



Republic of the Philippines
PROVINCE OF LEYTE
Provincial Capitol
Tacloban City

Item No.: 04
Date: 11 2024 JUN.
Province of Leyte
Legal Office

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PROVINCIAL LEGAL OFFICE

Released: [Signature]
Time: [Signature]
Date: 6-7-24

2nd INDORSEMENT

June 6, 2024

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through SP Secretary, the attached Ordinance No. 464 of the Sangguniang Bayan of Babatngon, Leyte.

Issues/concerns for review/recommendation/legal opinion is/are as follows:

- Ordinance No. 464 entitled: **An Ordinance Reclassifying the Lot Measuring 14 Hectares Located at Brgy. District 1, Babatngon, Leyte, Denoted as Cadastral Lot No. 1184 with Tax Declaration No. 2008-04001-00403 from Agricultural to Commercial Land in Classification, While the 2.7414 Hectares Reserved as Buffer Zone Along the Sanctuary Area.**

REVIEW/RECOMMENDATION/LEGAL OPINION:

This office is of the opinion that the subject Ordinance is within the corporate powers of the local government unit particularly covered under Section 20 and Section 447 (2) (viii) to reclassify land within the jurisdiction of the municipality, subject to the pertinent provisions of the Code. Pertinent provision is herein quoted 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: 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 xxx.”

Moreover, as provided in Section 7 of Department of Agrarian Reform (DAR) Administrative Order N0. 01, series of 2019¹ provides that LGUs **must have the proper Certificate of Eligibility for Reclassification of agricultural lands issued by the Department of Agriculture (DA) in accordance with D.A. A.0. No. 1 series of 2017.** The DA certificate must be attached to the HLURB Certificate or the LGU Resolution, as the case may be, to prove that there is a valid reclassification.²

Under similar contention of the DILG in the same reference, the department emphasized that the power of the LGU to reclassify is not absolute. **Mere reclassification of an agricultural land does not ipso facto allow the landowner thereof to change its use. Such reclassified agricultural lands must apply for conversion before the DAR in order to use the same for the said purpose.**³

¹ DILG Opinion No. 22 dated January 31, 2020; Subject: Streamlining the Processing of Applications for land

With the foregoing, this office is of the opinion that the contemplation of the competent references pertaining to classification is that the act of reclassifying agricultural lands to non-agricultural uses is limited to establishing how such agricultural lands shall be utilized for non-agricultural uses and not actual conversion.

As such, this office recommends that the Certificate of Eligibility for Reclassification of agricultural lands issued by the Department of Agriculture (DA) in accordance with D.A. A.O. No. 1 series of 2017 be attached to the Resolution for the reference and consideration of SP and that the conditions for reclassification of land under Section 20 are complied with in order to declare its validity.

We hope to have assisted you with this request. Please note that the opinion rendered by this Office are based on facts available and may vary or change when additional facts and documents as presented or changed. This opinion is likewise without prejudice to the opinions rendered by higher and competent authorities and/or the courts.

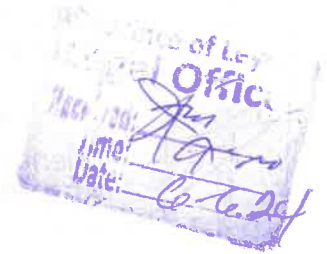
ATTY. JOSE RAYMUND A. ACOL
Asst. Provincial Legal Officer 

Republic of the Philippines
PROVINCE OF LEYTE

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OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1ST ENDORSEMENT
06 June 2024



Respectfully indorsed to the **PROVINCIAL LEGAL OFFICE** the herein **ORDINANCE NO. 464** of the **MUNICIPALITY OF BABATNGON, LEYTE**, for review and recommendations.


FLORINDA JILI S. YVICO
Secretary to the Sanggunian



OFFICE OF THE SANGGUNIANG BAYAN

04 June 2024

Honorable Leonardo M. Javier, Jr.
Vice Governor and Presiding Officer, and

The Honorable Members
Sangguniang Panlalawigan
Province of Leyte
Legislative Bldg., Capitol Grounds
Tacloban City

Dear Honorable Ladies and Gentlemen,

Respectfully endorsed to the Honorable Sangguniang Panlalawigan of the Province of Leyte is Ordinance No. 464, entitled: " AN ORDINANCE RECLASSIFYING THE LOT MEASURING 14 HECTARES LOCATED AT BRGY. DISTRICT 1, BABATNGON, LEYTE, DENOTED AS CADASTRAL LOT NO. 1184 WITH TAX DECLARATION NO. 2008-04001-00403 FROM AGRICULTURAL TO COMMERCIAL LAND IN CLASSIFICATION, WHILE THE 2.7414 HECTARES RESERVED AS BUFFER ZONE ALONG THE SANCTUARY AREA." Subject Ordinance is being forwarded to that Body for review in compliance with Section 56(a) of Republic Act 7160.

