



Republic of the Philippines
Province of Zamboanga del Norte
Municipality of Polanco

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OFFICE OF THE SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF THE 79TH REGULAR SESSION OF THE 11TH SANGGUNIANG BAYAN OF POLANCO, ZAMBOANGA DEL NORTE, HELD AT THE SANGGUNIANG BAYAN SESSION HALL, THIS MUNICIPALITY, ON FEBRUARY 14, 2024.

PRESENT:

Hon. Alfredo S. Bait-it

Municipal Vice Mayor
(Presiding Officer)

Hon. Ivo M. Mandantes

Sangguniang Bayan Member

Hon. Romer B. Ladera

Sangguniang Bayan Member

Hon. Venson O. Opulentisima

Sangguniang Bayan Member

Hon. Shaia Ruth R. Uy

Sangguniang Bayan Member

Hon. Cristoven E. Insoy

Sangguniang Bayan Member

Hon. Jennifer O. Rodrigo

Sangguniang Bayan Member

Hon. Gerard Vicson S. Opulentisima

Sangguniang Bayan Member

ABSENT:

Hon. Leopoldo P. Atad

Liga President/SB Member (O.B.)

Hon. Mark Angelo W. Pagente

SK Federation President/SB Member (O.B.)

MUNICIPAL ORDINANCE NO. 24-69

AN ORDINANCE PRESCRIBING THE GUIDELINES FOR RECLASSIFICATION OF LANDS WITHIN THE MUNICIPALITY OF POLANCO, ZAMBOANGA DEL NORTE AND IMPOSING FEES FOR THE APPLICATION THEREOF.

Be it ordained by the Sangguniang Bayan of Polanco, Zamboanga del Norte, in session assembled, that:

SECTION 1. Title – This ordinance shall be known as the *“Land Reclassification Ordinance of the Municipality of Polanco, Zamboanga del Norte”*.

SECTION 2. Scope – This ordinance covers all applications for reclassification of lands within the Municipality of Polanco subject to the limitations prescribed in this ordinance and other related laws of the Republic of the Philippines.

SECTION 3. Reclassification of Agricultural Lands – (a) Agricultural lands may be reclassified in the following cases:

- (1) When the land ceases to be economically feasible and sound for the agricultural purposes as determined by the Department of Agriculture (DA), in accordance with standards and guidelines prescribed for the purpose; or
- (2) Where the land shall have substantially greater economic value for the residential, commercial, or industrial purposes as determined by the Sanggunian.

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(b) However, reclassification of agricultural lands shall be limited to a maximum of ten percent (10%) of the total agricultural land of the municipality at the time of the application, unless exemption is granted in accordance with existing laws and regulations;

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

- (1) Agricultural lands distributed to agrarian reform beneficiaries subject to Section 65 of R.A. 6557;
- (2) Agricultural lands already issued a notice of coverage or voluntarily offered for coverage under CARP;
- (3) Agricultural lands identified under AO 20, s. 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 form 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, 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 Bayan;
- (2) Special Power of Attorney, in case the applicant is other than the owner of the land;
- (3) Certified True Copy of the Original / Transfer Certificate of Title and other documents establishing ownership;
- (4) Certificate of Updated Real Property Tax Payments;
- (5) Locational Plan or Vicinity Map as certified by a Geodetic Engineer;
- (6) Subdivision plan, in case only a portion of a title is sought to be reclassified;
- (7) Detailed feasibility study of the proposed project or intended use of the land;
- (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;
- (9) Barangay Resolution endorsing the proposed project;
- (10) Certification from the National Irrigation Administration (NIA) that the land is not irrigated or irrigable as described under Section 3 (c) (3) hereof;
- (11) Certification from the Department of Agriculture indicating the reclassification is in consonance with Section 3 (a) and (b) hereof and that land is not necessary for the food sufficiency program; and
- (12) A certification from DAR indicating that such lands are not distributed or not covered by a notice of coverage or not voluntarily offered for coverage under CARP.

