Item No.:

Republic of the Philippines **PROVINCE OF LEYTE** Palo, Leyte

PROVINCIAL LEGAL OFFICE



2nd INDORSEMENT May 13, 2024



Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary, the attached Ordinance No. 186 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 Section 447(5)(vii) and (viii) of the Local Government Code.

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

> JOSE RAYMUND A. ACOL Asst. Provincial Legal Officer

⁽vii) Subject to existing laws, provide for the establishment, operation, maintenance, and repair of an efficient waterworks system to supply water for the inhabitants; regulate the construction, maintenance, repair and use of hydrants, pumps, cisterns and reservoirs; protect the purity and quantity of the water supply of the municipality and, for this purpose, extend the coverage of appropriate ordinances over all territory within the drainage area of said water supply and within one hundred (100) meters of the reservoir, conduit, canal, aqueduct, pumping station, or watershed used in connection with the water service; and regulate the consumption, use or wastage of water;

⁽viii) Regulate the drilling and excavation of the ground for laying of water, gas, sewer, and other pipes and the construction, repair and maintenance of public drains, sewers, cesspools, tunnels and similar structures; regulate the placing of poles and the use of crosswalks, curbs, and gutters; adopt measures to ensure public safety against open canals, manholes, live wires and other similar hazards to life and property; and regulate the construction and use of private water closets, privies and other similar structures in buildings and homes;

Republic of the Philippines PROVINCE OF LEYTE -0-

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1ST ENDORSEMENT 10 May 2024 Period As American

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 JII S. YVICO Secretary to the Sanggunian

SP Records 5102024



Republic of the Philippines Province of Leyte Municipality of Matag-ob -o0o-

OFFICE OF THE SECRETARY TO THE SANGGUNIAN

SANGGUNIANG PANLALAWIGAN

ENDORSEMENT May 9, 2024

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

Sir:

Respectfully forwarding to your good office the herein attached Municipal Ordinance No. 186 series 2024, entitled "AN ORDINANCE TO REGULATE WATER DRILLING OR EXTRACTION OF GROUND WATER FOR COMMERCIAL, INDUSTRIAL, RECREATIONAL AND MUNICIPAL USE FROM THE GROUND WATER WITHIN THE TERRITORIAL JURISDICTION OF MUNICIPALITY OF MATAG-OB, LEYTE AND IMPOSING PENALTIES FOR VIOLATION THEREOF.", 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



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

I HEREBY CERTIFY that the cresoing

ANA MARIA SANORIA-ECIJA Secretary to the Sanggunian

ATTESTED:

HON. ROMEON. ALBARIDA Senior SB Member

HON. ARTEMIO T. ALMOROTO SB Member

HON. EVANGELINE C. CARNO SB Member

HON EDUARDO E. SB Member

HON. RICARDÓ L. GIVA SB Member

HON. ANA LOVE D. BOBBEN 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 was duly enacted by the EXCERPTS FROM THE MINUTES OF THE REGULAR Sangguniang Bayan in Pregular SESSION OF THE SANGUNIANG BAYAN OF MATAG-OB, LEYTE, HELD AT THE LEGISLATIVE SESSION HALL ON APRIL 29, 2024.

> **ORDINANCE NO. 186** Series 2024 (Proposed Mun. Ord. No. 208)

AN ORDINANCE TO REGULATE WATER DRILLING OR EXTRACTION OF GROUND WATER FOR COMMERCIAL, INDUSTRIAL, RECREATIONAL AND MUNICIPAL USE FROM THE GROUND WATER WITHIN THE TERRITORIAL JURISDICTION OF MUNICIPALITY OF MATAG-OB, LEYTE AND IMPOSING PENALTIES FOR VIOLATION THEREOF.

