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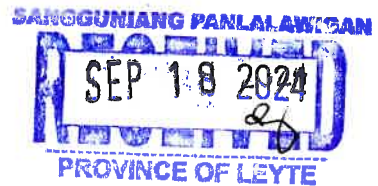
Republic of the Philippines  
PROVINCE OF LEYTE  
Municipality of Albuera

Item No.: 07  
Date: 25 2024 SEP

**OFFICE OF THE SANGGUNIANG BAYAN SECRETARIAT**

**TRANSMITTAL**

September 18, 2024



**Hon. Leonardo Javier, Jr.**  
Vice-Governor  
Province of Leyte  
Palo, Leyte

Thru: Florinda Jill S. Uyvico  
Secretary to the Sanggunian  
Province of Leyte

**Dear Vice Governor Javier:**

Respectfully transmitting herein the following documents in compliance to SP Resolution No. 2024-368, to wit:

1. Resolution No. 2024-159, "A Resolution respectfully submitting to the Sangguniang Panlalawigan of Leyte the rectified copy of Ordinance No. 2024-03 of Albuera, Leyte, entitled, "An Ordinance Reclassifying a Parcel of Land Designated as Lot No. 3336 with an area of 24,466 Square Meters located at Barangay Balugo, Albuera, Leyte from Production Agricultural Sub-Zone to Residential Zone to be used as Proposed Site for the 4PH Program of the Municipality," with all recommendations and legal points duly noted and embodied in the Prefatory Statements of the said ordinance."
2. **Ordinance No. 2024-03**, "An Ordinance reclassifying a parcel of land designated as Lot No. 3336 with an area of 24,466 square meters located at Barangay Balugo, Albuera, Leyte from Production Agricultural Sub-Zone to Residential Zone to be used as proposed site for the 4PH Program of the Municipality."

Please acknowledge receipt hereof.

Very truly yours,

**PAMELA M. BOHOLST, MPA**  
Secretary to the Sangguniang Bayan I



Republic of the Philippines  
PROVINCE OF LEYTE  
Municipality of Albuera

OFFICE OF THE SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF THE 111<sup>TH</sup> REGULAR SESSION OF THE SANGGUNIANG BAYAN TERM 2022-2025  
HELD AT THE SB SESSION HALL, ALBUERA, LEYTE ON SEPTEMBER 16, 2024

RESOLUTION NO. 2024 – 159

**A RESOLUTION RESPECTFULLY SUBMITTING TO THE SANGGUNIANG PANLALAWIGAN OF LEYTE THE RECTIFIED COPY OF ORDINANCE NO. 2024-03 OF ALBUERA, LEYTE, ENTITLED, "AN ORDINANCE RECLASSIFYING A PARCEL OF LAND DESIGNATED AS LOT NO. 3336 WITH AN AREA OF 24,466 SQUARE METERS LOCATED AT BARANGAY BALUGO, ALBUERA, LEYTE FROM PRODUCTION AGRICULTURAL SUB-ZONE TO RESIDENTIAL ZONE TO BE USED AS PROPOSED SITE FOR THE 4PH PROGRAM OF THE MUNICIPALITY" WITH ALL THE RECOMMENDATIONS AND LEGAL POINTS DULY NOTED AND EMBODIED IN THE PREFATORY STATEMENTS OF THE SAID ORDINANCE**

**WHFEREAS**, Ordinance No. 2024-03 has been enacted and approved on 3<sup>rd</sup> and Final Reading by the august Sangguniang Bayan of Albuera, Leyte in open Session last July 22, 2024 and copies thereof were submitted to the Sangguniang Panlalawigan of Leyte for review and final approval;

**WHEREAS**, the Provincial Legal Office, in its endorsement of the matter to the Sangguniang Panlalawigan dated August 27, 2024, laid down its review/recommendations/legal opinion relative to said Ordinance;

