

OFFICE OF THE SANGGUNIANG PANLUNGSOD

Tel. Nos.: (075) 552-7105; (075) 551-2751

EXCERPT TAKEN FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG PANLUNGSOD OF THE CITY OF ALAMINOS, PANGASINAN HELD ON DECEMBER 7, 2007.

PRESENT: HON. CIRILO B. RADO, CPA, L.I.B. - ACTING PRESIDING OFFICER
Hon. Joselito O. Fontelera - Member
Hon. Earl James C. Aquino - do-
Hon. Ma. Angela A. Braganza - do-
Hon. Constante R. Carasi, M.D. - do-
Hon. Orlando "Ang Panday" R. Go - do-
Hon. Oscar A. Bolling, C.E. - do-
Hon. Joseph T. Bacay - do-
Hon. Filemon R. Bacala, Jr. - do-
Hon. Ronald R. Bernas, Acting LBP - Ex-Officio Member
Hon. Gemarie C. Rabadon, SKP - Ex-Officio Member

ABSENT: HON. VICE MAYOR TEOFILO G. HUMILDE, JR. - On Official Business
Hon. Carolyn D. Sison - (O.B.) - Manila

ORDINANCE NO. 2007-02

ADOPTING/LOCALIZING THE 2004 REVISED SCHEDULE OF ZONING AND LOCATIONAL CLEARANCE FEES AND SCHEDULE OF FINES AND GUIDELINES FOR ITS IMPOSITION PURSUANT TO HOUSING AND LAND USE REGULATORY BOARD RESOLUTION NO. R-760 APPROVED ON FEBRUARY 18, 2004.

EXPLANATORY NOTE

WHEREAS, the Revised Schedule of Zoning and Locational Clearance Fees and Schedule of fines has been approved under Housing and Land Use Regulatory Board (HLURB) Resolution No. R-760 on February 18, 2004 as embodied in HLURB Administrative Order No. 2 series of 2004;

WHEREAS, it is imperative upon the City Government through the Legislative Department to enact measure, to regulate activities relative to the use of lands, buildings, and structures within the City in order to promote the general welfare of its inhabitants.

NOW, THEREFORE, be it ordained by the Sanggunian Panlungsod in Session Assembled that:

SECTION 1. TITLE OF ORDINANCE - This Ordinance shall be known as the "Revised Schedule of Zoning and Locational Clearance Fees and Schedule of Fines"

SECTION 2. SCOPE OF APPLICATION - This Ordinance shall cover all Zoning and Locational Clearance fees and fines provided in the Revised Schedule of Fees and Schedules of Fines and Guidelines for its imposition under Housing Land Use Regulatory Board Resolution No. 760 approved on February 18, 2004.

SECTION 3. SCHEDULE OF FEES -

NAME OF FEE

FEE

I. ZONING AND LOCATIONAL CLEARANCE

A. Single residential structure attached or detached

- | | |
|-------------------------------|---|
| 1. P 100,000 and below | P 200 |
| 2. Over P100,000 to P 200,000 | P 400 |
| 3. Over P 200,000 | 500+1/10 of 1% in excess of P200,000.00 |

B. Apartment/Townhouses

- | | |
|-------------------------------|---|
| 1. P500,000 and below | P 1,000 |
| 2. Over P 500,000 to 2Million | 1,500.00 |
| 3. Over 2Million | 2,500 + 1/10 of 1% of cost in excess of P2M regardless of the number of doors |

C. Dormitories

- | | |
|-------------------------|--|
| 1. P2 Million and below | P 2,500.00 |
| 2. Over P2 Million | 2,500 + 1/10 of 1% of cost in excess of P2M regardless of the number of doors |

D. Institutional

Project cost of which is:

- | | |
|---------------------|---|
| 1. Below P2 Million | P 2,000.00 |
| 2. Over P2 Million | 2,000 + 1/10 of 1% of cost in excess of P2M |

E. Commercial, industrial and Agro-Industrial Project Cost of which is:

- | | |
|--------------------------|---|
| 1. Below P 100,000 | P 1,000.00 |
| 2. Over 100,000-P500,000 | 1,500.00 |
| 3. Over P500,000-P1M | 2,000.00 |
| 4. Over 1M-P2M | 3,000.00 |
| 5. Over P2M | 5,000 + 1/10 of 1% of cost in excess of P2M |

F. Special Uses/Special Projects

(Gasoline Station, Cell Sites, Slaughter house, treatment plant etc)

- | | |
|--------------------|---|
| 1. Below 2 Million | P 5,000.00 |
| 2. Over P2 Million | P 5,000 + 1/10 of 1% of cost in excess of P2M |

