

4. Maiden name, in case of married women professional;
5. Professional license number, date of issue and expiration of its validity; and
6. Professional tax receipt and date of issue
7. Taxpayer's Identification Number (TIN)

If the establishment of the condominium project is physically feasible and does not run counter to the approved zoning and land use plan of the city or municipality and the plan complies with these Rules, the condominium plan shall be approved and a development permit shall be issued upon payment of the prescribed processing fee.

A development permit shall only be valid for a period of 3 years from date of issuance if no physical development is introduced.

If project has been issued a development permit, a locational clearance is deemed incorporated therein.

The owner or developer shall submit the condominium plan in accordance with the requirements of the National Building Code to the building official of the city or municipality where the property lies and the same shall be acted upon subject to the conditions and in accordance with the procedure prescribed in Section 4 of the Condominium Act (R.A. No. 4726).

RULE IV REGISTRATION AND LICENSING OF SUBDIVISION AND CONDOMINIUM PROJECTS

Section 7. Application for Registration

A. Common Requirements

The owner or the real estate dealer interested in the sale of lots or units in a subdivision project or condominium project, respectively, shall register the project with the Board by filing the following:

1. Sworn Registration Statement using either:
 - a. HLURB Form 001 for Corporation; or
 - b. HLURB Form 003 for Single Proprietorship
2. Certified True Copy of Transfer Certificate of Title (TCT) or Original Certificate Of Title (OCT) duly stamped with original marking "**CERTIFIED TRUE COPY**" by the proper Register of Deeds and bearing its seal or security marker.

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- a. When a project covers more than 20 individual titles without the required marks described above, the following shall be required:
 - a.1 Photocopy of TCTs
 - a.2 Certification from the register of deeds concerned with its seal or security mark giving the following information:
 - a.2.1 TCT or OCT numbers;
 - a.2.2 Name of all registered owner(s) and their sharing, if any;
 - a.2.3 Area covered by each title;
 - a.2.4 Number of OCT or TCT from which the title is derived;
 - a.2.5 Statement of all uncanceled liens and encumbrances, if any;
 - a.2.6 Lot and block numbers as well as PSD/PSU/PCS number, etc.
 - b. When certified copy of the TCT was issued more than one month prior to the application for Certificate of Registration (CR), affidavit of the owner that the property is free from liens and encumbrances. When the applicant is not the owner, deed from the registered owner showing clearly the authority of the applicant to the property, e.g., its development and sale of individual lots or units; to sign and receive documents; and, other relevant authority. In case the subdivision/condominium project or portion thereof is mortgaged, affidavit of undertaking to submit title; certification from the mortgagee regarding outstanding balance of loan and amortization schedule; mortgage of contract; and, affidavit of undertaking of mortgagor.
3. Duly audited balance sheet (certified copy of the original) issued and signed by the authorized official of the applicant and under the latter's authority.
 - a. When individual persons are involved and no balance sheet can be submitted, income tax returns for the preceding year duly received by BIR office and tax receipts evidencing payment.
 - b. When applicant is a new corporation, partnership, association or single proprietorship, i.e., no financial statement or income tax return has been prepared yet, sworn statement declaring:
 - b.1 Other assets or sources of funds and other resources;
 - b.2 The nature of control or ownership over such assets, funds or resources;
 - b.3 Commitment to the effect that, if necessary, the same shall be used to complete the project.
 4. Articles of Incorporation (or of Partnership or Association), amendments thereof and existing by-laws (or its equivalent) clearly indicating the authority of the applicant to engage in real estate trade particularly in the development and selling of lots or units. When an applicant deviates from the intended line

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of business stipulated in its articles of incorporation (or partnership or association), authorization from the Securities and Exchange Commission (SEC) and/or the appropriate government agency to engage in the development and selling of the subject project.

