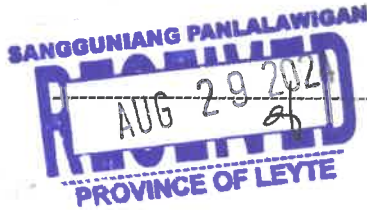




Republic of the Philippines  
**PROVINCE OF LEYTE**  
 Provincial Capitol  
 Palo, Leyte

Item No.: 14  
 Date: 03 2024 SEP

-oOo-



**PROVINCIAL LEGAL OFFICE**

**2<sup>nd</sup> INDORSEMENT**  
 August 22, 2024

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through SP Secretary, the attached Ordinance No. 23L.24-054 of the Sangguniang Bayan of Kananga, Leyte.

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

- Ordinance No. 23L.24-054 entitled: “An Ordinance Reclassifying Lot No.1-B-1, PSD-08-028756-D with an Area of 5,252 Square Meters, Situated in Barangay Lonoy, Kananga, Leyte from Agricultural Land Use to Agro-Industrial Land Use.

**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.<sup>1</sup> 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 Constitution<sup>2</sup>.

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."*

Hence, recommending the declaration of its validity.

<sup>1</sup> 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

<sup>2</sup> 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

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*



Republic of the Philippines  
PROVINCE OF LEYTE  
Palo, Leyte

**OFFICE OF THE SANGGUNIANG PANLALAWIGAN**

**1<sup>ST</sup> INDORSEMENT**  
17 July 2024



The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **Ordinance No. 23L.24-054** of the **MUNICIPALITY OF KANANGA, LEYTE**, entitled: **An Ordinance Reclassifying Lot No. 1-B-1, PSD-08-028756-D with an Area of 5,252 Square Meters, Situated in Barangay Lonoy, Kananga, Leyte from Agricultural Land Use to Agro-Industrial Land Use.**

  
**ANDRE S. SANICO**  
Provl. Govt. Asst. Dept. Head



REPUBLIC OF THE PHILIPPINES  
PROVINCE OF LEYTE

MUNICIPALITY OF KANANGA

OFFICE OF THE SANGGUNIANG BAYAN



**23<sup>rd</sup> SANGGUNIANG BAYAN**

EXCERPTS FROM THE MINUTES OF THE REGULAR SESSION HELD BY THE 23<sup>rd</sup> SANGGUNIANG BAYAN OF KANANGA ON JULY 1, 2024 AT THE SB SESSION HALL, 2<sup>nd</sup> FLOOR, MUNICIPAL HALL.

**ORDINANCE NO. 23L.24-054**  
Series of 2024

**AN ORDINANCE RECLASSIFYING LOT NO. 1-B-1, PSD-08-028756-D WITH AN AREA OF 5,252 SQUARE METERS, SITUATED IN BARANGAY LONOY, KANANGA, LEYTE FROM AGRICULTURAL LAND USE TO AGRO-INDUSTRIAL LAND USE.**

**PREFATORY STATEMENT**

**WHEREAS**, the spouses Ferdinand B. Borela and Gina Linda D. Borela, the owners of Lot No. 1-B-1, Psd-08-028756-D with an area of 5,252 square meters, situated in Barangay Lonoy, Kananga, Leyte, thru a letter dated November 15, 2023 duly signed by Mr. Borela, requested the Sangguniang Bayan for reclassification of the use of the said land from agricultural to agro-industrial;

**WHEREAS**, the submitted documents include the Transfer Certificate of Title No. 115-2018000159 covering the land, Tax Declaration, Subdivision Plan, Certificate of Zoning Compliance, Certification from the Municipal Agriculture Office, National Irrigation Administration and Certification from the DAR;

**WHEREAS**, an intensive perusal of the proposed reclassification was jointly conducted by the Committee on Rules and Laws and the Committee on Urban Development, Zoning and Public Works, and after series of meetings and consultation, and the applicants' compliance of the required documents, positive view regarding the classification was recommended as embodied in the Joint Committee Report No. 2023-23-116;

