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Date: 2 2 2025 AP





Republic of the Philippines
PROVINCE OF LEYTE
Provincial Capitol
Tacloban City

-0Oo-

PROVINCIAL LEGAL OFFICE

Province of Leyco

Lega Office

Line Harman

Date: 4-15-26

2nd INDORSEMENT

April 4, 2025

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through SP Secretary, the attached Ordinance No. 09 S. 2024 of the Sangguniang Bayan of Villaba, Leyte.

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

• Ordinance No. 09 S. 2024 entitled: "An Ordinance reclassifying parcel No.1: Lot No. 3612-B, 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. ACOI

Provincial Legal Officer

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

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1st INDORSEMENT 04 April 2025

The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed Municipal Ordinance No. 09, S. 2024 of the Municipality of Villaba, Leyte, entitled: An Ordinance reclassifying parcel No. 1: Lot No. 3612-B, CAD-08-014070, Area: (42,458) square meters, under Tax Declaration No. 087-41035-00313, covered by TCT No. 115-2024002851, and parcel No. 2: Lot No. 3612-A, CAD-08-014070, Area: (21,047) square meters, under Tax Declaration No. 08-41035-00314, covered by TCT No. 115- 2024002850, applied by the Omaganhan Farmers Agrarian Reform Cooperative (OFMPC) from agricultural land to agroindustrial land situated at Barangay Tinghub, Villaba, Leyte.

FLORINDA JUL S. UYVICO
Secretary to the Sanggunian

Province of Leyte



April 4, 2025

SANGGUNIANG PANLALAWIGAN

ROVINCE OF LEY

THE SANGGUNIANG PANLALAWIGAN MEMBERS

New Provincial Government Complex Campetic, Palo, Leyte

Thru:

LEONARDO M. JAVIER, JR.

Vice Governor/Presiding Officer

Hon. Sangguniang Panlalawigan Members:

We respectfully transmit herewith sixteen (16) original copies of:

MUNICIPAL ORDINANCE NO. 9, S- 2025 "AN ORDINANCE RECLASSIFYING METERS, UNDER TAX DECLARATION NO. 08-41035- 00313, COVERED BY TCT NO. 115-2024002851, AND PARCEL NO. 2: LOT NO. 3612-A, CAD-08-014070, AREA: (21,047) SQ. MTS., UNDER TAX DECLARATION NO. 08-41035-00314, COVERED BY TCT NO. 115- 2024002850, APPLIED BY THE OMAGANHAN FARMERS AGRARIAN REFORM COOPERATIVE (OFMPC) FROM AGRICULTURAL LAND TO AGRO- INDUSTRIAL LAND, SITUATED AT BARANGAY TINGHUB, VILLABA, LEYTE,"

for your review and approval.

Best regards.

Very truly yours,

Secretary to the Sangguniang Bayan

Copy furnished:

THE LOCAL CHIEF EXECUTIVE OFFICE
MUNICIPAL HEALTH OFFICE
MUNICIPAL ENGINEERING OFFICE
Local Government Unit
Villaba, Leyte



RESOLUTION NO. 56A, S. 2025

A RESOLUTION ADOPTING MUNICIPAL ORDINANCE NO. 9, S-2025

Authored by: Hon. Roque M. Compra
SB Chairman, Committee on Land Use and Development

APR 0 4 2025

WHEREAS, the Reclassification of lands, Section 20 of RA 7160 states that (a) municipality may, through an ordinance passed by the Sanggunian after conducting public hearings for the purpose, authorize the reclassification of agricultural lands and provide for the manner of their utilization or disposition in the following cases: (1) when the land ceases to be economically feasible and sound for agricultural purposes as determined by the Department of Agriculture or (2) where the land shall have substantially greater economic value for residential, commercial or industrial purposes, as determined by the sanggunian concerned;

WHEREAS, the Implementing Rules and Regulation of the Local Government Code provides that a municipality shall continue to prepare their respective comprehensive land use plans (CLUP), enacted through zoning ordinances, subject to applicable laws and regulations;

WHEREAS, the said IRR also prescribes that such plans shall serve as the primary and dominant bases for future use of land resources and reclassification;

WHEREAS, as explained in DAR Memorandum Circular No. 7, Series of 1994, cited in 2009 case of Roxas and Company, Inc. vs DAMBA-NFSW and the DAR, reclassification of lands denoted their allocation into some specific use and providing or the manner of their utilization and disposition or the act of specifying how agricultural lands shall be utilized for non-agricultural uses such as residential, commercial or industrial as embodied in the land use plan. For the reclassification lands, therefore to be used for the purpose to which they are intended there is still a need to change the current use thereof through the process of conversion;

