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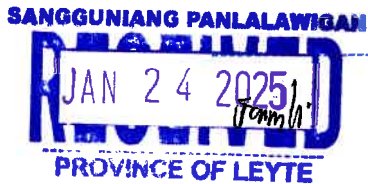
Item No.: 20
Date: 04 2025 FEB



Republic of the Philippines
PROVINCE OF LEYTE
Provincial Capitol
Tacloban City

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PROVINCIAL LEGAL OFFICE



2nd INDORSEMENT
January 9, 2025

Secretary
Date: 1.24.25

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary, the attached Ordinance No. 7 series 2024 of the Sangguniang Bayan of Tunga, Leyte.

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

- Ordinance No. 7 series 2024 entitled: **“An Ordinance on collection of corresponding Barangay Clearance fee in the application, etc.”**

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)(3)(ii)¹ 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.

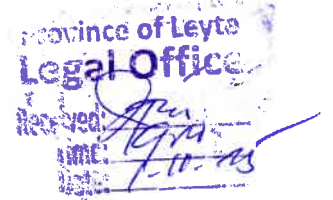
ATTY. JOSE RAYMUND A. ACOL
Provincial Legal Officer

¹ (3) Subject to the provisions of Book II of this Code, grant franchises, enact ordinances authorizing the issuance of permits or licenses, or enact ordinances levying taxes, fees and charges upon such conditions and for such purposes intended to promote the general welfare of the inhabitants of the municipality, and pursuant to this legislative authority shall:

(ii) Regulate any business, occupation, or practice of profession or calling which does not require government examination within the municipality and the conditions under which the license for said business or practice of profession may be issued or revoked;

Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte

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OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1ST INDORSEMENT
09 January 2025

The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **Municipal Ordinance No. 07, series of 2024** of **Tunga, Leyte**, entitled: **An Ordinance on collection of corresponding Barangay Clearance fee in the application for any business related transaction.**

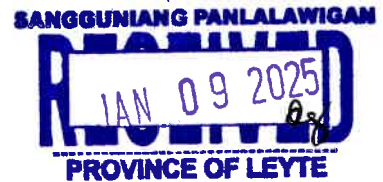

FLORINDA JILLS. VYVICO
Secretary to the Sanggunian



REPUBLIC OF THE PHILIPPINES
Province of Leyte
MUNICIPALITY OF TUNGA
-oOo-

OFFICE OF THE SANGGUNIANG BAYAN

January 9, 2025



HON. LEONARDO JAVIER JR.
Vice-Governor/Presiding Officer
Sangguniang Panlalawigan
Province of Leyte

Thru: THE SECRETARY TO THE SANGGUNIAN


Sir:

Respectfully submitting herewith fifteen (15) copies of **Municipal Ordinance No. 07, Series of 2024 – AN ORDINANCE ON COLLECTION OF CORRESPONDING BARANGAY CLEARANCE FEE IN THE APPLICATION FOR ANY BUSINESS RELATED TRANSACTION**, together with its supporting documents for review and approval.

Please acknowledge receipt hereof.

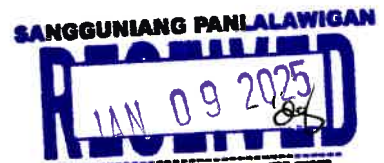
Thank you.

Very truly yours,


NAOMI C. ARCALLANA
Secretary to the Sanggunian



REPUBLIC OF THE PHILIPPINES
Province of Leyte
MUNICIPALITY OF TUNGA
-oOo-



OFFICE OF THE SANGGUNIANG BAYAN PROVINCE OF LEYTE

EXCERPTS FROM THE MINUTES OF THE 114TH REGULAR SESSION OF THE SANGGUNIANG BAYAN, TUNGA, LEYTE HELD ON DECEMBER 23, 2024 AT THE SB SESSION HALL.

PRESENT:

- | | | |
|-----------------------------|---|---|
| Hon. Egidio G. Baac | - | Municipal Vice-Mayor/Presiding Officer |
| Hon. Martiniano F. Requeiz | - | SB Member |
| Hon. Edmundo O. Labarda | - | SB Member |
| Hon. Joselito L. Arintoc | - | SB Member |
| Hon. Lemuel G. Ponferrada | - | SB Member |
| Hon. Marietta A. Catalo | - | SB Member |
| Hon. Rex S. Ergina | - | SB Member |
| Hon. Severino B. Sari | - | SB Member |
| Hon. Florentina A. Obsequio | - | Ex-Officio Member/Liga President |
| Hon. Leo Van C. Delgado | - | Ex-Officio Member/SK Federation President |

ABSENT:

- | | | |
|-----------------------------|---|-------------------------------|
| Hon. Jose Capoporo A. Uribe | - | SB Member – on official leave |
|-----------------------------|---|-------------------------------|

MUNICIPAL ORDINANCE NO. 07
Series of 2024

AN ORDINANCE ON COLLECTION OF CORRESPONDING BARANGAY CLEARANCE FEE IN THE APPLICATION FOR ANY BUSINESS RELATED TRANSACTION.

