



Republic of the Philippines
Province of Bulacan
City of Malolos

HON. PATRICK S. DELA CRUZ
CITY COUNCILOR

OFFICE OF THE SANGGUNIANG PANLUNGSOD

EXCERPT FROM THE MINUTES OF REGULAR SESSION OF THE SANGGUNIANG PANLUNGSOD OF MALOLOS HELD AT BULWAGANG DON RAMON G. DE LEON OF THE CITY OF MALOLOS ON JULY 13, 2020.

MEMBERS PRESENT:

HON. NOEL G. PINEDA	City Vice Mayor
	Presiding Officer
HON. FRANCISCO J. CASTRO	City Councilor
HON. NIÑO CARLO C. BAUTISTA	"
HON. KIRK LOUIS NICOLAS	"
HON. MICHAEL M. AQUINO	"
HON. ENRICO C. CAPULE	"
HON. DENNIS D. SAN DIEGO	"
HON. EMMANUEL R. SACAY	"
HON. EDGARDO F. DOMINGO	"
HON. LUIS ALFONSO M. ARCEGA	"
HON. MIGUEL CARLOS B. SOTO	"
HON. PATRICK S. DELA CRUZ	SK President
HON. DIONISIO C. MENDOZA	ABC President

HON. DIONISIO C. MENDOZA
CITY COUNCILOR

HON. MIGUEL CARLOS B. SOTO
CITY COUNCILOR

ALL MEMBERS PRESENT:

CITY ORDINANCE NO. 50-2020

AN ORDINANCE AMENDING SECTIONS 9, 12, 13, 15, 16 AND 17 OF CITY ORDINANCE NO. 32-2005 ALSO KNOWN AS "AN ORDINANCE PRESCRIBING THE POLICIES, CONDITIONS AND GUIDELINES FOR THE RECLASIFICACION OF AGRICULTURAL LANDS", PROVIDING PENALTY FOR VIOLATION THEREOF AND FOR OTHER PURPOSES.

AUTHORED BY: HON. NINO CARLO C. BAUTISTA

EXPLANATORY NOTE

WHEREAS, to keep abreast with the current and new rules and regulations concerning the reclassification and development of agricultural land, there is a need to amend and update City Ordinance No.32-2005.

WHEREAS, Section 20 of RA 7160 (Local Government Code of 1991) provides that a city or municipality may, through an ordinance passed by the Sanggunian concerned after conducting public hearings for the purpose, authorize the reclassification of agricultural lands and provide for the manner of their utilization or disposition in the following cases: (1) when the land ceases to be economically feasible and sound for agricultural purposes as determined by the Department of Agriculture or (2) where the land shall have substantially greater economic value for residential, commercial, or industrial purposes, as determined by the Sanggunian concerned: Provided, That such reclassification shall be limited to the following percentage of the total agricultural land area at the time of the passage of the ordinance:

- (1) For highly urbanized and independent component cities, fifteen percent (15%);
- (2) For component cities and first to the third class municipalities, ten percent (10%); and
- (3) For fourth to sixth class municipalities, five percent (5%): Provided, further, That agricultural lands distributed to agrarian reform beneficiaries pursuant to Republic Act Numbered Sixty-six hundred fifty-seven (R.A. No. 6657). otherwise known as "The Comprehensive Agrarian Reform Law", shall not be affected by the said reclassification and the conversion of such lands into other purposes shall be governed by Section 65 of said Act.
 - (a) The President may, when public interest so requires and upon recommendation of the National Economic and Development Authority, authorize a city or municipality to reclassify lands in excess of the limits set in the next preceding paragraph.
 - (b) The local government units 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: Provided, That the requirements for food production, human settlements, and industrial expansion shall be taken into consideration in the preparation of such plans.

HON. LUIS ALFONSO M. ARCEGA
CITY COUNCILOR

HON. EDGARDO F. DOMINGO
CITY COUNCILOR

HON. EMMANUEL R. SACAY
CITY COUNCILOR

HON. DENNIS D. SAN DIEGO
CITY COUNCILOR

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HON. NOEL G. PINEDA
CITY VICE MAYOR

HON. FRANCISCO J. CASTRO
CITY COUNCILOR

HON. NIÑO CARLO C. BAUTISTA
CITY COUNCILOR

HON. KIRK LOUIS NICOLAS
CITY COUNCILOR

HON. MICHAEL M. AQUINO
CITY COUNCILOR

HON. ENRICO C. CAPULE
CITY COUNCILOR

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- (c) Where approval by a national agency is required for reclassification, such approval shall not be unreasonably withheld. Failure to act on a proper and complete application for reclassification within three (3) months from receipt of the same shall be deemed as approval thereof.
- (d) Nothing in this Section shall be construed as repealing, amending, or modifying in any manner the provisions of R.A. No. 6657.

NOW, THEREFORE, be it ordained by the member of the City Council of Malolos in session assembled, that:

SECTION 1. - Section 9 of City Ordinance No. 32-2005 shall be amended and read as follows:

Section 9. - FEASIBILITY STUDY OF INTENDED USE - No application for reclassification shall be processed unless accompanied by a Detailed Feasibility Study of the proposed project or intended use of the land and a Sworn Certification from the applicant and/or developer that the project shall be implemented within three (3) months and completed within three (3) years from the approval of the subsequent Development Permit duly issued and approved by the Local Chief Executive.

