



Republic of the Philippines  
PROVINCE OF LEYTE  
City of Baybay  
-0000000-

## Office of the Sangguniang Panlungsod

Excerpt from the

**MINUTES OF THE 15<sup>th</sup> REGULAR SESSION OF THE SANGGUNIANG PANLUNGSOD OF BAYBAY CITY, LEYTE HELD AT THE LEGISLATIVE SESSION HALL ON MAY 17, 2010.**

### PRESENT:

HON. REX A. RETANA	-	City Vice Mayor & Presiding Officer
HON. ERNESTO M. BUTAWAN	-	Sangguniang Panlungsod Member
HON. CRISTELO S. LORETO	-	-do-
HON. EDUARDO S. GUINOCOR, JR.	-	-do-
HON. LEONIDO A. BERAY	-	-do-
HON. LOLITO C. MUÑEZ	-	-do-
HON. ERLINDO P. LAPLANA	-	-do-
HON. TERESITA J. VELOSO	-	-do-
HON. CARLO S. ENRIQUEZ	-	-do-
HON. MARGARITA C. CARI	-	ABC Provincial Federation President
HON. CARL NICOLAS C. CARI	-	SK Federation President

ABSENT: NONE

### CITY ORDINANCE NO. 02 S. 2010

**AN ORDINANCE ESTABLISHING AND ADOPTING COMPREHENSIVE ZONING REGULATIONS FOR THE CITY OF BAYBAY, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT AND AMENDMENT THEREOF, AND FOR OTHER PURPOSES**

### SPONSORED BY:

HONS. ERNESTO M. BUTAWAN, CARLO S. ENRIQUEZ, ERLINDO P. LAPLANA, & CRISTELO S. LORETO

BE IT ORDAINED by the Sangguniang Panlungsod of the City of Baybay, that:

WHEREAS, R.A. 7160 otherwise known as the Local Government Code of 1991 (LGC), provides that local government units (LGUs) shall in conformity with existing laws, continue to prepare their respective comprehensive land use plans enacted through zoning Ordinances which shall be the primary and dominant bases for the future use of land resources;




  
ERLINDO P. LARILANA  
SP Member

  
TERESITA J. VELOSO  
SP Member

  
CARLO S. ENRIQUEZ  
SP Member

  
MARGARITA C. CARI  
SP Member

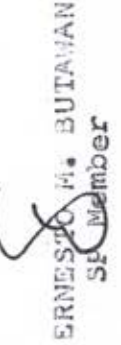
  
CARL NICORAS C. CARI  
SP Member

  
LOLITO C. MUNOZ  
SP Member

  
LEONIDO A. BERRY  
SP Member

  
EDUARDO S. GUINOCOR, JR.  
SP Member

  
CALISTO S. LORETO  
SP Member

  
ERNESTO M. BUTAMAN  
SP Member

WHEREAS, the LGC further provides that the requirements for food production, human settlements, and industrial expansion shall be taken into consideration in the preparation of comprehensive land use plans;

WHEREAS, the City of Baybay, through the City Development Planning Office and the Local Development Council, formulated the 2009-2020 Comprehensive Land Use Plan (CLUP) of Baybay in 2009;

WHEREAS, the CLUP can only be effectively carried out and implemented by enacting regulatory measures to translate its planning goals and objectives into reality;

WHEREAS, the Local Government Code also provides that the powers and duties for the proper enforcement of the zoning rules and regulations have been devolved to the local government units as part of its primary responsibilities;

WHEREAS, a zoning Ordinance is one of the regulatory measures within the powers of the local government to protect and enhance public health, safety, morals and general welfare of its citizens.

NOW, THEREFORE, the Sangguniang Panlungsod of the City of Baybay in a session assembled hereby adopts the following Zoning Ordinance and provides for the administration enforcement and amendment thereof, and for other purposes, is hereby enacted, to wit:

## ARTICLE I TITLE

**Section 1. Title of the Ordinance.** This Ordinance shall be known as the Comprehensive Zoning Ordinance of the City of Baybay and shall be referred to as the Ordinance.

## ARTICLE II AUTHORITY AND PURPOSE

**Section 2. Authority.** This Ordinance is enacted pursuant to the provisions of Section 20 of Republic Act No. 7160, Executive Order No. 72, series of 1993, and DILG Memorandum Circular 2008-156.

**Section 3. Purpose.** This Ordinance is enacted to achieve the following purposes:

1. Guide the future physical growth and development of the City through rational and equitable distribution and access to public and private services and resources;
2. Harness available resources towards achieving an empowered and progressive community;
3. Enhance the City's agricultural productivity towards ensuring food security through the protection of critical resources, and the creation of opportunities for agro-based industries, trades and commerce; and
4. Regulate the location and use of land resources that will ensure environmental integrity and security.



ERLINDO P. LAYLANA  
Member

TERESITA VELOSO  
SP Member

CARLO S. BUREQUEZ  
SP Member

MARGARITA C. CARI  
SP Member

CARL N. ...  
SP Member

CARI

**Section 4. Comprehensive Land Use Plan and General Zoning Principles.** The Zoning Regulations elaborated in this Ordinance are based on the 2009-2020 Comprehensive Land Use Plan (CLUP), elaborated in Annex A of this Ordinance, and which is made an integral part of this Ordinance. The CLUP, duly endorsed by the Local Development Council on March 09, 2010 articulates the vision of development of the City to be:

"An agro-industrialized, environmentally sustainable, progressive and peaceful community, whose residents are healthy, empowered and law-abiding under the guidance of competent and development-oriented leaders."

The CLUP adopts the Cluster Growth Development Strategy identifying suitable locations for agro-industrial development, secondary center of business, trade and commerce, tourism and sustainable settlement areas.

This strategy provides the framework for zoning the entire territory of Baybay based on these zoning principles:

1. Land is a limited resource and as such must be managed for the welfare of all in accordance towards the attainment of the City's vision of development;
2. The environment provides man with life supporting systems and as such it must be conserved and developed to enhance the quality of life;
3. Man's well-being is the ultimate consideration of development. This being the case, there is a need for regulatory measures, which shall ensure the protection of his immediate environment;
4. Development benefits should primarily accrue to the people of Baybay such that permitted uses and other regulations shall promote the creation of economic opportunities for community residents where such development activities will be located;
5. The regulation of land uses is based on suitability of development that gives premium to sustainable land uses.

**ARTICLE III**  
**DEFINITION OF TERMS AND RULES OF CONSTRUCTION**

**Section 5. Definition of Terms.** The definition of technical terms used in the Zoning Ordinance shall carry the same meaning given to them in already approved codes and regulations, such as but not limited to the National Building Code, Water Code, Philippine Environmental Code and other Implementing Rules and Regulations, promulgated by the HLURB. The words, terms and phrases enumerated hereunder shall be understood to have the meaning corresponding indicated as follows:

1. **Agricultural Zone (AGZ)** – an area within the city intended for cultivation/fishing and pastoral activities e.g. fish, farming, cultivation of crops, goat/cattle raising, etc.

LOLLY L. ...  
SP Member

LEONARDO ...  
SP Member

EDUARDO S. ...  
SP Member


CHRISTOPHER ...  
SP Member

ERNESTO M. ...  
SP Member



  
ERLINDO P. LAPEANA  
SP Member

  
TERESITA J. VELOSO  
SP Member

  
CARLO S. ENRIQUEZ  
SP Member

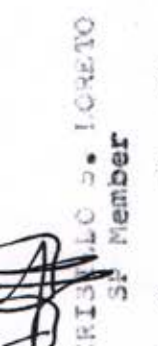
  
MARGARITA C. CARI  
SP Member

  
CARL N. CARI  
SP Member

  
LOLITO C. MURO  
SP Member

  
LEONIDA A. SERRAY  
SP Member

  
EDUARDO S. SPINOCHE, JR.  
SP Member

  
CRISLO S. LORETO  
SP Member

  
ERNESTINA M. BUTANAN  
SP Member

2. *Agro-Industrial Zone (AIZ)* – an areas within the city intended primarily for processing activities for agricultural and agroforestry products and other down stream industries and other compatible uses.
3. *Alteration or Expansion* – any improvement or modification of a structure or property intended to expand the present use of said building or property.
4. *Block(s)* – is an area or zone that is surrounded by streets or natural landmarks where the north, south, east and west bounds can be expressed as road names or names of known well established natural landmarks such as water bodies. These blocks are expressed as alpha-numeric code(s) based on the Official Zoning Map (e.g. AA14, where AA is interpreted as the first ten (10) second grid from the minimum longitude 124°44'00" E from West to East and 14 as the 14th the (10) second grid from the maximum latitude 10°53'30"N from North to South).
5. *Board/HLURB* – shall mean the Housing and Land Use Regulatory Board.
6. *Boundary Line* – the abstract line formed by the technical description of bearing and distances given on the certificate of title of the property or as defined herein.
7. *Buffer Area* – these are yards, parks or open spaces intended to separate incompatible elements or uses to control the pollution/nuisance and for identifying and defining development areas or zones where no permanent structures are allowed.
8. *Building* – any structure having a roof supported by columns or walls. The term building also includes the term structure.
9. *Building Density* – refers to as the quantity of a building(s) distributed over a lot area controlled by a maximum Floor Area Ration (FAR).
10. *Building Footprint* – the physical extent of a building outlined on the lot or property where it stands.
11. *Building Permit* – refers to a written permission issued by the proper city authority for the construction, repair, alteration or addition to a structure.
12. *Built-up areas* – a contiguous grouping of ten (10) or more structures.
13. *Cemetery* - shall mean a public or private land used for the burial of the dead and other uses indicated for cemetery purposes, to include landscaped grounds, driveways, walks, columbaria, crematories, mortuaries mausoleums, niches, graveyards and public comfort rooms.
14. *Central Business District (CBD)* – shall refer to areas designated principally for trade, services and business purposes.
15. *Certificate of Non-Conformance* – a certificate issued to owners of all uses existing prior to the approval of the Zoning Ordinance which do not conform in a zone as per provision of the said ordinance.
16. *Commercial Use* – refers to trade, business and service activities
17. *Commercial-Institutional Zone* – shall refer to areas that provide a transition between institutional and commercial activities and districts and also serve as a transition or buffer area between medium density residential and more intense commercial zoning districts.
18. *Commercial Subdivision* – any tract or parcel of land registered under Republic Act 496 which is partitioned primarily into commercial lots for commercial use with or without improvements thereon and offered to the public for sale in cash or instalment terms.
19. *Compatible Use* – uses or land activities capable of existing together harmoniously,



e.g. residential use and parks and playground.

20. *Comprehensive Land Use Plan* – a document embodying specific proposals for guiding and regulating growth and/or development. The main components of the Comprehensive Land Use Plan in this usage are the sectoral studies, i.e. Demography, Social, Economic, Infrastructure and Utilities, Environment, Local Administration and Finance, and Land Use; the spatial development options; the preferred spatial development option; the general land use plan; the urban land use plan; and the zoning ordinance.
21. *Conflicting Use* – uses or land activities with contrasting characteristics sited adjacent to each other, i.e. residential units adjacent to industrial plants.
22. *Conforming Use* – a use which is in accordance with the zone classification as provided for in the Ordinance.
23. *Conservation Zone (CZ)* – shall refer to areas for creation of alternative forestry-based production opportunities and where forest-based production is found to be suitable, identified environmentally critical area(s), areas utilized for geothermal power production, unclassified public forests, and easement areas defined by Section 51 of the Philippine Water Code.
24. *Development Density* – refers to the measure of development within an area, measured in units of area of floor space per area of land (e.g. square meter of floor per hectare).
25. *Dumpsite* – area designated and developed as a final solid waste disposal site for the city.
26. *Easement* – open space imposed on any land use/activities sited along waterways, road-right-of-ways, cemeteries/memorial parks and utilities, and geo-hazard areas.
27. *Environmental Clearance Certificate (ECC)* – the document issued by the DENR Secretary or the Regional Executive Director certifying that based on the representations of the proponent and the preparers, as reviewed and validated by the EIARCs, the proposed project or undertaking will not cause a significant negative environmental impact; that the proponent has complied with all the requirements of the EIS System, and that the proponent is committed to implement its approved Environmental Management Plan in the Environmental Examination.
28. *Environmentally Critical Areas* – refers to those areas which are environmentally sensitive and are listed in Presidential Proclamation 2146 dated December 14, 1981.
29. *Environmentally Critical Projects* – refers to those projects which have high potential for negative environmental impacts and are listed in Presidential Proclamation 2146 dated December 14, 1981.
30. *Exception* – a device which grants a property owner relief from certain provisions of a Zoning Ordinance where because of the specific use would result in a particular hardship upon the owner, as distinguished from a mere inconvenience or a desire to make more money.
31. *General Commercial Zone (GCZ)* – an area within the city for trading/services/business purposes.
32. *General Meridional Block System (MBS)* – refers to a local grid referencing system used for the purpose of this Ordinance. The MBS divides the Baybay territory in meridional blocks or blocks derived from the 10 second interval geographic latitude and longitude coordinates and expressed in alpha-numeric codes. A block or meridional block is approximately 9 hectares in area as used in this Zoning Ordinance.
33. *General Residential Zone (GRZ)* – an area within the city principally for



dwelling/housing purposes.

