



Republic of the Philippines  
 PROVINCE OF CAGAYAN  
 City of Tuguegarao  
**EIGHTH CITY COUNCIL**



EXCERPTS FROM THE MINUTES OF THE 63<sup>rd</sup> REGULAR SESSION  
 OF THE EIGHTH CITY COUNCIL OF TUGUEGARAO CITY, CAGAYAN  
 HELD ON NOVEMBER 05, 2020, THURSDAY, 1:00 P.M.  
 AT THE SANGGUNIAN PANLUNGSOD SESSION HALL



PRESENT:

- |                                   |  |
|-----------------------------------|--|
| Hon. Bienvenido C. De Guzman II   | City Vice Mayor/Presiding Officer                    |
| Hon. Maila Rosario T. Que         | Sangguniang Panlungsod Member (via Teleconferencing) |
| Hon. Imogen Claire M. Callangan   | -do-   |
| Hon. Gilbert S. Labang            | Sangguniang Panlungsod Member                        |
| Hon. Danilo L. Baccay             | -do-   |
| Hon. Ronaldo S. Ortiz             | Sangguniang Panlungsod Member (via Teleconferencing) |
| Hon. Arnel T. Arugay              | Sangguniang Panlungsod Member                        |
| Hon. Mary Marjorie P. Martin-Chan | Sangguniang Panlungsod Member (via Teleconferencing) |
| Hon. Winnoco R. Abraham           | Sangguniang Panlungsod Member                        |
| Hon. Grace B. Arago               | -do-   |
| Hon. Raymund P. Guzman            | Sangguniang Panlungsod Member (via Teleconferencing) |
| Hon. Karina S. Gauani             | Sangguniang Panlungsod Member                        |
| Hon. Gil G. Pagulayan             | Ex Officio Member                                    |
| Hon. Karen L. Taguinod            | -do-   |

**CITY ORDINANCE NO. 82-08-2020**

**CITY ORDINANCE RECLASSIFYING FROM AGRICULTURAL ZONE  
 TO COMMERCIAL ZONE OF PORTION OF LOT NO. 2-A-3-A-1-A, PSD-(AF)-02-091433  
 OF TCT NO. 032-2018001539 COVERING AN AREA OF 1,000 SQUARE METERS  
 LOCATED AT CARIG SUR, TUGUEGARAO CITY**

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

**WHEREAS**, JL CLEAN FUEL INCORPORATED has applied for the reclassification of a parcel of land from agricultural zone to commercial zone located at Carig Sur, Tuguegarao City;

**WHEREAS**, at the time of the application, subject lot is within agricultural zone as per Zoning Ordinance No. 04-2002;

**WHEREAS**, as per Inspection Report dated July 10, 2018 of the City Agricultural Officer, subject lot was backfilled with mix gravel and soil and has no irrigation facilities;

**WHEREAS**, subject lot is outside the service area of the National Irrigation Administration (NIA) as per certification issued by the National Irrigation Administration, Cagayan-Batanes Irrigation Management Office (NIA-CBIMO) dated August 03, 2018;

**WHEREAS**, subject lot is not tenanted as certified by the Municipal Agrarian Reform Officer (MARO) dated July 20, 2020;

**WHEREAS**, there is an existing Gasoline Station and a convenience store on the subject lot as per inspection report of the Technical Working Group (TWG) dated July 23, 2020;

**WHEREAS**, pursuant to Field Inspection Report of Department of Agriculture-Regional Field Office No. 02 (DA-RFO No. 02), due to the premature development on the subject lot (Construction of

Gasoline Station) the Department of Agriculture-Regional Field Office No. 02 (DA-RFO No. 02) has determined that the subject lot is “**NO LONGER FEASIBLE FOR AGRICULTURAL PURPOSES**”;

**WHEREAS**, the reclassification of subject lot is consistent with Section 20 of the Local Government Code of 1991 (R.A. 7160) which provides that “A city or municipality may, through an ordinance passed by the sanggunian after conducting public hearings for the purpose, authorize the reclassification of agricultural lands and provide for the manner of their utilization or disposition in the following cases: (1) when the land ceases to be economically feasible and sound for agricultural purposes as determined by the Department of Agriculture or (2) where the land shall have substantially greater economic value for residential, commercial or industrial purposes, as determined by the Sanggunian concerned: Provided, that such reclassification shall be limited to the following percentage of the total agricultural land area at the time of the passage of the ordinance:

1. For highly urbanized and independent component cities, fifteen percent (15%);
2. For component cities and first to third class municipalities, ten percent (10%); and
3. For fourth to sixth class municipalities, five percent (5%).

**WHEREAS**, a public hearing as required by law was held on October 29, 2020;

**WHEREAS**, EnP Gilbert Z. Quinan, Zoning Officer II, issued a Certification that the subject lot is reclassified from Agricultural Zone to Commercial Zone under the Updated Comprehensive Land Use Plan (CLUP) CY 2019-2028 and Zoning Ordinance No. 30-2019.

**NOW, THEREFORE**, be it **ORDAINED** by the 8<sup>th</sup> 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. No. 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 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 intended for business or commercial purposes.
- F. ZONING ORDINANCE** - refers to a local measure which embodies regulations affecting land use.

**SECTION 2. COVERAGE:** Parcel of agricultural land covered by portion of Lot No. 2-A-3-A-1-A, PSD(AF)-02-091433 of TCT No. 032-2018001539 covering an area of 1,000 square meters located at Carig Sur, Tuguegarao City.

**SECTION 3. RECLASSIFICATION:** The aforementioned parcel of land described in Section 2 hereof is hereby reclassified from agricultural zone to commercial zone, subject to the following penalties:

- a. Locational Clearance - P10,000.00 (HLURB Resolution No. 675, Series of 2000)
- b. Building permit - P10,000.00 + Surcharge based on the actual % of accomplishment

**SECTION 4.** The approved reclassification of subject of subject lot from Agricultural Zone to Commercial Zone shall be subject to the process of conversion or exemption with the Department of Agrarian Reform (DAR).

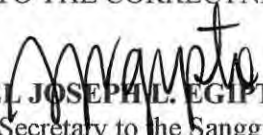
**SECTION 5. REPEALING CLAUSE:** City Ordinances or City Resolutions which are inconsistent with the provisions of this City Ordinance are hereby modified or repealed accordingly.

**SECTION 6. 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 7. EFFECTIVITY:** This City Ordinance shall take effect immediately upon approval.

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I HEREBY CERTIFY TO THE CORRECTNESS OF THE FOREGOING:

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

ATTESTED:

  
**HON. BIENVENIDO C. DE GUZMAN II**  
City Vice Mayor/Presiding Officer  
Date: \_\_\_\_\_

ATTESTED:

  
**HON. ATTY. JEFFERSON P. SORIANO**  
City Mayor  
Date: 11/23/20

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