



- E. Certified True Copy of Land Title/s for the property/ies subject of the application;
- F. Certified true copy of Tax Declaration/s for the property/ies subject of the application;
- G. CTO Certification of updated Realty Tax Payment, with Xerox copy of Tax Receipt/s;
- H. Site Development Plan (Schematic Plan) at a scale ranging from 1:200 to 1:1,2000 showing the proposed layout of streets, lots, parks and playgrounds and other features in relation to existing conditions in the area prepared, signed and sealed by any licensed and registered Architect, Environmental Planner, Civil Engineer, or Geodetic Engineer;
- I. Survey Plan of lot(s) described in the Land Title/s, duly signed and sealed by a licensed Geodetic Engineer;
- J. Vicinity Map duly signed and sealed by a licensed Geodetic Engineer, indicating the adjoining land uses, access as well as existing facilities and utilities at least 500 meters from the property boundaries of the project, drawn to any convenient scale;
- K. Topographic Plan duly signed and sealed by a licensed Geodetic Engineer, showing the following:
  - a. Boundary Lines: bearings, distances, tie point or reference point, geographic coordinates of the tie point or Bureau of Lands Locational Monument (BLLM);
  - b. Streets, easements, width and elevation of road right-of-way within the project and adjacent subdivisions/areas;
  - c. Utilities within and adjacent to the proposed subdivision project; location, sizes and invert elevations of sanitary and storm or combined sewers; location of gas lines, fire hydrants, electric and telephone poles and street lights, if any. If water mains and sewers are not within or adjacent to the subdivision, indicate the direction and distance to and size of nearest one, showing invert elevations of sewers, if applicable;
  - d. Ground elevation of the subdivision: for ground slopes less than 2%, indicate spot elevations at all breaks in grade, along all drainage channels and at selected points not more than 25 meters apart in all directions: for ground that slopes more than 2%, either indicate contours with an interval of not more than 0.5 meter if necessary due to irregular land or need for more detailed preparation of plans and construction drawings;
  - e. Water courses, marshes, rock and wooden areas, presence of preservable trees in clipper diameter of 200 millimeters, houses, barns, shacks, and other significant features;
  - f. Proposed public improvements: highways or other major improvements planned by public authorities for future construction within/adjacent to the subdivision.
- L. Right to Use or Deed of Sale or Right-of-Way for access road and other Utilities when applicable, subject to just compensation for private land;

- M. DAR Inspection Report as to Tenancy, if land is agricultural, plus Affidavit of Non-Tenancy by the owner/develop for non-tenanted lands, or Affidavit of Waiver from tenant/s for tenanted lands;
- N. Statement of Proposed Mode of Compliance to Socialized Housing Development requirement under Section 18 RA 7279.

These documentary requirements shall be submitted in nine (9) sets inside folders with marking "Documents for PALC Application", plus the name and location of project, and the name of applicant or entity.

**SECTION 5. Procedures.** All PALC application by housing developers shall undergo the process enumerated hereunder:

- A. Applicant presents nine (9) sets/folders of documentary requirements to the CPDO.
- B. CPDO verifies the documents' completeness and makes nine (9) sets of Checklist of PALC Requirements; if complete, CPDO prepares four copies of Order of Payment for the processing and inspection fees, and issues one copy to the applicant.
- C. Applicant pays in full the processing and inspection fees at the City Treasurer's Office, and submits to CPDO the Official Receipt plus its two xerox copies.
- D. CPDO stamps each Letters of Intent as officially received and attaches to each folder the verified Checklist, then distributes on the same day the nine sets/folders as follows:
  - 1. one (1) copy for the applicant for his/her file (with original copy of Order of Payment (OP) and and Official Receipt (OR))
  - 2. one (1) copy for the CPDO for its technical evaluation (with xerox copy of OP & OR)
  - 3. one (1) copy for the SP Secretariat (with xerox copy of OP & OR)
  - 4. six (6) copies for members of SP Committee of Land Use
- E. SP automatically includes PALC Application in the agenda for its next regular session, while CPDO independently conducts technical evaluation in consultation with CEO/UPAO within one week.
- F. SP reads the PALC Application for the first time and endorses the same to the Committee on Land Use (CLU) for its evaluation. SP Secretariat forwards the folders to each of the committee members.
- G. CLU immediately calls for a Committee Hearing for the purpose of evaluating the PALC Application, inviting the following: the applicant with his/her technical staff; the CPDO for its technical evaluation report; and other resource persons deemed necessary.
- H. CLU, through an official report in the SP Regular Session, presents its disposition on the PALC Application after a thorough evaluation and study which may include project site visit. SP, then, decides whether to grant or deny the PALC Application.

