



ORDINANCE NO. 22-03 S. 2024

AN ORDINANCE AUTHORIZING THE CITY GOVERNMENT THROUGH ITS CHIEF EXECUTIVE TO EXERCISE THE POWER OF EMINENT DOMAIN FOR THE EXPROPRIATION OF PRIVATE PROPERTIES IN BARANGAY 4, BATANGAS CITY, FOR THE PURPOSE OF A DRAINAGE SYSTEM AND AN ACCESS ROAD GOING TO THE COMMUNITY OF FERRY KUMINTANG

SPONSOR : SP MEMBER NESTOR E. DIMACUHA

WHEREAS, Section 19 of the Local Government Code authorizes the local government, through the Chief Executive, to exercise the power of eminent domain by taking private property for public use upon payment of just compensation;

WHEREAS, it is necessary for the City Government to take or expropriate the whole or portion of the lot hereunder enumerated as well as other properties that may be necessary for the construction of a Drainage System and an Access Road going to the community of Ferry Kumintang;

1. Transfer Certificate of Title No. 052-2023001840 – Susan Carreon Mendoza, et. al.
2. Transfer Certificate of Title No. T-63771 – Sps. Ruben H. Dolores and Corazon R. Dolores
3. Transfer Certificate of Title No. T-63770 – Jerome Reyes Cabuhat and Rachen Reyes Cabuhat
4. Transfer Certificate of Title No. 052-2023001964 – Rodelio Jayme Reyes, et. al.
5. Transfer Certificate of Title No. T-1112 – Sps. Herminigildo Bagui and Elena P. Bagui
6. Transfer Certificate of Title No. 052-2016001806 – Sps. Lino Lumanglas and Evangeline Lumanglas

WHEREAS, it is a condition that there should be a formal offer and negotiation between the abovenamed registered owners and the City Government of Batangas before the expropriation may be exercised;

WHEREAS, it is a condition that before taking of property may be exercised, an amount equivalent to 15% of the fair market value of the property as stated in its current tax declaration be deposited with the proper court;

WHEREAS, the taking of the property and the conversion thereof into a Drainage System and an Access Road going to the community of Ferry Kumintang will greatly benefit the public;

NOW THEREFORE, the Sangguniang Panlungsod in session duly assembled, Ordains and Decrees:

SECTION 1. TITLE. – This Ordinance shall be called “An Ordinance Authorizing the City Government Through its Chief Executive to Exercise the Power of Eminent Domain for the Expropriation of Private Property in Barangay 4, Batangas City for the Purpose of a Drainage System and an Access Road going to the Community of Ferry Kumintang”.

HON. JAYSON F. CHAVEZ

HON. ARMANDO C. CLARTE

HON. OLIVER Z. MACATANGAY

HON. NESTOR E. DIMACUHA

HON. ANDREA LOISE F. MACARAIG

HON. YARLOS EMMANJUEL A. BUTED

HON. HAMILTON G. BLANCO

HON. ALYSSA RENEE A. CRUZ

HON. MARCUS MANUEL D. CASTILLO

HON. ANGELITO DONDON A. DIMACUHA

HON. MICHAEL C. VILLENA

HON. LORENZO A. GAMBDA JR.

HON. SIDRA M. ATIENZA

HON. ZESTER CARLO M. HERNANDEZ

HON. JOSE IGNACIO TOLentino



Continuation of Ordinance No. 22-03 S. 2024

AN ORDINANCE AUTHORIZING THE CITY GOVERNMENT THROUGH ITS CHIEF EXECUTIVE TO EXERCISE THE POWER OF EMINENT DOMAIN FOR THE EXPROPRIATION OF PRIVATE PROPERTIES IN BARANGAY 4, BATANGAS CITY, FOR THE PURPOSE OF A DRAINAGE SYSTEM AND AN ACCESS ROAD GOING TO THE COMMUNITY OF FERRY KUMINTANG

SECTION 2. AUTHORITY TO OFFER FOR PURCHASE. – The City Government through its Chief Executive is hereby authorized to negotiate with the registered owners mentioned in 2nd whereas clause before the expropriation may be exercised.

SECTION 3. EMINENT DOMAIN. – Upon failure of the negotiation, the City Mayor, in the name of the City Government is hereby authorized to exercise the power of eminent domain and for this purpose to commence and file with the proper court the necessary action for expropriation of the aforementioned properties mentioned in 2nd whereas clause and such other properties as may be necessary for the purpose of a Drainage System and an Access Road going to the Community of Ferry Kumintang. The complaint shall join all persons, owning or claiming to own, or occupying any part of the property to be expropriated.

SECTION 4. AUTHORITY TO SIGN. – The City Government through its Chief Executive is hereby authorized to sign, transact, and/or execute any document related to negotiated sale and/or expropriation of the subject properties on behalf of the registered owners mentioned in 2nd whereas clause.

