

Item No.: 09
Date: 26 2024 NOV

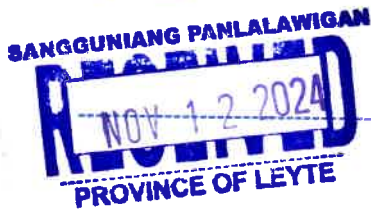


Republic of the Philippines
PROVINCE OF LEYTE
Provincial Capitol
Tacloban City

-oOo-

Province of Leyte
Legal Office

Released: *[Signature]*
Time: *9:00*
Date: *11-11-24*



PROVINCIAL LEGAL OFFICE

2nd INDORSEMENT
November 4, 2024

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary, the attached Ordinance No. 2024-18 of the Sangguniang Bayan of Hilongos, Leyte.

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

- Ordinance No. 2024-18 entitled: “An Ordinance providing for the collection of the Barangay Clearance fees and its integration to the business permits and licensing system in the Municipality of Hilongos.”

REVIEW/RECOMMENDATION/LEGAL OPINION:

This office is of the opinion that the subject Ordinance is generally in accordance with its power under Section 447(a)(2)(ii)¹ and (a)(3)(i)² of the Local Government Code of 1991 (R.A 7160). Hence, we recommend 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 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 *[Signature]*

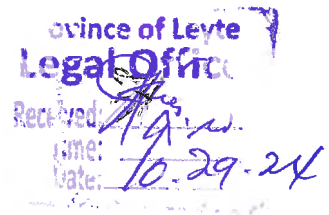
¹ (ii) Subject to the provisions of Book II of this Code and applicable laws and upon the majority vote of all the members of the sangguniang bayan, enact ordinances levying taxes, fees and charges, prescribing the rates thereof for general and specific purposes

²(i) Fix and impose reasonable fees and charges for all services rendered by the municipal government to private persons or entities;


Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1ST INDORSEMENT
287 October 2024



The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **Municipal Ordinance No. 2024-18** of the **Municipality of Hilongos, Leyte**, entitled: An Ordinance providing for the collection of the Barangay Clearance fees and its integration to the business permits and licensing system of the Municipality of Hilongos.

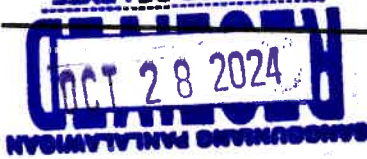

FLORINDA JILL S. UYVICO
Secretary to the Sanggunian



Republic of the Philippines
Province of Leyte
Municipality of Hilongos

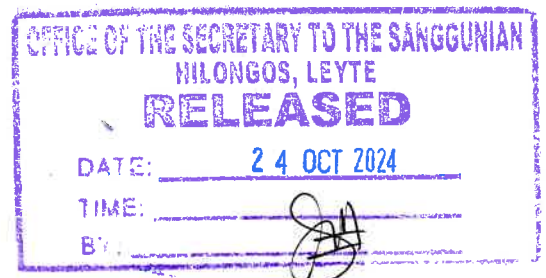


OFFICE OF THE SECRETARY TO THE SANGGUNIANG BAYAN



24 October 2024

HON. LEONARDO M. JAVIER, JR.
Provincial Vice-Governor
Province of Leyte
Tacloban City



Sir:

Greetings!

Respectfully forwarding fifteen (15) copies of **Municipal Ordinance No. 2024-18**: An Ordinance Providing for the Collection of the Barangay Clearance Fees and its integration to the Business Permits and Licensing System of the Municipality of Hilongos, Leyte.

Hoping for its approval, I am.

Very respectfully yours,

Catherine A. Fabular
CATHERINE A. FABULAR
Secretary to the Sanggunian

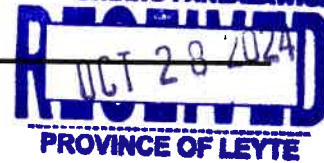


Republic of the Philippines
Province of Leyte
Municipality of Hilongos



OFFICE OF THE SANGGUNIANG BAYAN

SANGGUNIANG PANLALAWIGAN



MUNICIPAL ORDINANCE NO. 2024-18

AN ORDINANCE PROVIDING FOR THE COLLECTION OF THE BARANGAY CLEARANCE FEES AND ITS INTEGRATION TO THE BUSINESS PERMITS AND LICENSING SYSTEM OF THE MUNICIPALITY OF HILONGOS

Authored by: **HON. RICHARD BENEDICT V. OGARIO**
Chairperson, Committee on Barangay Affairs

WHEREAS, pursuant to Section 5 of RA 11032, otherwise known as the Ease of Doing Business and Efficient Government Service Delivery Act of 2018, wherein "all offices and agencies which provide government services are hereby mandated to regularly undertake cost compliance analysis, time and motion studies, undergo evaluation and improvement of their transaction system and procedures and re-engineer the same if deemed necessary to reduce bureaucratic red tape and processing time.";

