ORDINANCE NO. 22-010 S. 2025

AN ORDINANCE AUTHORIZING THE CITY GOVERNMENT THROUGH ITS CHIEF EXECUTIVE TO EXERCISE THE POWER OF EMINENT DOMAIN FOR THE EXPROPRIATION OF PRIVATE PROPERTY AT BARANGAY TINGA LABAK, BATANGAS CITY, FOR ACCESS ROAD PURPOSES

SPONSOR : **SP MEMBER MICHAEL C. VILLENA**
Chairman, Committee on Public Lands

First Reading :	March 3, 2025 - Resolution No. 22-115 S. 2025
Concerned Committees:	Committee on Public Lands
Committee Hearing:	March 24, 2025 @ 2:30 in the afternoon
Committee Report:	April 28, 2025 – Resolution No. 22 – 198 S. 2025
Second Reading:	April 28, 2025 – Resolution No. 22 – 198 S. 2025
Final Reading:	April 28, 2025 – Resolution No. 22 – 198 S. 2025
Ordinance No.	Ordinance No. 22-010 S. 2025
Date Enacted:	April 28, 2025
Date Approved :	May 9, 2025
Date Submitted to Sangguniang Panlalawigan	May 9, 2025
Date Posted	May 9, 2025
Date Published	with Publication _____

JAYVEE J. BABIERRA
05-14-25
03:31 PM

Republic of the Philippines
BATANGAS CITY

Office of the Sangguniang Panlungsod

Tel. No. 722-0304

BAGONG PILIPINAS

ORDINANCE NO. 22-010 S. 2025

AN ORDINANCE AUTHORIZING THE CITY GOVERNMENT THROUGH ITS CHIEF EXECUTIVE TO EXERCISE THE POWER OF EMINENT DOMAIN FOR THE EXPROPRIATION OF PRIVATE PROPERTY AT BARANGAY TINGA LABAK, BATANGAS CITY, FOR ACCESS ROAD PURPOSES

SPONSOR : SP MEMBER MICHAEL C. VILLENA
Chairman, Committee on Public Lands

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 access road project;

1. Transfer Certificate of Title No. 052-2015000150- Emiliano Sawali Albuera

2. OCT No. T-505 - Maria Dimaano

WHEREAS, it is a condition that there should be a formal offer and negotiation between the above-named registered owner/s 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 an Access Road will greatly benefit the public.

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

SECTION 1. PROPERTIES. - 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 at Barangay Tinga Labak, Batangas City, for Access Road purposes/Right of Way.

HON. NELSON J. CHAVEZ
HON. ARMANDO C. AZARTE
HON. OLIVER Z. MACATANGAY
HON. NESTOR E. DIMACUHA
HON. ANDREA LOISE F. MACAPAIG
HON. KARLOS EMMANUEL A. BUTED
HON. HAMILTON G. BLANCO
HON. ALYSSA RENEE A. CRUZ
HON. SHERWIN C. TEJADA
HON. MACARIO L. MACALALAD
HON. MICHAEL C. VILLENA
HON. LORENZO A. GAMBOA JR.
HON. ISIDRO M. ATIENZA
HON. ZESTER CARLO M. HERNANDEZ
HON. JOSE JONASH LUIS F. TOLENTINO

Continuation of Ordinance No. 22-010 S. 2025

AN ORDINANCE AUTHORIZING THE CITY GOVERNMENT THROUGH ITS CHIEF EXECUTIVE TO EXERCISE THE POWER OF EMINENT DOMAIN FOR THE EXPROPRIATION OF PRIVATE PROPERTY AT BARANGAY TINGA LABAK, BATANGAS CITY, FOR ACCESS ROAD PURPOSES

SECTION 2. AUTHORITY TO OFFER FOR PURCHASE. - The City Government through its Chief Executive is hereby authorized to negotiate for the purchase of the affected lot with the registered owner/s herein mentioned before the expropriation may be exercised.

