

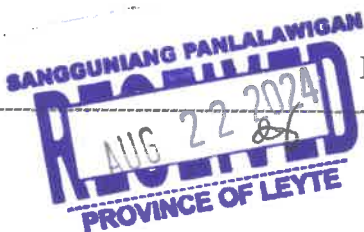
Item No.: 08

Date: 27 2024 AUG



Republic of the Philippines
PROVINCE OF LEYTE
Provincial Capitol
Tacloban City

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PROVINCIAL LEGAL OFFICE

2nd INDORSEMENT
August 21, 2024

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through SP Secretary, the attached Ordinance No. 2024-03 of the Sangguniang Bayan of Javier, Leyte.

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

- Ordinance No. 2024-03 entitled: **“An Ordinance Authorizing the Municipal Treasurer to Collect Barangay Clearance Fees in the Application for the Issuance of Business Permits and/or Locational Clearance of the Municipality of Javier, Leyte.**

REVIEW/RECOMMENDATION/LEGAL OPINION:

This office is of the opinion that the Subject Ordinance is in line with the mandate under Section 11(F)¹ of Republic Act 11032 otherwise known as the “Ease of Doing Business and Efficient Delivery of Government Service Act. Hence, recommending for the declaration of its validity.

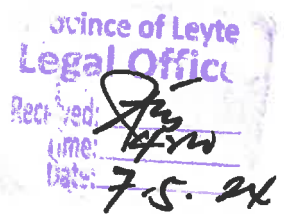
We hope to have assisted you with this request. Please note that the opinion rendered by this Office are based on facts available and may vary or change when additional facts and documents are presented or changed. This opinion is likewise without prejudice to the opinions rendered by higher and competent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

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

¹ Section 11(f) Barangay clearances and permits related to doing business, shall be applied, issued, and collected at the city/municipality in accordance with the prescribed processing time of this Act; provided, that the share in the collection shall be remitted to the respective barangays.

Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte

OFFICE OF THE SANGGUNIANG PANLALAWIGAN



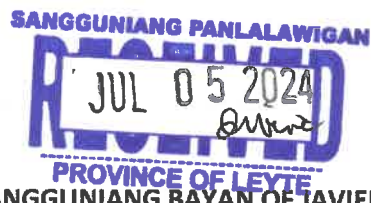
1ST INDORSEMENT
05 July 2024

The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **Ordinance No. 2024-03** of the **Municipality of Javier, Leyte**, entitled: **An Ordinance Authorizing the Municipal Treasurer to Collect Barangay Clearance Fees in the Application for the Issuance of Business Permits and/or Locational Clearance of the Municipality of Javier, Leyte.**

FLORINDA JILL S. UYVICO
Secretary to the Sanggunian

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Republic of the Philippines
Province of Leyte
MUNICIPALITY OF JAVIER
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Sangguniang Bayan



EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG BAYAN OF JAVIER, LEYTE HELD AT THE MUNICIPAL SESSION HALL ON JUNE 03, 2024

Present :

- Mun. Vice-Mayor Emma M. Abueva, presiding officer
- SB Member Gullbert M. Lanoy
- SB Member Roldan G. Meras
- SB Member Marino C. Merilo
- SB Member Eriberta R. Ponce
- SB Member Stephen Mark I. Papalid
- SB Member Michelle O. Moreno
- SB Member Romeo C. Malinao
- SB Member Alberto A. Rifos
- SK Fed. President Jaly T. Garcia
- Liga President Andy L. Dingal

Absent : None

ORDINANCE No. 2024-03

Authored by : HON. ANDY L. DINGAL

AN ORDINANCE AUTHORIZING THE MUNICIPAL TREASURER TO COLLECT BARANGAY CLEARANCE FEES IN THE APPLICATION FOR THE ISSUANCE OF BUSINESS PERMITS AND/OR LOCATIONAL CLEARANCE OF THE MUNICIPALITY OF JAVIER, LEYTE.

WHEREAS, there is a need to streamline/simplify the process of business registration in the Municipality of Javier, Leyte, to provide a more efficient and effective revenue collection and to promote a friendlier atmosphere for taxpayers and investors ;

WHEREAS, when regulations are simple and transparent, entrepreneurs need not to suffer from red tape and time consuming transactions.

WHEREAS, Republic Act No.11032 otherwise known as the "Ease of Doing Business and Efficient Delivery of Government Services Act" was signed into law seeks to make the process of putting up and running a business in the Philippines easier and more efficient ;

WHEREAS, pursuant to Section 11 (f) of the said Act, provides that barangay clearances and permits related to doing business shall be applied, issued and collected at the city/municipality in accordance with the prescribed processing time of this Act; Provided, that the share in the collections shall be remitted to the respective barangays ;

WHEREAS, the Department of the Interior and Local Government (DILG) through Memorandum Circular Number 2019-177 issued on October 17, 2019 provides guidelines and standard processes in compliance with the above cited provision of Republic Act 11032 ;

WHEREAS, barangays in the Municipality of Javier, Leyte, enacted Barangay Ordinance to authorize the Municipal Treasurer of the Municipality of Javier, Leyte to issue barangay clearance for business permits/locational clearance and collect corresponding barangay clearance fee, subject to the remittance of the aforesaid fees to the barangay concerned and the conditions hereunder ;

NOW THEREFORE, be it **ORDAINED** by the Sangguniang Bayan of Javier, Leyte in session duly assembled that :

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SECTION 1. COVERAGE. This policy applies only to the issuance of Barangay Clearance for Business permits and Locational Clearance as a requirement for the issuance of Building Permit at the Municipality of Javier, Leyte. Other clearances for other purposes shall be obtained at the barangay.

