Item No.:

Date: 19 2024 NOV



Republic of the Philippines
PROVINCE OF LEYTE
Provincial Capitol
Tacloban City

-00o-

PROVINCIAL LEGAL OFFICE





2nd INDORSEMENT October 21, 2024

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through SP Secretary, the attached Ordinance No. 21-01 of the Sangguniang Bayan of Burauen, Leyte.

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

• Ordinance No. 21-01 entitled: "An Ordinance Reclassifying Lot No. 1241."

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.

ATTA. 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"

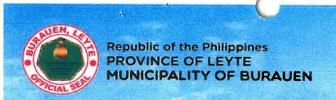
Republic of the Philippines PROVINCE OF LEYTE Palo, Leyte

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1ST INDORSEMENT 16 October 2024

The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed Municipal Ordinance No. 21-01, of the Municipality of Burauen, Leyte, entitled: An Ordinance Reclassifying Lot No. 1241 of the Burauen Cadastre situated at Brgy. Balorinay, Burauen, Leyte, covered by Decree No. 588866, under Tax Declaration No. 08-0015-00057, containing an area of 14,606 square meters, more or less and Lot No. 1242 of the Cadastral Survey of Burauen, covered under Oct. No. N-1474, containing an area of 10,020 square meters, more or less, located at Brgy. Balorinay, Burauen. Leyte, from Agricultural Commercial/Residential lots, in conformity with RA 6657, otherwise known as the Comprehensive Agrarian Reform Law.

FLORINDA JUL S. UYVICO
Secretary to the Sanggunian





OFFICE OF THE SANGGUNIANG BAYAN

October 16, 2024

THE HONORABLE MEMBERS Sangguniang Panlalawigan Province of Leyte

THROUGH:

FLORINDA JILL S. UYVICO Secretary to the Sanggunian

Province of Leyte

Palo, Leyte



Ladies/Gentlemen:

We transmit herewith 15 copies of <u>Municipal Ordinance No. 21-01</u>, Series of 2021 of the Sangguniang Bayan of Burauen, Leyte, entitled "An ordinance reclassifying Lot No. 1241 of the Burauen Cadastre situated at Brgy. Balorinay, Burauen, Leyte, covered by Decree No. 588866, under Tax Declaration No. 08-0015-00057, containing an area of 14,606 square meters, more or less; and Lot No. 1242 of the Cadastral Survey of Burauen, covered under OCT No. N-1474, containing an area of 10,020 square meters, more or less, located at Brgy. Balorinay, Burauen, Leyte, from agricultural to commercial/residential lots, in conformity with RA 6657, otherwise known as the Comprehensive Agrarian Reform Law", for review and approval of the body.

Attached are the following documents for your perusal:

- Certificate of Public Hearing;
- 2. Minutes of the Public Hearing;
- 3. Attendance Sheet;
- 4. Certification from the Municipal Agriculture Office;
- 5. Certification from the Sangguniang Bayan;
- 6. Certification from the Municipal Planning and Development Office; and
- 7. Certificate of Posting.

Thank you and please acknowledge receipt hereof.

Respectfully yours,

CHARITY C. BARBOSA

Board Secretary II



Republic of the Philippines PROVINCE OF LEYTE Municipality of Burauen

OFFICE OF THE SANGGUNIANG BAYAN



EXCERPT FROM THE MINUTES OF THE 76TH REGULAR SESSION ROVINGE OF LEYTE SANGGUNIANG BAYAN OF BURAUEN, LEYTE HELD AT THE MUNICIPAL SESSION HALL, EXECUTIVE AND LEGISLATIVE BUILDING ON JANUARY 4, 2021.

PRESENT:

Hon. Noel P. Alpino

Hon. Warren V. Hermano Hon. Dexter R. Seno Hon. Felipe E. Coral, Jr. Hon. Cipriano R. Relatorres, Jr.

Hon. Vincent G. Enerlan

Hon. Cheeryl Y. Ducentes Hon. Benoni Z. Pocpoc Hon. Oscar A. Cagara Hon. Fe S. Renomeron

Hon. Frances John R. Fernandez

Vice Mayor/Presiding Officer

Sangguniang Bayan Member Sangguniang Bayan Member Sangguniang Bayan Member Sangguniang Bayan Member

Sangguniang Bayan Member/

Assistant Floor Leader
Sangguniang Bayan Member

Sangguniang Bayan Member/Floor Leader

Sangguniang Bayan Member

LnB President/Ex-Officio SB Member SK Fed. President/Ex-Officio SB Member

ABSENT:

None.

