



CEZA ADMINISTRATIVE ORDER

No. 21-002/M
Series of 2021

SUBJECT: **GUIDELINES ON THE RECLASSIFICATION OF LAND USES WITHIN THE CAGAYAN SPECIAL ECONOMIC ZONE AND FREEPORT (CSEZFP)**

I. LEGAL BASIS

The process of reclassifying agricultural lands into non-agricultural uses within the Cagayan Special Economic Zone and Freeport is governed by RA 7922 and Section 181 of the Rules Implementing the Cagayan Special Economic Zone Act of 1995.

II. GUIDING PRINCIPLES

WHEREAS, Sec. 4 (a) of Republic Act 7922, otherwise known as the Cagayan Special Economic Zone Act of 1995, provides that under the framework and limitations of the Constitution and the applicable provisions of the Local Government Code, the Zone shall be developed into and operated as a self-sustaining industrial, commercial, financial, investment, and tourism/recreational center and free port with suitable opportunities in and around the Zone, and to effectively encourage and attract legitimate and productive foreign investments therein;

WHEREAS, Sec. 181 of the Rules Implementing the Cagayan Special Economic Zone Act of 1995, provides that in order to accomplish the policies and objectives of the Act, CEZA shall have the power to convert agricultural lands in the CSEZFP into residential, commercial, industrial or other non-agricultural purposes to comply with the general uses and economic activities to be promoted for the different land areas as specified in the CEZA Land Use and Master Plan for the CSEZFP or revisions thereof, subject to the conditions set forth under Republic Act No. 6657, otherwise known as "The Comprehensive Agrarian Reform Law" and other existing laws;

WHEREAS, Sec. 20, Chapter 2, Title 1 of RA 7160, otherwise known as the new Local Government Code of 1991, provides that agricultural lands distributed to agrarian reform beneficiaries pursuant to Republic Act No. 6657, shall not be affected by reclassification, and the conversion of such lands into other purposes shall be governed by Section 65 of said Act;

WHEREAS, Sections 4 and 5, Article II of Department of Agrarian Reform Administrative Order No. 1, S. 2002, and Paragraphs 2 and 3, Article IV of Department of Agriculture Administrative Order No. 1, S. 2002, further provide areas that are non-negotiable and highly restricted from conversion, and thus are adopted in these guidelines.

III. DEFINITION OF TERMS

1. **Agricultural Lands** refer to lands devoted to or suitable for the cultivation of the soil, planting of crops, growing of trees, raising of livestock, poultry, fish or aquaculture production, including the harvesting of such farm products, and other farm activities and practices performed in conjunction



with such farming operations by persons whether natural by persons whether natural or juridical and not classified by the law as mineral land, forest land, residential land, commercial land and industrial land.

2. **Comprehensive Land Use Plan (CLUP)** refers to a document accompanied by maps and similar illustrations, which represent the community-desired pattern of population distribution and proposal for the future allocation of land for various land use activities. It identifies the allocation, character and extent of the area's land resources to be used for different purposes and includes the process and the criteria employed in the determination of land's use.
3. **CEZA Land Use and Master Plan (CLUMP)** refers to the Board of Directors' (BOD) approved document accompanied by maps, plans, designs and similar illustrations representing the current and future allocation of land for various land use activities within the Cagayan Special Economic Zone and Freeport. It identifies the allocation, character and extent of the area's land resources to be used for different purposes and includes the process and criteria employed in the determination of the appropriate land use.
4. **Land Use** refers to the manner of utilization of land, including its allocation, development and management.
5. **Land Use Conversion** refers to act or process of changing the current physical use of piece of agricultural land into some other use or for another agricultural use other than the cultivation of the soil, planting crops, growing of trees, including harvesting of produce therefrom.
6. **Premature Conversion of Agricultural Land** refers to the undertaking of any development activity, the result of which may modify or alter the physical characteristics of the agricultural land such as soil, slope and land use as would render it suitable for non-agricultural purposes without an approved Conversion Order.
7. **Private Agricultural Land** refers to agricultural lands as defined herein and owned by natural or juridical persons or by the government in its proprietary capacity.
8. **Reclassification of Agricultural Land** refers to the act of specifying how agricultural lands shall be utilized for non-agricultural purposes such as residential, industrial, commercial as embodied in the land use plan, subject to the requirements and procedures of applicable laws, rules and regulations. It also includes the reversion of non-agricultural lands to agricultural use.
9. **Zoning** is the delineation or division of a city/municipality or an economic zone into functional zones where only specific land uses are allowed. It directs and regulates the use of all lands in the community in accordance with an approved or adopted land use plan for the city/ municipality. It prescribes setback provisions, minimum lot sizes, building heights and bulk.

