

[EXECUTIVE ORDER NO. 98, March 11, 1946]

CREATING A NATIONAL URBAN PLANNING COMMISSION AND DEFINING ITS POWERS AND DUTIES

WHEREAS, many of our cities have been destroyed on account of war operations and it is necessary that plans be prepared for their rebuilding; and WHEREAS, city planning is now a recognized governmental function; and

WHEREAS, the substance of this Order embodies the provisions of the National Urban Planning bill which was passed by the Congress of the Philippines in its last Second Special Session, but was subject to presidential veto because the bill was rendered unconstitutional by the inclusion of two members of the Congress of the Philippines on the commission;

NOW, THEREFORE, I, SERGIO OSMEÑA, President of the Philippines, by virtue of the powers vested in me by the Constitution and existing laws of the Philippines, do hereby create a National Urban Planning Commission to prepare general plans, zoning ordinances, and subdivision regulations, to guide and accomplish a coordinated, adjusted, harmonious reconstruction and future development of urban areas which will in accordance with present and future needs, best promote health, safety, morals, order, convenience, prosperity, and general welfare, as well as efficiency and economy in the process of development; including among other things, adequate provisions for traffic, the promotion of safety from fire and other dangers, adequate provision for light and air, the promotion of healthful and convenient distribution of populations, the promotion of good civic design and arrangement, economic, wise, efficient and equitable expenditure of public funds, and the adequate provision of public utilities and other public requirements.

Section 1. Definitions.-"Building" means any structure for the shelter, housing, or enclosure of any person, animal or chattel.

"Commission" means the National Urban Planning Commission of the Philippines created by this Order.

"Land" includes both land and water, the air above them or the land beneath them.

"Legislative body" includes any Provincial, Chartered City, or Municipal Council or Board and the Congress of the Philippines.

"Plat" includes plat, plan, plot or replot.

"Street" means, relates to and includes roads, streets, highways, avenues, boulevards, freeways, parkways, lanes, alleys or other ways or any part or parts thereof.

"Subdivision" means the division of a tract or parcel of land into two or more lots, sites or other divisions for the purpose, whether immediate or future, of sale or building development, and includes resubdivision, and, when appropriate to the context, relates to the process of subdividing or to the land or area subdivided.

"Three-fourths vote" means three-fourths of the total number of votes which all the members of any legislative body is entitled to cast except that in the case of the Congress of the Philippines three-fourths of any quorum shall constitute a three-fourths vote.

"Urban area" means such areas as, from time to time, may be so designated by the Commission and includes each political entity thereof.

Sec. 2. Composition of the Commission.-The National Urban Planning Commission shall have a permanent head to be known as Director of Planning with the rank and salary of an Undersecretary of Department, who shall be appointed by the President with the consent of the Commission on Appointments.

The Commission shall be composed of a chairman and five members to be appointed by the President with the consent of the Commission on Appointments, for a term of six years, and shall receive a per diem not exceeding twenty pesos for each meeting actually attended. In making the first appointment of the members of the Commission, two shall be appointed for a period of two years, two members for a period of four years, and two members for a period of six years. The members of the Commission shall be subject to removal at the will of the President, and in case of any vacancy in the membership of the Commission, a successor shall be appointed to serve only for the unexpired portion of the term of the respective member. In the absence of the chairman, the Commission may designate one of its members as temporary chairman.

The National Urban Planning Commission shall be under the direct control and supervision of the President of the Philippines. The President may designate any of his technical advisers, or officials of any Executive Department to act as advisers to the Commission.

Sec. 3. Powers and duties of the Commission. - (a) The Commission shall designate land areas as urban areas and may, from time to time, amend such designation so as to enlarge or decrease the land area included in an urban area. Each urban area may include one or more barrios, "Centro de Poblacion," municipalities, and chartered cities, their environs, and such other areas as the Commission may determine to be a present or future functional part thereof. Any urban area which is composed of more than one political unit may be designated by its principal unit preceded by the word "metropolitan." Such designation by the Commission shall in no way affect existing political boundaries or jurisdictions.

