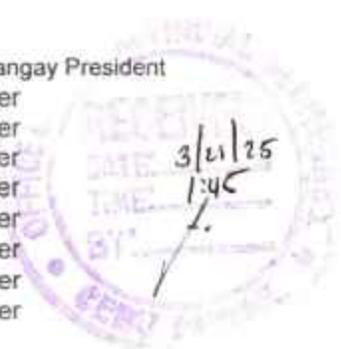




EXCERPT FROM THE MINUTES OF THE 131ST REGULAR SESSION OF THE 5TH SANGGUNIANG PANLUNGSOD (SP) HELD AT THE SP SESSION HALL, LEGISLATIVE BUILDING, EAST POBLACION, CITY OF NAGA, CEBU ON MARCH 05, 2025.

PRESENT:

HON. VIRGILIO M. CHIONG	- Vice Mayor /Presiding Officer
HON. CLINT ISIDRO A. CHIONG	- Presiding Officer Pro Tempore
HON. CARMELINO N. CRUZ, JR.	- Majority Floor Leader
HON. SCOTT JUVENAL A. CHIONG	- Assistant Majority Floor Leader/Liga ng mga Barangay President
HON. AURELIO B. ALINSONORIN	- Sangguniang Panlungsod Member
HON. CHARMAINE R. NAVARRO	- Sangguniang Panlungsod Member
HON. RAY A. MANABAT	- Sangguniang Panlungsod Member
HON. JUSTINO L. DAKAY	- Sangguniang Panlungsod Member
HON. DOMINADOR A. LIBOR	- Sangguniang Panlungsod Member
HON. LETECIA F. ABANGAN	- Sangguniang Panlungsod Member
HON. ELMER JOHN R. LAPITAN	- Sangguniang Panlungsod Member
HON. AMELITA M. LARA	- Sangguniang Panlungsod Member
HON. FAITH JAMES B. SERVANO	- SK Federation President



ORDINANCE NO. 2025-56

Sponsor: **Hon. Dominador A. Libor**

Chairperson: *Committee on Housing, Urban Planning and Land Utilization*

RECLASSIFYING AGRICULTURAL LAND SPECIFICALLY DESCRIBED AS CADASTRAL LOT 6698 INTO NON-AGRICULTURAL USE LOCATED IN BARANGAY LANGTAD, CITY OF NAGA, CEBU, AND FOR THAT PURPOSE AMENDING THE CITY'S 2022 REVISED COMPREHENSIVE ZONING ORDINANCE SUBJECT TO EXISTING LAWS, APPLICABLE RULES AND REGULATIONS

EXPLANATORY NOTE

Section 20 of Republic Act (RA) 7160 otherwise known as the Local Government Code (LGC) of 1991 provides that cities and municipalities may, through an ordinance passed by the Sanggunian after conducting public hearings for the purpose, authorize the reclassification of agricultural lands into non-agricultural uses within their respective jurisdictions.

Section 1(a) of Presidential Memorandum Circular (MC) No. 54 series of 1993, titled: **"Prescribing the Guidelines Governing Section 20 of RA 7160 of 1991 Authorizing Cities and Municipalities to Reclassify Agricultural Lands into Non-Agricultural Uses"** provides that "Cities and municipalities with comprehensive land use plans reviewed and approved in accordance with EO 72 (1993), may authorize the reclassification of agricultural lands into non-agricultural uses and provide for the manner of their utilization or disposition, subject to the limitations and other conditions prescribed in the LGC.

The City Council's legislative action stemmed from the variance application of Cebu Landmasters Inc. (CLI), a Cebu-based real estate developer, for land reclassification to pave the way for the expansion of its Casa Mira South Project 4A covering Cadastral Lot 6698 classified as agricultural zone (protection agricultural sub-zone) with an area of 3.0079 hectares located in the hilly portion of Barangay Langtad, City of Naga, Cebu.