34. *General Zoning Map* – a duly authenticated document delineating the different zones in which the whole city is divided.
35. *Global Positioning System (GPS)* - is an accurate worldwide navigational and surveying facility based on the reception of signals from an array of orbiting satellites.
36. *Innovative Design* – introduction and/or application of new/creative designs and techniques in development projects, i.e. Planned Development Unit (PUD), etc.
37. *Land Use* – the manner by which a land is occupied or utilized.
38. *Linear Parks* – areas designated for the maintenance of ecological balance and characterized by scenic areas and park facilities but not necessarily with playgrounds and other sports facilities.
39. *Locational Clearance* – a clearance issued to a project that is allowed under the provisions of this Zoning Ordinance as well as other standards, rules and regulations on land use.
40. *Lot* – a parcel of land on which a principal building and its accessories are or maybe placed.
41. *Memorial Park* - shall mean a privately-owned cemetery with well kept landscaped lawns and wide roadways and footpaths separating the areas assigned for ground interments, tombs, mausoleums and columbaria; with or without a mortuary chapel; and provided with a systematic supervision and maintenance and where park-like atmosphere is its outstanding quality.
42. *Mitigating Device* – a means to grant relief in complying with certain provisions of the Ordinance.
43. *Municipal Waters* – water bodies within the city's territorial jurisdiction as defined by Section 131(r) of RA 7160.
44. *Non-Conforming Use* – existing non-conforming uses/establishments in an area allowed to operate inside if the non-conformity to the provisions of the Ordinance subject to the conditions stipulated in this Zoning Ordinance.
45. *Parks and Recreation Zone (PRZ)* – an area designed for diversion/ amusements and for the maintenance of ecological balance of the community.
46. *Planned Development Unit* – it is a land development scheme wherein project site is comprehensively planned as an entity via unitary site plan which permits flexibility in planning/design citing, complementarity of building types and land areas, usable open spaces and the preservation of significant natural land features.
47. *Poblacion Meridional Block Coverage Zone (PMBCZ)* - covers the following General Meridional Blocks of the Official Zoning Map: AV75, AV76, AV77, AV78, AV79, AW75, AW76, AW77, AW78, AW79, AX75, AX76, AX77, AX78, AX79, AX80, AY75, AY76, AY77, AY78, AY79, AY80, AY81, AY82, AY83, AZ76, AZ77, AZ78, AZ79, AZ80, AZ81, AZ82, AZ83, BA76, BA77, BA78, BA79, BA80, BA81, BA82, BA83, BB76, BB77, BB78, BB79, BB80, BB81, BB82, BC77, BC78, BC80, BC81, and BC82. These areas are still subject to high accuracy geodetic and GPS (Decimeter Accuracy) assisted field verification surveys to establish zone boundaries.
48. *Rezoning* – a process of introducing amendments to or a change in the text and maps of the zoning ordinance. It also includes amendment or change in view of re-classification under Section 20 of RA 7160.
49. *Rural Area* – area outside of designated urban area as defined by the National Statistics Coordination Board.



50. *Socialized Housing and Economic Housing Project* – housing programs and projects covering houses and lots or homelots only undertaken by the Government or the private sector for the underprivileged and homeless citizens which shall include sites and services development, long-term financing, liberalized terms on interest payments, and such other benefits in accordance with the provisions of this Ra 7279 or the Urban Housing and Development Act and provisions of Batas Pambansa 220;
51. *Special Purpose Zone (SPZ)* – an area or areas within the city designated as sites for power, water, supply distribution, communication, and solid waste disposal facilities.
52. *Subdivision Project* – a tract or a parcel of land registered under Act No. 496 which is partitioned primarily for residential purposes into individual lots with or without improvements thereon, and offered to the public for sale, in cash or in installment terms. It shall include all residential, commercial, industrial and recreational areas as well as open spaces and other community and public areas in the project.
53. *Tourism Development Zone (TDZ)* – an area or areas designated for the development of tourism-related facilities and activities.
54. *Supplemental Zone Blocks (SZBs)* – are properties/parcels of land that are within the Poblacion Meridional Block Coverage Zone wherein which the boundaries can not be clearly established and/or the property is not entirely surrounded by roads and/or natural landmarks, and is irregular in shape. SZBs are expressed as Zone Classification-Blk-General Meridional Block-Apha Code (e.g. AGZ-Blk AY83-D meaning Agricultural Zone Block within the General Meridional Grid AY83 unique block D).
55. *Urban Area(s)* – shall include all areas within the Poblacion.
56. *Urbanizable Land/Urban Expansion Areas* – area designated as suitable for urban expansion by virtue of land use studies conduction
57. *Variance* – a special locational clearance which grants a property owner relief from certain provisions of Zoning Ordinance where because of the particular physical, surrounding, shape or topographical conditions of the property, compliance on height, area, setback, bulk and/or density would result in a particular hardship upon the owner, as distinguished from a mere inconvenience or a desire to make more money.
58. *Warehouse* – refers to a storage and/or depository of those in business of performing warehouse services for others, for profit.
59. *Water Zone (WZ)* – are bodies of water within the city which include rivers, streams, lakes and seas except those included in other zone classification.
60. *Zone* – an area within the city for specific land use as defined by manmade or natural boundaries.
61. *Zone Boundaries* – the extents of a zone defined by streets, structures, easements, other zones/lots, topographical features, or as defined/indicated in the official zoning map.
62. *Zoning Administrator/Zoning Officer* – a city government employee responsible for the implementation/enforcement of the Zoning Ordinance of the city.
63. *Zone Classification - Block* – numeric code(s) (e.g. R2-Blk 2) where the north, south, east and west bounds are identified.
64. *Zoning Ordinance* – a local legal measure, which embodies regulation affecting delineated land uses that, seeks to implement the Comprehensive Land Use Plan.



Section 6. Construction and Interpretation of Terms. Words and phrases used in this Ordinance shall be interpreted and understood liberally in the generic sense unless otherwise indicated and shall as far as practicable be construed in favor of applicants seeking to comply with the provisions hereof. The listing of uses shall unless otherwise indicated, be similarly construed. In addition, the following rules shall be observed:

1. Generic terms, such as others and the like, etc., shall be construed to mean as including all specific terms similar to or compatible with those enumerated;
2. The singular includes the plural, subject to density regulations;
3. The present tense includes the future sense;
4. The word person includes both natural and juridical persons;
5. The word lot includes the phrases, plot and parcel;
6. The term shall always be mandatory; and
7. The words "used" or "occupied" as applied to any land or building shall be construed to include the words "activities", "development", "land use" or "occupied."

Section 7. Interpretation of Zone Boundaries. In the interpretation of the boundaries for any of the zones indicated on the Zoning Map, the following methods and rules shall apply.

1. *Meridional Block System.* The entire territory of Baybay shall be divided into 9,450 meridional blocks resulting from a grid referencing system intended to facilitate actual boundary verification where specific landmarks are not available. The meridional block system (MBS) and guidelines for interpretation and use are elaborated in Annex C of this Ordinance which is made an integral part hereof.
2. *Zone Boundaries.* Zone boundaries are expressed in terms of name or description of man-made and natural landmarks, meridional blocks, or a combination of both. These are listed in Annex C hereof and shown in the attached Zoning Maps.

For the zones bounded by specific landmarks such as roads, water bodies and other physical features, and listed in Annex C hereof, and where uncertainty exists as to the accurate location of these boundaries, or determine the land use zone to which lots are located at or near such boundaries belong, the following policies shall apply:

- 2.1 Where zone boundaries are so indicated that they approximately follow the center of streets or highways, street lines, or highway right-of-way lines, such center lines, street lines or highway right-of-way lines shall be construed to be the boundaries;
- 2.2 When zone boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be the boundaries;
- 2.3 When zone boundaries are so indicated that they are approximately parallel to the centerlines or street lines or streets, or the centerlines or right-of-way lines of highways, such zone boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale shown on said Zoning Map;
- 2.4 When the boundary of a zone follows a stream or other bodies of water, said



boundary lines shall be deemed to be at the limit of the political jurisdiction of the community, unless otherwise indicated. Boundaries indicated as following shorelines shall be construed to follow such shoreline and in the event of change in the shoreline as moving with the actual shorelines, boundaries indicated as approximately following the centerlines of streams, rivers, canals, and other bodies of water shall be construed to follow such center lines. Boundaries indicated as parallel to, or extension of indicated features not specifically indicated on the Zoning Map shall be determined by the scale of the Map;

- 2.5 When a boundary line divides a lot or crosses subdivided property, the location of such boundary shall be indicated upon the Zoning Map using the scale appearing on such maps;
- 2.6 When a lot of one ownership, as of record at the effectivity of this Ordinance, straddles on two or more zones, the lot shall be construed to be within the zone where the major portion of the lot is located. In case the lot is equally bisected by several zone boundaries, it shall fall in the zone where the principal use falls;
- 2.7 When a zone boundary is indicated as one-lot deep, said depth shall be construed to be the average lot depth of the lots involved within a defined aggregate of lots. Where, however, any lot has a depth greater than said average, the remaining portion of the said lot shall be construed as covered by the one-lot-deep if the remaining portion has an area less than fifty percent of the total area of the entire lot. If the remaining portion has an area equivalent to fifty percent or more of the total area of the lot, then the average depth shall apply to the lot which shall become a lot divided and covered by two or more different zoning boundaries, as the case may be; and
- 2.8 When a zoning boundary line is indicated in the Zoning Map, one block deep or a fraction thereof, such boundary line shall be scaled or determined by the City Zoning Administrator.

#### ARTICLE IV ZONE CLASSIFICATION

**Section 8. Division into Zones.** To effectively carry out the provisions of this Ordinance, the City is hereby divided into the following zones as shown in the Official Zoning Maps in Annex D.

1. Agricultural Zone (AGZ)
2. Agro-Industrial Zone (AIZ)
3. Conservation Zone (CZ)
4. General Commercial Zone (GCZ)
5. General Residential Zone (GRZ)
6. Low Density Commercial – Institutional Zone (C1-IZ)
7. Medium Density Commercial Zone (C-2)
8. Medium Density Residential Zone (R-2)
9. Parks and other Recreation Zone (PRZ)

CRISTOBAL S. LORETO  
SP Member

ERNESTO M. BUTAWAN  
SP Member

EDUARDO S. GUINOCOR, JR.  
SP Member

LEONIDO A. BERNAY  
SP Member

LOLITO C. MUÑEZ  
SP Member

ERLINDO P. LAPLANA  
SP Member

MERESITIN J. VELOSO  
SP Member

CARLO S. ENRIQUEZ  
SP Member

MARGARITA C. CARI  
SP Member

CARL NICHOLSON  
SP Member



10. Special Purpose Zone (SPZ)
11. Tourism Development Zone (TDZ)
12. Water Zone (WZ)

A Geohazard Overlay Zone supplements the foregoing primary zones as a special management mechanism to ensure optimum mitigation of impacts of geohazards on development or activities situated therein.

**Section 9. Official Zoning Map.** The designation, location and boundaries of the zones herein established is shown in the Official General Zoning Map and Official Poblacion Zoning Map of the City marked as Annex D-1 and Annex D-2, are hereby adopted as an integral part of this Ordinance.

The Official Zoning Map shall be signed by the City Mayor and bear the seal of the City. In the event that the Official Zoning Map is damaged, destroyed, lost or become difficult to interpret because of the nature of number of changes and additions, the Sangguniang Panlungsod may, by resolution adopt a new Official Zoning Map, which shall supersede the prior Official Zoning Map.

Unless the prior Official Zoning Map has been lost, or totally destroyed, the prior map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

**Section 10. Zone Classifications And Permitted Uses.** Twelve (12) primary major zones and one (1) overlay zone are hereby described and governed by the following use regulations:

1. **Agricultural Zone (AGZ).** The AG Zone shall protect/ conserve high value croplands located in urban land and mangroves that serve as natural buffer or transition to rural land. The AG Zone shall also protect and enhance agricultural production of existing or perennial crops and high value commercial crops (HVCC) according to land suitability with integrated livestock production, adequate support infrastructure and low intensity settlement areas. The regulations in this section apply to all agricultural lands certified as part of the Network of Protected Agricultural Areas (NPAAs) by the Department of Agriculture.

