



Republic of the Philippines
BATANGAS CITY

Office of the Sangguniang Panlungsod

Tel. No. 723-2175

RESOLUTION NO. 174 S. 2018

**APPROVING THE APPLICATION FOR ZONING/LOCATIONAL CLEARANCE
FOR THE PROPOSED RESORT, ACCESS ROAD AND WHARF OF MONTENEGRO
SHIPPING LINES, INC. TO BE LOCATED IN BARANGAYS PAGKILATAN
AND ILIJAN, BATANGAS CITY**

WHEREAS, Montenegro Shipping Lines, Inc., is applying for Zoning/Locational Clearance for the proposed resort, access road and wharf of Montenegro Shipping Lines, Inc. to be located in Barangays Pagkilatan and Ilijan, Batangas City;

WHEREAS, the Sangguniang Panlungsod finds the application to have complied with the requirements of law and ordinance;

NOW THEREFORE, be it resolved as it is hereby resolved by the Sangguniang Panlungsod in session assembled, to approve as it hereby approves the application of Montenegro Shipping Lines, Inc., for Zoning/Locational Clearance for the Proposed Resort, Access Road and Wharf of Montenegro Shipping Lines, Inc. to be located in Barangays Pagkilatan and Ilijan, Batangas City subject to the following conditions:

1. Strict compliance with the conditions stated in the Evaluation Report of the City Planning and Development Office, as well as with the pertinent provision of RA 9275 (Clean Water Act of 2004).
2. The applicant shall construct the wharf in accordance with the modified plan submitted to the City Planning and Development Office/Sangguniang Panlungsod, and shall obtain anew the required ECC and EIS clearances from the DENR of the relocated wharf.
3. The applicant shall obtain foreshore lease from the appropriate government agencies.
4. Any improvement or additional development to be made within the project site other than those included in this application shall be subject of a separate application for Development Permit.

UNANIMOUSLY APPROVED.



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Continuation of Resolution No. 174 S. 2018

**APPROVING THE APPLICATION FOR ZONING/LOCATIONAL CLEARANCE
FOR THE PROPOSED RESORT, ACCESS ROAD AND WHARF OF MONTENEGRO
SHIPPING LINES, INC. TO BE LOCATED IN BARANGAYS PAGKILATAN
AND ILIJAN, BATANGAS CITY**


HON. EMILIO FRANCISCO A. BERBERABE, JR.
City Vice Mayor


HON. AILEEN GRACE A. MONTALBO
City Councilor


HON. ARMANDO C. LAZARTE
City Councilor

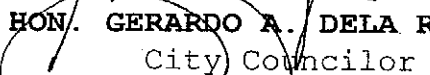

HON. GLENN M. ALDOVER
City Councilor


HON. KARLOS EMMANJUEL A. BUTED
City Councilor


HON. SERGIE REX M. ATIENZA
City Councilor


HON. JULIAN B. VILLENA
City Councilor


HON. HAMILTON G. BLANCO
City Councilor


HON. GERARDO A. DELA ROCA
City Councilor

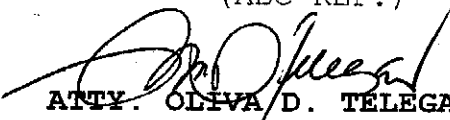

HON. ALYSSA RENEE A. CRUZ
City Councilor


HON. NESTOR E. DIMACUHA
City Councilor


HON. OLIVER Z. MACATANGAY
City Councilor


HON. NELSON J. CHAVEZ
City Councilor

HON. ANGELITO DONDON A. DIMACUHA
(ABC-REP.)


ATTY. OLIVA D. TELEGATOS
Secretary
Sangguniang Panlungsod

REPUBLIC OF THE PHILIPPINES
BATANGAS CITY

OFFICE OF THE SANGGUNIANG PANLUNGSOD

COMMITTEE REPORT

TO : The Honorable
Presiding Officer and Members
Sangguniang Panlungsod

FROM : The Committee on Environment, Urban Development,
Land Use and Zoning

SUBJECT : APPROVING THE APPLICATION FOR ZONING/LOCATIONAL
CLEARANCE FOR THE PROPOSED RESORT, ACCESS ROAD AND
WHARF OF MONTENEGRO SHIPPING LINES, INC. TO BE
LOCATED IN BARANGAYS PAGKILATAN AND ILIJAN,
BATANGAS CITY

