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REPUBLIC OF THE PHILIPPINES
PROVINCE OF LEYTE
TACLOBAN CITY
-oOo-

SANGGUNIANG PANLALAWIGAN

MINUTES OF THE 51ST REGULAR SESSION OF THE SANGGUNIANG PANLALAWIGAN OF
LEYTE, HELD AT THE SESSION HALL, LEGISLATIVE BUILDING CAPITOL GROUNDS
TACLOBAN CITY ON 8TH SEPTEMBER 2017.

12	1. Atty. Carlo P. Loreto	Vice-Governor/Presiding Officer
13	2. Hon. Ranulfo S. Abellanosa	1 st District Board Member
14	3. Hon. Gina E. Merilo	1 st District Board Member
15	4. Hon. Trinidad G. Apostol	2 nd District Board Member
16	5. Hon. Niccolo J. Villasin	2 nd District Board Member
17	6. Hon. Alan P. Ang	3 rd District Board Member
18	7. Hon. Ma. Corazon E. Remandaban	3 rd District Board Member
19	8. Hon. Manuel Vicente M. Torres	4 th District Board Member
20	9. Hon. Mesias P. Arevalo	4 th District Board Member
21	10. Hon. Florante A. Cayunda, Jr.	5 th District Board Member
22	11. Hon. Emmanuel L. Gacis	5 th District Board Member
23	12. Hon. Wilson S. Uy	Ex-Officio Member, PCL President
24	13. Hon. Nolie C. Caña	Ex-Officio Member, LnBP President

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28 The 51ST Regular Session of the Sangguniang Panlalawigan of Leyte was called to order
29 by Atty. Carlo P. Loreto, the Honorable Vice-Governor and Presiding Officer at exactly 3:02
30 o'clock in the afternoon.

31 Invocation was given by the Honorable Ma. Corazon E. Remandaban, Representative of
32 the 3rd District of Leyte, followed by the singing of the Pambansang Awitng Pilipinas.

33 After which, a motion to dispense with the Panunumpa sa Watawat, the Leyte Hymn, the
34 PBMLP Hymn and the PBMLP Creed of the agenda was presented by the Honorable Niccolo J.
35 Villasin, Representative of the 2nd District of Leyte and was duly seconded by the Honorable Ma.
36 Corazon E. Remandaban of the 3rd District of Leyte. As there was no discussion, the motion
37 was carried.

38 The Secretary to the Sanggunian, Atty. Marni Rose D. Zatarain made the roll call to
39 ensure presence of quorum for the day's session. The presence of all the Members was
40 known, thus, a quorum was announced.

41 HON. CARLO P. LORETO: VICE-GOVERNOR/PRESIDING OFFICER

42 There is quorum to do business.

43 Mr. Floor Leader.

44 HON. FLORANTE A. CAYUNDA, JR.: 5THDIST. BOARD MEMBER/FLOOR LEADER

45 Yes, Mr. Chair.

46 We now go to the consideration of the Minutes of the previous session of August 18,
47 2017.

48 Are there any corrections?

49 There being no corrections, I move that we approve and adopt the Minutes of August 18,
50 2017.

51 I so move.

52 HON. TRINIDAD G. APOSTOL: 2ND DISTRICT BOARD MEMBER

53 Second.

54 HON. GINA E. MERILO: 1ST DISTRICT BOARD MEMBER

55 Second.

56 HON. MESIAS P. AREVALO: 4TH DISTRICT BOARD MEMBER

57 Second.

58 HON. CARLO P. LORETO: VICE GOVERNOR/PRESIDING OFFICER

59 There is a motion duly seconded, to approve and adopt the Minutes.

60 Discussion?

61 Hearing none, the motion is carried and approved.

62 Approved unanimously.

RES.NO. 2017-513

63 HON. FLORANTE A. CAYUNDA, JR.:5TH DIST. BOARD MEMBER/FLOOR LEADER

64 Mr. Chair, we have other Minutes of our previous session on August 22, 2017.

65 Are there corrections?

66 There being no corrections, I move that we approve and adopt the Minutes of August 22,
67 2017 regular session.

68 I so move.

69 HON. CARLO P. LORETO: VICE GOVERNOR/PRESIDING OFFICER

70 Motion is granted.

71 Approved unanimously.

RES. NO. 2017-514

72 HON. FLORANTE A. CAYUNDA, JR.: 5THDIST. BOARD MEMBER/FLOOR LEADER

73 We now go to our Business of the Day.

74 Madam Secretary, Item No. 1, please.

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77 ATTY. MARNI ROSE D. ZATARAIN: SP SECRETARY

78 **ITEM NO. 01**

79 Presented for consideration is **Municipal Ordinance No. 71 Series of**
80 **2017 of the Municipality of Matag-ob, Leyte, entitled, "ESTABLISHING**
81 **FIRECRACKER AND OTHER PYROTECHNIC DEVICES ZONE AND**
82 **DETERMINING GUIDELINES AND PROHIBITION FOR THE SALE,**
83 **MANUFACTURE, DISTRIBUTION AND USE OF SUCH IN THE MUNICIPALITY**
84 **OF MATAG-OB,"** recommended for the declaration of its **VALIDITY** by the
85 Provincial Legal Office in its 2nd Indorsement dated August 8, 2017.

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87 HON. FLORANTE A. CAYUNDA, JR.: 5THDIST. BOARD MEMBER/FLOOR LEADER

88 Can you recognize the Honorable Torres, Mr. Chair?

89 HON. CARLO P. LORETO: VICE GOVERNOR/PRESIDING OFFICER

90 The Honorable Torres is recognized.

91 HON. MANUEL VICENTE M. TORRES: 4TH DISTRICT BOARD MEMBER

92 Item No. 1, presented for consideration is Municipal Ordinance No. 71 series of 2017 of
93 the Municipality of Matag-ob, Leyte, entitled: "Establishing firecracker and other pyrotechnic
94 devices zone and determining guidelines and prohibition for the sale, manufacture, distribution
95 and use of such in the Municipality of Matag-ob", recommended for validity by the Provincial
96 Legal Office in its 2nd Indorsement dated August 8, 2017.

97 I move to declare valid Ordinance No. 71 of Matag-ob, Leyte.

98 HON. MESIAS P. AREVALO: 4TH DISTRICT BOARD MEMBER

99 Second.

100 HON. CARLO P. LORETO: VICE GOVERNOR/PRESIDING OFFICER

101 It has been moved and seconded to approve the subject ordinance.

102 Discussion?

103 Hearing none, the motion is carried and approved.

104 Approved unanimously.

RES. NO. 2017-515

105 HON. FLORANTE A. CAYUNDA, JR.: 5THDIST. BOARD MEMBER/FLOOR LEADER

106 Item No. 2, Madam Secretary, please.

107 ATTY. MARNI ROSE D. ZATARAIN: SP SECRETARY

108 **ITEM NO. 02**

109 Presented for consideration is **Municipal Ordinance No. 72 Series of**
110 **2017 of the Municipality of Matag-ob, Leyte, entitled, "AN ORDINANCE**
111 **ESTABLISHING GUIDELINES FOR THE OPERATION AND MAINTENANCE OF**
112 **THE MATAG-OB MUNICIPAL CEMETERY LOCATED AT BARANGAY SAN**

113 **GUILLERMO, MATAG-OB, LEYTE,”** recommended for the declaration of its
114 **VALIDITY** by the Provincial Legal Office in tis 2nd Indorsement dated August
115 8, 2017.
116

117 HON. FLORANTE A. CAYUNDA, JR.: 5THDIST. BOARD MEMBER/FLOOR LEADER

118 Can you recognize the Honorable Arevalo, Mr. Chair?

119 HON. CARLO P. LORETO: VICE GOVERNOR/PRESIDING OFFICER

120 The Honorable Arevalo is recognized.

121 HON. MESIAS P. AREVALO: 4TH DISTRICT BOARD MEMBER

122 Thank you.

123 Good afternoon my colleagues.

124 Presented for consideration is Municipal Ordinance No. 72 series of 2017 of the
125 Municipality of Matag-ob, Leyte, entitled, “An ordinance establishing guidelines for the operation
126 and maintenance of the Matag-ob Municipal Cemetery located at Barangay San Guillermo,
127 Matag-ob,Leyte”.

