



Republic of the Philippines
PROVINCE OF LEYTE
Provincial Capitol
Tacloban City

-oOo-

PROVINCIAL LEGAL OFFICE

Item No.: 10

Date: 23 2026 OCT

2nd INDORSEMENT

September 25, 2026

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through SP Secretary, the attached Ordinance No. 12 of the Sangguniang Bayan of Barugo, Leyte.

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

- Ordinance No. 12 entitled: **“An Ordinance approving the reclassification of a parcel of Land 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.

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

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

without prejudice to the opinions rendered by higher and competent authorities and/or the courts.



ATTY. JOSE RAYMUND A. ACOL
Provincial Legal Officer

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

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1ST INDORSEMENT
09 September 2026

PROVINCE OF LEYTE
LEGAL OFFICE
RECEIVED
By: *[Signature]*
Date: *9-9-26* Time: *9:24*

The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **Ordinance No. 12, series of 2026** of the **Municipality of Barugo, Leyte**, entitled: **An Ordinance approving the reclassification of a parcel of agricultural land to residential land owned by Ms. Milagros A. Peñaranda covered by Tax Declaration No. 08-05-0027-00067, designated as Lot No. 1151, with an area of 856 square meters more or less located at Barangay Minuswang, Barugo, Leyte, subject to eventual land conversion by the Department of Agrarian Reform (DAR).**

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



OFFICE OF THE SANGGUNIANG BAYAN

September 8, 2026

HON. LEONARDO "SANDY" JAVIER, JR.
Vice-Governor/Presiding Officer
Sanggunian Panlalawigan
Province of Leyte

Sangguniang Panlalawigan
Province of Leyte
RECEIVED
Date: SEP 09 2026
By: J. M. V.

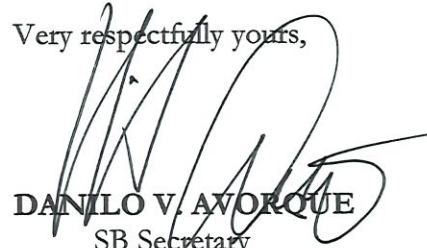
THRU: FLORINDA JILL S. UYVICO
Secretary to the Sanggunian
Province of Leyte

Sir:

Respectfully submitted to your good office for review the herein ORDINANCE NO. 12, S. 2026 ENTITLED "AN ORDINANCE APPROVING THE RECLASSIFICATION OF A PARCEL OF AGRICULTURAL LAND TO RESIDENTIAL LAND OWNED BY MS. MILAGROS A. PEÑARANDA, COVERED BY TAX DECLARATION NO. 08-05 -0027-00067, DESIGNATED AS LOT NO.1151, WITH AN AREA OF 856 SQUARE METERS, MORE OR LESS, LOCATED AT BARANGAY MINUSWANG, BARUGO, LEYTE, SUBJECT TO EVENTUAL LAND CONVERSION BY THE DEPARTMENT OF AGRARIAN REFORM (DAR).

Anticipating your favorable action on this matter.

Very respectfully yours,


DANILO V. AVOROUÉ
SB Secretary

Barugo Padayon An Gugma!

Municipal Hall, Burgos St. Poblacion District I Barugo, Leyte

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 Municipality of Barugo, Leyte



OFFICE OF THE SANGGUNIANG BAYAN

CERTIFICATION OF POSTING

THIS IS TO CERTIFY that ORDINANCE NO. 12, S. 2026 ENTITLED “AN ORDINANCE APPROVING THE RECLASSIFICATION OF A PARCEL OF AGRICULTURAL LAND TO RESIDENTIAL LAND OWNED BY MS. MILAGROS A. PEÑARANDA, COVERED BY TAX DECLARATION NO. 08-05 -0027-00067, DESIGNATED AS LOT NO.1151, WITH AN AREA OF 856 SQUARE METERS, MORE OR LESS, LOCATED AT BARANGAY MINUSWANG, BARUGO, LEYTE, SUBJECT TO EVENTUAL LAND CONVERSION BY THE DEPARTMENT OF AGRARIAN REFORM (DAR).

was posted in three (3) conspicuous places in the Municipality of Barugo, Leyte in compliance with the provisions of RA 7160, otherwise known as Local Government Code of 1991.

This certification is issued this 8th day of September 2026, for whatever legal purpose this may serve.


DANILO V. AVOROBE
SB Secretary

Barugo Padayon An Gugma!

