

Item No.: 17
Date: 10 2024 SEP

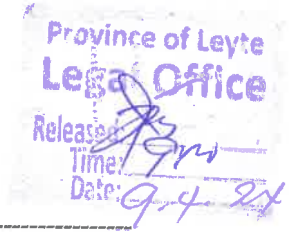


Republic of the Philippines
PROVINCE OF LEYTE
Provincial Capitol
Tacloban City

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PROVINCIAL LEGAL OFFICE



2nd INDORSEMENT
September 2, 2024

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through SP Secretary, the attached Ordinance No. 24-10 of the Sangguniang Bayan of Inopacan, Leyte.

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

- Ordinance No. 24-10 entitled: **“An Ordinance Imposing fees in Recreational Facilities Located at Reclamation Area in the Municipality of Inopacan, Province of Leyte.**

REVIEW/RECOMMENDATION/LEGAL OPINION:

This office is of the opinion that the Subject Ordinance is in accordance to its power under Section 447 (1)(iii)¹ and Section 447 (2)(ii)² of the Local Government Code of 1991 (R.A 7160). 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

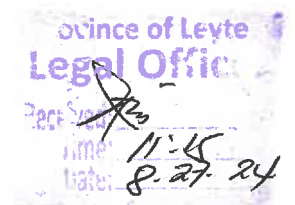
¹ Section 447(1)(iii) Approve ordinance imposing a fine not exceeding Two Thousand Five Hundred pesos (P2,500.00) xxx

² Section 447(2)(ii) Subject to the provisions of Book II of this Code and applicable laws and upon the majority vote of all the members of the Sangguniang bayan, enact Ordinances levying xxx, fees and charges, prescribing the rates thereof for general and specific purposes xxx

Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1ST INDORSEMENT
22 August 2024



The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **ORDINANCE NO. 24-10** of the **Municipality of Inopacan, Leyte**, entitled: An Ordinance Imposing Fees in Recreational Facilities Located at Reclamation Area in the Municipality of Inopacan, Province of Leyte.


FLORINDA JILL S. YVICO
Secretary to the Sanggunian



Republic of the Philippines
Province of Leyte
Municipality of Inopacan



15TH SANGGUNIANG BAYAN

21 August 2024

Honorable Leonardo Javier Jr.
Vice Governor/Presiding Officer
Sangguniang Panlalawigan of Leyte
Provincial Government Complex
Campetic, Palo, Leyte

Thru:

Ms. Florinda Jill S. Uyvico
Secretary to the Sanggunian
Sangguniang Panlalawigan of Leyte
Provincial Government Complex
Campetic, Palo, Leyte

Honorable Javier Jr.:

Forwarding herewith 1 original copy and 15 photocopies of **Ordinance No. 24-10** of the 15th Sangguniang Bayan of the Municipality of Inopacan, Province of Leyte, entitled "**AN ORDINANCE IMPOSING FEES IN RECREATIONAL FACILITIES LOCATED AT RECLAMATION AREA IN THE MUNICIPALITY OF INOPACAN, PROVINCE OF LEYTE**", for consideration by the Sangguniang Panlalawigan of Leyte.

Attached herewith is the Certificate of Posting, Certificate of Public Hearing with Minutes and Attendance Sheet *for reference*.

Sincerely,

MELANIE M. MATIN-AO, MPA
Secretary to the Sanggunian



Republic of the Philippines
 Province of Leyte
 Municipality of Inopacan
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15TH SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF THE SPECIAL SESSION OF THE
 15th SANGGUNIANG BAYAN OF INOPACAN, LEYTE HELD ON
 AUGUST 21, 2024 AT THE SB SESSION HALL

PRESENT:

Hon. Sanders C. Lumarda	-Vice Mayor, Presiding Officer
Hon. Fernando B. Rulete	-SB Member
Hon. Andrew B. Dedal	-SB Member
Hon. Zenaida G. de los Santos	-SB Member
Hon. Joel D. Bernales	-SB Member
Hon. Alfie Jian B. Yamson	-SB Member
Hon. Rowena K. Madrazo	-SB Member
Hon. Diosdado P. Siao	-SB Member
Hon. Panfila I. Alonzo	-SB Member (LnB Pres.)
Hon. Nathaniel Dave M. Katigbe	-SB Member (PSK Pres.)

