his office and such other duties as may from time to time be delegated to him by the board. Among others, the president shall:

- a. Preside at all meetings of the members and of the board of directors or trustees;
- b. Exercise general supervision over all the other officers of the association;
- c. Represent the association in all activities to which it is a party or participant;
- d. Preside, in consultation with the appropriate officers and committees, a yearly program of activities and submit an annual report of the operations of the association to the members at the annual meeting and to the board of directors or trustees such statements, reports, memoranda and accounts as may be requested by the latter.
- e. Organize and supervise work groups among the members of the association;
- f. Post a fidelity bond sufficient to answer for the association's cash assets and its equivalent at the time of his/her assumption of office, provided, that the posting of the said bond shall be for the personal account of the officer concerned, and;
- g. Exercise the power to create additional committees as may be necessary.

SECTION 6. VICE-PRESIDENT - The Vice-President shall be elected by the board of directors or trustees from their own number. He shall be vested with all the powers and authorities of, and required to perform all of the duties of the President during the absence or incapacity of the latter for any cause, and he shall also perform such other duties as being co-chair of the regular and special board meeting as the board of directors or trustees may from time to time assign to him.

SECTION 7. TREASURER - The Treasurer shall be elected by the board of directors or trustees, and he/she may or may not be a director or trustee of the association. He/she shall hold office at the pleasure of the board, and shall perform the following duties:

- a. Have custody of, and be responsible for all the funds, securities and bonds of the association, and keep a complete and accurate record of receipts and disbursement and other of commercial transactions in the corresponding books of accounts of the association, and see to it that all disbursement and expenditures are evidenced by appropriate vouchers;
- b. Disburse the funds of the association, for specific purpose/s authorized by a resolution of the board of directors or trustees.
- c. Receive and give receipts for all moneys paid to the association from any source whatsoever and take charge and have custody of petty cash funds as may be fixed by the board;
- d. Be responsible for keeping the financial records of the association and the liquidation of any and all accounts liabilities and obligations owing on dues from the association
- e. Shall monitor all delinquencies and send notices on overdue association's dues and/or demand letters;
- f. Post a fidelity bond sufficient to answer for the association's- cash- assets and its equivalent at the time of his/her assumption of office provided, that the posting of the bond shall be for the personal account of the officer, and;
- g. In general, perform all the duties incident to the office of the treasurer and such other duties as may from time to time be assigned to him by the board of directors or trustees.

The treasurer may delegate the routine duties of his office to one or more employees of the association with the approval of the president.

SECTION 8. SECRETARY - The Secretary shall be elected by the board of directors or trustees, and he/she may or may not be a director or trustee of the association. He/she shall hold office at the pleasure of the board, and shall perform the following

- a. Keep full minutes of all meetings of the members of the board, in one or more books provided for this purpose;
- b. Deliver or submit all notices in accordance with this By-Laws or as required by law or rules of the HLURB;
- c. Keep all corporate records and the seal of the association which shall be affixed to such instruments as may be required by the HLURB and thereupon be attested by his signature or that of the treasurer;
- d. Keep a register or membership roll of the names and post office address of all members;
- e. Provide each member a copy of the By-Laws and all amendments thereto, and;
- f. In general, perform all duties incident to the office of the secretary and such other duties as may from time to time be assigned by the board.

SECTION 9. AUDITOR - The Auditor shall be appointed by the board of directors or trustees, and he/she may or may not be a director or trustee of the association. He/she shall hold office at the pleasure of the board, and shall perform the following duties:

- a. Serve as the chairperson of the audit and inventory committee of the association;
- b. Conduct inventory to all properties of the association, examine and audit all financial transactions of the association including all the books, ledgers, journals and other supporting records pertaining thereto, and;
- c. Perform all duties incident to the office of the auditor and such other duties as may from time to time be assigned by the board.

ARTICLE VII

ASSOCIATION COMMITTEES

SECTION 1. COMMITTEES - The association, by a vote of the majority of the members thereof, shall organize and create the following committees:

- a. **Grievance and Adjudication Committee** - The member of the grievance and adjudication committee, who should have experience in counseling, shall be elected by the members in the annual meeting of members. The committee shall accept and investigate complaints filed by a member against any other member or officer, and shall settle or arbitrate any dispute within its power in the community. In the event that the grievance is not settled by the committee, its decision may be appealed to the board of directors or trustees.

Any controversy or dispute shall first be brought before the board of directors or trustees prior to elevating the same to HLURB. The board of directors or trustees shall issue a certification as to the non-settlement of a dispute before HLURB shall take cognizance of the dispute or controversy.

- b. **Audit and Inventory Committee** - The audit and inventory committee shall be responsible for auditing the accounts of the association. It shall conduct such audit at least quarterly or semi-annually and submit its reports thereon to the board of directors or trustees.
- c. **Committee on Election** - The committee on election shall be composed of three [3] members, to be elected by the members in the annual meeting who shall serve for a term of one year until their successors have been elected and duly qualified.