128 With the recommendation from the Provincial Legal Office on its endorsement dated
129 August 8, 2017, this Representation moves for the approval of Municipal Ordinance No. 72 of
130 Matag-ob, Leyte.

131 I so move.

132 HON. ALAN PEREÑA ANG: 3RD DISTRICT BOARD MEMBER

133 Second.

134 HON. CARLO P. LORETO: VICE GOVERNOR/PRESIDING OFFICER

135 There is a motion duly seconded to approve Ordinance No. 72 s 2017 of Matag-ob,
136 Leyte.

137 Discussion?

138 Objections?

139 Manifestations?

140 Hearing none, the motion is carried and approved.

141 Approved unanimously.

RES. NO. 2017-516

142 HON. FLORANTE A. CAYUNDA, JR.: 5THDIST. BOARD MEMBER/FLOOR LEADER

143 Item No. 3, Madam Secretary, please.

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146 ATTY. MARNI ROSE D. ZATARAIN: SP SECRETARY

147 **ITEM NO. 03**

148 Presented for consideration is **Ordinance No. 16 Series of 2017 of**
149 **the Municipality of Jaro, Leyte, entitled, "AN ORDINANCE ESTABLISHING**
150 **POLICIES AND GUIDELINES THAT SHALL ADMINISTER THE OPERATION**
151 **AND MAINTENANCE OF THE JARO PUBLIC CEMETERY AND PROVIDING**
152 **VARIOUS FEES THEREOF,"** recommended for the declaration of its
153 **VALIDITY** by the Provincial Legal Office in its 2nd Indorsement dated August
154 8, 2017

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156 HON. FLORANTE A. CAYUNDA, JR.: 5THDIST. BOARD MEMBER/FLOOR LEADER

157 Can you recognize the Honorable Apostol, Mr. Chair?

158 HON. CARLO P. LORETO: VICE GOVERNOR/PRESIDING OFFICER

159 The Honorable Apostol is recognized.

160 HON. TRINIDAD G. APOSTOL: 2ND DISTRICT BOARD MEMBER

161 Thank you.

162 HON. CARLO P. LORETO: VICE GOVERNOR/PRESIDING OFFICER

163 Welcome.

164 HON. TRINIDAD G. APOSTOL: 2ND DISTRICT BOARD MEMBER

165 Item No. 3, is coming from the Municipality of Jaro, Ordinance No. 16 series of 2017,
166 entitled: "An ordinance establishing policies and guidelines that shall administer the operation
167 and maintenance of public cemetery and providing various fees thereof".

168 Mr. Chair, this is recommended as valid by the Provincial Legal Office in its endorsement
169 dated August 8, 2017, "respectfully returned to the Secretary, Sangguniang Panlalawigan of
170 Leyte, the attached Ordinance No 16, s 2017 of the SB of Jaro, Leyte, recommending for the
171 declaration of its validity pursuant to Section 56 (c) of R. A. 7160, the same being to the opinion
172 of the Provincial legal Office (PLO), an exercise of the power authorized under Section 447 (3),
173 (i) and (iii) of the Code. Provided, that, pursuant to Section 186 of the same, fees or charges are
174 not unjust, excessive, oppressive, confiscatory, or contrary to declared national policy.
175 Provided, further, that the creation of positions desired in Section 7 of the subject ordinance,
176 does not violate the mandate of Section 325 (a) (g) of the Code."

177 So, Mr. Chair, as recommended by the Provincial Legal Office, I move for the approval
178 of this particular ordinance coming from the Municipality of Jaro, Leyte.

179 HON. NICCOLO J. VILLASIN: 2ND DISTRICT BOARD MEMBER

180 Second.

181 HON. GINA E. MERILO: 1ST DISTRICT BOARD MEMBER

182 Second.

183 HON. CARLO P. LORETO: VICE GOVERNOR/PRESIDING OFFICER

184 There is a motion duly seconded to approve Ordinance No. 16 s 2017 of Jaro, Leyte.

185 Discussion?

186 Hearing none, the motion is carried and approved.

187 Approved unanimously.

RES. NO. 2017-517

188 HON. FLORANTE A. CAYUNDA, JR.: 5THDIST. BOARD MEMBER/FLOOR LEADER

189 Item No. 4, Madam Secretary, please.

190 ATTY. MARNI ROSE D. ZATARAIN: SP SECRETARY

191 **ITEM NO. 04**

192 Presented for consideration is **Ordinance No. 17 Series of 2017**
193 **of the Municipality of Jaro, Leyte, entitled, "AN ORDINANCE**
194 **ESTABLISHING THE SALUGNON'S SPORTS DEVELOPMENT CENTER AND**
195 **ITS COUNCIL DEFINING ITS COMPOSITION, GOALS AND OBJECTIVES**
196 **APPROPRIATING FUNDS FOR ITS OPERATION AND FOR OTHER**
197 **PURPOSES,"** recommended for the declaration its **VALIDITY** by the
198 Provincial Legal Office in its 2nd Indorsement dated August 8, 2017.

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219 HON. FLORANTE A. CAYUNDA, JR.: 5TH DIST. BOARD MEMBER/ FLOOR LEADER

220 Item No. 18, Madam Secretary please.

221 ATTY. MARNI ROSE D. ZATARAIN: SP SECRETARY

222 **ITEM NO. 18**

223 Presented for consideration is **Resolution No. XVII-124PR, Series of**
224 **2017 of the Sangguniang Panlalawigan of Ilocos Sur, entitled, "A**
225 **RESOLUTION AUTHORED BY HON. JEREMIAS "JERRY" C. SINGZON AND**
226 **HON. EFREN A. RAFANAN, SR. HUMBL Y REQUESTING SUPPORT FROM ALL**
227 **CONGRESSMEN, GOVERNORS, VICE GOVERNORS AND THE**
228 **SANGGUNIANG PANLALAWIGAN, PROVINCIAL BOARD MEMBERS LEAGUE**
229 **OF THE PHILIPPINES (PBMLP), LEAGUE OF MUNICIPALITIES OF THE**
230 **PHILIPPINES (LMP), VICE MAYORS, YOUNG LEGISLATORS AND LIGA NG**
231 **MGA BARANGAY SA PILIPINAS OF TOBACCO PRODUCING PROVINCE TO**
232 **APPEAL TO THE PRESIDENT OF THE REPUBLIC OF THE PHILIPPINES, THE**
233 **DEPARTMENT OF FINANCE, THE DEPARTMENT OF BUDGET AND**
234 **MANAGEMENT AND THE BUREAU OF INTERNAL REVENUE (BIR) TO**
235 **HIGHLY CONSIDER THE EXCISE TAX SHARE DUE TO THE TOBACCO-**
236 **PRODUCING PROVINCES FROM THE PROCEEDS OF THE TWENTY-FIVE**
237 **BILLION PESOS TAX SETTLEMENT OF MIGHTY CORPORATION PRIOR TO**
238 **THE ALLOCATION FOR RECONSTRUCTION AMONG WAR-TORN AND**
239 **EARTHQUAKE-HIT AREAS,"** for information, dissemination and
240 appropriation action.