RESOLUTION NO. 2021-001

A RESOLUTION ENACTING AN ORDINANCE RECLASSIFYING LOT NO. 1241 OF THE BURAUEN CADASTRE SITUATED AT BRGY. BALORINAY, BURAUEN, LEYTE, COVERED BY DECREE NO. 588866, UNDER TAX DECLARATION NO. 08-0015-00057, CONTAINING AN AREA OF 14,606 SQUARE METERS, MORE OR LESS; AND LOT NO. 1242 OF THE CADASTRAL SURVEY OF BURAUEN, COVERED UNDER OCT NO. N-1474, CONTAINING AN AREA OF 10,020 SQUARE METERS, MORE OR LESS, LOCATED AT BRGY. BALORINAY, BURAUEN, LEYTE, FROM AGRICULTURAL TO COMMERCIAL/RESIDENTIAL LOT, IN CONFORMITY WITH RA 6657, OTHERWISE KNOWN AS THE COMPREHENSIVE AGRARIAN REFORM LAW.

WHEREAS, presented for consideration was the request for the reclassification on the land use of Lot Nos. 1241 and 1242 owned by Engr. Iluminado Cordero, Jr. and Dr. Sharon Cordero located at Brgy. Balorinay, Burauen, Leyte, from agricultural to commercial/residential land;

WHEREAS, it could be noted that the two referred lots applied for are considered unproductive agricultural land considering the devastation of the super typhoon Yolanda wherein almost all coconut trees and other crops were destroyed and no replanting activities was initiated;

WHEREAS, it could be further pointed out that Lot Nos. 1241 and 1242 can be developed into a residential and commercial areas which shall have greater economic value, hence the reclassification of the referred lots into commercial/residential purposes is reasonable; and

WHEREAS, as per evaluation conducted by the Office of the Municipal Planning and Development Coordinator, the office recommended for the reclassification of the referred lots pursuant to the prescribed guidelines under Municipal Ordinance No. 19-19, series of 2019.

NOW, THEREFORE, on motion of Honorable Benoni Z. Pocpoc, duly seconded by all SB members present, be it

RESOLVED, as it is hereby resolved, to enact the following ordinance, to wit:

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Page 2 of 3 Resolution No.2021-001, embodying Municipal Ordinance No. 21-01 January 4, 2021

MUNICIPAL ORDINANCE NO. 21-01 Series of 2021

AN ORDINANCE RECLASSIFYING LOT NO. 1241 OF THE BURAUEN CADASTRE SITUATED AT BRGY. BALORINAY, BURAUEN, LEYTE, COVERED BY DECREE NO. 588866, UNDER TAX DECLARATION NO. 08-0015-00057, CONTAINING AN AREA OF 14,606 SQUARE METERS, MORE OR LESS; AND LOT NO. 1242 OF THE CADASTRAL SURVEY OF BURAUEN, COVERED UNDER OCT NO. N-1474, CONTAINING AN AREA OF 10,020 SQUARE METERS, MORE OR LESS, LOCATED AT BRGY. BALORINAY, BURAUEN, LEYTE, FROM AGRICULTURAL TO COMMERCIAL/RESIDENTIAL LOTS, IN CONFORMITY WITH RA 6657, OTHERWISE KNOWN AS THE COMPREHENSIVE AGRARIAN REFORM LAW.

Be it ordained by the Members of the Sangguniang Bayan in session, that

Section 1 – This ordinance shall be called "An ordinance reclassifying Lot No. 1241 of the Burauen Cadastre situated at Brgy. Balorinay, Burauen, Leyte, covered by Decree No. 588866, under Tax Declaration No. 08-0015-00057, containing an area of 14,606 square meters, more or less; and Lot No. 1242 of the Cadastral Survey of Burauen, covered under OCT No. N-1474, containing an area of 10,020 square meters, more or less, located at Brgy. Balorinay, Burauen, Leyte, from agricultural to commercial/residential lots, in conformity with RA 6657, otherwise known as the Comprehensive Agrarian Reform Law".

Section 2 – The parcel of land covered under Lot 1241 covered by Decree No. 588866, with Tax Declaration No. 08-0015-00057 located at Brgy. Balorinay, Burauen, Leyte, containing an area of 14,606 square meters, more or less, and Lot No. 1242 covered under OCT No. N-1474 located at Brgy. Balorinay, Burauen, Leyte, containing an area of 10,020 square meters, more or less, are hereby reclassified into Commercial/Residential Zone;

Section 3 – Any existing ordinance the provisions of which are inconsistent herewith are deemed repealed or modified accordingly;

Section 4 – This ordinance shall take effect upon approval.

