

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

-000-

Item No.:

#### SANGGUNIANG PANLALAWIGAN PROVINCIAL LEGAL OFFICE



#### 2<sup>nd</sup> INDORSEMENT September 2, 2024

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through SP Secretary, the attached Ordinance No. 23L.24-055 series of 2024 of the Sangguniang Bayan of Kananga, Leyte.

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

Ordinance No. 23L.24-055 series of 2024 entitled: "An Ordinance Reclassifying Lot No. 10399-A Located at Primona Holy Infant Academy Barangay Poblacion, Kananga, Leyte with an Area of Ten Thousand (10,000) Square Meters, Covered by Transfer Certificate of Title No. 23862 from Agricultural to Institutional 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 20.1 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>&</sup>lt;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. ххх

<sup>&</sup>lt;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
-0-

# OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1<sup>st</sup> INDORSEMENT 27 August 2024 Pecified Tary

Respectfully indorsed to the **PROVINCIAL LEGAL OFFICE** the herein **ORDINANCE NO. 23L.24-055** series of **2024** of the **MUNICIPALITY OF KANANGA**, **LEYTE**, which is self explanatory, for review and recommendations.

FLORINDA III S. LYVICO Secretary to the Sanggunian



Republic of the Philippines
Province of Leyte
Municipality of Kananga

# Office of the Secretary to the Sangguniang Bayan

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

August 21, 2024

FLORINDA JILL S. UYVICO

Secretary to the Sanggunian Sangguniang Panlalawigan of Leyte Legislative Building, Capitol Complex Tacloban City

Dear SP Sec. Uyvico:



Respectfully submitted to your good office the herewith 13 copies of the Municipal Ordinance No. 23L.24-055, series of 2024 entitled: "AN ORDINANCE RECLASSIFYING LOT NO. 10399-A LOCATED AT PRIMONA HOLY INFANT ACADEMY BARANGAY POBLACION, KANANGA, LEYTE WITH AN AREA OF TEN THOUSAND (10,000) SQUARE METERS, COVERED BY TRANSFER CERTIFICATE OF TITLE NO. 23862 FROM AGRICULTURAL TO INSTITUTIONAL LAND USE".

Enacted by the 23<sup>rd</sup> Sangguniang Bayan of Kananga, for review and approval of the Sangguniang Panlalawigan of Leyte.

Hoping for your consideration on this matter.

Thank you.

ATTY. ALLAN R. CASTRO

Board Secretary (Secretary to the Sangguniang Bayan)

Very respectf



# REPUBLIC OF THE PHILIPPINES PROVINCE OF LEYTE

# PROVINCE OF LEYTE

# MUNICIPALITY OF KANANGA OFFICE OF THE SANGGUNIANG BAYAN

### 23rd SANGGUNIANG BAYAN

EXCERPTS FROM THE MINUTES OF THE REGULAR SESSION HELD BY THE 23<sup>rd</sup> SANGGUNIANG BAYAN OF KANANGA ON AUGUST 5, 2024 AT THE SB SESSION HALL, 2<sup>nd</sup> FLOOR, MUNICIPAL HALL.

ORDINANCE NO. 23L.24-055 Series of 2024

AN ORDINANCE RECLASSIFYING LOT NO. 10399-A LOCATED AT PRIMONA HOLY INFANT ACADEMY BARANGAY POBLACION, KANANGA, LEYTE WITH AN AREA OF TEN THOUSAND (10,000) SQUARE METERS, COVERED BY TRANSFER CERTIFICATE OF TITLE NO. 23862 FROM AGRICULTURAL TO INSTITUTIONAL LAND USE.

