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ABSTRACT

LEGISLATION FOR PLANNING: A PLANNING ACT  
FOR THE REPUBLIC OF THE PHILIPPINES

by Joseph Mendoza Alabanza

The Planning Act:

for National Planning

Creates a central physical planning unit in the national government known as National Planning Office; organized as a staff agency to the President of the Philippines.

Designates a Director of National Planning to head the office, appointed by the President and who serves at his pleasure. Under the general supervision of the President, requires him to perform functions provided for.

Authorizes the Director of National Planning to appoint a career planning staff known as National Planning Staff to assist him carry out functions of the National Planning Office.

Constitutes an advisory National Planning Council administratively attached to the National Planning Office for purposes of assisting and advising the Director of National Planning. The President appoints the members of the council from among private citizens and public officials.



Authorizes the Director of National Planning, National Planning Staff, National Planning Council to: prepare a National Development Plan, conduct national surveys and studies, prepare a national capital improvement program, coordinate national physical development programs and regional and local plans, provide planning assistance, and promote citizen participation.

Provides purposes, scope, procedures for the preparation, adoption and amendment, and legal effect, of the National Development Plan.

for Regional Planning

Directs the National Planning Council and the Director of National Planning to designate Regional Planning Areas and allows the President to declare the activation of the planning function.

Provides the establishment of a Regional Planning Office in a Regional Planning Area.

Designates a career Regional Planning Officer to head the Regional Planning Office, and appointed by the Director of National Planning. Under the general supervision of the Director of National Planning, requires him to perform functions provided for.

Authorizes the Director of National Planning to appoint a career Regional Planning Staff to assist the Regional Planning Officer carry out functions provided for.

Constitutes an advisory Regional Planning Board for purposes of assisting and advising the Regional Planning Officer.

The President appoints the members from among private citizens, public officials and elective officials.

Authorizes the Regional Planning Officer, Regional Planning Staff and Regional Planning Board to: prepare Regional studies and surveys, coordinate regional physical development programs and local plans, provide local planning assistance, review local plans, implementing programs and regulations.

Provides purposes, scope, procedures for the preparation, adoption and amendment, and legal effect of the Regional Development Plan.

for Local Planning

Designates all cities and provincial capitals as Local Planning Areas and authorizes the Regional Planning Officer or the Director of National Planning to declare other appropriate municipalities as Local Planning Areas.

Requires the establishment by ordinance of a Local Planning Office and a Local Planning Board in a Local Planning Area. Prescribes the Local Planning Office as a staff agency to the local chief executive.

Designates a career Local Planning Officer to head the Local Planning Office, appointed by the local chief executive. Under the general supervision of the local chief executive, requires him to perform functions provided for.

Authorizes the local chief executive to appoint a career Local Planning Staff to assist the Local Planning Officer carry out functions provided for.

Constitutes an advisory Local Planning Board for purposes of assisting and advising the Local Planning Officer. The local chief executive appoints the members from among private citizens and public officials. One member is appointed from the legislative body by that body.

Authorizes the Local Planning Officer, Local Planning Staff and Local Planning Board to: prepare a local Comprehensive Plan, make local studies and surveys, prepare a local capital improvement program, recommend and prepare specific programs and regulations for the implementation of the Comprehensive Plan and administer them if delegated, coordinate local planning programs and develop citizen support.

Authorizes local authorities to adopt, by ordinance, zoning regulations, subdivision regulations, mapped improvement regulations and other specific plans or programs, regulatory controls and legislations.

Requires the creation of a Board of Adjustment in connection with land use controls.

Provides general and supplemental provisions.

LEGISLATION FOR PLANNING: A PLANNING ACT  
FOR THE REPUBLIC OF THE PHILIPPINES

by

Joseph Mendoza Alabanza

A THESIS

Submitted to  
Michigan State University  
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School of Urban Planning and Landscape Architecture

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To my wife, NELLY--

Whose faith and encouragement have inspired me.

To my children, LEONARD, MARY ANN and DENNIS--

Whose expectations have motivated me.

To my FATHER and MOTHER--

Whose exemplary lives have guided me.

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## CHAPTER I

### PRELIMINARY

#### Article 1.1 TITLE OF ACT

This Act shall be known and cited as the  
"Planning Act of 19\_\_."

#### Article 1.2 LEGISLATIVE FINDINGS AND INTENT

The Philippine Congress finds and declares:

1) That the present regulations dealing with physical planning in the Philippines are found in several administrative decrees and mentioned only once in a public law. They are: Executive Order No. 98, series of 1946; Executive Order No. 367, series of 1950; Administrative Order No. 31, series of 1962; and Republic Act No. 2264.

2) That there has been no real coordinated planning and direction of action for physical development at the different levels of government, be it on the national, regional or local level.

3) That most of the towns and cities in the Philippines are often left to their own devices

thus resulting in haphazard growth without benefit of sound planning.

4) That many of the difficulties encountered in achieving effective planning in the Philippines stem from the multiplicity of governmental agencies and the lack of adequate governmental machinery to integrate and coordinate their planning functions.

5) That there is no legal authority either by legislation or administrative decree to undertake national development plans and regional development plans, and the coordination of these plans at the national level.

6) That there is a critical need to provide local governments with adequate powers for planning so that public policies could be established and implemented by them wherever possible.

7) That there is a need for the organization of the planning function at various levels of government and to the types of legislation required to establish such organizational structures and functions, so planning functions operate effectively and harmoniously at different levels of government.

8) That there is a need for stimulating, assisting and coordinating local and regional planning activities as an integral part of national development planning to insure a permanent and continuing interaction between and among various governmental activities.

9) That there is a need to provide for the preparation and adoption of national and regional development plans and guidelines, and making such plans binding on the next lower level of planning agency but allowing considerable autonomy for local agencies within the planning framework.

10) That there is a need to provide powers to national and regional planning authorities in designating priorities for planning in regional and local areas, including the ability to specify varying periods for plan preparation and adoption in accordance with priorities.

11) That there is a need to provide national or regional authority to assume local planning powers in areas where priority is high and where local government is unwilling or unable to exercise its own powers.

12) That there is a need to undertake the task of achieving fuller coordination of the planning

and development activities of operating departments of the national government.

13) That physical planning must be directed towards the preservation and extension of public health, safety, morals, order, convenience, prosperity, efficiency, economic and social values, and general welfare.

14) It is therefore desirable to create a law which will incorporate the powers within Republic Act No. 2264 and Executive Orders into a unified approach to planning for all areas within the territorial jurisdiction of the Republic of the Philippines.

### Article 1.3 DEFINITIONS

For the purpose of this Act certain terms are defined as provided in this article. Words used in the present tense include the future tense; and the singular includes the plural, unless the context clearly indicates otherwise. The term "shall" is always mandatory and not discretionary; the word "may" is permissive. Any word or term not interpreted or defined by this article shall be used with a meaning of common or standard utilization.

Administrative official--means any department, official or employee authorized or delegated to administer any provision of the Zoning Regulations,

Subdivision Regulations, Mapped Improvement Regulations or any other planning implementation regulations.

Agency--refers to any instrumentality, corporation, bureau or office of the national or local government, which has direct or indirect relation with the functions of a planning office.

Agriculture--means the use of land exclusively or mainly for agriculture, whether as arable, pasture, ranching, grazing, orchard or seed growing or for fish farming, forestry or for the breeding and keeping of livestock, and includes buildings necessary thereof and uses ancillary thereto. "Agricultural" shall be construed accordingly.

Amendment--includes revision, addition or extension.

Board--means the Regional or Local Planning Board, as constituted under this Act.

Citizen Member--means any member of a planning board or planning council who is not an elected or appointed official or employee of the national or local government.

Chief Executive--means the chief elected or appointed official of a city, municipality or province; usually the mayor of a city or municipality or the governor of a province.

Commerce--means carrying on any trade, business or profession, sale or exchange of goods or service of

any type whatsoever, with a view to make a profit.

"Commercial" shall be construed accordingly.

Conservation--means the use of land for; protecting watersheds and water supplies; preserving scenic areas and built-up areas in good condition; conserving native or peculiar plants, fish and wildlife; preventing floods and soil erosion; forest preserves; parkland, wilderness and beach reserves; and other related activities.

Council--means the National Planning Council, as constituted under this Act.

Development--means the performance of any building or rebuilding or other works or operations on or under land, or the making of any material changes in the use of land or buildings, and includes subdivision of any land.

Governor--means the chief elected official of a province.

Industry--means the manufacturing, assembling or fabricating process of semifinished or finished product from raw material, as well as previously prepared material. "Industrial" shall be construed accordingly.

Joint Local Planning Area--means a planning area consisting of more than one city or municipality, as constituted under this Act.

Legislative Body--means the chief body of a municipality, city or province with legislative power,



whether it is the city council or Board, the municipal council or board, or the provincial board.

Local Authority--means a municipal, city or provincial legislative and executive body established by law.

Local Governments--means subordinate political and administrative subdivisions of the national government, referring particularly to provinces, chartered cities or municipalities as constituted by law.

Mayor--means the chief elected official of a city or municipality.

Metropolitan Area--means or refers to an area consisting of an intensively built-up urban center or centers with at least 50,000 inhabitants, including adjoining territory which are closely integrated with the major urban center or centers by virtue of intensive social and economic interaction, as constituted by this Act.

Office--means the National, Regional or Local Planning Office, as constituted under this Act.

Planning Area--means any municipality, city, region, or any combination of cities or municipalities engaged or given the authority to engage in planning operations, and as constituted under this Act.

Planning Function--means the operations for the administrative organization, and formulation and implementation of plans for the physical development and social and economic well-being of a planning area.

Plat--means the map of a subdivision.

President--means the President of the Republic of the Philippines.

Public Purpose--means any use of land or building whether publicly or privately owned, which use relates to a purpose intimately related to, if not identified with, the general welfare and benefit of the public.

Public Works--means any construction or development of physical facilities for public use, financed from public funds and within the jurisdiction of any governmental structure or unit.

Subdivision--means the division of any holding of land into two or more parts whether the subdivision is effected for purposes of immediate or future conveyance, transfer, partition, sale, gift, lease, mortgage or any other purpose. The term includes re-subdivision and when appropriate to the context, shall relate to the process of subdivision or to the land subdivided.

Use--means the principal purpose for which a parcel of land or the main building thereon is designed, arranged, or intended and for which it is or may be used, occupied or maintained.

## CHAPTER II

### NATIONAL PLANNING

#### Article 2.1 NATIONAL PLANNING OFFICE

Section 2.1,1 Creation.--There is hereby created a governmental agency to be known as the National Planning Office constituted and appointed for the purpose of carrying out the functions assigned to it under this Act. The National Planning Office shall execute the powers herein vested and conferred upon it in such manner as will aid, to the fullest extent possible, in carrying out the aims, purposes, powers and functions set forth in this Act.

Section 2.1,2 Designation.--The National Planning Office shall be a central planning unit to function as a staff agency to the President of the Republic of the Philippines on planning matters, and to serve as the technical staff of the National Planning Council.

Section 2.1,3 Composition.--The National Planning Office shall consist of:

- 1) a Director of National Planning
- 2) a National Planning Staff

The organization and functions of the Director of National Planning and the National Planning Staff shall be as set forth in this Act.

Section 2.1.4 Purposes.--It shall be the purpose of the National Planning Office to prepare, recommend and keep up-to-date a balanced, orderly, integrated and comprehensive nationwide planning program for the development and effective employment of the physical, human and other resources of the country in order to promote the health, safety, morals and general welfare of the people. Such overall development shall provide the framework for the effectuation of the national planning programs by the departments, agencies and instrumentalities of government concerned with national development. The National Planning Office shall also provide a method of organization and administrative procedures for the formation and proper functioning of national, regional and local planning agencies and to coordinate national projects and improvements, with regional and local plans to the end that the physical, social and economic development of the country will proceed in an orderly fashion.

Section 2.1.5 Functions.--The National Planning Office shall perform all duties, exercise all powers, assume and discharge all responsibilities and carry out and effect all functions vested by this Act, which shall include among others the following:

1) Provide the President with readily available assistance in developing and shaping a balanced, coordinated set of policies and programs affecting the physical development of the country.

2) Prepare, maintain and from time to time revise, amend, extend or add to a nationwide plan or plans for the development of the country, which plan or plans collectively shall be known as the National Physical Development Plan, hereafter referred to as the National Development Plan.

3) Make surveys, studies, researches and investigations of agricultural, industrial, commercial, recreational, physical and human resources, and other resources which affect the development activities of the country, including updating from time to time the inventories of the said resources.

4) Seek the cooperation and advice of appropriate departments, agencies, institutions and organizations in the preparation of the National Development Plan.

5) Coordinate nationwide public works planning by requiring departments and agencies with public works and development planning program responsibilities to submit these to the National Planning

Office for review on their relationships to the National Development Plan.

6) Establish close working relationship with governmental departments, both from the standpoint of collating national physical development plans, and coordinating these plans at the national, regional and local levels.

7) Review in close cooperation with the Budget Commission and the Department of Finance, the capital improvements program of all national departments and agencies and assist in preparing a coordinated annual capital budget and a longer range, five-year capital and public works program.

8) Prepare special planning studies at the request of other national departments and agencies, within the limitations and practicalities of budget and professional personnel.

9) Provide, for a fee, planning advice and assistance to departments and other agencies of the national government as well as regional, local or private planning agencies in the execution of their planning functions with the objective of coordinating their planning activities.

10) Cooperate with the Philippine Congress by providing information, reports and studies

regarding planning, and programs for public improvement, including proposals for legislation for the augmentation of national plans.

11) Function as a planning information headquarters in order to serve as a clearing house of experience, research and information for all levels of planning.

12) Foster public awareness and understanding of planning objectives, and of the functioning of national, regional and local planning in order to stimulate public interest and participation in the planning process through dissemination of information on planning objectives, activities and accomplishments.

## Article 2.2 DIRECTOR OF NATIONAL PLANNING

Section 2.2.1 Creation.--The National Planning Office shall have a chief executive to be known as the Director of National Planning.

Section 2.2.2 Appointment.--The Director of National Planning shall be appointed by the President, with the approval of the Commission on Appointments.

Section 2.2.3 Designation.--The Director of National Planning shall be the chief administrative officer and head of the National Planning Office and function under the direct control and supervision of the President.

The Director of National Planning shall be an ex-officio



member, secretary, and technical adviser of the National Planning Council.

Section 2.2.4 Tenure.--The Director of National Planning shall serve and hold office at the pleasure of the President or until the appointment and qualification of the director's successor.

Section 2.2.5 Qualifications.--The Director of National Planning shall be a person qualified by special training, experience, and demonstrated ability in the field of planning.

Section 2.2.6 Compensation.--The Director of National Planning shall receive such salary as provided by law.

Section 2.2.7 Functions.--The Director of National Planning, subject to the supervision and control of the President, shall perform all duties, exercise all powers, assume and discharge all responsibilities and carry out and effect all functions vested by this Act, which shall include among others the following:

- 1) Assume principal responsibility for overall organization and management of the National Planning Office and the national planning program.

- 2) Appoint, subject to the approval of the President and the Commissioner of Civil Service and available budgetary funds, such number of

officers and employees as may be necessary for the efficient performance of the national planning function and fix their salaries in accordance with Civil Service Rules and Regulations.

3) Supervise and coordinate, either directly or through his designated representative, the work of the technical staff and supporting administrative services.

4) Represent the National Planning Office at official meetings, public hearings, meetings with civic groups and technical or professional conferences.

5) Direct and administer the preparation, maintenance, regular review and revision of the National Development Plan or any major parts thereof.

6) Review and approve regional development plans or major parts thereof and incorporate such plans into the National Development Plan.

7) Submit the National Development Plan or major parts thereof to the National Planning Council for review, evaluation and recommendation prior to its submission to the President.

8) Submit the National Development Plan, after review by the National Planning Council to the President for approval and subsequent adoption by the Cabinet.

9) Have access or designate personnel to have access to information, reports, data and references to records in the possession of national or local governmental agencies, needed in the preparation and up-dating of the National Development Plan.

10) Review and evaluate planning programs, capital improvements and public works of national departments and agencies to determine if such plans and programs are in accordance with the National Development Plan and to coordinate such improvements with the National Development Plan.

11) Recommend to the National Planning Council a plan for dividing the whole country into logical planning regions with their corresponding boundaries.

12) Set up a criteria or standard for use as a guide in the determination of priorities for the activation of the planning function in the different planning regions.

13) Contract within budget limitations, for professional or consultant services in connection with the national planning function, and review the works performed.

14) Accept grants, gifts, funds and service for the exercise of his powers and duties, from departments, agencies, and instrumentalities, whether public or private, and may under the provisions of such grants or gifts allocate funds to other planning agencies, including the adoption of rules and regulations relating to such expenditures.

15) Order the preparation of local development plans and direct the assumption of local planning powers by the National Planning Staff, or Regional Planning Offices in areas where priority for planning is high and where local government is unwilling or unable to exercise its planning function.

16) Hold hearings for interested or affected persons whenever necessary on matters affecting national planning.

17) Direct and participate in a variety of public relation duties designed to inform the public of the work of the National Planning Office.

18) Prepare and submit an annual report to the President and the Philippine Congress, and to furnish such report to the National Planning Council and to the chief executives of national

departments and agencies. The report shall also be available for distribution to the public.

19) Exercise all other powers necessary and proper for the discharge of his duties and execute such other functions which are supplemental, incidental and consequential to any of the aforesaid functions, including delegation of administrative responsibilities as necessary or desirable.

