



Republic of the Philippines
Office of the President

Housing and Urban Development Coordinating Council

HOUSING AND LAND USE REGULATORY BOARD

BOARD RESOLUTION NO. 764
Series of 2004

AMENDING SECTIONS 15, 16 and 17 OF THE IMPLEMENTING RULES AND REGULATIONS (IRR) OF BATAS PAMBANSA (BP) NO. 220

WHEREAS, the HLURB Board approved the Revised IRRs for BP 220 through Res. No. 700, Series of 2001;

WHEREAS, the same IRR provided for sections on Notice of Publication, Certificate of Registration, and License to Sell;

WHEREAS, during the Post Implementation Assessment of the revised IRR conducted in 2003, inadvertent inconsistencies were noted on the said sections;

WHEREAS, there is a need to harmonize provisions in the IRR with the applicable provisions in BP 220 and PD 957 for consistency;

WHEREAS, EO 45 Series of 2001, calls for simplification of requirements and simultaneous and parallel processing of housing related permits and licenses of various agencies to fast track approval of housing projects;

WHEREFORE, be it **RESOLVED**, as it is hereby **RESOLVED**, that Sections 15, 16 and 17 of the IRR for BP 220 be amended to read as follows:

"SECTION 15. Notice of Publication

Upon evaluation of the completeness and veracity of the documents submitted, the Board shall cause the publication at the expense of the applicant, of a notice of application for Certificate of Registration in one **newspaper of general circulation, in English or in Pilipino**, reciting therein that an application for registration statement for the sale of subdivision lots and condominium units has been filed with the Board; and that the aforesaid application, as well as 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.

Failure to publish the notice of filing of registration statement within two (2) weeks from receipt of notice to publish issued by the Board, the owner/developer shall be required to re-file the application for Certificate of Registration.

SECTION 16. Certificate of Registration

After two (2) weeks from the completion of the publication **as provided for in Section 15** and upon submission of the **affidavit** of publications, **executed by the publisher**, the Board shall, in the absence of an opposition to the Registration of the project, issue a Certificate of Registration.

SECTION 17. License to Sell

No owner or developer shall sell any disposable subdivision lot or condominium unit in a registered property without a license to sell issued by the Board **within** 2 weeks from registration of such project.


Upon proper application therefore, submission of the required work program, performance bond and payment of the prescribed license fee by the owner or **developer**, 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 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.


The Performance Bond required may be in any of the following forms or a combination thereof:

- A. A surety bond callable upon demand amounting to **10%** 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 **10%** of the total development cost, or
- C. Other forms of security equivalent to 5% of the development cost of the unfinished portion of the approved plan which may be in the form of the following:
 1. Cash Bond

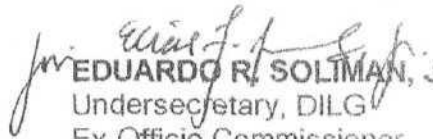
2. Fiduciary deposit made with the cashier and/or disbursing officer of the Board;
3. A certificate of guaranty deposit issued by any bank or financing institution of good standing in favor of the Board for the total development cost;
4. A letter from any bank of recognized standing certifying that so 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;
5. 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.

APPROVED this 19th day of May 2004, Quezon City.


HON. MICHAEL T. DEFENSOR
Chairman, HUDCC

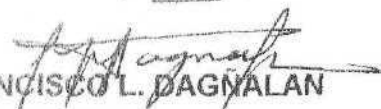

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Attested by:


CHARITO B. LANSANG
Board Secretary