- I. Should SP decide to grant PALC, a Resolution must be passed for this purpose which should be endorsed to the City Mayor. Once the City Mayor approves the Resolution, CPDO prepares and issues to the applicant a PALC Certificate. The applicant may request from SP Secretariat copy of the SP Resolution.
- J. Should SP decide to deny PALC, the CPDO shall be instructed to issue Notice of Deficiency/ies to the applicant within two (2) days after the SP decision is made.
- K. If the City Mayor disapproves the SP Resolution granting PALC, he shall communicate in writing to the SP all his comment/s or reason/s and return the unsigned Resolution. Then, SP shall discuss the City Mayor's comments during its next regular session. If SP agrees with the City Mayor, it shall instruct the SP Secretary to issue Notice of Denial/Disapproval to the applicant, citing therein the reason/s. However, if SP disagrees with the City Mayor, it may override the City Mayor by re-passing the same Resolution by two-thirds (2/3) vote of all its members.

### **ARTICLE III - Development Permit (DP)**

**SECTION 6. DP Documentary Requirements.** The following documents shall be required to all housing developers requesting for Development Permit (DP) and already issued PALC:

- A. Applicant's Letter of Application, including project profile indicating the cost of raw land and its development (total project cost), amortization schedule, sources of financing, cash flow, architectural plan, if any, and work program;
- B. Developer's Documents of Ownership and Financial Records: SEC Certificate of Registration, Articles of Incorporation or Partnership, Corporation By-Laws and all implementing amendments; Audited Financial Statement for the last 3 preceding years; Income Tax Return for the last 3 preceding years;
- C. Certified Xerox copy of the Joint Venture Agreement (JVA), if the project is a joint undertaking between a landowner and a housing developer;
- D. Subdivision Development Plan duly prepared, signed and sealed by any licensed and registered Architect, Environmental Planner, Civil Engineer, or Geodetic Engineer, at any of the following scales: 1:200; 1:1,000; or any scale not exceeding 1:2,000; showing all proposals including the following:
  - a. Roads, easements or right-of-way and roadway width, alignment, gradient, and similar data for alleys, if any.
  - b. Lot numbers, lines and areas and block numbers.
  - c. Site data such as number of residential and saleable lots, typical lot size, parks and playgrounds and open spaces.
- E. Engineering Plans consisting of:

- a. Water System Layout Plan, signed and sealed by a licensed Sanitary Engineer or Civil Engineer and duly received and stamped by MNWD, detailing the water system plans and showing the main distribution line; (Should a pump motor have a horse power (HP) rating of 50 HP or more, its pump rating and specifications shall be signed and sealed by a professional mechanical engineer.)
  - b. Power Supply System Plan, signed and sealed by a licensed Electrical Engineer and duly received and stamped by CASURECO II, detailing the power supply system plans and showing the power distribution line;
  - c. Drainage and Sewer System Plan duly signed and sealed by a licensed Sanitary Engineer or Civil Engineer, which shall include (1) the profile showing the hydraulic gradients and properties of the sanitary and storm drainage lines including structures in relation with the road grade line, and (2) the details of sanitary and storm drainage lines and miscellaneous structures such as various types of manholes, catch basins, inlet (curb, gutter and drop), culverts and channel linings;
  - d. Road System Plan duly signed and sealed by a licensed Civil Engineer, which shall include: (1) the profile derived from existing topographic map, showing the vertical control, designed grade and curve elements, and all information needed for construction; (2) the typical roadway sections showing relative dimensions of pavement, sub-base and base preparation, curbs and gutters, sidewalks, shoulders benching and others; and (3) the details of miscellaneous structures such as curb and gutter (barrier, mountable and drop), slope protection wall, rip rapping and retaining wall.
  - e. Site Grading Plan with the finished contour lines superimposed on the existing ground the limits of earthwork embankment slopes, cut slopes, surface drainage, drainage outfalls and others, duly signed and sealed by a licensed Civil Engineer.
- F. List of names of duly licensed professionals who signed the plans and other similar documents in connection with the application filed indicating the following information: surname; first name; middle name; maiden name, in case of married women professional; professional license number, date of issue and expiration of its validity; professional tax receipt and date of issue; and Taxpayer's Identification Number (TIN);
- G. Waste Management Plan, for both solid and liquid waste;
- H. MNWD Certification/Clearance on the suitability of design of the subdivision's proposed Water System;
- I. CASURECO II Comment on the proposed Power Supply System;
- J. Certified True copy of DAR Conversion Order, or DAR Clearance;
- K. DENR Environmental Compliance Certificate (ECC), or Certificate of Non-Coverage (CNC), whichever is applicable.