Author : Hon. Romeo N. Albarida Co-authors : Hon. Artemio T. Almoroto

Hon. Paolo Antonio C. Laurente

Hon. Eduardo E. Toledo Hon. Orlando G. Viacrusis

WHEREAS, the beneficial use of water in the Municipality of Matag-ob, Leyte is predominantly for commercial, industrial, recreational, municipal and domestic use;

WHEREAS, water is a scare natural resource, the use and exploitation of which is subject to control and regulation by the municipality for the promotion of general welfare:

WHEREAS, it has been observed that there are increasing numbers of privately owned deep-well operators extracting uncontrolled and unbalanced exploitation of subterranean or ground water, engaged in selling raw deep-well waters;

WHEREAS, section 458, Paragraph 1 (IV) of Republic Act 7160, otherwise known as the Local Government Code of 1991, empowers the Sangguniang Bayan to "adopt measures to protect the inhabitants of the municipality from the harmful effects of man-made or natural disaster and calamities."



ANA MARIASANORIA-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

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 GIVIACRUSIS
Sangguniang Bayan Member
Temporary Presiding Officer

WHEREAS, section 458, Paragraph 1 (VI) of Republic of the same code empowers the Sangguniang Bayan to "Protect the environment and impose appropriate penalties or acts that endanger the environment, xxx".

WHEREAS, section 458, Paragraph 5 (VII) of Republic of the same code empowers the Sangguniang Bayan to "regulate the consumption, use or wastage of water and fix and collect charges therefore".

WHEREAS, section 458, Paragraph 5 (VIII) of Republic of the same code empowers the Sangguniang Bayan to "Regulate the drilling and excavation of the ground for the laying of water, gas, sewer, and other pipes xxx".

WHEREAS, to prevent any further deterioration of the condition of the land, building, structures and to protect the natural aquifer in the municipality, it is imperative that immediate remedial measures to be adopted.

WHEREAS, as per Memorandum No. 03-007 of the Regional Disaster Risk Reduction and Management Council, Regional Office VII, Eastern Visayas inform the public and all concerned government agencies are advised to continue their ongoing precautionary measures to minimize heat stress, optimized the daily use of water for personal and domestic consumption, and prevent any accompanying health risks associated with the climate condition and declaration of the beginning of warm and dry season.

NOW THEREFORE, BE IT ENACTED, by the Sangguniang Bayan of Municipality in session assembled that:

SECTION 1. Definition of terms. As used in this Ordinance the following terms shall be construed as follows:

1. **Natural Source -** Shall mean aquifers or underground layer of porous rock containing water.

2. Water - Shall refer to water in the ground, water above the ground, water in the atmosphere and waters of rivers, lakes, streams, lagoons, springs and brooks running in their natural beds and the beds themselves within the territorial jurisdiction of Municipality of Matag-ob, Leyte.



ANA MARM SANORIA-ECIJA Secretary to the Sanggunian

ATTESTED:

HON. ROMEO N. ALBARIDA Senior SB/Member

HON. ARTEMIO T. ALMOROTO SB Member

CUMPUL HON. EVANGELINE C. CARNO SB Member /

HON EDUARDO OLEDO SB Member

HON. RICARDO L. GIVA

SB Member

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

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

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

- 3. Extraction Rate The rate of measure at which water is drawn from its natural source in liters per second.
- 4. Deep-well Shall mean all motorized pumps with high extraction rate used in the diversion of water from its natural source.
- 5. P.D. 1067 The Water Code of the Philippines.
 - 6. N.W.R.B National Water Resources Board
- 7. B.P.L.O Business Permit and Licensing Office.
- 8. Water Right The privilege granted by the government to appropriate and use water which shall be evidenced by document known as a Water Permit.
- 9. Water Permit A document Issued by the NWRB to private entities, Government-owned or controlled corporations, which give them the right to appropriate water for its beneficial use.
- 10. Commercial Use Shall mean the procurement, supply, delivery, distribution and selling of water to consumers.
- 11. Industrial Use Shall mean the utilization of water in factories, industrial plants, and the use water as an ingredient of finished product.
- 12. Recreational Use the utilization of water for swimming pools, bath houses, boating, water skiing, golf courses and other similar facilities in resorts and other places of creation.
- 13. Municipal Use Shall mean the diversion and distribution of water through pipelines to supply subdivisions and villages for domestic and household consumption.
- 14. Domestic Use Shall mean the utilization of water for drinking, washing, bathing, cooking, or other households needs, home gardens, and watering of lawns or domestic animals.
- 15. Beneficial Use Shall mean utilization of water in the right amount during the period that water is needed for producing the benefits for which the water is appropriated (E.G. Domestic, Municipal, Irrigation, Power Generation, Fisheries, livestock raising, Industrial. Commercial, Recreational and other purposes).
- 16. I.R.R. Shall mean the Implementing Rules and Regulations of P.D. 1067.
- 17. Certificate of Public Convenience (CPC) -An authority issued by the NWRB to qualified applicants engaged in the commercial and municipal use of water.