#### Article 2.3 NATIONAL PLANNING STAFF

Section 2.3.1 Appointment.--The National Planning Staff shall be appointed by the Director of National Planning subject to the approval of the President and the Bureau of Civil Service

Section 2.3.2 Tenure.--Appointment to the National Planning Staff shall be considered either permanent or temporary in accordance with Civil Service Rules and Regulations.

Section 2.3.3 Qualifications.--Officials and employees of the National Planning Staff shall be selected and appointed on the basis of special training, experience, ability and fitness and in accordance with civil service requirements.

Section 2.3.4 Compensation.--All salaries shall be as provided by law, based on budgetary considerations and in accordance with civil service requirements.

Section 2.3.5 Temporary transfers.--The Director of National Planning may make agreements with heads of other national departments and agencies, local government and planning agencies for the temporary transfer of employees of such departments, agencies, local governments and planning agencies to the National Planning Office; or for the temporary transfer of employees of the National Planning Office to such departments, agencies local governments or planning agencies. The Director of National Planning may make arrangement to reimburse, or to receive reimbursement from the department, agencies, local governments or other planning agencies concerned, in connection with such temporary transfers. Such temporary exchange of employees shall be governed by Civil Service Rules and Regulations.

Section 2.3.6 Functions.--The National Planning Staff, under the direct control and supervision of the Director of National Planning shall perform all duties, exercise all powers, assume and discharge all responsibilities and carry out and effect all pertinent functions vested by this Act, which shall include among others the following:

- 1) Operate the internal administration of the National Planning Office and perform its general office and technical duties.
- 2) Prepare, maintain, regularly review, and from time to time revise, amend, extend or add to the National Development Plan.
- 3) Provide technical and auxiliary services required by the Director of National Planning.
- 4) Initiate studies and research work on matters related to the National Development Plan and participate in the development of the national planning program.
- 5) Develop, maintain and operate a national planning library of current information relative to planning and development.
- 6) Prepare and disseminate helpful planning information for other planning agencies and private citizens.
- 7) Provide and perform such other functions which are supplemental, incidental and consequential to any of the aforestated functions.

#### Article 2.4 NATIONAL PLANNING COUNCIL

Section 2.4.1 Creation.--There shall be an advisory planning body administratively attached to the National Planning Office for the purpose of advising and assisting



the Director of National Planning, and for carrying out the functions assigned to it under this Act. This agency shall be known as the National Planning Council.

Section 2.4.2 Composition.--The membership of the National Planning Council shall consist of a chairman and not less than four nor more than fourteen other members. At least five members shall be private citizens selected as far as possible to reflect different broad geographic, economic and social interests in the country. Within the limitations on the number of members to be appointed, officials of the national government, its departments, agencies and instrumentalities may also be appointed.

Section 2.4.3 Appointment.--The President shall appoint the chairman and the members of the National Planning Council.

Section 2.4.4 Officers.--The Chairman shall be designated, from among the citizen members, by the President and shall serve as such at the pleasure of the President. The National Planning Council may elect such other officers as it deems necessary from among its own members to serve a period of one year with eligibility for re-election. The Director of National Planning shall be an ex-officio member-Secretary of the National Planning Council.

Section 2.4.5 Terms of Office.--Citizen members shall serve for a period of four years and until their successors are appointed except that of the members first appointed one-half shall be appointed for a two-year term and the remainder for four years. The President may fill by appointment any vacancy for the unexpired balance of a member's term. The public officials appointed shall hold office at the pleasure of the President.

Section 2.4.6 Removal.--Any member of the National Planning Council may be removed by the President for inefficiency, neglect of duty, malfeasance or conflict of interest, after due hearings.

Section 2.4.7 Compensation.--The citizen members of the National Planning Council shall be paid authorized compensation for every meeting actually attended but not to exceed twelve meetings a year. In addition they may be reimbursed for necessary and actual expenses incurred in connection with the performance of their duties. The official members shall serve without compensation but may be reimbursed for necessary and actual expenses in the same manner and rate as that authorized for the citizen members.

Section 2.4.8 Meetings and rules.--The National Planning Council shall conduct regular meetings as often as it deems necessary for the transaction of its business,

but at intervals of not more than three months. The Chairman of the National Planning Council shall convene within fifteen days, a meeting on request by the Director of National Planning or by a majority number of the members.

The National Planning Council shall adopt its own rules of procedure and keep minutes of its meetings and actions which shall be filed as public records.

Section 2.4.9 Sub-committees.--The National Planning Council may from time to time organize itself into sub-committees and delegate such of its functions to the sub-committees as it may deem necessary and appropriate. The Chairman of the National Planning Council may appoint to such sub-committees non-members of the National Planning Council, who, because of their experience, training, interest or representation of particular groups or areas, are specially qualified in matters to be considered by such sub-committees. The Chairmen of such sub-committees shall be regular members of the National Planning Council. Members of the sub-committees may be authorized compensation in the same manner and rate as the regular members.

Section 2.4.10 Functions.--The National Planning Council shall perform all duties, exercise all powers, assume and discharge all responsibilities and carry out and effect all pertinent functions vested by this Act, which shall include among others the following:

1) Function as an advisory body on planning to the President and the Director of National Planning.

2) Review and evaluate the National Development Plan or any major parts thereof, including future revisions and amendments, as prepared by the National Planning Office, prior to its submission to the President. The National Planning Council shall submit a written report of its findings, comments and recommendations thereon, to the President and the Director of National Planning.

3) Suggest, study, stimulate and give advice to the Director of National Planning regarding the further development, up-dating and revising of the National Development Plan.

4) Review, conduct hearings on, and approve or disapprove the recommendations made by the Director of National Planning concerning the establishment of planning regions and their corresponding boundaries.

5) Hold all public hearings which may be required by law for the adoption, extension or modification of the National Development Plan or major parts thereof and for other planning matters.

- 6) Submit recommendations whenever desired to the President, for revisions and amendments to this Act for the purpose of assuring maximum effectiveness of planning activities and organization, provided a copy of such recommendations shall be furnished the Director of National Planning.
- 7) Cooperate with, and assist and advise the Director of National Planning in the formulation of national planning programs and policies.
- 8) Furnish recommendations concerning the operations of the National Planning Office when requested to do so by the Director of National Planning.
- 9) Promote citizen interest, understanding, and participation in the planning process.
- 10) Prepare and submit an annual report to the President, on the activities and actions of the National Planning Council and to furnish such a report to the Director of National Planning.
- 11) Perform such other functions which are supplemental, incidental and consequential to any of the aforestated functions.

Article 2.5 NATIONAL DEVELOPMENT PLAN

Section 2.5.1 Authority.--The National Planning Office shall prepare and recommend, and after adoption maintain, regularly review and revise a comprehensive long range general plan for the unified and orderly physical development of the whole country. This plan shall be referred to as the National Development Plan.

Section 2.5.2 Purposes.--The National Development Plan shall be developed:

- 1) To provide the framework for orderly, coordinated and correlated physical development of the whole country within a unified policy framework and predicated on sound data, realistic projections of relevant factors affecting future growth, in order to promote health, safety, morals and general welfare of the people.
- 2) To serve as a guide for policy formulation and policy implementation by the President on matters related to National Planning.
- 3) To serve as a coordinating document for nationwide physical development programs of national operating departments, agencies and instrumentalities, congressional committees and local governments.
- 4) To serve as an overall general guide and framework for more detailed levels of regional

and local comprehensive plans and planning programs.

5) To provide national operating agencies an orientation toward longer run needs and objectives.

6) To serve as a general framework in devising special programs to carry out specific national programs, policies, public works and capital improvements programming.

Section 2.5.3 Scope.--The National Development Plan shall consist of a unified document or documents containing statements in written or graphic form, and the policy recommendations of the National Planning Office in regard to the general long range physical development of the whole country. The plan shall include, but not be limited to the following:

1) A statement of policies, goals, objectives, standards, principles, issues and problems regarding the country's physical growth, development and redevelopment, and socio-economic well being.

2) A statement which includes principal findings of fact and delineates physical growth, development and potentialities of the country.

3) Proposals for the most appropriate and desirable patterns of land use throughout the

country. It shall show in generalized form the proposed location, extent, distribution character and interrelationship of land at specific periods of time as far into the future as is reasonable to foresee. Such land uses shall cover five categories, namely: urban development, agriculture, conservation, natural resource development and public uses requiring extensive land holdings.

4) Proposals for the most appropriate and desirable major circulation patterns throughout the country. It shall show a generalized outline of proposed location, character, capacity and interrelationship of facilities for the circulation of people and goods at specific periods of time as far into the future as is reasonable to foresee. Such circulation facilities shall include among others, major routes, channels and terminals of transit, transportation and communication facilities whether used for inter-island or inter-regional movement, all of which shall be correlated with the land use element.

5) Proposals for the most appropriate and desirable major public and private works and facilities. It shall show generalized outline of proposed location, extent, distribution,



character and interrelationship of such public and private facilities at specified periods of time as far into the future as is reasonable to foresee. Such major public and private works and facilities shall include but not be limited to: utilities, flood control works, water reservoirs, irrigation works, national parks and recreation, major public or semi-public buildings or structures and major educational and governmental institutions, which works or facilities, by reason of their functions, size, extent, legal status, or for any other causes are national in nature, as distinguished from purely local concern, or the authorization, location or construction of which are legally within the province or jurisdiction of national bodies or officials, or which for any other cause are appropriate subjects for inclusion in the National Development Plan.

6) The National Development Plan may also include segments representing Regional Development Plans for the various regions of the country.

7) Proposals for such other additional elements which in the judgement of the Director of National Planning will further serve the purposes of the National Development Plan.

Section 2.5.4 Basis.--All elements of the National Development Plan shall be based upon comprehensive surveys and studies, research, analyses, and governmental factors and conditions, which shall include among others: studies of economic activity, population composition, character and growth, existing land uses, channels of movement, system of public facilities and physical, social and economic resources and liabilities.

Due consideration shall also be given to improvement proposals of departments, agencies, and instrumentalities of the national government, and the development plans prepared by Regional and Local Planning Offices.

Section 2.5.5 Preparation.--During the formulation and preparation of the National Development Plan, especially in developing a specialized element or parts thereof, and in preparing from time to time revisions, amendments, extensions or additions to the said Plan, the Director of National Planning shall seek and request, to the extent he deems necessary, the cooperation and advice of such authorities, departments, agencies and instrumentalities of the national or local government and such institutions, organizations and civic groups, whether public or private, and private persons as may have knowledge or jurisdiction over the territory or facilities for which plans are being made. Such governmental units shall participate in the preparation

of the National Development Plan, and shall give consideration thereto in the planning of projects and other improvements under their jurisdiction.

Section 2.5.6 Adoption.--The National Development Plan or any major element thereof, and any amendment, revision or addition to such plan or any part or element thereof, shall be adopted in the following manner:

The Director of National Planning shall first submit the proposed plan, major part or element, amendment, revision thereof, or addition thereto to the National Planning Council for review, evaluation and recommendation. The council shall hold at least one public hearing in each Regional Planning Area, at such locations and at such times as it deems appropriate. Thereafter, the National Planning Council shall return the plan, major parts or elements, amendments, revision thereof or addition thereto to the Director of National Planning, together with a written report of its findings, comments and recommendations thereon. Such report shall also be furnished the President.

The Director of National Planning shall evaluate the findings, comments and recommendations of the National Planning Council and may incorporate such findings, comments and recommendations or parts thereof in the proposed National Development Plan, which in his judgement will better serve the purposes of the National Development Plan. Thereafter, the Director of National

Planning shall submit the reviewed or adjusted proposed National Development Plan to the President for review and approval.

Upon approval by the President, the plan shall be filed with the Executive Secretary of the Philippines. The Executive Secretary shall transmit the plan, together with the President's comments if any, to the Philippine Congress, which may by appropriate resolution adopt the plan in principle.

A certified copy of the approved National Development Plan signed by the Director of National Planning and the Executive Secretary shall be transmitted to all national departments, agencies and instrumentalities, and to all Regional Planning Offices for their information and guidance.

Section 2.5.7 Amendments.--The National Development Plan, or any major parts or elements thereof shall be reviewed at least once every five years and subsequent amendments shall follow the same procedure as in the original preparation and adoption.

Section 2.5.8 Legal Effect.--From and after the adoption of the National Development Plan, no detailed plan or program for national public works or development shall be adopted unless it conforms with and is pursuant to the National Development Plan. The Director of National Planning shall review all such plans as they relate to

the National Development Plan, and shall submit a written report therewith to the appropriate agency or authority.

#### Article 2.6 CAPITAL IMPROVEMENTS PROGRAM

The National Planning Office shall prepare, amend, and keep up to date a five-year program of major capital improvements projects undertaken or recommended to be undertaken by the national government. In preparing the program, the National Planning Office shall have the collaboration of the Budget Commission and the Department of Finance. The program shall classify projects in regard to the urgency and need for their realization, and shall recommend a time sequence for their construction.

The program shall contain an estimated cost of each project and shall indicate probable operating and maintenance cost and probable revenues, if any, as well as existing sources of funds or the need for additional sources of funds for the construction and operation of each project.

The capital program shall, as far as possible, be based on existing information in the possession of the National Planning Office, The Budget Commission and the Department of Finance and other appropriate departments and agencies of the national government. Heads of departments and other agencies and instrumentalities

of the national government shall transmit to the Director of National Planning a statement of all capital projects proposed to be undertaken by their departments or agencies for review and recommendation by the Director of National Planning and for consideration for inclusion in the Capital Improvement Program of the national government. Such heads of departments shall also, upon request by the Director of National Planning, submit such information as may be needed for the preparation of the program.

The Capital Improvements Program shall be submitted to the President for approval and adoption. The National Planning Office shall also assist the Budget Commission and the Department of Finance in the preparation of the annual capital budget.

## CHAPTER III

### REGIONAL PLANNING

#### Article 3.1 REGIONAL PLANNING AREA

Section 3.1.1 Creation.--The National Planning Council shall divide the entire territory of the Republic of the Philippines into regional and metropolitan areas and define the boundaries of such areas for the purpose of effective planning. Such actions shall be made only after receiving recommendations from the Director of National Planning and public hearings and discussions on the question have been held.

Section 3.1.2 Constitution.--A Regional Planning Area shall consist of a regional area or a metropolitan area which the Director of National Planning after investigation and study, determines is a logical and functional geographic area for effective planning purposes by reasons of physical, economic, social and cultural features and relationships.

Section 3.1.3 Activation.--After official adoption by the National Planning Office of the regional and metropolitan areas as defined by and in accordance with the boundaries set forth by the National Planning Council, the performance of the planning function of a region or

metropolitan area may be activated by the President upon recommendation of the Director of National Planning. Such activation shall take the form of a Presidential Executive Order declaring and establishing a Regional Planning Area.

Section 3.1.4 Priorities for Planning.--Activation of the planning function within a Regional Planning Area shall be dependent upon priorities for planning to be determined by the National Planning Office. Priorities may be based upon, but not necessarily limited to the following: presence or absence or the degree of local interest in and demand for regional planning; potential for development; urgency for development or redevelopment; financial capacity; availability of personnel and staff for plan preparation; readiness and capacity of local governments in the area for regional planning cooperation. Criteria for the determination of priorities for activating the planning function shall be developed and used by the Director of National Planning.

Section 3.1.5 Revision of Boundaries.--At least once every five years, the Director of National Planning, shall cause to be reviewed the boundaries and the planning jurisdiction of each Regional Planning Area. A written report on the matter, which may include proposals for revisions, alterations or additions to such boundaries and jurisdiction, shall be submitted to



the National Planning Council. Approval of new boundaries or jurisdiction shall follow the same procedure for adoption as in the original. A program for defining or redefining Regional Planning Areas shall be developed by the Director of National Planning to be used as a guide in the implementation of this provision.

### Article 3.2 REGIONAL PLANNING OFFICE

Section 3.2.1 Creation.--After declaration of a Regional Planning Area, the Director of National Planning in consultation with the National Planning Council shall create an administrative planning office for the purpose of carrying out the functions assigned to it under this Act. This office shall be known as the Regional Planning Office for that region or metropolitan area. Its area of jurisdiction and operation shall be coterminous with the boundaries of the planning area as defined by the Presidential Executive Order.

Section 3.2.2 Designation.--The Regional Planning Office shall be a field administrative unit of the National Planning Office and also serve as the technical staff of the Regional Planning Board.

Section 3.2.3 Composition.--The Regional Planning Office shall consist of:

- 1) a Regional Planning Officer
- 2) a Regional Planning Staff

The organization and functions of the Regional Planning Officer and the Regional Planning Staff shall be as set forth in this Act.

Section 3.2.4 Functions.--The Regional Planning Office shall perform all duties, exercise all powers, assume and discharge all responsibilities and carry out and effect all functions vested by this Act, which shall include among others the following:

- 1) Prepare, maintain and from time to time suggest to the Regional Planning Board revisions, amendments, extensions to a plan or plans for the development of the region, which plan or plans collectively shall be known as a Regional Development Plan.
- 2) Prepare or assist in studies and investigations of existing and emerging problems of agriculture, industry, commerce, transportation, population, housing, public structures and services, local government and other matters affecting the development of the region.
- 3) Prepare, acquire, maintain and revise inventories of the physical, natural and human resources which are deemed of importance to the region, in order to provide a regional perspective for the local governments and a source of information about the area for planning

purposes and for use by industries, businesses, individuals and civic, social and governmental groups.

4) Prepare special planning studies at the request of local authorities or agencies within the limits and practicalities of budget and professional personnel.