**WHEREAS**, said review/recommendations/legal opinions are duly noted, and in compliance therewith, the same had been rectified with all the recommendations and legal points duly embodied in the prefatory statements of the said Ordinance;

**WHEREFORE**, on motion of Hon. Ana Liza E. Dela Victoria unanimously seconded by all members present, be it

**RESOLVED**, by the Sangguniang Bayan to respectfully submit to the Sangguniang Panlalawigan of Leyte the rectified copy of Ordinance No. 2024-03 of Albuera, Leyte, entitled, "AN ORDINANCE RECLASSIFYING A PARCEL OF LAND DESIGNATED AS LOT NO. 3336 WITH AN AREA OF 24,466 SQUARE METERS LOCATED AT BARANGAY BALUGO, ALBUERA, LEYTE FROM PRODUCTION AGRICULTURAL SUB-ZONE TO RESIDENTIAL ZONE TO BE USED AS PROPOSED SITE FOR THE 4PH PROGRAM OF THE MUNICIPALITY" with all the recommendations and legal points duly noted and embodied in the prefatory statements of the said Ordinance;

**RESOLVED FURTHER**, that the rectified copy of the said Ordinance be found compliant with the review/recommendations/legal opinions of the Provincial Legal Office so as to warrant its favorable approval by the Sangguniang Panlalawigan of Leyte;

**RESOLVED FINALLY**, that copies of this resolution be furnished the Office of the Sangguniang Panlalawigan of Leyte, and the Provincial Legal Office for their information.

**PASSED AND APPROVED** this 16<sup>th</sup> day of September 2024 during the 111<sup>th</sup> Regular Session of the Sangguniang Bayan Term 2022-2025 held at the SB Session Hall, Albuera, Leyte.

ATTESTED:

MARY JANE R. GAGILA  
SB Member I

MANUEL E. BANTASAN  
SB Member I

ANA LIZA E. DELA VICTORIA  
SB Member I

MARJUN P. MAGNO  
SB Member I

Absent  
ANTHONY V. BARTE  
SB Member I

ALBERTO P. SUMALJAG  
LnB President/Ex-Oficio Member

PROTACIO RIZALITO M. CENIZA  
SB Member I

LENY S. BILBAO  
SB Member I

O.B. Tacloban City  
BERNARD JOEY D. MESTULA  
PPSK President/Ex-Oficio Member

I HEREBY CERTIFY to the correctness of the foregoing resolution.

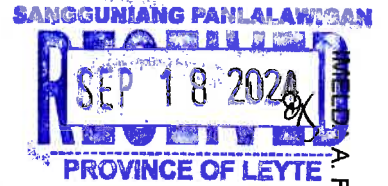
PAMELA M. BOHOLST, MPA  
Secretary to the Sangguniang Bayan I

APPROVED:

ROXANNE R. ZALDIVAR  
Municipal Vice-Mayor/Presiding Officer



Republic of the Philippines  
PROVINCE OF LEYTE  
Municipality of Albuera



OFFICE OF THE SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF THE 111<sup>TH</sup> REGULAR SESSION OF THE SANGGUNIANG BAYAN HELD AT THE SB SESSION HALL OF ALBUERA, LEYTE ON SEPTEMBER 16, 2024

ORDINANCE NO. 2024-03

**AN ORDINANCE RECLASSIFYING A PARCEL OF LAND DESIGNATED AS LOT NO. 3336 WITH AN AREA OF 24,466 SQUARE METERS LOCATED AT BARANGAY BALUGO, ALBUERA, LEYTE FROM PRODUCTION AGRICULTURAL SUB-ZONE TO RESIDENTIAL ZONE TO BE USED AS PROPOSED SITE FOR THE 4PH PROGRAM OF THE MUNICIPALITY**

INTRODUCED BY: HON. ANA LIZA E. DELA VICTORIA

PREFATORY STATEMENT

The **Pambansang Pabahay Para sa Pilipino Program**, also known as the **4PH Program**, is the national housing program of the Philippine Government which was launched in September 2022 with the goal of having zero informal settlers by 2028.