WHEREAS, the Administrator of the Primona Holy Infant Academy, Mr. Geoffrey C. Capanas, in his letter dated June 3, 2024 addressed to the Honorable Mayor Manuel Vicente M. Torres requested for recommendation and endorsement to the Sangguniang Bayan of Kananga the land use reclassification from Agricultural to Institutional Use the parcel of land known as Lot No. 10399-A with an area of Ten Thousand (10,000) square meters situated in Sitio San Agustin, Barangay Poblacion, Kananga, Leyte;

WHEREAS, on June 14, 2024, the Honorable Mayor Manuel Vicente M. Torres endorsed to this body the requested reclassification of land use;

WHEREAS, the submitted documents include the copy of title with TCT No. T-23862 registered in the name of Samuel Conejos, Deed of Absolute Sale executed by Samuel Conejos in favor of the Primona Holy Infant Academy, Tax Declaration, Sketch Plan, Certificate of Zoning Compliance, DENR Certification, 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. 2024-23-146;

WHEREAS, during the conduct of inspection and public hearing, it is found out that the actual land use is institutional, there being school situated thereon, and during the public hearing conducted on July 18, 2024, no oppositor has come out as to the concern of the proposed land use of the land as institutional:

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 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%)":



R

NOW THEREFORE, BE IT ORDAINED, as it is hereby ordained by the 23rd Sangguniang Bayan of Kananga, Leyte on a regular session duly assembled on August 5, 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. 10399-A with an area of Ten Thousand (10,000) square meters situated in Sitio San Agustin, Barangay Poblacion, Kananga, Leyte from Agricultural Land Use to Institutional Land Use."

SECTION 2. RECLASSIFICATION - The property owned by Primona Holy Infant Academy, particularly Lot No. 10399-A with an area of Ten Thousand (10,000) square meters situated in Sitio San Agustin, Barangay Poblacion, Kananga, Leyte, covered by Transfer Certificate of Title No. T-23862 is hereby reclassified from AGRICULTURAL LAND USE to INSTITUTIONAL 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 AUGUST 5, 2024.** 

AYES: (9)

NAYS: (0)

HON. FERNAND M. ASEO

Sangguniang Bayan Member/Floor Leader

HON BREMZON C. CABINTOY Sangguniang Bayan Member

(on leave)

HON. RUDY COGAY

Sangguniang Bayan Member

HON. RICHIE C. CRUZ

Sangguniang Bayan Member

HON. VICTORIANO L. GLOBA

Liga ng mga Barangay (LnB) President,

Ex-Officio Member

(on official travel)

HON. RESURRECCION C. CAPANAS

Sangguniang Bayan Member/Assistant

Floor Leader

HON. ALMA N. ORFANO

Sangguniang Bayan Member

HON. MINERVAUM

Sangguniang Bayan Member

HON. ALLAN ESPINOSA

Sangguniang Bayan Member

HON. MARY DANIELA L. CUBERO

Pambayang Pederesyon ng mga Sangguniang Kabataan, President,

Ex-Officio Member

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

(Board Secretary Secretary to the Sangguniang Bayan

ATTESTED:

MIGUEL JORGE P. TAN Vice Mayor/ Presiding Officer

APPROVED:

MANUEL VICENTE M. TORRES

Municipal Mayor 8 19 20 24

(Date)

# Attachment of Ordinance No. 231-24-005



# Office of the Sangguniang Bayan Telephone No. (053) 5539173 Email Address: sbkananga6531@gmail.com

### 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 July 18, 2024 at the GK Covered Court, Barangay Poblacion, Kananga, Leyte, particularly described as follows:

> Municipal Ordinance No. 23L.24-055 Series of 2024

"AN ORDINANCE RECLASSIFYING LOT NO. 10399-A LOCATED AT PRIMONA HOLY INFANT ACADEMY BARANGAY POBLACION , KANANGA, LEYTE WITH AN AREA OF TEN THOUSAND (10,000) SQUARE METERS, COVERED BY TRANSFER CERTIFICATE OF TITLE NO. 23862 FROM AGRICULTURAL TO INSTITUTIONAL LAND USE."

