

Republic of the Philippines
PROVINCE OF CAGAYAN
City of Tuguegarao

SIXTH CITY COUNCIL

EXCERPTS FROM THE MINUTES OF THE REGULAR SESSION
OF THE SANGGUNIANG PANLUNGSOD OF TUGUEGARAO CITY, CAGAYAN
HELD ON MAY 05, 2015, 9:00 A.M., TUESDAY,
AT THE SANGGUNIANG PANLUNGSOD SESSION HALL

PRESENT:

Hon. Estelita U. Dayag	Sangguniang Panlungsod Member, Temporary Presiding Officer
Hon. Bienvenido C. De Guzman II	Sangguniang Panlungsod Member
Hon. Rosauro G. Resuello	-do-
Hon. Ronald S. Ortiz	-do-
Hon. Perla C. Tumaliuan	-do-
Hon. Noel A. Mora	-do-
Hon. Jude T. Bayona	-do-
Hon. Loreto B. Valdepeñas	-do-
Hon. Kendrick S. Calubaquib	-do-
Hon. Aurora A. Ave	-do-
Hon. Anthony C. Tuddao	-do-
Hon. Hilario Larry S. Ting	-do-

ABSENT:

Hon. Engelbert C. Caronan, Jr.	City Vice Mayor
Hon. Maila Rosario T. Que	Sangguniang Panlungsod Member (on Sick Leave)

CITY ORDINANCE NO. 05-2015

**CITY ORDINANCE RECLASSIFYING FROM AGRICULTURAL USE TO COMMERCIAL
USE OF LOT NO. 1, PCS-(AF)-02-0051, TCT NO. 032-2014003790 AND LOT NO. 2,
PCS-(AF)-02-0051, TCT NO. 032-2014003791, COVERING AN AREA
OF 2,865 SQUARE METERS, LOCATED AT BUNTUN, TUGUEGARAO CITY**

**Sponsors: Hon. Kendrick S. Calubaquib
Hon. Ronald S. Ortiz
Hon. Loreto B. Valdepenas
Hon. Anthony C. Tuddao**

**Co-Sponsors: Hon. Bienvenido C. De Guzman II
Hon. Rosauro G. Resuello
Hon. Noel A. Mora
Hon. Jude T. Bayona**

WHEREAS, cities or municipalities are vested with the authority to reclassify agricultural lands and provide manner for their utilization pursuant to Section 20 of Republic Act 7160, otherwise known as the Local Government Code of 1991;

WHEREAS, Spouses Precilla D. Chua and Renen C. Chua have applied for reclassification of parcels of lot from agricultural use to commercial use, located at Buntun, Tuguegarao City;

WHEREAS, the applicants have complied with the requirements provided by R.A. 7160, otherwise known as the Local Government Code of 1991, and other applicable laws, rules, regulations, and submitted the following documents:



1. Letter Request of the Applicants for reclassification
2. Letter Indorsement of City Mayor, Hon. Engelbert C. Caronan, Jr., to the Sixth City Council
3. Special Power of Attorney for Mr. Jose G. Velasco to act as the representative of the applicants in their application for reclassification
4. Vicinity Map
5. Certified True Copy of Titles
6. Copy of Tax Declaration
7. CPDCO Certification stating that the landholdings are classified as Agricultural as per approved Comprehensive Land Use Plan: 2001-2005, and Zoning Ordinance No. 04 of the City of Tuguegarao dated October 11, 2012, ratified by the Sangguniang Panlalawigan through SP Resolution No. 080-2003, dated March 7, 2003
8. Certification from the CPDCO Zoning Officer that the total agricultural area of Tuguegarao City is 5891.47 hectares as per approved HLURB/SP Resolution No. 080, dated March 07, 2003, of which 82.61673 hectares has been reclassified to non-agricultural uses
9. Office of the City Agriculturist Inspection Report on actual/existing land use
10. NIA Certification
11. MARO Certification that subject lots are not tenanted
12. HLURB Certification
13. Philippine Coconut Authority (PCA) Certificate of Inspection/Verification Report
14. Clearance from the Department of Public Works and Highways, Office of the Regional Director

WHEREAS, the documents in support to the application for the reclassification of stated land which are contained in Committee Report No. 031-2015, duly adopted and approved in session by the Sangguniang Panlungsod, are found to be in order and shall form part of this ordinance;

Now therefore, be it ordained by the Sixth City Council in session assembled;

SECTION 1. DEFINITION OF TERMS:

- A. AGRICULTURAL LAND** – refers to land use devoted to agricultural activity and not classified as mineral, forest, residential, commercial or industrial land (Section 3 (c) of R.A. 6657).
- B. AGRICULTURAL ZONE** – refers to an area within the city devoted primarily for agricultural purposes.
- C. LAND USE** - refers to the manner of utilization of land including its allocation, development and management.
- D. RECLASSIFICATION OF AGRICULTURAL LAND** – refers to the act of specifying how agricultural land shall be utilized for non-agricultural uses such as residential, industrial, and commercial as embodied in the land use plan. It also includes the reversion of non-agricultural lands to agricultural one.
- E. COMMERCIAL ZONE** – refers to an area within the city principally for business or commercial purposes.
- F. ZONING ORDINANCE** – refers to a local measure which embodies regulations affecting land use.

