



Republic of the Philippines  
PROVINCE OF LEYTE

City of Baybay  
-0000000-

## Office of the Sangguniang Panlungsod

Telexfax No. (+63-53) 335-4808/563-9009 ☒ 2nd Floor, Legislative Bldg., R. Magsaysay Ave., Baybay City Leyte 6521@sangguniangpanlungsod@gmail.com

### 5<sup>th</sup> SANGGUNIANG PANLUNGSOD

#### CITY ORDINANCE NO. 26, SERIES 2020

#### **"AN ORDINANCE PRESCRIBING GUIDELINES ON THE RECLASSIFICATION OF LANDS WITHIN THE CITY OF BAYBAY AND IMPOSING FEES FOR THE APPLICATION THEREOF"**

Authored by:  
**Hon. Jose Rommel A. Peñaranda**

WHEREAS, RA 7160, otherwise known as the Local Government Code of 1991 (LGC), provides that cities and municipalities may reclassify agricultural lands into non-agricultural uses within their respective jurisdictions, subject to the limitations and other conditions prescribed under Section 20 of the LGC;

WHEREAS, the Implementing Rules and Regulations (IRR) of the LGC provides that cities and municipalities shall continue to prepare their respective comprehensive land use plans, enacted through zoning ordinances, subject to applicable laws, rules and regulations;

WHEREAS, On June 1993, President Fidel V. Ramos issued Memorandum Circular No. 54 which prescribes the guidelines governing Section 20 of R.A. 7160 and authorizing cities and municipalities to reclassify agricultural lands into non-agricultural lands;

WHEREAS, the aforementioned Memorandum Circular only covers applications for reclassification from agricultural lands to non-agricultural lands;

WHEREAS, the said Memorandum Circular does not provide for the guidelines on reclassification from agricultural lands to its actual use based on the approved land use plan of the City;

WHEREAS, there is a need to fill in the gap by formulating guidelines for the reclassification of other lands not classified as agricultural lands and reclassification for purposes of conforming to its actual use;

WHEREFORE, on motion of Honorable Atty. Jose Rommel A. Peñaranda and duly seconded by Honorable Dominador K. Murillo;

BE IT ORDAINED, by the 5<sup>th</sup> Sangguniang Panlungsod, this city, in its 26<sup>th</sup> Regular Session assembled on July 2, 2020, as hereby is adopted, to wit: "AN ORDINANCE PRESCRIBING GUIDELINES ON THE RECLASSIFICATION OF LANDS WITHIN THE CITY OF BAYBAY AND IMPOSING FEES FOR THE APPLICATION THEREOF."



**SECTION 1. Short Title.** – This Ordinance shall be known as the Land Reclassification Ordinance of 2020.

**SECTION 2. Scope** – This ordinance covers all applications for reclassification of lands within the City of Baybay subject to the limitations prescribed in this ordinance and other related laws.

## ARTICLE I RECLASSIFICATION OF AGRICULTURAL LANDS

**SECTION 3. Reclassification of Agricultural Lands to Non-Agricultural Use.** Agricultural lands may be reclassified through the proper ordinance in the following cases:

- a. When the land ceases to be economically feasible and sound for agricultural purposes as determined by the City Agricultural Office (CAO) in accordance with the standards and guidelines prescribed for the purpose. In case the reclassification is at the instance of the City Government Unit or the area covered is more than five (5) hectares, the determination is done by the Department of Agriculture; or
- b. Where the land shall have substantially greater economic value for residential, commercial or industrial purposes, as determined by the *Sanggunian Panlungsod*. In case the reclassification is at the instance of the City Government Unit, the *Sangguniang Panlungsod* shall notify the HLURB, DTI, DOT and other concerned agencies on the proposed reclassification of agricultural land, furnishing them with copies of the proposed ordinance together with the report of the Local Development Council for their comments, proposals and recommendations.

However, reclassification of agricultural lands shall be limited to a maximum of five percent (5%) of the total agricultural land of the City at the time of the application;

In addition, the following types of agricultural lands shall not be covered by the said reclassification:

- a. Agricultural lands distributed to Department of Agrarian Reform (DAR) beneficiaries subject to Section 65 of R.A. 6557;
- b. Agricultural lands already issued with a notice of coverage or voluntarily offered for coverage under CARP;
- c. Agricultural lands identified under Administrative Order 20, Series of 1992, as non-negotiable for conversion as follows:
  - (i) All irrigated lands where water is available to support rice and other crop production;
  - (ii) All irrigated lands where water is not available for rice and other crop production but within areas programmed for irrigation facility rehabilitation by DA and National Irrigation Administration (NIA); and



- (iii) All irrigable lands already covered by irrigation projects with funding commitments at the time of the application for land conversion or reclassification.