There is a need for an appropriate site for the implementation of the aforesaid Program in Albuera, Leyte, a 3<sup>rd</sup> Class Municipality.

A suitable and accessible parcel of land, currently classified as Production Agricultural Sub-Zone, designated as Lot No. 3336 with an area of 24,466 square meters located at Barangay Balugo, Albuera, Leyte has been offered as proposed site for the 4PH Program of the Municipality.

There is a pressing need for the reclassification of said parcel of land from Production Agricultural Sub-Zone to Residential Zone in order to give way to the implementation of the 4PH Program in the Municipality which would greatly benefit our constituents, increase economic activity in the area, and raise the commercial value of the property once the Program is implemented.

Pursuant to the provision of Section 20 of RA 7160, otherwise known as the Local Government Code of 1991, the proposed reclassification is still within the percentage limit, which is ten percent (10%), of the total agricultural land area of Albuera, Leyte at the time of the passage of this ordinance.

The Municipal Agriculture Office upon inspection issued a certification dated April 22, 2024 based on its findings ..... *“that the above-mentioned lot has existing residential houses, no present irrigation facility or other agri-infrastructure related projects, with a limited mat of bananas, and the existence of more or less 80 hills of coconut trees that stretch along the north western portion of the property,”* and certified further that ..... *“the presence of coconut trees is incommensurable for the actual size of the land, instead it has a greater economic importance for residential purposes as described in the above findings.”*

The Municipal Agriculture Office issued another certification that ..... *“as per approved Comprehensive Land Use Plan (CLUP) covering the Year 2022 – 2031 the total agricultural area of the municipality is 7,741.4192 hectares,”* and certified further ..... *“that the total area*

SIXTO B. DELA VICTORIA  
Municipal Mayor

ANTHONY V. BARTE

LENY S. BIRBAO

ANA LIZA E. DELA VICTORIA

ALBERTO M. SUMALJAG

BERNARD JOEY D. MESTULA

PAMELA M. BOHOLST

A. FADUL

ROXANNE R. ZALDIVAR

MARY JANE B. ...

MARLON P. MAGNO

PROTACIO RIZALITO M. CENIZA

MANUEL E. BANTASAN

*reclassified into other uses, including the applied area for reclassification which is 2.4466 hectares, does not exceed 10% of the total agricultural area of the municipality."*

**BE IT ORDAINED**, by the Sangguniang Bayan of Albuera, Leyte in Regular Session that:

**SECTION 1. AUTHORITY TO RECLASSIFY.** Section 20 of RA 7160 (LGC) provides that "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."

**SECTION 2. RECLASSIFICATION.** The parcel of land designated as Lot No. 3336 with an area of 24,466 square meters located at Barangay Balugo, Albuera, Leyte is hereby reclassified from Production Agricultural Sub-Zone to Residential Zone to be used as proposed site for the 4PH Program of the Municipality.

**FROM:**

**Barangay Balugo Existing and Proposed Land Use Area (CLUP 2022-2031)**

Land Use Category	Sub-Category	Existing land Area (in has.)	% to Total	Proposed Land Use Area (in has.)	% to total	Increase/Decrease (in hectares)
Urban Use Area	Residential	35.7650	4.65	54.6673	7.11	18.9023
Agriculture	Protection Agriculture	69.1254	8.99	69.1254	8.99	0.0000
	Production Agriculture	285.5110	37.11	247.0327	32.11	-38.4783

