

Item No.: 01
Date: 22 2025-JUL



Republic of the Philippines
PROVINCE OF LEYTE
Provincial Capitol
Tacloban City

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Sangguniang Panlalawigan
Province of Leyte
RECEIVED
JUN 20 2025

PROVINCIAL LEGAL OFFICE

Province of Leyte
Leyte
Jen (Gwen)
6-26-25

Date: _____
By: Jen

2nd INDORSEMENT
June 13, 2025

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through SP Secretary, the attached Ordinance No. 496 of the Sangguniang Bayan of Babatngon, Leyte.

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

- Ordinance No. 496 entitled: **“An Ordinance imposing charges and fees on temporarily established/constructed ports, wharfs and other similar infrastructures in the Municipality of Babatngon, to ensure safety, order, and environmental sustainability.”**

REVIEW/RECOMMENDATION/LEGAL OPINION:

This office is of the opinion that the subject Ordinance is generally in accordance with its power under Sections 153¹, 154², and 447(a)(5)(iii)³ 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

¹ Section 153. *Service Fees and Charges.* - Local government units may impose and collect such reasonable fees and charges for services rendered.

² Section 154. *Public Utility Charges.* - Local government units may fix the rates for the operation of public utilities owned, operated and maintained by them within their jurisdiction.

³ (iii) Authorize the establishment, maintenance and operation of ferries, wharves, and other structures, and marine and seashore or offshore activities intended to accelerate productivity;

Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte
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OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1ST INDORSEMENT
18 June 2025

Province of Leyte
Legal Office
Palo, Leyte
6-19-25

The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein **Ordinance No. 496** of the **Municipality of Babatngon, Leyte**, entitled: **An Ordinance imposing charges and fees on temporarily established/constructed ports, wharfs and other similar infrastructures in the Municipality of Babatngon while San Juanico Bridge is under restricted use.**


FLORINDA J. S. UYVICO
Secretary to the Sanggunian

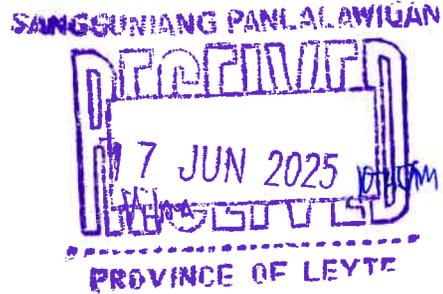


OFFICE OF THE SANGGUNIANG BAYAN

16 June 2025

Honorable Leonardo M. Javier, Jr,
Vice Governor and Presiding Officer, and

The Honorable Members
Sangguniang Panlalawigan
Province of Leyte
Legislative Bldg., Capitol Grounds
Tacloban City



Dear Honorable Ladies and Gentlemen,

Respectfully endorsed to the Honorable Sangguniang Panlalawigan of the Province of Leyte is Municipal Ordinance No. 496 of the Sangguniang Bayan of the Municipality of Babatngon, Leyte, entitled: "AN ORDINANCE IMPOSING CHARGES AND FEES ON TEMPORARILY ESTABLISHED/CONSTRUCTED PORTS, WHARFS AND OTHER SIMILAR INFRASTRUCTURES IN THE MUNICIPALITY OF BABATNGON WHILE SAN JUANICO BRIDGE IS UNDER RESTRICTED USE. Subject Ordinance is being forwarded to that Body for review in compliance with Section 56 (a) of Republic Act 7160.

Enclosed please find the following:

1. Ordinance No. 496
2. Certification of Posting
3. Certification of Public Hearing

Please find them in order and praying for your favorable action thereof.

Very truly yours,


ALMA A. BALDOMAR
Secretary II
Secretary to the Sanggunian-designate

Enclosed:
As stated





OFFICE OF THE SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF THE 145th REGULAR SESSION OF THE SANGGUNIANG BAYAN OF BABATNGON, LEYTE HELD ON THE 5th DAY OF JUNE 2025 AT THE SB SESSION HALL, LEGISLATIVE BUILDING, BABATNGON, LEYTE.

MAYOR'S OFFICE
BABATNGON, LEYTE
RECEIVED

ORDINANCE NO. 496

BY: MM - Arroyo, C. Sombrero
DATE: 06-11-25
TIME: 01:52 PM

AN ORDINANCE IMPOSING CHARGES AND FEES ON TEMPORARILY ESTABLISHED/CONSTRUCTED PORTS, WHARFS AND OTHER SIMILAR INFRASTRUCTURES IN THE MUNICIPALITY OF BABATNGON WHILE SAN JUANICO BRIDGE IS UNDER RESTRICTED USE.

AUTHOR: Hon. FEDERICO P. ELIZAGA, JR.
Sangguniang Bayan Member

CO-AUTHOR: Hon. Christian C. Lawsin; Hon. Kemuel Rue M. Corsiga
Hon. Idefonso B. Odon; Hon. Hilarion S. Menzon. Hon. Alex Veloso Bello
ABC Pres. Edgardo Y. Morden; SK Federation Pres. Jude Lemwel B. Vethimvas



WHEREAS, San Juanico Bridge is the only access by land from Luzon to the Visayas and Mindanao Regions;

WHEREAS, it has been found out through technical studies conducted by the Department of Public Works and Highways (DPWH) that the same is not anymore safe for use by vehicles with higher tonnage.