- L. Traffic Impact Assessment (TIA), for subdivision projects 30 hectares and above.

These documents shall be submitted in ten (10) sets inside folders with marking "Documents for DP Application", plus the name and location of project, and the name of applicant or entity.

**SECTION 7. Procedure.** All DP application by housing developers shall undergo the processes enumerated hereunder:

- A. Applicant resents ten (10) sets/folders of documentary requirements to the CPDO.
- B. CPDO verifies the documents' completeness and makes ten (10) sets of Checklist of DP Requirements; if complete, CPDO prepares four copies of Order of Payment for the processing and inspection fees, and issues one copy to the applicant.
- C. Applicant pays in full the processing and inspection fees at the City Treasurer's Office, and submits to CPDO the Official Receipt plus its two xerox copies.
- D. CPDO stamps each Letters of Application as officially received and attaches to each folder a copy of the verified Checklist, then distributes on the same day the ten folders/sets as follow:
  - 1. One (1) set for the applicant for his/her file (with original copy of Order of Payment (OP) and Official Receipt (OR))
  - 2. Two (2) sets for the CPDO for its technical evaluation and for the City ENRO & CEO (CPDO set has the xerox copy of OP & OR)
  - 3. One (1) set for SP Secretariat (with xerox copy of OP & OR)
  - 4. Six (6) sets for members of SP Committee on Land Use
- E. SP automatically includes DP Application in the agenda for its next regular session. Meanwhile, CPDO forwards to CEO the various Engineering Plans for its quick evaluation, and to ENRO, the Waste Management Plan and the ECC. CPDO evaluates all the other documents. However, all evaluations shall be finished in a week's time. Thereafter, CPDO calls MNWD, CASURECO II, CEO and ENRO to a meeting to discuss the DP Application and come up with a Consolidated Evaluation Report (CER).
- F. SP reads the DP Application for the first time and endorses the same to the Committee on Land Use (CLU) for its evaluation. SP Secretariat forwards the folders to each of the committee members.
- G. After a week, CLU calls for a Committee Hearing for the purpose of evaluating the DP Application, inviting the following: the applicant with his/her technical staff; the CPDO for its CER; the evaluators or representatives of CEO, ENRO, MNWD and CASURECO II; and other resource persons deemed necessary. Depending on the remaining available days prior to the 30-day deadline, another Hearing may be conducted by the CLU.
- H. CLU, through an official report in the SP Regular Session, presents its disposition on the DP Application

after a thorough evaluation and study which may include project site visit. SP, then decides whether to grant or deny the DP Application.

- I. Should SP decide to grant DP, a Resolution must be passed for this purpose which should be endorsed to the City Mayor. Once the City Mayor approves the Resolution, CPDO prepares and issues to the applicant a DP Certificate. The applicant may request from SP Secretariat copy of the SP Resolution.
- J. Should SP decide to deny DP, the CPDO shall be instructed to issue Notice of Deficiency/ies to the applicant within two (2) days after the SP decision is made.
- K. If the City Mayor disapproves the SP Resolution granting DP, he shall formally communicate to the SP his comment/s or reason/s and return the unsigned Resolution. Then, SP shall discuss the City Mayor's comments during its next regular session. If SP agrees with the City Mayor, it shall instruct the SP Secretary to Notice of Denial/Disapproval to the applicant, citing therein the reason/s. However, if SP disagrees with the City Mayor, it may override the City Mayor by re-passing the same Resolution by two-thirds (2/3) vote of all its members.

