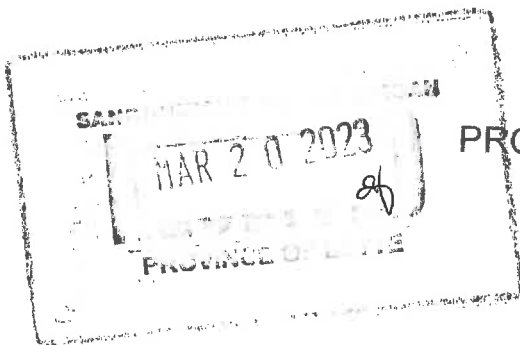


Item No.: 09

Date: APR 11 2023

SP Records

MAR 23 2023



Republic of the Philippine
PROVINCE OF LEYTE

PROVINCIAL LEGAL OFFICE

2ND INDORSEMENT
March 8, 2023

Province of Leyte
Legal Office
Received: *[Signature]*
Date: 3-17-23

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary, the attached Ordinance No. 02, S. 2023 of the SB of Tabon-tabon, 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 essential to the promotion of the General welfare authorized under Section 16 of the Code. In relation with Section 447 (2), (vi) and Section 447 (4), thereof. Provided, That, the penalty of "Community Service" desired under Section 14, Article VI of the Ordinance, does not violate the prohibition under the 1987 Philippine Constitution, on INVOLUNTARY SERVITUDE

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

Republic of the Philippines
PROVINCE OF LEYTE


-0-

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1ST INDORSEMENT
7 March 2023

Office of the
Sanggunian
3-7-23

Respectfully indorsed to the **PROVINCIAL LEGAL OFFICE** the
herein **MUNICIPAL ORDINANCE NO. 02 series 2023** of the **MUNICIPALITY OF**
TABONTABON, LEYTE, for review and recommendations.


FLORINDA D. UYVICO
Secretary to the Sanggunian

SP Records
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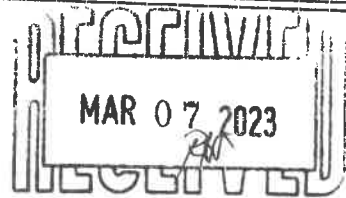


Republic of the Philippines
Province of Leyte
Municipality of Tabontabon
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OFFICE OF THE SANGGUNIANG BAYAN

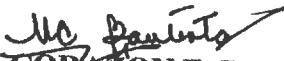
INDORSEMENT

March 03, 2023



Respectfully submitted to the Honorable Sangguniang Panlalawigan, the herein Municipal Ordinance No. 02 Series 2023 entitled "AN ORDINANCE REGULATING THE USE OF IRRIGATION WATER AND PROTECTION OF IRRIGATION INFRASTRUCTURES WITHIN THE TERRITORIAL JURISDICTION OF THE MUNICIPALITY OF TABONTABON, LEYTE, AND FOR OTHER PURPOSE" of the Municipality of Tabontabon, Leyte for appropriate action.

Hope you find it in order.


MARIA CORAZON E. BAUTISTA
Secretary to the Sangguniang Bayan

NOTED:


HON. PONCIANO R. JUSTIMBASTE, Jr.
Presiding Officer



Republic of the Philippines
Province of Leyte
Municipality of Tabontabon

OFFICE OF THE SANGGUNIANG BAYAN

28TH REGULAR SESSION
February 13, 2023

ID. No. 9572

14th SANGGUNIANG BAYAN

Present:

- Hon. Ponciano R. Justimbaste, Jr.
- Hon. Herman I. Bibar
- Hon. Francisco M. Fernandez
- Hon. Dan Jeric S. Redoña
- Hon. Jerry Gwen L. Conde
- Hon. Danilo E. Balais
- Hon. Mervin M. Lobrigo
- Hon. Jinky E. Gamez
- Hon. Mylene B. Ladan
- Hon. Frances B. Gador