G. Alteration/Expansion (affected areas/cost only)

Same as original application

II. SUBDIVISION AND CONDOMINIUM PROJECTS (under P.D. 957)

A. Approval of Subdivision Plan (including town houses)

- | | |
|---|---|
| 1. Preliminary Approval and Locational Clearance (PALC)/Preliminary Subdivision Development Plan (PSDP) | P 250/ha. or a fraction thereof |
| . Inspection Fee | P 1,000/ha. regardless of density |
| 2. Final Approval and Development Permit | P 2,000/ha. regardless of density |
| . Additional Fee on Floor Area of houses and building sold with lot | P 2/sq.m. |
| . Inspection Fee | P 1,000/ha. regardless of density |
| (Projects already inspected for PALC application may not be charged inspection fee) | |
| 3. Alteration of Plan (affected areas only) | Same as final approval and Dev't Permit |
| 4. Certificate of Registration Processing Fee | P 2,000.00 |
| 5. License to Sell (per saleable lot) | 150 |
| . Additional Fee on Floor Area of houses and building sold with lot | 10/sq.m. |
| . Inspection Fee | 1,000/ha. regardless of density |
| 6. Certificate of Completion | |
| . Certification Fee | 150 |
| . Processing Fee | 2,000/has. Regardless of density |
| 7. Extension of Time to Develop | P 350 |
| . Inspection Fee (affected/unfinished areas only) | P 1,000/ha. regardless of density |

B. Approval of Condominium Project

Final Approval and Development Permit

1. Processing Fee

a. Land Area

P 5./sq.m.

b. No. of Floors

P 200/floor

c. Building Areas

P 4./sq.m. of GFA

. Inspection Fee

P 12/sq.m. of GFA

2. Alteration of Plan (affected areas only)

Same as Final Approval and Development Permit

3. Conversion (affected areas only)

-do-

4. Certificate of Registration

. Processing Fee

P 2,000.00

5. License to Sell

a. Residential (saleable areas)

P 12/sq.m.

b. Commercial/office (saleable areas)

P 25/sq.m.

6. Extension of Time to Develop

. Processing Fee

P 350

. Inspection Fee (affected/unfinished areas only)

P 12/sq.m. of GFA

7. Certificate of Completion

. Certificate Fee

P 150

. Processing Fee

P 12/sq.m. of GFA

C. Projects under BP 220

a. Subdivision

1. Preliminary Approval and Locational Clearance

a. Socialized Housing

P 75/ha.

b. Economic Housing

P 150/ha.

. Inspection Fee

a. Socialized Housing

P 200/ha.

b. Economic Housing

P 500/ha.

2. Final Approval and Development Permit

. Processing Fee

a. Socialized Housing

P 500/ha.

b. Economic Housing

P 1,000/ha.

(Projects already inspected for PALC application may not be charged inspection fee)

3. Alteration of Plan (affected areas only)

Same as Final Approval and Dev't Permit

4. Building Permit (floor area of housing unit)

P 5.00/sq.m.

5. Certificate of Registration

. Application Fee*

a. Socialized Housing

P 350

b. Economic Housing

P 500

6. License to Sell (per saleable lot)

a. Socialized Housing

P 20/lot

b. Economic Housing

P 50/lot

(Additional fee in floor area of houses/building sold with lot)

P 2./sq.m.

. Inspection Fee

a. Socialized Housing

P 200/ha.

b. Economic Housing

P 500/ha.

