

## EXECUTIVE ORDER NO. 648

### REORGANIZING THE HUMAN SETTLEMENTS REGULATORY COMMISSION

February 7, 1981

WHEREAS, it is the national policy to promote innovative land development and land use control measures as a technology for building communities;

WHEREAS, it is necessary to provide full support to the government's policies and programs on Human Settlements through effective land use and development control measures by strengthening the regulatory arm of the Ministry of Human Settlements;

WHEREAS, under Presidential Decree No. 1416, the President is empowered to undertake such organizational and related improvements as may be appropriate in the Light of Changing Circumstances and New Developments.

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers vested in me by the Constitution and the Authority vested in me by the Presidential Decree No. 1416, do hereby order and ordain:

#### ART. I. TITLE

Section. 1. *Title.* - This shall be known as the Chapter of the Human Settlements Regulatory Commission.

#### ART. II. DECLARATION OF POLICIES

Section. 2. *Declaration of Policies and Objectives.* - It is hereby declared to be the policy of the state to implement an integrated program of land use control for the entire country in accordance with the following objectives:

- a. To foster the growth and renewal of our Urban and Rural communities in an integrative manner that promotes optimum land use, adequate shelter, and environmental protection/all these/towards the development of man as a total human being.
- b. To bring about the optimum use of land as a national resource for public welfare rather than as a commodity of trade subject to price speculation and indiscriminate use.
- c. To enforce, implement, coordinate, streamline, improve and optimize land use policies and regulations on human settlements, including the implementation and enforcement of the regulatory aspect of the Urban Land Reform Program, the Subdivision and Condominium Buyer's Protective Decree, Land Value and Building Rental regulations and other related laws.

### **ART. III. DEFINITIONS**

Section 3. Definitions. - For the purpose of this Order and the rules and regulations promulgated hereunder, the terms of words used herein shall, unless the context indicates otherwise, mean or be understood to mean as follows:

- a. "Commission" means the Human Settlements Regulatory Commission.
- b. "Commission proper" refers to the Commissioners of the Commission appointed by the President and its ex-officio members provided for in section 6 of this Order.
- c. "Function" includes powers and duties.

### **ART. IV. ESTABLISHMENT, CONSTITUTION, POWERS, DUTIES**

Section 4. Creation of the Human Settlements Regulatory Commission.

- a. There is hereby established a Human Settlements Regulatory Commission, hereinafter referred to as the Commission, with powers and attributes of a quasi-judicial body which shall be attached to the Ministry of Human Settlements.

Section 5. Powers and Duties of the Commission.

- a. Promulgate zoning and other land use control standards and guidelines which shall govern land use plans and zoning ordinances of local governments; the zoning components of civil works and infrastructure projects of the national, regional and local governments; subdivision or estate development projects of both the public and private sectors; and urban renewal plans, programs and projects: provided that the zoning and other land use control standards and guidelines to be promulgated hereunder shall respect the classification of public lands for forest purposes as certified by the Ministry of Natural Resources.
- b. Review, evaluate and approve or disapprove comprehensive land use development plans and zoning ordinances of local government; and the zoning component of civil works and infrastructure projects of national, regional and local governments; subdivisions, condominiums or estate development projects including industrial estates, of both the public and private sectors and urban renewal plans, programs and projects: Provided, that the land use Development Plans and Zoning Ordinances of Local Governments herein subject to review, evaluation and approval of the commission shall respect the classification of public lands for forest purposes as certified by the Ministry of Natural Resources: Provided, further, that the classification of specific alienable and disposable lands by the Bureau of Lands shall be in accordance with the relevant zoning ordinance of Local government where it exists: and provided, finally, that in cities and municipalities where there are as yet no zoning ordinances, the Bureau of Lands may dispose of specific alienable and

disposable lands in accordance with its own classification scheme subject to the condition that the classification of these lands may be subsequently change by the local governments in accordance with their particular zoning ordinances which may be promulgated later.

- c. Issue rules and regulations to enforce the land use policies and human settlements as provided for in Presidential Decrees No. 399, 815, 933, 957, 1216, 1344, 1396, 1517, Letter of Instructions No. 713, 729, 833, 935 and other related laws regulating the use of land including the regulatory aspects of the Urban Land Reform Act and all decrees relating to regulation of the value of land and improvements, and their rental.
- d. Ensure compliance with policies, plans, standards and guidelines on human settlements promulgated in paragraph (a) of this section.
- e. Conduct public hearings relating to its functions.
- f. Act as the appellate body on decisions and actions of local and regional planning and zoning bodies and of the deputized officials of the Commission, on matters arising from the performance of these functions.
- g. Promote, encourage, coordinate and assist private enterprises and government agencies and instrumentalities in planning, developing and coordinating human settlements plans and programs by furnishing legal, technical and professional assistance.
- h. Develop and implement prototype projects supportive of its regulatory functions either by itself or as part of an inter-agency group or by contracts with such appropriate public or private entities as it may deem proper.
- i. Call on any government employee or any department, bureau, office, agency or instrumentality of the government or private entities and organizations for cooperation and assistance in the exercise of its functions.
- j. Adopt rules of procedures for the conduct of its business.
- k. Staff its organization with appropriate and qualified personnel in accordance with that is deemed proper or necessary to achieve the objectives of the Commission.
- l. Make or enter into contracts of any kind of nature to enable it to discharge its functions under this Order.
- m. Acquire, purchase, own, lease, mortgage, sell or otherwise dispose of any land, or any improvements thereon, or property of any kind, movable and immovable, exercise the right of eminent domain by expropriating the land and/or improvements thereon, which in the opinion of the Commission, are vital and necessary to develop and implement prototype projects supportive of its regulatory functions.

