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Item No.: 03  
Date: 07 FEB 2023

Republic of the Philippines  
PROVINCE OF LEYTE  
Tacloban City

SP Records  
JAN 31 2023  
1-30-23

PROVINCIAL LEGAL OFFICE

2<sup>nd</sup> Indorsement  
January 23, 2023

Province of Leyte  
Legal Office  
Released: [Signature]  
Time: [Signature]  
Date: 1-24-23

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP. Secretary, the attached Ordinance No. 12 S. 2022 of the SB of Capoocan, Leyte, recommending for the declaration of its validity pursuant to its power under Section 56 (c) of R.A 7160, the same being to the opinion of the Provincial Legal Office (PLO), an exercise of the power authorized under Section 447 (2), (vii) of the Code. Provided, That, as mandated by the law cited, " the adoption shall be in coordination with the approved Provincial Comprehensive Land Use Plan.

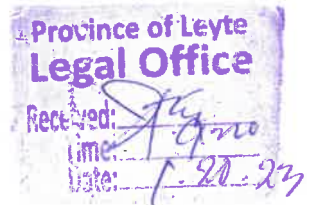
ATTY. JOSE RAYMUND A. ACOL  
Asst. Provincial Legal Officer

[Signature]

Republic of the Philippines  
**PROVINCE OF LEYTE**


-0-

**OFFICE OF THE SANGGUNIANG PANLALAWIGAN**



**1<sup>ST</sup> INDORSEMENT**  
**20 January 2023**

Respectfully indorsed to the **PROVINCIAL LEGAL OFFICE** the herein **ORDINANCE NO. 12 series 2022** of the **MUNICIPALITY OF CAPOOCAN, LEYTE**, with short title (Section 1): **"FOREST LAND USE ZONING ORDINANCE"**, for review and recommendations.

  
**FLORINDA JILL S. UYVICO**  
Secretary to the Sanggunian

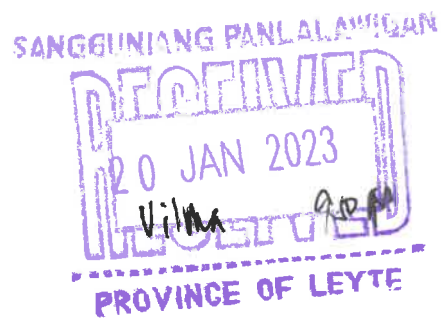
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**Republic of the Philippines**  
**PROVINCE OF LEYTE**  
**Municipality of Capoocan**  
**Office of the Sangguniang Bayan**  
✉ sbcapoocan@gmail.com / sbcapoocan@yahoo.com  
☎ 09976874138

January 18, 2023

**THE HONORABLE BODY**  
Sangguniang Panlalawigan  
Legislative Building  
Capitol Grounds  
Tacloban City



Dear Gentlemen / Mesdames:

Good Day!

Submitting **Municipal Ordinance No. 12, Series of 2022** of the Sangguniang Bayan of Capoocan, Leyte entitled, **"AN ORDINANCE ADOPTING THE FOREST LAND USE PLAN ALLOCATION AND ZONING FOR THE ADMINISTRATION, ENFORCEMENT AND AMENDMENT THEREOF AND FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT THEREWITH"**, for review of the Honorable Body.

Earliest and favorable action shall be gratefully acknowledged.

Respectfully yours,

**JUDE R. DELA TORRE**

*Secretary to the Sanggunian*



Republic of the Philippines  
Province of Leyte  
Municipality of Capoocan

OFFICE OF THE SANGGUNIANG BAYAN

SANGGUNIANG BAYAN OF THE MUNICIPAL GOVERNMENT OF CAPOOCAN, LEYTE IN ITS 24<sup>th</sup> REGULAR SESSION HELD  
ON DECEMBER 5, 2022 AT THE MUNICIPAL SESSION HALL LEGISLATIVE BUILDING

**MUNICIPAL ORDINANCE NO. 12, S. 2022**

**AN ORDINANCE ADOPTING THE FOREST LAND USE PLAN  
ALLOCATION AND ZONING FOR THE ADMINISTRATION,  
ENFORCEMENT AND AMENDMENT THEREOF AND FOR THE  
REPEAL OF ALL ORDINANCES IN CONFLICT THEREWITH**

Sponsored by : COMMITTEE ON ORDINANCES AND LEGAL MATTERS  
Chairman : HONORABLE VON LITO Q. VALLAR  
Vice-Chairman : HONORABLE EMMANUEL D. ARBOSO  
Members : HONORABLE ALLAN B. EGANO  
HONORABLE FEDERICO P. CAROLINO, JR.  
HONORABLE FLORENCE R. CAROLINO-MISAGAL