#### **ARTICLE IV - Alteration of Plans (AP)**

**SECTION 8. AP Documentary Requirements.** The following documents shall be required from all housing developers requesting for Alteration of Plans, namely:

- A. Plan showing the proposed alteration duly signed and sealed by a Licensed Architect/Engineer;
- B. Letter of Intent stating the proposed/reason for the proposed alteration/conversion;
- C. Sworn Statement that the affected lots/units for alteration have not been sold;
- D. Minutes of the General Assembly of buyers/homeowners for purposes of discussing the proposed alteration of plan, and the written conformity of the duly organized homeowners association or in the absence thereof, majority of the lot/unit buyers; and
- E. Certified true copy of title (s) of the affected lots/units if the said lots/units have been titled.

**SECTION 9. Procedure.** All applications for Alteration of Plans shall undergo the process enumerated:

- A. Applicant presents nine (9) sets/folders of documentary requirements to the CPDO.
- B. CPDO verifies the documents' completeness and makes nine (9) sets of Checklist of AP Requirements; if complete, CPDO prepares four copies of Order of Payment for the processing and inspection fees, and issues one copy to the applicant.
- C. Applicant pays in full the processing and inspection fees at the City Treasurer's Office, and submits to CPDO the Official Receipt plus its two xerox copies.
- D. CPDO stamps to all Letters of Intent as officially received and attaches to each folder copy of the verified

Checklist for Alteration of Plan, and distributes on the same day the nine folders/sets as follows:

1. One (1) set for the applicant for his/her file (with original copy of Order of Payment and Official Receipt)
  2. One (1) set for the CPDO for its technical evaluation (with xerox copy of OP & OR)
  3. One (1) set for the SP Secretariat (with xerox copy of OP & OR)
  4. Six (6) sets for the SP Committee on Land Use
- E. SP immediately includes AP Application in the agenda for its next regular session, while CPDO independently conducts technical evaluation.
- F. SP reads the AP Application for the first time, and forwards the folder to the Committee on Land Use (CLU) for its evaluation.
- G. CLU immediately calls for a Committee Hearing for the purpose of evaluating the AP Application, inviting the following: the applicant with his/her technical staff, the CPDO for its technical evaluation report, and other persons deemed necessary.
- H. CLU, through an official report in the SP Regular Session, presents its disposition on the AP Application after a through evaluation and study which may include project site visit. SP, then, decides whether to grant or deny the AP Application.
- I. Should SP decide to grant AP, a Resolution must be passed for this purpose which should be endorsed to the City Mayor. Once the City Mayor approves the Resolution, CPDO prepares and issues to the applicant an AP Certificate. The applicant may request from SP Secretariat copy of the SP Resolution.
- J. Should SP decide to deny AP, the CPDO shall be instructed to issue Notice of Deficiency/ies to the applicant within two (2) days after the SP decision is made.
- K. If the City Mayor disapproves the SP Resolution granting AP, he shall formally communicate to the SP his comment/s or reason/s and return the unsigned Resolution. Then, SP shall discuss the City Mayor's comments during its next regular session. If SP agrees with the City Mayor, it shall instruct the SP Secretary to issue Notice of Denial/Disapproval to the applicant, citing therein the reason/s. However, if SP disagrees with the City Mayor, it may override the City Mayor by re-passing the same Resolution by two-thirds (2/3) vote of all its members.

#### **ARTICLE V - General Provisions for PALC, DP & AP**

**SECTION 10. Processing Period.** Each application of PALC, DP and AP shall be processed within thirty (30) days only, whether it is subsequently granted or denied, reckoned from the date of acceptance by the CPDO of the applicant's complete documentary requirements up to the date the SP decides on the matter.

**SECTION 11. Processing & Inspection Fees.** All applicants requesting approval for PALC, DP or AP shall pay the necessary



fees as enunciated in Articles VIII hereof. Failure to submit proof of payment of such fee, which shall form part of the required documents, is a ground for CPDO's non-acceptance of any application.

