



Republic of the Philippines
PROVINCE OF LEYTE
 Provincial Capitol
 Tacloban City

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PROVINCIAL LEGAL OFFICE

Province of Leyte
 Legal Office
 Received: [Signature]
 Date: 15
SANGGUNIANG PANLALAWIGAN
RECEIVED
 JAN 20 2025
 PROVINCE OF LEYTE

Item No.: 01
 Date: 28 2025 JAN

2nd INDORSEMENT
 November 11, 2024

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary, the attached Ordinance No.2024-27 of the Sangguniang Bayan of Calubian, Leyte.

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

- Ordinance No. 2024-27 entitled: **“An Ordinance declaring a portion of a municipal owned land consisting of 201.30 square meters covered under Tax Declaration No. 08-09-0001-00112, Lot No. 014, located at Brgy. T. Poblacion, Calubian, Leyte as a site for the erection of a two storey Local Government Center funded by the Department of Interior and Local Government and Resolution No. 29-2016 as repealed.”**

REVIEW/RECOMMENDATION/LEGAL OPINION:

This office is of the opinion that the subject Ordinance is generally in accordance with its power for it is within the powers of the Local Council to repeal/amend its prior acts either expressly or by the passage of an essentially inconsistent resolution¹. 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

¹ (Constantino vs. Desierto, 288 SCRA 654) April 13, 1998

Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte

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OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1ST INDORSEMENT
04 November 2024

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11.4.24

The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **Ordinance No. 2024-27** of the **Municipality of Calubian, Leyte**, entitled: An Ordinance declaring a portion of a municipal owned land consisting of 201.30 square meters covered under Tax Declaration No. 08-09-0001-00112, Lot No. 014, located at Brgy. T. Poblacion, Calubian, Leyte as site for the erection of a two (2) storey Local Government Center funded by the Department of Interior and Local Government (DILG) and Resolution No. 29-2016 entitled: A Resolution authorizing Municipal Mayor, Hon. Doroteo N. Palconit of Calubian, Leyte a to donate for an in behalf of the Municipal Government of Calubian, Leyte a 201.30 square meter Municipal Lot to the Department of Interior and Local Government (DILG) for erection of a two (2) storey building called Local Government Center, as repealed.

✓

ANDRES SANICO
Provl Govt. Asst. Dept. Head



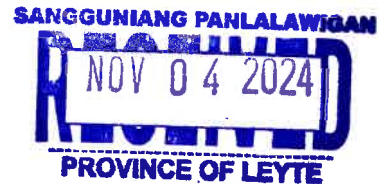
Republic of the Philippines
PROVINCE OF LEYTE
Municipality of Calubian



OFFICE OF THE SANGGUNIANG BAYAN

October 31, 2024

HON. LEONARDO M. JAVIER, JR.
Provincial Vice Governor, Presiding Officer; and
The Honorable Members of the Sangguniang Panlalawigan
Province of Leyte
New Leyte Provincial Capitol
Palo, Leyte



THRU: **MS. FLORINDA JILL S. UYVICO**
Provincial Government Department Head
Secretary to the Sanggunian
Province of Leyte

Dear Honorable Ladies/ Gentlemen:

Good day!

We are respectfully forwarding *fifteen (15) copies* of the following Municipal Ordinance No. 2024-27, entitled: "AN ORDINANCE DECLARING A PORTION OF A MUNICIPAL OWNED LAND CONSISTING OF 201.30 SQUARE METERS COVERED UNDER TAX DECLARATION NO. 08-09-0001-00112, LOT NO. 014, LOCATED AT BRGY. T. POBLACION, CALUBIAN, LEYTE AS SITE FOR THE ERECTION OF A TWO (2) STOREY LOCAL GOVERNMENT CENTER FUNDED BY THE DEPARTMENT OF INTERIOR AND LOCAL GOVERNMENT (DILG)" AND RESOLUTION NO. 29-2016 ENTITLED "A RESOLUTION AUTHORIZING MUNICIPAL MAYOR, HON. DOROTEO N. PALCONIT OF CALUBIAN, LEYTE A TO DONATE FOR AN IN BEHALF OF THE MUNICIPAL GOVERNMENT OF CALUBIAN, LEYTE A 201.30 SQUARE METER MUNICIPAL LOT TO THE DEPARTMENT OF INTERIOR AND LOCAL GOVERNMENT (DILG) FOR ERECTION OF A TWO (2) STOREY BUILDING CALLED LOCAL GOVERNMENT CENTER", AS REPEALED," and its supporting attachments for favorable review and approval of the Honorable Sangguniang Panlalawigan of Leyte

For your perusal. Please acknowledge receipt hereof.