The aforementioned application for zoning/location clearance for the proposed resort, access road and wharf of Montenegro Shipping Lines, Inc. was indorsed to the Sangguniang Panlungsod by the City Mayor on January 31, 2018 and was referred to the Committee on Environment, Urban Development, Land Use and Zoning during the Regular Session on February 6, 2018. A Committee Hearing was held on February 19, 2018. Present are the following: Vice Mayor Emilio Francisco A. Berberabe, Jr., Committee members: Councilors Dela Roca, Cruz, Atienza, Lazarte and other members of the Sangguniang Panlungsod: Councilors Nestor Dimacuha, Macatangay, Aldover and Chavez, City Government Officers: Delia Licarte and Michelle Festijo from CPDO; Gerardo M. Peralta from OCVAS; Charmaine Landicho from City ENRO; and representatives of the applicant: Marlon Q. Capili; Jaime L. Guinto; Jovette Guico; Mark Manuel; Penn Delos Santos and Marivic Maramot. Also in attendance were officials and residents of Barangays Ilijan and Pagkilatan, Batangas City. A follow-up committee hearing was held on May 7, 2018.

FINDINGS:

The proposed Resort shall be developed on an area of approximately forty-one thousand two hundred seventy-four (41,274) square meters located along the coastline and boundaries of barangays Pagkilatan and Ilijan. It is approximately twenty (20) kilometers away from the city hall; more or less twelve (12) kilometers away from the Pilipinas Shell Refinery; eighteen (18) kilometers away from SM Shopping Mall, and more or less four (4) kilometers away from Ilijan-KIELCO Natural Gas Power Plant. The proposed project is within the designated ECO-Tourism Development Zone (ETDZ). Based on the submitted plan and project description, the structures, facilities and amenities of the proposed resort include the following:

- a. Two-storey sixteen (16) rooms/villa hotel building - with a total floor area of approximately one thousand two hundred sixty-seven (1,267.00) square meters
- b. Infinity pool - with an area of three hundred fifty (350) square meters
- c. Four (4) units nipa hut - with an area of sixteen (16) square meters each unit
- d. Power house (genset house)
- e. Pump room
- f. Parking area - with an area of five hundred (500) square meters more or less
- g. Wharf - with an area of 3,760.00 square meters more or less
- h. Access road - with an area of 768.00 square meters more or less

The Barangay Council of Ilijan passed Resolution allowing Montenegro Shipping Lines, Inc. to construct nipa hut, hotel building and parking area in their property at Sitio Bayanan on June 15, 2017, while the Barangay Council of Pagkilatan passed Resolution stating that they interpose no objection for the establishment of access road, wharf and resort at their property situated in Sitio Ibaba, Pagkilatan, Batangas City.

The proposed wharf was found to occupy a large area which will traverse and probably destroy coral reefs, therefore the applicant is required to alter or modify the wharf plan. The applicant agreed to limit the wharf area from the original 120m x 30m to 50 x 30 meters or less. The applicant also made a commitment that their construction/project will not destroy or affect the coral reefs in the area.

Because of the modification of the wharf plan, the applicant will obtain foreshore lease from the concerned government agencies for the access road from the proposed wharf to the resort.


The wharf, when constructed, may also be used by small sea crafts ferrying from the area to Isla Verde.

Considering the foregoing, the Committee recommends the following:

1. To adopt this Committee Report.
2. To approve the attached Resolution approving the application subject to the following conditions:
 1. Strict compliance with the conditions stated in the Evaluation Report of the City Planning and Development Office, as well as with the pertinent provision of RA 9275 (Clean Water Act of 2004).
 2. The applicant shall construct the wharf in accordance with the modified plan submitted to the City Planning and Development Office/Sangguniang Panlungsod, and shall obtain anew the required ECC and EIS clearances from the DENR of the relocated wharf.

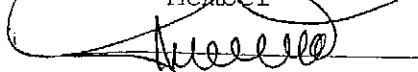
3. The applicant shall obtain foreshore lease from the appropriate government agencies.
4. Any improvement or additional development to be made within the project site other than those included in this application shall be subject of a separate application for Development Permit.