241

242 HON. FLORANTE A. CAYUNDA, JR.: 5TH DIST. BOARD MEMBER/FLOOR LEADER

243 I move to take note of this resolution coming from Ilocos Sur Mr. Chair, I so move.

244 HON. NICCOLO J. VILLASIN: 2ND DISTRICT BOARD MEMBER

245 I second.

246 HON. CARLO P. LORETO: VICE-GOVERNOR/PRESIDING OFFICER

247 It has been moved and duly seconded to take note of the subject resolution from the

248 Sangguniang Panlalawigan of Ilocos Sur. Discussion? Hearing none, the motion is carried.

249 Carried unanimously.

RES. NO. 2017-527

250 HON. FLORANTE A. CAYUNDA, JR.: 5TH DIST. BOARD MEMBER/FLOOR LEADER

251 Item No. 19, Madam Secretary please.

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253 ATTY. MARNI ROSE D. ZATARAIN: SP SECRETARY

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ITEM NO. 19

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Presented for consideration is **House Bill No. 3939 of the 17th Congress First Regular Session of the House of Representative, Introduced by Hon. Lawrence Lemuel H. Fortun, entitled "AN ACT STRENGTHENING THE LEGAL STAFF OF THE DEPARTMENT OF JUSTICE, RENAMING IT AS THE OFFICE OF THE CHIEF STATE COUNSEL, REDEFINING, EXPANDING, RATIONALIZING AND FURTHER PROFESSIONALIZING ITS ORGANIZATION AND APPROPRIATING FUNDS THEREFOR."**

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HON. CARLO P. LORETO: VICE-GOVERNOR/PRESIDING OFFICER

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From the Chair, I was in Congress during a committee meeting, no. And I chance upon Congressman Ching Veloso of Leyte. The good friend of Board Member Ang. While we're talking some people from DOJ while they were having a budget hearing, they requested that, they had an audience with Speaker Alvarez. And Speaker Alvarez suggested that they talk with Congressman Veloso who was not around already. So our friends of DOJ suggested that if possible that it be referred to Congressman Ching Veloso who is the Vice-Chairman of the Justice Committee, No. 1. No. 2, they are suggesting this as well, there are two arms. One is the prosecution arm, the other is the council arm. The council arm represents us in treating discussions abroad. In fact, they are the one, they legislate, and they proposed legislation. Two of this legislation is in Congress. One has been approved already; they increase the updating of the penalty of the Revised Penal Code. No. 2, is the revision of the Revised Penal Code. But in the increase of benefits, that the council arm has not been included. But in the prosecution arm has been included. That is why they are requesting this legislation. So they request, to clarify is to indorse this or to refer this to Cong. Ching Veloso.

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HON. FLORANTE A. CAYUNDA, JR.: 5TH DIST. BOARD MEMBER/FLOOR LEADER

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So any motion from ...you recognize the Honorable Villasin Mr. Chair.

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HON. NICCOLO J. VILLASIN: 2ND DISTRICT BOARD MEMBER

281

Thank you Mr. Chair, Mr. Floor Leader.

282

HON. CARLO P. LORETO: VICE-GOVERNOR/PRESIDING OFFICER

283

Welcome.

284 HON. NICCOLO J. VILLASIN: 2nd DISTRICT BOARD MEMBER

285 Well, upon reading the HB 3939, maybe what we can do now is to refer it to the
286 Committee on...

287 HON. CARLO P. LORETO: VICE-GOVERNOR/PRESIDING OFFICER

288 Justice.

289 HON. NICCOLO J. VILLASIN: 2nd DISTRICT BOARD MEMBER

290 Well, I don't know if we can do it, if it is proper for us to refer the House Bill to the
291 Committee on Justice to think that Congress by itself when they came up in the plenary should
292 be the one to refer it to the proper committee. So I don't know if we can, or I don't know if we
293 just send a copy so that it will be brought to the attention of the honorable Congressman Ching
294 Veloso.

295 HON. CARLO P. LORETO: VICE-GOVERNOR/PRESIDING OFFICER

296 Okay could be a motion.

297 HON. FLORANTE A. CAYUNDA, JR.: 5TH BOARD MEMBER/FLOOR LEADER

298 Can you recognize the Honorable Apostol first.

299 HON. CARLO P. LORETO: VICE-GOVERNOR/PRESIDING OFFICER

300 The former Congresswoman, the former Vice-Governor is recognized.

301 HON. TRINIDAD G. APOSTOL: 2ND DISTRICT BOARD MEMBER

302 Thank you Mr. Chair. Thank you Mr. Floor Leader.

303 HON. CARLO P. LORETO: VICE-GOVERNOR/PRESIDING OFFICER

304 Welcome.

305 HON. TRINIDAD G. APOSTOL: 2ND DISTRICT BOARD MEMBER

306 Now, I would suggest that this kind of Bill should be referred to the Committee on Justice
307 in the House of Representatives. Because with this kind of Bill they will be discussing this in the
308 committee level. And it will be given a proper solution because the Committee on Justice in the
309 House of Representatives is well-versed in this matter. So that is my suggestion, Mr. Chair. Not
310 to Congressman Veloso. To the Committee on Justice in the House of Representatives.

311 HON. CARLO P. LORETO: VICE-GOVERNOR/PRESIDING OFFICER

312 Okay, would the former Congresswoman convert that into a motion?

313 HON. TRINIDAD G. APOSTOL: 2ND DISTRICT BOARD MEMBER

314 Yes, Mr. Chair.

315 HON. CARLO P. LORETO: VICE-GOVERNOR/PRESIDING OFFICER

316 Any second?

317 HON. WILSON S. UY: PCL PRESIDENT

318 Second.

319 HON. MA. CORAZON E. REMANDABAN: 3RD DISTRICT BOARD MEMBER

320 Second.

321 HON. NOLIE C. CAÑA: LnBP PRESIDENT

322 Second.

323 HON. CARLO P. LORETO: VICE-GOVERNOR/PRESIDING OFFICER

324 Did the Honorable Uy read?

325 HON. FLORANTE A. CAYUNDA, JR.: 5TH DIST. BOARD MEMBER/FLOOR LEADER

326 Mr. Chair, we should let the Honorable Apostol finish the motion first.

327 HON. CARLO P. LORETO: VICE-GOVERNOR/PRESIDING OFFICER

328 Okay, okay, the Honorable Apostol is recognized.

329 HON. TRINIDAD G. APOSTOL: 2ND DISTRICT BOARD MEMBER

330 Mr. Chair, with this HB3939 of the 7th Congress, I would like this Bill be referred to the
331 proper place. Bring it and refer it to the Committee on Justice of the House of Representatives
332 because they will be discussing this in the committee hearings. Then it will be brought to the
333 plenary for discussion which will be the legal way to do it. Because this is about legal things. So
334 that is my motion, Mr. Chair.

335 HON. WILSON S. UY: PCL PRESIDENT

336 Second.

337 HON. MA. CORAZON E. REMANDABAN: 3rd DISTRICT BOARD MEMBER

338 Second.

339 HO. NOLIE C. CAÑA: LnBP PRESIDENT

340 Second.

341 HON. CARLO P. LORETO: VICE-GOVERNOR/PRESIDING OFFICER

342 Okay, it has been moved by the Honorable Apostol seconded by Honorables Uy,
343 Remandaban and Caña. Any other discussion? Hearing none, the motion is carried.

