

Republic of the Philippines  
PROVINCE OF LEYTE  
Tacloban City

Item No.: 96  
Date: 04 OCT 2022

PROVINCIAL LEGAL OFFICE

SANGGUNIANG PANLALAWIGAN  
SEP 28 2022  
SP Records

2nd INDORSEMENT  
September 19, 2022

Province of Leyte  
Legal Office  
Released by: *Jus*  
Time: *3:27*  
Date: *9-21-22*

Respectfully returned to, Sangguniang Panlalawigan of Leyte, through the SP Secretary, the attached Ordinance No. 1, s. 2022-2025 of the SB of Villaba, Leyte, recommending for the declaration of its validity pursuant to its power under Section 56 (c) of R.A. 7160, the same being, to the opinion of the Provincial Legal Office (PLO), an exercise of the power authorized under Section 20 of the Code. Provided, That ALL the requisites therein are duly complied with. Provided also that being owned by private individual, an application therefor has been filed by the owner thereof. Provided, Finally, that pursuant to DILG Opinion No. 22, S. 2020, dated January 31, 2020, an application for CONVERSION shall be filed by the owner before the DENR.

ATTY. JOSE RAYMUND A. ACOL  
Asst. Provincial Legal Officer





Republic of the Philippines  
**PROVINCE OF LEYTE**  
Tacloban City



-oOo-

**OFFICE OF THE SANGGUNIANG PANLALAWIGAN**

**1<sup>st</sup> Endorsement**  
14 September 2022



Respectfully endorsed to the **PROVINCIAL LEGAL OFFICE** the herein **MUNICIPAL ORDINANCE NO, 1 S 2022-2025 OF THE MUNICIPALITY OF VILLABA, LEYTE**, for comments and recommendations.

  
**FLORINDA JIL S. UYVICOY**  
Secretary to the Sangguniang

SP RECORDS/V  
91422



September 13, 2022

**THE SANGGUNIANG PANLALAWIGAN MEMBERS**  
New Provincial Government Complex  
Campetic, Palo, Leyte



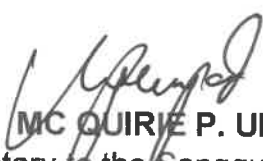
Honorable Sangguniang Panlalawigan Members:

We respectfully transmit herewith Fifteen (15) copies of:

**Municipal Ordinance No. 1, S-2022-2025** "AN ORDINANCE RECLASSIFYING LOT NO. 1118, C-13, CAD-964-D UNDER TAX DECLARATION NO. 08-41017-00146, KATIBAYAN NG ORIGINAL NA TITULO BILANG P-46237 CONTAINING AN AREA OF FOUR HUNDRED SQUARE METERS (400 SQ.M.) DECLARED IN THE NAME OF HEIRS OF JESUS JUANERO FROM AGRICULTURAL LAND TO COMMERCIAL LAND" for your information and appropriate action.

God bless and more power.

Very truly yours,

  
**MC QUIRIE P. UMPAD**  
Secretary to the Sangguniang Bayan



# OFFICE OF THE SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF THE 5<sup>th</sup> REGULAR SESSION FOR THE YEAR 2022 OF THE SANGGUNIANG BAYAN OF VILLABA, LEYTE HELD AT MUNICIPAL SESSION HALL ON AUGUST 1, 2022

PRESENT:	
HON. DENNIS L. SY	----- Vice Mayor/ Presiding Officer
HON. JULCA KATRINA L. CON-UI	----- SB Member
HON. VIOLETA T. SUMAPIG	----- SB Member
HON. FELIPE S. CASAS, SR.	----- SB Member
HON. MERIAM P. UMPAD	----- SB Member
HON. NIEL ALBERT B. INOPIQUEZ	----- SB Member
HON. ROQUE M. COMPRA	----- SB Member
HON. ELLY MARIA N. ENEVOLDSEN	----- SB Member
HON. ROGELIO J. BAAY	----- SB Member
HON. MARIANO V. DE CLARO	----- ABC President
HON. FEDERICO ENSOY	----- SK Federation Vice President

