

**REPUBLIKA NG PILIPINAS
TANGGAPAN NG SANGGUNIANG PANLUNGSOD
LUNGSOD NG BAKOLOD**

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CITY ORDINANCE NO. 08-15-720

March 3, 2015

AN ORDINANCE AUTHORIZING THE CITY MAYOR OF THE CITY OF BACOLOD TO EXERCISE THE POWER OF EMINENT DOMAIN AND/OR PURSUE EXPROPRIATION PROCEEDINGS OVER LOT NO. 204-A, COVERED BY TRANSFER CERTIFICATE OF TITLE NUMBER T-281112, SITUATED AT BURGOS SAN JUAN STREETS, BARANGAY 10, BACOLOD CITY, FOR THE PUBLIC PURPOSE AND USE OF WIDENING THE BURGOS STREET (JUNCTION SAN JUAN-RECLAMATION AREA).

WHEREAS, the City Government of Bacolod intends to widen Burgos Street and solve the worsening traffic problem at the junction of San Juan-Reclamation Area that is adversely affecting port operations and commercial activities, in order to accelerate economic progress, thus, promoting public welfare and common good;

WHEREAS, the Office of the City Mayor sent a letter-offer dated August 15, 2014 to the registered owner, JEPP Real Estate Co. Inc., offering to purchase a 376 square meters portion of Lot No. 204-A, situated in Bacolod City and covered by TCT No. T-281112 of the Register of Deeds of Bacolod City, at P5,760.00 per square meter or a total price of P2,165,760.00;

WHEREAS, in a letter dated September 9, 2014, Mrs. Pia Dolores P. Dabao, President of JEPP Real Estate Co. Inc., informed the city government that the board of directors of the corporation unanimously rejected the offer;

WHEREAS, due to the rejection by the landowner, there is a need to resort to the exercise of expropriation proceedings;

WHEREAS, Section 19 of Republic Act No. 7160, otherwise known as the 1991 Local Government Code, grants to the local government units, through its chief executives, or in particular, the City Government of Bacolod, thru the City Mayor, and acting pursuant to an ordinance, the power to expropriate properties for public use or purpose subject to conditions;

WHEREAS, the legal requisites for expropriation have been duly met and complied with under the circumstances.

NOW THEREFORE, BE IT ORDAINED, by the Sangguniang Panlungsod in regular session duly assembled that:

Section 1. SHORT TITLE. This ordinance shall be referred to as The widening of Burgos Street (junction San Juan – Reclamation Area) Expropriation Ordinance.

Section 2. LEGAL BASIS. The following provisions of law are the fundamental basis of this Ordinance, to wit:

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1. Section 19, Republic Act 7160 (Local Government Code) on Eminent Domain;
2. Article 33 of the Rules and Regulations Implementing the Local Government Code of 1991 describing public use to include, among others construction or extension of roads, streets, sidewalks, viaducts, bridges, ferries, levees, wharves, or piers.

Section 3. AUTHORITY FOR THE CITY MAYOR TO EXPROPRIATE. By virtue of the rejection of the offer given by the City Government of Bacolod, the incumbent City Mayor is hereby authorized, for and in behalf of the City Government of Bacolod, to exercise the power of eminent domain, or initiate expropriation proceedings before the proper courts, over a 376 square meter portion of Lot No. 204-A, situated in Bacolod City and covered by TCT No. T-281112 of the Register of Deeds of Bacolod City, with a fair market value of P2,165,760.00 at P5,760.00 per square meter based on the latest Tax Declaration.

Section 4. PURPOSE. The expropriated property shall be used directly and exclusively for the project known as the "Widening of Burgos Street (Junction San Juan – Reclamation Area), Bacolod City" in order to solve the worsening traffic congestion problem in the same junction that is adversely affecting port operations and commercial activities and thus, easen the traffic flow therein and accelerate the economic progress in the surrounding and nearby areas, as well as promote public welfare and the common good.

Section 5. EFFECTIVITY CLAUSE. This Ordinance shall take effect upon its enactment and approval thereof.

CARRIED BY THE VOTE OF:

Affirmative :

Councilors : Jocelle Batapa-Sigue, Roberto M. Rojas, Em L. Ang, Claudio Jesus Raymundo A. Puentevella, Caesar Z. Distrito, Archie S. Baribar, Alex A. Paglumotan, Sonya M. Verdeflor, Ana Marie V. Palermo, Noli B. Villarosa.

Negative : None.

Official Leave : Councilor Wilson C. Gamboa, Jr.

Absent : None.

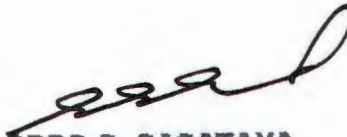
Author : Councilor Ana Marie V. Palermo.

Passed : March 3, 2015 (87th Regular Session of the 8th Council)

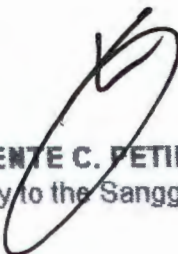
Comments : Passed.
Councilors El Cid M. Familiaran and Carlos Jose V. Lopez were not around when this ordinance was passed.




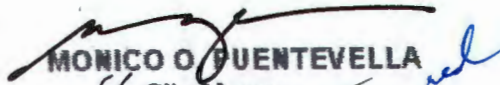




GREG G. GASATAYA
Vice Mayor
Presiding Officer

ATTESTED:


ATTY. VICENTE C. PETIERRE III
Secretary to the Sanggunian

APPROVED: March 18, 2015.



MONICO O. QUENTEVELLA
City Mayor


VCP/HPL/jbz

SP
LEGISLATIVE SERVICES SECTION
DATE 3/19/15 TIME 9:10 AM
BY: ganon