344 Carried unanimously. **RES. NO. 2017-528**

345 HON. FLORANTE A. CAYUNDA, JR.: 5th DIST. BOARD MEMBER/FLOOR LEADER

346 Item No. 20 Madam Secretary please.

347 ATTY. MARNI ROSE D. ZATARAIN: SP SECRETARY

348 **ITEM NO. 20**

349 Presented for consideration is a **letter dated August 22, 2017 from**
350 **Mr. Hermenegildo R. Serafica relative to the lot used as provincial road**
351 **located at Barangay Poblacion, Kananga, Leyte.** Attached herewith are
352 photocopies of the title, tax declaration and lot plan.
353

354 HON. FLROANTE A. CAYUNDA, JR.: 5TH DIST. BOARD MEMBER/ FLOOR LEADER

355 Can you recognize the Honorable Torres Mr. Chair?

356 HON. CARLO P. LROETO: VICE-GOVERNOR/PRESIDING OFFICER

357 The Honorable Torres is recognized.

358 HON. MANUEL VICENTE M. TORRES: 4th DISTRICT BOARD MEMBER

359 Item No. 20 is a letter from Mr. Hermenegildo R. Serafica, it is regarding 2 lots that are
360 being used by the Province of Leyte as Provincial Road. So he is basically asking for
361 compensation for the 2 lots as mentioned here.

362 So I just move to refer this to the Committee on Land Use.

363 HON. ALAN P. ANG: 3RD DISTRICT BOARD MEMBER

364 Second.

365 HON. CARLO P. LORETO: VICE-GOVERNOR/PRESIDING OFFICER

366 It has been moved and duly seconded to refer the matter to the Committee on land Use.

367 Discussion? The Honorable Uy.

368 HON. WILSON S. UY: PCL PRESIDENT

369 Yes, Mr. Chair to expedite the resolution of the request, I would like to suggest that this
370 matter be referred to the Office of the Governor to decide whether they are going to pay or not,
371 or they have encroached or used this private property to the Provincial Road. Because I don't
372 think that we are the committee who is capable of deciding because there should be a
373 committee on expropriation and there are tedious matters to be a provision for this to be paid.
374 So I don't think that payment like this or request like this will be within our purview Mr. Chair. It
375 should be indorsed to the provincial Government Office for the Provincial Administration for their
376 comments and maybe for their actions Mr. Chair.

377 HON. CARLO P. LORETO: VICE-GOVERNOR/PRESIDING OFFICER

378 Yes the Honorable Apostol.

379 HON. TRINIDAD G. APOSTOL: 2nd DISTRICT BOARD MEMBER

380 Thank you Mr. Chair. This refers as a conversion as what they have been saying of a
381 Provincial Road to a National Road. Am I correct?

382 HON. WILSON S. UY: PCL PRESIDENT

383 Wrong.

384 HON. TRINIDAD G. APOSTOL: 2ND DISTRICT BOARD MEMBER

385 Conversion...

386 HON. CARLO P. LORETO: VICE-GOVERNOR/PRESIDING OFFICER

387 Ang private land used by the Province for a Provincial Road.

388 HON. TRINIDAD G. APOSTOL: VICE-GOVERNOR/PRESIDING OFFICER

389 So this is not a conversion of a barangay road to a provincial road? So what are they
390 asking here Mr. Chair?

391 HON. CARLO P. LORETO: VICE-GOVERNOR/PREISING OFFICER

392 Payment.

393 HON. TRINIDAD G. APOSTOL: 2ND DISTRICT BOARD MEMBER

394 Payment. Okay, Thank you.

395 HON. FLORANTE A. CAYUNDA, JR.: 5TH DIST. BOARD MEMBER/FLOOR LEADER

396 Can you recognize the Honorable Torres, Mr. Chair?

397 HON. CARLO P. LORETO: VICE-GOVERNOR/PRESIDING OFFICER

398 The Gentleman from Kananga.

399 HON. MANUEL VICENTE M. TORRES: 4TH DISTRICT BOARD MEMBER

400 Yes, I forgot to mention Mr. Chair. I spoke to Mr. Serafica. He already submitted a letter
401 to the Office of the Governor which has not been acted upon yet. That is why he is asking this
402 August Body for our help maybe expedite the process. So I stand by my motion. I move to refer
403 it to the Committee on Land Use.

404 HON. CARLO P. LORETO: VICE-GOVERNOR/PRESIDING OFFICER

405 Okay, any other discussion?

406 HON. FLORANTE A. CAYUNDA, JR.: 5TH DIST. BOARD MEMBER/FLOOR LEADER

407 Mr. Chair, maybe we should ask the Land Use Committee to conduct an ocular
408 inspection of the area and see to it whether or not indeed the Provincial Road passed through
409 his Lot. Dapat may survey by an Engineer who will determine how much of the area of his land
410 was used by the Province in constructing the Provincial Road. So dapat magkaroon ng survey.
411 Parang survey ng Engineering.

412 HON. CARLO P. LORETO: VICE-GOVERNOR/PRESIDING OFFICER

413 Yes, the Honorable Villasin.

414 HON. NICCOLO J. VILLASIN: 2ND DISTRICT BOARD MEMBER

415 Actually Mr. Chair, I am also interested to know because in the attached title, it appears
416 to be new titles, new transfer of certificates. So I am – maybe it was inadvertently what we call
417 this, were there notices, may nakalagay sa title, doon sa previous title that there is actually an
418 existing road. Pero hindi lang na carry over in this new title kay it appears to be a new TCT. So

419 actually kong ako ang lot owner kong may kalsada na doon sa land ko, it actually increases my
420 property. So that is already for compensation. That is my interpretation for compensation.

421 HON. FLORANTE A. CAYUNDA, JR.:5TH DIST. BOARD MEMBER/ FLOOR LEADER

422 Can you recognize the Honorable Ang Mr. Chair?

423 HON. CARLO P. LORETO: VICE-GOVERNOR/PRESIDING OFFICER

424 The Honorable Ang is recognized.

425 HON. ALAN P. ANG: 3rd DISTRICT BOARD MEMBER

426 Mr. Chair, being the Chairman of Land Use, within this kind of problem, we have also
427 encountered this kind of problem also in San Isidro. But I think this is addressed to the
428 Executive. Because he has the power to assign whoever is the proper person to check this
429 property. And even to ask the surveyor to ask the actual size and distance of this property.

430 HON. CARLO P. LORETO: VICE-GOVERNOR/PRESIDING OFFICER

431 Okay.

432 HON. FLORANTE A. CAYUNDA, JR.: 5TH DIST. BOARD MEMBER/FLOOR LEADER

433 That is why, Mr. Chair, I suggest that earlier that aside maybe from referring that to the
434 Land Use Committee, maybe we can refer to the Provincial Engineers Office for them to
435 conduct a survey on the property. Because you can see on the tax declaration, it seems that the
436 provincial Road is merely the boundaries of the land. In the first Tax Declaration, it says here
437 that the boundary in the west is the Provincial Road. And the second Tax Declaration the
438 boundaries on the north is again the Provincial Road. So maybe there might be overlapping of
439 this property. So it is best determined for the Engineers to conduct a survey on the property.

440 HON. TGRINIDAD G. APOSTOL: 2ND DISTRICT BOARD MEMBER

441 Correct. E motion mo.

442 HON. CARLO P. LORETO: VICE-GOVERNOR/PRESIDING OFFICER

443 Okay.

444 HON. WILSON UY: PCL PRESIDENT

445 I don't think Mr. Chair that if you read the letter, they are collecting something for
446 payment. Why will you give it to the engineer's office? We give it to the Governor.