**WHEREAS**, the implementation of the Forest Land Use Plan would require the enactment of regulatory measures to translate its planning goals and objectives into reality; and a Zoning Ordinance is one such regulatory measure which is an important tool for the implementation of the Forest Land Use Plan;

**WHEREAS**, Republic Act No. 7160, otherwise known as the Local Government Code of 1991 authorizes local government units to enact zoning ordinances subject to and in accordance with existing laws;

**WHEREAS**, the Department of Environmental and Natural Resources through its offices, Provincial Environment and Natural Resources Office Leyte and Community Environment and Natural Resources Office Ormoc has spearheaded and now assists in and coordinates the activities of local government in forest land use planning;

**NOW THEREFORE, BE IT ORDAINED** BY THE SANGGUNIANG BAYAN OF CAPOOCAN, LEYTE IN SESSION ASSEMBLED THAT:

ARTICLE I

TITLE OF THE ORDINANCE

SECTION 1. TITLE OF THE ORDINANCE. This Ordinance shall be known as the **FOREST LAND USE ZONING ORDINANCE OF THE MUNICIPALITY OF CAPOOCAN, LEYTE** and shall be referred to as the **FOREST LAND USE ZONING ORDINANCE**.

**ARTICLE II**

**AUTHORITY AND PURPOSE**

**SECTION 2. AUTHORITY.** This Ordinance is enacted pursuant to the provisions of the New Local Government Code, RA 7160, Section 458 a. 2 (7-9) and 447 a. 2 (7-9), dated 10, October 1991, authorizing the Municipality, through the Sangguniang Bayan to adopt Zoning Ordinances, subject to the provisions of existing laws and in conformity with E.O. No. 09.

**SECTION 3. PURPOSES.** This Ordinance is enacted for the following purposes.

1. Guide, control and regulate the future growth and development of Capoocan, Leyte Forest Land Use Plan.
2. Protect the character and stability of the forest uses such as production forest zone and protection forest zone within the locality, and promote the orderly and beneficial development of the same.
3. Promote and protect the health, safety, peace, comfort, convenience and general welfare of the inhabitants in the locality.
4. Ensure and protect the sustainable growth and development of the community.

**SECTION 4. GENERAL ZONING PRINCIPLE.** This Zoning Regulation is based on the approved Forest Land Use Plan per Resolution No. 199-2021, dated November 16, 2021 for the Municipality of Capoocan, Leyte.

**ARTICLE III**

**DEFINITION OF TERMS**

The definition of the technical terms used in the Zoning Ordinance shall carry the same meaning given to them in already approved codes and regulations, such as but not limited to the National Building Code, the Water Code, the Philippine Environmental Code, the Urban and Housing Development Act, Revised Forestry Code of the Philippines, and their implementing Rules and Regulations. The words, terms and phrases enumerated hereunder shall be understood the have the meaning indicated as follows:

**FOREST AREA** – areas classified as timberland or forest lands.

**FOREST LAND USE PLAN** – the plan drafted, approved and implemented by the Municipality of Capoocan, Leyte for the protection, conservation and proper use of the Forest and Forest Land Use Assets of the said municipality.

**PRODUCTION FOREST ZONE** – areas intended for the project implementation of different Fruit Trees and High Value Crop, Fuelwood, and indigenous commodities. It can be proposed to various funding agencies for project implementation.

**PROTECTION FOREST ZONE** – areas intended for the protection commodities implementation. The areas are Timber, Indigenous, Beach Forest, and Mangrove, and can be proposed for Assisted Natural Regeneration. It can be said that these areas are for conservation purposes.

**ZONE/AREA** – an area within the city delineated for specific land use as defined by this Ordinance.

**ZONING ADMINISTRATOR/ZONING OFFICER** – a municipal/government employee responsible for the implementation/enforcement of the Zoning Ordinance in a community.

**ARTICLE IV**

**ZONE CLASSIFICATIONS**

**SECTION 5. DIVISION INTO ZONES OR AREAS.** To effectively carry out the provisions of this Ordinance, the municipality is hereby divided into the following zones or areas as shown in the Official Land Use and Zoning Map.

1. Production Forest Zone
2. Protection Forest Zone

**SECTION 6. ZONING MAP.** The official zoning map for the forest areas, wherein the designation, location and boundaries of the districts/zones herein established are shown, are hereby adopted as an integral part of this Ordinance. Such official zoning maps shall be signed by the Local Chief Executive, and duly authenticated by the Sangguniang Bayan.