SANGGUNIANG PANG-LAYTAN  
PROVINCE OF LEYTE  
13 SEP 2022  
RECEIVED

## RESOLUTION NO. 14, S-2022-2025

### ADOPTING MUNICIPAL ORDINANCE NO. 1, S-2022-2025

**WHEREAS**, Title I, Chapter 2, Section 20 of RA 7160 states that a municipality may, through an ordinance passed by the Sanggunian, after conducting public hearings for the purpose, authorize the reclassification of agricultural lands and provide for the manner of their utilization or disposition in the following cases: (1) when the land ceases to be economically feasible and sound for agricultural purposes as determined by the Department of Agriculture or (2) where the land shall have substantially greater economic value for residential, commercial or industrial purposes, as determined by the sanggunian concerned;

**WHEREAS**, the Implementing Rules and Regulations of the Local Government Code provides that a municipality shall continue to prepare their respective comprehensive land use plans (CLUP), enacted through zoning ordinances, subject to applicable laws and regulations;

**WHEREAS**, the said IRR also prescribes that such plans shall serve as the primary and dominant bases for future use of land resources and reclassification;

**WHEREAS**, the Supreme Court ruled that the act of reclassifying agricultural lands to non-agricultural uses simply specifies how agricultural lands shall be utilized for non-agricultural uses or for other purposes;

 DENNIS L. SY Vice Mayor/Presiding Officer	 JULCA KATRINA L. CON-UI Sangguniang Bayan Member	 VIOLETA T. SUMAPIG Sangguniang Bayan Member	 FELIPE S. CASAS, SR. Sangguniang Bayan Member
 MERIAM P. UMPAD Sangguniang Bayan Member	 NIEL ALBERT B. INOPIQUEZ Sangguniang Bayan Member	 ROQUE M. COMPRA Sangguniang Bayan Member	 ELLY MARIA N. ENEVOLDSEN Sangguniang Bayan Member
 ROGELIO J. BAAY Sangguniang Bayan Member	 MARIANO V. DE CLARO LNB PRESIDENT	 FEDERICO ENSOY SK Federation Vice President	 MC QUIRIE P. UMPAD Secretary to the Sangguniang Bayan
		 ENGR. CARLOS G. VELOSO Municipal Mayor	

**WHEREAS**, as explained in DAR Memorandum Circular No. 7, Series of 1994, reclassification of lands denoted their allocation into some specific use and providing for the manner of their utilization and disposition or the act of specifying how agricultural lands shall be utilized for non-agricultural uses such as residential, commercial or industrial as embodied in the land use plan. For the reclassified lands, therefore, to be used for the purpose to which they are intended there is still a need to change the current use thereof through the process of conversion;

**WHEREAS**, due to the absence of an existing Comprehensive Land Use Plan (CLUP) and Zoning Ordinance which must be submitted in the application for conversion, hence this passage of the Municipal Ordinance for Reclassification;

**WHEREAS**, in support to this legislation, the Certification from the Office of the Municipal Agriculture which states that the said land does not exceed the limitation as prescribed under the Department of Agriculture Memorandum Circulars and that the said land ceased to be economically feasible and sound for agricultural purposes, shall be an integral part of this legislation;

**WHEREAS**, copies of the Land Title, Deed of Absolute Sale and other pertinent documents attached to this resolution, shall be an essential part of this Ordinance.

**NOW THEREFORE**, on motion by the Sangguniang Bayan Member Roque M. Compra, duly seconded en masse, be it;

**RESOLVED**, as it is hereby resolved to adopt Municipal Ordinance No. 1, S- 2022-2025, to wit:

**MUNICIPAL ORDINANCE NO.1, S- 2022-2025**

**AN ORDINANCE RECLASSIFYING LOT NO. 1118, C-13, CAD-964-D UNDER TAX DECLARATION NO. 08-41017-00146, KATIBAYAN NG ORIGINAL NA TITULO BILANG P-46237 CONTAINING AN AREA OF FOUR HUNDRED SQUARE METERS (400 SQ.M.) DECLARED IN THE NAME OF HEIRS OF JESUS JUANERO FROM AGRICULTURAL LAND TO COMMERCIAL LAND**