RESOLVED, further, that copies of this resolution be furnished all offices and agencies concerned for their information and ready reference.

Enacted and approved, January 4, 2021, in regular session assembled.

I HEREBY CERTIFY to the correctness of the foregoing Municipal Ordinance No. 21-01, series of 2021, duly approved by the Sangguniang Bayan of Burauen, Leyte in its 76th regular session assembled held on January 4, 2021.

PABLO D. RENOMERON Sangguniang Bayan Secretary

ATTESTED:

HON. NOEL P. ALPINO Vice Mayor/Presiding Officer

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Hof.

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Page 3 of 3

Resolution No.2021-001, embodying Municipal Ordinance No. 21-01

January 4, 2021

HON WARREN V. HERMANO

Sangguniang Bayan Member

HON. FELIPE E. CORAL, JR.

Sangguniang Bayan Member

HON. VINCENT G. ENERLAN Sangguniang Bayan Member/

Assistant Floor Leader

HON. BENONIZ. POCPOC Sangguniang Bayan Member/ Floor Leader

HON. FE S. RENOMERON LnB President/Ex-Officio SB Member HON. DIXTER R. SENO Sanggunang Bayan Member

HON. CIPRIANO R. RELATORRES, JR.

Sangguniang Bayan Member

HON. CHEERYL Y. DUCENTES Sangguniang Bayan Member

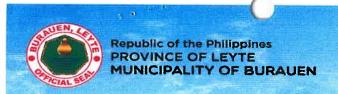
HON. OSCAR A. CAGARA Sangguniang Bayan Member

HON. FRANCES JOHN R. FERNANDEZ SK Federation President Ex-Officio Member

APPROVED:

JUANITO E RENOMERON

Mayor





OFFICE OF THE SANGGUNIANG BAYAN

CERTIFICATE OF PUBLIC HEARING

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that a Public Hearing for Municipal Ordinance No. 21-01. Series of 2021 of the Sangguniang Bayan of Burauen, Leyte, which is "An ordinance reclassifying Lot No. 1241 of the Burauen Cadastre situated at Brgy. Balorinay, Burauen, Leyte, covered by Decree No. 588866, under Tax Declaration No. 08-0015-00057, containing an area of 14,606 square meters, more or less; and Lot No. 1242 of the Cadastral Survey of Burauen, covered under OCT No. N-1474, containing an area of 10,020 square meters, more or less, located at Brgy. Balorinay, Burauen, Leyte, from agricultural to commercial/residential lots, in conformity with RA 6657, otherwise known as the Comprehensive Agrarian Reform Law", was conducted on December 2, 2020 9:30 in the morning at the Burauen Community Center, Burauen, Leyte.

Burauen, Leyte, October 10, 2024.

HON. NOEL P. ALPINO Municipal Vice-Mayor



MINUTES OF THE PUBLIC HEARING/CONSULTATION CONDUCTED AT BRGY. BALORINAY, BURAUEN, LEYTE, RE: RECLASSFICATION OF AGRICULTURAL LOT TO RESIDENTIAL LOT, AS APPLIED FOR BY ENGR. ILUMINADO CORDERO, FOR HIS FUTURE HOUSING PROJECT IN THE BARANGAY, ON DECEMBER 2, 2020