For its part, the Department of Agriculture (DA) Regional Field Office No. VII issued a Certification for Land Use Reclassification of Agricultural Lands dated October 14, 2024, stating therein the reasons for its recommendation pertaining to the aforementioned property, to wit:

- *The lot ceases to be economically feasible and sound for agricultural purposes;*
- *The lot area applied is dominantly outside the SAFDZ (Strategic Agriculture and Fisheries Development Zone);*

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- *This certification shall not be construed as a Conversion Order which is to be issued by the Department of Agrarian Reform (DAR) and subject to existing limitations and applicable rules and regulations.*

In relation thereto, the Sangguniang Barangay of Langtad conducted a public hearing on February 06, 2025 and passed Resolution No. 013 series of 2025 favorably endorsing to the City Council the proposed expansion of Casa Mira Phase 4A, and the amendment of the 2022 Revised Comprehensive Zoning Ordinance of the City of Naga, Cebu.

The SP Secretariat received the barangay resolution attached with pertinent documents such as the minutes of the public hearing, the attendance sheets and photos on February 21, 2025.

Acting on the matter, the SP Committee on Housing, Urban Planning and Land Utilization, chaired by Hon. Dominador A. Libor, conducted a committee meeting to review the above-subject application of CLI, deliberate on its validity and make proper recommendation to the Body.

While the Committee found merit on the request for land reclassification, it stressed that the expansion project should adhere solely to the DA-issued Certification for Land Use Reclassification, specifically the technical description thereof, otherwise the Body may take steps to revert the subject property to its old classification.

In its report, the Committee called on the CLI to concretely address the concerns raised by residents in the public hearing about the drainage problem, unstable slope protection, and improper drainage outfall.

Finding compliance with the mandated provisions of RA 7160 and the guidelines set forth in MC No. 54 (1993), the August Body considered it justifiable to enact this proposed measure reclassifying the subject property from agricultural land to non-agricultural use, and for that purpose amending the city's zoning ordinance.

BE IT ORDAINED, as it is hereby **ORDAINED** by the Sangguniang Panlungsod of the City of Naga, Cebu, in a session duly assembled, that:

SECTION 1. TITLE. - This Ordinance shall be known as: **RECLASSIFYING AGRICULTURAL LAND SPECIFICALLY DESCRIBED AS CADASTRAL LOT 6698 INTO NON-AGRICULTURAL USE LOCATED IN BARANGAY LANGTAD, CITY OF NAGA, CEBU, AND FOR THAT PURPOSE AMENDING THE CITY'S 2022 REVISED COMPREHENSIVE ZONING ORDINANCE SUBJECT TO EXISTING LAWS, APPLICABLE RULES AND REGULATIONS**

SECTION 2. DEFINITION OF TERMS. - As used in this ordinance.

1. *Reclassification* – refers to the act of the City Government through an ordinance of the Sangguniang Panlungsod specifying how agricultural land shall be utilized for non-agricultural uses.
2. *Conversion* – refers to the process of changing the actual use of agricultural land into other uses as approved by the Department of Agrarian Reform (DAR) in accordance with Section 65 of RA 6657 (Comprehensive Agrarian Reform Law of 1988).
3. *Agricultural Land* – per RA 6657, refers to land devoted to agricultural activity and not classified as mineral, forest, residential, commercial or industrial land.

4. *Land Use Plan* – a comprehensive plan presented through a land use map indicating the socially desired mix of land used and a set of policies to guide future development.
5. *Zoning Ordinance* – is the legal regulations that divide a community into zones for different uses, such as residential, agricultural, or commercial and regulate lot size, density and architectural style.
6. *Actual Use* – refers to the purpose by which the property is principally or predominantly utilized by the person in possession of the property.

SECTION 3. LIMITATIONS. – The City Government through the Sangguniang Panlungsod may authorize the reclassification of agricultural lands into non-agricultural uses and provide for the manner of their utilization or disposition, subject to the limitations and other conditions prescribed in Section 20 of the LGC and DA MC No. 54:

- a. *Agricultural lands may be reclassified to non-agricultural uses only under the following conditions:*
 1. *When the land ceases to be economically feasible and sound for agricultural purposes as determined by the DA in accordance with the standards and guidelines prescribed for the purpose; and*
 2. *Where the land shall have substantially greater economic value for residential, Commercial or industrial purpose, as determined by the Sanggunian concerned.*
- b. *As prescribed by law, the reclassification shall not exceed the allowed minimum percentage of the total agricultural land of a component city which is ten percent (10%) of its total agricultural area.*

SECTION 4. COVERAGE. - As stated in the Certification of Land Use Reclassification of Agricultural Lands issued by the DA Regional Field Office VII, the coverage of land reclassification and expansion of the same shall limit only to the technical description of Cadastral Lot 6698, with details specified below as follows:

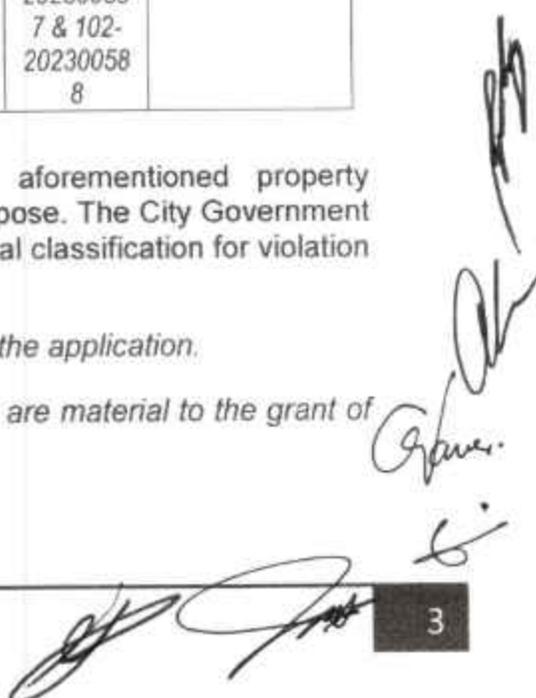
LOCATION	REGISTERED OWNER	GEOGRAPHICAL COORDINATES (LONGITUDE, LATITUDE)	PROPOSED USE FOR RECLASSIFICATION	AREA APPLIED	RECOMMENDATION
Langtad, Naga City Cebu	Cebu Landmaster, Inc.	Longitude(E): Latitude (N) 123°43'24.75"; 10°11'14.97" 123°43'33.53"; 10°11'07.67" 123°43'32.31"; 10°11'09.52"	Residential	3.0079 Ha./TCT no. 102-20230058 7 & 102-20230058 8	Proceed to Reclassification

SECTION 5. CANCELLATION/REVERSION. - The aforementioned property reclassified under this ordinance shall be used solely for the purpose. The City Government shall cancel the authorization and revert the property to its original classification for violation of any of the following grounds, to wit:

- a. *Misrepresentation or concealment of material facts in the application.*
- b. *Any other violation of the rules and regulations which are material to the grant of the reclassification.*

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SECTION 6. SEPARABILITY CLAUSE. - If for any reason, any section of provisions of this ordinance is declared illegal or unconstitutional, the other provisions which are not affected thereby shall continue to be in full force and effect.

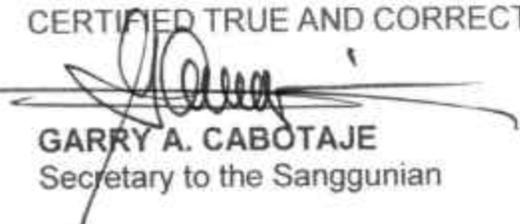
SECTION 7. REPEALING CLAUSE. - All ordinances, executive orders, memoranda and other local issuances or parts thereof inconsistent with the provisions of this ordinance are hereby repealed or modified accordingly.

SECTION 8. EFFECTIVITY CLAUSE. - This ordinance shall take effect in accordance with the provisions of the RA 7160 or the LGC of 1991 and its Implementing Rules and Regulations and other pertinent laws as may be applicable.

ENACTED BY THE SANGGUNIANG PANLUNGSOD, CITY OF NAGA, CEBU, on motion of Hon. Dominador A. Libor, seconded by Hon. Clint Isidro A. Chiong, in its 131st regular session held on the 5th day of March 2025.

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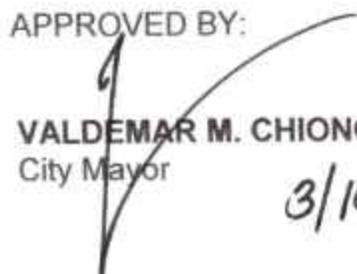
CERTIFIED TRUE AND CORRECT:


GARRY A. CABOTAJE
Secretary to the Sanggunian

ATTESTED BY:


VIRGILIO M. CHIONG
Vice Mayor/Presiding Officer

APPROVED BY:


VALDEMAR M. CHIONG
City Mayor

3/10/2025