Enclosed please find the following:

1. Ordinance No. 464;
2. Certification of Posting;
3. Certification of Public Hearing; and
4. Other Certifications (Mun. Assessor; MPDC; and Mun. Agriculturist)

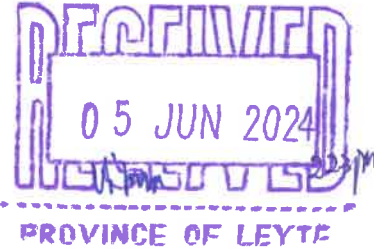
Please find them in order and praying for your favorable action thereof.

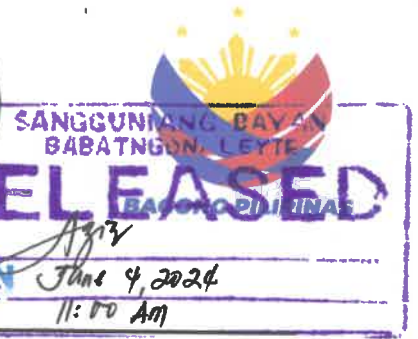
Very truly yours,


ALMA A. BALDOMAR
Secretary II
Secretary to the Sanggunian-designate

Enclosed:
As stated

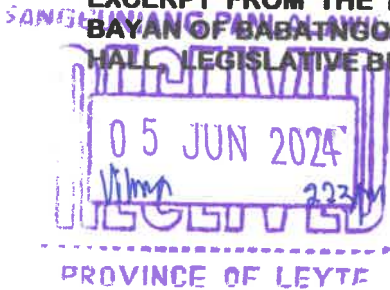
SANGGUNIANG PANLALAWIGAN





OFFICE OF THE SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF THE 93rd REGULAR SESSION OF THE SANGGUNIANG BAYAN OF BABATNGON, LEYTE HELD ON THE 20th DAY OF MAY 2024 AT THE SB SESSION HALL, LEGISLATIVE BUILDING, BABATNGON, LEYTE.



MAYOR'S OFFICE
BABATNGON, LEYTE

RECEIVED

ORDINANCE NO. 464

[Signature]
June 4, 2024
11:42 am

AN ORDINANCE RECLASSIFYING THE LOT MEASURING 14 HECTARES LOCATED AT BRGY. DISTRICT 1, BABATNGON, LEYTE, DENOTED AS CADASTRAL LOT NO. 1184 WITH TAX DECLARATION NO. 2008-04001-00403 FROM AGRICULTURAL TO COMMERCIAL LAND IN CLASSIFICATION, WHILE THE 2.7414 HECTARES RESERVED AS BUFFER ZONE ALONG THE SANCTUARY AREA.

Presented by: **HON. FEDERICO P. ELIZAGA, JR.**
Sangguniang Bayan Member

Be it enacted by the Sangguniang Bayan of the Municipality of Babatngon, Leyte in session assembled:

Section 1. – Short Title – This ordinance shall be known as the “Brgy. District 1 Reclassified Ordinance” in the Municipality of Babatngon, Leyte.

Section 2. – Reclassification of Lot – By virtue of this ordinance, the lot measuring 14 hectares located at Brgy. District 1, Babatngon, Leyte, denoted as Cadastral Lot No. 1184 with Tax Declaration No. 2008-04001-00403 is hereby reclassified from Agricultural to Commercial Land in classification, while the 2.7414 hectares reserved as buffer zone along the sanctuary area.

Section 3. – Repealing Clause – All laws, rules and regulations inconsistent herewith are hereby likewise repealed or modified accordingly.

Section 4. – Effectivity Clause – This ordinance shall take effect after ten (10) days from the date of its approval and posting in three (3) conspicuous places in the local government unit.

APPROVED and ENACTED this 20th day of May 2024 at Babatngon, Leyte.

I HEREBY CERTIFY to the correctness of the foregoing ordinance.