Respectfully submitted: June 5, 2018.


COUN. GERARDO A. DELA ROCA
Chairman

Committee on Environment Urban Development
Land Use and Zoning


COUN. SERGIE REX M. ATIENZA
Member


COUN. JULIAN B. VILLENA
Member


COUN. ALYSSA RENEE A. CRUZ
Member


COUN. ARMANDO C. LAZARTE
Member



Republic of the Philippines
Batangas City

City Planning and Development Office

City Hall Complex, P. Burgos Street, Batangas City 4200
Tel. Nos.: (043) 723-1832 (telex) / 773-6100 loc. 2090 & 2092 (CPDC) /
2093 (ACPDC) / 2091 (Admin. Division) / 2094 (Zoning Division)
email add: cpdobatangacity@yahoo.com

EVALUATION REPORT

NAME OF APPLICANT : Mr. Vicente C. Montenegro, Jr.
Resort/Wharf Owner
Montenegro Shipping Lines, Inc.

ADDRESS/ TEL. NO. : Villa Jose Subdivision
Brgy. Kumintang Ibaba, Batangas City

NAME OF CORPORATION : Montenegro Shipping Lines, Inc.

ADDRESS OF CORPORATION / TEL. NO. : Montenegro Corporate Center
Diversion Road, Brgy. Bolbok, Batangas City
(043) 740 - 3201 / 740 - 3188 / 740 - 3209

TYPE OF PROJECT : PROPOSED RESORT, ACCESS ROAD AND WHARF

LOCATION OF PROPOSED PROJECT : Brgys. Pagkilatan and Ilijan, Batangas City

PROJECT AREA : 41, 274 sq.m.

RESORT AREA : 14,376 sq.m.

ROAD AREA : 768.00 sq.m.

WHARF AREA : 3,760 sq.m.

RIGHT OVER LAND : Owner

Tax Declaration Number, Lot Number and Area

0067 - 00561	16868 pt.	15,035.00 sq.m.
0067 - 00562	17001 pt.	11,863.00 sq.m.
0052 - 02708	16992 pt.	14,376.00 sq.m.

PROJECT CLASSIFICATION : TOURISM AND INFRASTRUCTURE

SITE ZONING CLASSIFICATION : ECO - TOURISM DEVELOPMENT ZONE (ETDZ)

BASIS OF RECOMMENDATION/ DECISION : Batangas City Zoning Ordinance CY 2015 and Batangas City Comprehensive Land Use Plan - CY 2009 -2018.

City Ordinance No. 26 S. 2005 - An Ordinance Establishing A Fishery Reserve In the Marine Water Along The Coastline of Barangay Pagkilatan,

Batangas City, Its Utilization, Management, Protection and Conservation.

City Ordinance No. 13 S. 2011 - An Ordinance Declaring A Fishery Refuge and Sanctuary In Barangay Ilijan, Batangas City, Its Utilization, Management, Protection And Conservation.

Executive Order No. 578 – Establishing The National Policy On Biological Diversity, Prescribing Its Implementation Throughout the Country, Particularly In The Sulu Sulawesi Marine Ecosystem and The Verde Island Passage Marine Corridor.

SUBJECT : Application for Zoning/ Locational Clearance for the proposed resort, access road and wharf of Montenegro Shipping Lines, Inc. represented by Mr. Vicente C. Montenegro, Jr. to be located at barangays Pagkilatan and Ilijan, Batangas City

A. DESCRIPTION OF PROJECT SITE

The above mentioned properties with a total area of approximately forty-one thousand two hundred seventy-four (41, 274) square meters are located along the coastline and boundaries of barangays Pagkilatan and Ilijan. It is approximately twenty (20) kilometers away from the city hall; more or less twelve (12) kilometers away from the Pilipinas Shell Refinery; eighteen (18) kilometers away from SM Shopping Mall, and more or less four (4) kilometers away from Ilijan – Kielco Natural Gas Power Plant.

The subject properties are as follows with the following description:

a. Lot No.-16992 pt.

Location : Brgy. Ilijan, Batangas City
Area : 14,376 sq.m.

North : private land planted with shrubs & secondary growth trees
East : creek
South : North Pass
West : creek

b. Lot No. 17001

Location : Brgy. Pagkilatan, Batangas City
Area : 11,863 sq.m.

