



Republic of the Philippines  
Tanggapan ng Sangguniang Panlungsod  
City of Naga



**ORDINANCE NO. 1996-020**

**AN ORDINANCE ADOPTING THE NEW GUIDELINES GOVERNING RECLASSIFICATION OF PRIVATE AGRICULTURAL LANDS TO NON-AGRICULTURAL USES:-**

Be it ordained by the Sangguniang Panlungsod of the City of Naga, that:

**SECTION 1. - GOVERNING PRINCIPLES. -**

The Reclassification of private agricultural lands to non-agricultural uses shall be guided by the principles and policies enumerated in R.A. 7160, E0129-A (1987), E00229 (1987), R.A. 6657 and Memorandum Circular No. 54 (1993).

**SECTION 2. - DEFINITION OF TERMS. - As used in this ordinance. -**

1. Reclassification – refers to the act of the city government through an Ordinance of the Sangguniang Panlungsod of changing the land use classification of the land.
2. Conversion – is the act of the Department of Agrarian Reform (DAR) in authorizing the change of the current use of a piece of land into some other use.
3. Land Use Plan – is a plan prepared by the city presented in a land use map which indicate the socially desired mix of land used and a set of policies to guide future development.
4. Zoning – is the delineation of areas of districts that may be put to specific uses and establishes limitations to apply in each land use district.
5. Zoning Ordinance – is the legal regulations that enforce the land use plan. It carries penalty provisions for violation.

**SECTION 3. - SCOPE AND LIMITATIONS. -**

The city government through the Sangguniang Panlungsod may authorize the reclassification of agricultural lands into non-agricultural uses and provide for the manner of their utilization or disposition, subject to the limitations and other conditions prescribed in this guideline.

- a. Agricultural lands may be reclassified to non-agricultural uses only under the following conditions:
  1. When the land ceases to be economically feasible and sound for agricultural purposes as determined by the city Agriculturist; and
  2. Where the land shall have substantially greater economic value for residential, commercial, industrial or for any other non-agricultural activity as determined

by the city through the City Planning & Development Office after evaluation of the Detailed Feasibility Study of the project intended to be put up in the particular agricultural land being applied for reclassification/conversion.

- b. As prescribed by law, reclassification shall not exceed the maximum 15% of the total agricultural lands of the city, and certified by the City Agriculturist, with the concurrence of the CPDO, the GIS Division and the City Assessors Office.
- c. In addition, the following types of agricultural lands classified as “NON-NEGOTIABLE” shall not be considered for reclassification by the city government as embodied under Memorandum Circular No. 54 series of 1993 of the President:
  - 1. Agricultural lands distributed to agrarian reform beneficiaries subject to Section 65 of RA 6657;
  - 2. Agricultural lands already issued a notice of Coverage or Voluntary offered for Coverage or with Voluntary offer to sell (VOS) under CARP;
  - 3. Agricultural lands identified under Adm. Order 20, S. of 1992 as non-negotiable for conversion or reclassification as follows:
    - i. All irrigated lands where water is not available to support rice and other crop production;
    - ii. All irrigated lands where water is not available for rice and crop production but within areas programmed for irrigation facility by DA and National Irrigation Administration (NIA); and
    - iii. All irrigable lands already covered by irrigation projects with firm funding commitments at the time of the application for reclassification.
- d. Furthermore, another condition for reclassification is that the implementation of the project intended to be put up in the subject agricultural land being applied for reclassification must commence not later than six (6) months after issuance of the reclassification.

#### **SECTION 4. - DOCUMENTARY REQUIREMENTS. -**

- a. Requirements Common to all applicants.
  - 1. Four (4) copies of Application for Reclassification from S.P.
  - 2. Special Power-of-Attorney, if the applicant is other than the owner of the lands.
  - 3. Certified xerox copy of Original Copy of Title (OTC), Transfer Certificate of Title (TCT), and/or other documents establishing ownership;
  - 4. Certificate of Updated Tax Payments
  - 5. Locational Plan/Vicinity Map of the land.
  - 6. Certification from the Department Irrigation Administration that the land is not irrigated or covered by irrigation project with firm funding commitments.

7. Certification from the Department of Agrarian Reform that the property is not covered by CARP or with Voluntary offer to sell (VOS) or has not been issued a Notice of coverage
  8. Certification from the DENR Regional Director that the proposed project in the said agricultural lands being applied for reclassification is ecologically sound.
  9. Detailed Feasibility Study to be evaluated by the CPDO and the City Agriculturist Office for comments and recommendation.
- b. Additional Requirements if the land is intended for a joint project with a developer.
1. Certificate of Commitment from the developer that the project is to start within six (6) months after reclassification otherwise; said reclassification shall be revoked by the City Government.

**SECTION 5. - CANCELLATION AND WITHDRAWAL OF APPROVAL. -**

The authorization for the land use reclassification already issued by the city government shall be withdrawn or cancelled for any of the following grounds:

- a. Misrepresentation or concealment of material facts in the application.
- b. Failure to commence the development of the area within six (6) months.
- c. Any other violation of the rules and regulations which are material to the grant of the reclassification.

The petition for cancellation or withdrawal of the reclassification authority based on ground specified in A & C above-mentioned shall be filed by interest parties or the city government motupropio, within ninety (90) days from the issuance of reclassification. The petition shall be filed with the Sangguniang Panlungsod which shall decide upon the petition after due notice and hearing.

With regard to petitions, based on ground B, the ninety (90) day period shall be reckoned from the date the six (6) months requirement in Section V-B lapses.

**SECTION 6. - EXCUSABLE DEFAULT. -**

Any applicant previously issued reclassification of highly agricultural land but failed to commence development for valid reasons beyond his control (e.g. fortuitous events, national calamity, etc.), may apply to the city government for reconsideration and extension of not more than three (3) months subject to the terms and conditions after due evaluation and public hearings.

**SECTION 7. - REPEALING CLAUSE. -**

This guideline repeals the guidelines as embodied in Resolution No. 94-350, Series of 1994 and all previous orders and issuances not consistent with this Guidelines

**ENACTED:** April 24, 1996.

**WE HEREBY CERTIFY** to the correctness of the foregoing ordinance.

**J. ANTONIO A. AMPARADO**  
City Secretary

**LOURDES V. ASENCE, M.D.**  
City Vice Mayor & Presiding Officer

APPROVED:

**JESSE M. ROBREDO**  
City Mayor