DENNIS L. SY Vice Mayor/Presiding Officer

BOQUE M. COMPRA Sangguniang Bayan Member

MACARIO V. ESMAS

MERIAM P UMPAD Sangguniang Bayan Member

FELIPE S: CSAS, SR. Sanggun ang Bayan Member

RILE CHRISTIAN G. VELOSO SK Pederasyon President VOLETA T. BUNIAPIG Sangguniang Bayan Member

EZLY MARIA N. ENEVOLOSEN Sangguniang Bayan Member

al Mayor

MC OLUME P. LIMPAD, J. D.
Secretary to the Sangguniang Bayan

NIEL ALBERT B. INOPIQUEZ Sangguniang Bayan Member

ROGELIO J. BAAV) Sangguniang Bayan Member WHEREAS, due to the absence of an existing Comprehensive Land Use Plan (CLUP) and Zoning Ordinance which must be submitted in application for conversion, hence this passage of the Municipal Ordinance for Reclassification;

WHEREAS, in support to this legislation, the Certification from the Office of the Municipal Agriculture which states that the said land does not exceed the limitation as prescribed under the Department of Agriculture Memorandum Circulars and that the said land ceased to be economically feasible and sound for agricultural purpose, shall be an integral part of this legislation;

WHEREAS, this request is made for the purpose of facilitating the development and utilization of the subject properties for industrial purposes by the Omaganhan Farmers Agrarian Reform Cooperative, OFMPC, represented herein by its Chief Operation Officer (COO), IVY O. FUENTES;

WHEREAS, copies of the Transfer Certificate of land Title, Deed of Absolute Sale, Certification by the Community Environment and Natural Resources (CENRO), and other pertinent documents attached to this resolution, shall also be a vital part of the proposed Ordinance.

NOW THEREFORE, on motion by the Hon. Roque M. Compra, duly seconded en masse, be it

RESOLVED, as it is hereby resolved, to adopt Municipal Ordinance No. 9, S-2025, to wit:

MUNICIPAL ORDINANCE NO. 9, S-2025

AN ORDINANVE RECLASSIFYNG PARCEL NO.1: LOT NO. 3612-B, CAD-08-014070, AREA (42,458) SQUARE METERS, UNDER TAX DECLARATION NO. 08-41035-00313, COVERED BY TCT NO. 115-2024002851, AND PARCEL NO.2: LOT NO. 3612-A, CAD-08-014070, AREA: (21,047) SQUARE METERS, UNDER TAX DECLARATION NO. 08-41035-00314, COVERED BY TCT NO. 115-2024002850, APPLIED BY THE OMAGANHAN FARMERS AGRARIAN REFORM COOPERATIVE (OFMPC), FROM AGRICULTURAL LAND TO AGRO-INDUSTRIAL LAND, SITUATED IN BARANGAY TINGHUB, VILLABA, LEYTE

Be it ordained, by the Sangguniang Bayan of Villaba, Leyte, in regular session assembled that:

Section 1. AUTHORITY TO RECLASSIFY. Section 20 of Republic Act 7160 otherwise known as the Local Government Code of 1961 empowers the Sangguniang Bayan to enact the ordinance reclassifying an agricultural land to non-agricultural and to provide for the manner of their utilization;

DENNIS L. SY Vice Mayor/Presiding Officer

ROQUE M. COMPRA Sangguniang Bayar Member

MACARIO V. ESMAS LNB President MERIAM P. UMPAD Sangguniang Bayan Member

FELIPE CASAS, SR. Sanggun ang Bayan Member

RILE CHRISTON G. VELOSO SK Pederasyon President VIOLETA T. SUMAPIG Sangguniang Bayan Member

YLY MARIA N. ENEVOLDSEN Sangginiang Bayan Member

Municipal Mayor

MC ON THE PLUMBED, J. D.

to the Sangguniang Bayan

Sangguniang Bayan Memb

ROCELIO J BAAY

NIEL ALBERT B. INOPIQUEZ

Sangguniang Bayan Membe

Section 2. DEFINITION OF TERMS. As used in this ordinance, the following terms shall mean as follows:

- a. Reclassification the act of reclassifying agricultural lands to non-agricultural uses simply specifies how agricultural lands shall be utilized for non-agricultural uses such as: residential, industrial and commercial as embodied in the land use plan. It also includes the reversion of non-agricultural lands to agricultural one.
- **b. Agricultural Land** refers to land use devoted to agricultural activity and not classified as mineral, forest, residential, commercial or industrial land (Section 3, (c) of Republic Act No. 6657).
- **c. Agricultural Zone** refers to an area within the municipality devoted primarily for agricultural purposes.
- **d.** Industrial Zone refers to an area within the municipality principally intended for the following types of industries:
 - Non-pollutive/ non hazardous
 - Pollutive/ hazardous
- e. Conversion for the reclassified lands, therefore, to be used for the purpose to which they are intended there is still a need to change the current use thereof through the process of conversion (Roxas and Company, Inc. vs. DAMBA_NFSW and the DAR);

Section 3. DUCUMENTARY REQUIREMENTS. The documents consisting of the following are incorporated herein and shall be made as an integral part of this Ordinance:

- 1. Photocopy of Tax Declaration of Real Property;
- 2. Proof of ownership of Land e.g. Certified True Copy of the Original Certificate of Title or Transfer Certificate of Title (OCT/TCT) and or documents establishing ownership certified by Registry of Deeds not later than Thirty (30) days prior to filling;
- 3. Affidavit of Undertaking to comply the following requirements: Certification from DENR Community Environment and Natural Resources Officer (CENRO) that the landholding has been classified as alienable and disposable;
- 4. Certification from the Department of Agrarian Reform (Certificate of Non-CARP Coverage) to be signed by MARO or PARO;
- 5. Certification from the Municipal Agriculture's Office (MAO), stating that the said land ceases to be economically feasible and sound for agricultural purposes and does not exceed to 10% of the total Agricultural Land are of the Municipality;
- Deed of Absolute Sale and Acknowledgement Receipt;
- 7. Vicinity Maps of the area with sufficient reference points;
- 8. Clear, Colored photographs of the area (5R size);
- 9. Special Power of Attorney;

Section 4. RECLASSIFICATION. Forty-two thousand four hundred fifty-eight (42,458) Sq. m. of the Parcel of Land (Lot No. 3612-B, CAD. 08-014070), under Transfer

DENNIS L. SY Vice Mayor/ Presiding Officer

ROQUE M. COMPRA Sangguniang Bayan Member

MACARIO V. ESMAS LNB President MERIAM P. LUMPAD Sangguniang Bayan Member

FELIPE & CASAS, SR. Sangguniang Bayan Member

RILE CHRISTIAN G. VELOSO SK Pederasyon President VIOLETA T. SUMAPIG Sangguniang Bayan Member

KUYMANA
EKLY MARIA N. ENEVOLDSE
Sangguniang Bayan Membe

Municipal Mayor

MC ON IFFE P. LAMPAD J. D.

o the Sangguniang Bayan

NIEL ALBERT B. INOPIQUEZ Sangguniang Bayan Member

ROGE IO J. BAAT Sangguniang Bayan Member Certificate of Title No. 115-2024002851, and twenty-one thousand forty-seven (21,047) Sq. m. (Lot No. 3612-A, Cad. 08-014070), under Transfer Certificate of Title No. 115-2024002850, located at Barangay Tinghub, Villaba, Leyte, is hereby classified from Agricultural Land to Agro-Industrial Land.

Section 5. MANNERS OF UTILIZATION. The subject shall be strictly utilized in accordance with Section 4 of this Ordinance, and other applicable laws, rules and regulations.

Section 6. CONVERSION. This ordinance shall not be construed as a conversion order, which shall be issued merely by Department of Agrarian Reform (DAR).

Section 7. REPEALING CLAUSE. All ordinances, resolutions, executive orders and other issuances, which are inconsistent with any of the provisions of the Ordinance, are hereby repealed or modified accordingly.

Section 8. SEPARABILITY CLAUSE. Should any section or provision of this Ordinance be declared as unconstitutional or invalid, other provision which are not affected thereby shall continue to be in full force and effect.

Section 9. EFFECTIVITY. This Ordinance shall take effect fifteen (15) days following the completion of their publication.

This Ordinance was approved by the Sangguniang Bayan in its Regular Session on March 10, 2025.

