



REPUBLIC OF THE PHILIPPINES
OFFICE OF THE CITY MAYOR
City of Naga



EXECUTIVE ORDER NO. 2018 - 004

CREATING THE NAGA CITY ZONING BOARD OF ADJUSTMENT AND APPEALS:

WHEREAS, City Ordinance No. 2000-071, as amended, not only defines that spatial development directions of Naga City but also its administrative and enforcement mechanisms;

WHEREAS, while the administration and enforcement of said ordinance is vested in the Office of the Zoning Administrator, it also provides a mechanism for the appeal and modification of decisions made by the zoning administrator, and other related purposes, under Sections 7 to 11 of City Ordinance No. 2000-071;

NOW, THEREFORE, I, JOHN G. BONGAT, City Mayor of the City of Naga, by virtue of the power vested in me by law, do hereby order the following:

SECTION 1. - THE NCZBAA. - The Naga City Zoning Board of Adjustment and Appeals (NCZBAA), hereinafter referred to as the Board, is hereby created.

SECTION 2. - COMPOSITION. - The Board shall be composed of the following:

- Chairman: **Mr. WILFREDO PRILLES, JR.**, City Planning and Development Coordinator
- Members:
1. **Atty. PERFECTO BRAGAIS III**, City Legal Officer
 2. **Mr. RAMON ALBEUS**, City Assessor
 3. **Engr. LEON PALMIANO**, City Engineer
 4. **Mr. JOB OLIVA**, Acting City Zoning Administrator
 5. Representatives of the Metro Naga Chamber of Commerce and Industry, and the Real Estate Brokers Association of the Philippines (REBAP), Naga City Camarines Sur Chapter for the Private Sector, and
 6. Representatives of the Naga City People's Council and the Naga City Council for Women for Civil Society

The City Planning and Development Office shall serve as Board secretariat.

SECTION 3. - POWERS AND FUNCTIONS. - The Board shall, after prior review and recommendation by the City Zoning Administrator, have the power to:

- a) Hear and decide appealed cases where it is alleged that there is a substantial error in any decision, order or determination made by the City Zoning Administrator in the enforcement of the City Zoning Ordinance;
- b) Grant variance and exceptions as provided for in the City Zoning Ordinance; and
- c) Act on complaints and opposition to applications for Locational Clearance, Variance or Exception as provided for in the City Zoning Ordinance.

SECTION 4. LIMITATIONS ON THE POWER AND AUTHORITY OF THE BOARD. - The NCZBAA is a quasi-judicial body. As such, it shall have no power and authority to amend, alter, repeal or legislate a zoning ordinance. The territorial jurisdiction of the Board shall be limited to Naga City.

Decisions of the Board are appealable to the Housing and Land Use Regulatory Board (HLURB).

SECTION 5. INTERNAL PROCEDURES. - The Board shall adopt rules necessary for the conduct of its affairs. Meetings shall be held at the call of the chairman and at such other times as the Board may determine. The Chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

The Board shall keep a minute of its proceedings showing the vote of each member upon each question raised and keep a record of its official actions, all of which shall constitute a public record.

The concurring vote of eight (8) members shall be necessary to reverse the order, decision or determination of the City Zoning Administrator.

SECTION 6. FILING AN APPEAL. - Any person aggrieved by the decision of the City Zoning Administrator regarding the interpretation, administration or enforcement of this Ordinance may appeal to the City Zoning Board of Adjustment and Appeals.

Such appeal shall be taken within a reasonable time, but not exceeding sixty (60) days from the receipt of the notice of the decision or action taken by the City Zoning Administrator, by filing with the same and with the Board, a notice of appeal specifying the grounds therefore. The City Zoning Administrator shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.

The Board shall fix the time and place for the hearing of the appeal, give due notice to the parties and decide the same within a reasonable time.


Unless appealed to the HLURB, decisions of the Board shall be final and executory.

SECTION 7. BUDGET. - All activities to be conducted pursuant to the proper implementation of this Executive Order shall be chargeable against the existing budget of the City Planning and Development Office.

SECTION 8. EFFECTIVITY. - This Executive Order shall take effect immediately.


LET COPIES OF THIS Executive Order be furnished all concerned for their information and guidance.

Issued this 7th day of March, 2018 at Naga City, Philippines.



JOHN G. BONGAT
City Mayor

Attested:



FLORENCIO T. MONGOSO JR., CSEE
Department Head II and City Administrator