**SECTION 4. Requirements for Reclassification** – Prior to the enactment of an ordinance reclassifying agricultural lands into non-agricultural use, the applicant must first secure the following documents:

- (1) Letter of Application in the name of the owner of the land addressed to the *Sangguniang Panlungsod*. A Special Power of Attorney (SPA) or Secretary's Certificate, in case the applicant is other than the owner of the land;
- (2) Certified true copy of the Original/Transfer Certificate of Title of the property and/or other documents establishing ownership;
- (3) Certificate of updated Real Property Tax Payments;
- (4) Locational Plan or Vicinity Map as certified by the City Assessor;
- (5) Subdivision plan, in case only a portion of a title is sought to be reclassified;
- (6) Zoning Certification from the City Planning and Development Office indicating the classification of the land based on the approved land use plan of the City;
- (7) Detailed feasibility study of the proposed project or intended use of the land, if applied for subdivision project, memorial park, commercial or industrial purposes;
- (8) Sworn Certificate of Commitment from the owner and developer that the proposed project would be implemented within three (3) years from the passage of the ordinance, if applied for subdivision project, memorial park, commercial or industrial purposes;
- (9) Barangay Resolution endorsing the proposed project and interposing no objection thereto after conducting a public hearing, if applied for subdivision project, memorial park, commercial or industrial purposes;
- (10) Certification from the City Agricultural Office or the Department of Agriculture, as the case maybe, indicating that the reclassification is in consonance with Section 3 (a)(b) of Article II hereof and that the land is not feasible for agricultural purposes or not necessary for the food sufficiency program of the region, if applied for subdivision project, memorial park, commercial or industrial purposes;
- (11) A certification from DAR indicating that such lands are not tenanted, or not distributed or not covered by a notice of coverage, or not voluntarily offered for coverage under CARP, if applicable;
- (12) Certification from the National Irrigation Administration (NIA) that the land is not irrigated or irrigable as described under Section 3 (c)(3) of Article II hereof, if applicable;
- (13) Certification from the Department of Environment and Natural Resources (DENR) that the land is not environmentally critical, and that the proposed project or intended use is ecologically safe and sound, if applicable.



**SECTION 5. Reclassification in order to conform to the approved land use plan.** Agricultural lands may be reclassified in order to conform to the approved land use plan of the City through the proper resolution after complying with the following requirements.

- (1) Letter of Application in the name of the owner of the land addressed to the *Sangguniang Panlungsod*. A Special Power of Attorney (SPA) or Secretary's Certificate, in case the applicant is other than the owner of the land;
- (2) Certified true copy of the Original / Transfer Certificate of Title and other documents establishing ownership;
- (3) Certificate of updated Real Property Tax Payments;
- (4) Locational Plan or Vicinity Map as certified by the City Assessor;
- (5) Subdivision plan, in case only a portion of a title is sought to be reclassified;
- (6) Zoning Certification from the City Planning and Development Office indicating the classification of the land based on the approved land use plan of the City;
- (7) Such other requirements as may deem necessary.

## **ARTICLE II PROCEDURE ON RECLASSIFICATION OF AGRICULTURAL LANDS**

**SECTION 6. Application** - All applications shall be addressed to the Committee Chairperson on Urban Housing and Land Use of the *Sangguniang Panlungsod* and submitted before the SP Secretary of the *Sanggunian*.

**SECTION 7. Referral to the Committee** - Upon receipt of the application, the Secretary of the *Sanggunian* shall refer the application to the Committee Chairperson on Urban Housing and Land Use for review and for the required ordinance or resolution.

**SECTION 8. Public Hearing** - Pursuant to existing laws, the Committee may conduct public hearing to determine public acceptance of the proposed reclassification of agricultural lands as set forth in Section 3 hereof and for clarificatory questions and/or inquiries.

**SECTION 9. Recommendation from the City Mayor** - After the conduct of a public hearing and there is no reasonable objection from the public, or if the Committee finds the application to be proper in form and in substance without need of further public hearing, the Committee shall forward the application to the City Mayor for the preliminary determination on whether or not the proposed reclassification of agricultural lands as set forth in Section 3 hereof is in consonance with the development plan of the City;

If it is found to be feasible and in accordance with the City's development plan, the City Mayor shall favorably recommend to the *Sanggunian* the reclassification of the subject agricultural land.

**SECTION 10. Passage of an Ordinance** - Upon receipt of the favorable recommendation from the City Mayor, the Committee shall draft an ordinance for the reclassification of the land. Such ordinance shall undergo mandatory three (3) readings pursuant to R.A. 7160.



**ARTICLE II**  
**RECLASSIFICATION OF NON-AGRICULTURAL LANDS**

**SECTION 11. Reclassification of Non-agricultural Lands** – Non-agricultural lands may be reclassified when it ceases to be compatible with its use or there is a change in its use other than what it was intended for.