SECTION 2. COVERAGE: Parcels of agricultural land covered by Lot No. 1, PCS-(AF)-02-0051, TCT No. 032-2014003790 and Lot No. 2, PCS-(AF)-02-0051, TCT NO. 032-2014003791, covering an area of 2,865 square meters, located at Buntun, Tuguegarao City.

SECTION 3. RECLASSIFICATION: The aforementioned parcels of land described in Section 2 hereof are hereby reclassified from agricultural use to commercial use.

SECTION 4. REPEALING CLAUSE: City Ordinances or City Resolutions which are inconsistent with the provisions of this City Ordinance are hereby modified or repealed accordingly.

SECTION 5. SEPARABILITY CLAUSE: Should any section or provision of this City Ordinance be declared as unconstitutional or invalid, other provisions which are not affected thereby shall continue to be in full force and effect.

SECTION 6. EFFECTIVITY: This City Ordinance shall take effect immediately upon approval.


On motion of Hon. Kendrick S. Calubaquib and with eight (8) Members voting in favor and two (2) Members abstaining, **CITY ORDINANCE NO. 05-2015** was **APPROVED**.

X-X-X


I HEREBY CERTIFY TO THE CORRECTNESS OF THE FOREGOING:


JOEL JOSEPH L. EGIPTO, Ph.D.
Secretary to the Sangguniang Panlungsod

ATTESTED:


HON. ESTELITA U. BAYAG
Sangguniang Panlungsod Member
Temporary Presiding Officer

APPROVED:


HON. JEFFERSON P. SORIANO
City Mayor
Date approved: 02/21/15

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Republic of the Philippines
Province of Cagayan
TUGUEGARAO CITY

SIXTH CITY COUNCIL

COMMITTEE REPORT No. 031- 2015

April 13, 2015

Submitted by: **COMMITTEE ON LAND USE, ZONING, PLANNING AND
SUBDIVISION APPROVAL**

PRESENT:

HON. KENDRICK S. CALUBAQUIB	-Chairman
HON. RONALD S. ORTIZ	-Vice Chairman
HON. ANTHONY C. TUDDAO	-Member

OTHERS PRESENT:

JOEL JOSEPH L. EGIPTO, Ph.D. - Secretary to the Sanggunian

RESOURCE PERSONS:

Engr. Rommel B. Iquin	-City Assessor's Office Representative
Mr. Gilbert Z. Quinan	- Zoning Officer II, CPDCO
Engr. Rommel B. Calubaquib	-City Engineering Office Representative
Evangelina P. Calubaquib, DPA	- City Agriculturist
Ms. Fernanda M. Catuaan	- City Agriculture's Representative
Ms. Maria G. Adducul	- City Agriculture's Representative
Mr. Jose G. Velasco	- Proponent's Attorney-in-Fact

SUBJECT:

Indorsement of City Mayor, Hon. Engelbert C. Caronan, on the letter of Spouses Precilla D. Chua and Renen C. Chua, requesting for the reclassification of their property from agricultural use to commercial use, covering an area of 2,865 sq. m., located at Buntun, Tuguegarao City.

FOR THE PRESIDING OFFICER:

The Committee on Land Use, Zoning, Planning and Subdivision Approval of the 6th City Council to which the request for the reclassification of lots from Agricultural Use to Commercial Use was referred, met and considered the same and has the honor to report to the august Body in session with the following actions taken, findings and recommendations:

ACTIONS TAKEN:

1. The Committee met on April 10, 2015 to discuss the request of Spouses Precilla D. Chua and Renen C. Chua for the reclassification of their property from Agricultural Use to Commercial Use.
2. The Technical Working Group convened to assist the Committee on Land Use, Zoning, Planning and Subdivision Approval in the evaluation of the documents and other requirements submitted.
3. The members of the Committee on Land Use, Zoning, Planning and Subdivision Approval, together with the Technical Working Group and the proponent conducted a site inspection on April 10, 2015. An Inspection Report was submitted by the Technical Working Group. The same shall form part of the Committee Report.

4. A Public Hearing under the auspices of the Committee on Land Use, Zoning Planning and Subdivision Approval was conducted as required by law on April 13, 2015 held at Buntun, Barangay Hall, Tuguegarao City, Cagayan. The same was attended by Barangay Officials, residents of Barangay Buntun, and LGU Employees.
5. The Committee met for the final consideration of the application for reclassification.