**SECTION 12. Request for Reconsideration.** When an application is denied by SP, request for reconsideration shall be filed at the CPDO for re-evaluation purposes. It shall only be entertained by SP once the Notice of Deficiency/ies is/are satisfactorily addressed by the applicant and a report of compliance thereto is made by CPDO.

When an application is denied by the City Mayor and concurred with by the SP members, request for reconsideration shall be filed at the SP.

All requests for reconsideration shall be filed within fifteen (15) days from the date of applicant's receipt of Notice of Deficiency/ies (issued by the CPDO) or Notice of Denial/Disapproval (issued by SP Secretariat).

**SECTION 13. Certificates.** The CPDO shall design and prepare Certificates for approved PALC, DP and AP Applications, to be issued to every applicant free of charged. The certificate shall be non-transferable and shall be displayed prominently by the applicant in all his/her offices. Each certificate shall be duly signed by the City Mayor, the Chairman of the SP Committee on Land Use and the CPDO Chief.

**SECTION 14. Effectivity and Expiration of Certificates.** The PALC Certificate shall be effective for one hundred eighty (180) days from the date the SP approves its granting. The DP Certificate shall be effective for three (3) years from the date the SP approves its granting. The AP Certificate shall be effective for one (1) year from the date the SP approves its granting.

All certificates shall automatically expire and will be of no force and effect, after the lapse of their effectivity dates.

**SECTION 15. Affidavit in Lieu of Clearance, Certification and Permit.** The applicant for PALC, DP and AP shall have the option to submit Sworn Statement or Affidavit to the City Government in lieu of clearance, certification or permit from other government agencies, pursuant to Section 5 of Executive Order 45 issued on October 24, 2001, provided the applicant has submitted completely the documentary requirements of the agency and have paid the required fees, if any, and the application have not been acted upon within the prescribed period of thirty days (30) days when there is no opposition to said application. In case, however, the applicant avails of this prerogative under E.O. 45, he/she must also submit documentary evidences (i.e. file copy of the application for clearance/certification/permit and official receipt of payment of required fees); that will support the Sworn Statement or Affidavit.

When E.O. 45 is invoked and pertinent documentary evidences are submitted by the applicant, the Sangguniang Panlungsod may

pass a Resolution approving the Development Permit, which shall be conditional in character and which shall stipulate the following conditions, viz:

1. The Development Permit shall not be considered or construed as constituting an exemption or waiver of compliance with the requirements of other government agencies as provided under existing laws and regulations;
2. No actual clearing, preparation or development or construction works shall be done without the issuance of appropriate clearances, permits, approvals and certificates from other agencies, such as Order of Conversion from the DAR or Environmental Compliance Certificate from the DENR, as needed;
3. Copy of the ECC issued by DENR or Conversion Order issued by the DAR, shall be submitted to the Sangguniang Panlungsod for the go-signal to CPDO for the release of DP Certificate; and
4. Denial or non-issuance by the DAR or DENR of either the Order of Conversion or Environmental Compliance Certificate shall result in the automatic recall and revocation of the Resolution approving the Development Permit enacted by the Sangguniang Panlungsod.

#### **ARTICLE VI - Powers and Duties of CPDO**

**SECTION 16. Power and Primary Duty.** The CPDO is hereby empowered to refuse receipt or endorsement of any application whose documents are incomplete and/or not in order. The exercise of this power shall be its primary duty under this Ordinance, and no one shall compel its staff to do otherwise.

**SECTION 17. Other Duties.** The following shall constitute the other duties of CPDO, namely:

- A. To accomplish the checklist of requirements/documents submitted;
- B. To conduct inspection, ascertain conformity to zoning and land use plan, know actual land use within one kilometre radius, check accessibility, verify existing facilities/utilities within 100-meter radius, determine drainage outfall, know tenancy issue (if any) and locate critical areas, if any;
- C. To determine if application is covered by socialized housing development requirement; and if so, to compute the required area or cost for such socialized housing project;
- D. To stamp on the cover of the PALC, DP or Alteration of Plans Folders, and on the Site Development Plan/Schematic Subdivision Plan;
- E. To evaluate the proposed Site Development Plan or Schematic Subdivision Plan based on the general design and planning consideration, the following: integrated road circulation system, alignment and conformity with the general mode of development, dimensions and specifications of roads, provision for possible improvement and expansion, location of parks and playground and other community facilities, and other

design parameters on lot size/frontage (of corner lots, inside lots, interior lots, irregular lots, through lots, duplex/semi-detached, rowhouse/semi-detached), allowable block length and plotting consideration;