- n. Charge and collect fees in the performance of its functions.
- o. Impose administrative fine not exceeding Twenty-Thousand Pesos (P20,000.00) for any violation of its charter and of its rules and regulations.
- p. Issue orders after conducting the appropriate investigation for the cessation or closure of any use or activity and to issue orders to vacate or demolish any building or structure that is determines to have violated or failed to comply with any of the laws, presidential decrees, letters of instructions, executive orders and other presidential issuances and directives being implemented by it, either on its own motion or upon complaint of any interested party.
- q. Cite and declare any person, entity or enterprise in contempt of the Commission in the following case:

Whenever any person entity or enterprise commits any disorderly or disrespectful conduct before the Commission or in the presence of its members or authorized representatives actually engaged in the exercise of their official functions or during the conduct of any hearing or official inquiry by the said Commission, at the place or near the premises where such hearing or proceeding is being conducted with obstruct, distract, interfere or in any other way disturb, the performance of such functions or the conduct of such hearing or proceeding.

Whenever any person, enterprise or entity fails or refuses to comply with or obey without justifiable reason, any lawful order, decision, writ or process of the Commission.

In connection therewith, it may in cases falling within the first paragraph hereof, summarily impose a fine of an amount not exceeding P2,000.00 and order the confinement of the violator for a period that shall not exceed the duration of the hearing or proceeding or the performance of such functions, and in cases falling within the second paragraph, hereof, it may, in addition to the administrative fine abovementioned, impose a fine of P500.00 for each day that the violation or failure or refusal to comply continues, and order the confinement of the offender until the order or decision shall have been complied with; In case the offender is a partnership, corporation or association or enterprise, the above fine shall be imposed on the assets of such entity and the president, managing partner or chief executive officer shall be ordered confined.

- r. Perform such other functions and activities which are necessary for the effective accomplishment of the abovementioned functions. No injunction or restraining order shall lie against the Commission upon the ex parte motion or petition filed by any person or entity in the exercise by the Commission of its regulatory functions in support of the implementation of the Urban Land Reform Program as declared in Proclamation Nos. 1893 and 1967 and of other programs or projects as may be

declared by the president as national priority. Decisions of the Commission shall be appealable to the President of the Philippines whose decision shall be final subject only to review by the Supreme Court by certiorari or on questions of law.

Section 6. *Commission Proper.*

a. Composition

The powers of the Commission shall be vested in a nine-man commission hereinafter referred to as the Commission Proper which shall consist of the following members:

- i. The Minister of Human Settlements or in his absence the Deputy Minister, who shall act as Chairman.
- ii. Four full-time Commissioners to be appointed by the President, one as the chief executive officer, and three who shall be assigned specific functions by the Commission Proper;
- iii. The Deputy Minister of Justice;
- iv. The Deputy Director-General of the National Economic & Development Authority;
- v. The Deputy Minister of Local Government and Community Development; and
- vi. The Deputy Minister of Public Works, as members.

The four full-time Commissioners and the Deputy Minister of Justice are hereby constituted as the Executive Committee of the Commission, and said committee shall act for and in behalf of the Commission Proper subject to the ratification of the latter.

Where a Ministry has more than one Deputy Minister. The Minister shall designate which Deputy Minister shall be a member of the Commission.

The Commission Proper shall maintain its secretary who shall be a lawyer, to be appointed by the Chairman upon recommendation of the chief executive officer. He shall have the same rank, salary and privileges as the directors of the Commission.

b. Qualification and Tenure.

Three of the full-time Commissioners shall be lawyers, while the other full-time Commissioner shall have a background or experience in planning, management or architecture or related fields. These Commissioners shall at least have been engaged in the practice of their respective professions or specialization or employed in an

appropriate office for a period at least five (5) years. All the full-time Commissioners shall be appointed by the President for a term of six years each: Provided, however, that in the initial appointments, the chief executive officer shall have a term of six years, while the three others shall have terms of five years, four years and two years respectively, as fixed in their respective appointments.

c. Salary and Privileges.

