



Republic of the Philippines
CITY OF NAGA
 "An Maogmang Lugar"
 -2*2-



CITY PLANNING AND DEVELOPMENT OFFICE

J. Miranda Ave., Concepcion Pequeña, Naga City 4400
 Tel. No. 205-2980 loc. 2080

27 October 2023

THE HONORABLE MEMBERS
 Sangguniang Panlungsod
 Naga City

Attn: **Hon. Salvador Del Castillo**
 Chair, Committee on Land Use

Im Nene / SP

SF# 2023-1285
RECEIVED
 TANGBAPANG
 SANGGUNIANG PANLUNGSOD NG NAGA
 Date: OCT 27 2023
 Time: 4:26 pm By: *[Signature]*

Gentlemen and Mesdames:

This refers to the request of Lautan Luas Inc., landowner, represented by Mr. Johan Renzy Yao, for rezoning of a parcel of land located along Almeda Highway, Barangay Concepcion Pequeña, this city, from **Residential to Commercial Use**.

In compliance with the existing procedure, and as provided for in Ordinance 2000-071 (Naga City Zoning Ordinance), we conducted a site inspection of the area, and below are our observations:



1. The subject area for rezoning are three parcels of land covered by Transfer Certificate of Title No. 086-2017000561 with an area of 25,542 square meters, Transfer Certificate of Title No. 086-2019000582 with an area of 20,000 sqm, and Transfer Certificate of Title No. 086-2019000583 with an area of 19,939 sqm. It amounts to an aggregate area of **SIXTY-FIVE THOUSAND FOUR HUNDRED EIGHTY-ONE (65,481) SQUARE METERS**.
2. Located along the Diversion Road/Almeda Highway, Concepcion Pequeña, adjacent to the City College of Naga, and approximately 3.2 kms away from Naga City Central Business Terminal, and 4.1 kms from the Naga City People's Mall.

In addition, the documents submitted by Mr. Johan Renzy Yao were reviewed and hereunder is the result of our evaluation, to wit:

• TECHNICAL EVALUATION •

Documentary Requirements	Compliance/Remarks
1. Letter of application in the name of the owner of the land	<p>COMPLIED <i>letter of Intent addressed to Wilfredo B. Prilles, Jr. requesting for the rezoning of Lot 2-A, Portion of Lot 2, Psd- 05-036738 under TCT No. 086-2017000561, Lot 1-A, portion of Lot 1, Psd-05-036738, under TCT No. 086-2019000582, and Lot 1-B, portion of Lot 1, Psd- 05-036738 located at Concepcion Pequeña from Residential to Commercial.</i></p> <p><i>Secretary's Certificate executed on October 24, 2023, Ms. Azucena L. Yao, Corporate Secretary of Lautan Luas Inc., authorized on behalf of and in the name of the Corporation, Mr. John Renzy L. Yao to transact in relation to the application for Land Rezoning of the corporation's property located at Almeda Highway, Concepcion Pequeña, Naga City. (Annex A)</i></p>
2. Original or Transfer Certificate of Title and/or other documents establishing owner by ship of the land	<p>COMPLIED <i>Transfer Certificate of Title Nos. 086-2017000561, 086-2019000582, and 086-2019000583 registered under LAUTAN LUAS INC., with an area of Twenty Five Thousand Five Hundred Forty-Two (25,542), Twenty Thousand (20,000) and Nineteen Thousand Nine Hundred Thirty-Nine (19,939) square meters respectively with a total area of Sixty Five Thousand Four Hundred Eighty-One (65,481) square meters (or 6.548 hectares).</i></p>
3. Certificate of Updated Real Property Tax Payment duly signed and certified by City Treasurer	<p>COMPLIED <i>Certificate of Tax Payment issued on February 17, 2023, Signed by Maria Socorro Gayanilo, Acting City Treasurer, for the property covered by TD No: 0801000907469, 0801000907470, 0801000907471 and 0801000907472 for the full term of 2023.</i></p>
4. Location Plan and/or Vicinity Map	<p>COMPLIED <i>Lot plan prepared and signed by Geodetic Engineer Juan Angelo L. Navera, showing the three parcels of land with an area of Sixty Five Thousand Four Hundred Eighty-One (65,481) square meters subject to rezoning.</i></p>
5. Detailed Project Study of the proposed project or intended use of the land	<p>COMPLIED <i>Project study prepared by Lautan Luas Inc., for the proposed Naga Business Park, the primary objective is to stimulate economic growth in the city, thus bolstering the livelihoods of Nagueños and residents of nearby municipalities, thus creating jobs not only for local economic stability but also empower the community, fostering a sense of self-sufficiency and progress.</i></p>

6. Barangay Resolution	COMPLIED Barangay Resolution No. 2020-1-103 series of 2020. A resolution recommending Reclassification and Rezoning of lots embraced by TCT Nos. 086-2019000582, 086-2019000853, and 086-2017000561, located at Almeda Highway owned by Lautan Luas Inc., from Agricultural Land to Commercial Land. Approved and adopted on March 12, 2020.
7. Site zoning classification	COMPLIED Site Zoning Classification Certificate signed by Nussy Sales, issued on March 21, 2023, certifying that the subject lot is located within District Code No. 96, classified as an Agricultural District.
<p>Moreover, as per letter dated April 6, 2022, addressed to Mr. Reuel Oliver of NCIB from Atty McGyver Gerard S. Orbina of the City Legal Office, the parcels of land covered by TCT 086-2017000561 (Lot 2-A), 086-2019000582 (Lot 1-A), 086-2019000583 (Lot 1-B), are no longer agricultural lands. And was reclassified to non-agricultural pursuant to an Order dated March 17, 1998, from the Department of Agrarian Reform. To elaborate, below are the findings:</p> <ul style="list-style-type: none"> • Certification from the City Assessor's Office dated April 4, 2022, specifying that TCT 086-2017000561 (Lot 2-A), 086-2019000582 (Lot 1-A), 086-2019000583 (Lot 1-B) were originally part of Lot No. 1078. • Resolution No. 181 of the Sangguniang Panlungsod of Naga City enacted on October 23, 1972, authorizing the development of a subdivision in the following lots: Lot No. 1078, 1045, 1096, 2276, 2278, and 1049-B. • DAR Order dated March 17, 1998, the same properties were reclassified to non-agricultural. • Letter dated November 24, 2010, from Atty Manlagnit-Tam of Regional Director of the Department of Agriculture, that the aforementioned lots are no longer agricultural and thus, outside of the scope of agrarian reform laws and regulations. 	
8. Rezoning Fee	COMPLIED OR No. 4758777 Date: October 19, 2023 Total: P 21,000.00

