



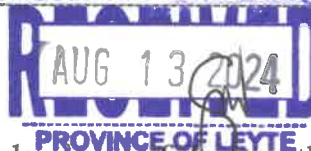
Republic of the Philippines
PROVINCE OF LEYTE
Provincial Capitol
Tacloban City

-oOo-

PROVINCIAL LEGAL OFFICE

SANGGUNIANG PANLALAWIGAN

2nd INDORSEMENT
August 2, 2024



Item No.: 06
Date: 20 2024 AUG



Respectfully returned to the Sangguniang Panlalawigan of Leyte, through SP Secretary, the attached Ordinance No. 187, series of 2024 of the Sangguniang Bayan of Matag-ob, Leyte.

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

- Ordinance No. 187, series of 2024 entitled: **An Ordinance Establishing an Irrigation Management Control in the Municipality of Matag-ob, Leyte.**

REVIEW/RECOMMENDATION/LEGAL OPINION:

This office is of the opinion that the subject Ordinance is within the power covered particularly under Section 16¹ - General Welfare Clause and Section 447(1)(iii)² of the Local Government Code of 1991 (R.A 7160). 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.

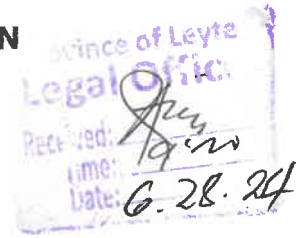
ATTY. JOSE RAYMUND A. ACOL
Asst. Provincial Legal Officer

¹ Section 16 Every local government unit shall exercise the power expressly granted, those necessarily implied there from, as well as powers necessary, appropriate, or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare. xxx

² Section 447(1)(iii) Approve ordinances imposing a fine not exceeding Two Thousand Five Hundred pesos (P2,500.00)xxx

Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte

OFFICE OF THE SANGGUNIANG PANLALAWIGAN



1ST INDORSEMENT
27 June 2024

The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **Municipal Ordinance No.187**, series of 2024 of the **Municipality of Matag-ob, Leyte**, entitled: **An Ordinance Establishing an Irrigation Management Control in the Municipality of Matag-ob, Leyte.**


FLORINDA JIL S. UYVICO
Secretary to the Sangguniang



Republic of the Philippines
Province of Leyte
MUNICIPALITY OF MATAG-OB
-o0o-

COPY FOR

SB : _____
MMO : _____
OTHERS : JP _____

OFFICE OF THE SECRETARY TO THE SANGGUNIAN

INDORSEMENT

June 10, 2024

HONORABLE LEONARDO "SANDY" JAVIER
Vice-Governor
Presiding Officer
Sangguniang Panlalawigan of Leyte

Sir:

Respectfully forwarding to your good office the herein attached Municipal Ordinance No. 187 series 2024, of the Sangguniang Bayan of Matag-ob, Leyte, titled: "AN ORDINANCE ESTABLISHING AN IRRIGATION MANAGEMENT CONTROL IN THE MUNICIPALITY OF MATAG-OB, LEYTE.", for review and approval by the Sangguniang Panlalawigan.

Respectfully,


ANA MARIA SANORIA-ECIJA
Secretary to the Sanggunian





COPY FOR

SB

MMO

OTHERS

JP

Republic of the Philippines

Province of Leyte

MUNICIPALITY OF MATAG-OB

OFFICE OF THE SANGGUNIANG BAYAN

I HEREBY CERTIFY that the foregoing ordinance was duly enacted by the Sangguniang Bayan in regular session assembled:

ANA MARIA SANORIA-ECIJA
Secretary to the Sanggunian

ATTESTED:

HON. ROMEO N. ALBARIDA
Senior SB Member

HON. ARTEMIO T. ALMOROTO
SB Member

HON. JOEL N. DENOY
SB Member

HON. EVANGELINE C. CARNO
SB Member

HON. ORLANDO G. VIACRUSIS
SB Member

HON. EDUARDO E. TOLEDO
SB Member

ABSENT, on Leave

HON. PAOLO ANTONIO C. LAURENTE
SB Member

ABSENT, on O.B.

HON. RICARDO L. GIVA
SB Member

HON. ANA LOVE D. BORDEN
Ex-Officio Member, SK Fed. President

HON. JOEL G. TACOY
Ex-Officio Member, LNB President

HON. VINCENT LYNBERN P. TACOY
Municipal Vice-Mayor
Presiding Officer

EXCERPTS FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGUNIANG BAYAN OF MATAG-OB, LEYTE, HELD AT THE LEGISLATIVE SESSION HALL ON MAY 27, 2024.

**MUNICIPAL ORDINANCE NO. 187 series 2024
(Proposed Municipal No. 202)**

AN ORDINANCE ESTABLISHING AN IRRIGATION MANAGEMENT CONTROL IN THE MUNICIPALITY OF MATAG-OB, LEYTE.

