

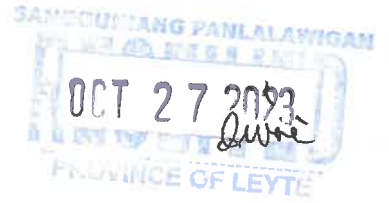


Republic of the Philippines
Province of Leyte
Municipality of Carigara
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OFFICE OF THE MUNICIPAL AGRICULTURIST

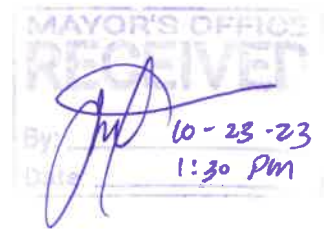
Mem No.: 13

Date: 14 2023 NOV



October 15, 2023

THE SANGGUNIANG PANLALAWIGAN
Leyte Provincial Government Complex
Palo, Leyte



Thru: **HON. EDUARDO T. ONG, JR**
Municipal Mayor, Carigara, Leyte

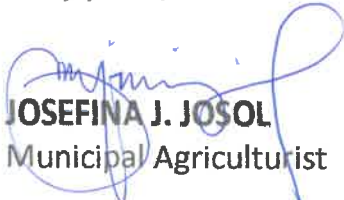
Dear Honorable Members of the Sangguniang Panlalawigan,

This is relative to the Sangguniang Panlalawigan Resolution No. 2023-467 requesting from the Office of the Municipal Agriculturist Office in Carigara, Leyte that the Agricultural lots described as lot 7088 in the name of Lucia I. Trani and lot 673 in the name of Eusebio Canabe located in Brgy. Libo and Brgy. Barugohay Central, Carigara, Leyte, respectively ceased to be economically feasible for agricultural use.

In as much as we would like to accommodate you request, Section 20 of the Local Government Code of the Philippines (RA 7160) on the Reclassification of Lands states that: "a) a city/municipality may, through an ordinance passed by the *sanggunian* after conducting public hearings for the purpose, authorize the reclassification of agricultural lands and provide for the manner of their utilization or disposition in the following cases: (1) when the land ceases to be economically feasible and sound for agricultural purposes as determined by the Department of Agriculture", this function has not been delegated to the Municipal Agriculture Office.

Thank you.

Truly yours,


JOSEFINA J. JOSOL
Municipal Agriculturist



Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte
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OFFICE OF THE SANGGUNIANG PANLALAWIGAN

EXCERPTS FROM THE MINUTES OF THE 61st REGULAR SESSION OF THE SANGGUNIANG PANLALAWIGAN OF LEYTE CONDUCTED AT THE SESSION HALL, LEYTE PROVINCIAL GOVERNMENT COMPLEX, PALO, LEYTE ON OCTOBER 03, 2023.

RESOLUTION NO. 2023-467

A RESOLUTION REFERRING TO THE SANGGUNIANG PANLALAWIGAN COMMITTEE ON HOUSING, LAND USE AND INFORMAL SETTLERS MUNICIPAL ORDINANCE NOS. 2023-185 AND 2023-186 OF CARIGARA, LEYTE.

WHEREAS, pursuant to Section 468 (a)(1)(i) of Republic Act 7160 otherwise known as The Local Government Code of 1991, among the powers and duties of the Sangguniang Panlalawigan is "to review all ordinances approved by the Sanggunian of component cities and municipalities;"

WHEREAS, submitted to the Sangguniang Panlalawigan are Municipal Ordinances from Carigara, Leyte, to wit:

- 1. Municipal Ordinance No. 2023-185** entitled: "AN ORDINANCE RECLASSIFYING THE TWO HUNDRED SEVENTY-FIVE (275) SQUARE METERS OF LAND IDENTIFIED AS LOT NO. 673 REM. PORTION, COVERED UNDER TAX DECLARATION NO. 08-1104-00101, IN THE NAME OF EUSEBIO CANABE, LOCATED AT BRGY. BARUGOHAY CENTRAL, CARIGARA, LEYTE, WITH A TOTAL AREA OF 2,745 SQUARE METERS, FROM AGRICULTURAL TO RESIDENTIAL USE";
- 2. Municipal Ordinance 2023-186** entitled: "AN ORDINANCE RECLASSIFYING LOT NO. 7088 UNDER TAX DECLARATION NO. 08-110029-00390, IN THE NAME OF LUCIA I. TRANI, LOCATED AT BRGY. LIBO, CARIGARA, LEYTE, WITH AN AREA OF 2,015 SQUARE METERS, FROM AGRICULTURAL TO RESIDENTIAL USE";

WHEREAS, the Provincial Legal Office was requested to review and submit recommendation on the subject Ordinances pursuant to Section 481 (3) (vii) of R.A. 7160;

WHEREAS, the Provincial Legal Office through Atty. Jose Raymund A. Acol, Assistant Provincial Legal Officer, per attached indorsements, rendered the following recommendations/comments, on Ordinance Nos. 2023-185 and 2023-186:

-over-

1. That the SB of Carigara seeks to reclassify Lot No. 673 under Tax Declaration No. 08-11004-00101 in the name of Eusebio Canabe from agricultural to residential and Lot No. 673 under Tax Declaration No. 08-110029-00390 in the name of Lucia Trani from agricultural to residential;
2. 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;
3. That the Provincial Legal Office (PLO) recommends that considering the foregoing, the local council follow and adhere to the restrictions and guidelines set forth by DILG Opinion NO. 22 regarding the reclassification of the lands in question;

WHEREAS, the August Body, deemed it proper to refer the said Ordinances to the SP Committee on Housing, Land Use and Informal Settlers;

NOW, THEREFORE, on motion presented by Honorable Trinidad G. Apostol, duly seconded by Atty. Carlo P. Loreto, be it

RESOLVED, as it is hereby resolved, to **TO REFER TO THE SANGGUNIANG PANLALAWIGAN COMMITTEE ON HOUSING, LAND USE AND INFORMAL SETTLERS MUNICIPAL ORDINANCE NOS. 2023-185 AND 2023-186 OF CARIGARA, LEYTE.**

RESOLVED FURTHER, TO SEEK THE OPINION OF THE DEPARTMENT OF AGRARIAN REFORM, BEING THE GOVERNMENT BODY AUTHORIZING AND REGULATING CONVERSION OF AGRICULTURAL LAND TO NON-AGRICULTURAL USES.

RESOLVED FINALLY, TO REQUEST FROM THE OFFICE OF THE MUNICIPAL AGRICULTURIST OF CARIGARA, LEYTE, CERTIFICATIONS THAT BOTH LANDS CEASED TO BE ECONOMICALLY FEASIBLE AND SOUND FOR AGRICULTURAL PURPOSES.

Approved unanimously.

I HEREBY CERTIFY to the correctness of the foregoing resolution.


FLORINDA JILL S. UYVICO
Secretary to the Sanggunian

ATTESTED:


HON. MICHAEL L. CARI
5th District Board Member
Temporary Presiding Officer

Page 3/3 – Res. No. 2023-467 dated October 3, 2023
referring to the SP Com. on Housing, Land Use and
Informal Settlers

Copy furnished:

Atty. Ronnan Christian M. Reposar
Chairperson
Committee on Housing, Land Use and
Informal Settlers
Sangguniang Panlalawigan
Province of Leyte

LCE and the Sangguniang Bayan
Carigara, Leyte

Department of Agrarian Reform
Regional Office VIII
Tacloban City

Municipal Agriculturist Office
Carigara, Leyte

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FJSU: ASS
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