

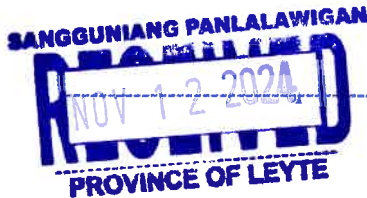
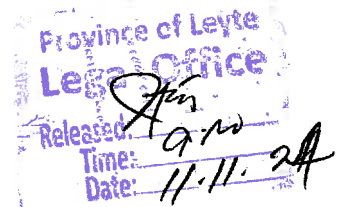
Item No.: 2

Date: 19 2024 NOV



Republic of the Philippines
PROVINCE OF LEYTE
Provincial Capitol
Tacloban City

-oOo-



PROVINCIAL LEGAL OFFICE

2nd INDORSEMENT

October 21, 2024

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through SP Secretary, the attached Resolution No. 2024-312 of the Sangguniang Bayan of Tanauan, Leyte.

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

- Resolution 2024-312 entitled: “ **A Resolution respectfully seeking legal opinion of the Provincial Legal Office, Province of Leyte, Regarding brgy. resolution No. 30 series of 2024, Brgy. Guindag-an Tanauan, Leyte**”

REVIEW/RECOMMENDATION/LEGAL OPINION:

This office is of the opinion that the subject Resolution is generally in accordance with Sections 17(a)(2)(viii)¹ and (b)(1)(v)² of the Local Government Code of 1991 (R.A 7160) and Sections 444(3)(vii)³, 447(a)(5)(vi)⁴ and Section 21(a)⁵ of the same code. Hence, this office opines that the Local Chief Executive, together with the sanggunian concerned, may regulate the use of public and local roads, provided that its maintenance is sourced from local funds. ✓

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 (viii) Infrastructure facilities intended primarily to service the needs of the residents of the municipality and which are funded out of municipal funds including but not limited to, municipal roads and bridges;

² (v) Maintenance of barangay roads and bridges and water supply systems;

³ (vii) Adopt adequate measures to safeguard and conserve resources of the municipality; provide efficient and effective property and supply management in the municipality; and protect the funds, credits, rights and other properties of the municipality;

⁴ (vi) Regulate traffic on all streets and bridges, prohibit the putting up of encroachments or obstacles thereon, and, when necessary in the interest of public welfare, authorize the removal of encroachments and illegal constructions in public places;

⁵ (a) A local government unit may, pursuant to an ordinance, permanently or temporarily close or open any local road, alley, park, or square falling within its jurisdiction: Provided, however, That in case of permanent closure, such ordinance must be approved by at least two-thirds (2/3) of all the members of the sanggunian, and when necessary, an adequate substitute for the public facility that is subject to closure is provided.

PROVINCIAL



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

Province of Leyte
Legal Office
October 10, 2024
11:20 am

OFFICE OF THE SANGGUNIANG BAYAN

October 8, 2024

Provincial Legal Officer
Province of Leyte

Dear Sir/Madam,

Greetings.

Respectfully transmitting herewith ^{the} 16th Sangguniang Bayan **Resolution No. 2024-312**, "A **Resolution respectfully seeking Legal Opinion of the Provincial Legal Office, Province of Leyte, regarding Brgy. Resolution No. 30 series of 2024, of Brgy. Guindag-an Tanauan, Leyte**".

For your appropriate and positive action.

Thank you.

Respectfully yours,

HON. ARCHIE LAWRENCE R. KAPUNAN
Vice-Mayor

Cc: DILG Provincial Office

Republic of the Philippines
Province of Leyte
TANAUAN
-oOo-

SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF THE 109th REGULAR SESSION OF THE 16TH SANGGUNIANG BAYAN OF TANAUAN, LEYTE, HELD ON SEPTEMBER 09, 2024, AT THE SB SESSION HALL, TANAUAN TOWN HALL, TANAUAN, LEYTE.

