

EXECUTIVE ORDER NO. 46

DEVOLVING CERTAIN POWERS AND FUNCTIONS OF THE HOUSING AND LAND USE REGULATORY BOARD AND THE NATIONAL HOUSING AUTHORITY TO THE AUTONOMOUS REGIONAL GOVERNMENT OF THE AUTONOMOUS REGION IN MUSLIM MINDANAO; AND FOR OTHER PURPOSES

WHEREAS, Section 3, Article V of Republic Act No. 6734 provides that the Autonomous Regional Government in the Autonomous Region in Muslim Mindanao may exercise the power of eminent domain;

WHEREAS, Section 1, Article XII of the same Act further provides that "The Regional Government shall promote and formulate comprehensive and integrated regional urban and rural development policies, plans, programs, and projects responsive to the needs, aspirations and values of the people within the Region";

WHEREAS, Section 4, Article XII of the same Act likewise provides that "Consistent with the Constitution and national policies, and subject to ecological considerations, the Autonomous Regional Government shall adopt and implement a comprehensive urban land reform and land use program, to ensure the just utilization of lands within its jurisdiction";

WHEREAS, the Oversight Committee created under the said Act has identified the functions and powers exercised by the Housing and Land Use Regulatory Board and the National Housing Authority in the Autonomous Region in Muslim Mindanao that may be transferred immediately;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. The Autonomous Regional Government (ARG) shall assume the following functions of the Housing and Land Use Regulatory Board (HLURB) within

e Autonomous Region n Muslim Mindanao (ARMM):

Ensure compliance with policies, plans, standards and guidelines on human settlements;

Promote, encourage, coordinate and assist private enterprises and government agencies and instrumentalities in planning, developing and coordinating human settlements plans and programs by furnishing legal, technical and professional assistance;

- c. Develop and implement prototype projects supportive of its regulatory functions either by itself or as part of an inter-agency group or by contract with such appropriate public and private entities as it may deem proper;

Issuance of permits and licenses for projects within the ARMM except for national inter-regional plans;

- e. Conduct public hearing relating to its functions;

Issue orders after conducting the appropriate investigation for the cessation or closure of any use of activity and to issue orders to vacate or demolish any building or structure that it determines to have violated or failed to comply with any laws, presidential decrees, letter of instructions, executive orders and other issuances and directives, either on its own motion or upon complaint of any interested party;

Promulgate zoning standards and other land use control standards and guidelines for the region in accordance with national standards and policies, which shall govern land use plans and zoning ordinances of local governments; the zoning components of civil works and infrastructure projects of the national, regional and local governments; subdivision or estate development projects of both the public and private sectors; and urban renewal plans, programs and projects:

Provided, That the zoning and other land use control standards to be promulgated hereunder shall respect the classification of public lands for forest purposes as certified by the Department of Environment and Natural Resources;

- h. Issue rules and regulations, taking into account the peculiarities of the ARMM, to enforce the land use policies and human settlements: Provided, That the same do not contravene with national policies, rules and regulations already enforced at the national level;
- i. Review, evaluate and approve or disapprove comprehensive land use development plans and zoning components of civil works and infrastructure projects of local governments (municipal and provincial), subdivisions, condominiums or estate development projects including industrial estates, of both the public and private sectors and urban renewal plans, programs and projects with the ARMM: Provided, That the general welfare is not contravened; and
- j. Perform such other functions and activities which are necessary for the effective accomplishment of the above-mentioned functions.

The HLURB shall continue to exercise jurisdiction over disputes requiring quasi-judicial settlement or adjudication without prejudice to the passage of a regional law to this effect.

SEC. 2. The Autonomous Regional Government (ARG) shall assume the following powers and functions of the National Housing Authority (NHA) within the ARMM:

- a. Develop and implement a comprehensive and integrated housing program;
- b. Formulate and enforce general and specific policies for housing development and resettlement:

- c. Prescribe guidelines and standards for the reservation, conservation and utilization of public lands identified for housing and resettlement;
- d. Develop and undertake housing development and/or resettlement projects through joint ventures or other arrangements with public and private entities;
- e. Prescribe and enforce guidelines, standards and rules in the manner provided for in such rules and regulations promulgated and adopted by the NHA designed to protect home and lot buyers through the regulation of the real estate trade and business;
- f. Regulate the relationship between the owners and lessees of residential properties in conformity with such rules and regulations as may be promulgated;
- g. Invest its funds in bonds and securities issued and guaranteed by the government or by the Central Bank;
- h. Receive donations, grants and bequests and utilize the same for the attainment of its objectives. Such donations and grants shall be exempt from payment of transfer taxes and be fully deductible from the gross income of the donor for income tax purposes; and
- i. Perform such other acts consistent with this Executive Order, as may be necessary to effect the policies and objectives declared.

Subject to national policies the following functions of the NHA are likewise transferred to the ARG:

- a. Issue bonds or contract loans, credits or indebtedness, including supplier's credit or any deferred payment arrangements with any person or entity, domestic or foreign, for the implementation of its housing programs.

- b. Discharge all responsibilities of the ARG as may arise from treaties, agreements, and other commitments on housing and resettlement to which it is a signatory, including the determination of forms and assistance for housing development or bilateral assistance programs.

SEC. 3. The HLURB and the NHA shall provide technical assistance to the ARG for the development of the ARG's organizational capability to undertake its own housing program.

SEC. 4. The Autonomous Regional Government, in the exercise of the powers devolved in this Executive Order, may formulate its own standards: Provided, That in the formulation of regional standards it shall adhere to the pertinent national laws and standards as a minimum requirement.

SEC. 5. If, for any reason, any part or provision of this Executive Order shall be held unconstitutional or declared contrary to law, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

SEC. 6. This Executive Order shall take effect fifteen (15) days after publication in a national newspaper of general circulation and one (1) local newspaper of general circulation in the ARMM.

DONE in the City of Manila, this 17th day of May, in the year of Our Lord, nineteen hundred and ninety-one.

Corason B. Aquino

By the President:

Oscar M. Orbos

OSCAR M. ORBOS
Executive Secretary