

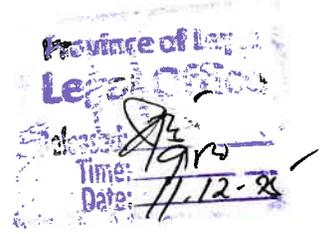
Item No.: 18
Date: 18 2025 NOV



Republic of the Philippines
PROVINCE OF LEYTE
Provincial Capitol
Tacloban City

-oOo-

PROVINCIAL LEGAL OFFICE



Sangguniang Panlalawigan
Province of Leyte

RECEIVED

Date: NOV 12 2025
By: J. Acil W.

2nd INDORSEMENT

October 30, 2025

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary, the attached Ordinance No. 2025-03 of the Sangguniang Bayan of Albuera Leyte.

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

- Ordinance No. 2025-03 entitled: “**An Ordinance amending Section 12A.02 of Municipal Ordinance No. 2025-01.**”

REVIEW/RECOMMENDATION/LEGAL OPINION:

This office opines that the subject Ordinance is, in general, within the legislative authority of the Sangguniang Bayan to repeal/amend its prior acts either expressly or by the passage of an essentially inconsistent resolution¹. 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 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. ACIL
Provincial Legal Officer

¹ (Constantino vs. Desierto, 288 SCRA 654) April 13, 1998

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

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1ST INDORSEMENT
28 October 2025

Province of Leyte
Legal Office
Recd. No. 1311
Date: 10.28.25

The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **Ordinance No. 2025-03** of the **Municipality of Albuera, Leyte**, entitled: **An Ordinance amending Section 12A.02 of Municipal Ordinance No. 2025-01**, entitled: **"An Ordinance enacting the Municipal Environment Code of Albuera, Leyte"**.


FLORINDA JILL S. UYVICO
Secretary to the Sangguniang



Republic of the Philippines
PROVINCE OF LEYTE
Municipality of Albuera

OFFICE OF THE SANGGUNIANG BAYAN SECRETARIAT

TRANSMITTAL

October 24, 2025

Hon. Leonardo Javier, Jr.
Vice-Governor
Province of Leyte
Palo, Leyte

Thru: Florinda Jill S. Uyvico
Secretary to the Sanggunian
Province of Leyte

Dear Vice Governor Javier:

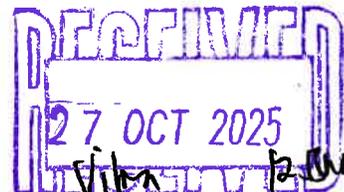
Respectfully transmitting herein **Municipal Ordinance No. 2025-03**, An Amending Section 12.A.02 of Municipal Ordinance No. 2025-01, Entitled: "An Ordinance Enacting the Municipal Environment Code of Albuera, Leyte."

Please acknowledge receipt hereof.

Very truly yours,


PAMELA M. BOHOLST, MPA
Secretary to the Sangguniang Bayan I

SANGGUNIANG PANLALAWIGAN



PROVINCE OF LEYTE



Republic of the Philippines
PROVINCE OF LEYTE
Municipality of Albuera

OFFICE OF THE SANGGUNIANG BAYAN

CERTIFICATION

TO THE CONCERNED:

THIS IS TO CERTIFY that **Municipal Ordinance No. 2025-03, An Ordinance Amending Section 12.A.02 of Municipal Ordinance No. 2025-01, Entitled: "An Ordinance Enacting the Municipal Environment Code of Albuera, Leyte,"** has been posted in the bulletin board of the Sangguniang Bayan of Albuera, Leyte on October 21, 2025, and shall remain posted until a period of two (2) consecutive weeks thereof.

ISSUED this 21st day of October 2025 at Albuera, Leyte, Philippines.

