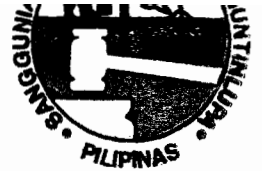




**PAMAHALAANG LUNGSOD NG MUNTINLUPA
KALAKHANG MAYNILA**



Sangguniang Panglungsod

ORDINANCE NO. 08-069

AN ORDINANCE AUTHORIZING THE CITY MAYOR HON. ALDRIN L. SAN PEDRO TO INITIATE EXPROPRIATION PROCEEDING ON A PARCEL OF LAND COVERED BY TCT NO. 17566 LOCATED AT BARANGAY BULI, EAST SERVICE ROAD, MUNTINLUPA CITY FOR THE PURPOSE OF PUBLIC USE AS ACCESS ROAD TO EAST SERVICE ROAD FROM BULI AND TO MAKE A JUDICIAL DEPOSIT OF 15% PERCENT OF THE MARKET VALUE OF THE LAND AND ONE PERCENT (1%) FOR THE COURT COMMISSION FEE BASED ON THE CURRENT TAX DECLARATION.

Sponsored by: *Hon. Coun. Atty. Icasiano M. dela Rea*
Co-sponsored: *Hon. Coun. Allan Rey A. Camilon*
Hon. Coun. Ma. Luisa Babaran-Echavez, MD
Hon. Coun. Margarita Amythyst Patdu-Labios, MD
Hon. Coun. Melchor R. Teves
Hon. Coun. Marita Deang-Calalang, DMD
Hon. Coun. Francis Ian T. Bagatsing
Hon. Coun. Joselito V. Arevalo
Hon. Coun. Luvi P. Constantino
Hon. Coun. Engr. Marissa Cole-Rongavilla
Hon. Coun. Engr. Mamerto T. Sevilla, Jr.
Hon. Coun. Vergel C. Ulanday
Hon. Coun. Robert A. Abas
Hon. Coun. Atty. Rey E. Bulay, Jr.
Hon. Coun. Cezar V. Pagkalinawan
Hon. Coun. Dann Henry G. Teves

WHEREAS, Section 15 of the Local Government Code of 1991, provides that, "every local government unit created or recognized under this Code is a body politic and corporate endowed with the powers to be exercised by it in conformity with law";

WHEREAS, Section 19 of Republic Act 7160, otherwise known as the Local Government Code of 1991, likewise provides 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 xxx, upon payment of just compensation, pursuant to the provisions of the Constitution and pertinent laws;

WHEREAS, Section 22 (a) of the same Code, further states that "every Local Government Unit, as a corporation, shall have the following powers:

1. xxx;
2. xxx;
3. xxx;
4. **To acquire and convey real or personal property;**
5. xxx;

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Sangguniang Panglungsod

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6. *To exercise such other power as are granted to corporation, subject to the limitation provided in this code and other laws;*

WHEREAS, on **May 27, 2008** the City Mayor Hon. Aldrin L. San Pedro offered to buy the property as the Conception Road at East Service Road, South Superhighway, Barangay Buli, with an area of 3,211 square meters at One Thousand Pesos (Php1,000.00) per square meter or a total amount of Three Million Two Hundred Eleven Thousand Pesos (Php3,211,000.00);

WHEREAS, on **June 10, 2008** the owner Ms. Carmencita A. Concepcion thru counsel refused the offer to buy of City Mayor Hon. Aldrin L. San Pedro, representing the City Government of Muntinlupa;

WHEREAS, said offer to buy is hereto attached and is made an integral part of this Ordinance;

WHEREAS, the lot connecting the Concepcion Road has already been donated to the City Government by the Cristobal Family such donation will give way to the realization of this project;

WHEREAS, the City government offered to buy the property known as Concepcion Road to be used as access/public road to alleviate the problems of residents of Barangay Buli, Cupang, Alabang and Sucat in going to and going back to East Service Road as their travel time would be shortened considerably;

WHEREAS, the proposed access road would significantly ease traffic congestion along the East Service Road which will certainly bring benefits to the business community and the general public passing through the area;

WHEREAS, the City Government of Muntinlupa had several negotiations with **Foresight Realty and Development Corporation** owner of Concepcion Road for almost a year and has not produced tangible results, such that the City Mayor have written the owner final request in a letter dated **August 28, 2008**;

WHEREAS, considering all the foregoing and in the interest of public service and to facilitate the connection of the road connecting Barangay Buli to East Service Road, the City Mayor has requested the city council to give him the authority to exercise the power of eminent domain provided under Section 19 of Republic Act 7160 and other pertinent laws, rules and regulations;

NOW THEREFORE, BE IT ORDAINED, AS IT IS HEREBY ORDAINED, by the 5th Sangguniang Panlungsod of Muntinlupa in session assembled that:



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SECTION 1. The City Mayor Hon. Aldrin L. San Pedro is authorize to initiate expropriation proceeding on a parcel of land covered by TCT No. 17566 located at Barangay Buli, East Service Road, Muntinlupa City for the purpose of public use as access road to east service road from Buli and to make a Judicial deposit of 15% percent of the market value of the land and one percent (1%) for the court commission fee based on the current tax declaration and in compliance with law, rules and regulations.

