

**ORDINANCE NO. 2006-035**

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**AN ORDINANCE ENCOURAGING THE UTILIZATION AND PRODUCTIVITY OF ALL LANDS WITHIN THE TERRITORIAL JURISDICTION OF THE CITY OF NAGA BY FACILITATING PARTNERSHIPS BETWEEN AND AMONG LANDOWNERS, THE NAGA CITY GOVERNMENT, AND PRIVATE INDIVIDUALS/ORGANIZATIONS FOR THE UTILIZATION OF VACANT OR IDLE LANDS, GRANTING INCENTIVES THEREFOR, APPROPRIATING FUNDS FOR THE PURPOSE, AND FOR OTHER PURPOSES:-**

Author: Hon. Mila S.D. Raquid-Arroyo

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

**SECTION 1. Title.** This Ordinance shall be known and referred to as the Land Utilization and Productivity Ordinance of the City of Naga.

**SECTION 2. Purpose.** The purpose of this Ordinance is to impress upon the public that natural resources, such as land, being God-giving, must benefit the community as a whole and not only the holders of the legal title thereto. Ownership by legal title over any natural resource, therefore, carries with it the obligation to make the same productive so that the benefits flowing therefrom will redound not only to the title holders thereof but also to the community in general.

Specifically, this Ordinance aims to:

- i. encourage utilization and productivity of lands within the territorial jurisdiction of the City of Naga to spur the much needed economic growth and development of the City;
- ii. provide incentives to landowner and groups who enter into partnership with individuals, groups, or the City Government of Naga for the utilization of vacant or idle lands within the territorial jurisdiction of the City of Naga;
- iii. encourage public-private sector partnership to make Naga City a clean, healthful, beautiful, and truly a "Maogmang Lugar" for the enjoyment and benefit of both the present and the future generations of Nagueños.

**SECTION 3. Scope and Coverage.** This Ordinance shall cover all vacant or unutilized lands as defined herein and all idle lands within the territorial jurisdiction of the City of Naga.

For the purpose of this Section, lands shall be considered as vacant/unutilized if more than fifty percent (50%) of its area is unutilized for any purpose beneficial to human consumption or development; provided, however, that lands enclosed by a fence within which a structure is erected and occupied as dwelling by the landowner or the caretaker thereof shall not be considered vacant or idle under this Ordinance.

**SECTION 4. Definition of Idle Lands.** For the purposes of this Ordinance lands shall be considered idle if the same falls under the definition provided under Section 237, Republic Act No. 7160 as follows:

- a. Agricultural lands, more than one (1) hectare in area suitable for cultivation, dairying, inland fishery, and other agricultural uses, at least one-half (1/2) of which remain uncultivated or person having legal interest therein.

Agricultural lands planted to permanent or perennial crops with at least fifty (50%) trees to a hectare shall not be considered idle lands.

Lands actually used for grazing purposes shall not be considered idle lands.

- b. Lands, other than agricultural, more than one thousand (1,000) square meters in area, at least one-half (1/2) of which remain unutilized or unimproved by the owner of the property or person having legal interest therein.

Regardless of land are, this Section shall likewise apply to residential lots in subdivision duly approved as such by proper authorities, the ownership of which has been transferred to individual owners who shall be liable for the additional tax imposed under Section 20 of Naga City Ordinance No. 2004-123: Provided, however, that individual lots of such subdivisions the ownership of which has not been transferred to the buyer shall be considered as part of the subdivision and shall be subject to the additional tax payable by subdivision owner or operator.

**SECTION 5. Incentive to Landowners.** As a measure to encourage utilization and productivity of vacant/idle lands, owners of vacant/unutilized and idle lands are hereby granted the option either to pay the idle land tax imposed under Section 20 of 2004-123, otherwise known as "An Ordinance Codifying and Revising the Various Revenue Ordinances of the City of Naga, and for other purposes", or to execute an authority in favor if the City Government of Naga to utilize the property for a period of at least two (2) years; provided, however, that the duty of the landowner to pay the real property taxes due thereon shall subsist.