- The Public hearing started at 9:30 a.m., with Punong Barangay Vergel Plazo, who gave his opening message, informing the purpose of the public consultation called on the by Sangguniang Bayan of the municipality. He informed that the issue have already been opened and taken up in their barangay sessions.
- Hon. Vice Mayor Noel P. Alpino, emphasized the importance of the public hearing/consultation, because this affects the entire barangay and its constituents. He informed that that the applicant has already complied all the requirements except the public hearing, hence the public hearing consultation was called. According to him the purpose of the developer will create employment, and business in the barangay;
- Hon. Cipriano R. Rerlatorres, Jr., emphasized the ordinance pertaining to the reclassification of agricultural lands in the municipality. He informed that if the an agricultural lot is not reclassified, this cannot be converted commercial/residential lot, thus, it is necessary that the sangguniang bayan should reclassify first the land to commercial/residential. And the reclassification involves a process where one the requirements id the public hearing/consultation. emphasized that even if this had already been treated in the general assembly, there is still a need for the sangguniang bayan to consult the public/constituents of the barangay affected. He cited as an example the V & G Subdivision and the Camella Homes. This would increase the population, likewise the income of the barangay on realty tax and IRA., aside from increase in business/commerce;
- He mentioned also that after the public hearing the application shall be referred to the MPDC for his recommendation prior to issuance of SB resolution interposing no objection to the reclassification.
- Hon. Vincentt G. Enerlan emphasized that the public hearing/consultation is held in order to inform and make the barangay constituents aware about the project being undertaken in their barangay.
- Hon. Felipe E. Coral stressed that the project is a grace and a blessing to the barangay, as this would create employment and business leading towards the development of the barangay.
- Hon. Oscar A. Cagara, likewise impart the importance of the public hearing. Before the sanggunian bayan approves, there should first be consultation and approval from the brgy. Constituents;
- Hon. Cipriano R. Relatorres, Jr., emphasized that once the applicant is issued a sangguniang bayan resolution, he will commence the project, upon payment of reclassification fee pursuant to the ordinance pertaining to reclassification agricultural lands. And further, he will make a commitment that within a three year period he shall start developing the project, otherwise, this will be reverted back to its old reclassification as agricultural land.

- The applicant, Engr. Iluminado T. Cordero, Jr., in his message emphasized that as a law abiding citizen, he just follow the process for the reclassification. He stressed that the project is not only for the benefit of his family but also to offer and provide housing opportunity for the municipal constituents, provide employment and income as well to the municipality.
- Hon. Cheeryl Y. Ducentes, mentioned the condition of the barangay hall which will be affected by the road widening project of the government, and attempted to request the applicant if he can accommodate the barangay hall within his lot, but the applicant, Engineer Cordero immediately stressed that the barangay has already acquired a lot where the Brgy. Hall could possibly be relocated.
- Hon. Benoni Z. Pocpoc. Likewise emphasized the importance of the public hearing/consultation, to erase doubts on the establishment of the housing project. In connection therewith, he asked the public if they concur/agree and approve the reclassification of the lot for the development of housing project in the barangay, Punong Barangay Plazo, in behalf of the constituents of the barangay replied that there is no problem, that when once again asked by Hon. Benoni Z Pocpoc, the public confirmed their approval.
- Hon. Cipriano R. Relatorres, Jr., further informed that as required by the Human Settlement, the developer shall establish a health center, tanod outpost, and row houses worth of not more than P450,000.00, for low income earners.
- In addition, Engr. Iluminado T. Cordero, Jr., further informed that he would provide a playground in the area and other amenities for the benefit of the homeowners.
- There being no any other issues to be discussed, the public hearing adjourned at 11:30 a.m.

Preparea by:

PABLO D. RENOMERON

SB Secretary



Republic of the Philippines PROVINCE OF LEYTE Municipality of Burauen *

OFFICE OF THE SANGGUNIANG BAYAN

ATTENDANCE SHEET **PUBLIC HEARING**

DECEMBER 2, 2020

NO.	FULL NAME	BARANGAY/OFFICE	POSITION	SIGNATURE
1.	VINGELS. PLAZO	Balorinay	Punong Baranga	y Ch
2.	NINO P. MACA	11	3 44)	12m
3.	MA. VICKY A. PORQUII	uas II	B. SECRETARY	aguen
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6.	Venic A Falare		S. B.	down
7.	Lilia A. Rellam	a 11	SB	Apame
8.	GRLINDA P. AMAT	l1	BT	Cank .
9.	NORALY S. CREBIL	0 (1	Tamod	Monary S. Oubillo
10.	DELIA B. SENKS Rame I mucad	E 11	BAN	Je en
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12.	Javwena A. Po	non 11	Kargarvacl	R. posum
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15.	BIBIANO RENO		495	BIBIANO
16.	alicia E. agruini			aguino
17.	aligna T Could	llo		Creado
18.	LIEUE ALGUTA			Larguta
19.	VINGINIA D. A	MIDO		V. P. antino
20.	MARGIE A MAGA	RA		Macaban
21.	PULITICASION NUE	VAS		Punficarion Never
22.	Krishna D. Pate			Surti
23.	Renalyn A. Falar	lerg	Hw	Surti Julgun
24.	FELISA G. ANT	150	495	gAntino
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CERTIFICATION

This certifies that ILLUMINADO T. CORDERO, Jr. with legal age, owner of the land located in Barangay Balorinay, Burauen, Leyte with Tax Declaration No. R13-08-0015-00055 upon inspection consider as unproductive agricultural land. The main reason was due to the devastation of super typhoon Yolanda that causes almost all the planted coconut trees and other crops were destroyed.

