

Item No.: 07
Date: 03 2024 SEP



SANGGUNIANG PANLALAWIGAN
NOTIFIED
AUG 28 2024
PROVINCE OF LEYTE

Republic of the Philippines
PROVINCE OF LEYTE
Provincial Capitol
Tacloban City

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PROVINCIAL LEGAL OFFICE

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

2nd INDORSEMENT
August 22, 2024

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through SP Secretary, the attached Ordinance No. 05 series of 2024 of the Sangguniang Bayan of Barugo, Leyte.

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

- Ordinance No. 05 series of 2024 entitled: “An Ordinance Regulating the Use of the “Don Simplicio Apostol Gymnasium” and Other Municipal Government Facilities of the Municipality of Barugo for Private Purposes and Fixing Their Rental

REVIEW/RECOMMENDATION/LEGAL OPINION:

This office is of the opinion that the Subject Ordinance is within the power covered under Section 447(2)(vi)¹ of the Local Government Code of 1991 (R.A 7160). Hence, recommending the declaration of its validity. Hence, recommending the declaration of 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 are presented or changed. This opinion is likewise without prejudice to the opinions rendered by higher and competent authorities and/or the courts.

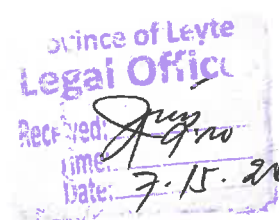
ATTY. JOSE RAYMUND A. ACOL
Asst. Provincial Legal Officer

¹ Section 447(2)(vi) prescribe reasonable limits and restraints on the use of property within the jurisdiction of the municipality.

Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1ST INDORSEMENT
12 July 2024



The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **ORDINANCE NO. 05** series of 2024 of the **MUNICIPALITY OF BARUGO, LEYTE**, entitled: **An Ordinance Regulating the Use of the "Don Simplicio Apostol Gymnasium" and Other Municipal Government Facilities of the Municipality of Barugo for Private Purposes and Fixing Their Rental.**


FLORINDA JILL S. UYVICO
Secretary to the Sanggunian



OFFICE OF THE SANGGUNIANG BAYAN

July 11, 2024

HON. LEONARDO "SANDY" JAVIER, JR.
Vice-Governor/Presiding Officer
Sanggunian Panlalawigan
Province of Leyte



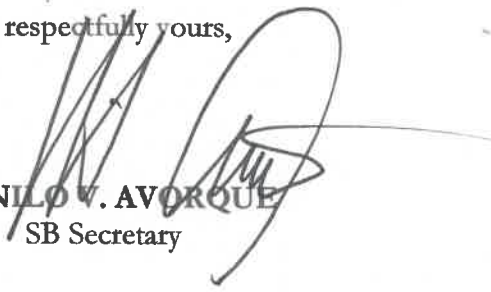
THRU: FLORINDA JILL S. UYVICO
Secretary to the Sanggunian
Province of Leyte

Sir:

Respectfully submitted to your good office for review the herein **ORDINANCE NO. 05, S. 2024 ENTITLED "AN ORDINANCE REGULATING THE USE OF THE DON SIMPLICIO APOSTOL GYMNASIUM AND OTHER MUNICIPAL GOVERNMENT FACILITIES OF THE MUNICIPALITY OF BARUGO FOR PRIVATE PURPOSES AND FIXING THEIR RENTAL**

Anticipating your favorable action on this matter.

Very respectfully yours,

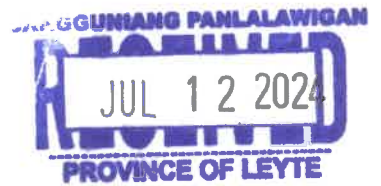

DANILO V. AVORQUE
SB Secretary



Office of the Sangguniang Bayan

EXCERPT FROM THE MINUTES OF THE MEETING OF THE 11TH SANGGUNIANG BAYAN OF BARUGO, LEYTE ON ITS 89TH REGULAR SESSION HELD ON THE 07TH DAY OF MAY 2024, AT THE MUNICIPAL SESSION HALL, LEGISLATIVE BUILDING, BARUGO, LEYTE.