**WHEREAS**, the Office of the Municipal Agriculturist of Kananga issued a Certification dated August 30, 2023, certifying that the area ceases to be economically feasible and no longer sound for agricultural production and the same is not irrigated land. The DAR Leyte-Biliran Provincial Office issued a Certification dated August 29, 2017 certifying that the land is not covered by CARP. The CENRO in Ormoc City issued a Certification dated January 17, 2024 certifying that the said parcel of land is within the Alienable and Disposable Area. Certification of the DENR Regional Office VIII also certifies that the said land is outside the scope and coverage of ENIPAS Act of 2018;

**WHEREAS**, a public hearing was conducted regarding the proposal on June 18, 2024 and no objection was heard during the hearing up to the time of the approval of this ordinance;

**WHEREAS**, the subject area for reclassification meets all the requirements of the provision of Section 20 of Republic Act No. 7160, which provides that: "(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

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be limited to the following percentage of the total agricultural land area at the time of the passage of the ordinance: (1) For highly urbanized and independent component cities, fifteen percent (15%); (2) For component cities and first to third class municipalities, ten percent (10%);

**NOW THEREFORE, BE IT ORDAINED**, as it is hereby ordained by the 23<sup>rd</sup> Sangguniang Bayan of Kananga, Leyte on a regular session duly assembled on July 1, 2024 and upon motion of SB Member Brenzon C. Cabintoy, seconded *en masse*, to wit:

**SECTION 1. TITLE** - This Ordinance shall be known as "An Ordinance Reclassifying Lot No. 1-B-1, Psd-08-028756-D with an area of 5,252 square meters, situated in Barangay Lonoy, Kananga, Leyte from Agricultural Land Use to Agro-Industrial Land Use."

**SECTION 2. RECLASSIFICATION** - The property owned by spouses Ferdinand B. Borela and Gina Linda D. Borela, particularly Lot No. 1-B-1, Psd-08-028756-D with an area of 5,252 square meters, situated in barangay Lonoy, Kananga, Leyte, covered by Transfer Certificate of Title No. 115-2018000159 is hereby reclassified from **AGRICULTURAL LAND USE** to **AGRO-INDUSTRIAL LAND USE**.

**SECTION 3. MANNER OF UTILIZATION** - The subject land shall be strictly utilized in accordance with the Municipal Zoning Ordinance of Kananga, Leyte and other applicable laws, rules and regulations.

**SECTION 4. EFFECTIVITY** - This Ordinance shall take effect upon approval.

**UNANIMOUSLY APPROVED.**

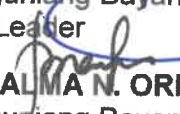
**APPROVED BY THE SANGGUNIANG BAYAN OF KANANGA AT ITS REGULAR SESSION ON JULY 1, 2024.**

AYES : ( 9 )  
NAYS : ( 0 )

  
**HON. FERNANDO M. ASEO**  
Sangguniang Bayan Member/Floor Leader


  
**HON. RESURRECCION C. CAPANAS**  
Sangguniang Bayan Member/Assistant Floor Leader

  
**HON. BRENZON C. CABINTOY**  
Sangguniang Bayan Member


  
**HON. ALMA N. ORFANO**  
Sangguniang Bayan Member


  
**HON. RUDY COGAY**  
Sangguniang Bayan Member

  
**HON. MINERVA M. BULAWIT**  
Sangguniang Bayan Member

  
**HON. RICHIE C. CRUZ**  
Sangguniang Bayan Member

(on leave)  
**HON. ALLAN ESPINOSA**  
Sangguniang Bayan Member

  
**HON. VICTORIANO L. GLOBA**  
Liga ng mga Barangay (LnB) President,  
*Ex-Officio Member*

  
**HON. MARY DANIELA L. CUBERO**  
Pambayang Pederasyon ng mga  
Sangguniang Kabataan, President,  
*Ex-Officio Member*

I HEREBY CERTIFY to the correctness of the afore-quoted Ordinance.