- Municipal Vice Mayor/Presiding Officer
- SB Member
- SB Member
- SB Member
- SB Member
- SB Member
- SB Member
- SB Member
- SB Member

- ABC President/Ex-officer Member
- SK Federation President/Ex-officer Member
- SB Member (On Leave)

Absent:

- Hon. Dennis L. Barderian

MUNICIPAL ORDINANCE NO. 02 SERIES 2023

MUNICIPAL ORDINANCE NO. 02 SERIES OF 2023, ENTITLED "AN ORDINANCE REGULATING THE USE OF IRRIGATION WATER AND PROTECTION OF IRRIGATION INFRASTRUCTURES WITHIN THE TERRITORIAL JURISDICTION OF THE MUNICIPALITY OF TABONTABON, LEYTE, AND FOR OTHER PURPOSE"

WHEREAS, presented for consideration before the Sangguniang Bayan is the Municipal Ordinance No. 02 Series 2023 "An Ordinance Regulating the Use of Irrigation Water and Protection of Irrigation Infrastructures Within the Territorial Jurisdiction of the Municipality of Tabontabon, Leyte, and For Other Purposes";

WHEREAS, one of the primary function of the Municipal Local Government under RA 7160 otherwise known as the Local Government Code of the Philippines is to protect vital government properties under its jurisdiction;

WHEREAS, the National Irrigation Administration (NIA) had constructed irrigation system within the municipality of Tabontabon, Leyte which contribute to the development or the agriculture industry and benefited the constituents in the municipality, particularly the farmers;

WHEREAS, irrigation water is vital to local development and it has become necessary for the government and all concerned sectors to intervene actively in improving the management of local irrigation water resources;

NOW THEREFORE, on motion by Hon. Mervin M. Lobrigo and unanimously seconded;

HON. PONCIANO R. JUSTIMBASTE, Jr.
Municipal Vice Mayor/Presiding Officer

-over-

MARIA CORAZON E. BAUTISTA
Secretary to the Sangguniang Bayan

Municipal Ordinance No.02 S2022 - Irrigation

HON. DANILLO E. BALAIS
SB Member

HON. JERRY GWEN L. CONDE
SB Member

HON. DAN JERIC S. REDOÑA
SB Member

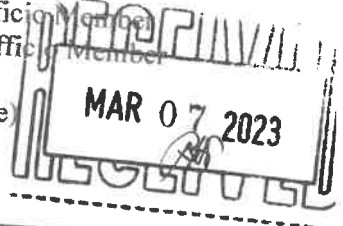
HON. FRANCISCO M. FERNANDEZ
SB Member

HON. HERMAN I. BIBAR
SB Member

SB Member

HON. MYLENE B. LADAN
ABC President/Ex-Officer Member

HON. FRANCES B. GADOR
SK Fed. President/Ex-Officer Member





Republic of the Philippines
Province of Leyte
Municipality of Tabontabon

OFFICE OF THE SANGGUNIANG BAYAN

BE IT RESOLVE, as it is hereby resolved to enact/approve Municipal Ordinance No. 02 Series of 2023 entitled **“AN ORDINANCE REGULATING THE USE OF IRRIGATION WATER AND PROTECTION OF IRRIGATION INFRASTRUCTURES WITHIN THE TERRITORIAL JURISDICTION OF THE MUNICIPALITY OF TABONTABON, LEYTE, AND FOR OTHER PURPOSES”**;

BE IT ORDAINED by the Honorable Sangguniang Bayan, in its Regular Session assembled, that:

**MUNICIPAL ORDINANCE NO. 02
Series of 2023**

MUNICIPAL ORDINANCE NO. 05 SERIES OF 2022, ENTITLED “AN ORDINANCE REGULATING THE USE OF IRRIGATION WATER AND PROTECTION OF IRRIGATION INFRASTRUCTURES WITHIN THEB TERRITORIAL JURISDICTION OF THE MUNICIPALITY OF TABONTABON, LEYTE, AND FOR OTHER PURPOSE”

**ARTICLE I
TITLE AND SCOPE**

Section 1. **TITLE** - This Ordinance shall be known as **“The Irrigation Regulation Ordinance of Tabontabon, Leyte.”**

Section 2. **SCOPE** - The Ordinance shall apply only within the territorial jurisdiction of the Municipality of Tabontabon, Leyte.

