



Republic of the Philippines  
Province of Camarines Sur  
MUNICIPALITY OF PASACAO  
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9-3-02  
JLP  
9:35 A.M.

OFFICE OF THE SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE HONORABLE SANGGUNIANG BAYAN OF PASACAO, CAMARINES SUR HELD AT ITS SESSION HALL ON JULY 01, 2002.

Present:

Hon. Vice Mayor Matthew L.K. Marquez	-	Presiding Officer
Hon. Coun. Ma. Helena A. Tolentino	-	Member
Hon. Coun. Rommel L.O. Reyes	-	do
Hon. Coun. Edgardo B. Tayco	-	do
Hon. Coun. Nonito M. Tolentino	-	do
Hon. Coun. Marilyn H. Sotto	-	do
Hon. Coun. Jose B. Sacramento	-	do
Hon. Coun. Elmer L. dela Rosa	-	do
Hon. Coun. Antonio J. Ramos	-	do
Hon. Coun. Welhelmino P. de Gusman (ABC)	-	do
Hon. Coun. Randy R. Panganiban (SKF)	-	do

Absent:

None

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RESOLUTION NO. 62  
Series of 2002

Proponent : Hon. Vice Mayor Matthew L.K. Marquez

Sponsor : Hon. Coun. Jose B. Sacramento  
Chairman, Committee on Agriculture and Land Use

"IN SUPPORT TO MUNICIPAL ORDINANCE NO. 05, S. 2002"

WHEREAS, the Municipality of Pasacao is developing into a progressive community, and many infrastructure projects need to be implemented which will primarily benefit the public;

WHEREAS, the Municipality is in need of land / property in order to accommodate public constructions such as public buildings, parks or playing grounds, and roads and bridges;

WHEREAS, pursuant to the provision of the Local Government Code of 1991, otherwise known as RA 7160, a local government unit may, through its local chief executive and acting pursuant to an ordinance, exercise the power of eminent domain for public use, or purpose, or welfare for the benefits of the poor and the landless, upon payment of just compensation, pursuant to the provisions of the constitution and pertinent laws;

WHEREAS, this August Body unanimously decided to enact an ordinance granting the local chief executive the authority to exercise the power of eminent domain;

WHEREFORE, upon motion of Honorable Councilor Jose B. Sacramento, Chairman, Committee on Agriculture and Land Use, and seconded unanimously by the members present, be it -

RESOLVED, as it is hereby resolved, to enact an ordinance as above-stated.

*Handwritten signature*

MUNICIPAL ORDINANCE NO. 05  
Series of 2002

"AN ORDINANCE GRANTING THE LOCAL CHIEF EXECUTIVE THE AUTHORITY TO EXERCISE THE POWER OF EMINENT DOMAIN PURSUANT TO THE PROVISIONS OF THE CONSTITUTION AND OTHER PERTINENT LAWS"

BE IT ORDAINED BY THIS HONORABLE SANGGUNIANG BAYAN in En Banc session assembled that:

SECTION 1. The Local Chief Executive is hereby granted the authority to exercise the power of eminent domain for public use, purpose, or welfare of the poor and the landless, upon payment of just compensation, pursuant to the provisions of the Constitution and pertinent laws.

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.

SECTION 2. The following shall, among others, be considered as public use, purpose, or welfare:

- (a) Socialized housing;
- (b) Construction or extension of roads, streets, sidewalks, viaducts; bridges, ferries, levees, wharves, or piers;
- (c) Construction or improvement of public buildings;
- (d) Establishment of parks, playgrounds, or plazas;
- (e) Establishment of market places;
- (f) Construction of artesian wells or water supply systems;
- (g) Establishment of cemeteries or crematories;
- (h) Establishment of drainage systems, cesspools, or sewerage system;
- (i) Construction of irrigation canals or dams;
- (j) Establishment of nurseries, health centers, or hospitals;
- (k) Establishment of abattoirs; and
- (l) Building of research, breeding, or dispersal centers for animals.

SECTION 3. In acquiring private property for public use or purpose, Local Government Unit shall first establish the suitability of the property to be acquired for the use intended, then proceed to obtain from the proper authorities the necessary locational clearance and other requirements imposed under existing laws, rules and regulations.

SECTION 4.

- a) The offer to buy private property for public use or purpose shall be in writing, where the property sought to be acquired, reasons for its acquisition, and the price offered shall be specified.
- b) If the owner or owners accept the offer in its entirety, a contract of sale shall be executed and payment forthwith made.