SECTION 2. - Section 12 of City Ordinance No.32-2005 shall be amended and read as follows:

Section 12. - DOCUMENTARY REQUIREMENTS FOR APPLICATIONS - All applications for reclassification shall be filed with the Secretary of the Sangguniang Panlungsod and shall include twenty (20) copies of the following:

- a. Letter of application in the name of the owner of the land;
- b. Special Power of Attorney, if applicant is other than the owner of the land or Board Resolution and Secretary's Certificate if the Applicant is a Corporation;
- c. Original or Transfer Certificate of Title and/or other documents establishing ownership of the land, such as notarized Deed of Absolute Sale, Deed of Donation, among others;
- d. Certificate of updated Real Property Tax Payments;
- e. Location Plan and/or Vicinity Map;
- f. Detailed Feasibility study of the proposed project or intended use of the land;
- g. Sworn Certification from the applicant and/or developer that the project shall be implemented within three (3) months and completed within three (3) years from the approval of the subsequent Development Permit duly issued and approved by the Local Chief Executive;
- h. Barangay Resolution endorsing the proposed project or intended use of the land as in harmony with the Barangay Development Plan;
- i. Certification from the National Irrigation Administration that the land is not irrigated or irrigable as described under Section 6 (d) hereof;
- j. Certification from the Department of Agriculture that the land is not necessary for the food sufficiency program of the region, if any;
- k. Certification from the Department of Agrarian Reform that the land is not subject of a Voluntary Offer of Sale, Voluntary Land Transfer or Notice of Coverage under RA 6657, and that the reclassification of the property will not prejudice the rights of any agrarian reform beneficiary; and
- l. Certification from the Department of Environment and Natural Resources that the land is not environmentally critical, and that the proposed project or intended use is ecologically safe and sound.

SECTION 3. - Section 13 of City Ordinance No. 32-2005 shall be amended and read as follows:

Section 13. PROCEDURE AND REQUIREMENTS FOR APPROVAL. Upon receipt of the application and its attachments, the Secretary shall include the same in the calendar of the next Regular Session of the Sangguniang Panlungsod where the matter shall be referred to the Committee on Rules to determine whether the application is sufficient in form.

Upon favorable recommendation of the Committee on Rules, the application shall be referred to the Committee on Land Use for study, public hearing and recommendation.

HON. FRANCISCO J. CASTRO
CITY COUNCILOR

HON. NINO CARLO C. BAUTISTA
CITY COUNCILOR

HON. KIRK LOUIS NICOLAS
CITY COUNCILOR

HON. MICHAEL M. AQUINO
CITY COUNCILOR

HON. HENRICO C. CAPULE
CITY COUNCILOR

HON. NOEL S. PINEDA
CITY VICE MAYOR

HON. PATRICK S. BRELA CRUZ
CITY COUNCILOR

HON. DIONISIO C. MENA
CITY COUNCILOR

HON. ABEL CARLOS B. SOTO
CITY COUNCILOR

HON. LUIS ALFONSO M. ARCEGA
CITY COUNCILOR

HON. EDUARDO F. DOMINGO
CITY COUNCILOR

HON. EMANUEL SACAY
CITY COUNCILOR

HON. DENNIS D. SAN DIEGO
CITY COUNCILOR


HON. PATRICK S. DE LA CRUZ
CITY COUNCILOR

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

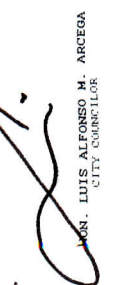
No public hearing shall be conducted until after the Committee on Land Use has received the following:

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


HON. DIONISIO C. MENDOZA
CITY COUNCILOR


HON. MIGUEL CARLOS B. SOTO
CITY COUNCILOR

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


HON. LUIS ALFONSO M. ARCEGA
CITY COUNCILOR

Approval of an application for reclassification shall be by ordinance approved by majority of all the members of the Sangguniang Panlungsod.

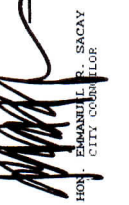
SECTION 4. - Section 15 of City Ordinance No.32-2005 shall be amended and read as follows:

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

- a. Misrepresentation or concealment of material facts in the application;
- b. Failure to commence implementation of the proposed project within three (3) months from the approval of the **subsequent Development Permit duly issued and approved by the Local Chief Executive;**
- c. Failure to complete the proposed project within three (3) years from the approval of the **subsequent Development Permit duly signed and approved by the Local Chief Executive;**
- d. Failure to comply with any of the conditions imposed for the reclassification of the land.


HON. EDGARDO F. DOMINGO
CITY COUNCILOR

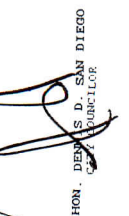
The Committee on Land Use, the City Planning and Development Officer, or any city taxpayer may, by verified petition file with the Sangguniang Panlungsod, initiate summary proceedings for the withdrawal of the reclassification.