WHEREAS, the National Government resorted to private partnership with companies who will provide Ro-Ro vessels;

WHEREAS, Brgy. Guintigui-an has been identified as the temporary port.

WHEREAS, the Local Government Code of 1991 authorizes local government units to impose and collect reasonable fees and charges for services rendered;

WHEREAS, there is a growing need to regulate the temporarily established/constructed ports, wharfs and other similar infrastructures within the jurisdiction of the Municipality of Babatngon, to ensure safety, order, and environmental sustainability;

WHEREAS, the imposition of appropriate fees and charges for the use of these facilities will help maintain and improve port infrastructure and services;

NOW, THEREFORE, be it Ordained by the Sangguniang Bayan of the Municipality of Babatngon, Leyte in session assembled:

SECTION 1. TITLE. This ordinance shall be known as "An ordinance imposing charges and fees on temporarily established/constructed ports, wharfs and other similar infrastructures in the Municipality of Babatngon while San Juanico Bridge is under restricted use."

SECTION 2. SCOPE AND COVERAGE. This ordinance shall apply to temporarily established/constructed ports, wharfs and other similar infrastructures in the Municipality of Babatngon.



OFFICE OF THE SANGGUNIANG BAYAN

SECTION 3. Fees and Charges. The following fees and charges shall apply:

A. ANCHORAGE

Environmental Fee:

- Small vessel - PhP 3,000.00
- Big vessel - 5,000.00

B. LOADING AND UNLOADING

Environmental Fee :

- Light vehicle per unit - PhP 75.00
- Truck per unit - 150.00

SECTION 4. - The local government unit has no obligation/responsibility for any untoward incident that may happen within the vicinity. It should be the concerned shipping company/shipping line who has the full responsibility while in operation within the areas.

SECTION 5. SEPARABILITY CLAUSE. If any provision of this Ordinance is declared invalid or unconstitutional, the remaining provisions shall remain in full force and effect.

SECTION 6. EFFECTIVITY. This ordinance shall take effect after copies hereof has been posted in conspicuous places for three (3) consecutive weeks.

ENACTED and APPROVED this 5th day of June 2025 at Babatngon, Leyte.

I HEREBY CERTIFY to the correctness of the foregoing ordinance.


ALMA A. BALDOMAR
Secretary II

Secretary to the Sanggunian-Designate

ATTESTED:


HON. ROSARY PEARL G. CATUDIO
Municipal Vice-Mayor and
Presiding Officer


HON. CHRISTIAN C. LAWSIN
Sangguniang Bayan Member


HON. KEMUEL RUE M. CORSIGA
Sangguniang Bayan Member

(Vacation Leave)
HON. KARL JOMAR L. EMBANA
Sangguniang Bayan Member


HON. ILDEFONSO B. ODON
Sangguniang Bayan Member



OFFICE OF THE SANGGUNIANG BAYAN


HON. FEDERICO R. ELIZAGA, JR.
Sangguniang Bayan Member

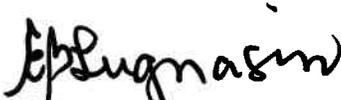
(Official Travel)
HON. HILARION S. MENZON
Sangguniang Bayan Member


HON. ALEX V. BELLO
Sangguniang Bayan Member

(Mandatory Leave)
HON. EDGARDO Y. MORDEN
President
Liga ng mga Barangay


HON. JUDE LEWEL B. VETHIMVAS
President
Pambayang Pederasyon ng Sangguniang Kabataan

APPROVED:


HON. ELEONOR B. LUGNASIN
Municipal Mayor

Date: 13 JUNE 2025







OFFICE OF THE SANGGUNIANG BAYAN

CERTIFICATION

TO WHOM THIS MAY CONCERN:

This is to certify that POSTING in prominent places in the Municipal Hall and some conspicuous places in the locality was undertaken starting 16 June 2025 and copies of said ordinance shall remain posted for three (3) consecutive weeks, pursuant to Sec. 59 (b) of Republic Act 7160, in relation to hereunder ordinance, to wit:

- 1. ORDINANCE NO. 496 – AN ORDINANCE IMPOSING CHARGES AND FEES ON TEMPORARILY ESTABLISHED/CONSTRUCTED PORTS, WHARFS AND OTHER SIMILAR INFRASTRUCTURES IN THE MUNICIPALITY OF BABATNGON WHILE SAN JUANICO BRIDGE IS UNDER RESTRICTED USE.**

Made this 16th day of June 2025 at Babatngon, Leyte.

ALMA A. BALDOMAR
Secretary II
Secretary to the Sanggunian-designate





OFFICE OF THE SANGGUNIANG BAYAN

CERTIFICATION

TO WHOM THIS MAY CONCERN:

This is to certify that Ordinance No. 496 entitled: "AN ORDINANCE IMPOSING CHARGES AND FEES ON TEMPORARILY ESTABLISHED/CONSTRUCTED PORTS, WHARFS AND OTHER SIMILAR INFRASTRUCTURES IN THE MUNICIPALITY OF BABATNGON WHILE SAN JUANICO BRIDGE IS UNDER RESTRICTED USE" was presented to the public and concerned sectors in a public hearing held on 21 May 2025 at Brgy. Guintigui-an, Babatngon, Leyte.

Made this 16th day of June 2025 at Babatngon, Leyte.

A handwritten signature in black ink, appearing to read "Agg", positioned above the printed name.

ALMA A. BALDOMAR
Secretary II

Secretary to the Sanggunian-designate

