



Dasmariñas Village Association
INCORPORATED

1417 CAMPANILLA STREET, DASMARIÑAS VILLAGE, MAKATI CITY
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D. V. A. Circular 2021-05

January 24, 2021

CONTINUING DISINFORMATION

Dear Residents,

In its pursuit for transparency, your DVA Board of Governors has prepared the following comprehensive report that will provide you with the information needed for making informed decisions on the overall welfare of our village.

We earnestly hope that you will take the time to read the following pages.

Thank you for your consideration and attention to this matter.

Kind regards,

DASMARIÑAS VILLAGE ASSOCIATION INC.


By: **ROSALINA M. HALILI**
Office Manager

CONTINUING DISINFORMATION

Your Board of Governors, as a policy, welcomes suggestions and ideas. We will gladly conduct a public discussion on any substantive issue put forward clearly and with a factual basis. Disinformation leads to divisiveness and does not produce anything beneficial for the community.

The year 2020 has been a very difficult one and we must all work together to meet the challenges. The increase in dues was not a decision taken lightly by your Board of Governors and it needs to be undertaken urgently. The annual association dues paid by members represent less than 50% of our annual budget and the balance is covered by non-recurring revenues. These non-recurring revenues to cover the deficit dropped by more than Php 40M in 2020. Under the current HLURB rules, the Association would have been entitled to raise the dues to Php 60. But because of the difficulties everyone is facing, the Board thought it prudent to only raise to Php 35 in the hope that the drop in revenues in 2021 will not be as large. Any reasonably prudent individual especially with an understanding of finance and budget processes will agree that this is an unavoidable course of action under these circumstances.

ISSUE

THE INCREASE IN DUES HAS BEEN ILLEGALLY IMPOSED

Although we have discussed this in a prior circular, we felt it necessary to expand our answer for clarity since this seems to be the issue being continuously raised by this group

Discussion:

The chief critics of the increase claim that the increase in dues is illegal, and they anchor their theory on a 2011 issuance of the HLURB. Our position is based on a more recent 2017 issuance of the HLURB and is supported by the opinion of our legal counsel. As in any organization, we rely on professional advice to guide us. **A copy of the legal opinion of our counsel which supports the action taken by the Board is available at the DVA office upon request.** Your Board's decision is anchored on the firm belief that a moderate increase of Php 7.00/sqm

that raises our Dues to Php 35/sqm (which is the among the lowest if not the lowest among our equivalent neighborhoods) is within its mandate.

Although DVA has been threatened with legal action by this group, presumably using the petitions that the critics have asked our residents to sign, we are confident that our position is well supported by our legal counsel's opinion. Furthermore, the procedures we are using are consistent with what other Homeowners' Associations have done, including Forbes Park, which increased their dues last year. DVA's Annual General Meeting will be held in just 1.5 months, during which this issue can be properly discussed and ratified by the members. Everyone is given a reasonable opportunity to be heard during our Annual General Meeting. Those of you that have approached us to ask about the dues know that we do our best to address your concerns and that we are able to respect any differences in opinion in a civilized and courteous manner.

ISSUE

LEADERS OF THE GROUP CLAIM THAT THE COMMUNITY CENTER AND PARKING BUILDING IS A WASTE OF MONEY AND WILL RESULT IN THE COLLECTION OF ADDITIONAL DUES

Discussion:

The self-appointed leaders of this small group consistently resisted change and progress in our Village. They started with the Outdoor Distribution Antenna System (ODAS), progressed on to the underground fiber optic project, and now focus on the Community Center. Certainly, a person stuck in the present and who refuses to progress will view any expenditure for future development as a complete waste of money, regardless of the amount.