PRESENT :

| | |
|---|--------------------------------|
| HON. JAN ELMER V. MAGDALAGA | Acting V-Mayor/Presiding chair |
| HON. MAE JANE ANGELIE M. MORABE- BORAIS | Sangguniang Bayan Member |
| HON. MARK EFREN E. MERILO | -do- |
| HON. PAUL EMMANUEL R. CINCO | -do- |
| HON. JOSIE M. CREER | -do- |
| HON. ATTY. ISAGANI S. ESPADA | -do- |
| HON. QUINTIN T. OCTA, JR., D.M.D. | -do- |
| HON. CHERRY ANNE T. FIEL | -do- |
| HON. EFREN C. MERILO | -do-/Liga Fed. Pres. |
| HON. KYLE C. MESIAS | -do-/ SK Fed. Pres. |

ABSENT :

| | |
|--|----------------------|
| HON. ARCHIE LAWRENCE R. KAPUNAN (on leave) | Municipal Vice-Mayor |
|--|----------------------|

RESOLUTION NO. 2024 – 312

Sponsored by : Hon. Atty. Isagani S. Espada

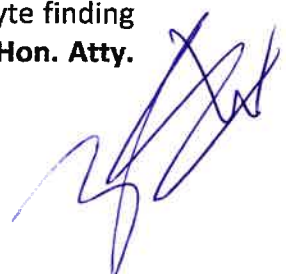
A RESOLUTION RESPECTFULLY SEEKING LEGAL OPINION OF THE PROVINCIAL LEGAL OFFICE, PROVINCE OF LEYTE, REGARDING BRGY. RESOLUTION NO. 30 SERIES OF 2024, OF BRGY. GUINDAG-AN TANAUAN, LEYTE.

WHEREAS, presented for consideration at the August Body the **Brgy. Resolution No. 30 series of 2024** of Brgy. Guinadg-an, “ **A RESOLUTION HUMBLY REQUESTING THE EVER SUPPORTIVE MUNICIPAL MAYOR HON. MA. GINA E. MERILO, AND THE SANGGUNIANG BAYAN MEMBER OF TANAUAN, LEYTE ON DISALLOWING THE PASSAGE OF 10-WHEELER TRUCKS THAT ARE HEAVILY LOADED WITH FILLING MATERIALS ON THE NEWLY CONSTRUCTED ROAD AT BRGY. GUINDAG-AN, TANAUAN, LEYTE AND ALLOWING ONLY TRUCKS LIMIT TO CARRY UP TO SIX (6) TONS OF FILLING MATERIALS IN PASSING THROUGH THE AREA**”;

WHEREAS, the Committee on Laws after its impartial and judicious review on the matter, decided to seek first legal opinion of the Provincial Legal Office, Province of Leyte;

WHEREAS, acting on the recommendation of the Committee on Laws and the same recommendation duly adopted by the August Body to seek first the legal opinion of the Provincial Legal Office, Province of Leyte, regarding Brgy. Resolution No. 30 series of 2024 of Brgy. Guinadg-an, “ **A RESOLUTION HUMBLY REQUESTING THE EVER SUPPORTIVE MUNICIPAL MAYOR HON. MA. GINA E. MERILO, AND THE SANGGUNIANG BAYAN MEMBER OF TANAUAN, LEYTE ON DISALLOWING THE PASSAGE OF 10-WHEELER TRUCKS THAT ARE HEAVILY LOADED WITH FILLING MATERIALS ON THE NEWLY CONSTRUCTED ROAD AT BRGY. GUINDAG-AN, TANAUAN, LEYTE AND ALLOWING ONLY TRUCKS LIMIT TO CARRY UP TO SIX (6) TONS OF FILLING MATERIALS IN PASSING THROUGH THE AREA**”;

WHEREFORE, premises considered, the 16th Sangguniang Bayan of Tanauan, Leyte finding the same to be just and necessary and upon motion of the Committee chair on Laws - **Hon. Atty. Isagani S. Espada**, with the unanimous accord of all the members present, be it:



RESOLVED, AS IT IS HEREBY RESOLVED TO RESPECTFULLY SEEK THE LEGAL OPINION OF THE PROVINCIAL LEGAL OFFICE, PROVINCE OF LEYTE, REGARDING BRGY. GUINDAG-AN RESOLUTION NO. 30 SERIES OF 2024, OF BRGY. GUINDAG-AN, TANAUAN, LEYTE.