Be it ordained by the Sangguniang Bayan of Villaba, Leyte in regular session assembled that:

**Section 1. AUTHORITY TO RECLASSIFY.** Section 20 of Republic Act 7160 otherwise known as the Local Government Code of 1991 empowers the Sangguning Bayan to enact and ordinance reclassifying an agricultural land to non-agricultural and to provide for the manner of their utilization;

DENNIS L. SY Vice Mayor/Presiding Officer	JULCA KATRINA L. CONAW Sangguniang Bayan Member	VIOLETA T. SUMAPIG Sangguniang Bayan Member	FELIPE S. CASAS, SR. Sangguniang Bayan Member
MERIAM P. UMPAD Sangguniang Bayan Member	NIEL ALBERT B. JIROPIQUEZ Sangguniang Bayan Member	ROQUE M. COMPRAS Sangguniang Bayan Member	ELLY MARIA BENEVOLOSEN Sangguniang Bayan Member
ROCELIO J. BAY Sangguniang Bayan Member	MARIANO V. DE CLARO LNB PRESIDENT	FEDERICO ENSOY SKS Section Vice President	MICQUIRIE P. UMPAD Secretary to the Sangguniang Bayan
		ENGR. CARLOS G. VELOSO Municipal Mayor	

**Section 2. DEFINITION OF TERMS.** As used in this ordinance, the following terms shall mean as follows:

**Reclassification** - the act of reclassifying agricultural lands to non-agricultural uses simply specifies how agricultural lands shall be utilized for non-agricultural uses;

**Conversion** - for the reclassified lands, therefore, to be used for the purpose to which they are intended there is still a need to change the current use thereof through the process of conversion;

**Section 3. DOCUMENTARY REQUIREMENTS.** The documents consisting of the following are incorporated herein and shall be made as an integral part of this Ordinance:

1. Photocopy of Tax Declaration of Real Property;
2. Affidavit of Undertaking to comply the following requirements: Certification from DENR and DAR;
3. Certification from the Municipal Agriculture's Office stating that the said land ceases to be economically feasible and sound for agricultural purposes and does not exceed to 10% of the total Agricultural Land area of the Municipality;
4. Deed of Absolute Sale and Acknowledgement Receipt; and
5. Special Power of Attorney;

**Section 4. RECLASSIFICATION.** Four Hundred (400) sq.m. of the the Parcel of Land (Lot No. 1118, C-13, Cad. 964-D under Katibayan ng Orihinal na Titulo Blg. P-46237) located at Brgy Fatima, Villaba, Leyte is hereby reclassified from Agricultural Land to Commercial Land.

**Section 5. MANNER OF UTILIZATION.** The subject land shall be strictly utilized in accordance with Section 4 of this Ordinance, and other applicable laws, rules and regulations.


**Section 6. CONVERSION.** This ordinance shall not be construed as a conversion order, which shall be issued merely by the Department of Agrarian Reform (DAR).

**Section 7. UNDERTAKING.** The lacking documentary requirements as stated in the Affidavit of Undertaking shall be complied and submitted within three (3) months from the effectivity of this Ordinance. Otherwise, this Ordinance shall have no effect.

**Section 8. EFFECTIVITY.** This Ordinance shall take effect fifteen (15) days following the completion of their publication.

DENNIS L. SY Vice Mayor/Presiding Officer	JULCA MARINA E. EON-LA Sangguniang Bayan Member	VIOLETA T. SUMAPIG Sangguniang Bayan Member	FELIPE S. VELAS, SR. Sangguniang Bayan Member
MERIAM P. LIMPAD Sangguniang Bayan Member	NIEL ALBERT B. INOPIORRE Sangguniang Bayan Member	ROQUE M. COMBRA Sangguniang Bayan Member	ELLY MARIA N. ENEVOLSEN Sangguniang Bayan Member
ROGERIO J. BARY Sangguniang Bayan Member	MARIANO M. DE CLARO LNB PRESIDENT	FEDERICO ENSOY SK Federation Vice President	MC. QUIRIE P. LIMPAD Secretary to the Sangguniang Bayan
		ENGR. CARLOS G. VELOSO Municipal Mayor	

I HEREBY CERTIFY TO THE CORRECTNESS OF THE FOREGOING.