  
**MARISEL B. DIZON**  
Temporary SB Secretary  
(Local Legislative Staff Assistant I)

ATTESTED:

  
**MIGUEL JORGE P. TAN**  
Vice Mayor/ Presiding Officer

APPROVED:

  
**MANUEL VICENTE M. TORRES**  
Municipal Mayor  
7/9/2024  
(Date)

Attachment of Ordinance No. 23L.24-054



Republic of the Philippines  
Province of Leyte  
Municipality of Kananga  
☪

## Office of the Sangguniang Bayan

Telephone No. (053) 5539173  
Email Address: sbkananga6531@gmail.com

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### CERTIFICATE OF PUBLIC HEARING

#### TO WHOM THIS MAY CONCERN:

THIS IS TO CERTIFY that a PUBLIC HEARING of the herein ordinance stated below was conducted on June 18, 2024 at Barangay Lonoy Covered Court, particularly described as follows:

**Municipal Ordinance No. 23L.24-054**  
Series of 2024

**"AN ORDINANCE RECLASSIFYING LOT NO. 1-B-1,  
PSD-08-028756-D WITH AN AREA OF 5,252 SQUARE  
METERS, SITUATED IN BARANGAY LONUY, KANANGA,  
LEYTE FROM AGRICULTURAL LAND USE TO AGRO-  
INDUSTRIAL LAND USE."**

This CERTIFICATION is issued pursuant to SP Resolution No. 2024-202-A dated May 21, 2024.

Done this 15<sup>th</sup> day of July 2024 in Kananga, Leyte



**Atty. ALLAN R. CASTRO**  
Board Secretary V  
(Secretary to the Sangguniang Bayan)



Republic of the Philippines  
Province of Leyte  
Municipality of Kananga  
-oOo-

Office of the Secretary to the Sangguniang Bayan

## **NOTICE OF PUBLIC HEARING**

**(Scheduled on June 18, 2024 at Barangay Covered Court, Barangay Lonoy, Kananga, Leyte)**

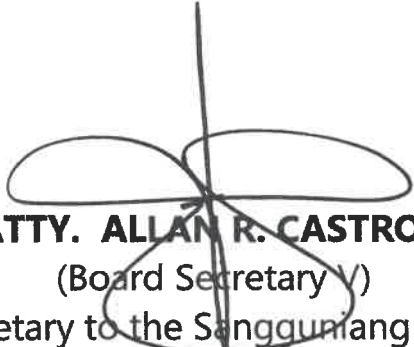
The public is hereby notified that a Public Hearing on the

1. Ordinance No. 23L.24-054– AN ORDINANCE RECLASSIFYING THE LAND USE OF LOT NO. 1-B-1 LOCATED IN BARANGAY LONOY, KANANGA, LEYTE WITH AN AREA OF FIVE THOUSAND TWO HUNDRED FIFTY TWO (5,252) SQUARE METERS, COVERED BY TRANSFER CERTIFICATE OF TITLE NO. 115-2018000159, REGISTERED IN THE NAME OF SPS. FERDINAND B. BORELA AND GINA LINDA D. BORELA, FROM AGRICULTURAL TO AGRO-INDUSRIAL LAND USE.

will be conducted by the 23<sup>rd</sup> Sangguniang Bayan of Kananga on the **18<sup>th</sup> day of June 2024, Tuesday, from 2:00 in the afternoon at the Barangay Covered Court, Barangay Lonoy, Kananga, Leyte.**

All interested parties / individuals are invited to attend the Public Hearing.