WHEREAS, Section 11 (f) of RA 11032, provides that "Barangay Clearances and permits related to doing business shall be applied, issued and collected at the City/Municipality in accordance with the prescribed processing time of said Act, provided that the share in the collections shall be remitted to the respective barangays;

WHEREAS, Section 2 of RA 11032, also known as the Ease of Doing Business and Efficient Government Service Delivery Act of 2018 that the State shall maintain honesty and responsibility among its public officials and employees, and shall take appropriate measures to promote transparency in each agency with regard to the manner of transacting with the public, which shall encompass a program for the adoption of simplified requirements and procedures that will reduce red tape and expedite business and non-business related transactions in government;

WHEREAS, one of the complementary reforms mentioned is the integration of the issuance of Barangay Clearance in the LGU Permitting Process, wherein the Department of the Interior and Local Government issued Memorandum Circular No. 2019-177 dated October 17, 2019 which provides the Guidelines in the Integration of the Issuance of Barangay Clearance in the Permitting Processes of Cities and Municipalities;

WHEREAS, the barangays in the Municipality of Hilongos approved resolutions to authorize the Local Government of Hilongos to issue barangay clearance and collect corresponding barangay clearance fee in the application for any business-related transactions subject to the remittance of the aforesaid fees to the barangay and the conditions hereunder;

NOW THEREFORE, on motion of Hon. Richard Benedict V. Ogario, as duly seconded by Hon. Edwin F. Faller;

BE IT ORDAINED in the 16th Sangguniang Bayan Hilongos during its Fortieth Regular Session for CY 2024 assembled that:

SECTION 1. TITLE - The title of this Ordinance is "Integration on the Collection of Corresponding Barangay Clearance Fee In Any Business-Related transaction Subject to the Remittance of the Fees to the Respective Fifty One (51) Barangays in the Municipality of Hilongos".

MANUEL R. VILLAHERMOSA
Municipal Mayor

BERNADETH M. NERVES
SB Member

EDWIN F. FALLER
SB Member

ALBERT R. VILLAHERMOSA
Municipal Vice-Mayor

CATHERINE A. FABULAR
Secretary to the Sanggunian

RICHARD BENEDICT V. OGARIO
Ex-Officio Member/President,
Liga ng mga Baranga

CRIS ANTONIO B. ONG
SB Member

MANUEL M. GABISAN
SB Member

MANUEL V. LORA
SB Member

CECILLE ANTONIETTE C. SABRIDO
Ex-Officio Member / President, Pambayang Pederasyon ng
Sangguniang Kabataan (on official travel)

FRANCISCO M. ORTEGA
SB Member

TRINIDAD V. ZARATE
SB Member

ALINE B. REOMA
SB Member

Municipal Ordinance No. 2024-18

Integration on the Collection of Corresponding Barangay Clearance Fee In Any Business-Related transaction Subject to the Remittance of the Fees to the Respective Fifty One (51) Barangays in the Municipality of Hilongos

CATHERINE A. FABULAR
Secretary to the Sanggunian

SECTION 2. Scope/Coverage - This Ordinance applies only to the issuance of barangay clearance and the collection of the corresponding barangay clearance fee for business permit purposes during renewal and application of new business permits and as well as a pre-requisite for the application for locational / zoning clearance in the municipality.

SECTION 3. Definition of terms - The words and phrases used in this ordinance are hereby defined as follows:

- a) **Barangay Clearance** - refers to any and all documents issued by the barangays with or without corresponding fees as defined in their ordinances relative to the issuance of business permit or any other permit as may be required.
- b) **Barangay Clearance Fees** - is an amount imposed by the barangays through an ordinance and collected by the municipality in relation to the issuance of business permit by the municipality.
- c) **Business Permit** - is a document that must be secured from the Local Government Unit, usually through its Business Permit and Licensing Office (BPLO), for a business to legally operate in the locality.
- d) **Locational Clearance** - is a clearance issued by the zoning officer to a project that is allowed under the provisions of an ordinance of a particular municipality. It is a requirement for the issuance of building permit.

SECTION 4. Authority to Collect Barangay Clearance Fee of Business - Related Transactions - The Local Government of Hilongos is given the authority thru the Office of the Municipal Treasurer or his duly authorized representative to collect the barangay clearance fee pending its integration to the business permits and licensing system of the local government.

Thereafter, the barangay clearance fee shall be included in the order of payment for business permit together with the authorized fees and charges to put in effect the one-time assessment of fees and charges and payment.

SECTION 5. Rate of Barangay Clearance Fee to be Collected - The rate of barangay clearance fee to be collected by the Local Government of Hilongos for the issuance of said clearance which shall be computed on the provisions of approved barangay revenue ordinances (Barangay Tax Ordinances) prescribing the business clearance fees that are being collected by the different barangays.