**SECTION 7. ZONE/AREA BOUNDARIES.** The locations and boundaries of the zones or areas into which the municipality has been divided are hereby identified and specified as follows:

<b>ZONE</b>	<b>LOCATION OF THE SAID ZONES</b>
PROTECTION FOREST ZONE Enrichment Planting	Parts of Barangay Gayad, Potot, Tolibao, Libertad, Culasian, Cabul-an, Balud, Pinamopoan, Talisay, Talairan and Nauguisan
PRODUCTION FOREST ZONE Agro-forestry (Intercropping)	Parts of Barangay Balucanad, Poblacion Zone 1, Poblacion Zone 2, Lemon, San Joaquin, Visares and Guinadiong
Fuelwood Plantation Assisted Reforestation	Parts of Barangay Balucanad, Poblacion Zone 1, Poblacion Zone 2, Lemon, San Joaquin, Visares and Guinadiong
Fruit Trees and High Value Crops	Parts of Barangay Balucanad, Poblacion Zone 1, Poblacion Zone 2, Lemon, San Joaquin, Visares and Guinadiong

**ARTICLE V**

**ADMINISTRATION AND ENFORCEMENT**

**SECTION 8. LOCATIONAL CLEARANCE.** All owners/developers shall secure a locational clearance of Zoning Compliance from the Zoning Administrator/Zoning Office or, in cases variance and exemptions, from the Local Zoning Board and Adjustment and (LZBAA) prior to conducting any activity or undertaking construction on their property/land.

1. Non-conforming use which has ceased operation for more than one (1) year be revived as non-conforming use.
2. That an idle/vacant structure may not be used for non-conforming activity.
3. That any non-conforming structures under one ownership which has been damaged may be reconstructed and used as before, provided that such reconstruction is not more than fifty percent (50%) of the replacement cost.

**SECTION 9. EXISTING NON-CONFORMING USES AND BUILDINGS.** The lawful use of any building, structure, or land at the time of the adoption or amendment of this Ordinance may be continued, although such use does conform with the provision of this Ordinance, subject to the following conditions:

1. That no such non-conforming use shall be enlarged or extended to occupy a greater area of land than that already occupied by such use at the time of the adoption of this Ordinance, or move in whole or in part, of any other portion of the lot or parcel or land where such non-conforming use exists at the time of the adoption of this Ordinance.
2. That no such non-conforming use which has ceased operation for the more than one (1) year be revived as non-conforming use.
3. That an idle/vacant structure may not be used for non-conforming activity.
4. That any non-conforming structure, or structure under one ownership which has been damaged may be reconstructed and used as before, provided that such reconstruction is not more than fifty percent (50%) of the replacement cost. That should such non-conforming portion of structure be destroyed by any means to an extent of more than fifty percent (50%) of its replacement cost of the time of destruction, it shall not be reconstructed except in conformity with the provision of this Ordinance.
5. That no such non-conforming structure may be enlarged or altered in a way, which increases its non-conformity, but any structure or portion may be altered to decrease its non-conformity.
6. That no such non-conforming use may be moved to another site to displace any conforming use.
7. That should such structure be for any reason moved to whatever distance, it shall thereafter conform to the regulation of the district to which it is moved or relocated.
8. In cases where the non-conforming structure becomes extremely hazardous to public health, public safety and contrary to the greater interest of the municipality, the municipal government reserves the right to institute legal proceedings to ensure conformity and exercise other powers as mandated by RA 7160. The owner of a non-conforming use shall program the phase-out and relocation of the non-conforming use within the ten (10) years from the effectivity of this Ordinance.

**SECTION 10. RESPONSIBILITY FOR ADMINISTRATION AND ENFORCEMENT.** This Ordinance shall be enforced and administered by the Local Chief Executive through the Zoning Administrator/Zoning Officer who shall be appointed by the former in accordance with existing rules and regulations on the subject.

**SECTION 11. POWERS AND FUNCTIONS OF A ZONING ADMINISTRATOR.** Pursuant to the provisions of EO 72 implementing RA 7160 in relation to Sec. 5, Paragraphs *a* and *d*, and Section 7 of EO 648 dated 07 February 1981, the Zoning Administrator shall perform the following functions, duties and responsibilities.