7 June 2024

  
**ATTY. ALLAN R. CASTRO**  
(Board Secretary)  
Secretary to the Sangguniang Bayan



Republic of the Philippines  
Province of Leyte  
Municipality of Kananga  
☪

## Office of the Sangguniang Bayan

Telephone No. (053) 5539173  
Email Address: sbkananga6531@gmail.com

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July 16, 2024

### CERTIFICATE OF POSTING

#### TO WHOM THIS MAY CONCERN:

THIS IS TO CERTIFY that for the period July 9 to July 16, 2024 the copies of the **MUNICIPAL ORDINANCE NO. 23L.24-054 series of 2024, entitled: "AN ORDINANCE RECLASSIFYING LOT NO. 1-B-1, PSD-08-028756-D WITH AN AREA OF 5,252 SQUARE METERS, SITUATED IN BARANGAY LONOY, KANANGA, LEYTE FROM AGRICULTURAL LAND USE TO AGRO-INDUSTRIAL LAND USE"**:

1. Bulletin Board at the entrance of Municipal Hall, Kananga, Leyte
2. Post at the Kananga Public Market Rotonda, Kananga, Leyte and
3. Entrance to the Session Hall, Kananga, Leyte

Issued this 16<sup>th</sup> day of July, 2024 in Kananga, Leyte

**SAM JUNE NAVIA**  
Administrative Aide III





Republic of the Philippines  
Province of Leyte  
Municipality of Kananga

-oOo-

*Office of the Secretary to the Sangguniang Bayan*

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MINUTES OF PUBLIC HEARING HELD BY THE SANGGUNIANG BAYAN ON JUNE 18, 2024 AT THE BARANGAY COVERED COURT, BRGY. LONOY, KANANGA, LEYTE FOR THE MUNICIPAL ORDINANCE NO. 23L.24-054, SERIES OF 2024

- 1. Ordinance No. 23L.24-054– AN ORDINANCE RECLASSIFYING THE LAND USE OF LOT NO. 1-B-1 LOCATED IN BARANGAY LONOY, KANANGA, LEYTE WITH AN AREA OF FIVE THOUSAND TWO HUNDRED FIFTY TWO (5,252) SQUARE METERS, COVERED BY TRANSFER CERTIFICATE OF TITLE NO. 115-2018000159, REGISTERED IN THE NAME OF SPS. FERDINAND B. BORELA AND GINA LINDA D. BORELA, FROM AGRICULTURAL TO AGRO-INDUSRIAL LAND USE.**

(Attendance hereto attached)

The Public Hearing was conducted by the Office of the Sangguniang Bayan spearheaded by the Office of the Vice Mayor thru Facebook Page and Posting in the public places. The Public Hearing was attended by the Punong Barangay, Barangay Council and Residents of concerned barangay, Representative from the Offices of Municipal Planning, Assessor and Engineering and it was open at 2:35 in the afternoon with opening prayer led by Barangay Chairman of Brgy. Lonoy. The SB Secretary Atty. Allan R. Castro acted as the master of the ceremony. Before the introductory message of Atty. Castro he give the floor to the Municipal Vice Mayor Honorable Miguel Jorge P. Tan for his Welcome Address.

Hon. Tan said that reclassification of lot will also benefit the municipality in terms of income from real property taxes. Because when the agricultural lot reclassified its uses will be more valuable.


Hon. Ablen(Punong Barangay of Brgy. Lonoy) said that as Punong Barangay he is amenable for the application of reclassification of lot located in his barangay since the landowner introduced improvements in the land and this will benefit our barangay.

Hon. Capanas(Chairman of the Committee on Rules and Laws) said that Public Hearing is required to be held when agricultural land is being reclassified its uses and this is under Section 20 of the Local Government Code of 1991. Also the existing laws, required the council to conduct public hearing at the location of the proposed site for reclassification, so this is the purpose why we are here. This Public Hearing for ordinance reclassification of land owned by Mr.& Mrs. Ferdinand Borela and Gina Linda Borela located in your barangay from Agricultural to Industrial. He read and explained the provision of Section 20 of RA 7160 to be clear by the residents of the said barangay.