5) Seek the cooperation, assistance and advice of the National Planning Office and of other appropriate departments, agencies and instrumentalities of national and local government, and regional planning agencies, institutions and organizations, whether public or private, in the preparation of studies, reports and investigations concerned with its regional planning function.

6) Aid in the effectuation of the Regional Development Plan by working with the individual local governments and appropriate agencies and relating the regional plan to their operations and areas of responsibility.

7) Extend to local planning units full technical services for the actual preparation of their Comprehensive Plans, upon request by local authority.

- 8) Serve as a clearing house of experience and information for local planning.
- 9) Perform such other functions as the Director of National Planning, may from time to time, assign to the office including such other functions which are supplemental, incidental or consequential to any of the aforestated functions.

### Article 3.3 REGIONAL PLANNING OFFICER

Section 3.3.1 Creation.--Each Regional Planning Office so constituted shall have a chief administrative and technical officer to be known as the Regional Planning Officer for that area.

Section 3.3.2 Appointment.--The Director of National Planning, after consultation with the appropriate Regional Planning Board, shall appoint the Regional Planning Officer for that region subject to the approval of the President and the Bureau of Civil Service.

Section 3.3.3 Designation.--The Regional Planning Officer shall be the chief administrative officer of the corresponding Regional Planning Office and administratively responsible to the Director of National Planning. The Regional Planning Officer shall be an ex-officio member and secretary and technical adviser of the Regional Planning Board.

Section 3.3.4 Tenure.--The term of office of the Regional Planning Officer shall be considered permanent, subject to Civil Service Rules and Regulations.

Section 3.3.5 Qualification.--The Regional Planning Officer shall be a person qualified by special training, experience and demonstrated ability in the field of planning.

Section 3.3.6 Compensation.--The Regional Planning Officer shall receive such salary as provided by law.

Section 3.3.7 Functions.--The Regional Planning Officer, subject to the supervision of the Director of National Planning shall perform all duties, exercise all powers, assume and discharge all responsibilities and carry out and effect all functions vested by this Act, which shall include among others the following:

- 1) Assume principal responsibility for overall organization and management of the Regional Planning Office and the regional planning program.
- 2) Recommend to the Director of National Planning, the appointment of such officers and employees as may be necessary for the efficient performance of the regional planning function and recommend their salaries in accordance with Civil Service rules and regulations, subject to the limitations of budget.

- 3) Supervise and coordinate, either directly or through his designated representative, the work of the technical staff and supporting administrative services of the Regional Planning Office.
- 4) Represent the Regional Planning Office at official meetings, public hearings, meetings with civic groups and technical or professional conferences.
- 5) Direct and administer the preparation, maintenance, regular review and revision of the Regional Development Plan, or major parts thereof.
- 6) Submit the Regional Development Plan to the Regional Planning Board for review, evaluation and recommendation prior to its submission to the Director of National Planning.
- 7) Submit the Regional Development Plan to the Director of National Planning for review, approval and incorporation into the National Development Plan.
- 8) Transmit the Regional Development Plan to local authorities and agencies of national government operating within the Regional Planning Area.
- 9) Have access or designate personnel to have access, to information, reports and data which

relate to the functions and duties of the Regional Planning Office in the possession of departments, agencies or instrumentalities of national and local government.

10) Review, evaluate and make recommendations thereof, all Local Comprehensive Plans proposed within the area to secure coordination and conformance to the Regional Development Plan, before adoption by their corresponding local authorities.

11) Review development plans, public works and capital improvement programs of national government, departments, agencies and instrumentalities operating within the region in order to secure coordination and integration of their programs with those of the region.

12) Assume local planning powers in areas where priority for planning is high and where local government is unwilling or unable to exercise its planning function, upon advice and recommendation of the Regional Planning Board or upon direction of the Director of National Planning.

13) Contract within budget limitations, for professional or consultant services in connection with the regional planning function, and review the works performed.

14) Accept grants, gifts, funds and services through the Director of National Planning, for the proper exercise of his powers and duties pertaining to the Regional Development Plan.

15) Hold hearings for interested or affected persons whenever necessary on matters affecting regional planning.

16) Cooperate with local legislature by providing information, reports and studies regarding planning and programs for public improvements, including proposals for legislation for the augmentation of Regional Development Plans.

17) Prepare and submit an annual report to the Director of National Planning and the Regional Planning Board, and to furnish such report to the chief executives of provinces, cities, municipalities and national agencies within the Regional Planning Area. The report shall also be available for distribution to the public.

18) Exercise all other powers necessary and proper for the discharge of his duties and execute such other functions which are supplemental, incidental and consequential to any of the aforesaid functions, including delegation of administrative responsibilities as necessary or desirable.



#### Article 3.4 REGIONAL PLANNING STAFF

Section 3.4.1 Appointments.--The Regional Planning Staff shall be appointed by the Director of National Planning, upon recommendation by the Regional Planning Officer and subject to the approval of the Bureau of Civil Service.

Section 3.4.2 Tenure.--Appointment to the Regional Planning Staff shall be considered either permanent or temporary in accordance with Civil Service Rules and Regulations.

Section 3.4.3 Qualifications.--Officials and employees of the Regional Planning Staff shall be selected and appointed on the basis of special training, experience, ability and fitness and in accordance with civil service requirements.

Section 3.4.4. Compensation.--All salaries shall be as provided by law, based on budgetary considerations and in accordance with civil service requirements.

Section 3.4.5 Temporary Transfers.--The Regional Planning Officer may make agreements with heads of national departments and agencies operating in the region and local governments and planning agencies, for the temporary transfer of employees of such departments, agencies, local governments and planning agencies to the Regional Planning Office; or for the temporary transfer of employees of the Regional Planning Office

to such departments, agencies, local governments or planning agencies. The Regional Planning Officer may make arrangements to reimburse, or to receive reimbursement from the department, agencies local governments or other planning agencies concerned, in connection with such temporary transfers. Such temporary exchange of employees shall be governed by Civil Service Rules and Regulations.

Section 3.4.6 Function.--The Regional Planning Staff, under the direct control and supervision of the Regional Planning Officer shall perform all duties, exercise all powers, assume and discharge all responsibilities and carry out and effect all functions vested by this Act, which shall include among others the following:

- 1) Operate the internal administration of the office and perform its general office and technical duties.
- 2) Prepare, maintain, regularly review, and from time to time revise, amend, extend or add to the Regional Development Plan.
- 3) Provide technical and auxiliary services required by the Regional Planning Officer.
- 4) Initiate studies and research work on matters related to the Regional Development Plan and participate in the development of the regional planning program.

- 5) Develop, maintain and operate a regional planning library of current information relative to planning and development, particularly information pertinent to the region.
- 6) Prepare and disseminate helpful planning information for other planning agencies and private citizens.
- 7) Provide and perform such other functions which are supplemental, incidental and consequential to any of the aforestated functions.

#### Article 3.5 REGIONAL PLANNING BOARD

Section 3.5.1 Creation.--After declaration of a Regional Planning Area, the Director of National Planning in consultation with the National Planning Council shall create an advisory planning body administratively attached to the Regional Planning Office for the purpose of advising and assisting the Regional Planning Officer, and for carrying out the functions assigned to it under this Act. This body shall be known as the Regional Planning Board for that Regional Planning Area. Its area of jurisdiction shall be the same as that of the Regional Planning Office.

Section 3.5.2 Composition.--The membership of the Regional Planning Board shall consist of the following:

1) The provincial governor, the city mayor and the municipal mayor of each province and Local Planning Area located within the Regional Planning Area. They shall serve as ex-officio members with voting privileges.

2) The Director of National Planning after consultation with the National Planning Council shall recommend additional membership, which number shall be no less than five nor more than fourteen. The members so recommended for appointment shall be:

a) Citizens-at-large selected from among persons living within the region who have made outstanding contributions to or have demonstrated an active interest in matters of regional concern.

b) Appointed public officials from the national and local public agencies operating within the region.

In recommending the size of the additional membership, the National Planning Director shall give weight to the size and population of the area and to the degree of its physical, economic and social complexity.

Section 3.5.3 Appointment.--The President, upon recommendation of the Director of National Planning shall appoint the members of the Regional Planning Board.

Section 3.5.4 Officers.--The Regional Planning Board shall elect its chairman and other officers as it deems necessary from among its own members. The Regional Planning Officer or a member of his staff designated by him shall be executive secretary of the Board.

Section 3.5.5 Terms of Office.--The citizen members shall serve for a period of four years and until their successors are appointed except that of the members first appointed, one-half shall be appointed for a two-year term and the remainder for four years. The President may fill by appointment any vacancy for the unexpired balance of a member's term. The ex-officio members of the Regional Planning Board shall serve for the term equivalent to and coterminous with their official tenure of office. The other public officials appointed shall hold office at the pleasure of the President. The chairman and other officers of the Regional Planning Board shall serve as such for a period of one year, with eligibility for re-election.

Section 3.5.6 Removal.--Any member of the Regional Planning Board may be removed by the President for inefficiency, neglect of duty, malfeasance or conflict of interest, after due hearings.

Section 3.5.7 Compensation.--The citizen members of the Regional Planning Board shall be paid authorized compensation for every meeting actually attended but not to exceed twelve meetings a year. In addition they may be reimbursed for necessary and actual expenses incurred in connection with the performance of their duties. The official members shall serve without compensation but may be reimbursed for necessary and actual expenses in the same manner and rate as that authorized for the citizen members.

Section 3.5.8 Meetings and Rules.--The Regional Planning Board shall conduct regular meetings as often as it deems necessary for the transaction of its business, but at intervals of not more than two months. The chairman of the Regional Planning Board shall convene within ten days, a meeting on request by the Regional Planning Officer or by a majority number of the members.

The Regional Planning Board shall adopt its own rules of procedure and keep minutes of its meetings and actions which shall be filed as public records.

Section 3.5.9 Sub-Committees.--The Regional Planning Board may from time to time organize itself into sub-committees and delegate such of its functions to the sub-committees as it may deem necessary and appropriate. The chairman of the Regional Planning Board may appoint to such sub-committees non-members of the Regional

Planning Board who, because of their experience, training, interest or representation of particular groups or areas, are specially qualified in matters to be considered by such sub-committees. The chairmen of such sub-committees shall be regular members of the Regional Planning Board. Members of the sub-committees may be authorized compensation in the same manner as the regular members.

Section 3.5.10 Functions.--The Regional Planning Board shall perform all duties, exercise all powers, assume and discharge all responsibilities and carry out and effect all functions vested by this Act, which shall include among others the following:

- 1) Review, evaluate and recommend approval of the Regional Development Plan or any major part thereof, prepared by the Regional Planning Office prior to its submission to the National Planning Office for inclusion into the National Development Plan.
- 2) Suggest, study, stimulate and give advice to the Regional Planning Officer regarding the further development, up-dating and revising the Regional Development Plan.
- 3) Assist in studies or investigations of the resources of the region and of existing or emerging problems of any nature related to the physical growth and development, living

conditions, beauty or prosperity of the region or any part thereof.

4) Participate in any program or activity intended to seek or find common, cooperative and coordinated solutions to problems related to physical development and the integration of policies related to physical, economic and social development within the region or any part thereof.

5) Reconcile disagreements, problems and conflicts in planning, along or across municipal, city, or provincial boundary lines within the region.

6) Coordinate and act as a vital link between the operating departments and agencies of government within the region directly concerned with regional development, and the Regional Planning Office.

7) Recommend the assumption of local planning powers by the Regional Planning Officer in areas within the region where planning priority is high and where local government is unwilling or unable to exercise the planning function.

8) Assist in the promotion of public interest in and understanding of the regional planning program in the different provinces, cities and municipalities within the region.



9) Represent the views of the region on matters affecting the development of the Regional Planning Area.

10) Become a continual mixed-membership official resource body to aid the Regional Planning Office in implementing regional plans and programs.

11) Develop a mutually acceptable policy framework for staff guidance in planning on a continuing basis.

12) Assist in the development of a general work program for regional planning.

13) Furnish recommendations concerning the operations of the Regional Planning Office when requested to do so by the Regional Planning Officer.

14) Hold all public hearings which may be required by law for the adoption, extension or modification of the Regional Development Plan or major parts thereof, and for other planning matters.

15) Prepare and submit an annual report to the Director of National Planning and furnish such report to the chief executives of provinces, Local Planning Areas, and heads of national agencies operating within the Regional Planning Area.

16) Perform such other functions which are supplemental, incidental and consequential to any of the aforestated functions.

Article 3.6 REGIONAL DEVELOPMENT PLAN

Section 3.6.1 Authority.--Each Regional Planning Office shall prepare and thereafter maintain, regularly review and revise a comprehensive long range general plan for the unified and orderly physical development of the whole area within its jurisdiction and operation. This plan shall be referred to as the Regional Development Plan.

Section 3.6.2 Purposes.--The Regional Development Plan shall be developed:

- 1) To provide the framework for orderly, coordinated physical development of the whole regional planning area, in order to promote health, safety, morals and general welfare.
- 2) To serve as a coordinating document for region-wide physical development programs of national departments, agencies and instrumentalities operating within the region, and local governments.
- 3) To serve as a general framework in devising special programs to carry out specific regional programs and policies, provincial public works and provincial capital improvements programming.

- 4) To serve as an overall general guide and framework for more detailed levels of local comprehensive plans and planning programs.
- 5) To serve as a more specific segment of the National Development Plan.
- 6) To provide orientation to local governments on future needs and objectives.

Section 3.6.3 Scope.--The Regional Development Plan shall consist of a unified document or documents containing statements in written or graphic form and the policy recommendations of the Regional Planning Office in regard to the general long-range physical development of the whole Regional Planning Area. The plan shall include, but not be limited to:

- 1) A statement of regional policies, goals, objectives, standards and principle, and issues and problems, regarding the region's physical growth, conservation, development and re-development.
- 2) A statement which includes principal findings of fact and delineates physical growth, development and potentialities of the region.
- 3) Proposals for the most appropriate and desirable patterns of land use throughout the region. It shall show in a more specific form, as compared to the National Development Plan,

the proposed location, extent, distribution, character, and inter-relationship of land use at specified periods of time, as far into the future as is reasonable to foresee. Such land uses shall breakdown into more specific areas the five major land use categories developed in the National Development Plan such as, but not limited to, residential areas and their maximum recommended densities therein, regional commercial uses showing the concentration of retail, whole-sale and business, industrial and manufacturing uses including their classifications in accordance with their compatability with land use in adjoining areas, agriculture, conservation areas, flood plains and other open spaces, and areas for the development and utilization of natural resources.

4) Proposals for the most appropriate and desirable major circulation patterns throughout the region. It shall show in a more specific manner, as compared to the National Development Plan, the proposed location, character, capacity and inter-relationship of facilities for the circulation of people and goods in the region, at specified periods of time as far into the future as is reasonable to foresee. Such circulation facilities plan shall include a

system of major streets, highways, and other transportation and communication facilities, terminals and supporting installations primarily serving the region, whether used for inter-provincial, inter-municipal, or inter-city movement. The plan for circulation facilities shall be correlated with the land use plan.

5) Proposals for the most appropriate and desirable regional public and private works and facilities. It shall show a more specific outline, as compared to the National Development Plan, of proposed location, extent distribution, character and interrelationship of such public and private facilities for the region at specified periods of time as far into the future as is reasonable to foresee. Such public and private works and facilities shall include, but not be limited to: a system of major parks and recreational facilities to serve the Regional Planning Area in general, water supply and sewage disposal facilities including the principal distribution mains, wells or impounding areas and trunk sewers, and other facilities, drainage and flood control systems, public or semi-public buildings or structures, educational and governmental institutions, which works or facilities, by reason of their

functions, size, extent, legal status, or for any other causes are regional in nature as distinguished from purely local concern, or which for any other cause are appropriate subjects for inclusion in the Regional Development Plan.

6) Proposals for such other additional elements which in the judgement of the Regional Planning Officer will further serve the purposes of the Regional Development Plan.

Section 3.6.4 Basis.--All elements of the Regional Development Plan shall be based upon comprehensive surveys and studies, research, analyses and projections of physical, social, economic and governmental factors and conditions, which shall include among others: studies of economic activity, population composition, character and growth, existing land uses, channels of movement, system of public facilities and physical, social and economic resources and liabilities.

Due consideration shall also be given to improvement proposals of departments, agencies, and instrumentalities of the national government operating within the Regional Planning Area, and the Comprehensive Plans prepared by Local Planning Offices. The National Development Plan shall be a guide and a framework for the development of the Regional Development Plan.

Section 3.6.5 Preparation.--During the formulation and preparation of the Regional Development Plan, especially in developing a specialized element or parts thereof, and in preparing from time to time revisions, amendments, extensions or additions to the said plan, the Regional Planning Officer shall seek and request, to the extent he deems necessary, the cooperation and advice of such authorities, departments, agencies and instrumentalities of local governments and national agencies operating within the region, and such institutions, organizations, and civic groups, whether public or private, and private persons, as may have knowledge or jurisdiction over the territory or facilities for which plans are being made.

Section 3.6.6 Adoption.--The Regional Development Plan or any major element thereof, and any amendment, revision or addition to such plan or any part or element thereof, shall be adopted in the following manner.

The Regional Planning Officer shall submit the proposed Regional Development Plan, major part or element, or amendment thereof to the Regional Planning Board of the Regional Planning Area for review, evaluation and recommendation. The board shall hold at least one public hearing in each Local Planning Area within the region, at such places and at such times as it deems appropriate. Thereafter, the Regional Planning Board shall return the proposed plan, major part or element, or amendment thereto, to the Regional Planning

Officer, together with a written report of its findings, comments and recommendations thereon. Such report shall also be furnished the Director of National Planning.

