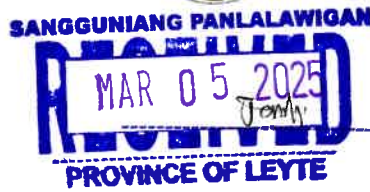


Item No.: 04
Date: 11 2025 MAR



Republic of the Philippines
PROVINCE OF LEYTE
Provincial Capitol
Tacloban City

Province of Leyte
Legal Office
Date: 3.5.25

-oOo-

PROVINCIAL LEGAL OFFICE

2nd INDORSEMENT

February 24, 2025

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through SP Secretary, the attached Ordinance No. 2024-06 of the Sangguniang Bayan of San Miguel, Leyte.

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

- Ordinance No. 2024-06 entitled: **“An Ordinance reclassifying Lot No. 1144 declared in the name of Uldarico lapidario etc.”**

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 citing the Supreme Court Decision in the case of “Chamber of Real Estate and Builders Associations, Inc. (CREBA), vs The Secretary of Agrarian Reform², 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;*

² G.R. No. 183409, June 18, 2010

Considering the foregoing, the proposed authority to reclassify is recommended for approval without prejudice to the conversion requirement to conform with the current and actual use of the reclassified land.

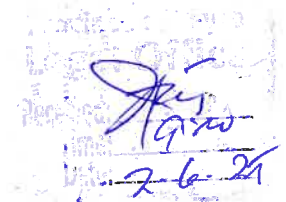
We hope to have assisted you with this request. Please note that the opinion rendered by this Office are based on the facts available and may vary or change when additional facts and documents are presented or changed. This opinion is likewise without prejudice to the opinions rendered by higher and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


ATTY. JOSE RAYMUND A. ACOL
Provincial Legal Officer

Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte
-o0o-

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1ST INDORSEMENT
30 January 2025



A handwritten signature in blue ink, possibly reading 'Jill S. Uyvico', is written over a faint, illegible stamp. Below the signature, the date '26-24' is written in blue ink.

The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **Municipal Ordinance No. 2024-06** of the **Municipality of San Miguel, Leyte**, entitled: **An Ordinance reclassifying Lot No. 1144 declared in the name of Uldarico Lapidario with an area of 3.9360 hectares located at Brgy. Malaguinabot, San Miguel, Leyte from Agricultural (Coco land) to Residential use.**



FLORINDA JILL S. UYVICO
Secretary to the Sanggunian



Republic of the Philippines
PROVINCE OF LEYTE
MUNICIPALITY OF SAN MIGUEL
-oOo-

OFFICE OF THE SANGGUNIANG BAYAN

January 27, 2025



The Honorable Members of the Sangguniang Panlalawigan of Leyte
Thru: The Sangguniang Panlalawigan Secretary
Provincial Legislative Building,
Candahug, Palo, Leyte

Gentlemen/Ladies:

I have the honor to forward herewith pertinent documents of the Sangguniang Bayan of the Municipality of San Miguel, Leyte for review and approval, to wit:

1. Seventeen (16) copies of Municipal Ordinance No. 2024-06, Series of 2024 entitled: **"AN ORDINANCE RECLASSIFYING LOT NO. 1144 DECLARED IN THE NAME OF ULDARICO LAPIDARIO WITH AN AREA OF 3.9360 HECTARES LOCATED AT BRGY. MALAGUINABOT, SAN MIGUEL, LEYTE FROM AGRICULTURAL (COCO LAND) TO RESIDENTIAL USE"**.

Kindly acknowledge receipt hereof.

Very truly yours,


BRYAN NEIL B. BRAZIL
Secretary to the Sangguniang Bayan

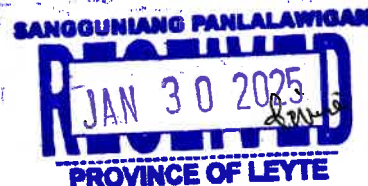


OFFICE OF THE SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG BAYAN, SAN MIGUEL, LEYTE, HELD AT THE SESSION HALL, LEGISLATIVE BUILDING, SAN MIGUEL, LEYTE ON DECEMBER 02, 2024

PRESENT:

- | | |
|-------------------------------|------------------------------------------------------------------------|
| Hon. Protacio Q. Brazil | - Municipal Vice-Mayor/Presiding Officer |
| Hon. Richard Len B. Lapidario | - SB Member |
| Hon. Prospero Q. Brazil | - SB Member |
| Hon. Charlie L. Guy | - SB Member |
| Hon. Antonio L. Asis | - SB Member |
| Hon. Otelio U. Babiano, Jr. | - SB Member |
| Hon. Thelma M. Brazil | - SB Member |
| Hon. Letecia G. Espos | - SB Member |
| Hon. Samuel P. Salomon | - Ex-Officio Member/President, Liga ng mga Barangay |
| Hon. Jahlen Hans C. Labarrete | - Ex-Officio Member President, Sanggunian Kabataan Pambayan Pederasyon |
| Hon. Ruben G. Agner | - SB Member (on official leave) |



**Resolution No. 217
Series of 2024**

WHEREAS, Section 20 (3) of the LGC further provides that reclassification shall be limited for fourth to sixth class municipalities to only (5%) percent of its total agricultural land area, the municipality of San Miguel, Leyte, being a fourth-class municipality;

WHEREAS, the Municipality of San Miguel, Leyte has a total agricultural land of Five Thousand Five Hundred and Two (5,502) hectares only based on its Comprehensive Land Use Plan (CLUP);

WHEREAS, a public hearing was duly conducted for the said purpose as required by law (Section 20 of LGC);

WHEREFORE, on motion of Hon. Richard Len B. Lapidario duly seconded by Hon. Antonio L. Asis and Hon. Jahlen Hans C. Labarrete;

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

**MUNICIPAL ORDINANCE NO. 2024 - 06
Series of 2024**

**Sponsor: Hon. Richard Len B. Lapidario
SB Member/Chairman, Committee on Rules,**

AN ORDINANCE RECLASSIFYING LOT NO. 1144 DECLARED IN THE NAME OF UL DARICO LAPIDARIO WITH AN AREA OF 3.9360 HEACTARES LOCATED AT BRGY. MALAGUINABLT, SAN MIGUEL, LEYTE FROM AGRICULTURAL (COCO LAND) TO RESIDENTIAL USE.

NOW THEREFORE, be it ordained as it is hereby ordained by the Sangguniang Bayan of San Miguel, Leyte in a regular session duly assembled that:

Section 1. AUTHORITY TO RECLASSIFY. Section 20 of RA 7160, otherwise known as the Local Government Code of 1991 (LGC), provides that cities and municipalities may reclassify agricultural lands to non-agricultural use and provide for the manner of their utilization or disposition;

Section 2. RECLASSIFICATION. The parcel of land (Lot No. 1144) with a total land area of 3.9360 hectares declared in the name of Uldarico Lapidario located at Brgy. Malaguinabot, San Miguel, Leyte is hereby reclassified from Agricultural to Residential Use.

Certified Correct:
BRYAN NEIL B. BRAZIL
Secretary to the Sangguniang Bayan

HON. PROTACIO Q. BRAZIL
Municipal Vice-Mayor/Presiding Officer

HON. RICHARD LEN B. LAPIDARIO
SB MEMBER

HON. PROSPERO Q. BRAZIL
SB MEMBER

HON. CHARLIE L. GUY
SB MEMBER

HON. ANTONIO L. ASIS
SB MEMBER

HON. OTHELIO U. BABIANO, JR.
SB MEMBER

HON. THELMA M. BRAZIL
SB MEMBER

HON. LETECIA G. ESPOS
SB MEMBER

HON. SAMUEL P. SALOMON
President, Liga ng mga Barangay

HON. JAHLEN HANS C. LABARRETE
President, SK Pambayang Pederasyon

ATTY. NORMAN P. SABBADO
Municipal Mayor

Concurred by:

HON. RICHARD LENO B. LAPIDARIO
SB MEMBER

Section 3. MANNER OF UTILIZATION. The subject land shall be strictly utilized in accordance with applicable national and local laws, rules and regulations.

HON. PROSPERO Q. BRAZIL
SB MEMBER

Section 4. CONVERSION. This Ordinance shall not be construed as a conversion order which shall be issued by the Department of Agrarian Reform (DAR) and that as per actual verification to date, aforesaid property area of Lot No. 1144 is still in its original state (Agricultural) hence, its reclassification shall take effect upon the actual use of the said property as reclassified.