447 HON. FLORANTE A. CAYUNDA, JR.: 5TH DIST. BOARD MEMBER/FLOOR LEADER

448 No, to determine whether the allegation is true or not.

449 HON. WILSON S. UY: PCL PRESIDENT

450 Yes, but what are you going to determine, you did not tell the Governor if whether he is
451 going to pay this property or not? Whether the Provincial Government is expropriating the
452 property or not. You cannot go immediately having it resurveyed without passing the proper
453 channel which is the Governor. It is very clear Mr. Chair. Meaning to say, if I am the owner of
454 the property, you are the owner, you will claim it, you will give it to my foreman. The said
455 foreman, you measure the property that you have encroached. I think that is not the proper
456 procedure in expropriation, Mr. Chair. It should be the Governor, the Governor will come up his
457 team to answer this query. And come up, okay, what is the response of the Governor, then
458 probably the Governor will schedule the meeting. Have it surveyed blah, blah, blah. But we
459 cannot make a resolution motu proprio go to the Provincial Assessor because if that will
460 happen, if the Governor will find out nga nagpasukol-sukol na moingon si Governor, nag unsa
461 man ka diha. Nganong nag sukol sukol man ka sa akong property. Gi sugo ko okay baydan na.
462 So I think that is not the proper procedure Mr. Chair. Since we have the letter, we just inform the
463 Governor that we will refer this to the Governor for proper action. And maybe the Governor will
464 be reminded, considering that they have also a letter written to the Governor. But for us to make
465 a parallel movement para lang mabayran, I don't think Mr. Chair that it will be a proper channel.
466 It will not be a proper channel. Maybe the Governor can come back to us to appropriate funds
467 for this particular purpose since we don't have a budget. But not to conduct an investigation and
468 encroachment and decide to pay or not to pay Mr. Chair. That is only my personal opinion.

469 HON. CARLO P. LORETO: VICE-GOVERNOR/PRESIDING OFFICER

470 Okay. The Honorable Floor Leader.

471 HON. FLORANTE A. CAYUNDA, JR.:5th DIST. BOARD MEMBER/ FLOOR LEADER

472 Yes, Mr. Chair before we go to Honorable Apostol and Honorable Abellanos, I just wish
473 to clarify my statement when I said that we refer this to an engineer to conduct a survey. My
474 statement is not for the purpose of payment of the province. Gusto lang natin malaman kong
475 totoo ba yong claim. Because I also understand the claim of Honorable Uy but what I mean is.
476 We can disprove their claim. Because if you can see the Tax Declaration, the Provincial Road is

477 just actually the boundary. Hindi sya yong property mismo ang owner. If you can see the Tax
478 Declaration, it says there in the first Tax Declaration, it says there – the boundary in the west, it
479 is the Provincial Road. And in the second Tax Declaration, the boundary in the north it is again
480 the Provincial Road. So my purpose is not for payment but also to answer the query of a citizen
481 but tax payer of the Province. Sabi nga ni Honorable Mat Torres he already wrote a letter to the
482 Honorable Governor which has not been acted upon. So I just want an immediate action. I just
483 want to answer them. Just to answer. Just for their clarification. Na hindi, hindi yan totoo na
484 Provincial Road yong lupa mo. So that is my point not really for the payment yong point ko.

485 HON. WILSON S. UY: PCL PRESIDENT

486 Mr. Chair, just for the sake of argument, granted yong they encroach. Ang nag survey
487 moingon nga si Honorable Cayunda moingon nga bayran kong sakto nang imong gi claim. So
488 we cannot do that Mr. Chair. Because if you put a survey you are putting something in order
489 nga sigi bayran na then you will go to the Governor. And will say nga okay bayran na kay that
490 road we have checked that road that really encroached the Province of Leyte really encroached.
491 I don't think that is proper Mr. Chair. That is only my opinion. But if they insist to resurvey, I will
492 object to that Mr. Chair.

493 HON. CARLO P. LORETO: VICE-GOVERNOR/PRESIDING OFFICER

494 Just a clarification. From the Chair, the Provincial Government is a government. And
495 there is a concept that government cannot be sued. The non-suability of the government. So
496 roads, the government cannot be sued. And even if government can be sued, it cannot be
497 liable. The non-suability and the non-liability concept. Just a thought. The Honorable... has
498 been raising her hand.

499 HON. FLORANTE A. CAYUNDA, JR.: 5th DIST. BOARD MEMBER/FLOOR LEADER

500 Just to answer Mr. Chair the statement of the Honorable Uy.

501 HON. CARLO P. LORETO: VICE-GOVERNOR/PRESIDING OFFICER

502 Okay, la? The Honorable Floor Leader.

503 HON. FLORANTE A. CAYUNBDA, JR.:5TH DIST. BOARD MEMBER/ FLOOR LEADER

504 I hope you will not put words into my mouth when I say that we conduct a survey,
505 because he is immediately concluding that I want the provincial government to pay. I did not say

506 that Mr. Chair. I wish to correct the statement of the Honorable Uy. He is putting words into my
507 mouth. I did not say that the Provincial Government will ever pay. I also have a comment of the
508 Honorable Presiding Officer that yes, indeed government cannot be sued and it cannot be held
509 liable. But we also have an obligation Mr. Chair to answer queries and letters coming from our
510 tax payers. And have an action. I think it is within 5 days it is provided by law that we have to
511 answer letters coming from our private citizens. I think it is within 3 days or 5 days. So that is
512 what I just want Mr. Chair. Mr. Chair, na hindi naman pwedi nating e bali wala lang yong letter
513 na ito. Again I wish to point out that I am not in agreement with the Honorable Uy when he says
514 that I want to Provincial Government to pay. That is not my statement, Mr. Chair.

515 HON. CARLO P. LORETO: VICE-GOVERNOR/ PRESIDING OFFICER

516 Okay, the Honorable Villasin.

517 HON. NICCOLO J. VILLASIN: 2nd DISTRICT BOARD MEMBER

518 Thank you Mr. Chair. Mr. Chair, I see the point why we furnish a copy to the Provincial
519 Engineers Office. Because probably it might appear in their record that even before there might
520 be payment for just compensation. If there was indeed already, if it was already taken by the
521 provincial government for purposes of the road then there might probably been a payment of the
522 just compensation. Because that is why, I am questioning, because this is a new title. And the
523 annotation, there might be an old title; there might be an annotation that there was already a
524 payment of the just compensation for the use as provincial road. We are not saying that we are
525 going to pay, we have to determine, whether or not the claim is actually valid, one. Secondly, if
526 assuming that the provincial government has been using and encroached into his land, then it
527 must go through proper channels. It is not necessary that we have to pay it once. Because the
528 court must order us to pay it for us to be able to come up and include in our budget because we
529 cannot just appropriate funds without it included in our budget. But what would then be our basis
530 to include it in our appropriation in our budget if there is no court order to that effect. So in the
531 meantime just for the determination because we might not even reach to that point when it is
532 determined that it is already or there was already a payment probably to the parents or to the
533 original owners. So as well just for determination because if I am not mistaken it is the Provincial
534 Engineering Office who is the custodian of the records with respect to the roads in our province.

535 HON. FLORANTE A. CAYUNDA, JR.: 5th DIST. BOARD MEMBER/FLOOR LEADER

536 Can you recognize the Honorable Apostol first Mr. Chair then, the Honorable
537 Abellanos.

538 HON. TRINIDAD G. APOSTOL: 2ND DISTRICT BOARD MEMBER

539 Thank you Mr. Chair.

540 HON. CARLO P. LORETO: VICE-GOVERNOR/PRESIDING OFFICER

541 Welcome.

542 HON. TRINIDAD G. APOSTOL: 2ND DISTRICT BOARD MEMBER

543 I just would like to clarify because this letter that we have is for the Honorable Provincial
544 Board Members. Addressed ito sa atin eh. Now, may I know if there is also a letter like this
545 request to the Office of the Governor. Because this is only addressed to us. If there is, we
546 should be furnished a copy so that we will be clarified. Because the papers that we have just
547 here is only addressed to the Provincial Board. Dapat complete ang ating documentation. So
548 that we are clarified of all these things. Thank you Mr. Chair.