ABSENT:

Hon. Daria D. Malanguis	-SB Member (official travel)
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WHEREAS, the Local Government Unit aims to improve the quality of sports as well as enhance a well-balanced and healthy environment in our Municipality;

WHEREAS, in year 2023, the Local Government Unit of Inopacan constructed recreational facilities situated at reclamation area, Barangay Poblacion, Inopacan, Leyte;

WHEREAS, it is deemed proper to impose fee on the use of electricity in order to cover the cost of maintenance;

NOW THEREFORE, premises considered, the Sangguniang Bayan in session assembled, be it

RESOLVED as it is hereby **RESOLVED** to enact the following;

Ordinance No. 24-10

“AN ORDINANCE IMPOSING FEES IN RECREATIONAL FACILITIES LOCATED AT RECLAMATION AREA IN THE MUNICIPALITY OF INOPACAN, PROVINCE OF LEYTE”



(ordinance no. 24-10 of the sangguniang bayan of inopacan, leyte dated august 21, 2024, continued)

BE IT ORDAINED by the Sangguniang Bayan of Inopacan, Leyte that;

SECTION 1. DEFINITION OF TERMS. As used in this Ordinance, the following terms shall mean:

- 1.1 Fee shall mean a payment made to the LGU in exchange for providing electricity and space;
- 1.2 Electricity shall mean a form of energy resulting from the existence of charged particles either statically or dynamically serve as current;
- 1.3 Rental shall mean an arrangement to pay an amount in exchange of providing LGU facility for a fee/tariff;
- 1.4 Recreational Facilities shall mean volleyball court and basketball court;

SECTION 2. SCOPE AND COVERAGE. This Ordinance shall cover all individuals willing to play basketball and volleyball games as well as using facilities of different occasions / or gatherings.

SECTION 3. IMPOSITION OF FEES. Persons who are willing to take part in any sports or use for different gatherings shall pay the following charges:

A. Electricity Fee

EVENTS	AMOUNT (PER HOUR)
1. Basketball	50.00 PHP
2. Volleyball	25.00 PHP
3. Others (birthday, wedding, rally, etc.)	100.00 PHP

B. Facility Rental

EVENTS	AMOUNT (without power)
1. Commercial displays/caravan sales/benefit dance/disco	500.00 PHP
2. Wedding/birthdays/anniversaries/reunions	300.00 PHP
3. Graduation/JS Prom/Acquaintance Party	300.00 PHP
4. Meetings	300.00 PHP
5. Religious/political rally	300.00 PHP

These gatherings exclude power consumption. Any activities that require electricity, recipients shall pay an additional charges as stipulated under Section 3.A of this Ordinance.

SECTION 4. Fees shall be paid to authorized agent assigned by the Municipal Treasurer's Office. Payment shall be made in accordance with the types of events. The Municipal Treasurer shall assign a collector in the premises.



(ordinance no. 24-10 of the sangguniang bayan of inopacan, leyte dated august 21, 2024, continued)

SECTION 5. Penalties. The following penalties shall be imposed for non-payment of fees in Recreational facilities in violation of this Ordinance:

1 st Offense	Php 500.00
2 nd Offense	1,000.00
3 rd & succeeding Offense	1,500.00

SECTION 6. Compromised Penalty. The Municipal Treasurer is hereby authorized to enter into a compromise settlement as may be mutually agreed upon by both parties.


SECTION 7. REPEALING CLAUSE. All ordinances, resolutions, orders and/or rules and regulations inconsistent herewith are hereby repealed and modified accordingly.

SECTION 8. SEPARABILITY CLAUSE. If any section or provision of this Ordinance is declared void or unconstitutional, the remaining section or provision thereof shall not be affected by such declaration.

Section 9. EFFECTIVITY CLAUSE. This Ordinance shall take effect after its approval.

ENACTED this 21st day of August 2024 at Inopacan, Leyte.

I **HEREBY CERTIFY** to the correctness of the foregoing Ordinance and that the same was enacted on the date above stated.


MELANIE M. MATIN-AO, MPA
 Secretary to the Sanggunian

ATTESTED:


HON. SANDERS C. LUMARDA
 Vice Mayor
 Presiding Officer

APPROVED:


HON. ROGELIO D. PUA, JR.
 Municipal Mayor

Date AUGUST 21, 2024














Republic of the Philippines
Province of Leyte
Municipality of Inopacan



15TH SANGGUNIANG BAYAN


CERTIFICATE OF POSTING

TO WHOM THIS MAY CONCERN:

THIS IS TO CERTIFY that copies of **Ordinance No. 24-10** of the 15th Sangguniang Bayan of the Municipality of Inopacan, Province of Leyte, entitled, **"AN ORDINANCE IMPOSING FEES IN RECREATIONAL FACILITIES LOCATED AT RECLAMATION AREA IN THE MUNICIPALITY OF INOPACAN, PROVINCE OF LEYTE "**, has been posted in the bulletin board in the municipal hall/building and in conspicuous places of this Municipality and will be posted as well in all the Barangay Halls of this Municipality.