- F. To determine land allocation and compute the following: total number of saleable lots, total saleable area, conformity to maximum saleable area under PD 1216 and its implementing rules, density; required area for open space, green parks and playground based on density; proposed area for open space, green parks and playground; total open space, total road area (including alleys, dead-ends and pathwalks), and the other area for community facilities/utilities (e.g. easements, drainage, alley, deep well areas, water tank area, etcetera);
- G. To officially forward to the SP every application with complete documents, on the day of their receipt.
- H. To compare and analyze the DP application documents in relation to the PALC issued, and the Alteration of Plans documents in relation to the DP issued;
- I. To prepare Technical Evaluation Report (TER) for every PALC application, Consolidated Evaluation Report (CER) for every DP application, and another TER for every Alteration of Plans application.
- J. To coordinate with other offices/entities in the preparation of TER and CER;
- K. To issue Notice of Deficiency/ies and Cease and Desist Order, when necessary;
- L. To design and prepare appropriate Certificates for PALC, DP and Alteration of Plans including Notice of Grant of Extension;
- M. To perform such other duties as may be necessary to effectively evaluate every application pursuant to existing laws and regulations.

## **ARTICLE VII - Socialized Housing Development requirement**

**SECTION 18. Mode of Compliance.** All modes of compliance approved by the Housing and Land Use Regulatory Board (HLURB) shall be made available to the housing developers in the city.

**SECTION 19. Order of Priority.** Compliance to Section 18 of Republic Act No. 7279 shall be based on the order of priority hereunder specified:

- First Priority - Whatever Mode Designed by the City and Acceptable to the Developer/Applicant, subject to HLURB approval;
- Second Priority - All Other Modes Already Approved by HLURB; and
- Third Priority - Combination of Any of these Modes.

**SECTION 20.** An approved socialized housing project shall not be upgraded to any other type of housing project.

## **ARTICLE VIII - Schedule of Fees**

**SECTION 21.** The following fees and charges on subdivision permits/clearances, as adopted from the 2004 HLURB Schedule of Fees, are hereby fixed as follows:

**Projects under PD 957**

**A. Subdivision**

- |   |   |
|---|---|
| 1. Preliminary Approval for Locational Clearance (PALC)<br>Inspection Fee   | P250.00/ha or a fraction thereof<br>P1,000.00/ha.<br>regardless of density                            |
| 2. Final Approval & Development Permit<br><br>Additional Fee on Floor Area of houses and building sold with lot<br>Inspection Fee | P2,000.00/ha.<br>regardless of density<br>P 2.00/sq. m.<br><br>P1,000.00/ha.<br>regardless of density |
| 3. Alteration of Plan (affected areas only)   | Same as Final Approval & Dev't. Permit  |

**Projects under BP 220**

**A. Subdivision**

- |  |   |
|--|---|
| 1. Preliminary Approval for Locational Clearance (PALC)<br>Processing Fee: |   |
| a. Socialized Housing  | P 75.00/ha.                                 |
| b. Economic Housing  | P 150.00/ha.                                |
| Inspection Fee:  |   |
| a. Socialized Housing  | P 200.00/ha                                 |
| b. Economic Housing  | P 500.00/ha.                                |
| 2. Final Approval and Development Permit<br>Processing Fee:                |   |
| a. Socialized Housing  | P 500.00/ha.                                |
| b. Economic Housing  | P 1,000.00/ha.                              |
| Inspection Fee:  |   |
| a. Socialized Housing  | P 200.00/ha                                 |
| b. Economic Housing  | P 500.00/ha.                                |
| 3. Alteration of Plan (affected areas only)                                | Same as Final Approval & Development Permit |

**INDUSTRIAL/COMMERCIAL SUBDIVISION**

- |   |   |
|---|---|
| 1. Preliminary Approval for Locational Clearance (PALC)<br>Inspection Fee | P 300.00/ha.<br>P 1,000.00/ha.              |
| 2. Final Approval and Development Permit<br>Inspection Fee                | P 5,000.00/ha.<br>P 1,000.00/ha.            |
| 3. Alteration of Plan (affected areas only)                               | Same as Final Approval & Development Permit |

**FARMLOT SUBDIVISION**

- |   |                                  |
|---|----------------------------------|
| 1. Preliminary Approval for Locational Clearance (PALC)<br>Inspection Fee | P 200.00/ha.<br>P 500.00/ha.     |
| 2. Final Approval and Development Permit<br>Inspection Fee                | P 1,000.00/ha.<br>P 5,000.00/ha. |
| 3. Alteration of Plan (affected areas only)                               | Same as Final                    |

only)	Approval	&
	Development Permit	
<b>MEMORIAL PARK/CEMETERY PROJECT/ COLUMBARIUM</b>		
1. Preliminary Approval for Locational Clearance (PALC)		
a. Memorial Projects	P 500.00/ha.	
b. Cemeteries	P 200.00/ha.	
c. Columbarium	P 2,500.00/ha.	
Inspection Fee		
a. Memorial Projects	P 1,000.00/ha.	
b. Cemeteries	P 500.00/ha.	
c. Columbarium	P12.00/sq.m. of Gross Floor Area	
2. Final Approval and Development Permit		
a. Memorial Projects	P 2.00/sq.m.	
b. Cemeteries	P 1.00/sq.m.	
c. Columbarium	P 4.00/sq.m. of Gross Floor Area	
Inspection Fee		
a. Memorial Projects	P 1,000.00/ha.	
b. Cemeteries	P 500.00/ha.	
c. Columbarium	P 12.00/sq.m. of Gross Floor Area	
3. Alteration of Plan (affected areas only)	Same as Final Approval & Development Permit	

**UPLC Legal Research Fee** Computation of Legal Research Fee for the University of the Philippines Law Center (UPLC) remains at One Percent (1%) of every charged but shall in No Case Be Lower than P10.00.

**SECTION 22. Automatic Adjustment of Fees.** Should there be any adjustment made by the Housing and Land Use Regulatory Board (HLURB) on its Schedule of Fees, the same shall be automatically adopted and enforceable by the City Government effective from the date said Schedule of Fees is approved by the HLURB Board of Commissioners.

**ARTICLE IX - Grounds for Denial and Revocation of PALC and DP**

**SECTION 23. Grounds for Denial/Revocation of PALC.** PALC application shall be denied or revoked based on the following grounds:

- A. Non-compliance to the Notice of Deficiency/ies;
- B. Non-payment of required fees;

- C. Premature physical development of project site, unless applicant have complied with the penalty for violation of Section 25 A hereof; and
- D. Premature selling/marketing of units in the project site, unless applicant have complied with the penalty for violation of Section 25 D hereof.

**SECTION 24. Grounds for Denial/Revocation of DP.** DP shall be revoked based on the following grounds:

- A. Actual deviation from the Approved Plan without securing approval for Alteration of Plan;
- B. Non-compliance to the conditions set forth in the ECC;
- C. Unauthorized closure or diversion of creek or river;
- D. Misrepresentation;
- E. Concealment of Material Facts; and
- F. Submission of Fraudulent Documents
- G. Premature selling/marketing of units in the project site, unless applicant have complied with the penalty for violation of Section 25 D hereof.

#### **ARTICLE X - Prohibitions and Penalties**

**SECTION 25. Prohibited Acts.** The following acts shall be considered unlawful:

- A. Introducing physical development within the project site even without approved PALC, DP or AP;
- B. Developing not in accordance with the Development Permit issued;
- C. Unauthorized closure or diversion of existing creek or river; and
- D. Selling/marketing units even without HLURB License to Sell.

**SECTION 26. Penalties.** The following shall be the penalties or sanctions against housing developers who committed any of the prohibited acts enumerated in the preceding section:

- A. For violation of letter A Section 25 hereof, an administrative fine of Five Thousand Pesos (P5,000.00) for the first offense; for the second offense, an administrative fine of P5,000.00 and shortening by two (2) months the effectivity of PALC, by one (1) year the effectivity of DP, and by four (4) months the effectivity of AP; and for the third offense, an administrative fine of P5,000.00 and permanent revocation of PALC, DP and AP Certificates;

Each time a violation is committed on letter A Section 25 hereof, a Cease and Desist Order shall be issued by the CPDO.