SECTION 5. APPROPRIATION. – The amount equivalent to the deposit fees and other expenses to commence the expropriation proceedings as well as the amount to be paid for the property as determined by the Court shall be appropriated from the unexpended portion of the general fund of the City Government or from other lawful sources of the government.

SECTION 6. EFFECTIVITY. – This Ordinance shall take effect immediately upon approval of the City Mayor.

ENACTED, by the Sangguniang Panlungsod of Batangas City this 19th day of March, 2024.

ATTY. OLIVA D. TELEGATOS
Secretary

ATTESTED:

ATTY. ALYSSA RENEE A. CRUZ
Presiding Officer

APPROVED:

BEVERLEY ROSE A. DIMACUHA
City Mayor

Date Approved: APR 02 2024

HON. NELSON J. CHAVEZ

HON. ARMANDO C. LAZARTE

HON. OLIVER Z. MACATANGAY

HON. NESTOR E. DIMACUHA

HON. ANDREA LOUISE F. MACARAIG

HON. KARLOS EMMANUEL A. BUTED

HON. HAMILTON G. BLANGO

HON. MARCUS MANUEL D. CASTILLO

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HON. JOSE JONASTH LUIS F. TOLETINO



REPUBLIC OF THE PHILIPPINES
BATANGAS CITY

OFFICE OF THE SANGGUNIANG PANLUNGSOD

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION HELD BY THE
MEMBERS OF THE SANGGUNIANG PANLUNGSOD OF BATANGAS CITY
ON MARCH 19, 2024 AT THE SANGGUNIANG SESSION HALL

PRESENT:

Hon. Alyssa Renee A. Cruz	Presiding Officer
Hon. Hamilton G. Blanco,	Sangguniang Panlungsod Member
Hon. Karlos Emmanuel A. Buted,	"
Hon. Andrea Loise F. Macaraig,	"
Hon. Nestor E. Dimacuha,	"
Hon. Oliver Z. Macatangay,	"
Hon. Armando C. Lazarte,	"
Hon. Nelson J. Chavez,	"
Hon. Jose Jonash Luis F. Tolentino,	"
Hon. Zester Carlo M. Hernandez,	"
Hon. Isidra "Ched" M. Atienza,	"
Hon. Lorenzo A. Gamboa, Jr.,	"
Hon. Michael C. Villena,	"
Hon. Angelito Dondon A. Dimacuha,	Liga ng mga Barangay President
Hon. Marcus Manuel D. Castillo.	SK Pederasyon President

"On motion of SP Member Nestor Dimacuha seconded by SP Member Angelito Dondon Dimacuha, the following Resolution was Adopted:

RESOLUTION NO. 22-138 S. 2024

ADOPTING THE REPORT OF THE COMMITTEE ON LAWS, RULES AND
REGULATIONS AND APPROVING THE ORDINANCE ON THE EXPROPRIATION
OF PRIVATE PROPERTIES IN BARANGAY 4, BATANGAS CITY

RESOLVED, to adopt the report of the Committee on Laws, Rules and Regulations and the recommendation stated therein on the expropriation of private properties in Barangay 4, Batangas City.

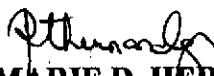
RESOLVED FURTHER, to approve on Final Reading the ordinance entitled: "An Ordinance Authorizing the City Government Through its Chief Executive to Exercise the Power of Eminent Domain for the Expropriation of Private Properties in Barangay 4, Batangas City for the Purpose of a Drainage System and an Access Road going to the Community of Ferry, Barangay Kumintang Ibaba, Batangas City", exempting from the Three-reading Rule of the Sangguniang Panlungsod.

UNANIMOUSLY APPROVED."


Continuation of Resolution No. 22-138 S. 2024

ADOPTING THE REPORT OF THE COMMITTEE ON LAWS, RULES AND REGULATIONS AND APPROVING THE ORDINANCE ON THE EXPROPRIATION OF PRIVATE PROPERTIES IN BARANGAY 4, BATANGAS CITY

I hereby certify that the foregoing Resolution No. 22-138 S. 2024 was approved by the Sangguniang Panlungsod of Batangas City during its Regular Session held on March 19, 2024.


ROSEMARIE D. HERNANDEZ
Board Secretary IV

NOTED: 
ATTY. OLIVA D. TELEGATOS
Secretary

ATTESTED: 
ATTY. ALYSSA RENEE A. CRUZ
Presiding Officer

RDH/ystringchuy...