ANA MARIA SANORIA-ECIJA Secretary to the Sanggunian

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HON. ROMEO N. ALBARIDA Senior SB Member

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amous HON. EVANGELINE C. CARNO SB Member

HON EDUARDO E TOLEDO SB Member

HON. RICARDO L. GIVA SB Member

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SECTION 2. Regulated Acts. Proposed and existing deep-well operators located within the territorial jurisdiction of municipality of Matag-ob, Leyte engaged in the extraction of ground waters from its natural source primarily for commercial, industrial, recreational and municipal use shall be subject to the regulation of this ordinance.

- 2.1 Proposed and existing deep-well operators located within the jurisdiction of Municipality of Matag-ob, Leyte shall comply with provision of P.D. 1067, otherwise known as the water code of the Philippines and shall secure all pertinent permits being required by the National Water Resources Board (NWRB). As well as the local government.
- 2.2 Pursuant to section 8 and 9 of P.D. 1067 applicant shall secure a clearance from the local municipal government and must comply with the local requirements prior to the granting and approval of a water permit by the National Water Resources Board
- 2.3 Aside from the Water Permit, a Certificate of Public Convenience (C.P.C.) issued by the N.W.R.B. shall also be secured by all commercial and municipal deepwell operators.
- 2.4 All commercial, industrial, recreational and municipal deep-well operators shall maintain water control and measuring devices and keep records of water withdrawal; for monitoring purposes, pursuant to article 21 of P.D. 1067, the Water Code of the Philippines.
- 2.5 The maximum rate of water diversion or withdrawal approved and authorized in the permit by NWRB shall be metered and strictly complied with as provided for in article 21 of P.D. 1067.
- 2.6. The Beneficial use of water granted in the water permit shall be exclusively used for such purpose only.
- 2.7 Regular monitoring and checking of records withdrawals of commercial, industrial, recreational, and municipal deep-well operators shall be conducted by the designated local department and shall be accommodated by the operators.
- 2.8 Deep-well construction shall comply with the proper spacing requirements between wells except for



ANA MARIA ANORIA-ECIJA Secretary to the Sanggunian

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ICLOMO HON. EVANGELINE C. CARNO SB Member

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HON. RICARDO L. GIVA

SB Member

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wells less than thirty (30) meters deep as provided for in Section 43 0f P.D. 1067, the Water Code of the Philippines, shall be in accordance with the table below.

WITHDRAWAL	OF MINIMUM DISTANCE ER BETWEEN WELLS IN METERS
2-10	200
More than 10-20	400
More than 20-40	600
More than 40	1000

2.9 Diversion of ground or surface waters such as rivers, streams, spring, and lakes in any form outside the territorial jurisdiction of Municipality of Matag-ob shall be subject to the approval of the N.W.R.B. with prior consultation and clearance/resolution from the Municipal Council in accordance with section 8 and 9 of P.D. 1067, The Water Code of the Philippines.

2.10. All operational deep-well shall be used in times of emergency, fire, calamities and disasters free of charge.

2.11. All deep-well contractors are required to register with the designated local government, and submit a list of all their accomplished projects within the Municipality of Matag-ob, as well as comply with all the local requirements.

2.12 All existing Deep-well operators engaged in commercial, industrial, recreational and municipal use of water found violating the provisions of the of this Ordinance shall be given a period of ninety (90) days to comply from the date of the passage of this ordinance, a cease-and-desist order shall be issued by appropriate Local Government Agency, and if they insist or continue to operate, a closure order shall be issued by appropriate local government agency.

