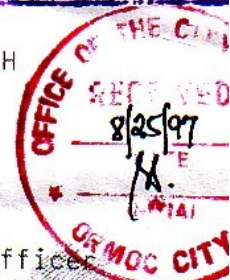
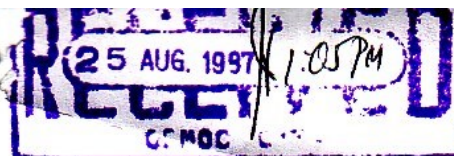


REPUBLIKA NG PILIPINAS
SANGGUNIANG PANLUNGSOD
LUNGSOD NG ORMOC



EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE SEVENTH
SANGGUNIANG PANLUNGSOD NG ORMOC HELD AT THE HONORABLE
PLACIDO ENECIO HALL, SANGGUNIANG PANLUNGSOD
BUILDING ON AUGUST 21, 1997

PRESENT:

| | |
|----------------------------------|---|
| Hon. Benjamin F. Tugonon, | Vice-Mayor & Presiding Officer, |
| Hon. Celso P. Adolfo, | Majority Floor Leader, Kagawad |
| Hon. Benjamin B. Lladoc, | Kagawad |
| Hon. Sotero M. Pepito, | Kagawad |
| Hon. Alfredo F. Capahi, | Kagawad |
| Hon. Jose C. Alfaro, Jr., | Kagawad |
| Hon. Gregorio A. Yrastorza, Jr., | Kagawad |
| Hon. Mariano Y. Corro, | Minority Floor Leader, Kagawad |
| Hon. Chiqui B. Labagala, | SK Federation President, Ex-Officio, Kagawad |
| Hon. Deborah Robin B. Conejos, | (Appointed in lieu of Hon. Jose B. Conejos who resigned), Kagawad |

FORCED LEAVE:

| | |
|-----------------------------|---|
| Hon. Claudio P. Larrazabal, | Asst. Majority Floor Leader, Kagawad |
| Hon. Manuel T. Fiel, | Kagawad |
| Hon. Fernando P. Parrilla, | Chapter Pres., Liga ng mga Barangay ng Ormoc, Ex-Officio, Kagawad |

RESOLUTION NO. 97-147

EXPLANATORY STATEMENT

This Ordinance is enacted pursuant to Section 20, paragraph (a), item 2 of Republic Act 7160 otherwise known as "the Local Government Code of 1991", which provides, thus:

SECTION 20. RECLASSIFICATION OF LANDS

- A. A City or Municipality may, through an ordinance passed by the sangguniang after conducting public hearing for the purpose, authorize the reclassification of agricultural lands and provide for the manner of their utilization or disposition in the following cases. . .
- (2) where the land shall have substantially greater economic value for residential, commercial or industrial purposes, as determined by the Sangguniang concern; 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 third class municipalities, ten percent (10%);
- (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. 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 govern by Section 65 of the said Act.

WHEREAS, the identified site of the proposed Provincial Industrial Center (PIC) of Leyte in the barangays of Luna, Dayhagan and Dolores, Ormoc City, endorsed by the City Development Council of Ormoc, as evidenced in the CDC Resolution No. 1, series of 1997 and duly approved by the Sangguniang Panlungsod ng Ormoc through Resolution No. 97-23, dated February 13, 1997, is within the agricultural zone, per approved Land Use Plan and Zoning Ordinance No. 14 series of 1977 per certification issued by the Deputized Zoning Administrator of HLURB, dated February 25, 1997 and a certification also issued by the City Planning and Development Officer of Ormoc, dated February 18, 1997, marked as annex "A", "B" and "C" respectively;

WHEREAS, per certification issued by the National Irrigation Administration (NIA), dated November 5, 1996, due to its topography, the area is not covered by irrigation nor scheduled for irrigation rehabilitation nor irrigation area with firm funding commitments, marked as annex "D";

WHEREAS, the locality within which the proposed PIC would be located, has become urbanized and would have substantially greater economic value for industrial use, per certification issued by Ormoc City Mayor Eufrocino M. Codilla, Sr., dated February 18, 1997, marked as annex "E", which is hereby confirmed and adopted by this Sanggunian;

WHEREAS, the proposed PIC would benefit the people and the local government of Ormoc City, as the same would bring more local and foreign investment into the city;

WHEREAS, the local and foreign investment in industrial activities would provide more employment and business opportunities for the people, and more revenues for local government of Ormoc City.

