



EXECUTIVE ORDER NO. 62
Series of 2022

**AN EXECUTIVE ORDER IMPOSING A SPECIAL LEVY (PENALTY) ON
STRUCTURES THAT WERE CONSTRUCTED ON SETBACKS AND
PARKING SPACES IN VIOLATION OF THE PROVISIONS SET IN THE
ZONING ORDINANCE**

WHEREAS, a setback is defined as "the open space left between the building and lot lines" in General Santos City Zoning Ordinance No. 10 series of 2001, and "the horizontal distance measured 90° from the outermost face of the building/structure to the property lines" in 2004 Revised IRR of PD 1096;

WHEREAS, the said setback is being utilized by some property/building owners other than the said purpose, in pursuit of economic development and other purposes, constituting a violation of the said laws. For a similar purpose, utilization or encroachment of parking space is also happening as business establishments currently operating maximize the lot space they own;

WHEREAS, on 31 January 2019, former City Mayor issued Executive Order No. 09, Series of 2019, or "An Executive Order Allowing the Affidavit of Undertaking for Existing Structures until December 2021, to Remove Obstructions on Setbacks and Parking", which effectively lapsed on December 31, 2021;

WHEREAS, such Executive Order was issued pursuant to the conflict between maintaining business friendliness (required by Seal of Good Local Governance) and economic pursuit and the implementation of the National Building Code of the Philippines. Moreover, the former administration found that the immediate enforcement of the regulations on setback requirements appears to be a means of disruption or could result in closure of business for establishments with violations on setbacks and parking;

WHEREAS, following the lapse of the effectivity of the above-mentioned Executive Order, the Office of the Building Official shall be tasked to conduct inspections and exercise and enforce regulatory functions affecting building owners who executed affidavits of undertaking and committed to remove obstructions on setbacks and parkings by December 31, 2021 according to the said Executive Order;

WHEREAS, General Santos City Zoning Ordinance No. 16, Series of 2019, specifies that sufficient parking space and setback shall be provided; thus, it stipulates that a special levy (penalty) will be "*imposed on structures that were constructed in violation of the conditions set in the zoning clearance issued equivalent to Php 1,000.00 multiplied by the building area subject of the violation. Said penalty shall be imposed every year until such time that the violation has been corrected by the building owner. The penalty shall be paid by the building owner every January in time with the renewal of business permit or during payment of annual land tax over and above the regular land tax due by the lot owner.*"

WHEREAS, as intended by the said Zoning Ordinance, special levy is deemed a penalty, different from what is defined under the Local Government Code (R.A. 7160);



WHEREAS, considering that businesses are important catalysts for economic growth given the COVID-19 pandemic and that the Zoning Ordinance provides for the imposition of special levy (penalty) for non-compliant applicants, building permit and occupancy certificate applications in 2022, bearing violations on setbacks and parking, shall be imposed with special levy pursuant to the said Zoning Ordinance;

NOW, THEREFORE, I, LORELIE G. PACQUIAO, City Mayor of General Santos, by virtue of the power vested in me by law and the sovereign will of the people, do hereby order the following:

SECTION 1. SPECIAL LEVY. Pursuant to General Santos City Zoning Ordinance No. 16, Series of 2019 (the "Zoning Ordinance"), the City shall strictly impose a special levy (penalty) on structures that were constructed at the setback/ parking space in violation of the conditions set in the issued zoning clearance, equivalent to One Thousand Pesos (PHP 1,000.00) per square meter (sq.m.) multiplied by the building area subject of the violation.

This Order is not intended to and does not (i) excuse any building owner from the duty to comply with the provisions of the Zoning Ordinance; and (ii) create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the City Government, its agencies, departments, officers, employees, or any other person.

SECTION 2. ACCRUAL OF PENALTY. The penalty shall accrue every year and shall be paid by the building owner in time with the renewal of business permit or during payment of annual land tax over and above the regular land tax due by the lot owner, until such time that the violation has been corrected by the building owner. However, the Office of the Building Official shall be tasked to conduct annual inspections and exercise and enforce regulatory functions affecting building owners who failed and continuously fail to comply with the provisions of the Zoning Ordinance.

SECTION 3. MANNER OF COLLECTION. The following guidelines shall be followed in the collection of the special levy:

3.1. During Application

- 3.1.1. Upon a finding of violation on setback and parking space, the City Planning and Development Office or the Office of the Building Official shall issue an order of payment against the owner-applicant.
- 3.1.2. Subject to the compliance of the owner-applicant with the provisions of the order of payment, the City Planning and Development Office or the Office of the Building Official shall accordingly issue the necessary clearance and/or permit in favor of the owner-applicant.

3.2. During Annual Inspection

- 3.2.1. During annual inspection, the Office of the Building Official may: (i) issue a citation ticket against the building owner; and (ii) send a list to the Office of the Treasurer for the collection of payment for the special levy.



SECTION 4. REPEALING CLAUSE. All orders, memoranda, rules and regulations, or any part(s) thereof, inconsistent with the provisions of this Order are hereby revoked or modified accordingly.

SECTION 5. SEPARABILITY CLAUSE. If any provision or part hereof is held invalid or unconstitutional, the remainder of this Order not otherwise affected shall remain in full force and effect.

SECTION 6. EFFECTIVITY. This Order shall take effect immediately and shall remain in full force and effect, unless otherwise revoked or amended through the passage of the amended General Santos City Zoning Ordinance No. 16, Series of 2019, particularly pertaining to the relevant provisions on special levy or setbacks and/or parking spaces.

Done this 23 day of December, 2022, in General Santos City, Philippines.


LORELIE GERONIMO PACQUIAO
City Mayor

Cf: File
Office of the President
All Departments