



Republic of the Philippines
PROVINCE OF LEYTE
Provincial Capitol
Tacloban City

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PROVINCIAL LEGAL OFFICE

2nd INDORSEMENT

June 3, 2026

Item No.: **68**
28 2026 JUL
Date: _____

PROVINCE OF LEYTE
LEGAL OFFICE
RELEASED

By: *[Signature]*
Date: *7.7.26* Time: *9:30*
Sangguniang Panlalawigan
Province of Leyte
RECEIVED
Date: *III 21 2026*
By: *[Signature]*

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary, the attached Ordinance No. 26-143 of the Sangguniang Bayan of Burauen, Leyte.

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

- Ordinance No. 26-143 entitled: "An Ordinance Amending Section 4.3 of Municipal Ordinance No. 11-06 etc."

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.

[Signature]
ATTY. JOSE RAYMUND A. ACOL
Provincial Legal Officer

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

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

1ST INDORSEMENT
06 May 2026

LEGAL OFFICE
RECEIVED
By: *[Signature]*
Date: 5.7.26 Time: 9:41

The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **Municipal Ordinance No. 26-143** of the **Municipality of Burauen, Leyte**, entitled: **An Ordinance amending Section 4.3 of Municipal Ordinance No. 11-06, otherwise known as The Burauen Public Market Code, and for other purposes.**

[Signature]
FLORINDA JILL S. UYVICO
Secretary to the Sanggunian



OFFICE OF THE SANGGUNIANG BAYAN

April 29, 2026

THE HONORABLE MEMBERS
Sangguniang Panlalawigan
Province of Leyte

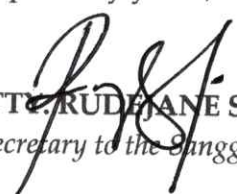
ATTENTION: FLORINDA JILL S. UYVICO
Secretary to the Sanggunian
Province of Leyte
Palo, Leyte

Ladies/Gentlemen:

We transmit herewith 12 copies of **Municipal Ordinance No. 26-143**, Series of 2026 of the Sangguniang Bayan of Burauen, Leyte, entitled "*An Ordinance Amending Section 4.3 of Municipal Ordinance No. 11-06, Otherwise Known as the Burauen Public Market Code, and for Other Purposes*", for review and approval of the body.

Thank you and please acknowledge receipt hereof.

Respectfully yours,


ATTY. RUDHANE S. TAN
Secretary to the Sanggunian



Republic of the Philippines
Province of Leyte
Municipality of Burauen



OFFICE OF THE SANGGUNIANG BAYAN

MUNICIPAL ORDINANCE NO. 26-143
Series of 2026

Sangguniang Panlalawigan,
Province of Leyte
RECEIVED
Date: APR 29 2026
By: _____

AN ORDINANCE AMENDING SECTION 4.3 OF MUNICIPAL ORDINANCE NO. 11-06, OTHERWISE KNOWN AS THE BURAUEN PUBLIC MARKET CODE, AND FOR OTHER PURPOSES.

Authored by: Hon. Sean T. Cordero

WHEREAS, the Municipality of Burauen, Province of Leyte, enacted Municipal Ordinance No. 11-06, otherwise known as the Burauen Public Market Code of 2011, which established the policies, guidelines, and regulations governing the operation, management, and administration of the Burauen Public Market;

WHEREAS, Section 4.3 of the said Code provides for a Contract of Lease between the Local Government Unit and public market stallholders, governing stall occupancy, obligations, and tenure of vendors;

WHEREAS, upon review and consultation conducted by the Burauen Public Market Committee, it was observed that the existing lease contract template under Section 4.3 is rigid and no longer fully responsive to present market management policies, operational reforms, and evolving socio-economic conditions;

WHEREAS, the continued use of a fixed and detailed lease contract template limits the ability of the Local Government Unit to adopt more adaptive, efficient, and accountable mechanisms for stall allocation, renewal, and termination;

WHEREAS, there is a need to remove the prescribed lease contract template from the ordinance itself and allow flexibility in formulating updated stallholder agreements or occupancy permits, subject to approval by the Sangguniang Bayan;

WHEREAS, the amendment is intended to streamline market transactions, promote transparency and efficiency, and ensure that contractual arrangements remain consistent with current laws, policies, and good governance principles;

WHEREAS, Committee Resolution No. 25-02, Series of 2025, of the Public Market Committee, duly approved by the Sangguniang Bayan of Burauen, Leyte, recommended the amendment of Section 4.3 of the Burauen Public Market Code and the authorization for the formulation of a revised stallholder agreement or occupancy permit system;