| | |
|---|---|
| 7. Extension of Time Develop | |
| . Filling Fee | |
| a. Socialized Housing | P 350 |
| b. Economic Housing | P 350 |
| . Inspection Fee (affected/unfinished areas only) | |
| a. Socialized Housing | P 200/ha. |
| b. Economic Housing | P 500/ha. |
| 8. Certificate of Completion | |
| . Certificate Fee | |
| a. Socialized Housing | P 150 |
| b. Economic Housing | P 150 |
| . Processing Fee | |
| a. Socialized Housing | P 200/ha. |
| b. Economic Housing | P 500/ha. |
| 9. Occupancy Permit | P 2./sq.m. |
| . Inspection Fee (saleable floor are of the housing unit) | |
| a. Socialized Housing | P 5/sq.m. |
| b. Economic Housing | P 5/sq.m. |
| b. Condominium | |
| 1. Preliminary Approval and Locational Clearance | P 500 |
| 2. Final Approval and Development Permit | |
| a. Total Land Area | P 5/sq.m. |
| b. Number of Floor | P 100/floor |
| c. Building Area | P 2/sq.m. of GFA |
| . Inspection Fee | P 2/sq.m. of GFA |
| 3. Alteration of Plan (affected areas only) | Same as Final Approval and Dev't Permit |
| 4. Certificate of Registration | P 500 |
| 5. License to Sell | P 5/sq.m. |
| 6. Extension of time to Develop | P 350 |
| . Inspection Fee (FA x P2 x % of remaining De'vt. Cost) | P 2/sq.m. of saleable area |
| 7. Certificate of Completion | |
| . Certificate Fee | P 150 |
| . Processing Fee | P 3/sq.m. of GFA |
| D. Approval of Industrial/Commercial Subdivision | |
| 1. Preliminary Approval and Locational Clearance | P 300/ha. |
| . Inspection Fee | P 1,000/ha. regardless of location |
| 2. Final Approval and Development Permit | P 5,000/ha. regardless of location |
| . Inspection Fee (Projects already inspected for PALC application may not be charged inspection fee) | P 1,000/ha. regardless of location |
| 3. Alteration of Plan (affected areas only) | Same as final approval and Development Permit |
| 4. Certificate of Registration | P 2,000 |
| 5. License to sell | P 2/sq.m. of the land area. |
| . Inspection Fee | P 1,000/ha. regardless of location |
| 6. Extension of time to Develop | P 350 |
| . Inspection Fee (affected/unfinished areas only) | P 1,000/ha |

| | |
|---|---|
| 7. Extension of Time Develop | |
| . Filing Fee | |
| a. Socialized Housing | P 350 |
| b. Economic Housing | P 350 |
| . Inspection Fee (affected/unfinished areas only) | |
| a. Socialized Housing | P 200/ha. |
| b. Economic Housing | P 500/ha. |
| 8. Certificate of Completion | |
| . Certificate Fee | |
| a. Socialized Housing | P 150 |
| b. Economic Housing | P 150 |
| . Processing Fee | |
| a. Socialized Housing | P 200/ha. |
| b. Economic Housing | P 500/ha. |
| 9. Occupancy Permit | P 2./sq.m. |
| . Inspection Fee (saleable floor are of the housing unit) | |
| a. Socialized Housing | P 5/sq.m. |
| b. Economic Housing | P 5/sq.m. |
| b. Condominium | |
| 1. Preliminary Approval and Locational Clearance | P 500 |
| 2. Final Approval and Development Permit | |
| a. Total Land Area | P 5/sq.m. |
| b. Number of Floor | P 100/floor |
| c. Building Area | P 2/sq.m. of GFA |
| . Inspection Fee | P 2/sq.m. of GFA |
| 3. Alteration of Plan (affected areas only) | Same as Final Approval and Dev't Permit |
| 4. Certificate of Registration | P 500 |
| 5. License to Sell | P 5/sq.m. |
| 6. Extension of time to Develop | P 350 |
| . Inspection Fee (FA x P2 x % of remaining De'vt. Cost) | P 2/sq.m. of saleable area |
| 7. Certificate of Completion | |
| . Certificate Fee | P 150 |
| . Processing Fee | P 3/sq.m. of GFA |
| D. Approval of Industrial/Commercial Subdivision | |
| 1. Preliminary Approval and Locational Clearance | P 300/ha. |
| . Inspection Fee | P 1,000/ha. regardless of location |
| 2. Final Approval and Development Permit | P 5,000/ha. regardless of location |
| . Inspection Fee | P 1,000/ha. regardless of location |
| (Projects already inspected for PALC application may not be charged inspection fee) | |
| 3. Alteration of Plan (affected areas only) | Same as final approval and Development Permit |
| 4. Certificate of Registration | P 2,000 |
| 5. License to sell | P 2/sq.m. of the land area. |
| . Inspection Fee | P 1,000/ha. regardless of location |
| 6. Extension of time to Develop | P 350 |
| . Inspection Fee (affected/unfinished areas only) | P 1,000/ha |

