



REPUBLIC OF THE PHILIPPINES
PROVINCE OF LEYTE
SANGGUNIANG PANLALAWIGAN



**HOUSING, LAND USE and INFORMAL SETTLERS
COMMITTEE REPORT NO. _____
Series of 2024**

Referred to this committee is Ordinance No. 474 of the Sangguniang Bayan of Babatngon, Leyte entitled, *"AN ORDINANCE RECLASSIFYING CADASTRAL LOT NO.1208, MEASURING 1,091 HECTARES COVERED BY CERTIFICATE OF TITLE NO. 115-2019003430 AND TAX DECLARATION NO. 2008-04001-00689 LOCATED AT BRGY. DISTRICT 1, BABATNGON, LEYTE FROM AGRICULTURAL LAND TO COMMERCIAL LAND IN CLASSIFICATION."*

The said ordinance was referred to this Committee for further study in relation to the comments and observation of the Provincial Legal Office (PLO) per its second endorsement, dated September 2, 2024. The latter while finding that the subject ordinance to be within the corporate powers of the local government unit and that the latter can validly reclassify a land, the PLO opined however that the ordinance must articulate the reason for the reclassification of the subject lot and shall provide the proper certifications pursuant to Section 20 of the Local Government Code.

The PLO also recommended that the title of the Ordinance be revised to "Barangay Bacong Reclassification of Land Ordinance".

Perusal of the ordinance and the documentary attachments accompanying the same, this Committee opines that the reason for the reclassification has already been clearly established. This is based on the accompanying certifications pursuant and in compliance with Section 20 of the Local Government Code. Attached to this report are the following:

1. Certification that the reclassification of the subject property from agricultural land to commercial would be more economically profitable as issued by SB Committee Chair Federico P. Elizaga, Jr.;
2. Certification from the Municipal Planning and Development Office that the reclassification of the subject land is still within the prescribed limit set, which is 5% of the total agricultural land area for 4th class municipality.

As to recommendation of the PLO to revise the title of the Ordinance, the SB of origin, after consultation made before it, confirms that the exact location of the subject property is Barangay District 1, Babatngon, Leyte and not Brgy. Bacong. It is for this reason that the title of the ordinance will be retained as submitted.

In view of the foregoing, the Committee hereby recommends for the approval of the subject ordinance. The Committee, however, would like to stress

that reclassification is different from conversion, hence, reclassification of the subject property alone will not suffice to change its current use as this will require conversion which should be applied for before the Department of Agrarian Reform.

Submitted this 2nd day of October, 2024, Palo, Leyte.



Atty. Ronnan Christian M. Reposar
Chairperson

Hon. Raissa J. Villasin
Vice Chairperson

Atty. Carlo P. Loreto
Member

Hon. Ma. Corazon E. Remandaban
Member

Flaviano C. Centino, Jr.
Member

FR: BIN REPEAR

Philippines
Municipality of Babatngon



SANGGUNIANG PANLALAWIGAN
OFFICE OF THE SANGGUNIANG BAYAN



CERTIFICATION

TO WHOM THIS MAY CONCERN:

THIS IS TO CERTIFY that after assessment made, reclassification of LOT NO. 1208 measuring 1.0916 has. located at Brgy. District 1, Babatngon, Leyte from Agricultural land to Commercial Land in classification would be more economically profitable as prescribed in Section 20 of the local government code.

Made this 24th day of September 2024 at Babatngon, Leyte.

FEDERICO P. ELIZAGA, JR.
Sangguniang Bayan Member
Chairman, Committee on Housing, Land Use
& Informal Settlers



SANGUNIANG PANLALAWIGAN



Municipal Planning & Development Office

CERTIFICATION

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that the proposed lot for reclassification located at Barangay District I, Babatngon, Leyte is within the prescribed percentage limit set to 5% of the total agricultural area for 4th class Municipality as per Section 20 of the Local Government Code.

THIS CERTIFICATION is issued upon request of the Sanguniang Bayan Office, this municipality, in connection with the Land Use Reclassification of Lot Number 1208 from Agricultural to Commercial Use.

