



Republic of the Philippines
PROVINCE OF LEYTE
Provincial Capitol
Palo, Leyte

Item No.: 02
Date: 03 2024 SEP

-oOo-

SANGGUNIANG PANLALAWIGAN
PROVINCIAL LEGAL OFFICE
AUG 29 2024
PROVINCE OF LEYTE

Province of Leyte
Legal Office
Released: [Signature]
Time: [Signature]
Date: 8.28.24

2nd INDORSEMENT
August 27, 2024

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through SP Secretary, the attached Ordinance No. 469 of the Sangguniang Bayan of Babatngon, Leyte.

Issues/concerns for review is/are as follows:

- Ordinance No. 469 Re: Ordinance Reclassifying several parcels of Land situated in Brgy. Bacong, Babatngon, Leyte from Agricultural to Industrial.

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 447 of the Local Government Code.

Moreover, Section 20,¹ Chapter 1 of the Local Government Code, empowered the city or municipality through an ordinance, to reclassify agricultural land when the land ceases to be economically feasible and sound for agricultural purposes **as determined by the Department of Agriculture** or where the land shall have substantially greater economic value for residential, commercial, or industrial purposes, as determined by the sanggunian concerned. Reclassification likewise finds support under Section 3, Article XII of the 1987 Constitution².

It must be noted however, that the power of the LGUs to reclassify agricultural lands is not absolute. The authority of the DAR to approve conversion of agricultural lands covered by Republic Act No. 6657 to non-agricultural uses has been validly recognized by said Section 20 of Republic Act No. 7160 by explicitly providing therein that, *"nothing in this section shall be construed as repealing or modifying in any manner the provisions of Republic Act No. 6657."*

DAR AO No. 01-02, as amended, does not also violate the due process clause, as well as the equal protection clause of the Constitution. In providing administrative and

¹ Section 20. *Reclassification of Lands.* - xxx (a) 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

² Section 3. *Lands of the public domain are classified into agricultural, forest or timber, mineral lands and national parks. Agricultural lands of the public domain may be further classified by law according to the uses to which they may be devoted. Alienable lands of the public domain shall be limited to agricultural lands.* xxx

criminal penalties in the said administrative order, the Secretary of Agrarian Reform simply implements the provisions of Sections 73 and 74 of Republic Act No. 6657³.

Perusal of the provisions of law cited above and of the copy of the Ordinance submitted for review, this office is of the opinion that although the LGU can validly reclassify agricultural land to industrial, the reason for reclassification of the involved lots shall be precisely stated in the Ordinance itself and with compliance to the requirements specified under under Section 20 (a) of the Local Government Code.

Thus, this office recommends that the Ordinance be known as “Barangay Bacong **Reclassification of Land** Ordinance” and the same be revised to state the purpose or reason for conversion and proper documents be attached in support thereof.

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 are presented or changed. This opinion is likewise without prejudice to the opinions rendered by higher and competent authorities.


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

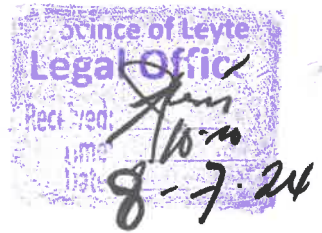
³ G.R. No. 183409, June 18, 2010.

Republic of the Philippines
PROVINCE OF LEYTE

-0-

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1ST ENDORSEMENT
02 August 2024



Respectfully indorsed to the **PROVINCIAL LEGAL OFFICE** the herein **ORDINANCE NO. 469** of the **MUNICIPALITY OF BABATNGON, LEYTE, "BARANGAY BACONG RECLASSIFIED ORDINANCE"**, as stated In Section I, for review and recommendations.


