

Republic of the Philippines
QUEZON CITY COUNCIL

Quezon City
19th City Council

PO19CC-427

69th Regular Session

ORDINANCE NO. SP- 2443, S-2015

AN ORDINANCE AUTHORIZING THE CITY MAYOR, HONORABLE HERBERT M. BAUTISTA, TO UNDERTAKE EXPROPRIATION PROCEEDINGS FOR THE ACQUISITION OF A PARCEL OF LAND CONSISTING OF THREE THOUSAND FOUR HUNDRED FIFTY TWO (3,452) SQUARE METERS, MORE OR LESS, COVERED BY TRANSFER CERTIFICATE OF TITLE NO. N-253434, LOCATED AT INTERIOR VISAYAS AVENUE, BARANGAY CULIAT, QUEZON CITY, TO BE SOLD AT COST TO THE QUALIFIED OCCUPANTS/BENEFICIARIES THEREIN, THROUGH THE COMMUNITY MORTGAGE PROGRAM OF THE NATIONAL HOME MORTGAGE AND FINANCE CORPORATION (NHMFC) OR DIRECT SALE PROGRAM OF QUEZON CITY GOVERNMENT.

Introduced by Councilor MARIVIC CO-PILAR.

Co-Introduced by Councilors Anthony Peter D. Crisologo, Dorothy A. Delarmente, Lena Marie P. Juico, Victor V. Ferrer, Jr., Alexis R. Herrera, Voltaire Godofredo L. Liban III, Roderick M. Paulate, Ranulfo Z. Ludovica, Ramon P. Medalla, Estrella C. Valmocina, Allan Benedict S. Reyes, Gian Carlo G. Sotto, Franz S. Pumaren, Eufemio C. Lagumbay, Jose Mario Don S. De Leon, Jaime F. Borres, Jesus Manuel C. Suntay, Marvin C. Rillo, Vincent DG. Belmonte, Raquel S. Malañgen, Jessica Castelo Daza, Bayani V. Hipol, Jose A. Visaya, Julianne Alyson Rae V. Medalla, Godofredo T. Liban II, Andres Jose G. Yllana, Jr., Allan Butch T. Francisco, Karl Edgar C. Castelo, Candy A. Medina, Diorella Maria G. Sotto, Rogelio "Roger" P. Juan, Melencio "Bobby" T. Castelo, Jr., Donato C. Matias and Ricardo B. Corpuz.

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WHEREAS, a parcel of land with an area of Three Thousand Four Hundred Fifty Two (3,452) square meters, more or less, covered by Transfer Certificate of Title No. N-253434, situated at Interior Visayas Avenue, Barangay Culiat, Quezon City, particularly described as Lot 644-C-5 of the Subdivision Plan (LRC) Psd-14038, being a portion of Lot 644-C described on Plan Psd-2554-D, LRC (GLRO) Rec. No. 5975;

WHEREAS, the said parcel of land is presently registered under the name of IVQ Landholdings, Inc., with principal address at No. 41 Mabini Street, Iloilo City, represented by its President Mr. Ian Sio Pama;

WHEREAS, on 16 December 2013, the City Council adopted Resolution No. 5825, S-2013, entitled:

“Resolution Authorizing the City Mayor, Honorable Herbert M. Bautista, to negotiate with the land owners for the acquisition of a parcel of land consisting of Three Thousand Four Hundred And Fifty Two (3,452) Square Meters, more or less, located at the Interior Visayas Avenue, Barangay Culiat, Quezon City, to be sold at cost to the qualified occupants/beneficiaries therein, through the community mortgage program of the National Home Mortgage and Finance Corporation (NHMFC) or direct sale program of Quezon City Government.”

