






Republic of the Philippines
Province of Cavite
MUNICIPALITY OF BACOOR
Office of the Sangguniang Bayan


ROLANDO S. REMULLA
Councilor - Acting Presiding Officer



AVELINO B. SOLIS
Councilor

Absent


HUBERT V. GERVACIO
Councilor


REYNALDO M. FABIAN
Councilor


NORMITA D. CELESTINO
Councilor


AVELINO S. DE CASTRO
Councilor


MIGUEL N. BAUTISTA
Councilor


BAYANI M. DE LEON
Councilor


CATHERINE H. SARINO
Councilor - ABC President

GIANNE LOUISE A. OLEGARIO
Councilor - SK President

Attested by:


ATTY. KHALID A. ATEGA JR.
Secretary to the Sanggunian

Certified by:

On Leave

ROSETTE MIRANDA FERNANDO
Municipal Vice Mayor/Presiding Officer

Approved by:


STRIKE REVILLA
Municipal Mayor

MUNICIPAL ORDINANCE NO. 19
Series of 2009

AN ORDINANCE AUTHORIZING THE MUNICIPAL MAYOR HON. STRIKE B. REVILLA, TO INITIATE THE FILING OF EXPROPRIATION PROCEEDINGS FOR AND ON BEHALF OF THE MUNICIPALITY OF BACOOR, CAVITE INVOLVING THE PARCEL OF LAND, SITUATED AT PANAPAAN, BACOOR, CAVITE COVERED BY TRANSFER CERTIFICATE OF TITLE NO. T-264028 WITH AN AREA OF ONE THOUSAND SIX HUNDRED EIGHTEEN SQUARE METERS (1,618 SQ.M.), MORE OR LESS, REGISTERED UNDER THE NAME OF AMMIE G. VIRATA, FOR USE IN THE TRAFFIC AMELIORATION AND ROAD WIDENING PROJECTS OF THE MUNICIPAL GOVERNMENT AND APPROPRIATING THE NECESSARY FUNDS THEREFOR AND FOR OTHER PURPOSES.

Sponsored by: Hon. Avelino B. Solis, Hon. Reynaldo M. Fabian, Hon. Normita D. Celestino, Hon. Avelino S. De Castro, Hon. Bayani M. De Leon, Hon. Miguel N. Bautista, Hon. Catherine H. Sarino and Hon. Gianne Louise A. Olegario.

WHEREAS, Aguinaldo Highway and Tirona Highway are two of the major thoroughfares of Bacoor, Cavite.

WHEREAS, due to the great number of vehicles using it, traffic is tied up for hours everyday on Aguinaldo Highway and Tirona Highway especially within the vicinity of SM City-Bacoor resulting in loss of income to various businesses located in the said area and undue hardship to the public in general.

WHEREAS, studies conducted by the municipal government in consultation with various national government agencies have shown that part of the solution to the above-mentioned problem is the widening of the intersection located at the corner of Aguinaldo Highway and Tirona Highway.

WHEREAS, a survey conducted by the municipal government of the area mentioned above showed that a privately-owned lot covered by TCT No. T-264028 with an area of 1,618 square meter, more or less, located along the corner of Aguinaldo Highway and Tirona Highway is most suitable for the said road widening project.

BAGONG BACOOR!
Tapat sa Serbisyo, Nagkakaisa sa Pagbabago...



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ROLANDO S. REMULLA
Councillor - Acting Presiding Officer

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Councillor


Absent


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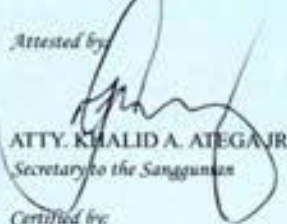

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Councillor


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Councillor


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Councillor - President

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Municipal Vice Mayor/Presiding Officer

Approved by:


STRIKE REVILLA
Municipal Mayor

WHEREAS, on 06 August 2009, the Sangguniang Bayan of Bacoor passed Resolution No. 103 entitled " A RESOLUTION AUTHORIZING THE MUNICIPAL MAYOR TO MAKE AN OFFER TO BUY THE 1,618 SQUARE METER LOT LOCATED AT PANAPAAAN, BACOOR, CAVITE COVERED BY TCT NO. T-264028 PURSUANT TO SECTION 19 OF REPUBLIC ACT NO. 7160."

WHEREAS, in compliance with the mandate bestowed upon him by the Sangguniang Bayan in Resolution No. 103-S-2009, the Municipal Mayor sent a letter dated 04 September 2009 to the registered owner of the said property (i.e., Ms. Ammie G. Virata).