[Signature]
ALMA A. BALDOMAR
Secretary II

Secretary to the Sanggunian-Designate

ATTESTED:

[Signature]
HON. ROSARY PEARL G. CATUDIO
Municipal Vice Mayor
Presiding Officer


OFFICE OF THE SANGGUNIANG BAYAN

➤ **ORDINANCE NO. 464**


HON. CHRISTIAN C. LAWSIN
Sangguniang Bayan Member


HON. KARL JOMAR L. EMBANA
Sangguniang Bayan Member


HON. FEDERICO P. ELIZAGA, JR.
Sangguniang Bayan Member

(Special Leave)

HON. CHARITA M. CHAN
Sangguniang Bayan Member


HON. EDGARDO Y. MORDEN
President
Liga ng mga Barangay


HON. KEMUEL RUE M. CORSIGA
Sangguniang Bayan Member


HON. ILDEFONSO B. ODON
Sangguniang Bayan Member


HON. HILARION S. MENZON
Sangguniang Bayan Member


HON. ALEX V. BELLO
Sangguniang Bayan Member


HON. JUDE LEMUEL B. VETHIMVAS
President
Pambayang Pederasyon ng
Sangguniang Kabataan

APPROVED:


HON. ELEONOR B. LUGASIN
Municipal Mayor

Date: 04 June 2024





OFFICE OF THE MUNICIPAL AGRICULTURE

CERTIFICATION

THIS IS TO CERTIFY that parcel of land in the name of Carlo P. Loreto identified as Lot. No. 1184 located at Brgy. Dist. I containing an area of 16.7414 hectares under TD No. 2008-04001-0078, requested to be re-classified from Agricultural to Commercial Land.

However, out of the 16.7414 hectares only 14.000 hectares is allowed to be re-classified from Agricultural to Commercial for the reason that the 2.7414 hectares is a mangrove area which is a natural coastal protectors.

This certification is issued upon the request of Carlo P. Loreto as a requirement for re-classification of his land from Agricultural to Commercial.

Issued this 6th day of May 2024 at the Municipal Agriculture Office Local Government Unit Babatngon, Leyte.

Respectfully yours,

TERESITA R. LAURENTE
Municipal Agriculturist



Republic of the Philippines
Province of Leyte

Municipality of Babatngon
Office of the Municipal Assessor



BAGONG PILIPINAS



CERTIFICATION

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY THAT according to the real property records kept on file in this office, the following property/s is/are classified as follows:

Tax Declaration No.	Cad. Lot No.	Area (has.)	Location	Classification	Actual Use	Declarant
2008-04001-00728	1184	16.7414	Dist. I	Agricultural	Coco Land	Loreto, Carlo

This certification is issued upon request of Sangguniang Bayan of Babatngon for the re-classification of the above property.

Issued this 20th day of May 2024 at Babatngon, Leyte.

ISMAEL L. LAGUNA, REA, MPM
Municipal Assessor



TAX DECLARATION OF REAL PROPERTY

TD No. **2008-04001-00728** Property Identification No. **044-04-0001-001-05**

Owner: **LORETO, CARLO P.** TIN: _____

Address: **244 Imelda Ave., Tacloban City** Telephone No. _____

Administrator/Beneficial user: _____ TIN: _____

Address: _____ Telephone No. _____

Location of Property: _____ **DISTRICT I** **BABATNGON** **LEYTE**
(Number & Street) (Barangay/District) (Municipality) (Province)

OCT/TCT/CLOA No.: _____ Survey No. **Cad. 497-D**

CCT: _____ Lot No.: **1184**

Dated: _____ Blk/Ass. Lot No. **05**

Boundaries:
 North: **Upong Bay** South: **Brgy. Road**
 East: **Lot # 1384** West: **Brgy. Road**

KIND OF PROPERTY ASSESSED:

<input checked="" type="checkbox"/> LAND <input type="checkbox"/> BUILDING No. of Storeys: _____ Brief Description: _____	<input type="checkbox"/> MACHINERY Brief Description: _____ <input type="checkbox"/> Others: _____ Specify: _____
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Classification	Area (Ha.)	Market Value	Actual Use	Assessment Level	Assessed Value
Agricultural	16.7414	508,801.08	Coco Land, 1st	40%	203,520.00
Total	16.7414	508,801.08			203,520.00

Total Assessed Value: **Two Hundred Three Thousand Five Hundred Twenty**
(Amount in Words)

