



REPUBLIC OF THE PHILIPPINES
PROVINCE OF LEYTE

SANGGUNIANG PANLALAWIGAN

HOUSING, LAND USE and INFORMAL SETTLERS

COMMITTEE REPORT NO. _____
Series of 2023

Filed before the Sangguniang Panlalawigan and referred to this committee is Resolution No. 3873-23 of the Sangguniang Bayan of Babatngon, Leyte, seeking reconsideration for the approval of Municipal Ordinance No. 443, enacted on September 11, 2023, Re: Reclassification of lands covering an area of 83.5799 hectares, from agricultural to industrial, acquired by Agri Ventures Corporation of Tacloban City, and located at Brgy. San Agustin and Brgy. Taguite, Babatngon Leyte.

The said resolution for reconsideration is premised on the following:

1. That subject lands of Ordinance 443 have long been unproductive, since the same for 122 years have not been developed¹;
2. That based on the assessment by the Sangguniang Bayan concerned, the latter is convinced that the reclassification of the subject lands of Ordinance 443 from agricultural to industrial would give the same higher economic value which is needed for economic growth and development of the LGU of Babatngon Leyte. This would essentially benefit their constituents particularly of Barangays San Agustin and Taguite as the same would be developed into a solar farm which could generate employment and other economic activities in the municipality.

In support thereof, a certification from the Municipal Agriculture of Babatngon Leyte was submitted which certifies among others, that after the ocular inspection conducted, it was disclosed that indeed no prime agricultural crops were planted in the area. While there were few coconut trees, the same were also not productive. The reasons for which are the abandonment of previous owners due to inaccessibility and water shortage. The ocular inspection was attended to by the team of Municipal Engr. Jhonrey Laurente, SB Member Hon. Federico Elizaga, Jr., Municipal Assessor Ismael Laguna and Municipal Agriculturist Teresita R. Laurente.

The committee on that note finds merits on the request for consideration of the Sangguniang Bayan of Babatngon particularly citing the authority of the latter as provided for under section 20 of the Local Government Code, which provides as follows:

SECTION 20. Reclassification of Lands.

“A city or **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 **or (2) where the land shall have substantially greater economic value for residential, commercial, or industrial purposes, as determined by the Sanggunian concerned**” (*Emphasis Ours*).

Provided, That such reclassification shall be limited to the following percentage of the total agricultural land area at the time of the passage of the ordinance:

¹ Par. 2, Resolution No. 38873-23 of the Sangguniang Bayan of Babatngon, Leyte, dated November 6, 2023;

1. xxx - xxx - xxx
2. xxx - xxx - xxx
3. For fourth to sixth class municipalities, five percent(5%): Provided, further, That agricultural lands distributed to agrarian reform beneficiaries pursuant to Republic Act Numbered Sixty-six hundred fifty-seven (R.A. No. 6657), otherwise known as "The Comprehensive Agrarian Reform Law", shall not be affected by the said reclassification and the conversion of such lands into other purposes shall be governed by Section 65 of said Act.

The committee however would like to highlight the comments/recommendations of the Provincial Legal Office that such reclassification shall be made pursuant to the condition set forth under Section 20, paragraph 3 of the Local Government Code for fourth to sixth class municipalities, DILG opinion No. 22, S. 2020, dated January 31, 2020 and 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)."

In relation thereto, the committee would like to stress that reclassification is different from conversion, hence reclassification of the subject properties alone will not suffice to change its current use as this will require conversion. And considering that some of the subject properties are under CARP, pursuant to Sec. 65 which is cited below, the land owner shall apply for the conversion before the Department of Agrarian Reform, subject to the requirements under existing laws.

"SECTION 65. Conversion of Lands. - After the lapse of five (5) years from its award, when the land ceases to be economically feasible and sound for agricultural purposes, or the locality has become urbanized and the land will have a greater economic value for residential, commercial or industrial purposes, **the DAR, upon application of the beneficiary or the landowner, with due notice to the affected parties, and subject to existing laws, may authorize the reclassification or conversion of the land and its disposition: Provided, That the beneficiary shall have fully paid his obligation.**" (*Emphasis Ours*)

In view of the foregoing, the committee recommends to grant the request for reconsideration of the Sangguniang Bayan of Babatngon, Leyte; provided, that all conditions and requirements as mentioned in this report and that of the Provincial Legal Office be observed.

Submitted this 30th day of November, 2023, Palo, Leyte.

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