

REPUBLIC OF THE PHILIPPINES
BATANGAS CITY
SANGGUNIANG PANLUNGSOD

RESOLUTION NO. 35 S. 2013

APPROVING THE LOCATIONAL/ZONING CLEARANCE OF FIRST GEN CORPORATION FOR THE PROPOSED THREE (3) POWER PLANT PROJECTS NAMED AVION (115MW), SAN GABRIEL PHASE II (450MW) AND SAN GABRIEL PHASE III (900MW)

WHEREAS, the Honorable City Mayor endorsed to the Sangguniang Panlungsod for the appropriate action the application of FIRST GEN CORPORATION for Land Use Reclassification and for Locational/Zoning Clearance;

WHEREAS, the Sangguniang Barangays of Bolbok, Sta. Rita Karsada and Sta. Rita Aplaya, Batangas City enacted resolutions endorsing the constructions and operations of the aforementioned proposed power plants.

WHEREAS, a review of all the documents attached to the Application and the Evaluation of Facts by the City Planning and Development Office (CPDO), Zoning Division of Batangas City shows, among others, the following:

A. DESCRIPTION OF THE PROJECT SITE:

1. The proposed site for the 115 MW Power Plant, named **Avion** is to be located in approximately **13.2635 hectares** property in Barangay Bolbok. **The site is adjacent to the abandoned PNR railway** which is now presently occupied by informal settlers and more or less 15.0 meters away from various residential settlements in Bolbok. It is also adjacent to the fence of the PPA International Port Phase 2.

The proposed site is approximately 100.0 meters away from the Port Diversion Road, 200.0 meters away from PPA Administrative building; **more or less 500 meters away from the shorelines of Batangas Bay, more or less 200 meters away from the residential area in Barangay Calicanto**, and approximately 2.5 kilometers away from the city proper.

The proposed site has a flat terrain and is presently classified as Port Zone (PZ) and General Development Zone – 2 (GDZ-2) per the city's Land Use Zoning Ordinance.

2. The proposed site for the other two (2) proposed power plants, namely **San Gabriel Phase II (450MW)**, and **San Gabriel Phase III (900MW)**, **will occupy areas within the Sta. Rita Power Plant & San Lorenzo Power Plant complex in barangays Sta. Rita Aplaya and Sta. Rita Karsada.**

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The area of the site within Sta. Rita Aplaya is more or less **34.02 hectares** while the area of the site within Sta. Rita Karsada is approximately **10.8736 hectares**.

The proposed site at the above said two barangays is approximately 3.0 kilometers from the city proper, and more or less **100 meters away various residential settlements**.

The site has a flat terrain and presently not being cultivated for agricultural purposes.

B. EVALUATION OF FACTS:

1. The three (3) proposed power plants intend to use natural gas from the Malampaya Natural Gas Off-Shore Plant in Palawan and/or a liquified natural gas terminal with storage and regasification facilities to commercially produce electricity.
2. The proposed site in **Barangay Bolbok**, with an area of more or less 13.2635 hectares falls within the designated **Port Zone (PZ)** and **General Development Zone – 2 (GDZ-2)** per the Batangas City Comprehensive Land Use and Zoning Ordinance 2001.
3. The **barangay Bolbok** site is also included in Executive Order No. 431 otherwise known as "Further Expanding the Delineated Port Zone as provided for under Executive Order No. 385, dated December 1989", of then President Corazon C. Aquino, dated October 19, 1990. **The site falls within the Phase 3 of the long term development master plan for Batangas Port Project of the Philippine Ports Authority (PPA).**
4. The proposed site in **Sta. Rita Karsada** with an area of more or less 10.78 hectares within the designated **General Development Zone – 2 (GDZ-2)** based on the Batangas City Comprehensive Land Use and Zoning Ordinance, wherein the allowed uses are residential, commercial, institutional and recreational purposes.
5. The **Sta. Rita Aplaya** site an area of more or less 34.02 hectares falls within the designated **Heavy Industrial Zone (HIZ)** per the Batangas City Comprehensive Land Use and Zoning Ordinance, wherein a power plant project is an allowed use.
6. Based on the Batangas City Comprehensive Land Use and Zoning Ordinance, power plant project is **not allowed in General Development Zone (GDZ) and Port Zone (PZ).**
7. The 13.2635 hectares proposed site in Bolbok is to be owned by the Prime Meridian PowerGen Corporation, registered at the Securities & Exchange Commission with the Company Reg. No. CS201113861.
8. The 44.8906 hectares proposed site located in Sta. Rita Karsada and Sta. Rita Aplaya is owned by the FGLand Corporation, First Gas Holdings Corporation, FGP Corp. and First Gas Power Corporation.

