



REPUBLIKA NG PILIPINAS
PAMAHALAANG LUNGSOD NG MUNTINLUPA
KALAKHANG MAYNILA

Sangguniang Panglungsod

ORDINANCE NO. 03-102

AN ORDINANCE AUTHORIZING CITY MAYOR HON. ATTY. JAIME R. FRESNEDI, TO ENTER INTO A DEED OF LAND SWAPPING, BETWEEN THE CITY GOVERNMENT OF MUNTINLUPA AND MRS. THERESA AREVALO VDA. DE AQUINO FOR THE ESTABLISHMENT OF A ROAD RIGHT OF WAY LEADING TO THE CITY PROPERTY DONATED BY THE ESTATE OF THE LATE BENITO ROCES LOCATED AT BARANGAY CUPANG, CITY OF MUNTINLUPA.

Sponsored by:

Hon. Atty. Raul R. Corro

Co-Sponsored:

Hon. Mario E. Bulay, Jr.

Hon. Artemio A. Simundac

Hon. Rufino B. Joaquin

Hon. Atty. Patricio L. Boncayao, Jr.

Hon. Melchor R. Teves

Hon. Aldrin L. San Pedro

Hon. Dr. Nicanor L. Echavez

Hon. Allan Rey A. Camilon

Hon. Atty. Icasiano M. Dela Rea

Hon. Elmer S. Espeleta

Hon. Francis Ian T. Bagatsing

Hon. Lucio B. Constantino

Hon. Mamerto T. Sevilla, Jr.

Hon. Santiago V. Carlos, Jr.

Hon. Christian Glenn D. Lorica

WHEREAS, Section 17, (b) (3) (viii) of Republic Act 7160, otherwise known as the Local Government Code of 1991, *"empowers the local government unit to provide programs and projects for low cost housing and other mass dwellings"*;

WHEREAS, the upliftment of the quality of life is one of the eight-point priority programs of the City Government in compliance with the objective of Republic Act No. 7279, otherwise known as the *Urban Development and Housing Act of 1992*, which is, *"to provide decent shelter to the under privileged and homeless citizens in urban areas and resettlement areas whose lives are generally marked by the economic insecurities and whose occupancy on the land is uncertain"*;

WHEREAS, Section 39 of Republic Act No. 7279, further provides that *"the local government units shall be charged with the implementation of said Act in their respective localities"*;

WHEREAS, Section 455, (1) (vi) of Code, *"authorizes the City Mayor to represent the City in all its business transactions and sign in its behalf all bonds, contracts, and obligations; and such other documents upon authority of the Sangguniang Panglungsod or pursuant to law or ordinance"*;



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WHEREAS, on *July 1999*, the estate of the late **Benito O. Roces** donated to the City Government two parcels of land located in *Bgy. Cupang, Muntinlupa City*, an inner lot without an access to the existing road, containing an aggregate area of 16,112 square meters;

WHEREAS, the City Government accepted the donation and the Sangguniang Panglungsod ratified the same through *Kapasiyahang Panglungsod Blg. 99-086*;

WHEREAS, the donation was for the purpose of developing said parcels of land into a socialized housing resettlement project and the priority beneficiaries thereof are the actual occupants of the subject property as well as other urban poor residents of our City subject to the eligibility criteria set forth under **R.A. 7279**;

WHEREAS, said parcels of land do not have an access or road right of way to the nearest existing road hence, under the deed of donation, the *City Government* as donee, is obliged to provide or acquire a road-right-of-way leading to the subject property;

WHEREAS, the City Government of Muntinlupa plans to develop into a Housing Project the said donated lot, and for the purpose, it needs an access *road-right-of-way* to traverse into the lot owned by **Mrs. Theresa Arevalo Vda. De Aquino**;

WHEREAS, Mrs. Theresa Arevalo Vda. De Aquino, represented by his attorney-in-fact, **Mr. Henry A. Aquino** offered a parcel of land covered by **TCT. No. 203580** containing an area of *136 square meters* which is adjacent to the donated **Benito O. Roces** property and which is nearest to the existing road to serve as a road-right-of-way leading to the Benito O. Roces property now owned by the City Government;