Present:	Hon. Josephine C. Tiu	Municipal Vice Mayor
	Atty. Don A. Dehayco	Presiding Officer
	Hon. Wayne B. Avestruz	SB Member
	Hon. Clinio A. Balais	SB Member
	Hon. Nikkos Rhet V. Astorga	SB Member
	Hon. Jeffrey P. Cañezal	SB Member
	Atty. Jesus B. Cabanacan	SB Member
	Hon. Domingo E. Adrales	SB Member
	Hon. Joemar Q. Acebo	Liga Ng Mga Barangay President
	Hon. Eric C. Hingpis	Pederasyon Ng Mga SK President
Absent:	Hon. Eduardo C. Calzita	SB Member (Force Leave)



ORDINANCE NO. 05, S. 2024
(Sponsor: Hon. Atty. Jesus B. Cabanacan)

AN ORDINANCE REGULATING THE USE OF THE “DON SIMPLICIO APOSTOL GYMNASIUM” AND OTHER MUNICIPAL GOVERNMENT FACILITIES OF THE MUNICIPALITY OF BARUGO FOR PRIVATE PURPOSES AND FIXING THEIR RENTAL

Be it ordained by the Sangguniang Bayan in regular session assembled:

SECTION 1. The following are the municipal government facilities for purposes of this Ordinance:

- Don Simplicio Apostol Gymnasium (Municipal Gymnasium)
- EDS Function Room
- Legislative Session Hall

SECTION 2. The fixed rentals above the above facilities if used for private purposes are hereunder provided:

A. DON SIMPLICIO APOSTOL GYMNASIUM:

- WITHOUT Air Conditioning.** – The amount of Four Thousand Pesos (P4,000.00) for the first six hours of use and an additional amount of Five Hundred Pesos (P500.00) for each additional hour of use.
- WITH Air Conditioning.** – The of amount of Eight Thousand Pesos (P8,000.00) for the first six hours of use and an additional amount of One Thousand Pesos (P1,000.00) for each additional hour of use.

B. EDS FUNCTION ROOM:

- WITH Air Conditioning Only.** – The amount of Seven Thousand Pesos (P7,000.00) for the first six hours of use and an additional amount of One Thousand Pesos (P1,000.00) for each additional hour of use.

Barugo Padayon An Gugma!
Municipal Hall, Burgos St. Poblacion District I Barugo, Leyte



C. LEGISLATIVE SESSION HALL:

- (1) **WITH Air Conditioning Only.** – The amount of Five Thousand Pesos (P5,000.00) for the first six hours of use and an additional amount of One Thousand Pesos (P1,000.00) for each additional hour of use.

In order to maintain the symbolic stature and solemnity of the Legislative Session Hall as the pedestal of local legislative domain, it shall not be made available for lease to or use by other persons/entities regardless of its purpose except for extreme necessity as determined by the presiding officer and the *sanggunian*.

SECTION 3. Scheduling of Activities and Payment of Rates

- A. The Municipal Mayor shall designate an employee within the Office of the Municipal Mayor who shall receive, facilitate, and plot the schedule of the application on a first-come, first-served basis for the use of the above-mentioned facilities, except the Legislative Session Hall. The plotted schedule shall be posted in the municipal bulletin board and at the facilities.
- B. Applications for the use of the Legislative Session Hall shall be submitted in writing to the Office of the Vice-Mayor.
- C. Payments shall be made at the Office of the Municipal Treasurer and the Official Receipt shall be as the basis of the Office of the Municipal Mayor to confirm the schedule. Provided, that the municipal government reserves the right to cancel any scheduled activity at the facilities mentioned should exigencies of public service requires. In such cases, payment shall be refunded.

SECTION 4. REPEALING CLAUSE. - All resolutions, ordinances and executive issuances, or provisions thereof, which are inconsistent with any of the provisions hereof are hereby accordingly repealed, amended and/or modified.

SECTION 5. SEPARABILITY CLAUSE. - Should any provision of this ordinance be subsequently declared unconstitutional or ultra vires, the rest of the provisions not so declared shall remain to be in full force and effect.

