Item No.: 18

Date: 03 2026 NOV

Republic of the Philippines
PROVINCE OF LEYTE
Provincial Capitol
Tacloban City

-oOo-

PROVINCE OF LEYTE
LEGAL OFFICE
RELEASED
By:
Date: 11.11.26 Time: 9:44

PROVINCIAL LEGAL OFFICE

Sangguniang Panlalawigan
Province of Leyte
RECEIVED
Date: OCT 30 2026
By:

2nd INDORSEMENT
August 12, 2026

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through SP Secretary, the attached Ordinance No. 17 of the Sangguniang Bayan of Merida, Leyte.

REVIEW/RECOMMENDATION/LEGAL OPINION:

This office opines that the subject Ordinance is, in general, within the legislative authority of the Sangguniang Bayan under Section 447(4)[1] of the Local Government Code of 1991 (R.A 7160), pursuant to PD 1096[2], subject to availability of funds. 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] (4) Regulate activities relative to the use of land, buildings and structures within the municipality in order to promote the general welfare

[2] **National Building Code of the Philippines**

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

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

PROVINCE OF LEYTE
LEGAL OFFICE
RECEIVED
By:
Date: 8.12.26 Time: 9:44

1ST INDORSEMENT
12 August 2026

The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **Municipal Ordinance No. 17, series of 2026 of the Municipality of Merida, Leyte,** entitled: **An Ordinance institutionalizing a Building Inventory and Safety Monitoring System for long-existing and technically non-compliant structures within the Municipality of Merida, Leyte, and establishing the regulatory fees and fund allocation thereof.**

FLORINDA JILL S. UYVICO
Secretary to the Sanggunian

Republic of the Philippines
Province of Leyte
MUNICIPALITY OF MERIDA

OFFICE OF THE SANGGUNIANG BAYAN

10 AUGUST 2026

THE SANGGUNIANG PANLALAWIGAN OF LEYTE
CAPITOL BUILDING
PALO LEYTE

DEAR HONORABLE MEMBERS;

I have the honor to submit to the Sangguniang Panlalawigan of Leyte copies of **MUNICIPAL ORDINANCE NO. 17, SERIES OF 2026 "AN ORDINANCE INSTITUTIONALIZING A BUILDING INVENTORY AND SAFETY MONITORING SYSTEM FOR LONG-EXISTING AND TECHNICALLY NON-COMPLIANT STRUCTURES WITHIN THE MUNICIPALITY OF MERIDA, LEYTE, AND ESTABLISHING THE REGULATORY FEES AND FUND ALLOCATION THEREOF"** enacted by the 19th Council of this Municipality, for review and consideration.

Hoping everything is in order.

Thank you.

Respectfully,

JOSELITO T. DELOS ANGELES
Secretary to the Sangguniang Bayan

I HEREBY CERTIFY that this is a true and accurate copy of the Resolution-Ordinance duly adopted by the Sangguniang Bayan of Merida, Leyte on **JULY 01, 2026.**

JOSELITO T. DELOS ANGELES
SB Secretary

SANGGUNIANG BAYAN MEMBERS:

HON. ATTY. CHRISTIAN Q. SALTA
SB Member

HON. BENJAMIN A. TRAVERO JR.
SB Member

HON. JESUS ANTONIO R. MARTINEZ
SB Member (Forced Leave)

HON. CHENIL C. CALDERON
SB Member (SPL Leave)

HON. MELQUIADES D. GUIO-GUIO
SB Member

HON. BRENDA T. ADOLFO
SB Member

HON. ROGEN G. WENCESLAO
SB Member

HON. OLIVER R. LIMOSNERO
SB Member

HON. RONILLO O. LABANG
LNB President (Wellness Leave)

HON. ASHLEY NOREEN J. DIAZ
SK Federation President

HON. RODRIGO M. WENCESLAO
Municipal Vice-Mayor, Presiding Officer

HON. ENGR. ROLANDO M. VILLASENCIO
Municipal Mayor

Sangguniang Panlalawigan
Province of Leyte
RECEIVED
Date: AUG 11 2026
By:

EXCERPT FROM THE MINUTES OF THE 43RD REGULAR SESSION OF THE SANGGUNIANG BAYAN (19TH COUNCIL), MERIDA, LEYTE, HELD ON July 01, 2026 AT THE LEGISLATIVE BUILDING SESSION HALL.