| | |
|--|---|
| 7. Certificate of Completion | |
| a. Industrial | P 350/ha regardless of location |
| b. Commercial | P 500/ha. regardless of location |
| E. Approval of Farmlot and Locational Clearance | P 200/ha. |
| 1. Preliminary Approval and Locational Clearance | P 200/ha. |
| . Inspection Fee | P 500/ha |
| 2. Final Approval and Development Permit | P 1,000/ha. |
| . Inspection Fee | P 500/ha. |
| (Project already inspected for PALC application not be charged inspection fee) | |
| 3. Alteration of Plan (affected areas only) | Same as final approval and Development Permit |
| 4. Certificate of Registration | P 2,000.00 |
| 5. License to sell | P 500/lot |
| . Inspection Fee* | P 1,000/lot |
| 6. Extension of time to Develop | P 350 |
| . Inspection Fee (affected/unfinished areas only) | P 1,000/ha. |
| 7. Certificate of Completion | |
| . Certificate Fee | P 150 |
| . Processing Fee | P 1,000/ha. |
| F. Approval of Memorial Park/Cemetery Project/Columbarium | |
| 1. Preliminary Approval and Locational Clearance | |
| a. Memorial Project | P 500/ha. |
| b. Cemeteries | P 200/ha. |
| c. Columbarium | P 2,500/ha. |
| . Inspection Fee | |
| a. Memorial Projects | P 1,000/ha. |
| b. Cemeteries | P 500/ha. |
| c. Columbarium | P 12/sq.m. of GFA |
| 2. Final Approval and Development Permit | |
| a. Memorial Projects | P 7/sq.m. |
| b. Cemeteries | P 1/sq.m. |
| c. Columbarium | P 200/floor |
| . Inspection Fee | P 4/sq.m. of GFA |
| (Project already inspected for PALC application may not be charged inspection fee) | P 5/sq.m. of land area |
| a. Memorial Projects | P 1,000/ha. |
| b. Cemeteries | P 500/ha. |
| c. Columbarium | P 12/sq.m. of GFA |
| 3. Alteration Fee | Same as Final Approval/Dev't Permit |
| 4. Certificate of Registration | P 2,000.00 |
| 5. License to Sell | |
| a. Memorial Projects | P 50/2.5 sq.m. |
| . Apartment type | P 20/per unit |
| b. Cemeteries | P 20/tomb |
| c. Columbarium | P 50/vault |

| | |
|--|--|
| Inspection Fee* | |
| a. Memorial Projects | P 1,000/ha. |
| b. Cemeteries | P 500/ha. |
| c. Columbarium | •. |
| 6. Extension of time to develop | P 348 |
| Inspection Fee (affected/unfinished areas only) | |
| a. Memorial Projects | P 1,000/ha. |
| b. Cemeteries | P 500/ha. |
| c. Columbarium | P 12/sq.m. of the remaining GFA |
| 7. Certificate of Completion | |
| Certificate Fee | P 148 |
| Processing Fee | |
| a. Memorial Projects | P 1,000/ha |
| b. Cemeteries | P 500/ha. |
| c. Columbarium | P 4/s.m. of GFA |
| G. Other Transactions/Certifications | |
| A. Application/Request for: | |
| 1. Advertisement Approval | P 500 |
| 2. Cancellation/Reduction of Performance Bond | P 2,000.00 |
| 3. Lifting of Suspended Licenses to Sell | P 2,000.00 |
| 4. Exemption from Cease and Desist Order | P 150 |
| 5. Clearance to Mortgage | P 1,000.00 |
| 6. Lifting of Cease and Desist Order | P 2,000.00 |
| 7. Change of name/ownership | P 1,000.00 |
| 8. Voluntary Cancellation of CR/LS | P 1,000.00 |
| 9. Revalidation/Renewal of Permit (Condominium) | 50% of assessed current processing fees including inspection fees: |
| B. Other Certifications | |
| 1. Zoning Certifications | P 500/ha. |
| 2. Certification of Town Plan/Zoning Ordinance Approval | P 150 |
| 3. Certification of New Rights/Sales | P 150 |
| 4. Certificate of Registration (form) | P 150 |
| 5. License to Sell (form) | P 150 |
| 6. Certificate of Creditable Withholding Tax (maximum of 5 lots per Certificate) | P 150 |
| 7. Others to include | |
| a. Availability to records/public request | P 200 |
| b. Certificate of no records on file | P 200 |
| c. Certification of with or without CR/LS | P 200 |
| d. Certified Xerox copy of documents (report size) | P 30 |
| . Documents of five (5) pages or less | P 3 |
| e. Photo copy of documents | P 2 |
| H. Registration of Dealers/Brokers/Salesmen | |
| a. Dealers/Brokers | P 500 |
| b. Salesmen/Agent | P 200 |

I. Homeowner Associations

| | |
|---|-----------|
| 1. Registration of HOA | |
| Examination/Registration | |
| . Articles of Incorporation | |
| . By-Laws | P 650 |
| . Books | P 650 |
| 2. Amendments | |
| . Articles of Incorporation | P 500 |
| . By Laws | P 500 |
| 3. Dissolution of Homeowners Association | P 500 |
| 4. Certification of the new set of officers | P 350 |
| 5. Other Certifications | P 150 |
| . Inspection Fee (CMP Projects) | P 500/ha. |