The Regional Planning Officer shall evaluate the findings, comments and recommendations of the Regional Planning Board and may incorporate such findings, comments and recommendations or parts thereof in the proposed Regional Development Plan, which in his judgment will better serve the purposes of the Regional Development Plan. Thereafter, the Regional Planning Officer shall submit the reviewed or adjusted proposed Regional Development Plan to the Director of National Planning for further review and approval, or rejection if it does not agree substantially to the National Development Plan. The approved Regional Development Plan shall be filed with the Director of National Planning as a supplemental plan to the National Development Plan.

A certified copy of the approved Regional Development Plan signed by the Director of National Planning and the Regional Planning Officer shall be transmitted to the chief executives of all provinces and Local Planning Areas within the region, as well as to Regional Planning Areas adjacent to the region and national agencies operating within the region, for their information and guidance.



The legislative bodies of Local Planning Areas within the region may adopt the Regional Development Plan by an appropriate resolution.

Section 3.6.7 Amendments.--The Regional Development Plan, or any major part or element thereof shall be reviewed at least once every five years and subsequent amendments, revisions, additions or extensions shall follow the same procedure as in the original preparation and approval.

Section 3.6.8 Legal Effect.--From and after the approval of the Regional Development Plan, no detailed plans or programs for regional public works or development whether public or private shall be adopted or implemented unless it conforms with and is pursuant to the Regional Development Plan. The Regional Planning Officer shall review all such plans and developments as they relate to the Regional Development Plan, and shall submit a written report therewith to the appropriate agency or authority.

All proposals for local Comprehensive Plans, major parts or elements thereof, revisions, amendments, extensions or additions thereto, specific plans and programs, and regulatory measures shall be submitted to the Regional Planning Officer for review and recommendation, prior to their adoption. Such review and recommendation shall consist of a written report as to the conformance of such proposals to the Regional Development Plan, the possible effect of such proposals on

other portions of the region, and any other matter which in the judgement of the Regional Planning Officer may be of assistance to the local government.

## CHAPTER IV

### LOCAL PLANNING

#### Article 4.1 LOCAL PLANNING AREA

Section 4.1.1 Designation.--The planning function of any chartered city or municipality may be activated only after its designation as a Local Planning Area, as set forth below:

- 1) All chartered cities and provincial capitals are hereby designated as Local Planning Areas.
- 2) Any municipality which has a high priority for planning, may be designated as a Local Planning Area by the Regional Planning Officer when one exists, or when none exists, by the Director of National Planning.
- 3) Other municipalities which have the interest and the financial and technical resources to operate the planning function may be designated, upon request of their governing bodies, as Local Planning Areas by the Regional Planning Officer when one exists, or when none exists, by the Director of National Planning.

Section 4.1.2 Activation.--Any chartered city or municipality after its declaration as a Local Planning Area shall implement and operate its planning function by establishing a Local Planning Office and a Local Planning Board, by ordinance.

Section 4.1.3 Priorities for Local Planning.--The designation of any Local Planning Area shall be dependent upon priorities for local planning to be determined by the Regional Planning Office where one exists, or where none exists, by the National Planning Office. Priorities may be based upon, but not necessarily limited by the following: presence or absence or the degree of local interest in and demand for local planning, potential for development, urgency of development or redevelopment, financial capacity, availability of personnel and staff for plan preparation, readiness and capacity of local government for implementing local plans. A standard shall be developed by the aforementioned agencies to be used as a guide in the priority designation of Local Planning Areas.

Section 4.1.4 Jurisdiction.--A Local Planning Area may exercise extra-territorial jurisdiction for the purposes of subdivision and zoning regulations and for such other purposes as in the Planning Area's judgement bears relation to its planning, provided such extra-territorial jurisdiction does not fall within the boundaries of another Local Planning Area, and provided further that

where the extra-territorial jurisdiction of Local Planning Areas overlap, the boundary shall be midway between them. In general, however, the boundaries of a Local Planning Area shall be coterminous with its corporate limits.

Section 4.1.5 Joint Local Planning Areas.--After consultation with the Regional Planning Officer, when one exists, or when none exists, with the Director of National Planning, the legislative bodies of two or more contiguous Local Planning Areas may jointly engage in a planning program for their combined areas, and form a Joint Local Planning Area. All agreements for a Joint Local Planning Area shall be in ordinance form and shall be executed by the legislative bodies and the chief executives of the participating Local Planning Areas. Such agreements shall provide, but not be limited to the following:

- 1) Definition of the boundaries of the area involved.
- 2) Specification of all details which are necessary for the establishment, organization and administration of a joint planning program.
- 3) Allocation of costs among the participants for financing the planning program.
- 4) Procedures for withdrawal from and additions to the Joint Local Planning Area.

A joint planning agency may carry on a planning program involving the same subjects and procedures provided by this Chapter. However, powers of official adoption and enactment of official regulations shall be conferred only to the legislative bodies of the participating planning areas.

#### Article 4.2 LOCAL PLANNING OFFICE

Section 4.2.1 Creation.--By ordinance, the legislative body of any Local Planning Area shall establish a Local Planning Office.

Section 4.2.2 Designation.--The Local Planning Office shall be a staff organization of the local chief executive on planning matters and also serve as the technical staff on the Local Planning Board.

The Local Planning Office may, in addition to its staff function, be designated as an administrative department under the chief executive, at the same level with other operating executive departments for the purpose of administering specific plans or programs, ordinances, regulatory measures and administrative rules, relative to planning and the implementation and effectuation of the local Comprehensive Plan.

Section 4.2.3 Composition.--The Local Planning Office shall consist of:

- 1) A Local Planning Officer.
- 2) A Local Planning Staff.

The organization and functions of the Local Planning Officer and the Local Planning Staff shall be as set forth in this Act.

Section 4.2.4 Functions.--The Local Planning Office shall perform all duties, exercise all powers, assume and discharge all responsibilities and carry out and effect all functions vested by this Act, which shall include among others the following:

- 1) Prepare, maintain and regularly review and revise a local Comprehensive Plan.
- 2) Make appropriate surveys, investigations, reports and recommendations relative to local planning and development.
- 3) Prepare, maintain, regularly review and, if so designated, administer and enforce: zoning regulations, subdivision regulations and mapped improvement regulations.
- 4) Review, and assist in the preparation of a long range capital improvements program and an annual capital budget.
- 5) Recommend other specific plans or programs and regulations or any amendments thereto for the implementation and effectuation of the Comprehensive Plan.

- 6) Administer and enforce such other rules and procedures for the implementation and effectuation of specific plans and regulations as may be assigned or delegated to it by the local legislative body.
- 7) Coordinate and integrate the planning programs of local departments with the Comprehensive Plan.
- 8) Coordinate its planning activities with those of other planning agencies which bear relations with its own planning.
- 9) Develop citizen support for and understanding of community planning.
- 10) Serve as a clearing house of planning experience, research and information for local agencies and organizations.

Section 4.2.5 Transfer of Function.--Where a chartered city or municipality has been declared a Local Planning Area and is incapable or unable to establish a Local Planning Office, due to limited financial and technical resources, the legislative body of said Local Planning Area, may by ordinance, designate the Regional Planning Office, where one exists, or where none exists, the National Planning Office, to assume the functions and powers of the Local Planning Office as provided or granted by this Act. All acts taken in connection with such powers and functions, by the designated planning



office shall have the same force and effect as though made and adopted by a Local Planning Office appointed by the Local Planning Area. Procedures specified in this Act and other laws related to Local Planning Offices shall be followed by the designated planning office in acting out its function as a Local Planning Office. The cost and payment of planning services rendered by the designated planning office to the Local Planning Area, shall be arranged by the chief executives of the two bodies.

#### Article 4.3 LOCAL PLANNING OFFICER

Section 4.3.1 Creation.--Each Local Planning Office shall have a chief administrative and technical officer to be known as the City Planning Officer of Municipal Planning Officer of the Local Planning Area.

Section 4.3.2 Appointment.--The chief executive of the Local Planning Area shall appoint the Local Planning Officer subject to the approval of the Bureau of Civil Service.

Section 4.3.3 Designation.--The Local Planning Officer shall be the chief administrative officer of the Local Planning Office, administratively responsible to the chief executive of the Local Planning Area. The Local Planning Officer shall be ex-officio member and secretary of the Local Planning Board.

Section 4.3.4 Tenure.--The term of office of the Local Planning Officer shall be considered permanent, subject to Civil Service Rules and Regulations.

Section 4.3.5 Qualifications.--The Local Planning Officer shall be a person qualified by special training, experience and demonstrated ability in the field of planning.

Section 4.3.6 Compensation.--The Local Planning Officer shall receive such salary as shall be provided by law.

Section 4.3.7 Functions.--The Local Planning Officer, subject to the supervision and direct control of the chief executive of the Local Planning Area shall perform all duties, exercise all powers, assume and discharge all responsibilities and carry out and effect all functions vested by this Act, which shall include among others the following:

- 1) Assume principal responsibility for overall organization, management and proper administration of the Local Planning Office and the local planning program.
- 2) Recommend to the chief executive of the Local Planning Area the appointment of such officers and employees as may be necessary for the efficient performance of the local planning function, and recommend their salaries in accordance with civil service rules and regulations, subject to budget limitations.

- 3) Supervise and coordinate, either directly or through his designated representative, the work of the technical staff and supporting administrative services of the Local Planning Office.
- 4) Represent the Local Planning Office at official meetings, public hearings, meetings with civic groups and technical or professional conferences.
- 5) Direct and administer the preparation, maintenance, regular review and revision of the local Comprehensive Plan or any major parts thereof.
- 6) Submit the Comprehensive Plan or any major parts thereof to the Local Planning Board for review, evaluation and recommendation prior to its submission to the chief executive of the Local Planning Area.
- 7) Submit the Comprehensive Plan or any major parts thereof to the chief executive of the Local Planning Area, after evaluation of the Local Planning Board's review and recommendation.
- 8) Direct and coordinate the preparation of studies, reports, surveys and investigations.
- 9) Direct the preparation, maintenance, regular review, revision and, if so designated,

administration and enforcement of zoning regulations, subdivision regulations, mapped improvement regulations, capital improvements program and other specific plans and programs, ordinances, regulatory measures and administrative rules, relative to planning and the implementation of the Comprehensive Plan.

10) Coordinate the planning programs and development projects of local departments and agencies.

11) Contract, within budget limitations, for professional or consultant services, with the approval of the chief executive and the legislative body of the Local Planning Area.

12) Accept grants, gifts, funds and services, through the chief executive of the Local Planning Area, for the proper exercise of his powers and duties as provided in this Act.

13) Hold hearings for interested or affected persons whenever necessary on matters affecting local planning.

14) Prepare and submit an annual report to the chief executive and the legislative body of the Local Planning Area and furnish such report to the Regional Planning Officer or the Director of National Planning, and to all local departments

and national agencies operating within the Local Planning Area.

15) Exercise all other powers necessary and proper for the discharge of his duties and perform such other functions which are supplemental, incidental and consequential to any of the aforesaid functions, including delegation of administrative responsibilities as necessary or desirable.

#### Article 4.4 LOCAL PLANNING STAFF

Section 4.4.1 Appointment.--The Local Planning Staff shall be appointed by the chief executive of the Local Planning Area, upon recommendation of the Local Planning Officer and subject to the approval of the Bureau of Civil Service.

Section 4.4.2 Tenure.--Appointment to the Local Planning Staff shall be considered either permanent or temporary in accordance with Civil Service Rules and Regulations.

Section 4.4.3 Qualifications.--Officials and employees of the Local Planning Staff shall be selected and appointed on the basis of special training, experience, ability and fitness and in accordance with civil service requirements.

Section 4.4.4 Compensation.--All salaries shall be as provided by law, based on budgetary considerations and in accordance with civil service requirements.

Section 4.4.5 Temporary Transfers.--The Local Planning Officer with the approval of the chief executive of the Local Planning Area may make agreements with the Director of National Planning, Regional Planning Officer, heads of national agencies operating within the Local Planning Area and heads of local departments, for the temporary transfer of employees of such departments, agencies and offices to the Local Planning Office; or for the temporary transfer of employees of the Local Planning Office to such departments, agencies and offices for the purpose of performing such other planning functions which are supplemental, incidental and consequential to any of the Local Planning Agency's function. The Local Planning Officer may make arrangement to reimburse, or to receive reimbursement from the departments, agencies and offices concerned, in connection with such temporary transfers. Such temporary exchange of employees shall be governed by civil service rules and regulations.

Section 4.4.6 Functions.--The Local Planning Staff, under the direct control and supervision of the Local Planning Officer shall perform all duties, exercise all powers, assume and discharge all responsibilities and carry out and effect all pertinent functions vested by this Act, which shall include among others the following:

- 1) Operate the internal administration of the Local Planning Office and perform its general office and technical duties.
- 2) Prepare, maintain, regularly review and from time to time revise, amend or extend or add to the local Comprehensive Plan.
- 3) Provide technical and auxiliary services required by the Local Planning Officer.
- 4) Initiate and prepare studies and research work on matters related to the Comprehensive Plan and participate in the development of the local planning program.
- 5) Assist the Local Planning Officer in the preparation and if so designated, administration and enforcement of: zoning regulations, subdivision regulations, mapped improvement regulations, capital improvements program and other specific plans and programs, ordinances, regulatory measures and administrative rules relative to planning and the implementation of the Comprehensive Plan.
- 6) Develop, maintain and operate a local planning library of current information relative to planning and development.
- 7) Prepare and disseminate helpful planning information for other local departments and

agencies, and private citizens, particularly information pertinent to local planning and development.

8) Perform such other functions which are supplemental, incidental and consequential to any of the aforestated functions.

#### Article 4.5 LOCAL PLANNING BOARD

Section 4.5.1 Creation.--By ordinance, the legislative body of any Local Planning Area shall establish a Local Planning Board.

Section 4.5.2 Designation.--The Local Planning Board shall be an advisory planning body administratively attached to the Local Planning Office for the purpose of advising and assisting the Local Planning Officer, the chief executive and the legislative body, and for carrying out the functions assigned to it under this Act. This body may be known as "\_\_\_\_\_" Planning Board for that Local Planning Area. Its area of jurisdiction shall be the same as that of the Local Planning Office.

Section 4.5.3 Composition.--The number of members of the Local Planning Board shall be specified in the ordinance creating the Local Planning Board which number shall be no less than five nor more than nine members and whose composition shall be as follows:



1) A member of the legislative body selected by it, and the Local Planning Officer, who shall both serve as ex-officio members with voting privileges.

2) Citizens-at-large selected from among persons living within the Local Planning Area, who because of their knowledge of, and prestige in the community, experience, training, contributions to, or active interest in planning, integrity, and concern for the public welfare, are specially qualified for membership to the planning board.

3) Other local administrative officials may be appointed for membership, provided that the number of such appointments together with the ex-officio members shall be a minority of the total membership of the planning board.

Section 4.5.4 Appointment.--The chief executive of the Local Planning Area shall appoint all the members of the planning board except the member from the legislative body. All appointments shall be subject to the approval of the legislative body.

Section 4.5.5 Officers.--The chief executive of the Local Planning Area shall designate the chairman from among the citizen members of the Local Planning Board, and the said chairman shall serve as such at the pleasure of the chief executive. The Local Planning

Board may elect such other officers as it deems necessary from among its members, provided that the Local Planning Officer shall be designated secretary of the board.

Section 4.5.6 Terms of Office.--The citizen members shall serve for a period of four years and until their successors are appointed, except that the terms of office of members first appointed shall be staggered so that a proportionate number serve two, three and four years respectively. The ex-officio members shall serve for the term equivalent and coterminous to their official tenure in office. The administrative official members shall hold office at the pleasure of the mayor. The officers of the Local Planning Board except the chairman shall serve for a period of one year with eligibility for re-election.

Section 4.5.7 Removal.--Any member of the Local Planning Board may be removed by the appointing authority for inefficiency, neglect of duty, malfeasance or conflict of interest, after due hearings.

Section 4.5.8 Vacancies.--Any vacancy on the Local Planning Board shall be filled by the appropriate appointing authority for the unexpired balance of a member's term.

Section 4.5.9 Compensation.--The citizen members of the Local Planning Board shall be paid authorized compensation

for every meeting actually attended but not to exceed two meetings a month. In addition they may be reimbursed for necessary and actual expenses incurred in connection with the performance of their duties. The official members shall serve without compensation but may be reimbursed for necessary and actual expenses in the same manner and rate as that authorized for the citizen members.

Section 4.5.10 Meetings and Rules.--The Local Planning Board shall conduct regular meetings as often as it deems necessary for the transaction of business, but at intervals of not more than one month. The Chairman of the Local Planning Board shall convene within seven days, a meeting on request by the Local Planning Officer or by a majority number of the members.

The Local Planning Board shall adopt its own rules of procedure and keep minutes of its meetings and actions which shall be filed as public records.

Section 4.5.11 Finances.--The legislative body of the Local Planning Area shall appropriate funds for the expenses and accommodations necessary for the work of the Local Planning Board. The Local Planning Board shall have the right to receive, hold and spend funds which it may legally receive from any source, for the purpose of carrying out its planning functions, provided that the Local Planning Board shall describe in its by-laws the methods of administering such funds.