This Certification is being made to facilitate consideration of the above-mentioned Municipal Ordinance by the Sangguniang Panlalawigan of Leyte.

Done this **21st** day of **August 2024**, at **Inopacan, Leyte**.


MELANIE M. MARTIN-AO, MPA
Secretary to the Sanggunian



Republic of the Philippines
Province of Leyte
Municipality of Inopacan



15TH SANGGUNIANG BAYAN

CERTIFICATION OF PUBLIC HEARING

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that on August 12, 2024, a public hearing had been conducted on the proposed Ordinance of the 15th Sangguniang Bayan of the Municipality of Inopacan, Province of Leyte, entitled, **"AN ORDINANCE IMPOSING FEES IN RECREATIONAL FACILITIES LOCATED AT RECLAMATION AREA IN THE MUNICIPALITY OF INOPACAN, PROVINCE OF LEYTE"**.

This Certification is being made to facilitate consideration of the aforementioned Municipal Ordinance by the Sangguniang Panlalawigan of Leyte.

Done this 21st day of August 2024, at Inopacan, Leyte.

A handwritten signature in black ink, appearing to read "Melanie M. Matin-Ao".

MELANIE M. MATIN-AO, MPA
Secretary to the Sanggunian



MINUTES OF THE PUBLIC HEARING OF THE PROPOSED MUNICIPAL ORDINANCE OF THE 15TH SANGGUNIANG BAYAN OF INOPACAN, LEYTE HELD ON AUGUST 12, 2024 AT THE SB SESSION HALL, NEW TOWN HALL, INOPACAN, LEYTE

1 **PRESENT: (Please see attached Attendance Sheet, also attached are the lists**
 2 **of personalities invited)**
 3

4 The proposed Ordinance submitted for public hearing is entitled, “An
 5 **Ordinance Imposing Fees in Recreational Facility Located at Reclamation Area**
 6 **in the Municipality of Inopacan, Province of Leyte”.**
 7

8 The public hearing started at 2:30 in the afternoon with an opening prayer
 9 through computer audio and was immediately followed by the singing of the national
 10 anthem synchronized with the computer audio.
 11

12 The Master of Ceremony (MC), Mr. Narcis Lean, SB Staff, after welcoming
 13 and thanked all the participants for their presence and taking part in the legislation
 14 process and mentioned the title of the proposed ordinance, acknowledged the
 15 Sangguniang Bayan Members present, namely: Honorable Andrew B. Dedal,
 16 Honorable Joel D. Bernales, Honorable Alfie Jian B. Yamson, Honorable Daria D.
 17 Malanguis, Honorable Diosdado P. Siao, Honorable Panfila I. Alonzo and Honorable
 18 Nathaniel Dave M. Katigbe. He as well acknowledged the Barangay Chairpersons
 19 and SK Chairpersons present, including those Barangay Kagawad representing its
 20 respective Punong Barangay, and the LGU Department Heads present. The MC
 21 encouraged everyone to raise their queries after the discussions of the proposed
 22 ordinance, and to introduce first before raising any question.
 23

24 **“An Ordinance Imposing Fees in Recreational Facility Located at**
 25 **Reclamation Area in the Municipality of Inopacan, Province of Leyte”**
 26

27 The MC gave the floor to the Author of the above-captioned Ordinance.
 28 Honorable Andrew B. Dedal, Author, as his introductory message, explained to all
 29 the participants that a public hearing is necessary since the proposed Ordinance
 30 involves fees and penalties. And by law, any collections of the same will be
 31 anchored to a legal basis, hence, the 15th Sangguniang Bayan has to enact an
 32 Ordinance for the purpose. Especially that it has been observed that the recreational
 33 facilities have serve its purpose and that the outcome/result is good, for the youth,
 34 among others. Considering the LGU’s investment and to compensate with the
 35 maintaining expenses (electricity cost, among others), hence, this Ordinance is
 36 being proposed.
 37

