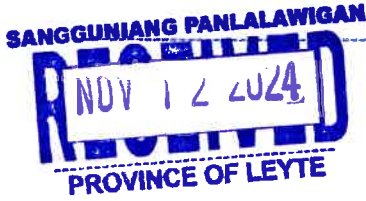




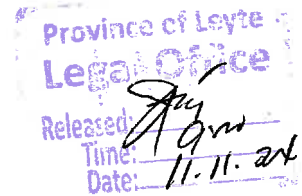
Republic of the Philippines
PROVINCE OF LEYTE
Provincial Capitol
Tacloban City

-oOo-

PROVINCIAL LEGAL OFFICE



2nd INDORSEMENT
October 21, 2024



Item No.: 1
Date: 19 2024 NOV

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through SP Secretary, the attached Ordinance No. 477 of the Sangguniang Bayan of Babatngon, Leyte.

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

- Ordinance No. 477 entitled: "An Ordinance Reclassifying Lot No. 893-A-1-A."

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(a)(2)(viii)¹ of the Local Government Code.

It must be noted however, that the power of the LGUs to reclassify agricultural lands is without prejudice to the authority of the DAR to approve conversion of agricultural lands covered by Republic Act No. 6657 to non-agricultural uses and has been validly recognized by 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."*

Furthermore, pursuant to DILG opinion No.22, S. 2020 dated January 31, 2020 and citing the Supreme Court Decision in the case of "Chamber of Real Estate and Builders Associations, Inc. (CREBA), vs The Secretary of Agrarian Reform (G.R. No.183409)", reclassification alone will not suffice to use the agricultural lands for other purposes. Conversion is needed to change the current use of the reclassified lands.

¹ (viii) *Reclassify land within the jurisdiction of the municipality, subject to the pertinent provisions of this Code;*

Considering the foregoing, further review of said Ordinance is recommended with emphasis on the required conversion of land use based on DAR AO no. 03, series of 2021, as amended by DAR AO no. 03-A, series of 2021¹.

We hope to have assisted you with this request. Please note that the opinion rendered by this Office are based on the 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 "AMENDING CERTAIN PROVISIONS OF THE COMPREHENSIVE RULES ON LAND USE CONVERSION UNDER DAR ADMINISTRATIVE ORDER NO. 1, SERIES OF 2002 AND CERTAIN PROVISIONS ON DAR ADMINISTRATIVE ORDER NO. 1, SERIES OF 2019 AND DAR ADMINISTRATIVE ORDER NO. 6, SERIES OF 2019 TO UPDATE THE RULES TO ADAPT TO THE NEW NORMAL"

Republic of the Philippines
PROVINCE OF LEYTE

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

2nd Endorsement
07 October 2024

Province of Leyte
Legal Office
Released: *[Signature]*
Time: *10:24*
Date: *10-8-24*

Respectfully endorsed to the **PROVINCIAL LEGAL OFFICE** the herein **ORDINANCE NO. 477** of the **MUNICIPALITY OF BABATNGON, LEYTE**, which is self-explanatory, for review and recommendations.

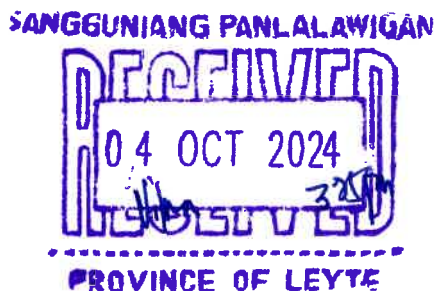

FLORINDA JILL S. UYVICO
Secretary to the Sanggunian



OFFICE OF THE SANGGUNIANG BAYAN

04 October 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. 477 entitled: "AN ORDINANCE RECLASSIFYING LOT NO. 893-A-1-A MEASURING 1.0 HECTARE, A PORTION OF LOT NO. 893-A-1, PSD-08-040242-D WITH TAX DECLARATION NO. 2008-04003-00641 OWNED BY HOMER S. UY, LOCATED AT BRGY. DISTRICT III, 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. 477;
2. Certification of Posting;
3. Certification of Public Hearing;
4. Certifications from Mun. Assessor; MPDC; Mun. Agriculturist; and
5. Certification of SB Member Federico P. Elizaga, Jr.

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
BABATNGON, LEYTE

Municipality of Babatngon

SANGGUNIANG PANLALAWIGAN

RECEIVED
04 OCT 2024
3:28 PM

OFFICE OF THE SANGGUNIANG BAYAN

RELEASED

By: *AJB*
DATE: 10/4/24
TIME: 3:58 pm

EXCERPT FROM THE MINUTES OF THE 107th REGULAR SESSION OF THE SANGGUNIANG BAYAN OF BABATNGON, LEYTE HELD ON THE 30th DAY OF AUGUST 2024 AT THE SB SESSION HALL, LEGISLATIVE BUILDING, BABATNGON, LEYTE.