SECTION 5. 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 6. Requirements for Reclassification – Prior to the enactment of an ordinance reclassifying non-agricultural lands, the applicant must first secure the following documents:

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- (1) Letter of Application in the name of the owner of the land addressed to the Sangguniang Bayan;
- (2) Special Power of Attorney, in case the applicant is other than the owner of the land;
- (3) Certified True Copy of the Original / Transfer Certificate of Title and other documents establishing ownership;
- (4) Certificate of Updated Real Property Tax Payments;
- (5) Locational Plan or Vicinity Map as certified by the Municipal Assessor;
- (6) Subdivision plan, in case only a portion of a title is sought to be reclassified;
- (7) Detailed feasibility study of the proposed project or intended use of the land;
- (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;
- (9) Barangay Resolution endorsing the proposed project;
- (10) 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 7. Application – All applications shall be addressed and submitted before the Office to the Sangguniang Bayan for the mandatory three (3) readings.

SECTION 8. Referral to the Committee – Upon receipt of the application, the Secretary to the Sanggunian shall calendar the same on the next regular session for its referral to the Committee on Land Use Regulations.

SECTION 9. Public Hearing – Pursuant to existing laws, the committee shall conduct public hearing to determine public acceptance of the proposed reclassification and for clarificatory questions and/or inquiries.

SECTION 10. Imposition of Fees – The following fees shall be imposed for the reclassification of agricultural and non-agricultural lands:

No. of Hectares	Application Fee	Inspection Fee
Two (2) hectares below	P1,000.00	P500.00
Five (5) hectares below	P1,500.00	P1,000.00
Ten (10) hectares below	P2,000.00	P1,500.00
Fifteen (15) hectares below	P2,500.00	P2,000.00
Fifteen (15) hectares above	P3,000.00	P3,000.00

SECTION 11. Surcharge – In case an owner of a lot introduced improvements in the land before applying for a reclassification, or before the passage of the ordinance or without prior written consent from the Sanggunian, an additional One Peso (P1.00) per square meter shall be collected apart from the fees indicated in the next preceding provision.

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SECTION 12. 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 Sangguniang Bayan.

Violation of any of the provisions herein set forth shall be penalized with a fine in the amount of Two Thousand Five Hundred Pesos (P2,500.00) or imprisonment of not more than six (6) months or both at the discretion of the court.

The President in case of corporation, the owner if sole proprietor, will be held liable in so far as impositions of penalties is concerned.

SECTION 13. Two (2) Year Prohibition – A land may only be reclassified once for a period of two (2) years starting from the passage of an ordinance reclassifying the same.

SECTION 14. Reversion – A land reclassified under this ordinance shall be used solely for the purpose intended as stated in the ordinance 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 15. Declaration of Intent to Conform with Law. – This Ordinance is subject to national laws, rules and regulations governing its subject matter.

SECTION 16. Repealing Clause. – All ordinances, rules and regulations, or part thereof, in conflict with, or inconsistent with any provisions of this Ordinance are hereby repealed or modified accordingly.

SECTION 17. Separability Clause. – If, for any reason, any section or provision of this ordinance or any part thereof, or the application of such section, provision or portion is declared invalid or unconstitutional, the remainder thereof shall not be affected by such declaration.

SECTION 18. Effectivity – This Ordinance shall take effect after compliance of posting and publication requirements.

I HEREBY CERTIFY to the correctness of the foregoing Ordinance to the best of my knowledge and belief.

V. Cabrera
VILMA A. CABRERA
Acting Secretary to the SB

CERTIFIED CORRECT AS TO ITS PASSAGE:

[Signature]
ALFREDO S. BANTIT
Municipal Vice Mayor
(Presiding Officer)

APPROVED: MAR 06 2024

[Signature]
EVAN HOPE D. OLVIS
Municipal Mayor