BOARD RESOLUTION NO. R-587, APPROVING THE PROCEDURAL GUIDELINES ON THE ENFORCEMENT AND MONITORING OF COMPLIANCE TO SECTION 18 OF RA 7279

Read online (full-text search, related cases, audio case brief): https://batas.org/library/84a51df3225e/

1. The Board of Commissioners approved on 08 July 1996 under Resolution No. R-587, hereto attached, the following procedural guidelines to strengthen the enforcement of the 20% socialized housing requirement of RA 7279, the Urban Development and Housing Act:

a. Procedural Guidelines on the Enforcement and Monitoring of Compliance to Section 18 of RA 7279 at Processing and Issuance of Development Permit for Main Projects (Annex A of the resolution, with the flowchart as Annex A-1[*]), for the guidance of local government units (LGUs) who have assumed the DP processing function

b. Procedural Guidelines on the Enforcement and Monitoring of Compliance to Section 18 of RA 7279 at Processing and Issuance of License to Sell for Main Projects (Annex B of the resolution, with the flowchart as Annex B-1[*]), for the guidance of the Regional Field Offices.

2. Annex A of the Resolution shall replace Annex C of DILG MC No. 96-79 dated 16 May 1996 (enjoining LGU cooperation in enforcing compliance to the balanced housing requirement of Section 18 of UDHA), and shall be separately issued to the LGUs through the DILG.

3. Pending the DILG issuance, the RFOs shall furnish the LGUs concerned within their jurisdiction a copy of the DP guidelines as advance copy, as well as the LS guidelines for their information and guidance.

For your guidance and compliance.

Adopted: 17 July 1996

(Sgd.) ROMULO Q. FABUL
Commissioner and Officer-in-Charge, OCEO

Attachments:

Resolution No. R-587, s. 1996
Approving the Procedural Guidelines on the Enforcement and Monitoring of Compliance to Section 18 of RA 7279

WHEREAS, the Board, under Republic Act 7279, otherwise known as the Urban Development and Housing Act of 1992, is tasked to implement the balanced housing provision under Section 18 thereof which requires developers of proposed non-socialized housing projects to develop an area for socialized housing equivalent to at least 20% of the main project area or cost;

WHEREAS, the attainment of the objectives of RA 7279 rests by and large upon compliance thereto by the private sector, specifically the real estate owners and developers;

WHEREAS, the devolution of the local government units of the authority to process and issue Development Permit to proposed subdivision projects and the liberalization of the HLRB rules and regulations to implement Section 18 of RA 7279, specifically those pertaining to project location under Resolution No. R-563 and providing alternative modes of compliance under Resolution No. R-511 as amended by Resolution No. R-575, render the existing procedures administratively inefficient in enforcing compliance to Section 18 of RA 7279 at the Development Permit and License to Sell issuance stage which may eventually result in inevitable delay and/or discontinuance of the main or compliance project, a situation which does not augur well for the government's housing program;

WHEREAS, it is incumbent upon the Board to institute some form of control to ensure said compliance and prevent their possible circumvention arising from administrative and operational loopholes;

WHEREFORE, BE IT RESOLVED AS IT IS HEREBY RESOLVED, that the Procedural Guidelines on the Enforcement and Monitoring of Compliance to Section 18 of RA 7279 at Processing and Issuance of Development Permit for Main Projects, hereto attached as ANNEX A, for the guidance of local government units which have assumed said function; and the Procedural Guidelines on the Enforcement and Monitoring Compliance to Section 18 of RA 7279 at Processing and Issuance of License to Sell for Main Projects, hereto attached as ANNEX B, for the guidance of HLRB Regional Field Offices, be APPROVED as the same are hereby APPROVED.

Adopted: 08 July 1996

(SGD.) DIONISIO C. DELA SERNA
Chairman, HUDCC
Ex-Officio Chairman

(SGD.) PRESBITERO J. VELASCO, JR.
Undersecretary, DOJ
Ex-Officio Commissioner

(SGD.) ROMULO Q. FABUL
Commissioner

(SGD.) TERESITA A. DESIERTO
Commissioner

Attested:

(SGD.) CAROLINA A. CASAJE
Officer-in-Charge, Board Secretariat

Annex "A"

Procedural Guidelines on the Enforcement and Monitoring of Compliance to Section 18 of RA 7279 at Processing and Issuance of Development Permits[*]

Activity No.