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9. The **Barangay Council of Bolbok** passed **"Resolusyon Bilang 03, Serye 2013"** which is endorsing and approving the proposed 115 MW power plant project and granting the **Barangay Captain** full authority to enter into a memorandum of agreement (MOA) with the Prime Meridian PowerGen Corporation and First Gen Corporation, on January 29, 2013.
10. The **Barangay Council of Sta. Rita Karsada** passed **"Resolusyon Bilang 03, Serye 2013"** on January 24, 2013, which is endorsing and approving the proposed 450 MW and 900 MW power plant projects and granting the **Barangay Captain** full authority to enter into a memorandum of agreement (MOA) with the First NatGas Power Corporation and First Gen Corporation.
11. The **Barangay Council of Sta. Rita Aplaya** passed **"Resolusyon Bilang 05 Serye 2013"** on January 25, 2013, which is endorsing and approving the proposed 450 MW & 900 MW power plant projects and granting the **Barangay Captain** full authority to enter into a memorandum of agreement with the First NatGas Power Corporation and First Gen Corporation.
12. The Punong Barangay of Bolbok issued **Barangay Permit 2013** on January 29, 2013 certifying that his office interposes no objection regarding the construction and operation of the proposed power plant project in barangay Bolbok, Batangas City.
13. The Punong Barangay of Sta. Rita Karsada issued **Barangay Permit 2013** on January 24, 2013 certifying that his office interposes no objection regarding the construction and operation of the proposed power plant project in barangay Sta. Rita Karsada, Batangas City.
14. The Punong Barangay of Sta. Rita Aplaya issued **Barangay Permit 2013** on January 23, 2013 certifying that his office interposes no objection regarding the construction and operation of the proposed power plant project in barangay Sta. Rita Aplaya, Batangas City.
15. The Department of Agrarian Reform (DAR) granted an exemption clearance dated September 28, 2012 (DARCO EXEMPTION ORDER NO. 0224045 – 12, series of 2012) for the landholdings in **Barangay Bolbok** with an area of 8.0166 hectares **wherein the remaining 5.23 hectares has no DAR clearance.**
16. The Department of Environment and Natural Resources (DENR) granted Environmental Compliance Certificate (ECC) for the construction and operation of a nominal 550 MW Natural Gas Fire Combined Cycle Power Plant in Sta. Rita Aplaya and Sta. Rita Karsada on December 19, 2005. **No ECC has been issued for the remaining 915 MW.**

WHEREAS, during the Committee and public hearing conducted by the Committee on Environment, Urban Development, Land Use and Zoning, and the Committee on Laws, Rules and Regulations of the Sangguniang Panlungsod, the

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representatives of the applicant corporation and the Zoning Officials of the CPDO explained the projects and other matters related thereto. The Barangay officials of Barangays Bolbok, Sta. Rita Karsada and Sta. Rita Aplaya endorsed the construction and operation of the proposed power plants.

NOW THEREFORE, BE IT RESOLVED TO APPROVE, AS IT HEREBY APPROVES, the application of FIRST GEN CORPORATION for the issuance of the Zoning/Locational Clearance for the proposed three (3) power plants name AVION (115 MW) to be located in Barangay Bolbok, San Gabriel Phase II (450 MW) and San Gabriel Phase III (900 MW) to be located at Sta. Rita Aplaya and Sta. Rita Karsada, Batangas City, subject to compliance ~~sine qua non~~ to the conditions and requirements stated in the Evaluation Report of the Zoning Division, CPDO dated February 5, 2013.

RESOLVED FURTHER, that the Evaluation Report of the City Planning and Development Office (CPDO), Zoning Division, Batangas City, including all documents attached thereto and the Committee Report dated February 15, 2013 be made integral parts of this resolution.

Approved unanimously by the Sangguniang Panlungsod of Batangas City this 18th day of February 2013.

I hereby certify to the correctness of the foregoing resolution entitled **APPROVING THE LOCATIONAL/ZONING CLEARANCE OF FIRST GEN CORPORATION FOR THE PROPOSED THREE (3) POWER PLANT PROJECTS NAMED AVION (115MW), SAN GABRIEL PHASE II (450MW) AND SAN GABRIEL PHASE III (900 MW).**


ATTY. OLIVA D. TELEGATOS
Secretary
Sangguniang Panlungsod

ATTESTED:


JOSE VIRGILIO Y. TOLENTINO
Vice-Mayor & Presiding Officer

SPONSORS: Coun. Mario A. Mariño
CO-SPONSORS: Coun. Claudette U. Ambida

Coun. Narciso B. Macarandang
Coun. Eloisa D. Portugal Coun. Armando C. Lazarte