WHEREAS, based also on the executive summary report of the Master Plan for PICs and PIEs, marked as annex "F", of PKII ENGINEERS, an engineering consultant commissioned by the Department of Trade and Industry - Office of Special Concerns through the Project Management Office in Manila to conduct a preliminary study on the identified PICs nationwide, the economic benefits that would accrue from the operations of the proposed PIC would be in the form of:

1. Employment generated by industries locating in the PIC would generate higher income levels in the province and Ormoc City in particular;
2. Foreign exchange generation or saving from export oriented industries and import substitution; and
3. Dispersal of industries in the countryside which could result in more equitable distribution of income.

WHEREAS, per memorandum letter issued by the Asst. Secretary Richard Albert I. Osmond of the DTI - Office of Special Concerns, dated November 19, 1996, marked as annex "G", to all regional director of the said office, the identified PIC in the Province of Leyte, ranked number one (1) for implementation and be given priority in government assistance in terms of support activities, preparation of technical studies, fund sourcing, investment promotion and others;

WHEREAS, the area of the identified site of the proposed PIC is TWO HUNDRED FIFTY (250) HECTARES and within the limit set as described under Section 20 of the Local Government Code of 1991 and Article 39, Rule VII (Reclassification of Agricultural Lands) of the implementing Rules and Regulation of the Local Government Code, as record shows that the City of Ormoc has a total agricultural area of 43,275.9641 Hectares, more or less, per certification issued by the City Agricultural Services Office (CASO) of Ormoc, dated October 2, 1996, marked as annex "H";

WHEREAS, the Department of Agriculture's Regional Land Use Technical Working Group and the Regional Director has issued the following Certification, to wit:

1. the total area of existing agricultural lands in Ormoc City based on the approved Comprehensive Land Use prior to the reclassification herein sought;
2. that the lands to be reclassified are not classified as non-negotiable for conversion or reclassification under Administrative Order (A.O. No. 20);

WHEREAS, the Department of Agrarian Reform's Regional Center for Land Use Policy, Planning and Implementation has issued the following Certifications, to wit:

1. that the lands sought to be reclassified are not distributed or covered by Notice of Acquisition under CARP;
2. recommending grant of request for reclassification specifying locating, lot numbers, OCTs/TCTs and TDs numbers and the corresponding area and land-owners (this is to be issued by the Regional Director of DAR);

WHEREAS, consultations and public hearing were conducted on the social acceptability of the proposed PIC, shows that the residents of Barangays Luna, Dayhagan and Dolores, as well as other residents of Ormoc City, support the reclassification, as evidenced in the Barangay Resolutions all numbered 02, 1997, marked as Annex "I", "J" and "K" respectively, adopted by the Barangay Councils of Luna, Dayhagan and Dolores, Ormoc City and minutes of the public hearing conducted on February 13, 1997 of the proposed PIC project social acceptability, marked as annex "L";

WHEREAS, a public hearing was also conducted on June 3, 1997, by the Honorable Members of this Sanggunian attended by the constituents of Ormoc City, especially by the residents of the affected and neighboring barangays, where the proposed area for reclassification into an industrial zone intended for the proposed PIC project is located. Consequently, it was unanimously endorsed and approved by those in attendance per attached minutes of the public hearing conducted for the purpose, marked as Annex "M";

NOW, THEREFORE, on motion of Kagawad Mariano Y. Corro, Chairman, Committee on Laws & Ordinances, for and in behalf of Kagawad Manuel T. Fiel, Chairman, Committee on Zoning & Beautification, severally seconded by mga Kagawad Chiqui B. Labagala, Benjamin B. Lladoc, Deborah Robin B. Conejos, Gregorio A. Yrastorza, Jr. and Alfredo F. Capahi; be it

RESOLVED, AS IT IS HEREBY RESOLVED, to pass and enact:

ORDINANCE NO. 62

AN ORDINANCE RECLASSIFYING AN AREA IDENTIFIED AS THE SITE OF THE PROPOSED PROVINCIAL INDUSTRIAL CENTER (PIC) OF LEYTE AT THE BARANGAYS OF LUNA, DAYHAGAN AND DOLORES, ORMOC CITY, FROM AGRICULTURAL TO INDUSTRIAL USE, THEREBY AMENDING ARTICLE IV OF ORDINANCE NO. 14, DATED DECEMBER 20, 1977, ENTITLED: "THE COMPREHENSIVE ZONING ORDINANCE FOR THE CITY OF ORMOC".

