



REPUBLIC OF THE PHILIPPINES
OFFICE OF THE CITY MAYOR
CITY OF DAVAO

EXECUTIVE ORDER NO. 34

Series of 2023

AN ORDER RECONSTITUTING THE DAVAO CITY LOCAL ZONING BOARD OF APPEALS (LZBA)

WHEREAS, Section 18 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, authorizes Local Government Units (LGUs) to establish an organization that shall be responsible for the efficient and effective implementation of their development plans, programs, objectives, and priorities;

WHEREAS, Section 20 (c) of the Local Government Code of 1991 states that the Local Government Units shall in conformity with existing laws, continue to prepare their respective comprehensive land use plans enacted through zoning ordinances which shall be the primary and dominant bases for the future use of land resources, provided, that the requirements for food production, human settlements, and expansion shall be taken into consideration in the preparation of such plans;

WHEREAS, the City Government of Davao enacted City Ordinance No. 0861-22, Series of 2022 as supplemented by Ordinance No. 1077-23, Series of 2023, also known as Comprehensive Land Use Plan (CLUP) 2019-2028 ("Integrated Zoning Ordinance 2019-2028" for brevity);

WHEREAS, Section 20 (c) of the Local Government Code of 1991 states that the Local Government Units shall in conformity with existing laws, continue to prepare their respective comprehensive land use plans enacted through zoning ordinances which shall be the primary and dominant bases for the future use of land resources, provided, that the requirements for food production, human settlements, and expansion shall be taken into consideration in the preparation of such plans;

WHEREAS, Article XI, Section 58 of the Integrated Zoning Ordinance 2019-2028 provides for the creation of the Local Zoning Board of Appeals (LZBA);

WHEREAS, to conform with City Ordinance No. 0861-22, Series of 2022 and City Ordinance No. 1077-23, Series of 2023, there is a need to reconstitute the Davao City LZBA;

NOW THEREFORE, I, SEBASTIAN Z. DUTERTE, Mayor of the City of Davao, by virtue of the powers vested in me by law, do hereby order the following:

SECTION 1. RECONSTITUTION. The LOCAL ZONING BOARD OF APPEALS or LZBA is hereby reconstituted and shall be composed of the following persons and/or heads of the following offices, to wit:

Chairperson: City Mayor or on his absence, the City Administrator

Members:

- Chairperson, Sangguniang Panlungsod Committee, or in the absence of said committee, a councilor as may be appointed by the Sangguniang Panlungsod through a Resolution
- City Legal Officer

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- City Assessor
- City Engineer
- City Planning and Development Coordinator (if other than the Zoning Administrator/Zoning Officer)
- City Environment and Natural Resources Officer
- Disaster Risk Reduction and Management Officer
- Head, Office of the City Building Official as non-voting member
- Two (2) representatives of the private sector nominated by their respective organizations
- Two (2) representatives from non-government and civil society organizations nominated by their respective organizations.

The Technical Working Group members shall be composed of the following persons and/or representatives of the following offices, to wit:

Members:

- City Planning and Development Office
- City Engineer's Office
- City Legal Office
- City Assessor's Office
- City Environment and Natural Resources Office
- Office of the City Building Official

The members of the LZBA are hereby directed to name their respective permanent alternate representatives who shall take their place in case of their absence.

The Zoning Administrator shall act as the secretariat and action officer of the board.

SECTION 2. FUNCTIONS AND RESPONSIBILITIES. The LZBA shall meet at least once a month on a regular basis but may be convened as often as necessary, and shall carry out the following functions and responsibilities:

1. Act and recommend on applications of the following nature:
 - a. Variances on the provisions of the Zoning Ordinance
 - b. Exceptions to the provisions of the Zoning Ordinance
 - c. Non – Conformance to the provisions of the Zoning Ordinance
 - d. Complaints and Oppositions to Applications for Locational Clearance
2. Recommend for additional allowable use under Article XI, Section 42 of the Zoning Ordinance
3. Act on appeals on Grant or Denial of Locational Clearance by the Zoning Administrator/Zoning Officer.
4. Act on appeals regarding the non-conformity of existing uses, buildings or structures to the applicable provisions of the Zoning Ordinance.
5. Decide on appeals concerning administrative fines.

Decisions of the LZBA shall be carried by an absolute majority vote, (50% + 1) of its members and is final and executory.

SECTION 3. FUNDING / OPERATING COSTS. All costs pertaining to the operation of the LZBA, including the payment of honoraria, incidental and other expenses

of its members, Technical Working Group, Secretariat, and other appropriate personnel as may hereinafter be identified by the Chairperson or his representative, shall be taken from the available funds of the City Government of Davao subject to the usual accounting and auditing rules and regulations.

SECTION 4. SEPARABILITY CLAUSE. If any provision of this Executive Order is declared invalid of unconstitutional, the other provisions are not affected and thereby shall remain valid and subsisting.

SECTION 5. REPEALING CLAUSE. All other orders or parts thereof which are inconsistent with the provisions of this Executive Order are hereby repealed or modified accordingly.

SECTION 6. EFFECTIVITY. This Executive Order shall take effect immediately.

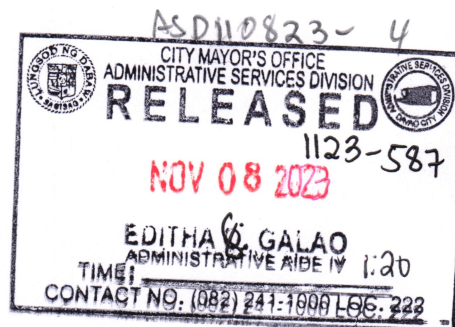
Done this NOV 08 2023 in Davao City, Philippines.

SEBASTIAN Z. DUTERTE
City Mayor

Attested by:

ATTY. FRANCIS MARK H. LAYOG
Acting City Administrator

~~**ATTY. TRISTAN DWIGHT E. DOMINGO**~~
~~Acting City Administrator~~



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