Municipal Hall, Burgos St. Poblacion District I Barugo, Leyte

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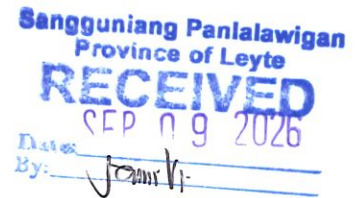
 Municipality of Barugo, Leyte



OFFICE OF THE SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF THE MEETING OF THE 12TH SANGGUNIANG BAYAN OF BARUGO, LEYTE ON ITS 27TH REGULAR SESSION HELD ON THE 18TH DAY OF AUGUST 2026, AT THE MUNICIPAL SESSION HALL, LEGISLATIVE BUILDING, BARUGO, LEYTE.

Present:	Atty. Jesus B. Cabanacan	Municipal Vice Mayor
	Hon. Felix A. Diloy	Presiding Officer
	Hon. Josephine C. Tiu	SB Member
	Hon. Roselyn L. Baltar	SB Member
	Hon. Nikkos Rhet V. Astorga	SB Member
	Hon. Sonia A. Cañeda	SB Member
	Hon. Charee Mae M. Avila	SB Member
	Hon. Eduardo C. Calzita	SB Member
	Atty. Harold Edgar Apostol	SB Member
	Hon. Joemar Q. Acebo	Liga Ng Mga Barangay President
	Hon. Eric C. Hingpis	Pederasyon Ng Mga Sangguniang Kabataan



Absent:

ORDINANCE NO. 12, S. 2026

AN ORDINANCE APPROVING THE RECLASSIFICATION OF A PARCEL OF AGRICULTURAL LAND TO RESIDENTIAL LAND OWNED BY MS. MILAGROS A. PEÑARANDA, COVERED BY TAX DECLARATION NO. 08-05 -0027-00067, DESIGNATED AS LOT NO.1151, WITH AN AREA OF 856 SQUARE METERS, MORE OR LESS, LOCATED AT BARANGAY MINUSWANG, BARUGO, LEYTE, SUBJECT TO EVENTUAL LAND CONVERSION BY THE DEPARTMENT OF AGRARIAN REFORM (DAR).

WHEREAS, Ms. Milagros Peñaranda filed a formal petition requesting the reclassification of a parcel of agricultural land to residential land, specifically described as Lot No. 1151, covered by Tax Declaration No. 08-05 -0027-00067, located at Barangay Minuswang, Barugo, Leyte;

WHEREAS, Republic Act No. 7160, otherwise known as the Local Government Code of 1991, empowers the Sangguniang Bayan to reclassify agricultural lands into residential, commercial, or industrial uses, subject to the conditions and limitations set forth under Section 20 thereof;

WHEREAS, the Comprehensive Land Use Plan (CLUP) and Zoning Ordinance of the Municipality of Barugo, Leyte, allow for the strategic expansion of residential zones to accommodate local housing and community development needs;

WHEREAS, the Committee on Land Use, Housing and Urban Development, after due inspection, evaluation, and public hearing, has determined that the subject property is no longer economically feasible for agricultural production, and that its reclassification to residential use will yield greater socio-economic benefits to the community;

WHEREAS, land reclassification the act of specifying how agricultural lands shall be utilized for non-agricultural uses such as residential, industrial, and commercial, as embodied in the land use plan, and petitioner has complied with the requirements for land reclassification.

NOW, THEREFORE, ON MOTION of Hon. Eduardo C. Calzita, jointly seconded by Hon. Josephine C. Tiu, Hon. Sonia A. Caneda and Hon. Charee Mae M. Avila, BE IT ORDAINED by the Sangguniang Bayan of Barugo, Leyte, in session assembled, that:

SECTION 1. TITLE. This Ordinance shall be known as the Ordinance Approving the Reclassification of Agricultural land to Residential land owned by Ms. Milagros Peñaranda covered by Tax Declaration No. 08-05-0027-00067, designated as Lot No. 1151 with an area of 856 Sqm. Located in Brgy. Minuswang Barugo, Leyte;

Barugo Padayon An Gugma!