Issued this 12th day of September 2024, at Babatngon, Leyte, Philippines.

EnP VICKY SARMIENTO PLACA, MM
Mun. Planning & Dev't. Coordinator





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

Item No.: 03

Date: 09 2024 SEP

-oOo-

Province of Leyte
 Legal Office

Received: *[Signature]*
 Date: 9.4.24

SANGGUNIANG PANLALAWIGAN

PROVINCIAL LEGAL OFFICE

RECEIVED
 SEP 05 2024
 PROVINCE OF LEYTE

2nd INDORSEMENT
 September 2, 2024

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through SP Secretary, the attached Ordinance No.474 of the Sangguniang Bayan of Babatngon, Leyte.

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

- Ordinance No. 474 entitled: “An Ordinance Reclassifying Cadastral Lot No. 1208 measuring 1,091 hectares covered by Certificate of Title No. 115-2019003430 and Tax Declaration No. 2008-04001-00689 located at Brgy. District 1, Babatngon, Leyte from Agricultural Land to Commercial Land in classification.

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 Constitution².

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.”*

¹ 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

² 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

A 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 the LGU shall cite the reason for reclassification of the involved lots with compliance to the requirements specified under Section 20(a) of the Local Government Code.

Finally, this office recommends that the title of the Ordinance be revised to "Barangay District 1, Reclassification of Land Ordinance".

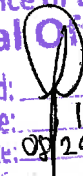
Hence, returned to Sangguniang Panlalawigan for further review.

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

Province of Leyte
Legal Office
Received: 
Time: 11:50 AM
Date: 08/29/24

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1ST INDORSEMENT
29 August 2024

The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein **Ordinance No. 474** of the **Municipality of Babatngon, Leyte**, entitled: An Ordinance **Reclassifying** Cad Lot No. 1208 measuring 1.0916 hectares covered by Transfer Certificate of Title No. 115-2019003430 and Tax Declaration No. 2008-04001-00689 located at **Brgy. District 1**, Babatngon, Leyte **from Agricultural Land to Commercial Land** in classification.


FLORINDA JILL S. UYVICO
Secretary to the Sanggunian



SANGGUNIANG BAYAN
BABATNGON, LEYTE
RELEASED
BY: *Azs*
DATE: *Aug. 27, 2024*
TIME: *1:20 pm*

SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF THE 105th REGULAR SESSION OF THE SANGGUNIANG BAYAN OF BABATNGON, LEYTE HELD ON THE 12th DAY OF AUGUST 2024 AT THE SB SESSION HALL, LEGISLATIVE BUILDING, BABATNGON, LEYTE.

28 AUG 2024
[Signature]
PROVINCE OF LEYTE

ORDINANCE NO. 474

MAYOR'S OFFICE
BABATNGON, LEYTE
RECEIVED

BY: *Judy Anne Ballais*
DATE: *8/19/24*
TIME: *4:35 pm*

AN ORDINANCE RECLASSIFYING CAD LOT NO. 1208 MEASURING 1.0916 HECTARES COVERED BY TRANSFER CERTIFICATE OF TITLE NO. 115-2019003430 AND TAX DECLARATION NO. 2008-04001-00689 LOCATED AT BRGY. DISTRICT 1, BABATNGON, LEYTE FROM AGRICULTURAL LAND TO COMMERCIAL LAND IN CLASSIFICATION.

Presented by: **HON. FEDERICO P. ELIZAGA, JR.**
Sangguniang Bayan Member

Be it enacted by the Sangguniang Bayan of the Municipality of Babatngon, Leyte in session assembled:

Section 1. – Short Title – This ordinance shall be known as the "*Redemption* Barangay District 1 Reclassified Ordinance" in the Municipality of Babatngon, Leyte.

add reason for reclassification
Section 2. – Reclassification of Lot – By virtue of this ordinance, CAD LOT NO. 1208 MEASURING 1.0916 HECTARES COVERED BY TRANSFER CERTIFICATE OF TITLE NO. 115-2019003430 AND TAX DECLARATION NO. 2008-04001-00689 LOCATED AT BRGY. DISTRICT 1, BABATNGON, LEYTE, IS HEREBY RECLASSIFIED FROM AGRICULTURAL LAND TO COMMERCIAL LAND IN CLASSIFICATION.