Thank you.

Very truly yours,


ATTY. KEISHA YNA VINEE V. RAMIREZ
MGDH I (Secretary to the Sanggunian)



Republic of the Philippines
PROVINCE OF LEYTE
 Municipality of Calubian
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OFFICE OF THE SANGGUNIANG BAYAN

EXCERPTS FROM THE MINUTES OF THE NINETY EIGHTH (98TH) REGULAR SESSION OF THE SANGGUNIANG BAYAN OF CALUBIAN, LEYTE HELD ON OCTOBER 14, 2024 AT THE SB SESSION HALL, LEGISLATIVE BUILDING.

PRESENT:



- Vice Mayor Anna Love Veloso – Laurente - Presiding Officer*
- SB Member Noel G. Eamiguel - Member*
- SB Member Eugenio A. Ching, Jr. - Member*
- SB Member Jullian Marc A. Batiancela - Member*
- SB Member Ester P. Lubiano - Member*
- SB Member Benjamin A. Calbitaza - Member*
- Liga ng mga Barangay Pres. Alfredo M. Casas - Member*

FORCED LEAVE:

- SB Member Julia E. Halichic - Member*
- SB Member Lucita A. Palconit - Member*
- SB Member Alyza F. Nierras - Member*
- SK Fed. Pres. Carl Ernest D. Ponce - Member*

On motion of SB Member Eugenio A. Ching, Jr.,; duly seconded by the Hon. Benjamin A. Calbitaza and Hon. Julia E. Halichic and the Majority ;

ORDINANCE NO. 2024-27

AN ORDINANCE DECLARING A PORTION OF A MUNICIPAL OWNED LAND CONSISTING OF 201.30 SQUARE METERS COVERED UNDER TAX DECLARATION NO. 08-09-0001-00112, LOT NO. 014, LOCATED AT BRGY. T. POBLACION, CALUBIAN, LEYTE AS SITE FOR THE ERECTION OF A TWO (2) STOREY LOCAL GOVERNMENT CENTER FUNDED BY THE DEPARTMENT OF INTERIOR AND LOCAL GOVERNMENT (DILG) AND RESOLUTION NO. 29-2016 ENTITLED “A RESOLUTION AUTHORIZING MUNICIPAL MAYOR, HON. DOROTEO N. PALCONIT OF CALUBIAN, LEYTE A TO DONATE FOR AN IN BEHALF OF THE MUNICIPAL GOVERNMENT OF CALUBIAN, LEYTE A 201.30 SQUARE METER MUNICIPAL LOT TO THE DEPARTMENT OF INTERIOR AND LOCAL GOVERNMENT (DILG) FOR ERECTION OF A TWO (2) STOREY BUILDING CALLED LOCAL GOVERNMENT CENTER, AS REPEALED.

WHEREAS, the Honorable Mayor Marciano A. Batiancela, Jr. through his letter dated September 30, 2024 requested to pass an Ordinance repealing Ordinance No. 2016-03, entitled “An Ordinance declaring a portion of a Municipal owned land consisting of 201.30 square meters covered under Tax Declaration No. 08-09-0001-00112, Lot No. 014, located at Brgy. T. Poblacion, Calubian, Leyte as site for the erection of a two (2) storey Local Government Center funded by the Department of Interior and Local Government (DILG)” and Resolution No. 29-2016 entitled “A Resolution authorizing Municipal Mayor, Hon. Doroteo N. Palconit of Calubian, Leyte a to donate for an in behalf of the Municipal Government of Calubian, Leyte a 201.30 square meter municipal lot to the Department of Interior and Local Government (DILG) for erection of a two (2) storey building called Local Government Center” due to its NON-IMPLEMENTATION.;

WHEREAS, the previously enacted Ordinance No. 2016-03 and Resolution No. 29-2016 regarding the afore-mentioned matter was not donated due to the fact the no fund was received from the DILG, which caused the non-implementation of the same Ordinance.

WHEREAS, R.A. 7160, Section 447. Powers, Duties, Functions and Compensation (of the Sangguniang Bayan). xxx 2. x) Provide a mechanism and the appropriate funds therefor, to ensure the safety and protection of all municipal government property, public documents, or records such as those relating to property inventory, land ownership, records of births, marriages, deaths,

JULLIAN MARC A. BATIANCELA
 SB Member

NOEL G. EAMIGUEL
 SB Member

EUGENIO A. CHING, JR.
 SB Member

ESTER P. LUBIANO
 SB Member

ALFREDO M. CASAS
 Liga ng mga Barangay Pres.

