### COMMITTEE REPORT NO. 17-126

**SEVENTEENTH SANGGUNIANG PANLUNGSOD**  
44th Regular Session  
SANGGUNIANG PANLUNGSOD  
GENERAL SANTOS CITY

Submitted by the COMMITTEE ON LAND USE, URBAN PLANNING AND DEVELOPMENT  
Date of Hearing: May 21, 2014  
RECOMMENDING APPROVAL FOR ITEMS NO. 3, 7 & 8  
Author: Atty. Arturo C. Cloma

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#### MADAM PRESIDENT:

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

<table>
<thead>
<tr>
<th>TITLE</th>
<th>STATUS</th>
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<tbody>
<tr>
<td>1. SPPR No. 2013-9556: Resolution Approving the Final Subdivision Development Plan of St. Anne Homes Subdivision to be Situated in Barangay Calumpang, General Santos City, Having an Aggregate Area of 44,138 Square Meters.</td>
<td>Laid on the Table; Subject for Ocular Inspection</td>
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<tr>
<td>2. SPPR No. 2013-9971: An Ordinance Reclassifying Lot No. 4, PSL-11-005780, Containing an Area of 44,138 Square Meters, Situated in Barangay Calumpang, General Santos City, from Industrial to Residential.</td>
<td>Laid on the Table; Subject for Ocular Inspection</td>
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<tr>
<td>3. SPPR No. 2014-9752: Resolution Concurring the Special Patent Application of Mindanao State University-General Santos City Over Lot No. 02, MR-11-000222 Earmarked as Mindanao State University-General Santos City, Fatima Campus Site, Containing an Area of 153,689.99 Hectares Under Proclamation 887, Dated April 3, 1992, Situated in Barangay Fatima, This City.</td>
<td>Approved on Committee Level For Second Reading</td>
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<tr>
<td>4. SPPR No. 2014-9999: Resolution Reaffirming the Foreshore/Miscellaneous Lease Application of Labangal Bawanian Fishermen’s Association, Inc., Represented by Mr. Francisco Heredia Over a Parcel of Land Containing an Area of 3,200 Square Meters, More or Less, Situated in Barangay Calumpang, General Santos City, Pursuant to Section 1, Rule III of the Rules and Regulations Implementing Republic Act 9649, Otherwise Known as an Act Further Amending RA 5412 or the City Charter of General Santos.</td>
<td>Deferred</td>
</tr>
<tr>
<td>6. SPPR No. 2014-1002: An Ordinance Reclassifying Some Parcel of Land Known and Described as Lot 698-A, CSD-11-000222-Q, Covered Under Transfer Certificate of Title No. T-101835, Situated in Barangay Maruhay, General Santos City, From Agricultural to Residential.</td>
<td>Laid on the Table; For Public Hearing</td>
</tr>
<tr>
<td>7. SPPR No. 2013-9311-B: Resolution Concurring the Free Patent Application of the Herein Listed Individuals Pursuant to Section 1, Rule III of the Rules and Regulations Implementing Republic Act 9649, Otherwise Known As an Act Further Amending Republic Act 5412 or the City Charter of General Santos.</td>
<td>Approved on Committee Level For Second Reading</td>
</tr>
<tr>
<td>9. SPPR No. 2014-1008: An Ordinance Reclassifying Parcels of Land Known and Described As Lot 15, GSS-12-000414, Covered Under Transfer Certificate of Title No. 147-2013003563, Situated In Barangay Sequel/Bawan, General Santos City. (Note: This Item Was Added Under Other Matter).</td>
<td>Referred to City Planning and Development Office (CPDO) For Technical Evaluation</td>
</tr>
</tbody>
</table>

Has considered the same and has the honor to report it back to the August Body with the foregoing recommendation.

Respectfully submitted:

ATTY. ARTURO C. CLOMA  
City Councilor/Chairperson
MINUTES OF THE COMMITTEE HEARING OF THE COMMITTEE ON CITY LAND USE, URBAN PLANNING AND DEVELOPMENT

Wednesday May 21, 2014
2:35 P.M. - 3:41 P.M.
City Mayor’s Conference Room
City Hall Drive, City of General Santos


GUESTS RESOURCE PERSONS: (Please see attached attendance sheet.)

The committee hearing was called to order by its chairperson, to discuss the following agenda:

1. SPPR NO. 2013-9556: RESOLUTION APPROVING THE FINAL SUBDIVISION DEVELOPMENT PLAN OF ST. ANNE HOMES SUBDIVISION TO BE SITUATED IN BARANGAY CALUMPANG, GENERAL SANTOS CITY, HAVING AN AGGREGATE AGREA OF 44,138 SQUARE METERS.

   Engr. Matanguihan commented that what is reflected in the title is for the approval of the Final Subdivision Development Plan while in the favorable endorsement of the Development Control Committee (DCC) dated December 19, 2013, it is for the Preliminary Subdivision Development Plan (PSDP) which is required by the DENR-EMB in the processing of the ECC.