-RESOLUTION NO. 19-26-119-

A RESOLUTION ADOPTING MUNICIPAL ORDINANCE NO. 17, SERIES OF 2026, ENTITLED "AN ORDINANCE INSTITUTIONALIZING A BUILDING INVENTORY AND SAFETY MONITORING SYSTEM FOR LONG-EXISTING AND TECHNICALLY NON-COMPLIANT STRUCTURES WITHIN THE MUNICIPALITY OF MERIDA, LEYTE, AND ESTABLISHING THE REGULATORY FEES AND FUND ALLOCATION THEREOF."

Be it ordained by the Sangguniang Bayan (19th Council) of Merida, Leyte in session assembled;

-MUNICIPAL ORDINANCE NO. 17-
Series of 2026

Introduced / Authored by:
Hon. Atty. Christian Q. Salta, EnP

EXPLANATORY NOTE

The Municipality of Merida, a Third (3rd) Class Municipality. Recognizes that many structures remain unpermitted due to technicalities, specifically the inability to acquire mandatory documentary requirements such as formal land titled or clearances from National Agencies.

This Ordinance follows National Building Code Development Office – Department of Public Works and Highways (NBCDO-DPWH) recommendations to prioritize safety monitoring and revenue generation for structures that cannot currently meet the full requirements of the National Building Code (PD 1096).

SECTION 1. TITLE – This Ordinance shall be known as the "MERIDA BUILDING SAFETY REGISTRY AND MONITORING ORDINANCE."

SECTION 2. PURPOSE – This Ordinance is enacted to:

- Institutionalize a Building Inventory and Monitoring System at the LGU Level.
- Prioritize Public Safety by conducting Structural Integrity Assessments of long-existing structures.
- Provide a local monitoring mechanism for structures currently ineligible for National Building Permits due to technical documentary deficiencies or land status issues.
- Encourage property owners to transition toward full legal compliance with the National Building Code (PD 1096).

SECTION 3. SCOPE AND COVERAGE – This Ordinance applies to long-existing structures twenty (20) to thirty (30) years old, as well as newer structures that are technically unable to secure a Building Permit due to the absence of the following:

- Public Land / Timberland / Unclassified Land Occupancy: Structures where the occupant lacks a formal lease or award from the DENR.
- Pending Agrarian Status: DAR Lands where the occupant is an ARB beneficiary but lacks a final CLOA issuance.

-OVER-

- Lacking Proof of Ownership: Structures on private lands where the owner cannot produce a TCT/OCT or the alternative documents required under Joined Memorandum Circular No. 2021-01.
- Technical Non-Compliance: Structures that cannot meet specific technical requirements of the National Building Code due to historical settlement patterns or lacking documentation that cannot be acquired.

SECTION 4. EXEMPTED STRUCTURES AND REPAIRS – In accordance with the National Building Code (PD 1096) and its Implementing Rules and Regulations, the following structures and works are exempted from the requirement of a Building Permit and, consequently, the Special Building Monitoring Permit (SBMP).

4.1 Minor Structures:

- Traditional indigenous family dwellings constructure predominantly from native materials, provided the toral cost of construction does not exceed Php15,000.00.
- All concrete structures, pig pens, concrete sheds, outhouses, greenhouses, children's playhouses, aviaries, and poultry houses with a building footprint area not exceeding 6 sq.m.
- Open terraces, patios, and carpots, provided they rest directly on the ground and do not exceed 20 sq.m. in area.

4.2 Non-Structural Repairs:

- Replacement of deteriorated roofing sheets, gutters, downspouts, fascia, and ceilings.
- Repair or replacement of non-load bearing partition walls.
- Repairs to interior portions of a house not involving additions or alterations.
- Replacement or repair of doors, windows, and floor finishes.
- Minor repair or replacement of plumbing fixtures, fittings, or pipes, and damaged wiring/devices (excluding main service switches or circuit breakers) for single-detached homes or duplexes.
- Painting and repainting works.