BENJAMIN A. CALBITAZA
 SB Member

assessments, taxation, accounts, business permits, and such other records and documents of public interest in the offices and departments of the municipal government;

NOW THEREFORE, on motion of SB Member Hon. Eugenio A. Ching, Jr., duly concurred by all SB Members present;

BE IT ORDAINED BY THE SANGGUNIANG BAYAN OF CALUBIAN, LEYTE, in a session assembled, **THAT**:

SECTION 1. REPEAL. Municipal Ordinance No. 2016-03, entitled “An Ordinance declaring a portion of a Municipal owned land consisting of 201.30 square meters covered under Tax Declaration No. 08-09-0001-00112, Lot No. 014, located at Brgy. T. Poblacion, Calubian, Leyte as site for the erection of a two (2) storey Local Government Center funded by the Department of Interior and Local Government (DILG)” and Resolution No. 29-2016 entitled “A Resolution authorizing Municipal Mayor, Hon. Doroteo N. Palconit of Calubian, Leyte a to donate for an in behalf of the Municipal Government of Calubian, Leyte a 201.30 square meter municipal lot to the Department of Interior and Local Government (DILG) for erection of a two (2) storey building called Local Government Center” is **HEREBY REPEALED** due to its non-implementation and the absence of the fund thereto.


SECTION 2. This Ordinance shall take effect upon its approval.

APPROVED this 14th day of October, 2024.

I HEREBY CERTIFY to the correctness of the above-quoted Ordinance.

ATTY. KEISHA YNA VINEE V. RAMIREZ
MGDHI (Secretary to the Sanggunian)


ATTESTED BY:


ANNA LOVE VELOSO-LAURENTE
Presiding Officer


JULLIAN MARC A. BATIANCELA
SB Member


NOEL G. EAMIGUEL
SB Member


EUGENIO A. CHING, JR.
SB Member


ESTER P. LUBIANO
SB Member


ALFREDO M. CASAS
Liga ng mga Barangay Pres.


BENJAMIN A. CALBITAZA
SB Member

APPROVED:

Date: 29 OCT 2024


HON. MARCIANO A. BATIANCELA, JR.
Municipal Mayor



Republic of the Philippines
PROVINCE OF LEYTE
Municipality of Calubian

OFFICE OF THE SECRETARY
TO THE SANGGUNIANG BAYAN
sbsec0813.mgocalubian@gmail.com



CERTIFICATE OF POSTING

TO WHOM THIS MAY CONCERN:

THIS IS TO CERTIFY THAT the Municipal Ordinance No. 2024-27, entitled: "AN ORDINANCE DECLARING A PORTION OF A MUNICIPAL OWNED LAND CONSISTING OF 201.30 SQUARE METERS COVERED UNDER TAX DECLARATION NO. 08-09-0001-00112, LOT NO. 014, LOCATED AT BRGY. T. POBLACION, CALUBIAN, LEYTE AS SITE FOR THE ERECTION OF A TWO (2) STOREY LOCAL GOVERNMENT CENTER FUNDED BY THE DEPARTMENT OF INTERIOR AND LOCAL GOVERNMENT (DILG)" AND RESOLUTION NO. 29-2016 ENTITLED "A RESOLUTION AUTHORIZING MUNICIPAL MAYOR, HON. DOROTEO N. PALCONIT OF CALUBIAN, LEYTE A TO DONATE FOR AN IN BEHALF OF THE MUNICIPAL GOVERNMENT OF CALUBIAN, LEYTE A 201.30 SQUARE METER MUNICIPAL LOT TO THE DEPARTMENT OF INTERIOR AND LOCAL GOVERNMENT (DILG) FOR ERECTION OF A TWO (2) STOREY BUILDING CALLED LOCAL GOVERNMENT CENTER", AS REPEALED," was posted on the Bulletin Board of the Sangguniang Bayan on October 31, 2024 and other conspicuous places in the Municipality of Calubian, Leyte, and it will remain posted therein for three (3) consecutive weeks.

THIS CERTIFICATION is issued in compliance with ARTICLE 114 of the Implementing Rules and Regulations of Regulations of Republic Act No. 7160.

ISSUED the 31st day of October, 2024 at the Municipality of Calubian, Leyte.

Very truly yours,


ATTY. KEISHA YNA VINEE V. RAMIREZ
MGDHI (Secretary to the Sanggunian)