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Item No.: 07
Date: 21 2024 MAY

Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte

PROVINCIAL LEGAL OFFICE

SANGGUNIANG PANLALAWIGAN
RECEIVED
MAY 15 2024
PROVINCE OF LEYTE

2nd INDORSEMENT
May 13, 2024

Province of Leyte
Legal Office
File 24

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary, the attached Ordinance No. 185 series of 2024 of the Sangguniang Bayan of Matag-ob, Leyte, recommending for the declaration of its validity, pursuant to its power under Section 56 (C) of R.A. 7160, to the opinion of the Provincial Legal Office (PLO), an exercise of the power authorized under Sections 22(a)(5)ⁱ and 35ⁱⁱ of the Local Government Code.

Furthermore, the opinions rendered herein are without prejudice to opinions rendered by higher authorities.


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

ⁱ Section 22. Corporate Powers. -

(a) Every local government unit, as a corporation, shall have the following powers:
(5) To enter into contracts;

ⁱⁱ Section 35. Local government units may enter into joint ventures and such other cooperative arrangements with people and organizations to engage in the delivery of certain basic services, capability-building and livelihood projects, and to develop local enterprises designed to improve productivity and income, diversity agriculture, spur rural industrialization, promote ecological balance, and enhance the economic and social well-being of the people.

Republic of the Philippines
PROVINCE OF LEYTE

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OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1ST ENDORSEMENT
10 May 2024

Province of Leyte
Legal Office

Received: *[Signature]*
Time: *10:52 AM*
Date: *5-10-24*

Respectfully indorsed to the **PROVINCIAL LEGAL OFFICE** the
herein **MUNICIPAL ORDINANCE NO. 185 series 2024**, of the **MUNICIPALITY**
OF MATAG-OB, LEYTE, for review and recommendations.


FLORINDA JILL S. YVICO
Secretary to the Sanggunian

SP Records
5102024



Republic of the Philippines
Province of Leyte
Municipality of Matag-ob
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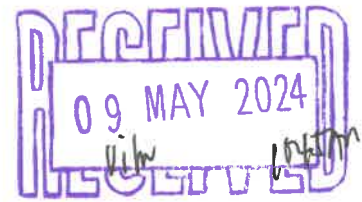
OFFICE OF THE SECRETARY TO THE SANGGUNIAN

ENDORSEMENT

May 9, 2024

HONORABLE LEONARDO "SANDY" JAVIER
Vice-Governor
Presiding Officer
Sangguniang Panlalawigan of Leyte

SANGGUNIANG PANLALAWIGAN




PROVINCE OF LEYTE

Sir:

Respectfully forwarding to your good office the herein attached Municipal Ordinance No. 185 series 2024, entitled "AN ORDINANCE ALLOWING THE LOCAL GOVERNMENT UNIT OF MATAG-OB, LEYTE TO ENTER INTO USUFRUCTUARY AGREEMENT WITH INTERESTED PARTIES.", of the Sangguniang Bayan of Matag-ob, Leyte for review and approval by the Sangguniang Panlalawigan.

Very truly yours,


ANA MARIA SANORIA-ECIJA
Secretary to the Sanggunian




SANGGUNIANG PANLALAWIGAN

Republic of the Philippines
Province of Leyte
MUNICIPALITY OF MATAG-OB
OFFICE OF THE SANGGUNIANG BAYAN

I HEREBY CERTIFY that the foregoing ordinance was duly enacted by the Sangguniang Bayan in regular session assembled:

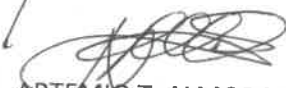
PROVINCE OF LEYTE

EXCERPTS FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGUNIANG BAYAN OF MATAG-OB, LEYTE, HELD AT THE LEGISLATIVE SESSION HALL ON APRIL 29, 2024.



ANA MARIA SANORIA-ECIJA
Secretary to the Sanggunian

ATTESTED:

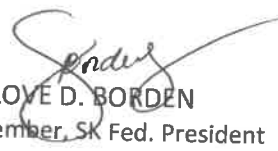

HON. ROMEO N. ALBARIDA
Senior SB Member



HON. ARTEMIO T. ALMOROTO
SB Member



HON. EVANGELINE C. CARNO
SB Member


HON. EDUARDO E. TOLEDO
SB Member


HON. RICARDO L. GIVA
SB Member


HON. ANA LOVE D. BORDEN
Ex-Officio Member, SK Fed. President


HON. JOEL G. TACOY
Ex-Officio Member, LNB President


HON. ORLANDO G. VIACRUSIS
Sangguniang Bayan Member
Temporary Presiding Officer

ORDINANCE NO. 185
Series 2024
(Proposed Mun. Ord. No. 204)

AN ORDINANCE ALLOWING THE LOCAL GOVERNMENT UNIT OF MATAG-OB, LEYTE TO ENTER INTO USUFRUCTUARY AGREEMENT WITH INTERESTED PARTIES.

