

REPUBLIKA NG PILIPINAS
TANGGAPAN NG SANGGUNIANG PANLUNGSOD
LUNGSOD NG BAKOLOD
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CITY ORDINANCE NO. 963
October 06, 2021

AN ORDINANCE AUTHORIZING THE HONORABLE CITY MAYOR EVELIO R. LEONARDIA TO INSTITUTE EXPROPRIATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTIES AFFECTED BY THE PROJECT ENTITLED "WIDENING/IMPROVEMENT/UPGRADING OF HONORATA MANALO (BURI ROAD), BARANGAY MANDALAGAN, BACOLOD CITY



WHEREAS, Section 16, Title 1 of the Local Government Code states that "Every local government unit shall exercise the powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate, or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare. Within their respective territorial jurisdictions, local government units shall ensure and support, among other things, the preservation and enrichment of culture, promote health and safety, enhance the right of the people to a balanced ecology, encourage and support the development of appropriate and self-reliant scientific and technological capabilities, improve public morals, enhance economic prosperity and social justice, promote full employment among their residents, maintain peace and order, and preserve the comfort and convenience of their inhabitants;

WHEREAS, Section 19, Title 1 of the abovementioned code postulates that "A local government unit may, through its chief executive and acting pursuant to an ordinance, exercise the power of eminent domain for public use, or purpose or welfare for the benefit of the poor and the landless, upon payment of just compensation, pursuant to the provisions of the Constitution and pertinent laws: Provided, however, That the power of eminent domain may not be exercised unless a valid and definite offer has been previously made to the owner, and such offer was not accepted: Provided, further, That the local government unit may immediately take possession of the property upon the filing of the expropriation proceedings and upon making a deposit with the proper court of at least fifteen percent (15%) of the fair market value of the property based on the current tax declaration of the property to be expropriated: Provided, finally, That, the amount to be paid for the expropriated property shall be determined by the proper court, based on the fair market value at the time of the taking of the property;

WHEREAS, the Honorable Mayor, Atty. Evelio R. Leonardia, requested the Sangguniang Panlungsod for the passage of an expropriation ordinance in order to initiate an expropriation proceeding for the properties affected by the project entitled "WIDENING / IMPROVEMENT / UPGRADING OF HONORATA MANALO (BURI ROAD), BARANGAY MANDALAGAN, BACOLOD CITY"

WHEREAS, the Local Government of Bacolod City identified certain properties that will be affected by the above stated project which is undertaken for public purpose;

WHEREAS, a valid and definite offer has been previously made to the owners of the affected properties and such offer was not accepted and thus the need for the enactment of this ordinance to authorize the honorable mayor to institute expropriation proceedings as provided for in Section 19 of the Local Government Code;

NOW THEREFORE, be it enacted as it is hereby enacted by the City Council of Bacolod City, by virtue of the powers vested in it by law, in a session duly assembled, that:

SECTION 1.

The Honorable City Mayor is hereby authorized to institute expropriation proceedings for the acquisition of the properties affected by the project entitled "Widening/Improvement/Upgrading of Honorata Manalo (Buri Road), Barangay Mandalagan, Bacolod City".

The properties particularly affected are the following, to wit:

1. Portion of Lot No. 1492-D-1 owned by Vallacar Transit, Inc;
2. Portion of Lots No. 1396-D-5, Lot No. 1 Block 1, Lot No. 1396-D-5, Lots 1-22, Block 8, and Lot No. 1396-D-3 owned by Racor Realty Corp.;
3. Portion of Lot No. 1396-D-2 owned by Isecure Realty Corporation;
4. Portion of Lot No. 2-A-1, and Lot No. 2-B-1-C-1 owned by Rockwell Land Corporation.

SECTION 2.

The Honorable City Mayor is further authorized to pay just compensation to the lawful owners of the affected properties which are the subject matter of this ordinance in such amount as may be fixed by the proper court subject to the usual accounting and auditing regulations and in accordance with law;

SECTION 3.

The Honorable Mayor and City Treasurer are hereby authorized to deposit in court fifteen percent (15%) of the fair market value of the property sought to be expropriated based on the current tax declaration including court, miscellaneous fees and other charges as required by law in furtherance of this expropriation ordinance;

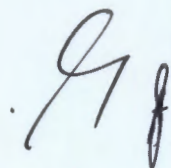
Section 4. - EFFECTIVITY:

This Ordinance shall take effect immediately upon its approval in accordance with law.

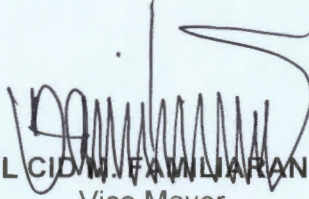
CARRIED BY THE VOTE OF:

Affirmative :

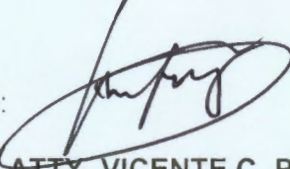
Councilors : Cindy T. Rojas, Renecito S. Novero, Simplicia Z. Distrito, Carlos Jose V. Lopez, Al Victor A. Espino, Archie S. Baribar, Israel P. Salanga, Dindo C. Ramos, Bartolome N. Orola, Sr., Ana Marie V. Palermo, Lady Gles Gonzales-Pallen, Ayesha Joy Y. Villafior.



Negative : N o n e.
Absent : N o n e.
Author : Councilor Dindo C. Ramos
Passed : October 6, 2021 (118th Regular Session of the 10th Council
via Zoom Teleconference)
Comments : P a s s e d .
Councilor Wilson C. Gamboa, Jr. was not around when this
ordinance was passed.

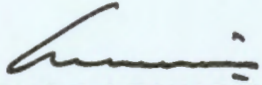

EL CID M. FAJLIARAN
Vice Mayor
Presiding Officer

ATTESTED:


ATTY. VICENTE C. PETIERRE III
Secretary to the Sanggunian

APPROVED:

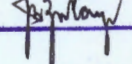
Oct 11, 2021


EVELIO R. LEONARDIA
City Mayor

VCP/CGT/ngb

**SP LEGISLATIVE
SERVICES SECTION**

DATE: 10/14/21 TIME: 2:25

BY: 



CERTIFICATION

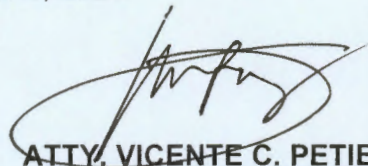
This is to certify that **CITY ORDINANCE NO. 963, Series of 2021** passed by the Sangguniang Panlungsod of the City of Bacolod on October 06, 2021 entitled:

AN ORDINANCE AUTHORIZING THE HONORABLE CITY MAYOR EVELIO R. LEONARDIA TO INSTITUTE EXPROPRIATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTIES AFFECTED BY THE PROJECT ENTITLED "WIDENING/IMPROVEMENT/UPGRADING OF HONORATA MANALO (BURI ROAD), BARANGAY MANDALAGAN, BACOLOD CITY.

was published in Journal Visayas on October 25-31, 2021 and posted on October 14, 2021, in the following conspicuous places in the City of Bacolod, to wit:

1. Bulletin Board of the Sangguniang Panlungsod
2nd Floor Bacolod City Government Center
2. Old City Hall (Araneta-Luzuriaga Streets)
3. Bacolod Public Plaza
4. City Health Office
5. Hall of Justice
6. North (Burgos) Public Market
7. South (Libertad) Public Market
8. Central Market

Bacolod City, Philippines, November 8, 2021.


ATTY. VICENTE C. PETIERRE III
Secretary to the Sanggunian 