

**REPUBLIKA NG PILIPINAS**  
**TANGGAPAN NG SANGGUNIANG PANLUNGSOD**  
**LUNGSOD NG BAKOLOD**  
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**CITY ORDINANCE NO. 1005**  
**September 7, 2022**

**AN ORDINANCE WITHDRAWING FROM PUBLIC USE THE TWO HUNDRED (200) SQUARE METERS ALLEY COVERED BY TRANSFER CERTIFICATE OF TITLE NO. T-302181 SITUATED AT BARANGAY 10, BACOLOD CITY OWNED BY THE CITY OF BACOLOD.**

**WHEREAS**, by virtue of the Deed of Renunciation executed by Metropolitan Bank Trust & Company in favor of the City of Bacolod, which was ratified by the Sanggunian Panlungsod of Bacolod City last May 22, 2013, through Resolution No. 449, Series of 2013, the City of Bacolod is currently and indisputably the owner of the lot (alley) of TWO HUNDRED (200) SQUARE METERS covered by Transfer Certificate of Title No. T-302181. Said Deed of Renunciation and Resolution No. 449, Series of 2013 are hereto attached as *Annexes "A and B"*, respectively;

**WHEREAS**, at the time the aforementioned lot (alley) was renounced in favor the City of Bacolod, for the use of the City of Bacolod as an alley, the same was used as an alley and the City never derived economic benefit from the said alley as it was previously occupied by informal settlers from whom no real property taxes and other revenues had ever collected up to date;

**WHEREAS**, the owners of the adjoining lots therein namely, Starcki Venture Coporation & Morning Glory Realty Development Corp., the beneficial users of the said alley have executed an Affidavit of Consent and No Opposition to the withdrawal of the said alley from public use, and that the owners therein still have direct access to public roads should the said alley be permanently closed and withdrawn from public use. Said Affidavit of Consent and No Opposition is hereto attached as *Annex "C"*, and shall form an integral part of this ordinance;

**WHEREAS**, the City Planning & Development Office (CPDO) of the City of Bacolod issued a certification certifying that the City of Bacolod does not have any proposed future projects in the said alley under the Comprehensive Development Plan. The Certification issued by the CPDO is hereto attached as *Annex "D"*, and shall form an integral part of this ordinance;

**WHEREAS**, the City Legal Office issued Legal Opinion No. LO-22-085 stating therewith that the said alley only served the properties owned by Starcki Venture Coporation & Morning Glory Realty Development Corp., and that both corporation have direct access to public road. Also, the City Legal Office had provided a legal basis for the withdrawal of the said alley from public use, particularly Section 21 of the Local Government Code, to wit:

"Sec. 21. Closure and Opening of Roads. – (a) A local government unit may, pursuant to an ordinance, permanently or temporarily close or open any local road, alley, park, or square falling within its jurisdiction: Provided, however, that in case of permanent closure, such ordinance must be approved by at least two-thirds (2/3) of all members of the Sanggunian, and when necessary, an adequate substitute for the public facility that is subject to closure is provided.

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(b) No such way or place or any part thereof shall be permanently closed without making provisions for the maintenance of public safety therein. A property thus permanently withdrawn from public use may be used or conveyed for any purpose for which other real property belonging to the local government unit concerned may be lawfully used or conveyed: Provided, however, that no freedom park shall be closed permanently without provision for its transfer or relocation to a new site."

Attached herewith as *Annex "E"* is Legal Opinion No. LO-22-085 dated July 20, 2022;

**WHEREAS**, in recognition of the foregoing and in line with its authority to create sources of revenue and to obtain economic benefit from land that has never been productive and economically feasible, the Sanggunian has determined the lot (alley) will have substantially greater economic value for the City if it is formally withdrawn from public use and reclassified as commercial for taxation purpose;

**NOW, THEREFORE, BE IT ORDAINED BY THE SANGGUNIANG PANLUNGSOD OF BACOLOD CITY IN A REGULAR SESSION ASSEMBLED:**

**Section 1.** That the Two Hundred (200) Square Meters Alley covered by Transfer Certificate of Title No. T-302181 owned by the City of Bacolod by virtue of the Deed of Renunciation executed by Metropolitan Bank Trust & Company in favor of the City of Bacolod situated at Barangay 10, Bacolod City, more particularly described below:

**TECHNICAL DESCRIPTION  
TCT No. T-302181**

"A parcel of land (Alley, Pcs-06-003137, being a cons-subd. of Lot 4-A-1, 4-A-2 & 4-A-3, Psd-06-038932 and Lot 4-B-1, Psd-064501-026599) situated in the City of Bacolod, Island of Negros. Bounded on the NW., along line 1-2 BY lot 4, Blk, 2; on the NE., along line 2-3 by Road Lot 5; on the SE., along line 3-4 by Lot 1, Blk. 3; on the SW., along line 4-1 by Psu-222529. Beginning at a point marked "1" on plan being, N. 03-09 E., 566.60 m. from BLLM #2, Cad. 39, Bac. Cad., thence, N.22-10 E, 50.00 m. to pt. 2; S. 67-50 E., 4.00 m. to pt. 3; S. 22-10 W., 50.00 m. to pt. 4; S. 67-50 W., 4.00 m. to pt. 1; point of beginning. Containing an area of TWO HUNDRED (200) SQUARE METERS, more or less. All points referred to are indicated on the plan and are marked on the ground by PS cyl. Conc. Mons., bearing true, surveyed by Engr. Zenaida Pablo-Quilop, on Oct 1-10, 1998 and approved on March 18, 2000."

be permanently closed and withdrawn from public use and to reclassify it as commercial property to divert its use to any other proprietary purpose

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**Section 2.** All City ordinances, resolutions, implementing rules and regulations, and executive orders, or parts thereof, which are inconsistent with the provisions of this Ordinance are hereby repealed and/or modified accordingly.

**Section 3.** If, for any causes or reason, any part of provision of this Ordinance shall be held to be unconstitutional or invalid, other parts or provisions thereof which are not affected thereby shall continue to be in full force and effect.

**Section 4.** This Ordinance shall take effect immediately upon its approval.

**CARRIED BY THE VOTE OF:**

Affirmative:

Councilors : Jude Thaddeus A. Sayson, Israel P. Salanga, Cindy T. Rojas, Em L. Ang, Al Victor A. Espino, Vladimir S. Gonzalez, Renecito S. Novero, Jason Isidro S. Villarosa, Claudio Jesus Raymundo A. Puentevella, Simplicia Z. Distrito, Celia Matea R. Flor, Psyche Marie E. Sy, Lady Gles Gonzales-Pallen, Ayesha Joy Y. Villaflor.


Negative : None.

Absent : None.

Author : Floor Leader Al Victor A. Espino.

Passed : September 7, 2022 (10<sup>th</sup> Regular Session of the 11<sup>th</sup> Council).

Comments : Passed.

  
ELPIDIO M. FAMILIARAN  
Vice Mayor  
Presiding Officer

ATTESTED:

  
ATTY. VICENTE C. PETIERRE III  
Secretary to the Sanggunian

APPROVED: September 11, 2022.

  
ALFREDO ABELARDO B. BENITEZ  
City Mayor

VCP/CGT/jbz

