



Republic of the Philippines
City Government of Muntinlupa
CITY OF MUNTINLUPA
Office of the City Mayor



EXECUTIVE ORDER No. 41
Series of 2021

PROVIDING FOR THE CREATION OF THE TREE APPRAISAL COMMITTEE OF THE CITY OF MUNTINLUPA FOR THE VALUATION AND APPRAISAL OF PROJECT-AFFECTED CROPS AND TREES OF THE NORTH-SOUTH COMMUTER RAILWAY - CALAMBA EXTENSION PROJECT

WHEREAS, the Department of Transportation (DOTr) is currently undertaking the implementation of the North-South Commuter Railway - Calamba Extension Project (NSCR Calamba Extension, *for brevity*), which is one of the priority projects of the department under the Bu8ild, Build, Build Infrastructure Program, and which will traverse the line from Solis, Manila to Calamba, Laguna;

WHEREAS, compensation of Project-Affected Persons (PAPs, *for brevity*) with Project-Affected Crops and Trees (PACTs, *for brevity*) shall be undertaken as part of the Right-of-Way (ROW, *for brevity*) acquisition process, and, for this to proceed and become successful, an appraisal is necessary to determine the current market value of the said PACTs;

WHEREAS, Section 5, Republic Act No. 10752, otherwise known as An Act Facilitating the Acquisition of Right of Way Site or Location for National Government Infrastructure Projects, provides that

Rules on Negotiated Sale. The implementing agency may offer to acquire, through negotiated sale, the right-of-way site or location for a national government infrastructure project, under the following rules.

- (a) The implementing agency shall offer to the property owner concerned, as compensation price, the sum of:
- (1) The current market value of the land,
 - (2) The replacement cost of structures and improvements therein; and
 - (3) The current market value of crops and trees therein.

To determine the appropriate price offer, the implementing agency the services of a government financial institution (GFI, *for brevity*) with adequate experience in property appraisal, or an independent property appraiser (IPA, *for brevity*) accredited by the Bangko Sentral ng Pilipinas (BSP) or a professional association of appraisers recognized by the BSP to be procured by the implementing agency under the provisions of Republic Act 9184, otherwise known as the Government Procurement Reform Act,



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and its Implementing Rules and Regulations pertaining to consulting services.

If the property owner does not accept the price offer, the implementing agency shall initiate expropriation proceedings pursuant to Section 6 hereof.

The property owner is given thirty (30) days to decide whether or not to accept the offer as payment for his property. Upon refusal or failure of the property owner to accept such offer, or fails and/or refuses to submit the documents necessary for payments, the implementing agency shall immediately initiate expropriation proceedings as provided in Section 6 herein.

WHEREAS, upon recommendation of the Commission on Audit (COA), the implementing office (IO, *for brevity*, or the implementing agency, as manifested in this Executive Order) may adhere to Section 2.11 of the Department of Public Works and Highways (DPWH) Right-of-Way (ROW) Acquisition Manual, which provides, among others:

2.11 Appraisal of Crops/Trees

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Procedure:

As provided in Republic Act No. 10752, for negotiated sale, the appraisal shall aim to determine the current market value of crops and trees affected by the proposed ROW.

The IO may engage the services of a GFI or an IPA to undertake the appraisal of affected crops and trees. The IO may also directly do the appraisal of the crops and trees if it has the in-house capability to do so, using latest applicable established market values of the following entities:

- Department of Agriculture (DA), for crops;
- Philippine Coconut Authority (PCA), for coconut trees;
- Department of the Environment and Natural Resources (DENR), for perennials and timber trees;
- Department of Finance (DOF);
- Local Government Units, through the Office of the Assessor, for individual trees.