Municipal Hall, Burgos St. Poblacion District I Barugo, Leyte



OFFICE OF THE SANGGUNIANG BAYAN

Page 2

Ordinance No. 12, 2026 – reclassification Peñaranda

SECTION 2. RECLASSIFICATION. The parcel of agricultural land owned by Ms. Milagros Peñaranda, located at Barangay Minuswang, Barugo, Leyte, more particularly described below, is hereby officially reclassified into RESIDENTIAL LAND:

Owner: Ms. Milagros A. Peñaranda
Tax Declaration No. 08-05-0027-00067
Lot No.: Lot No.1151
Location: Barangay Minuswang, Barugo, Leyte
Total Area: 856 Square Meters (sqm)

SECTION 3. USE AND DEVELOPMENT:

- a. Under existing laws and jurisprudence, **reclassification** is a legislative act done by LGUs via zoning ordinances pursuant to Section 20 of Local Government Code while **conversion** is the administrative act of changing the actual, physical use of the agricultural land into some other use which is within the exclusive authority of and requires approval from the Department of Agrarian Reform (DAR) under RA 6657.
- b. A mere reclassification of an agricultural land under this Ordinance does not automatically allow a landowner to change its use. The landowner has to undergo the process of conversion before he/she is permitted to use the agricultural land for other purposes.
- c. Thus, the utilization, development, and improvement of the reclassified property under this Ordinance for its intended residential, industrial, or commercial must be in compliance with a **land conversion order from the DAR**.
- d. **A building permit will not issue without a land conversion order from DAR**, and strict compliance with the provisions of the National Building Code, the Municipal Zoning Ordinance, and existing environmental laws and regulations.

SECTION 4. TAX ASSESSMENT. Upon the effectivity of this Ordinance, the Municipal Assessor of Barugo, Leyte, shall immediately cause the assessment, revision, and updating of the real property tax classification of the subject lot from agricultural to residential for taxation purposes only.

SECTION 5. SEPARABILITY CLAUSE. If any provision of this Ordinance is declared unconstitutional or invalid, the remaining parts or provisions not affected thereby shall remain in full force and effect.

SECTION 6. REPEALING CLAUSE. All municipal ordinances, resolutions, or executive orders inconsistent with the provisions of this Ordinance are hereby repealed or modified accordingly.

SECTION 7. EFFECTIVITY. This Ordinance shall take effect immediately upon its approval and compliance with the posting and publication requirements provided under the Local Government Code of 1991.

RESOLVED FURTHER, that copies of this Ordinance be furnished to Ms. Milagros A. Penaranda of Brgy. Minuswang Barugo, Leyte to Engr. Judith M. Borrel, MPDC, to Engr. Polcomar P. Canonice, Mun. Assessor, to Engr. Rannie N. Cebrano, Mun. Engineer and to all other offices concerned for their information and appropriate action.

Barugo Padayon An Gugma!

Municipal Hall, Burgos St. Poblacion District I Barugo, Leyte

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Municipality of Barugo, Leyte



OFFICE OF THE SANGGUNIANG BAYAN

Page 3

Ordinance No. 12, 2026 – reclassification Peñaranda

ADOPTED this 18TH day of August 2026 in Barugo, Leyte.

I HEREBY CERTIFY to the correctness of this foregoing ordinance.

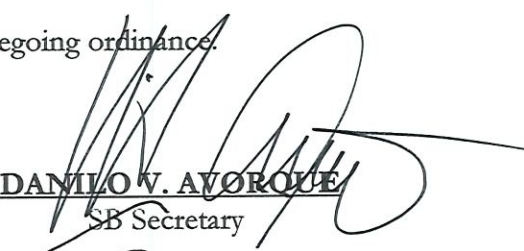

HON. FELIX A. DILOY
SB Member


HON. ROSELYN L. BALTAR
SB Member


HON. SONIA A. CAÑEDA
SB Member


HON. EDUARDO C. CALZITA
SB Member

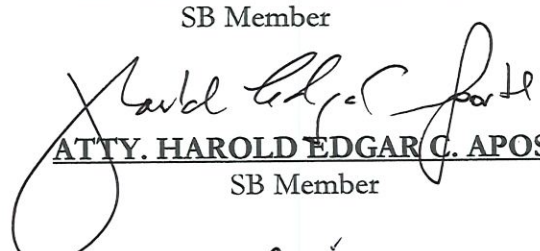

HON. JOEMAR O. ACEBO
LIGA President


DANILO V. AVOROUÉ
SB Secretary


HON. JOSEPHINE C. TIU
SB Member


HON. NIKKOS RHET V. ASTORGA
SB Member


HON. CHARLEE MAE M. AVILA
SB Member


ATTY. HAROLD EDGAR C. APOSTOL
SB Member


HON. ERIC C. HINGPIS
Pederasyon ng mga Sanggunian Kabataan

ATTESTED BY:


ATTY. JESUS B. CABANACAN
Municipal Vice Mayor
Presiding Officer

APPROVED BY:


HON. ARON C. BALAIS MD, FPCEM
Municipal Mayor

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