



Republic of the Philippines
PROVINCE OF CAGAYAN
City of Tuguegarao

EIGHTH CITY COUNCIL



EXCERPTS FROM THE MINUTES OF THE 80th REGULAR SESSION
OF THE EIGHTH CITY COUNCIL OF TUGUEGARAO CITY, CAGAYAN
HELD ON MARCH 23, 2021, 9:00 A.M., TUESDAY,
AT THE SANGGUNIAN PANLUNGSOD SESSION HALL

PRESENT:

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

ABSENT:

Hon. Maila Rosario T. Que	Sangguniang Panlungsod Member
Hon. Mary Marjorie P. Martin-Chan	Sangguniang Panlungsod Member (on Sick Leave)

CITY ORDINANCE NO. 19-08-2021

CITY ORDINANCE RECLASSIFYING FROM AGRICULTURAL ZONE TO COMMERCIAL ZONE OF LOT NO. 2858-G OF SUBDIVISION PLAN PSD-(AF)-02-018294, BEING A PORTION OF LOT 2858, CAD-151 OF TCT NO. 032-2018004762, LOTS NO. 258-E OF THE SUBDIVISION PLAN PSD-(AF)-02-018294, BEING A PORTION OF LOT 2858, CAD-151 OF TCT NO. 032-2017005246 AND LOT NO. 2858-F OF THE SUBDIVISION PLAN PSD-(AF)-02-018294, BEING A PORTION OF LOT 2858, CAD-151 OF TCT NO. 032-2018000176 COVERING AN AREA OF 3,838 SQUARE METERS LOCATED AT CAPATAN, 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, Ms. Lydia B. Paraggua has applied for the reclassification of her parcels of land from agricultural zone to commercial zone located at Capatan, Tuguegarao City;

WHEREAS, as per Inspection Report dated January 15, 2019 of the City Agricultural Officer, subject lots have flat and rolling topography, accessible to all types of land transportation, subject lots were backfilled with mountain soil and rock boulder, there are existing concrete dwelling house and business establishment within the subject lots and subject lots have no irrigation facilities.

WHEREAS, Subject lots are 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 November 5, 2018.

WHEREAS, Subject lots are not tenanted as certified by the Municipal Agrarian Reform Officer (MARO) dated August 24, 2020.

WHEREAS, Lot No. 2858-F and lots 2558-G are backfilled with mixed gravel and with ongoing construction of commercial building (Hardware), there is an existing commercial stall (Josie's Pansiteria) on Lot No. 2858-E and there is an existing City road (Tuguegarao-Libag Road) on the southern portion and barangay road on the eastern portion of the lots as per inspection report of the Technical Working Group (TWG) dated March 12, 2021.

WHEREAS, after a thorough and wholistic evaluation by the committee, the committee finds that the subject lots are not suitable for any agricultural activities due to premature development in the subject lots.

WHEREAS, the reclassification of subject lots is consistent with Section 20 of the Local Government Code of 1991 (R.A. 7160) 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 Commercial 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 March 19, 2021.

WHEREAS, EnP Gilbert Z. Quinan, Zoning Officer II, issued a Certification that the subject lots are Reclassified from agricultural zone to Commercial zone under the proposed Updated Comprehensive Land Use Plan (CLUP).

NOW THEREFORE, be it ordained by the 8th 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, commercial, and industrial, 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: Parcels of agricultural land covered by Lot No. 2858-G of the subdivision plan PSD-(AF)-02-018294, being a portion of Lot 2858, CAD-151 of TCT No. 032-2018004762, Lot No. 258-E of the subdivision plan PSD-(AF)-02-018294, being a portion of Lot 2858, CAD-151 of TCT No. 032-2017005246 and Lot No. 2858-F of the subdivision plan PSD-(AF)-02-018294, being a portion of Lot 2858, CAD-151 of TCT No. 032-2018000176 covering an area of 3,838 square meters located at Capatan, Tuguegarao City.



SECTION 3. RECLASSIFICATION: The aforementioned parcels of land described in Section 2 hereof are hereby reclassified from agricultural zone to Commercial zone subject to the following penalties:

- a) Locational Clearance- P 10,000.00 (HLURB Resolution No. 675, Series of 2000)
- b) Building permit - P 10,000.00 + Surcharge based on the actual % of Accomplishment

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

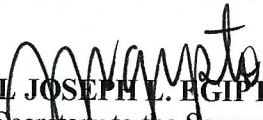
SECTION 5. REPEALING CLAUSE: City Ordinances or City Resolutions which are inconsistent with the provisions of this City Ordinance are hereby modified or repealed accordingly.

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.

X-X-X


I HEREBY CERTIFY TO THE CORRECTNESS OF THE FOREGOING:


JOEL JOSEPH L. EGIPITO, Ph.D.
Secretary to the Sanggunian

ATTESTED:


HON. BIENVENIDO C. DE GUZMAN II
City Vice Mayor/Presiding Officer
Date: _____

APPROVED:


HON. ATTY. JEFFERSON P. SORIANO
City Mayor
Date: 02-30-2021

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