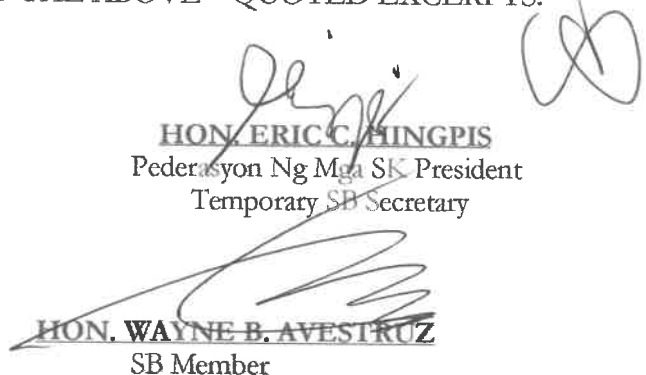
SECTION 6. EFFECTIVITY. - This ordinance shall take effect upon its approval.

UNANIMOUSLY APPROVED, this 7th day of May, 2024 in Barugo, Leyte.

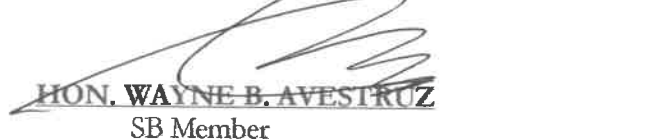
I HEREBY CERTIFY TO THE CORRECTIVENESS OF THE ABOVE – QUOTED EXCERPTS.



ATTY. DON A. DEHAYCO
SB Member



HON. ERIC C. HINGPIS
Pederasyon Ng Mga SK President
Temporary SB Secretary



HON. WAYNE B. AVESTRUZ
SB Member



HON. NIKKOS RHET V. ASTORGA
SB Member



HON. CLINIO A. BALAIS
SB Member



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Ordinance No. 5, 2024

HON. JEFFREY P. CAÑEZAL
SB Member

ATTY. JESUS B. CABANACAN
SB Member

HON. DOMINGO E. ADRALES
SB Member

HON. JOEMAR O. ACEBO
ABC President

ATTESTED BY:

HON. JOSEPHINE C. TIU
Municipal Vice Mayor
Presiding Officer

APPROVED:

DR. ARON C. BALAIS, FPCEM
Municipal Mayor
Date Signed _____


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OFFICE OF THE SANGGUNIANG BAYAN

CERTIFICATION OF POSTING

THIS IS TO CERTIFY that Ordinance No. 05, S. 2024, RE: **AN ORDINANCE REGULATING THE USE OF THE DON SIMPLICIO APOSTOL GYMNASIUM AND OTHER MUNICIPAL GOVERNMENT FACILITIES OF THE MUNICIPALITY OF BARUGO FOR PRIVATE PURPOSES AND FIXING THEIR RENTAL**, was posted in three (3) conspicuous places in the Municipality of Barugo, Leyte from April 16, 2024 to April 30, 2024 in compliance with the provisions of RA 7160, otherwise known as Local Government Code of 1991.



HON. ERIC CHINGPIS
SK Federation President
Acting SB Secretary



OFFICE OF THE SANGGUNIANG BAYAN

CERTIFICATION OF POSTING

THIS IS TO CERTIFY that Ordinance No. 05, S. 2024, RE: **AN ORDINANCE REGULATING THE USE OF THE DON SIMPLICIO APOSTOL GYMNASIUM AND OTHER MUNICIPAL GOVERNMENT FACILITIES OF THE MUNICIPALITY OF BARUGO FOR PRIVATE PURPOSES AND FIXING THEIR RENTAL**, was posted in three (3) conspicuous places in the Municipality of Barugo, Leyte from April 16, 2024 to April 30, 2024 in compliance with the provisions of RA 7160, otherwise known as Local Government Code of 1991.


HON. ERIC CHINGPIS
SK Federation President
Acting SB Secretary






OFFICE OF THE SANGGUNIANG BAYAN

CERTIFICATION OF PUBLIC HEARING

THIS IS TO CERTIFY that on April 23, 2024, a Public Hearing was conducted relative to the proposal to pass a Resolution enacting Ordinance, ENTITLED **“AN ORDINANCE REGULATING THE USE OF THE DON SIMPLICIO APOSTOL GYMNASIUM AND OTHER MUNICIPAL GOVERNMENT FACILITIES OF THE MUNICIPALITY OF BARUGO FOR PRIVATE PURPOSES AND FIXING THEIR RENTAL**


HON. ERIC C. CHINGPIS
SK Federation President
Acting SB Secretary