Sponsor: Hon. Martiniano Requeiz
Co-Sponsors: Hon. Lemuel Ponferrada
Hon. Jose Capoporo Uribe
Hon. Marietta Catalo

WHEREAS, there is a need to streamline/simplify the process of business registration in the Municipality of Tunga to provide a more efficient and effective revenue collection and to promote a friendlier atmosphere for taxpayers and investors;

WHEREAS, when regulations are simple and transparent entrepreneurs need not to suffer from red tape and time consuming transactions;

WHEREAS, the EODB ACT of 2018 or Republic Act 11032, otherwise known as "An Act Promoting Ease of Doing Business and Efficient Delivery of Government Services was signed into law seeks to make the process of putting up and running a business in the Philippines easier and more efficient:

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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 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; and

WHEREAS, Barangays in the Municipality of Tunga, enacted Barangay Ordinances to authorize the Municipality of Tunga 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, be it **ORDAINED** as it is hereby **ORDAINED** by the Sangguniang Bayan of Tunga in a session duly assembled the following:

SECTION 1. COVERAGE. This policy applies only to the issuance of Barangay Clearance for business permit and locational clearance (as a requirement for the issuance of building permit) at the Municipality. Other clearances for other purposes shall still be obtained at the Barangay.

This Circular shall cover all Municipal Mayors, Punong Barangays, Concerned Local Officials, DILG Regional Directors and all others concerned.

SECTION 2. DEFINITION OF TERMS. The words and phrases used in this ordinance are hereby defined as follows:

Barangay Clearance - refers to any and all documents issued by the barangays with or without corresponding fees as defined in their ordinances relative to or in relation to the issuance of business permit and locational/zoning clearance by the municipality or any other permit as may be required. (IRR of RA 11032)

Barangay Clearance Fee - is an amount imposed by the barangays through an ordinance and collected by the municipality in relation to the issuance of business permit and locational clearance by the municipality.

Business Permit - is a document that must be secured from the municipal government, usually through its Business Permits Licensing Office (BPLO), for a business to legally operate in the locality. (IRR of RA 11032)

Locational Clearance - is a clearance issued by the Zoning Administrator/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. (Housing and Land Use Regulatory Board - Comprehensive Land Use Plan Guidebook)

SECTION 3. AUTHORITY TO COLLECT BARANGAY CLEARANCE FEE OF BUSINESS RELATED TRANSACTIONS - The Municipality of Tunga is given the authority to collect Barangay Clearance Fee subject to the remittance to the subject Barangay.

SECTION 4. RATE OF BARANGAY CLEARANCE FEE TO BE COLLECTED - The rate of Barangay Clearance Fee to be collected by the Municipality for the issuance of clearance shall be computed in accordance with the subject Barangay Revenue Ordinance.

SECTION 5. BARANGAY CLEARANCE SIGNATORY - Electronic Signature of Punong Barangay concern shall appear in all barangay clearance issued.

SECTION 6. REPORTING AND REMITTANCE - The Municipality shall remit the Barangay Clearance Fee collected to the subject Barangay not later than seven (7) working days of the ensuing month with the list of the issued Building and Business Permit.


SECTION 7. SEPARABILITY CLAUSE - If for any reason, a part of this Ordinance is declared illegal or invalid, other parts or provisions hereof which are not affected thereby shall remain valid and in full force and effect.

SECTION 8. REPEALING CLAUSE - All previous ordinances, resolutions, executive orders, rules and regulations contrary to or inconsistent with this ordinance are hereby repealed or modified accordingly.

SECTION 9. EFFECTIVITY CLAUSE - This ordinance shall take effect 15 days after posting in three (3) conspicuous places.

ENACTED by the Sangguniang Bayan, in session assembled this 23rd day of December 2024 at Tunga, Leyte.

I HEREBY CERTIFY to the correctness of the foregoing Municipal Ordinance.


NAOMI C. ARCALLANA
Secretary to the Sanggunian

ATTESTED:



EGIDIO G. BAAC
Municipal Vice Mayor/Presiding Officer


MARTINIANO F. REQUEZ
SB Member


EDMUNDO O. LABARDA
SB Member


JOSELITO L. ARINTOC
SB Member


LEMUEL G. PONFERRADA
SB Member

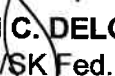

MARIETTA A. CATALO
SB Member


REX S. ERGINA
SB Member

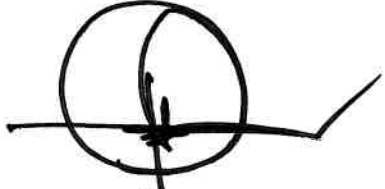
(on official leave)
JOSE CAPOPORO A. URIBE
SB Member


SEVERINO B. SARI
SB Member


FLORENTINA A. OBSEQUIO
Ex-Officio/ABC President


LEO VAN C. DELGADO
Ex-Officio/SK Fed. President

APPROVED:


REINBERT C. COSTELO
Municipal Mayor
Date: 1/7/2025



REPUBLIC OF THE PHILIPPINES
Province of Leyte
MUNICIPALITY OF TUNGA
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OFFICE OF THE SANGGUNIANG BAYAN

CERTIFICATE OF POSTING

TO WHOM THIS MAY CONCERN:

THIS IS TO CERTIFY that *Municipal Ordinance No. 07, S. 2024* entitled: **“AN ORDINANCE ON COLLECTION OF CORRESPONDING BARANGAY CLEARANCE FEE IN THE APPLICATION FOR ANY BUSINESS RELATED TRANSACTION”**, has been posted in three (3) conspicuous places within the municipality and shall remain posted for three (3) consecutive weeks.

Issued this 8th day of January, 2025 at Tunga, Leyte.


NAOMI C. ARCALLANA
Secretary to the Sanggunian