FINDINGS:

DOCUMENTS SUBMITTED:

1. Letter Request of the Applicants for reclassification.
2. Letter Indorsement of City Mayor, Hon. Engelbert C. Caronan, Jr. to the Sixth City Council.
3. Special Power of Attorney for Mr. Jose G. Velasco to act as representative to the applicants to apply for reclassification.
4. Vicinity Map.
5. Certified True Copy of Titles.
6. Copy of Tax Declaration.
7. CPDCO Certification stating that the landholdings are classified as Agricultural as per approved Comprehensive Land Use Plan: 2001-2005, and Zoning Ordinance No. 04 of the City of Tuguegarao dated October 11, 2012, ratified by the Sangguniang Panlalawigan through SP Resolution No. 080-2003, dated March 7, 2003.
8. Certification from the CPDCO Zoning Officer that the total agricultural area of Tuguegarao City is 5891.47 hectares as per approved HLURB/SP Resolution No. 080, dated March 07, 2003, of which 82.61673 hectares has been reclassified to non-agricultural uses.
9. Office of the City Agriculturist Inspection Report on the actual/existing land use.
10. NIA Certification .
11. MARO Certification that subject lots are not tenanted.
12. HLURB Certification.
13. Philippine Coconut Authority (PCA) Certificate of Inspection/Verification Report.
14. Clearance from the Department of Public Works and Highways, Office of the Regional Director.

The applicant complied with the requirements mandated by the Local Government Code of 1991.

After considering the inspection made, the documents submitted and the Inspection Report of the Technical Working Group, the Committee on Land Use, Zoning, Planning and Subdivision Approval is the request for the reclassification of the subject lots to be in order.

RECOMMENDATIONS:

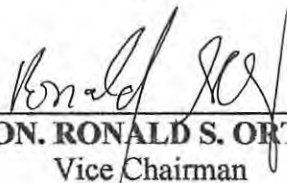
The Committee, after taking into account all the above findings, favorably recommends the enactment of a city ordinance approving the application of Spouses Precilla D. Chua and Renen C. Chua, requesting for the reclassification of parcels of land from agricultural use to commercial use, covered by Lot No. 1, PCS-(AF)-02-0051, TCT No. 032-2014003790 and Lot No. 2, PCS-(AF)-02-0051, TCT No. 032-2014003791, covering an area of 2,865 sq. m., located at Buntun, Tuguegarao City, subject to the following conditions:

1. The proponent shall comply with P.D. 1096 otherwise known as the "National Building Code of the Philippines".
2. P.D. 1067 otherwise known as the "Water Code of the Philippines and It's Implementing Rules and Regulations".
3. Environmental Compliance Certificate.
4. Department of Public Works and Highways Infrastructure Right of Way Procedural Manual and other existing pertinent national laws, rules and regulations. (Attached herewith is the draft ordinance)

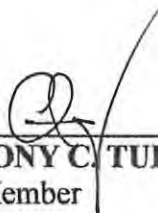
Respectfully submitted:



HON. KENDRICK S. CALUBAQUIB
Chairman



HON. RONALD S. ORTIZ
Vice Chairman



HON. ANTHONY C. TUDDAO
Member

INSPECTION REPORT

APRIL 12, 2015

NATURE OF APPLICATION : Application for Reclassification from
Agricultural Zone to Commercial Zone

NAME OF APPLICANT : SPS. PRECILLA B. CHUA & RENEN C. CHUA

LOCATION : Buntun, Tuguegarao City

LOT NOS. : Lot No. 1 - Pcs-(AF)-02-0051 TCT - 032-2014003790
Lot No. 2 - Pcs-(AF)-02-0051 TCT- 032-2014003791

TOTAL AREA : 0.2865 hectares

APPROVED LAND USE 2001-2005: AGRICULTURAL ZONE

Approved Land Uses of adjacent properties:

North : National Road/Agricultural Zone
East : Residential Zone
South : Agricultural Zone
West : Agricultural Zone/Cagayan River

Dominant Existing Land Uses of adjacent properties:

North : National Road/Agricultural Zone
East : Idle Land
South : Mangroves
West : Agricultural Zone/Cagayan River

SITE INSPECTION FINDINGS

Date of Inspection: April 10, 2015, 11:19 A.M.

1. The subject lots are idle during the time of inspection.
2. The subject lots are adjacent to the national road and accessible to any type of land transportation.
3. Lot No. 1 with an area of 1,500 sq.m. was already backfilled with gravel levelled to the National Road
4. Lot No. 2 perimeter fence is only more than a meter away from the railing approach of the Buntun Bridge.

SUBMITTED BY:


ENGR. ROMMEL B. IQUIN
Inspectorate Team Member


NOLASCO B. DILA CRUZ
Inspectorate Team Member


GILBERT Z. QUINAN
Inspectorate Team Member


ENGR. ROMMEL B. CALUBAQUIB
Inspectorate Team Member