5. A copy of any circular, prospectus, brochure, advertisement, or communication used/to be used for public offering of subject project and for circulation upon approval by the Board.
6. Sample copy of Contract to Sell to be used in the public offering of lots, units or lots and units. When amendments shall be affected on the form contract submitted for notification/approval by HLURB, pro-forma affidavit signifying willingness to change project name.
7. Certified true copy of Environmental Compliance Certificate (ECC)/Certificate of Non-coverage (CNC), whichever is applicable, duly issued by the Department of Environmental and Natural Resources (DENR)
8. Zoning Certificate from HLURB Regional Office
9. Certified true copy of DAR conversion order.
10. Electrical plan and specifications duly signed and sealed by a licensed professional electrical engineer and duly approved by the local franchise holder.
11. Permit to operate a deepwell and subsequent submission of confirmed water resistivity test from the National Water Resources Board (NWRB). Water potability test results from concerned government agencies/Maynilad.

B. Additional Requirements

1. For Condominium Projects
 - a. Master Deeds with Declaration of Registration and Declaration of Restrictions evidenced by the proper annotation thereof in the title(s) of the property and the certified true copy of such title(s) from the Register of Deeds.
 - b. Building Permit
2. For Subdivision Projects:
 - a. 2 copies of verified survey returns with label for all non-saleable areas including but not limited to parks and playgrounds, community facilities and roads and easements.

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b. Copy of the following documents in case the development permit was issued by the Local Government Unit (LGU) pursuant to the 1991 Local Government Code and related issuances:

b.1 Sangguniang Resolution/Ordinance granting of development permit/subdivision development plan containing the following information:

- b.1.1 full name of the grantee or permittee and his address;
- b.1.2 complete project name and its location;
- b.1.3 date of the resolution or ordinance;
- b.1.4 project area;
- b.1.5 full listing of title(s) covering the project;
- b.1.6 legal basis of the approval (PD 957, EO 648 and other related laws);

b.2 Certified true copy of resolution conferring authority to the mayor or other local government official to issue development permit in cases where the same was not granted by the Sangguniang Pangbayan/Panlungsod.

Evidence of approval of the subdivision scheme by the local government official must be any original copy or one certified as true copy thereof by the authorized local government official, indicating clearly his full name and position and the date of approval. It must contain the same data as described above. Most important of all, it must bear an indication of Sanggunian approval such as but not limited to words like "APPROVED BY AUTHORITY OF THE SANGGUNIAN" or others of similar import, it being understood that the Sanggunian has properly issued such authority.

b.3 Proof of compliance to Sec. 18 of RA 7279 in any of the following manner:

- b.3.1 Development permit of socialized housing projects within the main subdivision.
- b.3.2 License to sell of socialized housing project offered as compliance if location of compliance is not within the main subdivision project.
- b.3.3 Joint venture agreement with LGU or other housing agencies.
- b.3.4 Certified true copy of bond issued by the LGU where the main project is located or by any of the housing agencies.

b.4 one (1) set of subdivision development plan.

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- c. Project study
- d. Copy of brochures and other forms of advertisements.

Section 8. Application for License to Sell

The owner or the real estate dealer interested in the sale of lots or units in a subdivision or condominium project shall apply with the Board for a License to Sell by submitting the following:

- A. Program of development (bar chart with S-curve, Gantt chart/PERT-CPM, etc.) signed and sealed by licensed engineer or architect indicating work activities, duration and costing
- B. Affidavit of undertaking to perform the following:
 - 1. Segregation of the individual titles for all lots or units within the project;
 - 2. Submission of proof that titles to the saleable lots or units have been issued, which proof may include a certification from concerned register of deeds indicating the lots/blocks or units or data similar to those required under the requirement for Certificate of Registration only when required by the Board;
 - 3. Submission of a Certified True Copy of title of the common areas/open space, which title shall expressly indicate the kind of common use approved therefor, on or before a definite date (to be specified by applicant subject to approval by the Board).
- C. Duly accomplished and notarized fact sheet

Section 9. Notice of Publication

Upon evaluation of the completeness and veracity of the documents submitted, this office shall cause the publication at the expense of the applicant a notice of pending application for registration and license to sell in one newspaper of general circulation in English or in Pilipino reciting therein, that an application for registration and license to sell for the sale of subdivision lots and condominium units has been filed with the board and that the aforesaid application papers, as well as, the documents attached thereto are open to inspection during business hours by interested parties. In addition, a 3 x 6 billboard notice of the project shall be posted on the project site until the issuance of the license to sell.

