

Item No.: 20
Date: 28 2025 JAN



Republic of the Philippines
PROVINCE OF LEYTE
Provincial Capitol
Tacloban City

Legal Office
clearance
Time: 7:20
Date: 1-27-25

SANGGUNIANG PANLALAWIGAN

RECEIVED
JAN 27 2025
PROVINCE OF LEYTE

-oOo-

PROVINCIAL LEGAL OFFICE

2nd INDORSEMENT

January 24, 2025

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through SP Secretary, the attached Ordinance No. 488 of the Sangguniang Bayan of Babatngon, Leyte.

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

- Ordinance No. 488 entitled: **“An Ordinance Reclassifying the Lot Measuring 39,803 Square Meters Located at Brgy. District III, Babatngon, Leyte, designated as Lot No. 1031, Cad. 497-D with Tax Declaration No. 2008-04003-00689, from Agricultural Land to a Special Institution Use.”**

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)⁹ 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 30, 2020, citing the Supreme Court decision in the case of *“Chamber of Real Estate and Builders Association, Inc., (CREBA) vs. The Secretary of Agrarian Reform”*¹⁰,

⁹ (viii) *Reclassify land within the jurisdiction of the municipality, subject to the pertinent provisions of this Code;*

¹⁰ G.R. No. 183409, June 18, 2010.

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.

Considering the foregoing, the Ordinance is deemed valid subject to compliance with the aforementioned laws and regulations with respect to conversion of land.

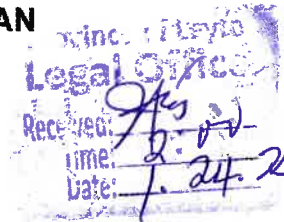
We hope to have assisted you with this request. Please note that the opinion rendered by this Office are based on the facts available and may vary or change when additional facts and documents are presented or changed. This opinion is likewise without prejudice to the opinions rendered by higher and competent authorities and/or the courts.

ATTY. JOSE RAYMUND A. ACOL
Provincial Legal Officer


Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte
-000-

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1ST INDORSEMENT
23 January 2025



The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein **Ordinance No. 488** of the **Municipality of Babatngon, Leyte**, entitled: **An Ordinance reclassifying the lot measuring 39,803 square meters located at Brgy. District III, Babatngon, Leyte, designated as Lot No. 1031, Cad. 497-D with Tax Declaration No. 2008-04003-00689 from agricultural land to a special institution use.**


FLORINDA JILL S. UYVICO
Secretary to the Sanggunian



OFFICE OF THE SANGGUNIANG BAYAN

23 JANUARY 2025

Honorable Leonardo M. Javier, Jr.
Vice Governor and Presiding Officer, and

The Honorable Members
Sangguniang Panlalawigan
Leyte Provincial Government Complex
Palo, Leyte

Dear Honorable Ladies and Gentlemen,


Respectfully endorsed to the Honorable Sangguniang Panlalawigan of the Province of Leyte is ORDINANCE NO. 488 ENTITLED: "AN ORDINANCE RECLASSIFYING THE LOT MEASURING 39,803 SQUARE METERS LOCATED AT BRGY. DISTRICT III, BABATNGON, LEYTE, DESIGNATED AS LOT NO. 1031, CAD. 497-D WITH TAX DECLARATION NO. 2008-04003-00689, FROM AGRICULTURAL LAND TO A SPECIAL INSTITUTION USE." 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. 488
2. Certification of Posting
3. Certification of Public Hearing
4. Certifications from the following:
 - > Municipal Assessor
 - > MPDC
 - > Municipal Agriculturist
 - > SB Committee Chair on Housing, Land Use & Informal Settlers

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
RELEASED
BY: *AzB*
DATE: 1/22/25
TIME: 3:00 pm

OFFICE OF THE SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF THE 126th REGULAR SESSION OF THE SANGGUNIANG BAYAN OF BABATNGON, LEYTE HELD ON THE 20th DAY OF JANUARY 2025 AT THE SB SESSION HALL, LEGISLATIVE BUILDING, BABATNGON, LEYTE.

MAYOR'S OFFICE
BABATNGON, LEYTE

RECEIVED

ORDINANCE NO. 488

BY: *Judy Anne Pallen*
DATE: 01-22-25
TIME: 9:42 am

AN ORDINANCE RECLASSIFYING THE LOT MEASURING 39,803 SQUARE METERS LOCATED AT BRGY. DISTRICT III, BABATNGON, LEYTE, DESIGNATED AS LOT NO. 1031, CAD. 497-D WITH TAX DECLARATION NO. 2008-04003-00689, FROM AGRICULTURAL LAND TO A SPECIAL INSTITUTION USE.