**SECTION 12. Requirements for Reclassification** – Prior to the enactment of the proper resolution reclassifying non-agricultural lands, the applicant must first secure the following documents:

- (1) Letter of Application in the name of the owner of the land addressed to the *Sangguniang Panlungsod*. A Special Power of Attorney (SPA) or Secretary's Certificate, in case the applicant is other than the owner of the land;
- (2) Certified true copy of the Original / Transfer Certificate of Title and other documents establishing ownership;
- (3) Certificate of updated Real Property Tax Payments;
- (4) Locational Plan or Vicinity Map as certified by the City Assessor;
- (5) Subdivision plan, in case only a portion of a title is sought to be reclassified;
- (6) Zoning Certification from the City Planning and Development Office indicating the classification of the land based on the approved land use plan of the City;
- (7) Such other requirements as may deem necessary.

**ARTICLE IV**  
**FEES**

**SECTION 13. Imposition of Fees.** The following fees shall be imposed for the reclassification of agricultural and non-agricultural lands:

For applications involving lands consisting an area of less than One Hundred (100) square meters	Php 2,500.00
For applications involving lands consisting an area One Hundred (100) square meters, or more, but not more than One Thousand (1,000) square meters	Php 5,000.00
For applications involving lands consisting an area of One Thousand (1,000) square meters or more	Php 10.00 per square meter

The cost for the publication of the ordinance reclassifying agricultural lands shall be for the account of the applicant.



## ARTICLE V PENAL PROVISION

**SECTION 14. Penalty Clause** – It shall be unlawful under this ordinance to introduce improvements of any kind that makes the land incompatible with its intended use pursuant to its classification without the necessary ordinance from the *Sanggunian*.

Violation of any of the provisions herein set forth shall be penalized with a fine in the amount of One Thousand Pesos (P1,000.00).

The President, in case of a corporation, or the owner, for single proprietor, will be the one held liable in so far as imposition of penalties are concerned.

## ARTICLE VI MISCELLANEOUS PROVISIONS

**SECTION 15. Two (2) Year Prohibition** – A land may only be reclassified once for a period of three (3) years starting from the passage of an ordinance or resolution reclassifying the same.

**SECTION 16. Reversion** – A land reclassified under this ordinance shall be used solely for the purpose intended as stated in the ordinance or resolution reclassifying the land. Violation of this provision shall be a ground for its reversion to the original classification.

Non-conversion of the use as stated in the reclassification ordinance within three (3) years from its passage shall be a ground for automatic reversion of the land.

**SECTION 17.** The City Planning and Development Officer (CPDO) is the primary office responsible for the implementation of this Ordinance. The CPDO shall promulgate the necessary rules and procedures to ensure the effective implementation of this ordinance.

**SECTION 18. Declaration of Intent to Conform with Law.** – This Ordinance is subject to national laws, rules and regulations governing its subject matter.

**SECTION 19. Separability Clause.** – If any provision of this Ordinance is held invalid or unconstitutional, the same shall not affect the validity and effectivity of the other provisions hereof.

**SECTION 20. Repealing Clause.** – Pertinent provisions of all other laws, decrees, executive orders and rules and regulations contrary to or inconsistent with the provisions of this Ordinance are hereby repealed or modified accordingly.

**SECTION 21. Effectivity.** – This Ordinance shall take effect 15 days upon its publication or after due compliance with all the requirements provided under R.A. 7160, otherwise known as the Local Government Code of 1991.

Enacted: July 2, 2020.  
Baybay City, Leyte, Philippines.



CARRIED BY ALL OF THE MEMBERS PRESENT:

**ROMULO B. ALCALA**  
SP Member

**DR. FULTON IKE C. ARRADAZA**  
SP Member

**EDGARDO R. OMPOY**  
SP Member

**RODOLFO S. PALMA, JR.**  
SP Member

**VICENTE VICTOR G. VELOSO**  
SP Member

**ARTURO ELISA O. ASTORGA**  
SP Member

**FILEMON F. AVILA**  
SP Member

**ATTY. JOSE ROMMEL A. PEÑARANDA**  
SP Member

**DOMINADOR K. MURILLO, D.M.**  
SP Member

**JORGE V. REBUCAS**  
SP Member

**PHILIP L. SIU**  
President, LIGA Ng Mga Barangay  
Ex-Officio SPM

**MARK MICHAEL O. UNLU-CAY**  
SK Chair, City Federation  
Ex-Officio SPM

RESOLVED FURTHER, that certified copies of this ORDINANCE be furnished to the City Mayor Honorable Jose Carlos L. Cari, City Administrator Deogracias E. Pernitez; City Legal Officer, Atty. Avito C. Cahig, Jr.; City Budget Officer, Raul Mabini; City Accountant Evelinda A. Oppus; OIC - City Treasurer Gina Cabras, CLGOO Estela I. Creer, and to all other offices/agencies/entities concerned for their information, guidance and appropriate action.

CARRIED UNANIMOUSLY.

I HEREBY CERTIFY to the correctness of the foregoing Ordinance.

**ATTY. VIVIAN E. VIDALLON**  
SP Secretary

*Attested & Certified True & Correct:*

**ATTY. ERNESTO M. BUTAWAN**  
City Vice Mayor, Presiding Office

*Approved by His Honor:*

**JOSE CARLOS L. CARI**  
City Mayor

Date Approved: 7/13/20