This certification is issued upon the request of **Illuminado T. Cordero**, **Jr.** for whatever lawful purpose it may serve.

Burauen, Leyte, October 7, 2024.

LEMUEL C. TROCINO
OIC – Municipal Agriculture Officer

CERTIFICATION

This certifies that **ILLUMINADO T. CORDERO, Jr.** with legal age, owner of the land located in Barangay Balorinay, Burauen, Leyte with **Tax Declaration No. R13-08-0015-00057** upon inspection consider as unproductive agricultural land. The main reason was due to the devastation of super typhoon Yolanda that causes almost all the planted coconut trees and other crops were destroyed.

This certification is issued upon the request of **Illuminado T. Cordero, Jr.** for whatever lawful purpose it may serve.

Burauen, Leyte, October 7, 2024.

LEMUEL C. TROCINO
OIC – Mynicipal Agriculture Officer



OFFICE OF THE SANGGUNIANG BAYAN

CERTIFICATION

THIS IS TO CERTIFY that after due determination of the subject agricultural lands with TD No. 08-0015-00055 Lot No. 1242 and TD No. 08-0015-00057 Lot No. 1241, will have substantial and greater economic value for commercial/residential lots.

This certification is issued upon the request of Engr. Iluminado T. Cordero, Jr. on October 10, 2024 at the Office of the Sangguniang Bayan of Burauen, Leyte, Executive and Legislative Building, corner Sto. Niño and La Purisima Streets, Burauen, Leyte, Philippines.

HON NOCL P. ALPINO Municipal Vice-Mayor





Republic of the Philippines PROVINCE OF LEYTE Municipality of Burauen



MUNICIPAL PLANNING AND DEVELOPMENT OFFICE

CERTIFICATION

This is to certify that the reclassification of Cadastral <u>Lot No. 1241</u> situated in <u>Barangay Balorinay</u> Burauen, Leyte from Agricultural use to other uses is within the five percent (5%) maximum limit.

This Certification is issued upon request of Iluminado T. Cordero Jr. for whatever purpose it may serve. Issued this 8th day of October, 2024 at Burauen, Leyte.

ENGR. FELISBERTO RECHMOND P. OSMEÑA

Municipal Planning and Development Coordinator

O.R.No. : 9791189

Issued on: October 8, 2024
Issued at: Buraven, Leyte

Prepared by:

DYNA ROSE). LOZADA MPDO-STAFF





Republic of the Philippines PROVINCE OF LEYTE Municipality of Burauen



MUNICIPAL PLANNING AND DEVELOPMENT OFFICE

CERTIFICATION

This is to certify that the reclassification of Cadastral Lot No. 1242 situated in Barangay Balorinay Burauen, Leyte from Agricultural use to other uses is within the five percent (5%) maximum limit.

This Certification is issued upon request of Iluminado T. Cordero Jr. for whatever purpose it may serve. Issued this 8th day of October, 2024 at Burauen, Leyte.

ENGR. FELISBERT CHMOND P. OSMEÑA

Municipal Planning and Development Coordinator

O.R.No. : 9791268

Issued on: October 8, 2024
Issued at: Burguen, Leyte

Prepared by:

DYNA ROSEN LOZADA





OFFICE OF THE SANGGUNIANG BAYAN

CERTIFICATE OF POSTING

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that Municipal Ordinance No. 21-01, Series of 2021 of the Sangguniang Bayan of Burauen, Leyte, entitled, "An ordinance reclassifying Lot No. 1241 of the Burauen Cadastre situated at Brgy. Balorinay, Burauen, Leyte, covered by Decree No. 588866, under Tax Declaration No. 08-0015-00057, containing an area of 14,606 square meters, more or less; and Lot No. 1242 of the Cadastral Survey of Burauen, covered under OCT No. N-1474, containing an area of 10,020 square meters, more or less, located at Balorinay, Burauen, Leyte, from agricultural commercial/residential lots, in conformity with RA 6657, otherwise known as the Comprehensive Agrarian Reform Law", was enacted on January 4, 2021, approved on even date, and has been posted in two (2) conspicuous and publicly accessible places of the municipality from January 5 to January 25, 2021, in compliance with Section 59, paragraph (b) of Republic Act No. 7160, otherwise known as the "Local Government Code of 1991".

Burauen, Leyte, October 10, 2024.

HON NOELP, ALPINO Municipal Vice-Mayor

