NATIONAL ADMINISTRATIVE REGISTER · AUGUST 20, 1996

BOARD RESOLUTION NO. R-588 — CLARIFYING THAT THE MINUTES OF THE PUBLIC HEARING/CONSULTATION CONDUCTED BY THE LOCAL GOVERNMENT IN THE ENACTMENT OF A ZONING ORDINANCE OR REGULATIO...

HLURB MEMORANDUM CIRCULAR NO. 20, S. 1996, August 20, 1996

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The subject Resolution clarifies the documentary requirement on public consultation/hearing (item 1: 1.7 of the Guidelines, HLRB AO No. 01 s. 1995 Annex A), for the review and approval of the comprehensive land use plans for Metro Manila cities/municipalities by this Board. As clarified, the document requirement shall be a certification of the conduct and minutes of public hearing/consultation with the list of invited quests and attendees.

The said Resolution which was adopted on 22 July 1996 is quoted verbatim below:

> "WHEREAS, the Board, pursuant to its mandates under Executive Order No. 648 s. 1981 and Executive Order No. 72 s. 1993, approved guidelines for the review and approval of the comprehensive land use plans (CLUPs) of 1) provinces, 2) component cities and municipalities, 3) independent component cities and highly urbanized cities, and 4) Metro Manila cities and municipalities;
>
> "WHEREAS, a subsequent examination of the guidelines, particularly those pertaining to document requirements, disclosed that the list of requirements in each of the first three sets of the above guidelines requires the submission, together with certificate of public hearing/consultation conducted by the local government unit, the "minutes of public hearing/consultation (list of invited and list of attendees)" of said public hearing/consultation; but that in the guidelines for Metro Manila cities and municipalities, it is simply stated as "list of invited and list of attendees";
>
> "WHEREAS, the Board deems the non-inclusion of the minutes of public hearing/consultation as a requirement in the guidelines in the Metro Manila merely as an omission on account of its importance in the Board's determination whether or not there was sufficient compliance with procedural due process in the enactment of the zoning ordinance by the local government unit, and as evidenced by its inclusion in the other sets of guidelines; and
>
> "WHEREAS, the Board, while cognizant of zoning as a valid exercise of the State's police power, likewise has the duty to ensure the rights of sectors concerned to due process, particularly the right to be informed and heard on vital government action such as promulgation of zoning regulations which directly affect their property rights and environment, and therefore could not find basis for not according the same protection to residents and other sectors in Metro Manila cities and municipalities;
>
> "WHEREFORE, BE IT RESOLVED AS IT IS HEREBY RESOLVED to clarify that the minutes of the public hearing/consultation conducted by the local government unit is deemed included in the list of documents required to be submitted, together with the certificate of such public hearing/consultation and the "list of invited and list of attendees" under the Guidelines for the Review and Approval / Ratification of Comprehensive Land Use Plans for Metro Manila Cities and Municipalities;

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> "RESOLVED FURTHER, AS IT IS HEREBY FURTHER RESOLVED, that for uniformity and clarity, said requirement be reflected in the list of requirements in all the guidelines (i.e., Guidelines for the Review and Approval of CLUPs of Component Cities, Guidelines for the Review and Approval of CLUPs of Independent Component Cities, Guidelines for the Review and Approval of CLUPs of Provinces, and Guidelines for the Review and Approval of CLUPs of Metro Manila Cities and Municipalities) as "Minutes of the public hearing/consultation with list of invited and list of attendees" as an item separate from the required certification of such public hearing/consultation."

For your information and guidance.

Adopted: 20 August 1996

(SGD.) ROMULO Q. FABUL
Commissioner and Chief Executive Officer

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