Presented by: **HON. FEDERICO P. ELIZAGA, JR.**
Sangguniang Bayan Member

23 JAN 2025
[Handwritten signatures and stamps]

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 “Brgy. District III Reclassification of Land Ordinance” of the Municipality of Babatngon, Leyte.

Section 2. – Reclassification of Lot – By virtue of this ordinance, the lot measuring 39,803 square meters located at Brgy. District III, Babatngon, Leyte, designated as Lot No. 1031, Cad. 497-D with Tax Declaration No. 2008-04003-00689, from Agricultural Land to Special Institution Use is hereby approved.

Section 3. – Purpose – The aforesaid lot is being reclassified from Agricultural Land to a Special Institution Use merely for the establishment of Babatngon Recreation Hub (Cockpit) in the locality.

SECTION 4. Effectivity – This ordinance shall take effect upon approval.

APPROVED and ENACTED this 20th day of January 2025 at Babatngon, Leyte.

I HEREBY CERTIFY to the correctness of the foregoing ordinance.

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

ATTESTED:

[Signature]
HON. FEDERICO P. ELIZAGA, JR.
Sangguniang Bayan Member
Temporary Presiding Officer

(Mandatory Leave)

HON. ROSARY PEARL G. CATUDIO
Municipal Vice Mayor

[Signature]
HON. CHRISTIAN C. LAWSIN
Sangguniang Bayan Member

[Signature]
HON. KEMUEL RUE M. CORSIGA
Sangguniang Bayan Member

[Handwritten signature]





OFFICE OF THE SANGGUNIANG BAYAN

ORDINANCE NO. 488
(Brgy. Dist. III Reclassification of Land Ordinance)

Page 2


HON. KARL JOMAR L. EMBANA
Sangguniang Bayan Member


HON. ILDEFONSO B. ODON
Sangguniang Bayan Member


HON. HILARIO S. MENZON
Sangguniang Bayan Member


HON. ALEX VELOSO BELLO
Sangguniang Bayan Member


HON. EDGARDO Y. MORDEN
President
Liga ng mga Barangay


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

APPROVED:


HON. ELEONOR B. LUGNASIN
Municipal Mayor

Date: 22 JAN. 2025







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 22 January 2025 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 No. 488, to wit:

1. **ORDINANCE NO. 488** - AN ORDINANCE RECLASSIFYING THE LOT MEASURING 39,803 SQUARE METERS LOCATED AT BRGY. DISTRICT III, BABATNGON, LEYTE, DESIGNATED AS LOT NO. 1031, CAD. 497-D WITH TAX DECLARATION NO. 2008-04003-00689, FROM AGRICULTURAL LAND TO A SPECIAL INSTITUTION USE.

Made this 22ND day of January 2025 at Babatngon, Leyte.


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. 488 entitled: "AN ORDINANCE RECLASSIFYING THE LOT MEASURING 39,803 SQUARE METERS LOCATED AT BRGY. DISTRICT III, BABATNGON, LEYTE, DESIGNATED AS LOT NO. 1031, CAD. 497-D WITH TAX DECLARATION NO. 2008-04003-00689, FROM AGRICULTURAL LAND TO A SPECIAL INSTITUTION USE " was presented to the public and concerned sectors in a public hearing held on January 9, 2025 at Brgy. District III, Babatngon, Leyte.

Made this 22nd day of January 2025 at Babatngon, Leyte.

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

ALMA A. BALDOMAR
Secretary II
Secretary to the Sanggunian-designate





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 properties are classified as follows:

<i>Tax Declaration No.</i>	<i>Cad. Lot No.</i>	<i>Area (has.)</i>	<i>Location</i>	<i>Classification</i>	<i>Actual Use</i>	<i>Declarant</i>
2008-04003-00689	1031	4.7883	District III	Agricultural	Coco Land, 1st	Caneja, Dolorico
XXXXXXXXXXXX						

This certification is issued upon request of the Mr. Orlie Casido for the Proposed re-classification of the above property.

Issued this 6th day of January 2025 at Babatngon, Leyte.



ISMAEL L. LAGUNA, REA, MPM
Municipal Assessor

OR Number: 0180952
Date: January 6, 2025
@ Babatngon, Leyte



TAX DECLARATION OF REAL PROPERTY

TD No. **2008-04003-00689** Property Identification No. **044-004-0003-005-06**

Owner: **CANEJA, DOLORICO** TIN: _____

Address: **Brgy. District III, Babatngon, Leyte** Telephone No. _____

Administrator/Beneficial user TIN: _____

Address: _____ Telephone No. _____

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

OCT/TCT/CLOA No.: **P- 31900** Survey No. **Cad. 497-D**

CCT: _____ Lot No.: **1031**

Dated: _____ Ass. Lot No. **06**

Boundaries:
 SW., 1-2-3-4 by Lot 1032 Case-1, Cad. 497-D; Cad.497-D; Lines 4-5-6-7-8 by Lot 1030, Case-1, Cad. 497-D; NE., line 8-9 by lot 1029, Case-1, Cad. 497-D; N., lines 9-10-11-12-13, Lot 1027 Case-1, 497-D; NE., Lines 14-15-16-17 by Lot 1020, Cad. 497-D; by lot 1020, Case-1, Cad. 497-D; line 17-18 by lot 1019, Case-1, Cad 497-D; SE., line 18-1 by Lot 2021, Cad. 497-D.