SECTION 6. Barangay Clearance Signatory - The Punong Barangays within the Municipality of Hilongos shall submit their respective electronic signature and barangay template/logo the Business Permit and Licensing Office (BPLO) which shall be exclusively for the issuance of approved Barangay Clearance.

RICHARD BENEDICT V. OGARIO
Ex-Officio Member / President,
Liga ng mga Barangay

CRIS ANTONIO B. ONG
SB Member

MANUEL M. CABISAN
SB Member

MANUEL V. LORA
SB Member

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Ex-Officio Member / President, Pambayang Pederasyon ng
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Municipal Mayor

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SB Member

EDWIN P. FALLER
SB Member

ALBERT R. VILLAHERMOSA
Municipal Vice-Mayor

Municipal Ordinance No. 2024-18

Integration on the Collection of Corresponding Barangay Clearance Fee In Any Business-Related transaction Subject to the Remittance of the Fees to the Respective Fifty One (51) Barangays in the Municipality of Hilongos

CATHERINE A. FABULAR
Secretary to the Sanggunian

SECTION 7. The barangays are required to submit a list of all cleared existing business establishments within their respective jurisdiction to the Office of the Municipal Treasurer. Additionally, for new business establishments, the barangays must provide an updated list to the same office on a quarterly basis.

However, failure to submit the list of cleared establishments to the said office shall result in a waiver of the rights to confirm that those establishments have been duly cleared by the barangay.

SECTION 8. Reporting the Remittance - The Local Government of Hilongos thru the Municipal Treasurer shall remit the Barangay Clearance Fees to the subject barangay not later than the first seven (7) working days of the ensuing month together with the list of issued business permits for businesses operating in the said barangay.

SECTION 9. Implementing Rules and Regulations - The Executive Department is given sixty (60) days to promulgate Implementing Rules and Regulations for the enforcement of this ordinance.

SECTION 10. Separability Clause - If for any reason, a part of this ordinance is declared illegal or invalid, other parts or provision hereof which are not affected thereby shall remain valid and in full force and effect.

SECTION 11. Repealing Clause - All previous ordinances, rules and regulations which are inconsistent with the provisions of this Ordinance are hereby deemed modified or repealed accordingly.

SECTION 12. Effectivity - This ordinance shall take effect fifteen (15) days after its publication.

ENACTED this 7th day of October, 2024 during the Fortieth Regular Session for CY 2024 of the 16th Sangguniang Bayan of Hilongos.

CRIS ANTONIO B. ONG
SB Member
EDWIN F. FALLER
SB Member
MANUEL M. GABISAN
SB Member
MANUEL V. LORA
SB Member
BERNADETH M. NERVES
SB Member
ALINE B. REOMA
SB Member
MANUEL R. VILLAHERMOSA
Municipal Mayor
ALBERT R. VILLAHERMOSA
Municipal Vice-Mayor

CECILLE ANTONIETTE C. SABRIDO
Ex-Officio Member / President, Pambayang Pederasyon ng Sangguniang Kabataan (on official travel)

FRANCISCO M. ORTEGA
SB Member


TRINIDAD V. ZARATE
SB Member

RICHARD BENEDICTO V. OGARIO
Ex-Officio Member / President,
Liga ng mga Barangay

Municipal Ordinance No. 2024-18

Integration on the Collection of Corresponding Barangay Clearance Fee In Any Business-Related transaction Subject to the Remittance of the Fees to the Respective Fifty One (51) Barangays in the Municipality of Hilongos



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SB Member

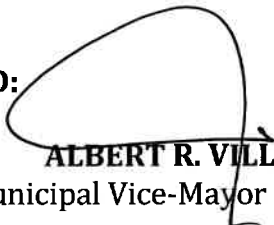
RICHARD BENEDICT V. OGARIO
Ex-Officio Member/President, Liga ng mga
Barangay

CECILLE ANTONIETTE C. SABRIDO
Ex-Officio Member/President,
Pambayang Pederasyon ng Sangguniang
Kabataan (*on official travel*)


I HEREBY CERTIFY to the correctness of the foregoing ordinance.



CATHERINE A. FABULAR
Secretary to the Sanggunian


ATTESTED:



ALBERT R. VILLAHERMOSA
Municipal Vice-Mayor / Presiding Officer

APPROVED:


MANUEL R. VILLAHERMOSA
Municipal Mayor
Date: 10/29/24

CRIS ANTONIO B. ONG
SB Member


MANUEL M. CABISAN
SB Member


MANUEL V. LORA
SB Member



BERNADETH M. NERVES
SB Member


EDWIN F. FALLER
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ALINE B. REOMA
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