The Committee shall supervise all election activities of the association.

- d. **Development and Services Committee** - The development and services committee shall take charge of planning, coordination and actually operating the facilities and services of the association. It shall be organized into groups or councils, which shall form as backbone of the community service delivery system. Initially, these groups or council may be the following: Health and Nutrition and Mobility Groups. Additional groups or council shall be formed as the need arises
- e. **Membership and Education Committee** - The membership and education committee shall take charge of the development of human resources in the community. It shall conduct information, educational and motivational campaigns and shall prepare and implement training activities designed to make the resident productive members of the association.
- f. **Financial Management Committee** - Subject to the approval of the board of directors, the financial management committee shall prepare the budget of the association and plan, adopt and implement canvassing, procurement and disbursement guidelines for projects that will or may require the use of the association funds. The committee shall also serve as a coordinating body for all financial matters involving external institutions and shall evolve a savings campaign and other fund raising activities.
- g. **Livelihood Committee** - The livelihood committee shall plan and coordinate all economic programs designed to supplement the income of the members. As such, it shall closely coordinate with the financial management committee in the preparations of feasibility studies and other proposals.
- h. **Maintenance Committee** - The maintenance committee shall take charge of the upkeep and repair of community facilities and services. It shall form and organize the beautification/ecology team or group to maintain cleanliness and beauty in the community.

- i. **Peace and Order Committee** - The peace and order committee shall take charge of maintaining peace and order in the community. It shall form and organize the selected members of the association as Barangay Peacekeeping Action Team [BPAT], Southview Homes Chapter *[This is a directive from PNP to be implemented to all sitios, barangays and subdivisions nationwide in lieu of Brgy Tanod]* to safeguard the security of the area and emergency/disaster brigade to meet any natural or man-made calamity.
- j. **Social and Cultural Affairs Committee** - It shall be tasked with planning, organizing and implementing social activities that will improve inter-personal relations among the members. Finally, it shall form and organize Sports and Recreational brigade.

ARTICLE VIII

ELECTIONS

SECTION 1. HOLDING OF ELECTIONS - A homeowners' association shall hold regular membership meetings or elections on the time or date set forth in its By-Laws.

SECTION 2. PROXIES - Association members may vote in person or by proxy in all meetings of members. Proxies shall be in writing, signed by the member and filed before the scheduled meeting with the association secretary. Unless otherwise provided in the proxy, it shall be valid only for the meeting for which it is intended. No proxy shall be valid and effective for a period longer than three [3] years at any one time unless earlier revoked by the member.

SECTION 3. FAILURE OF ELECTION - When a regular or special election cannot be held or conducted due to lack of quorum as defined under association By-Laws or for any other serious cause such as violence, terrorism and other analogous causes of such a nature that the holding of a free, orderly and honest election should become impossible, the Election Committee shall call for another election within a period of thirty [30] days from the date of the failed election or the cessation of the cause for such failure of election.

SECTION 4. HOLD-OVER - Where there is a failure to elect a new set of directors or officers, the incumbent directors/trustees/officers shall be allowed to continue in a hold-over capacity until their successors are elected and qualified.

SECTION 5. ELECTION Contests - Election contest and their resolutions shall be governed by the By-Laws of the association. Unless otherwise provided by the association's By-Laws, the election contest shall be in writing and filed by any aggrieved candidate/s within five [5] days after the proclamation of the winning candidates.

SECTION 6. TURNOVER OF RECORDS AND PROPERTIES BY OUTGOING DIRECTORS/OFFICER - To ensure the orderly turnover of the management of an association, the outgoing directors and officers of an association shall turnover all association books, records, properties and other assets, to the new set of directors and office within sixty [60] days from the election of the new board.

ARTICLE IX

MEETING OF MEMBERS

SECTION 1. PLACE OF MEETING - The meeting of members shall be held at the SVH basketball court in front of the Southview Homes Homeowners' Association Incorporated [SVHHOAI] Office, SVH Multi-Purpose Building, Southview Homes Subd., Macasandig, Cagayan de Oro City.

SECTION 2. ANNUAL MEETING - The annual meeting of the members shall be held on last Sunday of March of each year at which meeting, the members shall elect the directors and transact such other business as may properly be brought during the meeting. For newly elected board of directors or trustees/officers who has two [2] year term, annual membership meeting must be observed despite no election in their first year to discuss other matters.

SECTION 3. SPECIAL GENERAL MEETING - At any time during the interval between annual meeting, special meeting of the members may be called by the president or by a majority of the board, provided, however, that ten [10] percent or more of the members in good standing may in writing, petition the board of directors or trustees to call a special meeting on the members.

