

**[ HLURB ADMINISTRATIVE ORDER NO. 11, S. 2000, December 04, 2000 ]**

**RESOLUTION NO. R-675, AMENDING THE SCHEDULE OF FINES IMPOSED BY THE HOUSING AND LAND USE REGULATORY BOARD IN THE PERFORMANCE OF ITS FUNCTIONS**

Attached herewith is the text of the subject resolution which was approved by the Board of Commissioners on 17 August 2000.

The above Resolution was published in the 08 and 15 September 2000 issues of Malaya, and, in accordance with the provisions of law, shall take effect immediately after such publication.

Please be guided accordingly.

Adopted: 04 Dec. 2000

(SGD.) ROMULO Q.M. FABUL  
*Commissioner and Chief Executive Officer*

**Resolution No. 675, s. 2000**

**Amending the Schedule of Fines Imposed by the Housing and Land Use Regulatory Board in the Performance of its Functions**

BE IT RESOLVED, as it is hereby resolved that the following Revised Schedule of Fines imposed by the Housing and Land Use Regulatory Board in the exercise of its functions pursuant to Art. IV, Sec. 5.0; 5.q.2 and Art. V, Section 11 of Executive Order No. 648 and Sec. 38 of PD 957 be ADOPTED as the same is hereby adopted.

**REVISED SCHEDULE OF FINES**

**I. VIOLATION**

**A. For violations of TPZ and ULRZ/APD laws, rules and regulations**

1. Failure to secure locational clearance prior to the start of the project.

**CONFORMITY WITH LAND USE<sup>[1]</sup>**

Project Type	Conforming			Non-Conforming		
	Minimum	Medium	Maximum	Minimum	Medium	Maximum
Industrial	1000- 2500	2501- 4000	4001-5500	2501- 4000*	4001- 7000	7001- 10000
Agro-	750-	2001-	3501-5000	2001-	4001-	7001-

Industrial	2000	3500		4000	7000	10000
Agricultural	700-1500	1501-3000	3001-4500	1501-3000	3001-6000	6001-9000
Commercial	-do-	-do-	-do-	-do-	-do-	-do-
Institutional	600-1200	1201-2400	2401-3500	1201-2400	2401-5000	5001-7000
Residential <sup>[2]</sup>	500-1000	1001-1500	1501-2000	1001-2000	2001-3000	3001-4000
Special Project	1000-3500	3501-6500	6501-10000			

		Minimum	Medium	Maximum
2. Violations of the Terms and Conditions in clearance and all other violations on the requirements for locational clearance		500-2000	2001-3500	3501-5000

**B. For violations of ULRZ/APD, laws, rules and conditions**

1. Selling without sales clearance	200-500	501-700	701-1000
2. Mortgaging without mortgage clearance	100-250	251-350	351-500
3. Failure to register existing rights	-do-	-do-	-do-

**C. For violations of REM laws, rules and regulations**

1. Failure to secure development permit	1000-3000	3001-6000	6001-10000
2. Failure to register project	-do-	-do-	-do-
3. Alteration of approved development permit	-do-	-do-	-do-
4. Non-compliance with approved development plan	-do-	-do-	-do-
5. Incomplete development	-do-	-do-	-do-
6. Non-development	-do-	-do-	-do-
7. Selling without license	-do-	-do-	-do-
8. Violation of terms/conditions of development permit/license to sell	-do-	-do-	-do-
9. Non-delivery of title	-do-	-do-	-do-
10. Failure to secure mortgage clearance	1000-2500	2501-4000	4001-5500
11. Failure to secure advertisement approval	500-1000	1001-1500	1501-2000
12. Imposition of realty taxes on vendee contrary to P.D. 957	500-1000	701-800	801-1000
13. Failure of developer, Broker or	200-500	501-700	701-1000

## Salesmen to register or renew

14. Violation of other provisions of P.D. 1000-3000 3001-6000 6001-957 10000

D. Pursuant to Art. IV, Sec. 5.0 of EO 648, Series of 1981 to wit: Impose Administrative Fine not exceeding twenty thousand pesos (P20,000.00) for any violation of its charter and its rules and regulations.