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

Done this 19th day of August 2024 in Kananga, Leyte

Atty. ALLAN R. CASTRO

Board Serretary V (Secretary to the Sangguniang Bayan)

### Office of the Secretary to the Sangguniang Bayan

MINUTES OF PUBLIC HEARING HELD BY THE SANGGUNIANG BAYAN ON JULY 18, 2024 AT THE BARANGAY COVERED COURT, BRGY. POBLACION, KANANGA, LEYTE FOR THE MUNICIPAL ORDINANCE NO. 23L.24-055, SERIES OF 2024

 Ordinance No. 23L.24-055- An Ordinance Reclassifying the Land Use of Lot No. 10399-A located at Primona Holy Infant Academy Barangay Poblacion, Kananga, Leyte with an area of Ten Thousand (10,000) square meters, covered by Transfer Certificate of Title No. 23862 from Agricultural to Institutional 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 Barangay Council of Brgy. Poblaion, Sangguniang Bayan Members, Mr. Ronald Serot-Representative from the Office of Municipal Planning, Mr. Carlito J. Torreon-Municipal Agriculturist and from the Office of Engineering, Mr. Claudio L. Jao-Municipal Engineer and Reranie C. Cadelena, the Teaching Staff of Primona Holy Infant Academy, Mr. Geoffrey Capanas-Reclassification Applicant and Residents of concerned barangay. The said public hearing open at 9:35 in the morning with a prayer led by Barangay Councilor of Brgy. Poblacion Hon. Paulita Cabugoy. The SB Secretary Atty. Allan R. Castro acted as the master of the ceremony.

Atty. Castro said that the Administrator of the Primona Holy Infant Academy, Mr. Geoffrey C. Capanas, in his letter dated June 3, 2024 addressed to the Honorable Mayor Manuel Vicente M. Torres requested for recommendation and endorsement to the Sangguniang Bayan of Kananga the land use reclassification from Agricultural to Institutional Use the parcel of land known as Lot No. 10399-A with an area of Ten Thousand (10,000) square meters situated in Sitio San Agustin, Barangay Poblacion, Kananga, Leyte. The application for reclassification include the copy of title with TCT No. T-23862 registered in the name of Samuel Conejos, Deed of Absolute Sale executed by Samuel Conejos in favor of the Primona Holy Infant Academy, Tax Declaration, Sketch Plan, Certificate of Zoning Compliance, DENR Certification, Certification from the Municipal Agriculture Office, National Irrigation Administration and Certification from the DAR. This 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.

Hon. Cabintoy(SB Member/Chairman of the Committee on Urban Development, Zoning and public Works) said that the existing laws, required the council to conduct public hearing at the location of the proposed site for reclassification. As the Chairman of the Committee on Urban Development, Zoning and Public Works we have an intensive perusal of the proposed reclassification jointly conducted by the Committee on Rules and Laws 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.

Hon. Aseo asked regarding the flood control of the area, to ensure the safety of teacher and students.

Hon. Orfano (SB Member/Chairman of the Committee on Environment) said as the Chairman of the Committee on Environment reclassification of land required for public hearing as required the law. As we overheard from the Chairman of the Zoning the applicant has complied all the required document for reclassification.

Mr. Carlito J. Torreon(Municipal Agriculturist) asked why is it need to reclassified its uses when the Municipal Planning Office has already declared it as Institutional thru Zoning Certificate.

Engr. Serot( Representative from the Planning Office) answered yes, it was already declared its uses thru Zoning Certification. The application for reclassification is to confirm the land used as Institutional, because under the Title the declaration is still Agricultural use. He added that under the existing laws that reclassification shall 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%) and we have payment of application in the amount of P600. He informed that the Municipality of Kananga already reclassified 170 hectares included the application of Mr. Borela.

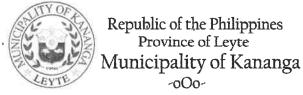
Engr. Jao answered regarding the concern of Hon. Aseo and for the information of everybody, he said that the applicant has already secured the Building Permit and Fence Permit for security purposes of school. The 1 hectare were school situated is elevated for flood protection.

