

MALACAÑANG
MANILA

EXECUTIVE ORDER NO. 45

**PRESCRIBING TIME PERIODS FOR ISSUANCE
OF HOUSING RELATED CERTIFICATIONS, CLEARANCES
AND PERMITS, AND IMPOSING SANCTIONS FOR
FAILURE TO OBSERVE THE SAME**

WHEREAS, in response to the urgent housing needs of the Filipino people, the government has committed to undertake a housing program to provide decent housing and basic services to underprivileged and homeless citizens, spur the housing industry, and create jobs;

WHEREAS, housing is one of the major programs of the government, consistent with the mandate of Section 9, Article XIII of the Constitution and Republic Act 7279, otherwise known as the Urban Development and Housing Act of 1992;

WHEREAS, in order to address urgent housing needs of the Filipino people and achieve the target of the government housing program, it is imperative to strengthen the partnership between the government and the private sector and fast-track the approval and implementation of housing projects;

WHEREAS, the Housing and Urban Development Coordinating Council; The Department of Agrarian Reform, the Department of Environment and Natural Resources, and the Department of Agriculture have jointly proposed guidelines to fast-track the approval and implementation of housing projects and have certified to the feasibility of the same;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Philippine by virtue of the powers vested in my be law, do hereby order:

SECTION 1. *Guidelines to Fast-track Housing Projects.* – The guidelines below shall be observed in order to fast-track the approval and implementation of housing projects.

SECTION 2. *Simultaneous Processing of Applications.* – Where feasible, applications for housing-related certifications, clearances or permits may be filled simultaneously with the local government unit concerned and each of the agencies listed in Section 6 hereof.

Thus, notwithstanding the provisions of Administrative Orders, rules, regulations and issuances of Department Secretaries to the contrary, the local government unit concerned and each and each of the agencies listed in Section 6 hereof shall, where feasible, accept and process such applications without requiring the submission of any housing-related certifications, clearance or permit from another agency.

SECTION 3. *Regional One-Stop Offices and Designation of Responsible Officers.* – The Secretaries of the Department of Agrarian Reform, The Department of Environment and Natural Resources, and the Department of Agriculture are hereby directed to create their respective Regional One-Stop Housing Permit Offices (ROSHPO's) and to designate responsible officers and, to the extent allowed by law, delegate to them sufficient authority to accept, process and dispose of applications for housing-related certification, clearance or permit.

SECTION 4. *Processing of Applications :*

- (a) Where the documentary requirements are complete, an agency shall accept the application for housing related certification, clearance or permit and shall promptly proceed to process the same. However, where the documentary requirements are incompetence, an agency may refuse to accept the application; *Provided*, the said agency shall issue a written notice to the applicant indicating the documentary requirements which are lacking;
- (b) Upon a determination that the application is meritorious, the agency shall promptly issue the certification, clearance or permit. However, upon a determination that the application is not meritorious, the agency shall promptly issue a written decision or order denying the application clearly stating all the grounds therefore.

(c) Within the time periods stated in Section 6 hereof, the responsible officers of the agencies concerned shall dispose of the application by:

(i) issuing the certification, clearance or permit requested;
or

(ii) issuing a written decision, or order denying the application.

Where an application is opposed the agency shall promptly determine whether said opposition is based on valid grounds and, in the affirmative, proceed to resolve the dispute with notice to the applicant and dispose of the application; *Provided*, that the period for resolving the dispute shall not be counted against the agency.

SECTION 5. *Affidavit In Lieu of Certification, Clearance or Permit.* – Where the responsible officer of the agencies concerned fails or refuses to dispose of the application with the period prescribed herein, the applicant may, unless expressly prohibited by law, submit an affidavit, with supporting technical studies and documents by competent individuals, in lieu of the certification, clearance or permit.

SECTION 6. *Time Periods.* – The local government unit concerned and each of the officers and agencies listed below shall dispose of an application for housing-related certification, clearance or permit within the periods prescribed below:

a. Housing and Land Use Regulatory Board (HLURB)

- The HLURB Regional Director or the local zoning officer where appropriate, for application for Certificate of Site zoning Classification of the land subject of the application. Ten (10) days from receipt of complete application.
- The HLURB Regional Director for application for Certificate of Registration and License to Sell (LTS): Ten (1)) days from receipt of complete application and compliance with the publication requirement.

b. Department of Agrarian Reform

- The DAR Secretary or Regional Director for applications for Conversion Order or Exemption Order under Department of Justice Opinion No. 44, series of 1990: Thirty (30) days from receipt of complete application, including the DA Certificate of Eligibility for Reclassification of Agricultural Land and the HLURB Certification of Site Zoning Classification of the land subject of the application.