UNANIMOUSLY APPROVED : 09 SEPTEMBER 2024.

CERTIFIED TRUE AND CORRECT:

ELEUTERIO T. LERIOS
SB Secretary

ATTESTED:

HON. JAN ELMER V. MAGDALAGA
Acting Vice Mayor/Presiding

HON. MAE JANE ANGELE M. MORABE – BORAI
SB Member

HON. PAUL EMMANUEL R. CINCO
SB Member

HON. QUINTIN T. OCTA, JR.
SB Member

HON. CHERRY ANNE T. FIEL
SB Member

HON. MARK EFREN E. MERILO
SB Member

HON. JOSIE M. CREER
SB Member

HON. ATTY. ISAGANI S. ESPADA
SB Member

HON. EFREN C. MERILO
SB Member/Liga President

HON. KYLE C. MESIAS
SB Member/SK Fed. Pres.

Republic of the Philippines
Province of Leyte
Municipality of Tanauan
Barangay Guindag-an

Received by: _____
Date: **AUG 19 2024**
Time: **11:00 AM**
SB OFFICE, Tanauan, Leyte

TRANSMITTAL

August 12, 2024

HON. ARCHIE LAWRENCE R. KAPUNAN
VICE-MAYOR
TANAUAN, LEYTE

SIR,

GOOD DAY.

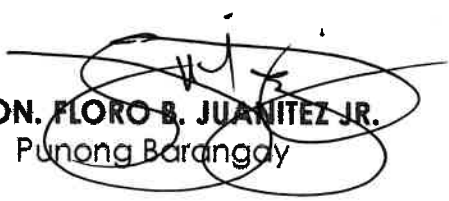
Submitting herewith the following to your good office

Transmitting herewith barangay resolution no 30, series of 2024 entitled: A RESOLUTION HUMBLY REQUESTING THE EVER-SUPPORTIVE MUNICIPAL MAYOR, HON. GINA E. MERILO, THE SANGGUNIANG BAYAN MEMBER ALL TANAUAN, LEYTE ON DISALLOWING THE PASSAGE OF 10-WHEELER TRUCKS THAT ARE HEAVILY LOADED WITH FILLING MATERIALS ON THE NEWLY CONSTRUCTED ROAD AT BRGY. GUINDAG-AN, TANAUAN, LEYTE AND ALLOWING ONLY TRUCKS LIMIT TO CARRY UP TO SIX (6) TONS OF FILLING MATERIALS IN PASSING THROUGH THE AREA.

For your guidance and information.

For and by authority of the Sangguniang Barangay of Barangay Guindag-an, Tanauan, Leyte.

Sincerely,


HON. FLORO B. JUANITEZ JR.
Punong Barangay

Republic of the Philippines
Province of Leyte
Municipality of Tanauan
Barangay Guindag-an

-o0o-

OFFICE OF THE SANGGUNIANG BARANGAY

EXCERPTS FROM THE MINUTES OF THE REGULAR SESSION OF BARANGAY COUNCIL OF BARANGAY GUINDAG-AN, TANAUAN, LEYTE HELD AT THE BRGY. HALL ON JULY 20, 2024 AT 9:00 IN THE MORNING.

