



Republic of the Philippines
PROVINCE OF CAVITE
City of Bacoor

OFFICE OF THE SANGGUNIANG PANLUNGSOD

DISTRICT I

HON. ROWENA BAUTISTA-MENDIOLA

City Councilor

HON. MIGUEL N. BAUTISTA

City Councilor

HON. EDWIN G. GAWARAN

City Councilor

HON. MICHAEL E. SOLIS

City Councilor

HON. VENUS D. DE CASTRO

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HON. ALEJANDRO F. GUTIERREZ

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HON. VICTORIO L. GUERRERO, JR.

City Councilor

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HON. ALDE JOSELITO F. PAGULAYAN

City Councilor

HON. REYNALDO D. PALABRICA

City Councilor-Liga ng Brgy. President

HON. MAC RAVEN ESPIRITU

City Councilor-SK Federation President

Attorney Atty.

ATTY. RAULID A. ATEGA, JR.

Sangguniang Panlungsod Secretary

Certified by:

HON. CATHERINE S. EVARISTO

City Vice Mayor/Presiding Officer

Approved by:

HON. LAM MERCADO-REVILLA

City Mayor

PRESENT:

HON. CATHERINE S. EVARISTO

City Vice Mayor/
Presiding Officer

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EX-OFFICIO MEMBERS

HON. REYNALDO D. PALABRICA Liga ng mga Barangay Pres.

HON. MAC RAVEN ESPIRITU SK Federation President

ON OFFICIAL BUSINESS:

HON. ALDE JOSELITO F. PAGULAYAN

City Councilor

**CITY RESOLUTION NO. CR 2018-096
Series of 2018**

A RESOLUTION AUTHORIZING THE CITY ASSESSOR TO RECLASSIFY LOT NO. 5685 AS "AGRICULTURAL" WITHOUT WAIVING THE VARIOUS UNPAID TAXES DUE TO THE CITY GOVERNMENT OF BACOR FROM THE REGISTERED OWNER OF THE SAID REAL PROPERTY.

Sponsored by: Hon. Rowena Bautista-Mendiola, Hon. Miguel N. Bautista, Hon. Venus D. De Castro, Hon. Leandro A. De Leon, Hon. Mac Raven Espiritu, Hon. Edwin G. Gawaran, Hon. Victorio L. Guerrero, Jr., Hon. Alejandro F. Gutierrez, Hon. Hernando C. Gutierrez, Hon. Roberto R. Javier, Hon. Gaudencio P. Nolasco, Hon. Reynaldo D. Palabrica and Hon. Michael E. Solis.



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City Councilor-SK Federation President

Attested by:

ATTY. JUAN A. ATEGA, JR.

Sangguniang Panlungsod Secretary

Certified by:

HON. CATHERINE SARIN-ABARISTO

City Vice Mayor/Presiding Officer

Approved by:

HON. LAM MERCADO-REVILLA

City Mayor

WHEREAS, Ms. Mariebeth G. Monsod, the attorney-in-fact of the eleven (11) farmers who stand to benefit from the national government's Comprehensive Agrarian Reform Program requested the Sanggunian to pass a resolution reclassifying Lot No. 5685 covered by Tax Declaration No. 03-0014-11923 and by Transfer Certificate Title No. T-54933 with an area of 44,544 square meters, more or less, situated at Barangay San Nicolas III, Bacoor City from "unimproved residential" to "agricultural". Three committee hearings were held on various dates (7 December 2017, 5 February 2018, and 19 February 2018) on the said subject.

WHEREAS, a public hearing was conducted jointly by the Committee on Rules, Privileges, Laws and Ordinances and the Committee on Housing and Land Utilization on 13 August 2018. It was attended by Ms. Monsod, some of the farmer beneficiaries being represented by Ms. Monsod, the representatives of the Zoning and Land Development Department of the City of Bacoor, representatives from the Assessor's Office of the City of Bacoor, and other concerned individuals for the purpose of determining if the request of Ms. Monsod on behalf of the said farmers has legal and factual basis. A written notice of hearing dated 8 August 2018 was sent to the registered owner of Lot No. 5685, Moonwalk Development and Housing Corporation, through its President, Mr. Mariano Velarde, inviting him to attend the said hearing. However, Moonwalk Development and Housing Corporation failed to send any representative to the said hearing. Consequently, the joint committee sent Moonwalk Development and Housing Corporation another written notice of hearing dated 24 August 2018 giving the said corporation fifteen (15) days from its receipt of the said notice within which to submit a position paper on the request of Ms. Monsod. Since the said notice was received by Moonwalk Development and Housing Corporation on 25 August 2018, the said lot owner had until 8 September 2018 to submit its position paper.