HON. THELMA M. BRAZIL
SB MEMBER

Section 5. Effectivity Clause. This Ordinance shall take effect immediately upon approval.

DATE APPROVED - December 02, 2024

I HEREBY CERTIFY to the correctness of the foregoing resolution/ordinance


BRYAN NEIL B. BRAZIL
Secretary to the Sangguniang Bayan

Attested by:


HON. PROTACIO Q. BRAZIL
Municipal Vice-Mayor/Presiding Officer

Approved:


ATTY. NORMAN D. SABDAO
Municipal Mayor

(Page 02 of Municipal Ordinance No. 2024-06, Series of 2024)

HON. LETECIA G. ESPINOSA
SB MEMBER

HON. CHARLES T. GUY
SB MEMBER

HON. SAMUEL P. SALOMON
President, Liga ng mga Barangay

HON. ANTONIO L. ASIS
SB MEMBER

HON. JAHILAN HANS C. LABARRETE
President, SK Pambayang Pederasyon

HON. OTHELIO U. BABIANO, JR.
SB MEMBER



Republic of the Philippines
PROVINCE OF LEYTE
MUNICIPALITY OF SAN MIGUEL
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PUBLIC HEARING FOR THE PROPOSED MUNICIPAL ORDINANCES TO WIT: (1) "AN ORDINANCE MANDATING ALL BUSINESSES OPERATING WITHIN THE TERRITORIAL JURISDICTION OF THE MUNICIPALITY OF SAN MIGUEL, LEYTE ENGAGED IN THE MANUFACTURING, SELLING, OR DISTRIBUTING PNP UNIFORMS, INSIGNIAS, AND OTHER ACCOUTREMENTS TO SECURE PNP CERTIFICATE OF CONFORMITY AND PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF; (2) "AN ORDINANCE PROTECTING THE PEATLANDS IN BARANGAYS GUINCIAMAN AND CAPILIHAN OF THE MUNICIPALITY OF SAN MIGUEL, LEYTE, INITIATING ITS ESTABLISHMENT AS A CRITICAL HABITAT, PROVIDING FUNDS THEREFOR, AND FOR OTHER PURPOSES"; AND (3) "AN ORDINANCE RECLASSIFYING LOT NO. 1144 DECLARED IN THE NAME OF ULDARICO LAPIDARIO WITH AN AREA OF 3.9360 HECTARES LOCATED AT BRGY. MALAGUINABOT, SAN MIGUEL, LEYTE FROM AGRICULTURAL (COCO LAND) TO RESIDENTIAL USE" TO BE HELD ON NOVEMBER 06, 2024 AT THE ABC HALL, MUNICIPAL GROUNDS, SAN MIGUEL, LEYTE.

ATTENDANCE

	NAME	DESIGNATION	SIGNATURE
1.	SAMUEL P. CALOMON	LIGA PRESIDENT	<i>[Signature]</i>
2.	MELCON V. VIADOR-LIBAS	PUNONG BARANGAY	<i>[Signature]</i>
3.	BENECEO P. ARUTA	P. B.	<i>[Signature]</i>
4.	DANIEL S. NARRIDO	P. B.	<i>[Signature]</i>
5.	JOSEPH E. LEGO	P. B.	<i>[Signature]</i>
6.	ERIC C. LESIGUES	P. B.	<i>[Signature]</i>
7.	MARCEL S. DOMINGUEZ	P. B.	<i>[Signature]</i>
8.	WENCESLAO D. BLONOS	P. B.	<i>[Signature]</i>
9.	Tabalanza, Alfred Jr C.	P. B.	<i>[Signature]</i>
10.	Emma P. Brun	P. B.	<i>[Signature]</i>
11.	Roselda A. Ellare	P. B.	<i>[Signature]</i>
12.	SONIA A. BIAW	P. B.	<i>[Signature]</i>
13.	Darlyn G. Valeriano	Liga Staff	<i>[Signature]</i>
14.	CHRISTIAN B. LESIGUES		<i>[Signature]</i>
15.	EDWIN L. DAMIANO	P. B.	<i>[Signature]</i>
16.	LEONARDO T. CADORNA	P. B.	<i>[Signature]</i>
17.	Martine B. Supulom	P. B.	<i>[Signature]</i>
18.	Jesse D. ASIS	P. B.	<i>[Signature]</i>
19.	Norita L. Acobo	P. B.	<i>[Signature]</i>
20.	CHAD LAPIDARIO	SB	<i>[Signature]</i>
21.	HERSHEY R. AMACA		<i>[Signature]</i>
22.	ANTONIO ASIX	SR	<i>[Signature]</i>
23.	OTELIO BAMBALAO IV.	SR	<i>[Signature]</i>
24.	CHARME ELLY	SB	<i>[Signature]</i>
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Republic of the Philippines
PROVINCE OF LEYTE
MUNICIPALITY OF SAN MIGUEL
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OFFICE OF THE SANGGUNIANG BAYAN