In view of the above, we recommend approval of the aforementioned rezoning of the subject land to commercial zone.

For your information and guidance.

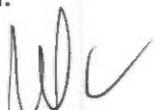
Very truly yours,



ODILIO G. NATE

Project Development Officer II/Acting Zoning Administrator

Noted:



WILFREDO B. PRILLES, JR.

City Planning and Development Coordinator



Republic of the Philippines
City Legal Office
City of Naga, 4400



April 6, 2022

MR. REUEL M. OLIVER
NCIB Executive Director
Naga City

Dear Mr. Oliver;

This serves as a legal opinion on the status of the parcels of land owned by Lautan Luas, Inc. all situated along Almeda Highway, Concepcion Grande Naga City.

Specifically, the parcels of land subject of this legal opinion are the following parcels of land:

1. Lot No. 3582, CAD. 290 covered by TCT No. 086-2018000524;
2. Lot No. 2-A of (LRA) PSD-E2015000658 covered by TCT No. 086-2017000561;
3. Lot No. 1-A of (LRA) PSD-E2018003767 covered by TCT No. 086-2019000582; and
4. Lot No. 1-B of (LRA) PSD-E2018003767 covered by TCT No. 086-2019000583

Records from the City Assessor's Office, particularly the Certification dated April 4, 2022¹ shows that the parcels of land covered by Transfer Certificates of Title No. 086-2017000561, 086-2019000582, and 086-2019000583 originated from and were originally part of the mother parcel denominated as Lot No. 1078.

Records of the Sangguniang Panlungsod of Naga City also revealed that as early as October 23, 1972, through the unanimously approved Resolution No. 181 dated October 23, 1972, Lot No. 1078, together with five (5) other parcels of land respectively denominated as lots No. 1045, 1096, 2276, 2278, and 1049-B, was allowed to be developed into a subdivision.

Further, pursuant to an Order dated March 17, 1998, the Department of Agrarian Reform, through then Secretary Ernesto D. Garilao, exempted

¹ Copy of which is here attached as Annex "A" for ready reference.

3rd Floor, LTFRB Building
Naga City Hall Compound
J. Miranda Avenue, Concepcion Pequeña, City of Naga
www.naga.gov.ph





from CARP Coverage and reclassified to non-agricultural the same lots No. 1078, 1045, 1096, 2276, 2278, and 1049².

In a letter dated November 24, 2010 of then Regional Director of the Department of Agriculture, Atty. Maria Celestina M. Manlagñit-Tam, CESO III, the DAR further stated that the above-immediately enumerated parcels of land, pursuant to the above-mentioned Order dated March 17, 1998, are no longer agricultural lands and thus, outside of the scope of agrarian reform laws and regulations.

Reclassification is the act by which the manner of utilization and disposition of a certain land is officially altered. Here, through Resolution no. 181 dated October 23, 1972, the use of Lot No. 1078, to which Lots No. 2-A, 1-A, and 1-B originated from, was reclassified from being agricultural.

This was also affirmed by the Department of Agrarian Reform through the Order dated March 17, 1998 which effectively removed the same parcel of land from CARP coverage and also reclassified the same parcel of land to non-agricultural.

Records of the Sangguniang Panlungsod also shows that Resolution No. 181 dated October 23, 1972 has not been specifically revoked or repealed.

In view of the foregoing facts and circumstances, it is the humble opinion of the undersigned that Lots 2-A, 1-A, and 1-B, as originally part of Lot No. 1078, are no longer agricultural lands. Through the same Resolution No. 181 and the DAR Order dated March 17, 1998, the immediately mentioned parcels of land have been removed from being classified as agricultural lands not only in the level of the local government of Naga but also in the level of the National Government through the Department of Agrarian Reform.

Hence, in consideration of the foregoing, it is also the respectful opinion of the undersigned that, except for Lot No. 3582 covered by TCT No. 086-2018000524, it is no longer necessary to apply, move, or request for

² Copy of the letter dated November 24, 2010 by Maria Celestina M. Manlagñit-Tam, CESO III and the Order dated March 17, 1998 by Secretary Ernesto D. Garilao, both of the Department of Agrarian Reform, are here attached respectively as Annexes "B" and "C"





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City Legal Office
City of Naga, 4400



the reclassification of the parcels of land first above-mentioned (Lots 2-A, 1-A, and 1-B) for the purpose of removing it from being classified as agricultural.

Respectfully submitting this opinion. Thank you very much.

Sincerely,

McGyver Gerard S. Orbina
Attorney IV/Acting City Legal Officer
City Legal Office

Copy Furnished:

HON. NELSON S. LEGACION
Mayor
City Government of Naga

Annex:



3rd Floor, LTFRB Building
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