38 After confirming that each participant already had their copies of the proposed
 39 Ordinance, Honorable Dedal then discussed the entirety of the same, in details.
 40 Among others, in relation to Section 4, Honorable Dedal explained that the LGU is
 41 planning to install a *vendo*/vending machine for the payment of fees. He also
 42 presented the breakeven rates of both the basketball and volleyball courts, without
 43 the deductions yet of system loss, and the likes. As he also asked the rates of Brgy.
 44 Tinago Basketball Court, Honorable Alonzo replied that Php 100.00 per hour,
 45 considering the number of lights installed. Views and opinions were aired.
 46

47 Honorable Dedal encouraged each participant to go through the copies
 48 provided and as he opens the floor the open forum to hear out the sentiments from
 49 the attendees, Honorable Lester D. Bisnar, SK Chairman of Brgy. Conalum, posed a
 50 query if the Ordinance is open for reservations. Honorable Dedal replied
 51 affirmatively.



(minutes of the public hearing of the proposed municipal ordinance of the 15th sangguniang bayan of inopacan, leyte held on august 12, 2024, continued)


52 Mr. Gilbert Miranda, the BPLO Designate raised his concerns about the
53 switch control of the electricity. Honorable Dedal replied that currently, it is situated
54 at the BFP building. However, the Mayor is planning to transfer the switch to Action
55 Center which Mr. Miranda is in favor of it, so the Treasury Office would advise the in-
56 charge to switch on the electricity source upon agreed time, presenting the Official
57 Receipt as the users' proof of payment, and for the in-charge as well to keep a
58 record as to the end time of utilizing the facilities so they could monitor whenever an
59 additional fee has to be paid (in cases of time usage extensions). Honorable Siao
60 manifested that if ever the switch will be at the action center, there will be a tendency
61 that the switch will be turned off after utilizing the paid hour and what if the game is
62 not over yet (extended). Honorable Ramil M. Bague, Punong Barangay of
63 Cabulisan, asked if an additional payment is required whenever the use of facilities
64 exceed an hour, as paid. Honorable Dedal replied in affirmative. To this, Honorable
65 Bague suggested to use the *vendo* machine. Views and opinions were aired.

66
67 Honorable Siao relayed the queries of some participants, if there would be
68 exemptions whenever some barangays (having basketball tournament during fiesta)
69 preferred to hold the same at the recreational facilities at the reclamation area,
70 Honorable Dedal replied, no exemptions as tariff are presented in the proposed
71 Ordinance.


72
73 As Honorable Yamson and Honorable Siao asked the participants if they are
74 okay with the fees and penalties stipulated, there being no objections.

75
76 Since there being no other queries and questions, the public hearing ended at
77 3:07 in the afternoon, after the MC thanked all the participants for attending.

78
79 I HEREBY CERTIFY TO THE CORRECTNESS
80 OF THE FOREGOING:

81
82 
83 MELANIE M. MATIN-AO, MPA
84 Secretary to the Sanggunian

85
86 ATTESTED:

87 
88
89 HON. ANDREW B. DEBAL
90 SB Member
91 Author

92
93
94
95 HON. JOEL D. BERNALES
96 SB Member

97 
98 HON. DIOSNADO P. SIAO
99 SB Member

100
101 
102 HON. ALFIE JIAN B. YAMSON
103 SB Member

104 
105 HON. PANFILA I. ALONZO
106 SB Member

107
108 
109 HON. DARIA D. MALANGUIS
SB Member

106
107 
108 HON. NATHANIEL DAVE M. KATIGBE
109 SB Member



15th Sangguniang Bayan

Public Hearing






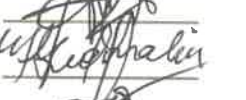


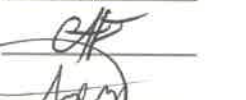

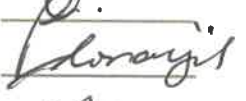
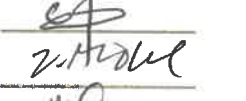










1. "AN ORDINANCE IMPOSING FEES IN RECREATIONAL FACILITY LOCATED AT RECLAMATION AREA IN THE MUNICIPALITY OF INOPACAN, PROVINCE OF LEYTE".

Date: August 12, 2024
Place: SB Session Hall
Time: 2:00 P.M.