NOW, THEREFORE, on motion duly made and seconded, BE IT ENACTED by the Sangguniang Bayan of Burauen, Leyte, in session assembled:

SECTION 1. EXISTING PROVISION (ORIGINAL LEASE CONTRACT TEMPLATE)

"SECTION 4.3. LEASE CONTRACT AGREEMENT - For every stall awarded, the successful applicant must sign a contract of lease and observe the terms and conditions set forth therein. Documentation shall be at the expense of the lease. The Contract shall be in the following form:

CONTRACT OF LEASE

KNOW ALL MEN BY THESE PRESENTS

This **CONTRACT OF LEASE** made and entered into by and between:

The Municipality of Burauen represented by the Municipal Mayor and in his behalf as Chairman of the Burauen Public Market Committee hereinafter referred to as LESSOR and _____ of legal age, Filipino, single/married/widow resident of _____ of legal age, Philippines hereinafter referred to as the LESSEE;

WITNESSETH

The Municipality of BURAUEN, LEYTE is the owner of Burauen Public Market,

That for and in consideration of the agreement hereinafter stipulated, the herein named LESSOR do hereby lease unto LESSEE, a space/stall/block at the _____ sector. That under Ordinance No. _____ duly adopted and approved by the Sangguniang Bayan, the Burauen Public Market Committee through bidding conducted for the purpose has awarded to the LESSEE, subject to the following terms and conditions:

- 1) That the LESSEE shall occupy and engage business therein in accordance with the plans and programs of LESSOR, subject to the legal requirements on business;
- 2) That the LESSEE for and in consideration of its occupation shall pay monthly Rental of: _____
- 3) That the LESSEE must be prompt in paying his/her rentals in accordance with this contract, so that failure on the part of the LESSEE to pay his/her monthly rentals for a period of three (3) months, or found to have violated provisions of the Burauen Markct Code of 2011 and any of the terms and conditions of this contract, will give rise to the right of the LESSOR to automatically terminate this contract` through the Municipal Mayor upon the recommendation of the Burauen Public Market Committee and open the above- described property to public bidding on the right to occupy;
- 4) That by occupying or leasing said space, the LESSEE shall at all times have his/her picture conveniently framed and displayed conspicuously in the premises to include the business permit,
- 5) That the LESSEE shall keep the premises at all times in good sanitary condition and comply strictly with all sanitary market-rules and regulations now existing or which may hereinafter be promulgated. Any violation thereof maybe subject to cancellation of the lease of contract;
- 6) Before any repair could be done, the LESSEE has to file an application specifying the area to be repaired which shall be indicated in the permit to repair issued by the Mayor thru the Market Supervisor;
- 7) Lease contract of the stall/space awarded is strictly non-transferable. If upon-investigation the stakeholder/lessee have been found to have transferred, sub-leased and sold his rights to anybody, his lease contract shall automatically be terminated or revoked by the Municipal Mayor upon recommendation of the Burauen Public Market Committee and payments made shall not be refunded by the LGU.
- 8) That the LESSEE shall use the leased premises exclusively for the business applied and shall have no right to use the same for dwelling purposes, sleeping quarter, BODEGA" or storage and the like;
- 9) Buying of palay, copra and other nuisance`items within the stalls and areas granted is strictly prohibited;
- 10) That the lease contract shall be subject to a three (3) months rental deposit, aside from the payment of the winning bid for the occupancy privilege fee which shall be refundable in accordance to the provision of Sec 2.7 upon surrender and or termination of occupancy which shall answer for any unpaid obligation by the lessee in favor of the lessor;
- 11) That the LESSEE shall notify the LESSOR at least thirty (30) days in advance should the former decides to abandon and/or vacate the leased premises and surrender his/her business at the office of the Market Supervisor,
- 12) That this contract of lease is good only for two (2) years, and may be renewed for another two (2) years if the LESSEE is found to have religiously complied with the terms & conditions of this contract; and
- 13) That the LESSOR and LESSEE hereby agree and covenant to fully comply with the provisions of ordinance, laws, rules and regulations affecting the operations of the lessee's business/or occupancy in the market. All actions arising from this contract shall be brought and heard by the Burauen Public Market Committee.

For adjudication and resolution, any court action shall be filed only with the Municipal Circuit Trial Court of Burauen, Leyte. Documentation shall be at the expense of the Lessee.

IN WITNESS WHEREOF, parties have hereunto set their hand this ____ day of ____, 20__ at Burauen, Leyte, Philippines.