(1)Municipal Agrarian Reform

- The MARO for applications for MARO Certification: Ten (10) days from receipt of complete application.

(2)Center on Land Use Planning and Policy (CLUPP I) or Regional CLUPP1

- The CLUPP1 or the Regional CLUPP1, where appropriate. Thirty (30) days from receipt of complete application.

c. Department of Environment and Natural Resources (DENR)

- The DENR Secretary or Regional Director for applications for Environmental Compliance Certificate (ECC): Forty five (45) days from receipt of complete application.
- The DENR Secretary or Regional Director for applications for National Integrated Protected Area System (NIPAS) Certification stating whether the project area is within or outside the NIPAS: Fifteen (15) days from receipt of complete application.
- The DENR Assistant Regional Executive Director for Operations for applications for verification and approval of Survey Returns: Thirty (3)) days from receipt of complete applications.

(1)Mines and Geosciences Bureau (MGB)

- The MGB Director for applications for approval of Engineering Geological and Geohazard Assessment Report (EGGAR): Ten (10) days from receipt of EGGAR.

(2) Laguna Lake Development Authority (LLDA)

- The LLDA Administrator for applications for issuance of LLDA Certification stating whether the project is within or outside the LLDA area: Fifteen (15) days from receipt of complete application

d. Department of Agriculture (DA)

- The DA Secretary or Regional Director for applications for Certification of Eligibility for Reclassification for Agricultural Land stating, among others, that the project area is not covered by Strategic Agricultural and Fisheries Development Zone (SAFDZ) and/or Network of Protected Areas for Agricultural and Agro-Industrial Development (NPAAAD): Thirty (30) days from receipt of complete application, including Clearance Certifications from NIA and PCA or SRA, where required.

(1) National Irrigation Authority (NIA)

- The NIA Regional Manager for applications for Irrigation Clearance Certification: Fifteen (15) days from the receipt of complete application.

(2) Philippine Coconut Authority (PCA)

- The PCA Administrator for application PCA Clearance Certification: Fifteen (15) days from receipt of complete application.

(3) Sugar Regulatory Administration (SRA)

- The SRA Administrator for applications for SRA Clearance Certification: Fifteen (15) days from receipt of complete application.

e. Local Government Units

- Thirty (30) days from receipt of complete application to issue Development Permits

SECTION 7. *Sanctions.* – In case the responsible officers of the agencies concerned fail or refuse to dispose of the application within the periods prescribed above, said officers shall, in accordance with civil service laws, rules and regulations including Civil Service Commission Resolution No. 99-1936, be liable for administrative sanctions as may be provided in implementing rules and regulations of this Executive Order.

SECTION 8. *Implementing Rules and Regulations.* – Within thirty (30) days from issuance of this Executive Order, the Chairman of Housing and Urban Development Coordinating Council and the Secretaries of the Department of Agrarian Reform, the Department of Environment and Natural Resources, and the Department of Agriculture shall issue the rules and regulations for the effective implementation of this Executive order and the fast-tracking of the approval and implementation of housing project.

SECTION 9. *Pending Applications.* – Within thirty (30) days from issuance of this Executive Order, the Department of Agrarian Reform, the Department of Environment and Natural Resources, and the Department of Agriculture shall complete the inventory of pending applications for housing related certifications, clearances or permits and submit a plan for the prompt disposition of the same in the light of the objectives of this Executive Order.

SECTION 10. *Proposed Legislation.* – Within thirty (3) days from issuance of this Executive Order, said agencies shall submit to the President a draft bill for legislative measures to fast-track housing projects.

SECTION 11. *Repealing Clause.* – All executive order, rules and regulations inconsistent with any provision of this Executive Order shall be deemed revoked, amended or modified accordingly.

SECTION 12. *Effectivity.* – This Executive Order shall take effect immediately.

City of Manila, October 24, 2001.

(Sgd). **GLORIA MACAPAGAL-ARROYO**

By the President:

ALBERTO G. ROMULO
Executive Secretary