Section 4.5.12 Functions.--The Local Planning Board shall perform old duties, exercise all powers, assume and discharge all responsibilities and carry out and effect all functions vested by this Act, which shall include among others the following:

- 1) Review, evaluate and recommend approval of the local Comprehensive Plan, or any major part thereof, including future revisions or amendments, as prepared by the Local Planning Officer, prior to its submission to the chief executive, the Regional Planning Officer or the Director of National Planning, where appropriate, and the legislative body of the Local Planning Area.
- 2) Suggest, study, stimulate and give advice to the Local Planning Officer regarding the further development, up-dating and revising of the Comprehensive Plan.
- 3) Make recommendation directly to the chief executive and the legislative body of the Local Planning Area on important issues, conditions, problems and proposals pertinent to planning and the physical development of the area.
- 4) Review and evaluate all proposed ordinances, regulatory measures and administrative rules, and amendments thereto, relative to planning

and the implementation and effectuation of the Comprehensive Plan.

5) Participate in any program or activity intended to seek or find common, cooperative and coordinated solutions to problems related to physical development and the integration of policies related to physical, economic and social development within the Local Planning Area.

6) Cooperate with, and assist and advise the Local Planning Officer in the formulation of planning programs and policies.

7) Hear and determine appeals from the decisions of administrative officers in respect to the enforcement and application of specific ordinances, regulatory measures, and administrative rules relative to implementation and effectuation of the Comprehensive Plan or parts thereof.

8) Hold all public hearings which may be required by law for the adoption, extension or modification of the Comprehensive Plan or major parts thereof, and the specific plans and regulatory measures necessary for the implementation and effectuation of the said Comprehensive Plan.

9) Furnish recommendations concerning the operations of the Local Planning Officer when requested to do so by the Local Planning Officer.

10) Familiarize and inform itself as thoroughly as possible on the subject of planning in general.

11) Promote citizen interest, understanding, and participation in the planning process.

12) Prepare and submit an annual report to the chief executive and the legislative body of the Local Planning Area and furnish such report to the Regional Planning Officer or the Director of National Planning, when appropriate, and to all executive officers of local departments and national agencies operating within the Local Planning Area.

13) Perform such other functions which are supplemental, incidental and consequential to any of the aforestated functions.

#### Article 4.6 LOCAL COMPREHENSIVE PLAN

Section 4.6.1 Authority.--Each Local Planning Office shall prepare and thereafter maintain, regularly review and revise a comprehensive long-range plan for the unified and orderly physical development of the Local Planning Area within its jurisdiction and operation. This plan shall be referred to as the Comprehensive Plan for that area.

Section 4.6.2 Purposes.--The local Comprehensive Plan shall be developed:

- 1) To provide a long-term general guide and framework for public and private actions and decisions in the coordinated and most appropriate physical development of the whole Local Planning Area, in order to promote health, safety, morals and general welfare.
- 2) To serve as a coordinating document for physical development programs of local operating departments, national agencies operating in and having some jurisdiction over the Local Planning Area and private interests.
- 3) To serve as a general framework in devising special programs to carry out specific local programs and policies, public works, capital improvements programming, and regulative legislation.
- 4) To serve as a more specific basis for the Regional Development Plan.

Section 4.6.3 Scope.--The local Comprehensive Plan shall consist of a unified document or documents containing statements in written or graphic form, the policy recommendations of the Local Planning Office in regard to the general long-range physical development of the whole Local Planning Area. The Plan shall include but not be limited to the following:

- 1) A statement of policies, goals, objectives, standards, principles, issues and problems regarding the Local Planning Area's physical growth, development and redevelopment, and socio-economic well being.
- 2) A statement which includes principal findings of fact and delineates physical growth, development, and potentialities of the Local Planning Area.
- 3) Proposals for the most appropriate, desirable and feasible patterns of land use throughout the Local Planning Area. It shall show the proposed location, extent, distribution, character and inter-relationship of land at specific periods of time, as far into the future as is reasonable to foresee.
- 4) Proposals for the most appropriate, desirable and feasible circulation patterns throughout the Local Planning Area. It shall show the proposed location, character, capacity and inter-relationship of facilities for the circulation of people and goods in the Local Planning Area at specified periods of time as far into the future as is reasonable to foresee. Such circulation facilities shall include when appropriate: a system of streets and highways,



urban transit, transportation and communication facilities, including terminals and supporting installations; and such other matters as may be related to the improvement of traffic circulation. The plan for circulation facilities shall be correlated with the land use plan.

5) Proposals for the most appropriate, desirable, and feasible community facilities and public services. It shall show the proposed location, extent, distribution, character and inter-relationship of such facilities and services for the Local Planning Area at specified periods of time as far into the future as is reasonable to foresee. This element shall include among others: A system of parks and recreational facilities to serve the Local Planning Area, water supply, sewage and refuse disposal facilities, drainage and flood control systems, utilities, educational and cultural facilities, social welfare, public health and medical facilities, protective institutions, and other public buildings and institutions.

6) Proposals for such additional developmental elements which in the judgement of the Local Planning Officer will further serve the purposes of the local Comprehensive Plan. Such additional

plans may include among others: a conservation program, a community design element, a housing program and a redevelopment plan.

Section 4.6.4 Basis.--All elements of the local Comprehensive Plan shall be based upon comprehensive surveys and studies, research, analysis and projection of physical, social, economic and governmental factors and conditions, which shall include among others: studies of economic activity, population composition, character and growth, land uses, channels of movement, system of public facilities and services, and physical, social and economic resources and liabilities of the Local Planning Area.

Due consideration shall also be given to improvement proposals of local departments, other units of government operating and having specific jurisdiction in the Local Planning Area and private agencies. The National Development Plan and or the Regional Development Plan shall be used as a guide and framework for the development of the local Comprehensive Plan.

Section 4.6.5 Preparation.--Each Local Planning Office shall first present to the chief executive its Statement of Goals for Development of the Local Planning Area, as a guide for the preparation and future implementation of the local Comprehensive Plan. After review and approval by the chief executive of such Goals for Development,

it shall be transmitted to the legislative body of the Local Planning Area, which body may adopt in principle the said statement by an appropriate resolution. Thereafter the local Comprehensive Plan, major parts or elements shall be prepared with the objective of carrying out and effecting the said Statement of Goals.

During the formulation and preparation of the local Comprehensive Plan or major parts thereof, and in preparing from time to time revisions, amendments, extensions or additions to the said plan, the Local Planning Officer shall seek and request, to the extent he deems necessary, the cooperation and advice of such authorities, departments and agencies of local and national government operating within the Local Planning Area, institutions, organizations and civic groups, and private persons, as may have knowledge or jurisdiction over the territory or facilities for which plans are being made. Provided further, that the Local Planning Officer shall be in regular consultation with the Regional Planning Officer or when appropriate, the Director of National Planning.

Section 4.6.6 Adoption.--Within four years after the declaration of a Local Planning Area, or within such time as the Regional Planning Officer or when appropriate, the Director of National Planning, may from time to time extend, the local government shall adopt a local Comprehensive Plan for the Local Planning Area.

The local Comprehensive Plan or any major element or part thereof, and any amendment, revision or addition to such plan, part or element thereof shall be adopted in the following manner:

The Local Planning Officer shall first submit the proposed Comprehensive Plan, any major part or element, to the Local Planning Board for review evaluation and recommendation. The Local Planning Board shall hold at least one public hearing within the Local Planning Area at such place and time as it deems appropriate. Thereafter the Local Planning Board shall return the proposed plan, major part or element to the Local Planning Officer, together with a written report of its findings, comments and recommendations thereon. Such report shall also be furnished the chief executive and the legislative body of the Local Planning Area.

The Local Planning Officer shall evaluate the findings, comments and recommendations of the Local Planning Board and may incorporate such findings, comments and recommendations or parts thereof in the proposed local Comprehensive Plan, which in his judgment will better serve the purposes of the said plan. Thereafter, the reviewed or adjusted proposed Comprehensive Plan shall be submitted to the chief executive, who shall transmit the said plan to the Regional Planning Officer, or when appropriate, the Director of National Planning, for review and recommendation as the

plan refers to the Regional Development Plan or the National Development Plan. The proposed plan shall be returned to the Local Planning Officer together with a written report on the matter by the Regional Planning Officer or the Director of National Planning. Any proposals for adjustment on the proposed Comprehensive Plan as recommended by the reviewing officer may be incorporated by the Local Planning Officer as he deems fit and necessary.

Thereafter, the modified or unmodified proposed Comprehensive Plan shall be transmitted to the local chief executive for final review and approval. It shall be accompanied by a statement of the Local Planning Officer setting forth the reasons for such recommendation, factors considered in its preparation and an analysis of findings derived from public hearings. The chief executive shall submit the proposed Comprehensive Plan, major parts or elements thereof, to the local legislative body for official adoption.

Upon receipt of the Comprehensive Plan, major parts or elements thereof, the local legislative body may proceed to adopt the plan. Adoption shall be by resolution in the manner and form prescribed by law for the adoption of city or municipal resolutions; provided that there shall be at least one public hearing held before adoption by the said legislative body. Notice of the time, place and purpose of the hearing, shall be

given in the same manner provided for the giving of notice of hearing by the Local Planning Board.

If after such a public hearing, the legislative body deems a rejection of, or an amendment to, the proposal recommended by the Local Planning Officer, is necessary, then such intended rejection or amendment shall first be referred to the Local Planning Officer, through the chief executive, for study and recommendation. A written statement of the reason for its intended rejection or amendment shall accompany such referral. Failure of the Local Planning Officer to report on the matter within sixty days after the referral, or such longer period as may be designated by the legislative body, shall be deemed to be approval of the proposed rejection or amendment. After receipt of the report of the Local Planning Officer or after the time in which the Local Planning Officer may report has elapsed, the legislative body may proceed to reject, adopt without amendment, or adopt with amendment, the proposed Comprehensive Plan, major parts or elements thereof.

Upon adoption of the local Comprehensive Plan, major part or element thereof, a certified copy of the plan, and signed by the Local Planning Officer shall be furnished the Regional Planning Officer of the region within which the Local Planning Area is located, or to the Director of National Planning if the Local Planning Area is not located in a Regional Planning Area.

Such plans shall also be furnished to all local departments and other units of government operating and having specific jurisdiction in the Local Planning Area, as well as other Local Planning Areas adjacent thereto.

Section 4.6.7 Amendments.--The local Comprehensive Plan, major parts or elements thereof shall be periodically reviewed every three to five years and subsequent revisions, amendments, additions or extensions shall follow the same procedure as in the original preparation and approval.

Section 4.6.8 Legal Effect.--After the prescriptive period for the adoption of a local Comprehensive Plan as provided for in this Act, no public works projects, whether municipal, city, provincial or national, shall be authorized in the Local Planning Area and no loans from any government lending institution shall be granted or approved to finance such projects unless they are in accordance with the Comprehensive Plan.

From and after the approval of the local Comprehensive Plan, all proposals for: revisions, amendments, extension or additions to the plan, specific plans and implementing programs, public works and development projects, and regulatory measures, whether prepared by local operating departments or other units of government operating and having specific jurisdiction in the Local Planning Area, shall be submitted to the

Local Planning Officer for review and recommendation. Such review and recommendation shall be submitted to the chief executive, and shall consist of a written report showing: determination of whether such proposals comply with the local Comprehensive Plan; determination of whether they are in conflict with each other and any other currently proposed plans, programs, and development projects of the different departments and agencies; determination of what effects they will have on all other aspects of physical development.

No such specific plans, programs, public works, development projects and regulatory measures shall be approved, adopted or implemented unless they have been reviewed and proper recommendations made.

No detailed plan, program, regulatory controls or legislation for the implementation of the Comprehensive Plan, shall be adopted except as authorized by and pursuant to the said Comprehensive Plan.



## CHAPTER V

### COMPREHENSIVE PLAN IMPLEMENTATION

#### Article 5.1 SPECIFIC PLANS OR PROGRAMS, REGULATORY CONTROLS AND LEGISLATIONS

Section 5.1.1 Authority.--The Local Planning Officer shall upon request by the local chief executive or local legislative body, or upon his own initiative, prepare or cause to be prepared specific plans, programs, regulatory controls or legislations which are based on, and will further the objectives and goals of the local Comprehensive Plan. The Local Planning Officer shall recommend such plans and regulations to the local legislative body for adoption.

Section 5.1.2 Purpose.--The adoption of specific plans, programs, regulatory controls or legislation shall be for the purpose of transforming general propositions in the Comprehensive Plan into public policy, by legislative enactment or administrative action.

Section 5.1.3 Scope.--Such specific plans, programs, regulatory controls or legislation may include the following:

- 1) Plans showing the division of the Local Planning Area into zones within which separate controls over the type and degree of permissible land and building uses are defined.
- 2) Specific regulations and controls pertaining to other subjects incorporated into the Comprehensive Plan for establishing standards and procedures to be employed in land development including but not limited to subdividing of land, preservation of lands for streets and other public purposes requiring future dedication or acquisition, and general design standards for physical improvements.
- 3) Plans for streets showing and establishing alignment, dimensions, and other pertinent features; drainage rights-of-way; and public facilities such as parks, playgrounds, sites for public buildings, showing exact location, size, boundaries and other related features. Such plans shall include appropriate controls and regulations protecting such accurately defined existing or future rights-of-way and sites against encroachment by buildings and other physical structures or facilities.
- 4) Programs determining the logical order of development projects incorporated in the

Comprehensive Plan, including the need, design, cost, means of financing and order of execution.

5) Such other measures as may be required to insure the execution of the Comprehensive Plan.

Section 5.1.5 Basis.--The Local Planning Officer shall use the local Comprehensive Plan as the basic source of reference and as a guide in reporting upon or recommending any proposed specific plan, program, regulatory control or legislation.

Section 5.1.5 Adoption.--The procedure for adoption of any specific plan, program, regulatory controls or legislation shall be in the same manner as in the adoption of the Comprehensive Plan, provided for in Section 4.6.6 of this Act; provided however that, official adoption shall be by ordinance; provided further that the local legislative body may initiate consideration for the adoption of a specific plan, program, regulatory control or legislation, or amendment to existing ones. It shall first refer the proposed specific plan, program, regulatory control or legislation and amendment to the Local Planning Officer for review and recommendation, which shall, thereafter, be considered and processed in the same manner as that set forth above.

Section 5.1.6 Amendment.--Each specific plan, program, regulatory control or legislation shall be periodically reviewed and subsequent amendments to such existing

specific plans and regulations shall follow the same procedure as in the original preparation and adoption.

Section 5.1.7 Enforcement and Administration.--The legislative body shall determine by ordinance or written decree the administrative rules and procedures for the application and enforcement of specific plans, programs, regulatory controls or legislation, and shall assign or delegate such administrative functions to the Local Planning Officer or to such other local administrative officials as it deems appropriate.

Section 5.1.8 Appeals and Adjustments.--Procedures for appeals and adjustments from the decision of the administrative officer shall be as provided for in Article 5.5 of this Act.

## Article 5.2 ZONING REGULATIONS

Section 5.2.1 Authority.--The Legislative Body of any Local Planning Area, for the purpose of promoting public health, safety, morals and general welfare of the whole planning area may by ordinance adopt zoning regulations which shall:

- 1) Regulate the use of buildings, structures and land for agriculture, residence, business, industry and other purposes.
- 2) Regulate location, height, bulk, number of stories and size of buildings and structures;



the size and use of lots, yards, courts and other open spaces; the percentage of a lot which may be occupied by a building or structure; density of population and intensity of land use.

3) Regulate the activity on land including filling and excavation of land, the removal of natural resources, the use of water courses and other bodies of water, as well as land subject to flooding.

4) Regulate signs and billboards.

5) Establish requirements for parking and loading.

6) Establish and maintain building setback lines.

The Local Planning Officer shall prepare or cause to be prepared and recommend to the legislative body, zoning regulations, as authorized by Section 5.1 of this Act.

Section 5.2.2 Purpose.--Such regulations and requirements shall have for its purpose the following:

1) To encourage and facilitate the most appropriate, orderly and harmonious development of land within the whole jurisdiction of the Local Planning Area.

- 2) To secure safety from fire, flood, land-slides, earthquakes, panic and other dangers.
- 3) To provide adequate natural light and air within buildings.
- 4) To prevent the overcrowding of land.
- 5) To avoid undue concentration of population.
- 6) To prevent congestion in the circulation of people and goods.
- 7) To facilitate adequate provisions for transportation, sewerage, schools, parks and other public facilities.
- 8) To conserve property values.
- 9) To develop the visual or historical character of the Local Planning Area.
- 10) To protect airports, highways, and other transportation facilities, public facilities including schools and public grounds, historical districts and other specific areas of the Local Planning Area which need special protection.
- 11) To protect central business districts, markets and plazas and natural resources.

Section 5.2.3 Scope.--The zoning regulations shall contain a text defining and listing the types and classifications of zones used and the regulations which may be imposed on each zone. All such regulations shall

be uniform throughout each zone type and classification, however the regulations in one zone may differ from those in other zones. In addition the text shall deal with procedural, administrative and legal matters, including definition of terms usually used in zoning. It shall further make provisions for: the granting of dimensional variances, conditional or special use permits, and for non-conforming use of land and structure; procedures for appeal of administrative decisions; and other provisions which maybe necessary to implement the zoning regulations.

In addition to the text, the zoning regulation shall have a zoning map which shall show the boundaries of each zone, which zones may be of such number, shape, area and classification as deemed best suited to carry out the purposes of this article.

Section 5.2.4 Basis.--The zoning regulations shall be prepared in accordance with the adopted Comprehensive Plan, major elements or parts thereof.

Section 5.2.5 Adoption.--The procedure for adoption of zoning regulations shall be in the same manner as in the adoption of the Comprehensive Plan provided for in Section 4.6.6 of this Act, provided however, that official adoption shall be by Ordinance. Provided, further, that notwithstanding publication requirements for public hearing, the zoning regulations may be published or posted by stating the title and general



description of the regulations and referring to the place within the Local Planning Area where a copy of the complete text and map maybe examined.