Responsible Party

Activities

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1

Applicant

1. Files application for Development Permit (DP).

2-3

Records Officer

1. Receives documents.

2. Checks completeness of requirements including SB or Mayor's endorsement for HLRB to continue processing of subdivision approvals.

3. Determines if covered by Section 18.

3a. If covered, stamps "covered by Section 18, RA 7279".

3b. If not covered, stamps "not covered by Section 18, RA 7279" and endorses documents to Regional Officer/Director for Development Permit processing.

4

Regional Officer/Dir.

1. RO/Dir. receives documents of pro-projects covered by Section 18 and endorses to Head, Technical Section.

5

Head, Tec'l. Section

1. Head, Technical Section receives documents and assigns to processor for evaluation.

6-9

Processor

1. Processes DP application.

2. Determines compliance to Section 18.

2a. If there's no compliance project, sends notice of deficiency and requires applicant to submit proof of compliance.

2b. If with compliance project, computes/determines 20% requirement for socialized housing project and checks location of compliance project.

3. If compliance project is outside of the region, checks DP/LS of compliance project and annotates it accordingly.

3a. If no DP/LS of compliance project, sends notice of deficiency & requires applicant to submit.

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3b. If with DP/LS, processes simultaneously application for DP of main and compliance projects.

4. If compliance project is within the region, checks if it is an advance credit.

4a. If advance credit, annotates LS specifying number of units and/or lots as advance credits (See Annexes A.2[**] and A.3[**]).

4b. If compliance is a new project, processes simultaneously application of DP of main and compliance projects

5. Recommends issuance of DP for main and compliance projects.

10

Regional Officer/Dir.

1. Signs Development Permit

11

Records Officer

1. Releases Development Permit.

12

Applicant

1. Receives Development Permit

ANNEX "B"

Procedural Guidelines on the Enforcement and Monitoring of Compliance to Section 18 of RA 7279 at Processing and Issuance of License to Sell[***]

Activity No.

Responsible Party

Activities

1

Applicant

1. Files application for Certificate Registration/License to Sell (CR/LS) of subdivision project.

2-3

Records Officer

1. Receives and checks completeness of documents.

2. If incomplete, sends notice of deficiency and requires applicant to submit lacking requirements.

3. If complete, endorses documents to RO/Director.

4

Regional Officer/Dir.

1. Receives documents and endorses to Head, Technical Section.

5

Head, Tec'l. Section

1. Receives documents and assigns to processor.

6

Processor

1. Receives and evaluates documents.

2. Determines compliance to Section 18 of RA 7279

2a. If without compliance project, requires applicant to submit proof of compliance

2b. If with compliance project, requires applicant to submit original copy of Development Permit (DP) and duly annotated License to Sell and determines location.

2b.1 In case both projects are in the same region, applicant submits DP of compliance project issued by LGU and files application for CR/LS for its main and compliance project for simultaneous processing.

2b.2 In case compliance projects is in an other region, applicant submits duly an notated CR/LS of compliance project as requirement for processing of CR/LS for main project.

3. Annotates on LS and stamps on the original DP of main project the project name, location and area of compliance project (See Annexes B.2[*] and B.3[*])

4. Recommends issuance of LS

7

Regional Officer/Dir.

1. Signs License to Sell.

8

Records Officer

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1. Inputs information in index/monitoring card of all subdivision projects and the corresponding compliance projects for cross-checking purposes

2. Informs concerned RO, if compliance is outside of location of main project and outside of the region.

3. Releases License to Sell.

9

Applicant

1. Receives License to Sell.

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[*] Text Available at Office of the National Administrative Register, U.P. Law Complex, Diliman, Q.C.

[*] Text Available at Office of the National Administrative Register, U.P. Law Complex, Diliman, Q.C.

[*] For Local Government Units that have assumed the function.

[**] Text Available at Office of the National Administrative Register, U.P. Law Complex, Diliman, Q.C.[***] For HLRB Regional Offices.

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