WHEREAS, Moonwalk Development and Housing Corporation failed to submit its position paper despite having been given sufficient time to do so. Consequently, the Sanggunian held an en banc hearing on 17 September 2018. During the said hearing, the Sanggunian arrived at the following findings:

1. The subject property identified as Lot 5685 is covered by TCT No. 54933 and registered under the name of Moonwalk Development and Housing Corporation;
2. Lot 5685 is covered by Tax Declaration No. 03-0014-11923 issued by the City Assessor's Office of the City of Bacoor and it is indicated therein that the subject lot is classified as "UNIMPROVED RESIDENTIAL". Previously, however, the said lot was classified as "AGRICULTURAL" and it was only in 1972 that it was reclassified as "UNIMPROVED RESIDENTIAL" when it was acquired by Moonwalk Development and Housing Corporation;



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HON. REYNALDO D. PALABRICA

City Councilor-Liga ng Bay. President

HON. MAC RAVEN ESPIRITU

City Councilor- SK Federation President

Attested by:

ATTY. RICHARD A. ATAGA, JR.

Sangguniang Panlungsod Secretary

Certified by:

HON. CATHERINE SAMPAN-REVARISTO

City Vice Mayor/Presiding Officer

Approved by:

HON. LANI MERCADO-REVILLA

City Mayor

3. The Bacoor City Assessor's Office submitted copies of tax declarations covering the subject property from 1957 to 2011 for the purpose of tracing back when the subject property was reclassified from agricultural to unimproved residential. Submitted were copies of Tax Declarations 6522, 4648, 3717, in the name of Alfredo Calinisan with land classification as agricultural. Copies of the said documents are attached hereto as marked as **Annexes "A", "B" and "C"** respectively. The following copies of tax declarations in the name of MDHC indicating land classification as unimproved residential were also submitted, to wit, Tax Declaration Nos. 17806, 13008, 10614, 9266, 13124, 85401, 97-22367, -3-014-06878 and 03-0014-11923. The said documents are attached hereto as **Annexes "D", "E", "F", "G", "H", "I", "J", "K" and "L"**, respectively;
4. It is noted that at the back of TD No. 85401 issued in favor of MDHC, the following annotations appear: (A) a handwritten note that "per memo from MARRO dated 2/15/95 and request by beneficiaries dated 27 September 1994 ocular inspection report made by Hermie C. Baybay dated 31 August 1995 with same classification but agricultural in actual use", and (B) At the lower portion of said TD 85401 it is indicated that the actual use of the land is agricultural;
5. Edwin G. Guerrero of the Bacoor City Assessor's Office conducted an ocular inspection on 9 October 2017 of the subject property. He reported that Lot 5685 is located in an agricultural area and planted with fruit bearing trees and root crops. He recommended that TD 03-0014-11923 be reclassified and assessed as agricultural based on its actual use. A copy of the Inspection Report dated 9 October 2017 is attached hereto as **Annex "M"**;
6. Furthermore, the Office of the Municipal Planning and Development Coordinator Engr. Jesus Francisco in a Certification dated 26 August 2011 certified that TCT 54933, Lot 5685 with an area of 44, 544 square meters located in San Nicolas 3, Bacoor, Cavite is agricultural based on the then existing Land Use Plan of the Municipality of Bacoor. A copy of the said Certification is attached hereto as **Annex "N"**;
7. Engr. Nathaniel C. Novero of the Zoning and Land Development Department of the City of Bacoor issued a



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City Councilor-SK Federation President

Attested by:

ATTY. ARMANDO A. ATEGA, JR.
Sangguniang Panlungsod Secretary

Certified by:

HON. CATHERINE SANCHEZ-EVARISTO
City Vice Mayor/Presiding Officer

Approved by:

HON. LANI MERCADO-REVILLA
City Mayor

certification dated 15 May 2018 which stated that: "This is to certify that based on plotting of Lot 5685, Imus Estate, the parcel of lot situated in Barangay San Nicolas III, City of Bacoor, Province of Cavite, under the name of Moonwalk Development and Housing Corporation, covered by the Transfer Certificate of Title (TCT) Number T-54933 with an Area of Forty Four Thousand Five Hundred Forty Four square meters (44,544.00 m²), is identified and classified under the Special Agricultural and Recreation Zone (SARZ) and falls under the "Food Basket of the City of Bacoor" which is in compliance with: (a) the Comprehensive Land Use Plan (CLUP) (2015-2025), (b) the Comprehensive Development Plan (CDP) (2015-2020) of the City of Bacoor, Cavite, (c) Sangguniang Bayan Resolution No. 60-S-98, and (d) Sangguniang Panlalawigan Resolution No. 086-S-99 dated March 24, 1999, approving the above- mentioned Sangguniang Bayan Resolution No. 60-S-98. A copy of the said Certification is attached hereto as **Annex "O"**.