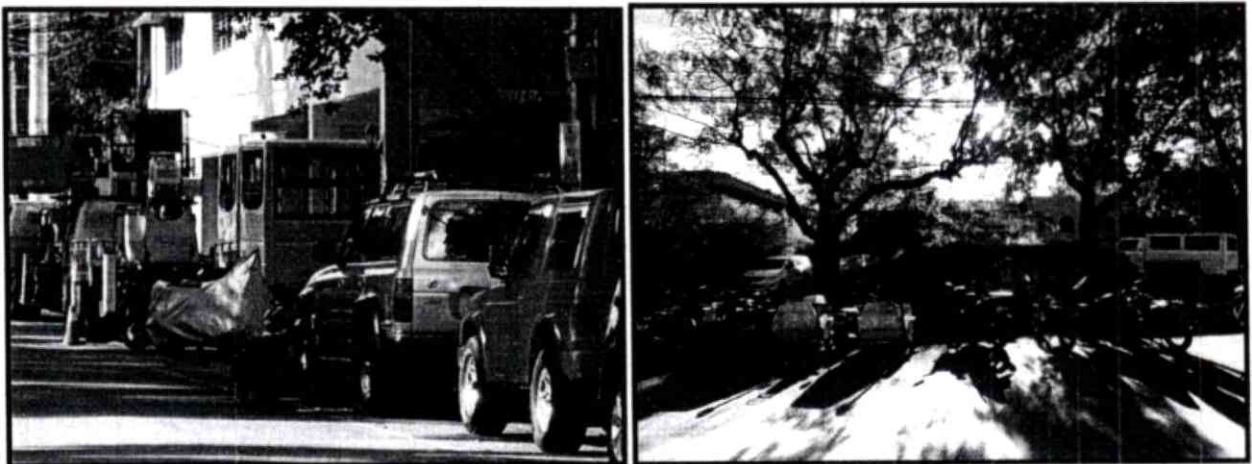
This is a project that is already fully-funded. Through good fiscal management, your Board of Governors, over the last five years, started a sinking (capital) fund for infrastructure investments, recognizing that as the Village ages, there will be a need to upgrade infrastructure that was built many decades ago. While most associations have to assess a

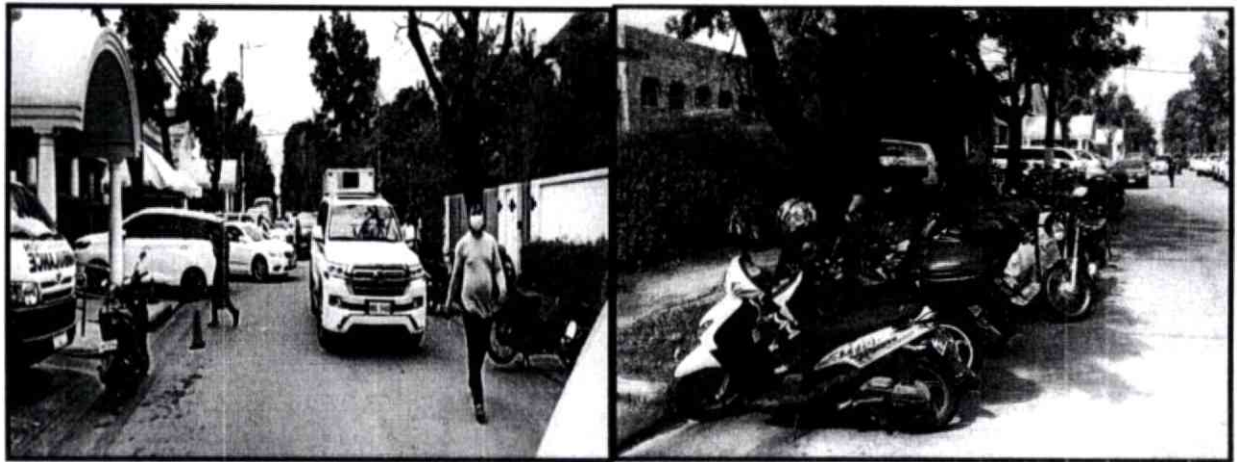
'special project' fee for any infrastructure project; DVA was able to accumulate a fund without raising dues FOR NINE CONSECUTIVE YEARS. This fund should not be used or depleted to fund day-to-day operations of our Village; because if it were, then in the future we would have to raise dues anyway and we would have no capital projects to speak of. Your Board is simply practicing financial prudence in addressing the decline in revenues.