**ENFORCEMENT**

- A. Act on all applications for locational clearances for all projects by:
  1. Issuing locational clearances for projects conforming with the zoning regulations.
  2. Recommending to the Local Zoning Board of Adjustments and Appeals (LZBAA) the grant or denial of applications for variances and exemptions and the issuance of Certificates of Non-Conformance for non-conforming projects lawfully existing at the time of the adoption or amendment of the Zoning Ordinance, including clearances for repairs/renovations on non-conforming uses consistent with the guideline therefore.
- B. Monitor on-going/existing projects within their respective jurisdiction and issue notices and show cause to owners, developers, or managers of projects that are violative of Zoning Ordinance and where necessary, pursuant to Sec. 3 of EO 72 and Sec. 2 of EO 71, refer subsequent actions thereon to the HLRB.
- C. Call and coordinate with the Philippine National Police for enforcement of all orders and processes issued in the implementation of this ordinance.
- D. Coordinate with the Municipal Fiscal/Attorney for other legal actions/remedies relative to the foregoing.

**PLANNING:** Coordinate with the Regional Office of the HLRB regarding proposed amendments to the Zoning Ordinance prior to its adoption by the Sangguniang Bayan.

**SECTION 12. ACTION OF COMPLAINTS AND OPPOSITIONS.** Any complaint for violation of any provision of the Zoning Ordinance or of any clearances or permits issued pursuant thereto shall be filed with the LZBAA. However, opposition to application for clearance, variance or exception shall be treated as a complaint and dealt with in accordance with the provisions of this section.

**SECTION 13. FUNCTIONS AND RESPONSIBILITIES OF THE LOCAL ZONING BOARD OF ADJUSTMENT AND APPEALS.** There is hereby created a LZBAA which shall perform the following functions and responsibilities:

- A. Act on applications of the following nature and complaints and opposition to such applications:
  1. Variances
  2. Exceptions
  3. Non-Conforming Uses
- B. Act on appeals on the grant or denial of locational clearance by the zoning administrator/zoning officer.

The decision of the Local Zoning Board of Adjustment and Appeals shall be appealable to the HLRB.

**SECTION 14. COMPOSITION OF THE LOCAL ZONING BOARD OF ADJUSTMENT AND APPEALS (LZBAA).**

The Municipal Development Council shall create a sub-committee, which shall act as the LZBAA composed of the following members:

1. Municipal Mayor as Chairman
2. Municipal Legal Officer
3. Municipal Assessor
4. Municipal Engineer
5. Municipal Planning and Development Coordinator (if other than the Zoning Administrator)
6. Municipal Environment and Natural Resources Officer
7. Municipal Geodetic Engineer
8. Municipal Disaster Risk Reduction and Management Officer
9. Two (2) representative of the private sector nominated by their respective organizations and confirmed by the Municipal Mayor. In case of non-availability of any of the officials enumerated above, the Sangguniang Bayan shall elect as representative such number of its member as may be necessary to meet the total number above set forth.

For purposes of policy coordination, said Committee shall be attached to the Municipal Development Council.

**SECTION 15. INTERIM PROVISION. UNTIL SUCH TIME THAT THE LOCAL ZONING BOARD OF ADJUSTMENT AND APPEALS** shall have been constituted, the HLRB shall act as the LZBAA. As an appellate Board, the HLRB shall adopt its own rules of procedure to govern the conduct of appeals arising from the administration and enforcement of this Ordinance.

**SECTION 16. REVIEW OF THE ZONING ORDINANCE.** The Municipal Development Council shall create a sub-committee to be known as the Local Zoning Review Committee (LZRC) that shall review the Zoning Ordinance considering the Forest Land Use Plan, as the need arises, based on the following reasons/situations:

- a. Change in local development plans
- b. Introduction of projects of national significance.
- c. Petition for rezoning



- d. Other strong and valid reasons which justify consideration.

**SECTION 17. COMPOSITION OF THE LOCAL ZONING REVIEW COMMITTEE.** The Local Zoning Review Committee shall be composed of sectoral experts. These are the Local Officials/Civic Leaders responsible for the operation, development and progress of all sectoral undertakings in the locality, e.g.:

- a. Municipal Planning and Development Coordinator
- b. Municipal Health Officer
- c. Municipal Agriculturist
- d. President, Association of Barangay Captains
- e. Municipal Engineer
- f. Community Environment and Natural Resources Office (CENRO)
- g. District School Supervisor
- h. Two (2) Private Sectoral Representatives (Local Chamber of Commerce and Housing Industry)
- i. Two (2) NGO representatives
- j. Municipal Environment and Natural Resources Officer
- k. Municipal Geodetic Engineer
- l. Municipal Disaster Risk Reduction and Management Officer

For purposes and policy and program coordination, the LZRC shall be attached to the Municipal Development Council.

