

14

Item No: 14
Date: JUL 11 2023

Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte

PROVINCIAL LEGAL OFFICE

2nd INDORSEMENT
June 30, 2023

[Handwritten Signature]
G-20-23

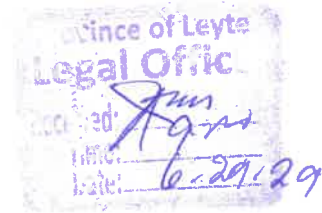
Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary, the attached Ordinance No. 2023-03 and 2023-06 of the SB of Bato, Leyte with the following comments and/or opinion:

1. That subject Ordinances are manifestations of the exercise by the Sangguniang Bayan of its power authorized under Section 20 of the Code;
2. That one of the requirements set under the law is the conduct of a "prior public hearing" to which, subject ordinance is not supported with proof thereof. Hence, this office recommends its due compliance regarding the matter;
3. That from the title of subject ordinances, It appears that the reclassification applied for by the owners of the parcels of land, to which no application letter is attached thereto, nor copy of "Tax Declaration" with the name of the owners indicated thereon. Hence, this office recommends the attachment of both the application letter and the Tax Declaration copy;
4. That pursuant to DILG opinion No.22, S. 2020 dated January 31, 2020 and citing the Supreme Court Decision in the case of "Chamber of Real Estate and Builders Associations, Inc. (CREBA), vs The Secretary of Agrarian Reform (G.R. No.183409)", reclassification alone will not suffice to use the agricultural lands for other purposes. Conversion is needed to change the current use of the reclassified lands.

[Handwritten Signature]
ATTY. JOSE DAVMINDA A. AGUI


Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte

OFFICE OF THE SANGGUNIANG PANLALAWIGAN



1ST INDORSEMENT
27 June 2023

The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **ORDINANCE NO. 2023-06 of the MUNICIPALITY of BATO, LEYTE, entitled: Authorizing the Reclassification of Parcel/Portion of Land Applied For By PryceGases, Inc. Through Regional Administrative Head Ms. Kristina Marie M. Omos and Owned by PryceGases, Inc., Under TCT Number 115-2022001043 Located in Barangay Osmeña, Bato, Leyte from Agricultural to Industrial Purpose.**


FLORINDA J. S. UYVICO
Secretary to the Sanggunian



Jill Sydiongco Uyvico <fjillsyd@gmail.com>

Ordinances for Review

Sangguniang Bayan Bato, Leyte <sangguniangbayanbato6525@gmail.com>

Fri, Jun 23, 2023 at 3:29 PM

To: fjillsyd@gmail.com

June 23, 2023

Republic of the Philippines
SANGGUNIANG BAYAN
Bato, Leyte

June 23, 2023

**THE HONORABLE MEMBERS OF THE
SANGGUNIANG PANLALAWIGAN**

Province of Leyte
Tacloban City

Gentlemen and ladies:

Respectfully transmitting to the Leyte Provincial Board the herein **Ordinance No. 2023-02 re: Authorizing land reclassification (Sembrano), Ordinance No. 2023-03 re: Authorizing land reclassification (Salinas), and Ordinance No. 2023-06 re: Authorizing land reclassification (Prycegas)** of this municipality for perusal and review by the august body.

It is sincerely prayed that the Provincial Board could pass a resolution stipulating your action on the matter and furnish this Sanggunian with the same.





I thank you in advance and look forward to your granting this request.

Respectfully,

PORFERIO M. PITOGO II

Secretary to the Sanggunian

4 attachments

-  **Transmittal - Ordinance 2023 - Various land conversions.pdf**
127K
-  **3 Ordinance - 2023-03 - Authorizing the reclassification of land Ralph Salinas.pdf**
614K
-  **6 Ordinance - 2023-06 - Authorizing the reclassification of land Prycegas.pdf**
614K
-  **2 Ordinance - 2023-02 - Authorizing the reclassification of land Renato Sembrano.pdf**
441K



Republic of the Philippines
SANGGUNIANG BAYAN
Bato, Leyte

June 23, 2023

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SANGGUNIANG PANLALAWIGAN**

Province of Leyte
Tacloban City

Gentlemen and ladies:

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It is sincerely prayed that the Provincial Board could pass a resolution stipulating your action on the matter and furnish this Sanggunian with the same.

