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ADOPTING THE NEW RULES OF PROCEDURES FOR MEETINGS OF THE BOARD OF COMMISSIONERS, HOUSING AND LAND USE REGULATORY BOARD

HLRB RESOLUTION NO. R-538, s. 1994, February 16, 1994

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Pursuant to Section 5, (j), Article IV, of Executive Order No. 90, Series of 1986, and consistent with Executive Order No. 284, Series of 1987, the following Rules and Procedure for Meetings of the Board of Commissioners, Housing and Land Use Regulatory Board are hereby promulgated:

Board of Commissioners

SECTION 1. Membership — The Board of Commissioners shall be composed of the following:

1. The Chairman, Housing and Urban Development Coordinating Council (HUDCC), as Ex-Officio Chairman;

2. The Four Full-Time Commissioners;

3. The Ex-Officio Commissioners referred to in Executive Order No. 648, representing the:

- The Department of Justice

- The Department of the National Economic and Development Authority;

- The Department of Local Government; and

- The Department of Public Works and Highways.

SECTION 2. Secretariat — The Board shall have a secretariat to be headed by the Board Secretary and staffed by such personnel as may be needed.

The Secretariat, shall serve as the direct administrative support staff to the Board.

It shall, among others, be responsible for the preparation and the sending of notices and the agenda and its attachment to the Commissioners at least five (5) days prior to the date of the regular meeting as well as the documentation of proceedings thereof through the preparation of minutes and other related-issuance shall follow up such required actions as may be expected from them on matters taken up in the previous meetings it shall also perform such other secretariat services as may be required by the Board to its Divisions.

SECTION 3. The Appeals Review Group — In the review and evaluation of cases appealed to it, the Board of Commissioners shall be assisted by an Appeals Review Group under the general supervision of a Commissioner duly designated for said purpose.

Said Appeals Review Group shall be headed by a Director and staffed by lawyers and such other legal and technical staff as may be necessary for the effective discharge of its functions.

The said Group shall be responsible for the following activities:

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1. Preliminary evaluation, processing, recording, indexing and storage of appealed dockets;

2. Conduct of legal research and other studies, preparation of position papers briefs, comments and recommendations for consideration by the Board;

3. Releasing of orders/decisions and notices to parties related thereto;

4. Conduct of final processing activities leading to transmittal of records to the Office of the President and/or demand of records for execution or further processings;

5. Provision of such other legal assistance as may be required by the Board in the resolution of its appealed cases; and

6. Perform such other responsibilities as may assigned to it by the BOARD.

SECTION 4. Exercise of Powers, Duties and Functions — Except as provided for hereunder, the Board of Commissioners shall as a rule exercise its functions and duties and take up any question or matter presented to it relative to and within the scope of its functions en banc;

The Board shall as a rule decide cases only upon proper petition for review and in the resolution of such cases, it may act either en banc, or by Division.

Decision rendered by a Division shall be considered as a decision of the Board. However, no doctrine laid down by the Board en banc or by a Division may be reversed or modified except by the Board sitting en banc.

Upon recommendation of its Executive Committee, the Board may resolve an appealed case en banc or require an Arbiter to elevate the records of an original case and resolve the same directly, when it believes grave and critical issues of policy concern are involved, and public interest requires expeditious resolution of the controversy.

SECTION 5. Authority to Sign for the Board — In all cases assigned for resolution by the Board en banc, the Commissioner and Chief Executive officer or in his absence, the Commissioner he may designate for this purpose shall have the authority to sign for and in behalf of the Board Orders already approved or adopted by the Board en banc.

The Divisions of the Board

SECTION 6. Composition of Divisions —

First — The Ex-Officio Chairman

A Full Time Commissioner
The Ex-Officio Commissioner representing
the Department of Interior and Local
Government (DILG)

Second — The Commissioner and Chief Executive Officer (CEO)

A Full Time Commissioner
The Ex-Officio Commissioner representing
the Department of Public Works and
Highways (DPWH)

Third — A Full Time Commissioner

The Ex-Officio Commissioner representing

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the National Economic Development Authority (NEDA)
The Ex-Officio Commissioner representing the Department of Justice (DOJ)

The full time Commissioners who shall sit in each Division shall be determined by the Board on recommendation of the Executive Committee.

In its first meeting, each division shall elect its presiding officer.

SECTION 7. Substitution — Whenever any member of a division is absent, or inhibits himself from participating in the deliberation of a case, any available member from the other divisions shall sit in place of absent or inhibiting member.

SECTION 8. Special Division — There shall be a Special Division in the Board to be composed of any three (3) of the four (4) full time Commissioners which shall meet exclusively for the purpose of resolving such appealed cases as may be raffled to it.

The Chief Executive Officer (CEO) shall be its presiding officer.

The Special Division shall meet only whenever the Board and its Regular Divisions are not in session.

SECTION 9. Assignment of Cases — All cases appealed to the Board which are not to be resolved en banc shall be raffled to all Divisions including the Special Division, for deliberation and assignment thereof to a Commissioner for writing of decision in the raffle of cases, proportionately greater share of the workload shall be given to the Special Division. Each Division shall resolve all cases assigned to it as much as practicable within the period of thirty (30) days from such raffle.