FLORINDA JILLS. UYVICO
Secretary to the Sanggunian

Republic of the Philippines
Province of Leyte

Municipality of Babatngon



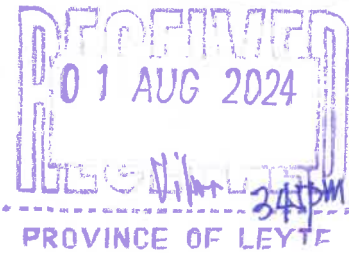
OFFICE OF THE SANGGUNIANG BAYAN

31 July 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

SANGGUNIANG PANLALAWIGAN



Dear Honorable Ladies and Gentlemen,


Respectfully endorsed to the Honorable Sangguniang Panlalawigan of the Province of Leyte is Ordinance No. 469 entitled: "AN ORDINANCE RECLASSIFYING LOT NO.1, CCS-08-000943-D MEASURING 921 SQ.M.; LOT NO.3, CCS-08-000943-D MEASURING 6,640 SQ.M.; LOT NO.4, CCS-08-000771-D MEASURING 2,886 SQ.M.; LOT NO.1, CCS-08-000925-D MEASURING 17,533 SQ. M; LOT NO.3, CCS-08-000925-D MEASURING 549 SQ.M.; LOT NO.1233, CAD 497-D MEASURING 21,313 SQ.M.; LOT NO. 1234,CAD 497-D MEASURING 19,239 SQ.M.; LOT NO.1236,CAD 497-D MEASURING 27,151 SQ.M. LOCATED AT BRGY. BACONG, BABATNGON, LEYTE, FROM AGRICULTURAL LAND TO INDUSTRIAL LAND IN CLASSIFICATION." Said 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. 469;
2. Certification of Posting;
3. Certification of Public Hearing; and
4. Other Certifications (Mun. Assessor; MPDC; and Mun. Agriculturist)

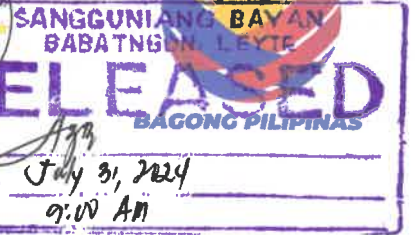
Please find them in order and praying for your favorable action thereof.

Very truly yours,


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

Enclosed:
As stated





SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF THE 98th REGULAR SESSION OF THE SANGGUNIANG BAYAN OF BABATNGON, LEYTE HELD ON THE 24th DAY OF JUNE 2024 AT THE SB SESSION HALL, LEGISLATIVE BUILDING, BABATNGON, LEYTE.

MAYOR'S OFFICE
BABATNGON, LEYTE

ORDINANCE NO. 469

RECEIVED
BY: *Judy Anne Ballarin*
DATE: *July 31, 2024*
TIME: *4:08 pm*

AN ORDINANCE RECLASSIFYING LOT NO.1, CCS-08-000943-D MEASURING 921 SQ.M.; LOT NO.3, CCS-08-000943-D MEASURING 6,640 SQ.M.; LOT NO.4, CCS-08-000771-D MEASURING 2,886 SQ.M.; LOT NO.1, CCS-08-000925-D MEASURING 17,533 SQ. M; LOT NO.3, CCS-08-000925-D MEASURING 549 SQ.M.; LOT NO.1233, CAD 497-D MEASURING 21,313 SQ.M.; LOT NO. 1234,CAD 497-D MEASURING 19,239 SQ.M.; LOT NO.1236,CAD 497-D MEASURING 27,151 SQ.M. LOCATED AT BRGY. BACONG, BABATNGON, LEYTE, FROM AGRICULTURAL LAND TO INDUSTRIAL LAND IN CLASSIFICATION.

SANGGUNIANG BAYAN ALWIGAN
RECEIVED
07 AUG 2024
3:45 pm

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 “Barangay Bacong Reclassified Ordinance” in the Municipality of Babatngon, Leyte.