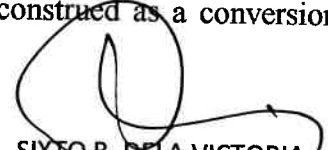
**TO:**

**Barangay Balugo Existing and Proposed Land Use Area (including the reclassified area – 2.4466 hectares)**

Land Use Category	Sub-Category	Existing land Area (in has.)	% to Total	Proposed Land Use Area (in has.)	% to total	Increase/Decrease (in hectares)
Urban Use Area	Residential	35.7650	4.65	57.1139	7.42	21.3489
Agriculture	Protection Agriculture	69.1254	8.99	69.1254	8.99	0.0000
	Production Agriculture	285.5110	37.11	244.5861	31.79	-40.9249

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

**SECTION 4. CONVERSION.** This ordinance shall not be construed as a conversion order.

  
**SIXTO B. DELA VICTORIA**  
 Municipal Mayor

ANTHONY V. BARTE  
 LENE S. BILBAO  
 ANA LIZA E. DELA VICTORIA  
 ALBERTO M. SUMALJAG  
 BERNARD JOEY D. MESTULA  
 PAMELA M. BOHOLST

IMELDA A. FADUL  
 ROXANNE R. ZALDIVAR  
 MARY JANE B. [Signature]  
 MARILYN P. MAGNO  
 PROTACIO RIZALTO M. CENIZA  
 MANUEL E. BANTASAN

**SECTION 5. EFFECTIVITY.** This ordinance shall take effect upon approval.

**APPROVED.**

**ENACTED BY THE SANGGUNIANG BAYAN OF ALBUERA, LEYTE TERM 2022 – 2025 DURING ITS 111<sup>th</sup> REGULAR SESSION HELD ON SEPTEMBER 16, 2024 AT THE SB SESSION HALL, ALBUERA, LEYTE.**

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

  
**MARY JANE B. CABELULA**  
SB Member I


  
**LENY S. BILBAO**  
SB Member I

  
**MARJUN P. MAGNO**  
SB Member I

  
**ANA LIZA E. DELA VICTORIA**  
SB Member I

  
**PROTACIO RIZALITO M. CENIZA**  
SB Member I


  
**ALBERTO C. SUMALJAG**  
LnB President/Ex-Officio Member

  
**MANUEL E. BANTASAN**  
SB Member I

O.B. Tacloban City  
**BERNARD JOEY D. MESTULA**  
PPSK President/Ex-Officio Member

Absent  
**ANTHONY V. BARTE**  
SB Member I

**I HEREBY CERTIFY** that this is a true and accurate copy of the Ordinance duly enacted by the Sangguniang Bayan of Albuer, Leyte Term 2022 – 2025 on its 104<sup>th</sup> Regular Session on July 22, 2024 at the SB Session Hall, Albuer, Leyte.

  
**PAMELA M. BOHOLST, MPA**  
Secretary to the Sangguniang Bayan I

  
**ROXANNE R. ZALDIVAR**  
SB Member I/Temporary Presiding Officer

APPROVED:  
  
**SIXTO B. DELA VICTORIA**  
Municipal Mayor  
Date: SEP 17 2024



Republic of the Philippines  
PROVINCE OF LEYTE  
Municipality of Albuera

**OFFICE OF THE SANGGUNIANG BAYAN**  
**ATTENDANCE SHEET**

111th REGULAR SESSION  
of the Sangguniang Bayan

SB Session Hall  
Venue

16 September 2024

No.	Name & Designation	Signature
1	Hon. IMELDA A. FADUL Mun. Vice Mayor / Presiding Officer	On Leave
2	Hon. ROXANNE R. ZALDIVAR SB Member	
3	Hon. MARY JANE B. CAGULA SB Member	
4	Hon. MARJUN P. MAGNO SB Member	
5	Hon. PROTACIO RIZALITO M. CENIZA SB Member	
6	Hon. MANUEL E. BANTASAN SB Member	
7	Hon. ANTHONY V. BARTE SB Member	On Leave
8	Hon. LENY S. BILBAO SB Member	
9	Hon. ANA LIZA E. DELA VICTORIA SB Member	
10	Hon. ALBERTO C. SUMALJAG ABC President, Ex-Officio	
11	Hon. BERNARD JOEY D. MESTULA SK Federation President, Ex-Officio	Official Travel

