

# MALACAÑANG

Manila

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## EXECUTIVE ORDER NO. 71

DEVOLVING THE POWERS OF THE HOUSING AND LAND USE REGULATORY BOARD TO APPROVE SUBDIVISION PLANS TO CITIES AND MUNICIPALITIES PURSUANT TO R.A. NO. 7160, OTHERWISE KNOWN AS THE LOCAL GOVERNMENT CODE OF 1991

WHEREAS, RA 7160 provides that the sangguniang bayan or sangguniang panlungsod, respectively, shall, subject to national law, process and approve subdivision plan for residential, commercial, or industrial purposes or other development purposes;

WHEREAS, Presidential Decree 933, Executive Order 648, series of 1981, as amended by Executive Order 90, series of 1986, and Presidential Decree No. 957, and other related laws provide for the rule-making standard setting, enforcement and monitoring and adjudication and settlement of disputes over subdivision, condominium and other estate development projects;

WHEREAS, RA 7279, otherwise known as the Urban and Housing Development Act of 1992, in effect, reaffirms the above powers and functions of the HLRB;

WHEREAS, there is a need to ensure the effective and efficient devolution of powers to local government units, and provide for an orderly and smooth transition as well as definition of future interrelationships between the national and local government units;

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Philippines, by virtue of the powers vested in me by law, upon recommendation of the Oversight Committee created under Sec. 533 of RA 7160, do hereby Order and Direct;

SEC. 1. - Cities and municipalities shall heretofore assume the powers of the Housing and Land Use Regulatory Board (HLRB) over the following;

(a) Approval of preliminary as well as final subdivision schemes and development plans of all subdivisions, residential, commercial, industrial and for other purposes of the public and private sectors, in accordance with the provisions of P.D. No. 957 as amended and its implementing standards, rules and regulations concerning approval of subdivision plans;

(b) Approval of preliminary and final subdivision schemes and development plans of all economic and socialized housing projects as well as individual or group building and occupancy permits covered by BP 220 and its implementing standards, rules and regulations;

(c) Evaluation and resolution of opposition against the issuance of development permits for any of the said projects, in accordance with the said laws and the Rules of Procedure promulgated by HLRB incident thereto;

(d) Monitoring the nature and progress of land development of projects it has approved, as well as housing construction in the case of house and lot packages, to ensure their faithfulness to the approved plans and specifications thereof, and, imposition of appropriate measures to enforce compliance therewith.

In the exercise of such responsibilities, the city or municipality concerned shall be guided by the work program approved by the Board upon evaluation of the developers' financial, technical and administrative capabilities;

Moreover, the city or municipality concerned may call on the Board for assistance in the imposition of administrative sanctions and the Department of Justice (DOJ) in the institution of the criminal proceedings against violators;

(e) Assessment and collection of fees incident to the foregoing.

SEC. 2. - The HLRB shall retain such powers and functions not otherwise expressly provided herein or under existing laws.

SEC. 3. - Without prejudice to the Board's overall monitoring, enforcement and visitorial powers, local chief executives shall designate appropriate local officials who meet or possess the qualifications, standards and criteria set by the HLRB as enforcement officers who shall have full power to monitor, investigate and enforce compliance with these provisions of national laws and standards whose implementation have been devolved to the local government in accordance with this Order.

Relative to the remaining provisions of the said laws, said officials shall, upon request of local chief executive concerned, be authorized by the Board to initiate preliminary monitoring and investigative activities, and

issue initial notices to enforce compliance with the Board's mandates, orders and decisions. In all such cases, the enforcement officer shall endorse the records of the case, together with his actions thereon to the Board for its final disposition and further enforcement actions.

In the exercise of his responsibilities under this Order, the said enforcement officer shall be under the functional supervision of HLRB, which shall promulgate standard operating procedures, policy guidelines and instructions for the guidance of said officials and call their attention to effect such remedial measures as may be necessary.

SEC. 4 - If in the course of evaluation of applications for registration and licensing of projects within its jurisdiction, HLRB finds that a local government unit has overlooked or mistakenly applied a certain law, rule or standard in issuing a development permit, it shall suspend action on and return the application with a corresponding advice to the local government concerned, so as to afford it an opportunity to take appropriate action thereon. Such return and advice must likewise be effected within a period of thirty (30) days from receipt by HLRB of the application.

SEC. 5. - The following rules shall apply upon the effectivity of this Order:

(a) HLRB shall cease accepting new applications for preliminary approval and development permit of subdivision projects, unless the provisions of the next paragraph hereunder are applicable, and the city or municipality concerned shall commence accepting and acting on new applications referred to in paragraph 1 of this Order;

(b) In those cases where the city or municipality concerned have not made any response to notices of devolution sent by the HLRB, or which have signified their unpreparedness to immediately assume the devolved functions, as of the said date, HLRB shall continue to act on, process and approve such applications, until receipt of a subsequent notice from the local government concerned, in the form of a resolution of the Sangguniang Bayan/Panlungsod that it is ready, desirous and willing to immediately assume such functions; Provided, that, the local government concerned shall give the HLRB adequate advance notice of their desire to take over such responsibility, and provide for a transition period of at least thirty (30) days from the orderly transfer of records and other pertinent documents and materials;

(c) All applications for development permit that are in the active file of HLRB (i.e., awaiting responses or documentary requirements) shall forthwith be transferred to the local government concerned for further processing and continuation of actions, unless the provisions of the preceding paragraph are applicable.

To ensure orderly transition of functions, HLRB shall, upon effectivity of this Order, reiterate its communication to the local government concerned, and shall continue to act on all applications until receipt of response of readiness from the local government concerned.

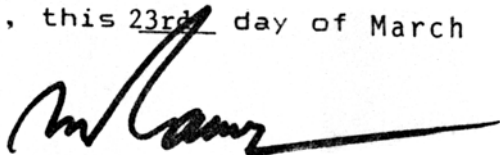
SEC. 6. - HLRB is hereby directed to extend adequate technical and legal assistance and training activities to local government units who express the need therefor.

SEC. 7 - If any of the provisions of this Order are declared by a court of competent jurisdiction to be invalid or inoperative, the remainder hereof not affected thereby shall continue to remain in force and in effect.

SEC. 8 - This Executive Order supersedes any and all other Orders inconsistent herewith, and shall take effect immediately upon its publication in two (2) newspapers of general circulation.

Issued in the City of Manila, this 23<sup>rd</sup> day of March 1993.

By the President:



EDELMIRO A. AMANTE, SR.  
Executive Secretary

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