



Republic of the Philippines
Province of Iloilo
MUNICIPALITY OF OTON
OFFICE OF THE SANGGUNIANG BAYAN



EXCERPT from the Minutes of Session of the Sangguniang Bayan ng Oton, Iloilo recorded during its Regular Session held at the SB Session Hall on **April 4, 2023** at 9:00 in the morning.

PRESENT:	Vice Mayor Jose Neil Portugalete Olivares	Vice Mayor and Presiding Officer
	Hon. Jimmy Robles Olivares	SB Member
	Hon. Ma. Lorna Tumambo Geonigo	SB Member
	Hon. Ernesto Cordova Ticao	SB Member
	Hon. Lee Cereneo Alison – Bretaña	SB Member
	Hon. Grace Marie Escanlar-Cruz	SB Member
	Hon. Rodolfo Zurita Alconga, Jr.	SB Member
	Hon. Vanessa Turita Salinas	SB Member
	Hon. Ella Mae Seguisa Yeoh	SB Member (PPSK Representative)
	Hon. Dennis Quillo Geroche	SB Member
ON OFFICIAL BUSINESS:	None.	
	ABSENT:	
	Hon. Antonio Prias Masculino, Jr.	SB Member (LNB Representative)

ORDINANCE NO. 2023 – 413

AN ORDINANCE CREATING THE OTON TASK FORCE TO MONITOR AND REPORT ILLEGAL CONVERSION OF AGRICULTURAL LANDS AND ILLEGAL REAL ESTATE PRACTICES WITHIN THE MUNICIPALITY OF OTON.

AS PROPOSED by Vice Mayor Jose Neil P. Olivares, **ON MOTION** of Hon. Ernesto C. Ticao, Chair of the Committee on Zoning, Building, Infrastructure and Urbanization, together with Hon. Rodolfo Z. Alconga, Jr. and Hon. Lee Alison - Bretaña which was duly seconded by Hon. Jimmy R. Olivares,

BE IT ORDAINED by the Sangguniang Bayan ng Oton, Iloilo, that:

SECTION 1. RATIONALE AND DECLARATION OF POLICY – It is the policy of this Local Government Unit to:

- a. preserve agricultural lands to ensure food security;
- b. address the rampant acts of illegal, unauthorized and premature conversion of agricultural lands and illegal real estate transactions and activities within the Municipality of Oton;
- c. ensure that the conversion of agricultural lands to non-agricultural uses shall be strictly regulated and may be allowed only when the conditions prescribed under RA 6657 and other applicable laws are complied with;
- d. assist Anti-illegal Real Estate Practices Inter-Agency Task Force (National, Regional and Local Task Force) and Provincial Task Force on Illegal Conversion of Agricultural Lands;
- e. help investigate cases of illegal conversion of agricultural lands and to identify fly-by-night developers, brokers, agents and salespersons within the Municipality of Oton;
- f. control, if possible, to eradicate illegal conversion and Illicit real estate practices and transactions;
- g. protect the buyers of agricultural lands from unlicensed developers, brokers, agents and salespersons;
- h. to put an end to the illicit practices of unscrupulous developers, real estate brokers, agents, and salespersons engaged in the illegal selling of subdivision houses and/or lots, condominium units and memorial lots.

SECTION 2. LEGAL BASES

This Ordinance is anchored on the following laws, orders and issuances:

- a. RA 6657, An Act Instituting a Comprehensive Agrarian Reform Program to Promote Social Justice and Industrialization, Providing the Mechanism for its Implementation, and for other Purpose.
- b. Section 16 of RA 7160, the general welfare clause and Section 20 of RA 7160, the authority of the City/Municipality to reclassify agricultural lands into non-agricultural uses.

- c. Memorandum Circular No. 54, Prescribing the Guidelines Governing Section 20 of RA 7160 Otherwise Known as the Local Government Code of 1991 Authorizing Cities and Municipalities to Reclassify Agricultural Lands into Non-Agricultural Uses.
- d. Administrative Order No. 363, Series of 1997, Prescribing Guidelines for the Protection of Areas Non-Negotiable for Conversion and Monitoring Compliance with Section 20 of the Local Government Code.
- e. Administrative Order No. 1 Series of 2002 on "2002 Comprehensive Rules on Land Use Conversion".
- f. Administrative Order No.1 Series of 2019, Streamlining the Processing of Applications for Land Use Conversion under DAR Administrative Order No. 1 Series of 2002 and Administrative Order No. 3 Series of 2021, Amending Certain Provisions on the Comprehensive Rules on Land Use Conversion under DAR Administrative Order No. 1 Series of 2019 and DAR Administrative Order No. 6, Series of 2019 to Update the Rules to Adopt to the New Normal.
- g. JOINT DAR-DOJ ADMINISTRATIVE ORDER NO. 05-94 Amendments to Joint Administrative Order No. 4, Series of 1993, on Illegal Conversion of Agricultural Lands.
- h. Joint Memorandum Circular No. 01 Series of 2021, Creation of the "Anti-Illegal Real Estate Practices Inter-Agency Task Force" at the National, Regional and Local Levels and Providing Mechanisms to Address Illegal Real Estate Transactions.
- i. JOINT HLRB, DAR, DA, DILG Memorandum Circular, "Prescribing the Guidelines to Implement MC 54 [The Authority of Cities and Municipalities to Reclassify Lands Within the Limits Prescribed by Section 20 of RA 7160 Otherwise Known as The Local Government Code Of 1991.