8. Atty. Maria Melissa G. Torres of the City Legal Services stated in a letter dated June 25, 2018 addressed to the Sanggunian that, "we sought a Certification from Zoning and Land Development Department to plot Lot 5685 in relation to the City of Bacoor's Comprehensive Land Use Program and we were subsequently informed that the same was identified and classified under the Special Agricultural and Recreation Zone (SARZ) falling under Food Basket of the City of Bacoor. Moreover, we adhere to the then Sangguniang Bayan of Bacoor Resolution No. 60-S-98 issued on 23 November 1998 and Sangguniang Panlalawigan Resolution No. 086-S-99 issued on 16 February 1999 affirming the agricultural land use of San Nicolas and Molino. At present, we also cognize (sic) that the Sangguniang Panlungsod of Bacoor and Sangguniang Panlalawigan of Cavite have not issued any ordinance changing the land use of the said property, hence, we retain the subject property's classification as agricultural. Therefore, it is our opinion that Lot 5685 of the Imus Estate be restored to its original classification as AGRICULTURAL." Attached hereto is a copy of the afore-quoted letter marked as **Annex "P"**.

9. James Arthur T. Dubongco, DAR Provincial Agrarian Reform Program Officer III, submitted the following documents to the Sanggunian, to wit: (a) Photocopy of approved Survey Plan of Lot 5685 marked as **Annex "Q"**, (b) Masterlist of potential beneficiaries of Lot 5685,



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indicating therein, among others, that fruit trees and vegetables are planted on the subject property" marked as **Annex "R"**, and (c) copy of the joint DAR-DOF-DOJ-LBP Memo Circular No. 18 Series of 2013 marked as **Annex "S"**.

WHEREAS, because of the said findings, the Sanggunian concluded that the subject lot was and is still actually devoted to agricultural uses and should never have been classified as residential as evidenced by the following: (a) the former Sangguniang Bayan of Bacoor identified and declared the said parcel of land as part of Bacoor's "food basket" as confirmed by the Sangguniang Panlalawigan of Cavite as early as 1999, (b) these facts were further confirmed by the herein Sangguniang Panlungsod when it declared the area where the subject lot is situated as part of the Special Agricultural and Recreation Zone in the Comprehensive Land Use Plan of the City of Bacoor for 2015-2025 and the Comprehensive Development Plan of the City of Bacoor for 2015-2020, (c) Mr. Reynante Peñalba, ARPO II of the Department of Agrarian Reform-Cavite manifested during the committee hearing held on 13 August 2018 that the subject property was already about to be awarded to the farmers/beneficiaries were it not for the fact that the subject property was erroneously classified as "UNIMPROVED RESIDENTIAL", (d) the various resource persons invited by the Sanggunian manifested that Lot 5685 is still predominantly being devoted for agricultural purposes, and (e) an ocular inspection conducted the City Assessor's Office confirmed the manifestation made by the above-mentioned resource persons.

WHEREAS, though Rule VII, Article 38 of the Rules and Regulations Implementing the Local Government Code of 1991 gave cities and municipalities the power to "reclassify agricultural lands through an ordinance enacted by the sanggunian after conducting public hearings for the purpose provided that there exists an approved zoning ordinance implementing its comprehensive land use plan", there is nothing in the existing records of the Sanggunian that would justify the conversion of Lot 5685 for residential purposes considering that: (a) the said land is still economically feasible for agricultural uses and, (b) the said real property does not seem to have greater economic value for residential purposes considering that it is unimproved to this day as attested by the City Assessor, Mr. Jose Lito Mallare.

NOW THEREFORE, upon motion of Hon. Venus D. De Castro, unanimously seconded by all the members present, **BE IT RESOLVED AS IT IS HEREBY** by the Sangguniang Panlungsod to pass a resolution authorizing the City Assessor to reclassify Lot No. 5685 as "Agricultural" without waiving the various unpaid taxes due to the City Government of Bacoor from the registered owner of the said real property.

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HON. MAC RAVEN ESPIRITU
City Councilor- SK Federation President

Attested by:

ATTY. AND A. ATEGA, JR.
Sangguniang Panlungsod Secretary

Certified by:

HON. CATHERINE S. RINO-EVARISTO
City Vice Mayor/Presiding Officer

Approved by:

HON. LANI MERCADO-REVILLA
City Mayor



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RESOLVED LASTLY, to furnish Ms. Mariebeth Monsod, Moonwalk Development and Housing Corporation, the Department of Agrarian Reform Office in the Province of Cavite, the Office of the City Assessor, and other government agencies concerned with copies of this Resolution.

APPROVED by the Sangguniang Panlungsod of Bacoor, Province of Cavite this 24th day of September 2018.

CERTIFICATION

I hereby certify that the foregoing Resolution is true and correct and that the same was duly approved in accordance with law.

Certified by:

HON. CATHERINE SARINO-EVARISTO
City Vice Mayor/Presiding Officer

Attested by:

ATTY. KHALID A. ATEGA JR.
Secretary to the Sangguniang Panlungsod

Approved by:

HON. LANI MERCADO-REVILLA
City Mayor

(Date Approved)

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ATTY. KHALID A. ATEGA, JR.

Sangguniang Panlungsod Secretary

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City Vice Mayor/Presiding Officer

Approved by:

HON. LANI MERCADO-REVILLA

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