



Republic of the Philippines
Tanggapan ng Sangguniang Panlungsod
City of Naga



ORDINANCE NO. 1997-050

AN ORDINANCE PRESCRIBING THE POLICIES, CONDITIONS AND GUIDELINES FOR THE RECLASSIFICATION OF AGRICULTURAL LANDS: -

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

ARTICLE I - DECLARATION OF PRINCIPLES AND POLICIES

SECTION 1. - Land has a social function and land ownership has a social responsibility. Owner of agricultural lands have the obligation to cultivate directly or through labor administration the lands they own and make them productive.

SECTION 2. - Reclassification of agricultural land is not a right ownership but a mere privilege which shall at all time conform with the logical intents and expressed provisions of agrarian legislations and the requirements of planned urban development.

SECTION 3. - Urban growth and expansion must be directed and regulated towards a dispersed urban net and a more balanced urban-rural development.

SECTION 4. - Effective people's participation in the urban development process must be encouraged. Agricultural lands may be classified only upon prior consultation with the barangays where they are situated.

ARTICLE II - DEFINITION OF TERMS

SECTION 5. - AS USED IN THIS ORDINANCE. -

- a. Agricultural Purpose or Activity shall refer to the cultivation of the soil, planting of crops growing of fruit trees, raising of livestock, poultry or fish, including the harvesting of such farm products, and other farm practices performed by a farmer in conjunction with such farming operations done by persons whether natural or judicial.
- b. Agricultural land shall refer to public or private land devoted to agricultural activity as herein defined and not classified as mineral or forest land;
- c. Idle or Abandoned Land shall refer to any agricultural land not cultivated, tilled or developed to produce any crop nor devoted to any specific economic purpose continuously for a period of three (3) years immediately prior to the application for reclassification;

- d. Reclassification shall refer to the official act of the city government of allowing the change in the classification of agricultural land into residential, commercial or industrial lands, manifested through an ordinance, and
- e. Conversion shall refer to the official act of the Department of Agrarian Reform authorizing the change of the current use of a parcel of agricultural land into any non-agricultural use or purpose.

ARTICLE III - RECLASSIFICATION OF AGRICULTURAL LANDS. -

SECTION 6. - NON-RECLASSIFIABLE LANDS. - The following shall not qualify for reclassification:

- a. Agricultural lands distributed to agrarian reform beneficiaries, subject to Section 65 of RA 6657, otherwise known as the Comprehensive Agrarian Reform Law;
- b. Agricultural lands already issued a notice of coverage by the Department of Agrarian reform under Section 16 (a) of RA 6657;
- c. Agricultural lands already made subject of Voluntary Offers for Sale or Voluntary Land Transfers under Sections 19 and 20 of RA 6657;
- d. Prime agricultural lands, such as:
 - i. Irrigated Lands where water is available to support rice and other crop production;
 - ii. Irrigated Lands where water is not available for rice and other crop production but within areas programmed for irrigation rehabilitation by the Department of Agricultural and/or the National Irrigation Administration, and
 - iii. Irrigable lands already covered by irrigation projects with funding commitments at the time of application for land reclassification.
- e. Agricultural lands delineated by the Department of Agriculture, which are necessary for food sufficiency in rice and corn and for food security in other crops; and
- f. Agricultural lands identified by the Department of Environment and Natural Resources as environmentally critical, that is, if classified into uses other than its present utilization would lead to adverse environmental impacts to the community and its constituents.

SECTION 7. - CONDITIONS FOR RECLASSIFICATION. - Agricultural lands, including idle or abandoned lands, may be reclassified and used for residential, commercial, industrial or other non-agricultural purposes only under all the following conditions;

- a. When the land for causes other than its actual use, ceases to be economically feasible and sound for agricultural purposes, as determined by the City Agriculturist;
- b. When the land shall have substantially greater economic value for residential, commercial, industrial, or other non-agricultural use, as determined by the City Planning and Development Office.

- c. When the intended use of the land is environmentally safe and sound as determined by the City Engineer, the City Health Officer and the Department of Environment and Natural Resources, and is in harmony with the urban development and growth expansion plans of the city and the barangay where the land is situated, as determined by the City Planning and Development Office.
- d. When the reclassification of the land will not violate Section 20 of RA 7160, otherwise known as the Local Government Code of 1991, nor prejudice the rights of the agrarian reform beneficiaries, agricultural lessees, workers or actual cultivators or occupants thereof.