SECTION 2. DEFINITION OF TERMS. The words and phrases used in this Ordinance are hereby defined as follows :

Barangay Clearance – refers to any and all documents issued by the barangays with or without corresponding fees as defined in their ordinances relative to, or in relation, to the issuance of business permit and locational/zoning clearance by the municipality, or any other permit as may be required.

Barangay Clearance Fee – is an amount imposed by the barangays through an ordinance and collected by the municipality in relation to the issuance of business permit and locational clearance by the municipality.

Business Permit – is a document that must be secured from the municipal government, through its Business Permits and Licensing Office (BPLO), for a business to legally operate in the locality.

Locational Clearance – is a clearance issued by the Zoning Administrative/Zoning Officer to a project that is imposed under the provisions of an existing Zoning Ordinance of the municipality. It is a requirement for the issuance of Building Permit.

SECTION 3. AUTHORITY TO COLLECT BARANGAY CLEARANCE FEE. The Municipal Treasurer of the Municipality of Javier, Leyte is hereby authorized to collect Barangay Clearance Fees, subject to the remittance of the fees collected to the respective barangay.

SECTION 4. RATE OF BARANGAY CLEARANCE FEE TO BE COLLECTED. The rate of the Barangay Clearance Fee to be collected by the Municipal Treasurer for the issuance of the clearance shall be computed in accordance with the subject Barangay Revenue Ordinance of a specific barangay.

SECTION 5. BARANGAY CLEARANCE SIGNATORY. Electronic signature of the Punong Barangay concerned shall appear in all barangay clearance issued.

SECTION 6. REPORTING AND REMITTANCE. The Municipal Treasurer shall remit the Barangay Clearance Fee collected to the subject barangay not later than seven (7) working days of the ensuing month, together with the list of the issued building and Business Permit.

SECTION 7. SEPARABILITY CLAUSE. If for any reason, a part of this Ordinance is declared illegal or invalid, other parts or provisions hereof which are not affected thereby, shall remain valid and in full force and effect.

SECTION 8. REPEALING CLAUSE. All Ordinances and rules/regulations which are not inconsistent with the provisions of this Ordinance are hereby deemed, modified and/or repealed accordingly.

The bottom section of the page contains several handwritten signatures in black ink. On the left, there are two distinct signatures. In the center, there is a large, stylized signature. To the right of this, the word "-over-" is written. Further right, there are several more signatures, including one that appears to be a name like "Darius" and another that looks like "Rubin". On the far right, there is a large, complex signature that spans across the right edge of the page.

SECTION 9. EFFECTIVITY CLAUSE. This Ordinance shall take effect upon approval.


APPROVED UNANIMOUSLY :

JUNE 03, 2024

CERTIFIED CORRECT:

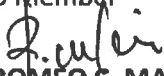
ERVON DANIEL B. LINDARA
SB Secretary

ATTESTED :


HON. EMMA M. ABUEVA
Municipal Vice-Mayor
Presiding Officer


HON. GUILBERT M. LANOY
SB Member


HON. ERIBERTA R. PONCE
SB Member


HON. ROMEO C. MALINAO
SB Member


HON. ROLDAN G. MERAS
SB Member

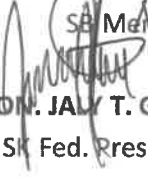

HON. STEPHEN MARK I. PAPALID
SB Member


HON. ALBERTO A. RIÑOS
SB Member


HON. ANDY L. DINGAL
Liga President


HON. MARINO C. MERILO
SB Member


HON. MICHELLE O. MORENO
SB Member


HON. JALY T. GARCIA
SK Fed. Resident

APPROVED:


HON. MICHAEL DRAGON T. JAVIER
Municipal Mayor

Republic of the Philippines
Province of Leyte
MUNICIPALITY OF JAVIER

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Sangguniang Bayan

CERTIFICATION

TO WHOM IT MAY CONCERN :

THIS IS TO CERTIFY that **ORDINANCE No. 2024-03 “ AN ORDINANCE AUTHORIZING THE MUNICIPAL TREASURER TO COLLECT BARANGAY CLEARANCE FEES IN THE APPLICATION FOR THE ISSUANCE OF BUSINESS PERMITS AND/OR LOCATIONAL CLEARANCE OF THE MUNICIPALITY OF JAVIER, LEYTE”** has been posted in the entrance of the Municipal Hall and two (2) conspicuous places in the municipality since June 04, 2024 and shall remain posted for three (3) consecutive weeks.


HON. EMMA M. ABUEVA
Municipal Vice-Mayor