SECTION 3. 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 property, and such other properties as may be necessary for Access Road/right of way purpose in Barangay Tinga Labak, Batangas City. 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 property of the registered owner/s herein mentioned.

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 unexpected 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 28th of April 2025.

HON. NELSON J. CHAVEZ
HON. ARMANDO C. AZARTE
HON. OLIVER MACATANGAY
HON. NESTOR E. DIMACUHA
HON. ANDREA LOISE F. MACARAIG
HON. KARLOS EMMANUEL A. BUTED
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Continuation of Ordinance No. 22-010 S. 2025

AN ORDINANCE AUTHORIZING THE CITY GOVERNMENT THROUGH ITS CHIEF EXECUTIVE TO EXERCISE THE POWER OF EMINENT DOMAIN FOR THE EXPROPRIATION OF PRIVATE PROPERTY AT BARANGAY TINGA LABAK, BATANGAS CITY, FOR ACCESS ROAD PURPOSES

ATTY. OLIVA D. TELEGATOS
Secretary

ATTESTED:

ATTY. ALYSSA RENEE A. CRUZ
Presiding Officer

APPROVED:

BEVERLEY ROSE A. DIMACUHA
City Mayor

Date Approved: MAY 0 9 2025

HON. NELSON J. CHAVEZ
HON. ARMANDO C. LAZARTE
HON. OLIVER D. MACATANGAY
HON. NESTOR E. DIMACUHA
HON. ANDREA LOUISE F. MACARAIG
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HON. JOSE JONASH LUIS F. TOLENTINO

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 APRIL 28, 2025 AT THE SANGGUNIAN SESSION HALL

PRESENT:

Hon. Alyssa Renee A. Cruz,	Presiding Officer
Hon. Hamilton G. Blanco,	Sangguniang Panlungsod Member
Hon. Karlos Emmanjuel 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. Macario L. Macalalad,	Liga ng mga Barangay President
Hon. Sherwin C. Tejada,	SK Pederasyon President

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

RESOLUTION NO. 22-198 S. 2025

ADOPTING THE REPORT OF THE COMMITTEE ON PUBLIC LANDS AND APPROVING THE ORDINANCE AUTHORIZING THE CITY GOVERNMENT THROUGH ITS CHIEF EXECUTIVE, TO EXERCISE THE POWER OF EMINENT DOMAIN FOR THE EXPROPRIATION OF PRIVATE PROPERTY IN BARANGAY TINGA LABAK, BATANGAS CITY FOR ACCESS ROAD PURPOSES

RESOLVED, to adopt the report of the Committee on Public Lands and 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 Property in Barangay Tinga Labak, Batangas City for Access Road Purposes".

UNANIMOUSLY APPROVED."

Continuation of Resolution No. 22-198 S. 2025

ADOPTING THE REPORT OF THE COMMITTEE ON PUBLIC LANDS AND APPROVING THE ORDINANCE AUTHORIZING THE CITY GOVERNMENT THROUGH ITS CHIEF EXECUTIVE, TO EXERCISE THE POWER OF EMINENT DOMAIN FOR THE EXPROPRIATION OF PRIVATE PROPERTY IN BARANGAY TINGA LABAK, BATANGAS CITY FOR ACCESS ROAD PURPOSES

I hereby certify that the foregoing Resolution No. 22-198 S. 2025 was approved by the Sangguniang Panlungsod of Batangas City during its Regular Session held on April 28, 2025.

ROSEMARIE D. HERNANDEZ
Board Secretary IV

NOTED:

ATTY. OLIVA D. TELEGATOS
Secretary

ATTESTED:

ATTY. ALYSSA RENEE A. CRUZ
Presiding Officer

Code:QM-SPB-RR-2.23
Effectivity: March 1, 2024
Revision No. 0
Tracking No.016B

Republic of the Philippines
Batangas City
Office of the Sangguniang Panlungsod
From the Desk of ***HON. MICHAEL C. VILLENA***
(043) 403-8116mykel.villena@gmail.com

THE COMMITTEE ON PUBLIC LANDS

COMMITTEE REPORT

SUBJECT: Letter from the City Mayor Beverley Rose A. Dimacuha requesting for approval and passage of an Ordinance Authorizing the City Government through its Chief Executive, to exercise the Power of Eminent Domain for the Expropriation of Private Property in Brgy. Tinga Labak, Batangas City, for Access Road Purposes.