SECTION 8. - IDENTIFICATION OF RECLASSIFIABLE LANDS. - Within thirty (30) days from effectivity hereof, the City Agriculturist, the City Assessor, the City Engineer, the President of the Local Association of Irrigators, the geographic Information System Division Head and the City Planning and Development Officer shall submit to the Sangguniang Panlungsod and its Committee on Land Use a joint determination of:

- a. The total area of the agricultural lands of the city, as of date of effectivity of RA 7160;
- b. The total area of agricultural lands which the city may validly reclassify under the provisions of Section 20 of said RA 7160;
- c. The total area of agricultural lands already validly classified from the effectivity of said RA 7160 until; the date of effectivity hereof;
- d. The total area of agricultural lands which may still be validly reclassified by the city under the provisions of Section 20 of said RA upon the date of effectivity hereof;
- e. The total area of the circumferential roads and road networks constructed on agricultural lands following the effectivity of Ordinance No. 94-076, otherwise known as the Revised Comprehensive Zoning Ordinance of Naga City, those programmed or envisioned to be constructed within five (5) years from effectivity hereof, and the total area and locations of classifiable and non-reclassifiable agricultural lands situated within fifty (50) meters of both sides of said roads; and
- f. The locations of projected or anticipated urban development or growth expansion areas of the city within the next five (5) years, based on the city's existing land use and development plans, investment policies and programs, and other relevant research and studies.

No application for reclassification shall be accepted, and non-pending application shall be processed, until all the above-enumerated information shall have been made available as herein provided.

The total area of agricultural lands that may henceforth be classified shall not exceed the difference between the total area that may still be reclassified in accordance with Section 20 of RA 7160 as of date of effectivity hereof, and the total area of the circumferential roads and road networks constructed following the effectivity of Ordinance No. 94-076 and those programmed or envisioned to be constructed within the next five (5) years, which are hereby reserved for the purpose.

SECTION 9. - FEASIBILITY STUDY OF INTENDED USE. - No application for reclassification shall be processed unless accompanied by a Detailed Feasibility Study of the proposed project or intended use of the land and a Sworn Certification from the applicant and/or

developer that the project shall be implemented within three (3) months and completed within three (3) years from the approval of the conversion of the land by the Department of Agrarian Reform.

SECTION 10. - PROHIBITED LAND USES. - No agricultural land shall be reclassified for the establishment, operation and maintenance of quarrying activities, heavy industries, nuclear facilities or toxic waste disposal sites, as defined by law or determined by concerned government agencies.

ARTICLE IV - PRIORITIES IN RECLASSIFICATION

SECTION 11. - ORDER OF PRIORITY. - Subject to the provisions of Sections 6 and 7 hereof, the order of priority in the reclassification of agricultural lands shall be as follows:

- a. Lands subject to pending applications as of 1 July 1997;
- b. Lands within areas or zones identified as suitable for non-agricultural purposes under and by virtue of Ordinance No. 94-076;
- c. Lands needed for the construction of government buildings and other similar infrastructures for public use, as certified to by the City Mayor and the City Planning and Development Officer.
- d. Lands within fifty (50) meters of both sides of the circumferential roads and road networks constructed following the effectivity of Ordinance No. 94-076;
- e. Lands located within the projected or anticipated urban development and growth expansion areas of the city as determined in accordance with section 8 (f) hereof;
- f. Lands adjoining those already reclassified and/or converted;
- g. Idle or abandoned lands herein defined.

ARTICLE V - DOCUMENTARY AND PROCEDURAL REQUIREMENTS

SECTION 12. - DOCUMENTARY REQUIREMENTS FOR APPLICATIONS. - All applications for reclassification shall be filed with the Secretary of the Sangguniang Panlungsod and shall include four (4) copies of the following:

- a. Letter of application in the name of the owner of the land;
- b. Special Power of Attorney, if applicant is other than the owner of the land;
- c. Original or Transfer Certificate of Title and/or other documents establishing ownership of the land;
- d. Certificate of updated Real Property Tax Payments;
- e. Locational Plan and/or Vicinity Map;
- f. Detailed Feasibility study of the proposed project or intended use of the land;

