

Republic of the Philippines
 Province of Iloilo
 Municipality of Tigbauan
 oOo
 OFFICE OF THE SANGGUNIANG BAYAN

**EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE HONORABLE
 SANGGUNIANG BAYAN, TIGBAUAN, ILOILO HELD AT THE BENJAMIN MELLIZA HALL ON
 MARCH 28, 1994 A.M.**

PRESENT:

Hon. Jose P. Torrefranca, Jr.	Vice-Mayor & Presiding Officer
“ Ma. Bernadita T. Taasan	Councilor
“ Rene Ledesma	“
“ Jose Edgar Gaton	“
“ Andres Triste	“
“ Remedios Torrato	“
“ Jessie Terre	“
“ Cornelia Teruel	“
“ Dante Glarino	ABC President
“ Marlon C. Torrento	President – P.P. S.K.

ABSENT:

Hon. Agaton Tumabotabo	Councilor
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Municipal Ordinance No. 94- 003

**AN ORDINANCE PRESCRIBING GUIDELINES ON THE PROCESSING AND APPROVAL OF
 SUBDIVISION PLANS AND DEVELOPMENT.**

SPONSORED BY: Honorable Councilor Jessie G. Terre

SPONSORED BY: Hon. Councilor Rene Ledesma, Hon. Councilor Andres Triste and
 Hon. Dante Glarino

WHEREAS, pursuant to Section 447 (2) (x) of Republic Act No. 7160, otherwise known as Local Government Code of 1991 that the Sangguniang Bayan subject to national law process and approve subdivision plans for residential, commercial, or industrial purpose and other development purposes, and collect processing fees and other charges, the proceeds of which shall accrue entirely to the municipality: Provided, however, that where approval by a national agency or office is required, said approval shall not be withheld for more than thirty (30) days from receipt of the application, failure to act on the application within the period stated above shall be deemed as approved thereof;

WHEREAS, Executive Order No. 71 dated March 23, 1993 the powers/ functions of Housing Land Use and Regulatory Board (HLURB) in processing and approval of Subdivision Plans had been devolved to LGU thru the SB.;

BE IT ORDAINED, as it is hereby ordained, by the Sangguniang Bayan of Tigbauan, Iloilo that:

SECTION I. - This Ordinance shall be known and cited as “**SUBDIVISION GUIDELINES FOR PLANS AND DEVELOPMENT**”.

SECTION II.- DECLARATION OF POLICY – It is the policy of the municipal government to undertake the processing and approval of subdivision plans and development to bring about the following:

- (a) Equitable utilization of residential lands
- (b) Optimization of the use and productivity of land and urban resource
- (c) Development of rural/rural area conducive to commercial and industrial activities which can generate more economic opportunities for the people
- (d) Improve the capability of local government units in undertaking urban development and housing programs and projects

SECTION 3. - DEFINITION OF TERMS

1. **Subdivision** – is a tract of land partitioned primarily for residential, commercial, industrial, or other development purposes with or without improvements thereon and where the sub lots therein are either offered to the public for sale or disposed of via other forms of conveyance.
2. **Simple Subdivision Project** – a subdivision project usually less than one (1) hectare in area, containing less than ten (10) sub lots and covered by a simple division plan where no street or passageway is delineated in the plan. Except for the allocation of area for right – of – way, no other form of subdivision development is required of proponent.
3. **Complex Subdivision Project** – a subdivision project wherein a street passageway or open space is delineated on the subdivision plan. Basic facilities such as roads, drainage, water and electrical system are required of project proponent.
4. **Residential Subdivision Project** – a tract or parcel of land registered under Act 496 which is partitioned primarily for residential purpose into individual lots with or without improvements thereon, and offered to the public for sale in cash or installment terms.
5. **Commercial Subdivision Project** – a tract or parcel of land registered under Act 496 which is partitioned into lots for sale or lease to establishments engaged primarily in industrial production or services with or without improvement.
6. **Farm lot Subdivision Project** – is a planned community intended primarily for intensive agricultural activities and secondarily for housing.
7. **Cemetery** – a public land used for the burial of the dead and other uses indicated for the cemetery purposes.
8. **Memorial Park** – a privately owned cemetery provided with systematic supervision and maintenance and where park-like atmosphere is its outstanding quality.
9. **Socialized Housing Project** – housing project for marginal and low income families who cannot afford economic housing.
10. **Zoning** – subdivision of a community into zones or districts according to the present/potential uses of the land to maximize and direct their uses and development in accordance with physical development.
11. **P.D. 1216** – open space in residential subdivision and amends Section 31 of PD 957 requiring subdivision owners to provide roads, alleys parks and playgrounds in said subdivision project.
12. **Open Space** – are reserve exclusively for parks, playgrounds, school roads health centers and other similar facilities and activities.
13. **Republic Act No.7279** – and act to provide for comprehensive and continuing urban development and housing programs, establishes the mechanism for its implementation and for other purposes.
14. **P.D. 957** – the Subdivision and Condominium Buyer's Protective Decree – requiring the sales of subdivision lots and condominium providing penalties for violation.
15. **B.P 220** – an act authorizing the existence of Human Settlements to establish the promulgate different levels of standards and technical requirements for economic and socialized housing projects in urban and rural areas from those provided under P.D. 957, P.D. 1216, P.D. 1096, P.D. 1185.