J. Legal Fees

| | |
|--|------------|
| A. Filing Fee | P 1,000.00 |
| B. Additional Fee for Claims (for refund, damages, attorney's fees, etc.) | |
| 1. Not more than P 20,000 | 120 |
| 2. More than P20,000 but not less than P80,000 | P 400 |
| 3. P80,000 or more but less than P100,000 | P 600 |
| 4. P100,000 or more but not less than P150,000 | P 1,000.00 |
| 5. For each P1,000 in excess of P150,000 | P 5 |
| C. Petition for Review | P 2,000.00 |
| D. Pauper-litigants are exempt from payment of legal fees | |
| 1. Those whose gross income is not more than P6,000 per Month and residing within M.M. residing within M.M. | |
| 2. Those whose gross income is not more than P4,000 per Month and residing outside M.M | |
| 3. Those who do not own real property | |
| E. Government Agencies and its instrumentalities are exempted from Paying legal fees | |
| F. Local government owned or controlled corporations with or Without independent charters are not exempted paying legal Fees | |

K. UPLC Legal Research Fee

Computation of Legal Research Fee for the University of the Philippines law Center (UPLR) remains at One Percent (1%) of every fee but shall in no case be lower than P10.00

L. Research/Service Fee (50% discount for students)

| | |
|--|---|
| A. 1. Photocopy (Maps: Subd./Condo Plans, presentation size) | P 100 |
| 2. Hard Copy from Diskettes (License to Sell data) | P 30 1st 5 pages; P5/page in exceed of 5 |
| 3. Electric File (License to Sell available data). | P 500/diskette; additional P50 for rush job |
| 4. Electronic File (Land Use Maps available) | P 10,000.00 |
| 5. Certified True Copy-Map (Land Use Plan) | P 100 |
| B. Sale of Forms, Publications, etc. | |
| 1. Proforma- Articles of Incorporation and By Laws | P 150 |
| 2. Books and other HLURB publications | |

a. CLUP Guidelines:

| | |
|--|-------|
| Volume I Demography | P 120 |
| Volume II Social Sector | P 380 |
| Volume II Economic Sector | P 380 |
| Volume IV Infrastructure & Utilities Sector | P 250 |
| Volume V Land Use | P 300 |
| Volume VI Local Administration | P 100 |
| Volume VII Mapping | P 250 |
| Volume VIII Report Writing | P 50 |
| Volume IX Plan Review, Adoption and Approval Process | P 230 |
| Volume X Model Zoning Ordinance | P 150 |
| b. PD 957 | P 200 |
| c. BP 220 | P 200 |
| d. Planning Strategically Guidelines | P 200 |

SECTION 4. PENALTY - Penalties for violation of any provisions of this Ordinance shall be imposed in accordance with the Revised Schedule of Fees and Fines and Guidelines for its imposition which was approved under HLURB Resolution No.760 dated February 18, 2004, as specified herein below, but shall in cases of fines and imprisonment be not more than Five Thousand Pesos (P 5,000.00) or more than one year (1) respectively, to wit:

SCHEDULES OF FINES

CONFORMITY WITH LAND USE 1/

| Project Type | CONFORMING | | | NON-CONFORMING | | |
|---|------------|-----------|------------|----------------|-----------|-----------|
| | Minimum | Medium | Maximum | Minimum | Medium | Maximum |
| Industrial | P1000-2500 | 2501-4000 | 4001-5500 | 2501-3000 | 3001-4000 | 4001-5000 |
| Agro-Industrial | 750-2000 | 2001-3500 | 3501-5000 | 2001-3000 | 3000-4000 | 4001-5000 |
| Agricultural | 700-1500 | 1501-3000 | 3001-4500 | 1501-3000 | 3001-4000 | 4001-5000 |
| Commercial | *do* | *do* | *do* | *do* | *do* | *do* |
| Institutional | 600-1200 | 1201-2400 | 2401-3500 | 1201-2400 | 2401-4000 | 4001-5000 |
| Residential 2/ | 500-1000 | 1001-1500 | 1501-2000 | 1001-2000 | 2001-3000 | 3001-4000 |
| Special Project | 1000-3500 | 3501-6500 | 6501-10000 | | | |
| | | | Minimum | Medium | Maximum | |
| 2. Violation of the terms and conditions of clearance and all other non-compliance with the requirements for locational clearance | | | 500-2000 | 2001-3500 | 3501-5000 | |

- 1/ As per approved Sangguniang Panlalawigan (SP) or HLURB Comprehensive Land Use Plan and Zoning Ordinance.
- 2/ Exclude single-detached family dwelling units.