**SECTION 6. Repossession by the landowner or cancellation/withdrawal of authority granted.** In the event that the opts to execute the authority stated under the immediately preceding Section, repossession of the property shall be made through a written notification to the City Government at least three (3) months prior to the expiration of the authority granted. Failure of the repossess/utilize property within the aforementioned three (3) month period shall be deemed a renewal of the authority granted to the City Government of Naga to utilize the property for another period of two (2) years, provided, however, that the authority so granted may be terminated anytime when the landowner manifests in writing that he/she is ready to utilize the property or make the same productive.

When the authority granted to the City Government of Naga or any individual or group duly accredited with the Sangguniang Panlungsod for the utilization of the subject property is withdrawn by the landowner the latter shall commence utilization of his/her property within a period of three (3) months from the date of such withdrawal, otherwise the Idle Land Tax imposed under Section 20 of ordinance No. 2004-123 shall retro-act to the date of the withdrawal thereof.

**SECTION 7. Specific obligation of the City Government.** The execution by the landowner of the written authority provided under Section 6 hereof shall carry it the corresponding obligation of the City Government to effect repossession by the landowner within thirty (30) days from receipt of notice of withdrawal sent by the landowner.

**SECTION 8. Establishment of the Vacant/unutilized and Idle Land Utilization Fund (VILUF).** An initial amount of One Million Pesos (P1,000,000.00) is hereby appropriated and set aside as seed VILUF beginning Fiscal Year 2006 and the City Government may deem necessary.

The fund established under this Section shall be made available both to landowners and to individuals/groups with approved utilization plan/proposal.

**SECTION 9. Duty of the MetroPeso and the City Agriculture Office.** In order to assist the landowners to put their vacant/unutilized or idle land into productive use, the MetroPeso and the City Agriculture Office, in coordination with the Naga City People's Council, are hereby mandated to design programs and projects which may be made available to landowners, individuals or organizations to achieve the purposes of this Ordinance.

In the implementation of this Ordinance, the MetroPeso and the City Agriculture Office, in partnership with the following offices and entities, shall promulgate the necessary rules, regulations, guidelines and procedures:

1. Naga City People's Council
2. The Barangay People's Council Federation
3. The Metro Naga Chamber of Commerce and Industry
4. The Liga ng mga Barangay
5. The SK Federation
6. The City Assessor's Office
7. The City Legal Office
8. The Department of Agrarian Reform
9. The respective representatives of the SP Committees on Laws and Ordinances, Agriculture, Trade and Industry, and Livelihood/Cooperative
10. The Bankers Association of the Philippines - Camarines Sur/Naga City Chapter
11. The Real Estate Brokers Association of the Philippines (REBAP)/Confederation of Real Estate Brokers Association (CREBA)
12. The Naga City Federation of Cooperative, and
13. The Naga City Farmers Federation

**SECTION 10. Mechanics for Implementation**

**10.1 Duty of the City Assessor and the City Treasurer.** In accordance with the provision of Section 239, Republic Act No. 7160, and to effectively carry out the intents and purposes of this Ordinance, the City Assessor and the City Treasurer are hereby mandated to prepare an updated inventory of all vacant/unutilized and idle lands located within the territorial jurisdiction of the City of Naga within six (6) months from the approval of this Ordinance. The list of lands declared by the City Assessor as vacant/unutilized or idle shall be posted for a period of fifteen (15) days in a conspicuous place within the Naga City Hall and in the barangay hall of the barangay where the property is located;

**10.2 Duty of the Barangay Councils.** To expedite the inventory process, the Barangay Council of the 27 Barangays of Naga City, in partnership with the Naga City People's Council, are hereby mandated to assist the City Assessor by submitting the list of vacant/unutilized and idle lands within their respective territorial jurisdiction within three (3) months from the approval of this Ordinance;

**10.3 Expression of Intent/Submission of Proposals to cultivate or utilize vacant or idle lands.** Individuals or groups desirous to cultivate, utilize, or make use of vacant lands within their barangays or in other barangay within the City of Naga shall submit a written intent to so utilize the same to the City Agriculture Office, copy furnished the MetroPeso, the Barangay Council where the property is located and the Naga City People's Council. The City Government, through any or its offices, may on its own or motu shall be transmitted to the City Agriculture Office or the MetroPeso.

