



HLURB MEMORANDUM CIRCULAR NO. 08

Series of 2014

Date: 12 August 2014

TO : ALL CONCERNED

**FROM : The Chief Executive Officer
and Commissioner**

**SUBJECT : EXECUTIVE COMMITTEE RESOLUTION NO. 002,
S. 2014, CLARIFYING CERTAIN AMBIGUITIES IN
THE APPLICABILITY OF BOARD RESOLUTION
NO. 885, S. OF 2012, DECLARING A
MORATORIUM ON THE ISSUANCE OF
DEVELOPMENT PERMIT/S AND OR LICENSE/S
TO SELL FOR PROJECTS WITHIN ANCESTRAL
LANDS AND/OR ANCESTRAL DOMAIN**

Quoted hereunder is the subject resolution, approved by the Executive Committee on 14 July 2014:

WHEREAS, on August 16, 2011, the National Committee on Cultural Communities of the House of Representatives conducted an inquiry, in aid of legislation, on the implementation of Chapter III Sections 5 and 8(A) of the Indigenous Peoples Rights Act of 1997, concerning the conversion of ancestral lands in Barangay Irisan, Baguio City, into subdivisions, which will eventually be sold to non-members of indigenous communities, pursuant to House Resolution 1054, as amended, and, in order to avert dubious application of the IPRA Law and until such time that the conflicting provisions of RA 8371 are clarified, the same Committee had moved to enjoin all national and local government units to, among other things, suspend issuance of permits and licenses to development projects within ancestral lands;

WHEREAS, on 06 February 2012, the HLURB Board issued Resolution No. 885, S. of 2012, declaring a moratorium on the issuance of Development Permit/s (DP) and/or License/s to Sell (LS) for development projects within ancestral lands and/or ancestral domain, until such time that the identified concerns particularly on the transfer and disposition of lands are clarified and settled by the proper authorities;

WHEREAS, following the issuance of Board Resolution No. 885, S. 2012, certain issues were raised on its applicability, particularly on whether the moratorium applies to a DP and/or LS that have already been issued;

WHEREAS, relative thereto, the general rule is that "laws shall not have retroactive effect unless the contrary is provided," its rationale being that the retroactive application of a law would usually divest rights that have already become vested or would thus impair the obligations of contract; hence, such retroactivity would be deemed unconstitutional (Supreme Court in LBP vs Arlene De Leon and Bernardo De Leon G.R. No. 143275 March 20, 2003, citing Francisco v. Certeza, 3 SCRA 565 [1961]);

WHEREFORE, BE IT RESOLVED, as IT IS HEREBY RESOLVED, CLARIFYING that HLURB Board Resolution No. 885, S. of 2012, declaring a moratorium on the issuance of Development Permit/s and/or License/s to Sell for development projects within ancestral lands and/or ancestral domain, shall be applied prospectively, and **DECLARING** that, all Development Permits and/or Licenses to Sell issued before February 6, 2012, the date of the adoption of said Resolution, are not covered by the moratorium.

BE IT RESOLVED FURTHER, that Development Permit/s and/or License/s to Sell that may have been suspended by reason of such issuance, are hereby deemed **LIFTED** subject to pertinent HLURB rules and regulations.

APPROVED this 14th day of July 2014, at Quezon City.

Please be guided accordingly.



ANTONIO M. BERNARDO
Chief Executive Officer
And Commissioner