



Republic of the Philippines
 DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT
 REGION XIII (CARAGA REGION)
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DILG-13 OPINION NO. 22

June 15, 2012

Registered mail

DILG - REGION XIII	
RELEASED	
DATE:	<u>JUN 15 2012</u>
TIME:	<u>2:58</u>
BY:	<u>[Signature]</u>

HON. RONALDO U. JELVA
 SP. Member
 Committee on Agriculture

Dear Hon. Member:

This refers to your letter seeking opinion from this office on the legality of Draft Ordinance No. 4 -2012 and Draft Ordinance No. 5 -2012 entitled "AN ORDINANCE FIXING THE RATE OF PER SQUARE METER FOR SALE TO THE ACTUAL OCCUPANTS ON THE RESIDENTIAL PORTIONS OF THE LAMPAK AREA", respectively.

Please be informed that upon perusal of Presidential Proclamation No. 1706 dated January 20, 1978, we believe that the competent agencies that can answer your queries are the Department of Environment and Natural Resources (DENR) and National Housing Authority (NHA). However, for purposes of academic discussion and without prejudice to the opinions/comments of these agencies, we will respond to your queries.

As to Draft Ordinance No. 4 -2012, it is our view that the local government of Compostela is bereft with any authority to change the name of the area. The Proclamation only reserved the property for local and national government offices and housing projects but it never relinquished ownership to the municipality. In fact, the local government is only a co-venturer of the property with the concerned national government agencies.

The municipal government can only change the name of the property it owned as provided by the Local Government Code. Section 13 (c) of the Code provides that:

Section 13. Naming of Local Government Units and Public Places, Streets and Structures.

x x x

by The Sanggunians of component cities and municipalities may, in consultation with the Philippine Historical Commission, change the name of the following within its territorial jurisdiction:

(1) x x x municipal barangays, upon recommendation of the sangguniang barangay concerned;

(2) x x x, municipal and barangay roads, avenues, boulevards, thoroughfares, and bridges;

(3) x x x municipal public elementary, secondary and vocational or technical schools, post-secondary and other tertiary schools;

*(4) x x x municipal hospitals, health centers and other health facilities;
and*

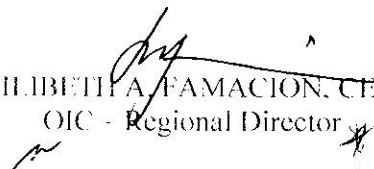
(5) any other public place or building owned by the municipal government.

x x x"

Pertaining to Draft Ordinance No. 5 - 2012, we are encouraging you to refer the matter to the NHA. The Proclamation is very clear that the subdivision and development of the area for housing projects should be done by the NHA, upon prior consultation with the LGU.

We hope to have clarified you on this matter.

Very truly yours,


LIBIBETH A. FAMACION, CESO IV
OIC - Regional Director

cc: Mr. Pedrito P. Alacaba
Provincial Director
DILG Surigao del Sur