Author : Hon. Artemio T. Almoroto
Co-author : Hon. Romeo N. Albarida
Hon. Eduardo E. Toledo
Hon. Evangeline C. Carno
Hon. Ricardo L. Giva
Hon. Orlando G. Viacrusis

Section 1. Title. This ordinance shall be known as "An Ordinance Establishing an Irrigation Management Control and Allocating Funds Thereof".


Section 2. Definition of Terms. When used in the context of this Ordinance, the following terms shall be construed as follows:

- a. National Irrigation Administration – A government owned and controlled corporations created under RA 3601, amended by PD 552, mandated to developed irrigation System and maintenance hereof.
- b. Irrigation Structures and Facilities – refers to all structures and facilities provided in a particular irrigation system;
- c. Water Delivery Request – permit granted by the NIA and IA to individual water-users for particular cropping system;
- d. Irrigators Association/cooperatives – Organization of irrigation water users duly registered with accredited government agencies.





I HEREBY CERTIFY that the foregoing ordinance was duly enacted by the Sangguniang Bayan in regular session assembled:


ANA MARIA SANORIA-ECIJA
Secretary to the Sanggunian

ATTESTED:


HON. ROMEO N. ALBARIDA
Senior SB Member


HON. ARTEMIO T. ALMOROTO
SB Member


HON. JOEL N. DENOY
SB Member


HON. EVANGELINE C. CARNO
SB Member


HON. ORLANDO G. VIACRUSIS
SB Member



HON. EDUARDO E. TOLEDO
SB Member

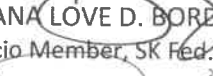
ABSENT, on Leave

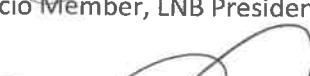
HON. PAOLO ANTONIO C. LAURENTE
SB Member

ABSENT, on O.B.

HON. RICARDO L. GIVA
SB Member


HON. ANA LOVE D. BORDEN
Ex-Officio Member, SK Fed. President


HON. JOEL G. TACOY
Ex-Officio Member, LNB President


HON. VINCENT LYNBERN P. TACOY
Municipal Vice-Mayor
Presiding Officer

e. Canal embankments – refers to canal earth banks built to carry irrigation water;

f. Road Easement- refers to canal and service road right of way.

Section 3. MIMB Creation. For effective management system, this ordinance hereby creates a Municipal Irrigation Management Board (MIMB).

Section 4. MIMB Composition. The composition of the Municipal Irrigation Management shall be as follows:


Chairperson : Municipal Mayor
Vice-Chair : SB Chair on Committee on Agriculture
Secretary : Municipal Agriculturist
Members : President, Irrigators' Association
Representative, National Irrigation Administration
Punong Barangays (where the Irrigation system is located)
Municipal Planning & development Coordinator (MPDC)
Chief of Police, PNP Matag-ob Station

Section 5. Functions. The duties and responsibilities of the Municipal Irrigation Management Board are as follows:

- Serve as the Municipal Irrigation Management Board on matters pertaining to irrigation programs and disputes;
- Implement pertinent statutes, ordinances, resolutions and program related to irrigation system;
- Support and supervise accredited Irrigators Association in the municipality;
- Recommend fund subsidy for programs, projects and activities;
- Impose penalties to the offenders as provided for in Section 5 hereof thru the/ assistance of the Police Officer;
- Perform other related functions pertaining to the welfare of irrigators;




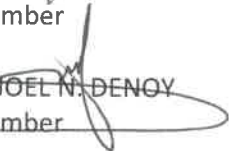
I HEREBY CERTIFY that the foregoing ordinance was duly enacted by the Sangguniang Bayan in regular session assembled:


ANA MARIA SANORIA-ECIJA
Secretary to the Sanggunian

ATTESTED:

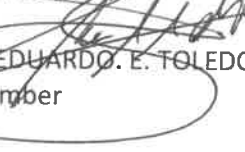

HON. ROMEO N. ALBARIDA
Senior SB Member


HON. ARTEMIO T. ALMOROTO
SB Member


HON. JOEL N. DENOY
SB Member


HON. EVANGELINE C. CARNO
SB Member


HON. ORLANDO G. VIACRUSIS
SB Member



HON. EDUARDO E. TOLEDO
SB Member

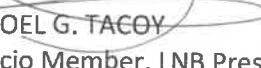
ABSENT, on Leave


HON. PAOLO ANTONIO C. LAURENTE
SB Member

ABSENT, on O.B.