SECTION 10. Quorum: Votes Required — The presence of two members shall constitute a quorum for the transaction of the official business of each division.

Cases heard by a division shall be decided with the concurrence of at least two members of the Division and its decision shall be considered as decision of the Board en banc. If the Division cannot arrive at a decision, the case shall be decided by the Board sitting en banc.

Meetings

SECTION 11. Regular and Special Meetings - A. The Board En Banc — The Board shall hold its regular meetings in its national office at 9:30 o 'clock A.M., every second Monday of each month provided that when such day is declared a public holiday, the meeting shall be held on the next working day.

Upon the request of the Chairman or the Chief Executive Officer, a special meeting of the Board may be called to consider matters requiring immediate attention or action, with prior notice of at least two days.

B. The Regular Divisions — The Regular Division shall regularly meet only when the BOARD is in session.

Upon the request of any two members and agreement by the BOARD en banc, it may hold special meetings on such other days as may be convenient.

C. The Special Division — The Special Division shall meet regularly at least once a week, in the absence of a regular or special BOARD meeting.

SECTION 12. Presiding Officer — The Chairman shall preside over the meetings of the Board. Upon their absence, the remaining members shall elect presiding officer for each meeting.

SECTION 13. Attendance and Quorum — Generally, personal attendance at meeting by Board members shall be

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required, and presence of a majority of the Commissioners shall be necessary to constitute a quorum in all meetings held for transaction of any business. Every decision of a majority of the quorum duly assembled as a Board shall be valid as an act of the Board. To provide for those instances when an Ex-Officio Commissioner will be unavailable he shall officially notify the Board of the name and position of his permanent alternate who shall as much as possible be one holding a position next-in-rank to said Commissioner, said alternate should be given full and plenary powers as representation and decision-making. Other representatives may be considered for purposes of determination of existence of a quorum if they have special written authority to attend a given meeting.

SECTION 14. Voting — As a general Rule, only members of the Board are entitled to vote at the meetings of the Board.

Representatives other than those duly designated may be allowed to vote on non-substantive matters like the election of a presiding officer, question of presence of quorum, motion to adjourn, motion to call a special meeting and other questions involving purely internal administrative matters.

On policy and substantive matters, permanent alternate may be allowed to vote and sign resolution and rules and regulations. Other representatives shall be allowed to vote thereon only if they have been duly authorized in writing to vote on and/or sign a particular resolution, and the authority specifies the vote to be cast.

SECTION 15. Order of Business — The following shall be the order of business at every meeting of the Board of Commissioners:

1. Call to order of the Chairman;

2. Roll call;

3. Determination of presence of quorum; and

4. Presentation of agenda.

SECTION 16. Minutes of the Meeting of the Board — The proceedings of every meeting shall be properly recorded and attested to by the Board Secretary. The minutes of each meeting shall be prepared by the Board Secretariat in sufficient copies for distribution to the members at least five days before the next scheduled meeting.

Executive Committee

SECTION 17. Composition/Membership — The Executive Committee shall be composed of the four full-time Commissioners and the Ex-Officio Commissioner from the Department of Justice. It shall act for and in behalf of the Board, subject to the ratification of the latter.

The position of Chairman of the Executive Committee shall be rotated among its members every six months according to their terms of office, commencing with the Commissioner appointed/designated for six years, and so on, including in the rotation of the Department of Justice.

SECTION 18. Powers — The Executive Committee shall act for the Board on policy matters, measures, or proposals concerning the management and substantive administrative operations of the BOARD such as:

A. Adoption or revision of the internal organization and definition or realignment of functions of offices of the Board;

B. Adoption or revision of policies or guidelines for or ratification of contracts or agreements entered into by the

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Chief Executive Officer pursuant to the mandate of the Board;

C. Approval or modification of annual operations plan; and

D. Ratification of delegation of duties and responsibilities of the Chief Executive Officer to other officials or employees of the Board.

SECTION 19. Decisions — Every decision of the Executive Committee must be with the consent and approval of at least A MAJORITY of members PRESENT. If this required number is not obtained the matter shall be decided by the Board sitting en banc.

SECTION 20. Minutes of Meetings of the Executive Committee — The Executive Committee may meet at any mutually agreed date, time, and place. Minutes of all meetings of the Executive Committee shall be kept and carefully preserved as a record of the business transacted at such meeting and attested to by the Secretary of the Board.

SECTION 21. Effectivity — These Rules shall take effect upon its approval and publication in a newspaper of general circulation.

Adopted: 16 Feb. 1994

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

(SGD.) ANICETO M. SOBREPEÑA
Deputy Dir. Gen., NEDA Ex-Officio Commissioner

(SGD.) ERNESTO C. MENDIOLA
Commissioner Chief Executive Office

(SGD.) ROMULO Q. FABUL
Commissioner

(SGD.) VICTOR R. SUMULONG
Undersecretary, DILG Ex-Officio Commissioner

(SGD.) LUIS T. TUNGPALAN
Commissioner

(SGD.) RAMON S. ESGUERRA
Undersecretary, DOJ Ex-Officio Commissioner

(SGD.) ANTONIO E. B. NACHURA
Commissioner

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