Section 2. – Reclassification of Lot – By virtue of this ordinance, LOT NO.1, CCS-08-000943-D MEASURING 921 SQ.M.; LOT NO.3, CCS-08-000943-D MEASURING 6,640 SQ.M.; LOT NO.4, CCS-08-000771-D MEASURING 2,886 SQ.M.; LOT NO.1, CCS-08-000925-D MEASURING 17,533 SQ.M.; LOT NO.3, CCS-08-000925-D MEASURING 549 SQ.M.; LOT NO.1233, CAD 497-D MEASURING 21,313 SQ.M.; LOT NO. 1234,CAD 497-D MEASURING 19,239 SQ.M.; LOT NO.1236,CAD 497-D MEASURING 27,151 SQ.M. LOCATED AT BRGY. BACONG, BABATNGON, LEYTE, ARE HEREBY RECLASSIFIED FROM AGRICULTURAL LAND TO INDUSTRIAL LAND IN CLASSIFICATION.

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 24th day of JUNE 2024 at Babatngon, Leyte.

I HEREBY CERTIFY to the correctness of the foregoing ordinance.

Agz
ALMA A. BALDOMAR
Secretary II
Secretary to the Sanggunian-Designate

ATTESTED:

RPG
HON. ROSARY PEARL G. CATUDIO
Municipal Vice-Mayor
Presiding Officer

CC
HON. CHRISTIAN C. LAWSIN
Sangguniang Bayan Member

KRM
HON. KEMUEL RUE M. CORSIGA
Sangguniang Bayan Member



SANGGUNIANG BAYAN


HON. KARL JONAR L. EMBANA
Sangguniang Bayan Member


HON. ILDEFONSO B. ODON
Sangguniang Bayan Member


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


HON. HILARION S. MENZON
Sangguniang Bayan Member

(Absent)
HON. CHARITA M. CHAN
Sangguniang Bayan Member


HON. ALEX V. BELLO
Sangguniang Bayan Member


HON. EDGARDO V. MORDEN
President
Liga ng mga Barangay


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

APPROVED:


HON. ELEONOR B. LUGASIN
Municipal Mayor

Date: 30 July 2024







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 31st July 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. 469, entitled: AN ORDINANCE RECLASSIFYING LOT NO.1, CCS-08-000943-D MEASURING 921 SQ.M.; LOT NO.3, CCS-08-000943-D MEASURING 6,640 SQ.M.; LOT NO.4, CCS-08-000771-D MEASURING 2,886 SQ.M.; LOT NO.1, CCS-08-000925-D MEASURING 17,533 SQ. M; LOT NO.3, CCS-08-000925-D MEASURING 549 SQ.M.; LOT NO.1233, CAD 497-D MEASURING 21,313 SQ.M.; LOT NO. 1234,CAD 497-D MEASURING 19,239 SQ.M.; LOT NO.1236,CAD 497-D MEASURING 27,151 SQ.M. LOCATED AT BRGY. BACONG, BABATNGON, LEYTE, FROM AGRICULTURAL LAND TO INDUSTRIAL LAND IN CLASSIFICATION.

Made this 31st day of July 2024 at Babatngon, Leyte.

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






OFFICE OF THE SANGGUNIANG BAYAN

CERTIFICATION

TO WHOM THIS MAY CONCERN:

This is to certify that Ordinance No. 469 entitled: "AN ORDINANCE RECLASSIFYING LOT NO.1, CCS-08-000943-D MEASURING 921 SQ.M.; LOT NO.3, CCS-08-000943-D MEASURING 6,640 SQ.M.; LOT NO.4, CCS-08-000771-D MEASURING 2,886 SQ.M.; LOT NO.1, CCS-08-000925-D MEASURING 17,533 SQ. M; LOT NO.3, CCS-08-000925-D MEASURING 549 SQ.M.; LOT NO.1233, CAD 497-D MEASURING 21,313 SQ.M.; LOT NO. 1234,CAD 497-D MEASURING 19,239 SQ.M.; LOT NO.1236,CAD 497-D MEASURING 27,151 SQ.M. LOCATED AT BRGY. BACONG, BABATNGON, LEYTE, FROM AGRICULTURAL LAND TO INDUSTRIAL LAND IN CLASSIFICATION" was presented to the public and concerned sectors in a public hearing held on June 10, 2024 at Brgy. Bacong, Babatngon, Leyte.

Made this 31st day of July 2024 at Babatngon, Leyte.


