QUEZON CITY COUNCIL

Quezon City
18th City Council

PO2011-199

48th Regular Session

ORDINANCE NO. SP- 2118 *, S-2012*

AN ORDINANCE WITHDRAWING FROM PUBLIC USE PURSUANT TO HOUSING AND LAND USE REGULATORY BOARD (HLURB) CLEARANCE AND CONVERTING INTO AN ALIENABLE AND DISPOSABLE PROPERTY THE TWO HUNDRED FORTY EIGHT (248) SQUARE METERS PORTION OF AN OPEN SPACE OWNED BY THE QUEZON CITY GOVERNMENT LOCATED AT GSIS VILLAGE, PROJECT 8, BARANGAY BAHAY TORO, QUEZON CITY.

Introduced by Councilor PRECIOUS HIPOLITO CASTELO.

Co-Introduced by Councilors Francisco A. Calalay, Jr., Dorothy A. Delarmente, Anthony Peter D. Crisologo, Ricardo T. Belmonte, Jr., Joseph P. Juico, Alexis R. Herrera, Alfredo D. Vargas III, Eden "Candy" A. Medina, Julienne Alyson Rae V. Medalla, Roderick M. Paulate, Godofredo T. Liban II, Julian ML. Coseteng, Allan Benedict S. Reyes, Jaime F. Borres, Jose Mario Don S. De Leon, Gian Carlo G. Sotto, Eufemio C. Lagumbay, Edcel B. Lagman, Jr., Jesus Manuel C. Suntay, Jessica Castelo Daza, Raquel S. Malañgen, Vincent DG. Belmonte, Marvin C. Rillo, Ranulfo Z. Ludovica and John Ansell R. De Guzman.

WHEREAS, the Quezon City Government is the registered owner of a land (open space) covered by Transfer Certificates of Title Numbered 207225 and 265452 of the Registry of Deeds of Quezon City situated at Acturial and Asset Street, GSIS Village, Barangay Bahay Toro, Quezon City;

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WHEREAS, a portion of the open space approximately two hundred forty eight (248) square meters is presently encroached in good faith by private owners (Mrs. Sol R. Ruivivar and Mrs. Ruth O. Arambulo) when they introduced the improvement on their land;

WHEREAS, the City Planning and Development Office, the City General Services Department and the City Legal Office, where the papers were endorsed, interpose, in unison, no objection, provided however, that all legal and technical prerequisites must be complied with particularly the solicitation of approval from homeowners association of the said subdivision;

WHEREAS, under Resolution No. 007-08 of the GSIS Village Homeowners Association dated November 14, 2009, the HOA interposed no objection to the proposal of Mrs. Ruivivar and Mrs. Arambulo to purchase the encroached property and the same being recommended by the Office of the Barangay Bahay Toro;

WHEREAS, as per review conducted on the open space of GSIS Subdivision by the City Planning and Development Office, revealed that through Ordinance No. 7052, S-67 of the City Council of Quezon City, GSIS Subdivision has an area of 497, 304.34 Square Meters covering Lots 1, 2 and 3 PCS-2297; Lots 342 and 343 of the Peidad Estate, and Lot 341-C FLS-2854-D and that Block 37 (Along Premium Street) and Lot 29 Block 17 with total area of 28,442.00 square meters were designated open space that should be donated to the City Government;

WHEREAS, Ordinance No. 60-4607 dated December 29, 1960 which govern the requirements for open space at the time, the subject subdivision was approved requiring the provision of 6% gross area of subdivision of one (1) hectare above as open space;

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WHEREAS, the Subdivision Administration Unit (SAU) reported that the approved Subdivision Plan (Psd-76149) of the Bureau of Land Management indicated "that aggregate area of the survey consisting of 936 lots is 422,289.34 square meters". It further said that the required open space on the 6% of the total area of 433,389.34 square meters should only be 25,997.36 square meters. The donated open spaces consisting of 28,442.00 square meters exceeded the minimum requirements less the 248.00 square meters being requested by Mrs. Ruivivar and Mrs. Arambulo;

WHEREAS, reclassification of said property was endorsed to the Housing and Land Use Regulatory Board (HLURB) together with all pertinent documents HLURB finds that the area allocated for parks and playground for GSIS Village donated to the City Government of Quezon City equal to 28,442.00 square meters is in excess than the required 25,997.36 square meters and therefore interposed no objection to classification of 248.00 square meters portion of the park and playground to residential purposes pursuant to the provisions of Presidential Decree No. 1216;

WHEREAS, finding no significant decrease in the area of said space, their request should be considered favorably.

NOW, THEREFORE,

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

SECTION 1. It is hereby withdrawn from public use pursuant to Housing and Land Use Regulatory Board (HLURB) Clearance and converted into an alienable and disposable property the two hundred forty eight (248) square meters portion of an open space by the Quezon City Government located at GSIS Village, Project 8, Barangay Bahay Toro, Quezon City.

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SECTION 2. This Ordinance shall take effect upon its approval.

ENACTED: February 6, 2012.

MA. JOSEFINA G. BELMONTE
Vice Mayor
Presiding Officer

ATTESTED:

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

APPROVED: 16 MAR 2012

HERBERT M. BAUTISTA
City Mayor

CERTIFICATION

This is to certify that this Ordinance was APPROVED by the City Council on Second Reading on February 6, 2012 and was PASSED on Third/Final Reading on February 13, 2012.

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

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