Mr. Geoffrey Capanas(Reclassification Applicant) gave thanks to the council for conducting the public hearing and he informed that the school is protected from flooding and he assured the safety of the students and staff.

The public hearing formally ended at 10:22 AM.

Prepared by:

MARISEL BY DIZON
Local Legislative Staff Assistant



Office of the Secretary to the Sangguniang Bayan

# NOTICE OF PUBLIC HEARING

(Scheduled on July 18, 2024 at GK Covered Court, Barangay Poblacion, Kananga, Leyte)

The public is hereby notified that a Public Hearing on the

1. Ordinance No. 23L.24-055— An Ordinance reclassifying the land use of Lot No. 10399-A located at Primona Holy Infant Academy Barangay Poblacion, Kananga, Leyte with an area of Ten Thousand (10,000) square meters, covered by Transfer Certificate of Title No. 23862 from Agricultural to Institutional Land Use.

will be conducted by the 23<sup>rd</sup> Sangguniang Bayan of Kananga on the 18<sup>th</sup> day of July 2024, Thursday, from 9:00 in the morning at the GK Covered Court, Barangay Poblacion, Kananga, Leyte.

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

8 July 2024

ATTY. ALLAN R. CASTRO

(Board Secretary V)

Secretary to the Sangguniang Bayan

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

#### **PUBLIC HEARING**

ORDINANCE NO. 23L.24-055 (series of 2024)

"AN ORDINANCE RECLASSIFYING THE LAND USE OF LOT NO. 10399-A LOCATED AT PRIMONA HOLY INFANT ACADEMY, BARANGAY POBLACION, KANANGA, LEYTE WITH AN AREA OF TEN THOUSAND (10,000) SQUARE METERS, COVERED BY TRANSFER CERTIFICATE OF TITLE NO. 23862, FROM AGRICULTURAL TO INSTITUTIONAL LAND USE."

> GK COVERED COURT BARANGAY POBLACION Kananga, Leyte July 18, 2024 9:00 A.M.

#### **Attendance Sheet**

NAME	OFFICE /ADDRESS	SIGNATURE
1. SCOTTLEY CAPTURS	DEBURGED KANDON	
2. ALMA N. ORFANI	D SAM	Bul
3. BALENTON CABINTON	Sem	Jan 1
4. Paulitar V. Cabugay	Pab.	Joseph
5. ROVILO C- ORFANO		
6. Celedonno M. Mg	atal Pob.	maratad
7. Virginia V. Pawaa	en, Pob	Howara
8. Teofilo s Toga	ity 11	35
9. Judy ann U. Pawagan	/ 1	_ Jup
10. Maylinda Maguin	P16.	Maguir
11. DARLICA B. ABLEN	POBLACION	Gleen
12. Carlino J. lon	Le_	CA,
13. *** ASTO	1GV- PANHAHEA	
14. MAMSFE B. DJan	so styl	
15.201410 L. STROT_		
16. CLADDIO JAUA		
17. REPARIE C. CARRY	A MED	
17		1
		1

NAME	OFFICE/ADDRESS	SIGNATURE
18. RODFRICK C. GUARIN	PHIA	fre.
19. Mary Jeans Nucvo	BHIT	22
20. Princes I. Veyra	PHIA	WAR
21. Rialyn L. Rosiana	PH1A	aren lasts
22. Ruffa Max C. Hilman	Pthp	2446
23. Jamine Mare H. Olivers	PHIA	A.
24. Mary Joy G. Calbunilas	PHIA	(cabunlas
25. Genmalyn C. VIVablanca	PHIA	smallyn
26. Ma. Janu A. Castaño	PHIA	ning
27. ALLAN R. GASTRA	SPO SECRETARY	28
28. MILCA A CHMINAPE	SB OFFICE	1
29. GINA B. SAMBUE	STO OPPILLE	
30	<del>/</del>	
31		
32		
33		
34	V-	
35		
36		
37		
38		
39		
40		
41		
42		
43		
44		
45		-
46		<del></del>
47		
		u
49		
50		
51		-
52		
53		