*Permitted Uses*

- 1.1 Cultivation, raising and growing of perennial and/or staple crops such as rice, coconut, camote, corn, cassava, and the like
- 1.2 Growing of diversified plants and trees such as fruit-bearing and flower-bearing trees, coffee, and the like
- 1.3 Growing of mangrove forest
- 1.4 Silviculture, mushroom culture, fishing and fish culture, mariculture and the like
- 1.5 Customary accessory uses such as palay dryers, rice threshers, barns and warehouses or crop storage facilities
- 1.6 Agricultural research and experimentation facilities as breeding stations,

ERLINDO P. LAPLANA  
SP Member

BERISTIA J. VELOSO  
SP Member

CARLO S. ENRIQUEZ  
SP Member

MARGARITA C. CARI  
SP Member

CARL NICOLAS C. CARI  
SP Member

LOLITO C. MUNEDA  
SP Member

LEONIDO A. BERNAY  
SP Member

EDUARDO S. QUINOCOR, JR.  
SP Member

CRISTINO S. LORETO  
SP Member

ERNESTO M. BUTAWAN  
SP Member



fishfarms, nurseries, and demonstration farms

1.7 Pastoral activities such as cattle fattening and goat raising

1.8 Backyard raising of livestock and fowl, provided that

1.8.1 Livestock raising shall have a maximum of 10 heads, and fowl raising shall not exceed 500 birds

1.8.2 Effluent and other wastes from the conduct of such activity shall be accompanied with appropriate waste management and disposal infrastructure that will not cause any nuisance or adversely affect the health and welfare of residents in the area and the productivity of agricultural lands

1.9 On-site ancillary dwelling units or farmhouses for tillers and farm laborers

1.9.1 Allow clustering of agricultural employee housing on a portion of a parcel or a noncontiguous parcel under the same ownership if the units are closer to the primary unit than to the property line

1.9.2 Permit housing for seasonal workers as needed to serve the agricultural industries of the area if it does not necessitate the extension of sewer or water service. This housing may be constructed to the minimum standards of the HLURB

1.9.3 Allow temporary housing, including temporary sanitary and cooking facilities, for seasonal farm workers during harvest season

1.10 Home-based occupation such as retail or sari-sari store, tailoring, and the like; and home industry such as mat-weaving, pottery-making, food processing and preservation, and other cottage industries as defined by the Department of Trade and Industry (DTI). These business activities are subject to the following conditions:

1.10.1 The number of persons engaged in such home occupation shall not exceed five (5) inclusive of the owner

1.10.2 No home occupation is conducted on any customary accessory uses cited above

1.10.3 The cumulative floor area allotted for such occupation does not exceed thirty percent (30%) of the floor area of the dwelling unit

1.10.4 There shall be no change in the outside appearance of the building premises

1.10.5 No traffic shall be generated by such home occupation in greater volume that would normally be expected in a residential neighborhood

1.10.6 Any parking requirement by the conduct of such home occupation shall be met off-street in a place other than the required front yard

1.10.7 No equipment or process shall be used in such occupation which creates noise, vibration, glare, fumes, odors and electrical interference detectable to the normal senses and visual or audible interference in any radio, television or telecommunication

LOLITO C. MUNED  
SP Member

LEONIDO A. BERRY  
SP Member

EDUARDO S. GUINOCOA, JR.  
SP Member

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SP Member

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SP Member

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SP Member

BERESITA J. VELOSO  
SP Member

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SP Member

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SP Member

CARL NICHOLAS C. CARI  
SP Member



receiver or causes fluctuations in line voltage off the premises

1.10.8 The cottage industry shall not exceed the capitalization set by the (DTI).

2. *Agro-Industrial Zone (AIZ).* This zone shall be the center for agro-based production and processing technologies through the promotion of cluster agro-production and processing facilities with adequate access to agricultural areas and product markets. The industries in this zone will be limited to medium industries that should provide the forward link to the economic activities in AZ.

*Permitted Uses*

- 2.1 All uses allowed in agriculture zone
- 2.2 Single pass rice/corn mills
- 2.3 Manufacture of desiccated coconut
- 2.4 Processing of coconut by products and its derivatives
- 2.5 Vegetable oil mills including coconut oil
- 2.6 Food processing activities such as drying, cleaning, curing and preserving meat products and its by products and derivatives
- 2.7 Manufacture of coffee
- 2.8 Manufacture of unprepared and prepared animal feeds and other grain milling
- 2.9 Weaving of hemp textile
- 2.10 Jute spinning and weaving
- 2.11 Charcoal manufacturing
- 2.12 Canning and preserving fruits and vegetables and its by products, extracts and derivatives
- 2.13 Processing of milk and other dairy products
- 2.14 Manufacturing and processing of other agricultural crops
- 2.15 Other commercial and industrial activities utilizing plant and animal parts and products as raw materials
- 2.16 Other accessory uses incidental to agro-industrial activities
- 2.17 Wholesale market facilities
- 2.18 Low-intensity tourism-related services and activities if located adjacent to tourism zone
- 2.19 Ancillary infrastructure and utilities incidental to agro-industrial activities such as agro-industrial research facilities, roads, telecom, storage, minimal


  
ERLINDO P. LAFFANA  
SP Member

  
TERESITA J. VELOSO  
SP Member

  
CARLO S. ENRIQUEZ  
SP Member

  
MARGARITA C. CARI  
SP Member

  
CARL NICHOLAS CARI  
SP Member

  
LOLITO C. MUREA  
SP Member

  
LEONIDA A. BEROA  
SP Member

  
EDUARDO S. QUINCO JR.  
SP Member

  
CRISTELO S. LORETO  
SP Member

  
ERNESTO M. BUTAWAN  
SP Member



commercial services, worker housing and waste facilities.

3. **Conservation Zone.** This zone intends to promote the preservation of areas with unstable soils, sensitive geological formations, rare species, and other sensitive natural features and reduce pressure for modification and development of these areas, subject to national policies. Further, this classification seeks to provide suitable areas for low-impact forest-based economic activities subject to pertinent regulations of the national government.

*Permitted Uses*

- 3.1 All forest uses allowed in the Forestry Code of the Philippines such as but not limited to contract reforestation, commercial tree plantation and industrial forest plantation, Integrated Social Forestry (ISF), Community-based forest management (CBFM), tree nurseries, etc.
- 3.2 Pastoral activities
- 3.3 Fishing activities subject to the Fishery Code and Forestry Code
- 3.4 Agroforestry
- 3.5 On-site ancillary dwelling units or houses for community-based forestry management and/or agroforestry activities
- 3.6 Low impact educational uses and scientific research activities
- 3.7 On-site support structure for forestry monitoring activities such as but not limited to forest ranger station
- 3.8 Passive tourism activities such as trekking, bird-watching, camping, etc.
- 3.9 Geothermal energy production including establishment of associated operational structures such as steam extraction wells, conveying pipes and similar installations
- 3.10 Uses relevant to water supply conservation such as fencing of watersheds, water reservoirs or catchment basin, etc
- 3.11 Mangrove rehabilitation
- 3.12 Erosion control uses or structures such as
  - 3.12.1 Landscaping
  - 3.12.2 Slope stabilization infrastructure
  - 3.12.3 Parklets or pocket parks, parkways and promenade areas

4. **General Commercial Zone (GCZ).** The GCZ shall be for business, trade and services uses of lower hierarchy than those found in the urban core. This zone is intended to spur economic activities towards creating a secondary growth center.

*Permitted Uses*



4.1 Offices building and office condominium

4.2 General retail stores and shops like:

4.2.1 Department store

4.2.2 Bookstore and office supply shop

4.2.3 Home appliance store

4.2.4 Car shop

4.2.5 Photo shop

4.2.6 Flower shop

4.3 Food markets and shops like:

4.3.1 Bakery and bake shop

4.3.2 Wine store

4.3.3 Grocery

4.3.4 Supermarket

4.4 Personal service shops like:

4.4.1 Beauty parlor

4.4.2 Barber shop

4.4.3 Sauna bath and massage clinic

4.4.4 Dressmaking and tailoring shop

4.5 Recreational center/establishments like:

4.5.1 Movie house/theater

4.5.2 Play court e.g. tennis court, bowling lane, billiard hall

4.5.3 Swimming pool

4.5.4 Day and night club

4.5.5 Stadium, coliseum, gymnasium

4.5.6 Other sports and recreational establishments

4.6 Restaurants and other eateries

4.7 Short term special education like:



*Green*  
JULIO P. FLORES  
SP Member

*Yuh*  
ERASMO J. VELAZO  
SP Member

*[Signature]*  
CARLOS S. SORIANO  
SP Member

*Maravita C. Cari*  
MARAVITA C. CARI  
SP Member

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CARL NICHOLSON  
SP Member

- 4.7.1 Dancing schools
- 4.7.2 School for self defense
- 4.7.3 Driving schools
- 4.7.4 Speech clinics
- 4.8 Storerooms but only as may be necessary for the efficient conduct of business
- 4.9 Commercial condominium (with residential units in upper floors)
- 4.10 Commercial housing like:
  - 4.10.1 Hotel
  - 4.10.2 Apartment
  - 4.10.3 Apartelle
  - 4.10.4 Boarding house
  - 4.10.5 Dormitory
  - 4.10.6 Pension house
  - 4.10.7 Club house
- 4.11 Library, museum, convention center and related facilities
- 4.12 Clinic
- 4.13 Vocational/technical school
- 4.14 Messengerial services
- 4.15 Security agency
- 4.16 Janitorial services
- 4.17 Bank and other financial institutions
- 4.18 Radio and television station
- 4.19 Building garage, parking lot
- 4.20 Bakery and baking of bread, cakes, pastries, pies, and other similar perishable products including sales outlets of bakery products
- 4.21 Commercial printing, publishing and engraving and photoengraving service
- 4.22 Manufacture of insignia, badges and similar emblems except metal, signs and non-printed advertising displays
- 4.23 Transportation terminals/garage with and without repair



4.24 Repair and service shops like:

- 4.24.1 House appliances repair shops
- 4.24.2 Motor vehicles and accessory repair shops
- 4.24.3 Machines and equipment including custom job orders
- 4.24.4 Home furnishing shops
- 4.24.5 Optical instruments and equipment and cameras, clocks and watches
- 4.24.6 Welding shop

4.25 Machinery display shop/center

4.26 Outlets for gravel and sand

4.27 Lumber/hardware

4.28 Manufacture of ice, ice blocks, cubes, tubes, crush except ice

4.29 Manufacture of roasting and merchandising stalls

4.30 Manufacture of wood and rattan furniture and other fixtures including upholstered, box beds and mattresses

4.31 Medium scale junk shop

4.32 Repacking of food products e.g. fruits, vegetables, sugar, and other related products

4.33 Plant nursery

4.34 Funeral parlors, mortuaries and crematory services and memorial chapels

4.35 Parking lots, garage facilities

4.36 Manufacture of doughnuts, hopia, biscuits, cookies, crackers, and other dried bakery products

4.37 Other commercial activities not elsewhere classified

5. *General Residential Zone (GRZ)*. A GR Zone shall be used for dwelling/ housing purposes so as to maintain peace and quiet of the area within the zone, and to create rural residential neighborhoods with integrated services. Enumerated below are the allowable uses:

*Permitted Uses*

5.1 Detached family dwelling



  
LOLITO C. MUNÉZ  
SP Member

  
LEONIDO A. BERA  
SP Member

  
EDUARDO S. QUINOCOR, JR.  
SP Member


  
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SP Member

  
ERNESTO M. BUTAWAN  
SP Member

- 5.2 Multi-family dwelling e.g. row-houses, apartment
- 5.3 Residential condominium
- 5.4 Apartment
- 5.5 Homotel
- 5.6 Pension House
- 5.7 Hotel apartment or apartell
- 5.8 Dormitory
- 5.9 Boarding hous
- 5.10 Branch libraries and museum
- 5.11 Customary accessory uses like:
  - 5.11.1 Servants quarter
  - 5.11.2 Private garage
  - 5.11.3 Guard house
- 5.12 Home occupation for the practice of one's profession of for engaging home business such as dressmaking, tailoring, baking, running a sari-sari store and the like provided that:
  - 5.12.1 The number of persons engaged in such business/industry shall not exceed five (5), inclusive of the owner;
  - 5.12.2 There shall be no change in the outside appearance of the building premises;
  - 5.12.3 No home occupation shall be conducted in any customary accessory uses cited above;
  - 5.12.4 No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood and any need for parking generated by the conduct of such home occupation shall be met off the street and in a place other than the required front yard;
  - 5.12.5 No equipment or process shall be used in such home occupation, which creates noise, vibration, glare, fumes, odors, and electrical interferences in any radio or television receiver or causes fluctuations in line voltage off the premises.
- 5.13 Home industry classified as cottage industry provided that:
  - 5.13.1 Such home industry shall not occupy more than thirty percent (30%) of the floor area of the dwelling unit. There shall be no change or alteration in the outside appearance of the dwelling unit and shall

  
ERLINDO P. LAFLANA  
SP Member

  
TERESITA J. VELOSO  
SP Member

  
CARLO S. ENRIQUEZ  
SP Member

  
MARGARITA C. CARI  
SP Member

  
CARL N. CARLOS C. CARI  
SP Member



not be a hazard or nuisance; and

5.13.2 Allotted capitalization shall not exceed the capitalization as set by the Department of Trade and Industry (DTI).

5.14 Recreational facilities for the exclusive use of the members of the family residing within the premises, such as:

5.14.1 Swimming pool

5.14.2 Tennis or badminton court and similar facilities, etc.

5.15 Nursery/Elementary School, High School, Vocational School

5.16 Sports Club

5.17 Religious use

5.18 Multi-purpose hall/barangay hall

5.19 Clinic, nursing and convalescing home, health center

5.20 Plant nursery, garden

5.21 Funeral service establishment

6. *Low Density Commercial 1-Institutional Zone (C1-I)*. This Zone promotes a balanced mix of low impact commercial uses and institutional activities that will serve as a transition zone from medium density commercial uses and medium density residential. The commercial uses here are similar to allowable uses in Commercial 1 zone pursuant to the 2007 HLURB guidelines. General institutional uses, on the other hand, which have a minimal exterior impact on surrounding properties.