The main critics of this project were present during the 2020 annual meeting where the project was presented and approved. At the annual meeting, the Board of Governors, in response to a question, clearly stated that the project already had funds allocated for its construction. Saying that the project will lead to the collection of additional dues is simply false and misleading.

We also strongly contest the statement that additional parking is unnecessary. As far back as eight years ago, it was recognized that Dasmarinas Village has a serious parking problem. We invite all concerned members to visit the Campanilla Park during working hours, to see the numerous DVA and Barangay vehicles parked on the street, in front of residents' homes.

Parking around the area





ISSUE

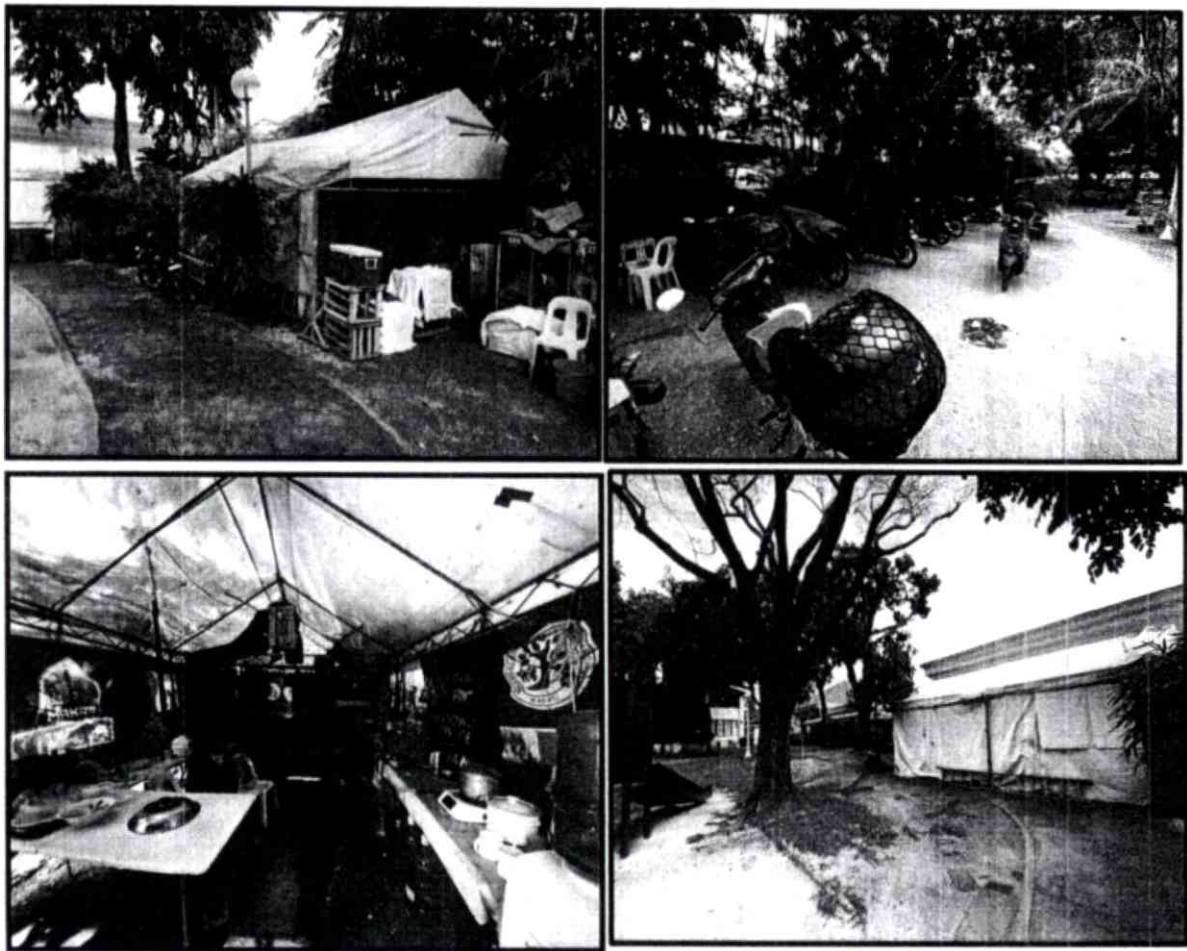
THEIR PROPOSAL TO SOLVE PARKING PROBLEMS

Discussion:

The critics propose to convert all empty lots in the village into parking lots. This is a band-aid, short-term solution and does not adequately address the parking problem. You deserve more than patchwork fixes. We need to look ahead and implement long-term infrastructure solutions.