**ARTICLE II
DECLARATION OF POLICY**

Section 3. It is hereby declared as a policy of the States to protect and regulate government properties including irrigation infrastructure and the promotion of equal access to irrigation services among users to increase rice production and attain food self-sufficiency and sustainability in the Municipality.

**ARTICLE III
DEFINITION OF TERMS**

Section 4. To understand the terms used in the Ordinance, the following are defined operationally:

- a. **TERRITORIAL JURISDICTION** - Refers to the powers of the Municipality of Tabontabon, Leyte in which the exercise thereof is limited only to the scope, boundary and geographical area of Tabontabon.
- b. **NATIONAL IRRIGATION ADMINISTRATION** - A government-owned and controlled corporations created under RA 3601, amended by PD 552, mandated to develop irrigation systems and maintenance hereof.

HON. PONCIANO R. JUSTIMBASTE, Jr.
Municipal Vice Mayor/Presiding Officer

-over-

MARIA CORAZON E. BAUTISTA
Secretary to the Sangguniang Bayan

=====
Municipal Ordinance No.02 S2022 - Irrigation

HON. DANILLO E. BALAIS
SB Member

HON. JERRY GWEN L. CONDE
SB Member

HON. DAN JERIC S. REDOÑA
SB Member

HON. FRANCISCO M. FERNANDEZ
SB Member

HON. HERMAN I. BIBAR
SB Member

HON. MERVIN M. LOBRIGO
SB Member

HON. JINKE E. GAMEZ
SB Member

HON. MYLENE B. LADAN
ABC President/Ex-Officer Member

HON. FRANCIS B. GADOR
SK-Ped. President/Ex-Officer Member



Republic of the Philippines
Province of Leyte
Municipality of Tabontabon

OFFICE OF THE SANGGUNIANG BAYAN

- c. **IRRIGATION STRUCTURES AND FACILITIES** - Refers to all structures and facilities provided in particular irrigation system.
- d. **WATER DELIVERY REQUEST** - Permit granted by the NIA and IA to individual water users for a particular cropping system.
- e. **IRRIGATORS' ASSOCIATION/COOPERATIVE** - Organization of irrigation water users duly registered with accredited government agencies.
- f. **CANAL EMBANKMENTS** - Refer to canal earth banks built to carry irrigation water.
- g. **ROAD EASEMENT** - Refers to canal and service road right of way.
- h. **IRRIGATION WATER** - Water flowing in the canal embankments coming from identified water source, excluding rainwater.

ARTICLE IV

REGULATIONS AND PROHIBITIONS ON THE OPERATION OF IRRIGATION SYSTEM

Section 5. The NIA and the Irrigators Association shall be required to furnish the LGU concerned every cropping season a copy of the approved cropping calendar and pattern of planting including water delivery and distribution plan.

Section 6. It shall be unlawful to use or divert irrigation water without an approved water delivery request from duly recognized Irrigators Association in accordance to the Rules and Regulations set and duly approved by the Irrigators' Association and by the National Irrigation Administration.

Section 7. It shall be unlawful to any person to undertake land preparation of any farm lots using irrigation water provided by National Irrigation Administration (NIA) with no approved water delivery request.

Section 8. It shall be unlawful to construct, destroy, manipulate, take control and remove any irrigation fixture, facilities, structures, measuring devices, headgates, checkgates, turn-outs and other similar irrigation structures without authority from the Irrigators' Association and the National Irrigation Administration.