SECTION 3. DEFINITION OF TERMS:

- A. **Agricultural land** refers to land 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 or juridical, and not classified by law as mineral land, forest or timber, or national park, or classified for residential, commercial, industrial or other non-agricultural uses before 15 June 1988.
- B. **Conversion** is the act of changing the use of agricultural land into non-agricultural use/s. Conversion of agricultural land covered by the Comprehensive Agrarian Reform Law (R.A. No. 6657) is deemed illegal if undertaken after June 15, 1988 without the required order of conversion from the DAR.
- C. **Crime of illegal conversion** is based on Section 73 (c) and 73 (e) of RA 6657 which respectively penalize the following acts.
 1. The conversion by any landowner of his agricultural land into any non-agricultural use with intent to avoid the application of this Act to his landholdings and to dispossess his tenant farmers of the land tilled by them. (Sec. 73 [c])
 2. The sale, transfer, conveyance or change of the nature of lands outside of urban centers and city limits either in whole or in part after the effectivity of this Act. The date of the registration of the deed of conveyance in the Register of Deeds with respect to titled lands and the date of the issuance of the tax declarations to the transferee of the property with respect to unregistered lands, as the case may be, shall be conclusive for the purpose of this Act (Sec. 73 [e])
- D. **Illegal real estate practice/s** is/are act/s in violation of Republic Act No. 9646 or the Real Estate Service Act of the Philippines and Presidential Decree No. 957 or Regulating the Sale of Subdivision Lots and Condominiums, Providing Penalties for Violations Thereof.

SECTION 4. CREATION OF OTON TASK FORCE ON ILLEGAL CONVERSION OF AGRICULTURAL LANDS AND ILLEGAL REAL ESTATE PRACTICES

A. Creation and Composition

The Oton Task Force shall be created with the following composition:

Head:	Municipal Zoning Officer
Asst. Head:	Municipal Office of the Building Official (MOBO)

Members:

- 1) All Punong Barangays in the Municipality of Oton
- 2) Municipal Assessor
- 3) Municipal Agrarian Reform Officer (MARO)
- 4) Municipal Planning and Development Coordinator (MPDC)
- 5) Legal Counsel/ Attorney II

B. Duties and Responsibilities of Oton Task Force:

- 1) Report suspected cases of illegal conversion of agricultural lands within the Municipality of Oton to the MARO and the Sangguniang Bayan (SB);
- 2) Assist the MARO in field investigation and case build-up;
- 3) Investigate all ongoing development projects and conversion of agricultural land;
- 4) Monitor the conversion situation within the Municipality of Oton;
- 5) Report suspected cases of illegal real estate practices to Department of Human Settlement and Urban Development (DHSUD) and copy furnished the Sangguniang Bayan;
- 6) Assist the DHSUD in identifying and monitoring real estate scammers or persons involved in illegal real estate practices;
- 7) Conduct information, education and communication activities to increase the awareness of the public on the requirements and proper procedure on the conversion/reclassification of agricultural lots and to increase awareness on the modus operandi of real estate scammers;

C. The Local Chief Executive shall issue an Executive Order designating the officers and members of Oton Task Force.

SECTION 5. OTHER GOVERNING PROVISION:

The crime of illegal conversion and Illegal real estate practice/s and its penalties shall be governed by the existing laws, orders and decrees.

SECTION 6. REPEALING CLAUSE. All municipal ordinances or parts of any municipal ordinance inconsistent with the provisions of this Ordinance are hereby repealed or modified accordingly.

SECTION 7. SEPARABILITY CLAUSE. If any provision of this Ordinance is held invalid, the other provisions not affected thereby shall continue in operation.

SECTION 8. EFFECTIVITY CLAUSE. This ordinance shall take effect after the approval of the Local Chief Executive.


SECTION 9. COPIES. This Ordinance shall be furnished to the Office of the Mayor; MARO, MEO, MOBO, Assessor's Office; Oton-PNP; MPDO; Admin, Legal Officer, Liga ng mga Barangay, 37 barangays, MLGOO, DHSUD, MARO, MACO and the Sangguniang Panlalawigan of Iloilo for information, guidance and review respectively.

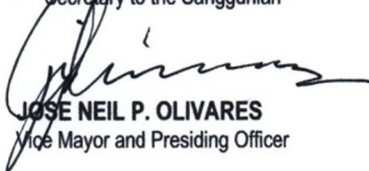
UNANIMOUSLY APPROVED.

I HEREBY CERTIFY to the correctness of the foregoing Ordinance.

Concurred: 
VANESSA T. SALINAS
 Chair - Committee on Rules and Privileges

Approved: 
SOFRONIO L. FUSIN, JR.
 Municipal Mayor

Attested: 
KERRY ANN T. LACIFICAR
 Secretary to the Sanggunian


JOSE NEIL P. OLIVARES
 Vice Mayor and Presiding Officer

Date Approved: APR 18 2023

Date Posted: APR 18 2023