549 HON. CARLO P. LORETO: VICE-GOVERNOR/PRESIDING OFFICER

550 Welcome. Okay, the Honorable Abellanos.

551 HON. RANULFO S. ABELLANOSA: 1ST DISTRICT BOARD MEMBER

552 Now I go with the observation of the Honorable Apostol that indeed, this letter is
553 addressed to the Sangguniang Panlalawigan of Leyte and we don't know if there is same letter
554 addressed to the Governor. Well, if this is the case, reading this letter, then I guess whether this
555 is already paid, whether it has to be paid or not yet paid. This is not within our ambit here to
556 discuss this matter. I guess this will be better off if we indorse this to the Provincial Governor for
557 him to take action on this as to who is going to assign to investigate in this if it is paid already or
558 whatever then it is already up to the Governor. If whatever problems come up in his
559 investigation then, I guess the Governor will refer this problem to the Sangguniang
560 Panlalawigan, now for appropriate action. For whatever it is, we might as well indorse this
561 matter to the Provincial Governor without even saying that a letter has already been sent to him.
562 Because practically it does not state here that he sent a letter to the Governor. So kong baga
563 ano, di kita maaram. So blanko kita. Ipasa ta ini ngadto kan Governor. Now it is up now for the

564 Governor to tell us nga adi na ang surat amo ini, amo ini panginginanoa ini niyo. I guess that is
565 the time we take action on this. That is an observation Mr. Chair.

566 HON. CARLO P. LORETO: VICE-GOVERNOR/PRESIDING OFFICER

567 Just a clarification. The motion as stands is, to refer to the Land Use Committee, which
568 Land Use Committee can take care of the leg work and the research. I wish to point, from the
569 Chair, I wish to point out some concepts. One is acquisitive prescription. It is mentioned in the
570 letter of Mr. Serafica that this lands had been occupied and used as Provincial Road for the
571 longest time in his words, for the longest time. However, in his title it is dated 2015. About 2
572 years ago only. This is why I bring up the concept of acquisitive prescription. Meaning to say if a
573 property, private property is used in a concept of an owner by another private person or by
574 government for 10 years or more than 10 years it ripens into ownership of the one who is
575 occupying. That is ordinary acquisitive prescription. And if it is titled, extra ordinary acquisitive
576 prescription which is 30 years. It should be determined, No. 1. No.2, for compensation, for just
577 compensation to be determined, just compensation in the constitutional sense. Meaning, how
578 much is the government liable if liable, no. It is to be determined by the courts if there is
579 disagreement. It is to be determined by the courts before we can appropriate in this August
580 Body. Just a thought. So 3 points. No. 1 – government cannot be sued without its consent. No.2
581 – it cannot be held liable even if sued with its consent. No. 3 – there is a concept called
582 acquisitive prescription. Meaning, adverse ownership can ripen into ownership if the owner is
583 remiss in a certain right as owner. No. 4 – just compensation in a constitutional sense is
584 determined by the courts.

585 HON. FLORANTE A. CAYUNDA, JR.:5th DIST BOARD MEMBER/ FLOOR LEADER

586 So may we now request Mr. Chair. Maybe a restatement of the motion. Because there
587 was a suggestion that aside from referring it to the Land Use Committee, we should also refer
588 this to the Office of the Provincial Governor, endorsing it maybe to the other offices of the
589 Provincial Governor, like the engineering or the PLUC. So that they can take the appropriate
590 action on this matter. May we hear from the Honorable movant Mr. Chair?

591 HON. CALRO P. LORETO: VICE-GOVERNOR/PRESIDING OFFICER

592 Yes, the Honorable movant, would he be amenable to the suggestion that it be referred
593 to the Governor and the Land Use Committee. Would you be amenable?

594 HON. MANUEL VICENTE M. TORRES: 4TH DISTRICT BOARD MEMBER

595 Yes, I am amenable. I would like to amend my motion as stated by the Floor Leader Mr.
596 Chair.

597 HON. WILSON S. UY: PCL PRESIDENT

598 What is now the motion Mr. Chair?

599 HON. MANUEL VICENTE M. TORRES: 4TH DISTRICT BOARD MEMBER

600 I just would like to point out. The only reason why this letter reached this Body was
601 because it was already at the Governor's Office. I spoke to Mr. Serafica it would not... din a din
602 a maabot diri kon gi actionan na didto. Nangayo lang ni sya og tabang. That is all, Mr. Chair.

603 HON. CARLO P. LORETO: VICE-GOVERNOR/PRESIDING OFFICER

604 Okay, so the motion now is to refer to the Land Use Committee and to the Governor's
605 office, jointly. Discussion?

606 HON. ALAN P. ANG: 3RD DISTRICT BOARD MEMBER

607 Mr. Chair.

608 HON. CARLO P. LORETO: VICE-GOVERNOR/PRESIDING OFFICER

609 Yes, the distinguished Chairman of the Land Use Committee.

610 HON. ALAN P. ANG: 3RD DISTRICT BOARD MEMBER

611 It is very clear in this letter, "I would like to request your office for compensation or
612 payment of 2 parcel of land used as Provincial Road for longest time." And it is addressed to the
613 Sangguniang Panlalawigan of Leyte. And I think we don't have the authority to compensate the
614 owner of the lot. So I think we should direct our motion refer this letter to the Office of the
615 Governor. Yes, because it is useless if the Committee on Land Use has findings and then there
616 is still no action from the Office of the Governor, It is useless because this is compensation.

617 HON. CARLO P. LORETO: VICE-GOVERNOR/PRESIDING OFFICER

618 Okay. At any rate, from the legal stand point, I think this is preparatory in filing a case.
619 This is kind of a demand letter before you can go to court you have a demand letter. And in a
620 sense this is a demand letter. Okay? Does the motion stand? Any objection?

621 HON. WILSON S. UY: PCL PRESIDENT

622 What is the motion, Mr. Chair?

623 HON. CARLO P. LORETO: VICE-GOVERNOR/PRESIDING OFFICER

624 To refer to the Land Use Committee and the Office of the Governor.

625 HON. WILSON S. UY: PCL PRESIDENT

626 Yes, because I would like to refer the matter to the Office of the Governor. If it will be the
627 Land Use and the Land Use Committee has spoken that it is without his jurisdiction not proper.
628 So I got with the Chairman of the Committee on Land Use, Mr. Chair. That to object partially to
629 the motion.

630 HON. CARLO P. LORETO: VICE-GOVERNOR/PRESIDING OFFICER

631 May we ask the Chairman of the Committee on Rules, if it is allowed partial objection?

632 HON. FLORANTE A. CAYUNDA, JR.:5TH DIST. BOARDMEMBER/ FLOOR LEADER

633 I think Mr. Chair, because it would be 2 motion. But for this matter Mr. Chair, we should
634 also take into account the manifestation of the Honorable Torres when he said na hindi naman
635 sana aabot sa atin ang letter na ito kong na actionan lang sa Office of the Governor. So that is a
636 very crucial statement by the Honorable Torres. So I guess instead of just referring it to the
637 Governor maybe we can indorse on a positive manner not really, again not really for the
638 payment of the compensation that he asked for but just to take action on this matter. Take the
639 appropriate action instead of not replying or not doing anything. Just for the Office of the
640 Governor, the Engineering Office to take action on this matter. So that is what I want to hear
641 and I think with the Honorable Torres is nodding his head I think that is also what he wants na
642 hindi lang e-refer but for the concerned offices to maybe write a reply to... that's the least they
643 could do write a reply to the concerned citizens Mr. Chair.