If the proposal submitted pertains to the use of utilization of lands which have not yet been classified by the Assessor as vacant/idle, the City Agriculture Office shall request the City Assessor's Office to evaluate and determine the status of the property as the whether the same is vacant/idle as defined under this Ordinance. If the City Assessor determines that the land is vacant/idle as defined under this Ordinance, such determination shall be posted in accordance with Section 10.1 hereof.

**10.4 Assessment and Evaluation of Proposals.** The City Agriculture Office, MetroPeso, and the Naga City People's Council, shall evaluate and approve/disapprove the proposed use of vacant or idle lands taking into consideration the following criteria:

- a. The duration of the proposed use/utilization of the land does not go beyond two (2) years;
- b. The proposed use or utilization is not inconsistent with the present classification of the property; provided, however, that in no case shall construction of any structure for dwelling purposes be allowed thereon except makeshift structure use<sup>3d</sup> for shade purposes;
- c. The proposed use or utilization will not run counter to or violative of existing laws or ordinances concerning health and sanitation.

In the approval of proposals, applicants who are residents of the Barangay where the vacant/idle is located shall be given priority.

**10.5 Notice to Landowner.** Within five (5) days after the City Agriculture Office and the MetroPeso received the proposed utilization of vacant or idle land, or after the posting required under Section 10.1 hereof has been completed, a notice to the landowner thereof shall be sent informing him/her of the intended use. Within five (5) days after receipt of this notice, the landowner shall either execute an authority in favor of the City Government as provided under Section 5 hereof or to pay the fine or tax, at the option of the landowner. In the event that the landowner opts to pay the fine or idle tax instead of issuing an authority to the City Government, the City Agriculture Office shall notify the City Assessor and the City Treasurer, as the case may be, in order for these offices to issue the necessary notices in implementation of the<sup>4</sup> provisions under Section 6 hereof. Failure of the landowner to communicate his/her option within the period aforementioned shall be presumed as an option to pay the fine or idle land tax imposed under this Ordinance, in which case, the City Agriculture Office shall issue the necessary communication with the City Assessor or the City Treasurer, as the case may be, to effect the necessary levy or collection.

**10.6 Execution of Memorandum of Agreement.** When the landowner chooses to issue the authority in favor of the City Government of Naga as provided under Section 6 hereof, the landowner, the City Government of Naga, and the proponent/applicant shall enter into a Memorandum of Agreement providing therein the duties and obligations of the parties as herein provided and as may be defined jointly by the City Agriculture Office and the MetroPeso, in partnership with the Naga City People's Council; provided, however, that on the basis of this Memorandum of Agreement (MOA) or any contract that may be entered into pursuant hereof, no party in the contract may have the right to claim tenancy or any other right on the property subject thereof and no burden or obligation may be created thereon other than those specifically provided therein.

If, for any reason, the Proponent becomes unable to utilize the property within three (3) months from the signing of the MOA, the MOA shall be deemed abrogated and the City Government may select another qualified applicant as replacement, subject to the execution of another Memorandum of Agreement as above provided.

**10.7 Priority of government-owned lands.** Consistent with the principle of "Leadership by Example", all vacant or idle lands owned by the government, local or national, located within the barangay of the individuals/groups with approved proposal, shall be prioritized in the implementation of this Ordinance; provided, however, that when such government land is not suitable for the approved proposed use, private vacant or idle lands shall not be utilized for the purpose.

**SECTION 11. Repealing Clause.** All Ordinances or executive orders or provisions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed or amended accordingly in so far as they are inconsistent with the provisions of this Ordinance.

**SECTION 12. Separability.** Should any portion of this Ordinance be declared unconstitutional or illegal by any court of competent jurisdiction, the portions not so declared shall remain in full force and effect.

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**SECTION 13. Effectivity.** In order to give<sup>3</sup> sufficient notice to the public, this ordinance shall take effect six (6) months after its publication in a newspaper of general circulation in the City of Naga.

**ENACTED:** July 17, 2006.

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

**FIEL L. ROSALES**  
Secretary to the  
Sangguniang Panlungsod

**GABRIEL H. BORDADO, JR.**  
City Vice Mayor &  
Presiding Officer

**APPROVED:**

**JESSE M. ROBREDO**  
City Mayor