HON. RICARDO L. GIVA
SB Member


HON. ANA LOVE D. BORDEN
Ex-Officio Member, SK Fed. President


HON. JOEL G. TACOY
Ex-Officio Member, LNB President



HON. VINCENT LYNBERN P. TACOY
Municipal Vice-Mayor
Presiding Officer

Section 6. Unlawful Acts. For effective irrigation management, this ordinance prohibits any person natural or juridical to do, commit and/or perform in any of the following acts:


- a. Destruction of irrigation facilities like canals, turnouts, farm ditches, concrete structures and theft on steel gates;
- b. Taking control in the use of irrigation water without authority from NIA authorities;
- c. Use of irrigation water not in accordance to NIA or Irrigators Association (IAs) water scheduling and to adopt planting schedule not in conformity with the approved cropping calendar;
- d. Illegal checking and diversion of water from NIA/IA supply irrigation canal;
- e. Deliberate wastage and spillage of irrigation water to creeks and drains. Planting of any kind of plants or cash crops (agricultural crops that are planted for the purpose of selling on the market or for export to make profit) on canal embankments/dikes and/or service roads and unauthorized construction of any structure within NIA road right of way;
- f. Tolerance of work animals to wallow in or traverse across the irrigation canal and the wilful tying of pigs and/or construction of pig pens at irrigation canal and or irrigation canal embankments;
- g. Obstruction attributed to illegal fishing installed and/or conducted inside the irrigation canal which impedes the flow of water;
- h. Dumping of garbage, human wastes and other wastes like remains of dead animals;
- i. Abatement and/or reduction of the original canal embankment width;
- j. Unauthorized sale, lease and/or collecting irrigation water rental.
- k. It shall be unlawful to use or divert irrigation water without an Approved Water Delivery Request from duly recognized Irrigators Association in accordance to the rules and regulations set and duly approved by the

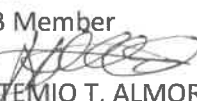



I HEREBY CERTIFY that the foregoing ordinance was duly enacted by the Sangguniang Bayan in regular session assembled:

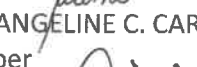

ANA MARIA SANORIA-ECIJA
Secretary to the Sanggunian

ATTESTED:

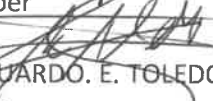

HON. ROMEO N. ALBARIDA
Senior SB Member


HON. ARTEMIO T. ALMOROTO
SB Member


HON. JOEL N. DENOY
SB Member


HON. EVANGELINE C. CARNO
SB Member


HON. ORLANDO C. VIACRUSIS
SB Member


HON. EDUARDO E. TOLEDO
SB Member

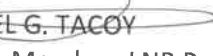
ABSENT, on Leave


HON. PAOLO ANTONIO C. LAURENTE
SB Member

ABSENT, on O.B.

HON. RICARDO L. GIVA
SB Member


HON. ANA LOVE D. BORDEN
Ex-Officio Member, SK Fed. President


HON. JOEL G. TACOY
Ex-Officio Member, LNB President


HON. VINCENT LYNBERN P. TACOY
Municipal Vice-Mayor
Presiding Officer

Irrigators Association and by the National Irrigation Administration.


- l. It shall be unlawful to any person to undertake land preparation of any farm lots using irrigation water provided by Irrigators Association with no approved with no approved Water Delivery Request.
- m. It shall be unlawful to construct, destroy, manipulate, take control and remove any irrigation fixtures, facilities, structures, measuring devices, head gates, turn-outs and other similar irrigation structures without authority from the Irrigators Association and the National Irrigation Administration.
- n. It shall be unlawful to construct structures such as shanties/makeshifts, pigpens including planting of trees and other crops along irrigation canals along irrigation canals, embankments and road easements.
- o. It shall be unlawful to dump noxious, poisonous substances and garbage along irrigation and drainage canals including other water ways within the municipal jurisdiction.
- p. It shall be unlawful to undertake fishing, wallowing and tying of animals along irrigation canals, dams, requiring manipulations of irrigation structures resulting to obstruction and diversion of irrigation water.
- q. It shall be unlawful to a higher and lower estate to construct works that will impede the flow of water or shall cause in the increased of water flow along natural waterways without the provision of alternative routes including works that may cause the extinguishing of easements.
- r. It shall be unlawful to undertake quarrying of sand and gravel materials and other mining activities within one (1) kilometer distance from boundaries of Dams, reservoirs and other irrigation infrastructure without written consent from the National Irrigation Administration and Irrigators Associated concerned.