**CERTIFICATION**

I hereby certify that those who have affixed their signatures above, have actually attended the 111th Regular Session of the Sangguniang Bayan of Albuera, Leyte, held at the SB Session Hall on September 16, 2024

**PAMELA M. BOHOLST**  
Secretary to the Sangguniang Bayan



Republic of the Philippines  
**PROVINCE OF LEYTE**  
Palo, Leyte  
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**OFFICE OF THE SANGGUNIANG PANLALAWIGAN**

**EXCERPTS FROM THE MINUTES OF THE 103<sup>RD</sup> REGULAR SESSION OF THE SANGGUNIANG PANLALAWIGAN OF LEYTE CONDUCTED AT THE SESSION HALL, LEYTE PROVINCIAL GOVERNMENT COMPLEX, PALO, LEYTE, ON SEPTEMBER 3, 2024.**

**RESOLUTION NO. 2024-368**

**A RESOLUTION RETURNING TO THE SANGGUNIANG BAYAN OF ORIGIN ORDINANCE NO. 2024-03 OF ALBUERA, LEYTE FOR COMPLIANCE TO THE REQUIREMENTS FOR RECLASSIFICATION PURSUANT TO SECTION 20 OF RA 7160.**

**WHEREAS**, submitted to the Sangguniang Panlalawigan is **Ordinance No. 2024-03 of Albuera, Leyte** entitled: **"AN ORDINANCE RECLASSIFYING A PARCEL OF LAND DESIGNATED AS LOT NO. 3336 WITH AN AREA OF 24,466 SQUARE METERS LOCATED AT BARANGAY BALUGO, ALBUERA, LEYTE FROM PRODUCTION AGRICULTURAL SUB-ZONE TO RESIDENTIAL ZONE TO BE USED AS PROPOSED SITE FOR THE 4PH PROGRAM OF THE MUNICIPALITY"**;

**WHEREAS**, the Provincial Legal Office rendered its opinion/recommendation, to wit:

1. The said Ordinance is within the corporate powers of the Local Government Unit particularly covered under Section 447 of the Local Government Code;
2. Under Section 20, Chapter 1 of the Local Government Code, city or municipality is empowered, 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 and likewise finds support under Section 3, Article XII of the 1987 Constitution;
3. 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."*

-over-

4. DAR AO 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 criminal penalties in the said administrative order, the Secretary of Agrarian Reform simply implements the provisions of Section 73 and 74 of Republic Act No. 6657;
5. Thus, 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 residential, this office recommends that the **reason for reclassification of Lot No. 3336 shall be precisely stated in the Ordinance itself and the requirements in Section 20 shall be complied;**


**WHEREAS**, the August Body, deemed it proper to return said ordinance for compliance to the opinion of the Provincial Legal Office;

**NOW, THEREFORE**, on motion presented by Honorable Flaviano C. Centino, Jr., duly seconded by Atty. Carlo P. Loreto, Honorable Ma. Martina L. Gimenez, and Honorable MJ Luinly D. Lumen, be it

**RESOLVED**, as it is hereby resolved, to **RETURN TO THE SANGGUNIANG BAYAN OF ORIGIN ORDINANCE NO. 2024-03 OF ALBUERA, LEYTE, FOR COMPLIANCE TO THE REQUIREMENTS FOR RECLASSIFICATION PURSUANT TO SECTION 20 OF RA 7160.**

**Approved unanimously.**

**I HEREBY CERTIFY** to the correctness of the foregoing resolution.

  
**FLORINDA JILL S. JUVICO**  
Secretary to the Sanggunian

**ATTESTED:**

  
**HON. LEONARDO M. JAVIER, JR.**  
Vice Governor/Presiding Officer

Copy furnished:

LCE and the Sangguniang Bayan Members  
of Albuera, Leyte