SECTION 5. THE SPECIAL BUILDING MONITORING PERMIT (SBMP).

- Nature of Permit: The SBMP serves strictly as a local monitoring and safety registry tool.
- Non-Substitution: It shall NOT be construed as a substitute for the Building Permit or Occupancy Permit required under PD 1096..
- Safety Requirement: Issuance is contingent upon an initial Structural Integrity Assessment by the Municipal Engineer/Building Official to ensure the structure is not a hazard.
- Prerequisite Clearances: To ensure integrated planning and fire safety, all SBMP applications require a Locational Clearance and a Fire Safety Evaluation Clearance from the appropriate local offices.

SECTION 6. MANDATORY WAIVER AND UNDERTAKING – All applicants for an SBMP must execute a sworn Waiver of Undertaking stating that they:

- Acknowledge the structure currently lacks a valid National Building Permit due to technical documentary deficiencies.
- Remain subject to the authority of the National Building Code and the Building Official, and will comply with all safety guidelines and regulations required
- Will earnestly attempt to legalize the structure through the acquisition of a formal building permit once the technical requirements are met.

SECTION 7. NON-CONFIRMING SETBACKS AND ROAD WIDENING

All structures existing as of the effectivity date of this Ordinance that fail to meet the mandatory, setback requirements established by the National Building Code (P.D. 1096) or local zoning regulations may be eligible for the issuance of an SBMP. Eligibility is contingent upon the owner or occupant executing a sworn Affidavit of Undertaking, which shall explicitly slate the following:

- Recognition of Non-Compliance: The affiant acknowledges that the subject structure or a specific portion thereof does not conform to the legal setback requirements mandated by P.D.1096.

-OVER-

- Commitment to Self-Removal: The affiant pledges to voluntarily remove, at their own expense, any portion of the structure situated within the affected area should it be required for future road widening projects or other public infrastructure developments initiated by either the Local or National Government.
- Waiver of Claims for Compensation: Pursuant to the National Building Code (P.D. 1096), the Affiant hereby waives all rights to seek indemnity or damages regarding any part of the structure situated within the Road Right-of-Way (RROW) or the mandatory setback zones.

SECTION 8. SCHEDULE OF FEES, CHARGES, AND CONVERSION MECHANISM

8.1 Fee Assessment:

The fees and charges for the processing, assessment, and issuance of the SBMP shall be based strictly on the existing Revised Schedule of Fees and Other Charges under the National Building Code of the Philippines (Presidential Decree No. 1096) and its IRR. The Office of the Building Official (OBO) shall compute and assess the applicable fees based on the structure's Occupancy Classification, total floor area, type of construction, and other applicable technical standards as prescribed by national law. No additional local administrative fees, surcharges, or special charges shall be imposed solely for the issuance of the SBMP, unless otherwise authorized by law or Ordinance.

8.2 Provision for Conversion to Official Building Permit:

In cases where the applicant subsequently completes and submits the lacking documentary and technical requirements under P, D. 1096 and its IRR (including but not linited to Land Titles, Tax Declarations, DAR Clearances, DENR Certifications, or approved plans), the issued SBMP may be converted into an Official Building Permit and/or Certificate of Occupancy without the imposition of additional building permit fees, subject to the following conditions:

- Presentation and Surrender of Records: The applicant shall surrender to the OBO the original SBMP Certificate together with all original supporting documents previously submitted.
- Verification and Inspection: The OBO shall conduct an inspection to confirm that no unauthorized alterations, structural modifications, additions, or changes in occupancy/use have been made to the structure after the issuance of the SBMP.
- Completeness of requirements: All documentary, technical and legal requirements mandated under P. D. 1096, its IRR, and other applicable national laws shall be fully complied with.
- No Change in Scope or Floor Area: This fee privilege applies only when the actual structure, occupancy classification, floor area, and use remain substantially the same as those declared during the original SBMP application.