Section 9. It shall be unlawful to construct structures such as shanties/makeshifts, pigpens, including planting of trees and other crops along irrigation canals, embankments and road easements.

Section 10. It shall be unlawful to dump noxious, poisonous substances and garbage along irrigation and drainage canals including other water ways within the municipal jurisdiction.

Section 11. It shall be unlawful to undertake fishing, wallowing and tying of animals along irrigation canals, dams requiring manipulation of irrigation structures resulting to obstruction and diversion of irrigation water.

HON. PONCIANO R. JUSTIMBASTE, Jr.
Municipal Vice Mayor/Presiding Officer

-over-

MARIA CORAZON E. BAUTISTA
Secretary to the Sangguniang Bayan

Municipal Ordinance No.02 S2022 - Irrigation

HON. DANULO E. BALAIS
SB Member

HON. JERRY GWY L. CONDE
SB Member

HON. DAN JERIC S. REDONA
SB Member

HON. FRANCISCO M. FERNANDEZ
SB Member

HON. HERMAN I. VIBAR
SB Member

HON. MEYVIX J. LOBRICO
SB Member

HON. JINKIE E. JAMEZ
SB Member

HON. MYLENE B. JADAN
ABC President/Ex-Officer Member

HON. FRANCCESS B. GADOR
SK Ex-Officer/Ex-Officer Member




Republic of the Philippines
Province of Leyte
Municipality of Tabontabon

OFFICE OF THE SANGGUNIANG BAYAN

APPROVED unanimously, February 13, 2023.

I HEREBY CERTIFY to the correctness of the foregoing resolution.


MARIA CORAZON E. BAUTISTA
Secretary to the Sangguniang Bayan

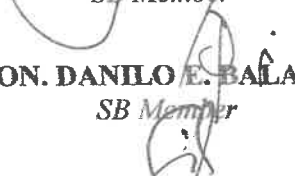
ATTESTED:


HON. HERMAN I. BIBAR
SB Member

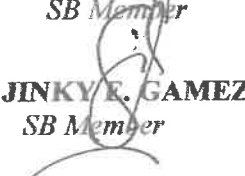

HON. FRANCISCO M. FERNANDEZ
SB Member

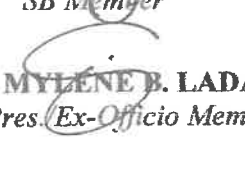

HON. DAN JERIC S. REDOÑA
SB Member



HON. JERRY GWEN L. CONDE
SB Member



HON. DANILO E. BALAIS
SB Member


HON. MERVIN M. LOBRIGO
SB Member


HON. JINKY E. GAMEZ
SB Member


HON. MYLENE B. LADAN
ABC Pres./Ex-Officio Member


HON. FRACNESS B. GADOR
SK Fed. Pres./Ex-Officio Member


HON. PONCIANO R. JUSTIMBASTE, JR.
Municipal Vice Mayor/Presiding Officer

APPROVED:


HON. EFRÉN D. REDOÑA
Municipal Mayor



Republic of the Philippines
Province of Leyte
Municipality of Tabontabon


OFFICE OF THE SANGGUNIANG BAYAN

CERTIFICATION

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that the Municipal Ordinance No. 02 Series 2023 entitled **“AN ORDINANCE REGULATING THE USE OF IRRIGATION WATER AND PROTECTION OF IRRIGATION INFRASTRUCTURES WITHIN THE TERRITORIAL JURISDICTION OF THE MUNICIPALITY OF TABONTABON, LEYTE, AND FOR OTHER PURPOSE”** of the Municipality of Tabontabon, Leyte had been posted in conspicuous places in the municipality, and all the bulletin areas in the barangays.

ISSUED this 2nd day of March, 2023 at Tabontabon, Leyte.


MARIA CORAZON E. BAUTISTA
Secretary to the Sangguniang Bayan