BE IT ENACTED, by the Seventh Sangguniang Panlungsod ng Ormoc in SESSION assembled, That:

ARTICLE I

TITLE OF THE ORDINANCE

SECTION 1. This Ordinance shall be known as the 1997 AMENDATORY ORDINANCE OF ORDINANCE NO. 14, DATED DECEMBER 20, 1977, ENTITLED: "THE COMPREHENSIVE ZONING ORDINANCE FOR THE CITY OF ORMOC".

ARTICLE II

AMENDMENT

SECTION 1. Amendment: Article IV - Zoning District, Section 2 and 3, official zoning map and zoning boundaries respectively of Ordinance No. 14 dated December 20, 1977, otherwise known as the Zoning Ordinance of Ormoc City, amending Zoning Ordinance No. 9, is hereby amended to include the area identified as the Provincial Industrial Center (PIC) of Leyte, as described in the succeeding Article.

ARTICLE III

ZONE CLASSIFICATION

SECTION 1. Zone Boundaries: The Industrial Zone/District (I-1 * 1-2) as identified in Zoning Ordinance No. 14 is hereby amended to include the PROVINCIAL INDUSTRIAL CENTER (PIC) of the Province of Leyte described as follows:

"The PROVINCIAL INDUSTRIAL CENTER (PIC) located at the central portion of the City of Ormoc, covering Barangay Luna, Dolores and Dayhagan excluding the poblacion of Barangay Luna, Bounded on the northwestern portion by agricultural land with Lot Nos. 7142, 7144, 10965, 7202, 7193, 7192, 7225, 7228, 7229, 7230 of Brgy. Dayhagan, Lot. Nos. 7234, 7235, 7279, 7285, 7286, 7306 of Barangay Luna and Lot No. 7305 of Barangay Dolores, on the northeastern portion by agricultural land, built-up area of Barangay Dolores with Lot Nos. 7305, 7308, 7307, 7283, 7317, 7316, 7320, 7322 and 2550 and the Provincial Road going up to Barangay Tongonan, on the southeastern portion by Anilao River, and on the southwestern portion by agricultural land with Lot Nos. 4499, 7105, 7125, 7126, 7123, 7130 of Barangay Luna and Lot Nos. 7133, 7141, 7142 of Barangay Dayhagan and the Provincial Road going down to Ormoc City proper, containing an area of TWO HUNDRED FIFTY (250) hectares more or less."

SECTION 2. Zoning Map: as amended hereof, is hereby adopted as an integral part of this Ordinance, the official Zoning Map for the whole City of Ormoc, wherein the designation, location and boundaries of the district/zone herein established are shown and indicated.

ARTICLE IV

ZONE REGULATIONS

SECTION 1. General Provision: The PIC of Ormoc City is a Light Industrial Zone (I-1); Only manufacturing/processing establishments which are non-environmentally critical and/or those which will not cause public risk shall be allowed in the said zone. The Sangguniang Panlungsod ng Ormoc through the recommendation of the City Planning and Development Office shall, may allow other uses, provided that allowance of further uses shall be based on the intrinsic qualities of the land and the socio-economic potential of the locality with regard to the maintenance of the essential qualities of the zone.

ENVIRONMENTALLY CRITICAL PROJECT (ECP) - A project that has high potential for significant negative environmental impact and is listed as such under Presidential Proclamation No. 2146, series of 1981 and Pres. Proc. No. 803, series of 1996, as well as other projects which the President may proclaim as environmentally critical in accordance with Section 4 of P.D. 1586.

Public Risk - Exposure of public health or the environment to toxic substances, hazardous or organic waste, extraction of natural resources, or activities or structures that could endanger life, health, property, or the environment.

SECTION 2. AREA REGULATION. In all zones stakeholders/locators shall conform with the minimum requirement of the existing code such as:

- A) 1. P.D. 957 The "Subdivision and Condominium Buyers Protective Law" and its revised implementing rules and regulations.
2. B.P. 220 "Promulgation of Different Levels of Standards and Technical Requirements for Economic and Socialized Housing Projects" and its revised implementing rules and regulations.
3. P.D. 1096 National Building Code
4. Fire Code
5. Sanitation Code
6. Plumbing Code
7. Structural Code
8. Executive Order No. 648
9. And other relevant guidelines promulgated by the national agencies concerned.
- B) In the interest of public service and in order to promote ecological balance and protection of the environment Department Administrative Order No. 97-05 referring to the procedures in the retention of areas within certain distances along the Banks of Rivers, streams, and shores, and seas, lakes and oceans for environmental protection is adopted in toto. (Annex A)
- C) Further, in consonance with the aforementioned Department Administrative Order, notwithstanding the reclassification of these areas as industrial zones, strips of lands within 20 meters from ridges/edges of lakes, ravines, arroyos, mesas, banks of rivers and streams, especially along the banks of Anilao and Malbasag Rivers, which are crucial to ensure environmental protection, should be retained as forested areas and not subject for sale and/or construction except those provided in DAO 97-05.