8.3 Post-SBMP Expansion or Alterations:

Any expansion, additional construction, alteration, or change in occupancy/use undertaken after the issuance of the SBMP shall not benefit from the fee exemption and shall be subject to the corresponding permit requirements, fees, and charges under P.D. 1096 and its IRR.

8.4. Applicability of Installment Payment and Amnesty Ordinances:

Applicants availing of the SBMP shall likewise be entitled to avail of the benefits, privileges, and remedies provided under existing municipal ordinances of the Municipality of Merida, Leyte, specifically:

1. Municipal Ordinance No. 08, Series of 2025 – "An Ordinance Authorizing the Payment of Building Permit Fees and Occupancy Permit Fees on an Installment Basis in the Municipality of Merida, Leyte", and
2. Municipal Ordinance No. 09, Series of 2025 – "Building and Occupancy Permit Amnesty Ordinance of Merida, Leyte.

The availment of such benefits shall be subject to compliance with the qualifications, terms, conditions, payment schedules, and documentary requirements prescribed under said ordinances

SECTION 9. FUND ALLOCATION AND DISPOSITION - In accordance with the collection and remittance standards established under P.D. 1096 and its Implementing Rules and Regulations, all fees and charges collected under this Ordinance shall be allocated as follows:

-OVER-

- Total Collection: The Municipal Treasurer shall collect the entirety of the fees, including registration, processing, and safety assessment fees.
- Local Government Unit (LGU) Share (80%): Eighty percent (80%) of the total collected fees shall be retained by the Municipality of Merida and shall accrue to its General Fund.
- Office of the Building Official (OBO) Share (15%): Fifteen percent (15%) of the total collections shall be set aside and allocated exclusively for the operating expenses, field equipment, and human resource development of the OBO.
- National Government Share (5%): Five percent (5%) of the total collections shall be remitted to the National Government through the Department of Public Works and Highways (DPWH)to be utilized for the administration of P. D, 1096.

SECTION 10. WAIVER OF LIABILITY AND LEGAL SAFEGUARDS

10.1 Waiver and Indemnification:

The issuance and subsequent acceptance of the SBMP shall constitute an inherent and irrevocable waiver of liability on the part of the permit holder. The Local Government Unit (LGU) and the Building Official assume no civil or criminal liability for any structural failures, damages, or injuries arising from the use or occupancy of the subject premises. This immunity specifically extends to long-existing structures and any auxiliary improvements that do not conform to the minimum standards set forth by the National Building Code. Such structures are acknowledged by the permit holder in their "as-is" condition, and the burden of ensuring structural integrity remains solely with the applicant.

10.2. Non-Validation of Title and Anti-Squatting Policy:

The SBMP is strictly a regulatory safety monitoring tool. Its issuance does not constitute, nor shall it be construed as, a validation of land possession rights, ownership, or any claim of title. It provides no protection against eviction, and shall not be interpreted, used, or brandished as a legal defense against summary abatement, ejectment proceedings, or demolition actions initiated by the Government or legitimate private landowners.

10.3. Prohibited Areas for New Construction:

No new structures constructed after the effectivity of this Ordinance shall be allowed to be registered, monitored, or issued an SBMP if they are found to be located or encroaching upon:

- Legitimately owned private lands, without the written consent, lease agreement, or lawful authority from the landowner as provided under Section 10.5.
- Environmentally protected areas, including but not limited to mangroves, forest lands, protected watersheds, easements, salvage zones, or other areas restricted by environmental laws.
- High-risk hazard zones, as identified by the Municipal DRRM Office, the Comprehensive Land Use Plan (CLUP), or other competent government authorities.

10.4. Conditional Qualification for Existing Structures on Regulated Lands:

Any structure existing on public lands, timberlands, forest lands, protected areas, foreshore lands, or other government-regulated areas before the effectivity of this ordinance shall not qualify for an SBMP unless the applicant submits:

- A certification from the Department of Environment and Natural Resources (DENR) or other competent authority stating that the land is no longer classified as protected forest land or restricted area, and has been declared Alienable and Disposable (A&D) land where applicable; and/or
- Appropriate permits, clearances, endorsements, or authority to occupy issued by the concerned government agency having jurisdiction over the area.