Section 3. – Repealing Clause – All laws, rules and regulations inconsistent herewith are hereby likewise repealed or modified accordingly.

Section 4. – Effectivity Clause – This ordinance shall take effect after ten (10) days from the date of its approval and posting in three (3) conspicuous places in the local government unit.

APPROVED and ENACTED this 12th day of AUGUST 2024 at Babatngon, Leyte.

I HEREBY CERTIFY to the correctness of the foregoing ordinance.

Azs
ALMA A. BALDOMAR
Secretary II
Secretary to the Sanggunian-Designate

ATTESTED:

[Signature]
HON. ROSARY PEARL G. CATUDIO
Municipal Vice Mayor
Presiding Officer

[Signature]
HON. CHRISTIAN C. LAWSIN
Sangguniang Bayan Member

[Signature]
HON. KEMUEL RUE M. CORSIGA
Sangguniang Bayan Member

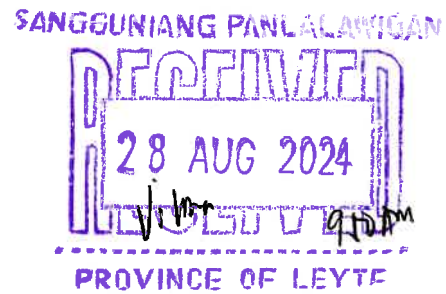


OFFICE OF THE SANGGUNIANG BAYAN

27 August 2024

Honorable Leonardo M. Javier, Jr.
Vice Governor and Presiding Officer, and

The Honorable Members
Sangguniang Panlalawigan
Province of Leyte
Legislative Bldg., Capitol Grounds
Tacloban City



Dear Honorable Ladies and Gentlemen,


Respectfully endorsed to the Honorable Sangguniang Panlalawigan of the Province of Leyte is Ordinance No. 474 entitled: "AN ORDINANCE RECLASSIFYING CAD LOT NO. 1208 MEASURING 1.0916 HECTARES COVERED BY TRANSFER CERTIFICATE OF TITLE NO. 115-2019003430 AND TAX DECLARATION NO. 2008-04001-00689 LOCATED AT BRGY. DISTRICT 1, BABATNGON, LEYTE FROM AGRICULTURAL LAND TO COMMERCIAL LAND IN CLASSIFICATION." Said Ordinance is being forwarded to that Body for review in compliance with Section 56(a) of Republic Act 7160.

Enclosed please find the following:

1. Ordinance No. 474
2. Certification of Posting
3. Certification of Public Hearing
4. Certifications (Municipal Assessor; MPDC; Municipal Agriculturist)

Please find them in order and praying for your favorable action thereof.

Very truly yours,


ALMA A. BALDOMAR
Secretary II
Secretary to the Sanggunian-designate

Enclosed:
As stated





SANGGUNIANG BAYAN


HON. KARL JOMAR L. EMBANA
Sangguniang Bayan Member

(Mandatory Leave)
HON. ILDEFONSO B. ODON
Sangguniang Bayan Member


HON. FEREDERICO P. ELIZAGA, JR.
Sangguniang Bayan Member


HON. HILARION S. MENZON
Sangguniang Bayan Member


HON. ALEX V. BELLO
Sangguniang Bayan Member


HON. EDGARDO Y. MORDEN
President
Liga ng mga barangay


HON. JUDE LEWEL B. VETHIMVAS
President
Pambayang Pederasyon ng
Sangguniang Kabataan

APPROVED:


HON. ELEONOR B. LUGNASIN
Municipal Mayor

Date: 27 Aug. 2024







OFFICE OF THE SANGGUNIANG BAYAN

CERTIFICATION

TO WHOM THIS MAY CONCERN:

This is to certify that POSTING in prominent places in the Municipal Hall and some conspicuous places in the locality was undertaken starting 27 August 2024 and copies of said ordinance shall remain posted for three (3) consecutive weeks, pursuant to Sec. 59 (b) of Republic Act 7160, in relation to hereunder Ordinance, to wit:

- 1. Ordinance No. 474, entitled: "AN ORDINANCE RECLASSIFYING CAD LOT NO. 1208 MEASURING 1.0916 HECTARES COVERED BY TRANSFER CERTIFICATE OF TITLE NO. 115-2019003430 AND TAX DECLARATION NO. 2008-04001-00689 LOCATED AT BRGY. DISTRICT 1, BABATNGON, LEYTE FROM AGRICULTURAL LAND TO COMMERCIAL LAND IN CLASSIFICATION."**

Made this 27th day of August 2024 at Babatngon, Leyte.


ALMA A. BALDOMAR
Secretary II
Secretary to the Sanggunian-designate





OFFICE OF THE SANGGUNIANG BAYAN

CERTIFICATION

TO WHOM THIS MAY CONCERN:

This is to certify that Ordinance No. 474 entitled: "AN ORDINANCE RECLASSIFYING CAD LOT NO. 1208 MEASURING 1.0916 HECTARES COVERED BY TRANSFER CERTIFICATE OF TITLE NO. 115-2019003430 AND TAX DECLARATION NO. 2008-04001-00689 LOCATED AT BRGY. DISTRICT 1, BABATNGON, LEYTE FROM AGRICULTURAL LAND TO COMMERCIAL LAND IN CLASSIFICATION." was presented to the public and concerned sectors in a public hearing held on August 8, 2024 at Brgy. District 1, Babatngon, Leyte.

Made this 27th day of August 2024 at Babatngon, Leyte.

A handwritten signature in black ink, appearing to read "A. B.", positioned above the printed name.

ALMA A. BALDOMAR
Secretary II

Secretary to the Sanggunian-designate



Republic of the Philippines
Province of Leyte

Municipality of Babatngon
Office of the Municipal Assessor



CERTIFICATION

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY THAT according to the real property records kept on file in this office, the following property/s are classified as follows:

<i>Tax Declaration No.</i>	<i>Cad. Lot No.</i>	<i>Area (has.)</i>	<i>Location</i>	<i>Classification</i>	<i>Actual Use</i>	<i>Declarant</i>
2008-04001-00689	1208	1.0916	District I	Agricultural	Coco Land	Adona, Rowena P.

This certification is issued upon request of Ms. Rowena P. Adona of Tacloban City for the re-classification of the above property.

Issued this 31st day of July 2024 at Babatngon, Leyte.


ISMAEL L. LAGUNA, REA, MPM
Municipal Assessor

OR Number: **8591786**
Date: **July 31, 2024**
@ Babatngon, Leyte



TAX DECLARATION OF REAL PROPERTY

TD No. **2008-04001-00689** Property Identification No. **044-04-001-01-020**

Owner: **ADONA, ROWENA P.**

TIN: _____

Address: **Kassel City Subdivision, Abucay, Tacloban City**

Telephone No. _____

Administrator/Beneficial user _____

TIN: _____

Address: _____

Telephone No. _____

Location of Property: _____

(Number & Street)

District I

(Barangay/District)

Babatngon

(Municipality)

Leyte

(Province)

OCT/TCT/CLOA No.: **115-2019003430**

Survey No. _____

Cad. 497-D

CCT: _____

Lot No.: _____

1208

Dated: _____

Blk/Ass Lot. No. _____

020

Boundaries: _____

NE., to S., Lines 1-2-3 by Road corner 3 is a common to Lot 1209, Case-1; Cad. 497-D; W., line 3-4 by Lot 1207, case-1, Cad. 497-D; N., Line 4-1 by Lot 1300, Case-1; Cad. 497-D(TIMBERLAND).