Section 5.2.6 Amendments.--The zoning regulations shall be periodically reviewed and subsequent revisions, amendments or extensions shall follow the same procedure as in the original preparation and adoption; provided, that no public hearings may be required by the Local Planning Board or the legislative body when minor changes to the text of the zoning regulations does not impose, remove or modify any regulation therefore existing and affecting the zoning status of land.

Section 5.2.7 Enforcement and Administration.--The legislative body shall determine and establish administrative rules and procedures for the application and enforcement of the zoning regulations and shall assign or delegate such administrative functions to the Local Planning Officer or to such other local administrative officials as it deems appropriate.

Among the duties of the administrative official shall be: to receive application of various types, inspect premises, check and approve building plans complying with the zoning ordinance requirements; issue certificate of zoning compliance and take specified actions when he uncovers violation of the ordinance; and order discontinuance of illegal uses or illegal

work in progress. The administrative official shall not exercise any quasi-judicial authority nor shall issue special exceptions or variances.

Section 5.2.8 Appeals and Adjustments.--Procedures for appeals and adjustments from the decisions of the administrative officer shall be as provided for in Article 5.5 of this Act.

The Board of Adjustments, as constituted by the provisions of the said article, shall have the following functions and powers:

- 1) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the administrative official in the enforcement of the zoning regulations.
- 2) To hear and decide only such special exceptions or conditional use permits as the Board of Adjustments is specifically authorized to consider by the provisions of the zoning ordinance; to decide such questions as are involved in determining whether special exceptions or conditional uses should be granted; and to grant special exceptions with such conditions and safeguards as are appropriate under the ordinance, or to deny special exceptions when not in harmony with the purpose and intent of the zoning ordinance.

3) To authorize upon appeal in specific cases such dimensional variances from the terms of the zoning ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the said ordinance would result in unnecessary hardship. In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with the zoning ordinance. Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permitted under the terms of the zoning ordinance in the district involved, or any use expressly or by implication prohibited by the terms of the Ordinance in said district.

#### Article 5.3 SUBDIVISION REGULATIONS

Section 5.3.1 Authority.--The legislative body of a Local Planning Area, for the purpose of promoting health, safety, morals and general welfare of the whole planning area may by ordinance adopt regulations for the subdivision of land within the planning jurisdiction of the Local Planning Area.

The Local Planning Officer shall prepare or cause to be prepared and recommend to the legislative body such subdivision regulations, as authorized by Section 5.1.1 of this Act.

Section 5.3.2 Purpose.--Such regulations and requirements shall have for its purpose the following:

- 1) To safeguard the character of development, provide means of stabilizing property values, and develop sound and attractive neighborhoods through provisions of adequate block design, street layout, lot layout, and the provisions of adequate utilities and community services.
- 2) To guide community development in directions prescribed by a Comprehensive Plan.
- 3) To encourage the coordinated platting of adjacent tracts so as to eliminate scattered sites and reduce costly, duplicated services for separate tracts.
- 4) To discourage the building of new subdivisions with poor market potential in order to protect the community and the developer from the financial loss which can result from an uneconomic development of land.
- 5) To complement zoning regulations and other land use restrictions.

Section 5.3.3 Scope.--The subdivision regulations shall contain, but not be limited to, the following:

- 1) The procedure for approval and recording of the final plat. Such procedure shall indicate:

a) Pre-application procedure and requirements for the purpose of offering the subdivider an opportunity to confer with the Local Planning Officer and other local officials, on proposed plans in advance of preparing and filing the preliminary plat and before formal application is made for its approval.

b) Procedure and requirements for conditional approval of the preliminary plat. The preliminary plat shall be intended to provide sufficient data and information, to enable the Local Planning Officer and such other local officials as may be concerned with ascertaining compliance with the requirements, to have proper review, give tentative approval or suggest changes in the proposed development.

c) Procedure and requirements for approval of the final plat. Approval shall be given only after all information necessary for recording have been submitted or shown, completion of all improvements required by the tentative approval or in lieu of actual construction and installation, a bond has been filed with the proper authorities to guarantee performance within a specified time, and such other requirements as prescribed by the

subdivision ordinance. Approval of the final plat by the Local Planning Officer shall not constitute an acceptance by the public of any dedicated streets or other land for public use. Such dedication shall be accepted only by ordinance, by the legislative body after receiving the recommendations of the Local Planning Officer.

- 2) Specifications for the contents and the format of all subdivision plats.
- 3) Requirements for the design or standards of streets, blocks, lots, utilities, recreation areas, other facilities, hazardous areas, and areas subject to flooding. Such requirements may deal with all forms of land use including residential, commercial, industrial, and other uses.
- 4) Specifications for the physical improvement of streets, utilities, and other facilities, and the extent to which they shall be installed or dedicated as conditions precedent to approval of any plat, including the provision of subdivision performance bonds to insure proper completion of physical improvements.
- 5) Specifications for the extent to which land is to be used for public purposes shall be

reserved, as a condition precedent to approval by the Local Planning Officer of any subdivision plat.

Section 5.3.4 Basis.--The subdivision regulations shall be made in accordance with the approved Comprehensive Plan.

Section 5.3.5 Adoption.--The procedure for adoption of subdivision regulations shall be in the same manner as in the adoption of the Comprehensive Plan, provided for in Section 4.6.6 of this Act, provided however, that official adoption shall be by ordinance.

Section 5.3.6 Amendment.--The subdivision regulations shall be periodically reviewed and subsequent revisions, amendments, additions or extensions shall follow the same procedure as in the original preparation and adoption.

Section 5.3.7 Enforcement and Administration.--The legislative body shall determine by ordinance or written decree the administrative rules and procedures for the application and enforcement of the subdivision regulations and shall assign or delegate such administrative functions to the Local Planning Officer and other local officials, provided that the Local Planning Officer or his duly authorized representative shall assume primary responsibility for the administration of the subdivision regulations. Among his powers and duties shall be the following:

- 1) Acting as the agent for other departments of local and national government, to review plats.
- 2) Approve, disapprove or recommend changes in subdivision proposals.
- 3) Coordinate the supervisory activities of all other agencies participating in the administration of the subdivision regulations.

Section 5.3.8 Legal Effect.--From and after the adoption of the subdivision ordinance:

- 1) No person or his agent shall subdivide any land, or offer for sale such subdivided land, before securing the approval of the Local Planning Officer of a plat designating the areas to be subdivided.
- 2) No plat of a subdivision of land within the Local Planning Area shall be recorded in the Register of Deeds whose jurisdiction include the Local Planning Area, unless such plat has been approved by the Local Planning Officer.
- 3) No building permit shall be issued unless the structure has access to an approved street in a recorded plat.
- 4) No municipal improvement shall be constructed except in streets or highways or on other land



for public use, that are public or have been accepted by ordinance by the legislative body.

5) The Local Planning Officer shall have the power to apply for injunction against any type of subdivision construction by the subdivider or the landowner where a subdivision regulation has been violated.

Section 5.3.9 Appeals and Adjustments.--Procedures for appeals and adjustments from the decisions of the Local Planning Officer and other local officials in the enforcement of the subdivision regulations shall be as provided for in Article 5.5 of this Act.

Where the Board of Adjustments finds that extraordinary hardships may result from strict compliance with the subdivision regulations it may authorize minor variances so that substantial justice may be done and the interest secured, provided that the general intent and purpose of the regulations and of the Comprehensive Plan are maintained.

In granting such minor variances, the Board of Adjustments may require such conditions as will, in its judgement, secure substantially the objectives of the standards or requirements of the subdivision regulations.

#### Article 5.4 MAPPED IMPROVEMENT REGULATIONS

Section 5.4.1 Authority.--The legislative body of any Local Planning Area after adoption of a Comprehensive

Plan, may by ordinance adopt mapped improvements regulations for the purpose of effecting and implementing the provisions of the said Comprehensive Plan.

The Local Planning Officer shall prepare or cause to be prepared and recommend to the legislative body the adoption of plats and regulations establishing the location and dimension of streets and the location and extent of sites for public use, for the purpose of controlling the building of structures and other physical facilities thereon, prior to actual acquisition by the public of such lands or rights-of-way.

Section 5.4.2 Purpose.--The mapped improvements shall have for its purposes the following:

- 1) To avoid high costs of acquisition at some future date, of land intended for public use or rights-of-way.
- 2) To notify property owners of projected streets or land intended for public use within a reasonable time and enable them to develop their property accordingly, thus reducing social and economic hardships.

Section 5.4.3 Scope.--The mapped improvements regulations shall incorporate in a map and text form the following:

- 1) Exact location, extent, alignment dimensions and other pertinent features of proposed public

streets, of the whole or of any part or parts of the Local Planning Area.

2) Exact location, extent and lines of water courses or drainage rights-of way.

3) Exact location, size, boundaries and other related features of proposed public parks, playgrounds, schools, building sites and other public facility needs.

4) Period of time for which the aforementioned streets, rights-of-way and public grounds is to be deemed reserved for future taking or acquisition for public use, which period shall be not less than five nor more than ten years.

Section 5.4.4 Basis.--The mapped improvements regulations shall be made in accordance with the approved Comprehensive Plan.

Section 5.4.5 Adoption.--The procedure for adoption of mapped improvements regulations shall be in the same manner as in the adoption of the Comprehensive Plan, found in Section 4.6.6 of this Act, provided however, that official adoption shall be by ordinance.

Such procedure for adoption shall also include the following provisions:

Notwithstanding publication requirements, notices for public hearings shall include the mailing of such notices to the recorded owners of land included

in and abutting proposed streets, rights-of-way, water courses, public schools, building sites, parks and playgrounds and other public grounds.

A certification to the effect that a mapped improvements regulations has been adopted, together with an attested copy of the map showing the proposed improvements, shall be filed with the Register of Deeds whose jurisdiction includes the Local Planning Area. Any subsequent amendment shall be certified to, in the same manner.

Section 5.4.6 Amendments.--The mapped improvements regulations shall be periodically reviewed by the Local Planning Officer and subsequent revisions, amendments, additions or extensions shall follow the same procedure as in the original preparation and adoption.

Section 5.4.7 Enforcement and Administration.--The legislative body shall determine by ordinance or written decree the administrative rules and procedures for the application and enforcement of the mapped improvement regulations, and shall assign or delegate such administrative functions, powers and duties to the Local Planning Officer or to such other local officials as it deems appropriate.

Section 5.4.8 Legal Effect.--From and after the adoption of the mapped improvement regulations, for all or part of the Local Planning Area:

1) All streets, rights-of-way, water courses, public parks, playgrounds, schools and building sites and other public grounds in any subdivision duly approved and filed under the provisions of the subdivision regulations shall be deemed a modification or amendment of the mapped improvement regulations. Such amendment or modification shall be considered as recommended by the Local Planning Officer and no public hearing shall be necessary prior to its adoption by the legislative body.

2) No permit shall be issued for the construction or material alteration of any building or structure within the lines of any street, rights-of-way, water courses, parks and playgrounds, public schools and building sites and other public grounds shown on the mapped improvement map.

3) No person shall recover any damages, for the taking for public use of any structure or improvement constructed in violation of the mapped improvements regulations, within the lines shown on the mapped improvements, and any such structure or improvement shall be removed at the expense of the owner, when the land is acquired for public use.

4) The adoption of the mapped improvement regulations or subsequent modifications or amendments thereof shall not be deemed as opening or establishing of any street, or as a taking or as an acceptance of any land for street, water courses, or public ground, nor shall it obligate the local or national government to improve or maintain any such street or facility if it exists as a private property.

Section 5.4.9 Exercise of Power of Eminent Domain.--The legislative body of the Local Planning Area shall have the power to exercise the right of eminent domain over property defined and established in the mapped improvement regulations, and to authorize the institution of proceedings for the condemnation of the same, subject to the condition of payment of just compensation, all in accordance with the methods prescribed by law.

Section 5.4.10 Appeals and Adjustments.--Procedures for appeals and adjustments from the decisions of the administrative officer shall be as provided for in Article 5.5 of this Act.

The Board of Adjustments, as established by the provisions of the said article, shall have the power, on appeal filed with it by the owner of such land as defined and established in the mapped improvements regulations, to authorize the granting of a permit for

and the erection of a building or structure, or parts thereof, within the lines of any mapped street, rights-of-way, water course, public park, playground, school and building site and other public grounds in which such board finds, upon the evidence and arguments presented to it on such appeal, that:

1) The entire property of the appellant located in whole, or in part, within the lines of such mapped street, rights-of-way, water course, public park, playground, school, and building site and other public grounds cannot yield a reasonable return to the owner unless such permit be granted, provided however that such grant will not substantially increase the cost of future acquisition.

2) Balancing the interest of the Local Planning Area in preserving the integrity of the adopted map, and the interest of the owner of the property in the use and benefits of his property, the granting of such permit is required by considerations of justice and equity.

In granting such a permit the Board of Adjustments shall specify the exact location, ground area, height, and other details and conditions of size, character and construction, and also the duration of the building, structure, or part thereof to be permitted.

Article 5.5 BOARD OF ADJUSTMENTS

Section 5.5.1 Establishment.--In order to provide a means of: granting some measure of relief from the literal enforcement of the zoning regulations, subdivision regulations, mapped improvement regulations and such other regulations as may be adopted for the purpose of implementing the Comprehensive Plan, and hearing of appeals from the decisions of the administrative officer enforcing such regulations, the local legislative body shall establish by ordinance a Board of Adjustment. No local legislative body of a Local Planning Area shall adopt a zoning ordinance, subdivision ordinance, mapped improvement ordinance, or such other ordinance as may be adopted for the purpose of implementing the Comprehensive Plan, without providing for such a board. The Board of Adjustment shall:

- 1) Consist of the citizen members of the Local Planning Board.
- 2) Have the chairman of the Local Planning Board its chairman. Other officers may be elected from among its members, as it deems necessary. The Local Planning Officer or his duly authorized representative shall be designated secretary of the board.
- 3) Have the appointment, terms of office, removal, replacement, compensation of its



members provided in accordance with Article 4.5 of this Act.

4) Conduct meetings at the call of the chairman who shall give written or oral notice to all members of the board at least seven days prior to the meeting, or at such other times as the board may determine.

5) Adopt rules necessary to the conduct of its affairs and shall keep minutes and records of all proceedings, including regulations, transactions, findings, and determinations and the number of votes for and against each question, and if any member is absent or abstains from voting, indicating the fact, all of which shall, immediately after adoption be filed in the Local Planning Office as a matter of public record.

Section 5.5.2 Functions.--The Board of Adjustment shall be a quasi-judicial body charged with carrying out the functions and powers granted to it by this Act and the zoning ordinance, subdivision ordinance, mapped improvement ordinance and such other ordinances as may be adopted for the purpose of implementing the Comprehensive Plan. In addition the board shall have the power to issue subpoenas to compel witnesses to attend its meetings and give evidence bearing upon the question before it. The Chairman of the Board of Adjustments shall have

the power to administer an oath to witnesses prior to their testifying before the board on any issue.

Section 5.5.3 Procedure for Adjustments.--Appeals to the Board of Adjustment concerning relief from, interpretation or administration of, the zoning ordinance, subdivision ordinance, mapped improvement ordinance or any other ordinance as may be adopted for the purpose of implementing the Comprehensive Plan, may be taken by any person aggrieved or by any office or agency of government, by any decision of the administrative official. Such appeals shall be taken within a reasonable time, not to exceed sixty days or such lesser period as may be provided by the rules of the Board of Adjustment, by filing with the appropriate administrative official and with the board a notice of appeal specifying the grounds thereof. The administrative official shall forthwith transmit to the board all papers constituting the record upon which the action appealed from was taken.

The Board of Adjustment shall fix a reasonable time for the hearing of appeal, give public notice thereof as well as due notice to the parties of interest, and decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or attorney.

The concurring vote of a simple majority of the entire board shall be adequate to reverse any order,

requirement, decision, or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance or to effect any variation in the application of the said ordinance.

Section 5.5.4 Legal Effect.--An appeal stays all proceedings in furtherance of the action appealed from, unless the administrative official from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal is filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Adjustment or by an appropriate judicial court, on notice to the administrative official to whom the appeal is taken and on due cause shown.

The Board of Adjustment may, so long as such action is in conformance with the intent of the appropriate ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the administrative official from whom the appeal is taken.

Section 5.5.5 Appeals From the Board of Adjustment.--

Any person, agency, or any department of the local or national government, aggrieved by any decision of the Board of Adjustment may seek further appeal with an appropriate judicial court in the manner provided for by law. Such appeal shall be taken within sixty days after the decision of the Board of Adjustment, and all decisions which have not been appealed within the prescribed sixty days shall become final.

Section 5.5.6 Relation of Administrative Official, Board of Adjustment, Legislative Body and Judicial Court to Questions of Interpretation and Enforcement.--All

questions of interpretation and enforcement shall be first presented to the administrative official and such questions shall be presented to the Board of Adjustment only on appeal from the decision of the administrative official, and that recourse from the decision of the Board of Adjustment shall be to the appropriate judicial court as provided by law. The legislative body shall not include hearing and deciding questions of interpretation and enforcement that may arise in its function. The legislative body shall have only the duties of considering and adopting or rejecting proposed amendments or the repeal of the ordinance as provided by this Act, and establishing a schedule of fees and charges.



