



REPUBLIC OF THE PHILIPPINES
PROVINCE OF LEYTE
Palo, Leyte
-oOo-



HOUSING, LAND USE and INFORMAL SETTLERS

COMMITTEE REPORT
No. 11 Series of 2025

Referred to this Committee are the following:

1. Ordinance No. 2024-214 of Carigara Leyte, entitled "An ordinance reclassifying the (199.38 M x 20 M) portion of Lot No. 231, located in Brgy. Canal, Carigara, Leyte, covered by OTC No. P-23970 and Tax Declaration No. 08-110020-00476, in the name of Alvaro T. Torrevillas, Jr., with a total area of 15, 763 square meters, from agricultural to residential use."
2. Ordinance No. 2025-225 of Carigara Leyte, entitled "An Ordinance reclassifying the parcel of land identified as Lot no. 354-B-2, PSD-08-057808-D, covered by TCT No. 115-2024005083, with an area of 200 square meters located at Brgy. Canal, Carigara, Leyte in the name of Sps. Tyrone Gil Granados and Jean V. Granados from agricultural to commercial use."
3. Ordinance No. 115-25 of Leyte, Leyte, entitled "An Ordinance reclassifying Lot 1087 with a total land area of 1,899 square meters at Brgy. Sambulawan, Leyte, Leyte from agricultural to commercial use."
4. Ordinance No. 23L.25-079 of Kananga Leyte, entitled "An Ordinance reclassifying Lot No. 9581-F-1 located in Brgy. Montebello, Kananga, Leyte with a total area land area of 1 hectare, covered by TCT No. 115-2024003959 from agricultural to commercial land use."

As observed by the Committee, the above enumerated ordinances were all recommended to be declared valid by the Provincial Legal Office. The latter however reiterated its previous opinion, citing DILG opinion No. 22, S. 2020, dated January 31, 2020 and Supreme Court Decision in the case of "Chamber of Real Estate and Builders Associations, Inc. (CRBA), vs. The Secretary of Agrarian Reform (G.R. No. 183409)," which states that reclassification alone will not suffice to use agricultural lands for other purposes, hence conversion is needed to change the current use of the reclassified lands;

In addition, pursuant to DAR Administrative Order (A.O.) No. 1, Series of 2019, as amended by DAR A.O. No. 03, Series of 2021, Section 7, thereof provides, as follows:

Section 7. Local Government Unit (LGU) Reclassification.

Reclassification is different from Conversion.

Reclassification is the act of specifying how agricultural land shall be utilized for non-agricultural uses as embodied in this land use plan of the LGU based on Section 20 of R.A. No. 7160, E.O. No. 72, series of 1993, and Office of the President (OP) Memorandum Circular (M.C. No. 54 Series o of 1993. Conversion is the act of changing the actual use of the agricultural land into uses as approved by the DAR in accordance with Section 65 of R.A. No. 6657, as amended by R.A No. 9700.

Agricultural lands that are reclassified to non-agricultural uses do not ipso facto allow the landowner thereof to use the same for such purpose¹.

xxx

It is very clear from the opinion of the Provincial Legal Office and the cited provision of the law that **reclassification is different from conversion**.

On the other hand, Section 20 of the Local Government Code is also clear that local government units through the Sangguniang Bayan or Parlungsod as the case may be, is authorized to reclassify lands within their territorial jurisdiction, to wit:

SECTION 20. Reclassification of Lands.

(a) A city or 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**; Provided, That such reclassification shall be limited to the following percentage of the total agricultural land area at the time of the passage of the ordinance: (emphasis ours)

(1) For highly urbanized and independent component cities, fifteen percent (15%);

(2) For component cities and first to third class municipalities, ten percent (10%); and

(3) For fourth to sixth class municipalities, five percent (5%):

xxx

Going back to the subject ordinances, all four are supported by the required certifications pursuant to Section 20 of the Local Government Code, hence the Committee recommends for their approval.

¹ CREBA vs. DAR (G.R. 183409, 18 June 2010)

The Committee, however, would like to reiterate the opinion of the Provincial Legal Office that reclassification is different from conversion. As articulated earlier, agricultural lands that are reclassified to non-agricultural uses do not ipso facto allow the landowner thereof to use the same for such purpose. The landowners of the properties subject of the four ordinances are therefore advised to consult the Department of Agrarian Reform for the conversion process.

Submitted this 9th day of June, 2025, Palo, Leyte.



Atty. Ronnan Christian M. Reposar
Chairperson

Hon. Raissa J. Villasin
Vice Chairperson

Atty. Carlo P. Loreto
Member

Hon. Ma. Corazon E. Remandaban
Member

Hon. Flaviano C. Centino, Jr.
Member