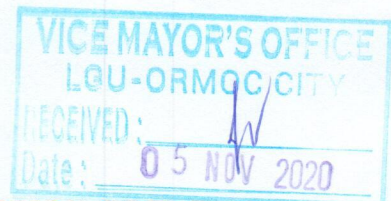
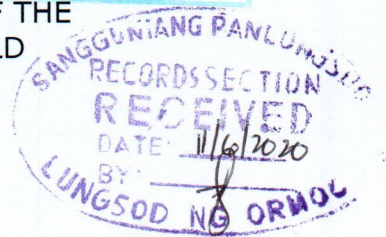


REPUBLIKA NG PILIPINAS
SANGGUNIANG PANLUNGSOD
LUNGSOD NG ORMOC



EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE
FIFTEENTH SANGGUNIANG PANLUNGSOD NG ORMOC HELD
AT THE SANGGUNIANG PANLUNGSOD SESSION HALL,
ORMOC CITY HALL BUILDING
ON NOVEMBER 03, 2020



PRESENT:

Leo Carmelo L. Locsin, Jr.	City Vice Mayor & Presiding Officer
Benjamin S. Pongos, Jr.,	SP Member
Roiland H. Villasencio,	SP Member
Tomas R. Serafica,	SP Member, Majority Floor Leader
Nolito M. Quilang,	SP Member
Eusebio Gerardo S. Penserga,	SP Member
Jasper M. Lucero,	SP Member, Asst. Majority Floor Leader
Peter M. Rodriguez,	SP Member
Vincent L. Rama,	SP Member
Gregorio G. Yrastorza III,	SP Member
Lalaine A. Marcos,	SP Member
Esteban V. Laurente,	Ex-Officio SP Member, Chapter President, Liga ng mga Barangay ng Ormoc
Joan Marbie C. Simbajon,	Ex-Officio SP Member, Chapter President, Panlungsod na Pederasyon ng mga Sangguniang Kabataan ng Ormoc

RESOLUTION NO. 2020-356

A RESOLUTION DENYING THE APPLICATION OF BRIA HOMES, INC. FOR PRELIMINARY SUBDIVISION AND DEVELOPMENT PLAN (PSDP) UNDER BATAS PAMBANSA (BP) BILANG 220, AS AMENDED, (ECONOMIC AND SOCIALIZED HOUSING), PARTICULARLY FOR LOCATIONAL CLEARANCE, LOCATED AT BRGY. MABINI, ORMOC CITY, WITH LOT NO. 3-A WITH AN AREA OF TWO HUNDRED SEVEN THOUSAND FIFTY-SIX (207,056) SQUARE METERS, MORE OR LESS, UNDER TRANSFER CERTIFICATE OF TITLE (TCT) NO. 50542 OWNED BY MARIANO F. TAN DEVELOPMENT CORPORATION, FOR BEING CLASSIFIED AS PARKS AND OPEN SPACES PURSUANT TO THE 2000 COMPREHENSIVE LAND USE PLAN (CLUP) AND THE COMPREHENSIVE ZONING ORDINANCE OF ORMOC CITY 2002.

WHEREAS, this Fifteenth Sangguniang Panlungsod was in receipt of a Communication dated September 25, 2020 from the City Planning and Development Office (CPDO) regarding the application for Preliminary Subdivision and Development Plan (PSDP) under BP 220, as amended, of Bria Homes, Inc. located at Brgy. Mabini, Ormoc City, with Lot No. 3-A with an area of TWO HUNDRED SEVEN THOUSAND FIFTY-SIX (207,056) square meters, more or less, under TCT No. 50542 owned by Mariano F. Tan Development Corp., classified as Parks and Open Spaces pursuant to the approved Master Development Plan and Comprehensive Land Use Plan (CLUP) 2000, a copy of the Communication is hereto attached as "ANNEX A" and made an integral part hereof;

gub

WHEREAS, Paragraph 2 (x) Section 458 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, empowers this Sanggunian, subject to the national law, to process and approve subdivision plans for residential, commercial or industrial and other development purposes;