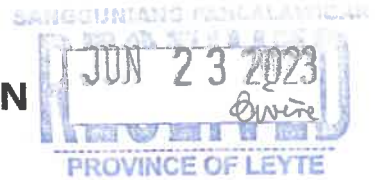
I thank you in advance and look forward to your granting this request.

Respectfully,

PORFERIO M. PITOGO II
Secretary to the Sanggunian



Republic of the Philippines
SANGGUNIANG BAYAN
Bato, Leyte



Ordinance No. 2023-06

AUTHORIZING THE RECLASSIFICATION OF A PARCEL/PORTION OF LAND APPLIED FOR BY PRYCEGASES, INC. THROUGH REGIONAL ADMINISTRATIVE HEAD MS. KRISTINA MARIE M. OMOS AND OWNED BY PRYCEGASES, INC. UNDER TCT NUMBER 115-2022001043 LOCATED IN BARANGAY OSMEÑA, BATO, LEYTE FROM AGRICULTURAL TO INDUSTRIAL PURPOSE

Sponsored by:

HON. RAUL M. ACENAS

SB Committee Chair on Land Use

WHEREAS, presented for consideration before the Sanggunian is the herein application for land use reclassification of Prycegases, Inc., through its regional administrative head Ms. Kristina Marie M. Omos, from agricultural to industrial purpose;

WHEREAS, Section 20 of R.A. 7160 vests upon the Sangguniang Bayan through an ordinance the authority to reclassify lands and provide for the manner for their utilization and disposition;

WHEREAS, the subject portion/parcel of land applied for was substantially of greater economic value for commercial and industrial purposes;

WHEREAS, the subject lands are not tenanted nor covered pursuant to R.A. 6657 otherwise known as the Comprehensive Agrarian Reform Law;

WHEREFORE, premises considered and on motion of Hon. Raul M. Acenas and mass seconded;

BE IT ENACTED, AS THE SANGGUNIANG IN SESSION HEREBY ENACTS, that:

Section 1. Authority to Reclassify. – Section 20 of Republic Act 7160 empowers the Sangguniang Bayan to enact an ordinance reclassifying lands to and for other purposes.

Section 2. Reclassification. – The parcel of land applied for by Prycegases, Inc. through Ms. Kristina Marie M. Omos and registered under and owned by Prycegases, Inc. with TCT No. 115-2022001043 located in Barangay Osmeña, Bato, Leyte is hereby reclassified from agricultural to industrial purpose.

Section 3. Manner of Utilization. – The subject land shall be strictly utilized in accordance with the Municipal Zoning Ordinance of the municipality and other applicable laws, rules, and regulations. The purpose of the reclassification of the subject land is for the operation of a liquefied petroleum gas (LPG) refilling plant.

Section 4. Conversion. – This ordinance shall not be construed as a conversion order which shall be issued only by the Department of Agrarian Reform (DAR). As such, this ordinance shall be subject to the process of conversion or exemption by and with the DAR.

Section 5. Repealing Clause. – Ordinances and resolutions inconsistent with this ordinance are hereby rescinded, modified, and repealed accordingly.

Section 6. Separability Clause. – Should any part of this ordinance be declared inconsistent with superior laws, other provisions herein not affected thereby shall continue to be in full force and effect.

Section 7. Effectivity. – This ordinance shall take effect upon approval.

ENACTED this 29th day of May, 2023 during the Sangguniang Bayan’s regular session held at the SB Session Hall, Bato, Leyte.


The Honorable Members of the Sangguniang Bayan


ANTHONY S. ECHEVARRE


DANILO A. RITOGO


PEPE B. DIAO


RAUL M. ACENAS


GERRY E. AUREO


MARK S. SALVATIERRA


HERBERT B. SALAZAR


ARNULFO B. Taneo


MARISSA C. GERTOS


DORMAN P. SUAREZ

.....
CERTIFIED CORRECT:


PORFERIO M. PITOGO II
Secretary to the Sanggunian

ATTESTED TO BE ADOPTED:


HON. BRYAN NILE A. GERTOS
Presiding Officer/Municipal Vice Mayor

APPROVED:


HON. NATHANIEL B. GERTOS
Municipal Mayor