(b) The Commission shall make and adopt or cause to be made or adopted:

(1) General Plans, either as a whole or in sections, from time to time, which it may from time to time amend, extend or add to, for the physical development of urban areas or any part thereof, accompanied with maps; plats, charts, and descriptive explanatory matter, showing the Commission's recommendations for the, said physical development of

urban areas including among other things, the general location, character, and extent of streets, parking spaces, viaducts, bridges, waterways, water fronts, boulevards, parkways, playgrounds, squares, parks, aviation fields, and other public ways, ground and open spaces; the general location and extent of areas suitable for residential development subsidized in whole or in part by public funds or assistance; the general location of public buildings and properties; the general location and extent of public utilities, terminals and markets, whether publicly or privately owned or operated, for water supply, power, sanitation, transportation, communication, distribution and other purposes; the acceptance, widening removal, extension, relocation, narrowing, vacating, abandonment, or change of use of any of the foregoing public ways, grounds, places, open spaces, buildings, properties, utilities, terminals, or markets;

(2) Regulations establishing in urban areas or any part thereof by district or zones the use and development of public and private lands and buildings for such purposes as industry, trade, transportation, residence public or semi-public and civic activities, parks and recreation; and for buildings including the height of, and area covered by buildings; the density of population and of occupancy; business and advertising signs, in connection with which, restrictions regarding such factors as size and projection over street lines may be adopted; proportion of the lot on which buildings may be constructed; and sizes of lots, courts, and other open spaces and the minimum distance of buildings from streets and adjoining properties; and

(3) Regulations which shall govern the subdivision of land in any urban area or part thereof. Such regulations referring to the form of development proposed may include provisions for streets; for light, air, and density of population and of occupancy; for water, drainage, and sanitary facilities; for lot sizes and shapes; for obligatory reservations of a reasonable minimum area, for schools, parks, and other public purposes, and for the extent and manner in which these facilities shall be installed as a condition precedent to the approval of a plat, all of which provisions shall, promote a sound relationship between any such proposed development and the uses of the surrounding land. The Commission shall appoint the City or District Engineer, as the case may be, having jurisdiction of the area affected by any subdivision regulations to act as the Administrative Agency to administer the same in accordance with this Order.

(c) The Commission may require all public officials to furnish to it, within a reasonable time, such available information as may be necessary and proper for its work and may arrange with such officials for such joint or special studies as may be of mutual concern. The Commission may call upon public officials for the purpose of coordinating specific plans which have been prepared by them and which affect the development of urban areas. The Commission, its members and employees, in the performance of its work, may enter any land after due notice to the owner or administrator thereof and make examinations and surveys and place and maintain necessary monuments and markers thereon. The Commission may accept and expend gifts for making special studies under this Order and may utilize such

assistance as may be made available to it by other public and private agencies.

(d) The Commission shall have power to cooperate with the National Housing Commission in the location of housing projects and the elimination of substandard housing conditions, the alleviation of blighted residential areas, and the conservation of existing high standard residential areas for the promotion of the general plan and in connection therewith to conduct such surveys and studies as are necessary.

(e) In general, the Commission shall have such powers, as may be necessary to enable it to perform its purposes and, promote urban planning.

(f) The Commission shall adopt rules for its transactions, findings and determinations, which shall be of public record.

Sec. 4. Planning Director and Staff.-The Director of Planning shall be at the same time the Executive Officer of the Commission. He shall:

(a) Have full charge and control of all technical work of the Commission as well as the proper administration of its affairs.

(b) Appoint, subject to the approval of the Commission and the Bureau of Civil Service, prescribe their duties and fix their salary or compensation, such planners, engineers, architects, landscape architects, economists, sociologists, attorneys and other technical and clerical employees as may be required and within the appropriation available therefor and may, subject to the approval by the Commission, contract, for, temporarily, without regard to the Civil Service Act, the necessary services of any Consultants.

(c) Prepare for official action by the Commission (1) General Plans as described in this Order, for the physical development of urban areas, amendments to such general plans, including all resolutions, maps, diagrams, charts and reports which may be necessary or advisable in making the same; (2) all proposed zoning regulations and requirements and amendments thereto for urban areas establishing the necessary districts or zones in connection therewith including all resolutions, maps, charts and diagrams which may be necessary or advisable in the making of such zoning regulations; (3) all proposed subdivision regulations and requirements relative to the design and improvement of subdivisions of land in urban areas including all resolutions, maps, charts, and diagrams which may be necessary or advisable in the making of such subdivision regulations.

(d) Undertake such other duties as may be necessary and proper in carrying out the policies of the Commission.

Sec. 5. Public Hearing.- Before adopting or amending any resolution, regulation or general plan, the Commission shall hold a public hearing after giving public notice of the time, place and nature thereof in the manner, that the Commission shall deem adequate.

Sec. 6. Legal Status of General Plans.- Wherever the Commission shall have adopted a General Plan, amendment, extension or addition thereto of any urban area or any part thereof, then and thenceforth no street, park or other public way, ground, place, or space; no public building or structure, including residential