Taxable Exempt Effectivity of Assessment/Reassessment: **3rd** **2022**
Qtr Yr

Recommended by: 
ISMAEL L. LAGUNA, REA, MPM
 OIC - Municipal Assessor

APPROVED BY: 
MILAGROS F. ROBLEDO, REA
 Provincial Assessor

This declaration cancels TD No.: **2008-04001-00403** Owner: **Navarro, Otillo** Previous A.V. (PhP): **220,310.00**

Memoranda: **TRANSFER** of real property under Tax Declaration number 2008-04001-00403 to the herein declarant based on **EXTRAJUDICIAL SETTLEMENT WITH SALE OF THE ESTATE OF OTILLO NAVARRO** hereto attached, as per request. Payment of Transfer Tax per OR# 5470291 dated March 17, 2021 at Tacloban City. Real Property Tax fully paid up to the current year. CAR numbers **CR201900509377** and **CR201900509378**




ISMAEL L. LAGUNA, REA, MPM
 OIC - MUNICIPAL ASSESSOR

Notes: This declaration is for real property taxation purposes only and the valuation indicated herein are based on the procedure of unit market values prepared for the purpose and duly enacted into an Ordinance by the Sangguniang Panlungsod of Leyte under Ordinance No. 07-04 dated August 14, 2007. It does not and cannot by itself alone confer any ownership or legal title to the property.



CERTIFICATION

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that a parcel of land designated under **Cad/Csd. No. 497-D of Babatngon Cadastre** situated at **Brgy. District I, Babatngon, Leyte** specifically identified as follows:

Applicant/Owner	CAD Lot No(s)	OCT/TCT No./ Tax Dec. No.	Area (Has/sq.m.)	Zoning Classification
LORETO, CARLO P.	1184	TD# 2003-04001- 00728	16.7414	AGRICULTURAL AREA

This certification is issued upon request of **SANGUNIANG BAYAN OF BABATNGON, LEYTE** for application of Zoning Certification and is zoned for use specified in the above table as per approved Municipal Ordinance no. 276, series of 2011 known as the Comprehensive Zoning Ordinance of the Municipality of Babatngon, Leyte.

Given this 20th day of May 2024, at Babatngon, Leyte.


VICKY SARMIENTO-PLACA, EnP
Municipal Planning & Development Coordinator





OFFICE OF THE SANGGUNIANG BAYAN

CERTIFICATION

TO WHOM THIS MAY CONCERN:

This is to certify that **Ordinance No. 464** entitled: **"AN ORDINANCE RECLASSIFYING THE LOT MEASURING 14 HECTARES LOCATED AT BRGY. DISTRICT 1, BABATNGON, LEYTE, DENOTED AS CADASTRAL LOT NO. 1184 WITH TAX DECLARATION NO. 2008-04001-00403 FROM AGRICULTURAL TO COMMERCIAL LAND IN CLASSIFICATION, WHILE THE 2.7414 HECTARES RESERVED AS BUFFER ZONE ALONG THE SANCTUARY AREA"** was presented to the public and concerned sectors in a public hearing held on 30 April 2024 at Brgy. District 1, Babatngon, Leyte.

Made this 4th day of June 2024 at Babatngon, Leyte.

A handwritten signature in black ink, appearing to read "A. Baldomar".

ALMA A. BALDOMAR
Secretary II
Secretary to the Sanggunian-designate





CERTIFICATION

TO WHOM THIS MAY CONCERN:

This is to certify that POSTING in prominent places in the Municipal Hall and some conspicuous places in the locality was undertaken starting 04 June 2024 and copies of said ordinance shall remain posted for three (3) consecutive weeks, pursuant to Sec. 59 (b) of Republic Act 7160, in relation to hereunder Ordinance, to wit:

1. **ORDINANCE NO. 464 - AN ORDINANCE RECLASSIFYING THE LOT MEASURING 14 HECTARES LOCATED AT BRGY. DISTRICT 1, BABATNGON, LEYTE, DENOTED AS CADASTRAL LOT NO. 1184 WITH TAX DECLARATION NO. 2008-04001-00403 FROM AGRICULTURAL TO COMMERCIAL LAND IN CLASSIFICATION, WHILE THE 2.7414 HECTARES RESERVED AS BUFFER ZONE ALONG THE SANCTUARY AREA."**

Made this 4TH day of June 2024 at Babatngon, Leyte.

ALMA A. BALDOMAR
Secretary II

Secretary to the Sanggunian-designate