WHEREAS, in the said letter, the Municipal Mayor requested Ms. Virata to sell the above-described property to the Municipal Government at a price of **Php 1,650.00 per square meter** which is the fair market value of the said property based on the current tax declaration covering the same. The Municipal Mayor also mentioned in the same letter that should Ms. Virata accept the offer, the municipal government will use the said property to widen Aguinaldo Highway and Tirona Highway for the benefit of the general public. An original copy of the said letter was personally received by Ms. Virata.

WHEREAS, in reply to the above mentioned letter, Atty. Bayani L. Bernardo, the legal counsel of Ms. Virata and a certain Luis Pastor who is allegedly buying the said property from Ms. Virata on installment basis, sent a letter to the Municipal Mayor dated 14 September 2009. In the said letter, Atty. Bernardo demanded that the Municipal Government should pay his client P20,000.00 per square meter instead of PhP 1,650.00 per square meter which his client finds unacceptable.

WHEREAS, the fair market value of the said property based on its current tax declaration is P1,650.00 per square meter.

WHEREAS, Section 19 of Republic Act 7160 provides that 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 provision 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 filing 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: 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."



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Acting Presiding Officer

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AVELINO B. SOLIS

Councilor

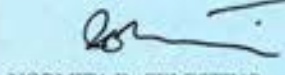
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Secretary to the Sanggunian

Certified by:

On Leave

ROSETTE MIRANDA FERNANDO

Municipal Vice Mayor/Presiding Officer

Approved by:


STRIKE REVILLA

Municipal Mayor

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WHEREAS, it is clear from the afore-quoted provision of law that the Municipal Government can not pay the amount demanded by Ms. Virata and his legal counsel as it exceeds the fair market value of the property based on its current tax declaration and is, therefore, grossly disadvantageous to the municipal government. It is also evident from the foregoing that the Municipal Government, through the Municipal Mayor, made a definite and valid offer to Ms. Virata for the sale of her property and that the said offer was not accepted by the latter.

WHEREAS, in view of all the foregoing and considering the urgent need of the Municipal Government to make use of the above-mentioned property for its traffic amelioration and road widening project along Aguinaldo Highway and Tirona Highway, the Municipal Government has no other recourse but to expropriate the same.

NOW, THEREFORE, be it ordained by the Sangguniang Bayan of Bacoor, Cavite in regular session assembled, THAT:

SECTION 1. - The Municipal Mayor, Hon. Strike B. Revilla, is hereby authorized to initiate the filing of expropriation proceedings involving a parcel of land, situated in Barangay Panapaan, Bacoor, Cavite covered by TCT No. T-264028 with an area of more or less One Thousand Six Hundred Eighteen Square Meters (1,618 sq.m.) registered under the name of Ammie G. Virata for use in the traffic amelioration project and road widening project of the Municipal Government.


SECTION 2. The initial amount of Two Million Six Hundred Sixty Nine Thousand Seven Hundred Pesos (Php 2,669,700.00), which amount is the fair market value of the above-mentioned property based on the current tax declaration thereof, or so much thereof as may be necessary, shall be appropriated out of any unappropriated funds existing in the Municipal Treasury and shall be made available for the implementation of this ordinance. Provided: that the Municipal Treasurer shall submit a written report to the Sangguniang Bayan on the availability and source of such funds within fifteen (15) days from her receipt of a copy of this Ordinance. *Tapat sa Serbisyo, Nagkakaisa sa Pagbabago...*


SECTION 3. The authority granted herein to the Municipal Mayor shall include the authority to cause the filing of the necessary expropriation case against the registered owner of the above-mentioned property - and any other person who may have a claim over the same - and to deposit fifteen percent (15%) of the amount mentioned above with the proper court of law pursuant to the provisions of section 19 of R.A. 7160 (also known as the "Local Government Code of 1991").



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 Councilor / Acting Presiding Officer



AVELINO B. SOLIS
 Councilor


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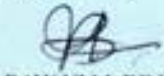
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 Secretary to the Sanggunian

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On Leave

ROSETTE MIRANDA FERNANDO
 Municipal Vice Mayor/Presiding Officer


Approved by:

STRIKE REVILLA
 Municipal Mayor

SECTION 4. This Ordinance shall take effect fifteen (15) days after its posting in at least two conspicuous places within the Municipality of Bacoor, Cavite.

ENACTED by the Sangguniang Bayan of Bacoor, Cavite at its special session held on October 22, 2009.

Certified by:


HON. ROLANDO S. REMULLA
 Councilor/Acting Presiding Officer

Attested by:


ATTY. KHALID A. ATEGA JR.
 Secretary to the Sangguniang Bayan

Approved by:


HON. STRIKE B. REVILLA
 Municipal Mayor

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