SECTION 3. Exemption. Water extraction or deep-wells intended for domestic use for single family or household with casing not exceeding Seventy-five (75) millimeters in diameter and not more than thirty (30) meters deep are not required to secure permit from NWRB. However, the applicant for domestic use shall secure the local requirements for monitoring purposes.



ANA MARIASANORIA-ECIJA Secretary to the Sanggunian

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HON. ROMEO N. ALBARIDA Senior SB Member

HON. ARTEMIO T. ALMOROTO SB Member

HON. EVANGELINE C. CARNO SB Member

HOM-EDWARD OLEDO SB Member

HON. RICARDO L. GIVA

SB Member

Bordes 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**

For domestic use, no deep well shall be permitted within 25 meters from any septic tank.

If in case an existing deep well for domestic use goes within the 25 meter-distance from any septic tank. the Municipal Health Office, in coordination with the Municipal Sanitation Inspector shall conduct three (3) water assessment to ascertain if the water is fit for human consumption. If in case after three water testing it turns out positive of harmful bacteria, and therefore not fit for human consumption, then the Municipal Health Officer shall, upon recommendation of the Municipal Sanitation Inspector declare that particular deep-well condemned and not fit for human consumption. The water from the said deep-well may be used for watering plants, washing clothes, cleaning of vehicles but not for drinking, bathing, and washing of china and/or kitchen wares.

SECTION 4. The Local Chief Executive shall assign/designate/appoint a responsible person/employee to perform the following functions under Section 9, of P.D. 1067, as well as:

- 3.1 Monitoring and reporting of compliance to approved extraction rate for deep-wells engage in commercial, industrial, recreational and municipal use on a regular basis within the territorial jurisdiction of Municipality of Matag-ob.
- 3.2 Conduct on site investigation, technical and geological evaluations, environmental impact assessment on the proposed diversion point within fifteen (15) working days upon receiving the notice of application.
- 3.3 All notices of application shall be forwarded for posting by the NWRB to the office of the secretariat of the Sangguniang Bayan.
- 3.4 The assigned Sangguniang Secretariat shall notify the Barangay Chairman concerned of the application and the designated local department.

SECTION 5. Barangay Consultation. Upon receiving the notices of application, the Barangay Chairman shall invite the applicant, conduct public consultations and verify any protest prior to the granting of a barangay clearance/resolution to the applicant. All protest filed shall be subject to the provisions of Section 9 of the I.R.R. of P.D. 1067.



ANA MARIA SANORIA-ECIJA Secretary to the Sanggunian

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HON. EVANGELINE C. CARNO SB Member

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HON. JOEL G. TACOY

Ex-Officio Member, LNB President

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SECTION 6. LOCAL REQUIREMENTS. The following local permits are pre-requisite to the processing, approval and granting of a water permit by the NWRB:

Industrial, Commercial, Recreational, Municipal Use:

- a. Zoning Clearance
- b. Barangay Clearance indicating no objection
- c. Mayor's Permit to Operate, for the Operator of the business
- d. Drilling Permit for the drilling contractor

B. Domestic Use:

- a. Barangay Clearance indicating no objection
- b. Mayor's Permit
- c. Copy of the Drilling Permit of the drilling contractor

Provided that prior to issuance and approval of a Mayor's Permit, the same must bear the countersign of the MENRO and the Sanitation Inspector for monitoring purposes.

SECTION 7. The Local Government thru the Municipal Council, and with the concurrence of the Local Chief Executive may recommend to the N.W.R.B. the suspension or revocation of a water permit for violations of the provisions of Chapter III, Article 28 and 29 of P.D. 1067, within its territorial jurisdiction, or when an adverse effect on the environment such as the occurrence of fissures or ground subsidence due to the continuous extraction and over exploitation of ground water in the locality is evident which could affect the safety and general welfare of the inhabitants.