The full-time Commissioners shall receive such salary and enjoy the privileges in accordance with existing laws. The ex-officio Commissioners shall be entitled to receive such honoraria and per diems as may be determined by the Commission Proper in accordance with existing laws and regulations.

Section. 7. Duties and Responsibilities of the Chief Executive Officer. - The Chief Executive Officer shall have the following duties and responsibilities.

- a. To execute and/or administer the policies and measures approved by the Commission Proper.
- b. To appoint and maintain an adequate technical, legal and administrative staff; subject to the approval of the Commission Proper after the initial organization of the Commission. The Commission Proper may delegate this appointing power to the Chief Executive Officer.
- c. To direct, manage and supervise the day-to-day operations and internal administration of the Commission in accordance with the policies laid down by the Commission Proper.
- d. To establish the internal organization of the Commission subject to the approval of the Commission Proper.
- e. To prepare the agenda for the meetings of the commission proper.
- f. To submit, for the consideration of the Commission Proper the policies and measures which he believes necessary to carry out the purposes and provisions of this order.
- g. To enter into contracts or agreements pursuant to policies or guidelines set by the Commission.
- h. To represent the Commission in all dealing with other offices, agencies, and instrumentalities of the government, persons and entities, public or private, domestic, foreign or international, unless the chairman provides otherwise;
- i. To represent the Commission, either personally or through counsel, in any legal proceedings or actions;

- j. To exercise such other duties and responsibilities as may be vested in or assigned to him by the Commission Proper.

Decisions of the Chief Executive Officer shall be appealable to the Commission Proper. The Chief Executive Officer may delegate any of his administrative responsibilities to other officials or employees of the Commission subject to the approval of the Commission Proper.

## **ART. VII. GENERAL PROVISIONS**

Section 8. *Transfer of Functions*. - The regulatory functions of the National Housing Authority pursuant to Presidential Decrees No. 957, 1216, 1344 and other related laws are hereby transferred to the Commission, together with such applicable personnel, appropriation, records, equipment and property necessary for the enforcement and implementation of such functions. Among these regulatory functions are: (1) Regulation of the real estate trade and business; (2) Registration of subdivision lots and condominium projects; (3) Issuance of license to sell subdivision lots and condominium units in the registered units; (4) Approval of performance bond and the suspension of license to sell; (5) Registration of dealers, brokers and salesman engaged in the business of selling subdivision lots or condominium units; (6) Revocation of registration of dealers, brokers and salesmen; (7) Approval or mortgage on any subdivision lot or condominium unit made by the owner of developer; (8) Granting of permits for the alteration of plans and the extension of period for completion of subdivision or condominium projects; (9) Approval of the conversion to other purposes of roads and open spaces found within the project which have been donated to the city or municipality concerned; (10) Regulation of the relationship between lessors and lessees; and (11) Hear and decide cases on unsound real estate business practices; claims involving refund filed against project owners, developers, dealers, brokers or salesmen and cases of specific performance.

Section. 9. *Income*. - Authority is hereby vested on the Commission to directly utilize income generated from fees, fines, charges and other collections in the performance of its functions to defray operating expenses and provide allowances for its personnel.

Section. 10. *Professional and Technical Personnel*. - The professional and technical personnel of the Commission shall be exempt from the wage and position classification of the Office of Compensation and Position Classification.

Section. 11. *Administrative Fines*. - The Commission may prescribe and impose fines not exceeding ten thousand pesos for violations of the provisions of this executive order or of any rule or regulations hereunder. Fines shall be payable to the Commission and enforceable through writs of execution in accordance with the provisions of the rules of court. This fines shall be in addition to such other administrative sanctions as the Commission may impose

Section. 12. *Penalties*. - Any person who shall violate any of the provisions of this executive order and/or any rule or regulation that may be issued pursuant to this decree shall, upon conviction by the appropriate court, be punished by a fine of not more than twenty thousand (P20,000.00) pesos and/or imprisonment of prison correctional: Provided, that in the

case of corporations, partnership, cooperatives or associations, the president, manager or administrator or the person who has charge of the administration of the business shall be criminally responsible for any violation of this decree and/or the rules and regulations promulgated pursuant thereto.

Section. 13. *Repealing Clause*. - The provisions of Presidential Decree No. 933, P.D. No. 757 and P.D. No. 957 and all other laws, Presidential Decrees, Letter of Implementation and Executive Order inconsistent herewith are hereby repealed or modified accordingly.

Section. 14. *Separability Clause*. - In case this Order or any part thereof is found to be unconstitutional or invalid for any reason the remainder thereof not affected by declaration of invalidity shall remain in force and in effect.

Section. 15. *Effectivity*. - This Executive Order shall take effect immediately.

Done in the City of Manila, this 7th day of February, in the year of Our Lord, nineteen hundred and eighty one.

(SGD) **FERDINAND E. MARCOS**  
President of the Philippines

BY THE PRESIDENT:

(SGD) **JUAN C. TUVERA**  
Presidential Executive Assistant