



Republic of the Philippines
BATANGAS CITY

Office of the Sangguniang Panlungsod

Tel. No. 722-0304

ORDINANCE NO. 12 S. 2021

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 POBLACION 9, BATANGAS CITY FOR ROAD WAY PURPOSES

SPONSOR : COUN. ALYSSA RENEE A. CRUZ
COMMITTEE ON LAWS, RULES AND REGULATIONS

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 property covered by Transfer Certificate of Title No. 052-2021000407 registered in the name of SPS. CARLO E. LACSAMANA and ANNIE EMILIA LUNA LACSAMANA, as well as other properties as may be necessary for roadway purposes;

WHEREAS, it is the condition that before taking of the 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 roadway will greatly benefit the public;

NOW THEREFORE, be it ORDAINED as it hereby ORDAINED by the Sangguniang Panlungsod of Batangas City in session assembled the following:

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 Properties in Barangay Poblacion 9, Batangas City for Roadway Purposes";

SECTION 2. EMINENT DOMAIN - 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 roadway purposes within the immediate vicinity of Poblacion, Barangay 9, Batangas City. The complaint shall join all persons, owning or claiming to own, or occupying, any part of the property to be expropriated;



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Continuation of Ordinance No. 12 S. 2021

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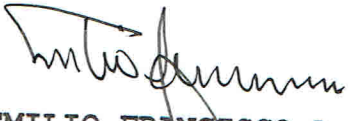
SECTION 3. APPROPRIATION - The amount equivalent to the deposit fees and other expenses to commence the expropriation proceedings as well as the amount to be paid for the property as determined by the Court shall be appropriated from unexpended portion of the general fund of the City Government or from other lawful sources of the government.

SECTION 4. EFFECTIVITY - This Ordinance shall take effect immediately upon approval by the City Mayor.


ENACTED by the Sangguniang Panlungsod this 8th day of June, 2021.


ATTY. OLIVA D. TELEGATOS
Secretary

ATTESTED:


EMILIO FRANCISCO A. BERBERABE JR.
Presiding Officer

APPROVED:


BEVERLEY ROSE A. DIMACUBA
City Mayor

Date Approved: JUN 22 2021

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 JUNE 8, 2021 VIA ZOOM APPLICATION

PRESENT:

Hon. Emilio Francisco A. Berberabe Jr.,	Presiding Officer
Hon. Alyssa Renee A. Cruz,	Councilor
Hon. Aileen Grace A. Montalbo,	"
Hon. Nestor E. Dimacuha,	"
Hon. Karlos Emmanjuel A. Buted,	"
Hon. Gerardo A. Dela Roca,	"
Hon. Oliver Z. Macatangay,	"
Hon. Nelson J. Chavez,	"
Hon. Julian B. Villena,	"
Hon. Michael Thomas T. Pastor,	"
Hon. Isidra "Ched" M. Atienza,	"
Hon. Maria Aleth A. Lazarte,	"
Hon. Lorenzo A. Gamboa, Jr.,	"
Hon. Angelito "Dondon" A. Dimacuha,	
Hon. Marjorie A. Manalo,	ABC-Rep. SK-Fed. Pres.

"On motion of Councilor Cruz seconded by Councilor Villena, the following Resolution was Adopted:

RESOLUTION NO. 167 S. 2021

ADOPTING THE REPORT OF THE COMMITTEE ON LAWS, RULES AND REGULATIONS AND APPROVING 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 POBLACION 9, BATANGAS CITY FOR ROAD WAY PURPOSES", FOR FIRST, SECOND AND FINAL READING

RESOLVED, to adopt the report of the Committee on Laws, Rules and Regulations and the recommendations stated therein on the request for an ordinance for the expropriation of private property for purposes right of way to the Barangay Hall of Barangay 9 Poblacion, Batangas City;

RESOLVED FURTHER, to approve 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 Poblacion 9, Batangas City for Road Way Purposes", for first, second and final reading.

UNANIMOUSLY APPROVED."


Continuation of Resolution No. 167 S. 2021

ADOPTING THE REPORT OF THE COMMITTEE ON LAWS, RULES AND REGULATIONS AND APPROVING 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 POBLACION 9, BATANGAS CITY FOR ROAD WAY PURPOSES", FOR FIRST, SECOND AND FINAL READING

I hereby certify that the foregoing Resolution No. 167 S. 2021 was approved by the Sangguniang Panlungsod of Batangas City during its Regular Session held on June 8, 2021.


LUNINGNING A. AQUINO
Board Secretary III

NOTED:


ATTY. OLIVA D. TELEGATOS
Secretary

ATTESTED:


EMILIO FRANCISCO A. BERBERABE, JR.
Presiding Officer

ODT/LAA/pbcalleja...



Republic of the Philippines
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Office of the Sangguniang Panlungsod

Tel. No. 723-2175

THE COMMITTEE ON LAWS, RULES AND REGULATIONS

COMMITTEE REPORT

PROPOSED ORDINANCE FOR EXPROPRIATION OF PRIVATE PROPERTY FOR
PURPOSES, RIGHT OF WAY TO THE BARANGAY HALL OF BARANGAY 9, POBLACION,
BATANGAS CITY

COMMENTS/RECOMMENDATIONS

The subject request for the enactment of an ordinance was referred to the Committee on Laws, Rules and Regulations for its consideration during the Regular Session on February 9, 2021.

The Committee held a committee hearing through Zoom on June 8, 2021 and in attendance were the following:

From City Legal Office: Atty. Teodulfo A. Deguito and from Barangay 9: Mr. Dante Clarin and Ms. Mary Queen Rosales. Also present are the Chairperson Coun. Alyssa Renee A. Cruz and committee members Coun. Gerardo Dela Roca, Coun. Julian Villena, Coun. Oliver Z. Macatangay and Coun. Nelson J. Chavez. The Vice Mayor Emilio Francisco Berberabe Jr. and other members of the Sangguniang Panlungsod were also present.

During the committee hearing, the Punong Barangay of Poblacion 9 made an introductory statement in relation to the said request stating that the property owned by Mr. Christian Buquid as per the endorsement of the City Mayor on February 4, 2021 was transferred into the name of SPS. Carlo Lacsamana and Annie Emilia Luna Lacsamana by way of Deed of Absolute Sale of Parcel of Land dated March 12, 2021 and that the same extend their intention for the said property to be subject for expropriation for purposes of right of way of the concerned barangay.

The City Legal Officer elucidated that under Section 19 of the Local Government Code, the said expropriation ordinance is needed which is still based on contingency of both parties upon agreement. Likewise, he reiterated that the City Government will still follow an appraisal of the current market value of the said property and as of the current, there are no definite decision regarding the amount to be paid to the above-mentioned owners.

Considering no legal impediment with the subject request and that the said request would be beneficial to the Batangas City government and its constituents, the Committee hereby recommends:

1. The adoption of this Committee Report.
2. The approval of the said Ordinance for First, Second and Final Reading in today's regular session.

Respectfully submitted, June 8, 2021.

THE COMMITTEE ON LAWS, RULES AND REGULATIONS

COUNCILOR ALYSSA RENEE A. CRUZ

Chairperson

COUN. GERARDO A. DELA ROCA
Member

COUN. OLIVER Z. MACATANGAY
Member

COUN. JULIAN B. VILLENA
Member

COUN. NELSON J. CHAVEZ
Member