E. Pursuant to Art. IV, Sec. 5.Q.2 of EO 648, Series of 1981, cite and declare any person, entity or enterprise in contempt of the Board in the following cases:

1. Whenever any person, entity or enterprise commits any disorderly or disrespectful conduct before the board or in the presence of its members or authorized representatives actually engaged in the exercise of their official functions, or during the conduct of any hearing or official inquiry by the said board, at the place or near the premises where such hearing or proceeding is being conducted which obstruct, distract, interfere or in any other way disturb, the performance of such functions or the conduct of such hearing or proceeding;
2. Whenever any person, enterprise or entity fails or refuses to comply with or obey without justifiable reason, any lawful order, decision, writ or process of the board. In connection therewith, it may in cases falling within the first paragraph hereof, summarily impose a fine of an amount not exceeding P2,000.00 and order the confinement of the violator for a period that shall not exceed the duration of the hearing or proceeding or the performance of such functions, and in cases falling within the second paragraph hereof, it may, in addition to the administrative fine abovementioned impose a fine of P500.00 for each day that the violation or failure or refusal to comply continues, and order the confinement of the offender until the order or decision shall have been complied with;

In case the offender is a partnership, corporation or association or enterprise, the above fine shall be imposed on the assets of such entity and the President, managing partner or chief executive officer shall be ordered confined.

F. Pursuant to Sec. 38 of PD 957 the HLURB may prescribe and impose fines not exceeding ten thousand pesos for violations of the provisions of this decree or of any rule or regulation thereunder. Fines shall be payable to the board and enforceable through writs or execution in accordance with the provisions of the rules of court.

## **II. Guidelines for Imposition of Administrative Fines**

### **A. Grounds for Imposition of Administrative Fines**

Where the existence of the following acts and omissions are duly established, the fine fixed on the schedule of administrative fines corresponding to such act or omission shall be imposed:

1. Failure without just cause to secure any of the clearances, permits, licenses or approval that are required by law or regulations to be secured from the

Housing and Land Use Regulatory Board (HLURB);

2. Failure to comply with any of the condition/s set forth in the clearances, permits, licenses or approval issued by the Board;
3. Failure to complete development, non-provisions of the required facilities, non-compliance with approved development plan or altering without approval in case of subdivisions, condominiums or townhouses;
4. Selling of lots in a subdivision, farmlots and memorial parks, condominium units and townhouses without license to sell or advertising without approval and selling, mortgaging, leasing or otherwise encumbering lands/properties within Urban Land Reform Zones or Areas for Priority Development without approval/clearances from the Board;
5. Misrepresentation of facts and circumstances relative to the project at the time of application or monitoring; and
6. Failure to obey or comply with the order issued by the Board after monitoring the existence of any violation.

**B. Circumstances to be Considered in the Imposition of Fines/Penalties**

In determining whether a fine/penalty shall be imposed as well as the nature/extent/amount thereof, the following attending factors/circumstances shall be taken into consideration:

1. The extent of impact, or gravity of the violation committed;
2. The presence of attending circumstances and/or good or bad faith on the part of the violator;
3. The presence or possibility of damage, prejudice or inconvenience to residents, neighbors and/or the community in general; or the physical, social or economic impact of the project or activity to the surrounding land/use neighborhood;
4. The implication of the continued existence of the violation on the attainment of the objectives/purposes enunciated in the law and regulations;
5. The presence, nature and frequency of history of violations.

**C. General Rules in Imposition of Fines/Penalties**

In the imposition of Fines/Penalties, the following Rules shall apply:

1. In the absence of any mitigating or aggravating circumstances the Medium Range of Penalties shall apply;
2. Each circumstance shall be generally considered as of equal weight, i.e., one mitigating circumstance shall be equivalent to, and shall offset or cancel an aggravating circumstance, except in the following cases: