

[HLURB MEMORANDUM CIRCULAR NO. 38, JULY 20, 2001, July 20, 2001]

RESOLUTION NO. R-697, ADOPTING DILG MEMO CIRCULAR NO. 2000-155 REGARDING THE IMPOSITION OF PERFORMANCE BONDS AND DEVELOPMENT STANDARDS PRESCRIBED UNDER NATIONAL LAWS

The Board through the subject resolution, reiterates its position that the power of Sanggunians to process and approve subdivision plans must be in accordance with the development standards as prescribed under national laws and that no performance bonds shall be imposed by the LGUs apart from that imposed by the Board. Quoted hereunder is the subject resolution, approved by the Board of Commissioners on 18 June 2001:

Whereas, the authority to approve subdivision plans has been devolved to the local government units through their respective Sanggunians pursuant to Executive Order No. 71 Implementing RA 7166, otherwise known as the Local Government Code of 1991;

Whereas, under the same Executive Order, the issuance of Certificates of Registration and Licenses to Sell over subdivision projects approved by the Local Government Units (LGUs) remains with this Board;

Whereas, during the evaluation of subdivision plans approved by the LGUs and submitted by the project owners/developers in their application for issuance of the aforesaid registration and license, it has been observed that some LGUs follow different standards from that imposed by national laws, rules and regulations;

Whereas, reports from the Board's regional field offices and from project owners/developers likewise reveal that some LGUs have passed resolutions and/or ordinances adopting either lower or higher development standards and imposing performance bonds which is also required by this Board in the issuance of registration and license under Sections 4 and 5 of PD 957;

Whereas, there is a need to rationalize the approval process in order to hasten the production of housing at affordable prices;

Whereas, cognizant thereto, this Board has earlier come out with a position which has been concurred by the DILG in a Memorandum Circular No. 2000-155, Series of 2000 to the effect that the power of the Sanggunians to process and approve subdivision plans more especially anent development standards, shall be in accordance to and not in conflict with those prescribed under national laws, and that no performance bond shall be imposed by the LGU apart from that imposed by this Board;