



**Republic of the Philippines  
CITY COUNCIL  
City of Manila**

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**REGULAR SESSION NO. 28**

**10<sup>TH</sup> CITY COUNCIL**

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**Begun and held in the City Council on Thursday,  
the fifteenth day of September, Two Thousand Sixteen**

**ORDINANCE NO. 8502**

**AN ORDINANCE AMENDING ORDINANCE NO. 8119 KNOWN AS THE MANILA COMPREHENSIVE LAND USE PLAN AND ZONING ORDINANCE OF 2006 AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT AND AMENDMENT THERETO**

**PRINCIPAL AUTHORS: HON. CASIMIRO C. SISON**, Majority Floor Leader, Hon. Ernesto G. Dionisio, Hon. Moises T. Lim, Hon. Jesus M. Fajardo, Hon. Peter M. Ong, Hon. Ruben F. Buenaventura, Hon. Edward M. Tan, Hon. Rodolfo N. Lacsamana, Hon. Ramon M. Robles, Hon. Arlene Maile I. Atienza, Hon. Krystle Marie C. Bacani, Hon. Bimbo Eduardo V. Quintos XVI, Hon. Roberto R. Ortega, Jr., Hon. Ricardo A. Isip, Jr., Hon. Anna Katrina P. Yupangco, Hon. Laris T. Borromeo, Hon. Irwin C. Tieng, Hon. Joey S. Hizon III, Hon. Carlos C. Castañeda, Hon. Christian Paul L. Uy, Hon. Elizabeth Z. Rivera, Hon. Joel M. Par and **HON. ANTONIO G. CAPISTRANO**, President Pro-Tempore and Acting Presiding Officer

## **EXPLANATORY NOTE**

**This amendment to Ordinance No. 8119 or the Zoning Ordinance of the City of Manila is anchored on the basic constitutional principle that the power of legislative branch of government is to create laws and the power of the executive branch of government is to implement laws.**

**At present, the Zoning Ordinance gives the authority to grant variance and exceptions to the City Council upon recommendation of the Manila Zoning Board of Adjustments and Appeals. Considering that the grant of variance and exceptions is clearly within the implementation phase of the law, the same must be confined within the power of the City Mayor as head of the executive branch of the local government of Manila. Notwithstanding this authority given the City Mayor, it is well within the power of the City Council, in the exercise of its legislative power, to make amendments to the said Ordinance to make the law consistent with the development goals, planning objectives and strategies of the Manila Comprehensive Land Use Plan.**

**Foregoing considered, it is hereby recommended for the prompt passage of this Amendment.**

**HON. CASIMIRO C. SISON**  
Councilor, 6<sup>th</sup> District, Manila

Be it ordained by the City Council of Manila, in session assembled, *THAT*:

**SECTION 1.** Paragraph 1, Section 11, Article V of Ordinance No. 8119 is hereby amended to read as follows:

**“SEC. 11. General Provisions. The uses enumerated in the succeeding sections are neither exhaustive nor all-inclusive. The CITY MAYOR as per recommendation from the Manila Zoning Board of Adjustments and Appeals (MZBAA) shall, subject to the requirements of this Ordinance, and the Implementing Rules and Regulations (IRR) of this Zoning Ordinance as attached herewith and made an integral part hereof allow other uses not enumerated hereunder provided that they are compatible with the uses expressly allowed.”**

**SEC. 2.** Paragraph 1, Section 60, Article X of Ordinance No. 8119 is hereby amended to read as follows:

**“SEC. 60. Deviations. Variances and exceptions from the provisions of this Ordinance may be allowed by the CITY MAYOR as per recommendation from the Manila Zoning Board of Adjustments and Appeals (MZBAA) only when all the following terms and conditions are obtained/existing:”**

**SEC. 3.** Section 61 (3), Article X of Ordinance No. 8119 is hereby amended to read as follows:

**“3. The CPDO shall conduct studies on the application and submit report within fifteen (15) working days to the MZBAA. The MZBAA shall then evaluate the report and make a recommendation and forward the application to the CITY MAYOR.**

**SEC. 4.** Section 61 (5), Article X of Ordinance No. 8119 is hereby amended to read as follows:

**“5. The CITY MAYOR shall take action upon receipt of the recommendation from MZBAA.”**

**SEC. 5.** Section 62, Article X of Ordinance No. 8119 is hereby amended to read as follows:

**“SEC. 62. Approval of the CITY MAYOR. Any deviation from any section or part of the original Ordinance shall be approved by the CITY MAYOR.”**

**SEC. 6.** Section 63, Article XI of Ordinance No. 8119 is hereby amended to read as follows:

**“SEC. 63. Zoning Permit (Locational Clearance). – All lot/land owners/land developers and business establishments shall secure a zoning permit (locational clearance) from the City Planning and Development Officer for all conforming uses and in cases of variances and exceptions from the CITY MAYOR as per recommendation from the Manila Zoning Board of Adjustments and Appeals (MZBAA) prior to conducting any business activity or construction on their property/land.”**

**SEC. 7.** Paragraphs 1 and 2 of Section 73, Article XI of Ordinance No. 8119 is hereby amended to read as follows:

**“SEC. 73. Status of Approved Appeals from the MZBAA – All approved appeals from the CITY MAYOR will be classified as non-conforming uses and all the provisions under Sec. 72 shall apply.**

**Decisions of the CITY MAYOR shall be final and executory.”**

**SEC. 8.** Section 78 (A), Article XI of Ordinance No. 8119 is hereby amended to read as follows:

**“SEC. 78. Functions and Responsibilities of the Manila Zoning Board of Adjustments and Appeals (MZBAA) – There is hereby created an MZBAA which shall perform the following functions and responsibilities:**

- A. Evaluate the report from the CPDO and submit recommendation to the CITY MAYOR on appeals on grant or denial of zoning permit/locational clearance and development permit and act on the applications on the following nature:**
- 1. variances**
  - 2. exceptions**
  - 3. non-conforming uses**
  - 4. complaints and opposition to applications”**

**SEC. 9.** Paragraphs 1 and 2 of Section 79, Article XI of Ordinance No. 8119 is hereby amended to read as follows:

**“SEC. 79. Composition of the Manila Zoning Board of Adjustments and Appeals (MZBAA). The City Development Council Executive Committee shall create a committee immediately after the approval of this Ordinance within six (6) months which shall act as the MZBAA composed of the following members:**

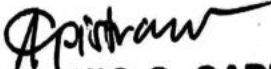
- 1. City Legal Officer**
- 2. City Assessor**
- 3. City Engineer**
- 4. City Planning and Development Officer**
- 5. Chairman, Committee on Housing, Urban Development and Resettlement of the SP**
- 6. Chairman, Committee on Laws**
- 7. Chairman, Committee on Oversight**

**SEC. 10.** Any ordinance inconsistent with the provisions herewith are hereby amended and repealed accordingly.



**SEC. 11.** This Ordinance shall take effect upon its approval.

This Ordinance was finally enacted by the City Council of Manila on October 18, 2016.



PRESIDED BY:

  
**ANTONIO G. CAPISTRANO**  
President Pro-Tempore and  
Acting Presiding Officer  
City Council, Manila

ATTESTED:

  
**LUCH R. SEMPIS, JR.**  
City Government Department Head III  
(Secretary to the City Council) 

APPROVED BY HIS HONOR, THE MAYOR, ON 03 November 2014

  
**JOSEPH EJERCITO ESTRADA**  
Mayor   
City of Manila

ATTESTED:

  
**EDWARD S. SERAPIO**  
City Government Department Head III  
(Secretary to the Mayor)