SECTION 8. Penalty . Violation of the provisions of this ordinance shall be penalized accordingly.

- 8.1 For Commercial, Industrial, Recreational, Municipal Use:
- a) For violations of Sections 2.1, 2.3, 2.8 and 2.9 of this ordinance:
- A fine of no less than Two Thousand Pesos (P2,000.00) and imposition of a cease-and-desist order to stop its operations, which shall continue to take effect unless a status of compliance has been established, or an imprisonment, at the discretion of the court.



ANA MARIA SANORIA-ECIJA Secretary to the Sanggunian

ATTESTED:

HON. ROMEO N. ALBARIDA Senior SB Member

HON. ARTENHO T. ALMOROTO SB Member

HON. EVANGELINE C. CARNO SB Member

HON. EDVARDO. E. TOLEDO SB Member

HON. RICARDO L. GIVA SB Member

mderk 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**

b) For Violation of Section 2.4, 2.5, 2.6, and 2.7 of this ordinance:

First Offense: A fine of not less than One Thousand Pesos (P1,000.00) and suspension of business operation for a period of one (1) month or permanent cancellation of the business permit in case N.W.R.B. revokes the water permit.

Second Offense: A fine of not less than Two Thousand Pesos (P2000.00) and suspension of business operation for Two (2) months or permanent cancellation of the business permit in case N.W.R.B. revokes the water permit.

Third Offense: A fine if not less than Three Thousand Pesos (P2,500.00) and outright permanent cancellation of business permit.

c) For Violation of Section 2.2, 2.10, 2.11, 2.12:

> Granting, issuance or renewal of business permit to operate will be withheld until such time the applicant has complied.

8.2 For Domestic Use.

Any individual who shall violate the provisions for domestic use shall pay the administrative fine of 2,500.00, provided that he/she shall be given a period to comply with the requirements, at which time he/she shall be prohibited to use the deep well.

SECTION 9. If the offense is committed by corporation, trust, firm, partnership, association or any other juridical person, the penalty shall be imposed upon the President, General, Manager, and other guilty officer/s of such corporation, trust, firm, partnership, association or entity without prejudice to the filing a civil action against said juridical person. If the offender is an alien, he shall be deported after serving his sentence, without further proceedings.

SECTION 10. Repealing ordinances, rules, and regulations or parts thereof whose provisions are in conflict with or contrary to the provision of this ordinance are hereby repealed, amended or modified accordingly.



ANA MARIA SANORIA-ECIJA Secretary to the Sanggunian

ATTESTED:

HON. ROMEON. ALBARIDA Senior SB/Member

HON, ARTEMIOT, ALMOROTO SB Member

HON. EVANGELINE C. CARNO SB Member /

HON EDVARDO, E. TOLEDO

SB Member

HON RICARDO L GIVA

SB Member

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BAdel

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

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

SECTION 11. Amendments. This ordinance may be amended of modified as necessary through the appropriate legislative process.

SECTION 11. Effectivity. This Ordinance Shall take effect within 10 days after its approval and shall be published in full for three (3) consecutive days in a newspaper of local circulation.

ENACTED, by the Sangguniang Bayan of Municipality of Matag-ob this 29th day April 2024 on its Regular session.

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

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 BERNANDINO G. TACOY

Municipal Mayor 07 MAY, 2021

Date Signed

info@igumatag-ob.com



Republic of the Philippines Province of Leyte Municipality of Matag-ob -o0o-

OFFICE OF THE SECRETARY TO THE SANGGUNIAN

CERTIFICATION OF POSTING

THIS IS TO CERTIFY that copies of Municipal Ordinance No. 186 series 2024, titled "AN ORDINANCE TO REGULATE WATER DRILLING OR EXTRACTION OF GROUND WATER FOR COMMERCIAL, INDUSTRIAL, RECREATIONAL AND MUNICIPAL USE FROM THE GROUND WATER WITHIN THE TERRITORIAL JURISDICTION OF MUNICIPALITY OF MATAG-OB, LEYTE AND IMPOSING PENALTIES FOR VIOLATION THEREOF.", 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