



Republic of the Philippines
CITY COUNCIL
Quezon City
15th City Council

Amended
6-8-04

PO2004-29

90th Regular Session

ORDINANCE NO. SP- 1410 , S-2004

AN ORDINANCE AUTHORIZING THE CITY MAYOR, HONORABLE FELICIANO R. BELMONTE, JR., TO EXPROPRIATE THAT PARCEL OF LAND COVERED BY TRANSFER CERTIFICATE OF TITLE NUMBERED 134401 (RT-237) SITUATED IN BARANGAY STO. DOMINGO, FIRST DISTRICT, QUEZON CITY, FOR THE PURPOSE OF DISPOSING THE SAME TO THE OCCUPANTS THEREOF THROUGH THE COMMUNITY MORTGAGE PROGRAM.

Introduced by Councilors VICTOR V. FERRER, JR., ERIC Z. MEDINA, MARY ANN L. SUSANO, ANTONIO E. INTON, JR., RICARDO R. DEL ROSARIO and JUNIE MARIE L. CASTELO.

WHEREAS, Section 19 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, specifically empowers a local government unit to exercise the inherent power of the State to expropriate private property for public purposes:

“SECTION 19. Eminent Domain – 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 the landless, upon payment of just compensation, pursuant to the provisions of the Constitution and pertinent laws; Provided, however, That the power of eminent domain may not be exercised unless a valid and definite offer has been previously made to the owner, and such offer was not accepted: Provided, further, That the local government unit may immediately take possession of the property upon the filling of the expropriation proceedings and upon making a deposit with the proper court of at least fifteen percent (15%) of the fair market value of the property based on the current tax declaration of the property to be expropriated;

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Provided, Finally, That, the amount to be paid for the expropriated property shall be determined by the proper court, based on the fair market value at the time of the taking of the property."

WHEREAS, Mr. Elpidio M. Garcia writing in behalf of the Kapisanan ng mga Maralitang Ugnayan, Inc. (KMUI), a non-stock, non-profit corporation, composed of the residents-occupants of subject parcel of land, requested the City Mayor, Hon. Feliciano R. Belmonte, Jr., to assist them in acquiring the land in which their homes are situated:

"This has reference to the problem we are currently up against with regard to land ownership and housing. Presently, we face the grim prospect of losing our abodes, most of us having resided therein for over twenty (20) years, pursuant to the decisions, orders and resolutions rendered and/or promulgated by the MTC of Quezon City, the Court of Appeals and the Supreme Court.

Hence, we humbly seek your assistance. We were advised that we may be assisted by your good office to acquire the land in which our houses are situated through the commencing Home Mortgage program and/or local expropriation proceedings."

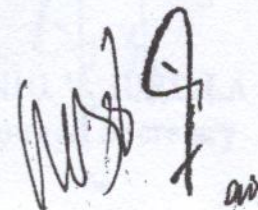

WHEREAS, the Third Division of the Supreme Court decided with finality the controversy between the owner of subject land and KMUI anent right of possession thereof in favor of the former;

WHEREAS, the enactment and execution of this Ordinance is perhaps KMUI's last chance of fulfilling its objective of acquiring subject land for its members.

NOW, THEREFORE

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

SECTION 1. Mandate.- The Honorable City Mayor Feliciano R. Belmonte, Jr., or his successor in office, is hereby mandated to expropriate that parcel of land covered by Transfer Certificate of Title Numbered 134401 (RT-237) situated in Barangay Sto. Domingo, First District, Quezon City, for the purpose of disposing the same to the residents-occupants thereof through the Community Mortgage Program (CMP).

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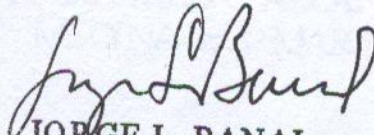
SECTION 2. Conditions Precedent.- For the purpose of initiating expropriation proceedings against subject parcel of land, an offer shall be made to the present owner thereof to purchase the same at its fair market value based on its latest tax declaration through the CMP. Unless said owner accepts the offer, expropriation of subject land shall commence pursuant to, and in compliance of the requirements of the law.

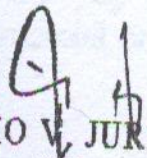
SECTION 3. Community Mortgage Program.- For purposes of this Ordinance, the acquisition of subject parcel of land shall be through the CMP of the Housing and Land Use Regulatory Board (HLURB). Therefore, all substantive and procedural requirements of the HLURB, CMP, the law and the pertinent rules and regulations shall be complied with. Such compliance shall be the primary responsibility of the KMUI with the assistance of the Local Government of Quezon City.

SECTION 4. Separability Clause.- Should any part or portion of this Ordinance be annulled by a court of competent jurisdiction, what remains hereof shall continue to be in full force and effect.

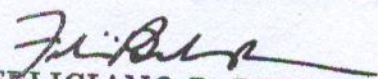
SECTION 5. Effectivity.- This Ordinance shall take effect immediately upon its approval.

ENACTED: February 24, 2004


JORGE L. BANAL
President Pro-Tempore
Acting Presiding Officer

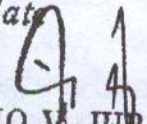
ATTESTED: 
EUGENIO V. JURILLA
City Council Secretary

APPROVED: APR 02 2004


FELICIANO R. BELMONTE, JR.
City Mayor

CERTIFICATION

This is to certify that this Ordinance which was APPROVED on Second Reading on February 24, 2004, was finally PASSED on Third/Final reading by the City Council under Suspended Rules on the same date.


EUGENIO V. JURILLA
City Council Secretary