MADAM PRESIDENT:

The Committee on Land Use, Urban Planning and Development to which was referred the following ordinance:

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<th>TITLE</th>
<th>RECOMMENDATION</th>
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<td>SPPO NO. 2013-0937.-AN ORDINANCE RECLASSIFYING THE PARCELS OF LAND OWNED BY THE UNIVERSITY OF SANTO TOMAS, HAVING AN AGGREGATE AREA OF 79.9322 HECTARES, SITUATED IN THE BARANGAYS OF LIGAYA AND KATANGAWAN, GENERAL SANTOS CITY, FROM AGRICULTURAL TO INSTITUTIONAL. (HON. ARTURO C. CLOMA-AUTHOR AND HON. SHIRLYN L. BAÑAS-NOGRALES-CO-AUTHOR)</td>
<td>APPROVED IN THE COMMITTEE LEVEL BUT UST HAS TO EXECUTE AN AFFIDAVIT OF UNDERTAKING AS REGARDS THE CONDITIONS REQUIRED BY THE COMMITTEE AND TO BE CALENDARED ON OCTOBER 1, 2013 FOR SECOND READING.</td>
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has considered the same and has the honor to report it back to the August Body with the foregoing recommendation.

Respectfully submitted:

ATTY. ARTURO CLO CLOMA
Chairperson

Members:

ATTY. RAMON R. MELLIZA
BRIX T. TAN
COMMITTEE ON LAND USE, URBAN PLANNING AND DEVELOPMENT

3:05 P.M. - 3:30 P.M., Friday
Session Hall, Second Floor
Legislative Building, City Hall Drive, City of General Santos

MEMBERS/COUNCILORS PRESENT: City Councilor Arturo Cloma, Chairperson; City Councilors Ramon R. Melliza and Brix T. Tan, both Members.

GUESTS/RESOURCE PERSONS: Administrator Melvin Bermudez and Atty. Paterno Esmaquel, both of University of Santo Tomas, Engr. Emmanuel Awayan of City Planning and Development Office, Fr. Raul Vale, DXCP-GSC; Ms. Vicky Del Valle, City Housing and Land Management Office; Ms. Sittie Marian Banisil; Mr. Romy Pagaduan; and Mr. Artemio Marquez.

AGENDUM:

SPPO NO. 2013-0937.-AN ORDINANCE RECLASSIFYING THE PARCELS OF LAND OWNED BY THE UNIVERSITY OF SANTO TOMAS, HAVING AN AGGREGATE AREA OF 79.9322 HECTARES, SITUATED IN THE BARANGAYS OF LIGAYA AND KATANGAWAN, GENERAL SANTOS CITY, FROM AGRICULTURAL TO INSTITUTIONAL. (HON. ARTURO C. CLOMA-AUTHOR AND HON. SHIRLYN L. BAÑAS-NOGRALES-CO-AUTHOR)

At the outset, Engr. Awayan of City Planning and Development Office informed the body that Engr. Bernadette Francisco could not attend the said meeting because she is with the City Zoning Board, Adjustment and Appeals. He was accordingly advised that the proponent be required to submit the complete plan and documents in order for their office to evaluate the application.

City Councilor Melliza viewed that the area was already converted by the DAR long before, but the head of the City Planning Office issued a cease and desist order. At this point, Atty. Paterno Esmaquel of UST stated that they already submitted the required documents, and they even resubmitted the application for locational clearance as per agreement with Engr. Francisco during the conference. All other documents such as photocopy of the bill of materials, barangay resolution, etc. were already submitted long before to the City Engineer’s Office and City Planning and Development Office, but nevertheless he said they have to immediately comply what are again required of them.

The chair, however, noted that the requirements being asked are not germane to the documents necessary for the reclassification of this land from agricultural to institutional. The very document that they wanted to come out is if the retention limit required by law for an agricultural land for the city of General Santos be affected once the subject area is converted from agricultural to institutional.

When the chair asked Engr. Awayan if the city of General Santos would still be compliant with the 15% retention requirement once the 79 hectares is converted, he responded that he will refer this thing to Engr. Francisco as he was not armed with any data.

Nonetheless, the committee took notice of the previous declaration of the City Planning and Development Office that the allowance that the city has is more than 2,000 hectares, and it will still be compliant with the requirement under the law.

Since one of the requirements for the reclassification is the resolution from Brgy. Ligaya interposing objection or no objection to this project, Brgy. Captain Pagaduan of Ligaya made clear
that the conversion should not have been approved without the resolution of their barangay interposing no objection.

The chair at this juncture remarked that the reclassification issue is not related to the development permit. Reclassification is the power of the local government to reclassify lands for future uses. So, he said they can act on this even without presenting the permits and licenses before the committee. What is to be determined here he said is the economic benefit that would be derived in the reclassification of this land from agricultural to institutional.

As to the concern of City Councilor Leyson regarding the possibility of cutting the trees thereat as raised by City Councilor Melliza who likewise asked on the number of hectares to be reclassified, Atty. Esmaquel stated that out of the entire area, 40 of which will be retained as agricultural. The conversion will not in any way affect the existing irrigation as well as the coconuts of which their revised development plan where there shown the area intended for the school, churches which is more than 30 hectares was already submitted to the City Planning and Development Office long before the May 13 election.

The chair at this juncture pointed out that the issue on coconut cutting is not so much related with the reclassification because it's basically the concern of the Philippine Coconut Authority where a permit is being sought before the cutting activity is done. He then denied the non-negotiability on alleged cutting of trees because according to him, he has gone over the amendatory law and one of the grounds therein is reclassification. Once this land is being reclassified other than agricultural, these coconut trees may be cut. There’s nothing there he said that absolutely prohibits the cutting of coconut trees otherwise it is anti-development. It was also his opinion that having passed a resolution expressing support to the establishment of the UST, the city or the council by implication is already giving imprimatur to the reclassification of the land because it is the only way for the UST to begin its operation. They can have this passed in the committee level provided all necessary applications for permits and licenses for the construction, erection of the structure be undertaken by the UST to which Atty. Esmaquel committed to comply the same and further manifested that UST is willing to make a written undertaking/agreement with the city that it will not remove the irrigation system. He even emphasized that the UST is willing to help enhance the said irrigation system at its own expense.

With all the issues affecting the reclassification already being amplified in today’s hearing, the committee decided to approve this measure in the committee level subject to the UST’s execution of a written undertaking that it is going to protect/preserve the irrigation canal located within and nearby the property and not to commence any construction without the necessary applications for permits and licenses. This will be scheduled for second reading on October 1, 2013.

APPROVED FOR SECOND READING

Before the adjournment, City Councilor Melliza requested Atty. Esmaquel to be present during the plenary to explain further this matter during the privilege hour.

There being no more matter to discuss, the chair declared the hearing adjourned at 3:30 in the afternoon.

Prepared by:

JERLYN F. LONDRES-MALUPA
Stenographic Reporter III

Attested:

ATTY. ARTURO C. CLOMA
City Councilor/Chairperson

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