Author : Hon. Ricardo L. Giva
Co-authors : Hon. Romeo N. Albarida
: Hon. Joel N. Denoy
: Hon. Evangeline C. Carno
: Hon. Paolo Antonio C. Laurente

WHEREAS, the Local Government Unit of Matag-ob aims to promote the tourism industry of Matag-ob.

WHEREAS, in promoting tourism industry in Matag-ob, it would correspondingly increase economic activities in the locality.

WHEREAS, as an avenue for business opportunities to increase economic activities in the locality, the Local Government Unit of Matag-ob may enter into usufructuary agreement with any interested parties subject to limitations provided herein.

Be it ordained by the Sangguniang Bayan of Matag-ob, Leyte in regular session assembled:


ARTICLE I
General Provision

Section 1. Title- This ordinance shall be known as "AN ORDINANCE ALLOWING THE LOCAL GOVERNMENT UNIT OF MATAG-OB TO ENTER INTO USUFRUCTUARY AGREEMENT WITH ANY INTERESTED PARTIES."






I HEREBY CERTIFY that the foregoing ordinance was duly enacted by the Sangguniang Bayan in regular session assembled:



ANA MARIA SANORIA-ECIJA
Secretary to the Sanggunian

ATTESTED:


HON. ROMEO N. ALBARIDA
Senior SB Member



HON. ARTEMIO T. ALMOROTO
SB Member



HON. EVANGELINE C. CARNO
SB Member


HON. EDUARDO E. TOLEDO
SB Member


HON. RICARDO L. GIVA
SB Member


HON. ANA LOVE D. BORDEN
Ex-Officio Member, SK Fed. President


HON. JOEL G. TACOY
Ex-Officio Member, LNB President


HON. ORLANDO G. VIACRUSIS
Sangguniang Bayan Member
Temporary Presiding Officer

Section 2. Declaration of Policies - It is the policy of the municipality of Matag-ob, Leyte to promote tourism thereby boosting economic activities.

Section 3. Purpose and Scope - It is the main purpose of this Ordinance to augment locality's economic development thru tourism.

Section 4. Definition of Terms - As used in this Ordinance, the following terms shall be understood, construed, and shall mean as follows:

(a) Grantor – refers to the Local Government Unit of Matag-ob, Leyte.

(b) Grantee – refers to any individual or entity granted usufructuary rights over the subject property.

(c) Usufructuary Agreement- an agreement which embodies the terms and conditions between the Grantor and Grantee wherein the Grantor gives the Grantee the right of usufruct over the Property while the Grantee uses the subject property for its own benefit and/or operation.

(e) Patrimonial Property – any property of the municipality not intended for government use or any property not entirely devoted to a government purpose.

Section 5. Limitations- The following shall refer to the terms and condition embodied in the usufructuary agreement.

1. The grant of usufructuary rights shall be for a period to be determined by the parties but not less than Twelve Years (12), starting from the date of execution of Usufructuary Agreement. Upon termination of the usufruct, the Grantee is given the priority to lease the site and/or premises.


2. The property subject of usufructuary agreement shall be located in an area that can boost economic activity and suitable for the promotion of local tourism.

3. The Grantee shall exercise its right to the exclusive use of the site for business activity related to TOURISM, specifically the operation of any establishment that can promote Matag-ob, Leyte as a tourist destination.


4. In relation thereto, the Grantee shall construct and maintain facilities, structures and improvements such as landscape but not limited to it, in accordance with local ordinance and/or national laws on environmental safety, maintenance and preservation.




I HEREBY CERTIFY that the foregoing ordinance was duly enacted by the Sangguniang Bayan in regular session assembled:


ANA MARIA SANORIA-ECIJA
Secretary to the Sanggunian

ATTESTED:


HON. ROMEO N. ALBARIDA
Senior SB Member


HON. ARTEMIO T. ALMOROTO
SB Member



HON. EVANGELINE C. CARNO
SB Member


HON. EDUARDO E. TOLEDO
SB Member


HON. RICARDO L. GIVA
SB Member


HON. ANA LOVE D. BORDEN
Ex-Officio Member, SK Fed. President


HON. JOEL G. TACOY
Ex-Officio Member, LNB President


HON. ORLANDO G. VIACRUSIS
Sangguniang Bayan Member
Temporary Presiding Officer

5. While the usufruct and/or the beneficial use of the site is transferred to the Grantee, the ownership and title of site remains with and continues to be in the Grantor. Upon the termination of the usufruct, any improvements introduced on the thereon shall accrue to the Grantor.

6. The Grantee shall secure the corresponding permits prior to the operation of its business:

- a) Business Permit
- b) Building Permit
- c) Occupancy Permit
- d) Sanitary Permit
- e) and other permits which the local government unit may require.