644 HON. CARLO P. LORETO: VICE-GOVERNOR/PRESIDING OFFICER

645 Okay, the Honorable Abellanos.

646 HON. RANULFO S. ABELLANOSA: 1ST DISTRICT BOARD MEMBER

647 Yeah, because I am just confused. This has been referred to the Committee on Land
648 Use and now, the Committee on Land Use is saying that he wanted to refer this to the Governor
649 for his appropriate action. Well, referring this to the Committee on Land Use for his appropriate

650 action, his action, now is to refer to the Provincial Governor's Office and practically, he is
651 manifesting his action by giving another motion. So I guess I think, it would be better now for
652 both Honorable Torres and Honorable Alan Ang here that their committees referring this matter
653 to the Office of the Provincial Governor for his appropriate action. Just for a thought, Mr. Chair.

654 HON. WILSON S. UY: PCL PRESIDENT

655 Mr. Chair.

656 HON. CARLO P. LORETO: VICE-GOVERNOR/PRESIDING OFFICER

657 Yes, the Honorable Uy.

658 HON. WILSON S. UY: PCL PRESIDENT

659 Yes, I go with the suggestion of Honorable Abellanos that this matter is an executive
660 function. That this be referred to the Office of the Governor for disposition of this letter, Mr.
661 Chair. So we are not saying that we want to pay or not to pay, it is beyond our authority. The
662 letter itself if you look at the nature of the letter is not legislation. It is more of an executive
663 function respect to the claim of Mr. Serafica. And if we found out, let it the Office of the Governor
664 or his Office reply by saying we already paid that. But for us to conduct committee hearing and
665 do something about the request, we are just wasting our time Mr. Chair because it is not within
666 our purview. Even the committee admitted he is a former mayor, he admits that this kind of
667 problem is beyond our decision making capacity Mr. Chair. Because even though we conduct
668 an investigation then we found out it's the liability of the Province, it is also unethical for us to
669 say – you have to pay. So I suggest Mr. Chair that this matter be given to the Chief Executive
670 for him to decide. So I think there is no harm if we send a letter so that Mr. Serafica can also,
671 will know our action of this august Body. That your letter, we forwarded it. If we want to go to Mr.
672 Serafica we can make a formal letter telling them that your letter-request be forwarded to the
673 Governor for their action and this is the letter we submitted them if we have the chance tell the
674 Governor. I can personally tell the Governor that we have a letter received, we forward it to you.
675 I think that will not create any harm Mr. Chair. That is only my suggestion Mr. chair. Thank you.

676 HON. CARLO P. LORETO: VICE-GOVERNOR/PRESIDING OFFICER

677 Okay, so which is first? The chicken or the egg? So any other discussion?

678 HON. TRINIDAD G. APOSTOL: 2ND DISTRICT BOARD MEMBER

679 Mr. Chair.

680 HON. CARLO P. LORETO: VICE-GOVERNOR/PRESIDING OFFICER

681 Yes.

682 HON. TRINIDAD G. APOSTOL: 2ND DISTRICT BOARD MEMBER

683 We better ask the movant. Kong saan nya gusto sa Land Use or kay Governor. So that
684 in short, matapos na tayo dito. Mr. movant you state what you want whether to bring this to the
685 Land Use or bring this to the Office of the Governor for the Governor to decide on the matter.

686 HON. CARLO P. LORETO: VICE-GOVERNOR/PRESIDING OFFICER

687 Yes, may we know from the distinguished movant if he stand by his motion?

688 HON. MANUEL VICENTE M. TORRES: 4TH DISTRICT BOARD MEMBER

689 I am actually confused now Mr. Chair. Honestly I have no problem of referring to the
690 Office of the Governor. The problem is, the letter was not acted upon, that is why, he is asking
691 for help. Then our answer to his query is we refer it to the Governor. I don't know what is the
692 proper thing to do.

693 HON. FLORANTE A. CAYUNDA, JR.: 5TH DIST. BOARD MEMBER/FLOOR LEADER

694 Can you recognize the Honorable Remandaban Mr. Chair?

695 HON. CARLO P. LORETO: VICE-GOVERNOR/PRESIDING OFFICER

696 The Honorable Remandaban is recognized.

697 HON. MA. CORAZON E. REMANDABAN: 3RD DISTRICT BOARD MEMBER

698 Thank you Mr. Chair. I think the contention of Mr. Serafica is to fast-track the payment.
699 That is why he wrote a letter addressed to the Sangguniang Panlalawigan. I don't know without
700 knowing that thing is beyond our power. So I think what we can do is, the motion should be to
701 refer this to the Office of the Governor and for the Honorable Mat Torres to personally follow-up
702 to the Office of the Governor to help this person about his concern to fast-track the payment. If it
703 is applicable or if it is proper to pay him the just compensation.

704 HON. CARLO P. LORETO: VICE-GOVERNOR/PRESIDING OFFICER

705 Yes, the Honorable Uy.

706 HON. WILSON S. UY: PCL PRESIDENT

707 In addition, Mr. Chair, because I think the point of Board Member Mat, he knows the
708 situation. Mao to nga naglisod ka nga e-refer. You can tell them nga the Sangguniang
709 Panlalawigan decided to refer para di naka mag problema kay talaga sa taas man gud na. So I
710 think we just inform Mr. Serafica nga the action is the same we refer it. But this time the Board,
711 to the Board indorsement then I think that would be given attention Mr. Chair. That is only the
712 problem.

713 HON. CARLO P. LORETO: VICE-GOVERNOR/PRESIDING OFFICER

714 Actually from the Chair, I think the documents are insufficient. In fact, early on, the Floor
715 Leader and Board Member Villasin are saying that it should be referred to the Engineering for
716 resurvey purposes, so that it will be determined if indeed the roads are part or are being
717 traversed the lands covered by the title submitted by Mr. Serafica. For illustration purposes,
718 what if Mr. Serafica claims that the Pawing Road is part of his property? His title is in Kananga,
719 no. Would we act on it? I think that is the.. can the Governor act on it? I think what is best
720 perhaps is for Mr. Serafica to have it surveyed and to submit a complete set of documents
721 establishing the longitude, the latitude, the technical description of the roads and the map. At
722 any rate the motion stands unless there is an objection so we can find conclusion.

723 HON. FLORANTE A. CAYUNDA, JR.: 5TH DIST. BOARD MEMBER/FLOOR LEADER

724 Mr. Chair.

725 HON. WILSON S. UY: PCL PRESIDENT

726 Mr. Chair.

727 HON. CARLO P. LORETO: VICE-GOVERNOR/PRESIDING OFFICER

728 The Floor Leader first.

729 HON. FLORANTE A. CAYUNDA, JR.: 5TH DIST. BOARD MEMBER/FLOOR LEADER

730 May I totally agree with the Presiding Officer now I know the very good solution in order
731 for Mr. Serafica to prove that indeed his property is traversed by a Provincial Road. We now
732 shift the burden back to him. And let him prove that in deed his property is traversed by a
733 Provincial Road. So he should submit. That is correct, Mr. Chair, he should submit a relocation
734 survey of his property and stating clearly that indeed the Provincial Road is traversing his

735 property. So maybe again before we can refer this to the Provincial Governor, let him submit,
736 that is a very good suggestion. Let him submit a proof that indeed his property is traversed by
737 the Provincial Road.