SECTION 4 – REQUIREMENTS – an applicant for subdivision it's hereby required to present the documents enumerated hereunder:

A. SIMPLE SUBDIVISION:

1. Clearance from the barangay where subject lot is situated
2. Site development plan showing the proposed lay out and vicinity map duly signed and sealed with the licensed Architect/ Engineer
3. Certified True Copy of title (s) and tax declaration (s) (In absence, Deed of Sale, Memorandum of Agreement if the title is not registered in the name of the applicant.)
4. Special Power of Attorney, if the applicant is not the owner of the lot
5. Certification as to Zoning classification

B. COMPLEX SUBDIVISION: DEVELOPMENT APPROVAL (PRELIMINARY)

1. Clearance from the barangay where subject lot is situated.
2. Site development plan showing the proposed layout (Schematic Plan)
3. Vicinity map with a minimum of 2 km. radius from the periphery of the project showing the relationship of the proposed project to existing community facilities such as churches, schools, markets, hospitals, transportation lines, drugstores
4. Certified true copy of title (s) and tax declaration, in the absence; Deed of Sale, Memorandum of Agreement if the title is not registered in the name of the applicant
5. Certification as to zoning classification
6. Special Power of Attorney, if the applicant is not the owner of the lot
7. Topographic Plan
8. Survey Plan of Lot/ described in TCT
9. Clearance to conversion of property from agricultural land/ pasture land to residential use from DAR

C. PRELIMINARY APPROVAL AND LOCATIONAL CLEARANCE OF PROJECTS UNDER B. P. 2020

In addition to the requirements prescribed under Complex subdivision (Preliminary) the following documents are required:

1. Sworn statement as to nature, number of income level of beneficiaries.
2. Sworn statement as to maximum selling price per lot/ unit.

D. FINAL DEVELOPMENT APPROVAL

In addition to the Preliminary Approval and Locational Clearance, the following are requirements for Final Development Approval:

1. Documents duly signed and sealed by a licensed Architect/ Engineer
 - a. One (1) copy of Topographic Map of Site
 - b. Three (3) copies of site Development Plan
 - c. Three (3) copies of Load (Geometric and Structural) Design/ Plan
- i. Profile showing the vertical control designed grade, curve elements and all information needed for construction.
- ii. Typical roadway sections showing relatives dimensions and slopes of pavement, gutters, sidewalks, shoulders benching and others.
- iii. Details of roadway showing the required thickness of pavement, sub grade treatment and sub-base source on the design analysis.
- iv. Details of roadway miscellaneous structures such as curb and gutter (barrier, mountable and drop), slope protection wall and retaining wall, if any.
- d. Three (3) copies of storm drainage and sewer system.
- i. Profile showing the hydraulic gradients and properties of the main lines including structures in relation with the road grade line.
- ii. Details of drainage and miscellaneous structure such as various types and manholes, catch basin inlets (curb, gutter and drop), culverts and channel linings.

- e. Three (3) copies of water system lay out and details
- f. Three (3) copies of site grading plan

Plans with the finished contour lines super- imposed on the existing ground the limits of earth works, embankment slopes, cut slopes, surface drainage, out falls and others.