PAMELA M. BOHOLST, MPA
Secretary to the Sangguniang Bayan I



Republic of the Philippines
PROVINCE OF LEYTE
Municipality of Albuera

OFFICE OF THE SANGGUNIANG BAYAN

SANGGUNIANG PANLALAWIGAN
PROVINCIAL LEGAL OFFICE
27 OCT 2025
SANGGUNIANG BAYAN
PROVINCE OF LEYTE

EXCERPT FROM THE MINUTES OF THE 13TH REGULAR SESSION OF THE 12TH SANGGUNIANG BAYAN
HELD AT THE SESSION HALL ON OCTOBER 6, 2025

MUNICIPAL ORDINANCE NO. 2025-03

AN ORDINANCE AMENDING SECTION 12A.02 OF MUNICIPAL ORDINANCE NO. 2025-01, ENTITLED: "AN ORDINANCE ENACTING THE MUNICIPAL ENVIRONMENT CODE OF ALBUERA, LEYTE"

INTRODUCED BY: HON. ALBERTO C. SUMALJAG, JR.
Sponsored by: COMMITTEE ON ENVIRONMENT PROTECTION

- HON. RODOLFO S. BILBAO, JR.
- HON. CARL KEVIN E. BATISTIS
- HON. BERNARD JOEY D. MESTULA

WHEREAS, Section 16, the General Welfare Clause of R.A. 7160, otherwise known as the Local Government Code of 1991, states that, "Every local government unit shall exercise the powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate, or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare. Within their respective territorial jurisdictions, local government units shall ensure and support, among other things, the preservation and enrichment of culture, promote health and safety, enhance the right of the people to a balanced ecology, encourage and support the development of appropriate and self-reliant scientific and technological capabilities, improve public morals, enhance economic prosperity and social justice, promote full employment among their residents, maintain peace and order, and preserve the comfort and convenience of their inhabitants;"

WHEREAS, the Sangguniang Bayan of Albuera, Leyte enacted Municipal Ordinance No. 2025-01, entitled: "An Ordinance Enacting the Municipal Environment Code of Albuera, Leyte;"

WHEREAS, the Sangguniang Panlalawigan of Leyte, passed Resolution No. 2025-436 entitled, "An Ordinance Returning to the Sangguniang Bayan of Albuera, Leyte Municipal Ordinance No. 2025-01," for further review;

WHEREAS, pursuant to the observation of the Provincial Legal Office, it behooves this august body to amend the entire Section 12A.02 of Municipal Ordinance No. 2025-01;

NOW, THEREFORE, be it ordained by the Sangguniang Bayan of Albuera, Leyte, in a session duly assembled, that:

SECTION 1. TITLE – This ordinance shall be known as the "Municipal Environment Code of Albuera, Leyte as Amended."

SECTION 2. AMENDMENT – The following amendments shall form part of Municipal Ordinance No. 2025-01, entitled, "An Ordinance Enacting the Municipal Environment Code of Albuera, Leyte," to wit:

ROLAN E. ESPINOSA

ROBERTO C. COLASITO

ROMEO M. JUNCO

ANDRES C. TUDIO
DEHIC E. BATISTIS

BERNARD JOEY D. MESTULA

PAMELA M. BOHOLST

MARIEL E. MARINAY

CARL KEVIN E. BATISTIS

RODOLFO S. BILBAO, JR.

JOIE B. YRANEZ

RODOLFO S. BILBAO, JR.

ALBERTO C. SUMALJAG

FROM: (OLD PROVISION):

“SECTION 12A.02. Common Penalties. Any person who fails to comply with any of the provisions or who violates any of the prohibited acts provided in this Code shall be subject to the following penalty/fine:

1st Offense - a penalty of Php. 2,500.00 or imprisonment for a period of not more than 3 months, or both, at the discretion of the Court

2nd Offense - a penalty of Php. 2,500.00 or imprisonment for a period of not more than 6 months, or both, at the discretion of the Court

3rd Offense - a penalty of Php. 2,500 or imprisonment for a period of not more than one (1) year, or both, at the discretion of the Court.

Any violations committed by the permittee or any representative or employee of his/her firm after the 3rd offense shall be sufficient ground for the LGU to recommend for the revocation and cancellation of the permit to the issuing authority.”

TO: (AMENDMENT):

“SECTION 12A.02. Common Penalties. Any person who fails to comply with any of the provisions or who violates any of the prohibited acts provided in this Code shall be subject to the following penalty/fine:

1st Offense – a penalty of Php. 2,500.00 or imprisonment for a period of not more than 2 months, or both, at the discretion of the Court

2nd Offense - a penalty of Php. 2,500.00 or imprisonment for a period of not more than 4 months, or both, at the discretion of the Court

3rd Offense - a penalty of Php. 2,500 or imprisonment for a period of not more than 6 months, or both, at the discretion of the Court.