   The chair noting that this be amended into a Preliminary Subdivision Development Plan in the next hearing, he decided to lay this item on the table and an ocular inspection be conducted on Wednesday, May 28, 2014 at 2:00 in the afternoon.

LAID ON THE TABLE- SUBJECT FOR OCULAR INSPECTION

2. SPPR NO. 2013-0971: AN ORDINANCE RECLASSIFYING LOT NO. 4, PSD-11-052780, CONTAINING AN AREA OF 44,138 SQUARE METERS, SITUATED IN BARANGAY CALUMPANG, GENERAL SANTOS CITY, FROM INDUSTRIAL TO RESIDENTIAL.

   City Councilor Cloma found out that this item pertains to the same area in item no. 1 which is subject to reclassification. This is to be addressed first by the City Development Committee.

   Engr. Matanguihan clarified that per endorsement of the Development Control Committee to the Sanggunian, the area where the project is located has
to be reclassified first before the same be approved as it is classified yet as an industrial zone.

He furthered that this item was deferred in the last committee hearing; and per advice of the chair, there must be a conduct of a consultation in the barangay level as basis of the barangay in passing a resolution interposing no objection to the proposed reclassification of the area. Once the Sanggunian affirms the preliminary subdivision development plan, the same shall be approved.

Thereafter, City Councilor Cloma requested to furnish the committee a report of the barangay consultation.

Though Barangay Kagawad had given an information about this area and though the proponent had already submitted the barangay resolution interposing no objection to the Sanggunian, the chair ruled to lay this item on the table as there’s still a need to conduct a joint ocular inspection at the subject area on Wednesday May 28, 2014 at 2:00 in the afternoon. The secretariat will send notices to the concerned team/offices.

While the city is in the process of updating the Land Use Plan (LUP), City Councilor Cloma wanted that all recommendations of the DCC for the reclassification be considered to avoid future problem. He even suggested to make the same part of the certification to be issued by the City Planning as basis of the action of the committee. It is also the mandate of the SP to create a task force to focus on the updating of the City Land Use Plan.

**LAID ON THE TABLE-SUBJECT FOR OCULAR INSPECTION**


The chair apprised the body of what transpired in the previous hearing. After which, Ms. Del Valle from the City Housing and Land Management Office explained that insofar as the issuance of a Special Patent to MSU, their office has no file about the alleged issuance. Previously, there was an issuance of Presidential Proclamations 2029 and 2162 during the time of the late President Marcos that mentioned MSU and Human Settlement Site with a total area of 556 hectares. It was amended by Presidential Proclamation 887 issued on April 3, 1992 by President Aquino based on the approved subdivision plan of Engr. Salvador Mojado on December 8-11, 1990. The said proclamation mentioned the specific lots which are: Lot 1 – Human Settlement Site consisting of 379.1276 hectares, Lot 2 – 153.6949 hectares, and Lot 3– Human Settlement Site-39.2367 hectares.

During the time of President Ramos, it was amended by Presidential Proclamation 935 covering only Lots 1 and 3, the Human Settlement Site or the relocation site in Barangay Fatima. Lot 2 - MSU as identified in the previous proclamation was no longer mentioned. Subsequently, Special Patent 3614 was
issued on December 2, 1997 signed by Pres. Ramos and was endorsed to the Registry of Deeds covering only two lots; therefore, MSU is not included.

With the foregoing, City Councilor Cloma said it is already very clear that the MSU is not covered with any special patent so it is proper for the MSU to apply for a special patent.

As regards to the letter where there contained a claim of the MSU area, the chair manifested that the City Charter provides that as long as it remains a public land with no existing title, it is within the disposition of the city except when there is an established possessory right, but the actual possession is still in favor of the applicant (MSU).

Finding the application in order and with no objection ever raised, City Councilor Cloma ruled this item approved on committee level to be calendared for second reading next regular session subject to conditions that there should be an execution of undertaking on the part of the institution to protect the natural water waste referring to creeks and canals located within the campus of MSU, and the DENR be furnished a copy of the minutes of the previous hearing to serve as its basis for the issuance of a special patent.

**APPROVED ON COMMITTEE LEVEL-FOR SECOND READING**

4. SPPR NO. 2014-9714: RESOLUTION CONCURRING THE FORESHORE/MISCELLANEOUS LEASE APPLICATION OF LABANGAL BAYANIHAN FISHERMEN'S ASSOCIATION, INC., REPRESENTED BY MR. FRANCISCO HERDA OVER A PARCEL OF LAND CONTAINING AN AEA OF 5,200 SQUARE METERS, MORE OR LESS, SITUATED IN BARANGAY CALUMPANG, GENERAL SANTOS CITY, PURSUANT TO SECTION 1, RULE III OF THE RULES AND REGULATIONS IMPLEMENTING REPUBLIC ACT 9649, OTHERWISE KNOWN AS AN ACT FURTHER AMENDING RA 5412 OR THE CITY CHARTER OF GENERAL SANTOS.