PRESENT:

| | |
|------------------------------|-----------------------------|
| HON. FLORO B. JUANITEZ JR. | Punong Barangay – Presiding |
| HON. RODULFO D. BERDAN JR. | Brgy. Kagawad |
| HON. ALLAN M. ESPELITA | -do- |
| HON. LIGAYA P. MUSCA | -do- |
| HON. BELLA C. PANUNCIO | -do- |
| HON. LUCIA S. MAS | -do- |
| HON. BERNABE C. SALEM | -do- |
| HON. MARIANO ANDREW N. PEREZ | -do- |
| HON. REMUS JEROME E. BELEN | SK Chairman |

ABSENT: NONE

RESOLUTION NO. 30
Series of 2024

A RESOLUTION HUMBLY REQUESTING THE EVER-SUPPORTIVE MUNICIPAL MAYOR, HON. GINA E. MERILO, THE SANGGUNIANG BAYAN MEMBER ALL TANAUAN, LEYTE ON DISALLOWING THE PASSAGE OF 10-WHEELER TRUCKS THAT ARE HEAVILY LOADED WITH FILLING MATERIALS ON THE NEWLY CONSTRUCTED ROAD AT BRGY. GUINDAG-AN, TANAUAN, LEYTE AND ALLOWING ONLY TRUCKS LIMIT TO CARRY UP TO SIX (6) TONS OF FILLING MATERIALS IN PASSING THROUGH THE AREA.

WHEREAS, due to the continued passage of various 10-wheeler trucks heavily loaded with filling materials in the newly constructed barangay roads, will create a big loopholes and cracks in which it results again to damage the road giving a feeling of discomfort and annoyance to the residents, commuters and students of our barangay;

WHEREAS, a well-structured and paved barangay roads is a great indicator of progress and strong governance geared towards providing for the general welfare for the constituents;

WHEREFORE, on motion of kagawad Bella C. Panuncio duly seconded by all the kagawads present be it.

RESOLVED AS IT IS HEREBY RESOLVED, to request thru Hon. Ma. Gina E. Merilo, Municipal Mayor, Sangguniang Bayan Member all of Tanauan, Leyte, to disallow the passage of ten (10) wheeler trucks heavily loaded with filling materials and allowing only trucks to carry a limit of six (6) Tons only, in passing through the said barangay road.

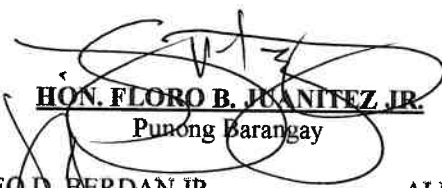
RESOLVED FURTHER, that copies of this resolution be furnished to Hon. Ma. Gina E. Merilo, Municipal Mayor, Sangguniang Bayan Member all of Tanauan, Leyte for their information and immediate action on this matter.

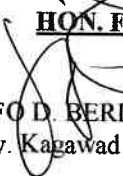
Approved Unanimously, July 20, 2024


CERTIFIED TRUE AND CORRECT


ALBERTO C. NATIVIDAD
Brgy. Secretary

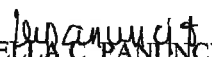
Attested:



HON. FLORO B. JUANITEZ JR.
Punong Barangay



RODULFO D. BERDAN JR.
Brgy. Kagawad

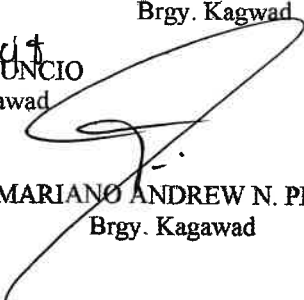

ALLAN M. ESPELITA
Brgy. Kagawad


LIGAYA P. MUSCA
Brgy. Kagawad


BELLA C. PANUNCIO
Brgy. Kagawad


LUCIA S. MAS
Brgy. Kagawad


BERNABE C. SALEM
Brgy. Kagawad


MARIANO ANDREW N. PEREZ
Brgy. Kagawad


REMUS JEROME E. BELEN
SK Chairman