7. Utility bills and miscellaneous fees on the Property during the duration of the usufruct shall be borne by the Grantee.

8. The Grantee shall peaceably hold and enjoy the full use and possession of the Property for the duration of the usufruct.

9. The duties and obligations of Grantee as usufructuary provided for in the relevant provisions of the New Civil Code of the Philippines are deemed part of the provisions of the Usufructuary Agreement.

10. The Grantor can terminate the usufruct should the Grantee violate any provision of the Usufructuary Agreement and fail to comply with its obligations.

11. The Usufructuary Agreement shall be binding between the parties, their respective assigns and successors-in-interest.


12. The parties and its successors in interest shall at all times exercise good faith in the performance of their obligations and the exercise of their rights under the Usufructuary Agreement.

Section 9. Separability Clause- If for any reason, any provision, section or part of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction or suspended or revoked, such judgment shall not affect or impair the remaining, sections or parts thereof, which shall remain or continue to be in full force and effect.

Section 10. Repealing Clause- All Ordinances, resolutions, rules and regulations, or parts thereof, whose




I HEREBY CERTIFY that the foregoing ordinance was duly enacted by the Sangguniang Bayan in regular session assembled:


ANA MARIA SANORIA-ECIJA
Secretary to the Sanggunian

ATTESTED:



HON. ROMEO N. ALBARIDA
Senior SB Member



HON. ARTEMIO T. ALMOROTO
SB Member



HON. EVANGELINE C. CARNO
SB Member


HON. EDUARDO. E. TOLEDO
SB Member


HON. RICARDO L. GIVA
SB Member


HON. ANA LOVE D. BORDEN
Ex-Officio Member, SK Fed. President


HON. JOEL G. TACOY
Ex-Officio Member, LNB President


HON. ORLANDO G. VIACRUSIS
Sangguniang Bayan Member
Temporary Presiding Officer

provisions are in conflict with or contrary to the provisions of this Ordinance are hereby repealed, amended and modified accordingly.

Section 11. Amendments Clause. This ordinance may be amended or modified as necessary through the appropriate legislative process.

Section 12. Effectivity Clause- This ordinance will take effect upon Approval.

APPROVED by the Body with the following votes:

AYES: 7 Votes

1. HON. ROMEO N. ALBARIDA
Senior SB Member
2. HON. ARTEMIO T. ALMOROTO
SB Member
3. HON. EVANGELINE C. CARNO
SB Member
4. HON. EDUARDO. E. TOLEDO
SB Member
5. HON. RICARDO L. GIVA
SB Member
6. HON. ANA LOVE D. BORDEN
Ex-Officio Member, SK Fed. President
7. HON. JOEL G. TACOY
Ex-Officio Member, LNB President

NAYES: 0
ABSTAIN: 0

ENACTED this 29th. day of April, 2024.

I HEREBY CERTIFY the correctness of the foregoing ordinance duly enacted by the Sangguniang Bayan of Matag-ob, Leyte in regular session on April 29, 2024.


ANA MARIA SANORIA-ECIJA
Secretary to the Sanggunian



**ATTESTED AND CERTIFIED
TO BE DULY ENACTED:**

HONORABLE ROMEO N. ALBARIDA
Senior SB Member

HONORABLE ARTEMIO T. ALMOROTO
SB Member

HONORABLE EVANGELINE C. CARNO
SB Member

HONORABLE EDUARDO E. TOLEDO
SB Member

HONORABLE RICARDO L. GIVA
SB Member

HONORABLE ANA LOVE D. BORDEN
Ex-Officio Member, SK Federation President

HONORABLE JOEL G. TACOY
Ex-Officio Member, LNB President

HONORABLE ORLANDO G. VIACRUSIS
SB Member
Temporary Presiding Officer

APPROVED:

HONORABLE BERNARDINO G. TACOY
Municipal Mayor

07 MAY 2024

Date Signed



Republic of the Philippines
Province of Leyte
Municipality of Matag-ob
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OFFICE OF THE SECRETARY TO THE SANGGUNIAN

CERTIFICATION OF POSTING

THIS IS TO CERTIFY that copies of Municipal Ordinance No. 185 series 2024, titled "AN ORDINANCE ALLOWING THE LOCAL GOVERNMENT UNIT OF MATAG-OB, LEYTE TO ENTER INTO USUFRUCTUARY AGREEMENT WITH INTERESTED PARTIES.", of the Sangguniang Bayan of Matag-ob, Leyte are posted in Three (3) conspicuous places within the municipality of Matag-ob, Leyte for three consecutive weeks from May 7, 2024.

This certification is issued in compliance with Section 59 of R.A. 7160, otherwise known as the Local Government Code of 1991.

Issued this 8th. Day of May, 2024.


ANA MARIA SANORIA-ECIJA
Secretary to the Sanggunian