City Councilor Cloma informed that during the ocular inspection conducted by the City Engineering Office and City Planning, it was found out that the area is heavily populated until shoreline. Having gone over the record of the application, it was learned that the true intention is to put up a community along the shoreline. The application is unacceptable because it would become a precedence if it will be allowed by the city.

Finding the application to be tainted with valid questions, the chair ruled this item deferred.

**DEFERRED**

5. SPPO NO. 2014-0999: AN ORDINANCE RECLASSIFYING SOME PARCELS OF LAND DESCRIBED AS LOT NO. 3, TS-11-000058-D, MARKET SITE OF BUAYAN, SITUATED IN BARANGAY BUAYAN, GENERAL SANTOS CITY, FROM RESIDENTIAL TO COMMERCIAL.

The chair noted the correction made by Barangay Captain Ortiz on the above title that it should be reclassifying from Commercial to Residential instead of residential to commercial.
Engr. Matanguiha clarified that in the zoning ordinance, nothing has been classified as commercial in Buayan Townsite; it is classified as residential except the school site which is classified as institutional. The issue actually is not reclassification but proposed alteration of the subdivision plan of Buayan Townsite because the market site is also part of the subdivision. If the barangay wants to use it as residential, it is better he said to alter the subdivision plan.

The chair at this point withdrew his first ruling that this item is moot and academic after considering the explanation of Mr. Cadungog that it is important because as per approved subdivision plan, Lot 3 is earmarked as a market site. He deemed proper that an ocular inspection be conducted on May 30, 2014 at 2 P.M.

This item was referred to the City Planning Office for technical evaluation and for the said office to make recommendations for the next hearing.

**REFERRED TO CITY PLANNING & DEVELOPMENT OFFICE (CPDO) FOR TECHNICAL EVALUATION**

6. SPPR NO. 2014-1002: AN ORDINANCE RECLASSIFYING SOME PARCEL OF LAND KNOWN AND DESCRIBED AS LOT 698-A, CSD-11-0112263-D, COVERED UNDER TRANSFER CERTIFICATE OF TITLE NO. T-101835, SITUATED IN BARANGAY MABUHAY, GENERAL SANTOS CITY, FROM AGRICULTURAL TO RESIDENTIAL.

Barangay Captain Parreñas manifested among others that this item did not pass through the barangay council. He also said it is proper to amend the City Land Use Plan especially in Barangay Mabuhay because they will recommend eleven lots for reclassification to residential.

The chair decided to lay this item on the table subject for public hearing at the barangay level. Schedule of which will be agreed upon by the committee, City Planning, and Barangay Mabuhay.

**LAID ON THE TABLE- FOR PUBLIC HEARING**

7. SPPR NO. 2013-9311-B: RESOLUTION CONCURRING THE FREE PATENT APPLICATIONS OF THE HEREIN LISTED INDIVIDUALS PURSUANT TO SECTION 1, RULE III OF THE RULES AND REGULATIONS IMPLEMENTING REPUBLIC ACT 9649, OTHERWISE KNOWN AS AN ACT FURTHER AMENDING REPUBLIC ACT 5412 OR THE CITY CHARGER OF GENERAL SANTOS.

**APPROVED ON COMMITTEE LEVEL – FOR SECOND READING**

8. SPPR NO. 2014-9861: RESOLUTION CONCURRING THE FREE PATENT APPLICATION OF MS. LUZ C. SAGO OVER LOT NO. 390-B, CSD-12-009134 IDENTICAL TO LOT 1460, PLS-553 CONTAINING AN AREA OF 20,000 SQUARE METERS, MORE OR LESS, SITUATED IN BARANGAY UPPER LABAY, GENERAL SANTOS CITY, PURSUANT TO SECTION 1, RULE III OF THE RULES AND REGULATIONS IMPLEMENTING REPUBLIC ACT 9649, OTHERWISE KNOWN AS AN ACT FURTHER
AMENDING REPUBLIC ACT 5412 OR THE CITY CHARTER OF GENERAL SANTOS.

APPROVED ON COMMITTEE LEVEL — FOR SECOND READING.

OTHER MATTER:

1. SPPNO. 2014-1005: AN ORDINANCE RECLASSIFYING PARCEL OF LAND KNOWN AND DESCRIBED AS LOT 15, GSS-12-000414, COVERED UNDER TRANSFER CERTIFICATE OF TITLE NO. 147-2013003563, SITUATED IN BARANGAY SIGUEL/BAWING, GENERAL SANTOS CITY.

The chair ruled this item laid on the table and be referred to the City Planning for technical evaluation and a report of the same be submitted to the committee.

REFERRED TO CITY PLANNING & DEVELOPMENT OFFICE (CPDO) FOR TECHNICAL EVALUATION

There being no matter to discuss the consultative hearing was adjourned at 3:41 in the afternoon.

Prepared by:

DALISAY F. IGNACIO
Stenographic Reporter III

Edited by: Noted by:

CARMELITA A. GENOTA LOLITA P. PEDRO
Stenographic Reporter III Division Chief, Journal & Minutes

Attested:

ATTY. ARTURO C. CLOMA
City Councilor & Chairperson