BACKGROUND:

The Committee on Public Lands conducted a Committee Hearing regarding the above-mentioned subject located in Brgy. Tinga Labak, Batangas City.

The Committee Hearing was held March 24,2025 at Sangguniang Panlungsod Session Hall Batangas City.

Present during the Committee Hearing were the following:

Hon. Michael C. Villena	-	Chairman, Committee on Public Lands
Hon. Hamilton G. Blanco	-	Committee Member / SP Member
Hon. Andrea Loise F. Macaraig	-	Committee Vice Chairwoman
Hon. Nestor "Boy" E. Dimacuha	-	SP Member
Hon. Jose Jonash L. Tolentino	-	SP Member
Hon. Zester Carlo M. Hernandez	-	SP Member
Hon. Isidra M. Atienza	-	SP Member
Hon. Armando C. Lazarte	-	SP Member
Hon. Lorenzo A. Gamboa Jr.	-	SP Member
Hon. Macario Macalalad	-	ABC President
Hon. Sherwin Tejada	-	SK Federation President

Proponents:

Atty. Melinda Gainza	- Attorney II Office of the City Legal
Mr. Eufracio Plata	- Local Revenue Collection Officer IV Office of the City Treasurer
Engr. Ruel B. Bool	- Department Head I Office of the City Assessor
Arch. Cardelan Hernandez	- Project Development Officer VI City Planning and Development Office
Mrs. Meriam Catapang	- Ex-Brgy. Captain, Brgy. Tinga Labak
Armando Faral	- Representative of the Land Owner, Brgy. Tinga Labak

FINDINGS:

The Chairman and members of the Committee on Public Lands and the members of the Sangguniang Panlungsod extensively made an overview of the subject and found the necessary matters:

1. The Petitioner Residents of Road 1, Brgy Tinga Labak, Batangas City sought the assistance of the Office of the Barangay Captain to initiate and facilitate the acquisition/expropriation of a Right of Way or Access Road three (3) meters wide to provide them full right and unrestricted access going to and from the public road.

2. The following lots are suited for the requested right of way/access road with a 554.00 sqm portion of the land covered by TCT No. 052-2015000150, registered to Emiliano Sawali Albuera and a 247.00 sqm. Portion of land, covered by OCT No. T-505, registered to Maria Dimaano.

3. The City Appraisal Committee undertook valuation study analysis and deliberation over the affected portion of lot and determined the selling price at Three Thousand Eight Hundred pesos (Php 3,800.00) per sqm. with a total price of Three Million Forty Three Thousand Eight Hundred Pesos Only (Php 3,043,800.00)

4. Mrs. Meriam Catapang, former Brgy. Captain of Brgy. Tinga Labac, coordinated with the heirs of Maria Dimaano and the representative of Emiliano Sawali Albuera, hereafter referred to as landowners, regarding the price offered by the City Government, but they refused to sell the portions of their properties.

5. As of date the landowners failed to cooperate with City Legal Office relative to the properties mentioned and no documents were submitted for the execution of the deed of conveyance, despite notices by the City Legal Office and the Petitioner-Residents.

RECOMMENDATIONS:

In view of the foregoing, the Committee hereby recommends:
1. The issuance of the Ordinance for Expropriation

Respectfully submitted, April 25, 2025

Republic of the Philippines
Batangas City
Office of the Sangguniang Panlungsod

From the Desk of: ***HON. MICHAEL C. VILLENA***
(043) 403-8116mykel.villena@gmail.com

THE COMMITTEE ON PUBLIC LANDS

COUNCILOR MICHAEL C. VILLENA
Chairperson

COUN. HAMILTON G. BLANCO
Member

COUN. ANDREA LOISE F. MACARAIG
Vice Chairperson