#### *Permitted Uses*

6.1 Principal uses allowed in R2 Zone

6.2 Government center-covering all national, regional or local offices/ facilities

6.3 General hospitals, medical /health centers, day care centers

6.4 Convention Centers and related facilities

6.5 Religious structures, e.g., churches, seminary, convents

6.6 Museum

6.7 Student Housing

6.8 Colleges, universities, vocational and trade schools

6.9 Park, playground, sports field court, garden

6.10 Seminary/convent and related use

LOLITO C. MUNERA  
SP Member

LEONIDO A. BERRY  
SP Member

EDUARDO S. GUINOCOR, JR.  
SP Member

CRISTINO S. LORETO  
SP Member

ERNESTO M. BUTAWAN  
SP Member

ERLINDO P. LAPLANA  
SP Member

TERESITA B. VELOSO  
SP Member

CARLO S. ENRIQUETA  
SP Member

MARGARITA C. CARI  
SP Member

CARL NICOLAS C. CARI  
SP Member



- 6.11 Sports/ recreation facility, gym, sports stadium, and the like
- 6.12 Zoo, other nature center
- 6.13 Parking structure
- 6.14 Radio/TV station, media service
- 6.15 Other uses in the commercial zone

7. *Medium Density Commercial Zone (C2).* The C-2 Zone covers the CBD Central Business Zone which shall accommodate the types of business and commercial uses that have historically been located in the Poblacion. It serves as the major commercial zone. Subdivided into blocks 1 & 2.

*Permitted Uses:*

- 7.1 All uses permitted in the residential zone
- 7.2 Offices like: Office building and office condominium
- 7.3 General retail stores and shops such as
  - 7.3.1 Department Stores
  - 7.3.2 Bookstores and office supply shop
  - 7.3.3 Home appliance store
  - 7.3.4 Jewelry store
  - 7.3.5 Car shop
  - 7.3.6 Photo shop
  - 7.3.7 Shopping center
  - 7.3.8 Flower shop
- 7.4 Food market and shops like
  - 7.4.1 Bakery and bake shop, wine store
  - 7.4.2 Grocery, supermarket
  - 7.4.3 Wet/dry market
  - 7.4.4 Food stalls, e.g., fruits, vegetables, daily products and other related products
- 7.5 Personal services shops such as beauty parlor, barbershop, dressmaking and tailoring shops, boutique, spa, physical therapy clinics, etc.

LOLITO C. MUNIZ  
SP Member

LEONILDO A. BERRY  
SP Member

EDUARDO S. GONCORN JR.  
SP Member

CRISTINO S. LORETO  
SP Member

ERNESTO C. BUTAMAN  
SP Member

ERLINDO P. LAPLANA  
SP Member

TERESITA C. VELOSO  
SP Member

CARLO S. ENRIQUEZ  
SP Member

MARGARITA C. CARI  
SP Member

CARL NICOLA C. CARI  
SP Member



7.6 Recreational center establishments like:

- 7.6.1 Play courts e.g., tennis, billiard, basketball, badminton
- 7.6.2 Swimming pool
- 7.6.3 Stadium, coliseum, gymnasium
- 7.6.4 Movie houses/theaters
- 7.6.5 Day and night clubs and bars
- 7.6.6 Other sports and recreational establishments

7.7 Short-term special education institutions like:

- 7.7.1 Computer training schools
- 7.7.2 Dancing schools
- 7.7.3 Music schools
- 7.7.4 Driving schools
- 7.7.5 Schools for self-defense

7.8 Restaurants, fastfood-chains and other eateries

7.9 Storeroom and warehouse, but only as may be necessary for the efficient conduct of the business

7.10 Commercial condominiums (with residential units in upper floors) And Commercial housing like hotel, apartments, apartelle, boarding house, dormitory, pension house, traveler's inn, and club house

7.11 Transportation terminal

7.12 Library

7.13 Museums

7.14 Medical and dental clinics

7.15 College/ university, cultural/ education center, vocational/ technical schools

7.16 Convention center


7.17 Security agency, janitorial services, pawnshop, radio and television station, computer shop, photo shops


7.18 Commercial and job printing, publishing

7.19 Repair Shops like:

- 7.19.1 House appliance repair shop

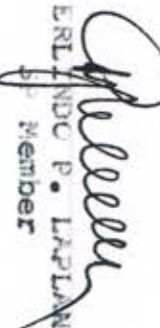
  
LOLITO C. MUNERA  
SP Member

  
LEONILDA A. GARAY  
SP Member


  
EDUARDO S. GUINOCUA, JR.  
SP Member

  
CRISTÓBAL S. LORETO  
SP Member

  
ERNESTO A. BUTANAN  
SP Member

  
ERLINDO P. LAPINA  
SP Member

  
TERESITA J. VELOSO  
SP Member

  
CARLO S. ENRIQUEZ  
SP Member

  
MARGARITA L. CARI  
SP Member

  
CARL NICOL  
SP Member



- 7.19.2 Motor vehicles and accessory repair shops
- 7.19.3 Repair of cameras, clocks and watches
- 7.19.4 Cell phone repair shops
- 7.20 Gravel, sand and hollow block sales
- 7.21 Lumber/ hardware store
- 7.22 Printing and publishing shops
- 7.23 Welding shops, medium scale junk shop
- 7.24 Funeral parlor or service
- 7.25 Parking lots
- 7.26 Bank and other financial institutions
- 7.27 Seminary/ Convent and related uses
- 7.28 Zoo and nature center
- 7.29 Other commercial activities not elsewhere classified

8. *Medium Density Residential Zone (R2)*. This zone is primarily for medium density housing with support commercial, service and institutional uses on a neighborhood or barangay scale, which have minimal impact on surrounding properties. Enumerated below are the allowable uses:

*Permitted Uses*

- 8.1 Single detached, single family dwelling
- 8.2 Semi-detached single family dwelling
- 8.3 Customary accessory uses like:
  - 8.3.1 Servant's quarter
  - 8.3.2 Private garage
  - 8.3.3 Guardhouse
- 8.4 Home occupation for the practice of one's profession or for engaging in home businesses such as baking, dressmaking, tailoring, running a sari-sari store, eatery or fast food shops and the like provided that:
  - 8.4.1 The number of persons engaged in such business/industry shall not exceed five (5), inclusive of the owner;
  - 8.4.2 There shall be no change or alteration in the outside appearance of

*[Signature]*  
LOLLIO C. MUREL  
SP Member

*[Signature]*  
RONALDO A. MERRY  
SP Member

*[Signature]*  
EDUARDO S. SANCINCO JR.  
SP Member

*[Signature]*  
CRISTINO S. LUNA  
SP Member

*[Signature]*  
ARNESSTO P. DUTANAN  
SP Member

*[Signature]*  
ERLINDO P. LAPILANA  
SP Member

*[Signature]*  
TERESITA J. VELOSO  
SP Member

*[Signature]*  
CALO S. ENRIQUEZ  
SP Member

*[Signature]*  
MARICARITA C. CARI  
SP Member

*[Signature]*  
CARL M. CARI  
SP Member



the dwelling unit;

8.4.3 No home occupation shall be conducted in any customary accessory uses cited above;

8.4.4 That no appliance or equipment shall be used in such home occupation which create noise, vibration, glare, fumes, foul odors and electrical interference detectable to the normal senses and visual or audible interference in any radio or television receiver or causes fluctuations in line voltage of the premises;

8.4.5 That no amount of traffic shall be generated by such home occupation that would disrupt access to adjacent properties and its vicinity and any need for parking generated by the conduct of such home occupation shall be met off the street and in a place other than the required front yard.

8.5 Home industry classifies as cottage industry provided that:

8.5.1 Such home industry shall not occupy more than thirty percent (30%) of the floor area of dwelling unit;

8.5.2 There shall be no change in the outside appearance of the house premises;

8.5.3 The cottage industry appliance, equipment and process shall not be a hazard or nuisance to adjacent properties and its vicinity;

8.5.4 Allotted capitalization shall not exceed the capitalization as set by the Department of Trade and Industry (DTI).

8.6 Recreational Facilities for the exclusive use of the members of the family residing within the premises, such as swimming pool, tennis court, basketball court, and, playground

8.7 Buildings for religious use

8.8 Multi-purpose hall/barangay hall

8.9 Clinic, nursing homes, health centers

8.10 Plant nursery not engage in commercial activities

8.11 Multi dwelling structures such as row-houses, apartments, and townhouses

8.12 Residential buildings of medium-rise type not exceeding 21 meters such as pension house, hotel, apartment or apartelle, dormitory, boarding house, and other similar lodging facilities

8.13 Branch libraries and museums

8.14 Community civic centers, auditoriums, halls, offices

8.15 Offices with no actual display of sale, transfer or handling of the offices



commodities in the premises

- 8.16 Pre-school and Elementary School, High School, and Vocational School
- 8.17 Fire security station
- 8.18 Welfare/ charitable institution/ rehabilitation center

- 9. *Parks and Recreation Zone (PRZ)*. This Zone shall provide for the conservation of natural open spaces, protection and development of areas uniquely suited for passive outdoor recreation and protection of designated scenic, natural and cultural resource areas. Enumerated below are the allowable uses:

*Permitted Uses*

- 9.1 Parks, orchidarium, gardens, etc.
- 9.2 Open air outdoor sports activities and support facilities, including gymnasium, amphitheater and swimming pool
- 9.3 Ball courts, racetrack and similar uses
- 9.4 Memorial shrines and monuments, kiosk and other park structures
- 9.5 Pocket park, garden, promenade, plaza, playing field and playground
- 9.6 Sports club
- 9.7 Linear park planted with shade tree
- 9.8 Mini-forest and tree grove
- 9.9 Uncovered parking structures and facilities
- 9.10 Memorial Parks/Cemeteries

- 10. *Special Purpose Zone (SPZ)*. The SP Zone shall be for the establishment of the public waste facilities such as a sewage treatment plant and ecological Solid Waste Management Center and other major utility infrastructure, and other uses and structures relevant to promoting public health and sanitation, and sustainable resource use.

*Permitted Uses*

- 10.1 Solid waste storage, treatment and disposal facilities like:
- 10.2 Sanitary landfill
  - 10.2.1 Materials recovery facility
  - 10.2.2 Composting facility



10.2.3 Large-scale junkshops

10.2.4 Hauling facilities

10.2.5 Other waste disposal facilities not elsewhere classified

10.3 Facilities and other renewable energy facilities for power generation e.g. biogas plant, wind power generators including power transmission lines

10.4 Telecommunication facilities like:

10.4.1 Cellular towers

10.4.2 Host exchange/signaling centers

10.4.3 Backbone networks

10.4.4 Satellite communications facilities

10.4.5 Other telecommunications facilities not elsewhere classified

10.5 Sewerage and septage treatment facilities (i.e. STP)

10.6 Other facilities that will serve the purpose of this Zone

11. *Tourism Development Zone (TDZ).* This zone is intended to promote the conservation of nature, cultural heritage and ecological sustainability of natural and historical tourism landmarks and destinations by locating tourism services in the periphery of tourism spots and other landmarks with tourism value and limiting tourism activities in tourism spots.

#### Permitted Uses

11.1 Travel and tour services

11.2 Tourist transport services

11.3 Lodging facilities, including, but not limited to, hotels, resorts, apartelle, tourist inns, pension houses, and home stay

11.4 Restaurants, shops and department stores, sports and recreational centers, spas, museums and galleries, theme parks, convention centers, zoo, souvenir shops, etc.