MAYOR'S OFFICE
BABATNGON, LEYTE

RECEIVED

BY: *Judy Ann Ballais*
DATE: 10-02-24
TIME: 9:50 PM

ORDINANCE NO. 477

AN ORDINANCE RECLASSIFYING LOT NO. 893-A-1-A MEASURING 1.0 HECTARE, A PORTION OF LOT NO. 893-A-1, PSD-08-040242-D WITH TAX DECLARATION NO. 2008-04003-00641 OWNED BY HOMER S. UY, LOCATED AT BRGY. DISTRICT III, 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 “Barangay District III Reclassified Ordinance” in the Municipality of Babatngon, Leyte.

Section 2. – Reclassification of Lot – By virtue of this ordinance, LOT NO. 893-A-1-A MEASURING 1.0 HECTARE, A PORTION OF LOT NO. 893-A-1, PSD-08-040242-D WITH TAX DECLARATION NO. 2008-04003-00641 OWNED BY HOMER S. UY, LOCATED AT BRGY. DISTRICT III, 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 30th day of AUGUST 2024 at Babatngon, Leyte.

I HEREBY CERTIFY to the correctness of the foregoing ordinance.

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

ATTESTED BY:

RPG
HON. ROSARY PEARL G. CATUDIO
Municipal Vice-Mayor
Presiding Officer

CL
HON. CHRISTIAN C. LAWSIN
Sangguniang Bayan Member

KRC
HON. KEMUEL RUE M. CORSIGA
Sangguniang Bayan Member





OFFICE OF THE SANGGUNIANG BAYAN

ORDINANCENO. 477

(Reclassification from Agricultural land
to Commercial Land in classification)

Page 2-2


HON. KARL JOMAR L. EMBANA
Sangguniang Bayan Member



HON. ILDEFONSO B. ODON
Sangguniang Bayan Member


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


HON. HILARION S. MENZON
Sangguniang Bayan Member


HON. ALEX VELOSO BELLO
Sangguniang Bayan Member


HON. EDGARDO Y. MORDEN
President
Liga ng mga Barangay


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

APPROVED:


HON. ELEONOR B. LUGASIN
Municipal Mayor

Date: 09 Oct. 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 **03 October 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. 477, entitled: "AN ORDINANCE RECLASSIFYING LOT NO. 893-A-1-A MEASURING 1.0 HECTARE, A PORTION OF LOT NO. 893-A-1, PSD-08-040242-D WITH TAX DECLARATION NO. 2008-04003-00641 OWNED BY HOMER S. UY, LOCATED AT BRGY. DISTRICT III, BABATNGON, LEYTE FROM AGRICULTURAL LAND TO COMMERCIAL LAND IN CLASSIFICATION."

Made this **3rd** day of **October 2024** at **Babatngon, Leyte**.

A handwritten signature in black ink, appearing to read "Alma A. Baldomar".

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. 477 entitled: "AN ORDINANCE RECLASSIFYING LOT NO. 893-A-1-A MEASURING 1.0 HECTARE, A PORTION OF LOT NO. 893-A-1, PSD-08-040242-D WITH TAX DECLARATION NO. 2008-04003-00641 OWNED BY HOMER S. UY, LOCATED AT BRGY. DISTRICT III, 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 29, 2024 at Brgy. District III, Babatngon, Leyte.

Made this 3rd day of October 2024 at Babatngon, Leyte.


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

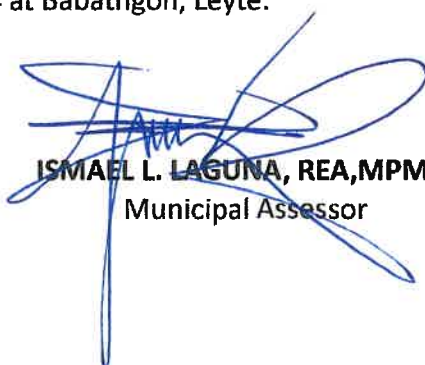
TO WHOM IT MAY CONCERN:

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:

Tax Declaration No.	Cad. Lot No.	Area (has.)	Location	Classification	Actual Use	Declarant
2008-04003-00641	893-A-1	3.7496	District III	Agricultural	Rice Land - Unirrigated	Uy, Homer S. Married to Shiela Marie V. Uy

This certification is issued upon request of Fe D. Avestruz of Tacloban City for the re-classification of the above property.

Issued this 20th day of August 2024 at Babatngon, Leyte.


ISMAEL L. LAGUNA, REA,MPM
Municipal Assessor

OR Number: **8592495**
Date: **August 20, 2024**
@ Babatngon, Leyte



TAX DECLARATION OF REAL PROPERTY

TD No. **2008-04003-00641** Property Identification No. **044-04-003-03-061**

Owner: **UY, HOMER S. married to SHIELA MARIE V. UY** TIN: _____

Address: **161 P. Burgos Street, Tacloban City** Telephone No. _____

Administrator/Beneficial user: _____ TIN: _____

Address: _____ Telephone No. _____

Location of Property: _____
 (Number & Street) **District III** **Babatngon** **Leyte**
 (Barangay/District) (Municipality) (Province)

OCT/TCT/CLOA No.: **115-2019001427** Survey No. **PSD-08-040242-D**

CCT: _____ Lot No.: **893-A-1**

Dated: _____ Blk/Ass.Lot. No. **61**

Boundaries:
 Line 1-2 ; NE., Lot 884, Cad. 497-D; 2-3 NE., Lot 933, Cad. 497-D; 3-4 SE., Lot 893-B, CSD-08-03708-005682-D;
 4-5 SW., National Road, 5-1 NW., Lot 893-B, Csd-08-005682-D.

