

[HLURB MEMORANDUM CIRCULAR NO. 09, S. 2001, FEBRUARY 7, 2001, February 07, 2001]

AMENDED GUIDELINES ON RECEIPT, PROCESSING AND APPROVAL OF APPLICATIONS FOR CONDOMINIUM PROJECTS AND CERTIFICATE OF REGISTRATION AND LICENSE TO SELL FOR SUBDIVISION AND CONDOMINIUM PROJECTS IN THE LIGHT OF EXECUTIVE ORDER 45 SERIES OF 2001

Pursuant to the provisions of Section 8 of EO 45, the following, revised guidelines on the acceptance, processing, approval and issuance of Development Permits for Condominium Projects and Certificates of Registration and License to Sell for Subdivision and Condominium Projects are hereby promulgated for the guidance of all regional officers ;

1) For Applications for Development Permits of Condominium Projects

a) Locational Clearance from the LGU shall be dispensed with, if it is located within a High Density Residential or Commercial Zone;

b) If the project is located in other residential zones, Locational clearance shall still be necessary, but the application may be received and processed, and inspections conducted even pending receipt of the clearance issued by the local government,

c) Applications may be received, processed, evaluated and approved, even without an Environmental Compliance Certificate from the DENR, or Order of Conversion from DAR, as the case may be, provided that the Development Permit so issued shall be Conditional in character, and stipulate the following conditions:

i) 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;

ii) 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 an Order of Conversion from the DAR or Environmental Compliance Certificate, from the DENR as needed;

iii) Copy of the ECC issued by DENR or Conversion Order issued by DAR, shall be submitted to the Board before issuance of a Certificate of Registration and License to Sell by the Board; and

iv) 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 Development Permit issued by this Board;

2) For Applications for Development Permits for Subdivision Projects in Cities and Municipalities which have not assumed the devolved function, as provided for in Executive Order 71, Series of 1993 or which have indorsed the same to HLURB, paragraph (c) of the preceding number shall be applicable;

3) For Applications for Certificates of Registration and License to Sell of Subdivision and Condominium Projects:

i) Applications may be received, processed, evaluated and acted upon even pending receipt of the following permits, certifications and approvals from the following agencies, to wit:

(1) In the case of subdivisions:

(a) Development Permit from local government units;

(b) Approval of Survey Returns by the DENR Regional Office;

(c) NWRB Certificate of Public Convenience, if water system will be from a privately operated centralized water supply system; or Certificate of Coverage from local water utility or concessionaire;

(d) Certification from MERALCO or local power cooperative that project within franchise area;

(e) Environmental Compliance Certificate or Certificate of Non-Coverage from the DENR; and

(f) Order of Conversion or Certificate of Exemption from the DAR.

(2) In the case of Condominiums:

(a) Items (c) and (f) above; and

(b) Master Deed and Declaration of Restriction filed with the Register of Deeds.

ii) The applications shall be accepted subject to the condition that proof of filing of applications for these certifications, permits, or approvals from other agencies or public utilities is submitted to the Regional Office

iii) In the case of subdivision projects, Notice of Publication shall not be issued until proof of approval of the plan by the Sangguniang Bayan is received by the Board; but publication may be allowed even in the absence of a Development Permit from the Mayor

iv.) Conditional Publication may be allowed with the concurrence of the Supervising Commissioner even in the absence of such approval; however, the project shall not be considered as REGISTERED and No Certificate of Registration shall be issued even after the lapse of the ten (10) day period, and even in the absence of any opposition, until submission of said Development permit;