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BOARD RESOLUTION NO. R-562 S. 1994 – AMPLIFYING THE RULE THAT PAYMENT OF STREET LIGHT BILLS SHALL BE BORNE BY DEVELOPER UNTIL DONATION OF FACILITY TO LGUS

HLRB MEMORANDUM CIRCULAR NO. 01, S. 1995, January 16, 1995

Read online (full-text search, related cases, audio case brief): https://batas.org/library/3543a9bb2781/

The subject Board Resolution, a policy pronouncement on the payment of street light bills in subdivision projects which was adopted on 19 December 1994, is hereunder quoted verbatim for your information and guidance:

> "WHEREAS, there has been a recurrence of disputes between the homeowner-residents of subdivisions and their developers relative to the responsibility in the payment of street light bills;
>
> "WHEREAS, applicable provisions of PD 957, PD 1216 and related laws and their implementing rules and regulations govern the relationship between subdivision buyers and developers relative to the provision and maintenance of subdivision facilities and services;
>
> "WHEREAS, Section 19 of PD 957 provides that the owner-developer shall be liable for the facilities, improvements, infrastructures or other forms of development represented or promised in brochures, advertisement and other forms of propaganda which form part of sales warranties enforceable against said owner developer jointly and severally;
>
> "WHEREAS, Section 20 of the aforecited law provides that every owner or developer shall construct and provide facilities, improvements, infrastructures and other forms of development offered and indicated in the approved subdivision plan within the period fixed in the license to sell;
>
> "WHEREAS, the subdivision facilities per Section 30 of PD 957 as amended by PD 1216 are to be turned over and/or donated to the homeowners' association or to the local government upon their completion and that its acceptance is mandatory to relieve the owner-developer of the obligation to maintain these facilities.
>
> "WHEREAS, the provisions and continuous operation of lighting facilities, more particularly those for street lights, is critical to the safety, peace and order in the subdivision;
>
> "WHEREAS, continuous operation of said facilities depends upon the maintenance thereof and the payment of street light bills;
>
> "Now, therefore, be it RESOLVED as it is hereby RESOLVED to reiterate/amplify that the subdivision owners/developers shall continue to maintain street lights facilities and, unless otherwise stipulated in the contract, pay the bills for electric consumption of the subdivision street lights until the facilities in the project are turned over to the local government unit after completion of development in accordance with PD 957, PD 1216 and their implementing rules and regulations."

Be guided accordingly.

Adopted: 16 January 1995

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