MUNICIPALITY OF BURAUEN
Lessor _____ Lessee _____

By: _____ CTC No. _____
Mayor _____ Issued at _____
On _____, 20__

SIGNED IN THE PRESENCE OF:

1. _____ 2. _____

Republic of the Philippines)
Province of Leyte)s.s
Municipality of Burauen)

BEFORE ME, Notary Public for and in the Province of Leyte, this ____ day of ____ 20__

Personally appeared _____ and _____ known to me to be the same person who executed the contract of Lease and acknowledges under oath that the same is their own free and voluntary act and deed.

WITNESS MY HAND AND SEAL on the day and place above written.

NOTARY PUBLIC

SECTION 2. AMENDMENT

Section 4.3 (Lease Contract Agreement) of Municipal Ordinance No. 11-06 is hereby AMENDED to read as follows:

“SECTION 4.3 – STALLHOLDER AGREEMENT / OCCUPANCY PERMIT
For every market stall awarded, the successful applicant shall be required to execute and comply with the prescribed stallholder agreement or occupancy permit, subject to the rules and regulations of the Burauen Public Market.

The Municipal Legal Officer and/or the appropriate Executive Department, in coordination with the Office of the Public Market, is hereby authorized to formulate a revised stallholder agreement or occupancy permit system, which shall:

1. Simplify the process of stall allocation, renewal, and termination;
2. Clearly define the rights, duties, and responsibilities of market vendors;
3. Strengthen the regulatory and accountability mechanisms of the Office of the Public Market; and
4. Ensure compliance with updated market policies, sanitation standards, and revenue collection procedures.

Provided, however, that any revision, modification, or change to the stallholder agreement, occupancy permit, or contract form shall take effect only upon approval by the Sangguniang Bayan of Burauen through a duly adopted Resolution.”

SECTION 2. SEPARABILITY CLAUSE

If for any reason any section or provision of this Ordinance is declared unconstitutional or invalid, such declaration shall not affect the other provisions hereof which shall remain in full force and effect.

SECTION 3. REPEALING CLAUSE

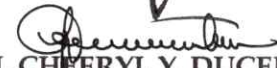
All ordinances, resolutions, executive orders, rules and regulations, or parts thereof which are inconsistent with the provisions of this Ordinance are hereby repealed, amended, or modified accordingly.

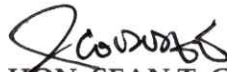
SECTION 4. EFFECTIVITY

This Ordinance shall take effect after compliance with the posting and publication requirements as provided under applicable laws, rules, and regulations.

ENACTED, this 19th day of February 2026, at the Municipality of Burauen, Leyte, Philippines.


ATTY. LEO S. APOSTOL
Sangguniang Bayan Member


HON. CHEERYL Y. DUCENTES
Sangguniang Bayan Member


HON. SEAN T. CORDERO
Sangguniang Bayan Member


HON. JUSTINE MERP G. ANDRADE
PPSK President / Ex-Officio SB Member


HON. JUANITO E. RENOMERON
Sangguniang Bayan Member


HON. HERMENIA C. CAMASIN
Sangguniang Bayan Member


HON. ANDRES REY L. CAGARA
Sangguniang Bayan Member

SECRETARY'S CERTIFICATE

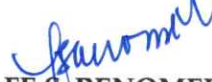
I HEREBY CERTIFY that the foregoing Ordinance was duly enacted by the Sangguniang Bayan of Burauen, Leyte, during its 33rd Regular Session held on February 19, 2026, at the Municipal Session Hall.


ATTY. RUDEJANE S. TAN
Secretary to the Sanggunian

ATTESTED:


HON. MA. HAZEL E. RELATORRES
LnB Municipal Chapter President/
Ex-Officio SB Member
Presiding Officer

APPROVED:


HON. FE S. RENOMERON
Municipal Mayor

Date



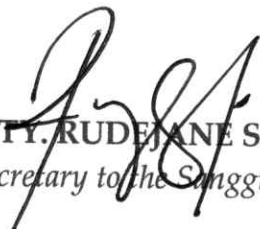
OFFICE OF THE SANGGUNIANG BAYAN

CERTIFICATE OF POSTING

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that **Municipal Ordinance No. 26-143**, Series of 2026 of the Sangguniang Bayan of Burauen, Leyte, entitled, *"An Ordinance Amending Section 4.3 of Municipal Ordinance No. 11-06, Otherwise Known as the Burauen Public Market Code, and for Other Purposes"*, was enacted on February 19, 2026, and has been posted in two (2) conspicuous and publicly accessible places of the municipality from *February 23, 2026 to March 15, 2026* in compliance with Section 59, paragraph (b) of Republic Act No. 7160, otherwise known as the "Local Government Code of 1991".

Burauen, Leyte, March 23, 2026.


ATTY. RUDEJANE S. TAN
Secretary to the Sanggunian