Upon completion of the publication, the proponent shall submit proof of publication executed by the publisher and an affidavit attesting to the posting of the billboard notice on the site.

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Section 10. Certificate of Registration

Upon finding that the project may be registered in accordance with the provisions of the decree and these rules, the Board shall cause the publication at the expense of the applicant a notice of the filing of the registration statement in 2 newspapers of general circulations, one published in English and another in Pilipino, once a week for 2 consecutive weeks, reciting that a registration statement for the sale of subdivision lots or condominium units has been filed with the Board and that the aforesaid registration statement as well as the papers attached thereto, are open to inspection during business hours by interested parties.

After 2 weeks from the completion of the publication and upon submission of the affidavit of publications, the Board shall in the absence of any impediment, issue a Certificate of Registration upon payment of the prescribed fees.

Section 11. License to Sell

No owner or dealer shall sell any subdivision lot or condominium unit in the registered project without a license to sell issued by the Board.

Upon proper application therefor, submission of the required work program, performance bond and payment of the prescribed license fee by the owner or dealer, the Board shall issue a license to sell the lot or unit in the project or portion thereof covered by the performance bond, provided that, the submitted registration statement and other pertinent documentary requirements can establish that the proposed sale of the subdivision lot or condominium unit to the public is not fraudulent.

Section 12. Performance Bond

The performance bond required under Sec. 6 of the Decree may be in any of the following forms:

- A. A surety bond amounting to 20% of the development cost of the unfinished portion of the approved plan issued by a duly accredited bonding company (whether private or government) and acceptable to the Board; or,
- B. Real estate mortgage to be executed by the applicant as mortgagor in favor of the Republic of the Philippines as mortgages, the latter as represented by and acting through the HLURB, over a property other than that subject of the application, free from any liens and encumbrance and provided, that the value of the property, computed on the basis of the zonal valuation schedule of the bureau of internal revenue, shall be at least 20% of the total development cost; or,
- C. Cash bond equivalent to 10% of the development cost of the unfinished portion of the approved plan which may be in the form of the following:
 1. Fiduciary deposit made with the cashier and/or disbursing officer of the Board;

2. A certificate of guaranty deposit issued by any bank or financing institution of good standing in favor of the board for the total development cost;
3. A letter from any bank of recognized standing certifying that so much has been set aside from the bank account of the applicant in favor of the board which amount may be withdrawn by the chief executive officer of the board or by his duly authorized representative, at any time the principal fails or refuses to comply with his duties and obligations under the bond contract;
4. Any irrevocable credit line to be utilized in the development of the project from any bank of recognized standing and a refinancing re-structuring program indicating sources of funding from duly accredited funding institutions.

For pre-existing projects any of the forms of performance bond enumerated above may be availed of.

RULE V REGISTRATION OF REAL ESTATE DEALERS, BROKERS AND SALESMEN

Section 13. Application for Registration of Brokers and Salesmen

No broker or salesman shall engage in the business of selling subdivision lots or condominium units without securing a certificate of registration by filing with the Board a registration statement in quadruplicate containing the following information:

- a. Name, age and address
- b. If a corporation, partnership, or association, its office address and branch offices and the names and addresses of its executive officers and directors.
- c. Statement that applicant is qualified to act as real estate broker or salesman pursuant to law.
- d. If applicant is a salesman, the name and address of the dealer or broker who employs him, attaching a copy of appointment.
- e. If the applicant is a broker, the names and addresses of salesmen employed by him.

Section 14. Certificate of Registration

The certificate of registration for brokers and salesmen shall expire on the first day of December of each year. Renewal of registration for the succeeding year shall be granted upon filing an application made not less than 30 or more than 60 days before the first day of the ensuing year and upon payment of the prescribed fee without the necessity of filing further statements or information, unless specified by the Board. All applications filed beyond said period shall be treated as original applications.

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