WHEREAS, on 13 August 2014, the Office of the City Mayor, through Secretary Tadeo M. Palma, Head, Task Force on Socialized Housing and Development of Blighted Areas had sent a letter to Mr. Ian Eric Sio Pama expressing the intention of the City Government to acquire the said parcel of land for the purpose of developing a housing project for the actual occupants of the property;

WHEREAS, during the 08 September 2014 meeting between Secretary Palma and Mr. Ian Pama, the City offered to buy the aforementioned parcel of land in an amount of three-thousand five hundred pesos (Php3,500,00) per square meter. However, Mr. Pama refused the said offer;

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WHEREAS, on 13 October 2014, Secretary Tadeo M. Palma sent another letter to Mr. Pama reiterating the intention of the Quezon City Government to purchase the subject parcel of land and restated its offer of Php3,500.00 per square meter. To date, Mr. Pama refused to make any reply;

WHEREAS, the conversion of a slum area into a model housing community would directly benefit only those fortunate enough to acquire dwellings in the homesite. Nonetheless, the people as a whole would profit indirectly from the elimination of many problems engendered in the slums, such as fire hazards, lack of proper sanitation, disease and the adverse effects of the sub-human conditions in the place upon the slum-dwellers in general. Slum clearance is therefore now regarded as a valid object of expropriation under the modern expanded interpretation of public use (*Murray v. Guardia*, 52 N.E. 884);

WHEREAS, under Presidential Decree No. 1299, amending P.D. No. 1224, the government clarified its policy on expropriation of private property for socialized housing so as to include "slum improvement" which consists basically of allocating homelots to the dwellers in the area or property involved;

WHEREAS, the City Government has a legal obligation to compensate private person who has been deprived of his right to use and/or enjoy the use of his/her property following the provision of the 1987 Philippine Constitution, specifically Section 9, Article III, which explicitly provides, that: "Private property shall not be taken for public use without just compensation";

WHEREAS, there is an imperative need for the Quezon City government to exercise its power of eminent domain to finally address this urban poor dwelling problem pursuant to the provisions of the Local Government Code of 1991 and Republic Act No. 7279, otherwise known as the Urban Development and Housing Act of 1992.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF QUEZON CITY IN REGULAR SESSION ASSEMBLED:

SECTION 1. For the purpose of socialized housing, the City Mayor, Honorable Herbert M. Bautista, is hereby authorized to undertake expropriation proceedings for the acquisition of a parcel of land with an area of Three Thousand Four Hundred and Fifty Two (3,452) square meters, more or less, covered by Transfer Certificate of Title No. N-253434, situated at Interior Visayas Avenue, Barangay Culiat, Quezon City particularly described as Lot 644-C-5 of the Subdivision Plan (LRC) Psd-14038, being a portion of Lot 644-C described on Plan Psd-2554-D, LRC (GLRO) Rec. No. 5975, to be awarded at cost to the actual occupants therein, through the Community Mortgage Program of the National Home Mortgage Finance Corporation (NHMFC).

SECTION 2. The funds necessary in the expropriation proceedings shall be taken from the Office of the City Mayor or from any available funds from the City Treasury.

SECTION 3. The Office of the City Mayor, through the City Attorney's Office, shall take charge in the implementation of this Ordinance.

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Handwritten signatures and initials: a large signature, a stylized 'S', and a 'D'.

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SECTION 4. This Ordinance shall take effect upon its approval.

ENACTED: August 24, 2015.



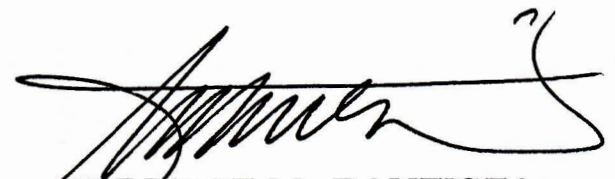
VINCENT D.G. BELMONTE
President Pro-Tempore
Acting Presiding Officer

ATTESTED:



Atty. JOHN THOMAS S. ALFEROS III
City Gov't. Asst. Dept. Head III

APPROVED: 12 3 OCT 2015



HERBERT M. BAUTISTA
City Mayor

CERTIFICATION

This is to certify that this Ordinance was APPROVED by the City Council on Second Reading on August 24, 2015 and was PASSED on Third/Final Reading on September 1, 2015.



Atty. JOHN THOMAS S. ALFEROS III
City Gov't. Asst. Dept. Head III

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