**SECTION 18. FUNCTIONS OF THE LOCAL REVIEW COMMITTEE.** *The Local Zoning Review Committee shall have the following powers and functions:*

- A. Review the Zoning Ordinance for the following purposes:
  1. Determine amendments or revision necessary in the Zoning Ordinance because of changes that might have been introduced in the Forest Land Use Plan.
  2. Determine changes to the introduced in the Forest Land Use Plan in the light of permits given, and exceptions and variances granted.
  3. Identify provision of the Ordinance, which are difficult to enforce or are unworkable.
- B. Recommend to the Sangguniang Bayan necessary legislative amendments and to the local planning and development staff the needed changes in the plan because of the view conducted.
- C. Provide information to the HLURB that would be useful in the exercise of its functions.

**SECTION 19. AMENDMENTS TO THE ZONING ORDINANCE.** Changes in the Zoning Ordinance as a result of the review by the Local Zoning Review Committee shall be treated as an amendment, provided that any amendment to the provisions of the Zoning Ordinance shall be carried out through a resolution of three-fourths vote of the Sangguniang Bayan.

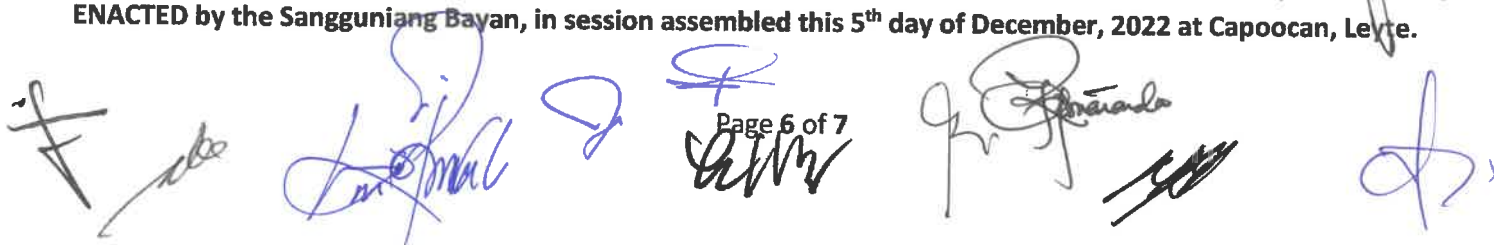
**SECTION 20. SUPPLEMENTARY EFFECT OF OTHER LAWS AND DECREES.** The provision of this Ordinance shall be without prejudice to the application of others laws, presidential decrees, letters of instructions and other executive or administrative orders vesting national agencies concerned shall be consistent with the Forest Land Use Plan of the LGU.

**SECTION 21. SEPARABILITY CLAUSE.** In this event that any section or provision of this Ordinance is declared unconstitutional or invalid, other sections or provisions unaffected shall remain valid and effective.

**SECTION 22. REPEALING CLAUSE.** All prior inconsistent Ordinances are hereby repealed and/or modified accordingly.

**SECTION 23. EFFECTIVITY CLAUSE.** This ordinance shall take effect immediately, and shall continue to be in force and effect until revoked or set aside.

ENACTED by the Sangguniang Bayan, in session assembled this 5<sup>th</sup> day of December, 2022 at Capoocan, Leyte.




  
ALLAN B. EGANO  
SB Member

  
VON LITO Q. VALLAR  
SB Member

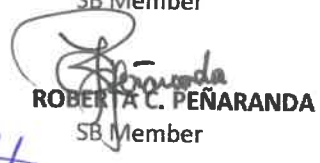
  
EMMANUEL D. ARBOSO  
SB Member

  
JOJO N. NEPOMUCENO  
SB Member


  
GRACIA G. PIGAR  
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REYNALDO R. NIMO  
SB Member

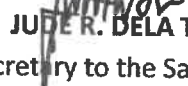
  
FEDERICO P. CAROLINO, JR.  
SB Member

  
ROBERTA C. PEÑARANDA  
SB Member


**FLORENCE R. CAROLINO-MISAGAL**  
Municipal Chapter President  
*Liga ng mga Barangay*  
*(On Official Business)*

  
**JUNO ALLAN EVE B. APOSTOL**  
President  
*Pambayang Pederasyon ng mga Sangguniang Kabataan*


I HEREBY CERTIFY to the correctness of the foregoing resolution of the Sangguniang Bayan of Capoocan, Leyte.

  
**JUDE R. DELA TORRE**  
Secretary to the Sanggunian

ATTESTED:

  
**ATTY. FEDERICO H. CAROLINO, SR.**  
Municipal Vice-Mayor/Presiding Officer

APPROVED:

  
**ATTY. FE CLAIRE P. CAROLINO-PARAGATOS**  
Municipal Mayor

Date: 12.14.22