Any violations committed by the permittee or any representative or employee of his/her firm after the 3rd offense shall be sufficient ground for the LGU to recommend for the revocation and cancellation of the permit to the issuing authority.”

SECTION 3. SEPARABILITY CLAUSE – If, for any reason, any provision of this Ordinance is declared invalid or ultra-vires, other provision hereof which are not affected thereby shall continue to be in full force and effect.

SECTION 4. REPEALING CLAUSE – All Ordinances and Rules inconsistent with the provision of this Ordinance are hereby deemed modified or repealed accordingly.

APPROVED.

ENACTED BY THE 12th SANGGUNIANG BAYAN OF ALBUERA, LEYTE DURING ITS 13TH REGULAR SESSION HELD ON OCTOBER 6, 2025 AT THE SANGGUNIANG BAYAN SESSION HALL, ALBUERA, LEYTE.

R. Esp.
ROLAN E. ESPINOSA

ROBERTO C. COLASITO

ROMEO M. JUNCO

ANDRES G. TUDIO
DEWEE BATISTIS

BERNARD JOEY D. MESTULA

PAMELA M. BOHOLST

MARIEL E. MARINAY

CARL KEVIN E. BATISTIS

ROLANDAM. EBOCAS, JR.

JOIE B. YBANEZ

RODOLFO S. BRIBAO, JR.

ALBERTO C. SUMALJAG

ATTESTED AND CERTIFIED TO BE DULY ADOPTED:


CARL KEVIN E. BATISTIS
SB Member I


ALBERTO C. SUMALJAG
SB Member I


ROLANDO M. EBCAS, JR.
SB Member I


ROMEO M. JUNCO
SB Member I


JOJE B. YBANEZ
SB Member I


ANDRES C. TUDIO
SB Member I

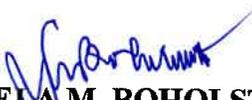

RODOLFO S. BILBAO, JR.
SB Member


DELIA M. BATISTIS
LnB President/Ex-Officio Member


ROBERTO C. COLASITO
SB Member I


BERNARD JOLY D. MESTULA
PPSK President/Ex-Officio Member

I HEREBY CERTIFY that this is a true and accurate copy of the ordinance duly enacted by the 12TH Sangguniang Bayan of Albuera, Leyte on its 13th Regular Session on October 6, 2025 at the Sangguniang Bayan Session Hall.


PAMELA M. BOHOLST, MPA
Secretary to the Sangguniang Bayan I


MARIEL E. MARINAY
Municipal Vice Mayor I/Presiding Officer

APPROVED:



ROLAN E. ESPINOSA
Municipal Mayor

Date: OCT 17 2025



Republic of the Philippines
PROVINCE OF LEYTE
Municipality of Albuera

OFFICE OF THE SANGGUNIANG BAYAN
ATTENDANCE SHEET

13th REGULAR SESSION
of the 12th Sangguniang Bayan

SB Session Hall
Venue

October 06, 2025

No.	Name & Designation	Signature
1	Hon. MARIEL E. MARINAY Mun. Vice Mayor / Presiding Officer	
2	Hon. CARL KEVIN E. BATISTIS SB Member	
3	Hon. ROLANDO M. EBCAS JR. SB Member	
4	Hon. JOJIE B. YBAÑEZ SB Member	
5	Hon. RODOLFO S. BILBAO JR. SB Member	
6	Hon. ALBERTO C. SUMALJAG SB Member	
7	Hon. ROBERTO C. COLASITO SB Member	
8	Hon. ROMEO M. JUNCO SB Member	
9	Hon. ANDRES C. TUDIO SB Member	
10	Hon. DELIA E. BATISTIS ABC President, Ex-Officio	
11	Hon. BERNARD JOEY D. MESTULA SK Federation President, Ex-Officio	

CERTIFICATION

I hereby certify that those who have affixed their signatures above, have actually attended the 13th Regular Session of the 12th Sangguniang Bayan of Albuera, Leyte, held at the SB Session Hall on October 06, 2025

PAMELA M. BOHOLST
Secretary to the Sanggunian Bayan