11.5 Art and handicraft shops

11.6 Other similar activities that would attract tourism influx

11.7 Passive tourism activities



ERLINDO P. LAPLANA  
SP Member

TERESITA O. VELOSO  
SP Member

CARLO S. ENRIQUEZ  
SP Member

MARGARITA C. CARI  
SP Member

CARL NICOLAS C. CARI  
SP Member

12. **Water Zone (WZ).** The Water Zone includes all bodies of water such as rivers, streams, and estuaries except those included in other zone classifications. The utilization of these water resources for domestic and industrial purposes shall be allowed provided it is in consonance with the provisions of the Philippines Water Code (P.D. 1067), the Revised Forestry Code of the Philippines (P.D. 705) as amended, and other existing national policies.

*Permitted Uses*

- 12.1 Domestic/industrial use e.g. water supply, power generation etc. Recreation such as marina, water skiing, boating, sailing and the like
- 12.2 Artificial coral reef and seaweeds culture project, mariculture and similar projects
- 12.3 Reclamation project
- 12.4 Sea and inland water transport facilities
- 12.5 Dredging projects
- 12.6 Water zone rehabilitation project

13. **Geohazard Overlay Zone.** This Zone is intended to encourage higher environmental performance and environmental security for land uses within identified geohazard areas found in any of the foregoing underlying zones as shown on the Geohazard Overlay Zoning Map in Annex D-3 adopted for this purpose. The provisions stipulated herein are intended to manage and mitigate potential geohazard risks by requiring professional evaluation and establishing requirements for development of sites which are identified in hazard areas, and thus promote the public health, safety, and welfare.

The provisions of this section shall apply to all development activities altering the physical landscape of lands within the geohazard areas detailed in Annex C hereof which indicates the location of areas susceptible to tsunamis, landslides, liquefaction and earthquake. These are based on the best available information and may be amended upon receipt of corrected, updated or refined data, or upon the revision of studies upon which the maps were initially based.

*Permitted Uses*

- 13.1 All uses permitted in the underlying zone
- 13.2 Location, construction, reconstruction, and maintenance of on-site sewage disposal systems including drainage, where there is a need to review and investigate test pits
- 13.3 Construction of any new public or private road or driveway
- 13.4 Grading activities for all phases of development pursuant to provisions of the National Building Code

LOLITO C. MUNEZ  
SP Member

LEONIDO A. BERAY  
SP Member

EDUARDO S. QUINOCOR, JR.  
SP Member

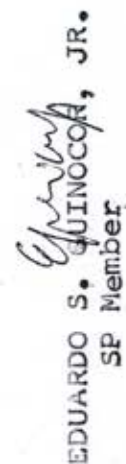
CRISTIANO S. LORETO  
SP Member

ERNESTO M. BUTAWAN  
SP Member

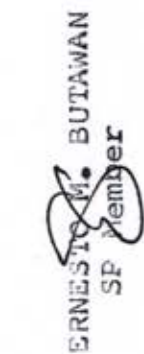


  
LOLITO C. MUNER  
SP Member

  
LEONIDO A. BERRAY  
SP Member

  
EDUARDO S. QUINOCAN, JR.  
SP Member

  
CRISTINO S. LORETO  
SP Member

  
ERNESTO M. BUTAWAN  
SP Member

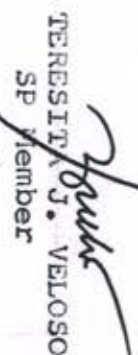
- 13.5 Reforestation and vegetative erosion control measures such as landscaping and other similar slope stabilization activities
- 13.6 Cultivation of agricultural and non-agricultural crops
- 13.7 Maintenance, operation, reconstruction of existing public and private roads, streets, driveways, utility lines, and existing structures, provided that reconstruction of any such facilities does not extend outside the previously disturbed area
- 13.8 Installation, construction or replacement of utility lines to improve rights-of-way
- 13.9 Maintenance of ground cover or other vegetation in a hazard area that was disturbed prior to the effectivity of this Ordinance provided that no further disturbance is created outside the previously disturbed area
- 13.10 Site investigative work required by a City, agency, or any other applicant such as surveys, test borings, percolation tests, and other related activities provided disturbed areas are restored to the pre-existing conditions promptly after tests are concluded; and
- 13.11 Passive recreational uses, scientific or educational review, or similar minimum impact, non-development activities

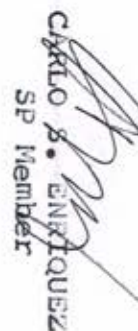
In the event of any conflict in the location, designation, or classification of geohazard categories, the determination of the geological assessment or report shall prevail. The City shall make the final decision as to whether or not a lot or parcel is within or outside the mapped hazard areas. Within the mapped hazard areas, an applicant may demonstrate through the submittal of a geological assessment that the proposed development will not occur within an identified geohazard area, then the requirements of this Section may be waived.

The City shall grant approval to alter the condition of any land, water or vegetation, or to construct or alter any structure or improvement including, but not limited to, the following regulated activities within this zone and as permitted in the underlying zone, after receipt of the following requirements, in addition to the general requirements for securing a locational clearance in Section 27 of this Ordinance:

- a. Site development plan or appropriate technical plan
- b. Engineering geology report, or geotechnical report
- c. Hazard mitigation plan including appropriate technical plans such as slope stabilization activities, protective landscaping
- d. Certification by the City Disaster Coordinating Council that said mitigation plan is sufficient to prevent an elevated risk to property and adjacent uses, and consistent with the policies on disaster management of the City Government
- e. For purposes of this section, the hazard mitigation plan shall contain emergency actions which must be undertaken prior any development activity or actual use of the lot or structure or for which there is insufficient time for full compliance with this provision when it is necessary to:

  
ERLIN L. LAPLANA  
SP Member

  
TERESITA J. VELOSO  
SP Member

  
CARLO S. ENRIQUEZ  
SP Member

  
MARGARITA C. CARI  
SP Member

  
CARL NIDDERHIS C. CARI  
SP Member



- i. Prevent an imminent threat to public health or safety, or
- ii. Prevent imminent danger to public or private property, or
- iii. Prevent an imminent threat of serious environmental degradation.

## ARTICLE V GENERAL ZONE REGULATIONS

**Section 11. Building or Structure Use.** No land, building or structure shall hereafter be occupied or used and no building, structure, or part thereof shall be erected, constructed, moved or structurally altered except in conformity with the provisions of this zoning ordinance. All uses and structures shall refer to both public and private.

**Section 12. Traffic Generators.** All traffic-generating buildings and structures allowed in any of the zones must provide for adequate parking spaces for their employees, clients and visitors. Such shall, however, be subject to additional parking requirements as evaluated by the LZBAA based on PD 1096 and other related laws or ordinances.

**Section 13. Advertising and Business Signage.** Advertising and business signs to be displayed or put up for public view in any of the zones herein enumerated must comply with existing laws, rules and regulations. The City Zoning Administrator shall determine the appropriate location, height, materials and size of said signage. Further, they shall not be allowed along scenic areas, parks and recreation zones.

**Section 14. Erection of More than One Principal Structure.** In any zone where more than one structure may be permitted to be erected on a single lot, the setback, easement, access and other requirements per national standards shall be met for each structure as though it were to be erected on an individual lot.

**Section 15. Dwelling on Rear Lots.** No building used or designated to be used, as residence shall be allowed in any rear lots unless such lot has a right-of-way easement over a path of at least three (3) meters leading to a street or public access. Two (2) or more buildings, however, may be allowed on a common path if the right-of-way easement is at least six (6) meters wide.

**Section 16. Structure to Have Access.** Every building hereafter erected or moved shall have access to a public or private street and/ or pedestrian infrastructure open to the public to promote safe and convenient mobility.

**Section 17. Height Regulations.** Height restrictions shall follow national policies such as those promulgated by the HLURB, DOTC-Air Transportation Office and DPWH and other relevant agencies.

**Section 18. Visibility at Major Road Intersection.** As far as practicable, no structure or use on corner lots abutting any road intersection shall be created or allowed in such manner that will impede vision of motorists or vehicular movement.

**Section 19. Easements, Streets and Other Public Land Not Included in Any Zone.** Should land, or any portion thereof revert to private ownership and the said street or public land does not appear on the Zoning Map as included in any zone, the regulation provided for in this Ordinance which are applicable to the most restricted zone immediately adjacent to the land under consideration shall be applied to such land or portion thereof.

**Section 20. Provision for Buffer Zones.** Existing areas with extremely conflicting land uses

ERLINDO F. LAPLANA  
SP Member

TERESITA J. VELOSO  
SP Member

CARLO S. ENRIQUEZ  
SP Member

MARGARITA C. CARI  
SP Member

CARL NICHOLAS CARI  
SP Member

LOLITO C. MUNIER  
SP Member

LEONIDO A. BERAY  
SP Member

EDUARDO S. GARCINOCOK, JR.  
SP Member

CRISTOPHER S. LORETO  
SP Member

ERNESTO M. BUTAWAN  
SP Member



allowed must be separated with the use of buffer zone, such as parks, tree-lined avenue, tree-shaded parking space or any such form of green open spaces of size that existing land space allows, in the case of already built-up areas and a maximum of 50 meters width where areas for development exist.

#### Section 21. Road Setback

The following road setback shall be applied:

Zoning Classification	Major	Secondary Road	Tertiary Road
Diversion/Railways	Provincial	City	Barangay
Residential	10 m.	10 m.	3 m.
Commercial	20 m.	20 m.	7 m.
Industrial	30 m.	25 m.	10 m.
Agricultural	20 m.	20 m.	7 m.

Source: DPWH

**Section 22. Dedicated Lane or Non-Motorized Transport Modes.** There shall be a dedicated lane for non-motorized transport modes in major and secondary roads or in zones with high vehicular traffic. Said lane shall be treated as an integral part of the road.

#### Section 23. Proximity of Entertainment Establishments and Uses to Institutional Uses

1. Recreation and entertainment establishments and uses such as computer gaming shops, videoke bars, clubs, discotheque, and similar entertainment establishments shall observe a 200 meter radial distance from institutions, educational facilities and residential areas.
2. Cockpits and other similar establishments shall not be allowed in the urban areas shown in Annex D2 hereof and residential zones.
3. These uses shall be properly enclosed or fenced, provided with a single ingress and egress and shall have no direct or indirect communication whatsoever with any dwelling place, house or building except the single ingress and egress.
4. Highly pollutive and hazardous uses such as retail of firecrackers, and those defined in by HLURB guidelines shall not be allowed within medium density zones.

### ARTICLE VI INNOVATIVE TECHNIQUES

**Section 24. Innovative Techniques.** Projects that introduce flexibility and creativity in design or plan such as but not limited to Planned Unit Development (PUD), and Housing projects covered by the New Town Development under RA 7279, the City Zoning Administrator shall, on grounds of innovative development techniques, forward applications to the City Zoning Review Committee for further studies and the Sangguniang Panlungsod for integration in the CLUP.

Upon integration of the innovative development technique has been adopted as part of the CLUP, the Sangguniang Panlungsod shall prescribe the necessary requirements and procedures for granting locational clearance to uses associated with such technique, provided that:



1. It would be economically impracticable to apply the conventional standards of this Ordinance to a particular area or the compliance with such requirements would render it less efficient, less economical in design, space utilization and creativity.
2. The proposed development conforms with existing and proposed adjacent and surrounding uses, and it should not defeat the purposes and objectives of the development plan and Zoning Ordinance of the City;
3. The area of the proposed projects employing innovative techniques shall be a consolidated parcel of land measuring at least two (2) hectares.

## ARTICLE VII ENVIRONMENTAL MANAGEMENT

**Section 25. Performance Standards.** The following are the minimum environmental performance criteria for pollution and wastes generated by or inherent in uses of land or buildings, developments or other uses:

1. *Noise and Vibrations.* All noise and vibration-producing machinery or equipment shall be enclosed by a building and shall be provided with effective noise-absorbing materials, noise silencers and mufflers, and appropriate distance from the street or adjoining property lines or property planted to dense trees as buffers. Noise which is objectionable due to intermittent beat frequency or high pitch shall not be allowed unless enclosed in soundproof buildings as tested and approved by the environmental authorities concerned.
2. *Dust, Dirt and Fly Ash.* The emission of dust, dirt or fly ash from any sources or activity which shall pollute the air and render it unclean, destructive, unhealthful or hazardous, or cause visibility to be impaired, shall not be permitted. In no case whatsoever shall dust, dirt or fly ash be allowed to exceed the EMB-DENR standards for satisfactory ambient air quality, subject to validation of environmental authorities.
3. *Glare and Heat.* Glare and heat from any operation or activity that shall not be allowed to be radiated, seen or felt from any point beyond the limits of the property.
4. *Sewage Disposal.* No sewerage dangerous to the public health, safety and general welfare shall be discharged into any public sewer system, natural waterways or drainage channel. In addition to the following requirements, all sewerage shall comply with pertinent requirements of the DENR-EMB, the National Pollution Control Commission and other relevant laws.