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

| | Minimum | Medium | Maximum |
|--|---------|---------|----------|
| 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 violation of real estate laws, rules and regulations

| | Minimum | Medium | Maximum |
|---|-----------|-----------|-----------|
| 1. Failure to secure development permit | 1000-3000 | 3001-4000 | 4001-5000 |
| 2. Unauthorized alteration of approved development Plan | *do | *do* | *do* |
| 3. Non-compliance with approved development plan | *do | *do* | *do* |
| 4. Incomplete development | | | |
| 5. Non- Development | *do | *do* | *do* |
| 6. Failure to register project | *do | *do* | *do* |
| 7. Selling without DP | *do | *do* | *do* |
| 8. Selling without CR | *do | *do* | *do* |
| 9. Selling without license (per unit/lot) | *do | *do* | *do* |
| 10. Violation of terms/conditions of development permits and license to sell | *do | *do* | *do* |
| 11. Failure to secure advisement approval | *do | *do* | *do* |
| 12. Failure to secure mortgage clearance (per unit/lot) | *do | *do* | *do* |
| 13. Failure to redeem mortgage (per unit/lot) | *do | *do* | *do* |
| 14. Non-delivery of title | *do | *do* | *do* |
| 15. Failure by the owner/developer to annotate mortgage Affidavit of undertakings | 1000-3000 | 3001-4000 | 4001-5000 |
| 16. Failure to change/amend name of project | *do | *do* | *do* |
| 17. Unauthorized change or amendment in the name of the project | *do | *do* | *do* |
| 18. Failure to annotate contract to sell in the title | *do | *do* | *do* |
| 19. Imposition of realty taxes and other charges on vendee contrary to P.D. 957 | *do | *do* | *do* |
| 20. Failure to register or secure title covering open spaces/ common areas | *do | *do* | *do* |
| 21. Failure to submit sales status report | *do | *do* | *do* |
| 22. Failure of the developer, broker, salesmen to register or renew registration (per year) | 200-500 | 501-700 | 701-1000 |
| 23. Failure of the developer to initiate the organization of HOA | 1000-3000 | 3001-4000 | 4001-5000 |
| 24. Violation of other provisions of P.D. 957 and other related laws, including their implementing rules and guidelines | *do | *do* | *do* |

| | | | |
|---|-----------|-----------|-----------|
| D. For violation of homeowner association (HOA) laws, rules and regulations | | | |
| REGULAR/CMP | | | |
| 1. Non-registration (SEC. 30, P.D. 957) | 500-1000 | 1001-3000 | 3001-5000 |
| 2. Failure to register amendments (s) to articles of Incorporation and By-Laws | *do | *do* | *do* |
| 3. Non submission of annual reportorial requirements: | | | |
| a. corporate financial records | *do | *do* | *do* |
| b. updated of members/information sheet | *do | *do* | *do* |
| c. set of officers | *do | *do* | *do* |
| d. board resolution/minutes of the meeting | *do | *do* | *do* |
| 4. Failure to hold regular election in accordance with by laws | 500-1000 | 1001-3000 | 3001-5000 |
| 5. Commission or omission of an act amounting to surrender of corporate rights, privileges or franchise | *do | *do* | *do* |
| 6. Fraud or misrepresentation in procurement of Registration | 1000-3000 | 3001-4000 | 4001-500 |
| 7. Continuous in operation or inactivity for a period of at least 5 years | 500-1000 | 1001-3000 | 3001-5000 |
| 8. Non compliance or defiance of any lawful order of HLURB | *do | *do* | *do* |
| 9. Misuse of a right, privilege or franchise conferred upon it by law or exercise of a right and privilege or fraud contrary to law | *do | *do* | *do* |
| 10. Serious misinterpretation of the association's legal Capacity | 1000-3000 | 3001-4000 | 4001-5000 |

GUIDELINES IN THE IMPOSITION OF ADMINISTRATIVE FINES

A. Grounds for Imposition

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 Zoning Officer of the City Government.
2. Failure to comply with any of the condition/s set forth in the clearances, permits, licenses or approval issued by the City Government.
3. Failure to complete development, non-provision of the required facilities, non-compliance with approved-development plan or altering without approval in case of subdivisions, condominiums and townhouses;
4. Selling of lots in a subdivision, farm lots 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 without just cause to register the homeowners association; submits its articles of incorporation, constitution and by-laws, or any amendment/s thereto, annual reportorial requirements, i.e., corporate financial records, updated information sheet, or bond resolutions and/or minutes of meetings; and, hold regular election/s as well as special or general assembly meetings that are required under the by- laws of the association, the law, or regulations of the Housing and Land Use Regulatory Board (HLURB);

B. General Circumstances to be Considered

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 impact, notoriety, or gravity of the violation/s committed;
2. The presence of circumstances, indicating good or bad faith on the part of the violators;
3. The presence or possibility of damage, prejudice or inconvenience to the members, neighbors and/or the community in general; or the larger physical, social, or moral impact of the commission or omission to the society;
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 nature and frequency of violations.