SECTION 3. EASEMENT. Pursuant to the provisions of the Water Code - The banks of rivers and streams and the shores of the seas and lakes throughout their entire length and within a zone of three (3) meters in urban area; twenty (20) meters in agricultural areas and forty (40) meters in forest areas, along their margins, are subject to easement of public use in the interest of recreation, navigation, floatage, fishing and salvage.

No person shall be allowed to stay in this zone longer than what is necessary for space or recreation, navigation, floatage, fishing or salvage or to build structures of any kind.

SECTION 4. BUFFER REGULATIONS. A buffer of 3 meters shall be provided along entire boundary length between two or more conflicting zones allocating 1.5 meters from each side of the district boundary. Such buffer strip should be open and not encroached upon by any building or structures and should be a part of the yard or open space.

SECTION 5. SPECIFIC PROVISIONS IN THE NATIONAL BUILDING CODE. Specified provisions stipulated in the National Building Code (PD 1096) as amended thereto relevant to traffic generators, advertising and business signs, erection of more than one principal structure, dwelling or rear lots, access yard requirements and dwelling groups, which are not in conflict with the provisions of the Zoning Ordinance, shall be observed.

SECTION 6. ENVIRONMENTAL COMPLIANCE CERTIFICATE (ECC). Notwithstanding the issuance of Locational Clearance, no environmentally critical projects and/or projects located in environmentally critical areas shall be commenced, developed or operated unless the requirements of ECC have been complied with in accordance of DAO No. 96-37 series of 1996.

ARTICLE V

ADMINISTRATION AND ENFORCEMENT

SECTION 1. REPEALING CLAUSE: All existing ordinance inconsistent with the provision of this Ordinance shall be deemed repealed and/or modified accordingly.

SECTION 2. Within ten (10) days after approval of this Ordinance, copies thereof shall be posted at conspicuous places, at City Hall, Executive and Legislative buildings and other public places for three consecutive weeks and shall be published, once in local newspaper of general circulation in Ormoc City.

SECTION 3. EFFECTIVITY CLAUSE: This Ordinance shall take effect upon the expiration of Notice of Publication, as provided in Section 2 and its full implementation shall be subject to review and approval by Housing and Land Use Regulatory Board (HLURB), as provided in Memorandum Circular No. 54, series of 1993.


ENACTED, August 21, 1997.

RESOLVED, FURTHER, to furnish a special copy of this Ordinance to Atty. Gonzalo CH. Tumalak, Regional Officer, Housing & Land Use Regulatory Board (HLURB), Region VIII, Tacloban City, in line with Article V Section 3 hereof for purposes of full implementation of this Ordinance wherein said issue is subject to review and approval by the said HLURBoard;

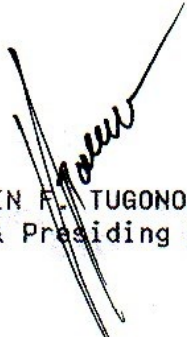
RESOLVED, FINALLY, to furnish copies of this Ordinance, one each, to Honorable Mayor Eufrocino M. Codilla, Sr., City Mayor; the City Administrator, the City Legal Officer, the City Planning & Development Coordinator, the City Engineer, the City Assessor, and other Offices concerned, -all in Ormoc City;

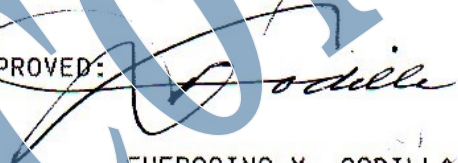
CARRIED UNANIMOUSLY.

I HEREBY CERTIFY to the correctness of the foregoing resolution-
ordinance.


OSCAR LASAM
Secretary to the
Sangguniang Panlungsod

ATTESTED:


BENJAMIN F. TUGONON
Vice Mayor & Presiding Officer

APPROVED: 

EUFROCINO M. CODILLA, SR.
City Mayor

9/26/97
(Date)