- B. For violation of letter B Section 25 hereof, an administrative fine of P5,000.00 for the first offense; for the second offense, an administrative fine of P5,000.00 and temporary cancellation of DP for a period of six months; and for the third offense, an administrative fine of P5,000.00 and permanent revocation of DP.

For each violation of letter B Section 25 hereof, a Cease and Desist Order shall be issued by the CPDO.

- C. For violation of letter C Section 25 hereof, an administrative fine of P5,000.00 and the violator shall be ordered by the City ENRO to open or restore the natural creek or river, for the first offense; for the second offense, an administrative fine of P5,000.00 and temporary cancellation of Business Permit until the creek or river is restored once again; and for the third offense, an administrative fine of P5,000.00 and permanent cancellation of Business Permit.
- D. For violation of letter D Section 25 hereof, an administrative fine of P5,000.00 for every unit sold prior to issuance of Development Permit, shall be imposed against the developer/owner. Reservation Fees, whether refundable or not, shall be considered a form of sale.
- E. In the interest of fairness, government personnel who fail to meet the obligations under Sections 5, 7, 9 and 10, especially in regard to the timeline for action, shall likewise be penalized pursuant to Section 22 of the Administrative Code of 1987, as amended, which provides reprimand, suspension and dismissal from the service as a consequence of inaction or infraction.

A system for incentives and rewards, however, in consonance with Section 6 of Republic Act No. 6713, otherwise known as the Code of Conduct and Ethical Standards for Public Officials, may be formulated by the Office of the City Mayor to encourage and recognize outstanding performances.

#### **ARTICLE XI - Miscellaneous Provisions**

**SECTION 27. Incomplete Documents Not Allowed.** No application for PALC, DP and AP with incomplete documents shall be approved by the City Government of Naga.

**SECTION 28. Observance to Other HLURB Rules.** All HLURB Rules and Regulations (e.g. documentary/plan requirements, minimum design standards, etc.) for industrial/commercial subdivision, farmplot subdivision, and memorial park/cemetery/columbarium project that are not expressly mentioned hereto shall subsist and form part of this Ordinance; however, the processing procedure and timeframe as herein illustrated in residential subdivision shall be strictly followed.

**SECTION 29. Exclusive Area for Green Parks.** Within the HLURB-prescribed allocation for non-saleable area in every subdivision, there shall be allocated a portion equivalent to no less than two (2) percent of the gross area of the project site, which must be reserved and used as Green Park dedicated exclusively to trees and plants, and when possible, accentuated by public arts like sculpture, monuments, memorials or civic statuary.

This Green Park area shall have separate land title, which must bear annotation of restriction that said area shall not be

transformed into other uses, such that no one - not even the City Government, the Barangay Council, the project developer/owner nor the homeowners association - is authorized to convert or transform the said area into other uses. For monitoring purposes, the project developer/owner shall submit to the SP Committee on Land Use and to the SP Committee on Environment, within thirty (30 days) after the securing HLURB Certificate of Registration and License to Sell, the xerox copy of the land title for the Green Park, duly annotated with the aforesaid restriction.

**SECTION 30. Energy-Efficient Housing Designs.** Housing developers are hereby encouraged to adopt energy-efficient housing designs in their projects located in Naga City, while at the same time keeping their packages reasonably priced.

**SECTION 31. Separability Clause.** Should any portion of this Ordinance be declared unconstitutional or illegal by any court of competent jurisdiction, the portions not so declared shall remain in full force and effect.

**SECTION 32. Repealing Clause.** All ordinances or executive orders or provisions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed or amended accordingly.

**SECTION 33. Effectivity Clause.** This Ordinance shall take effect ten (10) days after its publication in at least one newspaper of general circulation in the Bicol Region.

ADOPTED: October 21, 2008.

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**WE HEREBY CERTIFY** to the correctness of the foregoing ordinance.

(SGD) **GIL A DE LA TORRE**  
Secretary to the  
Sangguniang Panlungsod

(sgd) **GABRIEL H. BORDADO, JR.**  
City Vice Mayor and  
Presiding Officer

**APPROVED:**

(SGD) **JESSE M. ROBREDO**  
City Mayor