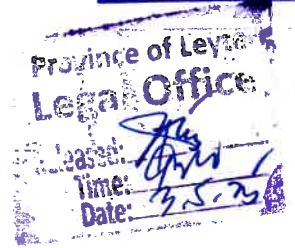


Item No.: 13
Date: 11 2025 MAR

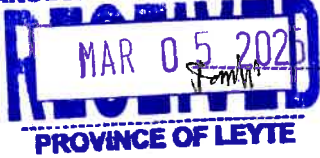


Republic of the Philippines
PROVINCE OF LEYTE
Provincial Capitol
Tacloban City

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SANGGUNIANG PANLALAWIGAN



PROVINCIAL LEGAL OFFICE

2nd INDORSEMENT

February 24, 2025

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through SP Secretary, the attached Ordinance No. 24, series of 2024 of the Sangguniang Bayan of Capoocan, Leyte.

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

- Ordinance No. 24, series of 2024 entitled: “An Ordinance on collection of corresponding Barangay Clearance Fee, 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)(i)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 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.

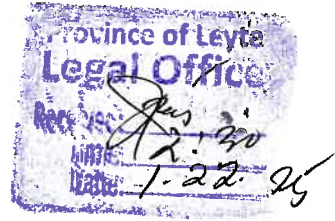
ATTY. JOSE RAYMUND A. ACOL

Provincial Legal Officer *J. Acol*

¹ (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
-o00-

OFFICE OF THE SANGGUNIANG PANLALAWIGAN



1ST INDORSEMENT
22 January 2025 /

The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **Municipal Ordinance No. 24, series of 2024 of the Municipality of Capoocan, Leyte, entitled: An Ordinance on collection of corresponding Barangay Clearance Fee in the application for any business related transactions.**


FLORINDA JILL S. YVICO
Secretary to the Sanggunian

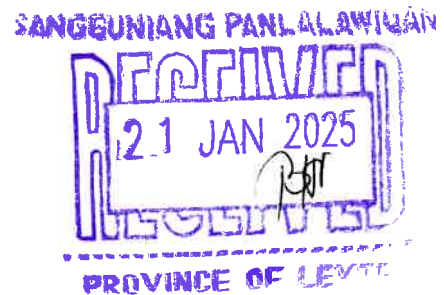


Republic of the Philippines
PROVINCE OF LEYTE
Municipality of Capoocan
Office of the Sangguniang Bayan

✉ sbcapoocan@gmail.com / sbcapoocan@yahoo.com
☎ 09976874138

January 21, 2025

THE HONORABLE BODY
Sangguniang Panlalawigan
Legislative Building
Capitol Grounds
Tacloban City



Dear Gentlemen / Mesdames:

Good Day!

Submitting **ORDINANCE No. 24, Series of 2024** of the Sangguniang Bayan of Capoocan, Leyte entitled, **"AN ORDINANCE ON COLLECTION OF CORRESPONDING BARANGAY CLEARANCE FEE IN THE APPLICATION FOR ANY BUSINESS RELATED TRANSACTIONS"**, for review of the Honorable Body.

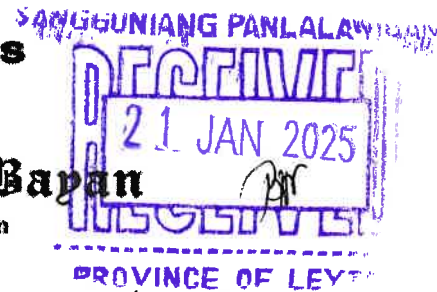
Earliest and favorable action shall be gratefully acknowledged.

Respectfully yours,

JUDE R. DELA TORRE
Secretary to the Sanggunian



Republic of the Philippines
PROVINCE OF LEYTE
Municipality of Capoocan
Office of the Sangguniang Bayan
✉ sbcapoocan@gmail.com / sbcapoocan@yahoo.com
☎ 09976874138



SANGGUNIANG BAYAN OF THE MUNICIPAL GOVERNMENT OF CAPOOCAN, LEYTE IN ITS 130th REGULAR SESSION HELD ON DECEMBER 17, 2024 AT THE MUNICIPAL SESSION HALL LEGISLATIVE BUILDING

MUNICIPAL ORDINANCE NO. 24 SERIES OF 2024

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

SPONSOR: HONORABLE EMMANUEL D. ARBOSO
CO-SPONSOR: HONORABLE VON LITO Q. VALLAR

WHEREAS, there is a need to streamline/simplify the process of business registration in the Municipality of Capoocan, Leyte 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.