- c) If the owner or owners are willing to sell their property but at a price higher than that offered to them, the local chief executive shall call them to a conference for the purpose of reaching an agreement on the selling price. The Chairman of the Committee on Finance, Budget and Appropriation of the sanggunian, or in his absence, any member of the sanggunian duly chosen as its representative, shall participate in the conference. When an agreement is reached by the parties, a contract of sale shall be drawn and executed.
- d) The contract of sale shall be supported by the following documents:
- 1) Resolution of the sanggunian authorizing the local chief executive to enter into a contract of sale. The resolution shall specify the terms and condition to be embodied in the contract;
  - 2) Ordinance appropriating the amount specified in the contract; and
  - 3) Certification of the municipal treasurer as to availability of funds together with a statement that such fund shall not be disbursed or spent for any purpose other than to pay for the purchase of the property involved.

SECTION 5.

- a) If the Local Government Unit fails to acquire a private property for public use, purpose, or welfare through purchase, LGU may expropriate said property through a resolution of the sanggunian authorizing its chief executive to initiate expropriation proceedings.
- b) The local chief executive shall cause the municipal attorney or, in his absence, the provincial prosecutor to file expropriation proceedings in the proper court in accordance with the Rules of Court and other pertinent laws.
- c) The Local Government Unit may immediately take possession of the property upon filing of 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.

SECTION 6. 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.

SECTION 7. EFFECTIVITY. This ordinance shall take effect immediately upon its approval and after publication in newspaper of local circulation.

ENACTED:       JUL 0 1 2002      


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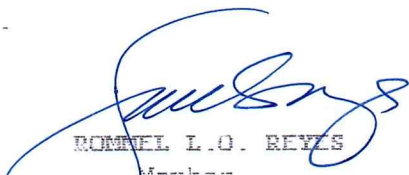
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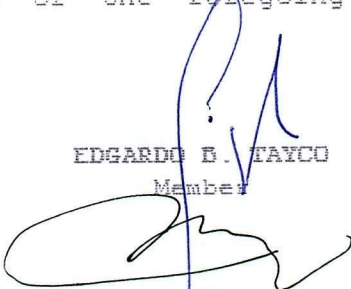
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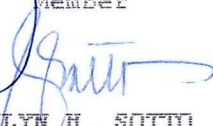
WE HEREBY CERTIFY TO THE CORRECTNESS of the foregoing  
Resolution / Ordinance.

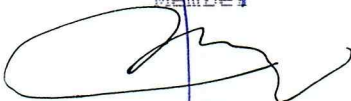
  
MA. HELENA A. TOLENTINO  
Member

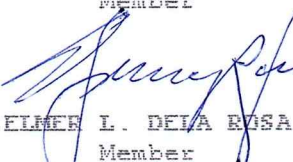
  
ROMMEL L.O. REYES  
Member

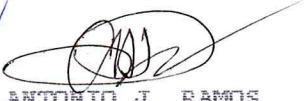
  
EDGARDO B. TAYCO  
Member

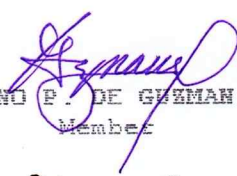
  
NONITO A. TOLENTINO  
Member

  
MARILYN H. SOTTO  
Member

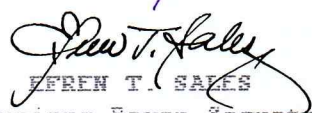
  
JOSE B. SACRAMENTO  
Member

  
ELMER L. DELA RIVA  
Member

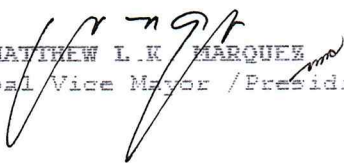
  
ANTONIO J. RAMOS  
Member

  
WELHELMINO P. DE GUZMAN (ADC)  
Member


  
RANDY R. PAGANIDAN (SKF)  
Member

  
EFREN T. SALES  
Sangguniang Bayan Secretary

ATTESTED BY:

  
MATTHEW L.K. MARQUEZ  
Municipal Vice Mayor / Presiding Officer

APPROVED:

  
MANGIL S.A. LEE-OLIVER, JR.  
Municipal Mayor

JUL 08 2002

Date