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



Republic of the Philippines
Province of Leyte

Municipality of Babatngon
Office of the Municipal Assessor



CERTIFICATION

TO WHOM IT MAY CONCERN:

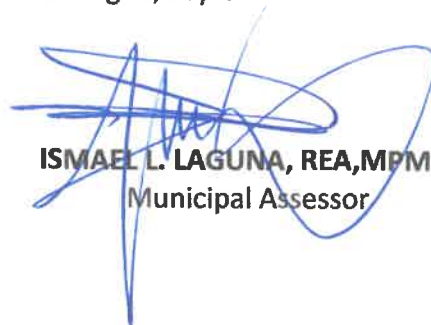
THIS IS TO CERTIFY THAT according to the real property records kept on file in this office, the following property/s are classified as follows:

<i>Tax Declaration No.</i>	<i>Cad. Lot No.</i>	<i>Area (has.)</i>	<i>Location</i>	<i>Classification</i>	<i>Actual Use</i>	<i>Declarant</i>
2008-04005-00175	1232	3.3805	Bacong	Agricultural	Coco Land	Sps. Jason U. Ko and Yxara-Gem D. Ko
2008-04005-00178	1233	2.1313	Bacong	Agricultural	Coco Land	Johnson U. Ko mrd to Michelle Ko
2008-04005-00182	1236	2.7151	Bacong	Agricultural	Coco Land	Sps. Jason U. Ko and Yxara-Gem D. Ko and Sps. Johnson U. Ko and Michelle D. Ko
2008-04005-00179	1234	1.9239	Bacong	Agricultural	Coco Land	Jason U. Ko mrd to Yxara-Gem D. Ko and Johnson U. Ko mrd to Michelle D. Ko

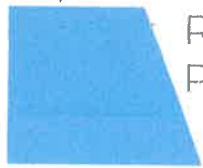
The submitted Subdivision Plan of Lot 1 & 3, Ccs-08-000943-D; Lot 4, Ccs-08-000771-D; Lot 1&3, Ccs-08-000925-D are all **Equivalent to Lot number 1232**.

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

Issued this 22nd day of May 2024 at Babatngon, Leyte.


ISMAEL L. LAGUNA, REA, MPM
Municipal Assessor





Republic of the Philippines
Province of Leyte
Municipality of Babatngon



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. Bacong, Babatngon, Leyte** specifically identified as follows:

<u>Declared Owner</u>	<u>CAD Lot No(s)</u>	<u>OCT/TCT No./ Tax Dec. No.</u>	<u>Area (Has/sq.m.)</u>	<u>Zoning Classification</u>
SPS. JASON U. KO AND YXARA-GEM D. KO	1232	2008-04005-00175	3.3805	AGRICULTURAL AREA
JOHNSON U. KO MRD TO MICHELLE KO	1233	2008-04005-00178	2.1313	AGRICULTURAL AREA
SPS. JASON U. KO AND YXARA-GEM D. KO AND SPS. JOHNSON U. KO AND MICHELLE D. KO	1236	2008-04005-00182	2.7151	AGRICULTURAL AREA
JASON U. KO MRD TO YXARA-GEM D. KO AND JOHNSON U. KO MRD TO MICHELLE D. KO	1234	2008-04005-00179	1.9239	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 10th day of July 2024, at Babatngon, Leyte.


VICKY SARMIENTO-PLACA, EnP
Municipal Planning & Development Coordinator



Republic of the Philippines
Province of Leyte
Municipality of Babatngon



OFFICE OF THE MUNICIPAL AGRICULTURE

CERTIFICATION

THIS IS TO CERTIFY that Mr. JASON U. KO has parcels of land located at Brgy. Bacong Babatngon, Leyte.

After inspection the land has no prime agricultural crops planted.

This certification is issued upon the request of Mr. JASON U. KO as a requirement for re-classification of his land from Agricultural to Industrial.

Issued this 9th day of July 2024 at the Municipal Agriculture Office Local Government Unit Babatngon, Leyte.

Respectfully yours;

A handwritten signature in black ink, appearing to read "Teresita R. Laurente".

TERESITA R. LAURENTE
Municipal Agriculturist