Mr. Borela(Applicant of reclassification) said that he gave thanks the Sangguniang Bayan Council headed by the Vice Mayor. He said that this reclassification will benefit the barangay, because it provide works and products among constituents.

The closing and final message was rendered by Hon. Alma N. Orfano-SB Member and public hearing formally ended at 3:10 PM.

Prepared by:

  
MARISEL B. DIZON  
Local Legislative Staff Assistant

Republic of the Philippines  
Province of Leyte  
Municipality of Kananga  
**SANGGUNIANG BAYAN OF KANANGA**


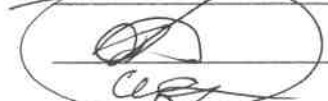

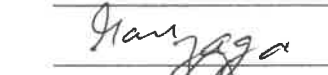


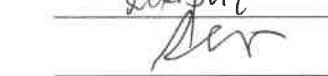
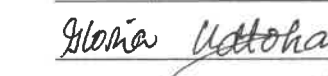


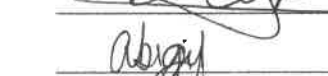
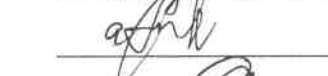





**PUBLIC HEARING**




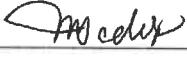

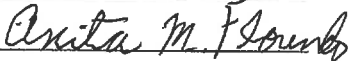

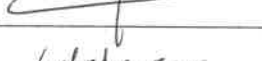



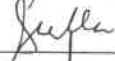
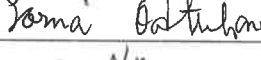
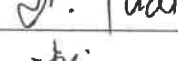


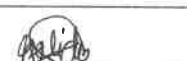

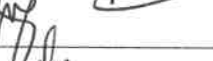
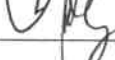
**ORDINANCE NO. 23L.24-054**  
(series of 2024)

**“AN ORDINANCE RECLASSIFYING THE LAND USE OF LOT NO. 1-B-1  
LOACATED IN BARANGAY LONOY, KANANGA, LEYTE WITH AN AREA  
OF FIVE THOUSAND TWO HUNDRED FIFTY TWO (5,252) SQUARE METERS,  
COVERED BY TRANSFER CERTIFICATE OF TITLE NO. 115-2018000159,  
REGISTERED IN THE NAME OF SPS. FERDINAND B. BORELA AND GINA  
LINDA D. BORELA, FROM AGRICULTURE TO AGRO-INDUSTRIAL LAND  
USE.”**

**BARANGAY LONOY COVERED COURT**  
Kananga, Leyte  
June 18, 2024  
2:00 P.M.

**Attendance Sheet**

NAME	OFFICE /ADDRESS	SIGNATURE
1. Roscoe Hermoso	OIC - Assessor	
2. Marita G. Galado		
3. Elizabeth	Villgas	
4. JIMMY GALADO		
5. Virginia Gonzaga		
6. Sabenista L. Olla	Imay	
7. Rolando D. Mayo	IV	
8. Elenita J. Corpuz		
9. Dissy	Lariba	
10. Glorina Utohan	Lonoy	
11. REX CAPANZA	CB	
12. MIGUEL JORGE P. TAN	VMU/Lon	
13. RICHIE CRUZ	SBM	
14. Abegil Abonita		
15. Emigrita C. Serato	Kagawad	
16. BULAWIT, FRANCISCO	IKAWAD	
17. GINA D. BORELA		