It is our belief that the majority of you will find the idea of using empty lots as parking spaces an aesthetically unappealing solution that would negate the efforts and improvements that were made over the last five years to make Dasmariñas Village a more desirable place. For this very reason, our Deed Restrictions prohibits the use of empty lots for non-residential purposes such as for parking spaces.

Barangay vehicles are now also parked on the open spaces in the Campanilla Park itself. The Barangay has even put-up tents because of the lack of space. These are meant to be our children's play areas. One of the driving forces behind the community center and parking building is to move all of this clutter underground (Please refer to Attachment 1 for details on the Community Center). The photos below show the effect of short-term thinking that lowers the standards of our prestigious community.



ISSUE:

RESIDENTS HAVE REPORTED THAT THEY HAVE BEEN PRESSURED TO SIGN A PETITION ASKING FOR A SEPARATE VOTE FOR THE INCREASE IN DUES.

Discussion:

In the past week, some of you have complained to us that you have been harassed and bullied into signing the petition. A number of you have confirmed that you signed the document only to put a stop to the browbeating, but that you turned around and supported the new dues by paying anyway.

Some of you have also reported that you were told the group is now not against the increase in dues but just wants to be heard. This is a departure from the early and often malicious and coarse attacks against DVA. This change was no doubt brought about by our circular which disproved the lies and half-truths that the group originally spread. In

the past few weeks, this group has written to DVA no less than three letters threatening legal action. To our residents, please be aware that your signature may be used in their planned legal action against DVA, forcing us to spend valuable resources and legal fees unnecessarily.

Those among you who feel that you were misled by this group or otherwise pressured and bullied into signing the petition may show your support for DVA by paying your dues, as many have already done.

These people are the nucleus of this so-called "protest action calling for transparency and accountability" and that Dasmariñas Village Officers are committing illegal acts. Again, we ask you, in the light of what we have stated in this circular, would you rather listen to the Officers that you elected or these people who continue to pursue what they have been doing over the last eight years, bringing myriad legal challenges that they have instituted, none of which have been validated by a court decision in their favor.

Again, please be reminded that these people, pushing their advocacies, participated in the annual elections of Dasmariñas Village, and the voters rejected their agenda and none of them were elected. Refusing to accept the rejection handed to them by the membership, they held an election where they declared themselves the duly elected officers which was subsequently adjudged as being illegal, therefore null and void.

Attachment 1: DVA Community Center Building

Designer : W.V. Coscoluella and Associates

Parking Area:

Size : Two level basement parking, 5,500 sqm
Car Slots : 127
Motorcycle Slots : 73

Community Center:

Size : 3 Story Building, 1,853 sqm
Ground Floor : Fitness gym, basketball court and outdoor tennis court (982 sqm)
Second Floor : Convenience store, cafeteria, training room, drug testing clinic, maintenance office, barracks for stay in emergency service personnel (409 sqm)
Third Floor: Storage room and additional space for future needs (426 sqm)





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December 5, 2020

**Dasmarinas Village Association, Inc.,
1417 Campanilla Street, Dasmarinas Village
Makati City**

Attention : **Mr. Manuel M. Mañalac**
President

Re : **Increase in Association Dues**

Gentlemen:

This is to formally confirm our prior advice to you, that any increase in DVA Association Dues (which is approved by the Board) **shall be effective**, even without approval by majority of the members of DVA. This is consistent with **HLURB Resolution No. 001** dated March 8, 2017 otherwise known as the *Guidelines in the Kinds of Dues, Fees and Contributions that may be Collected by Homeowners' Association*, which states that:

ARTICLE III DUES, FEES AND CONTRIBUTIONS

Section 7. Kinds of Dues, Fees and Contributions. - The following dues, fees and contributions may be charged by the association only when so specifically authorized in the by-laws:

7.1. **Membership Fees.** The amount paid by a member in consideration for membership in the association.