ATTESTED:

DENNIS L. SY

Vice Mayor/Presiding Officer

VIOLETA T. SUMAPIG

Sangguniang Bayan Member

MERIAMAP. UMPAD

Sangguniang Bayan Member

ROQUE M. COMPRA

Sangguniang Bayan Member

NIEL ALBERT B. INOPIQUEZ

Sangguniang Bayan Member

RILE CHRIST (AN G. VELOSO SK Pederasyon President

APPROVED:

FELIPE S CASAS, SR

Sangguniang Bayan Member

Well on mus

ELLY MARIA N. ENEVOLDSEN

Sangguniang Bayan Member

ROGELIO J. BAAY

Sangguniang Bayan Member

MACARIO V. ESMAS

LNB President

ENGR. CARLOS G. VELOSO

Municipal Mayor 2 5 MAR 2025

the Sanggunian



COMMITTEE REPORT NO. 1 S. 2025

Committee on Land Use and Development

SUBJECT: An Ordinance Reclassifying Parcel No.1: Lot No. 3612-B, Cad-08-014070, Area: 42,458 square meters, Under tax declaration No. 08-41035-00313, Covered by TCT No. 115-2024002851, and Parcel No.2: Lot No. 3612-A, Cad-08-014070, Area: 21,047 square meters, Under tax declaration No. 08-41035-00314, Covered by TCT No. 115-2024002850, applied by the OMAGANHAN FARMERS AGRARIAN REFORM COOPERATIVE, (OFMPC) from Agricultural land to Agro-industrial land, situated in Barangay Tinghub, Villaba, Leyte

FINDINGS AND RECOMMENDATIONS:

The invited persons found the Ordinance acceptable, and for sure that the realization of this proposed project from Omaganhan Farmers Agrarian Reform Cooperative, (OFMPC) will give our farmers more income, and will generate a better employment and economic growth to our Municipality.

The Omaganhan Farmers Agrarian Reform Cooperative is a recipient of a Financial offered by the World Bank under the Philippine Development Program of the Department of Agriculture for the establishment of a Banana Chip Processing Plant.

Submitted by:

Chairman Committee on Land Use and Development



Minutes of the Public Hearing conducted by the Committee on Land Use and Development, on March 7, 2025 at the new SB session Hall at 10:00 A.M. on the proposed ordinance "An Ordinance Reclassifying Parcel No.1: Lot No. 3612-B, Cad-08-014070, area: (42,458) square meters, under tax declaration No. 08-41035-00313, covered by TCT No. 115-2024002851, and Parcel No.2: Lot No. 3612-A, Cad-08-014070, area: (21,047) square meters, under tax declaration No. 08-41035-00314, covered by TCT No. 115-2024002850, applied by the OMAGANHAN FARMERS AGRARIAN REFORM COOPERATIVE, (OFMPC) from Agricultural land to Agro-industrial land, situated in Barangay Tinghub, Villaba, Leyte

Members Absent:

- 1. Hon. Niel Albert B. Inopiquez
- 2. Hon. Violeta T. Sumapig

The Public hearing was started at exactly 10:00 O'clock in the morning when the invited persons present, except the Punong Barangay Hon. Elvis M. Arañez of Barangay Tinghub is not around. They were issued copies of the Ordinance and allowed enough time to read and understand.

The Chairman of this Committee on Land Use, and Development, discussed briefly and asked their opinion with regards to the provisions in the Ordinance.

Mr. Rene Casas, Municipal Agriculturist Officer, (MAO) emphasize the Certification from the Office of the Municipal Agriculture which states that the said land does not exceed the limitation of 10% for component cities and first to the third-class municipalities.

At 10:45 O'clock in the morning the discussion was made and no more suggestion the public hearing was adjourned.

CERTIFIED CORRECT:

MC QUIRVE P. UMPAD

Secretary to the Sangguniang Bayan

ATTESTED by:

HON. ROQUE M. COMPRA

Committee Chairman on Land Use and Development



ATENDANCE SHEET Committee Hearing March 7, 2025 9:00 A.M SB SESSION HALL

"AN ORDINANCE Reclassifying The Omaganhan Farmers Agraniam Reform Cooperative from Agricultural Land to Agro-Industrial Land Situated in Barangay Tinghub, Villaba, Leyte.

NAME	POSITION/ OCCUPATION	SIGNATURE
lny 0. Frentis	chief Operation Officer	potrenen
- Izenato ni casas	M.A.	100
. Icddy L. Vapor	HRMO	146
ADOUPH RATE A. BARRO, UN.	MUNICIAL MOTSON-DIC	
- BRIX D-BERTULFO	MPDO	AP2
		(

Prepared by:

HON. BOQUE M. COMPRA

Chairman



SANGGUNIANG BAYAN

Office of the Secretary to the Sanggunian

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be conducted by the Sangguniang Bayan Committee on Land Use and Development, March 7, 2025 at 9:00 o'clock in the morning at the New Sangguniang Bayan Session Hall, Cayangian, Barangay Poblacion del Norte, this Municipality regarding the proposed ordinance authored by Sangguniang Bayan Member Roque M. Compra entitled:

"AN ORDINANCE RECLASSIFYING PARCEL NO. 1: LOT NO. 3612-B, CAD-08-014070, AREA (42, 258) SQUARE METERS UNDER TAX DECLARATION NO. 08-41035-00313 COVERED BY TCT NO. 115-2024002851, AND PARCEL NO. 2: LOT NO. 3612-A, CAD-08-014070, AREA: (21,047) SQUARE METERS UNDER TAX DECLARATION NO. 08-41035-00314 COVERED BY TCT NO. 115-2024002850, DELCARED IN THE NAME OF JITKA TISHA G. TUPA, FROM AGRICULTURAL LAND TO AGRO-INDUSTRIAL LAND SITUATED IN BARANGAY TINGHUB, VILLABA, LEYTE"

The Municipal Administrator, Municipal Agriculturist, Municipal Assessor's Office, Municipal Planning and Development Coordinator, Municipal Relations Officer-Designate, Chief Operations Officer of Omaganhan Farmers Agrarian Reform Cooperative, Punong Barangay of Tinghub and all other interested parties are invited to attend.

Villaba, Leyte, March 3, 2025.

In public service,

MC QUIRIE/P. UMPAD, J.D.

Secrétary to the Sanggunian

3/4/2021 ASSECTOR

MERUTA D. VEIDOS MUN. JAMI.

03/04/25

Ricial Jug:

MAPO C STAFI

tore applications



Hermosilla Drive, District 28, Ormoc City Contact Nos. (053) 561-0809 & 09285549820 e-mail: easternvisavasmail@gmail.com

Republic of the Philippines) City of Ormoc)S.S.

AFFIDAVIT OF PUBLICATION

I, JIMA ZANDRA VERGARA, being first duly sworn, deposes and says: that I am the Managing Editor of the EASTERN VISAYAS MAIL, a newspaper edited and published in the City of Ormoc and circulated in the cities of Ormoc, Tacloban Maasin and Calbayog, and in the islands of Leyte, Samar and Biliran, the rest of the Visayas islands, Mindanao, Manila and Luzon;

That the publication captioned:

Republic of the Philippines Province of Leyte Municipality of Villaba OFFICE OF THE SANGGUNIANG BAYAN

MUNICIPAL ORDINANCE NO. 9, S-2025

AN ORDINANVE RECLASSIFYNG PARCEL NO.1: LOT NO. 3612-B, CAD-08-014070, AREA (42,458) SQUARE METERS, UNDER TAX DECLARATION NO. 08-41035-00313, COVERED BY TCT NO. 115-2024002851, AND PARCEL NO.2: LOT NO. 3612-A, CAD-08-014070, AREA: (21,047) SQUARE METERS, UNDER TAX DECLARATION NO. 08-41035-00314, COVERED BY TCT NO. 115-2024002850, APPLIED BY THE OMAGANHAN FARMERS AGRARIAN REFORM COOPERATIVE (OFMPC), FROM AGRICULTURAL LAND TO AGRO-INDUSTRIAL LAND, SITUATED IN BARANGAY TINGHUB, VILLABA, LEYTE

APPROVED: (SGD)ENGR. CARLOS G. VELOSO Municipal Mayor

was published in said newspaper for (1) // consecutive weeks in its EV Mail
That I am executing this affidavit to attest to the fact of the foregoing statements. Affiant further sayeth naught.
IN WITNESS WHEREOF, I have hereunto affix my signature that Oddy 2025 20 in Ormoc City. JIMA ZANDRA J. VERGARA Affiant
VERIFICATION
SWORN AND SUBSCRIBED before me this 0 2 d2025 with affiant exhibiting his Tax Identification Number 932-314-846-000 issued on July 9, 2016 at Ormoc City, Leyte, Philippines.
Doc No.: 306 Page No.: 48 Book No.: J Series of 20 27 ATTY. ADELTO M SOLIBAGA JR. Notary Public for tine City of Ormoc Municipalities of Kint rigia, rotal grob. Monday Public for tine City of Ormoc Municipalities of Kint rigia, rotal grob. Monday Public for tine City of Ormoc Municipalities of Kint rigia, rotal grob. Monday Public for tine City of Ormoc Municipalities of Kint rigia, rotal grob. Monday Public for tine City of Ormoc Municipalities of No. 8364703, 01/dly2025, Ormoc City IBP No. 74788, 11/05/2024, Leyte Roy of Attorney No. 51625 Tine: 207-673-130 Mode Compilance No. Vi-0014640

Valid Until April 14, 2025