Republic of the Philippines
BATANGAS CITY
OFFICE OF THE SANGGUNIANG PANLUNGSOD

COMMITTEE REPORT

DATE : March 18, 2024

FROM : THE COMMITTEE ON LAWS, RULES AND REGULATIONS

TO : THE HONORABLE VICE MAYOR & PRESIDING OFFICER ATTY. ALYSSA RENEE A. CRUZ AND THE HONORABLE SANGGUNIANG PANLUNGSOD MEMBERS

SUBJECT : REFERRAL NO. 22-83 S. 2024:
A LETTER ENDORSING THE PASSAGE OF AN ORDINANCE AUTHORIZING THE CITY GOVERNMENT THROUGH ITS CHIEF EXECUTIVE TO EXERCISE THE POWER OF EMINENT DOMAIN FOR THE EXPROPRIATION OF PRIVATE PROPERTIES IN BARANGAY 4, BATANGAS CITY FOR THE PURPOSE OF A DRAINAGE SYSTEM AND AN ACCESS ROAD GOING TO THE COMMUNITY OF FERRY, BARANGAY KUMINTANG IBABA, BATANGAS CITY

Gentlemen and Mesdames,

Referred to the Committee on Laws, Rules and Regulations is the aforementioned subject, present during the Committee Hearing held on March 18, 2024 at exactly 9:00 a.m. in the Sangguniang Panlungsod Session Hall are the Committee Chairman Nestor "Boy" E. Dimacuha, and members, Councilors Karlos Emmanjuel A. Buted, Armando C. Lazarte and Nelson J. Chavez. Also present are the following SP Members: Honorable Vice Mayor Alyssa Renee A. Cruz, Councilors Hamilton G. Blanco, Andrea F. Macaraig, Oliver Z. Macatangay, Jonash F. Tolentino, Zester M. Hernandez, Lorenzo A. Gamboa, Jr., Michael C. Villena and ABC President Angelito Dondon A. Dimacuha. Invited guests who attended the hearing are Allann Carolino – BCDC Committee Member, Atty. Jebril Calingasan – City Legal Office, Caroline Gaba – City Legal Office, Ruel B. Bool – City Assessor's Office, Architect Gerry Palas – City Engineer's Office, Manolo M. Perlada – City Budget Officer, Simeon "Sammy" Perez – BCPC-PSME, Ramon Torino – Kagawad of Barangay 4, Rico Adarlo – Punong Barangay of Barangay 4, Maxwell Celo – Kagawad, Elmelyn Gabriel – Kagawad, Serafin Dimaano – Kagawad, Jerome Villena – Punong Barangay, Landrito F. Fajil – Kagawad of Brgy. 4.



Republic of the Philippines
BATANGAS CITY
OFFICE OF THE SANGGUNIANG PANLUNGSOD

During the hearing, the proposed ordinance "Authorizing the City Government through its Chief Executive to exercise the Power of Eminent Domain for the Expropriation of Private Properties in Barangay 4, Batangas City for the purpose of a Drainage System and an Access Road going to the Community of Ferry, Brgy. Kumintang Ibaba, Batangas City" was painstakingly scrutinized anent the following private properties subject for expropriation:

1. Transfer Certificate of Title No. 052-2023001840 – Susan Carreon Mendoza, et.al.
2. Transfer Certificate of Title No. T-63771 – Sps. Ruben H. Dolores and Corazon R. Dolores
3. Transfer Certificate of Title No. T-63770 – Jerome Reyes Cabuhat and Rachen Reyes Cabuhat
4. Transfer Certificate of Title No. 052-2023001964 – Rodelio Jayme Reyes, et. al.
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6. Transfer Certificate of Title No. 052-2016001806 – Sps. Lino Lumanglas and Evangeline Lumanglas

Process of expropriation was eloquently discussed and several documents (TCTs) were also presented. After extensive deliberation, the following comments and suggestions were introduced for the possible incorporation in the proposed ordinance to wit:

- ❖ Specify Lot No. 7 and determine the limits of the property boundaries to be integrated in the body of final copy of the proposed ordinance.

Considering the veracity of the report, the Committee recommends the following:

- 1) Adoption of the Committee Report for purposes of expediency of the proposed ordinance;
- 2) Authorizing the City Government through its Chief Executive to exercise the Power of Eminent Domain for the Expropriation of Private Properties In Barangay 4, Batangas City for the purpose of a Drainage System and an Access Road going to the Community of Ferry, Barangay Kumintang Ibaba, Batangas City be approved on final reading exempting from the three (3) reading rule in the Sangguniang Panlungsod Internal Rules of Procedure (Rule 12, Section 1, par. (e)).



Republic of the Philippines
BATANGAS CITY
OFFICE OF THE SANGGUNIANG PANLUNGSOD

Respectfully submitted, March 18, 2024:

HON. NESTOR "BOY" E. DIMACUHA

Chairman

HON. KARLOS EMMANJUEL A. BUTED

Member

HON. ARMANDO C. LAZARTE

Member

HON. NELSON J. CHAVEZ

Member

HON. SIDRA M. ATIENZA

Member