KIND OF PROPERTY ASSESSED:

<input checked="" type="checkbox"/> LAND	<input type="checkbox"/> MACHINERY
<input type="checkbox"/> BUILDING	Brief Description: _____
No. of Storeys: _____	<input type="checkbox"/> Others:
Brief Description: _____	Specify: _____

Classification	Area	Market Value	Actual Use	Assessment Level	Assessed Value
AGRICULTURAL	4.7883 Has.	130,522.42	Coco Land/1st.	40%	52,210.00
Total	4.7883 Has.	130,522.42		Total AV	52,210.00

Total Assessed Value: **FIFTY TWO THOUSAND TWO HUNDRED TEN PESOS.**
(Amount in Words)

Taxable Exempt Effectivity of Assessment/Reassessment: **1st. 2022**
Qtr Yr

Recommended by: 
ISMAEL L. LAGUNA, REA,MPM
 OIC - Municipal Assessor

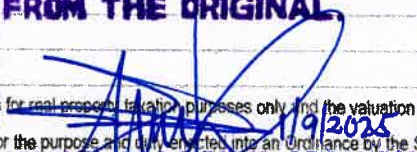
APPROVED BY: 
MILAGROS F. ROBLEDO, REA
 Provincial Assessor

This declaration cancels TD No.: **2008-04003-00175(r-13)** Owner: **SAME OWNER** **Php. 56,410.00**

Memoranda: **REVISION is hereby made under TD. No.2008-04003-00175(R-13) in favor of the herein declarant to correct the Lot number 1081 to 1031 based on TD. No.3940(R-7) on file, hereto attached, as per request. Taxes is paid on TD No. 2008-04003-00175(r-13) dated March 29, 2021 at Babatngon, Leyte.**



**CERTIFIED TRUE COPY
 FROM THE ORIGINAL**


ISMAEL L. LAGUNA, REA,MPM
 MUNICIPAL ASSESSOR


ISMAEL L. LAGUNA, REA,MPM
 OIC - Municipal Assessor

Notes: * This declaration is for real property tax purposes only. The valuation indicated herein are based on the schedule of unit market values prepared for the purpose and duly entered into an ordinance by the Sangguniang _____ under Ordinance No. _____ dated _____ It does not and cannot of itself alone confer any ownership or legal title to the property



Municipal Planning & Development Office

CERTIFICATION

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that the proposed lot for Land Use Reclassification located at Barangay District III, Babatngon, Leyte is within the prescribed percentage limit set to 10% of the total agricultural area for 3rd 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 Numbern1031 from Agricultural Use to Special Institutional Use.

Issued this 21st day of January 2025, 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 Mr. ORLIE CASIDO has parcels of land designated under Lot No. 1031 located at Sitio Tab-ang District 3 Babatngon, Leyte with an area of 39,803 sqm. being re-classified from Agricultural to Special Institution use.

The land has no prime agricultural crop planted and would be economically profitable to be re-classified to Special Institution used.

This certification is issued upon the request of Mr. ORLIE CASIDO as a requirement for re-classification of his land.

Issued this 6th day of January 2025 at the Municipal Agriculture Office Local Government Unit Babatngon, Leyte.

Respectfully yours;

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

TERESITA R. LAURENTE
Municipal Agriculturist

OR NO. 0180956
@BABATNGON, LEYTE
JANUARY 06, 2025





OFFICE OF THE SANGGUNIANG BAYAN

CERTIFICATION

TO WHOM THIS MAY CONCERN:

THIS IS TO CERTIFY that after assessment made, Ordinance No. 488 entitled: **" AN ORDINANCE RECLASSIFYING THE LOT MEASURING 39,803 SQUARE METERS LOCATED AT BRGY. DISTRICT III, BABATNGON, LEYTE, DESIGNATED AS LOT NO. 1031, CAD. 497-D WITH TAX DECLARATION NO. 2008-04003-00689, FROM AGRICULTURAL LAND TO A SPECIAL INSTITUTION USE "** would be more economically profitable considering that the reclassified area will be used for the establishment of Babatngon Recreation Hub (cockpit) and thereby provide employment opportunities in the locality.

Made this 22nd day of January 2025 at Babatngon, Leyte.

A handwritten signature in black ink, appearing to read "Federico P. Elizaga, Jr.", written over a circular stamp.

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