HON. EMANUEL R. SACAY
CITY COUNCILOR

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


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


SECTION 5. - PENALTY - Any owner or developer who violated the provisions under Section 15 hereof and any provision of City Ordinance No. 32-2005, shall be penalized as follows: Fine of Five Thousand Pesos for every violation per day from the receipt of Notice of Violation until their actual stoppage and/or revocation of Development Permit issued by the City Mayor and other related Permits and/or revocation of the Sangguniang Panlungsod (Reclassification and/or Development Plan and/or Special Use Permit).


HON. DENNIS D. SAN DIEGO
CITY COUNCILOR





HON. FRANCISCO J. CASTRO
CITY COUNCILOR


HON. NINO CARLO C. BALLISTA
CITY COUNCILOR


HON. KIRK LOUIS NICOLAS
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CITY COUNCILOR

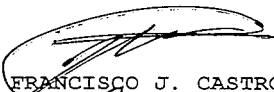
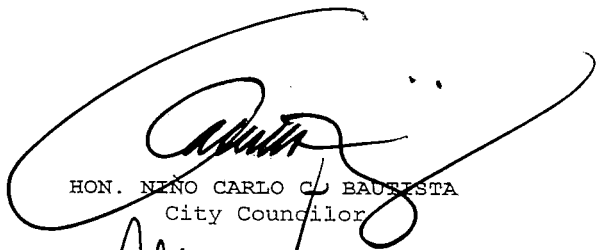
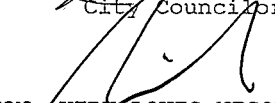
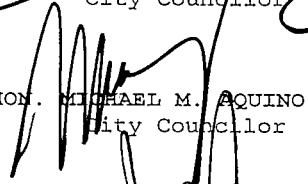
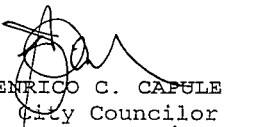
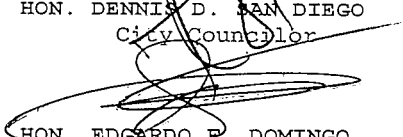
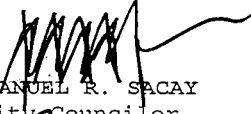
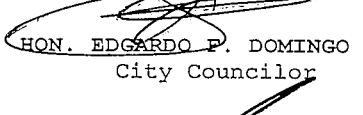
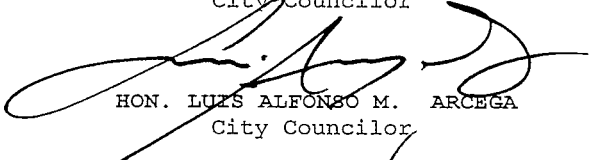
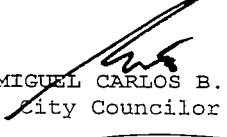
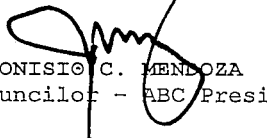
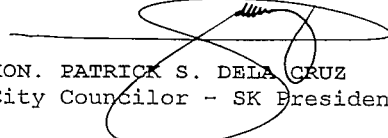

HON. NOEL G. PINEDA
CITY VICE MAYOR

SECTION 6. - REPEALING CLAUSE - All other laws, decrees, orders, issuances, rules and regulations which are inconsistent with the provisions of this Ordinance are hereby repealed, amended or modified accordingly.

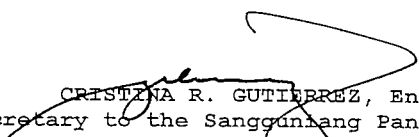
SECTION 7. - SEPARABILITY CLAUSE - If for any reason, any part or provision of this Ordinance shall be held to be unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

SECTION 8. - EFFECTIVITY CLAUSE - This Ordinance shall take effect fifteen (15) days after approval.

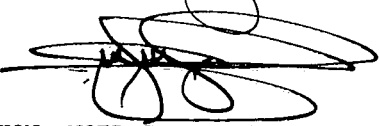
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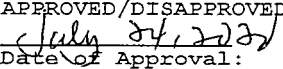
 HON. FRANCISCO J. CASTRO City Councilor	 HON. NIÑO CARLO C. BAUTISTA City Councilor
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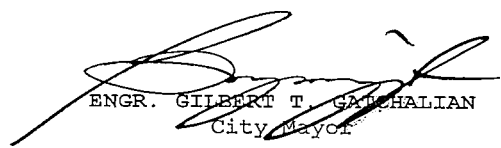
I HEREBY CERTIFY that the aforementioned City Ordinance was duly approved by the Sangguniang Panlungsod of Malolos.


CRISTINA R. GUTIERREZ, EnP
Secretary to the Sangguniang Panlungsod

ATTESTED BY:


HON. NOEL G. PINEDA
City Vice Mayor - Presiding Officer

APPROVED/DISAPPROVED:

Date of Approval:


ENGR. GILBERT T. GATCHALIAN
City Mayor

*absent

*Dhorie Trogo*07132020