AMENDING MMDA REGULATION NO. 98-007 ENTITLED “INCREASING THE RATE OF FILING AND PROCESSING FEES OF ZONING CLEARANCE AS ORIGINALLY PROVIDED FOR IN MMC ORDINANCE NO. 81-01, OTHERW...

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WHEREAS, the raes of fees, and charges being collected by the Authority are no longer commensurate with the expenses involved in the rendition of services due to inflation;

WHEREAS, on January 13, 2000, President Joseph E. Estrada issued Executive Order No. 197, directing all Departments, Bureaus, Offices, Agencies and Units including government-owned or controlled corporations to review and upgrade their rate of fees and charges by not less than twenty percent (20%);

WHEREAS, the Office of the Assistant General Manager for Planning made a study on the existing raten of filing and processing fees for zoning clearance as provided for in MMDA Regulation 98-007 and strongly recommended that adjustment be done on the existing rates to cover the administrative cost incurred in the exercise of the regulatory functions on zoning;

NOW, THEREFORE, pursuant to Section 6 of RA 7924, this Amendatory Regulation is hereby promulgated and adopted by the Metro Manila Council as follows:

SECTION 1. Section 1 of MMDA Regulation No. 98-007b is hereby amended to read as follows:

"Section 1. The rate of filing, land use and processing fees for location clearance as prescribed in MMDA Regulation No. 98-007 shall be as follows:

a. Filing Fee

1. For location clearance P100.00

2. For motion for reconsideration P200.00

3. For petition/ request for classification P1,250.00

4. For filing complaint exept those involving pauper lititgant which shall be free of charge P100.00

b. Land Use Fee

1. Residential (single, detachment and duplex type) P1.50/ sq.m. of total floor area

2. Commercial establishments, including apartments, mass housing, townhouses, constructed primarily of grain purposes P3.00/sq.m. of total floor area

3. Industrial establishment P4.10/ sq.m. of total floor area

4. Institutional (schools, hospitals, etc.) P2.00/sq.m. of total floor area

5. Memorial Parks/Cemeteries P0.05/sq.m. of total land area

6. Agro-Industrial

a. Manufacturing P4.10/sq.m. of total floor area

b. Nin-Manufacturing P2.00/sq.m. of total land area

7. Telecommunications/Tower P4.10/sq.m. of total base

8. Billboard P0.50/sq.ft.

9. Yards utilized for industrial purposes P2.00/sq.m. of total land area

10. Yards utilized for commercial purposes P1.20/sq.m. of total land area

11. All types of renovation 75% of the corresponding prescribed rate

c. Processing Fee - Twenty five percent (25%) of the corresponding prescribed Land Use fee shall be paid for processing of all clearances.

For Temporary Use Permit (TUP), the same rate of processing fee shall be applied for every annual renewal.

d. Certificate Fee - For each certifiacte of conformance/ non-conformance and all other certifications issued. P45.00

SECTION 2. Section 2 of MMDA Regulation No. 98-007 is hereby amended to read as follows:

"Sec. 2. Violations and Administrative Penalties - Any applicant, proponent, prorietor, owner or representative who commits any of the following acts shall after due notice be punished by a fine in accordance with the following schedule:

2.1 For undertaking any activity or project in violation of MMC Ordinance No. 81-07 as amended, otherwise known as the Revised Zoning Ordinance for the National Capital Region:

2.1.1 Unathorized expansion or alteration of any activity formerlwy covered by a certificate of non-conformance... a fine of not less than P2,000.00 nor more than P5,000.00

2.1.2 For commercing or undertaking any project without having first secured a locational clearance...a fine of not less than P2,000.00 nor more than P10,000.00 in case of commercial, industrial and institutional projects or according to the following pahses of construction:

a. Excavation for foundation P2,000.00

b. Construction for foundatioan (including file driving and laying of reinforcing bars) P3,000.00

c. Construction of structure up to 2 meters above established grade P5,000.00

d. Construction of structure more than 2 meters and completed structures (100% finished) P10,00.00

2.1.3 For home/cottage insdustry or incidental home occupation and auxilliary uses - P500.00

2.1.4 All types of residential structures - P1,000.00

2.1.5 All types of commercial and industrial structures 100 sq.mts. - P10,000.00

2.2 For refusing admission within any premises subject to inspection by a duly authorized inspector

2.2.1 Fraud or misrepresentation as to use - P,5000.00

2.2.2 Fraud or misrepresentation as to floor area - P5,000.00

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2.2.3 Fraud or misrepresentation as to location - P5,000.00

2.2.4 Non-disclosure of any material fact - P2,000.00

2.3 For refusing admission within any premises subject to inspection by a duly authorized inspector

2.3.1 First refusal - not exceeding P2,000.00

2.3.2 Subsequent refusal - P5,000.00

2.4 For failing or refusing, without justifiable reason, to appear during a proceeding before the Metro Manila Zoning Administrator or his duly authorized officers - A fine of not more than P2,000.00

2.5 For failing to renew the Temporary Use Permit (TUP) on the date sepcified and stamped on the TUP - A fine equivalent to 50% of the prescribed fee but in no case lower than P500.00

If the violation is committed by a firm, corporation or partnership, the managing partners, directors or any other person in charge with the management thereof shall be held responsible. Professionals who are in charge of the project, if found to be constructing any structure without the necessary locational clearance in violation of this Regulation, shall be held liable and the case will be referred to the Professional Regulation Commission (PRC) for appropriate action. Building officials found to be issuing building permits wihtout the required locational clearance shall be likewise be held liable and the case will be referred to the City/ Municipal Mayor concerned for appropriate action.

SECTION 3. Section 2 and 3 of the MMDA Regulation 98-007 are hereby renumbered as Sections 3 and 4, respectively.

SECTION 4. Effectivity - This regulation shall take effect fifteen (15) days after publication in two (2) newspapers of general circulation in Metro Manila.

Adopted: 4 May 2000

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