Article 5.6 CAPITAL IMPROVEMENTS PROGRAM

Any Local Planning Area may adopt a program and budget for capital improvement. The Local Planning Officer shall prepare or cause to be prepared, amend and keep up to date a five-year program of local public works and capital improvement projects undertaken or recommended to be undertaken by the local government. Such program may also contain projects undertaken or recommended to be undertaken with national or provincial aid or under national or provincial government regulation. In preparing the program, the Local Planning Officer shall have the collaboration of the city or municipal treasurer of the Local Planning Area. The program shall classify projects in regard to the urgency and need for their realization, and shall recommend a time sequence for their construction. The program shall also contain the estimated cost of each project and shall indicate probable operating and maintenance costs and probable revenues, if any, as well as existing sources of funds or the need for additional sources of funds for the construction and operation of each project. The capital program shall, as far as possible, be based on existing information in the possession of the Local Planning Office, the city or municipal treasurer and other appropriate departments and agencies of local or national government operating and having special jurisdiction within the Local Planning Area. Heads of such departments

or agencies shall transmit to the Local Planning Officer a statement of capital projects proposed to be undertaken by their departments or agencies for study, advice and recommendation by the Local Planning Office and for consideration for inclusion in the capital program of the Local Planning Area. The Local Planning Office shall assist the city or municipal treasurer in the preparation of the annual capital budget.

Before official adoption of the capital improvements program by local authorities, the said program shall first be reviewed by the Regional Planning Officer, or when appropriate, the Director of National Planning as such program refer to the Regional Development Plan or National Development Plan.

#### Article 5.7 INTERIM REGULATIONS

If any Local Planning Office is conducting or, in good faith is preparing to conduct, studies which are required for a Comprehensive Plan, the Local Planning Officer and the legislative body of the Local Planning Area may prepare and adopt interim regulations before the otherwise required plan, major parts or elements thereof is completed. The contents of, and procedure for adoption and amendment of, the interim regulations shall be the same as for the regular regulations.

## CHAPTER VI

### GENERAL AND SUPPLEMENTAL PROVISIONS

#### Article 6.1 POWER OF ENTRY

The Director of National Planning, any Regional Planning Officer and any Local Planning Officer shall have the power to enter, or designate staff members of their respective planning offices who may enter, at reasonable times and in such a manner as to cause no unnecessary injury upon any land or building in order to make examination and surveys related to his planning function, provided that, proper notice in writing shall be given the owner or occupant of such property at least twenty-four hours before such intended entry.

#### Article 6.2 NOTICE OF PUBLIC HEARINGS

Notice of the time, place and purpose of any public hearing shall be given and published at least fifteen calendar days before the hearing, in a newspaper of general circulation within the planning area. Where there is no newspaper of general circulation, the notice shall be posted in as many public places within the planning area as may be necessary to provide adequate coverage of said notice, to be determined by the



planning or legislative authority concerned. In addition to notice by publication, the appropriate authority may prescribe additional methods for providing notice.

#### Article 6.3 INTERIM PERIOD

For the purpose of this Act, the period between the commencement of this Act and the designation of a Regional Planning Area or a Local Planning Area shall be considered as an interim period. Any application for use or development of land or building in this period shall be considered by the appropriate local authority which may grant permission for such use or development with or without modification or refuse it, provided however, that the local authority may consult with the Regional Planning Officer of the area, or when appropriate, with the Director of National Planning regarding the matter.

#### Article 6.4 TRANSITORY PROVISIONS

Any plan, regulation or organization which is in existence at the time of the passage of this Act shall continue to be in force until they are superceded by any action taken in pursuant to the provisions of this Act or until five years have elapsed from the adoption of this Act. At that time all organizations, plans and regulations shall be in conformance with the provisions of this Act.

Article 6.5 INTERPRETATIONS

Implied power of a planning agency shall be liberally construed in its favor. Any fair and reasonable doubt as to the existence of the power should be interpreted in favor of the planning agency, and it shall be presumed to exist, unless declared otherwise by a competent authority or judicial court. The general welfare clause shall be liberally interpreted in case of doubt, so as to give more power to a planning agency in promoting the economic condition, social welfare and material progress of the people.

Article 6.6 LAWS REPEALED

All acts, executive orders, administrative orders and proclamations or parts thereof inconsistent with any provisions of this Act are hereby repealed or modified accordingly.

Article 6.7 SEPARABILITY CLAUSE

The provisions of this Act are hereby declared to be separable, and in the event any one or more of such provisions are held unconstitutional, they shall not affect the validity of other provisions.

Article 6.8 APPROPRIATIONS

Upon approval of this Act, the sum of \_\_\_\_\_ is hereby authorized to be appropriated out of any

general fund in the national treasury not otherwise appropriated, for the operating expenses of the National Planning Office and any Regional Planning Office that may be established. The appropriations for succeeding fiscal years shall be included in the annual national budget for such years. The legislative body of any Local Planning Area shall appropriate adequate funds for the operating expenses of its Local Planning Office and Local Planning Board.

#### Article 6.9 PENALTIES

Any violation of any provisions of this Act or any of the regulations adopted pursuant to it is hereby declared to be a misdemeanor punishable by a fine of \_\_\_\_\_ and imprisonment of \_\_\_\_\_ or both, such imprisonment and fine in the discretion of an appropriate judicial court as provided by law.

#### Article 6.10 EFFECTIVITY

This Act shall take effect upon its approval.

## COMMENTARY

Article 1.1 TITLE OF ACT.--There has never been a law passed by Philippine Congress to provide the sort of statutory machinery desirable for establishing national planning, regional planning and local planning. Planning is an accepted and recognized function of government. However such function can be implemented only by some legislative measure which will enable the governmental system, both national and local to perform their optimal role in achieving the coordinated, adjusted and harmonious development of the whole country. Any semblance of planning, at present, has come from presidential executive orders, edicts and proclamations. These have been totally inadequate in organization, procedure, process and implementation.

Article 1.2 LEGISLATIVE FINDINGS AND INTEREST.--Legislative findings and intent is not an essential part of a legislative act; it is legally at best, but a guidepost to judicial interpretation. Yet, it can serve useful, though in many respects non-legal purposes. Here it serves the function of describing the purposes of the Act and making general reference to its objectives. It discloses the general intention of the legislature in

enacting the law. It serves as an educational and informational medium to the general citizenry, interested parties, executive departments and the courts.

Article 1.3 DEFINITIONS.--The definition section has been placed at the beginning in order to give the reader some basic understandings he will need to understand the remainder of the Act. Certain words and terms are defined in order to simplify, clarify and make the law more understandable. Words which have commonly and universally accepted meanings and simply do not need defining have been omitted. Special technical terms and words or terms which are used to simplify and cut down on the use of words, however have been, to a certain extent, defined. Space limitations, however, make it impossible to list all the terms which might be defined in connection with this Act.

Article 2.1 NATIONAL PLANNING OFFICE.--There is a distinct need for a central planning body that has its primary concern the formulation of a comprehensive program of national action in the physical development field, a unified program providing strong direction that enables the national government to exercise its development functions intelligently. The fact that this proposed agency is national in nature and not confined by jurisdictional barriers offer an initial advantage in national planning. It is necessary to introduce fundamental

changes in connection with the public management of planning. One such change is in the machinery for planning and implementation. The National Planning Office as visualized in this Act is an organization that would guide, coordinate, and implement general policies on the national level towards their implementation in other national departments and in local governments.

The principle of a staff relationship to the chief executive, in this case the President, must be recognized and emphasized. The relationship would provide readily available assistance in shaping policies affecting the physical development of the country. A national planning agency needs the vantage point and prestige of the President's Office as well as his personal understanding and support. If a planning office is to be effective, it must be looked upon by the President, first of all and also by department heads and other officials and citizen leaders as an important unit capable of giving sound, specific advice. A location away from the centers of decision may lead to isolation and lack of use, or to functions other than planning.

The enumerated powers and duties demonstrate in considerable detail the manner in which the National Planning Office is to execute its functions. The adoption of a National Development Plan and national

capital improvement program are set forth and the function of the planning office or principal staff agency of the President in planning matters is made explicit. Broad powers and duties are conferred upon the office in relation to the making of studies and investigations concerning national planning matters. Broad powers are also conferred in regard to cooperation with the national, regional and local agencies involved in planning activities.

Various public works programs create problems in the coordination of policies affecting developmental activities at all levels of government. With few formal channels for interaction, a degree of coordination may be reached unofficially or within the forum of the President's cabinet. There is much to be desired in this case. First there usually are no unifying development principles to gauge the importance of each of the various development proposals. Second there is little assurance that conflicts and duplications will not occur. Because of its focus on overall and total development, the national planning unit is in a unique position to provide assistance in coordinating the myriad of development proposals emanating from the operating departments of national government.

The planning office must provide varied kinds of direct assistance to the groups that are ultimately responsible for development. And in building support

for national planning through the provisions of technical assistance, several other purposes are served: improved coordination will occur, the concept of a unified nationwide development approach will become more acceptable, and the work of the individual agencies receiving assistance will be strengthened. In the early stages of the planning program, therefore, it is wise for the National Planning Office to devote considerable time to: functioning as a central research unit, offering technical assistance to national operating agencies, and providing local planning assistance.

Article 2.2 DIRECTOR OF NATIONAL PLANNING.--The nature of national planning as an executive staff function is emphasized by the provisions that the Director of National Planning is to be appointed by the President and is to serve at his pleasure. The director's term of office is not coterminous with that of the President who appointed him. A newly elected President may, but does not have to replace the director. Serving at the President's pleasure the director continues to serve until his services are expressly terminated. If a President is elected who believes in an enlarged or a restricted program of, say, public works or conservation measures, he should not have to struggle with a planning office that holds opposing views. Thus the planning director, as a principal staff advisor to the President, is appointed by him, and holds office at his pleasure.



Most of the office's professional staff however, is under civil service regulations. Some continuity of background and operation is thus assured. Successful performance by a planning service is directly related to the degree of ready communication with the President. This principle suggests not only the need for Presidential appointment but also tenure at the discretion of the chief executive.

A problem, however, arises with respect to combining the advantages of continuity of service in the agency with the possibility of turnover in top-level staff. These considerations suggest that the head of the planning service should be regarded as a career person, not subject to removal except for cause. The above assertion may be valid, but its value diminishes with the realization that accumulated knowledge and advice no matter how good and available, have little point if untouched and unused. A chief executive who cannot at his discretion appoint and retain the head of his planning service will have little personal relationship to it.

Article 2.3 NATIONAL PLANNING STAFF.--Although the Director of National Planning would serve at the pleasure of the President, the staff should be selected on the basis of qualifications and have tenure purely on merit. In this way the staff itself embodies the experience and judgement of the office and provides a large part of the desirable continuity. Thus while the director

might change from time to time, the office itself would be permanent, and the staff continually engaged in planning services under civil service merit system.

One of the prime duties of the staff would be to utilize to a maximum degree research results and data already available or that can be collected by departments, agencies, and other institutions. To supplement such research and its own studies, the National Planning Office would employ specialists on a temporary basis in particular fields for research projects and consultation. This would mean enlarging the staff from time to time.

A major responsibility of the National Planning Office is the intensification of its efforts to support training programs in the field of planning. The relative newness of interest in the field combined with unavailability of trained persons, creates major problems in staffing.

The provisions of temporary transfers may well prove to be most valuable. Much of the effectiveness of national and regional planning may well depend, in considerable degree, on relations of understanding and mutual respect among planning agencies, and between them and other official agencies. Over the years even a modest program of employee transfer and exchange for in-service training, orientation in planning, and special studies may prove an excellent means of furthering

understanding and raising the level of performance in national, regional and local planning units.

Article 2.4 NATIONAL PLANNING COUNCIL.--The National

Planning Council is not a planning commission. It is an almost wholly advisory body. The provisions for its composition are extremely flexible in order to enable the President to appoint to membership, department heads or other national officials from any branch of government. In addition to its flexibility, the pattern may assure an incoming President the possibility of a majority on the National Planning Council, while preserving the continuity of membership.

One advantage of the advisory board or council is that its members can more easily be objective and helpfully critical. Numbers of the traditional planning commission in the United States, using it as a basis of comparison, usually develop a proprietary and defensive attitude toward their function that tends to freeze others out of the act, to preclude hopeful experimentation and the search for new and better ways of doing the work. The natural tendency of an active advisory council, on the other hand, is to look for new and better ideas to pass on to the responsible head of its agency and generally to stimulate him and put him to test.

The President may have a planning council entirely of citizens, non-official members or of citizens and administrative officials. He may vary the

combinations in the light of experience and changing needs. Strong non-official representation and a non-official chairman are assured but, if the President wishes the council to be a major means of furthering planning as a program implementing operation within his administration, a greater majority of its members may be department heads and comparable officials. Official members serve at the President's pleasure. The non-officials have staggered, four year terms. Consequently a majority of the total membership may be supporters of the President's general view but a minority of hold-overs may provide a degree of continuity or, at least, first hand knowledge of the rationale and measures of the preceding administration in respect to the major issues.

The functions of the advisory National Planning Council are enumerated in some detail to emphasize the very real contribution a well informed advisory body is capable of making. The purpose of the council is to make a positive contribution in terms of the particular experiences of the council members. The council might also operate as a link between the technically trained National Planning Staff and the general public which has a stake in the development of the country. The range and importance of the planning council's responsibilities will often make sub-committees necessary.

The quality of their work, as well as their influence on policy, may often be enhanced by bringing non-members of the council into their deliberations.

Article 2.5 NATIONAL DEVELOPMENT PLAN.--The heart of the national planning function is a unified policy framework which is established at the highest level of government, giving direction to a wide array of developmental action. The National Development Plan essentially provides a framework in which detailed planning for specific functions of operating national agencies and local governmental planning can be accomplished.

The preparation of a National Development Plan is here recognized as a planning function, which the National Planning Office must undertake in cooperation with other national departments. It is expected that though the National Planning Office's study of and advice, concerning departmental plans and projects, compliance with the National Development Plan will be achieved.

Amendments, some minor and some major will prove necessary from time to time. Here, provisions are made for proposals for alterations or additions to a plan may be submitted at any time. This ensures a thorough review of the area and plan which will take place at least once in every five years. The power to amend a plan,

however, should be used sparingly, if planning is to mean anything at all.

Article 2.6 CAPITAL IMPROVEMENTS PROGRAM.--Planning through the preparation of capital improvements program has emerged in recent years as a useful technique for modern government. Such improvements need to be directly related to the comprehensive view of national development objectives which national planning provides. A capital improvements program automatically brings together in one agenda all anticipated needs for major improvements and allows consideration of the internal balance among expenditures. The procedure also has the advantage of periodically gauging long range total needs from which decisions as to future sources of income can be made. With the National Planning Office providing the national departments with the best available information as to desirable future development of the country as a whole, the department themselves will accomplish detailed planning for each of their functions. The primary purpose of the planning office's participation in a capital improvements program is to establish a channel by which information and plans prepared by the office can be referred to the national departments. They in turn translate these into detailed long range plans and programs for their specific activities. It is the comprehensive view of national development which will be the planning office's primary contribution.

Because of its concern with the national capital program, the National Planning Office is also to assist the Budget Commission and the Department of Finance in the preparation of the annual capital budget.

Article 3.1 REGIONAL PLANNING AREAS.--The provisions found in this article recognize the need of units for planning and development at a level between local authorities and the central government. Integral regional planning calls for large areas in which a variety of needs, economic resources and ways of life can be seen in their interrelations and can in turn be related to national planning. Boundaries preferred for regional planning must reflect physical characteristics, economic homogeneity and other characteristics which may well be influenced by the sentiment of the people concerned.

By establishing a region on a sound basis at the outset the problem which may result when any group of cities or municipalities join together to do regional planning of a "honeycombing" situation with some municipalities or cities in an area belonging and others directly adjacent thereto, not. Logical regional planning could not be undertaken under these conditions because planning studies in all probability extend throughout the "honeycomb" and beyond.

The definitions of regional planning area and metropolitan planning area differ merely in emphasis. A metropolitan area is defined as a special type of

regional area. The metropolitan area stresses greater population concentration, whereas the definition of regional planning area might include both rural areas and areas characterized by urban growth, though of lesser population concentration. The planning powers of a regional area and a metropolitan area are identical. The word "regional" for both cases is used to simplify the wordings of the Act.

In the provisions of this article the National Planning Council exercises more than advisory power. In approving or rejecting and resubmitting the recommendations of the Director of National Planning, the council acts in a manner similar to that of a conventional planning commission found in the United States. This deviation from the general pattern of relationship between the Director of National Planning and the National Planning Council is deemed desirable because the establishment of planning regions is a matter in which considerations of readiness of local governments to assume responsibility of cooperative effort, financing, staffing, as well as other planning considerations, play a part.

Article 3.2 REGIONAL PLANNING OFFICE.--The provisions found in this article indicate explicitly that regional planning is a responsibility of the national government. There are several reasons for this proposal: (1) It is almost impossible to determine a method or formula for



the establishment of official regional planning agencies whose composition and powers would be acceptable to all local governments and diverse interests involved particularly within metropolitan areas. Since the national government is the primary constitutional level of government which creates local government, provincial, city or municipal, it is the only government which can exercise jurisdiction at regional levels on its own initiative. (2) For regional planning to be effective it must be technically integrated with nationwide planning considerations and determinants. (3) If regional planning is to be more than mere research and paper proposals, it must provide an effective vehicle for bringing about budgetary decisions on the national level. This can be better accomplished if the national government is involved in the regional planning process through the Regional Planning Office as a branch of the National Planning Office.

The powers and duties of the office are generally analogous to those of the National Planning Office. Because Regional Planning Offices have no correlative government to which they are directly responsible, except indirectly to the national government through the National Planning Office, no references to the preparation of a capital improvements program is made. On the other hand, in view of the fact that Regional Planning Offices must work closely with local governments within their

area, additional stress is placed on cooperation, coordination, integration, assumption of local planning powers and powers of review.

