

**[HLURB ADMINISTRATIVE ORDER NO. 02, S.
2000, February 18, 2000]**

**RESOLUTION NO. R-655, AMENDING THE 1996 HLURB RULES OF
PROCEDURE**

1. Attached is a copy of the subject resolution, approved by the Board of Commissioners on 15 December 1999 for your reference.
2. Basically, the resolution amending the 1996 HLURB Rules of Procedure embodies, among others, the following procedural changes:
 - 2.1 Provision of rules for the disposition or resolution of contested applications for clearance, permits and licenses as well as for cases filed for the revocation thereof (the procedural flowchart of which is hereto attached);
 - 2.2 Vesting of power in the Executive Committee of the Board to resolve, among others, cases impressed with significant economic, social, environmental or national policy implications;
 - 2.3 Vesting of power in the Regional Officer to resolve contested applications not otherwise falling under the jurisdiction of the Executive Committee; and
 - 2.4 Vesting of power in the Regional Officer to approve or disapprove decisions of the Arbiter in other cases.
3. The amendatory resolution was published in Malaya on 16 February 2000 and, accordingly, shall take effect 15 days thereafter or on 02 March 2000. In accordance with Section 15 thereof, proceedings of cases pending at the effectivity of these amendments shall be governed by the Rules of Procedure as amended, except when in the opinion of the Board their application would work injustice, in which case, the former Rules shall apply.
4. The Regional Offices are hereby directed to adjust operational procedures in accordance with the Rules as amended and/or provide for smooth transition.
5. The Board Secretariat shall subsequently issue copies of the HLURB Rules of Procedure with the amendments integrated.

Please be guided accordingly.

Adopted: 18 Feb. 2000

(SGD.) ROMULO Q.M. FABUL
Chief Executive Officer

Board of Commissioners

AMENDING THE 1996 RULES OF PROCEDURE

WHEREAS, in the light of recent developments the Board finds it necessary to reexamine its existing Rules of Procedure so as to afford oppositors with the proper channel and expeditious means to ventilate their objections and oppositions to applications for permits, clearances and licenses, as well as to protect the rights of applicants against frivolous oppositions that may cause undue delay to their projects;

WHEREAS, in order to promote expeditious disposition of these cases and judicious grant of relief owing, concededly, to the economic impact of such oppositions to a project, the Board finds the need for a specialized body within the Board to take cognizance thereof;

WHEREAS, there is a need to foster closer coordination between the various offices of the Board in order to ensure cohesiveness and consistency in the implementation of the Board's mandates and policies at various levels; and

WHEREAS, pursuant to Section 2. Rule XXII of the 1996 Rules of Procedure, the Board may issue from time to time supplementary rules to govern matters not covered by the present rules or to amend provisions thereof;

WHEREFORE, BE IT RESOLVED AS IT IS HEREBY RESOLVED, that pursuant to Section 5 (c) and (j) of Executive Order No. 648, Series of 1981, as amended by Executive Order No. 90, Series of 1986, THAT the 1996 Rules of Procedure of the Housing and Land Use Regulatory Board, specifically:

1. Rule II, Parties;
2. Rule III, Commencement of Action, Summons and Answer;
3. Rule VII, Cease and Desist Order;
4. Rule VIII, Powers of the Arbiter;
5. Rule X, Procedure in Regional Offices Without Arbiters;
6. Rule XI, Decision;
7. Rule XII, Petition for Review;
8. Rule XVII, Proceedings Before the Board of Commissioners;
9. Rule XIX. Entry of Judgment; and
10. Rule XX, Execution.

BE AMENDED AS THE SAME ARE HEREBY AMENDED, as follows (*Text in ALL CAPITAL LETTERS are new or additional provisions; entirely new provisions are also indicated by "(n)" at the end thereof; text to be deleted from the existing Rules of Procedure are enclosed in brackets "[]"*):

Section 1. The following shall be appended as Section 2 of **Rule II**, Parties:

"SECTION 2. *APPLICANT AND OPPOSITOR.* — ANY PERSON, NATURAL OR JURIDICAL, OR ENTITIES AUTHORIZED BY LAW, WHO FILES AN APPLICATION BEFORE ANY REGIONAL FIELD OFFICE OF THE BOARD FOR THE ISSUANCE OF ANY LICENSE. DEVELOPMENT PERMIT AND/OR LOCATIONAL CLEARANCE OR THE AUTHORITY TO EXERCISE ANY RIGHT OR PRIVILEGE GRANTED UNDER ANY LAW, PROCLAMATION, DECREE OR EXECUTIVE ORDER ADMINISTERED, ENFORCED AND/OR IMPLEMENTED BY THE BOARD SHALL BE CALLED THE APPLICANT.

ANY PERSON, NATURAL OR JURIDICAL, OR ENTITIES AUTHORIZED BY LAW WHO CLAIMS AN ADVERSE INTEREST IN ANY APPLICATION FILED WITH THE BOARD OR IN THE SUBJECT MATTER THEREOF SHALL BE CALLED THE OPPOSITOR.” (n)

Section 2. Rule III. Commencement of Action, Summons and Answer, is hereby amended to include the following as Sections 2, 3 and 4 thereof:

“SECTION 2. *OPPOSITION TO APPLICATION FOR PERMIT/LICENSE/CLEARANCE.* — WHEN AN OPPOSITION IS FILED TO AN APPLICATION FOR A LICENSE, PERMIT OR CLEARANCE WITH THE BOARD OR ANY OF ITS REGIONAL FIELD OFFICE, THE REGIONAL OFFICER SHALL MAKE A PRELIMINARY EVALUATION AND DETERMINATION WHETHER THE CASE IS IMPRESSED WITH SIGNIFICANT ECONOMIC, SOCIAL, ENVIRONMENTAL OR NATIONAL POLICY IMPLICATIONS. IF HE/SHE DETERMINES THAT THE CASE IS SO IMPRESSED WITH SIGNIFICANT ECONOMIC, SOCIAL ENVIRONMENTAL OR NATIONAL POLICY IMPLICATIONS, SUCH AS, BUT NOT LIMITED TO:

- 1) PROJECTS OF NATIONAL SIGNIFICANCE, FOR PURPOSES OF THIS RULE, A PROJECT IS OF NATIONAL SIGNIFICANCE IF IT IS ONE OR FALLS UNDER ANY OF THOSE ENUMERATED IN RULE III, SECTION 3 OF THESE RULES AS AMENDED.
- 2) THOSE INVOLVING ZONING VARIANCES AND EXCEPTIONS;
- 3) THOSE INVOLVING SIGNIFICANT PUBLIC INTEREST OR POLICY ISSUES;
- 4) THOSE ENDORSED BY THE ZONING ADMINISTRATORS OF LOCAL GOVERNMENT UNITS; (n)

THE REGIONAL OFFICER SHALL CAUSE THE RECORDS OF THE CASE TO BE TRANSMITTED TO THE EXECUTIVE COMMITTEE WHICH SHALL ASSUME ORIGINAL JURISDICTION OVER THE CASE, OTHERWISE THE REGIONAL OFFICER SHALL ACT ON AND RESOLVE THE OPPOSITION.

SECTION 3. A PROJECT IS OF NATIONAL SIGNIFICANCE IF IT INVOLVES ANY OF THE FOLLOWING:

- a. POWER GENERATING PLANTS (E.G. COAL-FIRED THERMAL PLANTS) AND RELATED FACILITIES E.G. TRANSMISSION LINES;
- b. AIRPORT/SEAPORTS; DUMPING SITES/SANITARY LANDFILLS; RECLAMATION PROJECTS;
- c. LARGE-SCALE PIGGERY AND POULTRY PROJECTS;
- d. MINING/QUARRYING PROJECTS;
- e. NATIONAL GOVERNMENT CENTERS;
- f. GOLF COURSES;
- g. FISH PONDS AND AQUACULTURE PROJECTS;
- h. CELL SITES AND TELECOMMUNICATION FACILITIES;
- i. ECONOMIC ZONES, REGIONAL INDUSTRIAL CENTERS, REGIONAL AGRO-INDUSTRIAL CENTERS, PROVINCIAL INDUSTRIAL CENTERS;
- j. ALL OTHER INDUSTRIAL ACTIVITIES CLASSIFIED AS HIGH-INTENSITY USES (1-3 PROJECTS)

SECTION 4. ANY PARTY AGGRIEVED, BY REASON OF THE ELEVATION OR NON-ELEVATION OF ANY CONTESTED APPLICATION BY THE REGIONAL OFFICER MAY FILE A VERIFIED PETITION FOR REVIEW THEREOF WITHIN THIRTY (30) DAYS FROM RECEIPT OF THE NOTICE OF ELEVATION OR NON ELEVATION OF THE CONTESTED APPLICATION WITH THE EXECUTIVE COMMITTEE WHICH SHALL RESOLVE WHETHER IT SHALL ASSUME JURISDICTION THEREON.

THE CONTESTED APPLICATION FOR CLEARANCE, PERMIT OR LICENSE SHALL BE TREATED AS A COMPLAINT AND ALL OTHER PROVISIONS OF THESE RULES ON COMPLAINTS NOT INCONSISTENT WITH THE PRECEDING SECTION SHALL, AS FAR AS PRACTICABLE be made applicable TO OPPOSITIONS EXCEPT THAT THE DECISION OF THE BOARD EN BANC ON SUCH CONTESTED APPLICATIONS SHALL BE FINAL AND EXECUTORY AS PROVIDED IN RULE XIX, SECTION 2 OF THESE RULES AS AMENDED.

THE RULES PERTAINING TO CONTESTED APPLICATIONS FOR LICENSE, PERMIT OR CLEARANCE SHALL, BY ANALOGY, APPLY TO CASES FILED PRIMARILY FOR THE REVOCATION THEREOF.” (n)

Section 3. Section 4 of Rule VII, Cease and Desist Order, is hereby amended to read as follows:

“Section 4. *Review of Cease and Desist Order.* — The party against whom a CDO has been issued can elevate the said order to the Board for review by way of a petition for review in accordance with Rule XII of these Rules. The filing of such a petition shall not have the effect of automatically staying such CDO, unless ORDERED BY THE BOARD AND a supersedeas bond executed in favor of the enjoining party, equal to twice the amount of the original CDO bond, is also posted with the Board.”

Section 4. The title of Rule **VIII, Powers of the Arbiter**, is hereby amended to read as “RULE VIII, Powers of the Arbiter AND THE REGIONAL OFFICER.”

Section 5. Section 1 of Rule **VIII, Powers of the Arbiter**, is hereby amended to read as follows:

“Section 1. *Powers of the Housing and Land Use Arbiter.* The housing and Land Use Arbiter shall have the following powers:

- a. To hear, and decide SUBJECT TO THE APPROVAL OF THE REGIONAL OFFICER, cases cognizable by the Board, consistent with these Rules.
- b. To issue subpoena and subpoena duces tecum;
- c. To cite and or declare any person in direct or indirect contempt in accordance with Article IV, Section 5. q), 1) and 2) of Executive Order No. 648, dated 07 February 1981 as amended by Executive Order No. 90 dated 17 December 1986;
- d. TO HEAR AND RESOLVE MOTIONS; (n)
- e. To issue, WITH THE APPROVAL OF THE REGIONAL OFFICER, cease and desist order, TEMPORARY RESTRAINING ORDER, and such other