WHEREAS, in exchange for the 136 square meter-lot, owned by Mrs. Theresa Arevalo Vda. De Aquino, the City Government shall swap *544 square meters* of lot within the Benito Roces property as delineated in the survey plan. The zonal valuation of the 544 square meter lot is P450.00 while the zonal valuation of the 136 square meter lot is P2,000 as issued by the Bureau of Internal Revenue;

WHEREAS, under the proposed deed of land swapping for road right of way, the City Government of Muntinlupa shall pay Mrs. Theresa Arevalo Vda. De Aquino an indemnity amounting to P651,965.38 representing payment for the commercial building owned by Mrs. Arevalo that will be demolished to give way to the road right of way based on the cost estimate of the said building submitted by the City Engineering Department;

NOW, THEREFORE, BE IT ORDAINED AS IT IS HEREBY ORDAINED
by the *Sangguniang Panglungsod of Muntinlupa* in the session assembled that:



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SECTION 1. The Mayor is hereby authorized to enter into a deed of land swapping between the City Government of Muntinlupa and Mrs. Theresa Arevalo Vda. De Aquino for the establishment of a road-right-of-way leading to the City Government property donated by the estate of the late Benito O. Roces located at Bgy. Cupang, City of Muntinlupa based on the terms and conditions herein set forth.

SECTION 2. The City Government shall immediately take over possession of the 136 square meter lot and conduct relocation survey, subdivide, prepare and draft survey plan and shall cause the approval thereof by the proper government agency and install concrete monuments to the boundaries.

SECTION 3. The conveyance, separation, segregation, and transfer of titles to Mrs. Arevalo of the lots covered by the swapped land shall be mutual responsibilities of both parties.

SECTION 4. The City Government shall shoulder the surveying expenses and the segregation of the swapped portion as well as its site development and construct along both sides of road-right-of-way underground drainage, curves and gutters and concrete walls.

SECTION 5. The City Government shall open the road right of way for free access and passage of Mrs. Arevalo, her relatives, heirs, and successors.

ENACTED, by the *Sangguniang Panglungsod of Muntinlupa* this 19th day of June, 2003 on its 76 Regular Session.

CONCURRED:

ALDRIN L. SAN PEDRO
Councilor

DR. NICANOR L. ECHAVEZ
Councilor

ATTY. PATRICIO L. BONCAYAO, JR.
Councilor

ALLAN REYA. CAMILON
Councilor

ATTY. RAUL R. CORRO
Councilor

ELMER S. ESPELETA
Councilor

FRANCIS IAN T. BAGATSING
Councilor

LUCIO B. CONSTANTINO
Councilor

MARIO E. BULAY, JR.
Councilor


MAMERTO T. SEVILLA, JR.
Councilor

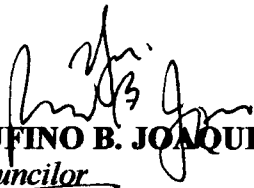


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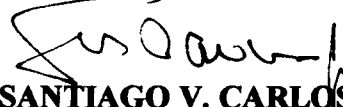
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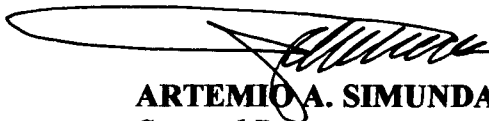

MELCHOR R. TEVES
Councilor


RUFINO B. JOAQUIN
Councilor


ATTY. ICASIANO M. DELA REA
Councilor


SANTIAGO V. CARLOS, JR.
Councilor


CHRISTIAN GLENN D. LORICA
Sectoral Representative
President
Federation of Sangguniang Kabataan

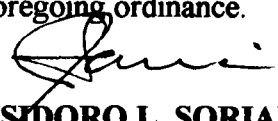

ARTEMIO A. SIMUNDAC
Sectoral Representative
President
Association of Barangay Captains

ABSENT:


BAL NIEFES
Councilor

RENE CARL S. CAYETANO
Councilor

I HEREBY CERTIFY, as to the correctness of the foregoing ordinance.


ATTY. ISIDORO L. SORIANO, JR.
Secretary
SANGGUNIANG PANLUNGSOD

ATTESTED:


ATTY. JO JASON T. ALCARAZ
City Vice Mayor/Presiding Officer

APPROVED:


ATTY. JAIME R. FRESNEDI
City Mayor

Date: _____