The Act contemplates that regional planning, compared to national planning, will be concerned with rather more detail in respect to, for example, the generalized land use pattern or the circulation system. The difference it is important to emphasize, is one of degree. The Act does not put the regional planning units in competition with local planning agencies nor does it reduce local powers and responsibilities. Rather, it clearly envisages the Regional Planning Offices and Boards as advisors, coordinators, helpers and reviewers to Local Planning Offices and Boards.

Article 3.3 REGIONAL PLANNING OFFICER.--If planning administration in a diverse area is to succeed, the unifying influence of a single individual is necessary. Professional planning staff work and administration are united under the Regional Planning Officer. He is directly under the control and supervision of the Director of National Planning, for reasons similar to those stated in the commentary of the previous article.

The power of referral given to the Regional Planning Officer is potentially very important to the success of regional planning.

Article 3.4 REGIONAL PLANNING STAFF.--Commentaries on this article are similar to those found in Article 2.3.

Article 3.5 REGIONAL PLANNING BOARD.--Since the board is advisory in character and would have no powers to adopt plans or to compel acceptance of its recommendations, equal representation is the most desirable instead of the more complicated form of proportional representation. The structure of the board has been designed to obtain the services of those men who are equipped through experience and performance to recommend regional policies, a regional plan and regional program that will attract the widest possible support among those persons and agencies most directly concerned with their implementation.

Membership of the chief executives of each province and Local Planning Area within the region will allow such officials to be fully informed of all the board's activities, programs, studies, etc. This information will in turn be channeled to the corresponding local planning agencies. Diffusion of understanding and broad participation in the activities of the Regional Planning Board is achieved through this method of representation.

However, the main reason for providing direct and strong representation for such officials should be self-evident. The agencies which can advance or hinder any regional planning effort are the local authorities in the provinces, cities, and municipalities within the

Regional Planning Area. They control local physical development policies, regulatory controls and the great majority of public capital improvement projects. By their mutual assistance and cooperation, they can see that the regional plan is carried out. If they have a say in the preparation and recommendation of the plan, they will understand it and will be able to provide the leadership that will be needed if it is to be carried out effectively. The inclusion of citizen members should make the board representative of and able to speak for a broad range of interests in various fields of business, professional, agricultural and other activities. Civic groups and outstanding citizen leaders can generally be instrumental in initiating and supporting solutions to development problems.

Article 3.6 REGIONAL DEVELOPMENT PLAN.--The Regional Development Plan is generally analogous to the National Development Plan. It is a more detailed plan than the national plan.

The Regional Development Plan like the local Comprehensive Plan of any Local Planning Area is a long-range, comprehensive and general guide for physical development. Also like the National Development Plan, in order to reflect changing conditions will be regularly reviewed and revised if necessary. The regional plan, because of the large area it must cover and in recognition of the proper division between local and regional

interests and responsibility, will be much less detailed for any specific area of local jurisdiction than the Comprehensive Plan of that area would be. It is not an all-inclusive document that will make local planning unnecessary, but constitutes rather a broad foundation on which each local jurisdiction may base the plan of its own choosing. The importance of the plan is that it will furnish the framework for all of the other work of the Regional Planning Office and Board and will be of great importance to local legislation and planning bodies, private citizens and national agencies operating within the region. What the regional plan will do is to provide a framework based on regional considerations, and local planning will relate the regional needs and objectives to municipal needs and objectives.

The Act provides that local authorities, national agencies operating within the region submit their Comprehensive Plans, specific plans, regulatory controls, capital improvements, etc. to the Regional Planning Officer for review and recommendation prior to their adoption. This will make the Regional Development Plan become an effective tool in coordinating and improving the pattern of physical development in this region.

Article 4.1 LOCAL PLANNING AREA.--While the designation of all cities and municipalities within a Local Planning Area to activate their planning function would be the

ideal condition, and should be desired, the present difficulties found in the country today, particularly in regard to financing and staffing, makes it impossible to do so. Implementation of plans also would be a serious problem. There are roughly about 1,400 cities and municipalities in the country today. The plans prepared for these areas would only be the start. Putting the proposal of such plans into effect is the critical phase, and it is then that it becomes clear whether a plan was really necessary at all or whether it is practical. There are of course certain local areas which need immediate programs for development or redevelopment and which have the necessary resources and are in a position to take up additional responsibilities of planning. Having regard to the different degrees for the necessity of planning in local areas and considering limited finances and personnel, the Act empowers the Regional Planning Officer or the Director of National Planning to designate Local Planning Areas.

Cities or municipalities cannot exercise extra-territorial planning powers unless they are specifically conferred by the national legislature. One of the provisions in this article provides extraterritorial power to any Local Planning Area, provided that such territory covered has relation to or affects its planning.

One other means of solving the problem of financing and staffing is joining together the resources of two or more Local Planning Areas for the purpose of joint planning. Cooperative effort and coordinated action are very important by-products of this union.

Article 4.2 LOCAL PLANNING OFFICE.--The strongest case for integrating planning into the administrative hierarchy is based upon the theory that planning is comprehensive in scope and that plans can be carried into execution only by official sanction. Effective planning is possible, therefore, only if the planning agency has the complete confidence, interest and respect of those who decide and execute policy. As a staff arm of the chief executive, planning becomes an integral part of the administrative process. Since responsibility for policy decisions resides with the elective officials, so must responsibility for proper planning rest with those same officials in so far as planning serves as a basis for policy determination. Plans no matter how good they may be, which do not have the support of the political branches of government are of no value to the community since they are ineffectual for lack of implementation. The provisions of this article makes the technical function in the planning process become a direct staff function, advisory to the chief executive. Planning then becomes an integral function of government.

This system enables the chief executive of the Local Planning Area to correlate the physical planning policy with other kinds of policy, covering the program of municipal services, fiscal plan and the personnel plan. The Local Planning Officer has a continuous and direct channel to the chief executive, as well as a sponsor for his recommendation. This enhances the quality of the technical work, as well as the day-to-day administrative operations of the planning office. This type of organization is particularly suited to the strong-mayor form of government, which is the type of local government cities and municipalities are organized around.

From the standpoint of other local departments, it is apparently easier to deal with the head of a recognizable office than it is to deal with the head of an agency whose relationship to the over all municipal administrative structure is less clearly understood. The planning office in this position, brings planning closer to government and government decision makers. Values of planning can be furthered more by mutual confidence and respect than by the legal formalities of insulation through an autonomous commission.

The provision that the function of the Local Planning Office may be transferred to the Regional Planning Office recognizes the fact that some Local Planning Areas are undoubtedly too poor to provide for themselves the planning services required of government.



Article 4.3 LOCAL PLANNING OFFICER.--Commentary on this article is similar to that of Article 2.2, Director of National Planning, with a difference in the degree or level of administration, function and jurisdiction. The Local Planning Officer, unlike the Director of National Planning, is under the provisions of civil service rules and regulations, and therefore considered permanent. At this level of government, the continuity of tenure is important, because direct implementation of planning programs is effected. There is more citizen participation and involvement thus requiring a greater degree of planning continuity than that is found in the national level.

By making the Local Planning Officer a trusted staff advisor of the chief executive, planning is brought to bear at the highest administrative level of local government, and thereby has better prospects of effective implementation because of the advantages of effective coordination and enforcement.

Article 4.4 LOCAL PLANNING STAFF.--Commentary on this article is similar to that of Article 2.3, National Planning Staff, with a difference of degree or level.

Article 4.5 LOCAL PLANNING BOARD.--The great value of boards is the opportunity provided in them for expression of varied viewpoints and for participation in policy formulation by private citizens and officials of other departments. The planning officer can test his ideas

by stating them to a critically constructive body and receiving in return fresh ideas and suggestions as to new areas of experimentation. This is seldom found in the more formal and sedate atmosphere of a commission.

Here the Local Planning Board is visualized as one representing a cross-section of community interests, acting as a buffer between the technicians and the public and relieving the legislative body of many details, such as getting citizen participation. Boards may also be instrumental in promoting public interest in planning, and by virtue of the member's status in the community are able to get planning effectuated.

The composition and number of such a board depend on the environment of a particular point in time and the objectives of the chief executive who will make the appointments. To achieve the necessary variety of viewpoint, this article provides the inclusion of public officials, a member of the legislature and interested private citizens from various walks of life. The provision that the citizen members should be in the majority recognizes that citizen participation is an important tool in the process and functioning of effective planning. The technique is seen here as a method to develop a feeling of community responsibility for a plan. Theoretically, the public gains understanding of planning and its objective, and the planner gains public acceptance and determines citizen wants,

needs and desires. In terms of the political process, citizen participation is a means for the public to review and approve the actions of public officials. The provision that public officials may be appointed to membership is to enable the board to secure closer coordination with the various governmental agencies and to maintain necessary contact with those public officials most directly concerned with the planning function.

Other appropriate commentaries on this article are found in the commentary of Article 2.4, National Planning Council.

Article 4.6 LOCAL COMPREHENSIVE PLAN.--Essentially the Comprehensive Plan is an outline for long-term community development which provides the planning agency with information from which it can judge and evaluate community demands and requirements in making its recommendations to the governing body. The plan is envisioned not to include any details that will tend to obscure or distract attention from the major policies and major physical development proposals. The plan is intended only to provide a general picture of the locations, sizes of the major physical elements of the planning area and to indicate the desirable relationship between them. It is explicitly provided, that the Comprehensive Plan must be distinguished from specific and detailed plans, programs or regulations such as zoning regulations, subdivision regulations, mapped improvement

regulations, and capital improvement programs which are intended to implement it.

This article provides that before actual preparation of the elements of the Comprehensive Plan, a statement of goals for development of the Local Planning Area must be approved by local authorities. The primary purpose of formulating goals is to enable the elected officials, acting as policy makers, to render appropriate decisions in regard to its own social, economic and physical development. In this way too, the process of planning itself becomes a desirable objective.

The Comprehensive Plan is adopted by the legislative body to serve as a guide or standard by which subsequent ordinances as well as administrative action relating to land use and development programs may be judged and validated. The Comprehensive Plan after adoption by the legislative body should serve as a kind of "impermanent constitution" until changed by formal action of the legislative body. All implementing regulations should conform with the Comprehensive Plan. Unless the Comprehensive Plan is given some kind of official legal status, it is likely to be ignored and plans will be ineffectual as a guide to implementing ordinances. The provision that the Comprehensive Plan is to be reviewed at least once every 3 to 5 years is recognized and viewed here as a recognition that the plan should be flexible and amendable.

Other appropriate commentaries on this article are to be found in Articles 2.5 and 3.6 of this commentary.

Article 5.1 SPECIFIC PLANS OR PROGRAMS, REGULATORY CONTROLS AND LEGISLATIONS.--This article provides a general basis for the methods, procedures and types of programs or regulations used or to be used in the implementing and effectuation of the Comprehensive Plan. It is a rule that a municipality or city possesses only those powers that the national government has specifically granted to it or those that may be reasonably implied therefrom. Such grant of authority is here accomplished by the provision of this article. Public policy decisions are carried into effect by various methods utilizing numerous legal and procedural devices. As a general rule plans are transformed into public policy by legislative enactment or by some administrative action pursuant to law.

While the Local Planning Office is given the power to prepare planning legislation, including those ordinances and regulations required to effectuate the Comprehensive Plan, its role is one of recommendation rather than final action. Final action involves policy decision which should be the responsibility of the politically chosen legislative branch of local government.

Article 5.2 ZONING REGULATIONS.--The zoning regulations is a legally enacted document that applies specific restrictions against specific properties. As contrasted with the Comprehensive Plan, it is not conceptual but regulatory, not generalized but detailed, and not merely as long range. The power to zone is an application of the police power. The zoning regulations is one of the tools in implementing the Comprehensive Plan.

Any ordinance has a legally sounder ground, and has a better chance of being upheld, if it can be cited that a number of studies were used as a basis for the ordinance. Thus one of the provisions stated in this article is that the zoning ordinance should be based on the Comprehensive Plan.

Stating the purposes of the zoning regulations as part of this article clarifies the thinking of adopting officials regarding the ideas that will serve as guides to the zoning text and map. They also stand out as guides in decisions rendered on amendments and appeals, distinguishing valid reasons for change from idle speculation. Finally a clear demonstration of purposes is useful against attack in court against a provision of the ordinance.

The duties of the administrative official is clearly stated. He is not a judicial officer and exercises no quasi-judicial authority. He does not issue special exceptions or variances. Appeals or

adjustments lie from his decision only to the Board of Adjustment. The local governing body has no authority to overrule his decision or order that he grant a specific permit or take a particular action, except indirectly by amendment of the ordinance.

Article 5.3 SUBDIVISION REGULATIONS.--The legal basis for subdivision regulations rests primarily upon the police power. The means of effectuating the police power as provided in this article is the withholding of recording privilege until the plat is approved by the Local Planning Officer.

The article also provides that the legislative body adopts by ordinance the subdivision regulations but delegates to the Local Planning Office the approval or disapproval of subdivisions. The adoption of subdivision regulations is in the nature of a legislative function and logically is the responsibility of the legislative body. In the administration of the ordinance, the Local Planning Officer is normally in a better position to enforce the regulations since he is better qualified than any of the other public officials to determine whether proposed subdivision developments conform to the requirements of the Comprehensive Plan. Being the preparatory body, the Local Planning Office is most familiar with the contents of the ordinance. The Local Planning Officer is specifically authorized to approve plats, reflecting the belief that he possesses

the best technical resources for this task. However, the article provides that whereas the Local Planning Officer is designated the principal authority to supervise the administration of subdivision regulations, there are a number of other departments and agencies of local government that must aid in administration and enforcement if the regulations are to be effective.

The Act recognizes the right of the subdivider to appeal the decision of the Local Planning Officer or any official participating in the administration of the ordinance and provisions are made for adjustments in cases where the strict interpretation results in undue hardships. However variance should be granted only when there is clear demonstration that the intent of subdivision control will not be violated.

The commentary on the provision for "purposes" is the same as that found in the commentary on zoning regulations, Article 5.2.

Article 5.4 MAPPED IMPROVEMENT REGULATIONS.--Basically the mapped improvements regulation is a document in text and map form, adopted by the legislative body which identifies proposed streets, rights-of-way, public sites, drainage, schools, parks, playgrounds, etc., for future acquisition. In acquiring land for public improvements, municipal officials have a public responsibility to avoid excessive costs. The Comprehensive Plan is broader in scope, more general, not binding on



property owners, and less fixed than the mapped improvements plan. The mapped improvement regulations reflects some, but not all, aspects of the Comprehensive Plan. It is another device to make the Comprehensive Plan a more meaningful policy guide for land use development.

The whole effect of the reservation is that the city or municipality will not have to pay for buildings erected during the period of reservation. Without this tool for implementing the Comprehensive Plan, the cost of acquiring land for public use might well become and usually does become prohibitive, with the result that, rather than pay these excessive costs, the city or municipality may feel compelled to permit its Comprehensive Plan dislocated and impaired.

In exercising site reservation powers for public use, a time limit of not less than 5 nor more than 10 years is specified for public acquisition. This serves as a deterrent to confiscation of private property. If future sites are delineated on the mapped improvements document and not developed by the city or municipality, the owner would in effect be deprived of the use of his land. In addition specifying a time limit eliminates the need to grant relief.

The mapped improvements regulations uses the police power to prevent or reduce the building or development in platted areas reserved for public use by

the prohibition or regulation of such development. It does not involve the payment of compensation by the public to the property owner during the time of reservation.

The power of eminent domain is an essential government power used for the purpose of taking private property needed for a public use. Consequently the system most widely used for land acquisition is condemnation under the power of eminent domain. The principle involved here, under which land is condemned, is based on the theory that the needs of the community should take priority over the wishes or interests of the individual citizen. The procedural requirements to be used in condemnation proceedings are those used by empowered agencies of government as established by law.

Article 5.5 BOARD OF ADJUSTMENTS.--Since no implementing ordinance can possibly provide for all future eventualities, some property owners will inevitably suffer hardships. Application of the letter of the law in their situations will work injustice, unless a means is provided for granting some measure of relief. The instrument for providing this relief and giving the requisite flexibility to land use controls is the Board of Adjustment. It is a quasi-judicial body with powers designed to "do justice" when justice cannot be otherwise obtained under the letter of the law. Implementing ordinances may at times have provisions requiring

interpretations. One other function of the board would be to interpret the meaning of the ordinance in cases of ambiguity and to make rulings with respect to the application of the ordinance.

Since the Local Planning Board as constituted by this Act is not an adopting, implementing, or administrative body, but merely an advisory one, the citizen members have been designated as the Board of Adjustment. This body, because of its position in the planning process, has an understanding of the problems that face the community and the general theory and practices of planning. Therefore it is in the best position to judge properly, appeals and adjustments brought to the body.

This article also represents an effort to demonstrate intent as to the appeal relationships of the various agencies having a part to play in land use control law and administration. The first step is in the hands of the administrative official; the second is the responsibility of the Board of Adjustment; the third enters the province of the court. The local governing body is restricted to setting fees and charges, and to the important duty of passing on amendments to the ordinances.

Article 5.7 INTERIM REGULATIONS.--This article is self explanatory.

Articles 6. 1 to 6.10 of Chapter VI are all self explanatory and need no commentary.

These are general comments, explanations and statements covering to a certain extent the contents, philosophy, approach, purpose and nature of the Act. They are not meant to be detailed explanations of legal terminology and technicalities.

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