  
**MC QUIRIE P. UMPAD**  
Secretary to the Sangguniang Bayan

ATTESTED:

  
**DENNIS L. SY**

Vice Mayor/Presiding Officer

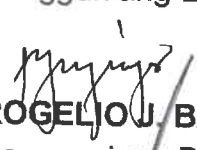
  
**JULCA KATRINA L. CON-UI**  
Sangguniang Bayan Member


  
**ROQUE M. COMPRA**  
Sangguniang Bayan Member

**VIOLETA T. SUMAPIG**  
Sangguniang Bayan Member

  
**ELL MARIA N. ENEVOLDSEN**  
Sangguniang Bayan Member

  
**FELIPE S. GASAS, SR.**  
Sangguniang Bayan Member

  
**ROGELIO J. BAAY**  
Sangguniang Bayan Member

  
**MERIAM P. UMPAD**  
Sangguniang Bayan Member

  
**MARIANO V. DE CLARO**  
LNB President

  
**NIEL ALBERT B. INOPIQUEZ**  
Sangguniang Bayan Member

  
**FEDERICO ENSOY**  
SK Federation Vice President

APPROVED:

  
**ENGR. CARLOS G. VELOSO**  
Municipal Mayor 



Republic of the Philippines  
Province of Leyte  
**MUNICIPALITY OF VILLABA**  
-o0o-

**OFFICE OF THE SANGGUNIANG BAYAN**

---

---

**COMMITTEE ON LAND USE AND DEVELOPMENT**

Committee Report No: 01 2022

The Committee on Land Use and Development conducted a committee hearing last July 14, 2022, Monday morning at the Sangguniang Bayan Session hall which was attended by the Municipal Assessor, Mrs. Mitzi R. Esmero, The Municipal Planning and Development Officer, Engr. Brix D. Bertulfo, The Municipal Agricultural Officer, Mr. Renato N. Casas, The Barangay Chairman of Brgy. Fatima, Hon. Kenneth S. Gabisay, The Attorney-in-Fact, the Applicant, Maria Julifel Coster Baring.

The Committee hearing started at around 9:03 o'clock in the morning

The Hon. Comprá, Chairman of the Committee on Land Use and Development, stated that on June 1993, The former President of the Republic of the Philippines Fidel V. Ramos issued a memorandum Cir. No.54 which prescribed guidelines Governing Section 20 of Republic Act (R.A) 7160 and Authorizing Cities and Municipalities to Reclassify Agricultural Lands into Non-Agricultural Lands.

The agenda of the Committee hearing was the Reclassification of Lot No. 1118, C-13, CAD-964-D, which is covered under Katibayan ng Original na Titulo Blg. P-46237, and the Tax Declaration No. 08-41017-00146, under the name of the Heirs of Jesus Juanero. Consisting of Four Hundred (400) square meters, from agricultural lands to commercial land.

According to the Municipal Assessor, Mrs. Mitzie R. Esmero, in order to reclassify the said lot has to be raw with no improvement and no construction installed. Barangay Chairman Hon. Kenneth S. Gabisay, of Brgy. Fatima where the lot is located, mentioned that there was no palm trees surrounding the lot. But he only noticed that there was an old Basketball court and access road going into the specific lot area.

Engr. Brix D. Bertulfo, said that the lot will not be reclassified unless the constitute and appoint Attorney-in-Fact can provide the necessary documents. In behalf of Maria Julifel Coster Baring the Attorney-in-Fact-the Applicant, she promised to submit all relevant documents to the SB Secretary as soon as possible.

The Meeting ended at exactly 10:12 o'clock in the morning.

Attached in this Committee report is the copy of the Deed of Absolute Sale, Acknowledge Receipt, Special Power of Attorney, Tax Declaration of Real Property, and Land Title, Two (2) pictures of the land to be reclassified, and Certification from the Office of the Municipal Agriculturist.