Failure to secure these clearances shall constitute sufficient ground for immediate denial, revocation, stoppage, or demolition. New constructions in violation of this section or Section 10.3 shall be subject to an Immediate Stoppage and/or Demolition Order issued by the OBO.

10.5. Exemption for Structures on Privately Owned Lands:

A structure situated on privately owned land shall not be automatically subjected to an Immediate Demolition Order, provided that the occupant, builder, or applicant can present any of the following documents proving lawful authority over the land:

-OVER-

- Written Consent: A duly notarized written consent executed by the legitimate landowner authorizing the construction, use, or occupation of the structure;
- Proof of Purchase: Valid legal instruments (e.g., Deed of Absolute Sale, Contract to Sell, or Waiver) demonstrating that the occupant has acquired, or is in the process of acquiring, the land; or
- Proof of Lease: A valid, subsisting, and notarized Contract of Lease or rental agreement executed between the legitimate landowner and the occupant.

Conditional Safeguards: Upon presentation of these documents, the owner/applicant must immediately file and comply with the application for the SBMP, and remains bound to continuous compliance with building safety requirements, zoning ordinances, and environmental laws.

SECTION 11. AUTHORITY TO INSPECT AND PENAL PROVISIONS - All owners or occupants of structures lacking a valid Building Permit due to the technical or land status deficiencies defined in Section 3 are mandatorily required to apply for and acquire an SBMP.

11.1 Authority to Inspect (Section 207, P.D. 1096):

To ensure continuous compliance with public safety standards, the Building Official or their authorized representatives are granted the authority to:

- Right of Entry: Enter any building, structure, or premises at all reasonable times to perform inspections (structural, electrical, sanitary, and mechanical).
- Compulsory Cooperation: Owners or occupants must provide access. Resisting or obstructing the Building Official shall be deemed a violation subject to administrative and criminal penalties.

11.2. Procedure for Notice of Violation:

The OBO shall strictly adhere to the following three-step due process for the service of notices:

1. First Notice of Violation: Issued upon discovery of non-compliance. The owner/occupant is given seven (7) to fifteen (15) days to initiate the SBMP application.
2. 2. Second Notice of Violation: Issued if no action is taken after the lapse of the First Notice. This serves as a final warning, requiring compliance within a non-extendible period of seven (7) to fifteen (15) days.
3. Third and Final Notice (Notice of Order): A final ultimatum giving the owner a non-extendable period of three (3) days to comply. This notice shall explicitly state that failure to act will trigger immediate administrative fines, surcharges, and legal prosecution.

11.3 Failure to Comply After Final Notice:

Upon the expiration of the Third and Final Notice without compliance, the OBO shall execute the following enforcement actions pursuant to the Revised Schedule of Fees of P.D. 1096:

- Administrative Fine: An administrative fine of Php 10,000.00 shall be assessed, and a formal Order of Payment shall be issued.
- Surcharges on Computed Permit Fees:
  1. 50% Surcharge: If construction of the superstructure is underway but does not exceed 2.00m. above the established ground level.
  2. 100% Surcharge: If the superstructure exceeds 2.00m. in height, or if the entire structure is fully completed without a permit.
- Exclusion from Benefits Under Section 8.4: Surcharges imposed due to intentional violations, deliberate concealment of material information, or refusal to cooperate with inspection teams shall not be eligible for installment or amnesty programs.
- Legal Action & National Penalties (Section 213, P.D. 1096): The Municipality shall initiate formal criminal and/or civil cases. Pursuant to national law, violators shall, upon conviction, be punished by a fine of not more than Twenty Thousand Pesos (Php 20,000.00) and/or by imprisonment of not more than two (2) years, or both.

-OVER-

11.4 Protocol for Service and Refusal of Entry:

If the owner or occupant refuses to receive the notice or denies entry, the OBO shall effect Constructive Service (Posting) by posting a copy of the notice in a conspicuous place on the premises. This service must be validated by an Affidavit of Service signed by two (2) witnesses from the inspection team or disinterested persons, and supported by photographic or video evidence, which shall be deemed sufficient for all legal purposes.