7.2. **Association Dues.** The amounts charged the members on a regular basis primarily intended to defray the administrative expenses of the association.

7.3. **Beneficial User Dues.** The amounts charged to (a) Homeowners who may not be compelled to be members or members whose membership have been revoked, or (b) Owners and/or developers of subdivisions or condominium projects, wherever applicable hereto, who hold lots or housing units as part of the inventory for purpose of sale to the public.

7.4. **Special Assessments** - The amounts charged members and/or beneficial users to defray other expenses necessary and proper for the security, tranquility and maintenance of the subdivision or condominium as



well as that for the protection of the integrity and maintenance of the association to enable it to perform its duties and functions.

xxx

xxx

xxx

10.1. Recurring Expenses. Recurring expenses and those beyond the control of the associations shall be collected from the members and beneficial users in accordance with the computation as stated in Section 8 of this Rules.

In the statement of account, the Treasurer shall state the amount of the contractual obligation and the manner by which the share of the member or beneficial user has been computed.

10.2. Non-Recurring Expenses or Discretionary Contributions. Nonrecurring expenses or those within the control of the association shall be effective only upon compliance with the following procedure: (a) The Board, in a meeting called for the purpose, shall issue a Resolution approving the dues, fees and contributions to be charged; (b) The Board shall issue a Notice of General Membership Meeting at least three (3) weeks before the prospective date of the meeting. Attached to the said Notice shall be the Board Resolution proposing the dues, fees or contributions to be assessed; (c) The Board shall furnish copies of the notice and the Board Resolution to all members in good standing and cause the posting of the Board Resolution in at least three (3) conspicuous places within the subdivision for a period of at least two (2) weeks before the date of the General Membership Meeting called for the ratification thereof. (d) In the meeting called, with quorum present, the members in attendance, either personally or, if allowed by the by-laws, by proxy, shall vote on whether to ratify or reject the Board Resolution imposing the collection. The simple majority vote of all members in good standing shall be sufficient to ratify the Board Resolution; (e) The approved dues, fees and contributions shall be posted in at least three (3) conspicuous places in the subdivision or condominium and copies furnished all residents of the subdivision or condominium.

There are two (2) major kinds of Expenses under HLURB Resolution No. 001, *i.e.*, the **Recurring Expenses**, and the **Non-Recurring Expenses or Discretionary Expenses**.

Under Section 10.1 of HLURB Resolution No. 001, **DVA Association Dues** are considered **Recurring Expenses**. Unlike **Non-Recurring Expenses or Discretionary Contributions** under Section 10.2, HLURB Resolution No. 001 [which need approval by



majority of the members of DVA and compliance with the five (5) procedures enumerated thereat to be effective], any increase in **DVA's Recurring Expenses** shall be effective, even if it is only approved by the DVA Board.

It is basic that the law is deemed written into every contract¹. Although a contract is the law between the parties, the provisions of positive law which regulate contracts are deemed written therein and shall limit and govern the relations between the parties². Based thereon, the specific provisions of HLURB Resolution No. 001 are **written into the Amended By Laws of DVA**.

HLURB Resolution No. 001 dated March 8, 2017, was promulgated much later than **R.A. 9904** or the Magna Carta for Homeowners and Homeowners' Associations (which was approved on **July 27, 2009**). HLURB Resolution No. 001 was also promulgated much later than **the Implementing Rules and Regulations of R.A. 9904** which was approved on **June 24 2011**. Hence, the provisions of HLURB Resolution No. 001, which is a **specific and much later law** regarding the imposition and/or collection of Dues, Fees and Contributions that may be collected by Homeowners' Associations, is **controlling**.

We trust that we have sufficiently addressed your concerns on the foregoing matters.

Thank you very much.

Very truly yours,


Paris G. Real

¹ *National Steel Corporation vs. Regional Trial Court of Lanao del Norte, Br. 2., Iligan City*, 304 SCRA 595 [1999]

² *Asia World Recruitment, Inc. v. National Labor Relations Commission*, 313 SCRA 1 [1999]