North : private land planted with shrubs & secondary growth trees
East : creek
South : Batangas Bay
West : creek

c. Lot No. 16868 pt.

Location : Brgy. Pagkilatan, Batangas City
Area : 15,035 sq.m.

North East : creek, private land planted with shrubs and secondary growth trees

South East : Batangas Bay
South West : private land planted with shrubs & secondary growth trees
North West : private land planted with shrubs & secondary growth trees

Lot No. 16992 pt. situated in Brgy. Ilijan, has a flat topography from the coastline, which becomes rolling to undulating toward Batangas Bay Road. It is planted with coconut trees, shrubs, grasses and few secondary growth trees.

Lot Nos. 16868 pt. and 17001 in Brgy. Pagkilatan has rolling to undulating terrain from the coastline towards the Batangas Bay Road. These two (2) lots were traversed by the Batangas Bay Road and planted with grasses, shrubs and few secondary growth trees.

At present, there are no activities being undertaken in the abovesaid properties.

Existing projects/activities located within one (1) kilometer radius from the abovementioned properties are the following:

1. Mary the Queen Project – 6- storey building with fifty - five (55) meter high shrine of Blessed Virgin Mary.
2. Sto. Niño Church
3. Monte Maria Retreat House
4. Diving Camp of Monte Maria
5. Isola Vista Beach Resort
6. Kamantigue Beach Resort
7. Aqua Tanah Merah Beach Resort
8. Dream Land Beach Resort
9. Vista De Puente Beach Resort
10. Jevic Breeze Beach Resort
11. Glorymar Vista Beach Resort
12. K and Z Pebble Beach Resort

The existing land uses within one (1) kilometer radius from the subject properties are the following:

1. residential
2. commercial
3. institutional
4. tourism
5. agricultural
6. agro – forestry

B. EVALUATION OF FACTS

1. The above-mentioned properties are within the designated Eco – Tourism Development Zone (ETDZ) based on the Batangas City Zoning Ordinance enacted by the Sangguniang Panlungsod under Ordinance No. 1 series of 2015 dated February 9, 2015 and approved by the City Mayor on March 2, 2015 and the Batangas City Comprehensive Land Use Plan for CY 2009 - 2018
2. Based on the submitted plan and project description, the structures, facilities and amenities of the proposed resort include the following:
 - a. two-storey ~~sixteen~~ (16) rooms/villa hotel building - with a total floor area of approximately one thousand two hundred sixty-seven (1,267.00) square meters
 - b. infinity pool - with an area of three hundred fifty (350) square meters
 - c. four (4) units nipa hut - with an area of sixteen (16) square meters each unit
 - d. power house (genset house)
 - e. pump room

- f. parking area - with an area of five hundred (500) square meters more or less
 g. wharf – with an area of 3,760.00 square meters more or less
 h. access road – with an area of 768.00 square meters more or less
3. Based on the submitted project description, the wharf will be constructed to accommodate yachts, sail boats and other small vessels that will dock to load and unload supplies and guests coming to and from the resort. The wharf has a total area of three thousand seven hundred sixty (3, 760.00) square meters
 4. The Barangay Council of Ilijan passed Resolution No. 21 Series of 2017 allowing Montenegro Shipping Lines, Inc. to construct nipa hut, hotel building and parking area in their property at Sitio Bayanan on June 15, 2017.
 5. The Barangay Council of Pagkilatan passed Resolution No.9 series of 2017 stating that they interpose no objection for the establishment of access road, wharf and resort at their property situated in Sitio Ibaba, Pagkilatan, Batangas City
 6. The actual uses of the subject properties based on the tax declaration are orchard and horticultural land.
 7. At present, there are eight (8) existing beach resorts operating along the coastline of barangays Pagkilatan and Ilijan, with average distance of more or less five hundred (500) meters away from the subject properties.
 8. The EMB-DENR CALABARZON approved and issued an Environmental Compliance Certificate (ECC) for the proposed resort, access road and wharf to be located in barangays Ilijan and Pagkilatan on October 9, 2017.
 9. The Sangguniang Panlungsod enacted Ordinance No. 26, Series of 2005 otherwise known as “An Ordinance Establishing A Fishery Reserve In the Marine Waters Along the Coastline of Barangay Pagkilatan, Batangas City, Its Utilization, Management, Protection and Conservation.” on November 21, 2005.
 - 9.1 The provision of Section 2 of Ordinance No. 26, S. 2005, read as follows to wit:

“Section 2. Declaration of Policy – It is hereby declared as the policy of the City Government of Batangas to promote fishery conservation, maintain the harvesting capacity of the coastal ecosystem to insure a sustainable production, and to rehabilitate and restore depleted coastal and fishery resources by establishing marine protected areas in areas of high productivity and /or high biodiversity, and furthermore, to conduct research and studies to improve and develop the coastal environment without sacrificing the nature and the fishermen.”
 - 9.2 Based on Ordinance No. 26 S. 2005, the total area for Fishery Reserve, which is designated marine protected area where activities are regulated and set aside for educational and research purposes, is seventeen thousand nine hundred (17, 900) square meters.
 - 9.3 The following activities are prohibited per Section 8 of Ordinance No. 26 S. 2005:
 1. Except Hook – and – Line Fishing, all other forms of fishing activities and fishing methods.
 2. Conducting activities within the fishing reserve area without proper authorization and permission from the Management Board.

3. All prohibitions provided under RA No. 8550 (The Fishery Code of 1998) .
- 9.4 The fishery reserve area in barangay Pagkilatan is approximately one (1) kilometer away from the subject properties.
10. The Sangguniang Panlungsod enacted Ordinance No. 13 Series of 2011, otherwise known as “An Ordinance Declaring A Fishery Refuge and Sanctuary In Barangay Ilijan, Batangas City, Its Utilization, Management, Protection and Conservation.”
 - 10.1 The provision of Section 8 of Ordinance No. 13 Series of 2011, read as follows to wit:

***Section 8. PROHIBITION.** No anchorage is allowed on the entire area of the Fishery Refuge and Sanctaury. All watercrafts are required to use the mooring installed for the said purpose.*

Within the Core Area of the Fishery Refuge Sanctuary, it is unlawful to :

- 8.1 Conduct any kind or method of fishing activity to catch, take or destroy any fish an other aquatic resources or in any manner disturb, drive away fish fry, fish egg or other type of marine organism.
- 8.2 Enter, short cut or dive through the area with motorized boat or vessel.
- 8.3 Anchor or secure any craft to the sea bottom.

Within the buffer zone the following activities are prohibited:

- 8.4 The use of motorized boat, fishing with scaring devices and or light to attract fish.
- 8.5 Other fishing activities not included in Section of this Ordinance.
- 10.2 Based on Ordinance No. 13 S. 2011, the total area for Fishery Refuge and Sanctuary in barangay Ilijan is sixteen (16.0) hectares, which is composed of Buffer Zone and Core Zone.
- 10.3 The fishery refuge and sanctuary area in barangay Ilijan is more or less three hundred (300) meters away from the subject properties.
11. The Batangas City coastal waters, specifically in barangays Pagkilatan , Ilijan, Dela Paz Proper, Dela Paz Pulot Aplaya, and Talahib Pandayan and the whole Verde Island is within the Verde Island Passage which is part of the Sulu Sulawesi Marine Ecosystem (SSME) of about a million (1,003,526) square kilometers hosting the highest marine biodiversity, including coral reefs, mangroves and sea grass ecosystem that support three quarters of the fisheries needs of almost 40 million people.
12. The Verde Island Passage is consider “the center of the center ” of the world’s marine bioderversity due to its significantly high number of species. Scientists from around the world have called for the immediate protection of the Verde Island Passage, which is known as the world’s most diverse marine ecösytem, to protect the area from the risk of climate change particularly on its marine species.

13. The Department of Tourism - Southern Tagalog Region, recommended that the entire Verde Island and all areas facing the Verde Island Passage shall be declared as Eco – Tourism Area in the City Land Use Plan and the waters covered by the marine boundaries of the Marine Protected Areas so that marine habitats and species of the Verde Island Passage can be protected through the initiative of the city government.