Section 8. Penalties. Any person or group of persons who violates the provisions stipulated under Section 3 thereof shall be penalized in the following manner:

- a. First Offense - a written warning

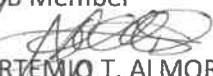



I HEREBY CERTIFY that the foregoing ordinance was duly enacted by the Sangguniang Bayan in regular session assembled:



ANA MARIA SANORIA-ECIJA
Secretary to the Sanggunian

ATTESTED:



HON. ROMEO N. ALBARIDA
Senior SB Member


HON. ARTEMIO T. ALMOROTO
SB Member


HON. JOEL N. DENOY
SB Member


HON. EVANGELINE C. CARNO
SB Member


HON. ORLANDO G. VIACRUSIS
SB Member



HON. EDUARDO. E. TOLEDO
SB Member

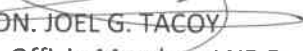
ABSENT, on Leave

HON. PAOLO ANTONIO C. LAURENTE
SB Member

ABSENT, on O.B.

HON. RICARDO L. GIVA
SB Member


HON. ANA LOVE D. BORDEN
Ex-Officio Member, SK Fed. President


HON. JOEL G. TACOY
Ex-Officio Member, LNB President


HON. VINCENT LYBBERN P. TACOY
Municipal Vice-Mayor
Presiding Officer

- b. Second Offense - a fine of Php 1,500.00
- c. Third Offense - a fine of Php 2,500.00
- d. Fourth Offense - an imprisonment of one month but not exceeding six months at the discretion of the court.

SECTION 9. REPEALING CLAUSE. All ordinances, rules, and regulations or parts thereof whose provisions are in conflict with or contrary to the provision of this ordinance are hereby repealed, amended or modified accordingly.

SECTION 10. AMENDMENTS. This ordinance may be amended or modified as necessary through the appropriate legislative process.

SECTION 11. EFFECTIVITY CLAUSE. This Ordinance Shall take effect within 10 days after its approval and shall be published in full for three (3) consecutive days in a newspaper of local circulation.

APPROVED by the Body with the following votes:

AYES: 8 Votes

1. HON. ROMEO N. ALBARIDA
Senior SB Member
2. HON. ARTEMIO T. ALMOROTO
SB Member
3. HON. JOEL N. DENOY
SB Member
4. HON. EVANGELINE C. CARNO
SB Member
5. HON. ORLANDO G. VIACRUSIS
SB Member
6. HON. EDUARDO. E. TOLEDO
SB Member
7. HON. ANA LOVE D. BORDEN
Ex-Officio Member, SK Fed. President
8. HON. JOEL G. TACOY
Ex-Officio Member, LNB President

NAYES: 0

ABSTAIN: 0

ENACTED this 27th. day of May, 2024.

I HEREBY CERTIFY the correctness of the foregoing ordinance duly enacted by the Sangguniang Bayan of Matag-ob, Leyte in regular session on May 27, 2024.



AN
ANA MARIA SANORIA-ECIJA
Secretary to the Sanggunian

**ATTESTED AND CERTIFIED
TO BE DULY ENACTED:**

HONORABLE ROMEO N. ALBARIDA
Senior SB Member

HONORABLE ARTEMIO T. ALMOROTO
SB Member

HONORABLE JOEL N. DENOY
SB Member

HONORABLE EVANGELINE C. CARNO
SB Member

HONORABLE ORLANDO G. VIACRUSIS
SB Member

HONORABLE EDUARDO E. TOLEDO
SB Member

ABSENT – on Leave

HONORABLE PAOLO ANTONIO C. LAURENTE
SB Member

ABSENT – on O.B.

HONORABLE RICARDO L. GIVA
SB Member

HONORABLE ANA LOVE D. BORDEN
Ex-Officio Member, SK Federation President

HONORABLE JOEL G. TACOY
Ex-Officio Member, LNB President

HONORABLE VINCENT LYNBERN P. TACOY
Municipal Vice-Mayor
Presiding Officer

APPROVED:

HONORABLE BERNANDINO G. TACOY
Municipal Mayor

Date Signed

6

Mun. Ord. #187

May 27, 2024



Republic of the Philippines
Province of Leyte
MUNICIPALITY OF MATAG-OB
-o0o-

OFFICE OF THE SECRETARY TO THE SANGGUNIAN

CERTIFICATION OF POSTING

THIS IS TO CERTIFY that copies of Municipal Ordinance No. 187 series 2024 of the Sangguniang Bayan of Matag-ob, Leyte, titled "AN ORDINANCE ESTABLISHING AN IRRIGATION MANAGEMENT CONTROL IN THE MUNICIPALITY OF MATAG-OB, LEYTE AND ALLOCATING FUNDS THEREOF.", are posted in Three (3) conspicuous places within the municipality of Matag-ob, Leyte for three consecutive weeks from May 27, 2024.

This certification is issued in compliance with Section 59 of R.A. 7160, otherwise known as the Local Government Code of 1991.

Issued this 10th. Day of June, 2024.


ANA MARIA SANORIA-ECIJA
Secretary to the Sanggunian