738 HON. CARLO P. LORETO: VICE-GOVERNOR/PRESIDING OFFICER

739 The Honorable Uy or the Honorable Mat Torres?

740 HON. WILSON S. UY: PCL PRESIDENT

741 I will leave it to the wisdom of our Floor Leader, Mr. Chair.

742 HON. CARLO P. LORETO: VICE-GOVERNOR/PRESIDING OFFICER

743 The Honorable Uy is hungry, he yields the floor in favor of Honorable Torres.

744 HON. FLORANTE A. CAYUNDA, JR.: 5TH DIST. BOARD MEMBER/ FLOOR LEADER

745 Ana na lang para way gasto sa gobierno. Again we are not saying that we will pay him.
746 At least we are taking action on his letter. To submit the complete documents. Particularly that
747 relocation survey by the Engineer.

748 HON. CARLO P. LORETO: VICE-GOVERNOR/PRESIDING OFFICER

749 Lay on the table, subject to submission of the lacking

750 HON. MANUEL VICENTE M. TORRES: 4TH DISTRICT BOARD MEMBER

751 Okay. I withdraw my earlier motion. And lay on the table subject to the submission of the
752 documents as presented out by the Honorable Floor Leader and the Chairman.

753 HON. FLORANTE A. CAYUNDA, JR.: 5TH DIST. BOARD MEMBER/FLOOR LEADER

754 Second.

755 HON. CARLO P. LORETO: VICE-GOVERNOR/PRESIDING OFFICER

756 Any objection? Hearing none, the motion is carried. **RES. NO. 2017-529**

757 HON. FLORANTE A. CAYUNDA, JR.: 5TH DIST. BOARD MEMBER/ FLOOR LEADER

758 Item No. 21, Madam Secretary please.

759 ATTY. MARNI ROSE D. ZATARAIN: SP SECRETARY

760

761

ITEM NO. 21

762 Presented for consideration is a **Notice of Committee Hearing** from
763 the Chairman, Committee on Housing, Land Use and Informal Settlers
764 which is scheduled on September 11, 2017 at 10:00 a.m. at the SP
765 Conference Room.

766
767 HON. FLORANTE A. CAYUNDA, JR.:5TH DIST. BOARD MEMBER/ FLOOR LEADER

768 Can you recognize the Chairman, Mr. Chair?

769 HON. CARLO P. LORETO: VICE-GOVERNOR/PRESIDING OFFICER

770 The Honorable Alan Ang is recognized.

771 HON. ALAN P. ANG: 3RD DISTRICT BOARD MEMBER

772 Mr. Chair, Mr. Floor Leader, my colleagues.

773 This is just an invitation letter that we will have a committee hearing of the Housing,
774 Land Use and Informal Settlers on September 11, 2017 at 10:00 am.

775 HON. CARLO P. LORETO: VICE-GOVERNOR/PRESIDING OFFICER

776 Okay, the same is noted.

777 HON. FLORANTE A. CAYUNDA, JR.:5TH DIST. BOARD MEMBER/ FLOOR LEADER

778 Item No. 22, Madam Secretary please.

779 ATTY. MARNI ROSE D. ZATARAIN: SP SECRETARY

780

ITEM NO. 22

781 Presented for consideration is a letter dated August 11, 2017 from
782 OIC, Regional Director Mr. Raul A. Laput of the Mines and Geosciences
783 Bureau Region VIII, relative to **Resolution No. 01, Series 2017 dated May**
784 **19, 2017 of the City Mining Regulatory Board (CMRB), Ormoc City,**
785 **entitled, "A RESOLUTION STRONGLY RECOMMENDING TO THE**
786 **HONORABLE CITY MAYOR OF ORMOC, THE HONORABLE GOVERNOR OF**
787 **LEYTE AND THE REGIONAL DIRECTOR OF MGB – 08 FOR THE IMMEDIATE**
788 **TEMPORARY SUSPENSION OF CERTAIN COMMERCIAL AND**
789 **INDUSTRIALSAND AND GRAVEL EXTRACTION OPERATIONS WITHIN**
790 **PANILAHAN RIVER."**

791

792

793 HON. FLORANTE A. CAYUNDA, JR.: 5th DIST. BOARD MEMBER/ FLOOR LEADER

794 I move to refer this to the Committee on Environment. I so move.

795 HON. NICCOLO J. VILLASIN: 2nd DISTRICTBOARD MEMBER

796 Second.

797 HON. CARLO P. LORETO: VICE-GOVERNOR/PRESIDING OFFICER

798 It has been moved and duly seconded to refer to the Committee on Environment.

799 Discussion?

800 Hearing none, the motion is carried.

RES. NO. 2017-530

801 HON. FLORANTE A. CAYUNDA, JR.: 5TH DIST. BOARD MEMBER/FLOOR LEADER

802 Item No. 23, Madam Secretary please.

803 ATTY. MARNI ROSE D. ZATARAIN: SP SECRETARY

804 **ITEM NO. 23**

805 Presented for consideration is **PLUC Resolution 2017-07, Series**
806 **of 2017 endorsing the 2016-2025 Comprehensive Land Use Plan (CLUP)**
807 **and Zoning Ordinance (ZO) of Calubian, Leyte** for approval/appropriate
808 action subject to compliance on the comments and recommendations
809 of the PLUC by the Municipal Technical Working Group (MTWG) for
810 CLUP preparation.

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813 HON. FLORANTE A. CAYUNDA, JR.: 5TH DIST. BOARD MEMBER/FLOOR LEADER

814 Mr. Chair, I move to refer this to the Municipality of Calubian for them to take note the
815 suggestion coming from the PLUC and for them to comply. I so move.

816 HON. MANUEL VICENTE M. TORRES: 4TH DISTRICT BOARD MEMBER

817 Second.

818 HON. MA. CORAZON E. REMANDABAN: 3RD DISTRICT BOARD MEMBER

819 Second.

820 HON. CARLO P. LORETO: VICE-GOVERNOR/PRESIDING OFFICER

821 It has been moved by the Honorable Floor Leader, seconded by the Honorable Torres
822 and Honorable Remandaban, to refer the matter to the SB of Calubian for compliance with the
823 recommendation of the Provincial Land Use Committee.

824 Discussion? Hearing none, the motion is carried.

RES. NO. 2017-531

825 HON. FLORANTE A. CAYUNDA, JR.: 5TH DIST. BOARD MEMBER/FLOOR LEADER

826 I move to adjourn Mr. Chair.

827 HON. CARLO P. LORETO: VICE-GOVERNOR/PRESIDING OFFICER

828 Okay adjourned.

829 (Adjourned at 5:05 in the afternoon).

830 For the Closing prayer, the illustrious practicing lawyer from Quezon City, Honorable
831 Villasin.

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**51ST Regular Session
September 8, 2017**

I HEREBY CERTIFY to the correctness of the foregoing minutes.

**ATTY. MARNI ROSE D. ZATARAIN
Secretary to the Sanggunian**

APPROVED:

**ATTY. CARLO P. LORETO
Vice-Governor
Presiding Officer**

**FLORANTE A. CAYUNDA, JR
Floor Leader**

**NICCOLO J. VILLASIN
1st Deputy Floor Leader**

**MESIAS P. AREVALO
2nd Deputy Floor Leader**

**GINA E. MERILO
1st District Board Member**

**RANULFO S. ABELLANOSA
1st District Board Member**

**TRINIDAD G. APOSTOL
2nd District Board Member**

**ALAN PEREÑA ANG
3rd District Board Member**

**MA. CORAZON E. REMANDABAN
3rd District Board Member**

**MANUEL VICENTE M. TORRES
4th District Board Member**

**EMMANUEL L. GACIS
5th District Board Member**

**WILSON S. UY
PCL President
Ex-Officio Member**

**NOLIE C. CAÑA
Provincial Liga ng mga Barangay President
Ex-Officio Member**

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/divine
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/elma**

DATE APPROVED _____

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Date Approved: _____