- g. Sworn Certificate of Commitment from the owner and developer that the proposed project would be implemented within three (3) years from the issuance by the Department of Agrarian Reform of an Order of Conversion;
- h. Barangay Resolution endorsing the proposed project or intended use of the land as in harmony with the Barangay Development plan;
- i. Certification from the National Irrigation Administration that the land is not irrigated or irrigable as described under Section 6 (d) hereof;
- j. Certification from the Department of Agriculture that the land is not necessary for the food sufficiency program of the region. If any;
- k. Certification from the Department of Agrarian Reform that the land is not subject of a voluntary Offer of Sale, Voluntary Land transfer or Notice of coverage under RA 6657, and that the reclassification of the property will not prejudice the rights of any agrarian reform beneficiary, and;
- l. Certification from the Department of Environment and Natural Resources that the land is not environmentally critical, and that the proposed project or intended use is ecologically safe and sound.

SECTION 13. - PROCEDURE AND REQUIREMENTS FOR APPROVAL. - Upon receipt of the application and its attachments, the Secretary shall include the same in the calendar of the next Regular Session of the Sangguniang Panlungsod where the matter shall be referred to the Committee on Land Use for study, public hearing and recommendation.

In the course of its study, the Committee on Land Use shall, if the documentary requirements have been met, refer the application to the City Health Officer, the City Engineer, the City Agriculturist and the City Planning and Development Officer shall study and recommendation.

No public hearing shall be conducted until after the Committee on Land Use has received the following:

- a. Certification from the City engineer and the City Health Office that he proposed project or intended use of the land is ecologically and environmentally safe and sound;
- b. Certification from the City Agriculturist that the land, for the causes other than its actual size, had ceased to be economically feasible and sound fro agricultural purposes and that the reclassification will not prejudice that rights of any actual cultivator or occupant of the land;
- c. Certification from the City Planning And Development Officer that the land shall have substantially greater economic value for residential, commercial, industrial or other non-agricultural purposes based on an evaluation of the Detailed Feasibility Study, submitted and that the propose project or intended use is in harmony with the urban development and growth expansion plans or programs of the city, and;
- d. Certification from the City Agriculturist and the City Planning and Development officer attesting to the actual remaining area of agricultural lands which the city may still reclassify under Section 20 of RA 7160, if the application is approved.

The Committee on Land Use shall endorse the approval of the application for reclassification only after the public hearing shall have been conducted and no valid or serious objection to the proposed project or intended use of the land has been raised herein.

Approval of an application for reclassification shall be by ordinance approved by two-thirds of the members of the Sangguniang Panlungsod.

SECTION 14. - NO VESTED RIGHT IN RECLASSIFICATION. - Compliance with all the requirements shall not vest any right to the approval of the application for reclassification. The Sangguniang Panlungsod may not approve an application if in its collective judgment public health, safety and welfare require that reclassification be denied.

ARTICLE VI - WITHDRAWAL OR RECLASSIFICATION

SECTION 15. - GROUNDS AND PROCEDURE. - The reclassification of agricultural lands may be withdrawn by ordinance on any of the following grounds:

- a. Misrepresentation or concealment of material facts in the application;
- b. Failure to commence implementation of the proposed project within three (3) months from the issuance of a conversion by the Department of Agrarian Reform.
- c. Failure to complete the proposed project within three (3) years from the issuance of a conversion order by the Department of Agrarian Reform;
- d. Failure to comply with any of the conditions imposed for the reclassification of the land.

The Committee on Land Use, the City Planning and Development Officer, or any city taxpayer may, by verified petition filed with the Sangguniang Panlungsod, initiate summary proceedings for the withdrawal of the reclassification.

The Sangguniang Panlungsod shall afford all parties concerned the opportunity to be heard and adduce evidence on their behalf.

The owner and developer shall bear all damages and losses for the withdrawal of the reclassification.

ARTICLE VII - FINAL PROVISIONS

SECTION 16. - REPEALING CLAUSE. – ORDINANCE No. 96-020, Resolution No. 97-008 are hereby repealed, and provisions of all other legislative enactments and executive issuances not consistent with any of the provisions hereof are hereby amended or modified accordingly.

SECTION 17. - EFFECTIVITY. - This ordinance shall take effect immediately upon its approval.

ENACTED: August 6, 1997.

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