10. **Zoning Ordinance** refers to a local legislation approving the comprehensive land use plan and providing the regulations and other conditions, on the uses of land including the limitation on the infrastructures that may be placed thereon within the territorial jurisdiction of a city or municipality.

IV. COVERAGE AND CRITERIA

1. The issuance of the CEZA Certification on Land Use Reclassification shall apply to the following agricultural lands:
 - 1.1 Those identified and specified in the CEZA Land Use and Master Plan (CLUMP) as part of the Economic Zone development area for residential, commercial, mixed-use, institutional, industrial or other non-agricultural purposes;
 - 1.2 Those identified for urban expansion and human settlements in the Cagayan Economic Special Economic Zone and to accommodate the current and projected increase in population and socio-economic activities;
 - 1.3 Those identified to be in line with ecozone priority development projects that can generate alternative livelihood opportunities for the affected community;
 - 1.4 Those registered to and owned by a CEZA Registered Enterprise, or those utilized or to be utilized for a CEZA registered business operation duly licensed and registered pursuant to CEZA Rules and Regulations, through a duly notarized undertaking; and
 - 1.5 Those that have veered from the approved CLUMP thereby requiring the need to reclassify lands along the actual direction of development, subject to the CEZA Board approval of the corresponding revisions to the CLUMP.

Provided, that the reclassification of agricultural lands covered under Republic Act No. 6657 or the "The Comprehensive Agrarian Reform Law of 1988" and Republic Act No. 8435 or the "Agriculture and Fisheries Modernization Act of 1997" shall be subject to the conditions set forth by the aforementioned applicable laws and its implementing rules and regulations.

V. REVIEW AND EVALUATION

1. The Technical Evaluation Committee (TEC) which shall be designated by the Administrator and CEO shall be composed of the following members:
 - a. Deputy Administrator - Chairman
 - b. Investments Officer - Member
 - c. Planning Officer - Member
 - d. Environment and Safety Officer - Member

2. The TEC shall perform the following functions:
 - (a) Receive, review and ensure completeness of the documentary requirements on land use reclassification application;
 - (b) Collect filing and inspection fees and issue corresponding official receipt;
 - (c) Conduct field/ocular investigation, as necessary; and
 - (d) Evaluate and recommend the eligibility/non-eligibility for land use reclassification for the approval of the Administrator and CEO.
3. The Planning Division shall act as the Secretariat of the Committee and shall keep all records pertaining to the application, evaluation, deliberation and certification of the land use reclassification.

VI. APPLICANT/S FOR LAND USE RECLASSIFICATION

Owner(s) of private agricultural lands located within the Cagayan Special Economic Zone and Freeport, or other persons duly authorized by the landowner, may apply for land use reclassification.

VII. DOCUMENTARY REQUIREMENTS

1. Notarized sworn declaration of Application for Land Use Reclassification;
2. Proof of ownership of land e.g. Certified True Copy of the Original Certificate of Title or Transfer Certificate of Title (OCT/TCT) certified by the Registry of Deeds not later than sixty (60) days prior to filing of the application
 - 2.1 Certification from DENR Community Environment and Natural Resources (CENRO) that the landholding has been classified as alienable and disposable;
 - 2.2 Certification from DENR CENRO (for administrative confirmation of imperfect title) or the Clerk of Court of regular courts (for judicial confirmation of imperfect title) that the titling process/proceeding has commenced and there are no adverse claimants.
3. Certification from the Municipal/Provincial Agrarian Reform Office of the Department of Agrarian Reform of Non-CARP Coverage;
4. CEZA Enterprise Certificate of Registration and Tax Exemption, CEZA License Certificates, or Contracts and/or License Agreements with CEZA, if applicable;
5. Special Power of Attorney (if petitioner/applicant is other than the owner of the land) or Board Resolution and Secretary's Certificate if the owner is a corporation;
6. Vicinity Map of the area with sufficient reference points;