These shall form part of all applications for locational clearance and other environmental prescriptions provided for by national laws.

## ARTICLE VIII LOCATIONAL CLEARANCE, CERTIFICATE OF NON-CONFORMANCE AND TEMPORARY LOCATIONAL CLEARANCE FOR DEVIATIONS

**Section 26. Locational Clearance**



1. *Pre-requisite for building permit, business permit and development permit and Preliminary Approval for Locational Clearance (PALC).* The Locational Clearance shall be required prior to the issuance of a building permit, business permit, development permit or PALC in the case of subdivision projects or PUD. Such clearance shall show, among other things, that the building or project or part thereof and the proposed uses of the same conform with the provisions of this Ordinance. The City Zoning Administrator shall maintain a record of all Locational Clearances and a copy shall be furnished upon the request of any interested person.
2. *Expiration of Locational Clearance.* Upon issuance of a locational clearance, the grantee thereof shall have one year within which to commence or undertake the use, activity or development covered by such clearance. Non-use of said clearance within said period shall result in its automatic expiration, cancellation and the grantee shall not proceed with his project without applying for a new clearance, unless, the grantee applies for renewal thereof within ninety (90) days before the date of expiration. Within 5 days from the expiration of the clearance, the Zoning Administrator shall issue a notice of cancellation to the grantee concerned.
3. *Conduct of Activity or Construction.* All owners/developers shall secure a locational clearance from the City Zoning Administrator or temporary locational clearance in cases of variances and exemptions from the LZBAA prior to conducting any activity or construction on their property/land.
4. *Coverage of Locational Clearance.* All development activities including those of government-owned and controlled corporations and income-generating facilities of other government entities shall be required to secure locational clearance from the City Zoning Administration Office.

#### **Section 27. General Requirements for Locational Clearances**

1. Application Form ( to be prescribed by LGU)
2. Profile of proposed use or structure
  - 2.1 If conforming or compatible use: Barangay Resolution resulting from a public hearing or barangay assembly endorsing the proposed use or structure;
  - 2.2. If the application for exception or variance, the profile should be accompanied by a justification supported by verifiable information;
  - 2.3 If deviation, an affidavit of support from affected residents signifying consent to the use or structure subject of application (LZBAA process).
3. Site development, technical plans and, or survey plan
4. Proof of ownership or authority to occupy/ use the land (TCT, tax declaration, etc.)
5. Environmental Compliance Certificate (ECC) or Certificate of non-Coverage (CNC) from EMB-DENR, and/or Geohazard Identification Report (GIR) from MGB-DENR
6. All other necessary clearances from relevant agencies if such development or use falls within the jurisdiction of the national government under pertinent proclamations or issuance such as, but not limited to, national parks, prime agricultural lands, geohazard areas, etc.



7. Copy of mitigation plan for uses or structures in geohazard areas or in environmentally critical areas

## ARTICLE IX MITIGATING DEVICES

### Section 28. Non-Conforming Uses, Exceptions and Variances

1. The lawful use of any building, structure or land at the time of the adoption of this Ordinance may be continued, although such use does not conform to the provisions of this Ordinance, provided:
  - 1.1 That no such non-conforming use shall be enlarged or increased or extended to occupy a greater area of land than that already occupied by such use at the time of the adoption of this Ordinance, or moved in whole or in part, to any other portion of the lot or parcel of land where such non-conforming use exists at the time of the adoption of this Ordinance.
  - 1.2 That no such non-conforming use, which has ceased for more than one (1) year or has been changed to a use permitted in the zone in which it is located be again revived as non-conforming use.
  - 1.3 That any non-conforming structure, or one or more of a group of non-conforming structure related to one use and under one ownership, which have been damaged by fire, flood, explosion, earthquake, war, riot, or other such force majeure may be reconstructed and used as before provided, that such reconstruction is not more than fifty (50%) percent of the assessed value of the structure/s.
  - 1.4 That the total structure repair and alteration that may be made in a non-conforming structure shall not, during the remaining lifetime, that is, subsequent to the adoption of this Ordinance exceed twenty five (25%) percent of its assessed value.
  - 1.5 That such non-conforming use may be extended, enlarged or extended only if the entire building is thereafter devoted to conforming use.
  - 1.6 That such non-conforming use may be enlarged, increased or moved to displace any conforming use.
  - 1.7 That no such non-conforming use shall be changed to another non-conforming use
  - 1.8 No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity.
  - 1.9 Should such non-conforming structures or non-conforming portion of structure be destroyed by any means to an extent of more than 50% of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.
  - 1.10 Should such structure be moved for any reason for any distance whatsoever, it shall thereafter conform to the regulations for the zone in which it is located after it is moved.



- 1.11 The owner of a non-conforming use shall program the phase-out and relocation of the non-conforming use within ten (10) years from the effectivity of this Ordinance. Said program shall be submitted to the ZAD for annual monitoring.

**Section 29. Certificate of Non-Conformance.** A certificate of non-conformance for all non-conforming uses shall be secured from City Zoning Administrator, within twelve (12) months from the approval of this Ordinance, otherwise, the non-conforming use may be condemned at the owner's expense. Failure on the part of the owner to register/apply for a Certificate of Non-Conformance within six (6) months from effectivity of this Ordinance, these shall be considered in violation of the Zoning Ordinance and is subject to fine/penalties. Said certificate shall be issued based the decision of the LZBAA.

Immediately upon approval of this Ordinance, the City Zoning Administrator shall immediately notify owners of known existing non-conforming use to apply for a certificate of non-conformance.

1. *Procedure for Granting Certificate of Non-Conformance (CNC)*

- 1.1 A certificate of non-conformance shall be secured from the City Zoning Administrator.
  - 1.2 All requests for such certificate shall be made in writing, stating the reasons for non-conformance. This shall be accompanied by:
    - 1.2.1 A 1:10,000 vicinity map showing the exact location of the non-conforming use, lot or structure and the accurate distances from nearby landmarks such as roads, intersections, rivers, existing buildings, etc.
    - 1.2.2 As-built structural plans
    - 1.2.3 Preliminary plan to conform with zone regulations;
    - 1.2.4 Other applicable requirements deemed necessary by the City Zoning Administrator.
  - 1.3 The request for such certificate shall be acted upon and transmitted to the LZBAA within fifteen (15) days from receipt of the request.
  - 1.4 The LZBAA may require additional information to facilitate the evaluation of such application.
  - 1.5 The LZBAA shall issue the decision within 15 days from receipt of the application from the City Zoning Administrator, who in turn, shall issue the certificate of non-conformance.
2. *Validity and Expiration of Certificate of Non-Conformance.* The Certificate of Non-Conformance shall be valid for a period of two (2) years from the date of issuance. The non-use of said certificate with such period shall be a cause for its cancellation or it shall be deemed expired unless the same is renewed within three (3) months prior to its expiration. Further, the certificate shall be deemed void if the owner or grantee fails to submit a detailed program to



conform with zone regulations or relocate within a maximum period of ten (10 years).

**Section 30. Deviations and Special Locational Clearance**

1. *Special Locational Clearance.* The Special Locational Clearance (SLC) shall be issued based on exception or variance allowed by the LZBAA. Exceptions and variances or deviations from the provisions of this Ordinance may be allowed only when the following terms and conditions are met:

**1.1 Variances**

- 1.1.1 The property is unique and different from other properties in the adjacent locality and because of its uniqueness; the owners cannot obtain a reasonable return on the property.
- 1.1.2 Conforming to the provisions of the Ordinance will cause undue hardship on the part of the owner or occupant of the property.
- 1.1.3 The hardship is not self-created.
- 1.1.4 The proposed variance is the minimum deviation necessary to permit a reasonable use of the property.
- 1.1.5 The variance will not alter the essential character of the zone or zones where the property for which the variance sought is located, and will not substantially or permanently injure the use of other property in the same zone or zone.
- 1.1.6 The variance will not weaken the general purpose of the Ordinance and will not adversely affect the public health, safety and welfare.
- 1.1.7 The variance will be in harmony with the spirit of this Ordinance.

- 1.2 Exceptions. Any use or activity not allowed under the list of Permitted Uses outlined in Article IV, may be allowed, subject to the following conditions:

1.2.1 The exception will not adversely affect public health, safety and welfare and is in keeping with the general pattern of development in the community

1.2.2 The exception will not adversely affect the appropriate use of other properties in the same zone

1.2.3 The exception will not alter the essential character of

ERLINDO P. LAPLANA  
SP Member

TERESITA J. VELOSO  
SP Member

CARLO S. ENRIQUEZ  
SP Member

MARGARITA C. CARI  
SP Member

CARL NICOLAS C. CARI  
SP Member

LOLITO C. MUÑEZ  
SP Member

LEONIDO A. BERRY  
SP Member

EDUARDO S. GUINOCOR, JR.  
SP Member

CRISTELO S. LORETO  
SP Member

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SP Member



the zone where the exception sought is located, and will be in harmony with the general purpose of the Ordinance.

1.2.4 The exception will not weaken the general purpose of the regulation established for the specific zone

1.2.5 That the return on investment is feasible within the maximum period of ten (10) years;

1.2.6 That the proposed activity shall be subjected to an environmental impact assessment;

1.2.7 That said clearance shall be valid for one year but subject to renewal for a maximum period of ten (10) years, upon proof of sufficient compliance with all the conditions imposed by this Ordinance;

1.2.8 That the proponent shall submit a semi-annual/annual report of the progress of its operations; and

1.2.9 That the proponent shall relocate the project facilities and equipment to another site at his own cost in the event that the LZBAA finds that its continued existence is undesirable. The relocation shall take place upon the expiration of the clearance. A notice of relocation, which will be given by the City Zoning Administrator not earlier than 3 months nor later than 6 months before the expiration of the permit.

2. *Procedure for Granting Special Locational Clearance.* The procedures for the granting of an exception and/or variance are as follows:

2.1 A written application for an exception or variance is filed with the City Zoning Administrator, indicating the section of this Ordinance under which the same is sought and stating the grounds therefore. The application forms for said certificate of variance or exception/deviation will be secured from the City Zoning Administrator. Substantial justification for the construction, alteration or repair the structure within the zone shall include, but not limited to the following:

2.1.1 Description of the project, its boundaries, nature of operation or use and the like;

2.1.2 Description of the objectives to be achieved in the proposed project;

2.1.3 Statement as to why the project cannot fulfill its objectives under zoning regulations, and

2.1.4 Proof of assessment of site alternatives.

ERLINDO P. LAPLANA  
SP Member

TERESITA J. VELOSO  
SP Member

CARLO S. ENRIQUEZ  
SP Member

MARGARITA C. CARI  
SP Member

CARL NEOLAR C. CARI  
SP Member

LOLITO C. MUNDOZ  
SP Member

LEONIDO A. BERRY  
SP Member

EDUARDO S. GUINOCOR, JR.  
SP Member

CRISTELO S. LORETO  
SP Member

ERNESTO M. BUTAWAN  
SP Member



- 2.2 Upon filing of the application, a visible project sign (indicating the name and nature of the proposed project) shall be posted at the project site.
- 2.3 The City Zoning Administrator with the CPDO shall make preliminary studies on the application.
- 2.4 A written affidavit of non-objection of the project by the owners of adjacent properties shall be filed by the applicant with the City Zoning Administrator and if there are objections, the administrator shall then transmit the same to the LZBAA.
- 2.5 A written notice of the public hearing shall be served on the applicant and the owners of the properties adjacent to the property concerned, and other affected residents or sectors at least fifteen (15) days prior to the scheduled public hearing.
- 2.6 Notice of such hearing shall also be posted on the property for which the exception is sought, at any accessible public place; and published in a paper of widest circulation at least fifteen (15) days prior to said public hearing.
- 2.7 At the public hearing, any party may appear in person, or by an agent or attorney.
- 2.8 At the hearing, all interested parties shall be afforded the opportunity to be heard and based on the evidence and testimonies presented, the LZBAA shall decide on whether or not to grant variances.
- 2.9 The LZBAA shall render a decision within 15 days from public hearing OR (60) days from the filing of the application, exclusive of the time spent for public hearing.
- 2.10 The certificate shall be valid for a period of one (1) year from the date of issuance after which it shall be deemed null and void unless the same is renewed within three (3) months prior to its expiration.

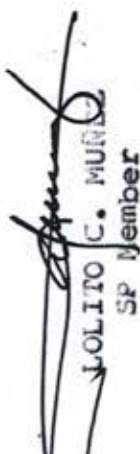
## ARTICLE X ADMINISTRATION AND ENFORCEMENT

**Section 31. Creation of the City Zoning Administration Division (ZAD).** The administration and enforcement of this Ordinance shall be vested in the City Zoning Administration Division, which is hereby created. It shall be directly under the Office of the City Administrator. The office personnel shall have the following competencies such as but not limited to office administration, spatial planning, policy research and monitoring, geodetic survey and similar qualifications, proficiency in the operation of mapping software, and other competencies needed to ensure the efficient and effective operation of the ZAD.