SECTION 2. The City Budget Officer shall issue certification that there is an appropriation available for this purpose of the 15% of the Market Value of the property one percent (1%) for the court commission fee based on the current tax declaration.

SECTION 3. The City Treasurer shall issue a certification that there is an available fund for the proposed acquisition of a parcel of land.

SECTION 4. Effectivity – This ordinance shall take effect upon compliance of posting and publication.

ENACTED, by the **5th Sangguniang Panlungsod of Muntinlupa** this **18th** day of **November, 2008**, on its **57th Regular Session**.

CONCURRED:

DISTRICT I:

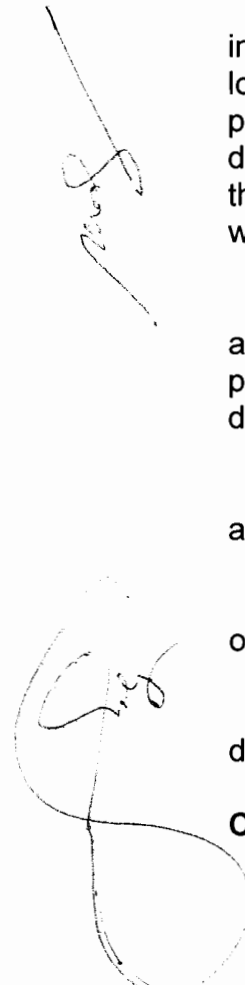

COUN. ALLAN REY A. CAMILON
Member

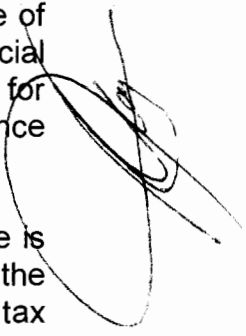
COUN. MA. LUISA BABARAN-ECHAVEZ, MD
Member


COUN. MARGARITA AMYTHYST PATDU-LABIOS, MD
Member

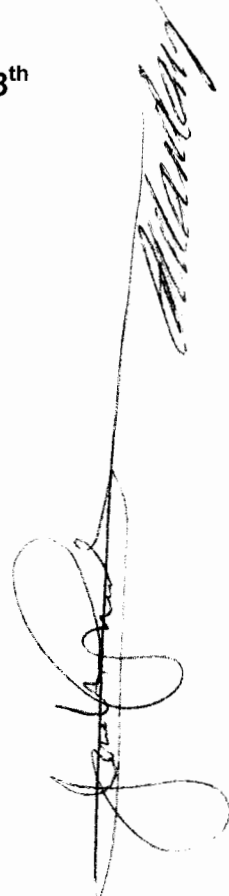

COUN. MELCHOR R. TEVES
Member

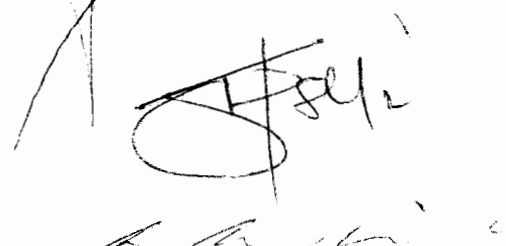
COUN. ATTY. ICASIANO M. DELA REA
Member

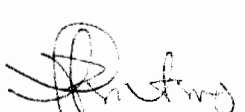














REPUBLIKA NG PILIPINAS
PAMAHALAANG LUNGSOD NG MUNTINLUPA
 KALAKHANG MAYNILA



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[Signature]
COUN. MARITA DEANG-CALALANG, DMD
 Member

DISTRICT II:

[Signature]
COUN. FRANCIS IAN T. BAGATSING
 Member

[Signature]
COUN. JOSELITO V. AREVALO
 Member

COUN. LUVI P. CONSTANTINO
 Member

COUN. ENGR. MARISSA COLE-RONGAVILLA
 Member

COUN. ENGR. MAMERTO T. SEVILLA, JR.
 Member

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COUN. VERGEL C. ULANDAY
 Member

[Signature]
COUN. ROBERT A. ABAS
 Member

[Signature]
COUN. ATTY. REY E. BULAY
 Member

[Signature]
COUN. CEZAR V. PAGKALINAWAN
 Sectoral Representative
 President
 Association of Barangay Captains

[Signature]
COUN. DANN HENRY G. TEVES
 Sectoral Representative
 President
 Federation of Sangguniang Kabataan

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ABSENT:

COUN. ALLEN F. AMPAYA
Member

COUN. ERMIE S. ESPELETA
Member

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

James
LEONORA M. MARCELO
Legislative Staff Officer IV

ATTESTED:

[Signature]
ARTEMIO A. SIMUNDAC
City Vice-Mayor

APPROVED:

[Signature]
ALDRIN L. SAN PEDRO
City Mayor

Norie/

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