WHEREAS, as mentioned, under the City's approved CLUP of 2000, the subject property is classified as Parks and Open Spaces, and therefore, is not in conformity nor compatible with the application for Locational Clearance for the establishment of a residential subdivision, which is already included in the PSDP application pursuant to BP 220, as amended;

WHEREAS, in an Opinion dated August 19, 2020, the City Legal Office finds that under second paragraph, item number 4, section 2.2 of Article III Volume III of the Guide to Comprehensive Land Use Plan, the property in question is no longer agricultural, thus, the legislative act of reclassification is no longer the proper course of action, a copy of the Opinion is hereto attached as "ANNEX B" and made an integral part hereof;

WHEREAS, after careful review of the application for PSDP, particularly for Locational Clearance, for the establishment of a Residential Subdivision Project in Brgy. Mabini, this City, by Bria Homes, Inc., this Sanggunian concurs with the mentioned findings of the CPDO and, therefore, DENIES the same for being inconsistent to and not allowed by the City's approved Comprehensive Land Use Plan (CLUP) of 2000 and the Comprehensive Zoning Ordinance of 2000;

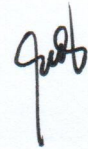
WHEREFORE, on motion of SP Member Benjamin S. Pongos, Jr., Chairman, Committee on Zoning, Housing, and Land Use, severally seconded by SP Members Tomas R. Serafica, Jasper M. Lucero, Gregorio G. Yrastorza III, Esteban V. Laurente and Peter M. Rodriguez; be it

RESOLVED, AS IT IS HEREBY RESOLVED, to pass A RESOLUTION DENYING THE APPLICATION OF BRIA HOMES, INC. FOR PRELIMINARY SUBDIVISION AND DEVELOPMENT PLAN (PSDP) UNDER BATAS PAMBANSA (BP) BILANG 220, AS AMENDED, (ECONOMIC AND SOCIALIZED HOUSING), PARTICULARLY FOR LOCATIONAL CLEARANCE, LOCATED AT BRGY. MABINI, ORMOC CITY, WITH LOT NO. 3-A WITH AN AREA OF TWO HUNDRED SEVEN THOUSAND FIFTY-SIX (207,056) SQUARE METERS, MORE OR LESS, UNDER TRANSFER CERTIFICATE OF TITLE (TCT) NO. 50542 OWNED BY MARIANO F. TAN DEVELOPMENT CORPORATION, FOR BEING CLASSIFIED AS PARKS AND OPEN SPACES PURSUANT TO THE 2000 COMPREHENSIVE LAND USE PLAN (CLUP) AND THE COMPREHENSIVE ZONING ORDINANCE OF ORMOC CITY 2002;

ADOPTED, November 03, 2020.

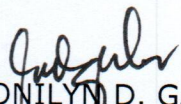
RESOLVED, FINALLY, to furnish copies of this resolution each to the City Mayor of Ormoc Richard I. Gomez; the City Administrator, Mr. Vincent L. Emnas; the City Legal Officer, Atty. Josephine Mejia-Romero; Bria Homes, Inc.; CPDO; the City Local Government Operations Officer-DILG; and other offices concerned for their information and guidance;

CARRIED UNANIMOUSLY.




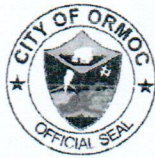
Res. No. 2020-366

I HEREBY CERTIFY to the correctness of the foregoing resolution.


NONILYN D. GALANO
OIC - SP Secretary
(Supervising Administrative Officer)

ATTESTED:


LEO CARMELO L. LOCSIN, JR.
City Vice Mayor & Presiding Officer



Res. # 2020 - 366
"Annex A"

Republic of the Philippines
CITY PLANNING AND DEVELOPMENT OFFICE
ZONING AND LAND USE
Ormoc City

September 25, 2020

25 SEP 2020

The Sangguniang Panlungsod
Ormoc City

Thru: **HON. LEO CARMELO L. LOCSIN JR.**
City Vice Mayor

Attn.: **HON. BENJAMIN S. PONGOS, JR.**
Chairman: Committee on Zoning, Housing & Land Use

SIRS:

We are pleased to submit herewith the application for Preliminary Subdivision Development Plan (PSDP) & Development Permit (DP) under BP 220 of **BRIA HOMES, INC. located at Brgy. Mabini, Ormoc City, with Lot No. 3-A under CTC No. 50542 owned by Mariano F. Tan Development Corp.** This lot has an area of 207,056 sq.m (20.7056 has.) more or less, falls within the areas classified as **Parks and Open Space of Brgy. Mabini**, pursuant to the approved Master Development Plan and Comprehensive Land Use plan 2000, in compliance to Executive Order (EO) 72/Memorandum Circular (MC) 54 approved by Sangguniang Panlungsod of Ormoc City Resolution No. 2000-021 dated February 10, 2000, ratified per **Housing and Land Use Regulatory Board (HLURB)** Res No. 710 s. 2001 dated 5th of December and as reflected on the approved General Land Use Map of the City as amended.

The subdivision has a project gross area of 207,056 sq.m. (20.705 Ha.) more or less, consisting of 1,599 saleable lots with area excluding road lots, community facilities and parks & playground. (See attached subdivision development scheme)


Based on evaluation and site inspection conducted, the Lot is vacant with no land improvement introduced on the site. The project is along the Macabug-Mabini Road, about 2.29 km from the national road and 9.30 km from the city proper. The property is located close to golf course area with potential positive impact on surrounding that can provide increase in housing values for those homes nearer a park and is environmentally healthy with social atmosphere. The site is eligible for reclassification where the land is substantially has greater economic value for residential housing development.

In view thereto, project proponent has complied and submitted the necessary documentary requirements with supporting certification/clearances in accordance with the provisions of Batas Pambansa (BP) 220, Executive Order (EO) 648 its implementing rules and regulations, this office is submitting for the Preliminary Subdivision and Development Plan (PSDP) and Development Permit (DP) under Batas Pambansa (BP) 220 to **BRIA HOMES, INC. located at Brgy. Mabini, Ormoc City** for your appropriate action.

Very truly yours,


Paulita Maribeth T. Ebcas, UAP
Zoning Officer III

Noted:


RAOUL E. CAM, CE, EnP, MPA
City Planning & Dev't Coordinator

Cc: File

Annex B/1

OFFICE OF THE CITY LEGAL OFFICER

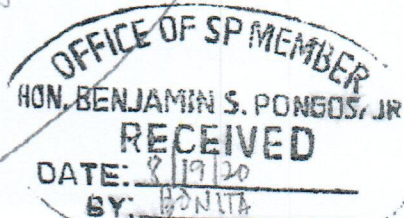
Ormoc City, Leyte

August 19, 2020

SP MEMBER BENJAMIN S. PONGOS, JR.

Chairman

Committee on Zoning, Housing and Land Use
Ormoc City



Dear Atty. Pongos:

This in reference to your letter endorsement dated August 13, 2020 and relative to the request of BRIA Homes- Visayas for Reclassification of Land from Parks and Open Spaces to Residential use, located at Brgy. Mabini, Ormoc City. The same application seeks the reclassification of property already classified as Parks and Open Spaces through a Sangguniang Panlungsod ordinance.

Article III of Volume 3 of The Guide to Comprehensive Land Use Plan Preparation 2014 issued by the Housing and Land Use Regulatory Board states, defines reclassification as:

"Reclassification of Agricultural Lands – "the act of specifying how agricultural lands shall be utilized for non-agricultural uses such as residential, industrial, and commercial as embodied in the CLUP."

The second paragraph of item number 4 of Section 2. 2 of the same issuance provides, that:

"An individual landholding within an area already zoned as non-agricultural in the approved CLUP and ZO, needs no further reclassification by the SB/SP. Instead, land conversion shall be required in accordance with the provisions of RA 6657 and EO 129-A."

Section 20 of the Local Government Code states:

"(a) A city or municipality may, through an ordinance passed by the Sanggunian 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, xxx."

New Ormoc City Hall, Aunubing St., Cogon, Ormoc City
(053)255-7395 loc. 1010 ++ clo.ormoc@gmail.com