7. Parcellary Map prepared and signed by a Licensed Geodetic Engineer indicating the name of the owner, title number, area and geographic coordinates;
8. Certification/s from other relevant government agencies as may be deemed appropriate by the TEC;
9. Official Receipt of payment of fees

VIII. CERTIFICATION FEES

The applicant shall pay to CEZA the mandatory non-refundable filing and inspection fees per application, with the following rates:

5 hectares and below

Filing Fee	-	Php 3,000.00
Inspection Fee	-	Php 5,000.00

Above 5 hectares to 20 hectares

Filing Fee	-	Php 5,000.00
Inspection Fee	-	Php 10,000.00

Above 20 hectares

Filing Fee	-	Php 7,000.00
Inspection Fee	-	Php 15,000.00

Motion for Reconsideration Fee	-	Php 5,000.00
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IX. PROCEDURE

1. The applicant shall file with the TEC the duly accomplished Land Use Reclassification Form together with the documentary requirements as enumerated under Item VII of this AO.

Applications with incomplete attachments and non-payment of the required fees shall not be accepted.

2. The TEC shall conduct field investigation on the property/ies applied for land use reclassification, and shall issue a Report detailing the location, classification, soil condition, and existing land use of the property and its adjoining areas.
3. When necessary, the TEC may ask for additional information or specific data requirements from the applicant to aid them in the evaluation of the application;
4. The TEC shall, after a thorough deliberation on the completed requirements and investigations, shall endorse its recommendation for the issuance of a Certificate of Eligibility or Non-Eligibility for Land Use Reclassification as the case may be, to the Office of the Administrator and CEO or his authorized signatory.

X. APPROVAL AND ISSUANCE OF CERTIFICATION

The Administrator and CEO or his duly authorized signatory has the sole authority to issue the Certificate of Eligibility / Non- Eligibility for Land Use Reclassification.

XI. MOTION FOR RECONSIDERATION

The applicant may file a Motion for Reconsideration to the Administrator and CEO or his duly authorized signatory within thirty (30) days form receipt of a copy of the Certificate of Non-eligibility of the application.

The Motion for Reconsideration shall be resolved by the Administrator and CEO within thirty (30) days from the receipt of the motion.

The Administrator and CEO's action on the Motion for Reconsideration shall be final and unappealable.

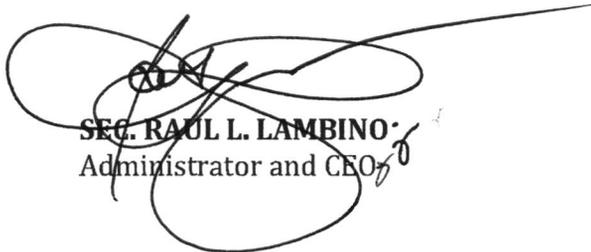
XII. REPEALING CLAUSE

All existing rules inconsistent with the provisions of this Order are hereby repealed or modified accordingly.

XIII. EFFECTIVITY

This Administrative Order shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) newspapers of general circulation, whichever comes first; and after filing with the Office of the National Administrative Register, at the U.P. Law Center, Diliman, Quezon City.

Done in Mandaluyong City, Philippines this 25th day of AUGUST 2021.


SEC. RAUL L. LAMBINO
Administrator and CEO

Approved:

CEZA BOARD OF DIRECTORS
Board Resolution No. 008-010-21

 
CAGAYAN ECONOMIC ZONE AUTHORITY
20210825-M-04534
Aug 25, 2021 10:22 am