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, the 21 Barangays in the Municipality of Capoocan, Leyte shall enact a Barangay Ordinance to authorize the Municipality of Capoocan to issue barangay clearance and collect corresponding barangay clearance fee in the application for any business related transactions subject to the remittance of the same to the concerned barangay and the conditions hereunder.

NOW THEREFORE, be it ORDAINED as it is hereby ORDAINED by the Sangguniang Bayan of Capoocan, Leyte in 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.

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

[Handwritten signatures and marks]

- a. **Barangay Clearance** – refers to any 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 city/municipality or any other permit as may be required by IRR of RA 11032.
- b. **Barangay Clearance Fees** – is an amount imposed by the barangays through an ordinance and collected by the city/municipality in relation to the issuance of business permit and locational clearance by the city/municipality.
- c. **Business Permit** – is a document that must be secured from the municipal government, usually through its Business Permits and Licensing Office (BPLO), for a business to legally operate in the locality (IRR of RA 11032).
- d. **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 City/Municipality. It is a requirement for the issuance of Building Permit. (House 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 Capoocan 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 prevailing approved Barangay Revenue Ordinance.

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

SECTION 6. REPORTING AND REMITTANCE. The Municipality shall remit the Barangay Clearance Fees collected to the subject Barangay not later than the fifteenth (15th) day of the ensuing month, with the list of the issued Building and Business Permit.

SECTION 7. SEPARABILITY CLAUSE. If 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 Ordinance, Rules and Regulations, which are inconsistent with the provisions of this ordinance are hereby deemed, modified or repealed accordingly.

SECTION 9. EFFECTIVITY CLAUSE. This ordinance shall take effect ten (10) days after a copy thereof is posted in a bulletin board at the entrance of the municipal hall, and it at least two (2) conspicuous places in the municipality.


ENACTED by the Sangguniang Bayan, in session assembled this 17th day of December, 2024 at Capoocan, Leyte.


ENGR. ALLAN B. EGANO
SB Member


VON LITO Q. VALLAR
SB Member

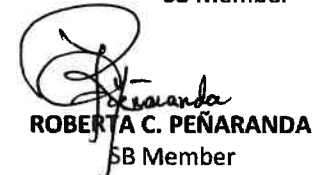

EMMANUEL D. ARBOSO
SB Member

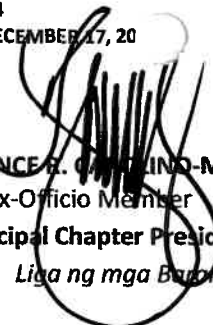

JOJO N. NEPOMUCENO
SB Member


GRACIA G. PIGAR
SB Member


REYNALDO R. NIMO
SB Member


FEDERICO P. CAROLINO, JR.
SB Member


ROBERTA C. PEÑARANDA
SB Member



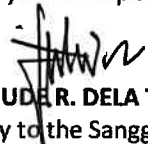
FLORENCE R. CANTALINO-MISAGAL
Ex-Officio Member
Municipal Chapter President
Liga ng mga Barangay



DAVEA LIBERA
Ex-Officio Member
President

Pambayang Pederasyon ng mga Sangguniang Kabataan

I HEREBY CERTIFY to the correctness of the foregoing resolution of the Sangguniang Bayan of Capooan, Leyte.




JUDE R. DELA TORRE
Secretary to the Sangguniang Bayan

ATTESTED:



ATTY. FEDERICO H. CAROLINO, SR.
Municipal Vice-Mayor/Presiding Officer

APPROVED:



ATTY. FE CLAIRE P. CAROLINO-PARAGATOS
Municipal Mayor
Date: 1.17.25