PROVINCE OF LEYTE MUNICIPALITY OF KANANGA MUNICIPAL AGRICULTURE OFFICE

### CERTIFICATION

THIS IS TO CERTIFY THAT the lot under the name of SAMUEL CONEJOS with Cadastral Lot No. 10399 - A, TCT No. 23862, with an area of one (1) hectare located at San Agustin St., Brgy. Poblacion, Kananga Leyte with Geoffrey C. Capanas as administrator has applied for land conversion.

This is to certify further that the area has School buildings and not suitable for agriculture use and ceases to be economically feasible.

Given on the 27th day of May, 2024 at the Municipal Agriculture Office, Poblacion Kananga, Leyte.

> CARLITO J. TORREON Municipal Agriculturist

CERTIFIED TRUE COPY FROM ORIGINAL JUN 0 3 2024

> OOC. NO. 169 PAGENO: 30

NOTAR FUBLIC Real St., Poblaci

800K NO: 12 ATTORNEY Q 56468 SERIES OF 2024 N.C. No. ORM-2

valid until Dec 31, 2024 PTR No. (439133; IBP LT No. 011676; Leyte

TIN: 166-552-523







# Republic of the Philippines Province of Leyte Municipality of Kananga ooOoo



### MUNICIPAL PLANNING AND DEVELOPMENT DEPARTMENT

# CERTIFICATION

#### TO WHOM THIS MAY CONCERN:

THIS IS TO CERTIFY that parcel of land, Lot No. 10399-A covered by Certificate of Title No. T-23862 with a total area of 10,000m² is within the Institutional Zone of the Urban Area located in Barangay Poblacion, Kananga, Leyte in reference to the Municipal Zoning Ordinance No. 20L.16-94 of Kananga, Leyte.

THIS CERTIFY FURTHER that this parcel of land is already in the Institutional area of Kananga Leyte deducted from the allowable 10% of the locality's agricultural area and within the limit of the allowable agricultural land area for reclassification.

TOTAL AREA OF AGRICULTURAL LAND IN KANANGA	PREVIOUSLY RECLASSIFIED AGRICULTURAL LAND	ALLOWABLE AREA FOR RECLASSIFICATION
(Ha.)	(Ha.)	(Há. <u>)</u>
7,434.00	178.05	743.40

Done and given this 5<sup>th</sup> day of August 2024 at the Municipal Planning and Development Department, Kananga Leyte, Philippines.

Project Evaluation Officer
MPDO Kananga, Leyte

DR. HENRY FAJARDO NICOLAS, REnP, DPA

Municipal Planning & Development Coordinator

Zoning Administrator, Kananga, Leyte

NOT VALID WITHOUT SEAL OR No.: 9384403 Date Issued: July 22, 2024 Amount Paid: \$\mathbb{P} 600.00



# Office of the Sangguniang Bayan Telephone No. (053) 5539173 Email Address: sbkananga6531@gmail.com

August 20, 2024

## CERTIFICATE OF POSTING

### TO WHOM THIS MAY CONCERN:

THIS IS TO CERTIFY that for the period August 19 to August 26, 2024 the copies of the MUNICIPAL ORDINANCE NO. 23L.24-055 series of 2024, entitled: "AN ORDINANCE RECLASSIFYING LOT NO. 10399-A LOCATED AT PRIMONA HOLY INFANT ACADEMY BARANGAY POBLACION, KANANGA, LEYTE WITH AN AREA OF TEN THOUSAND (10,000) SQUARE METERS, COVERED BY TRANSFER CERTIFICATE OF TITLE NO. 23862 FROM AGRICULTURAL TO **INSTITUTIONAL 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 20th day of August, 2024 in Kananga, Leyte

Administrative Aide I