ATTENDANCE SHEET

NAME	CONTACT NO.	ADDRESS	DESIGNATION	SIGNATURE
1. ROLANDO P. MADRADO	09684197321	CAN-ANGAY	PR.	
2. ALMA P. AMADOR	09061444981	Esperanza	Prty. Ing.	
3. Arnoldo P. Dugo		Baragay	Hinabay	
4. EVELYN B. DIXERA	09817765423	Brgy. Linao	Brgy. Prty.	
5. Janila J. Monty	09633363831	Tinago	LNB Prty.	
6. Margarita D. Comita	09633870600	Tao-taon	P.B.	
7. BAGUE PATIL M.	09356210802	CABULISAN	P.B.	
8. Rogelio P. Misur Jr		Linao	Brgy. SK Ehodan	
9. HAMERTO L. VILLAGRE		MAGAGO CO	P.B.	
10. Benideck M. Aguro		Can-angay	SK Chairperson	
11. Lester D. Bisnar		Conalam	SK Chairperson	
12. Refanels A. Desjano		MARA-O	Bigy. Chairperson	
13. Nathaniel Dave M. Katibe	09449789157	Guadalupe	SK Chairperson	
14. Irich D. Ruciana	09815940138	Macagro	SK Chairperson	
15. Edzel O. Pico		Hinabay	SK Chairperson	
16. Arman Godwin B. Quibay	09173184491	Esperanza	SK Chairperson	
17. GILBERT L. MIRANDA		IGPOBLADON	RCC I	
18. PEDRO DELAARO		LEU INOPACAN		
19. ANSEL M. CHONG		LEU	AA-1	
20. GLORIA B. DALMAICIO		CAULISITAN		
21. EPIFANIA C. DALMAICIO		CAULISITAN		
22. ANGEL O. PICO		Hinabay	PRSD	
23. CATHY LYN DIZONALES		Conalam	Admin	
24. JERJEN T. DANIELES		CAN-ANGAY	Admin	
25. FRANCIS NATHAN B. PANA		MARDO	Admin	

NAME	CONTACT NO.	ADDRESS	DESIGNATION	SIGNATURE
26. KYVIN KMAW				
27. AJIJE BERNALDE				
28. EJAY MAMBAT				
29. RUALO L. NORA				
30. LUPORTE, VEZEL				
31. VECEL D. SONIO				
32. ROBERT 199 BAMBANG				
33. MICHELLE G. DELA CRUZ				
34. AILEAN POLICTICO				
35. SHARU BLAR				
36. ROBERT MICHAEL PAW				
37. RONAMIE ROSENAS				
38. MATILDA PROJO				
39. PEA C. KUMORAY				
40. MAELYN D. SIMO				
41. NINA DANIE PENYU				
42. GERTRUDES DEDAL				
43. MONES, ANTHONY JUNE				
44. MARIWIN K. LAWAG				
45. MELFREDA L. BISKAR				
46. RHEA LOANNE A. POMERO				
47. CHRISTIAN D BISKAR				
48. HORCA, AILEAN D.				
49. VERHAET NINA				
50. RAMON TASA				
51. SIMENS, EOLITH B.				
52. DENRI LYN SUAREZ				
53. EDGAR EMPUOK				
54. NERILYN F. DANIEVES				
55. R. DORADO				
56. JUNETA VILLES				
57. ANNA MARIMON				
58. MINERVA M. BUNAE	0955242042	LGU	USA - III	
59. NARCIS LEAN P. MONTAJES	09553751527	LGU	USA - I	
60. MELANIE M. MARTINAD	0917-7224199	LGU	SB Sec	
61. SANDERS C. LUMARDO		LGU	Um	

NAME	CONTACT NO.	ADDRESS	DESIGNATION	SIGNATURE
58. ANDREW O. DEDA		LGU	SOM	
59. JOEL D. BERNALES		LGU	SOM	
60. Alric Jian B. Yanson		LGU	SOM	
61. Maria D. Malanguis		LGU	SOM	
62. Diosdado P. Siao		LGU	SEM	
63. DANLO D. ANTONIO		LGU	SB-STAFF	
64. FERNANDO RUBITE		LGU	SOM	
65. POLARDO ROMERO		Inopacan	BLAN	
66. Angelita D. Obiza		LGU	SB-STAFF	
67. Marciano Gudmalin		Comalun		
68. PEDRO AUSTERO		Juaspan	BLAN	
69. RITA PERCANO		Juaspan	BLAN	
70. Ricardo Lahos				
71. Annaliza Bague		Cabulisan		
72. Amier Fortunato				
73. Carigue Apipi				
74. Rosalinda Cobigos		Poblacion		
75. Helen D. Dargantes				
76. Donalisa B. Ipil				
77. Gummilyn X. Morimanti				
78. Vilma Hobe		Tinago		
79. MELANIE L. SUERO				
80. Florancia Lauzag				