  
HON. ROQUE M. COMPRA  
Chairman

  
HON. NIEL ALBERT B. INOPIQUEZ  
Vice Chairman

  
HON. VIOLETA T. SUMAPIG  
Member



**Committee Hearing on the Proposed Ordinance reclassifying Lot no. 1118 under Tax declaration number 08-41017.**

	NAME	ADDRESS	CONTACT NUMBER	SIGNATURE
1	KENNETH S. GARCIA	FADIMA, VILABA	09102369628	
2	REYNALDO ARAGON	AGRI STAFF	09383826054	
3	Ramil A. Ency	MAO - J.O.	0045-531-4414	
4	REYNALDO B. AMIT	MAO/LE Technician Rice	0970-085-2493	
5	MARIA JULFEL C. BARING	St. Cajetan Funeral Service	0920-542-0751	
6	MITZI R. Esmer	MASO - LGU VILABA	0920 453053	
7	MAR BRUX D - BERT WLD	MPUL - LGU VILABA	09207537437	
8	MC GURU P. UNPAD	VILABA, LEVE	0917-168-0396	
9				
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				
20				
21				
22				
23				
24				
25				
26				
27				
28				
29				
30				

REPUBLIC OF THE PHILIPPINES)  
PROVINCE OF LEYTE) S.S.  
TACLOBAN CITY)

### AFFIDAVIT OF PUBLICATION

I, **DANILO N. SILVESTRECE**, of legal age, Filipino, married and a resident of Poblacion Zone 3, Mayorga, Leyte, after having duly sworn to in accordance with law, hereby depose and say;

That I am the Publisher of **BALITA TIRADOR PUBLICATION**, publisher of **SUNDAY PUNCH NEWSPAPER** and **BALITA 8**, a weekly newspaper of general circulation of the provinces of Leyte, Biliran, Southern Leyte, Samar, Eastern Samar, Northern Samar, printed and publish in Tacloban City.

That the **MUNICIPAL ORDINANCE NO. 1, S-2022-2025 (AN ORDINANCE RECLASSIFYING LOT NO. 1118, C-13, CAD-964-D UNDER TAX DECLARATION NO. 08-41017-00146, KATIBAYAN NG ORIGINAL NA TITULO BILANG P-46237 CONTAINING AN AREA OF FOUR HUNDRED SQUARE METERS (400) DECLARED IN THE NAME OF HEIRS OF JESUS JUANERO FROM AGRICULTURAL LAND TO COMMERCIAL LAND)** and **ORDINANCE NO. 2 S. 2022-2025 (AN ORDINANCE AUTHORIZING THE MUNICIPAL MAYOR ENGR. CARLOS G. VELOSO, TO HIRE A MANAGERIAL CONSULTANT IN THE MUNICIPALITY OF VILLABA, LEYTE)** has been published in the **BALITA 8** in its August 30, 2022, issue of said publication.

That copy has been circulated to the public in the general circulation and to the readers in the province of Region 8, in particular.

That I am executing this affidavit for the purpose of attesting the veracity of foregoing.

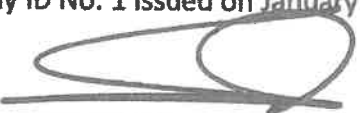
IN WITNESS WHEREOF, I have hereunto set my hand this 31th day of August 2022 at Tacloban City, Leyte, Philippines.

  
**DANILO N. SILVESTRECE**

Affiant

SUBSCRIBED AND SWORN to before me this 31st day of August, 2022 at Tacloban City, Leyte, Philippines, affiant exhibited to me his Company ID No. 1 issued on January 8, 2012 at Tacloban City.

Doc. No. 502  
Page No. 102  
Book No. XXI  
Series of 2022

  
**ATTY. EDWIN B. JOMADIO**  
Notary Public Notarial Com. No. 2020-01-22  
Until December 31, 2022 (SC Res 7/5/22 B.M. 3795)  
PTR No. 8209335/01-04-22/Tacloban City  
IBP No. 191748/01-12-22/Tacloban City  
ROA 39792; TIN 136-321-877  
Tacloban City