CERTIFICATE OF POSTING

THIS IS TO CERTIFY that Municipal Ordinance No. 2024-06, Series of 2024 as embodied under Resolution No. 217, Series of 2024 entitled: **"AN ORDINANCE RECLASSIFYING LOT NO. 1144 DECLARED IN THE NAME OF ULDARICO LAPIDARIO WITH AN AREA OF 3.9360 HECTARES LOCATED AT BRGY. MALAGUINABOT, SAN MIGUEL, LEYTE FROM AGRICULTURAL (COCO LAND) TO RESIDENTIAL USE"**, has been posted in three (3) conspicuous places within the municipality and shall remain posted for three (3) consecutive weeks.

Done this 27th day of January 2025 at San Miguel, Leyte.


BRYAN NEIL B. BRAZIL
Secretary to the Sangguniang Bayan

DAR Provincial Office
Leyte-Biliran,
214, Real Street
Tacloban City, Philippines
Website: www.dar.gov.ph



Republic of the Philippines
DEPARTMENT OF AGRARIAN REFORM
Lungsod ng Paghahabago sa Reputang Agraryo

CERTIFICATION

THIS IS TO CERTIFY THAT as per records at the Land Tenure Improvement Division, Leyte Provincial Office, Tacloban City, the property covered by Lot 1144, declared in the name of **ULDARICO LAPIDARIO**, containing an area of **3.9860 hectares** and located in **Brgy. Malaguinabot, San Miguel, Leyte**, is within the CARPER LAD Balance Database, thus, covered under the Comprehensive Agrarian Reform Program (CARP).

This further certifies that as per records of DARMO San Miguel, Leyte, the subject landholding is not tenanted per Certification issued by the BARC Chairman.

This certification is being issued to Ms. Roque A. Panilawon, as a requirement for the approval of subdivision survey of the said lot.

Given this 17th day of July 2024 at DAR, Leyte Provincial Office, Tacloban City.

ATTY. DANIEL E. PEN
OIC Provincial Agrarian Reform Program Officer II

CONDITIONS

- 1) This certification shall not be construed as exemption from CARP coverage.
- 2) This certification shall not be construed as a Certificate of Eligibility for Conversion.
- 3) This certification shall not be construed as an ownership by the applicant of the above listed parcel(s) of land.
- 4) This certification shall not be construed as a DAR clearance. Transfer of ownership of agricultural lands without DAR Clearance is illegal and punishable under RA 6657. Therefore, this Certification should not be used for purposes of registration or transfer of ownership.
- 5) Any misrepresentation or material falsehood on the part of the applicant shall be sufficient cause for the cancellation of this certification.

DEP/PDS/ldo



Republic of the Philippines
Province of Leyte
MUNICIPALITY OF SAN MIGUEL

-oOo-



OFFICE OF THE MUNICIPAL AGRICULTURIST

CERTIFICATION

This is to certify that as per record Portion of Lot No. 1144 under the name of **LAPIDARIO, ULDARICO** located at Brgy. Malaguinabot San Miguel, Leyte is not suitable for agriculture due to residential area, with approximately two thousand nine hundred six (2,906) square meter in size.

This certification is issued upon the request of interested party for whatever legal purpose it may serve.

Done this 26th day of September, 2024 at San Miguel, Leyte Philippines.

Prepared by:


JULIUS G. AMBIDA
OIC- Municipal Agriculturist

Paid under OR#: 9425781

Date Issued: September 18, 2024

Place of Issue: San Miguel, Leyte