11.5. Conditional Order of Demolition:

The Building Official shall issue an Order of Demolition only after the exhaustion of the notices and penalties under Sections 11.2 and 11.3, provided that the structure fails to meet public safety standards and the owner refuses to implement required structural retrofitting. A Final Order of Demolition will grant the owner fifteen (15) days to voluntarily remove the structure. After this period, the LGU shall execute the demolition at the expense of the owner.

11.6. Incentives for Early Compliance and Penalty Adjustments:

- First Notice Alignment: If, upon issuance of the First Notice of Violation, the owner demonstrates full cooperation and immediately complies by securing the permit within the mandated period, no administrative fines or surcharges under Section 11.3 shall be imposed.
- Second Notice Alignment: If compliance occurs during the Second Notice timeline, the OBO may, at its discretion, lower the final administrative fines and surcharges based on the degree of the owner's cooperation and promptness.

SECTION 12. IMPLEMENTING GUIDELINES.

Immediately after the effectivity of this Ordinance, the Office of the Building Official (OBO) shall formulate and issue the necessary Implementing Rules and Regulations (IRR) and guidelines. These guidelines shall detail the workflow for assessments, document verification, and inter-office coordination with the Bureau of Fire Protection (BFP) and the Municipal Planning and Development Office (MPDO).

SECTION 13. EFFECTIVITY.

This ordinance shall take effect upon approval and completion of publication as required by law.

ENACTED: 01 JULY 2026

APPROVED UNANIMOUSLY.

SANGGUNIANG BAYAN MEMBERS

ATTY. CHRISTIAN Q. SALTA, EnP
Municipal Councilor
Majority Floor Leader

BENJAMIN A. TRAVERO, JR.
Municipal Councilor
Assistant Floor Leader

CHENIL C. CALDERON
Municipal Councilor
(SPL Leave)

JESUS ANTONIO R. MARTINEZ
Municipal Councilor
(Forced Leave)

BRENDA T. ADOLFO
Municipal Councilor

MELCHIADES D. GURO-GUIO
Municipal Councilor

ROGEN G. VENCESLAO
Municipal Councilor

OLIVER R. LIMOSNERO
Municipal Councilor

RONILLO O. LABANG
Ex-Officio (LnB President)
(Wellness Leave)

ASHLEY NOREEN J. DIAZ
Ex-Officio (Mun. SK Fed. President)

-OVER-

(CONTINUATION OF MUNICIPAL ORDINANCE NO. 17, SERIES OF 2026, DATED JULY 01, 2026. . . . . .//PAGE 07)

APPROVED BY HIS HONOR, THE MUNICIPAL MAYOR ON July 10, 2026.

CONFORME:

ENGR. ROLANDO M. VILLASENCIO
Municipal Mayor

CERTIFIED BY:

RODRIGO M. WENCESLAO
Municipal Vice Mayor / Presiding Officer

ATTESTED BY:

JOSELITO T. DELOS ANGELES
Secretary to the Sangguniang Bayan

Republic of the Philippines
Province of Leyte
MUNICIPALITY OF MERIDA

OFFICE OF THE SANGGUNIANG BAYAN

CERTIFICATION

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that **MUNICIPAL ORDINANCE NO. 17, SERIES OF 2026 – "AN ORDINANCE INSTITUTIONALIZING A BUILDING INVENTORY AND SAFETY MONITORING SYSTEM FOR LONG-EXISTING AND TECHNICALLY NON-COMPLIANT STRUCTURES WITHIN THE MUNICIPALITY OF MERIDA, LEYTE, AND ESTABLISHING THE REGULATORY FEES AND FUND ALLOCATION THEREOF"** had been posted in three (3) conspicuous places in the locality within three (3) consecutive weeks from JULY 20, 2026 TO AUGUST 10, 2026.

THIS CERTIFICATION has been issued in compliance to Section 511 (1), Title One, book IV of RA 7160, otherwise known as the Local Government Code of 1991.

DONE AND ISSUED this 10TH day of AUGUST 2026 at Merida, Leyte, Philippines.

JOSELITO T. DELOS ANGELES
Secretary to the Sangguniang Bayan