The creation of such positions shall be subjected to existing rules and regulations of the Civil Service Commission and other pertinent laws on public personnel.

**Section 32. Powers and Duties of the ZAD.** The City Zoning Administration through the City Zoning Administrator shall administer and enforce the provisions of the Ordinance, specifically:

1. To issue Locational Clearance, and Special Locational Clearance based on

  
LOLITO C. MUNEZ  
SP Member

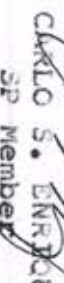
  
EDUARDO S. SINOCORP, JR.  
SP Member


  
CRISTELO S. LORETO  
SP Member

  
ERNESTO A. BUTAWAN  
SP Member

  
ERLINDO P. LAPLANA  
SP Member

  
TERESITA J. VELOSO  
SP Member

  
CARLO S. ENRIQUEZ  
SP Member

  
MARGARITA C. CARI  
SP Member

  
CARL NICOLADAS E. CARI  
SP Member



the decision of the LZBAA;

2. To serve as secretariat to the LZBAA;
3. To issue a notice of violation on any use in violation of this Ordinance upon the owner, agent, or tenant of the building or land, or upon the architect, builder, contractor or other persons who commit or assist in any such violation;
4. To call upon the City Legal Officer and the City Prosecutor to institute any necessary legal proceedings to enforce the provisions of this Ordinance. The City Legal Officer and the City Prosecutor are hereby authorized to institute the appropriate action to this end;
5. To call upon the Chief of Police of the PNP, his authorized agents and the law enforcement units of the DAR, DENR and other concerned authorities to assist in the enforcement of this Ordinance;
6. To submit a quarterly comprehensive report to the City Zoning Review Committee on the status of non-conforming uses provided certification, exceptions and variances granted, and progress and problems encountered in the administration and enforcement of this Ordinance including appropriate recommendations, for consideration in the amendment of relevant provisions of this Ordinance;
7. To submit a semestral report, in coordination with the barangays, on the status of the land uses of the City including the number, nature and character of permits granted or denied, non-conforming uses, variances, exceptions, innovative techniques, and conditions imposed thereon to the Mayor and the Sanggunian;
8. To annually monitor all applications in coordination with the barangays;
9. To prepare operational procedures for the enforcement of this Ordinance upon its effectivity specifying among others the process of issuance of locational clearance and other actions on zoning, and sub-structures involved in the operations including the barangays their specific roles in the issuance of clearances and settlement of relevant disputes or complaints and information dissemination about this Ordinance.


### **Section 33. Collection of Processing Fees.**

#### **1. Locational Clearance**

- 1.1 The administration and collection of necessary application, filing, processing fees for locational clearances, permits and other associated fees, are as follows:

##### **1.1.1 Residential Structure attached/detached**

- a. Project cost of Five Hundred Thousand Pesos (PhP500,000.00) and below shall pay a fee of Seven Hundred and Fifty Pesos (PhP750.00);
- b. Project cost of over Five Hundred Thousand Pesos (PhP500,000.00) shall pay a fee of Seven Hundred and

  
LOLITO C. MURELL  
SP Member

  
EDUARDO S. GUINOCOR, JR.  
SP Member

  
CRISTELO S. LORETO  
SP Member

  
ERNESTO M. BUTAWAN  
SP Member

  
ERLINDO P. LALANA  
SP Member

  
TERESITO J. VELOSO  
SP Member

  
CARLO S. ENRAQUE  
SP Member

  
MARGARITA C. CARI  
SP Member

  
CARL NICOLARES  
SP Member



Fifty Pesos (PhP750.00) plus an additional one-tenth (1/10) of one percent (1%) of the total project cost in excess of Five Hundred Thousand Pesos (PhP500,000.00) regardless of the number of doors, or rooms for dormitories;

#### 1.1.2 Apartments and Dormitories

- a. Project cost of Five Hundred Thousand Pesos (PhP500,000.00) and below shall pay a fee of Five Hundred Pesos (PhP500.00);
- b. Project cost of over Five Hundred Thousand Pesos (PhP500,000.00) shall pay a fee of Five Hundred Pesos (PhP500.00) plus an additional one-tenth (1/10) of one percent (1%) of the total project cost in excess of Five Hundred Thousand Pesos (PhP500,000.00) regardless of the number of doors, or rooms for dormitories;

#### 1.1.3 Institutional

- a. Project cost of One Hundred Thousand Pesos (PhP100,000.00) and below shall pay a fee of Four Hundred Pesos (PhP400.00);
- b. Project cost above One Hundred Thousand Pesos (PhP100,000.00) shall pay a fee of Four Hundred Pesos (PhP400.00) plus an additional one-tenth (1/10) of one percent (1%) of the total project cost in excess of PhP100,000.00;

#### 1.1.4 Commercial, Industrial, Agro-Industrial

- a. Project cost of One Hundred Thousand Pesos (PhP100,000.00) and below shall pay a fee of One Thousand Five Hundred Pesos (PhP1,500.00);
- b. Project cost above One Hundred Thousand Pesos (PhP100,000.00) shall pay a fee of One Thousand Five Hundred Pesos (PhP1,500.00) plus an additional one-tenth (1/10) of one percent (1%) of the total project cost in excess of One Hundred Thousand Pesos (PhP100,000.00);

#### 1.1.5 Special uses/special projects (telecommunications/towers, billboards, etc)

- a. Project cost of One Hundred Thousand Pesos (PhP100,000.00) and below shall pay a fee of One Thousand Five Hundred Pesos (PhP1,500.00);
- b. Project cost above One Hundred Thousand Pesos (PhP100,000.00) shall pay a fee of One Thousand Five Hundred Pesos (PhP1,500.00) plus an additional one-tenth (1/10) of one percent (1%) of the total project cost in excess of One Hundred Thousand Pesos (PhP100,000.00);

ERLINDO P. LAPLANA  
SP Member

TERESITA J. VELOSO  
SP Member

CAROL A. CHAVEZ  
SP Member

MARGARITA C. CARI  
SP Member

CAROL C. CARI  
SP Member

LOLITO C. MUEL  
SP Member

EDUARDO S. QUINOCOR JR.  
SP Member

CRISTIANO S. LONETO  
SP Member

ERNESTO C. BUTAMAN  
SP Member



1.1.6 Alteration/Expansion

- a. Fees shall only apply to the total expansion or affected area only;
- b. For expansion or alteration costs amounting to One Hundred Thousand Pesos (100,000.00) and below, the fee shall be One Thousand Five Hundred (PhP1,500.00);
- c. For expansion or alteration cost amounting to more than One Hundred Thousand Pesos (100,000.00), the fee shall be One Thousand Five Hundred (PhP1,500.00) plus an additional one-tenth (1/10) of one percent (1%) of the total project cost in excess of One Hundred Thousand Pesos (PhP100,000.00);
- d. Fee will be the same as the original application if the expansion is the same classification/use as the original application;
- e. If the expansion is intended for use/s other than that of the original application, the fee shall correspond to the classified use of the expansion area;

1.1.7 Subdivision and Condominium Projects/Activities (Under PD 957) Approval of Subdivision Plan (including Townhouses)

- a. For Preliminary Approval and the Location Clearance (PALC):
  - i. For Residential Structure, fee shall be Five Hundred Pesos (PhP500.00) for the first five (5) hectares or less and Two Hundred Pesos (PhP200.00) for every additional hectare or a fraction thereof in excess of five (5) hectares;
  - ii. For Commercial Structures, fee shall be Three Hundred Pesos (PhP300.00) for the first two (2) hectares and Fifty Pesos (PhP50.00) for every additional hectare or a fraction thereof in excess of two (2) hectares;
- b. For Final Approval and Development Permit:
  - i. For Residential, fee shall be One Thousand Five Hundred Pesos (PhP1,500.00) for every hectare or a fraction thereof, regardless of density;
  - ii. For Commercial, fee shall be Five Thousand Pesos (PhP5,000.00) per every hectare or a fraction thereof, regardless of density;
- c. For Inspection Fee, fee shall be Five Hundred Pesos (PhP500.00) for every hectare or a fraction thereof, regardless of density;
- d. For Alteration of Plans (affected areas only), fee shall be Five Thousand Pesos (PhP5,000.00) for every hectare or a fraction thereof, regardless of density;



1.1.8 Subdivision Projects under BP 220

a. For Preliminary Approval and the Location Clearance (PALC)

i. For Socialized housing, fee shall be One Hundred Pesos (PhP100.00) for the first ten (10) hectares and Fifty Pesos (PhP50.00) per hectare or a fraction thereof in excess of Ten (10) hectares;

ii. For Economic housing, fee shall be One Hundred Fifty Pesos (PhP150.00) for the first five (5) hectares and Fifty Pesos (PhP50.00) per hectare or a fraction thereof in excess of five (5) hectares;

b. Final Approval and Development Permit

i. For Socialized housing, fee shall be Two Hundred Pesos (PhP200.00) for every hectare or a fraction thereof, regardless of density;

ii. For Economic housing, fee shall be Three Hundred Pesos (PhP300.00) for every hectare or a fraction thereof, regardless of density;

c. Inspection Fee

i. For Socialized housing, fee shall be One Hundred Fifty Pesos (PhP150.00) for every hectare or a fraction thereof;

ii. For Economic housing, fee shall be Three Hundred Pesos (PhP300.00) for every hectare or a fraction thereof;

d. Alteration of Plan

i. Fees shall only apply to the total expansion or affected area only;

ii. Fees shall be Three Hundred Pesos (PhP300.00) for every hectare or a fraction thereof;

e. Certificate of Completion

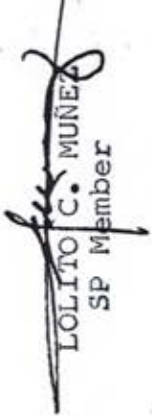
i. Fees shall be Two Hundred Fifty Pesos (PhP250.00) for every hectare or a fraction thereof, of land area;

1.1.9 Memorial Parks/Cemeteries

a. For Preliminary Approval and the Location Clearance (PALC)

i. For Memorial Park Projects, fee shall be One Thousand Pesos (PhP1,000.00) for the first hectare or less and One Hundred Fifty Pesos (PhP150.00) per hectare or a fraction thereof in



  
LOLITO C. MUNERA  
SP Member

  
LEONIDO A. BERAY  
SP Member

  
EDUARDO S. GUINOCORP, JR.  
SP Member

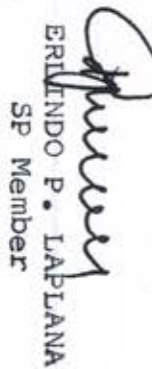
  
CRISOLOGO S. LORETO  
SP Member

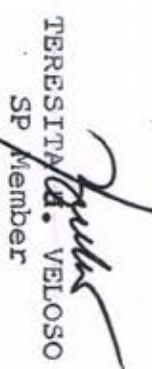
  
ERNESTO M. BUTAWAN  
SP Member

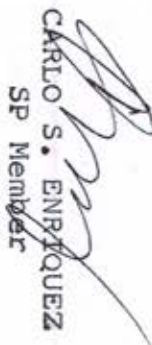
excess of the first hectare;

- ii. For Cemeteries, fee shall be Five Hundred Pesos (PhP500.00) for the first hectare and One Hundred Pesos (PhP100.00) per hectare or a fraction thereof in excess of the first hectare;
- b. Final Approval and Development Permit
  - i. For Memorial Park Projects, fee shall be Three Pesos (PhP3.00) per square meter or a fraction thereof;
  - ii. For Cemeteries, fee shall be One Peso and Fifty Centavos (PhP1.50) per square meter or a fraction thereof;
- c. Inspection Fee
  - i. For Memorial Park Projects, fee shall be Five Hundred Pesos (PhP500.00) per hectare or a fraction thereof;
  - ii. For Cemeteries, fee shall be One Hundred Pesos (PhP100.00) per hectare or a fraction thereof;
- d. Alteration of Plan
  - i. Fee shall only apply to the total expansion or affected area only;
  - ii. For Memorial Park Projects, fee shall be Three Pesos (PhP3.00) per square meter or a fraction thereof;
  - iii. For Cemeteries, fee shall be One Peso and Fifty Centavos (PhP1.50) per square meter or a fraction thereof;
- e. Certificate of Completion
  - i. For Memorial Park Projects, fee shall be Five Hundred Pesos (PhP500.00) for every hectare or a fraction thereof;
  - ii. For Cemeteries, fee shall be Two Hundred Fifty Pesos (PhP250.00) for every hectare or a fraction thereof;

- 1.1.10 All payments of any of the above fees shall be made prior the release of approved application or action sought for;
- 1.1.11 Government projects, except those proposed by government owned and controlled corporations and other income-generating projects of government, are exempted from paying the prescribed fees;
- 1.1.12 Fees in relation to the renewal of business permits are subject to the actual use as per inspection of the Zoning

  
ERLINDO P. LAPLANZA  
SP Member

  
TERESITA A. VELOSO  
SP Member

  
CARLO S. ENRIQUEZ  
SP Member

  
MARGARITA C. CARI  
SP Member

  
CARL NICODENS C. CARI  
SP Member



Administration Division with the City Business and Licensing Permit Office;

At the minimum, only inspection fees will be applied which is equivalent to one-tenth (1/10) of one percent (1%) of the original project cost. Any change in the use of the property other than that covered by the previous business permit, a new locational clearance shall be required and all applicable fees will be imposed.