KIND OF PROPERTY ASSESSED:

LAND MACHINERY
 Brief Description: _____
 BUILDING Others:
 No. of Storeys: _____ Specify: _____
 Brief Description: _____

Classification	Area	Market Value	Actual Use	Assessment Level	Assessed Value
Agriculture	3.7496 Has.	74,013.32	Rice Land-Unirrig.	40%	29,600.00
Total	3.7496 Has.	74,013.32		Total AV	29,600.00

Total Assessed Value: **TWENTY NINE THOUSAND SIX HUNDRED PESOS** (Amount in Words)

Taxable Exempt Effectivity of Assessment/Reassessment: **3rd** **2019**
 Qtr. Yr.

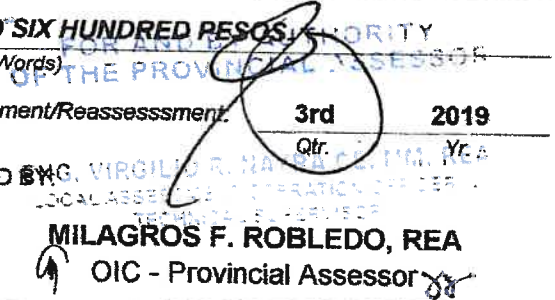
Recommended by: **ISMAEL L. LAGUNA, REA, MPM** OIC - Municipal Assessor
MILAGROS F. ROBLEDO, REA OIC - Provincial Assessor

This declaration cancels TD No.: **2008-04003-00419(R-13)** Owner: **QUERO, JESUS** Previous Assessed Value: **Php. 39,480.00**

Memoranda: **TRANSFER OF OWNERSHIP** a portion of real property is hereby made in favor to the herein declarant based on **EXTRAJUDICIAL SETTLEMENT OF STATE AMONG HEIRS WITH ABSOLUTE SALE, TRANSFER CERTIFICATE OF TITLE No.115-2019001427, Approved SUBDIVISION PLAN from DENR-8 hereto attached. Taxes is paid per O.R. No. 1861704 dated January 9, 2019 at Babatngon, Leyte. Transfer fee is paid per O.R. No.2312587 dated August 31, 2018 at Tacloban, City. OAR No. 201700674933 dated January 30, 2019 at Tacloban City, issued by Olan Bal C. Gumama, Authorized Revenue Officer.**

Notes: * This declaration is for real property taxation values prepared for the purpose and duly assessed on _____ dated _____ 20____. It does not constitute a transfer of ownership or legal title. The values herein are based on the schedule of unit market values prepared by _____ **ISMAEL L. LAGUNA, REA, MPM** MUNICIPAL ASSESSOR-OIC

FROM THE ORIGINAL
ISMAEL L. LAGUNA, REA, MPM
 MUNICIPAL ASSESSOR





Municipal Planning & Development Office

CERTIFICATION

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that the proposed lot for reclassification located at Barangay District III, 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 893-A-1-A with an area of 1.0 Hectare being a portion of Lot No. 893-A-1, Psd-08-040242-D from Agricultural to Commercial Use.

Issued this 19th day of September 2024, at Babatngon, Leyte, Philippines.


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





OFFICE OF THE MUNICIPAL AGRICULTURE

CERTIFICATION

THIS IS TO CERTIFY that the parcel of land owned by Mr. HOMER S. UY at District 3 Babatngon, Leyte under Tax Dec. No. 2008-04003-00641, CAD Lot No. 893-A-1 containing an area of 1.0 hectare is being re-classified from Agricultural to a Commercial Land.

After our assessment, the re-classification of the land would make it more economically profitable for business purposes.

This certification is issued upon the request of Mr. HOMER S. UY for whatever legal purpose it may serve.

Issued this 20th day September 2024 at the Municipal Agriculture Office
Local Government Unit Babatngon, Leyte.

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

TERESITA R. LAURENTE
Municipal Agriculturist





OFFICE OF THE SANGGUNIANG BAYAN

C E R T I F I C A T I O N

TO WHOM THIS MAY CONCERN:

THIS IS TO CERTIFY that after assessment made by the sanggunian, the reclassification of **LOT NO. 893-A-1-A** measuring 1.0 hectare, a portion of Lot No. **893-A-1, PSD-08-040242-D** with Tax Dec. No. **2008-04003-00641** owned by **Homer S. Uy**, located at **Brgy. District III, Babatngon, Leyte** from **Agricultural Land** to **Commercial land** in classification shall have substantially greater economic value for commercial purposes.

This certification is issued in accordance to **Section 20** of the **Local Government Code of 1991**.

Made this **30th** day of **September 2024** at **Babatngon, Leyte**.


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