RECOMMENDATIONS:

The application for zoning/location clearance for the proposed resort, access road and wharf of Montenegro Shipping Lines Inc. through Mr. Vicente C. Montenegro, Jr. to be located at barangays Pagkilatan and Ilijan, Batangas City is being endorsed for appropriate action by the Sangguniang Panglungsod subject to the following conditions:


1. The applicable requirements of all concerned government agencies and applicable provisions of the existing relevant laws and city ordinances such as City Ordinance No. 26, series of 2005, otherwise known as “An Ordinance Establishing A Fishery Reserve In the Marine Water Along the Coastline of Barangay Pagkilatan, Batangas City, Its Utilization; Management, Protection and Conservation and City Ordinance No. 13, series of 2011, otherwise known as “An Ordinance Declaring A Fishery Refuge and Sanctuary In Barangay Ilijan, Batangas City, Its Utilization, Management, Protection And Conservation” shall be observed or complied with;
2. No expansion, alteration and/or improvement shall be introduced in the project site without prior clearance from the city government;
3. Any misrepresentation, false statements or allegations material to the issuance of decisions for the application shall be sufficient grounds or basis for its revocation;
4. The proponent shall comply with the provisions of City Ordinance No. 8 Series of 1994, otherwise known as “Providing Priority in Employment or Work to Qualified Barangay Residents”.
5. The proponent shall comply with all the applicable provision of the Batangas City Environment Code;
6. The proponent shall pay all the required taxes and fees to be imposed by the city government;
7. The proponent shall secure building permits from the City Engineering Office (CEO) and the Certificate of Zoning Compliance from the City Planning & Development Office (CPDO), for all the buildings and structures to be constructed within the project site prior to their construction;
8. The proponent shall construct slope protection or riprap along the creek at the southern boundary and at the northern boundary of the project site to protect the site from soil erosion and landslides;
9. The proponent shall provide 3.0 meters wide easement along the creek at the southern boundary of the project site. No structure or building shall be constructed at the abovesaid easement;
10. The proponent shall comply with all the conditions stipulated in the Environmental Compliance Certificate (ECC) from the Environmental Management Bureau (EMB) of the Department of Environment and Natural Resources (DENR) granted to the proposed project on October 9, 2017.


11. The proponent shall secure City Environmental Clearance (CEC) from the City Environment and Natural Resources Office (City – ENRO) prior to the approval of the proposed projects;
12. The proponent shall provide three (3) meters easements along the shoreline of Pagkilatan and Ilijan fronting the project site. No structures/buildings shall be constructed at the abovesaid 3.0 meters easement;
13. The proponent shall submit an Engineering and Geological Hazard Assessment Report of the project site approved by the Mines and Geosciences Bureau prior to its approval.
14. The proponent shall secure clearance or permit from the concerned Marine Sanctuary Management Board which has jurisdiction over the areas and from the Fishery Division-OCVAS and the Bureau of Fish and Aquatic Resources (BFAR) prior to the approval of the wharf because the site is adjacent to the area declared as a fishery refuge and sanctuary in barangays Pagkilatan and Ilijan to protect and preserve the existing coral reefs and other marine life resources along the coastline of the abovesaid barangays;
15. The wharf shall be designed only for docking of small vessels such as yachts, sail boats and motorized boats serving only the resort's guests/clients.
16. Only small vessels such as yachts and boats catering to the guests of the resort shall be allowed to anchor at the wharf to protect the existing coral reefs on the coastal waters of barangays Pagkilatan and Ilijan;
17. The proponent shall secure foreshore lease permit from the Community Environment and Natural Resources Office (CENRO) of the Department of Environment and Natural Resources (CENRO-DENR) prior to its approval;
18. The proponent shall submit to this office a progress report relative to its compliance to the conditions and requirements for the approval of the abovementioned projects;
19. The proponent shall allow at any time without prior notice, authorized city government officials/employees to conduct an on-the-spot inspection and monitoring of all on-going activities being undertaken within the project site;
20. The transfer of ownership of the project carries with it the responsibility of complying with the abovementioned conditions, the transfer of which shall be made known to this office through a written notification by herein grantee within fifteen (15) days from such transfer.

January 30, 2018

Prepared by :


MICHELLE A. FESTIJO
 Zoning Officer II


DELIA M. LICARTE
 Zoning Officer IV


ROSELYN G. BERBERABE
 Zoning Officer III

Noted by:


JANUARIO B. GODOY, CE, EnP
 City Planning Development Coordinator