NAME	OFFICE/ADDRESS	SIGNATURE
18. <u>Felberto L. Florindo</u>		
19. <u>Jesus Tude</u>		
20. <u>Danezo Cabradia</u>		
21. <u>Ma Victoria S. Dadop</u>		
22. <u>Rina O. Mendoza</u>		
23. <u>Virginia Nodab</u>	Lonoy	
24. <u>Anita Florindo</u>	Lonoy	
25. <u>Elena Odtuhan</u>	Lonoy	
26. <u>Jany Odtuhan</u>	LONON	
27. <u>Jaime S. Duesan</u>	LONON	
28. <u>BENJAMIN BONDOL</u>	KANAWAN	
29. <u>Janice Labartine</u>	Zone 2	
30. <u>MARVA M. BULAWIT</u>	SBM	
31. <u>Lucy Arnoca</u>		
32. <u>Ana Cecilia Bulawit</u>	Lonoy	
33. <u>Lea P. Cellar</u>	LONON	
34. <u>BENJIE BANCAL</u>	LONON	
35. <u>Lorna Odtuhan</u>	Lonoy	
36. <u>Jandri Angela Flores</u>	LONON	
37. <u>Relma Tudi</u>	Lonoy	
38. <u>Luzmila Sacay</u>	LONON zone 1	
39. <u>ROXAS L. STROT</u>	NPOO	
40. <u>Andrew B. Datan</u>	LONON	
41. <u>Lydia L. Francisco</u>	LONON	
42. <u>Angelita P. Pantosan</u>	LONON	
43. <u>MARLENEAN T. PARIUA</u>	LONON	
44. <u>ALLAN R. CASTRO</u>		
45. <u>MILCA A. CAMINADE</u>		
46. <u>MAKSEL B. DIEDU</u>		
47. _____		
48. _____		
49. _____		
50. _____		
51. _____		
52. _____		
53. _____		



REPUBLIC OF THE PHILIPPINES  
PROVINCE OF LEYTE  
MUNICIPALITY OF KANANGA  
**MUNICIPAL AGRICULTURE OFFICE**

**CERTIFICATION**


To whom it may concern,

THIS IS TO CERTIFY THAT a parcel of land registered to **FERDINAND B. BORELA** and **GINA LINDA D. BORELA** with Cadastral Lot No. **Lot 1-B-1, Psd-08-028756D, TCT No. 115-2018000159** with and area of **0.525 ha.** located in Brgy. Lonoy, Kananga, Leyte.

This is to certify further that said area ceases to be economically feasible and sound for agricultural production and the area is constructed with warehouse and parking area for trucks and other vehicles.

This is certification is issued for whatever legal purposes it may serve.

Given this 30<sup>th</sup> day of August, 2023 at the Municipal Agriculture Office, Poblacion, Kananga, Leyte.

  
**CARLITO J. TORREON**  
Municipal Agriculturist



Republic of the Philippines  
Province of Leyte  
Municipality of Kananga  
oOo



**MUNICIPAL PLANNING AND DEVELOPMENT DEPARTMENT**

**C E R T I F I C A T I O N**


**TO WHOM THIS MAY CONCERN:**

THIS IS TO CERTIFY that the parcel of land, Lot No. 1-B-1 (PSD-08-028756-D) with a total area of 5,252m<sup>2</sup> is within the "Agricultural Area/Zone" of Barangay Lonoy, Kananga, Leyte.

THIS CERTIFY FURTHER that this agricultural land subject for Land Reclassification is within the limit of allowable agricultural land area for reclassification.

TOTAL AREA OF AGRICULTURAL LAND (Ha.)	ALLOWABLE AREA FOR RECLASSIFICATION (Ha.)	RECLASSIFIED AGRICULTURAL LAND TODATE (Ha.)	REMAINING AREA ALLOWABLE FOR RECLASSIFICATION (Ha.)
7,434.00	743.40	178.05	565.35

Done and given this 16<sup>th</sup> day of July 2024 at the Municipal Planning and Development Department, Kananga Leyte, Philippines.

  
**DR. HENRY FAJARDO NICOLAS, REnP, MDA, PhD**  
Municipal Planning & Development Coordinator  
Zoning Administrator, Kananga, Leyte