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WHEREAS, from the foregoing, the implementing agency, which is the City Government of Muntinlupa, acting through the Office of the City Assessor, may adopt established market values for PACTs following the guidelines issued by the Department of Transportation (DOTr);

WHEREAS, in the absence of an updated established market value for PACTs in the City of Muntinlupa, it is necessary for the creation of an organized and well-coordinated committee, to act as the decision-making and consultative body in the formulation and development of a valuation matrix for PACTs;

NOW, THEREFORE, I, Jaime R. Fresnedi, City Mayor of Muntinlupa, by virtue of the powers granted me by law, do hereby order and decree that:

Section 1. Creation and Composition.

The Tree Appraisal Committee of the City of Muntinlupa (TACCMun, *for brevity*), for the purpose of valuation and/or appraisal of Project-Affected Crops and Trees (PACTs) of the North-South Commuter Railway - Calamba Extension (NSCR Calamba Extension) Project, is hereby created.

It shall be composed of the following individuals, with their respective designations, namely;

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|-----|---|-------------------|
| (a) | Jaime R. Fresnedi,
City Mayor | Chairperson; |
| (b) | EnP. Alvin F. Veron,
City Planning and Development Office | Vice Chairperson; |
| (c) | Lorna B. Misa,
Environmental Protection and Natural Resources Office | Member; |
| (d) | Atty. Genalyn C. Estrera,
Office of the City Assessor | Member. |

Section 2. Functions.

Driven by its primary purpose of developing a valuation matrix in the context of a price schedule, applied uniformly, as basis or reference of the compensation of the Implementing Agency to the PACTs subject of the implementation of the project, the TACCMUn shall perform the following functions, namely:

- (a) Assist concerned Implementing Offices in the validation and assessment of PACTs;



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- (b) Facilitate the orderly valuation and assessment of Project-Affected Persons (PAPs) with PACTs;
- (c) Resolve grievance concerns elevated at its level. For this purpose, the Secretariat shall receive all complaints, queries and questions on the valuation and assessment done. The Secretariat may *motu proprio* endorse or forward to concerned departments or offices of the City Government the substance of the complaint, query or question raised, in order to achieve quicker results. In the absence or failure of a resolution thereto, the TACCMun shall act on the matter and resolve the issue at the quickest possible time;
- (d) Monitor the implementation of the appraisal activities at whatever stage each part thereof rests, and, for this purpose, require concerned departments and offices to submit reports as warranted;
- (e) For each member, act as the Focal Person for their respective offices, in light of their official individual mandates in relation to the task of valuation and assessment of PACTs;
- (f) Decide on matters brought before its attention and action, and this shall be made through consensus. In the event this is not plausible, the simple majority vote shall settle the said matter. Provided, however, that in the event of a deadlock, the Chairperson may inhibit and allow the three (3) other members to cast their respective votes and decide on the matter;
- (g) Perform such other functions as may be necessary to achieve the foregoing, or as may be handed down by competent authority.

Section 3. Secretariat.

The staff members of the City Planning and Development Office (CPDO) shall serve as the Secretariat of the TACCMun. The Secretariat shall be responsible for handling all administrative requirements; notices of meeting; conduct of meetings, whether regular or special, and, for this purpose, the TACCMun shall determine the regularity of its meetings; minutes of the meeting; correspondence; and related activities.

Section 4. Funding.

In close coordination with concerned departments and offices, and in compliance to relevant budget, accounting and auditing rules and regulations, the City Government of Muntinlupa



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shall allocate funds for activities of the TACCMun, including, but not limited to, consultations, meetings, workshops, Secretariat work, and other related necessities.

Section 5. Repealing Clause.

Should there be a previously issued order that is inconsistent with any provision found herein, then such order is deemed repealed, revoked or amended accordingly.

Section 6. Separability Clause.

Should any provision found herein be judicially decided illegal or administratively declared infirm, untouched provisions shall remain in full force and effect.

Section 7. Effectivity Clause.

This Executive Order shall take effect immediately upon its signing, and it shall remain in full force and effect until repealed, revoked or amended accordingly.

DONE AND EXECUTED on this 24th day of September 2021 in the City of Muntinlupa.


JAIME R. FRESNEDI
City Mayor