

REPUBLIKA NG PILIPINAS  
TANGGAPAN NG SANGGUNIANG PANLUNGSOD  
LUNGSOD NG BACOLOD  
-ooOoo-

CITY ORDINANCE NO. 371  
August 23, 2004

AN ORDINANCE AMENDING CITY ORDINANCE 300, SERIES OF 2002 OF  
BACOLOD CITY.

**WHEREAS**, the Joint Venture Agreement (JVA) entered into by and between the Bacolod City Government and the St. Rafael Development Corporation (SRDC) in 1997, enabled the City Government to establish a special trust fund under then City Ordinance 245, series of 2000 for the particular purpose of its landbanking needs;

**WHEREAS**, a primordial consideration for the said Joint Venture Agreement and the proceeds it will generate was to provide the city with a continuing source of funds that will enable it to acquire lands for its various needs and projects where land is a necessary component thereof, including but not limited to the acquisition of relocation sites for its poor and homeless constituents;

**WHEREAS**, City Ordinance 245 was repealed by virtue of City Ordinance 289, series of 2001, to expand the source of the funds and not limit the same for the proceeds of the said SRDC Joint Venture Agreement only;

**WHEREAS**, City Ordinance 300, series of 2002 was thus subsequently enacted to make the trust fund more responsive, and to expand the sources thereof, and by virtue of the said ordinance, the last remaining proceeds of the SRDC JVA funds in the amount of EIGHT MILLION SIX HUNDRED FIFTY SIX THOUSAND FIVE HUNDRED NINETEEN PESOS AND SIX CENTAVOS (P8,656,519.06) were deposited in said special account, as well as the final proceeds of said joint venture agreement;

**WHEREAS**, part of the proceeds of said Joint Venture Agreement was used for the purchase of what was then known as the Abada-Escay property, a portion of which is now referred to as the Vista Alegre Granada relocation site of the City of Bacolod;

**WHEREAS**, the Vista Alegre-Granada relocation site is raw land and needs to be developed to make it habitable and ready for the relocation of more than four hundred families facing imminent eviction by virtue of certain court orders;

**WHEREAS**, due to the urgency of the matter, and in response to the immediate needs of these families facing eviction, the said remaining proceeds of the aforesaid Joint Venture Agreement between the City of Bacolod and the St. Rafael Development Corporation in the aforesaid Special Account, shall be used for the development of the said relocation site, on condition that the same shall be replenished as soon as available funds enter the City's coffers so that the continuity of the land banking purposes and program of the city for which the aforesaid Joint Venture Agreement with the SRDC was entered into will be assured;

**WHEREAS**, in view of all the foregoing, there is a need to amend City Ordinance 300 to enable the clear legal use of the special trust fund under it for the development of the Vista Alegre-Granada relocation site, and at the same time assure that the said fund will not be fully depleted but will be replenished and augmented to assure a continuing land banking fund for the City of Bacolod as originally intended;

**NOW THEREFORE**, let it be **ORDAINED** as it is hereby **ORDAINED**, by the Sangguniang Panlungsod of the City of Bacolod in session assembled, that City Ordinance No. 300, series of 2002, be hereby amended, with the amended portion thereof being underlined, as follows:

**TITLE:**

**AN ORDINANCE PROVIDING FOR THE OPENING OF DEPOSIT AND MAINTENANCE OF A SPECIAL ACCOUNT UNDER THE GENERAL FUND FOR ALL THE REMAINING PROCEEDS FROM THE JOINT VENTURE AGREEMENT ENTERED INTO BY AND BETWEEN THE CITY OF BACOLOD AND ST. RAFAEL DEVELOPMENT CORPORATION, AS WELL AS OTHER FUNDS FROM OTHER LANDBANKING ACTIVITIES SO THAT THE SAME CAN BE EARMARKED FOR LANDBANKING PURPOSES, INCLUDING DEVELOPMENT OF LAND SO ACQUIRED, AND MANDATING THE REPLENISHMENT, AUGMENTATION, AND CONTINUATION OF SAID FUNDS AS A LANDBANKING FUND FOR THE CITY OF BACOLOD.**

**Section 1.** The City of Bacolod shall open, deposit and maintain a Special Account in the General Fund so that all proceeds from the Joint Venture Agreement entered into by and between the City of Bacolod and the St. Rafael Development Corporation as well as other funds that can be earmarked for landbanking purposes, not just the acquisition of land but the development as well of said land so acquired pursuant to a specific need of the City.

**Section 2.-** Funds from other landbanking activities shall include but not limited to collections from relocation sites, grants, and donations from other entities, as well as funds generated by or from any landbanking activity of the city, or from any other source.

**Section 3.-** The City of Bacolod shall make an initial deposit to the Special Account in the amount of EIGHT MILLION SIX HUNDRED FIFTY SIX THOUSAND FIVE HUNDRED NINETEEN PESOS AND SIX CENTAVOS (P8,656,519.06) representing the City's share from the Joint Venture Agreement with the St. Rafael Development Corporation after deducting the five percent (5%) reserve for Calamity Fund as mandated by law.

**Section 4.-** It is hereby the declared intent and policy of the Sangguniang Panlungsod, City of Bacolod that the use of said fund or any portion thereof as may be authorized by local legislation shall be with a view and intent to replenish, augment and continue the said fund so that the City of Bacolod will have a continuing fund for its landbanking needs, projects, or purposes.

**Section 5.** This amendment to the ordinance shall take effect immediately upon its approval.

CARRIED BY THE VOTE OF:


Affirmative:

Councillors: Greg G. Gasataya, Anna Marie V. Palermo, Lyndon P. Caña, Jocelle Batapa-Sigue, Homer Q. Bais, Dindo C. Ramos, Jude Thaddeus A. Sayson, Napoleon A. Cordova, Al Victor A. Espino, Catalino T. Alisbo, Reynold I. Iledan, Arturo V. Parreño,

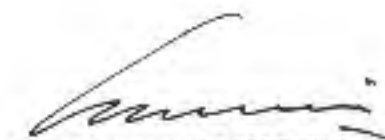
Negative : None  
Absent : Councilor Marx Louie S. de la Rosa  
Official Travel : Councilor Elmer T. Sy  
Passed : August 23, 2004 (Special Session)  
Comments: Passed

  
**RENECITO S. NOVERO**  
Vice Mayor  
Presiding Officer

ATTESTED:

  
**ATTY. NILO T. ALEJANDRINO**  
Secretary to the Sanggunian

APPROVED / September 13, 2004

  
**EVELIO R. LEONARDIA**  
City Mayor

NTA/HPL/tygl