1.2 Petition for rezoning or reclassification of a zone, a fee of One Thousand Pesos (PhP1,000.00) for every hectare or a fraction thereof shall be charged. This excludes the cost of reclassification proceedings, such as, production, reproduction of maps and other pertinent documents, public hearings and publication that shall likewise be charged to the account of the applicant or proponent.

1.3 Complaints/Opposition, except those involving pauper litigants, shall be charged Five Hundred Pesos (PhP500.00).

1.4 Motion for Reconsideration submitted under the provision for Appeals in this Ordinance shall be charged a fee of Five Hundred Pesos (PhP500.00); for decisions of the board deviations.

2. Certificate of Non-conformance and Temporary Locational Clearance

2.1 Non-conforming uses and deviations permitted by the LZBAA shall be charged an additional ten (10) percent of the corresponding processing fee discussed in the foregoing sections, without prejudice to the imposition of fines for violation as provided by this zoning Ordinance.

**Section 34: Composition of the Local Zoning Board of Adjustment and Appeals (LZBAA).** The City Government shall create the LZBAA which membership includes, but not limited to:

1. City Mayor as Chairman
2. City Legal Officer or a representative of the Sangguniang Panlungsod
3. Committee on Laws
4. City Assessor
5. City Engineer
6. City Treasury or Head of Local Business Permits and Licensing Office
7. Chair of the Association of Barangay Chairpersons
8. Two (2) Representatives, Private Sector of the Local Development Council or nominated by the sector and confirmed by the City mayor
9. Two (2) Representatives of non-government organizations from the Local Development Council or nominated by their respective organizations duly confirmed by the City Mayor

  
LOLITO C. MUNERA  
SP Member

  
LEONIDO A. BERAY  
SP Member

  
EDUARDO S. QUINOCO, JR.  
SP Member

  
CRISTINO S. LORETO  
SP Member

  
ERNESTO M. BUTAWAN  
SP Member

  
ERLINDO P. LAFLANA  
SP Member

  
TERESITA G. VELOSO  
SP Member

  
CARLO S. ENRIQUEZ  
SP Member

  
MARGARITA C. CARI  
SP Member

  
CARL NEOLAS C. CARI  
SP Member



10. City Planning and Development Coordinator as non-voting secretariat

**Section 35. The Zoning Board of Adjustment and Appeals**

1. *Scope and Limitations of Authority of the LZBAA.* The Zoning Board of Adjustments and Appeals is a quasi-judicial body. As such, it shall have no power and authority to amend, alter, repeal or legislate a zoning Ordinance. The territorial jurisdiction of the Board shall be limited to the City from which it derives its authority, and those responsibilities expressed herein.

All decisions of the City Zoning Board of Adjustment and Appeals shall be appealable to the Housing and Land Use Regulatory Board or other juridical entity under Philippines laws.

2. *Responsibilities of the LZBAA.* The Board shall:

- 2.1 Act on applications for Certificate of non-conformance and Temporary Location Clearance for variances and exceptions, complaints and opposition to applications, including appeals on zoning decisions made by the Zoning Administrator as per Section 36 hereof.
- 2.2 Adopt rules necessary for the conduct of its affairs. Meetings shall be held at the call of the chairman and at such other times as the Board may determine. The Chairman, or in his absence, the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.
- 2.3 Through the ZAD, keep minutes of its proceedings showing the vote of each member upon each question raised and keep a record of its official actions, all of which shall constitute a public record.
- 2.4 Invite other resource persons or experts as may be required to judiciously dispense with the applications filed for its action; and
- 2.5 Refer to appropriate authorities such as the HLURB those matters outside the limits of its powers to resolve.


**Section 36. Appeals.** Any person aggrieved by the decision of the City Zoning Administrator regarding the interpretation, administration or enforcement of this Ordinance may appeal to the LZBAA. Such appeal shall be taken within a reasonable time, but not exceeding sixty (60) days from the receipt of the notice of the decision or action taken by the City Zoning Administrator, by filing with the same and with the Board, a notice of appeal specifying the grounds therefore.

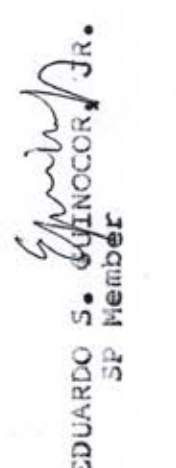
The City Zoning Administrator shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken. The LZBAA shall fix the time and place for the hearing of the appeal, give due notice to the parties and decide the same within a reasonable time. The decision of the Board shall be final and executory.

**Section 37. Creation of the City Zoning Review Committee.** The Mayor shall designate the members of the City Zoning Review Committee composed of the following:

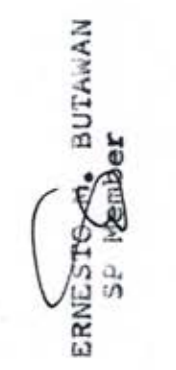
1. Chairperson, Sangguniang Panlungsod Land Use Committee

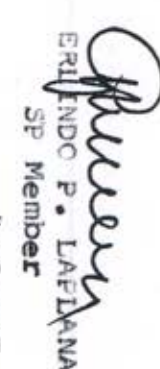
  
LOLITO C. MUNEZ  
SP Member

  
LEONIDO A. DERAY  
SP Member

  
EDUARDO S. GUINOCOR, JR.  
SP Member

  
CRISTELO S. LORETO  
SP Member

  
ERNESTO A. BUTAWAN  
SP Member

  
ERLINDO P. LAFLANA  
SP Member

  
TERESITA C. VELOSO  
SP Member

  
CARLO S. ENRIQUEZ  
SP Member

  
MARGARITA C. CARI  
SP Member

  
CARL NICODANO  
SP Member



  
LOLITO C. MULER  
SP Member

  
LEONIDO A. DSRAY  
SP Member

  
EDUARDO S. GUINCO, JR.  
SP Member

  
CRISELO S. LORETO  
SP Member

  
ERNESTO M. BUTANAN  
SP Member

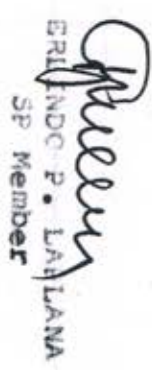
2. City Zoning Administrator
3. City Planning and Development Coordinator
4. City Health Officer
5. City Agriculture Officer
6. President of the Association of Barangay Chairpersons
7. City Engineer
8. PNP Chief of Police
9. ENRO Officer
10. Agrarian Reform Officer
11. District School Supervisor
12. Three (3) Private Sector Representatives, and
13. Two (2) NGO Representatives
14. Other representatives that may be appointed by the City Mayor
15. The City Planning and Development Office shall serve as its Secretariat

The Review Committee shall promulgate the rules of procedure for accepting and evaluation and convene quarterly or as deemed necessary.

**Section 38. Functions of the City Zoning Review Committee.** The City Zoning Review Committee shall have the following powers and functions:

1. Review the zoning ordinance for the following purposes:
  - 1.1 Determine what amendments or revisions are necessary in the zoning ordinance because of changes that might have been introduced in the local development plan;
  - 1.2 Determine what changes would have to be introduced in the local development plan in the light of exceptions and variances granted;
  - 1.3 Identify what provisions of the Ordinance have been difficult to enforce or are unworkable;
  - 1.4 Upon petition for rezoning;
  - 1.5 Due to introduction of projects of national significance;
  - 1.6 Other reasons which are appropriate for consideration;
  - 1.7 Recommend to the Sangguniang Panlungsod necessary legislative amendments and to the City Development Council the needed changes in the plan as a result of the review conducted by it, and
  - 1.8 Provide information to the Housing and Land Use Regulatory Board that would be useful in the exercise of the functions of the Commission.

The Committee shall, in its review and evaluation, enforce this Ordinance to the fullest flexibility in a logical and practical manner whereby it will not be detrimental to the public nor discriminatory in its evaluation of each application

  
ERLINDO P. LALANA  
SP Member

  
TERESITA D. VELOSO  
SP Member

  
CARLO S. ENRIQUEZ  
SP Member

  
MARGARITA C. CARI  
SP Member

  
CARL NICODEMO CARI  
SP Member



for locational clearances notwithstanding the provisions set forth in this Ordinance.

**Section 39. Updating the Zoning Ordinance.** The City Zoning Review Committee shall meet at least every six months to review the nature of developments that have occurred during the preceding 6 months period and the corresponding effects of all exceptions, variances and temporary locational clearances granted on the areas where they have been allowed to locate, and to determine whether there is a need to make necessary changes in the zoning classifications and/or zoning boundaries.

**Section 40. Procedures for Rezoning.** Any association or group of persons, who wishes to propose a rezoning or reclassification of a certain area, may file a petition with the City Zoning Administrator and Sangguniang Panlungsod for initial evaluation.

The City Zoning Administrator shall then endorse the proposal together with its preliminary findings to the Sangguniang Panlungsod for further evaluation. Site inspection of the vicinity subject to rezoning shall be made.

After preliminary findings and recommendations, a public hearing shall be conducted, especially in the community affected by the rezoning. The Sangguniang Panlungsod then approves and adopts through an Ordinance any amendments to the Zoning Ordinance.

**Section 41. Update of Zoning Maps.** Once all rezoning have been finalized and all amendments have been duly approved, the necessary changes shall be reflected on the official Zoning Maps.

## ARTICLE XI FINAL PROVISIONS

**Section 42. Penal Provision.** Any person who violates any provision of this Ordinance, shall upon conviction, be punishable by a fine not exceeding Five Thousand Pesos (P5,000) or an imprisonment or both, at the discretion of the Court.

If the violation is committed by a firm, corporation, or partnership, institution or any other juridical person, the manager, managing partner, director, superior or any other person charged with management of such firm corporation, or partnership, institution or any other juridical person shall be criminally responsible thereof.

**Section 43. Suppletory Effect of Other Laws and Decrees.** The provision of this Ordinance shall be without prejudice to the application of others laws, presidential decrees, letters of instructions and other executive or administrative orders vesting national agencies concerned shall be consistent with the Comprehensive Land Use Plan of Baybay City.

**Section 44. Separability Clause.** Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.



**Section 45. Repealing Clause.** All ordinance, rules or regulations in conflict with the provisions of this Ordinance are hereby repealed; provided, that the rights that are vested upon the effectively of this Ordinance shall not be impaired.

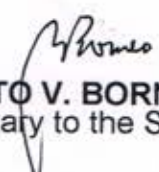
**Section 46. Effectivity Clause.** This Ordinance shall take effect upon approval.

Enacted on this 17<sup>th</sup> day of May 2010 in the City of Baybay.


RESOLVED, FURTHER, to let certified copies of this ordinance be furnished to the Honorable Sangguniang Panlalawigan of Leyte and other offices concerned for their information and appropriate action.

CARRIED UNANIMOUSLY.

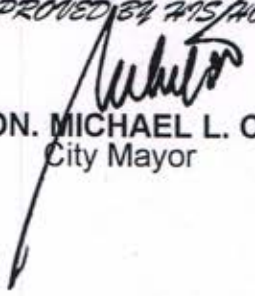
I HEREBY CERTIFY to the correctness of the foregoing ordinance which was adopted by the Sangguniang Panlungsod during its regular session held on May 17, 2010

  
**AMELITO V. BORNEO**  
Secretary to the SP

*ATTESTED AND CERTIFIED TO  
BE DULY ADOPTED*

  
**HON. REX A. RETANA**  
City Vice Mayor &  
Presiding Officer


*APPROVED BY HIS HONOR.*

  
**HON. MICHAEL L. CARI**  
City Mayor

  
ERLINDO P. LAILANA  
SP Member

  
TERESITA J. VELOSO  
SP Member

  
CARLO S. ENRIQUEZ  
SP Member

  
MARASIB L. CARI  
SP Member

  
CARL NICOLAS C. CARI  
SP Member

  
EDUARDO S. GUINOCAN, JR.  
SP Member

  
CRISPELO S. LORETO  
SP Member

  
ERNESTO S. BUTANAN  
SP Member

  
LOLITA C. MUREL  
SP Member

  
LEONIDA M. DELA CRUZ  
SP Member