



**HLURB MEMORANDUM CIRCULAR No. 15**

Series of 2017 ( AUGUST 7, 2017)

TO : **ALL CONCERNED**

FROM : **THE COMMISSIONER AND CHIEF EXECUTIVE OFFICER**

SUBJECT : **LEGALITY OF ZONING ORDINANCE IN THE LIGHT OF SECTION 59 (c) OF REPUBLIC ACT 7160**

For guidance relative to the issue whether or not a zoning ordinance that has not been published can be considered legal and effective as required under Section 59 (c) of RA 7160, the Local Government Code of 1991 which provides that:

***"Section 59. Effectivity of Ordinances and Resolutions-***

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*(c) The gist of all ordinances with penal sanctions shall be published in a newspaper of general circulation within the province where the local legislative body concerned belongs. In the absence of any newspaper of general circulation within the province, posting of such ordinances shall be made in all municipalities and cities of the province where the sanggunian of origin is situated."*

Since Zoning Ordinances usually carry with it penal provisions, Section 511 of the Local Government Code also applies:

***"Section 511. Posting and Publications of Ordinances with Penal Sanctions***

- (a) Ordinances with penal sanctions shall be posted at prominent places in the provincial capitol, city and municipal or barangay hall as the case maybe for a minimum period of three (3) consecutive weeks. Such ordinances shall be published in a newspaper of general circulation, where available, within the territorial jurisdiction of the local government unit concerned, except in the case of barangay ordinances shall take

effect on the day following its publication, or at the end of the period of posting, whichever occurs later”

The intent of such posting and publication is in order to “**notify the public before they can be bound by said ordinances... (as) part of due process...**” (Justice Jose N. Nollado. Annotation to Section 59 of the LGC, First Edition).

The publication requirement, as part of the legitimization process of the zoning ordinance, was not presented or discussed in the CLUP Review and Approval Process. Thus, referring to the above rationale and bases, all Regional Offices must ensure, during technical assistance, discuss and remind cities and municipalities to comply with Section 59 of the Local Government Code particularly after the approval or ratification of the LGUs’ respective Comprehensive Land Use Plan/s and Zoning Ordinance/s by their concerned Sangguniang Panlalawigan or the HLURB.

For compliance.



**ATTY. LLOYD CHRISTOPHER A. LAO**