C. General Rules in Imposing 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 circumstances shall be generally considered as of equal weight, i.e., one mitigating circumstances shall be equivalent to, and shall offset or cancel an aggravating circumstances, except in following cases:
 - a. Special Aggravating circumstance of repeated violation shall be offset only by two (2) mitigating circumstances.
 - b. Lack of foreknowledge, ignorance of the law, where any one of the circumstances mentioned in II D.6. are absent, which shall be considered as a privileged mitigating circumstances that can be offset only by the two (2) aggravating circumstances
3. Within each range (minimum, medium, maximum) there shall be equal sub-ranges based on project classification by land use intensity (e.g. R1, R2, C1, C2, II, 12, etc) with those lowest in intensity being imposed the minimum amount in the range;
4. Within each sub range shall be "High" and "Low" periods with the applicability of the periods in question being dependent on the presence or absence of rules and regulations at the time the violation is committed;
5. To determine the extent of a period or a sub-range, the sum of the minimum and maximum amounts of each periods or sub-range shall be divided by the number of periods/sub-range to be created and the resulting quotient shall be considered as the extent of such period or sub-range, which shall then be reckoned from the minimum amount of the range or the maximum amount of the preceding sub-range, as the case may be.

D. Circumstances Justifying Exemption from Fine

The following circumstances shall be sufficient to exempt the violator from liability for fines.

1. Where the proponent has secured zoning/location clearance and/or other permits from a local zoning administrator or building official and/or other local officials with apparent authority to issue the same, provided that:
 - a. Said permit is secured prior to establishment of the project;
 - b. Proponent subsequent voluntarily applied for proper clearance from the Board;
 - c. In case there are existing complaints, proper remedial measures shall be instituted.
2. Where projects is undertaken by other government agencies and/or corporations;
3. Where the projects is established in municipalities without town plans/zoning ordinances provided other permits justifying its existence have been secured;

4. Where the property is located within APD/ULRZ but is not occupied by qualified tenants, and is sold/mortgaged or encumbered under any of the following circumstances:
 - a. When the sale/mortgage is between members of the same family or relatives (up to third degree);
 - b. When the same arose out of partition among co-owners;
 - c. When the area of the property is less than one hundred (100) square meters;
 - d. When the sale/mortgage or other encumbrance was due to an immediate medical emergency which require medical expenses or to a need to defray funeral expenses of the immediate members of the families and extra-ordinary expenses in case of fire, flood and other natural calamities.
5. Where non-completion of the development of a portion of the subdivision is beyond the control of the developer such as (deterioration of peace and order, occurrence of force majeure, or the area has been established to be illegally occupied, shortage of materials, extraordinary devaluation of the currency;
6. Lack of foreknowledge in the establishment of any land use/development project, and/or ignorance of the laws and regulations on locational clearance/subdivision regulations provided that both of the following circumstances are also present:
 - a. Either project location is in a remote area, or responsible officials failed to disseminate information concerning pertinent requirements; or require the same.
 - b. Existence of analogous facts/information that may warrant exemption from fine.
7. Where the association, or its board of directors, or authorized officers, has secured the association's registration certificate; filed its articles of incorporation, constitution and by-laws, or any amendment/s thereto submitted its annual reportorial requirements, i.e. corporate financial records, updated information sheet, or board resolutions and/or minutes of meetings; and reported its regular election/s as well as special or general assembly meetings that are required under the by-laws of the association, the law, or regulations of the Housing and Land Use Regulatory Board (HLURB) to the concerned Regional Office of the HLURB, provided that:
 - a. Said Registration certificate, articles of incorporation, by-laws, or amendments thereto, etc. was filed prior to the formal operation of the activities/business of the association, or the discovery of its violation by the Regional Office;
 - b. The association before being cited for violation, has un fact and in truth previously applied for its registration, submitted its corporate records etc.;
 - c. There is/are pending case/s or action/s before HLURB Arbiters and/or the Board of Commissioners the subject matter of which are identical and directly relevant to those cited in the violation, and proper remedial measure have been established for the protection and preservation of the rights of the members during the pendency of such action;
8. Where the association was previously registered with, or has complied with the rules and regulations of registration of the Home Guarantee Corporation (HGC), Securities and Exchange Commission (SEC), the Presidential Commission on Urban Poor (PCUP), the Cooperative Development Authority (CDA) , or any other analogous government agency directly or indirectly tasked to register homeowners association, provided, their corporate records are subsequently transmitted and duly registered with the HLURB;
9. Where the association has submitted in advance substantial relevant documents for its registration or compliance with its reportorial requirements, etc, but has yet to secure, without bad faith or misrepresentation on its parts, other requirements being held or withheld by any judicial, administrative, local, or legislative agencies of the government, any contracting party;
10. Where registration, submission of reportorial requirement, and other compliance with the orders of the HLURB is beyond the control of the association such as when there exist deteriorating peace and order in their locality, occurrence of force majored, or the area has been established to be illegally occupied, shortage of materials, or extraordinary devaluation of the currency;