KIND OF PROPERTY ASSESSED:

LAND

MACHINERY

BUILDING

Brief Description: _____

No. of Storeys: _____

Others: _____

Brief Description: _____

Specify: _____

Classification	Area	Market Value	Actual Use	Assessment Level	Assessed Value
Agricultural	1.0916 Has.	34,201.73	Coco Land-1st.	40%	13,680.00
Total	1.0916 Has.	34,201.73		Total AV	13,680.00

Total Assessed Value: _____

THIRTEEN THOUSAND SIX HUNDRED EIGHTY PESOS
(Amount in Words) **FOR THE PROVINCE OF LEYTE**

Taxable Exempt

Effectivity of Assessment/Reassessment: **3rd** **2019**

Recommended by: _____

APPROVED BY: _____

ISMAEL L. LAGUNA, REA, MPM
OIC - Municipal Assessor

MILAGROS F. ROBLEDO, REA
OIC - Provincial Assessor

This declaration cancels TD No.: _____

2008-04001-00299(R-13)

Owner _____

Previous Assessed Value _____

ESPANTA, FRANCISCO

14,360.00

Memoranda:

TRANSFER OF OWNERSHIP of this real property under TD. No.2008-04001-00299(R-13) is hereby made in favor to the herein declarant based on Certified True Copy of **TRANSFER CERTIFICATE OF TITLE NO.115-2019003430, EXTRA-JUDICIAL SETTLEMENT OF THE ESTATE OF THE LATE FRANCISCO ESPANTA WITH SPECIAL POWER OF ATTORNEY,DEED OF ABSOLUTE SALE hereto attached. Taxes is paid per O.R. 1936338 dated Aug. 8, 2019 at Babatngon, Leyte. Transfer fee is paid per O.R. No.3450182 dated Aug. 9, 2019 at Tacloban City. CAR No.201800299468 dated July 23, 2019 at Tacloban City, issued by Ray Anthony O. Gali, Authorized Revenue Officer.**



CERTIFIED TRUE MACHINE FROM THE ORIGINAL.

Notes: This declaration is for real property taxative values prepared for the purpose and duty of _____ dated _____ 20____ It does not constitute ownership or legal title to the property.

ISMAEL L. LAGUNA, REA, MPM
MUNICIPAL ASSESSOR



ISMAEL L. LAGUNA, REA, MPM
OIC - Municipal Assessor



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

Municipal Planning & Development Office

CERTIFICATION

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that a parcel of land designated under **Cad/Csd. No. 497-D of Babatngon Cadastre** situated at **Brgy. District I, Babatngon, Leyte** specifically identified as follows:

Applicant/Owner	CAD Lot No(s)	OCT/TCT No./ Tax Dec. No.	Area (Has/sq.m.)	Zoning Classification
ADONA, ROWENA P.	1208	TD.NO.2008-04001-00689	1.0916 Has	AGRICULTURAL AREA

This certification is issued upon request for application of Zoning Certification and is zoned for use specified in the above table as per approved Municipal Ordinance no. 276, series of 2011 known as the Comprehensive Zoning Ordinance of the Municipality of Babatngon, Leyte.

Given this 24th day of June 2024, at Babatngon, Leyte.


VICKY SARMIENTO- PLACA, EnP
 Municipal Planning & Development Coordinator

MUNICIPAL PLANNING & DEVELOPMENT OFFICE
 BABATNGON, LEYTE
RELEASED
 DATE: 6/24/24 TIME: 1:09 pm
 BY: [Signature]

Amount Paid: Php 290.00 O.R. No.: PL-8590313
 Certification Fee: Php 210.00
 Inspection Fee: Php 50.00
 Doc. Stamp Tax: Php 30.00
 Issued on: 06--2024
 Issued at: Babatngon, Leyte



OFFICE OF THE MUNICIPAL AGRICULTURE

CERTIFICATION

This is to CERTIFY THAT Mrs. ROWENA P. ADONA has parcel of land at Brgy. Dist. I Babatngon, Leyte under Tax Dec. No. 2005-04001-00684, CAD lot No. 1208 containing an area of 1.0916 has.

The area has no prime Agricultural Crops Planted.

This certification is issued upon the request of ROWENA P. ADONA as a requirement for re-classification of her land from Agricultural to Commercial.

Issued this 5th day of August 2024 at Municipal Agriculture Office Local Government Unit Babatngon, Leyte.

Respectfully yours;

A handwritten signature in black ink, appearing to read "Teresita R. Laurente".

TERESITA R. LAURENTE
Municipal Agriculturist