- 2. Four (4) copies of Project Study for project having an areas of one (1 hectare and above with the following financial attachment:
 - a. Audited Assets and Liabilities/ Income Statement
 - b. Income Tax Return (for last 3 years)
 - c. Certificate of Registration with SEC
 - d. Article of Incorporation of Partnership
 - e. Corporation By- Laws and all implementing Amendments
- 3. Specification, Build of Materials and Cost Estimates

E. PRELIMINARY APPROVAL AND LOCATIONS CLEARANCE FOR MEMORIAL PARKS/ CEMETERY

- 1. Clearance from the barangay where the lot is situated.
- 2. Four (4) sees of the following documents dully signed and sealed by a licensed Architect/ Engineer.
 - a. Subdivision plan showing the proposed layout
 - b. Vicinity map with in a minimum of one hundred (100 meters from the peripheral of the proposed project to existing residential structures, sources of water supply, national roads and community facilities.
- 3. Four (4) copies of survey plan of lot (s) as described in TCT (s) dully signed and sealed of a licensed Geodetic Engineer
- 4. Certified true copy of title (s) and tax Declaration (s)
- 5. Sangguniang Bayan resolution stating then necessity of the project in relation to the needs of the locality
- 6. Clearance from the Department of Health
- 7. Certification from NWRB that the proposed site is on ground where the water is not higher than 4.25 meters below the ground.

E-1. APPLICATION FOR FINAL APPROVAL OF MEMORIAL PARK/ CEMETERY

- 1. Four (4) copies of the following documents dully signed and sealed by a licensed Architect/ Engineer.
 - a. Topographic Map
 - b. Site Development Plan
 - c. Road layout and utilities plan
 - d. Water, sewage and drainage plan
 - e. Engineer drawing and details
 - f. Four (4) sets of Bill of Materials and Cost Estimates
- 2. Four (4) copies of the project study
- 3. Clearance of development permit
 - a. Department of Health Clearance
 - b. MWSS franchise/ local supplier franchise
 - c. National Water Resource Council (NWRC) clearance when underground water resource is to be capped
 - d. National Pollution Control Commission (NPCC) clearance when there is danger or pollution due to the project
 - e. Certification from the Office of the Mayor Stating the necessity of the project in relation to the needs of the locality having jurisdiction over the project.

F. DEVELOPMENT PERMIT AND/ OR BUILDING PERMIT OR PROJECT UNDER B.P. 220

1. The following documents dully signed and sealed by a licensed Architect/ Engineer
 - a. Four (4) copies of Topographic Map of Site
 - b. Four (4) copies of Site Development Plan
 - c. Four (4) copies of Roads (Geometric and Structural) Plan
 - i. Profile showing the vertical designed grade, curve elements and all information needed for constructions
 - ii. Typical roadway sections showing relative dimensions and slopes of pavement, gutters, sidewalks, shoulder, benching and others.
 - iii. Details of roadway showing the required thickness of pavement, sub-grade treatment and sub-base on the design analysis
 - iv. Details of roadway miscellaneous structures such as curb and gutters, barrier, mountable and drop slope protection and wall and retaining wall, if any.
 - d. Four (4) copies of storm drainage and sewer system
 - i. Profiles showing the hydraulic gradient and properties of the main lines including structures in relation with the road grade line
 - ii. Details of drainage and miscellaneous structures such as various types of manholes, catch basin, inlets (curb gutter and drop) curvets and channel lining
 - e. Four (4) copies of site grading plan

Plans with the finished contour lines super-imposed on the existing ground the limits of earth works, embankment slopes, cut slopes, surface drainage, outfalls and others

2. Four (4) copies of project feasibility study
3. Application for water supply system from the following:
 - a. MWSS or local waterworks and/or national water Resources if deep well will be used
4. Application for power supply system from the local franchise holder
5. Specification, Bill of Materials and Cost Estimates

HOUSING CONSTRUCTIONS

1. Three (3) sets of the following dully signed and sealed by a licensed Architect/Engineer
 - a. Housing plans including architectural drawing, sanitary, electrical, structural plans, specification and cost estimates
2. Sworn Statement to the soundness of designs and specification attested by the designing engineer

G. ALTERATION PLAN

1. One (1) copy of previously approved site development plan of the entire subdivision (schematic plan)
2. Four (4) copies of the plan showing the proposed alteration dully signed and sealed by a licensed Architect/Engineer
3. Letter stating the purpose/reason for the proposed alteration conversion
4. Sworn statement that the affected lots/units for alteration have not been sold

5. Written conformity or consent of duly organized of homeowners association or the majority of the lots/unit buyers
6. Certified of true copy of title (s) of the affected lots/units if the said lots/units have been titled

SECTION 5- There shall be collected fees and charges at the rates prescribed hereunder:

1. Application Fee (BP 220 & PD 957)			
a. Simple Subdivision	.....	P	50.00
b. Complex Subdivision w/o housing	.....		100.00
c. Complex Subdivision with housing	.....		200.00
2. Inspection Fee			
a. Simple Subdivision	.....		120.00
b. Complex Subdivision w/o housing	.....		250.00
c. Complex Subdivision with housing	.....		400.00
3. Locational Clearance			
a. Zoning Certification	.....		50.00
b. Agricultural to Residential	.....		50.00
c. Agricultural to Commercial	.....		70.00
d. Agricultural to Industrial	.....		100.00
e. Agricultural to Institutional	.....		25.00
f. Residential to Commercial/Industrial	.....		200.00
g. Residential to Institutional	.....		100.00
4. Subdivision Approval (BP 220 & PD 957)			
a. Simple Subdivision	.....		250.00
b. Complex Subdivision w/o housing	.....		500.00
c. Complex Subdivision with housing	.....		700.00
5. Final Development Permit			
a. Complex without housing BP 220			
a-1. 10 lots to 20 lots	.....		350.00
a-2. 21 lots to 30 lots	.....		500.00
a-3. 31 lots to 50 lots	.....		750.00
a-4. 51 lots or over	.....		1,000.00
b. Complex with housing BP 220	.....		1.00/sq.m.
c. Complex without housing PD 957			
c-1. 10 lots to 20 lots	.....		500.00
c-2. 21 lots to 30 lots	.....		800.00
c-3. 31 lots to 50 lots	.....		1,200.00
c-4. 51 lots or over	.....		2,500.00
d. Complex with housing	.....		1.50/sq/m.
6. Alteration Plan			
Rates same as final development permit.			
7. Commercial Subdivision			
a. Application fee	.....		250.00
b. Inspection fee	.....		500.00
c. Preliminary Approval	.....		2,500.00
d. Final Development Permit	.....		4,000.00
e. Alteration Plan Permit	.....		4,000.00
8. Industrial Subdivision			
a. Application Fee	.....		250.00
b. Inspection Fee	.....		500.00
c. Preliminary Approval	.....		2,500.00
d. Final Development Permit	.....		5,000.00
e. Alteration Plan Permit	.....		5,000.00

9. Memorial Park	.....	250.00
a. Application fee	.....	500.00
b. Inspection fee	.....	3,000.00
c. Preliminary Approval	.....	7,000.00
d. Final Development Permit	.....
10. Farm lots Subdivision		
Rates same as simple subdivision		
11. Condominium Projects		
a. Application fee	.....	300.00
b. Inspection fee	.....	500.00
c. Preliminary Approval	.....	5,000.00
d. Final Development permits	.....	8,000.00
e. Alteration Plan Permit	.....	8,000.00

SECTION 6- GENERAL PROVISIONS:

- a. The Local Chief Executive shall designate an ENFORCEMENT OFFICER who shall have the full power to monitor, investigate, and enforce complaints with the provisions of this ordinance.
- b. The Municipal Vice-Mayor shall approve all Subdivision Plans and Development to be countersigned by the Municipal Mayor.
- c. Payments of fees/charges prescribed herein shall be paid to the Municipal Treasurer, who shall issue official receipts.
- d. Developer of Subdivision (s) with Development permit (s) shall commence development within one (1) year upon issue once of such development permit.

SECTION 7- PENAL PROVISION – Violation on any provision of this ordinance shall be subject for cancellation of permit.

SECTION 8- APPLICABILITY CLAUSE – matters not covered by this ordinance; provision of Batas Pambansa (BP) 220 and PD 957 shall apply.

SECTION 9- REPALING CLAUSE – Ordinances, resolutions, or executive orders inconsistence with any provision of this ordinance hereby repelled or amended accordingly.

SECTION 10-EFFECTIVITY CLAUSE – This ordinance shall take effect upon approval.

SECTION 11- Copies of this Ordinance shall be forwarded to the Honorable Sangguniang Panlalawigan, Province of Iloilo, for review, comment, and/or recommendation.

UNANIMOUSLY APPROVED.

ENACTED March 28, 1994.

I HEREBY CERTIFY that I have quoted correctly the foregoing approved the Municipal Ordinance of the Sangguniang Bayan.

ATTESTED:

ELENA T. MONSERATE
Acting S.B. Secretary

CONURRED:

JOSE P. TORREFRANCA, JR.
Vice- Mayor & Presiding Officer

APPROVED:

CELSO T. LEDESMA
Municipal Mayor