E. Mitigating Circumstances Justifying the Imposition of Minimum Range of Fines

The following mitigating circumstances shall warrant the Imposition of the Minimum Level of Fines:

1. When the violation has minimal adverse impact on the adjoining areas or projects or on the rights of affected parties, if any;
2. When the failure to do a required act was due to unforeseen or unavoidable circumstances not totally beyond the control of and brought by the violator;
3. When the violation although not confirming does not pose any present danger to public health, safety, convenience and peace and order;
4. When the violation can be easily rectified, i.e. the law/regulation/condition can still be complied with;
5. Where there was negligence on the part of the violator in failing to immediately comply with the requirements of the law but no adverse consequence have been noted;
6. When the violation has minimal adverse impact on the great number of members of the association, the operation and management of the homeowners association as well as facilities of the subdivision, the financing institution or originators which assists the association in the acquisition and development of the occupied lands of the members, and the whole community where the association is situated;

F. Aggravating Circumstances Warranting Imposition of Maximum Range of Fines

1. Where the status/standing/experience and other qualifications of the violators is such that he may be presumed to be already aware of the pertinent requirements if the law and regulations;
2. When the violator has a history of similar offenses or violation over several occasions;
3. Where no remedial/corrective measures are made despite due notices, or even if measures are undertaken the same are still not adequate;
4. Where owner/developer fail to complete the development of the project without just cause or despite the grant of extension;
5. Where the association, through its directors or officers, fails to comply with the requirements of registration and other acts that it is instructed to observe without just cause or despite the grant of extension to fulfill the order;
6. Where the violation has been established to be deliberately committed or completely without or reasonable cause;
7. When the project/transaction is subject of actual complaints and found of established to be valid after proper investigation.

G. Grounds for Reconsideration of Penalties/Fines

A motion for reconsideration of an Order Imposing Penalties/Fines may be filed on any of the following grounds:

1. The penalty or fine imposed is not in accordance with nor authorized by law or existing regulations;
2. The fine imposed is excessive, unreasonable, oppressive or arbitrary;
3. The findings of facts do not conform to the truth or do not provide sufficient basis for imposition of fine.

SECTION 5. EFFECTIVITY - This Ordinance shall take effect in accordance with the provision of the Local Government Code of 1991.

APPROVED.....

Sponsored by : HON. ORLANDO "Ang Panday" R. GO
Co-sponsored by : HON. EARL JAMES C. AQUINO

OFFICE OF THE SANGGUNIANG PANLUNGSOD

Tel. Nos.: (075) 552-7105; (075) 551-2751


(Cont. Ord. No. 2007-02, enacted on 07 December 2007)

- page 15 of 15 -


I HEREBY CERTIFY to the correctness of the foregoing ordinance which consist some fifteen (15) pages including this page.



VIRGILIO O. MONTEMAYOR
Secretary

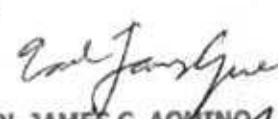
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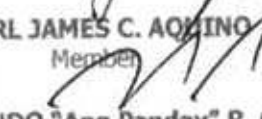

CIRILO E. RADO, CPA, LI.B.
(City Councilor)
Acting Presiding Officer

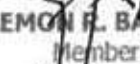

JOSELITO O. MONTELERA
Member

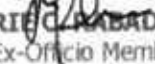

CONSTANTE R. CARASI, M.D.
Member


JOSEPH T. BACAY
Member

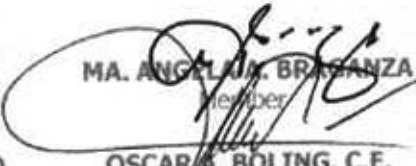

EARL JAMES C. AQUINO
Member


ORLANDO "Ang Panday" R. GO
Member


FILEMON R. BACALA, JR.
Member



GEMARIE C. CABADON, SKP
Ex-Officio Member


MA. ANGELINA BRAGANZA
Member


OSCAR A. BOLING, C.E.
Member


RONALD R. BERNAS, Acting LBP
Ex-Officio Member

APPROVED:


HERNANDO BRAGANZA
City Mayor