SECTION 4. NOTICE OF MEMBERS MEETING. - A written notice stating the date, place and hour of the meeting and, in case of special or an annual meeting, at which business requiring special notice is to be transacted, shall be personally delivered to each member not less than five [5] days before the date of meeting.

SECTION 5. QUORUM - Majority of the members in good standing present in person or by proxy shall constitute a quorum at any meeting of the members for the transaction of business.

SECTION 6. VOTING - Each household shall be entitled to only one vote. Voting by proxy shall be allowed. All questions shall be decided by a vote of majority of those present and voting except as otherwise provided by law, the articles of incorporation and this By-Laws.

SECTION 7. PROXIES - Proxies shall be in writing, dated, signed by the member, notarized and filed before the scheduled meeting with the Secretary. It shall be valid only for those meeting for which it is intended, unless otherwise provided in the proxy.

SECTION 8. ANNUAL STATEMENT - A true and full statement of the affairs of the association shall be submitted at the annual meeting for consideration by the members.

SECTION 9. MINUTES - Minutes of all meetings of the members shall be kept and carefully preserved as a record of the matters and business transacted at such meetings. The minutes shall contain such entries as may be required by law.

ARTICLE X

FINANCIAL TRANSACTIONS

SECTION 1. CONTRACTS - The board shall by specific resolution, authorize any officer or officers, or member/s to enter any contract or execute and deliver any instrument in the name or in behalf of the association.

SECTION 2. SIGNING OF CHECKS, ETC. - All checks, drafts or other orders for payment of money and all notes, bond or other evidence of indebtedness issued in the name of the association shall be signed jointly by the treasurer and the president or other officers authorized by the board.

SECTION 3. DEPOSIT - All funds of the association such as association dues and membership fees shall be deposited from time to time to the credit or account of the association in such bank or banks as the board may designate.

SECTION 4. FISCAL YEAR - The fiscal year of the association shall begin on the 1st day of January and end on the 31st day of December of each year. The treasurer shall cause to be made a full and complete audit of the books, accounts and financial condition of the association. Such audit shall be made available for inspection by the members. For this purpose, the association shall conduct such audit at least three [3] months before the end of the fiscal year, make pertinent recommendations to the board and render a report to the members at the annual meeting

ARTICLE XI

MISCELLANEOUS PROVISIONS

SECTION 1. BOARD RULES AND REGULATIONS - The board shall have the power to promulgate such rules and regulations consistent with law, the articles of incorporation or this By-Laws.

SECTION 2. AMENDMENTS - These by laws or any portion or provision hereof may be amended, repeated or otherwise changed, upon initiation of the board in any manner not contrary to law, the articles of incorporation, contracts, or agreement, at a duly called and held regular meeting or special meeting, by the affirmative vote of a majority of the members, provided however, that notice of such meeting whether regular or special shall contain a fair statement of the proposed amendments.

The foregoing By-Laws were adopted and approved by all the incorporators on April 18, 2015 at Southview Homes Homeowners' Association Incorporated .[SVHHOAI] Office, Southview Homes Subdivision, Macasandig, Cagayan de Oro City, Philippines. .

IN WITNESS WHEREOF, we have hereunto set our hands this 28th day of April 2015 at SVHHOAI Office, Southview Homes Subdivision, Macasandig, Cagayan de Oro City, Philippines.

INCORPORATORS

REFER THE FOLLOWING NUMBERS FOR THEIR SIGNATURE ON THE RIGHT AND LEFT SIDE FROM 1 TO 3 PAGES OF THIS ARTICLES OF INCORPORATION

_____	_____
Mr Dindo Barrientos	1
_____	_____
Mrs Ruth L. Degracia	2
_____	_____
Mr Adolfo O. Emia Sr	3
_____	_____
Mr Melvin Enterina	4
_____	_____
Atty Manuel C. Felecia	5
_____	_____
Mr Edgardo Gablines	6
_____	_____
Mr Cesar Golle	7
_____	_____
Mrs Veronica J. Joloyohoy	8
_____	_____
Mr Eugene Y. Lanzaderas	9
_____	_____
Mr Charlie A. Mundal	10
_____	_____
Arch Jovel K. Pangan	11
_____	_____
Mr Antonieto Sanoria	12
_____	_____
Mr Angelo S. Serojales	13
_____	_____
Mr. Nestor Urbina	14
_____	_____
Mr Rudel O. Yanez	15

SIGNED IN THE PRESENCE OF:

(Sgd)
Mrs. Joy Lanzaderas

Mrs Nandy Valmores

(Sgd)
Mrs. Veronica J. Joloyohoy
[Board Secretary]

SUBSCRIBED AND SWORN to before me in Cagayan de Oro City, Philippines, this 25th day of May 2015. The affiant exhibiting to me her Community Tax Certificate No. 30052891 issued on March 4, 2015 at Cagayan de Oro City, Philippines.

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(Sgd)
Atty. Stalin A. Baguio
Notary Public